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Agricultural Research Service
Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Housing Administration
Federal Power Commission
Federal Register Administrative Committee
Federal Reserve System
Federal Trade Commission
Food and Drug Administration
Health, Education, and Welfare Department
Indian Affairs Bureau
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Public Health Service
Securities and Exchange Commission
Small Business Administration
Social and Rehabilitation Service
United States Arms Control and Disarmament Agency
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1969 Issuances

This checklist prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1969. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

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Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1968, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), November 1, 1966 (31 F.R. 13939), November 23, 1966 (31 F.R. 14826), February 14, 1967 (32 F.R. 20843), April 15, 1967 (32 F.R. 6021), August 26, 1967 (32 F.R. 12441), September 29, 1967 (32 F.R. 13650), February 9, 1968 (33 F.R. 2756), March 7, 1968 (33 F.R. 4248), July 13, 1968 (33 F.R. 10085), July 31, 1968 (33 F.R. 10839), August 15, 1968 (33 F.R. 11587), September 25, 1968 (33 F.R. 14399), November 8, 1968 (33 F.R. 16382), December 14, 1968 (33 F.R. 18573), February 1, 1969 (34 F.R. 1586), and June 3, 1969 (34 F.R. 8697), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Add: Stapleton International Airport (served from Arvada, Colo.).

This commuted travel time period has been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this instruction effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 25th day of June 1969.

R. E. OMOHUNDRO,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-7726; Filed, June 30, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 7]

PART 722—COTTON

Subpart—Marketing Quotas for the 1966 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton

1969 RATES OF PENALTY

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to establish the 1969 rates of penalty for excess upland cotton and extra long staple cotton.

It is essential that the penalty rates be made available to producers and cotton buyers as soon as possible. Establishment of such rates involves a mathematical computation in accordance with the statutory formula. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.100 of the regulations for Marketing Quotas for the 1966 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton (31 F.R. 6573, 9445, 13035, 15791, 32 F.R. 9298, 33 F.R. 6701, and 9387) is amended by adding the following new paragraph (d) at the end thereof:

§ 722.100 Penalty rate for each crop year.

* * * * *

(d) *1969 crop*—(1) *Upland cotton.* The parity price for upland cotton effective as of June 15, 1969, is 47.80 cents per pound. The rate of penalty for upland cotton produced in 1969 as calculated on the basis of 50 percent of such parity price in accordance with § 722.79 shall be 23.9 cents per pound of upland lint cotton.

(2) *Extra long staple cotton.* The parity price for ELS cotton, effective as of June 15, 1969, is 77 cents per pound. The rate of penalty for ELS cotton produced in 1969 as calculated on the basis of 50 percent of such parity price shall be 38.5 cents per pound of ELS lint cotton.

(Secs. 346, 347, 375, 63 Stat. 674, as amended, 53 Stat. 675, as amended, 52 Stat. 66, as amended, 7 U.S.C. 1346, 1347, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on June 25, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-7749; Filed, June 30, 1969; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 67, Amdt. 5]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; this amendment relieves restrictions on the handling of grapefruit (grown in Regulation Area I) during the period June 27, through July 6, 1969, and on the handling of all Florida grapefruit during the period July 7, through September 14, 1969.

Order. In § 905.506 (Grapefruit Reg. 67, 33 F.R. 14066, 14169, 17893, 18429, 34 F.R. 7897), paragraph (a) is deleted and a new paragraph (a) is substituted in lieu thereof to read as follows:

§ 905.506 Grapefruit Regulation 67.

(a) *Order.* (1) During the period June 27, through July 6, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1 Golden;

(ii) Any seedless grapefruit, grown in Regulation Area I, which are smaller than 3 7/16 inches in diameter except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit;

(iii) Any seeded grapefruit, grown in the production area, which are smaller than 3 15/16 inches in diameter except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Grapefruit; or

(iv) Any seedless grapefruit, grown in Regulation Area II, unless such grapefruit grade at least Improved No. 2 and are not smaller than 3 9/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Grapefruit: *Provided,* That seedless grapefruit, grown in Regulation Area II, which grade at least U.S. No. 1 Golden may be shipped if such grapefruit are not smaller than 3 7/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Grapefruit.

(2) During the period July 7, through September 14, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3 15/16 inches in diameter except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than 3 7/16 inches in diameter except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Grapefruit.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated June 26, 1969, to become effective June 27, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7750; Filed, June 30, 1969; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Miscellaneous Interpretations

§ 226.605 Rate charts and tables unavailable.

(a) Subject to certain conditions, § 226.6(f) of Regulation Z permits a creditor to use an estimate or approximation of information when the information is "unknown or not available to the creditor, and the creditor has made a reasonable effort to ascertain it."

(b) It appears that some creditors who require special charts or tables in order to operate with necessary efficiency in compliance with Regulation Z, and who have placed orders for such charts or tables with suppliers of them, may be unable to obtain such charts or tables by July 1, 1969, the effective date of Regulation Z.

(c) In the circumstances indicated, when the necessary charts or tables have been ordered prior to July 1, 1969, and are temporarily unavailable to a creditor who has thus made a reasonable effort to obtain them, § 226.6(f) permits the creditor to use an estimate or approximation of the annual percentage rate and other information during the interim until they become available, subject, of course, to the other requirements of that paragraph.

(Interprets and applies 15 U.S.C. 1631.)

§ 226.810 Disclosures—variable interest rates.

(a) In some cases a note, contract, or other instrument evidencing an obligation provides for prospective changes in the annual percentage rate or otherwise provides for prospective variation in the rate. The question arises as to what disclosures must be made under these circumstances when it is not known at the time of consummation of the transaction whether such change will occur or the date or amount of change.

(b) In such cases, the creditor shall make all disclosures on the basis of the rate in effect at the time of consummation of the transaction and shall also disclose the variable feature.

(c) If disclosure is made prior to the consummation of the transaction that the annual percentage rate is prospectively subject to change, the conditions under which such rate may be changed, and, if applicable, the maximum and minimum limits of such rate stipulated in the note, contract, or other instrument evidencing the obligation, such subsequent change in the annual percentage rate in accordance with the foregoing disclosures is a subsequent occurrence under § 226.6(g) and is not a new transaction.

(Interprets and applies 15 U.S.C. 1634.)

§ 226.903 Refinancing and increasing—disclosures and effects on the right of rescission.

(a) In some cases the creditor of an obligation will refinance that obligation at the request of a customer by permitting the customer to execute a new note, contract, or other document evidencing the transaction under the terms of which one or more of the original credit terms, including the maturity date of the obligation, is changed. Although such refinancing constitutes a new transaction, and all disclosures required under § 226.8 must be made, the question arises as to whether that transaction is subject to the right of rescission under § 226.9 where the obligation is already secured by a lien on real property which is used or expected to be used as the principal residence of that customer.

(b) If the amount of such new transaction does not exceed the amount of the unpaid balance plus any accrued and unpaid finance charge on the existing obligation, § 226.9 does not apply to the transaction.

(c) If, however, the amount of such new transaction is for an increased amount, that is for an amount in excess of the amount of the unpaid balance plus any accrued and unpaid finance charge on the existing obligation, § 226.9 applies to the transaction. However, such right of rescission applies only to such excess and does not affect the existing obligation (or related security interest) for the unpaid balance plus accrued and unpaid finance charge.

(d) The provisions of paragraph (b) of this section and the second sentence of paragraph (c) of this section do not apply in the event that the obligation is refinanced by a creditor other than the creditor of the existing obligation.

(Interprets and applies 15 U.S.C. 1635)

Dated at Washington, D.C., the 20th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7713; Filed, June 30, 1969; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 550—PAY ADMINISTRATION (GENERAL)

Pay Differentials for Irregular or Intermittent Hazardous Duty

Appendix A to Subpart I of Part 550 is amended by revising and consolidating the two previous schedules of irregular or intermittent duties for which hazard differential is authorized into one schedule. The consolidation results from the amendment of § 550.904 effective December 10, 1958, making only one schedule necessary. This amendment is effective on the first day of the first pay period beginning after July 1, 1969.

APPENDIX A

SCHEDULE OF PAY DIFFERENTIALS AUTHORIZED FOR IRREGULAR OR INTERMITTENT HAZARDOUS DUTY UNDER SUBPART I

HAZARD PAY DIFFERENTIAL, OF PART 550 PAY ADMINISTRATION (GENERAL)

Irregular or intermittent duty	Rate of hazard pay differential	Effective date
Exposure to Hazardous Weather or Terrain:		
(1) *Work in rough and remote terrain.* When working on cliffs, narrow ledges, or near vertical mountainous slopes where a loss of footing would result in serious injury or death, or when working in areas where there is danger of rock falls or avalanches.	25%	First pay period beginning after July 1, 1969.
(2) *Traveling under hazardous conditions.* (a) When travel over secondary or unimproved roads to isolated mountain top installations is required at night, or under adverse weather conditions (such as snow, rain, or fog) which limits visibility to less than 100 feet, when there is danger of rock, mud, or snow slides.	25%	Do.
(b) When travel in the wintertime, either on foot or by means of vehicle, over secondary or unimproved roads or snow trails, in sparsely settled or isolated areas to isolated installations is required when there is danger of avalanches, or during "whiteout" phenomenon which limits visibility to less than 10 feet.	25%	Do.
(c) When work or travel in sparsely settled or isolated areas results in exposure to temperatures and/or wind velocity shown to be of considerable danger, or very great danger, on the windchill chart (Appendix A-1), and shelter (other than temporary shelter) or assistance is not readily available.	25%	Do.
(3) *Snow or ice removal operations.* When participating in snowplowing or snow or ice removal operations, regardless of whether on primary, secondary or other class of roads, when (a) there is danger of avalanche, or (b) there is danger of missing the road and falling down steep mountainous slopes because of lack of snow stakes, "white-out" conditons, or sloping ice-pack covering the snow.	25%	Do.
(4) *Water search and rescue operations.* Participating as a member of a water search and rescue team in adverse weather conditions when winds are blowing at 35 m.p.h. (classified as gale winds) or in water search and rescue operations conducted at night.	25%	Do.
(5) *Travel on Lake Pontchartrain.* (a) When embarking, disembarking or traveling in small craft (boat) on Lake Pontchartrain when wind direction is from north, northeast, or northwest, and wind velocity is over 15 knots; or	25%	Do.
(b) When travelling in small crafts, where craft is not radar equipped, on Lake Pontchartrain is necessary due to emergency or unavoidable conditions and the trip is made in a dense fog under fog run procedures.	25%	Do.

APPENDIX A—Continued

Irregular or intermittent duty	Rate of hazard pay differential	Effective date
Underground Work:		
Work underground performed in the construction of tunnels and shafts, and the inspection of such underground construction, until the necessary lining of the shaft or tunnel has eliminated the hazard.	25%	First pay period beginning after July 1, 1969.
Underwater Duty:		
(1) *Submerged submarine or deep research vehicle.* Duty aboard a submarine or deep research vehicle when it submerges.	25%	Do.
(2) *Diving.* Diving, including SCUBA (self-contained underwater breathing apparatus) diving, required in scientific and engineering pursuits, or search and rescue operations, when:	25%	Do.
(a) at a depth of 20 feet or more below the surface; or,		
(b) visibility is restricted; or		
(c) in rapidly flowing or cold water; or		
(d) vertical access to the surface is restricted by ice, rock, or other structure; or,		
(e) technical assistance is required which possesses hazards (such as work with high voltage equipment or work with underwater mockup components in an underwater space simulation study).		
Sea Duty Aboard Deep Research Vessels:		
Participating in sea duty wherein the team member is engaged in handling equipment on or over the side of the vessel when the seastate is high (12-knot winds and 8-foot waves) and the work is done on deck in relatively unprotected areas.	25%	Do.
Collection of Aircraft Approach and Landing Environmental Data:		
When operating or monitoring camera equipment adjacent to flight deck in the area of maximum hazard during landing sequence while conducting photographic surveys aboard aircraft carriers during periods of heavy aircraft operations.	25%	Do.
Experimental Landing Recovery Equipment Tests:		
Participating in tests of experimental or prototype landing and recovery equipment where personnel are required to serve as test subjects in spacecraft being dropped into the sea or laboratory tanks.	25%	Do.
Land Impact or Pad Abort of Space Vehicle:		
Actual participation in dearming and safing explosive ordnance, toxic propellant and high pressure vessels on vehicles that have landed impacted or on vehicles on the launch pad where the crew must egress from the vehicle and where no remote means are available for returning the vehicle to a safe condition.	25%	Do.
Height Work:		
Working on any structure of at least 50 feet above the base level, ground, deck, floor or other surface, under open conditions, if the structure is unstable or if scaffolding guards or other suitable protective facilities are not used, or if performed under adverse conditions such as snow, sleet, ice on walking surfaces, darkness, lightning, steady rain, or high wind velocity.	25%	Do.
Flying, participating in:		
(1) *Pilot proficiency training.* Flights for pilot proficiency training in aircraft new to the pilot under simulated emergency conditions which parallel conditions encountered in performing flight tests.	25%	Do.
(2) *Delivery of new aircraft for flight testing.* Flights to deliver aircraft which has been prepared for one-time flight without being test flown prior to delivery flight.	25%	Do.
(3) *Flight test of modified aircraft.* Flight test of a modified aircraft when the aircraft or a component thereof connected to, or part of, any live or potentially expended liquid or solid propulsion system.	25%	Do.
(4) *Reduced gravity—parabolic are flights—subjects/observers.* Reduced gravity flight testing in an aircraft flying a parabolic flight path and providing a testing environment ranging from weightlessness up through +2 gravity conditions.	25%	Do.
(5) *Launch and recovery.* Test flights involving launch and recovery aboard an aircraft carrier.	25%	Do.
(6) *Limited control flights.* Flights undertaken under unusual and adverse conditions (such as extreme weather, maximum load or overload, limited visibility, extreme turbulence, or low level flights involving fixed or tactical patterns) which threaten or severely limit control of the aircraft.	25%	Do.
(7) *Flight tests of expendable aircraft tires.* Landing to test aircraft tires designed to deflate upon retraction; undertaken to appraise the normal deflate-reinflate cycle utilized to evaluate the capability to make a satisfactory landing with the tires deflated.	25%	Do.
(8) *Landing and taking-off in polar areas.* Landing in polar areas on unprepared snow or ice surfaces and/or taking-off under the same conditions.		
Experimental Parachute Jumps:		
Participating as a jumper in field exercises to test and evaluate new types of jumping equipment and/or jumping techniques.	25%	Do.
Ground Work Beneath Hovering Helicopter:		
Participating in ground operations to attach external load to helicopter hovering just overhead.	20%	Do.
Exposure to Physiological Hazards:		
(1) *Pressure chamber subjects.* Participating as a subject in diving research tests which seek to establish limits for safe pressure profiles by working in a pressure chamber simulating diving or, as an observer to the test or as a technician assembling underwater mock-up components for the test, when the observer or technician is exposed to high pressure gas piping systems, gas cylinders, and pumping devices which are components of the pressure chamber.	25%	First pay period beginning after July 1, 1969.
(2) *Simulated altitude chamber subjects/Observers.* Participating in simulated altitude studies ranging from 18,000 to 150,000 feet either as subject or as observer exposed to the same conditions as the subject.	25%	Do.
(3) *Centrifuge subjects.* Participating as subject in centrifuge studies involving exposure to G forces above the level of 5 G's whether or not at reduced atmospheric pressure.	25%	Do.
(4) *Rotational flight simulator subject.* Participating as a subject in a Rotational Flight Simulator in studies involving continuous rotation in one axis through 360° or in a combination of any axes through 360° at rotation rates greater than 15 r.p.m. for periods exceeding three minutes.	25%	Do.
Exposure to Hazardous Agents, work with or in close proximity to:		
(1) *Explosive or incendiary materials.* Explosive or incendiary materials which are unstable and highly sensitive.	25%	Do.
(2) *At-sea shock and vibration tests.* Arming explosive charges and/or working with, or in close proximity to, explosive armed charges in connection with at-sea shock and vibration tests of naval vessels, machinery, equipment and supplies.	25%	Do.
(3) *Toxic chemical materials.* Toxic chemical materials when there is a possibility of leakage or spillage.	25%	Do.
(4) *Fire retardant materials tests.* Conducting tests on fire retardant materials when the tests are performed in ventilation restricted rooms where the atmosphere is continuously contaminated by obnoxious odors and smoke which causes irritation to the eyes and respiratory tract.	25%	Do.
(5) *Toxic biological materials.* Materials of micro-organic nature which when introduced into the body cause infection, disease or fatality and for which protective devices do not afford complete protection.	25%	Do.
Participating in Liquid Missile Propulsion Tests and Certain Solid Propulsion Operations:		
(1) *Fueling and defueling.* Tanking or detanking operations of a missile or the test stand "run" bottles with liquid propellants.	25%	Do.
(2) *Hoisting a tanked missile.* Hoisting a tanked missile or a solid propellant propulsion system into and/or over the test stand.	25%	Do.
(3) *Pressure tests.* Pressure tests on loaded missiles, missile tanks, or run bottles during prelim preparations.	25%	Do.
(4) *Test stand operations.* Test stand operations on loaded missiles under environmental conditions where the high or low temperatures could cause a failure of a critical component.	25%	Do.
(5) *Disassembly and breakdown.* Disassembly and breakdown of a contaminated missile system or test stand plumbing after test.	25%	Do.
(6) *"Go" condition test stand work.* Working on any test stand above the 50-foot level or any stand work while the system is in a "Go" condition.	25%	Do.
(7) *Installation and removal.* Installation and removal of any squib, explosive device, or a component thereof connected to, or part of, any live or potentially expended liquid or solid propulsion system.	25%	Do.
(8) *Demolition and destruct tests.* Demolition, hazards classification, or destruct type tests where the specimen is nonstandard and/or unproven and the test techniques do not conform to standard or proven procedures.	25%	Do.
Work in Fuel Storage Tanks:		
When inspecting, cleaning or repairing fuel storage tanks where there is no ready access to the tank interior from the outside and where the possibility exists of fire, explosion, or the atmosphere being displaced by toxic vapors or gas, and failure of the breathing apparatus would result in serious injury or death within the time required to leave the tank.	25%	Do.
Firefighting:		
(1) *Forest and range fires.* Participating as a member of a firefighting crew in fighting forest and range fires on the firelline.	25%	Do.
(2) *Equipment, installation, or building fires.* Participating as an emergency member of a firefighting crew in fighting fires of equipment, installations, or buildings.	25%	Do.
(3) *In-water under-pier firefighting operations.* Participating in in-water underpier firefighting operations involving hazards beyond those normally encountered in firefighting on land, e.g., strong currents, cold water temperature, etc.).	25%	Do.
Work In Open Trenches:		
Work in an open trench 15 feet or more deep until proper shoring has been installed.	25%	Do.

(5 U.S.C. 5595, E.O. 11257; 3 CFR 1964–1965 Comp., p. 357)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–7780; Filed, June 30, 1969; 8:51 am.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69–SO–51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Auburn, Ala., transition area.

The Auburn transition area is described in § 71.181 (34 F.R. 4637). In the description, an extension is predicated on the Tuskegee, Ala., VOR 056° radial to provide controlled airspace protection for aircraft executing the VOR–1 instrument approach procedure. A new prescribed instrument approach procedure to Auburn-Opelika Airport, utilizing the Columbus, Ga., VOR 270° radial, is to become effective August 21, 1969. Concurrently, the existing VOR–1 instrument approach procedure will be canceled. It is necessary to alter the transition area description to provide required controlled airspace protection for IFR aircraft executing the new VOR RWY 28 instrument approach procedure, and revoke the extension predicated on the Tuskegee, Ala., VOR 056° radial.

Since this amendment is less restrictive in nature and lessens the burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 21, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Auburn, Ala., transition area is amended to read:

AUBURN, ALA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Auburn-Opelika Airport (lat. 32°36′55″ N., long. 85°26′10″ W.); within 2.5 miles each side of Columbus, Ga., VOR 270° radial, extending from the 5-mile radius area to 17.5 miles west of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on June 19, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69–7688; Filed, June 30, 1969; 8:45 a.m.]

[Airspace Docket No. 69–SO–42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On May 13, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7616), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Mount Pleasant, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 35°-33′15″ N., long. 87°10′50″ W.) for Maury County Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 21, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

MOUNT PLEASANT, TENN.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Maury County Airport (lat. 35°-33′15″ N, long. 87°10′50″ W.); within 9.5 miles southeast and 4.5 miles northwest of the 060° and 227° bearings from Maury County RBN (lat. 35°33′20″ N., long. 87°10′-57″ W.), extending from the 9.5-mile radius area to 18.5 miles northeast and southwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on June 19, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69–7689; Filed, June 30, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–584, Amdt. 7]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of June 1969.

On May 12, 1969, by notice of rule making EDR–163 (34 F.R. 7707), the Board proposed to amend Part 288 of the economic regulations by setting new minimum rates for Logair and Quicktrans domestic military cargo charters. Written data, views, and arguments have been filed in response to the notice by Overseas National Airways, Inc., Universal Airlines, Inc., and the Department of Defense.[1] All comments and supporting materials before the Board have been carefully considered, and all contentions not otherwise disposed of herein are rejected.

Upon consideration of the comments the Board has determined to establish as the fair and reasonable minimum rates the rates listed as adopted in the following table, which also sets forth the current minimum rates and the minimum rates proposed in the notice:

Aircraft type	Linehaul rate per course-flown statute mile		Rate per directed landing
	Logair	Quicktrans	
Current minimum rates			
C–46	$0.8645	$0.8305	$50
AW–650	1.2654	1.3124	100
DC–6A	1.2016	1.1559	125
DC–7B/C/BF/CF, L1049H	1.6923	1.6316	150
L–100	1.7534	1.7905	150
L–188C	1.6013	1.6414	150
DC–9–30	1.6013	1.6414	150
B–727	1.9076	1.9587	150
CL–44	2.0869	2.1311	160
Proposed minimum rates			
AW–650	$1.4119		$100
DC–6A	1.1535	$1.1535	125
L–188C	1.4172	1.4601	150
DC–9–30	1.4172	1.4601	150
L–100–20	1.7253	1.7763	150
B–727	1.7253	1.7763	150
DC–8–55F	2.8346	2.9014	225
DC–8–61CF	3.3058	3.3764	275
Minimum rates adopted			
C–46	$0.8645	$0.8305	$50
AW–650	1.3334		125
DC–6A	1.1535	1.1535	125
L–188C	1.4144	1.4573	150
DC–9–30	1.4144	1.4573	150
L–100–20	1.6953	1.7494	150

Rates for aircraft not included in the notice. DoD recommended that rates be established for all jets of the standard (B–707/DC–8–50) and stretched (DC–8–61 and 63) series and for the CL–44, DC–7, and C–46. However, of the jet series mentioned, cost information has not been supplied for aircraft other than the DC–8–55F and the DC–8–61/CF (for which rates were proposed), these aircraft have not previously had rates established for Logair or Quicktrans, and there is no information indicating the extent of anticipated requirements. The CL–44 and DC–7 aircraft have been used in prior years, but as indicated in the notice, current cost information has not been submitted for them and fiscal year

[1] No comments were received from the other three carriers which submitted cost forecasts, Airlift International, Inc., Saturn Airways, Inc., and World Airways, Inc. Northwest Airlines, Inc., which has a contract with Military Airlift Command (MAC) for international charters, has petitioned in Docket 21084 for extension of Part 288 beyond July 1, 1969, to permit continuation of such services pending completion of the rate review for these operations.

1969 rates were predicated on costs reflecting substantial annual operations at reasonable daily utilizations, rather than the occasional and infrequent use apparently contemplated by DoD. Therefore, we will not establish rates for those aircraft which were not covered by our notice. Moreover, in view of DoD's advice that it does not have an immediate requirement for three- and four-engine jet aircraft, we will defer action on minimum rates for the B–727, DC–8–50F, and DC–8–61CF aircraft.[3] On the other hand, in the case of the C–46, a current solicitation of bids (RFP) indicates that a regular service is currently envisioned to meet a special need for this limited capacity[3] aircraft. Accordingly, in the absence of information disclosing that the fiscal 1969 rate no longer reflects costs appropriate for minimum rate purposes, we shall accommodate DoD's needs by extending the current C–46 rate as the fair and reasonable minimum rate for fiscal 1970.

Separate rates for B–727 and L–100–20 aircraft. Our grouping of aircraft types was based upon similarity of costs after adjustment. However, DoD states that the B–727 and the L–100–20 are not sufficiently interchangeable in ability to support its airlift requirements since the L–100–20 has capabilities[4] not met by the B–727. In view of these representations we will establish separate rates for the two aircraft types, based on their individual cost characteristics. As indicated above, action on the B–727 rate will be deferred to a later date.

Depreciation. DoD urges the use of 15 percent residual values for turbojet and AW–650 aircraft (rather than the 10 percent used in the notice) and the use of an 8-year service life for the L–188C (rather than the 6-year life proposed).

As to the residual values, DoD argues that continuing maintenance avoids deterioration and that the resale values are a minimum of 15 percent, especially in view of the interchangeability of high cost repairable sub-systems and serviceable engines. It states that a 2-year increase in service life does not warrant a one-third reduction in residual values; that used turbojet aircraft have in recent years consistently been sold for amounts substantially higher than depreciated book value; and that 15 percent is a conservative figure in light of persistent inflationary factors inherent in the economy and of the rising cost/price pattern for sophisticated aircraft. With respect to the AW–650 residual value, DoD states that a decrease from last years' 15 percent residual was not requested by any carrier and has not been supported.[5]

In our judgment, DoD's position is meritorious and we have decided to use 15 percent as the residual value for all equipment covered by this order.[6] In addition to the points raised by DoD, it may be noted that a 14-year service life with a 15 percent residual value is within the range of industry usage for the DC–9–30 as shown on the carrier's Form 41 reports, and conforms to the depreciation policy of Overseas, the only carrier which has offered the DC–9–30 for MAC domestic operations. With respect to the other aircraft types, a 15 percent residual was used in establishing rates for fiscal year 1968, and we agree with the DoD position that there are insufficient grounds for reducing those values at this time.

With respect to the proposed 6-year service life for the L–188C, DoD argues that this aircraft is, for all practical purposes, a new type, notes that in the past the Board used an 8–10-year life for the turboprop L–100, CL–44, and AW–650 aircraft, and points out that the AW–650 entered revenue service in 1959, at the same time as the L–188. Accordingly, DoD suggests that an 8-year service life be used. We have determined to adhere to the service life proposed in the notice. The notice extended the service life from 5 years to 6 years, and in view of the age of the basic aircraft we believe this extension more reasonable than the 8-year life advocated by DoD. Several L–188 aircraft were retired by domestic certificated carriers last year, and while the L–188C aircraft appear to be feasible for commercial usage, it has a somewhat limited suitability. Moreover, comparison with the AW–650 service life is not valid, since that life started some 5 years prior to the L–188C conversion.

Overseas' utilization for L–188 aircraft. Overseas contends that the daily aircraft utilization proposed in the notice for the L–188 is excessive. It urges that because of the requirement of the Quicktrans RFP that aircraft be "dedicated",[7] the aircraft utilization will be less than contemplated. The carrier has also studied the RFP's in an attempt to analyze aircraft preferences and has noted the patterns it believes will be awarded for various equipment types. On the basis of this determination, ONA has charted operations and maintenance times and arrived at utilization figures at 6.6 hours with six aircraft for Logair and 5.4 hours with 5.1 aircraft for Quicktrans for the L–188. ONA also has provided a compilation of delays in Quicktrans service (both Government caused and caused by weather and other factors) and claims that the magnitude of the delays would result in unacceptable schedule reliability if its utilization figure is not accepted.

One difficulty with the carrier's position is that it would alter L–188 utilization because of the preferences it detects in the RFP's, but makes no changes in utilization of other aircraft. Thus, no change is indicated by ONA in utilization for the DC–9 aircraft it offers, which are grouped with the L–188, and no basis is given for changes in utilization for the L–100–20, which also will compete with the L–188 for preference according to ONA. Further, if ONA is correct with respect to the aircraft patterns for which preference will be given to the L–100–20, there will be a substantial reduction in L–188 Quicktrans procurement. However, we are advised that no bid has been submitted for Quicktrans operations utilizing the L–100–20, and thus a major premise to ONA's conclusion may be contrary to fact. The short of the matter is that the RFP's do not, in this instance, give a valid basis for concluding what awards will be made to the carriers for the various aircraft types, and are an insufficient predicate for changing utilization proposed in the notice, especially on a piece-meal basis.

Universal's landing rate for AW–650 aircraft. Universal takes issue with the rate per directed landing element for its AW–650 aircraft. The carrier refers to its modification contract with the manufacturer and states that the contract establishes a safe life based upon the number of landings to be performed. In light of this, the carrier contends that aircraft amortization should be based upon a "safe life" tied to the number of landings rather than upon conventional depreciation methodology based upon years of anticipated service life. Accordingly, the carrier states that it would delete from the linehaul portion of the rate the allowance for depreciation and obsolescence and add into the stop charge an amortization element which would produce a somewhat higher cost. It would also increase the return allowance somewhat, because of the impact on operating margin, apply this charge to the linehaul element, and then adjust the two elements to obtain an even $150 per landing figure (as opposed to the $100 per landing proposed in the notice). The result would be to increase the total rate per statute mile flown at a 350-mile/stage length from $1.6976 to $1.7033.

DoD opposes this change as incompatible with the rate structuring method heretofore used and accepted. It also urges that landing charges should not be adjusted to reflect a "safe life", stating that Universal's support for that contention, the contract between the carrier and the manufacturer, in no way expresses the potential maximum structural integrity of the airplane, but rather represents a minimum service warranty.

[3] Since we are not now establishing rates for the DC–8–50F and DC–8–61CF we need not act now on the suggestion that uniform ton-mile costs be used for these aircraft types.

[3] The C–46 ACL approximates 13,000 pounds, as contrasted to the 22,000-pound ACL for the AW–650, which is the lowest capacity aircraft included in our notice.

[4] Truck bed height of cargo deck, multiple pallet-loading, ability to handle specialized cargo, and straight-in tail end loading.

[5] DoD questions the full service life method used in applying our depreciation policy to the AW–650 modification, but we note that this is the same method which has been used in the case of other aircraft types.

[6] We are not at this time passing upon the proper depreciation rates for three- and four-engine jet aircraft.

[7] A specified number of aircraft to be used in performing the contract cannot be used in other revenue service without prior permission.

We agree with DoD as to the nature of the agreement with the manufacturer and would not apportion a "safe life" charge to landings in lieu of depreciation charged to both linehaul and stop charge elements. However, we have reviewed the AW–650 rates proposed in the notice and have now concluded that the rate structure should be revised to reflect a higher landing charge and a concomitant decrease in the linehaul charge. It appears that the rate proposed in the notice of $100 per landing is out of line with the landing charges for other comparable aircraft. The matter assumes importance because the costs developed in the notice were predicated upon a stage length of 350 miles, whereas it appears that the average stage lengths to be performed on the basis of the RFP's will be 269 miles. Since landing costs will have a greater significance in the overall cost of the operation, it is important that these costs not be understated. Accordingly, we have determined to change the structure by increasing the landing charge to $125 (which conforms to the charge for the DC–6A) and decreasing the linehaul rate from $1.4119 to $1.3334.

Incorporation by reference. No other comments were received with respect to the minimum rates proposed, and, except to the extent modified herein, the costs and other findings contained in the notice are incorporated herein by reference. For convenience of the users, the modified adjusted costs[8] are summarized below:

[8] These costs are detailed in the Appendix which is filed as part of the original document.

Carrier	Aircraft type	Number aircraft	Stage length		Adjusted cost per course flown statute mile	
			Logair	Quicktrans	Logair	Quicktrans
					Cents	*Cents*
Group A:						
Overseas	DC–9–30	5	400	450	179.42	179.55
Overseas	L–188C	8	400	450	183.22	182.48
Universal	L–188C	13	400	450	176.13	176.77
Weighted average					178.94	179.06
All other:						
Airlift	L–100–20	3	400	450	207.03	208.27
Saturn	DC–6A	12	414	414	145.54	145.54
Universal	AW–650	8	350		109.05	
(1)	C–46		172	172	115.57	112.17

[1] Based on current rate.

Extension of expiration date. The current rule provides that Part 288 shall expire on June 30, 1969. The rates for Logair and Quicktrans are being established for use during fiscal year 1970 and we will provide for their expiration on June 30, 1970, unless earlier rescinded by the Board. However, as pointed out in the notice, rates for MAC international operations will be established at a later date. Northwest Airlines, Inc., an international contractor, has requested that Part 288 be extended to September 30, 1969, to correspond with the extension by MAC of international contracts for fiscal year 1969, and that amendments to Part 288 be made effective October 1, 1969. We have decided to extend Part 288 to October 31, 1969, for international operations to assure that adequate time will be provided for establishing the international rates. The question of the effective date for these rates will be left open, however, and the extent of any retroactive effect to be given the rates will be determined at the time the rates are established.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 288 of the economic regulations (14 CFR Part 288), effective July 1, 1969,[9] in the following respects:

1. Section 288.7(b) is revised to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section:

Aircraft type	Linehaul rate per course flown statute mile		Rate per directed landing
	Logair	Quicktrans	
C–46	$0.8645	$0.8305	$50
AW–650	1.3334		125
DC–6A	1.1535	1.1535	125
L–188C	1.4144	1.4573	150
DC–9–30	1.4144	1.4573	150
L–100–20	1.6953	1.7494	150

[9] In light of the fact that the exemption provided by Part 288 will expire unless effective action is taken prior to July 1, 1969, and considering the matters discussed in the preceding paragraph of the text, we find that notice with respect to the extension of the exemption and public procedure thereon are impracticable, unnecessary, and contrary to the public interest. For these reasons, as well as the fact that the notice of rule making proposed that the revised rates will be effective July 1, 1969, we find that good cause exists for making the rule effective prior to the expiration of the 30-day notice period.

* * * * *

2. Section 288.18 is revised to read as follows:

§ 288.18 Expiration.

(a) With respect to Logair and Quicktrans services and substitute service within the contiguous 48 States, this part shall expire June 30, 1970, unless rescinded by the Board at an earlier date.

(b) With respect to foreign and overseas transportation, transportation between the 48 contiguous States, on the one hand and Hawaii or Alaska, on the other hand, and for transportation within Alaska, including substitute service therefor, this part shall expire October 31, 1969, unless rescinded by the Board at an earlier date.

(c) The Board reserves the right to rescind this part or any provision thereof at any time, with or without notice or hearing, as the public interest may require.

(d) The transportation services performed pursuant to the authorization granted in this part do not constitute an activity of a continuing nature within the meaning of 5 U.S.C. 558(c).

(Secs. 204, 403, 416, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 771, as amended; 49 U.S.C. 1324, 1373, 1386)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69–7660; Filed, June 30, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1537]

PART 13—PROHIBITED TRADE PRACTICES

Bernard Spivack & Co., Inc., and Bernard Spivack

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Bernard Spivack & Co., Inc., et al., Chicago, Ill., Docket C-1537, May 22, 1969]

In the Matter of Bernard Spivack & Co., Inc., a Corporation, and Bernard Spivack, Individually and as an Officer of Said Corporation

Consent order requiring a Chicago, Ill., manufacturer of fur trimmed ladies' garments to cease misbranding, falsely invoicing, and deceptively guaranteeing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Bernard Spivack & Co., Inc., a corporation, and its officers, and Bernard Spivack, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels that the fur contained in any such fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of sections 4(2) of the Fur Products Labeling Act.

3. Failing to set forth on labels the item numbers or marks assigned to fur products.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required on invoices under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations in abbreviated form.

3. Failing to set forth on invoices the item numbers or marks assigned to fur products.

It is further ordered, That respondents Bernard Spivack & Co., Inc., a corporation, and its officers, and Bernard Spivack, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced, or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 22, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-7716; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. C-1535]

PART 13—PROHIBITED TRADE PRACTICES

J. C. Best, Inc., and David S. Levine

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–90 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, J. C. Best, Inc., et al., Braintree, Mass., Docket C-1535, May 22, 1969]

In the Matter of J. C. Best, Inc., a Corporation, and David S. Levine, Individually and as an Officer of Said Corporation

Consent order requiring a Braintree, Mass., retailer of rugs and carpeting to cease misbranding and falsely advertising its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents J. C. Best, Inc., a corporation, and its officers, and David S. Levine, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Failing to disclose on labels the required fiber content information as to floor coverings, containing exempted backings, fillings, or paddings, in such manner as to indicate that it relates only to the face, pile, or outer surface of the floor covering and not to the exempted backing, filling or padding.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of such textile fiber product unless the same information required to be shown on the stamp, tag, label, or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth in disclosing fiber content information as to floor coverings containing exempted backings, fillings or paddings, that such disclosure relates only to the face, pile, or outer surface of such textile fiber product and not to the exempted backings, fillings, or paddings.

3. Using a fiber trademark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 22, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-7714; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. C-1538]

PART 13—PROHIBITED TRADE PRACTICES

Plaza Nine, Ltd., and Shirley M. Zakas

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, secs. 2–5, 54 Stat. 1128–1130, 15 U.S.C. 45, 70, 68) [Cease and desist order, Plaza Nine, Ltd., et al., Wichita, Kans., Docket C-1538, May 23, 1969]

In the Matter of Plaza Nine, Ltd., a Corporation, and Shirley M. Zakas, Individually and as an Officer of Said Corporation

Consent order requiring a Wichita, Kans., seller of textile and wool fiber products to cease misbranding its merchandise and failing to keep required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Plaza Nine, Ltd., a corporation, and its officers, and Shirley M. Zakas, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported of any textile fiber product which has been advertised or offered for sale in commerce, or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the term "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by failing to affix labels to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Plaza Nine, Ltd., a corporation, and its officers, and Shirley M. Zakas, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing or mutilating, or causing or participating in the removal or mutilation of, the stamp, tag, label, or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce and prior to the time such textile fiber product is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4 of said Act and the rules and regulations promulgated thereunder and in the manner prescribed by section 5(b) of said Act.

It is further ordered, That respondents Plaza Nine, Ltd., a corporation, and its officers, and Shirley M. Zakas, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from failing to keep such records when substituting a stamp, tag, label, or other identification pursuant to section 5(b) as will show the information set forth on the stamp, tag, label, or other identification that was removed, and the name or names of the person or persons from whom such textile fiber product was received.

It is further ordered, That respondents Plaza Nine, Ltd., a corporation, and its officers, and Shirley M. Zakas, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by failing to securely affix to or place on, each such product a stamp, tag, label, or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Plaza Nine, Ltd., a corporation, and its officers, and Shirley M. Zakas, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, the stamp, tag, label, or other identification required by the Wool Products Labeling Act of 1939 to be affixed to wool products subject to the provisions of such Act, prior to the time any wool product subject to the provisions of said Act is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4(a)(2) of said Act.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 23, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-7715; Filed, June 30, 1969; 8:47 a.m.]

PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

Effective Date

The Federal Trade Commission published in the FEDERAL REGISTER of May 27, 1969 (34 F.R. 8200) the adoption of the regulations previously published in the FEDERAL REGISTER of March 19, 1968 (33 F.R. 4718) pertaining to the Fair Packaging and Labeling Act. The effective date of the subject order was specified in § 500.25(c)(2) as July 1, 1969.

Subsequent to the adoption of the regulations, actions instituted in the courts have raised issues respecting the implementation of the Fair Packaging and Labeling Act by the Federal Trade Commission. The Commission has determined that the effective date of the order should be postponed for a short period of time to afford possible resolution of the problems involved.

Therefore, notice is hereby given that the July 1, 1969 effective date is postponed until further order of the Commission. The new order will provide at least thirty (30) days advance notice of the new effective date.

Issued: June 27, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-7811; Filed, June 30, 1969; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Bread, Identity Standard; Confirmation of Effective Date of Order Listing Polysorbate 60 as Optional Ingredient

In the matter of amending the definition and standard of identity for bread (21 CFR 17.1) to permit the use of polysorbate 60 as an optional ingredient:

One objection was received to the order in the above-identified matter published in the FEDERAL REGISTER of March 27, 1969 (34 F.R. 5719). The objection questioned the availability of adequate scientific data to justify such use of polysorbate 60.

The Commissioner of Food and Drugs has evaluated the objection and concludes that it is without sufficient support to merit a stay of the order. The objector has been notified by letter and a copy is on file with the Hearing Clerk.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that the amendment promulgated by the subject order became effective May 26, 1969.

Dated: June 23, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7684; Filed, June 30, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

ANTIBIOTIC DRUGS; FEE SCHEDULES AND CHARGES FOR INSPECTION OF FOREIGN MANUFACTURERS

No comments were received in response to the notice published in the FEDERAL REGISTER of May 17, 1969 (34 F.R. 7868), proposing that the antibiotic drug regulations be amended to revise the antibiotic drug certification fee schedules and to provide for charges for followup inspections of the facilities of foreign manufacturers. The Commissioner of Food and Drugs concludes that the proposal should be adopted.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 146 through 149d are amended as follows:

1. Section 146.8(b) is revised to read as follows:

§ 146.8 Fees.

* * * * *

(b) The fee for such services with respect to each batch of a drug, certification of which is provided by the regulations in this chapter, including those published hereafter, is the sum of the fees for all tests required for certification of each batch. The minimum tests for each batch shall be those prescribed in the section relating specifically to such drug.

(1) The fee schedule for antibiotic drug certification is as follows:

Test	Chargeable fee per test
Arquad content	$20
Butanol content	29
Candicidin potency	23
Color identity	4
Crystallinity	4
Cycloserine color assay	17
Dactinomycin potency	35
Disc potency	15
Doxycycline purity	72
Free chloride	26
Gas chromatography (lincomycin)	32
Gentamicin C	191
Heavy metals test	13
Histamine test	35
Infrared identity	17
Karl Fisher moisture	7
LD_{50} toxicity	240
Loss on drying	9
Melting point	5
Metal particles (ophthalmic ointments)	26
Microbiological assay, plate	14
Microbiological assay, turbidimetric	7
Micro-organism count	49
Nonaqueous titrations	11
Paper chromatographic identity	37
Penicillin chemical assay	9
Penicillin contamination	27
Penicillin G content	14
pH	3
Procaine colorimetric	3
Pyrogens test:	
3 rabbits	62
5 rabbits	100
8 rabbits	162
Residue on ignition	17
Residual streptomycin	8
Safety test	26
Specific rotation	30
Specific surface area	17
Sterility test	49
Sulfate content	11
Tablet disintegration	3
Total chlorine	58
Undecylenic acid content	20
Ultraviolet absorptivity	12
Vancomycin identity	53
Zinc titration	26

(2) In the case of a supplemental request submitted pursuant to the provisions of § 144.3 of this chapter, the fee shall be $4.

(3) In the case of persons using the certification services whose manufacturing facilities are not located in the United States or the Commonwealth of Puerto Rico, such persons shall be required to deposit each year sufficient funds to cover costs encountered when their facilities are inspected pursuant to the provisions of section 704 of the act.

2. Section 146a.9(b) is revised to read as follows:

§ 146a.9 Procaine penicillin G-novobiocin-neomycin-dihydrostreptomycin in oil.

* * * * *

(b) *Packing; labeling; requests for certification, samples.* The drug conforms to all requirements and procedures prescribed for penicillin ointment by § 146a.26 (b), (c), and (d), except that procaine penicillin G-novobiocin-neomycin-dihydrostreptomycin in oil may be packaged in plastic tubes, and except that: In addition to complying with the requirements of § 146a.26(d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the dates of the latest tests and assays of the novobiocin (for potency, moisture, pH, and crystallinity), neomycin (for potency, moisture, and pH), and dihydrostreptomycin (for potency, moisture, pH, streptomycin content, and crystallinity if it is crystalline dihydrostreytomycin) used in making the batch; the number of units of penicillin G, the number of milligrams of novobiocin, the number of milligrams of neomycin, and the number of milligrams of dihydrostreptomycin per milliliter. He shall also submit in connection with his request a sample consisting of not less than eight immediate containers of the batch and (unless they were previously submitted) samples consisting of five packages of the neomycin and six packages each of the novobiocin and dihydrostreptomycin used in making the batch, each package containing equal portions of not less than 0.5 gram.

3. Section 146a.10 *Procaine penicillin* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" in the first sentence to read "(c), and (d)".

c. By deleting subparagraph (3).

4. Section 146a.14 *Sodium oxacillin capsules* is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(b), (d), and (e)" in the first sentence to read "(b) and (d)".

5. Section 146a.53 *Capsules penicillin and novobiocin* is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" in the first sentence to read "(c), and (d)".

c. By deleting subparagraph (3).

6. Section 146a.61(b) is revised to read as follows:

§ 146a.61 Potassium phenoxymethyl penicillin (potassium phenoxymethyl penicillin salt).

* * * * *

(b) *Packaging; labeling; requests for certification, samples.* Proceed as directed in § 146a.103 (b), (c), and (d).

7. Section 146a.99 *Capsules crystalline penicillin G* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" in the first sentence to read "(c), and (d)".

8. Section 146a.111 *Procaine penicillin-* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" in the first sentence to read "(c), and (d)".

c. By deleting subparagraph (3).

9. Section 146a.123(b) is revised to read as follows:

§ 146a.123 Ampicillin.

* * * * *

(b) *Packaging; labeling; requests for certification, samples.* Proceed as directed in § 146a.6 (b), (c), and (d).

10. Section 146b.123(c) is revised to read as follows:

§ 146b.123 Streptomycin-sodium sulfathiazole solution veterinary; dihydrostreptomycin-sodium sulfathiazole solution veterinary.

* * * * *

(c) *Requests for certification, samples.* The person who requests certification of a batch shall submit in connection with his request the same information and number of samples for the batch as prescribed by § 146b.106(d).

11. Section 146b.129 *Streptomycin* * * * is amended in paragraph (a) by deleting "; *fees*" from the paragraph heading.

12. Section 146c.207 *Chlortetracycline* * * * is amended by deleting the last sentence from paragraph (a).

13. Section 146c.218 *Tetracycline hydrochloride* is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" in the first sentence to read "(c), and (d)".

c. By deleting subparagraph (3).

14. Section 146c.225 *Tetracycline hydrochloride-nystatin tablets* is amended by deleting the last sentence.

15. Section 146c.232 *Tetracycline phosphate complex* is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" to read "(c), and (d)".

16. Section 146c.242 *Tetracycline-neomycin* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By deleting subparagraph (3).

17. Section 146c.253 *Demethylchlortetracycline* is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" to read "(c), and (d)".

18. Section 146c.266 *Demethylchlortetracycline hydrochloride tablets* is amended by deleting the last sentence.

19. Section 146d.310 *Chloramphenicol tablets* is amended by deleting the last sentence.

20. Section 146d.314 *Chloramphenicol* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" to read "(c), and (d)".

21. Section 146d.315 *Chloramphenicol* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" to read "(c), and (d)".

c. By deleting subparagraph (4)(ii).

22. Section 146e.423 *Soluble bacitracin* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" to read "(c), and (d)".

23. Section 146e.427 *Feed grade bacitracin* * * * is amended in paragraph (b):

a. By deleting "*fees;*" from the paragraph heading.

b. By changing "(d), (e), and (f)" to read "(d), and (f)".

24. Section 146e.431 *Feed grade manganese* * * * is amended by deleting *fate* * * * is amended by deleting paragraph (b).

25. Section 147.5 *Sodium colistimethate* * * * is amended by deleting paragraph (a)(5).

26. Section 147.6 *Streptomycin sulfate* * * * is amended by deleting paragraph (a)(5).

27. Paragraph (b) is deleted from: §§ 146a.52, 146a.55, 146a.56, 146a.57, 146a.60, 146a.70, 146a.71, 146a.78, 146a.81, 146a.88, 146a.101, 146a.102, 146c.231, 146c.240, 146d.309, 146e.407, 146e.409, 146e.410, 146e.411, 146e.412, 146e.414, 146e.421, 146e.422, and 146e.424.

28. Paragraph (c) is deleted from: §§ 146a.20, 146a.23, 146a.87, 146a.90, 146a.91, 146a.92, 146a.106, 146b.132, and 146c.246.

29. Paragraph (d) is deleted from: §§ 146a.54, 146a.83, 146a.85, 146a.89, 146a.90, 146a.93, 146a.108, 146b.120, 146b.130, 146c.216, 146c.223, 146c.224, 146c.228, 146c.229, 146c.237, 146c.243, 146c.263, 146d.311, 146d.313, 146d.316, and 146e.426.

30. Paragraph (e) is deleted from: §§ 146a.2, 146a.3, 146a.6, 146a.7, 146a.8, 146a.11, 146a.12, 146a.13, 146a.15, 146a.16, 146a.17, 146a.18, 146a.19, 146a.21, 146a.22, 146a.24, 146a.25, 146a.26, 146a.27, 146a.28, 146a.29, 146a.30, 146a.31, 146a.32, 146a.33, 146a.34, 146a.35, 146a.36, 146a.37, 146a.38, 146a.39, 146a.40, 146a.41, 146a.42, 146a.43, 146a.44, 146a.45, 146a.46, 146a.47, 146a.48, 146a.49, 146a.50, 146a.51, 146a.58, 146a.59, 146a.62, 146a.63, 146a.64, 146a.65, 146a.66, 146a.67, 146a.68, 146a.69, 146a.72, 146a.74, 146a.75, 146a.76, 146a.77, 146a.79, 146a.80, 146a.82, 146a.84, 146a.86, 146a.94, 146a.95, 146a.97, 146a.98, 146a.103, 146a.104, 146a.105, 146a.112 through 146a.122, 146a.126, 146a.127, 146b.101, 146b.102, 146b.104, through 146b.119, 146b.121, 146b.122, 146b.124, 146b.126, 146b.127, 146b.128, 146b.131, 146b.133, 146b.134, 146c.201 through 146c.206, 146c.208, 146c.211 through 146c.215, 146c.217, 146c.219, 146c.220, 146c.221, 146c.222, 146c.226, 146c.227, 146c.230, 146c.235, 146c.236, 146c.241, 146c.244, 146c.247 through 146c.252, 146c.254, 146c.255, 146c.256, 146c.259, 146c.264, 146c.265, 146c.267, 146c.268, 146c.271, 146d.301 through 146d.308, 146d.312, 146d.317, 146d.318, 146e.401, 146e.402, 146e.403, 146e.405, 146e.406, 146e.416 through 146e.419, 146e.425, 146e.429, 146e.430, 146e.432 through 146e.436, 147.2, and 147.4.

31. Paragraph (f) is deleted from: §§ 146c.233 and 146e.413.

32. Parts 148a through 148z and 149a through 149d are amended by deleting paragraph (a)(4) from each section; except for §§ 148e.3, 148i.1, 148i.22, 148m.1, 148p.1, 148p.8, 148s.1, 148t.1, 148w.1, 148w.2, 148x.5, 149a.2, 149a.3, 149b.3, and 149d.2, paragraph (a)(5) is deleted instead; and except for §§ 148i.11 and 148i.30b which are not amended.

The fee changes made by this order are necessary to provide, equip, and maintain an adequate antibiotic-drug certification service; therefore, a 30-day delay in effective date is not a prerequisite to this promulgation.

Effective date. This order shall become effective on July 1, 1969. The fee for testing all batches of antibiotic drugs certified on or after July 1, 1969, shall be computed on the basis of the above fee schedule.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 24, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-7725; Filed, June 30, 1969; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart I—Nondiscrimination and Equal Opportunity in Housing and Group Practice Facilities

In Part 200, Subpart I, in the Table of Contents § 200.330 is deleted.

Section 200.315 is amended to read as follows:

§ 200.315 Prohibition against discriminatory practice.

No person, firm, or other entity receiving the benefits of Federal Housing Administration mortgage insurance or doing business with the Federal Housing Administration shall engage in a "discriminatory practice" as such term is defined in this subpart.

In Part 200, Subpart I, § 200.330 is deleted as follows:

§ 200.330 Federal Housing Administration-owned properties. [Deleted]

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

In Part 203, Subpart A, in the Table of Contents §§ 203.16a and 203.41 are deleted and the headings of §§ 203.30 and 203.92 are amended as follows:

Sec.
203.30 Certificate of nondiscrimination by mortgagor.
203.92 Certificate of nondiscrimination by borrower.

Subpart A—Eligibility Requirements

In Part 203, Subpart A, § 203.16a is deleted as follows:

§ 203.16a Certificate of nondiscrimination by seller. [Deleted]

In § 203.30 the heading and text thereof are amended to read as follows:

§ 203.30 Certificate of nondiscrimination by mortgagor.

The mortgagor shall certify to the Commissioner as to each of the following points:

(a) That neither he, nor anyone authorized to act for him, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by the mortgage to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

In Part 203, Subpart A, § 203.41 is deleted as follows:

§ 203.41 Racial restrictions on property. [Deleted]

In § 203.92 the heading and text thereof are amended to read as follows:

§ 203.92 Certificate of nondiscrimination by borrower.

The borrower shall certify to the Commissioner as to each of the following points:

(a) That neither he, nor anyone authorized to act for him, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by the loan to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

In Part 207, Subpart A, in the Table of Contents, the heading of § 207.16 is amended as follows:

Sec.
207.16 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

Subpart A—Eligibility Requirements

In § 207.16 the heading thereof and paragraph (a) are amended to read as follows:

§ 207.16 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

(a) The mortgagor shall certify to the Commissioner as to each of the following points:

(1) That neither he (it), nor anyone authorized to act for him (it), will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiable for the sale or rental of, or otherwise make unavailable or deny the property covered by the mortgage to any person because of race, color, religion, or national origin.

(2) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(3) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

In Part 213, Subpart A, in the Table of Contents, the heading of § 213.16 is amended as follows:

Sec.
213.16 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

Subpart A—Eligibility Requirements—Projects

In § 213.16 the heading thereof and paragraph (a) are amended to read as follows:

§ 213.16 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

(a) The mortgagor shall certify to the Commissioner as to each of the following points:

(1) That neither it nor anyone authorized to act for it, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by the mortgage to any person because of race, color, religion, or national origin.

(2) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(3) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

* * * * *

In Part 213, Subpart C, in the Table of Contents, §§ 213.519 and 213.529 are deleted and the heading of § 213.523 is amended as follows:

Sec.
213.523 Certificate of nondiscrimination by mortgagor.

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

In Part 213, Subpart C, § 213.519 is deleted as follows:

§ 213.519 Covenant regarding racial restrictions. [Deleted]

In § 213.523 the heading thereof and text are amended to read as follows:

§ 213.523 Certificate of nondiscrimination by mortgagor.

The mortgagor shall certify to the Commissioner as to each of the following points:

(a) That neither he, nor anyone authorized to act for him, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by the mortgage to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

In Part 213, Subpart C, § 213.529 is deleted as follows:

§ 213.529 Racial restrictions on property. [Deleted]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

In Part 220, Subpart C, in the Table of Contents, the heading of § 220.595 is amended as follows:

Sec.
220.595 Certificate of nondiscrimination by borrower.

Subpart C—Eligibility Requirements—Projects

In § 220.595 the heading thereof and text are amended to read as follows:

§ 220.595 Certificate of nondiscrimination by borrower.

The borrower shall certify to the Commissioner as to each of the following points:

(a) That neither he (it), nor anyone authorized to act for him (it), will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the property covered by the security instrument to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

In Part 221, Subpart C, in the Table of Contents, the heading of § 221.527 is amended as follows:

Sec.
221.527 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.527 the heading thereof and paragraph (a) are amended to read as follows:

§ 221.527 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

(a) The mortgagor shall certify to the Commissioner as to each of the following points:

(1) That neither he (it), nor anyone authorized to act for him (it), will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the property covered by the mortgage to any person because of race, color, religion, or national origin.

(2) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(3) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

In Part 232, Subpart A, in the Table of Contents, the heading of § 232.34 is amended as follows:

Sec.
232.34 Certificate of nondiscrimination by mortgagor.

Subpart A—Eligibility Requirements

In § 232.34 the heading thereof and text are amended to read as follows:

§ 232.34 Certificate of nondiscrimination by mortgagor.

The mortgagor shall certify to the Commissioner as to each of the following points:

(a) That neither it, nor anyone authorized to act for it, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the property covered by the mortgage to any person because of race, color, religion, or national origin.

(b) The any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER I—CONDOMINIUM HOUSING INSURANCE

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

In Part 234, Subpart A, in the Table of Contents, §§ 234.50 and 234.66 are deleted and the heading of § 234.16 is amended as follows:

Sec.
234.16 Certificate of nondiscrimination by mortgagor.

Subpart A—Eligibility Requirements—Individually Owned Units

In § 234.16 the heading thereof and text are amended to read as follows:

§ 234.16 Certificate of nondiscrimination by mortgagor.

The mortgagor shall certify to the Commissioner as to each of the following points:

(a) That neither he, nor anyone authorized to act for him, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by the mortgage to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

In Part 234, Subpart A, §§ 234.50 and 234.66 are deleted as follows:

§ 234.50 Racial restriction covenant. [Deleted]

§ 234.66 Racial restrictions on property. [Deleted]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

SUBCHAPTER Q—SUPPLEMENTAL PROJECT LOAN INSURANCE

PART 241—SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

In Part 241, Subpart A, in the Table of Contents, the heading of § 241.120 is amended as follows:

Sec.
241.120 Certificate of nondiscrimination by borrower.

Subpart A—Eligibility Requirements

In § 241.120 the heading thereof and text are amended to read as follows:

§ 241.120 Certificate of nondiscrimination by borrower.

The borrower shall certify to the Commissioner as to each of the following points:

(a) That neither he (it), nor anyone authorized to act for him (it), will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the property covered by the security instrument to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 241, 82 Stat. 508, 12 U.S.C. 1715z–6)

Issued at Washington, D.C., June 25, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69–7723; Filed, June 30, 1969; 8:48 a.m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4½	July 1, 1966	Jan. 1, 1967
4¾	Jan. 1, 1967	Jan. 1, 1968
5¼	Jan. 1, 1968	July 1, 1969
5¾	July 1, 1969	

Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4½	July 1, 1966	Jan. 1, 1967
4¾	Jan. 1, 1967	Jan. 1, 1968
5¼	Jan. 1, 1968	July 1, 1969
5¾	July 1, 1969	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 207.259 paragraph (e)(6) is amended to read as follows:

§ 207.259 Insurance benefits.

* * * * *

(e) *Issuance of debentures.* * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4½	July 1, 1966	Jan. 1, 1967
4¾	Jan. 1, 1967	Jan. 1, 1968
5¼	Jan. 1, 1968	July 1, 1969
5¾	July 1, 1969	

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4½	July 1, 1966	Jan. 1, 1967
4¾	Jan. 1, 1967	Jan. 1, 1968
5¼	Jan. 1, 1968	July 1, 1969
5¾	July 1, 1969	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Issued at Washington, D.C., June 13, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69–7721; Filed, June 30, 1969; 8:48 a.m.]

SUBCHAPTER Q–1—MORTGAGE INSURANCE FOR NONPROFIT HOSPITALS

PART 242—NONPROFIT HOSPITALS

Incorporation by Reference and Insurance Benefits

In Part 242 in the Table of Contents a new § 242.260 is added as follows:

Sec.
242.260 Insurance benefits.

Subpart B—Contract Rights and Obligations

Section 242.251 is amended to read as follows:

§ 242.251 Incorporation by reference.

All of the provisions of Subpart B, Part 207 of this chapter covering mortgages insured under section 207 of the National Housing Act apply to mortgages on nonprofit hospitals insured under section 242 of the National Housing Act, except the following:

Sec.
207.259 Insurance benefits.

In Part 242, Subpart B, a new § 242.260 is added to read as follows:

§ 242.260 Insurance benefits.

All of the provisions of § 207.259 of this chapter relating to insurance benefits apply to mortgages on nonprofit hospitals insured under this subpart, except that in a case where the mortgage involves the financing or refinancing of an existing hospital pursuant to § 242.93 and the commitment for insuring such mortgage is issued on or after April 1, 1969, the insurance claim shall be paid in cash unless the mortgagee files a written request for payment in debentures. If such a request is made, the claim shall be paid in debentures issued in multiples of $50, with any balance less than $50 to be paid in cash.

(Sec. 211, 52 Stat. 23, as amended, sec. 242, 82 Stat. 5999, as amended; 12 U.S.C. 1715b, 1715z–7)

Issued at Washington, D.C., May 27, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69–7722; Filed, June 30, 1969; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 69–63]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Ashepoo River, Combahee River, and North Wimbee Creek, S.C.

1. The Commander, 7th Coast Guard District by letter dated June 4, 1969, requested the Commandant to revoke the special operation regulations for the Seaboard Coast Line Railroad bridges across Ashepoo River, mile 20.0, Combahee River, mile 14.2, and North Wimbee Creek, mile 1.6, as these bridges have been removed from these waterways.

2. Accordingly, § 117.245(h) (4), (6), and (7) are hereby revoked.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.4(a)(3)(v))

Effective date. This revocation shall become effective upon the date of publication in the FEDERAL REGISTER.

Dated: June 24, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69–7745; Filed, June 30, 1969; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Covenants

1. In § 36.4320(h), that portion of subparagraph (5) preceding subdivision (i) is amended to read as follows:

§ 36.4320 Sale of security.

* * * * *

(h) The conveyance or transfer of any property to the Administrator pursuant to paragraph (a), (b), or (c) of this section shall be subject to the following provisions:

* * * * *

(5) Each conveyance or transfer of real property to the Administrator pursuant to this section shall be acceptable if the holder thereby covenants or warrants against the acts of himself and those claiming under him (e.g., by special warranty deed) and if it vests in the Administrator or will entitle him to such title as is or would be acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally, in the community in which the property is situated. Any title so acceptable will not be unacceptable to the Administrator by reason of any of the limitations on the quantum or quality of the property or title stated in § 36.4350(b): *Provided,* That

* * * * *

2. In § 36.4350, paragraph (b) is amended to read as follows:

§ 36.4350 Estate of veteran in real property.

* * * * *

(b) Any such property or estate will not fail to comply with the requirements of paragraph (a) of this section by reason of the following:

(1) Encroachments;

(2) Easements;

(3) Servitudes;

(4) Reservations for water, timber, or subsurface rights;

(5) Right in any grantor or cotenant in the chain of title, or a successor of either, to purchase for cash, which right by the terms thereof is exercisable only if—

(i) An owner elects to sell,

(ii) The option price is not less than the price at which the then owner is willing to sell to another, and

(iii) Exercised within 30 days after notice is mailed by registered mail to the address of optionee last known to the then owner of the then owner's election to sell, stating his price and the identity of the proposed vendee;

(6) Building and use restrictions whether or not enforceable by a reverter clause if there has been no breach of the conditions affording a right to an exercise of the reverter;

(7) Violation of a restriction based on race, color, creed, or national origin, whether or not such restriction provides for reversion or forfeiture of title or a lien for liquidated damages in the event of a breach;

(8) Any other covenant, condition, restriction, or limitation approved by the Administrator in the particular case. Such approval shall be a condition precedent to the guaranty or insurance of the loan;

Provided, That the limitations on the quantum or quality of the estate or property that are indicated in this paragraph, insofar as they may materially affect the value of the property for the purpose for which it is used, are taken into account in the appraisal of reasonable value required by 38 U.S.C. ch. 37.

* * * * *

3. In § 36.4515, paragraph (c) is revoked:

§ 36.4515 Estate of veteran in real property.

* * * * *

(c) [Revoked]

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

By direction of the Administrator.

Approved: June 25, 1969.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69–7727; Filed, June 30, 1969; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4672]

[Riverside 1524]

CALIFORNIA

Amendment of Public Land Order No. 4665

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Paragraph No. 2 of Public Land Order No. 4665 of June 2, 1969, is amended to read as follows:

"The lands shall immediately be made available for consummation of a pending Forest Service exchange."

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 24, 1969.

[F.R. Doc. 69–7717; Filed, June 30, 1969; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

PART 8–3—PROCUREMENT BY NEGOTIATION

Small Purchases

1. In Subpart 8–3.6, § 8–3.603–1 is added to read as follows:

§ 8–3.603–1 Solicitation.

In order to obtain maximum benefit from the simplified purchase procedures prescribed in this subpart, purchases not exceeding $250 in total may be accomplished without securing competitive quotations where the price and other factors are considered to be reasonable. Such purchases will be distributed equitably among qualified suppliers, considering past experience concerning specific dealers' prices.

2. In § 8–3.606–5, paragraph (b) is amended to read as follows:

§ 8–3.606–5 Agency implementation.

* * * * *

(b) The duplicate and triplicate copies of the VA Form 07–2237, Request, Turn-in, and Receipt for Property or Services, or reproduced copies of the front of the VA Form 10–1209, Unposted Item Request, requesting the purchase will be used as the receiving report and property voucher for each individual purchase made under these arrangements.

* * * * *

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114; 38 U.S.C. 210(c))

These regulations are effective immediately.

By direction of the Administrator.

Approved: June 25, 1969.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69–7728; Filed, June 30, 1969; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Standards for Exhaust Emissions, Fuel Evaporative Emissions, and Smoke Emissions, Applicable to 1970 and Later Vehicles and Engines

On June 4, 1968, regulations for the control of air pollution from new motor vehicles and new motor vehicle engines beginning with the 1970 model year were published in the FEDERAL REGISTER (33 F.R. 8304).

Subsequent to that publication, numerous written questions and comments were received by the Commissioner, National Air Pollution Control Administration, from manufacturers concerning the interpretation and application of the provisions of those regulations. In order that National Air Pollution Control Administration personnel could properly respond to the industry's inquiries and observations, a Technical Meeting was held at the National Air Pollution Control Administration's motor vehicle testing facility at Willow Run Airport, Ypsilanti, Mich., on August 7, 1968. Notice of the meeting was forwarded to vehicle manufacturers and industry associations, both domestic and foreign, together with an invitation affording them an opportunity to discuss the implementation of those regulations. In addition, an announcement of the meeting was made through a press release which invited the public to participate. In attendance at the meeting, in addition to Federal personnel, were representatives of the domestic and foreign automobile and engine manufacturers and the industry associations, as well as several research and development concerns, several oil companies, and one State air pollution control agency.

The amendments and corrections set forth below are the results of that meeting and of further efforts at clarification by program personnel. In the few instances where substantive changes are involved, those affected have been made aware of the intended revisions.

Since failure to formally adopt these procedures immediately would work to the detriment of those affected by them, the Department finds that it is in the public interest and that good cause exists for the adoption of these amendments and corrections effective upon publication in the FEDERAL REGISTER. To insure that all parties and interests participate in the further formulation of the regulations, interested persons are invited to submit data, views, comments, or arguments concerning the regulations hereby promulgated within 30 days after such publication in writing to the Secretary, Health, Education, and Welfare, Attention: National Air Pollution Control Administration, 801 North Randolph Street, Arlington, Va. Consideration will be given such submissions as fully as though they had been received in response to a proposal.

Part 85 of Subtitle A, Title 45 of the Code of Federal Regulations is amended as follows:

1. In § 85.76, paragraph (c) is revised to read as follows:

§ 85.76 Dynamometer procedure.

* * * * *

(c) The power absorption unit shall be adjusted to reproduce road load at 50 m.p.h. true speed.

(1) The proper horsepower setting for a particular vehicle—dynamometer combination is predetermined by:

(i) Measuring the absolute manifold vacuum of a representative vehicle of the same equivalent inertia weight class, when operated on a level road under balanced wind conditions at a true speed of 50 m.p.h., and

(ii) Noting the dynamometer horsepower setting required to reproduce that manifold vacuum, when the same vehicle is operated on the dynamometer at a true speed of 50 m.p.h.

(2) Where it is expected that more than 33 percent of the vehicles in an engine displacement class will be equipped with air conditioning, an additional 10 percent will be added to the road load horsepower, determined above, for all test vehicles representing such engine class.

* * * * *

2. In § 85.80, the second sentence of paragraph (c) is revised and paragraph (d) is revised. As amended, § 85.80 reads as follows:

§ 85.80 Engine starting.

* * * * *

(c) Vehicles equipped with manual choke shall be started according to the manufacturer's procedure. Use of the choke should not extend beyond sequence eight of the first cycle.

(d) Where necessary, in order to keep the engine running, the operator may use more choke, higher r.p.m., or decreased rate of acceleration.

3. In § 85.87, paragraph (a) is revised by adding a final sentence, as follows:

§ 85.87 Calculations (exhaust emissions).

The final reported test results shall be derived through the following steps:

(a) Exhaust gas concentrations shall be adjusted to a dry exhaust volume containing 14.5 mole percent carbon atoms by applying the following dilution factor to the individual mode data:

$$\frac{14.5}{\%\ CO_2 + (0.5)\%\ CO + (1.8 \times 6)\%\ HC}$$

Since hydrocarbons, carbon monoxide, and carbon dioxide are all measured with the same moisture content, no moisture correction is required to convert the results to a dry basis. Where fuel shutoff during deceleration is employed, the dilution factors for the deceleration modes shall be the dilution factors established during the preceding idle modes.

* * * * *

4. In § 85.91, paragraph (b)(2) is revised by adding third and fourth sentences, as follows:

§ 85.91 Mileage accumulation and emission measurements.

* * * * *

(b) * * *

(2) For 1970 model year vehicles equipped for fuel evaporative emission control, these vehicles will be tested for their evaporative emissions through not less than 12,000 miles. Emission measurements shall be made at least every 4,000 miles: *Provided*, That the evaporative emission control system or device shall remain on the vehicle beyond the 12,000-mile point, in operable condition, and shall be maintained in accordance with applicable portions of § 85.90, if the vehicle is also used for exhaust emission testing. (Vehicles which duplicate test vehicles used in prior year durability fleets but required to be retested for fuel evaporative emission control do not come under this proviso. For such vehicles, the exhaust emission control system deterioration factor may be reconstructed from pertinent prior year durability data.)

5. In § 85.92, paragraph (c) is amended as follows: Subparagraph (1) (i), (ii), and (iii) is revised, subparagraph (2) is revised, and subparagraph (2a) is added. As amended, § 85.92 reads as follows:

§ 85.92 Compliance with emission standards.

* * * * *

(c) * * *

(1) * * *

(i) All applicable results will be plotted as a function of mileage and the best fit straight lines, fitted by the method of least squares, will be drawn through these data points.

(ii) The deterioration factors for exhaust emission control systems or devices shall be calculated as follows:

$$\text{factor} = \frac{\text{exhaust emissions interpolated to 50,000 miles}}{\text{exhaust emissions interpolated to 4,000 miles}}$$

(iii) The deterioration factors for evaporative emission control systems or devices shall be calculated by subtracting the evaporative emissions interpolated to 4,000 miles from the evaporative emissions interpolated to 50,000 miles: *Provided*, That for evaporative emission systems within the proviso of § 85.21(b), for the 1970 model year only, the factors shall be calculated by subtracting the evaporative emissions interpolated to 4,000 miles from the evaporative emissions interpolated to 12,000 miles.

(2) The exhaust emission test results from each emission data vehicle shall be multiplied by the appropriate deterioration factor.

(2a) The evaporative emission test results from each emission data vehicle shall be adjusted by addition of the appropriate deterioration factor.

(3) The emissions to compare with the standard shall be the adjusted emissions of subparagraphs (2) and (2a) of this paragraph classified according to engine displacement and, within each engine displacement, weighted in proportion to the projected sales of the vehicles represented by each emission data vehicle.

6. In § 85.110, the second sentence of paragraph (b) is revised. As amended, paragraph (b) reads as follows:

§ 85.110 Test engines.

* * * * *

(b) *Durability data engines.* The durability data engines shall comprise a minimum of two and a maximum of six. The number shall be determined by selection of those engine displacements which represent at least 70 percent of the manufacturer's projected sales in the United States of each class of emission control system employed, during the full calendar year for which certification is sought, selected in order of sales volume: *Provided, however*, That when such manufacturer's projected full calendar year sales in the United States represents less than 10 percent of all domestic sales of engines subject to this section, the number of durability data engines shall be determined by the number of engine displacement-emission control system combinations comprising at least 50 percent of domestic sales by the manufacturer projected for such calendar year, but in no event shall there be less than two engines unless a lesser number is agreed to by the Secretary as meeting the objectives of this procedure.

7. In § 85.113, paragraph (c)(1)(i) is revised to read as follows:

§ 85.113 Compliance with emission standards.

* * * * *

(c) * * *

(1) * * *

(i) All applicable results will be plotted as a function of dynamometer hours and the best fit straight lines, fitted by the method of least squares, will be drawn through these data points.

* * * * *

(b) * * *

Item	ASTM test method No.	Type 1–D	Type 2–D
Cetane	D 613	48–54	42–50
Distillation range	D 86		
IBP, °F		330–390	340–400
10 percent point, °F		370–430	400–460
50 percent point, °F		410–480	470–540
90 percent point, °F		460–520	550–610
EP, °F		500–560	580–660
Gravity, °API	D 287	40–44	33–37
Total sulfur, percent	D 129 or D 2622	0.05–0.20	0.2–0.5
Hydrocarbon composition	D 1319		
Aromatics, percent		8–15	27 (Min.)
Paraffins, Naphthenes, Olefins		Remainder	Remainder
Flash point, °F (Min.)	D 93	120	130
Viscosity, centistokes	D 445	1.6–2.0	2.0–3.2

(c) * * *

Item	ASTM test method No.	Type 1–D	Type 2–D
Cetane	D 613	48–54	42–55
Distillation range	D 86		
IBP, °F		330–390	340–410
10 percent point, °F		370–430	400–470
50 percent point, °F		410–480	470–540
90 percent point, °F		460–520	550–610
EP, °F		500–560	580–660
Gravity, °API	D 287	40–44	33–40
Lotal sulfur, percent	D 129 or D 2622	0.05–0.20	0.2–0.5
Flash point, °F (Min.)	D 93	120	130
Viscosity, centistokes	D 445	1.6–2.0	2.0–3.2

8. In § 85.121, the tables in paragraphs (b) and (c) are revised. As amended, § 85.121 reads as follows:

§ 85.121 Diesel fuel specifications.

* * * * *

9. Section 85.128 is revised to read as follows:

§ 85.128 Chart reading.

(a) The following procedure shall be employed in reading the smokemeter recorder chart.

(1) Locate the acceleration mode (§ 85.122(a)(2)) and the lugging mode (§ 85.122(a)(3)) on the chart. Divide each mode into ½-second intervals beginning at the start of each mode. Determine the average smoke reading during each ½-second interval except those recorded during the transitional portions of the acceleration mode (§ 85.122(a)(2)(iii)) and the lugging mode (§ 85.122(a)(3)(i)).

(2) Locate and note the 15 highest ½-second readings during the acceleration mode of each dynamometer cycle.

(3) Locate and note the five highest ½-second readings during the lugging mode of each dynamometer cycle.

10. In § 85.133, paragraph (c) is amended as follows: Subparagraph (1) (i) and (ii) is revised, and the first sentence in subparagraph (2) is revised. As amended, § 85.133 reads as follows:

§ 85.133 Compliance with emission standards.

* * * * *

(c) * * *

(1) * * *

(i) All smoke test "a" and "b" results will be plotted separately as functions of hours of operation and the two best fit straight lines, fitted by the method of least squares, will be drawn through these data points.

(ii) The deterioration factors will be calculated as follows:

A = percent opacity "a", interpolated to 1,000 hours, minus percent opacity "a", interpolated to 125 hours.

B = percent opacity "b", interpolated to 1,000 hours, minus percent opacity "b", interpolated to 125 hours.

(2) The "percent opacity" values to compare with the standards will be the average of the opacity values "a" and "b" for the emission data engines within an engine family to which is added the respective factors A and B of subparagraph (1) of this paragraph for that family: *Provided*, That in the event that there is no durability data engine for a family of emission data engines (as might occur in the durability date engine selection process) the deterioration factor for an engine having the same combustion cycle and the same method of air aspiration and most nearly the same fuel feed per stroke shall be used in calculating emissions for such family of emission data engines.

The document revising Part 85 of Subtitle A, Title 45 of the Code of Federal Regulations, published in the FEDERAL REGISTER on June 4, 1968, at 33 F.R. 8304, is corrected as follows:

§ 85.87 [Amended]

1. In § 85.87, paragraph (h), Table I, the "dilution factor" corresponding to "mode 30" is changed by placing a dividing line between the values 14.5 and 14.1.

§ 85.102 [Amended]

2. Section 85.102 is corrected by changing the "mode" column, "sequence no. 7" line in the table, paragraph (a), from "F1" to "FL".

(Sec. 301(a), sec. 2, Public Law 90-148, 81 Stat. 504; 42 U.S.C. 1857g(a))

Dated: June 24, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-7628; Filed, June 30, 1969; 8:45 a.m.]

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Reasonable Charges for Individual Practitioner Services; Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below, made pursuant to section 1102 of the Social Security Act, 42 U.S.C. 1302, prescribe certain interim policies and requirements relating to reasonable charges for individual practitioner services under State plans for medical assistance under title XIX of such Act. These regulations are effective with respect to payments made under the State plans for services provided on or after July 1, 1969, by physicians, dentists, and other individual practitioners, and are applicable in such case notwithstanding anything to the contrary in the regulations in 45 CFR 250.30 (34 F.R. 1244, Jan. 25, 1969). The regulations in 45 CFR 250.30 shall remain applicable except to the extent that they are inconsistent with these regulations.

Interested persons who wish to submit comments, suggestions, or objections thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

MEDICAL ASSISTANCE; REASONABLE CHARGES FOR INDIVIDUAL PRACTITIONER SERVICES

SECTION 1. *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

(a) Provide that payments for physician, dentist, and other individual practitioner services will not exceed the amounts provided for on January 1, 1969, under the payment structures in effect under the State plan on that date (or, if later, the date the State began operation of its title XIX program), or the reasonable charges determined under title XVIII-B of the Act as of such date, whichever is less, except as provided in section 2 below.

(b) Include descriptions of all payment structures, regardless of type, for individual practitioner services.

(1) The description of the payment structures based on usual, customary, reasonable or prevailing charges shall include (i) definitions of those terms, (ii) a listing of the maximum charges allowed for the procedures most frequently performed, (iii) the method by which and the sources from which information on charges is obtained, and (iv) the methods which will assure that payment will not exceed the customary charge of the individual practitioner.

(2) Payment structures consisting of fixed fee schedules or schedules of maximum allowances shall be incorporated in the State plan as published or administered by the State.

(3) Payment structures based on Relative Value Studies shall be incorporated in the State plan by reference to the published study and identification of the applicable conversion factor(s).

(4) Where applicable, all descriptions shall include a listing of the different maximum charges allowed where there are variations due to geographic areas, medical specialties, and situations not falling within the usual allowances such as payments (if any) to institution-based practitioners and payments for nursing home visits.

(c) Provide that any change in a payment structure for individual practitioner services will not become operative until such change has been incorporated in the State plan by an amendment submitted to and approved by the Secretary.

(d) Provide that the following information will be submitted with an amendment referred to in paragraph (c) of this section:

(1) An estimate of the percentile of the range of customary charges to which the proposed revised payment structure will equate and a description of the method used in arriving at the estimate.

(2) An estimate of the composite average percentage increase of the proposed revised fee structure over its predecessor which shall be accompanied by a listing of the maximum charges allowed for the procedures most frequently performed.

SEC. 2. *Provisions relating to approval of proposed revised payment structures.* The Secretary will be guided by the following considerations in the approval or disapproval of proposed revised payment structures for individual practitioner services.

(a) A proposed revised payment structure that would be applicable for a period within the fiscal year beginning July 1, 1969, may be approved if (1) it equates to no more than the 75th percentile of the ranges of customary charges existing in the State on January 1, 1969; (2) the State describes the methods which will assure that payment will not exceed the customary charge of the individual practitioner, and (3) differentials have been established as described in section 1(b)(4).

(b) A proposed revised payment structure that would be applicable for a period beginning on or after July 1, 1970, may be approved if (1) it equates to no more than the 75th percentile of the ranges of customary charges existing in the State on January 1, 1969, plus a composite average percentage increase which does not exceed the percentage increase in (i) the all-services component of the Consumer Price Index (adjusted to exclude the medical component) or (ii) an alternate index designated by the Secretary; (2) there is satisfactory evidence that the State and the profession concerned have collaborated in the establishment of an effective utilization and quality control system, including provision for the disqualification of practitioners who are found to have defrauded, over-utilized, or otherwise abused the program; (3) provision is made for prior authorization of selected services; and (4) differentials have been established as described in section 1(b)(4).

(c) In no event will approval be granted for any proposed revised payment structure which will result in payments exceeding the reasonable charges determined under title XVIII-B of the Social Security Act.

SEC. 3. *States beginning operation of title XIX program after July 1, 1969.* Payment structures for States which begin operation of a title XIX program after July 1, 1969, must comply with the provisions of section 2 (as if the initial payment structures were submitted as proposed revised payment structures).

SEC. 4. *Federal financial participation.* Federal financial participation is available for payments for physician, dentist, and other individual practitioner services within the limits described in sections 1-3, in accordance with the provisions of the State plan.

The final regulations will be codified in Part 250, Chapter II, Title 45 of the Code of Federal Regulations.

Dated: June 27, 1969.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: June 27, 1969.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 69-7820; Filed, June 30, 1969; 9:29 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1050]

MILK IN CENTRAL ILLINOIS MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Central Illinois marketing area is being considered for the month of July 1969.

The provision proposed to be suspended is in § 1050.14(b)(2) and reads as follows, "during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer". It relates to diversion of producer milk to nonpool plants.

The suspension action is requested by the Pure Milk Association to accommodate the handling of reserve milk of the market. The association claims that supplies of reserve milk in the month of July will exceed the quantity that can be handled under the 8-day diversion limitation. The association states that it is faced with loss of producer status for some dairy farmers, or, in the alternative, undue expense of receiving the milk first at the pool plant for reshipment to manufacturing plants.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on June 26, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-7751; Filed, June 30, 1969; 8:50 a.m.]

[7 CFR Part 1132]

[Docket No. AO-262-A19]

MILK IN TEXAS PANHANDLE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn West, 601 Amarillo Boulevard West, Amarillo, Tex., beginning at 9:30 a.m., local time, on July 15, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Texas Panhandle marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order. The proponent of proposals numbered 1, 2, and 3 has requested emergency action. Hence, evidence will be considered at the hearing with respect to emergency marketing conditions which imperatively and unavoidably require the Secretary in the due and timely execution of his functions to omit a recommended decision or to take whatever appropriate action which is necessary in connection with any amendatory action that may be requested.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Milk Producers, Inc.:

Proposal No. 1. Amend § 1132.80(c)(1) by deleting "the 13th and 26th days" and substituting therefor "the 26th and 13th days."

Proposal No. 2. Amend § 1132.80(c) by adding a new subparagraph (4) as follows:

(4) To each cooperative association for milk for which it is the handler pursuant to § 1132.12(c):

(i) On or before the 26th day of the month, a partial payment for milk received during the first 15 days of such month at not less than the amount specified in paragraph (a) of this section; and

(ii) On or before the 13th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, less the amount of payment made pursuant to subdivision (i) of this subparagraph.

Proposal No. 3. Revise §§ 1132.14, 1132.30, and 1132.43 to define milk received by a handler operating a pool plant from a cooperative association handler pursuant to § 1132.12(c) as producer milk of the pool plant handler and make it clear that the pool plant handler is responsible for reporting and proving the use of milk received from a cooperative handler.

Proposed by Plains Creamery, Inc.:

Proposal No. 4. Amend § 1132.15 "Fluid Milk Products" to except sour cream and sour cream dips from the definition, along with the other exceptions shown in this section.

Proposal No. 5. Amend § 1132.41(b)(5) "Classes of Utilization" to provide that a handler who receives milk from a cooperative in tanker loads at farm weights and producer tests shall be allocated shrinkage not in excess of 2 percent of such receipts of skim milk and butterfat.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 6. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Richard E. Arnold, 4325 East 51st Street, Post Office Box 45563, Tulsa, Okla. 74145, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on June 26, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-7752; Filed, June 30, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 53]

CANNED TOMATOES

Identity Standard; Optional Forms of Tomatoes, Increased Calcium Salts, and Use of Cyclamic Acid

Notice is given that a petition has been filed by the Del Monte Corp., 215 Fremont Street, San Francisco, Calif. 94105, proposing that the standard of identity for canned tomatoes (21 CFR 53.40) be amended to provide for (in addition to

the presently permitted tomato ingredients and optional ingredients);

1. Optional cut forms of the tomato ingredient; namely, diced, sliced, or wedges with required label declaration of the form used.

2. Optional increased use of calcium salts when the tomato ingredient is diced, sliced, or wedge-shaped, to a maximum of 0.05 percent of the food.

3. Optional use of cyclamic acid when the tomato ingredient is diced, sliced, or wedge-shaped, to a maximum of 0.026 percent of the food: *Provided*, That when cyclamic acid is used nutritive sweeteners may not be used and that label declaration is required if cyclamic acid is used.

4. Optional modification of the name of the food by the word "whole" when not less than 80 percent of the drained weight consists of whole tomatoes.

Grounds given in the petition in support of the proposal are that:

1. The industry is now producing cut forms of canned tomatoes and these should conform to a standard of identity.

2. The Draft Provisional Standard for Canned Tomatoes proposed by the Codex Alimentarius Commission provides for various forms of the tomato ingredient.

3. New varieties of tomatoes have been developed which permit the canning of cut forms that can be used by the consumer in salads, as garnishments, etc., where a distinct form is desirable. In the past such forms were available only as a result of the consumer cutting fresh tomatoes which are available only in season or at high cost out of season.

4. No change is proposed in the standard of quality (21 CFR 53.4i). The drained weight of cut forms (as well as uncut) would be not less than 50 percent of the weight of water required to fill the container.

5. To assure that cut forms maintain their shapes, a level of calcium higher than permitted by the present standard is necessary.

6. Cyclamic acid simultaneously provides acidification, sweetness, and flavor enhancement. When cyclamic acid is used, a nutritive sweetener need not be used and, as proposed, is not to be used. Taste panels have concluded that the flavor of canned tomatoes prepared with cyclamic acid but without nutritive sweeteners is acceptable.

7. There would be no representation in the labeling for special dietary use due to the addition of cyclamic acid.

8. Test marketing by the petitioner under a temporary permit has revealed a definite consumer acceptance of tomato wedges prepared with cyclamic acid.

9. The Codex draft standard provided that the name of the food may include the term "whole" if not less than 80 percent of the drained tomatoes are whole or almost whole.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: June 23, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7685; Filed, June 30, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-39]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Bloomington, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Bloomington, Ind., the instrument approach procedures for Monroe County Airport have been altered. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Bloomington, Ind., control zone and transition area to adequately protect aircraft executing the altered approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

BLOOMINGTON, IND.

Within a 5-mile radius of Monroe County Airport (latitude 39°08'25" N., longitude 86°37'00" W.); within 3 miles each side of the Bloomington VORTAC 181° radial, extending from the 5-mile radius zone to 10½ miles south of the VORTAC; within 3 miles each side of the Bloomington VORTAC 062° radial, extending from the 5-mile radius zone to 11 miles northeast of the VORTAC; within 3 miles each side of the Bloomington VOR TAC 341° radial; extending from the 5-mile radius zone to 10½ miles north of the VOR TAC; and within 3 miles each side of the Bloomington VORTAC 236° radial, extending from the 5-mile radius zone to 9½ miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

BLOOMINGTON, IND.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Monroe County Airport (latitude 39°08'25" N., longitude 86°37'00" W.); within 5 miles each side of the Bloomington VORTAC 062° radial, extending from the 7-mile radius area to 14 miles northeast of the VORTAC; within 5 miles each side of the Bloomington VORTAC 181° radial, extending from the 7-mile radius area to 12 miles south of the VORTAC; within 5 miles each side of the Bloomington VORTAC 341° radial, extending from the 7-mile radius area to 12 miles north of the VORTAC; and within 3 miles each side of the Bloomington VOR TAC 236° radial, extending from the 7-mile radius area to 10½ miles southwest of the VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 12, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-7691; Filed, June 30, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-43]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Glasgow, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

The State of Montana has assumed ownership and operation of the Frontier Airlines radio beacon located on the Glasgow, Mont., International Airport. Two new public use instrument approach procedures have been developed for this airport utilizing this radio beacon as a navigational aid. In addition, the existing special instrument approach procedures at this airport are being canceled. Also, the criteria for the designation of control zones and transition areas have been changed. Accordingly, it is necessary to alter the Glasgow, Mont., control zone and transition area to provide controlled airspace for the protection of aircraft executing the new approach procedures, to delete that airspace now protecting the procedures which are being canceled and to comply with the new controlled airspace criteria. The new procedures will become effective and the existing airline special instrument approach procedures canceled concurrently with the alteration of the control zone and transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

GLASGOW, MONT.

Within a 5-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); and within 2½ miles each side of the 342° bearing from Glasgow International Airport, extending from the 5-mile radius zone to 5½ miles north of the airport.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

GLASGOW, MONT.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); and within 1½ miles each side of the Glasgow VOR 195° radial, extending from the 9-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the Glasgow VOR 195° and 015° radials, extending from 6 miles south to 18½ miles north of the VOR; within 4½ miles south and 9½ miles north of the 112° bearing from Glasgow International Airport, extending from the airport to 18½ miles east of the airport; within 4½ miles east and 9½ miles west of the 342° bearing from Glasgow International Airport, extending from the airport to 18½ miles north of the airport; and within 5 miles each side of the 162° bearing from Glasgow International Airport, extending from the airport to 12 miles south of the airport.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 12, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-7692; Filed, June 30, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-45]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the description of the Rawlins, Wyo., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The criteria for establishment for control zones and transition areas has been changed. Accordingly it is necessary to alter these areas to conform to the new criteria.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.171 (34 F.R. 4557) the description of the Rawlins, Wyo., control zone is amended by adding "• • • and within 2 miles each side of the 269° bearing from the Sinclair RBN extending from the 5-mile radius to the radio beacon."

In § 71.181 (34 F.R. 4637) the Rawlins, Wyo., transition areas are amended to read:

RAWLINS, WYO.

That airspace extending upward from 700 feet above the surface within 5 miles each side of the 089° bearing from the Sinclair RBN extending from the RBN to 11.5 miles east; that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 6 miles south of the 089° to/from bearing of the Sinclair RBN extending from 8 miles west to 18.5 miles east of the RBN.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 23, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-7693; Filed, June 30, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-46]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that will alter the description of the Cherokee, Wyo., transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the

proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

Criteria for the establishment of transition areas has been changed. Accordingly it is necessary to alter this area to conform to the new criteria.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.181 (34 F.R. 4637) the Cherokee, Wyo., transition area is amended to read:

CHEROKEE, WYO.

That airspace extending upward from 1,200 feet above the surface within 9 miles south and 6 miles north of the Cherokee VORTAC 261° and 081° radials extending to 8 miles northeast and 19 miles southwest of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 23, 1996.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-7696; Filed, June 30, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-53]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Gadsden, Ala., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Gadsden transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Gadsden Municipal Airport.

The application of current airspace criteria appropriate to Gadsden Municipal Airport requires an increase in the transition area basic radius circle from 8 to 11.5 miles. Additionally, it permits the revocation of the extension predicated on the Gadsden 233° radial.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 19, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-7695; Filed, June 30, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-40]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Farmington, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Farmington, Mo., Municipal Airport, utilizing the Farmington VORTAC as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Farmington, Mo. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

FARMINGTON, MO.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Farmington Municipal Airport (latitude 37°45'45" N., longitude 90°26'30" W.); and within 2½ miles each side of the Farmington VORTAC 300° radial, extending from the 9-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Farmington VORTAC 120° and 300° radials, extending from 5½ miles northwest to 18½ miles southeast of the VORTAC, excluding the portion which overlies the Perryville, Mo., transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 12, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-7697; Filed, June 30, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-44]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Avition Regulations to designate a 700-foot transition area at Warren, Ark.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements

for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

WARREN, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Warren Municipal Airport (lat. 33°33'50" N., long. 92°05'00" W.), and within 2 miles each side of the Monticello VORTAC 271° radial extending from the 5-mile radius area to 16 miles west of the VORTAC.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at the Warren Municipal Airport. The easterly extension to the proposed transition area is based on the Monticello VORTAC 271° true (265° magnetic) radial.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on June 20, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-7698; Filed, June 30, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-43]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Aurora State Airport, Oreg.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

A new VOR/DME approach and departure procedure has been developed for Aurora Airport utilizing the Newberg, Oreg., VORTAC. The transition area is required to provide controlled airspace protection for aircraft executing these instrument procedures.

In consideration of the foregoing the FAA proposes the following airspace action.

In § 71.181 (34 F.R. 4637) the following transition area is added:

AURORA, OREG.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Aurora State Airport (latitude 45°15'00" N., longitude 122°46'10" W.) and within 2.5 miles each side of the 125° radial of the Newberg VORTAC, extending from the 5-mile radius area to the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles southwest and 4.5 miles northeast of the 305° radial of the Newberg VORTAC, extending from the VORTAC to 18.5 miles northwest of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 23, 1969.

LYNN L. HINK,
Acting Director, Western Region.

[F.R. Doc. 69-7699; Filed, June 30, 1969; 8:46 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 69-EA-71]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations which would raise the ceiling of the Lake Erie, Ohio, Restricted Area R-5505 from 2,600 feet MSL to 6,000 feet MSL.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The using agency of R-5505 is the Commanding Officer, U.S. Naval Air Station, Grosse Ile, Mich.

The 4413th Combat Crew Training Squadron, Tactical Air Command (TAC), Lockbourne AFB, Ohio, shares the use of the area. Their training requirements involve aircraft using sidefiring Gatling guns simulating operating conditions in Southeast Asia. However, the Department of the Air Force has stated that to properly perform this mission the aircraft must be able to operate freely up to 6,000 feet MSL. The Air Force further stated that this change is considered a temporary requirement and that the airspace would revert to its present profile when the requirement no longer exists. The Department of the Navy concurs in this proposal.

If this action is taken the ceiling of the Lake Erie, Ohio, Restricted Area R-5505 would be raised from 2,600 feet MSL to 6,000 feet MSL.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 24, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-7694; Filed, June 30, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 81, 83, 85]

[Docket No. 18577; FCC 69-680]

RADIOTELEGRAPH TRANSMITTERS ABOARD SHIP AND AT COAST STATIONS

Uniform Program and Schedule of Dates for Type Acceptance

In the matter of amendment of Parts 81, 83, and 85 to provide a uniform program and schedule of dates for type

acceptance of radiotelegraph transmitters aboard ship, in the band 535–27,500 kc/s, and at coast stations, in the bands below 27.5 Mc/s; Docket No. 18577.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The World Administrative Radio Conference (WARC) on marine matters, Geneva, 1967, convened by the International Telecommunication Union, reduced channel spacing in the radiotelegraph bands, adopted technical standards for narrow-band direct-printing telegraph and data transmission systems, and tightened frequency tolerances for several of the Maritime Mobile Services.

3. In Docket No. 18218, the Commission amended its rules to rearrange radiotelegraph channels based on the WARC channel spacing. As an integral part of the WARC and Commission channel rearrangement, to assure that ship station emissions remained within the new channels, the Commission also adopted a tighter frequency tolerance. Further, with the reduction in channel spacing, the need for compliance with the Commission's spurious emission limitations increased, i.e., there is an increase in the number of channels adversely affected by noncompliance with the spurious emission requirements.

4. In the proceedings in Docket No. 10887 (1956–1957), applicable to the maritime services (Parts 81, 83, and 85) on frequencies below 30 Mc/s, the Commission amended its rules to include a program for type acceptance of radiotelephone transmitters, and other provisions relating to bandwidth and spurius emissions. A program for type acceptance of radiotelegraph ship station transmitters was not included in that proceeding. In regard to these transmitters, the rules adopted in Docket No. 10887 require that all radiotelegraph ship station transmitters brought into use after January 1, 1959, comply with the new tolerance levels for attenuation of spurious emissions. Radiotelegraph ship station transmitters installed prior to January 1, 1959, were exempt from compliance with the new spurious emission limitations.

5. In the main, these exempt radiotelegraph transmitters, installed during the 1940's, have enjoyed some 20 years of service; 12 years of which have elapsed since adoption, in 1956, of the Commission's spurious emission limitations. In regard to U.S. treaty obligations under the ITU International Radio Regulations, Geneva, 1959, these radiotelegraph transmitters do not conform [1] to (a) the tolerance level of spurious emissions applicable to transmitters installed prior to January 1, 1964, or (b) to the tolerance level applicable to all transmitters after January 1, 1970. Thus, as concerns U.S. registry ship stations employing these radiotelegraph transmitters, they are operated in derogation of that treaty.

[1] Based on comments filed in response to Docket No. 10887.

6. Similar to the situation above-described for radiotelegraph ship station transmitters, the rules do not currently require that radiotelegraph transmitters used at coast stations be type accepted. Further, in regard to attenuation of spurious emissions, the current rules are applicable only to transmitters which are type accepted. Since radiotelegraph coast station transmitters are not type accepted, they are not required to conform to the spurious emission limitations set forth in Part 81.[2]

7. In order to carry out its responsibilities, it is necessary for the Commission to ascertain that the equipment involved is capable of meeting the technical operating standards set forth in applicable statutes, treaties and the Commission's rules and regulations. Accordingly, the Commission proposes in the instant proceeding to extend the type acceptance requirement to radiotelegraph transmitters used aboard ship, in the band 535–27,500 kc/s, and at coast stations, in the bands below 27.5 Mc/s.

8. Ship station radiotelegraph transmitters would be required to be type accepted if first installed on or after January 1, 1971. Ship radiotelegraph transmitters installed before January 1, 1971, would be required to be type accepted effective January 1, 1973.

9. Coast station radiotelegraph transmitters would be required to be type accepted if first installed after January 1, 1971. Coast radiotelegraph transmitters installed prior to January 1, 1971, would be required to be type accepted by January 1, 1973.

10. The proposed amendments to the rules as set forth below are issued pursuant to the authority contained in sections 4(i) and 303 (e), (f), and (r) of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 4, 1969, and reply comments on or before August 14, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may take into account other relevant information before it, in addition to the specific comments invited by this notice.

12. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: June 25, 1969.

Released: June 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[2] It should be noted that the applicability of § 83.136(c), as proposed, has been extended to apply, also, to ship station radiotelegraph transmitters operating on frequencies below 535 kc/s.

[3] Commissioner Bartley absent.

A. Part 81, Stations on Land in the Maritime Services is amended as follows:

1. In § 137, the headnote is amended and a new paragraph (d) is added to read as follows:

§ 81.137 Acceptability of transmitters for licensing.

* * * * *

(d) Each radiotelegraph transmitter operating on frequencies below 27.5 Mc/s and authorized for use at coast radiotelegraph station (other than transmitters authorized solely for developmental stations) after January 1, 1971, must be type accepted by the Commission: *Provided, however,* That nontype accepted transmitters installed at coast radiotelegraph stations and operating on any frequency below 27.5 Mc/s prior to January 1, 1971, may continue to be used until January 1, 1973.

B. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. Section 83.136 is revised to read as follows:

§ 83.136 Emission limitations.

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, the mean power of emissions originating in transmitters authorized under this part (except radiotelegraph survival craft transmitters and transmitters authorized solely for developmental stations) shall be attenuated below the mean power of the transmitter in accordance with the following schedule:

(1) When using emissions other than A3A, A3B, A3H, and A3J:

(i) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: At least 25 decibels;

(ii) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels.

(2) When using emissions A3A, A3B, A3H, or A3J:

(i) On any frequency removed from the assigned frequency by more than 50 percent up to and including 150 percent of the authorized bandwidth: At least 25 decibels;

(ii) On any frequency removed from the assigned frequency by more than 150 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels.

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: At least 43 plus 10 $\log_{10}$ (mean power in watts) decibels.

(b) When an emission outside of the authorized emission bandwidth causes harmful interference to an authorized service the Commission may require more attenuation of such emission than specified in paragraph (a) of this section.

(c) The requirements of paragraph (a) of this section shall be applicable to radiotelegraph transmitters operating on any frequency assignment below 30 Mc/s:

(1) Which are first installed after January 1, 1971; and

(2) On January 1, 1973, to transmitters which were installed prior to January 1, 1971.

2. In § 83.139, paragraph (b) is amended to read as follows:

§ 83.139 Transmitters required to be type accepted for licensing.

* * * * *

(b) Each radiotelegraph transmitter first authorized to operate in the band 535–27,500 kc/s after January 1, 1971, for use in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations), and, after January 1, 1973, all radiotelegraph transmitters operating in the band 535–27,500 kc/s shall be of a type which has been type accepted by the Commission.

C. Part 85, Public Fixed Stations and Stations of the Maritime Services in Alaska.

1. In § 85.156, a new paragraph (c) is added to read as follows:

§ 85.156 Acceptance of transmitters for licensing in the fixed service.

* * * * *

(c) Each radiotelegraph transmitter first authorized in an Alaska-public fixed station after January 1, 1971, for operation on a frequency assignment below 27.5 Mc/s and subject to this part (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission: *Provided, however,* That nontype accepted transmitters installed at an Alaska public-fixed station prior to January 1, 1971, may continue to be used until January 1, 1973.

[F.R. Doc. 69-7741; Filed, June 30, 1969; 8:49 a.m.]

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. A substantial proportion of the newer radiotelegraph installations aboard compulsorily fitted ships include a vertical antenna, which is used on medium frequencies (MF) in the band 405–525 kc/s, including the world-wide radiotelegraph distress and calling frequency 500 kc/s. The efficiency of this vertical antenna is substantially lower than the older wire type antenna. The older type antenna was, generally, high above deck and extended roughly two-thirds the length of the vessel. This is in contrast to the newer vertical antenna, which extends upwards from a deck to a height of approximately 40 feet.

3. The current rules specify, for mandatorily fitted radiotelegraph ships, that the output power of the MF transmitter on 500 kc/s, operating into an average ship station antenna, shall be not less than: For the main transmitter, 200 watts; and, for the reserve transmitter, 25 watts. These values of transmitter output power were determined in 1939 following lengthy considerations and have been in effect since that date. Accordingly, the Commission proposes, where the older antenna is used (i.e., an average ship station antenna: Part 83, §§ 83.552(b) and 83.553(b)), to retain the present transmitter output power values without change.

4. In the case of the newer vertical antenna, with its lower radiating efficiency, the above transmitter output powers will not generally produce the required field intensities (main: 30 mV/m at 1 mile; reserve: 10 mV/m at 1 mile) necessary to maintain parity with the 1939 values. On the basis of the measurement data currently available to the Commission, an increase in output power of approximately 6 decibels will be required to produce field intensities equal to the 1939 values, where a vertical antenna is used.

5. Under adverse weather conditions, the vertical antenna is also subject to power losses, as indicated by a reduction in antenna current. Presumably this effect is caused by losses at the vertical antenna base insulator caused by rain and salt water spray. Specific technical explanation of this loss is not available; however, pending availability of an explanation and possible reduction in the loss, it is proposed that the transmitter output power be increased by an additional 1 decibel, in partial compensation for this loss.

6. In this notice the Commission is proposing that the output power of radiotelegraph transmitters, operating in the frequency band 405–525 kc/s, aboard mandatorily fitted ships employing vertical antenna(s) be increased by 7 decibels, as follows:

Transmitter	Power (watts) into FCC-approved vertical antenna (A1 emission)
Main	[1] 1,000
Reserve	[1] 125

[1] Applicable to ship stations authorized by station license first issued after Jan. 1, 1971, and to all ship stations employing vertical antennas after Jan. 1, 1976.

Further, the Commission proposes, as in the past, to continue the practice of requiring demonstration of the capability of vertical antennas intended for use aboard vessels compulsorily fitted for radiotelegraphy.

7. In accordance with the provisions of Part 85, § 85.155, the rule amendments set forth below for Part 83 are also applicable to stations of the maritime services in Alaska.

8. The proposed amendments to the rules as set forth below are issued pursuant to the authority contained in sections 4(i) and 303 (e), (f) and (r) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 4, 1969, and reply comments on or before August 14, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: June 25, 1969.

Released: June 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. In § 83.552, the table in paragraph (b) is amended to read as follows:

§ 83.552 Requirements for main transmitter.

* * * * *

(b) * * *

[1] Commissioner Bartley absent.

[47 CFR Parts 83, 85]

[Docket No. 18576; FCC 69-688]

COMPULSORILY FITTED MF RADIOTELEGRAPH SHIPS

Program and Schedule of Dates for Increasing Required Output Power of Transmitters Where Vertical Antenna(s) Are Employed

In the matter of amendments of Parts 83 and, consequentially, 85 to provide a program and schedule of dates for increasing the required output power of transmitters where vertical antenna(s) are employed aboard compulsorily fitted MF radiotelegraph ships; Docket No. 18576.

FEDERAL REGISTER, VOL. 34, NO. 125—TUESDAY, JULY 1, 1969

Operation carrier frequency	Frequency tolerance (parts in 10^6)	Class of emission	Percentage modulation (for amplitude modulation: A2 or A2H)	Modulation frequency (for amplitude modulation: A2 or A2H)	Antenna power
500 kc/s	1,000	A1, A2 or A2H	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1350 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Into average ship station antenna. Not less than 200 watts when a wire main antenna is used; or, not less than 1,000 watts when a vertical main antenna is used. [1]
410 kc/s and 2 authorized working frequencies in the band 415 to 525 kc/s.	1,000	A1, A2 or A2H	do	do	Do.

[1] Applicable to ship station transmitters employing vertical antennas first authorized by station license after Jan. 1, 1971, and to all ship stations employing vertical antennas after Jan. 1, 1976.

* * * * * * *

2. In § 83.553, the table in paragraph (b) is amended to read as follows:

§ 83.553 Requirements for reserve transmitter.

* * * * * * *

(b) * * *

Operating carrier frequency.	Frequency tolerance (parts in 10^6).	Class of emission.	Percentage modulation (for amplitude modulation: A2 or A2H).	Modulation frequency (for amplitude modulation: A2 or A2H)	Antenna power
500 kc/s	1,000 except for reserve transmitters whose use is confined solely to safety communications as defined in § 83.6(a). Such transmitters shall maintain a frequency tolerance of 3,000 parts in 10^6.	A2 or A2H.	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Into average ship station antenna: Not less than 25 watts when a wire main antenna is used; or, not less than 125 watts when a vertical main antenna is used.[1]
410 kc/s and 1 authorized working frequency in the band 415 to 525 kc/s.	do	A2 or A2H.	do	do	Do.

[1] Applicable to ship station transmitters employing vertical antennas first authorized by station license after Jan. 1, 1971, and to all ship stations employing vertical antennas after Jan. 1, 1976.

* * * * * * *

[F.R. Doc. 69-7742; Filed, June 30, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-361; Order 331]

REPORT OF BULK POWER SUPPLY INTERRUPTIONS

Notice of Proposed Rule Making

JUNE 23, 1969.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) that the Commission proposed to amend its Order No. 331 which requires all public utilities, licensees and other entities engaged in the generation or transmission of electric energy, whether or not otherwise subject to the jurisdiction of the Commission, to report on specified conditions concerning bulk power supply. The order applies equally to privately, publicly, and cooperatively owned systems.

2. The proposed amendments to Order No. 331 are the result of more than 2 years experience in receiving information under the original order, and will enable the Commission to be better informed on matters of concern in carrying out its responsibilities related to the reliability of the Nation's bulk power supply. The amendments will extend the reporting requirement to cover information on selected equipment failures and operating conditions which do not necessarily result in interruption of customer loads. The proposed amendments add new subparagraphs (2), (3), and (4) to § 148.58 (c) of the Commission's regulations under the Federal Power Act.

3. The Commission has the statutory responsibility, among other things, for encouraging actions to assure an abundant supply of electric energy throughout the country and is authorized by subsection 202(c) of the Federal Power Act to take appropriate action as in its judgment will best meet an emergency situation arising out of any failure of an adequate power supply. Under section 311 of the Act the Commission is responsible for reporting the problems and developments of the electric industry to Congress and is directed to collect information regarding the generation, transmission, distribution and sale of electric energy, however produced, and whether or not otherwise subject to its jurisdiction. The information which we are here proposing to require will enable us to carry out these responsibilities.

4. These amendments to the Commission's regulations are proposed to be issued under the authority of the Federal Power Act, as amended, particularly sections 202, 205, 206, 304, 307, 309, and 311 (49 Stat. 848, 851, 852, 855, 856, 858, 859, 16 U.S.C. 824a, 824d, 824e, 825c, 825f, 825h, 825j).

5. Accordingly, it is proposed to amend Part 141, Subchapter D, Chapter I, Title 18, § 141.58 of the Code of Federal Regulations as follows:

§ 141.58 Report of load shedding and/or service interruptions in bulk electric power supply and related power supply facilities.

(a) *Definitions.* (1) For the purpose of this section, a bulk electric power supply interruption shall be any interruption or loss of service to customers of any electric utility, licensee, or other entity engaged in the generation or transmission of electric energy caused by or involving an outage of any generating unit or of electric facilities operating at a nominal voltage of 69 kv. or higher. In determining the aggregate of loads which are interrupted, any load which is interrupted in accordance with the provisions of contracts permitting interruption in service shall not be included. If the interruption affects only a single ultimate customer, the interruption need not be reported. For the purpose of this section, a report or a part of a report may be made jointly by two or more entities.

(2) The proposed reports concerning actions to reduce power system loads apply to any measures taken to reduce loads whether through reduction of voltage, manual switching, or operation of automatic load-shedding devices.

(b) *Telephonic reports.* Every electric utility, licensee, or other entity engaged in the generation or transmission of electric energy shall report to the Commission's Washington office by telephone any loss in service for 15 minutes or more of bulk power supply to aggregate loads in excess of 200,000 kw. Calls should be placed as soon as practicable without unduly interfering with service restoration and, in any event, within one hour after the beginning of the interruption to Area code 202, number 962-1307. This number is in service at all times. The information supplied in the initial telephonic report should include at least the approximate territory affected by the interruption, the time of occurrence, an estimate of the number of customers and amount of load involved, whether any known critical services were interrupted, and an appraisal of the likely duration of the interruption. To the extent known or suspected, the report desirably will include a description of the initial incident resulting in the interruption. The Commission or the Chief of its Bureau of Power may require further reports during the period of interruption and restoration of service, such reports to be made by telephone or telegraph or both, as required.

(c) *Telegraphic reports.* Every electric utility, licensee, and other entity engaged in the generation or transmission of electric energy shall report any event as described below to the Commission's Washington office by telegram addressed to the Chief, Bureau of Power, Federal Power Commission, 441 G Street NW., Washington, D.C. within 2 hours after the beginning of the event to be reported. Events requiring a report are as follows:

(1) Any loss in service for 15 minutes or more of bulk power supply to aggregate loads exceeding the lesser of 25,000 kw. or half of the current annual system peak load, and not required to be reported under paragraph (b) of this section. The information supplied shall include the approximate territory affected by the interruption, a description of the initial incident resulting in the interruption, cause of the interruption and an appraisal of the likely duration of load involved, and whether any known critical services were interrupted. The report should include the time of occurrence and the times of restoration.

(2) Any unscheduled outage, not reported under paragraph (b) of this section or subparagraph (1) of this paragraph, of a generating unit of 200,000 kw. and larger or 15 percent of the total system generating capacity if less than 200,000 kw., due to trouble which cannot be corrected within 24 hours. The information supplied shall include the location, rating, and type of unit; the cause and expected duration of the outage; the relative effect on reserve capacity margin and arrangements for substitute capacity, if any.

(3) Any situation requiring a previously unscheduled import of supplemental power because of a system condition which cannot be adjusted to permit a return to the normal interchange schedule within 24 hours. The information supplied shall include the cause and expected duration of the abnormal condition and the effect on generating capacity reserve margin. Where the aforementioned interchange transaction is handled on a power pool basis, the reporting requirement should be considered on a comparable basis.

(4) Any measures taken to reduce load because of a shortage of generating capacity, or insufficient reserves, whether through programs for utility or customer curtailment, reduction of voltage, manual switching, or the action of automatic load-shedding devices. The information supplied should include an explanation of the conditions leading to the reduction in load, the magnitude of the load reduction involved, how accomplished, and the expected duration.

Telephonic reports in lieu of telegraphic reports will be accepted (Area code 202, number 962-1307) if preferred by the respondent.

(d) *Report of details.* (1) If so directed by the Commission or the Chief, Bureau of Power, an entity experiencing a condition, as described in paragraphs (b) and (c) of this section, shall submit a full report of the circumstances surrounding such occurrence and the conclusions the entity has drawn therefrom. The report shall be filed at such time subsequent to the submittal of the initial report by telephone or telegraph as may be directed by the Commission or the Chief, Bureau of Power.

(2) The report shall be prepared in such detail as may be appropriate to the severity and complexity of the incident experienced and should include an account understandable to the informed layman in addition to the following technical and other information:

(i) The cause or causes of the incident clearly described, including the manner in which it was initiated.

(ii) A description of any operating conditions of an unusual nature preceding the initiation of the incident.

(iii) If the incident was an interruption and geographically widespread, an enumeration of the sequence of events contributing to its spread.

(iv) An account of the measures taken which prevented further spreading in the loss of service, e.g., manual or automatic load shedding, unit isolation, or system sectionalization. These actions and all chronicled events should be keyed to a record of the coincident power frequencies which occurred.

(v) A description of the measures taken to restore service with particular evaluation of the availability of start-up power and the ease of difficulty of restoration.

(vi) A statement of the capacity of the transmission lines into the area of load interruption, the generating capacity in operation in the area at the beginning of the disturbance, and the actual loading on the lines and generating units at that time.

(vii) A summary description of any equipment damage and the status of its repair.

(viii) An evaluation of the impact of any load reduction or interruption on people and industries in the affected area, including a copy of materials in the printed news media indicative of the impact.

(ix) Information on the steps taken, being taken, or planned by the utility, to prevent recurrence of conditions of a similar nature, to ease problems of service restoration, and to minimize impacts on the public and the customers of any future conditions of a similar nature.

(Secs. 202, 205, 206, 304, 307, 309, 311, 49 Stat. 848, 851, 852, 855, 856, 858, 859; 16 U.S.C. 824a, 824d, 824e, 824f, 825c, 825f, 825h, 825j)

6. Any interested person may submit in writing to the Federal Power Commission, Washington, D.C. 20426, not later than July 28, 1969, data, views, comments, and suggestions concerning the proposed amendments to reporting requirements. An original and 14 conformed copies of any such submittal should be filed.

7. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7701; Filed, June 30, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 75 (Rev. 3)]

ASSISTANT REGIONAL COMMISSIONER (APPELLATE) ET AL.

Delegation of Authority Regarding Offers in Compromise

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150–25 dated June 1, 1953, as amended by Order No. 180 dated November 17, 1953, and Order No. 150–36 dated August 17, 1954, 26 CFR 301.7122–1 and 26 CFR 301.7701–9, it is hereby ordered:

1. Each Assistant Regional Commissioner (Appellate), and each Chief and Associate Chief, Appellate Branch Office, is authorized to determine the disposition to be made of any offer in compromise submitted under the provisions of section 7122 of the Internal Revenue Code of 1954, in which (a) the proponent does not agree with the rejection or proposed rejection of the offer in the district office, the Office of International Operations or a Service Center and requests regional Appellate Division consideration or (b) the liability was previously determined by a regional Appellate Division and the offer is based in whole or in part on doubt as to liability. Each Assistant Chief, Appellate Branch Office, is authorized to determine the disposition to be made of any such offer in compromise in which the unpaid amount of tax (including any interest, penalty, additional amount or addition to the tax) is $50,000 or less.

2. A determination by regional Appellate Division officials to accept an offer (other than one involving specific penalties only) pursuant to paragraph 1 above will be subject to my approval if the unpaid amount of tax (including any interest, penalty, additional amount or addition to the tax) is $100,000 or more.

3. The authorities delegated herein may not be redelegated and are not applicable to cases arising under tax laws relating to wagering, narcotics, marihuana, alcohol, tobacco or firearms (other than firearms taxes imposed by sections 4181 and 4182 of the Internal Revenue Code of 1954 and sections 2700 and 3407 of the Internal Revenue Code of 1939) or to offers in compromise coming within the jurisdiction of the Chief Counsel under existing procedures, rules or delegation.

4. This order supersedes Delegation Order No. 75 (Rev. 2), issued June 14, 1963.

Date of issue: June 27, 1969.

Effective date: June 27, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 69–7739; Filed, June 30, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

AREA DIRECTORS ET AL.

Delegations of Authority; Exceptions; Correction

JUNE 24, 1969.

On page 9038 of the Friday, June 6, 1969, issue of the FEDERAL REGISTER, section (4)(a) under Part 10 BIAM 3.3 should be corrected to read as follows:

(a) Approval of mortgages or deeds of trust of individually-owned trust or restricted land executed pursuant to 25 CFR 121.61 given to secure loans.

J. L. NORWOOD,
Acting Deputy Commissioner.

[F.R. Doc. 69–7682; Filed, June 30, 1969; 8:45 a.m.]

[Phoenix Area Office Redelegation Order 3]

SUPERINTENDENTS, PHOENIX AREA OFFICE, ET AL.

Delegation of Authority

Phoenix Area Office Redelegation Order 1, 20 F.R. 992, as amended, is hereby revoked and the following is substituted therefor:

PHOENIX AREA OFFICE REDELEGATION ORDER 3

PART 1—GENERAL

Sec.
1.1 Authorities from the Area Director.
1.2 Future delegations.
1.3 Limitations.
1.4 Appeals.
1.5 Exceptions.
1.6 Authority of Assistant Area Directors.

PART 2—AUTHORITY TO SUPERINTENDENTS FUNCTIONS RELATING TO SPECIFIC PROGRAMS

SOCIAL SERVICES

2.1 Approval of sentences.
2.2 Appointment, approval and removal of judges.
2.3 Relocation services to Indians.

LANDS AND MINERALS

2.11 Rights-of-way.
2.12 Tax exemption certificates.
2.13 Adoption or application of State or local laws.
2.14 Preservation of antiquities.
2.15 Revocation of departmental reserves.
2.16 Mineral leasing.
2.17 Oil and gas leasing, Uintah and Ouray.
2.18 Surface leases, terms to 10 years.
2.19 Surface leases, terms to 51 years.
2.20 Homesite leases, tribal lands.
2.21 Residential leases, Fort Apache.
2.22 Residential leases, Colorado River.
2.23 Title transfers.
2.24 Sales of improvements on tribal lands.

SOIL AND MOISTURE CONSERVATION

2.40 Soil and moisture conservation.

IRRIGATION

2.50 Approval of purchase price.

CREDIT AND FINANCING

2.60 Loan agreements and modifications.
2.61 Enforcement terms, loan agreements.
2.62 Approval of articles and bylaws, cooperative associations.
2.63 Amendments of charters.
2.64 Approval of partial releases and satisfactions.
2.65 Accounting and records systems.
2.66 Default.
2.67 Revolving cattle pool.
2.68 Loan security.
2.69 Assignments of trust property.
2.70 Release of U.S. interests.

INDIAN TRADERS

2.80 Traders licenses.

TESTIMONY OF EMPLOYEES

2.85 Testimony of employees.

FOREST AND RANGE MATTERS

2.90 Timber sale contracts.
2.91 Fire suppression.
2.92 Administration of cooperative agreements.
2.93 Prevention of waste.
2.95 Waiver of technical defects.
2.96 Grazing privileges.
2.97 Sales of grazing privileges.

CONVEYANCE OF BUILDINGS AND IMPROVEMENTS

2.110 Conveyance of buildings and improvements.

FUNDS AND FISCAL MATTERS

2.120 Individual Indian moneys.
2.121 Approval of employment of attorneys for individual Indians.
2.122 Acceptance of donations.

ROADS

2.130 Closing of roads.
2.131 Transfer of jurisdiction for maintenance to States.
2.132 Agreements for cooperation in construction, etc. with State.

PART 3—FUNCTIONS RELATING TO SPECIFIC LEGISLATION

3.1 Authority Under Act of August 27, 1954 (63 Stat. 868).

PART 1—GENERAL

SECTION 1.1 *Authorities from the Area Director.* The authorities of the Commissioner of Indian Affairs delegated to the Area Director in 10 BIAM 3 are hereby redelegated to Superintendents in the Phoenix Area as set out herein. For the purposes of this redelegation order the term Superintendent means Agency Superintendents, School Superintendents, Project Engineer, Officer in Charge, and the official designated by the Area Director to administer Bureau activities relating to the Salt River Indian Community and the Fort McDowell Indian Community.

SEC. 1.2 *Future delegations.* This redelegation does not include future delegations of authorities from the Commissioner to the Area Director unless further provided.

SEC. 1.3 *Limitations.* The redelegation is not to be construed as depriving the Area Director of the authorities conferred upon him by the Commissioner.

SEC. 1.4 *Appeals.* Any action taken by any Superintendent pursuant to this order shall be subject to the right of appeal to the Area Director, Phoenix Area Office. Any such appeal shall be made and processed in accordance with 25 CFR 2, Appeals From Administrative Actions.

SEC. 1.5 *Exceptions.* The exceptions to the authorities delegated to the Area Director carried in 10 BIAM 3.3 also apply here.

SEC. 1.6 *Authority of Assistant Area Directors.* The Assistant Area Directors and persons authorized to act in their stead during their absence may severally exercise any and all authority of the Area Director.

PART 2—AUTHORITY TO SUPERINTENDENTS FUNCTIONS RELATING TO SPECIFIC PROGRAMS

SOCIAL SERVICES

SEC. 2.1 *Approval of sentences.* The approval of sentences imposed on Indian employees of the Bureau of Indian Affairs by Courts of Indian Offenses as provided in 25 CFR 11.2(d) and by Tribal Courts as provided any Law and Order Code.

SEC. 2.2 *Appointment, approval, and removal of judges.* The appointment, approval, and removal for cause of judges of Courts of Indian Offenses pursuant to the provisions of 25 CFR Part 11 and of judges of Tribal Courts as provided by any Law and Order Code. The approval of the appointment of judges of Tribal Courts as provided by any Law and Order Code.

SEC. 2.3 *Relocation service to Indians.* Approval of third (or more) request for relocation services for Indians applying under Employment Assistance Program. (25 CFR Part 34)

LANDS AND MINERALS

SEC. 2.11 *Rights-of-way.* All of the authority set forth in 25 CFR Part 161 Rights-of-Way over Indian Lands; provided the form of the instrument granting the particular type of right of way or easement has been approved by the Field Solicitor.

SEC. 2.12 *Tax exemption certificates.* The authority of the Area Director to issue tax exemption certificates covering lands designated as tax exempt under the provisions of the Act of June 20, 1936 (49 Stat. 1542) as amended by the Act of May 19, 1937 (50 Stat. 188).

SEC. 2.13 *Adoption or application of State or local laws.* The authority of the Area Director with regard to adoption or application of State or local laws regulating the use of property to trust or restricted property. Under this redelegation Superintendents may make applicable to trust or restricted Indian property, leased to or held or used by others under agreement, State or local laws only in those States which have assumed jurisdiction pursuant to the Act of August 15, 1953 (67 Stat. 588). As to such property located in States which have not assumed such jurisdiction, the Superintendent may adopt State or local laws only by appropriate provisions in the lease or other agreement.

SEC. 2.14 *Preservation of antiquities.* The authority of the Area Director relating to the excavation of ruins and archeological sites and the gathering of objects of antiquity on Indian reservations pursuant to 25 CFR Part 132.

SEC. 2.15 *Revocation of Departmental reserves.* The authority of the Area Director to revoke Departmental reserves of Indian lands for agency, school or other administrative purposes under the jurisdiction of the Bureau of Indian Affairs, when the Superintendent determines such lands are no longer needed for the purposes for which they were set aside, and the restoration of jurisdiction over the lands to the tribe: *Provided*, That before such action is taken the Area Title Plant and/or the Field Solicitor has examined title.

SEC. 2.16 *Mineral leasing.* The authority of the Area Director relating to the leasing or permitting of tribal or individually owned Indian lands for the following minerals: Coal, sand, gravel, pumice, and building stone. This authority does not apply to lands purchased or reserved for agency, school, or other administrative purposes. Also, this authority does not apply in the case of leases or permits of such lands for coal to matters involving (1) the payment of overriding royalty, and (2) assignments of separate horizons or strata of the subsurface.

SEC. 2.17 *Oil and gas leasing, Uintah and Ouray.* To the Superintendent of the Uintah and Ouray Agency only, the authority of the Area Director relating to oil and gas leases on tribal or individually owned Indian lands. This authority does not apply to:

(1) Lands purchased or reserved for agency, school, or other administrative purposes; and,

(2) Modification of any forms approved by the Commissioner.

SEC. 2.18 *Surface leases, terms to 10 years.* The authority of the Area Director relating to surface leases for terms up to ten (10) years pursuant to 25 CFR Part 131.

SEC. 2.19 *Surface leases, terms to 51 years.* To the Superintendents of the Nevada, Uintah and Ouray, and Pima Agencies only, the authority of the Area Director relating to surface leases for terms up to fifty-one (51) years pursuant to 25 CFR Part 131.

SEC. 2.20 *Homesite leases, tribal lands.* The authority of the Area Director relating to leases of tribal lands for homesite purposes to members of the tribe or to tribal housing authorities.

SEC. 2.21 *Residential leases, Fort Apache.* To the Superintendent, Fort Apache Agency only, the authority of the Area Director relating to residential leases for a 25-year term for the Hawley Lake and Hondah areas on the Fort Apache Reservation, provided, the lease forms specifically approved for such leases are used.

SEC. 2.22 *Residential leases, Colorado River.* To the Superintendent Colorado River Agency only, the authority of the Area Director regarding residential leases for terms up to twenty-five (25) years of lands in the Bluewater Subdivision on specifically approved forms.

SEC. 2.23 *Title transfers.* To the Superintendents of the Nevada, Uintah and Ouray, and Pima Agencies only, the authority of the Area Director concerning acquisitions, partitions, exchanges, and sales except sales to non-Indians; subject to the conditions:

(1) That when fee lands are being acquired the case will be referred to the Field Solicitor's Office for title examination; and,

(2) That fair market value is received by Indian owners of trust or restricted lands affected by any transaction made under this atuhority.

SEC. 2.24 *Sales of improvements on tribal lands.* The approval, with tribal consent, of sales of improvements made upon tribal lands by individual Indians.

SOIL AND MOISTURE CONSERVATION

SEC. 2.40 *Soil and moisture conservation.* Soil and Moisture Conservation operations on Indian lands, pursuant to the President's Reorganization Plan IV of 1940 (54 Stat. 1235), and the Soil Conservation Act of April 27, 1935 (16 U.S.C. sec. 590a), and subject to the coordination and general supervision of the office of the secretary except:

(a) Approval of loans or grants of equipment.

(b) Approval of forms.

(c) Modification of any forms approved by the Commissioner of Indian Affairs.

IRRIGATION

SEC. 2.50 *Approval of purchase price.* The approval of purchase price of privately owned lands within the San Carlos Irrigation Project, Ariz., under Authority of the section 4 of the Act of June 7, 1924 (43 Stat. 475)

CREDIT AND FINANCING

SEC. 2.60 *Loan agreements and modifications.* The approval of applications for an modifications of loans to individuals subject to the availability of funds pursuant to 25 CFR Part 91.

SEC. 2.61 *Enforcement terms, loan agreements.* The taking of necessary steps upon failure of any cooperative to conform to the terms of its loan agreement, pursuant to 25 CFR Parts 91 and 92.

SEC. 2.62 *Approval of articles and bylaws, cooperative associations.* The approval of articles of associations and bylaws of cooperative associations under State laws and amendments thereof, where such organizations are indebted to or are applying for loans from the United States, Corporations, Tribes, or bands.

SEC. 2.63 *Amendment of charters.* The amendment or revocation of charters of cooperative associations only.

SEC. 2.64 *Approval of partial releases and satisfactions.* The approval of partial releases and satisfactions of mortgages given as security for loans from the United States made pursuant to 25 CFR Part 91.

SEC. 2.65 *Accounting and records systems.* The inspection of approved accounting and records systems of incorporated and unincorporated tribes and bands, corporate and tribal enterprises, cooperatives, and credit associations, pursuant to 25 CFR Part 91.

SEC. 2.66 *Default.* The taking of any steps authorized by 25 CFR 91.10 in case of default of individual borrowers from the United States.

SEC. 2.67 *Revolving cattle pool.* (a) The sale of cattle repaid to the United States pursuant to the provisions of 25 CFR 92.17.

(b) The acceptance of cash in lieu of obligations to the United States for cattle, pursuant to the provisions of 25 CFR 92.18.

SEC. 2.68 *Loan security.* The approval of mortgages of trust chattels and crops on trust or restricted lands of an Indian, and assignments of income from trust or restricted land of an Indian, as security for a loan by any lender.

SEC. 2.69 *Assignments of trust property.* The approval of assignments of any trust property of an Indian, except land, and authority to act as the Indian's attorney in fact to execute leases of any trust land in which the Indian borrower may have an interest and to apply the rentals on the Indian's indebtedness, for a loan made pursuant to 25 CFR Parts 91 and 92.

SEC. 2.70 *Release of U.S. interests.* The release of interests of the United States in any trust or restricted property of an Indian, except land.

INDIAN TRADERS

SEC. 2.80 *Traders licenses.* The issuance of licenses to traders with the Indian Tribes and the removal and revocation of licenses pursuant to 25 CFR Parts 251 and 252.

TESTIMONY OF EMPLOYEES

SEC. 2.85 *Testimony of employees.* The granting of permission to Bureau of Indian Affairs employees to testify in administrative or judicial proceedings pursuant to the provisions of 43 CFR 2.6.

FOREST AND RANGE MATTERS

SEC. 2.90 *Timber sale contracts.* (a) Issue advertisements, approve, and administer timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed five (5) million feet board measure.

(b) Approve contracts, pursuant to 25 CFR 141.13, for the sale of timber from individual allotments under authority of an approved general contract.

(c) Issue timber cutting permits on approved forms pursuant to 25 CFR 141.19, paragraphs (a) and (b) but not including paragraph (c).

SEC. 2.91 *Fire suppression.* Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

SEC. 2.92 *Administration of cooperative agreements.* The administration of existing and the negotiation of and execution of new cooperative fire suppression agreements with Federal, State, and private agencies on adjacent lands.

SEC. 2.93 *Prevention of waste.* The taking of any action necessary to prevent waste of timber from fire, decay, windthrow, insect infestation, disease, or other natural catastrophe on Indian lands held in trust by the United States.

SEC. 2.95 *Waiver of technical defects.* The authority of the Area Director relating to the Waiver of Technical Defects in advertisements and proposals for the sale of grazing privileges.

SEC. 2.96 *Grazing privileges.* The authority of the Area Director relating to the approval of award, modification, assignment, and cancellation of grazing permits pursuant to 25 CFR Part 151 provided that permits approved at the beginning of a contract period according to schedule of allocated and advertised range units approved by the Area Director, and provided further that permits shall not be issued at a rental rate less than the minimum approved by the Area Director.

SEC. 2.97 *Sales of grazing privileges.* The authority of the Area Director relating to the negotiation of sales of grazing privileges subsequent to advertisement.

CONVEYANCE OF BUILDINGS AND IMPROVEMENTS

SEC. 2.110 *Conveyance of buildings and improvements.* The authority contained in the Act of August 6, 1956 (70 Stat. 1057). This Act permits the conveyance to Indian tribes of title to federally owned buildings and improvements (including personal property used in connection therewith) no longer required by the Bureau and also declaration of forfeiture of such conveyances.

FUNDS AND FISCAL MATTERS

SEC. 2.120 *Individual Indian moneys.* All those matters set forth in 25 CFR Part 104.

SEC. 2.121 *Approval of employment of attorneys for individual Indians.* The approval of the employment of attorneys for individual Indians and the determination and payment of fees paid on a quantum meruit basis from restricted or trust funds.

SEC. 2.122 *Acceptance of donations.* The acceptance of donations of funds or other property for the advancement of the Indian race and use of the donated property in accordance with the terms of the donation in furtherance of any program authorized by other provisions of law for the benefit of Indians pursuant to the Act of February 14, 1931 (46 Stat. 1106, 25 U.S.C., sec. 451 (1964)), as amended by the Act of June 8, 1968 (82 Stat. 171), Public Law 90–333.

ROADS

SEC. 2.130 *Closing of roads.* The authority to close roads when required for public safety, fire prevention or suppression, fish and game protection, or to prevent damage to unstable roadbed pursuant to 25 CFR 162.6.

SEC. 2.131 *Transfer of jurisdiction for maintenance to States.* Authority to enter into an agreement with a State for the transfer to the State of jurisdiction with respect to the maintenance of roads constructed or improved to adequate standards pursuant to 25 CFR 162.8.

SEC. 2.132 *Agreements for cooperation in construction, etc. with State.* Authority to enter into agreements with States for cooperation in construction, maintenance, repair, and improvement of roads subject to regulation in 25 CFR 162.9 providing for road facilities for both Indian lands that are not subject to taxation by a State and for other lands in such State. Authority, also, to enter into agreements with an Indian tribe for contribution from tribal funds pursuant to 25 CFR 162.9.

PART 3—FUNCTIONS RELATING TO SPECIFIC LEGISLATION

SEC. 3.1 *Authority under Act of August 27, 1954 (68 Stat. 868).* The Superintendent, Uintah and Ouray Agency, may exercise authority with respect to those matters in sections 12 and 22 of Public Law 671 (68 Stat. 868).

Dated: June 9, 1969.

W. WADE HEAD,
Area Director.

Approved: June 24, 1969.

J. LEONARD NORWOOD,
Acting Deputy Commissioner of Indian Affairs.

[F.R. Doc. 69-7683; Filed, June 30, 1969; 8:45 a.m.]

Bureau of Land Management

[Serial No. A 2909]

ARIZONA

Notice of Public Sale

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427, 43 CFR 2243.2), there will be offered at not less than the appraised value, at a public sale to be held at 10:30 a.m. on Friday, August 15, 1969, at the Land Office, Room 3204, Phoenix, Ariz., the following tracts of land:

Parcel No.	Township	Range	Sec.	Subdivision	Acreage	Approved value
1	20 N.	21 W.	6	Lot 4	44.07	44,000
2	20 N.	21 W.	6	Lot 3	43.23	41,000
3	20 N.	21 W.	6	Lot 2	43.54	39,000
4	20 N.	21 W.	6	Lot 1	43.84	37,300

Sealed or oral bids may be made by the principal or his agent. Bids for a parcel must be for all the lands in the parcel. Sealed bids will be considered only if received at Room 3022, Federal Building, 230 North First Avenue, Phoenix, Ariz., prior to 10:30 a.m. on August 15, 1969, and must be in sealed envelopes accompanied by certified checks, post office money orders, bank drafts, or cashiers' checks made payable to the Bureau of Land Management for the amounts of the bids. The envelopes must be marked in the lower left-hand corner "Publication Sale Bid, Parcel No. ------, Sale held August 15, 1969." The purchaser or purchasers will be required to pay immediately the amount of purchase price, plus the cost, if any, of publishing the announcement in the Mohave County Miner, Kingman, Ariz. Interested bidders may inquire at the Land Office any time after July 1, 1969, to ascertain the cost of publication.

The right is reserved at any time to determine that the lands should not be sold or that any and all bids should be rejected.

The lands will be sold subject to a reservation of all minerals to the United States, a reservation to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), and any other existing rights-of-way of records.

For further information, write Bureau of Land Management, Land Office Manager, 3022 Federal Building, Phoenix, Ariz. 85025.

FRED J. WEILER,
State Director.

JUNE 24, 1969.

[F.R. Doc. 69-7686; Filed, June 30, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

CLINICAL LABORATORIES IMPROVEMENT ACT OF 1967 AND COLLEGE OF AMERICAN PATHOLOGISTS

Stringency of Standards

Notice is hereby given that the standards applied by the Commission on Inspection and Accreditation of the College of American Pathologists in determining whether or not to accredit a laboratory have been found to be equal to or more stringent than the provisions of section 353 of the Public Health Service Act, 42 U.S.C. 263a, and the rules and regulations issued thereunder. It has been found also that there is adequate provision for assuring that such standards continue to be met by laboratories accredited by the Commission.

These findings are based upon a review of the standards described in the documents entitled "Standards for Accreditation of Medical Laboratories" (1968), "Inspection and Accreditation Program" (undated), "Confidential Report to Regional Commissioner by Inspector" (undated), "Recommended Standard Operating Procedures for Regional Commissioners" (September 1968), and "Surveys" (1969), submitted by the College of American Pathologists by letters dated December 18, 1968, and April 16, 1969.

The requirements of 42 CFR Part 74 for the issuance and renewal of licenses do not apply to laboratories which are accredited by the Commission on Accreditation of the College of American Pathologists and which hold an unrevoked and unsuspended letter of exemption issued pursuant to 42 CFR 74.46. Applications for such letter of exemption may be obtained from the Chief, Licensure and Performance Evaluation Section, Laboratory Division, National Communicable Disease Center, Atlanta, Ga. 30333, and should be filed promptly at that office. Provisions relating to termination of accreditation and applicability of the standards prescribed in 42 CFR Part 74 to accredited laboratories are contained in Subpart F; provisions relating to revocation, suspension, or limitation of licenses and letters of exemption are contained in Subpart H; and Subpart I has been reserved for hearings on proposed actions for revocation, suspension, or limitation of licenses and letters of exemption.

Dated: June 2, 1969.

DAVID J. SENCER,
Director, National Communicable Disease Center, Health Services, and Mental Health Administration.

Approved: June 19, 1969.

ALAN W. DONALDSON,
Acting Administrator, Health Services and Mental Health Administration.

[F.R. Doc. 69-7729; Filed, June 30, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-66]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from February 28, 1969, to May 22, 1969 (List No. 15–69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.4 (a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

LIFEBOATS FOR MERCHANT VESSELS

The C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y., Approval Nos. 160.035/9/2 and 160.035/28/2 expired and were terminated effective May 19, 1969.

The Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N.Y., Approval Nos. 160.035/94/2 and 160.035/88/2 expired and were terminated effective May 19, 1969.

The Lunn Laminates, Inc., Straight Path Road, Wyandanch, Long Island, N.Y. 11798, Approval No. 160.035/432/0 expired and was terminated effective May 22, 1969.

The Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J., Approval Nos. 160.035/299/1 and 160.035/342/1 expired and were terminated effective May 19, 1969.

BOILERS (HEATING)

The Way-Wolff Associates, Inc., 45–10 Vernon Boulevard, Long Island City, N.Y., Approval Nos. 162.003/151/0, 162.003/152/0, 162.003/153/0, and 162.003/154/0 expired and were terminated effective May 1, 1969.

BOILERS, AUXILIARY, AUTOMATICALLY CONTROLLED, PACKAGED, FOR MERCHANT VESSELS

The Clayton Manufacturing Co., Post Office Box 550, El Monte, Calif., Approval No. 162.026/3/0 expired and was terminated effective February 28, 1969.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

The Elliott and Hutchins Inc., Malone, N.Y. 12953, no longer manufactures certain backfire flame control gasoline engines and therefore Approval No. 162.041/103/0 was terminated effective May 12, 1969.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

The Sprayon Research Corp., 1101 Northeast 110th Street, Miami, Fla. 33161, termination of Approval No. 164.009/124/0 dated April 9, 1969; incorrect

number, see Approval No. 164.009/125/0, termination effective May 13, 1969.

Dated: June 25, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-7746; Filed, June 30, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21065; Order 69-6-136]

CATALINA AIR LINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on June 25, 1969.

The Postmaster General filed a notice of intent June 6, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 67 cents per great circle aircraft mile for the transportation of mail by aircraft between Santa Maria and Los Angeles, Calif.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beechcraft, Model D-18 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Catalina Air Lines, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 67 cents per great circle aircraft mile between Santa Maria and Los Angeles, Calif.

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14 (f):

It is ordered, That:

1. Catalina Air Lines, Inc., the Postmaster General, Air West, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Catalina Air Lines, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Catalina Air Lines, Inc., the Postmaster General, and Air West, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7740; Filed, June 30, 1969; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

CALIFORNIA GROWTH CAPITAL, INC.

Notice of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control of California Growth Capital, Inc. (Cal-Growth), 1615 Cordova Street, Los Angeles, Calif. 90007, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), License No. 12/12-0023.

Cal-Growth was licensed on May 11, 1961, and is a public company registered under the 1940 Act. As of December 31, 1968, the paid-in capital and paid-in surplus from private sources totaled $2,391,163. There are 214,000 shares of issued and outstanding common stock held by approximately 500 shareholders. Jaser Development Co. (Jaser) has increased its equity interest in Cal-Growth to 50.8 percent by acquiring 38,709 shares held by Mr. C. W. Stroup and Mr. E. S. Brantner, Jr. Messrs. Stroup and Brantner each received a 17.8 percent interest in Jaser. Sero Amusement Co. and its affiliates (Cactus Corp. and Valley Drive-In Theater) own 64.4 percent of the equity securities of Jaser. The proposed transfer of control is subject to and contingent upon approval of SBA.

The proposed officers and directors are as follows:

Chairman of the Board—William H. Oldknow.
President, director—Matthew L. Post
Vice president, director—Charles W. Stroup.
Secretary, director—Melvin S. Lebe.
Treasurer, director—Joseph Pietroforte.

DIRECTORS

Harold J. Rosoff.	Jerome E. Weisman.
Norman T. Ellett.	Joseph R. Territo.
Edward S. Brantner, Jr.	John Ferraro.
John F. Anderson.	Charles S. White.
Howard J. Broad.	Karl G. Kappel.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner, and the probability of successful operations of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested person may not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed transferee in a newspaper of general circulation in Los Angeles, Calif.

For SBA (pursuant to delegated authority).

Dated: June 18, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-7718; Filed, June 30, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF SOUTH CAROLINA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of South Carolina for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of South Carolina and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. The appendix referenced in the résumé is included in the complete text of the program. A copy of the program, including proposed South Carolina regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 25th day of June 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF SOUTH CAROLINA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of South Carolina is authorized under section 1-400.15 of the 1962 Code of Laws of South Carolina and cumulative supplement thereto to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of South Carolina certified on June 4, 1969, that the State of South Carolina (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____ _____ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use it best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulations of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 15, 1969, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at _____, in triplicate, this _____ day of _____.

For the United States Atomic Energy Commission.

_____

Done at Columbia, S.C., in triplicate, this _____ day of _____.

For the State of South Carolina.

_____
Governor.

FOREWORD

South Carolina is dedicated to the purpose of protecting and improving the lot of its citizens. This dedication is realized, in part, by its full participation in the age of atoms, in due recognition of the many benefits to be derived from the peaceful uses of nuclear energy and its byproducts.

To discharge its responsibility to the citizens of this State to protect them from possible harmful effects of ionizing radiation, the 1967 General Assembly enacted the Atomic Energy and Radiation Control Act, which at one time recognizes the partnership that must exist between the fostering of nuclear enterprise and the protection against potential radiation hazards.

This Act authorizes the Governor to enter into an agreement with the Federal Government whereby certain regulatory functions now exercised by the Federal Government in the licensing and control of byproduct material, source material and special nuclear material in quantities not sufficient to create a critical mass will be transferred to the State.

The Act also designates the South Carolina State Board of Health as the agency which shall be responsible for the control of radiation sources. A complete regulatory program consistent with that conducted by the U.S. Atomic Energy Commission is authorized.

The following pages will present a description of past, present, and future activities of the State Board of Health in the field of Radiological Health, including the organization, procedures, and resources which will be brought to bear on the new responsibility assumed as a result of the aforementioned agreement.

History

As early as 1947 the South Carolina State Board of Health became aware of and concerned about the occupational exposure of workers to static eliminators. Over fifty of these devices were located, surveyed, and recommendations for shielding and access control were made. No leak-testing was performed as equipment was not available at the time.

Also at this time a program designed to reduce occupational exposure of shoe salesmen to X-rays from fluoroscopic shoe-fitting machines was instituted. This was later followed by more complete regulations covering all aspects of the use of these devices, and finally they were outlawed altogether. Ninety-six shoe-fitting machines in all were eliminated.

A voluntary X-ray program was begun in 1953, whereby services of the South Carolina State Board of Health were made available for the purpose of inspecting X-ray installations and recommending corrective actions where needed. This program received very good response, and during the period 1953–1966, 965 machines were inspected and 38 percent were found to be deficient in some respect. Eighty percent of these deficiencies were corrected as a result of recommendations and followup inspections. This included 662 dental SurPak examinations, resulting in the installation of 63 aluminum filters and 135 collimators. More recently, during the period in which more comprehensive radiation control regulations were being developed, a program of voluntary registration of X-ray machines was begun. By December 31, 1968, 1,269 X-ray machines were registered.

A radium management program was begun in 1965 when it was discovered that the radium storage facility in a large hospital was contaminated by a leaking source, which the hospital no longer possessed. The services of the South Carolina State Board of Health were offered in this area of concern, and this voluntary service resulted in the registration of 331 radium sources in 23 facilities totaling 2,352 milligrams. Of these sources, 254 have been leak-tested and 29 leaking sources have been detected. All owners of leaking sources of radium voluntarily disposed of the leaking radium sources or had them reencapsulated. The Agency provides assistance to radium users in the proper disposal of unwanted or leaking sources. Inspections were based on recommendations in NBS Handbook 73. A written report with recommendations was left with the users after each inspection. The degree of compliance with recommendations was 90 percent. Followup visits were made when indicated.

Another activity in the area of radioactive materials has been the accompanying of AEC Inspectors on the occasion of inspection visits to South Carolina. Within the last 8 years, South Carolina personnel have accompanied Atomic Energy Commission Inspectors on 75 percent of the inspections within the State. This has served the valuable purpose of familiarizing the staff with the inspection of licenses of radioactive materials, as well as the investigation of incidents involving licensed material.

In 1956, as a result of recommendations made by the Savannah River Advisory Board, the South Carolina Water Pollution Control Authority conservatively entered into an environmental monitoring program to determine the effect, if any, of the Savannah River Plant of the Atomic Energy Commission on the aquatic environment. Initially, this program consisted of one sampling point on the Savannah River below the plant effluent, which was subjected to gross alpha and beta analysis. Continuous paddlewheel samplers were later added at three locations, and more rigorous analytical procedures were employed, including specific isotope analysis and gamma spectroscopy when indicated by gross measurements.

The location of the Carolinas-Virginia Nuclear Power Associates' small power reactor at Parr, S.C., as well as the nuclear submarine repair facility at the Charleston Naval Shipyard prompted considerable expansion and sophistication of the environmental program to include over 150 sampling points, sampling air, water, precipitation, bottom muds and silt, vegetation, and milk. These samples were subjected to gross alpha and beta analysis, specific isotope analysis and gamma scans. Approximately 1,200 analyses per year were performed. The number of sampling points, as well as items sampled and analyzed underwent change as new nuclear installations were announced. Modern, well equipped laboratory facilities were provided for this work.

During the past year the responsibility for the environmental program was transferred to the South Carolina State Board of Health, in close cooperation with the South Carolina Pollution Control Authority.

Also during the past year regulations governing radioactive materials, X-ray machines and particle accelerators were adopted, after several meetings of the Technical Advisory Radiation Control Council, which met to consider in detail proposed regulations, and after public hearings to air the recommendations before the public. The Technical Advisory Radiation Control Council is a committee authorized by the Atomic Energy and Radiation Control Act to advise the State Board of Health on policy matters, including regulations.

Present Program

The present program of the Division of Radiological Health consists of initiating the activities authorized by the Atomic Energy and Radiation Control Act, and continuing environmental monitoring, expanding the scope of this operation to take care of the burgeoning nuclear industries announced for South Carolina.

Licensing of radium is now mandatory. All X-ray machines and particle accelerators were required to be registered by March 31, 1969. The portions of the program dealing with these requirements have begun.

The radium management inspection determines compliance with regulations and terms of the license. Items checked are shielding, storage, access control, posting of signs, records, leak-testing, survey meters, personnel monitoring, and transport equipment. Again, other recommendations of a helpful nature are made.

The environmental program consists of sampling the environment in the vicinity of nuclear installations existing, under construction or announced. Preoperational surveillance activities consist of determining radioactivity levels in environmental samples as a baseline against which to compare those levels found after operations commence. Surveillance around existing facilities is conducted to determine if there is any impact on the environment as a result of release of radioactivity. If gross alpha and beta determinations show an increase, gamma and alpha spectrometry or specific isotope analysis is used to determine the source. An experimental program to determine the efficacy of using thermo-luminescent dosimetry as an environmental monitor is being conducted.

Future Plans

Future plans will include extending the regulatory program to licensing and regulating the use of those radioactive materials presently under the purview of the U.S. Atomic Energy Commission, dependent upon signing an agreement with the Atomic Energy Commission. Details of the regulatory procedures and policies to be followed are given in a later section.

An in-house formal training program in radiological health will be conducted for new staff personnel on a scheduled basis, and will utilize outside instructors where they are available.

Scope of Problem

There are an estimated 2,000 X-ray units in South Carolina, approximately 600 of these being dental units. The number of Atomic Energy Commission licenses for byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass currently in effect is 142. There are 331 known radium sources in use at 23 facilities totaling 2,352 milligrams. Numerous particle accelerators exist in this State.

Four large commercial nuclear power reactors are under construction, three of them being at one location. Also under construction is a nuclear fuels fabrication plant. Announcements have been made by two separate companies of their intentions to construct a nuclear fuels reprocessing plant. Other installations which indicate the need for environmental surveillance activities are the Savannah River Plant of the Atomic Energy Commission and the nuclear submarine repair base at Charleston, S.C.

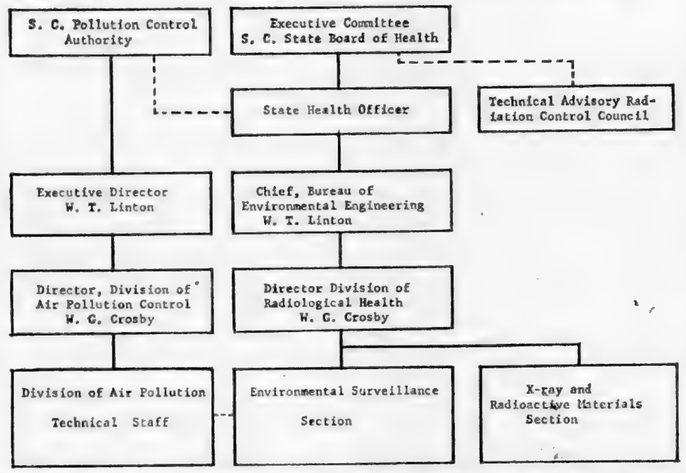
Organization and Staff

Under the provisions of the Atomic Energy and Radiation Control Act, the South Carolina State Board of Health is designated as the agency to exercise regulatory functions in radiological health. The organization of the State Board of Health is shown in Appendix, Chart 1. A Technical Advisory Radiation Control Council, appointed by the Governor, is also established. The purpose of this Council is to advise the State Board of Health on matters pertaining to ionizing radiation including standards, rules and regulations to be adopted, modified, promulgated or repealed by the Agency. Present membership of the Council is given in Table 1 of the appendix.

To assist the State Board of Health and staff in judging applications for nonroutine medical use of radioactive materials a Medical Advisory Committee has been appointed, the membership of which is shown in Table 2 of the appendix.

The functional radiological health program is operated by the Division of Radiological Health which, in turn, is a division of the Bureau of Environmental Engineering. The director of this division is also the director of the Division of Air Pollution Control, and spends his time equally divided between the two divisions. In addition to State Board of Health staff members, experienced technicians are assigned to the Division of Radiological Health from the Bureau of Pollution Control to do work in environmental surveillance.

The line of authority and responsibility is shown on the accompanying diagram. The dotted line shown between the State Health Officer and the Pollution Control Authority indicates that he is, ex officio, Chairman of the Pollution Control Authority. There is also the statutory requirement that two additional members of the Authority be appointed from the Executive Committee of the State Board of Health. The dotted line between the Technical Staff of the Division of Air Pollution Control and the Environmental Surveillance Section of the Division of Radiological Health is intended to show the assignment of personnel and technical services by the Pollution Control Authority to the Division of Radiological Health.



Regulatory Procedures and Policy

Licensing and registration. The South Carolina State Board of Health has been designated the State Agency with the responsibility to develop an all-encompassing radiological health program in accordance with sections 1-400.11 through 1-400.16 of the 1962 Code of Laws of South Carolina and supplement thereto, the Atomic Energy and Radiation Control Act of South Carolina. The Division of Radiological Health has the responsibility for the operational phases of this program.

This program will regulate the safe use of all sources of ionizing radiation in the State including radium and accelerator produced nuclides, X-ray producing machines and particle accelerators. Certain small quantities of radionuclides as well as electronic devices which produce X-rays incidental to their operations in intensities insufficient to constitute a health hazard will be exempt. Licensing of all radionuclides including radium, and registration of X-ray machines and particle accelerators are features of this program. All regulations governing these sources are substantially in accord with the suggested State regulations as published by the Council of State Governments in cooperation with the Atomic Energy Commission and the U.S. Public Health Service. Every effort will be made to conduct the program in a fashion that is compatible with those operated by other agreement States and the Atomic Energy Commission.

The licensing program will be patterned after the one established by the Atomic Energy Commission and will use applicable criteria contained in regulations as published by the Atomic Energy Commission. The director and key staff members will evaluate each radioactive material license application, including prelicensing visits if this is indicated. When applications are received for unusual uses, additional advice will be sought. When applications for nonroutine medical uses are received the Medical Advisory Committee will be consulted. When applications for specific licenses are approved, licenses will be signed by the State Health Officer for the South Carolina State Board of Health.

Inspection. Inspection to determine radiation safety and compliance with pertinent regulations, and provisions of license or registration will be conducted as needed by division staff members. These members consist of the Director, the Radiological Health Specialist, Radiological Health Inspector and the Laboratory Technician III, who are or will be qualified by training and experience to conduct the inspections. Inspections will be either by prearrangement or unannounced during reasonable hours.

Licenses will be inspected on a priority basis determined by type of use, quantity of radioactive material, physical and chemical form, training, and experience of user, frequency of use and other factors in keeping with the experience gained by others including the Atomic Energy Commission and other agreement States. The initially planned frequencies are categorized as follows:

Classification of use	*Usual inspection frequency*
Industrial radiography:	
Fixed installations	Once each 12 months.
Mobile operations	Once each 6 months.
Operations involving waste disposal.	Once each 6 months.
Broad licenses—industrial, medical, or academic.	Once each 6–12 months.
Other specific licenses — industrial, medical, or academic.	Once each 12–24 months.

These frequencies are subject to alteration and are presented as a depiction of the general policy at this time. Individual licenses will be judged on the particular circumstances associated with the terms of the license.

Inspections will include the observation of pertinent facilities and equipment; a review of use procedures and radiation safety practices; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials; and instrument surveys to assess radiation levels incident to the operation—all as appropriate to the scope and conditions of the license and applicable regulations.

At the start and conclusion of an inspection, personal contact will be at management level whenever possible. Following the inspections, results will be discussed with the license management, appropriate tentative recommendations will be made and questions answered.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup will be available from the Agency on the occasion of incidents.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by a senior staff member and submitted to the Director of the Division of Radiological Health.

All inspectors will keep abreast of changes and developments in the field of radioactive materials by attending training courses, seminars and symposia, as well as in-house training which will be required.

Compliance and enforcement. The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

Where there are items of noncompliance, the licensee shall be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed, or expected to be completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

The terms and conditions of a license, upon request by the licensee, may be amended, consistent with the Act or regulations, to meet changing conditions in operations or to remedy minor items of noncompliance. The Agency may amend, suspend or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act, or regulations or failure to take adequate action concerning items of noncompliance. Prior to such action,

the Agency shall notify the licensee of its intent to amend, suspend or revoke the license and provide the opportunity for a hearing.

Whenever the Agency finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may, in accordance with the Act, without notice of hearing, issue a regulation or order reciting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Agency, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon findings that the possessor is unable to observe or is not observing the provisions of the Act or regulations issued thereunder. After these actions the licensee still has right to a hearing.

A court order directing a person to comply, or enjoining practices in violation of the Act or regulations, may be sought by the Attorney General in the appropriate court upon request of the Agency, after notice to such persons and ample opportunity to comply has been afforded.

The Agency will use its best efforts to obtain compliance through cooperation and education. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, will the full legal procedures normally be employed.

Effective date of license transfer. Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued by the Agency which shall expire either 90 days after the receipt from the Agency of a notice of expiration of such license or on the date of expiration specified in the federal license, whichever is earlier.

Compatibility and reciprocity. In promulgating rules and regulations, the Agency has, insofar as practicable, avoided requiring dual licensing and has provided for reciprocal recognition of other state and federal licenses.

Radiological emergency capability. The Division of Radiological Health has maintained the capability for handling radiological emergencies since 1959. This capability includes training of personnel, proper monitoring instruments, and liaison with other agencies such as State Highway Patrol, Atomic Energy Commission, Savannah River Plant, and U.S. Public Health Service.

As a result of our Radium Management Program, additional capability was formulated in 1965 to handle other radiological emergencies such as lost or damaged radium sources, overexposures, contamination, or transportation incidents. Additional personnel were trained, better instruments purchased and maintained, "emergency kits" put together for immediate use, and a system for telephone communications instituted. Emergency plans of other groups and agencies involving radiological incidents were reviewed by our Division.

Future plans for emergency procedures involve first of all a thorough review of our existing plan in light of the new role as an agreement state. A more formal plan will be instituted delineating the responsibility of each group or agency. Radiological Emergency Assistance Teams will be organized and trained in areas of major radiological activity. The Division of Radiological Health, which will be responsible for the program, will coordinate the new plan so that when and if an emergency does occur a systematic procedure will be followed.

[F.R. Doc. 69-7644; Filed, June 30, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18558; FCC 69-665]

OTTAWAY STATIONS, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Ottaway Stations, Inc., Oneonta, N.Y., Requests: 103.1 mc, No. 276; 630 w; 590 feet, Docket No. 18558, File No. BPH-6273, for construction permit.

1. The Commission has under consideration the above-captioned application for a new FM station at Oneonta, N.Y.

2. The applicant corporation is licensee of Oneonta's only AM station and is applying for one of the two FM channels assigned to the community. In addition, applicant's controlling stockholder publishes Oneonta's only daily newspaper as well as newspapers in Danbury, Conn.; New Bedford and West Yarmouth, Mass.; Port Huron, Mich.; and Middletown, Plattsburgh, and Port Jarvis, N.Y. It also controls the licensees of stations in West Yarmouth, Mass., and Stroudsburg, Pa.

3. After careful consideration of the application before us, we have concluded that the multiple ownership situation here involved raises substantial questions as to concentration of control of media of mass communications and as to whether a grant would serve the public interest. In addition, applicant's showing in response to questions in section IV-A of the application is defective in that the responses of local leaders dealt with programing preferences rather than community needs. Accordingly, a Suburban issue is also required.

4. The applicant is qualified in other respects, but in view of the foregoing, we find that the application must be designated for evidentiary hearing on the issues set forth below.

5. *It is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues.

1. To determine whether a grant of this application would tend to create an undue concentration of control over media of mass communications.

2. To determine the efforts made by the applicant to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

3. To determine in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the subject application would serve the public interest, convenience and necessity.

6. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 18, 1969.

Released: June 23, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-7743; Filed, June 30, 1969; 8:49 a.m.]

[1] Commissioners Hyde, chairman; Robert E. Lee and Wadsworth dissenting.

[Dockets Nos. 18569—18572; FCC 69-666]

SOUTH CAROLINA EDUCATIONAL TELEVISION COMMISSION (WITV) ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of South Carolina Educational Television Commission (WITV), Charleston, S.C., Docket No. 18569, File No. BPET-323; Reeves Broadcasting Corp., (WUSN-TV), Charleston, S.C., Docket No. 18570, File No. BPCT-4107; First Charleston Corp. (WCIV), Charleston, S.C., Docket No. 18571, File No. BPCT-4121; WCSC, Inc. (WCSC-TV), Charleston, S.C., Docket No. 18572, File No. BPCT-4127; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned applications of South Carolina Educational Television Commission (WITV), licensee of Noncommercial Educational Television Broadcast Station WITV, Channel 7, Charleston, S.C.; Reeves Broadcasting Corp. (WUSN-TV), licensee of Television Broadcast Station WUSN-TV, Channel 2, Charleston, S.C.; First Charleston Corp. (WCIV), licensee of Television Broadcast Station WCIV, Channel 4, Charleston, S.C. and WCSC, Inc. (WCSC-TV), licensee of Television Broadcast Station WCSC-TV, Channel 5, Charleston, S.C.; and (b) petitions to deny, informal objections, and related pleadings filed in this proceeding which are listed in the appendix hereto.[1]

2. Television Broadcast Stations WUSN-TV, Channel 2, WCIV, Channel 4, and WCSC-TV, Channel 5, Charleston, S.C., are authorized to operate with effective radiated visual power of 100 kw. from antenna heights above average terrain of 790 feet, 940 feet and 1,000 feet respectively. Noncommercial Educational Television Broadcast Station WITV, Channel 7, Charleston is authorized to operate with effective radiated power of 28.8 kw. and an antenna height of 220 feet above average terrain. The present controversy arises from the requests of these stations to move their respective transmitter sites from four separate locations, approximately 1 to 7 miles east of Charleston, to a joint 2,000-foot tower located approximately 20 miles northeast of the center of Charleston, in the direction of Florence, S.C., approximately 10 miles northeast of Wando, S.C., and to make other changes in the facilities of the stations. Operating as proposed, Stations WUSN-TV, WCIV, and WCSC-TV would increase their antenna heights above average terrain to 1,860 feet, 1,950 feet, and 1,950 feet respectively with no change in power and Station WITV would increase its effective radiated visual power to 316 kw. and its antenna height above average terrain to 1,720 feet. From the proposed site, the four stations would, for the first time, provide predicted Grade B service to Florence, S.C., and to communities in the vicinity of Columbia, S.C. Petitions to deny have been filed by Rovan of Florence, Inc. (WPDT), permittee of Television Broadcast Station WPDT, Channel 15, Florence, S.C., and by Cape Fear Telecasting, Inc., now Clay Broadcasting Corp. (WWAY), licensee of Television Broadcast Station WWAY, Channel 3, Wilmington, N.C., and informal objections have been filed by Palmetto Radio Corp. (WNOK-TV), licensee of Television Broadcast Station WNOK-TV, Channel 19, Columbia, S.C., and by Columbia Television Broadcasters, Inc. (WOLO-TV), licensee of Television Broadcast Station WOLO-TV, Channel 25, Columbia, S.C.

3. WPDT and WWAY claim standing in this proceeding as "parties in interest" within the meaning of section 309(d) of the Communications Act of 1934, as amended, on the basis that grant of the applications would result in the diversion of advertising revenues from Stations WPDT and WWAY and would cause economic injury to them. We find that petitioners have standing.[2] Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 693, 9 RR 2008. WOLO-TV and WNOK-TV do not claim standing as "parties in interest" and their oppositions to grant of the applications will be treated as informal objections, pursuant to § 1.587 of the Commission's rules.

4. The applicants allege that grant of the applications will permit a substantially more efficient and effective use of the Charleston channel assignments. It will enable these stations to improve their existing service in their present coverage areas and provide high quality television signals, particularly good color television and full three network service for the first time to areas and populations in communities and rural areas outlying from Charleston. It is contended that a grant of the WITV application will afford an opportunity to increase approximately threefold the coverage of the Charleston eduactional television station. In addition, the applicants assert that the substantial increase in coverage by the Charleston stations will enhance the importance of Charleston as a television market and enable the Charleston television stations to compete more effectively with television stations located in adjacent cities. The applicants also state that the use of a joint tower will promote aeronautical safety and further the Commission's policy of fostering the development of antenna farms. Finally, it is alleged that the proposed joint tower will be made available to present and future Charleston FM stations and to public entities such as the Federal Bureau of Investigation and the Department of Commerce for their communication facilities.

5. Petitioners and objectors allege that grant of the applications would have an adverse impact on UHF television broadcasting in Florence and Columbia, S.C., and in Wilmington, N.C. An examination of the present situation in Florence and Columbia is sufficient to indicate that this concern with the impact of the proposed transmitter moves on UHF development may be valid. At the present time, Florence, S.C., has one operating commercial VHF television broadcast station (WBTW, Channel 13, CBS), an operating noncommercial educational UHF television broadcast station (WJPM-TV, Channel 33), a commercial UHF television broadcast station (WPDT, Channel 15) which has not yet commenced construction[3] and Channel 21, which is allocated, but no station is authorized to operate on this channel. Television Broadcast Station WIS-TV, Channel 10, NBC, Columbia, S.C., presently places a predicted Grade B signals over Florence, S.C. While the predicted Grade B signals of the four Charleston VHF stations presently fall approximately 30 miles short of Florence, operating as proposed, the Charleston stations would, for the first time, provide predicted Grade B service to Florence and surrounding areas. As a consequence, UHF television stations assigned to Florence would have to compete with three additional commercial VHF stations and such added competition may have an adverse affect on the activation of the UHF channels. It should be noted that since Station WBTW (Florence) and WIS-TV (Columbia) presently provide CBS and NBC network programing to Florence, the possibility of a Florence UHF station providing the third network service to this community may be substantially impaired as a result of a grant of the application of Station WUSN-TV, the Charleston ABC affiliate.

6. In Columbia, S.C., there is presently an operating VHF commercial television broadcast station (WIS-TV, Channel 10, NBC), two operating commercial UHF television broadcast stations (WNOK-TV, Channel 19, CBS, and WOLO-TV, Channel 25, ABC), an operating noncommercial educational television broadcast station (WRLK-TV, Channel 35) and Channel 57, which is allocated, but for which no application is pending. Television Broadcast Stations WRDW-TV, Channel 12, CBS, and WJBF, Channel 6, ABC, Augusta, Ga., both presently place predicted Grade B signals over Columbia, S.C., and Television Broadcast Station WBTW, Channel 13, CBS, Florence, S.C., presently places a predicted Grade B signal over a small portion of Richland County in which the city of Columbia is located. While the Charleston stations do not presently provide predicted Grade B service to Columbia, they do provide predicted Grade B service to approximately 80 percent of Clarendon County, 40 percent of Orangeburg County and 5 percent of Calhoun County, which counties are located generally south of Columbia. Operating as proposed, the Charleston stations would still not provide predicted Grade B service to Columbia, but they would provide predicted Grade B service to all of Clarendon County and to approximately 75 percent of Orangeburg and Calhoun Counties, and for the first time, they would provide predicted Grade B service to approximately 90 percent of Sumter County and 45 percent of Lee County. Therefore, while there is now relatively little overlap between the predicted Grade B contours of the Charleston and Columbia stations, operating with the requested facilities, the Grade B contours of the Charleston stations would overlap approximately 25 percent of the area and population located in the authorized Grade B contours of the Columbia stations.

7. We believe that under these circumstances, it is necessary to explore in an evidentiary hearing whether the proposed operations of the Charleston stations would have an adverse impact upon the development of UHF television broadcasting in the proposed service areas. While the Commission encourages television broadcast stations to operate with maximum facilities in order to make the most efficient use of channel assignments, we have also expressed our concern with fostering the development of UHF broadcasting. By the hearing ordered herein, a full record will be established which will form a basis for determining the choice between these policies. The burden of proceeding with

[1] Filed as part of the original document.

[2] Since both petitions were not timely filed, the petitioners have filed requests for waiver of § 1.580(i) of the Commission's rules. Since both petitioners have shown good cause for grant of their waiver requests, we shall waive the procedural requirements of § 1.580(i) of the rules.

[3] The Commission in an order, Radio Longview, Inc., et al., 6 FCC 69-182, 16 FCC 2d 716, adopted Feb. 26, 1969, designated inter alia, the application (BMPCT-6743) of WPDT for an extension of time within which to complete construction for oral argument on the question of whether the failure to complete construction was due to causes not under its control or that the reasons stated were sufficient to justify an extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534 (a) of the Commission's rules.

the introduction of evidence with respect to the UHF impact issue will be placed on the respondents and the burden of proof with respect to this issue will be placed on the applicants. Petitioners and objectors assert that the burden of proceeding with the introduction of evidence should also be placed on the applicants because they can better afford to bear the costs of an evidentiary hearing. However, since the petitioners and objectors have alleged that grant of the applications would have an adverse impact on UHF broadcasting, we believe that the responsibility for proceeding with the introduction of evidence is properly theirs.

8. WWAY also requests that the applications be designated for hearing on a Carroll issue,[4] alleging that the introduction, for the first time, of the predicted Grade B signals of the Charleston stations into Horry County, S.C., which county lies within WWAY's service area, would have an adverse economic effect upon WWAY's operation with a resulting diminution or loss of television service to the public. WWAY asserts that since it commenced operation in October 1964, it has continually operated at a financial loss. It also states that it places a predicted Grade A signal over a portion of Horry County and a predicted Grade B signal over all of the county and that the county is a vital part of its market since it contains approximately 20 percent of the homes in the seven counties in which WWAY claims a net weekly circulation in excess of 50 percent. Furthermore, WWAY alleges that because of the importance of Horry County, a significant part of the station's sales efforts are devoted to the county and the station makes substantial efforts to serve the programing needs of the residents. In further support of its contention that Horry County constitutes a significant part of the Wilmington television market, WWAY has submitted data which compares the total population, number of families median income, bank deposits, retail sales and wholesale sales of Horry County with New Hanover County, in which the city of Wilmington is located and with neighboring Brunswick County. WWAY states that while substantially all of Horry County receives service from three network affiliated television stations,[5] the introduction of the Charleston television signals would result in a diminution of WWAY's audience in the county, which would cause a decline in the time sales to local advertisers in the county and in Wilmington. In this connection, WWAY states that since Horry County is located substantially closer to Wilmington than to any other city of comparable size, the Wilmington merchants seek to attract customers from the county and are therefore concerned with whether a television station can deliver an audience in the county. WWAY concludes that since a substantial number of persons receive their only off-the-air service from WWAY and from Station WECT, the other operating Wilmington television station, any cutback of WWAY's public service programing would result in injury to the public interest which would not be outweighed by any benefits arising from grant of the applications.

9. Previously, where a petitioner attempted to raise a Carroll issue, the applicant sought to establish a new station in either the same or neighboring community. As a consequence, the service areas of the petitioner's station and the applicant's proposed station were to a large extent coextensive and the competitive aspects of the case were more sharply focused. In the present case, however, only a portion of the petitioner's service area will be overlapped, for the first time, by the signals of stations located at substantial distances from the overlap area. Therefore, in this situation, the petitioner must provide the Commission with ample statistical data pertinent to the specific area of overlap in order to enable the Commission to determine whether there will be an adverse economic impact upon the petitioner's operation with a net loss or degradation of service to the public. We find that petitioner has failed to meet this burden. In Missouri-Illinois Broadcasting Co., FCC 64-748, 3 RR 2d 232, adopted July 29, 1964, the Commission set out the type of specific economic data necessary to support a request for a Carroll issue. Subsequently, in Folkways Broadcasting Co., Inc. v. Federal Communications Commission, 375 F. 2d 299, 8 RR 2d 2089 (1967) the Court of Appeals held that the Commission could not demand of Carroll petitioners "exact calculations" or "pre-knowledge of the exact economics of the situation" which would occur after grant. In the present case, however, the petitioner has failed to furnish the Commission with any information concerning the amount of revenues it receives from Horry County or an estimate as to any loss of revenues which would result from grant of the applications. In addition, no information has been supplied concerning the amount of money presently being expended on public service programing or the relationship between the loss of revenues in the overlap area and the withdrawal of programing service to the public. In the absence of such information, we cannot find that WWAY has raised a substantial and material question of fact with respect to whether there will be a diminution or loss of television service to the public in the event of a grant of the Charleston applications. Accordingly, the request for a Carroll issue will be denied.

10. WPDT contends that noncommercial educational television broadcast station WITV has not demonstrated that it has sufficient funds available to construct the station as proposed. Specifically, WPDT states that while WITV relies upon an appropriation of funds by the State legislature of South Carolina to meet the station's construction costs of $526,845, the documentation to support the availability of such funds has not been submitted with the application. However, since WITV subsequently amended its application and submitted the necessary documentation indicating that the funds have been appropriated, the applicant has demonstrated that it is financially qualified and therefore, no financial issue will be specified.

11. We have carefully considered all of the matters raised in the various pleadings and, except as indicated by the issues specified below, we find that the applicants are qualified to construct and operate as proposed and that, except as indicated in the preceding paragraphs hereof, no substantial and material questions of fact have been raised by the pleadings. The Commission, however, is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for evidentiary hearing on the issues set forth below:

12. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in subsequent order, upon the following issue:

1. To determine whether a grant of the applications would impair the ability of authorized and prospective UHF television broadcast stations in the area to compete effectively, or would jeopardize, in whole or in part, the continuation of existing UHF television service.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether grant of the applications would serve the public interest, convenience and necessity.

13. *It is further ordered,* That to the extent indicated herein, the petitions to deny filed by Rovan of Florence, Inc., and Clay Broadcasting Corp. are granted, and in all other respects are denied.

14. *It is further ordered,* That Rovan of Florence, Inc., Clay Broadcasting Corp., and upon the Commission's own motion Palmetto Radio Corp. and Columbia Television Broadcasters, Inc., are made parties respondent in this proceeding.

15. *It is further ordered,* That the burden of proceeding with the introduction of evidence with respect to Issue 1, herein is hereby placed upon the parties respondent, and the burden of proof with respect to Issues 1 and 2 is hereby placed upon the applicants.

16. *It is further ordered,* That to avail themself of the opportunity to be heard, the applicants and the parties respondent herein, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

[4] Carroll Broadcasting Co. v. Federal Communications Commission, 103 U.S. App. D.C. 346, 258 F. 2d 440, 17 RR 2066 (1958).

[5] Stations WWAY, Channel 3, ABC, Wilmington; WECT, Channel 6, NBC, Wilmington; WBTW, Channel 13, CBS, Florence, S.C.

17. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 18, 1969.

Released: June 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-7744; Filed, June 30, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4616 etc.]

TEXACO, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 20, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rule of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4616 ..... C 5-16-69	Texaco Inc.,[1] Post Office Box 52332, Houston, Tex. 77052.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	10.0	14.65
CI60-691 ..... D 6-6-69	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, Tex. 77001 (partial abandonment).	Panhandle Eastern Pipe Line Co., acreage in Dewey County, Okla.	Uneconomical	.....
CI61-482 ..... D 5-16-69	Atlantic Richfield Co. (Operator) et al., Post Office Box 2819, Houston, Tex. 75221.	Natural Gas Pipeline Co. of America, Northeast Thompsonville Field, Webb and Jim Hogg Counties, Tex.	(3)	.....
CI61-516 ..... C 6-9-69	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Wildcat Field, Major County, Okla.	[2] 16.0	14.65
CI63-234 ..... D 6-4-69	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Red Oak Area, Latimer and other Counties, Okla.	Assigned	.....
CI63-1300 ..... D 5-22-69	Mobil Oil Corp. (Operator)	Natural Gas Pipeline Co. of America, Crane and Putnam Fields, Custer County, Okla.	(4)	.....
CI64-129 ..... E 5-14-69	Cecil Simms (successor to Midland Petrochemical Co., Operator), c/o James A. Knight, 1501 Taylor St., Amarillo, Tex. 79101.	Arkansas Louisiana Gas Co., Moravia Field, Beckham County, Okla.	15.0	14.65
CI66-1267 ..... 6-6-69 [5]	Continental Oil Co.	Arkansas Louisiana Gas Co., Danville Area, Bienville and Jackson Parishes, La.	[2] 18.333	15.025
CI68-1063 ..... 6-6-69 [7]	Cayman Corp., Ltd. (formerly Cayman Corp.), Post Office Box 2099, Palos Verdes Peninsula, Calif. 90274.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Adams Ranch, Meade County, Kans.	16.0	14.65
CI68-1148 ..... C 6-9-69	Appalachian Exploration & Development, Inc., Post Office Box 1473, Charleston, W. Va. 25325.	United Fuel Gas Co., Poca District, Putnam County, W. Va.	28.0	15.325
CI69-270 ..... C 6-9-69	Commonwealth Gas Corp., Post Office Box 1433, Charleston, W. Va. 25325.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	28.0	15.325
CI69-345 ..... C 6-6-69	James A. Ford, d.b.a. Cypress Gas Co. (Operator), Post Office Box 9102, Shreveport, La. 71109.	Arkansas Louisiana Gas Co., Northwest Cartersville Field, Le Flore County, Okla.	16.0	14.65
CI69-452 ..... C 6-5-69	Blaik Oil Co., 203 Park Ave., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Shirley Field, Hutchinson County, Tex.	[2] 17.0	14.65
CI69-526 ..... 6-6-69 [7]	Cayman Corp., Ltd. (formerly Cayman Corp.).	Northern Natural Gas Co., Mocane-Laverne Field, Harper County, Okla.	[2] 17.0	14.65
CI69-1071 ..... (CS67-16) F 5-9-69 [8]	Husky Oil Co. of Delaware, Post Office Box 380 Cody, Wyo. 82414.	Natural Gas Pipeline Co. of America, Indian Basin Field, Eddy County, N. Mex.	16.606	14.65
CI69-1093 ..... (G-11918) F 5-23-69 [9] 6-9-69 [10]	Three S & T Oil Co., Inc. (successor to Mobil Oil Corp.), c/o Jack C. Cladwell, attorney, Post Office Box 592, Franklin, La. 70538.	United Gas Pipe Line Co., Iowa Field, Calcasieu and Jefferson Davis Parishes, La.	18.5	15.025
CI69-1101 ..... (CI67-1465) A&F 5-26-69	Paul E. Kloberdanz et al. (successor to Humble Oil & Refining Co. and Cleary Petroleum Corp. (Operator) et al.), c/o James W. George, attorney, George, Kenan, Robertson & Lindsey, 1366 First National Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	[2] 17.0	14.65
CI69-1106 ..... A 5-21-69 [11]	Inland Gas Gathering Co., Operator, c/o W. A. MacNaughton, attorney, MacNaughton & McWhorter, 614 Southwest Tower, Houston, Tex. 77002.	Humble Gas Transmission Co., Richland-Dehleo Field Area, Richland Parish, La.	4.7	15.025
CI69-1113 ..... A 5-27-69	C. F. Braun & Co., 1000 Fremont St., Alhambra, Calif. 91802.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	[2] 19.5	14.65
CI69-1136 ..... A 6-2-69	J. S. Turner, Post Office Box 1627, Shreveport, La. 71102.	United Gas Pipe Line Co., acreage in Winn Parish, La.	18.5	15.025
CI69-1137 ..... A 6-2-69	Roy Furr (Operator) et al., Post Office Box 1650, Lubbock, Tex. 77008.	Northern Natural Gas Co., acreage in Hutchinson County, Tex.	[2] 17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[6] Commissioner Bartley dissenting.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-1162 ..... A 6-2-69	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 174, West Cameron Area, Offshore Louisiana.	20.0	15.025
CI69-1163 ..... A 6-2-69	Southern Union Production Co., Fidelity Union Tower, Dallas, Tex. 75201.	Arkansas Louisiana Gas Co., Deep Willow Springs Field, Gregg County, Tex.	[3] 14.9727	14.65
CI69-1164 ..... A 6-2-69	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Texas Gas Transmission Corp., Six Mile Field, St. Mary Parish, La.	[3] 21.25	15.025
CI69-1165 ..... A 6-2-69	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 178 Field, Ship Shoal Area, Federal Domain, Offshore Louisiana.	21.25	15.025
CI69-1166 ..... (CI64-885) F 6-4-69	GMC Oil & Gas Corp. (successor to Sun Oil Co.), First National Bldg., Oklahoma City, Okla. 73102.	Cities Service Gas Co., acreage in Woods County, Okla.	[3] 14.0	14.65
CI69-1167 ..... (CI64-999) A 6-4-69	do	do	[3] 14.0	14.65
CI69-1168 ..... (CS66-72) F 6-4-69	Tenneco Oil Co. (successor to Cactus Drilling Co.)[4], Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., Langlie Mattix Field, Lea County, N. Mex.	13.0	14.65
CI69-1169 ..... F 6-4-69	do[5]	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	13.57	[14] 14.65

[1] By letter filed June 9, 1969, Applicant agreed to accept certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[2] Deletes a portion of one lease which due to nonproduction was released to landowner.
[3] Subject to upward and downward B.t.u. adjustment.
[4] Amendment to certificate to include interest of nonoperator (Hobin F. Scully).
[5] Deletes acreage which was released to landowner.
[6] Includes 3.6-cent tax reimbursement.
[7] Amendment to certificate filed to reflect change in corporate name.
[8] Applicant is filing for certificate to cover its own interest previously covered by Operator's (Depco, Inc., et al.) certificate in Docket No. CI67-16.
[9] Application previously noticed June 4, 1969, in Docket No. CI61-760, et al. at a total initial rate of 20 cents per Mcf.
[10] Amendment to application filed changing price to read 18.5 cents per Mcf in lieu of 20 cents.
[11] Amendment to certificate to initiate transportation service.
[12] Rate in effect subject to refund in Docket No. RI65-544.
[13] Rate in effect subject to refund in Docket No. RI68-307.
[14] Contract provides for 21.1 cents per Mcf; however, Applicant requests a certificate at an initial price of 20 cents per Mcf, adjusted for quality as prescribed in Opinion No. 546. Price also subject to reduction for compression.
[15] Includes 2.5 cents for liquid hydrocarbon content. Price also subject to reduction for compression.
[16] Applicant is willing to accept a permanent certificate in conformance with the provisions of Opinion Nos. 546 and 546-A.
[17] Rate in effect subject to refund in Docket No. RI65-468.
[18] Rate in effect subject to refund in Docket No. RI65-494.
[19] Cactus Drilling Co.'s interest is covered by certificate issued to Reserve Oil & Gas Co. (Operator) et al., Docket No. CS66-72.

[F.R. Doc. 69-7614; Filed, June 30, 1969; 8:45 a.m.]

[Docket No. CI69-1065, etc.]

UNION TEXAS PETROLEUM ET AL.

Notice of Applications

JUNE 23, 1969.

Take notice that each Applicant herein has filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Cities Service Gas Co. produced in the West Edmond Field, in various counties in Oklahoma, and processed in the Trindle plant in Kingfisher County, Okla., all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicants, including Sohio Petroleum Co., the plant operator, are owners of the Trindle plant and state that the volume of natural gas available for processing has declined to the point where it is no longer economically feasible to continue operation of the plant. Applicants state further that the plant has been operating at a loss due to the declining volumes of natural gas available for processing and that it is anticipated that expenditures for plant maintenance and repairs will increase rapidly in the near future for which there will be no additional revenues.

Under the circumstances it is appropriate that there should be a shortened notice period; and, accordingly, any person desiring to be heard or to make any protest with reference to said applications should on or before July 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No.	Applicant's name and address	Date filed
CI69-1065 ..	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, Tex. 77001.	5-19-69
CI69-1103 ..	Phillips Petroleum Co., Bartlesville, Okla. 74003.	5-26-69
CI69-1104 ..	Sohio Petroleum Co., 970 First National Bldg., Oklahoma City, Okla. 73102.	5-26-69
CI69-1105 ..	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	5-27-69
CI69-1111 ..	Atlantic Richfield Co., Post Office Box 521, Tulsa, Okla. 74102.	5-26-69

Docket No.	Applicant's name and address	Date filed
CI69-1116 ..	Sun Oil Co. (DX Division), Post Office Box 2039, Tulsa, Okla. 74102.	5-28-69
CI69-1118	do	5-28-69
CI69-1119 ..	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	5-28-69
CI69-1120 ..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	5-28-69
CI69-1121 ..	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	5-28-69
CI69-1122 ..	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, Tex. 76107.	5-27-69
CI69-1123 ..	Cities Service Oil Co., Box 300, Tulsa, Okla. 74102.	5-28-69
CI69-1135 ..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	6- 4-69
CI69-1150 ..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	6- 6-69
CI69-1181 ..	Consolidated Oil & Gas, Inc., Suite 1300, Lincoln Tower Bldg., Denver, Colo. 80203.	6-13-69
CI69-1185 ..	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	6-16-69
CI69-1186 ..	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	6-16-69
CI69-1187 ..	Rudco Oil & Gas Co., Post Office Box 2018, Tyler, Tex. 75701.	6-16-69
CI69-1196 ..	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	5-27-69

[F.R. Doc. 69-7703; Filed, June 30, 1969; 8:45 a.m.]

[Docket No. E-7491]

ALABAMA POWER CO.

Notice of Application

JUNE 20, 1969.

Take notice that on June 13, 1969, Alabama Power Co. (Applicant), filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing the sale of certain electric facilities to the city of Dothan, Ala.

Applicant is incorporated under the laws of the State of Alabama with its principal business office in Birmingham, Ala., and is engaged in the electric utility business in 625 communities, as well as rural areas, within the State of Alabama.

According to the application, the Applicant proposes to sell to the city of Dothan, for a consideration of $610,621, its Dothan Transmission Substation, certain facilities at the College Substation and 19.58 miles of 46 kv. transmission lines serving and located in and around corporate limits of the city of Dothan. Consummation of the proposed transaction will result in a new power supply contract including provisions for a discount in power cost due to the new substation ownership by the city of Dothan.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7704; Filed, June 30, 1969; 8:46 a.m.]

[Docket No. CP69-314]

ATLANTIC SEABOARD CORP.

Notice of Application

JUNE 24, 1969.

Take notice that on May 21, 1969, Atlantic Seaboard Corp. (Applicant) Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP69-314 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the activation and operation of a new underground storage field including (A) the acquisition and operation of certain natural gas properties and facilities and underlying gas reserves; (B) the construction and operation of certain additional natural gas facilities; and (C) the wholesale and delivery of specified volumes of natural gas to Consolidated Gas Supply Corp. The proposal is more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to activate an additional storage field consisting of 3,000 acres situated in Preston County, W. Va., estimated to have a maximum turnover of 4,769,000 Mcf upon final activation. In addition to acquiring the related facilities and outstanding production rights to the Onondaga Chert and Oriskany formations underlying the perimeter of the storage field, Applicant proposes to construct and operate the following additional facilities:

(1) Install one 1,100 horsepower gas engine driven compressor unit at its Terra Alta Compressor Station;

(2) Recondition 12 existing production wells;

(3) Drill 20 new storage wells;

(4) Install approximately 117,300 feet of project piping ranging in size from 1.315-inch to 14-inch pipeline, including a proposed interconnection with Consolidated Gas Supply Corp.; and

(5) Install master and wellhead measurement facilities.

The application states that the proposed storage project is necessary to provide for the future market growth of Applicant's customers during the 1969–70 winter period under Applicant's Rate Schedule WS.

The total estimated cost of the proposed project is $7,502,786, which will be financed from funds provided by Applicant's parent company, The Columbia Gas System, Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14,

1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7706; Filed, June 30, 1969; 8:46 a.m.]

[Docket No. RP69-39]

CITIES SERVICE GAS CO.

Notice of Proposed Changes in Rates and Charges

JUNE 24, 1969.

Take notice that on June 20, 1969, Cities Service Gas Co. (Cities) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to become effective on July 23, 1969. The proposed rate changes would increase charges for jurisdictional sales and services by approximately $16,090,776 annually, based on sales for the 12-month period ending February 28, 1969, as adjusted. The proposed changes would increase the rates and charges in Cities' Rate Schedules, F-1, F-2, C-1, C-2, I-1, I-2, LVS-2, P, and IRG-1.

Cities states that the proposed change is required by an increased jurisdictional cost of service reflecting the general inflationary conditions in the country and in the natural gas transmission industry in particular. The proposed rates include a claimed rate of return of 8⅝ percent. Cities also states that the increased rates reflect an amount for amortizing a judgment entered against Cities in a suit by Western Natural Gas Co. and a contested claim by Mobil Oil Corp. under a contract provision relating to payment for volumes not taken in the Kansas-Hugoton Field.

Copies of the filing were served on customers and interested state regulatory agencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 10, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7702; Filed, June 30, 1969; 8:46 a.m.]

[Docket No. E-7396]

COMMONWEALTH EDISON CO.

Notice of Application

JUNE 24, 1969.

Take notice that on June 16, 1969, Commonwealth Edison Co. (Applicant) of Chicago, Ill., filed an application seeking authority pursuant to section 204 of the Federal Power Act to extend to no later than December 31, 1971, the final maturity date of short-term unsecured promissory notes authorized to be issued under the Commission's order of April 2, 1968, in Docket No. E-7396. In that order, the Commission authorized the Applicant to issue short-term promissory notes in face amounts of up to a maximum of $250 million with final maturities no later than December 31, 1969.

Applicant is incorporated under the laws of the State of Illinois with its principal business office at Chicago, Ill., and is principally engaged in the electric utility business in a service area of approximately 13,000 square miles in northern Illinois, including the city of Chicago.

The notes are to be issued from time to time to commercial banks and to commercial paper dealers, and are to have maturities of 12 months or less from the dates of issuance, and in any event are to be payable on or before December 31, 1971. The interest rate is to be (a) for notes issued to commercial banks, the prime rate as from day to day in effect, or (b) for commercial paper, the prevailing rate at time of issuance for paper of comparable quality and maturity.

The proceeds from the issuance of any notes will be added to working capital for ultimate application toward the cost of gross additions to utility properties and to reimburse the Applicant's treasury for construction expenditures. Applicant's construction program as now scheduled calls for plant expenditures of approximately $1,600 million for the 5-year period 1969-73. The extension of 2 years is necessary to provide flexibility needed to meet financing requirements under the tight money market conditions.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a preceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7707; Filed, June 30, 1969; 8:46 a.m.]

[Docket No. CP69-340]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

JUNE 23, 1969.

Take notice that on June 18, 1969, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP69-340 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of a field compressor unit on existing gas supply facilities, all as more fully stated in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to install and operate a skid-mounted field compressor unit in the South Alvin Field in Brazoria County, Tex., which Applicant states will enable it to continue to receive natural gas from said field when the Superior Oil Co. exercises its contractual rights to reduce delivery pressure of gas delivered to Applicant not in excess of 500 p.s.i.g. Applicant states that under the contract for the sale of such gas to it, Superior Oil Co. has the right to reduce the pressure at which gas is delivered to Applicant to pressures not in excess of 500 p.s.i.g. during the last 10 years of the contract term, which right became effective on June 5, 1969. Applicant also states that Superior has advised Applicant that it plans to exercise its right to reduce delivery pressure at an early date, in which event it will be necessary for Applicant to install the requested compressor facilities to maintain continuity of deliveries of gas by Superior to Applicant from the South Alvin Field.

Applicant states that the total estimated cost to be $93,000, which will be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7708; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. CP69-342]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

JUNE 24, 1969.

Take notice that on June 19, 1969, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP69-342 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of a short gathering line and a field compressor unit on existing gas supply facilities to enable it to continue to receive natural gas from the Superior Oil Co. (Superior) under currently effective contractual arrangements and presently outstanding authorization, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to install and operate a 4-inch gathering line approximately 1 mile in length and a skid mounted field compressor unit in the Monte Christo Field, Hidalgo County, Tex., to enable it to continue to receive natural gas from said field when Superior exercises its contractual rights to reduce delivery pressure of gas delivered to Applicant.

Estimated total cost is $213,000, which will be financed out of internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7709; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. RI69-765 etc.]

TEXACO, INC., ET AL.

Order Amending Order Accepting Contract Agreement, Providing for Hearings on and Suspension of Proposed Changes in Rates

JUNE 24, 1969.

By order issued May 29, 1969, in Docket No. RI69-781,[1] a rate increase from 24.0084 cents to 27 cents per Mcf at 15.325 p.s.i.a. filed by Quaker State Oil Refining Corp. (Quaker State) for a sale of natural gas to The Ohio Fuel Gas Co. in Meigs County, Ohio, was suspended for 5 months from June 1, 1969. No formal ceiling rates have been announced for Ohio. However, the rate increase, designated as Supplement No. 1 to Quaker State's FPC Gas Rate Schedule No. 28, was suspended for 5 months because it exceeded the formal ceiling for increased rates in the adjacent State of West Virginia which the Commission considers applicable to the subject sale.

The basis contract underlying the subject rate schedule is dated after September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1; and the proposed increased rate, while exceeding the increased rate ceiling of 25 cents per Mcf at 15.325 p.s.i.a., does not exceed the initial service ceiling of 28 cents per Mcf at 15.325 p.s.i.a., for West Virginia. For these reasons, we believe that the suspension period should be reduced from 5 months to a 1 day's duration in Docket No. RI69-781.

The Commission finds: Good cause exists for amending the Commission's aforementioned order issued May 29, 1969, with respect to Docket No. RI69-781 only to the extent hereafter provided.

The Commission orders:

(A) The Commission's order issued May 29, 1969, in Docket No. RI69-781, is amended to provide that Supplement No. 1 to Quaker State Oil Refining Corp.'s FPC Gas Rate Schedule No. 28 is suspended in Docket No. RI69-781 until June 2, 1969, and that said supplement shall become effective subject to refund in Docket No. RI69-781 on June 2, 1969, if within 20 days from the date of the issuance of this order, Quaker State shall execute and file in Docket No. RI69-781 its agreement and undertaking to comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser, The Ohio Fuel Gas Co. Unless Quaker State is advised to the contrary within 15 days after filing of its agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(B) In all other respects, the order issued May 29, 1969, in Docket No. RI69-781, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7705; Filed, June 30, 1969; 8:46 a.m.]

[1] Issued under lead Docket No. RI69-765 et al.

[Docket No. CP69-339]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 23, 1969.

Take notice that on June 18, 1969, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP69-339 an application for a certificate of

public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the construction and operation of certain facilities as additions to its Southwest Louisiana Gathering System, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 21 miles of 30-inch pipeline loop extending from the Cameron Meadows Plant on the Southwest Louisiana Gathering System, northward to a point near the Cameron-Calcasieu Parish line, together with an enlarged meter and regulator station to be located within said plant. The proposed facilities will be utilized to transport additional volumes of gas which have become available in the area of production associated with the system.

Applicant states that the total estimated cost of the proposed project is $5,950,000, which will be financed initially from funds on hand and bank loans. Permanent financing will be through the issuance of long-term securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7710; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. CP69-341]

UNITED GAS PIPE LINE CO.

Notice of Application

JUNE 24, 1969.

Take notice that on June 11, 1969, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP69-341 an application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the short term sale of natural gas for resale to Humble Gas Transmission Co. (Humble Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell and deliver to Humble Gas up to 40,000 Mcf per day for resale to the existing customers of Humble Gas. The application states that the short term supply provided by Applicant will permit Humble Gas to maintain continuity of service while it makes arrangements for the future operation of its system and acquires a long term gas supply.

Application states that no new construction will be required to enable Applicant to make the sale.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7711; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. CP68-308]

UNITED GAS PIPE LINE CO. AND HUMBLE GAS TRANSMISSION CO.

Notice of Joint Petition To Amend

JUNE 24, 1969.

Take notice that on June 19, 1969, United Gas Pipe Line Co., 1525 Fairfield Avenue, Shreveport, La. 71102, and Humble Gas Transmission Co., 1700 Commerce Building, New Orleans, La. 70112 (Applicants), filed a joint application, pursuant to section 7(c) of the Natural Gas Act, requesting that the certificate of public convenience and necessity heretofore issued in this docket, be amended to authorize the exchange of additional quantities of natural gas under an amendment to an existing exchange agreement between them, the establishment of an additional exchange point, and the construction and operation by United Gas Pipe Line Co. of proposed additional measuring facilities. The additional exchange point will be at the existing intersection of the facilities of Applicants in Ouachita Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that when the gas is available it will permit United to receive in north Louisiana gas produced by Humble in the Monroe Field, and it will permit Humble to receive at Baton Rouge gas produced in that area. Applicant states this is advantageous because it makes additional gas available to United for storage in the Bistineau Gas Storage Field, and it will make additional gas available to Humble at Baton Rouge.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7712; Filed, June 30, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-2178]

BLACK SANDS METALS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 23, 1969.

I. Black Sands Metals, Inc. (issuer), 580 State Street, Salem, Oreg., incorporated in the State of Oregon on February 4, 1969, filed with the Commission on March 12, 1969, a notification on Form 1-A relating to a proposed offering of 42,500 shares of common stock at $3 a share for an aggregate offering of $127,500, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on the basis of information reported by the staff, has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The issuer has not disclosed its predecessor and affiliates, as required by Item 2 of Form 1-A;

2. The issuer has not disclosed the jurisdictions in which the offering is to be made, as required by Item 8 of Form 1-A;

3. The issuer has not furnished adequate information concerning the history of its properties, as required by Item 8A(e) of Schedule I; and

4. The issuer has not prepared financial statements in the offering circular in the form prescribed by Item 11(a)(1) of Schedule I.

B. The offering would be made in violation of section 17 of the Securities Act of 1933, in that the notification and offering circular contain untrue statements of material facts and omit material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The extent and results of prior exploratory work and operations on the properties of the issuer by issuer's predecessor and others;

2. The amount and grade of ore on issuer's properties;

3. The planned operations of the issuer;

4. The amount of gold to be produced in 1969 from the stockpile and the amount to be produced in 1970 from mining operations;

5. The acquisition of the issuer's properties by its predecessor;

6. The nature and validity of the title under which issuer's properties are held;

7. The valuation of assets of issuer;

8. The condition and adequacy of mill; and,

9. The proposed uses of the proceeds of the offering.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A of securities of Black Sands Metals, Inc., pursuant to said notification, be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission, within 30 days after the entry of this order, a written request for hearing; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing, at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7719; Filed, June 30, 1969; 8:47 a.m.]

[70-4757]

MIDDLE SOUTH UTILITIES, INC.

Notice of Filing and Order for Hearing Regarding Acquisition by Holding Company of Common and Preferred Stock of Nonassociate Public Utility Company

JUNE 25, 1969.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 280 Park Avenue, New York, N.Y. 10017, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, and 10 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. The application-declaration relates to Middle South's proposal to acquire the outstanding shares of common and preferred stocks of Arkansas-Missouri Power Co. ("Ark-Mo"), a nonassociate public-utility company, in exchange for shares of the common stock of Middle South. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Middle South holds all of the outstanding shares of the common stocks of four public-utility companies which distribute electric energy to approximately 1,086,700 customers in Arkansas, Mississippi, and Louisiana. In addition, one of these also engages in the retail gas and passenger transit businesses in New Orleans, La. As of December 31, 1968, the Middle South system had consolidated net assets of $1,454,788,000, and for the year then ended consolidated gross operating revenues of $370,274,000, and consolidated net income of $46,318,000.

Ark-Mo is both an electric utility company and a gas utility company and operates in Arkansas and Missouri, and its wholly owned subsidiary company, Associated Natural Gas Co. ("Associated"), is engaged in the distribution at retail of gas in Missouri. Ark-Mo, and Associated, combined, serve electricity to approximately 48,500 customers and natural gas at retail to approximately 47,600 customers. As of December 31, 1968, Ark-Mo had consolidated net assets of $48,767,000 and its consolidated gross operating revenues for the year then ended were $25,276,000, of which $16,451,000 was derived from the electric business and $8,825,000 from the gas business. Consolidated net income for the year 1968 was $1,925,000.

Middle South proposes to offer 0.7 of a share of its common stock, $5 par value, for each share of Ark-Mo common stock. Middle South further proposes to acquire all the shares of $100 par value 4.65 percent cumulative preferred stock of Ark-Mo on the basis of 4⅛ shares of Middle South common stock for each share of Ark-Mo preferred stock. The 10 financial institutions which hold all such shares of preferred stock have agreed to the exchange, if, as described below, the holders of the requisite number of shares of Ark-Mo's common stock accept the offer.

The exchange offer will be made over an initial period of approximately 30 days from the date it is first made to the Ark-Mo common stockholders. The offering period is subject to extension for an additional period or periods by Middle South, but not beyond 60 days from the initial date of the exchange offer, unless further extended upon approval by the Commission. The exchange offer requires acceptance thereof by the holders of not less than 80 percent of the outstanding shares of Ark-Mo common stock. When at least 80 percent of the outstanding shares of Ark-Mo common stock is deposited in acceptance of the exchange offer, Middle South, within 3 business days thereafter, will declare the exchange offer effective. The proposed transactions are part of a program which includes a plan, to be filed subsequently, under section 11(e) of the Act whereby any remaining minority interest in the common stock of Ark-Mo will be eliminated. The program also includes the filing of a

plan or plans under section 11(e) of the Act to dispose of the gas transmission and distribution properties of Ark-Mo and the capital stock and gas transmission and distribution properties of Associated.

The application-declaration states that Arkansas Power & Light Co. ("Arkansas"), a subsidiary company of Middle South, has been the principal supplier of the electric power sold by Ark-Mo, and that in 1968, some 81 percent of electric power distributed by Ark-Mo was supplied by Arkansas. Middle South states that Ark-Mo and Arkansas are interconnected at three points and that a fourth point of interconnection is under construction.

The filing states that on State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Middle South requests that the Commission exempt the proposed issuance of Middle South common stock in exchange for the common and preferred stock of Ark-Mo from the competitive bidding requirements of Rule 50.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transactions; that the stockholders of Ark-Mo and other interested persons be afforded an opportunity to be heard in such hearing with respect to the fairness of the proposed exchange offer and other aspects of the proposed transactions; and that the application-declaration should not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing be held herein on August 5, 1969, at 10 a.m., at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. On such date the Hearing Room Clerk will advise as to the room in which the hearing will be held.

It is further ordered, That a Hearing Examiner, hereafter to be designated shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the proposed issue and sale of shares of the common stock of Middle South satisfies the requirements of section 7 of the Act;

2. Whether the proposed acquisition by Middle South of 80 percent or more of the outstanding shares of common stock of Ark-Mo meets the standards of section 10 of the Act, and particularly the requirements of sections 10 (b) and (c);

3. Whether exemption from compliance with the competitive bidding requirements of Rule 50 should be granted as to the shares of common stock of Middle South to be issued pursuant to the exchange offer;

4. Whether the accounting entries to be made in connection with the proposed transactions are proper and in accord with sound accounting principles;

5. Whether the fees, commissions and other expenses to be incurred are for necessary services and reasonable in amount;

6. What terms or conditions, if any, the Commission's order should contain; and

7. Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the Act and of the rules and regulations promulgated thereunder.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person, other than applicant-declarant, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before August 1, 1969, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to Middle South, Ark-Mo, the Federal Power Commission, the Arkansas Public Service Commission, the Missouri Public Service Commission, the Louisiana Public Service Commission, the Mississippi Public Service Commission, and the U.S. Department of Justice, and that Middle South shall mail copies of this notice and order, not later than 15 days prior to the date of the hearing herein, to the stockholders of record of Ark-Mo; and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7720; Filed, June 30, 1969; 8:48 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

JUNE 24, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 25, 1969, through July 4, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7687; Filed, June 30, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 26]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, The Atchison, Topeka and Santa Fe Railway Co. is unable to transport traffic on its line between Eskridge, Kans., and Alma, Kans., because of track damage from flooding.

It is ordered, That:

(a) The Atchison, Topeka and Santa Fe Railway Co., being unable to transport traffic over its line between Eskridge, Kans., and Alma, Kans., because of track damage from flooding, that line is hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Atchison, Topeka and Santa Fe Railway Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diverison is ordered.

(c) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) Effective date: This order shall become effective at 1:00 p.m., June 25, 1969.

(e) Expiration date: This order shall expire at 11:59 p.m., July 31, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-7730; Filed, June 30, 1969; 8:48 a.m.]

[S.O. 994; ICC Order 12, Amdt. 5]

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 12 (New York, Susquehanna and Western Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 12 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-7734; Filed, June 30, 1969; 8:48 a.m.]

[S.O. 994; ICC Order 16, Amdt. 3]

PENN CENTRAL

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 16 (Penn Central) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 16 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-7731; Filed, June 30, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 53, Amdt. 2]

PENN CENTRAL CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 53, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 53 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 13, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-7732; Filed, June 30, 1969; 8:48 a.m.]

[Ex Parte 72 (Sub-No. 1)]

CLASS OF EMPLOYEES AND SUBORDINATE OFFICIALS TO BE INCLUDED WITHIN TERM "EMPLOYEE" UNDER RAILWAY LABOR ACT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 29th day of May 1969.

In the matter of regulations concerning class of employees and subordinate officials that are to be included within the term "employee" under the Railway Labor Act.

Upon consideration of the record in the above-entitled proceeding and letter, treated as a petition, filed April 2, 1969, by The American Railway Supervisors Association alleging a violation by the Missouri Pacific Railroad Co. of the Railway Labor Act, section 1, Fifth, and the Commission's outstanding orders in Ex Parte No. 72 and requesting the Commission to investigate; and for good cause appearing:

It is ordered, That the aforesaid petition be, and it is hereby, assigned for oral hearing at a time and place to be hereafter fixed.

And it is further ordered, That a copy of this order be filed with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7735; Filed, June 30, 1969; 8:49 a.m.]

[No. 35124]

KANSAS INTRASTATE FREIGHT RATES AND CHARGES, 1969

JUNE 20, 1969.

Notice is herbey given that 10 common carriers by railroad operating in interstate commerce within and through the State of Kansas, as well as in intrastate commerce in that State, have filed a joint petition herein under sections 3, 13, and 15a of the Interstate Commerce Act, seeking authorization from the Interstate Commerce Commission to apply on intrastate freight rates and charges the increases approved by the Commission on corresponding interstate commerce in 1960 in Ex Parte 223 (311 I.C.C. 373), in 1967 and 1968 in Ex Parte 256 (329 I.C.C. 854 and 332 I.C.C. 280), and in 1968 and 1969 in Ex Parte 259 (332 I.C.C. 590 and 332 I.C.C. 714). The petitioners are: The Atchison, Topeka and Santa Fe Railway Co.; Chicago, Burlington & Quincy Railroad Co.; Chicago, Rock Island and Pacific Railroad Co.; The Garden City Western Railway Co.; The Kansas City Southern Railway Co., Kansas City Terminal Railway Co.; Missouri-Kansas-Texas Railroad Co.; Missouri Pacific Railroad Co.; St. Louis-San Francisco Railway Co.; and Union Pacific Co.

In support of the petition, said petitioners represent that beginning in 1960 they have sought authority from the Kansas Corporation Commission to apply both the Ex Parte 223 and 256 increases and received permission to apply only the Ex Parte 223 increase in part; and that as a result such a situation causes undue preference in favor of shipments moving in intrastate commerce and, correspondingly, undue prejudice against interstate commerce in or through the State of Kansas. Wherefore, petitioners pray that this Commission will institute an investigation for the purpose of removing such undue preference and prejudice by approving and prescribing for application on intrastate commerce in the State of Kansas the same interstate increases in their entirety reflected in the indicated Ex Parte Dockets Nos. 253, 256, and 259.

Any persons interested in or affected by the aforesaid matters raised by the instant petition, may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the said petition in support thereof or in opposition to the determination sought. An original and 15 copies of such replies must be filed with the Commission and replicants must also show evidence of service of two copies of replies on each of the following eight attorneys representing the various petitioners herein, namely: Mr. Phillip S. Brown (114 West 11th Street, Kansas City, Mo. 64105); Mr. John J. Burchell (1416 Dodge Street, Omaha, Nebr. 68102); Mr. W. Bruce Kopper (906 Olive Street, St. Louis, Mo. 63101); Mr. Don McDevitt (139 West Van Buren Street, Chicago, Ill. 60605); Mr. Richard J. Schreider (657 West Jackson Boulevard, Chicago, Ill. 60606); Mr. Robert H. Stahlheber (210 North 13th Street, St. Louis, Mo. 63103); Mr. William A. Thie (Katy Building, Dallas, Tex. 75602); and Mr. Harvey Huston (80 East Jackson Boulevard, Chicago, Ill. 60604). Thereafter, the Commission will proceed to render its decision in this matter, including the observance of any additional requirements that appear warranted to assure due process of law.

Notice, pursuant to statutory requirements, of the filing of this petition will be given by publication hereof in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7736; Filed, June 30, 1969; 8:49 a.m.]

[Ex Parte No. MC-37 (Sub-Nos. 2B, 2C)]

COMMERCIAL ZONES AND TERMINAL AREAS

Minneapolis-St. Paul, Minn., Commercial Zone

Present: Rupert L. Murphy, Commissioner, to whom the matters which are the subjects of this order has been assigned for action thereon.

Upon consideration of the records in the above-entitled proceedings, and of:

(1) Joint petition of Admiral-Merchants Motor Freight, Inc., and Bruce Motor Freight, Inc., filed November 21, 1968, as supplemented, for the establishment of special rules, or in the alternative, for oral hearing in the above-entitled proceedings;

(2) Joint petition of petitioners in (1) above and Minnesota-Wisconsin Truck Lines, Inc., and Witte Transportation Co., filed April 21, 1969, to reject representations filed in the above-entitled proceedings, or, in the alternative, for the establishment of special rules;

(3) Reply to petition in (1) above by petitioner in Ex Parte No. MC-37 (Sub-No. 2B), filed December 16, 1968, as supplemented;

(4) Reply to petition in (2) above by petitioner in (3) above, filed May 12, 1969,

(5) Reply to petition in (2) above by petitioner in Ex-Parte No. MC-37 (Sub-No. 2C), filed May 12, 1969; and good cause appearing therefor:

It is ordered, That any party in these proceedings may file a written reply to any statement or representation heretofore filed in these proceedings, and that such reply statements may be filed on or before August 1, 1969.

It is further ordered, That the petitions in (1) and (2) above, except to the extent granted herein, be, and they are hereby, denied.

Dated at Washington, D.C., this 13th day of June 1969.

By the Commission, Commissioner Murphy.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7737; Filed, June 30, 1969; 8:49 a.m.]

[Notice 858]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 26, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub-No. 138 TA), (Correction), filed May 14, 1969, published FEDERAL REGISTER, issue of May 27, 1969, and republished as corrected this issue. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, 733 South Paydras Street, Dallas, Tex. 75202. Applicant's representative: R. B. Coghlan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading; (1) between Houma, La., and New Orleans, La., over U.S. Highway 90, serving only termini and no intermediate points; and (2) between Houma, La., and Lafayette, La., over U.S. Highway 90, serving only termini and no intermediate points, for 180 days. NOTE: The purpose of this republication is to show that the proposed transportation will be over regular routes, and also to add Route (1) above. Applicant intends to tack with its existing authority in MC 30319 and Subs. Supporting shippers: There are approximately 17 statements of support attached to the application, which statements may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1314 Wood Street, 513 Thomas Building, Dallas, Tex. 75202.

No. MC 51146 (Sub-No. 137 TA) (Correction), filed June 9, 1969, published FEDERAL REGISTER, issue of May 19, 1969, and republished as corrected this issue. Applicant: SUCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. J. Schneider (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and materials, equipment, and supplies used in the manufacture and distribution of paper and paper products*, between Marshall, Mich., on the one hand, and on the other hand, points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. NOTE: The purpose of this republication is to include West Virginia, inadvertently omitted in previous publication. Supporting shipper: St. Regis Paper Co., Folding Carton Division, 820 Industrial Road, Marshall, Mich. 49068. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 106398 (Sub-No. 406 TA), filed June 19, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers*, from the plantsite of Serro Travel Trailer Co., Bristow, Okla., to points in Texas, Arkansas, Missouri, Kansas, and Illinois, for 180 days. Supporting shipper: Serro Travel Trailer Co., Scotty Drive, Bristow, Okla. 74010. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 106398 (Sub-No. 407 TA), filed June 19, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from the plantsite of Factory Homes Corp. at Van Buren, Ark., to points in Texas, Oklahoma, Kansas, Missouri, Illinois, Nebraska, Tennessee, Louisiana, and Mississippi, for 180 days. Supporting shipper: Factory Homes Corp., Post Office Drawer W, Van Buren, Ark. 72956. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third Street, Oklahoma City, Okla. 73102.

No. MC 107107 (Sub-No. 398 TA), filed June 20, 1969. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, and pineapples and coconuts*, when moving with bananas and/or plantains, from Wilmington, Del., to points in North Carolina, South Carolina, Georgia, Tennessee, Kentucky, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, South Dakota, Nebraska, Kansas, and Missouri, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 108207 (Sub-No. 263 TA), filed June 17, 1969. Applicant: FROZEN FOOD EXPRESS, INC., 317 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, cheese, and cheese foods*, from Dallas, Tex., to points in Oklahoma, Kansas, Indiana, Ohio, and to Louisville, Ky., for 180 days. NOTE: Applicant does not intend to tack authority. Supporting shipper: Dairymen, Inc., Post Office Box 2760, Lafayette, La. 70501. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 113678 (Sub 355 TA), filed June 23, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandle (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood plasma*, from Denver, Colo., to Berkeley, Calif., for 180 days. Supporting shipper: Cutter Laboratories, Fourth and Parker Streets, Berkeley, Calif. 94710. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 123766 (Sub-No. 9 TA), filed June 19, 1969. Applicant: D & O FAIRCHILD, INC., 19 West Washington Avenue, Yakima, Wash. 98902. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, boxes, fiberboard, paper, or pulpboard*, in bags, cases, or bundles, and *partitions or interior packing forms, fiberboard, paper, or pulpboard, flat or nested in bundles*, between Longview, and Yakima, Wash., on the one hand, and points in Idaho, on the other hand, under contract with Longview Fibre Co., for 180 days. Supporting shipper: Longview Fibre Co., Post Office Box 639, Longview, Wash. 98632. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 124078 (Sub-No. 388 TA), filed June 23, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk and in packages, from Sewanee, Tenn., to points in Virginia, for 150 days. Supporting shipper: Sewanee Silica Co., Division of Wedron Silica Co., 135 South La Salle Street, Chicago, Ill. 60603 (Thomas Mitropoulos, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124111 (Sub-No. 22 TA), filed June 19, 1969. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, Sandusky, Ohio 44870. Applicant's representative: Earl J. Thomas, Thomas Building, Post Office Drawer 70, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from the Port of Wilmington, Del., to points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, St. Louis, Mo., and Louisville, Ky., for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 124236 (Sub-No. 31 TA), filed June 18, 1969. Applicant: CEMENT EXPRESS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Ellis County, Tex., to points in Arkansas, for 180 days. NOTE: Applicant does not intend to tack with any existing authority. Supporting shippers: Texas Industries, Inc., Post Office Box 400, Arlington, Tex. 76010; Gifford Hill Portland Cement Co., Post Office Box 47127, Arlington, Tex. 76010. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 126342 (Sub-No. 3 TA), filed June 23, 1969. Applicant: SOUTHERN MILL CREEK PRODUCTS CO., INC., 5414 North 56th Street, Tampa, Fla. 33610. Applicant's representative: Doris A. Dudney, Post Office Box 1438, Tampa, Fla. 33601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk liquid technical malathion*, from Linden, N.J., to points in Georgia, Alabama, Mississippi, Louisiana, and Texas, for 150 days. Supporting shipper: American Cyanamid Co., Industrial Chemicals Division, Wayne, N.J. 07470. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 128353 (Sub-No. 2 TA), filed June 12, 1969. Applicant: LEE J. PRENTICE, West Bend, Iowa 50597. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock*, in bulk, in dump trucks, from points in Worth County, Iowa, to points in Faribault and Freeborn Counties, Minn., for 150 days. Supporting shipper: Concrete Materials Division, Martin Marietta Corp., 4096 First Avenue, Northeast, Cedar Rapids, Iowa 52406. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 129357 (Sub-No. 3 TA), filed June 18, 1969. Applicant: TUCKER FOOD DISTRIBUTORS, INC., Post Office Box 726, Marion, Va. 24354. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, with prior or subsequent movement via rail, from Marion, Va., to Sugar Grove, Va., over Virginia Highway 16, and return over same route, for 180 days. Supporting shipper: Brunswick Corp., Marion, Va. 24354. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

MOTOR CARRIER OF PASSENGERS

No. MC 133826 TA, filed June 20, 1969. Applicant: City Wide Transportation Co., Inc., 2800 Shell Road, Brooklyn, N.Y. Applicant's representative: Sidney Leshin, 501 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Children*, participating in the mayor's urban task force program, from New York, N.Y., to points in New Jersey, Connecticut, and Pennsylvania and return, for 180 days. Supporting shipper: City of New York, Office of the Mayor, New York, N.Y. 10007. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7738; Filed, June 30, 1969; 8:49 a.m.]

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

PUBLIC AFFAIRS ADVISER

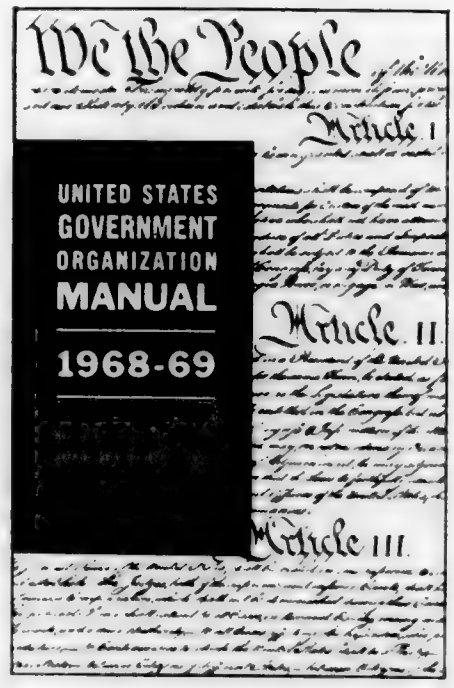
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Pursuant to the provisions of section 309 of Public Law 88-426, as modified by the Federal Salary Act of 1967 (Public Law 90-206), and in conformity with Executive Order 11474 of June 16, 1969, issued by the President under section 212 of said Act, notice is hereby given that the rate of basic compensation of the Public Affairs Adviser of the U.S. Arms Control and Disarmament Agency has been adjusted to $33,495 per annum effective July 13, 1969.

GERARD SMITH,
Director.

JUNE 25, 1969.

[F.R. Doc. 69-7700; Filed, June 30, 1969; 8:46 a.m.]



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FEDERAL REGISTER

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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that the positions of one Special Assistant and one Confidential Assistant to the General Counsel of the Office of the Special Representative for Trade Negotiations are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (2) and (3) are added to paragraph (d) of § 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(d) *Office of the Special Representative for Trade Negotiations.* * * *

(2) One Special Assistant to the General Counsel.

(3) One Confidential Assistant to the General Counsel.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–7781; Filed, July 1, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 35, Amdt. 5]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizozna; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of grapefruit grown in Arizona and the designated part of California.

Order. In § 909.335 (Grapefruit Reg. 35; 33 F.R. 15295; 34 F.R. 810, 5907, 7283, 8895) paragraph (b) (1) preceding (a) (1) (i) is amended, a new paragraph (a) (3) is added, and paragraph (b) is amended, to read as follows:

§ 909.335 Grapefruit Regulation 35.

(a) *Order.* (1) Except as otherwise provided in subparagraphs (2) and (3) of this paragraph, during the period June 29, through August 30, 1969, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

* * * * *

(3) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3^{11}/_{16}$ inches but not smaller than $3^{9}/_{16}$ inches in diameter directly to a destination in Zone 1: *Provided*, That a tolerance of 5 percent, by count, of grapefruit smaller than $3^{9}/_{16}$ inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than $3^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are $3^{13}/_{16}$ inches in diameter and smaller.

(b) As used herein, "handler," "grapefruit," "handle," "Zone 1," "Zone 2," "Zone 3," and "Zone 4" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "well colored" shall have the same meaning as when used in the aforesaid revised U.S. Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, June 27, 1969, to become effective June 29, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–7815; Filed, July 1, 1969; 8:49 a.m.]

[Grapefruit Reg. 10, Amdt. 3]

PART 944—FRUIT; IMPORT REGULATIONS

Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 10 (§ 944.106, 33 F.R. 14365, 17895; 34 F.R. 7898) are hereby amended to read as follows:

§ 944.106 Grapefruit Regulation 10.

(a) On and after July 7, 1969, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than $3^{15}/_{16}$ inches in diameter except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit;

(2) Seedless grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than $3^{7}/_{16}$ inches in diameter except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports

of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under amended Grapefruit Regulation 67 (§ 905.506); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, June 26, 1969, to become effective July 7, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7816; Filed, July 1, 1969; 8:49 a.m.]

[947.328]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) The recommendations of the committee reflect its appraisal of the composition of the 1969 crop of Oregon-Northern California potatoes and the marketing prospects for this season. Harvesting is expected to begin on or about July 7 and the regulation should become effective on that date.

The grade, size, cleanliness, and maturity requirements provided herein are necessary to prevent immature potatoes, and those that are of undesirable sizes, or below grade from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The proposed regulations with respect to special purpose shipments for other than fresh market use are designated to meet the different requirements for such outlets.

(c) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1969 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) producers and handlers have operated under the said marketing order program since 1948 so special preparation by handlers is not required, (4) information regarding the committee's recommendations relating to the marketing policy and proposed regulations were made available to producers and handlers in the production area on June 16, 1969, (5) the regulations hereinafter set forth are similar to those recommended and contained in the initial regulation made effective at the beginning of last season, (6) the committee's recommendations as to the regulation hereinafter set forth were submitted promptly to the Department (after a telephone vote relaxed the 6-ounce minimum size for U.S. No. 2 grade initially recommended) and were received on June 23, 1969, and (7) compliance with these regulations will not require special preparation by handlers which cannot be completed by the effective date.

§ 947.328 Limitation of shipments.

During the period July 7, 1969, through October 14, 1970, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Grade, size and cleanliness requirements*—(1) *Grade.* All varieties—U.S. No. 2, or better grade.

(2) *Size.* All varieties—2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties—"Generally fairly clean."

(b) *Maturity (skinning) requirements.* (1) All varieties—"Moderately skinned" through September 30, 1969, and "slightly skinned" thereafter.

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any 7 consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Grading and storing, planting, or livestock feed: *Provided,* That potatoes may not be shipped for such purposes outside of the district where grown except that: (i) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing, for planting, or for livestock feed within, or to, such districts for such purposes; (ii) potatoes grown in any one district may be shipped to a receiver in any other district within the production area for grading if such receiver is substantiated and recognized by the committee as a processor of canned, frozen, dehydrated, or prepeeled products, potato chips, or potato sticks.

(3) Charity.

(4) Starch.

(5) Export.

(6) Canning or freezing.

(7) Dehydration.

(8) Prepeeling.

(9) Potato chipping.

(10) Potato sticks (French fried shoestring potatoes). *Provided,* That all varieties of potatoes handled pursuant to subparagraphs (7) through (10) of this paragraph shall be of "U.S. No. 2 Potatoes for Processing" grade or better, 1½ inches minimum diameter.

(d) *Safeguards.* (1) Each handler making shipments of certified seed, except those lots with a maximum size of 2 inches in diameter which are handled for planting within the district where grown or between District No. 2 and District No. 4, pursuant to paragraph (c) of this section shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a certificate of privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each certificate of privilege.

(2) Each handler making shipments of potatoes pursuant to subparagraphs (5) through (10) of paragraph (c) of this section and each receiver receiving potatoes pursuant to subparagraph (2), (ii) of paragraph (c) of this section, shall:

(i) First, apply to the committee for and obtain a certificate of privilege to make such shipments.

(ii) Prepare, on forms furnished by the committee, a diversion report in quadruplicate on each individual shipment diverted from fresh market channels to the authorized outlets specified in this subparagraph.

(iii) Forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office. The handler and receiver may each keep one copy for their files. Failure of handler or receiver to report such shipments by promptly signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's certificate of privilege and/or the receiver's eligibility to receive further shipments pursuant to any certificate of privilege. Upon the cancellation of any such certificate of privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(e) *Minimum quantity exception.* Each handler may ship up to but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(f) *Inspection.* For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, or unless handled for potato chipping or prepeeling in accordance with paragraph (c) of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(g) Any lot of potatoes previously inspected pursuant to § 947.60(a) is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of handling such regraded, resorted, or repacked potatoes.

(h) *Definitions.* (1) The terms "U.S. No. 1," "U.S. No. 2," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein.

(2) The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean."

(3) The term "U.S. No. 2 Potatoes for Processing" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes for Processing (§§ 51.3410–51.3424 of this title), including the tolerances set forth therein.

(4) The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removing the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 U.S. Standards for Grades of Peeled Potatoes (§§ 52.2421–52.2433 of this title).

(5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated June 27, 1969, to become effective July 7, 1969, at 12:01 a.m. at which time § 947.327 *Limitation of Shipments* (33 F.R. 15296; 34 F.R. 1228) shall terminate.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7817; Filed, July 1, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 9676; Amdt. 39-792]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 745D and 810 Series Aircraft

There have been fatigue cracks detected on the spar booms of the Vickers Viscount Models 745D and 810 Series Aircraft. In view of the serious consequences of a spar boom failure and since this condition is likely to exist or develop in other aircraft of the same type design, an airworthiness directive (AD) is being issued to require replacement of the spar booms before they exceed 90 percent of the retirement life approved prior to April 1, 1969.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS VISCOUNT. Applies to Viscount Model 745D and 810 Series Aircraft.
Compliance required as indicated unless already accomplished.

To prevent fatigue damage to the inner section and center section lower wing spar booms accomplish the following:

(a) Replace the center section lower spar boom and the inner section lower spar boom with new booms of the same part number before they have exceeded 90 percent of the approved retirement time specified in the last applicable Viscount Instruction Manual, Chapter 3, Overhaul Schedule Section, dated before April 1, 1969, or within the next 250 landings whichever occurs later, after the effective date of this AD.

(b) All new center section and inner section lower wing spar booms that are installed in accordance with the requirements of paragraph (a) of this AD must be replaced before the accumulation of the revised retirement times as specified in the latest amendment to the Viscount Instruction Manual, Chapter 3, Overhaul Schedule Section, dated after April 1, 1969.

(c) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

This amendment becomes effective July 7, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, sec. 601(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 25, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-7766; Filed, July 1, 1969; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9674; Amdt. 95-181]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective 24 July 1969, as follows:

1. By amending Subpart C as follows:

Section 95.48 *Green Federal airway 8* is amended to read in part:

From, To, and MEA

Shemya, Alaska, LF/RBN; Anvil INT, Alaska; 6,000.
Anvil INT, Alaska; Adak, Alaska, LF/RBN; 8,000.
Adak, Alaska, LF/RBN; Nikolski, Alaska, LF/RBN; *9,000. *8,900—MOCA.
Nikolski, Alaska, LF/RBN; Driftwood Bay, Alaska, LF/RBN; *9,000. *8,900—MOCA.
Driftwood Bay, Alaska, LF/RBN; Mordvinoff INT, Alaska; *9,000. *8,700—MOCA.
Mordvinoff INT, Alaska; Cold Bay, Alaska, LFR; 6,000.
Cold Bay INT, Alaska; Marlin INT, Alaska; 4,500.
Marlin INT, Alaska; Crab INT, Alaska; *2,000. *5,000—MEA required without HF airborne communications equipment.
Crab INT, Alaska; King Salmon, Alaska, LFR; *2,000. *9,000—MEA required without HF airborne communications equipment.

Section 95.51 *Green Federal airway 11* is amended to read in part:

Shemya, Alaska, LF/RBN; Amchitka, Alaska, LF/RBN; 6,000.
Amchitka, Alaska, LF/RBN; Adak, Alaska, LF/RBN; *8,000. *7,900—MOCA.
Adak, Alaska, LF/RBN; Nikolski, Alaska, LF/RBN; *9,000. *8,900—MOCA.
Nikolski, Alaska, LF/RBN; Driftwood Bay, Alaska, LF/RBN; *9,000. *8,900—MOCA.
Driftwood Bay, Alaska, LF/RBN; Mordvinoff INT, Alaska; *9,000. *8,700—MOCA.
Mordvinoff INT, Alaska; *Cold Bay, Alaska, LFR; **6,000. *5,300—MEA Cold Bay LFR, southwestbound. **8,000—MEA required without HF airborne communications equipment.

Section 95.1001 *Direct routes—United States* is amended to delete:

Battle Mountain, Nev., VORTAC; Lucin, Utah, VOR; 18,000 MAA—45,000.
Biscayne Bay, Fla., VOR; Bonefish INT, Fla.; *2,000. *1,300—MOCA.
Bluff INT, Ala.; Huntsville, Ala., VOR; 2,600.
Bonefish INT, Fla.; Nimrod INT, Fla.; *2,000. *1,000—MOCA.
Eufaula, Ala., VOR; Macon, Ga., VOR; *2,100. *2,000—MOCA.
Los Banas, Calif., VOR; *Holy City INT, Calif.; **10,000. *10,000—MCA Holy City INT, eastbound. **6,000—MOCA.
Paige INT, Tex.; College Station, Tex., VOR; *4,500. *1,600—MOCA.
Prudhoe Bay, Alaska, NDB; Hills INT, Alaska; *3,000. *1,200—MOCA.
Sagwon, Alaska, NDB; Juniper INT, Alaska; 4,000.
*Sagwon, Alaska, NDB; Prudhoe Bay, Alaska, NDB; 4,000. *4,000—MCA Sagwon NDB, southeastbound.
Salinas, Calif., VOR; Holy City INT, Calif.; 6,000.
Salinas, Calif., VOR; Morgan INT, Calif.; 5,000.
San Jose, Calif., VOR; Holy City INT, Calif.; 6,000.
Woodside, Calif., VOR; Holy City INT, Calif.; 6,000.

Section 95.1001 *Direct routes*—United States is amended by adding:

Franklin INT, Alaska; Prudhoe Bay, Alaska, LF/RBN; *2,000. *1,800—MOCA.
Fin INT, Alaska; Juniper INT, Alaska; *3,000. *2,300—MOCA.
Fort Yukon, Alaska, VOR; Flaxman Island, Alaska, LF RBN; ± 12,000. ± MEA is established with a gap in navigation signal coverage.
Freeport, Bahamas, LF RBN; Grand Bahama, Bahamas, LF/RBN; *2,000. *1,400—MOCA. MAA—39,000.
Fresto INT, Alaska; Hills INT, Alaska; *3,000. *2,400—MOCA.
Grand Bahama, Bahamas, LF RBN; Marshall INT, Bahamas; *6,000. *1,400—MOCA. MAA—39,000.
Juniper INT, Alaska; Flaxman, Alaska, LF RBN; *2,000. *1,900—MOCA.
Prudhoe Bay, Alaska, LF/RBN; Fresto INT, Alaska; *2,000. *1,800—MOCA.
Sagwon, Alaska, LF RBN; Fin INT, Alaska; 3,000.
Sagwon, Alaska, LF RBN; Franklin INT, Alaska; 3,000.

Section 95.1001 *Direct routes*—United States is amended to read in part:

Baltimore, Md., VOR; Salisbury, Md., VOR; 2,200.
Beaver INT, Alaska; *Chandalar, Alaska LF/RBN; **7,000. *8,000—MCA Chandalar LF/RBN northwestbound. **6,900—MOCA.
Bettles, Alaska, LF RBN; *Coleville INT, Alaska; **10,000. *5,000—MCA Coleville INT, southeastbound. **9,000—MOCA.
Biscayne Bay, Fla., VOR; Guppy INT, Fla.; *2,000. *1,300—MOCA.
Biscayne Bay, Fla., VOR; Int. 008° M rad, Bimini, Nassau, VOR and 036° rad, Biscayne Bay, Fla., VOR (via Control 1150); *9,000. *1,300—MOCA.
Cairns, Ala., VOR; Hartford INT, Fla.; *2,000. *1,400—MOCA.
Chandalar, Alaska, LF RBN; *Sagwon, Alaska, LF RBN; 10,000. *4,100—MCA Sagwon LF/RBN southeastbound.
Chip River INT, Alaska; Point Barrow, Alaska, LF RBN; *2,000. *1,900—MOCA.
Coleville INT, Alaska; Chip River INT, Alaska; *4,000. *3,600—MOCA. *10,000—MEA required without HF airborne communications equipment.
Fairbanks, Alaska, LFR; Beaver, INT, Alaska; *7,000. *6,000—MOCA.
Fort Myers, Fla., VOR; Roberts INT, Fla.; 2,000.
Guppy INT, Fla.; INT Biscayne Bay, Fla.; VOR 052° (via Control 1150) *4,000. *1,200—MOCA.
Hartford INT, Fla.; Marianna, Fla., VOR; *2,000. *1,500—MOCA.
Hills INT, Alaska; Umiat, Alaska, LF RBN; *3,000. *10,000—MEA required without HF airborne communications equipment. *2,700—MOCA.
Homestead AFB, Fla., VOR; Biscayne Bay, Fla., VOR; *1,500. *1,300—MOCA.
INT, 067° M rad, Andrews VOR and 037° M rad, Nottingham VOR; Bodkin INT, Md.; 2,200.
Panama City, Fla., VOR; Greenhead INT, Fla.; *1,800. *1,500—MOCA.
Toolik INT, Alaska; Bettles, Alaska, LF RBN; *10,000 9,600—MOCA.
Umiat, Alaska, LF RBN; Bettles, Alaska, LF/RBN; *10,000. *8,300—MOCA.
Umiat, Alaska, LF RBN; Point Barrow, Alaska, LF/RBN; *3,000. *10,000—MEA required without HF airborne communications equipment. *2,000—MOCA.

Panama Routes

V–3

40-mile DME Fix via 009° M rad, Champion INT, C.Z.; *10,500. *1,000—MOCA.
France Field, C.Z., VOR; 40-mile DME Fix; *3,000. *1,300—MOCA.

V–4

France Field, C.Z., VOR; 40-mile DME Fix; *3,000. *1,300—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended to delete:

Boise, Idaho, VOR; via S alter.; Canyon Creek INT, Idaho, via S alter.; 7,000.
Canyon Creek INT, Idaho, via S alter.; Jerome INT, Idaho, via S alter.; 8,000.
Jerome INT, Idaho, via S alter.; Burley, Idaho, VOR, via S alter.; 6,500.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Centralia, Ill., VOR via S alter.; Evansville, Ind., VOR via S alter.; 2,400.
Hill City INT, Idaho, via N alter.; Soldier INT, Idaho, via N alter.; *12,500. *9,200—MOCA.
Soldier INT, Idaho, via N alter.; *Kinzie INT, Idaho, via N alter.; northwestbound; 12,500; southeastbound; 8,000. *11,200—MCA Kinzie INT, northwestbound.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Jacksonville, Fla., VOR; Folkston INT, Ga.; *2,000. *1,500—MOCA.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Cordova, Ill., VOR; Harmon INT, Ill.; *2,400. *2,100—MOCA.
Harmon INT, Ill.; Shabbona INT, Ill.; *2,500. *2,100—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Cordova, Ill., VOR; Harmon INT, Ill.; *2,400. *2,100—MOCA.
Harmon INT, Ill.; Shabbona INT, Ill.; *2,500. *2,100—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Iron Mountain, Mich., VOR; Houghton, Mich. VOR; *3,600. *3,100—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to delete:

*Santa Barbara, Calif., VOR; Inez INT, Calif.; **8,700. *7,000—MCA Santa Barbara VOR, eastbound. **8,000—MOCA.
Inez INT, Calif.; *Fillmore, Calif., VOR; 8,700. *7,800—MCA Fillmore VOR, northwestbound.

Section 95.6012 *VOR Federal airway 12* is amended by adding:

Gaviota, Calif., VOR; Santa Barbara, Calif., VOR; 6,000.
Santa Barbara, Calif., VOR; Henderson INT, Calif.; *7,000. *6,600—MOCA.
Henderson INT, Calif.; *Fillmore, Calif., VOR; **6,000. *5,100—MCA Fillmore VOR, westbound. **5,900—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Adrian INT, Tex.; *Tower INT, Tex.; **6,000. *7,000—MRA. **5,400—MOCA.
Tower INT, Tex.; Amarillo, Tex., VOR; *6,000. *5,900—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Erie, Pa., VOR via N alter.; Buffalo, N.Y., VOR via N alter.; 3,000.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Indianapolis INT, Tex., via W alter.; College Station, Tex., VOR via W alter.; 1,800.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Pine Bluff, Ark., VOR; Walls INT, Miss.; *4,000. *1,500—MOCA.
Pine Bluff, Ark., VOR via S alter.; Prichard INT, Miss., via S alter.; *5,000. *1,800—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

San Antonio, Tex., VOR via W alter.; Blanco INT, Tex., via W alter.; *3,300. *2,800—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Monroe, La., VOR via N alter.; *Phoenix INT, Miss., via N alter.; 2,300. *2,800—MRA.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Billings, Mont., VOR; *Musselshell INT, Mont.; 6,000. *8,500—MRA.
Musselshell INT, Mont.; Forest Grove INT, Mont.; 7,700.
Forest Grove INT, Mont.; Lewistown, Mont., VOR; *7,700. *7,500—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Corpus Christi, Tex., VOR via N alter; Woodsboro INT, Tex., via N alter.; *1,600. *1,300—MOCA.

Section 95.6025 *VOR Federal airway 25* is amended to delete:

Santa Barbara, Calif., VOR via W alter.; Gaviota, Calif., VOR via W alter.; 6,000.
Gaviota, Calif., VOR via W alter.; Orcutt INT, Calif., via W alter.; 6,000.
Orcutt INT, Calif., via W alter.; San Luis Obispo, Calif., VOR via W alter.; northwestbound 4,000; southeastbound 6,000.
San Luis Obispo, Calif., VOR via W alter.; Paso Robles, Calif., VOR via W alter.; 5,000.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

Ventura, Calif., VOR; Henderson INT, Calif.; 5,000.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Jacksonville, Fla., VOR; Folkston INT, Ga.; *2,000. *1,500—MOCA.

Section 95.6052 *VOR Federal airway 52* is amended to read in part:

Cartter INT, Ill.; Evansville, Ind., VOR; 4,500.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Houston INT, Ind.; Morgantown INT, Ind.; *2,800. *2,100—MOCA.
Morgantown INT, Ind.; Indianapolis, Ind., VOR; *2,600. *2,100—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Crandall INT, Ga.; Murphy INT, N.C.; 6,000.
Murphy INT, N.C.; Harris, Ga., VOR; *6,000. *5,700—MOCA.

Section 95.6059 *VOR Federal airway 59* is amended by adding:

Newcomerstown, Ohio, VOR; Briggs, Ohio, VOR; 3,000.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

*Bandera INT, Tex.; San Antonio, Tex., VOR; **3,000. *4,300—MRA. **2,800—MOCA.

Section 95.6073 *VOR Federal airway 73* is amended by adding:

Wichita, Kans., VOR via E alter.; Walton INT, Kans., Via E alter.; 3,400.
Walton INT, Kans., via E alter.; Canton INT, Kans., via E alter.; *3,300. *3,000—MOCA.
Canton INT, Kans., via E alter.; Salina, Kans., VOR via E alter.; *3,300. *2,700—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Llano, Tex., VOR; Kingsland INT, Tex.; *3,000. *2,700—MOCA.
Llano, Tex., VOR via S alter.; Granite INT, Tex., via S alter.; *3,300. *2,800—MOCA.
Granite INT, Tex., via S alter.; Capitol INT, Tex., via S alter.; *3,000. *2,700—MOCA.
Kingsland INT, Tex.; Beth INT, Tex.; *3,000. *2,600—MOCA.
Beth INT, Tex.; Lake Travis INT, Tex.; *3,000. *2,300—MOCA.
Austin, Tex., VOR; *Butler INT, Tex.; **2,200. *3,000—MRA. **2,100—MOCA.
Butler INT, Tex.; Bastrop INT, Tex.; *2,500. *1,700—MOCA.
Bastrop INT, Tex.; Industry, Tex., VOR; *2,200. *1,800—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

Plainview, Tex., VOR; *Canyon INT, Tex.; 5,000. *8,000—MRA.
Canyon INT, Tex.; Amarillo, Tex., VOR; 4,800.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Darby INT, Fla.; Shrimp INT, Fla.; *4,000. *1,200—MOCA.
Shrimp INT, Fla.; *Scallop INT, Fla.; **5,000. *3,000—MRA. **1,200—MOCA.
Scallop INT, Fla.; *Lobster INT, Fla.; **6,000. *3,000—MRA. **1,100—MOCA.
Lobster INT, Fla.; Tallahassee, Fla., VOR; *2,000. *1,600—MOCA.
Arcadia INT, Fla., via E alter.; Lakeland, Fla., VOR, via E alter.; *2,000. *1,500—MOCA.
Lakeland, Fla., VOR, via E alter.; Bayport INT, Fla., via E alter.; *1,800. *1,500—MOCA.
Bayport INT, Fla., via E alter.; *Richey INT Fla., via E alter.; **3,000. *2,500—MRA. **1,200—MOCA.
Richey INT, Fla., via E alter.; Shrimp INT, Fla., via E alter.; *5,000. *1,200—MOCA.
St. Petersburg, Fla., VOR via W alter.; *Oyster INT, Fla., via W alter.; **1,600. *4,000—MRA. **1,300—MOCA.
Oyster INT, Fla., via W alter.; *Scallop INT, Fla., via W alter.; **3,400. *3,000—MRA. **1,000—MOCA.
Scallop INT, Fla., via E alter.; Cross City, Fla., VOR via E alter.; *1,500. *1,200—MOCA.
Cross City, Fla., VOR via E alter.; Tallahassee, Fla., VOR via E alter.; *2,000. *1,600—MOCA.
Blue Ridge INT, Ga.; Murphy INT, N.C.; *8,000. *5,300—MOCA.
Murphy INT, N.C.; Howard INT, Tenn.; 8,000.

Section 95.6101 *VOR Federal airway 101* is amended to delete:

Kinzie, INT, Idaho; Int, 305° M rad Burley VOR and 269° M rad, Pocatillo VOR; *12,500. *9,200—MOCA.

Section 95.6101 *VOR Federal airway 101* is amended by adding:

Burley, Idaho, VOR; *Kinzie INT, Idaho; **8,000. *11,200—MCA Kinzie INT, northwestbound. **7,000—MOCA.
Kinzie INT, Idaho; Soldier INT, Idaho; northwestbound 12,500; southeastbound 8,000.

Section 95.6105 *VOR Federal airway 105* is amended to read in part:

Casa Grande, Ariz., VOR; Phoenix, Ariz., VOR; *5,000. *4,200—MOCA.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

Lewistown, Mont., VOR; Forest Grove INT, Mont.; *7,700. *7,500—MOCA.
Forest Grove INT, Mont.; Miles City, Mont., VOR; *9,000. *7,500—MOCA.

Section 95.6127 *VOR Federal airway 127* is amended to read in part:

Wyanet INT, Ill.; Harmon INT, Ill.; *2,600. *1,800—MOCA.
Harmon INT, Ill.; Polo, Ill., VOR; *2,600. *2,100—MOCA.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Cofield, N.C., VOR; *Sunbury INT, N.C.; **2,000. *2,500—MRA. **1,300—MOCA.

Section 95.6156 *VOR Federal airway 156* is added to read:

Moline, Ill., VOR; Bradford, Ill., VOR; 2,800.
Bradford, Ill., VOR; Peotone, Ill., VOR; *2,600. *2,100—MOCA.
Peotone, Ill., VOR; Int, 138° M rad, Chicago Heights VOR and 096° M rad, Peotone VOR; *2,500. *2,200—MOCA.
Int, 138° M rad, Chicago Heights VOR and 096° M rad, Peotone VOR; Int, 096° M rad, Peotone VOR and 237° M rad, Knox VOR; *4,000. *2,200—MOCA.
Int, 096° M rad, Peotone VOR and 237° M rad Knox VOR; Knox, Ind., VOR; *2,500. *2,100—MOCA.
Knox, Ind., VOR; South Bend, Ind., VOR; *2,500. *2,000—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Alma, Ga., VOR; *Baxley INT, Ga.; 2,000. *3,000—MRA.
Baxley INT, Ga.; Allendale, S.C., VOR; 2,000.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

San Antonio, Tex., VOR; Johnson City INT, Tex.; *3,300. *2,800—MOCA.
Johnson City INT, Tex.; Kingsland INT, Tex.; *4,000. *2,900—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended to delete:

Fort Wayne, Ind., VOR; Claypool INT, Ind.; *2,600. *2,200—MOCA.
Claypool INT, Ind.; Int, 138° M rad, Chicago Heights VOR and 096° M rad, Peotone VOR; *4,000. *2,000—MOCA.
Int, 138° M rad, Chicago Heights VOR and 096° M rad, Peotone VOR; Chicago Heights, Ill., VOR; *2,600. *2,200—MOCA.
Fort Wayne, Ind., VOR; Monterey, Ind., VOR; *2,600. *2,200—MOCA.
Monterey, Ind., VOR; Chicago Heights, Ill., VOR; *2,600. *2,200—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

*Bandera INT, Tex.; San Antonio, Tex., VOR; **3,000. *4,300—MRA. **2,800—MOCA.
Eagle Lake, Tex., VOR via N alter.; Humble, Tex., VOR via N alter.; *2,000. *1,500—MOCA.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

INT, 238° M rad, Appleton, Ohio and 277° M rad, Zanesville, Ohio, VOR; Zanesville, Ohio, VOR; 3,000.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

San Antonio, Tex., VOR; Staples INT, Tex.; *3,000. *2,600—MOCA.
Staples INT, Tex.; Lockhart INT, Tex.; *2,600. *1,900—MOCA.
Lynchburg, Va., VOR; *Amherst INT, Va.; **3,000. *4,000—MRA. **2,600—MOCA.

Section 95.6225 *VOR Federal airway 225* is amended to read in part:

La Belle, Fla., VOR; Haven INT, Fla.; *2,000. *1,200—MOCA.
Haven INT, Fla.; Dixie Ranch INT, Fla.; *2,000. *1,100—MOCA.
Dixie Ranch INT, Fla.; Vero Beach, Fla., VOR; *2,000. *1,200—MOCA.

Section 95.6233 *VOR Federal airway 233* is added to read:

Roberts, Ill., VOR; Knox, Ind., VOR; *2,500. *2,100—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Jacksonville, Fla., VOR via W alter.; Cabins INT, Ga.; via W alter.; *2,000. *1,300—MOCA.
Jacksonville, Fla., VOR; Folkston INT, Ga.; *2,000. *1,500—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Paola INT, Fla.; Woodruff INT, Fla.; 2,100.
Woodruff INT, Fla.; Barberville INT, Fla.; *2,100. *1,300—MOCA.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

Greenwood, Miss., VOR; College INT, Miss.; 2,000.

Section 95.6332 *VOR Federal airway 332* is amended to delete:

Moline, Ill., VOR; Bradford, Ill., VOR; 2,800.
Bradford, Ill., VOR; Peotone, Ill., VOR; *2,600. *2,100—MOCA.
Peotone, Ill., VOR; Knox, Ind., VOR; *2,600. *2,100—MOCA.
Knox, Ind., VOR; South Bend, Ind., VOR; *2,500. *2,000—MOCA.

Section 95.6422 *Hawaii VOR Federal airway 22* is amended to read in part:

Barracuda INT, Hawaii; Sardine INT, Hawaii; 11,000.

Section 95.6422 *VOR Federal airway*

422 is amended to read in part:

Wolflake, Ohio, VOR; Findlay, Ohio, VOR; 2,600.

Section 95.6427 *VOR Federal airway 427* is amended to delete:

Newcomerstown, Ohio, VOR; Briggs, Ohio, VOR; 3,000.

Section 95.6430 *VOR Federal airway 430* is amended to read in part:

Ironwood, Mich., VOR; Iron Mountain, Mich., VOR; *3,600. *3,100—MOCA.

Section 95.6443 *VOR Federal airway 443* is amended to read in part:

Tiverton, Ohio, VOR; Reedsburg INT, Ohio; 3,000.

Section 95.6455 *VOR Federal airway 455* is amended to read in part:

New Orleans, La., VOR via E alter.; Slidell INT, La., via E alter.; *1,500. *1,400—MOCA.

Slidell INT, La., via E alter.; Gulfport, Miss., VOR via E alter.; *1,800. *1,500—MOCA.

Section 95.6492 *VOR Federal airway 492* is amended to read in part:

LaBelle, Fla., VOR via N alter.; *Haven INT, Fla., via N alter.; **2,000. *3,000—MCA Haven INT, southeastbound. **1,300—MOCA.

Haven INT, Fla., via N alter.; Sherman INT, Fla., via N alter.; *3,000. *1,100—MOCA.

Sherman INT, Fla., via N alter.; Palm Beach, Fla., VOR via N alter.; *1,600. *1,300—MOCA.

Section 95.6500 *VOR Federal airway 500* is amended to read in part:

*Boise, Idaho, VOR; Arrow Rock INT, Idaho; eastbound 9,000; westbound 8,000. *7,000—MCA Boise VOR, eastbound.

Arrow Rock INT, Idaho; Hill City INT, Idaho; *11,500. *9,800—MOCA.

Hill City INT, Idaho; Soldier INT, Idaho; *12,500. *9,200—MOCA.

Soldier INT, Idaho; Richfield INT, Idaho; *12,500. *8,200—MOCA.

Section 95.6506 *VOR Federal airway 506* is amended to read in part:

*Kodiak, Alaska, VOR; Brooks INT, Alaska; **10,000. *4,000—MCA Kodiak VOR, northwestbound. **9,700—MOCA.

*Brooks INT, Alaska; King Salmon, Alaska, VOR; *25,000. *7,000—MCA Brooks INT, southeastbound. **4,500—MOCA.

Section 95.7030 *Jet Route No. 30* is amended to delete:

From, To, MEA, and MAA

Front Royal, Va., VOR; Herndon, Va., VORTAC; 18,000; 45,000.

Section 95.7138 *Jet Route No. 138* is amended to delete:

San Antonio, Tex., VORTAC; Humble, Tex., VORTAC; 18,000; 45,000.

Section 95.7138 *Jet Route No. 138* is amended by adding:

San Antonio, Tex., VORTAC; Houston, Tex., VORTAC; 18,000; 45,000.

2. By amending subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

Airway segment: From; to—changeover point: Distance; from

V–15 is amended by adding:

Humble, Tex., VOR via E alter.; Navasota, Tex., VOR via E alter.; 17; Humble.

V–16 is amended by adding:

Pine Bluff, Ark., VOR; Memphis, Tenn., VOR; 30; Pine Bluff.

V–34 is amended to delete:

Princeton, Maine, VOR; St. Johns, Canada, VOR; 36; Princeton.

V–119 is added to read:

Clarion, Pa., VOR; Bradford, Pa., VOR; 27; Clarion.

V–178 is added to read:

Lexington, Ky., VOR; Bluefield, W. Va., VOR; 96; Lexington.

Section 95.8005 *Jet routes changeover points:*

J–86 is amended by adding:

Humble, Tex., VORTAC; Grand Isle, La., VORTAC; 135; Humble.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on June 25, 1969.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[F.R. Doc. 69–7690; Filed, July 1, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Components Used in Fork Lift Trucks

§ 15.349 **Disclosure of origin of imported components used in fork lift trucks.**

(a) In response to a request for an advisory opinion, the Commission advised a company that one of its statements would not be proper but that it would not object to its other proposed statement. The company had requested an opinion in regard to the proper marking and advertising of fork lift trucks made partly of imported components with specific reference to the following two statements:

(1) "Assembled in U.S.A."

(2) "Assembled in U.S.A. of components of USA & Imports".

(b) The trucks will be sold to industrial users through various sales agencies throughout the United States, and the agencies will have on display at least one or two models to show to prospective purchasers. It is anticipated that parts imported from Bulgaria will represent approximately 40 percent of total production costs, parts, and labor assembly costs in the United States will represent 30 percent and the remaining 30 percent will represent parts imported from one of the following five countries: West Germany, France, England, Denmark, and Japan. Thus approximately 70 percent of total production costs will consist of imported components.

(c) In the opinion which was rendered, the Commission concluded that it could not accept the first proposed statement as being in conformity with section 5 of the FTC Act. However, the Commission said, it would interpose no objection to the use of the second proposed disclosure—"Assembled in U.S.A. of components of USA & Imports."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 1, 1969.

By direction of the Commission.[1]

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–7754; Filed, July 1, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Accreditation Program for Producers of Concrete and Concrete Products

§ 15.350 **Accreditation program for producers of concrete and concrete products.**

(a) The Commission rendered an advisory opinion involving a proposed accreditation program in the construction industry, including the award of a certificate of accreditation. The program is designed to upgrade and maintain the quality of a building material.

(b) Under the proposed program, the sole criterion for accreditation and the award of a certificate of accreditation of established firms will be provable ability to function effectively in the field of concrete construction, and any applicant who has a satisfactory record of accomplishment as certified by the architect or engineer for whom concrete work was done will be accredited. Certificates will be renewed annually solely on the basis of satisfactory performance during the preceding year. The failure to maintain satisfactory performance standards could result in deaccreditation and withdrawal of the right to use the certificate. General supervision of the proposed program of accreditations will be vested in a Board of Directors, no member of which will have any financial interest in the product as might affect his impartiality under the program. The Board will have the responsibility, among other matters, for insuring nondiscriminatory administration of and free access to the program.

(c) There will be no requirement for any applicant as to the length of time in business, his capital, or size of operation. Applicant firms with no previous experience in the industry but having personnel of sufficient background and experience in concrete construction or related fields and which express a desire to engage in quality concrete constructions will be accredited. All present and future applicants will have free, unrestricted and nondiscriminatory access to the program, whether or not they are a member of any sponsoring organization. All nonmember applicants will be accorded an equal opportunity for accreditation at a cost no greater than and under conditions no more onerous than those imposed upon comparably situated organization members for whom comparable services may be rendered. A uniform certificate of accreditation will be awarded to all who qualify.

(d) The Commission advised that it would not proceed against the practices so long as they are implemented in the manner described. The requesting party was advised further that in giving its approval to this request the Commission is expressing no opinion with respect to product standards which may be or are now established and that the approval will be of no force and effect should the proposed program of accreditation be implemented in contravention of Commission-administered law. The Commission added that should the proposed program be adopted the Commission may, from time to time, wish to assure itself that it is being used for the limited purposes intended.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 1, 1969.

By direction of the Commission.[1]

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–7753; Filed, July 1, 1969; 8:45 a.m.]

[1] Commissioner MacIntyre did not concur.

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

[File No. 206–9–1]

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Fiber Content of Special Types of Products

On March 27, 1969, the Commission issued a notice of amendment of § 303.10 (Rule 10) of Part 303, rules and regulations under the Textile Fiber Products Identification Act, "Fiber Content of Special Types of Products" so as to add a new paragraph thereto designated as paragraph (c), and to provide for the manner and form of disclosing the required fiber content information of textile fibers which contain components combined at or prior to the time of initial extrusion which if separately extruded would fall within existing definitions of textile fibers as set forth in § 303.7 (Rule 7) of the regulations under the aforesaid Act. Such notice was published in the FEDERAL REGISTER on March 28, 1969 at 34 F.R. 5836.

The notice of amendment provided that paragraph (c) of § 303.10 (Rule 10) would become effective 45 days after publication in the FEDERAL REGISTER. It was further provided that interested parties could submit written comments within 20 days of the publication of paragraph (c) of § 303.10 (Rule 10) in the FEDERAL REGISTER but this should not affect the effective date unless the Commission should so order.

Upon the indication of certain interested parties of a desire for a further period for comments, the time for the submission of written views and comments in the matter was extended to May 15, 1969 by notice dated April 18, 1969 and published in the FEDERAL REGISTER on April 23, 1969. The effective date of paragraph (c) of § 303.10 (Rule 10) of the rules and regulations under the Textile Fiber Products Identification Act was deferred until June 30, 1969.

In order to fully consider the necessity of making certain clarifying revisions in paragraph (c) of § 303.10 (Rule 10), the effective date of the aforesaid paragraph (c) of § 303.10 (Rule 10) of the rules and regulations under the Textile Fiber Products Identification Act is deferred until July 30, 1969.

Issued: June 27, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–7814; Filed, July 1, 1969; 8:49 a.m.]

[1] Commissioner Jones did not concur.

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 608—HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and by means of Administrative Order No. 606 (34 F.R. 5434), the Secretary of Labor appointed and convened Industry Committee No. 82–B for the handkerchief, scarf, and art linen industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 82–B are hereby published, to be effective July 18, 1969, in this order amending section 608.2 of Title 29, Code of Federal Regulations. As amended, § 608.2 reads as follows:

§ 608.2 **Wage rates.**

* * * * * *

(a) *Pre-1961 coverage classifications.* * * *

(1) *Hand-sewing on oblong scarves classification.* (i) The minimum wage for this classification is $1.05 an hour.

* * * * * *

(2) *Other operations on oblong scarves classification.* (i) The minimum wage for this classification is $1.25 an hour.

* * * * * *

(3) *Hand-sewing on products other than oblong scarves classification.* (i) The minimum wage for this classification is 50 cents an hour.

* * * * * *

(4) *Other operations classification.* (i) The minimum wage for this classification is 72 cents an hour.

* * * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.30 an hour.

* * * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 26th day of June 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 69–7819; Filed, July 1, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5—General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

This amendment of the General Services Administration Procurement Regulations prescribes policies and procedures which implement and supplement Subpart 1–3.8, Price Negotiation Policies and Techniques, of the Federal Procurement Regulations. The amendment expands Subpart 5–53.3, Audit of Contractors' Records, in the areas of contract audit and the processing of contractors' invoices or vouchers requesting payment under GSA contracts.

PART 5–3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 5–3 is amended to include the following revised entry:

5–3.809 Contract audit as a pricing aid.

Subpart 5–3.8—Price Negotiation Policies and Techniques

Section 5–3.809 is revised to read as follows:

§ 5–3.809 Contract audit as a pricing aid.

The Contract Audits Division, Office of Audits and Compliance, and the Area Audits and Compliance Offices perform contract audits as a pricing aid upon request of a contracting officer pursuant to §§ 1–3.801, 1–3.809, and Subpart 5–53.3. Such requests shall be in writing and shall be directed to the appropriate audits and compliance office. In addition, they shall describe the problem, specify the purpose to be served by the audit, and identify any areas for particular pricing (or other) effort or emphasis, such as to review the contractor's accounting or estimating system.

PART 5–53—CONTRACT ADMINISTRATION

The table of contents for Part 5–53 is amended to include the following revised and new entries:

Sec.
5–53.303 Types of contracts subject to audit.
5–53.305 Payments under contracts subject to audit.
5–53.305–1 General.
5–53.305–2 Submission and processing of invoices or vouchers.
5–53.305–3 Action upon receipt of an audit report.
5–53.305–4 Suspensions and disapprovals of amounts claimed.
5–53.306 Additional internal controls.
5–53.307 Deviation.

Subpart 5–53.3—Audit of Contractors' Records

Subpart 5–53.3 is revised to read as follows:

§ 5–53.301 General.

The Contract Audits Division, Office of Audits and Compliance, and the Area Audits and Compliance Offices conduct contract audits (i.e., examinations) of contractors' records to the extent that such audits are required by law, regulation, or sound business judgment. Such audits include the conduct of periodic or requested audits of contractors as are warranted by such matters as the financial condition, integrity, and reliability of the contractor and prior audit experience, adequacy of the accounting system, and the amount of unaudited claims (see also § 5–3.809). In order that the Government can benefit to the maximum extent from such audits, a coordinated and cooperative effort shall be made by contracting officers, technical specialists, and finance and audit personnel (see §§ 1–3.801 and 5–53.102). It is the responsibility of the contracting officer to have an audit clause inserted in all contracts subject to audit pursuant to § 5–53.303.

§ 5–53.302 Purpose of audit.

In addition to the provisions of § 1–3.809, Contract audit as a pricing aid, audits are conducted to advise and make recommendations to the contracting officer concerning the:

(a) Propriety of amounts paid, or to be paid, by GSA to contractors where such amounts are based on a cost or time determination or on variable features related to the results of contractors' operations;

(b) Adequacy of measures taken by contractors regarding the use and safeguarding of Government assets under their custody or control;

(c) Compliance by contractors with contractual provisions having financial implications, such as progress payments, advance payments, guaranteed loans, cash return provisions, and price adjustments. The adequacy of a contractor's accounting system and controls shall be evaluated by contract audit (see § 1–3.809 (a) (1)) before inclusion of a Progress Payments clause in a contract, as provided in §§ 1–30.506 and 5–30.550(b) (3). A similar evaluation shall be made prior to the making of any advance payments or guaranteed loans pursuant to Parts 1–30 and 5–30;

(d) Reasonableness of contractors' settlement proposals in termination of contracts (see § 1–8.207);

(e) Compliance with contract provisions; and

(f) Contractors' financial condition and ability to perform or to continue to perform under Government contracts.

§ 5–53.303 Types of contracts subject to audit.

(a) The following types of contracts in excess of $2,500 shall include the Examination of Records by GSA clause (§ 5–53.304):

(1) Cost-reimbursement type contracts (see §§ 1–3.405 and 1–3.814–2(e));

(2) Advertised or negotiated contracts involving the use or disposition of Government-furnished property (see § 5–53.102(b));

(3) Where advance payments progress payments based on costs, or guaranteed loans are to be made (see § 5–53.302(c));

(4) Contracts for supplies or services containing a price warranty or price reductions clause;

(5) Contracts or leases involving income to the Government where the income is based on operations that are under the control of the contractor or lessee;

(6) Fixed-price contracts with escalation (see §§ 1–2.104–3 and 1–3.404–3), incentives (see §§ 1–3.404–4 and 1–3.407), and redetermination (see §§ 1–3.404–5 and 1–3.404–7);

(7) Requirements and indefinite quantity (call-type) contracts (see §§ 1–2.104–4 and 1–3.409; see also § 5–53.306 for additional internal controls);

(8) Time and materials and labor-hour contracts (see §§ 1–3.406–1 and 1–3.406–2; see also § 5–53.306 for additional internal controls); and

(9) Leases (i) where the rental is subject to adjustment (such as for a change in real estate taxes or service costs) or (ii) where the rental is dependent upon actual costs.

(b) In some of the contracts listed in paragraph (a) of this § 5–53.303, it may be appropriate to contractually define the scope or extent of any audit, such as with respect to (1) the use or disposition of Government-furnished property or (2) variable or other special features of the contract, e.g., price escalation, and compliance with the price warranty or price reductions clauses. In such cases, the contract clause in § 5–53.304 may be appropriately modified with the concurrence of the (1) Office of General Counsel or Regional Counsel and (2) Contract Audits Division or the Area Audits and Compliance Office, as appropriate.

(c) Inclusion of the contract clause in § 5–53.304 (whether or not modified) in contracts does not affect in any way the requirements for (1) use of the Examination of Records clause permitting review of contractor books and records by the Comptroller General (see § 1–3.814–2 (e)) or (2) the clauses on Audit and Records pertaining to the verification of cost or pricing data (see § 1–3.814–2).

(d) A copy of each contract, or modification, of the types described in § 5–53.305–1(a) subject to audit shall be furnished promptly after execution to the Contract Audits Division, Office of Audits and Compliance, General Services Administration, Washington, D.C. 20405, or to the Area Audits and Compliance Office, as appropriate.

§ 5–53.304 Contract clause.

The following contract clause is prescribed for use as provided in § 5–53.303:

EXAMINATION OF RECORDS BY GSA

The Contractor agrees that the Administrator of General Services or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any books, documents, papers, and records of the Contractor involving transactions related to this contract or compliance with any clauses thereunder.

The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Administrator of General Services or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract or compliance with any clauses thereunder. The term "subcontract" as used in this clause excludes (a) purchase orders not exceeding $2,500 and (b) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

§ 5–53.305 Payments under contracts subject to audit.

§ 5–53.305–1 General.

(a) The contracting officer shall not approve the initial payment invoice or voucher until he has consulted with the Contract Audits Division or the Area Audits and Compliance Office, where the invoices or vouchers are under:

(1) Cost-reimbursement type contracts;

(2) The cost-reimbursement portion of fixed-price type contracts;

(3) Time and materials or labor-hour contracts; or

(4) Fixed-price contracts providing for (i) progress payments based on costs, (ii) advance payments, (iii) guaranteed loans, or (iv) incentives or redetermination.

(b) The contracting officer shall not approve the final payment (completion) invoice or voucher for such contracts, nor for the final payment or settlement of other contracts subject to audit (see § 5–53.303) prior to the (1) receipt and review of the contract audit report or (2) consultation with the Contract Audits Division or the Area Audits and Compliance Office if no audit is to be conducted; provided, that this paragraph (b) shall not apply to fixed-price contracts with escalation where no price revision (upward or downward) is to be made.

§ 5–53.305–2 Submission and processing of invoices or vouchers.

(a) Contractors shall be required to submit the invoices or vouchers described in § 5–53.305–1 directly to the contracting officer. The processing of invoices or vouchers prior to payment for work or services rendered shall include a review by the contracting officer, or his designated representative, to determine that the nature of items and amounts claimed are in consonance with the contract terms, represent prudent business transactions, and are within any stipulated contractual limitations (see § 5–53.102). The contracting officer must insure that these payments are commensurate with physical and technical progress under the contract. If the contractor has not deducted from his claim amounts which are questionable or which are required to be withheld, the contracting officer shall make the required deduction, except as provided in § 5–53.305–3.

(b) Subject to the provisions of § 5–53.305–1, approval by the contracting officer of any payment, including any specific approval as to the nature or amount of a cost, shall be noted on (or attached to) the invoice or voucher (see, for example, § 1–15.107 regarding advance understandings on particular cost items). The invoice or voucher shall be forwarded to the appropriate accounting center and retained therein after certification and scheduling for payment to a disbursing office.

§ 5–53.305–3 Action upon receipt of an audit report.

Audit reports shall be furnished to the contracting officer, with a copy to the appropriate accounting center. Upon receipt of an audit report, the contracting officer shall, pursuant to contract terms and the guidelines of § 5–53.102, determine the allowability of all costs covered by audit, giving full consideration to the auditor's recommendations. Where the contracting officer is in doubt or questions the recommendations of the auditor, deductions need not be made from invoices or vouchers for provisional payments. The contracting officer in such cases, however, shall confer with the auditor and other appropriate Government personnel (such as a price specialist or legal counsel) to determine what further action should be taken regarding the items of cost in question. If the contracting officer disagrees with the auditor's recommendations, the contracting officer shall prepare a statement for the contract file to support and justify his decision and shall furnish the auditor with a copy of such statement (see also § 1–3.811).

§ 5–53.305–4 Suspensions and disapprovals of amounts claimed.

The contracting officer shall notify the appropriate accounting center in writing when amounts claimed for payment are (a) suspended tentatively, (b) disapproved as not being allowable according to contract terms, or (c) not reasonably incident or allocable to performance of the contract. Such notice by the contracting officer shall be the basis for the issuance by the accounting center of GSA Form 533, Administrative Difference Statement. A copy of GSA Form 533 shall be attached to each copy of the invoice or voucher from which the deduction has been made, including an explanation of the deduction. Control over the issuance of GSA Form 533 shall be maintained by the accounting center.

§ 5–53.306 Additional internal controls.

As a supplement to the contractual right to audit (see § 5–53.303) contractor records in time and materials, labor-hour, requirements, and indefinite quantity (call-type) contracts, the contracting officer (with the assistance of the Contract Audits Division or the Area Audits and Compliance Office) shall establish appropriate internal controls or procedures prior to the performance of those contracts with respect to any flexible or variable features. For example, if a time and materials, or labor-hour contract is performed (on a Government facility or elsewhere) subject to observation or overall supervision by Government personnel (see § 1–3.406–1(b)), approval of time records may be provided for as incidental to the Government supervision. Any reasonable and reliable method or procedure may be established, to account for such matters as the time spent on the job, and materials or supplies received, which will assist the contract auditor and the contracting officer to determine the correctness of the charges to the contract.

§ 5–53.307 Deviation.

(a) Except as provided in paragraph (b) of this § 5–53.307, approval of any deviation (see § 5–1.108(b)(1)) in individual cases from the contract audit requirements of the Federal Procurement Regulations or General Services Administration Procurement Regulations shall be made by the Head of the appropriate Central Office Service or Staff Office only after consultation with the Deputy Director, Office of Audits and Compliance (Audits).

(b) The contracting officer and the Deputy Director, Office of Audits and Compliance (Audits), or the Area Audits and Compliance Office may agree to limit the application of specific contract audit requirements in individual cases, such as where the possible cost-benefits of the audit do not warrant the assignment of audit resources or where audit resources are unavailable; provided, that the stated urgency of a proposed procurement or other contract action shall not alone be adequate justification for such a waiver (see § 1–3.801–3 with respect to the avoidance of requirements issued on an urgent basis and § 1–3.809(b)(2) with respect to the allowance of as much time as possible for the audit work).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective June 24, 1969.

Dated: June 24, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–7733; Filed, July 1, 1969; 8:45 a.m.]

Chapter 6—Department of State

[Dept. Reg. 108.604]

PART 6–1—GENERAL

Subpart 6–1.4—Procurement Responsibility and Authority

DESIGNATION; DIPLOMATIC AND CONSULAR POSTS LOCATED OUTSIDE THE UNITED STATES

In § 6–1.404–2(c) subparagraph (5) is amended by adding a new subdivision (iv) to read as follows:

§ 6–1.404–2 Designation.

* * * * * * *

(c) * * *

(5) *Diplomatic and consular posts located outside the United States.* * * *

(iv) When expressly authorized by a U.S. Government agency which does not have an authorized contracting officer at the post, the officers named above in this subparagraph may enter into contracts for and on behalf of that agency. The exercise of this authority is subject to the provisions of the regulatory or other contracting officer designation issued by the contracting agency and any relevant administrative support or other interagency agreement. Statutory authorities and regulations of the contracting agency are applicable to contracts entered into

pursuant to this authority and the contracting agency is responsible for informing the individual it has designated to act as its contracting officer of pertinent statutes and regulations which supplement, implement or deviate from Chapter 1 of this title. In view of the contracting officer's responsibility for the legal, technical, and administrative sufficiency of the contracts he enters into, questions regarding the propriety of procurement actions that the post is requested to take pursuant to this authority may be referred to the Department for resolution with the headquarters of the agency concerned.

* * * * *

(Sec. 205(c), 63 Stat. 390, as amended; 40 U.S.C. 486(c) sec. 4, 63 Stat. 111; 22 U.S.C. 2658)

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

JUNE 12, 1969.

[F.R. Doc. 69-7767; Filed, July 1, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-700]

PART 0—COMMISSION ORGANIZATION

Authority Delegated

1. The Commission has before it a number of informal requests from standard broadcast stations looking toward on-the-air identification with a community other than the community of license. These requests fall short of the principal city signal criteria required by § 0.281 (kk) of the Commission's rules and regulations.

2. Five requests of this nature are currently pending, as follows:

a. WINE(AM) (940 kHz, 1 kw, D), Brookfield, Conn., requesting a Brookfield-Danbury identification. Although the station's 5 mv/m contour encompasses Danbury, its 25 mv/m signal does not reach the city.

b. WAAM(AM) (1600 kHz, 1 kw, 5 kw, DA-2, LS, U), Ann Arbor, Mich., requesting an Ann Arbor-Ypsilanti identification. Ypsilanti is totally encompassed by the station's 5 mv/m contour, day and night. However, the 25 mv/m signal, although covering the main business district by day, falls to 8 mv/m at night.

c. WVOL(AM) (1470 kHz, 1 kw, 5 kw-LS, DA-2, U), Berry Hill, Tenn., requesting a Berry Hill-Nashville identification. The station's 5 mv/m and 25 mv/m contours cover the entire city of Nashville during the day. At night, the 5 mv/m signal covers Nashville with some interference at the edges; a 10 mv/m interference-free contour covers 75.5 percent of the city.

d. WDAE(AM) (1250 kHz, 5 kw, DA-1, U), Tampa, Fla., requesting a Tampa-St. Petersburg identification. The entire city of St. Petersburg receives a signal intensity of 8 mv/m both day and night, and the business area receives a signal of about 15 mv/m, both day and night.

e. KIKO(AM) (1340 kHz, 250 W, 1 kw-LS, U), Miami, Ariz., requesting a Miami-Globe identification. The station's 5 mv/m and 25 mv/m contours cover the entire city of Globe during the day. However, the 25 mv/m signal, although covering the main business district by day, falls short at night.

3. By memorandum opinion and order of October 25, 1967 (10 FCC 2d 527), the Commission delegated to the Chief, Broadcast Bureau—section 0.281(kk)—authority to waive the AM and FM station identification requirements (§§ 73.117 and 73.287 of the rules, respectively) so as to permit stations to identify with all communities lying within their principal city contours as defined in §§ 73.188(b) for AM and 73.315(a) for FM. Only strict compliance with this standard was viewed as justifying multiple-city identification.

4. We find no sound basis for deviating from this determination. In conventional application processing, principal city coverage is generally considered essential to insure the necessary premium grade of service to the principal community or communities served. A fortiori, no less should be required for multiple-city identification purposes. Arguments based on similarity of program needs as a means of justifying dual-city requests must be rejected because of the transitory nature of programing judgments.

5. Moreover, it cannot be demonstrated to our satisfaction that strict compliance with the principal city coverage requirement will result in measurable hardship to the stations affected. Commission policy already permits a station which falls short of such coverage to identify "promotionally" with communities lying within its lesser coverage area (after recitation of call letters and station location). In our public notice adopted October 11, 1967, examples of permissible promotional-identification announcements were cited—See 10 FCC 2d 407, Example 3. For instance, a station assigned to the hypothetical city Millville which puts a less than principal city signal over the hypothetical city of Clarkston could identify as follows: "Station XXXX, Millville, serving Millville and Clarkston." Clearly, insofar as the listening public is concerned, promotional announcements of this character serve essentially the same purpose as do hyphenated identifications granted under § 0.281(kk):

6. The amendment herein ordered is intended to implement the foregoing determination by delegating to the Chief, Broadcast Bureau, authority to dismiss requests for multiple-city identification which do not show strict compliance with principal city coverage requirements. Since the amendment relates to internal Commission practice, the prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) need not be observed. Authority for the adoption of this amendment is contained in sections 4(i), 303(p), and 303(r) of the Communications Act of 1934, as amended.

7. *Accordingly, it is ordered,* Effective July 3, 1969, that the above-referenced requests for multicity station identification are dismissed, and § 0.281(kk) of the Commission's rules and regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: June 25, 1969.

Released: June 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

In Part 0 of Chapter 1 of Title 47, Code of Federal Regulations, § 0.281(kk) is amended to read as follows:

§ 0.281 **Authority delegated.**

* * * * *

(kk) For waiver of the provisions of §§ 73.117 and 73.287 of this chapter to permit multiple-city identification, where the additional community or communities with which identification is sought are provided with the minimum principal city signal intensity specified in §§ 73.188(b) and 73.315(a) of this chapter for AM and FM broadcast stations, respectively; and to dismiss requests for multiple-city identification which do not meet principal city coverage requirements.

* * * * *

[F.R. Doc. 69-7786; Filed, July 1, 1969; 8:47 a.m.]

[Docket No. 18541 etc.; FCC 69-701]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments in Carthage, Miss. et al.

In the matter of amendment of § 73.202, *Table of assignments,* FM Broadcast Stations (Carthage, Miss., Mifflinburg, Pa., Forest City, Iowa, Hampton, S.C., Tylertown, Miss., French Lick, Ind., New Boston, Tex., Breckenridge, Minn., Minocqua, Wis., Charleston, Miss., and Southampton, N.Y.); Docket No. 18541, RM-1396, RM-1398, RM-1401, RM-1410, RM-1411, RM-1412, RM-1415, RM-1419, RM-1421, RM-1430, RM-1433.

1. The Commission has under consideration its notice of proposed rule making issued on May 5, 1969 (FCC 69-475, 34 F.R. 7446), inviting comments on a number of changes in the FM Table of Assignments as advanced by various interested parties. All comments and data filed in response to the notice were considered in making the following determinations. There were no opposing comments filed. Except as noted, the population figures were taken from the 1960 U.S. Census. The following decision disposes of all subject petitions, except *RM-1433, Southampton, N.Y.,* which will be included in a subsequent order.

[1] Commissioner Bartley absent.

2. *RM-1396, Carthage, Miss.* (*Meredith Colon Johnston*); *RM-1398, Mifflinburg, Pa.* (*Wireline Radio, Inc.*); *RM-1401, Forest City, Iowa* (*Marvin L. Hull*); *RM-1410, Hampton, S.C.* (*Hampton County Broadcasters, Inc.*); *RM-1411, Tylertown, Miss.* (*Tylertown Broadcasting Co.*); *RM-1412, French Lick, Ind.* (*Wireless of Indiana*); *RM-1415, New Boston, Tex.* (*Bowie County Broadcasting Co., Inc.*); *RM-1421 Minocqua, Wis.* (*Tomahawk Broadcasting Co.*); *RM-1430, Charleston, Miss.* (*Dixie Broadcasting Co., Inc.*). In the above cases interested parties seek the assignment of a first Class A channel in a community without requiring any other changes in the Table.[1] The communities range in size from 1,532 persons for Tylertown, Miss., to 2,930 persons for Forest City, Iowa. None of the communities are a part of an urbanized area (1960 Census) and each appears to warrant the proposed assignment. We are of the view that adoption of each proposal would serve the public interest and are therefore making the following additions to the FM Table of Assignments:

City	Channel No.
French Lick, Ind	261A
Forest City, Iowa	272A
Carthage, Miss	252A
Charleston, Miss	272A
Tylertown, Miss	249A
Mifflinburg, Pa	252A
Hampton, S.C	276A
New Boston, Tex	240A
Minocqua, Wis	240A

3. *RM-1419, Breckenridge, Minn.* On February 22, 1969, Interstate Broadcasting Corp., permittee of Station KKWB-FM, Channel 269A, Breckenridge, Minn., filed a petition seeking substitution of Channel 285A for 269A at Breckenridge, and modification of the KKWB-FM authorization to specify operation on Channel 285A.

4. In support of its petition, Interstate states that during equipment test operation on Channel 269A it received numerous complaints of interference being caused to reception of television Station KTHI-TV, Channel 11, Fargo, N. Dak., in the Breckenridge, Minn.-Wahpeton, N. Dak. area. As a result of the interference, regular program operation was only attempted for 2 hours over a 2-day period. The station has been silent since December 1968. A meeting during equipment tests was held with the area TV servicemen for the purpose of providing recommendations by the KKWB-FM engineers for eliminating the interference. The public was similarly informed through a release in the local newspaper. Petitioner notes that the majority of complaints appeared to be caused by overloading of TV receivers by the primary signal of KKWB-FM, which caused the receivers, in turn, to generate a second harmonic within themselves, the latter resulting in direct interference to the reception of the relatively weak signal of Channel 11. It is the opinion of the petitioner that a majority of the complaints could be eliminated by filters applied at the TV receivers and tuned to the KKWB-FM fundamental frequency. However, claiming that many complainants are reluctant to go to the expense of a corrective filter installation, it is urged that it would be in the public interest to permit the proposed channel change for KKWB-FM in order to avoid the TV interference experienced.

5. As we noted in the notice, by virtue of the general availability of other channels in the area, it does not appear that any community having a probable future need would be deprived of a channel by the proposed change, nor does it appear that the problem would be transferred to another area. The proposal therefore conforms with our announced policy concerning FM channel changes to avoid television interference. See public notice: Policy to Govern the Change in FM Channels to Avoid Interference to Television Reception, released February 3, 1966, FCC 66-106, 6 RR 2d 672. There were no comments filed in opposition to the proposal. We are therefore of the opinion that substitution of Channel 285A for 269A, at Breckenridge, Minn., is warranted and that modification of the KKWB-FM authorization accordingly would serve the public interest.

6. Authority for the adoption of the amendments contained herein is contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered,* That effective August 4, 1969, section 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, with respect to the communities listed below, as follows:

City	Channel No.
Indiana:	
French Lick	261A
Iowa:	
Forest City	272A
Minnesota:	
Breckenridge	285A
Mississippi:	
Carthage	252A
Charleston	272A
Tylertown	249A
Pennsylvania:	
Mifflinburg	252A
South Carolina:	
Hampton	276A
Texas:	
New Boston	240A
Wisconsin:	
Minocqua	240A

8. *It is further ordered,* That the outstanding construction permit held by Interstate Broadcasting Corp., for Station KKWB-FM on Channel 269A at Breckenridge, Minn., is modified, to specify operation on Channel 285A subject to the following condition:

(a) The permittee shall submit to the Commission by August 4, 1969, all the technical information required for the issuance of a modified construction permit specifying operation on Channel 285A.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; sec. 316 66 Stat. 717; 47 U.S.C. 154, 303, 307, 316)

Adopted: June 25, 1969.

Released: June 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-7787; Filed July 1, 1969; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1008, Amdt. 2]

PART 1033—CAR SERVICE

Illinois Terminal Railroad Co. Authorized To Operate Over Tracks of Illinois Central Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of June 1969.

Upon further consideration of Service Order No. 1008 (33 F.R. 14959, 34 F.R. 5997), and good cause appearing therefor:

It is ordered, That:

Section 1033.1008 *Illinois Terminal Railroad Co. authorized to operate over tracks of Illinois Central Railroad Co.* of Service Order No. 1008 be, and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1969.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2)).

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7793; Filed, July 1, 1969; 8:48 a.m.]

[1] Of the places listed, Carthage and Tylertown, Miss., and Hampton, S.C., are each authorized an AM daytime-only station. Two competing applications are pending for an AM daytime-only facility at New Boston, Tex.

[1] Commissioner Bartley absent; Commissioner Cox dissenting in part.

[Corrected Second Rev. S.O. 1023, Amdt. 1]

PART 1033—CAR SERVICE

Demurrage and Detention Charges on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 26th day of June 1969.

Upon further consideration of Corrected Second Revised Service Order No. 1023 (34 F.R. 8920), and good cause appearing therefor:

It is ordered, That:

Section 1033.1023 *Demurrage and detention charges on freight cars* of Corrected Second Revised Service Order No. 1023 be, and it is hereby, amended by substituting the following paragraph (j) for paragraph (j) thereof:

(j) *Expiration date.* This order shall expire at 6:59 a.m., September 1, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 6:59 a.m., July 1, 1969.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–7794; Filed, July 1, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 68]

REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Notice of Proposed Rule Making

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, notice is hereby given that the U.S. Department of Agriculture is proposing a revision of the Part 68 regulations (7 CFR Part 68) under authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624).

Statement of considerations. On June 5, 1969, a postponement of effective dates for revision of Part 68 regulations (7 CFR Part 68) was published in the FEDERAL REGISTER (34 F.R. 8963) to allow adequate consideration to comments and views submitted by the rice industry. As a result of subsequent meetings with the rice industry, the following amendments are proposed:

1. Section 68.16a would be amended to read:

§ 68.16a Issuance of corrected certificate.

(a) If any error is made in an inspection, a corrected inspection certificate may be issued in accordance with instructions issued by the Director. The term "error" shall be deemed to include any error of commission or error of omission.

(b) The original and copies of the corrected certificate shall be issued as promptly as possible to the same interested persons as received the incorrect certificate.

(c) The corrected certificate shall supersede the incorrect inspection certificate previously issued. The corrected certificate shall clearly identify by certificate number and date the incorrect certificate which it supersedes.

(d) The issuing inspector shall obtain the original and all copies of the superseded incorrect certificate if possible. If the inspector is unable to obtain the original and all copies of the superseded certificate, he shall, to the extent possible, notify all parties to the transaction, to prevent misuse of the superseded certificate.

2. Section 68.21 would be amended to read:

§ 68.21 How to obtain an appeal inspection.

(a) An application for appeal inspection may be made by any interested party who is dissatisfied with the results of an inspection.

(b) The application shall be made in writing or by telegraph and shall be filed in the office of a Supervising Inspector.

(c) The inspection certificate for the inspection appealed from shall be submitted with the application or as soon thereafter as possible.

(d) This paragraph is applicable to rice inspection only: Except as may be agreed upon by the interested parties, the application shall be filed before the rice has left the place where the inspection appealed from was made and not later than the close of business on the second business day following the date of the inspection appealed from, which time of filing may be extended by the Supervising Inspector for good cause shown.

(e) Subject to the limitations in paragraphs (f) and (g) of this section, an appellant may request that an appeal lot inspection be based on the official file sample, or based on a new sample if the lot can be positively identified by the Supervising Inspector as the lot which was previously inspected and the entire lot is available for sampling and examination. However, only one appeal inspection may be obtained from any original inspection.

(f) Subject to the limitations in paragraph (g) of this section, at the option of the Supervising Inspector, an appeal lot inspection shall be based on the sample or samples which are considered most representative of the lot.

(g) An appeal inspection shall be limited to a review of the sampling procedure and an analysis of the official file sample when, as a result of the original inspection, the commodity was found to be contaminated with filth or to contain a deleterious substance. If it is determined that the sampling procedures were improper, a new sample shall be obtained if the lot can be positively identified by the Supervising Inspector as the lot which was previously inspected and the entire lot is available for sampling and examination.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 30th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 26th day of June 1969.

G. R. GRANGE, *Deputy Administrator, Marketing Services.*

[F.R. Doc. 69–7769; Filed, July 1, 1969; 8:46 a.m.]

[7 CFR Part 1133]

[Docket No. AO–275–A20]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn, Sunset Highway, Spokane, Wash., beginning at 9:30 a.m., local time, on Wednesday, July 9, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Inland Empire marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Inland Empire Dairy Association and Spokane Milk Producers Association, Spokane, Wash.:

Proposal No. 1. Amend § 1133.8(a)(1) to read "the lesser of 100,000 pounds or 10 percent" instead of the present phrase which reads, "the lesser of 250,000 pounds or 20 percent."

Proposal No. 2. Delete § 1133.51(d) of the order dealing with the Supply-Demand adjustment to the Class I price.

Proposed by Arden-Mayfair, Inc., Spokane, Wash.:

Proposal No. 3. Amend § 1133.13(b) to read: (b) Products other than Fluid Milk Products, from any source (including those processed at the plant) which are reprocessed in connection with or converted to a Class I Fluid Milk product in the plant during the month. The skim milk components of such products shall be as follows:

(1) A weight equal to the weight of the volume increase caused by nonfat

milk solids in dry milk solids or condensed milk or skim milk products used for the fortification of, or as an additive to, Class I Fluid Milk products.

Proposal No. 4. Amend § 1133.40 by deleting in its entirety the following sentence: "If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids."

Proposal No. 5. Amend § 1133.41(a) to provide that Fluid Milk Products concentrated and disposed of in packaged form shall be Class I in an amount equal to the skim milk and butterfat used to produce the quantity of such products disposed of.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 6. Amend § 1133.80(d) (1) by deleting the words "An advance" where it appears and substituting therefor the words "A partial."

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from the hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, James A. Burger, West 55 Mission Avenue, Spokane, Wash. 99201, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on June 26, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-7770; Filed, July 1, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Ch. III]

[Docket No. 69-7; Notice No. 1]

INFLATABLE OCCUPANT RESTRAINT SYSTEMS

Advance Notice of Proposed Rule Making

The Administrator is considering the issuance of a Federal Motor Vehicle Safety Standard requiring the installation of, and specifying performance requirements for, inflatable occupant restraint systems or other passive occupant restraint systems which provide comparable protection in passenger cars, multipurpose passenger vehicles, trucks, and buses.

Effective restraint of occupants during motor vehicle crashes is a fundamental goal of the Administration's motor vehicle safety program. The value of safety belts, which are required by existing motor vehicle safety standards, in reducing deaths and injuries has been proven. Nevertheless, the Administrator has concluded that safety belts alone do not represent the optimum solution to the problem of preventing deaths and reducing the severity of injuries caused primarily by the "second collision" that occurs when the occupant is hurled against the vehicle's interior. The principal disadvantage of safety belts is that only a very low percentage of the motoring population, as reported in the President's recent *Report on the Administration of the National Traffic and Motor Vehicle Safety Act of 1966* (at pages 16–18), presently takes advantage of the life-saving restraint protection they afford.

For these reasons, the interests of motor vehicle safety demand the prompt development and installation of passive restraint systems. One very promising system, now in its final development stages, is commonly referred to as the "air bag," a device which, in the event of potentially injurious deceleration, automatically inflates in front of the occupant within a few hundredths of a second after the initial crash contact.

A device such as the air bag has enormous advantages over traditional restraint systems. It is automatic. It distributes the heavy loads generated in motor vehicle crashes over a large area of the body enabling occupants to experience much higher crash forces without injury. It cushions occupants during the crash.

Many leading safety authorities have endorsed the concept of providing air bags or other passive occupant restraint systems which provide comparable protection in motor vehicles. The National Motor Vehicle Safety Advisory Council, established by Public Law 89-563 to consult with the Secretary of Transportation on motor vehicle safety standards, in a formal recommendation to the Secretary recently urged an accelerated effort in implementing inflatable passive restraint system developmental efforts, including appropriate administrative actions to assist in the early installation of such a system in motor vehicles.

For these reasons, the Administrator has under consideration a motor vehicle safety standard that would require manufacturers to install some type of passive occupant restraint system in new motor vehicles. Because of the protection such a restraint system would provide, it is desirable that the system be provided in new motor vehicles as soon as possible, and not later than January 1, 1972.

Interested persons are invited to submit written data, views, or arguments pertaining to this advance notice. Comments must identify the docket number and must be submitted in 10 copies to the Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591. All comments received before the close of business 90 days after the date this notice is published in the FEDERAL REGISTER will be considered by the Administrator. All comments will be available in the Rules Docket for examination both before and after the closing date for comments.

The Administrator requests the submission of information, including test results, test methods, test procedures, and other data concerning inflatable or other passive occupant restraint systems which provide comparable protection now under development or being considered. He particularly invites such information with respect to the following:

(1) Crash conditions under which the system should and should not deploy, e.g., deceleration levels and directions of impact.

(2) Deployment and deflation times and positioning of the system components, when inflated, in relation to the vehicle interior and vehicle occupants.

(3) Performance of the system in relation to the biomechanical characteristics of vehicle occupants, including recommended loads on the various portions of the human body, recommended noise and pressure levels, and other factors.

(4) The extent to which existing Federal Motor Vehicle Safety Standards dealing with impact protection and occupant restraint should be changed to reflect the issuance of a standard requiring installation of passive restraint systems.

(5) Design considerations such as reliability, maintenance, serviceability, environmental and other factors relating to the performance of such a system.

(6) Cost consequences of a standard requiring such a system, and the earliest practicable dates on which motor vehicles can be equipped with inflatable or other passive occupant restraint systems.

This advance notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.4(c).

Issued on June 26, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-7782; Filed, July 1, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 81, 83, 85, 87, 89, 91, 93, 95, 99]

[Docket No. 18588; FCC 69-707]

LICENSE TERMS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Public Law 87-439, 76 Stat. 58, approved April 27, 1962, amended section 307(e) of the Communications Act to remove the restriction against granting a license renewal in the Safety and Special Radio Services more than 30 days prior to the expiration of the license term. As a result, although the rules do not spell out the practice, in most of those services we currently treat applications for modification as applications for both modification and renewal and make grants for full 5-year terms, the maximum allowed under the Act. We hereby propose to amend the rules to reflect this practice.

3. In the Public Safety Radio Services, except in the Special Emergency Radio Service, modifications are normally granted only for the balance of the unexpired term of the license being modified. This is done so that practically all of the Public Safety Radio Services licenses in a particular state will expire on the same day, month, and year. The year of expiration is advanced in 4-year increments. The scheduled expiration dates vary from State to State. Thus, the expiration dates of licenses for State X would successively be July 1, 1969; July 1, 1973; July 1, 1977; for State Y they would be August 1, 1969; August 1, 1973; August 1, 1977; etc. Licenses for new stations are thereafter issued to expire on the State's next scheduled expiration date, except where that would result in less than a 1-year term, in which event the State's next succeeding expiration date is used. The same procedure is used to compute the term of a modified license issued during the last 12 months of the original license term. In the Special Emergency Radio Service we follow the practice, described in paragraph 2, of issuing licenses, modifications, and renewals for full 5-year terms.

4. To maintain the expiration schedule for Public Safety radio stations necessitates a sizable amount of work on the part of the Commission. The practice of issuing modifications for full 5-year terms would greatly reduce the number of renewal applications which we now have to process in the Public Safety Radio Services. We have found that about one-fourth of all Public Safety licenses are modified each year. If each were treated as a renewal, it would mean that over a 4-year period we would reduce significantly the number of applications filed solely for renewal. The renewal applications filed would be for only those station licenses not modified during the license term. Even as to those, there should be at least a 20 percent reduction in renewal processing workload inasmuch as those licenses would be renewed only every 5 years, instead of every 4 years as under the existing expiration schedule. It follows that there would also result a savings in processing time to the licensees, who would have fewer applications to be concerned with.

5. The current rule concerning license terms in the Disaster Communications Service, § 99.15, was adopted in contemplation of the use of an expiration schedule like that used in the Public Safety Radio Services. However, such a schedule is not used in the Disaster Communications Service. Accordingly, we propose to amend that section to reflect the actual practice followed, which conforms to the practice in the other Safety and Special Services.

6. In the Amateur Radio Service there are special operating time and code speed requirements which must be satisfied prior to a renewal grant. Therefore, a modification application is not routinely granted for a full license term, but only for the balance of the unexpired term, unless accompanied by a specific request for renewal and a statement concerning satisfaction of the renewal requirements. We contemplate no change in this practice and, therefore, propose no change in the Amateur Radio Service rules.

7. Accordingly, we propose to amend the rules in Parts 81, 83, 85, 87, 89, 91, 93, 95, and 99 as set forth in the attached appendix, so that they will reflect our current licensing practices and will conform the licensing practices in the Public Safety Radio Services to those of the other Safety and Special Radio Services.

8. Certain kinds of applications for radio stations (specified in section 309 of the Communications Act and § 1.962 of our rules) may not be granted earlier than 30 days following the issuance of a public notice. Generally, the public notice is required for new and renewal applications and also for applications for modification of licenses involving substantial changes. An application for minor modification of license of a 309(b) station will be granted, if in order, only for the remainder of the license term and, as provided by section 309(c) of the Act and § 1.962(b) of our rules, will not be put on public notice. However, when such an applicant requests a new full term in an application for a minor modification, we will treat the application as one for modification and renewal and will issue a public notice as required by the Act and our rules.

9. The proposed amendments of the rules are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 4, 1969, and reply comments on or before August 14, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

11. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 25, 1969.

Released: June 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioners Bartley and Wadsworth absent; Commissioner Johnson concurring in result.

1. Section 81.65(a) is amended to read:

§ 81.65 License term.

(a) Licenses for stations in the maritime service will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

2. Section 83.63(a) is amended to read:

§ 83.63 License term.

(a) Licenses for stations in the maritime service will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

3. Section 85.61(a) is amended to read:

§ 85.61 License term.

(a) Licenses for Alaska-public fixed stations and stations in the maritime services in Alaska will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

4. In § 87.49 the headnote and paragraph (a) are amended to read:

§ 87.49 License term.

(a) Licenses for stations in the Aviation Services will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

5. In § 89.73 paragraph (a) is amended to read:

§ 89.73 License term.

(a) License for stations in the Public Safety Radio Services will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

6. In § 91.63 paragraph (a) is amended to read:

§ 91.63 License term.

(a) Licenses for stations in the Industrial Radio Services will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

7. In § 93.63 paragraph (a) is amended to read:

§ 93.63 License term.

(a) Licenses for stations in the Land Transportation Radio Services will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

8. In § 95.33 the headnote and text are amended to read:

§ 95.33 License term.

Licenses for stations in the Citizens Radio Service will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

9. Section 99.15 is amended to read:

§ 99.15 License term.

Licenses in the Disaster Communications Service will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

[F.R. Doc. 69-7788; Filed, July 1, 1969; 8:47 a.m.]

[47 CFR Parts 2, 81, 83, 87]

SUBALLOCATION OF FREQUENCY BAND ETC.

Notice of Proposed Rule Making

In the matter of amendment of Parts 2, 81, 83 and 87 of the Commission's rules and regulations to suballocate, provisionally, the frequency band 1535–1660 MHz in the interest of fostering developmental programs for aeronautical and maritime purposes; Docket No. 18550; a petition for amendment of Parts 2 and 87 of the Commission's rules and regulations to provide for the use and development of an airborne collision avoidance system; RM–1201.

1. The Commission has received a telegram from Bonzer, Inc., requesting that the time for filing comments in this proceeding be extended to July 7, 1969. In support of its request, Bonzer states that it desires to submit comments but did not become aware of the proceeding until June 19, 1969, the day before comments were to be filed.

2. Bonzer, Inc., may be able to furnish information which would be helpful to the Commission in making a determination in this proceeding. The extension requested, moreover, will not interfere with the conduct of this proceeding or delay its outcome. Accordingly, a grant of the requested extension is in the public interest. This extension should also, of course, apply to the filing of reply comments.

3. In view of the foregoing: *It is ordered*, Pursuant to § 0.251(b) of the rules and regulations, That the time for filing comments in this proceeding is extended to July 7, 1969, and that the time for filing reply comments is extended to July 17, 1969.

Adopted: June 25, 1969.

Released: June 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DANIEL R. OHLBAUM,
Deputy General Counsel.

[F.R. Doc. 69-7789; Filed, July 1, 1969; 8:47 a.m.]

[47 CFR Part 91]

[Docket No. 18589; FCC 69-708]

USE OF FREQUENCIES ALLOCATED FOR LAND MOBILE OPERATIONS ON AIRPORTS

Notice of Proposed Rule Making

1. In the second report and order in Docket No. 13847 (FCC 68-128, 33 F.R. 3114), released February 9, 1968, the Commission made available 10 frequency pairs in the Business Radio Service for use in connection with the servicing and supplying of aircraft at airports serving urbanized areas of 200,000 or more population. The new rules provide for the use of two-frequency communication systems at air terminals with a maximum permissible power of 20 watts output for the base-mobile frequencies and 3 watts input for the mobile only frequencies. Subject to certain antenna limitations, mobile stations may also be used to provide the function of a base station on the mobile only frequencies. The rule making also established criteria by which other users in the Business Radio Service could, on a geographic basis, share these frequencies. In or near urbanized areas of 200,000 or more population, low-power in-plant, yard area type Business Radio systems are permitted to use these frequencies to within 5 miles of the boundaries of established airports serving these areas.

2. A petition for rule making seeking to amend the Commission's rules governing the use of aviation terminal frequencies was filed by Aeronautical Radio, Inc. (ARINC), on May 31, 1968. In its petition, ARINC asked that § 91.554 of the rules be changed to allow base station operation on the mobile only frequencies with a maximum power output of 3 watts because the present limitation of 3 watts input provides neither the flexibility of use nor protection they believe desirable for this service. The petitioner requests that operation of low power stations near airports by other Business users be placed on a secondary noninterference basis to air terminal operations. In addition, ARINC asks for rule changes that would require frequency coordination between air terminal users and other Business users operating low power installations near the protected airports. These changes are requested because air terminal users are not, in ARINC's opinion, afforded adequate protection under the present rules.

3. ARINC believes that the present rule provisions will result in serious derogation of the air terminal use. They maintain that 3-watt mobile stations used as base stations, located 5 miles from an airport boundary and transmitting over a nonobstructed path, would override signals from hand held portable equipment on the airport. Even on a coordinated basis, ARINC feels that such operations could cause harmful interference to, and may impair, airport operations to an extent that will render them useless and ineffectual. In view of the fact that many of the subject channels will be shared by several airline users, they request that we provide an additional safeguard by adding the following conditions to rules governing their use: "Such operation will be on a secondary noninterference basis to Air Terminal use in protected areas. Prior coordination is required with the Air Terminal users in the associated area."

4. The provision for use of air terminal frequencies by other Business users at locations 5 miles or more from the boundaries of established airports serving the 87 largest urbanized areas is designed to permit more efficient use of these frequencies outside of aviation terminal locations. Power limitations and mileage separations established in Docket 13847 are believed to be adequate to prevent interference to air terminal operations. No new facts have been presented that would indicate that these provisions are not adequate. During the short time this geographic sharing provision has been in effect, we have had no reported cases of interference. We do not believe that sufficient operating experience has been accumulated under the new rule provisions to warrant modification at this time, and the request to place other Business use on a secondary noninterference basis will be denied.

5. The Commission recently adopted a memorandum opinion and order and notice of proposed rule making in Docket No. 18406, released December 18, 1968, which deals with possible changes in the rules to require frequency coordination for certain specific frequencies in the Business Radio Service including those made available for use at air terminals. In view of this, ARINC's request that we require frequency coordination for shared use of aviation terminal frequencies will not be considered in this proceeding.

6. We propose to grant the request for an increase in permissible power to 5 watts input on aviation terminal mobile frequencies. Other Business users sharing these frequencies at distances between 5 and 75 miles of the boundaries of airports serving urbanized areas of 200,000 or more population would, however, continue to be limited to a maximum of 3 watts input power. The increase in maximum power should permit the desired flexibility sought by the petitioner. Although petitioner asked for an increase in the permissible output power, to maintain consistency with other provisions of the rules, power will be specified in terms of input power to the final radio frequency stage.

7. The petitioner also requests that a few footnote be added to the rules governing use of the air terminal frequencies to provide for single-frequency simplex operation on either base or mobile frequencies on a secondary noninterference basis to, and with no protection from, normal two-frequency operations on the same frequencies. Simplex operation on base station frequencies is permitted under the present rules (limitation (35) of § 91.554(b)), and licensees of such systems are afforded no protection from interference from base stations of two-frequency systems. In addition, a mobile unit transmitting on a mobile only frequency may be used to provide the functions of a base station; however, the separation between the control point and antenna may not exceed 25 feet. In view of these provisions, we do not believe any further rule making looking towards base station use of mobile only frequencies is warranted. To provide the greater flexibility desired by the petitioner, we proposed to modify the 25-foot limitation to permit a greater horizontal separation between the antenna site and the control point. The modified rule will limit only the vertical separation to 25 feet, and the control point may be placed anywhere it may be needed on the air terminal site.

8. The proposed amendments, as set forth below are issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before August 4, 1969, and reply comments on or before August 14, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions of section 1.419 of the Commision's Rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 25, 1969.

Released: June 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 91 of the Commission's rules is amended as follows:

In § 91.554, paragraph (a) is amended by the deletion from the frequency table limitations on the entries beginning 465.650 and ending 465.875 and substituting the limitations as set forth below. Paragraph (b) is amended by adding a new subparagraph (42), as follows:

§ 91.554 Frequencies available.

(a) • • •

[1] Commissioners Bartley and Wadsworth absent; Commissioner Johnson concurring in result.

Frequency or band	Class of station(s)	General reference	Limitations
• • •	• • •	• • •	• • •
465.650	Mobile	Permanent use	7, 9, 34, 35, 36, 37, 38, 40, 42
465.675	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.700	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.725	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.750	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.775	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.800	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.825	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.850	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.875	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
• • •	• • •	• • •	• • •

(b) • • •

(42) Maximum permissible power input for stations on airports is 5 watts. Each station authorized on this frequency will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the functions of a base station, provided no harmful interference is caused to mobile unit operations and further provided, that the vertical separation between the control point or ground level and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

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[F.R. Doc. 69-7790; Filed, July 1, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1041]

[No. MC-C-3437 (SUB-No. 4)]

AIR DELIVERY SERVICE ET AL.

Interpretation of Operating Rights Authorizing Service at Designated Airports

JUNE 27, 1969.

Petitioners: Air Delivery Service, Bayshore Air Freight, Inc., Con-O-V-Air Freight Service, Inc., Harbourt Air Freight Service, Inc., Pollard Delivery Service, Inc., and Trans Jersey Airfreight Service, Inc.

Petitioners' representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006.

By petition filed May 8, 1969, petitioners request the Commission to institute a rulemaking proceeding for the purpose of amending Subpart B of Part 1041, of Chapter X, 49 CFR, by the adoption of an additional section as follows:

§ 1041.23 Operating authority to serve named airports.

A certificate or permit issued to a motor carrier of property pursuant to Part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.) authorizing service to or from the air freight terminals of direct and indirect air carriers utilized by such air carriers and in handling property moving into or out of such airports by aircraft, when such air freight terminals are located outside the boundaries of such airports.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed institution of a rulemaking proceeding may do so by the submission of written data, views, or arguments. An original and 14 copies of such data, views, or arguments shall be filed with the Commission on or before August 11, 1969. Each such statement shall contain a statement of position with respect to the proposed rule-making proceeding, and a copy thereof shall be served upon petitioners' representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7795; Filed, July 1, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1968 Rev., Supp. No. 17]

THE FULTON INSURANCE COMPANY

Change of Name to John Deere Insurance Company

The Fulton Insurance Company, New York, N.Y., a New York corporation, has formally changed its name to John Deere Insurance Company, effective May 12, 1969. A copy of Certificate of Amendment of the Certificate of Incorporation of The Fulton Insurance Company approved by the Insurance Department of the State of New York on May 12, 1969, changing the name of The Fulton Insurance Company to John Deere Insurance Company, has been received and filed in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated May 12, 1969, has been issued by the Secretary of the Treasury to the John Deere Insurance Company, New York, New York, under sections 6 to 13 of title 6 of the United States Code, to replace the Certificate issued June 1, 1968 to the Company under its former name, The Fulton Insurance Company. The underwriting limitation of $295,000 previously established for the Company remains in effect until June 30, 1969. A new underwriting limitation of $307,000 for the Company will become effective July 1, 1969.

The change in name of The Fulton Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: June 26, 1969.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-7813; Filed, July 1, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Filing of Plat of Survey

I. Plat of survey of the lands described below will be officially filed in the Land Office, Denver, Colo., effective at 10 a.m. on July 31, 1969.

SIXTH PRINCIPAL MERIDIAN, COLORADO

Dependent resurvey of a portion of the south boundary of T. 1 S., Rs. 78 and 79 W., and a metes and bounds survey of Exchange Survey No. 375, and four irregular tracts designated Tracts 37, 38, 39, and 40 in unsurveyed T. 2 S., Rs. 78 and 79 W.

The areas described aggregate 8,970.52 acres of Federally owned lands and 1,776.94 acres of private lands.

2. Tracts 37, 38, and 39 containing 1,776.94 acres are private lands.

3. Tract 40 containing 10.22 acres of public lands is a redesignation of lot 3 as shown on supplemental diagram of fractional sec. 5, said T. 2 S., R. 78 W., dated January 31, 1911.

4. Exchange Survey No. 375 containing 8,960.30 acres is entirely within the Arapaho National Forest. Since the lands are withdrawn for the national forest they will not be subject to disposition under the general public land laws by reason of the official filing of this plat.

J. ELLIOTT HALL,
Manager, Colorado Land Office.

JUNE 25, 1969.

[F.R. Doc. 69-7784; Filed, July 1, 1969; 8:47 a.m.]

[New Mexico 4829]

NEW MEXICO

Notice of Classification, Correction

JUNE 25, 1969.

The notice of classification published in the FEDERAL REGISTER on January 11, 1969 (34 F.R. 485), as Document No. 69-376, is corrected as follows:

1. Line 7 of the first paragraph, change Hidalgo County to McKinley and Valencia Counties.

2. This correction is the result of an amendment of the offered lands received on May 14, and May 29, 1969, following publication of notice of classification on January 11, 1969. The record showing comments received and other information is on file and can be examined in the New Mexico Land Office, Post Office and Federal Building, Federal Place, Santa Fe, N. Mex. 87501.

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-7785; Filed, July 1, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

PEANUTS; 1969 CROP

Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of sections 5, 31, 32, 34, and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1969 Crop Peanuts", "Outgoing Quality Regulation—1969 Crop Peanuts" and the "Terms and Conditions of Indemnification—1969 Crop Peanuts", which modify or are in addition to the provisions of sections 5, 31, 32, and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended "Incoming Quality Regulation—1969 Crop Peanuts", "Outgoing Quality Regulation—1969 Crop Peanuts" and the "Terms and Conditions of Indemnification—1969 Crop Peanuts" be issued so as to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The 1969 peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the issuance hereof, they are represented on the Committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

Upon consideration of the Committee recommendation and other available information the appended "Incoming Quality Regulation—1969 Crop Peanuts", "Outgoing Quality Regulation—1969 Crop Peanuts" and the "Terms and Conditions of Indemnification—1969 Crop Peanuts" are hereby approved this 27th day of June, 1969.

Dated: June 27, 1969.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

INCOMING QUALITY REGULATION—1969 CROP PEANUTS

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions of 1969 crop peanuts:

(a) *Modification of section 5, paragraphs (b), (c), and (d).* Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to 1969 crop farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus*.

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus*.

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus*.

(b) *Moisture.* Except as provided under paragraph (e) *Seed peanuts*, no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided*, That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmers stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of whole kernels which ride screens with the following slot openings: Runner—$^{16}/_{64}$- x $^{3}/_{4}$-inch; Spanish and Valencia—$^{15}/_{64}$- x $^{3}/_{4}$-inch; Virginia—$^{15}/_{64}$- x 1-inch. If so separated, those loose shelled kernels which do not ride such screens, shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts and disposed of as oil stock. If the whole kernels are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. The whole kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption. For the purpose of this regulation, the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(e) *Seed peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, such peanuts may contain up to 3 percent damaged kernels and Virginia type peanuts so produced and which are not stacked at harvest may contain up to 12 percent moisture. In the Southeastern Area and Virginia-Carolina Area, seed peanuts, other than the foregoing Virginia type, may contain up to 11 percent moisture and in the Southwestern Area up to 10 percent moisture. Seed peanuts may have visible *Aspergillus flavus*. However, any such seed peanuts with visible *Aspergillus flavus* shall be stored and shelled separate from other peanuts and any residual not used for seed, shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. Peanuts residual from those shelled and disposed of for seed purposes may be acquired by handlers if the seed sheller has signed the marketing agreement. If such peanuts have been shelled by a producer or seed sheller who has not signed the marketing agreement, the peanuts may be acquired only upon the condition that they are held and milled separate and apart from other receipts or acquisitions of the handler until inspected and certified (without having been washed, blanched, or cleaned with plastic pellets) as meeting the Outgoing Quality Regulation for the 1969 crop, as being either U.S. No. 1 peanuts or U.S. Splits of the U.S. standards for grades of shelled peanuts, and as being wholesome as determined by a chemical assay for aflatoxin. All chemical assays shall be by a Committee approved laboratory. If the peanuts fail any requirement they shall be disposed of by sale to the Commodity Credit Corporation, by sale for oil stock or by crushing.

(f) *Oil stock.* Handlers who are crushers may acquire as oil stock, peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption. The provision of section 31 of the marketing agreement restricting such acquisitions to handlers who are crushers is hereby modified to authorize all handlers to act as accumulators and acquire Segregation 2 or 3 farmers stock peanuts for the sole purpose of delivery to crushers: *Provided*, That all such acquisitions shall be held separate and apart from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts and shall be disposed of only by crushing or by delivery to crushers and the consequent production of oil and meal.

(g) *Segregation 3 control.* To assure the removal from edible outlets of any lot of peanuts determined by the Federal or Federal-State Inspection Service to be Segregation 3, each handler shall inform each employee, country buyer, commission buyer, or like person through whom he receives peanuts, of the need to receive and withhold all lots of Segregation 3 peanuts from milling for edible use. If any lot of Segregation 3 farmers stock peanuts is not withheld but returned to the producer, the handler shall cause the Inspection Service to forward immediately a copy of the inspection certificate on the lot to the designated office of the handler and a copy to the Committee.

OUTGOING QUALITY REGULATION—1969 CROP PEANUTS

The following modify or are in addition to the peanut marketing agreement restrictions of section 32 on handler disposition of 1969 crop peanuts for human consumption:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption with respect to which appropriate samples for pretesting have not been drawn in accordance with subparagraph (c) of this regulation, or which if of a category not eligible for indemnification are not certified "negative" as to aflatoxin, or which contain more than (1) 1.25 percent damaged kernels, other than minor defects; (2) 2 percent damage and minor defects combined; (3) 9 percent moisture in the Southeastern and Southwestern areas, or 10 percent moisture in the Virginia-Carolina area; or (4) 0.10 percent foreign material in peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material in U.S. splits and edible quality peanuts not of U.S. grade. Fall through in such peanuts shall not exceed 4 percent except that fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners, Spanish or Virginia "with splits" shall not exceed 2 percent. The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this subparagraph (a) shall be as follows:

Grade and type	Screen openings	
	Split and broken kernels	Whole kernels
Virginia	$^{17}/_{64}$-inch round	$^{16}/_{64}$ x 1-inch slot.
Runners	$^{17}/_{64}$-inch round	$^{16}/_{64}$ x $^{3}/_{4}$-inch slot.
Spanish and Valencia.	$^{15}/_{64}$-inch round	$^{15}/_{64}$ x $^{3}/_{4}$-inch slot.

(Runners, Spanish or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (b) for Runners or Spanish 2 percent whole kernels which will pass through $^{15}/_{64}$ x $^{3}/_{4}$ slot screen and for Virginias a $^{15}/_{64}$ x 1 slot screen, and (c) otherwise meet the specifications of U.S. No. 1 grade).

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) with more than 1 percent

kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by a Consumer and Marketing Service laboratory (hereinafter referred to as "C&MS laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2 percent peanuts with damaged kernels; (3) with more than 10 percent moisture; or (4) with more than 0.50 percent foreign material.

(c) *Pretesting shelled peanuts.* Each handler shall cause appropriate samples of each lot of shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service and sent as requested by the handler or buyer, for aflatoxin assay to a C&MS laboratory or a laboratory listed on the most recent Committee list of approved laboratories. The gross amount of peanuts drawn shall be large enough to provide for a grade analysis, for a grading check sample, for an original 12-pound, "A" sample for aflatoxin assay and for two 12-pound, "B" and "C", aflatoxin assay check samples. Upon the Committee finding, on the basis of original assays, that climatic conditions in any Production Area or State thereof were not conducive to the growth of *Aspergillus flavus*, it may suspend with the approval of the Secretary the drawing of "B" and "C" check samples on peanuts from such origins. All "B" and "C" check samples shall be analyzed in C&MS or designated laboratories. Additional 12-pound samples, "D" and "E" and so on, may be drawn when requested by the buyer and he accepts the costs. If the Federal or Federal-State inspector has access to a "sub-sampling mill", approved by the Peanut Administrative Committee, the sample may be ground in such mill, and the inspector shall forward an appropriate subsample to the laboratory, specified by the handler or buyer, for assay. Each "A" sample, or each "A" subsample, shall be accompanied by a notice of sampling, signed by the inspector, containing, at least, identifying information as to the handler (shipper), the buyer (receiver) if known, and the positive lot identification of the shelled peanuts. A copy of such notice on each lot shall be sent to the Committee office. All assay samples shall be positive lot identified and the "B" and "C" samples held by the Service for 30 days, after delivery of the "A" sample, and delivered for assay upon call of the laboratory or the Committee and at the Committee expense. The cost of drawing the "A", "B" and "C" samples and postage for mailing the "A" sample or subsample shall be borne by the handler. When the "A" sample has not been analyzed within 30 days from date of delivery of the "A" sample, and a second set of "B" and "C" samples must be drawn, the cost of drawing and mailing such samples shall be for the account of the holder of the peanuts. Cost of the assay on the "A" sample shall be for the account of the buyer of the lot and of the "B" and "C" samples for Committee account. If the handler elects to pay for the assay of the "A" sample, he shall charge the buyer when he invoices the peanuts and, if more than one buyer, on a pro rata basis. The results of each assay shall be reported to the buyer listed in the notice of sampling and, if the handler desires, to the handler. If the buyer is not listed in the notice, the results of the assay shall be reported to the handler who shall promptly give notice, or cause notice to be given, to the buyer of the contents thereof.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State inspectors and to the Committee. All lots of shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Interplant transfer.* Until such time as procedures permitting interplant or cold storage movement are established by the Committee, no handler shall so move, beyond the surveillance of the on-premises Federal-State inspector, cleaned inshell or shelled peanuts which have been bagged and tagged for handling under positive lot identification, unless such peanuts have been inspected and certified as meeting the outgoing quality regulation. However, any handler may transfer peanuts not so prepared from one plant owned by him to another of his plants or to commercial storage, without having such peanuts inspected and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Loose shelled kernels, fall through and pickouts.* (1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—$^{15}/_{64}$- x $^{3}/_{4}$-inch; Spanish and Valencia—$^{15}/_{64}$- x $^{3}/_{4}$-inch; Virginia—$^{15}/_{64}$- x 1-inch; shall be disposed of only by sale as oil stock or by crushing. Fall through may be sold, as to qualities acceptable to it, to the Commodity Credit Corporation and the balance shall be sold as oil stock or crushed. Pickouts shall be sold as oil stock or crushed. For the purpose of this regulation: the term "non-edible quality peanuts described in paragraph (g) (1)" means loose shelled kernels, fall through, and pickouts; the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fail to ride the screens (U.S. No. 1 screens) in removing whole kernels; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, fall-through and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels or delivered to the Commodity Credit Corporation. Each such category of peanuts shall be bagged separately in suitable new or clean, sound, used bags or placed in bulk containers acceptable to the Committee. Such peanuts shall be inspected by Federal or Federal-State inspectors in lots of not more than 100,000 pounds and a certification made as to moisture and foreign material content.

(3) Each category of nonedible quality peanuts described in paragraph (g) (1) shall be identified by positive lot identification procedures set forth in paragraph (d) but using a red tag. Such peanuts may be disposed of only by crushing into oil and meal or destroyed, unless other disposition is authorized by the Committee and all dispositions shall be reported to the Committee on such forms and at such times as it prescribes. Such peanuts shall be deemed to be "restricted" peanuts and the meal produced therefrom shall be used or disposed of as fertilizer or other nonfeed use. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for nonfeed use or sell it to the aforesaid fertilizer manufacturers. However, peanuts other than pickouts and meal from peanuts other than pickouts in specifically identified lots of not more than 50 tons each, may be sampled by Federal or Federal-State inspectors, or by the area association if authorized by the Committee, and tested for aflatoxin by laboratories approved by the Committee or operated by Consumer and Marketing Service, at handler's or crusher's expense, and if such meet Committee standards, the meal may be disposed of for feed use.

(4) Notwithstanding any other provision of this regulation or of the Incoming Quality Regulation applicable to 1969 crop peanuts, a handler may transfer such "restricted" peanuts to another plant within his own organization or transfer or sell such peanuts to another handler or crusher for crushing. Sales or transfer of restricted peanuts to persons not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) including the reporting requirements.

TERMS AND CONDITIONS OF INDEMNIFICATION—1969 CROP PEANUTS

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify, or arrange for the buyer to notify, the Manager, Peanut Administrative Committee of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of a handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of chemical assay. To be eligible for indemnification, such a lot of peanuts shall have been inspected and certified as meeting the quality requirements of the agreement, shall have met all other applicable regulations issued pursuant thereto, including the pretesting requirements in (a) and (c) of the "Outgoing Quality Regulation—1969 Crop Peanuts", and the lot identification shall have been maintained. If the Committee concludes, based on assays to date or further assays, that the lot is so high in aflatoxin that it should be handled pursuant to these terms and conditions and such is concurred in by the Consumer and Marketing Service, the lot shall be accepted for indemnification. If the lot is covered by a sales contract, the lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Consumer and Marketing Service shall, prior to disposition for crushing, cause all suitable lots to be remilled or custom blanched or both.

"Custom blanching" means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions, and rates of payment as the Committee may find to be acceptable.

If the Committee and the Consumer and Marketing Service conclude that such lot is not suitable for remilling or custom blanching, the lot shall be declared to crushing and shall be disposed of by delivery to the Committee at such point as it may designate. The indemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided, plus actual costs of any necessary temporary storage and of transportation (excluding demurrage) from the handler's plant or storage to the point within the continental United States where the rejection occurred and from such point to a delivery point specified by the Committee. Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for crushing shall be paid to, and retained by, the Committee to offset indemnification expenses.

If it is concluded that the lot should be remilled or custom blanched, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occurring prior to shipment, contained not more than 1 percent damaged kernels other than minor defects. Lots with damage in excess of 1 percent on such inspection shall be remilled without reimbursement from the Committee for milling, freight, or temporary storage and handling but otherwise shall be indemnifiable the same as lots with not more than 1 percent damage.

The indemnification value of peanuts delivered to the Committee for idemnification shall be the sales contract (including transfer) price established to the satisfaction of, and acceptable to, the Committee or if the lot is unsold the applicable market price determined by the Committee based on quotations in the most recent "Peanut Market News" report published by C&MS.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for human consumption, plus temporary storage and transportation costs from origin to destination and return to point of remilling, except as hereinafter restricted, plus an allowance for remilling of one cent per pound on the original weight, less 1½ percent of the foregoing contract or market price multiplied by the original weight. On lots on which the remilling is not successful in making the lot wholesome as to aflatoxin, the indemnification payment shall be reduced by an additional 4 percent of the foregoing contract or market price multiplied by the original weight. If such peanuts are declared for custom blanching after remilling, the indemnification payment shall be the blanching cost, plus any temporary storage, the transportation costs from origin (whether handler or buyer premises) to point of blanching and on unsold lots from point of blanching to handler's premises and the value of the weight of reject peanuts removed from the lot. On lots which are custom blanched without remilling, the indemnification payment shall be determined in the same manner but it shall be reduced by 1½ percent of the foregoing contract or market price multiplied by the original weight. Moreover, blanching payments to each handler shall cover any loss sustained on all of his blanched lots of the crop caused by the market value obtained from sale of the blanched product being less than the computed indemnification payments for the original red skin lots.

Payment shall be made to the handler claiming indemnification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling or custom blanching and clearance of the lot for human consumption as the Committee may require and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot which is remilled or custom blanched or both, the Committee shall declare the entire lot for indemnification. However, the Committee shall refuse to pay indemnification on any lot(s) where it has reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those Segregation 3 peanuts tendered to him either directly by a producer or by a country buyer, commission buyer or other like person.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling. Where a lot has been shipped and the Committee orders remilling, the Committee will pay actual freight charges to the place of remilling but not in excess of the return freight from destination to the origin of the shipment.

Claims for indemnification on peanuts of the 1969 crop shall be filed with the Committee at least 30 days prior to December 31, 1970.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and the Manager, Peanut Administrative Committee, Atlanta, Ga. Upon a determination of the Peanut Administrative Committee, confirmed by the Consumer and Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller. Seller shall not be precluded from replacing such peanuts if he so elects.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the Federal or Federal-State Inspection Service from such lot, shall cause the sample(s) to be sent to a C&MS laboratory

or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, of other than the buyer's, to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on 1969 crop peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on 1969 crop peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Categories eligible for indemnification are the following:

Cleaned inshell peanuts.

(1) U.S. Jumbos.
(2) U.S. Fancy Handpicks.
(3) Valencia—Roasting Stock.[1]

U.S. Grade shelled peanuts.

(1) U.S. No. 1.
(2) U.S. Splits.
(3) U.S. Virginia Extra-Large.
(4) U.S. Virginia Medium.

Shelled peanuts "with splits".

(1) Runners with splits meeting outgoing quality requirements.
(2) Spanish with splits meeting outgoing quality requirements.
(3) Virginias with splits meeting outgoing quality requirements.

[F.R. Doc. 69-7771; Filed, July 1, 1969; 8:46 a.m.]

[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

[Marketing Agreement 146]

BUDGET OF EXPENSES OF ADMINISTRATIVE COMMITTEE AND RATE OF ASSESSMENT FOR THE 1969 CROP YEAR

Pursuant to Marketing Agreement 146, regulating the quality of domestically produced peanuts (30 F.R. 9402), and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found and determined that the expenses of said Committee and the rate of assessment applicable to peanuts produced in 1969 and for the crop year beginning July 1, 1969, shall be as follows:

(a) *Administrative expenses.* The budget of expenses for the Committee for the crop year beginning July 1, 1969, shall be in the total amount of $250,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determine to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee for indemnification payments, pursuant to the Terms and Conditions of Indemnification Applicable to 1969 Crop Peanuts, effective July 1, 1969, are estimated at, but may exceed $3 million, such amount being reasonable and likely to be incurred.

(c) *Rate of assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with section 48 of the marketing agreement, an assessment at the rate of $3.25 per net ton of farmers stock peanuts received or acquired other than those described in section 31 (c) and (d) ($0.25 for administrative expenses and $3 for indemnification expenses).

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to section 48 of the marketing agreement, shall continue. That portion of the total assessment funds accrued from the $3 rate and not expended in providing indemnification on 1969 crop peanuts shall be placed in such reserve and shall be available to pay indemnification expenses on subsequent crops.

The expenses and rate of assessment are, under the agreement, on a crop year basis and will automatically be applicable to all assessable peanuts from the beginning of such crop year. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments, they are represented on the Committee which has submitted the recommendation with respect to such expenses and assessment for approval; and handlers have had knowledge of the foregoing in their recent industry-wide discussions and will be afforded maximum time to plan their operations accordingly.

Dated: June 27, 1969.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 69-7818; Filed, July 1, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMDAL CO.

Notice of Filing of Petition for Food Additive Erythromycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (35-455V, 31-456V) have been filed by Amdal Co., Agricultural Division, Abbott Laboratories, North Chicago, Ill. 60064, proposing that § 121.249 *Food additives for use in milk-producing animals* (21 CFR 121.249) be amended to provide for the safe use of a formulation containing erythromycin, chlorobutanol, polysorbate 65, and triglyceride saturated fatty acids from coconut oil. A proposed condition of use is that milk taken from treated animals for 24 hours (two milkings) after the latest treatment must not be used for food.

Dated: June 25, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-7755; Filed, July 1, 1969; 8:45 a.m.]

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0838) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of tolerances (21 CFR 120.234) for residues of the insecticide *O,O*-diethyl *O*-[*p*-(methylsulfinyl) phenyl] phosphorothioate in or on the raw agricultural commodities: Peanut hulls at 7 parts per million; sugar beets and sugar beet tops at 0.1 part per million; and peanuts at 0.03 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a thermionic emission-gas chromatographic procedure using a phosphorus-sensitive detector.

Dated: June 25, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-7756; Filed, July 1, 1969; 8:45 a.m.]

ELANCO PRODUCTS CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Elanco Products Co., a division of Eli Lilly & Co., 640 South Alabama Street, Indianapolis, Ind. 46206, has withdrawn its petition (40-340V), notice of which was published in the FEDERAL REGISTER of November 9, 1968 (33 F.R. 16478), proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of methyltestosterone, diethylstilbestrol, and tylosin in feed of swine for improved feed efficiency and increasing lean carcass yield.

Dated: June 25, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-7757; Filed, July 1, 1969; 8:45 a.m.]

NATIONAL DRUG CODE SYSTEM

Notice Requesting Drug Firms To Apply for Labeler Identity Code Designations

The Secretary of Health, Education, and Welfare, acting on the recommendations of the Task Force on Prescription Drugs, has directed the Commissioner of Food and Drugs to establish a National Drug Code System.

The National Drug Code System will provide an identification system in computer language to permit automated processing of drug data by Government agencies, drug manufacturers and distributors, hospitals, and insurance companies.

The system has been developed with Government-industry agreement and will consist of a nine-character National Drug Code (NDC). The first three characters are the Labeler Identity Code and will be assigned by the Food and Drug Administration. The next four characters are the Drug Product Identity Code and the last two characters are the Trade Package Identity Code and these will be assigned by the drug firms within parameters defined by FDA.

When codes have been assigned, a National Drug Code Directory will be published by the Government to provide a complete listing of drugs and their code designations.

The Commissioner of Food and Drugs therefore requests all firms which manufacture and label or which repackage and label drugs to apply for Labeler Identity Code designations. Initially, a code designation cannot be assigned to a person whose only connection with drugs is that of a retailer, wholesaler, jobber, or distributor, even though his name appears on the label as such. It is preferable that such applications be submitted within 30 days of publication of this notice in the FEDERAL REGISTER. Applications should be addressed to the Director, Science Information Facility (CS-30), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

Along with their Labeler Identity Codes, all firms will be sent an instruction package outlining how product and trade package codes should be assigned, how drug product information should be returned to FDA for incorporation in the National Drug Code Directory, and how the code should be used in labeling.

Dated: June 24, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-7758; Filed, July 1, 1969; 8:45 a.m.]

SMITH KLINE & FRENCH LABORATORIES

Notice of Withdrawal of Petition for Food Additive Parbendazole

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101, has withdrawn its petition (40-302V), notice of which was published in the FEDERAL REGISTER of October 30, 1968 (33 F.R. 15952), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of parbendazole (methyl 5-butyl-2-benzimidazolecarbamate), administered as an oral drench, in cattle as an anthelmintic against various species of gastrointestinal nematodes.

Dated: June 25, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-7759; Filed, July 1, 1969; 8:45 a.m.]

SMITH KLINE & FRENCH LABORATORIES

Notice of Withdrawal of Petitions for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101, has withdrawn its petitions (40-166V and 40-167V), notice of which was published in the FEDERAL REGISTER of September 14, 1968 (33 F.R. 13043), proposing the issuance of food additive regulations (21 CFR Part 121) to provide for the safe use of parbendazole (methyl 5-butyl-2-benzimidazolecarbamate) as an anthelmintic for use against various species of gastrointestinal nematodes when administered to cattle in medicated pellets and in medicated feed.

Dated: June 25, 1969.

R. E. DUGGAN,
Acting Associate Commissioner For Compliance.

[F.R. Doc. 69-7760; Filed, July 1, 1969; 8:45 a.m.]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0839) has been filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of tolerances (21 CFR 120.212) for negligible residues of the herbicide *S-ethyl* cyclohexylethylthiocarbamate in or on the raw agricultural commodities beet roots and beet tops at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a procedure in which the residues are extracted by direct steam distillation and determined gas chromatographically using either a microcoulometric or a flame photometric detector.

Dated: June 25, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-7761; Filed, July 1, 1969; 8:45 a.m.]

WASHINGTON LABORATORIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9H2424) has been filed by Washington Laboratories, Inc., Pier 66, Seattle, Wash. 98121, proposing that § 121.1009 *Polysorbate 80* (21 CFR 121.1009) be amended to provide for the safe use of polysorbate 80 in the cooking water of shellfish.

Dated: June 25, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-7762; Filed, July 1, 1969; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY FOR MORTGAGE CREDIT AND FEDERAL HOUSING COMMISSIONER

Delegation of Authority

SECTION A. The Assistant Secretary for Mortgage Credit and Federal Housing Commissioner (herein called the Assistant Secretary), is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), with respect to the Program of Loans for Housing for the Elderly or Handicapped, except the authority to:

1. Establish the rate of interest on Federal loans.
2. Sue and be sued.

3. Exercise the powers and authorities set forth in section 402(a) of the Housing Act of 1950, as amended (12 U.S.C. 1749a(a)).

SEC. B. The Assistant Secretary is authorized to issue such rules and regulations as may be necessary to carry out the power and authority delegated under section A.

SEC. C. The Assistant Secretary is further authorized to:

1. Redelegate to one or more employees under his jurisdiction any of the authority delegated under section A and authorize successive redelegations thereof to subordinate employees.

2. Redelegate to Regional Administrators and to Deputy Regional Administrators any of the authority delegated under section A and authorize successive redelegations thereof to Regional employees.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority shall be effective as of June 27, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-7810; Filed, July 1, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

Statement of Organization, Functions, and Delegations of Authority

Correction

In F.R. Doc. 69-7513 appearing at page 9895 in the issue of Thursday, June 26, 1969, the word "and" in the ninth line of the second paragraph should be changed to read "from".

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

TIRE MANUFACTURERS

Approved Code Marks

Section 201 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1421) and section 4.3 of Motor Vehicle Safety Standard No. 109 (49 CFR 371.21), as amended (33 F.R. 19711), requires that each tire be labeled with the name of the manufacturer or his brand name and an approved code mark to permit the seller to identify the manufacturer of the tire to the purchaser upon request. A list of approved code marks, assigned as of May 28, 1968, was published in 33 F.R. 8609. Since that time additional applications have been received and assignments made, and number 173 has been withdrawn because Gulf Tire & Supply Co. was not considered to be a manufacturer of tires within the meaning of section 201 of the Act (see 34 F.R. 7253). For the convenience of persons desiring this information, those assignments made as of May 28, 1968, as well as the additional approved code marks assigned as of May 15, 1969, are included and listed below:

125 The Gates Rubber Co.
126 McCreary Tire and Rubber Co.
127 Uniroyal, Inc.
128 Cooper Tire and Rubber Co.
129 Michelin Reifenwerke A.G. (Germany).
130 Michelin Tyre Co., Ltd. (England).
131 S.A. Belge Du Pneumatique Michelin (Belgium).
132 S.A.F.E. de Neumaticos Michelin (Spain).
133 Manufacture Francaise Des Pneumatiques Michelin (France).
134 N.V. Nederl. Banden-Industrie Michelin (Holland).
135 S.p.A. Michelin Italiana (Italy).
136 Michelin Ltd. (Nigeria).
137 The Mohawk Rubber Co.
138 The Kelly-Springfield Tire Co.
139 Denman Rubber Manufacturing Co.
140 Dunlop Tire and Rubber Corp.
141 Dunlop Canada Ltd. (Canada).
142 The Dunlop Co., Ltd. (England).
143 Dunlop Aktiengesellschaft (Germany). Formerly—Deutsche Dunlop Gummi Compagnie A.G.
144 Societe Anonyme des Pneumatiques-Dunlop (France).
145 The B. F. Goodrich Co.
146 The Seiberling Tire and Rubber Co.
147 The Firestone Tire and Rubber Co.
148 The Mansfield Tire and Rubber Co.
149 The Toyo Rubber Industry Co., Ltd. (Japan).
150 Mansfield-Denman General Co., Ltd. (Canada).
151 The General Tire and Rubber Co.
152 Lee Tire and Rubber Co.
153 The Armstrong Rubber Co.
154 The Dayton Tire and Rubber Co.
155 Firestone Tire and Rubber Co. of Canada Ltd. (Canada).
156 Brema Societa Per Azioni (Italy).
157 Firestone Hispania S.A. (Spain).
158 Phoenix Gummiwerke Aktiengesellschaft (Germany).
159 Firestone-Viskafors Gummifabrik Aktiebolag (Sweden).
160 Ohtsu Tire and Rubber Co., Ltd. (Japan).
161 Firestone Tyre and Rubber Co., Ltd. (England).
162 The Irish Dunlop Co., Ltd. (Ireland).
163 B. F. Goodrich Canada Ltd. (Canada).
164 Firestone France S.A. (France).
165 N.V. Nederlandsch-Amerikaansche Autobandenfabriek Vredestein (Netherlands).
166 Continental Gummi Werke A.G. (Germany).
167 Uniroyal Ltd. (Canada).
168 Pennsylvania Tire and Rubber Company of Mississippi, Inc.
169 The Goodyear Tire and Rubber Co.
170 The Goodyear Tire and Rubber Co. of Canada, Ltd. (Canada).
171 Seiberling Rubber Co. of Canada Ltd. (Canada).
172 Metzeler A.G. (Germany).
173 Number withdrawn—See No. 145.
174 Sumitomo Rubber Industries, Ltd. (Japan).
175 Gummiwerke Fulda GMBH (Germany).
176 Semperit Osterrichisch-Amerikanische Gummiwerke Aktiengesellschafe (Austria).
177 Bridgestone Tire Co., Ltd. (Japan).
178 Nitto Tire Co., Ltd. (Japan).
179 General Fabrica Espanola Del Caucho, S.A. (Spain).
180 CEAT Societa Per Azioni (Italy).
181 The Yokohama Rubber Co., Ltd. (Japan).
182 Trelleborg Rubber Co., Inc. (Sweden).
183 Madras Rubber Factory Ltd. (India).
184 Veith-Pirelli AG (West Germany).
185 CEAT Tyres of India Ltd. (India).
186 Kleber Colombes Co. (France).
187 Alliance Tire and Rubber Co., Ltd. (Israel).
188 Pirelli S.p.A. (Italy).
189 Productos Pirelli S.A. (Spain).
190 Pirelli Ltd. (England).
191 Pirelli—Hellas S.A. (Greece).
192 Turk—Pirelli Lastiklery A.S. (Turkey).
193 Avon Rubber Co., Ltd. (England).
194 Manufactura Nacional de Borracha, S.A.R.L. (Portugal).
195 Industria Firestone De Costa Rica.

This notice is made under the authority of sections 103, 119, and 201 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407, 1421).

Issued: June 25, 1969.

ROBERT BRENNER,
Acting Director,
National Highway Safety Bureau.

[F.R. Doc. 69-7783; Filed, July 1, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-225]

RENSSELAER POLYTECHNIC INSTITUTE

Order Extending License Expiration Date

By application dated May 29, 1969, Rensselaer Polytechnic Institute of Troy, N.Y., requested renewal of Facility License No. CX-22. The license authorizes the Institute to possess, use and operate a 100-watt (thermal) critical experiment facility in Schenectady, N.Y.

Application having been filed for renewal of said facility license pursuant to § 50.51 of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That Facility License No. CX-22 which expires on June 30, 1969, is renewed for a period to expire June 30, 1979.

Dated at Bethesda, Md., this 19th day of June 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-7768; Filed, July 1, 1969; 8:46 a.m.]

[Docket No. 50-151]

UNIVERSITY OF ILLINOIS

Notice of Proposed Issuance of Facility License

The Atomic Energy Commission ("the Commission") is considering the issuance of a facility license, substantially in the form set forth below, to the University of Illinois which would authorize the operation of an Advanced TRIGA nuclear reactor facility at steady-state power levels up to 1,500 kilowatts (thermal) on its campus in Urbana, Ill. Construction of the reactor was authorized by Construction Permit No. CPRR-105 issued August 9, 1968.

Prior to issuance of the license, the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR-105. Also, the University of Illinois will be required to execute an indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140 of the Commission's regulations.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this facility license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed license, see (1) the application dated August 28, 1967, and supplements thereto, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the proposed Technical Specifications, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of June 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED FACILITY LICENSE

License No. ------

The Atomic Energy Commission ("the Commission") having found with respect to the application for license of the University of Illinois (hereinafter "the licensee") that:

1. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. The reactor has been constructed in conformity with Construction Permit No. CPRR-105, and will operate in conformity with the application, the Act and the rules and regulations of the Commission;

3. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

4. The University of Illinois is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

5. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public; and

6. The University of Illinois is a nonprofit, educational institution and will operate the reactor for the conduct of educational activities. The licensee is therefore exempt from the financial protection requirements of section 170 of the Act.

Facility License No. R-------- effective as of the date of issuance, is issued as follows:

1. This license applies to the Advanced TRIGA nuclear reactor (herein "the reactor"), owned by the University of Illinois and located on its campus in Urbana, Ill., and which is described in the application for license dated August 28, 1967, and supplements thereto dated October 26, 1967, and March 29, May 17, November 15, December 31, 1968, and February 21, March 26, and May 15, 1969 (herein referred to as "the application"), and authorized for construction by Construction Permit No. CPRR-105.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the University of Illinois:

A. Pursuant to section 104c of the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities", to possess, use, and operate the reactor as a utilization facility in accordance with the procedures and limitations described in the application and in this license;

B. Pursuant to the Act and Title 10, Chapter I, CFR, Part 70, "Special Nuclear Material", to receive, possess and use up to 5 kilograms of uranium-235 for use in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, Chapter I, CFR, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Maximum power level.* The licensee may operate the reactor at steady-state power levels up to a maximum of 1,500 kilowatts (thermal).

B. *Technical specifications.* The Technical Specifications contained in Appendix A to this license are hereby incorporated in this license. The licensee shall operate the reactor in accordance with these Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

4. This license is effective as of the date of issuance and shall expire at midnight, August 9, 1998.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

Attachment: Appendix A—Technical Specifications.[1]

Date of Issuance:

[F.R. Doc. 69-7875; Filed, July 1, 1969; 8:49 a.m.]

[Docket No. 50-197]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Proposed Issuance of Construction Permit and Amended Facility License

The Atomic Energy Commission (hereinafter "the Commission") is considering the issuance of a construction permit, substantially as set forth below, to the National Aeronautics and Space Administration (NASA) of Cleveland, Ohio. The permit would authorize NASA to make alterations to its Zero Power Reactor II (ZPR-II) which is located on NASA's Lewis Research Center site in Cleveland. The ZPR-II was operated at 10 watts (thermal) under Facility License No. CX-21 using a 30-inch core tank. On February 17, 1969, the Commission issued Amendment No. 1 to Facility License No. CX-21 which authorized NASA to partially disassemble the ZPR-II in preparation for installation of a 10-inch core tank and other minor alterations.

As the application is complete enough to permit all evaluations, upon completion of the alterations to ZPR-II in compliance with the terms and conditions of the application and the construction permit, and in the absence of good cause to the contrary, the Commission will issue to NASA without further prior notice an amended facility license. The amended license, substantially as set forth below, would authorize NASA to operate the modified ZPR-II at increased power levels up to 100 watts (thermal) and to receive, possess and use up to a 5-curie plutonium-beryllium neutron source in connection with operation of the reactor.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this construction permit and amended facility license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to these proposed issuances, see (1) the

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

application dated April 25, 1969, and supplement thereto dated June 5, 1969, (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 30th day of June 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED CONSTRUCTION PERMIT

Construction Permit No. CPCX-------

1. By application dated April 25, 1969, and supplement thereto dated June 5, 1969, the National Aeronautics and Space Administration (NASA) requested authority to make alterations to its Zero Power Reactor II (ZPR–II) located at NASA's Lewis Research Center in Cleveland, Ohio. The altered ZPR–II will be operated in the place of the former ZPR–II under amended Facility License No. CX–21.

2. The Atomic Energy Commission ("the Commission") has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations set forth in Title 10, CFR, Chapter I;

B. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities";

C. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Act;

D. NASA is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

E. NASA has submitted sufficient technical information concerning the proposed facility to provide reasonable assurance that the proposed facility can be constructed and operated at the proposed location without endangering the health and safety of the public; and

F. The issuance of a construction permit to NASA for alteration of ZPR–II will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10 CFR Part 50 "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to NASA to alter the ZPR–II in accordance with the application and this permit. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is August 15, 1969. The latest completion date of the facility is December 15, 1969. The term "completion date," as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material; and

B. The reactor facility to be altered is the ZPR–II which is located at NASA's Lewis Research Center in Cleveland, Ohio, as specified in the application.

4. Upon completion of the alteration of the reactor in accordance with the terms and conditions of this permit, upon finding by the Commission that the facility authorized has been reconstructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue to NASA Amendment No. 2 to Facility License No. CX–21, as proposed this date, the expiration date of which is midnight, April 12, 1972.

Date of issuance:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED AMENDED FACILITY LICENSE

License No. CX–21 Amendment No. 2

1. The Atomic Energy Commission ("the Commission") has found that:

A. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter, "the Act"), and the Commission's regulations set forth in Title 10, CFR, Chapter I;

B. The reactor has been constructed in conformity with Construction Permit No. CPCX–19 and altered in conformity with Construction Permit No. CPCX-------, and will be operated in conformity with the application, the Act, and the rules and regulations of the Commission;

C. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

D. The National Aeronautics and Space Administration is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

E. The issuance of this license, as amended, for the possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

F. The National Aeronautics and Space Administration is a Federal Agency which does not have to furnish proof of financial protection and has executed an indemnity agreement which satisfies the requirements of 10 CFR Part 140.

2. Facility License No. CX–21, as amended, is hereby amended in its entirety to read as follows:

A. This license applies to the solution-type critical experiments facility designated as the Zero Power Reactor II (ZPR–II) (herein referred to as "the reactor" or "ZPR–II") which is owned by the National Aeronautics and Space Administration (hereinafter, "the Administration") and operated by the National Aeronautics and Space Administration (hereinafter, "the Lewis Research Center in Cleveland, Ohio, as described in the application dated April 28, 1961, and amendments thereto, including amendment dated April 25, 1969, and supplement thereto dated June 5, 1969 (herein referred to as "the application").

B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses NASA:

(1) Pursuant to section 104c of the Atomic Energy Act of 1954, as amended and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities, to possess, use and operate the reactor as a utilization facility at the designated location in Cleveland, Ohio, in accordance with the procedures and limitations described in the application and in this license;

(2) Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess, and use up to (1) 53 kilograms of contained uranium-235 and (2) 5 curies of plutonium contained in an encapsulated plutonium-beryllium neutron source, both in connection with operation of the ZPR–II; and

(3) Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

C. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) *Maximum power level.* The licensee may operate the ZPR–II at steady-state power levels up to a maximum of 100 watts (thermal).

(2) The licensee shall not operate the ZPR–II while the ZPR–I is in operation.

(3) *Technical specifications.* The technical specifications contained in Appendix A hereto are hereby incorporated in this license. The licensee shall operate the reactor in accordance with these technical specifications. No changes shall be made in the technical specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

D. This amended license is effective as of the date of issuance and shall expire at midnight, April 12, 1972.

For the Atomic Energy Commission.

Attachment: Appendix A—Technical Specifications.[1]

Date of issuance:

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69–7904; Filed, July 1, 1969; 9:52 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 69–33]

ATLANTIC & GULF/WEST COAST OF SOUTH AMERICA CONFERENCE AGREEMENT NO. 2744–30, ET AL.

Order Instituting Proceeding

Nine conferences of carriers that operate between the United States and Central and South America have filed modifications of their basic agreements for approval in accordance with the provisions of section 15 of the Shipping Act, 1916. The modifications have been assigned agreement numbers as follows:

Conference name	Agreement No.
Atlantic & Gulf/West Coast of Central America and Mexico Conference	8300–8
Atlantic & Gulf/West Coast of South America Conference	2744–30
East Coast Colombia Conference	7590–16
Leeward & Windward Islands & Guianas Conference	7540–18
United States Atlantic & Gulf-Haiti Conference	8120–8
United States Atlantic & Gulf-Jamaica Conference	4610–13
United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference	6190–23
United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference—oil Companies Contract Agreement (Proprietary Cargo)	6870–11
West Coast South America Northbound Conference	7890–5

Each such modification adds the following paragraph to the existing agreement:

No provision of this Agreement shall be deemed to prohibit the Conference from agreeing to, and establishing, through rates by arrangement with other modes of transportation; or to prohibit the publication and filing of through rates by the Conference, in conformity with any such rate agreement; or to prohibit the issuance by the member lines of through bills of lading pursuant to a published Conference tariff embodying through rates or the adoption by the member lines of any uniform through bill of lading which may be agreed upon, and formally adopted, by the Conference. However, no member line, either individually or in concert with any other member line or lines or any nonmember line or lines, may negotiate, establish, publish, file, or operate under any through intermodal transportation rates or issue any through bills of lading otherwise than pursuant to the formal action and authorization of the Conference.

Each agreement has also been modified to delete any language that would conflict with implementation of the new provision. The conferences state that they ask for authority to establish through rates between points in the United States and points in the countries they serve by arrangements with carriers of other modes of transportation and to permit each conference to adopt a uniform through bill of lading. Individual member lines are precluded from offering through service outside the conference mechanism.

By letter dated February 7, 1969, Mr. N. I. Bass, Attorney, Advisor, Section of Opinions of the ICC, stated that the subject agreements appear to be an attempt by the applicants to indirectly secure antitrust relief for rate-making activities among carriers of different classes which they cannot lawfully obtain directly under present statutory law. Since each of the carrier classes is subject to the jurisdiction of different regulatory agencies, Mr. Bass believes that neither the FMC nor the ICC has exclusive jurisdiction over the activities of all the carrier parties so as to confer the antitrust immunity sought by the conference. Mr. Bass further advised that the foregoing reflects his opinion and was not an official expression of the views of the Interstate Commerce Commission.

A request for an investigation and hearing was received from Mr. R. J. Riddick, Executive Secretary of the Freight Forwarders Institute, Washington, D.C. The Institute is a voluntary association of common carriers holding permits under Part IV of the Interstate Commerce Act. The protestants allege that the conference is attempting to assert jurisdiction over inland cargo movements in the United States and would presume to afford legal rights concerning such movements to its members which neither it nor the Federal Maritime Commission can legally give. Mr. Riddick states that, "If it is intended that the members of the Conference would perform functions set forth in section 402 of the Interstate Commerce Act, 49 U.S.C. § 1002, the performance of such functions would result in violations of that Act." (Section 402 entitled "Definitions and Exemptions" defines the functions of a freight forwarder.)

It is further alleged that the proposed expansion of ocean common carrier operations into the interstate commerce of the United States would result in confusion to the shipping public and would be detrimental to commerce and contrary to the public interest.

The last allegation is not supported in any way in the protest, and no reason appears why such effects will, or are likely to, occur. However, it is the Commission's view that Mr. Bass' letter and the arguments of the protestants, viewed in the light of the great interest in the establishment of through intermodal rates and services, raise timely questions not heretofore specifically ruled upon by the Commission.

It is therefore ordered, That a proceeding be instituted, pursuant to sections 15, 18(b), and 22 of the Shipping Act, 1916, to develop the issues raised by the protestants (except that allegation disposed of above), by Mr. Bass, and by the conferences' responses thereto, so as to assist the Commission in determining whether the nine pending agreements should be approved, disapproved or modified; and

It is therefore ordered, That such proceedings be limited to the filing of briefs and an oral argument on the following issues:

1. Whether the concerted activities stated in the new paragraph to be added to each agreement are approvable in the form requested by the conferences.

2. The extent to which the Commission has jurisdiction to approve such agreements.

3. The extent to which the Commission may accept for filing under section 18(b) of the Shipping Act, 1916, the through rate tariffs and through bills of lading that appear to be contemplated by the agreements.

4. The extent of the antitrust immunity that would stem from approval of the agreements.

It is further ordered, That notice of this proceeding be published in the FEDERAL REGISTER. Persons having a direct interest in the matter, other than respondents, protestant, and Hearing Counsel may file petitions to intervene on or before July 11, 1969, with copies to all parties, in accordance with § 502.72 of the Commission's rules of practice and procedure.

Affidavits of fact and memoranda of law shall be filed on or before July 22, 1969. Replies thereto shall be filed on or before August 6, 1969. An original and 15 copies must be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with copies to all parties. Oral argument will be heard at a date to be announced later.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

RESPONDENTS

Mr. C. D. Marshall, Chairman, Atlantic & Gulf/West Coast of Central America and Mexico Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, Atlantic & Gulf/West Coast of South America Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, East Coast Colombia Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, Leeward & Windward Islands & Guianas Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, United States Atlantic & Gulf-Haiti Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, United States Atlantic & Gulf-Jamaica Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference, 11 Broadway, New York, N.Y., 10004.

Mr. C. D. Marshall, Chairman, United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference—Oil Companies Contract Agreement (Proprietary Cargo), 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, West Coast South America Northbound Conference, 11 Broadway, New York, N.Y. 10004.

PROTESTANT

Mr. Richard J. Riddick, Executive Secretary, Freight Forwarders Institute, 410 Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006.

[F.R. Doc. 69–7791; Filed, July 1, 1969; 8:47 a.m.]

[Docket No. 69–32]

[Agreement 9772]

NETHERLANDS-BELGIUM/U.S. NORTH ATLANTIC TRADE

Order of Investigation and Hearing Regarding Rate Agreement

The Commission has before it an application for approval of a rate agreement, pursuant to section 15 of the Shipping Act, 1916, between the Continental North Atlantic Westbound Freight Conference (Agreement 8210, as amended),

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

Hamburg-Amerika Linie, Meyer Line and Norddeutscher Lloyd in the trade from The Netherlands and Belgium to the U.S. North Atlantic. The agreement has been designated Federal Maritime Commission Agreement No. 9772. In pertinent part the agreement provides as follows:

That said parties, consistent with their obligations, if any, under any conference or other agreement in the trade covered by this Agreement, intend, by one or more representatives, to confer with each other and discuss together from time to time the matter of rates, charges, classifications, practices, and tariff matters appropriate and conformably with law and the interests of the foreign commerce between the United States and the continental ports of Europe in the Antwerp/Hamburg range to be charged or observed by them in the trade with such ports as indicated above covered by their services; and to agree on various rates, charges, classifications, practices, and related tariff matters, to be charged or observed by them respectively. Any rate, charge classification, practice, or related tariff matter of any party may be altered upon first giving the other parties at least 48 hours' advance notice thereof.

A number of questions concerning the approvability of this agreement are raised by the above language. The Commission's staff has been advised orally that any agreement as to rates is limited to the trade from The Netherlands and Belgium to the U.S. North Atlantic. Also, it is stated that the agreement authorizes any two or more parties to the agreement separately to confer, discuss, and fix rates. Such interpretations may not be apparent from a normal reading of the above language, hence, there is at the outset a question whether the agreement should be modified so as to state clearly its intended operation.

Futhermore, the scope of the agreement extends to the trade "between the United States and the continental ports of Europe in the Antwerp/Hamburg range," which includes trades covered by other approved rate agreements. Some of the parties to Agreement 9772 are also parties to the other approved agreements. It is not clear how this agreement is to operate in those trades in which some other agreement has rate authority or the effect of such dual operations.

Moreover, if Agreement 9772 is approved, it is not clear what the operation of the Continental North Atlantic Westbound Freight Conference will be once it becomes a single party to the agreement or whether its continued operation within a larger group of carriers is desirable.

The parties to the agreement submitted statements purporting to demonstrate a transportation need. In essence, the purported need is that without the said agreement there is a possibility or even likelihood of serious rate competition which would disrupt the trade in the future. There is no allegation, and available facts would seem to indicate otherwise, that any serious disruptive rate competition has occurred to date. This, plus the fact that one rate agreement for this trade is already approved and in existence, suggests that an investigation should be held to receive further evidence with respect to the alleged transportation need for Agreement No. 9772.

All of the parties to this agreement separately filed general rate increases to become effective on March 3, 1969. At present it appears that the rates of all parties are nearly identical. This raises a question whether the parties have acted in concert with respect to rates prior to receiving approval of their agreement.

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, the Commission institute an investigation to determine (1) whether Agreement No. 9772 would be unjustly discriminatory or unfair as between carriers, shippers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or in violation of the Shipping Act, 1916, and on the basis of the findings, to determine whether Agreement No. 9772 should be approved, disapproved, or modified; and (2) whether the parties have carried out this agreement prior to approval in violation of section 15;

It is further ordered, That the parties listed in the appendix attached hereto be made respondents in this proceeding;

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents;

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule 5(1), 46 CFR 502.72 of the Commission's rules of practice and procedure;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX

Meyer Line, c/o Boyd, Weir, Sewell, Inc., General Agents, 17 Battery Place, New York, N.Y. 10004.

Hamburg-Amerika Linie, c/o U.S. Navigation Co., Inc., Agents, 17 Battery Place, New York, N.Y. 10004.

Norddeutscher Lloyd, c/o U.S. Navigation Co., Inc., Agents, 17 Battery Place, New York, N.Y. 10004.

Continental North Atlantic Westbound Freight Conference, Mrs. M. Bourgeois, Secretary, 79 De Bomstraat, Antwerp, Belgium.

[F.R. Doc. 69-7792; Filed, July 1, 1969; 8:47 a.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

HOUSEHOLD PRODUCTS PRESENTING HEALTH AND SAFETY RISK

Notice of Hearing

Notice is hereby given that pursuant to section 3(a) of Public Law 90-146; 81 Stat. 466, the National Commission on Product Safety will hold public hearings at 9:30 a.m. on July 29, 1969, in Room 2154, Rayburn House Office Building, Washington, D.C. The hearings will deal with the safety of glass bottles and other containers used by consumers in or around the household, including:

(i) Nature, cause, frequency, and severity of injuries associated with glass bottles and other containers, especially those which are pressurized;

(ii) Scope and adequacy of designs, testing procedures, and standards in the container manufacturing and glass bottling industries, especially those applicable to containers which are pressurized;

(iii) Liability of manufacturers and bottlers for injuries caused by defective glass bottles and other containers and the effect of such civil liability in promoting safety;

(iv) Methods of eliminating or reducing such unreasonable hazards as may exist.

Interested persons are invited to attend and participate by the submission of written statements. Such statements should be furnished to the Commission at its office, 1016 16th Street NW., Washington, D.C. 20036, not later than July 21, 1969. Such statements will be made a part of the record of the hearings and will be available for inspection by the public.

Interested persons desiring to offer oral testimony at these hearings should advise the Commission and file written statements setting forth the substance of their proposed testimony by July 21, 1969. The Commission will attempt to grant such requests to the extent time permits.

Persons desiring to furnish oral testimony or to submit statements at subsequent Commission hearings are invited to so advise the Commission in writing specifying the proposed subject of their testimony and group affiliation, if any.

Dated: June 30, 1969.

ARNOLD B. ELKIND, *Chairman.*

[F.R. Doc. 69-7874; Filed, July 1, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4763]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Issue and Sale of Common Stock by Holding Company and Exemption From Competitive Bidding

JUNE 25, 1969.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, N.Y. 10004, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

AEP proposes to issue and sell, through an underwritten public offering, 2,540,097 additional shares of its authorized but unissued common stock, par value $6.50 per share. The terms of the proposed sale will be determined by negotiations with investment bankers. AEP believes that, under present conditions, a procedure involving competitive bids for an offering of AEP's common stock of between $80-$90 million would result in a lower price and a greater cost to AEP than the procedure herein proposed. As a result, AEP hereby requests the Commission to take appropriate action, pursuant to Rule 50(a)(5), to exempt the issue and sale of the additional common stock from compliance with the competitive bidding requirements of that rule so as to authorize AEP to enter into negotiations with investment bankers, under circumstances where competitive conditions are maintained, to establish the terms and conditions under which the additional common stock is to be issued and sold.

AEP proposes to use the proceeds of the sale of the common stock to pay and retire AEP's short-term debt, consisting of commercial paper and notes to banks, which is estimated not to exceed $85 million. Any excess proceeds will be used by AEP for other corporate purposes, including a cash capital contribution or contributions prior to December 31, 1969, to one or more of its public-utility subsidiary companies.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses incident to the proposed transaction are to be filed by amendment.

Notice is further given that any interested person may, not later than July 8, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon AEP at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7772; Filed, July 1, 1969; 8:46 a.m.]

[70-4764]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of Bonds at Competitive Bidding

JUNE 26, 1969.

Notice is hereby given that Metropolitan Edison Co. ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pa. 19605, an electric utility subsidiary company of General Public Utilities Corp. ("GPU"), a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $25 million principal amount of First Mortgage Bonds, _____ percent Series, due August 1, 1999. The interest rate of the bonds (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to Met-Ed (which shall not be less than 100 percent nor more than 102.75 percent of the principal amount thereof plus accrued interest from August 1, 1969, to the date of delivery) will be determined by the competitive bidding. The bonds will be issued under an indenture dated as of November 1, 1944, between Met-Ed and Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York), trustee, as heretofore supplemented, and as to be further supplemented by a supplemental indenture to be dated August 1, 1969.

The filing states that the proceeds (other than premium, if any, and accrued interest) from the sale of the bonds will be deposited with the trustee under the indenture and withdrawn from time to time against bondable value of property additions. It is estimated that at the issue date of the bonds approximately $19 million of such proceeds will be withdrawn. Such proceeds, together with funds made available from operations and cash contributions to Met-Ed by GPU will be used for the purpose of financing Met-Ed's business as a public-utility company, including reimbursement of Met-Ed's treasury for expenditures therefrom for construction purposes (including interest charged to construction) and to pay bank loans outstanding at the time of the sale of the bonds which loans are expected to aggregate $23 million. Any premium realized from the sale of the bonds will be utilized for the financing of Met-Ed's business including the payment of the expense of this financing. The balance of the proceeds from the sale of the bonds will be withdrawn from time to time during a period expected to be less than 1 year as bondable value of property additions permits. The cost of Met-Ed's 1969 construction program is estimated at approximately $102,100,000 and such costs and other cash requirements will be met from funds derived from operations, funds made available from cash capital contributions, funds from the issue and sale of the bonds, and funds from short-term bank loans, which bank loans are expected to aggregate $34 million at the end of 1969.

It is stated that the fees and expenses incident to the proposed transaction are estimated at $84,000, including counsel fees of $27,000 and accounting fees of $5,300. The fees and disbursements of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is further stated that the issue and sale of the bonds is subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which Met-Ed is organized and doing business. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 18, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or

by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7773; Filed, July 1, 1969; 8:46 a.m.]

BARTEP INDUSTRIES, INC.

Order Suspending Trading

JUNE 27, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 29, 1969, through July 8, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7774; Filed, July 1, 1969; 8:46 a.m.]

COMMERICIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

JUNE 27, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 30, 1969, through July 9, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7775; Filed, July 1, 1969; 8:46 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

JUNE 27, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 29, 1969, through July 8, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7776; Filed, July 1, 1969; 8:46 a.m.]

INTERCONTINENTAL INDUSTRIES, INC.

Order Suspending Trading

JUNE 26, 1969.

The common stock, $1 par value, of Intercontinental Industries, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Intercontinental Industries, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 26, 1969, 1:30 p.m., e.d.t., through July 5, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7777; Filed, July 1, 1969; 8:46 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

JUNE 26, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Rajac Industries, Inc., is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 26, 1969, at 11 a.m., e.d.t., through July 5, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7778; Filed, July 1, 1969; 8:46 a.m.]

[812-2535]

WHITEHALL MANAGEMENT CORP. ET AL.

Notice of and Order for Hearing on Application for Exemption From Certain Provisions

JUNE 25, 1969.

Notice is hereby given that Pinestock Associates, Inc. ("Pinestock"), Fiduciary Equity Associates, Inc. ("FEA"), and Quasar Associates, Inc. ("Quasar"), 140 Broadway, New York, N.Y. 10005 (collectively the "Funds"), all open-end investment companies registered under the Investment Company Act of 1940 ("Act"), and Whitehall Management Corp. ("Whitehall"), a Delaware corporation which acts as investment adviser to the Funds, have applied pursuant to section 6(c) of the Act for an order exempting them from Rule 22c-1 of the rules and regulations under the Act, to the extent necessary to permit the shares of Funds to be priced for sale semimonthly. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Funds were organized to serve as investment vehicles for customers of Donaldson, Lufkin & Jenrette, Inc. ("DLJ"), an investment banking firm and member of the New York Stock Exchange which is the holder of all the outstanding shares of Whitehall.

All sales of shares of the Funds are made through DLJ and are made without the imposition of a sales charge. A minimum initial investment is required of $10,000 for Pinestock and FEA and $100,000 for Quasar. Each of the Funds has reserved the right to decline to accept subscriptions. Under the investment advisory agreements presently in effect, the computation of net asset values for each of the Funds is performed by Whitehall.

On March 31, Pinestock had net assets of $26,693,800 and 522 stockholders, FEA had net assets of $17,407,100 and 92 stockholders, and Quasar had net assets of $3,236,100 and 60 stockholders.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading, not less frequently than once daily as of the time of the close of trading on such exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Whitehall and the Funds propose to price shares for sale at the net asset value as of the close of trading on the New York Stock Exchange on the 15th day (or the first business day thereafter if the 15th day is not a business day) and on the last business day of each month. Subscriptions received prior to the close of the New York Stock Exchange on those days are to be priced at net asset value per share as of such close of business.

Subscriptions submitted prior to the two monthly dates on which sales will be made will not be accepted until such dates and will be revocable at the option of the subscriber at any time prior thereto. Redemption of shares by all three funds will be made daily, and any shares tendered for redemption and received prior to the close of the New York Stock Exchange on any day will be valued as of such close of business.

Shares of Pinestock and FEA are currently being offered on the semimonthly basis described above. Shares of Quasar are currently offered on a daily basis.

Whitehall represents that unless this application is granted, the amount of employee and supervisory time and payroll devoted to determining the net asset values of the Funds will have to be substantially increased.

In the case of each of the Funds, the investment advisory fee paid to Whitehall is based on performance but is never less than certain costs assumed by Whitehall, including the cost of determining net asset value. In any year in which such costs are greater than the performance fee, the difference, including the cost of determining net asset value on a daily basis, would be borne by shareholders of the Funds. In a year in which the performance fee is greater than the certain costs, the increased cost due to daily net asset determination might lead Whitehall to submit to shareholders of the fund concerned an amendment to the investment advisory contract to increase the performance fee.

In a 6-month period from October of 1968, through March of 1969, 112 sales (exclusive of dividend reinvestment) and 88 redemptions were made in Pinestock, and 66 sales (exclusive of dividend reinvestment) and 15 redemptions were made in FEA. Since sales were made only semimonthly, prices for shares of Pinestock and FEA were computed at other dates only when requests for redemptions were made. During the 6-month period, requests for redemptions were received and prices on shares computed on days other than the normal semimonthly pricing days, 26 times for Pinestock and one time for FEA.

Applicants represent that the proposed pricing method, under which shares are prospectively valued, is consistent with the objective of Rule 22c-1 to prevent dilution in the value of shares and short-term speculation resulting from sale of shares at a previously determined price.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 29th day of July 1969 at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than the Applicants, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 25th day of July 1969, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters are presented for consideration without prejudice to its specifying additional matters upon further examination:

(1) Whether the proposed manner of pricing complies with Rule 22c-1.

(2) Whether the exemption requested is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to the Applicants and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7779; Filed, July 1, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (Rev. 12) Amdt. 6]

AREA ADMINISTRATORS

Delegation of Authority To Conduct Program Activities in Field Offices

Delegation of Authority No. 30 (Revision 12) (32 F.R. 179), as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5134) is hereby further amended by revising Items I.A.1 and I.A.2, to read as follows:

I. *Area Administrators—A. Financial assistance program.* 1. To approve business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share). To decline business and economic opportunity loans in any amount.

2. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $30,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $35,000 for a single disaster on home loans, and (b) $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster Guaranteed Loans up to $1 million, and to decline them in any amount.

Effective date: April 21, 1969.

HILARY SANDOVAL, JR., *Administrator.*

[F.R. Doc. 69-7763; Filed, July 1, 1969; 8:45 a.m.]

[Delegation of Authority 30, Rocky Mountain Area, Amdt. 2]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in Rocky Mountain Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Rev. 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 17217, 19097, and 34 F.R. 5134), Delegation of Authority No. 30 (Rocky Mountain Area), 33 F.R. 10680, as amended (34 F.R. 7054), is hereby further amended by adding Items I.H.1 and I.H.2.

I. *Area Coordinators.* • • •

H. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

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Effective date: June 18, 1969.

GEORGE E. SAUNDERS,
Area Administrator.

[F.R. Doc. 69-7764; Filed, July 1, 1969; 8:45 a.m.]

[Delegation of Authority 30 (Rev. 2), Amdt. 2, Southeastern Area]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in Southeastern Area

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Rev. 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 17217, 19097, 34 F.R. 5134), Delegation of Authority No. 30 (Rev. 2), Southeastern Area, 33 F.R. 9317, dated June 25, 1968, as amended (34 F.R. 8730), is hereby further amended by:

1. Adding Item I.H. to read as follows:

I. *Area Coordinators.* • • •

H. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

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Effective date: June 9, 1969.

WILEY S. MESSICK,
Area Administrator,
Southeastern Area.

[F.R. Doc. 69-7765; Filed, July 1, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 51, Amdt. 2]

ERIE-LACKAWANNA RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 51, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 51 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 20, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7796; Filed, July 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 52, Amdt. 2]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 52, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 52 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 20, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7797; Filed, July 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 50, Amdt. 2]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., Norfolk and Western Railway Co., and Chicago, Burlington & Quincy Railroad Co.

Upon further consideration of Car Distribution Direction No. 50, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 50 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 20, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7798; Filed, July 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 46, Amdt. 3]

SOUTHERN RAILWAY CO. AND MISSOURI PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 46, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 46 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 13, 1969, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7799; Filed, July 1, 1969; 8:48 a.m.]

[No. 11761]

ILLINOIS CENTRAL RAILROAD CO.

Iowa Passenger Fares and Charges

JUNE 20, 1969.

Notice is hereby given that the Illinois Central Railroad Co., through its attorneys named below, has filed a petition with the Interstate Commerce Commission, praying that the Commission modify its outstanding orders in this proceeding to allow the petitioner to increase its intrastate passenger fares within the State of Iowa by eliminating a 10 percent discount on round-trip passenger fares.

The petitioner points out that effective June 15, 1969, new interstate round-trip fares were established at strictly double the one-way fare on the respective class of service (thereby eliminating the 10 percent discount on interstate fares); that interstate and intrastate passengers are transported on the same trains under the same conditions; that, therefore, intrastate passenger fares maintained at a lower level than the prevailing level of interstate passenger fares would cause difficulties; and that since maximum intrastate passenger fares are fixed by State statute (fares in excess thereof, which would result from the sought increases herein, not being subject to the jurisdiction of the regulatory body of that State, namely, the Iowa State Commerce Commission), modifications producing fares in excess of the State statutory limits are solely within the jurisdiction of the Interstate Commerce Commission, if required because of the burdensome effect of the intrastate fares and practices on interstate commerce, pursuant to section 13 of the Interstate Commerce Act.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon either J. W. Foster or Kenneth L. Novander, 135 East 11th Place, Chicago, Ill. 60605. Thereafter, the Commission will proceed to render its decision in this matter, including the observance of any additional requirements that appear warranted to assure due process of law.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7800; Filed, July 1, 1969; 8:48 a.m.]

[No. 34896] [1]

ATCHISON, TOPEKA, AND SANTA FE RAILWAY CO. ET AL.

Texas Intrastate Passenger Coach Fares

JUNE 20, 1969.

Notice is hereby given that the common carriers by railroad shown below have, through their attorneys, filed a petition with the Interstate Commerce Commission for modification of the outstandings orders of the Commission in these proceedings.

The petitioners point out that effective June 15, 1969, the basic interstate one-way and round-trip coach fares will be increased by 5 percent; that the maximum intrastate passenger fares are fixed by statute of the Legislature of the State of Texas, fares in excess thereof not being subject to the jurisdiction of the regulatory body of that State (Railroad Commission); and that interstate and intrastate passengers are transported on the same trains, the transportation conditions of the one being no more favorable than those in respect to the other. Wherefore, the petitioners pray that this Commission modify the outstanding orders in these proceedings to the extent necessary to enable them to establish and maintain the sought 5 percent increase in passenger fares applicable on intrastate movements within the State of Texas.

The petitioners are: The Atchison, Topeka and Santa Fe Railway Co.; The Kansas City Southern Railway Co.; Missouri Pacific Railroad Co.; Southern Pacific Co.; and The Texas and Pacific Railway Co.;

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon either J. D. Feeney or James W. Nisbet, 280 Union Station Building, Chicago, Ill. 60606. Thereafter, the Commission will proceed to render its decision in this matter, including the observance of any additional requirements that may appear warranted to assure due process of law.

[1] Embraces also: No. 28846, Increases in Texas Rates, Fares and Charges, and No. 33683 Texas Intrastate Passenger Coach fares.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7801; Filed, July 1, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 27, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41674—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 628), for interested rail carriers. Rates on cups, dishes, plates or trays, polystyrene, in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 89 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41675—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 629), for interested rail carriers. Rates on blackstrap molasses, and other various commodities, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 89 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7802; Filed, July 1, 1969; 8:48 a.m.]

[Notice 557]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 27, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Deviation No. 18), RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, Dallas, Tex. 75247, filed June 18, 1969. Carrier's representative: E. Larry Wells, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Jackson, Miss., and Laplace, La., over Interstate Highway 55 (traversing U.S. Highway 51 pending completion of Interstate Highway 55), for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Jackson, Miss., over U.S. Highway 80 via Vicksburg, Miss., and Monroe, La., to Shreveport, La.; (2) from Ferriday, La., over U.S. Highway 65 to junction Louisiana Highway 128 west of St. Joseph, La., thence over Louisiana Highway 128 to St. Joseph, thence over Louisiana Highway 607 via Osceola, Lake Bruin, Newellton, and Balmoral, La., to junction U.S. Highway 65 at or near Somerset, La., thence over U.S. Highway 65 to Tallulah, La.; and (3) from New Orleans, La., over U.S. Highway 61 to Natchez, Miss., thence over U.S. Highway 65 to Ferriday, La., and return over the same routes.

No. MC 2900 (Deviation No. 28), RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla. 32203, filed June 20, 1969. Carrier's representative: Larry D. Knox, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Indianapolis, Ind., and Columbus, Ohio, over Interstate Highway 70 (traversing U.S. Highway 40 pending completion of portions of Interstate Highway 70 not completed), for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 52 to Cincinnati, Ohio, thence over U.S. Highway 22 to Washington Court House, Ohio, thence over U.S. Highway 62 to Columbus, Ohio, and return over the same route.

No. MC 2900 (Deviation No. 29) RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla. 32203, filed June 20, 1969. Carrier's representative: Larry D. Knox, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 70 to junction Interstate Highway 75, thence over Interstate Highway 75 to Dayton, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 52 to Cincinnati, Ohio, thence over U.S. Highway 25 to Dayton, Ohio, and return over the same route.

No. MC 3560 (Deviation No. 19), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 8023, filed June 17, 1969. Carrier's representative: William Kenworthy, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Moline, Ill., over Interstate Highway 80 to junction Interstate Highway 74, thence over Interstate Highway 74 to Bloomington, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Moline, Ill., and Bloomington, Ill., over U.S. Highway 150.

No. MC 52743 (Deviation No. 4), MIAMI TRANSPORTATION COMPANY, INC., OF INDIANA, 1220 Harrison Ave., Cincinnati, Ohio 45214, filed June 16, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Louisville, Ky., and Indianapolis, Ind., over Interstate Highway 65, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Louisville, Ky., over U.S. Highway 31W to Sellersburg, Ind. (also over U.S. Highway 31E), thence over U.S. Highway 31 to Scottsburg, Ind., thence over Indiana Highway 56 to junction Indiana Highway 256, thence over Indiana Highway 256 to Madison, Ind.; and (2) from Madison, Ind., over Indiana Highway 7 to Columbus, Ind., thence over U.S. Highway 31 to Indianapolis, Ind., and return over the same routes.

No. MC 108298 (Deviation No. 9) ELLIS TRUCKING CO., INC., 1600 Oliver Avenue, Indianapolis, Ind. 46221, filed June 18, 1969. Carrier's representative: Kirkwood Yockey, Suite 501 Union Federal Building, 45 North Pennsylvania Street, Indianapolis, Ind. 46204. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: From Marion, Ky., over U.S. Highway 641 to junction U.S. Highway 62, thence over combined U.S. Highways 641 and 62 to Gilbertsville, Ky., thence over access road to Purchase Parkway, thence over Purchase Parkway to Fulton, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Evansville, Ind., over U.S. Highway 41 to Henderson, Ky., thence over U.S. Highway 60 to Paducah, Ky., thence over U.S. Highway 45 to Union City, Tenn., thence over U.S. Highway 45W to Humboldt, Tenn., thence over Alternate U.S. Highway 70 to Brownsville, Tenn., thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7803; Filed, July 1, 1969; 8:48 a.m.]

[Notice 1308]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 27, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 8957 (Sub-No. 9) (Republication), filed April 12, 1968, published in the FEDERAL REGISTER issue of May 2, 1968, and republished this issue. Applicant: GLENN H. BROWER, Rural Delivery No. 1, Lewistown, Pa. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. By application filed April 12, 1968, as amended, Glenn H. Brower, of Lewistown, Pa., seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of waste or scrap materials, metals, and metal articles, between Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, except metal alloys from Philadelphia, Pa., and metal alloys, other than loose, from Baltimore, Md., to Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa.; waste or scrap materials, metals, and scrap or used metal articles, between Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, and Texas, except the transportation of articles which because of size or weight require the use of special equipment; and waste or scrap material metals, and scrap or used metal articles except automobile parts, between Lewistown, Pa., and points in Dectaur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Mississippi and Tennessee, except the transportation of articles which because of size or weight require the use of special equipment; with the restriction that the operations authorized be limited to a transportation service to be performed, under a continuing contract or contracts, with Sitkin Converting, Inc., Sitkin Industries, Inc.—Scrap Iron Division, Sitkin's Metal Trading, Inc., Sitkin Smelting and Refining, Inc., and Wasco Corp.

A report of the Commission, on further proceedings, decided June 12, 1969, and served June 23, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of (1) *waste or scrap materials, metals, and metal articles*, between Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, except metal alloys from Philadelphia, Pa., and *metal alloys*, other than loose, from Baltimore, Md., to Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa.; (2) *waste or scrap materials, metals, and scrap or used metal articles*, between Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, and Texas, except the transportation of articles which because of size or weight require the use of special equipment; and

(3) *Waste or scrap materials, metals, and scrap or used metal articles* (except automobile parts), between Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Mississippi and Tennessee, except the transportation of articles which because of size or weight require the use of special equipment; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced, and also subject to prior receipt of a request of applicant in writing for the coincidental cancellation of his permits in Nos. MC 8957 (Subs 2, 3, 7, and 8).

No. MC 108340 (Sub-No. 18) (Republication), filed October 28, 1968, published in the FEDERAL REGISTER issues of November 12, 1968, and June 18, 1969, and republished this issue. Applicant: HANEY TRUCK LINE, a corporation, 2219 Cedar Street, Forest Grove, Oreg. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. By application filed October 28, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of cannery food processing plant and animal food processing plant, products (except frozen fruits, frozen berries, frozen vegetables, and frozen fish), materials, supplies, and equipment, between points in Washington County, Oreg., on the one hand, and, on the other, points in Washington restricted to shipments originating at or destined to canneries, food processing plants, and animal food processing plants; and, restricted to shipments originating at or destined to points in Washington County, Oreg. By order dated April 30, 1969, applicant was granted authority to operate in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of (1) canned goods and canned pet feed and (2) materials, supplies, and equipment used in the production sale, and distribution of the commodities in (1) above, between designated points; A supplemental order of the Commission, Operating Rights Board, dated June 6, 1969, and served June 23, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes of (1) *prepared foods* (except frozen prepared fruits, frozen prepared berries, frozen prepared vegetables, and frozen prepared fish);

(2) *Animal feed;* and (3) *materials, supplies, and equipment* used in the manufacture of the commodities described in (1) and (2) above and in the manufacture of frozen food products, between points in Washington County, Oreg. on the one hand, and, on the other, points in Washington, restricted to the transportation of traffic originating at or destined to points in Washington County, Oreg., on the one hand, and, on the other, able properly to perform such service and to conform to the requirements of the Interstate Commerce Act the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may, file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119914 (Sub-No. 16) (Republication), filed February 10, 1969, published in the FEDERAL REGISTER issue of March 6, 1969, and republished this issue. Applicant: MINNESOTA-WISCONSIN TRUCK LINES, INC., 965 Eustis Street, St. Paul, Minn. 55114. By application filed February 9, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities indicated below from Hayward, Wis., to Clam Lake, Wis., and points within 25 miles of Clam Lake, except the points specified below. An order of the Commission, Operating Rights Board, dated June 5, 1969, and served June 18, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from Hayward, Wis., to Draper, Loretta, and Winter, Wis., and to points in that part of Wisconsin bounded by a line beginning at the junction of U.S. Highway 2 and Wisconsin Highway 27, and extending south along Wisconsin Highway 27, to its junction with Wisconsin Highway 70, thence east along Wisconsin Highway 70 to its junction with Wisconsin Highway 13, thence north along Wisconsin Highway 13 to its junction with Wisconsin Highway 182, thence east along Wisconsin Highway 182 to its junction with U.S. Highway 51, thence north along U.S. Highway 51 to its junction with U.S. Highway 2, thence west along U.S. Highway 2 to its junction with Wisconsin Highway 27 (except Butternut, Glidden, Mellen, Drummond, Grandview, and Mason and points in their commercial zones); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice

of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129644 (republication), filed January 12, 1968, published in the FEDERAL REGISTER issue of January 25, 1968, and republished this issue. Applicant: C & J TRAVEL, INC., 163 Central Avenue, Dover, N.H. 03820. Applicant's representative: Catherine Immen (same address as applicant). By application filed January 12, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers and their baggage, and express in the same vehicle with passengers, in special party service, restricted to transportation in vehicles having a capacity of not more than 11 passengers, between Somersworth, Dover, Portsmouth, and Exeter, N.H., on the one hand, and, on the other, Logan International Airport, at East Boston, Mass. By report and order of December 6, 1968 under modified procedure, the Commission, Review Board No. 2 granted the application partially. By petition filed January 9, 1969, applicant seeks to amend the application.

A decision and order of the Commission, Division 1, acting as an Appellate Division, dated June 6, 1969, and served June 19, 1969, finds on reconsideration, that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle over irregular routes (1) of *passengers and their baggage*, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, in special operations; and (2) of *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted (a) to the transportation of shipments in the same vehicle with passengers, and (b) against the transportation of packages or articles weighing more than 100 pounds in the aggregate from one consignor at one location to one consignee at one location during a single day, between Somersworth, Dover, Portsmouth, and Exeter, N.H., on the one hand, and, on the other, Logan International Airport, at East Boston, Mass.; subject to the conditions (a) that applicant shall conduct separately its for-hire carrier operations and its other business activities, (b) that it shall maintain separate accounts and records therefor, and (c) that it shall not transport property as both a private and for-hire carrier in the same vehicle at the same time; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this decision and order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133445 (Sub-No. 2) (Republication), filed February 2, 1969, published in the FEDERAL REGISTER issue of March 6, 1969, and republished this issue. Applicant: GERALD T. STUCK, 414 East Main Street, Middleburg, Pa. 17842. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. By application filed February 2, 1969, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of semitrailers, semitrailer chassis, semitrailer bodies, vehicle bodies (except mobile homes), and intermodal containers, having a capacity of not less than 1,000 cubic feet, new or used, between the plantsite of Trailco Manufacturing & Sales Co. at or near Hummels Wharf, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, and District of Columbia, under a continuing contract with Trailco Manufacturing & Sales Co., of Hummels Wharf, Pa. An order of the Commission, Operating Rights Board, dated June 5, 1969, and served June 19, 1969, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *semitrailers, semitrailer chassis, motor vehicle bodies, and containers*, between the plantsite of Trailco Manufacturing & Sales Co., at Hummels Wharf, Pa., on the one hand, and, on the other, points in Delaware, Indiana, Maryland, New Jersey, New York, Ohio, Virginia, and West Virginia, and the District of Columbia, under a continuing contract with Trailco Manufacturing & Sales Co., of Hummels Wharf, Pa., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 127681 (Sub-No. 1), and No. MC 127681 (Sub-No. 2) (Notice of filing of Petition for Modification of Permits), filed December 13, 1968. Petitioner: JOE JONES, JR., doing business as JOE JONES TRUCKING CO., Atlanta, Ga. On August 17, 1967, petitioner was issued permit No. MC 127681 (Sub-No. 1), authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, (1) of dry chemicals, packaged in paper bags and drums, between the plantsites of Mayo Chemical Co., located in Smyrna and Dalton, Ga., and Chattanooga, Tenn., and from the plantsites of Mayo Chemical Co. in Smyrna and Dalton, Ga., and Chattanooga, Tenn., to customers of Mayo Chemical Co., located at points in the United States (excluding points in Alaska and Hawaii); (2) of defective, rejected, or repossessed chemical products manufactured by Mayo Chemical Co., from customers of Mayo Chemical Co., located at points in the United States (excluding points in Alaska and Hawaii), to the plantsites of the Mayo Chemical Co., located in Smyrna and Dalton, Ga., and Chattanooga, Tenn.; and (3) of dry chemicals, manufactured, packaged in paper bags and drums, from suppliers of Mayo Chemical Co., located at points in Ohio, Michigan, Pennsylvania, Massachusetts, Connecticut, New Jersey, New York, Delaware, Maryland, West Virginia, and Texas, to the plantsites of Mayo Chemical Co., located in Smyrna and Dalton, Ga., and Chattanooga, Tenn., and to customers of Mayo Chemical Co., located at points in the United States (excluding Alaska and Hawaii), subject to the restriction that such operations may only be performed under a continuing contract or contracts with the Mayo Chemical Co.

Review Board No. 2, on June 11, 1968, made and filed its report and order in No. MC 127681 (Sub-No. 2), granting petitioner authority to extend his contract carrier operations by motor vehicle and transport, over irregular routes, dry chemicals, manufactured, packaged in paper bags and drums, from suppliers of Mayo Chemical Co., located at points in Indiana, Illinois, Missouri, and Louisiana, to the plantsites of Mayo Chemical Co., located in Dalton and Smyrna, Ga., and Chattanooga, Tenn., and to customers of Mayo Chemical Co., located at points in the United States (excluding Alaska and Hawaii), under a continuing contract with Mayo Chemical Co., but that no permit authorizing such operations has yet been issued in such proceeding. By petition filed December 13, 1968, petitioner, seeks modification of his permit No. MC 127681 (Sub-No. 1), and modification of the findings of the report of Review Board No. 2 in No. MC 127681 (Sub-No. 2), so as (1) to delete therefrom all references to the Mayo Chemical Co., and the points of Smyrna and Dalton, Ga., and Chattanooga, Tenn., thereby permitting the rendition of service at all the plantsites of shipper located in Georgia, and (2) to substitute Oxford Chemicals, of Chamblee, Ga., a division of Consolidated Foods, in lieu of the Mayo Chemical Co., as the shipper in whose behalf service may be performed. An order of the Commission, dated May 15, 1969, served May 29, 1969, provides, that notice of the petition, filed December 13, 1968, for modification be published in the FEDERAL REGISTER, and that said petition be designated for oral hearing at a time and place to be hereafter fixed. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 765 (Sub-No. 3), filed June 16, 1969. Applicant: MILLS TRANSFER COMPANY, a corporation, 51 Sleeper Street, Boston, Mass. 02210. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), between points in Massachusetts. NOTE: Applicant states it intends to tack with its present irregular route authority at Boston, Mass., and with its regular route authority at Boston and at intermediate points in Massachusetts on said routes. This application is directly related to MC-F-10517, published FEDERAL REGISTER issue of June 25, 1969. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 106401 (Sub-No. 29), filed June 4, 1969. Applicant: JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte, N.C. 28201. Applicant's representatives: Thomas G. Sloan (same address as applicant), and Donald E. Cross, Suite 917, Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Massachusetts. NOTE: This application is directly related to MC-F-10499, published in the FEDERAL REGISTER June 6, 1969. Applicant states it would tack to its regular route points generally between Boston and Springfield. If a hearing is deemed necessary, applicant requests it be held at Washintgon, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10030 (Petition) (RYDER TRUCK LINES, INC.—Control—MERCHANTS FREIGHT SYSTEM, INC.), published in the February 2, 1968, issue of the FEDERAL REGISTER, on page 2680. By petition filed June 18, 1969, petitioners seek to substitute *RYDER TRUCK LINES, INC., a Florida corporation*, in lieu of RYDER TRUCK LINES, INC., a Tennessee corporation.

No. MC-F-10519. Authority sought to purchase by MORVEN FREIGHT LINES, INCORPORATED, Highway No. 74, Post Office Box 718, Wadesboro, N.C. 28170, of the operating rights of S. D. SESSIONS, doing business as SESSIONS TRUCKING COMPANY, Highway 109 North, Post Office Box 537, Wadesboro, N.C. 28170, and for acquisition by CHARLES B. RATLIFF, Highway No. 74 East, Post Office Box 718, Wadesboro, N.C. 28170, of control of such rights through the purchase. Applicants' attorney and representative: H. P. Taylor, Jr., Anson Professional Building, Post Office Box 593, Wadesboro, N.C. 28170 and Charles B. Ratliff, Post Office Box 718, Wadesboro, N.C. 28170. Operating rights sought to be transferred: *Wood chips*, as a *common carrier*, over irregular routes from points in Montgomery County, N.C., to points in Florence County, S.C., from points in Anson County, N.C., to points in Florence and Darlington Counties, S.C.; and *limestone*, in bulk, from points in Cherokee County, S.C., to points in Anson, Stanly, Montgomery, Moore, Richmond, Scotland, Robeson, Hoke, and Union Counties, N.C. Vendee is authorized to operate under a certificate of registration within the State of North Carolina. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-120307 Sub 4 is a matter directly related.

No. MC-F-10520. Authority sought for control by TOSE, INC., 64 West Fourth Street, Bridgeport, Pa. 19405, of A B C EXPRESS COMPANY, Fifth Street and Columbia Avenue, Philadelphia, Pa. 19122, and for acquisition by LEONARD H. TOSE, also of Bridgeport, Pa. and DESMOND J. McTIGHE, 11 East Airy Street, Norristown, Pa. 19401, of control of A B C EXPRESS COMPANY, through the acquisition by TOSE, INC. Applicants Attorneys: Desmond J. McTighe, 11 East Airy Street, Norristown, Pa. 19401 and Anthony C. Vance, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Operating rights sought to be controlled: *New furniture and new home furnishings*, as a *contract carrier*, over irregular routes between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, and New Jersey, with restriction; *such commodities*, as are dealt in by department stores, between Philadelphia, Pa., on the one hand, and, on the other, certain specified points in New Jersey and Wilmington, Del., with restriction; between Philadelphia, Pa., and Moorestown, N.J., with restriction; between Philadelphia, Pa., on the one hand, and, on the other, Yonkers, N.Y. (not including points in the commercial zone thereof other than Yonkers), and the depot of the United Parcel Service, Inc. (Bloomingdale warehouse) in Long Island City, N.Y., with restriction; between Philadelphia, Pa., on the one hand, and, on the other, certain specified points in Pennsylvania, with restriction; between Rutherford, N.J., on the one hand, and, on the other, certain specified points in Pennsylvania, New Jersey, and New Castle County, Del., between St. Davids, Pa., and certain specified points in Cecil County, Md., New Castle County, Del., and certain specified points in New Jersey, with restriction; and *such commodities*, as are dealt in by department stores (except new furniture and new home furnishings), between Bloomfield and Newark, N.J. on the one hand, and, on the other, Philadelphia, Pa., with restriction. TOSE, INC. is authorized to operate as a *common carrier* in Pennsylvania, New York, Maryland, New Jersey, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10521. Authority sought for control by ALBERT J. EYRAUD, 2222 East 38th Street, Vernon, Calif. 90058, of (1) ASBURY SYSTEM, 2222 East 38th Street, Vernon, Calif. 90058, and (2) ASBURY TRANSPORTATION CO., 2222 East 38th Street, Vernon, Calif. 90058. Applicants' attorneys: Wade and Wade, 453 South Spring Street, Room 729, Los Angeles, Calif. 90013. Operating rights sought to be controlled: (1) Under MC-133315 Sub-No. 1TA, temporary authority to operate as a contract carrier, petroleum coke, in bulk, from the account of Standard Oil Co. of California, over irregular routes, from El Segundo, Calif., to Long Beach, Calif., on traffic having a subsequent movement by water; and (2) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in the Los Angeles, Calif., and Los Angeles Harbor commercial zone, as defined by the Commission, between points in the Los Angeles, Calif., and Los Angeles Harbor commercial zones as defined by the Commission, on the one hand, and, on the other, points in Kern and Kings Counties, Calif., points in Los Angeles County, Calif. (except those in the Los Angeles, Calif., and Los Angeles Harbor commercial zones), and points in Fresno County, Calif., located within 20 miles of Coalinga, Calif., between points in Kern and Kings Counties, Calif;

Liquid petroleum products, from The Dalles, Oreg., to certain specified points in Washington, from certain specified points in Oregon, to points in Washington, those in Malheur County, Oreg., and those in Idaho, except those in Lemhi, Blaine, Minidoka, and Cassia Counties, Idaho, and east thereof, from The Dalles and Umatilla, Oreg., and Attalia, Wash., to points in Oregon and Washington east of the summit of the Cascade Mountains, and those in Idaho as specified above, from Eureka, Calif., to points in Curry County, Oreg.; *liquid petroleum products*, in bulk, from certain specified points in Oregon, and Attalia and Vancouver, Wash., to certain specified points in Idaho; *petroleum and petroleum products*, in bulk, in tank trucks, from Pasco, Wash., to points in Idaho and that part of Oregon and Washington east of the summit of the Cascade Mountains, from Mukilteo, Wash., to U.S. Air Force installations in Idaho and Oregon; *petroleum products*, in bulk, in tank vehicles, between Eureka, Calif., on the one hand, and, on the other, certain specified points in Oregon, and Yreka, Calif., from Crescent City, Calif., to certain specified points in Oregon, and Siskiyou and Shasta Counties, Calif., serving points in Siskiyou and Shasta Counties over highways through Oregon, from Eureka, Calif., to Cave Junction, Oreg., from Eureka, Calif., to certain specified points in Oregon, and Siskiyou and Shasta Counties, Calif., except Cave Junction, Grants Pass, Medford, Klamath Falls, and Merrill, Oreg., and Yreka, Calif., from Baker and Blakely, Oreg., to points within 10 miles of each, and points within 5 miles of Pasco, Wash., to certain specified points in Idaho, points in Oregon in and east of Hood River, Wasco, Jefferson, Deschutes, and Klamath Counties, Oreg., and points in Washington in and east of Skamania, Yakima, Kittitas, Chelan, Klickitat, and Okanogan Counties, Wash., from Crescent City, Calif., to points in Coos and Lake Counties, Oreg., from Spokane, Wash., and points within 10 miles thereof, to points in Idaho on and north of the southern boundary of Idaho County;

Machinery, equipment, materials, and supplies used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum products and byproducts, and *machinery, equipment, materials, and supplies* used in or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of pipelines, between certain specified points in California; *asphalt, asphalt products, and heavy fuel oils*, in bulk, in tank vehicles, from Spokane, Wash., to points in Washington in and east of Walla Walla, Franklin, Adams, Lincoln, and Ferry Counties, Wash.; *petroleum and petroleum products*, in bulk, in tank vehicles, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Meridian, Calif., to points within 5 miles of Meridian, to certain specified points in Oregon; *aqua ammonia*, in bulk, in tank vehicles, from Malin, Oreg., to certain specified points in California; *petroleum products*, as described by the Commission in appendix XIII of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Coos County, Oreg., to points in Del Monte and Humboldt Counties, Calif.; *anhydrous hydrazine*, in bulk, in tank vehicles, from Lake Charles, La., and Saltville, Va., to Nimbus and Santa Susana, Calif., and the site of the Rocky Mountain Arsenal at Denver, Colo.; *unsymmetrical dimethylhydrazine*, in bulk, in tank vehicles, from Baltimore, Md., to Nimbus and Santa Susana, Calif., and the site of the Rocky Mountain Arsenal at Denver, Colo.;

Unsymmetrical dimethylhydrazine and anhydrous hydrazine mixtures, in bulk, in tank vehicles, from the site of the Rocky Mountain Arsenal at Denver, Colo., to U.S. Government missile sites and supporting missile installations and to missile testing and research facilities in Arizona, Arkansas, California, Florida, Kansas, New York, and Tennessee; *petroleum products* (except petrochemicals), as defined by the Commission in appendix XIII to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Chico, Calif., to certain specified points in Oregon; and unsymmetrical dimethyl hydraxine mix, in bulk, in tank vehicles, moving on Government bills of lading, between Rocky Mountain Arsenal, Colo., on the one hand, and, on the other, Lewis Research Center, at or near Cleveland, Ohio, and White Sands Missile Range, N. Mex. Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC-F-10086 (CAPITAL TRUCK LINE, INC.—Purchase (Portion)—ASBURY TRANSPORTATION CO.), and MC-F-10443 (B. F. WALKER, INC.—Purchase (Portion)—ASBURY TRANSPORTATION CO.), published in the April 10, 1968, and April 16, 1969, issues of the FEDERAL REGISTER, on pages 5603 and 6560, respectively.

No. MC-F-10522. Authority sought for control by OLD DOMINION FREIGHT LINE, Post Office Box 1189, High Point, N.C. 27261, of BARNES TRUCK LINE, INC., 506 Mayo Street, Wilson, N.C. 27893, and for acquisition by L. C. CROWDER, E. E. CONGDON, and J. R. CONGDON, all also of High Point, N.C., of control of BARNES TRUCK LINE, INC., through the acquisition by OLD DOMINION FREIGHT LINE. Applicant's attorney: Francis W. McInery, 100 16th Street NW., Washington, D.C. 20036. Operating rights sought to be controlled: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, from Richmond and Norfolk, Va., and Wilmington, N.C., to Smithfield, N.C., from Norfolk and Richmond, Va., and Baltimore, Md., to points in Wayne County, N.C., and Faison and Burgaw, N.C.; between certain specified points in North Carolina, on the one hand, and, on the other, Baltimore, Md., points in Virginia on and east of U.S. Highway 15 (except those in Accomack and Northampton Counties, Va.), and certain specified points in Pennsylvania, with restriction; *general commodities*, excepting among others, commodities in bulk, but not excepting household goods, between Wilson, N.C., and points within 50 miles of Wilson, on the one hand, and, on the other, points in North Carolina, South Carolina, and Virginia; *farm and forest products*, from Smithfield, N.C., and points in North Carolina within 100 miles of Smithfield to Norfolk, Va., Baltimore, Md., points in North Carolina, and points on U.S. Highway 301 between Smithfield, N.C., and Petersburg, Va., and on U.S. Highway 1 between Raleigh, N.C., and Baltimore, Md.;

Farm products, from points in Georgia, North Carolina, South Carolina, and Virginia, to Washington, D.C., to Baltimore, Md., Philadelphia, Pa., Newark and Jersey City, N.J., Wilmington, Del., New York, N.Y., Hartford and New Haven, Conn., Providence, R.I., Boston, Mass., and Bluefield and Charleston, W. Va.; *farm wagons*, from Wilson, N.C., to points in Georgia and Florida; *agricultural commodities*, from points in Nash County, N.C., and points within 100 miles of Nash County to Washington, D.C., Baltimore, Md., and Philadelphia, Pa.; *grain products, sugar, salt, fertilizer, and fertilizer materials*, from Richmond and Norfolk, Va., and Wilmington, N.C., Smithfield, and points in North Carolina within 100 miles of Smithfield; *cotton*, from points in South Carolina to certain specified points in North Carolina and Richmond and Norfolk, Va., from Smithfield, N.C., and points in North Carolina within 100 miles of Smithfield, to Danville, Va.; *grain products*, from Richmond and Norfolk, Va., and Wilmington, N.C., to points in South Carolina; *household goods* as defined by the Commission, *office furniture and equipment, and store fixtures*, between Smithfield, N.C., and points within 25 miles thereof, on the one hand, and, on the other, points in South Carolina and Virginia; *groceries and feeds*, from Norfolk and Jarratt, Va., to points in Nash County, N.C.; *lumber*, from points in that part of North Carolina on and east of U.S. Highway 29, to points in Virginia, Delaware, Maryland, New Jersey, Pennsylvania, and the District of Columbia; *feed, seed, and fertilizer*, between points in Lenoir and Pitt Counties, N.C., on the one hand, and, on the other, Norfolk, Va.;

Unprocessed agricultural products, other than tobacco, between certain specified points in North Carolina, on the one hand, and, on the other, points and places in South Carolina, Georgia, Florida, Virginia, Maryland, Pennsylvania, and the District of Columbia; *tobacco*, between points in North Carolina, South Carolina and Virginia; *tobacco, tobacco sheets, and baskets, containers and articles*, used in the shipping and handling of tobacco, between points in North Carolina and Virginia, on the one hand, and, on the other, certain specified points in Florida and points in Georgia; *hay balers*, from Tarboro, N.C., to points in Arkansas, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, Oklahoma, Texas, and South Dakota; *materials and supplies* used in the manufacture of hay balers, from the above-specified destination points to Tarboro, N.C.; *agricultural machinery, agricultural implements and agricultural machinery parts*, from Tarboro, N.C., to points in Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Indiana, Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, New York, Pennsylvania, Maryland, Delaware, New Jersey, Ohio, and West Virginia; *materials and supplies*, used in the manufacture of agricultural machinery, agricultural implements, and agricultural machinery parts, from the above-specified destination points, except points in Ohio, to Tarboro, N.C.; *lumber*, except plywood and veneer, from points in that part of North Carolina, on and east of U.S. Highway 29 to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Ohio, Illinois, Indiana, West Virginia, Kentucky, Tennessee, and Florida; *hardboard sheets and boards*, from Catawba, S.C., and points within 5 miles thereof, to Dover, Del., and points in Connecticut, New York (except points in the New York, N.Y., commercial zone, as defined by the Commission), and New Jersey (except points in the Trenton, N.J., Philadelphia, Pa., and New York, N.Y., commercial zones, as defined by the Commission);

Flakeboard, from Farmville, N.C., to points in Delaware, Georgia, Maryland, New Jersey, Pennsylvania, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Ohio, Illinois, Indiana, West Virginia, Kentucky, Florida, Iowa, Wisconsin, and the District of Columbia, with restriction; *articles* used in the farming or forestry industries, from Tarboro, N.C., and Davenport, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia, from Davenport, Iowa, to points in North Carolina, South Carolina, and Virginia, from Tarboro, N.C., to points in Iowa; *materials and supplies* used in the manufacture of articles used in farming or forestry industries, from points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia, to Tarboro, N.C., with restrictions. OLD DOMINION FREIGHT LINE is authorized to operate as a *common carrier* in Virginia, North Carolina, and South Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10523. Authority sought for control by GRAVES TRUCK LINE INC., 739 North 10th Street, Salina, Kans. 67401, of GRAVES VAN LINE, INC., 411 West Lincoln, Salina, Kans. 67401, and for acquisition by W. H. GRAVES, JOHN GRAVES, both of 739 North 10th Street, Salina, Kans., DWIGHT GRAVES, 3402 West Harry, Wichita, Kans., and LOWELL H. GRAVES, 92 Shawnee Avenue, Kansas City, Kans., of control of GRAVES VAN LINE, INC., through the acquisition by GRAVES TRUCK LINE, INC. Applicants' attorney: John E. Jandera, 641 Harrison, Topeka, Kans. Operating rights sought to be controlled: Under MC-126713, Sub-No. 1 TA, temporary authority to operate as a common carrier, household goods, as defined by the Commission, over irregular routes, between points in Kansas, on traffic having a prior or subsequent out-of-State movement. GRAVES TRUCK LINE, INC., is authorized to operate as a *common carrier* in Kansas, Missouri, Nebraska, Oklahoma, Colorado, Iowa, Texas, Wyoming Arkansas, Louisiana, New Mexico, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7804; Filed, July 1, 1969; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 27, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC-4355, Sub-No. 4, filed June 11, 1969. Applicant: SUPERIOR TRUCKING SERVICE, INC., 100 East 29th Street, Chattanooga, Tenn. 37410. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities* (except livestock, used household goods, commodities in bulk, and those requiring special equipment): (1) Between Manchester, Tenn., and Murfreesboro, Tenn., from Manchester over Tennessee Highway No. 2, U.S. Highway No. 41, to Murfreesboro and return over the same route serving all intermediate points; (2) between Shelbyville, Tenn., and Murfreesboro, Tenn., from Shelbyville over Tennessee Highway 10, U.S. Highway 231 to Murfreesboro and return over the same route serving all intermediate points. Routes Nos. 1 and 2 to be tacked to applicant's existing authority so as to provide through service between all points on Routes 1 and 2 and all of applicant's present routes being described in Certificates of Registration MC-97974 (Sub-No. 2), and MC-97974 (Sub-No. 6), and in certificate of public convenience and necessity MC-97974 (Sub-No. 5). Both intrastate and interstate authority sought.

HEARING: Monday, August 11, 1969, 9:30 a.m., at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. L-13247 (Case No. 3), filed April 24, 1969. Applicant: EXPRESS DELIVERY SYSTEM, INC., 716 East Haley Street, Midland, Mich. 48640. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Certificate of public convenience and necessity sought to operate a freight service as follows: *Packaged express*, between Midland, Bay City, and Saginaw, and points within 5 miles of each of said cities, on the one hand, and, on the other, points within 50 miles of Midland subject to the following restrictions: (1) Restricted to same day deliveries; (2) restricted to service in straight trucks only; (3) no shipment shall exceed 300 pounds; and (4) no more than 500 pounds may be transported from any one consignor to any one consignee on any one day. Both intrastate and interstate authority sought.

HEARING: Wednesday, July 2, 1969, at 9:30, at Seven-Story Office Building, 525 West Ottawa, Lansing, Mich. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. A-51087, filed May 16, 1969. Applicant: RICHARD J. BERGKAMP, doing business as RICK'S TRUCKING, 1151 Bordwell Street, Post Office Box 454, Colton, Calif. 92324. Applicant's representative: Hutton & Edwards, 655 North Eighth Street, Post

Office Box 44, Colton, Calif. 92324. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities* (except, (1) used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (2) automobiles, trucks, and buses; viz, new and used, finished or unfinished passenger automobiles, including jeeps, ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, combined, buses and bus chassis; (3) livestock; viz; bucks, bulls, calves, cattle, cows, dairy cattle, ewe, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (5) liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (6) commodities when transported in bulk in dump trucks or in hopper-type trucks; (7) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (8) logs; (9) articles of extraordinary value as set forth in Rule 3 of Western Classification No. 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof;

(10) commodities likely to contaminate or damage other freight; (11) explosives as described in and subject to the regulations of Agent H. A. Campbells' Tariff No. 10; This applicant proposes to transport these commodities as excepted, to, from, and between: (a) All points and places in the Los Angeles Basin Territory as described in Item No. 270 of Minimum Rate Tariff No. 2; California Public Utilities Commission; (b) The Los Angeles Basin Territory and Palm Springs, Indio, Thermal, and points and places along Interstate Highway 10, U.S. Highway 60, and State Highway 111, and all points within 5 miles laterally of said highways; (c) The Los Angeles Basin Territory and Escondido, San Diego, and National City, and points and places along U.S. Highway 395, Interstate Highway 5, and Interstate Highway 8 and all points within 5 miles laterally of said highways; (d) The Los Angeles Basin Territory and Oceanside, San Diego, and points and places along U.S. Highway 101, Interstate Highway 5, and all points within 5 miles of said highways. This applicant proposes to use all available public highways between points proposed to be served as hereinabove mentioned, and within the cities hereinabove proposed to be served, and applicant proposes to use such streets and highways as may be necessary to serve consignors and consignees located within said cities. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–7805; Filed, July 1, 1969; 8:49 a.m.]

[Notice 859]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 27, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1824 (Sub-No. 45 TA), filed June 17, 1969. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Candy and confectionery, and articles*, used in the manufacture, sale, and distribution thereof, serving the plantsite of Russell Stover Candies, Inc., at Clarksville, Va., as an off-route point in connection with Applicant's regular-route operations, between Baltimore, Md., and Norfolk, Va., for 180 days. NOTE: Applicant intends to tack MC 1824 and Subs. Supporting shipper: Russell Stover Candies, Inc., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 45059 (Sub-No. 10 TA), filed June 18, 1969. Applicant: McNAUGHTON BROS., INC., 625 South 13th Street Extension, Indiana, Pa. 15701. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Indiana, Westmoreland, Armstrong, Blair, Cambria, Allegheny, Clearfield, and Jefferson Counties, Pa., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133; CTI-Container Transport, International, Inc., 17 Battery Place, New York, N.Y. 10004; Columbia Export Packers, Inc., 19000 South Vermont Avenue, Torrance, Calif. 90502; Home-Pack Transport, Inc., 57–58 49th Street, Maspeth, N.Y. 11378. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa., 15222.

No. MC 59640 (Sub-No. 17 TA), filed June 17, 1969. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, N.J. 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, such as are dealt in and sold by wholesale, retail, and chain grocery and food business houses for the account of Supermarkets General Corp., from New Milford, Conn., to the warehouse facilities of Supermarkets General Corp. at Woodbridge Township, N.J., for 180 days. Supporting shipper: Supermarkets General Corp., 3 Commerce Drive, Cranford, N.J. 07016. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 118159 (Sub-No. 69 TA), filed June 20, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals, petroleum products and waxes*, in packages and containers, from Enid, Okla., to points in Delaware, Maryland, Ohio, New York, and Pennsylvania, for 180 days. Supporting shipper: Champlin Petroleum Co., Post Office Box 552, Enid, Okla. 73701. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T–4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 118159 (Sub-No. 70 TA), filed June 20, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from plantsite and warehouse facilities of Kraft Foods Division of Kraftco Corp. at Dallas, Tex., to points in Louisiana and Mississippi, for 180 days. Supporting shipper: Kraft Foods, Division of Kraftco Corp., Forest Lane, Garland, Tex. 75040. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T–4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 127631 (Sub-No. 1 TA), filed June 20, 1969. Applicant: HAWAIIAN VAN & STORAGE CO., LTD., 601 Middle Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint through motor-water-motor rates under section 216(c) of the Act. Supporting shippers: Drivers, Helpers, Warehousemen and Construction Division, 451 Atkinson Drive, Honolulu, Hawaii 96814 and Union Oil Co. of California, 735 Bishop Street, Honolulu, Hawaii 96813. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 127632 (Sub-No. 1 TA), filed June 20, 1969. Applicant: TRANS–PACIFIC VAN COMPANY, LTD., 611 Middle Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint through motor-water-motor rates under section 216(c) of the Act. Supporting shippers: The Ilikai Hotel, 1777 Ala Moana Boulevard, Honolulu, Hawaii, 96815 and International Longshoremen's Warehousemen's Union, 451 Atkinson Drive, Honolulu, Hawaii 96814. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 127657 (Sub-No. 1 TA), filed June 20, 1969. Applicant: HAWAIIAN PACKING & CRATING CO., LTD., 611 Middle Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint through motor-water-motor rates under section 216 (c) of the Act. Supporting shippers: BG Marine Services, a division of Genge Industries, Inc., Post Office Box 227, Port Hueneme, Calif. 93041 and Credit Bureau of Hawaii, Post Office Box 3738, Honolulu, Hawaii 96811. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 129821 (Sub-No. 1 TA), filed June 18, 1969. Applicant: SHERMAN TRANSFER & STORAGE CO. (a corporation), 2701 Frisco Road, Sherman, Tex. Applicant's representative: James E. Hightower, Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Interstate Commerce Commission, in containers, between points in Atoka, Bryan, Carter, Choctaw, Coal, Garvin, Johnson, Love, Marshall, Murray, Pontotoc, and Pushmataha Counties, Okla., and Cooke, Grayson, Fannin, Lamar, Delta, Hopkins, Hunt, and Collin Counties, Tex., restricted to shipments having a prior or subsequent movement beyond said points, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Karevan World Movers, Post Office Box 9240, Seattle, Wash. 98109; Burnham World Forwarders, Inc., 1632 Second Ave., Columbus, Ga.; Cartwright Van Lines, Inc., 4250 24th Avenue West, Seattle, Wash. 98199; Headquarters, Department of Army, Office of Judge Advocate General, Washington, D.C. 20310. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 133633 (Sub-No. 1 TA), filed June 23, 1969. Applicant: HIGHWAY EXPRESS, INC., Post Office Box 1326, Hattiesburg, Miss. 39401. Applicant's representative: Douglas C. Wynn, Post Office Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods, classes A and B explosives, and commodities which because of size or weight require special equipment), between Waynesboro, Miss. (and points within 5 miles of its commercial zone), on the one hand, and, on the other, Jackson and Meridian, Miss.; Mobile, Ala., and New Orleans, La., and points within their respective commercial zones, for 180 days. NOTE: Applicant does not intend to tack, but states to interline with all carriers at Jackson and Meridian, Miss., Mobile, Ala., and New Orleans, La. Supporting shippers: There are approximately 14 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 133790 (Sub-No. 1 TA), filed June 12, 1969. Applicant: C AND C SHRIMPERIES, INC., 2364 Toussaint Avenue, Savannah, Ga. 31404. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203 (b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen foods, from points in Glynn and Chatham Counties, Ga., to points in the United States (except Alaska and Hawaii), for 120 days. Supporting shippers: King Shrimp Co., Inc., Brunswick, Ga.; Williams Seafood, Inc., 101 Riverview Drive, Savannah, Ga. 31404; Sea Pak, Division of W. R. Grace & Co., Box 667, St. Simons Island, Ga. 31522. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, 400 West Bay Street, Box 35008, Jacksonville, Fla. 32202.

No. MC 133827 TA, filed June 23, 1969. Applicant: GLEN SVIHLA, doing business as GLEN SVIHLA TRUCKING, 602 12th Street NW., Mandan, N. Dak. 58554. Applicant's representative: Gerald G. Glaser, Post Office Box 773, Bismarck, N. Dak. 58501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed meat scraps*, from Williston, N. Dak., to Delgrade, Minn.; (2) *green hides*, from Williston, N. Dak., to Milwaukee, Wis.; (3) *fresh meats*, from Williston, N. Dak., to points in the continental United States; and *empty cartons and barrels*, on return, for 180 days. Supporting shipper: Williston Packing Co., Inc., Post Office Box 1328, Williston, N. Dak. 58801. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–7806; Filed, July 1, 1969; 8:49 a.m.]

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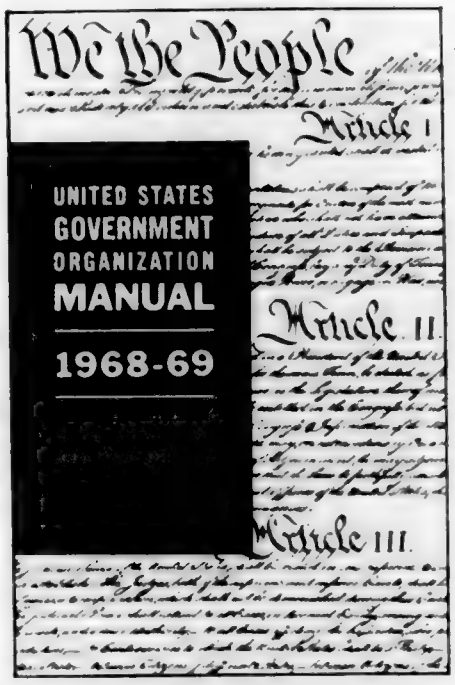
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Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
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Interior Department
Interstate Commerce Commission
Labor Standards Bureau
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102 of Schedule A is amended to show that youths hired for temporary employment during the summer on the basis of their economic or educational needs are designated Summer Aids and are appointed under standards prescribed by the Commission. Effective on publication in the FEDERAL REGISTER, paragraph (v) of § 213.3102 is amended as set out below.

§ 213.3102 Entire executive civil service.

* * * * *

(v) Temporary Summer Aid positions whose duties involve work of a routine nature not regularly covered under the General Schedule and requiring no specific knowledges or skills, when filled by youths appointed for summer employment under such economic or educational needs standards as the Commission may prescribe. A person may not be appointed unless he has reached his 16th but not his 22d birthday, or employed for more than 700 hours under this paragraph.

* * * * *

This paragraph shall apply only to positions whose pay is fixed at the equivalent of the minimum wage rate established by the Fair Labor Standards Amendments of 1966 (currently $1.60 an hour), at the equivalent of an applicable State or municipal minimum wage rate if that is higher, or by prior agreement with the Commission, at some other rate, when an agency is precluded by law from fixing pay at one of the foregoing rates.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–7864; Filed, July 2, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3215 is amended to show that a Schedule B authority for 35 positions of Manpower Development Specialist GS–9 through GS–15 in the Manpower Administration replaces two Schedule B authorities, scheduled to expire on June 30, 1969, one for 25 positions of Manpower Development Specialist GS–9 through GS–15 in the Bureau of Work Training Programs and the other for 10 positions of Manpower Development Specialist, GS–13 through GS–15, and Manpower Development Officer, GS–15, in the Concentrated Employment Program of the Manpower Administration. The new authority may not be used after June 30, 1970. Effective on publication, paragraphs (a) and (b) are revoked, and paragraph (c) added to § 213.3215 as set out below.

§ 213.3215 Department of Labor.

(a) [Revoked]
(b) [Revoked]
(c) Not to exceed 35 positions of Manpower Development Specialist at grades GS–9 through GS–15 in the Manpower Administration. This authority may not be used after June 30, 1970.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–7866; Filed, July 2, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306(a)(41) is amended to show that the position of Deputy Assistant Secretary (Near East, South Asia Affairs, and MAP Policy Review), Office of the Assistant Secretary of Defense for International Security Affairs is removed from Schedule C.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–7863; Filed, July 2, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

Section 213.3342 is amended to show that one additional position of Special Assistant to the President and Chairman is excepted under Schedule C, and that the headnote is revised to reflect the Bank's current title. Effective on publication in the FEDERAL REGISTER, § 213.3342 is amended as set out below.

§ 213.3342 Export-Import Bank of the United States.

* * * * *

(d) Two Special Assistants to the President and Chairman.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–7865; Filed, July 2, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—COMMODITY DISTRIBUTION

[Amdt. 1]

PART 251—FINANCIAL ASSISTANCE FOR DISTRIBUTION OF FEDERALLY DONATED COMMODITIES

Payments and Records and Audits

The regulations for the operation of the Commodity Distribution Program (32 F.R. 15948) are hereby amended as follows:

1. In § 251.8, paragraph (b) is revised to read as follows:

§ 251.8 Payments.

* * * * *

(b) *To State agencies.* C&MS shall, on a monthly basis, advance funds to each State agency for its use and for payment to participating units in an amount equal to the sum of the approved monthly expenses to be incurred by the State agency and units, as set forth in the respective approved budgets. If the amount advanced to the State agency by C&MS for use in any month exceeds the expenses actually incurred in connection with approved budgeted items for such month, the amount to be advanced by C&MS to the State Agency for a subsequent month shall be reduced by the amount of such excess.

* * * * *

2. In § 251.9, the last sentence is revised to read as follows:

§ 251.9 Records and audits.

* * * Each State agency shall submit to C&MS, each month, on a form approved by C&MS, a certified record of all disbursements made under the Program for the preceding month and of the balance of funds on hand, and unobligated, at the end of such preceding month.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: June 27, 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-7857; Filed, July 2, 1969; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 283]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.583 Valencia Orange Regulation 283.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 1, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 4, 1969, through July 10, 1969, are hereby fixed as follows:

(i) District 1: 140,000 cartons;

(ii) District 2: 212,000 cartons;

(iii) District 3: 48,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 2, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7932; Filed, July 2, 1969; 11:34 a.m.]

Title 29—LABOR

Chapter XVII—Bureau of Labor Standards, Department of Labor

PART 1504—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Correction

In F.R. Doc. 69-3617, appearing at page 6150, in the issue for Friday, April 4, 1969, delete the 8th line in § 1504.102(a)(1) and insert instead "the particular hazard, equipment shall".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-WA-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Transition Area, and Additional Control Areas

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to increase the effective hours of controlled airspace near Point Barrow, Alaska.

The Point Barrow Flight Service Station (FSS) has been operating on a part-time basis (0600-2200 Monday-Friday and 0600-1800 Saturday-Sunday) and since the FSS provides the necessary communication link for air traffic control service, the effective hours of the associated controlled airspace has coincided with the operational hours of the FSS. Beginning July 24, 1969, the Point Barrow FSS will operate continuously and air traffic control service will be available on a continuous basis. Therefore, for the safety of aircraft conducting instrument flight rule operations, it is necessary to increase the effective hours of controlled airspace in the Point Barrow area.

Air Traffic in the North Slope area of Alaska continues to increase rapidly as a result of oil discoveries in the Prudhoe Bay area. The hours of operation of the Point Barrow FSS were recently increased from 70 to 104 hours per week. Prior to the increase, the average number of aircraft handled by the FSS was 717 per week. Since the increase in hours of operation, the average has been 1717 per week. A corresponding increase is expected when the flight service station commences 24 hour operation.

Since this action involves, in part, the use of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

Since these amendments are in the interest of safety, the Administrator has determined that notice and public procedure hereon are impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

1. Section 71.163 (34 F.R. 5449) is amended as follows:

a. In Bettles, Alaska, "This additional control area is effective during the specific dates and times established in advance by a Notice to Airmen and continuously published in the Alaska Airman's Guide and Chart Supplement." is deleted.

b. In Umiat/Point Barrow, Alaska, all after "Point Barrow, Alaska, RBN." is deleted.

c. In Point Barrow/Barter Island, Alaska, all after "Barter Island, Alaska, RBN." is deleted.

2. In § 71.171 (34 F.R. 4557) Point Barrow, Alaska, is amended by deleting all after "8 miles west of the RBN."

3. In § 71.181 (34 F.R. 4637) Point Barrow, Alaska, is amended by deleting all after "longitude 156° 43'00" W."

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 27, 1969.

T. MCCORMACK,
Acting Chief, Airspace, and Air Traffic Rules Division.

[F.R. Doc. 69-7862; Filed, July 2, 1969; 8:48 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9664; Amdt. 656]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDR (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Grand Beach Int	MGC RBn (final)	Direct	1250	T-dn	300-1	300-1	200-½
North Liberty Int	MGC RBn	Direct	2300	C-dn	600-1	600-1	600-1½
Westville Int	MGC RBn	Direct	2300	S-dn-20	600-1	600-1	600-1
				A-dn	NA	NA	NA

Procedure turn E side of crs, 010° Outbnd, 190° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 1250'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MGC RBn, climb to 2300' on crs 190° and return to RBn.
NOTES: (1) Use South Bend altimeter setting. (2) Procedure not authorized between 0200-1300.
CAUTION: 730' MSL (80' AGL) light pole 450' W of Runway 20 centerline and 400' past threshold.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—2900'; 180°-360°—2100'.

City, Michigan City; State, Ind.; Airport name, Michigan City; Elev., 650'; Fac. Class., MHW; Ident., MGC; Procedure No. NDB (ADF) Runway 20, Amdt. 2; Eff. date, 24 July 69; Sup. Amdt. No. 1; Dated, 25 Nov. 67

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Atlanta, Ga.—Fulton County, NDB (ADF)-1, Amdt. 3, 3 June 1967 (established under Subpart C).
Rome, Ga.—Russell Field, ADF 1, Amdt. 2, 2 Apr. 1966 (established under Subpart C).
Atlanta, Ga.—Fulton County, VOR-1, Amdt. 9, 3 June 1967 (established under Subpart C).
Cedartown, Ga.—Cornelius-Moore Field, VOR-1, Orig., 4 Jan. 1968 (established under Subpart C).
Grand Island, Nebr.—Municipal, VOR Runway 13, Amdt. 6, 13 Feb. 1969 (established under Subpart C).
Grand Island, Nebr.—Municipal, VOR Runway 17, Amdt. 10, 13 Feb. 1969 (established under Subpart C).
Lakeland, Fla.—Lakeland Municipal, VOR Runway 4, Orig., 28 Jan. 1967 (established under Subpart C).
Rome, Ga.—Russell Field, VOR 1, Amdt. 3, 2 Apr. 1966 (established under Subpart C).
Vero Beach, Fla.—Vero Beach Municipal, VOR 1, Amdt. 6, 3 Apr. 1965 (established under Subpart C).

3. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Agana, Guam—NAS Agana, ADF 2, Amdt. 3, 6 June 1964, canceled, effective 24 July 1969.
Agana, Guam—NAS Agana, VOR 1, Amdt. 1, 30 Mar. 1963, canceled, effective 24 July 1969.

4. By amending § 97.15 of Subpart B to amend very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
LTA VOR	10-mile DME Fix, R 115°	Direct	11,000	T-n%	2500-4	2500-4	2500-4
10-mile DME Fix, R 115°	12-mile DME Fix, R 115°	Direct	10,400	T-d%	1000-3	1000-3	1000-3
Marklee Int	Richardson Int	Direct	13,000	C-dn*	2500-4	2500-4	2500-4
Richardson Int	12-mile DME Fix, R 115°	Direct	11,000	S-dn	NA	NA	NA
12-mile DME Fix, R 115°	18-mile DME Fix, R 115° (final)	Direct	8800	A-dn	NA	NA	NA

Procedure turn N side of R 115°, 295° Outbnd, 115° Inbnd, 11,000′ within 10 miles of 12-mile DME Fix R 115°.
Minimum altitude over 10-mile DME Fix, R 115°, 11,000′; 12-mile DME Fix, R 115°, 10,400′, 18-mile DME Fix, R 115°, 8800′ on final approach crs.
Crs and distance, 18-mile DME Fix, R 115° to airport, 165°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 18-mile DME Fix, R 115°, turn left and climb northwestbound on R 115° to 11,000′, hold SE of 10-mile DME Fix, R 115° (295° Inbnd), right turns, 1-minute pattern.
NOTES: (1) Approach not authorized for 4-engine turbojets over 60,000 pounds. (2) Air carrier will not reduce landing or takeoff visibility due to local conditions.
CAUTION: High terrain all quadrants. Lee side turbulence and down drafts may be encountered on final approach when winds aloft exceed 20 knots. Heavy icing and severe turbulence should be expected during storm conditions.
%After takeoff, climb in VFR conditions to cross 18-mile DME Fix, R 115° of LTA VOR at or above 8500′ and climb northwestbound on R 115°. Upon reaching 10,400′, aircraft cleared north- or south-bound via V-28/113, reverse crs to the right to cross Richardson Int at or above 11,000′.
•Use Lake Tahoe altimeter setting. Approach not authorized when Lake Tahoe Tower not in operation.
MSA within 25 miles of facility: 000°–090°—13,000′; 090°–180°—12,900′; 180°–270°—11,000′; 270°–360°—11,100′.

City, South Lake Tahoe; State, Calif.; Airport name, Lake Tahoe; Elev., 6262′; Fac. Class., L-B VORTAC; Ident., LTA; Procedure No. VOR/DME-1, Amdt. 2; Eff. date, 24 July 69; Sup. Amdt. No. 1; Dated, 25 Mar. 67

5. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Cordele, Ga.—Cordele, VOR/DME No. 1, Orig., 28 Apr. 1966 (established under Subpart C).
Eastman, Ga.—Eastman-Dodge Co., VOR/DME-1, Orig., 26 Aug. 1967 (established under Subpart C).
Grand Island, Nebr.—Municipal, VOR/DME Runway 35, Amdt. 3, 13 Feb. 1969 (established under Subpart C).

6. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
FOT VOR	SE crs ILS (final)	FOT R 034° 13.6 miles.	3500	T-dn$	300-1	300-1	200-½
SE crs ILS	OM (final)	SE crs ILS	1800	C-dn**	500-1	500-1	500-2
14-mile DME FOT, R 136°	Kneeland Int	14-mile CCW arc	5500	S-dn-31 #	200-½	200-½	200-½
Yager Int	Kneeland Int	SE crs ILS	5500	A-dn	800-2	800-2	800-2
Kneeland Int	OM (final)	SE crs ILS	1800				

Procedure turn not authorized.
Minimum altitude at glide slope interception Inbnd from FOT VOR 3500′; from Kneeland Int 5500′.
Altitude of glide slope and distance to approach end of runway at OM 1800′—4.7 miles; at MM 460′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a left-climbing turn, climb to 2000′ on crs of 295° from the LMM to Trinidad Int.
NOTES: (1) Procedure not authorized with any component of the ILS or airborne receiver inoperative except the approach lights. 300-1 required if approach lights are inoperative. (2) Back crs unusable. (3) Runway marking nonstandard. Solid bar at 1000′ and triangular arrowhead at 2000′ from threshold.
**CAUTION: All maneuvering W of airport. High terrain E.
#RVR 2400′. Descent below 417′ not authorized unless ALS visible.
$RVR 2400′ authorized Runway 31.

City, Arcata-Eureka; State, Calif.; Airport name, Arcata; Elev., 217′; Fac. Class., ILS; Ident., I-ACV; Procedure No. ILS Runway 31, Amdt. 12; Eff. date, 24 July 69; Sup. Amdt. No. ILS 31, Amdt. 11; Dated, 22 Oct. 66

7. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Atlanta, Ga.—Fulton County, Radar 1, Amdt. 4, 18 Feb. 1967 (established under Subpart C).

8. By amending § 97.19 of Subpart B to cancel radar procedures as follows:

Agana, Guam—NAS Agana, Radar 1, Amdt. 3, 26 Feb. 1966, canceled, effective 24 July 1969.

9. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing Warren Int.
HBR VOR	Warren Int	HBR, R 223°	3000	Climb to 3000′ on HBR R 223° within 20 miles.

Procedure turn not authorized.
FAF, Warren Int. Final approach crs, 223°. Distance FAF to MAP, 5 miles.
Minimum altitude over Warren Int., 3000′.
NOTES: (1) Radar vectoring. (2) Use Altus AFB altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1820	1	394	1880	1	454	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Altus; State, Okla.; Airport name, Altus Municipal Field; Elev., 1426′; Facility, HBR; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 24 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FTY VOR.
Radar vector to final approach crs.				Climbing left turn to 3000′ proceed to Wade Int via FTY VOR R 275° and hold, or as directed by ATC. Supplementary charting information: Hold W, 1 minute, left turns, 095° Inbd. REIL, Runway 8.

Procedure turn not authorized. Approach crs (profile) starts at Wade Int.
Final approach crs, 095°.
Minimum altitude over Wade Int, 3000′; over Margaret Int, 2600′; over Terry FM, 1520′.
MSA: 000°–180°—3100′; 180°–270°—2700′; 270°–360°—2900′.
NOTES: (1) Radar required. (2) ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1520	1	680	1520	1	680	1520	1½	680	NA
	Dual VOR/FM/ADF:									
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1380	1	540	1380	1	540	1480	1½	640	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Atlanta; State, Ga.; Airport name, Fulton County; Elev., 840′; Facility, FTY; Procedure No. VOR-1, Amdt. 10; Eff. date, 24 July 69; Sup. Amdt. No. 9; Dated, 3 June 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 8.5 miles after passing RMG VOR.
RMG NDB	RMG VOR	Direct	3300	Climbing right turn to 3000' proceed to RMG VOR via R 180° and hold.
Dalton Int	RMG VOR	Direct	3500	Supplementary charting information:
Kennesaw Int	RMG VOR	Direct	3000	Hold S, 1 minute, right turns, 349° Inbnd.
				Final approach crs to center of landing area.

Procedure turn E side of crs, 009° Outbnd, 189° Inbnd, 3000' within 10 miles of RMG VOR.
FAF, RMG VOR. Final approach crs, 189°. Distance FAF to MAP, 8.5 miles.
Minimum altitude over RMG VOR, 2900'.
MSA: 000°–090°—3600'; 090°–180°—3300'; 180°–270°—3700'; 270°–360°—3500'.
NOTES: (1) Use Rome, Ga., altimeter setting. (2) No weather reporting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1700	1	727	1700	1	727	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Cedartown; State, Ga.; Airport name, Cornelius-Moore Field; Elev., 973'; Facility, RMG; Procedure No. VOR-1, Amdt. 1; Eff. date, 24 July 69; Sup. Amdt. No. Orig.; Dated, 4 Jan. 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: GHM VOR.
				Climbing right turn to 2600' to GHM VOR and hold.
				Supplementary charting information:
				Hold S, 1 minute, right turns, 354° Inbnd.
				935' antenna ½ mile NW.

Procedure turn E side of crs, 174° Outbnd, 354° Inbnd, 2600' within 10 miles of GHM VOR.
Final approach crs, 354°.
MSA: 000°–090°—2200'; 090°–180°—1900'; 180°–270°—2000'; 270°–360°—2200'.
NOTES: (1) Night and circling minimums not authorized. (2) Use Nashville FSS altimeter setting. (3) Approach clearance from MEM ARTCC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–2	1480	1	712	1480	1	712	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Centerville; State, Tenn.; Airport name, Municipal; Elev., 768'; Facility, GHM; Procedure No. VOR Runway 2, Amdt. Orig.; Eff. date, 24 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: GRI VORTAC.
OBH VORTAC	GRI VORTAC	Direct	3700	Climbing left turn to 3200' on GRI R 35
R 231°, GRI VORTAC CW	R 293°, GRI VORTAC	10-mile DME Arc	3500	within 10 miles, return to GRI
R 074°, GRI VORTAC CCW	R 293°, GRI VORTAC	10-mile DME Arc	3500	VORTAC.
10-mile DME Arc	3-mile DME Fix/Evers Int (NOPT)	R 293°	2700	Supplementary charting information:
				Final approach crs intercepts runway centerline extended 5000' from threshold.
				Runway 13 TDZ elevation, 1840'.

Procedure turn S side of crs, 293° Outbnd, 113° Inbnd, 3200' within 10 miles of GRI VORTAC.
Final approach crs, 113°.
Minimum altitude over 3-mile DME Fix/Evers Int, *2460' (*2700' from 10-mile DME Arc).
MSA: 000°–090°—3100'; 090°–180°—4100'; 180°–270°—3800'; 270°–360°—3300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–13	2460	1	620	2460	1	620	2460	1	620	2460	1	620
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2460	1	614	2460	1	614	2460	1¼	614	2460	2	614
Dual VOR or VOR/DME Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–13	2200	1	360	2200	1	360	2200	1	360	2200	1	360
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2260	1	414	2300	1	454	2300	1¼	454	2400	2	554
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Grand Island; State, Nebr.; Airport name, Municipal; Elev., 1846'; Facility, GRI; Procedure No. VOR Runway 13, Amdt. 7; Eff. date, 24 July 69; Sup. Amdt. No. 6; Dated, 13 Feb. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: GRI VORTAC.
OBH VORTAC	GRI VORTAC	Direct	3700	Climbing left turn to 3200' on GRI R 350.
OBH VORTAC	10-mile DME Fix, R 350° GRI VOR-TAC.	OBH, R 160° and GRI, R 350°.	3500	within 10 miles, return to GRI VOR TAC.
R 263°, GRI VORTAC CW	R 350°, GRI VORTAC	10-mile DME Arc	3500	Supplementary charting information:
R 074°, GRI VORTAC CCW	R 350°, GRI VORTAC	10-mile DME Arc	3500	Runway 17 TDZ elevation, 1843'.
10-mile DME Fix	3-mile DME Fix (NOPT)	R 350°	2500	

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 3200' within 10 miles of GRI VORTAC.
Final approach crs, 170°.
Minimum altitude over 3-mile DME Fix, *2260' (*2500' from 10-mile DME Fix).
MSA: 045°–135°—4100'; 135°–225°—4100'; 225°–315°—3300'; 315°–045°—3300'.
NOTES: (1) Inoperative table does not apply to HIRL Runway 17. (2) Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–17	2260	1	417	2260	1	417	2260	1	417	2260	1	417
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2260	1	414	2300	1	454	2300	1¼	454	2400	2	554
VOR/DME Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–17	2200	1	357	2200	1	357	2200	1	357	2200	1	357
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Grand Island; State, Nebr.; Airport name, Municipal; Elev., 1846'; Facility, GRI; Procedure No. VOR Runway 17, Amdt. 11; Eff. date, 24 July 69; Sup. Amdt. No. 10; Dated, 13 Feb. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LAL VORTAC.
R 153°, LAL VORTAC CW	R 232°	8-mile Arc	1700	Turn right, climb to 2500' direct to LAL VORTAC and hold.
R 350°, LAL VORTAC CCW	R 232°	8-mile Arc	1700	Supplementary charting information: Final approach crs intercepts runway centerline 3550' from threshold.
8-mile Arc	LAL VORTAC (NOPT)	R 232°	720	Hold SW, 1 minute, right turns, 052° Inbnd. LARCO 122.1 R. Chart two 1549' towers in procedure turn area and water tank 288°, 27°58'25" 82°0'40". Runway 4, TDZ elevation, 136'.

Procedure turn S side of crs, 232° Outbnd, 052° Inbnd, 2500' within 10 miles of LAL VORTAC.
Final approach crs, 052°.
MSA: 000°–180°—1700'; 180°–270°—2600'; 270°–360°—1600'.
NOTES: (1) Radar vectoring. (2) Use Tampa, Fla., altimeter setting.
*Night operations Runways 13–31 not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–4*	720	1	584	720	1	584	720	1	584	720	1¼	584
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	720	1	576	720	1	576	720	1½	576	720	2	576
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Lakeland; State, Fla.; Airport name, Lakeland Municipal; Elev., 144'; Facility LAL; Procedure No. VOR Runway 4, Amdt. 1; Eff. date, 24 July 69; Sup. Amdt. No. Orig.; Dated, 28 Jan. 67

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing Donaldson Int.
OXI VOR	Donaldson Int (NOPT)	Direct	2400	Climb straight ahead to 2400' within 10 miles, return to Donaldson Int. Supplementary charting information: Tower 1050', 2.6 miles S of airport.

Procedure turn S side of crs, 259° Outbnd, 079° Inbnd, 2400' within 10 miles of Donaldson Int.
FAF, Donaldson Int. Final approach crs, 079°. Distance FAF to MAP, 5 miles.
Minimum altitude over Donaldson Int, 2400'.
MSA: 000°–090°—3000'; 090°–180°—2200'; 180°–360°—2200'.
NOTES: (1) Use South Bend altimeter setting. (2) Dual VOR receivers required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–10	1240	1	444	1240	1	444	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1280	1	484	1280	1	484	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Plymouth; State, Ind.; Airport name, Plymouth Municipal; Elev., 796'; Facility, OXI; Procedure No. VOR Runway 10, Amdt. Orig.; Eff. date, 24 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3 miles after passing Shannon Int.
RMG NDB	RMG VOR	Direct	3500	Climbing right turn to 3000' proceed to RMG VOR via R 349° and hold.
Dalton Int	RMG VOR	Direct	3500	Supplementary charting information: Hold S, 1 minute, right turns, 349° Inbnd. Final approach crs to runway threshold. LRCO 122.2, 123.6. Runway 36, TDZ elevation, 635'.
Kennesaw Int	RMG VOR	Direct	3000	

Procedure turn W side of crs, 169° Outbnd, 349° Inbnd, 3000' within 10 miles of RMG VOR.
FAF, Shanpon Int. Final approach crs, 349°. Distance FAF to MAP, 3 miles.
Minimum altitude over RMG VOR, 3000'; over Shannon Int, 1700'.
MSA: 000°–090°–3000'; 090°–180°—3300'; 180°–270°—3700'; 270°–360°—3500'.
NOTE: VOR and ADF receiver required for this approach.
#Alternate minimums authorized only for operators with approved weather reporting service.
*Night minimums not authorized for Runways 7–25, 13–31.
CAUTION: Unlighted trees and terrain 1182', 1½ mile WNW of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–36*	1060	1	425	1060	1	425	1060	1	425	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	1360	1	716	1360	1	716	1500	1½	856	NA
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Rome; State, Ga.; Airport name, Russell Field; Elev., 644'; Facility, RMG; Procedure No. VOR Runway 36, Amdt. 4; Eff. date, 24 July 69; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 2 Apr. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.6 miles after passing VRB VORTAC.
R 143°, VRB VORTAC CW	R 291°	7-mile Arc	1500	Turn left, climb to 2000' direct to VRB VORTAC and hold.
R 341°, VRB VORTAC CCW	R 291°	7-mile Arc	1500	Supplementary charting information: Hold W, 1 minute, right turns, 111° inbnd. Chart W–497, 7.6 miles E of airport. Runway 11, TDZ elevation, 23'.
7-mile Arc	VRB VORTAC (NOPT)	R 291°	1000	

Procedure turn S side of crs, 291° Outbnd, 111° Inbnd, 1500' within 10 miles of VRB VORTAC.
FAF, VRB VORTAC. Final approach crs, 111°. Distance FAF to MAP, 3.6 miles.
Minimum altitude over VRB VORTAC, 1000'.
MSA: 000°–090°—1300'; 090°–180°—1600'; 180°–270°—1400'; 270°–360°—1500'.
*Night operations Runways 18–36 not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–11*	420	1	397	420	1	397	420	1	397	420	1	397
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	480	1	456	480	1	456	520	1¼	496	580	2	556
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Vero Beach; State, Fla.; Airport name, Vero Beach Municipal; Elev., 24'; Facility, VRB; Procedure No. VOR Runway 11, Amdt. 7; Eff. date, 24 July 69; Sup. Amdt. No. VOR 1, Amdt. 6; Dated, 3 Apr. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 19.4-mile DME Fix, R 156°.
BMG VORTAC	14-mile DME Fix (NOPT)	BMG, R 156°	2500	Climb to 2500', left turn, and return to 14-mile DME Fix, R 156° and hold.*
R 260°, BMG VORTAC CCW	R 156°, BMG VORTAC	14-mile DME Arc	2500	Supplementary charting information:
R 100°, BMG VORTAC CW	R 156°, BMG VORTAC	14-mile DME Arc	2500	*Hold N 2 miles, left turn, 156° Inbnd. Runway 13, TDZ elevation, 728'.

Procedure turn E side of crs, 336° Outbnd, 156° Inbnd, 2500' within 10 miles of 14-mile DME Fix BMG, R 156°.
Final approach crs, 156°.
Minimum altitude over 14-mile DME Fix BMG, R 156°, 2500'.
MSA: 000°–090°—3100'; 090°–180°—2500'; 180°–360°—2300'.
NOTE: Use Bloomington altimeter setting; if unable, use Indianapolis altimeter setting and increase MDA 180'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–13	1260	1	532	1260	1	532	1260	1	532	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1300	1	572	1300	1	572	1300	1¼	572	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Bedford; State, Ind.; Airport name, Virgil I. Grissom Municipal Elev., 728'; Facility, BMG; Procedure No. VOR/DME Runway 13, Amdt. Orig.; Eff. date, 24 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 19-mile DME Fix.
DBN VOR	VNA VORTAC (NOPT)	Direct	3000	Climb to 2000', right turn, proceed to VNA VORTAC via R 225° and hold.
Oconee Int	VNA VORTAC (NOPT)	Direct	3000	Supplementary charting information:
Dodge Int	VNA VORTAC (NOPT)	Direct	2000	Hold NE, 1 minute, right turns, 225° Inbnd.
Fort Valley Int	VNA VORTAC (NOPT)	Direct	2000	Final approach crs to runway threshold.
Bonaire Int	VNA VORTAC (NOPT)	Direct	3000	
Cary Int	VNA VORTAC (NOPT)	Direct	3000	

Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 2000' within 10 miles of VNA VORTAC.
Final approach crs, 225°.
Minimum altitude over VNA VORTAC, 2000'; over 14-mile DME Fix, 2000'.
MSA: 000°–090°—2600'; 090°–180°—1900'; 180°–270°—1700'; 270°–360°—1800'.
NOTES: (1) Radar vectoring. (2) Use Albany, Ga., NAS altimeter setting. (3) No weather reporting. (4) Night operation not authorized on Runways 4–22/13–31.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS		
S-22	880	1	572	880	1	572	880	1¼	572	NA		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1060	1	772	1060	1	772	1060	1¼	772	NA		
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Cordele; State, Ga.; Airport name, Cordele; Elev., 308'; Facility, VNA; Procedure No. VOR/DME Runway 22, Amdt. 1; Eff. date, 24 July 69; Sup. Amdt. No. VOR/DME No. 1, Orig.; Dated, 26 Apr. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 18.8-mile DME Fix.
VNA VORTAC	7-mile DME Fix	VNA, R 089°	2000	Climb to 2000', left turn, proceed to VNA VORTAC via R 089° and hold.
VNA VORTAC, R 360° CW	VNA VORTAC, R 089°	7-mile DME Arc	2000	Supplementary charting information:
VNA VORTAC, R 180° CCW	VNA VORTAC, R 089°	7-mile DME Arc	2000	Hold W, 1 minute, right turns, 089° Inbnd.
7-mile DME Fix	15-mile DME Fix	VNA, R 089°	2000	Final approach crs to center of landing area.

Procedure turn not authorized. Approach crs (profile) starts at the 7-mile DME Fix.
Final approach crs, 089°.
Minimum altitude over VNA VORTAC, 2000'; over 7-mile DME Fix, 2000'; over 15-mile DME Fix, 2000'.
MSA: 000°–090°—2600'; 090°–180°—1900'; 180°–270°—1700'; 270°–360°—1800'.
NOTES: (1) Use Macon, Ga., APC altimeter setting. (2) No weather reporting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	860	1	554	860	1	554	860	1½	554	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Eastman; State, Ga.; Airport name, Eastman-Dodge County; Elev., 306'; Facility, VNA; Procedure No. VOR/DME–1, Amdt. 1; Eff. date, 24 July 69; Sup. Amdt. No. Orig.; Dated, 26 Aug. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.6-mile DME Fix.
OBH VORTAC	GRI VORTAC	Direct	3700	Climb to 3700' on GRI R 350° within 10 miles, return to GRI VORTAC.
GRI VORTAC	7-mile DME Fix, R 170° GRI VORTAC.	Direct	3700	Supplementary charting information:
R 074°, GRI VORTAC CW	R 170°, GRI VORTAC	12-mile DME Arc	3700	Runway 35, TDZ elevation, 1846'.
R 263°, GRI VORTAC CCW	R 170°, GRI VORTAC	12-mile DME Arc	3700	
HSI VOR	12-mile DME Fix, R 170° GRI VORTAC.	Direct	3700	
12-mile DME Arc	7-mile DME Fix (NOPT)	R 170°	3500	

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 3700' within 10 miles of 7-mile DME Fix, R 170° GRI VORTAC.
Final approach crs, 350°.
Minimum altitude over 7-mile DME Fix, 3500'.
MSA: 045°–135°—4100'; 135°–225°—4100'; 225°–315°—3300'; 315°–045°—3300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35	2340	½	494	2340	½	494	2340	½	494	2340	1	494
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2340	1	494	2340	1	494	2340	1½	494	2400	2	554
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Grand Island; State, Nebr.; Airport name, Municipal; Elev., 1846'; Facility, GRI; Procedure No. VOR/DME Runway 35, Amdt. 4; Eff. date, 24 July 69; Sup. Amdt. No. 3; Dated, 13 Feb. 69

10. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airports, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.8 miles after passing JAX VORTAC.
JAX NDB	JAX VORTAC	Direct	2000	Turn left, climb to 2000′ direct to JAX VORTAC and hold.
JAX, R 274°, CW	JAX, R 334° (NOPT)	8-mile DME Arc	3000	
JAX, R 028°, CCW	JAX, R 334° (NOPT)	8-mile DME Arc	3000	Supplementary charting information: Final approach crs intercepts runway threshold.
8-mile DME Arc	JAX VORTAC	R 334°	3000	Hold E, 1 minute, right turns, 270° Inbnd

Procedure turn E side of crs, 334° Outbnd, 154° Inbnd, 2000′ within 10 miles of JAX VORTAC.
FAF, JAX VORTAC. Final approach crs, 160°. Distance FAF to MAP, 6.8 miles.
Minimum altitude over Atlantic Int, 640′ (5.5-miles DME).
MSA: 000°–090°—1400′; 090°–270°—2100′; 270°–360°—1400′.
NOTES: (1) Radar vectoring. (2) Use Jacksonville FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	599	640	1	599	640	1½	599	640	2	599
	Dual VOR and VOR DME Minimums:											
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	419	500	1	459	500	1½	459	600	2	559
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Jacksonville; State, Fla.; Airport name, Craig Municipal; Elev., 41′; Facility, JAX; Procedure No. VOR Runway 13, Amdt. 4; Eff. date, 24 July 69; Sup. Amdt. No. VOR-1, Amdt. 3; Dated, 28 Nov. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.3 miles after passing ISO VORTAC.
R 302°, ISO VORTAC (CW)	R 052°, ISO VORTAC	10-mile DME Arc	2200	Climbing right turn to 2000′ direct to ISO VORTAC and hold.
R 130°, ISO VORTAC (CCW)	R 052°, ISO VORTAC	10-mile DME Arc	2500	
10-mile DME Arc	ISO VORTAC (NOPT)	ISO, R 052°	1100	Supplementary charting information: Hold NE, 1 minute, right turns, 265° Inbnd. TDZ elevation, 94′.

Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 2000′ within 10 miles of ISO VORTAC.
FAF, ISO VORTAC. Final approach crs, 232°. Distance FAF to MAP, 3.3 miles.
Minimum altitude over ISO VORTAC, 1100′.
MSA: 000°–180°—2500′; 180°–270°—1500′; 270°–360°—2200′.
NOTE: Use GSB AFB altimeter setting when control zone not effective.
#Alternate minimum not authorized and circling and straight-in MDA increased 60′ when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–22#	480	1	356	480	1	356	480	1	356	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C#	520	1	426	560	1	466	560	1½	466	NA
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Kinston; State, N.C.; Airport name, Stallings Field; Elev., 94′; Facility, ISO; Procedure No. VOR Runway 22, Amdt. 5; Eff. date, 24 July 69; Sup. Amdt. No. 4; Dated 16 Jan. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.6 miles after passing APE VORTAC.
				Make climbing left turn to 3000′ direct to APE VORTAC and hold. Supplementary charting information: Hold NW, 1 minute, right turn, 142° Inbnd.

Procedure turn E side of crs, 322° Outbnd, 142° Inbnd, 3000′ within 10 miles of APE VORTAC.
FAF, APE VORTAC. Final approach crs, 142°. Distance FAF to MAP, 9.6 miles.
Minimum altitude over APE VORTAC, 2100′; over 6-mile DME Fix, 1820′.
MSA: 000°–360°—2600′.
NOTES: (1) Radar vectoring. (2) Use CMH altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B	C	D
	MDA	VIS	HAA	VIS	VIS	VIS
C	1820	1	940	NA	NA	NA
	DME minimums:					
	MDA	VIS	HAA			
C	1520	1	640	NA	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.		T over 2-eng.—Standard.	

City, Newark; State, Ohio; Airport name, Licking County; Elev., 880′; Facility, APE; Procedure No. VOR-1, Amdt. 2; Eff. date, 24 July 69; Sup. Amdt. No. 1; Dated, 16 Jan. 6

11. By amending § 97.23 of Subpart C to cancel very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

Bedford, Ind.—Virgil I. Grissom Municipal, VOR Runway 13, Orig., 20 June 1968, canceled, effective 24 July 1969.

12. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FTY NDB.
Radar vectors to final approach crs.				Climbing left turn to 3000′, proceed to Wade Int via bearing 275° from FTY NDB and hold, or as directed by ATC. Supplementary charting information: Hold W, 1 minute, left turns, 095° Inbnd. Final approach crs to runway threshold REIL Runway 8.

Procedure turn not authorized. Approach crs (profile) starts at Wade Int.
Final approach crs, 095°.
Minimum altitude over Wade Int, 3000′; over Margaret Int, 2600′; over Terry FM, 1580′.
MSA: 000°–180°—3100′; 180°–270°—2700′; 270°–360°—2900′.
NOTES: (1) Radar required. (2) ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1580	1	740	1580	1	740	1580	1½	740	NA
	ADF/FM:									
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1380	1	540	1380	1	540	1480	1½	640	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Atlanta; State, Ga.; Airport name, Fulton County; Elev., 840′; Facility, FTY; Procedure No. NDB (ADF)-1, Amdt. 4; Eff. date, 24 July 69; Sup. Amdt. No. 3; Dated, 3 June 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BLF NDB.
BLF Temp. VHF Int	BLF NDB	Direct	5200	Climb straight ahead to 5200', turn right,
BRW VOR	BLF NDB	Direct	6000	and return to BLF NDB and hold.
ISK VORTAC	BLF NDB	Direct	6000	Supplementary charting information: Hold NE, 1 minute, right turns, 230° Inbnd.

Procedure turn N side of crs, 050° Outbnd, 230° Inbnd, 5200' within 10 miles of BLF NDB.
Final approach crs, 230°.
MSA: 000°–090°—5100'; 090°–180°—5100'; 180°–270°—5800'; 270°–360°—4000'.
*Circling not authorized S of airport defined by runway centerline extended.
#Night minimum visibility 2 miles.
% IFR departure procedures: Climb NW on 270° from BLP NDB to 4800' before proceeding as cleared.
CAUTION: Precipitous terrain underlying this procedure. Turbulence of varying intensities may be encountered.
CAUTION: 3200' mountain ridge ½ mile S of airport boundary and 3837' tower and mountains 2½ miles SSE.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*#	3800	1¼	943	3800	1¼	943	NA	NA
A	1000–2.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%	

City, Bluefield; State, W. Va.; Airport name, Mercer County; Elev., 2857'; Facility, BLF; Procedure No. NDB (ADF) Runway 22, Amdt. Orig.; Eff. date, 24 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing BAK NDB.
Hope Int	BAK NDB	Direct	2300	Climbing right turn to 2300' direct to BAK NDB. Supplementary charting information: Secondary area of procedure turn penetrates R–3401. Depict penetrated area on chart. Depict BXR NDB 201 KC 0.5 mile from runway at 39° 16'30"/85°52'45".

Procedure turn N side of crs, 043° Outbnd, 223° Inbnd, 2300' within 10 miles of BAK NDB.
FAF, BAK NDB. Final approach crs, 223°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over BAK NDB, 1600'.
MSA: 000°–270°—2300' 270°–360°—3100'.
NOTES: (1) Radar vectoring. (2) Use Indianapolis (Weir Cook) altimeter setting when control zone not effective; circling and straight-in MDA becomes 1260'.
#Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-22	1120	1	464	1120	1	464	1120	1	464	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1120	1	464	1120	1	464	1120	1¼	464	NA
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Columbus; State, Ind.; Airport name, Bakalar AFB/Bakalar Municipal; Elev., 565'; Facility, BAK; Procedure No. NDB (ADF) Runway 22, Amdt. Orig.; Eff. date, 24 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3 Miles after passing RMG NDB.
Dalton Int	RMG NDB	Direct	3500	Climbing right turn to 3000' direct to RMG
Kennesaw Int	RMG NDB	Direct	3500	NDB and hold.
RMG VOR	RMG NDB (NOPT)	Direct	1700	Supplementary charting information: Hold S, 1 Minute, right turns, 344° Inbnd. Final approach crs to center of landing area. LRCO 122.2, 123.6.

Procedure turn W side of crs, 164° Outbnd, 344° Inbnd, 3000' within 10 miles of RMG NDB.
FAF, RMG NDB. Final approach crs, 004°. Distance FAF to MAP, 3 miles.
Minimum altitude over RMG NDB, 1700'.
MSA: 000°–180°—3900'; 180°–270°—3600'; 270°–360°—4000'.
#Alternate minimums authorized only for operators with approved weather reporting service.
*Night minimums not authorized on Runways 7–25, 13–31.
CAUTION: Unlighted trees and terrain 1182', 1½ miles W N W of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*	1360	1	716	1360	1	716	1500	1½	856	NA
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Rome; State, Ga.; Airport name, Russell Field; Elev., 644'; Facility, RMG; Procedure No. NDB (ADF)–1, Amdt. 3; Eff. date, 24 July 69; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 2 Apr. 66

13. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.4 miles after passing DA LOM.
DAB VORTAC	DA LOM	Direct	1500	Climbing right turn to 1500', direct to DA
Barberville Int	DA LOM	Direct	1600	LOM and hold.
Lake Helen Int	DA LOM	Direct	1600	Supplementary charting information:
Smyrna Int	DA LOM	Direct	1600	Hold SW, 1 minute, left turns, 065° Inbnd.
Woodruff Int	DA LOM	Direct	2100	HIRL Runways 6L/24R. TDZ elevation, 30'.

Procedure turn N side of crs, 245° Outbnd, 065° Inbnd, 1400' within 10 miles of DA LOM.
FAF, DA LOM. Final approach crs, 065°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over DA LOM, 1400'.
MSA: 000°–090°—1400'; 090°–180°—1500'; 180°–270°—2000'; 270°–360°—1300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-6L	480	1	450	480	1	450	480	1	450	480	1	450
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	446	500	1	466	500	1½	466	600	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Daytona Beach; State, Fla.; Airport name, Daytona Beach Municipal; Elev., 34'; Facility, DA; Procedure No. NDB (ADF) Runway 6L, Amdt. 10; Eff. date, 24 July 69; Sup. Amdt. No. 9; Dated, 5 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
GVO VOR	Canyon Int	Direct	5000	Climbing right turn to 4000' via heading 240° to intercept and proceed via the BA LMM 184° bearing or SBA R 195° to Goleta Int. If not at 4000' at Goleta Int., climb to 4000' in the holding pattern SE on the GVO, R 127°, right turns, 1 minute.
Canyon Int	Halibut Int	Direct	3500	
Goleta Int	Lobster Int	Direct LMM 264° lead bearing. Via heading 250° and FIM R 250°, 10.5 nautical miles.	3500	
Lobster Int	Halibut Int	Direct LMM 242° lead bearing.	5000	
SBA VOR	Goleta Int	Direct	3500	
Channel Int	Goleta Int	Direct	4200	Supplementary charting information:
Channel Int	BA LMM	Direct	5000	Chart holding pattern at Goleta Int.
SBA VOR	BA LMM	Direct	4200	Chart holding pattern at Halibut Int.
BA LMM	Halibut Int	Direct	2100	Chart nonstandard ALS Runway 7.
Halibut Int	Naples FM/Int (NOPT)	Direct		

Procedure turn not authorized.* Approach crs (profile) starts at Halibut Int.
Final approach crs, 073°.
Minimum altitude over Halibut Int, 3500'; over Naples FM/Int, 2100'.
MSA: 000°–090°—8000'; 090°–180°—3700'; 180°–270°—5300'; 270°–360°—7600'.
NOTE: VOR and ADF receivers required for execution of this procedure.
%IFR departure procedures: Northbound (260° through 060°) must comply with published Santa Barbara SID's.
#Air carrier will not reduce takeoff visibility due to local conditions Runway 15.
*Approach from the holding pattern at Halibut Int authorized.
CAUTION: High terrain N of crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
	NDB/VOR Minimums:											
C	760	1	750	760	1	750	760	1½	750	900	2	890
A	1000-2.		T 2-eng. or less—Runway 33, 1000-3; Runway 7, RVR 24; Runway 25, Standard; Runway 15, 200-1.%#				T over 2-eng.—Runway 33, 1000-3; Runway 7, RVR 24. Runway 25, Standard; Runway 15, 200-1.%#					

City, Santa Barbara; State, Calif.; Airport name, Municipal; Elev., 10'; Facility, BA; Procedure No. NDB (ADF) Runway 7, Amdt. 4; Eff. date, 24 July 69; Sup. Amdt. No. 3; Dated, 12 Sept. 68

14. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Via	Minimum altitudes (feet)	Missed approach
DAB VORTAC	DA LOM	Direct	1500	Climb to 1500' on NE LOC crs, left turn, direct to DAB VORTAC via R 140° or, when directed by ATC, climbing right turn to 2000' to Smyrna Int via DAB R 161°.
Lake Helen Int	DA LOM	Direct	1600	
Smyrna Int	DA LOM	Direct	1600	
Barberville Int	DA LOM	Direct	1600	
Barberville Int CCW	LOC crs (NOPT)	16-mile Arc DAB, R 224° lead radial.		Supplementary charting information:
	DA LOM (NOPT)	LOC crs	1400	TDZ elevation, 30'.
16-mile Arc	DA LOM	Direct	2100	HIRL 6L–24R.
Woodruff Int				

Procedure turn N side of crs, 245° Outbnd, 065° Inbnd, 1400' within 10 miles of DA LOM.
FAF, DA LOM. Final approach crs, 065°. Distance FAF to MAP, 4.4 miles.
Minimum glide slope interception altitude, 1400'. Glide slope altitude at OM, 1378'.
Distance to runway threshold at OM, 4.4 miles.
MSA: 000°–090°—1400'; 090°–180°—1500'; 180°–270°—2000'; 270°–360°—1300'.
NOTE: Inoperative table does not apply to HIRL Runway 6L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8–6L	280	1	250	280	1	250	280	1	250	280	1	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–6L	360	1	350	360	1	350	360	1	350	360	1	350
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	446	500	1	466	500	1½	466	600	2	586
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Daytona Beach; State, Fla.; Airport name, Daytona Beach Municipal; Elev., 34'; Facility, I–DAB; Procedure No. ILS Runway 6L, Amdt. 11; Eff. date, 24 July 69; Sup. Amdt. No. 10; Dated, 5 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
GVO VOR	Canyon Int	Direct	5000	Climb to 650' on runway heading, climbing right turn to 4000' via heading 240° to intercept and proceed via the SBA R 195° to Goleta Int. If not at 4000' at Goleta Int climb to 4000' in the holding pattern SE on the GVO R 127° right turns, 1 minute.
Canyon Int	Halibut Int	Direct	3500	
SBA VOR	Goleta Int	Direct	5000	
Goleta Int	Lobster Int	Via bearing 205° and FIM, R 250°, 10.5 nautical miles.	3500	
Lobster Int	Halibut Int	Direct	2500	Supplementary charting information:
Halibut Int	Naples FM/(OM) (NOPT)	Direct	1800	Chart holding pattern at Halibut Int.
Channel Int	Goleta Int	Direct	3500	Chart holding pattern at Goleta Int.
Channel Int	BA LMM	Direct	4200	Chart nonstandard ALS Runway 7.
SBA VOR	BA LMM	Direct	5000	Runway 7, TDZ elevation, 10'.
BA LMM	Halibut Int	Direct	4200	

Procedure turn not authorized.* Approach crs (profile) starts at Halibut Int.
Minimum altitude over Halibut Int, 3500'; over Naples FM/(OM), 1780'.
FAF, Naples FM/(OM). Final approach crs, 073°. Distance FAF to MAP, 5.3 miles.
Minimum glide slope interception altitude, 1800'. Glide slope altitude at OM, 1763'; at MM, 182'.
Distance to runway threshold at OM, 5.3 miles; at MM, 0.4 mile.
MSA: 000°–090°—8000'; 090°–180°—3700'; 180°–270°—5300'; 270°–360°—7600'.
NOTE: Inoperative components table does not apply to MM.
%IFR departure procedures: Northbound (260° through 060°) must comply with published Santa Barbara SID's.
#Air carrier will not reduce takeoff visibility due to local conditions runway 15.
*Approach from the holding pattern at Halibut Int authorized.
CAUTION: High terrain N of localizer crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8–7	260	RVR 24	250	260	RVR 24	250	260	RVR 24	250	260	RVR 40	250
	LOC Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–7	420	RVR 24	410	420	RVR 24	410	420	RVR 24	410	420	RVR 50	410
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	720	1	710	720	1	710	720	1½	710	900	2	890
A	900-2.		T 2-eng. or less—Runway 33, 1000-3; Runway 7, RVR 24; Runway 15, 200-1; Runway 25 Standard.%#				T over 2-eng—Runway 33, 1000-3; Runway 7, RVR 24; Runway 15, 200-1; Runway 25 Standard.%#					

City, Santa Barbara; State, Calif.; Airport name, Municipal; Elev., 10'; Facility, I–SBA; Procedure No. ILS Runway 7, Amdt. 14; Eff. date, 24 July 69; Sup. Amdt. No. 13; Dated, 12 Sept. 68

15. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
As established by Atlanta, Ga., ASR minimum altitude vectoring charts.												Descent aircraft after passing FAF. FAF 6 miles from center of airport. REIL Runway 8.

All bearings and distances are from radar site on Atlanta Municipal Airport with sector azimuths progressing clockwise.
Missed approach: Climb to 3000' direct to Wade Int via FTY VOR, R 275° or 275° bearing from FTY NDB and hold. Hold W, 1 minute, left turns, 095° Inbnd.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1080	1	840	1080	1¼	840	1080	1½	840	NA
A	900-2.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Atlanta; State, Ga.; Airport name, Fulton County; Elev., 840'; Facility, ATL Radar; Procedure No. Radar 1, Amdt. 5; Eff. date, 24 July 69; Sup. Amdt. No. 4; Dated, 18 Feb. 67

16. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Ontario ASR minimum altitude vectoring chart.										ASR Runway 25, FAF 6 miles from runway. ASR Runway 7, FAF 6 miles from runway. $Minimum altitude over 3-mile Radar Fix on final approach, 1700'. ¢Minimum altitude over 2-mile Radar Fix on final approach, 1700'. ‡Maneuvering not authorized NW of airport between extended centerlines of Runways 3/21 and 7/25. %IFR departure procedures: North- and east-bound (278° through 105° CW) published SID's must be used. *Increase visibility ¼ mile for Categories A, B, and C for inoperative ALS Runway 25. Inoperative table does not apply to HIRL Runway 7. Night minimums Runways 3/21 not authorized.

Missed approach:
Runway 25—Climbing left turn to 4200' direct to ONT VORTAC and hold.
Runway 07—Climbing right turn to 4200' direct to ONT VORTAC and hold.
Runway 25—TDZ elevation, 929'. Runway 7—TDZ elevation, 942'

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25*$	1420	RVR 40	491	1420	RVR 40	491	1420	RVR 40	491	1420	RVR 50	491
S-7¢	1420	1	478	1420	1	478	1420	1	478	1420	1	478
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C¢	1420	1	468	1480	1	528	1480	1½	528	1520	2	568
A	Standard.			T 2-eng. or less—Runway 25, RVR 24'; Standard all other runways.%¢			T over 2-eng.—Runway 25, RVR 24'; Standard all other runways.%¢					

City, Ontario; State, Calif.; Airport name, Ontario International; Elev., 952'; Facility, ONT ASR; Procedure No. Radar-1, Amdt. 2; Eff. date, 24 July 69; Sup. Amdt. No. 1; Dated, 5 June 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on June 17, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-7396; Filed, July 2, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-585, Amdt. 6]

PART 225—TARIFFS OF CERTAIN CERTIFICATED CARRIERS; TRADE AGREEMENTS

Increased Authorization for Larger Intra-Alaskan Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of June 1969.

By circulation of EDR-158 (Docket 20725), dated April 10, 1969, and publication at 34 F.R. 6489, the Board gave notice that it had under consideration amendment to Part 225 to increase the trade agreement authorization to $50,000 for the two larger subsidized certificated carriers with intra-Alaskan routes. Comments were submitted by Wien Consolidated Airlines, an Alaskan air carrier, and Roy H. Smith, an Alaskan air taxi operator.

Although Wien Consolidated had sought at least $60,000 as a minimum authorization, it supports the $50,000 maximum and urges that the rule be made effective as soon as possible because trade agreements must become effective on or before January 1, 1970. The air taxi operator opposes any increase on the grounds that trade agreements will result in unfair competition with air taxi operators and will not benefit the taxpayer. These objections apparently arise from a misconception of the nature and purpose of the Board's permitting subsidized certificated carriers to exchange transportation for advertising. Part 225 exempts certain certificated carriers from the provisions of section 403(b) of the Act against bartering transportation within monetary limits, and is primarily designed to help subsidized carriers in a poor cash position to increase traffic through advertising and thereby reduce subsidy needs. Part 298, on the other hand, exempts air taxi operators from section 403 (except for tariffs for through rates filed jointly with certificated air carriers), and therefore air taxi operators are free to exchange air transportation for advertising in any amount.

After consideration of the comments received, we have determined to adopt the rule as proposed. The tentative findings set forth in EDR-158 are incorporated herein by reference and made final.

Accordingly, the Board hereby amends § 225.6 of Part 225 of the Economic Regulations (14 CFR 225.6), effective August 4, 1969, by revising paragraph (b) to read as follows:

§ 225.6 Limitation on total value of trade agreements.

* * * * *

(b) $20,000 in the aggregate each year for airlines having gross transport operating revenues less than $2 million in the prior year and $50,000 in the aggregate each year for airlines having gross transport operating revenues of $2 million or more in the prior year, for the airlines identified under § 225.1(a)(4).

* * * * *

(Secs. 204(a), 403, 404, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 760, 771; 49 U.S.C. 1324, 1373, 1374, 1386)

By the Civil Aeronautics Board.[1]

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7881; Filed, July 2, 1969; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Use of Symbols and Names Having Fur-Bearing Animal Connotations in Labeling Textile Fiber Products

§ 15.351 Use of symbols and names having fur-bearing animal connotations in labeling textile fiber products.

(a) The Commission was requested to render an opinion with respect to the labeling of textile fiber products manufactured so as to simulate a fur or fur product.

(b) The requesting party proposed to use a word closely resembling the name of a fur-bearing animal, the fur from which is commonly used in the manufacture of garments, in association with a fabric simulating that fur.

(c) In the Commission's view, the use of the proposed term to describe such a fabric would probably violate the Textile Fiber Products Identification Act and/or that part of section 5 of the Federal Trade Commission Act which makes deceptive acts or practices in commerce unlawful.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 72 Stat. 1717; 15 U.S.C. 70)

Issued: July 2, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-7809; Filed, July 2, 1969; 8:45 a.m.]

[1] Vice Chairman Murphy dissented.

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Stereo Tape Cartridge Club; Consumer Credit Regulations Will Apply

§ 15.352 Stereo tape cartridge club; consumer credit regulations will apply.

(a) The Commission issued an advisory opinion in response to an application from a businessman who proposed to organize a stereo tape cartridge club.

(b) The Commission wrote the applicant:

(1) "You state that the idea of the club is to allow club members to exchange ten tape cartridges per month. A membership will cost $480, to be paid in 30 monthly installments of $16 each. That meets the definition of consumer credit which is credit offered or extended to a person primarily for personal, family, household, or agricultural purposes and for which a finance charge is imposed or which is repayable in more than four installments.

(2) "Enclosed for your guidance is a copy of the Federal Reserve press release of February 7, 1969, containing Regulation Z issued under the Truth In Lending Act. With some exceptions, the Federal Trade Commission has the principal enforcement duties. The Commission points out that all relevant provisions must be complied with by anyone extending or arranging for consumer credit. A potential club member in your program is entitled to full disclosure of all financial arrangements, including the fact that a third party may hold the promissory note for collection.

(3) "In addition to your straight retail memberships, you contemplate a 'cooperative' membership to be offered in return for certain promotional cooperation. The Commission invites your attention to the enclosed copy of the Commission's Guides Against Deceptive Pricing, effective since January 8, 1964. You will note that it might be an actionable deceptive practice prohibited by law to identify a commodity as having a certain retail value unless that is a price at which identical commodities have in fact been sold in substantial quantities. No conclusion of legality or illegality is possible in the instant matter on the basis of the brief information you have submitted.

(4) "Further, you are advised that it might also be an actionable deceptive practice prohibited by law to fail to fully inform a potential club member not only about all financial arrangements and the accurate retail value of the cartridge player but also about the nature and function of the player; e.g., is the player a self-contained playing machine or does it need an amplifier and speakers to render performance?

(5) "For postal regulations, you should consult your local postmaster."

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: July 2, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-7808; Filed, July 2, 1969; 8:45 a.m.]

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION, AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 503—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Manufacturer of Consumer Commodities

The Federal Trade Commission promulgated an interpretation relevant to § 500.5 of the Fair Packaging and Labeling Act regulations on March 7, 1969. This interpretation appeared as § 503.3 of the regulations, in the FEDERAL REGISTER, Volume 34, No. 45. Subsequent to publication, a new question was submitted on behalf of an industrial firm, which requires further interpretation of § 500.5.

Basically, the question is whether, in the case of a parent corporation which wholly owns a subsidiary corporation, each of which has separate corporate identity, the requirement of § 500.5 of the regulations is met when the consumer commodities manufactured by the subsidiary are labeled to reflect the parent corporation as the manufacturer.

Since this question may have significance to industry in general, the Commission feels it appropriate to promulgate its interpretation of § 500.5 as it relates to the status of a parent corporation which wholly owns a manufacturing subsidiary retaining its own corporate identity.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4, 6, 10, 80 Stat. 1297, 1299, 1300, 1301; 15 U.S.C. 1453, 1455, 1456) Subchapter E, Part 503 is amended by adding to § 503.3 a new paragraph (d) as follows:

§ 503.3 Name and place of business of manufacturer, packer, or distributor.

* * * * *

(d) A corporation which wholly owns a manufacturing subsidiary which retains its separate corporate identity, is not the manufacturer of the consumer commodities manufactured by the wholly owned subsidiary, but must qualify its name if it elects to use its name on the label. Such qualification may be "Manufactured for ----------", "Distributed by ----------", or "Manufactured by ---------- (XYZ, Inc., City, State, Zip Code, a subsidiary of ABC, Inc.)".

Issued: June 30, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-7896; Filed, July 2, 1969; 8:51 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-362]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Reliability and Adequacy of Electric Service

JUNE 25, 1969.

The Federal Power Commission is charged under section 202(a) of the Federal Power Act with the promotion and encouragement of the voluntary interconnection and coordination of the power systems of this nation in the interests of "assuring an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources". Achievement of these goals requires coordinated efforts on an industrywide basis, at both the regional and national levels, to enhance reliability and adequacy of service.

Utilities in five regions of the country[1] have joined together to establish regional coordinating groups or councils, and these regional bodies have, in turn, recently joined with seven other individual utility systems, pools and planning groups to form a National Electric Reliability Council. These developments are encouraging.

This Statement of Policy defines two areas in which these voluntary efforts can be improved. First, we believe that actual participation on a nonvoting basis by the staff of the Commission and the State regulatory agencies in the regional council deliberations, and the deliberations of committees or working groups is needed to promote the cooperative efforts of the electric utility industry to coordinate its activities regionally in the interests of reliability and adequacy of electric service. Second, a major impediment to regional and and national planning for and evaluation of industry planning efforts to assure reliability and short- and long-range adequacy of electric power service lies in the unavailability of much of the basic data upon which such efforts necessarily depend. We are therefore establishing a system for reporting to the Commission and the State regulatory agencies, long and intermediate range system data on an annual basis by all segments of the electric power industry coordinated by and reported through the regional reliability organizations (where they exist) and the National Electric Reliability Council.

[1] Northeast Power Coordinating Council, East Central Area Reliability Coordination Agreement, Texas Interconnected System, Western Systems Coordinating Council, and Mid-Atlantic Area Coordination Agreement. The makeup, structure, staffing and authority of these groups differ.

The Commission finds:

(1) The notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply with respect to the amendment here adopted.

(2) It is appropriate and in the public interest in administering Part II of the Federal Power Act to promulgate Commission policy on participation of regulatory personnel in the deliberations of voluntary regional councils, and for the collection of data relating to reliability and adequacy of electric service.

The Commission orders:

A. Part 2, General Policy and Interpretations, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations is amended by adding a new § 2.11, entitled "Reliability and Adequacy of Electric Service," as follows:

§ 2.11 Reliability and adequacy of electric service.

(a) *Participation of Federal personnel in regional reliability councils.* The Federal Power Commission's responsibilities under section 202(a) of the Federal Power Act, to promote and encourage voluntary efforts by the various segments of the electric utility industry to coordinate their activities, can best be carried out if the regional reliability councils or organizations of the utilities in various parts of the country permit participation by staff personnel of the Federal Power Commission. Participation on a nonvoting basis will not inhibit appropriate discussion, planning or review by the members of the regional councils. Accordingly, the regional reliability or coordination councils and any other systems or groups engaging in similar activities are requested promptly to permit nonvoting participation by FPC staff personnel.

(b) *Participation of State personnel in regional reliability councils.* It is the policy of the Commission that staff personnel of the State regulatory agencies of the particular region be permitted to participate in the regional reliability or coordination councils on the same basis as Commission personnel.

(c) *Informational reporting.* (1) Comprehensive data from all segments of the industry, including those operated by the Federal or State governments or political subdivisions, agencies or instrumentalities thereof, and cooperatively owned associations, will assist in accurate forecasting of the demand for power, and in planning generation and transmission facilities necessary to meet such demands.

(2) To this end we establish a system for the reporting on an annual basis of long- and intermediate-range system data by all components of the electric power industry reported through and coordinated by the regional reliability organizations and the National Electric Reliability Council. We ask that the data requested be furnished to the FPC and to the appropriate State regulatory agencies.

(3) In view of the need for flexibility in the development and operation of any such program, we believe it inadvisable to incorporate the specific information to be reported into a policy statement which, as part of the Commission's rules and regulations, can only be modified by formal procedures. Instead, we delegate authority to the Commission's Chief, Bureau of Power, subject to the general supervision of the Commission, to prepare, after appropriate consultation with interested parties, including the existing national and regional reliability organizations, the individual State commissions and their national association, the National Association of Regulatory Utility Commissioners, a list of requested data, together with the reporting specifications. The list and specifications will be maintained on a current basis as an appendix to the rules in this section, and will be supplied to each electric company, pool, or regional organization, the State regulatory commissions, and other interested parties.

(4) Upon receipt and evaluation of the requested data, the Chief of the Commission's Bureau of Power may, as conditions warrant, convene technical meetings of utilities or groups of utilities to explore in greater depth any problems raised by the reports, or call upon regional councils, or the National Electric Reliability Council, to conduct further studies on particular matters.

B. The specific information, which is proposed for inclusion in the initial information request, is set forth in Appendix A to this order. Interested parties having comments or proposals for modification thereof should make them in writing (if possible in triplicate) to the Commission's Chief, Bureau of Power, within 30 days from the issuance of this notice, since it is contemplated that the initial list of requested information and reporting specifications will be made final and released by September 1, 1969. It is also contemplated that initial reporting will be for the period 1970–79, inclusive, and that reporting will be made to the Commission and the State regulatory agencies not later than April 1 of the base year of the data reporting period.

C. The amendments prescribed herein will be effective upon the issuance of this order.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

INFORMATION TO BE REPORTED ON COORDINATED REGIONAL BULK POWER SUPPLY PROGRAMS

Information to be reported annually should include:

1. Estimates of monthly peak loads and energy requirements for the first 5 years of the projection; and estimates of summer and winter peak loads for the remaining 5 years of the projection.

2. Estimates of reserve requirements, including a statement of criteria and techniques used to determine reserve.

3. For the first 7 years of the projection: itemization of all resources to meet the projected energy and capacity requirements of (1) and (2), including generating units, plants, and plant locations, types of generation, facility ownership, scheduled in-service dates of new units, and scheduled or estimated purchases from or deliveries to others. For the remaining 3 years: itemization of power supply resources planned, including the general location, type, and scheduled in-service date for each new facility and an estimate of purchases and deliveries of power coincident with summer and winter peak load demands.

4. For each steam generating unit having a capacity of 300 mw. or more, and for which construction is scheduled to begin within 2 years from the date of reporting, furnish information on the type of cooling system, basis of assurances that thermal discharge will fall within the limits of State and Federal standards or a description and status of studies designed to provide this assurance, the type of fuel to be used, and if fossil in nature, assurances that stack discharges will fall within limits acceptable under local or regional air pollution criteria, or description and status of studies designed to demonstrate compatibility with such criteria.

5. A plan of the transmission network of the region depicting all facilities of 110 kv. or higher which are in service at the time of reporting those projected for service within 7 years and those projected for service within 10 years. For facilities to be installed within 7 years, include a tabular summary of segments of the transmission network, including substations and interconnections between systems to be operated at a voltage of 110 kv. or higher, the tabulation to include ownership, voltage, number of circuits, number and size of conductors and dates of starting and completing construction.

6. Results of load flow studies on the network as it exists substantially at the time of reporting and as projected between 4 and 6 years in the future which would demonstrate the capability of the network to transmit peak loads and withstand the contingency considerations evaluated in accordance with an accompanying statement of system security criteria. These criteria should discuss consideration given to loss of, or delay in availability of, generation and transmission elements of the system and their internal effect upon the subject system, together with their external effect upon surrounding systems.

7. The results of regional and interregional network stability studies, including a description of the general criteria being followed and the particular contingencies assumed in each study; include also a description, preliminary results and schedules for completion of stability studies in progress. Where unusual stability problems are encountered, outline possible solutions being considered and actions being taken for resolution.

8. A functional plan and description of regional communication and control facilities, including satellite facilities for monitoring, display, and warning of important network operating conditions and characteristics; facilities for economic loading; and facilities for rapid analysis of the effect of losing selected system elements on network loading.

9. For each transmission facility designed to operate at a voltage of 200 kv. or higher and for which construction is scheduled to begin within 2 years from date of filing, include information on line routing, alternatives considered, consultations with local and State planning authorities and commissions, configuration of structures, location and type of principal substations and information depicting the relation of principal structures to their environments.

10. In format to be furnished by the Commission, provide information on the following:

a. Coordinated regional load shedding programs, including estimated steps of load reduction at various steps in frequency decline.

b. Emergency power and shutdown facilities to prevent damage to equipment if station loses system power.

c. Power facilities available for unit startup in the event of total loss of system power.

d. Availability of continuous power independent of system sources for communication and control facilities.

e. Provisions for sustaining the operation of generating units on local loads.

f. Programs for training operating personnel concerned with system security.

g. Summary statement of step-by-step emergency procedures in force for restoration of system power and interconnected system power.

h. Maintenance practices relating to bulk power equipment and controls.

[F.R. Doc. 69-7822; Filed, July 2, 1969; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965——)

Subpart A—Hospital Insurance Benefits

On November 15, 1968, there was published in the FEDERAL REGISTER (33 F.R. 16657) a notice of proposed rule making with proposed amendments to the Hospital Insurance Benefits regulations designed to implement the pertinent sections of the Social Security Amendments of 1967 (Public Law 90-248), to provide guidelines for determining the accessibility requirement in emergency hospital cases, and to make editorial and technical modifications of a clarifying or conforming nature. Interested persons were given the opportunity to submit data, views, or arguments with regard to the proposed regulations. After consideration of all such relevant matter as was presented by interested persons, the amendments as so proposed are hereby adopted without substantive change and are set forth below.

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER.

Dated: May 27, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: June 18, 1969.

JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

Subpart A of Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as indicated in paragraphs 1 through 24 below.

(Secs. 1102, 1801–1817, 1871, 49 Stat. 647, as amended, 79 Stat. 291–301, 81 Stat. 846–848, 81 Stat. 852–854, 81 Stat. 857–859; 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.)

1. The table of sections for Subpart A, appearing at page 31 F.R. 10116, July 27, 1966, is modified as follows:

Sec.
405.111 Inpatient hospital services; benefit limitation during first spell of illness—inpatient of participating tuberculosis or psychiatric hospital.
405.112 Inpatient hospital services; services considered for purposes of benefit limitations.
405.152 Payment for services furnished; nonparticipating hospital furnishing emergency services.
405.156 Payment to entitled individual for services furnished by a nonparticipating hospital; inpatient admission before January 1, 1968.
405.157 Payment to entitled individual for emergency services furnished after 1967.
405.158 Payment to entitled individual; determination of amount payable for services furnished by a nonparticipating hospital.
405.160 Payment to participating hospital for inpatient hospital services; conditions for payment.
405.161 Payment for inpatient hospital services; furnished after 90- or 150-day limit or after 190-day limit.
405.175 Payment to participating hospital for outpatient hospital diagnostic services; conditions.
405.191 Emergency services; finding that an emergency existed and/or has ceased.
405.192 Emergency services; finding of accessibility.

2. Sections 405.101—405.102 are revised to read as follows:

§ 405.101 Hospital insurance benefits; general.

(a) An individual who meets the conditions for entitlement to hospital insurance benefits provided under Part A of title XVIII of the Act is eligible to have payment made on his behalf, or to him (for certain hospital services) subject to the conditions and limitations set out in this Part 405 and in the Act, for:

(1) Inpatient hospital services, posthospital extended care services, and posthospital home health services furnished to him during any month for which he meets such conditions for entitlement to hospital insurance benefits; and

(2) Outpatient hospital diagnostic services furnished to him during any month before April 1968, for which he meets such conditions for entitlement to hospital insurance benefits. Effective with services furnished on or after April 1, 1968, coverage of outpatient hospital diagnostic services is transferred from this Subpart A to the supplementary medical insurance benefits plan described in Subpart B of this Part 405.

(b) Except where payment may be made to the individual for certain hospital services (see §§ 405.156 and 405.157), payment for the services covered under the hospital insurance benefits program is made to the institution or agency eligible to receive payment rather than to the individual to whom the services are furnished.

§ 405.102 Conditions for entitlement to hospital insurance benefits.

An individual is entitled to hospital insurance benefits under the provisions described in this Subpart A if such individual has attained age 65 and:

(a) Is entitled to monthly insurance benefits under section 202 of the Act as described in Subpart D of Part 404 of this chapter, or

(b) Is a qualified railroad retirement beneficiary as defined in § 404.368 of Part 404 of this chapter, or

(c) Is deemed entitled to monthly insurance benefits under section 202 of the Act, solely for purposes of entitlement to hospital insurance benefits, as described in § 404.370 of Part 404 of this chapter.

3. In § 405.103, paragraph (a) is revised to read as follows:

§ 405.103 Duration of entitlement to hospital insurance benefits.

(a) An individual is entitled to hospital insurance benefits beginning with the first day of the first month after June 1966, for which he meets the conditions described in § 405.102; except that no payment may be made under this Subpart A for:

(1) Posthospital extended care services furnished before January 1, 1967;

(2) Posthospital extended care services or posthospital home health services unless the discharge from the hospital required to qualify such services for payment under this Subpart A occurred after June 30, 1966, or, on or after the first day of the month in which he attains age 65, whichever is later; and

(3) Outpatient hospital diagnostic services furnished on or after April 1, 1968. (With respect to outpatient hospital diagnostic services furnished on or after such date—see Subpart B of this part.)

* * * * *

4. Sections 405.110–405.113 are revised to read as follows:

§ 405.110 Inpatient hospital services; scope of benefits.

(a) *Benefits.* An individual who meets the requirements set forth in § 405.102 is eligible to have payment made on his behalf to a participating hospital (see Subpart J of this Part 405 and § 405.150), subject to the conditions and limitations contained in this Part 405 and title XVIII of the Act, for:

(1) Inpatient hospital services (see § 405.115) furnished to him for up to 90 days during a spell of illness; plus (with respect to inpatient hospital services furnished after December 31, 1967, during such spell of illness):

(2) An additional 60 days—less one day for each day of inpatient hospital services in excess of 90 days received during any preceding spell of illness. The individual has the option of electing by a signed statement not to have payment made for such additional days of inpatient hospital services furnished him after he has received benefits for 90 days of such services in a spell of illness. Payment may be made for such additional days unless the provider furnishing such services has on record the individual's signed election not to have payment made for such services.

(b) *Deductible and coinsurance amounts.* Payments for inpatient hospital services furnished during any spell of illness is reduced by the amount of the applicable deductibles (see §§ 405.113 and 405.114) and, in addition, by any applicable coinsurance amount (see § 405.115).

(c) *Benefit limitation for spell of illness.* (1) No payment under this section for inpatient hospital services furnished an individual during a spell of illness which ends on or before December 31, 1967, may be made for any such services furnished to him after the 90th day such services have been furnished to him during such spell of illness (see § 405.161 for exception); and

(2) No payment under this section for inpatient hospital services furnished an individual during a spell of illness which begins, or is continuing after December 31, 1967, may be made for any such services furnished to him after the 150th day (less 1 day for each day of inpatient hospital services in excess of 90 days received during any preceding spell of illness) that such services have been furnished to him during such spell of illness (see § 405.161 for exception).

(d) *Lifetime maximum on inpatient psychiatric hospital services.* Notwithstanding the preceding provisions of this section, no payment for inpatient psychiatric hospital services (see Subpart J of this part) may be made for any such services furnished an individual after the 190th day such services have been furnished to him during his lifetime (see § 405.161 for exception).

§ 405.111 Inpatient hospital services; benefit limitation during first spell of illness—inpatient of participating tuberculosis or psychiatric hospital.

Subject to the provision that the benefit limitation described in this section shall not apply with respect to inpatient tuberculosis hospital services furnished to an individual after December 31, 1967:

(a) *Date of entitlement on or after January 1, 1968; inpatient of psychiatric hospital on first day of entitlement.* If an individual is an inpatient of a participating psychiatric hospital on the first day for which he is entitled to hospital insurance benefits (see § 405.103) and becomes entitled to such benefits on or after January 1, 1968, the days (not necessarily consecutive) on which he was an inpatient of a psychiatric hospital in the 150-day period immediately before such first day are deducted from the 150 days of inpatient hospital services for which he is otherwise entitled to have payment made during his first spell of illness, where such services are furnished to him in a psychiatric hospital or in a hospital (other than a tuberculosis hospital) in which the individual was an inpatient primarily for the diagnosis or treatment of mental illness. Thus, the benefit limitation described in this paragraph will not apply to inpatient hospital services furnished in a tuberculosis hospital or to such services furnished in a hospital (other than a psychiatric hospital) that are not primarily for the diagnosis or treatment of mental illness.

(b)(1) *Date of entitlement prior to 1968; inpatient of psychiatric or tuberculosis hospital on first day of entitlement.* Subject to the provisions of the succeeding subparagraphs of this paragraph, if an individual was an inpatient of a participating tuberculosis or psychiatric hospital on the first day for which he is entitled to hospital insurance benefits and was entitled to such benefits before January 1, 1968, the days (not necessarily consecutive) on which he was an inpatient of a psychiatric or tuberculosis hospital in the 90-day period immediately before such first day are deducted from the 90 days of inpatient hospital services for which he is otherwise entitled to have payment made during his first spell of illness.

(2) *First spell of illness is continuing after December 31, 1967; inpatient of participating tuberculosis hospital upon entitlement.* An individual who after December 31, 1967, is still in his first spell of illness and was subject to a reduction in benefit days prior to 1968 under subparagraph (1) of this paragraph because he was in a participating tuberculosis hospital at the time of entitlement to hospital insurance benefits will have those days restored for any inpatient hospital services furnished to him after December 31, 1967. The benefit limitation will not apply to services furnished after 1967, to an individual who at the time of entitlement was an inpatient of a participating tuberculosis hospital. Thus, such an individual is eligible on January 1, 1968, for up to 150 days of any inpatient hospital services in his first spell of illness.

(3) *First spell of illness is continuing after December 31, 1967; inpatient of a psychiatric hospital upon entitlement.* An individual who after December 31, 1967, is still in his first spell of illness and was subject to a reduction in benefit days prior to 1968 under subparagraph (1) of this paragraph because he was in a participating psychiatric hospital at the time of entitlement to hospital insurance benefits may be entitled to additional benefit days for inpatient hospital services furnished on or after January 1, 1968:

(i) On January 1, 1968, such individual becomes eligible for 60 additional days of inpatient hospital services (see § 405.110). Before these days can be used to pay for inpatient hospital services furnished to such individual by a psychiatric hospital, or for such services furnished by a hospital (other than a psychiatric or tuberculosis hospital) which are primarily for the diagnosis or treatment of mental illness, those days on which he was an inpatient of a psychiatric hospital from the 91st to the 150th day of the 150-day period preceding the first day for which he became entitled to hospital insurance benefits will be subtracted from the 60 additional days available for use in such first spell of illness. For inpatient hospital services furnished prior to 1968, the number of benefit days available to such individual during his first spell of illness was determined on the basis of the 90-day period immediately preceding the first day of entitlement to hospital insurance benefits in accordance with subparagraph (1) of this paragraph. Payment for inpatient hospital services furnished to the individual on or after January 1, 1968, by a hospital (other than a tuberculosis hospital) for such services which are primarily for the treatment or diagnosis of mental illness, or for such services furnished by a psychiatric hospital, will be made for any days still payable under such prior determination and then for any of the 60 additional days available as determined in accordance with the provisions of this paragraph. (However, a new determination for the 90-day preentitlement period will be required if tuberculosis hospital days were included in the prior determination. See subdivision (iii) of this subparagraph);

(ii) Payment for inpatient hospital services furnished on or after January 1, 1968, to such individual by a hospital (other than a psychiatric hospital) for such services which are primarily for the diagnosis or treatment of a condition other than mental illness, or for such services furnished by a tuberculosis hospital in his first spell of illness, may be made for any unused benefit days: Plus, the number of days for which the beneficiary's eligibility was previously reduced; plus, the 60 additional days available under § 405.110; and

(iii) Days spent by such individual in a tuberculosis hospital in the preentitlement period do not count as reduction days for inpatient hospital services received after 1967, and such days are restored. This applies not only for an individual who was in a tuberculosis hospital when he became entitled but also for an individual who was in a psychiatric hospital at the time of entitlement after having spent some of his preentitlement days in a tuberculosis hospital.

(c) *Charging deduction days.* In reducing the number of days for which an individual is entitled to have payment made for inpatient hospital services, days subject to deduction (as determined in accordance with the provisions of paragraphs (a) and (b) of this section) are charged in the following order:

(1) Those days after the 90th and before the 150th days for which such individual is entitled to have payment made during such spell of illness;

(2) Those days after the 60th day and before the 91st day for which such individual is entitled to have payment made for such services during such spell of illness; and

(3) Those days before the 61st day for which such individual is entitled to have payment made for such services during such spell of illness.

(d) *Limitation on application of deduction.* Notwithstanding the preceding provisions of this section, days preceding the first day for which an individual is entitled to hospital insurance benefits (see § 405.103), are not counted in determining the 190-day lifetime limit on inpatient psychiatric hospital services (see § 405.110(d)), and are not counted in determining the first day for which the coinsurance amount is deducted from payment for inpatient hospital services (see § 405.115).

EXAMPLE 1: B is an inpatient of a participating psychiatric hospital on July 1, 1966, the first day for which he is entitled to hospital insurance benefits, and has been an inpatient of such hospital for the 2 years immediately preceding July 1, 1966. If B's first spell of illness ends on or before December 31, 1967, no payment will be made for inpatient hospital services furnished to B during that spell of illness. However, if B's first spell of illness is continuing after December 31, 1967, he will be eligible, with respect to services furnished after such date, to have payment made for up to 150 days of inpatient hospital services during such spell of illness if the services are furnished to him by a tuberculosis hospital (see § 405.111(b)) or, if furnished to him by a hospital other than a psychiatric or tuberculosis hospital, are not primarily for the diagnosis or treatment of a mental illness.

EXAMPLE 2: C entered a participating tuberculosis hospital on August 12, 1966, and is still an inpatient of such hospital 50 days later on October 1, 1966, the first day for which he is entitled to hospital insurance benefits. Payment may be made for up to 40 days of inpatient hospital services since C had been an inpatient of the tuberculosis hospital for 50 days preceding the first day for which he was entitled to hospital insurance benefits. However, the 50 days preceding October 1, 1966, is not counted in determining the 60 days of coverage and, therefore, the coinsurance amount (see § 405.115) is not applicable with respect to any payment for the 40 days of services for which C is entitled to have payment made on his behalf with respect to services furnished before 1968. If C's first spell of illness is continuing after December 31, 1967, the 50 days subject to deduction will be restored to him and he will be eligible, with respect to services furnished after such date, to have payment made for up to 110 additional days of inpatient hospital services during such spell of illness (i.e., the restored 50 days plus the 60 additional days of entitlement—see § 405.110(a)). The coinsurance amounts discussed in § 405.115 would, of course, be applicable with respect to such services furnished after the 60th day in this spell of illness (see § 405.111(b)).

EXAMPLE 3: D is a patient of an institution that is not a qualified psychiatric hospital on August 1, 1966, the first day for which he is entitled to hospital insurance benefits, and has been a patient of the nonqualifying hospital for the 1 year preceding August 1, 1966. Several days later D is transferred to a participating psychiatric hospital. Payment may be made (with respect to services furnished before 1968) for up to 90 days of inpatient hospital services after such transfer since inpatient hospital services received in a nonqualifying hospital in the period preceding entitlement are not considered for the purposes of determining the spell of illness limitation. If D's first spell of illness is continuing after December 31, 1967, he will be eligible, with respect to services furnished after such date, to have payment made for an additional 60 days of inpatient hospital services (including inpatient psychiatric hospital services) during such spell of illness (see § 405.110).

§ 405.112 Inpatient hospital services; services considered for purposes of benefit limitations.

(a) For purposes of determining the 90-day or 150-day benefit limitation described in § 405.110(c), or § 405.111, or the 190-day benefit limitation described in § 405.110(d), inpatient hospital services are taken into account only if one or more of the following conditions apply to such services:

(1) Payment is made with respect to such services;

(2) Payment would be made for such services except for failure to comply with the request and certification requirements described in § 405.152 or § 405.160; or

(3) Payment cannot be made for such services because of the deductible or coinsurance requirements described in §§ 405.113 and 405.115.

(b) Notwithstanding the provisions of paragraph (a) of this section, days after the 90th day on which an individual is furnished inpatient hospital services during a spell of illness are not taken into account in determining the benefit limitation discussed in this section, if the individual has elected not to have payment made for such days (see § 405.110(a)(2)) or the daily charge for such days is equal to or less than the applicable coinsurance amount (see § 405.115(a)(2)).

§ 405.113 Inpatient hospital services; deductible.

(a) *Spell of illness beginning prior to 1969.* The amount payable for inpatient hospital services (see §§ 405.150, 405.151, and 405.158) furnished to an individual during any spell of illness beginning prior to 1969 is reduced (but not below zero) by an amount equal to the lesser of:

(1) $40; or

(2) The charges imposed with respect to such services or the customary charges for such services, whichever is greater.

(b) *Spell of illness beginning after 1968.* Between July 1 and October 1 of 1968, and of each year thereafter, the Secretary shall determine the amount of the inpatient hospital deductible which shall be applicable in the case of any spell of illness beginning during the succeeding calendar year.

5. Section 405.115 is revised to read as follows:

§ 405.115 Inpatient hospital services; coinsurance amount.

(a) In any case in which an individual is furnished inpatient hospital services for more than 60 days during a spell of illness beginning before 1969, the amount payable (see §§ 405.150, 405.151, and 405.158), for the inpatient hospital services furnished after such 60th day during such spell of illness, is reduced by a coinsurance amount equal to:

(1) $10 for each day (or the actual charge when charges are less than $10 a day), after the 60th day and before the 91st day, on which he is furnished such services; plus (with respect to such services furnished after December 1967, during such spell of illness):

(2) $20 for each day after the 90th day and before the 151st day on which he is furnished such services.

(b) Since the inpatient hospital services coinsurance amount is set by law at one-fourth (for days after the 60th day and before the 91st day) and one-half (for entitlement days after the 90th day) of the inpatient hospital services deductible, the coinsurance amount applicable for spells of illness beginning after 1968 will reflect any adjustment made in the deductible (see § 405.113(b)).

6. In § 405.116, paragraphs (b), (d), and (e) are revised to read as follows:

§ 405.116 Inpatient hospital services; defined.

* * * * *

(b) *Bed and board.* The reasonable costs are payable in full for hospital room and board furnished an individual in accommodations containing from two to four beds, or in hospitals in which all accommodations are on a ward basis and charges are not related to the number of beds in a room. The reasonable cost of private accommodations is covered in full only where their use is medically indicated, ordinarily only when a patient's condition requires him to be isolated or when an individual (in need of immediate inpatient hospital care but not requiring isolation) is admitted to a hospital which has no semiprivate or ward accommodations, or at a time when such accommodations are occupied. The reasonable cost of private accommodations will be paid in such cases until the individual's condition does not require him to be isolated or, in the case of the individual not requiring isolation, semiprivate accommodations are available. Where private accommodations are furnished for a patient's comfort, the amount payable under this Subpart A may not exceed the reasonable cost of accommodations containing from two to four beds. Where accommodations less expensive than available accommodations containing from two to four beds are furnished a patient and the use of these accommodations was neither at the request of the patient nor for a reason consistent with the purposes of the Act, the amount payable for bed and board is whichever is less, the reasonable cost of such accommodations, or the reasonable cost of two to four bed accommodations minus the difference between the customary charges for such accommodations and the customary charges for the accommodations furnished.

* * * * *

(d) (1) *Drugs and biologicals.* Drugs and biologicals are included as inpatient hospital services only if they:

(i) Represent a cost to the hospital in rendering such services;

(ii) Are furnished to an inpatient for use in the hospital or, with respect to a limited supply required until the patient can obtain a continuing supply, are deemed medically necessary to permit or facilitate the patient's departure from the hospital; and

(iii) Are ordinarily furnished by such hospital for the care and treatment of inpatients.

(2) *Supplies, appliances, and equipment.* Supplies, appliances, and equipment are included as inpatient hospital services only:

(i) If ordinarily furnished by such hospital for the care and treatment of inpatients, and;

(ii) If furnished to an inpatient for use in the hospital, except in the case of a temporary or disposable item provided to an inpatient for use beyond his hospital stay which is medically necessary to permit or facilitate the patient's departure from the hospital and which is required until such time as the patient can obtain a continuing supply, or in cases where it would be unreasonable or impossible from a medical standpoint to discontinue the patient's use of the item at the time of termination of his stay as an inpatient. (For example, tracheostomy or draining tubes, or cardiac valves and cardiac pacemakers.)

(e) *Diagnostic or therapeutic items or services.* Diagnostic or therapeutic items or services other than those provided for in paragraphs (c), (d), and (f) of this section, are considered as inpatient hospital services if furnished by the hospital, or by others under arrangements made by the hospital under which the billing for such services is made through such hospital and if such services are of a kind ordinarily furnished to inpatients either by such hospital or by others under such arrangements.

* * * * *

7. In § 405.120, paragraphs (a), (b) (2), and (d) are revised to read as follows:

§ 405.120 Posthospital extended care services; scope of benefits.

(a) *Benefits and conditions for entitlement.* (1) An individual who meets the requirements described in § 405.102, is eligible to have payment made on his behalf to a participating extended care facility (see § 405.150) for up to 100 days of extended care services (§ 405.124) furnished to him in a spell of illness if he is admitted to such extended care facility within 14 days (as defined in paragraph (d) of this section) after his discharge from a hospital in which he was an inpatient for not less than 3 consecutive calendar days (as defined in paragraph (c) of this section) and such discharge occurred on or after the first day of the month in which the individual attained age 65, or after June 30, 1966, whichever is later.

(2) For purposes of this section the term "hospital," with respect to hospital discharges occurring on or before December 31, 1967, means a hospital (including a psychiatric or tuberculosis hospital) which meets the requirements of paragraphs (1), (2), (3), (4), (5), and (7) of section 1861(e) of the Act, whether or not it meets the requirements of paragraphs (6) and (8) thereof (see § 405.1001). A nonparticipating psychiatric or tuberculosis hospital need not meet the special requirements which apply to psychiatric and tuberculosis hospitals (see §§ 405.1036–405.1040). With respect to hospital discharges occurring on or after January 1, 1968, such term shall mean a hospital (including a psychiatric or tuberculosis hospital) which meets the requirements described in § 405.152(a)(1).

(b) *Services for which payment is not made.* * * *

(2) Where an individual who has been furnished posthospital extended care services is discharged from the extended care facility, no payment may be made for any subsequent extended care services furnished during such spell of illness unless he is again hospitalized for at least 3 consecutive days and the other conditions in paragraph (a) of this section are met; however, for purposes of this subparagraph, an individual is not deemed to have been discharged from an extended care facility in which he has been receiving posthospital extended care services, if, within 14 days (as defined in paragraph (d) of this section) after discharge therefrom, he is readmitted to the same, or any other, participating extended care facility.

* * * * *

(d) *Fourteen-day period; defined.* For the purposes of paragraphs (a) and (b) of this section, "within 14 days" means the period of 14 consecutive calendar days (including Saturdays, Sundays, legal holidays, and days, all or part of which are declared to be a nonworkday for Federal employees by statute or Executive order) beginning with the calendar day following the day of discharge from the hospital or extended care facility, as appropriate.

* * * * *

8. Section 405.122 is revised to read as follows:

§ 405.122 Posthospital extended care services; services considered for purposes of limitation on days of coverage.

For purposes of the limitation on days of coverage (see §§ 405.120(b) and 405.121), extended care services furnished an individual are taken into account only if one or more of the following conditions apply to such services:

(a) Payment is made with respect to such services;

(b) Payment would be made except for failure to comply with the request for payment and certification requirements described in § 405.165; or

(c) Payment cannot be made for such services because of coinsurance requirements described in § 405.124.

9. In § 405.124, paragraph (a) is revised to read as follows:

§ 405.124 Posthospital extended care services; coinsurance amount.

(a) *Spell of illness beginning before 1969.* In any case in which an individual is furnished posthospital extended care services for more than 20 days during a spell of illness beginning before 1969, the amount payable for posthospital extended care services furnished after such 20th day is reduced by a coinsurance amount equal to $5 for each day (or the actual charge when charges are less than $5 a day) such services are furnished after the 20th day and before the 101st day on which he is furnished such services during such spell of illness.

* * * * *

10. In § 405.125, paragraphs (a)(6), (a)(7), (c), (d), (e), and (f) are revised to read as follows:

§ 405.125 Extended care services; defined.

(a) *Items and services included.* * * *

(6) Medical services provided by an intern or resident-in-training;

(7) Diagnostic or therapeutic services; and

* * * * *

(c) *Bed and board.* Posthospital extended care facility bed and board is covered in full in accommodations containing two to four beds and in extended care facilities in which all accommodations are on a ward basis and charges are not related to the number of beds in a room. Private accommodations are covered in full only where their use is medically indicated, ordinarily when the patient's condition requires him to be isolated. Where private accommodations are furnished for the patient's comfort and their use is not medically indicated, only the reasonable cost of accommodations containing two to four beds is payable under this Subpart A. Where accommodations less expensive than accommodations containing two to four beds are furnished a patient and the use of these accommodations was neither at the request of the patient nor for a reason consistent with the purposes of the Act, the amount payable for bed and board (not to exceed the reasonable cost of such accommodations) is the reasonable cost of two to four bed accommodations minus the difference between the customary charges for such accommodations and the customary charges for the accommodations furnished.

(d) *Physical, occupational or speech therapy.* Physical, occupational or speech therapy services are considered as extended care services if furnished by the extended care facility or if furnished by others under arrangements with them made by the facility under which the billing for such services is through such extended care facility.

(e) (1) *Drugs and biologicals.* Drugs and biologicals are included as extended care services only if they:

(i) Represent a cost to the extended care facility in rendering such services;

(ii) Are furnished to an inpatient for use in the extended care facility or, with respect to a limited supply required until the patient can obtain a continuing supply, are deemed medically necessary to permit or facilitate the patient's departure from the extended care facility; and

(iii) Are ordinarily furnished by such extended care facility for the care and treatment of inpatients.

(2) *Supplies, appliances, and equipment.* Supplies, appliances, and equipment are included as extended care services only;

(i) If ordinarily furnished by such extended care facility for the care and treatment of inpatients, and;

(ii) If furnished to an inpatient for use in the extended care facility except in the case of a temporary or disposable item provided to an inpatient for use beyond his stay which is medically necessary to permit or facilitate the patient's departure from the extended care facility and which is required until such time as the patient can obtain a continuing supply, or in cases where it would be unreasonable or impossible from a medical standpoint to discontinue the patient's use of the item at the time of termination of his stay as an inpatient. (For example, a brace temporarily attached to the patient's body while he is receiving treatment as an inpatient and which is needed to facilitate departure from the extended care facility.)

(f) *Medical services provided by an intern or resident-in-training.* Medical services provided by an intern or resident-in-training are included as extended care services if provided by an intern or resident-in-training of a hospital with which the extended care facility has in effect an agreement for the transfer of patients and exchange of medical records (see § 405.1133), and under a teaching program of such hospital approved in accordance with the provisions described in § 405.116(f).

* * * * *

11. In § 405.131, paragraphs (a), (c), and (d) are revised to read as follows:

§ 405.131 Posthospital home health services; benefits provided.

* * * * *

(a) To an individual who is under the care of a physician (other than a doctor of podiatry or surgical chiropody);

* * * * *

(c) Within the 1-year period after the individual's most recent discharge from a hospital (as defined in § 405.120(a)(2)) in which he was an inpatient for at least 3 consecutive days (see § 405.120(c)), or, if later, after his most recent discharge from an extended care facility in which he was an inpatient and entitled to have payment made for services furnished therein;

(d) Under a plan of treatment, established and periodically reviewed by a physician (other than a doctor of podiatry or surgical chiropody), which was established within 14 days after the date of the individual's discharge specified in paragraph (c) of this section; and

* * * * *

12. Sections 405.141—405.142 are revised to read as follows:

§ 405.141 Outpatient hospital diagnostic services; conditions.

(a) An individual who meets the requirements set forth in § 405.102, is eligible to have payment made on his behalf to a participating hospital (or under the conditions described in §§ 405.152, 405.153, or 405.157) for outpatient hospital diagnostic services (described in § 405.145) furnished to him on or before March 31, 1968, if such items and services:

(1) Are furnished during a diagnostic study (see § 405.144);

(2) Are furnished to him on an outpatient basis;

(3) Are furnished by the hospital or if furnished by others under arrangements made by the hospital, are furnished in the hospital or in other facilities operated by or under the supervision of the hospital or its organized medical staff; and

(4) Are of the type ordinarily furnished by the hospital (or by others under such arrangement described in subparagraph (3) of this paragraph) to the hospital's outpatients for the purposes of diagnostic study.

(b) Diagnostic tests and services furnished on or before March 31, 1968, may also be covered as "medical and other health services" under the supplementary medical insurance benefits plan (see Subpart B of this part if they could not be covered under this Subpart A.

§ 405.142 Outpatient hospital diagnostic services; deductibles.

Any payment under this Subpart A for outpatient hospital diagnostic services furnished during a diagnostic study (see § 405.144) beginning before April 1, 1968, is reduced by:

(a) $20; plus

(b) 20 percent of the reasonable cost for such services in excess of $20.

13. Sections 405.144–405.145 are revised to read as follows:

§ 405.144 Outpatient hospital diagnostic services; diagnostic study defined.

(a) Subject to the provisions of paragraph (b) of this section, a "diagnostic study" for purposes of §§ 405.141 and 405.142 consists of the outpatient hospital diagnostic services provided by (or under arrangements made by) the same hospital during the 20-day period beginning on the first day (not included in a previous diagnostic study) on which the individual meets the requirements described in § 405.102 and on which he is furnished outpatient hospital diagnostic services. The tests and procedures furnished for the purpose of a diagnostic study need not be related to a single illness or condition.

(b) All diagnostic study periods beginning on or after March 12, 1968, and before April 1, 1968, will end as of March 31, 1968, subject to the applicable deductible described in § 405.142.

§ 405.145 Outpatient hospital diagnostic services; defined.

(a) The term "outpatient hospital diagnostic services" includes diagnostic services if furnished under the conditions described in § 405.141. Services of a physician (except services of interns and residents under approved teaching programs—see § 405.522) are excluded. Also excluded are any items or services which would not be included as an "inpatient hospital service" as enumerated in § 405.116 if furnished to an inpatient of a hospital.

(b) Effective with services furnished on or after April 1, 1968, coverage of outpatient hospital diagnostic services is transferred from this Subpart A to the supplementary medical insurance benefits plan described in Subpart B of this part.

14. Sections 405.150–405.152 are revised to read as follows:

§ 405.150 Payment for services furnished; general.

Amounts payable under the provisions described in this Subpart A for inpatient hospital services, posthospital extended care services, posthospital home health services or outpatient hospital diagnostic services furnished to an individual are payable, except as provided in §§ 405.152, 405.153, 405.156, and 405.157, only to a participating provider of services, that is, a provider which has entered into an agreement with the Secretary under the conditions described in Subpart F of this Part 405.

§ 405.151 Payment for services furnished; determination of amount payable based on reasonable cost.

The amount payable to any provider (and under the provisions described in §§ 405.152 and 405.153) with respect to services for which payment may be made under this Subpart A is, subject to the provisions for reducing such payment (see §§ 405.113, 405.114, 405.115, 405.123, 405.124, and 405.142), based on the reasonable cost of such services. The method of determining "reasonable cost" is discussed in Subpart D of this Part 405.

§ 405.152 Payment for services furnished; nonparticipating hospital furnishing emergency services.

(a) Payment (in amounts as determined in accordance with § 405.151) may be made to a hospital even though the hospital is not a participating provider (i.e., it has not entered into an agreement with the Secretary, pursuant to section 1866 of the Act—see § 405.606) if:

(1) The hospital meets the requirements of section 1861(e) (5) and (7) of the Act (see § 405.1001(a)), and:

(i) Is primarily engaged in providing under the supervision of a doctor of medicine or osteopathy the services described in section 1861(e)(1); and

(ii) Is not primarily engaged in providing the services described in section 1861(j)(1)(A) (see § 405.1101(a));

(2) The services furnished are emergency services (see paragraph (b) of this section) furnished an individual who meets the requirements of § 405.102;

(3) The services are furnished by the hospital or by others under an arrangement made by the hospital;

(4) The hospital agrees to comply, with respect to the services furnished, with the provisions of Subpart F of this Part 405 regarding the charges for such services which may be imposed on the individual or any other person, and the return of any money incorrectly collected;

(5) The hospital has filed and the Administration has accepted (with respect to services furnished after December 31, 1967), the hospital's election to claim payment from the health insurance program for all emergency services furnished in a calendar year under title XVIII of the Act (see § 405.658);

(6) Written request for payment is filed by, or on behalf of the individual to whom such services were furnished;

(7) Payment for the services would have been made if an agreement under § 405.606 had been in effect with the hospital and the hospital otherwise met the conditions for payment;

(8) The hospital's claim for payment is filed with the Administration and is accompanied (attached thereto or as part thereof) by a physician's statement describing the nature of the emergency and stating that the emergency services rendered were necessary to prevent the death of the individual or the serious impairment of his health. The statement must be sufficiently comprehensive to support a finding (see § 405.191) that an emergency existed. Where the hospital files a second or subsequent claim with respect to such emergency situation, such second or subsequent claim must be accompanied by a physician's statement containing sufficient information to indicate clearly that the emergency situation still existed. When inpatient hospital services are involved, an initial or subsequent physician's statement (as appropriate) must include the date when, in the physician's judgment, the emergency ceased.

(b) For purposes of the hospital insurance benefits program, "emergency services" are those inpatient hospital services (see § 405.116) and outpatient hospital diagnostic services (furnished before April 1968—see § 405.145) which are necessary to prevent the death or serious impairment of the health of the individual, and which, because of the threat to the life or health of the individual, necessitate the use of the most accessible hospital (see § 405.192) available and equipped to furnish such services. (With respect to outpatient hospital services furnished on or after April 1, 1968—see § 405.249.)

15. In § 405.153, paragraph (c) is revised to read as follows:

§ 405.153 Payment for services; hospital outside the United States furnishing emergency services.

* * * * *

(c) The conditions set forth in § 405.152(a) (4) and (7) are met.

16. Sections 405.156–405.158 are added to read as follows:

§ 405.156 Payment to entitled individual for services furnished by a nonparticipating hospital; inpatient admission before January 1, 1968.

(a) Subject to the conditions and limitations in the succeeding paragraphs of this section an individual may, with respect to an inpatient hospital admission before January 1, 1968, receive payment (see § 405.158) on the basis of an itemized hospital bill for inpatient hospital services furnished by (or under arrangements made by) a hospital after June 1966, if at the time such services were furnished:

(1) The individual met the conditions for entitlement to hospital insurance benefits under the provisions described in this Subpart A (see § 405.102);

(2) The hospital did not have an agreement in effect pursuant to the provisions of § 405.606 (relating to provider agreements for participation in the health insurance program) but would have been eligible, subject to the conditions and limitations set out in this Part 405 and title XVIII of the Act, to receive payment with respect to such services if at the time such services were furnished the hospital had such an agreement in effect;

(3) The hospital met the requirements of section 1861(e) (5) and (7) of the Act (see § 405.1001(a)) and (i) was primarily engaged in providing under the supervision of a doctor of medicine or osteopathy the services described in section 1861(e)(1) and (ii) was not primarily engaged in providing the services described in section 1861(j)(1)(A) of the Act (see § 405.1101(a));

(4) The hospital did not meet the requirements that must be met to permit payment to be made to the hospital under the provisions of this Subpart A; and

(5) Written application for payment is filed with the Administration before January 1, 1969, by or on behalf of the individual to whom the services were furnished.

(b) Benefits may be paid to an individual pursuant to paragraph (a) of this section for:

(1) 20 days of inpatient hospital services furnished during a spell of illness, less 1 day for each day in excess of 70 days for which the individual is otherwise entitled to have payment made under this Subpart A during such spell of illness; or

(2) 90 days of inpatient hospital services furnished during a spell of illness, less 1 day for each day for which the individual is otherwise entitled to have payment made under this Subpart A during such spell of illness, but only if the hospital furnishing such services enters into an agreement pursuant to § 405.606 before January 1, 1969, and furnishes to the Administration (with respect to the individual's application for payment) a determination pursuant to the hospital's utilization review plan (see § 405.1035) regarding the need for more than 20 days of inpatient hospital services during such spell of illness.

(c) Benefits may not be paid to an individual pursuant to paragraph (a) of this section for expenses incurred for items or services that are paid for directly, or indirectly, by any governmental entity (e.g., services which have been paid for by a public welfare plan or program, or services furnished by a Federal hospital).

§ 405.157 Payment to entitled individual for emergency services furnished after 1967.

An individual entitled to hospital insurance benefits (see § 405.102) may receive payment on the basis of an itemized hospital bill (see § 405.158) for inpatient hospital services furnished with respect to an admission to the hospital on or after January 1, 1968, and for outpatient hospital diagnostic services furnished on or after January 1, 1968, and before April 1, 1968, if:

(a) The services are furnished by a nonparticipating hospital and would otherwise constitute emergency services for which payment may be made under the provisions of § 405.152, if such hospital had filed, and the Administration had accepted, the hospital's election to claim payment for all such emergency services; and

(b) Written application for payment is filed with the Administration by, or on behalf of, the individual to whom the services were furnished.

§ 405.158 Payment to entitled individual; determination of amount payable for services furnished by a nonparticipating hospital.

(a) *Inpatient hospital services.* (1) The amount payable to any individual with respect to payment under this Subpart A for inpatient hospital services (including emergency inpatient services) furnished by a nonparticipating hospital (see §§ 405.156 and 405.157) is, subject to the provisions of §§ 405.113 through 405.115 for reducing such payment, equal to 60 percent of the hospital's reasonable charges for routine services furnished in accommodations occupied by the individual, or in accommodations containing from two to four beds, whichever is less; plus

(2) 80 percent of the reasonable charges for ancillary services. If the hospital does not make separate charges for such routine and ancillary services, payment (subject to the applicable deductions) will be equal to two-thirds of the hospital's reasonable charges for the inpatient services received, not to exceed charges based on accommodations containing from two to four beds.

(b) *Emergency outpatient hospital diagnostic services.* The amount payable to any individual with respect to payment under this Subpart A for emergency outpatient hospital diagnostic services furnished by a nonparticipating hospital on or after January 1, 1968, and before April 1, 1968 (see § 405.157) is, subject to the provisions of § 405.142 for reducing such payment, equal to 80 percent of the hospital's reasonable charge for such services.

(c) *Routine and ancillary services; defined.* For purposes of this section the term "routine services" means the regular room, dietary and nursing services, minor medical and surgical supplies, and the use of equipment and facilities for which a separate charge is not customarily made. Charges for two to four bed accommodations or the accommodations occupied, whichever is less, will be the basis for the routine charges allowed. The term "ancillary services" means those covered special services for which charges are customarily made over and above those for routine services.

17. In § 405.160, paragraphs (a), (1), (2), (b), (1), (2), (c), (1), and (2) are revised to read as follows:

§ 405.160 Payment to participating hospital for inpatient hospital services; conditions for payment.

(a) *Inpatient hospital services.* Payment may be made to a participating hospital for inpatient hospital services (other than inpatient psychiatric or tuberculosis hospital services) furnished an individual if:

(1) Written request for payment is filed by, or on behalf of the individual to whom the services were furnished;

(2) When required, a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that such inpatient hospital services were required to be given on an inpatient basis for the individual's medical treatment, or that inpatient diagnostic study was medically required and the services were necessary for such purpose; and

* * * * *

(b) *Inpatient psychiatric hospital services.* Payment may be made to a participating hospital for inpatient psychiatric hospital services furnished an individual if:

(1) Written request for payment is filed by or on behalf of the individual to whom the services were furnished;

(2) When required, a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that such inpatient psychiatric hospital services were required to be given on an inpatient basis, by or under the supervision of a physician, for the psychiatric treatment of the individual, and

* * * * *

(c) *Inpatient tuberculosis hospital services.* Payment may be made to a participating hospital for inpatient tuberculosis hospital services furnished an individual if:

(1) Written request for such payment is filed by or on behalf of the individual to whom the services were furnished;

(2) When required, a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part), that such services were required to be given on an inpatient basis, by or under the supervision of a physician, for the treatment of tuberculosis and such treatment could reasonably be expected to improve the condition or render the condition noncommunicable;

* * * * *

18. In § 405.161, paragraphs (a) and (a)(2) are revised to read as follows:

§ 405.161 Payment for inpatient hospital services; furnished after 90- or 150-day limit or after 190-day limit.

(a) Even though an individual is not entitled to have payment made under this Subpart A for inpatient hospital services because of the 90-day or up to 150-day (as appropriate) benefit limitation for a spell of illness as described in § 405.110(c), or the 190-day lifetime benefit limitation on inpatient psychiatric hospital services see § 405.110(d), payment may be made for the inpatient hospital services furnished after such 90th or 150th day or after such 190th day in the case of inpatient psychiatric hospital services if:

* * * * *

(2) The individual has exhausted the additional 60 days of inpatient hospital services for which he is entitled to have payment made (see § 405.110(a)(2)) and payment is precluded only because of the limitations on days of services discussed in §§ 405.110–405.112 inclusive;

* * * * *

19. Sections 405.162–405.163 are revised to read as follows:

§ 405.162 Prohibition against payment for inpatient hospital services furnished after utilization review finding that further services are not medically necessary.

Where pursuant to a system of utilization review (see § 405.1035), a finding has been made that further inpatient hospital services are not medically necessary, payment may be made only for those inpatient hospital services furnished before the fourth day following the day on which the hospital received notice of such finding.

§ 405.163 Prohibition against payment for inpatient hospital services furnished after 20th consecutive day by a hospital which has failed to make timely utilization review.

Where the Secretary has determined that a hospital has substantially failed to make timely utilization review (see § 405.617) in long stay cases and has imposed the limitation on days of services provided in section 1866(d), no payment may be made under this Subpart A for inpatient hospital insurance services furnished by such hospital to any individual after the 20th consecutive day on which such services have been furnished to him if the individual is admitted after the effective date of such determination.

20. In § 405.165, paragraphs (a), (b), and (b)(1) are revised to read as follows:

§ 405.165 Payment for posthospital extended care services; conditions.

* * * * *

(a) Written request for such payment is filed by or on behalf of the individual to whom such services were furnished;

(b) When required, a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that such services were required to be given on an inpatient basis because the individual needed skilled nursing care on a continuing basis:

(1) For any of the conditions with respect to which he was receiving inpatient hospital services (or services which would constitute inpatient hospital services if the institution had met the necessary requirements relating respectively to a utilization review plan (see § 405.1035) and such other requirements as the Secretary finds necessary in the interest of health and safety (see

§ 405.1001 et seq) for qualification as a "hospital") prior to transfer to the extended care facility; or

* * * * *

21. Sections 405.166–405.167 are revised to read as follows:

§ 405.166 Prohibition against payment for posthospital extended care services furnished after a utilization review finding that services are not medically necessary.

Where pursuant to a system of utilization review (see § 405.1137), a finding has been made that further posthospital extended care services are not medically necessary, payment may be made only for those posthospital extended care services furnished before the fourth day following the day on which the extended care facility received notice of such finding.

§ 405.167 Prohibition against payment for services furnished by a facility which fails to make timely utilization review.

Payment may not be made for posthospital extended care services furnished an individual on any day after the 20th consecutive day on which such services have been furnished the individual, if such individual is admitted to the extended care facility after the effective date of the Secretary's determination (which can be effective only after notice to the facility and the hospital or hospitals with which it has a transfer agreement, and to the public) that such facility has substantially failed to make timely utilization review (see § 405.617) of long stay cases, and that payment for posthospital extended care services is to be so limited. For prohibition against payment for inpatient hospital services furnished after failure to make timely utilization review, see § 405.163.

22. In § 405.170, paragraphs (a), (b), (b)(3), and (b)(4) are revised to read as follows:

§ 405.170 Payment for posthospital home health services; conditions.

* * * * *

(a) Written request for such payment is filed by or on behalf of the individual to whom such services are furnished;

(b) When required, a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that:

* * * * *

(3) A plan for furnishing such services to such individual has been established and is periodically reviewed by a physician (other than a doctor of podiatry or surgical chiropody); and

(4) The services were furnished while the individual was under the care of a physician (other than a doctor of podiatry or surgical chiropody).

23. Section 405.175 is revised to read as follows:

§ 405.175 Payment to participating hospital for outpatient hospital diagnostic services; conditions.

Payment may be made to a participating hospital for outpatient hospital diagnostic services furnished before April 1968 (see §§ 405.141–405.145), only if:

(a) Written request for such payment is filed by or on behalf of the individual to whom such services were furnished; and (in the case of such services furnished before January 3, 1968);

(b) A physician (other than a doctor of podiatry or surgical chiropody) certifies (see Subpart P of this part) that such services were required for diagnostic study.

24. Sections 405.191 and 405.192 are added to read as follows:

§ 405.191 Emergency services; finding that an emergency existed and/or has ceased.

(a) *General.* Payment to a nonparticipating hospital for emergency services (as defined in § 405.152(b)) can be made only for the period during which the emergency exists.

(b) *Objective.* The objective of paragraph (a) of this section is to limit reimbursement for emergency inpatient hospital services only to periods during which the patient's state of injury or disease is such that a health or life-endangering emergency existed and continued to exist, requiring immediate care which could only be provided in a hospital.

(1) The finding that an emergency existed and/or has ceased will ordinarily be supported by medical evidence including the attending physician's supporting statement (see § 405.152(a)(8)) and, when appropriate, information furnished by the hospital. However, a statement by the physician or hospital that an emergency existed, in the absence of sufficient medical information to establish the actual emergency, will not constitute sufficient evidence of the existence of an emergency.

(2) An emergency no longer exists when it becomes safe from a medical standpoint to move the individual to a participating hospital or other institution, or to discharge him.

(3) Existence of medical necessity for emergency services is based on the physician's assessment of the patient prior to admission to the hospital. Therefore, conditions developing after a nonemergent admission are not considered emergency services for purposes of this subparagraph.

(4) Death of the patient during hospitalization will not necessarily establish the existence of an emergency, as some chronically ill patients, while requiring long terminal hospitalization, are not in need of immediate hospitalization, so that care in a participating hospital can be planned. Similarly, lack of adequate care at home does not necessarily establish need for emergency services.

(5) Lack of transportation to a participating hospital does not constitute a reason for emergency hospital admission, unless there is also an immediate threat to the life and health of the patient.

§ 405.192 Emergency services; finding of accessibility.

(a) *General.* Services, to be emergency services (as defined in § 405.152(b)), must be furnished by the most accessible hospital available and equipped to furnish such services.

(b) *Objectives.* The objective of the requirement in paragraph (a) of this section is to limit reimbursement for emergency inpatient hospital services provided by nonparticipating hospitals to situations where transport of the patient to a participating hospital would have been medically inadvisable, e.g., the participating hospital would have taken longer to reach and the patient's condition necessitated immediate admission for hospital services; and for so long as that condition precluded the patient's discharge or removal to a participating hospital.

(1) In emergency situations, time is a crucial factor and the patient must ordinarily receive hospital care as soon as possible. Under such circumstances, all factors must be considered which bear on whether or not the required care could be provided sooner in the nonparticipating hospital than in a participating hospital in the general area. The determination must take account of such matters as relative distances of the participating and nonparticipating hospitals, the transportation facilities available to these hospitals, the quality of the roads to each hospital, the availability of beds at each hospital, and any other relevant factors. All of these factors are pertinent to a determination of whether a hospital is "the nearest," or "further away," or "closer to" the place where the emergency occurred.

(2) The considerations referred to in subparagraph (1) of this paragraph are generally applicable to rural areas, where hospitals are likely to be spaced far apart. In urban and suburban areas, where both participating and nonparticipating hospitals are similarly available, it will be presumed that the services could have been provided in a participating hospital. This presumption can be overcome only by clear and convincing evidence showing the medical or practical necessity in each individual case for taking the patient to a nonparticipating hospital instead of a similarly available participating hospital.

(3) There are some situations requiring prompt removal of a patient to a hospital but in which there was no immediate need, of the kind described in subparagraph (1) of this paragraph, to rush the patient to a hospital, i.e., his condition, while requiring prompt attention in a hospital, indicated there was some time available to get him to one. In such cases the services provided in a nonparticipating hospital are not covered as emergency inpatient hospital services if there was a participating hospital in the same general area but further away from the place where the emergency occurred, provided that professional judgment confirms that the additional time required to take the patient to the participating hospital would not have been hazardous to the patient.

(4) The determination whether the nonparticipating hospital which claims reimbursement is the most "accessible" hospital will be made on the basis of the considerations set forth in paragraphs (c) and (d) of this section; interpreted in accordance with the statement of objectives in this paragraph (b). The personal preference of a patient, or of his physician, or of members of his family, or others, in the selection of a hospital, will not be considered a factor in determining whether services were furnished by the most accessible hospital. Nor will the nonavailability of staff privileges to the attending physician in a participating hospital which is available and most accessible to the patient, or the location of previous medical records, be considered a factor in the determination of accessibility.

(c) *Conditions under which the accessibility requirement will be met.* Where an individual must be taken to a hospital immediately for required diagnosis or medical treatment, the accessibility requirement will be met, except as provided in paragraph (d) of this section, if it is established to the satisfaction of the Administration that:

(1) The nonparticipating hospital which furnished the emergency services is the nearest hospital to the point at which the emergency occurred (subject to the presumption contained in paragraph (b)(2) of this section); and, if there is a similarly available participating hospital, the evidence shows the medical or practical necessity for taking the patient to a nonparticipating hospital; or

(2) One or both of the following reasons apply:

(i) No closer participating hospital has a bed available or will accept the individual; or

(ii) The nonparticipating hospital is the nearest one equipped medically to deal with the type of emergency involved; or it is the nearest hospital which is equipped to handle the emergency which had a bed available when the emergency occurred.

(d) *Conditions under which the accessibility requirement will not be met.* The accessibility requirement will not be met if:

(1)(i) The diagnosis in the emergency claim or other evidence indicates there was some time for getting the individual to a hospital, and no immediate need to rush him to one; and

(ii) There is a participating hospital in the area which is further away from the point at which the emergency occurred than the nonparticipating hospital, but is equipped to handle such an emergency; and

(iii) The additional time it would have required to take the individual to the participating hospital would not have been hazardous to the patient; or

(2) There is a participating hospital, equipped to handle the emergency with a bed available, closer to where the emergency occurred than the nonparticipating hospital in which the beneficiary received emergency services; and neither of the reasons described in paragraph (c)(2) of this section apply.

[F.R. Doc. 69-7812; Filed, July 2, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Notification to Public Agencies of Surplus Property for Zoning and Acquisition Purposes

NOTE: Due to inadvertent errors, this document which formerly appeared in the issue for Thursday, June 26, 1969, at page 9858, is being republished.

The Intergovernmental Cooperation Act of 1968, 82 Stat. 1098, among other things, amended the Federal Property and Administrative Services Act of 1949, as amended, to add a new title VIII thereto entitled "Urban Land Utilization." Section 803 thereof, requires that the unit of general local government having jurisdiction over zoning and land use regulations be notified prior to offering for sale real property situated in an urban area to afford that local governmental unit the opportunity of such zoning for the use of the land in accordance with local comprehensive planning. It also provides that prospective purchasers be furnished with such zoning information and advice as availability of streets, sidewalks, water, street lights, and other service facilities. This amendment to Part 101–47 implements section 803 of the Federal Property Act, and makes other incidental revisions in the regulations. The requirement to give the local governmental unit the opportunity to zone in accordance with local comprehensive planning prior to offering for sale supersedes the previous practice of soliciting comprehensive and coordinated plans from the local public agencies for the use and procurement of surplus real property.

The table of contents for Part 101–47 is amended by adding three entries, as follows:

Sec.	
101–47.303–2a	Notice for zoning purposes.
101–47.4906a	Attachment to notice sent to zoning authority.
101–47.4906b	Paragraph to be added to letter sent to zoning authority.

Subpart 101–47.3—Surplus Real Property Disposal

1. Section 101–47.303–2 is amended as follows:

§ 101–47.303–2 Disposals to public agencies.

Citations of the statutes authorizing the disposal of property to public agencies, the type of property the public agencies may procure under each statute, and the public agencies eligible to procure such property are given in § 101–47.4905.

* * * * *

(f) If the disposal agency is not informed within the 20-calendar-day period provided in the notice of the desire of a public agency to acquire the property under the provisions of the statutes listed in § 101–47.4905, or is not notified by the Department of Health, Education, and Welfare of a potential educational or public health requirement, it shall be assumed that no public agency or nonprofit institution desires to procure the property.

(g) The disposal agency shall promptly review each response of a public agency to the notice given pursuant to § 101–47.303–2(b). The disposal agency shall determine what constitutes a reasonable period of time to allow the public agency to develop and submit a formal application for the property. When making such determination, the disposal agency shall give consideration to the potential suitability of the property for the use proposed, the length of time the public agency has stated it will require to develop and submit a formal application, the protection and maintenance costs to the Government during such length of time, and any other relevant facts and circumstances. The disposal agency shall coordinate such review and determination with the proper regional office of any interested Federal agencies listed below:

(1) Bureau of Outdoor Recreation, Department of the Interior;

(2) Department of Health, Education, and Welfare;

(3) Federal Aviation Administration, Department of Transportation;

(4) Fish and Wildlife Service, Department of the Interior; and

(5) Federal Highway Administration, Department of Transportation.

(h) When the disposal agency has made a determination as to what constitutes a reasonable period of time to develop and submit a formal application, the public agency shall be so notified. The public agency shall be advised of the information required in connection with an application to procure the property.

(i) Upon receipt of the formal application for the property, the disposal agency shall consider and act upon it in accordance with the provisions of the statute and applicable regulations.

2. New § 101–47.303–2a is added as follows:

§ 101–47.303–2a Notice for zoning purposes.

(a) Where the surplus land is located in an urban area as defined in section 806 of the Act, that copy of the notice to public agencies required under § 101–47.303–2(b) which is sent to the head of the local governmental unit having jurisdiction over zoning and land use regulation in the area shall be accompanied by a copy of section 803 of the Act (see § 101–47.4906a) and the transmittal letter in such instances shall include an additional paragraph requesting information concerning zoning as set forth in § 101.47.4906b.

(b) Information which is furnished by the unit of general local government pursuant to the action taken in paragraph (a) of this section shall be included in Invitations for Bid in advertised sales. In negotiated sales, this information

shall be presented to prospective purchasers during the course of the negotiations and shall be included in the sales agreements. In either instance, this information shall be followed by a written statement, substantially as follows:

The above information was obtained from _____ and is furnished pursuant to section 803 of the Federal Property and Administrative Services Act of 1949, as amended. The Government does not guarantee that the information is necessarily accurate or will remain unchanged. Any inaccuracies or changes in the above information shall not be cause for adjustment or rescission of any contract resulting from this Invitation for Bid or Sales Agreement.

(c) If no response to a request for such zoning information is received, the property may be offered for sale without furnishing such information to prospective purchasers. If the unit of general local government notifies the disposal agency of its desire to zone the property, it shall be afforded a 30-calendar-day period (in addition to the 20-calendar days afforded in the notice of surplus determination) to issue such zoning regulations. If the zoning cannot be accomplished within this time frame, the sale may proceed but the prospective purchasers shall be advised of the pending zoning of the property.

Subpart 101–47.49—Illustrations

1. Section 101–47.4906 is revised as follows:

§ 101–47.4906 Sample notice to public agencies of surplus determination.

NOTICE OF SURPLUS DETERMINATION—GOVERNMENT PROPERTY

_____
(Date)

_____
(Name of property)

_____
(Location)

Notice is hereby given that the _____
(Name of property)

_____, has been determined to be surplus Government property. The property consists of 1,333.65 acres of fee land and a 5.968-acre drainage ditch easement, together with installed landing stripe, taxiways, walks, roads, parking area, electrical system, and fencing.

This property is surplus property available for disposal pursuant to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and applicable regulations. The applicable regulations provide that public agencies (non-Federal) shall be allowed a reasonable period of time to submit a formal application for surplus real property in which they may be interested. Disposal of this property, or portions thereof, may be made to public agencies for the public uses stated below whenever the Government has determined that the property is available for such uses and that disposal thereof is authorized by the statutes cited and applicable regulations: [1]

Statute	*Type of disposal*
50 U.S.C. App. 1622(h)	Public park, recreational area, or historic monument.
40 U.S.C. 484(k)(1)(A)	School, classroom, or other educational purposes.
40 U.S.C. 484(k)(1)(B)	Protection of public health, including research.
50 U.S.C. App. 1622(g)	Public airport.
23 U.S.C. 107 and 317	Federal aid and certain other highways.
40 U.S.C. 484(e)(3)(H)	Negotiated sales to public bodies for use for public purposes generally. [2]

If any public agency desires to acquire the property under cited statutes, notice thereof in writing must be filed with _____ (Name of _____, _____, be-
disposal agency) (Address)
fore _____ Standard
(Hour and zone)
Time, _____, _____. [3] Such notice
(Day) (Date)
shall:

1. Disclose the contemplated use of the property;

2. Contain a citation of the applicable statute or statutes under which the public agency desires to procure the property;

3. Disclose the nature of the interest if an interest less than fee title to the property is contemplated;

4. State the length of time required to develop and submit a formal application for the property (where a payment to the Government is required under the statute, include a statement as to whether funds are available and, if not, the period required to obtain funds); and

5. Give the reason for the time required to develop and submit a formal application.

Any planning for an educational or a public health use of property sought to be acquired subject to a public benefit allowance must be coordinated with the Department of Health, Education, and Welfare _____. An
(Address of proper regional office)
application form to acquire property for an educational or public health requirement, and instructions for the preparation and submission of an application, may be obtained from that office. Application forms or instructions to acquire property for all other public use requirements may be obtained from _____ _____. [4]
(Name of disposal agency) (Address)

Upon receipt of such written notice, the public agency shall be promptly informed concerning the period of time that will be allowed for submission of a formal application.

In the absence of such written notice, or in the event a public use proposal is not approved, the regulations issued pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, provide for offering the property for sale for its highest and best use.

2. New §§ 101–47.4906a and 101–47.4906b are added as follows:

§ 101–47.4906a Attachment to notice sent to zoning authority.

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, AS AMENDED

TITLE VIII—URBAN LAND UTILIZATION

DISPOSAL OF URBAN LANDS

SEC. 803

(a) Whenever the Administrator contemplates the disposal for or on behalf of any Federal agency of any real property situated within an urban area, he shall, prior to offering such land for sale, give reasonable notice to the head of the governing body of the unit of general local government having jurisdiction over zoning and land-use regulation in the geographical area within which the land or lands are located in order to afford the government the opportunity of zoning for the use of such land in accordance with local comprehensive planning.

(b) The Administrator, to the greatest practicable extent, shall furnish to all prospective purchasers of such real property, full and complete information concerning:

(1) Current zoning regulations and prospective zoning requirements and objectives for such property when it is unzoned; and

(2) Current availability to such property of streets, sidewalks, sewers, water, street lights, and other service facilities and prospective availability of such services if such property is included in comprehensive planning.

§ 101–47.4906b Paragraph to be added to letter sent to zoning authority.

As the head of the governing body of the unit of general local government having jurisdiction over zoning and land-use regulations in the geographical area within which this surplus property is located, you also may be interested in section 803 of the Federal Property and Administrative Services Act of 1949, as amended, 82 Stat. 1105, a copy of which is attached for ready reference. It is requested that the information contemplated by section 803(b) be forwarded this office within the same 20-calendar-day period prescribed in the attached notice of surplus determination for the advising of a desire to acquire the property. If the property is unzoned and you desire the opportunity to accomplish such zoning in accordance with local comprehensive planning pursuant to section 803(a), please so advise us in writing within the same time frame and let us know the time you will require for the promulgation of such zoning regulations. We will not delay sale of the property pending such zoning for more than 50 days from the date of this notice. However, if you will not be able to accomplish the desired zoning before the property is placed on sale, we will advise prospective purchasers of the pending zoning in process.

3. Section 101–47.4906–1 is revised as follows:

[1] List only the statutes (showing type of disposal) applicable to disposal to public bodies of the property determined to be surplus.

[2] List only for properties having an estimated fair market value of $10,000 or more.

[3] This date shall be 20 calendar days after the date of the notice.

[4] Delete this paragraph whenever property is not available for transfer for an educational or public health use.

§ 101–47.4906–1 Sample letter for transmission of notice of surplus determination.

_____
(Date)

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

_____
_____
_____
(Addressee)

Dear _____:

The former _____
(Name of property)
_____ has been determined to be surplus Government property and available for disposal.
(Location)

Included in the attached notice are a description of the property and procedural instructions to be followed if any public agency desires to submit an application for the property. Please note particularly the name and address given for filing written notice if any public agency desires to submit such an application, the time limitation within which written notice must be filed, and the required content of such notice.

In order to ensure that all interested parties are informed of the availability of this property, please post the additional copies of the attached notice in appropriate conspicuous places. [1]

A notice of surplus determination also is being mailed to _____
(Other addressees).

Sincerely,

Attachment

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: June 20, 1969.

JOHN W. CHAPMAN, JR.,
Acting Administrator of General Services.

[F.R. Doc. 69–7539; Filed, June 25, 1969; 8:48 a.m.]

[1] Attach as many copies of the notice as may be anticipated will be required for adequate posting.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 95—CITIZENS RADIO SERVICE

Miscellaneous Amendments

Order. 1. The Commission has before it the desirability of making certain editorial changes in its Citizens Radio Service Rules to clarify the meaning of § 95.37 and to delete from § 95.41 a frequency availability footnote which is no longer pertinent.

2. Authority for the amendments is contained in sections 4(i), 5(d)(1), and 303 of the Communications Act of 1934, as amended. Because the amendments are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. *It is ordered,* That Part 95 of the rules and regulations is amended as set forth below effective July 3, 1969.

(Secs. 4, 5, 303, 48 Stat. as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: June 30, 1969.

Released: June 30, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 95 of the Commission's rules is amended as follows:

1. In § 95.37, paragraph (a)(2) is amended to read as follows:

§ 95.37 Limitations on antenna structures.

(a) * * *

(2) The antenna structures proposed to be erected will exceed an overall height of 1 foot above the established airport (landing area) elevation for each 200 feet of distance or fraction thereof from the nearest boundary of such landing area except where the antenna does not exceed 20 feet above the ground or where the antenna is mounted on top of an existing manmade structure, other than an antenna structure, or natural formation and does not increase the overall height of such manmade structure or natural formation by more than 20 feet. Application for Commission approval, if required, shall be submitted on FCC Form 400.

* * * * *

§ 95.41 [Amended]

2. Section 95.41(a)(1) is amended by the deletion of footnote 1.

[F.R. Doc. 69–7870; Filed, July 2, 1969; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1029]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co. Authorized To Operate Over Tracks of Penn Central Co.

Revised Service Order No. 1029, supersedes Service Order No. 1029.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of June 1969.

It appearing, that because abandonment of the Albany Union Passenger Station and removal of the passenger train interchange tracks between the Delaware and Hudson Railway Co. and the Penn Central Co. at Albany, N.Y., these railroads are unable to interchange passenger trains at Albany, N.Y.; that the Delaware and Hudson Railway Co., in Finance Docket No. 25677, has requested that the Commission authorize operation by the Delaware and Hudson Railway Co. over tracks of the Penn Central Co. between Penn Central Co. milepost 142.4 in the vicinity of Rensselaer, N.Y., and milepost 160.0 in the vicinity of Schenectady, N.Y., pending final disposition by the Commission of the application of the Delaware and Hudson Railway Co. in Finance Docket No. 25677:

It is ordered, That:

§ 1033.1029 Service Order No. 1029.

(a) *Delaware and Hudson Railway Co. authorized to operate over tracks of Penn Central Co.* The Delaware and Hudson Railway Co. be, and it is hereby, authorized to operate over tracks of the Penn Central Co. between Penn Central Co. milepost 142.4 in the vicinity of Rensselaer, N.Y., and milepost 160.0 in the vicinity of Schenectady, N.Y.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Effective date.* This order shall become effective at 12:01 a.m., June 29, 1969.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–7878; Filed, July 2, 1969; 8:49 a.m.]

[S.O. 1030]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Tracks of Atchison, Topeka and Santa Fe Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of June 1969.

It appearing, that because of track damage from flooding, the Atchison,

Topeka and Santa Fe Railway Co. is unable to serve shippers located on its line in Alma, Kans.; that the Chicago, Rock Island and Pacific Railroad Co. has agreed to serve industries located on the Atchison, Topeka and Santa Fe Railway Co. at Alma, Kans.; that the Commission is of the opinion that operation by the Chicago, Rock Island and Pacific Railroad Co. over tracks of The Atchison, Topeka and Santa Fe Railway Co. is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice:

It is ordered, That:

§ 1033.1030 Service Order No. 1030.

(a) *Chicago, Rock Island and Pacific Railroad Co. authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Co.* The Chicago, Rock Island and Pacific Railroad Co. be, and it is hereby authorized, to operate over tracks of the Atchison, Topeka and Santa Fe Railway Co. at Alma, Kans.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Chicago, Rock Island and Pacific Railroad Co. over tracks of the Atchison, Topeka and Santa Fe Railway Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Chicago, Rock Island and Pacific Railroad Co. over these tracks of the Atchison, Topeka and Santa Fe Railway Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., June 28, 1969.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–7877; Filed, July 2, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 967]

CELERY GROWN IN FLORIDA

Marketable Quantity for 1969–70 Season; Uniform Percentage; and Limitation on Handling

Notice is hereby given that the Secretary of Agriculture is considering the approval of a limitation of shipments regulation, hereinafter set forth, which was recommended by the Florida Celery Committee, established pursuant to Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967; 33 F.R. 17845), regulating the handling of celery grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views or arguments in connection with this proposal should file the same, in four copies, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The annual production from the acreage planted recently in Florida and California has readily exceeded the demand capacity of the United States, Canada, and the export market without some type of weather difficulty.

The amount of Florida celery marketed during the last three seasons has been 7,702,000 crates, 7,248,000 crates, and 7,600,000 crates respectively. During these same 3 years approximately the following acres have been abandoned for economic reasons alone—1,400, 745, and 200.

It is estimated Florida celery producers will plant 13,000 acres in 1969–70, 9 percent above last season's acreage. With an average yield of 670 crates per acre there would be a potential supply of 8,710,000 crates. Under normal conditions Florida cannot reasonably expect to market such an amount economically.

For these and other reasons contained in the Committee's Marketing Policy Statement it is believed that these regulations are necessary to maintain orderly marketing.

The proposal is as follows:

§ 967.305 Marketable quantity for 1969–70 season; uniform percentage; and limitation on handling.

(a) The Marketable Quantity for the 1969–70 season is established, pursuant to § 967.36(a), as 7,887,375 crates.

(b) As provided in § 967.38(a), the Uniform Percentage for the 1969–70 season is determined as 84.312 percent.

(c) During the season August 1, 1969, through July 31, 1970, no handler may handle, as provided in § 967.36(b)(1), any harvested celery unless it is within the Marketable Allotment for the producer of such celery.

(d) No reserve for Base Quantities for the 1969–70 season is established.

(e) Terms used herein shall have the same meaning as when used in the said amended marketing agreement and order.

Dated: June 27, 1969.

PAUL A. NICHOLSON, *Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 69–7861; Filed, July 2, 1969; 8:48 a.m.]

[7 CFR Part 1013]

[Docket No. AO–286–A14]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Decision and Order To Terminate Proceeding on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fort Lauderdale, Fla., on January 9–11, 1968, pursuant to notice thereof issued on December 29, 1967 (33 F.R. 78).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on April 25, 1969 (34 F.R. 7173; F.R. Doc. 69–5190) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue, findings and conclusions and rulings of the recommended decision (34 F.R. 7173; F.R. Doc. 69–5190) are hereby approved and adopted and are set forth in full herein.

The material issue on the record of the hearing relates to the adoption of a Class I base plan.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The Southeastern Florida order should not be amended to provide for a Class I base plan.

The order now provides for the distribution of total returns from producer milk through the payment of a uniform price, which is the same for each producer for all his milk. Independent Dairy Farmers' Association (IDFA) proposes that such returns be distributed through a Class I base plan under which producers would receive approximately the Class I price for their "base" deliveries and approximately the Class III price for deliveries in excess of their base. Under their plan, a producer's base would reflect his proportionate share of the Class I sales in the market based on his deliveries relative to the total producer milk pooled during a representative period.

IDFA represents 74 of the 88 producers under the order and markets 75 to 80 percent of the total producer milk. As the marketing agent for its members, IDFA assumes the role of balancing milk supplies, both on a seasonal and day-to-day basis, with the fluid milk requirements of handlers. This entails importing milk into the market when local supplies are short and disposing of supplies that are in excess of handlers' needs.

Since 1961, IDFA has operated a type of Class I base plan outside the order to encourage members to adjust their production to the needs of the market. The institution of their plan followed the removal from the order of a seasonal base-excess plan, which was considered to have stimulated excessive production because of a "race for base" by producers. IDFA claims that its plan places members at an economic disadvantage compared to other producers on the market, since the plan applies only to its members.

It points out that the other producers, being outside the plan, receive for all their milk the order uniform price, which in 1968 averaged $6.96.[1] When these producers increase their production, they receive the uniform price on the additional milk also. Its members, IDFA indicates, do not. Although IDFA receives for its members the order uniform price for all their milk, these returns are redistributed to the members through their Class I base plan. Members receive approximately the Class I price for base milk and approximately the Class III price for milk exceeding their base, IDFA stated. Under the order, Class I and Class III prices averaged $7.31 and $4.32, respectively, in 1968. IDFA stresses that any additional production by a member already producing his base returns to him only the lower price. It is this difference—approximately $2.64 in 1968—in returns to members and to other producers for additional milk production,

[1] Official notice is taken of the Southeastern Florida order monthly statistical releases issued after the close of the hearing which provide market data for 1967 and 1968 that were not available at the time of the hearing.

IDFA argues, that results in the economic disadvantage to members.

IDFA states that if a Class I base plan is not incorporated in the order it may be forced to abandon its present base plan. It considers the use of a Class I base plan essential, however, to the orderly balancing of milk supplies with demand in this market and urges the adoption of such a plan under the order.

The 14 producers in the market who are not IDFA members oppose a Class I base plan. Of these 14 producers, 10 are members of Home Milk Producers Association (HMPA), a cooperative which bottles milk and manufactures cottage cheese and ice cream at its own plant. The four remaining Southeastern Florida producers are corporate farms owned and operated by the same person. He and an HMPA member testified concerning their operations.

Production in December 1964 through March 1965 of the HMPA member who testified was 4.4 million pounds. In 1967, he expanded his production facilities by an investment of $160,000 in additional land and cows. He estimated that due primarily to the expansion, his December 1967–March 1968 production would be about 5.7 million pounds, an increase of 30 percent over the comparable 1964–65 period. The increase in production by all Southeastern Florida producers during this period was 11 percent.

The owner of the four corporate farms relocated one farm operation in June 1967, involving an investment of more than $900,000 in land, new buildings and equipment, and 450 additional cows. With the new facility in operation, total production on the four farms in October 1967 was 5 million pounds, 35 percent more than their October 1965 production of 3.7 million pounds. Total production of all other Southeastern Florida producers increased 8 percent in the same 2-year period.

Production increases such as these have been of particular concern to IDFA which points out that although it represents 74 of the 88 producers on the market it has, nevertheless, no control over the production of the other 14 Southeastern Florida producers. It argues that the efforts of its members, in operating under a base plan to tailor production to the market's Class I requirements, can be substantially nullified by the increased production of the other producers.

Handlers oppose a Class I base plan for the order. They argue that the basic purpose of such plans is to reduce surpluses and that the Southeastern Florida market has no surplus. The handlers note that the market's Class I utilization of producer milk, which averaged 87 percent for the past 6 years, is among the highest in the country; and that another 5 to 8 percent of the producer milk is used in Class II products. Moreover, handlers argue, a reserve supply of milk—IDFA recommended an amount equal to 12 percent of the Class I sales in the market—is necessary to assure an adequate milk supply for handlers at all times.

Producer receipts under the order in 1968 were 571 million pounds, 13 percent more than the 507 million pounds in 1963. Producer milk used in Class I, which increased 12 percent during this 6-year period, totaled 496 million pounds in 1968, compared with 442 million pounds in 1963. The Class I utilization of producer milk during the past 6 years has approximated 87 percent annually, as shown in the following table.

Year	Producer receipts	Producer milk in Class I	Percentage of producer milk in Class I
	(Million pounds)	(Million pounds)	(Percent)
1963	507	442	87.3
1964	511	445	87.2
1965	530	462	87.2
1966	535	466	87.5
1967	568	491	86.4
1968	571	496	86.9

Although milk production for the Southeastern Florida market has increased, Class I sales have likewise increased. Despite relatively large production increases by some producers, there has been no significant change in the relationship between production for the market and Class I sales. In the past 6 years, the market reserve averaged only 13 percent of producer deliveries. Such a reserve, as the proponent cooperative indicates, is, in fact, needed to assure handlers of an adequate supply of milk for Class I use.

Historically, deliveries of Southeastern Florida producers have not always been adequate to meet the market's Class I needs and milk must be obtained from outside sources. In September through December 1968, handlers imported 6 million pounds of milk. Total imports in 1968 were 8.9 million pounds. In 1967, 1.6 million pounds were imported.

The Food and Agriculture Act of 1965 provided the authority to include Class I base plans in Federal orders. The proposal for a Class I base plan must be considered in relation to the basic purposes of the authorizing statute. The statement of purposes in the statute and the legislative history of the Class I base plan provisions in the statute make it abundantly clear that a principal purpose of the 1965 Act is to reduce surplus milk production. We conclude that there is no milk surplus in the Southeastern Florida market beyond the normal requirement of any market for a minimum reserve to meet daily and weekly fluctuations in sales. Accordingly, the inclusion of a Class I base plan in the Southeastern Florida order is denied at this time.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

In accordance with § 900.9(b) of the general regulations with respect to marketing agreements and orders (7 CFR Part 900), an interested party requested in his brief a reversal of the Presiding Officer's denial of a motion for a continuance of the hearing. The party contended that although the legal requirements for notice were met the notice of hearing provided insufficient time to prepare evidence for the hearing. A continuance of the hearing was asked so that certain statistical data could be prepared and presented for inclusion in the record.

The notice for this hearing, which convened on January 9, 1968, was published on January 4, 1968. This provided more than the minimum 3-day notice required by § 900.4(a) of the general regulations. Such notice is considered to be reasonable in the circumstances. The Presiding Officer's ruling on this motion is affirmed.

Rulings on exceptions. In arriving at the findings and conclusions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Termination order. It is hereby found and determined, on the basis of the findings and conclusions and rulings with respect to the material issue of this proceeding, that the proceeding with respect to proposed amendments to the tentative marketing agreement and to the order is hereby terminated.

Signed at Washington, D.C., on June 30, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-7895; Filed, July 2, 1969; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Parts 204, 213]

[Regs. D, M]

RESERVES OF MEMBER BANKS; FOREIGN ACTIVITIES OF NATIONAL BANKS [1]

Reserves Against Certain Foreign Transactions

The Board of Governors is considering amending Parts 204 and 213 to impose reserve requirements against certain transactions usually involving so-called "Euro-dollars"—deposits of U.S. dollars with banks located outside the United States, including overseas branches of U.S. banks.

[1] Despite the title of Part 213, the conditions, limitations, and restrictions therein are applicable to foreign activities of State-chartered member banks as well as national banks (12 U.S.C. 321, 601).

The proposed amendments are designed to remove a special advantage to member banks of using Euro-dollars for adjustment to domestic credit restraint. The increasing magnitude of this practice has had a distorting influence on credit flows in the United States and abroad.

Specifically, the proposed amendments would:

(1) Establish a 10 percent reserve requirement against (a) borrowings by domestic offices of member banks from their foreign branches and (b) assets of foreign branches acquired from domestic offices of its parent member bank, to the extent that such borrowings and assets exceed the daily average amounts outstanding in the 4 weeks ending May 28, 1969.

(2) Establish a 10 percent reserve requirement against credit extended by a foreign branch of a member bank to U.S. residents, to the extent such credits exceed those in a base period defined as either (a) the amount outstanding on June 25, 1969, or (b) the daily average amount outstanding in the 4 weeks ending May 28, 1969.

(3) Establish a 10 percent reserve requirement on borrowings by member banks from banks abroad that are not denominated as deposits.

Each of the reserve requirements would be maintained by member bank head offices in a manner similar to that applicable to their deposit liabilities generally.

The first two of the proposed requirements would be accomplished by adding a new section to Part 213, as follows:

§ 213.7 Marginal reserve requirements.

(a) *Member bank transactions with foreign branches.* During each week of the 4-week period beginning [the seventh Thursday after the effective date of this paragraph] and each week of each successive 4-week ("maintenance") period, a member bank having one or more foreign branches shall, in addition to the requirements of Part 204 of this chapter (Regulation D), keep on deposit with the Reserve Bank of its district a daily average balance equal to 10 percent of the amount by which the daily average net total of (1) outstanding assets held by its foreign branches which were purchased from its domestic offices and (2) balances due from its domestic offices to its foreign branches, for the 4-week ("computation") period ending on the Wednesday 15 days before the beginning of each maintenance period, exceeds the greater of either (i) the corresponding daily average total for either the 4-week period ending May 28, 1969 or any computation period beginning on or after [the effective date of this paragraph], whichever is least, or (ii) 3 percent of the member bank's average total deposits subject to reserve requirements during the computation period.

(b) *Credit extended by foreign branches to U.S. residents.* During each week of the 4-week period beginning (the seventh Thursday after the effective date of this paragraph) and each week of each successive 4-week maintenance period, a member bank having one or more foreign branches shall, in addition to the requirements of Part 204 of this chapter (Regulation D) and of the preceding paragraph, keep on deposit with the Reserve Bank of its district a daily average balance equal to 10 percent of the amount by which daily average credit outstanding from its foreign branches to U.S. residents (other than assets purchased and balances due from its domestic offices) for the 4-week computation period ending on the Wednesday 15 days before the beginning of each maintenance period exceeds either the corresponding daily average total during the 4-week period ending May 28, 1969 or the total outstanding on June 25, 1969: *Provided*, That this paragraph does not apply with respect to any foreign branch which did not have credit outstanding to U.S. residents exceeding $5 million on any day during the relevant computation period.

The third of the proposed requirements would be accomplished:

§ 204.1 [Amended]

(1) By amending the exemption enumerated (1) in § 204.1(f) (relating to certain promissory notes as deposits) by changing "that is issued to another bank" to read "that is issued to a domestic office of another bank";

§ 204.5 [Amended]

(2) By amending § 204.5(a) by changing "subject to paragraph (b)" to read "subject to paragraphs (b) and (c)"; and

(3) By adding to § 204.5 the following new paragraph:

(c) *Reserve percentage against certain deposits of foreign banks.* Deposits represented by promissory notes, acknowledgments of advance, due bills, or similar obligations of the kind described in § 204.1(f) that are issued to, or undertaken with respect to, a foreign office of another bank shall not be subject to the requirements of paragraph (a) of this section, but a member bank shall maintain on deposit with the Reserve Bank of its district a balance equal to 10 percent of such deposits.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 28, 1969.

Dated at Washington, D.C., this 26th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7840; Filed, July 2, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-2151]

NEVADA

Notice of Public Sale

JUNE 24, 1969.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 1 p.m., local time, Tuesday, August 5, 1969, at the Nevada Land Office, Room 3104, Federal Building, 300 Booth Street, Reno, Nev. The land is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 35 N., R. 23 E.,
Sec. 23, NE¼NE¼.

The area described contains 40 acres. The appraised value of the tract is $800 and the estimated publication costs to be assessed are $12.

The land will be sold subject to all valid existing rights and rights-of-way of record, and to a reservation to the United States of a right-of-way, not exceeding 30 feet in width, for roadway and public utility purposes, to be located along the east boundary of the tract. Reservations will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or any State thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Nevada Land Office, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502, prior to 1 p.m., Tuesday, August 5, 1969. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelope must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, Sale N-2151, August 5, 1969".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the day of the sale.

If no bids are received for the sale tract on Tuesday, August 5, 1969, the tract will be reoffered on the first Wednesday of subsequent months at 1:30 p.m., beginning September 3, 1969.

Any adverse claimants to the above described land should file their claims, or objections, with the undersigned before the time designated for sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, East Highway 40, Post Office Box 71, Winnemucca, Nev. 89445.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 69-7873; Filed, July 2, 1969; 8:49 a.m.]

[Oregon 017531, etc.]

OREGON

Order Providing for Opening of Public Lands

JUNE 20, 1969.

1. In exchanges of lands made under provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, the following described lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

Minerals in the following lands were reconveyed to the United States:

OREGON 017531

T. 40 S., R. 13 E.,
Sec. 8, SW¼NE¼, S½NW¼, N½SW¼, and NW¼SE¼.

OREGON 018288

T. 20 S., R. 42 E.,
Sec. 9, W½W½.

OREGON 230

T. 29 S., R. 45 E.,
Sec. 28, SE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 29, E½, E½NW¼, SW¼NW¼, and S½SW¼.
T. 30 S., R. 45 E.,
Sec. 3, lots 2, 3, and 4.

OREGON 340

T. 26 S., R. 46 E.,
Sec. 4, SE¼SW¼.

OREGON 699

T. 13 S., R. 42 E.,
Sec. 24, N½NE¼ and NE¼NW¼.
T. 13 S., R. 43 E.,
Sec. 18, lot 4, SE¼SW¼, and W½SE¼;
Sec. 19, lot 1.

OREGON 877

T. 20 S., R. 42 E.,
Sec. 17, E½W½W½.

OREGON 878

T. 19 S., R. 41 E.,
Sec. 3, NW¼SW¼ and E½SW¼;
Sec. 10, NE¼NW¼.

OREGON 2400

T. 8 S., R. 45 E.,
Sec. 35, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

OREGON 2876

T. 8 S., R. 45 E.,
Sec. 27, W½SW¼;
Sec. 28, SW¼NE¼ and SE¼.

OREGON 018492

T. 18 S., R. 21 E.,
Sec. 32, SE¼NE¼, NE¼SW¼, and N½SE¼;
Sec. 33, S½NW¼ and N½SW¼.
T. 19 S., R. 21 E.,
Sec. 5, SW¼SW¼;
Sec. 7, NE¼NE¼, SW¼NE¼, SE¼NW¼, and NE¼SW¼;
Sec. 8, NW¼NW¼.

OREGON 2716

T. 38 S., R. 23 E.,
Sec. 31, lot 4 and NE¼SW¼.
T. 40 S., R. 24 E.,
Sec. 32, N½NE¼ and NE¼NW¼.

Minerals in the following lands were not reconveyed to the United States:

OREGON 018492

T. 19 S., R. 22 E.,
Sec. 17, SW¼NE¼ and NW¼SE¼.

OREGON 2716

T. 38 S., R. 22 E.,
Sec. 36, SE¼SE¼.

OREGON 2998

T. 35 S., R. 24 E.,
Sec. 2, lots 1 and 2 and S½NE¼;
Sec. 16;
Sec. 34, E½.

The areas described aggregate 4,280.33 acres.

2. The lands are in widely scattered parcels distributed throughout eastern Oregon. They are arid or semiarid in character and are not suitable for farming. The lands were acquired for Federal programs and will be managed for the multiple resources. They are intermingled with lands previously classified for multiple-use management.

3. At 10 a.m. on July 26, 1969, the lands shall be open to the operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 26, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands in which minerals were conveyed to the United States will be open to location under the United States mining laws at 10 a.m. on July 26, 1969. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69-7844; Filed, July 2, 1969; 8:46 a.m.]

[Utah 8962]

UTAH

Order Providing for the Opening of Public Lands

JUNE 26, 1969.

1. Under the provisions of section 16 of the Federal Airport Act of May 13, 1946 (60 Stat. 179, 49 U.S.C. 1115), title to the following described lands reverted to the United States:

SALT LAKE MERIDIAN

T. 27 S., R. 22 E.,
Sec. 1, lots 2 and 3, SW¼NE¼, SE¼.
T. 27 S., R. 23 E.,
Sec. 6, lots 4 and 5.

The areas described aggregate 357.88 acres.

2. The lands are located in San Juan County, approximately 7½ miles southeast of Moab, Utah, and are part of an abandoned airport.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, the lands will at 10 a.m. on August 1, 1969, be opened to application, petition, location and selection, including location under the U.S. mining laws. They have been open to application and offers under the mineral leasing laws. All valid applications received at or prior to 10 a.m. on August 1, 1969 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

All the lands have been classified for retention in public ownership for multiple-use management under the Act of September 19, 1964 (43 U.S.C. 1411), and are therefore not subject to petition-application for agricultural entries or public sales under section 2455 R.S.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

EDWARD J. HOFFMANN,
Acting State Director.

[F.R. Doc. 69-7843; Filed, July 2, 1969; 8:46 a.m.]

Office of the Secretary

ADMINISTRATOR, SOUTHWESTERN POWER ADMINISTRATION, ET AL.

Adjustment of Salaries

Pursuant to the provisions of Executive Order 11474, the salaries of the Administrator, Southwestern Power Administration, the Governor of Guam and the Governor of the Virgin Islands were adjusted to $33,495 per annum.

GEORGE E. ROBINSON,
Deputy Assistant Secretary of the Interior.

JUNE 27, 1969.

[F.R. Doc. 69-7845; Filed, July 2, 1969; 8:46 a.m.]

ELMER S. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 29, 1969.

Dated: May 29, 1969.

ELMER S. HALL.

[F.R. Doc. 69-7846; Filed, July 2, 1969; 8:46 a.m.]

HUGH C. VAN HORN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 23, 1969.

Dated: June 23, 1969.

HUGH C. VAN HORN.

[F.R. Doc. 69-7847; Filed, July 2, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

July Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

1. The U.S. Department of Agriculture announced the price at which Commodity Credit Corporation (CCC) commodity holdings are available for sale, beginning at 3 p.m., e.d.t., on June 27, 1969, and, subject to amendment, continuing until superseded by the August Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, flaxseed, rye, rice, grain sorghum, peanuts, tung oil, cottonseed meal, butter, and nonfat dry milk.

With the 1969-crop marketing year beginning July 1 for wheat, barley, oats, rye, and flaxseed, the July list includes formula minimum pricing for these commodities based on 1969 price-support loan rates.

Export listings of grain sorghum, barley, oats, and rye at 115 percent of the loan rate have been deleted inasmuch as prices under the unrestricted use schedules apply.

Information on the availability of commodities stored in CCC bin sites may be obtained from Agricultural Stabilization and Conservation Service State offices shown at the end of the sales list; and for commodities stored at other locations, the information may be attained from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

2. In the following listing of Commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material

way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM–4) for July 1969 are 6⅜ percent for U.S. bank obligations and 7⅜ percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include oats, wheat, wheat flour, barley, corn, cornmeal, grain sorghum, upland and extra long staple cotton, milled and brown rice, tobacco, cottonseed oil, raisins, soybean oil, dairy products, tallow, lard, breeding cattle, and rye. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM–4.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

4. The following commodities are currently available for new and existing barter contracts: Upland cotton and tobacco. In addition, private stocks of corn, grain sorghum, barley (other than malting barley), oats, wheat, and wheat flour, and milled and brown rice, under Announcement PS–1, as amended; tobacco under Announcement PS–3; cottonseed oil and soybean oil under Announcement PS–2; and upland and extra long staple cotton under Announcement PS–4; and inedible tallow and grease under Announcement PS–5; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter 13 percent protein or higher, Hard Red Spring 14 percent protein or higher, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of the Assistant Sales Manager, Barter, Export Marketing Service, USDA, Washington, D.C. 20250.

5. The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities—for specified commodities—with the designated ASCS commodity office.

6. Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

7. On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions, will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated under the Export Control Act of 1949. These restrictions also apply to any commodities purchased from the Commodity Credit Corporation whether sold for restricted or unrestricted use. Countries and commodities are specifically listed in the U.S. Department of Commerce Comprehensive Export Schedule. Additional information is available from the Bureau of International Commerce or from the field offices of the Department of Commerce.

Sales Price or Method of Sale

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1968 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markups and examples (dollars per bushel in-store).*[1]

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.04	$0.01½	Minneapolis—No. 1 DNS ($1.57) 115 percent +$0.01½; $1.82¼. Portland—No. 1 SW ($1.45) 115 percent +$0.01½; $1.68½. Kansas City—No. 1 HRW ($1.45) 115 percent +$0.01½; $1.68½. Chicago—No. 1 RW ($1.46) 115 percent +$0.01½; $1.69¼.

Export.

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR–345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the payment or certificate acceptance number) as required by exporters who wish to receive an export payment under GR–345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to ports on the west coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate[2] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate[2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

Markup in-store	Examples
$0.17½	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.09+$0.02½) 115 percent +$0.17½; $1.46½. Agricultural Act of 1949; statutory minimums: McLean County, Ill. ($1.09+$0.02½ +$0.19); 105 percent +$0.17½; $1.54½.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS grain offices.

GRAIN SORGHUM, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate[2] for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate[2] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.29¾	$0.25¼	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.63) 115 percent +$0.29¾; $2.17¾. Kansas City, Mo. ($1.81) 115 percent +$0.25¼; $2.34½. Agricultural Act of 1949; statutory minimums: Hale County, Tex. ($1.63+$0.34); 105 percent +$0.29¾; $2.36¾. Kansas City, Mo. ($1.81+$0.34); 105 percent +$0.25¼; $2.51¼.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1969 price-support loan rate[2] for the class, grade, and quality of the barley plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1969 price-support rate[2] (published loan rate plus 13 cents per bushel) for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.04	$0.01½	Feed grain program domestic PIK certificate minimums: Cass County, N. Dak. ($0.78) 115 percent +$0.04; $0.94. Minneapolis, Minn. ($1.04) 115 percent +$0.01½; $1.21½. Agricultural Act of 1949 statutory minimums: Cass County, N. Dak. ($0.78+$0.13); 105 percent +$0.04; $1.00. Minneapolis, Minn. ($1.04 + $0.13); 105 percent +$0.01½; $1.24½.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

OATS, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1969 price-support rates[2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markup and example (dollars per bushel in-store[1] Basis No. 2 XHWO).*

Markup in-store	Example
$0.04	Redwood County, Minn. ($0.60+$0.03 quality differential); 115 percent +$0.04; $0.77.

C. *Nonstorable.* At not less than the market price as determined by CCC.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent[2] of the applicable 1969 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.04	$0.01½	Agriculture Act of 1949; statutory minimums: Rollete County, N. Dak. ($0.86); 115 percent +$0.04; $1.03. Minneapolis, Minn. ($1.22); 115 percent +$0.01½; $1.42½.

See footnotes at end of document.

C. *Nonstorable.* At not less than market price as determined by CCC.

Available. Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1968 loan rate plus 5 percent, plus 44 cents per hundredweight, basis in-store.

Available. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO–C–32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the 1968 loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, as determined by CCC, but not less than a minimum price determined by CCC, which will in no event be less than 120 points (1.2 cents) per pound above the 1968 loan rate for such cotton.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export Under the Barter Program) and NO–C–31, as amended, at the prices described in the preceding paragraph B.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–6 (Revision 2) and Announcement NO–C–10 (Revised). Under these announcements extra long staple cotton (domestically-grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current loan rate for such cotton plus reasonable carrying charges, or (b) the market price as determined by CCC.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

COTTONSEED MEAL, BULK

Unrestricted use.

Small quantities may be sold on competitive offers if necessary to avoid deterioration or if storage cannot be obtained on a basis satisfactory to CCC.

Export:

Competitive offers, but not less than $45 per ton f.o.b. origin location under the terms and conditions of Announcement NO–CS–7. Sales will be made only for export to Far East

countries having ports on the Pacific Ocean or on a sea tributary thereto (including Australia and New Zealand).

Available. New Orleans ASCS Commodity Office.

PEANUTS, SHELLED OR FARMERS STOCK

Restricted use sales.

When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga.
Peanut Growers Cooperative Marketing Association, Franklin, Va.
Southwestern Peanut Growers' Association, Gorman, Tex.

Terms and conditions of sale are set forth in Announcement PR–1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically. Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids each Wednesday by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Association Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitations to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM–PR–4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS, Telephone Washington, D.C., area code 202, DU 8–3901.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 105 percent of the applicable 1968 price-support rate[1] for the grade and quality of the flaxseed plus the applicable markup.

B. *Markups and example (dollars per bushel in-store No. 1, 9.1–9.5 percent moisture).*

Markup per bushel received by—		Example of minimum prices—terminal and price
Truck	Rail or barge	
$0.06	$0.01¼	Minneapolis, Minn. ($3.16): 105 percent + $0.01¼; $3.17¼.

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Branch Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

Export.

Announced prices, under MP–23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price and the period of time such price will be in effect.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 75.25 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 74.5 cents per pound—Washington, Oregon, and California. All other States 74.25 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for bin-site sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1–0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only). Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353–6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 725–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226–3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 725–3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264–8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: Area Code 415, 556–6185.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525–4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633–8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284–4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9–3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372–1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442–3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 725–7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587–4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475–3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237–5205.

Ohio, Room 116, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469–6814.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352–8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254–4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on June 27, 1969.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69–7856; Filed, July 2, 1969; 8:47 a.m.]

Office of the Secretary

MEAT IMPORT LIMITATIONS

Quarterly Estimates

Public Law 88–482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act the following third quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act be imported during calendar year 1969 is 1,035 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1969 is 988 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, limitations for the calendar year 1969 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Public Law 88–482 at this time.

Done at Washington, D.C., this 27th day of June 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69–7858; Filed, July 2, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

TRUSTEES OF UNIVERSITY OF PENNSYLVANIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00356–33–40500. Applicant: The Trustees of University of Pennsylvania, 3400 Walnut Street, Philadelphia, Pa. 19104. Article: Rapid scanning ultramicrointerferometer, Model IMI 600. Manufacturer: Incentive Research and Development AB, Sweden. Intended use of article: The article will be used for dry mass (weight) determinations of spermatozoa being analyzed in projects concerning quantitative cytochemical research. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: For the purposes for which the foreign article is intended to be used the applicant requires an instrument that can measure the dry mass of a cell. The dry mass per unit surface of a biological object can be determined by measuring the optical path difference of the area with an interference microscope. However, the cell to be investigated by the applicant is not homogeneous enough to permit a simple and rapid determination of its dry mass with the interference microscope alone. The foreign article combines the capabilities of the interference microscope with a system that is capable of scanning an object and electronically integrating the data obtained to yield the dry mass of the entire object as a digital readout. We are advised by the Department of Health, Education, and Welfare in a memorandum dated April 8, 1969, it knows of no instrument or apparatus being manufactured in the United States, which provides these capabilities.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–7821; Filed, July 2, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–73]

GENERAL ELECTRIC CO.

Notice of Proposed Issuance of Amendment to Facility License

The Atomic Energy Commission is considering the issuance of an amendment to Facility License No. R–33 which authorizes the General Electric Co. to operate the Nuclear Testing Reactor (NTR) located at its Vallecitos Nuclear Center in Alameda County, Calif. The proposed amendment, as set forth below, would revise the license in its entirety and authorize General Electric to operate the NTR at steady-state power levels up to a maximum of 100 kilowatts (thermal) in accordance with revised Technical Specifications, and extend the expiration date of the license in accordance with the application dated November 21, 1968, and supplement dated March 31, 1969.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed amendment, see (1) the application dated November 21, 1968, and supplement thereto dated March 31, 1969, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the proposed Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 30th day of June 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED AMENDMENT TO FACILITY LICENSE

[License R–33; Amdt. 9]

1. The Atomic Energy Commission has found that:

A. The application for license amendment dated November 21, 1968, as supplemented March 31, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in Title 10, Chapter I, CFR;

B. There is reasonable assurance that (a) the activities authorized by the license, as amended, can be conducted at the designated location without endangering the health and safety of the public, and (b) such activities will be conducted in compliance with the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission;

C. General Electric Co. is technically and financially qualified to engage in the activities authorized by this license, as amended, in accordance with the rules and regulations of the Commission;

D. The General Electric Co. has filed with the Commission proof of financial protection which satisfies the requirements of 10 CFR Part 140 and has executed an indemnity agreement pursuant to 10 CFR Part 140; and

E. The issuance of this license, as amended, will not be inimical to the common defense and security or to the health and safety of the public.

2. Facility License No. R–33, as amended, is further amended in its entirety to read as follows:

A. This license applies to the nuclear reactor designated by General Electric Co. as the "Nuclear Test Reactor" (hereinafter "the reactor") which is owned by the General Electric Co. and located at its Vallecitos Nuclear Center in Alameda County, Calif., and described in the application for license amendment dated November 21, 1968, and supplement thereto dated March 31, 1969 (hereinafter "the application").

B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the General Electric Co. (GE):

(1) Pursuant to section 104c of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess, use, and operate the reactor as a utilization facility at the designated location in Alameda County, Calif., in accordance with the procedures and limitations described in the application and in this license, as amended;

(2) Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess, and use in connection with the operation of the reactor:

a. 4 kilograms of contained uranium-235;

b. 200 grams of plutonium as encapsulated plutonium-beryllium neutron sources;

c. 5 milligrams of plutonium as alpha instrument check sources;

d. 10 grams of plutonium as encapsulated fission foils;

e. 10 grams of uranium-235 as ionization chambers;

f. 1 kilogram of uranium-235 in experimental devices or test objects;

g. 10 kilograms of uranium-235 in one or more fission plates;

h. 100 grams of plutonium in experimental devices;

i. 100 grams of uranium-233 in experimental devices; and

j. all the materials authorized by Special Nuclear Material License No. SNM-960, as amended, Docket No. 70-754, to be used in the reactor cell, south cell and control room but not in the experimental facilities of the NTR.

(3) Pursuant to the Act and Title 10, Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material," (1) to receive, possess and use 100 curies of activated solids as contained in items such as encapsulating materials, structural materials and components irradiated elsewhere; (2) 10 curies of tritium for pulsed neutron sources; and (3) to possess, but not to separate, such byproduct material as may be produced by the operation of the reactor.

(4) Pursuant to the Act and Title 10, CFR, Chapter I, Part 40, "Licensing of Source Material," to receive, possess, and use 20 pounds of uranium and thorium as source material for experimental devices.

C. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, § 40.41 of Part 40, §§ 50.54 and 50.59 of Part 50, § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) *Maximum power level.* The licensee may operate the reactor at steady-state power levels up to a maximum of 100 kilowatts (thermal).

(2) *Technical specifications.* The Technical Specifications contained in Appendix A to this license (hereinafter "the Technical Specifications")[1] are hereby incorporated in this license. The licensee shall operate the reactor in accordance with these Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

D. This license, as amended, is effective as of the date of issuance and shall expire at midnight, July ____, 1979, unless terminated sooner.

Date of issuance: _____.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-7937; Filed, June 2, 1969; 10:43 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

CIVIL AERONAUTICS BOARD

[Docket No. 20373 etc.; Order 69-6-164]

AIR WEST, INC., ET AL.

Joint Applications for Approval of Route Transfer and for Amendment of Certificates, and for Approval of Wet-Lease Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of June 1969.

Joint applications of Air West, Inc., and United Air Lines, Inc., for approval of route transfer and for amendment of certificates, and for approval of wet-lease agreement, docket Nos. 20373 and 20686; Reno-Portland/Seattle Nonstop Service Investigation, Docket No. 21136.

On October 16, 1968, in Docket 20373, Air West, Inc. (Air West), and United Air Lines, Inc. (United), filed a joint application seeking approval of an agreement by which United would transfer its authority to serve Elko and Ely, Nev., to Air West, and requesting amendments to the certificates of each carrier to accomplish the transfer and to make certain other changes in the certificates of each carrier upon which the proposed route transfer is to be contingent.[1]

On October 17, 1968, Air West filed a motion for expedited hearing of its joint application in Docket 20373, alleging, inter alia, that the proposed route transfer would permit it to achieve a substantial reduction in subsidy need and would afford it needed strengthening without serious diversion from other carriers. Air West noted that its agreement with United might be terminated by either party after March 31, 1969, unless Board approval were granted prior to that time.[2]

Numerous answers supporting or opposing, or supporting in part, the joint application and Air West's motion for expedition have been submitted.[3] In addition, the Air Line Pilots Association (ALPA) filed a request for an evidentiary hearing on the joint application and a petition for leave to intervene.[4] The city of Klamath Falls, Oreg., filed a motion to consolidate its own application for improved service to Portland and Reno in Docket 20497, and Air West has filed an answer in opposition to Klamath Falls' request.[5]

On January 29, 1969, in Docket 20686, Air West and United filed a separate joint application for approval of a wet-lease agreement and grant of exemption authority pursuant to which Air West would provide one daily round trip over United's route between Salt Lake City and San Francisco, via the intermediate points Ely, Elko, Reno, and Oakland, for which it would receive payment from United of $90,488 per month. The wet-lease agreement is designed to permit interim operation of the proposed service pending final Board action with respect to the route transfer application in Docket 20373.[6]

Upon consideration of the foregoing pleadings and other relevant facts, we have decided to deny Air West's motion for expeditious hearing of its joint application, with United, in Docket 20373. On the basis of our conclusions with respect to the joint route transfer application, we also find that approval of the proposed interim wet-lease agreement in Docket 20686 is not in the public interest, and, accordingly, should be denied. However, we have further decided to institute an investigation into the need for new nonstop service in two of the markets included in the joint application, Reno-Portland and Reno-Seattle.

The heart of the joint application by Air West and United in Docket 20373 is the portion by which United seeks relief from its certificate obligation to serve Ely and Elko through transfer of this authority to Air West. This east-west portion of the proposal includes nonstop authoirty for Air West in the Salt Lake City-Reno and Reno-San Francisco markets.[7]

With respect to the east-west portion of their application, the applicants have failed to demonstrate that an expedited hearing is warranted. United has not shown that its service to Ely and Elko[8] constitutes an economic burden upon it, nor has it alleged that such service creates insurmountable operational difficulties.[9] More importantly, neither applicant has convincingly demonstrated that transfer of the points in question will afford significant benefits to Elko and Ely, or to Air West itself. Indeed, our analysis indicates that Air West's proposed east-west service to Ely and Elko (including Reno-Salt Lake City-San Francisco) would produce an operating loss and a subsidy need. Moreover, both the Ely and White Pine County parties have objected to the proposed east-west route transfer.

In these circumstances we are unable to conclude that grant of Air West's motion for expedited hearing of the route transfer application is in the public interest.[10] In light of our conclusions with respect to the route transfer application, we see no basis for approval of the proposed interim wet-lease operation, inasmuch as the latter request is clearly aimed at permitting temporary operations pending an early resolution of the route transfer application.

Upon consideration of matters raised in connection with the joint application of Air West and United in Docket 20373, we believe that institution of an investigation into the need for competitive nonstop service in the Reno-Portland/Seattle markets is warranted at this time.[11]

Accordingly, we have determined to institute an investigation into the need for additional unrestricted nonstop service between Reno, on the one hand, and Portland and Seattle, on the other hand, subject to a pretrial restriction prohibiting turn-around service between Portland and Seattle. Interested applicants are invited to file applications consistent with scope of this investigation, as well as motions pertaining to the scope of the investigation, within the time limits established hereinafter.

Accordingly, it is ordered:

1. That the motion of Air West, Inc., for expedited consideration of its joint application with United Air Lines, Inc., in Docket 20373, seeking the transfer of certain route authority and other relief, be and it hereby is denied;

2. That the joint application filed by Air West and United Air Lines for approval of a wet-lease agreement and exemption authority in Docket 20686 be and it hereby is denied;

3. That an investigation into the need for additional unrestricted nonstop authority in the Reno-Portland and Reno-Seattle markets be and it hereby is instituted in Docket 21136 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, and that such investigation be designated as the Reno-Portland/Seattle Nonstop Service Investigation;

4. That said investigation shall be subject to the following conditions:

(a) Any authority awarded in this proceeding to a carrier not now holding on-segment authority shall be in the form of a separate segment or segments, and shall be granted without eligibility for subsidy; and

(b) Any services operated pursuant to an award in this proceeding shall be subject to a restriction prohibiting turnaround flights between Seattle and Portland.

5. That motions to consolidate applications, and motions or petitions seeking modification or reconsideration, shall be filed not later than twenty (20) days after the date of service of this order and that answers to such pleadings shall be filed not later than ten (10) days thereafter;

6. That the investigation hereby instituted be set down for hearing before an Examiner of the Board at a time and place hereafter designated; and

7. That a copy of this order shall be served upon Air West, Inc., United Air Lines, Inc., Western Air Lines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Northwest Airlines, Inc., Eastern Air Lines, Inc., Air Line Pilots Association, International, Seattle Traffic Association, Attorney General, State of Utah; Greater Reno Chamber of Commerce; Chairman, Board of Commissioners, White Pine County (Nev.); the cities of Elko, Ely, Salt Lake City, Reno, Portland, Seattle, San Francisco, Las Vegas, Klamath Falls, Sparks, Governors of Nevada, Oregon, Washington, California, and Utah.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7882; Filed, July 2, 1969; 8:49 a.m.]

[1] In addition to the deletion of these two points from United's certificate for route 1 and the addition of the two points to Air West's certificate for route 76 as intermediate points on a new segment between the terminal points Reno, Nev., and Salt Lake City, Utah, the applicants have requested the following certificate amendments: (1) Amendment of Air West's certificate to permit nonstop authority between Reno, on the one hand, and San Francisco-Oakland, Salt Lake City, Portland, and Seattle, on the other; (2) deletion of Air West's condition (7) which requires a stop at Portland on certain flights over segment 4 (now segment 1) and the substitution of a new restriction requiring only one intermediate stop on flights between Seattle and San Francisco, Oakland, or Sacramento; (3) modification of Air West's condition 4(a) to designate Reno as the only intermediate point to be served on flights between Salt Lake City and Portland or Seattle; and (4) amendment of United's certificate to make operations in the Salt Lake City-Reno market subject to a long-haul restriction.

[2] We have not been advised that either party has sought to terminate the subject agreement to date.

[3] Answers in support were filed by the Seattle Traffic Association (in part), the Greater Reno Chamber of Commerce, the Las Vegas parties, the Elko parties, and the city of Sparks, Nev. Answers in opposition have been filed by Western Air Lines (in part), the city of Ely, Nev., White Pine County, Nev., and the Utah Agencies.

[4] ALPA has subsequently submitted a series of filings related to its request, the net effect of which is to withdraw from further participation in this proceeding.

[5] In view of the action taken herein with respect to Air West's motion for expeditious consideration, we find it unnecessary to rule upon the Klamath Falls motion for consolidation at this time.

[6] ALPA also filed a request for hearing with respect to the wet-lease application, but has subsequently requested permission to withdraw from participation.

[7] The remainder of the proposal involves north-south authority between Portland/Seattle, on the one hand, and Reno/Las Vegas, on the other.

[8] As of May 1, 1969, United served both Elko and Ely with one DC-6 round trip daily to Reno and Salt Lake City, OAG, QRE, May 1, 1969.

[9] United has urged that deletion of these points will permit it to retire the propeller aircraft with which it now provides service, but has not shown that retention of the nonjet aircraft will constitute a hardship to it.

[10] The Board has previously considered United's desire to delete the identical Reno-Elko-Ely-Salt Lake City segment in the Pacific Northwest Local Service Case, 29 CAB 660, 680-84 (1959), and determined at that time that transfer of the route to a subsidized local service carrier would be contrary to the public interest on the basis, inter alia, of the increased subsidy cost which such transfer would involve. We believe that the evidence adduced by Air West and United herein demonstrates no substantial improvement in the economic prospects for service to Elko and Ely by a local service carrier during the 10-year interval since United's request was last denied.

[11] Only United now holds nonstop authority in these markets, and presently provides three daily nonstop round trips to Portland, and three daily one-stop round trips to Seattle. OAG, QRE, May 1, 1969.

[Docket No. 18650; Order 69-6-150]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Carriage of Live Animals

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of June 1969.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to the carriage of live animals.

By Order 69-5-60, dated May 14, 1969, action was deferred, with a view toward approval, on an agreement adopted by the International Air Transport Association (IATA) establishing a recommended practice relating to acceptance and handling of live animals. The recommended practice was set forth in a publication entitled "IATA Manual for the Carriage of Live Animals by Air." The order allowed 10 days for interested persons to file petitions in support of or in opposition to the proposed action.

The United Pet Dealers Association, Inc., and Allied-American Bird Co. filed timely petitions requesting that certain conditions be attached to the Board's approval of the agreement. Both petitions requested the Board to condition the agreement so that (1) procedures would be established and set forth in the manual whereby new packaging methods could be submitted to the IATA Study Group on Live Animals for evaluation; (2) upon evaluation and approval of new packaging standards, publication of such would be made to interested shippers and airlines, and (3) "* * * there be incorporated into the manual specific wordage outlining its specific legal value in areas such as shipment acceptance, claim liability and its legal status as to deviation from the packaging specification contained therein."

The first two contentions may have some merit, but we cannot find that conditioning the agreement and requiring revisions to the manual, as requested, is required in the public interest. The manual, which is comprised of recommended practices, is not a binding IATA agreement. We understand that the manual was developed through the joint efforts of the carriers, shippers, and interested persons, and there is no reason to believe that the carriers will not continue to solicit and welcome comments. In this regard, the carriers in due course might well want to consider procedures

for the evaluation of animal containers similar to the IATA procedures which have been established for the evaluation of unit load devices under Resolution 520 (Containers Board).

The third request of the petitioners that the manual include language as to its legal implications does not seem warranted. As indicated, material in the manual consists of recommended practices and procedures which the carriers need not adhere to. The Board will, however, condition the agreement so as to provide that approval of the agreement in no way constitutes a waiver of the economic regulations governing the filing and publication of tariffs. In this respect, some of the material contained in the manual, if followed by the carriers, would appear to constitute tariff material.

Finally, the petition of the United Pet Dealers Association, Inc., makes note that the manual does not mention that the contents are recommended practices and not binding upon the carriers or shippers. The manual does not purport to be mandatory in its application, and we do not find that the public interest requires revision to the published manual. However, it would be well if the manual specifically noted that its application is not required, and we will expect this fact to be mentioned in the manual's next publication.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 102, 204(a), and 412 thereof:

It is ordered, That:

1. Agreement CAB 20886 be and hereby is approved, provided that approval of the agreement shall not constitute a waiver of the Board's economic regulations governing the publication and filing of tariffs; and

2. The petitions of United Pet Dealers Association, Inc., and Allied-American Bird Co. be and hereby are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7883; Filed, July 2, 1969; 8:49 a.m.]

[Dockets Nos. 20486, 20670; Order 69-6-152]

MOHAWK AIRLINES, INC., AND UNITED AIR LINES, INC.

Order Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of June 1969.

Application of Mohawk Airlines, Inc. for amendment of its certificate of public convenience and necessity, docket No. 20486; application of United Air Lines, Inc. for amendment of its certificate of public convenience and necessity, docket No. 20670.

By Order 68-12-132, dated December 24, 1968, the Board set for further proceedings, pursuant to Rules 1306-1310 of the Board's procedural regulations, the application of Mohawk Airlines, Inc. (Mohawk), for amendment of its certificate of public convenience and necessity for Route 94 so as to permit it to provide, without subsidy eligibility, nonstop service between Rochester, N.Y., and Pittsburgh, Pa.

United Air Lines, Inc. (United), filed an answer in opposition to the application. Allegheny Airlines, Inc. (Allegheny), filed an answer stating that it does not oppose Mohawk's application provided that a restriction is imposed preventing one-stop Pittsburgh-Toronto operations by Mohawk. The Rochester Chamber of Commerce filed an answer in support of the application. Mohawk filed a reply to the answers of Allegheny and United.

United filed a motion to consolidate its application in docket No. 20670 for Rochester-Pittsburgh nonstop authority on a separate segment of Route 51. Mohawk filed an answer to United's motion to consolidate and United filed a reply to that answer.

Upon consideration of the pleadings and all the relevant facts, the Board has determined that there is a sufficient basis for setting Mohawk's application, Docket 20486, for hearing. We shall also consolidate United's application, Docket 20670.[1]

Accordingly, it is ordered, That:

1. This application of Mohawk Airlines, Inc., Docket 20486, be and it hereby is set for hearing before an examiner of the Board at a time and place to be hereafter designated; and

2. The application of United Air Lines, Inc., Docket 20670, be and it is hereby consolidated for hearing with Docket 20486.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7884; Filed, July 2, 1969; 8:50 a.m.]

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[1] There is no need for the restriction proposed by Allegheny. By reason of condition (5) in its certificate of public convenience and necessity for route 94F, Mohawk is prohibited from offering single-plane service between Toronto and any point west of Buffalo on route 94, and Pittsburgh is west of Buffalo.

[Docket No. 21137; Order 69-6-172]

NATIONAL AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of June 1969.

Applicability of night coach fares to a Miami-New York flight departing at 8 p.m., proposed by National Airlines, Inc., docket 21137.

By tariff revisions marked to become effective July 3, 1969,[1] National Airlines, Inc. (National), proposes that its jet night coach fares apply on a northbound flight departing Miami at 8 p.m. during the period of July 31, through September 30, 1969. Presently night coach fares in the Miami-Northeast markets apply between the hours of 10 p.m. and 3:59 a.m. The proposal is marked to expire with September 30, 1969.

In support of its filing, the carrier states that the proposal stems from the special circumstances surrounding a particular flight (Flight 608), which presently departs Miami at 10 p.m. and arrives La Guardia at 12:20 a.m.; it departs La Guardia at 12:45 a.m. and terminates in Providence at 1:26 a.m. National has been advised that, effective August 1, 1969, La Guardia Airport will be closed for a minimum of 60 days, 6 days a week, between the hours of 12:01 a.m. and 7 a.m. for the purpose of repaving runways. Accordingly, the carrier believes it is necessary that this flight depart Miami 2 hours earlier in order to insure a La Guardia departure prior to 12:01 a.m., considering the possibility of airport delays.

Eastern Air Lines, Inc. (Eastern), and Northeast Airlines, Inc. (Northeast), have filed complaints requesting suspension of National's proposed 8 p.m. departure time. Eastern asserts that advancing this flight departure by 2 hours would result in an unfair competitive advantage for National in relation to the other two carriers operating in the market. Eastern believes the proposal would cause considerable diversion from other northbound departures during the prime evening hours. Northeast, on the other hand, contends that National's justification does not meet the criteria traditionally employed by the Board when testing the lawfulness of night coach and off-peak fares. Both carriers contend that it is not necessary for National to roll back the departure time of its Flight 608 to 8 p.m. at Miami in order to depart La Guardia prior to the 12 p.m. curfew.[2] Finally, Eastern and Northeast submit that, should National feel that a departure time at 9 p.m. or after entails a certain degree of risk, the carrier is always free to operate its night coach flights through Kennedy or Newark Airport.[3]

Upon consideration of all relevant matters, the Board finds that National's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Except for the indication that La Guardia Airport will be closed for repairs from midnight to 7 a.m. during the months of August and September, National has not demonstrated the need to advance the departure time of its Flight 608 by a full 2 hours. As pointed out by the complainants, there are presently a number of late afternoon and early evening regular-fare flights departing Miami for New York, as well as several nonstop or one-stop night coach flights departing at 10 p.m. or shortly thereafter. It appears, therefore, that National's proposal would cause significant diversion of traffic from other night coach flights, and dilute the normal-fare revenues of all three carriers operating in the market. However, the Board would consider a departure time of 9 p.m. for National's Flight 608.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of paragraph (1)(b) of "Application:" on 10th Revised Page 223 of Airline Tariff Publishers, Inc., Agent's CAB No. 101, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions of paragraph (1)(b) of "application:" on 10th Revised Page 223 of Airline Tariff Publishers, Inc., Agent's CAB No. 101 are suspended and their use deferred to and including September 30, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of Eastern Air Lines, Inc., in Docket 21091, and Northeast Airlines, Inc., in Docket 21089, are hereby dismissed;

4. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. A copy of this order be filed with the aforesaid tariff and be served on Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7885; Filed, July 2, 1969; 8:50 a.m.]

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[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 101, filed June 3, 1969.

[2] Northeast points out that National could depart Miami as late as 9:15 p.m. and still transit La Guardia before 12 midnight.

[3] Eastern and Northeast are both transferring their night coach operations to Kennedy Airport during the period of construction activity at La Guardia.

NORTH CENTRAL AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

JUNE 26, 1969.

Notice is hereby given that the Civil Aeronautics Board on June 26, 1969, received an application, Docket 21132, from North Central Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 86 to authorize it to engage in nonstop service between Kansas City, Mo., and Minneapolis/St. Paul, Minn. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7886; Filed, July 2, 1969; 8:50 a.m.]

SOUTHERN AIRWAYS, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

JUNE 26, 1969.

Notice is hereby given that the Civil Aeronautics Board on June 25, 1969, received an application, Docket 21122, from Southern Airways, Inc., for amendment of its certificate of public convenience and necessity for route 98 to authorize it to engage in nonstop service between Gulfport-Biloxi, Miss., and Washington/New York/Newark. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7887; Filed, July 2, 1969; 8:50 a.m.]

[Docket No. 20066 etc.]

TEXAS INTERNATIONAL AIRLINES, INC.

Notice of Reassignment of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearing in the above-entitled matter now assigned to be held on July 8, 1969, will be held on July 21, 1969, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., June 26, 1969.

[SEAL] HYMAN GOLDBERG,
Hearing Examiner.

[F.R. Doc. 69-7888; Filed, July 2, 1969; 8:50 a.m.]

[Docket No. 20593; Order 69-6-153]

UNITED AIR LINES, INC.

Order To Show Cause for Amendment of Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of June 1969.

Application of United Airlines, Inc., for amendment of its certificate of public convenience and necessity, Docket No. 20593.

On December 24, 1968, United Airlines, Inc. (United), filed an application in Docket 20593 to add Rochester, N.Y., as a coterminal point with Buffalo on segment 4 of Route 51.[1]

On February 17, 1969, the city of Rochester, the county of Monroe, and the Rochester Chamber of Commerce (Rochester parties) filed a petition for immediate hearing on United's application. On May 15, 1969, United filed a motion for immediate hearing on its application. On June 2, 1969, Mohawk Airlines, Inc. (Mohawk), filed an answer to United's motion insofar as it seeks improved Rochester-Pittsburgh authority, together with a motion to file an otherwise unauthorized document.[2]

Upon consideration of the pleadings and other relevant facts, we have decided to issue an order to show cause proposing to award the authority requested by United. We tentatively find and conclude that the public convenience and necessity require the amendment of United's certificate for Route 51 so as to add Rochester as a coterminal point with Buffalo on segment 4, subject to conditions requiring an intermediate stop between Rochester and Pittsburgh and prohibiting single-plane service between Rochester and Cleveland.

In support of our ultimate finding, we tentatively find and conclude as follows: That the grant of United's application, subject to the conditions mentioned above, will give United nonstop authority between Rochester and 14 cities on segment 4;[3] that United is the only carrier certificated to provide service between Rochester and the Route 51 points in question, and is the dominant carrier in these 14 markets;[4] that the proposed award of nonstop authority will make possible improved service to the public and increased operational flexibility for United; and that grant of the requested

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[1] Segment 4, which incorporates by reference part of segment 1, is as follows:

Between the terminal point Buffalo, N.Y., the intermediate points Cleveland, Akron-Canton, and Youngstown, Ohio, Pittsburgh, Pa., Charleston, W. Va., Bristol, Tenn.-Va. and (a) beyond Bristol, the intermediate points Asheville, N.C., Atlanta, Ga., and (i) beyond Atlanta, Ga., the intermediate points Birmingham and Mobile, Ala., and the terminal point New Orleans, La., and (ii) beyond Atlanta, Ga., the intermediate points Jacksonville, Tampa-St. Petersburg-Clearwater, and West Palm Beach, Fla., and the coterminal points Fort Lauderdale and Miami, Fla., and (b) beyond Bristol, the intermediate points Knoxville and Chattanooga, Tenn., Birmingham and Mobile, Ala., and the terminal point New Orleans, La.

[2] We will grant Mohawk's motion.

[3] The largest of these markets, Rochester-Miami, had 31,680 O&D and connecting passengers in 1967. United proposes initially to provide one Rochester-Miami nonstop round trip.

[4] United's participation in these markets ranges from 54 percent in the Rochester-New Orleans market to over 90 percent in the Rochester-Akron-Canton/Atlanta/Birmingham / Charleston / Miami / Mobile / Tampa/West Palm Beach/Youngstown markets. 1967 O&D and connecting traffic.

authority will have no significant competitive impact on any other carrier.[5]

We tentatively find that United should be precluded from providing nonstop Rochester-Pittsburgh service and from providing single-plane service between Rochester and Cleveland. Rochester-Pittsburgh authority is at issue in Docket 20486, Mohawk's Subpart M application for nonstop Rochester-Pittsburgh authority, which was set for hearing in Order 69–6–152. United's application for Rochester-Pittsburgh nonstop authority in Docket 20670 was consolidated in that proceeding and United will therefore have the opportunity to litigate such authority in that case.

In the Rochester-Cleveland market American Airlines has nonstop authority. A restriction on United's authority in that market should avoid complication of this proceeding by introduction of issues of competitive authority. Moreover, United has not proposed service between Rochester and Cleveland or shown any need for competitive service.

Interested persons will be given twenty (20) days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, It is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order amending the certificate of public convenience and necessity of United Air Lines, Inc., for Route 51 so as to add Rochester, N.Y., as a coterminal point with Buffalo on segment 4, subject to conditions requiring an intermediate stop between Rochester and Pittsburgh and prohibiting single-plane service between Rochester and Cleveland;

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within twenty (20) days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections, together with a summary of testimony, statistical data, and other evidence expected to be relied on to support the stated objections;[6]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. The petition of the city of Rochester, the county of Monroe, and the Rochester Chamber of Commerce for an immediate hearing and the motion of United Air Lines, Inc., for an immediate hearing be and they are hereby dismissed;

6. The motion of Mohawk Airlines, Inc., for leave to file an otherwise unauthorized document be and it is hereby granted; and

7. A copy of this order shall be served upon Airlift International, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and the cities and Chambers of Commerce of Akron, Canton, Cleveland, and Youngstown, Ohio, Asheville, N.C., Atlanta, Ga., Birmingham and Mobile, Ala., Bristol, Chattanooga, and Knoxville, Tenn., Charleston, W. Va., Clearwater, Fort Lauderdale, Jacksonville, Miami, St. Petersburg, and West Palm Beach, Fla., New Orleans, La., Pittsburgh, Pa., and Rochester, N.Y.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69–7889; Filed, July 2, 1969; 8:50 a.m.]

[Docket No. 19074, etc.; Order 69–6–151]

VARIOUS POST OFFICE NOTICES

Order To Show Cause Regarding Use of Air Taxi Mail Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of June 1969.

In the matter of Various Post Office Notices giving notice pursuant to § 298.24 of the Board's regulations of intent to use air taxi mail service, dockets Nos. 19074, 19075, 19790, 19783, 19787, 19880, 19793, 20101, 20274, 20275, 20276, 20380, 20199, 20377, 20379, 20800.

On October 11, 1967, the Board adopted ER–514 (32 F.R. 14320, Oct. 17, 1967) which authorized individual exemptions for air taxi mail service in certain competitive markets and extended the term of the air taxis' authority to carry mail to June 30, 1969.

Since the rule authorizing air taxi mail service in competitive markets was issued, approximately 160 notices of intent under § 298.24 have been filed with the Board by the Post Office Department (POD).[1] Eighteen of these notices of intent have been protested. In the decided protested cases, the Board has found that the proposed air taxi services were required by postal needs in that, in typical situations, the certificated carriers were unable to meet the early morning and late night round trip scheduling essential to Post Office operations.

The protested notices of intent approved by the Board all carry an expiration date of June 30, 1969, due to the fact that at the time the notices were approved, June 30, 1969, was the termination date of all mail authorizations granted to air taxis pursuant to Part 298 of the Board's regulations. By notice of proposed rule making, dated April 25, 1969, EDR–160, Docket 20945, the Board proposed to amend Part 298 to extend the exemption granted air taxi operators to engage in the transportation of mail until June 30, 1974. On June 12, 1969, the Board adopted the proposed amended rule effective July 1, 1969 (Regulation ER–580).

Therefore, as matters presently stand, the basic mail authority of air taxi operators has been extended to June 30, 1974. However, there are currently outstanding various orders authorizing the provision of air taxi mail service between pairs of points in which an air carrier or carriers holds a certificate of public convenience and necessity. Unless extended these authorizations will expire by their terms on June 30, 1969. In this connection, the Post Office Department has submitted to the Board a request that the mail authority of those air taxi operators currently carrying mail and whose authority was granted by the Board pursuant to a protested notice of intent be extended for a period coextensive with the basic Part 298 mail authority.

In the light of the foregoing, the Board tentatively finds and concludes that the public interest requires the extension until June 30, 1974, of the mail authority in the designated markets of those air taxi operators listed in the appendix below. Pending our resolution of the show cause proceeding at hand, we will extend the authorizations set forth in the appendix below.

We note that in petitioning the Board to institute rule-making proceedings to extend the basic air taxi mail authority until June 30, 1974, the Postmaster General represented that he has a continuing need for air taxi mail service in both certificated and noncertificated markets and that the Post Office Department is compelled to continue to seek the services of air taxi operators in those markets in which certificated schedules fulfilling postal requirements cannot be obtained. Each of the authorizations which we tentatively propose to extend until June 30, 1974, represents a situation in which the Board has found that the needs of the postal service require grant of the authorizations in question. The fact that the protested notices of intent were approved for a temporary period was directly related to the fact that the underlying air taxi mail authority contained in Part 298 also expired on June 30, 1969. In the light of the fact that the basic Part 298 air taxi authority has now been extended to June 30, 1974, and that the Post Office Department has indicated a continuing need for the postal services described in the appendix below, we tentatively find and conclude that the authorizations contained in the appendix should be extended for the same period terminating on June 30, 1974.

In granting interested persons the opportunity to show why our tentative findings and conclusions should not be adopted, we expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objection should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. General, vague, and unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and extending the authorizations described in the attached appendix for a period to terminate on June 30, 1974;

2. The authorizations set forth in the appendix below be and they hereby are continued in effect until final decision on the matters set forth in ordering paragraph 1 herein;

3. Any interested persons having objections to the issuance of an order making final the proposed findings and conclusions set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;[2]

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;[2] and

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

APPENDIX

Carrier	Docket	Present authorization	Markets involved
Sedalia, Marshall, Boonville Stage Line, Inc.	19074	E–26162	Chicago, Ill.-Louisville, Ky.
	19075	12/21/67	Cleveland, Ohio-Indianapolis, Ind.
Do	19790	E–26893 6/7/68	Texarkana-Dallas, Tex.
Do	19783	E–26891 6/7/68	Muskogee-Tulsa-Oklahoma City, Okla.
Hood Airlines	19787	E–26883 6/7/68	Temple-Waco-Dallas, Tex.
Upper Valley Aviation, Inc	19880	68–7–64 7/12/68	McAllen-Corpus Christi-San Antonio, Tex.
Ross Aviation, Inc	19793	E–26893 6/7/68	Midland-Abilene-Dallas, Tex.
Do	20101	68–11–132 11/27/68	Florence-Colombia, S.C.-Atlanta, Ga.
Do	20274	68–12–108	Reno-Lovelock-Winnemucca, Nev.
	20275	12/19/68	Reno-Las Vegas, Nev.
	20276		Ely-Elko-Reno, Nev.
Do	20380	68–12–61 12/12/68	Medford-Klamath Falls-Bend-Portland, Oreg.
Orion Airways, Inc	20199	68–10–182 10/31/68	St. Louis, Mo.-Memphis, Tenn.
Combs Airways, Inc	20377	68–12–64	Billings-Helena, Mont.
	20379	12/12/68	Kalispell-Helena-Billings, Mont.
Midwest Airways, Inc	20800	69–5–135 5/29/69	AMF Twin Cities-Minneapolis, Minn.-La Crosse, Madison, and Milwaukee, Wis.

[F.R. Doc. 69–7890; Filed, July 2, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

BOSTON DOCKS SERVICES ASSOCIATION

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Leo F. Glynn, Glynn & Dempsey, Attorneys at Law, 50 State Street, Boston, Mass. 02109.

Agreement No. T–2315 between Terminal Services, Inc., Nacirema Operating Co., Inc., and John T. Clark Terminal Services, Inc., provides for the formation of an association to be known as the Boston Docks Services Association. The purpose of the Association is to permit the parties to the agreement to consult with each other concerning services, facilities, rates, and charges incidental to truck loading and equipment rental related thereto in waterfront operations in and for the Port of Boston, Mass. The parties agree to make no changes in their tariffs without prior notice to members of the Association and to make no change effective until after 30 days notice to the public unless good cause exists for a change on shorter notice. Each member reserves to himself the right of independent action.

By order of the Federal Maritime Commission.

Dated: June 30, 1969.

[F.R. Doc. 69–7891; Filed, July 2, 1969; 8:50 a.m.]

EUROPA-CANADA LINIE G.m.b.H.

Order of Revocation

Europa-Canada Linie, G.m.b.H., Bremen 1 Breitenweg, Bremen, West Germany.

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P–15 and Certificate of Financial Responsibility to meet liability incurred for death or injury to passengers or other persons on Voyages No. C–1,015.

Whereas, Europa-Canada Linie, G.m.b.H., Bremen, has ceased to operate passenger vessels subject to sections 2 and 3 of Public Law 89–777; and

[1] Section 298.21 of the Board's economic regulations prohibits an air taxi operator from carrying mail between any pair of points when an air carrier holds a certificate of public convenience and necessity between such pair of points: *Provided*, That an air taxi operator is not precluded from carrying mail between any pair of points regarding which there is in effect a notice of intent to use air taxi mail service as provided in § 298.24. Section 298.24 provides that an air taxi operator may carry mail between a pair of points named in a notice of intent to use air taxi mail service which is effective pursuant to this section. Only the Post Office Department may file such a notice. But where a protest to the notice has been filed by an interested certificated carrier, the notice shall not be effective unless and until the Board so orders.

[2] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[5] In view of the fact that United is the only incumbent carrier and carries the vast bulk of traffic in the markets involved, we do not intend to consolidate for hearing any other applications even if objections are forthcoming. See Order 68–11–29, dated Nov. 5, 1968.

[6] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

Whereas, Europa-Canada Linie, G.m.b.H., Bremen, has returned Certificate (Performance) No. P–15 and Certificate (Casualty) No. C–1,015 to the Commission for revocation:

It is ordered, That Certificate (Performance) No. P–15 and Certificate (Casualty) No. C–1,015 be and are hereby revoked effective June 27, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on Europa-Canada Linie G.m.b.H., Bremen.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–7892; Filed, July 2, 1969; 8:50 a.m.]

TRANS-OCEAN STEAMSHIP CO.

Order of Revocation

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P–63 and Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C–1,058.

N.V. Scheepvaart Maatschappij "Trans-Ocean" (Trans-Ocean Steamship Co.) Hoenderlaan, 6, 'S-Gravenhage, The Netherlands.

Whereas, Trans-Ocean Steamship Co. has ceased to operate passenger vessels subject to sections 2 and 3 of Public Law 89–777; and

Whereas, Trans-Ocean Steamship Co. has returned Certificate (Performance) No. P–63 and Certificate (Casualty) No. C–1,058 to the Commission for revocation:

It is ordered, That Certificate (Performance) No. P–63 and Certificate (Casualty) No. C–1,058 be and are hereby revoked effective June 27, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on Trans-Ocean Steamship Co.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–7893; Filed, July 2, 1969; 8:50 a.m.]

[Independent Ocean Freight Forwarder License No. 1061]

GATEWAY EXPORT CO.

Order of Revocation

Mr. Jack Rubin has advised the Federal Maritime Commission that he wishes to relinquish voluntarily his Independent Ocean Freight Forwarder License No. 1061, and will return said license to the Commission for cancellation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 1061 of Jack Rubin doing business as Gateway Export Co., Washington, D.C. 20005, be and is hereby revoked effective June 12, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the licensee.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69–7894; Filed, July 2, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 446]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JUNE 30, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING: JUNE 30, 1969

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

7729–C2–TC–69—Valley Mobile Communications Inc. (KMD690), Consent to transfer of control from Clarence Gary, Transferor, to: Bruce Gary, Transferee.

7730–C2–P–69—Mobile Radio System of Ventura, Inc. (KMA835), C.P. for an additional base channel to operate on frequency 152.12 MHz at station located at 7000 feet north of Foothill and Day Road, Willis Canyon Peak, Ventura, Calif.

7731–C2–P–(3)–69—Caprock Radio Dispatch (KKJ449), C.P. to delete base frequency 152.06 MHz at location No. 1: 200 West First Street, Roswell, N. Mex., and location No. 2: Capitan Mountain, 48 miles northwest of Roswell, N. Mex. Also delete 75.98 MHz (Repeater) at location No. 2. Add 152.12 MHz (Base) and 459.10 MHz (Repeater) at a new site identified as location No. 4: 3.5 miles southwest of Caprock, N. Mex. Also at existing location No. 3: 310 West Wildy, Roswell, N. Mex., replace 72.58 MHz control facilities with frequency 454.10 MHz.

7732–C2–P–69—Mobile Radio Systems Ltd. (KSJ824), C.P. for additional base channel to be located at a new site described as location No. 2: 1704 East Jackson Street, Springfield, Ill., to operate on frequency 152.18 MHz.

7733–C2–AL–69—Worcester Communications Co., Inc. (KCA721), Consent to assignment of license from: Worcester Communications Co., Inc. Assignor to: Communications Electronics Service, Inc. d.b.a. Worcester Communications Co., Assignee.

7734–C2–TC–69—Philadelphia Mobile Telephone Co. (KGI775), Consent to transfer of control from: Robert L. Starer, John B. Huffaker, and Physitech Corp., Transferors, to: The Mobile Telephone Co., Transferee.

7757–C2–P–(3)–69—Texas Mobile Telephone Co. (New), C.P. for a new 2-way station to be located at Preston Towers, Preston Road and Northwest Highway, Dallas, Tex., to operate on frequencies 454.025, 454.125, 454.225 MHz.

7759–C2–P–69—Otis L. Hale d.b.a. Mobilfone Communications (New), C.P. for a new 1-way station to be located at 30th and Maple Streets, Little Rock, Ark., to operate on frequency 152.24 MHz.

7760–C2–P–69—Pioneer Telephone Cooperative, Inc. (KLB669), C.P. to change antenna system and relocate facilities to: One mile east of Kingfisher, Okla., operating on base frequency 152.69 MHz. Also add base station to operate on frequency 454.525 MHz.

7758–C2–P–(3)–69—Michigan Mobile Telephone Co. (New), C.P. for a new 2-way station to be located at Pemobscott Building, Griswald and Fort Street, Detroit, Mich., to operate on frequencies 454.250, 454.300, 454.350 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE

7723–C1–P–69—Illinois Bell Telephone Co. (KSN61), C.P. to add 6241.7, 10,915 MHz directed toward Lorenzo, Ill., at its station 2.8 miles east-southeast of Norway, Ill.

7724–C1–P–69—Illinois Bell Telephone Co. (KYC83), C.P. to add 6019.3, 11,365 MHz directed toward Norway, Ill., at its station 3.5 miles northwest of Lorenzo, Ill.

7725–C1–P–69—Western Union Telegraph Co. (The) (KNG49), C.P. to change antenna location to adjacent to building No. 1, Sunnyvale, Calif., operating on 3770 and 4010 MHz.

7726–C1–P–69—Illinois Bell Telephone Co. (KSN65), C.P. to add 10,975, 11,135 MHz directed toward Winnebago, Ill., at its station 211 North Church Street, Rockford, Ill.

7727–C1–P–69—Illinois Bell Telephone Co. (KCG70), C.P. to add 11,385, 11,545 MHz directed toward Rockford, Ill., and add 6301.0, 11,345 MHz toward Freeport, Ill., at its station 2.5 miles east-southeast of Winnebago, Ill.

7728–C1–P–69—Illinois Bell Telephone Co. (New), C.P. for a new station. Frequencies: 6078.6, 10,935 MHz. Location: 2.1 miles north of Freeport, Ill.

7738–C1–P/ML–69—The Pacific Telephone & Telegraph Co. (KMJ96), C.P. and modification of license to add 5945.2 MHz directed toward 2490 Garden Highway, Sacramento, Calif. (KVIE), at its station 1407 J Street, Sacramento, Calif.

7883–C1–P/L–69—South Central Bell Telephone Co. (New), C.P. and license for a new station. Frequency: 6093 MHz. Location: Corner North Roan and Commerce Streets, Johnson City, Tenn.

7884–C1–P–69—General Telephone Co. of Kentucky (KYC59), C.P. to add 5952.6, 6071.2 MHz toward Mount Vernon and add 10,875, 11,115 MHz toward Somerset, Ky., at its station Hale Knob, 0.9 mile southwest of West Somerset, Ky.

7885–C1–P–69—General Telephone Co. of Kentucky (New), C.P. for a new station. Frequencies: 11,325 and 11,565 MHz. Location: 305 North Main Street, Somerset, Ky.

7886–C1–P–69—Indiana Bell Telephone Co. (KSV96), C.P. to change antenna systems at its station 1100 feet west of South 23d and Raible Streets, Anderson, Ind.

7887–C1–P/ML–69—The Ohio Bell Telephone Co. (KQL27), C.P. and modification of license to add two antennas and 6175, 6225 MHz directed toward Parma, Ohio (WOAB), at its station 750 Huron Road, Cleveland, Ohio.

7888–C1–P–69—Southern Bell Telephone & Telegraph Co. (KIY62), C.P. to power split frequencies 6226.9 and 6345.5 MHz toward Spartanburg, S.C., at its station 8 miles north of Greenville, S.C.

7889–C1–P–69—The Mountain States Telephone & Telegraph Co. (KPR44), C.P. to add 11,075 MHz directed toward Billings Junction, Mont., at its station 3001 Second Avenue North, Billings, Mont.

7890–C1–P–69—The Mountain States Telephone & Telegraph Co. (KPR45), C.P. to add 11,245 MHz toward Indian Arrow and add 11,525 MHz toward Billings, Mont., at its station 6.5 miles southeast of Billings, Mont.

7891–C1–P–69—The Mountain States Telephone & Telegraph Co. (KPR46), C.P. to add 10,795 MHz toward Billings Junction and add 11,075 MHz toward Pine Ridge, Mont., at its station 10.5 miles southwest of Corinth, Mont.

7892–C1–P–69—The Mountain States Telephone & Telegraph Co. (KPR47), C.P. to add 11,525 MHz toward Indian Arrow and add 11,245 MHz toward Hardin, Mont., at its station 5.5 miles southeast of Corinth (Pine Ridge), Mont.

7893–C1–P–69—The Mountain States Telephone & Telegraph Co. (KPR48), C.P. to add 10,795 MHz toward Pine Ridge, Mont., at its station 16 West Fourth Street, Hardin, Mont.

Major Amendments

5441–C1–P–69—Mountain States Telephone & Telegraph Co. (The) (KPI50), Correct geographic coordinates to lat. 46°10'10" N., long. 111°46'30" W. All other particulars same as reported in public notice dated Mar. 24, 1969, Report No. 432.

6270–C1–P–69—General Telephone Co. of the Northwest, Inc. (New), Change the azimuth of radio path between Troy, Mont., and the passive reflector at Preacher Mountain, Mont., from 224°17' to 201°19'. Station location: Second and Kootenai Streets, Troy, Mont.

6271–C1–P–69—General Telephone Co. of the Northwest, Inc. (New), Change the azimuth of radio path between Preacher Mountain passive reflector and Troy, Mont., from 44°17' to 21°18'. Station location: 114 East Fourth Street, Libby, Mont. All other particulars same as reported in public notice dated Apr. 28, 1969, Report No. 437.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

7877–C2–P–69—W. Donald Molitor and Donald N. Molitor, d.b.a. Canaveral Communications (New), C.P. for a new 1-way station to be located at 310 Palmetto Avenue, Melbourne, Fla., to operate on base frequency 158.70 MHz.

7878–C2–P–69—C. L. McHoland d.b.a. Dome Communications (KLF516), C.P. to replace transmitter operating on base frequency 152.15 MHz at location No. 1: Little Goose Peak, Wyo.

7879–C2–P–69—Ralph C. Parker d.b.a. Ratel Communications Co. (KKO341), C.P. for additional base channel to operate on frequency 152.21 MHz at station located at KFDX–TV Tower, State Route No. 30 and Old Seymour Road, Wichita Falls, Tex.

7880–C2–P–(2)–69—Kalama Telephone Co. (KOP330), C.P. for additional base channel to operate on frequency 153.72 MHz at station located at end of China Gardens Road, 4½ miles east of Kalama, Wash.

7894–C2–P–(4)–69—The Chesapeake & Potomac Telephone Co. (KGA586), C.P. to change antenna system for base frequencies 152.51, 152.63, 152.72, 152.81 MHz at Location No. 2: 1420 Columbia Road NW., Washington, D.C.

7895–C2–P–(2)–69—The Chesapeake & Potomac Telephone Co. (KGC405), C.P. (Developmental) to change antenna system for frequencies 454.95, 454.675 MHz at station located at 1420 Columbia Road NW., Washington, D.C.

731–C2–R–69—Day-Nite Radio Message Service Corp. (KGA593), Renewal filed for license expiring Apr. 1, 1969.

7023–C2–P–(2)–69—Arlington Telephone Co. (New), C.P. for new (Developmental—Air-Ground) station to be located at 615 West Dodge Street, Arlington, Nebr., to operate on frequencies 454.625, 454.675 MHz.

Informative

7760–C2–P/L–69—Atlas Van-Lines, Inc., Applicant has filed an application for 500 individual mobile units using facilities of Wireline Common Carriers throughout the continental United States.

Major Amendment

46–C2–P–69—Jack Loperena (New), Amend to read: C.P. for a new 1-way signaling station. Frequency: 158.70 MHz. All other particulars to remain the same as reported on public notice dated Aug. 28, 1968, Report No. 402–1.

Corrections

5075–C2–P–69—Central Mobile Radio Phone Service (KQK595), Correct to read: C.P. to replace base transmitter operating on frequency 152.12 MHz. All other particulars remain the same as reported under Major Amendments on public notice dated Apr. 21, 1969, Report No. 436.

7372–C2–MP–69—New York Telephone Co. (KEA763), Correct to read: Modification of C.P. to relocate and increase antenna height for base frequencies 454.375, 454.450, 454.525, 454.550, 454.625, 454.650 MHz at location No. 3: 237 East 37th Street, New York, N.Y., and to add auxiliary test facilities to operate on frequencies 459.375, 459.450, 459.525, 459.550, 459.625, 459.650 MHz located at 236 East 56th Street, New York, N.Y.

7482–C2–P–69—Communications Engineering Co. (KMA742), Correct to read: C.P. to change antenna systems for base frequencies 152.18 MHz and 152.21 MHz; replace transmitter for frequency 152.21 MHz.

RURAL RADIO SERVICE

7881–C1–P/L–69—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new fixed station to be located at 22 miles west of Missoula, Mont., to operate on frequency 157.89 MHz.

7882–C1–P–69—Western California Telephone Co. (New), C.P. for a new fixed station to be located at Los Huecos Ranch 6.21 miles northeast Morgan Hill, Calif., to operate on frequency 157.86 MHz.

7919–C1–P/L–69—South Georgia Telephone Co. (New), C.P. and license for a new fixed station at temporary locations within territory of grantee to operate on frequency 157.80 MHz. (Communicate with station KIY751 at Folkston, Ga.)

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

6746–C1–P–69—The Mountain States Telephone & Telegraph Co. (KXQ99), Change geographic coordinates to lat. 44°37'17" N., long. 108°49'14" W. Station location: McCullough Peak, 11.7 miles east-northeast of Cody, Wyo.

6747–C1–P–69—The Mountain States Telephone & Telegraph Co. (New), Change geographic coordinates to lat. 44°45'20" N., long. 108°45'29" W. Station location: 277 North Absaroka Street, Powell, Wyo. All other particulars same as reported in public notice dated May 19, 1969, Report No. 440.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

7769–C1–P–69—Mountain Microwave Corp. (New), C.P. for new station 5 miles northwest of De Smet, S. Dak. at lat. 44°26'29" N., long. 97°37'10" W. Frequency 11,055 MHz on azimuths 306°8' and 75°50'.

7770–C1–P–69—Mountain Microwave Corp. (New), C.P. for new station 3 miles northwest of Toronto, S. Dak. at lat. 44°36'22" N., long. 96°40'52" W Frequency: 11,545 MHz on azimuth 309°18'.

7771–C1–P–69—Mountain Microwave Corp. (New), C.P. for new station 2 miles north-northwest of Redfield, S. Dak. at lat. 44°54'40" N., long. 98°32'05" W. Frequency: 11,545 MHz on azimuth 2°27'. (Informative: Applicant proposes to provide the television signal of station KORN–TV of Mitchell, S. Dak. to Aberdeen Cable TV Service, Inc., and to Mid-Continent Cable Systems in Aberdeen and Lake Kampeska, S. Dak., respectively.)

7772–C1–ML–69—West Texas Microwave Co. (KKU85), Modification of license to permit carriage of four audio channels consisting of KIXL–FM, KWXI–FM, WRR–FM, and KCWM–FM, to Odessa, Tex., for delivery to Community Cablevision of Odessa.

7773–C1–P–69—Micro-Relay, Inc. (KJL94), C.P. to add power split on frequencies 5960.0, 6019.3, and 6137.9 MHz. Azimuths 69°38', 126°06', and 298°10'. Station location: 0.8 miles southwest of Helena, Ga., at lat. 32°04'06" N., long. 82°55'51" W. (Informative: Applicant proposes to provide the television signals of WAGA–TV, WJRJ–TV, WQXI, and WSB–TV and six FM broadcast signals to Eastman, Hazlehurst, and Vidalia, Ga., for delivery to G.T. and E. Communications, Inc.)

7774–C1–P–69—Micro-Relay, Inc. (KJL95), C.P. to add power split at station located 3.2 miles southeast of Broxton, Ga., at lat. 31°35'24" N., long. 82°51'26" W. Frequencies 6241.7, 6301.0, and 6360.3 MHz on azimuth 292°36'. (Informative: Applicant proposes to provide the television signals of WAGA–TV, WJRJ–TV, WQXI, and WSB–TV and six FM broadcast signals to Fitzgerald, Ga., for delivery to G.T. and E. Communications, Inc.)

7775–C1–P–69—Northco Microwave, Inc. (KCK70), C.P. to power split frequency 5937.5 MHz at Mount Greylock, Mass., lat. 42°38'14" N., long. 73°09'56" W. Azimuth 61°46'. (Informative: Applicant proposes to provide the television signal of WPIX–TV of New York City to New England Microwave, Inc., at Florida Mountain, Mass., for delivery to their existing subscriber Mohawk Valley TV at Athol, Mass.)

7876–C1–ML–69—American Microwave & Communications, Inc. (KYO48), Modification of license to change designation of Mount Pleasant, Mich., receiving site to (Drop-Relay) in order to permit delivery of WKBD–TV signal to Thumb Video Co. and Boothe Communications Co. (Applicant formerly known as Upper Peninsula Microwave, Inc.)

7896–C1–P–69—American Television Relay, Inc. (KKT86), C.P. to power split frequencies 6078.6 and 6137.9 on azimuth 72°16'. Location: Boy Scout Mountain, 4.6 miles northwest of Arabela, N. Mex. at lat. 33°37'20" N., long. 105°14'24" W.

7897–C1–P–69—American Television Relay, Inc. (New), C.P. for new station 10 miles northwest of Kenna, N. Mex., at lat. 33°58'38" N., long. 103°52'21" W. Frequencies: 11,095 and 11,175 MHz on azimuth 51°16'. (Informative: Applicant proposes to provide the television signals of stations KTLA and KHJ–TV to Clovis, N. Mex. for delivery to Midwest Video Corp.)

7920–C1–P–69—Teleprompter Transmission of Kansas, Inc. (KPB82), C.P. to (a) add frequency 6382.6 MHz via power split, toward Mount Royal (KPB51), Mont., on azimuth 67°21'; (b) delete frequency 6264.0 MHz toward Cutbank and Shelby, Mont.; and (c) delete Highwoods Peak (KPH86), Mont., as point of communication. Transmitter location: Mount Baldy, 9 miles south-southeast of East Glacier, Mont.

7921–C1–P–69—Teleprompter Transmission of Kansas, Inc. (KPB51), C.P. to (a) add frequencies 6019.3, 6078.6, and 6108.3 MHz toward Highwoods Peak (KPH86), Mont., on azimuth of 166°08'; (b) change existing frequency 6359.5 MHz to 6137.9 MHz toward Highwoods Peak; (c) change frequencies toward Havre, Mont., to 6019.3, 6108.3, 6049.0, 6137.9, and 6167.6 MHz on azimuth 108°06'; (d) change frequencies toward Cutbank, Mont., to 6049.0, 6137.9, and 6167.6 MHz; (e) change frequencies toward Shelby, Mont., to 6049.0, 6137.9, 6167.6 MHz; and (f) replace two of five existing transmitters and increase output power. Transmitter location: Mount Royal, 28 miles north-northwest of Chester, Mont.

7922–C1–P–69—Teleprompter Transmission of Kansas, Inc. (KPH86), C.P. to (a) change frequencies toward Great Falls, Mont., to 5960.0, 5989.7, 6049.0, and 6167.6 MHz on azimuth of 227°22'; (b) change frequencies toward Little Rockies, Mont., to 5989.7 and 6049.0 MHz on azimuth of 69°58'; and (c) replace four of four existing transmitters and increase output power. Transmitter location: Highwoods Peak, 28 miles east-southeast of Great Falls, Mont. (Informative: Applicant proposes to modify its existing system for purpose of improving service to its subscribers. Presently authorized service is unchanged by these applications.)

[F.R. Doc. 69–7871; Filed, July 2, 1969; 8:48 a.m.]

[Dockets Nos. 18489–18491; FCC 69R–261]

SUMMIT BROADCASTING ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Richard S. Genetti, Edward F. Genetti, Salvadore Gaudiano, Jr., and James Manganell (a Partnership), doing business as Summit Broadcasting, Freeland, Pa., Docket No. 18489, File No. BP–16986; CBM, Inc., West Hazleton, Pa., Docket No. 18490, File No. BP–17497; Broadcasters 7, Inc., West Hazleton, Pa., Docket No. 18491, File No. BP–17498; for construction permits, 1300 kHz.

1. Involved here are mutually exclusive applications for a new standard broadcast facility; Summit Broadcasting ("Summit") proposes to locate its facility in Freeland, Pa., and CBM, Inc. ("CBM") and Broadcasters 7, Inc. ("Broadcasters") each proposes to locate in West Hazleton, Pa.[1] Now before the Review Board is a petition to enlarge issues, filed April 10, 1969, by Summit seeking a Suburban Community issue[2] against each of the other applicants.[3] Also, before the Board is a joint petition, filed May 15, 1969, by CBM and Broadcasters, seeking the identical issue against Summit.[4]

2. Stated generally, the requests for issues derive from the proximity of the communities specified by each applicant to the city of Hazelton, Pa.; the comparative size of the communities; the location of the respective transmitter sites; the extent of coverage of Hazelton proposed by each applicant; and the asserted inability of the respective specified communities to provide sufficient revenues to sustain the station. Specifically, in support of its petition, Summit points out that West Hazelton, the community specified by both CBM and Broadcasters is adjacent to Hazelton, and that, according to the 1960 Census, Hazelton had a population of 32,056 while West Hazelton's population was 6,278. Summit further observes that, although both CBM and Broadcasters have specified West Hazelton as their principal community, both will place a 5 mv/m signal over the larger city and indeed, CBM will provide a 25 mv/m signal to most of Hazelton and Broadcasters will place that quality signal over the entire city. Summit notes that both applicants' transmitter sites are located extremely close to Hazelton; and that neither applicant could have specified Hazelton as its principal community due to the restrictions of Rule 73.37(a).[5] Summit argues that these facts alone warrant the imposition of the Suburban Community issue against CBM and Broadcasters (citing inter alia, Outer Banks Radio Co., FCC 69–37, 15 FCC 2d 994 (1969)) especially because both such applications were filed "on top" of its application for Freeland. Summit further maintains that West Hazelton is merely a satellite of Hazelton, and is within the SMSA of which Hazelton is the central city. Summit notes that the two communities have a common water and sewage authority; that the telephone book does not contain separate listings for Hazelton and West Hazelton, whereas other neighboring communities are separately listed; that West Hazelton and Hazelton have a common Chamber of Commerce and service clubs; and that the local newspapers do not treat West Hazelton news separately, but report such items together with news for Hazelton. Summit further asserts that a local urban redevelopment program (CAN–DO) encompasses both communities and is administered by representatives drawn from the "Greater Hazelton Area." Finally, Summit claims that neither CBM nor Broadcasters has shown that its advertising revenues will be drawn from its specified community, and, Summit contends, there is a serious question as to whether West Hazelton can generate sufficient revenues to support a station. Summit therefore insists that the circumstances warrant a Suburban Community issue, and an issue to determine whether CBM and Broadcasters, if treated as applicants for Hazelton, comply with Rule 73.37.

3. CBM and Broadcasters, in separate pleadings, oppose addition of Summit's requested issues. They assert that one of the objectives of the Suburban Community Policy Statement, supra, is to encourage placement of broadcast facilities in developing communities, and contend that West Hazleton is such a community. They point out that West Hazleton has an independent governmental system; that despite the recent reorganization of Pennsylvania schools and magistrate courts, West Hazleton still has its own school and court system. Further, assert CBM and Broadcasters, West Hazleton has its own police and fire departments as well as local civic organizations. Finally, CBM and Broadcasters maintain, relying in part upon Pennsylvania tax authorities' figures, that West Hazleton is a vigorous growing community which can readily support a broadcast facility. Each applicant also asserts that its transmitter location has been selected on the basis of financial considerations, and, that since power greatly in excess of that required to serve the principal community is not proposed, the incidental coverage of Hazleton does not warrant the issue. Since, it is claimed, the population disparity is not great, excessive power is not proposed, and the specified community has an independent existence and can support the facility, CBM and Broadcasters contend that Summit has failed to raise a substantial question.[6]

4. On the other hand, CBM and Broadcasters contend, in their joint petition, that a substantial question does exist as to whether Summit will realistically serve its specified community or some larger community. Petitioners acknowledge that their request is not timely filed. They argue, however, that good cause for the petition is present because, if Summit's petition is granted, the issue should be applied "with total equity to all applicants." Alternatively, the joint petitioners assert that the Board should, on its own motion, consider the merits of their petition under the Edgefield-Saluda doctrine.[7] On the merits, the joint petitioners point out that Summit's application specifies the town of Freeland, a community of 5,068 persons located but 4.2 miles from Hazleton; there is, argue the petitioners, a significant population disparity between the two towns. The joint petitioners concede that the 1 kw operation proposed by Summit is not excessive power, but assert that Summit's 5 mv/m contour will cover "nearly all" of Hazleton; that, indeed, under Summit's proposed directional array, the major radiation lobe is aimed toward Hazleton; and that Summit could not have specified Hazleton as its city of license due to the limitations of Rule 73.37. Petitioners argue that this directional pattern was established to provide the strongest possible signal to the larger city. Further, argue petitioners, Freeland does not have sufficient sources of advertising revenues to supply the $60,000 which Summit estimates will be required for its first year of operation. The petitioners note, in this respect, that Freeland has only two significant industrial establishments (employing 359 persons) and that the total number of business establishments has declined in recent years. Finally, citing Outer Banks Radio Co., supra, petitioners contend that it is not necessary to establish the existence of a city-suburb relationship between Hazleton and Freeland; nevertheless, it is asserted, the facts suggest the existence of such a relationship. Thus, argue the petitioners, although Freeland is a separate legal entity,[8] its residents are dependent upon Hazleton for shopping, entertainment and employment, it is treated as part of the Greater Hazleton Area by the Chamber of Commerce and Hazleton newspaper, and, under a plan said to have been adopted by the Pennsylvania school authorities, its high school will be closed and its students bussed to nearby schools. These circumstances, conclude the joint petitioners, warrant the imposition of a Suburban Community issue against Summit.

5. Summit responds that good cause for the late filing of the joint petition has not been shown and that Edgefield-Saluda, supra, is inapposite because the joint petition does not raise a substantial question. On the merits, Summit argues that the joint petition does not show that Summit purposefully proposes to cover Hazleton and fails to establish the existence of a city-suburb relationship between Hazleton and Freeland. As to the former, Summit asserts that its array is directionalized to avoid adjacent and co-channel interference; that the major lobes run on a northeast-southwest axis, and the northeast lobe—away from Hazleton—extends further with higher radiation than the lobe covering Hazleton; and that, as conceded by the petitioners, 1 kw is not excessive power. As to the latter, Summit asserts that, in a study made by Pennsylvania State University at the request of the Hazleton Chamber of Commerce, the definition of the "Greater Hazleton Area" does not include Freeland. Similarly, notes Summit, the U.S. Census does not include Freeland in the Hazleton SMSA. Further, argues Summit, the community has that congery of civic, economic and governmental organizations and services[9] which clearly indicates its existence independent of Hazleton. Indeed, Freeland is resisting the efforts to close its schools, asserts Summit. Finally, Summit insists that with retail sales in excess of $5 million, Freeland is well able to provide sufficient sources of advertising to support its facility and the joint petitioners' assertions to the contrary are wrong and unsubstantiated. For these reasons, concludes Summit, there is no basis for a Suburban Community issue against it, whereas the circumstances do warrant such an issue against the West Hazleton applicants.[10]

6. The Review Board is of the view that a Suburban Community issue is warranted against all three applicants in this proceeding.[11] It is well established

[1] The applications were designated for hearing by Commission Order (FCC 69–237, 16 FCC 2d 1002, released March 21, 1969) on issues including a 307(b) issue and a contingent comparative issue.

[2] Policy Statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965).

[3] Additional pleadings relating to this petition before the Board are: opposition, filed May 7, 1969, by Broadcasters 7, Inc.; Broadcast Bureau comments, filed May 7, 1969; opposition, filed May 7, 1969, by CBM, Inc.; and reply, filed May 21, 1969, by Summit.

[4] Additional pleadings relating to this petition before the Board are: opposition, filed June 4, 1969, by Summit; and Broadcast Bureau comments, filed June 4, 1969. CBM and Broadcasters have not filed a reply and the time therefor has expired.

[5] Summit notes that CBM's original application was filed for 1170 kHz, Hazleton; this application was rejected by the Commission.

[6] In reply, Summit maintains that the factual assertions raised by CBM and Broadcasters do not suffice to resolve the substantial question raised by its petition.

[7] 5 FCC 2d 148, 8 RR 2d 611 (1966).

[8] Petitioners also concede that Freeland is not a part of the Hazleton SMSA.

[9] I.e., its own post office, Chamber of Commerce, Redevelopment Corporation, water and sewage authority and YMCA. Also, argues Summit, Freeland phone numbers are separately listed in the telephone directory and the Hazleton paper carries a separate news section covering Freeland.

[10] The Broadcast Bureau urges imposition of the issue against all three applicants, stressing particularly the similarity of the facts of the instant case with those present in Outer Banks, supra.

[11] The CBM–Broadcasters 7 petition is concededly untimely and the joint petitioners' claim of good cause is frivolous. Nevertheless, the petition does raise a public interest question of substantial magnitude and imposition of an issue will not unduly disrupt the proceeding. Consistent with our practice, we will, therefore consider the request on its merits, see WSTE–TV, Inc., 16 FCC 2d 625, 15 RR 2d 697 (1969); Edgefield-Saluda, supra.

that, upon a proper "threshold showing", a Suburban Community issue will be added even though, as here, the circumstances of the case do not fit precisely within the standards which raise the presumption formulated in the Policy Statement, supra. In the cases succeeding the Policy Statement, the Commission has articulated the type of "threshold showing" to be made, see, e.g., Babcom, Inc., 12 FCC 2d 306, 12 RR 2d 998 (1968); Outer Banks Radio Co., Inc., supra; VWB, Inc., supra; and Harry D. Stephenson and Robert E. Stephenson, FCC 68–1144, 15 FCC 2d 335; compare Durgin Associates, Inc., 10 FCC 2d 24, 11 RR 2d 205 (1967). Such a showing has been made against all the applicants here. Thus, while coverage of the larger city with a 5 mv/m signal is not, of itself dispositive, the engineering considerations are relevant to the threshold showing. VWB, Inc., supra. Here all three applicants will place a 5 mv/m signal over all, or nearly all of the larger community; CBM and Broadcasters 7 have positioned their transmitter sites and Summit has directionalized its contour, the pleadings indicate, in such a manner as to place a strong signal over Hazleton. These engineering considerations take on added weight, the Commission has indicated, when the applicant could not have specified the larger community because of prohibited overlap VWB, Inc., supra. Such is the case here as to all three applicants. But the Suburban Community issue will not be added on the basis of engineering considerations alone. The Commission has also concerned itself with the characteristics of the communities involved. Thus, the relative size of the specified community and the larger city is relevant; it is manifest that a significant population disparity exists in the instant case, both as to Hazleton vis-a-vis West Hazleton and Hazleton vis-a-vis Freeland. VWB, supra; Outer Banks, supra. In addition, although the distance of the specified community from the larger town is not itself dispositive, Babcom, Inc., supra, and it need not be established that a classic city-suburb relationship exists, substantial allegations that the specified community lacks an independent existence and depends upon the larger city for its civic, social and economic life are another factor to be considered. Outer Banks, supra. Such properly documented allegations have been made in the instant case. The dearth of industry in both West Hazleton and Freeland raises a substantial question not only as to whether those communities can support a radio station but also as to whether West Hazleton and Freeland are independent of Hazleton. The independence of the two communities is further called into question by the lack of essential civic services—e.g., schools in the case of Freeland—or sharing of such civic and social services, such as the joint sanitary service in the case of Hazleton-West Hazleton. In the last analysis, then, the threshold showing must raise a substantial question as to whether the applicant will realistically serve the community which it has specified. Outer Banks, supra. Such a burden is not light, VWB, supra, but, in our view, the question has been clearly raised in this case, and a Suburban Community issue will be added against all three applicants.[11]

7. *It is ordered*, That the petition to enlarge issues, filed April 10, 1969, by Summit Broadcasting; and the joint petition to enlarge issues, filed May 15, 1969, by CBM, Inc. and Broadcasters 7, Inc., are granted; and that the issues in this proceeding are enlarged by the addition of the following:

To determine, with respect to CBM, Inc., Broadcasters 7, Inc. and Summit Broadcasting:

(1) Whether each such applicant will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all the relevant evidence, including but not limited to, evidence showing:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct program needs;

(b) The extent to which needs of the specified station location are being met by existing standard broadcast facilities;

(c) The extent to which the applicant's program proposal will meet the specified unsatisfied needs of the specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within the specified station location are adequate to support its proposal.

(2) If it is concluded pursuant to the foregoing issue (1) that the proposal of the applicant will not realistically provide a local transmission service for its specified community, whether such proposal meets all of the technical provisions of the rules for standard broadcast station assigned to Hazleton, Pa.

8. *It is further ordered*, That the burdens of proceeding and proof under the issues added herein will be on the applicants for each of their respective proposals.

Adopted: June 25, 1969.

Released: June 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–7872; Filed, July 2, 1969; 8:49 a.m.]

[11] If any applicant fails to meet its burden under both of the issues added herein, its application will be denied. If, however, an applicant fails to meet its burden under Issue (1), but does meet the burdens under Issue (2), it will then be decided whether that applicant should be allowed to remain in hearing status. See Sundial Broadcasting Co., Inc., FCC 68–1082, 15 FCC 2d 58.

FEDERAL POWER COMMISSION

[Docket No. AR69–1]

AREA RATE PROCEEDING

Order Deleting Respondents and Redesignating Respondent

JUNE 26, 1969.

Area Rate Proceeding, Offshore Southern Louisiana, Federal Domain and Disputed Areas, Docket No. AR–69–1.

On April 30, 1969, Mississippi River Corp. filed a request to be deleted as a respondent to this proceeding. A similar request was filed May 26, 1969 on behalf of Consolidated Natural Gas. Co., Consolidated Natural Gas Service Co., and The Peoples Natural Gas Co.

Pursuant to the order instituting this proceeding, issued March 20, 1969, purchasers of offshore leases, natural gas companies having rate schedules on file for sales within the hearing area, and pipelines operating in the area were made respondents. The above companies were named as respondents in Appendix A to the instituting order.

A review of the information on file with the Commission bears out the contention of each of the above companies that it does not meet any of the criteria established by the Commission for determining respondents to this proceeding. Therefore it is appropriate that these companies be deleted as respondents.

The above request for deletion as a respondent of Mississippi River Corp. also served to advise the Commission that the name of Natural Gas ond Oil Corp. has been changed to River Corp. River Corp. is a wholly owned subsidiary of Mississippi River Corp., and was included as a respondent to this proceeding under the name Natural Gas and Oil Corp. The list of respondents should be amended to reflect this change in name.

The Commission orders:

(A) Mississippi River Corp., Consolidated Natural Gas Co., Consolidated Natural Gas Service Co., and The Peoples Natural Gas Co. are hereby deleted as respondents to the proceeding in Docket No. AR69–1.

(B) The respondent to this proceeding designated Natural Gas and Oil Corp. is hereby redesignated River Corp.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–7823; Filed, July 2, 1969; 8:45 a.m.]

CALIFORNIA

Order Vacating Power Withdrawal of Land in Project No. 894

JUNE 25, 1969.

Application has been filed by the U.S. Forest Service for partial vacation of the power withdrawal under the Federal Power Act pertaining to the following described land of the United States:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 35 N., R. 7 E.,
Sec. 10, lots 3, 4;
Sec. 14, W½SW¼;
Sec. 15, NW¼NE¼, S½NE¼;
Sec. 22, NE¼NW¼, NW¼SE¼, SE¼SE¼;
Sec. 23, SE¼NW¼, NW¼SE¼;
Sec. 24, W½NE¼, SE¼NW¼, NW¼SE¼;
Sec. 26, NW¼NW¼, SE¼NW¼, NW¼SE¼.
T. 36 N., R. 7 E.,
Sec. 19, SE¼SW¼;
Sec. 29, lots 12, 13;
Sec. 30, W½NE¼, N½NW¼, N½SE¼, SE¼SE¼;
Sec. 31, NE¼NE¼;
Sec. 32, lots 4, 5, 6, 10, 11, 15, 16.

(Approximately 1,414 acres.)

The application was filed to effectuate a land exchange.

The land lies along or near Horse Creek, a tributary of the Pit River, near the community of Little Valley in Lassen County, Calif., and portions of the land are within the Lassen National Forest.

The land is withdrawn pursuant to the filing on May 8, 1928, as supplemented on March 13, 1929, of an application for preliminary permit for proposed Project No. 894, for which the Commission gave notices of land withdrawal to the General Land Office (now Bureau of Land Management) by letters dated May 11, 1928, February 16, 1929, and April 1, 1929, respectively. No application for license for the project was filed because inadequacy of water supply rendered any power development uneconomic. The permit was canceled by Commission order of June 20, 1930 at the permittee's request.

The Commission finds: The withdrawal of the subject land pursuant to the application for Project No. 894 serves no useful purpose and should be vacated.

The Commission orders: The withdrawal of the subject land pursuant to the application for Project No. 894 is hereby vacated in its entirety.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–7824; Filed, July 2, 1969; 8:45 a.m.]

[Docket No. RI69–353, etc.]

DARCESA CORP. AND SKELLY OIL CO.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 20, 1969.

Darcesa Corp., Docket No. RI69–353, etc.; Skelly Oil Co., Docket No. RI69–362.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 27, 1968, and published in the FEDERAL REGISTER January 7, 1969 (34 F.R. 224), in Appendix A, page 4, Docket No. RI69–362, Skelly Oil Co.: (Opposite Rate Schedule No. 90) under column headed "Supp. No." change "11" to read "12."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–7825; Filed, July 2, 1969; 8:45 a.m.]

[Docket No. CP66–110]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Petition To Amend

JUNE 26, 1969.

Take notice that on June 20, 1969, Great Lakes Gas Transmission Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed a petition to amend the certificate of public convenience and necessity, issued by the order of the Commission on June 20, 1967, to authorize certain changes in the compressor facilities to be installed by Applicant. Applicant proposes to redistribute the horsepower of compressors among the stations with the total compression to be installed to remain virtually the same as that presently authorized, and Applicant states that these proposals would result in operating economies at the capacity of authorized operations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–7826; Filed, July 2, 1969; 8:45 a.m.]

[Docket No. G–3117 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Findings and Order; Correction

JUNE 20, 1969.

Humble Oil & Refining Co. and other Applicants listed herein, Docket No. G–3117 etc.; Midhurst Oil Corp. (successor to Rycade Oil Corp.), Docket No. G–9579.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceeding, substituting respondent, making successors co-respondents, redesignating proceedings, making rate change effective, accepting agreements and undertaking for filing, and accepting related rate schedules and supplements for filing, issued May 26, 1969, and published in the FEDERAL REGISTER June 4, 1969 (34 F.R. 8937), on page 5, paragraph (5) and page 10, paragraph (10): Change Docket No. "G–9575" to read Docket No. "G–9579."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–7827; Filed, July 2, 1969; 8:45 a.m.]

[Docket No. RP–69–36]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Providing for Hearing, Rejecting Proposed Revised Tariff Sheets, and Accepting Proposed Alternative Revised Tariff Sheets

JUNE 26, 1969.

On May 29, 1969, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to become effective on July 1, 1969.[1] The proposed rate changes would increase charges for jurisdictional sales and services by $44,471,857 annually, based on sales for the 12-month period ending February 28, 1969, as adjusted. Rates would be increased under all sales rate schedules except Rate Schedules I–1 and I–2 (Rate Schedule I–1 would be subject to adjustment for changes in cost of purchased gas).

Natural's filing consists of two alternative sets of revised tariff sheets, one of which sets contains a proposed new paragraph, to be included in the General Terms and Conditions of the Tariff, providing that Natural would be permitted, or required, to revise its rates periodically to reflect increases or decreases in its cost of purchased gas.[2] Natural requests that, if the Commission finds that

[1] The proposed revised tariff sheets (described by Natural as "alternative" sheets) hereinafter accepted for filing and suspended are as follows: Eighth Revised Sheet No. 6, Ninth Revised Sheet No. 9, Second Revised Sheet No. 10–A, Eighth Revised Sheet No. 12, Ninth Revised Sheet No. 13, Second Revised Sheet No. 14–A, Eighth Revised Sheet No. 15, Fourth Revised Sheet No. 17, Eighth Revised Sheet No. 18, Ninth Revised Sheet No. 19–A, Second Revised Sheet No. 19–AA, Eighth Revised Sheet No. 19–B, Sixth Revised Sheet No. 19–C, Third Revised Sheet No. 19–D, First Revised Sheet No. 19–E, Original Sheet No. 19–F, First Revised Sheet No. 25–A, Fourth Revised Sheet No. 25–D, Fourth Revised Sheet No. 25–G, Second Revised Sheet No. 25–L, Third Revised Sheet No. 25–O, and First Revised Sheet No. 38–B.

[2] The revised tariff sheets setting forth Natural's proposed purchased gas adjustment provision are Original Sheets Nos. 38–G through 38–K.

the proposed purchased gas adjustment provision is prohibited by § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act and does not waive the terms of that section for purposes of Natural's filing, the Commission accept for filing the alternative set of revised tariff sheets, which does not contain a purchased gas adjustment provision.

Natural states that the principal reason for the proposed rate increases is an increase in revenue requirements not limited to any category of expense or allowance, but reflecting a general increase in cost levels in the nation and in the natural gas industry. The proposed rates include a claimed 8.5 percent rate of return.

The reasonableness of including a purchased gas adjustment provision in Natural's tariff has not been tested in any evidentiary proceeding. If accepted at this time, this provision would become operative after suspension. The purchased gas adjustment provision raises a number of substantive issues which should be fully explored and resolved before the rates and charges to Natural's customers are subjected to changes by application of this proposed adjustment provision. Accordingly, we deem it inappropriate at this time to waive the provisions of § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act to permit the filing of Natural's set of revised tariff sheets containing a purchased gas adjustment provision. During the pendency of this proceeding, and prior to the determination of this issue, however, Natural will not be precluded from requesting permission to track supplier rate increases which increase the purchased gas costs filed for by Natural in this proceeding.

Review of the rate filing indicates that certain other issues are raised which also require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5 months suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

Fourteen of Natural's customers have filed petitions for leave to intervene in this proceeding. Petitions to intervene have also been filed by the Administrator of General Services, the city of Chicago, Ill., and a group of municipalities purchasing gas from Natural for resale. Notices of intervention were filed by the Public Service Commission of Wisconsin, and the Iowa State Commerce Commission.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Natural's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in footnote (1) above be suspended, and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing on July 8, 1969, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Natural's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon, Natural's revised tariff sheets listed in footnote (1) above are hereby suspended and the use thereof is deferred until December 1, 1969, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Natural's revised tariff sheets proposing a purchased gas adjustment provision are hereby rejected for filing. These proposed tariff sheets may be made a part of the record herein, to be considered, along with any modifications thereof or alternative provisions submitted by the parties or the Commission Staff, as a proposed purchased gas adjustment provision to be included in Natural's tariff.

(D) At the hearing on July 8, 1969, Natural's prepared testimony (Statement P) filed and served on June 13, 1969, together with its entire rate filing as submitted and served on May 29, 1969, be admitted to the record as Natural's complete case-in-chief as provided by § 154.63(e)(1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding.

(E) Following admission of Natural's complete case-in-chief, the parties shall present their views and the Presiding Examiner, in the exercise of his discretion, shall determine which issues, if any, shall be heard in an initial phase hearing; fix dates for service of Staff's and Interveners' evidence on such issues and service of Natural's rebuttal testimony; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible. The Examiner shall thereafter fix dates for service of testimony and cross-examination on all issues not being heard in the first phase hearing.

(F) Presiding Examiner Ernest O. Eisenberg, or any other designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7828; Filed, July 2, 1969; 8:45 a.m.]

[Docket No. CP69-109]

OHIO FUEL GAS CO.

Notice of Petition To Amend

JUNE 26, 1969.

Take notice that on June 19, The Ohio Fuel Gas Co. (Applicant), 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP69-109 a petition to amend the certificate of public convenience and necessity granted by the order of the Commission on March 17, 1969. Applicant requests authority to sell minor additional quantities of natural gas to three of its customers commencing November 1, 1969, as follows:

	Authorized by order of Mar. 17, 1969	Proposed
Cincinnati Gas & Electric Co.	*Mcf* 100,000	*Mcf* 105,000
Columbia Gas of Ohio, Inc.	2,122,200	2,123,700
Dayton Power & Light Co.	489,600	490,800

Applicant also petitions for an extension of the date by which certain facilities are to be constructed and placed in operation, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7829; Filed, July 2, 1969; 8:45 a.m.]

[Docket No. CP69-343]

OHIO FUEL GAS CO. AND UNITED FUEL GAS CO.

Notice of Application

JUNE 26, 1969.

Take notice that on June 19, 1969, the Ohio Fuel Gas Co. (Applicant), 99 North Front Street, Columbus, Ohio 43215 and United Fuel Gas Co. (Applicant), 1700 MacCorkle Avenue SE., Charleston, W. Va. 25301 filed in Docket No. CP69-343 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of certain existing facilities to transfer deliveries of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants seek an order authorizing the transfer to the Ohio Fuel Gas Co., for the account of Gas Transport, Inc., United Fuel Gas Co.'s current deliveries of natural gas to Gas Transport, Inc. The proposed transfer will be effectuated through the utilization of existing facilities and no new construction will be necessary. Applicants state that this arrangement will permit them to fully utilize their available gas supplies.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7830; Filed, July 2, 1969; 8:45 a.m.]

[Docket No. RI69-374, etc.]

PAN AMERICAN PETROLEUM CORP. AND SKELLY OIL CO.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 20, 1969.

Pan American Petroleum Corp., Docket Nos. RI69-374, etc.; Skelly Oil Co., Docket No. RI69-389.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 30, 1968, and published in the FEDERAL REGISTER January 9, 1969 (34 F.R. 329), in Appendix A, page 13, line 1, Docket No. RI69-389, Skelly Oil Co.: (Opposite Rate Schedule No. 131) under column headed "Supp. No." change "6" to read "8".

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7832; Filed, July 2, 1969; 8:46 a.m.]

[Docket No. RI69-227 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 20, 1969.

Pan American Petroleum Corp., Docket No. RI69-227 etc.; Champlin Petroleum Co. (Operator) et al., Docket No. RI69-230.

In the order providing for hearings on and suspension of proposed changes in rates, issued November 21, 1968, and published in the FEDERAL REGISTER December 4, 1968 (33 F.R. 18053), in Appendix A, page 2, Docket No. RI69-230, Champlin Petroleum Co. (Operator) et al., under column headed "Purchaser and Producing Area" change "Lone Star Gas Company" to read "Cities Service Gas Company."

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7831; Filed, July 2, 1969; 8:45 a.m.]

[Docket No. G-4820 etc.]

TEXACO, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

JUNE 20, 1969.

Texaco, Inc., and other Applicants listed herein, Docket No. G-4820 etc.; Continental Oil Co., Docket No. CI69-1099.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued June 16, 1969, and published in the FEDERAL REGISTER June 24, 1969 (34 F.R. 9764), on page 8, Column 3, Docket No. CI69-1099: Change name of purchaser to read "Tennessee Gas Pipeline Company, a Division of Tenneco Inc." in lieu of "Natural Gas Pipeline Company of America."

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7833; Filed, July 2, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive of April 1, 1969

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on April 1, 1969.[1]

The information reviewed at this meeting suggests that, while expansion in real economic activity has moderated somewhat further, current and prospective activity now appears stronger than earlier projections had indicated. Substantial upward pressures on prices and costs are persisting. Most long-term interest rates have risen further on balance in recent weeks, but movements in short-term rates have been mixed. In the first quarter of the year bank credit changed little on average, as investments contracted while loans expanded further. In March the outstanding volume of large-denomination CD's continued to decline sharply; inflows of other time and savings deposits were moderate; and growth in the money supply remained at a sharply reduced rate. It appears that a sizable deficit reemerged in the U.S. balance of payments on the liquidity basis in the first quarter but that the balance on the official settlements basis remained in surplus as a result of further large inflows of Eurodollars. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the reduction of inflationary pressures, with a view to encouraging a more sustainable rate of economic growth and attaining reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining firm conditions in money and short-term credit markets, taking account of the effects of other possible monetary policy action; provided, however, that operations shall be modified if bank credit appears to be deviating significantly from current projections.

Dated at Washington, D.C., the 26th day of June 1969.

[1] The Record of Policy Actions of the Committee for the meeting of April 1, 1969, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 69-7842; Filed, July 2, 1969; 8:46 a.m.]

FIRST AT ORLANDO CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)), by First at Orlando Corp., which is a bank holding company located in Orlando, Fla., for the prior approval of the Board of the acquisition by Applicant of at least 80 percent of the voting shares of The Citizens State Bank, St. Cloud, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, of which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 24th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7841; Filed, July 2, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-2532]

ADAMS EXPRESS CO.

Notice of Application for Order Exempting Acquisition of Securities of an Investment Company

JUNE 27, 1969.

Notice is hereby given that The Adams Express Co. ("Adams"), a closed-end, diversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 6(c) of the Act for an order exempting from the provisions of section 12(d)(1) of the Act the proposed acquisition by Adams of shares of common stock of Petroleum Corporation of America ("Petroleum"), a registered, closed-end, nondiversified investment company, in connection with the proposed offering by Petroleum to its stockholders of rights to subscribe for additional shares of common stock which is referred to below.

The investment policy of Petroleum is stated to be the concentration of investments in common stocks and other securities of corporations engaged in the oil industry or related industries or in interests in undeveloped or producing oil properties. Adams presently owns 18.72 percent (528,234 shares) of the common stock of Petroleum. On May 5, 1969, Petroleum informed its stockholders that it proposes to offer them transferrable rights, represented by warrants, to subscribe for 564,404 additional shares of its common stock on the basis of one additional share for each five shares held. In addition, each holder of a warrant is entitled to the privilege of subscribing for additional shares of the Petroleum stock, subject to allotment, out of any shares not subscribed for pursuant to the exercise of the primary subscription rights. Such stock offering by Petroleum will not be underwritten and is expected to expire about 21 days after the commencement of its offering.

Adams desires and intends, subject to the granting of the instant application by the Commission, to exercise its rights as a stockholder to purchase shares of Petroleum and to exercise subscription rights under any additional subscription privileges which may be available.

If all stockholders of Petroleum, including Adams, exercise their full rights pursuant to such stock offering the percentage of total outstanding stock of Petroleum owned by applicant will remain the same (18.72 percent). If subscription rights of others are not exercised, however, the additional stock of Petroleum to be acquired by applicant, pursuant to its rights and additional subscription privileges which may be available, could result in the ownership by Adams of more than the 18.72 percent of the outstanding stock of Petroleum it presently holds.

Section 12(d)(1) of the Act, among other things, makes it unlawful for any registered investment company and any company controlled by it to purchase or otherwise acquire any security issued by any other investment company if such registered investment company and any company controlled by it own in the aggregate, or as a result of such purchase will own, more than 5 percent of the total outstanding stock of such other investment company if the policy of such other investment company is the concentration of investments in a particular industry or group of industries.

Adams has agreed that it will take immediate steps to divest itself of such of its shares of Petroleum as may be in excess of 18.72 percent of the total number of shares of capital stock of Petroleum issued and outstanding after completion of the offering of additional shares of Petroleum.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 14, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the persons being served are located more than 500 miles from the point of mailing) upon the Adams at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7848; Filed, July 2, 1969; 8:47 a.m.]

[70-4766]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Filing Regarding Proposed Acquisition by Registered Holding Company of Common Stock of Public Utility Company and Issuance by Registered Holding Company of Shares of Its Common Stock To Be Used in Payment for Such Acquisition

JUNE 27, 1969.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, N.Y. 10004, a registered holding company, has filed an application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6, 7, 9, and 10 of the Act and Rule 100 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

AEP proposes to acquire all of the outstanding securities of Sewell Valley Utilities Co. ("Sewell Valley"), an electric utility company incorporated under the laws of West Virginia and distributing electric energy wholly within that State, in exchange for 11,000 shares of AEP's common stock, par value $6.50 per share.

Sewell Valley is a subsidiary company of The Meadow River Lumber Co. ("Meadow River"), a West Virginia corporation, which owns all of the outstanding 500 shares of Sewell Valley common stock, no par value, and all of its outstanding shares of 6 percent cumulative preferred stock. The preferred stock will be redeemed by Sewell Valley on or about June 30, 1969, so that at the time of the proposed acquisition of the common stock by AEP it will constitute all of the outstanding stock of Sewell Valley.

Sewell Valley operates an electric distribution system in and around the town of East Rainelle, W. Va. At December 31, 1968, it served some 780 residential customers, 184 commercial and industrial customers and two public street and highway lighting accounts. The facilities owned by Sewell Valley include approximately 24 pole-miles of distribution line, some 115 transformers and various associated items of other property. The Sewell Valley electric system is an isolated distribution system, not interconnected with any other utility and wholly dependent for its supply of electric energy on the generators owned by its parent, Meadow River, which are operated in conjunction with that company's lumbering operations. However, its territory is entirely surrounded by the operating territory of Appalachian Power Co. ("Appalachian"), a subsidiary company of AEP. After consummation of the proposed transactions, Sewell Valley will purchase its power requirements from Appalachian at a substantial reduction in cost. To establish an interconnection, Appalachian will construct approximately 3 miles of 34.5 kv. transmission line and associated facilities at a cost of approximately $60,000.

Sewell Valley for the year 1968 had operating revenues of $169,480.38, of which $168,683.88 were derived from sales of electric energy. Total operating income for the year 1968 was $2,927.86 and total net income for the same period was $4,623.09; the difference constituting interest and dividend income earned by the company on temporary cash investments. It is proposed that Sewell Valley will, on or before the closing date, pay a special dividend to its parent, Meadow River, in an amount equal to the excess cash and temporary cash investments remaining after the redemption of the company's preferred stock, such dividend not to exceed $110,000. As of December 31, 1968, Sewell Valley's balance sheet showed utility plant of $137,913.28, depreciation reserves of $64,061.87 and net utility plant of $73,851.41.

AEP proposes, upon consummation of the acquisition, to cause Sewell Valley to file with the West Virginia Public Service Commission rate schedules at a level and with terms and conditions similar to those presently applicable in the State of West Virginia to the customers of Appalachian. The new rates are expected to result in reductions of 6½ percent for residential customers and 5 percent for commercial and industrial customers. Economies of operation under the direction of AEP, particularly the new power purchasing contract with Appalachian, are expected to increase net income of Sewell Valley to approximately $25,000 per year. On this basis, and taking the market value of the AEP common stock as of June 20, 1969 ($33 per share), the consideration to be given ($363,000), for the Sewell Valley common stock is approximately 14.5 times such estimated earnings.

AEP proposes that the issuance of its common stock and its acquisition of the common stock of Sewell Valley will be reported on its books by recording the acquired shares of Sewell Valley at a cost equal to the average of the opening and closing price of AEP common stock on the New York Stock Exchange on the closing date and by recording the 11,000 shares of AEP common stock to be issued in exchange therefor, to the extent of $6.50 per share, as additional par value of common stock and the balance as capital surplus-premium on common stock.

It is stated that no finders, legal or other fees, commissions or expenses are expected to be paid or incurred by AEP or any associate company in connection with the proposed exchange by AEP of its common stock for the outstanding securities of Sewell Valley, except for miscellaneous expenses (local counsel fees, title searches, audits, and the like) estimated at not to exceed $5,000 to be incurred by AEP. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 21, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7849; Filed, July 2, 1969; 8:47 a.m.]

[812-2495]

TRAVELERS INSURANCE CO. AND TRAVELERS FUND FOR VARIABLE ANNUITIES

Notice of Application for Exemption

JUNE 27, 1969.

Notice is hereby given that The Travelers Insurance Co. ("The Travelers"), and The Travelers Fund for Variable Annuities ("Fund"), 1 Tower Square, Hartford, Conn. (hereinafter collectively "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), for an order exempting Applicants from the provisions of section 22(d) of the Act. The Travelers established the Fund as the facility through which The Travelers will set aside and invest assets attributable to variable annuity contracts which qualify for federal tax benefits under section 401 or 403(b) of the Internal Revenue Code

of 1954, as amended ("Code"). The Fund is on open-end diversified management investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in the sales load except on a uniform basis.

In connection with the sale of the variable annuity contracts, charges from payments thereunder will be made to cover sales and administrative expenses and minimum death benefits. The normal rate of such charges will be scaled from 8.75 percent to 1 percent, based upon the aggregate payments made under the contract.

Applicants propose to provide reduced charges in cases where a variable annuity contract is purchased by application of amounts payable by The Travelers as a lump sum cash distribution under an insurance contract issued by The Travelers (e.g., the death benefit under a life policy, the maturity value of an endowment type contract and lump sum cash options available to beneficiaries) which distribution the contract owner or beneficiary elects to apply to a stipulated payment under a variable annuity contract, subject to the limitations of the Code on the amounts which may be so applied. Such reduced charges are also proposed in cases where variable annuity contracts are purchased by the application of payments derived from the surrender or conversion of contracts with The Travelers held by the contract owner or beneficiary under a retirement program qualified under sections 401, 403(a), 403(b), or other provisions of the Code allowing similar tax treatment. The reduced charges will be scaled from 3 percent to 1 percent, based upon the aggregate payments made under the contract.

Applicants assert that from the point of view of equitable treatment of contract owners, no unfair discrimination would exist under the proposed reduced sales charges. In all cases a sales charge on the premiums under the Travelers insurance contracts will have been paid. The purpose of the reduced sales charge is to avoid cumulating sales charges. The reduced sales charges would allow Applicants to take into account the anticipated lower sales expenses in offering the variable annuity contracts to certain investors.

Applicants also assert that such reduced charges are in the interest of investors and the public; that no unfair discrimination between contract owners participating in the Fund would result therefrom; and that the reduction would be consistent with the policies of the Act.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 17, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L DUBOIS,
Secretary.

[F.R. Doc. 69–7850; Filed, July 2, 1969; 8:47 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary of Defense (Near East and South Asian Affairs); Office of Assistant Secretary for International Security Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–7867; Filed, July 2, 1969; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67–13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "First Assistant to the Assistant Attorney General" to "Deputy Assistant Attorney General, Land and Natural Resources Division".

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–7868; Filed, July 2, 1969; 8:48 a.m.]

ASSOCIATE DIRECTOR FOR PROGRAM DIRECTION, COMMUNITY RELATIONS SERVICE, DEPARTMENT OF JUSTICE

Manpower Shortage; Notice of Listing

Under provision of 5 U.S.C. 5723, the Civil Service Commission found on June 16, 1969, that there is a manpower shortage for the single position of Associate Director for Program Direction, Community Relations Service, Department of Justice, Washington, D.C.

Assuming other legal requirements are met the appointee to this position may be paid for the expenses of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–7869; Filed, July 2, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

BRITTANY CAPITAL CORP.

Notice of Application for a License as Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) under the name of Brittany Capital Corp., 1600 Republic Bank Building, Dallas, Tex. 75201, for a license to operate in the State of Texas as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended. (15 U.S.C. 661 et seq.)

The proposed Officers and Directors are as follows:

M. H. Earp, 10618 Creekmere Circle, Dallas, Tex. 75218. President and director.
Sam E. Rowland, 404 Tyler, Richardson, Tex. Executive vice president.
Claude T. Fuqua, Jr., 3525 Turtle Creek, Dallas, Tex. 75219. Secretary.
William H. Walton, 3031–D Mahanna, Dallas, Tex. 75235. Director.
William H. Larkin, 100 Floyd Street, Waxahachie, Tex. Director.
Thomas J. Waggoner III, 2019 Avondale, Wichita Falls, Tex. Shareholder in excess of 10 percent.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations. Generally, the company will confine its activities to serving those communities nearest its base of operations but not to the exclusion of any other area in the State of Texas. The company will, however, entertain applications from any potential borrower.

Notice is further given that any interested person may not later than July 11, 1969, at 5 p.m., e.d.s.t., submit to SBA in writing, relevant comments on the proposed company. Any communication should be addressed to Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Dallas, Tex.

For SBA (pursuant to delegated authority).

Dated: June 24, 1969.

JAMES T. PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69–7851; Filed, July 2, 1969; 8:47 a.m.]

DELTA CAPITAL CORP.

Notice of Approval for Transfer of Control of Licensed Small Business Investment Company

On May 20, 1969, a notice of application for transfer of control and reorganization was published in the FEDERAL REGISTER (34 F.R. 8216) stating that an application had been filed with the Small Business Administration (SBA) pursuant to §§ 107.701 and 107.903 of the regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for the transfer of control and reorganization of Delta Capital Corp., 550 Pontchartrain Drive, Slidell, La. 70458, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), License No. 10/10–0086. A.V.C. Corp. (A.V.C.), 1200 North Carolina National Bank Building, 200 South Tryon Street, Charlotte, N.C. 28202, will purchase the majority of Delta assets, including its name and license.

Interested persons were given 10 days to submit written comments to SBA. No unfavorable comments were received.

SBA, having considered the application and all other pertinent information with regard thereto, hereby approves the application for transfer of control and reorganization.

For SBA (pursuant to delegated authority).

Dated: June 24, 1969.

JAMES T. PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69–7852; Filed, July 2, 1969; 8:47 a.m.]

[Declaration of Disaster Loan Area 716]

KANSAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1969 because of the effects of certain disasters, damage resulted to residences and business property located in Saline County, Kans.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from tornado occurring on June 21, 1969.

OFFICE

Small Business Administration Regional Office, 120 South Market Street, Wichita, Kans. 67202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1969.

Dated: June 25, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69–7853; Filed, July 2, 1969; 8:47 a.m.]

[Declaration of Disaster Loan Area 715]

NEW YORK

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1969 because of the effects of certain disasters, damage resulted to residences and business property located in Cortland County, N.Y.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on June 23, 1969.

OFFICE

Small Business Administration Regional Office, Fayette and Salina Streets, Syracuse, N.Y. 13202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1969.

Dated: June 25, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69–7854; Filed, July 2, 1969; 8:47 a.m.]

[Declaration of Disaster Loan Area 713]

TENNESSEE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1969 because of the effects of certain disasters, damage resulted to residences and business property located in Macon County, Tenn.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on June 23, 1969.

OFFICE

Small Business Administration Regional Office, 500 Union Street, Nashville, Tenn. 37219.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1969.

Dated: June 25, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69–7855; Filed, July 2, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1309]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JUNE 27, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1375 (Sub-No. 17), filed June 6, 1969. Applicant: BELL LINES, INC., 6414 McCorke Avenue SE., Charleston, W. Va. 25304. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, livestock, commodities in bulk, and those requiring special equipment), between Knoxville, Tenn., and Bluefield, Va.-W. Va.: (1) from Knoxville over U.S. Highway 11E to Bristol (also over U.S. Highway 11W to Bristol), thence over U.S. Highway 11 to its intersection with U.S. Highway 21; thence over U.S. Highway 21 to Bluefield, Va.-W.Va. (also over Interstate Highway 77 to Bluefield); and (2) from Knoxville over U.S. Highway 81 to its intersection with U.S. Highway 21; thence over U.S. Highway 21 to Bluefield (also from Knoxville over U.S. Highway 81 to its intersection with Interstate Highway 77, thence over Interstate Highway 77 to Bluefield), and return over the same route, serving Bristol, Va.-Tenn., as an intermediate point. NOTE: Applicant states that the purpose of this instant application is to eliminate the necessity for observing a point in Lee or Wise Counties, Va., in conducting operations between Knoxville, Tenn., on the one hand, and, on the other, Bluefield, Va.-W. Va., and points north thereof authorized to be served by applicant. Applicant further states that if the authority herein sought is granted, it will submit for cancellation its present pending authority issued in Sub 15, to conduct operations over irregular routes between Wise and Lee Counties, Va., on the one hand, and, on the other, Knoxville, Tenn. If a hearing is deemed necessary, applicant did not specify location.

No. MC 1824 (Sub-No. 46), filed June 13, 1969. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Candy and confectionery and articles used in the manufacture, sale, and distribution thereof*, serving the plantsite of Russell Stover Candies, Inc., at Clarksville, Va., as an off-route point in connection with applicant's regular route operation between Baltimore, Md., and Norfolk, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2202 (Sub-No. 367) (Amendment), filed March 4, 1969, published FEDERAL REGISTER issue of March 27, 1969, amended June 17, 1969, and republished as amended this issue. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Cincinnati, Ohio, and Fort Wayne, Ind., over U.S. Highway 27 as an alternate route serving no intermediate points; (2) between Fort Wayne and La Grange, Ind., from Fort Wayne over Indiana Highway 3 to junction U.S. Highway 6 near Kendallville, Ind., thence over U.S. Highway 6 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction U.S. Highway 20 at La Grange, and return over the same route as an alternate route for operating convenience only, serving no intermediate points; and (3) between La Grange, Indiana, and junction Indiana Highway 13 and U.S. Highway 131, from La Grange over U.S. Highway 20 to junction Indiana Highway 13, thence over Indiana Highway 13 to junction U.S. Highway 131, at or near the Indiana-Michigan State line, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, restricted against the transportation of traffic moving between points in Michigan, on the one hand, and, on the other, Cincinnati, Ohio, in connection with (1) through (3) above. NOTE: Applicant states it agrees to cancellation of its present route in MC 2202 (Sub-No. 214), provided the route sought in the present application is granted in its entirety. The purpose of this republication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 2202 (Sub-No. 375), filed June 11, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Memphis, Tenn., and Lufkin, Tex.: From Memphis over U.S. Highway 79 to junction U.S. Highway 167, thence over U.S. Highway 167 to junction Louisiana Highway 9, thence over Louisiana Highway 9 to junction U.S. Highway 79, thence over U.S. Highway 79 to Carthage, Tex., thence over Texas Highway 315 to Mount Enterprise, Tex., thence over U.S. Highway 259 to Nacogdoches, Tex., thence over U.S. Highway 59 to Lufkin, and return over the same route, serving no intermediate points, and serving Lufkin, Tex., for the purpose of joinder only as an alternate route for operating convenience only. Restriction: The service sought herein is to be restricted against the transportation of traffic originating at, destined to, or interchanged at Memphis, Tenn., points in Memphis, Tenn., commercial zone, as defined by the Commission, or points in Alabama or Mississippi. NOTE: Applicant states it has substantially the same route as that herein proposed, in MC 2202 (Sub-No. 320). The proposed route will utilize different highways between Shreveport, La., and Nacogdoches, Tex., thereby resulting in a route between Memphis, Tenn., and Houston, Tex., that is 1.6 miles longer than its present route provided in Sub 320. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Memphis, Tenn.

No. MC 2860 (Sub-No. 57), filed June 6, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and products distributed by meat packinghouses*, except commodities in bulk, from Chicago, Ill., to points in Maryland, New York, New Jersey, Pennsylvania, and the District of Columbia. NOTE: Applicant states tacking is possible to an extent but is not presently contemplated. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 19157 (Sub-No. 15), filed June 9, 1969. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., 151 Erie Boulevard, Schenectady, N.Y. 12305. Applicant's representative: Anthony C. Vance, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive material*, new and spent, *radioactive source, special nuclear and byproduct materials, radioactive material shipping containers, nuclear reactor component parts, and related equipment* (except commodities which by reason of size or weight require the use of special equipment), between points in New York. NOTE: Applicant states it intends to tack with its Subs 11 and 13 certificates to provide a through service between its presently authorized 27 States and the District of Columbia, wherein applicant is authorized to serve points in New York, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, North Carolina, Tennessee, Virginia, Vermont, West Virginia, Ohio, Pennsylvania, Rhode Island, South Carolina, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Schenectady, N.Y.

No. MC 23942 (Sub-No. 20), filed May 15, 1969. Applicant: THE SEACOAST TRANSPORTATION COMPANY, a corporation, 500 Water Street, Jacksonville, Fla. 32202. Applicant's representative: Richard D. Sanborn, Jr. (same address as above). In No. MC 23942 applicant holds extensive regular-route common carrier authority authorizing the transportation of general commodities, between designated points in Virginia, North Carolina, South Carolina, Georgia, Alabama, and Florida. This authority roughly parallels the lines of the Seaboard Coast Line Railroad Co., applicant's parent corporation. As part of the above authority, applicant holds authority between Jacksonville, Fla., and Waycross, Ga., as follows: "From Waycross, Ga., over U.S. Highway 1 to Jacksonville, Fla. * * *", subject to certain restrictions, among which is the following: No shipments shall be transported between any of the following points, or through, to, or from more than one of said points: * * * Savannah-Waycross - Patterson - Nahunta - Brunswick-Dupont-Albany-Thomasville, Ga. (considered as a single keypoint), * * * provided such shipments have an immediately prior or immediately subsequent movement by rail. By this application, applicant seeks to modify this restriction to permit the transportation of traffic in highway service beween Jacksonville, Fla., and Waycross, Ga., and other points included in the multiple keypoint in the Waycross, Ga., area. If this authority is granted the keypoint restrictions appearing above would be amended to read: Savannah-Waycross-Patterson - Nahunta - Brunswick - Dupont-Albany-Thomasville, Ga.-Jacksonville, Fla (considered as a single keypoint). No other restrictions above would be amended to read: Savannah-Waycross - Patterson - Nahunta - Brunswick-Dupont-Albany-Thomasville, Ga.-Jacksonville, Fla. (considered as a single keypoint). No other restrictions would be altered and the service would remain auxiliary to, and supplemental of, Seaboard Coast Line's rail service. NOTE: Applicant is controlled by Seaboard Coast Line Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Waycross, Ga., or Jacksonville, Fla.

No. MC 25798 (Sub-No. 192), filed June 11, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Omaha, Nebr.-Council Bluffs, Iowa, commercial zone to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 25869 (Sub-No. 90), filed June 13, 1969. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to points in Colorado, Illinois, Indiana, Michigan, Missouri, Nebraska, Ohio, and Wisconsin. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 41406 (Sub-No. 24) filed June 12, 1969. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, Ind. 46323. Applicant's representatives: Ferdinand Born and Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*: (1) from Ashland, Ky., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin; and (2) between Ashland, Ky., and Middletown, Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Columbus, Ohio, and/or Chicago, Ill.

No. MC 46240 (Sub-No. 16), filed June 13, 1969. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brass, bronze, copper, and aluminum articles, equipment, material and supplies* used in or incidental to the manufacture thereof, between Fulton, Miss.,

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); under contract with Mueller Brass Co. of Port Huron, Mich. NOTE: Applicant holds common carrier authority in MC 106603 and Subs thereunder, therefore, dual operations may be involved. Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 50069 (Sub-No. 426), filed June 12, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in tank vehicles, from storage facilities of Allied Chemical Corp. located at or near Channahon (Smithbridge), Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69116 (Sub-No. 124), filed June 11, 1969. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, veneer, and forest products, such as lumber, plywood, poles, posts, piling, ties, cross arms, crossing panels, and fabricated lumber products*, creosoted or otherwise preservatively treated and untreated, including *hardware* necessary for the installation thereof, from Carbondale, Ill., to points in Indiana, Iowa, Kentucky, Michigan (Upper and Lower Peninsula), Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago Ill.

No. MC 7[illegible] (Sub-No. 24) (Amendment), filed March 6, 1969, published FEDERAL REGISTER issue of April 10, 1969, amended June 11, 1969, and republished as amended this issue. Applicant: THE AETNA FREIGHT LINES, INC., 2507 Youngstown Road SE., Warren, Ohio 44482. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *general commodities* (except those of unusual value, household goods as defined by the Commission, and commodities in bulk); (a) between military installations or Defense Department establishments in the United States (except points in Washington, Idaho, Montana, North Dakota, South Dakota, Wyoming, Colorado, Utah, Nevada, Oregon, California, Arizona, New Mexico, Maine, New Hampshire, Vermont, Alaska, and Hawaii); (b) between points in (a) above on the one hand, and, on the other, points in the United States (except points in Washington, Idaho, Montana, North Dakota, South Dakota, Wyoming, Colorado, Utah, Nevada, Oregon, California, Arizona, New Mexico, Maine, New Hampshire, Vermont, Alaska, and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to change the commodity description in (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 73165 (Sub-No. 267), filed June 2, 1969. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, castings, and building materials and accessories*, moving therewith, from points in Delaware and Franklin Counties, Ohio, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and apparently willing to accept a restriction against tacking, if warranted If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 76948 (Sub-No. 2), filed June 2, 1969. Applicant: LEON DUGAN, 427 East Monroe Street, Chrisman, Ill. 61924. Applicant's representative: W. L. Jordan, 205 Merchants Savings Building, Terre Haute, Ind. 47801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Fertilizer and fertilizer ingredients*, in bulk in self-unloading vehicles, or in bags or containers, from plantsite of Agrico Chemical Co., near Danville, Ill., to points in Indiana, south of a line beginning at Vincennes, Ind., and extending eastward along Indiana Highway 67 to Indianapolis, and thence east along U.S. Highway 40 to Indiana-Ohio State line; and (b) *sand* (fertilizer ingredient), in bulk, in self-unloading vehicles, from Montezuma, Ind., to the plantsite of Agrico Chemical Co., near Danville, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Indianapolis, Ind.

No. MC 83217 (Sub-No. 42), filed May 22, 1969. Applicant: DAKOTA EXPRESS INC., 1217 West Cherokee Avenue, Sioux Falls, S. Dak. 57101. Applicant's representative: Henry J. Schuette, 1217 West Cherokee, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feed, meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in section A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in South Dakota, Nebraska, Kansas, Missouri, Minnesota, Iowa, Wisconsin, and Illinois, to ports of entry on the international boundary line between the United States and Canada at Minnesota and North Dakota, for export into Manitoba and Sasketchewan, Canada; and (2) *foodstuffs*, from ports of entry on the international boundary line between the United States and Canada at North Dakota and Minnesota, to points in South Dakota, Nebraska, Iowa, and Minnesota, restricted to traffic originating in Manitoba and Saskatchewan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 85465 (Sub-No. 17) (Amendment), filed March 20, 1969, published FEDERAL REGISTER issue of May 1, 1969, amended June 12, 1969, and republished as amended this issue. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including classes A and B explosives, but excepting livestock, household goods, commodities which because of size or weight require the use of special equipment, articles of unusual value, and commodities in bulk; (a) between military installations or Defense Department establishments in the United States (except Alaska and Hawaii), and (b) between points in (a) above and points in Nebraska, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to redescribe commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 87717 (Sub-No. 4) (Clarification), filed May 16, 1969, published FEDERAL REGISTER issue of June 12, 1969, and republished in part, as clarified, this issue. Applicant: FANELLI BROTHERS TRUCKING COMPANY, a corporation, Centre and Nichols Streets, Pottsville, Pa. 17901. Applicant's representative: Robert H. Griswold and S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. NOTE: The purpose of this partial republication is to clarify the destination point in item (2), to show

Millersport, Fairfield County, Ohio, in lieu of Millersport and Fairfield Counties, Ohio, which was erroneously shown in previous publication. The rest of the application remains the same.

No. MC 94265 (Sub-No. 219), filed June 6, 1969. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsites and warehouse facilities of National Beef Packing, Inc., at Liberal and Kansas City, Kans., to points in Tennessee, Virginia, North Carolina, Delaware, West Virginia, Maryland, Pennsylvania, New York, New Jersey, and the District of Columbia, restricted to traffic originating at the plantsites and warehouse facilities of National Beef Packing, Inc. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 95540 (Sub-No. 749), filed June 6, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, not cold pack or frozen, from the plantsites and storage facilities of Comstock Greenwood Foods, Borden, Inc., at Waterloo, Egypt, Rushville, Penn Yan, Newark, Lyons, Syracuse, Fairport, and Red Creek, N.Y., and West Chester, Pa., to points in New Mexico, Arizona, Colorado, Utah, Nevada, California, Idaho, Montana, Oregon, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y., or Washington, D.C.

No. MC 102616 (Sub-No. 836), filed June 3, 1969. Applicant: COASTAL TANK LINES, INC., Post Office Box 7211, 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Process clay*, in bulk, from Paulsboro, N.J., to points in Delaware, Michigan, Ohio, and Pennsylvania. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 102682 (Sub-No. 261), filed May 16, 1969. Applicant: HUGHES TRANSPORTATION, INC., Post Office Box 10207, Charleston, S.C. 29411. Applicant's representative: Frank B. Hand, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives*, from Macon, Ga., to Dahlgren, Va., Dover Air Force Base, Del., and Edgewood Arsenal, Md. NOTE: Applicant has contract carrier authority in MC 89340 Sub 2, therefore dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction, against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103435 (Sub-No. 210), filed June 6, 1969. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince Street, Littleton, Colo. 80120. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, articles of unusual value, commodities which, because of their size or weight, require the use of special equipment), serving the site of the Atlantic Richfield Co. near Ferndale, Wash., as off-route to carrier's presently authorized regular routes. NOTE: Applicant states joinder would be made at Bellingham, Wash., which is a regular route point authorized under MC 103435 Sub-No. 104. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 103993 (Sub-No. 422), filed June 9, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Itawamba County, Miss., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 106398 (Sub-No. 404), filed June 9, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Washington County, Md., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states that no duplication authority is being sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 106398 (Sub-No. 405), filed June 10, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *buildings* in sections mounted on wheeled undercarriages, from points in Clark County, Wis., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 106760 (Sub-No. 101), filed June 11, 1969. Applicant: WHITE-HOUSE TRUCKING, INC., 5020 Angela Road, Toledo, Ohio 43615. Applicant's representatives: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036, and Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structures, outdoor electric substations or sections thereof, iron or steel, bolts and nuts, and accessories used in the installation thereof*, from Newark, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 106760 (Sub-No. 102), filed June 11, 1969. Applicant: WHITE-HOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036, and Irvin Tull and Fred Rahal, Jr., 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel columns, steel joists, steel beams, steel roofing decks, steel shapes, steel trusses, steel sidings, and accessories thereof*, from Canton, Ohio, to points in Boone, Cook, De Kalb, Du Page, Gruncy, Kane, Kendall, Lake, McHenry, Will, and Winnebago Counties, Ill., and to all other points in the United States except New York, Connecticut, Florida, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Alabama, Arkansas, Georgia (except on and south of U.S. Highway 80), Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan (except points in Lower Peninsula), Mississippi, Missouri, New Jersey, Pennsylvania,

Tennessee, West Virginia, District of Columbia, Alaska, and Hawaii. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 106760 (Sub-No. 103), filed June 11, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036, and Irvin Tull and Fred Rahal, Jr., 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from plantsite of General Plywood Corp., at or near New Albany, Ind., to all points in the United States except Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Colorado, Arizona, New Mexico, and Alaska and Hawaii. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 106760 (Sub-No. 104), filed June 11, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036, and Irvin Tull and Fred Rahal, Jr., 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85; and (2) *materials, equipment, and supplies*, used in the manufacture and processing of iron and steel articles, from points in the United States on and east of U.S. Highway 85 to the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., restricted to traffic originating at or destined to the named origins and destination in (1) and (2) above, and further restricted against the transportation of commodities in bulk. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106760 (Sub-No. 105), filed June 11, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036, and Irvin Tull and Fred Rahal, Jr., 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board*, from Jarratt, Va., to points in Illinois, Indiana, Ohio, Kentucky, Tennessee, Iowa, Michigan, Missouri, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106760 (Sub-No. 106), filed June 11, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, flat, from Shreveport, La., Charleston, W. Va., and Ottawa, Ill., to points in the United States (except Washington, Oregon, California, Nevada, Idaho, Utah and Arizona, and Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106760 (Sub-No. 107), filed June 11, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representative: Irvin Tull and Fred Rahal, Jr. (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Windows, window frames, doors, door frames and molding*, from Pemberton, N.J., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106760 (Sub-No. 109), filed June 11, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant), and Leonard E. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass glazing units*, from Mason City, Iowa, to points in the United States (except Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Alaska, and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 201), filed June 5, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 142, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass glazing units*, from Mason City, Iowa, to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico; (2) *glass*, flat; from Shreveport, La., Charleston, W. Va., and Ottawa, Ill., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico; and (3) *glass*, flat; *glass glazing units, and glass doors and fittings*, from Toledo, Ohio, to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states it would tack with its present authority in MC 107295, where feasible. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Springfield, Ill.

No. MC 107515 (Sub-No. 662), filed June 12, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salads and sandwich spreads*, (1) from Atlanta, Ga., and Knoxville, Tenn., to points in Michigan, Ohio, Indiana, Illinois, Kentucky, Wisconsin, New York, New Jersey, Pennsylvania, Delaware, Connecticut, Rhode Island, Massachusetts, Kansas, Oklahoma, Texas, Virginia, West Virginia, Maryland, Iowa, Nebraska, North Dakota, South Dakota, and the District of Columbia; and (2) from Knoxville, Tenn., to points in Missouri, Minnesota, Arkansas, Louisiana, Mississippi, Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Knoxville, Tenn.

No. MC 108068 (Sub-No. 80), filed June 9, 1969. Applicant: U.S.A.C. TRANSPORT, INC., Post Office Box G, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as applicant), and Wilburn L. Williamson, 600 Leininger Building, Oklamoa City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, including plywood, and cooling tower and fluid cooler parts and accessories*, from Stockton, Calif., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maine, Vermont, New Hampshire, Delaware, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

No. MC 109689 (Sub-No. 206), filed June 3, 1969. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals, liquid feed supplement, and mineral oil*, in bulk, from Fort Lupton, Colo., to points in Wyoming, Nebraska, Montana, Kansas, Utah, and New Mexico. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Los Angeles, Calif.

No. MC 110157 (Sub-No. 30), filed May 29, 1969. Applicant: LANG TRANSIT COMPANY, a corporation, 38th Street and Quirt Avenue, Lubbock, Tex. 79408. Applicant's representative: W. D. Benson, Jr., Post Office Box 6723, 7012 Indiana Avenue, Lubbock, Tex. 79413. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Clovis and Albuquerque, N. Mex.; from Clovis over U.S. Highway 60 to Encino, thence over U.S. Highway 285 to Clines Corner, thence over U.S. Highway 66 and Interstate Highway 40 to Albuquerque, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque or Santa Fe, N. Mex.

No. MC 110525 (Sub-No. 912), filed June 9, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquor*, in bulk, in tank vehicles, from Philadelphia, Pa., to Lakeland, Fla. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant did not specify a location.

No. MC 112595 (Sub-No. 36), filed June 9, 1969. Applicant: FORD BROTHERS, INC., Post Office Box 727 (Coal Grove), Ironton, Ohio 45638. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plantsite of United States Steel Corp., at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114019 (Sub-No. 197), filed June 11, 1969. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities and commodities, the transportation of which is partially exempt pursuant to section 203(b)(6) of the Interstate Commerce Act*, when moving in mixed shipments with bananas, (a) from Charleston, S.C., Norfolk, Va., Wilmington, Del., and Boston and Fall River, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, Pennsylvania, Ohio, Michigan, Illinois, Indiana, Kentucky, West Virginia, Virginia, North Carolina, South Carolina, and the District of Columbia; and (b) from Baltimore, Md., New York, N.Y., and Philadelphia, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114408 (Sub-No. 8), filed June 12, 1969. Applicant: W. E. BEST, INC., State Route 20, Pioneer, Ohio 43554. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone, gravel, dirt, and bituminous concrete*, in bulk, in dump vehicles, from points in Williams County, Ohio, to points in Hillsdale County, Mich.; under contract with Northwest Materials, Inc. NOTE: Applicant states no duplicating authority presently held or sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 115092 (Sub-No. 9), filed June 9, 1969. Applicant: WEISS TRUCKING, INC., Post Office Box O, Vernal, Utah 84080. Applicant's representative: William S. Richards, 1605 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Well servicing equipment and supplies and drilling parts and supplies*, between points in Uintah County, Utah, and points in Colorado, New Mexico, Arizona, Idaho, Wyoming, Nevada and California. NOTE: Applicant states it will tack with its lead certificate at points in Moffat, Rio Blanco, Mesa, and Garfield Counties, Colo. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 115311 (Sub-No. 102), filed June 12, 1969. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition boards and accessories used in the installation thereof*, from the plantsite of the Celotex Corp., Marrero, La., to points in Missouri, Illinois, Kentucky, Tennessee, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Delaware, Indiana, Maryland, Mississippi, and Washington, D.C. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Atlanta, Ga.

No. MC 115331 (Sub-No. 270), filed June 4, 1969. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, from Gibsonburg, Ohio, to points in Iowa, Missouri, Wisconsin, Arkansas, Kentucky, Tennessee, and points in Illinois on and south of U.S. Highway 136. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115331 (Sub-No. 271), filed June 4, 1969. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Memphis, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115491 (Sub-No. 116), filed June 9, 1969. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Box 67, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Dry bulk commodities, between points in Florida on the one hand, and, on the other, points in Alabama and Georgia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Orlando or Tampa, Fla.

No. MC 115981 (Sub-No. 1), filed June 2, 1969. Applicant: UNION TRANSPORTATION CO., INC., 1939 Auburn Boulevard, Sacramento, Calif. 95811. Applicant's representative: George M. Carr, 351 California Street, Suite 1215, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos fiber*, crude, shorts, or waste in bags, packages and containers, between the mine and processing site of Pacific Asbestos Corp., near Copperopolis, Calif., to Docks of Stockton, Sacramento, Alameda, Oakland, and San Francisco, Calif., and the rail sidings at Oakdale, Jamestown, and Chinese Camp, Calif., with movement of *empty containers*, on return, under contract with Pacific Asbestos Corp., Copperopolis, Calif. NOTE: Applicant holds common carrier authority under MC 128718, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 117459 (Sub-No. 2), filed June 2, 1969. Applicant: CARLSON TRUCK SERVICE, INC., 2501 Henry Street, Muskegon, Mich. 49441. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* from (1) Oswego, N.Y., to points in Pennsylvania, and returned shipment in the reverse direction; and (2) between points in Buffalo, N.Y., commercial zone, on the one hand, and, on the other, points in New York and Pennsylvania. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Detroit, Mich.

No. MC 117698 (Sub-No. 8), filed June 13, 1969. Applicant: LEO H. SEARLES, doing business as, L. H. SEARLES, South Worcester, N.Y. Applicant's representative: Harold C. Vrooman, 140 Main Street, Oneonta, N.Y. 13820. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice confections, and ice mix* in refrigerated trailers, and not in bulk or tank vehicles, from Suffield, Conn., to Eatontown, Mount Holly, Ocean City, Middlesex, Paterson, Newark, and Woodbridge, N.J., and Farmingdale and Holtsville, Long Island, N.Y. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 118142 (Sub-No. 30) (Amendment), filed May 19, 1969, published in the FEDERAL REGISTER issue of June 12, 1969, amended and republished as amended, this issue. Applicant: M. BRUENGER & COMPANY, INC., 6330 North Broadway, Wichita, Kans. 67214. Applicant's representative: James F. Miller, 6415 Willow Lane, Shawnee Mission, Kans. 66208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined by the Commission, in sections A and C of appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 from the plantsite of Pork Packers, International, Inc., at Clay Center, Kans., to points in Arizona, New Mexico, California, Texas, Louisiana, Alabama, Mississippi, Georgia, Florida, Kansas, Missouri, Arkansas, Oklahoma, Tennessee, Washington, Oregon, and Nevada, with stops in transit at Wichita, Kans., to partially load and/or unload. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to broaden the territory description. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 119641 (Sub-No. 81), filed June 11, 1969. Applicant: RINGLE EXPRESS, INC., 450 South Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204 and Alki E. Scopelitis, 816 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with tractors, *agricultural, industrial, and construction machinery, and equipment, trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles), *attachments* for the above-described commodities, *internal combustion engines, and parts* of the above-described commodities when moving in mixed loads with such commodities, from the port of entry on the international boundary line between the United States and Canada located at or near Buffalo, N.Y., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119710 (Sub-No. 17), filed June 10, 1969. Applicant: SHUPE BROS. CO., a corporation, Post Office Box 929, Greeley, Colo. 80631. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed*, from Guymon, Okla., to points in Kansas, Texas, Colorado, Nebraska, New Mexico, and Arizona, and (2) *feed ingredients*, from points in the States named in (1) above, to Guymon, Okla., under contract with W. R. Grace & Co., NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 119767 (Sub-No. 222), filed June 9, 1969. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Wisconsin, to points in Michigan. NOTE: Applicant states it can tack to serve points under its lead certificate; Subs 39, 50, 58, 145, and 184, whereas it conducts operations at points in Indiana, Illinois, Missouri, Iowa, Wisconsin, Ohio, and Minnesota. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 119774 (Sub-No. 17), filed June 9, 1969. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, EXECUTRIX), AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, Tex. 75662. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 75662. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *classes A and B explosives*, (a) between military installations or Defense department establishments in Florida, Georgia, Alabama, Mississippi, Louisiana, Kansas, Texas, Oklahoma, Arkansas, New Mexico, Arizona, Colorado, Utah, Nevada, Idaho, Wyoming, Montana, Nebraska, South Dakota, and North Dakota; and (b) between points in (a) above on the one hand, and, on the other, points in Florida, Georgia, Alabama, Mississippi, Louisiana, Kansas, Texas, Oklahoma, Arkansas, New Mexico, Arizona, Colorado, Utah, Nevada, Idaho, Wyoming, Montana, Nebraska, South Dakota, and North Dakota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states it holds no authority which would duplicate that sought herein. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119934 (Sub-No. 157), filed June 9, 1969. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, in tank vehicles; (1) from Cleveland, Miss., to points in Louisiana, and Missouri; and (2) from Bryan, Cleveland, and Wapakoneta, Ohio, to points in Indiana, Illinois, and Kentucky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 128161, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 123054 (Sub-No. 9), filed June 11, 1969. Applicant: R & H CORPORATION, 295 Grand Avenue, Clarion, Pa. 16214. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, closures, and fiberboard and pulpboard boxes, materials, and supplies* used in the manufacture of glass and plastic containers, except in bulk in tank vehicles, between Brockport, N.Y.; the Lower Peninsula of Michigan and Kentucky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123091 (Sub-No. 7), filed June 13, 1969. Applicant: NICK STRIMBU, INC., 3500 Parkway Road, Brookfield, Ohio 44403. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles*, from West Middlesex, Pa., and points in Hickory Township, Mercer County, Pa., to points in Illinois, Indiana, Delaware, Georgia, Maryland, Michigan, Missouri, Kansas, California, New Jersey, New York, Massachusetts, Ohio, Texas, and Wisconsin; and (2) *materials and supplies* used in the manufacture of plastic articles (except in bulk), from points in the above-described States to West Middlesex, Pa., and points in Hickory Township, Mercer County, Pa. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123383 (Sub-No. 41), filed June 11, 1969. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and materials and accessories*, used in the installation thereof (except in bulk), from Port Clinton, Ohio, to points in Alabama, Georgia, Kentucky, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 123383 (Sub-No. 42), filed June 11, 1969. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are dealt in by a distributor of charcoal and charcoal briquets*, from Roseland and Edgewater, N.J., to points in New Jersey, New York, Pennsylvania, and Connecticut; and (2) *fireplace logs*, from Orange, Va., and Roseland and Edgewater, N.J., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123639 (Sub-No. 113), filed June 9, 1969. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: David Senseney, 3395 South Bannock, Suite 126, Englewood, Colo. 80110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk in tank vehicles and except hides, from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to points in Arizona, California, Connecticut, Illinois, Indiana, Massachusetts, Michigan, Nevada, New York, New Hampshire, Ohio, Utah (except the Chicago, Ill. commercial zone), and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 123819 (Sub-No. 26), filed June 9, 1969. Applicant: ACE FREIGHT LINE, INC., 261 East Webster, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed, liquid animal feed supplements and molasses*, from McComb, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 124078 (Sub-No. 386), filed June 6, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquors, malt, ale, beer, beer tonic, porter, stout, and related matter*, from Pabst, Houston County, Ga., to points in Tennessee, on and east of Interstate Highway 65. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 124154 (Sub-No. 29), filed June 6, 1969. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, Ga. 31702. Applicant's representative: Monty Schumacher, 2045 Peachtree Road NE., Suite 310, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable, set-up field and construction-site type toilets*, from Albany, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee, and return of rejected and damaged shipments. NOTE: Applicant presently holds contract carrier authority in MC 117504 Sub 1, therefore dual operations may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 125358 (Sub-No. 2), filed June 12, 1969. Applicant: MID-WEST TRUCK LINES, LTD., 1216 Fife Street, Winnipeg, Manitoba, Canada. Applicant's representative: William S. Rosen, 630 Osborn Building, Saint Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, equipment, and materials*, used in the manufacture and assembly of automotive buses, from Chicago and Mattoon, Ill.; Marion and Michigan City, Ind.; Cadillac, Pontiac, Warren, and Wayne, Mich.; Minneapolis, Minn.; Syracuse, N.Y.; Akron, Columbus, Elyria, and Kenton, Ohio; Erie, Pa.; and Mineral Point, Wis., to Pembina, N. Dak.; under contract with Motor Coach Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 125433 (Sub-No. 12), filed June 8, 1969. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South Street, Salt Lake City, Utah 84119. Applicant's representatives: David J. Lister (same address as above), also Duane W. Acklie, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, and commodities in bulk), service shall be restricted to traffic moving on Government bills of

lading or on commercial bills of lading containing endorsements approved in Interpretation of Government Rate Tariff, between points in the United States (except Hawaii and Alaska); (2) *ordnance equipment, materials and supplies, and quartermaster supplies*, between points in the United States (except Hawaii and Alaska); and (3) *general commodities* (except those of unusual value, livestock, household goods as defined by the Commission, and commodities in bulk), between military establishments in the United States (except Hawaii and Alaska). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant has pending contract carrier authority in MC 133128 Sub 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Salt Lake City, Utah.

No. MC 125951 (Sub-No. 11), filed June 2, 1969. Applicant: SILVEY & COMPANY, a corporation, South Omaha Bridge Road, Council Bluffs, Iowa 51501. Applicant's representative: Donald L. Stern, Suite 630, City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), from points in Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to Boston, Mass., Philadelphia, Pa., and New York City, N.Y., and points in New Jersey within 5 miles of New York City, N.Y. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 126473 (Sub-No. 10), filed June 9, 1969. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, (1) from the storage facilities of Central Farmers Fertilizer Co., located at or near Spencer, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; and (2) from the storage facilities of Gulf Central Pipeline Co., located at or near Marshalltown, Iowa, to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 126835 (Sub-No. 22), filed June 11, 1969. Applicant: EDGAR BISCHOFF, doing business as CASKET DISTRIBUTORS, Rural Route 2, West Harrison, Ind., Post Office Harrison, Ohio 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio. 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies, and crated caskets*, when moving with uncrated caskets, (1) from Leesville, S.C., under contract with Imperial Casket Co., Inc.; (2) from Modoc, Ind., under contract with Elder Corp.; (3) from Connersville, Ind., under contract with Connersville Casket Co.; and (4) from Brookville, Ind., under contract with Franklin Manufacturing Co., to points in the United States (except Alaska and Hawaii), in connection with (1) through (4) above, and *returned shipments* of the above commodities from the above-designated destinations to the above-designated origin points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127122 (Sub-No. 2), filed June 2, 1969. Applicant: JOE MOSS, doing business as SIMPSONVILLE GARAGE WRECKER SERVICE, Box 66, Simpsonville, Ky. 40067. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled, and repossessed motor vehicles;* (2) *wrecked or disabled trailers* designed to be drawn by passenger automobiles; and (3) *replacement vehicles and parts thereof*, by use of wrecker equipment only, between points in Kentucky on and west of U.S. Highway 23 and points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming. NOTE: Applicant states it will tack with its existing authority under MC 127122 to enable services to Kentucky, Indiana, and points in the United States (except Hawaii). If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 127539 (Sub-No. 11), filed June 16, 1969. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and food products* requiring mechanical refrigeration and *exempt commodities*, when moving therewith; (1) from points in California and Oregon to points in Washington; and (2) from points in California to points in Oregon. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant has contract carrier authority in MC 124593, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Seattle, Wash.

No. MC 127705 (Sub-No. 26), filed June 11, 1969. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 88, Gas City, Ind. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, closures, and fiberboard and pulpboard boxes, materials, and supplies* used in the manufacture of glass and plastic containers (except in bulk in tank vehicles); (1) between Brockport, N.Y., points in the Lower Peninsula of Michigan, and points in Kentucky; and (2) between Clarion, Pa., and points in the Lower Peninsula of Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127774 (Sub-No. 3), filed June 9, 1969. Applicant: HAINES TRANSPORT, INC., Post Office Box 207, Greenfield, Iowa 50849. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from the plantsite and storage facilities of Farmland Industries, Inc., located at or near Fort Dodge, Iowa, to points in Minnesota, Nebraska, and South Dakota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 127834 (Sub-No. 32) (Amendment), filed April 13, 1969, published FEDERAL REGISTER issue of May 8, 1969, amended June 12, 1969, and republished as amended this issue. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities which* because of size or weight require the use of special equipment or handling; and (2) *commodities* which do not require the use of special equipment or special handling when moving in the same vehicle with commodities the transportation of which because of size or weight require the use of special equipment or handling; (a) between military installations or Defense Department establishments in the United States (except Hawaii); and (b) between points in (a) above on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to redescribe commodity description in (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127903 (Sub-No. 2), filed June 9, 1969. Applicant: H & M TRANSPORT CO., INC., Rudd, Iowa 50471. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from the terminals located on the ammonia pipeline of MAPCO., Inc., located at or near Whiting, Early, and Garner, Iowa to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 128412 (Sub-No. 1), filed June 9, 1969. Applicant: LO-TEMP EXPRESS, INC., 1810 Tenth Avenue, Altoona, Pa. 16603. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Confectioneries and confectionery products*, from Altoona, Pa., to points in West Virginia; under continuing contract with Boyer Bros., Inc., of Altoona, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 129529 (Sub-No. 2), filed June 6, 1969. Applicant: ADOLPH L. MARCHFELD, doing business as THRUWAY MESSENGER SERVICE, Post Office Box 11, Pearl River, N.Y. 10965. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machines, materials, equipment, and supplies*, used by or useful in the manufacture or sale of copying machines (except commodities in bulk), in specialized delivery service, between the plantsite of Xerox Corp., Blauvelt, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.; and New York, N.Y. and points in New Jersey. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 129645 (Sub-No. 8), filed June 9, 1969. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building, roofing and insulation board*, and (2) *materials and accessories* used in the installation thereof, from Florence, Ky., to points in Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant holds contract carrier authority under Docket No. MC 127093 and subs, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 129645 (Sub-No. 9), filed June 10, 1969. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products*, from Fort Dodge, Iowa, to points in Arkansas, Kentucky, and Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 127093 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 133182, filed June 10, 1969. Applicant: LEON OLSEN, ALBERT OLSEN, AND WILLIAM OLSEN, a partnership, doing business as LEON OLSEN TRUCKING COMPANY, 900 Wisconsin Street, Pine Bluff, Ark. 71601. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite ore* in bulk, in dump vehicles, from barge line port or ports on the Arkansas River at or near Little Rock, Ark., to Reynolds Metals Co. plant at or near Bauxite, Ark. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 133239 (Sub-No. 1), filed June 6, 1969. Applicant: SANDNER BROTHERS TRANSPORT LTD., Post Office Box 40, Cascade, British Columbia, Canada. Applicant's representative: Hugh A. Dressel, 702 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, rough and finished, and *stone*, from points in Pend Oreille, Stevens, Ferry, Okanogan, and Spokane Counties, Wash., to ports of entry on the international boundary line between the United States and Canada located in Washington. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Seattle or Spokane, Wash.

No. MC 133681 (Clarification), filed April 21, 1969, published in FEDERAL REGISTER issue of May 15, 1969, and republished as clarified this issue. Applicant: BIG CHET & SONS TRUCKING, INC., 203 Diamond Street, Brooklyn, N.Y. 11232. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, soaps, lotions, perfumes, creams, powders, materials, and supplies* used in the preparation of the aforesaid commodities, between New York, N.Y., commercial zone, on the one hand, and, on the other, points in Hudson and Monmouth Counties, N.J.; and (2) *returned and rejected shipments*, on return, under contract with Sacoma Cosmetiques, LCR Sales Services, B. H. Kruger, Inc., and Vitabath Inc. NOTE: The purpose of this republication is to show under contract with B. H. Kruger, Inc., in lieu of B. H. Kaufear, Inc., as previously published. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133685 (Sub-No. 2) (Correction), filed May 26, 1969, published in the FEDERAL REGISTER issue of June 26, 1969, corrected, and republished as corrected, this issue. Applicant: CARROLL TRUCKING, INC., 8001 Douglas Avenue, Gaithersburg, Md. 20760. Applicant's representative: Martin Sterenbuch, 1120 Connecticut Avenue, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plumbing supplies and fixtures, and electrical supplies*, from Frederick Junction, Md., to points in Maryland, the District of Columbia, points in Adams, Cumberland, Franklin, and York Counties, Pa., points in Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Prince William, and Warren Counties, Va., and Alexandria, Va., and points in Berkeley, Grant, and Jefferson Counties, W. Va., and *returned shipments* of the above-specified commodities, from the above-described destination points to Frederick Junction, Md. Restriction: The operations herein are limited to a transportation service to be performed under a continuing contract, or contracts with the Wickes Lumber & Building Supplies Division of the Wickes Corp., Frederick Junction, Md. NOTE: The purpose of this republication is to include Alexandria, Va., as a destination point, which was inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133780 (Sub-No. 1), filed June 4, 1969. Applicant: WILLIAM A. SPARGER, 16501 South Crawford Avenue, Markham (Tinley Park), Ill. 60477. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as described in appendix I, to the report

in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and, including, *chocolate drinks, chocolate milk, cottage cheese, fruit juices*, fresh and frozen, *sour cream, dip-n-dressing, and yogurt, and puddings*, from the plantsite and warehouse facilities of Sealtest Foods Division of Draftco, Milwaukee, Wis., to the plant and warehouse facilities of Sealtest Foods Division of Kraftco, South Bend, Ind., under a continuing contract, or contracts with Sealtest Foods Division of Kraftco, New York, N.Y.; and (2) *empty containers, outdated merchandise, spoiled merchandise*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 133800, filed June 5, 1969. Applicant: RAYMOND SANDLIN, JR. AND JANICE SANDLIN, a partnership, doing business as SANDLIN TRUCKING, Route 1, Greensburg, Ind. 47240. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Milwaukee, Wis., Peoria, Ill., and St. Paul, Minn., to Greensburg, Ind., and *used, empty malt beverage containers*, on return, under a continuing contract with Tree City Beverage, Inc.; and (2) *malt beverages*, from Peoria, Ill., and Cincinnati, Ohio, to North Vernon, Ind., and *used, empty malt beverage containers*, on return, under a continuing contract with Jennings Beverage Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 133811, filed June 10, 1969. Applicant: H. E. McCONNELL AND H. E. McCONNELL, JR., a partnership, doing business as H. E. McCONNELL & SON, 5117½ Broadway, North Little Rock, Ark. 72117. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite ore*, in bulk, in dump vehicles, from barge line port or ports on the Arkansas River at or near Little Rock, Ark., to the plantsite of Reynolds Metals Co., located at or near Bauxite, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub-No. 414), filed June 2, 1969. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers*, in the same vehicle with passengers; (1) between West Deptford and Pennsville Townships, N.J.: From junction Interstate Highway 295 and U.S. Highway 130, West Deptford Township, N.J., over Interstate Highway 295 to junction U.S. Highway 130 and access roads to the Delaware Memorial Bridge, Pennsville Township, N.J. (formerly Lower Penns Neck Township, N.J.), and return over the same route, serving all intermediate points; (2) between Swedesboro and Logan Township, N.J.: From Swedesboro, N.J., over unnumbered highways to junction Interstate Highway 295, Logan Township, N.J., thence from junction Interstate Highway 295 and unnumbered highway, over unnumbered highways (via Center Square, N.J.) to junction U.S. Highway 130, Logan Township, N.J., and return over the same route, serving all intermediate points; (3) between points in Oldmans Township, N.J.: From junction Interstate Highway 295 and unnumbered highway, over unnumbered highways (via Pedricktown, N.J.) to junction U.S. Highway 130, and return over the same route, serving all intermediate points; (4) between Upper Penns Neck Township and Penns Grove, N.J.: From junction Interstate Highway 295 and New Jersey Highway 48, Upper Penns Neck Township, N.J., over New Jersey Highway 48 to Penns Grove, N.J., and return over the same route, serving all intermediate points; and (5) between points in Upper Penns Neck Township, N.J.: (a) From junction Interstate Highway 295 and unnumbered highway, over unnumbered highway to junction U.S. Highway 130, and return over the same route, serving all intermediate points; and (b) from junction New Jersey Turnpike Interchange No. 1 and unnumbered highway, over unnumbered highways to junction U.S. Highway 130, and return over the same route, serving all intermediate points. NOTE: Applicant states it proposes to tack proposed routes with existing routes. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Wilmington, Del.

No. MC 110373 (Sub-No. 13), filed June 9, 1969. Applicant: NORTHEAST COACH LINES, Joseph Thieberg, Receiver, 730 Madison Avenue, Paterson, N.J. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express mail and newspapers in the same vehicles with passengers*, between Pequannock and Wayne Township, N.J., from the junction of Newark-Pompton Turnpike and Lincoln Park Road in Pequannock to the municipal boundary line of Lincoln Park and Pequannock, at which point Lincoln Park Road becomes Ryerson Road, thence over Ryerson Road to junction Ryerson Road and Comly Road, thence over Comly Road to junction U.S. Highway 202, also called New Jersey Highway 32, thence over U.S. Highway 202 (New Jersey Highway 32) to junction New Jersey Highway 23 in Wayne and those places in Lincoln Park and Pequannock Township, more than 1,500 feet north of the intersection of Comly Road and U.S. Highway 202 in Lincoln Park. NOTE: Applicant states that it proposes to join the authority sought with its present authority, between Pequannock, N.Y., and New York, N.Y., and between Wayne, N.J., and New York, N.Y., and proposes to use such new route in serving all points on its existing routes in New Jersey. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 129841 (Sub-No. 1), filed June 5, 1969. Applicant: WHITFIELD BUS LINES, INC, Post Office Drawer 9897, El Paso, Tex. 79980. Applicant's representative: W. D. Benson, Jr., Post Office Box 6723, Lubbock, Tex. 79413. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passenger* (aliens), *armed guards, and their baggage* in special operations, between El Paso, Tex., and points in New Mexico, Texas, Arizona, California, Utah, and Colorado, under contract with U.S. Department of Justice, Immigration and Naturalization Service. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12729 (Sub-No. 1) (Clarification), filed May 4, 1969, published FEDERAL REGISTER, issue of June 5, 1969, and republished as clarified this issue. Applicant: NEWBURGH TERMINAL CORPORATION, 351 Broadway, Newburgh, N.Y. 12550. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. For a license (BMC-5) to engage in operations as a *broker* at Newburgh, N.Y., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, between points in the United States (except Hawaii). NOTE: The purpose of this republication is to delete any reference to charter and special operations, and both as individuals and groups, since applicant proposes to provide service for any, and all types of passengers, including regular-route service.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 120575 (Sub-No. 3), filed May 15, 1969. Applicant: AZTEC TRANSPORTATION CO., INC., 1211 South 32d Street, San Diego, Calif. 92113. Applicant's representative: Donald Murchison, Suite 211, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Over irregular routes: *General commodities* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in that part of California on and within a boundary line beginning at a point where the boundary line between San Diego and Orange Counties intersects the shoreline of the Pacific Ocean, thence in a general easterly direction along said county boundary line to its intersection with California Highway 79, thence southerly along said State Highway to its junction with U.S. Highway 80, thence along an imaginary line due south to the international boundary line between the United States and Mexico, thence westerly along said international boundary line to the shoreline of the Pacific Ocean, thence northerly along said shoreline to the point of beginning; and, (2) over regular routes, transporting *general commodities* between San Diego, Calif., on the one hand, and, on the other, Borrego Springs and Borrego Valley, Calif.: From Borrego Springs and Borrego Valley over San Diego County Road S3 to junction with California Highway 78, thence over California Highway 78 to Ramona, thence over California Highway 67 to intersection with San Diego County Road S4, thence over San Diego County Road S4 to junction with U.S. Highway 395, thence over U.S. Highway 395 to San Diego, and return over the same route, serving all intermediate points. (3) As an alternate route in connection with regular route authority, and for operating convenience only serving the junction of San Diego County Road S3 and California Highway 78 at Julian for joinder purposes only, and San Diego via U.S. Highway 80, California Highway 79 and U.S. Highway 80, with no authority to serve any point thereon. NOTE: Applicant proposes to tack authorities, and interchange equipment and interline traffic with existing carrier service. Applicant states the sole purpose of its application is to convert its California Certificate of Registration MC 120575 Sub 1 and Sub 2 into a certificate of public convenience and necessity. No new territory, commodity authorization, or operation is sought, and that necessity for conversion of authority rests in its present and future operations into the Republic of Mexico.

No. MC 133381 (Sub-No. 1), filed June 11, 1969. Applicant: SIDNEY R. DREXLER, Route 2, Box 249, St. Charles, Ill. 60174. Applicant's representative: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, between points in Illinois, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted.

No. MC 133813, filed June 11, 1969. Applicant: FORD VAN LINES, INCORPORATED, 5600 Cornhusker Hiway, Lincoln, Nebr. 68507. Applicant's representative: Charles E. Wright, 700 First National Bank Building, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Lincoln and Omaha, Nebr., and points in Richardson, Nemaha, Pawnee, Johnson, Gage, Jefferson, Thayer, Saline, Fillmore, York, Polk, Platte, Burt, Cuming, Colfax, Dodge, Washington, Douglas, Saunders, Butler, Lancaster, Seward, Cass, Otoe, and Sarpy Counties, Nebr., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-7807; Filed, July 2, 1969; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 30, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41676—*Chlorine from Louisiana points to Florida points*. Filed by O. W. South, Jr., agent (No. A6110), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Geismar, Baton Rouge, and North Baton Rouge, La., to Pensacola and Cantonment, Fla.

Grounds for relief—Barge-truck competition.

Tariff—Supplement 100 to Southern Freight Association, agent, tariff ICC S–699.

FSA No. 41677—*Caustic soda from points in Louisiana*. Filed by O. W. South, Jr., agent (No. A6111), for interested rail carriers. Rates on sofium (soda), caustic (sodium hydroxide), in tank carloads, as described in the application, from Geismar, Baton Rouge, North Baton Rouge, and Gramercy, La., to Cantonment and Pensacola, Fla.

Grounds for relief—Barge and market competition.

Tariff—Supplement 100 to Southern Freight Association, agent, tariff ICC S–699.

FSA No. 41678—*Clay, kaolin or pyrophyllite to points in official territory*. Filed by O. W. South, Jr., agent (No. A6108), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, as described in the application, from Letohatchie and Montgomery, Ala., to points in official territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 51 to Southern Freight Association, agent, tariff ICC S–751.

FSA No. 41679—*Clay, kaolin or pyrophyllite to points in Illinois Freight Association territory*. Filed by O. W. South, Jr., agent (No. A6109), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads, as described in the application, from Aberdeen, Miss., and points taking same rates, to points in Illinois Freight Association territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 52 to Southern Freight Association, agent, tariff ICC S–751.

FSA No. 41680—*Flourspar to Middletown, Ohio*. Filed by Traffic Executive Association—Eastern Railroads, agent (E. R. No. 2951), for interested rail carriers. Rates on flourspar, in packages or in bulk, in carloads, as described in the application, from Rosiclare, Junction, and Shawneetown, Ill., also Marion and Mexico, Ky., to Middletown, Ohio.

Grounds for relief—Truck-barge-truck and market competition.

Tariffs—Supplement 20 to The Baltimore and Ohio Railroad Co. tariff ICC 24857, and supplement 95 to Illinois Central Railroad Co. tariff ICC A–11788.

FSA No. 41681—*Barley from specified points in Montana*. Filed by the North Pacific Coast Freight Bureau, agent (No. 69–5), for interested rail carriers. Rates on barley, feed grade, in carloads, from specified points in Montana, to Quincy and Wenatchee, Wash.

Grounds for relief—Truck competition.

Tariff—Supplement 45 to North Pacific Coast Freight Bureau, agent, tariff ICC 1117.

FSA No. 41683—*Carbon dioxide to St. Louis, Mo*. Filed by O. W. South, Jr., agent (No. A6112), for interested rail carriers. Rates on carbon dioxide, liquefied, in tank carloads, as described in the application, from New Orleans, La., to St. Louis, Mo.

Grounds for relief—Market competition.

Tariff—Supplement 29 to Southern Freight Association, agent, tariff ICC S–800.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41682—*Barley from specified points in Montana*. Filed by the North Pacific Coast Freight Bureau, agent (No. 69–4), for interested rail carriers. Rates on barley, feed grade, in carloads, from specified points in Montana, to Quincy and Wenatchee, Wash.

Grounds for relief—Maintenance of depressed rates published to meet private truck competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 45 to North Pacific Coast Freight Bureau, agent, tariff ICC 1117.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-7876; Filed, July 2, 1969; 8:49 a.m.]

[Notice 860]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 30, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective

July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 23196 (Sub-No. 8 TA), filed June 23, 1969. Applicant: WEISS TRANSPORTATION CO., Richmond and Cambria Streets, Philadelphia, Pa. 19134. Applicant's representative: M. Mark Mendel, 1901 P.S.F.S. Building, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Appliances, household and commercial, as well as merchandise sold by Silo, Inc.*, from Philadelphia, Pa., stores and warehouses of Silo, Inc., to points in Delaware and New Jersey, N.J., limited to points in that portion of New Jersey south of Highway 33, for 150 days. Supporting shipper: Silo, Inc., 6900 Lindbergh Boulevard, Philadelphia, Pa. Send protests to: R. A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Second and Chestnut Streets, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 60012 (Sub-No. 78 TA) (Correction), filed March 28, 1969, published FEDERAL REGISTER, issue of April 8, 1969, and republished as corrected this issue. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. 80221. Applicant's representative: Warren D. Braucher, 1531 Stout Street, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Pueblo Army Depot, at or near Avondale, Colo., as an off-route point in connection with carrier's regular-route operations, for 180 days. NOTE: Applicant intends to interline with other carriers at Denver, Pueblo, and Grand Junction, Colo., Salt Lake City, Utah; and Farmington, N. Mex.; and to tack with present authority in MC–60012 and Subs 29, 30, 32, and 58. The purpose of this republication is to show Farmington, N. Mex., as interlining point. Supporting shipper: Military Traffic Management and Terminal Service, Washington, D.C. Send protests to: District Supervisor Charles W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 95540 (Sub-No. 752 TA), filed June 23, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts*, from Wilmington, Del., to points in Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Kentucky, Arkansas, Missouri, Illinois, Indiana, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Rhode Island, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Colorado, Michigan, and Wisconsin, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 112822 (Sub 120 TA) filed June 23, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, plastic mouldings, valves, fittings, compounds, joint sealer, bonding cement, thinner, vinyl building products and accessories* used in the installation of such products, from McPherson, Kans., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming, for 150 days. Supporting shipper: J. J. Knotts, Jr., Traffic Manager, Plastics Division, Certain-Teed Products Corp., Box 887, McPherson, Kans. 67460. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 114533 (Sub-No. 192 TA), filed June 23, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Small parts, components, and supplies used in the repair, maintenance, and operation of photocopying equipment*, limited to 600 pounds, per shipment, between Blauvelt, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont; points on and east of U.S. Highway 15 in the State of Pennsylvania; points in the counties of Mercer, Monmouth, Ocean, Burlington, Atlantic, Camden, Gloucester, Salem, Cumberland, Cape May, Hunterdon, and Warren Counties, N.J., and points in Cecil County, Md., for 180 days. Supporting shipper: Xerox Corp., Route 303, Blauvelt, N.Y. 10913. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 S. Dearborn Street, Chicago, Ill. 60604.

No. MC 116947 (Sub-No. 9 TA), filed June 24, 1969. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Ashby Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cut tin plate, lacquer in drums, metal containers, metal container ends, pallets, paper shrouds, chipboard, and bottle caps* (1) between the plantsites of Crown Cork & Seal Co., Inc., at Atlanta, Ga., Spartanburg, S.C.; Birmingham, Ala.; and Orlando and Bartow, Fla.; (2) between the plantsites set out in (1) above and points in Georgia, South Carolina, Alabama, and Florida, for 150 days. Supporting shipper: Crown Cork & Seal Co., Inc., 9300 Ashton Road, Post Office Box 6208, Philadelphia, Pa. 19136. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta Ga. 30309.

No. MC 121489 (Sub-No. 4 TA) (Correction), filed April 1, 1969, published FEDERAL REGISTER, issue of April 9, 1969, and republished as corrected this issue. Applicant: NEBRASKA-IOWA EXPRESS, INC., 525 Jones Street, Omaha, Nebr. 68100. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated containers and parts thereof*, from Omaha, Nebr., to points in Colorado, Iowa, Kansas, South Dakota, and Wyoming and to points in that part of Missouri on and west of U.S. Highway 63, for 150 days. NOTE: Applicant intends to tack the authority and or interline with other carriers. The purpose of this republication is to include tacking and interlining information, inadvertently omitted in previous publication. Supporting shipper: Weyerhaeuser Co., 100 South Wacker Drive, Chicago, Ill. 60606. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 125871 (Sub-No. 6 TA), filed June 23, 1969. Applicant: CHESTER FRY AND MARIE E. FRY, a partnership, doing business as FRY TRUCKING, Wilton Junction, Iowa 52778. Applicant's representative: Kenneth F. Dudley, 901 South Madkson Avenue, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed, feed ingredients, feed specialties, and livestock minerals and supplements*, from Madison, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin; (2) *iron oxide, ground ore, ground ferroalloys, mineral feed ingredients and mixes, and mineral fertilizer ingredients and mixes*, between Quincy, Ill., and Bowmanstown, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shippers: Vita Plus Corp., Madison, Wis.; The Prince Manufacturing Co., Quincy, Ill. Send protests to: Charles C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 133453 (Sub-No. 2 TA), filed June 23, 1969. Applicant: M. MILESTONE, Delaware Avenue and Jackson Street, Philadelphia, Pa. 19148. Applicant's representative: John H. Derby, 2122 Cross Road, Glenside, Pa. 19038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages, phosphated* (other than alcoholic), in cans or bottles, between Philadelphia, Pa., and Carlstadt and Elizabeth, N.J.; Farmingdale, Jamacia, Long Island; Middletown, Mount Kisco, Newburgh, and Rochester, N.Y.; Norfolk and Richmond, Va.; and Norton and Worcester, Mass., for 180 days. Supporting shipper: Boulevard Beverage Co., 2000 Bennett Road, Philadelphia, Pa. 19116. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133681 (Sub-No. 1 TA), filed June 20, 1969. Applicant: BIG CHET & SONS TRUCKING, INC., 203 Diamond Street, Brooklyn, N.Y. 11232. Applicant's representative: Arthur J. Piken, 160–16 Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, soaps, lotions, perfumes, creams, powders, materials and supplies* used in the preparation of the aforesaid commodities, *returned and rejected shipments of the aforesaid commodities*, from points in the New York, N.Y., commercial zone to points in Bergen, Essex, Hudson, and Monmouth Counties, N.J., and from points in Bergen, Essex, Hudson, and Monmouth Counties, N.J., to points in the New York, N.Y., commercial zone, for 180 days. Supporting shippers: Sacoma Cosmetiques, 253 West 28th Street, New York, N.Y. 10001; Vitabath, Inc., 565 East Crescent Avenue, Ramsey, N.J. 07446; LCR Manufacturing Division, Post Office Box 638, Red Bank, N.J. 07701; B. H. Krueger, Inc., Office and Factory, 50 Noble Street, Brooklyn, N.Y. 11222. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133719 (Sub-No. 1 TA), filed June 24, 1969. Applicant: GLENN H. WILSON, Rural Route 2, Russell, Iowa 50238. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated homes*, knocked down, in packages, from Weston, Wis., to points in Appanoose, Clarke, Decatur, Lucas, Marion, Monroe, Warren, and Wayne Counties, Iowa, for 180 days. Supporting shipper: Floyd Dixon, Contractor, Russell, Iowa 50238. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133749 (Sub-No. 1 TA), filed June 20, 1969. Applicant: WILLARD L. WYCKOFF, doing business as W. W. TRUCKING CO., Post Office Box 1047, Fontana, Calif. 92335. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Petroleum products*, restricted against the transportation of shipments in bulk in tank vehicles, from points in Los Angeles County, Calif., to Pahrump, Nev., as follows: From points in Los Angeles County over irregular routes to junctions with Interstate Highway 15, thence over Interstate Highway 15, to Baker, Calif., thence over California Highway 127 to Shoshone, Calif., thence over unnumbered California Highway to junction with Nevada Highway 52, thence over Nevada Highway 52 to Pahrump; alternate route for operating convenience only; from points in Los Angeles County to Baker as described above, thence over Interstate Highway 15 to junction with unnumbered Nevada Highway near Arden, Nev., thence over such unnumbered highway to junction with Nevada Highway 16, thence over Nevada Highway 16 to Pahrump; return over the above-described routes to Los Angeles County with no transportation for compensation except as otherwise authorized; service is not authorized to intermediate or off-route points, for 180 days. Supporting shipper: Mankins' Corner, Post Office Box 156, Pahrump, Nev. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7879; Filed, July 2, 1969; 8:49 a.m.]

[Notice 371]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 30, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71255. By order of June 17, 1969, the Motor Carrier Board approved the transfer to Beverage Truck Line, Inc., Goodland, Ind., of the certificate in No. MC–129143, issued April 5, 1968, to Rex Montgomery, doing business as Rex Freight Line, Brook, Ind., authorizing the transportation of malt beverages from St. Louis, Mo., Milwaukee and La Crosse, Wis., Peoria, Ill., Louisville, Ky., and Cincinnati, Ohio, to various named points in Indiana. James L. Beattey, 130 East Washington Street, No. 1021, Indianapolis, Ind. 46204, attorney for applicants.

No. MC–FC–71409. By order of June 23, 1969, the Motor Carrier Board approved the transfer to Transport Service, Inc., Meridian, Miss., of the certificate of registration in No. MC–121096 (Sub-No. 1) issued October 21, 1963 to W. F. Huber, doing business as Transport Service Co., Meridian, Miss., authorizing the transportation of lumber, building materials except cement, and brick between all points in the State of Mississippi. Rubel L. Phillips, Post Office Box 22628, Jackson, Miss. 39025, attorney for applicants.

No. MC–FC–71420. By order of June 17, 1969, the Motor Carrier Board approved the transfer to Dan Barclay, Inc., Pompton Plains, N.J., of the portion of certificate No. MC–82667 (Sub-No. 5) issued April 12, 1967, to Lottie E. Greggs, doing business as Greggs Motor Lines, Scranton, Pa., authorizing the transportation of: Household goods as defined by the Commission, and machinery, between Scranton, Pa., on the one hand, and, on the other, points in New York and New Jersey. Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504, practitioner for applicants.

No. MC–FC–71426. By order of June 17, 1969, the Motor Carrier Board approved the transfer to E & L Trucking Co., a corporation, Pawtucket, R.I., of the operating rights in Certificate No. MC–43609 issued November 23, 1964, to William E. Kelleher, doing business as W. E. Kelleher Transport, Brockton, Mass., authorizing the transportation of general commodities, with usual exceptions, between Cambridge, Mass., and West Bridgewater, Mass., serving all intermediate points and the off-route points of Everett and Somerville, Mass., over a regular route as follows: From Cambridge over Massachusetts Highway 28 to West Bridgewater, and return over the same route. Frederick T. O'Sullivan, 372 Granite Avenue, Milton, Mass. 02186, attorney for applicants.

No. MC–FC–71435. By order of June 23, 1969, the Motor Carrier Board approved the transfer to Applegate Trucking, a corporation, Cranbury, N.J., of certificates Nos. MC–71530, MC–71530 (Sub-No. 1), MC–71530 (Sub-No. 2), MC–71530 (Sub-No. 3), MC–71530 (Sub-No. 8), MC–71530 (Sub-No. 12), and

MC-71530 (Sub-No. 14), issued January 16, 1941, August 1, 1942, October 16, 1942, January 5, 1943, December 1, 1949, March 14, 1960, and January 4, 1965, respectively, to W. Earl Applegate, Cranbury, N.J., authorizing the transportation of: Fertilizer, fertilizer materials, fertilizer ingredients, agricultural commodities, animal and poultry feeds and feeding materials, potatoes, machinery used in the manufacture of fertilizer, building stone, farm machinery, canned goods, manure, paper bags, burlap bags, shrubbery, evergreens, lime, lumber, insecticides, fungicides, herbicides, hay, straw, feed, coal, soy beans, grain, binder twine, salt hay, sprayers, applicators or distributors, or parts thereof, advertising paraphernalia or displays, and empty fertilizer containers or bags, from or between specified points in New Jersey, New York, Pennsylvania, Delaware, Connecticut, Maryland, Virginia, Massachusetts, Rhode Island, and the District of Columbia. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, practitioner for applicants.

No. MC-FC-71438. By order of June 23, 1969, the Motor Carrier Board approved the transfer to Ross Trucking, Inc., New York, N.Y., of certificates Nos. MC-117727, MC-117727 (Sub-No. 1), and MC-117727 (Sub-No. 3), issued July 22, 1960, October 22, 1962, and February 28, 1963, respectively, to Frank Aquilino, doing business as Ross Trucking, New York, N.Y., authorizing the transportation of: Bananas, from the port facilities in New Jersey and New York located in the New York, N.Y., commercial zone, as defined by the Commission, to New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y., and Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, and Union Counties, N.J. John G. Lipsett, 330 Madison Avenue, New York, N.Y. 10017, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7880; Filed, July 2, 1969; 8:49 a.m.]

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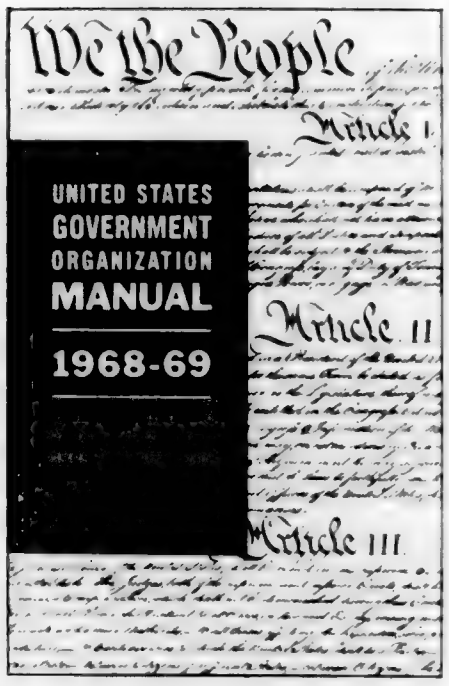
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PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3311 is amended to show that the position of Deputy Assistant Postmaster General, Bureau of Operations is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (6) is added to paragraph (f) of section 213.3311 as set out below.

§ 213.3311 Post Office Department.

* * * * * * *

(f) *Bureau of Operations.* * * *

(6) Deputy Assistant Postmaster General, Bureau of Operations.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7917; Filed, July 3, 1969; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR WHEAT CROP INSURANCE

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER on January 10, 1969 (34 F.R. 377), which were designated for wheat crop insurance for the 1970 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations.

OHIO

Stark. Tuscarawas.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 69-7931; Filed, July 3, 1969; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 381]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.681 Lemon Regulation 381.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 1, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 6, 1969, through July 12, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 2, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7994; Filed, July 3, 1969; 8:48 a.m.]

[Pear Reg. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Pear Commodity Committee reflect its appraisal of the 1969 California pear crop and the prospective marketing factors affecting the supply of and demand for pears by grades and sizes thereof. The volume of the developing California

pear crop and the size and quality of the fruit are such that the minimum size and grade requirements, hereinafter specified, are necessary to (1) establish and maintain returns to producers consistent with the declared policy of the act by preventing the shipment of less desirable pears to fresh market outlets and (2) provide consumers with pears of the most desirable size and quality. The container marking requirements, included herein, are necessary to assure that containers are properly marked as to variety for inspection identification.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1969. A reasonable determination as to the supply of, and the demand for, such pears must await the development of the crop thereof, and adequate information thereon was not available to the Pear Commodity Committee until June 25, 1969, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such pears. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such pears are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such pears; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.413 Pear Regulation 1.

(a) *Order.* (1) During the period July 5, 1969, through December 31, 1969, no handler shall ship any box or container of Bartlett, Max-Red (Max-Red Bartlett, Red Bartlett), or Rosired (Rosired Bartlett) varieties of pears unless:

(i) At least 85 percent, by count, of the pears contained in such box or container shall grade at least U.S. No. 1 with the remainder thereof grading not less than U.S. No. 2; and

(ii) Such pears are of a size not smaller than the size known commercially as size 165.

(2) During the effective period of this regulation no handler shall ship any box or other container of pears of any variety unless such box or other container is stamped or otherwise marked, in plain sight and in plain letters, on one outside end with the name of the variety, if known, or when the variety is not known, the words "unknown variety."

(b) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as size 165" means a size Bartlett, Max-Red (Max-Red Bartlett, Red Bartlett), or Rosired (Rosired Bartlett) varieties of pears that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with 165 pears and with the 22 smallest pears weighing not less than five and three-quarter pounds.

(3) "Standard pear box" means the container so designated in section 43599 of the Agricultural Code of California.

(4) "U.S. No. 1," "U.S. No. 2," and "standard pack" shall have the same meaning as when used in the U.S. Standards of Pears (Summer and Fall), 7 CFR 51.1260–51.1280.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 2, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7995; Filed, July 3, 1969; 8:48 a.m.]

[945.328]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation, to be made effective under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945) regulating the handling of Irish potatoes grown in designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER June 26, 1969 (34 F.R. 9871). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 5 days after publication. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to said market agreement and order, it is hereby found and determined that this limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The recommendations by the Idaho-Eastern Oregon Potato Committee reflect its appraisal of the crop and prospective market conditions. Shipments of potatoes from the production area are expected to begin on or about July 7, 1969. The proposed regulation provided herein is necessary to prevent immature potatoes and potatoes of lower grades and undesirable sizes from being distributed in the channels of commerce to improve the returns to producers for preferred grades and sizes. The specific requirements, hereinafter set forth, regulate the handling of potatoes by grade, size, cleanliness, and maturity so as to (1) promote orderly marketing, (2) standardize the quality of the potatoes shipped from the production area, and (3) maximize returns to the producers pursuant to the declared policy of the Act.

The proposed regulation with respect to special purpose shipments for other than fresh market use is designed to meet the different requirements for such outlets.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that shipments of potatoes grown in the production area are currently being marketed and the regulation should become effective at the time herein provided to maximize the benefits to producers; and good cause exists for making the provisions hereof effective not later than July 7, 1969. Idaho-Eastern Oregon Potato Committee held an open meeting June 13, 1969, to consider recommendations for a limitation of shipments regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the recommendation by the committee has been disseminated among the growers and handlers of potatoes in the production area; compliance with this section will not require any special preparation of potato sorting and packing equipment on the part of handlers subject thereto which cannot be completed on or before the effective time hereof.

§ 945.328 Limitation of shipments.

During the period July 7, 1969, through June 30, 1970, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section.

(a) *Minimum quality requirements*—(1) *Grade—All varieties.* U.S. No. 2, or better grade.

(2) *Size*—(i) *Round red varieties*—1⅞ inches minimum diameter.

(ii) All other varieties—2 inches minimum diameter, or 4 ounces minimum weight.

(iii) All varieties—Size B if U.S. No. 1, or better grade.

(iv) When containers of long varieties of potatoes are marked with a count or similar designation they must meet the weight range for the count designation listed below:

Count designation	*Weight range*
Larger than 50 count	15 ounces or larger.
50 count	12–19 ounces.
60 count	10–16 ounces.
70 count	9–15 ounces.
80 count	8–13 ounces.
90 count	7–12 ounces.
100 count	6–10 ounces.
110 count	5–9 ounces.
120 count	4–8 ounces.
130 count	4–8 ounces.
140 count	4–8 ounces.
Smaller than 140 count.	4–8 ounces.

The following tolerances, by weight, are provided for potatoes in any lot which fall to meet the weight range for the designated count:

(*a*) 5 percent for undersize; and,

(*b*) 10 percent for oversize.

(3) *Cleanliness*—(i) *Kennebec variety*—Not more than "slightly dirty."

(ii) *All other varieties*—"Generally fairly clean."

(b) *Minimum maturity requirements*—(1) *White Rose variety.* During the period July 7, 1969, through December 31, 1969, "moderately skinned" and thereafter they may be handled without regard to the maturity requirements. "Moderately skinned" means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) *All other varieties.* "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(3) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided*, That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Certified seed;

(ii) Charity;

(iii) Starch;

(iv) Canning or freezing;

(v) Dehydration;

(vi) Experimentation; and

(vii) Seed pieces cut from stock eligible for certification as certified seed.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) Export: *Provided*, That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) Potato chipping or prepeeling including potato sticks (French fried shoestring potatoes): *Provided*, That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(d) *Safeguards.* Each handler making shipments of potatoes for starch, canning, or freezing, dehydration, experimentation, seed pieces cut from stock eligible for certification, export, potato chipping, or for prepeeling pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a Certificate of Privilege to make each shipment;

(2) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(3) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(4) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(5) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," and "slightly dirty" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meanings as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(g) *Applicability to imports.* Pursuant to § 608e–1 of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 2, 1969, to become effective July 7, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7968; Filed, July 3, 1969; 8:48 a.m.]

[948.360]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado Area No. 3, was published in the FEDERAL REGISTER June 26, 1969 (34 F.R. 9872). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested persons were afforded an opportunity to file written data, views, or arguments pertaining thereto not later than 5 days after publication. None was filed.

Statement of consideration. The notice was based on the recommendations and information submitted by the Colorado Area No. 3 Potato Committee, established pursuant to the said marketing agreement and order and other available information. The recommendations of the committee reflect its appraisal of the composition of the 1969 potato crop in Area No. 3 and of the marketing prospects for this season.

The grade, size, quality, and pack requirements provided herein are necessary to prevent immature potatoes, or those that are of undesirable sizes, or below grade, or in deceptive packs from

being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The regulations, with respect to special purpose shipments for other than fresh market use, are designed to meet the different requirements for such outlets.

Findings. After consideration of all relevant matter presented in the aforesaid notice, based upon the recommendations of the Colorado Area No. 3 Potato Committee and other available information, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is hereby further found that good cause exists for making this regulation effective at the time herein provided and for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1969 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) identical regulations have been issued under the State order for intrastate shipments, so producers and handlers are aware of the provisions of this regulation under this Federal program, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

§ 948.360 Limitation of shipments.

During the period July 7, 1969, through June 30, 1970, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) through (h) of this section.

(a) *Grade and size requirements*—(1) *Round varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than $1\frac{7}{8}$ inches minimum diameter.

(2) *Long varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter or 4 ounces minimum weight; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than $1\frac{7}{8}$ inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1, or better grade.

(b) *Maturity (skinning) requirements—All varieties.* For U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned."

(c) *Container requirements.* Potatoes may be handled only in containers classified by weight as follows:

(1) 5 pounds;
(2) 10 pounds;
(3) 20 pounds;
(4) 25 pounds;
(5) 50 pounds; or
(6) 100 pounds and larger.

(d) *Special purpose shipments*—(1) *Chipping stock.* Potatoes may be handled for chipping if they meet the requirements of U.S. No. 2, or better grade, $1\frac{1}{2}$ inches minimum diameter, if such potatoes are handled in accordance with paragraph (e) of this section.

(2) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed; or
(ii) Charity.

(3) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for:

(i) Chipping; or
(ii) Prepeeling.

(4) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of seed potatoes (§ 948.6) but such shipments shall be subject to assessments.

(e) *Safeguards.* Each handler making shipments of potatoes for chipping or prepeeling pursuant to paragraph (d) of this section shall—

(1) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes; and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Shipment by motor vehicle.* No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto or such other document as the committee may specify.

(g) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment of over 1,000 pounds of potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(i) *Applicability to imports.* Pursuant to § 608e–1 of the act and § 980.1, "Import regulations" (7 CFR 980.1, round white varieties of Irish potatoes, except certified seed potatoes, imported into the United States during the period August 1, 1969, through June 4, 1970, shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 2, 1969, to become effective July 7, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–7969; Filed, July 3, 1969; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 317—LABELING

PART 318—REINSPECTION AND PREPARATION OF PRODUCTS

Notice of Revocation of Approval for Use of Ionizing Radiation

Pursuant to the authority conferred by section 21 of the Federal Meat Inspection Act, as amended (21 U.S.C. Supp. IV, 621) § 317.9(f) and § 318.19 of the Federal Meat Inspection Regulations (9 CFR 317.9(f) and 318.19) are deleted.

This action terminates the authorization for the use of ionizing radiation in preparing bacon at establishments subject to the Act and is in harmony with action of the Food and Drug Administration in revoking the Food Additive Regulation which provided for use of ionizing radiation of bacon.

This document shall become effective upon publication in the FEDERAL REGISTER.

This action does not affect meat processors or consumers since no products utilizing treatment by ionizing radiation have been produced for commercial consumption. Therefore, it is found upon good cause, under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with respect to this document are impracticable and unnecessary and good cause is found for making this document effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., on July 1, 1969.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 69–7930; Filed, July 3, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

[Special Reg. SPR–31; Amdt. 3]

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

Inclusive Tour Contracts on Annual Basis

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of July 1969.

By circulation of SPDR–15 (Docket 20845), dated March 24, 1969, and publication at 34 F.R. 5745, the Board gave notice that it was considering an amendment to Part 378 to provide that where a tour prospectus covers a series of tours pursuant to one charter contract, the elapsed time between the commencement of the first tour and the departure of the last tour shall not exceed 1 year, instead of 180 days between commencement and completion as at present.

Two supplemental air carriers, Universal Airlines, Inc., and Modern Air Transport, Inc., support the proposal; one scheduled air carrier, Pan American World Airways, Inc., opposes it. The supplemental carriers agree it is now the practice of the industry to plan and promote a series of tours for 52 consecutive weekly departures. Pan American, on the other hand, asserts that the 180-day limitation and the filing of a report within 30 days after completion of the series are the only regulations that protect the public against unwarranted cancellation of tours by tour operators. Permitting tour operators to plan an unlimited number of tours spanning a year would, in Pan American's view, "encourage greater abuse" by cancellations and put off for 6 months any means of assuring the ITC's are not provided for the benefit of the tour operator at the expense of the public.

We believe Pan American's fears of abuse of Part 378 by the tour operators are unfounded. Section 378.20(b) requires the supplemental air carrier to give prompt notice of canceled tours, and § 378.18(b) requires amendment of a prospectus where time permits. To date, there have been few complaints about the performance of tour operators and supplemental carriers under Part 378. However, we have decided to require an interim report in § 378.20 at the end of 6 months, as at present, so that the Board may be currently informed of any deviations from a prospectus and the reasons therefor. This interim report will impose little, if any, burden on the supplemental carriers and tour operators since they presently file such reports for a 6-month period. Editorial changes are also made in § 378.20 to delete references to the expired statement of authorization procedures.

Upon consideration of the comments, the Board has decided to adopt the amendment as proposed, and to add an interim posttour reporting requirement as indicated. Accordingly, except as modified herein, the tentative findings set forth in SPDR–15 are hereby made final.

Accordingly, the Board hereby amends Part 378 of the Special Regulations (14 CFR Part 378), effective August 4, 1969, as follows:

1. Amend paragraph (a) of § 378.18 to read as follows:

§ 378.18 Procedure applicable to periods on or after January 1, 1969.

(a) No inclusive tour or series of tours scheduled to commence on or after January 1, 1969, shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board a tour prospectus satisfying the requirements of § 378.13. If a series of tours is to be operated for one tour operator pursuant to one charter contract, the prospectus may cover the entire series, provided the elapsed time between the commencement of the first tour and the departure of the last tour shall not exceed 1 year. The tour prospectus shall be filed at least 60 days before commencement of the tour or tours. Late filing of the prospectus will not be permitted except for good cause shown.

* * * * *

2. Amend § 378.20 to read as follows:

§ 378.20 Posttour reporting.

(a) Within 30 days after completion of a tour or series of tours, the supplemental air carrier and tour operator shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) a posttour report: *Provided,* That in the case of a series of tours which exceeds 6 months between commencement of the first tour and departure of the last tour, the supplemental air carrier and tour operator shall file a joint interim report within 30 days after the expiration of 6 months from commencement of the first tour, covering tours completed during such 6 months. The posttour and interim report shall indicate whether or not the tours authorized hereunder were, in fact, performed. To the extent that the operations differed from those described in the prospectus filed under § 378.18, such differences shall be fully detailed including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviation.

(b) The supplemental air carrier shall promptly notify the Board regarding any tours covered by a prospectus filed under § 378.18 that are later canceled.

(Secs. 204(a) and 101(33) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 82 Stat. 867; 49 U.S.C. 1324, 1301)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–7976; Filed, July 3, 1969; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER N—GRAZING

PART 151—GENERAL GRAZING REGULATIONS

Corrections

JUNE 27, 1969.

On pages 9383–9386 of the FEDERAL REGISTER of June 14, 1969, there was published a revision of Part 151, Subchapter N, Chapter 1, Title 25, of the Code of Federal Regulations relative to the General Grazing Regulations applicable to Indian range lands. Under the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM2 and pursuant to the authority vested in the Secretary of the Interior by 5 U.S.C. 301, notice is hereby given that the rules published on June 14, 1969, are corrected as follows:

1. In § 151.7—*Grazing on range units authorized by permit,* the first sentence of this section is corrected to read as follows: "All grazing use of range units shall be authorized by a grazing permit except Indians' use of their own land pursuant to § 151.8."

2. In § 151.11—*Competitive and negotiated sale of grazing privileges,* the first sentence of paragraph (a) of this section is corrected to read as follows: "(a) Grazing privileges not exempt from permit under § 151.8 and not reserved for allocation under § 151.10 shall be advertised for competitive public sale by the Superintendent except as otherwise provided in paragraph (b) of this section."

T. W. TAYLOR,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 69–7911; Filed, July 3, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart E–1—Occupations in Agriculture Particularly Hazardous for the Employment of Children Below the Age of 16

VOCATIONAL AGRICULTURE TRAINING EXEMPTION

A proposal was published at 34 F.R. 7084 inviting written data, views, or arguments on the granting of certain exemptions from 29 CFR 1500.71(b) of Title 29, Code of Federal Regulations, to children at least 14 years of age who have received training in the safe use of tractors and farm machinery under the programs of the Office of Education, U.S. Department of Health, Education, and Welfare. After consideration of all matter presented by interested persons, 29

CFR 1500.70 is amended by adding a new paragraph (g) as set out below. As the amendment relieves present restrictions, delay in its effective date is excused by 5 U.S.C. 553(d)(1). As it further appears that no good purpose would be served by such delay, this amendment is effective immediately.

The new paragraph (g) is as follows:

§ 1500.70 General.

* * * * *

(g) *Vocational-Agriculture Training Exemption.* (1) To the extent provided in subparagraphs (2) or (3) of this paragraph (g) the findings and declarations of fact made in § 1500.71(b) shall not apply to children who have been instructed by their employer on the safe and proper operation of the specific equipment they are to use, and over whom he maintains close supervision where feasible, or, where not feasible in work such as cultivating, the employer or his representative checks on each child's safety at least midmorning, noon, and midafternoon.

(2) With respect to the occupations identified in subparagraph (5) of § 1500.71(b), the findings and declarations of fact expressed in that paragraph shall not apply to any child when the requirements of subparagraph (1) of this paragraph (g) and each of the following requirements are met:

(i) The child is 14 years of age, or older.

(ii) The child is familiar with the normal working hazards in agriculture.

(iii) The child has completed a 15-hour training program which includes the required units specified in the Vocational Agriculture Training Program in Safe Tractor Operation outlined by the Office of Education, U.S. Department of Health, Education, and Welfare. (Training program is outlined in Special Paper No. 8, April 1969, prepared at Michigan State University, East Lansing, Mich., for the Office of Education. Copies may be obtained from the Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.)

(iv) The child has passed both a written test and a practical test on tractor safety (the practical test must include demonstrating his ability to operate safely a tractor with a two-wheeled trailed implement on the test course included in the Vocational Agriculture Training Program in Safe Tractor Operation outlined by the Office of Education, U.S. Department of Health, Education and Welfare).

(v) His employer has on file with the employee's records kept pursuant to Part 516 of this title a true copy of a certificate relating to him, signed by his parent or guardian and signed by the Vocational-Agriculture teacher who conducted the course to the effect that he has completed all the requirements specified in subdivisions (i) through (iv) of this subparagraph.

(3) With respect to the occupations identified in subparagraphs (5), (6), (7), (8), (9), and (10) of § 1500.71(b), the findings and declarations of fact expressed in that paragraph shall not apply to any child when the requirements of subparagraph (1) of this paragraph (g) and each of the following requirements are met:

(i) The child satisfied all the requirements of subparagraph (2) of this paragraph.

(ii) The child has completed an additional 10-hour training program which includes the required units specified in the Vocational Agriculture Training Program in Safe Farm Machinery Operation outlined by the Office of Education, U.S. Department of Health, Education, and Welfare. (Training Program is outlined in Special Paper No. 8, April 1969, prepared at Michigan State University, East Lansing, Mich., for the Office of Education. Copies may be obtained from the Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.)

(iii) He has passed both the written test and practical test on safe machinery operation included in the Vocational Agriculture Training Program in Safe Farm Machinery Operation outlined by the Office of Education, U.S. Department of Health, Education, and Welfare.

(iv) His employer has on file with the employee's records kept pursuant to Part 516 of this title a true copy of a certificate relating to him, signed by his parent or guardian and signed by the Vocational-Agriculture teacher who conducted the course to the effect that he has completed all the requirements specified in subdivisions (i) through (iii) of this subparagraph.

(29 U.S.C. 203, 213)

Signed at Washington, D.C., this 27th day of June 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-7900; Filed, July 3, 1969; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1471—ASSIGNMENT OF CONTRACTORS FOR RENEGOTIATION

How Assignment is Made

Section 1471.2 *How assignment is made* is amended in the following respects:

Paragraph (b) is amended by inserting the following, after the third sentence thereof, and paragraph (d) is amended by adding, at the end thereof, the following:

§ 1471.2 How assignment is made.

* * * * *

(b) * * * If the fiscal year of the contractor is a fractional part of 12 months, the $800,000 amount will be reduced to the same fractional part thereof for the purposes of this paragraph. * * *

* * * * *

(d) * * * If the fiscal year of the contractor is a fractional part of 12 months, the $100,000 amount will be reduced to the same fractional part thereof for the purposes of this paragraph.

* * * * *

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: July 1, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69-7912; Filed, July 3, 1969; 8:46 a.m.]

PART 1472—CONDUCT OF RENEGOTIATION

Miscellaneous Amendments

§ 1472.4 [Amended]

Section 1472.4 *Conduct of renegotiation by Board* is amended by deleting the third sentence of paragraph (c).

Section 1472.5 *Notice of Points for Presentation* is amended by deleting paragraphs (a) and (c) in their entirety and inserting in lieu thereof the following:

§ 1472.5 Notice of Points for Presentation.

(a) *When sent.* The Board will send the contractor a Notice of Points for Presentation in every Class A case reassigned to the Board pursuant to § 1473.2(a) or § 1474.3(a) of this chapter, and in any other reassigned case in which the Board in its discretion considers the sending of such a notice desirable. In the absence of unusual circumstances, if a Notice of Points for Presentation is to be sent, it will be mailed to the contractor not less than 10 days before the date fixed for the division meeting with the contractor pursuant to § 1472.4(c).

* * * * *

(c) *Contents.* The Notice of Points for Presentation will set forth, in summary form, any points or matters on which presentation is desired by the Board division. Such points or matters may relate to facts, law, accounting, factor evaluation, or other aspects of the case. The notice will state that, although the contractor will have the opportunity to present and discuss with the division any matters which the contractor considers pertinent, the contractor will be expected to deal specifically and in appropriate detail with the points or matters set forth in the notice. The notice will advise the contractor that he may, if he so desires, present his views in writing, before the meeting, on the points or matters set forth in the notice. Every reasonable effort will be made to set forth in the notice the points or matters with respect to which it is believed that presentation will be helpful to the division in its consideration of the case.

* * * * *

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: July 1, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69-7913; Filed, July 3, 1969; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER E—NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARYS RIVER

[CGFR 69-57]

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS: ST. MARYS RIVER, MICH.

Disestablishment of Lookout Station No. 1

1. The Commander, 9th Coast Guard District, Cleveland, Ohio, by letter dated May 12, 1969, requested the disestablishment of the Coast Guard Lookout Station No. 1 on Johnson Point, Sailors Encampment, Middle Neebish Channel, St. Marys River, Mich. The reason for the request is that modern radiophone communication between vessels and the river traffic controller has made the manned station obsolete. During the 1968 navigation season, Station No. 1 was left unmanned for a trial period. In this time 50 upbound vessel passages were made without incident. A public notice dated March 31, 1969, was issued by the Commander, 9th Coast Guard District, Cleveland, Ohio, describing the proposed changes. All known interested parties were notified and requested to comment on the proposed change. Of the 1,130 persons who received notice of the proposed change, only four filed objections thereto. These objections were based on the discontinuance of the visibility reports furnished by the station rather than the disestablishment of the station as an aid to navigation. It is contemplated that after the station is disestablished the residual services it previously furnished will be provided to mariners by more effective methods. Since the foregoing procedure afforded effective notice to all interested parties, publication of the notice of proposed rule making in the FEDERAL REGISTER is unnecessary. Therefore, the request to disestablish the Coast Guard Lookout Station No. 1 at Johnson Point, Sailors Encampment, Middle Neebish Channel, St. Marys River, Mich., as mentioned in 33 CFR 92.09, 92.15, 92.17, and 92.19 is granted.

2. This document effectuates this request by deleting the references to Lookout Station No. 1 as described in §§ 92.09, 92.15, 92.17, and 92.19.

3. Part 92 is amended by revising §§ 92.09 and 92.15 to read as follows:

§ 92.09 Lookout stations.

Lookout Stations for the St. Marys River Patrol are numbered and located as follows:

No. 3 off Mission Point, Little Rapids Cut.
No. 4 at upper end of Rock Cut, West Neebish Channel.

* * * * *

§ 92.15 Visual signals at lookout stations.

(a) The following signals are hoisted at Lookout Station No. 4 to indicate changes in the conditions of channel passage, and masters of vessels approaching the entrances to the several channels should be on the alert for such signals.

(1) *Closure of channel.* Indicated by two red balls by day, two red lights by night, hoisted vertically about 6 feet apart.

(2) *Channel partially obstructed.* Indicated by a red ball over a white ball by day, a red light over a white light by night, hoisted vertically about 6 feet apart.

(b) Boats of the patrol may carry the signal described in paragraph (a)(1) of this section, as required.

§ 92.17 [Revoked]

3. Part 92 is amended by revoking § 92.17.

4. Part 92 is amended by revising § 92.19(a) to read as follows:

§ 92.19 Temporary closure of West Neebish Channel.

(a) In the event the West Neebish Channel is temporarily closed to navigation (due to dredging, grounding of vessels, or other reasons), the resulting two-way navigation will pass through the Middle Neebish, Munuscong, and Sailors Encampment Channels. The closure and obstruction signals shall be shown from Lookout Station No. 4.

* * * * *

(Secs. 1-3, 29 Stat. 54-55, as amended, sec. 6(b)(1), 80 Stat. 937; 33 U.S.C. 474, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(a)(2))

Effective date: This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: June 26, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-7903; Filed, July 3, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

[CGFR 69-53]

PART 105—COMMERCIAL FISHING VESSELS DISPENSING PETROLEUM PRODUCTS

Requirements for Inspection, Equipment, Operation and Manning

On December 27, 1968, a notice of proposed rule making regarding an amendment to Subchapter I of Title 46, Code of Federal Regulations by adding a new Part 105 was published in the FEDERAL REGISTER (33 F.R. 19847). In accordance with the notice a public hearing regarding the proposed amendment was held on February 12, 1969 in the Customs Court Room, Federal Office Building, 909 First Avenue, Seattle, Wash., under the direction of the Commander, 13th Coast Guard District. Interested parties were given the opportunity of participating in the rule making by submitting written matter in advance of the hearing date and by submitting written and oral matter at the public hearing. After the public hearing, the Commander, 13th Coast Guard District forwarded to the Commandant (CMC), U.S. Coast Guard, Washington, D.C., the public hearing record, including the original written submissions, and his recommendations with respect to the submissions received. On March 25, 1969, in accordance with the provisions of 33 CFR 1.05-30, the Merchant Marine Council, in an executive session, duly considered all the relevant matter submitted. Thereafter, the Merchant Marine Council forwarded to the Commandant, U.S. Coast Guard appropriate recommendations regarding the proposed amendments.

A number of changes are made in the proposed regulations as a result of the oral and written comments received from the interested parties. The effective date of the regulations is changed from July 1, 1969, to December 1, 1969, in view of the fact that the earlier date falls within the fishing season. The proposal to limit the act of dispensing the petroleum products to other vessels only is deleted. The proposed prohibition against galley fires during cargo transfer operations is substantially relaxed. A new paragraph (c), is added to § 105.20-1 providing that plans or sketches of the cargo tanks and piping systems are not required if these installations have previously been accepted by the Coast Guard. Further, in response to the comments received § 105.90-1(b)(1) is amended to permit the continued use on vessels contracted for prior to December 1, 1969, of the associated piping systems of the tanks and containers, if in a satisfactory condition. Section 105.10-20 which defines the term permit is deleted since this term is not used in these regulations. Section 105.10-30 which defines the term tankerman is deleted as unnecessary in view of the provisions of § 105.50-5 *Tankerman.*

Prior to the enactment of the Act of July 11, 1968, the Coast Guard had instituted an interim voluntary program for inspecting these commercial fishing vessels. Some of the comments received have as their purpose the continuation of the interim requirements developed under this voluntary program. Specifically, it was suggested that the letters of compliance issued by the Coast Guard under the interim requirements be continued in force without further inspection of the vessels until the letters expire. This suggestion cannot be adopted since most of the letters of compliance issued under the interim requirements con-

tained no expiration date. In any event, the subsequent enactment of the statute does not permit the continued validity of the letters of compliance issued under a voluntary program without statutory sanction. It was further suggested that no cargo plans or sketches of the cargo tanks should be required since none were required under the interim requirements. This circumstance is not considered a valid reason for not requiring plans and sketches of installations not previously accepted. With respect to cargo tanks accepted under the voluntary program this comment has been adopted, as previously stated, by providing that plans or sketches of the cargo tanks and piping systems are not required if these installations have been previously accepted by the Coast Guard.

Comments were received that the fire pump pressure of 60 p.s.i. required by § 105.35–5(b)(2) is "too powerful." It is considered that this pressure is not excessive. This pump provides the minimum pressure required for an effective stream for firefighting purposes on these vessels. Finally, it was suggested that the tanks, the piping systems, the electrical installation, pumps, and firefighting equipment in use on these vessels prior to December 1, 1969, be permitted to be continued in use if in a good condition in the opinion of the Officer in Charge, Marine Inspection. This suggestion would have the effect of exempting existing vessels from practically all the requirements of these regulations and would in a large measure nullify the congressional intent. This suggestion cannot be accepted in this form. However, in response to this suggestion § 105.90–1(b)(1) is amended to permit the continued use of permanently or temporarily installed tanks or containers and their associated piping systems if in the opinion of the Officer in Charge, Marine Inspection they are in a satisfactory condition and are so maintained.

Accordingly, after due consideration of all the relevant matter presented by the interested parties and the recommendations of the Commander, 13th Coast Guard District and of the Merchant Marine Council, the amendment as so proposed in the FEDERAL REGISTER of December 27, 1968 (33 F.R. 19847), is hereby adopted subject to the following changes:

1. In the heading of Part 105 and of § 105.90–1 and in § 105.50–5(a) the words, "to other fishing vessels", are deleted.

2. In §§ 105.01–1(a), 105.01–5(a), and 105.01–5(d) and 105.45–1(a) the words, "to other vessels", are deleted.

3. In §§ 105.05–1(a) and 105.05–1(b) the words, "for the purpose of dispensing it to other vessels", are deleted and the words "installed permanent tanks or portable containers", are changed to "permanently or temporarily installed tanks or containers".

4. In § 105.15–1(a), fifth line, the words, "it to other fishing vessels, such a", are changed to, "those liquids, the".

5. In § 105.15–10(a), seventh line, the words, "it to other vessels", are changed to, "those liquids".

6. In § 105.50–5(a), last line, the words, "of inspected vessels", are deleted.

7. In the heading of § 105.90–1 and in §§ 105.01–10(a), 105.05–1(a), 105.05–1(b), 105.05–3(a), 105.05–3(b), and 105.90–1(b), the month, "July", is changed to, "December".

8. In § 105.05–2(b), second line, the word, "temporary", is changed to "temporarily installed".

9. In § 105.15–1(c), first line, the word, "portable" is changed to "temporarily installed".

10. In § 105.10–15(a), sixth line, the word, "at", is changed to "of".

11. In § 105.15–1(d), in both the first and second lines, the word, "and", is changed to, "or".

12. Section 105.15–15(e) is deleted.

13. In § 105.20–1, a new paragraph (c) is added to provide that plans and/or sketches are not required if cargo tanks and piping systems have been previously accepted by the Coast Guard.

14. In footnote 3 of Table 105.20–3(a)(1), the last two words of the first line are corrected to read "with a" and the last word of the second line is corrected to read "the".

15. In § 105.20–3(a)(3), a new sentence is added between the first and second sentence which provides for limber holes at the bottom and air holes at the top of all baffles.

16. Section 105.20–3(d) is amended to provide that all tanks vented to the atmosphere shall be hydrostatically tested to a pressure of 5 pounds per square inch or 1½ times the maximum head to which they may be subject to in service. It also provides that a standpipe of 11½ feet in length attached to the tanks may be filled with water to accomplish the 5 pounds per square inch test.

17. In § 105.20–5 the heading is changed from "Valves and Fittings" to "Piping Systems" and paragraphs (a) and (b) have been interchanged. In the main, the section is amended to provide that the piping shall be copper, nickel copper or copper nickel having a minimum wall thickness of 0.035 inches and that seamless steel pipe or tubing may be used for diesel cargo systems.

18. In §§ 105.20–10(c) and 105.30–1(b), seventh line in each, the words, "C and", are deleted.

19. Section 105.30–1(a) is revised to provide that in compartments or areas containing tanks or pumps, handling other than Grade E petroleum products, no electrical fittings, fixtures, nor electrical equipment shall be installed or used unless approved for a Class I Group D hazardous location and so labeled by Underwriters Laboratories, Inc., or other recognized laboratories.

20. Section 105.45–5(a) is amended by permitting galley fires during cargo transfer operations provided that prior to transferring Grade B or C cargoes, the tankerman shall make an inspection to determine whether in his judgment galley fires may be maintained with reasonable safety during the transfer operations.

21. Section 105.10–20 *Permit* is deleted and § 105.10–25 *Pressure vacuum relief valve* is redesignated § 105.10–20.

22. Section 105.10–30 *Tankerman* is deleted and § 105.10–35 *Commercial Fishing Vessel* is redesignated § 105.10–25.

23. In § 105.60–5(a) the words, "dispensing fuel to other fishing vessels", are deleted.

24. Section 105.90–1(b)(1) is amended to substitute the words "Permanently or temporarily installed tanks or containers" for the words, "If installed, permanent tanks or portable tanks or containers"; to delete the words, "to other vessels", and to permit the use of the associated piping systems, if in a satisfactory condition.

25. Section 105.90–1(b)(2) is amended to substitute the words, "permanently or temporarily installed tanks or containers" for the words, "permanent tanks or portable tanks or containers".

Effective date. Part 105 of Title 46 CFR, as set forth in full hereinafter, is effective December 1, 1969.

Dated: June 2, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

Subpart 105.01—Administration

Sec.

105.01–1 Purpose and authority for regulations.
105.01–5 Intent of Public Law 90–397 (approved July 11, 1968, 82 Stat. 341).
105.01–10 Effective date of regulations.

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Subpart 105.90—Existing Commercial Fishing Vessels Dispensing Petroleum Products

105.90–1 Commercial fishing vessels dispensing petroleum products contracted for prior to December 1, 1969.

AUTHORITY: The provisions of this Part 105 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended, 4488, as amended, secs. 2, 633, 63 Stat. 496, 545, sec. 6(b), 80 Stat. 938; 46 U.S.C. 375, 391a, 416, 481, 14 U.S.C. 2, 633, 49 U.S.C. 1655(b); 49 CFR 1.4 (a)(2), (f), unless otherwise noted.

Subpart 105.01—Administration

§ 105.01–1 Purpose and authority for regulations.

(a) The purpose of the regulations in this part is to provide adequate safety in the transporting and handling of certain petroleum products on board commercial fishing vessels, as contemplated by section 391a of title 46, United States Code (Tanker Act; R.S. 4417a, as amended), as amended by section 4 of Public Law 90–397 (approved July 11, 1968, 82 Stat. 341). As required by law, the regulations in this part set forth the minimum requirements for those commercial fishing vessels, which include transporting and dispensing certain petroleum products carried on board as an incidental part of their usual occupation (cannery tender, fishing tender or commercial fishing).

(b) The authority for the regulations in this part is in sections 375 and 391a of title 46, United States Code (R.S. 4405, as amended, 4417a, as amended). The authority to prescribe regulations and administer the provisions of laws governing the transportation and handling of flammable or combustible liquid cargoes in bulk in vessels was delegated to the Commandant, U.S. Coast Guard, by the Secretary of Transportation in rules designated 49 CFR 1.4 (a) and (f).

§ 105.01–5 Intent of Public Law 90–397 (approved July 11, 1968, 82 Stat. 341).

(a) Public Law 90–397 was enacted to give certain vessels engaged in the fishing industry of the States of Oregon, Washington, and Alaska certain exemptions from inspection and certification requirements administered by the Coast Guard, and to provide alternate requirements for any such vessel if transporting and dispensing its flammable or combustible liquid products, as incidental to its principal use as a cannery tender, fishing tender, or commercial fishing vessel.

(b) Public Law 90–397 exempts certain vessels engaged in the fishing industry of the States of Oregon, Washington, and Alaska from the requirements of section 88 (load lines), 367 (inspection and certification of seagoing motor vessels), and 404 (inspection of small craft carrying passengers or freight for hire) of title 46, United States Code.

(c) Public Law 90–397, section 4, amends the first paragraph of section 391a of title 46, United States Code (Tanker Act, R.S. 4417a, as amended), by adding at the end thereof the following sentence:

Notwithstanding the first sentence hereof, cannery tenders, fishing tenders, or fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska when engaged exclusively in the fishing industry shall be allowed to have on board inflammable or combustible cargo in bulk to the extent and upon conditions as may be required by regulations promulgated by the Secretary of the department in which the Coast Guard is operating.

(d) Under the provisions of section 391a of title 46, United States Code, the Commandant may grant a permit to a vessel "when engaged exclusively in the fishing industry" of the States of Oregon, Washington, and Alaska as a cannery tender, fishing tender, or commercial fishing vessel to carry and dispense its flammable or combustible liquid products in bulk in limited quantities. A vessel whose primary purpose is to transport inflammable or combustible liquids in bulk shall be inspected and certificated under the applicable requirements in Parts 30 through 40 of Subchapter D (Tank Vessels) of this chapter.

§ 105.01–10 Effective date of regulations.

(a) The regulations in this part are effective on and after December 1, 1969. Amendments, revisions, or additions after that date shall become effective ninety (90) days after the date of publication in the FEDERAL REGISTER unless the Commandant shall fix a different time.

(b) The regulations in this subchapter are not retroactive in effect unless specifically made so at the time the regulations are issued. Changes in specification requirements of articles of equipment or materials used in construction shall not apply to such items which have been passed as satisfactory until replacement shall become necessary, unless a specific finding is made that such equipment or material used is unsafe or hazardous and has to be removed from vessels.

Subpart 105.05—Application

§ 105.05–1 Commercial fishing vessels dispensing petroleum products.

(a) The provisions of this part, with the exception of Subpart 105.90, shall apply to all commercial fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of Oregon, Washington, and Alaska, the construction of which is contracted for on or after December 1, 1969, which have or propose to have permanently or temporarily installed tanks or containers for dispensing petroleum products, Grades B and lower flammable or combustible liquids, in bulk in limited qauntities.

(b) The provisions of Subpart 105.90 shall apply to all commercial fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of Oregon, Washington, and Alaska, the construction of which was contracted for prior to December 1, 1969, which have or propose to have permanently or temporarily installed tanks or containers for dispensing petroleum products, Grades B and lower flammable or combustible liquids, in bulk in limited quantities.

§ 105.05–2 Prohibitions regarding petroleum products.

(a) Commercial fishing vessels shall not transport Grade A flammable liquids in bulk. (See § 105.10–15(a) for definition of Grade A flammable liquid.)

(b) On commercial fishing vessels, temporarily installed dispensing tanks or containers shall not be installed or carried below deck or in closed compartments on or above the deck.

§ 105.05–3 New vessels and existing vessels for the purpose of application of regulations in this part.

(a) *New vessels.* In the application of the regulations in this part, a new vessel is meant to be one the construction of which is contracted for on or after December 1, 1969.

(b) *Existing vessels.* In the application of the regulations in this subchapter, an existing vessel is meant to be one the construction of which was contracted for prior to December 1, 1969.

§ 105.05–5 Types of vessels.

(a) The only types of commercial fishing vessels to which the provisions of this part shall apply are:

(1) Self-propelled, manned vessels, with permanently installed dispensing tanks or containers on open decks.

(2) Self-propelled, manned vessels, with permanently installed dispensing tanks or containers located below deck or in closed compartments.

(3) Self-propelled, manned vessels, with temporary dispensing tanks or containers installed on open decks.

§ 105.05–10 Intent of regulations.

(a) The intent of the regulations in this part is to prescribe special requirements for commercial fishing vessels which are otherwise exempt from requirements of vessel inspection, but by reason of occasionally engaging in the service of carrying on board and dispensing liquid inflammable and combustible cargo in bulk are subject to certain requirements of title 46 United States Code section 391a.

(b) The application of the regulations governing petroleum products in bulk is limited to that portion of the vessel involved in the storage, carriage, and handling of such products. This shall include, but shall not be limited to:

(1) Permanently or temporarily installed tanks or containers;

(2) Compartments, areas or places where such tanks or containers are placed;

(3) Fuel filling systems;

(4) Fuel venting systems;

(5) Fuel piping and pumping systems.

(c) The regulations in this part also state the manning, crew requirements, and officers for those vessels when required by other specific provisions of law.

(1) Vessels carrying flammable or combustible liquids in bulk are required by section 391a(6)(a) of title 46, United States Code, to have aboard certificated tankermen.

(2) Vessels of 200 gross tons and upward and operating on the high seas are subject to the Officers' Competency Certificate Convention, 1936, and section 224a of title 46, United States Code, regarding licensed masters, mates, chief engineers, and assistant engineers.

Subpart 105.10—Definition of Terms Used in This Part

§ 105.10–1 General.

(a) Certain terms used in the regulations in this part are defined in this subpart.

§ 105.10–5 Approved.

(a) The term "approved" means approved by the Commandant, U.S. Coast Guard, unless otherwise stated.

§ 105.10–10 Combustible liquid.

(a) The term "combustible liquid" means any liquid having a flashpoint above 80° F. (as determined from an open cup tester, as used for test of burning oils). Combustible liquids having lethal qualities are those having the characteristics of class "B" or "C" poisons as defined in §§ 146.25–10 and 146.25–15 of Subchapter N (Dangerous Cargoes) of this chapter. In the regulations of this part, combustible liquids are referred to by grades, as follows:

(1) *Grade D.* Any combustible liquid having a flashpoint below 150° F. and above 80° F.

(2) *Grade E.* Any combustible liquid having a flashpoint of 150° F. or above.

§ 105.10–15 Flammable liquid.

(a) The term "flammable liquid" means any liquid which gives off flammable vapors (as determined by flashpoint from an open cup tester, as used for test of burning oils) at or below a temperature of 80° F. Flammable liquids having lethal qualities are those having the characteristics of class "B" or "C" poisons as defined in §§ 146.25–10 and 146.25–15 of Subchapter N (Dangerous Cargoes) of this chapter. Flammable liquids are referred to by grades as follows:

(1) *Grade A.* Any flammable liquid having a Reid[1] vapor pressure of 14 pounds or more.

(2) *Grade B.* Any flammable liquid having a Reid[1] vapor pressure under 14 pounds and over 8½ pounds.

(3) *Grade C.* Any flammable liquid having a Reid[1] vapor pressure of 8½ pounds or less and a flashpoint of 80° F. or below.

§ 105.10–20 Pressure vacuum relief valve.

(a) The term "pressure vacuum relief valve" means any device or assembly of a mechanical, liquid, weight, or other type used for the automatic regulation of pressure or vacuum in enclosed places.

§ 105.10–25 Commercial Fishing Vessel.

(a) The term "commercial fishing vessel" includes fishing vessels, cannery tenders and fishing tender vessels.

Subpart 105.15—Inspection Required

§ 105.15–1 General.

(a) Before a commercial fishing vessel may be used to transport combustible or flammable liquids in bulk in limited quantities for the purpose of dispensing those liquids, the vessel shall be inspected by the Coast Guard to determine that the vessel is in substantial compliance with the requirements in this part.

(b) A vessel with permanently installed cargo tanks shall be inspected biennially, or more frequently if necessary, by the Coast Guard to determine that the vessel is maintained in substantial compliance with the requirements in this part.

(c) A vessel with temporarily installed cargo tanks or containers shall be inspected annually, or more frequently if necessary, by the Coast Guard.

(d) Vessels while laid up or dismantled or out of commission are exempt from any or all inspections required by law or regulations in this part.

§ 105.15–5 Authority of marine inspectors.

(a) Marine inspectors may at any time lawfully inspect any vessel subject to the requirements in this part.

§ 105.15–10 Application for inspection.

(a) Prior to the commencement of the construction of a new vessel, or a conversion of a vessel to a commercial fishing vessel, intended for transporting combustible or flammable liquids in bulk in limited quantities for the purpose of dispensing those liquids, the owners, master, or agent shall submit an application for inspection and a letter of compliance to an Officer in Charge, Marine Inspection, at any Marine Inspection Office, U.S. Coast Guard.

(b) Application for inspection and renewal of letter of compliance of a vessel shall be made in writing by the master, owner, or agent to an Officer in Charge, Marine Inspection, at any Marine Inspection Office, U.S. Coast Guard.

(c) The application for inspection and letter of compliance shall be on Form CG–3752 or in letter form and set forth the following information:

(1) Vessel's name;

(2) Nature of employment and route or areas in which to be operated;

(3) Date and place where the vessel may be inspected;

(4) Date and place where the vessel was last inspected (if inspected); and,

(5) That application for inspection has not been made to any other Officer in Charge, Marine Inspection.

§ 105.15–15 Letter of compliance.

(a) When a vessel has been inspected and found to be in substantial compliance with the requirements of this part, a "letter of compliance" shall be issued to the vessel by the Officer in Charge, Marine Inspection.

(b) The letter of compliance shall permit the presence on board of liquid flammable or combustible cargoes in bulk, and describe the conditions governing the transportation and dispensing of such cargoes.

(c) The letter of compliance shall state the maximum amount of liquid flammable or combustible cargo in bulk to be carried on board.

(d) The letter of compliance shall be limited to a period of validity which shall not exceed 2 years. For cause, the letter of compliance may be suspended or revoked as authorized by law or regulations in this chapter.

§ 105.15–20 Exhibition of letter of compliance.

(a) On every vessel subject to this part, the original letter of compliance shall be framed under glass or other suitable transparent material and posted in a conspicuous place protected from the weather.

Subpart 105.20—Specific Requirements—Cargo Tanks

§ 105.20–1 Plans and/or sketches.

(a) The owners, master, or agent of a commercial fishing vessel shall submit with his application for the initial inspection a brief description and the plans and/or sketches of the cargo tanks and piping systems for filling and dispensing cargo; dimensions and identifications of material shall be included.

(b) If cargo tanks will be located in enclosed compartments or below decks, the plans and/or sketches shall also show the proposed ventilation system.

[1] American Society of Testing Materials Standard D–323 (most recent revision), Method of Test for Vapor Pressure of Petroleum Products (Reid Method).

(c) Plans and/or sketches are not required if the cargo tanks and piping systems have previously been accepted by the Coast Guard.

§ 105.20–3 Cargo tanks.

(a) *Construction and materials.* (1) The cargo tanks shall be constructed of iron, steel, copper, nickel alloy, or copper alloy. The tanks shall be designed to withstand the maximum head to which they may be subjected, except that in no case shall the thickness of the shell or head be less than that specified in this subparagraph. Tanks of over 150 gallons capacity shall have a minimum thickness as indicated in Table 105.20–3(a)(1):

TABLE 05.20-3(a)(1)

Material	A.S.T.M. specification (latest edition)	Thickness in inches and gage number[2]
Nickel copper	B 127, hot rolled sheet or plate.	0.07 (USSG 12).
Copper nickel[1]	B 122, Alloy No. 5	0.28 (AWG 8).
Copper[1]	B 52, Type F.T.P.	0.82 (AWG 5).
Copper silicon[1]	B97, Alloys A, B, and C.	0.44 (AWG 7).
Steel or iron		0.179 (MSG 7).

[1] Tanks fabricated with these materials shall not be utilized for the carriage of diesel oil.

[2] The gage numbers used in this table may be found in many standard engineering reference books. The letters "USSG" stand for "U.S. Standard Gage" which was established by the act of Mar 3, 1892 (15 U.S.C. 206), for sheet and plate iron and steel. The letters "AWG" stand for "American Wire Gage" (or Brown and Sharpe Gage) for nonferrous sheet thicknesses. The letters "MSG" stand for "Manufacturers' Standard Gage" for sheet steel thicknesses.

[3] Tanks over 400 gallons shall be designed with a factor of safety of four on the ultimate strength of the tank material used with a design head of not less than 4 feet of liquid above the top of the tank.

(2) All tank joints, connections, and fittings shall be welded or brazed. Tanks with flanged-up top edges will not be acceptable.

(3) All tanks exceeding 30 inches in any horizontal dimension shall be fitted with vertical baffle plates of the same material as the tank. Limber holes at the bottom and air holes at the top of all baffles shall be provided. Tanks constructed of material of greater thickness than minimum requirements and that are reinforced with stiffeners may be accepted without baffles.

(4) An opening fitted with a threaded pipe plug may be used on the bottom of the tank for cleaning purposes.

(b) *Supports.* (1) Tanks shall be adequately supported and braced to prevent movement. The supports and braces shall be insulated from contact with the tank surface with a nonabrasive and nonabsorbent material.

(c) *Fittings.* (1) Filling lines shall be at least 1½ inches standard pipe size and extend to within 1½-pipe diameters of the bottom of the tank.

(2) Suction lines from diesel oil tanks may be taken from the bottom provided a shutoff valve is installed at the tank. Tanks for Grades B and C liquids shall have top suctions only.

(3) Vent lines shall be at least equal in size to the filling lines.

(4) When a cargo tank contains Grades B or C liquids, the vent lines shall be terminated with an approved pressure vacuum relief valve not less than 3 feet above the weather deck. When a cargo tank contains Grades D or E liquids the vent line may be terminated with a gooseneck fitted with flame screen at a reasonable height above the weather deck.

(d) *Hydrostatic tests.* All tanks vented to the atmosphere shall be hydrostatically tested to a pressure of 5 pounds per square inch or 1½ times the maximum head to which they may be subjected in service. A standpipe of 11½ feet in length attached to the tanks may be filled with water to accomplish the 5 pounds per square inch test.

§ 105.20–5 Piping systems.

(a) Piping shall be copper, nickel copper, or copper nickel having a minimum wall thickness of 0.035"; except that seamless steel pipe or tubing which provides equivalent safety may be used for diesel cargo systems.

(b) Valves shall be of a suitable nonferrous metallic Union Bonnet type with ground seats except that steel or nodular iron may be used in cargo systems utilizing steel pipe or tubing.

(c) Aluminum or aluminum alloy valves and fittings are prohibited for use in cargo lines.

§ 105.20–10 Pumps.

(a) Pumps for cargo dispensing shall be of a type satisfactory for the purpose.

(b) A relief valve shall be provided on the discharge side of pump if the pressure under shutoff conditions exceeds 60 pounds. When a relief valve is installed, it shall discharge back to the suction of the pump.

(c) Where electric motors are installed with dispensing pumps they shall be explosion proof and shall be labeled as explosion proof by Underwriter's Laboratories, Inc., or other recognized laboratory, as suitable for Class I, Group D atmospheres.

§ 105.20–15 Grounding.

(a) All tanks and associated lines shall be electrically grounded to the vessel's common ground.

(b) A grounded type hose and nozzle shall be used for dispensing fuels.

Subpart 105.25—Additional Requirements—When Cargo Tanks Are Installed Below Decks

§ 105.25–1 General requirements.

(a) Cargo tank and piping systems shall be as described in Subpart 105.20.

§ 105.25–5 Compartments or areas containing cargo tanks or pumping systems.

(a) Compartments or areas containing tanks or pumping systems shall be closed off from the remainder of the vessel by gastight bulkheads. Such gastight bulkheads may be pierced for a drive shaft and pump engine control rods if such openings are fitted with stuffing boxes or other acceptable gland arrangements.

§ 105.25–7 Ventilation systems for cargo tank or pumping system compartment.

(a) Each compartment shall be provided with a mechanical exhaust system capable of ventilating such compartment with a complete change of air once in every 3 minutes. The intake duct or ducts shall be of sufficient size to permit the required air change. The exhaust duct or ducts shall be located so as to remove vapors from the lower portion of the space or bilges.

(b) The ventilation outlets shall terminate more than 10 feet from any opening to the interior of the vessel which normally contains sources of vapor ignition. The ventilation fan shall be explosion proof and unable to act as a source of ignition.

§ 105.25–10 Cargo pumping installation.

(a) Cargo pumps shall not be installed in the cargo tank compartment unless the drive system is outside the compartment.

(b) Suction pipelines from cargo tanks shall be run directly to the pump, but not through working or crew spaces of vessel.

§ 105.25–15 Spacings around tanks.

(a) Tanks shall be located so as to provide at least 15" space around tank, including top and bottom to permit external examination.

§ 105.25–20 Shutoff valves required.

(a) Shutoff valves shall be provided in the suction lines as close to the tanks as possible. The valves shall be installed so as to shut off against the flow.

(b) Remote control of this shutoff valve shall be provided where deemed necessary by the marine inspector.

Subpart 105.30—Electrical Requirements

§ 105.30–1 Electrical fittings and fixtures.

(a) In compartments or areas containing tanks or pumps handling other than Grade E petroleum products, no electrical fittings, fixtures, nor electrical equipment shall be installed or used unless approved for a Class I, Group D hazardous location and so labeled by Underwriter's Laboratories, Inc., or other recognized laboratories. (See Subpart 110.10 of Subchapter J (Electrical Engineering) of this chapter for listings of standards.)

(b) All electrical equipment, fixtures and fittings within 10 feet of a vent outlet or a dispensing outlet shall be explosion proof and shall be labeled as explosion proof by Underwriter's Laboratories, Inc., or other recognized laboratory, as suitable for Class I, Group D atmospheres.

§ 105.30–5 Grounding of electrical equipment.

(a) All electrical equipment shall be grounded to the vessel's common ground.

Subpart 105.35—Fire Extinguishing Equipment

§ 105.35–1 General.

(a) In addition to the fire extinguishing requirements in section 526g of title 46, United States Code, and sections 25.30–1 to 25.30–90, inclusive, in Subchapter C (Uninspected Vessels) of this

chapter, or other laws and regulations in this chapter which may be applicable to a particular vessel at least two BII dry chemical or foam portable fire extinguishers bearing the marine type label of the Underwriter's Laboratories, Inc., shall be located at or near each dispensing area.

(b) This equipment shall be inspected prior to issuing a letter of compliance.

§ 105.35–5 Fire pumps.

(a) All vessels shall be provided with a hand operated portable fire pump having a capacity of at least 5 gallons per minute. This fire pump shall be equipped with suction and discharge hose suitable for use in firefighting. This pump may also serve as a bilge pump.

(b) A power-driven fire pump shall be installed on each vessel of more than 65 feet in length overall.

(1) The power fire pump shall be self-priming and of such size as to discharge an effective stream from a hose connected to the highest outlet.

(2) The minimum capacity of the power fire pump shall be 50 gallons per minute at a pressure of not less than 60 pounds per square inch at the pump outlet. The pump outlet shall be fitted with a pressure gage.

(3) The power fire pump may be driven off a propulsion engine or other source of power and shall be connected to the fire main. This pump may also be connected to the bilge system so that it can serve as either a fire pump or a bilge pump.

§ 105.35–10 Fire main system.

(a) All vessels required to be provided with a power-driven fire pump shall also be provided with a fire main system including fire main, hydrants, hose, and nozzles.

(b) Fire hydrants, when required, shall be of sufficient number and so located that any part of the vessel may be reached with an effective stream of water from a single length of hose.

(c) All piping, valves, and fittings shall be in accordance with good marine practice and suitable for the purpose intended.

§ 105.35–15 Fire hose.

(a) One length of fire hose shall be provided for each fire hydrant required.

(b) Fire hose may be commercial fire hose or equivalent of not over 1½-inch diameter or garden hose of not less than ⅝-inch nominal inside diameter. Hose shall be in one piece not less than 25 feet and not more than 50 feet in length.

(c) If 1½-inch hose is used, it shall be of a good grade fire hose and provisions shall be made for proper stowage to prevent kinking. The hose shall be fitted with an approved combination nozzle.

(d) If garden hose is used, it shall be of a good commercial grade constructed of an inner rubber tube, plies of braided cotton reinforcement and an outer rubber cover or of equivalent material, and shall be fitted with a commercial garden hose nozzle of good grade bronze or equivalent metal.

(e) All fittings on fire hose shall be of brass, copper, or other suitable corrosion resistant metal.

(f) A length of fire hose shall be attached to each fire hydrant at all times.

Subpart 105.45—Special Operating Requirements

§ 105.45–1 Loading or dispensing petroleum products.

(a) A commercial fishing vessel shall have a valid letter of compliance (see Subpart 105.15) on board and shall be in compliance with the requirements therein while dispensing petroleum products.

(b) The loading and/or dispensing of petroleum products from cargo tanks shall be under the supervision of a tankerman.

§ 105.45–5 Galley fires.

(a) Galley fires are normally permitted during cargo transfer operations. However, prior to transferring Grade B or C cargoes, the tankerman shall make an inspection to determine whether in his judgment galley fires may be maintained with reasonable safety during the transfer operations.

§ 105.45–10 Smoking.

(a) Smoking is prohibited during and in the vicinity of the transfer operations. At other times the senior officer on duty shall designate when and where the crew may smoke.

§ 105.45–15 Warning signals and signs.

(a) During transfer of cargo while fast to a dock, a red signal (flag by day and electric lantern at night) shall be so placed that it will be visible on all sides. At all other times of transfer a red flag only shall be displayed.

§ 105.45–20 Warning sign at gangway.

(a) Warning placards shall be kept at hand for display while a vessel is fast to a dock during transfer of cargo, to warn persons approaching the gangway. The placard shall state in letters not less than 2 inches high substantially as follows:

WARNING

No open lights.
No smoking.
No visitors.

Subpart 105.50—Manning Requirements

§ 105.50–1 General.

(a) The letter of compliance issued to a vessel of 200 gross tons and over shall state that such vessels shall comply with the requirements of section 224a of title 46, United States Code, regarding officers.

(b) The letter of compliance issued to a vessel shall state the minimum number of crew members required to hold a document endorsed as tankerman.

§ 105.50–5 Tankerman.

(a) Every commercial fishing vessel engaged in dispensing petroleum products shall have within its personnel complement a person holding a merchant mariner's document bearing an endorsement as "tankerman", or as "tankerman for commercial fishing vessels only" or a person holding a valid license as master, mate, pilot, or engineer.

Subpart 105.60—Tankerman for Commercial Fishing Vessels Only

§ 105.60–1 Merchant Mariner's Document.

(a) An applicant for a Merchant Mariner's Document endorsed as "tankerman for commercial fishing vessels only", shall make a written application in accordance with Part 12 of Subchapter B (Merchant Marine Officers and Seamen) of this chapter for tankermen.

(b) Except as provided otherwise in this subpart, the same policies, practices and procedures governing merchant mariners documents endorsed as "tankerman" shall apply to such documents endorsed "tankerman for commercial fishing vessels only".

§ 105.60–5 Experience as tankerman required.

(a) In lieu of the evidence of training required by Part 12 of Subchapter B (Merchant Marine Officers and Seamen) of this chapter for tankermen the applicant shall provide a letter of service stating that he has been trained in the loading and discharging of petroleum products from commercial fishing vessels.

§ 105.60–10 Oral or written examination required.

(a) In lieu of the examination required by Part 12 of Subchapter B (Merchant Marine Officers and Seamen) of this chapter for tankermen the applicant shall be given an oral examination or a written examination at his request, concerning the following subjects:

(1) Precautions to be observed to prevent fires and in the extinguishment of fires.

(2) Location, use and care of fire extinguishing equipment.

(3) Safe handling procedures for petroleum products.

(4) Operation and maintenance of fuel handling equipment.

(5) Ventilation of tanks and general knowledge of pressure vacuum valves.

(6) Ventilation of tank and pump spaces.

(7) Lights and signals displayed during transfer operations.

(8) Emergency procedures.

(9) Definitions and/or characteristics of petroleum products Grade B and lower.

Subpart 105.90—Existing Commercial Fishing Vessels Dispensing Petroleum Products

§ 105.90–1 Commercial fishing vessels dispensing petroleum products contracted for prior to December 1, 1969.

(a) The prohibition in § 105.05–2 shall apply to all commercial fishing vessels.

(b) Commercial fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska, the construction of which was contracted for prior to December 1, 1969, shall meet the following requirements:

(1) Permanently or temporarily installed tanks or containers used for dispensing in limited quantities petroleum products in bulk, Grades B or lower flammable or combustible liquids, shall meet the applicable requirements in Subparts 105.20 (Tanks and piping systems), 105.25 (Cargo tanks below decks), 105.30 (Electrical). However, these tanks or containers and their associated piping systems in use prior to December 1, 1969, if in satisfactory condition in the opinion of the Officer in Charge, Marine Inspection, may be continued in use as long as they are maintained in such satisfactory condition.

(2) Minor repairs or alterations may be made in permanently or temporarily installed tanks or containers for petroleum products in bulk, which shall be to the satisfaction of the Officer in Charge, Marine Inspection. Major repairs or replacement of such tanks or containers shall be in accordance with requirements governing new installations as set forth in this part.

(3) All commercial fishing vessels shall comply with the applicable requirements in Subparts 105.15 (Inspections), 105.35 (Fire extinguishing equipment), 105.45 (Special operating requirements), and 105.50 (Manning requirements).

[F.R. Doc. 69–7921; Filed, July 3, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

The public hunting of gray squirrels, cottontail rabbits, raccoons, foxes, and opossums is permitted from December 21, 1969, to February 28, 1970, inclusive, in the Montezuma National Wildlife Refuge, N.Y., except on areas designated by signs as closed. The open area, comprising 5,285 acres, is delineated on maps available at refuge headquarters, 4 miles east of Seneca Falls, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all other applicable State regulations governing the hunting of the above mammals. Raccoons and opossums with ear tags or radio transmitters attached must be reported to refuge headquarters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1970.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 27, 1969.

[F.R. Doc. 69–7910; Filed, July 3, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 101, 102, 103, 104, 105, 106, 107, 108, 111]

WAREHOUSE REGULATIONS

Proposed Amendments of Licensing and Inspection Fees

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service, pursuant to the authority conferred by section 28 of the United States Warehouse Act (7 U.S.C. 268) is considering amending warehouse regulations appearing in Parts 101 through 108 and Part 111 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations as follows:

1. Section 101.51 would be amended to read:

§ 101.51 Warehouse inspection fee.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $20 for each 1,000 bales of cotton storage capacity of the warehouse, or fraction thereof, determined in accordance with § 101.5 but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

2. Section 102.58 would be amended to read:

§ 102.58 Warehouse inspection fee.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $1 for each 1,000 bushels of the grain storage capacity of the warehouse, or fraction thereof, determined in accordance with § 102.6(a), but in no case less than $40 nor more than $1,000, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

3. Section 103.48 would be amended to read:

§ 103.48 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license, or amendment thereto, issued to a sampler, weigher, grader or an inspector.

4. Section 104.46 would be amended to read:

§ 104.46 License fees: grader's and weigher's.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a grader or weigher.

5. Section 105.47 would be amended to read:

§ 105.47 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a grader, weigher, or an inspector.

6. Section 106.55 would be amended to read:

§ 106.55 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to an inspector or weigher.

7. Section 107.56 would be amended to read:

§ 107.56 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a sampler, grader, weigher, or an inspector.

8. Section 108.48 would be amended to read:

§ 108.48 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a weigher or an inspector.

9. Section 111.58 would be amended to read:

§ 111.58 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to an inspector, weigher, or grader.

10. Section 103.49 would be amended to read:

§ 103.49 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $3 for each 100,000 pounds of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 103.12 but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

11. Section 104.47 would be amended to read:

§ 104.47 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $2 for each 100,000 pounds of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 104.12(a) but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

12. Section 105.48 would be amended to read:

§ 105.48 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $5 for each 1,000 bales of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 105.12(a) but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

13. Section 106.56 would be amended to read:

§ 106.56 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application by a warehouseman, a fee at the rate of $1 for each 1,000 hundredweight of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 106.12(a) but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

14. Section 107.57 would be amended to read:

§ 107.57 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $1 for each 100 tons of peanuts and/or $4 for each 1,000 hundredweight of walnuts, filberts, or pecans of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 107.12(a) but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

15. Section 108.49 would be amended to read:

§ 108.49 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application by a warehouseman, a fee at the rate of $1 for each 5,000 gallons of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 108.12(a) but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

16. Section 111.59 would be amended to read:

§ 111.59 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $10 for each 1,000 tons of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 111.13 but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

Inspection fees are designed to recover the cost to the Department for performing original examinations made in response to applications voluntarily filed by warehousemen. Fees for cotton and grain have not been increased since 1952. Fees for other commodities were last increased in 1931.

The proposed amendments are designed to bring fees into line with current costs and equalize the fees where increases have not been made for a number of years.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Transportation and Warehouse Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., June 30, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-7905; Filed, July 3, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 78]

CONTROL OF ELECTRONIC PRODUCT RADIATION

Notice of Extension of Comment Period

On June 4, 1969, a notice of proposed rulemaking was published in the FEDERAL REGISTER (34 F.R. 8953) inviting comments regarding the proposed amendments to Part 78 of regulations implementing the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b et seq.). The amendments, in addition to outlining the treatment of imported products subject to the Act, prescribe (1) notification procedures required of manufacturers of any electronic product found to have a defect relating to the safety of its use by reason of electronic product radiation and (2) the procedure and manner in which manufacturers would repair, replace, or refund the cost of a defective product.

The notice stated that consideration would be given all comments received within 30 days after the above publication date, and notice was given to make the amendments effective on the date of their republication in the FEDERAL REGISTER.

The Bureau of Radiological Health has received a number of requests for an extension of time for submission of comments on the regulations, the first proposed under the Radiation Control for Health and Safety Act of 1968.

I have determined that an extension of time for comment on the regulations would be in the public interest to assure that all interested persons have been afforded an opportunity to study and comment on the proposal. Therefore, pursuant to the authority delegated to me by the Administrator, Consumer Protection and Environmental Health Service, the time within which comments on the proposed regulations will be received is hereby extended to the close of business on August 5, 1969.

Dated: June 30, 1969.

CHRIS H. HANSEN,
Commissioner, Environmental Control Administration.

[F.R. Doc. 69-7899; Filed, July 3, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18434, FCC 69-716]

CIGARETTES

Rules With Regard to Advertisement

The Commission has before it a request by the National Association of Broadcasters (NAB) on June 27, 1969, to extend the time for filing comments from July 7, 1969, to July 17, 1969. In making its request NAB states that meetings of the Radio and Television Code Boards are scheduled for July 8 and 9, 1969, respectively, and that the purpose of these meetings is to consider revisions in those provisions of the Code applicable to cigarettes.

The grant of a 10-day extension is appropriate and will permit the filing of more current comments regarding the question of voluntary action by the broadcast industry. A grant of the requested extension is in the public interest and will not impede the Commission's timely consideration of this proceeding.

Accordingly, it is ordered, That the time for filing comments herein is extended to on or before July 17, 1969, and the time for filing reply comments is extended to on or before August 18, 1969.

Adopted: June 27, 1969.

Released: June 30, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-7928; Filed, July 3, 1969; 8:47 a.m.]

[1] Commissioners Wadsworth and Johnson absent.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[191.11]

STATEMENT OR ORGANIZATION, FUNCTIONS, AND PROCEDURES

Miscellaneous Amendments

JUNE 27, 1969.

In order to reflect organizational changes in the Bureau of Customs since publication of the Statement of Organization, Functions, and Procedures published in the FEDERAL REGISTER of July 8, 1967 (32 F.R. 10106), the following amendments are made therein:

1. In Part I, section 2(c), the first sentence is amended by substituting "Customs Delegation Order No. 31, dated September 28, 1967, T.D. 67-231 (32 F.R. 13873)" for "Customs Delegation Order No. 27, dated November 25, 1966, T.D. 66-265 (31 F.R. 15098)".

2. In Part I, section 5(a), the last sentence is amended to read as follows: "The designations of the divisions are generally descriptive of the functions performed in each: Division of Financial Management; Division of Management Analysis; Division of Personnel Management; Division of Audits; Division of Data Processing; and Division of Facilities Management."

3. In Part I, section 5(d), the last sentence is amended by substituting the designation "Division of Carriers, Drawback, and Bonds" for "Division of Marine and Transportation Rulings".

4. Part III, section 3, is amended by substituing "Parts 17, 26, and 53 of the regulations (19 CFR Parts 17, 26, 53)" for "Parts 14, 17, and 26 of the regulations (19 CFR Parts 14, 17, 26)."

5. In Part IV, section 2, the listing of the Parts of the Customs Regulations is amended by adding after Part 32, Trade Fairs, the following:

53 Antidumping.

This notice shall be effective upon publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-7914; Filed, July 3, 1969; 8:46 a.m.]

Fiscal Service

[TUS Order 26, Revised]

OFFICE OF THE TREASURER

Signing of Official Papers

By virtue of the authority vested in the Treasurer of the United States by Treasury Department Order No. 182-1, and in accord with section 304 of the Revised Statutes, as amended, 31 U.S.C. 144, I hereby authorize the persons who occupy the positions identified below in the Office of the Treasurer of the United States to sign as Special Assistant Treasurer or under their official titles when required by the Treasurer of the United States, certificates of deposit, checks, letters, telegrams, and other official documents in connection with the business of the Treasurer's Office:

The Deputy Treasurer.
The Assistant Deputy Treasurer.
The Assistant to the Deputy Treasurer.
The Staff Assistant.
The Administrative Officer.
The Chief Document Analyst.
The Personnel Officer.
The Assistant Personnel Officer.
The Management Analysis Officer.
The Chief, Cash Division.
The Assistant Chief, Cash Division.
The Administrative Assistant, Cash Division.
The Chief, General Accounts Division.
The Assistant Chief, General Accounts Division.
The Chief, Electronic Data Processing Division.
The Assistant Chief, Electronic Data Processing Division.
The Chief, Check Accounting Division.
The Assistant Chief, Check Accounting Division.
The Chief, Securities Division.
The Assistant Chief, Securities Division.
The Chief, Check Claims Division.
The Assistant Chief, Check Claims Division.
The Technical Assistant Chief, Check Claims Division.
The Special Assistant, Check Claims Division.
The Chief, Claims Adjudication Branch, Check Claims Division.
The Assistant Chief, Claims Adjudication Branch, Check Claims Division.

This order supersedes all prior authorizations to employees of the Treasurer's Office to sign certificates of deposit, checks, letters, telegrams, and other official documents in connection with the business of the Treasurer's Office.

Dated: June 27, 1969.

[SEAL] DOROTHY ANDREWS ELSTON,
Treasurer of the United States.

[F.R. Doc. 69-7915; Filed, July 3, 1969; 8:46 a.m.]

Internal Revenue Service

[Order 97 (Rev. 5)]

ASSISTANT COMMISSIONERS ET AL.

Delegation of Authority Regarding Closing Agreements Concerning Internal Revenue Tax Liability

Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7121-1(a); Treasury Department Order No. 150-32; dated November 18, 1953; and Treasury Department Order No. 150-36, dated August 17, 1954:

1. The Assistant Commissioner (Compliance) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability for alcohol, tobacco, and firearms taxes, other than the manufacturers excise tax on firearms arising from application of sections 4181 and 4182 of the Internal Revenue Code, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

2. The Assistant Commissioner (Technical) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability, other than for those taxes covered by delegation to the Assistant Commissioner (Compliance) in paragraph 1, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

3. The Assistant Commissioner (Compliance) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability, of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

4. Regional Commissioners, Assistant Regional Commissioners (Appellate), Chiefs, and Associate Chiefs, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction and in cases in which a closing agreement has been recommended for approval by the office of a District Director (but excluding cases docketed before the Tax Court of the United States) to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

5. Regional Commissioners, Assistant Regional Commissioners (Appellate), Chiefs, and Associate Chiefs, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction docketed in the Tax Court of the United States to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) but only in respect to related specific items affecting other taxable periods.

6. The Director of International Operations is hereby authorized to enter into and approve written agreements with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods

ended prior to the date of agreement and related specific items affecting other taxable periods, as the competent authority in the administration of the operating provisions of the tax conventions of the United States. He is also authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) to provide for the mitigation of economic double taxation under section 3 of Revenue Procedure 64-54, C.B. 1964-2, 1008, and under Revenue Procedure 69-13, I.R.B. 1969-14, and to enter into and approve a written agreement providing for such mitigation and relief under Revenue Procedure 65-17, C.B. 1965-1, 833.

7. District Directors of Internal Revenue are hereby authorized in cases under their jurisdiction to enter into and approve a written agreement with any person to provide that the internal revenue tax liability of such person (or of the person or estate for whom he acts) with respect to the taxability of earnings from a deposit or account of the type described in Revenue Procedure 64-24, C.B. 1964-1 (Part 1), 693, opened prior to November 15, 1962, will be determined on the basis that earnings on such deposits or accounts are not includible in gross income until maturity or termination, whichever occurs earlier, and that the full amount of earnings on the deposit or account will constitute gross income in the year the plan matures, is assigned, or is terminated, whichever occurs first.

8. The authority delegated herein does not include the authority to set aside any closing agreement.

9. Authority delegated in this order may not be redelegated.

10. Delegation Order No. 97 (Rev. 4), issued March 13, 1967, is hereby superseded.

Date of issue: June 25, 1969.

Effective date: June 25, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 69-7916; Filed, July 3, 1969; 8:46 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

SECRETARIES OF THE MILITARY DEPARTMENTS ET AL.

Delegation of Authority To Issue Substitutes for Checks Drawn on the Treasurer of the United States

The Deputy Secretary of Defense approved the following:

REFERENCE: (a) Code of Federal Regulations, Title 31—Money and Finance; Treasury, Chapter II, Part 365, § 365.8, as amended 32 F.R. 1600, Feb. 1, 1969.

The authority delegated to the Secretary of Defense under reference (a) to provide by regulations for the issuance of substitutes for checks drawn for pay and allowances of civilian employees and active duty military personnel which are lost, stolen, or destroyed, is hereby delegated to the Secretaries of the Military Departments, Directors of the Defense Agencies, or their designees.

Regulations proposed by the Military Departments and Defense Agencies to carry out the purposes of this Directive shall be submitted to the Assistant Secretary of Defense (Comptroller) for review and approval prior to publication.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-7897; Filed, July 3, 1969, 8:45 a.m.]

DEPARTMENT OF DEFENSE DENTAL ADVISORY COMMITTEE

Reestablishment

The Secretary of Defense approved the following:

In accordance with the general provisions of DoD Directive 5120.29, the Department of Defense Dental Advisory Committee is hereby reestablished under the Assistant Secretary of Defense (Manpower and Reserve Affairs).

The Committee shall advise and assist the Assistant Secretary of Defense (Manpower and Reserve Affairs) on such dental matters as he deems necessary. The Committee shall consist of a representative of the Assistant Secretary of Defense (Manpower and Reserve Affairs) who shall serve as Chairman, the Chief Dental Officer of each military department, and three registered dentists selected from civil life by the Assistant Secretary of Defense (Manpower and Reserve Affairs) based on professional qualifications and demonstrated ability in the field of dentistry.

The Committee shall meet at the call of the Chairman.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-7898; Filed, July 3, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING REGIONAL ADMINISTRATOR, REGION I (NEW YORK)

Designation

The official appointed to the position of Deputy Regional Administrator, Region I (New York), is hereby designated to serve as Acting Regional Administrator, Region I (New York), during the present vacancy in the position of Regional Administrator, Region I, with all the power and authority of the Regional Administrator.

(Sec. 7(c), Department of HUD Act, 42 U.S.C. 3535(c))

Effective date. This designation is effective as of July 2, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-7929; Filed, July 3, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-46]

INTERNATIONAL CHEMICAL AND NUCLEAR CORP.

Notice of Proposed Issuance of Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission is considering the issuance of a license, set forth below, which would authorize International Chemical and Nuclear Corp., Tracerlab Technical Products Division, 1601 Trapelo Road, Waltham, Mass. 02154, to receive and possess packaged waste byproduct, source, and special nuclear material in any State of the United States except in Agreement States, as defined in § 30.4 (c), 10 CFR Part 30, to store the packages at its facility located at 1601 Trapelo Road, Waltham, Mass., and to dispose of the packaged waste byproduct, source, and special nuclear material by transfer to authorized land burial sites. Under the licensee, International Chemical and Nuclear Corp. would not possess at any one time more than 2,000 curies of byproduct material other than hydrogen-3, 1,000 curies of hydrogen-3, 500 pounds of source material, and 250 grams of special nuclear material.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by the issuance of this license may file a petition for leave to intervene. Any requests for a hearing by the applicant and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing by the applicant or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details with respect to this proceeding, see (1) the application for license and amendments thereto and (2) the related memorandum prepared by the Division of Materials Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. A copy of Item 2 above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Materials Licensing.

Dated at Bethesda, Md., June 26, 1969.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[License No. 20-13235-02]

The Atomic Energy Commission having found that:

A. The applicant's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The applicant is qualified by training and experience to conduct the proposed operations in such a manner as to protect health and minimize danger to life or property.

C. The application dated March 11, 1969, as amended April 23, 1969, and May 12, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended; Title 10, Code of Federal Regulations, Chapter 1; and is for a purpose authorized by that Act.

D. The issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

License No. 20-13235-02 is issued to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended; 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material"; 10 CFR Part 40, "Licensing of Source Material"; and 10 CFR Part 70, "Special Nuclear Material," a license is hereby issued to International Chemical and Nuclear Corp., Tracerlab Technical Products Division, 1601 Trapelo Road, Waltham, Mass. 02154, to receive and possess packaged waste byproduct, source, and special nuclear material in any State of the United States except in Agreement States as defined in § 30.4(c), 10 CFR Part 30, to store the packages at a facility located at 1601 Trapelo Road, Waltham, Mass., and to dispose of the packaged waste byproduct, source, and special nuclear material by transfer to authorized land burial sites.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," other applicable rules, regulations, and orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 2,000 curies of byproduct material other than hydrogen-3.

B. 1,000 curies of hydrogen-3.

C. 500 pounds of source material.

D. 250 grams of special nuclear material.

2. Except as specifically provided otherwise by this license, the licensee shall receive, possess, store, and dispose of byproduct, source, and special nuclear material in accordance with the radiological safety procedures and limitations contained in the application dated March 11, 1969, as amended April 23, 1969, and May 12, 1969.

3. Activities authorized in this license shall be conducted by, or under the supervision of, individuals designated by the licensee's Health Physics Committee.

4. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Department of Transportation and other agencies of the United States having jurisdiction.

When Department of Transportation regulations in Title 49, Chapter 1, Code of Federal Regulations, Parts 173-179, are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Department of Transportation in §§ 173.389-173.399, 173.402, 173.414, 173.427, 49 CFR Part 173, "Shippers," and §§ 177.823, 177.842, 177.843, 177.861, 49 CFR Part 177, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways," and (2) any requests for modifications or exemptions to those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

5. The licensee shall store waste byproduct, source, and special nuclear material only at its facility located at 1601 Trapelo Road, Waltham, Mass.

6. The licensee shall not open packages containing waste byproduct, source, and special nuclear material.

7. The licensee shall not possess any package containing waste byproduct, source, and special nuclear material for a period greater than 6 months from the date of receipt of the package.

This license shall be effective on the date issued and shall expire 1 year from the last day of the month in which this license is issued.

Date of issuance:

For the U.S. Atomic Energy Commission.

Director,
Division of Materials Licensing.

[F.R. Doc. 69-7907; Filed, July 3, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 17167; Order 69-6-180]

CARRIER AGREEMENT ON ACCESSORIAL CARGO SERVICE

Advance Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of June 1969.

By Order E-24599, dated January 3, 1967, the Board authorized intercarrier discussions of accessorial cargo services. Numerous meetings were held and several carrier agreements were reached, filed with, and with one exception, approved by the Board.[1] The exception, Agreement CAB No. 19848, to which certain air freight forwarders objected, deals with the advancing of funds to shippers. By Order 68-10-105, dated October 18, 1968, the Board stated its tentative decision to disapprove the advance charges agreement, subject to the receipt of comments from interested persons. Subsequently, the air carriers requested and were granted a 60-day deferral in order to develop additional supporting data.

On March 14, 1969, the air carriers filed a supplementary supporting statement to their agreement, setting forth additional factual data showing the dollar volume of funds advanced, to whom advanced and for what services (forwarders, truckers, brokers fees, and customs duties), the percentage relationship of such payments to system freight revenues and number of shipments, and the estimated cost of advancing charges.

No additional protest or response has been received by the Board.

The agreement would continue the present practice of advancing funds without charge to truckers for prior or subsequent surface transportation, or for loading/unloading services performed by other than the air carriers, but would prohibit the advancing of any funds for customs duties or fees,[2] and the advancing of charges to shippers or consignees for any reason. The carriers' agreement would also subject to self-enforcement the industry agreement on advancing charges.[3]

The practice of advancing charges appears to consist of two forms. One concerns the payment of funds by the direct air carriers to their shipper customers or other persons, typically at point of origin and in advance of the performance of any actual air transportation. Such advances may represent charges for trucking, customs duties, brokers fees, and similar nonair services. In addition, airline advances to forwarders have also often represented the actual transportation charges accruing under the forwarder's own tariff, and which would normally be invoiced by the forwarder to the consignee at destination.

The second form of advance charges can be described as a point-of-destination collect-and-remit service, analogous to the existing c.o.d. (Collect-on-Delivery) service of the air carriers.[4] The data submitted by the carriers do not differentiate as between these advance charge practices at point-of-origin and at destination.

The carriers' agreement would prohibit both of the foregoing forms of advancing charges to shippers, i.e., in advance of transportation, as well as collect-and-remit service following delivery. The forwarders protest these prohibitions, as well as the fact that the direct air carriers will continue to advance charges to truckers, but will not reimburse forwarders for funds which the forwarder has advanced to a trucker.

The Board will approve the carriers' agreement, in part. Continuation of the advancement of charges to truckers is consistent with the intermodal partnership role of the two modes,[5] and is believed to foster the development of air transportation. In a similar vein, no person has opposed continuation of the advancement of charges for loading or unloading not performed by the carrier. It does not follow, however, that forwarders and shippers generally, who may have enhanced the origin value of the goods by a further investment of funds representing trucking charges, brokers fees, and customs duties, should be financed by the direct air carrier through the medium of advance reimbursement of charges at point-of-origin prior to air transportation. Such advances, as well as the advancement at point-of-origin of the forwarders' own tariff charges appear to represent an unwarranted drain on the working capital of the direct air carriers at a time when air cargo economics are marginal. The Board will therefore approve the agreement insofar as it would prohibit the advancing of any funds to shippers, including brokers fees and customs duties, at point-of-origin in advance of the performance of actual air transportation. No person has opposed the prohibition against advance charges for customs duties and brokers fees, and the Board sees no reason why an air carrier should be expected to advance these charges on behalf of the consignor.

The direct air carriers have not established, however, that there is any significant burden, financial or otherwise, which would warrant the elimination of the practice of advancing charges through the medium of collection at destination, subsequent to delivery, and remittance to the shipper. Moreover, such collection and remittance of funds would not impose the drain on the carriers' capital cited above. This service appears to be important to the forwarding industry, as forwarders cannot maintain offices at every point to which they may ship cargo. The Board will therefore disapprove the agreement insofar as it would preclude this service.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof:

It is ordered, That:

1. Agreement CAB No. 19848 is approved, except to the extent that it would preclude the carriers, subsequent to the time of actual delivery at destination, from collecting funds on behalf of shippers and to remit such funds to shippers; such provisions of the agreement are disapproved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 69-7933; Filed, July 3, 1969; 8:48 a.m.]

[1] Agreement CAB 19850 concerning Assembly and Distribution services is also pending Board action.

[2] The data indicate that advances for custom duties can run into hundreds of dollars, even on minimum charge shipments.

[3] The Board has previously approved a series of cargo agreements embracing self-enforcement by the carriers (Order 69-1-54, dated Jan. 13, 1969).

[4] In c.o.d. service, an amount usually representing the invoice value of the goods is collected from the consignee at time of delivery. Credit on such amount is not extended by the air carrier. Following delivery and collection, the c.o.d. amount is remitted to the shipper. A nominal fee is assessed for this service which the carrier retains.

[5] The Board understands that payment of a large portion of the point-of-origin advances to motor carriers is in fact not made at the time of transfer of the goods, but at a later date pursuant to interline agreements between the direct air and surface carriers.

[Docket No. 21117; Order 69-6-171]

AIR SOUTH, INC.

Establishment of Final and Temporary Service Mail Rates; Order To Show Cause

JUNE 30, 1969.

Air South, Inc. (Air South), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-6-56, June 12, 1969, the Board approved Agreement CAB 20849 between Eastern Air Lines, Inc. (Eastern), and Air South. This agreement contemplates that Air South will discharge Eastern's certificate obligation to serve Waycross, Ga., through the operation of small aircraft between Waycross and Atlanta, Ga.

No service mail rate is currently in effect for this service by Air South. By petition filed June 24, 1969, Air South requested the establishment of final service mail rates for the transportation of priority and nonpriority mail by air between Waycross and Atlanta, Ga. Air South requests that the multielement rates established in Orders E-25610 and E-17255, which provided for payments to Eastern, be made applicable to this route. On June 27, 1969, the Postmaster General filed an answer in support of Air South's petition.[1]

The rate in Order E-25610, August 28, 1967, for the air transportation of priority mail requested by Air South was established by the Board in the Domestic Service Mail Rate Investigation. We propose to establish a service rate for the air transportation of priority mail by Air South at the level established in Order E-25610, as amended, and the terms and provisions of that order also shall be applicable to Air South in the same manner as they were applicable to Eastern in providing mail services betwen Waycross and Atlanta, Ga.

In the case of rates for the air transportation of nonpriority mail, an open-rate situation has existed since April 6, 1967, when the Post Office petitioned for the establishment of new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Eastern) for the transportation of nonpriority mail are those established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, and these rates are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is equitable that Air South receive the same compensation as Eastern for the same services, we propose to establish a temporary service rate for nonpriority mail for Air South at the level established in Order E-17255, as amended. We will also make Air South a party to the proceedings in Docket 18381 and the temporary nonpriority mail rate established herein shall be subject to such retroactive adjustment as may be ordered in that proceeding.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Air South, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Waycross and Atlanta, Ga. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after July 1, 1969, to Air South, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Waycross and Atlanta, Ga., shall be the rate established by the Board in Order E-25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rate to be paid on and after July 1, 1969, to Air South, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Waycross and Atlanta, Ga., shall be the rate established by the Board in Order E-17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Air South, Inc., the Postmaster General, and Eastern Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Air South, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be

[1] The present rates are as follows:

Priority mail by air: 24 cents per ton-mile plus 9.36 cents per pound at Waycross and 2.34 cents per pound at Atlanta.

Nonpriority mail by air: 15.115 cents per ton-mile plus 4.98 cents per pound at Waycross and 1.66 cents per pound at Atlanta.

[2] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and an answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final and temporary rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final and temporary rates shall be limited to those specifically raised by answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Air South, Inc., is hereby made a party in Docket 18381; and

6. This order shall be served upon Air South, Inc., the Postmaster General, and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7934; Filed, July 3, 1969; 8:48 a.m.]

[Docket No. 20246 etc.; Order 69-6-179]

CARIBBEAN-ATLANTIC AIRLINES, INC., AND TRANS CARIBBEAN AIRWAYS, INC.

Mail Rates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of June 1969.

Service Mail Rates for Caribbean-Atlantic Airlines, Inc., and Trans Caribbean Airways, Inc., dockets Nos. 20246, 20539; Domestic Service Mail Rate Case, 16349; Nonpriority Mail Rate Case, 18381; Latin American Service Mail Rate for Priority Mail, 20415; Military Ordinary Mail, 18078; Establishment of Service Mail Rates for That Class of Mail Created by Public Law 89-725, 17909.

By petition filed September 17, 1968, the Postmaster General has requested revised service mail rates for Caribbean-Atlantic Airlines, Inc. (Caribair), for the carriage of mail over its entire system. Additionally, Trans Caribbean Airways, Inc. (Trans Caribbean), filed a petition on December 9, 1968, for the establishment of mail rates in connection with the new services it was authorized to operate in the Caribbean pursuant to Order 68-11-120, served November 27, 1968.[1] The latter order also concerned the services performed in the San Juan-Virgin Islands markets by Eastern Air Lines, Inc. (Eastern), and Pan American World Airways, Inc. (Pan American);[2] and therefore it is appropriate to establish revised service mail rates for these carriers in order that uniform service mail rates may prevail in these markets.

I. *Caribair*—(a) *Priority mail.* In this petition requesting the establishment of revised service mail rates for Caribair, the Postmaster General states that this carrier is presently transporting priority mail at the rate of $1.38 per ton-mile, pursuant to Order E-10157, dated April 3, 1956.[3] The petition states that Caribair currently utilizes DC-9 aircraft and that, with respect to the carriage of mail in the San Juan-St. Thomas-St. Croix area, the carrier's operations can be compared with those of the local-service carriers. In this regard the Postmaster General states that, if the domestic service mail rate (Order E-25610, dated Aug. 28, 1967) were made applicable to Caribair, the following ton-mile yields per segment would result: San Juan-St. Croix, 73 cents; San Juan-St. Thomas, 91 cents; and St. Croix-St. Thomas, $1.26; which compare with the average yield for fiscal 1968 of 67.9 cents per ton-mile for local-service carriers. On this basis the petitioner states that "inclusion of Caribair within the ambit of Order E-25610, as amended, would insure fair and reasonable compensation to Caribair for the transportation of airmail and air parcel post in priority service."

(b) *Nonpriority mail.* The Postmaster General states that the nonpriority service performed by Caribair includes, in addition to first-class mail, so-called bulk mail, which mail is moved by rail and highway in the United States and was moved by sea in the Caribbean prior to the inauguration of this service by Caribair.[4] It is alleged that Caribair has been experiencing increasing difficulty in providing the capacity required for the volumes of nonpriority mail over its system, although it has 36 hours after tender within which to enplane such mail. Therefore, the Postmaster General has determined that it would best serve the public interest to reinstitute sea transportation for the bulk mail, but continue to tender to Caribair for nonpriority transportation those classes of mail now subject to the domestic nonpriority rate as set forth in Order E-17255 (34 C.A.B. 143 (1961)), as amended. Since the volume of nonpriority mail carried by Caribair would be significantly decreased by the elimination of the so-called bulk mail, the Postmaster General is of the opinion that the annual rate will no longer be appropriate and that inclusion of Caribair within the ambit of the domestic nonpriority rate will be fair and reasonable compensation for the transportation of nonpriority mail.[5]

II. *Trans Caribbean*—(a) *Priority mail.* With respect to its newly acquired authority to serve the Virgin Islands,[6] Trans Caribbean has requested that the domestic priority mail rates established by Order E-25610 be made applicable to the carriage of priority mail between San Juan, P.R., St. Thomas, V.I., and St. Croix, V.I. For the carriage of priority mail between all points on Trans Caribbean's system other than services involving San Juan and the Virgin Islands, the carrier has requested that the rate established by Order E-23753, dated May 31, 1966 (Latin American Service Mail Rate Proceeding) be made applicable, subject to adjustment upon final decision in Docket 20415.[7]

(b) *Nonpriority mail.* For the carriage of nonpriority mail between the mainland and San Juan and the Virgin Islands, and between San Juan, St. Thomas, and St. Croix, Trans Caribbean requests the rates established by Order E-17255, as amended, be made applicable to this service, subject to adjustment upon final decision in Docket 18381.[8]

(c) *Military ordinary mail.* For the carriage of military ordinary mail (MOM) over its entire system, Trans Caribbean has requested the rates established by Order 68-9-8, dated September 4, 1968. The carrier states that these rates have been found fair and reasonable for the carriage of mail by other carriers and would be fair and reasonable for the carriage of mail by Trans Caribbean.[9]

The Postmaster General filed an answer in support of the rates requested by Trans Caribbean.

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[1] United States-Caribbean-South America Route Investigation (United States-Caribbean Part). Certificates effective Jan. 25, 1969.

[2] Delta Air Lines is also a party to those proceedings, but the action proposed herein will not alter its present service mail rates. Delta serves San Juan, but has no service to the Virgin Islands.

[3] Caribbean-Atlantic Air., Mail Rates, 23 CAB 271 (1956).

[4] Caribair was initially paid an annual rate of $87,750 for this service, which was established by Order E-19329, dated Feb. 8, 1963 (37 C.A.B. 696). The present annual rate of $112,000 was established pursuant to Order E-21340, dated Sept. 30, 1964 (41 C.A.B. 681).

[5] According to the Postmaster General, such a charge would produce the following ton-mile yields: San Juan-St. Croix, 50 cents; San Juan-St. Thomas, 63 cents; and St. Croix-St. Thomas, 87 cents; compared with current yields of 57, 78, and 117 cents per ton-mile, respectively.

[6] By Order 68-11-120, Trans Caribbean's Route 137 was amended by extending the New York/Newark/Washington-San Juan route to Aruba and Curacao via St. Thomas and St. Croix. Also a new segment was added between the coterminal points New York-Newark and Washington, D.C., and the coterminal points Aruba and Curacao, via Port-au-Prince, Haiti.

[7] Latin American service mail rates for priority mail are presently under investigation in Docket 20415. Trans Caribbean is a party to that proceeding.

[8] Nonpriority mail rates are currently under investigation in Docket 18381. Trans Caribbean is also a party to this proceeding.

[9] Although Trans Caribbean feels application of the domestic rate structure for the carriage of airmail between San Juan, St. Croix, and St. Thomas would be adequate compensation for the service, it states that if the lower rate would adversely affect Caribair's participation in the market, the rate should be equalized to Caribair's system rate of $1.38 per ton-mile. This action is not necessary, as the rates proposed herein will enable all carriers to participate in the carriage of mail at competitive rates.

III. *Mail rates in effect and proposed for the San Juan and Virgin Islands Market*—(a) *Priority mail.* Pursuant to Order 68-11-120, *supra*, Eastern Air Lines was also certificated into the Virgin Islands.[10] In addition to mainland-San Juan service, Eastern will now be able to operate between the Virgin Islands.[11] The domestic priority mail rates established by Order E-25610 apply to Eastern for the carriage of this mail over its entire system, and will, of course, apply to the Virgin Islands service. On the other hand, the domestic priority mail rate structure does not apply to Pan American and Trans Caribbean on a system basis but applies in connection with these Caribbean points only between the mainland and San Juan, and between the mainland and the Virgin Islands. Thus, with respect to Eastern, the domestic rate structure applies for all of its services in the San Juan and Virgin Islands markets; whereas, for Pan American and Trans Caribbean, that rate only applies for services to and from the mainland, and the Latin American mail rate applies to Pan American's local Puerto Rico and Virgin Islands service. Caribair's system mail rate is applicable to its Puerto Rico and Virgin Islands service.

Since the domestic priority rate is presently in effect for all service except between Puerto Rico and the Virgin Islands and within Puerto Rico, we do not feel it would be realistic to treat these segments as separate ratemaking areas. It would be more appropriate to make the domestic rate structure applicable to this service and to extend such rate to all the carriers serving in the Puerto Rico-Virgin Islands markets. The additional services in these markets warrant the establishment of uniform rates so that each of the carriers now providing service to Puerto Rico and the Virgin Islands may share in the carriage of mail. In addition, the rates we propose to establish herein would provide reasonable compensation to the carriers for the service. As previously noted by the Postmaster General, application of the domestic rate to this service would result in yields above those experienced by the local-service carriers, whose operations are of a comparable short-haul nature. The yields would also exceed the current Latin American rate. Accordingly, the Board proposes to make the rates provided by Order E-26510 applicable to the carriage of priority mail between Puerto Rico and the Virgin Islands, between points in Puerto Rico, and between the Virgin Islands. We also propose to make the domestic rate applicable to Caribair's new mainland-San Juan service.

(b) *Nonpriority mail.* Pursuant to Order E-17255, as amended by Order E-26483, dated March 7, 1968, the domestic nonpriority rate applies between the mainland and San Juan, and between the mainland and the Virgin Islands. In view of the action taken with respect to extending the domestic priority rate to services in the Puerto Rico-Virgin Islands markets, we have also determined to extend the domestic nonpriority rate for the carriage of such mail in those markets and to make this rate applicable to Trans Caribbean and Caribair for the carriage of nonpriority mail in mainland-San Juan-Virgin Islands services. Substantially the same reasons that apply in connection with the establishment of the domestic priority rate in these markets apply equally to the domestic nonpriority rate. That rate is presently under investigation in Docket 18381, and the temporary nonpriority rates established herein will be subject to the final determination in that investigation. Eastern, Pan American, and Trans Caribbean are already parties to that proceeding, and we will make Caribair a party by this order.

IV. *Latin American mail rates.* As discussed above, Trans Caribbean has requested that the Latin American mail rate established by Order E-23753 be made applicable to the carriage of mail over the remainder of its system, i.e., except for those segments involving interstate or overseas air transportation. With regard to this service, the Postmaster General in the answer filed herein notes that an open-rate situation also exists for Latin American rates since the rates were opened on October 28, 1968, and requests that this rate be made applicable to Trans Caribbean on a temporary basis, subject to whatever adjustment is required by the final service mail rate to be established in Docket 20415. Accordingly, we will make the Latin American rate applicable to Trans Caribbean in connection with its service to foreign points on a temporary basis. Trans Caribbean is a party to the proceeding in Docket 20415 and is therefore subject to the final rates to be established therein.

In light of Caribair's new authority and the action taken with respect to Caribair's other mail rates, we will make that carrier a party to Docket 20415, and make the Latin American rate applicable to its priority mail services, other than in interstate or overseas air transportation, on a temporary basis. This rate presently applies to the other carriers providing services in the Caribbean and South America, which are parties to the proceedings in Docket 20415.[12]

V. *Military ordinary mail and space available mail.* To the extent that Trans Caribbean will transport military ordinary mail in Latin American Service, it is necessary that the rates established for this class of mail by Order 68-9-8, be made applicable to such service.[13] Finally, to the extent that Caribair may participate in the carriage of that class of mail referred to as SAM mail, the rates and conditions established by Order E-25654, dated September 8, 1967, as amended by Order E-26713, dated April 25, 1968, should be made applicable to Caribair.[14] We propose these amendments herein.

FINDINGS AND CONCLUSIONS

On the basis of the foregoing, the Board proposes to issue an order to include the following findings and conclusions:

1. There is presently in effect a final service mail rate for the transportation of priority mail by aircraft which was established by Order E-25610, as amended.

2. The fair and reasonable rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., effective September 17, 1968; Pan American Airways, Inc., effective October 28, 1968; and Trans Caribbean Airways, Inc., effective January 25, 1969, for the transportation of priority mail by aircraft between points in Puerto Rico on the one hand and points in the Virgin Islands on the other, between points in Puerto Rico, and between points in the Virgin Islands, the facilities used and useful therefor, and the services connected therewith, is the service mail rate established by Order E-25610, as amended.

3. The fair and reasonable rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., effective January 25, 1969, for the transportation of priority mail between points within the 48 contiguous States and the District of Columbia on the one hand, and San Juan, P.R., on the other hand, the facilities used and useful therefor, and the services connected therewith, is the service mail rate established by Order E-25610, as amended.

4. The findings and conclusions regarding the transportation of priority mail by aircraft and in particular as they apply to Caribbean-Atlantic Airlines, Inc., Pan American World Airways, Inc., and Trans Caribbean Airways, Inc., shall be implemented by the following amendments to Board orders:

Order E-25610, dated August 28, 1967, as amended, shall be further amended (A) by adding "Caribbean-Atlantic Airlines, Inc." to the list of carriers appearing at the top of page 2, and (B) by amending the text immediately following the list of carriers at the top of page 2 to read as follows:

"For operations over their routes within the 48 contiguous States and the District of Columbia insofar as authorized under certificates for interstate air transportation; over their routes between points within the 48 contiguous States and the District of Columbia, on the one hand, and on the other, points in the State of Alaska; Hilo and Honolulu, Hawaii; Acapulco, Merida, Mexico City, and Monterrey, Mexico; San Juan, P.R.; points in the Virgin Islands; and terminal points in Canada; and between points in Puerto Rico on the one hand and

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[10] A new segment was awarded to Eastern between the terminal point Miami, Fla., and the coterminal points St. Thomas and St. Croix.

[11] Eastern is prohibited from performing turnaround service between St. Thomas and St. Croix and cannot operate flights between San Juan and the Virgins.

[12] Braniff, Delta, Pan American, and Trans Caribbean are already parties to this proceeding.

[13] The MOM rate presently applies to Caribair.

[14] The SAM rate already applies to Trans Caribbean.

points in the Virgin Islands on the other; between points in Puerto Rico; and between points in the Virgin Islands, which are in effect on or subsequent to January 1, 1967 (*Provided, however,* That with respect to States-Alaska operations the effective dates shall be July 1, 1967, for Western Air Lines, Inc., and August 16, 1967, for Alaska Airlines, Inc., Northwest Airlines, Inc., and Pan American World Airways, Inc.: *And provided,* That with respect to operations between points in Puerto Rico and the Virgin Islands, between points in Puerto Rico, and between points in the Virgin Islands, the effective dates shall be September 17, 1968, for Caribbean-Atlantic Airlines, Inc., October 28, 1968, for Pan American World Airways, Inc., and January 25, 1969, for Trans Caribbean Airways, Inc.) shall be computed by obtaining the sum of (1) the linehaul charges, and (2) the terminal charges, computed as follows:

5. There is presently in effect a temporary service mail rate for the transportation of nonpriority mail which was established by Order E–17255, as amended.

6. The fair and reasonable temporary rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., effective September 17, 1968; Eastern Air Lines, Inc., effective January 25, 1968; Pan American World Airways, Inc., effective October 28, 1968; and Trans Caribbean Airways, Inc., effective January 25, 1968; for the transportation of nonpriority mail between points in Puerto Rico on the one hand and St. Croix and St. Thomas on the other, between points in Puerto Rico, and between St. Croix and St. Thomas, the facilities used and useful therefor, and the services connected therewith, is the mail rate established by Order E–17255, as amended, subject to such retroactive adjustment as may be made in Docket 18381.

7. The fair and reasonable temporary rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., and Trans Caribbean Airways, Inc., effective January 25, 1968, for the transportation of nonpriority mail between points within the 48 contiguous States and the District of Columbia, on the one hand, and San Juan, St. Thomas, and St. Croix, on the other hand, the facilities used and useful therefor, and the services connected therewith, is the mail rate established by Order E–17255, as amended, subject to such retroactive adjustment as may be made in Docket 18381.

8. The findings and conclusions regarding the temporary nonpriority mail rate and in particular as it applies to Caribbean-Atlantic Airlines, Inc., Eastern Air Lines, Inc., Pan American Airways, Inc., and Trans Caribbean Airways, Inc., shall be implemented by the following amendments to Board orders:

(A) Paragraph B of Order E–17255, dated July 31, 1961, as amended, shall be further amended to read as follows:

B. The rates fixed and determined herein shall be applicable only to the transportation by air of nonpriority mail, i.e., such first-class mail, other than airmail and air parcel post, which may be tendered from time to time by the Post Office Department and carried on a voluntary, space available basis, between any points within the 48 contiguous States and between any point within them and Agana, Anchorage, Cordova, Fairbanks, Hilo, Honolulu, Juneau, Ketchikan, Kodiak, Pago Pago, San Juan, St. Croix, St. Thomas, Wake Island, Yakutat, and points in Canada and points in Mexico for which mail rates were established in the Domestic Service Mail Rate Investigation (Order E–25610, Aug. 28, 1967, as amended), and between Honolulu, Hawaii, on the one hand, and Agana, Guam, Pago Pago, and Wake Island, on the other, and between points in Puerto Rico on the one hand and St. Croix and St. Thomas on the other, between points in Puerto Rico, and between St. Croix and St. Thomas.

(B) Paragraph C of Order E–17255, dated July 31, 1961, as amended, is further amended to include Caribbean-Atlantic Airlines, Inc., and Trans Caribbean Airways, Inc., in the list of carriers there appearing.

9. There presently is in effect a temporary service mail rate for the transportation of mail by aircraft for Latin American services which was established by Order E–23753.

10. The fair and reasonable temporary rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., effective September 17, 1968, and Trans Caribbean Airways, Inc., effective January 25, 1969, for the transportation of mail in Latin American services, the facilities used and useful therefor, and the services connected therewith, is the service mail rate established by Order E–23753, subject to such retroactive adjustment as may be made in Docket 20415.

11. The findings and conclusions regarding the transportation of mail by Caribbean-Atlantic Airlines, Inc., and Trans Caribbean Airways, Inc., in Latin American services shall be implemented by the following amendments to Board orders:

(A) Paragraph 2(b) of Order E–23753, dated May 31, 1966, shall be amended to read as follows:

(b) For the period on and after March 1, 1966, a rate of 42.09 cents per ton-mile for the Latin American services of Braniff International Airways, Inc., Caribbean-Atlantic Airlines, Inc., Delta Air Lines, Inc., Pan American World Airways, Inc., and Trans Caribbean Airways, Inc., except for service between the 48 contiguous States and the District of Columbia, on the one hand, and San Juan, P.R., the Virgin Islands, and Acapulco, Merida, Mexico City, and Monterrey, Mexico, on the other hand; and between points in Puerto Rico on the one hand and St. Croix and St. Thomas, V.I., on the other, between points in Puerto Rico, and between St. Croix and St. Thomas, V.I. This rate shall be applied in accordance with the terms and conditions set forth below.

12. There is presently in effect a final service mail rate for military ordinary mail (MOM) as established by Order 68–9–8.

13. The fair and reasonable rate to be paid Trans Caribbean Airways, Inc., effective January 25, 1969, for the transportation of military ordinary mail (MOM) in Latin American service, the facilities used and useful therefor, and the services connected therewith, is the service mail rate established by Order 68–9–8.

14. The findings and conclusions regarding the military ordinary mail (MOM) rate as it applies to Trans Caribbean Airways, Inc., shall be implemented by the following amendments to Board orders:

Order 68–9–8, dated September 4, 1968, shall be amended by adding "Trans Caribbean Airways, Inc." to the names of the carriers appearing on page 2, after "Eastern Air Lines, Inc.," at line 9, and in footnote 7 after "Pan American".

15. There is presently in effect a final service mail rate for the transportation of space available mail (SAM) as established by Order E–25654, as amended.

16. The fair and reasonable rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., effective September 17, 1968, for the transportation of space available mail (SAM), the facilities used and useful therefor, and the services connected therewith, is the service mail rate established by Order E–25654, as amended.

17. The findings and conclusions regarding the space available mail (SAM) rate as is applied to Caribbean-Atlantic Airlines, Inc., shall be implemented by the following amendments to Board orders:

The list of carriers appearing in paragraph 2(B) of Order E–25654, dated September 8, 1967, shall be amended to include after "Braniff Airways, Inc.," the name "Carribbean-Atlantic Airlines, Inc."

18. The final and temporary service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to the regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons and particularly Caribbean-Atlantic Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans Caribbean Airways, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and, if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days after the date of service of this order, and if notice is filed, written answer and supporting documents shall be filed within 30 days after date of service of this order.

3. If notice of objection is not filed within 10 days, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final and temporary rates specified herein.

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

5. Notwithstanding the fixing and determining of the temporary rate for nonpriority mail as set forth above, this proceeding shall remain open as to such rate pending the entry of an order fixing the final rate in Docket 18381.

6. Notwithstanding the fixing and determining of the temporary rate for Latin American Services as set forth above, this proceeding shall remain open as to such rate pending the entry of an order fixing the final rate in Docket 20415.

7. Caribbean-Atlantic Airlines, Inc., is hereby made a party in Docket 18381 and Docket 20415.

8. This order shall be served upon Braniff Airways, Inc., Caribbean-Atlantic Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Panama World Airways, Inc., Trans Caribbean Airways, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69–7935; Filed, July 3, 1969; 8:48 a.m.]

[Docket No. 20894; Order 69–6–177]

COLUMBUS-NEW YORK

Order Providing for Further Proceedings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of June 1969.

On April 8, 1969, American Airlines, Inc. (American), filed an application, pursuant to Subpart N of Part 302 of the Board's procedural regulations, requesting amendment of its certificate of public convenience and necessity for Route 4 so as to delete condition (18), thereby removing the long-haul restriction on its Columbus-New York authority.

Trans World Airlines, Inc. (TWA), and Airlift International, Inc., have filed motions requesting the Board to dismiss American's application.

Upon consideration of the foregoing, we do not find that American's application is not in compliance with, or is inappropriate for processing under, the provisions of Subpart N. Accordingly, we order further proceedings pursuant to the provisions of Subpart N, §§ 302.1406–302.1410, with respect to American's application:

Accordingly, it is ordered:

1. That the application of American Airlines, Inc., Docket 20894, be and it hereby is set for further proceedings pursuant to Rules 1406–1410 of the Board's procedural regulations;

2. That the motions of Trans World Airlines, Inc. (TWA), and Airlift International, Inc., to dismiss American's application be and they hereby are denied; and

3. That this order shall be served upon all parties served by American Airlines in its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69–7936; Filed, July 3, 1969; 8:48 a.m.]

[Docket 21100]

PACIFIC WESTERN AIRLINES, LTD.

Notice of Postponement of Prehearing Conference

Pursuant to applicant's request, the prehearing conference scheduled for July 8, 1969, is hereby postponed and will be convened on July 15, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., July 2, 1969.

[SEAL] ROBERT M. JOHNSON, *Hearing Examiner.*

[F.R. Doc. 69–7982; Filed, July 3, 1969; 8:48 a.m.]

FARM CREDIT ADMINISTRATION

CERTAIN DEPUTY GOVERNORS

Notice of Basic Compensation

As provided in section 5(d) of the Farm Credit Act of 1953, as amended (sec. 302(a), 75 Stat. 793; 12 U.S.C. 636d (d)), the Federal Farm Credit Board has fixed the per annum salary of the Deputy Governors of the Farm Credit Administration who are also Service Directors, effective July 13, 1969, as follows:

Director of Cooperative Bank Service, $33,495;
Director of Production Credit Service, $33,495;
Director of Land Bank Service, $33,495.

Notice of this is published pursuant to the provisions of 5 U.S.C. 5364.

E. A. JAENKE, *Governor, Farm Credit Administration.*

[F.R. Doc. 69–7906; Filed, July 3, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., AND LYKES BROS. STEAMSHIP CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby give that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. J. Morris, Manager, Rates and Conferences, American President Lines, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 9800 between American President Lines, Ltd., and Lykes Bros. Steamship Co., Inc., establishes a through billing arrangement from ports of call of American President Lines in Indonesia to U.S. gulf ports of call of Lykes Bros. with transshipment at Singapore, Penang, or Port Swettenham in accordance with the terms and conditions set forth in the agreement.

Dated: July 1, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69–7922; Filed, July 3, 1969; 8:47 a.m.]

[Docket No. 69–10]

ATLANTIC LINES, LTD.

General Increases in Rates in the U.S. Atlantic/Virgin Islands Trade

By notice served June 5, 1969, the Commission granted a motion to postpone hearings and vacate the suspension in this proceeding, conditioned upon the agreements and stipulations by the parties to this proceeding set forth in the notice. The order vacating the suspension was held in abeyance pending the filing by the respondent of tariff pages canceling certain increased rates on basic foodstuff items.

Pursuant to Special Permission No. 5047, dated June 13, 1969, Atlantic Lines, Ltd., has canceled the increased rates on the basic foodstuff items in accordance with the agreement among the parties.

Therefore, it is ordered, That the first supplemental order in this proceeding be, and it is hereby modified to the extent necessary to vacate and set aside the suspension of remaining increased rates. The original order as amended shall otherwise remain in effect pending the outcome of the investigation instituted thereby:

It is further ordered, That a copy of this order shall be filed with the respondent's tariff in the Bureau of Domestic Regulation; be served upon all parties of

record in this proceeding; and published in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69-7923; Filed, July 3, 1969; 8:47 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND AMERICAN PRESIDENT LINES, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. J. Morris, Manager, Rates and Conferences, American President Lines, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 9799 between Lykes Bros. Steamship Co., Inc., and American President Lines, Ltd., establishes a through billing arrangement from ports of call of Lykes Bros. in Indonesia to U.S. Pacific and Atlantic Coast ports of call of American President Lines with transshipment at Singapore, Penang, and Port Swettenham in accordance with the terms and conditions set forth in the Agreement.

Dated: July 1, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-7924; Filed, July 3, 1969; 8:47 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND AMERICAN PRESIDENT LINES, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. J. Morris, Manager, Rates and Conferences, American President Lines, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 9801 between Lykes Bros. Steamship Co., Inc., and American President Lines, Ltd., establishes a through billing arrangement from ports of call of Lykes Bros. in Korea, Japan, Hong Kong, Ryukyu Islands, Taiwan, and the Philippines Islands to U.S. Atlantic Coast ports of call of American President Lines with transshipment at Hong Kong, Japan, or Manila in accordance with terms and conditions set forth in the agreement.

Dated: July 1, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-7925; Filed, July 3, 1969; 8:47 a.m.]

STATES MARINE LINES, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mrs. Amy Scupi, Galland, Kharasch, Calkins & Lippman, 1824 R Street NW., Washington, D.C. 20009.

Agreement No. 9803, between States Marine, Global Bulk and Isthmian, will upon approval cancel and supersede Agreements Nos. 7628, as amended, 9327, and 9641, as amended. It provides (1) that the parties may coordinate their services in the trades between U.S. ports and worldwide ports; (2) that in any trades in which one of the parties is a member of, or will be admitted to membership in, a conference, the other parties, if operating vessels in the trade and eligible for membership, shall join such conference; (3) that if more than one party is a party to a conference agreement, such parties shall act as a single member of such conference: *Provided, however,* That if such conference opens rates on a commodity or commodities, each of the parties may publish individual, separate and different rates on any or all such open-rated commodities, or agree upon rates on such commodities, and (4) in those conferences in which the parties act as a single conference member, they may appoint a common agent to represent them in the transaction of conference business.

Provision is also made that in any trade in which two or more parties operate services, but none are members of a conference, or the conference to which they belong does not agree upon and establish rates and charges for a commodity or commodities, or a class of cargo, the parties may agree upon and establish rates and charges and rules and regulations for the carriage of cargo, publish tariffs, agree upon amounts of brokerage and/or compensation to forwarders and conditions of payment. The parties may carry out the functions authorized herein by telephone, at meetings or through an appointed common agent with authority to bind each party.

In any trade in which two or more of the parties operate vessels, they are authorized to offer a joint service for the carriage of military cargo to the U.S. Government agency negotiating such rates, and agree upon the rates to be submitted in bids to such agency. If more than one of the parties submits bids under one invitation, such bids shall be joint and offer a joint service.

Dated: July 1, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-7926; Filed, July 3, 1969; 8:47 a.m.]

PACIFIC WESTBOUND CONFERENCE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission pursuant to the Commission's decision in Docket 65-31, Investigation of Overland/OCP Rates and Absorptions (served Feb. 24, 1969).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Pacific Westbound Conference, Trans-Pacific Freight Conference of Japan, Trans-Pacific Freight Conference (Hong Kong), Australia, New Zealand, and South Sea Islands/Pacific Coast Conference, Pacific/Straits Conference, Pacific/Indonesian Conference, Pacific Coast-Australasian Tariff Bureau.

Notice of agreements filed for approval by:

Edward D. Ransom, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, Calif. 94104.

The member lines of the above-listed Conferences have filed modifications to their basic agreements, 57-90, 150-41, 14-29, 7580-9, 5680-13, 6060-15, and 50-18. These modifications would clearly authorize these Conferences to establish Overland Common Point Territory (OCP) rates separate and distinct from "local" rates; and would permit the Conferences to enter into agreements with domestic connecting carriers with respect to the interchange of cargo between them. These modifications have been filed pursuant to the Commission's decision arising out of the proceedings in Docket 65-31, Investigation of Overland/OCP Rates and Absorptions (served Feb. 24, 1969) wherein the Commission directed respondents to "update their basic agreements to reflect the full structure of its ratemaking and the absorptions practiced pursuant thereto."

Dated: July 2, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-7996; Filed, July 3, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI69-835, etc.]

BETA DEVELOPMENT CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 26, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 6, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-835	Beta Development Co., Mid-Continent Bldg., Fort Worth, Tex. 76102.	1	12	El Paso Natural Gas Co. (San Juan Field, San Juan County, N. Mex.) (San Juan Basin Area).	$140,000	6-2-69	[2] 7-3-69	12-3-69	[5] [6] 14.0	[3] [4] [6] 15.0	(9).
RI69-836	Koch Development Corp., Post Office Box 2256, Wichita, Kans. 67201.	3	4	El Paso Natural Gas Co. (acreage in San Juan County, N. Mex.) (San Juan Basin Area).	597	5-29-69	[7] 6-29-69	11-29-69	13.0	[4] [6] 14.0	
RI69-837	Atlantic Richfield (Operator) et al., Post Office Box 521, Tulsa, Okla. 74102.	509	4	El Paso Natural Gas Co. (Boundary Butte Field, San Juan County, N. Mex.) (Aneth Area).	30,153	6-2-69	[2] 7-3-69	12-3-69	[6] 17.7	[3] [6] 21.0	
RI69-838	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	138	4	South Texas Natural Gas Gathering Co. (Shepherd Field, Hidalgo County, Tex.) (RR. District No. 4).	70	5-29-69	[7] 7-1-69	12-1-69	17.0	[3] [10] 18.0	RI66-71.
RI69-839	Texaco Inc., Post Office Box 430, Bellaire, Tex. 77401.	57	6	Tennessee Gas Pipeline Company, a division of Tenneco Inc. (Hagist Ranch Field, Duval County, Tex.) (RR. District No. 4).	1,750	6-2-69	[7] 7-21-69	12-21-69	[13] 15.6	[10] [11] [12] 16.6	RI66-333.
RI69-840	Mayfair Minerals, Inc., Post Office Box 940, McAllen, Tex. 78501.	2	10	Texas Eastern Transmission Corp., (Hidalgo County, Tex.) (RR. District No. 4).	10,450	6-6-69	[7] 7-7-69	12-7-69	15.6	[3] [10] 16.6	RI64-252.

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1 cent per Mcf minimum guarantee for liquids.
[6] Rate effective subject to refund in Docket No. RI64-70 for acreage added by Supplement No. 10 and Docket No. RI64-394 for all other acreage covered by rate schedule.
[7] The stated effective date is the effective date requested by Respondent.
[9] Periodic increase from rate inclusive of 1 cent per Mcf minimum guarantee for liquids to rate exclusive of 1 cent per Mcf minimum guarantee for liquids.
[10] Subject to proportional reduction if B.t.u. content is below 950, and to a reduction for treating sour gas.
[11] Pressure base is 14.65 p.s.i.a.
[12] Unilateral increase.
[13] Subject to a downward B.t.u. adjustment.

Atlantic Richfield Co. (Operator) et al. (Atlantic), requests waiver of the statutory notice to permit its proposed rate increase to become effective as of June 2, 1969. Beta Development Co. (Beta) requests an effective date of July 1, 1969, for its rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Atlantic and Beta's rate filings and such requests are denied.

Atlantic's proposed increased rate of 21 cents per Mcf is for a sale of gas to El Paso Natural Gas Co. from the Aneth Area of Utah where no formal guideline prices have been announced by the Commission for the Aneth Area. Consistent with prior Commission action on rate increases to 21 cents per Mcf in this area, we conclude that Atlantic's proposed rate should be suspended for 5 months from July 3, 1969, the expiration date of the statutory notice.

The basic contract related to the proposed rate increase filed by Koch Development Corp. (Koch) contains a 1 cent per Mcf minimum guarantee for liquids provision but this 1 cent has been excluded from the proposed rate. Koch is advised that a notice of change in rate will be required if it intends to collect the 1 cent minimum guarantee for liquids in the future. See the Commission's order issued December 7, 1967, in Docket No. RI64-491 et al., Union Texas Petroleum, a Division of Allied Chemical Corporation (Operator), et al.

Texaco, Inc. (Texaco), proposes a unilateral or "ex parte" rate increase to 16.6 cents from a present rate of 15.6 cents now being collected subject to refund in Docket No. RI66-333 for gas sold to Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), in Railroad District No. 4. The primary term of Texaco's contract with Tennessee expires on July 21, 1969, and Texaco is invoking its right to file unilaterally upon such expiration. Since Texaco's "ex parte" increase exceeds the 14.6 cents per Mcf increased rate ceiling for rate schedules involved in 2d amendment settlements, we conclude that it should be suspended for 5 months from July 21, 1969, the proposed effective date.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56), with the exception of the rate increase filed by Atlantic in the Aneth Area for which no formal rate ceiling has been announced by the Commission.

[F.R. Doc. 69-7834; Filed, July 3, 1969; 8:45 a.m.]

[Docket No. CS69-19 etc.]

WILLIAM V. CONOVER ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JUNE 25, 1969.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No.	Date filed	Name of applicant
CS69-19	10-25-68	William V. Conover, Suite 728, 4701 Kirby Bldg., Houston, Tex. 77006.
CS69-59	6- 2-69	John W. Wood, Jr., 610 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-60	6- 2-69	James U. Gentry, 601 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-61	6- 2-69	Walter B. Holton, Post Office Box 618, Midland, Tex. 79701.
CS69-62	6- 2-69	James W. Lacy, 2804 Marmon Dr., Midland, Tex. 79701.
CS69-63	5-29-69	Valley Investment Corp., 2306 Mercantile Bank Bldg., Dallas, Tex. 75201.
CS69-64	6-12-69	Arthur L. Ginsburg, 2010 East Lancaster St., Fort Worth, Tex. 76100.
CS69-65	6-12-69	John M. Harris, Post Office Box 1185, Houston, Tex. 77001.
CS69-66	6-12-69	Donald C. Campbell, 811 Central Bank Bldg., Denver, Colo. 80202.
CS69-67	6-12-69	Walter K. Boyd, Jr., Post Office Box 3119, Midland, Tex. 79701.
CS69-68	6-12-69	S. D. Steed, Post Office Box 964, Fort Worth, Tex. 76101.
CS69-69	6-12-69	C. M. Kestler, 1505 West Storey St., Midland, Tex. 79701.
CS69-70	6-12-69	M. D. Rogers, 610 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-71	6-12-69	C. A. Semple, 1605 Gulf St., Midland, Tex. 79701.
CS69-72	6-12-69	B. J. Pevehouse, 601 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-73	6-12-69	Adobe Ltd. No. 1, 601 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-74	6-12-69	Adobe Ltd. No. 2, 601 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-75	6-12-69	Adobe Investment Corp., 601 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-76	6-12-69	Dallas Cantwell, 4671 Southwest Freeway, Houston, Tex. 77027.
CS69-77	6- 9-69	An-Son Corp., 810 Saratoga Bldg., New Orleans, La. 70112.
CS69-78	6-16-69	T. D. Jenkins, Box 1183, Houston, Tex. 77001.
CS69-79	6-16-69	Melbourne Corp., 1075 Houston Club Bldg., Houston, Tex. 77024.
CS69-80	6-16-69	Robert F. Dwyer, 914 Executive Bldg., Portland, Oreg. 97204.
CS69-81	6-16-69	Frank Kell Cahoon, Post Office Box 127, Midland, Tex. 79701.
CS69-82	6-16-69	Samuel H. Moore, 10915 Sylvia, Northridge, Calif. 91324.
CS69-83	6-16-69	Thomas A. Read, 2301 Portsmouth, Houston, Tex. 77006.
CS69-84	6-16-69	Frederick Palmer Weber, 21 Pierrepont, Brooklyn, N.Y. 11201.
CS69-85	6-16-69	D. J. Lawson, Post Office Box 5003, Dallas, Tex. 75222.
CS69-86	6-16-69	Walter M. Ross, 12324 Old Oaks Dr., Houston, Tex. 77024.
CS69-87	6-16-69	Dr. Harry E. Rollings, 100 East Park Ave., Savannah, Ga. 31401.
CS69-88	6-16-69	Colonel C. M. Paul, 720 Park Ave., New York, N.Y. 10021.
CS69-89	6-16-69	Fred Huber, 24 Day St., Apartment Z-31, Clifton, N.J. 07011.

[F.R. Doc. 69-7835; Filed, July 3, 1969; 8:45 a.m.]

[Docket No. RI69-834]

PRODUCING ROYALTIES, INC.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JUNE 26, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 6, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-834	Producing Royalties, Inc., Post Office Box 1071, Lubbock, Tex. 79408.	1	5	El Paso Natural Gas Co. (Fulcher-Kutz (Pictured Cliffs) Field, San Juan County, N. Mex.) (San Juan Basin Area).	$13	6-2-69	[2] 7-3-69	[3] 7-4-69	13.0	[4] [5] 13.05085	

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] The suspension period is limited to 1 day.
[4] Tax reimbursement increase.
[5] Pressure base is 15.025 p.s.i.a.

Producing Royalties, Inc. (Royalties), requests a retroactive effective date of January 1, 1969, for its proposed tax reimbursement increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Royalties' rate filing and such request is denied.

Royalties has filed a proposed increase from 13 cents to 13.05085 cents per Mcf which reflects tax reimbursement. Since the proposed rate exceeds the area increased rate ceiling for the San Juan Basin Area as set forth in the Commission's statement of general policy No. 61-1, as amended, by the amount of the tax reimbursement only, we conclude that it should be suspended for 1 day from July 3, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-7836; Filed, July 3, 1969; 8:45 a.m.]

[Docket No. RI69-813 etc.]

ROSS PRODUCTION CO. ET AL.

Order Accepting Contract Agreement, Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 25, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-813	Ross Production Co. (Operator) et al., Post Office Box 1185, Shreveport, La. 71102.	1 [6] 1	[2] 1 2	Texas Eastern Transmission Corp. (Huxley Field, Shelby County, Tex.) (R.R. District No. 6).	$2,160	6- 2-69 6- 2-69	[3] 7- 3-69 [3] 7- 3-69	(Accepted) [5] 7- 4-69	[7] 13.0	[8] [9] 15.0	
RI69-814	Calvert Exploration Co. (Operator) et al., 2300 Fourth National Bank Bldg., Tulsa, Okla. 74119. Attn: Mr. H. A. Nelson.	[6] 4	2	Transcontinental Gas Pipe Line Corp. (South Tilden Field, McMullen County, Tex.) (R.R. District No. 1).	633	5-21-69	[10] 6-26-69	[5] 6-27-69	14.189	[11] [12] 15.0	

[2] Letter Agreement dated May 23, 1969, which provides for the proposed 15 cents per Mcf rate.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] Contract dated after Sept. 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1 and the proposed rate does not exceed the applicable area initial rate ceiling of 15 cents per Mcf.
[5] The suspension period is limited to 1 day.
[6] Renegotiated rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Subject to a downward B.t.u. adjustment.
[9] Contract executed after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and the proposed rate does not exceed the 15-cent area initial rate ceiling.
[10] The stated effective date is the effective date requested by Respondent.
[11] "Fractured" rate increase. Contractually entitled to 15.2025 cents (15-cent base plus 0.2025-cent tax reimbursement).

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

Ross Production Co. (Operator) et al. (Ross), requests that its proposed rate increase be permitted to become effective as of July 1, 1969. Good cause has not been shown for waving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Ross' rate filing and such request is denied.

The contracts related to the rate filings proposed by Ross and Calvert Exploration Co. (Operator) et al. (Calvert), were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61–1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Ross' and Calvert's proposed rate filings should be suspended for 1 day from July 3, 1969 (Ross), the expiration date of the statutory notice, and June 26, 1969 (Calvert), the proposed effective date.

Concurrently with the filing of its rate increase, Ross submitted a letter agreement dated May 23, 1969, designated as Supplement No. 1 to Ross' FPC Gas Rate Schedule No. 1, which provides the basis for Ross' proposed rate increase. We believe that it would be in the public interest to accept for filing Ross' proposed letter agreement to become effective as of July 3, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Ross' contract agreement dated May 23, 1969, designated as Supplement No. 1 to Ross' FPC Gas Rate Schedule No. 1, and for permitting such supplement to become effective on July 3, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that Supplement No. 2 to Ross' FPC Gas Rate Schedule No. 1 and Supplement No. 2 to Calvert's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(a) Ross' contract agreement dated May 23, 1969, designated as Supplement No. 1 to Ross' FPC Gas Rate Schedule No. 1, is accepted for filing and permitted to become effective as of July 3, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary of the Commission concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 2 to Ross' FPC Gas Rate Schedule No. 1, and Supplement No. 2 to Calvert's FPC Gas Rate Schedule No. 4.

(C) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until the date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Ross and Calvert, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[12]

(D) Until otherwise ordered by the Commission, neither the supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension periods.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 6, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7837; Filed, July 3, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COLOMBIA

Entry and Withdrawal From Warehouse for Consumption

JULY 1, 1969.

On September 18, 1968, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of Columbia concerning exports of cotton textiles and cotton textile products from Colombia to the United States over a 3-year period beginning on July 1, 1968, and extending through June 30, 1971. Among the provisions of the agreement are those establishing an aggregate limit for the 64 categories; within the aggregate limit, group limits on Categories 1–4, 5–27, and 28–64; and within both of the aforesaid limits, specific limits on certain categories for the second agreement year beginning on July 1, 1969. The categories with specific limits are Categories 5/6, 9, 16, 19, 22, and 26, with a sublimit on duck fabric (part of Category 26).

The agreement also contains a provision covering overshipments of cotton textiles from Colombia which occurred during the period beginning on July 1, 1967, and which were exported to the United States through September 30, 1967. This provision provides that these overshipments are to be charged against the aggregate, applicable group, and specific limits during each of the 3 agreement years. Implementing this provision for the second agreement year results in the adjusted levels of restraint set forth in the letter.

Accordingly, there is published below a letter of June 30, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles in Categories 1 through 27, produced or manufactured in Colombia, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning July 1, 1969, and extending through June 30, 1970, be limited to the designated adjusted levels. The letter does not establish controls on Categories 28–64, but notes that such controls may be established during the present agreement year, i.e., the 12-month period beginning July 1, 1969. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JUNE 30, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of July 3, 1967, between the Governments of the United States and Pakistan, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective July 1, 1969, and for the 12-month period extending through June 30, 1970, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 15, 18/19, 22, parts of 26, part of 31, and 41/42, produced or manufactured in Pakistan, in excess of the following designated levels of restraint:

Category	12-month level of restraint
9 ---square yards--	32,992,313
15 ---do---	2,894,062
18/19 and parts of 26 (print cloth)[1] ---do---	11,576,250
22 ---do---	3,935,925
Part of 26 (bark cloth)[2] ---do---	4,051,688
Part of 26 (duck)[3] ---do---	8,103,375
Part of 31 (Only T.S.U.S.A. No. 366.2740) ---pieces--	4,514,738
41/42 ---dozen--	385,421

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 9, 15, 18/19, part of 26 (print cloth),[1] 22, part of 26 (bark cloth),[2] part of 26 (duck),[3] part of 31 (only T.S.U.S.A. No. 366.2740), and 41/42, produced or manufactured in Pakistan and exported to the United States prior to July 1, 1969, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period July 1, 1968, through June 30, 1969. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of July 3, 1967, between the Governments of the United States and Pakistan which provide in part that within the aggregate and applicable group limits of the agreement, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning July 1, 1969, and extending through June 30, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 1 through 27 produced or manufactured in Colombia, in excess of the adjusted levels of restraint set forth below.

The combined adjusted level of restraint for Categories 1 through 4 shall be 3,289,255 pounds.

The overall adjusted level of restraint for Categories 5 through 27 shall be 17,200,874 square yards.

Within the overall adjusted level of restraint for Categories 5 through 27, the following adjusted specific levels of restraint shall apply:

Category	Adjusted 12-month level of restraint
5/6	1,890,000 square yards of which not more than 315,000 square yards shall be in Category 6.
9	3,298,460 square yards.
16	945,000 square yards.
19	1,050,000 square yards.
22	5,738,104 square yards.
26	3,399,465 square yards of which not more than 495,239 square yards shall be in duck fabric.[1]

[1] Only T.S.U.S.A. Nos.:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Government of Colombia, which have been exported to the United States from the Government of Colombia prior to July 1, 1969, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods for the 12-month period beginning July 1, 1968, and extending through June 30, 1969. In the event that the level of restraint for the 12-month period ending June 30, 1969, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 18, 1968, between the Governments of the United States and Colombia which provides in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

The bilateral agreement of September 18, 1968, also provides a group limit on Categories 28–64. Import controls on these categories at an overall level of 630,000 square yards equivalent may be established during the current agreement year. In such an event you will be advised in a further directive from me.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton textiles and cotton textile products from Colombia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69-7908; Filed, July 3, 1969; 8:46 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry and Withdrawal From Warehouse for Consumption

JULY 1, 1969.

On July 3, 1967, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of Pakistan, concerning exports of cotton textiles from Pakistan to the United States over a 4-year period beginning on July 1, 1966. Under this agreement the Government of Pakistan has undertaken to limit its exports to the United States of all cotton textiles and cotton textile products to an aggregate limit of 75,245,625 square yards equivalent for the fourth agreement year beginning July 1, 1969. Among the provisions of the agreement are those applying specific export limitations to Categories 9, 15, 18/19, 22, parts of 26, part of 31, and 41/42.

Accordingly, there is published below a letter of June 30, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that for the 12-month period beginning July 1, 1969, and extending through June 30, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in the indicated categories produced or manufactured in Pakistan and exported to the United States on or after July 1, 1969, be limited to the designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JUNE 30, 1969.

DEAR MR. COMMISSIONER: Under the terms of Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of July 3, 1967, between the Governments of the United States and Pakistan, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective July 1, 1969, and for the 12-month period extending through June 30, 1970, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 15, 18/19, 22, parts of 26, part of 31, and 41/42, produced or manufactured in Pakistan, in excess of the following designated levels of restraint:

Category	12-month level of restraint
9 ---square yards--	32,992,313
15 ---do---	2,894,062
18/19 and parts of 26 (print cloth)[1] ---do---	11,576,250
22 ---do---	3,935,925
Part of 26 (bark cloth)[2] ---do---	4,051,688
Part of 26 (duck)[3] ---do---	8,103,375
Part of 31 (Only T.S.U.S.A. No. 366.2740) ---pieces--	4,514,738
41/42 ---dozen--	385,421

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 9, 15, 18/19, part of 26 (print cloth),[1] 22, part of 26 (bark cloth),[2] part of 26 (duck),[3] part of 31 (only T.S.U.S.A. No. 366.2740), and 41/42, produced or manufactured in Pakistan and exported to the United States prior to July 1, 1969, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period July 1, 1968, through June 30, 1969. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of July 3, 1967, between the Governments of the United States and Pakistan which provide in part that within the aggregate and applicable group limits of the agreement, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to

[1] In Category 26, only T.S.U.S.A. Nos.:

320...34	322...34	327...34
321...34	326...34	328...34

[2] Only T.S.U.S.A. Nos.:

320...88	328...88	324...92
321...88	329...88	325...92
322...88	330...88	326...92
323...88	331...88	327...92
324...88	320...92	328...92
325...88	321...92	329...92
326...88	322...92	330...92
327...88	323...92	331...92

[3] Only T.S.U.S.A. Nos.:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

[12] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69–7909; Filed, July 3, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 30, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 1, 1969, through July 10, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–7901; Filed, July 3, 1969; 8:45 a.m.]

[70–4765]

NATIONAL FUEL GAS CO. ET AL.

Notice of Proposed Issue and Sale of Debentures at Competitive Bidding by Holding Company and Long-Term Notes to Holding Company and Short-Term Notes to Banks by Subsidiary Companies

JUNE 30, 1969.

Notice is hereby given that National Fuel Gas Co. ("National"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and three of its gas utility subsidiary companies, Iroquois Gas Corp. ("Iroquois"), United Natural Gas Co. ("United"), and Pennsylvania Gas Co. ("Penn"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43, 45, and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

National proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $20 million principal amount of ------ percent Sinking Fund Debentures, Series due July 1994. The interest rate of the debentures (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to National (which shall be not less than 99 percent nor more than 102 percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under an indenture dated as of August 15, 1968, between National and Manufacturers Hanover Trust Co. as trustee, as heretofore supplemented and as to be further supplemented by a second supplemental indenture, and will be issued only in registered form. The debentures will be redeemable at any time, provided, that none of the debentures may be redeemed prior to July 15, 1974, if such redemption is for the purpose or in anticipation of their refunding through the use, directly or indirectly, of funds borrowed by the company at an effective interest cost of less than the effective interest cost of the debentures.

National proposes to use the net proceeds from the sale of its debentures to acquire for cash $20 million principal amount of long-term notes from its three above-mentioned gas utility subsidiary companies. Concurrently, the subsidiary companies will prepay $4 million of their notes payable to National maturing December 31, 1970, as follows: Iroquois, $2,700,000; United, $700,000; and Penn, $600,000. National will use the proceeds of the subsidiaries' note prepayments to prepay $4 million of its notes payable to The Chase Manhattan Bank (N.A.), maturing December 31, 1970. On the date National receives the proceeds from the sale of its debentures, Iroquois, United, and Penn propose to issue and sell and National proposes to acquire unsecured long-term promissory notes in the total aggregate principal amount of $20 million. Such notes will be issued and sold to National in the respective principal amounts of $12,200,000 by Iroquois, $5,200,000 by United, and $2,600,000 by Penn. The notes will be issued in series with the first note in each series maturing on December 15, 1973, and with each succeeding note in the applicable series maturing on the following December 15. The final note of each series will be payable on July 15, 1994. The notes will bear interest at a rate per annum equal to the effective cost of money incurred by National on its proposed sale of debentures, rounded to the next one-tenth of 1 percent and such interest will be payable semiannually. Such notes will be prepayable at any time without premium. The net proceeds derived from the sale of these long-term notes, together with funds available from current operations, will be used by the subsidiary companies to make additions to utility plant and underground cushion gas storage inventories, to prepay notes to National aggregating $4 million, and to increase and replenish working capital. The total cost of the 1969 plant expansion programs of the three subsidiary companies is estimated at $18,669,000.

Iroquois, United, and Penn also propose to issue and sell from time to time to the banks named below short-term promissory notes in the respective aggregate amounts of $7 million for Iroquois, $5 million for United, and $3,200,000 for Penn. Each such note will be dated as of the date of issue, will mature not later than 9 months thereafter, will bear interest at the prime commercial rate in effect on the issue date, and will be prepayable at any time, in whole or in part, without penalty or premium. Such 9-month notes will aggregate about 5.3 percent of the principal amount and par value of Iroquois' other securities as of March 31, 1969, 10.8 percent in respect of United, and 12.3 percent in respect of Penn. The proceeds derived from the sale of such short-term note borrowings from banks will be used by Iroquois, United, and Penn to finance the cost of gas purchased and stored underground for current inventory purposes, and it is stated that such borrowings are expected to be repaid early in 1970 as gas is withdrawn from storage and sold. The maximum amount to be outstanding from each bank with respect to Iroquois is as follows:

Marine Midland Trust Co. of Western New York, Buffalo, N.Y.	$3,290,000
Manufacturers & Traders Trust Co., Buffalo, N.Y.	3,150,000
Liberty National Bank & Trust Co., Buffalo, N.Y.	560,000
Total	7,000,000

The maximum amount to be outstanding from each bank with respect to United is as follows:

Bradford National Bank, Bradford, Pa	$200,000
Du Bois Deposit National Bank, Du Bois, Pa	270,000
Elk County Bank & Trust Co., St. Marys, Pa	300,000
Emporium Trust Co., Emporium, Pa	170,000
Exchange Bank & Trust Co., Franklin, Pa	200,000
First National Bank of Mercer County, Greenville, Pa	200,000
First Seneca Bank & Trust Co., Oil City, Pa	750,000
McDowell National Bank, Sharon, Pa	450,000
Northwest Bank & Trust Co., Oil City, Pa	500,000
The Pennsylvania Bank & Trust Co., Titusville, Pa	500,000
Producers Bank & Trust Co., Bradford, Pa	70,000
Mellon National Bank & Trust Co., Pittsburgh, Pa	1,390,000
Total	5,000,000

The maximum amount to be outstanding from each bank with respect to Penn is as follows:

Warren National Bank, Warren, Pa	$550,000
The First National Bank of Erie, Pa	1,300,000
Marine National Bank, Erie, Pa	500,000
Marine Midland Chautauqua National Bank, Jamestown, N.Y.	500,000
The Pennsylvania Bank & Trust Co., Warren, Pa	350,000
Total	3,200,000

The estimated fees and expenses to be paid by National in connection with the proposed debentures are estimated to aggregate $51,000, including accounting fees of $3,500, $10,250 for legal services, and $7,500 for management consultants. The fees and expenses of independent counsel for the underwriters, which are to be paid by the successful bidder, are estimated at $12,000. The fees and expenses in connection with the proposed notes are estimated at $1,250 for National, $3,820 for Iroquois, $510 for United, and $510 for Penn.

The proposed issue and sale of long-term notes by Iroquois are subject to the jurisdiction of the Public Service Commission of New York, the State commission of the State in which Iroquois is organized and doing business; the proposed issue and sale of long-term notes by United and Penn are subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which both United and Penn are organized and doing business. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 11, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority),

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–7902; Filed, July 3, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 19, Amdt. 1]

SOUTHERN PORTS FOREIGN FREIGHT COMMITTEE

Petition for Approval of Amendments to Agreement

JULY 1, 1969.

The Commission is in receipt of a petition in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed June 16, 1969, by: L. E. Honath, Attorney-in-fact, Southern Ports Foreign Freight Committee, Room 343, Union Station, 516 West Jackson Boulevard, Chicago, Ill. 60606.

The amendments involve: Changes in the agreement consisting of Articles of Organization and Procedure so as to: (1) Establish an Executive Committee as the governing body, including power of review over the General Committee; (2) redesignate the Tariff Publishing Agent as a Tariff Publishing Officer; (3) list the current tariff publications; (4) name a new individual as chairman and attorney-in-fact for carrier parties; (5) revise the listing of carriers signatory to the agreement; (6) change the territorial applications to reflect abandonments of lines and amended concurrences; (7) substitute General Freight Traffic Committee—Eastern Railroads for abolished Central Territory Railroads—Freight Traffic Committee; (8) amend independent action provisions to cover action of the Executive Committee; and (9) make other incidental changes necessary to clarify or effectuate the foregoing changes.

The petition is docketed and may be inspected at the office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interests, and the position they intend to take with respect to the petition. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69–7918; Filed, July 3, 1969; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 1, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41684—*Livestock from and to points in southwestern and western trunkline territories.* Filed by Southwestern Freight Bureau, agent (No. B–51), for interested rail carriers. Rates on livestock, ordinary, in carloads, as described in the application, between points in southwestern territory; also between points in southwestern territory, on the one hand, and points in western trunkline territory, on the other.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 197 to Southwestern Freight Bureau, agent, tariff ICC 3962.

FSA No. 41685—*Phosphatic fertilizer solution from and to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A–2592), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, between points in Wyoming, on the one hand, and points in western trunkline territory, on the other.

Grounds for relief—Modified short-line distance formula and grouping.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–7919; Filed, July 3, 1969; 8:46 a.m.]

[Notice 861]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 1, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Sub-No. 723 TA), filed June 25, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concentrated sulfite spent liquor*, in bulk, in tank vehicles, from plantsites and facilities of Weyerhaeuser Co. located at Longview, Wash., to the plantsite of the Chevron-Asphalt Co. at Springdale, Pa., for 150 days. Supporting shipper: Weyerhaeuser Co., Tacoma, Wash. 98401. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 77424 (Sub-No. 37 TA), filed June 24, 1969. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79th Street, Cleveland, Ohio 44104. Applicant's representative: J. G. Bamer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc or zinc alloy anodes, ingots, pigs, slabs, or spelter*, from Josephtown, Pa., to Union City, Ind., for 150 days. Supporting shipper: St. Joseph Lead Co., 250 Park Avenue, New York, N.Y. 10017 (Mr. Leonard Smith, Assistant Traffic Manager). Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 8544 (Sub-No. 24 TA), filed June 25, 1969. Applicant: GALVESTON TRUCK LINE CORPORATION, 7415 Wingate, Houston, Tex. 77011. Applicant's representative: Desmond Barry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, caps, covers, cartons, and related commodities*, from Waco, Tex., to points in Oklahoma, for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Owens-Illinois, Inc. (Mr. Noley B. Pauley, Manager), Glass Container Division, Post Office Box 1035, Toledo, Ohio 43601. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 121533 (Sub-No. 4 TA), filed June 17, 1969. Applicant: WESTERN HAULING, INC., Post Office Box 3001, Seattle, Wash. 98114. Applicant's representative: George Kargianis, 609–11 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over irregular routes, between Seattle, Wash., on the one hand, and, on the other, points in Washington; (1) *grain*, over irregular routes, from points in Washington east of the Cascade Range to Seattle, Tacoma, and Everett, Wash.; (2) *feed*, over irregular routes, from Seattle, and Tacoma, Wash., to Walla Walla, Spokane, Moses Lake, Yakima, Quincy, and Ephrata, Wash.; (3) *fertilizer*, over irregular routes, from Seattle and Tacoma, Wash., to Spokane, Moses Lake, and Quincy, Wash., and points within 5-mile radius of said cities; (4) *scrap metal*, over irregular routes, (a) from points in Grant, Okanogan, Chelan, Spokane, Pierce, Kipsap, Whatcom, Clark, and Snohomish Counties, Wash., to Seattle, Wash.; (b) from Seattle, Wash., to Spokane, Wash.; (5) *heavy machinery*, over irregular routes, between points in Washington; (6) *hay, straw, grain, and seed*, over irregular routes, between points in Washington; (7) *building materials*, except cement in bulk, in tank or bottom dump vehicles or similar specialized equipment, over irregular routes, between points in Washington; (8) *building hardware supplies*, over irregular routes, between points in Washington; (9) *fruits and vegetables*, over irregular routes, between points in Yakima and Kittitas Counties, Wash., on the one hand, and, on the other, points in King, Pierce, Yakima, Spokane, and Chelan Counties, Wash.; (10) *peat and/or peat moss*, in bags, bales, and cartons and/or boxes, over irregular routes, between points in Washington west of the Cascade Range; from points in Washington west of the Cascade Range to points in Washington east of the Cascade Range; (11) *box shook*, over irregular routes, (a) between points in Yakima County, Wash., on the one hand, and, on the other, points in Benton County, Wash.; (b) between Spokane, Wash., and points in Benton County, Wash., for 180 days. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 126853 (Sub-No. 2 TA), filed June 25, 1969. Applicant: ARNOLD PRINCL, doing business as PRINCL TRANSFER LINES, Mishicot, Wis. 54228. Applicant's representative: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road asphalts and residual fuel oils*, from Superior, Wis., to points in Minnesota on and north of U.S. 12, and all points in Upper Peninsula of Michigan, for 180 days. Supporting shipper: Murphy Oil Corp., Marketing Division, Post Office Box 2066, Superior, Wis. 54880 (William E. Zachau, Terminal Superintendent). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 133106 (Sub-No. 1 TA), filed June 25, 1969. Applicant: NATIONAL CARRIERS, INC., 301 Central Avenue, Box 18071, Kansas City, Kans. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and articles distributed by meat packinghouses as described in sections A and C of Appendix I to the *Descriptions case*, 61 M.C.C. 209 and 766, from the plantsite, warehouses, and storage facilities used by National Beef Packing Co. at Kansas City, Kans., to points in Nevada, Utah, Colorado, Ohio, West Virginia, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, District of Columbia, Alabama, Georgia, and Florida; from the plantsite, warehouses, and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in Washington, Oregon, Idaho, Nevada, Utah, Colorado, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, Ohio, West Virginia, Virginia, Maryland, Delaware, District of Columbia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, for 180 days. Supporting shipper: National Beef Packing Co., Inc., 300 Central Avenue, Kansas City, Kans. 66118. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 133631 (Sub-No. 1 TA), filed June 25, 1969. Applicant: AAA DELIVERY SYSTEMS, INC., Box 1148, Flint, Mich. 48501. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, commodities requiring special equipment, commodities of unusual value, household goods, and classes A and B explosives), from Flint, Mich., to points within 75 miles thereof, restricted to merchandise sold by retail catalog sale, for 180 days. Supporting shipper: J. C. Penney Co., Inc., 11800 West Burleigh Street, Milwaukee, Wis. 53213. Send protests to: Gerald J. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 133738 (Sub-No. 1 TA), filed June 25, 1969. Applicant: KEN STONE TRUCK LINES, INC., Post Office Box 261, Johnsonville, S.C. 29555. Applicant's representative: Louis E. Condon, 42 Broad Street, Charleston, S.C. 29401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Charleston, S.C., to points in North Carolina and Georgia, for 150 days. Supporting shipper: Planters Fertilizer, Division of Columbia Nitrogen Corp., Augusta, Ga. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-7920; Filed, July 3, 1969; 8:47 a.m.]

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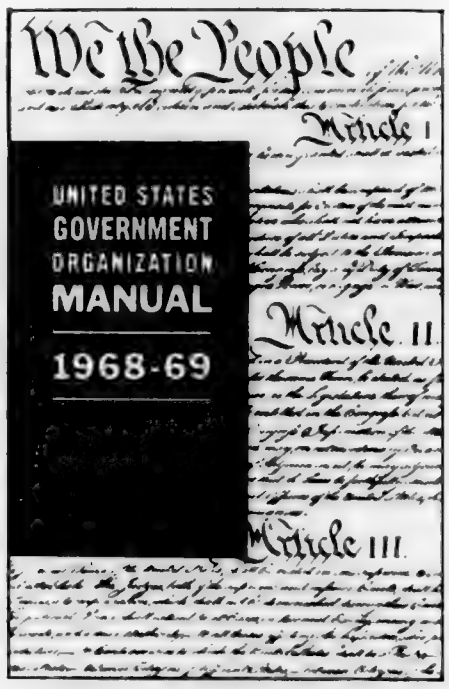
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PART I
(Part II begins on page 11343)

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The Office of the Federal Register is now located at 633 Indiana Ave. NW., Washington, D.C. Documents transmitted by messenger should be delivered to Room 405, 633 Indiana Ave. NW. Other material should be delivered to Room 400.

Mail Address.

Mail address remains unchanged: Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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(As of January 1, 1969)

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

Changes in Approved Laboratory Charges

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55) as set forth below:

Statement of considerations. In the amendments published in the FEDERAL REGISTER (34 F.R. 8229–8233) on May 28, 1969, a new § 55.65 was added to the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55), to provide for an approval charge and an annual renewal charge for non-USDA laboratories performing Salmonella tests. The charges as stated in the amendment are $400 at the time the approval is requested, and a $400 renewal charge each July 1st.

Upon further examination of factors involved in the costs of furnishing supervision to these approved laboratories, it has been determined that a part of the costs could be derived from the administrative charges. This can be achieved without any change being made in supervision or adjustments in other fees or charges. Therefore, based on these determinations, it is found that these charges can be reduced to $200.

The amendment is as follows:

Section 55.65 is amended by deleting the figures $400 where they appear in the text of this section and substituting in lieu thereof the figures $200.

The facts upon which are based the determination as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rule making would not result in the Department receiving additional information on this matter. Accordingly, pursuant to 5 U.S.C. 553 it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary.

Issued at Washington, D.C., this 1st day of July 1969, to become effective on July 1, 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69–7972; Filed, July 7, 1969; 8:47 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[Interpretation 27]

PART 362—REGULATIONS FOR ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Labeling Claims Involving Use of Term "Germ Proof" and Related Terms in Labeling of Economic Poisons

There was published in the FEDERAL REGISTER on April 5, 1969 (34 F.R. 5537), a notice of proposed interpretation under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135–135k) regarding labeling claims involving the use of the term "Germ Proof" and related terms in labeling of economic poisons.

Forty-five days were permitted for interested persons to submit written data, views, or arguments in connection with this matter. After thorough consideration of all relevant matters, Interpretation 27 is issued to read as follows:

§ 362.125 Interpretation with respect to the term "germ proof" and related terms used in labeling of economic poisons.

For the purposes of the Act, the following terms shall have the meanings stated below:

(a) The terms "germ proof" and "germ proofed", referring to any surfaces, materials or articles, indicate the existence of actively germicidal or self disinfecting properties.

(b) The terms "germ proofs" and "germ proofer" mean that, when applied as directed, the economic poison will provide a germicidal or disinfecting result, and also provide treated surfaces, articles or materials with germ proof or germ proofed properties.

(c) The term "germ proofing" means a process that will, when followed, disinfect and provide germ proof and germ proofed surfaces, materials and articles.

(Sec. 6, 61 Stat. 168, 7 U.S.C. 135d; 29 F.R. 16210, as amended; 7 CFR 362.3)

Effective date. This interpretation shall become effective 30 days after publication in the FEDERAL REGISTER on which date procedures set forth in section 4 of the Act (7 U.S.C. 135b) shall be instituted for cancellation of the registration of any product failing to comply with this interpretation.

Done at Washington, D.C., this 1st day of July 1969.

HARRY W. HAYS,
Director,
Pesticides Regulation Division.

[F.R. Doc. 69–7970; Filed, July 7, 1969; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 62, Amdt. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of oranges, including Temple and Murcott Honey oranges, grown in Florida.

Order. In § 905.512 (Orange Reg. 62; 33 F.R. 18227; 34 F.R. 246, 925, 5374, 5481, 6277), the provisions of subdivisions (i) through (vi) of paragraph (a)(2) are amended to read as follows:

§ 905.512 Orange Regulation 62.

(a) • • •
(2) • • •

(i) Any oranges, except Temple and Murcott Honey oranges, grown in Regulation Area I, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except Temple and Murcott Honey oranges, grown in Regulation Area II, which do not grade at least U.S. No. 2 Russet;

(iii) Any oranges, except Temple and Murcott Honey oranges, grown in the production area, which are of a size smaller than 2⁵⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2⁴⁄₁₆ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2⁰⁄₁₆ inches in diameter and smaller;

(iv) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(v) Any Temple oranges, grown in the production area, which are of a size smaller than 2⁴⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos;

(vi) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, July 2, 1969, to become effective July 7, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7973; Filed, July 7, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1539]

PART 13—PROHIBITED TRADE PRACTICES

Blair's Television & Music Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.125 *Limited offers or supply:* § 13.155 *Prices:* 13.155–10 Bait; 13.155–100 Usual as reduced, special, etc. Subpart—Misrepresenting oneself and goods—Goods: § 13.1747 *Special or limited offers;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Blair's Television & Music Co., Inc., et al., Chevy Chase, Md., Docket C-1539, June 4, 1969]

In the Matter of Blair's Television & Music Co., Inc., a Corporation, Blair's T.V.—Chevy Chase, Inc., a Corporation, and C. Kemp Devereux, Individually and as an Officer of Said Corporations

Consent order requiring a Chevy Chase, Md., appliance dealer to cease using bait and switch tactics, misrepresenting that offers to sell are limited, and using deceptive pricing in the sale of its T.V. sets.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Blair's Television & Music Co., Inc., a corporation, Blairs T.V.—Chevy Chase, Inc., a corporation, and their officers, and C. Kemp Devereux, individually and as an officer of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of television sets or any other merchandise or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services at the prices and on the terms and conditions stated.

2. Using any advertising, sales plan or procedure wherein false, misleading, or deceptive representations are made to attract prospective purchasers to respondents' place of business or to induce the sale of merchandise or services.

3. Disparaging, in any manner, or discouraging the purchase of any merchandise advertised.

4. Advertising merchandise for sale which is not available in quantities sufficient to meet reasonably anticipated demand, unless such advertising clearly and conspicuously discloses the number of units in stock, the location of such units, and the duration of the offer.

5. Representing, directly or by implication, through the use of terms such as "Television Sale," or in any other manner, that any price is reduced from respondents' former price unless respondents' business records establish and show that such price constitutes a significant reduction from the price at which such merchandise has been sold in substantial quantities or offered for sale in good faith for a reasonably substantial period of time, by respondents in the recent, regular course of their business.

6. Falsely representing, in any manner, that savings are available to purchasers or prospective purchasers of respondents' merchandise, or misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise.

7. Representing, directly or by implication, that respondents' merchandise is being offered for sale at a stated price for a limited period of time when such merchandise is being offered at the same or substantially the same price for a period of time different from that represented.

8. Representing, directly or by implication, that any offer of respondents is limited or restricted in any manner unless such offer is in fact limited or restricted in the manner represented and unless such limitation or restriction is in good faith adhered to by respondents.

9. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' merchandise or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 4, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-7956; Filed, July 7, 1969; 8:46 a.m.]

[Docket No. C-1540]

PART 13—PROHIBITED TRADE PRACTICES

Waverly Fashions, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Waverly Fashions, Inc., et al., New York, N.Y., Docket C-1540, June 4, 1969]

In the Matter of Waverly Fashions, Inc., a Corporation, Petite Town, Inc., a Corporation, Lady Janet, Inc., a Corporation, Miss Janet, Inc., a Corporation, and Samuel Sosne, Jacob Sosne, and Philip Sosne, Individually and as Officers of Waverly Fashions, Inc., and Petite Town, Inc.

Consent order requiring four affiliated New York City manufacturers of ladies' coats to cease misbranding the fiber content of its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Waverly Fashions, Inc., a corporation, and its officers, Petite Town, Inc., a corporation, and its officers, Lady Janet, Inc., a corporation, and its officers, Miss Janet, Inc., a corporation, and its officers, and Samuel Sosne, Jacob Sosne, and Philip Sosne, individually and as officers of Waverly Fashions, Inc., and Petite Town, Inc., and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to affix labels to samples, swatches or specimens of wool products used to promote or effect the sale of wool products, showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(a)(2) of the Wool Products Labeling Act of 1939.

4. Failing to set forth separately the fiber content of interlining as part of the required information on stamps, tags, labels or other marks of identification on such garments.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 4, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-7957; Filed, July 7, 1969; 8:46 a.m.]

[Docket No. C-1542]

PART 13—PROHIBITED TRADE PRACTICES

Young Heritage, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–90 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Young Heritage, Inc., et al., New York, N.Y., Docket C-1542, June 10, 1969]

In the Matter of Young Heritage, Inc., a Corporation, and David Freedman, Harold Steinberg, and Sheldon Raywood, Individually and as Officers of Said Corporation

Consent order requiring a New York City clothing manufacturer to cease misbranding and falsely guaranteeing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Young Heritage, Inc., a corporation, and its officers, and David Freedman, Harold Steinberg, and Sheldon Raywood, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth required information on labels attached to wool products consisting of two or more sections of different fiber content, in such a manner as to show the fiber content of each section in all instances where such marking is necessary to avoid deception.

It is further ordered, That respondents Young Heritage, Inc., a corporation, and its officers, and David Freedman, Harold Steinberg, and Sheldon Raywood, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any wool product is not misbranded under the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder when there is reason to believe that any wool product so guaranteed may be introduced, sold, transported or distributed in commerce, as the term "commerce" is defined in the aforesaid Act.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: June 10, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-7958; Filed, July 7, 1969; 8:46 a.m.]

Title 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 201—CLASSIFICATION OF PUBLIC COAL LANDS

Part 201 of Chapter II of Title 30 of the Code of Federal Regulations is revoked.

WALTER J. HICKEL,
Secretary of the Interior.

JUNE 27, 1969.

[F.R. Doc. 69-7962; Filed, July 7, 1969; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 62—ILLEGAL OR IMPROPER USE OF DRUGS BY MEMBERS OF THE ARMED FORCES

Miscellaneous Amendments

Sections 62.3(c), 62.5(a)(4), and 62.6 are amended as follows:

1. Paragraph (c) of § 62.3 is revised to read as follows:

§ 62.3 Definitions.

* * * * *

(c) *Dangerous drugs.* Those nonnarcotic drugs that are habit-forming or have a potential for abuse because of their stimulant, depressant, or hallucinogenic effect, as determined by the Secretary of Health, Education, and Welfare or the Attorney General of the United States.

* * * * *

2. New subdivision (iv) is added to § 62.5(a)(4) as follows:

§ 62.5 Responsibilities.

(a) *Overall program.* * * *

(4) The Secretaries of the Military Departments and Directors of Defense Agencies shall:

* * * * *

(iv) Insure that military commanders take action for making proper notations in each individual's appropriate personnel record at the time of attending the initial and the preoverseas departure drug orientation programs.

* * * * *

3. Section 62.6, as amended, now reads as follows:

§ 62.6 Films on drugs and narcotics.

The following is a list of motion picture films currently available and being produced:

NAVY

MN 10507 "LSD"
MC 7962 "Drug Addiction, Trip to Where"

AIR FORCE

SFP "The Hang-up"
SFP "Narcotics, Why Not"
SFP "LSD" (Navy adaption)

ARMY

"Narcotics"
Narcotics—A Challenge to Youth
Monkey on the Back
CBS Reports—The Business of HEROIN
The Dangerous Drugs
Investigation of Narcotics Offense

DOD

"People vs Pot" (being produced)

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-7941; Filed, July 7, 1969; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER C—PUBLIC RELATIONS

PART 826—GIFTS FROM FOREIGN GOVERNMENTS TO MEMBERS AND CIVILIAN EMPLOYEES OF THE UNITED STATES AIR FORCE

Part 826 is revised as follows:

Sec.
826.0 Purpose.
826.2 Gifts not covered by this part.
826.4 Definitions.
826.6 Constitutional and statutory provisions.
826.8 General policy and procedure.
826.10 Special policy on gifts tendered to members of Military Assistance Programs.

AUTHORITY: The provisions of this Part 826 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 11-27, Mar. 19, 1968.

§ 826.0 Purpose.

This part sets forth the rules relating to the acceptance of gifts from foreign governments by Air Force personnel. It applies to all members and civilian employees of the U.S. Air Force, and to each person who is a member of their family and household.

§ 826.2 Gifts not covered by this part.

This part applies only to gifts from foreign governments to members and civilian employees of the U.S. Air Force and to members of their family and household. It does not apply to:

(a) Gifts to the Department of the Air Force, or gifts for distribution to individual members or employees of the Air Force.

(b) Gifts to nonappropriated fund activities.

(c) Gifts to superiors and gifts which constitute a conflict of interest.

(d) Purely personal gifts from family and friends to Air Force personnel and not specifically prohibited by law or regulation.

(e) Awards and decorations.

§ 826.4 Definitions.

For the purpose of this part, the following apply:

(a) *Foreign government.* Every foreign government and every official, agent, or representative thereof.

(b) *Gift.* Any present or thing (other than any decoration, order, device, medal, badge, insignia, or emblem) tendered by or received from a foreign government.

(c) *Gift of minimal value.* Any present or thing (other than a decoration, order, device, medal, badge, insignia, or emblem) tendered or received from a foreign government which has a retail value not in excess of $50 in the United States.

(d) *Member of the United States Air Force.* All members of the Air Force on active duty, retired members of the regular component of the Air Force who are entitled to pay, and all members of the reserve components of the Air Force, whether or not on active duty.

(e) *Person.* Every person who occupies an office or a position in the Department of the Air Force, or is a member of the U.S. Air Force, or is a member of the family and household of any such person. For the purpose of this definition "member of the family and household" means a relative by blood, marriage, or adoption, who is a resident of the household.

§ 826.6 Constitutional and statutory provisions.

(a) *Constitutional prohibition.* The Constitution of the United States prohibits any person holding any office of profit or trust under the United States from accepting a gift from foreign personages and governments without the consent of Congress (U.S. Const., Art. 1, cl. 8).

(b) *Statutory authority to accept gifts from a foreign government.* Under Public Law 89-673, October 15, 1966, Congress gave its consent to the acceptance and retention of a gift of minimal value which has been presented to a person by a foreign government as a souvenir or mark of courtesy.

§ 826.8 General policy and procedure.

No person shall request or otherwise encourage the tender of a gift from a foreign government.

(a) *Acceptance and retention of gifts of minimal value.* Except as provided in § 826.10, a person may physically assume possession of a gift of minimal value presented by a foreign government, but the recipient will ask for approval to retain the gift. The burden of proof is on the recipient, to establish that the retail value of the gift does not exceed $50 in the United States.

(1) *Letter requesting approval to retain gift.* The letter of request will include the name, grade/title, and the organization to which the recipient is assigned; a description of the gift, and a statement of its U.S. retail value; a summary of the circumstances surrounding the presentation of the gift, including the name, grade/title of the person who presented it; and a statement as to whether the recipient was assigned duties in connection with the Military Assistance Program.

(2) *Approval authority.* The above letter request must be submitted to the following approval authority:

(i) An active duty member of the U.S. Air Force, or Department of the Air Force civilian, who is assigned/employed in CONUS will send the request to the commander of the major command of assignment/employment.

(ii) An active duty member of the U.S. Air Force, or Department of the Air Force civilian who is assigned/employed outside CONUS, will send the request to the commander of the oversea major command in which the recipient is located.

(iii) Any other member of the U.S. Air Force, or Department of the Air Force civilian, who is not covered by the above procedure will send the request to USAFMPC (AFPMSAM), Randolph AFB TX 78148.

(iv) Any member of the family and household of a member/civilian in subdivision (i), (ii), or (iii) of this subparagraph, will send the request to the same approval authority as is established for the sponsor.

(3) *Action by the approval authority.* The approval authority, under such procedures as he may prescribe, will review each request for the retention of a gift of minimal value which the recipient has accepted from a foreign government, to insure that its retention is not prohibited under this part or any other Federal policy, directive, or provision of law.

(i) The approval authority will advise the recipient by letter if the request is approved, for retention of the gift item. If he determines that the recipient may not retain the gift, he will notify the recipient by letter that the gift may not be retained, but is to be treated as a gift to the United States. A copy of the letter disapproving the request will be forwarded by the approval authority to USAFMPC (AFPMSAM).

(ii) The recipient will then forward the gift, together with all of the above correspondence, to USAFMPC (AFPMSAM) as explained below.

(b) *Disposition of gifts of more than a minimal value.* If a gift of more than minimal value is tendered, the donor should be advised that it is contrary to the policy of the U.S. Government for persons in the service thereof to accept substantial gifts. If, however, the refusal of such a gift would be likely to cause offense or embarrassment to the donor, or would adversely affect the foreign relations of the United States, the gift may be accepted and shall become the property of the United States and be deposited with the Air Force for use or disposition.

(1) *Action by the recipient.* Upon receiving a gift item of more than minimal value from a foreign government, the recipient will forward the gift item to USAFMPC (AFPMSAM) with a letter. This letter will give the recipient's name, grade/title, and organization of assignment; the circumstances under which the gift was tendered, including the date and place of the presentation, the estimated retail value of the gift in the United States; and the name, grade/title of the foreign official making the presentation.

(2) *Action by USAFMPC (AFPMSAM).* Upon receipt of a gift item which has become the property of the United States, the USAFMPC (AFPMSAM) will dispose of the gift, as prescribed by the DoD (reference: paragraph VI B, DoD Directives 1005.3, September 16, 1967).

§ 826.10 Special policy on gifts tendered to members of Military Assistance Programs.

(a) *Prohibition of acceptance of gifts and participation in ceremonies.* Any person performing any duty whatsoever in connection with the Military Assistance Program, regardless of assignment, may not accept the tender of any gift from a foreign government for duty of this nature. Accordingly, participation in ceremonies involving such tender is not authorized. In order to avoid embarrassment, the appropriate foreign officials should be acquainted with this prohibition.

(b) *Exceptions for gifts whose retail value does not exceed $10 in the United States.* The prohibition in paragraph (a) of this section does not apply to the receipt of a table favor, memento, remembrance, souvenir, or mark of courtesy from a foreign government if the retail value of the gift item is not more than $10 in the United States. (In this case, however, the recipient must write a letter, as required by § 826.8 requesting permission to retain the gift.)

(c) *Exceptions for certain officials.* The prohibition in paragraph (a) of this section does not apply to the receipt of a gift by the Vice Chief of Staff of the Air Force; the Commander-in-Chief of a unified/specified command; the Under Secretary of the Department of the Air Force; the Chief of Staff of the Air Force; or a higher ranking Air Force official.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-7939; Filed, July 7, 1969; 8:45 a.m.]

PART 830—PROFESSIONAL ENTERTAINMENT PROGRAM IN OVERSEAS AREAS

Miscellaneous Amendments

Subchapter C of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 830.2(c) is amended to read as follows:

§ 830.2 Air Force oversea entertainment policy.

* * * * *

(c) Entertainment units that exceed the maximum criteria for type, size, and number indicated by the oversea commanders will not be furnished without prior approval of the commander concerned.

* * * * *

2. Section 830.3 is revised to read as follows:

§ 830.3 Program responsibilities.

(a) As directed by the Secretary of Defense, the Secretary of the Army is responsible for determining, coordinating, and administering the Armed Forces Professional Entertainment Program.

(b) Under the supervision of the Deputy Chief of Staff/Personnel, Department of the Army, a joint activity has been established in the Office of The Adjutant General, known as the Armed Forces Professional Entertainment Office (AFPEO), to coordinate and administer the professional entertainment program. This activity will:

(1) Determine the extent and scope of the program annually in conjunction with representatives of the other military departments and the Office of the Assistant Secretary of Defense (Manpower).

(2) Provide all services relative to accepting, rejecting, processing for travel, and otherwise making units available for oversea commands. Strict compliance with this provision is necessary to avoid embarrassment to the Department of Defense.

(3) Arrange for transportation within the United States and for military air transportation from the aerial port of embarkation to the oversea command and return. No military transportation will be provided to or from an oversea area for troop entertainment except as authorized by the AFPEO.

3. A new § 830.3a is added to read as follows:

§ 830.3a Financial support.

(a) The extent and scope of the Armed Forces Professional Entertainment Program are established annually by the Department of the Army with the advice of the other services. The mutually approved budget covering continuing costs (actual travel and subsistence costs of entertainers while touring Armed Forces installations and salaries of clerical personnel of the AFPEO to administer this program) is supported by the services as follows:

(1) Air Force	43.5 percent.
(2) Army	43.5 percent.
(3) Navy	6.5 percent.
(4) Marine Corps	6.5 percent.

(b) The Air Force representative assigned to the AFPEO will advise the Directorate of Personnel Services—USAFMPC (AFPMS), Randolph AFB TX 78148—of the Air Force's pro rata share of the annual costs in support of this program.

(c) The Directorate of Personnel Services will budget annually for the Air Force portion of the mutually approved budget.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 215-10, Aug. 7, 1968]

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-7940; Filed, July 7, 1969; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Glen Canyon National Recreation Area, Utah-Ariz.; Boat Sanitary Equipment

A proposal was published on page 5743 of the FEDERAL REGISTER of March 27, 1969, to amend § 7.70 of the Code of Federal Regulations. The purpose of the amendment is to establish boat sanitation equipment requirements to insure

conformity with § 3.17 of Title 36, Code of Federal Regulations, which deals with water sanitation.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. Consideration having been given to all relevant matters presented, it has been determined that the amendment should be and is hereby adopted without change and it is set forth below. This amendment shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

Paragraph (c) of § 7.70 is added to read as follows:

§ 7.70 Glen Canyon National Recreation Area.

* * * * *

(c) *Water sanitation.* All vessels with marine toilets so constructed as to permit wastes to be discharged directly into the water shall have such facility sealed to prevent discharge. Chemical or other type marine toilets with approved holding tanks or storage containers shall be permitted but will be discharged or emptied only at designated sanitary pumping stations.

WILLIAM J. BRIGGLE,
Superintendent, Glen Canyon National Recreation Area.

[F.R. Doc. 69-7967; Filed, July 7, 1969; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 234—FINANCIAL ASSISTANCE TO INDIVIDUALS

Institutional Services in Intermediate Care Facilities

Correction

In F.R. Doc. 69-7400, appearing at page 9782, in the issue for Tuesday, June 24, 1969, in the second line of § 234.130(d)(2)(i), the word "situation" should read "institution".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Treaties and Other International Agreements Relating to Radio

Order. 1. The Commission has before it the desirability of making certain editorial changes in Part 2 of its rules and regulations.

2. Authority for the amendments is contained in sections 4(i), (5)(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules. Because the amendments are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. *It is ordered,* Effective July 10, 1969, that Part 2 of the rules and regulations is amended as set forth below.

(Sec. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: July 1, 1969.

Released: July 2, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 2.601 is amended to read as follows:

§ 2.601 General.

This subpart is corrected to July 1, 1969. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

2. In § 2.603 paragraphs (a) and (b) are amended to read as follows:

§ 2.603 Treaties and other international agreements relating to radio.

(a) The applicable treaties and other international agreements in force relating to radio and to which the United States of America is a party (other than reciprocal operating agreements for radio amateurs) are listed below:

Date	Citations	Subject
1925	IV Trenwith 4248, 4250 and 4251. TS 724-A.	US-UK (also for Canada and Newfoundland) Bilateral Arrangements providing for the Prevention of Interference by Ships off the Coasts of these Countries with Radio Broadcasting. Effected by exchange of notes Sept. and Oct., 1925. Entered into force Oct. 1, 1925.
1928 and 1929	102 LNTS 143. TS 767-A.	US-Canada Arrangement governing Radio Communications between Private Experimental Stations. Effected by exchange of notes at Washington Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. Continued by the arrangement contained in EAS 62.
1929	IV Trenwith 4787. TS 777-A.	US-Canada (including Newfoundland) Arrangement relating to Assignment of High Frequencies of the North American Continent. Effected by exchange of notes at Ottawa Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Originally, Cuba was also a party to this arrangement, but by virtue of notice to the Canadian Government, it ceased to be a party effective Oct. 5, 1932.)
1934	49 Stat. 3555. EAS 66.	US-Peru Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Lima Feb. 16, and May 23, 1934. Entered into force May 23, 1934.
1934	48 Stat. 1876. EAS 62.	US-Canada Arrangement relative to Radio Communications between Private Experimental Stations and between Amateur Stations. Continues the arrangement contained in TS 767-A. Effected by exchange of notes at Ottawa Apr. 30, and May 2 and 4, 1934. Entered into force May 4, 1934.
1934	49 Stat. 3667. EAS 72.	US-Chile Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santiago Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937	53 Stat. 1576. TS 938.	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 21, 1938, for Parts I, III and IV; Apr. 17, 1939, for Part II. Part II of the Convention (Inter-American Radio Office) terminated for all parties Dec. 20, 1958 (TIAS 4079).
1938	54 Stat. 1675. TS 949.	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City Dec. 8, 1938. Entered into force Oct. 8, 1939.
1939	53 Stat. 2157. EAS 142.	US-Canada Arrangement governing the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes at Washington Feb. 20, 1939. Entered into force Feb. 20, 1939.
1946	60 Stat. 1606. TIAS 1527.	US-USSR Agreement on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow May 24, 1946. Entered into force May 24, 1946.
1947	61 Stat. (4) 3800. TIAS 1736.	US-Canada Agreement providing for Frequency Modulation Broadcasting in Channels in the Radio Frequency Band 88-108 Mc/s. Effected by exchange of notes at Washington Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947.
1947	61 Stat. (4) 3416. TIAS 1676.	US-UN Agreement relative to Headquarters of the United Nations. Signed at Lake Success June 26, 1947. Entered into force Nov. 21, 1947. Supplemented by the agreement contained in TIAS 5961 which was signed Feb. 9, 1966.
1947	61 Stat. (3) 3131. TIAS 1652.	US-UK Agreement regarding Standardization of Distance Measuring Equipment. Signed at Washington Oct. 13, 1947. Entered into force Oct. 13, 1947.
1948	9 UST 621. TIAS 4044.	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva Mar. 6, 1948. Entered into force Mar. 17, 1958. Modified by the amendments contained in TIAS 6285 and in TIAS 6490 adopted by the IMCO Assembly Sept. 15, 1964, and Sept. 28, 1965, respectively.
1948	3 UST (3) 3084. TIAS 2489.	Inter-American Radio Agreement between the United States and Canada and Other American Republics. Signed at Washington July 9, 1949. (Fourth Inter-American Radio Conference.) Entered into force Apr. 15, 1952, subject to the provisions of Article 13.
1949	3 UST (2) 2990. TIAS 2435.	London Telecommunications Agreement between the United States and Certain British Commonwealth Governments. Signed at London Aug. 12, 1949. Entered into force Feb. 21, 1950. Amended by the agreement contained in TIAS 2705 which was signed Oct. 1, 1952.
1950	3 UST (2) 2672. TIAS 2438.	US-Ecuador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Quito Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1950 and 1951	2 UST (1) 683. TIAS 2223.	US-Liberia Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Monrovia Nov. 9, 1950, and Jan. 8, 9 and 10, 1951. Entered into force Jan. 11, 1951.

Date	Citations	Subject
1959	12 UST 2377. TIAS 4893.	International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961. Revised by the Partial Revisions of the Radio Regulations, Geneva 1959, contained in TIAS 5603, TIAS 6332, and TIAS 6590 signed Nov. 8, 1963, Apr. 29, 1966, and Nov. 3, 1967, respectively.
1960	11 UST 1. TIAS 4399.	US-Haiti Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-au-Prince Jan. 4 and 6, 1960. Entered into force Feb. 5, 1960.
1960	18 UST 185. TIAS 5780.	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 17, 1960. Entered into force May 26, 1965. Corrections to certain annexes contained in TIAS 6294 signed Feb. 15, 1966.
1960	11 UST 2229. TIAS 4596.	US-Paraguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Asuncion Aug. 31, and Oct. 6, 1960. Entered into force Nov. 1, 1960.
1961	12 UST 1574. TIAS 4915.	US-Uruguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Montevideo Sept. 12, 1961. Entered into force Sept. 26, 1966.
1961	12 UST 1695. TIAS 4888.	US-Bolivia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at La Paz Oct. 23, 1961. Entered into force Nov. 22, 1961.
1962	13 UST 411. TIAS 5001.	US-El Salvador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at San Salvador Apr. 5, 1962. Entered into force May 5, 1962.
1962	13 UST 997. TIAS 5043.	US-Mexico Agreement relating to the Assignment of VHF Television Channels along United States-Mexican Border. Effected by exchange of notes at Mexico Apr. 18, 1962. Entered into force Apr. 18, 1962.
1962	13 UST 2418. TIAS 5205.	US-Canada Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mc/s. Effected by exchange of notes at Ottawa Oct. 24, 1962. Entered into force Oct. 24, 1962. The technical annex to this agreement was replaced by the agreement contained in TIAS 6627 signed and in force Jan. 24, 1968.
1963	14 UST 817. TIAS 5360.	US-United Kingdom Agreement regarding Radio Communications between "Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santo Domingo Apr. 18 and 22, 1963. Effected by exchange of notes at Washington June 4, 1965. Entered into force May 22, 1963.
1963	15 UST 887. TIAS 5603.	Partial Revision of the Radio Regulations, Geneva, 1959, Final Acts of the EARC to Allocate Frequency Bands for Space, Radiocommunication Services. Signed at Geneva Nov. 8, 1963. Entered into force Jan. 1, 1965.
1963	14 UST 1754. TIAS 5483.	US-Colombia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Bogota Nov. 16 and 29, 1963. Entered into force Dec. 29, 1963.
1964	15 UST 1705. TIAS 5646.	US-Other Governments Agreement Establishing Interim Arrangements for a Global Commercial Communications Satellite System and Special Agreement. Done at Washington Aug. 20, 1964. Entered into force Aug. 20, 1964. Additionally, a Supplementary Agreement on Arbitration was done at Washington June 4, 1965. Entered into force Nov. 21, 1966.
1964	18 UST 1299. TIAS 6285.	Amendments to Articles 17 and 18 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at London Sept. 15, 1964. Entered into force May 19, 1967.
1965	16 UST 821. TIAS 5816.	US-Israel Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington June 1, 1965. Entered into force June 1, 1965.
1965	16 UST 923. TIAS 5853.	US-Canada Agreement regarding Coordination and Use of Radio Frequencies above 30 Mc/s Revising the Technical Annex to the Agreement of Oct. 24, 1962. (TIAS 5205). Effected by exchange of notes at Ottawa June 16 and 24, 1965. Entered into force June 24, 1965.
1965	16 UST 883. TIAS 5857.	US-Israel Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington July 7, 1965. Entered into force Aug. 6, 1965. Amendment to Article 28 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at Paris Sept. 28, 1965. Entered into force May 29, 1967.
1965	TIAS 6490.	
1965	18 UST 575. TIAS 6067.	International Telecommunication Convention. Signed at Montreux Nov. 12, 1965. Entered into force with respect to the United States May 29, 1967.
1959	12 UST 2377. TIAS 4893.	International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961. Revised by the Partial Revisions of the Radio Regulations, Geneva 1959, contained in TIAS 5603, TIAS 6332, and TIAS 6590 signed Nov. 8, 1963, Apr. 29, 1966, and Nov. 3, 1967, respectively.
1960	11 UST 1. TIAS 4399.	US-Haiti Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-au-Prince Jan. 4 and 6, 1960. Entered into force Feb. 5, 1960.
1960	18 UST 185. TIAS 5780.	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 17, 1960. Entered into force May 26, 1965. Corrections to certain annexes contained in TIAS 6294 signed Feb. 15, 1966.
1960	11 UST 2229. TIAS 4596.	US-Paraguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Asuncion Aug. 31, and Oct. 6, 1960. Entered into force Nov. 1, 1960.
1961	12 UST 1574. TIAS 4915.	US-Uruguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Montevideo Sept. 12, 1961. Entered into force Sept. 26, 1966.
1961	12 UST 1695. TIAS 4888.	US-Bolivia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at La Paz Oct. 23, 1961. Entered into force Nov. 22, 1961.
1962	13 UST 411. TIAS 5001.	US-El Salvador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at San Salvador Apr. 5, 1962. Entered into force May 5, 1962.
1962	13 UST 997. TIAS 5043.	US-Mexico Agreement relating to the Assignment of VHF Television Channels along United States-Mexican Border. Effected by exchange of notes at Mexico Apr. 18, 1962. Entered into force Apr. 18, 1962.
1962	13 UST 2418. TIAS 5205.	US-Canada Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mc/s. Effected by exchange of notes at Ottawa Oct. 24, 1962. Entered into force Oct. 24, 1962. The technical annex to this agreement was replaced by the agreement contained in TIAS 6627 signed and in force Jan. 24, 1968.
1963	14 UST 817. TIAS 5360.	US-United Kingdom Agreement regarding Radio Communications between "Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santo Domingo Apr. 18 and 22, 1963. Effected by exchange of notes at Washington June 4, 1965. Entered into force May 22, 1963.
1963	15 UST 887. TIAS 5603.	Partial Revision of the Radio Regulations, Geneva, 1959, Final Acts of the EARC to Allocate Frequency Bands for Space, Radiocommunication Services. Signed at Geneva Nov. 8, 1963. Entered into force Jan. 1, 1965.
1963	14 UST 1754. TIAS 5483.	US-Colombia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Bogota Nov. 16 and 29, 1963. Entered into force Dec. 29, 1963.
1964	15 UST 1705. TIAS 5646.	US-Other Governments Agreement Establishing Interim Arrangements for a Global Commercial Communications Satellite System and Special Agreement. Done at Washington Aug. 20, 1964. Entered into force Aug. 20, 1964. Additionally, a Supplementary Agreement on Arbitration was done at Washington June 4, 1965. Entered into force Nov. 21, 1966.
1964	18 UST 1299. TIAS 6285.	Amendments to Articles 17 and 18 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at London Sept. 15, 1964. Entered into force May 19, 1967.
1965	16 UST 821. TIAS 5816.	US-Israel Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington June 1, 1965. Entered into force June 1, 1965.
1965	16 UST 923. TIAS 5853.	US-Canada Agreement regarding Coordination and Use of Radio Frequencies above 30 Mc/s Revising the Technical Annex to the Agreement of Oct. 24, 1962. (TIAS 5205). Effected by exchange of notes at Ottawa June 16 and 24, 1965. Entered into force June 24, 1965.
1965	16 UST 883. TIAS 5857.	US-Israel Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington July 7, 1965. Entered into force Aug. 6, 1965. Amendment to Article 28 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at Paris Sept. 28, 1965. Entered into force May 29, 1967.
1965	TIAS 6490.	
1965	18 UST 575. TIAS 6067.	International Telecommunication Convention. Signed at Montreux Nov. 12, 1965. Entered into force with respect to the United States May 29, 1967.
1965 and 1966	11 UST 257. TIAS 4442.	US-Honduras Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 26, 1959, and Feb. 17, 1960, and related note of Feb. 19, 1960. Entered into force Mar. 17, 1960.
1966	10 UST 3019. TIAS 6094.	US-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1959. Entered into force Dec. 12, 1959.

Date	Citations	Subject
1966	17 UST 74. TIAS 5961.	US-UN Agreement regarding Headquarters of the United Nations Supplementing the Agreement of June 26, 1947 (TIAS 1676). Signed at New York Feb. 9, 1966. Entered into force Feb. 9, 1966. Amended by the agreement contained in TIAS 6176 signed Dec. 8, 1966.
1966	18 UST 1289. TIAS 6284.	Process-Verbal of Rectification to Certain Annexes to the International Convention for the Safety of Life at Sea of June 17, 1960 (TIAS 5780). Done at London Feb. 15, 1966.
1966	18 UST 141. TIAS 6210.	US-Mexico Protocol regarding Radio Broadcasting in the Standard Broadcast Band Amending the Agreement of Jan. 29, 1957 (TIAS 4777). Signed at Mexico Apr. 13, 1966. Entered into Force Jan. 12, 1967.
1966	18 UST 2091. TIAS 6332.	Partial Revision of the Radio Regulations, Geneva, 1959, Final Acts of the EARC for the Preparation of a Revised Allotment Plan for the Aeronautical Mobile (R) Service. Signed at Geneva Apr. 29, 1966. Entered into force for the United States Aug. 23, 1967, except for the frequency allotment plan contained in Appendix 27 which shall enter into force Apr. 10, 1970.
1966	17 UST 2319. TIAS 6176.	US-UN Agreement regarding Headquarters of the United Nations Amending the Supplemental Agreement of Feb. 9, 1966 (TIAS 5961). Effected by exchange of notes at New York Dec. 8, 1966. Entered into force Dec. 8, 1966.
1967	18 UST 365. TIAS 6244	US-Argentina Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967	18 UST 1201. TIAS 6268.	US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations. Effected by exchange of notes at Ottawa Mar. 31 and June 12, 1967. Entered into force June 12, 1967. Amended by the agreement contained in TIAS 6626 signed Apr. 18, 1968, and Jan. 31, 1969.
1967	TIAS 6590.	Partial Revision of the Radio Regulations, 1959, Final Acts of the WARC to deal with Matters relating to the Maritime Mobile Service. Signed at Geneva Nov. 3, 1967. Entered into force Apr. 1, 1969.
1968 and 1969	TIAS 6626.	US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations Amending the Agreement of Mar. 31 and June 12, 1967 (TIAS 6268). Effected by exchange of notes at Ottawa Apr. 18, 1968, and Jan. 31, 1969. Entered into force Jan. 31, 1969.

(b) The applicable agreements in force between the United States and another country relating to the reciprocal granting of authorizations to permit licensed amateur radio operators of either country to operate their stations in the other country are as follows:

Date	Citations	Subject
1964	15 UST 1787. TIAS 5649.	US-Costa Rica Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Jose Aug. 17 and 24, 1964. Entered into force Aug. 24, 1964.
1965	16 UST 93. TIAS 5766.	US-Dominican Republic Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Santo Domingo Jan. 28 and Feb. 2, 1965. Entered into force Feb. 2, 1965.
1965	16 UST 165. TIAS 5777.	US-Bolivia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at La Paz Mar. 16, 1965. Entered into force Apr. 15, 1965.
1965	16 UST 181. TIAS 5779.	US-Ecuador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Quito Mar. 26, 1965. Entered into force Mar. 26, 1965.
1965	16 UST 817. TIAS 5815.	US-Portugal Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lisbon May 17 and 26, 1965. Entered into force May 26, 1965.
1965	16 UST 869. TIAS 5824.	US-Belgium Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Brussels June 15 and 18, 1965. Entered into force June 18, 1965.
1965	16 UST 973. TIAS 5836.	US-Australia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Canberra June 25, 1965. Entered into force June 25, 1965.
1965	16 UST 1160. TIAS 5860.	US-Peru Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lima June 28 and Aug. 11, 1965. Entered into force Aug. 11, 1965.
1965	16 UST 1746. TIAS 5900.	US-Luxembourg Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Luxembourg July 7 and 29, 1965. Entered into force July 29, 1965.
1965	16 UST 1131. TIAS 5856.	US-Sierra Leone Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Freetown Aug. 14 and 16, 1965. Entered into force Aug. 16, 1965.
1965	16 UST 1742. TIAS 5899.	US-Colombia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bogota Oct. 19 and 28, 1965. Entered into force Nov. 28, 1965.
1965	16 UST 2047. TIAS 5941.	US-UK Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at London Nov. 26, 1965. Entered into force Nov. 26, 1965.
1966	17 UST 328. TIAS 5978.	US-Paraguay Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Asuncion Mar. 18, 1966. Entered into force Mar. 18, 1966.
1966	17 UST 719. TIAS 6022.	US-France Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Paris May 5, 1966, with related notes of June 29 and July 6, 1966. Entered into force July 1, 1966.
1966	17 UST 813. TIAS 6038.	US-India Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at New Delhi May 16 and 25, 1966. Entered into force May 25, 1966.
1966	17 UST 760. TIAS 6028.	US-Israel Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington June 15, 1966. Entered into force June 15, 1966.
1966	17 UST 2426. TIAS 6189.	US-Netherlands Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at The Hague June 22, 1966. Entered into force Dec. 21, 1966.
1966	17 UST 1120. TIAS 6068.	US-Federal Republic of Germany Arrangement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bonn June 23 and 30, 1966. Entered into force June 30, 1966.
1966	17 UST 1039. TIAS 6061.	US-Kuwait Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Kuwait July 19 and 24, 1966. Entered into force July 19, 1966.
1966	17 UST 1560. TIAS 6112.	US-Nicaragua Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Managua Sept. 8 and 20, 1966. Entered into force Sept. 20, 1966.
1966	17 UST 2215. TIAS 6159.	US-Panama Agreement regarding Alien Amateur Radio Operators. Effected by exchange of note at Panama Nov. 16, 1966. Entered into force Nov. 16, 1966.
1966 and 1967	18 UST 525. TIAS 6259.	US-Honduras Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Tegucigalpa Dec. 29, 1966, Jan. 24 and Apr. 17, 1967. Entered into force Apr. 17, 1967.
1967	18 UST 554. TIAS 6264.	US-Switzerland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bern Jan. 12 and May 16, 1967. Entered into force May 16, 1967.
1967	18 UST 543. TIAS 6261.	US-Trinidad and Tobago Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at St. Ann's and Port of Spain Jan. 14 and Mar. 16, 1967. Entered into force Mar. 16, 1967.
1967	18 UST 361. TIAS 6243.	US-Argentina Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967	18 UST 1661. TIAS 6309.	US-El Salvador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Salvador May 24 and June 5, 1967. Entered into force June 5, 1967.
1967	18 UST 1241. TIAS 6273.	US-Norway Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Oslo May 27 and June 1, 1967. Entered into force June 1, 1967.
1967	18 UST 1272. TIAS 6281.	US-New Zealand Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Wellington June 21, 1967. Entered into force June 21, 1967.
1967	18 UST 2499. TIAS 6348.	US-Venezuela Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Caracas Sept. 18, 1967. Entered into force Oct. 3, 1967.
1967	18 UST 2878. TIAS 6378.	US-Austria Agreement regarding Alien Amateur Radio Operators. Done at Vienna Nov. 21, 1967. Entered into force Dec. 21, 1967.
1967	18 UST 2882. TIAS 6380.	US-Chile Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington Nov. 30, 1967. Entered into force Dec. 30, 1967.
1967	18 UST 3153. TIAS 6406.	US-Finland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Helsinki Dec. 15 and 27, 1967. Entered into force Dec. 27, 1967.
1968	TIAS 6622.	US-Monaco Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Nice and Paris Mar. 29, and Oct. 16, 1968. Entered into force Dec. 1, 1968.
1968	TIAS 6494.	US-Guyana Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Georgetown May 6 and 13, 1968. Entered into force May 13, 1968.
1968	TIAS 6553.	US-Barbados Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bridgetown Sept. 10 and 12, 1968. Entered into force Sept. 12, 1968.
1968	TIAS 6666.	US-Ireland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Dublin Oct. 10, 1968. Entered into force Oct. 10, 1968.
1968	TIAS 6604.	US-Indonesia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Djakarta Dec. 10, 1968. Entered into force Dec. 10, 1968.
1969		US-Sweden Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Stockholm May 27, and June 2, 1969. Entered into force June 2, 1969.

[F.R. Doc. 69-7927; Filed, July 7, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

LAKE MEAD NATIONAL RECREATION AREA, ARIZONA-NEVADA

Boat Sanitary Equipment

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), 245 DM-I (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4225), Regional Director, Southwest Regional Order No. 4 (31 F.R. 8134), as amended, it is proposed to amend § 7.48 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to establish boat sanitation equipment requirements to insure conformity with § 3.17 of Title 36, Code of Federal Regulations, which deals with water sanitation.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Lake Mead National Recreation Area, Post Office Box 127, 601 Nevada Highway, Boulder City, Nev. 89005, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Paragraph (d) of § 7.48 is added to read as follows:

§ 7.48 Lake Mead National Recreation Area.

* * * * *

(d) *Water sanitation.* (1) No person shall launch, operate, or maintain in or upon any waters within the boundary of Lake Mead National Recreation Area, any vessel so constructed and/or equipped as to allow or be capable of allowing the discharge from toilets, holding tanks, sinks, or other similar facilities into the said waters through the vessel hull.

(2) Depositing by any direct or indirect means of any waste or refuse in or upon said waters or in or upon any lands adjacent to such waters is prohibited.

(3) All wastes and refuse, regardless of kind, will only be disposed of, or emptied into, designated sanitary dumping stations, or other appropriate collection facilities provided at docks, marinas or other specified places.

C. E. JOHNSON,
Acting Superintendent,
Lake Mead National Recreation Area.

[F.R. Doc. 69-7961; Filed, July 7, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 301]

CEREAL LEAF BEETLE

Supplemental Notice of Public Hearing Regarding Proposed Quarantine in Certain States

On June 4, 1969, there was published in the FEDERAL REGISTER (34 F.R. 8923) a notice of public hearing in accordance with sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), to consider quarantining the States of Kentucky, New York, and West Virginia, and regulating, under the cereal leaf beetle quarantine and supplemental regulations (7 CFR 301.84, 301.84-1, et seq.), the interstate movement from these States into or through any other State, territory, or district of the United States of: (1) Small grains, such as barley, oats, and wheat, except grain sorghum; (2) soybeans; (3) ear corn (shelled corn is not regulated); (4) straw and hay, including marsh hay, except pelletized hay; (5) grass sod; (6) grass and forage seed; (7) fodder and plant litter; (8) used harvesting machinery; and (9) any other products, articles, or means of conveyance of any character whatsoever, when it is determined by an inspector that they present a hazard of spread of cereal leaf beetle, and the person in possession thereof has been so notified.

Since publication of this notice, information has been received that the cereal leaf beetle has been discovered in Maryland and Virginia.

Accordingly, the scope of the public hearing is enlarged to include the States of Maryland and Virginia among the States being considered for quarantining as specified in the original notice. Officials of these States have been consulted in the matter and indicate that they can be represented at the hearing.

A public hearing to consider the above proposals will be held before a representative of the Agricultural Research Service at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky. 40508, at 10 a.m., e.d.t., on July 15, 1969, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals.

Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, on or before July 11, 1969, or with the presiding officer at the hearing. All written submissions received pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 1st day of July 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-7971; Filed, July 7, 1969; 8:47 a.m.]

Consumer and Marketing Service

[7 CFR Part 51]

GRAPEFRUIT (TEXAS AND STATES OTHER THAN FLORIDA, CALIFORNIA, AND ARIZONA)

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Grapefruit (Texas and States Other Than Florida, California, and Arizona) (7 CFR 51.620-51.658). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than July 30, 1969, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b)).

Statement of considerations leading to the proposed revision of the grade standards. Trends in marketing practices, over the past few years, have prompted a revision of the U.S. Standards for Grapefruit (Texas and States Other Than Florida, California and Arizona), which have been in effect since 1955.

In proposing this revision, the U.S. Department of Agriculture is introducing a new concept in the application of the grade standards. This concept involves the use of statistical principles and procedures in determining compliance with the standards. This approach was first used successfully in the 1967 revision of the Florida citrus standards.

During the 1968-69 harvest season experimental studies were conducted in a few Texas fresh fruit packinghouses which made use of a quality control master note sheet. This note sheet was developed and used under an inplant continuous inspection operation. The note sheet graphically presents the quality level being packed during any given period in the day. This proposal would involve the use of the quality control aid during the packing process as well as in determining grade on a lot basis. This would bring about more uniformity and better industry understanding of the standards. The Texas citrus industry has requested that this concept be adopted and incorporated in the grade standards which would require the following changes in the presentation of tolerances:

(1) Each sample selected for grade determination would consist of 33 grapefruit. When individual packages contain at least 33 grapefruit, the sample is drawn from one package; when individual packages contain less than 33 grapefruit a sufficient number of adjoining packages would be combined to form a 33 grapefruit sample. The individual sample size would be constant regardless of the size of the container.

(2) Tolerances would be specified as acceptance numbers. The total minimum or maximum number of defective or off-size grapefruit would be specified for the number of samples selected for grade determination.

(3) Individual 33-count samples would be limited to the maximum number of defective, discolored, or off-size grapefruit for all grades except for the Bronze and Russet grades. A minimum number of discolored grapefruit is set for these two grades. This limitation would be in the tolerance tables under the Absolute Limit (AL) heading and would replace the Application of Tolerances section in the existing standards.

A new format is proposed in an effort to arrange in logical order the various requirements for the particular grade. Also a new Classification of Defects Section would be provided which lists limitations for various defects under the injury, damage, serious damage and very serious damage headings. Both would bring about and promote greater uniformity and better understanding of the standards.

Representatives of the U.S. Department of Agriculture will be available upon appointment to discuss and demonstrate the proposed revision to interested persons during the period provided for submitting comments. Requests for such appointments should be made in writing to: Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, Washington, D.C. 20250.

The proposed standards, as revised, are as follows:

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

GRADES

Sec.
51.620 U.S. Fancy.
51.621 U.S. No. 1.
51.622 U.S. No. 1 Bright.
51.623 U.S. No. 1 Bronze.
51.624 U.S. Combination.
51.625 U.S. No. 2.
51.626 U.S. No. 2 Russet.
51.627 U.S. No. 3.

TOLERANCES

51.628 Tolerances.

SAMPLE FOR GRADE OR SIZE DETERMINATION

51.629 Sample for grade or size determination.

STANDARD PACK

51.630 Standard pack.

DEFINITIONS

51.631 Mature.
51.632 Similar varietal characteristics.
51.633 Well colored.
51.634 Firm.
51.635 Well formed.
51.636 Smooth texture.
51.637 Injury.
51.638 Discoloration.
51.639 Fairly well colored.
51.640 Fairly well formed.
51.641 Fairly smooth texture.
51.642 Damage.
51.643 Fairly firm.
51.644 Slightly misshapen.
51.645 Slightly rough texture.
51.646 Serious damage.
51.647 Slightly colored.
51.648 Misshapen.
51.649 Slightly spongy.
51.650 Very serious damage.
51.651 Diameter.
51.652 Classification of defects.

METRIC CONVERSION TABLE

51.653 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.620 U.S. Fancy.

"U.S. Fancy" consists of grapefruit which meet the following requirements:

(a) Basic requirements:

(1) Discoloration:

(i) Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.638.)

(2) Firm;

(3) Mature;

(4) Similar varietal characteristics;

(5) Smooth texture;

(6) Well formed; and,

(7) Well colored.

(b) Free from:

(1) Ammoniation;

(2) Bruises;

(3) Buckskin;

(4) Cuts not healed;

(5) Skin breakdown;

(6) Decay;

(7) Growth cracks;

(8) Scab;

(9) Sprayburn; and,

(10) Wormy fruit.

(c) Not injured by:

(1) Green spots;

(2) Oil spots;

(3) Scale;

(4) Scars; and,

(5) Thorn scratches.

(d) Not damaged by any other cause.

(e) For tolerances see § 51.628.

§ 51.621 U.S. No. 1.

"U.S. No. 1" consists of grapefruit which meet the following requirements:

(a) Basic requirement:

(1) Discoloration:

(i) Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.638.)

(2) Firm;

(3) Mature;

(4) Similar varietal characteristics;

(5) Fairly well colored;

(6) Fairly smooth texture; and,

(7) Fairly well formed.

(b) Free from:

(1) Bruises;

(2) Cuts not healed;

(3) Caked melanose;

(4) Growth cracks;

(5) Sprayburn;

(6) Decay; and,

(7) Wormy fruit.

(c) Not damaged by any other cause.

(d) For tolerances see § 51.628.

§ 51.622 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected by discoloration.

(a) For tolerances see § 51.628.

§ 51.623 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration. Not less than the number of fruits required in § 51.628, Tables I and II, shall have more than one-half of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type.

(a) For tolerances see § 51.628.

§ 51.624 U.S. Combination.

"U.S. Combination" consists of a combination of U.S. No. 1 and U.S. No. 2 grapefruit: *Provided,* That the number of U.S. No. 2 fruits specified in § 51.628, Tables I and II, are not exceeded.

§ 51.625 U.S. No. 2.

"U.S. No. 2" consists of grapefruit which meet the following requirements:

(a) Basic requirements:

(1) Discoloration:

(i) Not more than two-thirds of the surface, in the aggregate, may be affected by discoloration. (See § 51.638.)

(2) Fairly firm;

(3) Mature;

(4) Similar varietal characteristics;

(5) May be slightly colored;

(6) Not more than slightly misshapen; and,

(7) Not more than slightly rough texture.

(b) Free from:

(1) Bruises;

(2) Cuts not healed;

(3) Growth cracks;

(4) Decay; and,

(5) Wormy fruit.

(c) Not seriously damaged by any other cause.

(d) For tolerances see § 51.628.

§ 51.626 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that not less than the number of fruits required in § 51.628, Tables I and II, shall have more than two-thirds of their surface, in the aggregate, affected by discoloration.

(a) For tolerances see § 51.628.

§ 51.627 U.S. No. 3.

"U.S. No. 3" consists of grapefruit which meet the following requirements:

(a) Basic requirements:

(1) Mature;

(2) Similar varietal characteristics;

(3) May be misshapen;

(4) May be slightly spongy;

(5) May have rough texture;

(6) Not seriously lumpy or cracked; and,

(7) May be poorly colored.

(b) Not more than 25 percent of the surface may be of a solid dark green color.

(b) Free from:

(1) Cuts not healed;

(2) Decay; and,

(3) Wormy fruit.

(c) Not very seriously damaged by any other cause.

(d) For tolerances see § 51.628.

TOLERANCES

§ 51.628 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or off-size specimens in the individual sample, and the number of defective or off-size specimens in the lot, shall be within the limitations specified in Tables I and II. No tolerance shall apply to wormy fruit.

TABLE I—SHIPPING POINT [1]

(A) FOR 1 THROUGH 20 SAMPLES

Factor	Grades	AL [2]	Number of 33-count samples [3]																		
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers (maximum permitted) [4]																			
Decay	U.S. Fancy, U.S. No. 1, U.S. Combination, U.S. No. 2	1	0	0	0	1	[5] 1	2	2	2	2	[5] 2	2	2	3	3	3	[5] 3	3	4	4	4
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. Combination, U.S. No. 2	1	0	1	[5] 1	1	2	[5] 2	2	3	3	[5] 3	3	4	4	4	[5] 4	5	5	5	[5] 5	5
Total defects including decay and very serious damage.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. No. 3	5	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
	U.S. Combination (U.S. No. 2's permitted).	21	18	33	47	62	76	90	104	119	133	147	161	174	188	202	216	230	244	257	271	285
Off-size Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. Combination	7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
			Acceptance numbers (minimum required) [4]																			
	U.S. No. 1 Bronze, U.S. No. 2 Russet	0	2	4	8	11	14	18	21	25	28	32	36	39	43	47	50	53	57	61	64	68

(B) FOR 21 THROUGH 40 SAMPLES

Factor	Grades	AL [2]	Number of 33-count samples [3]																		
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
			Acceptance numbers (maximum permitted) [4]																			
Decay	U.S. Fancy, U.S. No. 1, U.S. Combination, U.S. No. 2	1	4	4	[5] 4	4	4	5	5	5	5	5	[5] 5	5	5	6	6	6	6	6	[5] 6	6
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. Combination, U.S. No. 2	1	5	6	6	6	[5] 6	6	7	7	7	[5] 7	7	8	8	8	[5] 8	8	9	9	9	9
Total defects including decay and very serious damage.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. No. 3	5	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
	U.S. Combination (U.S. No. 2's permitted).	21	298	312	326	339	353	367	380	394	408	421	435	449	462	476	489	503	517	530	544	557
Off-size Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. Combination	7	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
			Acceptance numbers (minimum required) [4]																			
	U.S. No. 1 Bronze, U.S. No. 2 Russet	0	72	76	80	84	88	92	96	99	103	107	110	114	118	122	126	130	134	137	141	145

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.

[2] AL—Absolute limit permitted in individual 33-count sample.

[3] Same size 33-count.

[4] Acceptance number—maximum or minimum number of defective or off-size fruit permitted.

[5] Preferred number of samples for this acceptance number.

TABLE II—EN ROUTE OR AT DESTINATION

Factor	Grades	AL [1]	Number of 33-count samples [3]																		
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers (maximum permitted) [2]																			
Decay	All	3	2	3	4	5	6	7	8	9	10	11	12	13	[4] 13	14	15	16	17	18	[4] 18	19
Very serious damage other than decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. Combination	4	3	5	6	8	10	11	13	14	16	17	18	20	21	23	24	25	27	28	30	31
Total defects including very serious damage other than decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. No. 3	5	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
	U.S. Combination (U.S. No. 2's permitted).	21	18	33	47	62	76	90	104	119	133	147	161	174	188	202	216	230	244	257	271	285
Off-Size Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. Combination	7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
			Acceptance numbers (minimum required) [2]																			
	U.S. No. 1 Bronze, U.S. No. 2 Russet	0	2	4	8	11	14	18	21	25	28	32	36	39	43	47	50	53	57	61	64	68

[1] Absolute limit permitted in individual 33-count sample.

[2] Acceptance number—maximum or minimum number of defective or off-size fruit permitted.

[3] Sample size—33-count.

[4] Preferred number of samples for this acceptance number.

SAMPLE FOR GRADE OR SIZE DETERMINATION

§ 51.629 Sample for grade or size determination.

Each sample shall consist of 33 grapefruit. When individual packages contain at least 33 grapefruit, the sample is drawn from one package; when individual packages contain less than 33 grapefruit, a sufficient number of adjoining packages are opened to form a 33-count sample. When practicable, at point of packaging, the sample may be obtained from the grading belt or bins after sorting has been completed.

STANDARD PACK

§ 51.630 Standard pack.

(a) Fruits shall be fairly uniform in size, unless specified as uniform in size. When packed in boxes or cartons, fruit shall be arranged according to the approved and recognized methods.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages. When grapefruits are packed in cartons or in wire-bound boxes, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that not more than the number of fruits permitted in § 51.628, Tables I and II, are outside the ranges of diameters given in the following table:

TABLE III—1⅗ BUSHEL BOX

(Diameter in inches)

Pack size	Minimum	Maximum
46's	4 5/16	5
54's or 56's	4 2/16	4 12/16
64's	3 15/16	4 9/16
70's or 72's	3 13/16	4 5/16
80's	3 10/16	4 2/16
96's	3 6/16	3 15/16
112's or 113's	3 3/16	3 12/16
125's or 126's	3	3 9/16

(d) "Uniform in size" means that not more than the number of fruits permitted in § 51.628, Tables I and II, vary more than the following amounts:

(1) 64 size and smaller—not more than six-sixteenths inch in diameter; and,

(2) 54 size and larger—not more than nine-sixteenths inch in diameter.

(e) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.631 Mature.

"Mature" shall have the same meaning currently assigned that term in the laws and regulations of the State in which the grapefruit is grown; or as the definition of such term may hereafter be amended.

§ 51.632 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.633 Well colored.

"Well colored" means that the fruit is yellow in color with practically no trace of green color.

§ 51.634 Firm.

"Firm" means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 51.635 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.636 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.637 Injury.

"Injury" means any specific defect described in § 51.652, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.638 Discoloration.

"Discoloration" means russeting of light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth, superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by speck type melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed in the grade.

§ 51.639 Fairly well colored.

"Fairly well colored" means that except for a 1-inch circle in the aggregate of green color, the yellow color predominates over the green color on that part of the fruit which is not discolored.

§ 51.640 Fairly well formed.

"Fairly well formed" means that the fruit may not have the shape characteristic of the variety but is not elongated or pointed or otherwise deformed.

§ 51.641 Fairly smooth texture.

"Fairly smooth texture" means that the skin is not materially rough or coarse and that the skin is not thick for the variety.

§ 51.642 Damage.

"Damage" means any specific defect described in § 51.652, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.643 Fairly firm.

"Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

§ 51.644 Slightly misshapen.

"Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.645 Slightly rough texture.

"Slightly rough texture" means that the skin is not smooth or fairly smooth but is not excessively rough or excessively thick, or materially ridged, grooved or wrinkled.

§ 51.646 Serious damage.

"Serious damage" means any specific defect described in § 51.652, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.647 Slightly colored.

"Slightly colored" means that, except for a 2-inch circle in the aggregate of green color, the portion of the fruit surface which is not discolored shows some yellow color.

§ 51.648 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed or flat sided.

§ 51.649 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.650 Very serious damage.

"Very serious damage" means any specific defect described in § 51.652, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.651 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

§ 51.652 Classification of defects.

TABLE V

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type	Scars are cracked or dark and aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Buckskin		Aggregating more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Cake melanose			Aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Dryness or mushy condition		Affecting all segments more than ¼ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portion of the fruit.	Affecting all segments more than ½ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ¾ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots or oil spots	More than slightly affecting appearance.	Aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than a circle 1¼ inches in diameter on a 70 size grapefruit.	
Hail	Not well healed, or aggregating more than a circle ⅛ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle ½ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle ⅝ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.
Scab		Materially detracts from the shape or texture, or aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	Seriously detracts from the shape or texture, or aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Scale	More than a few adjacent to the "botton" at the stem end, or more than 6 scattered on other portions of the fruit.	Biotch aggregating more than a circle ¾ inch in diameter, or occurring as a ring more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Biotch aggregating more than a circle 1 inch in diameter, or occurring as a ring more than a circle 1⅛ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Skin breakdown		Aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	Aggregating more than a circle ⅝ inch in diameter on a 70 size grapefruit.	Aggregating more than a circle 1¼ inches in diameter on a 70 size grapefruit.
Scars	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Very deep or very rough aggregating more than a circle ½ inch in diameter; deep or rough aggregating more than 1 inch in diameter; slightly rough or of slight depth aggregating more than 10 percent of fruit surface. All areas based on a 70 size grapefruit.	Very deep or very rough aggregating more than a circle 1 inch in diameter; deep or rough aggregating more than 5 percent of fruit surface; slight depth or slightly rough aggregating more than 15 percent of fruit surface. Area based on a 70 size grapefruit.	Very deep or very rough or unsightly that appearance is very seriously affected.
Sprayburn			Hard or aggregating more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Sunburn		Skin is flattened, dry, darkened, or hard, aggregating more than 25 percent of fruit surface.	Skin is hard, fruit is decidedly one-sided, aggregating more than one-third of fruit surface.	Aggregating more than 50 percent of fruit surface.
Sprouting		More than 6 seeds are sprouted, including not more than 1 sprout extending to the rind, remainder average not over ¼ inch in length.	More than 6 seeds are sprouted, including not more than 2 sprouts extending to the rind, remainder average not over ½ inch in length.	More than 6 seeds are sprouted, including not more than 3 sprouts extending to the rind, remainder average not over ¾ inch in length.
Thorn scratches	Not well healed, or more unsightly than discoloration permitted in the grade.	Not well healed, hard concentrated thorn injury aggregating more than a circle ¾ inch in diameter, or slight scratches aggregating more than a circle 1 inch in diameter. All areas based on a 70 size grapefruit.	Not well healed, hard concentrated thorn injury aggregating more than a circle ⅞ inch in diameter, or slight scratches aggregating more than a circle 1¼ inches in diameter. All areas based on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.

METRIC CONVERSION TABLE

§ 51.653 Metric conversion table.

Inches	Millimeters (mm)
¼ equals	6.4
⅜ equals	9.5
½ equals	12.7
⅝ equals	14.3
⅝ equals	15.9
¾ equals	19.1
⅞ equals	22.2
1 equals	25.4
1¼ equals	31.8
1½ equals	38.1
3 equals	76.2
3⅛ equals	79.4
3⅜ equals	85.7
3½ equals	88.9
3⅝ equals	92.1
3⅞ equals	96.8
3 13/16 equals	98.4
3 15/16 equals	100.0
4 1/16 equals	104.8
4⅛ equals	109.5
4 5/16 equals	114.3
4⅜ equals	120.7
4 13/16 equals	127.0
5 equals	127.0

Dated: June 30, 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

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[7 CFR Part 51]

ORANGES (TEXAS AND STATES OTHER THAN FLORIDA, CALIFORNIA AND ARIZONA)

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Oranges (Texas and States Other Than Florida, California and Arizona) (7 CFR 51.680–51.712). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than July 30, 1969, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR § 1.27 (b).)

Statement of considerations leading to the proposed revision of the grade standards. Trends in marketing practices, over the past few years, have prompted a revision of the U.S. Standards for Oranges (Texas and States Other Than Florida, California and Arizona), which have been in effect since 1959.

In proposing this revision, the U.S. Department of Agriculture is introducing a new concept in the application of the grade standards. This concept involves the use of statistical principles and procedures in determining compliance with the standards. This approach was first used successfully in the 1967 revision of the Florida citrus standards.

During the 1968–69 harvest season experimental studies were conducted in a few Texas fresh fruit packinghouses which made use of a quality control master note sheet. This note sheet was developed and used under an inplant continuous inspection operation. This note sheet graphically presents the quality level being packed during any given period in the day. This proposal would involve the use of the quality control aid during the packing process as well as in determining grade on a lot basis. This would bring about more uniformity and better industry understanding of the standards. The Texas citrus industry has requested that this concept be adopted and incorporated in the grade standards which would require the following changes in the presentation of tolerances:

(1) Each sample selected for grade determination would consist of 50 oranges. When individual packages contain at least 50 oranges, the sample is drawn from one package; when individual packages contain less than 50 oranges a sufficient number of adjoining packages would be combined to form a 50-fruit sample. The individual sample size would be constant regardless of the size of the container.

(2) Tolerances would be specified as acceptance numbers. The total minimum or maximum number of defective or off-size oranges would be specified for the number of samples selected for grade determination.

(3) Individual 50-count samples would be limited to the maximum number of defective, discolored, or off-size oranges for all grades except for the Bronze and Russet grades. A minimum number of discolored oranges is set for these grades. This limitation would be in the tolerance tables under the Absolute Limit (AL) heading and would replace the Application of Tolerances section in the existing standards.

A new format is proposed in an effort to arrange in logical order the various requirements for the particular grade. Also a new Classification of Defects Section would be provided which lists limitations for various defects under the injury, damage, serious damage and very serious damage headings. Both would bring about and promote greater uniformity and better understanding of the standards.

Representatives of the U.S. Department of Agriculture will be available upon appointment to discuss and demonstrate the proposed revision to interested persons during the period provided for submitting comments. Requests for such appointments should be made in writing to: Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The proposed standards, as revised, are as follows:

GRADES

Sec.
51.681 U.S. Fancy.
51.682 U.S. No. 1.
51.683 U.S. No. 1 Bright.
51.684 U.S. No. 1 Bronze.
51.685 U.S. Combination.
51.686 U.S. No. 2.
51.687 U.S. No. 2 Russet.
51.688 U.S. No. 3.

TOLERANCES

51.689 Tolerances.

SAMPLE FOR GRADE OR SIZE DETERMINATION

51.690 Sample for grade or size determination.

STANDARD PACK

51.691 Standard pack for oranges except Temple variety.

STANDARD SIZING

51.692 Standard sizing.

DEFINITIONS

51.693 Mature.
51.694 Similar varietal characteristics.
51.695 Well colored.
51.696 Firm.
51.697 Well formed.
51.698 Smooth texture.
51.699 Injury.
51.700 Discoloration.
51.701 Fairly smooth texture.
51.702 Damage.
51.703 Fairly well colored.
51.704 Reasonably well colored.
51.705 Fairly firm.
51.706 Slightly misshapen.
51.707 Slightly rough texture.
51.708 Serious damage.
51.709 Misshappen.
51.710 Slightly spongy.
51.711 Very serious damage.
51.712 Diameter.
51.713 Classification of defects.

METRIC CONVERSION TABLE

51.714 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.681 U.S. Fancy.

"U.S. Fancy" consists of oranges which meet the following requirements:

(a) Basic requirements:

(1) Discoloration:

(i) Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.700.)

(2) Firm;

(3) Mature;

(4) Similar varietal characteristics;

(5) Well colored;

(6) Well formed; and,

(7) Smooth texture.

(b) Free from:

(1) Ammoniation;

(2) Bruises;

(3) Buckskin;

(4) Caked melanose;

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

(5) Creasing;
(6) Cuts not healed;
(7) Decay;
(8) Growth cracks;
(9) Scab;
(10) Skin breakdown;
(11) Sprayburn;
(12) Undeveloped segments; and,
(13) Wormy fruit.

(c) Not injured by:
(1) Green spots;
(2) Oil spots;
(3) Split navels;
(4) Rough, wide or protruding navels;
(5) Scale;
(6) Scars; and,
(7) Thorn scratches.

(d) Not damaged by any other cause.
(e) For tolerances see § 51.689.

§ 51.682 U.S. No. 1.

"U.S. No. 1" consists of oranges which meet the following requirements:

(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 51.700.)
(2) Firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Well formed;
(6) Fairly smooth texture; and,
(7) Color:
(i) Early and midseason varieties shall be fairly well colored.
(ii) For Valencia and other late varieties, not less than 50 percent, by count, shall be fairly well colored and the remainder reasonably well colored.

(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Caked melanose;
(4) Decay;
(5) Growth cracks;
(6) Sprayburn;
(7) Undeveloped segments; and,
(8) Wormy fruit.

(c) Not damaged by any other cause.
(d) For tolerances see § 51.689.

§ 51.683 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected by discoloration.

(a) For tolerances see § 51.689.

§ 51.684 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration. Not less than the number of fruits required in § 51.689, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type.

§ 51.685 U.S. Combination.

"U.S. Combination" consists of a combination of U.S. No. 1 and U.S. No. 2 oranges: *Provided*, That the number of U.S. No. 2 fruits specified in § 51.689, Tables I and II, are not exceeded.

§ 51.686 U.S. No. 2.

"U.S. No. 2" consists of oranges which meet the following requirements:

(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.700.)
(2) Fairly firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Reasonably well colored;
(6) Not more than slightly misshapen; and,
(7) Not more than slightly rough.

(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Decay;
(4) Growth cracks; and,
(5) Wormy fruit.

(c) Not seriously damaged by any other cause.
(d) For tolerances see § 51.689.

§ 51.687 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that not less than the number of fruits required in § 51.689, Tables I and II, shall have more than one-half of their surface, in the aggregate, affected by discoloration.

§ 51.688 U.S. No. 3.

"U.S. No. 3" consists of oranges which meet the following requirements:

(a) Basic requirements:
(1) Mature;
(2) Similar varietal characteristics;
(3) May be misshapen;
(4) May be slightly spongy;
(5) May have rough texture;
(6) Not seriously lumpy or cracked; and,
(7) May be poorly colored.
(i) Not more than 25 percent of the surface may be of a solid dark green color.

(b) Free from:
(1) Cuts not healed;
(2) Decay; and,
(3) Wormy fruit.

(c) Not very seriously damaged by any other cause.
(d) For tolerances see § 51.689.

TOLERANCES

§ 51.689 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or off-size specimens in the individual sample, and the number of defective or off-size specimens in the lot, shall be within the limitations specified in Tables I and II. No tolerance shall apply to wormy fruit.

TABLE I—SHIPPING POINT [1]

(a) FOR 1 THROUGH 20 SAMPLES

Factor	Grades	AL [2]	Number of 33-count samples [3]																	
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance number (maximum permitted) [4]																			
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2		1	0	1	[5]1	1	2	[5]2	2	3	3	3	[5]3	3	4	4	[5]4	4	5	5	5
	U.S. Combination, U.S. No. 3		2	0	1	2	[5]2	2	[5]3	3	4	4	[5]4	5	5	[5]5	6	6	[5]6	6	7	7	7
Very serious damage including decay	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. Combination		6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including decay and very serious damage	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. No. 3, U.S. Combination (U.S. No. 2's permitted)		8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
			29	26	48	70	91	112	134	155	176	197	218	239	260	281	301	322	343	364	384	405	425
Off-size Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. Combination		10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
			10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
			Acceptance number (minimum required) [4]																			
	U.S. No. 1 Bronze, U.S. No. 2 Russet		1	3	8	12	18	23	29	34	40	45	51	[5]56	62	68	74	79	85	91	97	102	108

(b) FOR 21 THROUGH 40 SAMPLES

Factor	Grades	AL [2]	Number of 50-count samples [3]																			
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
			Acceptance numbers (maximum permitted) [4]																			
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2		1	[5]5	6	6	6	6	[5]6	6	7	7	7	7	[5]7	7	8	8	8	[5]8	8	9	9
	U.S. Combination, U.S. No. 3		2	8	8	[5]8	8	9	9	[5]9	9	10	10	[5]10	11	11	[5]11	11	12	12	[5]12	12	13
Very serious damage including decay	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. Combination		6	47	49	51	53	54	56	58	60	62	64	66	68	70	72	74	76	78	80	81	83
Total defects including decay and very serious damage	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. No. 3, U.S. Combination (U.S. No. 2's permitted)		8	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
			29	446	467	487	508	529	549	570	590	611	631	652	672	693	713	734	754	775	795	816	836
Off-size Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. Combination		10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
			10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
			Acceptance number (minimum required) [4]																			
	U.S. No. 1 Bronze, U.S. No. 2 Russett		1	114	119	125	131	137	143	149	155	161	166	172	178	184	190	196	202	208	214	220	226

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.
[2] AL—Absolute limit permitted in individual 50-count sample.
[3] Sample size—50-count.
[4] Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.
[5] Preferred number of samples for this acceptance number.

TABLE II—EN ROUTE OR AT DESTINATION

Factor	Grades	AL [1]	Number of 50-count samples [2]																	
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers (maximum permitted)																			
Decay	All	4	3	4	6	7	9	10	11	13	14	15	16	18	19	20	21	23	24	25	26	27
Very serious damage other than decay.	U.S. Fancy U.S. No. 1 U.S. No. 2 U.S. Combination	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including very serious damage other than decay.	U.S. Fancy U.S. No. 1 U.S. No. 2 U.S. No. 3	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	U.S. Combination (U.S. No. 2's permitted).	29	26	48	70	91	112	134	155	176	197	218	239	260	281	301	322	343	364	384	405	425
Off-size		10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Discoloration	U.S. No. 1 U.S. No. 1 Bright U.S. No. 2 U.S. Combination	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
			Acceptance number (minimum required) [3]																			
	U.S. No. 1 Bronze U.S. No. 2 Russet	1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102	108

[1] AL—Absolute limit permitted in individual 50-count sample.
[2] Sample size—50-count.
[3] Acceptance number—maximum or minimum number of defective or off-size fruit permitted.

SAMPLE FOR GRADE OR SIZE DETERMINATION

§ 51.690 Sample for grade or size determination.

Each sample shall consist of 50 oranges. When individual packages contain at least 50 oranges, the sample is drawn from one package; when individual packages contain less than 50 oranges, a sufficient number of adjoining packages are opened to form a 50-count sample. When practicable, at point of packaging, the sample may be obtained from the grading belt or bins after sorting has been completed.

STANDARD PACK

§ 51.691 Standard pack for oranges except Temple variety.

(a) Fruit shall be fairly uniform in size, unless specified as uniform in size, and shall be place packed in boxes or cartons and arranged according to the approved and recognized methods.

(b) All containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled containers. When oranges are packed in wire-bound boxes or cartons, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that not more than the number of fruits permitted in § 51.689, Tables I and II, are outside the ranges of diameters given in the following table.

TABLE III

(When packed in 1⅗ bushel or ⅗ bushel containers)

Size and count in 1⅗ bushel	Count in ⅗ bushel	Diameter in inches	
		Minimum	Maximum
100's	48 or 50	3 3/16	3 13/16
125's	64	3 3/16	3 3/16
163's	80	2 15/16	3 3/16
200's	100	2 13/16	3 3/16
252's	125	2 7/16	2 13/16
288's	144	2 5/16	2 9/16
324's	162	2 3/16	2 5/16

(d) "Uniform in size" means that not more than the number of fruits permitted in § 51.689, Tables I and II, vary more than the following amounts:

(1) 163 size or smaller—not more than four-sixteenths inch in diameter; and,

(2) 125 size or larger—not more than five-sixteenths inch in diameter.

(e) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

STANDARD SIZING

§ 51.692 Standard sizing.

(a) Boxes, cartons, bag packs, or bulk loads in which oranges are not packed according to a definite pattern do not meet the requirements of standard pack, but may be certified as meeting the requirements of standard sizing: *Provided*, That the ranges are fairly uniform in size as defined in § 51.691: *And provided further*, That when packed in boxes or cartons the contents have been properly shaken down and the container is at least level full at time of packing.

(b) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may fail to meet the requirements of standard sizing.

DEFINITIONS

§ 51.693 Mature.

"Mature" shall have the same meaning currently assigned that term in the laws and regulations of the State in which the orange is grown; or as the definition of such term may hereafter be amended.

§ 51.694 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.695 Well colored.

"Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

§ 51.696 Firm.

"Firm" as applied to common oranges, means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsuma, King, Mandarin), means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.697 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.698 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.699 Injury.

"Injury" means any specific defect described in § 51.713, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.700 Discoloration.

"Discoloration" means russeting of light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth, superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.701 Fairly smooth texture.

"Fairly smooth texture" means that the skin is not materially rough or coarse and that the skin is not thick for the variety.

§ 51.702 Damage.

"Damage" means any specific defect described in § 51.713, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.703 Fairly well colored.

"Fairly well colored" means that except for a one inch circle in the aggregate of green color, the yellow or orange color predominates over the green color on that part of the fruit which is not discolored.

§ 51.704 Reasonably well colored.

"Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface in the aggregate which is not discolored.

§ 51.705 Fairly firm.

"Fairly firm" as applied to common oranges, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsuma, King, Mandarin) means that the fruit is not extremely puffy or the skin extremely loose.

§ 51.706 Slightly misshapen.

"Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.707 Slightly rough texture.

"Slightly rough texture" means that the skin is not smooth or fairly smooth but is not excessively rough or excessively thick, or materially ridged, grooved or wrinkled.

§ 51.708 Serious damage.

"Serious damage" means any specific defect described in § 51.713, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.709 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed or flat-sided.

§ 51.710 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.711 Very serious damage.

"Very serious damage" means any specific defect described in § 51.713, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.712 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

§ 51.713 Classification of defects.

TABLE IV

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type	Scars are cracked or dark and aggregating more than a circle ¾ inch in diameter or light colored and aggregating more than a circle 1¼ inches in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Buckskin		Aggregating more than a circle 1 inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose			Aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Creasing		Materially weakens the skin, or extends over more than one-third of the surface.	Seriously weakens the skin or extends over more than one-half of the surface.	Very seriously weakens the skin, or is distributed over practically the entire surface.
Dryness or mushy condition.		Affecting all segments more than ¾ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ½ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ¼ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots or oil spots.	More than slightly affecting appearance.	Aggregating more than a circle ⅞ inch in diameter on a 200 size orange.	Aggregating more than a circle 1¼ inches in diameter on a 200 size orange.	
Hail	Not well healed, or aggregating more than a circle ⅛ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ⅓ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ⅛ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ¾ inch in diameter on a 200 size orange.
Scab		Materially detracts from the shape or texture, or aggregating more than a circle ⅓ inch in diameter on a 200 size orange.	Seriously detracts from the shape or texture, or aggregating more than a circle ¾ inch in diameter on a 200 orange.	Aggregating more than 25 percent of the surface.
Scale	More than a few adjacent to the "button" at the stem end or more than 6 scattered on other portions of the fruit.	Aggregating more than a circle ⅓ inch in diameter on a 200 size orange.	Aggregating more than a circle ¼ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Scars	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Deep, rough or hard aggregating more than a circle ¼ inch in diameter; slightly rough with slight depth aggregating more than a circle 7/16 inch in diameter; smooth or fairly smooth with slight depth aggregation more than a circle 1¾ inches in diameter. All areas based on a 200 size orange.	Deep, rough aggregating more than a circle ½ inch in diameter; slightly rough with slight depth aggregating more than a circle 1¼ inches in diameter. All areas based on a 200 size orange.	Deep, rough or unsightly that appearance is very seriously affected.
Skin breakdown		Aggregating more than a circle ¼ inch in diameter on a 200 size orange.	Aggregating more than a circle ⅜ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Sunburn		Skin is flattened, dry, darkened or hard, aggregating more than 25 percent of the surface.	Affecting more than ⅓ of the surface, hard, decidely one sided, or light brown and aggregating more than a circle 1¼ inches in diameter on a 200 size orange.	Aggregating more than 50 percent of the surface.
Sprayburn			Hard, or aggregating more than a circle 1¼ inches in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Split, rough or protruding navels.	Split is unhealed; navel protrudes beyond general contour; opening is so wide, growth so folded and ridged that it detracts noticeably from appearance.	Split is unhealed, or more than ¼ inch in length, or more than 3 well healed splits, or navel protrudes beyond the general contour, and opening is so wide, folded or ridged that it detracts materially from appearance.	Split is unhealed, or more than ½ inch in length, or aggregate length of all splits exceed 1 inch, or navel protrudes beyond general contour, and opening is so wide, folded and ridged that it seriously detracts from appearance.	Split is unhealed or fruit is seriously weakened.
Thorn scratches	Not slight, not well healed, or more unsightly than discoloration permitted in the grade.	Not well healed, or hard concentrated thorn injury aggregating more than a circle ⅛ inch in diameter on a 200 size orange.	Not well healed, or hard concentrated thorn injury aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.

METRIC CONVERSION TABLE

§ 51.714 Metric conversion table.

Inches	Millimeters (mm)
¼ equals	6.4
5/16 equals	7.9
⅜ equals	9.5
½ equals	12.7
5/8 equals	15.9
¾ equals	19.1
⅞ equals	22.2
1 equals	25.4
1¼ equals	31.8
2 3/16 equals	55.6
2 4/16 equals	57.2
2 7/16 equals	61.9
2 8/16 equals	63.5
2 9/16 equals	65.1
2 11/16 equals	68.3
2 13/16 equals	69.9
2 15/16 equals	74.6
3 1/16 equals	77.8
3 2/16 equals	81.0
3 5/16 equals	84.1
3 7/16 equals	87.3
3 9/16 equals	90.5
3 11/16 equals	96.8

Dated: June 30, 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-7860; Filed, July 7, 1969; 8:45 a.m.]

[7 CFR Part 919]

[Docket No. AO-102-A5]

PEACHES GROWN IN MESA COUNTY, COLO.

Decision and Referendum Order With Respect to Proposed Amendment of Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), a public hearing was held in the Veterans Memorial Building, Palisade, Colo., on April 10, 1969, after notice thereof published in the FEDERAL REGISTER (34 F.R. 5301) on proposed amendment of the amended marketing agreement and order (7 CFR Part 919), hereinafter referred to collectively as the "order", regulating the handling of peaches grown in the county of Mesa, Colo., to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of evidence adduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service, on June 2, 1969, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 69-6633; 34 F.R. 8969). No exception was filed.

The material issues, findings, and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 69-6633; 34 F.R. 8969) are hereby approved and adopted as the material issues, findings, of this decision as if set forth in full herein.

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Peaches Grown in Mesa County, Colo." and "Order Amending the Order Regulating the Handling of Peaches Grown in the County of Mesa, Colo." which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the period March 1, 1968, through February 28, 1969 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the county of Mesa, Colo., in the production of peaches for market to ascertain whether such producers favor the issuance of said annexed order amending the order regulating the handling of such peaches.

Robert B. Case, Fruit and Vegetable Division, Consumer and Marketing Service, U. S. Department of Agriculture, Denver, Colo. 80203, is hereby designated referendum agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to such referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from the referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order, as amended by the annexed order which will be published with this decision.

Dated: July 2, 1969.

RICHARD LYNG,
Assistant Secretary.

Order[1] Amending the Amended Order Regulating the Handling of Peaches Grown in the County of Mesa, Colo.

§ 919.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at the Veterans Memorial Building, Palisade, Colo., on April 10, 1969, upon a proposed amendment of the amended marketing agreement and Order No. 919 (7 CFR Part 919) regulating the handling of peaches grown in the county of Mesa, Colo. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of peaches grown in the county of Mesa, Colo., in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The order, as amended, and as hereby further amended, is limited in application to the smallest regional production area which is practicable consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of peaches grown in the county of Mesa, Colo., which make necessary different terms and provisions applicable to different parts of such area.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of peaches grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order, as amended, and as hereby further amended, as follows:

1. Section 919.10 *Fiscal year* is revised to read as follows:

§ 919.10 Fiscal period.

"Fiscal period" is synonymous with "fiscal year" and means the 12-month

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreement and orders have been met.

period beginning on November 1 and ending on October 31 of the following year, or such other period that may be approved by the Secretary pursuant to recommendations by the committee: *Provided,* That the fiscal year which began on March 1, 1969, shall end on October 31, 1969.

2. Section 919.11 *District* is revised to read as follows:

§ 919.11 District.

"District" means the applicable one of any of the following described subdivisions of the county of Mesa in the State of Colorado:

(a) "District No. 1" shall include all that portion of Mesa County lying north of the Colorado River and east of 37.3 Road and an extension thereof to the Mesa County line.

(b) "District No. 2" shall include all that portion of Mesa County lying south of the Colorado River and east of 36⅝ Road and an extension thereof to the Mesa County line.

(c) "District No. 3" shall include all that portion of Mesa County lying south of the Colorado River bordered on the east by 36⅝ Road, and an extension thereof to the Mesa County line, and bordered on the west by 35 Road, and an extension thereof to the Mesa County line.

(d) "District No. 4" shall be all that portion of Mesa County lying south of the Colorado River bordered on the west by the Gunnison River and bordered on the east by 35 Road, and an extension thereof to the Mesa County line.

(e) "District No. 5" shall be all that portion of Mesa County west of 37.3 Road and an extension thereof to the Mesa County line, north of the Colorado River to the junction of the Colorado River and the Gunnison River, and all the rest of Mesa County west and north of the junction of the Colorado and Gunnison Rivers.

3. Section 919.20 *Establishment and membership* is amended by revising the third sentence thereof to read as follows:

§ 919.20 Establishment and membership.

* * * The members of the committee and their respective alternates shall be nominated, in accordance with the provisions of §§ 919.21 through 919.24, at least 30 days prior to the beginning of the term of office for which nominations are being made.

§§ 919.21, 919.22 [Amended]

4. The parenthetical phrase "(on or before February 1 of each year)" is deleted from §§ 919.21(a) and 912.22(a).

5. Section 919.23 *Nomination and selection of cooperative handler members* is amended by deleting from paragraph (a) the words "beginning March 1, 1956" wherever they appear, and revising paragraph (b) to read as follows:

§ 919.23 Nomination and selection of cooperative handler members.

* * * * *

(b) Nomination of cooperative members and their respective alternates shall be made by such cooperative associations in such manner as the members of the respective associations may designate.

§ 919.25 [Amended]

6. Section 919.25 *Failure to nominate* is amended by deleting therefrom "on or before February 15 of any year" and substituting therefor "not later than 15 days prior to the beginning of the term of office."

7. Section 919.27 *Term of office* is revised to read as follows:

§ 919.27 Term of office.

(a) The term of office of producer members and their alternates shall be for two (2) years: *Provided,* That, for the term beginning January 1, 1970, the term of office of two producer members and their alternates shall be for 1 year. (Determination of which of the inital producer members and their alternates shall serve for 1 year, or 2 years, shall be by lot.) The term of office of the independent member and cooperative handler members, and of their alternates, shall be one (1) year. The term of office of each member and alternate member shall be for the period beginning on January 1 of 1 year and ending on December 31 of the same year, or the following year in the case of producer members and their alternates, both dates inclusive, or such other period as the committee, with the approval of the Secretary, may prescribe: *Provided,* That the term of office which began March 1, 1969, shall end December 31, 1969.

(b) Members and alternates shall serve during the term of office for which they have been selected and have qualified and until their successors are selected and have qualified.

8. Section 919.32 *Duties* is amended by adding a paragraph (l) to read as follows:

§ 919.32 Duties.

* * * * *

(l) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the committee: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in peach production within the districts and the production area.

9. Section 919.42 *Handler accounts* is revised to read as follows:

§ 919.42 Accounting.

If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed approximately two fiscal periods' expenses. Such reserve funds may be used (a) to cover any expenses authorized by this part, and (b) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately, if practicable, to the handlers from whom the excess was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

[F.R. Doc. 69-7974; Filed, July 7, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

METROPOLITAN MILWAUKEE INTRASTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and of Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Milwaukee Intrastate Air Quality Control Region (Wisconsin) as set forth in the following new § 81.30 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Wisconsin and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Federal Office Building, Room 390, 517 East Wisconsin Avenue, Milwaukee, Wis., beginning at 10 a.m., July 21, 1969.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room

806, 801 North Randolph Street, Arlington, Va. 22203 of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.30 is proposed to be added to read as follows:

§ 81.30 Metropolitan Milwaukee Intrastate Air Quality Control Region.

The Metropolitan Milwaukee Intrastate Air Quality Control Region (Wisconsin) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302 (f) of the Clean Air Act, 42 U.S.C. 1857 h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Wisconsin:

Kenosha County.	Walworth County.
Milwaukee County.	Washington County.
Ozaukee County.	Waukesha County.
Racine County.	

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: July 3, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69-8031; Filed, July 7, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-200]

CERTIFICATE APPLICATIONS, RATE FILINGS, PIPELINE QUALITY GAS STANDARDS, DELIVERY CONDITIONS AND CERTAIN PRICE ADJUSTMENTS

Order Terminating Proceeding

JUNE 27, 1969.

The Commission has under consideration in this proceeding a proposed standard for "pipeline quality" gas relating to all certificate and rate proceedings before the Commission which would prescribe the minimum quality, pressure and delivery provisions for determining natural gas to be of pipeline quality as that term is used in our Statement of General Policy No. 61-1, issued September 28, 1960 (18 CFR 2.56) and the price adjustments for natural gas which does not comply with these minimum requirements.

General public notice of the proposed rule making in the above-entitled proceeding was given by publication of notice in the FEDERAL REGISTER on May 26, 1961 (26 F.R. 4614), and by mailing of notice to natural gas pipeline companies, State regulatory commissions, independent producers, Federal agencies and others whom it was considered would have an interest in the matter. In giving notice of the proposed rule making, the Commission invited all interested parties to submit data, views, and comments in writing concerning such rulemaking.[1] In response to such notice, approximately 175 parties representing principally independent producers but including pipeline companies, distributors, various natural gas associations, municipalities, a Federal agency, and seven State commissions filed comments.

While the proposed rule making was pending, we established separate area pipeline quality gas standards in the Permian area rate case, Docket No. AR61-1, and in the South Louisiana area rate case, Docket No. AR61-2. Issues relating to applicable pipeline quality gas standards in other areas will come before us for decision in other area proceedings now in progress. Aside from the foregoing, in view of the staleness of the record, we would not want to decide the matters involved here without giving interested parties further notice and an opportunity to submit comments. We therefore believe it appropriate to terminate this proposed rule-making proceeding.

The Commission finds: For the foregoing reasons, the proceeding in Docket No. R-200 should be terminated.

The Commission orders: The proceeding in Docket No. R-200 is terminated.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7946; Filed, July 7, 1969; 8:45 a.m.]

[1] An amendment to the proposed rule making was given by publication of notice in the FEDERAL REGISTER on June 24, 1961 (26 F.R. 5689) to the effect that standards proposed would be applied consistent with and not at variance to applicable conservation orders of State commissions.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Billings Area Office Redelegation Order 1, Revision]

SUPERINTENDENTS AND PROJECT ENGINEER, BILLINGS AREA OFFICE, MONT.

Redelegations of Authority; Corrections

JULY 1, 1969.

In F.R. Doc. 69-6822 appearing at page 9219 in the issue of Wednesday, June 11, 1969, paragraphs (e) and (f) of section 2.80 should be corrected to read as follows:

(e) Approve cooperative and reciprocal agreements involving fire protection facilities, action, and suppression pursuant to 25 CFR 141.21.

(f) Accept payment of damages in full in settlement of civil trespass cases in excess of $2,000 pursuant to 25 CFR 141.22(4)(b).

JAMES F. CANAN,
Area Director.

Approved:

J. L. NORWOOD,
Acting Deputy Commissioner of Indian Affairs.

[F.R. Doc. 69-7960; Filed, July 7, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

CERTAIN OFFICIALS

Order of Succession To Act as Commissioner of Accounts and Delegation of Authority Under Emergent Conditions

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), it is hereby ordered that the following officials of the Bureau of Accounts, in the order of succession enumerated herein, shall have the authority to act as Commissioner of Accounts and to perform all the functions of that office, during the absence or disability of the Commissioner of Accounts or when there is a vacancy in such office:

1. Deputy Commissioner of Accounts.
2. Heads of Divisions, in the order of incumbency (currently: Chief Disbursing Officer; Comptroller; Director, Government Financial Operations).
3. Deputy Heads of Divisions, in the order of incumbency.

In the event of an enemy attack on the continental United States, the Chief Disbursing Officer, each officer in charge of a Bureau of Accounts regional office, or, in his absence, the officer authorized to act in his place, is authorized to make such provisions as are necessary to insure continuous performance of all the functions of the Bureau of Accounts now or hereafter assigned to such regional office. This authority, under the conditions specified, will authorize the Chief Disbursing Officer, each regional office head, or in his absence the officer authorized to act in his place, to take any action with respect to the functions performed in his office that the Secretary of the Treasury, the Commissioner of Accounts, or any of their subordinate officers would be authorized to take.

This order supersedes the previous order of this Bureau, dated March 16, 1966 (31 F.R. 5148).

Dated: July 1, 1969.

[SEAL] S. S. SOKOL,
Commissioner of Accounts.

[F.R. Doc. 69-7988; Filed, July 7, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 393]

PRODUITS CHIMIQUES INDUSTRIELS ET AGRICOLES S.A. (PROCIDA)

Order Denying Export Privileges

In the matter of Produits Chimiques Industriels et Agricoles S.A. (Procida), 5 Rue Bellini, 92 Puteaux, France, respondent, case no. 393.

On June 28, 1968, a charging letter was issued against the above firm by the Director of the Investigations Division. The charging letter was duly served and the respondent, represented by counsel, filed an answer and also requested a hearing. The hearing was held, one session in New York on February 4, 1969, and another session in Washington, D.C., on February 6, 1969. The respondent submitted additional evidence after the hearing which was received into the record. The respondent filed a brief and the Government filed a brief and a reply brief.

The charging letter alleges in substance that early in 1967 respondent in France obtained U.S.-origin chlordane technical insecticide from a U.S. supplier, mixed 155,000 kilograms of the material with other ingredients and reexported the mixture from France to Cuba without first obtaining U.S. authorization. It is alleged that this was contrary to the prohibitions in the destination control statement on the invoices which respondent received, and also contrary to notice given by a U.S. Government employee to the respondent. It was charged that respondent violated § 381.6 of the Export Regulations in that it reexported U.S.-origin material with knowledge that such reexportation was in violation of said regulations.

The respondent's answer admitted receiving the technical chlordane in question and using the material in conjunction with other ingredients to manufacture an insecticide which it exported to Cuba. The respondent admitted that the destination control statements containing the prohibition against reexportation were on the invoices, but, in effect, claimed that such statements did not come to the attention of individuals in the company who were in charge of reexportation. The respondent denied having received notice from a U.S. Government employee of the reexport restrictions, denied knowledge of the prohibition against reexportation, and also denied any violation of the U.S. Export Regulations.

The respondent also alleged that the destination control statements by their terms did not prohibit use of the material in manufacturing other products and their sale to Cuba. In defense respondent also relies on the fact that a specific statement by the Office of Export Control to avoid misunderstanding as to the use of components, and a regulation relative thereto was not published in the FEDERAL REGISTER until July 8, 1967 (32 F.R. 10078-9) and that its purchase of the material and most of its manufacturing and sale took place before that date and that respondent could not have been sufficiently informed that its conduct would be in violation of the statute and regulations.

The Compliance Commissioner has submitted to the undersigned a report which summarizes the essential evidence, considers the various defenses raised by respondents, and evaluates the mitigating circumstances presented. His report contains findings of fact, conclusions, and recommendation as to sanction.

The Compliance Commissioner found that respondent was not given specific notice by an employee of the U.S. Government that the reexportations would be in violation of the U.S. Export Regulations.

The Compliance Commissioner made the following findings of fact which I adopt and confirm:

1. The respondent, Produits Chimiques Industriels et Agricoles, S.A., known as Procida, is a French corporation with offices in Puteaux, a suburb of Paris, France. The company, a subsidiary of Roussel-Uclaf a prominent French corporation, is engaged in the production and distribution of agricultural pesticides including insecticides, herbicides, and fungicides. The company has factories in Marseilles and close-by Beaucaire.

2. On January 31, 1967, Procida entered into a contract with Quimimport,

Havana, Cuba, to sell to said firm approximately 300 metric tons of an insecticide containing 800 grams of chlordane per liter.

3. In January and March 1967 Procida ordered from a U.S. supplier 190 metric tons of chlordane to be used in the insecticide for Cuba. Between February 10, 1967, and April 29, 1967, the U.S. supplier made four exportations of chlordane, totaling 418,610 pounds, from the United States to Procida in Marseilles, France. Each of the invoices from the U.S. supplier to Procida bore a destination control statement in pertinent part as follows: "United States law prohibits distribution of these commodities to Cuba * * * unless otherwise authorized by the United States".

4. Early in February 1967, before any of the chlordane was exported from the United States, the U.S. supplier had reason to question and did question Procida as to the countries of ultimate destination of the chlordane or of the product to be formulated therefrom. The inquiry from the supplier was by cable. The respondent replied, also by cable, that the final destination of the chlordane after formulation would be France and West Africa. The individual who sent this cable was a responsible employee of respondent, acting within the scope of his employment. This individual knew that Cuba was in fact the ultimate destination of the formulated product and he knowingly furnished false information that the countries of ultimate destination were France and West Africa.

5. On arrival of the chlordane in France it was mixed by respondent in its factory at Beaucaire with other ingredients to manufacture the insecticides ordered. Chlordane was the active and principal ingredient of which there was 800 grams per liter. The other ingredients were solvents and also wetting, dispersing, and stabilizing agents. The chlordane represented almost 93 percent of the value of the ingredients.

6. The respondent reexported the chlordane in the above mixture to its customer in Cuba without obtaining authorization from the Office of Export Control or any other branch of the U.S. Government.

7. The destination control statements on the invoices was adequate notice to respondent that U.S. law prohibited reexportation of the chlordane to Cuba. Aside from this notice respondent knew that U.S. law prohibited such reexportation to Cuba.

8. On the situation presented in this case the prohibition against reexportation applied not only to the chlordane as such but also to the chlordane in the formulated product. This was because of the quantity, importance, and relative value of the chlordane in said product.

Based on the foregoing I have concluded that respondent violated § 381.6 of the Export Regulations in that without obtaining authorization from the Office of Export Control or any other branch of the U.S. Government it knowingly reexported to Cuba chlordane received from the United States contrary to the terms of export control documents and to notification of prohibition against such action.

With regard to certain defenses and mitigating circumstances presented by respondent the Compliance Commissioner stated as follows:

By way of defense the respondent claims that Procida did not in fact violate the then existing Export Regulations. In support of this position it points to the statement that was published in the FEDERAL REGISTER on July 8, 1967 and to § 370.11 that was added at that time. The respondent concedes that the regulations now cover the type of activity in which Procida engaged "but that was not the case when these purchases were made". Procida is not charged with violations for making purchases but rather with violations for unauthorized reexportations.

In support of this defense respondent relies on section 3 of the Administrative Procedure Act, formerly 5 U.S.C. 1002, now 5 U.S.C. 552. The provisions quoted by respondent were part of the so-called Freedom of Information Act, enacted July 4, 1966 and which became effective on July 4, 1967. See Public Law 89-487, 89th Cong., subsection (h). The provisions relied on, in pertinent part, are to the effect that a statement of policy or interpretation by a Government agency may be relied on, used, or cited as precedent only if it has been published in the FEDERAL REGISTER or the party affected has actual notice thereof.

The statutory provisions relied on by respondent are not applicable to the first three shipments to Cuba inasmuch as those shipments were made prior to the effective date of said provisions. The provisions were in effect at the time of the last shipment to Cuba (Sept. 4, 1967) and the Office of Export Control was in compliance with the provisions since it had published on July 8, 1967, the statement regarding use of materials in foreign made products and § 370.11 of the Export Regulations.

It is to be noted that § 370.11 was not a new policy or a new interpretation of the scope of export controls. This regulation was published as a specific statement "to avoid any misunderstanding of the scope of export controls". It is quite apparent that the individual connected with Procida who gave the false information early in February as to the ultimate destination of the chlordane after formulation was aware of the U.S. restrictions on the use of the material in a formulated product to be reexported to Cuba.

By way of mitigation the respondent alleges that by reason of the organiaztion of Procida and the way these transactions were handled the invoices with their prohibitory clauses did not come to the attention of either the personnel who entered into the contract with Cuba nor those charged with fulfilling the contract.

The invoices from (the U.S. supplier) with the destination control notice came to the attention of the Purchasing Department but the head of this department "never paid any attention" to this notice on the invoices. The invoices were also seen by personnel in the Accounting Department, and here the destination control notices apparently made no impression. While this may explain to some extent how the destination control notices were disregarded it does not excuse such conduct. The fact still remains that the destination control notices were on the invoices and with reasonable care and attention the prohibitions would have come to the attention of responsible individuals.

The respondent asserts that even if the notice had come to the attention of Procida personnel with authority to control the use of the material it would not have been unreasonable for them to conclude that the clause did not apply to newly formulated material. I cannot agree. If the notice had come to the attention of such personnel they would have been aware of the fact that the chlordane was the active and the principal ingredient in the finished product, that the formula called for 800 grams of chlordane per liter, and that the finished product without the chlordane would be worthless. It would have been more reasonable for such personnel to conclude that the prohibition applied not only to the chlordane as such but also to the formulated product.

As to the sanction that should be imposed the Compliance Commissioner said:

In deciding what sanction should be imposed in this case there are a number of factors that should be considered. These include the nature and seriousness of the violation, whether this was an isolated transaction or whether it reflected company policy, the degree of involvement of top officials of the company, the attitude and degree of cooperation of the respondent after the violation was uncovered, and the steps taken by respondent to prevent recurrence of similar violations.

The transaction involved the reexportation of 300 metric tons of an insecticide having a value of $335,000 of which about 93 percent in value represented U.S. origin material. While this was not a commodity to be used for military purposes it was one that could make a significant contribution to the economic potential of Cuba. It does not appear that it was the policy of Procida to reexport U.S.-origin material to Cuba or that top company officials were aware of this violation. It appears that this violation was committed by a responsible employee of the company without the knowledge or approval of high level officials.

Following the first interview with (the General Manager of respondent company) by a representative of the (U.S. Government) he acknowledged that U.S.-origin chlordane had been used in formulating an insecticide that Procida shipped to Cuba. Although he did not furnish documentation * * * he gave information as to three of the four shipments to Cuba. (The General Manager) admitted that an error had been made in his company and gave assurances as to future compliance. He gave verbal instructions to the heads of the various departments in Procida so as to avoid future violations and on November 21, 1967, issued written instructions for this purpose.

At the hearing (the General Manager) demonstrated a cooperative attitude and a desire to have Procida comply with the provisions of the U.S. Export Regulations.

* * * * *

I believe that an appropriate sanction, and one consistent with sanctions imposed in other cases where there were mitigating factors of a similar degree and where respondent was cooperative, would be to deny respondent export privileges for 5 months and thereafter place it on probation for the balance of 5 years and I recommend that an order incorporating such a sanction be issued.

Now, after considering the record in the case and the report and recommendation of the Compliance Commissioner and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Part IV hereof, the respondent for a period of 3 years from the effective date of this order is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which it now or hereafter may be related by affiliation, ownership, control position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Five months after the effective date hereof, without further order of the Bureau of International Commerce, the respondent shall have its export privileges restored conditionally and thereafter for the remainder of the denial period the respondent shall be on probation. The conditions of probation are that the respondent shall fully comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that the respondent has knowingly failed to comply with the requirements and conditions of this order or with any of the conditions of probation, said official at any time, with or without prior notice to said respondent, by supplemental order, may revoke the probation of said respondent, revoke all outstanding validated export licenses to which said respondent may be a party and deny to said respondent all export privileges for a period up to 3 years. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as shall be warranted. On the entry of a supplemental order revoking respondent's probation without notice, it may file objections and request that such order be set aside, and may request an oral hearing, as provided in § 382.16 of the Export Regulations, but pending such further proceedings, the order of revocation shall remain in effect.

VI. During the time when the respondent or other persons within the scope of this order are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent or other persons denied export privileges within the scope of this order, or whereby said respondent or such other persons may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent or other persons denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on July 7, 1969.

Dated: June 25, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-7966; Filed, July 7, 1969; 8:47 a.m.]

Maritime Administration

[Docket No. S-166 (Reopened)]

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Notice of Section 605(c) Aspect of Title VI Application for Operating-Differential Subsidy

On April 1, 1964, a notice on the section 605(c) aspect of a Title VI application under the Merchant Marine Act, 1936, as amended (the "Act"), was published in the FEDERAL REGISTER (29 F.R. 4686) pertaining to the proposal of American Export Lines, Inc. (which company's name was subsequently changed to American Export Isbrandtsen Lines, Inc., and is herein referred to as "Export"), to inaugurate a subsidized cargo service on Trade Route No. 5-7-8-9 (U.S. North Atlantic/United Kingdom and Continent) with two older cargo vessels then operating on said trade route on a nonsubsidized basis.

In accordance with section 605(c) of the Act, said notice invited any person, firm or corporation having any interest in the matter and desiring a hearing under section 605(c) of the Act to notify the Secretary of the Maritime Subsidy Board (the "Board") in writing, in triplicate, by the close of business on April 15, 1964, and to file a petition for leave to intervene in accordance with the Board's rules of practice and procedure on the statutory issues as follows:

(1) whether the application is one with respect to vessels to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so whether the service already provided by vessels of U.S. registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

The only petition to intervene was that filed by Waterman Steamship Corp., a wholly-owned subsidiary of McLean Industries, Inc. (the parent company of Sea-Land Service, Inc.). The matter was referred for hearing under section 605(c) as docket No. S-166, with the prehearing conference being scheduled for May 21, 1964. Prior thereto, however, on May 18, 1964, Waterman Steamship Corp., withdrew its petition to intervene—thereby obviating the necessity for a hearing on the question of existing adequacy/inadequacy of U.S.-flag cargo service under section 605(c).

On April 7, 1965, Export filed a submission (which was supplemented by letters dated May 5, 1965, and June 2, 1965) proposing that the subsidized cargo service on Trade Route No. 5-7-8-9 which was the subject of the April 1, 1964, notice, be conducted with two containerships instead of the ships originally proposed. Since, for the purposes of section 605(c), such proposed cargo type vessel service was not considered to involve such change as to warrant further publication in the FEDERAL REGISTER and hearings on the question of adequacy/inadequacy of existing U.S.-flag cargo service on Trade Route No. 5-7-8-9, no publication or hearing was ordered by the Board. On August 12, 1965, based upon a finding that inadequate U.S.-flag cargo service obtained on Trade Route No. 5-7-8-9, Operating-Differential Subsidy for a minimum of 18 and a maximum of 26 sailings on Trade Route No. 5-7-8-9 with suitable cargo containerships was awarded to Export by the Board in the exercise of its discretionary authority under other sections of the Act which do not require hearings.

The U.S. Court of Appeals for the District of Columbia Circuit, in its decision rendered on June 4, 1969, in Sea-Land Service, Inc. v. Connor, et al. (No. 22,140), reversed a ruling by the U.S. District Court for the District of Columbia and indicated that, in the circumstances of this case, the Board failed to comply with the section 605(c) hearing requirements of the Act, and directed that upon

remand the case be returned to the Secretary of Commerce "in order to permit Sea-Land a full and fair opportunity to be heard."

In conformity with the foregoing directive of the U.S. Court of Appeals for the District of Columbia Circuit, notice is hereby given that a prehearing conference will be held on August 5, 1969, at 10 a.m., in Room 4519, G.A.O. Building, 441 G Street NW., on the section 605(c) aspect of Export's April 7, 1965, title VI application (as supplemented May 5, 1965, and June 2, 1965), pertaining to U.S.-flag cargo service with containerships on Trade Route No. 5–7–8–9 as of April 7, 1965.

In the circumstances of this case, the purpose of this section 605(c) hearing will be to receive evidence relevant to (1) whether said application pertaining to U.S.-flag cargo service with containerships on Trade Route No. 5–7–8–9 was one with respect to vessels to be operated on a service, route or line served by citizens of the United States which would be in addition to the containership cargo service or services existing on April 7, 1965, the date on which the application was filed, and, if so, whether the service already provided at that time by cargo containership vessels of U.S. registry in said geographical area was inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act such additional cargo containership vessels were required to be operated thereon.

Any person, firm, or corporation, including Sea-Land, having any interest in the hearing here ordered should, by the close of business on July 24, 1969, notify the Secretary of the Board in writing, in triplicate, and file a petition for leave to intervene in accordance with the rules of practice and procedure of the Board. If no petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant the conduct of a hearing, the Board will take such action as may be deemed appropriate.

Dated: July 7, 1969.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69–8069; Filed, July 7, 1969; 11:47 a.m.]

National Bureau of Standards

AMERICAN LUMBER STANDARDS FOR SOFTWOOD LUMBER

Distribution of Recommended Revision of Simplified Practice Recommendation

Notice of distribution of recommended revision of Simplified Practice Recommendation 16–53 American Lumber Standards for Softwood Lumber.

In accordance with the "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as amended May 11, 1968), the National Bureau of Standards has reviewed the recommended revision of Simplified Practice Recommendation 16–53, "American Lumber Standards for Softwood Lumber," as submitted by the American Lumber Standards Committee under § 10.4 (a) and (b) and the report submitted by the Committee under § 10.4(c). The Bureau has now determined that all criteria set forth in the published Procedures have been satisfactorily met.

Public notice is hereby given that the recommended revision is being distributed to representative producers, distributors, and users and consumers of softwood lumber.

The National Bureau of Standards has obtained the assistance of the Bureau of the Census in determining the acceptability of this recommended revision to the lumber industry. The Bureau of the Census has developed a statistically representative sample of all segments of the industry.

The National Bureau of Standards, additionally, will provide a copy of the proposal to any interested party who requests same by letter, on his business or personal letterhead, addressed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. The responses to the National Bureau of Standards will not be tabulated as part of the Census Bureau sample. Any objection to the recommended revision received on or before July 31, 1969, will be carefully evaluated in the National Bureau of Standards.

All responses will be analyzed to determine whether the recommended revision is supported by a consensus as defined in the published Procedures. If the proposal is published by the National Bureau of Standards, it becomes a recommended, voluntary standard of the industry.

Dated: June 30, 1969.

LAWRENCE M. KUSHNER,
Acting Director.

[F.R. Doc. 69–7983; Filed, July 7, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

CERTAIN OFFICIALS IN CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

Delegation of Authority Regarding Certification of True Copies of Documents, Records, Extracts From Records, or Nonexistence of Records

By the authority vested in me by the Assistant Secretary for Administration (34 F.R. 5858), I hereby:

(1) Redelegate to the officials listed below the authority to certify true copies of any books, records, papers, or other documents, extracts from such, or to certify the nonexistence of records within the Service in the area of authority set forth after their title. These same officials are authorized to cause the Seal of the Department to be affixed to such certifications.

To whom delegated	*Area of authority*
Deputy Administrator, Associate Administrator, Assistant Administrator and Deputy Assistant Administrator for Administration, and CPE Information Center Officer.	Servicewide.
Certifying Officer for Federal Register Material, Office of the Administrator.	Servicewide.
Commissioners, Deputy Commissioners, Associate Commissioners, Executive Officers, and Deputy Executive Officers of Administrations.	Respective Administration.
Director, Associate Directors, and Deputy Associate Directors, Bureau of Compliance, FDA.	Food and Drug Administration.
Director, and Deputy Director, Division of Case Guidance, Bureau of Compliance, FDA.	Food and Drug Administration.
Certifying Officer for Federal Register Material, FDA.	Food and Drug Administration.
Directors of Bureaus, Environmental Control Administration.	Respective Bureau.
Director, ECA Cincinnati Laboratories	ECA Cincinnati Laboratories.
Certifying Officer for Federal Register Material, ECA.	Environmental Control Administration.
Certifying Officer for Federal Register Material, NAPCA.	National Air Pollution Control Administration.

(2) Redelegate to the officials listed below the authority to cause the Seal of the Department to be affixed to agreements, awards, citations, diplomas, and similar documents in the area of authority set forth after their titles.

To whom delegated	*Area of authority*
Deputy Administrator, Associate Administrator, and Assistant Administrator and Deputy Assistant Administrator for Administration.	Servicewide.
Director, Division of Personnal Office of Administration.	Servicewide.

To whom delegated	*Area of authority*
Commissioners, Deputy Commissioners, Associate Commissioners, Executive Officers, and Deputy Executive Officers of Administrations.	Respective Administration.
Director, FDA Training Institute	Food and Drug Administration.
Assistant Commissioner for Training and Manpower Development.	Environmental Control Administration.
Director, ECA Cincinnati Laboratories	ECA Cincinnati Laboratories.
Director, Office of Manpower Development	National Air Pollution Control Administration.

These authorities may not be redelegated; supersede all previous delegations and redelegations to officials in the Service; and are effective this date.

Dated: June 26, 1969.

CHARLES C. JOHNSON, Jr.,
Administrator.

[F.R. Doc. 69–7959; Filed, July 7, 1969; 8:46 a.m.]

Office of the Secretary

PUBLIC HEALTH SERVICE; HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 5 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968), is hereby amended with regard to section 5–C, Delegations of Authority, as follows:

After the subparagraph numbered (2) of the paragraph entitled *Specific delegations*, add two new subparagraphs reading:

(3) Authority to make the required arrangements and determinations and enter into appropriate agreements with respect to each of the following:

a. The detail, under section 214(a) of the Public Health Service Act (42 U.S.C. 215(a)) of civil service personnel to other Federal departments and agencies when the detail of a specific individual, or individuals, is requested as opposed to a general request for personnel.

b. The detail, under section 214 (b) or (c) of the Public Health Service Act (42 U.S.C. 215 (b) or (c) of civil service personnel to a State, political subdivision thereof, or nonprofit institution engaged in health activities. If the detail involves the reduction of grant funds, under section 314(g) of the Public Health Service Act, to cover the cost of the detail, the arrangement must also be approved by an official who is authorized to make such reduction.

c. Leave without pay, under section 214(d) of the Public Health Service Act (42 U.S.C. 215(d)), for civil service personnel for employment with a nonprofit institution.

(4) Authority to make the required arrangements and determinations and enter into appropriate agreements with respect to the authority in section 314(f) of the Public Health Service Act (42 U.S.C. 246(f)) to:

a. Place civil service personnel on leave without pay for employment with States;

b. Assign a State employee, either with or without appointment, to a position in this agency; or

c. Detail civil service personnel to States. If the detail involves a reduction in grant funds, under section 314(g) of the Public Health Service Act, to cover the cost of the detail, the arrangement must also be approved by an official who is authorized to make such reduction.

Dated: June 26, 1969.

BERNARD SISCO,
Acting Assistant Secretary for Administration.

[F.R. Doc. 69–7984; Filed, July 7, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–3139]

DELTEC INTERNATIONAL, LTD.

Application for Unlisted Trading Privileges and Opportunity for Hearing

JULY 1, 1969.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Deltec International Limited, File No. 7–3139.

Upon receipt of a request, on or before July 16, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–7963; Filed, July 7, 1969; 8:47 a.m.]

[Files Nos. 7–3140—7–3142]

J. P. MORGAN & CO., INC., ET AL.

Applications for Unlisted Trading Privileges and Opportunity for Hearing

JULY 1, 1969.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
J. P. Morgan & Co., Inc	7–3140
Levin-Townsend Computer Corp	7–3141
Rapid-American Corp	7–3142

Upon receipt of a request, on or before July 16, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–7964; Filed, July 7, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF SOUTH CAROLINA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of South Carolina for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of South Carolina and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. The appendix referenced in the résumé is included in the complete text of the program. A copy of the program, including proposed South Carolina regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 25th day of June 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF SOUTH CAROLINA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of South Carolina is authorized under section 1-400.15 of the 1962 Code of Laws of South Carolina and cumulative supplement thereto to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of South Carolina certified on June 4, 1969, that the State of South Carolina (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use it best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulations of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 15, 1969, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at _____, in triplicate, this _____ day of _____.

For the United States Atomic Energy Commission.

_____

Done at Columbia, S.C., in triplicate, this _____ day of _____.

For the State of South Carolina.

_____
Governor.

FOREWORD

South Carolina is dedicated to the purpose of protecting and improving the lot of its citizens. This dedication is realized, in part, by its full participation in the age of atoms, in due recognition of the many benefits to be derived from the peaceful uses of nuclear energy and its byproducts.

To discharge its responsibility to the citizens of this State to protect them from possible harmful effects of ionizing radiation, the 1967 General Assembly enacted the Atomic Energy and Radiation Control Act, which at one time recognizes the partnership that must exist between the fostering of nuclear enterprise and the protection against potential radiation hazards.

This Act authorizes the Governor to enter into an agreement with the Federal Government whereby certain regulatory functions now exercised by the Federal Government in the licensing and control of byproduct material, source material and special nuclear material in quantities not sufficient to create a critical mass will be transferred to the State.

The Act also designates the South Carolina State Board of Health as the agency which shall be responsible for the control of radiation sources. A complete regulatory program consistent with that conducted by the U.S. Atomic Energy Commission is authorized.

The following pages will present a description of past, present, and future activities of the State Board of Health in the field of Radiological Health, including the organization, procedures, and resources which will be brought to bear on the new responsibility assumed as a result of the aforementioned agreement.

HISTORY

As early as 1947 the South Carolina State Board of Health became aware of and concerned about the occupational exposure of workers to static eliminators. Over fifty of these devices were located, surveyed, and recommendations for shielding and access control were made. No leak-testing was performed as equipment was not available at the time.

Also at this time a program designed to reduce occupational exposure of shoe salesmen to X-rays from fluoroscopic shoe-fitting machines was instituted. This was later followed by more complete regulations covering all aspects of the use of these devices, and finally they were outlawed altogether. Ninety-six shoe-fitting machines in all were eliminated.

A voluntary X-ray program was begun in 1953, whereby services of the South Carolina State Board of Health were made available for the purpose of inspecting X-ray installations and recommending corrective actions where needed. This program received very good response, and during the period 1953–1966, 965 machines were inspected and 38 percent were found to be deficient in some respect. Eighty percent of these deficiencies were corrected as a result of recommendations and followup inspections. This included 662 dental SurPak examinations, resulting in the installation of 63 aluminum filters and 135 collimators. More recently, during the period in which more comprehensive radiation control regulations were being developed, a program of voluntary registration of X-ray machines was begun. By December 31, 1968, 1,269 X-ray machines were registered.

A radium management program was begun in 1965 when it was discovered that the radium storage facility in a large hospital was contaminated by a leaking source, which the hospital no longer possessed. The services of the South Carolina State Board of Health were offered in this area of concern, and this voluntary service resulted in the registration of 331 radium sources in 23 facilities totaling 2,352 milligrams. Of these sources, 254 have been leak-tested and 29 leaking sources have been detected. All owners of leaking sources of radium voluntarily disposed of the leaking radium sources or had them reencapsulated. The Agency provides assistance to radium users in the proper disposal of unwanted or leaking sources. Inspections were based on recommendations in NBS Handbook 73. A written report with recommendations was left with the users after each inspection. The degree of compliance with recommendations was 90 percent. Followup visits were made when indicated.

Another activity in the area of radioactive materials has been the accompanying of AEC Inspectors on the occasion of inspection visits to South Carolina. Within the last 8 years, South Carolina personnel have accompanied Atomic Energy Commission Inspectors on 75 percent of the inspections within the State. This has served the valuable purpose of familiarizing the staff with the inspection of licenses of radioactive materials, as well as the investigation of incidents involving licensed material.

In 1956, as a result of recommendations made by the Savannah River Advisory Board, the South Carolina Water Pollution Control Authority conservatively entered into an environmental monitoring program to determine the effect, if any, of the Savannah River Plant of the Atomic Energy Commission on the aquatic environment. Initially, this program consisted of one sampling point on the Savannah River below the plant effluent, which was subjected to gross alpha and beta analysis. Continuous paddlewheel samplers were later added at three locations, and more rigorous analytical procedures were employed, including specific isotope analysis and gamma spectroscopy when indicated by gross measurements.

The location of the Carolinas-Virginia Nuclear Power Associates' small power reactor at Parr, S.C., as well as the nuclear submarine repair facility at the Charleston Naval Shipyard prompted considerable expansion and sophistication of the environmental program to include over 150 sampling points, sampling air, water, precipitation, bottom muds and silt, vegetation, and milk. These samples were subjected to gross alpha and beta analysis, specific isotope analysis and gamma scans. Approximately 1,200 analyses per year were performed. The number of sampling points, as well as items sampled and analyzed underwent change as new nuclear installations were announced. Modern, well equipped laboratory facilities were provided for this work.

During the past year the responsibility for the environmental program was transferred to the South Carolina State Board of Health, in close cooperation with the South Carolina Pollution Control Authority.

Also during the past year regulations governing radioactive materials, X-ray machines and particle accelerators were adopted, after several meetings of the Technical Advisory Radiation Control Council, which met to consider in detail proposed regulations, and after public hearings to air the recommendations before the public. The Technical Advisory Radiation Control Council is a committee authorized by the Atomic Energy and Radiation Control Act to advise the State Board of Health on policy matters, including regulations.

PRESENT PROGRAM

The present program of the Division of Radiological Health consists of initiating the activities authorized by the Atomic Energy and Radiation Control Act, and continuing environmental monitoring, expanding the scope of this operation to take care of the burgeoning nuclear industries announced for South Carolina.

Licensing of radium is now mandatory. All X-ray machines and particle accelerators were required to be registered by March 31, 1969. The portions of the program dealing with these requirements have begun.

The radium management inspection determines compliance with regulations and terms of the license. Items checked are shielding, storage, access control, posting of signs, records, leak-testing, survey meters, personnel monitoring, and transport equipment. Again, other recommendations of a helpful nature are made.

The environmental program consists of sampling the environment in the vicinity of nuclear installations existing, under construction or announced. Preoperational surveillance activities consist of determining radioactivity levels in environmental samples as a baseline against which to compare those levels found after operations commence. Surveillance around existing facilities is conducted to determine if there is any impact on the environment as a result of release of radioactivity. If gross alpha and beta determinations show an increase, gamma and alpha spectrometry or specific isotope analysis is used to determine the source. An experimental program to determine the efficacy of using thermo-luminescent dosimetry as an environmental monitor is being conducted.

FUTURE PLANS

Future plans will include extending the regulatory program to licensing and regulating the use of those radioactive materials presently under the purview of the U.S. Atomic Energy Commission, dependent upon signing an agreement with the Atomic Energy Commission. Details of the regulatory procedures and policies to be followed are given in a later section.

An in-house formal training program in radiological health will be conducted for new staff personnel on a scheduled basis, and will utilize outside instructors where they are available.

SCOPE OF PROBLEM

There are an estimated 2,000 X-ray units in South Carolina, approximately 600 of these being dental units. The number of Atomic Energy Commission licenses for byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass currently in effect is 142. There are 331 known radium sources in use at 23 facilities totaling 2,352 milligrams. Numerous particle accelerators exist in this State.

Four large commercial nuclear power reactors are under construction, three of them being at one location. Also under construction is a nuclear fuels fabrication plant. Announcements have been made by two separate companies of their intentions to construct a nuclear fuels reprocessing plant. Other installations which indicate the need for environmental surveillance activities are the Savannah River Plant of the Atomic Energy Commission and the nuclear submarine repair base at Charleston, S.C.

ORGANIZATION AND STAFF

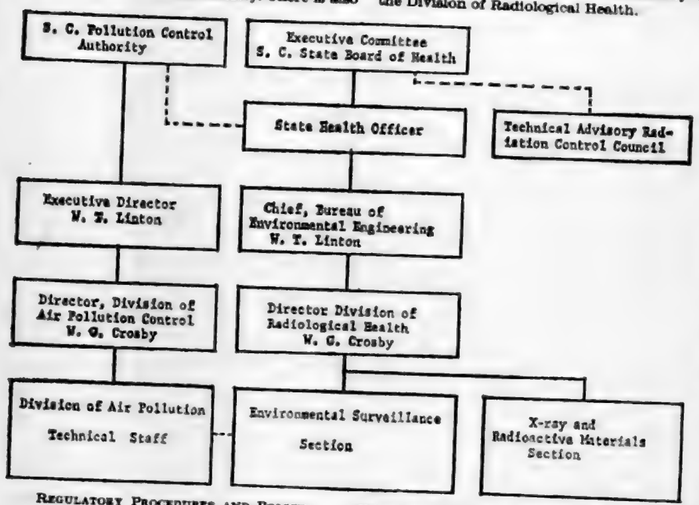
Under the provisions of the Atomic Energy and Radiation Control Act, the South Carolina State Board of Health is designated as the agency to exercise regulatory functions in radiological health. The organization of the State Board of Health is shown in Appendix, Chart 1. A Technical Advisory Radiation Control Council, appointed by the Governor, is also established. The purpose of this Council is to advise the State Board of Health on matters pertaining to ionizing radiation including standards, rules and regulations to be adopted, modified, promulgated or repealed by the Agency. Present membership of the Council is given in Table 1 of the appendix.

To assist the State Board of Health and staff in judging applications for nonroutine medical use of radioactive materials a Medical Advisory Committee has been appointed, the membership of which is shown in Table 2 of the appendix.

The functional radiological health program is operated by the Division of Radiological Health which, in turn, is a division of the Bureau of Environmental Engineering. The director of this division is also the director of the Division of Air Pollution Control, and spends his time equally divided between the

two divisions. In addition to State Board of Health staff members, experienced technicians are assigned to the Division of Radiological Health from the Bureau of Pollution Control to do work in environmental surveillance.

The line of authority and responsibility is shown on the accompanying diagram. The dotted line shown between the State Health Officer and the Pollution Control Authority indicates that he is, ex officio, Chairman of the Pollution Control Authority. There is also the statutory requirement that two additional members of the Authority be appointed from the Executive Committee of the State Board of Health. The dotted line between the Technical Staff of the Division of Air Pollution Control and the Environmental Surveillance Section of the Division of Radiological Health is intended to show the assignment of personnel and technical services by the Pollution Control Authority to the Division of Radiological Health.



REGULATORY PROCEDURES AND POLICY

Licensing and registration. The South Carolina State Board of Health has been designated the State Agency with the responsibility to develop an all-encompassing radiological health program in accordance with sections 1-400.11 through 1-400.16 of the 1962 Code of Laws of South Carolina and supplement thereto, the Atomic Energy and Radiation Control Act of South Carolina. The Division of Radiological Health has the responsibility for the operational phases of this program.

This program will regulate the safe use of all sources of ionizing radiation in the State including radium and accelerator produced nuclides, X-ray producing machines and particle accelerators. Certain small quantities of radionuclides as well as electronic devices which produce X-rays incidental to their operations in intensities insufficient to constitute a health hazard will be exempt. Licensing of all radionuclides including radium, and registration of X-ray machines and particle accelerators are features of this program. All regulations governing these sources are substantially in accord with the suggested State regulations as published by the Council of State Governments in cooperation with the Atomic Energy Commission and the U.S. Public Health Service. Every effort will be made to conduct the program in a fashion that is compatible with those operated by other agreement States and the Atomic Energy Commission.

The licensing program will be patterned after the one established by the Atomic Energy Commission and will use applicable criteria contained in regulations as published by the Atomic Energy Commission. The director and key staff members will evaluate each radioactive material license application, including prelicensing visits if this is indicated.

When applications are received for unusual uses, additional advice will be sought. When applications for nonroutine medical uses are received the Medical Advisory Committee will be consulted. When applications for specific licenses are approved, licenses will be signed by the State Health Officer for the South Carolina State Board of Health.

Inspection. Inspection to determine radiation safety and compliance with pertinent regulations, and provisions of license or registration will be conducted as needed by division staff members. These members consist of the Director, the Radiological Health Specialist, Radiological Health Inspector and the Laboratory Technician III, who are or will be qualified by training and experience to conduct the inspections. Inspections will be either by prearrangement or unannounced during reasonable hours.

Licenses will be inspected on a priority basis determined by type of use, quantity of radioactive material, physical and chemical form, training, and experience of user, frequency of use and other factors in keeping with the experience gained by others including the Atomic Energy Commission and other agreement States. The initially planned frequencies are categorized as follows:

Classification of use	*Usual inspection frequency*
Industrial radiography:	
Fixed installations	Once each 12 months.
Mobile operations	Once each 6 months.
Operations involving waste disposal.	Once each 6 months.
Broad licenses—industrial, medical, or academic.	Once each 6–12 months.
Other specific licenses — industrial, medical, or academic.	Once each 12–24 months.

These frequencies are subject to alteration and are presented as a depiction of the general policy at this time. Individual licenses will be judged on the particular circumstances associated with the terms of the license.

Inspections will include the observation of pertinent facilities and equipment; a review of use procedures and radiation safety practices; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials; and instrument surveys to assess radiation levels incident to the operation—all as appropriate to the scope and conditions of the license and applicable regulations.

At the start and conclusion of an inspection, personal contact will be at management level whenever possible. Following the inspections, results will be discussed with the license management, appropriate tentative recommendations will be made and questions answered.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup will be available from the Agency on the occasion of incidents.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by a senior staff member and submitted to the Director of the Division of Radiological Health.

All inspectors will keep abreast of changes and developments in the field of radioactive materials by attending training courses, seminars and symposia, as well as in-house training which will be required.

Compliance and enforcement. The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

Where there are items of noncompliance, the licensee shall be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed, or expected to be completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

The terms and conditions of a license, upon request by the licensee, may be amended, consistent with the Act or regulations, to meet changing conditions in operations or to remedy minor items of noncompliance. The Agency may amend, suspend or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act, or regulations or failure to take adequate action concerning items of noncompliance. Prior to such action, the Agency shall notify the licensee of its intent to amend, suspend or revoke the license and provide the opportunity for a hearing.

Whenever the Agency finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may, in accordance with the Act, without notice of hearing, issue a regulation or order reciting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Agency, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon findings that the possessor is unable to observe or is not observing the provisions of the Act or regulations issued thereunder. After these actions the licensee still has right to a hearing.

A court order directing a person to comply, or enjoining practices in violation of the Act or regulations, may be sought by the Attorney General in the appropriate court upon request of the Agency, after notice to such persons and ample opportunity to comply has been afforded.

The Agency will use its best efforts to obtain compliance through cooperation and education. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, will the full legal procedures normally be employed.

Effective date of license transfer. Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued by the Agency which shall expire either 90 days after the receipt from the Agency of a notice of expiration of such license or on the date of expiration specified in the federal license, whichever is earlier.

Compatibility and reciprocity. In promulgating rules and regulations, the Agency has, insofar as practicable, avoided requiring dual licensing and has provided for reciprocal recognition of other state and federal licenses.

Radiological emergency capability. The Division of Radiological Health has maintained the capability for handling radiological emergencies since 1959. This capability includes training of personnel, proper monitoring instruments, and liaison with other agencies such as State Highway Patrol, Atomic Energy Commission, Savannah River Plant, and U.S. Public Health Service.

As a result of our Radium Management Program, additional capability was formulated in 1965 to handle other radiological emergencies such as lost or damaged radium sources, overexposures, contamination, or transportation incidents. Additional personnel were trained, better instruments purchased and maintained, "emergency kits" put together for immediate use, and a system for telephone communications instituted. Emergency plans of other groups and agencies involving radiological incidents were reviewed by our Division.

Future plans for emergency procedures involve first of all a thorough review of our existing plan in light of the new role as an agreement state. A more formal plan will be instituted delineating the responsibility of each group or agency. Radiological Emergency Assistance Teams will be organized and trained in areas of major radiological activity. The Division of Radiological Health, which will be responsible for the program, will coordinate the new plan so that when and if an emergency does occur a systematic procedure will be followed.

[F.R. Doc. 69-7644; Filed, June 30, 1969; 8:45 a.m.]

[Docket No. 50-89]

GULF GENERAL ATOMIC, INC.

Notice of Issuance of Amendment to Facility License

The Atomic Energy Commission has issued Amendment No. 17, as set forth below, to Facility License No. R-38. The license authorizes Gulf General Atomic, Inc., to operate its TRIGA nuclear reactor on the company's Torrey Pines Mesa site, San Diego, Calif. This amendment, effective as of the date of issuance, increases the total quantity of uranium-235 which the licensee may receive, possess, and use under this license from 2.6 kilograms to 5.0 kilograms.

By application dated May 23, 1969, as amended June 12, 1969, Gulf General Atomic, Inc., requested authorization to receive, possess, and use additional uranium-235 in the form of TRIGA fuel elements in connection with the operation of the facility. The additional fuel elements will provide recycling capabilities and will be stored in the in-pool storage racks until needed in accordance with procedures which have previously been reviewed and approved by the Commission. Therefore, there is reasonable assurance that the health and safety of the public will not be endangered.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the application dated May 23, 1969, and amendment thereto dated June 12, 1969, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 26th day of June 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-38, Amdt. 17]

The Atomic Energy Commission has found that:

1. The application for amendment dated May 23, 1969, as amended June 12, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

3. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Accordingly, Facility License No. R-38, as amended, is hereby further amended by revising subparagraph 2.B. to read as follows:

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Materials", to receive, possess and use up to 5.0 kilograms of contained uranium-235 in connection with operation of the facility;

This amendment is effective as of the date of issuance.

Date of issuance: June 26, 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-7938; Filed, July 7, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20012 etc.]

ALLEGHENY AIRLINES, INC.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 23, 1969, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., July 1, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-7980; Filed, July 7, 1969; 8:48 a.m.]

[Docket No. 20486 etc.]

MOHAWK AIRLINES, INC.

Notice of Hearing

Mohawk Airlines, Inc. (Rochester-Pittsburgh—Subpart M).

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 29, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Robert M. Johnson.

Notice is given that the Bureau of Operating Rights will participate in this proceeding. Exhibits of the Bureau shall be submitted to the examiner and all parties on or before July 14, 1969, and any rebuttal exhibits thereto shall be submitted on or before July 24, 1969.

Dated at Washington, D.C., July 2, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-7981; Filed, July 7, 1969; 8:48 a.m.]

[Docket No. 10920, etc.; Order 69-7-12]

NONPRIORITY AND DOMESTIC MAIL RATES

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of July 1969.

Nonpriority Mail Rate Case, Docket No. 10920; Nonpriority Mail Rate Investigation, Docket No. 18381; Domestic Service Mail Rate Case, Docket No. 16349.

By Order 69-4-141, served April 30, 1969, Seaboard World Airlines, Inc. (Seaboard), was awarded a certificate of public convenience and necessity authorizing it to engage in the interstate transportation (except as to New York, N.Y.) of property and mail on a subsidy-ineligible basis on flights over route 119 serving a point or points in Europe and the following U.S. points: Los Angeles, San Francisco-Oakland, Chicago, Detroit, Cleveland, Washington-Baltimore, Philadelphia, New York City, and Boston, effective June 28, 1969. No service mail rates are currently in effect for this service by Seaboard. By petition filed May 20, 1969, Seaboard has requested that the service mail rates in effect for the U.S. domestic air carriers be made applicable to its newly authorized interstate operations.

For priority mail, Seaboard requests that the priority service rates and conditions established in the Domestic Service Mail Rate Investigation, Docket 16349, by Order E-25610, August 28, 1967, as that rate may be amended, be made applicable to Seaboard as final rates. With respect to nonpriority mail, due to the open-rate situation that has existed since April 6, 1967, when the Post Office petitioned for establishment of new nonpriority mail rates in Docket 18381, Seaboard requests the service rates and conditions established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, Docket 10920, subject to such retroactive adjustment to June 28, 1969, as the final decision in Docket 18381 may provide. Seaboard also requests that it be made a party to the proceedings in Docket 18381 in order to be subject to the final nonpriority service mail rates and conditions at issue therein.

By letter dated May 22, 1969, Trans World Airlines, Inc., objected to any action being taken on Seaboard's petition until disposition of petitions then pending for reconsideration of the decision in Docket 18531 which granted the authority set forth in Order 69-4-141. However, by Order 69-6-55, dated June 12, 1969, the Board denied those petitions and the authority awarded by Order 69-4-141 remains effective June 28, 1969.

On June 20, 1969 the Postmaster General was permitted to file a late petition in support of Seaboard's petition. It appears appropriate to the Board that Seaboard's mail rate for the newly certificated service be established at the same level as that applicable to other carriers providing competitive services. The Board therefore proposes to issue an order to include the following findings and conclusions:

1. That on and after June 28, 1969, the fair and reasonable final service mail rates to be paid to Seaboard World Airlines, Inc., pursuant to section 406 of the Act for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith, for the interstate carriage of priority mail under the authority granted by Order 69-4-141 shall be the rates and conditions established by the Board in Order E-25610, August 28, 1967, as amended, and shall be subject to the other provisions of that order;

2. On and after June 28, 1969, the fair and reasonable temporary service mail rates to be paid to Seaboard World Airlines, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith, for the interstate carriage of nonpriority mail under the authority granted by Order 69-4-141 shall be the rates and conditions established by the Board in Order E-17255, July 31, 1961, as amended, and shall be subject to the other provisions of that order and to such retroactive adjustment as may be made in docket 18381;

3. These findings and conclusions shall be implemented by the following amendments to Board orders:

(a) Order E-25610, dated August 28, 1967, as amended, shall be further amended by adding "Seaboard World Airlines, Inc." to the list of carriers appearing at the top of page 2.

(b) Paragraph C of Order E-17255, dated July 31, 1961, as amended, is further amended to include Seaboard World Airlines, Inc., in the list of carriers there appearing.

4. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons and particularly Seaboard World Airlines, Inc., and the Postmaster General are directed to show cause why the Board should not publish the final and temporary rates specified above as the fair and reasonable rates of compensation to be paid to Seaboard World Airlines, Inc., for the transportaton of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. Seaboard World Airlines, Inc., is hereby made a party in Docket 18381.

This order shall be served upon Seaboard World Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7979; Filed, July 7, 1969; 8:47 a.m.]

[Docket No. 21099]

PROFIT BY AIR, INC.

Notice of Proposed Approval

Application of Profit By Air, Inc., for approval under section 408 of the Federal Aviation Act, as amended, with respect to a certain transaction, docket 21099.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 1, 1969.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of Profit By Air, Inc., for approval under section 408 of the Federal Aviation Act, as amended, with respect to a certain transaction, Docket 21099.

By application filed June 18, 1969, Profit By Air, Inc. (PBA), an interstate and international air freight forwarder, requests approval without hearing pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of its proposed incorporation in the Commonwealth of Puerto Rico of a wholly owned subsidiary to be known as Profit By Air, Inc. (Puerto Rico), for the purpose of operating a pickup and delivery service, by motor vehicle, of outbound and inbound freight forwarded only by PBA. Interlocking relationships involving PBA and Profit By Air, Inc. (Puerto Rico), will result by reason of the holding by Harvey E. Pittluck and Americo J. Focacci of positions as officers and directors of each of the two said companies, while Hector A. Serrano, an officer of both corporations, will be a director only of Profit By Air (Puerto Rico).

The applicant states that it desires to perform its own pickup and delivery service to supplement its air freight forwarding operations, but by reason of the requirements of Puerto Rican law, a Puerto Rican national, individual, or corporation, may alone do so.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(a) of the Act.

Upon consideration of the application, it is concluded that PBA is an air carrier, and that Profit By Air (Puerto Rico) will be a common carrier within the meaning of section 408 of the Act, and the control by PBA of Profit By Air (Puerto Rico) is subject to that section of the Act. However, it has been further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not essentially present any new substantive issues.[1] It therefore appears that approval of the control relationships would be consistent with the public interest.

We also find that interlocking relationships within the scope of section 409(a) of the Act will result from the holding by the individual applicants of positions in each corporation. However, we have concluded that such relationships come within the scope of the exemption from the provisions of section 409 afforded by § 287.2 of the Board's economic regulations. Thus, to the extent that the application requests approval of such relationships, it will be dismissed.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, and 385.3, it is found that the foregoing control of relationships should be approved under section 408(b) of the Act, without hearing, and that the application to the extent that it requests approval of the aforementioned interlocking relationships should be dismissed.

Accordingly, it is ordered,

1. That the control by PBA of Profit By Air, Inc. (Puerto Rico), be and it hereby is approved; and

2. That, to the extent that approval of interlocking relationships is sought under section 409 of the Act, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7977; Filed, July 7, 1969; 8:47 a.m.]

[1] Cf. Furman Air Freight Corporation, et al., Order 68-8-52, Aug. 13, 1968.

[Docket No. 18078, etc.; Order 69-7-11]

TRANSATLANTIC AND TRANSPACIFIC AND LATIN AMERICAN MAIL RATES

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of July 1969.

Service Mail Rates for Transatlantic and Transpacific Priority Mail, Docket No. 18078; Latin American Service Mail Rate Proceeding, Docket No. 15381; Latin American Service Mail Rate for Priority Mail, Docket No. 20415.

By Order 69-4-124, dated April 28, 1969, the Board directed all interested parties in the above dockets to show cause why certain proposed revised standard mileages for carriage of U.S. mail by air in the applicable areas should not be adopted.

Communications have been received indicating errors of a technical nature in some of the proposed standard mileages,[1] and that standard mileages were not established for certain new points. With respect to possible errors in calculations of the standard mileages, the Post Office Department and the carriers have discussed each of the affected mileages, and the differences in standard mileages have been resolved by the Department and the respective carriers. These mileages have been corrected in accordance with the governing provisions of the relevant rate orders, and Appendix A[2] has been revised to reflect such modifications. As for establishing standard mileages for new points, any affected carrier may apply to the Board to establish such mileages in accordance with the effective mail rate order.[3] In addition, the Postmaster General in his answer filed herein noted that new or additional mileages are now being developed reflecting new routes or additional services inaugurated since May 1968, and these mileages will be submitted to the Board at the appropriate time.

The technical matters having been disposed of, it now appears that all carriers concerned and the Department of Defense are now in agreement with the Post Office Department on the standard mileages as shown in Appendix A. The time designated for filing notice of objection has elapsed and no notice of objection of a controversial nature has been filed by any party. Under the foregoing circumstances, all parties have waived the right to a hearing and all other procedural steps short of a final decision of the Board fixing standard mileages.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof:

It is ordered, That:

Effective July 1, 1968:

(1) Order 68-9-9, September 4, 1968, should be amended to delete Appendix A thereto and substitute in lieu thereof a new Appendix A, attached to the instant order, providing revised standard mileages for carriage of U.S. mail by air in transatlantic and transpacific services.

(2) Order 68-9-8, September 4, 1968, should be amended to provide that for military mail transported between San Francisco, Portland, or Seattle and Tokyo, the mail ton-miles shall be computed on the basis of standard mileage of 4,865 in lieu of 4,843.

(3) Order E-23916, July 7, 1966, should be amended to delete Appendix A thereto and substitute in lieu thereof a new Appendix A, attached to the instant order, providing revised standard mileages for carriage of U.S. mail by air in Latin American service.

(4) This order shall be served on all interested parties in Dockets 18078, 15381, and 20415.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7978; Filed, July 7, 1969; 8:47 a.m.]

[1] Communications were received from Department of Defense, Northwest Airlines, Pan American World Airways, The Postmaster General, and Trans World Airlines, which were in the form of letters, notices of objection, or answers indicating typographical, mathematical, or computation errors with respect to certain standard mileages.

[2] Appendix A filed as part of the original document.

[3] Trans Caribbean Airways filed a notice of objection and answer which noted that standard mileages were not proposed with respect to Trans Caribbean's authority to transport mail granted in Order 68-11-120, served November 27, 1968 (United States-Caribbean-South America Route Investigation, Docket 12895). Service mail rates for such authority are presently under consideration in Docket 20539, and standard mileages for this service will be established in subsequent proceedings.

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18585-18587; FCC 69-699]

CHARLES W. HURT ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Charles W. Hurt, Charlottesville, Va., Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 18585, File No. BP-17596; Welk, Inc. (WELK), Charlottesville, Va., Has: 1010 kc, 1 kw, Day, Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 18586, File No. BP-17872; WUVA, Charlottesville, Va., Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 18587, File No. BP-17873; for construction permits.

1. The Commission has before it for consideration the above-captioned applications which are mutually exclusive in that they seek cochannel operation in the same community.

2. Based on the data at hand, both WELK and Charles W. Hurt appear to have adequate funds available to meet

their respective needs. Since their financial information is not current, however, it will be necessary for them to show in hearing that the funds relied upon are still available.

3. Examination of WUVA's application indicates that $34,350 will be needed to construct and operate for 1 year without revenue. To meet this expense, WUVA has $2,000 in existing capital and a loan from the University of Virginia of $25,000. Since this total of $27,000 falls short of meeting the $34,000 estimate, a financial issue will be required.

4. A Suburban issue will be specified as to the three applicants since they all fail to meet the criteria set forth in the Commission's Public Notice of August 22, 1968, 33 F.R. 12113. Although the applicants listed numerous contacts, their surveys consisted of inquiries into the programing tastes of individuals, rather than consultations designed to elicit specific suggestions as to community needs. See Sioux Empire Broadcasting Co., 16 FCC 2d 995 (1969).

5. WUVA is a nonstock corporation whose members are students attending the University of Virginia. Examination of the application indicates that a number of its officers have worked for local Charlottesville AM stations from time to time. In the past, no question of violation of Commission policy was involved since WUVA was a carrier current operation as distinguished from a broadcast station. In the event of a grant of its present proposal, however, an appropriate condition will be imposed to insure compliance with Commission duopoly policy.

6. It appears that each of the respective nighttime limitation contours of the applicants fail to cover the entire city. Thus, an issue with respect thereto will be included. Moreover, Commission studies indicate that the main business district of Charlottesville may have shifted to an area northwest of its original location near the center of town. Accordingly, we will include an issue to determine (i) the location of the main business district, and (ii) whether the applicants provide 25 mv/m coverage to that district, day and night.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the efforts made by the applicants to ascertain the community needs and interests of the area to be served and the means by which the applicants propose to meet those needs and interests.

(2) To determine whether Charles W. Hurt and WELK, Inc., are financially qualified.

(3) To determine, with respect to the application of WUVA:

(a) The manner in which the applicant will obtain additional funds to construct and operate the station for 1 year.

(b) Whether, in the light of evidence adduced pursuant to (a), above, the applicant is financially qualified.

(4) To determine whether the proposed nighttime operations meet the requirements of § 73.30(c) of the rules and, if not, whether circumstances exist which would warrant a waiver of said section.

(5) To determine:

(a) The location of the main business district of Charlottesville.

(b) Whether, in the light of the evidence adduced pursuant to the foregoing subissue, the applicants provide 25 mv/m coverage to that district in accordance with § 73.188(b)(1) of the rules.

(c) Whether, assuming (b), above, is answered in the negative, circumstances exist which would warrant a waiver of said section.

(6) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WELK and the availability of other primary aural service to such areas and populations.

(7) To determine which of the proposals would, on a comparative basis, best serve the public interest.

(8) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

9. *It is further ordered*, That, in the event of a grant of any of the above applications, the construction permit shall contain the following condition: Permittee shall accept such interference as may be imposed by other existing 250-watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

10. *It is further ordered*, That, in the event of a grant of the WUVA application, permittee will take definitive steps to insure that its officers and directors, present and future, will not maintain employee relationships with other Charlottesville standard broadcast stations which would in any way tend to diminish arms length competition in the area.

11. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

12. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 25, 1969.

Released: July 1, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-7990; Filed, July 7, 1969; 8:48 a.m.]

[1] Commissioners Hyde, Chairman; and Robert E. Lee concurring in the result; Commissioner Bartley absent.

[Dockets Nos. 18582-18584; FCC 69-697]

BRINSFIELD BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of J. Stewart Brinsfield, Sr., and J. Stewart Brinsfield, Jr., doing business as Brinsfield Broadcasting Co., Peoria, Ill., Requests: 105.7 mcs, No. 289; 50 kw; 417 feet, Docket No. 18582, File No. BPH-6519; Peoria Community Broadcasters, Inc., Peoria, Ill., Requests: 105.7 mcs, No. 289; 36 kw(H); 36 kw(V); 571 feet, Docket No. 18583, File No. BPH-6551; Clark Broadcasting Co., Peoria, Ill., Requests: 105.7 mcs; No. 289; 50 kw(H); 50 kw(V); 287 feet, Docket No. 18584, File No. BPH-6695; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations within the 1 mv/m contours together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

3. According to its application, Brinsfield Broadcasting Co. would require $30,000 to construct and operate its proposed station for 1 year without revenues. This figure, however, cannot be accepted because it is premised on utilization of a lease arrangement the availability of which has not been demonstrated. Moreover, applicant's estimate of $11,472 for first-year operational costs does not appear reasonable for the proposed nonduplicated 126-hour-per-week operation. To meet its costs, applicant relies on $62,000 in existing capital, but documentation for this figure appears only on the out-of-date balance sheet for the partnership. Moreover, applicant and its funds are involved in several other pending proposals: Raytown, Mo. (BPH-6329); Oil City, Pa. (BPH-6662); Cory, Pa. (BP-18396); La Plata, Md. (BALH-1144); and Utica, N.Y. (BALH-1176). Accordingly, an issue is required to determine the costs for construction and operation of the proposed station and applicant's ability to meet these costs, taking into account its other pending proposals.

4. According to its application, Peoria Community Broadcasters, Inc., would require $35,811 to construct its proposed station and $45,000 to operate it for 1 year without reliance on revenues. To meet these needs totaling $80,811, applicant has shown the availability of existing capital of $1,000 and a bank loan for $75,000. The total thus available ($76,000) is less than the amount required and an issue will be specified on the availability of the additional amount it requires.

5. According to Clark Broadcasting Co.'s application, a total of $58,025 would be required for construction and first-year operation of its proposed station. To meet this requirement it shows $2,000 in liquid assets. No credit, however, can be given for the stock subscriptions as the stockholders have not shown their ability to meet them nor for a $50,000 loan since the stockholder/lender has not shown his ability to provide it. In addition, the loan does not adequately indicate the terms for repayment. Accordingly, a financial issue will be specified.

6. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), and our public notice of August 22, 1968 (FCC 68-847), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Although all applicants appear to have made adequate surveys, none have adequately listed the suggestions it received regarding community needs nor have Peoria Community and Brinsfield Broadcasting adequately listed the programing proposed to meet these needs as evaluated. Thus, we are unable at this time to determine whether any of the applicants are aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

7. Since no determination has yet been reached on whether the antenna proposed by Clark Broadcasting Co. would constitute a menace to air navigation, an issue regarding this matter is required.

8. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

9. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the amount reasonably required by Brinsfield Broadcasting Co. to construct and operate its proposed station for 1 year without revenue and whether it has funds available to cover such costs to thus demonstrate its financial qualifications.

(2) To determine whether Peoria Community Broadcasters, Inc., has available to it the additional $4,811 required to construct and operate its proposed station for 1 year without revenues and thus demonstrate its financial qualifications.

(3) To determine whether Clark Broadcasting Co. has available the additional $56,025 required for construction and first-year operation of the proposed station to thus demonstrate its financial qualifications.

(4) To determine the efforts made by Brinsfield Broadcsting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(5) To determine the efforts made by Peoria Community Broadcasters, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(6) To determine the efforts made by Clark Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(7) To determine whether there is a reasonable possibility that the tower height and location proposed by Clark Broadcasting Co. would constitute a menace to air navigation.

(8) To determine which of the proposals would, on a comparative basis, best serve the public interest.

(9) To determine in the light of the evidence adduced pursuant to the foregoing issue, which, if any, of the applications for construction permit should be granted.

10. *It is further ordered*, That the Federal Aviation Administration is made a party to the proceeding.

11. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

12. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: July 1, 1969.

Adopted: June 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-7991; Filed, July 7, 1969; 8:48 a.m.]

[1] Commissioners Hyde, Chairman; and Robert E. Lee concurring in the result; Commissioner Bartley absent.

[Dockets Nos. 18503, 18504; FCC 69R-283]

UNITED COMMUNITY ENTERPRISES, INC., AND SALUDA BROADCASTING CO., INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of United Community Enterprises, Inc., Greenwood, S.C., Docket No. 18503, File No. BP-17439; Saluda Broadcasting Co., Inc., Saluda, S.C., Docket No. 18504, File No. BP-17529; for construction permits for new Standard Broadcast Stations.

1. The above-captioned mutually exclusive applications were designated for hearing by Commission memorandum opinion and order, FCC 69-280, released April 2, 1969. United Community Enterprises, Inc. (United), seeks a new standard broadcast station on 1090 kHz, 1 kw. power, Day, at Greenwood, S.C.; and Saluda Broadcasting Co., Inc. (Saluda), has requested a new broadcast facility to operate on 1090 kHz with 500 watts power, daytime only, at Saluda, S.C. On April 21, 1969, United filed a petition[1] for enlargement of issues:

To determine whether the application of Saluda Broadcasting Co., Inc., was filed for the principal or incidental purpose of obstructing or delaying the establishment of a standard broadcast facility at Greenwood, S.C., and whether, in light of the facts adduced pursuant to this issue, a grant of the application of Saluda Broadcasting Co., Inc., would serve the public interest, convenience and necessity.

2. In support of the requested issue, United relies upon an affidavit of Wallace A. Mullinax alleging as follows: on September 12, 1966, United's principal stockholders, Wallace A. Mullinax and

[1] The Board also has before it an opposition filed on May 20, 1969, by Saluda Broadcasting Co., Inc.; a comment on petition for enlargement of issues, filed May 22, 1969, by Grenco, Inc.; Broadcast Bureau comments on petition for enlargement of issues, filed May 20, 1969; comments on petition for enlargement, filed May 19, 1969, by Radio Greenwood, Inc.; and a reply filed June 9, 1969, by United Community Enterprises, Inc. Neither Radio Greenwood or Grenco, Inc., are parties to this proceeding. However, since United's position relies on certain alleged conversations with the managers of stations operated by those companies and purports to implicate those companies in an arrangement designed to prevent competition in Greenwood, their comments are accepted for filing and will be considered by the Board.

Mr. John Y. Davenport visited Greenwood to arrange for publication of notice that its application for a new broadcast station in Greenwood had been filed on September 9, 1966; at that time they visited a Mr. Crosland, general manager of WCRS in Greenwood, for the purpose of advising him of their intent to enter the broadcast business in Greenwood; that Crosland advised them he was aware of the fact that an application was about to be filed and that he had discussed the possibility with a Mr. Cook, general manager of WGSW in Greenwood. Crosland further stated that Mr. Cook was very upset about the possibility of additional competition in Greenwood and had suggested that the two existing stations join forces to keep out the competition; that Cook had suggested that one way of keeping competition out would be for a competing applicant to file on 1090 kHz for Saluda, S.C.; and that Crosland had told Cook that Station WCRS would not cooperate in such an endeavor. Mullinax further alleges that thereafter he and Mr. Davenport called upon Mr. George Cook, part-owner and general manager of Station WGSW Greenwood, and advised him of their intention to enter the broadcast business in Greenwood. Mr. Cook indicated that he knew of their intention and inquired concerning how much profit they intended to make from the station in the first few years. Cook then suggested that he could arrange to pay them a sum equal to their expected profits as well as all expenses incurred in filing the application, if they were to withdraw their application. Upon being advised that they were not interested in withdrawing their application, Mr. Cook suggested that he knew people in Greenwood who would be interested in using the frequency at Saluda. Thereafter, Mullinax and Davenport left WGSW. Mullinax further avers that later that day he called Mr. Palmer Greer, his consulting engineer, and told him of his conversations with Crosland and Cook; that Greer advised that Mullinax and Davenport should make notes of the conversations, and that such notes are the basis of the information concerning those conversations contained in his instant affidavit.

3. Mullinax further alleges that, on November 16, 1966, Saluda filed its application for a new station in Saluda, S.C., utilizing 1090 kHz, and that shortly thereafter he, Mullinax, requested Mr. Greer to do a frequency study in an attempt to ascertain a suitable alternate frequency for use in Saluda. Greer found such a frequency which could be utilized with a two element directional antenna and, at the request of United, advised Mr. W. J. Holey who was then consulting engineer for Saluda, of its availability but that Holey, by letter dated March 1, 1967, advised Greer that his clients did not wish to change frequencies. Mullinax further alleges that on March 17, 1967, he and Mr. Davenport met with Ted B. Wyndham, president and treasurer of Saluda, and that Davenport had suggested that a hearing before the Commission would be long and expensive and that United would be willing to reimburse Saluda for any expense it had incurred in conjunction with its application for a new station at Saluda. Mullinax further alleges that Wyndham then stated that he had become interested in a new station approximately 1 year before; that he had first considered filing an application for Greenwood but that his friend and professional associate, Mr. Featherstone (sole owner of the licensee for WCRS, Greenwood), had suggested that since Greenwood already had two stations, Saluda, which had none, would be a better place. Wyndham also stated that Mr. James W. Warren who was chief engineer at WGSW, had helped him prepare his application and secure the services of his first engineering consultant and of Mr. Holey who presently advised him on engineering matters. Mullinax then asked Wyndham if he had seriously considered the alternate frequency which Mr. Greer had suggested to Holey. Mullinax alleges that Wyndham stated that Holey had never mentioned an alternate frequency to him or to Mr. Barksdale, the other principal of Saluda, but that Wyndham indicated that he would give serious consideration to using the alternate frequency. Neither Mullinax or Davenport has heard from Wyndham further since that conservation.

4. Mr. Mullinax's affidavit is corroborated by the affidavit of Davenport and insofar as it refers to Mr. Greer and Mr. Greer's frequency search it is corroborated by an affidavit of Palmer A. Greer.

5. United notes further that the city of Greenwood had a 1960 population of 16,644 people and that Greenwood County has a population of 44,346, and that the town of Saluda, which is located approximately 25 miles southeast of Greenwood, had a 1960 population of 2,089; and that Saluda County had a 1960 population of 14,544. Greenwood has two standard broadcast stations, while Saluda has none. United therefore argues that since the managers and owners of the Greenwood stations stand to gain financially if the United application is denied, and since:

Cook and Crosland conferred about the possibility of opposing a third station in Greenwood and the possibility of an application using 1090 kHz at Saluda to accomplish this end;

Cook offered to pay expenses incurred in filing the United application, plus some anticipated profits in exchange for withdrawal of its application;

Cook told Mullinax and Davenport that he knew Greenwood people who were interested in 1090 kHz at Saluda;

Saluda declined to use an alternate frequency for Saluda even though United presented information concerning the availability of such a frequency to the engineering consultant for Saluda;

Wyndham first considered Greenwood but was dissuaded by Featherstone with whom he apparently has a professional relationship and shares adjoining offices;

and the chief engineer of WCRS assisted in the preparation of the Saluda application,

the requested issue must be included in this proceeding.

6. On May 19, 1969, Radio Greenwood filed its statement concerning the petition to enlarge issues. That statement denies any responsibility on the part of Radio Greenwood for the Saluda application. Moreover, the statement and supporting affidavits explain that James W. Warren had begun conversations with Wyndham looking toward the filing of an application for a new station in which Warren and Wyndham would share ownership without advising Radio Greenwood, and that upon being advised of this matter, the station manager had referred it to Washington counsel who felt that Warren must entirely disassociate himself from the new applicant or give up his employment at Radio Greenwood, and Mr. Cook had so advised Warren; that Warren had chosen to continue his employment at Radio Greenwood and had, in fact, disassociated himself from the Saluda applicant. Mr. George B. Cook in his affidavit states that he has read the affidavit of Mr. Mullinax and that his recollection of his conversation with Messrs. Mullinax and Davenport is to the effect that they did discuss the economics of a third radio station in Greenwood but that at no time did he offer any money or any other compensation to Mullinax and Davenport not to file an application or to withdraw an application which they announced had been filed. He did, however, remember some discussion about the possibility of an application for Saluda, but had no knowledge of the frequency involved. He also states in his affidavit that in October, 1966, upon advice of his Washington counsel he advised his chief engineer, Mr. James Warren, that if he elected to stay with WGSW he must terminate his association with the Saluda applicant. Moreover, he states that neither he nor any of his associates in WGSW have in any way encouraged, financed, planned, or assisted in any application for Saluda. He further states in his affidavit that on or about April 14, 1969, Messrs. Mullinax and Davenport, accompanied by a Mr. Bernard described as an attorney from Washington, D.C., had called at his office and

said in effect that they were going to file a request for the addition of a strike issue against the Saluda applicant unless I can convince the Saluda applicant to withdraw. The lawyer mentioned that WGSW was coming up for renewal this year and that my license would be in jeopardy if I were facing a strike issue. I told the gentleman in effect that I had no control over the Saluda applicant and could not direct any action which the Saluda applicant might take.

7. Mr. James W. Warren, in his affidavit, states in essence: That he is the James Warren referred to by Mullinax in paragraph 11 of his affidavit; that as the result of being neighbors and having other mutual interests, he had met Ted Wyndham, a young lawyer in Greenwood; that during the course of the winter of 1965 and 1966, they had discussed the possibility of jointly owning a radio station. By spring of 1966 they had tentatively decided upon Saluda, S.C., and that under date of April 20, 1966, he had written to a Mr. Robert D. Lambert, a registered professional engineer, requesting him to make a frequency search for a suitable frequency to use in Saluda.[2] Under date of May 10, Lambert submitted a report recommending 1090 kHz with 500 watts power, nondirectional, daytime, as the best choice for Saluda, and Warren and Wyndham decided to proceed with the application. Shortly thereafter, Warren advised Mr. Cook of his participation in the preparation of the application and in October, 1966, Cook advised him that he must disassociate himself from the Saluda application or terminate his employment at WGSW.

8. In its opposition to the petition to enlarge, Saluda flatly denies that the existing Greenwood stations in any way influenced its decision to file its application. Furthermore, it points out that its frequency for Saluda was chosen many months before United's application was filed for Greenwood. It states that Wyndham did not meet Mr. Featherstone until more than 6 months after his application for Saluda was filed and that it rejected United's alternate frequency proposal because it involved a directional installation which would require greater initial expenses and more expense in the operation of the station, and since, in a small market, this additional expense did not appear to be warranted. Saluda supports its allegations and arguments by the affidavits of Robert B. Lambert, Jr.; copies of correspondence between Lambert and Warren bearing the dates of April 20, 1966, and May 10, 1966; and the affidavit of William J. Holey in which he reiterates that he made a limited frequency search and concluded that Mr. Lambert's choice of 1090 kHz for Saluda was the best frequency for use at Saluda. Holey also sets forth the circumstances concerning his employment by Saluda and Mr. Warren's withdrawal from the applicant. With respect to this latter point, a copy of a hand-written letter dated October 24 [1966], and signed by James W. Warren is attached; also, Holey's letter of March 1, 1967, to Mr. Palmer Greer declining to accept Greer's suggestion that an alternate frequency might be used.

9. Saluda also attached an affidavit from C. Bruce Barksdale, Jr., vice president and secretary of Saluda Broadcasting Co. in which he denies any discussion concerning his Saluda application with the existing Greenwood, S.C., stations or their principals or managers. Furthermore, he notes that at the time he was invited to join Mr. Wyndham in this application, he thoroughly investigated the matter and concluded that it was a sound business venture.

10. The opposition is also supported by an affidavit by Mr. Ted B. Wyndham who states that upon graduation from the University of South Carolina Law School in 1965, he commenced his law practice in Greenwood, S.C.; that during the initial period of his practice he met Mr. Warren who was employed by WGSW; that the two became friends and discussed the possibility of owning a radio station. They first considered Greenwood but decided against it because it was obvious that Mr. Warren would be required to give up his employment with WGSW and because there were already two stations in that community. In the spring of 1966, they decided that Saluda would be a suitable community. Warren undertook to arrange for a frequency study and Mr. Robert B Lambert was retained to perform this service. The letters from Warren to Lambert and from Lambert to Warren concerning this frequency study are attached. Subsequently, Lambert withdrew because of a conflict of interest, and Warren arranged for the services of Mr. W. J. Holey. During the period while Warren and Wyndham were preparing their application, they concluded that a partner who could provide financing was needed. They then invited Mr. Barksdale to join them. He took considerable time investigating the possibility and thereafter agreed to participate in the enterprise. United filed its application for Greenwood on September 9, 1966, and at about this time or shortly thereafter it was necessary for Warren to withdraw from the Saluda application, or lose his employment at Radio Greenwood. Nevertheless, Saluda decided to continue with its proposal for a new station at Saluda, and its application was filed November 16, 1966. In his affidavit, Wyndham states that Saluda has paid all of the expenses in conjunction with its application except $150 which Warren paid for the initial frequency study and that that sum is offset by legal services which Wyndham rendered to Warren in connection with a divorce action. Wyndham states that he had not met Mr. Featherstone until Featherstone moved his office to the same floor of the same building that Mr. Wynham occupied. This was approximately 6 months after the Saluda application was filed. Moreover, he flatly states that he has never talked to Mr. Crosland or Mr. Cook about the Saluda proposal.

11. On May 22, 1969, Grenco, Inc., the licensee of WCRS and WCRS–FM, filed its comments on the petition to enlarge. It denied any implication on the part of Grenco, Inc., and supports this denial with an affidavit of Mr. Douglas Featherstone, its president and sole stockholder, in which Mr. Featherstone states that he first learned that Mr. Ted B. Wyndham was interested in an application for a station in Saluda, S.C., on or about April 23, 1969, when Dan Crosland, general manager of WCRS and WCRS–FM called his attention to a petition to enlarge issues in this proceeding. He states that he did not meet Mr. Wyndham until he moved his law offices to the Greenwood Savings and Loan Building on May 1, 1967; that he has never been associated in business or professionally with Mr. Wyndham; and that they have never shared offices and that he had never discussed any proposed or pending applications for new radio stations with Mr. Wyndham until after he received the petition to enlarge issues. Furthermore, Featherstone denied that he made any statement at any time to Wyndham concerning the merits of either Greenwood or Saluda as a site for a new radio station.

12. In its reply, United argues that an analysis of correspondence attached to Saluda's opposition supports its contention that 1090 kHz at Saluda was chosen before the frequency study was ordered. Particularly, it notes that in Warren's letter to Lambert, Warren refers to a telephone conversation in which Lambert had stated that "the clearance would be real close", and reasons that, since Lambert had presumably not studied the matter, Warren must have suggested a specific frequency. United further notes that in Lambert's report to Warren, Lambert refers to a telephone conversation in which the frequency 1090 kHz had been discussed. Since the telephone conversation is not further identified, United reasons we must infer that there was only one conversation, and that must have occurred prior to Warren's first letter to Lambert. United thus concludes that 1090 kHz was selected for Saluda without the benefit of a frequency study and the subsequent study was only for the purpose of facilitating Saluda's intention to apply for a new station on 1090 kHz at Saluda. United further argues that since Lambert suggested a number of alternate frequencies, several of which would not be mutually exclusive with United's application (which was filed some months before Saluda's application), Saluda's persistence in applying for 1090 kHz supports United's conclusion that the Saluda application was filed to obstruct United's efforts to obtain a new station in Greenwood. Moreover, United argues (citing Sumiton Broadcasting Co., Inc., 15 FCC 2d 400, 14 RR 2d 1000 (1968)) that the conflicting affidavits, Warren's involvement in the preparation and filing of an application for Saluda which necessitates a hearing, and the availability of alternate frequencies which could have been granted without hearing, require the addition of the requested issue.

13. Upon careful consideration of the foregoing, the Board concludes that the serious implication which flows from the allegations of the petitioner and the apparent conflicts in the statements set forth in the several pleadings and affidavits warrant a complete inquiry into the facts and circumstances with respect to the preparation and filing of the Saluda application. An appropriate issue concerning this matter will therefore be added to this proceeding. Moreover, in view of the potential implication which might flow from this matter with respect to the existing Greenwood stations, Grenco, Inc., and Radio Greenwood, Inc., will be made parties respondent for the limited purpose of resolving this issue. The burden of proceeding with the evidence on these issues will be assigned to United Community Enterprises, Inc., and the burden of proof to Saluda Broadcasting Co., Inc.

14. *Accordingly, it is ordered*, That the petition to enlarge issues, filed April 21, 1969, by United Community Enterprises, Inc., is granted and the following issues are included in this proceeding:

[2] A copy of Warren's letter to Lambert is attached to the opposition filed by Saluda Broadcasting Co., Inc, on May 20, 1969.

(a) To determine all the facts and circumstances concerning the preparation and filing of Saluda Broadcasting Co., Inc.'s, application for a new standard broadcast station utilizing 1090 kHz with 500 watts power, daytime only, at Saluda, S.C.;

(b) In light of the facts elicited pursuant to (a) above, to assess their effect upon the qualifications of Saluda Broadcasting Co., Inc., to be the licensee of the standard broadcast station for which it has applied.

15. *It is further ordered*, That Radio Greenwood, Inc., and Grenco, Inc., are made parties to the proceeding for the purpose of resolving the foregoing issues, and

16. *It is further ordered*, That the burden of proceeding with the evidence on the foregoing issues is upon United Community Enterprises, Inc., and the burden of proof is upon Saluda Broadcasting, Inc.

Adopted: June 27, 1969.

Released: July 1, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-7992; Filed, July 7, 1969; 8:48 a.m.]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on August 12, 1969, the standard broadcast applications listed in the appendix below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1), 1.591(b), and Note 2 to § 1.571 of the Commission's rules,[1] an application, in order to be considered with the application of WRMA Broadcasting Co., Inc. (BP-18336), must be in direct conflict with that application, substantially complete and tendered for filing at the offices of the Commission by the close of business on August 11, 1969. The attention of prospective applicants is directed to the fact that, according to studies on file, no contemplated proposal is eligible for consideration with the applications of Lucas Tomas Muniz (BP-17990), The General Broadcasting Corp. (BP-18219), and Peter L. Pratt (BP-18233), by reason of conflicts between these applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: July 1, 1969.

Released: July 2, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

Applications from the top of the processing line:

BP-17990 New, Yabucoa, P.R.
Lucas Tomas Muniz.
Req: 840 kc, 250 w, Day.

BP-18129 New, Yorktown Heights, N.Y.
The General Broadcasting Corp.
Req: 850 kc, 250 w, Day.

BP-18233 New, Honesdale, Pa.
Peter L. Pratt.
Req: 850 kc, 250 w, DA, Day.

BP-18336 WRMA, Montgomery, Ala.
WRMA Broadcasting Co., Inc.
Has: 950 kc, 1 kw, Day.
Req: 950 kc, 1 kw, DA-N, U.

[F.R. Doc. 69-7993; Filed, July 7, 1969; 8:48 a.m.]

[1] See report and order released July 18, 1968, FCC 68-739, Interim Criteria to Govern Acceptance of Standard Broadcast Applications, 33 F.R. 10343, 13 FCC 2d 866, 13 RR 2d 1667.

FEDERAL MARITIME COMMISSION

GERMANY-NORTH ATLANTIC RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. W. Voight, Secretary, Germany-North Atlantic Rate Agreement, 1 Ballindamm, Hamburg 1, Germany.

Agreement No. 9427-1, between the member lines of the Germany-North Atlantic Rate Agreement, modifies Article 3 of the basic agreement to provide that, in addition to their right to agree upon and publish rates, terms, and conditions applicable to commodities originating in areas local to German ports, the parties may agree upon and list in their tariffs rates, terms, and conditions applicable to commodities which originate in Italy or the Iberian Peninsula and move overland to a port in Germany for shipment by water to a North Atlantic port in the United States. Such rates, terms and conditions may be the same as those prevailing in the trade from ports in Italy and the Iberian Peninsula to U.S. North Atlantic ports.

Dated: July 2, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7997; Filed, July 7, 1969; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. 27]

AVCO CORP.

Notice of Receipt of Application for Permission To Acquire Huntington Savings and Loan Association

JULY 1, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Avco Corp., New York, N.Y., a registered diversified savings and loan holding company, for approval of the latter corporation's acquisition of control of the Huntington Savings and Loan Association, Huntington Park, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the rules and regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase of stock of Huntington Savings and Loan Association by Avco Corp. followed by a merger of Ventura Savings and Loan Association, Ventura, Calif., a subsidiary insured institution of Avco Corp., into said Huntington Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-7942; Filed, July 7, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-815 etc.]

SUN OIL CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 25, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-815	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	106	3	Natural Gas Pipeline Co. of America (Southeast Boyd Field, Beaver County, Okla.) (Panhandle Area).	$2,380	5-29-69	[2] 7-7-69	12-7-69	[3] 17.015	[4] [5] 18.015	RI68-100
	do	135	4	do	190	5-29-69	[2] 7-16-69	12-16-69	[3] 17.015	[5] [6] 18.015	RI68-100.
	do	219	4	Lone Star Gas Co. (Big Mineral Creek Field, Grayson County, Tex.) (RR. District No. 9).	41	5-29-69	[2] 7-1-69	12-1-69	14.49	[6] 16.56	
	do	220	4	do	186	5-29-69	[2] 7-1-69	12-1-69	14.49	[6] 16.56	
	do	109	3	do	415	5-29-69	[2] 7-16-69	12-16-69	[3] 17.015	[5] [6] 18.015	RI68-101.
RI69-816	Sun Oil Co. (Operator) et al	55	8	Northern Natural Gas Co. (Hugoton Field, Haskell and Seward Counties, Kans.).	170	5-29-69	[2] 6-30-69	11-30-69	[3] 11.0	[5] [6] 12.0	
RI69-817	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	6	2	Kansas-Nebraska Natural Gas Co., Inc. (Hugoton Field, Kearny County, Kans.).	1,452	5-26-69	[4] 6-26-69	11-26-69	[3] 11.0	[5] [6] 12.0	
RI69-818	Lario Oil & Gas Co., 301 South Market St., Wichita, Kans. 67202.	18	[7] 4	Panhandle Eastern Pipe Line Co. (Liberal-Light Field, Seward County, Kans.).	2,206	5-28-69	[2] 6-28-69	11-28-69	16.0	[6] 17.0025	RI65-176.
RI69-819	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, Kans. 67202.	285	5	Northern Natural Gas Co. (Kiowa Creek and Bechtold Fields, Lipscomb County, Tex.) (RR. District No. 10) and (Ivanhoe & Northeast Upper Fields, Beaver County, Okla.) (Panhandle Area).	2,850	5-29-69	[2] 8-1-69	1-1-70	[3] 17.0	[6] [8] 18.0	
RI69-820	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.				711				[9] [11] 17.0	[6] [8] [10] [11] 18.015	
RI69-821	Texaco Inc. (Operator), et al., Post Office Box 2420, Tulsa, Okla. 74102.	214	16	Transwestern Pipe Line Co. (Southeast Griggs Field, Cimarron County, Okla.) (Panhandle Area) and (Harper Ranch Field, Clark County, Kans.).	182	5-29-69	[4] 6-29-69	11-29-69	[3] [11] 17.0	[6] [8] [11] [12] 19.0	
					2,782				[9] [12] 16.0	[6] [8] [12] 18.0	
RI69-822	do	230	3	Panhandle Eastern Pipe Line Co. (Nye South Field, Beaver County, Okla.) (Panhandle Area).	261	5-29-69	[4] 6-29-69	11-29-69	[13] 19.244	[6] [11] 21.508	
	do	249	2	Lone Star Gas Co. (Carter Knox Field, Stephens County, Okla.) (Carter-Knox Area).	17	5-29-69	[4] 6-29-69	11-29-69	16.8	[6] 18.8	
RI69-823	The Stevens County Oil & Gas Co., 302 American Savings Bldg., 201 North Main St., Wichita, Kans. 67202.	32	5	Panhandle Eastern Pipe Line Co. (Greenwood and Hugoton Fields, Morton County, Kans.).	1,000	6-4-69	[2] 7-5-69	12-5-69	15.0	[6] 16.0	RI63-242.
RI69-824	Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. 79065.	42	4	Cities Service Gas Co. (Hugoton Field, Seward County, Kans., and Texas County, Okla.). (Panhandle Area).	24,000	6-3-69	[2] 8-23-69	1-23-70	[3] 11.0	[5] [6] 12.0	
RI69-825	Edgar W. White, Drawer O, Elkhart, Kans. 67950.	2	4	Colorado Interstate Gas Co., (Greenwood Field, Morton County, Kans.).	420	6-5-69	[4] 7-6-69	12-6-69	[13] 17.0	[6] [13] 18.0	RI64-708.
RI69-826	Investors Royalty Co., Inc., 1309 Thompson Bldg., Tulsa, Okla. 74103.	1	2	Natural Gas Pipeline Co. of America (Southeast Boyd Area, Beaver County, Okla.) (Panhandle Area).	20	6-4-69	[2] 7-7-69	12-7-69	[3] 17.0	[5] [6] 18.0	RI65-795.
RI69-827	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	37	2	do	2,600	6-4-69	[2] 7-7-69	12-7-69	[3] 17.0	[5] [6] 18.0	RI64-793.
	do	87	2	Northern Natural Gas Co. (Kiowa Creek Field, Lipscomb County, Tex.) (RR. District No. 10).	1,120	6-4-69	[2] 8-1-69	1-1-70	[3] 17.0	[5] [6] 18.0	
RI69-828	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	187	6	Clinton Oil Co.[14] (Autwine Field, Kay County, Okla.) (Oklahoma "Other" Area).	526	6-5-69	[2] 9-1-69	2-1-70	7.2	[6] 8.2	RI65-474.
	do	273	6	El Paso Natural Gas Co. (Yucca Butte Field, Pecos and Terrell Counties, Tex.) (Permian Basin Area).	2,934	5-28-69	[2] 8-1-69	1-1-70	16.7227	[6] 17.7363	
	do	341	5	El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.) (Permian Basin Area).	121	5-28-69	[2] 8-1-69	1-1-70	[15] 16.6317	[6] [15] 17.6308	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-829..	D. J. Simmons, et al., d./b./a. Farrell & Co. of Louisiana (Operator), 3390 McCart St., Fort Worth, Tex. 76110.	1	[2] 16	United Gas Pipe Line Co. (Monroe Gas Field, Union, Morehouse, and Ouachita Parishes, La.) (North Louisiana Area).	.....	5-28-69	[3] 6-28-69	(Accepted)	.....	.....	.....
		1	17		$11,500	5-28-69	[3] 6-28-69	11-28-69	[4] 13.5	[5] [6] [7] 16.0	
RI69-830..	D. J. Simmons, et al.	2	[2] 7	do	.....	5-28-69	[3] 6-28-69	(Accepted)	.....	.....	.....
		2	8			5-28-69	[3] 6-28-69	11-28-69	[4] 13.5	[5] [7] [8] 16.0	
	do	3	[2] 8	do	11,500	5-28-69	[3] 6-28-69	(Accepted)	.....	.....	.....
		3	9		24,300	5-28-69	[3] 6-28-69	11-28-69	[4] 13.5	[5] [7] [8] 16.0	
RI69-831..	Global Oils, Inc. (Operator), et al., 2010 Republic National Bank Bldg., Dallas, Tex. 75201.	5	9	Michigan Wisconsin Pipe Line Co. (Woodward Area, Major County, Okla.) (Oklahoma "Other" Area).	11,500	5-28-69	[3] 6-28-69	11-28-69	[4] 13.5	[5] [7] [8] 16.0	
					24,300	6-9-69	[3] 7-10-69	12-10-69	[9] 15.63	[4] [8] [9] 23.76	
RI69-832	do	6	4	Michigan Wisconsin Pipe Line Co. (Northwest Oakdale Field, Woodward Area, Woods County, Okla.) (Oklahoma "Other" Area).	29,268	6-9-69	[3] 7-10-69	12-10-69	[9] 16.0	[4] [8] [9] 24.13	
RI69-833..	Reserve Oil & Gas Co., 1806 Fidelity Union Tower, Dallas, Tex. 75201. Attn: Mr. Paul D. Meadows.	1	5	Texas Gas Pipeline Corp. (Mars McLean Field, Jefferson County, Tex.) (RR. District No. 3).	33,960	5-26-69	[3] 6-26-69	11-26-69	[9] 14.6	[3] [5] 15.6	
	do	2	5	Texas Gas Pipeline Corp., (Phelan Field, Jefferson County, Tex.) (RR. District No. 3).	708	5-26-69	[3] 6-26-69	11-26-69	[9] 14.6	[3] [5] 15.6	

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to a downward B.t.u. adjustment.
[5] The stated effective date is the first day after expiration of the Statutory notice.
[6] Includes 0.0625-cent tax reimbursement.
[7] Applicable to Light, Light B, and Thompson Units, all in Seward County, Kans.
[8] Texas RR. District No. 10 production.
[9] Includes 0.015-cent tax reimbursement.
[10] Oklahoma Panhandle production.
[11] "Fractured" rate increase. Seller contractually due 19.5 cents per Mcf rate.
[12] Kansas production.
[13] "Fractured" rate increase. Seller contractually due 22.5 cents per Mcf rate.
[14] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and 19 cents plus upward B.t.u. adjustment after increase (1,132 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[15] "Fractured" rate increase. Seller contractually due 19 cents base rate
[16] Footnote 17 not used in this order.
[17] Subject to upward and downward B.t.u. adjustment.
[18] Clinton Oil Co. (successor to Wunderlich Development Co.) process the gas and resells it under its Rate Schedule No. 12 to Cities Service Gas Co., at a rate of 12 cents which is effective subject to refund in Docket No. RI65-124. Clinton has not filed its related increase to 13 cents per Mcf.
[19] Subject to reduction in price of 0.4467-cent for gas requiring compression to enter high pressure gathering system.
[20] Contract amendment, dated May 23, 1969, which provides for proposed rate for remaining term of contract. Present contract provisions do not provide for any future price escalations.
[21] Renegotiated rate increase.
[22] Pressure base is 15.025 p.s.i.a.
[23] Includes 1-cent tax reimbursement.
[24] Contract amendment dated May 23, 1969, which provides for Respondent's proposed rate increase.
[25] Respondent filing from initial certificated rate to present contract rate.
[26] Includes base rate of 15 cents plus upward B.t.u. adjustment before increase and 22 cents plus 1.13-cent tax reimbursement and upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[27] Settlement rate as approved by Commission order issue 1 June 6, 1967, in Docket No. G-18570.

Lario Oil & Gas Co. request that its proposed rate increase be permitted to become effective as of June 26, 1969. Texaco, Inc. (Operator), et al., and Texaco, Inc., request an effective date of May 29, 1969, for their proposed rate filings. The Stevens County Oil & Gas Co. requests an effective date of July 1, 1969. Edgar W. White requests a retroactive effective date of January 1, 1969, for his proposed rate increase. D. J. Simmons et al., doing business as Farrell & Company of Louisiana (Operator); D. J. Simmons et al.; Global Oils, Inc. (Operator), et al., and Global Oils, Inc., all request an effective date of June 1, 1969, for their proposed rate increases. Reserve Oil and Gas Co. requests waiver of the statutory notice to permit an effective date of May 26, 1969, for its rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Shell Oil Co. (Shell) proposes a rate increase from 7.2 cents to 8.2 cents per Mcf for a sale of gas to Clinton Oil Co. (Clinton) in the Oklahoma "Other" Area. The area increased rate ceiling is 11 cents per Mcf. Clinton processes the gas and resells the residue gas to Cities Service Gas Co. at a rate of 12 cents per Mcf which is in effect subject to refund. Clinton is contractually due a related increase from 12 cents to 13 cents per Mcf but has not as yet filed for same. Although Shell's proposed rate increase to 8.2 cents per Mcf does not exceed the area increased rate ceiling of 11 cents per Mcf for the Oklahoma "Other" Area as announced in the Commission's statement of general policy No. 61-1, as amended, it should be suspended because such ceiling is applicable to Clinton's resale rate, not to Shell's rate. In view of the fact that Clinton's contractually provided rate increase would be suspended, if filed for we conclude that Shell's proposed rate increase should be suspended for 5 months from September 1, 1969, the proposed effective date.

Concurrently with the filing of their rate increases, D. J. Simmons et al., doing business as Farrell & Company of Louisiana (Operator), and D. J. Simmons et al. (both referred to herein as Simmons) filed three contract amendments dated May 23, 1969,[28] which provide the basis for their proposed rate increases. We believe that it would be in the public interest to accept for filing Simmons' contract amendments to become effective on June 28, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

[28] Designated as Supplement No. 16 to Simmons (as Operator) FPC Gas Rate Schedule No. 1, and Supplements Nos. 7 and 8 to Simmons' FPC Gas Rate Schedules Nos. 2 and 3, respectively.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56), with the exception of the two rate increases filed by Shell Oil Co. relating to sales in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Simmons' three contract amendments dated May 23, 1969,[28] and for permitting such supplements to become effective as of June 28, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplements referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 16 to Simmons (Operator) FPC Gas Rate Schedule No. 1, and Supplement Nos. 7 and 8 to Simmons' FPC Gas Rate Schedules Nos. 2 and 3, respectively, are accepted for filing and permitted to become effective on June 28, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 137(f)) on or before August 6, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7838; Filed, July 7, 1969; 8:45 a.m.]

[Docket No. RI69-785]

TEXACO, INC.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MAY 29, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-785..	Texaco, Inc., Post Office Box 2420, Tulsa, Okla. 74102.	[1] 244	4	Panhandle Eastern Pipe Line Co. (Northeast Carthage Field, Texas County, Okla.) (Panhandle Area).	$1,643	5-9-69	[2] 6-9-69	[3] 6-10-69	[4] 16.0	[4] [5] [6] 17.0	

[1] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and proposed price does not exceed the initial rate ceiling of 17 cents per Mcf.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to upward and downward B.t.u. adjustment.

[Project No. 187]

CALIFORNIA

Order Partially Vacating Withdrawal of Land

JUNE 30, 1969.

Application has been filed by the U.S. Forest Service (Applicant) for vacation of the power withdrawal under section 24 of the Federal Power Act pertaining to the following described lands of the United States:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 20 N., R. 10 E.,
Sec. 35, lot 5.
(0.76 acre.)

The land lies near the North Yuba River at Downieville, Sierra County, Calif., and is withdrawn pursuant to the filing on March 14, 1921, of an application for preliminary permit for Project No. 187. At the time of the filing of the application extensive development of the Yuba River Basin was proposed but only the Bullards Bar facilities were authorized by the license for Project No. 187. The application for the preliminary permit for the project contemplated development of this reach of the North Yuba River by construction of the proposed Toll Bridge diversion dam to be located about 1 mile downstream from the town of Downieville. An alternate plan which has been studied proposes development of the Goodyears Bar reservoir site. The subject land would not be affected by either of these developments which have been proposed since the subject land is

Texaco, Inc. (Texaco), requests that its proposed rate increase be permitted to become effective as of May 9, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Texaco's rate filing and such request is denied.

The contract related to the rate filing of Texaco was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed rate of 17 cents exceeds the area increased rate ceiling of 11 cents for the Oklahoma Panhandle Area, but does not exceed the service ceiling established for the area involved. We believe, in this situation, Texaco's proposed rate increase should be suspended for 1 day from June 9, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-7839; Filed, July 7, 1969; 8:45 a.m.]

located at a higher elevation than either of the proposed flowages. The town of Downieville also lies at a lower elevation than the subject land and precludes the feasibility of a larger flowage.

The application was filed as part of a proposed land exchange in the Tahoe National Forest.

The Commission finds: Inasmuch as the lands have no significant power value, the withdrawal of the subject lands pursuant to the above mentioned application for Project No. 187 serves no useful purpose and should be vacated.

The Commission orders: The withdrawal of the subject lands pursuant to the application for Project No. 187 is hereby vacated insofar as it affects the subject lands.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7945; Filed, July 7, 1969; 8:45 a.m.]

[Dockets Nos. CP69-345, G-8932]

EL PASO NATURAL GAS CO.

Notice of Application and Petition To Amend

JUNE 30, 1969.

Take notice that on June 23, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. G-8932 a petition to amend the order of the Commission of November 25, 1955, as amended, so as to authorize, pursuant to section 3 of the Natural Gas Act, the importation from Canada at a point near Sumas, Wash., on the international boundary of an additional daily quantity of natural gas up to 150 million cubic feet per day. Applicant also filed, in Docket No. CP69-345, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing construction and operation of certain Northwest Division System facilities and the transportation of an additional 50,000 Mcf per day of natural gas to be imported from Canada and the delivery thereof to existing customers in market areas served by Northwest Division System, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

As regards to the petition to amend in Docket No. G-8932 Applicant states that the purpose of the authorization is to allow Applicant to implement the proposed purchase of such additional daily quantities of gas from Westcoast Transmission Co. Ltd. (Westcoast), and enable Applicant to import a total daily quantity of 575 million cubic feet commencing on or about November 1, 1970, and 650 million cubic feet on November 1, 1971.

Applicant states that it has entered into an agreement with Westcoast dated January 29, 1969, under which the additional 150 million cubic feet of gas per day were to be made available as follows: 75,000 Mcf from November 1, 1970, through October 31, 1971, and 150,000 Mcf from November 1, 1971, through the remaining term of the agreement, the primary term of which ends October 31, 1990. The price at which such gas will be purchased by Applicant will be computed on the basis of the demand and commodity charges set forth in the agreement which will equate, based on 100 percent load factor delivery, to a rate of 31.78 cents per Mcf (at 14.9 p.s.i.a) for all gas purchased from November 1, 1972, throughout the term of the agreement.

Applicant states that the facilities which it proposes to construct and operate, in conjunction with its existing Northwest Division pipeline facilities to permit the acquisition and utilization of the proposed new supply from Westcoast, consist primarily of a new compressor station of 4,000 horsepower and a total of 58.9 miles of 30-inch O.D. mainline loop pipeline. The estimated cost of the project, including overheads, contingencies and filing fees, is $14,889,351. Applicant proposes to finance such cost initially by use of working funds, supplemented by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-7947; Filed, July 7, 1969; 8:45 a.m.]

[Docket No. CP69-349]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Application

JUNE 27, 1969.

Take notice that on June 24, 1969, Great Lakes Gas Transmission Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP69-349 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the construction and operation of facilities needed to sell and deliver up to 4 million cubic feet of natural gas per day to Inter-City Gas Limited for a 1-year period commencing November 1, 1969. Applicant also seeks authority to construct and operate a sales measuring station at Grand Rapids, Minn., for this purpose.

The total estimated cost of the proposed facilties is $22,730, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7948; Filed, July 7, 1969; 8:45 a.m.]

[Docket No. CP69-344]

MID-ILLINOIS GAS CO. AND PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JUNE 30, 1969.

Take notice that on June 23, 1969, Mid-Illinois Gas Co. (Applicant), 72 West Adams Street, Chicago, Ill. 60690, filed in Docket No. CP69-344 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Respondent) to establish physical connection of its transportation facilities with the facilities to be constructed by Applicant, for the purpose of supplying natural gas requirements for the villages of Murdock, Pierson Station, and Scottland, Ill., and their environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Respondent's transmission line provides the only feasible source of natural gas for the aforementioned areas. Applicant further states such sales and deliveries as may be required will not impair Respondent's ability to render adequate service to its existing customers or subject it to any undue burden and will not compel enlargement of existing transportation facilities.

Estimated cost of Applicant's facilities is $99,600, which will be financed out of general funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-7949; Filed, July 7, 1969; 8:45 a.m.]

[Docket No. CP66-130]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Petition To Amend

JUNE 30, 1969.

Take notice that on June 24, 1969, Mississippi River Transmission Corp. (Petitioner), 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CP66-130, a petition to amend the order of the Commission issued in said docket on June 6, 1966, as amended August 10, 1966, which order authorized Petitioner, inter alia, to complete and place in operation facilities required for operation of the St. Peter formation in the north area of the St. Jacob Field, Madison and St. Clair Counties, Ill. The purpose of these facilities is for the underground storage of natural gas with a maximum inventory of 4,800,000 Mcf at 14.73 p.s.i.a., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Petitioner seeks amendment of said order by requesting authorization to increase this storage inventory to 5,300,000 Mcf at 14.73 p.s.i.a. Petitioner states the proposed increase will enable continued development leading toward eventual utilization of the full capacity of the reservoir.

Petitioner further states that no new sales are proposed nor will additional facilities be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-7950; Filed, July 7, 1969; 8:45 a.m.]

[Docket No. RP69-36]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Postponement of Hearing

JUNE 30, 1969.

Upon consideration of the request filed on June 26, 1969, by counsel for Natural Gas Pipeline Company of America for a postponement of the hearing now scheduled to commence on July 8, 1969, in the above-designated matter;

Notice is hereby given that the hearing in the above-designated matter is postponed to July 9, 1969.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-7951; Filed, July 7, 1969; 8:46 a.m.]

[Dockets Nos. CP69-346, CP69-347]

PACIFIC GAS TRANSMISSION CO.

Notice of Application

JUNE 30, 1969.

Take notice that on June 23, 1969, Pacific Gas Transmission Co. (Applicant), 245 Market Street, San Francisco, Calif. 94106, filed in Docket No. CP69-347 an application for the authorization pursuant to section 3 of the Natural Gas Act for the importation of an additional volume of gas from Canada, and in Docket No. CP69-346 for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing construction and operation of facilities for the interstate transportation and sale of this additional volume of gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The above applications incorporate a proposal by Applicant for the transportation of an additional volume of natural gas from Canada to California, and the sale of the gas at the Oregon-California border to Pacific Gas and Electric Co. (P, G and E) for resale and distribution by P, G and E in northern and central California. Specifically, natural gas will be purchased from producers in Alberta by Alberta and Southern Gas Co., Ltd. (ASG), and transported by the Alberta Gas Trunk Line Co., Ltd., to a point in Alberta near the Alberta-British Columbia border. From there, Alberta Natural Gas Co. will transport the gas to a point on the international boundary between the United States and Canada in the vicinity of Kingsgate, British Columbia, where it will be purchased by Applicant from ASG. Applicant then proposes to transport the gas to the Oregon-California border and there sell it to P, G and E.

Applicant proposes to increase the daily contract quantity in its gas purchase contract with ASG by 185 million cubic feet of gas per day. Applicant would begin to accept deliveries on or about November 1, 1970, and full deliveries would be in effect by January 1, 1971.

Applicant proposes to increase the daily contract quantity in its service agreement with P, G and E 165 million cubic feet of gas per day. Applicant would begin delivery of this additional gas to P, G and E on or about November 1, 1970, and full delivery of the 165 million cubic feet would be in effect by January 1, 1971.

Applicant proposes to expand and change its existing compressor and impeller facilities and the construction and operation of additional river crossings necessary to take delivery of the additional 185 million cubic feet of gas per day from ASG and to transport and deliver the additional 165 million cubic feet per day to P, G and E.

The cost of such facilities is estimated to be $23,132,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing

therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-7952; Filed, July 7, 1969; 8:46 a.m.]

[Docket No. CP67-175]

SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

JUNE 27, 1969.

Take notice that on June 23, 1969, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35208, filed in Docket No. CP67-175, a petition to amend the certificate of public convenience and necessity to authorize a single 26-inch pipeline crossing of the Mississippi River in lieu of previously authorized multiple line crossing, which Applicant states would not have been feasible.

Applicant was also authorized to construct facilities to deliver gas to a processing plant to be constructed by Shell Oil Co. who has not yet constructed said plant. Applicant states that it will request authority from the Commission to construct these facilities at a later date.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 154.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7953; Filed, July 7, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT NATIONAL SECURITIES CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Barnett National Securities Corp., Jacksonville, Fla., for approval of acquisition of 80 percent or more of the voting shares of Citizens National Bank of St. Petersburg, St. Petersburg, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Barnett National Securities Corporation, Jacksonville, Fla., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Citizens National Bank of St. Petersburg, St. Petersburg, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 4, 1969 (34 F.R. 1707), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time shall be extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

Dated at Washington, D.C., this 26th day of June 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7954; Filed, July 7, 1969; 8:46 a.m.]

BARNETT NATIONAL SECURITIES CORP.

Order Denying Application Under Bank Holding Company Act

In the matter of the application of Barnett National Securities Corporation, Jacksonville, Fla., for approval of acquisition of 80 percent or more of the voting shares of Union Trust National Bank of St. Petersburg, St. Petersburg, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Barnett National Securities Corporation, Jacksonville, Fla., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Union Trust National Bank of St. Petersburg, St. Petersburg, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 4, 1969 (34 F.R. 1708), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is denied.

Dated at Washington, D.C., this 26th day of June 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7955; Filed, July 7, 1969; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 714]

KENTUCKY

Declaration of Disaster Loan Area

Whereas, It has been reported that during the month of June 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Allen and Warren Counties, Ky.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on June 23, 1969.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

OFFICE

Small Business Administration Regional Office, Fourth and Broadway, Louisville, Ky. 40202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1969.

Dated: June 25, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-7965; Filed, July 7, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 28]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Missouri-Kansas-Texas Railroad Co. is unable to transport traffic on its line between Wichita Falls, Tex., and Forgan, Okla., because of bridge damage.

It is ordered, That:

(a) The Missouri-Kansas-Texas Railroad Co., being unable to transport traffic over its line between Wichita Falls, Tex., and Forgan, Okla., because of bridge damage, that line is hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Missouri-Kansas-Texas Railroad Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10 a.m., July 1, 1969.

(g) Expiration date: This order shall expire at 11:59 p.m., July 25, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 1, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7985; Filed, July 7, 1969; 8:48 a.m.]

[S.O. 994; ICC Order 27]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the St. Louis-San Francisco Railway Co. is unable to transport traffic over its line into Clinton, Mo., because of flooding.

It is ordered, That:

(a) The St. Louis-San Francisco Railway Co., being unable to transport traffic over its line into Clinton, Mo., because of flooding, that line is hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The St. Louis-San Francisco Railway Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) Effective date: This order shall become effective at 2 p.m., June 30, 1969.

(e) Expiration date: This order shall expire at 11:59 p.m., July 3, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 30, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7986; Filed, July 7, 1969; 8:48 a.m.]

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 F.R. 8809; 31 F.R. 930, 13405; 32 F.R. 769, 10706; 33 F.R. 522, 10544, 20067) for the 6 months' period ended July 3, 1969.

REVISED LIST OF SECURITIES—JUNE 26, 1969

IT&T.
Minnesota Mining & Manufacturing.
I.B.M.
Penn Central.
Monarch Realty Investment Trust.

Dated: June 26, 1969.

R. R. MANION.

[F.R. Doc. 69-7987; Filed, July 7, 1969; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JULY

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FEDERAL REGISTER

VOLUME 34 • NUMBER 129

Tuesday, July 8, 1969 • Washington, D.C.

PART II

Department of the Treasury

Fiscal Service, Bureau of Accounts

Circular 570; 1969 Revision



Surety Companies Acceptable on Federal Bonds

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Cir. 570; 1969 Rev.]

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

JULY 1, 1969.

This circular is published annually, as of July 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Copies of this circular may be obtained from: Audit Staff, Bureau of Accounts, Treasury Department, Washington, D.C. 20226. Interim changes in this circular are published in the FEDERAL REGISTER as they occur.

The following companies, except where otherwise noted, have complied with the law and the regulations of the Treasury Department and are acceptable as sureties on Federal bonds, to the extent and with respect to the localities indicated opposite their respective names.

[SEAL]

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Aetna Casualty and Surety Company, Hartford, Conn.	41,562	All	CONN. All.
Aetna Insurance Company, Hartford, Conn.	14,062	All except C.Z	CONN.—All except C.Z., Guam, Hawaii, Virgin Islands
Agricultural Insurance Company, Watertown, N.Y.	2,297	All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, sIll., Ind., Ky., Md., Miss., N.C., Okla., Puerto Rico, Tenn., Virgin Islands, W. Va.
Allegheny Mutual Casualty Company, Meadville, Pa.	102	Alaska, Fla., Ill., Ind., La., Md., Mich., N.J., Ohio, Pa., Wis.	PA.—D.C., sFla., nIll., sInd., Md., eMich., N.J., Ohio, eVa., eWis.
Allied Insurance Company, Los Angeles, Cal.	508	Cal., N.Y., Tex., Wash.	CAL.—D.C., Tex.
Allied Mutual Insurance Company, Des Moines, Iowa.	2,094	Ariz., Colo., Idaho, Ill., Ind., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Dak., Okla., S. Dak., Tex., Utah, Wis., Wyo.	IOWA—Ariz., Colo., D.C., Idaho, Kans., Minn., Nebr., N. Dak., Oreg., S. Dak., Wyo.
Allstate Insurance Company, Northbrook, Ill.	73,313	All except C.Z., Guam, Virgin Islands	ILL.—eCal., Colo., Conn., D.C., mFla., nGa., sInd., Kan., eMich., sMiss., N.J., eN.Y., wN.C., nOhio, ePa., eTex., wVa., wWash., eWis.
American Automobile Insurance Company, San Francisco, Cal.	5,034	All except C.Z., Guam, Puerto Rico, Virgin Islands	MO.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
American Bonding Company, Los Angeles, Cal.	62	Alaska, Ariz., Ark., Cal., Idaho, Iowa, Nebr., Nev., N. Mex., Oreg.	NEBR.—Ariz., Cal., D.C., Idaho, Iowa, Nev., N. Mex., Oreg., wWash.
American Casualty Company of Reading, Pennsylvania, Chicago, Ill.	3,985	All except C.Z., Guam, Virgin Islands.	PA.—All except Guam, Virgin Islands.
American Credit Indemnity Company of New York, Baltimore, Md.	2,473	Cal., Colo., Conn., Del., Ill., Ind., Iowa, Ky., Me., Md., Mass., Minn., Mo., N.H., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., Vt., Wash., W. Va.	N.Y.—D.C.
American Employers' Insurance Company, Boston, Mass.	5,248	All except Guam	MASS.—All except Guam.
American Fidelity Company, Manchester, N.H.	484	Conn., Iowa, Me., Mass., Miss., N.H., R.I., Vt	VT.—All except C.Z., Guam, Kans., Puerto Rico, Virgin Islands.
American Fire and Casualty Company, Orlando, Fla.	497	Ala., Ark., Colo., D.C., Fla., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.	FLA.—Ala., Ark., Colo., D.C., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.
American and Foreign Insurance Company, New York, N.Y.	1,543	All except C.Z., Del., Guam, La., Oreg., Puerto Rico, S.C., Va., Virgin Islands.	N.Y.—D.C., Tex.
American General Insurance Company, Houston, Tex.	26,146	La., N. Mex., Okla., Pa., Tex.	TEX.—All except Guam, Puerto Rico, Virgin Islands.
American Guarantee and Liability Insurance Company, Chicago, Ill	1,268	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—Alaska, Cal., Conn., D.C., nFla., nsGa., nsIll., nInd., Me., Md., Mass., eMich., Minn., Mo., N.H., N.J., N. Mex., Ohio, Pa., nswTex., Vt.
American Home Assurance Company, New York, N.Y.	2,913	Ala. (except official), Alaska, Ariz., Cal., Colo., Conn., Del., D.C., Fla., Ga., Hawaii, Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), S. Dak., Tenn., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	N.Y.—D.C.
American Indemnity Company, Galveston, Tex.	484	Ala., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Mich., Minn., Miss., Mo., Mont., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Va., Wis., Wyo.	TEX.—All except Alaska, wArk., C.Z., Guam, Hawaii, wMich., nOkla., Puerto Rico, Virgin Islands, wVa.
The American Insurance Company, Principal Office: Newark, N.J. Home Office: San Francisco, Cal.	11,504	All except C.Z., Guam, Virgin Islands	N.J.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
American International Insurance Company, New York, N.Y.	307	All except C.Z., Guam, Virgin Islands	N.Y.—All except Guam, Virgin Islands.
American Manufacturers Mutual Insurance Company, Chicago, Ill.	996	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except nAla., Ark., C.Z., Conn., Del., Ga., Guam, Hawaii, Idaho, sIowa, Kans., La., Me., Md., Mo., Nebr., Nev., Oreg., mPa., Puerto Rico, S.C., S. Dak., Tenn., Tex., Utah, Va., Virgin Islands, wWis.
American Motorists Insurance Company, Chicago, Ill.	1,550	All except Guam, Oreg., Virgin Islands	ILL.—All except Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Nev., N. Mex., Oreg., Tenn., Virgin Islands, Wyo.
American Mutual Liability Insurance Company, Wakefield, Mass.	3,788	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MASS.—D.C.
American National Fire Insurance Company, New York, N.Y.	1,223	All except C.Z., Conn., Guam, La., Me., Mich., N.J., Puerto Rico, S.C., Virgin Islands.	N.Y.—All.
American Re-Insurance Company, New York, N.Y.	7,923	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except Guam.
American States Insurance Company, Indianapolis, Ind.	4,366	All except Ala., C.Z., Conn., Del., Ga., Guam, Hawaii, La., Mass., Miss., N.H., N.Y., N.C., Puerto Rico, R.I., S.C., S. Dak., Va., Virgin Islands.	IND.—Ariz., Cal., Colo., D.C., Ill., Iowa, Kans., Ky., Mich., Mo., Mont., Ohio, Okla., Oreg., Pa., Tenn., Tex., Utah, Wash., W. Va., Wis.
Argonaut Insurance Company, Menlo Park, Cal.	2,005	All except C.Z., Conn., Guam, Me., N.Y., Puerto Rico, Virgin Islands.	CAL.—D.C., nGa., Idaho, eLa.
Associated Indemnity Corporation, San Francisco, Cal.	1,372	All except C.Z., Guam, Virgin Islands	CAL.—nmAla., Ariz., Conn., Del., D.C., msFla., nGa., Ill., Ind., Kans., wKy., Me., Md., Mass., eMich., eMo., Mont., Nebr., Nev., N.H., N.J., sN.Y., N.C., Ohio, wOkla., Oreg., Pa., R.I., S.C., weTenn., Tex., Utah, eVa., Wash., eWis.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Atlantic Insurance Company, Dallas, Tex.	1,678	Ala., Ariz., Ark., Cal., Fla., Ga., Ill., Ind., Kans., Md., Mo., Nev., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Utah.	TEX.—All except Alaska, C.Z., Guam, Hawaii, eN.Y., N. Dak., Puerto Rico, Vt., Va., Virgin Islands, W. Va., eWis.
Atlantic Mutual Insurance Company, New York, N.Y.	4,656	All except Ala., C.Z., Guam, Hawaii, La., Puerto Rico, Virgin Islands.	N.Y.—D.C.
Auto-Owners Insurance Company, Lansing, Mich.	2,693	Ala., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Nebr., N.C., N. Dak., Ohio, Pa., S.C., S. Dak., Tenn., Wis.	MICH.—D.C., nsFla., Ill., Ind., Iowa, Minn., Mo., N. Dak., Ohio, S. Dak.
Balboa Insurance Company, Los Angeles, Cal.	1,118	All except Ala., Ark., C.Z., Guam, Kans., La., Me., Mass., Miss., Nebr., N.H., N.J., N.C., N. Dak., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tenn., Vt., Va., Virgin Islands, W. Va., Wis.	CAL.—D.C.
Bankers Multiple Line Insurance Company, Chicago, Ill.	628	All except Alaska, C.Z., Del., Ga., Guam, Hawaii, Idaho, La., Me., N.H., N.C., Oreg., Puerto Rico, S.C., Tenn., Va., Virgin Islands.	IOWA—D.C.
Bankers and Shippers Insurance Company of New York, New York, N.Y.	1,420	All except C.Z., Guam, Hawaii, Me., Puerto Rico, Virgin Islands.	N.Y.—mAla., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa, eKy., Me., Mass., Mich., Minn., sMiss., wMo, N.H., N.J., sOhio, wOkla., R.I., S. Dak., nwTex., Wyo.,
Birmingham Fire Insurance Company of Pennsylvania, New York, N.Y.	457	All except Ark., C.Z., Del., Ga., Guam, Hawaii, Idaho, Mass., N.H., N.J., Puerto Rico, S.C., Tex., Virgin Islands.	PA.—D.C.
Boston Old Colony Insurance Company, New York, N.Y.	3,241	All except C.Z., Guam	MASS.—Ala., Alaska, Ark., neCal., Conn., Del., D.C., sFla., Ga., Hawaii, Idaho, Kans., La., Me., Md., Minn., Miss., eMo., Mont., Nebr., N. Mex., wseN.Y., N.C., S.C., Wyo.
The Buckeye Union Insurance Company, Columbus, Ohio.	3,923	Ind., Ky., Mich., Ohio, Pa., Va., W. Va.	OHIO—D.C., Ill., Ind., Ky., Mich., Minn., Pa., eTenn., Va., W. Va.
The Camden Fire Insurance Association, Philadelphia, Pa.	4,160	Ala. (fidelity only), Alaska, Ariz., Ark., Cal., C.Z., Colo., Conn., D.C., Ill., Ind., Iowa, Kans., Ky., Md., Mass., Mich., Minn., Mo., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), Utah, Vt., Va., W. Va., Wyo.	N.J.—D.C.
Capitol Indemnity Corporation, Madison, Wis.	122	Ill., Iowa, Mich., Minn., Wis.	WIS.—D.C., nGa., Ill., sInd., Iowa, Mich., Minn., wMo.
Cascade Insurance Company, Tacoma, Wash.	785	Cal., Hawaii, Idaho, Mont., Nev., Oreg., Utah, Wash.	WASH.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The Celina Mutual Insurance Company, Celina, Ohio.	424	Colo., Ill., Ind., Kans., Ky., Mich., Ohio, Pa., W. Va.	OHIO—D.C.
Centennial Insurance Company, New York, N.Y.	1,420	All except Ala., C.Z., Guam, Hawaii, La., Puerto Rico, Virgin Islands.	N.Y.—D.C.
Century Indemnity Company, Hartford, Conn.	463	Ark., Cal., Colo., Conn., D.C., Fla., Ga., Iowa, Me., Md., Minn., N.J., Okla., R.I., S.C., S. Dak., Utah, Vt.	CONN.—
The Charter Oak Fire Insurance Company, Hartford, Conn.	1,315	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	CONN.—eCal., D.C., sFla., sGa., Iowa, Mass., eMich., nMiss., wMo., N.J., eeN.Y., mN.C., sOhio, ePa., S.C., eTenn., wTex., Utah, nW. Va., eWis., Wyo.
The Cincinnati Insurance Company, Cincinnati, Ohio.	787	Ala., Fla., Ga., Ind., Ky., Mich., Ohio, Pa., Tenn.	OHIO—mAla., D.C., sFla., nGa., sInd., Ky.
Citizens Insurance Company of New Jersey, Hartford, Conn.	914	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.J.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Commercial Insurance Company of Newark, N.J., New York, N.Y.	3,068	All except C.Z., Oreg., Puerto Rico	N.J.—All except Guam.
Commercial Standard Insurance Company, Forth Worth, Tex.	541	Ala., Ariz., Ark., Cal., Colo., D.C., Fla., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Md., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N.C., N. Dak., Okla., Oreg., S. Dak., Tenn., Tex., Utah, Va., Wash., Wis., Wyo.	TEX.—All except Alaska, C.Z., Guam, Hawaii, Minn., Miss., Puerto Rico, S. Dak., Virgin Islands.
Commercial Union Insurance Company of America, Boston, Mass.[1]	13,523	All except C.Z., Guam	MASS.—All except Alaska, C.Z., mFla., mGa., Guam, wLa., Md., wMich., Mo., N. Mex., N.Y., eN.C., wPa., S.C., wWash., Wyo.
The Connecticut Indemnity Company, Hartford, Conn.	965	All except Alaska, C.Z., Del., Guam, Hawaii, Oreg., Puerto Rico, S.C., Va., Virgin Islands.	CONN.—All except Alaska, ceeCal., C.Z., Guam, Hawaii, Nev., Oreg., Puerto Rico, Virgin Islands, Wash.
Consolidated Insurance Company, Indianapolis, Ind.	190	Ill., Ind., Ky., Mich., Ohio	IND.—D.C., Ill., Ky., Mich., Ohio.
Consolidated Mutual Insurance Company, Brooklyn, N.Y.	1,288	All except Ala., Alaska, C.Z., Del., Guam, La.	N.Y.—D.C.
Continental Casualty Company, Chicago, Ill.	34,725	All except Guam	ILL.—All except C.Z., Guam, Virgin Islands.
The Continental Insurance Company, New York, N.Y.	106,277	All except Guam	N.Y.—All except Guam.
Cosmopolitan Mutual Insurance Company, New York, N.Y.	931	All except Alaska, Ariz., C.Z., Colo., Del., Hawaii, Idaho, Iowa, Guam, Kans., Minn., Miss., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Oreg., S. Dak., Utah, Virgin Islands, Wash., Wyo.	N.Y.—D.C.
Cumis Insurance Society, Inc., Madison, Wis.	443	All except Ark., C.Z., Conn., Guam, Hawaii, Kans., Mass., N.C., Oreg., Puerto Rico, Tex., Virgin Islands.	WIS.—nsAla., Colo., D.C., Fla., Ill., Md., Mich., Nev., Utah.
Emmco Insurance Company, South Bend, Ind.	2,176	All except C.Z., Colo., Conn., Guam, Mass., Puerto Rico, Virgin Islands, W. Va.	IND.—D.C.
Empire Fire and Marine Insurance Company, Omaha, Nebr.	94	Alaska, Ariz., Colo., Ga., Hawaii, Ill., Iowa, Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., S. Dak., Utah, Vt., Wash., Wyo.	NEBR.—D.C.
Employers Casualty Company, Dallas, Tex.	1,538	Ariz., Ark., Cal., Colo., Ill., Ind., Iowa, Kans., Ky., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., Tex., Utah, Wash., Wyo.	TEX.—D.C.
The Employers' Fire Insurance Company, Boston, Mass.	2,277	All except C.Z.	MASS.—All except C.Z., Guam.
Employers Mutual Casualty Company, Des Moines, Iowa.	2,127	All except Ala., C.Z., Del., Ga., Guam, Hawaii, La., Oreg., Puerto Rico, Tenn., Virgin Islands, W. Va.	IOWA—Alaska, Colo., D.C., Ill., Ind., Kans., Md., Minn., Miss., Mo., Nebr., N.C., N. Dak., Ohio, Okla., Oreg., Pa., S.C., S. Dak., Wis.
Employers Mutual Liability Insurance Company of Wisconsin, Wausau, Wis.	15,825	All except C.Z., Virgin Islands	WIS.—D.C.
Employers Reinsurance Corporation, Kansas City, Mo.	5,247	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MO.—All except Guam.
Equitable Fire and Marine Insurance Company, Hartford, Conn.	2,467	All except Ala., Ark., C.Z., Ga., Guam, La., Me., Puerto Rico, Virgin Islands.	R.I.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Farmers Elevator Mutual Insurance Company, Des Moines, Iowa	82	Colo., Ill., Iowa, Kans., Minn., Mo., Nebr., N. Dak., Okla., S. Dak., Tex., Wyo.	IOWA—Colo., D.C., Ill., Kans., Nebr., Okla., S. Dak.
Farmers Mutual Hail Insurance Company of Iowa, Des Moines, Iowa	1,315	Iowa	IOWA—D.C.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Federal Insurance Company, New York, N.Y.	19,256	All	N.J.—All.
Federated Mutual Implement and Hardware Insurance Company, Owatonna, Minn.	1,893	All except Alaska, Cal., C.Z., Del., Guam, Hawaii, Idaho, La., Me., Mass., Nev., Oreg., Pa., Puerto Rico, Tex., Virgin Islands, Wis.	MINN.—Ala., Ark., D.C., Fla., Ga., Ky., Miss., N.C., Okla., S.C., Tenn., Va., W. Va.
The Fidelity and Casualty Company of New York, New York, N.Y.	6,702	All except Guam, Virgin Islands	N.Y.—All except Guam, Hawaii, Virgin Islands.
Fidelity and Deposit Company of Maryland, Baltimore, Md.	8,941	All except Guam	MD.—All except Guam.
Fireman's Fund Insurance Company, San Francisco, Cal.	25,060	All except C.Z	CAL.—All.
Firemen's Insurance Company of Newark, New Jersey, New York, N.Y.	16,607	All except Puerto Rico	N.J.—All except C.Z.
First Insurance Company of Hawaii, Ltd., Honolulu, Hawaii.	1,118	Cal., Guam, Hawaii, Oreg	HAWAII—D.C.
First National Insurance Company of America, Seattle, Wash.	1,441	All except C.Z., Conn., Del., Guam, Hawaii, La., Me., N.H., Puerto Rico, Vt.	WASH.—All except C.Z., Del., Guam, Hawaii, La., Me., N.H., Puerto Rico, Vt., Virgin Islands.
General Fire and Casualty Company, New York, N.Y.	851	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—D.C.
General Insurance Company of America, Seattle, Wash.	19,975	All except Virgin Islands	WASH.—All except Virgin Islands.
General Reinsurance Corporation, New York, N.Y.	12,467	All except C.Z., Guam, Puerto Rico	N.Y.—All except C.Z., Guam, Virgin Islands.
Glens Falls Insurance Company, Glens Falls, N.Y.	10,016	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except Guam, Puerto Rico, Virgin Islands.
Globe Indemnity Company, New York, N.Y.	6,852	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Guam, Virgin Islands.
Grain Dealers Mutual Insurance Company, Indianapolis, Ind.	910	All except Ala., Alaska, C.Z., Del., Guam, Hawaii, Idaho, Me., Puerto Rico, S.C., Tenn., Virgin Islands.	IND.—eArk., Colo., D.C., Ill., Iowa, Kans., Nebr., Ohio, wOkla.
Granite State Insurance Company, Manchester, N.H.	556	All except C.Z., Conn., Del., Guam, Hawaii, Idaho, Oreg., Puerto Rico, Virgin Islands.	N.H.—All except Guam, Puerto Rico.
Great American Insurance Company, New York, N.Y.	30,669	All	N.Y.—All.
Great Northern Insurance Company, Minneapolis, Minn.	854	Ariz., Colo., Ill., Iowa, Minn., Mo., Mont., Nebr., Nev., N.Y., N. Dak., S. Dak., Wis., Wyo.	MINN.—D.C., nIll., Iowa, Mo., Mont., N. Dak., S. Dak., Wis.
Greater New York Mutual Insurance Company, New York, N.Y.	2,864	All except Alaska, Ark., C.Z., Del., Guam, Hawaii, La., S.C., Tenn., Virgin Islands.	N.Y.—D.C.
Guarantee Insurance Company, Los Angeles, Cal.	759	Alaska, Ariz., Ark., Cal., Fla., Hawaii, Idaho, Ill., Ind., Iowa, Mich., Mont., Nev., N.J., N.Mex., N.Y., N.C., Okla., Tex., Utah, Va., Wash., Wyo.	CAL.—D.C.
Gulf American Fire and Casualty Company, Montgomery, Ala.	157	Ala., Fla., Ga., La., Miss., S.C., Tenn.	ALA.—Alaska, D.C., nnGa., sMiss.
Gulf Insurance Company, Dallas, Tex.	4,746	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Idaho, Mass., N.H., N. Dak., Puerto Rico, S. Dak., Vt., Va., Virgin Islands.	MO.—All except Alaska, sCal., C.Z., Del., Guam, Hawaii, eIll., nInd., Nev., N.J., N. Mex., eN.Y., ewN.C., N. Dak., nOhio, Pa., Puerto Rico, Vt., Va., Virgin Islands, W. Va., eWis.
The Hanover Insurance Company, New York, N.Y.	4,441	All except C.Z., Guam, Puerto Rico	N.Y.—All except Guam.
Hardware Mutual Casualty Company, Stevens Point, Wis.	1,938	All except C.Z., Guam, Idaho, Puerto Rico, Virgin Islands	WIS.—D.C.
Hartford Accident and Indemnity Company, Hartford, Conn.	26,620	All except Guam	CONN.—All except Guam, Virgin Islands.
Hartford Fire Insurance Company, Hartford, Conn.	73,435	All except C.Z., Guam	CONN.—Ariz., Cal., D.C., Guam, Hawaii, La., N.Y., Va.
Hawkeye-Security Insurance Company, Des Moines, Iowa.	995	Ariz., Colo., Conn., D.C., Fla., Idaho, Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N.J., N. Mex., N. Dak., Ohio, Okla., Pa., S. Dak., Tex., Utah, Va., Wis., Wyo.	IOWA—Colo., D.C., nsFla., Ill., sInd., Kans., wMich., Mo., Nebr., N. Mex., S. Dak., Wyo.
Highlands Insurance Company, Houston, Tex.	1,273	All except C.Z., Conn., Del., Guam, Hawaii, Mass., N.H., Puerto Rico, R.I., Virgin Islands.	TEX.—D.C., La.
The Home Indemnity Company, New York, N.Y.	3,817	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands.
The Home Insurance Company, New York, N.Y.	33,885	All except C.Z	N.Y.—Alaska, D.C., Guam, Puerto Rico, S.C.
Home Owners Insurance Company, Chicago, Ill.	161	Ala., Ariz., Fla., Ga., Idaho, Ill., Ind., Minn., Miss., Mo., Mont., Nev., Okla., Oreg., Tenn., Wash.	ILL.—Ariz., D.C., sFla., eLa., Minn., Mont., eVa., wWash.
Hudson Insurance Company, New York, N.Y.	433	N.Y.	N.Y.—D.C.
Illinois National Insurance Co., Springfield, Ill.	737	Ill., Ind., Iowa, Ky., Mo., Nebr., N. Mex., Ohio, Tex.	ILL.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Indiana Bonding and Surety Company, Indianapolis, Ind.	76	Ind	IND.—D.C.
Indiana Insurance Company, Indianapolis, Ind.	959	Ill., Ind., Ky., Mich., Ohio	IND.—D.C., Ill., Ky., Mich., Ohio.
Industrial Indemnity Company, San Francisco, Cal.	2,636	All except C.Z., Conn., N.Y., N. Dak., Ohio, Puerto Rico, Virgin Islands, W. Va.	CAL.—Alaska, Ariz., eArk., Colo., D.C., sFla., nGa., Hawaii, Idaho, nIll., sInd., eLa., Md., eMich., eMo., Mont., Nebr., Nev., N.J., N. Mex., wOkla., Oreg., S. Dak., eTenn., Tex., Utah, Wash., Wyo.
Inland Insurance Company, Lincoln, Nebr.	465	Colo., Iowa, Kans., Minn., Nebr., Okla., S. Dak., Wyo.	NEBR.—Ariz., Ark., Colo., D.C., Ill., Iowa, Kans., Ky., Minn., eMo., Mont., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex., Utah, Wash., Wyo.
Insurance Company of North America, Philadelphia, Pa.	91,630	All	PA.—All except Guam.
The Insurance Company of the State of Pennsylvania, New York, N.Y.	676	Ala. (except official), Alaska, Ariz., Cal., Colo., Conn., Del., D.C., Fla., Ga., Hawaii, Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), S. Dak., Tenn., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	PA.—D.C.
International Fidelity Insurance Company, Newark, N.J.	62	Mass., Mich., N.J., N.Y., Pa.	N.J.—D.C.
International Insurance Company, New York, N.Y.	1,351	All except Ala., C.Z., Del., Guam, La., Miss., Oreg., S.C., Virgin Islands.	N.Y.—All except Alaska, C.Z., Conn., Del., Guam, Me., Md., Mass., N.H., N.J., Ohio, Pa., Puerto Rico, R.I., eTenn., Vt., Virgin Islands, W. Va.
International Service Insurance Company, Fort Worth, Tex.	416	Alaska, C.Z., N. Mex., Tex	TEX.—D.C.
Iowa Mutual Insurance Company, De Witt, Iowa.	588	Colo., Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N.C., N. Dak., Okla., S.C., S. Dak., Wis., Wyo.	IOWA—nAla., Colo., D.C., sIll., Kans., Minn., Mont., Nebr., wN.C., wOkla., Oreg., S. Dak.
Iowa Surety Company, Des Moines, Iowa.	464	Iowa	IOWA—D.C.

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Jersey Insurance Company of New York, New York, N.Y.	952	All except Alaska, Ariz., C.Z., Del., Guam, Hawaii, Me., Nev., N.H., N. Mex., N. Dak., Puerto Rico, Vt., Virgin Islands, W. Va., Wyo.	N.Y.—mAla., Ariz., Ark., D.C., nFla., nGa., sInd., slowa, eKy., Mass., Mich., Minn., sMiss., wMo., N.J., Ohio, wOkla., R.I., S. Dak., nwTex.
John Deere Insurance Company, New York, N.Y.	307	All except Ala., C.Z., Del., Guam, Idaho, Puerto Rico, Virgin Islands	N.Y.—All except Ala., C.Z., Del., Guam, Idaho, Puerto Rico, Virgin Islands, sW. Va.
Kansas City Fire and Marine Insurance Company, Glens Falls, N.Y.	510	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MO.—Ala., Alaska, Ark., Colo., D.C., Fla., Ga., Ill., Iowa, Kans., Minn., Nebr., Okla., S.C., Tex., Va., Wis., Wyo.
Lawyers Surety Corporation, Dallas, Tex.	91	Tex	TEX.—D.C.
Liberty Mutual Insurance Company, Boston, Mass.	20,093	All except Guam, Virgin Islands	MASS.—All except C.Z., Guam.
Lumbermens Mutual Casualty Company, Chicago, Ill.	9,500	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	ILL.—All except C.Z., Guam, Hawaii, wLa., Puerto Rico, Virgin Islands.
Maine Bonding and Casualty Company, Portland, Me.	484	Conn., Me., Md., Mass., N.H., N.Y., R.I., Vt.	ME.—Conn., D.C., Mass., N.H., R.I., Vt.
The Manhattan Fire and Marine Insurance Company, San Francisco, Cal.	1,046	All except C.Z., Conn., Del., Guam, La., Me., N. Dak., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands.	N.Y.—D.C.
Maryland American General Insurance Company, Houston, Tex.	1,079	N. Mex., Okla., Tex	TEX.—D.C., La., N. Mex., Okla.
Maryland Casualty Company, Baltimore, Md.	15,823	All except Guam	MD.—All except Guam.
Massachusetts Bay Insurance Company, Boston, Mass.	397	Cal., Colo., D.C., Fla., Ga., Ind., Iowa, Kans., Me., Md., Mass., Mo., N.H., N.Y., R.I., Tex., Vt., Wis., Wyo.	MASS.—Colo., D.C., Ga., Ind., Iowa, Kans., Ky., Me., Md., N.H., R.I., Tex., Vt., Wis., Wyo.
Merchants Mutual Bonding Company, Des Moines, Iowa.	43	Iowa, Kans., Mont., Nebr., Okla., S. Dak., Tex	IOWA—D.C., sIll., Nebr., wOkla.
Michigan Millers Mutual Insurance Company, Lansing, Mich.	1,356	All except Ala., Alaska, Ariz., C.Z., Ga., Guam, Hawaii, Idaho, La., Nev., N. Mex., Oreg., Puerto Rico, S.C., Virgin Islands, Wyo.	MICH.—eArk., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., eKy., Minn., Miss., Mo., Mont., Nebr., nwN.Y., N. Dak., Ohio, wOkla., S. Dak., wmTenn., Utah, wWash.
Michigan Mutual Liability Company, Detroit, Mich.	2,015	All except C.Z., Del., Guam, Hawaii, Me., Minn., N. Dak., Oreg., Puerto Rico, Tenn., Virgin Islands.	MICH.—D.C.
Mid-Century Insurance Company, Los Angeles, Cal.	1,116	All except Ala., Alaska, C.Z., Conn., D.C., Guam, Hawaii, Ky., La., Me., Md., Mass., Miss., N.H., N.J., N.Y., N.C., Pa., Puerto Rico, R.I., S.C., Tenn., Vt., Virgin Islands, W. Va.	CAL.—Ariz., Ark., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okl a., Oreg., S. Dak., Tex., Utah, Wash., Wis., Wyo.
Midland Insurance Company, New York, N.Y.	523	Del., Fla., Idaho, Ky., La., Mich., Minn., Miss., Mont., Nev., N.J., N. Mex., N.Y., Pa., S.C., Utah, Vt., Va., Wash., Wyo.	N.Y.—D.C.
The Millers Casualty Insurance Company of Texas, Fort Worth, Tex.	104	Ark., D.C., Fla., La., Miss., Mo., N. Mex., Okla., Tex	TEX.—Ar k., D.C., Fla., La., Miss., Mo., N. Mex., Okla.
The Millers Mutual Fire Insurance Company, Harrisburg, Pa.	279	Ga., Ind., Iowa, Ky., Mo., N.Y., N.C., Pa., R.I., S.C., Tex., Vt., W. Va.	PA.—D.C.
The Millers Mutual Fire Insurance Company of Texas, Fort Worth, Tex.	623	Ariz., Ark., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., N.H. (Reinsurance), N. Mex., N.Y., N. Dak., Ohio, Okla., Oreg., Pa., S. Dak., Tenn., Tex., Utah, Va. (Reinsurance), Wis.	TEX.—All except Ala., Alaska, C.Z., Conn., Del., Guam Hawaii, Idaho, Me., Md., Nev., N.H., N.J., N.C., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, eWash., W. Va., Wyo.
Millers' Mutual Insurance Association of Illinois, Alton, Ill.	1,831	All except Ala., Alaska, Ariz., Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, Idaho, Ky., La., Me., Mass., Miss., Nebr., Nev., N.H., N. Mex., Oreg., Puerto Rico, R.I., Tenn., Utah, Virgin Islands.	ILL.—Ariz., sCal., Colo., D.C., Ind., Iowa, Kans., Minn., Mo., Mont., N. Dak., S. Dak.
Millers National Insurance Company, Chicago, Ill.	425	All except Alaska, Ark., C.Z., Del., Guam, Hawaii, La., Md., Miss., N. Mex., Puerto Rico, Vt., Virgin Islands.	ILL.—Ariz., sCal., Colo., D.C., Ind., Iowa, Kans., Ky., Mass., Mich., Minn., Mo., Mont., Nev., N. Mex., N. Dak., R.I., S. Dak., nwsTex., Utah, wWis., Wyo.
Mutual Boiler and Machinery Insurance Company, Waltham, Mass.	1,444	Alaska, Ariz., Cal., Colo., Conn., D.C., Ind., Iowa, Ky., Mass., Mich., Minn., Mont., Nev., N.H., N.J., N. Mex., N.Y., N.C., R.I., Tex., Utah, Vt., W. Va., Wis., Wyo.	MASS.—D.C.
National Automobile and Casualty Insurance Company, Los Angeles, Cal.	277	Alaska, Ariz., Cal., Colo., Idaho, Ill., Ind., Kans., Ky., La., Mich., Mo., Mont., Nev., N. Mex., Okla., Oreg., Tenn., Tex., Utah, Wash., Wyo.	CAL.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
National-Ben Franklin Insurance Company of Pittsburgh, Pa., New York, N.Y.	1,496	All except C.Z., Guam, Hawaii, Oreg., Puerto Rico, Virgin Islands.	PA.—D.C., Md., W. Va.
National Casualty Company, Detroit, Mich.	1,000	All except C.Z., Guam, Me., Miss., Puerto Rico, Virgin Islands.	MICH.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
National Fire Insurance Company of Hartford, Chicago, Ill.	13,094	All except C.Z., Guam, Virgin Islands	CONN.—All except Ariz., C.Z., Guam, Nev., Virgin Islands.
National Grange Mutual Insurance Company, Keene, N.H.	1,960	Conn., Del., D.C., Ill., Ind., Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Tenn., Vt., Va., W. Va., Wis.	N.H.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
National Indemnity Company, Omaha, Nebr.	1,151	All except C.Z., Guam, Hawaii, Me., Mass., N.H., N.J., N.Y., Oreg., Puerto Rico, S.C., Vt., Virgin Islands.	NEBR.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The National Reinsurance Corporation, New York, N.Y.	3,177	All except Ala., C.Z., Conn., Fla., Ga., Guam, La., Me., Miss., Mo., N.C., Oreg., Puerto Rico, S.C., S. Dak., Tenn., Va., Virgin Islands.	N.Y.—D.C., sOhio.
National Standard Insurance Company Houston, Tex.	287	La., N. Mex., Tex	TEX.—D.C.
National Surety Corporation, Principal Office: New York, N.Y., Home Office: San Francisco, Cal.	6,911	All except Guam, Puerto Rico, Virgin Islands	N.Y.—All except Guam.
National Union Fire Insurance Company of Pittsburgh, Pa., New York, N.Y.	2,632	All except C.Z., Guam, Puerto Rico, Virgin Islands	PA.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
National Union Indemnity Company, New York, N.Y.	409	All except Ark., C.Z., Guam, Hawaii, Idaho, Ma., Oreg., Puerto Rico, Virgin Islands.	PA.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
Nationwide Mutual Insurance Company Columbus, Ohio.	9,744	All except Cal., C.Z., Guam, Hawaii	OHIO—D.C.
New Hampshire Insurance Company, Manchester, N.H.	4,714	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.H.—All except Guam.
New York Underwriters Insurance Company, Hartford, Conn.	2,372	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Newark Insurance Company, New York, N.Y.	2,038	All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands	N.J.—All except Alaska, nCal., C.Z., Guam, Hawaii, Idaho, Virgin Islands, Wyo.
Niagara Fire Insurance Company, New York, N.Y.	2,063	All except C.Z., Guam	N.Y.—All except C.Z., Guam.
North American Reinsurance Corporation, New York, N.Y.	4,627	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The North River Insurance Company, New York, N.Y.	6,889	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Northeastern Insurance Company of Hartford, Des Moines, Iowa.	969	Cal., Colo., Conn., Ill., Iowa, Kans., Mich., N.H., N.J., N.Y., Ohio, Okla., Tex.	CONN.—D.C.

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The Northern Assurance Company of America, Boston, Mass.	1,702	All except C.Z., Guam	MASS.—All except C.Z., Guam, Virgin Islands, sW.Va.
Northern Insurance Company of New York, Baltimore, Md.	5,872	All except C.Z., Fla., Guam, Hawaii, La., Oreg., Puerto Rico, Virgin Islands.	N.Y.—D.C., Me.
Northwestern National Casualty Company, Milwaukee, Wis.	937	Ala., Ariz., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Mo., Mont., Nebr., N. Mex., Ohio, Okla., Pa., R.I., S. Dak., Tex., Wash., W. Va., Wis.	WIS.—nsAla., Ariz., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Mo., Mont., Nebr., N. Mex., Ohio, Okla., Pa., R.I., S. Dak., nesTex., Wash., W. Va.
Northwestern National Insurance Company of Milwaukee, Wisconsin, Milwaukee, Wis.	4,921	All except C.Z., Guam, Virgin Islands	WIS.—All except C.Z., Guam, Virgin Islands.
The Ohio Casualty Insurance Company, Hamilton, Ohio.	5,574	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	OHIO—All except C.Z., Guam.
Ohio Farmers Insurance Company, LeRoy, Ohio.	2,387	All except Ala., Alaska, Ark., C.Z., Fla., Ga., Guam, Hawaii, Idaho, Kans., La., Me., Miss., N.H., Oreg., Puerto Rico, Tenn., Tex., Utah, Vt., Virgin Islands, Wyo.	OHIO—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Oklahoma Surety Company, Tulsa, Okla.	56	Okla.	OKLA.—D.C.
Olympic Insurance Company, Los Angeles, Cal.	634	All except C.Z., Del., D.C., Guam, Md., Mass., N.J., N.Y., Ohio, Puerto Rico, R.I., S.C., Va., Virgin Islands, W. Va.	CAL.—D.C.
Oregon Automobile Insurance Company, Portland, Oreg.	845	Cal., Hawaii, Idaho, Nev., Oreg., Utah, Wash	OREG.—Cal., D.C., Hawaii, Idaho, Nev., Utah, Wash.
Pacific Employers Insurance Company, Los Angeles, Cal.	2,544	Ariz., Cal., Colo., Idaho, Ill., Ind., Iowa, Kans., Miss., Mo. Mont., Nebr., Nev., N. Mex., Ohio, Okla., Oreg., S. Dak., Tenn., Tex., Utah, Wash., Wis., Wyo.	CAL.—Ariz., Conn., Del., D.C., sFla., wKy., Md., Mass., N. Mex., N.Y., Ohio, R.I., wTex., W. Va., Wis.
Pacific Indemnity Company, Los Angeles, Cal.	3,826	All except C.Z., Guam, Virgin Islands	CAL.—All except Conn., Guam, Me., N.H., Vt., Virgin Islands.
Pacific Insurance Company Limited, Honolulu, Hawaii.	949	Hawaii	HAWAII—D.C.
Pacific Insurance Company of New York, New York, N.Y.	2,192	All except Alaska, C.Z., Guam, Hawaii, Me., Nev., N.H., N. Dak., Puerto Rico, S. Dak., Vt., Virgin Islands, W. Va., Wyo.	N.Y.—mAla., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa, eKy., Me., Mass., Mich., Minn., sMiss., wMo., N.J., sOhio, wOkla., R.I., S. Dak., nwTex., Wyo.
Peerless Insurance Company, Keene, N.H.	833	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.H.—All except Guam, Hawaii, Virgin Islands.
Pekin Insurance Company, Pekin, Ill.	134	Ill., Ind., Iowa, Mo	ILL.—D.C.
The Pennsylvania Insurance Company, Boston, Mass.	2,750	All except C.Z., Guam, Puerto Rico	PA.—All except C.Z., Guam.
Pennsylvania Manufacturers' Association Insurance Company, Philadelphia, Pa.	2,529	Del., D.C., Md., N.J., N.Y., Ohio, Pa., W. Va.	PA.—D.C.
Pennsylvania Millers Mutual Insurance Company, Wilkes-Barre, Pa.	1,150	D.C., Pa.	PA.—D.C.
Pennsylvania National Mutual Casualty Insurance Company, Harrisburg, Pa.	1,609	Ala., Del., D.C., Fla., Ga., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Miss., Mo., Nebr., N.J., N.C., Ohio, Okla., Pa., R.I., S.C., Tenn., Tex., Utah, Vt., Va., W. Va., Wis.	PA.—D.C., Kans., Md., Mo., N.J., N.C., Okla., Tenn., Va.
Phoenix Assurance Company of New York, New York, N.Y.	2,272	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
The Phoenix Insurance Company, Hartford, Conn.	15,944	All except C.Z., Guam, Puerto Rico	CONN.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Planet Insurance Company, Philadelphia, Pa.	2,013	All except C.Z., Guam, Puerto Rico, Virgin Islands	WIS.—All except C.Z., Guam, Virgin Islands.
Potomac Insurance Company, Philadelphia, Pa.	7,309	Ala. (fidelity only), Ariz., Cal., Colo., Conn., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Nebr., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Oreg., Pa., R.I., S.C. (fidelity only), Tenn., Tex., Utah, Va., Wash., W. Va., Wis., Wyo.	PA.—All except Ala., Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Me., Mont., Nev., N.H., N. Dak., Oreg., Puerto Rico, S. Dak., Vt., Virgin Islands.
Protective Insurance Company, Indianapolis, Ind.	285	All except Ala., Alaska, Ark., C.Z., Conn., Del., Fla., Ga., Guam, Hawaii, Kans., Ky., La., Md., N.H., N. Mex., N.Y., N. Dak., Oreg., Puerto Rico, S.C., Va., Virgin Islands, W. Va.	IND.—D.C.
Providence Washington Insurance Company, Providence, R.I.	1,777	All except C.Z., Del., Guam, Idaho, La., Oreg., Puerto Rico, Virgin Islands	R.I.—Conn., D.C., Mass., N.H., N.J., N.Y., Pa., Vt.
The Prudential Insurance Company of Great Britain Located In New York, New York, N.Y.	1,008	Cal., N.Y.	N.Y.—D.C.
Public Service Mutual Insurance Company, New York, N.Y.	1,707	Conn., Del., D.C., Fla., Ga., Idaho, Ill., Iowa, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Pa., R.I., Vt., Va., W. Va., Wis.	N.Y.—D.C., sFla., ePa., wTex.
Puerto Rican-American Insurance Company, San Juan, Puerto Rico.	365	Puerto Rico	PUERTO RICO—D.C.
Queen Insurance Company of America, New York, N.Y.	5,013	All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Idaho, Virgin Islands, Wyo.
The Reinsurance Corporation of New York, New York, N.Y.	3,414	All except Ariz., C.Z., Conn., Fla., Guam, Hawaii, N. Mex., Puerto Rico, S. Dak., Virgin Islands. (In Kans., La., Mass., N.H., Tex., Utah, Va. licensed for reinsurance only.)	N.Y.—D.C.
Reliance Insurance Company, Philadelphia, Pa.	26,632	All except Guam	PA.—All except Guam.
Republic Insurance Company, Dallas, Tex.	2,179	All except Ala., Alaska, C.Z., Fla., Guam, Hawaii, Me., Mass., Mont., Nev., N.H., N. Dak., Puerto Rico, R.I., S.C., S. Dak., Vt., Virgin Islands, Wyo.	TEX.—D.C.
Resolute Insurance Company, Hartford, Conn.	1,080	All except C.Z., Guam, La., N.Y., Puerto Rico, Virgin Islands.	R.I.—All except wArk., C.Z., mGa., Guam, Hawaii, La., Me., wMich., nMiss., nwN.Y., N.C., Oreg., Puerto Rico, S.C., S. Dak., weTenn., Utah, Vt., wVa., Virgin Islands nW. Va., wWis.
Royal Indemnity Company, New York, N.Y.	5,247	All	N.Y.—All except Guam, Virgin Islands.
Safeco Insurance Company of America, Seattle, Wash.	6,247	Ala., Ariz., Ark., Cal., Colo., Conn., D.C. (fidelity only), Idaho, Ill., Ind., Iowa, Kans., Md. (fidelity only), Mich., Minn., Miss. (fidelity only), Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.C., N. Dak., Okla., Oreg., Pa., R.I., S. Dak., Tex., Utah, Wash., W. Va., Wis., Wyo.	WASH.—All except Alaska, C.Z., Del., Fla., Ga., Guam, Hawaii, Ky., La., Me., Md., Mass., Miss., N.Y., Ohio, Puerto Rico, S.C., Tenn., Vt., Va., Virgin Islands.
Safeguard Insurance Company, New York, N.Y.	1,849	All except C.Z., Del., Guam, Oreg., Virgin Islands	CONN.—All except Ark., C.Z., Ga., Guam, Ky., La., Miss., wN.C., Okla., Puerto Rico, Tenn., nweTex., Vt., Virgin Islands, wVa., W. Va.
St. Paul Fire and Marine Insurance Company, St. Paul, Minn.	20,641	All except C.Z., Guam	MINN.—All except Guam.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Seaboard Surety Company, New York, N.Y.	3,605	All except Guam	N.Y.—All except Guam.
Security Insurance Company of Hartford, Hartford, Conn.	4,124	All except C.Z., Guam, Virgin Islands	CONN.—All except Alaska, cesCal., C.Z., sGa., Guam, Hawaii, seIll., siowa, Kans., wLa., wMich., nMiss., Nev., neN.Y., N. Dak., Oreg., Puerto Rico, S. Dak., meTenn., Vt., Virgin Islands, eWash., sW. Va., wWis.
Security Mutual Casualty Company, Chicago, Ill.	708	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	Ill.—D.C.
Security National Insurance Company, Dallas, Tex.	367	Ark., Cal., Colo., Ind., Ky., Mich., Okla., Tex., Wash., Wis.	TEX.—All except C.Z., Guam, Mont.
Select Insurance Company, Dallas, Tex.	570	Cal., Colo., Fla., Ga., Idaho, Mo., Nev., N. Mex., Okla., S. Dak., Tex., Wash., Wyo.	TEX.—All except Alaska, C.Z., Guam, Hawaii, Mo., N. Dak., nOhio, Puerto Rico, Vt., Va., Virgin Islands, W. Va., eWis.
Southern General Insurance Company, Allentown, Pa.	243	Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Md., Miss., Mo., Nev., N.J., N.C., Pa., R.I., S.C., Tex., Utah, Wash., Wis.	GA.—Ariz., Cal., D.C., nsFla., nInd., Md., sMiss., N.J., mwN.C., ePa., enTex.
The Standard Fire Insurance Company, Hartford, Conn.	3,146	All except Ala., C.Z., Del., Guam, La., N.J., Puerto Rico, Tenn., Virgin Islands, W. Va.	CONN.—All.
State Automobile Mutual Insurance Company, Columbus, Ohio.	2,932	Ala., Fla., Ga., Ind., Kans., Ky., Md., Mich., Miss., Mo., N.J., N.C., Ohio, Pa., S.C., Tenn., Va., W. Va.	OHIO—Ala., D.C., Fla., Ga., Ky., Md., Mich., Miss., eMo., N.C., Pa., S.C., Tenn., Va., W. Va.
State Farm Fire and Casualty Company, Bloomington, Ill.	8,965	All except C.Z., Guam, Puerto Rico, Virgin Islands	ILL.—Colo., D.C., mGa., mPa.
State Surety Company, Des Moines, Iowa.	67	Colo., D.C., Iowa, Kans., Minn., Mo., Nebr., S. Dak	IOWA—eArk., Colo., D.C., sFla., Ill., Kans., eLa., wMich., Minn., Mo., Nebr., sN.Y., N. Dak., nOhio, nOkla., S. Dak.
Statesman Insurance Company, Indianapolis, Ind.	251	Ala., Fla., Ill., Ind., Iowa, Ky., La., Md., Minn., Miss., Mont., Pa., Tenn.	IND.—Ariz., cCal., Colo., D.C., Ill., nIowa, Kans., eLa., Minn., wMo., Mont., Nebr., N. Mex., N. Dak., nwOkla., wmPa., S. Dak., nesTex., Wyo.
The Stuyvesant Insurance Company, Allentown, Pa.	965	All except C.Z., Guam, Hawaii, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
The Summit Fidelity and Surety Company, Des Moines, Iowa.	50	All except Ark., Cal., C.Z., Conn., D.C., Ga., Guam, Hawaii, Idaho, La., Me., Md., Mass., N.H., N.Y., N.C., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tex., Virgin Islands, W. Va.	OHIO—Ariz., Colo., D.C., Fla., Ill., Ind., Iowa, Kans., Ky., La., eMich., Miss., Mo., Nebr., N.J., N. Mex., Okla., ePa., wTenn., wWash., Wis.
Sun Insurance Company of New York, New York, N.Y.	409	All except Ala., Alaska, Ariz., Ark., C.Z., Colo., Fla., Ga., Guam, Hawaii, Idaho, Ind., Kans., La., Miss., Nebr., Nev., N.C., N. Dak., Puerto Rico, S.C., S. Dak., Utah, Virgin Islands, W. Va.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Superior Risk Insurance Company, LeRoy, Ohio.	1,106	All except Ala., Alaska, Ark., C.Z., Fla., Ga., Guam, Hawaii, Idaho, Kans., La., Me., Miss., Mo., Nebr., N.H., N. Mex., N. Dak., Oreg., Puerto Rico, S.C., Tex., Utah, Vt., Virgin Islands, Wyo.	OHIO—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Surety Company of the Pacific, Los Angeles, Cal.	51	Cal.	CAL.—
Traders & General Insurance Company, Dallas, Texas.	205	Colo., Kans., La., Miss., Mo., N. Mex., Okla., Tex.	TEX.—D.C.
Transamerica Insurance Company, Los Angeles, Cal.	6,106	All except Guam	CAL.—All except C.Z., Guam, Virgin Islands.
Transcontinental Insurance Company, Chicago, Ill.	3,535	All except C.Z., Del., Guam., Hawaii, La., Oreg., Virgin Islands.	N.Y.—All except Alaska, C.Z., Del., msGa., Guam, Hawaii, La., Miss., Oreg., Puerto Rico, S.C., Vt., Virgin Islands.
Transit Casualty Company, St. Louis, Mo.	1,373	All except C.Z., Guam, N.Y., Puerto Rico, Virgin Islands.	MO.—D.C.
Transport Indemnity Company, Los Angeles, Cal.	768	All except C.Z., Guam, Puerto Rico, Virgin Islands	CAL.—All except Alaska, C.Z., Guam, eKy., eLa., Nev., nwN.Y., eOkla., Puerto Rico, mTenn., wVa. Virgin Islands, nW. Va.
Transportation Insurance Company, Chicago, Ill.	1,096	All except C.Z., Guam, Hawaii, Puerto Rico, S.C., Virgin Islands.	ILL.—All except Alaska, nCal., C.Z., Conn., sFla., Guam, Hawaii, eKy., Minn., wMo., Nev., N.H., wN.Y., Ohio, ePa., Puerto Rico, S. Dak., Virgin Islands, wWash., nW. Va., Wis.
The Travelers Indemnity Company, Hartford, Conn.	25,000	All except Guam	CONN.—All except Guam.
Trinity Universal Insurance Company, Dallas, Tex.	2,755	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Idaho, Me., Md., Mass., Mont., Nev., N.H., N.J., N.Y., Puerto Rico, R.I., S.C., Tenn., Utah, Vt., Va., Virgin Islands, W. Va., Wyo.	TEX.—All except Guam.
Tri-State Insurance Company, Tulsa, Okla.	402	All except Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, Me., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.	OKLA.—All except Cal., C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.
Twin City Fire Insurance Company, Hartford, Conn.	948	All except C.Z., Guam, Puerto Rico, Virgin Islands	MINN.—eCal., Conn., D.C., La., Va.
United Bonding Insurance Company, Indianapolis, Indiana.	86	All except C.Z., Conn., Guam., N.Y., Puerto Rico, Virgin Islands, W. Va.	IND.—All except nAla., C.Z., Del., Guam, Hawaii, Me., Mass., Mont., wnN.Y., N. Dak., Puerto Rico, Virgin Islands.
United Fire & Casualty Company, Cedar Rapids, Iowa.	221	Ariz., Colo., Ill., Iowa, Minn., Mo., Mont., Nebr., N. Dak., S. Dak., Wis., Wyo.	IOWA—D.C., nsIll., Minn., Mo., Nebr., S. Dak., Wis.
United Pacific Insurance Company, Tacoma, Wash.	2,272	All except Ala., C.Z., Conn., Del., Ga., Guam, Me., Md., Mass., N.J., N.C., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands.	WASH.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
United States Fidelity and Guaranty Company, Baltimore, Md.	50,570	All except Guam	MD.—All except Guam.
United States Fire Insurance Company, New York, N.Y.	10,486	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
Universal Surety Company, Lincoln, Nebr.	259	Ariz., Ark., Colo., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Ohio, Okla., S. Dak., Utah, Wash., Wyo.	NEBR.—Ariz., Colo., D.C., Iowa, Kans., Minn., Mo., Mont., N. Mex., N. Dak., wOkla., S. Dak., nTex., Utah, Wyo.
Utica Mutual Insurance Company, Utica, N.Y.	2,154	All except Alaska, C.Z., Guam, Hawaii, Kans., La., Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Me., Puerto Rico, Virgin Islands.
Valley Forge Insurance Company, Chicago, Ill.	1,334	All except Alaska, Cal., C.Z., Del., Fla., Guam, Hawaii, Idaho, Kans., Ky., La., Nebr., N.H., N. Mex., N.C., Oreg., Puerto Rico, S. Dak., Tenn., Virgin Islands, Wyo.	PA.—All except Guam, Virgin Islands, Wis.
Vigilant Insurance Company, New York, N.Y.	2,007	All except Alaska, C.Z., Guam, Hawaii	N.Y.—All except Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands.
West American Insurance Company, Hamilton, Ohio.	1,324	Ariz., Ark., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Mo., Nebr., Nev., N. Mex., N.Y., N. Dak., Ohio, Okla., Oreg., Pa., Utah, Va., Wash., Wis., Wyo.	CAL.—Ala., Colo., D.C., nsFla., Ga., Ill., Ind., Iowa, Kans., Ky., eLa., Md., Mich., Minn., Mo., Nev., N. Mex., N. Dak., Ohio, nOkla., Oreg., Pa., mTenn., Tex., Utah, Va., Wash., Wis., Wyo.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Westchester Fire Insurance Company, New York, N.Y.	6,468	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The Western Casualty and Surety Company, Fort Scott, Kans.	4,166	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Mass., N.H., N.Y., N.C., Puerto Rico, R.I., Vt., Va., Virgin Islands, W. Va.	KANS.—All except Guam, Puerto Rico, Virgin Islands.
The Western Fire Insurance Company, Fort Scott, Kans.	2,605	Ariz., Ark., Cal., Colo., Fla., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Miss., Mo., Nebr., Nev., N. Mex., N.Y., N. Dak., Ohio, Okla., S. Dak., Tenn., Utah, Wash., Wis., Wyo.	KANS.—All except Guam, Puerto Rico, Virgin Islands.
Western Pacific Insurance Company, Seattle, Wash.	429	Alaska, Ariz., Cal., Colo., Idaho, Mont., Nev., Oreg., Utah, Wash., Wyo.	WASH.—Alaska, Ariz., Cal., Colo., D.C., Idaho, wMich., Mont., Nev., N. Mex., sN.Y., Oreg., Utah, Wyo.
Western Surety Company, Sioux Falls, S. Dak.	1,150	All except Alaska, C.Z., Guam, Hawaii, N.Y., Puerto Rico, Virgin Islands.	S. DAK.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Wisconsin Surety Corporation, Madison, Wis.	79	Alaska, D.C., Minn., Pa., Wis	WIS.—D.C.
Wolverine Insurance Company, Battle Creek, Mich.	1,280	Alaska, Ark., Cal., Fla., Ga. (surety only), Ill., Ind., Iowa, Md. (surety only), Mich., Minn., Nebr., Nev., N. Mex., N. Dak., Ohio, Pa., S. Dak., Vt., W. Va., Wyo.	MICH.—D.C., Ga., Ill., Ind., Iowa, Minn., Ohio, S. Dak.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM THE SECRETARY OF THE TREASURY AS ACCEPTABLE REINSURING COMPANIES UNDER TREASURY CIRCULAR NO. 297, DATED JULY 5, 1922, AS AMENDED

Names of Companies	Underwriting limitations (net limit on any one risk) [In thousands of dollars]	Judicial Districts in which process agents have been appointed
Accident and Casualty Insurance Company of Winterthur, Switzerland (U.S. Office, New York, N.Y.)	2,054	D.C.
Alliance Assurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	764	D.C.
Atlas Assurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	750	D.C.
Constellation Reinsurance Company, New York, N.Y.	1,753	D.C.
The Employers' Liability Assurance Corporation, Limited, London, England (U.S. Office, Boston, Mass.)	9,049	D.C.
General Accident Fire and Life Assurance Corporation, Limited, Perth, Scotland (U.S. Office, Philadelphia, Pa.)	12,327	D.C.
General Security Assurance Corporation of New York, New York, N.Y.	586	D.C.
The London Assurance, London, England (U.S. Office, New York, N.Y.)	771	D.C.
London Guarantee and Accident Company, Ltd., London, England (U.S. Office, New York, N.Y.)	1,485	D.C.
The London & Lancashire Insurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	748	D.C.
The Marine Insurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	558	D.C.
Metropolitan Fire Assurance Company, Hartford, Conn.	383	D.C.
Munich Reinsurance Company, Munich, Germany (U.S. Office, New York, N.Y.)	808	D.C.
The Netherlands Insurance Company, Est. 1845, The Hague, Holland (U.S. Office, Keene, N.H.)	700	D.C.
Rochdale Insurance Company, New York, N.Y.	248	D.C.
Royal Insurance Company, Limited, Liverpool, England (U.S. Office, New York, N.Y.)	3,841	D.C.
The Sea Insurance Company, Limited, Liverpool, England (U.S. Office, New York, N.Y.)	848	D.C.
The Skandia Insurance Company, Stockholm, Sweden (U.S. Office, New York, N.Y.)	1,074	D.C.
Sun Insurance Office, Limited, London, England (U.S. Office, New York, N.Y.)	1,165	D.C.
Swiss Reinsurance Company, Zurich, Switzerland (U.S. Office, New York, N.Y.)	4,313	D.C.
Transatlantic Reinsurance Company, New York, N.Y.	174	D.C.
The Unity Fire and General Insurance Company, New York, N.Y.	475	D.C.
Zurich Insurance Company, Zurich, Switzerland (U.S. Office, Chicago, Ill.)	8,406	D.C.

[1] Surviving corporation of a merger with Commercial Union Insurance Company of New York, a New York Corporation, effective December 31, 1968. (For details see FEDERAL REGISTER of February 5, 1969, Page 1734.)

[2] Formerly Washington Fire & Marine Insurance Company, a Missouri Corporation. Assumed insurance business and name of Gulf Insurance Company, a Texas Corporation, December 31, 1968. (For details see FEDERAL REGISTER April 22, 1969, Page 6745.)

[3] Formerly Fulton Insurance Company, New York, N.Y. Name changed effective May 12, 1969.

NOTES

(a) All certificates of authority expire June 30, and are renewable July 1, annually.

(b) Treasury regulations do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation and excess risks must be protected by reinsurance, co-insurance, or other methods in accordance with Treasury regulations. When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of Treasury Form BA 6308 (formerly 369) to be filed with the bond or within 45 days thereafter. Risks in excess of limit fixed herein must be reported for quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

(c) A surety company must be licensed in the State or other area in which it executes (signs) the bond, but need not be licensed in the State or other area in which the principal resides or where the contract is to be performed (28 Op. Atty. Gen. 127, Dec. 24, 1909; 31 CFR Part 223). The term "other areas" includes the Canal Zone, Guam, Puerto Rico, and the Virgin Islands.

(d) Abbreviated capital letters preceding judicial districts indicate State or other area in which the company is incorporated. Process agents are required in the following districts: Where principal resides; where obligation is to be performed; and where bond is returnable or filed. No process agent required in State or other area wherein company is incorporated. Letters "n, s, e, m, c, and w" preceding name of States indicate respectively the Northern, Southern, Eastern, Middle, Central and Western judicial districts of States indicated. If letters do not precede names of States process agents have been appointed in all judicial districts of such States.

[P.R. Doc. 69-7975; Filed, July 7, 1969; 8:45 a.m.]

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FEDERAL REGISTER

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 56—GRADING OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

Extension of Time To Use Existing Supplies of Grade Mark

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the regulations governing the grading of shell eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56), as set forth below:

Statement of considerations. In the amendments to the regulations governing the grading of shell eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56), published in the FEDERAL REGISTER (32 F.R. 8229–8234), on June 8, 1967, a new form was established for the official gradermark. Time was provided until July 1, 1969, to use existing supplies of the previous grademark on cartons or tape.

It now appears that additional time will be required to use up existing supplies only of cartons or tape bearing the previous grademark.

The amendment is as follows:

In § 56.36 the last sentence of subparagraph (b)(2) is amended to read: "Existing supplies of cartons or tape bearing the grademark may be used until January 1, 1971."

This action is necessary to provide time to use existing supplies of material bearing the grademark. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that rulemaking and other public procedure with respect to this action are impracticable and unnecessary, and good cause is found for making it effective June 30, 1969.

Issued at Washington, D.C., this 2d day of July, 1969.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 69-7180; Filed, July 8, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-EA-74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Batavia, N.Y. (34 F.R. 4648, 5985), transition area.

The special NDB (ADF) instrument approach procedure for Genesee County Airport, Batavia, N.Y., has been canceled. The 700-foot floor transition area extension based on a 192° true bearing from the airport is no longer required and can be revoked, but will require alteration of the Batavia, N.Y., transition area.

This alteration is a reduction in the controlled airspace and therefore less restrictive. Since it imposes no further burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, the Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of Batavia, N.Y., the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Batavia, N.Y., transition area, and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 43°01'55" N., 78°10'20" W., of Genesee County Airport and within 2 miles each side of the Geneseo, N.Y., VORTAC 302° radial extending from the 5-mile radius area to 20 miles northwest of the Geneseo, N.Y., VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c) of the DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 20, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-8018; Filed, July 8, 1969; 8:46 a.m.]

[Airspace Docket 68-EA-109]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 18628 of the FEDERAL REGISTER for December 17, 1968, the Federal Aviation Administration published a proposed regulation which would designate a 700-foot transition area over Brookhaven Airport, Shirley, N.Y.

Interested parties were given 30 days after publication in which to submit written data or views. The U.S. Air Force entered an objection on the grounds that the instrument approach procedures for Brookhaven Airport for which the transition area would offer protection would have an adverse effect on operations at Suffolk County Air Force Base. An informal conference was held on February 27, 1969, to review the objections. At the meeting, a proposal was considered for revising the holding pattern collateral to the approach procedures. However, the revision has been determined to be impractical as it would vitiate the approach procedure.

As set forth in the notice of proposed rule making, a new NDB (ADF) and VOR instrument approach procedure had been developed for Brookhaven Airport, Shirley, N.Y., predicated on the Peconic, N.Y., RBN and the Riverhead, N.Y., VORTAC. At the time of publication of the notice of proposed rule making it was alleged that a 700-foot Shirley, N.Y., transition area would be necessary to provide airspace protection for aircraft executing the arrival and departure procedures at Brookhaven Airport. In spite of the inconvenience to the U.S. Air Force, the public interest still requires the effectuation of the transition area in that it is determined that aircraft executing the arrival and departure procedures at Brookhaven Airport still require airspace protection with a 700-foot transition area. Further, a minor correction of 1° is required to refine the 246° bearing from the Peconic RBN to 245° for which notice and public procedure hereon are unnecessary.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., August 21, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 25, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to desig-

nate a 700-foot Shirley, N.Y., transition area described as follows:

SHIRLEY, N.Y.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°48'40" N., 72°52'00" W., of Brookhaven Airport, Shirley, N.Y.; within 2 miles each side of the Runway 15 centerline extending from the 6-mile radius area to 6 miles southeast of the end of the runway; within 2 miles each side of the Runway 33 centerline extended from the 6-mile radius area to 7 miles northwest of the end of the runway; and within 3 miles northwest and 5 miles southeast of the 245° bearing from the Peconic RBN extending from the RBN to 10 miles southwest of the RBN excluding the portions which coincide with the Islip, N.Y., Calverton, N.Y., and Westhampton Beach, N.Y., transition areas

[F.R. Doc. 69-8020; Filed, July 8, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 100—INVOLUNTARY ORDER TO ACTIVE DUTY OF READY RESERVISTS FOR UNSATISFACTORY PERFORMANCE OF OBLIGATION

The Deputy Secretary of Defense approved the following revision to Part 100:

Sec.
100.1 Purpose and applicability.
100.2 Definition.
100.3 Policy.

AUTHORITY: The provisions of this Part 100 issued under Section 301, 80 Stat. 379; 5 U.S.C. 301.

§ 100.1 Purpose and applicability.

This Part revises Department of Defense policy governing uniform compliance measures to be invoked by the Military Departments when certain "nonprior military service" Reserve personnel fail to participate in their units by: (a) Clarifying the term "unsatisfactory participation," (b) specifying the mobilization status of Reserve personnel held in the pool as a result of Government action, (c) amplifying national interest policy, (d) incorporating new policy with regard to certain reservists who change residences and nonlocatable personnel, and (e) adding minor technical changes.

§ 100.2 Definition.

"Selected Reserve" consists of Reserve personnel in pay groups A, B, C, and F (see Pt. 102 and Public Law 90-168). These reservists are either: (a) Members of units who—(1) regularly participate in drills and annual active duty for training, or (2) are on initial active duty for training for not less than 4 months; or (b) individuals who participate in regular drills and annual active duty for training on the same basis as members of Reserve units. Excluded from the Selected Reserve are: (1) Reservists who only participate in annual active duty for training but are not paid for attendance at regular drills (pay categories D and E), (2) reservists enrolled in ROTC training, (3) members of the individual Ready Reserve Pool, and (4) reservists on extended active duty.

§ 100.3 Policy.

(a) *Unsatisfactory participation.* (1) Personnel without prior military service who enlist or have enlisted in the Reserve components under the provisions of section 511 (a) and (d), title 10, United States Code; section 302, title 32, United States Code and section 262, Reserve Forces Act of 1955 (69 Stat. 598, 600) as amended by Public Law 88-110 (77 Stat. 134, 136) are expected to participate or perform satisfactorily in units of the Reserve components for the full period of their Ready Reserve obligation unless excepted in accordance with § 100.3(c) of this part.

(2) Failure to remain a member of a Selected Reserve unit (section 268(b), title 10, United States Code) or to meet prescribed standards for attendance at drills and active duty for training, training advancement and for performance of duty constitute unsatisfactory participation.

(b) *Unsatisfactory participation compliance measures.* (1) Those individuals who: (i) Fail, or are unable, to participate satisfactorily in units of the Selected Reserve, (ii) have not fulfilled their statutory Reserve obligation, and (iii) have not served on active duty or active duty for training for a total of 24 months will be ordered to active duty under the provisions of section 673a, title 10, United States Code and Executive Order 11366.

(2) A member ordered to active duty under these provisions may be required to serve on active duty until his total service on active duty or active duty for training equals 24 months.

(3) If the enlistment or period of military service of a member of the Selected Reserve ordered to active duty under the provisions of section 673a, title 10, United States Code and Executive Order 11366, August 4, 1967, would expire before the required period of active duty prescribed has been served, the enlistment or period of military service may be extended until that service on active duty has been completed in accordance with the provisions of section 673a, title 10, United States Code and Executive Order 11366.

(4) Orders may be mailed to a reservist when he is in an unsatisfactory participation status, if the reservist is not locatable by the usual means of telephone, personal visit, or when attending scheduled drills.

(i) Notification shall be fully and sufficiently accomplished through the mailing of the orders addressed to the reservist concerned at the mailing address which records of the activity mailing the orders indicate as the most recent one furnished by that individual as an address at or from which official mail will be received by or forwarded to him.

(ii) Absence of indication of delivery, or return as undeliverable, of orders addressed as above is alike immaterial as respects its efficacy as notice to or notification of the reservist concerned.

(iii) It is the responsibility of each member of a Reserve component to assure that the records pertaining to him in his organization accurately and currently reflect a mailing address at which he can be reached.

(c) *Exceptions.* As exceptions to this policy, individuals who are unable to participate in Reserve component units may be considered for discharge, retention, or assignment to the Individual Ready Reserve Pool as follows:

(1) Individuals eligible for discharge from the Reserve components for dependency, hardship, or other reasons authorized by applicable departmental regulations, will, upon application, be discharged.

(2) Individuals unable to participate in a unit by reason of action taken by the Military Departments (e.g., unit inactivation) rather than because of their own actions, will be retained in the Individual Ready Reserve Pool until they rejoin or are assigned to a Reserve unit or are discharged upon completion of their obligation. However, individuals excepted by this paragraph are still subject to involuntary order to active duty in the event: (i) of any mobilization if they qualify under the statutory provisions of the involuntary order to active duty; (ii) they fail to satisfactorily participate in any annual active duty for training periods (15 to 30 days each year) when so ordered.

(3) Individuals who provide substantial evidence that their occupation is included on the Department of Labor List of Critical Occupations for Screening the Ready Reserve[1] or meet the criteria for inclusion on such list, in order to maintain the national health, safety or interest, may, upon application, be discharged unless it is determined by the Military Department concerned that there is an overriding military need for the reservist's specialty.

(4) The Secretary of the Military Department concerned may determine the minimum period of active duty; e.g., 12 months, 9 months, below which these individuals cannot be effectively employed in an active duty status. In this instance, individuals will be discharged under the provisions of appropriate departmental regulations and reported to the Selective Service System under the provisions of section 6(c)(2)(D) of the Military Selective Service Act of 1967 and DoD Directive 1115.3, Furnishing the Selective Service System with Information Needed for Determining Induction Quotas and Classifying Registrants (M), April 17, 1967.[2]

(5) The provisions of Part 103 of this subchapter apply to individuals who incur a legitimate temporary religious missionary obligation during their obligated service.

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[1] A list of critical civilian occupations approved for use in screening the Ready Reserve can be obtained from the Bureau of Employment Security, Department of Labor, Washington, D.C. 20210.

[2] Filed as part of original. Copies available from Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

(d) *Change of residence.* (1) Within the United States, its possessions, and the Commonwealth of Puerto Rico:

(i) Individuals who lose their unit positions because of a voluntary change of residence will be transferred to another paid drill unit within their respective Department whenever practicable or they will be given a period of 60 days after departing from their original unit to locate and join another Reserve component unit where they will fill an existing vacancy or be assigned as overstrength pursuant to (ii) below.

(ii) If individuals locate position vacancies which require different specialties than the ones they now possess, the Secretary of the Military Department concerned may provide for the retraining of these individuals (with their consent) by ordering them to active duty for training in a new specialty.

(iii) The Military Departments are directed to accept in their Reserve units obligated reservists of their respective Department who effect a voluntary change of residence regardless of vacancies—providing they meet the following determinations:

(a) the move is essential because of business or other cogent reasons;

(b) the losing unit certifies in writing that the reservist's performance of service has been satisfactory;

(c) the reservist's specialty is usable in the unit or that he can be retained by on-the-job training or is willing to be retrained as in (ii) above;

(d) transfers between Reserve components are authorized under the provisions of Part 123 of this subchapter.

(iv) In connection with (iii) above the Military Departments are authorized an enlisted overstrength of 3 percent above authorized paid drill strength for reservists and to compensate for administrative delays encountered during recruiting and separation processing.

(a) This does not constitute authority for an increase in paid drill strength and should tend to bring actual drill pay attendance closer to 100 percent of authorized paid drill strength.

(b) The Military Departments shall manage this program closely to assure that overstrength enlistment is not automatic; e.g., if a reservist moves to a locality where two or more Reserve units exist within a 50-mile radius, he should not be assigned to the nearest unit if a more distant unit has a vacancy or a lesser degree of overstrength.

(v) If these individuals fail to locate another position vacancy, they will be ordered to active duty or discharged as provided in this part.

(2) Outside the United States, its possessions, and the Commonwealth of Puerto Rico:

(i) Individuals, regardless of physical location, are subject to the provisions listed under § 100.3(d)(1).

(ii) Individuals will be directed to notify their unit if they plan to leave the areas listed in § 100.3(d)(1) and their unit will properly counsel them as to consequences.

(e) *Other compliance measures*—(1) *45-day active duty tours.* The policy of either ordering individuals to active duty or discharging them will be followed, in lieu of the 45-day tour of active duty, for personnel without prior military service. However, the 45-day tour may continue to be used for those obligors who have completed 24 months of active service.

(2) *Priority induction.* Priority induction under the provisions of Section 6(c)(2)(D), of the Military Selective Service Act of 1967 usually will be invoked only in cases of nonlocatable members.

(f) *Delay from involuntary order to active duty.* Individuals who become subject to being ordered to active duty under this policy may be delayed, as prescribed by the Secretary of the Military Department concerned, from active duty for the purposes of taking State or Federal examinations, seasonal employment, and for similar cogent reasons. Upon termination of such delays, reservists will be ordered to active duty. However, those members ordered to active duty for reasons other than willful unsatisfactory participation who join a unit during the period of delay will not be ordered to active duty.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Division, OASD (Administration).

[F.R. Doc. 69-7998; Filed, July 8, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Prescription-Drug Advertisements: Confirmation of Effective Date of Order Acting on Objections

In the matter of amending the regulation regarding prescription-drug advertisement requirements (21 CFR 1.105):

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502(n), 701(e), 52 Stat. 1050, as amended 76 Stat. 791; 1055, as amended 70 Stat. 919; 21 U.S.C. 352(n), 371(e)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 16, 1969 (34 F.R. 7802). Accordingly, the amendments promulgated thereby became effective June 16, 1969.

Dated: June 30, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-8006; Filed, July 8, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

CLARIFICATION OF CONTRACTUAL DEFAULT CLAUSES

This amendment clarifies the various "default" clauses, (and a related Excusable Delays clause), prescribed in Subpart 1-8.7 of the Federal Procurement Regulations, by defining the scope of the terms "subcontractor," "subcontractors," and "subcontractors or suppliers" as these terms are used in such clauses with respect to delay in contract performance. The clarifying definitions specify that the cited terms include a subcontractor or supplier at any tier and thereby confirm the extent of coverage which was intended when the clauses were originally prescribed. In addition, the amendment requires the appropriate modification of standard forms which include certain of the clauses involved.

PART 1-8—TERMINATION OF CONTRACTS

Subpart 1-8.7—Clauses

1. Section 1-8.707 is amended by adding paragraph [illegible] the contract clause prescribed therein as follows:

§ 1-8.707 Default clause for fixed-price supply contracts.

* * * * * *

DEFAULT

* * * * * *

(g) As used in paragraph (c) of this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.

2. Section 1-8.708 is amended by revising the contract clause prescribed therein as follows:

§ 1-8.708 Excusable delays clause for cost-reimbursement type contracts.

* * * * *

EXCUSABLE DELAYS

Except with respect to defaults of subcontractors, the Contractor shall not be in default by reason of any failure in performance of this contract in accordance with its terms (including any failure by the Contractor to make progress in the prosecution of the work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its soverign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the failure of a subcontractor to perform or make progress, and if such failure arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be deemed to be in default, unless (a) the supplies or services to be furnished by the subcontractor were obtainable from other sources, (b) the Contracting Officer shall

have ordered the Contractor in writing to procure such supplies or services from such other sources, and (c) the Contractor shall have failed to comply reasonably with such order. Upon request of the Contractor, the Contracting Officer shall ascertain the facts and extent of such failure and, if he shall determine that any failure to perform was occasioned by any one or more of the said causes, the delivery schedule shall be revised accordingly, subject to the rights of the Government under the clause hereof entitled Termination for Default or for Convenience of the Government. (As used in this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.)

3. Section 1–8.709–1 is amended by adding paragraph (g) to the contract clause prescribed therein as follows:

§ 1–8.709–1 Long-form clause.

* * * * *

TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS

* * * * *

(g) As used in paragraph (d)(1) of this clause, the term "subcontractors or suppliers" means subcontractors or suppliers at any tier.

* * * * *

4. Section 1–8.709–2 is amended by adding paragraph (c) to the contract clause prescribed therein as follows:

§ 1–8.709–2 Short-form clause.

* * * * *

TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS

* * * * *

(c) As used in paragraph (b) of this clause, the term "subcontractors or suppliers" means subcontractors or suppliers at any tier.

5. Section 1–8.710 is amended by adding paragraph (g) to the contract clause prescribed therein as follows:

§ 1–8.710 Default clause for fixed-price research and development contracts.

* * * * *

DEFAULT

* * * * *

(g) As used in paragraph (c) of this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.1—Forms for Advertised Supply Contracts

Section 1–16.101(c) is revised as follows:

§ 1–16.101 Contract forms.

* * * * *

(c) General Provisions (Supply Contract) (Standard Form 32, June 1964 edition). Pending the publication of a new edition of the form, the clause prescribed in § 1–1.805–3(a) shall be substituted for the present provision of Article 22, Utilization of Concerns in Labor Surplus Areas and the clause prescribed in § 1–12.803–2 shall be substituted for the present provision of Article 18, Equal Opportunity. Agencies shall further modify this form by deleting paragraphs (a) and (b) of Article 10, Examination of Records, and by substituting therefor the clause prescribed in § 1–7.101–10. In addition, the clause prescribed in § 1–8.707 shall be substituted for the present provision of Article 11, Default.

* * * * *

Subpart 1–16.4—Forms for Advertised Construction Contracts

Sections 1–16.401(a) and 1–16.401(h) are revised as follows:

§ 1–16.401 Forms prescribed.

* * * * *

(a) Invitation, Bid, and Award (Construction, Alteration, or Repair) (Standard Form 19, December 1965 edition). Pending revision of Standard Form 19, agencies shall modify this form by deleting paragraphs (a) and (b) of Clause 12, Examination of Records, and by substituting therefor the clause prescribed in § 1–7.101–10. In addition, agencies shall further modify this form by substituting the clause prescribed in § 1–8.709–2 for the present provision of Clause 2, Termination for Default—Damages for Delay—Time Extensions.

* * * * *

(h) General Provisions (Construction Contract) (Standard Form 23A, June 1964 edition). Pending revision of Standard Form 23A, agencies shall modify this form by deleting Clause 3, "Changes," Clause 4, "Changed Conditions," Clause 5, "Termination for Default—Damages for Delay—Time Extensions," Clause 19, "Buy American," and Clause 21, "Equal Opportunity," and by substituting in lieu thereof the clauses prescribed in §§ 1–7.601–2, 1–7.601–3, 1–8.709–1, 1–18.605, and 1–12.803–2, respectively, and shall add the "Suspension of Work" clause prescribed in § 1–7.601–4.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: July 2, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–8005; Filed, July 8, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69–734]

PART 73—RADIO BROADCAST SERVICES

Requirements for the Determination of the Level of Hum and Extraneous Noise in Standard Broadcast Transmitters

1. Section 73.40 of the rules sets forth the design, construction, and safety of life requirements for standard broadcast transmitters. Paragraph (a)(6) of this section requires a showing that:

The carrier hum and extraneous noise (exclusive of microphone and studio noises) level (unweighted r.s.s.) is at least 45 db below 100 percent modulation for the frequency band 30 to 20,000 c/s.

2. Section 73.47 outlines the equipment performance measurements required to be made by standard broadcast station licensees at periodic intervals. Paragraph (a)(4) requires the measurement of:

Carrier hum and extraneous noise generated within the equipment, and measured as the level below 100 percent modulation throughout the audio spectrum or by bands.

3. The data obtained in complying with the requirements of § 73.47(a)(4) is for the purpose of demonstrating that the transmitter continues to perform in accordance with § 73.40(a)(6).

4. The distortion and noise meter used in the above determinations is fed a sample of the radio frequency output of the transmitter through a wide band demodulator, which extracts the audio modulation from the carrier. A properly calibrated meter can accurately establish differences in the levels of the components modulating the carrier, in this instance, the difference between the integrated level of hum and extraneous noise, and of a reference tone producing 100 percent modulation of the carrier. The level of this tone is usualy set by observing the station modulation monitor.

5. The rules cited above do not specify the frequency of the tone used to set the reference level, and this fact appears to have been the source of some misunderstanding and hardship for station operators and consulting engineers performing measurements pursuant to § 73.47. In particular, it seems to have been the practice of some engineers to establish the reference level for the hum and extraneous noise measurement at each of a number of discrete frequencies over the audio band.

6. Since the carrier remains at a fixed-level throughout the measurement procedure, the amplitude of the envelope with 100 percent single tone modulation is fixed, and the demodulated signal should have the same value, regardless of the modulating frequency. Accordingly, it should be necessary to establish the reference level with a tone at only one audio frequency for the purpose of the noise and hum determination. In instances where some engineers may have found that an indicated 100 percent modulation at one audiofrequency provides a different level of indication on the noise and distortion meter than at another, the discrepancy could result from an insufficiently flat frequency characteristic of the monitor or demodulator over the audio range involved. Thus, a type-approved modulation monitor is required to have a substantially flat frequency characteristic only over the range 30 the 10,000 c/s, and may be substantially in error if it is relied on to indicate the level of 100 percent modulation for a frequency well outside of this range. In such an instance, the proper procedure is to establish the reference within the frequency range where the modulation monitor can be expected to give accurate indications.

7. The particular frequency at which this is done is not important. However, to make the above rules more specific, and to avoid the misunderstandings which appear to have occurred, we are modifying the rules to require that the reference level be established at 400 c/s, a midrange frequency often used as a reference in audiofrequency measurements.

8. We also are taking this opportunity to correct an inconsistency which appears in subparagraphs (1) and (2) of paragraph (a) of § 73.47 viz.: Subparagraph (1) requires that the audiofrequency response be measured over the range 30–7,500 c/s, whereas the lowest frequency at which audiofrequency harmonic content is to be measured, pursuant to subparagraph (2) is 50 c/s. There is no good reason for specifying a different lower end frequency for one series of measurements than for the other, and we are amending subparagraph (1) to specify a range of 50–7,500 c/s.

9. The rule amendments which we adopt are for the purpose of clarifying the pertinent rules, and impose no new substantive requirement. Accordingly, compliance with the notice and effective date provisions of the Administrative Procedures Act (5 U.S.C. § 553) are unnecessary and would serve no useful purpose.

10. Authority for the adoption of these amendments is contained in sections 4(i), 303(r), and 319(c) of the Communications Act of 1934, as amended.

11. In view of the foregoing: *It is ordered*, That, effective July 11, 1969, Part 73 of the Commission's rules and regulations is amended as set forth below.

(Secs. 4, 303, 319, 48 Stat., as amended, 1066, 1082, 1089; 47 U.S.C. 154, 303, 319)

Adopted: July 2, 1969.

Released: July 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

1. In § 73.40, paragraph (a)(6) is amended to read as follows:

§ 73.40 Transmitter; design, construction, and safety of life requirements.

(a) *Design* * * *

(6) The carrier hum and extraneous noise level, unweighted r.s.s. (exclusive of microphone and studio noises) over the frequency band 30 to 20,000 c/s is at least 45 db below the level of a sinusoidal tone of a 400 c/s, producing 100 percent modulation of the carrier.

* * * * *

2. In § 73.47, paragraph (a)(1) and (a)(4) are amended to read as follows:

§ 73.47 Equipment performance measurements.

(a) * * *

(1) Data and curves showing overall audiofrequency response from 50 to 7,500 cycles per second (c/s) for approximately 25, 50, 85, and 100 (if obtainable) percent modulation. Family of curves should be plotted (one for each percentage above) with db above and below a reference frequency of 1,000 c/s as ordinate and audiofrequency as abscissa.

* * * * *

(4) The carrier hum and extraneous noise level generated within the equipment, and measured throughout the audio spectrum, or by bands, referred to the level for 100 percent modulation of the carrier by a sinusoidal tone with a frequency of 400 c/s.

* * * * *

[F.R. Doc. 69–8053; Filed, July 8, 1969; 8:49 a.m.]

[Docket No. 18430, RM–1362; FCC 69–733]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Annapolis, Md., and Seaford, Del.

1. On January 23, 1969, the Commission released a notice of proposed rule making in this proceeding (FCC 69–66) inviting comments on a proposal to amend the Table of Television Assignments in § 73.606(b) of the Commission's rules by assigning channel *22 to Annapolis, Md., reserved for noncommercial educational use. This assignment would be accomplished by deleting *22 as a reserved channel at Seaford, Del., and substituting channel *66 there. The dates designated for the filing of comments and reply comments were March 3, 1969; and March 13, 1969, respectively.

2. The petition which prompted this proceeding, filed by the Maryland Educational-Cultural Broadcasting Commission, proposed to assign channel *22 to Annapolis by deleting it at Seaford, replacing it there with channel *38. However, the notice proposed instead to assign channel *66 as the replacement at Seaford, because of the much greater flexibility this assignment at Seaford would have with respect to location of a transmitter site (particularly in the direction of Atlantic City). The only parties commenting in response to the notice, Delaware Educational Television Board (Delaware Board) and Advisory Council on Educational Television of the Commonwealth of Virginia (Virginia Council), urged that Channel 66 not be assigned to Seaford but that channel 38 be used there instead for the educational assignment, as proposed in the original petition. Delaware Board states that the limitation on site location if channel 38 is assigned presents no problem, since the purpose of the assignment is to serve southern Delaware; and that use of channel 66 might present problems because of impact to and from the operation of a channel 73 translator at nearby Milford, Del., rebroadcasting WHYY, the educational station to the north.

3. Virginia Council likewise urges that channel 38 be assigned to Seaford instead of 66. It states that the proposed assignment of channel 66 to Seaford would preclude the use of the same channel in northern Virginia, that the Council has planned for and sought to bring statewide educational television to northern Virginia, and that there appears to be no channel below channel 70 assignable in northern Virginia except channel 66. It further states that it requested in RM–494, filed September 30, 1963, a channel for Arlington, Va., among others. Although many of its requests in other areas were provided for, northern Virginia was not, and the Council desires a channel for educational use in that area. It is also stated that although channel 66 would not meet the mileage separations in Arlington, it would in Clifton, Va., which is approximately 20 miles from the center of Washington, D.C.; that although there are two educational channels assigned to Washington, D.C., this does not provide a channel that can be used in a statewide educational system, a station that would be programed for the Virginia schools; and that unless channel 66 were allocated in the Clifton area it appears that there would be little likelihood of obtaining an educational television station in northern Virginia. It states also that if the channel is assigned to this area it would promptly activate it.

4. As to the making of the Annapolis assignment as requested, it appears that this is clearly warranted and in the public interest, in order to provide statewide coverage and provide a channel for the important population and educational center of Annapolis, the State capital. Accordingly, the Table of Television Assignments (§ 73.606(b) of the rules) is amended to make this assignment.

5. As to the most suitable replacement channel at Seaford, we are of the view that the preferable course is that urged by all of the commenting parties and the original petitioner, use of channel *38 for that purpose. Aside from obviating the problem of impact to and from the channel 73 ETV translator at nearby Milford, we find merit in the suggestion that if another replacement at Seaford can be provided it is desirable to preserve channel 66 for possible use in northern Virginia. As Virginia Council states, it appears that there is little likelihood of finding any other channel below 70 for use in this area. There are problems connected with assigning channel *66 on a reserve basis—the existence of two reserve channels already at Washington, D.C., and the fact that Virginia Council's use proposed here, and previously is largely for inschool programing for which ITFS is available and perhaps more suitable—but we believe assignment in this area should remain as a possibility. Parties interested in educational or other use of this channel in the very limited area of northern Virginia where it can be assigned consistent with mileage separation requirements may seek it by petition. Accordingly, we conclude that the public interest would be served by assigning channel *38 at Seaford, Del.

[1] Commissioners Bartley, Wadsworth, and Johnson absent.

6. In view of the foregoing, and pursuant to authority contained in sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act: *It is ordered*, That, effective August 11, 1969, § 73.606 (b) of the Commission's rules is amended by addition of the following entry under Maryland:

City	Channel No.
Annapolis, Md	*22

and changing the entry under Delaware for Seaford to read as follows:

Seaford, Del	*38

7. *It is further ordered*, That this proceeding (Docket 18430) is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: July 2, 1969.

Released: July 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8052; Filed, July 8, 1969; 8:49 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1, Amdt. No. 1-29]

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Additional Delegation by Secretary of Transportation

The purpose of this amendment is to expressly state the delegation of authority to the Federal Aviation Administrator of the powers and duties relating to those matters, including those relating to aviation safety, that were transferred to the Secretary of Transportation by section 6(c)(1) of the Department of Transportation Act (49 U.S.C. 1655(c)(1)). It also corrects a typographical error in § 1.4(c)(7).

Since this amendment involves delegations of authority and relates to the internal management of the Department, notice and public procedure are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective July 1, 1969, subparagraphs (b)(1) and (2) and (c)(7) of § 1.4 are amended to read as follows:

§ 1.4 Delegations of powers and duties.

* * * * *

(b) * * *

(1) Carry out the powers and duties transferred to the Secretary of Transportation by section 6(c)(1) of the Department of Transportation Act (49 U.S.C. 1655(c)(1)), including those pertaining to aviation safety set forth in sections 306, 307, 308, 309, 312, 313, 314, 1101, 1105, and 1111, and titles VI, VII, IX, and XII of the Federal Aviation Act of 1958, as amended.

(2) Carry out title XIII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1531 et seq.), relating to War Risk Insurance.

* * * * *

(c) * * *

(7) Carry out section 204(a), (1), (2), (3), (3a), and (5) of the Interstate Commerce Act, as amended (49 U.S.C. 304(a)(1), (2), (3), (3a), and (5)), relating generally to qualifications and maximum hours of service of employees and safety of operation and equipment of motor carriers.

(Sec. 9 of the Department of Transportation Act; 49 U.S.C. 1657)

Issued in Washington, D.C., on July 3, 1969.

JAMES M. BEGGS,
Acting Secretary of Transportation.

[F.R. Doc. 69-8040; Filed, July 8, 1969; 8:48 a.m.]

[1] Commissioners Bartley, Wadsworth, and Johnson absent.

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

PART 367—CERTIFICATION

Regulations for the certification labeling of motor vehicles and motor vehicle equipment, and the provision of identifying information on the label, were issued under sections 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1403, 1407) by the Federal Highway Administrator and published in the FEDERAL REGISTER on January 24, 1969 (34 F.R. 1147). In a notice published on April 29, 1969 (34 F.R. 7031), it was proposed to make certain amendments to those regulations. This amendment to the regulations is based on that proposal.

The notice proposed that §§ 367.7 and 367.8, relating to manufacturers and distributors of motor vehicle equipment, be revoked, pending further study of the distribution patterns and the needs of the motor vehicle equipment industry. No adverse comments to that proposal were received. Those two sections are accordingly being revoked with a view to the future issuance of regulations relating to the particular industries whose products are covered by equipment standards. Manufacturers and distributors of motor vehicle equipment must, however, continue to meet the certification requirements of section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1403) as amplified by notice in the FEDERAL REGISTER of November 4, 1967 (32 F.R. 15444).

Clarifying language was proposed by the notice adding the phrase "(except chassis-cabs)" to § 367.4(a), and substituting the phrase "door edge that meets the door latch post" in § 367.4(c). A sentence was proposed for addition to § 367.4(g)(1), requiring the name of a person, other than the manufacturer, who affixes a label on an imported vehicle to be shown on the label. No adverse comments were received on these proposals, and they are incorporated into the rule as issued.

It was proposed to delete the reference to the use of tools in § 367.4(b), so that the subsection would read: "The label shall be permanently affixed in such a manner that it cannot be removed without destroying it." Some comments have indicated uncertainty as to the types of label that are permitted by this section. It is intended that the label be affixed so as not to be removable without damage. The purpose is to make sure that a label cannot be easily and undetectably transferred to another vehicle, and to provide that, within this requirement, manufacturers would have discretion in choice of material and adhesive method. In order to clarify the requirement, the words "or defacing" are inserted after "destroying". Several inquiries were directed specifically to the adequacy of riveted labels. This amendment permits riveting since it has been determined to be a generally satisfactory method of affixing the label.

One comment noted that, particularly in some foreign countries, assembly of a vehicle may be performed by a subsidiary corporation controlled by a parent that is the generally known "nameplate" company. It was suggested that the name of the parent corporation should be allowable on the label. The suggestion has been determined to have merit, in that no important purpose is served by requiring the name of a lesser-known subsidiary corporation on the label, and language permitting the use of a parent corporation's name is added to § 367.4(g)(1).

In order to allow exporting and importing manufacturers to indicate the country to which the word "Federal" refers, a sentence is added to § 367.4(g)(3) permitting the insertion of "U.S." or "U.S.A." before the word "Federal" in the conformity statement.

One petitioner suggested permitting the insertion of the model year before the word "vehicle" in the conformity statement, so that it would read "This 1970 vehicle conforms * * *", in the case of a vehicle manufactured in late 1969. The requirement of stating the month and year of manufacture on the label is intended to eliminate confusion caused by model years that do not match calendar years, and that may mislead consumers as to the standards that are applicable. The manufacturer or dealer is free to indicate the model year of the vehicle by other labels, or any means that do not involve the certification label, and therefore it is not necessary to allow insertion of this possibly confusing additional date.

Objections were made to the requirement of color contrast on the label, and to the requirement of stating the actual manufacturer's name rather than that of a distributor under a "private brand" label. Similar comments were made and rejected at previous stages of rulemaking. Both of these requirements are important aids to enforcement where rapid inspection of large numbers of vehicles must be made.

One comment suggested that it would be misleading for a manufacturer to certify that the vehicle "conforms" to applicable standards, since the manufacturer has no control over the vehicle after it leaves his hands, and proposed that the certification be limited to the statement that the vehicle conformed at the time it was delivered to a distributor or dealer. The requirement for certification is not, however, limited to manufacturers, but extends to all distributors and importers as well. These parties satisfy this requirement by allowing the certification label to remain affixed to the vehicle. A distributor who alters a vehicle so that it does not conform to the manufacturer's certification, must certify that the vehicle as altered meets applicable standards or he is subject to penalties under the Act. A dealer who sells a vehicle after altering it so that it does not conform, would be subject to penalties under the Act, and prior parties would not be held responsible for the dealer's alterations. Any alterations that came about after a vehicle had been sold to a user would not be relevant to the question of conformity to applicable standards, as provided by section 108(b)(1) of the Act.

One comment raised the question of who should certify a vehicle such as a boat trailer that is shipped complete but in unassembled form by its fabricator, such that it can be easily assembled without special equipment. The fabricator obviously has the technical knowledge on which certification should be based, but the subsequent assembler may be viewed as the "manufacturer" of the vehicle within the meaning of the Act. This question is part of the larger area of kits for the assembly of new vehicles or the renovation or alteration of existing ones. It is expected that separate regulations will be issued concerning standards applicable to such assemblers and their certification. As an interim measure, it has been determined that the purposes of the Act would be served by allowing the fabricator the option of treating itself as the certifying manufacturer under section 114 of the Act and affixing the label in a manner such that it will conform when the vehicle is assembled. Language to that effect is added to § 367.4(g)(1).

In § 367.4(e), describing the label location for motorcycles, the words "except the steering system" are added to the final phrase, "in a location such that it is easily readable without moving any part of the vehicle," in order to allow a location on the steering post that may be obscured when the steering system is turned to a certain position.

Effective date. Since these amendments do not impose substantial additional burdens relative to the regulations as previously issued, this part as amended shall continue to be effective for all motor vehicles manufactured on or after September 1, 1969.

In consideration of the foregoing, 49 CFR Part 367, Certification, is amended to read as set forth below. This amendment is issued under the authority of sections 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1403, 1407) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR § 1.4(c).

Issued on July 7, 1969.

F. C. TURNER,
Federal Highway Administrator.

Sec.
367.1 Purpose and scope.
367.2 Application.
367.3 Definitions.
367.4 Requirements for manufacturers of motor vehicles.
367.5 Requirements for manufacturers of chassis-cabs.
367.6 Requirements for distributors of motor vehicles.

AUTHORITY: The provisions of this Part 367 issued under secs. 112, 114, and 119 of National Traffic and Motor Vehicle Safety Act; 15 U.S.C. 1401, 1403, 1407, and the delegation of authority from Secretary of Transportation to Federal Highway Administrator, 49 CFR 1.4(c).

§ 367.1 Purpose and scope.

The purpose of this part is to specify the content and location of, and other requirements for, the label or tag to be affixed to motor vehicles required by section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1403) ("the Act") and to provide the consumer with information to assist him in determining which of the Federal Motor Vehicle Safety Standards (Part 371 of this chapter) ("Standards") are applicable to the vehicle.

§ 367.2 Application.

(a) This part applies to manufacturers and distributors of motor vehicles to which one or more standards are applicable, who deliver these vehicles to distributors or dealers for resale.

(b) In the case of imported motor vehicles, the requirement of affixing a label or tag applies to importers of vehicles, admitted to the United States under § 12.80(b)(2) of the joint regulations for importation of motor vehicles and equipment (19 CFR 12.80(b)(2)) to which the required labor or tag is not affixed.

§ 367.3 Definitions.

All terms that are defined in the Act and the rules and standards issued under its authority are used as defined therein.

§ 367.4 Requirements for manufacturers of motor vehicles.

(a) Each manufacturer of motor vehicles (except chassis-cabs) shall affix to each vehicle a label, of the type and in the manner described below, containing the statements specified in paragraph (g) of this section.

(b) The label shall, unless riveted, be permanently affixed in such a manner that it cannot be removed without destroying or defacing it.

(c) Except for trailers and motorcycles, the label shall be affixed to either the hinge pillar, door-latch post, or the door edge that meets the door-latch post, next to the driver's seating position, or if none of these locations is practicable, to the left side of the instrument panel. If none of these locations is practicable, notification of that fact, together with drawings or photographs showing a suggested alternate location in the same general area, shall be submitted for approval to the Director, National Highway Safety Bureau, Washington, D.C. 20591. The location of the label shall be such that it is easily readable without moving any part of the vehicle except an outer door.

(d) The label for trailers shall be affixed to a location on the forward half of the left side, such that it is easily readable from outside the vehicle without moving any part of the vehicle.

(e) The label for motorcycles shall be affixed to a permanent member of the vehicle as close as is practicable to the intersection of the steering post with the handle bars, in a location such that it is easily readable without moving any part of the vehicle except the steering system.

(f) The lettering on the label shall be of a color that contrasts with the background of the label.

(g) The label shall contain the following statements, in the English language, lettered in block capitals and numerals not less than three thirty-second of an inch high, in the order shown:

(1) Name of manufacturer: Except as provided in (i) and (ii) below, the full corporate or individual name of the actual assembler of the vehicle shall be spelled out, except that such abbreviations as "Co." or "Inc." and their foreign equivalents, and the first and middle initials of individuals, may be used. The name of the manufacturer shall be preceded by the words "Manufactured By" or "Mfd By". In the case of imported vehicles, where the label required by this section is affixed by a person other than the final assembler of the vehicle, the corporate or individual name of the person affixing the label shall also be placed on the label in the manner described in this paragraph, directly below the name of the final assembler.

(i) If a vehicle is assembled by a corporation that is controlled by another corporation that assumes responsibility for conformity with the standards, the name of the controlling corporation may be used.

(ii) If a vehicle is fabricated and delivered in complete but unassembled form, such that it is designed to be assembled without special machinery or tools, the fabricator of the vehicle may affix the label and name itself as the manufacturer for the purposes of this section.

(2) Month and year of manufacture: This shall be the time during which work was completed at the place of main assembly of the vehicle. It may be spelled out, as "June 1970", or expresed in numerals, as "6/70".

(3) The statement: THIS VEHICLE CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE SHOWN ABOVE. The expression "U.S." or "U.S.A." may be inserted before the word "FEDERAL".

(4) Vehicle identification number.

(5) For multipurpose passenger vehicles, the words, "TYPE MULTIPURPOSE PASSENGER VEHICLE". No type designation is required of other types of vehicle.

§ 367.5 Requirements for manufacturers of chassis-cabs.

Manufacturers of chassis-cabs shall affix securely to the windshield or side window a label containing the information specified in § 371.13 "Labeling of chassis-cabs," of this chapter.

§ 367.6 Requirements for distributors of motor vehicles.

A distributor of a motor vehicle who does not alter the vehicle in a manner that affects compliance with applicable standards may satisfy the certification requirements of the Act by allowing a manufacturer's label that conforms to the requirements of this part to remain affixed to the vehicle. A distributor of a vehicle who alters a vehicle in a manner that affects compliance with applicable standards shall furnish to a dealer or other distributor to whom he delivers the vehicle a separate certification. The certification shall be on a label as described in § 367.4, except that its contents shall be in the following form:

THIS VEHICLE WAS ALTERED BY [name of distributor] IN [month and year in which alterations were completed] AND AS ALTERED IT CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT ON THE DATE OF ORIGINAL MANUFACTURE.

[F.R. Doc. 69-8136; Filed, July 8, 1969; 8:50 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1031]

PART 1033—CAR SERVICE

Distribution of Refrigerator Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 2d day of July 1969.

It appearing, that an acute shortage of mechanical refrigerator cars exists in the areas served by the Southern Pacific Co. and the Union Pacific Railroad Co., and that shippers served by the Southern Pacific Co. and the Union Pacific Railroad Co. are being deprived of such cars required for loading highly perishable products, creating a great economic loss; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such mechanical refrigerator cars owned by the Pacific Fruit Express Co., a wholly owned subsidiary of the Southern Pacific Co. and the Union Pacific Railroad Co., are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1031 Service Order No. 1031.

(a) *Distribution of refrigerator cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Withdraw from distribution and return to owners empty, except as otherwise provided in paragraphs (2) and (3) of this section, all mechanical refrigerator cars owned by the Pacific Fruit Express Co., which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. 371 issued by E. J. McFarland, or reissues thereof, as having mechanical designations RP or RPL, and numbered in series 100,000 through 458,100.

(2) Pacific Fruit Express Co. refrigerator cars, described in subparagraph (1) of this paragraph, available empty at a station other than a junction with the Southern Pacific Co. or Union Pacific Railroad Co., may be loaded with freight requiring protection from heat or cold if destined to any station on or routed via the Southern Pacific Co. or the Union Pacific Railroad Co.

(3) Pacific Fruit Express Co. refrigerator cars, described in subparagraph (1) of this paragraph, available empty at a junction with the Southern Pacific Co. or with the Union Pacific Railroad Co. must be delivered at that junction to either the Southern Pacific Co. or the Union Pacific Railroad Co., either empty or loaded with freight requiring protection from heat or cold.

(4) Pacific Fruit Express Co. refrigerator cars, described in subparagraph (1) of this paragraph, must not be backhauled empty, or held empty more than 24 hours awaiting placement for loading for the purpose of obtaining a load as authorized in subparagraphs (2) and (3) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., July 7, 1969.

(d) *Expiration date.* This order shall expire at 11:59 p.m., September 13, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8043; Filed, July 8, 1969; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one additional position of Special Assistant to the Assistant Secretary for Community and Field Services, two positions of Special Assistant to the Deputy Assistant Secretary for Community and Field Services, and four positions of Special Assistant to the Deputy Assistant Secretary for Youth and Student Affairs (one a general assistant, and one each for Student Affairs, Youth Development, and Juvenile Delinquency) are excepted under Schedule C. The section is also amended to show that the positions of two Schedule C Confidential Assistants to the Assistant Secretary for Community and Field Services are now titled Assistant and Special Assistant to the Assistant Secretary, respectively, and that the position of Confidential Assistant on Juvenile Delinquency to the Assistant Secretary has been abolished. Effective on publication in the FEDERAL REGISTER, subparagraphs (2) and (3) are amended and subparagraphs (5), (6), (7), and (8) are added under paragraph (n) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(n) *Office of the Assistant Secretary for Community and Field Services.* * * *

(2) One Assistant and two Special Assistants to the Assistant Secretary for Community and Field Services.

(3) One Special Assistant for Juvenile Delinquency to the Deputy Assistant Secretary for Youth and Student Affairs.

* * * * *

(5) Two Special Assistants to the Deputy Assistant Secretary for Community and Field Services.

(6) One Special Assistant to the Deputy Assistant Secretary for Youth and Student Affairs.

(7) One Special Assistant for Student Affairs to the Deputy Assistant Secretary for Youth and Student Affairs.

(8) One Special Assistant for Youth Development to the Deputy Assistant Secretary for Youth and Student Affairs.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8152; Filed, July 8, 1969; 10:02 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that two positions of Special Assistant to the Assistant Secretary for Legislation now report to the Deputy Assistant Secretary for Legislation and that the following additional positions are excepted under Schedule C: one Assistant to the Assistant Secretary for Legislation; one Deputy Assistant Secretary for Legislation (Education) and his Special Assistant; one Deputy Assistant Secretary for Legislation (Welfare) and his Special Assistant; and three Special Assistants to the Assistant Secretary for Congressional Liaison. The section is also amended to show that the following positions are no longer excepted under Schedule C: one Congressional Liaison Officer, one Assistant to the Congressional Liaison Officer, and one Deputy Assistant Secretary for Legislative Services. Effective on publication in the FEDERAL REGISTER, subparagraphs (8) and (9) of paragraph (a) are revoked, subparagraph (1) is amended, subparagraph (6) is revoked, and subparagraphs (8) through (14) are added to paragraph (f) of §213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(8) [Revoked].

(9) [Revoked].

* * * * * *

(f) *Office of the Assistant Secretary for Legislation.* (1) Two Special Assistants to the Assistant Secretary.

* * * * * *

(6) [Revoked].

* * * * * *

(8) Two Special Assistants to the Deputy Assistant Secretary for Legislation.

(9) One Assistant to the Assistant Secretary.

(10) One Deputy Assistant Secretary for Legislation (Education).

(11) One Special Assistant to the Deputy Assistant Secretary for Legislation (Education).

(12) One Deputy Assistant Secretary for Legislation (Welfare).

(13) One Special Assistant to the Deputy Assistant Secretary for Legislation (Welfare).

(14) Three Special Assistants to the Deputy Assistant Secretary for Congressional Liaison.

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8153; Filed, July 8, 1969; 10:02 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the following positions under the Assistant Secretary for Planning and Evaluation are excepted under Schedule C: One Special Assistant for Special Initiatives, two Special Assistants, one Assistant, one Special Assistant to the Deputy Assistant Secretary for Interdepartmental Affairs, one Special Assistant to the Deputy Assistant Secretary for Planning for Education, and one Special Assistant to the Deputy Assistant Secretary for Planning for Social Services and Income Maintenance. Effective on publication in the FEDERAL REGISTER, subparagraphs (3) through (8) are added to paragraph (k) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * * *

(k) *Office of the Assistant Secretary for Planning and Evaluation.* * * *

(3) One Special Assistant to the Assistant Secretary for Special Initiatives.

(4) Two Special Assistants to the Assistant Secretary.

(5) One Assistant to the Assistant Secretary.

(6) One Special Assistant to the Deputy Assistant Secretary for Interdepartmental Affairs.

(7) One Special Assistant to the Deputy Assistant Secretary for Planning for Education.

(8) One Special Assistant to the Deputy Assistant Secretary for Planning for Social Services and Income Maintenance.

* * * * *

(5 U.S.C. 3001, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8154; Filed, July 8, 1969; 10:02 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Assistant to the General Counsel, two positions of Special Assistant to the General Counsel, and one position of Special Assistant to the Deputy General Counsel are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (2), (3), and (4) are added to paragraph (p) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(p) *Office of the General Counsel.* * * *

(2) One Assistant to the General Counsel.

(3) Two Special Assistants to the General Counsel.

(4) One Special Assistant to the Deputy General Counsel.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8155; Filed, July 8, 1969; 10:02 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1003, 1004, 1016]

[Dockets Nos. AO–293–A23, AO–160–A43, AO–312–A20]

MILK IN WASHINGTON, D.C., DELAWARE VALLEY, AND UPPER CHESAPEAKE BAY MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn—Downtown, Lombard and Howard Streets, Baltimore, Md., beginning at 10:30 a.m., on August 4, 1969, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Washington, D.C., Delaware Valley, and Upper Chesapeake Bay marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The issues raised by this proposal include whether the declared policy of the Act would tend to be effectuated by:

(a) Merger of two or more of the above marketing areas, in any combination thereof, including also the redefinition of marketing area for any separate or combined order to encompass part or all of the areas presently defined in the respective orders or proposed herein to be regulated; and

(b) The adoption of any of the proposed provisions, or appropriate modifications thereof, for any separate order or any combination of such orders, including a review of the appropriate pricing and pooling provisions of the orders whether to be separate or in any combination.

The issue of merging the marketing areas also raises the question of appropriate disposition of the producer-settlement funds, marketing service funds, and administrative funds accumulated under the respective orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Pennmarva Dairymen's Cooperative Federation, Inc.:

Proposal No. 1. Combine the Delaware Valley, Upper Chesapeake Bay, and Washington, D.C. marketing areas with the additional unregulated territory as proposed, and rename the expanded area as the "Middle Atlantic marketing area."

The complete regulatory terms for the combined and expanded area are proposed as follows:

DEFINITIONS

Sec.
1004.1 Act.
1004.2 Secretary.
1004.3 Department of Agriculture.
1004.4 Person.
1004.5 Cooperative association.
1004.6 Middle Atlantic marketing area.
1004.7 Plants.
1004.8 Pool plant.
1004.9 Nonpool plants.
1004.10 Handler.
1004.11 Pool handler.
1004.12 Producer-handler.
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1004.15 Producer.
1004.16 Milk and milk products.
1004.17 Route disposition.
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MARKET ADMINISTRATOR

1004.20 Designation.
1004.21 Powers.
1004.22 Duties.

REPORTS, RECORDS, AND FACILITIES

1004.30 Reports of receipts and utilization.
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CLASSIFICATION OF MILK

1004.40 Skim milk and butterfat to be classified.
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1004.42 Shrinkage.
1004.43 Responsibility of handlers and the reclassification of milk.
1004.44 Transfers.
1004.45 Computation of skim milk and butterfat in each class.
1004.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1004.50 Class prices.
1004.51 Butterfat differentials to handlers.
1004.52 Location differentials to handlers.
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APPLICATION OF PROVISIONS

1004.60 Producer-handler.
1004.61 Plants subject to other Federal orders.
1004.62 Obligation of handler operating a partially regulated distributing plant.
1004.63 Computation of base for each producer.
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DETERMINATION OF UNIFORM PRICE

1004.70 Computation of the net pool obligation of each pool handler.
1004.71 Computation of uniform and weighted average prices.
1004.72 Computation of uniform prices for base milk and excess milk.

PAYMENTS

1004.80 Time and method of payment.
1004.81 Butterfat differential to producers.
1004.82 Location differential to producers.
1004.83 Producer-settlement fund.
1004.84 Payments to producer-settlement fund.
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1004.86 Adjustment of accounts.
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1004.89 Termination of obligation.
1004.89a Cooperative payments.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1004.90 Effective time.
1004.91 Suspension or termination.
1004.92 Continuing obligations.
1004.93 Liquidation.

MISCELLANEOUS PROVISIONS

1004.100 Agents.
1004.101 Separability of provisions.

GENERAL DEFINITIONS

§ 1004.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1004.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1004.3 Department of Agriculture.

"Department of Agriculture" means the U.S. Department of Agriculture or any other Federal agency as may be authorized by Act of Congress, or by Executive order, to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1004.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1004.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1004.6 Middle Atlantic marketing area.

"Middle Atlantic marketing area" called the "marketing area" in this part means all the territory in the Commonwealth of Pennsylvania situated within the following boundary line: Beginning at a point in the Pennsylvania State line at the northern boundary of the Lower Makefield township line in Bucks County, thence first westerly, thence southerly along said Lower Makefield township line to the Middletown township line; thence westerly and southerly along the Middletown township line to the Lower Southampton township line; thence northerly and thence westerly along the Lower Southampton township line to the Montgomery County line; thence northerly along the Montgomery County line to the Trenton cutoff of the Pennsylvania Railroad; thence westerly along said railroad to the Upper Dublin township line, thence along the southern and western boundaries of Upper Dublin township to the Whitemarsh township line; thence southerly along the Whitemarsh township line to the Lower Merion township line; thence along the northern boundary of Lower Merion township to the Delaware County line; thence northerly, westerly and southerly along the Delaware County line to the Pennsylvania State line; thence easterly and northerly along the Pennsylvania State line to the point of beginning; all of the territory situated within the State of Delaware, all of the territory in the State of New Jersey within the outer boundaries of the following counties: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Salem, and and Ocean (except the boroughs of Bay Head, Beachwood, Island Heights, Lakehurst, Lavallette, Mantoloking, Ocean Gate, Pine Beach, Point Pleasant, Point Pleasant Beach, Seaside Heights, Seaside Park, South Toms River, and the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester, and Plumsted), all of the territory situated within the the State of Maryland, except Allegany, Garrett, and Washington counties, but including Fort Ritchie, all of the territory situated within the District of Columbia, and all the territory situated within the counties of Arlington, Fairfax, Prince William, and Loudoun and the city of Alexandria, all in the Commonwealth of Virginia; together with all piers, docks, and wharves connected therewith, and all craft moored thereat, and including territory within such boundaries which is occupied by Government (municipal, State, Federal, or international) reservations, installations, institutions, or other establishments.

§ 1004.7 Plants.

(a) "Plant" means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products are received from dairy farmers or processed or packaged. However, a separate establishment without storage facilities, used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk products in transit for route disposition shall not be a plant under this definition.

(b) "Distributing plant" means a plant from which fluid milk products are disposed of during the month in the marketing area as route disposition.

(c) "Supply plant" means a plant from which fluid milk products are shipped during the month to a distributing plant.

§ 1004.8 Pool plant.

"Pool plant" means a plant (except an other order plant, a producer-handler plant, a plant specified in paragraph (f) of this section, or the plant of a handler pursuant to § 1004.10(e)) specified in paragraph (a) through (e) of this section.

(a) A distributing plant from which during any of the months of September through February, a volume equal to not less than 60 percent and during any of the months of March through August not less than 55 percent, of its receipts described in either subparagraph (1) or (2) of this paragraph, is disposed of as Class I milk in the form of fluid milk products and the volume disposed of as route disposition in the form of fluid milk products in the marketing area during the month is not less than 10 percent of such receipts.

(1) The milk received at such plant directly from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association, but excluding the milk of dairy farmers for other markets) or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c).

(2) Receipts of fluid milk products from other plants in the case of a plant with no receipts described in subparagraph (1) above.

(b) Subject to the provisions of paragraphs (c) and (d) of this section, a supply plant from which during any of the months of September through February not less than 60 percent, and during any of the months of March through August not less than 50 percent, of the milk received from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association) or from a cooperative association in the capacity as a handler pursuant to § 1004.10(c) is moved during the month to a distributing plant from which a volume of fluid milk products not less than 60 percent during any month of September through February, or 55 percent during any month of March through August, of its receipts of milk from dairy farmers, cooperative associations, and from other plants is disposed of as Class I milk in the form of fluid milk products, and the volume so disposed of as route disposition of fluid milk products in the marketing area during the month is not less than 10 percent of such receipts. However, a supply plant shall not be qualified pursuant to this paragraph in any month in which a greater proportion of its qualifying shipments are made to a plant(s) regulated under another Federal order than to plants regulated under this order.

(c) A supply plant that was a pool plant during each of the months of September through February pursuant to paragraph (b) of this section shall be a pool plant during the following months of March through August, unless written application is filed by the plant operator with the market administrator on or before the first day of such month, requesting the plant to be designated a nonpool plant for such month and each subsequent month through August during which it does not qualify pursuant to paragraph (b) of this section. However, the automatic pool plant status of a supply plant pursuant to this paragraph shall be canceled for any month during the March through August period that another supply plant is qualified for pooling by shipping fluid milk products to the same distributing plant(s) by which such automatic pooling was accomplished.

(d) A supply plant(s) not otherwise meeting the provisions of paragraph (b) of this section shall be considered to have met such provisions if:

(1) It is owned and operated by a handler who also operates a pool plant pursuant to § 1004.8(a);

(2) It is located outside the marketing area and is not a pool plant under another Federal order;

(3) The handler files a written request with the market administrator on or before the first day of September for pool plant status for such plant;

(4) The plant(s) in combination with the pool distributing plant meet the provisions of § 1004.8(a);

(5) The handler qualifies no other supply plant by actual shipments to such pool distributing plant; and

(6) The handler notifies the market administrator each month at the time of filing reports pursuant to § 1004.30 in the detail prescribed by the market administrator with respect to any receipts from dairy farmers not meeting the health requirements for disposition as fluid milk in the marketing area.

(e) Any manufacturing plant which is operated by a cooperative federation or association 70 percent or more of whose members are producers, which is located in the marketing area and from which fluid milk products are moved to other pool plants; if during the month not less than 90 percent of the receipts at such plant is from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1004.10(c)) who are members of federations or cooperative associations of which 70 percent or more of the membership are producers whose milk is received at other pool plants.

(f) Any supply plant that was a nonpool plant during any of the months of August through November shall not be a pool plant in any of the immediately following months of March through June in which it was owned by the same handler, affiliate of the handler or by any person who controls or is controlled by the handler.

§ 1004.9 Nonpool plants.

"Nonpool plant" means a plant other than a pool plant. The categories of nonpool plants are:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or another order plant, from which fluid milk products in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler or another plant from which fluid milk products are shipped to a pool plant. This includes any plant specified in § 1004.8(f) which does not qualify as an "other order plant".

§ 1004.10 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of:

(1) A pool plant;

(2) A partially regulated distributing plant;

(3) An unregulated supply plant; and

(4) An other order plant pursuant to § 1004.61.

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted in accordance with the provisions of § 1004.15 from a pool plant to a nonpool plant for the account of such cooperative association.

(c) Any cooperative association with respect to the milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association unless both the cooperative association and the handler notify the market administrator in writing prior to the first day of the month that the plant operator will be the handler and is purchasing the milk on the basis of farm weights and tests determined by farm bulk tank calibrations and at butterfat tests based on samples taken at the farm. Milk for which the cooperative association is the handler pursuant to this paragraph, shall be deemed to have been received at the location of the pool plant to which such milk is delivered.

(d) A producer-handler.

(e) A governmental agency in its capacity as the operator of a nonpool plant disposing of fluid milk products on routes in the marketing area.

(f) Any other person who by purchase or direction causes milk of producers to be picked up at the farm and/or moved to a plant.

§ 1004.11 Pool handler.

"Pool handler" means any person in his capacity as the operator of a pool plant or a cooperative association qualified as a handler pursuant to § 1004.10 (b) or (c).

§ 1004.12 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant, and whose sole source of supply of fluid milk products is his own farm production and transfers of such products from pool plants: *Provided, that:* (1) The quantity of fluid milk products received during the month from pool plants shall not exceed 10,000 pounds; and (2) such person furnishes proof satisfactory to the market administrator that the maintenance and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding transfers from pool plants), and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

§ 1004.13 Dairy farmer.

"Dairy farmer" means any person (except a handler pursuant to § 1004.10(d) who produces milk which is delivered in bulk to a plant.

§ 1004.14 Dairy farmer for other markets.

"Dairy farmer for other markets" means:

(a) Any dairy farmer with respect to milk reported pursuant to § 1004.8(d) (6);

(b) Any dairy farmer whose milk is received at a pool plant qualified pursuant to § 1004.8(e) for the account of a cooperative association which has no membership among producers delivering milk to other pool plants; and

(c) Any dairy farmer whose milk is received by a handler at a pool plant during the months of March through August from which the handler, an affiliate of the handler, or any person who controls, or is controlled by the handler, received milk other than as producer milk during any of the preceding months of September through February, unless the handler proves to the market administrator that all of his receipts (or receipts by an affiliate, or person who controls or is controlled by him) of milk from such dairy farm as other than producer milk during the preceding September through February period were neither approved for fluid disposition by a duly constituted health authority nor were disposed of for fluid consumption (including disposition to an agency of the U.S. Government for fluid consumption in its institutions or its bases), or unless the handler proves to the market administrator that during the preceding September through February period the milk of not less than 120 days of production from such dairy farm was received as producer milk at pool plants.

§ 1004.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, a "dairy farmer for other markets", or any other person with respect to milk produced by him which is subject to the pricing and payment provisions of another order issued pursuant to the Act, who produces milk which is received at a pool plant, diverted between pool plants in the same pricing zone, or received by a cooperative association in its capacity as a handler pursuant to § 1004.10(c), or is diverted to an other order plant under an agreed upon Class II disposition by both the diverting and receiving handlers and for which equivalent Class II use is available in the receiving plant to permit such assignment under the terms of the other order, or which is otherwise diverted to any other nonpool plant other than a producer-handler plant during any month(s) of March through August, or in accordance with the provisions of paragraphs (a), (b), or (c) of this section, during any month of September through February. If a handler diverting milk pursuant to paragraph (a) of this section diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant. If a handler diverting milk pursuant to paragraphs (b) or (c) of this section diverts in excess of the limits prescribed, all diversions by such handler during the month shall be pursuant to paragraph (a) of this section. A dairy farmer delivering milk to a pool plant qualified under § 1004.8(e) shall not qualify as a producer under this paragraph if such dairy farmer does not hold a valid farm inspection permit issued by the applicable health authority having jurisdiction in the marketing area:

(a) Not more than 10 days' production during the month unless: (1) in the case of a cooperative association, all of the diversions of milk of member producers of the cooperative during the month fall within the limits prescribed in paragraph (b) of this section; or (2) in the case of a pool handler (other than a cooperative association) diverting milk of nonmember producers, all of such diversions from such plant fall within the limits prescribed in paragraph (c) of this section.

(b) The diversion is the milk of a member of a cooperative association diverted for the account of such association and the amount of member milk so diverted does not exceed 15 percent of the volume of milk of all producer members of such cooperative association received at pool plants during such month.

(c) The diversion is the milk of a producer, who is not a member of a cooperative association, which is diverted by a handler in his capacity as the operator of a pool plant from which the quality of nonmember milk so diverted does not exceed 15 percent of the total nonmember producer milk delivered to such handler during the month.

(d) Milk which is diverted pursuant to paragraph (a), (b), or (c) of this section shall be deemed to have been received by the handler, for whose account it is diverted, at a pool plant at the location of the plant from which it is diverted except that, for the purpose of 125 miles from the nearest of such suant to §§ 1004.52 and 1004.82, milk which is diverted from a pool plant within 55 miles of the nearest of the basing points in § 1004.52 to a plant in excess of 125 miles from the nearest of such basing points or from a pool plant located in excess of 55 miles of the nearest of the basing points to a plant at which a greater location adjustment credit is applicable shall be priced at the latter location.

§ 1004.16 Milk and milk products.

(a) "Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, cultured buttermilk, flavored milk, milk drinks (plain or flavored), concentrated milk, and any other mixture of cream and milk or skim milk containing less than 18 percent butterfat (other than ice cream, ice cream mixes, ice milk mixes, eggnog, yogurt, sour half and half, and condensed or evaporated products in hermetically sealed glass or metal containers): *Provided*, That when nonfat milk solids are added for "fortification", the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content;

(b) "Producer milk" means any skim milk or butterfat contained in milk:

(1) Received directly at a pool plant from producers;

(2) Received from producers by a cooperative association in its capacity as a handler pursuant to § 1004.10(c); or

(3) Diverted in accordance with the provisions of § 1004.15;

(c) "Other source milk" means all skim milk and butterfat contained in or represented by:

(1) Receipts (including any Class II milk product produced in the handler's plant during a prior month) in a form other than as fluid milk products which are reprocessed, converted, or combined with another product during the month; and

(2) Receipts in the form of fluid milk products from any source other than producers, pool plants, or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c);

(d) "Base milk" means milk received from a producer by a pool handler which is not in excess of such producer's daily base computed pursuant to § 1004.63 multiplied by the number of days in such month on which such producer's milk was so received: *Provided*, That with respect to any producer on every-other-day delivery, the day of nondelivery prior to a day of delivery, although such prior day is in the preceding month, shall be considered as a day of delivery for the purpose of this paragraph;

(e) "Excess milk" means milk received from a producer by a pool handler which is in excess of base milk received from such producer during such month.

§ 1004.17 Route disposition.

"Route disposition" means any delivery of a fluid milk product from a plant to a retail or wholesale outlet (including any delivery by a vendor, from a plant store or through a vending machine) except any delivery to a plant.

§ 1004.18 Certified milk.

"Certified milk" is milk which is produced, packaged, and sold under the label of certified milk in accordance with the rules and regulations promulgated by the American Association of Medical Milk Commissions, Inc.

MARKET ADMINISTRATOR

§ 1004.20 Designation.

The Market Administrator for the administration of this part shall be a Market Administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1004.21 Powers.

The Market Administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1004.22 Duties.

The Market Administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon, covering each employee who handles funds entrusted to the Market Administrator;

(d) Pay out of the funds received pursuant to § 1004.88:

(1) The cost of his bond and the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1004.87, necessarily incurred by him in the maintenance and functioning of his office and in performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person, who after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1004.30 and 1004.31 or payments pursuant to §§ 1004.80 through 1004.88;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(h) Verify all reports and payments of each handler, by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation of this part as do not reveal confidential information;

(j) On or before the date specified, publicy announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The fifth day of each month, the Class II price computed pursuant to § 1004.50(b) and the handler butterfat differentials computed pursuant to § 1004.51, both for the preceding month; and

(2) The 13th day of each month, the uniform price(s) computed pursuant to §§ 1004.71 and 1004.72 and the butterfat differential to producers computed pursuant to § 1004.81, both for the preceding month; and

(3) The 15th day of the month preceding the start of each calendar quarter, the Class I price computed pursuant to § 1004.50(a); and

(4) The 15th day of each month the indexes computed pursuant to § 1004.50 (a)(1) for the preceding month, the 12-month average of prices for milk for manufacturing purposes as determined pursuant to § 1004.50(a)(3) for the period ending with the preceding month and the 12-month utilization percentage factor for the period ending with the preceding month calculated in the manner described in § 1004.50(a)(4).

(k) On or before the 13th day after the end of each month, report to each cooperative association which so requests, the class utilization of milk purchased from such association or delivered to the pool plant(s) of each handler by producers who are members of such cooperative association. For the purpose of this report, the milk so purchased or received shall be allocated to each class in the same ratio as all producer milk received by such handler during such month; and

(l) On or before February 10 of each year, notify:

(1) Each cooperative association of the daily base established by each producer member of such association; and

(2) Each nonmember producer of the daily base established by such producer.

(m) Whenever required for purpose of allocating receipts from other order

plants pursuant to § 1004.46(a)(10) and the corresponding step of § 1004.46(b), the Market Administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(n) Report to the Market Administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1004.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(o) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the Market Administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1004.30 Reports of receipts and utilization.

(a) On or before the eighth day after the end of each month each cooperative association in its capacity as a handler and each pool handler with respect to each of his pool plants shall report for the month to the Market Administrator in the detail and on forms prescribed by the Market Administrator as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) receipts of producer milk (including such handler's own production);

(ii) receipts of fluid milk products from other pool plants, and milk received from a cooperative association for which it is a handler pursuant to § 1004.10(c); and

(iii) receipts of other source milk;

(2) Inventories of fluid milk products on hand at the beginning and end of the month; and

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk; and

(c) Each producer-handler shall make reports to the Market Administrator at such time and in such manner as the Market Administrator may prescribe.

(d) Each handler pursuant to § 1004.10(e) shall make reports to the Market Administrator at such time and in such manner as the Market Administrator may prescribe.

(e) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1004.10 (b) and (c) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat diverted to nonpool plants;

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler; and

(4) The quantities of skim milk and butterfat delivered to each producer-handler.

§ 1004.31 Other reports.

(a) Each pool handler shall report to the Market Administrator in the detail and on forms prescribed by the Market Administrator as follows:

(1) On or before the 25th day after the end of the month for each pool plant, his producer payroll for such month which shall show for each producer:

(i) His name and address;

(ii) The total pounds of milk received from such producer;

(iii) The average butterfat content of such milk; and

(iv) The net amount of the handler's payment, together with the price paid and the amount and nature of any deduction;

(2) Such other information with respect to receipts and utilization of butterfat and skim milk as the Market Administrator shall prescribe.

(b) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to a pool handler, the handler shall file with the Market Administrator a report stating the producer's name and post office address, the health department permit number, if applicable, the date on which the change took place, and the farm and plant location involved.

(c) In making payments to producers pursuant to § 1004.80(a)(2), or to a cooperative association pursuant to § 1004.80(b), each pool handler shall furnish such producer or cooperative association with respect to each of its producer members from whom the handler received milk during the month, a written statement showing:

(1) The month and the identity of the handler and the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate at which payment to a producer is required under § 1004.80(a)(2);

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The nature and amount of any deductions made in payments due such producer; and

(6) The net amount of the payments to the producers.

(d) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1004.62(b) shall report the same information as required in paragraph (a) of this section with respect to dairy farmers from whom he receives milk.

(e) On or before the 20th day after the end of the month, each handler pursuant to § 1004.10 (d) or (e) shall report to the Market Administrator, in the detail and on forms prescribed by the Market Administrator, all transactions wherein milk was bought or dealt in, giving the following information:

(1) The name and address of any cooperative association or producer for whom the handler by either purchase or direction caused milk of producers to be moved to a plant;

(2) The total pounds of milk involved in the transaction, and the average butterfat content of such milk; and

(3) Such other information with respect to such transactions as the Market Administrator may prescribe.

§ 1004.32 Records and facilities.

Each handler shall maintain and make available to the Market Administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the Market Administrator to verify or establish the correct data for each month, with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items in inventory at the beginning and end of each month required to be reported pursuant to § 1004.30(a)(2);

(d) Payments to producers and cooperative associations, including any deductions and the disbursement of money so deducted; and

(e) Other information required to be reported pursuant to § 1004.31(e).

§ 1004.33 Retention of records.

All books and records required under this part to be made available to the Market Administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the Market Administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further notification from the Market Administrator. In either case, the Market Administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1004.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported by each handler pursuant to § 1004.30 shall be classified each month by the Market Administrator pursuant to the provsions of §§ 1004.41 through 1004.46.

§ 1004.41 Classes of utilization.

Subject to the conditions set forth in §§ 1004.42 through 1004.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of as a fluid milk product;

(2) Contained in inventory of packaged fluid milk products on hand at the end of the month; and

(3) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of for livestock feed;

(3) Contained in fluid milk products which are dumped, if the handler gives the Market Administrator such advance notice of intent to dump as the Market Administrator may prescribe;

(4) Contained in inventory of fluid milk products in bulk which are on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.42(b)(1), but not to exceed the following:

(i) Two percent of producer milk received at a pool plant; plus

(ii) One and one-half percent of milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1004.10(c); plus

(iii) One and one-half percent of milk received at a pool plant in bulk tank lost from other pool plants; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the handler (and by the operator of such other order plant if such receipt is fully subject to the classification and pricing provisions of such other order); plus

(v) One and one-half percent of receipts from dairy farmers who are not producers and receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of milk moved in bulk tank lots from a pool plant to other plants; and plus

(vii) One-half of one percent in receipts of producer milk by a cooperative association in its capacity as a handler pursuant to § 1004.10(c).

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.42(b)(2);

(7) Disposed of in bulk to any commercial food establishment for use on the premises in the manufacture of soup, candy, bakery products, or any other nondairy commercial food product: *Provided*, That such establishment does not dispose of any fluid milk product;

(8) The weight of skim milk in fortified fluid milk products which is expected from Class I milk pursuant to paragraph (a) of this section.

§ 1004.42 Shrinkage.

The Market Administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk in butterfat, respectively, for each handler; and

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat in receipts described in § 1004.4(b)(5); and (2) skim milk and butterfat in other source milk exclusive of that specified in § 1004.41(b)(5).

(c) In the case of milk received from producers by a cooperative association handler pursuant to § 1004.10(c), the cooperative association shall be responsible for proving that skim milk which was not received at a pool plant should be classified other than as Class I, and the operator of a pool plant receiving skim milk and butterfat from a cooperative association handler pursuant to § 1004.10(c) shall be responsible for proving that such skim milk and butterfat should be classified other than as Class I.

§ 1004.43 Responsibility of handlers and the reclassification of milk.

(a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk and butterfat proves to the Market Administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the Market Administrator discloses that the original classification was incorrect.

§ 1004.44 Transfers.

Skim milk and butterfat in the form of any fluid milk product shall be classified:

(a) As Class I milk if diverted between pool plants in the same pricing zone or transferred from a pool plant or a cooperative association as a handler pursuant to § 1004.10(c) to a pool plant, unless Class II utilization is indicated by the transferee and transferor handlers in their reports pursuant to § 1004.30(a) for the month, subject to the conditions of subparagraphs (1), (2) and (3) of this paragraph:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1004.46(a)(10) and the corresponding step of § 1004.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1004.46(a)(5), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk.

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1004.46(a)(9) or (10) and the corresponding steps of § 1004.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk if transferred from a pool plant or delivered by a cooperative handler to a handler pursuant to § 1004.10(e).

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the Market Administrator pursuant to § 1004.30 for the month within which such transaction occurred;

(2) The operator of such nonpool transferee plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the Market Administrator for the purpose of verification;

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any route disposition in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, and thereafter pro rata to receipts from other order plants;

(ii) Any route disposition in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, and thereafter pro rata to receipts from pool plants and other order plants not regulated by such order;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to the receipts from dairy farmers who the Market Administrator determines constitute the regular source of supply for such nonpool plant, and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) Any remaining receipts from pool plants or other order plants shall be assigned to Class II: *Provided*, That if on inspection of the books and records of the nonpool plant the Market Administrator finds that the remaining unassigned receipts at such plant exceed the available Class II utilization, the transfer shall be classified as Class I up to the amount of such excess.

(d) As follows, if transferred to another order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1004.41.

§ 1004.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1004.30(a) by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, and the total pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1004.10 (b) and (c) and was not received at a pool plant: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products plus all the water originally associated with such solids.

§ 1004.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1004.45, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1004.10 (b) and (c) which was not received at a pool plant, and the classification of milk received from producers and from cooperative association handlers pursuant to § 1004.10(c) at each pool plant for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1004.41(b)(5);

(2) Subtract from the total pounds of skim milk in Class I, the pounds of skim milk in receipts of certified milk in packaged form;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows, if the fluid products so received are classified and priced as Class I milk under such order or the equivalent thereof if assigned to Class I milk under this order:

(i) From Class II milk, the lesser of the pounds remaining, or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products from dairy farmers for other markets pursuant to § 1004.14(a) and (b) and from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II;

(i) The pounds of skim milk in receipts of fluid milk products, for which the handler requests Class II utilization, which were received from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating the plant and from dairy farmers, for other markets pursuant to § 1004.14(b), but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(b), if not assigned pursuant to subparagraphs (3) and (6)(i) of this paragraph, to the extent that the total of such receipts is in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1004.10(c), in receipts from Order 2 pool bulk tank units and in receipts in bulk from other order plants which are classified and priced pursuant to the applicable order; and

(*c*)(*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(c), remaining at the plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II, shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant if classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk (and for the first month this order is effective, in packaged fluid milk products) on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class II milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipt of fluid milk products from unregulated supply plants, from other order plants if not classified or priced pursuant to the order regulating such plant and from dairy farmers for other markets pursuant to § 1004.14(c), that were not subtracted pursuant to subparagraph (6) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk in receipts of fluid milk products from Order 2 pool bulk tank units and in bulk from other order plants (except receipts from other order plants not classified and priced pursuant to the order regulating such plant) in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (6)(ii) of this paragraph, pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1004.22(1); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(11) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1004.10(c) according to the classification assigned pursuant to § 1004.44(a); and

(12) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1004.50 Class prices.

(a) *Class I milk.* For each month in each calendar quarter, the price per hundredweight of Class I milk shall be $7.17.

(b) *Class II milk.* The price per hundredweight of Class II milk shall be determined for each month as follows:

(1) Adjust the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the month, to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture for the month. Such price shall be rounded to the nearest cent but shall not exceed a price computed as follows:

(i) Multiply by 4.2 the Chicago butter price specified in this subparagraph;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(iii) From the sum of the results arrived at under subdivision (i) and (ii) of this subparagraph subtract 48 cents, and round to the nearest cent.

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month	*Amount*
January	+.05
February	+.04
March	−.03
April	−.07
May	−.10
June	−.09
July	+.05
August	+.12
September	+.08
October	+.08
November	+.08
December	+.08

§ 1004.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1004.50 shall be increased or decreased, respectively, for each one-tenth of 1 percent variation in butterfat content by the appropriate rate, rounded in each case to the nearest one-tenth cent determined as follows:

(a) *Class I milk.* Divide by 35 an amount calculated as follows: Add all market quotations (using the midpoint of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40 percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the Department of Agriculture, divide by the number of quotations, subtract $2, divide by 9.7143: *Provided*, That such butterfat differential shall not be less than that provided pursuant to paragraph (b) of this section.

(b) *Class II milk.* Multiply by 0.120 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported by the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the Department of Agriculture for Grade A (92-score) butter in the New York City market.

§ 1004.52 Location differentials to handlers.

(a) For that milk received from producers and from cooperative association handlers pursuant to § 1004.10(c) at a pool plant in Pennsylvania or New Jersey located 55 miles or more by shortest highway distance, as determined by the market administrator from the nearest of the City Halls in Philadelphia, Pa.; Trenton or Atlantic City, N.J., or outside Pennsylvania and New Jersey and located 75 miles or more from the zero milestone in Washington, D.C., or City Hall in Baltimore, Md., or Salisbury, Md., and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the Class I price shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers, subject to the exception contained in § 1004.15(d):

	Rate per hundredweight
	Cents
Distance of plant from nearest city base point:	
55 miles	9.0
Each additional 10 miles or fraction thereof an additional	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition at the transferee plant in an amount not in excess of that by which such Class I disposition exceeds 95 percent of the sum of receipts at such plant

from producers, cooperative associations pursuant to § 1004.10(c), and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants and from dairy farmers for other markets pursuant to § 1004.14(b). Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply: *Provided*, That for purposes of this paragraph transfers from a pool plant to a second pool plant which are in turn transferred to a third pool plant shall be treated as though the transfer was direct from the originating plant to the plant of final receipt.

(c) For milk received from producers at a pool plant located 55 to 75 miles by the shortest highway distance as determined by the market administrator from the nearest of the City Halls in Philadelphia, Pa.; Trenton or Atlantic City, N.J.; and classified as Class II milk (except that for which a Class I location differential was assigned pursuant to paragraph (b)), the Class II price shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk was received from producers, subject to the exception contained in § 1004.15(d):

Rate per hundredweight

	Cents
Distance of plant from nearest City Hall:	
55 to 70 miles	5.0
Each additional 70 miles or fraction thereof an additional	1.0

§ 1004.53 Equivalent prices or indexes.

If for any reason a price or index specified by this part for use in computing class prices or other purposes is not reported or published in the manner described in this part, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified

APPLICATION OF PROVISIONS

§ 1004.60 Producer-handler.

Sections 1004.40 through 1004.46, 1004.50 through 1004.53, 1004.62, 1004.70, 1004.71 and 1004.80 through 1004.89a shall not apply to a producer-handler.

§ 1004.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1004.30) and allow verification of such reports by the market administrator. In addition, each handler operating an Order 2 pool plant from which any unpriced milk is disposed of as route disposition in the marketing area of this order shall, on or before the 15th day after the end of the month make payments to the producer-settlement fund of the difference between the announced Class I price under this order and the announced uniform price under Order 2, both applicable at his plant location, on the volume of such milk so disposed, and pay the administrative assessment provided in § 1004.88 with respect to such milk.

(a) Any plant qualified pursuant to § 1004.8(a) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant on routes in the Middle Atlantic marketing area than in a marketing area regulated pursuant to such other order;

(b) Any plant subject to the classification and pricing provisions of another order issued pursuant to the Act, notwithstanding its status under this order pursuant to § 1004.8 (a) or (b).

§ 1004.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to subsection 1004.30(b) and 1004.31(d) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1004.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1004.70(e) and a credit in the amount specified in § 1004.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to subsections 1004.30(b) and 1004.31(c) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1004.8 with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for milk (approved by a duly constituted health authority for fluid disposition) received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

§ 1004.63 Computation of base for each producer.

After January 31, 1971, for each month of the year, the market administrator shall compute, subject to the rules set forth in § 1004.64, a base for each producer described in paragraphs (a) through (d) of this section by dividing the applicable quantity of milk receipts specified in such paragraph by 153 (by 154, in the case of a producer on every-other-day delivery schedule who delivered August 1) less the number of days, if any, during the applicable base-forming period of August through December for which it is shown that the day's production of milk of such producer was not received by a pool handler as described in the applicable paragraphs (a) through (d) of this section under which such producer's base is computed: *Provided*, That in no event shall the number of days used to compute a producer's base pursuant to this part be less than 120.

(a) For any producer, except as provided in paragraphs (b) through (e) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer during the preceding months of August through December;

(b) For any producer whose milk was received during the preceding months of August through December at a plant which first became a pool plant after the first month of such base-earning period, and which was a pool plant for 120 days or more during the base-forming period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such August–December period at the plant: *Provided*, That if such plant was a pool plant on less than 120 days, the quantity of milk receipts shall be 50 percent of the total pounds of milk received from such dairy farmer during such August–December period at the plant.

(c) For any producer who, during the two base-forming months of August and September qualified under Order 2 (New York-New Jersey) as a producer, and was a producer under this part during all of each of the three remaining base-forming months of October, November, and December, the quantity of milk receipts shall be the total pounds of milk received from such farmer during all of the months of August through December by pool handlers under both orders.

(d) For any producer not described in paragraph (b) or (c) of this section but whose milk was received by a handler as producer milk during the base-forming months of October, November, and December at a pool plant at which receipt of his milk in the immediately preceding months of August and September would have qualified or did qualify him as a "dairy farmer for other markets" pursuant to § 1004.14(c), the quantity of milk receipts shall be the total pounds of milk received from such producer by pool handlers during such months of August through December and verified receipts at the nonpool plant of the handler, affiliate of the handler or any person who controls or is controlled by the handler during such months of August and September.

(e) If a producer delivers no milk to a pool plant during the base-forming period of August through December or if milk is delivered on less than 120 days (60 days in the case of every-other-day delivery) during such base-forming months and the producer relinquished his base, the base of such producer shall be 50 percent of his average daily deliveries of producer milk during each month until a base is computed on the basis of deliveries during 4 complete months in a subsequent August through December period; *Provided*, That on the date such producer obtains such a base or a base in any quantity by transfer under the provisions of § 1004.64(b), the provisions of this paragraph are no longer applicable.

§ 1004.64 Base rules.

After January 31, 1971, the following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to paragraph 1004.63(a) through (d) shall be effective for the subsequent months of February through January inclusive.

(b) A base computed pursuant to § 1004.63 or as designated pursuant to paragraph (e) of this section may be transferred in its entirety to another dairy farmer upon the death or the discontinuance of milk production or upon entry into military service by the base owner. Sale of the entire productive herd in reasonable relation to the size of base transferred by dispersal sale or in total shall be deemed as evidence of discontinuing milk production.

(c) Base transfers shall be accomplished upon written application on a form approved by the market administrator and shall be signed by the base holder, or his heirs or assigns and by the person to whom such base is to be transferred; *Provided*, That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders or their heirs or assigns.

(d) If a producer operates more than one farm, and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.10 (b) or (c), he shall establish a separate base with respect to producer milk delivered from each such farm.

(e) Only one base shall be allotted with respect to milk produced by one or more persons where the dairy farm is jointly owned or operated: *Provided*, That in the case of a base established jointly, if a copy of the partnership agreement setting forth as a percentage of the total interests of the partners in the base if filed with the market administrator before the end of the base-forming period, then upon termination of the partnership agreement each partner will be entitled to his stated share of the base to hold in his own right, or to transfer as provided in paragraphs (b) and (c) of this section (including transfer to a partnership of which he is a member). Such termination of partnership shall become effective as of the end of any month during which an application for such division signed by each member is received by the market administrator.

(f) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that the following producers may retain their bases without loss for 12 months;

(1) A producer who suffers the complete loss of his barn as a result of fire or act of God; or

(2) A producer for whom loss of 50 percent or more of the milk herd from brucellosis or bovine tuberculosis, is shown by evidence issued under state or federal authority.

(g) Two or more producers with bases may combine such bases upon the formation of a bona fide partnership operating from one farm. Such a combination shall be considered a joint base under paragraph (e) above.

§ 1004.65 Relinquishing a base.

After January 31, 1971, a producer who delivers on 120 days or more during August through December and notifies the Market Administrator that he relinquished his established base shall be paid pursuant to the provision of § 1004.63(e) beginning with the first day of the month in which such notification is received by the Market Administrator until the next February 1.

§ 1004.66 Continuation of present base and blend pricing provisions through January 31, 1971.

Prior to February 1, 1971, the following base program shall be effective:

(a) For each of the months of March through June each year the Market Administrator shall compute, subject to the rules set forth in § 1004.64, a base for each producer described in paragraphs (a) through (d) of this section by dividing the applicable quantity of milk receipts specified in such paragraph by 184 (by 185, in the case of a producer on every-other-day delivery schedule who delivered July 1) less the number of days, if any, during the immediately preceding base-forming period of July through December for which it is shown that the day's production of milk of such producer was not received by a pool handler as described in the applicable paragraphs (a), (b), (c) or (d) of this section under which such producer's base is computed: *Provided*, That in no event shall the number of days used to compute a producer's base pursuant to this part be less than 154.

(i) For any producer, except as provided in paragraphs (b), (c), and (d) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer during the preceding months of July through December;

(ii) For any producer whose milk was received during the preceding months of July through December at a plant which became a pool plant after the beginning of such base-earning period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such July-December period by pool handlers as producer milk or at the plant as a nonpool plant;

(iii) For any producer who, during any of the three base-earning months July through September the preceding year, qualified under Order 2 as a producer and was a producer under Order No. 2 during all of each of the three remaining base-earning months of October, November, and December, the quantity of milk receipts shall be the total pounds of milk received from such farmer during all of the months of July through December by pool handlers under each of the orders; or

(iv) For any producer not described in paragraph (b) or (c) of this section but whose milk was received by a handler as producer milk during the months of September, October, November, and December of the preceding year at a pool plant at which receipt of his milk in the immediately preceding months of July and August would have qualified or did qualify him as a "dairy farmer for other markets" pursuant to § 1004.14(c), the quantity of milk receipts shall be the total pounds of milk received from such producer by pool handlers during such months of July through December and verified receipts at the nonpool plant of the handler, affiliate of the handler or

any person who controls or is controlled by the handler during such months of July through September.

(b) The following rules shall apply in connection with the establishment of bases:

(i) A base computed pursuant to § 1004.63 or as designated pursuant to paragraph (c) of this section may be transferred in its entirety to any other person upon written application to the Market Administrator on or before the second day of the month following the month of transfer. Such application shall be on a form approved by the Market Administrator and shall be signed by the baseholder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders or their heirs, or assigns;

(ii) If a producer operates more than one farm, and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.10 (b) or (c), he shall establish a separate base with respect to producer milk delivered from each such farm;

(iii) Only one base shall be allotted with respect to milk produced by one or more persons where the dairy farm is jointly owned or operated: *Provided*, That in the case of a base established jointly, if a copy of the partnership agreement setting forth as a percentage of the total the interests of the partners in the base is filed with the Market Administrator before the end of the base-making period, then upon termination of the partnership agreement each partner will be entitled to his stated share of the base to hold in his own right, or to transfer as provided in paragraph (a) of this section (including transfer to a partnership of which he is a member) such diversion with respect to any member of the partnership to be effective as of the end of any month during which an application for such division signed by each member is received by the Market Administrator.

DETERMINATION OF UNIFORM PRICE

§ 1004.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant and of each cooperative association handler pursuant to § 1004.10 (b) and (c) with respect to milk which was not received at a pool plant shall be a sum of money computed by the Market Administrator as follows:

(a) Multiply the quantity of milk received from a cooperative association as a handler pursuant to § 1004.10(c) and allocated pursuant to § 1004.46 (a) and (b)(11) and the quantity of producer milk in each class, as computed pursuant to § 1004.46(c), by the applicable class prices (adjusted pursuant to subsections 1004.51 and 1004.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1004.46(a)(12) and the corresponding step of § 1004.46(b) by the applicable class prices;

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.46(a)(7) and the corresponding step of § 1004.46(b) for the current month;

(2) Multiply the difference between the applicable Class I price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.46(a)(4) and the corresponding step of § 1004.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount.

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1004.46(a)(5) and the corresponding step of § 1004.46(b); and

(e) Add an amount equal to the values of skim milk and butterfat determined pursuant to subparagraphs (1) and (2) of this paragraph as follows:

(1) The value at the Class I price of skim milk and butterfat received from dairy farmers for other markets assigned to Class I pursuant to § 1004.46(a)(9) and the corresponding step of § 1004.46(b), adjusted pursuant to § 1004.52;

(2) The value at the Class I price of skim milk and butterfat assigned to Class I pursuant to § 1004.46(a)(9), and the corresponding step of § 1004.46(b) (excluding milk from dairy farmers for other markets and receipts from partially regulated distributing plants for which disposition a specific allocation was made to Federal order receipts from this or any other order), adjusted for the location of the nearest plant from which such types of receipts were received.

§ 1004.71 Computation of weighted average prices.

For each month the Market Administrator shall compute the weighted average price through January 31, 1971, and for each of the months of July through February the uniform price per hundredweight of milk received from producers as follow:

(a) Combine into one total the values computed pursuant to § 1004.70 for all handlers who filed the reports prescribed by § 1004.30 for the month and who made the payments pursuant to § 1004.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1004.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1004.81 and multiplying the result by the total hundredweight of such milk;

(d) Subtract the total of payments required to be made for such month by § 1004.89.1;

(e) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk included pursuant to paragraph (a) of this section; and

(2) The total hundredweight for which a value is computed pursuant to § 1004.70(e); and

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price" and shall be the uniform price per hundredweight of milk of 3.5 percent butterfat received from producers in each of the months of July through February through January 31, 1971.

§ 1004.72 Computation of uniform prices for base milk and excess milk.

For each of the months of March through July and after January 31, 1971, for each month, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers, each of 3.5 percent butterfat content, free on board market, as follows:

(a) Compute the aggregate value of excess milk for all handlers included in the computations pursuant to § 1004.71 (a) as follows:

(1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price;

(2) Multiply the remaining hundredweight quantity of excess milk by the Class I milk price; and

(3) Add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and round to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(c) From the amount resulting from the computations of § 1004.71 (a) through (e) subtract an amount computed by multiplying the hundredweight of milk specified in § 1004.71(f)(2) by the weighted average price;

(d) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section by the hundredweight of excess milk, from the amount computed pursuant to paragraph (c) of this section;

(e) Divide the amount calculated pursuant to paragraph (d) of this section by the total hundredweight of base milk for handlers included in these computations: *Provided*, That if the resulting price should exceed the Class I price by more than the amount deducted pursuant to paragraph (f) of this section the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to paragraph (a) of this section, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base milk and excess milk on the basis of the respective volumes of base and excess milk; and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for base milk.

PAYMENTS

§ 1004.80 Time and method of payment.

(a) Except as provided in (b) and (d) of this section, each pool handler shall make payment as specified in subparagraph (1) and (2) of this paragraph to each producer from whom milk is received.

(1) On or before the last day of each month at not less than the Class II price for the preceding month per hundredweight for his deliveries of producer milk during the first 15 days of the month; and

(2) On or before the 20th of the following month at not less than the price for base milk computed pursuant to § 1004.72 (c) through (f) with respect to base milk received from such producer and not less than the excess price determined pursuant to § 1004.72 (a) and (b) for excess milk received from such producer subject to the following adjustments.

(i) Proper deductions authorized in writing by such producers;

(ii) Partial payments made pursuant to subparagraph (1) of this paragraph;

(iii) The butterfat differential computed pursuant to § 1004.81; and

(iv) Less the location differential received pursuant to § 1004.82: *Provided*, That if by such date such handler has not received full payment from the Market Administrator pursuant to § 1004.85 for such month he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the Market Administrator;

(b) In the case of a cooperative association which the Market Administrator determines is authorized by its producer-members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the Market Administrator an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) In the case of milk received by a handler from a cooperative association in its capacity as the operator of a pool plant such handler shall on or before the second day prior to the date on which payments are due individual producers, pay to such cooperative association for milk so received during the month, an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler.

(d) Each handler who receives milk from a cooperative association handler pursuant to § 1004.10(c), shall on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at the rate specified in paragraph (a)(1) of this section; and

(2) A final payment equal to the value of such milk at the uniform price(s) adjusted by the applicable differentials pursuant to subsections 1004.81 and 1004.82, less the amount of partial payment on such milk.

§ 1004.81 Butterfat differential to producers.

The uniform base and excess prices to each producer shall be increased or decreased, for each one-tenth of 1 percent by which the average butterfat content of his milk is above or below 3.5 percent, respectively, by the butterfat differential computed pursuant to § 1004.51(a) and rounded to the nearest full cent.

§ 1004.82 Location differential to producers.

(a) For milk received from producers and from cooperative association handlers pursuant to § 1004.10(c), subject to the exception contained in § 1004.15(d):

(1) The uniform price for base milk computed pursuant to § 1004.72 for base milk received from producers at a pool plant located in Pennsylvania or New Jersey and at least 55 miles from the nearest of the city halls, in Philadelphia, Pa.; Atlantic City or Trenton, N.J.; or at least 75 miles from the zero milestone in Washington, D.C., or city hall in Baltimore, Md.; or Salisbury, Md.; by the shortest highway distance as determined by the Market Administrator shall be reduced 9 cents plus 1½ cents for each additional 10 miles.

(2) The uniform price for excess milk computed pursuant to § 1004.72 for excess milk received from producers at a pool plant at which a location differential applies shall be reduced by a location differential computed pursuant to § 1004.52(c).

(b) For purposes of computations pursuant to subsections 1004.84 and 1004.85 the weighted average price shall be reduced at the rates set forth in paragraph (a) of this section applicable at the location of the plant(s) at which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e)(1) and at the location of the nonpool plant(s) from which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e)(2).

§ 1004.83 Producer-settlement fund.

The Market Administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to subsections 1004.61, 1004.62, 1004.84, and 1004.86 and out of which he shall make all payments pursuant to subsections 1004.85 and 1004.86: *Provided*, That the Market Administrator shall offset any such payment due to any handler against payment due from such handler.

§ 1004.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the Market Administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1004.70 for such handler; and

(b) The sum of:

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1004.10(c) at the applicable uniform price(s), pursuant to § 1004.72 adjusted by producer butterfat and location differentials, less in the case of a cooperative association on milk for which it is a handler pursuant to § 1004.10(c), the amount due from other handlers pursuant to § 1004.80(d); and

(2) The value at the weighted average price adjusted by the producer butterfat differential pursuant to § 1004.81 and the location differential on nonpool milk pursuant to § 1004.82(b) (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1004.70(e).

§ 1004.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month the Market Administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1004.84(b) exceeds the amount computed pursuant to § 1004.84(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the Market Administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1004.86 Adjustment of accounts.

Whenever verification by the Market Administrator of reports or payments of any handler discloses errors resulting in

money due (a) the Market Administrator from such handler, (b) such handler from the Market Administrator, or (c) any producer or cooperative association from such handler, the Market Administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1004.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers for milk (other than milk of his own production) pursuant to § 1004.80(a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe and shall pay such deductions to the Market Administrator on or before the 20th day after the end of the month. Such money shall be expended by the Market Administrator to provide market information and to verify the weights, samples, and tests of milk of producers who are not receiving such service from a cooperative association; and

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 1004.80 (a) as are authorized by such producers on or before the 18th day after the end of each month and pay such deductions to the cooperative rendering such services.

§ 1004.88 Expense of administration.

As his pro rata share of the expense of administration, each handler shall pay to the Market Administrator on or before the 20th day after the end of the month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to milk handled during the month as follows:

(a) Each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1004.10(c), and a cooperative association as the operator of a pool plant with respect to milk transferred in bulk to a pool plant), with respect to his receipts of producer milk (including such handler's own-farm production, milk received from a cooperative association pursuant to § 1004.10(c), and milk transferred in bulk from a pool plant owned and operated by a cooperative association), and other source milk allocated to Class I pursuant to § 1004.46 (a)(5) and (9) and the corresponding step of § 1004.46(b);

(b) Each handler in his capacity as the operator of a partially regulated distributing plant with respect to his route disposition in the marketing area in excess of his receipts of Class I milk from pool plants and other order plants;

(c) Each handler in his capacity as the operator of an other order plant with respect to his route disposition in the marketing area, which milk was not classified and priced under such other order.

§ 1004.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the Market Administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the Market Administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an under payment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

§ 1004.89a Cooperative payments for marketwide services.

Payments shall be made to qualified cooperatives or to federations under the conditions, in the manner, and at the rates set forth in this section.

(a) *Definitions.* As used in this section the following terms shall have the following meanings:

(1) "Cooperative" means a cooperative association of producers which is duly incorporated under the cooperative corporation laws of a State; is qualified under the Capper-Volstead Act (7 U.S.C. 291 et seq.); has all its activities under the control of its members; and has full authority in the sale of its members' milk.

(2) "Federation" means a federation of cooperatives which is duly incorporated under the laws of a State.

(3) "Federated cooperative" means a cooperative which is a member of a federation and on whose membership the federation is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(4) "Affiliated cooperative" means a cooperative upon whose entire membership another cooperative, by mutual consent, is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(5) "Member producer" means, when used with respect to a cooperative or federation which is an applicant for or is receiving payments, a producer under this order who has met the following conditions:

(i) He is a member of the cooperative or one of its affiliated cooperatives, or in the case of a federation, he is a member of one of its federated cooperatives from whom the cooperative, affiliated cooperative, or federated cooperative is receiving at least 4 cents per hundredweight of milk delivered by him: *Provided*, That the cooperative of which he is a member is meeting the requirements of this part applicable to it;

(ii) He has been a producer, or his farm had been the farm of a producer for at least a prior 12-month period; and

(iii) He has not for a prior 12-month period been a member producer of another cooperative or federation.

(6) "Marketwide services" means services performed by cooperatives or federations, as defined herein, which benefit all producers in the marketing of their milk under this order; such services are not limited to those specified in subparagraphs (1) through (6) of paragraph (e) of this section and may include services directly or indirectly related to the order.

(b) *Designated cooperatives and federations.* A cooperative or federation may submit an application to the Market Administrator for payments under the provisions of this section or for modification on the basis of a previous designation. Such application shall include a written description of the applicant's program for the performance of marketwide services, including evidence that adequate facilities and personnel will be maintained by it so as to enable it to perform the marketwide services, and the application shall contain a statement by the applicant that it will perform the required marketwide services for which it is applying for payments: *Provided*, That in the case of an application for modification of the basis for a previous designation, the Market Administrator may waive the requirements for submission of the written description of the programs. The application shall set forth all necessary data so as to enable the Market Administrator to determine whether it meets the designation requirements with respect to the payments for which the application is submitted. An application shall be approved by the Market Administrator only if he determines that:

(1) In the case of a cooperative:

(i) It has as member producers or its affiliated cooperatives have as member producers, not less than 10 percent of all producers, as defined in this order.

(ii) It has contracts with each of its affiliated cooperatives under which the cooperatives agree to continue as affiliated cooperatives for at least 1 year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which member producers of the affiliated cooperative are to be included within its membership for cooperative payment purposes;

(iii) It receives from each of its affiliated cooperatives not less than 4 cents per hundredweight of milk delivered by member producers of such cooperatives.

(2) In the case of a federation:

(i) It has contracts with each of its federated cooperatives under which the cooperatives agree to remain in the federation for at least 1 year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which the federated cooperatives are to be included within the membership of the federation for cooperative payment purposes;

(ii) It has as member producers not less than 10 percent of all producers, as defined in this order;

(iii) It receives from each of its federated cooperatives not less than 1 cent per hundredweight of milk delivered by member producers of such cooperative.

(3) The applicant cooperative or federation demonstrates that it has the ability to perform the marketwide services for which application is made, and that such services will be performed.

(4) The applicant cooperative or the federated cooperatives of an applicant federation are in no way precluded from arranging for the utilization of milk under their respective control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification.

(c) *Notice of designation or denial; effective date.* Upon determination by the Market Administrator that a cooperative or a federation shall be designated to receive payment for performance of the marketwide services, he shall transmit such determination to the applicant cooperative or federation and publicly announce the issuance of the determination. The determination shall be effective with respect to milk delivered on and after the first day of the month following issuance of the determination. If, after consideration of an application for payments for marketwide services, the Market Administrator determines that the cooperative or federation is not qualified to receive such payments he shall promptly notify the applicant and specifically set forth in such notice his reasons for denial of the application.

(d) *Requirements for continued designation.* At least annually, each designated cooperative or federation must demonstrate to the market administrator that it continues to meet the designation requirements for the payments and is fully performing the marketwide services for which it is being paid.

(e) *Marketwide services.* Each cooperative or federation shall perform the marketwide services enumerated in this paragraph. Such services shall include: (1) Analyzing milk marketing problems and their solutions, conducting market research and assembling statistical data relative to price and marketing conditions, and making an economic analysis of all such data; (2) determining the need for the formulation of amendments to the order and proposing such amendments or requesting other appropriate action by the Secretary or the market administrator in the light of changing conditions; (3) participating in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and also participating by voting or otherwise, in the referenda relative to amendments; (4) participating in the meetings called by the market administrator, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter; (5) conducting a comprehensive education program among producers—i.e., members and nonmembers of cooperatives—and keeping such producers well informed for participating in the activities under the regulatory order and, as a part of such program, issuing publications that contain relevant data and information about the order and its operation, and the distribution of such publications to members and, on the same subscription basis, to nonmembers who request it, and holding meetings at which members and nonmembers may attend; (6) assuming the responsibility for hauling and disposing of surplus milk of members and nonmembers in the highest use classification available and having available sufficient plant capacity to receive all the milk of producers who are members and be willing and able to receive milk of producers who are not members; and (7) performing such other services as are needed to maintain satisfactory marketing conditions and promote market stability.

(f) *Rate, computation, time and method of payment.*

(1) Subject to the provisions of paragraph (g) of this section, the market administrator, on or before the 20th day of each month, shall make payment out of the producer-settlement fund, or issue equivalent credit therefore, to each cooperative or federation which is designated for such payments for marketwide services. The payment to a cooperative or federation shall be based upon the milk reported by cooperative or proprietary handlers to have been received during the preceding month from its member producers, subject to adjustment upon verification by the market administrator.

(2) Such payment or credit shall be at the rate of 4 cents per hundredweight of milk in accordance with subparagraph (1) of this paragraph.

(3) If an individually designated cooperative is affiliated with a federation, the cooperative payment shall be made to such cooperative unless its contract with the federation specified in writing that the federation is to receive the payments. Any such contract must authorize the federation to receive the payments for at least 1 year, and such agreement must cover or be renewed for a yearly period for every subsequent year for which the federation is to receive the payments.

(g) Cancellation of designation.

(1) The market administrator shall issue an order wholly or partly cancelling the designation of a previously designated cooperative or federation for payments authorized pursuant to this section and such payments shall not thereafter be made to it if he determines that:

(i) The cooperative or federation no longer complies with the requirements for this part: *Provided*, That if one of its affiliated or federated cooperatives has failed to comply with the requirements of this part applicable to it, the cooperative or federation shall be disqualified only to the extent that its qualification for payments or the amount of its payments are based upon the membership, milk, or operations of such noncomplying affiliated or federated cooperatives.

(ii) The cooperative or federation has failed to make reports or furnish records pursuant to this section.

(2) An order of the market administrator wholly or partly cancelling the designation of a cooperative or federation shall not be issued until after the cooperative or federation has had opportunity for hearing thereon following not less than 15 days' notice to it specifying the reasons for the proposed cancellation. If the cooperative or federation fails to file a written request for hearing with the market administrator within such period of 15 days, the market administrator may issue an order of cancellation without further notice; but if within such period a request for hearing is filed, the market administrator shall promptly proceed to hold such hearing.

(3) A cancellation order issued by the market administrator shall set forth the

findings and conclusions on the basis of which it is issued.

(h) *Appeals.*

(1) *From denials of application.* Any cooperative or federation whose application for designation has been denied by the market administrator may, within 30 days after notice of such denial, file with the Secretary a written petition for review. But the failure to file such petition shall not bar the cooperative or federation from again applying to the market administrator for designation.

(2) *From cancellation orders.* A cancellation order by the market administrator shall become final 30 days after its service on the cooperative or federation unless within such 30-day period the cooperative or federation files a written petition with the Secretary for review thereof. If such petition for review is filed, payments for which the cooperative or federation has been canceled by the order shall be held in reserve by the market administrator pending ruling of the Secretary, after which the sums so held in reserve shall either be returned to the producer-settlement fund or paid over to the cooperative or federation depending on the Secretary's ruling on the petition. If such petition for review is not filed, any payments which otherwise would be made within the 30-day period following issuance of the cancellation order shall be held in reserve until such order becomes final and shall then be returned to the producer-settlement funds.

(3) *Record on appeal.* If an appeal is taken under subparagraph (1) or subparagraph (2) of this paragraph, the market administrator shall promptly certify to the Secretary the ruling or order appealed from the evidence upon which it was issued: *Provided*, That if a hearing was held the complete record thereof, including the applications, petitions, and all exhibits or other documentary material submitted in evidence shall be the record so certified. Such certified material shall constitute the sole record upon which the appeal shall be decided by the Secretary.

(i) *Reports and records.* Each designated cooperative or federation shall:

(1) After submission to the market administrator for verification, make a public report of its performance of marketwide services pursuant to this section, including data on its receipts and expenditure of cooperative payments funds and a description of the marketwide services performed. The report shall contain a certification by the market administrator that the report is accurate to the best of his knowledge.

(2) Submit an annual report to the market administrator which shall include:

(i) A concise report of its performance of marketwide services and allocations of expenditures to such performance for the previous year; and

(ii) An outline of its proposed program and budget for performance of marketwide services for the coming year.

(3) Make such additional reports to the market administrator as may be requested by him for the administration of the provisions of this section.

(4) Maintain and make available to the market administrator or his representative such records as will enable the market administrator to verify such reports.

(j) *Notice, demands, orders, etc.* All notices, demands, orders, or other papers required by this section to be given to or served upon a cooperative or federation shall be deemed to have been given or served as of the time when mailed to the last known secretary of the cooperative or federation at his last known address.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1004.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1004.91.

§ 1004.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part, whenever he finds that this part or any provisions of this part, obstructs, or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1004.92 Continuing obligations.

If under the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the Market Administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1004.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the Market Administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the Market Administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If the liquidating agent is so designated, all assets, books, and records of the Market Administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the Market Administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1004.100 Agents.

The Secretary may by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1004.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Proposed by Dairymen's League Cooperative Association, Inc., and Northeast Dairy Cooperative Federation, Inc.:

Proposal No. 2. In lieu of the base-excess plans currently used in the three markets, substitute a seasonal incentive payment plan (Louisville Plan) whereby pool funds are set aside during the months of high production and returned to the pool during the months of low production.

Proposed by Cloverland Farms Dairy, Green Spring Dairy, Highs of Baltimore, Inc., Koontz Dairy and Thompson's Dairy:

Proposal No. 3. Modify the shrinkage allowance provided in any order resulting from the hearing to reflect increased losses due to the employment of modern methods of processing and packaging of fluid milk.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 4. Make such changes as may be necessary to make the entire marketing agreements and the orders conform thereto with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators of the respective orders at Post Office Box 306, Alexandria, Va. 22313; 1 Decker Square, Room 646, Bala Cynwyd, Pa. 19004; Post Office Box 6848, Towson Station, Baltimore, Md. 21204; or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on July 3, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-8062; Filed, July 8, 1969; 8:49 a.m.]

[7 CFR Part 1063]

MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Quad Cities-Dubuque marketing area is being considered for the months of July and August 1969.

The provision proposed to be suspended is the proviso in § 1063.14, relating to diversion of producer milk to nonpool plants.

The suspension action is requested by Mississippi Valley Milk Producers Association, Inc., and Clinton Cooperative Milk Producers Association to accommodate the handling of reserve milk of the market. The associations claim that without such suspension action they would be forced to receive the producer milk first at pool plants for reshipment to manufacturing plants. This would be an undue expense on the part of dairy farmers and their cooperatives supplying the market.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27).

Signed at Washington, D.C., on July 3, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-8063; Filed, July 8, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SW-38]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Blytheville, Ark., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

A new public use instrument approach procedure has been developed for the Blytheville, Ark., Municipal Airport using a proposed city-owned radio beacon, presently unnamed, as the navigational aid. In addition, the criteria for designation of terminal controlled airspace has been changed. Accordingly, it is necessary to alter the Blytheville, Ark., transition area to provide controlled airspace protection for aircraft executing the new procedure and to comply with the new criteria. Alteration of the Blytheville, Ark., control zone is necessary to comply with the new criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4565) the Blytheville, Ark., control zone is amended to read:

BLYTHEVILLE, ARK.

Within a 5-mile radius of Blytheville AFB (lat. 35°57'50" N., long. 89°56'40" W.), within 3 miles each side of the Blytheville VOR 357° radial extending from the 5-mile radius zone to 8.5 miles north of the VOR, and within 1.5 miles each side of the Blytheville TACAN 185° radial extending from the 5-mile radius zone to 5.5 miles south of the TACAN.

(2) In section 71.181 (34 F.R. 4654) the Blytheville, Ark., transition area 700-foot portion is amended to read:

BLYTHEVILLE, ARK.

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of Blytheville AFB (lat. 35°57'50" N., long. 89°56'40" W.) excluding the portion within the Manila, Ark., transition area, within a 5-mile radius of Blytheville Municipal Airport (lat. 35°56'15" N., long. 89°49'45" W.), within 4 miles east and 5 miles west of a 360° bearing from the (unnamed) RBN (lat. 35°57'52" N., long. 89°49'35" W.) extending from the RBN to 12 miles north, and within 2 miles each side of the extended centerline of Blytheville AFB Runways 17 and 35 extending from the 8.5-mile radius area to 12 miles north and south of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on June 26, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-8021; Filed, July 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-63]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Kinston, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Kinston transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Stallings Field.

Since the last alteration of controlled airspace in the Kinston terminal area, turbojet aircraft have begun utilizing Stallings Field. Criteria appropriate to this airport requires an increase in the transition area basic radius circle from 6 to 8.5 miles. This increase permits the revocation of the transition area extension predicated on the Kinston VORTAC 046° radial.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 25, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-8022; Filed, July 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-48]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71

of the Federal Aviation Regulations that would alter the description of the Pueblo, Colo., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The proposed additional controlled airspace is required to simplify air traffic control procedures and to permit radar vectoring of terminal traffic in the area southwest of Pueblo at altitudes below 14,500 feet.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.181 (34 F.R. 4637) the Pueblo, Colo., transition area is amended by deleting all after "* * *, latitude 38°07'00" N., longitude 104°04'00" W., * * *" and substituting therefor "* * * thence west along latitude 38°07'00" N., to the west edge of V-19; thence south along the west edge of V-19 and west along the north edge of V-210 to longitude 105°00'00" W., thence to latitude 38°07'00" N., longitude 104°43'00" W., to latitude 38°-07'00" N., longitude 105°00'00" W., to latitude 38°25'00" N., longitude 105°00'00" W., to latitude 38°25'00" N., longitude 104°52'-00" W., thence to point of beginning."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 26, 1969.

LEE E. WARRAN,
Acting Director, Western Region.

[F.R. Doc. 69-8023; Filed, July 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-55]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Indianola, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Indianola transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Indianola-Legion Field.

The proposed transition area is required to provide controlled airspace protection for IFR operations during climb from 700 to 1,200 feet above the surface and during descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach to Indianola-Legion Field, utilizing the Greenwood, Miss., VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 25, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-8024; Filed, July 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-66]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Shelby, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Shelby transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby Municipal Airport; within 3 miles each side of the Spartanburg VORTAC 052° radial, extending from the 7-mile radius area to 13 miles northeast of the VORTAC.

The proposed transition area is required to provide controlled airspace protection for IFR operations at Shelby Municipal Airport in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to this airport, utilizing the Spartanburg VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 26, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-8025; Filed, July 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-46]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Raton, N. Mex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

RATON, N. MEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Crews Field (lat. 36°44'30" N., long. 104°30'00" W.) excluding that portion northwest of a line 5 miles northwest of and parallel to the Cimarron VORTAC 051° radial, and within 3.5 miles each side of the Cimarron VORTAC 051° radial extending from the 8.5-mile radius area to 8 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6.5 miles northwest and 10 miles southeast of the Cimarron VORTAC 051° radial extending from the VORTAC to 28 miles northeast of the VORTAC, and within 5 miles northwest and 8.5 miles southeast of the Cimarron VORTAC 051° radial extending from 28 miles northeast of the VORTAC to 45 miles northeast of the VORTAC.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at Crews Field, Raton, N. Mex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on June 26, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-8026; Filed, July 8, 1969; 8:47 a.m.]

Federal Railroad Administration

[49 CFR Part 231]

[Docket No. FRA-SA-1]

RAILROAD SAFETY APPLIANCE STANDARDS

Notice Postponing Hearing Date

Upon the request of several interested parties, the oral hearing in this proceeding now set for July 23, 1969, is hereby postponed to August 6, 1969.

The date for the receipt of written submissions remains July 21, 1969. The time and place of the hearing will be the same as stated in the prior notice, that is Conference Room 2B, Federal Railroad Administration, 9:30 a.m., e.d.s.t.

Issued in Washington, D.C., on July 3, 1969.

ROBERT R. BOYD,
Hearing Examiner.

[F.R. Doc. 69-8041; Filed, July 8, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18592; FCC 69-732]

TELEVISION BROADCAST STATIONS

Table of Assignments; Hagerstown, Md., and Altoona, Pa.

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations (Hagerstown, Md., and Altoona, Pa.); Docket No. 18592, RM-1439.

1. On April 8, 1969, the Maryland Educational-Cultural Broadcasting Commission (hereinafter known as MECBC) filed a brief petition with this Commission requesting the replacement of educational channel *68 with educational channel *31 at Hagerstown, Md., and the replacement of channel 31, now assigned to Altoona, with any of the following channels 17, 23, or 38. Comments were filed by the MECBC and the Association of Maximum Service Telecasters, Inc. (hereinafter known as AMST). A reply comment was filed by petitioner.

2. According to the 1960 U.S. Census, Hagerstown (located in Washington County with its population of 91,219) has 36,660 residents. It has two television channels assigned to it 25 (WHAG-TV—permittee) and *68 which is unapplied for. Altoona has four assignments 10, 31, 47, and *57 all of which, excepting channel 10 licensed to WFBG-TV, are unapplied for. Altoona is located in Blair County, their populations respectively are 69,407 and 137,270.

3. Petitioner, a creation of the Maryland Legislature is desirous of establishing a state-wide educational and cultural television service throughout the State of Maryland. A Hagerstown operation is an important part of a proposed seven-station network, and therefore, the MECBC is of the view that because of the mountainous terrain surrounding Hagerstown in western Maryland, and the alleged advantages of broadcasting on a lower channel, that it is desirable to replace Hagerstown's present educational reservation *68 with Channel *31. It is the Commission's view, however, that if there is any advantage it is minimal.

4. In commenting on the MECBC proposal, the AMST states: "The assignment of channel *31 to Hagerstown as proposed by MECBC would involve a shortage of approximately 2 miles in the 60 mile 'taboo' separation which is required between the Hagerstown reference point and the authorized transmitter site of WBFF, channel 45, Baltimore, Md. However, MECBC has proposed to locate the channel *31 transmitter at a site that is approximately 13 miles west of Hagerstown, where use of channel *31 would be in compliance with all mileage separation requirements (table 1 of engineering statement in support of MECBC petition for rule making). If this proposed site is used for a channel *31 transmitter, the assignment of channel *31 to Hagerstown will not result in a transmitter-to-transmitter separation that would violate the minimum mileage separation requirement of § 73.610(c) of the Commission's rules * * * Under the circumstances, AMST has no objection to the assignment of channel *31 to Hagerstown provided that the Commission will require channel *31 to be used at a site, such as suggested by MECBC, that will meet all minimum separation requirements, including those with respect to channel 45 at Baltimore." MECBC, in their reply comment, agreed to the condition above requested by AMST.

5. In order to permit the assignment of channel *31 to Hagerstown it is necessary to delete that channel from Altoona. Petitioner suggests its replacement in Altoona with one of the following channels, 17, 23, or 38. An analysis by the AMST and our computer indicates that neither channel 17 nor channel 23 can be assigned to Altoona in compliance with our spacing requirements. There seems to be, however, no spacing problem preventing our assignment of channel 38 to that community in place of channel 31.

6. In view of the foregoing, we are proposing to replace channel *68 with channel *31 at Hagerstown, Md., and to replace channel 31 with channel 38 at Altoona, Pa. Our proposed action would change the television assignments at Hagerstown, Md., from channels 25 and *68 to channels 25 and *31[1] and at Altoona, Pa., from channels 10, 31, 47, and *57 to channels 10, 38, 47, and *57.

[1] The assignments proposed will, of course, be expected to meet the regular requirements of the rules with respect to other channel assignments.

7. Authority for the action proposed herein, is contained in section 4(i), 303, and 307(b) of the Communications Act of 1934 as amended.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before August 11, 1969, and reply comments on or before August 21, 1969. All submissions by parties to this proceeding, or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents, shall be furnished the Commission.

Adopted: July 2, 1969.

Released: July 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8055; Filed, July 8, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 141]

[Docket No. R-363]

NUCLEAR FUEL

Uniform System of Accounts for Public Utilities and Licensees (Classes A and B) and FPC Form No. 1

JULY 1, 1969.

1. Pursuant to the Administrative Procedure Act, 5 U.S.C. 553, the Commission gives notice it proposes to amend:

a. Certain accounts in the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees as prescribed by Part 101, Chapter I, Title 18, CFR.

b. Certain schedules of the FPC Form No. 1, Annual Report for Electric Utilities and Licensees, Class A and Class B, prescribed by § 141.1, Chapter I, Title 18, CFR, to be effective for the reporting year 1969.

2. The present Uniform System of Accounts was designed at a time when nuclear materials could not be privately owned. Prior to January 1, 1969, nuclear power reactor requirements consisted only of enriched material leased from the Atomic Energy Commission (AEC). Between January 1, 1969, and January 1, 1971, utilities may lease AEC-owned enriched uranium, but have the alternative of purchasing natural uranium, which then can be enriched by the AEC on a toll basis. After the latter date the AEC no longer will lease enriched uranium although previously leased materal can remain under lease until June 30, 1973. The changes here proposed reflect contemporary treatment of nuclear materials. The result from discussions with representatives of the utility industry and the AEC as well as conferences with members of the National Association of Regulatory Utility Commissioners Subcommittee of Staff Experts on Accounting.

3. The nuclear fuel cycle begins with the enrichment, refinement, conversion, and fabrication of the nuclear materials. After nuclear fuel has been fabricated into fuel elements, the elements are either inserted in a reactor or placed in the stock on hand account awaiting insertion into the reactor. Nuclear fuel in a reactor has a life of about 3 to 6 years, depending on the placement of the element in the reactor. While the nuclear fuel elements are in the reactor, they gradually lose enrichment until it becomes necessary to remove them from the reactor as spent fuel. That spent fuel contains not only quantities of uranium that may be reenriched and reprocessed to a usable form but also plutonium, thorium, and various other nuclear byproducts which are recoverable during the reprocessing period.

The proposed accounting is designed to account for each process of the fuel cycle and for the salvage value of the byproduct materials, which either may be sold at the time of reprocessing or kept by the utility for sale at a future time with the expectation of higher prices.

4. The principal proposed changes in Part 101 to the Uniform System of Accounts consist of the additions of new electric plant instruction number 16; Account 120, Nuclear fuel; Account 120.1, Nuclear fuel in process of refinement, conversion, enrichment, and fabrication; Account 120.2, Nuclear fuel materials and assemblies—Stock account; Account 120.3, Nuclear fuel assemblies in reactor; Account 120.4, Spent nuclear fuel; Account 120.5, Accumulated amortization of nuclear fuel assemblies; the deletion of Accounts 157, 158, and 159 and addition of new Account 157, Nuclear byproduct materials; and the substitution of Account 518, Nuclear fuel, for present Account 518, Fuel, to be deleted. Proposed amendments to § 141.1, which prescribes FPC Form No. 1, Annual Report of Classes A and B Electric Utilities and Licensees, are the expansion of the Comparative Balance Sheet to add the capital nuclear fuel account and amortization relating thereto; a new schedule entitled "Nuclear Fuel Materials (Accounts 120.1 through 120.4 and 157)"; and expansion of the Steam-Electric Generating Plant Statistics (Large plants) schedule to report nuclear fuel statistics.

5. The amendment to the Commission's regulations under the Federal Power Act and to FPC Form No. 1 would be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 301, 304, and 309 (49 Stat. 838, 854, 855, 858, 16 U.S.C. secs. 825, 825c, 825h).

6. Accordingly, it is proposed to amend Parts 101 and 141, Chapter I, Title 18 of the Code of Federal Regulations, in the manner set forth in Attachments A, B, C, D-1, and D-2 hereto.[1]

7. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than August 15, 1969, data, views, comments, and suggestions, in writing, concerning the proposed revised report forms and regulations. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed report form revision under the provisions of the Federal Reports Act of 1942 may at the same time submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Standards, Bureau of the Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name and address of the person to whom correspondence in regard to the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed revision in the report form. The Commission will consider all such written submissions before acting on the matters herein proposed.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

ATTACHMENT A

The following are proposed changes and revisions for nuclear fuel materials in the Uniform System of Accounts Prescribed for Public Utilities and Licensees (Classes A and B):

1. Add new electric plant instruction number 16 as follows:

16. *Nuclear Fuel Records Required.*

Each utility shall keep all the necessary records to support the entries to the various nuclear fuel plant accounts classified under "Assets and Other Debits," Utility Plant account 120, Nuclear Fuel, more specifically under accounts 120.1 through 120.5, inclusive, account 518, Nuclear Fuel, and any other account such as account 157, Nuclear Byproduct Materials, in which nuclear fuel byproducts held for sale or other disposal might be recorded. These records shall be so kept as to readily furnish the basis of the computation of the amortization of net nuclear fuel costs including the burn up of the fuel. The amortization of the fabrication cost of the fuel assemblies, consumption of nonnuclear materials, and the net value of plutonium or other nuclear byproducts produced.

2. a. Following account 119, Accumulated Provision for Depreciation and Amortization of Other Utility Plant, shall be added:

Sec.
120 Nuclear fuel.
120.1 Nuclear fuel in process of refinement, conversion, enrichment, and fabrication.
120.2 Nuclear fuel materials and assemblies—Stock account.

[1] Commissioners Bartley, Wadsworth, and Johnson absent.

[1] Attachments B, C, D-1, and D-2 filed as part of original document.

Sec.
120.3 Nuclear fuel assemblies in reactor.
120.4 Spent nuclear fuel.
120.5 Accumulated amortization of nuclear fuel assemblies.

b. After account 119, Accumulated Provision for Depreciation and Amortization of Other Utility Plant, add the following:

§ 120 Nuclear fuel.

This account shall include the original cost of nuclear fuel in utility plant included in accounts 120.1 to 120.4, inclusive, prescribed herein, owned and used by the utility in its electric utility operations. This account shall be maintained according to the subaccounts 120.1 to 120.4, inclusive, shown below.

c. After account 120, Nuclear Fuel, the following shall be added:

§ 120.1 Nuclear fuel in process of refinement, conversion, enrichment and fabrication.

A. This account shall include the original cost to the utility of nuclear fuel materials while in process of refinement, conversion, enrichment and fabrication into nuclear fuel assemblies and components including manufacturing costs and all necessary shipping costs. This account shall also include the salvage value of nuclear materials which are to be reprocessed for use and were transferred from account 120.5, Accumulated Amortization of Nuclear Fuel Assemblies. Salvage value shall be determined by current market price.

B. This account shall be credited and account 120.2, Nuclear Fuel Materials and Assemblies—Stock Account, shall be debited for the cost of completed fuel assemblies delivered for use in refueling or to be held as spares. It shall also be credited and account 120.3, Nuclear Fuel Assemblies in Reactor, debited for the cost of completed fuel assemblies inserted in a reactor.

ITEMS

1. Cost of natural uranium, uranium concentrate or other nuclear fuel sources, such as thorium, plutonium, and U-233.
2. Value of recovered nuclear materials to be recycled.
3. Milling process costs.
4. Sampling and weighing, and assaying costs.
5. Purification and conversion process costs.
6. Costs of enrichment by gaseous diffusion or other methods.
7. Costs of conversion and fabrication into fuel forms suitable for insertion in the reactor.
8. All shipping costs of components, including shipping of fabricated fuel assemblies to the reactor site.
9. Use charges on leased nuclear materials while in process of refinement, conversion, enrichment and fabrication.

§ 120.2 Nuclear fuel materials and assemblies—Stock account.

A. This account shall be debited and account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment and Fabrication, shall be credited with the cost of fabricated fuel assemblies delivered for use in refueling or to be carried in stock as spares. This account shall also include the cost of partially irradiated fuel assemblies being held in stock for reinsertion in a reactor which had been transferred from account 120.3, Nuclear Fuel Assemblies in Reactor.

B. When spare fuel assemblies are inserted in a reactor or partially irradiated fuel assemblies are reinserted in a reactor, this account shall be credited and account 120.3, Nuclear Fuel Assemblies in Reactor, debited for the cost of such assemblies.

C. This account shall also include the cost of raw nuclear materials being held for future use in a reactor and not currently in process in account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment and Fabrication.

§ 120.3 Nuclear fuel assemblies in reactor.

A. This account shall include the cost of nuclear fuel assemblies when installed in a reactor for the production of electricity. The amounts included herein shall be transferred from account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment and Fabrication, or from account 120.2, Nuclear Fuel Materials and Assemblies—Stock Account.

B. Upon removal of fuel assemblies from a reactor, the cost of the assemblies removed shall be transferred to account 120.4, Spent Nuclear Fuel, or account 120.2, Nuclear Fuel Materials and Assemblies—Stock Account, as appropriate.

§ 120.4 Spent nuclear fuel.

A. This account shall include the cost of nuclear fuel assemblies in the process of cooling transferred from account 120.3, Nuclear Fuel Assemblies in Reactor, upon final removal from a reactor.

B. This account shall be credited and account 120.5, Accumulated Amortization of Nuclear Fuel Assemblies, debited for fuel assemblies, after the cooling period is over, at the cost recorded in this account.

§ 120.5 Accumulated amortization of nuclear fuel assemblies.

A. This account shall be credited and and account 518, Nuclear Fuel, shall be debited for the amortization of the net cost of nuclear fuel assemblies used in the production of energy. The net cost of nuclear fuel assemblies subject to amortization shall be the original cost of nuclear fuel assemblies, less the expected net salvage value of uranium, plutonium, and other byproducts at the end of the cooling period, when the cooled nuclear fuel assemblies are available for salvage, sale, reprocessing, or other disposition.

B. This account shall be credited with the net salvage value of uranium, plutonium, and other nuclear byproducts when such items are sold, transferred, or otherwise disposed of Account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment, and Fabrication, shall be debited with the salvage value of nuclear materials to be reprocessed and reused.

C. This account shall be debited and account 120.4, Spent Nuclear Fuel, shall be credited with the cost of fuel assemblies at the end of the cooling period.

3. Delete accounts 157, 158, and 159

4. Add new account 157 as follows:

§ 157 Nuclear byproduct materials.

This account shall include the net salvage value of plutonium and other nuclear byproducts when such materials are to be held by the company for sale or other disposition and are not to be reused immediately by the company in its electric utility operations. This account shall be debited and account 120.5, Accumulated Amortization of Nuclear Fuel Assemblies, credited for such net salvage value. Any differences between the amount recorded in this account and the actual amounts received from the sale of materials shall be debited or credited as appropriate to account 518, Nuclear Fuel, at the time of such sale.

5. Delete Account 518, Fuel, and substitute the following:

§ 518 Nuclear fuel.

A. This account shall be debited and account 120.5, Accumulated Amortization of Nuclear Fuel Assemblies, shall be credited for the amortization of the net cost of nuclear fuel assemblies used in the production of energy. The net cost of nuclear fuel assemblies subject to amortization shall be the cost of nuclear fuel assemblies in a reactor or cooling as spent fuel less the expected net salvage of uranium, plutonium, and other byproducts. The utility shall adopt the necessary procedures to assure that charges to this account are accurately distributed to accounting periods, and that net credits to account 120.5, Accumulated Amortization of Nuclear Fuel Assemblies, do not exceed costs being amortized.

B. This account shall also include the costs involved when fuel is leased.

C. This account shall also include the cost of other fuels, if any, used for ancillary steam superheat facilities.

D. This account shall be debited or credited as appropriate for any differences between the amounts estimated as the salvage value of nuclear byproduct materials contained in accounts 120.3, Nuclear Fuel Assemblies in Reactor; 120.4, Spent Nuclear Fuel; and account 157, Nuclear Byproduct Materals, upon either the final disposition of the materials or any significant change in the market values of the byproduct materials which determine the recorded estimated amounts.

6. The following changes are proposed to the annual report FPC Form No. 1, to be effective for the reporting year 1969:

Comparative balance sheet. This schedule has been expanded to allow addition of the capital nuclear fuel account along with the accumulated amortization related thereto, Attachment B.[1]

Nuclear fuel materials (Accounts 120.1 through 120.4 and 157). This is a new schedule reporting annual costs of nuclear fuel materials as it moves

[1] Filed as part of the original document.

through its various phases of construction burnup and cooling, Attachment C.[1]

Steam-electric generating plant statistics (large plants). This two-page schedule has been expanded to allow reporting of nuclear fuel statistics similar to that now being reported for fossil fueled plants plus information on fuel enrichment, Attachment D.[1]

[F.R. Doc. 69-8000; Filed, July 8, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1041]

[No. MC-C-3437 (Sub-No. 4)]

AIR DELIVERY SERVICE ET AL.

Interpretation of Operating Rights Authorizing Service at Designated Airports; Correction

Published in the FEDERAL REGISTER, issue of July 2, 1969, and republished, in part, as corrected, this issue.

Petitioners: Air Delivery Service, Bayshore Air Freight, Inc., Con-O-V-Air Freight Service, Inc., Harbourt Air Freight Service, Inc., Pollard Delivery Service, Inc., and Trans Jersey Airfreight Service, Inc.

Petitioners' representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006.

The purpose of this partial republication is to redescribe the paragraph under the heading 1041.23:

§ 1041.23 Operating authority to serve named airports.

A certificate or permit issued to a motor carrier of property pursuant to Part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.) authorizing service to or from a named airport shall be construed as authorizing service to or from the air freight terminals of direct and indirect air carriers utilized by such air carriers in handling property moving into or out of such airports by aircraft, when such air freight terminals are located outside the boundaries of such airports.

The remainder of the notice remains the same.

By the Commission.

[SEAL] ANDREW ANTHONY, JR., *Acting Secretary.*

[F.R. Doc. 69-8042; Filed, July 8, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Parts 204, 217]

[Regs. D, Q]

RESERVES OF MEMBER BANKS; PAYMENT OF INTEREST ON DEPOSITS

Certain Federal Funds Transactions as Deposits

The Board of Governors is considering amending § 204.1(f) and § 217.1(f) in order to bring a member bank's liability on certain so-called "Federal funds" transactions with customers other than banks within the coverage of Regulations D and Q. At the present time, all such transactions in nondocumentary nondeposit form are exempt from the regulations.

Recently, some banks have been making the Federal funds market available to their corporate depositors as a means of providing them with interest on short-term funds. In the Board's judgment, there is no justification for a bank's liability on such transactions to be exempt from rules governing reserve requirements and the legal prohibition against payment of interest on demand deposits.

In the Board's view there are only two types of Federal funds transactions entered into by banks that may justifiably be exempt from Regulations D and Q. One is where the liability is to another bank acting as principal (and not on behalf of any customer). The other is where the liability relates to certain transactions in connection with payment for securities. In the first case, the transactions facilitate implementation of monetary policy; in the second, the transactions are an integral part of the established market practice of settling purchases and sales of securities.

Limiting the scope of Federal funds transactions that are exempt from Regulations D and Q would be accomplished by amending the general rule set forth in § 204.1(f) and § 217.1(f), by modifying the interbank exemption thereto, and by the addition of a new exemption to cover Federal funds transactions on securities transactions, as follows:

(f) *Deposits as including certain promissory notes and other obligations.* For the purposes of this part, the term "deposits" shall be deemed to include the proceeds of any promissory note, acknowledgment of advance, due bill, or similar obligation (written or oral) that is issued or undertaken by a member bank principally as a means of obtaining funds to be used in its banking business, except any such obligation that:

(1) Is issued to, and held for its own account by, a bank * * *

(4) Arises from a loan, for one business day, of proceeds of a transfer of deposit credit in a Federal Reserve Bank (or other immediately available funds), commonly referred to as "Federal funds", in connection with payment on that day for securities.

This notice is published pursuant to section 553(b) of title 5, United States Code, and section 262.2(a) of the rules of procedure of the Board of Governors.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 28, 1969.

Dated at Washington, D.C., this 26th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-8177; Filed, July 8, 1969; 11:04 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 36, Amdt.]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, as amended, from the Secretary of State (26 F.R. 10608) I hereby amend further Delegation of Authority No. 36, as follows:

I. Paragraphs numbered 1 through 11 are redesignated and renumbered 2 through 12, respectively;

II. Add a new paragraph 1, as follows:

1. Authority to execute the following:

(a) Procurement Authorizations and Requisitions.

(b) Project Implementation Orders/Commodities.

III. Redesignated paragraph 12(e) is amended to read as follows:

(e) Sections 1 and 2 of Delegation of Authority from the Director of ICA to the Deputy Director for Operations and Deputy Director for Management of ICA, dated September 28, 1960 (25 F.R. 9927).

IV. Actions within the scope of this amendment to Delegation of Authority No. 36 heretofore taken by the Assistant Administrator for Administration, or his designees, are hereby ratified and confirmed.

V. This amendment to Delegation of Authority No. 36 shall be effective immediately.

Dated: June 25, 1969.

JOHN A. HANNAH, *Administrator.*

[F.R. Doc. 69-8016; Filed, July 8, 1969; 8:46 a.m.]

CONTROLLER, A.I.D., ET AL.

Redelegation of Authority; Amendment

Pursuant to the authority delegated to me by Delegation of Authority No. 36, as amended, from the Administrator, Agency for International Development, I hereby amend the Redelegation of Authority, dated April 8, 1964 (29 F.R. 5354), as follows:

I. Paragraphs numbered 4 through 7 are redesignated and renumbered paragraphs 6 through 9, respectively.

II. Add a new paragraph 4, as follows:

4. To the Director and Deputy Director of the Office of Procurement, and to the Chief, Industrial Resources Division, Office of Procurement, authority to execute the following:

(a) Procurement Authorizations and Requisitions;

(b) Project Implementation Orders/Commodities.

III. Add a new paragraph 5, as follows:

5. The authorities delegated to the officers named herein may be exercised by duly authorized persons who are performing the functions of such officers in an acting capacity.

IV. Actions taken within the scope of this amendment to the Redelegation of Authority of April 8, 1964, heretofore taken by the officials designated herein are hereby ratified and confirmed.

V. This amendment to the Redelegation of Authority of April 8, 1964, shall be effective immediately.

Dated: July 1, 1969.

LANE DWINELL, *Assistant Administrator for Administration.*

[F.R. Doc. 69-8017; Filed, July 8, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 69-7999, Federal Deposit Insurance Corporation, *infra*.

DEPARTMENT OF THE INTERIOR

Office of the Secretary

WILLIAM R. REMALIA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 1, 1969.

Dated: June 26, 1969.

WILLIAM R. REMALIA.

[F.R. Doc. 69-8019; Filed July 8, 1969; 8:46 a.m.]

[Order 2508, Amdt. 83]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority With Respect to Specific Legislation

JUNE 30, 1969.

Section 30 of Order 2508, as amended (20 F.R. 3834, 5106; 21 F.R. 7027, 7655; 24 F.R. 272; 25 F.R. 436, 575, 729, 1385, 1994, 4655, 7192, 8892; 26 F.R. 6944; 27 F.R. 2328; 28 F.R. 1072, 2199, 2927, 5687; 29 F.R. 7611, 17936; 30 F.R. 17, 7674, 8755, 12499; 32 F.R. 10117; 33 F.R. 15455, 19042, 19859), is further amended by the addition under paragraph (a) of a new subparagraph to read as follows:

SEC. 30 *Authority under specific acts.* (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

* * * * * *

(42) The Act of September 28, 1968 (82 Stat. 884), which authorizes the purchase, sale, exchange and mortgaging of land by the Swinomish Indian Tribal Community, and for other purposes.

RUSSELL E. TRAIN, *Secretary of the Interior.*

[F.R. Doc. 69-8027; Filed, July 8, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NORWICH PHARMACAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (34-716V-29) has been filed by The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, proposing that § 121.291 *Buquinolate* (21 CFR 121.291) be amended to provide for the safe use of a range of buquinolate of 75-100 grams per ton (0.00825-0.011 percent) in feed for broiler and replacement chickens as an aid in prevention of coccidiosis caused by certain organisms.

Dated: June 30, 1969.

R. E. DUGGAN, *Acting Associate Commissioner for Compliance.*

[F.R. Doc. 69-8007; Filed, July 8, 1969; 8:45 a.m.]

O,O - DIETHYL - S - (2 - CHLORO - 1 - PHTHALIMIDOETHYL) PHOSPHORODITHIOATE

Notice of Establishment of Temporary Tolerances

At the request of Hercules Inc., Wilmington, Del. 19899, temporary tolerances are established for residues of the insecticide *O,O*-diethyl-*S*-(2-chloro-1-phthalimidoethyl) phosphorodithioate and its oxygen analog *O,O*-diethyl-*S*-(2-chloro-1-phthalimidoethyl) phosphorothioate in or on the raw agricultural commodities apples at 3 parts per million, citrus fruits at 1.5 parts per million, and cottonseed at 0.1 part per million. The Commissioner of Food and Drugs has determined that these temporary tolerances are safe and will protect the public health.

A condition under which these temporary tolerances are established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Hercules Inc., name.

These temporary tolerances expire July 1, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8008; Filed July 8, 1969; 8:45 a.m.]

O,O,O',O' - TETRAMETHYL O,O' - THIODI-p-PHENYLENE PHOSPHOROTHIOATE

Notice of Extension of Temporary Tolerance

A temporary tolerance of 0.1 part per million for residues of the insecticide *O,O,O',O'*-tetramethyl *O,O'*-thiodi-*p*-phenylene phosphorothioate in or on cottonseed was established at the request of the American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540 (a notice was published in the FEDERAL REGISTER of May 20, 1967; 32 F.R. 7508), and was extended to May 15, 1969 (a notice was published May 21, 1968; 33 F.R. 7502).

The firm has requested a further extension to permit additional tests in accordance with the temporary permit issued by the U.S. Department of Agriculture.

The Commissioner of Food and Drugs has determined that such extension will protect the public health; therefore, an extension has been granted that will expire May 15, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 30, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8009; Filed, July 8, 1969; 8:46 a.m.]

ROHM & HAAS CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0847) has been filed by Rohm & Hass Co., Independence Mall West, Philadelphia, Pa. 19105, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the fungicide and insecticide that is a mixture of 2,4-dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate in or on the raw agricultural commodity groups cucurbits, pome fruits, small fruits, and stone fruits and in or on the raw agricultural commodity strawberries at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the fungicide and insecticide is the method of I. Rosenthal et al., published in "Agricultural and Food Chemistry," vol. 5, pages 914-18 (1957).

Dated: June 30, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8010; Filed, July 8, 1969; 8:46 a.m.]

N-(MERCAPTOMETHYL) PHTHALIMIDE S-(O,O-DIMETHYL PHOSPHORODITHIOATE)

Notice of Establishment of Temporary Tolerance for Pesticide Chemical

Notice is given that at the request of the Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, a temporary tolerance of 0.1 part per million is established for negligible residues of the cholinesterase-inhibiting insecticide *N*-(mercaptomethyl)phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) and its oxygen analog *N*-(mercaptomethyl)phthalimide *S*-(*O,O*-dimethyl phosphorothioate) in or on the raw agricultural commodity potatoes.

The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Stauffer Chemical Co., name.

This temporary tolerance expires June 30, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 30, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8011; Filed, July 8, 1969; 8:46 a.m.]

2,6-DICHLORO-4-NITROANILINE

Notice of Further Extension of Temporary Tolerance

The Upjohn Co., Kalamazoo, Mich. 49001, was granted a temporary tolerance of 20 parts per million for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity nectarines on June 27, 1967 (notice was published in the FEDERAL REGISTER of July 6, 1967; 32 F.R. 9853); and at the request of the firm it was extended on May 7, 1968 (notice was published May 17, 1968; 33 F.R. 7333).

The firm has requested a further extension for obtaining additional data, completing the experimental work, and covering use of unused stock. The Commissioner of Food and Drugs concludes that such an extension will protect the public health.

A condition under which this temporary tolerance is extended is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Upjohn Co. name.

As extended, this temporary tolerance expires June 27, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 30, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8012; Filed, July 8, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

THORIUM, URANIUM, AND PLUTONIUM

Isotopically Enriched Quantities

General. The U.S. Atomic Energy Commission (AEC) hereby gives notice of the establishment of charges for research quantities of isotopically enriched thorium, uranium, and plutonium. Nothing in this notice shall be deemed to obligate the AEC to sell any specific quantities of thorium, uranium, or plutonium or to sell them at any specific time. The charges and other information contained in this notice are subject to change by the AEC from time to time. This notice supersedes the earlier notice Plutonium Enriched in Pu^{239} Research Quantities published by the AEC in the FEDERAL REGISTER, 33 F.R. 6144, April 20, 1968.

1. *Base charges.* The following charges are for elements and isotopic assays available for distribution by the AEC:

PRICES FOR THORIUM, URANIUM AND PLUTONIUM ISOTOPES

Element and isotope	Enrichment range, percent	Price per milligram
Thorium-229	Greater than 99.0	$150.00
Thorium-230	Greater than 80.0	23.07
Uranium-233	Greater than 99.9	2.58
Uranium-234	Greater than 99.0	8.32
Uranium-235	Greater than:	
	99.9	.15
	99.5-99.9	.14
	99.0-99.5	.13
	98.0-99.0	.11
Uranium-236	Greater than:	
	99	1.50
	95-99	1.09
	90-95	.82
	80-90	.41
	Less than 80	.22
Uranium-238	Less than:	
	100 p.p.m. U^{235}	.095
	100-200 p.p.m. U^{235}	.05
	200-300 p.p.m. U^{235}	.03
	300-500 p.p.m. U^{235}	.015
Plutonium-238	Greater than 79.00	1.00
Plutonium-239	Greater than:	
	99.99	2.42
	99.95-99.99	2.37
	99.85-99.95	2.22
	99.50-99.85	1.97
	99.30-99.50	1.03
	99.10-99.30	.60
	99.0-99.10	.16
Plutonium-240	Greater than:	
	98	2.99
	95-98	2.92
	85-95	2.65
	75-85	2.58
Plutonium-241	Greater than:	
	93	7.98
	85-93	7.60
	80-85	6.30
Plutonium-242	Greater than:	
	90	15.89
	85-90	14.09
	80-85	13.77

2. *Specifications.* The standard chemical form for these materials is the oxide. If AEC is requested and agrees to distribute in any other chemical form the AEC will make a charge for costs involved in any conversion.

3. *Special charges.* In addition to the base charges, there shall be charges by the AEC for packaging the thorium, uranium, or plutonium into suitable containers.

4. *Correspondence.* Any correspondence involving this notice should be addressed to Isotope Sales, Oak Ridge National Laboratory, Post Office Box X, Oak Ridge, Tenn. 37830.

5. *Effective date.* This notice is effective upon publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 2d day of July 1969.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary.

[F.R. Doc. 69-7989; Filed, July 8, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21031]

ALITALIA-LINEE AEREE ITALIANE-S.p.A.

Notice of Prehearing Conference Regarding Renewal of Application

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 24, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner John E. Faulk.

Dated at Washington, D.C., July 3, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-8056; Filed, July 8, 1969; 8:49 a.m.]

[Docket No. 20781; Order 69-7-20]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Philadelphia, Washington, Baltimore Transatlantic Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of July 1969.

Agreement adopted by Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA) relating to Philadelphia/Washington/Baltimore transatlantic fares.

By Order 69-4-138, the Board, among other things, conditioned its approval of an IATA transatlantic fare agreement intended to be effective May 1, 1969, so as to require that fares between Philadelphia/Washington/Baltimore and European points or points beyond be no greater, on a fare per mile basis, than fares to/from New York. The application of the condition was subsequently deferred until July 1, 1969 (Order 69-5-137).

By a telegram received June 26, 1969, Pan American World Airways, Inc. (Pan American), requested that application of the condition now be deferred until August 1, 1969, and stated that Trans World Airlines, Inc. (TWA), joined in the request. In its request, Pan American adverted to the technical difficulties involved and stated that there was insufficient time to comply with the Board's order in a timely manner, even though steps had been taken to initiate a mail vote agreement.

The Board is aware of the technical problems involved in the restructuring of the fares in question to a mileage basis, and of the carriers' efforts to solve the problems. Under all circumstances, the Board does not consider the further deferral as requested to be adverse to the public interest. Accordingly, acting pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 404(b), 412, and 1002(b) thereof:

It is ordered, That:

Application of the condition imposed in ordering paragraph 1(b) of Order 69-4-138 that fares between Philadelphia/Washington/Baltimore and European points or beyond be, on a per mile basis, no greater than corresponding fares per mile to/from New York for all respective fare categories is deferred until August 1, 1969.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 69-8057; Filed, July 8, 1969; 8:49 a.m.]

[Docket No. 20932]

NORDAIR LTEE—NORDAIR LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 28, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., July 3, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-8058; Filed, July 8, 1969; 8:49 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a report of condition as of the close of business June 30, 1969, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original report of condition on Office of the Comptroller Form, Call No. 470,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original report of condition on Federal Reserve Form 105—Call 192,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal

[1] Filed as part of original document.

Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original report of condition on FDIC Form 64—Call No. 88,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original report of condition required to be furnished hereunder to the Comptroller of the Currency and a copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of reports of condition by National Banking Associations," dated June 1969.[1] The original report of condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of reports of condition by State Member Banks of the Federal Reserve System," dated June 1969.[1] The original report of condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of report of condition on Form 64, by insured State banks not members of the Federal Reserve System," dated June 1969.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original report of condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of report of condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] R. A. RANDALL,
Chairman.
WILLIAM B. CAMP,
Comptroller of the Currency.
BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
J. L. ROBERTSON,
Vice Chairman.

[F.R. Doc. 69-7999; Filed, July 8, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

AKTIEBOLAGET SVENSKA ATLANT LINIEN ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Mr. W. C. Menge, General Traffic Manager, Strachan Shipping Co., 1600 American Bank Building, New Orleans, La. 70130.

Notice of agreement filed for approval by:

Agreement No. 9806 provides for the interchange of cargo containers, trailers, and related equipment by Aktiebolaget Svenska Atlant Linien, S.A. Wilhelmsens Dampskibsaktieselskab, Hamburg-Amerika Linie and Norddeutscher Lloyd, common carriers operating in the trades between U.S. ports and ports of the United Kingdom, Europe, and various overseas areas in accordance with the terms and conditions set forth therein.

Dated: July 3, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8059; Filed, July 8, 1969; 8:49 a.m.]

[Docket No. 69-33]

ATLANTIC AND GULF COAST OF SOUTH AMERICA

First Supplemental Order

Atlantic and Gulf West Coast of South America Conference Agreement No. 2744-30, et al.

On June 27, 1969, the Commission instituted the subject proceeding to determine, among other specified issues, whether nine pending agreements, covering the establishment of through rates between points in the United States and points in the countries they serve by arrangements with carriers of other modes of transportation, and the adoption of a uniform through bill of lading by each conference, should be approved, disapproved, or modified. It now appears that clarification of appendix A of the order is needed to name the conference member lines as respondents.

Therefore, it is ordered, That pursuant to sections 15, 18(b) and 22 of the Shipping Act, 1916, appendix A of the order is expanded to include the member lines of the respondent conferences; and

It is further ordered, That the member lines named in appendix A-1 be made respondents in the proceeding; and

It is further ordered, That notice of this supplemental order be published in the FEDERAL REGISTER and a copy thereof served upon all parties.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A-1

Alcoa Steamship Company, Inc., 17 Battery Place, New York, N.Y. 10004.
Atlantic Lines, Ltd., c/o Chester, Blackburn & Roder, Inc., 1 Whitehall Street, New York, N.Y. 10004.
Azta Shipping Co., c/o Jan C. Uiterwyk Co., Inc., 80 Broad Street, New York, N.Y. 10004.
Booth Lamport, c/o Booth American Shipping Corp., 17 Battery Place, New York, N.Y. 10004.
Chilean Line, 29 Broadway, New York, N.Y. 10006.
Coldemar Line, Inc., 17 Battery Place, New York, N.Y. 10004.
Empresa Honduras de Vapores, S.A., Mr. Wilmer L. Wilson, General Manager, 33 Rector Street, New York, N.Y. 10006.
Grace Line, Inc., 3 Hanover Square, New York, N.Y. 10004.
Grancolombiana Line, 79 Pine Street, New York, N.Y. 10005.
Gulf and South American Steamship Co., Inc., 821 Gravier Street, New Orleans, La. 70112.
Linea Amazonica, S.A., c/o Booth American Shipping Corp., General Agent, 17 Battery Place, New York, N.Y. 10004.
Lykes Bros. Steamship Co., Inc., Mr. J. J. Creevy, Vice-President—Administration, 1770 Tchoupitoulas Street, New Orleans, La. 70130.
Mamenic Line, c/o U.S. Navigation Co., Inc., 17 Battery Place, New York, N.Y. 10004.
Moore McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.
Peruvian State Line, c/o T. J. Stevenson & Co., Inc., 80 Broad Street, New York, N.Y. 10004.
Royal Netherlands Steamship Co., 25 Broadway, New York, N.Y. 10004.
Skips A/S Viking Line, c/o Eckert, Thor & Company, Inc., 19 Rector Street, New York, N.Y. 10006.
United Fruit Co., 3 North River, New York, N.Y. 10006.

[F.R. Doc. 69-8060; Filed, July 8, 1969; 8:49 a.m.]

[Docket No. 69-32]

NETHERLANDS-BELGIUM/U.S. NORTH ATLANTIC TRADE

First Supplemental Order

Netherlands-Belgium/U.S. North Atlantic Trade Rate Agreement 9772.

In the Original Order in this proceeding served June 26, 1969, the individual members of the respondent Continental North Atlantic Westbound Freight Conference were not listed as respondents in this proceeding. Therefore, in order to insure proper service and response in this proceeding;

It is ordered, That the parties listed in the attached Supplemental Appendix be made respondents in this proceeding;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents and all parties of record to this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

SUPPLEMENTAL APPENDIX

American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.
Atlantic Container Line, Ltd., 30 Church Street, New York, N.Y. 10007.
Dart Container Line Co., Ltd., 67 Broad Street, New York, N.Y. 10004.
Holland America Line, Pier 40, North River, New York, N.Y. 10014.
Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.
Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J. 07207.
United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

[F.R. Doc. 69-8061; Filed, July 8, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-7241 etc.]

AZTEC OIL & GAS CO. ET AL.

Findings and Order After Statutory Hearings

JUNE 30, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, severing proceedings, terminating proceedings, marking successor corespondent, redesignating proceeding, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Nielson Enterprises, Inc., Applicant in Docket No. CI69-712, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-14628 to be made pursuant to Atlantic Richfield Co. (Operator) et al., FPC Gas Rate Schedule No. 410. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI67-462. Applicant has filed an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a petition to intervene by the Long Island Lighting Co. was filed in Docket No. CI69-573, in the matter of the application filed on December 16, 1968, in said docket. The petition to intervene has been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on June 20, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record;

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI69-1012 should be canceled and that the application filed therein should be treated as a petition to amend the order issuing a certificate in Docket No. CI68-728.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates in Dockets Nos. G-4117, G-7241, G-13103, G-14628, CI64-1498, CI67-316, CI68-728, and CI68-1148 should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings pending in Dockets Nos. G-16638 and RI60-133 should be severed from the proceedings in Docket No. AR67-1 et al., and should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Nielson Enterprises, Inc., should be made a co-respondent in the proceeding pending in Docket No. RI67-462; that said proceeding should be redesignated accordingly; and that the agreement and undertaking submitted by Nielson in said proceeding should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas

Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificate are subject to the following conditions.

(a) The initial rates for sales authorized in Dockets Nos. CI68–728 and CI69–1004 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas delivered by Applicants deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(b) Within 90 days from the date of initial delivery Applicants in Dockets Nos. CI68–728 and CI69–1004 shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A.

(c) Applicants in Dockets Nos. CI69–997 and CI69–1004 shall advise the Commission of any contemplated processing of the gas under the subject contracts.

(d) The certificate issued in Docket No. CI69–997 involving the sale of gas by Horizon Oil & Gas Co. of Texas, to its affiliate, Baca Gas Gathering System, Inc., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(e) The initial rate for the sale authorized in Docket No. CI69–573 shall be 16 cents per Mcf at 14.65 p.s.i.a. Applicant shall file three copies of a revised billing statement reflecting the 16-cent rate.

(f) The certificates issued in Dockets Nos. CI69–573 and CI69–792 are conditioned by limiting the buyers' daily take-or-pay obligations to a 1 to 7,300 ratio of takes to reserves.

(F) Docket No. CI69–1012 is canceled.

(G) The orders issuing certificates in Dockets Nos. G–7241, G–13103, CI68–728, and CI68–1148 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(H) The authorization granted in Docket No. G–13103 in paragraph (G) above shall not be construed to relieve Applicant of any refund obligations incurred in the related rate suspension proceedings pending in Dockets Nos. RI67–243, RI68–209, and RI69–379.

(I) The orders issuing certificates in Dockets Nos. G–4117, G–14628, CI64–1498, and CI67–316 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. CI69–1016, CI69–712, CI69–766, and CI69–1003, respectively.

(J) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(K) The certificates heretofore issued in Dockets Nos. G–13353 and CI68–734 are terminated.

(L) The proceedings pending in Dockets Nos. G–16638 and RI60–133 are severed from the proceedings in Docket No. AR67–1, et al., and are terminated.

(M) Nielson Enterprises, Inc., is made a co-respondent in the proceeding pending in Docket No. RI67–462; said proceeding is redesignated accordingly; and the agreement and undertaking submitted by Nielson in said proceeding is accepted for filing.

(N) Nielson Enterprises, Inc., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by it in Docket No. RI67–462 shall remain in full force and effect until discharged by the Commission.

(O) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–7241 C 4–25–69 [1]	Aztec Oil & Gas Co. (Operator) et al.	El Paso Natural Gas Co. Aztec Pictured Cliffs Field, San Juan County, N. Mex.	Supplemental agreement 4–14–69 [2]	4	27
G–13103 D 2–25–69	Aztec Oil & Gas Co.	Southern Union Gathering Co. Basin Dakota Pool, San Juan County, N. Mex.	Partial assignment 3–3–69 [3 4]	7	37
CI68–728 (CI69–1012) C 4–28–69 [5]	David Fasken et al. [6]	Natural Gas Pipeline Co. of America, North Indian Basin Morrow Field, Eddy County, N. Mex.	Supplemental agreement 1–1–69 [7]	3	2
CI68–1148 C 4–24–69 [1]	Appalachian Exploration & Development, Inc.	United Fuel Gas Co., Poca District, Putnam County, W. Va.	Supplement 3–12–69 [8]	2	9
CI69–573 A 12–16–68 [1]	Union Producing Co. [7]	Natural Gas Pipeline Co. of America, Cavasso Creek Field, Aransas County, Tex.	Contract 11–1–68 [9]	269	
CI69–712 (G–14628) F 1–28–69 as amended 3–17–69	Nielson Enterprises, Inc. (successor to Atlantic Richfield Co.).	Northern Natural Gas Co., Moeane Field, Harper County, Okla.	Contract 12–31–57 [9]	6	
			Supplemental agreement 1–21–59.	6	1
			Supplemental agreement 6–3–59.	6	2
			Amendment 3–28–67	6	3
			Assignment 6–21–68	6	4
			Assignment 10–10–68 [9]	6	5
CI69–766 (CI64–1498) F 2–10–69	International Nuclear Corp (Operator), et al. (successor to Chevron Oil Co., Western Division).	Kansas-Nebraska Natural Gas Co., Inc., Lost Cabin Field, Fremont County, Wyo.	Contract 5–6–54 [10]	1	
			Supplemental agreement 10–9–64.	1	1
			Partial assignment 4–26–68 [11]	1	2
			Assignment 4–26–68 [12]	1	3
			Assignment 4–26–68 [13]	1	4
			Assignment 4–2–68 [9 14]	1	5
CI69–702 A 3–3–69 [1 15]	Buttes Gas & Oil Co. (Operator) et al.	Kansas-Nebraska Natural Gas Co., Inc., Pony Creek Field, Fremont County, Wyo.	Contract 11–20–68 [9 16]	4	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69–996 (G–13353) B 4–24–69	Tom Cook, Jr. (Operator) et al.	Texas Eastern Transmission Corp., Willow Springs Field, Gregg County, Tex.	Notice of cancellation 4–17–69 [4 17]	11 2	4
CI69–997 A 4–24–69 [1]	Horizon Oil & Gas Co. of Texas.	Baca Gas Gathering System, Inc., Flank Field, Baca County, Colo.	Contract 4–17–69 [2]	28	
CI69–998 A 4–24–69 [1]	Texaco, Inc.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Field, Beaver County, Okla.	Contract 3–21–69 [2]	434	
CI69–1002 (CI68–734) B 4–25–69	Getty Oil Co.	Transcontinental Gas Pipe Line Corp., East Le Blanc Field, Allen Parish, La.	Notice of Cancellation 4–23–69 [4 17]	159	2
CI69–1003 (CI67–316) F 4–25–69	Getty Oil Co. (successor to Humble Oil & Refining Co.).	Natural Gas Pipeline Co. of America, Nine Mile Point Field, Aransas County, Tex.	Contract 8–15–66 [18]	173	
			Assignment 12–30–68 [20]	178	1
			Effective date: 12–7–68.		
(CI67–316) [21]	Humble Oil & Refining Co.	do.	Assignment 12–30–68 [20]	406	2
			Effective date: 12–7–68.		
CI69–1004 A 4–25–69	Getty Oil Co. (Operator) et al. [22]	Transwestern Pipeline Co., Henderson Deep Unit, Winkler County, Tex.	Contract 4–8–69 [2]	172	
CI69–1014 A 4–28–69 [1]	Robert C. Armstrong	Northern Natural Gas Co., acreage in Edwards County, Kans.	Contract 3–15–69 [2]	1	
CI69–1016 (G–4117) F 4–22–69 [23]	W. H. Doran, Jr. (successor to Delta Drilling Co., formerly Delta Gulf Drilling Co.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Alice Field, Jim Wells County, Tex.	Contract 3–18–52 [24]	4	
			Letter agreement 9–15–54	4	1
			Supplemental agreement 1–6–54.	4	2
			Letter agreement 7–5–56	4	3
			Supplemental agreement 6–3–58.	4	4
			Letter agreement 8–7–64 [A]	4	5
			Assignment 12–5–68 [20]	4	6
			Effective date: 12–1–68.		

[1] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61–1, as amended.
[2] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[3] Due to decline in wellhead pressure gas is not longer able to produce into buyer's gathering system and buyer has reassigned the purchase rights to its parent company, Southern Union Gas Co., for resale in intrastate commerce.
[4] Effective date: Date of this order.
[5] Application erroneously assigned Docket No. CI69–1012 will be treated as a petition to amend the order issuing a certificate in Docket No. CI68–728 and Docket No. CI69–1012 will be canceled.
[6] Applicant has agreed to accept permanent authorization for the additional acreage conditioned as Opinion No. 468, as modified by Opinion No. 468–A (letter filed concurrently with application).
[7] Contract provides for 17.5 cents per Mcf; however, by letter filed Jan. 10, 1969, Applicant advised willingness to accept a permanent certificate conditioned to 16 cents per Mcf. By letter filed Jan. 30, 1969, Applicant agreed to accept a permanent certificate with a condition limiting the buyer's take-or-pay obligation to a quantity based on a 1 to 7,300 reserves ratio.
[8] On file as Atlantic Richfield Co. (Operator) et al., FPC GRS No. 410.
[9] Effective date: Date of transfer of properties involved.
[10] Between California Oil Co., Western Division and Kansas-Nebraska Natural Gas Co., Inc.; on file as Chevron Oil Co., Western Division FPC GRS No. 6.
[11] Of oil and gas leases by Chevron Oil Co. to Erving Wolf.
[12] Of operating rights by Chevron Oil Co. to Erving Wolf (Lease No. W–043395).
[13] Of operating rights by Chevron Oil Co. to Erving Wolf (Lease No. W–042309).
[14] Of operating rights by Erving Wolf to International Nuclear Corp. et al.
[15] The filing of Mar. 3, 1969 supersedes an application filed Feb. 24, 1969. Applicant requested return of the filing of Feb. 24, 1969.
[16] Provides for average delivery of 5,000 Mcf/well per day or ¾ of each well's delivery capacity, whichever is the lesser, but by telegram filed June 3, 1969, Applicant agreed to accept a permanent certificate limiting buyer's take-or-pay obligation to a 1 to 7,300 reserves ratio.
[17] Source of gas depleted.
[18] Rates of 14.6 cents and 14.8 cents per Mcf suspended in Dockets Nos. G–16638 and RI60–133, respectively, but never made effective; therefore, the rate suspension proceedings pending in said dockets will be terminated.
[19] Between Humble Oil & Refining Co. and Natural Gas Pipe Line Co. of America; on file as Humble Oil & Refining Co. FPC GRS No. 406.
[20] Transfers acreage from Humble Oil & Refining Co to Getty Oil Co.
[21] No certificate filing made or necessary; only the related rate filing is being accepted by this order.
[22] Applicant has agreed to accept a permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468–A.
[23] Application noticed as a complete succession in Docket No. G–4217. Further review of the application reveals that the succession is partial rather than complete; therefore, the application was reassigned Docket No. CI69–1016.
[24] Currently on file as Delta Gulf Drilling Co. et al., FPC GRS No. 2.
[25] Assigns acreage from Delta Drilling Co. to W. H. Doran, Jr., reserving depths below Frio Sand Formation to Delta.

[F.R. Doc. 69–7943; Filed, July 8, 1969; 8:45 a.m.]

[Docket No. G–10571, etc.]

GULF OIL CORP. ET AL.

Findings and Order After Statutory Hearing

JUNE 27, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, dismissing application, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceedings, making successor corespondent, redesignating proceeding, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

John A. Hairford, Applicant in Docket No. CI69–939, proposes to continue in part sales of natural gas heretofore authorized in Docket No. CI62–1036 to be made pursuant to Apache Corp. FPC Gas Rate Schedule No. 6. The contract comprising said rate schedule will also be accepted for filing as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI69–168. Applicant has filed a motion to be made co-respondent in said proceeding, together with an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding.[1] Therefore, he will be made co-respondent in said proceeding; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER no petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on June 26, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore

[1] In his agreement and undertaking Applicant refers to "sales under John A. Hairford FPC Gas Rate Schedule No. 2, which sales were formerly covered by Apache Corporation FPC Gas Rate Schedule No. 6 * * *." Inasmuch as Applicant's rate schedule for the subject sales is designated as his FPC Gas Rate Schedule No. 5, the agreement and undertaking will be construed as being applicable to sales under said rate schedule.

found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the application filed in Docket No. G–13045 on November 7, 1968, should be dismissed as moot.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates in Dockets Nos. G–10571, G–11934, CI62–1036, CI62–1251, CI63–914, CI66–470, CI66–1328, CI67–79, CI67–286, and CI68–1202[2] should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceedings pending in Dockets Nos. RI66–56 and RI66–57 should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that John A. Hairford should be made co-respondent in the proceeding pending in Docket No. RI69–168, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by him in said proceeding should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas puchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rate for the sale authorized in Docket No. CI69–262 shall be the applicable area base rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rate, whichever is lower. If the quality of the gas delivered by Applicant deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however*, That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate.

(b) Within 90 days from the date of initial delivery Applicant in Docket No. CI69–262 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(c) Applicant in Docket No. CI69–262 shall advise the Commission of any contemplated processing of the gas under the subject contract.

(d) The certificate in Docket No. CI69–262 is further conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.

(e) Sales authorized in Dockets Nos. CI66–470 and CI69–1021 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement.

(f) Sales authorized in Dockets Nos. CI66–1328 and CI69–954 (Oklahoma "Other" area only) shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61–1 by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas, Applicants thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(g) Sales authorized in Dockets Nos. CI69–954 (Oklahoma Panhandle area only) and CI69–960 shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement and subject to B.t.u. adjustment. Applicant in Docket No. CI69–960 shall file a revised billing statement to reflect the 17 cents rate.

(h) Sales authorized in Docket No. CI69–894 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement from the newly dedicated acreage; and 16.015 cents per Mcf at 14.65 p.s.i.a., subject to refund in Docket No. RI69–36 from acreage acquired from the certificate holder in Docket No. CI62–1251.

(i) The authorizations granted in Dockets Nos. CI66–1328, CI–67–79, and CI69–960 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(F) The application filed in Docket No. G–13045 on November 7, 1968, is dismissed as moot.

(G) The orders issuing certificates in Dockets Nos. G–11934, CI63–914, CI66–470, CI66–1328, CI67–79, CI67–286, and CI68–1202[2] are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(H) The orders issuing certificates in Dockets Nos. CI62–1036 and CI62–1251 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. CI69–939 and CI69–894, respectively.

(I) The order issuing a certificate in Docket No. G–10571 is amended by substituting the successor in interest as certificate holder.

(J) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(K) The certificates heretofore issued in Dockets Nos. G–13045, CI60–113, CI60–114, CI61–1246, and CI62–1268 are terminated.

(L) The rate suspension proceedings pending in Dockets Nos. RI66–56 and RI66–57 are terminated.

(M) John A. Hairford is made a co-respondent in the proceeding pending in Docket No. RI69–168, said proceeding is redesignated accordingly, and the agreement and undertaking submitted by him in said proceeding[1] is accepted for filing.

(N) John A. Hairford shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by him in said proceeding shall remain in full force and effect until discharged by the Commission.

(O) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Supra.
[2] Supra.

[2] Temporary certificate.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–10571 E 5–5–69	Gulf Oil Corp. (successor to Sparta Oil Co.).	Texas Gas Pipe Line Corp.[1] Fannett Field, Jefferson County, Tex.	Sparta Oil Co., FPC GRS No. 2.	405	
			Supplement No. 1	405	1
			Notice of succession 5–2–69.		
			Assignment 5–1–68 [3]	405	2
G–11934 D 5–6–69	Mobil Oil Corp. (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Frnka Field, Colorado County, Tex.	Effective date: 5–1–68. Notice of partial cancellation 5–2–69.[3 4]	28	7
CI63–914 C 4–25–69 [5]	Getty Oil Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Southwest Cedardale Field, Woodward County, Okla.	Amendatory agreement 2–26–69.[6]	124	6
CI66–470 C 4–9–69 [5]	Sun Oil Co. (DX Division) (Operator) et al.	Arkansas Louisiana Gas Co. Arkoma Area, Latimer County, Okla.	Amendment 3–3–69 Compliance (undated)[8 7]	239 239	12 13
CI66–1328 C 4–9–69 [5]	Sun Oil Co. (DX Division).	Panhandle Eastern Pipe Line Co., acreage in Roger Mills County, Okla.	Amendment 2–20–69. Compliance (undated)[8 7]	268 268	6 7
CI67–79 C 9–12–67 [4]	Tenneco Oil Co.[9]	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	Amendment 8–14–67	207	1
CI67–286 C 5–2–69 [4]	Monsanto Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Sequoyah County, Okla.	Amendment 3–31–69 [8]	85	5
CI68–1202 [10] D 2–25–69	The Superior Oil Co.	Texas Gas Transmission Corp., North Maurice Field, Lafayette Parish, La.	Notice of lease termination (undated) [4 11]	136	2
CI69–262 A 9–12–68	Humble Oil & Refining Co.[12]	Northern Natural Gas Co., West Waha Field, Reeves County, Tex.	Contract 8–26–68	454	
CI69–847 (G–13045) B 3–10–69	Lyons & Logan (Operator) et al.	Texas Eastern Transmission Corp., Woodlawn Field, Harrison County, Tex.	Notice of cancellation 3–5–69.[4 13]	6	5
A CI69–894 (CI62–1251) F 3–17–69	Jones & Pellow Oil Co. (successor to Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co.).	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla.	Contract 1–29–62 [14]	9	
			Amendatory agreement 3–15–63.	9	1
			Assignment 9–10–68 [15]	9	2
			Contract 10–29–68 [16]	9	3
			Assignment 11–13–68 [17]	9	4
			Compliance (undated) [18]	9	5
CI69–939 (CI62–1036) F 4–1–69	John A. Hairford (successor to Apache Corp.).	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	Contract 1–23–62 [19] Assignment 12–30–68 [20] Effective date: 12–30–68.	5 5	1
CI69–954 A 4–14–69 [5]	Midwest Oil Corp.	Michigan Wisconsin Pipe Line Co., acreage in Woodward and Major Counties, Okla.	Contract 3–21–69 Compliance 5–8–69 [4 21]	54 54	1
CI69–960 A 4–15–69 [5]	Geo. P. Hill et al.	Panhandle Eastern Pipe Line Co., Eisle Harrison Leases, Texas County, Okla.	Contract 2–5–69 [4 22]	1	
CI69–1015 A 4–30–69 [5]	Victor P. Smith	United Gas Pipe Line Co., Jackson Field, Hinds County, Miss.	Contract 4–2–69	1	
CI69–1021 A 5–2–69 [5 23]	Mobil Oil Corp.	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla.	Contract 4–21–69 [4]	452	
CI69–1022 (CI60–113) B 5–2–69	Atlantic Richfield Co.	Transwestern Pipeline Co., Northwest Morse Field, Hansford County, Tex.	Notice of Cancellation 5–1–69.[4 24]	[24] 484	5
CI69–1023 (CI60–114) B 5–2–69	Atlantic Richfield Co. (Operator), et al.	Transwestern Pipeline Co., East Wilco Field, Hansford County, Tex.	Notice of cancellation 5–1–69.[4 24]	[24] 485	3
CI69–1025 A 5–2–69 [5]	Glenn Tompkins et al., d.b.a. Blue Knob Gas Co.	United Fuel Gas Co., Henry District, Clay County, W. Va.	Contract 9–30–59 [4 27]	11	
CI69–1029 (CI61–1246) B 5–5–69	American Natural Gas Production Co. (Operator), et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Crowley Field, Acadia Parish, La.	Notice of cancellation 5–2–69.[4 24]	2	5
CI69–1030 (CI62–1268) B 5–6–69	Sohio Petroleum Co. (Operator), et al.	Coastal States Gas Producing Co., Tiger Field, Duval County, Tex.	Notice of cancellation 5–5–69.[4 24]	66	3
CI69–1031 A 5–7–69 [5]	Cayman Corp., Ltd.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	Contract 4–16–69 [4]	5	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
C169-1033 A 5-6-69 [1]	R. P. Isaacs, d.b.a. Two Mile Drilling Co.	United Fuel Gas Co., Sheridan District, Lincoln County, W. Va.	Contract 11-10-57 [2] Agreement 3-23-59 [3]	1 1	1

[1] Application erroneously shows purchaser as Union Texas Petroleum, a division of Allied Chemical Corp.
[2] Assigns acreage from Sparta Oil Co. to Gulf Oil Corp.
[3] Includes partial release whereby Mobil released certain acreage back to E. J. Gracey et al.
[4] Effective date: Date of this order.
[5] Jan. 1, 1970; moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[6] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[7] Complies with temporary certificate issued May 2, 1969; Applicant states willingness to accept permanent authorization for the additional acreage conditioned to an initial rate of 15 cents per Mcf including tax reimbursement.
[8] Complies with temporary certificate issued May 2, 1969; Applicant states willingness to accept permanent authorization for the additional acreage conditioned to an initial rate of 15 cents per Mcf including tax reimbursement, subject to B.t.u. adjustment and subject to the ultimate disposition of the proceeding in Docket No. R-338.
[9] By letter filed May 21, 1969, Applicant expressed willingness to accept permanent authorization for the additional acreage subject to the ultimate disposition of the proceeding in Docket No. R-338.
[10] Temporary certificate
[11] Additional leases deleted by letters of Mar. 12, 1969 and Apr. 11, 1969; all were terminated for lack of production.
[12] By letter filed Mar. 21, 1969, Applicant agreed to accept a permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[13] Well stopped producing in commercial quantities and was was reclassified as an oil well.
[14] Also on file as Joseph E. Seagram & Sons, Inc., d b a. Texas Pacific Oil Co. Operator et al., FPC GRS No. 10.
[15] From Texas Pacific Oil Co., to R. J. Schumacher, effective as of Aug. 27, 1968.
[16] Ratifies Jan. 29, 1962 contract. Covers Applicant's interests in Lowery No. 1 Well, sec. 24, T. 7 N., R. 23 E., including one-half of NW¼ which was not previously dedicated.
[17] From R. J. Schumacher to Jones & Pellow Oil Co., effective as of Aug. 27, 1968.
[18] Accepts conditioned temporary certificate issued May 2, 1969; advises of willingness to accept a permanent certificate conditioned to 15 cents for the initial service. (Jan. 1, 1970, moratorium applicable to newly dedicated acreage only.)
[19] Between Apache Corp. and Cities Service Gas Co.; also on file as Apache Corp. FPC GRS No. 6.
[20] Assigns interest from Apache Corp. to Applicant.
[21] Complies with temporary certificate issued May 2, 1969; Applicant states willingness to accept a permanent certificate conditioned to initial rates of 17 cents (Panhandle area) and 15 cents (Oklahoma "Other" area), both including tax reimbursement and subject to B.t.u. adjustment.
[22] Contract rate is 18 cents per Mcf adjusted for B.t.u. content. Applicant by letter filed May 8, 1969, stated willingness to accept a permanent certificate at 17 cents subject to B.t.u. adjustment and subject to the ultimate disposition of the proceeding in Docket No. R-338.
[23] Although the contractual rate is 16 cents, Applicant has indicated in its certificate application willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf.
[24] Source of gas depleted.
[25] Proposed rate increase to 19.5 cents currently suspended in Docket No. RI68-57 and never placed in effect; therefore, the rate suspension proceeding pending in Docket No. RI68-57 will be terminated.
[26] Proposed rate increase to 19.5 cents currently suspended in Docket No. RI68-56 and never placed in effect; therefore, the rate suspension proceeding pending in Docket No. RI66-56 will be terminated.
[27] Sale being made without prior Commission authorization.
[28] Instrument whereby R. P. Isaacs acquired interest in properties involved.

[F.R. Doc. 69-7944; Filed, July 8, 1969; 8:45 a.m.]

[Docket No. CP69-348]

EL PASO NATURAL GAS CO. Application for Certificate of Public Convenience and Necessity

JULY 1, 1969.

Take notice that on June 24, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in docket No. CP69-348 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of mainline facility additions and the sale and delivery of an additional firm daily quantity of gas to Southern California Gas Co. and Southern Counties Gas Company of California, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate an additional 51,840 mainline compressor horsepower, approximately 85.1 miles of 30-inch O.D. loop pipeline, minor metering facilities and authorization for the installation and operation of auxiliary facilities at various mainline compressor stations. Applicant states facilities will be required to increase daily design mainline delivery capacity, which increase will be utilized in rendering the proposed additional sales.

Total estimated cost of the project is $34,795,165, which will be initially financed through the use of working funds supplemented as necessary by short term borrowing.

The additional sales and delivery are proposed to be made in accordance with and at rates contained in Rate Schedule G of El Paso's FPC Gas Tariff, Original Volume No. 1. Additional deliveries will be accomplished through acceleration of production from existing sources and consequently no new supplies are involved.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8001; Filed, July 8, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 69-7999, Federal Deposit Insurance Corporation, *supra*.

NORTHEASTERN BANKSHARE ASSOCIATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Northeastern Bankshare Association, which is a bank holding company located in Lewiston, Maine, for the prior approval of the Board of the acquisition by Applicant of at least 51 percent of the voting shares of Westbrook Trust Co., Westbrook, Maine.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States; or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

Dated at Washington, D.C., this 1st day of July, 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8004; Filed, July 8, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 7-3143-7-3152]

ASTRODATA, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 2, 1969.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Astrodata, Inc., file No. 7-3143; Cinerama, Inc., file No. 7-3144; Compudyne Corp., file No. 7-3145; Husky Oil, Ltd., file No. 7-3146; Income & Capital Shares, Inc., file No. 7-3147; The Japan Fund, Inc., file No. 7-3148; Leverage Fund of Boston, Inc., file No. 7-3149; Louisiana Land and Exploration Co., file No. 7-3150; Natomas Co., file No. 7-3151; Nytronics, Inc., file No. 7-3152.

Upon receipt of a request, on or before July 17, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8028; Filed, July 8, 1969; 8:47 a.m.]

[File No. 7-3153]

AVCO CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 2, 1969.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Avco Corp. Warrants (expiring Nov. 30, 1978), file No. 7-3153.

Upon receipt of a request, on or before July 17, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8029; Filed, July 8, 1969; 8:47 a.m.]

R. HOE & CO., INC.

Order Suspending Trading

JULY 2, 1969.

The common stock, $1 par value, and the $1 cumulative class A stock, $2.50 par value of R. Hoe & Co., Inc., a New York corporation, being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of R. Hoe & Co., Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, than trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 2, 1969, 2 p.m., (e.d.t.) through July 11, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8030; Filed, July 8, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0224]

BUFFALO SMALL BUSINESS INVESTMENT CORP.

Notice of Surrender of License

Notice is hereby given that pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326), Buffalo Small Business Investment Corp. (Buffalo), 120 Delaware Avenue, Buffalo, N.Y. 14202, has surrendered its license to operate as a small business investment company.

Buffalo, a New York corporation organized and chartered solely for the purposes of operating under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), was licensed by the Small Business Administration (SBA) on December 7, 1962, License No. 02/02-0224.

The license surrender is pursuant to a certain reorganization Agreement and Plan (the Plan) entered into between Buffalo and Coburn Corporation of America (Coburn).

Notice of the Plan was published by the Small Business Administration (SBA) on March 14, 1969, in the FEDERAL REGISTER (34 F.R. 5279).

The transactions contemplated by the Plan having been consummated, the surrender by Buffalo of its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended, is hereby approved and accepted by SBA.

Dated: June 26, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-8013; Filed, July 8, 1969; 8:46 a.m.]

HEMISPHERE CAPITAL CORP.

Notice of Issuance of License

On March 14, 1969, a notice was published in the FEDERAL REGISTER, 34 F.R. 5279, stating that an application for a license to operate as a small business investment company had been filed with the Small Business Administration (SBA) by Hemisphere Capital Corp., 120 Delaware Avenue, Buffalo, N.Y. 14202, pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326).

Interested parties were given until the close of business March 24, 1969, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information and facts with regard thereto, SBA issued License No. 02/02-0271 to Hemisphere Capital Corp., on May 29, 1969, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: June 26, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-8014; Filed, July 8, 1969; 8:46 a.m.]

[License 12-0006]

NEW CAPITAL FOR SMALL BUSINESSES, INC.

Surrender of License

New Capital for Small Businesses, Inc., a California corporation, having its principal place of business located at 235 Montgomery Street, San Francisco, Calif. 94104, was licensed by the Small Business Administration as a small business investment company on December 1, 1960.

On June 16, 1967, a complaint, Civil No. 47254, was filed on behalf of SBA against New Capital for Small Businesses, Inc., in the U.S. District Court, Northern District of California. A Stipulation for Judgment in the amount of $240,024.99, was entered on February 20, 1969. On May 8, 1969, after satisfaction of judgment, New Capital for Small Businesses, Inc., surrendered its license to SBA.

In view of the foregoing, notice is hereby given that the surrender of license by New Capital for Small Businesses, Inc., is hereby approved and accepted, and New Capital for Small Businesses, Inc., is no longer licensed to operate as a small business investment company.

Dated: June 26, 1969.

For the Small Business Administration.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-8015; Filed, July 8, 1969; 8:46 a.m.]

TARIFF COMMISSION

[TEA-I-15]

GLASS

Notice of Investigation and Hearing

Investigation instituted. Following receipt on June 27, 1969, of a petition filed by the American-Saint Gobain Corp., of Kinsport, Tenn., the Libbey-Owens-Ford Co., of Toledo, Ohio, the Mississippi Glass Co., of St. Louis, Mo., and the PPG Industries, Inc., of Pittsburgh, Pa., the U.S. Tariff Commission, on the 2d day of July 1969, instituted an investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether glass of the kinds provided for in items 541.11-.31, 542.11-.98, 543.11-.69, and 544.31-.32 of the Tariff Schedules of the United States are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t. on October 14, 1969, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection by persons concerned at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York office in the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 3, 1969.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 69-8036; Filed, July 8, 1969; 8:48 a.m.]

[TEA-I-Ex-6]

CERTAIN FLAT GLASS

Notice of Investigation and Hearing Into Probable Effect of Termination of Increased Tariffs

Investigation instituted. On June 27, 1969, the U.S. Tariff Commission, upon a petition filed on behalf of the domestic industry concerned, instituted an investigation in connection with the preparation of advice to the President, pursuant to section 351(d)(3) of the Trade Expansion Act of 1962, with respect to flat glass of the kinds described in items 923.31-.35 and 923.71-.75 in part 2A of the Appendix to the Tariff Schedules of the United States.

Increased rates of duty were imposed by Presidential proclamation upon imports of certain flat glass in 1962 following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951. On January 11, 1967, the President, pursuant to the provisions of section 351(c)(1)(A) of the Trade Expansion Act, terminated certain of these increased rates and reduced the remainder of them. Pursuant to section 351(c)(1)(B) of the Trade Expansion Act, the escape-clause rates that remained were to have automatically terminated at the close of October 11, 1967, unless extended by the President. By proclamation issued pursuant to section 351(c)(2) of the Act, the President extended these rates to the close of December 31, 1969.

The Commission's function under section 351(d)(3) is to advise the President of its judgment as to the probable economic effect that a termination of these rates would have on the industry concerned.

Public hearing ordered. A public hearing, which has been requested by the petitioner in connection with this investigation, will be held at 10 a.m., e.d.s.t. on October 14, 1969, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 3, 1969.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 69-8037; Filed, July 8, 1969; 8:48 a.m.]

[TEA-I-14]

PIANOS AND PARTS THEREOF

Notice of Investigation and Hearing

Investigation instituted. Following receipt on June 23, 1969, of a petition filed by the National Piano Manufacturers Association, the U.S. Tariff Commission, on the 2d day of July 1969, instituted an investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether pianos (including player pianos, whether or not with keyboards), and parts thereof, provided for in items 725.02 and 726.80 of the Tariff Schedules of the United States are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.s.t., on October 28, 1969, in the Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection by persons concerned at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 3, 1969.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 69-8038; Filed, July 8, 1969; 8:48 a.m.]

[TEA-I-EX-5]

CERTAIN FLOOR COVERINGS

Notice of Investigation and Hearing Into Probable Effect of Termination of Increased Tariff

Investigation instituted. On June 27, 1969, the U.S. Tariff Commission, upon a petition filed on behalf of the domestic industry concerned, instituted an investigation in connection with the preparation of advice to the President, pursuant to section 351(d)(3) of the Trade Expansion Act of 1962, with respect to Wilton (including Brussels) and velvet (including tapestry) floor coverings, and floor coverings of like character or description, of the kinds described in item 922.50 in part 2A of the Appendix to the Tariff Schedules of the United States.

An increased rate of duty was imposed by Presidential proclamation upon imports of the subject floor coverings in 1962 following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951. Pursuant to section 351(c)(1)(B) of the Trade Expansion Act, the increased rate was to have automatically terminated at the close of October 11, 1967, unless extended by the President. By proclamation issued pursuant to section 351(c)(2) of the Act, the President extended the increased rate to the close of December 31, 1969.

The Commission's function under section 351(d)(3) is to advise the President of its judgment as to the probable economic effect that a termination of such increased rate of duty would have on the industry concerned.

Public hearing ordered. A public hearing will be held at 10 a.m., e.d.s.t., on August 27, 1969, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 3, 1969.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 69-8039; Filed, July 8, 1969; 8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

SECRETARY OF LABOR

Delegation of Authorities Regarding Job Corps

1. Pursuant to section 602(d) of the Economic Opportunity Act, the powers of the Director under Title I, Part A (Job Corps) of the Economic Opportunity Act are hereby delegated to the Secretary of Labor except for the reservations specified herein. The powers of the Director under sections 602 (except 602(d)) and 610-1 of the Economic Opportunity Act are also delegated to the Secretary of Labor to the extent he deems necessary or appropriate for carrying out his functions in exercising his powers under Title I, Part A.

2. a. The personnel, property, and records of and in support of the Job Corps are hereby transferred to the Secretary of Labor, except that officers or employees appointed by the President shall not be transferred.

b. The Secretary of Labor is designated contracting officer in all existing contracts implementing Title I, Part A (Job Corps), except contracts identified in Attachment A, and shall succeed to all rights, duties, and obligations (including auditing responsibilities) of the Director under all other agreements; except that OEO shall retain the responsibility for settling termination claims arising under contracts terminated prior to July 1, 1969.

c. Tort claims, and claims lodged under section 116(b) of the Economic Opportunity Act, arising against the Job Corps prior to July 1, 1969, shall be processed and settled by the Labor Department.

3. The delegated powers may be redelegated by the Secretary to personnel within the Labor Department with or without authority for further delegation.

4. The Director will retain and exercise the following authority:

a. The authority to conduct overall planning (including programing and budgeting operations), and to perform evaluations of the Job Corps program.

b. The exclusive power to make grants or contracts for experimental, experimental research, and demonstration projects as specified in sections 113 (b) and (c) of the Economic Opportunity Act.

5. Further, the delegated and retained powers herein shall be exercised pursuant to such memoranda of understanding as have been or shall be agreed to between the Agencies.

Agreements have been or shall be concluded which create procedures for (a) establishing basic policies, (b) formulating budget and program plans, (c) setting criteria for assessing performance, (d) providing guidelines for conducting evaluations, (e) disposing of property which may no longer be required in connection with the Job Corps program, and (f) approval of experimental, experimental research, and demonstration projects.

6. All operating and budget information, evaluation reports, audits, inspection reports, and other data concerning Title I-A, shall be freely exchanged between the Director and the Secretary, pursuant to sections 602(d) and 633(b) of the Act.

7. This delegation is effective July 1, 1969.

Dated: June 24, 1969.

DONALD RUMSFELD,
Director, Office of Economic Opportunity.

Approved: June 30, 1969.

RICHARD NIXON,
President of the United States.

ATTACHMENT A

DELEGATION OF AUTHORITIES TO THE SECRETARY OF LABOR

Contract No.	Contractor	Product or services	Amount of contract
4482	State of Maryland	Job Corps Skill Center in Baltimore	$2,748,359
4780	Milwaukee Public Schools	Milwaukee School System Coordination Feasibility Study.	9,112
4773	Seattle Public Schools	Model Program—Career Planning Center	286,299

[F.R. Doc. 69-8033; Filed, July 8, 1969; 8:47 a.m.]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authorities Regarding Project Headstart

1. Pursuant to section 602(d) of the Economic Opportunity Act of 1964 (hereinafter "the Act"), I delegate to the Secretary of Health, Education, and Welfare (hereafter "the Secretary") the powers vested in me by section 222(a)(1) of the Act (Project Headstart).

2. I further delegate to the Secretary subject to the terms of the Memorandum of Understanding referred to in paragraph 5 below those powers under sections 222(b) (except the power to conduct research), 225(c), 230, 231, 233, 241 (except 241(a)(2)), 242, 243, 244 (1), 244(2), 244(7), 602 (except 602(d)), 603(b), 604, 610–1, and 617 of the Act to the extent deemed necessary or appropriate for the performance of functions delegated to him in paragraph 1 above.

3. Resources for Project Headstart shall be included in the OEO budget allocated by OEO to the Secretary. In planning, developing, and allocating the annual budgets and supplementals or amendments thereto, OEO shall consult with the Secretary and obtain his recommendations for requirements. The Secretary shall support and assist OEO in the presentation and justification of the budget to the Bureau of the Budget and the Congress.

4. All operating information, evaluation reports, and other data concerning Project Head Start shall be freely exchanged pursuant to section 602(d) of the Act.

5. The powers delegated herein shall be exercised in accordance with such memoranda of understanding as have been or shall be entered into by HEW and OEO.

6. The powers delegated herein may be redelegated by the Secretary to other officials of HEW with or without authority for further redelegation.

7. This delegation shall take effect on July 1, 1969.

Dated: June 28, 1969.

DONALD RUMSFELD,
Director,
Office of Economic Opportunity.

Approved: June 30, 1969.

RICHARD NIXON,
President of the
United States.

[F.R. Doc. 69–8034; Filed, July 8, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1307]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

Correction

In F.R. Doc. 69–7473, appearing at page 9879, in the issue for Thursday, June 26, 1969, make the following change: On page 9881, in the 18th line of "No. MC 67200 (Sub-No. 34)", the word "and" should read "on".

INTENT TO PERFORM INTERSTATE TRANSPORTATION FOR CERTAIN NONMEMBERS

Availability of Form BOp 102

JULY 1, 1969.

Form BOp 102, Notice to Commission of Intent to Perform Interstate Transportation for Certain Nonmembers under section 203(b)(5) of the Interstate Commerce Act, was prescribed by order of the Commission in Ex Parte No. MC–75 published at 34 F.R. 8117 on May 23, 1969. The order is effective July 7, 1969.

Copies of Form BOp 102 are available at the Commission's Regional and detached offices. The locations of the Commission's Regional and detached offices are listed in 49 CFR Part 1001. Copies of Form BOp 102 are also available from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–8044; Filed, July 8, 1969; 8:48 a.m.]

[No. 35120]

MISSISSIPPI INTRASTATE RAIL FREIGHT RATES AND CHARGES, 1969[1]

JUNE 9, 1969.

Notice is hereby given that the common carriers by railroad shown below have, through their attorneys, filed a petition with the Interstate Commerce Commission, pursuant to section 13 and section 15a(2) of the Interstate Commerce Act, to institute an investigation to determine whether intrastate rates, fares, and charges within the State of Mississippi are unreasonably low to the extent that they do not reflect the general increase authorized in Ex Parte No. 259, Increased Freight Rates, 1968, 332 I.C.C. 590 (1968), 332 I.C.C. 714 (1969). The petitioners are: The Alabama Great Southern Railroad Co.; Bonhomie and Hattiesburg Southern Railroad Co.; Columbus and Greenville Railway Co.; The Corinth and Counce Railroad Co.; Fernwood, Columbia & Gulf Railroad Co.; Gulf, Mobile and Ohio Railroad Co.; Illinois Central Railroad Co.; Louisville and Nashville Railroad Co.; Meridian & Bigbee Railroad Co.; Mississippi & Skuna Valley Railroad Co.; Mississippi Export Railroad Co.; Mississippian Railway; Missouri Pacific Railroad Co.; Pearl River Valley Railroad Co.; St. Louis-San Francisco Railway Co.; and Southern Railway Co.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of 2 copies each upon the attorneys for the petitioners, viz.: John H. Doeringer, 135 East 11th Place, Chicago, Ill. 60605; James L. Howe III, Post Office Box 1808, Washington, D.C. 20013; W. A. Kimbrough, Jr., 104 St. Francis Street, Mobile, Ala. 36602; W. B. Kopper, 906 Olive Street, St. Louis, Mo. 63101; and John F. Smith, 908 West Broadway, Louisville, Ky. 40201. Thereafter a determination will be made as to whether an investigation is warranted in this matter.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–8045; Filed, July 8, 1969; 8:48 a.m.]

[No. MC–C–6433]

NOTICE OF FILING OF PETITION FOR INTERPRETATION OF OPERATING AUTHORITY

JULY 3, 1969.

Petitioner, JOHN J. SHARP, Woodbury Heights, N.J. Petitioner's representative, Theodore Polydoroff, Suite 1100, 1140 Connecticut Avenue NW., Washington, D.C. 20036. By petition filed June 13, 1969, Petitioner seeks interpretation of its presently held authority, and in regard thereto, states, that in MC 125535, issued January 8, 1968, it holds authority as a contract carrier, by motor vehicle, transporting: *Refrigeration and freezing units, machines and equipment and parts and supplies* connected therewith, uncrated (except those which because of size or weight require the use of special equipment or handling), from the plantsite of Hussman Refrigeration, Inc., at Cherry Hill, N.J., to points in Connecticut, Delaware, New Jersey, that part of Maryland on and east of U.S. Highway 15, that part of Pennsylvania on and east of U.S. Highway 219, New York (except points west of New York Highway 14); and the District of Columbia; and *Damaged and defective equipment* described above, from the above-specified destination points to the plantsite of Hussman Refrigeration, Inc., at Cherry Hill, N.J. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Hussman Refrigeration, Inc., of Cherry Hill, N.J. Petitioner states that following the issuance of its permit it has been performing a continuous transportation service for Hussman Refrigerator Co., and pursuant to his authority Petitioner has been transporting refrigeration and freezing units, machines, and equipment and also *shelves, bins, display cases, and counters.* The transportation of these items has been performed under the interpretation that the phrase "equipment, and parts and supplies connected therewith," as set out in the permit, embraces the above described commodities. Petitioner further states the question of whether its present permit authorized him to transport shelves, bins, counters, and display cases has now been informally raised, and it is for this reason that the instant petition has been filed. Any interested person desiring to participate may file an original and seven copies of his written representations, views or argument in support of, or against, the petition within 30 days from the date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69–8046; Filed, July 8, 1969; 8:48 a.m.]

[Notice 558]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 3, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 522) (Cancels Deviations Nos. 260 and 385), GREYHOUND LINES, INC. (Western Division), Market and Fremont Sts., San Francisco, Calif. 94106. Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Correction: Deviation No. 522, filed May 29, 1969, should be corrected to describe Route (2) of the deviation proposal as follows: "(2) from West Jerome Junction over Interstate Highway 80N to junction U.S. Highway 93 (North Twin Falls Junction). The original notice published in the FEDERAL REGISTER on June 11, 1969, incorrectly concludes Route (2) with West Twin Falls Junction rather than *North* Twin Falls Junction.

No. MC 1515 (Deviation No. 524) (Cancels Deviation No. 344), GREYHOUND LINES, INC. (Western Division), Market and Fremont Sts., San Francisco, Calif. 94106. Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Correction: Deviation No. 524, filed June 6, 1969, should be corrected to describe Route (3) of the deviation proposal as follows: (3) from Bellingham over Interstate Highway 5 to junction unnumbered highway (Alger Junction), thence over unnumbered highway to Alger. The original notice published in the FEDERAL REGISTER on June 18, 1969, inadvertently omitted a portion of the described route.

By the Commission.

[SEAL] ANDREW ANTHONY Jr.,
Acting Secretary.

[F.R. Doc. 69–8047; Filed, July 8, 1969; 8:48 a.m.]

[Notice 1310]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 3, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

NO. MC 20802 (Sub-No. 5) (republication), filed September 30, 1968, published in FEDERAL REGISTER issues of October 17, 1968, and November 21, 1968, and republished this issue: Applicant: WHEELER MOTOR EXPRESS, INCORPORATED, 279 Lake Drive West, Dunkirk, N.Y. 14048. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. By application filed September 30, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over regular routes, transporting heavy machinery and general commodities, except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those injurious or contaminating to other lading, (a) between Barcelona, N.Y., and Salamanca, N.Y., (1) over New York Highway 17 to Salamanca serving Ashford Hollow, Cattaraugus, Ellicottville, Ellington, Stockton, and West Valley as intermediate points; and (2) from Barcelona over New York Highway 17 to Mayville, N.Y., thence over New York Highway 17J to Jamestown, N.Y., thence over New York Highway 17 to Salamanca, serving Asheville, Blockville, Clymer, Findley, Lake, North Clymer, Panama, Sherman, and Stedman, N.Y. as off-route points; and (3) return over these routes to Barcelona; (B) between Gowanda, N.Y., and the intersection of U.S. Highway 20, over New York Highway 62, serving all intermediate points, and (C) between Dunkirk, N.Y. and Olean, N.Y., from Dunkirk over New York Highway 39 to Forestville, N.Y., thence over New York Highway 428 to junction New York Highway 83, thence over New York Highway 83 to Conewango Valley, N.Y., thence over New York Highway 62 to junction of unnumbered highway, thence over unnumbered highway by way of East Leon, N.Y., to junction New York Highway 353, thence over New York Highway 353 to Salamanca, N.Y., and thence over New York Highway 17 to Olean and return over the same route, serving all intermediate points and serving Ashford Hollow, Cattaraugus, Ellicottville, Ellington, Stockton, and West Valley as off-route points. Applicant intends to tack at Barcelona, Dunkirk, and Gowanda, N.Y., to serve the proposed territory in conjunction with applicant's present authority between and including Barcelona and Buffalo, N.Y.

An order of the Commission Operating Rights Board, dated May 23, 1969, and served June 4, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce as a common carrier by motor vehicle, over regular routes, transporting *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk (A) between Jamestown, N.Y., and Salamanca, N.Y., over New York Highway 17, serving Randolph as an intermediate point, and serving Ashville, Blockville, Panama, and Sherman, N.Y., as off-route points; (B) between Gowanda, N.Y., and the junction of U.S. Highway 20, and New York Highway 62, over New York Highway 62, serving all intermediate points; (C) between Forestville, N.Y.; and Balcom, N.Y., from Forestville over New York Highway 428 to junction New York Highway 83, thence over New York Highway 83 to Balcom, and return over the same route; (D) between East Leon, N.Y., and Little Valley, N.Y., from East Leon over unnumbered highway to junction New York Highway 353, thence over New York Highway 353 to Little Valley, and return over the same route, serving all intermediate points, and serving Ellicottville and West Valley, N.Y., as off-route points in connection with applicant's existing regular-route operations; and (E) serving Mayville, Chatauqua, Lakewood, Dewittville, and Stow, N.Y., as intermediate points on applicant's existing regular routes between Barcelona and Jamestown, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and

[1] This correction is solely for the purpose of indicating that the interstate increase involved is Ex Parte No. 259 not Ex Parte 256.

would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10524. Authority sought for control and merger by RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa, of the operating rights and property of ILLINOIS RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa, and for acquisition by JOHN RUAN, also of Des Moines, Iowa, of control of such rights and property through the transaction. Applicants' attorney: Henry L. Fabritz, Post Office Box 855, Des Moines, Iowa 50304. Operating rights sought to be controlled and merged: *Refined petroleum products*, in bulk, as a *common carrier* over irregular routes, from Wood River, Ill., to certain specified points in Missouri; *petroleum products*, in bulk, in tank vehicles, from Wood River, Ill., to certain specified points in Missouri; *ammonium sulfide aqua solution*, in bulk, in tank vehicles, from Hartford, Ill., to Fredericktown, Mo. RUAN TRANSPORT CORPORATION is authorized to operate as a *common carrier* in all points in the United States except Washington, Oregon, Alaska, Hawaii, Nevada, and Rhode Island. Application has not been filed for temporary authority under section 210a(b). NOTE: Petition for Modification in No. MC-107496 Sub-No. 83 has been concurrently filed.

No. MC-F-10525. Authority sought for control and merger by SITES SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, Oreg. 97214, of the operating rights and property of LESTER FREIGHT LINES, INC., 1321 Southeast Water Avenue, Portland, Oreg. 97214, and for acquisition by GEORGE A. BROWNING, JR., also of Portland, Oreg., of control of such rights and property through the transaction. Applicants' attorney: Kenneth G. Thomas, 1321 Southeast Water Avenue, Portland, Oreg. 97214. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, commodities in bulk, but not excepting household goods, as a *common carrier*, over regular routes, from Portland, Oreg., to Hood River, Oreg., serving all intermediate and off-route points within 5 miles of U.S. Highway 30 east of Cascade Locks, Oreg., between Goldendale, Wash., and Hood River, Oreg., serving all intermediate and off-route points within 5 miles of the specified highways, between Maryhill, Wash., and The Dalles, Oreg., serving all intermediate and off-route points within 5 miles of U.S. Highway 197, between junction U.S. Highways 197 and 830, and Hood River, Oreg., serving all intermediate and off-route points within 5 miles of the specified highways, with restriction; *general commodities*, except those of unusual value, and except high explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Portland, Oreg., and Parkdale, Oreg., serving certain intermediate and off-route points; *general commodities*, excepting among others, household goods and commodities in bulk, between Portland, Oreg., and Bingen, Wash., serving intermediate points on U.S. Highway 830 within 15 miles of Bingen, and off-route points in Washington within 15 miles of Bingen, with exceptions, over one alternate route for operating convenience only; between Hood River, Oreg., and Parkdale, Oreg., serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Skamania and Klickitat Counties, Wash., with exceptions; *fresh fruits and vegetables*, from points in Washington within 15 miles of Bingen, Wash., on the one hand, and, on the other, points in Oregon within 30 miles of Portland, Oreg.; *fruit*, from points in Hood River County, Oreg., and those in Wasco County, Oreg., located on and west of U.S. Highway 197 to Vancouver, Wash., with restrictions; *paper products*, from Camas, Wash., to points in Hood River County, Oreg., and those in Wasco County, Oreg., located on and west of U.S. Highway 197, with restrictions; *box shooks*, from Vancouver and Bingen, Wash., to points in Hood River County, Oreg., and those in Wasco County, Oreg., located on and west of U.S. Highway 197, with restrictions; *general commodities*, excepting, among others, commodities in bulk, but not excepting household goods, between points in Hood River County, Oreg., on the one hand, and, on the other, points in Klickitat County, Wash., between certain specified points in Oregon, on the one hand, and, on the other, points in Klickitat and Skamania Counties, Wash., with restriction; *fruit*, from points in Hood River County, Oreg., and those in Klickitat County, Wash., to Portland, Oreg., with restriction; *agricultural commodities*, from certain specified points in Oregon, to Portland, Oreg., with restriction; *petroleum products*, in containers, *fuel, merchandise, farm machinery, salt, bags*, and *twine*, from Portland, Oreg., to certain specified points in Oregon, with restriction; and *fresh fruits and vegetables, fruit-spraying compounds, machinery and machines used in fruit-packing plants, fruit-packing house and cannery waste and byproducts, empty containers*, and *box shook* and *box tops*, between points in Wasco and Hood River Counties, Oreg., on the one hand, and, on the other, points in Yakima County, Wash., with restriction. SITES SILVER WHEEL FREIGHTLINES, INC., is authorized to operate as a *common carrier* in Oregon and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10528. Authority sought for control and merger by MORRISON MOTOR FREIGHT, INC., 100 East Jenkins Boulevard, Akron, Ohio 44306, of the operating rights and property of RAZ DELIVERY, INC., 25 Ackerman Street, Rochester, N.Y. 14609, and for acquisition by MARMAC INSURANCE AGENCY, INC., and in turn by HELKEN, INC., and K. C. HEFFRON, all of 135 South La Salle Street, Chicago, Ill. 60603, of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be controlled and merged: Under a certificate of registration, in docket No. MC-99470 Sub 1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York; and *general commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Schenectady, N.Y., and Albany, N.Y., serving the intermediate point of Troy, N.Y. MORRISON MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Ohio, Kansas, Missouri, Indiana, Pennsylvania, Illinois, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10529. Authority sought for purchase by MID-AMERICAN LINES, INC., 900 North Indiana Avenue, Kansas City, Mo. 64120, of the operating rights and property of FIVE J MOTOR SERVICE, INC., 2000 West 43d Street, Chicago, Ill. 60609, and for acquisition by LEROY WOLFE and HELEN D. WOLFE, both of 4303 Homestead Drive, Prairie Village, Kans., of control of such rights and property through the purchase. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: Under a certificate of registration, in docket No. MC-121407 Sub 1, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kansas, Michigan, and Indiana. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-5888 Sub-30 is a matter directly related.

MOTOR CARRIER OF PASSENGERS

No. MC-F-10526. Authority sought for control by GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606, of (1) OKLAHOMA TRANSPORTATION COMPANY, (2) MID-CONTINENT COACHES, INC., and (3) SOUTHWEST COACHES, INC., all of 1206 Exchange Avenue, Oklahoma City, Okla., and for acquisition by THE GREYHOUND CORPORATION, also of Chicago, Ill., of control of OKLAHOMA TRANSPORTATION COMPANY, MID-CONTINENT COACHES, INC., and SOUTHWEST COACHES, INC., through the acquisition by GREYHOUND LINES, INC. Applicant's attorney: Robert J. Bernard, 10 South Riverside Plaza, Chicago, Ill. 60606. Operating rights sought to be controlled: (1) Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Oklahoma points, serving all intermediate points, between Lawton, Okla., and the Fort Sill Military Reservation, Okla., serving no intermediate points, between Oklahoma City, Okla., and Fort Smith, Ark., between Oklahoma City, Okla., and Wichita Falls, Tex., serving all intermediate points; and passengers and their baggage, and express in the same vehicle with passengers, between junction Oklahoma Highways 3 and 9, approximately 1 mile northwest of Seminole, Okla., and junction Oklahoma Highway 9 and U.S. Highway 271, approximately 3 miles west of Spiro, Okla., serving all intermediate points, with restriction; (2) passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Woodward, Okla., and Seiling, Okla., between Woodward, Okla., and Dodge City, Kans., between Kingfisher, Okla., and Seiling, Okla., between Oklahoma City, Okla., and junction U.S. Highways 64 and 81, near Ford Creek, Okla., between Oklahoma City, Okla., and junction Oklahoma Highway 3 and U.S. Highway 81 near Ororache, Okla., between Liberal, Kans., and junction U.S. Highways 64 and 81, between Oklahoma City, Okla., and Altus, Okla., between El Reno, Okla., and Union City, Okla., between Cyril, Okla., and Lawton, Okla., between Apache, Okla., and junction U.S. Highways 281 and 66, between junction Oklahoma Highways 5 and 36, and Wichita Falls, Tex., between junction Oklahoma Highways 5 and 36, and Lawton, Okla., serving all intermediate points, between Altus, Okla., and Childress, Tex.; serving Altus and all intermediate points between Altus, and Hollis, Okla., restricted against the transportation of newspapers, and all intermediate points between Hollis and junction U.S. Highways 62 and 83, inclusive, without restriction, between Vernon, Tex., and Hobart, Okla., serving all intermediate points, between El Reno, Okla., and Watonga, Okla., serving certain intermediate points between junction Oklahoma Highway 58 and U.S. Highway 270 and junction Oklahoma Highway 51 and U.S. Highway 270; serving the intermediate points of Eagle City, and Canton, Okla., between Hinton Junction, Okla. (at the intersection of U.S. Highways 281 and 66), and Geary Junction, Okla. (approximately 6 miles south of Geary, Okla.), serving no intermediate points; over one alternate route for operating convenience only; and passengers and their baggage, and express in the same vehicle with passengers, between Garden City, Kans., and Liberal, Kans., serving all intermediate points, and the off-route point of Sublette, Kans.; and (3) passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Wichita Falls, Tex., and Abilene, Tex., between Haskell, Tex., and Knox City, Tex., between Munday, Tex., and Knox City, Tex., serving all intermediate points. GREYHOUND LINES, INC., is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: Applicant requests that this application be consolidated with MC-F-10455 (MISSOURI, KANSAS & OKLAHOMA COACH LINES, INC., CONTROL—OKLAHOMA TRANSPORTATION CO., ET AL), published in the April 30, 1969, issue of the FEDERAL REGISTER, on page 7110.

No. MC-F-10527. Authority sought for purchase by CONNECTICUT-NEW YORK AIRPORT BUS CO., INC., 1503 Post Road, Milford, Conn., of a portion of the operating rights of THE SHORT LINE OF CONNECTICUT, INCORPORATED, doing business as THE SHORT LINE, 667 Cromwell Ave., Rocky Hill, Conn., and for acquisition by ARTHUR BERNACCHIA, 39 Farrell Place, Yonkers, N.Y., and GEORGE BERNACCHIA, 176 Douglas Ave., Yonkers, N.Y., of control of such rights through the purchase. Applicants' attorneys: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021, and Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, and baggage of passengers in separate vehicles, as a *common carrier*, over regular routes, between New Haven, Conn., and Hartford, Conn., serving all intermediate points, with restriction; passengers and their baggage, when moving in the same vehicle with passengers, in special round trip operations, over irregular routes, beginning and ending at Middletown (Middlesex County), Southington, Bristol, and New Britain (Hartford County), Meriden and Wallingford (New Haven County), Conn., and extending to the sites of Lincoln Downs Race Track, Lincoln, R.I., Narragansett Park Race Track, Pawtucket, R.I., Suffolk Downs Race Track, Revere, Mass., Rockingham Park Race Track, Salem, N.H., and Pownal Race Track, Pownal, Vt., beginning and ending at Southington, Bristol, and New Britain (Hartford County), Conn., and extending to the sites of Aqueduct Race Track, Queens County, Long Island, N.Y., Roosevelt Race Track, Nassau County, Long Island, N.Y., and Empire Race Track in Yonkers, Westchester County, N.Y.; and passengers and their baggage, in special operations, in seasonal operations, annually, from May 15 through September 15, inclusive, between points on carrier's authorized regular routes between Hartford and New Haven, Conn., on the one hand, and, on the other, Misquamicut Beach, R.I., with restriction. Vendee is authorized to operate as a *common carrier* in Connecticut and New York. Application has not been filed for temporary authority under section 210a(b). NOTE: This application is filed pursuant to order in MC-F-71029, by Motor Carrier Board, dated May 15, 1969.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8048; Filed, July 8, 1969; 8:48 a.m.]

[Notice 863]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 3, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 138 TA) (Correction), filed June 18, 1969, published FEDERAL REGISTER, issue of June 26, 1969, and republished as corrected this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Nichols, Wis., to Green Bay, Wis., for 180 days. NOTE: Applicant intends to tack MC 51146 Sub No. 8 and Sub No. 14 at Green Bay, Wis., and interline at Green Bay, Wis., with motor carriers serving the West Coast. The purpose of this republication is to include the supporting shipper, which was inadvertently omitted.

Supporting shipper: Nichols Paper Products Co., 615 Willow Street, Green Bay, Wis. (Donald L. Albers, purchasing agent). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 82063 (Sub-No. 26 TA), filed June 30, 1969. Applicant: KLIPSCH HAULING CO., 119 East Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks, 1301–02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda and antifreeze*, in bulk, in tank vehicles, from St. Joseph, Mo., to points in Colorado, Iowa, Kansas, Missouri, and Nebraska, for 180 days. Supporting shipper: The Dow Chemical Co., 10 South Brentwood Boulevard, St. Louis, Mo. 63105. Attention: F. W. Monahan, distribution manager, Central Region. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 87717 (Sub-No. 5 TA), filed June 27, 1969. Applicant: FANELLI BROTHERS TRUCKING COMPANY, Centre and Nichols Streets, Pottsville, Pa., 17901. Applicant's representative: S. Berne Smith, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caps for beverage containers*, from the plantsite of Zapata Industries, Inc., in West Mahanoy Township, Schuylkill County, Pa., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Zapata Industries, Post Office Box 2, Franckville, Pa. 17931. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 110525 (Sub-No. 919 TA), filed June 30, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Robert K. Maslin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquor*, in bulk, in tank vehicles, from Philadelphia, Pa., to Lakeland, Fla., for 150 days. Supporting shipper: Continental Distilling Corp., 1429 Walnut Street, Philadelphia, Pa. 19102. Send protests to: Peter R. Guman, district supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 114408 (Sub-No. 9 TA) (Correction), filed June 18, 1969, published FEDERAL REGISTER issue of June 26, 1969, and republished as corrected this issue. Applicant: W. E. BEST, INC., State Route 20, Pioneer, Ohio 43554. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone, gravel, dirt, and bituminous concrete*, in bulk, in dump vehicles, from points in Williams County, Ohio, to points in Hillsdale County, Mich., for 180 days. Supporting shipper: Northwest Materials, Inc., Bryan, Ohio. NOTE: The purpose of this republication is to show "contract" carrier in lieu of "common" carrier. Send protests to: Keith D. Warner, district supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 124796 (Sub-No. 48 TA), filed June 23, 1969. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, City of Industry, Calif. 91747. Applicant's representative: Max Harding, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning equipment, furnaces, water heaters, and component parts, machinery and accessories* used in connection therewith: (a) from City of Industry, Calif., to Memphis and Morrison, Tenn.; (b) from Collierville, Tenn., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and *returned shipments, materials, equipment and supplies* used in the manufacture and distribution of air conditioning equipment, furnaces and water heaters, in the reverse direction, for 150 days. Supporting shipper: Day and Night Manufacturing Co., 855 Anaheim-Puente Road, La Puente, Calif. 91747. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133725 (Sub-No. 1 TA) (Correction), filed June 13, 1969, published FEDERAL REGISTER issue of June 28, 1969, and republished as corrected this issue. Applicant: SAME DAY TRUCKING CO., INC., 400 Newark Avenue, Piscataway, N.J. 08854. Applicant's representative: Paul Keeler, Post Office Box 253, South Plainfield, N.J. 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tailpipes, exhaust pipes, shock absorbers, brake parts, mufflers, and automotive parts and material* used in the installation of such commodities from Roselle Park, N.J., to Philadelphia, Pa.; New York, N.Y.; points in Nassau and Suffolk Counties, N.Y., points in Massachusetts, Rhode Island, Connecticut, Delaware, and those in Maryland on and east of Highway 15 (except Baltimore, Md.), for 120 days. NOTE: The purpose of this republication is to add the destination points of Massachusetts and Rhode Island, inadvertently omitted from publication. Supporting shipper: Midas International Corp., 410 West Westfield Ave., Roselle Park, N.J. 07204. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133779 TA (Correction), filed June 5, 1969, published FEDERAL REGISTER issue of June 12, 1969, and republished as corrected this issue. Applicant: FUNDIS COMPANY, a corporation, Broadway at Cornell Street, Lovelock, Nev. 89419. Applicant's representative: Pete Fundis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth*, infusorial or diatomaceous (diatomite); also *earth*, diatomaceous, physically combined with, not to exceed 10 percent alkyl naphthalene sodium sulfonate; also *wood pulp, sulphite*, from Colado Junction (6 miles east of Lovelock, Nev.), Nev., to points in San Luis Obispo, Kings, Fresno, Tulare, Inyo, Mono, Kern, San Bernardino, Riverside, Imperial, San Diego, Orange, Los Angeles, Ventura, and Santa Barbara, Calif., for 180 days. NOTE: The purpose of this republication is to add the destination counties of Los Angeles, Ventura, and Santa Barbara, Calif. Supporting shipper: Eagle Picher Industries, Inc., Post Office Box 1869, Reno, Nev. 89505. Send protests to: District Supervisor Daniel Augustine, Room 24, 222 East Washington Street, Carson City, Nev. 89701.

No. MC 133840 TA, filed June 26, 1969. Applicant: TROY L. SMITH, doing business as TROY L. SMITH TRUCKING COMPANY, 2228 South Santa Fe, Post Office Box 94788, Oklahoma City, Okla. 73109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter and cheese*, in bulk, packages, and containers, (1) from Chillicothe, Emma, Kansas City, Mansfield, Seneca, and Springfield, Mo.; Enid, Mangum, Oklahoma City, and Tulsa, Okla.; and Arkansas City, Hillsboro, Kansas City, and Ottawa, Kans.; to points in Arizona; New Mexico; Amarillo, El Paso, and Wichita Falls, Tex.; and San Francisco, Los Angeles, Oakland, Alameda, San Diego, Torrance, and Camp Pendleton, Calif.; and (2) from Fort Worth, Tex., to points in Arizona; New Mexico; and San Francisco, Los Angeles, Oakland, Alameda, San Diego, Torrance, and Camp Pendleton, Calif., for 180 days. Supporting shipper: C. M. Sorensen, division manager, Wilsey, Bennett Co., 3949 Northwest 36th Street, Oklahoma City, Okla. 73112. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 133847 TA, filed June 30, 1969. Applicant: NEWPORT TRUCKING CO., Post Office Box 238, Newport, Tenn. 37821. Applicant's representative: Walter Harwood, Suite 1822, Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (1) from the plantsite and storage facilities of the New Line Corp., at or near Newport, Tenn., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, and points in all States east thereof, (2) from the plants and storage facilities of Kroehler Manufacturing Co., at or near the following points: Napersville and Kankakee, Ill.; Cleveland, Ohio; Binghamton, N.Y.; Charlotte, N.C.; Pontotoc, Miss.; Owensboro, Ky.; Thomasville and Lexington, N.C.; Dallas, Tex.; Meridian, Miss.; Shreveport, La.; Welcome, N.C., and Xenia, Ohio, to the plantsite and storage facilities of the New Line Corp., at or near Newport, Tenn., on return, for 180 days. NOTE: Applicant has no other authority held. Supporting shipper: The New Line Corp., Post Office Box 507, Newport, Tenn. 37821. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

MOTOR CARRIERS OF PASSENGERS

No. MC 133722 (Sub-No. 1 TA), filed June 30, 1969. Applicant: PAUL LAWRENCE DRUMMOND, Rural Delivery, Parksley, Va. 23421. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between Salisbury, Md., and points in Virginia as far South as Cheriton, Va., on the Eastern Shore, for 180 days. Supporting shipper: Perdue Foods, Inc., Post Office Box 1537, Salisbury, Md. 21801; Donald W. Mabe, plant manager. Send protests to: Paul J. Lowry, district supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69–8049; Filed, July 8, 1969; 8:49 a.m.]

[Notice 372]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 3, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71110. By order of June 25, 1969, the Motor Carrier Board approved the transfer to Mitchell Transportation, Inc., Warren, Ark., of the operating rights in certificates Nos. MC–125227 (Sub-No. 1) and MC–125227 (Sub-No. 2), issued June 29, 1965, and February 28, 1964, respectively, to Record Truck Line, Inc., Henderson, Tenn., authorizing the transportation over irregular routes, of lumber from various points in Arkansas to points in North Carolina, South Carolina, Mississippi, Missouri, Texas, Oklahoma, Kansas, Tennessee, and Louisiana, from Greenville, Miss. to points in Bradley County Ark., and between points in Bradley County, Ark., on the one hand, and, on the other, points in Louisiana; and parts of Sawmill, Dry-kiln, and planing-mill machinery between points in Bradley County, Ark., on the one hand, and, on the other, points in Louisiana, Mississippi, Missouri, Oklahoma, Texas, and Tennessee. R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103, attorney for applicants.

No. MC–FC–71274. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Berline Matthews, Malden, Mo., of the operating rights in certificate No. MC–125527 issued August 10, 1964, to Charles Stanley, Malden, Mo., authorizing the transportation of fertilizer from Walnut Ridge, Ark., to Malden, Mo. Gordon Fritz, 112 East Main Street, Post Office Box 337, Malden, Mo. 63863, attorney for applicants.

No. MC–FC–71415. By order of June 25, 1969, the Motor Carrier Board approved the transfer to Robert A. Brinker, Inc., Iselin, N.J., that portion of certificate No. MC–45630, issued May 26, 1969, to Osar Trucking Co., Inc., Clifton, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Clifton and Caldwell, N.J., on the one hand, and, on the other, New Brunswick, N.J. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, practitioner for applicants.

No. MC–FC–71448. By order of June 26, 1969, the Motor Carrier Board approved the transfer to John Koenig and Robert Koenig, doing business as Koenig Trucking, Fairfax, S. Dak., of the certificate in No. MC–128989, issued October 25, 1968, to Robert M. Schmitz and William A. Schmitz, doing business as Bonesteel Transfer, Bonesteel, S. Dak., authorizing the transportation of specified commodities from South Sioux City, Nebr., and Sioux City, Iowa, to Gregory, Charles Mix, and Tripp Counties, S. Dak. Don A. Bierle, 322 Walnut Street, Yankton, S. Dak. 57078, attorney for applicants.

No. MC–FC–71451. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Paul Langrehr and Timothy J. Durfos, a partnership, doing business as D & L Trucking, Fair Lawn, N.J., of permit No. MC–116075, issued July 18, 1962, to Samuel E. Nutile, doing business as Nu-Ray Trucking Co., Hawthorne, N.J., authorizing the transportation of: Used baking pans, between Fair Lawn, N.J., on the one hand, and, on the other, points in Rhode Island and Massachusetts, and points in a described portion of Maine, New Hampshire, Vermont, and New York, over specified highways, limited to a transportation service to be performed under a continuing contract, or contracts, with Ekco Products Co.; and between Fair Lawn, N.J., on the one hand, and, on the other, points in Connecticut and New Jersey, and points in a described portion of New York and Pennsylvania, over specified highways. Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102, attorney for applicants.

No. MC–FC–71458. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Joe Brawley Trucking, Inc., Statesville, N.C., of permit No. MC–129401 (Sub-No. 1) issued November 15, 1968, to Joe R. Brawley, doing business as Brawley Transportation Co., Statesville, N.C., authorizing the transportation of: Thermoplastic materials, compounds, and products, between specified points in North Carolina, California, Georgia, Illinois, Indiana, Maryland, Minnesota, Nebraska, New York, Pennsylvania, and from Statesville, N.C., to points in the United States, except Alaska and Hawaii. H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69–8050; Filed, July 8, 1969; 8:49 a.m.]

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REFERENCE

FEDERAL REGISTER

VOLUME 34 • NUMBER 131
Thursday, July 10, 1969 • Washington, D.C.
Pages 11405–11458

NOTICE

New Location of Federal Register Office.

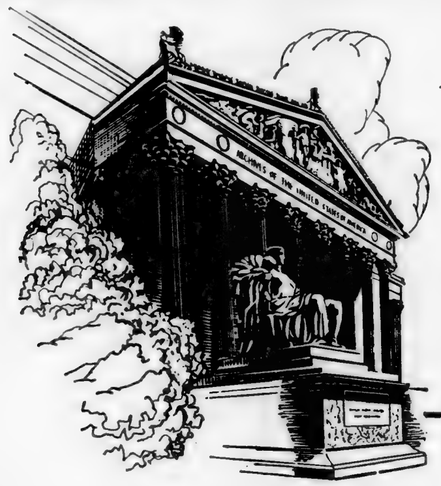
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Documents filed with the Office of the Federal Register are available for public inspection in Room 405, 633 Indiana Ave. NW., Washington, D.C., on working days between the hours of 9 a.m. and 5 p.m.



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Agricultural Stabilization and Conservation Service
Business and Defense Services Administration
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Federal Aviation Administration
Federal Communications Commission
Federal Highway Administration
Federal Maritime Commission
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Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Hazardous Materials Regulations Board
Indian Affairs Bureau
Interstate Commerce Commission
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Public Health Service
Securities and Exchange Commission
Treasury Department

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(As of January 1, 1969)

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[A Cumulative checklist of CFR issuances for 1969 appears in the first issue of the Federal Register each month under Title 1]

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FEDERAL REGISTER

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PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3116 is amended to show that the Schedule A exception for eight positions of psychodrama interns and residents will not expire on June 30, 1969, as scheduled, but will be extended without time limitation. The section is further amended to reflect the current name of St. Elizabeths Hospital. Effective July 1, 1969, the headnote of paragraph (a), and subparagraph (5), of § 213.3116 are amended as set out below.

§ 213.3116 Department of Health, Education, and Welfare.

(a) *National Center for Mental Health Services, Training, and Research.* • • •

(5) Eight positions of psychodrama trainees, including interns and first- and second-year residents. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

• • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8157; Filed, July 9, 1969; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one additional position of Assistant to the Secretary for Special Programs, and three positions of Writer in the Office of the Secretary are excepted under Schedule C. The section is also amended to show that the current title of a position listed as Publications Writer is Writer. Effective on publication in the FEDERAL REGISTER, subparagraphs (3) and (23) of paragraph (a) of § 213.3316 are amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* • • •

(3) Four Writers.

• • • • •

(23) Five Assistants to the Secretary for Special Programs.

• • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8156; Filed, July 9, 1969; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the following positions under the Special Assistant to the Secretary for Civil Rights are excepted under Schedule C: one Assistant to the Special Assistant, five Special Assistants for Special Groups, one Special Assistant for Public Affairs, one Special Assistant for Congressional Liaison, and two Special Assistants to the Deputy Special Assistant. The section is further amended to place positions in the Office of the Special Assistant to the Secretary for Civil Rights in a separate paragraph and to reflect the current titles of two Schedule C positions of Confidential Assistant to the Special Assistant. Effective on publication in the FEDERAL REGISTER, subparagraphs (30) and (31) of paragraph (a) are revoked, and paragraph (q) is added to § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* • • •

(30) [Revoked]

(31) [Revoked]

• • • • • •

(q) *Office of the Special Assistant to the Secretary for Civil Rights.* (1) Two Special Assistants to the Special Assistant.

(2) One Confidential Secretary to the Special Assistant.

(3) One Assistant to the Special Assistant.

(4) Five Special Assistants for Special Groups.

(5) One Special Assistant for Public Affairs.

(6) One Special Assistant for Congressional Liaison.

(7) Two Special Assistants to the Deputy Special Assistant.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8159; Filed, July 9, 1969; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that three positions of Private Secretary to the Secretary of Health, Education, and Welfare are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (34) is added to paragraph (a) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* • • •

(34) Three Private Secretaries to the Secretary.

• • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8160; Filed, July 9, 1969; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Deputy Under Secretary and one position of Assistant to the Director of Public Information are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (35) and (36) are added to paragraph (a) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* • • •

(35) One Confidential Assistant to the Deputy Under Secretary.

(36) One Assistant to the Director of Public Information.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8158; Filed, July 9, 1969; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 18]

PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

Eminent Domain Acquisition

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) and the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590p(i)). This amendment consolidates prior amendments of § 719.11 which have been previously published (29 F.R. 13370, 30 F.R. 6511, 31 F.R. 4580, 14253, 32 F.R. 14599, 33 F.R. 9145, 11811), rearranges the provisions for greater clarity and includes the following changes in procedure:

1. Paragraph (e) expresses an affirmative requirement that the owner of the farm involved in an eminent domain acquisition notify the county committee in writing of the acquisition and date of his displacement from the farm.

2. Paragraph (g)(2) authorizes the owner to file written notice with the county committee of intention to waive his right to have allotments and bases pooled and to request that such allotments and bases be retained on the acquired farm. Such retention of allotments and bases could be approved only upon a determination by the county committee that the owner fully understands his rights and has not been coerced to waive these rights.

3. Paragraph (g)(5) authorizes the county committee to simplify the procedure where in-county transfers at the time of displacement are requested.

4. Paragraph (l) is expanded to deal with successors in interest more specifically.

Since farms are now being acquired by agencies under eminent domain authority, it is essential that this amendment be made effective as soon as possible. It is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

Section 719.11 of the regulations (29 F.R. 13370, 30 F.R. 6511, 31 F.R. 4580, 14253, 32 F.R. 14599, 33 F.R. 9145, 11811) is amended to read as follows:

§ 719.11 Eminent domain acquisitions.

(a) *Commodities covered.* This section provides a uniform method for handling farm allotments for extra long staple cotton, upland cotton, peanuts, rice in farm States, tobacco and wheat; and feed grain bases for corn, grain sorghums and barley; on land involved in an eminent domain acquisition. If eligible for pooling under this section, such allotments and bases are pooled for the benefit of the owner who is displaced from his farm by an eminent domain acquisition. Such pooling is for a 3-year period from the date of displacement and during such period the owner so displaced may request transfers of allotments and bases from the pool to other farms in the United States owned by him. This section does not apply in the case of extra long staple cotton, upland cotton, peanuts and tobacco to any farm from which the owner was displaced prior to 1950; in the case of wheat to any farm from which the owner was displaced prior to 1954; in the case of rice to any farm from which the owner was displaced prior to 1955; and in the case of feed grains to any farm from which the owner was displaced prior to 1961.

(b) *Eminent domain acquisition.* An eminent domain acquisition is a taking of title to land, or the taking of an impoundment easement to impound water on the land, or the taking of a flowage easement to intermittently flood the land, consummated with respect to land which is, or could be, so taken under the power of eminent domain by a Federal, State, or other agency. Such acquisition may be by court proceedings to condemn the land or by negotiation between the agency and the owner. Any acquisition by an agency with respect to land not subject to the agency's power of eminent domain shall not be an eminent domain acquisition for purposes of this section. All land acquired by an agency for the intended project, including surrounding land not needed for the project but acquired as a package acquisition, shall be considered to be in the eminent domain acquisition if the agency expended funds for the package acquisition on the basis of its power of eminent domain. For example, a governmental agency acquires 150 acres of land from an owner as a package acquisition and requires 130 acres for the public purpose but supports the expenditure of funds for the unneeded 20 acres on the grounds that no additional cost resulted, or that avoidance of condemnation proceedings warranted the package acquisition.

(c) *Owner.* For purposes of this section, owner means the person, or persons in a joint ownership, having title to the land for a period of at least twelve months immediately prior to the date of transfer of title or grant of impoundment or flowage easement under the eminent domain acquisition. If such person or persons have owned the land for less than such 12-month period, they may, nevertheless, be considered the owner if the State committee determines that such person or persons acquired the land for the purpose of carrying out farming operations and not for the purpose of obtaining status as an owner under this section. However, no person shall be considered the owner if he acquired the land subject to an eminent domain acquisition under an outstanding contract to an agency or an option by an agency or subject to pending condemnation proceedings. In any case where the current title holder cannot be considered the owner for purposes of this section, the State committee shall determine the person or persons who previously had title to the land and who qualify for status as the owner under the criteria in this paragraph.

(d) *Displacement.* The owner shall be considered displaced from a farm covered by an eminent domain acquisition on the date (1) the right to produce an allotment or feed grain crop is relinquished voluntarily even though the owner is not required to give up possession of the land; or (2) in the case of a flowage easement the owner determines it is no longer practical to conduct farming operations on the land; or (3) the owner loses possession of the land as owner or as lessee under a lease from the agency or its designee if the lease provided unbroken possession to the owner from the date of acquisition to the end of the lease or extensions of the lease. In cases where the agency and the owner have executed a binding contract for acquisition of the farm, the owner may be considered displaced prior to completion of the acquisition if he wishes to plant the commodity on other land he owns or buys.

(e) *Notice of displacement.* The owner shall notify the county committee in writing of the eminent domain acquisition and furnish the date of displacement as soon as possible so that the allotments and bases may be pooled in accordance with this section. Failure to so notify the county committee shall not operate to extend the 3-year period of the pool.

(f) *Pool.* Whenever the county committee determines, by notice from the owner or otherwise, that an owner has been displaced, the county committee shall establish in a pool for a 3-year period, beginning on the date of displacement, the allotments and bases eligible for pooling under this section. Pooled allotments and bases shall be considered fully planted and for each year in the pool, shall be established in accordance with applicable commodity regulations.

(g) *Cases where pooling not permitted or required—(1) Agency has authority to continue crop production.* Pooling shall not be permitted if the agency files written notice with the county committee within 30 days after the date of acquisition designating the crops it intends to continue producing and the county committee determines that the agency has the authority under its power of eminent domain to make the acquisition solely for the purpose of continued crop production. An agency intention to continue crop production after the date of displacement as an interim revenue producing operation cannot form the basis for retention of allotments and bases on the acquired farm unless it has power of eminent domain to acquire land solely for continued crop production. In general, agencies with such power are limited to experiment stations and educational institutions with vocational agricultural training programs.

(2) *Owner waives right to have pooling.* If the owner files written notice with the county committee of intention to waive his right to have all the allotments and bases, or any part thereof, pooled and the county committee determines that the owner fully understands his right to have allotments and bases pooled and has not been coerced to waive his right, the allotments and bases shall be retained on the agency acquired land.

(3) *Less than 15 percent of cropland acquired.* If an agency acquires part of a farm and the cropland on the land so acquired represents less than 15 percent of the total cropland on the farm, the allotments and bases shall be retained on the portion of the farm not acquired by the agency and shall not be pooled.

(4) *15 percent or more of cropland acquired.* If an agency acquires part of a farm and the cropland on the land so acquired represents 15 percent or more of the total cropland on the farm, the allotments and bases attributable to the acquired land shall be retained on the portion of the farm not acquired by the agency if the owner files a written request with the county committee for such retention. However, only such amounts of allotments and bases may be retained as can be supported on the available cropland and which will not exceed the allotments and bases established on similar farms in the area, taking into consideration the land, labor, and equipment available for the production of the commodity, crop rotation practices and other physical factors affecting production. Allotments and bases not retained shall be pooled.

(5) *In-county transfer upon displacement.* If, prior to pooling, an owner files a request to transfer the allotments and bases to other farms which he owns in the same county, the county committee may approve a direct transfer without formal establishment in the pool. Such transfer shall be subject to the requirements of paragraph (j) of this section.

(h) *Release of pooled allotments.* Pooled allotments, but not feed grain bases, may be released on an annual basis by the owner to the county committee during any year for which the allotments are pooled and not otherwise transferred from the pool. The county committee may reapportion such released allotments to other farms in the same county having allotments for such commodity. Pooled allotments shall not be released on a permanent basis or surrendered after release to the State committee for reapportionment in other counties. Reapportionment shall be on the basis of past acreage of the commodity, land, labor, and equipment available for the production of the commodity, crop rotation practices and soil and other physical facilities affecting the production of the commodity. Released pooled allotment shall be regarded as fully planted in the pool and not on the farm receiving reapportionment. This paragraph shall govern the release and reapportionment of pooled allotments notwithstanding other procedures contained in applicable commodity regulations.

(i) *Sale, lease, and owner transfers.* Pooled allotments for which there is statutory authority implemented in the applicable commodity regulations for transfer of allotments on a permanent or temporary basis by sale, lease, or by owner (within the meaning of owner for such purposes) may be transferred permanently from the pool by the owner or temporarily for the life of the pooled allotment, subject to the terms and conditions in the applicable commodity regulations for such transfers.

(j) *Regular transfers from pool.—(1) General rule.* The owner may request transfer of all or part of the pooled allotments and bases to any farm in the United States of which he is the bona fide owner: *Provided*, That there are farms in the receiving county with allotments or bases for the particular commodity, or if there are no such farms, the county committee determines that farms in the receiving county are suitable for the production of the commodity. For purposes of this paragraph:

(i) Receiving farm means the farm to which transfer from the pool is to be made;

(ii) Receiving State and county committees mean those committees for the State and county in which the receiving farm is located; and

(iii) Transferring State and county committees mean those committees for the State and county in which the agency acquired farm is located.

(2) *Application for transfer.* The owner shall file with the receiving county committee written application for transfer of allotment and feed grain base from the pool within 3 years after the date of displacement. The application shall contain a certification by the owner that he has made no side agreement with any person for the purpose of obtaining an allotment or feed grain base from the pool, for a person other than himself. The owner shall attach to the application all pertinent documents pertaining to his ownership or purchase of land and any leasing arrangements; as for example, the deed of trust or mortgage, warranty deed, note, sales agreement, and lease.

(3) *Action by receiving county committee.* The receiving county committee shall consider each application and determine whether the transfer from the pool shall be approved. Before an application is acted upon by the receiving county committee, the owner shall personally appear before the receiving county committee after reasonable notice, bring any additional pertinent documents as may be requested for examination by the receiving county committee, and answer all pertinent questions bearing on the proposed transfer: *Provided*, That the personal appearance requirement may be waived if the receiving county committee determines from facts presented to it on behalf of the owner that such personal appearance would unduly inconvenience the owner on account of illness or other good cause and such personal appearance would serve no useful purpose. Any action by the receiving county committee shall be subject to the approval required under subparagraph (5) of this paragraph.

(4) *Elements of bona fide ownership.* The receiving county committee shall approve the transfer from the pool only where the documents and other evidence presented by the owner show conclusively that the owner has made a normal acquisition of the receiving farm for the purpose of bona fide ownership to reestablish his farming operations. The elements of such an acquisition shall include, but are not limited to, the following conditions:

(i) Appropriate legal documents establishing title to the receiving farm;

(ii) If the owner was the operator of the acquired farm at the date of displacement, such owner shall personally operate and be the operator of the receiving farm for the first year that allotment or feed grain base is transferred;

(iii) If the owner was not the operator of the acquired farm at the date of displacement and he was not a producer because the leasing or rental agreement provided for cash, fixed rent, or standing-rent payment, such owner shall not be required to personally operate and be the operator of the receiving farm but at least 75 percent of the allotment or feed grain base for the receiving farm shall be planted on the receiving farm for the first year;

(iv) If the owner was not the operator of the acquired farm at the date of displacement but he was a producer on the acquired farm at the date of displacement by virtue of receiving a share of the crops produced on the acquired farm, such owner shall not be required to be the operator of the receiving farm but he shall be a producer on the receiving farm the first year that an allotment or feed grain base is transferred;

(v) The contractual arrangements between the owner and the seller of the receiving farm shall not contain a requirement that the receiving farm be leased to the seller or a person designated by or subject to the control of the seller nor shall the seller or a person designated by or subject to the control of the seller lease the receiving farm for the first year the allotment or feed grain base is transferred even though such contractual arrangements are silent as to any lease; and

(vi) Contractual arrangements under which the receiving farm was purchased or leased are customary in the community where the receiving farm is located with respect to purchase price, size of payments due, time when payments are due, and size of rental payments, if any.

(5) *Action of receiving State committee.* The approval of a transfer from the pool under this paragraph by the receiving county committee shall be effective upon concurrence by the receiving State committee. Notwithstanding any other provision of this section, the receiving State committee may authorize a transfer from the pool in any case where the owner presents evidence satisfactory to the receiving State committee that the

eligibility requirements of subparagraph (4)(ii), (iii), or (iv) of this paragraph cannot be met without creating a hardship because of illness, old age, multiple farm ownership, or lack of a dwelling on the farm to which allotment or feed grain base is to be transferred. Notwithstanding any other provisions of this section and particularly subparagraph (4)(v) of this paragraph, the receiving State committee may authorize a transfer from the pool in any case where the owner presents evidence satisfactory to the receiving State committee that the owner has made a normal acquisition of the receiving farm for the purpose of bona fide ownership to reestablish his farming operations although the farm is leased to the seller of the farm for the first year the allotment is transferred.

(6) *Amount of allotment or feed grain base available for transfer.* Upon completion of all necessary approvals under this paragraph, the receiving county committee shall issue an appropriate allotment or feed grain base notice under the applicable commodity regulations. The allotment or feed grain base to be transferred for a commodity shall be no greater than an amount required to establish an allotment or feed grain base comparable with allotments or feed grain bases determined for other farms in the same area which are similar (except for the past acreage of the commodity), taking into consideration the land, labor, and equipment available for the production of the commodity, crop rotation practices, and the soil and other physical factors affecting the production of the commodity. For purposes of determining such amount, the receiving county committee shall consider the receiving tract as a separate farm when such tract is in combination with land under separate ownership. The acreage transferred from the pool shall not exceed the allotment or feed grain base most recently established for the acquired farm and placed in the pool. When all or a part of the allotment or feed grain base placed in the pool is transferred and used to establish or increase the allotment or feed grain base for other farms owned or purchased by the owner, all or the proportionate part of the past acreage history for the acquired farm shall be transferred to and considered for purposes of future allotments or feed grain bases to have been planted on the receiving farm for which an allotment or feed grain base is established or increased under this section. If only a part of the available allotment or feed grain base is transferred from the pool, the remaining part of the allotment and feed grain base, and past acreage history shall remain in the pool for transfer to other farms of the owner until all such allotment or feed grain base acreage has been transferred or until the period of eligibility for establishing or increasing allotments or feed grain bases under this section has expired.

(7) *Cancellation of transfers.* If any allotment or feed grain base is transferred under this paragraph and it is later determined by the receiving county or State committee, or the Deputy Administrator, that the transfer was obtained by misrepresentation by or on behalf of the owner, or the conditions applicable under subparagraph (4) of this paragraph are not met, the allotment or feed grain base for the receiving farm shall be reduced for each year the transfer purportedly was in effect by the amount attributable to the acreage transferred from the pool; and if the time for withdrawal from the pool has not expired, the amount of acreage initially transferred from the pool shall be returned to the pool after the period of time has expired in which the producer could exercise his rights of review and court action. Any cancellation of transfer of allotment or feed grain base by the receiving county committee shall be subject to approval by the receiving State committee. The receiving county committee shall issue any notice of marketing quota and penalty as may be required in accordance with applicable commodity regulations.

(8) *Effect of release of pooled allotment.* Notwithstanding the provisions prescribed in this paragraph, if the displaced owner files a request for the transfer of a pooled allotment within the prescribed period for filing such request but his request for transfer is filed during a year in which all or a part of the pooled allotment was released to the transferring county committee pursuant to paragraph (h) of this section, the application for transfer will be processed in the usual manner but the amount of the commodity released shall not be effective on the receiving farm until the succeeding year. When a request for transfer of a pooled allotment involves a transfer from one State to another, the receiving State committee shall obtain information from the transferring State committee as to whether any part of the allotment for which the transfer is requested has been released to the transferring county committee for the current year.

(k) *Constitution of acquired land.* (1) Where the owner leases part but not all of the agency acquired land, such part shall be constituted as a separate farm on the date of his displacement from the land not so leased.

(2) If a parent farm consists of separate ownership tracts, each such tract being acquired in whole or in part shall be considered as a separate farm for purposes of paragraph (g)(3) and (4) of this section.

(l) *Successors in interest*—(1) *Designation of beneficiary.* The owner may file with the county committee a written designation of beneficiary of his rights in the allotments and bases attributable to the acquired land in the event of his death and may revise such designation from time to time. The beneficiary of a deceased owner may exercise the right to continue a lease or to negotiate a lease with the agency or its designee and exercise the regular transfer rights with respect to farms owned by such beneficiary and may also exercise the release and sale, lease and owner transfer rights under this section.

(2) *Cases where no beneficiary designated.* If the owner does not file a designation of beneficiary under subparagraph (1) of this paragraph and the owner dies before displacement or after pooling occurs, the following persons shall be considered the beneficiary with the rights as provided under subparagraph (1) of this paragraph:

(i) The surviving joint owner of the farm where two persons own the farm as joint tenants with right of survivorship under which title passes to the survivor;

(ii) The person(s) who succeed to the deceased owner's interest under a will or by intestate succession. However, in the case of intestate succession, such person(s) shall be limited to surviving spouse, mother, father, brothers, sisters, or children of the deceased owner. In the settlement of the estate of the deceased owner, the heirs may file a written agreement with the county committee for the division of the deceased owner's rights under this section.

(m) *Limitations on transfers from pool.* (1) No transfer from the pool under paragraph (h), (i), or (j) of this section shall be approved if there remains unpaid any marketing quota penalty due with respect to the marketing of the commodity from the acquired farm or by the displaced owner; or if any of the commodity produced on the acquired farm has not been accounted for as required under applicable commodity regulations.

(2) If the tobacco or peanut allotment for an acquired farm next established after the date of displacement would have been reduced because of false or improper identification of the commodity produced on or marketed from the farm or due to a false acreage report, the allotment shall be reduced in the pool in accordance with the applicable regulations.

(Secs. 375, 378, 379; 52 Stat. 66, as amended, 72 Stat. 995, as amended, 79 Stat. 1211; 7 U.S.C. 1375, 1378, 1379; sec. 16(1), 79 Stat. 1190, as amended; 16 U.S.C. 590p(1))

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 3, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-8090; Filed, July 9, 1969; 8:47 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 3]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

On page 8205 of the FEDERAL REGISTER of May 27, 1969, there was published a notice of proposed rule making to provide the following in the Republication of the Processor Wheat Marketing Certificate Regulations (33 F.R. 14676):

(1) Extend the marketing certificate cost of 75 cents per bushel through the marketing year beginning July 1, 1969.

(2) Change the conversion factor for flour derived in a 72-percent extraction-rate-type operation to reflect the most recent available information concerning the actual average extraction of those processors reporting on the conversion factor basis.

(3) Change the conversion factor for semolina and farina to reflect the same conversion factor provided for flour since these products are often produced as co-products of flour.

(4) Provide the refund rate for flour second clears not used for human consumption for the marketing year beginning July 1, 1969.

After giving consideration to the views and suggestions resulting from the 30-day notice given the public pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) the amendment is hereby issued as set forth in the notice of proposed rule making.

Since the provisions of this amendment as set forth below must be acted on immediately, or are needed immediately in the administration of the regulations, it is hereby found and determined that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is impracticable and contrary to the public interest and that this amendment shall be effective as provided below.

Effective date. The provisions of this amendment shall be effective with respect to processing report periods beginning on and after July 1, 1969.

Signed at Washington, D.C., on July 1, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

1. Section 777.5(a) is amended by changing the last sentence to read as follows:

§ 777.5 Applicability of certificate requirements.

(a) *General.* * * * The cost of domestic certificates shall be 75 cents a bushel during the marketing years beginning July 1, 1965, through the marketing year beginning July 1, 1969.

* * * * *

2. Section 777.14(c) is amended by changing the conversion factors of the following products to read as follows:

§ 777.14 Conversion factor basis of reporting.

* * * * *

(c) *Conversion factors.* * * *

A—Food product	*B—Bushels of wheat equivalent per 100 pounds of product (conversion factor)*
Flour (including clears) derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction rate operation	2.344
Semolina	2.344
Farina	2.344

* * * * * * *

3. Section 777.19(e) is amended by changing the third sentence to read as follows:

§ 777.19 Industrial users of flour second clears.

* * * * *

(e) *Refund rate.* * * * The refund rate for the marketing years beginning July 1, 1968, and July 1, 1969, shall be $1.68 per hundredweight, which was determined on the basis of a conversion factor of 2.240 multiplied by the applicable certificate cost rounded to the nearest cent. * * *

* * * * *

[F.R. Doc. 69-8139; Filed, July 9, 1969; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 284]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.584 Valencia Orange Regulation 284.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 8, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 11, 1969, through July 17, 1969, are hereby fixed as follows:

(i) District 1: 175,000 cartons;

(ii) District 2: 265,000 cartons;

(iii) District 3: 60,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 9, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8236; Filed, July 9, 1969; 11:23 a.m.]

PART 916—NECTARINES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

On June 17, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9455) regarding proposed expenses and the proposed rate of assessment for the period March 1, 1969, through February 28, 1970, pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 916.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by

the Nectarine Administrative Committee during the period March 1, 1969, through February 28, 1970, will amount to $289,747.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 916.41, is fixed at $0.05 per No. 22D standard lug box of nectarines, or equivalent quantity of nectarines in other containers or in bulk.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of nectarines grown in California are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable nectarines handled during the aforesaid period; and (3) such period began on March 1, 1969, and said rate of assessment will automatically apply to all such nectarines beginning with such date.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 7, 1969.

PAUL A. NICHOLSON,
Deputy director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8141; Filed, July 9, 1969; 8:50 a.m.]

PART 991—HOPS OF DOMESTIC PRODUCTION

Subpart—Administrative Rules and Regulations

TRANSFER OF ALLOTMENT BASES

Notice was published in the June 20, 1969, issue of the FEDERAL REGISTER (34 F.R. 9682) of a proposal to amend § 991.146, based upon the recommendations of the Hop Administrative Committee, to establish a procedure applicable to transfers of allotment bases. This procedure applies to producers having allotment bases issued by the Committee and does not authorize persons other than such producers to effectuate a transfer. This subpart is operative pursuant to Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee, and other available information, it is found that to amend § 991.146, Administrative rules and regulations as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, § 991.146 is amended as follows:

§ 991.146 Transfer of allotment bases.

As provided in § 991.46, any producer may transfer all or part of an allotment base from himself to another producer.

(a) Such a transfer shall be recognized, and annual allotments granted thereunder, if in accordance with the following:

(1) Prior to a producer transferring all or a part of his allotment base to another producer, he notifies the Committee in writing of such intent;

(2) The execution by the producers, in the presence of a designated agent of the Committee, of a Committee-approved allotment base transfer form at a time and place mutually agreed upon by the producers and the agent of the Committee; and at such time the producers deliver their applicable allotment base certificates to the agent of the Committee;

(3) The executed allotment base transfer form sets forth, among other things, the amount of the allotment base being transferred and the effective date of the transfer;

(4) The transferee's evidence as to capability to produce and harvest in the first marketing year the annual allotment referable to the allotment base being transferred is accepted by the Committee unless waiver to produce such allotment is granted pursuant to § 991.38 (a)(5); and

(5) Written notification of recognition of the transfer is issued by the Committee to the producers involved.

(b) After the written recognition by the Committee, it shall issue to each producer involved a new allotment base certificate showing the producer's total allotment base as a result of the transfer. However, if a producer transfers all of his allotment base, no new allotment base certificate shall be issued to him.

(c) Whenever a producer transfers all or part of his allotment base to another producer, the annual allotment referable to such transferred allotment base, or part thereof, shall be issued to the transferee only if the transfer is effective prior to the issuance of an annual allotment to the transferor or prior to April 1, whichever is the earlier.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 7, 1969, to become effective 30 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 69-8142; Filed, July 9, 1969; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Flaxseed Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Flaxseed Loan and Purchase Program

SUPPORT RATES, PREMIUMS, AND DISCOUNTS

Correction

In F.R. Doc. 69-6732 appearing at page 9059 in the issue of Saturday, June 7, 1969, the following change should be made in § 1421.3068(b): The rate per bushel for Hanson County, S. Dak., now reading "3.75" should read "2.75."

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 250—MISCELLANEOUS INTERPRETATIONS

Bank Mergers

§ 250.182 Terms defining competitive effects of proposed mergers.

The Board has developed and used for some time certain terms to describe the competitive effect of the proposed mergers in reports on competitive factors requested of the Board by the Comptroller of the Currency and the Federal Deposit Insurance Corporation under the Bank Merger Act (12 U.S.C. 1828(c)). Under the Act, a Federal banking agency receiving a merger application must request the views of the other two Federal banking agencies and the Department of Justice on the competitive factors involved. The terms and their definitions are as follows:

(a) The term "monopoly" is used to indicate the Board's view that the proposed transactions must be disapproved in accordance with paragraph (5)(A) of section 1828(c) of 12 U.S.C.

(b) The term "substantially adverse" is used to indicate the Board's view that the proposed transaction would have such actual or potential anticompetitive effects as to forbid approval unless "clearly outweighed" as specified in paragraph (5)(B) of section 1828(c) of 12 U.S.C.

(c) The term "adverse" is used to indicate the Board's view that in appraising the public interest to determine whether the proposal should be approved or disapproved, the actual or potential adverse anticompetitive effects thereof would be such as to necessitate definite consideration as one of the factors covered in the last sentence of paragraph (5) of section 1828(c) of 12 U.S.C.

(d) The term "slightly adverse" is used to indicate the Board's view that the actual or potential anticompetitive effect of the transaction would be of little importance.

(e) The term "no adverse competitive effects" is used to indicate the Board's view that the situation with respect to actual or potential anticompetitive effects need not weigh against the application.

(12 U.S.C. 248(i). Interprets 12 U.S.C. 1828(c))

Dated at Washington, D.C., this 1st day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8064; Filed, July 9, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9426; Amdt. 39-794]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1-11 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring installation of resistors and capacitors into both phases of the heating circuit for the pilot's and copilot's main windshield on the BAC 1-11 200 and 400 Series Airplanes, was published in 34 F.R. 2137.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One of the comments received stated that since the proposed modification is related to installations using the Plessey relays, it should not apply to one air carrier who has replaced all Plessey relays with Leach relays. However, the FAA does not agree. The technical data furnished to date does not support the use of the Leach relay without the additional resistors and capacitors. However, in response to another comment, the compliance time has been changed from 1,000 hours to 1,500 hours' time in service. The original request that compliance be changed to 3,000 hours' time in service was modified due to the elapse of time since this action originated on September 13, 1968. It should also be noted that an "FAA approved equivalent" with respect to the physical location of the 20K ohm resistors may be used in meeting this AD. This should provide the flexibility referred to in the comments.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORPORATION. Applies to Model BAC 1-11 200 and 400 Series Airplanes.

Compliance required within the next 1,500 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the failure of the windshield heating circuit, install 20K ohm resistors and 1-mfd capacitors into both phases of the heating circuit for the pilot's and copilot's main windshield in accordance with British Aircraft Corporation Modification Bulletin No. 30-PM 3092, Revision 8, dated July 22, 1968 or later ARB-approved revision or an FAA approved equivalent.

This amendment becomes effective August 10, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 2, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-8085; Filed, July 9, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-78]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the New Haven, Conn. control zone (34 F.R. 4608).

The weather observation and reporting requirements to support the New Haven control zone cannot be met since the Weather Bureau office at Tweed-New Haven Airport was closed on June 15, 1969. These requirements will again be met when the Federal Aviation Administration assumes operation of the Tweed-New Haven tower on December 1, 1969. Meanwhile, this deficiency will require temporary suspension of the New Haven, Conn. control zone designation.

Since this amendment is relieving a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, the Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of New Haven, Conn., the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations by adding to the New Haven, Conn. control zone the parenthetical statement "(suspended until December 1, 1969)".

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 30, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-8086; Filed, July 9, 1969; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1544]

PART 13—PROHIBITED TRADE PRACTICES

Braeburn Mfg. Co. and John Marcus

Subpart—Misbranding or Mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1845 *Composition:* 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act. Subpart—Using Misleading Name—Goods: § 13.2280 *Composition:* 13.2280–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68)

[Cease and desist order, Braeburn Manufacturing Co. et al., Lowell, Mass., Docket C-1544, June 11, 1969]

In the Matter of Braeburn Mfg. Co., a Corporation, and John Marcus, Individually and as an Officer of Said Corporation

Consent order requiring a Lowell, Mass., manufacturing of men's and boys' outerwear to cease misbranding the fiber content of its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Braeburn Mfg. Co., a corporation, and its officers, and John Marcus, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth the generic names of manufactured fibers established in Rule 7 of the regulations promulgated under the Textile Fiber Products Identification Act, in naming such fibers in required information on stamps, tags, labels or other means of identification attached to wool products.

4. Using the name of a specialty fiber permitted in section 2(b) of the Wool Products Labeling Act in lieu of the word "wool" in setting forth the required information on labels affixed to wool products unless the fibers so described are entitled to such designation and are present in at least the amount stated.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 11, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-8114; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. C-1541]

PART 13—PROHIBITED TRADE PRACTICES

Greater Kansas City Gas Furnace and Air Conditioning Co., Inc., and Dennis G. Svejda

Subpart—Disparaging Competitors and Their Products—Competitors' Products: § 13.990 *Materials;* § 13.1000 *Performance;* § 13.1025 *Safety.* Subpart—Securing Orders by Deception: § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45). [Cease and desist order, Greater Kansas City Gas Furnace and Air Conditioning Co., Inc., et al., Kansas City, Mo., Docket C-1541, June 6, 1969]

In the Matter of Greater Kansas City Gas Furnace and Air Conditioning Co., Inc., a Corporation, and Dennis G. Svejda, Individually and as an Officer of Said Corporation

Consent order requiring a Kansas City, Mo., distributor of furnaces and other heating equipment, to cease making false representations to prospective customers that the condition of their furnace is defective, unsafe, or hazardous.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Greater Kansas City Gas Furnace and Air Conditioning Co., Inc., a corporation, and its officers, and Dennis G. Svejda, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the sale, repair, or servicing of furnaces, heating equipment or the parts thereof, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Respondents will clean a prospective customer's furnace or heating equipment for a nominal fee unless, as a matter of fact, such offer is a bona fide offer to inspect or to clean such furnace or heating equipment;

(b) Any furnace, heating equipment or parts thereof are defective, not repairable or repairable only at extensive cost, unless such are the facts;

(c) The continued use of any furnace, heating equipment or parts thereof is dangerous or hazardous to the health of the owner thereof or his family, due to escaping carbon monoxide, fire or other causes, unless such are the facts;

(d) A furnace which has been inspected by respondents' employees cannot be used without danger of asphyxiation, gas poisoning, fires or other damage, when such is not a fact;

2. Misrepresenting in any manner the condition of any furnace, heating equipment or the parts thereof which have been inspected by respondents or their employees.

It is further ordered, That respondents:

a. Deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and secure from each such salesman or other person a signed statement acknowledging receipt of said order.

b. Distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 6, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-8115; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. C-1546]

PART 13—PROHIBITED TRADE PRACTICES

O.K. Wool Co., Inc., and Oscar Kazarnovsky

Subpart—Invoicing Products Falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or Mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Using Misleading Name—Goods: § 13.2280 *Composition:* 13.2280-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, O.K. Wool Co., Inc., et al., Worcester, Mass., Docket C-1546, June 16, 1969]

In the Matter of O.K. Wool Co., Inc., a Corporation, and Oscar Kazarnovsky, Individually and as an Officer of Said Corporation

Consent order requiring a Worcester, Mass., processor of wool and synthetic fiber yarns to cease misbranding and falsely invoicing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents O.K. Wool Co., Inc., a corporation, and its officers, and Oscar Kazarnovsky, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Setting forth information required under section 4(a)(2) of the Wool Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to wool products.

It is further ordered, That respondents O.K. Wool Co., Inc., a corporation, and its officers, and Oscar Kazarnovsky, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of bales of fibrous stock and yarns, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Shetland," or any simulation thereof, either alone or in connection with other words, to designate, describe, or refer to any product which is not composed entirely of wool of Shetland sheep raised on the Shetland Islands or the contiguous mainland of Scotland: *Provided, however*, That in the case of a product composed in part of wool of the aforesaid Shetland sheep and in part of other fibers or materials, such word may be used as descriptive of the Shetland wool content if there are used in immediate connection therewith, with at least equal conspicuousness, words truthfully describing such other constituent fibers or materials.

2. Misrepresenting the character or amount of constituent fibers contained

in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued: June 16, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-8116; Filed, July 9, 1969; 8:49 a.m.]

[Docket No. 6534]

PART 13—PROHIBITED TRADE PRACTICES

Israel Rattinger et al.

Subpart—Appropriating trade name or mark wrongfully: § 13.295 *Appropriating trade name or mark wrongfully:* 13.295-20 Competitor. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 *Identity.* Subpart—Simulating another or product thereof: § 13.2240 *Trade name of another:* § 13.2245 *Trade name of product.* Subpart—Using misleading name—goods: § 13.2345 *Source or origin:* 13.2345-50 Maker.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, Israel Rettinger et al. Doing business as Rettinger Raincoat Manufacturing Co., New York, N.Y., Docket 6534, May 27, 1969]

In the Matter of Israel Rettinger and David Rettinger, Individually and as Copartners, Doing Business as Rettinger Raincoat Manufacturing Co.

Order modifying a cease and desist order dated August 17, 1956, 21 F.R. 6544, which prohibited a manufacturer of rainwear from misusing the word "Goodyear" by permitting the successor respondent to use the term "Goodyear—Made by Rettinger" and similar words.

The modified order to cease and desist, is as follows:

It is ordered, That respondent David Rettinger, individually and as a former copartner in Rettinger Raincoat Manufacturing Co., a partnership now dissolved, and as a former officer and active stockholder of Rettinger Raincoat Manufacturing Co., Inc., a corporation, which corporation is the successor and assign of said partnership, and respondent's agents, representatives, employees, and successors and assigns, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rainwear, including rubber raincoats and rainsuits, and other similar kinds of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Using the word "Goodyear," or any other word or words of similar import, to designate or refer to such merchandise unless, in immediate conjunction with such word or words, respondent affirmatively discloses, clearly and conspicuously, either that the Goodyear Tire and Rubber Co. of Akron, Ohio, is not the manufacturer or source of such merchandise or that the manufacturer or source of such merchandise is a firm other than the Goodyear Tire and Rubber Co. of Akron, Ohio: *Provided, however*, That with respect to merchandise manufactured by Rettinger Raincoat Manufacturing Co., Inc., use in the foregoing manner of any of the following disclosure statements, which statements are illustrative but not all-inclusive, will be deemed by the Commission to constitute compliance with this order:

Goodyear—Not Made by Goodyear of Akron, Ohio
Goodyear—Made by Rettinger
Goodyear—Made by Lucky Rainwear.

And provided, further, That with respect to merchandise manufactured by a firm other than Rettinger Raincoat Manufacturing Co., Inc., but distributed by said company use in the foregoing manner of any of the following disclosure statements, which statements are illustrative but not all-inclusive, will be deemed by the Commission to constitute compliance with this order:

Goodyear—Not Made by Goodyear of Akron, Ohio
Goodyear—By Rettinger
Goodyear—By Lucky Rainwear

It is further ordered, That for purposes of compliance, this order shall be considered inapplicable with respect to those articles of merchandise in inventory as of the date of service of this order which bear disclosure statements indicating that such merchandise is made or manufactured by the Rettinger Raincoat Manufacturing Co., Inc., or by Rettinger or by Lucky Rainwear.

It is further ordered, That the order to cease and desist contained in the Commission's decision of August 17, 1956, be, and it hereby is, vacated as to decedent Israel Rettinger, a former copartner in the dissolved partnership, Rettinger Raincoat Manufacturing Co.

It is further ordered, That respondent David Rettinger and Rettinger Raincoat Manufacturing Co., Inc., a corporation, shall, within 60 days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order to cease and desist.

Issued: May 27, 1969.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-8117; Filed, July 9, 1969; 8:49 a.m.]

[1] Dissenting statement of Commissioner Dixon filed as part of the original document. Commissioner MacIntyre abstaining.

[Docket No. C-1545]

PART 13—PROHIBITED TRADE PRACTICES

Scott Finks Co., Inc., and W. S. Finks

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment or acceptance of commission, brokerage, or other compensation under 2(c): § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Scott Finks Co., Inc., et al., Kansas City, Mo., Docket C-1545, June 13, 1969]

In the Matter of Scott Finks Co., Inc., a Corporation, and W. S. Finks, Individually and as President and a Director of Said Corporation

Consent order requiring a Kansas City, Mo., produce wholesaler to cease making unlawful brokerage payments.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Scott Finks Co., Inc., a corporation, and its officers, and W. S. Finks, individually and as president and a director of Scott Finks Co., Inc., and respondents' agents, representatives, and employees, directly or through any corporate or other device, in or in connection with the sale of produce in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of produce to such buyer for his own account.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 13, 1969.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-8118; Filed, July 9, 1969; 8:49 a.m.]

[Docket No. C-1543]

PART 13—PROHIBITED TRADE PRACTICES

Texas Refinery Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-65 Financial condition; § 13.60 *Earnings and*

[1] Commissioner Elman not concurring.

profits. Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Texas Refinery Corp., et al., Fort Worth, Tex., Docket C-1543, June 10, 1969]

In the Matter of Texas Refinery Corp., a Corporation, and Adlai M. Pate, Jr., and Hal B. Brooks, Individually and as Officers of Said Corporation

Consent order requiring a Fort Worth, Tex., marketer of protective coating products to cease using exaggerated earning claims to recruit salesmen and misrepresenting its assets.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Texas Refinery Corp., a corporation, and its officers, and Adlai M. Pate, Jr., and Hal B. Brooks, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of protective coating products or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that an agent or salesperson whose earnings will consist of commissions or a combination of salary and commissions will be employed solely on a salary basis; or misrepresenting, in any manner, the basis of remuneration or the terms or conditions of employment of respondents' agents, salespersons, or employees.

2. Representing, directly or by implication, that either full-time or part-time agents or salespersons will earn any stated or gross or net amount; or representing, in any manner, the past earnings of either full-time or part-time agents or salespersons unless in fact the past earnings represented are those of a substantial number of such agents or salespersons and accurately reflect the average earnings of such agents or salespersons under circumstances similar to those of the person to whom the representation is made.

3. Representing, directly or by implication, that Texas Refinery Corp. has assets of $50 million or any other amount in excess of its actual assets; or misrepresenting, in any manner, the assets of any business owned, operated or controlled by respondents.

It is further ordered, That respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 10, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-8119; Filed, July 9, 1969; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Use of Term "Hand Carved" To Describe Furniture

§ 15.353 Use of the term "hand carved" to describe furniture.

(a) The Commission issued an advisory opinion with respect to the use of the term "hand carved" to describe certain furniture.

(b) The manufacturing procedure for the furniture calls for a prototype to be completely constructed and carved by hand. Then, the prototype becomes a pattern for an intricate machine which "rough cuts" the carvings on subsequent pieces for assembly production. Each piece so manufactured then has intricate hand detailing, carving and finishing to the extent that each piece is, in fact, different in artistic detail from the one which follows it. Each piece is numbered and signed by the craftsman who completes it.

(c) The Commission expressed the view that using the term "hand carved" to describe furniture manufactured in the manner described would probably violate the Federal Trade Commission Act, section 5.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: July 9, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-8129; Filed, July 9, 1969; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Tripartite Promotional Plan in Grocery Field

§ 15.354 Tripartite promotional plan in the grocery field.

(a) The Commission issued an advisory opinion with respect to a proposed tripartite promotional plan in the grocery field.

(b) The applicant proposed to lease space at a fixed fee in each of all competing food stores in the top 50 markets in the country. On this leased space the applicant will install a display of 15 still-color illustrations of special food dishes. The applicant would sell advertising space to food packagers. The applicant would advertise the availability of his plan in the trade press and notify each store in a direct-mail program. Real estate brokers would also be used in an effort to secure participation by all competing retailers. Retailers with no floor space available for applicant's proposed display could participate by permitting the applicant to install 15 single modular units on shelves for which the retailers would receive the same compensation as retailers having applicant's displays.

(c) The Commission advised the applicant that were the plan implemented as proposed, the Commission would have no objection to it. The Commission pointed out that were the plan implemented in a different manner, the promoter, the supplier, and the retailer might be acting in violation of section 2 (d) or (e) of the Clayton Act, as amended, and/or section 5 of the Federal Trade Commission Act. The Commission also told the applicant: "The promoter must make it clear to each supplier and each retailer that even though an intermediary is employed in this plan, it remains the supplier's responsibility to take all reasonable steps so that each of the supplier's customers, including those who do not purchase directly from the supplier, who compete with one another in reselling his products is offered an opportunity to participate in the promotional assistance plan on proportionally equal terms, which plan should include suitable alternatives if there are customers who may be unable as a practical matter to participate in the primary program; if not, the supplier, the retailer and the promoter participating in the plan may be acting in violation of section 2 (d) or (e) of the Clayton Act and/or section 5 of the Federal Trade Commission Act."

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: July 9, 1969.

By direction of the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-8130; Filed, July 9, 1969; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Partly Foreign-Made Textile Products

§ 15.355 Disclosure of origin of partly foreign-made textile products.

(a) The Commission advised a manufacturer of men's and boys' slacks that it would not be necessary to disclose the fact that certain assembly and sewing operations are performed in a specified foreign country.

(b) Under the facts presented to the Commission, the slacks consist of cotton and synthetic woven fabrics and threads, and steel hooks and eye enclosures, all of which are made in the United States. Said materials are inspected and cut to pattern in the United States and certain assembly steps, such as the sewing of belt loops and the attachment of zipper chains, are also performed domestically. Thereafter, they are shipped to the company's plant in a foreign country where they are further assembled and sewn. Finally, they are returned to the United States were the buttonholes are sewn, the buttons attached, and the pants are pressed, inspected, cured, and prepared for shipment to customers.

(c) The cost of the foreign assembly and sewing operations is approximately 13.5 percent of total production costs, and the company wanted to know whether it would be necessary to disclose the nature and extent of the foreign operations either under section 5 of the FTC Act or section 4(b)(4) of the Textile Fiber Products Identification Act. It was further understood that the company does not intend to label the slacks as "Made in U.S.A." or use any other words of similar import.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 72 Stat. 1717; 15 U.S.C. 70)

Issued: July 9, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-8131; Filed, July 9, 1969; 8:49 a.m.]

[1] Commissioner Elman dissented from this action of the Commission.

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 54—GRANTS FOR SPECIALIZED SERVICE FACILITIES

Supersedure of Subpart

The regulations in Subpart B of this Part 54 are superseded effective on the date of publication in the FEDERAL REGISTER of the regulations for the program of the Social and Rehabilitation Service relating to grants for construction and initial staffing of community mental retardation facilities which are codified in Part 416 of Chapter IV of Title 45 of the Code of Federal Regulations.

Dated: June 27, 1969.

BERNARD SISCO,
Acting Assistant Secretary for Administration.

[F.R. Doc. 69-8133; Filed, July 9, 1969; 8:50 a.m.]

SUBCHAPTER F—QUARANTINE, INSPECTION, AND LICENSING

PART 76—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION FROM FEDERAL GOVERNMENT ACTIVITIES: PERFORMANCE STANDARDS AND TECHNIQUES OF MEASUREMENT

Sulfur Oxide Emissions and Disposal of Waste

On April 4, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6122) setting out proposed amendments to this part which would revise the sections on definitions, emissions of sulfur oxides, and disposal of waste. Interested persons were given 30 days in which to submit written data, views, or arguments, and Federal officials were given opportuntiy for consultation regarding the proposed amendments.

No Federal officials requested consultation. Two written comments were received; only one of which was responsive to the proposal, and that comment misinterpreted the limited nature of these proposed perfecting amendments. Nevertheless, due consideration was given to these comments and further consideration will be given to them when substantive amendments to Part 76 are proposed.

Accordingly, the proposed revisions are hereby adopted without change and are set out below.

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER.

Dated: July 2, 1969.

ROBERT H. FINCH,
Secretary.

Part 76 is amended as follows:

1. Section 76.1 is amended by revising paragraph (c) and adding paragraphs (g), (h), (i), and (j), as follows:

§ 76.1 Definitions.

* * * * *

(c) "Ringelmann Scale" means the Ringelmann Scale as published in the latest U.S. Bureau of Mines Information Circular entitled "Ringelmann Smoke Chart".

* * * * *

(g) "Unit" means all indirect heat exchangers connected to a single stack.

(h) "Particulate matter" means any material, except uncombined water, that exists as a solid or liquid at standard conditions.

(i) "Standard conditions" means a temperature of 70° Fahrenheit and a pressure of 14.7 pounds per square inch, absolute.

(j) "Waste" means any solid, liquid, or gaseous substance, the disposal of which may create an air pollution problem.

2. Section 76.5 is amended by revising paragraph (c)(1) to read:

§ 76.5 Sulfur oxides.

* * * * *

(c)(1) Effective October 1, 1969, combustion units of all Federal facilities or buildings located in the following areas shall comply with applicable emission limitations and control measures set out below:

(i) In the New Jersey-New York-Connecticut Interstate Air Quality Control Region as defined by 42 CFR Part 81, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combustion units shall not exceed 0.35 pounds per million B.t.u. (gross value) heat input.

(ii) In the Metropolitan Chicago Interstate Air Quality Control Region (Indiana-Illinois) and in the Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey-Delaware) as defined in 42 CFR Part 81, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combustion units shall not exceed 0.65 pounds per million B.t.u. (gross value) heat input.

* * * * *

3. Section 76.8 is revised to read as follows:

§ 76.8 Disposal of waste.

(a)(1) Waste shall not be burned in open fires in urban areas.

(2) In nonurban areas, there shall not be burned in open fires, within a 24-hour period, more than 25 pounds of waste at a single site nor more than 500 pounds of waste at any number of sites within a 1-mile radius, except that these quantities may be exceeded in the case of on-site burning of waste produced in connection with operations performed at railroad rights-of-way, interurban highways, irrigation canals, forests, agricultural sites, etc., and provided that care is exercised to prevent creation of localized air pollution which endangers health or welfare. Deteriorated or unused explosives, munitions, rocket propellants, and certain hazardous wastes may be burned in open fires, in accordance with recognized procedures.

(3) Wastes shall not be left in open dumps.

(4) Wastes that are disposed of in sanitary landfills shall be disposed of in accordance with procedures described in "Sanitary Landfill Facts" (PHS publication No. 1792, 1968) and any amendments or revisions thereof. Said document is available to any interested person, whether or not affected by the provisions of this part, upon request to the National Air Pollution Control Administration, Arlington, Va. 22203, which maintains an official historic file of the document, or to the Public Health Service Information Center as listed in 45 CFR 5.31 (32 F.R. 9316).

(b)(1) Waste shall be burned only in facilities especially designed for that purpose, except as provided in paragraph (a) of this section.

(2) For incinerators acquired on or after June 3, 1966 the density of any emission to the atmosphere shall not exceed number 1 on the Ringelmann Scale or the Smoke Inspection Guide for a period or periods aggregating more than 3 minutes in any 1 hour, or be of such opacity as to obscure an observer's view to an equivalent degree.

(3) For incinerators acquired prior to June 3, 1966 the density of any emission to the atmosphere shall not exceed number 2 on the Ringelmann Scale or the Smoke Inspection Guide for a period or periods aggregating more than 3 minutes in any 1 hour, or be of such opacity as to obscure an observer's view to an equivalent degree.

(c)(1) In addition, for installations burning more than 200 pounds of waste per hour, emissions shall not exceed 0.2 grain of particulate matter per standard cubic foot of dry flue gas corrected to 12

percent carbon dioxide (without the contribution of carbon dioxide from auxiliary fuel), measured in accordance with the test procedures described in "Specifications for Incinerator Testing at Federal Facilities" (PHS publication, October, 1967) and any amendments or revisions thereof. Said document is available to any interested person, whether or not affected by the provisions of this part, upon request to the National Air Pollution Control Administration, Arlington, Va. 22203, which maintains an official historic file of the document, or to the Public Health Service Information Center or Regional Office Information Center as listed in 45 CFR 5.31 (32 F.R. 9316).

(2) For installations burning 200 pounds of waste per hour or less, emissions shall not exceed 0.3 grain of particulate matter per standard cubic foot of dry flue gas corrected to 12 percent carbon dioxide (without the contribution of carbon dioxide from auxiliary fuel), measured in accordance with the test specifications described in "Specifications for Incinerator Testing at Federal Facilities" (PHS publication, October 1967) and any amendments or revisions thereof.

(3) Test procedures which are approved by the Commissioner, National Air Pollution Control Administration, as equivalent to those prescribed by paragraphs (c)(1) and (c)(2) of this section may be used for the purpose of determining an installation's compliance with the emission standards for particulate matter contained in such paragraphs.

[F.R. Doc. 69-8134; Filed, July 9, 1969; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular 2261]

PART 2240—SALES AND EXCHANGES

Subpart 2243—Public Sales

SALE OF UNINTENTIONAL TRESPASS LANDS

JULY 3, 1969.

On page 7247 of the FEDERAL REGISTER of May 2, 1969, there was published a notice and text of a proposed amendment to Subpart 2243 of Title 43, Code of Federal Regulations. The purpose of the amendment is to implement the Act of September 26, 1968 (43 U.S.C. 1431–1435 (Supp. IV 1968)). This act authorizes the sale of lands which were affected by unintentional trespass on or before September 26, 1968, and which contain some land which has been or can be put to cultivation but which is insufficient because of climatic, topographic, ecologic, soil, or other factors to justify a classification for disposal under the homestead or desert land laws.

Interested persons were given 30 days within which to submit comments, suggestions, or objections to the proposed amendment. Only two comments were received. One comment endorsed the regulations and suggested no changes. The other objected to the provision relating to trespass charges in § 2243.3–4. That provision, however, reflects the requirements of section 3 of the Act of September 26, 1968 (43 U.S.C. 1433 (Supp. IV 1968)).

The proposed amendment is hereby adopted without change, and is set forth below. This amendment shall become effective on publication in the FEDERAL REGISTER.

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

JULY 3, 1969.

1. A new paragraph is added to § 2243.0–1 to read as follows:

§ 2243.0–1 Purpose.

* * * * *

(c) The regulations in § 2243.3 implement the Act of September 26, 1968 (82 Stat. 870). This act authorizes the sale of certain land that was affected by unintentional trespass on or before September 26, 1968.

2. A new section is added to subpart 2243 to read as follows:

§ 2243.3 Procedures under the Act of September 26, 1968.

§ 2243.3–1 General.

(a) *Authority.* The Act of September 26, 1968 (82 Stat. 870) authorizes the Secretary of the Interior to sell at public auction any tract of public lands not exceeding 120 acres that was affected by unintentional trespass by the owner or user of contiguous lands on or prior to September 26, 1968, and which contains some land that has been or can be put to cultivation but which is insufficient because of climatic, topographic, ecologic, soil, or other factors to justify a classification as proper for disposal under the homestead or desert land laws. The act permits sales only if the Secretary of the Interior finds the land is not needed for a public purpose. The act limits the amount of land any person may acquire under its terms to 120 acres. The authority to make such sales expires on September 26, 1971, except that sales for which application has been made prior to September 26, 1971, may be completed after that date.

(b) *Objectives.* The program of the Secretary of the Interior in the administration of the act is to take into consideration the criteria set out in Part 2410 and to sell at public auction for not less than their appraised fair market value on an orderly basis public lands subject to the act which are not needed for a public purpose. To conform with the specific purposes of the act, lands will be sold in the smallest aliquot parts practicable in each situation.

§ 2243.3–2 Lands subject to sale.

(a) The act authorizes the Secretary of the Interior on his own motion or upon application of any person who owns contiguous lands to order into market and sell at public auction for not less than the appraised fair market value any tract of public lands not exceeding 120 acres which on or before September 26, 1968, was affected by unintentional trespass by the owner or user of contiguous lands and which he finds is not needed for public purposes and contains some land that has been or can be put to cultivation.

(b) The Secretary of the Interior has full discretion to determine whether land should be ordered into market under the regulations of this part. Factors that will be taken into consideration in making these determinations are described in Subpart 2410 of this chapter. Lands which are valuable for minerals will not be sold unless the minerals can be reserved to the United States under existing law. (See 30 U.S.C. section 21.)

(c) Only tracts of public land that are classified by the authorized officer under the criteria and procedures in Part 2410 of this chapter can be sold pursuant to the regulations in this section.

§ 2243.3–3 Procedures.

The provisions of § 2243.1 apply to sales under this section except that the owner of contiguous lands who wishes to assert his preference right must offer to purchase the lands at the highest bid received. A credit, determined by the authorized officer, will be given to a preference right purchaser for any value added to the land by him or his predecessors in interest during any period of unintentional trespass.

§ 2243.3–4 Trespass charges.

Purchase of lands in accordance with the act and these regulations shall not relieve any person from liability for unauthorized use of the lands while title was in the United States.

[F.R. Doc. 69-8124; Filed, July 9, 1969; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

[Docket No. 69–13; Notice 1]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS [1]

Motor Vehicle Safety Standards No. 109, New Pneumatic Tires—Passenger Cars, and No. 110, Tire Selection and Rims—Passenger Cars

On October 5, 1968, the Federal Highway Administration published guidelines in the FEDERAL REGISTER (33 F.R. 14964) by which routine additions could be added to Appendix A of Standard No. 109 and the Appendix A of Standard No. 110. These guidelines provided an abbreviated rule making procedure for adding

[1] Formerly contained in 23 CFR Part 255.

tire sizes to Standard No. 109 and alternative rim sizes to Standard No. 110, whereby the addition becomes effective 30 days from date of publication in the FEDERAL REGISTER if no objections to the proposed additions are received. If comments objecting to the amendment warrant, rule making pursuant to the rule making procedures for motor vehicle safety standards (49 CFR Part 353) [2] will be followed.

The Japan Automobile Manufacturers Association, Inc., has petitioned for the addition of the 4.80–10 tire size designation to Table I–C of Appendix A of Standard No. 109 and the 3.50D alternative rim to Table I of Appendix A of Standard No. 110. The Rubber Manufacturers Association has petitioned for the addition of the C78–13 tire size designations to Table I–J of Appendix A of Standard No. 109 and the 5½JJ alternative rim for the C78–13 tire size and the 6JJ alternative rim for the E78–14 tire size to Table I of Appendix A of Standard No. 110.

The Rubber Manufacturers Association also petitioned for adding of a footnote to Table I of Appendix A of Standard No. 110 concerning the interchangeability of JJ, J, and JK rim flanges.

On the basis of the data submitted by the Japan Automobile Manufacturers Association and the Rubber Manufacturers Association indicating compliance with the requirements of Federal Motor Vehicle Safety Standards No. 109 and No. 110 and other information submitted in accordance with the procedural guidelines set forth, and data showing bead unseating values for tires on JJ, J, and JK rims, Appendix A of Federal Motor Vehicle Safety Standard No. 109 is being amended and Table I of Appendix A of Standard No. 110 is being amended.

In consideration of the foregoing, § 371.21 of Part 371 Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 109 (33 F.R. 14964) and Appendix A of Standard No. 110 (34 F.R. 16102) are amended as set forth below effective 30 days from date of publication in the FEDERAL REGISTER.

(Delegation of authority of Oct. 5, 1968 (33 F.R. 14964); secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); delegation from Secretary of Transportation, Part 1 of regulations of the Office of the Secretary (49 CFR 1.4(c)))

Issued on July 2, 1969.

H. M. JACKLIN, Jr.,
Acting Director, Motor Vehicle Safety Performance Service.

[2] Formerly contained in 23 CFR Part 216.

MOTOR VEHICLE SAFETY STANDARD NO. 109

NEW PNEUMATIC TIRES—PASSENGER CARS

1. Table I–C of Appendix A is amended by inserting between the title "Super Balloon" sizes and the tire size designation 5.20–10, the following new tire size 4.80–10 data:

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

TABLE I–C

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
4.80–10	320	355	390	430	470	490	510	535	555	575	595			3½	23.90	5.00

[1] The letter "H," "S," or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

2. Table I–J of Appendix A is amended by inserting between the title and the tire size designation B78–14, the following new tire size C78–13 data:

TABLE I–J

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "78 SERIES" BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures													Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	16	18	20	22	24	26	28	30	32	34	36	38	40			
C78–13			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5½	31.56	7.45

[1] The letter "H," "S," or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

MOTOR VEHICLE SAFETY STANDARD NO. 110

TIRE SELECTION AND RIMS—PASSENGER CARS

Delete Table I of Appendix A and insert the following new Table I of Appendix A:

FMVSS No. 110

APPENDIX A—TABLE I

ALTERNATIVE RIMS

Tire size	*Rim* [1]
4.80–10	*3.50D.*
6.40–15	4–JJ, 4½–JJ, 4½–K, *4.50E*, 5.00E, 5–JJ, 5–K, 5½–JJ.
7.00–15	*5.00F*, 5–K.
8.25–15	5½–JJ, 6–JJ, 6–K, 6–L.
8.55–15	5½–JJ, 6–JJ, 6–K, 6–L.
8.90–15	6–JJ, 6½–L, 7–L.
9.15–15	5½–JJ.
E50C–16	3½.
F50C–16	3½.
H50C–17	3½.
F60–15	6½–JJ, 7–JJ.
D70–13	5½–JJ, 5½–K.
E70–14	7–JJ.
F70–14	7–JJ.
C70–15	5½–JJ.
E70–15	7–JJ.
F70–15	8–JJ.
G70–15	7–JJ.
5.0–15	3.50B, 3.50D, 3½–JJ, 4–JJ, *4.00C*.
5.5–15	3.50D, 3½–JJ, 4–JJ, 4½–JJ.
145–10	3.50B.
145–13	3½–JJ, 4½–JJ.
165–13	4½–JJ.
185–15	4½–JJ.
5.20–13	4½–JJ.
5.60–13	3½–JJ, 4–JJ.
6.00–13	4–JJ.
5.60–15	5–K.
155R13	5–JJ.
155–13/ 6.15–13	5–JJ.
B78–14	4½–JJ, 4½–K, 5–JJ, 5–K.
C78–14	4½–JJ, 5–JJ, 5–K, 5½–JJ, 6–JJ.
D78–14	5–JJ, 5–K.
E78–14	4½–JJ, 5–JJ, 5–K, 5½–JJ, 5½–K, 6–JJ, 6½–JJ.
F78–14	5–JJ, 5–K, 5½–JJ, 5½–K, 6–JJ, 6–K, 6½–JJ.
G78–14	5–JJ, 5½–JJ, 5½–K, 6–JJ, 6–K, 7–JJ.
H78–14	5½–JJ, 6–JJ, 6–K, 6½–JJ, 6½–K.
J78–14	6–JJ, 6–K, 6½–JJ.
C78–15	4½–JJ, 4½–K, 5–JJ, 5–K.
D78–15	5–JJ, 5–K.
E78–15	4½–K, 5–JJ, 5–K, 5½–JJ, 5½–K, 6–JJ.
F78–15	4½–K, 5–JJ, 5–K, 5½–JJ, 5½–K, 6–JJ.
G78–15	5–JJ, 5–K, 5½–JJ, 5½–K, 6–JJ, 6–K, 6–L.
H78–15	5½–JJ, 5½–K, 6–JJ, 6–K, 6–L, 6½–K.
J78–15	6–JJ, 6–K, 6–L, 6½–JJ.
L78–15	6–JJ, 6–K, 6–L, 6½–JJ.

[1] Italicized designations denote Test Rims.

NOTE: Where JJ rims are specified in the above table, J and JK rim contours are permissible.

[F.R. Doc. 69-8035; Filed, July 9, 1969; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Gardner Division designated by signs as open to hunting. This open area, comprising 4,200 acres of the total Gardner Division area, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from September 1, 1969, through October 15, 1969, inclusive.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Mark Twain National Wildlife Refuge headquarters, Quincy, Ill.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1969.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JULY 3, 1969.

[F.R. Doc. 69-8123; Filed, July 9, 1969; 8:49 a.m.]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and ring-necked pheasants on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,900 acres, is delineated on maps available at refuge headquarters, Ellsworth, Nebr. 69340, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting of sharp-tailed grouse and ring-necked pheasant is permitted during the established State seasons. Hunting shall be in accordance with all applicable State regulations covering the hunting of sharp-tailed grouse and ring-necked pheasants subject to the following special conditions:

(1) Vehicle entrance and travel will be permitted only on well-defined trails. No travel is permitted beyond posted points, or off the trails in the hills or meadows.

(2) Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1970.

DON R. PERKUCHIN,
Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr.

JULY 3, 1969.

[F.R. Doc. 69-8067; Filed, July 9, 1969; 8:45 a.m.]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of antelope and deer on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,900 acres, is delineated on maps available at refuge headquarters, Ellsworth, Nebr. 69340, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting of antelope and deer shall be in accordance with all applicable State regulations covering the hunting of antelope and deer subject to the following special conditions:

(1) Vehicle entrance and travel will be permitted only on well-defined trails. No travel is permitted beyond posted points, or off the trails in the hills or meadows.

(2) Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1969.

DON R. PERKUCHIN,
Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr.

JULY 3, 1969.

[F.R. Doc. 69-8066; Filed, July 9, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

CHEWING GUM

Enforcement Regulations for Fair Packaging and Labeling Act; Revision of Proposed Exemption

In the FEDERAL REGISTER of January 17, 1969 (34 F.R. 758), it was proposed that § 1.1c(a)(4) be revised to exempt chewing gum in packages containing less than one-half ounce from the declaration of net quantity of contents required by § 1.8b under the Fair Packaging and Labeling Act. The proposal was in response to a petition submitted by the National Association of Chewing Gum Manufacturers (NACGM), 336 Madison Avenue, New York, N.Y. 10017.

Four States submitted comments in support of the proposal, one recommending that the regulation be clarified to show that it does not apply to multipack individually wrapped pieces of gum.

The petitioner, Leaf Brands Division of W. R. Grace & Co., and the National Confectioners Association (NCA) submitted comments urging that the proposed exemption be expanded to afford individually wrapped pieces of chewing gum weighing less than one-half ounce the same exemption granted for "penny candy" by § 1.1c(a)(4).

1. The NACGM comments that based on the competition that exists among all competing "penny" goods, whether candy or gum, it is demonstrably reasonable to grant the same labeling exemption or apply the same labeling requirements to all items in such direct competition and it is demonstrably unnecessary to impose the container labeling requirements where the individual piece labeling requirements are retained.

2. The NCA comments that the regulation would be clearer and simpler if it read "individually wrapped pieces of confectionery of less than one-half ounce net weight," since "confectionery" encompasses candy and gum and is more specific than the term "penny candy."

3. Leaf Brands comments that there is no apparent reason why individually wrapped pieces of gum should be treated differently from any other small package. The problem—utter lack of enough space for all the information required—is the same, no matter what the package contains. Also, to require all mandatory information on such small packages could be a "death blow" to marketers of the subject gum since it would be virtually impossible to print it on the wrapper.

The Commissioner of Food and Drugs, having considered the comments and other relevant information, concludes that the proposal should be revised to read as set forth below.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 1.1c(a)(4) be revised to read as follows and this supersedes the proposal of January 17, 1969:

§ 1.1c Exemptions from required label statements.

* * * * *

(a) *Foods.* * * *

(4) Individually wrapped pieces of "penny candy" and other confectionery of less than one-half ounce net weight per individual piece shall be exempt from the labeling requirements of this part when the container in which such confectionery is shipped is in conformance with the labeling requirements of this part. Similarly, when such confectionery items are sold in bags or boxes, such items shall be exempt from the labeling requirements of this part, including the required declaration of net quantity of contents specified in this part when the declaration on the bag or box meets the requirements of this part.

* * * * *

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: July 2, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8120; Filed, July 9, 1969; 8:49 a.m.]

[21 CFR Part 15]

BONTRAE AND TEXTURED VEGETABLE PROTEIN

Withdrawal of Petitions and Termination of Proposed Rule Making

In the matter of establishing a definition and a standard of identity for a class of food vegetable protein products:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of October 13, 1967 (32 F.R. 14237), based on a petition for "bontrae" filed by General Mills, Inc., 9200 Wayzata Boulevard, Minneapolis, Minn. 55440, and a petition for "textured vegetable protein" filed by Archer Daniels Midland Co., 733 Marquette Avenue, Box 532, Minneapolis, Minn. 55440. Notice is given that the petitioners have withdrawn their petitions and the rule-making proceeding in this matter is terminated. The withdrawal of these petitions is without prejudice to future filings.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 2, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8121; Filed, July 9, 1969; 8:49 a.m.]

[21 CFR Part 191]

TOY ROCKET PROPELLANT DEVICES

Proposed Exemption From Classification as Banned Hazardous Substance

The Commissioner of Food and Drugs has received requests from the National Association of Rocketry, 1239 Vermont Avenue NW., Washington, D.C. 20005, and Estes Industries, Box 227, Penrose, Colo. 81240, submitted pursuant to section 2(q)(1)(B)(i) of the Federal Hazardous Substances Act and § 191.62(c) of the regulations thereunder, to exempt the articles described below from classification as "banned hazardous substances," as defined by section 2(q)(1)(A) of the act, because the functional purpose of the articles requires inclusion of a hazardous substance, they bear labeling giving adequate directions and warnings for safe use, and are intended for use by children who have attained sufficient maturity, and may reasonably be expected, to read and heed such directions and warnings.

Grounds given in support of the requested exemption are that the lack of availability of properly designed, commercially-made toy propellant devices may encourage use of makeshift substitutes with resulting serious accidental injury or death.

Accordingly, pursuant to the provisions of the act (sec. 2(q)(1)(B)(i), 74 Stat. 374, 80 Stat. 1304, 15 U.S.C. 1261) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 191.65(a) be amended by adding thereto two subparagraphs, as follows:

§ 191.65 Exemptions from classification as banned hazardous substances.

(a) • • •

(8) Model rocket propellant devices designed for use in lightweight, recoverable, and refiyable model rockets, provided such devices:

(i) Are designed to be ignited by electrical means.

(ii) Contain no more than 62.5 grams (2.2 ounces) of propellant material and produce less than 80 newton-seconds (17.92 pound seconds) of total impulse with thrust duration not less than 0.050 second.

(iii) Are constructed such that all the chemical ingredients are preloaded into a cylindrical paper or similarly constructed nonmetallic tube that will not fragment into sharp, hard pieces.

(iv) Are designed so that they will not burst under normal conditions of use, are incapable of spontaneous ignition, and do not contain any type of explosive or pyrotechnic warhead other than a small parachute or recovery-system activation charge.

(9) Separate delay train and/or recovery system activation devices intended for use with premanufactured model rocket engines wherein all of the chemical ingredients are preloaded so the user does not handle any chemical ingredient and are so designed that the main casing or container does not rupture during operation.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: June 30, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-8122; Filed, July 9, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

WAPATO INDIAN IRRIGATION PROJECT, WAPATO-SATUS UNIT, YAKIMA INDIAN RESERVATION, WASH.

Operation and Maintenance Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U.S.C. 1001) and pursuant to the Acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs in Secretary's Order 2508 (10 BIAM 2.1, section 15(a)), and by virtue of authority delegated by the Commissioner of Indian Affairs to Area Directors by 10 BIAM 3.1, notice is hereby given of the intention to modify § 221.86 *Charges*, of title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Wapato-Satus Unit, Yakima Indian Reservation, Wash., beginning with calendar year 1970 and for subsequent years until further notice, as follows:

By increasing the annual operation and maintenance assessments under paragraph (a)(1) minimum charges for all tracts in noncontiguous single ownership from $8.65 to $9.30 and under paragraph (a)(2) from $8.65 to $9.30 per acre.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Dale M. Baldwin, Area Director, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oreg. 97208, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

DALE M. BALDWIN,
Area Director.

[F.R. Doc. 69-8068; Filed, July 9, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9702]

AIRWORTHINESS DIRECTIVE

Pilatus Model PC-6 Series Aircraft Serial Numbers 1 Through 723 and 2001 Through 2050

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to certain Pilatus PC-6 Series Aircraft. There have been reports that the rudder trim system cable has worked off the pulley located aft of the fuselage bulkhead No. 6. This situation could result in a jammed rudder trim system. Since this condition is likely to exist or develop in other aircraft of the same type design, the proposed airworthiness directive would require inspection for proper clearance between the pulley and the cable keeper.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 11, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423, and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PILATUS AIRCRAFT WORKS, INC. Applies to Model PC-6 Series Aircraft Serial Numbers 1 through 723 and 2001 through 2050.

Compliance required as indicated unless already accomplished.

To prevent the rudder trim control cable from coming off the pulleys aft of Bulkhead 6 (rear cabin wall), accomplish the following:

(a) Within the next 100 hours' time in service, inspect the clearance between the cable keeper and the cable pulleys aft of bulkhead 6 in accordance with Pilatus Service Bulletin No. 92, dated March 1969, or later Swiss Federal Air Office approved revision or an FAA approved equivalent.

(b) If the clearance between the keeper and the cable pulleys is found to be greater than 0.04 inch, replace the old cable keeper, P/N 6201.16, with a redesigned cable keeper, P/N 916.96.06.244 in accordance with Pilatus Service Bulletin No. 92, dated March 1969, or later Swiss Federal Air Office approved revision or an FAA approved equivalent.

Issued in Washington, D.C. on July 2, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-8088; Filed, July 9, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 218]

[Docket No. 21080; EDR-166A]

LEASE BY FOREIGN AIR CARRIER OR OTHER FOREIGN PERSON OF AIRCRAFT WITH CREW

Supplemental Notice of Proposed Rule Making

JULY 3, 1969.

The Board, by circulation of EDR-166, dated June 13, 1969, and by publication at 34 F.R. 9621, gave notice that it had under consideration adoption of a new Part 218. This regulation would apply to foreign air carriers and other persons not citizens of the United States who, as lessors, enter into so-called "wet leases" providing for the furnishing of aircraft and crew for the performance of foreign air transportation services of another foreign air carrier. Interested persons were invited to participate in the proceeding through submission of twelve (12) copies of written data, views and arguments pertaining thereto to the Docket Section of the Board on or before July 21, 1969.

Counsel for several foreign air carriers state that the proposed regulation appears to raise important political, legal, and economic issues which will require intensive research before constructive comments can be formulated. Furthermore, counsel assert, the necessary coordination of comments with the head offices of the carriers will be complicated by vacations and involvement of the carriers in the peak travel season. Counsel request that the time for filing comments be extended to October 1, 1969.

The undersigned finds that good cause has been shown for the extension of time requested. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the undersigned hereby extends the time for submitting comments to October 1, 1969.

All relevant communications received on or before October 1, 1969, will be considered by the Board before taking action on the proposed rules. Copies of these communications will be available for examination in the Docket Section, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. upon receipt thereof.

(Sec. 204(a), Federal Aviation Act, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates Division.

[F.R. Doc. 69-8143; Filed, July 9, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 18590; FCC 69-721]

RADIOLOCATION SERVICE AND SURVEY OPERATIONS

Allocation of Bands and Increase in Maximum Permitted Power

In the matter of amendment of Part 2 of the Commission's rules to provide for the allocation of the bands 3100–3600 MHz and 33.4–36 GHz to the radiolocation service on a secondary basis and an increase in the maximum permitted power in bands used for survey operations; docket No. 18590.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The frequency bands 3100–3600 MHz and 33.4–36 GHz are presently allocated primarily for Government operations. An existing footnote, US61, provides that non-Government access to the band 3300–3500 MHz is limited to the amateur service. Existing footnote US58 provides for the non-Government use of the band 10000–10500 MHz by the amateur and radiolocation services, on the condition that interference is not caused to Government stations, and that the power into the antenna for survey operations shall not exceed one watt. A reevaluation of Government requirements in these bands now permits a relaxation of the limitations presently imposed against the non-Government radiolocation service. Despite the relaxation to provide non-Government access to additional bands now used for Government survey operations, it should be noted that future planned use of the bands 3100–3600 MHz and 10000–10500 MHz may prove detrimental to low power survey operations. Accordingly, developers of new equipment in this field are urged to consider the band 33.4–36 GHz, and more particularly that portion between 33.4 and 35.6 GHz in the interest of international standardization, in preference to the two lower bands.

3. It is proposed herein to provide for non-Government radiolocation service access to the bands 3100–3600 MHz, 10,000–10,500 MHz and 33.4–36.0 GHz, on a secondary basis, for survey operations with a maximum permissible peak power of 5 watts into the antenna.

4. This proposed amendment is issued pursuant to authority contained in sections 303 (b), (c), and (r) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 12, 1969, and reply comments on or before August 22, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. The Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: July 2, 1969.

Released: July 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioners Bartley, Wadsworth, and Johnson absent.

Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations is amended as follows:

1. In § 2.106, the *Table of Frequency Allocations*, is amended to read as follows in columns 5 through 11, with respect to the bands 3100–3300, 3300–3500, 3500–3600 Mc/s, 10,000–10,500 Mc/s and 33.4–38.6 Gc/s.

United States Federal Communications Commission

Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services (of stations)
5	6	7	8	9	10	11
• • •	• • •	• • •	• • •	• • •	• • •	• • •
3100-3300	G, NG, (369) (US45)/(US61) (US46)/(US #)	3100-3300	Radiolocation.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.
3300-3500	G, NG, (US61) (US #)	3300-3500	Amateur. Radiolocation.	Amateur. Radiolocation land. Radiolocation mobile.		AMATEUR. RADIOLOCATION.
3500-3600	G, NG, (US61)/(US #)	3500-3600	Radiolocation.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.
3600-3700	G.					
• • •	• • •	• • •	• • •	• • •	• • •	• • •
10000-10500	G, NG, (401A) (US58) (US #)	10000-10500	Amateur. Radiolocation. (NG42)	Amateur. Radiolocation land. Radiolocation mobile.		AMATEUR. RADIOLOCATION.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
33.4-36	G, NG, (US100) (US #) (US ##)	33.4-36	Radiolocation.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.
36-38.6	G, (US100)					
• • •	• • •	• • •	• • •	• • •	• • •	• • •

2. In § 2.106, U.S. Footnotes 58 and 61 are amended and 2 new U.S. Footnotes are added to read as follows:

US58 In the band 10,000–10,500 MHz, pulsed emissions are prohibited, except for weather radars on board meteorological satellites in the band 10,000–10,025 MHz. The amateur service and the non-Government radiolocation service, which shall not cause harmful interference to the Government radiolocation service, are the only non-Government services permitted in this band. The non-Government radiolocation service is limited to survey operations as specified in footnote US —.

US61 Non-Government use of the band 3100–3600 MHz is limited to the radiolocation service, as specified in footnote US —, except in the band 3300–3500 MHz, where the amateur service is also authorized.

US — Survey operations using transmitters with a peak power not to exceed 5 watts into the antenna, may be authorized for Government and non-Government use on a secondary basis in the radiolocation service within the bands 3100–3600 MHz, 10,000–10,500 MHz and 33.4–36.0 GHz.

US — Non-Government use of the band 33.4–36.0 GHz is limited to the radiolocation service as specified in footnote US —.

[F.R. Doc. 69–8054; Filed, July 9, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[363.2]

IMPORTED VINYL-CLAD CHAIN LINK FENCING

Notice of Tentative Ruling Regarding Country of Origin Marking

JULY 1, 1969.

The Bureau of Customs has recently caused an investigation to be made regarding the foreign country of origin marking of imported vinyl-clad chain link fencing. The investigation disclosed that such fencing is usually marked to indicate the country of origin by means of a large label or tag, on which the country of origin is prominently marked, attached to or extending from the end of each roll of fencing. However, the investigation also disclosed that such labels or tags frequently become detached or are removed prior to the delivery of the fencing to the ultimate purchaser in the United States or an installation of the fencing at the latter's premises.

Accordingly, the Bureau tentatively is of the opinion that imported vinyl-clad chain link fencing should be legibly and conspicuously marked as permanently as the nature of the article permits to indicate the country of origin to the ultimate purchaser in the United States, in order to meet the requirements of section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304). The imprinting of the required legend at intervals of not less frequency than approximately each 10 feet of length of rolled fencing, impressed into the vinyl covering, shall represent compliance with a standard of permanency sufficient for imports of this product. An acceptable alternative means of marking would be by pressure sensitive or other securely applied adhesive labels affixed to the fencing at intervals of not less frequency than approximately each 10 feet of length. There would be no objection to the continued use of the tags now being employed additionally to the specified marking requirements of this ruling.

Consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69–8126; Filed, July 9, 1969; 8:49 a.m.]

[T.D. 69–162]

AIRCRAFT IN FOREIGN TRADE

Supplies and Equipment for Aircraft of Foreign Registry

JULY 3, 1969.

In accordance with section 309(d), Tariff Act of 1930, as amended (19 U.S.C. 1309(d)), the Department of Commerce has found and under date of June 11, 1969, has advised the Treasury Department that except for ground equipment South Africa allows privileges to aircraft registered in the United States and engaged in foreign trade substantially reciprocal to those provided for in sections 309 and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317). Corresponding privileges are accordingly extended to aircraft registered in South Africa and engaged in foreign trade effective as of the date of such notification.

The applicable provisions of §§ 10.59 to 10.65, Customs Regulations (19 CFR 10.59–10.65), shall be applied to withdrawals for these aircraft.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69–8135; Filed, July 9, 1969; 8:50 a.m.]

Office of the Secretary

AMINOACETIC ACID (GLYCINE) FROM THE NETHERLANDS

Determination of Sales at Not Less Than Fair Value

JUNE 26, 1969.

On May 6, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that Aminoacetic Acid (Glycine) from the Netherlands is not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until June 5, 1969, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that Aminoacetic Acid (Glycine) from the Netherlands is not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69–8127; Filed, July 9, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 2694]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 2, 1969.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial No. S 2694 for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2) but not the mineral leasing laws.

The applicant desires the land for the construction, operation and maintenance of the planned facilities of the Auburn-Folsom South Unit of the Central Valley Project, Calif.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E–2807, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 13 N., R. 10 E.,
Sec. 19, lots 19 and 20.

The above-described area contains approximately 70.20 acres in Placer County.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-8069; Filed, July 9, 1969; 8:45 a.m.]

[C-2899, etc.]

COLORADO

Notice of Classification of Public Lands for Disposal

JUNE 30, 1969.

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412) the public lands within the areas described below are hereby classified for disposal through public sale under section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171). The notices of proposed classification were published in 33 F.R. 8605 of June 12, 1968, 33 F.R. 8512 of June 8, 1968; and 33 F.R. 8351 and 8352 of June 5, 1968.

No protests were received and there has been no change in the classification.

SIXTH PRINCIPAL MERIDIAN, COLORADO

(C-2899)

SEDGWICK COUNTY

T. 11 N., R. 44 W.,
Sec. 30, lots 7 and 8.
T. 10 N., R. 47 W.,
Sec. 17, NE¼SW¼.

The area involved is approximately 77.80 acres of public land in Sedgwick County.

(C-2901)

LOGAN COUNTY

T. 10 N., R. 48 W.,
Sec. 22, NE¼SW¼, N½SE¼.
T. 10 N., R. 49 W.,
Sec. 34, NE¼SW¼.
T. 6 N., R. 52 W.,
Sec. 7, lot 4;
Sec. 20, E½NW¼.
T. 11 N., R. 53 W.,
Sec. 17, SE¼NE¼;
Sec. 27, E½NE¼, NW¼NW¼.
T. 10 N., R. 54 W.,
Sec. 14, SE¼SE¼.
T. 10 N., R. 55 W.,
Sec. 31, SW¼SW¼.
T. 11 N., R. 55 W.,
Sec. 4, SE¼SE¼;
Sec. 8, SW¼NW¼, NW¼SW¼;
Sec. 20, SW¼SW¼.

The area involved is approximately 676 acres of public land in Logan County.

(C-2902)

MORGAN COUNTY

T. 2 N., R. 56 W.,
Sec. 22, SE¼SE¼.
T. 5 N., R. 57 W.,
Sec. 19, NE¼NE¼.
T. 2 N., R. 58 W.,
Sec. 1, SW¼SE¼.
T. 5 N., R. 58 W.,
Sec. 22, SW¼SW¼;
Sec. 23, E½SE¼;
Sec. 27, NW¼NE¼, NE¼NW¼.
T. 6 N., R. 58 W.,
Sec. 26, NE¼SE¼.
T. 2 N., R. 59 W.,
Sec. 17, NE¼NE¼.
T. 3 N., R. 59 W.,
Sec. 31, NE¼SE¼.
T. 1 N., R. 60 W.,
Sec. 24, NW¼SE¼.
T. 5 N., R. 60 W.,
Sec. 12, NE¼SW¼.

The area involved is approximately 520 acres of public land in Morgan County.

(C-2905)

YUMA COUNTY

T. 3 S., R. 42 W.,
Sec. 22, lot 3.
T. 5 S., R. 44 W.,
Sec. 22, lot 30.
Sec. 23, lot 25;
Sec. 28, lot 13.
Sec. 31, lot 16;
Sec. 32, lot 3.
T. 5 S., R. 45 W.,
Sec. 27, lots 12 and 13;
Sec. 31, lot 14;
Sec. 32, SW¼NE¼, SW¼SW¼.
T. 1 S., R. 46 W.,
Sec. 27, lots 13 and 16.
T. 4 S., R. 46 W.,
Sec. 5, lot 1.
T. 3 N., R. 43 W.,
Sec. 24, NE¼NE¼;
Sec. 25, NE¼SE¼.

The area described aggregates approximately 377.31 acres of public land in Yuma County.

(C-2906)

WASHINGTON COUNTY

T. 3 S., R. 50 W.,
Sec. 21, SW¼NE¼;
Sec. 23, SE¼NW¼, E½SW¼.
T. 5 N., R. 54 W.,
Sec. 6, lots 6 and 7.

The described land aggregates approximately 243.45 acres of public land in Washington County.

(C-2909)

DOUGLAS COUNTY

T. 9 S., R. 68 W.,
Sec. 28, NW¼NE¼.

The area described aggregates approximately 40 acres of public land in Douglas County.

(C-2910)

ELBERT COUNTY

T. 6 S., R. 57 W.,
Sec. 24, SE¼SE¼.
T. 13 S., R. 57 W.,
Sec. 27, SE¼SE¼.
T. 6 S., R. 58 W.,
Sec. 6, lot 4.
T. 13 S., R. 58 W.,
Sec. 26, NW¼SW¼.
T. 7 S., R. 62 W.,
Sec. 30, N½ of lot 2.
T. 8 S., R. 62 W.,
Sec. 14, NW¼NE¼.

The area involves approximately 266.83 acres of public land in Elbert County.

(C-2911)

KIT CARSON COUNTY

T. 5½ S., R. 44 W.,
Sec. 32, SE¼SW¼.
T. 6 S., R. 44 W.,
Sec. 6, lot 1;
Sec. 14, SE¼SE¼;
Sec. 23, NE¼NE¼.
T. 11 S., R. 44 W.,
Sec. 5, lot 3.

The area described aggregates approximately 173.22 acres of public land in Kit Carson County.

The total area involved in this proposal aggregates approximately 2,374.61 acres of public land.

3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

E. I. ROWLAND,
State Director.

[F.R. Doc. 69-8070; Filed, July 9, 1969; 8:45 a.m.]

[Colo. 3357]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

JULY 3, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the lands described below were classified for multiple-use management by classification appearing in the FEDERAL REGISTER of March 26, 1968, at page 4998. It has been determined that these lands should be further segregated to protect public recreational values therein. Publication of this notice has the effect of further segregating the described lands from all forms of appropriation under the public land laws including the United States mining laws (30 U.S.C. Ch. 2) but not the mineral leasing laws.

2. No adverse comments were received following publication of a notice of proposed classification (34 F.R. 5082) as amended (34 F.R. 6336).

HINSDALE AND SAGUACHE COUNTIES

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

Powderhorn Lakes Site

T. 45 N., R. 3 W.,
Sec. 23, lots 9 and 10.

Cochetopa Creek

T. 47 N., R. 2 E.,

Those lands within 300 feet of either side of Cochetopa Creek within sec. 17.

The areas described contain approximately 114 acres.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c.

E. I. ROWLAND,
State Director.

[F.R. Doc. 69-8071; Filed, July 9, 1969; 8:45 a.m.]

[C-2649]

COLORADO

Notice of Proposed Classification of Public Lands for Multiple-Use Management

JULY 3, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the lands described below were classified for multiple-use management by classification appearing in the FEDERAL REGISTER of April 17, 1968, at page 5894.

This classification segregated these lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the revised statutes (43 U.S.C. 1171). It has been determined that the land described below should be further segregated to protect public recreational values therein. Accordingly, publication of this notice has the effect of further segregating the described lands from all forms of appropriation under the public land laws including the U.S. mining laws (30 U.S.C. Ch. 2), but not the mineral leasing laws.

2. The public lands are shown on a map on file in the Glenwood Springs District Office, Bureau of Land Management, Glenwood Springs, Colo. 81601 and in the Land Office, Bureau of Land Management, 15019 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

EAGLE COUNTY

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 2 S., R. 84 W.,
Sec. 8, SW¼SW¼.
T. 3 S., R. 85 W.,
Sec. 7, N½NE¼.
T. 4 S., R. 86 W.,
Sec. 18, lot 14.

For a period of 60 days from the date of publication in the FEDERAL REGISTER, all persons who wish to submit comments or suggestions in connection with the proposed classification may present their views in writing to the Glenwood Springs District Manager, Bureau of Land Management, Post Office Box 1009, Glenwood Springs, Colo. 81601.

E. I. ROWLAND,
State Director.

[F.R. Doc. 69-8072; Filed, July 9, 1969; 8:45 a.m.]

[Serial No. I-2448]

IDAHO

Notice of Classification of Public Lands for Multiple-Use Management

JULY 2, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice has the effect (a) of segregating all of the public lands within the described area below from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) of further segregating the lands described in paragraph 4 of this notice from the operation of the general mining laws (30 U.S.C., Ch. 2). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Comments were received during the 60 days following publication of the Notice of Proposed Classification (33 F.R. 15351). Comments were also received at the public hearing of October 30, 1968, at Dubois, Idaho. All comments concerning the proposed classification have been considered and carefully evaluated. Two tracts of land, SE¼SE¼, sec. 17, and NW¼SW¼, sec. 21, T. 10 N., R. 33 E., Boise Meridian, in the notice of proposed classification are not included in this notice of classification. The segregative effect of the notice of proposed classification was canceled by publication of a notice of termination of proposed classification (34 F.R. 2139) as to these two tracts.

The record showing the comments received and other information is on file and can be examined in either the Idaho Falls District Office, Idaho Falls, Idaho, or the Idaho Land Office, Boise, Idaho.

3. The public lands affected by this classification are located within the following-described areas in Clark County and are shown on maps on file in the Idaho Falls District Office, Idaho Falls, Idaho, and the Idaho Land Office, Boise, Idaho:

BOISE MERIDIAN, IDAHO

CLARK COUNTY

T. 9 N., R. 29 E.,
Secs. 1 through 3, inclusive;
Sec. 10, N½;
Sec. 11, N½;
Secs. 12, 13, 24, 25, and 36.
T. 10 N., R. 29 E.,
Secs. 1 through 3, inclusive;
Secs. 10 through 15, inclusive;
Secs. 22 through 27, inclusive;
Secs. 34 through 36, inclusive.
T. 8 N., R. 30 E.,
Secs. 1 through 23, inclusive;
Secs. 26 through 28, inclusive;
Sec. 29, E½;
Sec. 32, NE¼;
Secs. 33 through 35, inclusive.
T. 9 N., R. 30 E.,
Secs. 2 through 11, inclusive;
Secs 13 through 36, inclusive.
T. 10 N., R. 30 E.,
Secs. 5 through 8, inclusive;
Secs. 17 through 20, inclusive;
Secs. 29 through 33, inclusive.
T. 8 N., R. 31 E.,
Secs. 1 through 18, inclusive.
T. 9 N., R. 31 E.,
Secs. 22 and 23;
Secs. 25 through 27, inclusive;
Secs. 34 through 36, inclusive.
T. 9 N., R. 32 E.,
Secs. 1 through 3, inclusive;
Sec. 4, E½;
Secs. 10 through 14, inclusive;
Sec. 15, E½;
Sec. 22, E½;
Secs. 23 through 26, inclusive;
Sec. 27, E½;
Secs. 30 through 36, inclusive.
T. 10 N., R. 32 E.,
Secs. 1 through 4, inclusive;
Secs. 10 through 15, inclusive;
Secs. 22 through 27, inclusive;
Sec. 33, E½;
Secs. 34 through 36, inclusive.
T. 11 N., R. 32 E.,
Sec. 1, E½;
Sec. 12, NE¼;
Secs. 25 through 27, inclusive;
Secs. 33 through 36, inclusive.
T. 12 N., R. 32 E.,
Secs. 1 through 3, inclusive;
Secs. 10 through 13, inclusive;
Secs. 24 and 25;
Sec. 36.
T. 13 N., R. 32 E.,
Secs. 13 through 15, inclusive;
Secs. 22 through 27, inclusive;
Secs. 34 through 36, inclusive.
T. 9 N., R. 33 E.,
Secs. 1 through 11, inclusive;
Secs. 14 through 23, inclusive;
Secs. 26 through 35, inclusive.
T. 10 N., R. 33 E.,
Secs. 1 through 15, inclusive;
Sec. 17, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 18 and 19;
Sec. 20, W½, W½SE¼;
Sec. 21, N½, E½SW¼, SE¼;
Secs. 22 through 35, inclusive.
T. 11 N., R. 33 E.,
All.
T. 12 N., R. 33 E.,
All.
T. 13 N., R. 33 E.,
Secs. 13 through 36, inclusive.
T. 9 N., R. 34 E.,
Sec. 4, N½N½;
Sec. 5, N½N½;
Sec. 6;
Sec. 11, S½;
Sec. 12, S½;
Secs. 13 and 14;
Sec. 22, SE¼SW¼ and SE¼;
Secs. 23 through 26, inclusive;
Sec. 27, E½ and E½W½;
Secs. 33 through 36, inclusive.
T. 10 N., R. 34 E.,
Secs. 1 through 33, inclusive.
T. 11 N., R. 34 E.,
Secs. 2 through 11, inclusive;
Secs. 16 through 21, inclusive;
Secs. 28 through 33, inclusive.
T. 12 N., R. 34 E.,
All.
T. 9 N., R. 35 E.,
Secs. 1 and 2;
Sec. 3, E½;
Sec. 7, S½;
Sec. 8, S½;
Sec. 9, S½;
Sec. 10, NE¼ and S½;
Secs. 11 through 36, inclusive.
T. 10 N., R. 35 E.,
Secs. 11 through 14, inclusive;
Sec. 21, E½ and E½W½;
Secs. 22 through 27, inclusive;
Sec. 28, E½ and E½W½;
Sec. 33, N½NE¼ and NE¼NW¼;
Sec. 34, E½ and N½NW¼;
Secs. 35 and 36.
T. 11 N., R. 35 E.,
Secs. 1 through 4, inclusive;
Sec. 5, E½E½;
Sec. 10, N½;
Sec. 11, N½.
T. 12 N., R. 35 E.,
Secs. 19 through 36, inclusive.

T. 9 N., R. 36 E.,
Sec. 2, W½;
Sec. 3;
Sec. 4, E½;
Secs. 6, 7, and 10;
Sec. 11, W½;
Sec. 14, W½;
Secs. 15, 18, 19, and 22;
Sec. 23, W½;
Sec. 27, W½;
Sec. 28;
Secs. 30 through 32, inclusive;
Sec. 33, N½;
Sec. 34, NW¼.
T. 10 N., R. 36 E.,
Sec. 10, E½ and E½W½;
Secs. 13 and 14;
Sec. 15, E½;
Sec. 22, E½;
Secs. 23 through 26, inclusive;
Sec. 27, E½.
T. 11 N., R. 36 E.,
Secs. 5 and 6.
T. 12 N., R. 36 E.,
Secs. 19 through 23, inclusive;
Secs. 26 through 35, inclusive.
T. 9 N., R. 37 E.,
Sec. 1, S½S½;
Sec. 2, S½S½;
Sec. 3, S½S½;
Secs. 10 through 36, inclusive.
T. 10 N., R. 37 E.,
Sec. 1, NW¼NE¼ and N½NW¼;
Sec. 2, N½ and SW¼;
Secs. 3 through 5, inclusive;
Secs. 8 through 10, inclusive;
Sec. 11, W½;
Sec. 14, W½;
Secs. 15 through 21, inclusive;
Secs. 28 through 32, inclusive.
T. 10 N., R. 38 E.,
Secs. 11 through 16, inclusive;
Secs. 21 through 28, inclusive;
Secs. 33 through 36, inclusive.
T. 11 N., R. 38 E.,
Secs. 3 and 4;
Sec. 9, N½;
Sec. 10, N½.
T. 12 N., R. 38 E.,
Sec. 2, S½;
Sec. 8, S½;
Secs. 9 through 11, inclusive;
Sec. 14, N½;
Sec. 15, N½;
Secs. 16 and 17;
Sec. 20, N½;
Sec. 21, N½;
Sec. 26, SW¼SW¼;
Sec. 27, S½ and S½N½;
Secs. 33 and 34.
T. 10 N., R. 39 E.,
Sec. 8, E½E½;
Sec. 9;
Secs. 16 through 18, inclusive.

The area described aggregates approximately 301,300 acres.

4. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the general mining laws:

BOISE MERIDIAN, IDAHO

PASS CREEK RECREATION SITE

T. 9 N., R. 29 E.,
Sec. 3, SW¼SW¼.

RENO DIVERSION SITE

T. 8 N., R. 30 E.,
Sec. 3, S½NE¼, N½SE¼.

JOHN DAY RECREATION SITE

T. 9 N., R. 30 E.,
Sec. 5, lots 2 and 3, S½NE¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, SW¼NW¼, W½SW¼, SE¼SW¼.

SCOTT BUTTE RECREATION SITE

T. 9 N., R. 30 E.,
Sec. 21, E½E½.

BIRCH CREEK CROSSING RECREATION SITE

T. 9 N., R. 30 E.,
Sec. 27, SW¼NW¼, NW¼SW¼;
Sec. 28, SE¼NE¼, NE¼SE¼.

RENO DITCH RECREATION SITE

T. 8 N., R. 31 E.,
Sec. 7, SE¼SE¼;
Sec. 17, NW¼NW¼;
Sec. 18, NE¼NE¼.

WARM SPRINGS ARCHEOLOGICAL SITE

T. 11 N., R. 32 E.,
Sec. 25, E½NE¼.

MEDICINE LODGE RECREATION SITE NO. 1

T. 11 N., R. 33 E.,
Sec. 2, lot 4 and SW¼NW¼;
Sec. 3, lot 1 and SE¼NE¼.

HORSE PASTURE RECREATION SITE

T. 11 N., R. 33 E.,
Sec. 12, NW¼NE¼.

SPRING HOLLOW ARCHEOLOGICAL SITE

T. 12 N., R. 33 E.,
Sec. 22, NE¼NW¼.

MEDICINE LODGE RECREATION SITE NO. 2

T. 11 N., R. 34 E.,
Sec. 17, NW¼NW¼;
Sec. 18, NE¼NE¼.

PATELZICK CREEK RECREATION SITE NO. 1

T. 12 N., R. 35 E.,
Sec. 24, SE¼NE¼NE¼, NE¼SE¼NE¼.
T. 12 N., R. 36 E.,
Sec. 19, SW¼NW¼NW¼, NW¼SW¼NW¼.

PATELZICK CREEK RECREATION SITE NO. 2

T. 12 N., R. 36 E.,
Sec. 19, NE¼SW¼.

These areas aggregate 1,644.84 acres.

5. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

JOE T. FALLINI,
State Director.

[F.R. Doc. 69-8073; Filed, July 9, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

DOMESTIC BEET SUGAR PRODUCING AREA

1970 Crop Proportionate Shares

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended, will conduct a hearing to receive the views and recommendations of interested persons on the need for establishing proportionate shares (farm acreage allotments) for the 1970 crop of sugarbeets in the Domestic Beet Sugar Area. Also, for use by the Secretary if he determines that proportionate shares are needed, views and recommendations are desired on all phases of the proportionate share program, including the level of the National Sugarbeet Acreage Requirement.

In accordance with the provisions of paragraph (1), subsection (b) of section 302 of the Sugar Act of 1948, as amended (7 U.S.C. 1132(b)), the Secretary must determine for each crop year whether the production of sugar from any crop of sugarbeets will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

The hearing on this matter will be conducted in the Hotel Canterbury, 750 Sutter Street, San Francisco, Calif., beginning at 10 a.m. on July 23, 1969.

Proportionate shares are not in effect for the current crop and were not in effect for either the 1967 or 1968 crops of sugarbeets. Latest estimates indicate that sugar production from 1968-crop acreage of about 1,495,000 will total approximately 3,502,000 short tons, raw value. Latest industry estimates indicate that 1969-crop acreage planted or to be planted will total about 1,650,000.

Views and recommendations on the need for establishing proportionate shares and the details of the program may be presented orally at the hearing, preferably supported in writing by an original and two copies of the oral statement. Views and recommendations may also be submitted in writing (original and two copies) at the hearing without an oral presentation or they may be mailed to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, postmarked not later than August 15, 1969.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on July 2, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-8140; Filed, July 9, 1969; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

JOHNS HOPKINS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00452-00-46040. Applicant: Johns Hopkins University, Purchasing Department, Baltimore, Md. 21218. Article: Conversion kit for electron gun (Siemens). Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to convert the fixed high-voltage electron-gun cable of an existing electron microscope to a plug connection. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for a priorly imported electron microscope which was manufactured by the same source from which the accessory is being purchased. The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article, or can readily be adapted to the electron microscope with which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8091; Filed, July 9, 1969; 8:47 a.m.]

NORTHEASTERN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00335-65-46040. Applicant: Northeastern University, 360 Huntington Avenue, Boston, Mass. 02115. Article: Electron microscope, Model JEM-120. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used in a wide range of research and teaching programs in materials science.

The graduate research programs will have as their scientific objectives a detailed and quantitative understanding of the role of structure on the following phenomena: (1) Deformation characteristics of single and two-phase materials, (2) fracture at high temperature and pressure, (3) precipitation and phase transformations in alloys, (4) interaction among point defects, (5) electrical and optical properties of metallic, semiconducting, and insulating thin films. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a maximum accelerating voltage of 120 kilovolts. The most closely comparable domestic electron microscope is the Model EMU-4B manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4B has a maximum accelerating voltage of 100 kilovolts. The higher accelerating voltage affords more penetrating power for the electron beam, which is necessary in investigating the properties of thicker specimens and, therefore, is pertinent for the purposes for which the foreign article is intended to be used.

For these reasons, we find that the RCA EMU-4B electron microscope is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8092; Filed, July 9, 1969; 8:47 a.m.]

STANFORD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00578-00-10100. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Temperature-jump apparatus accessories. Manufacturer: Messanlagen Studiengesellschaft GmbH., West Germany. Intended use of article: The article will be used to update a temperature-jump apparatus which is used to study the kinetics of fast reactions in solution. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Application relates to replacement parts for temperature-jump apparatus which had been priorly imported from the same foreign source from which the parts have been purchased. The Department of Commerce knows of no similar replacement parts that are interchangeable with those described in the application, or which can be readily adapted to the equipment in which these parts are to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8093; Filed, July 9, 1969; 8:47 a.m.]

STANFORD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00579-00-10100. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Temperature-jump apparatus accessories. Manufacturer: Messanlagen Studiengesellschaft GmbH., West Germany. Intended use of article: The article will be used to update a temperature-jump apparatus which is used to study the kinetics of fast reactions in solution. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Application relates to replacement parts for temperature-jump apparatus which had been priorly imported from the same foreign source from which the parts have been purchased. The Department of

Commerce knows of no similar replacement parts that are interchangeable with those described in the application, or which can be readily adapted to the equipment in which these parts are to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8094; Filed, July 9, 1969; 8:47 a.m.]

STANFORD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00580-00-10100. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Temperature-jump apparatus accessories. Manufacturer: Messanlagen Studiengesellschaft GmbH., West Germany. Intended use of article: The article will be used to update a temperature-jump apparatus used to study the kinetics of fast reactions in solution. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Application relates to replacement parts for temperature-jump apparatus which had been priorily imported from the same foreign source from which the parts have been purchased. The Department of Commerce knows of no similar replacement parts that are interchangeable with those described in the application, or which can be readily adapted to the equipment in which these parts are to be used.

CHARLEY M DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8095; Filed, July 9, 1969; 8:47 a.m.]

STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00349-00-87200. Applicant: State University of New York, Stony Brook, N.Y. 11790. Article: Tandem Voltage regulator, Model TVS-11. Manufacturer: Elron Electronic Industries, Ltd., Israel. Intended use of article: The article will be used for readjusting terminal voltage of the electrostatic voltage producing machine during research and graduate study. Comments: No comments received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a tandem voltage regulator with the capability of stabilizing the terminal voltage of a Van de Graaff Accelerator in the applicant's possession without the necessity of modifying the existing accelerator.

We are advised by the National Bureau of Standards (NBS) in a memorandum dated April 15, 1969, that the only known comparable domestic instrument, the Model 9024 Slit Feedback System manufactured by Varian Associates (Varian), Palo Alto, Calif., would require considerable modification of the existing accelerator. We therefore find that the Varian Model 9024 Slit Feedback System is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8096; Filed, July 9, 1969; 8:47 a.m.]

UNIVERSITY OF ILLINOIS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00337-98-77030. Applicant: University of Illinois at Chicago Circle, 601 South Morgan Street, Chicago, Ill. 60607. Article: Nuclear magnetic resonance pulse spectrometer, pulse gated integrater, and liquid helium probe head, Model B-KR 322 S. Manufacturer: Bruker, West Germany. Intended use of article: The article will be used to produce the requisite train of pulses to insure saturation in the study of magnetic alloys at high and low temperatures. Previous studies on the magnetic alloys of rate earths with hydrogen have shown that microscopic information on magnetization distribution in the paramagnetic state can be obtained by using steady state nuclear magnetic resonance techniques. The application of pulse NMR techniques (using the hydrogen (proton) nucleus and in some cases the rare earth nucleus) can be even more fruitful. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a nuclear magnetic pulse spectrometer which has the capabilities of a frequency crystal controlled with a stability of one part in one hundred million (10^8) and a frequency range variable in 20 kilohertz steps over a 4 to 62 megahertz range. We are advised by the National Bureau of Standards (NBS) in a memorandum dated April 25, 1969, that the capabilities of a frequency crystal controlled with a stability of one part in one hundred million and a frequency range variable in 20 kilohertz steps over a range of 4 to 62 megahertz are both pertinent characteristics. NBS further advises that it knows of no instrument or apparatus being manufactured in the United States of equivalent scientific value to the foreign article for the purposes for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8097; Filed, July 9, 1969; 8:47 a.m.]

UNIVERSITY OF ILLINOIS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00574-00-46040. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Accessories to an electron microscope, Model Elmiskop IA. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an attachment to an existing electron microscope to improve the quality of the electron micrographs obtained in studies concerning plant viruses, bacterial spores, Drosophilia eggs, and lipid absorption of the jejunum. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for a priorily imported electron microscope which was manufactured by the same source from which the accessory is being purchased. The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article, or can readily be adapted to the electron microscope with which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8098; Filed, July 9, 1969; 8:47 a.m.]

UNIVERSITY OF MISSOURI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00582-00-46040. Applicant: University of Missouri, Rolla, General Services Building, Purchasing Department, Rolla, Mo. 65401. Article: Wide angle tilting device, Model HK-3A. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article will be used as an attachment to an existing electron microscope, Model HU-11A, to study defects in high purity aluminum specimens. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for a priorily imported electron microscope which was manufactured by the same source from which the accessory is being purchased. The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article, or can readily be adapted to the electron microscope with which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8099; Filed, July 9, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 19047, 21163; Order 69-7-28]

TRANSCONTINENTAL BUS SYSTEM, INC., ET AL.

Order Regarding Family Fare Tariffs

Adopted by the Civil Aeronautics Board at its office in Washington D.C., on the 3d day of July 1969.

Family fare tariffs complaint of Transcontinental Bus System, Inc., Docket No. 19047; investigation of currently effective family fare tariffs, Docket No. 21163.

On June 13, 1969 the U.S. Court of Appeals for the First Circuit set aside our decision in this proceeding (Order E-26431, February 29, 1968) insofar as it dismissed the complaint of Transcontinental Bus System, Inc. against the effective family fare tariffs of 28 air carriers without conducting an investigation of whether such tariffs were unreasonable and unjustly discriminatory. Trailways of New England, et al. v. Civil Aeronautics Board, C.A. 1, Nos. 7112 and 7162. The Court concluded that "petitioners are entitled to the investigation sought in the complaint," and remanded the case to the Board for further proceedings consistent with its opinion.

In order to comply with the judgment of the Court, we shall vacate our earlier order and direct the institution of an investigation of the presently effective family fare tariffs of the various air carriers.

Accordingly, pursuant to the judgment of the U.S. Court of Appeals for the First Circuit, and pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, and 1002 thereof:

It is ordered, That:

1. Order E-26431, adopted February 29, 1968, be and the same hereby is vacated.

2. An investigation be instituted under Docket 21163 to determine whether the fares and provisions described in Appendix A hereto,[1] including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such fares and provisions are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations or practices affecting such fares and provisions.

3. Copies of this order be served upon Trailways of New England, Inc., Transcontinental Bus System, Inc., Air West, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., Aloha Airlines, Inc., American Airlines, Inc., Apache Airlines, Inc., Aspen Airways, Inc., Braniff Airways, Inc., Cape and Island Flight Service, Inc., Combs Airways, Inc., Command Airways, Inc., Continental Airlines, Inc., Crown Airways, Inc., Delta Air Lines, Inc., Downeast Airlines, Inc., Eastern Air Lines, Inc., Executive Airlines, Inc., Frontier Airlines, Inc., Hawaiian Airlines, Inc., Henson Aviation, Inc., Mohawk Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Pennsylvania Commuter Airlines (Division of L. B. Smith Aircraft Corp. of Pa.), Piedmont Aviation, Inc., Pocono Airlines, Inc., Ransome Air, Inc., doing business as Ransome Airlines, Sedalia, Marshall, Boonville Stage Line, Inc., Southern Airways, Inc., Trans Caribbean Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Vercoa Air Service, Inc., Western Air Lines, Inc., and they are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-8144; Filed, July 9, 1969; 8:50 a.m.]

[1] Filed as part of the original document.

[Docket No. 21162; Order 69-7-32]

OHIO/INDIANA POINTS NONSTOP SERVICE INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of July 1969.

For the reasons set forth below, the Board has decided to institute a proceeding designated as the Ohio/Indiana Points Nonstop Service Investigation. The investigation will focus on the need for first competitive nonstop service between Cincinnati, Columbus, Dayton, and Indianapolis, on the one hand, and Philadelphia and Los Angeles, on the other hand. We will also consider whether one or more additional carriers should be authorized to operate nonstop between Indianapolis, on the one hand, and Cleveland and Pittsburgh, on the other hand. The Ohio-Indiana points in issue are among the largest in their respective states. Each of the above 10 markets is a TWA monopoly nonstop market, and

experienced traffic in each has been relatively heavy, ranging from almost 36,000 passengers to about 66,000 passengers in 1967. We conclude, therefore, that these circumstances warrant consideration of the need for competitive nonstop authority.

In order to limit the size and complexity of the investigation, we shall impose a pretrial restriction requiring that any new certificate authority awarded pursuant to this proceeding shall be in the form of a new segment instead of an addition to an existing segment, and that each new segment shall be limited to one of the 10 markets.

There are presently on file applications from carriers in part requesting authority which would be at issue in the investigation as hereinabove described. Rather than severing out portions of these applications for consolidation, sua sponte, we shall await the filing of new motions seeking consolidation of applications or parts thereof which are within the scope of the investigation.[1]

Interested applicants, of course, may file amended or additional applications consistent with the scope of the investigation within the time for filing as hereinafter established. However, in the event new or amended applications for new or additional routes consistent with the scope of this case are filed, each applicant should file one new composite application covering clearly and specifically all of the authority sought in this proceeding. This procedure will obviate the confusion resulting from the consolidation of several separately-filed applications or portions thereof and will assist the parties, the Examiner, and the Board in analyzing and considering the precise proposals of each applicant.

Accordingly, it is ordered, That:

1. An investigation designated as the Ohio/Indiana Points Nonstop Service Investigation, be and it hereby is instituted in Docket 21162 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the alteration, amendment, or modification of any air carrier certificates so as to authorize competitive nonstop service in the following markets:

Philadelphia-Cincinnati
Philadelphia-Columbus
Philadelphia-Dayton
Philadelphia-Indianapolis
Los Angeles-Cincinnati
Los Angeles-Columbus
Los Angeles-Dayton
Los Angeles-Indianapolis
Indianapolis-Pittsburgh
Indianapolis-Cleveland

2. Any authority awarded herein shall be without subsidy eligibility and shall be in the form of a separate segment;

3. Motions to consolidate, applications, and motions or petitions seeking modifications or reconsideration of this order shall be filed no later than 20 days after the service date of this order and answers to such pleadings shall be filed no later than 10 days thereafter;

4. This proceeding shall be set for hearing at a time and place to be hereafter designated; and

5. A copy of this order shall be served upon the State of California, State of Indiana, State of Ohio, State of Pennsylvania; the cities of Cincinnati, Cleveland, Columbus, Dayton, Indianapolis, Los Angeles, Philadelphia, and Pittsburgh; Air West, Inc., Airlift International, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8145; Filed, July 9, 1969; 8:51 a.m.]

[Docket No. 21169; Order 69-7-36]

TIME PAYMENT PLAN TARIFF

Order of Investigation

Revisions to the time payment plan tariff proposed by 11 U.S. carriers and one Canadian carrier.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of July 1969.

By tariff revisions[1] filed May 29, 1969, and marked to become effective July 1, 1969, 11 U.S. carriers[2] and one Canadian carrier[3] propose certain revisions in their deferred payment charges associated with their time payment plan. In addition, Eastern is proposing to become a participant in the tariff for the first time. The revised charges generally involve (a) an increase in minimum charges from $5 to $10; (b) an increase in interest charges from approximately 18 percent to 24 percent per annum for unpaid balances of $2,000 or less; and (c) a decrease in annual interest charges from approximately 18 percent to about 17 percent for unpaid balances of $3,000 to $5,000, with interest rates decreasing gradually for balances between $2,000 and $3,000.

No complaints have been filed.

Upon consideration of all relevant matters, the Board finds that the carriers' proposed increases in deferred payment charges related to the time payment plan may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated.

The carriers' proposal involves raising the deferred payment charges by amounts ranging between 33 percent and 100 percent of present charges. An increase in charges of this magnitude must be justified by an adequate showing that the current charges are not economic and that the proposed charges are not excessive in the light of costs and/or other factors. However, no explanation of the revised charges or statements supporting the proposed tariff revisions have been provided.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the charges and provisions described in Appendix A attached hereto,[4] including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such charges and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. This investigation be assigned for hearing before an examiner of the Board at a time and place to be hereafter designated; and

3. A copy of this order shall be served on Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Canadian Pacific Air Lines, Ltd., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Trans World Airlines, Inc., Western Air Lines, Inc., and Wien Consolidated Airlines, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8146; Filed, July 9, 1969; 8:51 a.m.]

[1] Allegheny has filed a Subpart M application, Docket 20085, requesting Philadelphia - Columbus/Dayton/Indianapolis nonstop authority. Allegheny's application is being dismissed by Order 69-7-33 issued contemporaneously herewith, so that the needs of the Philadelphia-Ohio/Indiana points markets may be considered in the single proceeding instituted herein focusing on first competitive east-west nonstop service for the Ohio/Indiana points. For the same reason, we are also dismissing by Order 69-7-34 issued contemporaneously herewith, American's Subpart N applications, Dockets 20892 and 20893, requesting Indianapolis-Los Angeles nonstop authority and Cincinnati-Los Angeles nonstop authority, respectively. United's application, Docket 20127, requesting, inter alia, Columbus Dayton-Los Angeles Philadelphia nonstop authority and Delta's application, Docket 18499, requesting, inter alia, Dayton/Indianapolis-Los Angeles nonstop authority are also being dismissed by Order 69-7-35 issued contemporaneously herewith, for the reasons set forth in that order.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 116.

[2] The U.S. carriers participating in this tariff are: Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Trans World Airlines, Inc., Western Air Lines, Inc., and Wien Consolidated Airlines, Inc.

[3] The one Canadian carrier participating in this tariff is Canadian Pacific Air Lines, Ltd.

[4] Filed as part of the original document.

[5] Concurring and dissenting statement of Vice Chairman Murphy and Member Minetti filed as part of the original document.

FEDERAL MARITIME COMMISSION

PACIFIC COAST EUROPEAN CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. David Lindstedt, Chairman, Pacific Coast European Conference, 417 Montgomery Street, San Francisco, Calif. 94104.

Agreement No. 5200-27 between the member lines of the Pacific Coast European Conference deletes from the basic agreement the present requirement for payment of $12,500 by a carrier seeking readmission to conference membership within a period of 3 years from the date of resignation or expulsion therefrom.

Dated: July 7, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8128; Filed, July 9, 1969; 8:49 a.m.]

PACIFIC WESTBOUND CONFERENCE ET AL.

Agreements Filed Pursuant to Commission Decision; Clarification

Notice is hereby given that in the notice of publication with respect to the subject agreements appearing in the FEDERAL REGISTER, Volume 34, No. 128, Friday, July 4, 1969, the caption appearing on page 11282 should read "Notice of Agreements Filed Pursuant to Commission Decision", and the line immediately preceding the name of counsel appearing on page 11283 should read "Notice of Agreements Filed By".

This notice of clarification is not intended to change the due date of comments which may be submitted with reference to the subject agreements.

Dated: July 8, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8196; Filed, July 9, 1969; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

JULY 2, 1969.

Pursuant to docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277), 49 CFR Part 170, following is a list of DOT Special Permits upon which Board action was completed during June 1969:

Special permit No.	Issued to—Subject	Mode or modes of transportation
AA208	ASM Enterprises, Incorporated, for the use of U-69 type cargo tanks in liquefied petroleum gas service.	Highway.
5935	Wacker Chemical Corporation, for the shipment of silicon chloride in a non-DOT specification reusable stainless steel cylindrical container of not over 5½ gallons capacity.	Water and highway.
5943	U.S. Atomic Energy Commission and the Department of Defense for the shipment of large quantities of nongamma radioactive material in the Sandia Corporation Model No. AL-S4 Shipping Container.	Cargo-only and passenger-carrying aircraft, highway, and rail.
5975	Shippers upon specific registration with this Board, for the shipment of special form fissile radioactive materials in the Schlumberger Well Services Model NLS-L or NLS-M Logging Tool, within a carrier shield and DOT-15A wooden box or equivalent.	Cargo-only and passenger-carrying aircraft, highway, and rail.
5981	Shippers upon specific registration with this Board, for the shipment of fissile radioactive materials in the NERVA Fuel Element Shipping Container.	Cargo-only aircraft, highway, and rail.
5982	Shippers upon specific registration with this Board, for the shipment of fissile radioactive materials in the TRIGA Fuel Element (unirradiated) Shipping Container.	Water, cargo-only, and passenger-carrying aircraft, highway, and rail.
5985	Nuclear Fuel Services, Inc., for the shipment of low specific activity radioactive material in sealed inner metal cans, overpacked in DOT-17C, 17H, or 37A 5-gallon packagings.	Water, highway and rail.
5989	Shippers upon specific registration with this Board, for the shipment of rubber buffings in DOT-44P plastic bags.	Highway and rail.
5993	Fresno Oxygen and Welding Suppliers, Inc., for the shipment of oxygen, argon, nitrogen, helium, compressed air, and mixtures thereof in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
5995	Chemetron Noury Corp., for the shipment of certain benzoyl peroxide pastes in a single-trip, open-head, molded polyethylene container without overpack.	Highway and rail.
5996	Power-Pak Products, Inc., for the shipment of a dry powder fire extinguisher incorporating a non-DOT specification seamless aluminum cylinder.	Water, highway, and rail.
5998	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials in the General Electric Corp., Model 400, 500, 900, 1000, 1100, or 1400 Shielded Container.	Water, cargo-only aircraft, highway, and rail.
6001	Shippers upon specific registration with this Board, for the shipment of fissile radioactive material in the modified DOT-6L Model AX-20036.	Highway.
6002	Shippers upon specific registration with this Board, for the shipment of fissile radioactive material in the Model S3W/84W New Subassembly Shipping Container.	Cargo-only aircraft, highway, and rail.
6003	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive material in the M-130 Standardized Spent Fuel Shipping Container.	Water, highway, and rail.
6006	Shippers upon specific registration with this Board, for the shipment of liquid cleaning compounds containing not more than 30 percent hydrofluoric acid, in DOT-37M/2SL cylindrical steel packagings.	Highway and rail.
6009	Stauffer Chemical Co., for the shipment of ethyl chlorothioliformate in DOT-51 portable tanks.	Water, highway, and rail.
6010	Lee S. Wolfe & Co., for the shipment of oxygen, nitrogen, argon, hydrogen, helium, and mixtures thereof in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
6011	Mitsubishi International Corp., for one shipment of special form fissile radioactive material in Mitsubishi Atomic Power Industries cylindrical steel packages.	Cargo-only aircraft.
6012	Shippers upon specific registration with this Board, for the shipment of type B quantities of special form radioactive materials in the French Model No. GN 150 (BZ 150B) Packaging.	Cargo-only aircraft and highway.
6013	Walter Kidde & Co., Inc., for the shipment of helium in a device consisting of a high pressure non-DOT specification welded cylinder.	Cargo-only aircraft, highway, and rail.
6014	Shippers upon specific registration with this Board, for the shipment of corrosive liquids (which must be identified to the Board), in non-DOT specification cylinders conforming with DOT-4B, 4BA, or 4BW except for DOT specification marking.	Highway and rail.
6015	Alabama Oxygen Co., Inc., for the shipment of oxygen, nitrogen, argon, helium, compressed air, and mixtures thereof in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
6016	Air Reduction Co., Inc., for the shipment of liquefied oxygen, nitrogen, or argon in modified Airco VE-500 and VE-800 cryogenic portable tanks.	Highway.
6017	Mason & Hanger-Silas Mason Co., for one shipment of bulk quantities of trinitrotoluene in special cylindrical tank-type devices.	Highway.
6018	Monsanto Co., for the shipment of anhydrous ammonia in proposed DOT Specification 120A300W tank car tanks.	Rail.
6019	Shippers upon specific registration with this Board, for the shipment of propylene, butadiene, and other compressed gases authorized in DOT-112A series tank car tanks, in DOT-112A400W tank car tanks which may be designed to E=1.0 under 49 CFR 179.100-6 and which may be constructed of AAR Specification M-128-B steel.	Rail.
6020	H.M.H. Corporation, for the shipment of a dichlorodifluoromethane powered fire alarm unit.	Highway and rail.

Special permit No.	Issued to—Subject	Mode or modes of transportation
6021	U.S. Atomic Energy Commission for the shipment of tritiated heavy water in DOT–5B or 42B drums overpacked in special outer containers.	Highway.
6034	Shippers upon specific registration with this Board, for the shipment of propylene oxide in DOT–105A200W tank car tanks which may be designed on the basis of E=1.0 under § 179.100–6, and which may be fabricated from ASTM A–515 Grade 70 steel.	Rail.

WILLIAM C. JENNINGS,
Chairman, Hazardous Materials Regulations Board.

[F.R. Doc. 69–8125; Filed, July 9, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3909]

BSF CO.

Order Suspending Trading

JULY 3, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 4, 1969, through July 13, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–8074; Filed, July 9, 1969; 8:45 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

JULY 3, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 4, 1969, through July 13, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–8075; Filed, July 9, 1969; 8:45 a.m.]

[812–2448]

DIKEWOOD FUND, INC.

Notice of and Order for Hearing on Application for Order of Exemption

JULY 3, 1969.

Notice is hereby given that the Dikewood Fund, Inc. ("Applicant"), 1009 Bradbury Drive SE., Albuquerque, N. Mex. 87106, an open-end, nondiversified management investment company registered under the Investment Company Act of 1940 (the "Act"), has applied pursuant to section 6(c) of the Act for an order exempting Applicant from Rule 22c–1 of the rules and regulations under the Act to the extent that said rule requires that shares of Applicant be priced for sale on the day orders for the purchase of such shares are received. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant presently offers its shares for sale only on the last trading day of each week on the New York Stock Exchange. The shares are valued on the basis of closing prices on that day. All orders received during the week are executed at these closing prices, but may be canceled or withdrawn by the investor at any time prior to execution.

As of December 31, 1968, applicant had 183 shareholders and net assets of approximately $353,000. From August 1968, when shares of Applicant were first offered to the public, to the end of 1968, 189 separate orders for the purchase of Applicant's shares were executed. This is an average of about 10 purchase orders per week. Applicant estimates that it costs approximately $75 for each calculation of net asset value.

Rule 22c–1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant assets that in views of its relatively small asset size and the limited number of transactions in its shares, the addition cost imposed by daily pricing of Applicant's shares would be an excessive financial burden.

Applicant represents that its pricing method, under which shares are prospectively valued, is consistent with the objective of Rule 22c–1 to prevent dilution in the value of shares and prevent short-term speculation resulting from sale of shares at a previously determined price, and would afford its shareholders the opportunity to shape the policies of their fund in the manner deemed best by them.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the fourth day of August 1969, at 10 a.m. l.t., in room 3010, New Federal Building, 500 Gold SW., Albuquerque, N. Mex. 87101. Any person, other than the Applicant, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 31st day of July 1969, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters are presented for consideration without prejudice to its specifying additional matters upon further examination:

Whether the exemption requested is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to the Applicant, and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–8076; Filed, July 9, 1969; 8:46 a.m.]

[812–2377]

FML GROWTH FUND, INC., AND FML FUNDS DISTRIBUTION CO.

Notice of Filing of Application for Order of Exemption

JULY 1, 1969.

Notice is hereby given that FML Growth Fund, Inc. ("FML Fund"), an open-end investment company, registered under the Investment Company Act of 1940 (the "Act") and FML Funds Distribution Co. ("FML Distribution"), Post Office Box 7318, Philadelphia, Pa. 19101, the distributor of the shares of FML Fund, have applied pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 22(d) of the Act to permit the sale of FML Fund shares, without the usual sales charge, to the officers, directors or full-time employees for a period of at least 90 days of the Fidelity Mutual Life Insurance Co. ("Fidelity"), the parent of FML Distribution and FML Funds Advisory Corp. ("FML Advisory"), the investment adviser to FML Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Shares of FML Fund are customarily sold with a maximum sales charge of 7½ percent of the public offering price. Officers, directors, and employees of FML Fund, FML Advisory, or FML Distribution, who have acted as such for at least 90 days, may purchase FML Fund shares at net asset value without a sales charge, provided the purchaser supplies written assurance that the purchase is made for investment purposes and that shares so acquired will not be resold except through regular redemption by FML Fund.

All persons engaged in activities on behalf of FML Advisory and FML Distribution are employees of Fidelity. The officers of FML Fund are also officers of Fidelity and FML Fund shares are presently marketed by properly registered agents of Fidelity.

The exemption would allow FML Fund to place Fidelity employees, directors, and officers in a position of equality with employees, directors, and officers of FML Fund; FML Advisory and FML Distribution in respect to purchases of FML Fund Shares, provided the Fidelity employees, directors, and officers also given written assurance that their purchase is made for investment purposes and that they will not be resold except through redemption or repurchase by or on behalf of the issuer. The price at which shares would be sold to such persons would be uniform and would be set forth in the prospectus of FML Fund.

FML Fund and FML Distribution contend that the exemption would aid Fidelity in improving its relationships with its employees and would give recognition to Fidelity's desire not to make a profit from its employees. It is also maintained that the exemption may be granted without detriment to the other shareholders of FML Fund or to the general public.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at a current offering price described in the prospectus. Section 6(c) permits the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 22, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–8077; Filed, July 9, 1969; 8:46 a.m.]

[812–2336]

HARTWELL & CAMPBELL FUND, INC., AND H & C SALES CO., INC.

Notice of Filing of Application for Order of Exemption

JULY 1, 1969.

Notice is hereby given that Hartwell & Campbell Fund, Inc. ("H & C Fund"), an open-end investment company, registered under the Investment Company Act of 1940 (the "Act") and its underwriter, H & C Sales Co., Inc. ("H & C Sales"), 245 Park Avenue, New York, N.Y., have applied pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 22(d) of the Act to permit the sale of H & C Fund shares, at net asset value but without the usual sales charge, to the persons who were already shareholders of H & C Fund on May 1, 1968, when its present schedule of sales charges was first imposed. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

From January 31, 1967, to April 30, 1968, shares of H & C Fund were sold at net asset value per share without any sales charge or commission. A sales charge of up to 8½ percent was put into effect on May 1, 1968, at which time H & C Fund had about 4,850 shareholders and net assets of $41,363,258.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at a current offering price described in the prospectus. Section 6(c) permits the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

H & C Fund and H & C Sales seek an exemption from section 22(d) to permit the sale of shares of H & C Fund without any sales load to any person who has continuously been a shareholder of H & C Fund since on, or before, April 30, 1968, provided that the purchase is made upon the written assurance of the purchasers that the purchase is made for investment purposes and that the shares

will not be resold except through redemption or repurchase by or on behalf of the issuer. The prospectus of H & C Fund will disclose such sales.

H & C Fund and H & C Sales represent that the shareholders who purchased shares of H & C Fund before a sales charge was imposed discovered H & C Fund on their own without the paid services of H & C Sales or any broker-dealer or salesman, and that if in the future they purchase additional shares, no substantial services will be rendered by H & C Sales or any broker-dealer or salesman which would justify the 8½ percent sales charge. Expenses entailed in making future sales to these shareholders will not be greater than those entailed in making the original sales for which no sales charge was collected. H & C Sales states that it does not wish to receive a sales charge on such sales because such charge would serve no useful purpose but would merely be an unearned commission constituting a windfall which it does not desire.

Notice is further given that any interested person may, not later than July 22, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by the statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon H & C Fund and H & C Sales at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8078; Filed, July 9, 1969; 8:46 a.m.]

INTERCONTINENTAL INDUSTRIES, INC.

Order Suspending Trading

JULY 3, 1969.

The common stock, $1 par value, of Intercontinental Industries, Inc. (a Nevada corporation), being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Intercontinental Industries, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 6, 1969, through July 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8079; Filed, July 9, 1969; 8:46 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

JULY 3, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Rajac Industries, Inc. (a New York corporation), is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 6, 1969, through July 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8080; Filed July 9, 1969; 8:46 a.m.]

TELSTAR, INC.

Order Suspending Trading

JULY 3, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 4, 1969, through July 13, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8081; Filed, July 9, 1969; 8:46 a.m.]

[812-2347]

TRANSAMERICA CAPITAL FUND, INC., AND TRANSAMERICA FUND SALES, INC.

Notice of Filing of Application for Order of Exemption

JULY 1, 1969.

Notice is hereby given that Transamerica Capital Fund, Inc. ("Transamerica Fund"), a Delaware corporation and an open-end investment company registered under the Investment Company Act of 1940 ("Act") and Transamerica Fund Sales, Inc. ("Transamerica Fund Sales"), Post Office Box 2438, Los Angeles, Calif. 90054, a Delaware corporation which distributes the shares of Transamerica Fund, have filed an application pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 22(d) of the Act to permit the shares of any registered investment company which is managed by Transamerica Fund Management Co. ("Transamerica Fund Management"), and which shares are distributed by Transamerica Fund Sales, to be sold without the usual sales charge to the approximately 22,621 persons who are related to Transamerica Corp., or one of its subsidiaries, as an officer, director, or full-time employee. Transamerica Fund and Transamerica Fund Sales are sometimes hereafter referred to as "Applicants." All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Shares of the registered investment companies will ordinarily be offered to the general public at a public offering price which is the net asset value per share at the time of purchase plus a maximum sales charge of 8 percent of the public offering price, reduced on a graduated scale for sales involving larger amounts.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at a current offering price described in the prospectus. Section 6(c) permits the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Transamerica Corp. is a company with over 100 subsidiary corporations engaged in various businesses. Both Transamerica Fund Management and Transamerica Fund Sales are subsidiaries of Transamerica Corp. Applicants seek an exemption from section 22(d) to permit the shares of any registered investment company that is managed by Transamerica Fund Management and whose shares are distributed by Transamerica Fund Sales, to be offered at net asset value to the officers, directors, and full-time employees, who have acted as such for not less than 90 days, of Transamerica Corp., its subsidiaries and affiliates; to any trust, pension, profit sharing, deferred compensation, stock purchase and savings, or other benefit plan for such persons; and to the Transamerica Corp., its subsidiaries and affiliates. Such sales will be made pursuant to a uniform offer described in the prospectus of the investment company involved and will be made only upon the written assurance of the purchaser that the purchase is made for investment purposes and that the securities will not be resold except through redemption or repurchase by or on behalf of the issuer.

Transamerica Fund Sales sells only through its own salesmen who are authorized to sell only the shares sold by Transamerica Sales. Almost every new investment is the result of direct personal contact on the part of one of the salesmen.

No sales expense will be incurred in the sales of shares for which exemption from the provisions of section 22(d) is sought. There will be no personal contact by a sales representative in connection with such sales. Announcement of the availability of shares of the mutual funds involved will be made in a house publication or on a bulletin board of the various subsidiaries and investments will ordinarily be made through a payroll deduction plan. Transamerica Fund Sales will not bear the expense of either the announcements or the payroll deduction plan.

Notice is further given that any interested person may, not later than July 22, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8082; Filed, July 9, 1969; 8:46 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

JULY 3, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 5, 1969, through July 14, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8083; Filed, July 9, 1969; 8:46 a.m.]

[70-4768]

UTAH POWER & LIGHT CO. AND WESTERN COLORADO POWER CO.

Notice of Proposed Mortgage Amendments Removing Limitations on Permissible Bond Indebtedness and of Proposed Solicitation of Proxies

JULY 3, 1969.

Notice is hereby given that Utah Power & Light Co. ("Utah"), 1407 West North Temple Street, Post Office Box 899, Salt Lake City, Utah 84101, a registered holding company and an electric utility company, and its wholly owned electric utility subsidiary company, The Western Colorado Power Co. ("Western"), 423 Main Street, Montrose, Colo. 81401, have filed a joint declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), proposing an amendment to Utah's Mortgage and Deed of Trust dated as of December 1, 1943, as supplemented, and a corresponding amendment to Western's indenture also dated as of December 1, 1943, as supplemented. Utah and Western have designated sections 6(a), 7, and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed amendments.

Utah's mortgage has a provision which fixes a ceiling of $250 million as the aggregate principal amount of permissible bond indebtedness which may be outstanding under the mortgage at any one time. Utah now has outstanding under its mortgage an aggregate of $186 million principal amount of bonds and believes that within a period of 3 years its construction expenditures will be such as to require bond financing which will approach, if not exceed, this mortgage limitation. Utah proposes to amend its mortgage to remove this restrictive provision. The mortgage has other provisions limiting the issue of new bonds none of which will be altered. Western's common stock and a note held by Utah are pledged by the parent company as collateral under its mortgage. Western's indenture contains a provision which corresponds in substance to the provision of Utah's mortgage described above. It limits to $250 million the amount of obligations for which Western's indenture can be collateral security. If Utah's mortgage is amended as proposed, Western proposes to amend its indenture thereby removing the debt ceiling limitation.

The proposed amendment of Utah's mortgage requires the affirmative vote of the holders of 70 percent in principal amount of Utah's outstanding bonds at a meeting called for that purpose. To effect this vote Utah proposes to call a meeting of its bondholders to be held on or about November 7, 1969. Utah proposes to solicit proxies from its bondholders through the use of solicitation material which will state in full the proposed modification of the mortgage and the reasons therefor. It is stated that proxies may be solicited by directors, officers, and regular employees of Utah and by Halsey, Stuart & Co., Inc., retained to advise Utah in connection with the bondholders' meeting and the proposed amendments and to assist in obtaining proxies for the amendment.

Fees and expenses in connection with the proposed amendments are estimated at $53,000, including trustees fee of $10,000, legal fees of $10,000 and financial adviser's fee of $20,000.

It is stated that the Idaho Public Utilities Commission, the Public Service Commission of Wyoming, and the Public Utilities Commission of Colorado have jurisdiction over the proposed amendments. Copies of the orders of the Idaho and Wyoming Commissions approving the amendment to Utah's mortgage and a copy of the order of the Colorado Commission approving the amendment to Western's indenture will be filed by amendment. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 31, 1969, request in writing that a hearing

be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8084; Filed, July 9, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 447]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 7, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, and application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior-filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File number, applicant, call sign, and nature of application

7963-C2-P-69—P. L. Woodbury, doing business as Mobilfone of Kansas (New), C.P. for a new 2-way station to be located at 1.2 miles north of St. Marys, Kans., to operate on base frequency 152.18 MHz.

7964-C2-P-69—Brandenburg Telephone Co. (KIY459), C.P. to replace transmitter operating on base frequency 152.81 MHz off U.S. Highway No. 60, approximately 1 mile southeast of Guston, Ky.

7965-C2-P-69—Services Unlimited, Inc. (KIY449), C.P. for additional base channel to be located at a new site described as location No. 4: Robert E. Lee Hotel, corner Fifth and Cherry Streets, Winston-Salem, N.C., to operate on frequency 152.15 MHz.

7966-C2-P-(4)-69—Northwestern Bell Telephone Co. (KAA817), C.P. for additional base channels to operate on frequencies 152.69, 152.78, 152.60, 152.54 MHz. Also add auxiliary test frequencies 157.95, 157.86, 157.80, 158.04 MHz at 224 South Fifth Street, Minneapolis, Minn.

7968-C2-P-69—Otis L. Hale, doing business as Mobilfone Communications (KLB500), C.P. for additional base channel to be located at a new site described as location No. 4: 30th and Maple Streets, Little Rock, Ark., to operate on frequency 152.03 MHz.

7969-C2-P-69—Alco Telephone Answer-Ring Service of Greenville, Miss., Inc. (KFL932), C.P. to replace transmitter operating on base frequency 152.03 MHz at 719 Washington Avenue, Greenville, Miss.

7970-C2-P-69—Commonwealth Telephone Co. of Virginia (KIY597), C.P. to replace transmitter operating on base frequency 152.66 MHz at approximately 250 feet opposite point when county road No. 642 joins State route No. 234, Manassas, Va. Also correct coordinates to read: latitude 38°39'31" N., longitude 77°26'30" W.

7971-C2-P-(4)-69—Michigan Bell Telephone Co. (KQA767), C.P. for additional base channels to operate on frequencies 454.375, 454.475, 454.550, 454.625 MHz at location No. 6: 25189 Lahser Road, Southfield, Mich.

8037-C2-AL-69—William A Houser (KSD313), Consent to assignment of license from: William A. Houser, Assignor, to: Joliet Telephone Answering Service, Inc., Assignee.

8038-C2-P-69—Southwestern Bell Telephone Co. (KAA698), C.P. to change antenna system operating on base frequency 152.63 MHz at 0.75 mile southwest of Kingdom City, Mo.

01-C2-P-70—Henry M. Zachs, doing business as Massachusetts-Connecticut Mobile Telephone Co. (New), C.P. for a new 1-way station to be located at 750 Main Street, Hartford, Conn., to operate on base frequency 158.70 MHz.

02-C2-P-70—Electronics Unlimited Corp. (New), C.P. for new 1-way station to be located at Signal Hill, St. Thomas, V.I., to operate on base frequency 158.70 MHz.

03-C2-P-70—Electronics Unlimited Corp. (WWA336), C.P. to relocate control facilities at location No. 1: Long Bay No. 1, Sugar Estate, Charlotte Amalie, V.I., operating on frequencies 158.52, 158.64 MHz. Also change antenna system and replace transmitter for base frequencies 152.06, 152.18 MHz at location No. 2: Signal Hill, St. Thomas, V.I.

04-C2-P-(2)-70—Rochester Telephone Corp. (KEK284), C.P. to change antenna system operating on base frequencies 152.54, 152.60 MHz at 95 North Fitzhugh Street, Rochester, N.Y.

05-C2-P-(2)-70—O. L. Hale, doing business as Mobilfone Communications (KLB500), C.P. for additional base channels to be located at a new site described as location No. 4: 30th and Maple Streets, Little Rock, Ark., to operate on frequencies 454.20, 454.30 MHz.

06-C2-P-70—Guy P. McSweeney, doing business as Radio Telephone Service (KJU819), C.P. to change antenna system operating on base frequency 152.09 MHz located at 0.2 mile west of Catlettsburg, Ky.

Major Amendment

5066-C2-P-69—Credit Bureau of Decatur, Inc. (New), amend to read: C.P. to operate on frequency 158.70 MHz. All other particulars remain the same as reported on public notice dated March 10, 1969, Report No. 430.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

7972-C1-P-69—Pacific Northwest Bell Telephone Co. (KTF28), C.P. to add 2128 MHz directed toward Quinault, Wash., via passive reflector at its station Saddle Hill, 2.6 miles east of Ocean City, Wash.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

7973-C1-P-69—Pacific Northwest Bell Telephone Co. (New), C.P. for a new fixed station. Frequency: 2178 MHz. Location: 1 mile southwest of Quinault, Wash.

8021-C1-AL-69, 8022-C1-AL-69—Southern Bell Telephone & Telegraph Co. (KRT55) (KRT54), Consent to assignment of licenses from Southern Bell Telephone & Telegraph Co., Assignor, to: General Telephone Co. of Florida, Assignee. (Knights & Tampa, Fla.)

8023-C1-AP/AL-69, 8024-C1-AP/AL-69—American Telephone & Telegraph Co. (KJD20) (KJJ91), Consent to assignment of permits and licenses from American Telephone & Telegraph Co., Assignor, to: General Telephone Co. of Florida, Assignee. (Knights & Tampa, Fla.)

8039-C1-P/L-69—The Chesapeake & Potomac Telephone Co. (New), C.P. and license for a new station. Frequency: 5962.5 MHz. Location: 2400 Sixth Street NW. Administration Bldg., Howard University, Washington, D.C.

8040-C1-P/L-69—The Chesapeake & Potomac Telephone Co. (New), C.P. and license for a new station. Frequencies: 6330.7 and 10,995 MHz. Location: 725 13th Street NW., Washington, D.C.

7-C1-P-70—Illinois Bell Telephone Co. (KIL65), C.P. to add 6271.4 and 11,155 MHz directed toward Woodstock at its station Silver Lake, 1.3 miles northwest of Oakwood Hills, Ill.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

8050-C1-P-69—Mountain Microwave Corp. (KBI22), C.P. to power split 6145.0 MHz on azimuth 103°36' toward Eads, Colo. Station location is Almagre Mountain, 8 miles west of Broadmoor, Colo., at latitude 38°47'29" N., longitude 104°59'34" W.

8051-C1-MP-69—Mountain Microwave Corp. (KZI39), Modification of C.P. to change location of Dodge City, Kans., receiving site to latitude 37°46'40" N., longitude 100°03'41" W., and change azimuth to 99°25'. Frequencies 6256.5 and 6315.9 MHz. (Informative: Applicant is making changes in a previously authorized system.)

Major Amendments

3387-C1-P-69—Interdata Communications, Inc. (New), Change point of communication from Baltimore to Towson, Md., and change azimuth to 40°55'.

3388-C1-P-69—Interdata Communications, Inc. (New), Change location of station to northwest corner of Joppa Road and Fairmont Avenue, Towson, Md., at latitude 89°24'08" N., longitude 76°35'50" W. Change azimuth to: 204°54' and 70°54' toward Jessup and Perryman, Md., respectively.

3387-C1-P-69—Interdata Communications, Inc. (New), Change point of communication from Baltimore to Towson, Md., and change azimuth to 250°54'. (All other particulars same as reported in public notice dated Dec. 16, 1968.)

LOCAL TELEVISION TRANSMISSION SERVICE

7967-C1-P/L-69—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new mobile TV-pickup station. Frequency bands: 6425–6525 and 11,700–12,200 MHz. To operate at any temporary location in the State of Arizona.

Major Amendments

1517-C1-P-68—Mountain Microwave Corp. (New), Application amended to replace equipment and change frequency 6887.5 MHz to 6212.0 MHz toward Diamond Lake, S. Dak., on azimuth of 303°13'. Transmitter location: Sioux Falls, 1 mile east of Rowena, S. Dak.

1518-C1-P-68—Mountain Microwave Corp. (New), Application amended to (a) replace equipment and delete Lake Henry, S. Dak., as a point of communication; and (b) add frequency 5960.0 MHz toward new point of communication at DeSmet, S. Dak. (latitude 44°26'29" N., longitude 97°37'10" W.), on azimuth of 333°03'. Transmitter location: Diamond Lake, 8 miles north of Montrose, S. Dak.

1519-C1-P-68—Mountain Microwave Corp. (New), Application amended to (a) replace equipment and change station location from Lake Henry to DeSmet, S. Dak.; and (b) change frequency 6887.5 MHz to 6212.0 MHz toward Garden City and Huron, S. Dak., on azimuths of 03°25' and 256°33', respectively. Transmitter location: 5 miles northwest of DeSmet, S. Dak.

1520-C1-P-68—Mountain Microwave Corp. (New), Application amended to (a) replace equipment and change station location from 2 miles southwest of Huron to 1.2 miles southwest of Huron, S. Dak. (latitude 44°20'05" N., longitude 98°14'00" W.); and (b) change frequency 6937.5 MHz to 6019.0 MHz toward Spring Lake, S. Dak., on azimuth 267°28'. Transmitter location: 1.2 miles southwest of Huron, S. Dak.

1521-C1-P-68—Mountain Microwave Corp. (New), Application amended to replace equipment and change frequency 6887.5 MHz to 6241.0 MHz toward Medicine Butte, S. Dak., on azimuth of 229°05'. Transmitter location: Spring Lake, 9.5 miles west-northwest of Danforth, S. Dak. Other particulars are same as reported in public notice dated Oct. 9, 1967.

[F.R. Doc. 69-8132; Filed, July 9, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-841, etc.]

TEXACO, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 30, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-841	Texaco, Inc., Post Office Box 3109, Midland, Tex. 79701.	9	25	Northern Natural Gas Co. (West Panhandle Field, Carson County, Tex.) (RR. District No. 10).	$38	6- 4-69	[3] 7- 5-69	12- 5-69	13.2668	[3] [4] 13.3068	RI68-694.
RI69-842	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	301	[1] 8	Panhandle Eastern Pipe Line Co. (Guymon Hugoton (Deep) Field, Texas County, Okla.) (Panhandle Area).	605	6- 4-69	[3] 7- 5-69	12- 5-69	[5] 17.0	[3] [6] 17.6	
	do	404	[1] 6	Natural Gas Pipeline Company of America (Northeast Custer City Field, Custer County, Okla.) (Oklahoma "Other" Area.)	504	6- 4-69	[3] 7- 5-69	12- 5-69	[7] 15.0	[4] [8] [9] 17.0	
RI69-843	Mobil Oil Corp. (Operator).	434	[10] 5	Panhandle Eastern Pipe Line Co. (Putnam Field, Dewey County, Okla.) (Oklahoma "Other" Area).	7,063	6- 4-69	[3] 7- 5-69	12- 5-69	[9] [11] 16.35	[4] [8] [9] [12] 18.53	
RI69-844	Kewanee Oil Co., Post Office Box 2539, Tulsa, Okla. 74101.	1	3	Panhandle Eastern Pipe Line Co. (Nichols Field, Kiowa County, Kans.).	1,470	[13] 5-29-69	[3] 7- 1-69	12- 1-69	14.0	[4] [8] 16.0	
RI69-845	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, Kans. 67202.	30	6	Panhandle Eastern Pipe Line Co. (West Valley Center Field, Dewey County, Okla.) (Oklahoma "Other" Area).	10,566	6- 9-69	[3] 7-10-69	12-10-69	[9] 17.015	[4] [8] [9] 18.015	RI68-608.
RI69-846	Cabot Corporation (SW) Post Office Box 1101, Pampa, Tex. 79065.	75	2	Panhandle Eastern Pipe Line Co. (Camrick Field, Texas County, Okla.) (Panhandle Area).	350	6- 9-69	[3] 8- 1-69	1- 1-70	17.0	[4] [8] 18.0	
RI69-847	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	462	1	Michigan Wisconsin Pipe Line Co. (Northwest Mendota Field, Roberts and Hemphill Counties, Tex.) (RR. District No. 10).	31,500	6- 9-69	[3] 8- 9-69	1- 9-70	[9] 17.850	[4] [8] [9] 18.900	
RI69-848	Northern Natural Gas Producing Co. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	2	[10] 108	Northern Natural Gas Co. (Hugoton Field, Stevens et al., Counties, Kans.).	4,680	6-11-69	[3] 7-12-69	12-12-69	[8] 16.0	[4] [8] [9] 17.0	R168-442.
RI69-849	Mobil Oil Corp. et al., Post Office Box 1774, Houston, Tex. 77001.	282	[10] 12	Northern Natural Gas Co. (Hugoton Field, Stevens County, Kans.).	9,720	6-11-69	[3] 7-12-69	12-12-69	[8] 16.0	[4] [8] [9] 17.0	R168-124.
RI69-850	W. M. Gallaway et al., Post Office Box 630, Farmington, N. Mex. 87401.	2	[10] 4	El Paso Natural Gas Co. (Ignacio Blanco Field, LaPlatta County, Colo.).	12,600	[10] 5-15-69	[3] 7-17-69	12-17-69	13.0	[4] [8] 14.0	
RI69-851	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	308	6	El Paso Natural Gas Co. (Yucca Butte and Cobblestone Areas, Pecos and Terrell Counties, Tex.) (RR. District Nos. 7-C and 8) (Permian Basin Area).	4,806	6- 6-69	[3] 8- 1-69	1- 1-70	16.72	[4] [8] 17.7363	
	do	386	4	El Paso Natural Gas Co. (Cooper Jal Field, Lea County, N. Mex.).	[(15)]	6- 6-69	[3] 8- 1-69	1- 1-70	[14] [15] 16.8882	[4] [8] [14] 17.9117	
RI69-852	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	241	1	Natural Gas Pipeline Co. of America (Crittendon Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	1,589	6-11-69	[3] 7-12-69	12-12-69	16.8567	[4] [8] 18.88	
RI69-853	Shell Oil Co. (Operator) et al., 50 West 50th St., New York, N.Y. 10020.	260	2	United Gas Pipe Line Co. (Little Creek Field, Lincoln and Pike Counties, Miss.).	365	6-12-69	[3] 7-13-69	12-13-69	[8] 19.0	[4] [8] [9] 20.0	R164-791.
RI69-854	Sue Trammell Whitfield and W. B. Trammell, Jr., c/o Vinson, Elkins, Sears & Connally, First City National Bank Bldg., Houston, Tex. 77002.	1	3	Natural Gas Pipeline Co. of America (Old Ocean Field, Brazoria and Matagorda Counties, Tex.) (RR. District No. 3).	342	6- 5-69	[3] 7- 6-69	12- 6-69	14.0	[4] [8] [9] 16.37668	

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] Redetermined rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Applicable only to wellhead sales of gas from acreage added by Supplement No. 6.
[5] The stated effective date is the effective date requested by respondent.
[6] "Fractured" rate increase. Contractually due 19.5 cents per Mcf.
[7] Subject to a downward B.t.u. adjustment.
[8] Applicable to acreage added by Supplement Nos. 2 and 3.
[9] Filing from certificated rate to initial contract rate.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Applicable to acreage added by Supplement No. 3.
[12] Includes base rate of 15 cents plus 1.35 cents upward B.t.u. adjustment (1000 B.t.u. gas) before increase and base rate of 17 cents plus 1.53 cents upward B.t.u. adjustment after increase.
[13] Filing completed by letter dated June 5, 1969, submitted on June 6, 1969.
[14] Two-step periodic rate increase.
[15] Periodic rate increase.
[16] Rate includes 0.015 cent tax reimbursement and is subject to upward and downward B.t.u. adjustment. B.t.u. content ranges from 1,166 to 1,172 for the Units involved.
[17] "Fractured" rate increase. Contractually due 19 cents base rate.
[18] Includes base rate of 17 cents plus 0.850 cent upward B.t.u. adjustment (1050 B.t.u. gas) before increase and base rate of 18 cents plus 0.90 cent upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[19] Applicable only to production from below Top of the Morrow Sand.
[20] Applies to acreage added by Supplement Nos. 1 and 2.
[21] Additional material filed May 16, 1969, requesting the date the certificate is issued for the acreage added by Supplement Nos. 1 and 2. Order issued June 16, 1969.
[22] No deliveries being made.
[23] Includes partial reimbursement for the full 2.55-percent New Mexico Emergency School Tax.
[24] Initial rate conditioned by temporary certificate issued in Docket No. CI66-606 to include Humble's possible refunding of that part of the New Mexico Emergency School Tax in excess of 0.55 percent which is being protested by the buyer.
[25] Increase from applicable area ceiling rate to contract rate.
[26] Pressure base is 15.025 p.s.i.a.
[27] "Fractured" rate increase to contractually due rate.
[28] Contractually provided for rate.

Mobil Oil Corp. (Operator), requests that its proposed rate increase be permitted to become effective as of June 11, 1969, and Mobil Oil Corp., et al., request an effective date of July 1, 1969. Northern Natural Gas Producing Co. (Operator), et al., also request an effective date of July 1, 1969 for their proposed rate increase. W. M. Gallaway, et al., request that their rate increase be permitted to become effective as of June 16, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Mobil Oil Corp., and Mobil Oil Corp. (Operator) (both referred to herein as Mobil), request that should the Commission suspend their proposed rate increases that the suspension periods with respect thereto be shortened to 1 day. Good cause has not been shown for granting Mobil's request for limiting to 1 day the suspension periods with respect to Mobil's rate filings and such request is denied.

Supplement No. 4 to Humble Oil & Refining Co. (Humble), FPC Gas Rate Schedule No. 386 reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased on April 1, 1963. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increase in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein shall concern itself with the contractual basis for the rate filing, as well as the statutory lawfulness of Humble's proposed increased rate and charge.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56), with the exception of the rate increases filed by Humble and Sun Oil Co. in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69–8002; Filed, July 9, 1969; 8:45 a.m.]

[Docket No. R169–858, etc.]

UNION OIL CO. OF CALIFORNIA ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 30, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 20, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-858	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017. Attention: Mr. C. E. Smith.	197	[1] 1	Transcontinental Gas Pipe Line Corp. (Block 274 Field, Ship Shoal Area) (Offshore Louisiana).	$108,000	6- 4-69	[3] 7- 5-69	[4] 7- 6-69	[5] [6] 18.5	[4] [6] 20.0	
	do	192	[11] 1	Transcontinental Gas Pipe Line Corp. (Block 89 Field, East Cameron Area) (Offshore Louisiana).	135,000	6- 4-69	[3] 7- 5-69	[4] 7- 6-69	[5] [12] 18.5	[4] [6] 20.0	
RI69-859	Texas Gas Exploration Corp., First City National Bank Bldg., Houston, Tex. 77052.	26	[14] 1	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Block 180 Field, West Cameron Area) (Offshore Louisiana).	9,000	6- 5-69	[3] 7- 6-69	[4] 7- 7-69	[5] [15] 18.5	[4] [6] 20.0	
RI69-860	The Preston Oil Co., Post Office Box 1350, Houston, Tex. 77001. Attention: Mr. Howard B. Noyes.	36	[13] 1	do	1,807	6-11-69	[3] 7-12-69	[4] 7-13-69	[5] [16] 18.5	[4] [6] 20.0	

[3] Contract dated Feb. 27, 1969.
[4] The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.
[5] The suspension period is limited to 1 day.
[6] Rate increase filed pursuant to paragraph (A) of Opinion No. 546–A issued Mar. 20, 1969.
[7] Pressure base is 14.65 p.s.i.a.
[8] Area base rate for gas-well gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.
[9] Initial rate as conditioned by temporary certificate issued June 2, 1969, in Docket No. C169–979.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Contract dated Dec. 2, 1968.
[12] Initial rate as conditioned by temporary certificate issued Feb. 14, 1969, in Docket No. C169–563.
[13] Initial rate as conditioned by temporary certificate issued June 2, 1969, in Docket No. C169–979.
[14] Contract dated Apr. 10, 1969.
[15] Contract dated Apr. 11, 1969.
[16] Initial rate as conditioned by temporary certificate issued June 2, 1969, in Docket No. C169–967.

These four proposed rate increases, from 18.5 cents to 20.0 cents per Mcf (subject to upward and downward B.t.u. adjustment), involve sales of third vintage gas well gas in Offshore Louisiana and were filed pursuant to Ordering Paragraph (A) of Opinion No. 546–A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20-cent base rate established in Opinion No. 546 for onshore gas well gas. The producers involved herein were issued conditioned temporary certificates in dockets as set forth below authorizing the collection of the third vintage prices established in Opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casinghead gas subject to quality adjustment).[1] Deliveries of gas have not as yet commenced thereunder.

We conclude that these producers' proposed rate increases should be suspended for 1 day from the date shown in the "Effective date column" on appendix "A" hereof, or for 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Act pending the outcome of the area rate proceeding in docket No. AR69–1.

[F.R. Doc. 69–8003; Filed, July 9, 1969; 8:45 a.m.]

[Docket No. CP69–354]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

JULY 3, 1969.

Take notice that on June 30, 1969, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in docket No. CP69–354 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity requesting authorization to provide the Connecticut Gas Co. (Connecticut Gas), an existing customer of Applicant, with a new delivery point to an unserved portion of its authorized service territory, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant states Connecticut Gas can provide service to a new plant being built by Uniroyal, Inc., in Oxford, Conn., part of their existing service territory, at substantially less cost, by having a new delivery point from Applicant, than the estimated cost of extending its distribution system to Oxford.

Estimated cost of facilities is $7,696, which will be financed out of cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69–8102; Filed, July 9, 1969; 8:47 a.m.]

[Docket No. E–7492]

ARIZONA PUBLIC SERVICE CO.

Notice of Application

JULY 2, 1969.

Take notice that on June 25, 1969, Arizona Public Service Co. (Applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing the sale and disposition by it of certain undivided interests in certain 230-KV switchyard facilities located at the so-called Four Corners Generating Station located in northwestern New Mexico.

Applicant is incorporated under the laws of the State of Arizona, with its principal place of business in Phoenix, Ariz., and it is engaged in the electric utility business in 10 counties in the State of Arizona.

The Applicant proposes to sell undivided interests in the switchyard facilities to Salt River Project Agricultural Improvement and Power District (Salt River) and to Public Service Co. of New Mexico (PSNM). It is proposed that upon completion of the transaction, Applicant will retain 57.5 percent of the capacity of the switchyard, PSNM will own 12.5 percent and Salt River 30 percent of the capacity of the switchyard. Under an agreement between the three parties, the Applicant will sell to the other two parties undivided interests in the percentages above set out. In consideration thereof, the two parties will pay the Applicant a total of $109,084 of which amount Salt River will pay $77,000 and PSNM will pay $32,084.

The facilities now serve as a path for the transferral of electric power and energy for Applicant between its 230-KV switchyard at Four Corners and its two 345-KV transmission lines. After the sale of the undivided interests in the switchyard facilities, they will then be used to serve as a path for the transferral of electric power and energy for Applicant, PSNM and Salt River between the 230-KV and the 345-KV switchyards.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69–8110; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69–351]

CARNEGIE NATURAL GAS CO.

Notice of Application

JULY 3, 1969.

Take notice that on June 27, 1969, Carnegie Natural Gas Co. (Applicant), 3904 Main Street, Munhall, Pa. 15120, filed in docket No. CP69–351 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon points of connection and appurtenant transportation facilities in Allegheny and Greene Counties, Pa., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to terminate service at the following connections:

(1) A connection with Equitable Gas Co. located in West Mifflin Borough, Allegheny County.

(2) A connection with Columbia Gas of Pennsylvania, Inc., located in Springhill Township, Greene County, Pa.

Applicant states that an alternate connection with Equitable Gas Co. is available less than 5 miles distant in Washington County, Pa.; and that its customer for transportation service in Greene County, Pa., has terminated its contract to purchase gas at this connection.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69–8103; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69–352]

CITIES SERVICE GAS CO.

Notice of Application

JULY 2, 1969.

Take notice that on June 27, 1969, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP69–352 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to install and operate measuring and regulating equipment and the sale of natural gas to the North Key Gas Co., Inc., for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to tap its existing Drumright to Tallant 16-inch and 18-inch transmission line in Osage County, install measuring, regulating and appurtenant facilities, and sell and deliver natural gas to the North Key Gas Co., Inc. for resale and distribution in the community of Pine, Okla., in Osage County.

The total estimated cost of the proposed facilities is $6,440, which will be paid from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69–8108; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. E–7493]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

JULY 2, 1969.

Take notice that on June 26, 1969, Community Public Service Co. (Applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing the purchase from Otero County Electric Cooperative, Inc., and merger into Applicant's existing system of certain electric facilities in Lincoln and Otero counties in N. Mex. Applicant seeks, alternatively, an order disclaiming the jurisdiction of the Federal Power Commission over the proposed purchase and merger of the said electric facilities.

Applicant is incorporated in the State of Texas with its principal business office in Fort Worth, Tex. Applicant also conducts business in the State of New Mexico, its principal New Mexico business office being at Silver City, N. Mex.

The facilities to be purchased consist of approximately 34 miles of electric distribution circuits of 14.4-kv and lower voltages together with transformers, services, poles, meters, easements, permits, and other appurtenances located in part within and in part outside of the municipal limits of the villages of Ruidoso and Ruidoso Downs, in Lincoln County, and in Tularosa and the city of Alamogordo, in Otero County, N. Mex. The total purchase price of the facilities is $245,000 plus adjustments for additions made prior to the closing date of the contract.

After the acquisition the facilities will continue to be used to provide the same service now provided. Most of the consumers to be transferred will receive an immediate reduction in the rates paid for electric service.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69–8112; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. E–7494]

IOWA POWER AND LIGHT CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Application

JULY 2, 1969.

Take notice that on June 27, 1969, Iowa Power and Light Co., 823 Walnut Street, Des Moines, Iowa 50303, and Iowa-Illinois Gas and Electric Co., 206 East Second Street, Davenport, Iowa 52801 (Applicant), filed an application pursuant to section 203 of the Federal Power Act (16 U.S.C. sec. 824(b)), seeking authority to consummate a Plan of Consolidation pursuant to which Applicants will be consolidated into a new corporation, Iowa Energy Co., and the outstanding common and preferred stock of Applicants converted into shares of Iowa Energy Co.

Under the Plan of Consolidation, preferred stockholders of each company will receive preferred stock of the new company, reflecting rights and privileges substantially similar to those of the

[1] Dockets Nos. CI68–1027 and CI69–563, Union Oil Co. of California; docket No. CI69–979, Texas Gas Exploration Corp.; docket No. CI69–967, The Preston Oil Co.

outstanding preferred stock of the constituent companies; common stockholders of Iowa-Illinois will receive common stock of the new company on a share-for-share basis; and common stockholders of Iowa Power will receive 1.15 shares of the common stock of Iowa Power.

Iowa Energy Co. will assume all rights and liabilities of Applicants, including all gas and electric utility facilities, contracts (including contracts for the purchase, sale or interchange of electric energy), and franchises, and will continue to conduct all of the business now conducted by Applicants. Applicant, Iowa Power and Light Co., an Iowa corporation, is presently engaged in the business of supplying electric and gas service in the Central and Southwestern sections of Iowa, including Des Moines, Iowa, and Council Bluffs, Iowa. Applicant, Iowa-Illinois Gas and Electric Co., an Illinois corporation, is presently engaged in the business of supplying electric and gas service in the Central and Eastern sections of Iowa and the Western section of Illinois, including the Quad-Cities (Rock Island, Moline, and East Moline, Ill., and Davenport, Iowa), and Fort Dodge, Iowa City, Cedar Rapids, and Ottumwa, Iowa.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8109; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69-356]

MIDWEST NATURAL GAS CO. AND MONTANA-DAKOTA UTILITIES CO.

Notice of Application

JULY 3, 1969.

Take notice that on June 30, 1969, Midwest Natural Gas Co. (Applicant) 600 Denver Club Building, Denver, Colo. 80202, filed in docket No. CP69-356 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Montana-Dakota Utilities Co. (Respondent) to establish physical connection of its transportation facilities with Applicant's proposed facilities, and to sell and deliver to Applicant the volumes of natural gas required for initiation of gas service in 20 communities situated in North Dakota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the pipeline and transmission facilities of Respondent provides the most feasible and economical source of supply of natural gas for the 20 communities Applicant proposes to serve. Applicant further states such sales and deliveries as may be required will not impair Respondent's ability to render adequate service to its existing customers or subject it to any undue burden.

Estimated cost of the proposed facilities is $11,610,000, which will be financed by the issuance of common stock and convertible debentures.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 1, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8101; Filed, July 9, 1969; 8:47 a.m.]

[Docket No. RP70-1]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

JULY 3, 1969.

Take notice that Mississippi River Transmission Corp. (Mississippi) on July 1, 1969, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, to become effective on August 1, 1969. The proposed rate changes would increase charges for jurisdictional sales by $8,117,059 annually, based on volumes for the 12-month period ended March 31, 1969, as adjusted. The proposed increase would be applicable to Mississippi's Rate Schedules CD-1 and PI-1. Mississippi also proposes to revise Rate Schedule PI-1 to make it available on a continuing basis in lieu of its present availability which is limited to the period November 1, 1968 through October 31, 1969, and proposes various minor modifications to its Rate Schedules CD-1 and PI-1.

Mississippi states the principal reasons for the proposed rate increases are: increases in the cost of purchased gas, increased operating costs and taxes and increased financing costs. The proposed increased rates reflect a rate of return of 9 percent.

Copies of the filing were served on Mississippi's customers and interested State Commissions.

Any persons desiring to be heard or to make any protest with reference to said application should on or before July 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8104; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69-353]

MISSISSIPPI VALLEY GAS CO. AND TENNESSEE GAS PIPELINE CO.

Notice of Application

JULY 2, 1969.

Take notice that on June 27, 1969, Mississippi Valley Gas Co. (Applicant), Post Office Box 3348, Jackson, Miss. 39207, filed in docket No. CP69-353 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Tennessee Gas Pipe Line Co. to establish physical connection of its transmission facilities with the proposed facility of Holcomb, Miss., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a distribution system in Holcomb, Miss. The total estimated cost of the proposed facility is $47,445, which will be financed from funds on hand.

Applicant estimates peak day and annual gas requirements as follows:

Year	Maximum daily (Mcf)	Annual quantity (Mcf)
1	133	13,290
2	145	15,130
3	160	17,340

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8111; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69-350]

SABINE PIPE LINE CO.

Notice of Application

JULY 3, 1969.

Take notice that on June 26, 1969, Sabine Pipe Line Co. (Applicant), 1111 Rusk Avenue, Houston, Tex. 77002, filed in docket No. CP69-350 a "budget-type" application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder authorizing rearrangement of Applicant's existing transportation facilities in Jefferson County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to make rearrangements in those facilities used to transport gas to the Texaco, Inc. plant in Port Arthur, in order to be in a position to promptly satisfy any requests for rearrangements which might be made by Texaco, Inc. Applicant proposes to expend not more than $10,000 during the 12-month period, and states that no material change will result in the service presently rendered by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8105; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69-222 (Phase II)]

TENNESSEE GAS PIPELINE CO.

Order Setting Dates for Filing of Testimony and for Formal Hearing

JUNE 13, 1969.

By our order of June 10, 1969, Tennessee Gas Pipeline Co. (Tennessee), a division of Tenneco, Inc., was authorized, in what has been designated as Phase I, to construct and operate the facilities requested in its application in docket No. CP69-222. Additionally, we indicated that the issue raised by certain interveners as to the propriety of Tennessee's proposed manner of allocation of additional service to its customers would be resolved in the Phase II part of the proceeding. We shall here set a date for the filing of testimony and for the commencement of formal hearings in Phase II.

The Commission orders:

(A) The applicant will serve its direct prepared testimony on all parties of record, including the staff and the office of Hearing Examiners in a manner consistent with our rules on or before July 11, 1969.

(B) Pursuant to the authority conferred on the Federal Power Commission by the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on July 21, 1969, at 10 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the matters reserved for resolution in Phase II. Cross-examination of the testimony served pursuant to (A) above will commence at that time.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8106; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. RP69-41]

TEXAS GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

JULY 3, 1969.

Take notice that Texas Gas Transmission Corp. (Texas Gas) on June 27, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, and Original Volume No. 2, to become effective on August 12, 1969. The proposed rate changes would increase charges for jurisdictional sales and transportation services by $36,813,407 annually, based on volumes for the 12-month period ended March 31, 1969, as adjusted. The proposed increase would be applicable to all of Texas Gas' jurisdictional rate schedules. Texas Gas also proposes a modification of the billing demand ratchet provision under Rate Schedules G-1, G-2, G-3, and G-4 from the existing 90 percent of contract demand to 95 percent of contract demand, and a modification of the measurement provisions in the General Terms and Conditions.

Texas Gas states the principal reasons for the proposed rate increases are: (1) Increases in its cost of purchased gas; (2) costs of transportation by others of new offshore gas supplies and costs related to new underground storage facilities; (3) the proposed reversion from liberalized depreciation to straight line depreciation for tax purposes; (4) salary and wage increases; and (5) the need for an 8.5 percent rate of return.

Texas Gas' filing consists of two alternative sets of revised tariff sheets, the first of which contains a proposed new section, to be included in the General Terms and Conditions of the tariff, providing for monthly billing adjustments to reflect current changes in Texas Gas' unit cost of purchased gas. Texas Gas requests that, if the Commission finds that the proposed purchased gas adjustment provision is prohibited by § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act and does not waive the terms of that section for purposes of Texas Gas' filing, the Commission accept for filing the alternative set of revised tariff sheets, which does not contain a purchased gas adjustment provision.

Copies of the filing were served on Texas Gas' customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8100; Filed, July 9, 1969; 8:47 a.m.]

[Docket No. RP69-40]

WESTERN TRANSMISSION CORP.

Notice of Proposed Change in Rate and Charge

JULY 3, 1969.

Notice is hereby given that Western Transmission Corp. (Western) on June 26, 1969, filed a proposed change in its FPC Gas Tariff, Original Volume No. 1, to be effective as of January 1, 1969. The proposed change would increase the rate charged to Colorado Interstate Gas Co. for gas sold under Rate Schedule F from 20 cents per Mcf to 21 cents.

Western alleges that the increase is of the periodic type provided by contract in the sale authorized by Opinion No. 429, issued May 26, 1964, 31 FPC 1295, in consolidated dockets CI63-1460 and CP63-329.

Any person desiring to be heard or to make any protest with reference to said tender should on or before July 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing herein must file applications to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8107; Filed, July 9, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

MARINE CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of The Marine Corp., Milwaukee, Wis., for approval of acquisition of 80 percent or more of the voting shares of The First State Bank, West Bend, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by The Marine Corp., Milwaukee, Wis., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The First State Bank, West Bend, Wis.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Wisconsin Commissioner of Banking and requested his views and recommendation. He advised the Board that he would take no action to disapprove of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 22, 1969 (34 F.R. 6749), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such time shall be extended by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

Dated at Washington, D.C., this 1st day of July 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8065; Filed, July 9, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1311]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JULY 3, 1969.

The following applications are governed by Special Rule 1.247[3] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures), will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 694 (Sub-No. 6), filed June 16, 1969. Applicant: CLETUS E. MUMMERT, INC., East Berlin, Pa. 17316. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood mouldings and wood dimension parts*, from East Berlin, Pa., to points in New York, N.Y., commercial zone and points in New Jersey, under a continuing contract or contracts with Beau Products, Inc.; and (2) *lumber*, from East Berlin, Pa., to points in New York, N.Y., commercial zone and points in New Jersey, under a continuing contract or contracts with Penn Wood Products Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Brimmer, and Cherrill. Absent and not voting: Governor Daane.

[3] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 11207 (Sub-No. 286), filed June 11, 1969. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Savannah, Ga., to points in Alabama. NOTE: Applicant states it does not intent to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 20894 (Sub-No. 12), filed June 12, 1969. Applicant: P. CALLAHAN, INC., 5240 Comly Street, Philadelphia, Pa. 19135. Applicant's representatives: Terrence L. Bowers (same address as applicant), and Edward F. Kane, 522 Swede Street, Norristown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the site of the warehouse of the Singer Co. at Warwick, N.Y., on the one hand, and, on the other, points in New Jersey on and south of a line extending from U.S. Highway 206 at Trenton, N.J., northerly to Princeton, N.J.; thence in an easterly direction over New Jersey Highway 571 to Hightstown, N.J.; thence over New Jersey Highway 33 to Asbury Park, N.J., and points in Pennsylvania and Delaware on and east of U.S. Highway 202 from New Hope, Pa., to and including Wilmington, Del. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 119140 Sub-No. 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 28517 (Sub-No. 6), filed June 10, 1969. Applicant: FARNY TRUCK SERVICE, INC., 1605 Northwest Pettygrove Street, Portland, Oreg. 97209. Applicant's representative: John R. Winkler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, in tank vehicles, and household goods as defined by the Commission): (A) between Rainier and Astoria, Oreg., over U.S. Highway 30; and (B) between Astoria and Seaside, Oreg., over U.S. Highway 101 and offroute points within 5 miles of the described route in (A) and (B); serving all intermediate points between Rainier and Seaside. NOTE: If a hearing is deemed necessary, applicant requests it be held at Astoria, Oreg.

No. MC 30844 (Sub-No. 278), filed June 16, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery ingredients*, from Kansas City, Mo., and points within its commercial zone to Rochester, St. Paul, and Minneapolis, Minn., and points within its commercial zone. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Minneapolis, Minn.

No. MC 30867 (Sub-No. 177), filed June 16, 1969, Applicant: CENTRAL FREIGHT LINES INC., 303 South 12th Street, Post Office Box 238, Waco, Tex. 76703. Applicant's representative: Phillip Robinson, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission in 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading): (1) between Waco, Tex., and Hempstead, Tex.: From Waco, over Texas Highway 6 to Hempstead, and return over the same route, serving all intermediate points; (2) between Caldwell, Tex., and Bryan, Tex.; from Caldwell, over Texas Highway 21 to Bryan, and return over the same route, serving all intermediate points; and (3) between junction of Texas Highway 6 and Texas Highway 14 at or near Bremond, Tex., and Corsicana, Tex.; from junction of Texas Highway 6 and Texas Highway 14 over Texas Highway 14 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Corsicana, Tex., and return over the same route, serving no intermediate points. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 31600 (Sub-No. 643) (Amendment), filed May 23, 1969, published in the FEDERAL REGISTER issue of June 19, 1969, and republished as amended, this issue. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., Suite 705, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, dry in bulk, from Paulsboro, N.J., to Philadelphia, Pa., and points in Michigan, Ohio, and Delaware. NOTE: Applicant states that the authority pending under its Sub 639 for clay, from Paulsboro, N.J., to Alma, Mich., will be amended to delete that portion. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. The purpose of this republication is to add Delaware as a destination State. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 36556 (Sub-No. 17), filed June 9, 1969. Applicant: HOWARD E. BLACKMON, Post Office Box 186, Somers, Wis. 53171. Applicant's representative: Earle Munger, 520 58th Street, Kenosha, Wis. 53140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials and supplies and ground clay products* in bulk, and packages and mixed bulk and packages, between the plantsites and the storage facilities of N. S. Koos & Son Co., in Kenosha, Wis., on the one hand, and, on the other, points in Illinois; and Lake County, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 36974 (Sub-No. 5) (Amendment), filed May 23, 1969, published FEDERAL REGISTER issue of June 12, 1969, amended June 22, 1969, and republished as amended, this issue. Applicant: HMIELESKI TRUCKING CORP., 108 New Era Drive, South Plainfield, N.J. 07080. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*, from Edison, N.J., to points in Orange, Rockland, Putnam, Ulster, Sullivan, and Dutchess Counties, N.Y., and Fairfield County, Conn., and *returned shipments*, on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to add Sullivan and Dutchess to the New York counties. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 43716 (Sub-No. 27) (Amendment), filed May 6, 1969, published in the FEDERAL REGISTER issue of May 22, 1969, amended and republished this issue. Applicant: BIGGE DRAYAGE CO., a corporation, 10700 Bigge Avenue, San Leandro, Calif. 94577. Applicant's representative: R. A. Doty (same address as applicant). Authority sought to operate at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment or special handling, including classes A and B explosives, and related parts, equipment, materials, and supplies, when their transportation is incidental to the transportation of the commodities which because of size or weight require the use of special equipment or handling; (a) between points in California, Idaho, Nevada, Oregon, and Washington; and (b) between points in (a) above on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic moving (1) on Government bills of lading or (2) on commercial bills of lading to be converted

to Government bills of lading; or (3) on commercial bills of lading endorsed with the legend, "Transportation hereunder is for the U.S. Government and the actual cost paid to the carrier by the shipper or receiver is to be reimbursed by the U.S. Government". NOTE: The purpose of this republication is to clarify the commodity description and to limit the territorial scope to the area that can best be served by applicant. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or San Francisco, Calif.

No. MC 50493 (Sub-No. 44) (Amendment), filed April 3, 1969, published in the FEDERAL REGISTER issue of April 24, 1969, amended and republished this issue. Applicant: P.C.M. TRUCKING, INC., 1063 Main Street, Orefield, Pa., Applicant's representative: Frank A. Doocey, 601 Hamilton Street, Allentown, Pa. 18101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and animal feed ingredients*, between Allentown, Pa., and points in Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states it intends to tack at Allentown, Pa., from points in Florida, Georgia, North Carolina, and South Carolina, to serve points in New York and New Jersey. The purpose of this republication is to amend the tacking information. Applicant holds contract carrier authority under MC-115859 and Subs. Applicant states upon approval of application, it will surrender such contract carrier rights as are duplicated by application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 52657 (Sub-No. 663) (Amendment), filed May 5, 1969, published FEDERAL REGISTER issue of May 29, 1969, amended June 13, 1969, and republished as amended, this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bierberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles* (except trailers), and *parts and accessories* thereof, when moving with the vehicles being transported, in initial movements in truckaway and driveway service, from Boyertown, Pa., to points in the United States, including Alaska (but excluding Hawaii), restricted against the transportation of vehicles which require the use of special equipment for transporting such vehicles; (2) *motor vehicles* (except trailers), and *parts and accessories* thereof, when moving with the vehicles being transported, in secondary movements in truckaway service, between Boyertown, Pa., and points in the United States, including Alaska (but excluding Hawaii), restricted to the transportation of vehicles which have been previously manufactured or assembled at Boyertown, Pa., and which have had a prior movement from Boyertown, Pa., and further restricted against the transportation of vehicles which require the use of special equipment for transporting such vehicles. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this amendment is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa. SPECIAL NOTE: The publication hereinabove set forth reflects the scope of the application as filed and amended by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the application here noticed will not necessarily reflect the phraseology set forth in the application as filed, and also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 56640 (Sub-No. 25), filed June 2, 1969. Applicant: DELTA LINES, INC., Post Office Box 8155, Emeryville, Calif. 94608. Applicant's representative: Marshall G. Berol, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and except commercial trailers in towaway service other than commercial trailers furnished by a shipper for the transportation of its products; (1) between junction California Highways 198 and 41 near Lemoore, Calif., and Lodgepole (Tulare County) Calif., over California Highway 198; and (2) between junction California Highways 198 and 276 and Mineral King, Calif., over California Highway 276, serving all intermediate points in connection with (1) and (2) above. NOTE: Applicant states it presently holds authority in its MC 56640 (Sub-No. 22) to serve as off-route points those points which are within 20 miles of U.S. Highway 99. Applicant further states this application seeks regular route authority to points that are within 20 miles of U.S. Highway 99, and to points beyond 20 miles. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 59367 (Sub-No. 69), filed June 18, 1969. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa, 50501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites of and storage facilities used by Farmbest, Inc., and World Wide Meats, Inc., located at or near Denison, Iowa, to points in Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 60012 (Sub-No. 81), filed June 16, 1969. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. 80221. Applicant's representatives: Warren D. Braucher and Ernest Porter, 604 Rio Grande Building, Denver, Colo. 80217. Authority sought as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities of unusual value, household goods as defined by the Commission, and those injurious or contaminating to other lading; (1) between Antonito, Colo., and the Colorado-New Mexico State line, from Antonito, Colo., over Colorado Highway 17 to the Colorado-New Mexico State line, and return over the same route, serving all intermediate points and serving the off-route points in that part of Conejos and Rio Grande Counties, Colo., located south of U.S. Highway 160 and west of U.S. Highway 285; and (2) between Antonito, Colo., and Chama, N. Mex., from Antonito, Colo., over U.S. Highway 285 to Tres Piedras, N. Mex., thence over U.S. Highway 64 to Tierra Amarilla, N. Mex., thence over U.S. Highway 84 to its junction with New Mexico State Highway 17 (approximately 4 miles east of Monero, N. Mex.), and thence over New Mexico State Highway 17 to Chama, N. Mex., and return over the same routes, serving all intermediate points and serving the off-route points of No Agua, N. Mex. (approximately 7 miles north of Tres Piedras), the plantsite of Johns-Manville Corp. located approximately 1½ miles east of No Agua; and the plantsite of the United Perlite Corp. located approximately 16 miles east of No Agua. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 64932 (Sub-No. 477), filed June 9, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plant site of United States Steel Corp. at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 72231 (Sub-No. 4), filed June 11, 1969. Applicant: THE J. W. JONES & SON COMPANY, a corporation, Post Office Box 148, Youngstown, Ohio 44501. Applicant's representative: John R. Sims, Jr., 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, packinghouse products, and dairy products*, from Youngstown, Ohio, to points in Belmont and Jefferson Counties, Ohio; Brooke, Hancock, Marshall, and Ohio Counties, W. Va.; and points in Allegheny, Greene, Washington, Fayette, Westmoreland, Armstrong, Cambria, and Indiana Counties, Pa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 76032 (Sub-No. 245), filed June 20, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo 80223. Applicant's representative: William E. Kenworthy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Silver bullion, dore bullion, and fine silver alloys*, between Los Angeles and Barstow, Calif., from Los Angeles over Interstate Highway 10 to junction Interstate Highway 15, thence over Interstate Highway 15 to Barstow, and return over the same route, serving the intermediate and off-route points of El Monte and Fontana, Calif., and serving Barstow, Calif., for purposes of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 82841 (Sub-No. 57) (Correction), filed May 5, 1969, published in the FEDERAL REGISTER issue of June 5, 1969, and republished as corrected this issue. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and other forest products;* (1) from points in Wyoming to points in Iowa, Indiana, Wisconsin, South Dakota, Ohio, Minnesota, Illinois, Michigan, Kansas, and Missouri; (2) from points in Colorado to points in South Dakota, Minnesota, Illinois, Michigan, Kansas, Missouri, and Ohio; and (3) from points in Fergus and Musselshell Counties, Mont., to points in Wyoming, Colorado, Nebraska, Iowa, Illinois, Wisconsin, and Indiana. NOTE: The purpose of this republication is to include the State of Ohio in the destination territory in (1) above, which was erroneously omitted in the previous publication. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Cheyenne, Wyo.

No. MC 95540 (Sub-No. 750), filed June 9, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay tile and related items*, from Lakeland, Fla., to points in Colorado, Connecticut, Delaware, District of Columbia, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia; and (2) *commodities* used in the manufacturing, distribution, and/or installation of clay tile (except in bulk), on return. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 95540 (Sub-No. 751), filed June 20, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Seneca Foods Corp., at Dundee, Penn Yan, Geneva, and Williamson, N.Y., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 105063 (Sub-No. 5), filed June 2, 1969. Applicant: W. H. TAYLOR, 2301 Southwest Hazel Road, Lake Oswego, Oreg. 97034. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone;* (a) from Lake Oswego, Oreg., to points in Klickitat and Lewis Counties, Wash.; and (b) between points in Clark, Cowlitz, Grays Harbor, Klickitat, Lewis, Pacific, Skamania, and Wahkiakum Counties, Wash.; restricted to traffic having a prior movement by rail carrier. NOTE: Applicant states the restriction is applicable only to part (b). Applicant further states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 105813 (Sub-No. 170), filed June 16, 1969, Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest Third Street, Miami, Fla. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods, pet supplies, pet accessories, tonics, and animal supplements*, from Bayonne, Harrison, Bloomfield, Secaucus, and Jersey City, N.J., to points in Florida, Georgia, and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 106398 (Sub-No. 403), filed June 9, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from New Hanover County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states no duplicate authority is being sought. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Wilmington or Raleigh, N.C.

No. MC 107162 (Sub-No. 23), filed June 13, 1969. Applicant: NOBLE GRAHAM, Brimley, Mich. 49715. Applicant's representative: Philip H. Porter, 16 North Carroll Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from the port of entry on the international boundary line between the United States and Canada located at or near Sault Ste. Marie, Mich., to points in Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108068 (Sub-No. 81), filed June 13, 1969. Applicant: U.S.A.C. TRANSPORT, INC., Post Office Box G, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as above), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft parts and materials, equipment, tools, and supplies* used in the manufacturing of aircraft parts, between Sparta, Smithville, Monterey, Gainsboro, and Carthage, Tenn.; Tulsa, Okla.; Mountain Home and Melbourne, Ark.; and Long Beach and Torrance, Calif. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 111720 (Sub-No. 8), filed June 9, 1969. Applicant: RAY WILLIAMS AND ARLENE WILLIAMS, a partnership, doing business as WILLIAMS TRUCK SERVICE, 2800 East 11th Street, Post Office Box 40, Sioux Falls, S. Dak. 57101.

Applicant's representative: James R. Becker, 412 West Ninth Street., Sioux Falls, S. Dak. 57104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meats, meat products, and meat byproducts and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), when moving in mixed truckloads with meats, meat products, and meat byproducts and articles distributed by meat packinghouses, from the plantsite and/or warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., to points in West Virginia; Fayette, Washington, and Allegheny Counties, Pa.; Pike County, Ky.; Sullivan, Johnson, Carter, Washington, and Unicoi Counties, Tenn.; and points in Virginia on and west of U.S. Highway 21, under contract with Geo. A. Hormel & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Minneapolis, Minn.

No. MC 111812 (Sub-No. 380), filed June 11, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representatives: R. H. Jinks (same address as above), and Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), from points in the Omaha, Nebr., Council Bluffs, Iowa, commercial zone, to points in North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Michigan, Ohio, Pennsylvania, New York, New Jersey, Maryland, Delaware, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine, restricted to traffic originating at Omaha, Nebr., and Council Bluffs, Iowa, and destined to the above named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 111812 (Sub-No. 383), filed June 19, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102, and R. H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, not cold pack or frozen, from plantsites and storage facilities of Comstock Greenwood Foods, Borden, Inc., at Waterloo, Egypt, Rushville, Penn Yan, Newark, Lyons, Syracuse, Fairport, and Red Creek, N.Y., and West Chester, Pa., to points in New Mexico, Arizona, Colorado, Utah, Nevada, California, Idaho, Montana, Oregon, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112801 (Sub-No. 95), filed June 16, 1969. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50252, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy syrup*, in bulk, in tank vehicles, from Remington, Ind., to Taylorville, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 118), filed June 12, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); (a) from the plantsite and or warehouse facilities of the Geo. A. Hormel & Co., Miami, Okla., to Algona, Iowa; and (b) from the plantsite and/or warehouse facilities of the Geo. A. Hormel & Co., Algona, Iowa, to Austin, Minn.; (2) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) and *foodstuffs* (except meats, meat products, meat byproducts, and articles distributed by meat packinghouses), as described above when transported in mixed truckloads with meat, meat products, meat byproducts, and articles distributed by meat packinghouses, from the plantsite and/or warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., to points in Kansas, Missouri, Arkansas, Mississippi, and Louisiana, restricted to shipments originating at the plantsites and/or warehouse facilities of Geo. A. Hormel & Co., in Miami, Okla.; Algona, Iowa; and Austin, Minn., and restricted to traffic destined to the named points or States. NOTE: Applicant states no duplicate authority is being sought. It further states the purpose of this application is to permit the carrier to handle intransit through Algona, Iowa, and to originate therein. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113267 (Sub-No. 218), filed May 29, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags*, from St. Louis and Kansas City, Mo., to points in Iowa and Minnesota. Restriction: Shipments from St. Louis and Kansas City, Mo., must be combined with shipments originating at Crossett, Ark. (currently authorized), for delivery in Iowa and Minnesota. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113843 (Sub-No. 150), filed June 16, 1969. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02110. Applicant's representative: J. H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago Heights, Elk Grove Village, and Shaumberg, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 200), filed June 18, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nails and wire products*, from ports of entry on the international boundary line between the United States and Canada located in Washington, to points in North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Iowa, Indiana, Michigan, and Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114194 (Sub-No. 152), filed June 12, 1969. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Gene Kreider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Dupo, Ill., to points in Missouri, Illinois, Iowa, Indiana, Kentucky, Tennessee, Arkansas, and Kansas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 114312 (Sub-No. 13), filed June 19, 1969. Applicant: ABBOTT TRUCKING, INC., 107½ Main Street, Delta, Ohio 43515. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer materials, and fertilizer ingredients*; (a) from Toledo, Ohio, to points in New York; (b) from Bascom, Greenville, and Lodi, Ohio, to points in Indiana and Illinois; and (c) from Joliet, Ill., to points in Indiana, Illinois, Michigan, and Ohio; (2) *feed, feed ingredients, and grain products*, from Toledo, Ohio, to points in New York, Pennsylvania, West Virginia, Illinois, and Wisconsin; and (3) *coal*, from Detroit, Mich., to points in Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 114848 (Sub-No. 44) (Amendment), filed March 27, 1969, published in FEDERAL REGISTER issue of April 24, 1969, amended June 17, 1969, and republished as amended this issue. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Memphis, Tenn., to points in Missouri, Arkansas, Mississippi, Alabama, Tennessee, and Kentucky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to omit "in bulk", as previously published. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or New Orleans, La.

No. MC 115162 (Sub-No. 174), filed June 5, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Physical fitness, gymnastic, athletic, and sporting goods equipment, barbells, bars, pipe, tubing, exercycles, and boat anchors*, between the plantsite of Diversified Products Corp. at West Haven, Conn., and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, and Louisiana, Texas, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., or Washington, D.C.

No. MC 115273 (Sub-No. 8), filed June 16, 1969. Applicant: ACME CARRIERS, INC., 216 Third Street, Brooklyn, N.Y. 11215. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bomb bodies*, from Garden City, N.Y., to Corn Husker Army Ammunition Plant, Grand Island, Nebr. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 115841 (Sub-No. 354), filed June 20, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. Applicant's representatives: C. E. Wesley (same address as applicant), also E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk), from Dundee, Penn Yan, and Geneva, N.Y., to points in West Virginia and Kentucky; and (2) *materials and supplies* used by foods processors on return. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116077 (Sub-No. 267), filed June 16, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feeds, liquid animal feed supplements, liquid animal feed ingredients, and molasses*, in bulk, from McComb, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 116544 (Sub-No. 108), filed June 16, 1969. Applicant: WILSON BROTHERS TRUCK LINES, INC., 700 East Fairview Street, Post Office Box 636, Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared, and preserved foodstuffs*, from Austin, Ind., to points in Arkansas, Oklahoma, Texas, Louisiana, Missouri, Kansas, Nebraska, Iowa, Wisconsin, Minnesota, and Mississippi. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 117344 (Sub-No. 193), filed June 9, 1969. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plantsite of United States Steel Corp., at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117765 (Sub-No. 83), filed June 12, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pitch, lignin*, dry in bag or barrel, from the plantsite and facilities of American Can Co., Green Bay and Rothschild, Wis., to points in Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 121425 (Sub-No. 2), filed June 4, 1969. Applicant: HUDGEL TRANSFER CO., INC., 1323 North 22d Avenue, Phoenix, Ariz. 85009. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arizona. NOTE: Applicant states that it would tack at any point where authority sought herein, would connect with the authority of Johnson Van Lines sought to be acquired by application form BF-200 being filed simultaneously herewith, and assigned No. MC-FC-71453. By this instant application, applicant seeks to convert a certificate of registration MC

121425 Sub 1 to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. 123048 (Sub-No. 149) (Amendment), filed February 28, 1969, published in the FEDERAL REGISTER issue of April 10, 1969, amended and republished this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul Martinson, Post Office Box A, Racine, Wis. 53401, and Paul Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, as defined by the Commission, commodities in bulk, and commodities in vehicles equipped with mechanical refrigeration); (a) between military installations or Defense Department establishments in the United States (except Hawaii); and (b) between points in (a) above on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: The purpose of this republication is to amend the commodity description. Applicant states it does not intend to tack if authority is granted in entirety, and is apparently willing to accept a restriction against tacking if warranted. However, applicant further states if authority is granted in part only, tacking would be done at any authorized common point with present authority held under MC 123048 and Subs thereto. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123048 (Sub-No. 154) (Clarification), filed May 13, 1969, published in FEDERAL REGISTER issue of May 29, 1969, clarified June 18, 1969, and republished as clarified, this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Post Office Box A, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and Paul Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, farm machinery, and farm equipment;* and (2) *parts* of the commodities described in (1) above; from Hernando, Miss., to points in the United States (except Hawaii) and from Boise, Idaho, to Hernando, Miss. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to clarify the authority sought. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 123067 (Sub-No. 89), filed June 19, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. Applicant's representative: B. M. Shirley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Savannah, Ga., to points in Alabama. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 123067 (Sub-No. 90), filed June 19, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: B. M. Shirley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed jet fuel*, in bulk, from Douglasville, Ga., to Greensboro and Swannanoa, N.C., and Roanoke, Va. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124078 (Sub-No. 387) filed June 16, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Sand*, from Sewanee, Tenn., to points in Virginia. NOTE: Applicant states it could tack with its Sub 251 at Sewanee to provide service on silica sand from Guion, Ark., to Virginia, however, tacking is not intended. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Nashville, Tenn.

No. MC 124522 (Sub-No. 5), filed June 12, 1969. Applicant: CARLO C. DROGO, Delaware Avenue, Landisville, N.J. 08326. Applicant's representative: Robert B. Einhorn, 1540 Philadelphia Saving Fund Building, 12 South 12th Street, Philadelphia, Pa. 19107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, from Berlin, Williamstown Junction, Millville, and Vineland, N.J., to points in Massachusetts, under contract with Formigli Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124652 (Sub-No. 7), filed June 16, 1969. Applicant: JULIAN F. DUNCAN, doing business as DUNCAN TRANSFER, Post Office Box 1, Riverton, Va. 22651. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Masonry or mortar cement*, from Riverton, Va., to points in Connecticut under contract with Riverton Lime & Stone Co., Inc., Riverton, Va. NOTE: Applicant holds common carrier authority under MC 110422, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126128 (Sub-No. 6), filed June 16, 1969. Applicant: DEAN W. HONNENSIEFKEN, doing business as D. H. TRUCKING, Route 1, Box 241, Lyons, Oreg. 97358. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular rotues, transporting: *Lumber*, between points in Polk, Marion, Benton, Lane, Linn, Yamhill, and Multnomah Counties, Oreg., on the one hand, and, on the other, points in Multnomah, Clatsop, and Lincoln Counties; Oreg.; and points in Clark, Cowlitz, Lewis, Skamania, Klickitat, Skagit, Snohomish, King, and Pierce Counties, Wash. NOTE: Applicant states that to some degree the instant application is duplicative, but applicant intends the authority sought be considered a single authority only. Applicant further states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 126514 (Sub-No. 14), filed June 11, 1969. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, Post Office Box 392, Phoenix, Ariz. 85001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Calendar mounts, pads, paper, advertising materials, and calendars*, from Sidney, N.Y., to Los Angeles and San Francisco, Calif.; Sparks and Reno, Nev.; Seattle, Wash.; and Portland, Oreg.; and (2) *cosmetics, toilet preparations, perfumes, soap, and advertising materials and displays*, in vehicles equipped with mechanical refrigeration, from Port Jervis, N.Y.; Mountaintop, Pa.; and Newark, N.J., to Sparks and Reno, Nev.; Seattle, Wash.; and Portland, Oreg. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Buffalo, N.Y., Washington, D.C., or Los Angeles, Calif.

No. MC 127561 (Sub-No. 1), filed June 8, 1969. Applicant: W. R. RIVERS, INC., 228 West Pine Street, Post Office Box 895, Hattiesburg, Miss. 39401. Applicant's representative: Dudley W. Conner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Lucedale and Poplarville, Miss., over Mississippi Highway 26, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hattiesburg, Miss.

No. MC 127834 (Sub-No. 35), filed June 16, 1969. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue., Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign poles, sign parts, and accessories therefor*, from Chicago, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128302 (Sub-No. 5), filed June 9, 1969. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Route 87, Newbury, Ohio 44065. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures*, in bulk, in tank vehicles, from Reynolds, Ga., and Springfield, Mo., to points in the United States (except points in the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming). NOTE: Applicant presently holds authority under permit MC 112184 Sub-No. 2 and subs thereunder, therefore, dual operations may be involved. Applicant states it serves shippers, none of whom produce, ship, or receive involved commodities. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128353 (Sub-No. 3), filed June 16, 1969. Applicant: LEE J. PRENTICE, West Bend, Iowa 50597. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock, sand, and gravel*, in bulk, from points in Worth County, Iowa, to points in Blue Earth, Dodge, Faribault, Freeborn, Martin, Mower, Waseca, and Steele Counties, Minn. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 128586 (Sub-No. 3), filed June 16, 1969. Applicant: FEED HAULERS, INC., 1701 Thomas Avenue, Guntersville, Ala. 35976. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry offal meal*, from Geraldine and Trussville, Ala., to Denver, Colo., and Davenport and Clinton, Iowa, under contract with Ralston Purina Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 129808 (Sub-No. 4), filed June 16, 1969. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., Rural Route No. 3, Box 46, Municipal Airport, Grand Island, Nebr. 68801. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal scaffolding towers*, (knocked down), *conveyors, pumps, and parts and accessories* for such products, from Yankton, S. Dak., to points in the United States (except Alaska and Hawaii), under contract with Morgen Manufacturing Co., Yankton, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 133179 (Sub-No. 1), filed June 16, 1969. Applicant: RAYMOND BARTLESON, doing business as: COLORADO CONTRACT CARRIER, 1230 Seventh Street, Post Office Box 5703, Denver, Colo. 80217. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pickles and peppers*, in containers; (a) from Denver and Fort Collins, Colo., to points in Oklahoma, Kansas, Texas, and New Mexico; and (b) Albuquerque, N. Mex., to Denver, Colo.; (2) *salt*, from Lyons and Hutchinson, Kans., to Fort Collins and Denver, Colo.; (3) *sugar*, from Hereford and Amarillo, Tex., to Denver and Fort Collins, Colo.; and (4) *glass jars*, from Ada, Muskogee, Sand Springs, Okmulgee, Okla., and Waco, Tex., to Denver and Fort Collins, Colo.; all under contract with Dreher Pickle Co., Denver, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 133536 (Sub-No. 1), filed June 13, 1969. Applicant: DOVER MOVING & STORAGE, INC., 753 North Du Pont Highway, Dover, Del. 19901. Applicant's representative: Wilmer A. Hill, Suite 705, McLachlen Bank Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Delaware, those points in Northampton and Accomack Counties, Va., and those in Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester Counties, Md., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133655 (Sub-No. 7), filed June 13, 1969. Applicant: TRANS-NATIONAL TRUCK, INC., 813 Oakwood Drive, Euless, Tex. 76039. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged and cartoned new furniture, mirrors and furniture parts*, from Toccoa, Ga., to Atlanta, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133725 (Sub-No. 2), filed June 13, 1969. Applicant: SAME DAY TRUCKING CO., INC., 400 Newark Avenue, Piscataway, N.J. 08854. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, N.J. 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tailpipes, exhaust pipes, shock absorbers, brake parts, mufflers, and automotive parts and materials* used in installation of such commodities, from Roselle Park, N.J., to Philadelphia, Pa., New York, N.Y.; points in Nassau and Suffolk Counties, N.Y., points in Massachusetts, Rhode Island, Connecticut, Delaware, and those in Maryland on and east of U.S. Highway 15 (except Baltimore, Md.); under contract with Midas International Corp. NOTE: If a hearing is deemed necessary applicant requests it be held at Newark, N.J.

No. MC 133739 (Sub-No. 1), filed June 9, 1969. Applicant: KINGSVILLE MOVING & STORAGE, INC., 517 South Sixth Street, Post Office Box 448, Kingsville, Tex. 78363. Applicant's representative: Mert Starnes, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized used household goods*, between Kingsville, Tex., and points within a 25-mile radius of Kingsville, Tex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio or Austin, Tex.

No. MC 133761 (Sub-No. 1) (Amendment), filed May 28, 1969, published FEDERAL REGISTER issue of June 26, 1969, amended and republished as amended, this issue. Applicant: GEORGE A. LABAGH, 713 North Street, Middletown, N.Y. 10940. Applicant's representative: Arthur J. Piken, 100–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, other than those designed to be drawn by passenger automobiles, *containers and chassis;* (a) between Middletown, N.Y., and Port Jervis, N.Y.; and (b) from Middletown, N.Y., to Fairless Hills, and Philadelphia, Pa.; Norfolk, Va., Baltimore, Md., and points in the New York, N.Y., commercial zone, as defined by the Commission, in 53 M.C.C. 451, within which local operations may be conducted under the exemption provisions provided by section (b)(8);

and (2) *trailers*, other than those designed to be drawn by passenger automobiles, and *trailer parts*, from Fairless Hills, Pa., to Middletown, N.Y., all under contract with Strick Corp. NOTE: The purpose of this republication is to enlarge the territorial description. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 133773 (Clarification), filed May 23, 1969, published FEDERAL REGISTER issue of June 19, 1969, and republished as clarified this issue. Applicant: JOHN YACONIELLO, JR., doing business as ALL STATES DRIVE-A-WAY SERVICE, 450 Main Street, East Hartford, Conn. 06118. Applicant's representative: John E. Fay, 79 Lafayette Street, Hartford, Conn. 06106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* in driveaway service, between points in Connecticut on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to show Hawaii as an exception in territory description. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., New York, N.Y., or Washington, D.C.

No. MC 133789, filed June 2, 1969. Applicant: BIG SKY FARMERS AND RANCHERS MARKETING COOPERATIVE OF MONTANA, a corporation, 16124 Bloomfield Avenue, Post Office Box 566, Artesia, Calif. 90701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including classes A and B explosives*, moving on Government bills of lading, between points in Kentucky, Tennessee, Indiana, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Maine, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Michigan, Minnesota, on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Utah, and Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 133799, filed June 5, 1969. Applicant: METROPOLITAN MOVING & STORAGE, INC., 8130 Eastern Boulevard, Baltimore, Md. 21224. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission: between Washington, D.C., and points in Maryland (restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders of used household goods), NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133805, filed June 11, 1969. Applicant: LONE STAR CARRIERS, INC., 740 North Houston, Post Office Box 11304, Fort Worth, Tex. 76109. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities used by National Beef Packing Company at/or near Liberal, Kans., to points in the States of Utah, Idaho, Florida, Washington, Oregon, Montana, Wyoming, North Dakota, South Dakota, and Nevada (restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 133806, filed May 21, 1969. Applicant: CLEARENCE C. TROUT, 346 Wilcox Avenue, Elgin, Ill. 60120. Applicant's representative: Thomas A. Keegan, 1116 Rockford Trust Building, Rockford, Ill. 61101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from O'Hare International Airport, Chicago Midway Airport, Meigs Fields, Chicago, Ill., to Marengo, Elgin, Rockford, Ill., area. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133812 (Correction), filed June 10, 1969, published FEDERAL REGISTER, issue of July 3, 1969, and republished as corrected this issue. Applicant: LEON OLSEN, ALBERT OLSEN, AND WILLIAM OLSEN, a partnership, doing business as LEON OLSEN TRUCKING COMPANY, 900 Wisconsin Street, Pine Bluff, Ark. 71601. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite ore* in bulk, in dump vehicles, from barge line port or ports on the Arkansas River at or near Little Rock, Ark., to Reynolds Metals Co. plant at or near Bauxite, Ark. NOTE: The purpose of this correction is to show the correct docket number MC 133812 in lieu of MC 133182, which was in error. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 133817, filed June 16, 1969. Applicant: CELLI TRANSPORT COMPANY, a corporation, 10328 West Belle Plaine, Schiller Park, Ill. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Chicago, Ill., and points in the Chicago, Ill., commercial zone and Lemont, Ill., to points in Indiana and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133834, filed June 16, 1969. Applicant: HARBOR CARTAGE, INC., 3910 West Fort Street, Detroit, Mich. 48209. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Bay, Midland, and Saginaw Counties, Mich., on the one hand, and, on the other, the Detroit Metropolitan Airport located at or near Romulus, Mich., and the Detroit Willow Run Airport located at or near Ypsilanti, Mich., restricted to traffic originating at or destined to the plantsites and distribution facilities of the Dowe Chemical Co. and Dowe-Corning Corp., and further restricted to traffic having an immediate prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

MOTOR CARRIERS OF PASSENGERS

No. MC 133772, filed May 23, 1969. Applicant: CHARTERED BUS SERVICE, INC., 1551 Azalea Garden Road, Norfolk, Va. 23502. Applicant's representative: John M. Cleary, 914 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with the passengers in special and chartered operations, in round-trip tours, beginning and ending at Portsmouth, Norfolk, Chesapeake, Virginia Beach, Hampton, and Newport News, Va., and extending to points anywhere in the Continental United States, including ports of entry on the international boundary of the United States and Canada and Mexico, under contract with Jewish Community Center, Norfolk, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Richmond or Norfolk, Va.

APPLICATION OF FREIGHT FORWARDERS

No. FF-266 (Sub-No. 2) (Clarification), HAWAIIAN EXPRESS SERVICE, INC., Extension—NEVADA, filed June 9, 1969, published FEDERAL REGISTER issue of June 19, 1969, clarified and republished this issue. Applicant: HAWAIIAN EXPRESS SERVICE, INC., 646 First Street, San Francisco, Calif. 94107. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, Calif. 94104. NOTE: The purpose of this partial republication is to show U.S. Highway 6 in lieu of Interstate Highway 6 in territorial description. The rest of the application remains as previously published.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130086, filed May 13, 1969. Applicant: WALLACE D. MAXAM, GERALD B. HAUSER, MRS. AILEEN SWEIDA, AND MRS. SYLVIA KORALEWSKI, a partnership, doing business as MAXAM TOUR AND TRAVEL, 4531 West Forest Home Avenue, Milwaukee, Wis. For a license (BMC 5) to engage in operations as a *broker* at Milwaukee, Wis., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in special or charter operations, beginning and ending at points in Milwaukee County, Wis., and extending to points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 2253 (Sub-No. 39), filed June 19, 1969. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Highway 150, Cherryville, N.C. 28021. Applicant's representative: W. C. Mauldin, Post Office Box 697, Cherryville, N.C. 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay tile and related articles and commodities used in the installation thereof*, from Lakeland, Fla., to points in Georgia, South Carolina, Virginia, Pennsylvania, New Jersey, New York, Delaware, Maryland, and West Virginia. NOTE: Applicant states that it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted.

No. MC 128279 (Sub-No. 10), filed June 17, 1969. Applicant: ARROW FREIGHTWAYS, INC., Post Office Box 3783, Albuquerque, N. Mex. 87110. Applicant's representative: Jerry R. Murphy, 708 LeVeta Drive NE, Albuquerque, N. Mex. 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products*, and *materials and supplies* used in the installation or distribution thereof, from Rosario, N. Mex., to points in Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8051; Filed, July 9, 1969; 8:45 a.m.]

[S.O. 994; ICC Order 29]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of N. Thomas Harris, agent, the Missouri-Kansas-Texas Railroad Co. is unable to transport traffic over its line between Keyes and Forgan, Okla., because of derailment and track damage.

It is ordered, That:

(a) The Missouri-Kansas-Texas Railroad Co., being unable to transport traffic over its line between Keyes and Forgan, Okla., because of derailment and track damage, that line and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Missouri-Kansas-Texas Railroad Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3 p.m., July 3, 1969.

(g) Expiration date: This order shall expire at 11:59 p.m., July 19, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 3, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS,
Agent.

[F.R. Doc. 69-8137; Filed, July 9, 1969; 8:50 a.m.]

[Notice 373]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 7, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71166. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Schiffmann Moving & Cartage Co., Inc., 4618 West Woolworth Ave., Milwaukee, Wis. 53218, of the certificate No. MC-23036 issued April 22, 1949, to Emil P. Reinhardt, doing business as Schiffmann Cartage Co., 4618 West Woolworth Ave., Milwaukee, Wis. 53218, authorizing the transportation of: Household goods, as defined by the Commission, between points in Milwaukee County, Wis., and points in Wisconsin, Minnesota, Iowa, Illinois, Indiana, and Michigan, in a radial movement.

No. MC-FC-71423. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Everett Delivery Service, Inc., Detroit, Mich., of the operating rights in permit No. MC-126896 issued September 22, 1965, to Gene F. Everett, doing business as Everett Delivery Service, Detroit, Mich., authorizing the transportation of exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moving therewith, between Detroit, Mich., on the one hand, and, on the other points in Genesee, Livingston, Macomb, Oakland, St. Clair, Washtenaw, and Wayne Counties, Mich. Wallace D. Riley, Riley and Roumell, 2200 Penobscot Building, Detroit, Mich. 48226, attorney for applicants.

No. MC-FC-71430. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Melvin A. Bolstad Paradise, Calif., of certificate of registration No. MC-98392 (Sub-No. 1), issued October 22, 1963, to Myron Bolstad, doing business as Paradise Freight Line, Paradise, Calif., authorizing the transportation of general commodities between Chico and Stirling City, Calif., and intermediate points via Doon, Lovelock, De Sable, Nagalia, and Paradise, Calif. Edward J. Hegarty, 21st Floor, 100 Bush Street, San Francisco, Calif. 94104, attorney for applicants.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8138; Filed, July 9, 1969; 8:50 a.m.]

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Consumer and Marketing Service
Economic Opportunity Office
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(As of January 1, 1969)

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Title 7—AGRICULTURE

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 32]

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Southern Illinois marketing area (7 CFR Part 1032), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for the month of July 1969:

In § 1032.14(b)(2) the provision "during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer."

Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will revoke for the month of July 1969 the provision which limits the quantity of diverted milk which qualifies as producer milk to not more than the 8 days' production of a producer.

(4) This suspension action is necessary to provide for the efficient handling of reserve milk for the market during July 1969. The volume of milk needed to be moved to milk manufacturing plants exceeds the volume which could be moved under the diversion provision limitations of the order. The most efficient method of handling is movement directly from producers' farms to milk manufacturing plants. This suspension would allow such handling while the dairy farmers involved retain producer status.

(5) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (34 F.R. 9620). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective July 1, 1969.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period July 1969.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: July 1, 1969.

Signed at Washington, D.C., on July 8, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-8199; Filed, July 10, 1969; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 30—FOREIGN TRADE STATISTICS

Cargo Laden at One Port To Be Transferred to Exporting Carrier at Port of Exit

Pursuant to title 13, United States Code, section 302, the following amendment is made to the regulations published in the FEDERAL REGISTER on August 27, 1966 (31 F.R. 11368) (15 CFR Part 30). In accordance with administrative procedure, 5 U.S.C. 553, notice and hearing on these amendments and postponement of the effective date thereof are unnecessary because (1) the amendment is a change in the substantive rules which grant or recognize exemptions or relieve restrictions, and (2) is an interpretive rule and statement of policy.

Effective date: This amendment to the Foreign Trade Statistics Regulations is effective on the date of publication in the FEDERAL REGISTER.

Section 30.36 is deleted in its entirety and replaced by the following:

§ 30.36 Cargo laden at one port to be transferred to the exporting carrier at the port of exit.

(a) Subject to the provisions set forth below, Shipper's Export Declarations may be filed at the port of origin (in lieu of the actual port of exportation as prescribed in § 30.12) for shipments to all foreign countries (except Canada, where Customs authentication and export control are not considerations) for:

(1) Air shipments laden aboard a domestic flight for transfer to an international flight at the port of export;

(2) Air shipments laden aboard an international flight for transfer to another international flight of the same airline at the port of export;

(3) Surface shipments, containerized and/or consolidated at freight terminals within the port of origin, provided that distance and/or other factors do not make it impractical for Customs Officers to travel to and from the site where the shipment is presented for inspection; and

(4) Surface/air shipments, that is, shipments moving by air from the port of origin for transfer to surface means at the port of export, and shipments moving by surface means from the port of origin for transfer to an aircraft at the port of export.

(b) Where the procedure referred to in paragraph (a) of this section is used, the requirements of §§ 30.13 and 30.14 for the filing of Shipper's Export Declarations by the exporter or his agent may be satisfied by presentation of the declaration at any one of the designated ports of origin listed in subparagraph (5) of paragraph (c) of this section. Prior application and specific approval for the use of this optional procedure are not required.

(c) Where the exporter (or his agent) and the carrier involved elect to utilize these optional procedures, the following shall be strictly observed:

(1) Shipper's Export Declarations with all required licenses for review of licensing and statistical requirements must be presented to the Customs Director by the exporter or his agent (the agent may be the initial carrier) sufficiently prior to lading of the cargo at the port of origin to permit inspection. Additional copies of Shipper's Export Declarations needed to comply with requirements of other government agencies as well as any other documents to accompany the shipment to the port of exportation shall be presented also at this time. Any required export declaration correction forms shall be filed in triplicate at the port of origin.

(2) Shipper's Export Declarations shall show in the space for authentication the name of the port of origin, and "Port-of-Origin Procedure—copy on file at (name of port of origin)" shall be stamped or otherwise printed across the bottom of columns 9 through 15. However, the name of the port of exportation at which the merchandise is to be transferred to the exporting carrier shall be entered and coded as the "port of export" in the appropriate spaces on the declaration. If the port of exportation is changed after the carrier departs from the port of origin, the exporting carrier that is to carry the shipment from the United States shall correct the export declaration.

(3) The name of the exporting carrier (actual name of vessel, or if by air the name of the airline) that is to carry the shipment from the United States or "rail," "truck," or "vehicle," as appropriate for land shipments shall be entered if known, at the port of origin. If such exporting carrier is unknown, or if the exporting carrier designated in the export declaration filed at the port of origin is changed, the carrier at the port

of exportation shall be responsible for entering the correct name.

(4) All air shipments to be transferred from one international flight to another shall be separately manifested at the port of origin and an additional copy of the manifest for those shipments shall be prepared and shall accompany the shipments to the port of exportation. If shipments are to be transferred to more than one carrier at the port of exportation, they shall not be combined on the same page of the manifest. The outward manifest filed at the port of origin must show the export declaration number for each shipment, the port where the merchandise was laden, and port of transfer for exportation, as well as other data required by the regulations in this part and by 19 CFR 6.8 (Customs Regulations). At the port of exportation, the additional copy of the manifest shall be corrected by the airlines to show the flight number of the exporting aircraft and the date of exportation, and shall be filed as a part of the outward manifest of the exporting aircraft.

(5) Only the following ports may be utilized as ports of origin for the designated methods of transportation or shipment:

Air only	Surface only	Air and surface
Atlanta, Ga.	Charleston, S.C.	Baltimore, Md.
Boston, Mass.	Jacksonville, Fla.	Buffalo, N.Y.
Dallas, Tex.		Chicago, Ill.
Denver, Colo.		Cleveland, Ohio
Honolulu, Hawaii		Detroit, Mich.
Kansas City, Mo.		Houston, Tex.
Memphis, Tenn.		Los Angeles, Calif.
Miami, Fla.		New Orleans, La.
Minneapolis, Minn.		New York, N.Y.
Newark, N.J.		Philadelphia, Pa.
Oklahoma City, Okla.		St. Louis, Mo.
Pittsburgh, Pa.		San Francisco, Calif.
Port Everglades, Fla.		
Portland, Oreg.		
San Diego, Calif.		
San Juan, P.R.		
Seattle, Wash.		
Tucson, Ariz.		

(6) After authentication by the Customs Director at the port of origin one copy shall be retained at the port of origin and the original and duplicate copies shall be returned by the Customs Director to the person presenting the export declarations; and those copies shall be delivered to the carrier transporting the cargo to the port of exportation. The carrier transporting the merchandise to the port of exportation, in turn, will be responsible for delivering the two copies to the exporting carrier at the port of exportation.

(7) The exporting carrier shall present the original and duplicate copies of the export declarations with the cargo manifest to Customs at the port of exportation. Where shipments move to Mexico by land transportation or by ferry, the original and duplicate authenticated export declarations shall be presented to Customs at the port of export at the time of, or prior to, movement of the goods across the border.

(8) Statistical copies of Shipper's Export Declarations shall be batched separately from Customs copies by the exporting carrier prior to presentation of the declarations (and manifest, if required) to Customs.

A. ROSS ECKLER,
Director,
Bureau of the Census.

MAY 5, 1969.

I concur: June 19, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary.

[F.R. Doc. 69-8176; Filed, July 10, 1969; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-362]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Reliability and Adequacy of Electric Service; Correction

JULY 1, 1969.

In the statement of policy issued June 25, 1969, and published in the FEDERAL REGISTER July 3, 1969, 34 F.R. 11200, on page 1, please insert "Order No. 383" above Statement of Policy.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8147; Filed, July 10, 1969; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1464—CONSOLIDATED RENEGOTIATION OF AFFILIATED GROUPS AND RELATED GROUPS

Request for Consolidated Renegotiation of Related Group; When Granted

Section 1464.4 is amended by deleting paragraph (a) and inserting in lieu thereof the following:

§ 1464.4 Request for consolidated renegotiation of related group; when granted.

* * * * *

(a) Each member of the group had renegotiable receipts or accruals during the fiscal year of the member designated as agent pursuant to § 1464.7(b), and no amounts included in the consolidation were received or accrued by a member in a fiscal year of such member ending more than 3 months after the close of the fiscal year of such agent.

* * * * *

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. Sec. 1219)

Dated: July 8, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69-8201; Filed, July 10, 1969; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 23,029]

PART 545—OPERATIONS

Real Estate Loans

JULY 3, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) to authorize certain Federal savings and loan associations to invest in real estate loans on dwellings which are subject to the leased housing program authorized by section 23 of the United States Housing Act of 1937, as amended, on a more liberal basis than is applicable to real estate loans by such associations generally, and, therefore, hereby amends said Part 545 by adding a new § 545.6-23 immediately after § 545.6-22, to read as follows, effective July 11, 1969:

§ 545.6-23 Loans on single-family dwellings subject to section 23 of the United States Housing Act of 1937, as amended.

Without regard to any other provision of this part except §§ 545.6-8, 545.6-10, and 545.6-11, a Federal association which has a Charter K (rev.) or Charter N may invest in installment loans secured by first liens on single-family dwellings located in its regular lending area in an amount not in excess of 90 percent of the value thereof and not more than $20,000 for each single-family dwelling, if such dwellings are subject to the leased housing program authorized by section 23 of the United States Housing Act of 1937, as amended.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time, and since it is in the public interest for the additional authority granted in the amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(b); and publication of said amendment for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendment would, in the opinion of the Board, likewise be contrary to the public interest for the same reason, and the Board hereby so finds; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-8192; Filed, July 10, 1969; 8:48 a.m.]

[No. 23,021]

PART 545—OPERATIONS

Service Corporations

JULY 3, 1969.

Resolved that, notice and public procedure having been duly afforded (34 F.R. 7580) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend § 545.9-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9-1) for the purpose of preventing a Federal association from investing in, or retaining an investment in, a service corporation which uses the words "National", "Federal", or "United States" or the initials "U.S." in its corporate name, which use could be misleading in the opinion of the Board and also may be in violation of the prohibitions contained in 18 U.S.C. 709. Accordingly, § 545.9-1 is amended by adding at the end thereof a new paragraph (f) to read as follows, effective August 10, 1969:

§ 545.9-1 Service corporations.

* * * * *

(f) *Corporate name.* No Federal association may invest in, or retain any investment in, the capital stock, obligations, or other securities of any service corporation the corporate name of which includes the words "National", "Federal", or "United States" or the initials "U.S.".

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-8193; Filed, July 10, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 69-CE-6-AD; Amdt. 39-793]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 300 Series and 400 Series Airplanes

Amendment 39-774 (34 F.R. 9330, 9331), AD 69-14-1, on Cessna Models 310G, H, I, J, K, L, N, and P; E310H; E310J; T310P; 320A, B, C, D, E, and F; 401 and 401A; 402 and 402A; 411 and 411A; 421 and 421A, prohibits operation with less than 10 gallons of fuel in each main tank and requires prior to further flight the installation of placards reading: "Operation with less than 10 gallons of fuel in each main tank is prohibited" and "Maintain power within green arcs during descent". The directive further requires on Cessna Models 310L, N, P; T310P; 320E, F; 401, 401A; 402, 402A; 411, 411A; 421, and 421A airplanes prior to further flight, the installation of a placard reading: "Maximum speed with 15° to full flaps shall not exceed 140 MPH". On Cessna Models 310G, H, and 320A airplanes the directive requires prior to further flight the installation of a placard reading: "Flap position shall not exceed 35 degrees".

Since the issuance of AD 69-14-1, the manufacturer has developed a modification to the fuel system which will allow the safe operation of the airplanes without the restrictions imposed by the airworthiness directive. The modification is contained in Cessna Service Letter ME69-16, dated June 27, 1969, and consists of the addition of a pump in each main wing tank which maintains a constant fuel supply at the main wing tank fuel outlet.

This modification has been accomplished on certain aircraft and these aircraft are specifically excepted in the applicability clause of this amendment.

In lieu of the foregoing, accomplishment of an equivalent STC approved modification would be considered satisfactory.

In order to assure that the above modification is accomplished, an amendment to AD 69-14-1 is being issued requiring on or before January 1, 1970, the accomplishment of the modification set forth in Cessna Service Letter ME69-16 or any equivalent method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region.

Since the restrictions and placarding in AD 69-14-1 will remain in effect until the fuel system has been modified, the agency believes the compliance time of six (6) months is satisfactory.

Since this amendment is in the interest of safety, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-774 (34 F.R. 9330, 9331), AD 69-14-1, is amended as follows:

1. The applicability statement is amended to read as follows:

CESSNA. Applies to Models 310G, H, I, J, K, L, N, P, and T310P, Serial Nos. 310G0001 through 310P0166 except 310P0079, 310P0121, 310P0135, 310P0154, 310P0155; all E310J and E310H Aircraft; all 320A, B, C, D, E, F Aircraft; Models 401, 401A, Serial Nos. 401-0001 through 401A0078 except 401A0073; Models 402, 402A, Serial Nos. 402-0001 through 402A0063 except 402A0062; all 411, 411A Aircraft; Models 421, 421A, Serial Nos. 421-0001 through 421A0099 except 421A0041, 421A0077, 421A0093.

2. The following paragraphs are added following paragraph E:

(F) On or before January 1, 1970, unless already accomplished, modify fuel system either by the installation of a pump in each main wing tank and all related changes in accordance with Cessna Service Letter ME69-16, dated June 27, 1969, or by the accomplishment of any equivalent method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region.

(G) Upon accomplishment of the modification required by paragraph F, compliance with the provisions of paragraphs A, B, C, D, and E is no longer required.

This amendment becomes effective July 11, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 2, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-8170; Filed, July 10, 1969; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-WE-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Tacoma, Wash. (McChord AFB), control zone.

The McChord RBN was decommissioned May 25, 1969. Since a portion of the control zone is described on this facility, an editorial change is required. Action is taken herein to reflect this change.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In view of the foregoing, in § 71.171 (34 F.R. 4557) the Tacoma, Wash. (McChord AFB) control zone is amended by deleting all after "* * * the McChord AFB VOR 182° radial, * * *" and substituting therefor "* * * extending from the 5-mile radius zone to 7.5 miles south of the VOR."

Effective date. This amendment shall be effective 30 days after publication in the FEDERAL REGISTER.

Issued in Los Angeles, Calif., on July 2, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-8169; Filed, July 10, 1969; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9673; Amdt. 657]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
IDA VOR	NDB	Direct	7000	T-dn%	300-1	300-1	200-½
Rigby Int	NDB (final)	Direct	5400	C-dn	500-1	500-1	500-1½
				S-dn-20	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W. side of crs, 019° Outbnd, 199° Inbnd, 7000′ within 10 miles.
Minimum altitude over facility on final approach crs, 5400′.
Crs and distance, facility to airport, 199°—2.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles after passing IDA NDB climb to 7000′ on 197° crs of IDA NDB within 10 miles.
%Takeoff all runways: Shuttle climb on 197° crs from IDA NDB within 20 miles to minimum altitude required for direction of flight.

Direction of flight	MCA
E, V-330	6400

MSA within 25 miles of facility: 000°-090°—10,000′; 090°-180°—8600′; 180°-270°—7900′; 270°-360°—7200′.

City, Idaho Falls; State, Idaho; Airport name, Fanning Field; Elev., 4740′; Fac. Class., H-SAB; Ident., IDA; Procedure No. NDB (ADF)-1, Amdt. 5; Eff. date, 31 July 69; Sup. Amdt. No. ADF 1, Amdt. 4; Dated, 28 May 66

SAT-VOR	LOM	Direct	3000	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-12R*	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of NW crs, 303° outbnd, 123° inbnd, 3000′ within 10 miles.
Minimum altitude over LOM on final approach crs, 3600′.
Crs and distance, facility to airport, 123°—5.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing LOM, turn right to 180°, climb to 3000′, intercept and proceed SE on 150° crs from "AN" LOM within 15 miles, or, when directed by ATC, turn right, climb to 3000′ on SAT VOR R 158° within 20 miles.
*Reduction of landing visibility below ½ mile not authorized.
MSA within 25 miles of facility: 000°-360°—3100′.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808′; Fac.Class., LOM; Ident., AN; Procedure No. NDB (ADF) Runway 12R, Amdt. 10; Eff. date, 31 July 69; Sup. Amdt. No. ADF 3, Amdt. 9; Dated, 23 July 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Parowan Int	Summit Int	Direct	11,500	T-dn*	300-1	300-1	200-½
Summit Int	CDC VOR (final)	Direct	7300	C-dn	700-1	700-1	700-1½
				S-dn-20	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 348° Outbnd, 168° Inbnd, 8000′ within 10 miles of CDC VOR.
Minimum altitude over facility on final approach crs, 7300′.
Crs and distance, facility to airport, 177°—4.7 miles.
Is visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing CDC VOR, make right-climbing turn, climb to 8000′ on R 348° within 10 miles of CDC VOR, all turns W.
CAUTION: 6000′ terrain 2 miles S of airport.
*Takeoff not authorized Runway 8.
MSA within 25 miles of the facility: 000°-090°—11,500′; 090°-180°—12,400′; 180°-270°—10,500′; 270°-360°—8600′.

City, Cedar City; State, Utah; Airport name, Cedar City Municipal; Elev., 5100′; Fac. Class., BVOR; Ident., CDC; Procedure No. VOR-1, Amdt. 4; Eff. date, 31 July 69; Sup. Amdt. No. VOR 1, Amdt 3; dated, 5 Sept. 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
San Pedro Int	SLI VOR (final)	Direct	2500	T-dn	300-1	300-1	NA
Albacore Int	SLI VOR (final)	Direct	2500	C-dn*	800-1	800-1	NA
				A-dn**	1000-2	1000-2	NA

Radar available.
Procedure turn E side of crs, 200° Outbnd, 020° Inbnd, 2500′ within 10 miles of SLI VOR.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 020°—6.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing SLI VOR, make immediate right climbing turn to heading of 145°, intercept and climb inbound on SLI R 053° to cross SLI at minimum altitude 2000′.
*CAUTION: Derrick 752′ 2 miles NNE of airport. Radio tower 823′, 1.9 miles W of airport. All maneuvering S of airport only.
**Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
MSA within 25 miles of facility: 045°-135°—6100′; 135°-225°—1300′; 225°-315°—3400′; 315°-045°—6600′.

City, Fullerton; State, Calif.; Airport name, Fullerton Municipal; Elev., 96′; Fac. Class., L-BVORTAC; Ident., SLI; Procedure No. VOR-1, Amdt. 3; Eff. date, 31 July 69; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 3 Apr. 66

Rigby Int	IDA VOR	Direct	6500	T-dn%	300-1	300-1	200-½
Rockford Int	IDA VOR	Direct	6500	C-dn	500-1	500-1	500-1½
PIH VOR	Moreland Int	Direct	7000	S-dn-2*	500-1	500-1	500-1
Moreland Int	Shelley Int	Direct	6500	A-dn	800-2	800-2	800-2
Shelley Int	IDA VOR (final)	Direct	5240				

Procedure turn W side of crs, 206° Outbnd, 026° Inbnd, 6500′ within 10 miles.
Minimum altitude over Shelley Int on final approach crs, 6500′; over VOR, 5240′.
Crs and distance, breakoff point to Runway 2, 021°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing IDA VOR, climb to 7000′ on R 013° within 10 miles, or when directed by ATC, within 0 mile after passing IDA VOR, turn left-climbing to 7000′ on R 197° of IDA VOR within 10 miles.
*500-¾ authorized, with operative high-intensity runway lights, except for 4-engine turbojet aircraft.
%Takeoff all runways: Shuttle climb on R 197° of IDA VOR within 20 miles to minimum altitude required for direction of flight.

Direction of flight	MCA
E, V-330	6400

MSA within 25 miles of facility: 000°-090°—9400′; 090°-180°—8800′; 180°-270°—7900′; 270°-360°—7000′.

City, Idaho Falls; State, Idaho; Airport name, Fanning Field; Elev., 4740′; Fac.Class. L-BVOR; Ident., IDA; Procedure No. VOR Runway 2, Amdt. 11; Eff. date, 31 July 69; Sup. Amdt. No. 10; Dated, 30 Jan. 69

Rigby Int	IDA RBn (final)	Direct	5400	T-dn%	300-1	300-1	200-½
Terreton Int	IDA VOR	Direct	6500	C-dn*	500-1	500-1	500-1½
Rockford Int	IDA VOR	Direct	6500	S-dn-20*#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 013° Outbnd, 193° Inbnd, 6500′ within 10 miles.
Minimum altitude over IDA RBn on final approach crs, 5400′; over VOR, 5140′.
Crs and distance, breakoff point to Runway 20, 201°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of IDA VOR, climb to 7000′ on R 197° IDA VOR within 10 miles.
*ADF equipment required for descent below 5400′.
#400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
%Takeoff all runways: Shuttle climb on R 197° of IDA VOR within 20 miles to minimum altitude required for direction of flight.

Direction of flight	MCA
E, V-330	6400

MSA within 25 miles of facility: 000°-090°—9400′; 090°-180°—8800′; 180°-270°—7900′; 270°-360°—7000′.

City, Idaho Falls; State, Idaho; Airport name, Fanning Field; Elev., 4740′; Fac. Class., BVOR; Ident., IDA; Procedure No. VOR Runway 20, Amdt. 7; Eff. date, 31 July 69; Sup. Amdt. No. 6; Dated, 30 Jan. 69

Williams VOR	MYV VOR	Direct	2500	T-dn%	300-1	300-1	200-½
Yuba Int	MYV VOR	Direct	2500	C-dn	600-1	600-1	600-1½
Grimes Int	MYV VOR	Direct	2500	S-dn-14	600-1	600-1	600-1
Chico VOR	Live Oak Radar Fix	Direct	2500	A-dn	800-2	800-2	800-2
Live Oak Radar Fix	Sullivan Radar Fix (final)	Direct	700	If Sullivan Radar Fix received, the following minimums apply:			
				S-dn-14	500-1	500-1	500-1
				C-dn	500-1	500-1	500-1½

Radar available.
Procedure turn E. side of crs, 325° Outbnd, 145° Inbnd, 1500′ within 10 miles.
Minimum altitude over Sullivan Radar Fix on final approach crs, 700′.
Facility on airport. Crs and distance, Sullivan Radar Fix to approach end Runway 14, 145°—5.4 miles.
Breakoff point to runway, 139°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing MYV VOR, turn right, climb to 2000′ on MYV VOR R 325° within 15 miles.
%Takeoffs all runways: Westbound to Yuba Int, climb on MYV R 135° or MYV R 325° within 10 miles to cross VOR at or above 1500′, then continue climb on MYV R 262°, MCA V23, 3000′ northwestbound. On crs climb authorized direct Chico VOR and direct Grimes Int.
MSA within 25 miles of facility: 000°-090°—4000′; 090°-180°—2700′; 180°-270°—2500′; 270°-360°—3500′.

City, Marysville; State, Calif.; Airport name, Yuba County; Elev., 63′; Fac. Class., T-BVOR; Ident., MYV; Procedure No. VOR Runway 14, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. VOR-14, Amdt. 1; Dated, 16 Apr. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Williams VOR	MYV VOR	Direct	2500	T-dn/%	300-1	300-1	200-½
Grimes Int	MYV VOR	Direct	2500	C-dn	500-1	500-1	500-1½
Yuba Int	MYV VOR	Direct	2500	S-dn-32	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				If Plumas Radar Fix received, the following minimums apply:			
				C-dn	400-1	500-1	500-1½
				S-dn-32	400-1	400-1	400-1

Radar available.
Procedure turn E side of crs, 135° Outbnd, 315° Inbnd, 1500′ within 10 miles.
Minimum altitude over Plumas Int on final approach crs, 600′.
Facility on airport. Crs and distance, Plumas Radar Fix to approach end Runway 32, 315°—3.1 miles.
Breakoff point to runway 32—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing MYV VOR, climb to 2000′ on MYV VOR R 326° within 15 miles.
%Takeoffs all runways: Westbound to Yuba Int, climb on MYV R 135° or MYV R 325° within 10 miles to cross VOR at or above 1500′, then continue climb on MYV R 262°, MCA V23, 3000′ northwestbound. On crs climb authorized direct Chico VOR and direct Grimes Int.
MSA within 25 miles of facility: 000°–090°—4000′; 090°–180°—2700′; 180°–270°—2500′; 270°–360°—3500′.

City, Marysville; State, Calif.; Airport name, Yuba County Elev., 63′; Fac. Class., T-B VOR; Ident., MYV; Procedure No. VOR Runway 32, Amdt. 3; Eff. date, 31 July 69; Sup. Amdt. No. VOR-32, Amdt. 2; Dated, 21 May 66

SCK VOR	MOD VOR	Direct	2000	T-dn	300-1	300-1	200-½
Woodward Int	MOD VOR	Direct	2000	C-dn	500-1	500-1	500-1½
SCK VOR	Salida Int	Direct	2000	A-dn#	800-2	800-2	800-2
Salida Int	MOD VOR (final)	Direct	600				

Procedure turn S side of crs, 274° Outbnd, 094° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing MOD VOR, climb to 1500′ in a holding pattern on R 102° (102° Outbnd–282° Inbnd) right turns.
NOTE: Use Stockton altimeter setting when control zone not effective.
#Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–180°—2500′; 180°–270°—4700′; 270°–360°—2000′.

City, Modesto; State, Calif.; Airport name, Modesto City-County; Elev., 96′; Fac. Class., T-B VOR; Ident., MOD; Procedure No. VOR Runway 11L, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. TerVOR-11L, Amdt. 1; Dated, 1 Jan 66.

SCK VOR	MOD VOR	Direct	2000	T-dn	300-1	300-1	200-½
Woodward Int	MOD VOR	Direct	2000	C-dn	500-1	500-1	500-1½
SCK VOR	Salida Int	Direct	2000	S-dn-29R&8	500-1	500-1	500-1
Salida Int	MOD VOR	Direct	2000	A-dn*	800-2	800-2	800-2

Procedure turn S side of crs, 102° Outbnd, 282° Inbnd, 1500′ within 10 miles. Procedure turn S side o. ers to provide separation from Castle AFB traffic.
Minimum altitude over facility on final approach crs, 600′.
Facility on airport. Crs and distance, breakoff point to approach end of runway, 287°—0.2 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MOD VOR, make right-climbing turn and climb to 1500′ in a holding pattern on R 102° (102° Outbnd–282° Inbnd) right turns.
NOTE: Use Stockton altimeter setting when control zone not effective.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
#Inoperative table does not apply to HIRL Runway 29R.
$300-1$_{4}$ authorized with operative MALS, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–180°—2500′; 180°–270°—4700′; 270°–360°—2000′.

City, Modesto; State, Calif.; Airport name, Modesto City-County; Elev., 96′; Fac. Class., T-B VOR; Ident., MOD; Procedure No. VOR Runway 29R, Amdt. 4; Eff. date, 31 July 69; Sup. Amdt. No. Ter VOR-29R, Amdt. 3; Dated, 1 Jan. 66

15-mile DME Fix PRB, R 133°	10-mile DME Fix PRB, R 133°	Direct	3600	T-dn/%	300-1	300-1	200-½
10-mile DME Fix PRB, R 133°	3-mile DME Fix PRB, R 133° (final)	Direct	2136	C-d	1300-1	1300-1	1300-1½
				C-n	1300-2	1300-2	1300-2
				A-d#	1300-2	1300-2	1300-2
				A-n#	1300-3	1300-3	1300-3
				If 3-mile DME Fix received, the following minimums apply:			
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2

Procedure turn E side of crs, 133° Outbnd, 313° Inbnd, 3600′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over 10-mile DME Fix, 3600′; over 3-mile DME Fix, 2136′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing PRB VOR, turn left, climb to 3600′ on PRB VOR R 133° within 15 miles. (CAUTION: 3625′ terrain 21 miles SE of VOR.)
NOTE: When authorized by ATC, DME may be used at 12 miles at 3600′ between PRB R 077° clockwise to R 179° to position aircraft for straight-in approach with elimination of procedure turn.
%Takeoffs all runways: Climb in a holding pattern NW of PRB VOR on PRB VOR R 326° (146° Inbnd), left turns, within 10 miles to cross the VOR at or above the following MCA's: V113, 3000′ northbound; V248, 3000′ eastbound; V25, 3000′ southeastbound; V25W, 3000′ southbound; V25, 5000′ northwestbound; V25E—on crs, climb satisfactory with minimum climb rate of 180′ per mile.
#800′ ceiling authorized for aircraft equipped with operative DME.
MSA within 25 miles of facility: 000°–090°—5400′, 090°–270°—4700′; 270°–360°—5000′.

City, Paso Robles; State, Calif.; Airport name, Paso Robles County; Elev., 836′; Fac. Class., L-BVORTAC; Ident., PRB; Procedure No. VOR R 133°, Amdt. 5; Eff. date 31 July 69; Sup. Amdt. No. 4; Dated, 26 May 66

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Elkhart, Ind.—Elkhart Municipal, ADF 1, Amdt. 1, 7 May 1966 (established under Subpart C).
Montgomery, Ala.—Dannelly Field, ADF 1, Amdt. 7, 18 Dec. 1965 (established under Subpart C).
Paducah, Ky.—Barkley Field, NDB (ADF) Runway 4, Amdt. 2, 16 Sept. 1967 (established under Subpart C).
Elkhart, Ind.—Elkhart Municipal, VOR 1, Amdt. 1, 7 May 1966 (established under Subpart C).
Kaunakakai, Molokai, Hawaii—Molokai, VOR–1, Amdt. 1, 24 Apr. 1969 (established under Subpart C).
Montgomery, Ala.—Dannelly Field, VOR 1, Amdt. 13, 18 Dec. 1965 (established under Subpart C).
Paducah, Ky.—Barkley Field, VOR Runway 4, Amdt. 6, 16 Sept. 1967 (established under Subpart C).

3. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Hilo, Hawaii—General Lyman Field, VOR Runway 26, Amdt. 3, effective 2 Dec. 1967, canceled, effective 31 July 1969.

4. By amending § 97.15 of Subpart B to amend very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Albacore Int (10.8-mile DME Fix SLI, R 171°)	SLI VOR (final)	Direct	2500	T-dn	300-1	300-1	NA
				C-dn	800-1	800-1	NA
San Pedro Int (16.2-mile DME Fix SLI, R 210°)	SLI VOR (final)	Direct	2500	A-dn#	1000-2	1000-2	NA

Radar available.
Procedure turn E side of crs, 200° Outbnd, 020° Inbnd, 2500′ within 10 miles of SLI VOR.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 020°—6.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at SLI 6-mile DME Fix make right-climbing turn via 6.5-mile DME Orbit to intercept and climb inbnd on SLI, R 053° to cross SLI minimum 2000′.
NOTES: (1) When authorized by LGB approach control, DME may be used within 10 miles from R 120° clockwise to R 251° at 2500′ to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: Derrick 752′, 2 miles NNE of airport. Radio tower 823′, 1.9 miles W of airport. All maneuvering S of airport only.
#Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
MSA within 25 miles of facility: 045°–135°—6100′; 135°–225°—1300′; 225°–315°—3400′; 315°–045°—6600′.
City, Fullerton; Sate, Calif.; Airport name, Fullerton Municipal; Elev., 96′; Fac. class., L-BVORTAC; Ident., SLI; Procedure No. VOR/DME No. 1, Amdt. 5; Eff. date, 31 July 69; Sup. Amdt. No. 4; Dated, 3 Apr. 65

TUS R 260° 37-mile DME Fix	R 260°, 17-mile DME Fix	Direct	5000	T-dn	300-1	300-1	200-½
R 260°, 17-mile DME Fix	R 260°, 10-mile DME Fix (final)	Direct	4200	C-dn	500-1	500-1	500-1½
TUS R 303° 20-mile DME Fix	R 260°, 20-mile DME Fix	Via 20-mile DME Orbit.	6000	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 260° Outbnd, 080° Inbnd, 5000′ within 17 miles of TUS VOR.
Minimum altitude over 10-mile DME Fix, R 260° on final approach crs, 4200′.
Crs and distance, 10-mile DME Fix, R 260° to airport, 080°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6.9-mile DME Fix, make right-climbing turn, climb via R 260° to 17-mile DME Fix at 5000′ or, when directed by ATC, climb ahead to VOR, turn right, climb via R 230° to cross 16-mile Fix at 6000′ orbit via 17-mile DME Arc to R 260°, or climb ahead to VOR, turn left, climb via R 303° to 20-mile DME Fix at 6000′, orbit via 20-mile DME counter clockwise to R 260°.
NOTES: When authorized by ATC, DME may be used within 20 miles from 238°–303° at 6000′ to position aircraft for a straight-in approach with the elimination of the procedure turn.
MSA within 25 miles of facility: 000°–090°—9800′; 090°–180°—10,300′; 180°–270°—9600′; 270°–360°—10,200′.

City, Tucson; State, Ariz.; Airport name, Tucson International; Elev., 2630′; Fac. Class H-BVORTAC; Ident., TUS; Procedure No. VOR/DME No. 2, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. 1; Dated, 3 Oct. 64

5. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Hilo, Hawaii—General Lyman Field, VOR/DME–1, Amdt. 2, 2 Dec. 1967 (established under Subpart C).

6. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-13L	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2
				Glide slope inoperative minimums:			
				S-dn-13L	600–1	600–1	600–1

Radar required.
Procedure turn not authorized.
Crs and distance OM to airport 132°, 4.1 miles.
Minimum altitude at glide slope interception inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1375'—4.1 miles; at MM, 212'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead intercept and proceed via the JFK R 077° to DPK VORTAC climbing to 3000'. Hold at DPK VORTAC, 1 minute, left turns, 257° inbnd.
CAUTION: Do not descend below 2500' W of the LGA VOR R 234°.
Supplementary charting information: (1) Start profile at glide slope interception altitude. (2) TDZ elevation, 12'. (3) Chart the LGA R 234° from LGA VOR to 15 miles SW #Inoperative components table does not apply to HIRL's.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., ILS; Ident., I-TLK; Procedure No. ILS Runway 13L, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. 1; Dated, 30 Jan. 69

7. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Montgomery, Ala.—Dannelly Field, ILS–9, Amdt. 12, 18 Dec. 1965 (established under Subpart C).
Montgomery, Ala.—Dannelly Field, ILS–27, (BC), Amdt. 1, 18 Dec. 1965 (established under Subpart C).

8. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Montgomery, Ala.—Dannelly Field, Radar 1, Amdt. 3, 12 Aug. 1967 (established under Subpart C).

9. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BMG VORTAC.
Scotland Int	BMG VORTAC	Direct	2400	Climb to 2400' on R 241° and return to BMG VORTAC.
Cataract Int	BMG VORTAC	Direct	2500	
Houston Int	BMG VORTAC	Direct	2600	Supplementary charting information:
R 310°, BMG VORTAC CW	R 061°, BMG VORTAC	12-mile DME Arc	2600	Final approach crs parallels runway 500' N of centerline extended.
R 110°, BMG VORTAC CCW	R 061°, BMG VORTAC	12-mile DME Arc	2800	
12-mile DME Arc	College 4-mile DME Fix (NOPT)	Direct	1700	Tower 1443', 5.7 miles E 39°08'32"/86°29'43". Runway 24, TDZ elevation, 841'.

Procedure turn N side of crs, 061° Outbnd, 241° Inbnd, 2400' within 10 miles of BMG VORTAC.
Final approach crs 241°.
Minimum altitude over College 4-mile DME, *1460'. (*1700' from 12-mile Arc.)
MSA: 000°–090°—3100'; 090°–180°—2500'; 180°–360°—2300'.
NOTE: Use Indianapolis altimeter when control zone not effective and all MDA's increased 180' when control zone not effective except for operators with approved weather reporting service.
CAUTION: 90' lighted hill approximately 2500' SW of airport.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–24	1460	1	619	1460	1	619	1460	1	619	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1460	1	613	1460	1	613	1460	1½	613	NA
	VOR/DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S–24	1260	1	419	1260	1	419	1260	1	419	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1320	1	473	1320	1	473	1320	1½	473	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Bloomington; State, Ind.; Airport name, Monroe County; Elev., 847'; Facility, BMG; Procedure No. VOR Runway 24, Amdt. Orig.; Eff. date, 31 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 15-mile DME Fix, or, 5 miles after passing Skeeter Int.
SBN VORTAC	Skeeter Int	Direct	2500	Make right climbing turn to 2500' and return to Skeeter Int.
GSH VORTAC	Skeeter Int	Direct	2500	
R 070°, SBN VORTAC CW	R 101°, SBN VORTAC	26-mile Arc	2500	Supplementary charting information:
R 140°, SBN VORTAC CCW	R 101°, SBN VORTAC	26-mile Arc	2500	1016' tower 2.8 miles WNW of airport.
Cass Int	Skeeter Int (NOPT)	Direct	2500	884' tower 0.9 mile ENE of airport. Runway 27, TDZ elevation, 779'.

Procedure turn N side of crs, 101° Outbnd, 281° Inbnd, 2500' within 10 miles of Skeeter Int.
FAF, Skeeter Int. Final approach crs, 281°. Distance FAF to MAP, 5 miles.
Minimum altitude over Skeeter Int, 2500'.
MSA: 045°–225°—3000'; 225°–315°—2200'; 315°–045°—2300'.
NOTE: Use South Bend, Ind., altimeter setting except operators with approved weather reporting service. Operators with approved weather reporting service may reduce all MDA's by 40'.
*Standard alternate minimums authorized for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–27	1180	1	401	1180	1	401	1180	1	401	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1240	1	461	1240	1	461	1240	1¼	461	NA
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Elkhart; State, Ind.; Airport name, Elkhart Municipal; Elev., 779'; Facility, SBN; Procedure No. VOR Runway 27, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 7 May 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.8 miles after passing MKK VOR.
Palmtree Int	Laau Point Int	Direct	1900	Climbing left turn to 3000' via MKK VOR R 030°; reverse crs and return to VOR at 4000' and hold.
Laau Point Int	MKK VORTAC	Direct	1900	
				Supplementary charting information: Hold NE on R 056°, 1 minute, right turns, 236° Inbnd, MHA 4000'.

Procedure turn N side of crs, 251° Outbnd, 071° Inbnd, 2400' within 10 miles of MKK VORTAC.
FAF, MKK VORTAC. Final approach crs, 069°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over Laau Point Int, 1900'; over MKK VORTAC, 1900'; over MKK, R 069°, 2-mile DME/LNY R 327°, 1700'.
MSA: 045°–135°—7000'; 135°–225°—5400'; 225°–045°—3400'.
%All runways, climbing left turn to 360° to 2000'; proceed as cleared.
*Use Honolulu altimeter setting and increase MDA 200' all categories when control zone not effective or current MKK altimeter setting not available.
#Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	1700	1¾	1246	1700	2	1246	1700	2¼	1246	1700	2½	1266
	Dual VOR or VOR/DME Minimums:											
C*	1100	1	464	1100	1	646	1100	1½	646	1380	2	926
A	Standard.#		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Kaunakakai; Island, Molokai; State, Hawaii; Airport name, Molokai; Elev., 454'; Facility, MKK; Procedure No. VOR–1, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. 1; Dated, 24 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Shady Grove Int	MGM VORTAC (NOPT)	MGM, R 126°	2000	MAP: 5.6 miles after passing MGM VORTAC.
MGM VORTAC, R [illegible]° CCW	MGM VORTAC, R 138°	7-mile DME Arc	2000	Climbing left turn to 2000', proceed to Swift Creek Int via MGM VORTAC, R 308° and hold; or, when directed by ATC, climbing left turn to 2000' direct to MG LOM and hold. Hold W, 1 minute, right turns, 093° Inbnd.
MGM VORTAC, R 130° CW	MGM VORTAC, R 138°	7-mile DME Arc	2000	
7-mile DME Fix	MGM VORTAC (NOPT)	MGM R 138°	1800	

Supplementary charting information:
Swift Creek Int hold NW, 1 minute, left turns, 125° Inbnd.
Final approach crs to runway threshold.
HIRL Runways, 9/27. ALS Runway 9.
Runway 15 threshold displaced 585' NW 3425' available for landing Runway 15.
Runway 33, TDZ elevation, 204'.

Procedure turn E side of crs, 138° Outbnd, 318° Inbnd, 2000' within 10 miles of MGM VORTAC
FAF, MGM VORTAC. Final approach crs, 318°. Distance FAF to MAP, 5.6 miles.
Minimum altitude over MGM VORTAC, 1800'.
MSA: 000°–090°—2000'; 090°–180°—3500'; 180°–270°—2500'; 270°–360°—2200'
NOTES: (1) ASR. (2) Night operation not authorized on Runways 15,33.
*Circling not authorized for Category (E) N of airport.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-33	600	1	396	600	1	396	600	1	396		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	399	680	1	459	680	1½	459	780	2	559
	Category (E):											
	MDA	VIS	HAA									
C*	780	2	559									
A	Standard.		T 2-eng. or less—RVR 24', Runway 9; Standard all other runways.				T over 2-eng.—RVR 24', Runway 9, Standard all other runways.					

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221'; Facility, MGM; Procedure No. VOR Runway 33, Amdt. 14; Eff. date, 31 July 69; Sup. Amdt. No. VOR 1, Amdt. 13; Dated, 18 Dec. 65

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
R 183°, PUK VORTAC CW	R 221°, PUK VORTAC	10-mile Arc PUK, R 209° lead radial.	2000	MAP: 3.8 miles after passing PUK VORTAC.
R 297°, PUK VORTAC CCW	R 221°, PUK VORTAC	10-mile Arc PUK, R 233° lead radial.	2000	Climb to 2000', right turn direct PUK VORTAC and hold.
10-mile Arc	PUK VORTAC (NOPT)	PUK, R 221°	1800	Supplementary charting information: Hold SW, 1 minute, right turns, 041° Inbnd
				Runway 4. TDZ elevation, 407'.

Procedure turn E side of crs, 221° Outbnd, 041° Inbnd, 2000' within 10 miles of PUK VORTAC.
FAF, PUK VORTAC. Final approach crs, 041°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over PUK VORTAC, 1500'.
MSA: 000°–090°—2400'; 090°–180°—2400'; 180°–270°—1900'; 270°–360°—3000'.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-4	820	¾	413	820	¾	413	820	¾	413	820	1	413
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	860	1	453	860	1	453	860	1¼	453	960	2	553
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Paducah; State, Ky.; Airport name, Barkley Field; Elev., 407'; Facility, PUK; Procedure No. VOR Runway 4, Amdt. 7; Eff. date, 31 July 69; Sup. Amdt. No. 6; Dated, 16 Sept. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
15-mile DME ITO, R 323°	10-mile DME ITO, R 323°	Direct	3600	MAP: 1-mile DME Fix, R-323.
10-mile DME ITO, R 323°	8-mile DME ITO, R 323°	Direct	3000	Climbing left turn to 3000' on R 002°; reverse crs, return to ITO VORTAC on R 002° and hold.*
8-mile DME ITO, R 323°	5-mile DME ITO, R 323° (NOPT)	Direct	2100	Supplementary charting information:
				*Hold E, 1 minute, left turns, 259° Inbnd, MHA 3000'.
				Approach crs is airway radial.
				Radio tower 19° 44'11" N./155° 02' 07" W. 184'.

Procedure turn not authorized. Approach crs (profile) starts at 10-mile DME Fix, R 323°.
Final approach crs. 143°.
Minimum altitude over 10-mile DME Fix, 3600'; over 8-mile DME Fix, 3000'; over 5-mile DME Fix, 2100'.
MSA: 030°–102°—1300'; 120°–210°—7500'; 210°–300°—15,800'; 300°–030°—8000'.
%400-1 required Runway 26 with right turn after takeoff.
#When circling S of Runways 8/26, MDA is 820', HAA 783'.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D MDA	D VIS	D HAA
C	500	1	463	540	1	503	600	1½	563	#700	2	663
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Hilo; State, Hawaii; Airport name, General Lyman Field; Elev., 37'; Facility, ITO; Procedure No. VOR/DME-1, Amdt. 3; Eff. date, 31 July 69; Sup. Amdt. No. 2; Dated, 2 Dec. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VORTAC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
R 311°, ITO VORTAC CW	R 345°, ITO VORTAC	11-mile Arc	4000	MAP: 1-mile DME Fix, R 259°.
R 345°, ITO VORTAC CW	R 079°, ITO VORTAC (NOPT)	11-mile Arc	1600	Climbing right turn to 3000' on R 002°; reverse crs, return to ITO VORTAC on R 002° and hold.*
11-mile DME ITO, R 079°	Bayview DME/Int	Direct	1600	Supplementary charting information:
				*Hold E, 1 minute, left turns, 259° Inbnd, MHA 3000'.
				Radio tower 19°44'11" N./155°02'07" W., 184'.
				Runway 26, TDZ elevation, 37'.

Procedure turn S side of crs, 079° Outbnd, 259° Inbnd, 1600' within 10 miles of ITO VORTAC.
Final approach crs, 259°.
Minimum altitude over Bayview DME/Int, 1600'.
MSA: 030°–120°—1300'; 120°–210°—7500'; 210°–300°—15,800'; 300°–030°—8000'.
%400-1 required Runway 26, with right turn after takeoff.
*When circling S of Runways 8/26, MDA is 820', HAA 783'.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
8-26	440	1	403	440	1	403	440	1	403	440	1	403
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	463	540	1	503	600	1¼	563	*700	2	663
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Hilo; State, Hawaii; Airport name, General Lyman Field; Elev., 37'; Facility, ITO; Procedure No. VORTAC Runway 26, Amdt. Orig.; Eff. date, 31 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Syracuse VORTAC	12-mile DME Fix, R 226° (NOPT)	Direct	3000	MAP: 18-mile DME Fix, R 226°, SYR VORTAC. Make right-climbing turn to 3000' direct 12-mile DME Fix R 226° SYR VORTAC and hold. Supplementary charting information: Hold NE of 12-mile DME Fix, R 226° SYR VORTAC, 1 minute, right turns, 226° Inbnd. Final approach crs to center of airport. CAUTION: Lakelawn Private Airport located 1.9 miles NW.

Procedure turn W side of crs, 046° Outbnd, 226° Inbnd, 3000' within 10 miles of 12-mile DME Fix, R 226° SYR VORTAC.
Final approach crs, 226°.
Minimum altitude over 12-mile DME Fix, 3000'.
MSA: 000°–090°—2500'; 090°–180°—3600'; 180°–270°—3100'; 270°–360°—1900'.
NOTES: (1) Radar vectoring. (2) Use Syracuse altimeter setting. (3) Night operations Runways 4/22 not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS		
C	1560	1	530	1560	1	530	1620	1¼	590	NA		
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Skaneateles; State, N.Y.; Airport name, Empire Aero-Services; Elev., 1030'; Facility, SYR; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date 31 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
R 224°, FLO VORTAC CCW	R 104°, FLO VORTAC	7-mile DME Arc	2000	MAP: 16.3-mile DME Fix. Climbing right turn to 2000' to FLO VORTAC via R 104° and hold. Supplementary charting information: Hold W, 1 minute, right turns, 104° Inbnd. Final approach crs to center of landing area.
R 043°, FLO VORTAC CW	R 104°, FLO VORTAC	7-mile DME Arc	2000	
FLO VORTAC	7-mile DME Fix	FLO, R 104°	2000	
7-mile DME Fix	14-mile DME Fix	FLO, R 104°	1000	

Procedure turn not authorized. Approach crs (profile) starts at the 7-mile DME Fix.
Final approach crs, 104°.
Minimum altitude over 7-mile DME Fix, 2000'; over 14-mile DME Fix, 1000'.
MSA: 000°–090°—3200'; 090°–360°—2000'.
NOTES: (1) Use Florence, S.C., altimeter setting. (2) No weather reporting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	720	1	627	720	1	627	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Marion; State, S.C.; Airport name, Marion County; Elev., 93'; Facility, FLO; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 31 July 69

10. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Bohemia Int	DPK VORTAC (NOPT)	DPK, R 083°/9 nautical miles	2000	MAP: 9 miles after passing Deer Park VORTAC or 2.4 miles after passing Sunrise Int/6.6-mile DME Fix. Climbing right turn to 2000' direct to DPK VORTAC and hold. Supplementary charting information: Hold E, 1 minute, right turns, 245° Inbnd.

Procedure turn not authorized. One minute holding pattern, NE of Deer Park VORTAC, 245° Inbnd, right turns, 2000'.
FAF, DPK VORTAC. Final approach crs, 265°. Distance FAF to MAP, 9 miles.
Minimum altitude over DPK VORTAC, 2000'; over Sunrise Int/6.6-mile DME Fix, 960'.
MSA: 000°–090°—1700'; 090°–180°—1700'; 180°–270°—1600'; 270°–360°—1900'.
NOTES: (1) Radar vectoring. (2) Procedure authorized only during hours control tower is in operation.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	960	1	828	960	1¼	828	960	1½	828	960	2	828
VOR/NDB Minimums:												
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	520	1	388	580	1	448	640	1½	508	680	2	548
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Bethpage; State, N.Y.; Airport name, Grumman-Bethpage; Elev., 132'; Facility, DPK; Procedure No. VOR-1, Amdt. 4; Eff. date, 31 July 69; Sup. Amdt. No. 3; Dated, 13 Feb. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Scotland Int	BMG VORTAC	Direct	2400	MAP: BMG VORTAC. Climb to 2400' on R 055° and return to BMG VORTAC. Supplementary charting information: Runway 6, TDZ elevation, 833'.
Cataract Int	BMG VORTAC	Direct	2500	
Houston Int	BMG VORTAC	Direct	2600	
Scotland Int	R 235°, BMG VORTAC 9-mile DME Fix.	105° crs and BMG VORTAC, R 235°, 5.5 miles.	2500	
R 235°, BMG VORTAC 9-mile DME Fix.	Track/4-mile DME Fix (NOPT).	Direct	1500	

Procedure turn S side of crs, 235° Outbnd, 055° Inbnd, 2400' within 10 miles of BMG VORTAC.
Final approach crs, 055°.
Minimum altitude over Track/4-mile DME Fix, *1340'. (*1500' from R 235° BMG 9-mile DME Fix.)
MSA: 000°–090°—3100'; 090°–180°—2500'; 180°–360°—2300'.
NOTE: Use Indianapolis altimeter setting when control zone not effective and all MDA's increased 180' when control zone not effective except for operators with approved weather reporting service.
CAUTION: 90' lighted hill approximately 2500' SW of airport.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-6	1340	1	507	1340	1	507	1340	1	507	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1340	1	493	1340	1	493	1340	1½	493	NA
VOR/DME Minimums:										
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-6	1280	1	447	1280	1	447	1280	1	447	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1320	1	473	1320	1	473	1320	1½	473	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Bloomington; State, Ind.; Airport name, Monroe County; Elev., 847'; Facility, BMG; Procedure No. VOR Runway 6, Amdt. 7; Eff. date, 31 July 69; Sup. Amdt. No. 6; Dated, 20 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BMG VORTAC.
Scotland Int	BMG VORTAC	Direct	2400	Climb to 2400′ on BMG VOR R 160° and return to BMG VORTAC.
Cataract Int	BMG VORTAC	Direct	2500	
Houston Int	BMG VORTAC	Direct	2600	Supplementary Charting Information:
Cataract Int	R 340°, BMG VORTAC 10-mile DME Fix.	082° crs and BMG VORTAC, R 340°, 3.5 miles.	2500	1009′ unmarked and unlighted tower 4 miles NNW of airport 39–12–39/86–38–31.
R 340°, BMG VORTAC 10-mile DME Fix	Whitehall 4-mile DME (NOPT)	Direct	1600	Runway 17, TDZ, elevation 847′.
R 030°, BMG VORTAC CCW	R 340°, BMG VORTAC	10-mile DME Arc	2500	

Procedure turn W side of crs, 340° Outbnd, 160° Inbnd, 2400′ within 10 miles of BMG VORTAC.
Final approach crs, 160°.
Minimum altitude over Whitehall 4-mile DME, *1400′. (*1600′ from 10-mile DME Arc.)
MSA: 315°–135°—3100′; 135°–225°—2300′; 225°–315°—2200′.
NOTE: Use Indianapolis altimeter setting when control zone not effective and all MDA's increased 180′ when control zone not effective except for operators with approved weather reporting service.
CAUTION: 90′ lighted hill approximately 2500′ SW of airport.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–17	1400	1	553	1400	1	553	1400	1	553	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1400	1	553	1400	1	553	1400	1½	553	NA
VOR/DME Minimums:										
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S–17	1260	1	413	1260	1	413	1260	1	413	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1320	1	473	1320	1	473	1320	1½	473	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Bloomington; State, Ind.; Airport name, Monroe County; Elev., 847′; Facility, BMG; Procedure No. VOR Runway 17, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. 1; Dated, 20 Mar. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BMG VORTAC.
Scotland Int	BMG VORTAC	Direct	2400	Climb to 2400′ on R 360° within 10 miles to BMG VORTAC.
Cataract Int	BMG VORTAC	Direct	2500	
Houston Int	BMG VORTAC	Direct	2600	Supplementary charting information: Runway 35, TDZ elevation, 838′.
R 152°, BMG VORTAC CW	R 180°, BMG VORTAC	Via 10-mile Arc	2400	
R 204°, BMG VORTAC CCW	R 180°, BMG VORTAC	Via 10-mile Arc	2400	
10-mile DME Arc	Stanford 4-mile DME Fix (NOPT)	Direct	1600	

Procedure turn W side of crs, 180° Outbnd, 360° Inbnd, 2400′ within 10 miles of BMG VORTAC.
Final approach crs, 360°.
Minimum altitude over Stanford 4-mile DME Fix, *1540′. (*1600′ from 10-mile Arc.)
MSA: 315°–135°—3100′; 135°–225°—2300′; 225°–315°—2200′.
NOTE: Use Indianapolis altimeter setting when control zone not effective, and all MDA's increased 180′ when control zone not effective except for operators with approved weather reporting service.
CAUTION: 90′ lighted hill approximately 2500′ SW of airport.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–35	1540	1	702	1540	1	702	1540	1¼	702	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1540	1	693	1540	1	693	1540	1½	693	NA
VOR/DME Minimums:										
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S–35	1300	1	462	1300	1	462	1300	1	462	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1320	1	473	1320	1	473	1320	1½	473	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Bloomington; State, Ind.; Airport name, Monroe County; Elev., 847′; Facility, BMG; Procedure No. VOR Runway 35, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. 1; Dated, 20 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing CCR VOR.
Crockett Int	CCR VOR	Direct	2800	Climbing right turn to 2500′ direct to CCR VOR, thence via CCR, R 046° to Rio Int.
Napa VOR	CCR VOR	Direct	2500	
Pittsburg Int	CCR VOR	Direct	2500	
College Int	CCR VOR	Direct	3000	
Napa VOR	Port Chicago Int	Direct	2100	
Port Chicago Int	CCR VOR (NOPT)	Direct	1000	

Procedure turn E side of crs, 351° Outbnd, 171° Inbnd, 2500′ within 10 miles of CCR VOR.
FAF, CCR VOR. Final approach crs, 171°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over CCR VOR, 1000′.
MSA: 000°–090°—2600′; 090°–180°—4900′; 180°–270°—3700′; 270°–360°—3900′.
NOTES: (1) Radar vectoring. (2) High terrain E, S, and W quadrants.
* When control zone not effective: (1) Circling MDA increased 70′; (2) Use Travis AFB altimeter setting.
% Unless otherwise directed by ATC, IFR departures must comply with published Concord SID's.
Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	680	1	657	680	1	657	820	1¼	797	900	2	877
A	1000–2#		T 2-eng. or less—500–1 all runways.%				T over 2-eng.—500–1 all runways.%					

City, Concord; State, Calif.; Airport name, Buchanan Field; Elev., 23′; Facility, CCR; Procedure No. VOR Runway 19R, Amdt. 3; Eff. date, 31 July 69; Sup. Amdt. No. 2; Dated, 17 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing Golf Int.
GSW VORTAC	Golf Int	Direct	2800	Climb to 2000′ direct to ADS VOR or climb to 2000′, right turn, direct to DAL VORTAC.
DAL VORTAC	Golf Int	Direct	2800	Supplementary charting information: TDZ elevation, 478′.

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2800′ within 10 miles of Golf Int.
FAF, Golf Int. Final approach crs, 359°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over Golf Int, 1600′.
NOTE: ASR.
#Dual VOR equipment required.
*RVR 24′, Runways 13L and 31L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–36#	900	1	422	900	1	422	900	1	422	900	1	422
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	920	1	435	1000	1	515	1000	1¼	515	1080	2	595
A	Standard.		T 2 eng. or less—Standard.*				T over 2-eng.—Standard.*					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485′; Facility, ADS; Procedure No. VOR Runway 36, Amdt. 3; Eff. date, 31 July 69; Sup. Amdt. No. 2; Dated, 11 July 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.8 miles after passing HZL VOR.
Bloomsburg Int	HZL VOR (NOPT)	Direct	3000	Climb on HZL, R 092° to 3000'. Then climbing left turn to 3500' direct to HZL VOR and hold.
Benton Int	HZL VOR (NOPT)	Direct	3000	Supplementary charting information: Hold W on R 272°, 1 minute, right turns, 092° Inbnd. TDZ elevation, 1604'.

Procedure turn S side of crs, 272° Outbnd, 092° Inbnd, 3500' within 10 miles of HZL VOR.
FAF, HZL VOR. Final approach crs, 092°. Distance FAF to MAP, 5.8 miles.
Minimum altitude over HZL VOR, 2500'.
MSA: 000°–090°—4000'; 090°–180°—3500'; 180°–270°—3200'; 270°–360°—3700'.
NOTE: Turbulence may be encountered due precipitous terrain underlying all portions of the approach.
*When control zone not in effect, use Wilkes-Barre altimeter and add 100' to straight-in and circling MDA.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-10°	2020	1	416	2020	1	416	3020	1	416	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	2140	1	536	2260	1	656	2260	1¼	656	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Hazleton; State, Pa.; Airport name, Hazleton Municipal; Elev., 1604'; Facility, HZL; Procedure No. VOR Runway 10, Amdt. 4; Eff. date, 31 July 69; Sup. Amdt. No. 3; Dated, 12 Dec. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing Jeddo Int.
Wilkes-Barre VORTAC	Leslie Int	Direct	3900	Climb to 3500' direct to HZL VOR and hold.
Tannersville VORTAC	Leslie Int	Direct	3900	Supplementary charting information: Hold W on R 272°, 1 minute, right turns, 092° Inbnd. TDZ elevation, 1604'.
Leslie Int	Jeddo Int (NOPT)	Direct	3000	

Procedure turn not authorized.
Approach crs (profile) starts at Leslie Int.
FAF, Jeddo Int. Final approach crs, 273°. Distance FAF to MAP, 5 miles.
Minimum altitude over Leslie Int, 3900'; over Jeddo Int, 3000'.
MSA: 000°–090°—4000'; 090°–180°—3500'; 180°–270°—3200'; 270°–360°—3700'.
*When control zone not in effect, use Wilkes-Barre altimeter and add 100' to straight-in and circling MDA. Increase visibility ¼ mile for Category B straight-in and circling.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-28°	2360	1	756	2360	1¼	756	2360	1¼	756	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	2360	1	756	2360	1¼	756	2360	1¼	756	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Hazleton; State, Pa.; Airport name, Hazleton Municipal; Elev., 1604'; Facility, HZL; Procedure No. VOR Runway 28, Amdt. 1; Eff. date, 31 July 69; Sup. Amdt. No. Orig.; Dated, 12 Dec. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.9 miles after passing Hyde Int.
HOU VORTAC	Hyde Int	Direct	1600	Climb to 1600', right turn to intercept HOU VORTAC, R 066° to Fry Int and hold. Supplementary charting information: Hold NE, 1 minute, right turns, 246° Inbnd. Depict Hyde Int as a VHF/DME Fix. Depict MAP also as 11.1 DME.

Procedure turn N side of crs, 075° Outbnd, 255° Inbnd, 1600' within 10 miles of Hyde Int.
FAF, Hyde Int. Final approach crs, 255°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over Hyde Int, 1600'.
MSA within 25 miles of HOU VORTAC: 000°–090°—1600'; 090°–180°—2200'; 180°–270°—2500'; 270°–360°—1800'.
NOTES: (1) ASR. (2) Use Houston, Tex. altimeter setting when La Porte altimeter setting not received.
#MDA increased 30' when La Porte altimeter setting not received.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C#	440	1	411	480	1	451	NA			NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, La Porte; State, Tex.; Airport name, La Porte Municipal; Elev., 29'; Facility, HOU; Procedure No. VOR-1, Amdt. 3; Eff. date, 31 July 69; Sup. Amdt. No. 2; Dated, 31 Oct. 68

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: 5.4 miles after passing MEM VORTAC.
R 073° MEM VORTAC CW	R 164° (NOPT)	8-mile DME Arc	1900	Climb to 1900' to Stadium Int via R 350° MEM VORTAC and hold; or, when directed by ATC, climbing left turn to 1900' direct to ME LOM and hold W, 1 minute, right turns, 087° Inbnd.
R 257° MEM VORTAC CCW	R 164° (NOPT)	8-mile DME Arc	1900	Supplementary charting information: Hold N, 1 minute, right turns, 170° Inbnd. HIRLS Runways 9/27, 17/35. VASI Runway 27; TDZL Runway 35. Runway 35, TDZ elevation, 331'.
Independence Int	MEM VORTAC (NOPT)	Direct	1900	
Coldwater Int	MEM VORTAC (NOPT)	Direct	1900	

Procedure turn E side of crs, 164° Outbnd, 344° Inbnd, 1900' within 10 miles of MEM VORTAC.
FAF, MEM VORTAC. Final approach crs, 344°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over MEM VORTAC, 1009'; over 2.4-mile DME Fix, 786'.
MSA: 000°–090°—2400'; 090°–180°—2000'; 180°–270°—1700'; 270°–360°—2400'.
NOTE: ASR.
*Increase visibility ¼ mile with inoperative ALS and HIRL's; inoperative component table does not apply to ALS and HIRL's.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35°	780	RVR 40	449	780	RVR 40	449	780	RVR 40	449	780	RVR 60	449
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	780	1	449	800	1	469	800	1¼	469	800	2	469
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35°	700	RVR 40	369	700	RVR 40	369	700	RVR 40	369	700	RVR 60	369
A	Standard.		T 2-eng. or less—RVR 24', Runways 9, 35; Standard all other runways.				T over 2-eng.—RVR 24', Runways 9, 35; Standard all other runways.					

City, Memphis; State, Tenn.; Airport name, International; Elev., 331'; Facility, MEM; Procedure No. VOR Runway 35, Amdt. 22; Eff. date, 31 July 69; Sup. Amdt. No. 21; Dated, 29 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SYI VOR.
Walterhill Int	SYI VOR	Direct	2500	Climbing left turn to 2500' on R 290° SYI VOR to SYI VOR and hold.
Summitville Int	SYI VOR	Direct	2500	Supplementary charting information: Hold S, 1 minute, left turns, 013° Inbnd. LRCO 122.1, 123.6. Chart 1520' tower 12 miles S of airport TDZ elevation, 800'.

Procedure turn W side of crs, 193° Outbnd, 013° Inbnd, 2500' within 10 miles of SYI VOR.
Final approach crs, 013°.
Minimum altitude over Bomar, FM, 1360'.
MSA: 000°–090°—3300'; 090°–270°—2600'; 270°–360°—2400'.
NOTE: Use Nashville FSS altimeter setting when local altimeter setting not available and increase MDA 160', increase visibility straight-in Category C ¼ mile.
*Standard alternate minimums authorized operators with approved weather reporting service.
%CAUTION: Due to high terrain NE and SE of airport, departing aircraft with limited climb capability should climb to 3000' on a westerly heading before continuing on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-36	1360	1	560	1360	1	560	1360	1	560		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1360	1	558	1360	1	558	1360	1½	558		NA	
	VOR/FM Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT			
S-36	1160	1	360	1160	1	360	1160	1	360		NA	
A	Not authorized.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Shelbyville; State, Tenn.; Airport name, Bomar Field; Elev., 802'; Facility, SYI; Procedure No. VOR Runway 36, Amdt. 5; Eff. date, 31 July 69; Sup. Amdt. No. 4; Dated, 24 Apr. 69

11. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing HS LOM.
Natural Well Int	HS LOM	Direct	6000	Make right-climbing turn to 5300' direct HS LOM and hold.
Longdale Int	HS LOM	Direct	6000	Supplementary charting information: Hold NE, 1 minute, right turns, 243° Inbnd. Chart 4280' tower 37°55'25"/79°51'12". Runway 24, TDZ elevation, 3766'.
MOL VOR	Armstrong Int	Direct	6000	
Armstrong Int	HS LOM (NOPT)	Direct	5300	

Procedure turn N side of crs, 063° Outbnd, 243° Inbnd, 5300' within 10 miles of HS LOM.
FAF, HS LOM. Final approach crs, 243°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over HS LOM, 5300'.
MSA: 000°–090°—4600'; 090°–180°–5100'; 180°–270°—5300'; 270°–360°—6000'.
NOTES: (1) Radar vectoring. (2) When Hot Springs altimeter is not available, use Roanoke altimeter and increase straight-in and circling MDA 200'; increase visibility for straight-in and circling Category B, ¼ mile, straight-in Category C, ¼ mile, Category D, ½ mile. (3) Inoperative table does not apply to REIL Runway 24.
CAUTION: Precipitous terrain underlying this procedure. Turbulence of varying intensities may be encountered.
*All circling approaches are prohibited in the area S of Runway 6 and SW of Runway 32.
%IFR departure procedure: Runway 24, climb on heading 279° to 5000' before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	4260	1	494	4260	1	494	4260	1	494	4260	1	494
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	4400	1	599	4400	1	599	4400	1¼	599	4400	2	599
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Hot Springs; State, Va.; Airport name, Ingalls Field; Elev., 3801'; Facility I-HSP; Procedure No. LOC Runway 24, Amdt. Orig; Eff. date, 31 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6 miles after passing Catoma Int.
				Climbing left turn to 2000', proceed to Calhoun Int. via MGM VORTAC, R 226° and hold; or, when directed by ATC, climb to 2000' direct to MG LOM and hold. Hold W, 1 minute, right turns, 093° inbnd. Supplementary charting information: Calhoun Int hold SW, 1 minute, right turns, 046° Inbnd. HIRL Runways 9/27. ALS Runway 9. Runway 15 threshold displaced 585' NW., 3425' available for landing Runway 15. Runway 27, TDZ elevation, 195'.

Procedure turn not authorized.
FAF 6-mile Radar Fix. Final approach crs, 273°. Distance FAF to MAP, 6 miles.
Minimum altitude over Catoma Int or 6-mile Radar Fix, 2000'.
NOTES: (1) Radar required. (2) Localizer back crs unusable beyond 35° each side of centerline. (3) Radar control will not descend aircraft below 2000' until passing the 6-mile Radar Fix. (4) Night operation not authorized on Runways 15/33.
*Circling not authorized for Category (E) N of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27	600	¾	405	600	¾	405	600	¾	405	600	1	405
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	399	680	1	459	680	1½	459	780	2	559
	Category (E):											
	MDA	VIS	HAT									
S-27	600	1	405									
	MDA	VIS	HAA									
C	780	2	559									
A	Standard.		T 2-eng. or less—RVR 24', Runway 9; Standard all other runways.				T over 2-eng.—RVR 24', Runway 9; Standard all other runways.					

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221'; Facility, I-MGM; Procedure No. LOC (BC) Runway 27, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. ILS-27 (BC), Amdt. 1; Dated, 18 Dec. 65

12. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC (BC)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5 miles after passing Maxton Int.
R 095°, IAH VORTAC CCW	IAH LOC crs, R 081° lead radial (NOPT).	13-mile DME Arc	1800	Climb to 1800' direct to Houston (IA) LOM and hold.
R 328°, IAH VORTAC CW	IAH LOC crs, R 065° lead radial (NOPT).	13-mile DME Arc	1800	Supplementary charting information: Hold W, 1 minute, right turns, 032° Inbnd.
13-mile Arc	Maxton Int	LOC crs	1600	257' control tower midfield. 240' water tower 3 miles E. TDZ elevation, 97'.

Procedure turn N side of crs, 082° Outbnd, 262° Inbnd, 1800' within 10 miles of Maxton Int.
FAF, Maxton Int. Final approach crs, 262°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over Maxton Int., 1600'; over 3-mile Radar Fix, 560'.
NOTE: ASR.
% RVR 18' authorized Runway 8.
*Inoperative table does not apply to HIRL Runway 26. HIRL inoperative visibility 1 mile.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-26*	560	1	463	560	1	463	560	1	463	560	1	463
	LOC/Radar minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-26*	460	1	363	460	1	363	460	1	363	460	1	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	462	560	1	462	560	1¼	462	660	2	562
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Houston; State, Tex.; Airport name, Intercontinental; Elev., 98'; Facility, I-IAH; Procedure No. LOC (BC) Runway 26; Amdt. 1; Eff. date, 31 July 69; Sup. Amdt. No. Orig.; Dated, 29 May 69

13. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.8 miles after passing SB LOM
SBN VORTAC	SB LOM	Direct	2400	Make a left turn to 2400′ and proceed direct to SB LOM.
North Liberty Int	SB LOM	Direct	2900	
GSH VORTAC	SB LOM	Direct	2900	

Procedure turn N side of crs, 264° Outbnd, 084° Inbnd, 2400′ within 10 miles of SB LOM.
FAF, SB LOM. Final approach crs, 084°. Distance FAF to MAP, 9.8 miles.
Minimum altitude over SB LOM, 2400′; over Judy Int, 1580′.
MSA: 045°–315°—3000′; 315°–045°—2400′.
NOTE: Use South Bend altimeter setting except operators with approved weather reporting service. Operators with approved weather reporting service may reduce all MDA's by 40′.
*Standard alternate minimums authorized for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S–9	1580	1	801	1580	1¼	801	1580	1½	801		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1580	1	801	1580	1¼	801	1580	1½	801		NA	
	ADF/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT			
S–9	1380	1	601	1380	1	601	1380	1	601		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1380	1	601	1380	1	601	1380	1½	601		NA	
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Elkhart; State, Ind.; Airport name, Elkhart Municipal; Elev., 779′; Facility, SB; Procedure No. NDB (ADF) Runway 9, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 7 May 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing HS LOM.
Natural Well Int	HS LOM	Direct	6000	Make right-climbing turn to 5300′ direct HS LOM and hold.
Longdale Int	HS LOM	Direct	6000	
MOL VOR	Armstrong Int	Direct	6000	Supplementary charting information:
Armstrong Int	HS LOM (NOPT)	Direct	5300	Hold NE, 1 minute, right turns, 243° Inbnd.
				Chart 4289′ tower 37°55′25″ 79°51′12″.
				Runway 24, TDZ elevation, 3766′.

Procedure turn N side of crs, 063° Outbnd, 243° Inbnd, 5300′ within 10 miles of HS LOM.
FAF, HS LOM. Final approach crs, 243°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over HS LOM, 5300′.
MSA: 000°–090°—4600′; 090°–180°—5100′; 180°–270°—5300′; 270°–360°—6000′.
NOTES: (1) Radar vectoring. (2) When Hot Springs altimeter is not available, use Roanoke altimeter and increase straight-in and circling MDA 200′; increase visibility for straight-in and circling Category B, ¼ mile, straight-in Categories C and D, ½ mile.
CAUTION: Precipitous terrain underlying this procedure. Turbulence of varying intensities may be encountered.
*All circling approaches are prohibited in the area S of Runway 6 and SW of Runway 32.
% IFR departure procedure: Runway 24, Climb on heading 270° to 5000′ before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–24	4400	1	634	4400	1	634	4400	1	634	4400	1¼	634
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	4400	1	599	4400	1	599	4400	1½	599	4400	2	599
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Hot Springs; State, Va.; Airport name, Ingalls Field; Elev., 3801′; Facility, HS; Procedure No. NDB (ADF) Runway 24, Amdt. Orig.; Eff. date, 31 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.1 miles after passing MG LOM.
MGM VORTAC	MG LOM	Direct	2000	Climbing right turn to 2000′, proceed to Calhoun Int via MGM VORTAC, R 226° and hold; or, when directed by ATC, climbing right turn to 2000′, proceed to Shady Grove Int via MGM VORTAC, R 126° and hold. Hold SE, 1 minute, right turns, 306° Inbnd.
Calhoun Int	MG LOM	Direct	2000	
Sellers Int	MG LOM	Direct	2500	
Davenport Int	MG LOM	Direct	2500	
Swift Creek Int	MG LOM	Direct	2000	
Benton Int	MG LOM (NOPT)	Direct	1700	
				Supplementary charting information:
				Calhoun Int hold SW, 1 minute, right turns, 046° Inbnd.
				HIRL Runways 9/27. ALS Runway 9.
				Runway 15 threshold displaced 585′ NW. 3425′ available for landing Runway 15.
				Tower 987′; 8 miles E and tower 986′, 6 miles NE.
				Runway 9, TDZ elevation, 218′.

Procedure turn S side of crs, 273° Outbnd, 093° Inbnd, 1700′ within 10 miles of MG LOM.
FAF, MG LOM. Final approach crs, 093°. Distance FAF to MAP, 5.1 miles.
Minimum altitude over MG LOM, 1700′.
MSA: 090°–180°—3500′; 180°–270°—1900′; 270°–090°—2200′.
NOTES: (1) ASR. (2) Night operation not authorized Runways 15/33.
*Circling not authorized for Category (E) N of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–9	600	RVR 40	382	600	RVR 40	382	600	RVR 40	382	600	RVR 50	382
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	399	680	1	459	680	1½	459	780	2	559
	Category (E):											
	MDA	VIS	HAT									
S–9	600	RVR 50	382									
	MDA	VIS	HAA									
C*	780	2	559									
A	Standard.		T 2-eng. or less—RVR 24′, Runway 9; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 9; Standard all other runways.					

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221′; Facility, MG; Procedure No. NDB (ADF) Runway 9, Amdt. 8; Eff. date, 31 July 69; Sup. Amdt. No. ADF 1, Amdt. 7; Dated, 18 Dec. 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: PUK NDB.
PUK VORTAC	PUK NDB	Direct	2000	Climb to 2000′, right turn direct PUK NDB and hold.
				Supplementary charting information: Hold SW, 1 minute, right turns, 050° Inbnd.
				Final approach crs intercepts runway centerline 2000′ from threshold.
				Runway 4, TDZ elevation, 407′.

Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 2000′ within 10 miles of PUK NDB.
Final approach crs, 050°.
MSA: 000°–090°—1900′; 090°–180°—2400′; 180°–270°—1900′; 270°–360°—3000′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–4	920	1	513	920	1	513	920	1	513	920	1¼	513
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	513	920	1	513	920	1½	513	960	2	553
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Paducah; State, Ky.; Airport name, Barkley Field; Elev., 407′; Facility, PUK; Procedure No. NDB (ADF) Runway 4, Amdt. 3; Eff. date, 31 July 69; Sup. Amdt. No. 2; Dated, 16 Sept. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.1 miles after passing SLW NDB.
Briggs VORTAC	SLW NDB	Direct	2800	Climb to 2800', left turn, proceed to SLW NDB and hold.
Sharon Int	SLW NDB	Direct	2800	
McDowell Int	SLW NDB	Direct	2800	Supplementary charting information:
Dalton Int	SLW NDB	Direct	2800	Hold E SLW NDB, right turns, 1 minute, 273° Inbnd.
				Runway 27, TDZ elevation, 1136'.

Procedure turn N side of crs, 093° Outbnd, 273° Inbnd, 2800' within 10 miles of SLW NDB.
FAF, SLW NDB. Final approach crs, 273°. Distance FAF to MAP, 2.1 miles.
Minimum altitude over SLW NDB, 1900'.
MSA: 000°-090°-3100', 090°-360°-2700'.
NOTES: (1) Use Akron-Canton, Ohio, altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS		
S-27	1620	1	484	1620	1	484	1620	1	484	NA		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1620	1	484	1620	1	484	1620	1½	484	NA		
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Wooster; State, Ohio, Airport name, Wayne County; Elev., 1136'; Facility, SLW; Procedure No. NDB (ADF) Runway 27, Amdt. Orig.; Eff. date, 31 July 69

14. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AIK NDB.
AGS VORTAC	AIK NDB	Direct	2100	Climb to 2100', right turn, direct to AIK NDB and hold.
Collier Int	AIK NDB	Direct	2100	
Monetta Int	AIK NDB	Direct	2100	Supplementary charting information:
Sam Int	AIK NDB	Direct	2100	Hold NE, 1 minute, right turn, 229° Inbnd.
Langley Int	AIK NDB	Direct	2100	

Procedure turn N side of crs, 049° Outbnd, 229° Inbnd, 2100' within 10 miles of AIK NDB.
Final approach crs, 229°.
MSA: 000°-180°—2100'; 180°-270°—2900'; 270°-000°—3000'.
NOTES: (1) No weather reporting service. (2) Use AGS altimeter setting. (3) Night minimums not authorized on Runways 18-36.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS		
C	1080	1	550	1080	1	550	1080	1¼	550	NA		
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Aiken; State, S.C.; Airport name, Aiken Municipal; Elev., 530'; Facility, AIK; Procedure No. NDB (ADF)-1, Amdt. 1; Eff. date, 31 July 69; Sup. Amdt. No. Orig.; Dated, 17 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing BBN NDB.
DPK VORTAC	BBN NDB	Direct	1600	Climbing left turn to 1600' direct to BBN NDB and hold; or, when directed by ATC, climbing right turn direct to Deer Park. Hold E, 1 minute, right turns, 257° Inbnd, 1800'.
				Supplementary charting information: Hold SE, 1 minute, right turns, 323° Inbnd.
				TDZ elevation, 112'.

Procedure turn E side of crs, 143° Outbnd, 323° Inbnd, 1600' within 10 miles of BBN NDB.
FAF, BBN NDB. Final approach crs, 323°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over BBN NDB, 1600'.
MSA: 000°-090°—1700'; 090°-180°—1400'; 180°-270°—1400'; 270°-360°—2600'.
NOTES: (1) Radar vectoring. (2) Procedure authorized only during hours control tower is in operation.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33	600	1	488	600	1	488	600	1	488	600	1	488
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	600	1	468	600	1	468	640	1½	508	680	2	548
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Bethpage; State, N.Y.; Airport name, Grumman-Bethpage; Elev., 132'; Facility, BBN; Procedure No. NDB (ADF) Runway 33, Amdt. 4; Eff. date, 31 July 69; Sup. Amdt. No. 3; Dated, 13 Feb. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.1 miles after passing HZL NDB.
CYE NDB	HZL NDB	Direct	4000	Climbing right turn to 4000' direct to HZL NDB and hold.
				Supplementary charting information: Hold E, 1 minute, left turns, Inbnd crs 265'.
				TDZ elevation, 1604'.

Procedure turn N side of crs, 085° Outbnd, 265° Inbnd, 3500' within 10 miles of HZL NDB.
FAF, HZL NDB. Final approach crs, 265°. Distance FAF to MAP, 4.1 miles.
Minimum altitude over HZL NDB, 2700'.
MSA: 000°-090°—4000'; 090°-180°—3500'; 180°-270°—3200'; 270°-360°—3700'.
*Use Wilkes-Barre altimeter, and increase straight-in and circling MDA 100' when control zone not effective. Increase visibility ¼ mile for Categories B and C straight-in and Category B circling.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS	
S-28*	2300	1	696	2300	1	696	2300	1¼	696	NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C*	2300	1	696	2300	1	696	2300	1½	696	NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Hazleton; State, Pa.; Airport name, Hazleton Municipal; Elev., 1604'; Facility, HZL; Procedure No. NDB (ADF) Runway 28, Amdt. 8; Eff. date, 31 July 69; Sup. Amdt. No. 7; Dated, 12 Dec. 68

15. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 287'; LOC 6 miles after passing Bayview.
R 311°, ITO VORTAC CW	R 345°, ITO VORTAC	11-mile Arc	4000	Climbing right turn to 3000' on ITO VOR TAC, R 002°; reverse crs and return to ITO VORTAC and hold.
R 345°, ITO VORTAC CW	ITO LOC (NOPT)	11-mile Arc ITO, R 069° lead radial.	1800	
11-mile DME Fix, R 079°	Bayview DME/Int (NOPT)	E crs LOC	1800	Supplementary charting information:
ITO VORTAC	Bayview DME/Int	ITO, R 079°	1800	Hold E, 1 minute, left turns, 259° Inbnd, MHA 3000'.
				Radio tower 19°44'11" N./155°02'07" W., 184'.
				No approach lights. VASI Runway 26.
				Runway 26, TDZ elevation, 37'.

Procedure turn S side of crs, 079° Outbnd, 259° Inbnd, 1800' within 10 miles of Bayview DME/Int.
FAF, Bayview DME/Int. Final approach crs, 259°. Distance FAF to MAP, 6 miles.
Minimum glide slope interception altitude, 1800'. Glide slope altitude at Bayview, 1783'; at MM, 252'.
Distance to runway threshold at Bayview, 6 miles; at MM, 0.6 mile.
NOTE: No LOM, ADF or DME receiver required to identify Bayview DME/Int.
2%400-1 required Runway 26, with right turn after takeoff.
*When circling S of Runways 8/26, MDA is 820', HAA 783'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-26	287	¾	250	287	¾	250	287	¾	250	287	¾	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-26	340	¾	303	340	¾	303	340	¾	303	340	1	303
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	463	540	1	503	600	1¼	563	*700	2	663
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Hilo; State, Hawaii; Airport name, General Lyman Field; Elev., 37'; Facility, I-ITO; Procedure No. ILS Runway 26, Amdt. Orig.; Eff. date, 31 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 418'; LOC 5.1 miles after passing MG LOM.
MGM VORTAC	MG LOM	Direct	2000	Climbing right turn to 2000', proceed to Calhoun Int via MGM VORTAC, R 226° and hold; or, when directed by ATC, climbing right turn to 2000', proceed to Shady Grove Int via MGM VORTAC R 126° and hold. Hold SE, 1 minute, right turns, 306° inbnd.
Calhoun Int	MG LOM	Direct	2000	
Swift Creek Int	MG LOM	Direct	2000	
Seller Int	MG LOM	Direct	2500	
Benton Int	MG LOM (NOPT)	Direct	1700	
Davenport Int	MG LOM	Direct	2500	
				Supplementary charting information:
				Calhoun Int hold SW, 1 minute, right turns, 046° Inbnd.
				HIRL Runways 9/27. ALS Runway 9.
				Runway 15 threshold displaced 585' NW, 3425' available for landing Runway 15. Tower 967', 8 miles E and tower 999', 6 miles NE.
				Runway 9, TDZ elevation, 218'.

Procedure turn S side of crs, 273° Outbnd, 093° Inbnd, 1700' within 10 miles of MG LOM.
FAF, MG LOM. Final approach crs, 093°. Distance FAF to MAP, 5.1 miles.
Minimum altitude over MG LOM, 1700'.
Minimum glide slope interception altitude, 1700'. Glide slope altitude at OM, 1700'; at MM, 427'.
Distance to runway threshold at OM, 5.1 miles; at MM, 0.6 mile.
MSA: 099°–180°—3500'; 180°–270°—1900'; 270°–090°—2200'.
*Circling not authorized for Category (E) N of airport.
NOTES: (1) ASR. (2) Night operation not authorized Runways 15/33. (3) Localizer back crs unusable beyond 35° each side of centerline.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-9	418	RVR 24	200	418	RVR 24	200	418	RVR 24	200	418	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-9	560	RVR 24	342	560	RVR 24	342	560	RVR 24	342	560	RVR 40	342
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	399	680	1	459	680	1¼	459	780	2	559
	Category (E):											
	DH	VIS	HAT									
8-9	418	RVR 24	200									
LOC:	MDA	VIS	HAT									
8-9	560	RVR 40	342									
	MDA	VIS	HAA									
C*	780	2	559									
A	Standard.		T 2-eng. or less—RVR 24', Runway 9; Standard all other runways.				T over 2-eng.—RVR 24', Runway 9; Standard all other runways.					

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221'; Facility, I-MGM; Procedure No. ILS Runway 9, Amdt. 13; Eff. date, 31 July 69; Sup. Amdt No ILS-9, Amdt. 12; Dated, 18 Dec. 65

16. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude

Notes

As established by Montgomery, Ala., ASR minimum altitude vectoring charts.
All bearings and distances are from radar site on Maxwell AFB with sector azimuths progressing clockwise.

Descend aircraft after passing FAF.
1. Runway 9—FAF 6 miles from threshold. TDZ elevation, 218'.
2. Runway 27—FAF 6 miles from threshold. TDZ elevation, 195'.
HIRL Runway 9/27. ALS Runway 9.
Runway 15 threshold displaced 565' NW. 3425' available for landing Runway 15.
Night operation not authorized Runway 15/33.
*Circling not authorized for Category (E) N of airport.

Missed approach:
Runway 9—Climbing right turn to 2000', proceed to Calhoun Int via MGM VORTAC, R 226° and hold. Hold SW, 1 minute, right turns, 046° Inbnd, or as directed by ATC.
Runway 27—Climbing left turn to 2000', proceed to Calhoun Int via MGM VORTAC, R 226° and hold. Hold SW, 1 minute, right turns, 046° Inbnd, or as directed by ATC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	560	RVR 24	342	560	RVR 24	342	560	RVR 24	342	560	RVR 50	342
S-27	600	¾	405	600	¾	405	600	¾	405	600	1	405
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	309	980	1	459	980	1½	459	780		559

Category (E)

	MDA	VIS	HAT
S-9	560	RVR 50	342
S-27	600	1	405
	MDA	VIS	HAA
C*	780	2	559

A Standard.
T 2-eng. or less—RVR 24', Runway 9; Standard all other runways.
T over 2-eng.—RVR 24', Runway 9; Standard all other runways.

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221'; Facility, Montgomery Radar; Procedure No. Radar-1, Amdt. 4; Eff. date, 31 July 69; Sup. Amdt. No. Radar 1, Amdt. 3; Dated, 12 Aug 67

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348 (c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on June 24, 1969

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-7625; Filed, July 10, 1969; 8:45 a.m.]

[Docket No. 9663; Amdt. 121-47]

PART 121—CERTIFICATION AND OPERATION: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Crashworthiness and Passenger Evacuation

The purpose of these amendments to Part 121 of the Federal Aviation Regulations is to extend the compliance dates for various additional emergency equipment requirements, to empower the FAA Air Carrier District Office to make certain of these extensions, and to incorporate a clarification of the emergency evacuation procedures.

By petition dated June 9, 1969, the Air Transport Association (ATA) has requested, on behalf of its member airlines, an extension of the September 30, 1969, compliance date in several paragraphs of § 121.310 of the regulations. The ATA indicates that there have been delays by the manufacturers in the delivery of the modification kits that are required for compliance with the various requirements and delays in supplying the Service Bulletin information on these changes. The petitioner points out that certain deliveries will not be made until after September 30, 1969; and that even in those cases where earlier deliveries are anticipated, a "crash" program would be needed in many instances to meet the current compliance times. With the exception of the compliance time in § 121.310(d)(2), the petitioner has requested extensions of up to 1 year. However, in order to insure a rapid, but orderly, compliance, the petitioner recommends that the individual operators be required to furnish by September 30, 1969, a satisfactory schedule for completion of the required modifications of its airplanes.

The FAA is aware that delays of the type described by the petitioner are frequently beyond the control of the various operators. Since the affected Part 121 certificate holders may not be able to control the availability of required parts and equipment, it appears that an extension of the September 30, 1969, compliance date would be justified in certain cases and that the responsible FAA District Office should be empowered to grant extensions in those cases.

With respect to § 121.310(d)(2) the petitioner points out that this compliance time should be the same as the compliance time for § 121.310(h)(1) since, in most cases, compliance with one requirement necessitates compliance with the other. The FAA agrees and the date for compliance has been extended from September 30, 1969, to June 30, 1971. In addition, the compliance terms in § 121.310(h)(1) have been amended to remove the provision that compliance with that requirement must be accomplished "at the first airplane major maintenance visit after December 30, 1969." Because of the differences in the maintenance procedures among the various air carriers and in view of the delays being experienced by these operators in obtaining necessary parts and equipment for the required modifications, such a limitation is not appropriate.

Finally, a clarifying amendment is being made to the emergency evacuation procedures in Appendix D of Part 121 to implement the determination set forth by the FAA on June 6, 1969 (Regulatory Docket No. 9636) in its disposition of the petition filed by United Air Lines. In this connection, Appendix D is amended to make it clear that in conducting an emergency evacuation demonstration, the certificate holder may use not more than 50 percent of the emergency exits in the side of the fuselage that meet all of the requirements applicable to the required emergency exits for that airplane.

Since these amendments merely authorize FAA inspectors to grant extensions of an existing compliance date and clarify an existing requirement, I find that notice and public procedure thereon are unnecessary and that good cause exists for making the amendment effective in less than 30 days' notice.

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended effective July 11, 1969, as follows:

Section 121.310 is amended—

(1) By amending paragraph (a) by adding a new subparagraph (3) to read as follows:

(a) *Means for emergency evacuation.* * * *

(3) A certificate holder may obtain an extension of the September 30, 1969, compliance date prescribed in subparagraph (2) of this paragraph beyond that date, but not beyond September 30, 1970, from the FAA Air Carrier District Office (ACDO) charged with the overall inspection of its operations, if—

(i) It shows that due to circumstances beyond its control it cannot comply by the earlier date; and

(ii) It submits by September 30, 1969, a schedule for compliance with subparagraph (2) which is acceptable to that ACDO.

(2) By amending paragraph (d) by striking out the date "October 1, 1969," in subparagraph (1) and inserting the date "July 1, 1971," in place thereof; and by striking out the date "September 30, 1969," in subparagraph (2) and inserting the date "June 30, 1971," in place thereof.

(3) By amending paragraph (h) by striking out the words "or upon the first airplane major maintenance visit after December 30, 1969, whichever comes first," in subparagraph (1) and by adding the following provision at the end of subparagraph (2):

(2) * * *. A certificate holder may obtain an extension for compliance with the requirements of this subparagraph beyond the required compliance date, but not beyond March 1, 1971, from the FAA Air Carrier District Office (ACDO) charged with the overall inspection of its operations, if—

(i) It shows that due to circumstances beyond its control it cannot comply by the earlier date; and

(ii) It submits by September 30, 1969, a schedule for completion which is acceptable to that ACDO.

(4) By amending paragraph (i) by adding the following provision at the end thereof to read as follows:

(i) *Other floor level exits.* * * *. A certificate holder may obtain an extension for compliance with the requirements of this paragraph beyond the required compliance date, but not beyond June 30, 1970, from the FAA Air Carrier District Office charged with the overall inspection of its operations, if—

(i) It shows that due to circumstances beyond its control it cannot comply by the earlier date; and

(ii) It submits by September 30, 1969, a schedule for completion which is acceptable to the ACDO.

Appendix D is amended by amending the first sentence of paragraph (a)(17) to read as follows:

(a) *Aborted takeoff demonstration.* * * *

(17) Not more than 50 percent of the emergency exits in the sides of the fuselage of an airplane that meet all of the requirements applicable to the required emergency exits for that airplane may be used for the demonstration. * * *

(Secs. 313(a), 601, 603, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, 1424, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 3, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-8171; Filed, July 10, 1969; 8:46 a.m.]

[Docket No. 9443; Amdt. No. 121-48]

PART 121—CERTIFICATION AND OPERATION: DOMESTIC; FLAG, SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Megaphone Location Requirement Deviations

The purpose of this amendment is to authorize deviations from § 121.309(f)(1) when the Administrator finds that relocation of the portable battery-powered megaphone on airplanes with a seating capacity of more than 60 and less than 100 passengers would be more useful for emergency evacuation. This amendment is based on a notice of proposed rule making (Notice 69-5) published in the FEDERAL REGISTER (34 F.R. 3751) on March 4, 1969.

Section 121.309(f) requires that a portable battery-powered megaphone on airplanes with a seating capacity of more than 60 and less than 100 passengers, be positioned at the most rearward location in the passenger cabin where it would be readily accessible to a normal flight attendant seat. As pointed out in the notice, some airplanes with this passenger capacity have more emergency passenger exits in the forward area of the airplane than in the rear. As a result, the main evacuation route is the forward portion of the airplane, with the evacuating passengers using the forward entrance door, the over-the-wing exits, and the galley door as emergency exits. This amendment will permit accessibility of the megaphone to be considered and allow flexibility for relocation of the megaphone to a position the Administrator determines would be more useful in the emergency evacuation of persons from the airplane.

We believe use of the deviation authority provided by this amendment will be consistent with other requirements of the regulations which have as their objective the effective evacuation of passengers from an airplane in the event of an emergency.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended effective July 11, 1969, by adding the following sentence to the end of § 121.309(f)(1):

§ 121.309 Emergency equipment.

* * * * * * *

(f) * * *

(1) * * * However, the Administrator may grant a deviation from the requirements of this subparagraph if he finds that a different location would be more useful for evacuation of persons during an emergency.

* * * * * * *

(Secs. 313(a), 601, 603, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1423, 1424, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 3, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-8172; Filed, July 10, 1969; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice is hereby given in accordance with the provisions contained in section

533(b) of title 5, United States Code (1966), that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

The proposed amendments would add a new Part 113 to Chapter I of Title 9, Code of Federal Regulations in which test methods and procedures to be known as Standard Requirements would be prescribed. Regulations in this proposal would establish the use of Standard Requirements and basic test procedures applicable to biological products.

Authorization for sampling of biological products for test purposes as provided for in §§ 112.26 and 112.27 would be revised and included in § 113.4.

The proposed amendments to Part 114 would remove test requirements in §§ 114.5(c), 114.13, and 114.14, by deletion of such sections and include a revision of such requirements in Part 113. Requirements in § 114.18 are no longer applicable and such section would be revoked.

PART 112—LABELS

1. Part 112 is amended by deleting §§ 112.26 and 112.27. The heading and index is to read as follows:

LABELS

Sec.
- 112.1 Containers.
- 112.2 Required and permitted information.
- 112.3 Diluent labels.
- 112.4 Reference to distributors and permittees.
- 112.5 Review and approval of labels and other material.
- 112.6 Packaging desiccated products.
- 112.7 Special additional requirements.

PART 113—STANDARD REQUIREMENTS

2. Chapter I of Title 9 of the Code of Federal Regulations is amended by adding a new Part 113, reading as follows:

APPLICABILITY

Sec.
- 113.1 Standard requirements—compliance.
- 113.2 Standard requirements—ingredients of biological products.
- 113.3 Standard requirements—sampling of biological products.
- 113.4 Standard requirements—outline of production.
- 113.5 Standard requirements—general testing.
- 113.6 Standard requirements—division testing.
- 113.7 Standard requirements—multiple fractions.
- 113.8 Standard requirements—virus titrations in lieu of tests for antigenicity.

AUTHORITY: The provisions of this Part 113 issued under 37 Stat. 832–833; 21 U.S.C. 151–158.

APPLICABILITY

§ 113.1 Standard requirements—compliance.

The regulations in this part apply to each serial or subserial of a licensed biological product manufactured in a licensed establishment and to each serial or subserial of a biological product in each shipment imported for distribution and sale.

§ 113.2 Standard requirements—ingredients of biological products.

All ingredients used in a licensed biological product shall meet accepted standards of purity and quality; shall be sufficiently nontoxic so that the amount present in the recommended dose of the product shall not be toxic to the recipient; and in the combinations used shall not denature the specific substances in the product below the minimum acceptable potency within the dating period when stored at the recommended temperature.

§ 113.3 Standard requirements—sampling of biological products.

Each licensee and permittee shall furnish representative samples of each serial or subserial of a biological product manufactured in the United States or imported into the United States as prescribed in paragraphs (a) and (b) of this section. Additional samples may be purchased in the open market by a Division representative.

(a) Prerelease test samples for Division use shall be forwarded to the place designated by the Director and in the number and quantity as prescribed. Comparable samples shall be used by the licensee and permittee for similar tests.

(1) Each licensee shall select prerelease samples as follows:

(i) Nonviable liquid products—either bulk or final container samples of completed product shall be used for inactivation, purity, or potency tests. Biological product in final containers shall be used for sterility tests.

(ii) Viable liquid products; samples shall be in final containers and shall be selected at the end of the filling operation.

(iii) Desiccated products; samples shall be in final containers and shall be selected from various locations within the drying chamber if desiccated in the final container. Biological products desiccated in bulk shall be sampled at the end of the filling operation.

(2) Each permittee shall select prerelease samples so that each serial or subserial in each shipment shall be represented.

(b) Reserve samples shall be selected from each serial and subserial of every biological product. Such samples shall be selected at random from finished product by the licensee or permittee. Each sample shall:

(1) Consist of 5 single dose or 2 multiple dose packages as the case may be;

(2) Be adequate in quantity for appropriate examination and testing;

(3) Be truly representative and in final containers;

(4) Be held in a special compartment or equivalent set aside by the licensee or permittee, for the exclusive holding of these samples under refrigeration at 35° to 45° F. for 6 months after the expiration date stated on the labels. The samples shall be stored systematically for ready reference and procurement if and when required.

§ 113.4 Standard requirements—outline of production.

(a) To comply with the test requirements in § 114.8(b) of this chapter, each outline shall designate the test methods and procedures by which the biological product shall be evaluated for purity, safety, and potency: *Provided*, That if alternate methods or procedures are authorized, the ones to be used shall be so designated.

(b) The test methods and procedures contained in all applicable Standard Requirements shall be complied with unless otherwise exempted by the Director and provided that such exemption is noted in the approved outline.

§ 113.5 Standard requirements—general testing.

(a) No biological product shall be released prior to the completion of required tests necessary to establish the product to be satisfactory for purity, safety, and potency.

(b) Tests of biological products shall be observed by a competent employee of the manufacturer during all critical periods. A critical period shall be the time of day when certain specified reactions must occur in required tests to properly evaluate the results.

(c) Records of all tests shall be kept in accordance with Part 116 of this chapter. Copies of tests reports shall be submitted to the Division. Blank forms shall be furnished upon request to the Veterinary Biologics Division.

(d) When a serial or subserial has not been found satisfactory by the test methods and procedures designated in § 113.4, and a repeat test is to be conducted, the same test method shall be used.

(e) When new test methods are developed and approved by the Division, biological products shall be evaluated by such methods, and serials or subserials found unsatisfactory when so tested shall not be released for market.

§ 113.6 Standard requirements—division testing.

A biological product shall with reasonable certainty yield the results intended when used as recommended or suggested in its labeling or proposed labeling prior to the expiration date.

(a) The Director is authorized to cause a licensed biological product, manufactured in the United States or imported into the United States, to be examined and tested for one or more of the following: purity, safety, potency, or effectiveness; in which case, the licensee or permittee shall withhold such product from the market until a determination has been made.

(b) A serial or subserial of a biological product which has not been found satisfactory by applicable test methods or procedures is not in compliance with the regulations in Parts 101 through 121 of this subchapter and shall not be released for market.

§ 113.7 Standard requirements—multiple fractions.

(a) When a biological product contains more than one immunogenic fraction, the completed product shall be evaluated by tests applicable to each fraction.

(b) When similar potency tests are required for more than one fraction of a combination biological product, the same vaccinated animals may be used to evaluate different fractions of the combination biological product provided controls representing each fraction are challenged separately and the vaccinates are challenged with virulent material representing all fractions.

(c) When the same safety test is required for more than one fraction, requirements are fulfilled by satisfactory results from one test of the completed product.

(d) Biological products containing one or more chemically inactivated fraction(s) and one or more live virus or modified live virus fraction(s) shall be prepared as recommended for use and held at room temperature 30 minutes before initiating virus titrations or potency tests.

(e) Virus titrations for a multivirus product shall be conducted by methods which will quantitate each virus.

§ 113.8 Standard requirements—virus titrations in lieu of test for antigenicity.

(a) The Director may exempt a live virus vaccine from a required vaccination-challenge test for release if the efficacy can with reasonable certainty be determined by:

(1) Testing the seed virus for potency in a manner approved by the Director; and

(2) Establishing the lowest satisfactory virus titer based on the minimum protective dose plus an adequate overage allowance for uncertain conditions; and

(3) Conducting virus titrations on each serial or subserial in an accepted titration test system.

(b) One or more serials or subserials of a biological product which has been exempted from a required vaccination-challenge test according to the conditions in paragraph (a) of this section may be subjected to said test by the Division or the licensee. If found unsatisfactory, the biological product shall be removed from the market.

(c) A biological product shall not be exempted under the provisions of paragraph (a) of this section if observation of the vaccinated test animals during the prechallenge period constitutes an irreplaceable safety test.

PART 114—MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

3. Part 114 is amended by deleting §§ 114.5(c), 114.13, 114.14, and 114.18.

Interested persons are invited to submit written data, views, or arguments regarding the proposed regulations to the Veterinary Biologics Division, Federal Center Building, Hyattsville, Md. 20782, within 60 days after date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 7th day of July 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69–8197; Filed, July 10, 1969; 8:48 a.m.]

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 310—POST MORTEM INSPECTION

Final Inspection of Carcasses

On March 28, 1969, there was published in the FEDERAL REGISTER (34 F.R. 5853) a notice of a proposed amendment to § 310.2 of the Meat Inspection Regulations (9 CFR 310.2). After due consideration of all relevant matters presented in connection with such notice and under the authority of the Federal Meat Inspection Act (34 Stat. 1260, as amended by 81 Stat. 584, 21 U.S.C. 601 et seq.), § 310.2 of the regulations is amended to read as set forth below.

Statement of considerations. This amendment provides a procedure for relating identifying devices (ear tags, backtags, etc.) with the carcasses of cattle slaughtered at official establishments, until post mortem inspection is completed. This information regarding an animal will assist the inspector in determining the wholesomeness of the carcass.

When indicated by post mortem findings, these identifying devices could be related to the cattle and reviewed to develop information which would aid in making a disposition of the carcass or a decision with respect to the desirability of further testing.

The present provisions of § 310.2 are designated as paragraph (a) and a new paragraph (b) is added to read as follows:

§ 310.2 Identification of carcass with certain severed parts thereof and with animal from which derived.

* * * * *

(b) The official State-Federal Department backtag on any cattle carcass shall:

(1) (i) Be removed from the hide of the animal by an establishment employee and placed in a clear plastic bag. The bag containing the tag shall be affixed to the corresponding carcass.

(ii) The bag containing the tag shall be removed from the carcass by an establishment employee and presented with the viscera to the Program inspector at the point where such inspector conducts the viscera inspection.

(2) (i) Brucellosis and tuberculosis ear tags, herd identification ear tags, sales tags, ear bangles, and similar identification devices shall be removed from the animal's hide or ear by an establishment employee and shall be placed in a clear plastic bag and affixed to the corresponding carcass.

(ii) The bag containing the tag shall be removed from the carcass by an establishment employee and presented with the viscera to the Program inspector at the point where such inspector conducts the viscera inspection.

(3) In cases where both types of devices described in subparagraphs (1) and (2) of this paragraph are present on the same animal, both types may be placed in the same plastic bag or in two separate bags.

(4) The Officer in Charge may allow the use of any alternate method proposed by an establishment for handling the type of devices described in subparagraph (2) of this paragraph if such alternate method would provide a ready means of identifying a specific carcass with the corresponding devices by a Program inspector during the post mortem inspection.

(5) Disposition and use of identifying devices.

(i) The official State-Federal Department backtags will be collected by a Program inspector and handled according to instructions in § 322.10 of this chapter (Manual of Meat Inspection Procedures) or used to obtain traceback information necessary for proper disposition of the animal or carcass.

(ii) The devices described in subparagraph (2) of this paragraph shall be collected by the Program inspector when required to obtain traceback information necessary for proper disposition of the animal or carcass and for controlling the slaughter of reactor animals. Devices not collected for these purposes shall be discarded after the post mortem examination is complete.

(6) Plastic bags used by the establishment for collecting identifying devices will be furnished by the Department.

(Sec. 21, 34 Stat. 1260, as amended by 81 Stat. 584, 21 U.S.C., Supp. IV, § 621; 29 F.R. 16210, as amended; 33 F.R. 10750)

This amendment shall become effective 30 days after its publication in the FEDERAL REGISTER.

Done at Washington, D.C., on July 8, 1969.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 69–8200; Filed, July 10, 1969; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Foreign Country Where Textile Products Are Assembled

§ 15.358 Disclosure of foreign country where textile products are assembled.

(a) The Commission advised two manufacturers of textile fiber products that it would not be necessary to disclose the name of the foreign country where certain finishing operations are performed.

(b) In both cases, the fabric is of domestic origin. In one case, the company will ship its American-made fabric and findings to the Dominican Republic where the fabric will be cut, sewn, finished, and returned for resale to the industrial rental laundry industry. Labor services performed in the foreign country will represent approximately 30 percent of total production costs.

(c) The other company, which is engaged in the manufacture and sale of ladies' undergarments, will cut the material in the United States and then ship it to Haiti where it will be sewn and finished. The company's foreign labor costs will represent approximately 20 percent of total production costs.

(d) Both companies were advised by the Commission that it would not be necessary to disclose in the labeling the nature and extent of the foreign operations performed on the textile products either under section 5 of the FTC Act or section 4(b)(4) of the Textile Fiber Products Indentification Act.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 72 Stat. 1717; 15 U.S.C. 70)

Issued: July 10, 1969.

By direction of the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–8179; Filed, July 10, 1969; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Tripartite Promotional Plan in Grocery Industry

§ 15.356 Tripartite promotional plan in the grocery industry.

(a) The Commission issued an advisory opinion with respect to a tripartite promotional plan in the grocery field.

(b) The applicant proposed to rent space to advertisers on a mechanical device containing a moving message, the purpose of which is to advertise products at the shelf level in retail grocery stores. The applicant would offer retail stores having weekly gross sales of $30,000 or more $3 per 2-week period per device for at least five devices (with an option to install up to 20 devices) as rent for the area necessary for the installation of the advertising devices. Stores having weekly gross sales of less than $30,000 would be furnished signs for them to attach to their shelves or other suitable point-of-sale area of similar size to the mechanical device offered to the larger stores. Stores with weekly gross sales of less than $30,000 would also be furnished display materials such as aisle indicators and generic product ads. Stores with weekly gross sales of $20,000 to $30,000 would be paid $1.50 per 2-week period per sign; stores with weekly gross sales of less than $20,000 would be paid 19 cents per 2-week period per sign.

(c) The Commission expressed the view that were the proposed promotional assistance plan implemented, the Clayton Act, section 2 (d) and/or (e), as amended, and/or the Federal Trade Commission Act, section 5 would probably be violated because neither the payments nor the services under the plan are offered on proportionally equal terms and the "alternatives" are not all made available to each competing customer.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: July 10, 1969.

By direction of the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–8182; Filed, July 10, 1969; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Supplier Services Furnished Through Third Party

§ 15.357 Supplier services furnished through third party.

(a) The Commission advised a requesting party that his proposed plan would be governed by the provisions of section 2(e) of the amended Clayton Act, as interpreted by the Commission's recently issued Guides for Advertising Allowances and Other Merchandising Payments and Services.

(b) In return for chain officials' time in considering supplier proposals, a third party intermediary proposed to provide merchandising advice of a perhaps general nature. The requesting party considered his proposed action to be outside the scope of section 2(e).

(c) The Commission concluded that implementation of the plan would be likely to result in a violation of section 2(e) if the plan were to be offered only to chains and if usable and suitable alternatives were not offered to those competing customers who could not use the basic plan.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: July 10, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–8180; Filed, July 10, 1969; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Trade Association's Proposed Compilation and Publication of Certain Financial Data

§ 15.359 Trade association's proposed compilation and publication of certain financial data.

(a) The Commission issued an advisory opinion in response to a request from a trade association concerning a proposed survey to be conducted among its members.

(b) The proposed survey seeks industry data for 1966, 1967, and 1968 confined solely to the following items:

(1) Percent return on total investment;

(2) Percent net profits (after taxes) to total sales;

(3) Percent advertising cost to gross sales;

(4) Percent direct labor cost to gross sales;

(5) Ratio current assets to current liabilities;

(6) Ratio net sales to inventory; and

(7) Ratio net sales to net working capital.

(c) The association proposes to obtain the information from its members on a confidential basis, to tabulate the data without identifying any company, and then to publish the results.

(d) The Commission advised the applicant that it does not object to the proposed survey, compilation and publication of industry financial data as outlined above and on the basis stated i.e., that there will be no disclosure of the name of any company participating. It is to be understood that this advisory opinion is necessarily limited to this particular program. However, the Commission invites submittal of any other proposed financial surveys in definite form for Commission advisory opinions.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 10, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–8181; Filed, July 10, 1969; 8:47 a.m.]

[1] Commissioner MacIntyre's dissenting opinion filed as part of the original document.

[1] Commissioner Elman did not concur in this action of the Commission.

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 418–69]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

By virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5, United States Code, Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.134 of Subpart U is amended to read as follows:

§ 0.134 Vacancy in the Office of the Director, Bureau of Narcotics and Dangerous Drugs.

In the event of a vacancy in the Office of the Director, Bureau of Narcotics and Dangerous Drugs, the powers and functions of the Director may be exercised by the Deputy Director, or in the absence of the Deputy Director, by the Assistant Director for Enforcement.

2. Subpart AA is revised to read as follows:

Subpart AA—Bureau of Narcotics and Dangerous Drugs

Sec.
0.200 General functions.
0.201 Redelegation of authority.
0.202 Applicability of departmental regulations.

AUTHORITY: The provisions of this Subpart AA were issued under secs. 509, 510, 28 U.S.C.; sec. 301, 5 U.S.C.

§ 0.200 General functions.

Subject to the general supervision of the Attorney General, the exercise of the powers and performance of the functions vested in the Attorney General by sections 1 and 2 of Reorganization Plan No. 1 of 1968 (33 F.R. 5611) are assigned to, and shall be conducted, handled, or supervised by the Director of the Bureau of Narcotics and Dangerous Drugs.

§ 0.201 Redelegation of authority.

The Director of the Bureau of Narcotics and Dangerous Drugs is authorized to redelegate to any of his subordinates any of the powers and functions vested in him by this Subpart AA.

§ 0.202 Applicability of departmental regulations.

All departmental regulations that are generally applicable to units or personnel of the Department of Justice shall be applicable with respect to the Bureau of Narcotics and Dangerous Drugs, the Director and personnel thereof, except to the extent, if any, that such regulations may be inconsistent with the intent and purposes of Reorganization Plan No. 1 of 1968.

Order No. 393–68 of April 7, 1968, and Order No. 394–68 of April 7, 1968, are hereby revoked.

Dated: June 30, 1969.

JOHN N. MITCHELL, *Attorney General.*

[F.R. Doc. 69–8205; Filed, July 10, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Miscellaneous Amendments

This amendment of the Federal Procurement Regulations makes changes in and additions to Subpart 1–15.3, Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Educational Institutions. The changes reflect the June 1, 1968, revision of Circular A–21 by the Bureau of the Budget with respect to eliminating the time or effort reporting requirements established by the Circular. The revision substitutes requirements that charges to federally sponsored research projects for personal services be supported by normal time and attendance and payroll distribution systems and by stipulated salary support amounts (for professional staff) as stated in research agreements.

The table of contents for Part 1–15 is amended to include new entries in Subpart 1–15.3 as follows:

1–15.302–7 Stipulated salary support.
1–15.310 Certification of charges.

Section 1–15.302–7 is added to read as follows:

§ 1–15.302–7 Stipulated salary support.

"Stipulated salary support" is a stated dollar amount of a faculty member's salary which a Government agency agrees to reimburse to an educational institution as a part of sponsored research costs. Stipulated salary support amounts will be provided in the research agreements for professorial staff any part of whose compensation is chargeable to Government sponsored research and may be provided for any other professionals who are engaged part time in sponsored research and part time in other work. The stipulated salary support for an individual will be determined by the Government and the educational institution during the proposal and award process on the basis of a considered judgment as to the monetary value of the contribution which the individual is expected to make to the research project, taking into account any cost sharing by the institution, and basing the judgment on such factors as value of the investigator's expertise to the project, the extent of his planned participation in the project, and his ability to perform as planned in the light of his other commitments. It will be necessary for those who review research proposals to obtain information on the total academic year salary of the faculty members involved; the other research projects or proposals for which salary is allocated; and any other duties they may have such as teaching assignments, administrative assignments, number of graduate students for which they are responsible, or other institutional activities. Stipulated amounts for an individual must not result in increasing his official salary from the institution. In those cases in which it is not feasible to establish a stipulated salary support amount during the proposal and award process because detailed plans or knowledge of specific positions or individuals are not available, the agency and the institution may agree to use the payroll distribution procedure set forth in § 1–15.309–7(b) as a basis for reimbursement of salary for any individuals for whom a support amount has not been established.

Section 1–15.309–7 is amended to change paragraphs (b), (c), (d), and (e) to read as follows:

§ 1–15.309–7 Compensation for personal services.

* * * * *

(b) *Payroll distribution.* Amounts charged to organized research for personal services, except stipulated salary support regardless of whether treated as direct cost or allocated as indirect costs, will be based on institutional payrolls which have been approved and documented in accordance with generally accepted institutional practices. Support for direct and indirect allocations of costs to (1) instruction, (2) organized research, (3) indirect activities as defined in § 1–15.305–1, or (4) other institutional activities as defined in § 1–15.302–4 will be provided as described in paragraphs (c), (d), and (e) of this § 1–15.309–7.

(c) *Direct charges for personal services.* (1) The amounts stipulated for salary support (see § 1–15.302–7) in grants or cost-reimbursable type contracts will be treated as direct costs. The stipulated salary for the academic year will be prorated equally over the duration of the grant or contract period during the academic year, unless other arrangements have been made in the grant or contract instrument. No time or effort reporting will be required to support these amounts. Special provision for summer salaries will be required. The research agreements will state that any research covered by summer salary support must be carried out during the summer, not during the academic year, and at locations approved in advance in writing by the granting agency. The certification required in § 1–15.310 will attest to this requirement as well as all others in a given research agreement.

(2) Stipulated salary support remains fixed during the funding period of the grant or contract and will be costed at the rate described in paragraph (c)(1) of this § 1–15.309–7 unless there is a significant change in performance. For example, a significant change in performance would exist if the faculty member (i) was ill for an extended period, (ii) took sabbatical leave to devote effort to duties unrelated to his research, or (iii) was required to increase substantially his teaching assignments, administrative duties, or responsibility for more research projects. In the latter event, it will be the responsibility of the educational institution to reduce the charges to the research agreement proportionately or seek an appropriate amendment.

(3) In the case of those covered by stipulated salary support, the auditors are no longer required to review the precise accuracy of time or effort devoted to research projects. Rather, their reviews should include steps to determine on a sample basis that an institution is not reimbursed for more than 100 percent of each faculty member's salary and that the portion of each faculty member's salary charged to Government sponsored research is reasonable in view of his university workload and other commitments.

(4) When an educational institution cost shares in whole or in part (see Bureau of the Budget Circular No. A–74) by using faculty salaries, the stipulated salary concept should also be applied in this instance. During the proposal and award process, approving authorities will establish, in conjunction with the institution, the share of the faculty member's contribution to the project to be reimbursed by the Government and that to be borne by the institution. The latter amount will become a part of the institution's cost share. Unless other arrangements are made, the institution will prorate the stipulated salary over the period of the agreement and charge the prorated costs to the project cost records periodically to support its cost sharing amounts. No time or effort reporting will be required to support these charges. As in the case of stipulated salary amounts that are reimbursed by the Government, any significant change in performance, as defined in that context, which would affect the agreed-upon cost sharing amount must be promptly recognized by other cost sharing or amendment to the research agreement. It will be the responsibility of the educational institution to ensure that this action is taken.

(5) Non-professorial-professional staff includes research associates and assistants, graduate students, and other persons performing professional work, i.e., chemists and engineers. The direct cost charged to organized research for the services of such professionals, exclusive of those whose salaries are stipulated in the research agreement, will be based on institutional payroll systems. Such institutional payroll systems must be supported by either an adequate appointment and workload distribution system accompanied by monthly review performed by responsible officials and a reporting of any significant changes in workload distribution of each professional, or by a monthly after-the-fact certification system which will require the individual investigators, deans, departmental chairmen, or supervisors having first-hand knowledge of the services performed on each research agreement to report the distribution of effort. Reported changes will be incorporated during the accounting period into the payroll distribution system and into the accounting records. Direct charges for salaries and wages of nonprofessionals will be supported by time and attendance and payroll distribution records.

(d) *Indirect personal services costs.* Allowable indirect personal services costs will be supported by the educational institution's accounting system which is maintained in accordance with generally accepted institutional practices. Where a comprehensive accounting system does not exist, the institution should make periodic surveys no less frequently than annually to support the indirect personal services costs for inclusion in the overhead pool. Such supporting documentation must be retained for subsequent review by Government officials.

(e) *General guidance for charging personal services.* Budget estimates on a monthly, quarterly, semester, or yearly basis do not qualify as support for charges to federally sponsored research projects and should not be used unless confirmed after the fact. Charges to research agreements may include reasonable amounts for activities contributing and intimately related to work under the agreement, such as preparing and delivering special lectures about specific aspects of the ongoing research, writing research reports and articles, participating in appropriate research seminars, consulting with colleagues and graduate students with respect to related research, and attending appropriate scientific meetings and conferences. In no case should charges be made to federally sponsored research projects for lecturing or preparing for formal courses listed in the catalog and offered for degree credit, or for committee or administrative work related to university business.

* * * * *

Section 1–15.310 is added to read as follows:

§ 1–15.310 Certification of charges.

To insure that expenditures for research grants and contracts are proper and in accordance with the research agreement documents and approved project budgets, the annual and/or final fiscal reports for grants and the vouchers requesting payment under contracts will include a certification which reads essentially as follows:

I certify that all expenditures reported (or payments requested) are for appropriate purposes and in accordance with the agreements set forth in the application and award documents.

(Signed by an authorized official of the University)

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effect on other issuances. The portion of FPR Temporary Regulation 15 which pertains to the June 1, 1968, revision of Bureau of the Budget Circular A–21 is canceled.

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: July 3, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–8148; Filed, July 10, 1969; 8:45 a.m.]

Chapter 14—Department of the Interior

PART 14–8—TERMINATION OF CONTRACTS

Default Termination of Fixed Price Construction Contracts

JULY 3, 1969.

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, § 14–8.603, Part 14–8 of Chapter 14, Title 41 of the Code of Federal Regulations is hereby deleted as set forth below:

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the public rulemaking process. However, because this part is largely a general statement of Departmental policy and internal procedure the rulemaking process will be waived and this part will become effective upon publication in the FEDERAL REGISTER.

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

Section 14–8.603 *Default termination of fixed price construction contracts* published at 33 F.R. 7436, May 18, 1968, is hereby deleted in its entirety.

[F.R. Doc. 69–8163; Filed, July 10, 1969; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–42—PROPERTY REHABILITATION SERVICES AND FACILITIES

This amendment revises Part 101–42, Property Rehabilitation Services and Facilities, by providing a wider scope of application; policies and procedures regarding use by executive agencies of GSA regional term contract schedules, Federal Prison Industries, and National Industries for the Blind; and guidelines for agency use when ordering the repair or replacement of locks on Government-owned desks.

Subchapter H is amended by the revision of Part 101–42, as follows:

Sec.
101–42.000 Scope of part.
101–42.001 Definitions.
101–42.001–1 Maintenance.
101–42.001–2 Repair.
101–42.001–3 Rehabilitation.
101–42.001–4 Reclamation.

Subpart 101–42.1—Sources of Property Rehabilitation Services

Sec.
101–42.100 [Reserved].
101–42.101 General.
101–42.102 GSA term contracts for services.
101–42.102–1 Primary source provisions.
101–42.102–2 Optional use provisions.
101–42.102–3 Contract administration.
101–42.103 Miscellaneous.
101–42.103–1 Repairing of locks and lock mechanisms on Government-owned desks.

Subpart 101–42.2—Property Rehabilitation Services Performed by Federal Facilities

101–42.200 Scope of subpart.
101–42.201 Federal repair facilities.
101–42.202 Establishment, continuation, or expansion of repair facilities.
101–42.203 Notifications.

AUTHORITY: The provisions of this Part 101–42 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101–42.000 Scope of part.

This part prescribes the policies and procedures governing the use by executive agencies of GSA regional term contracts, Federal Prison Industries, and National Industries for the Blind for the maintenance, repair, rehabilitation, and reclamation of personal property; and the operation of facilities located within the United States, Puerto Rico, and the Virgin Islands performing such services. Military weapons systems, specialized military support equipment, and specialized technical and scientific equipment are exempt from this part.

§ 101–42.001 Definitions.

As used throughout this Part 101–42, the following terms shall have the meanings stated herein.

§ 101–42.001–1 Maintenance.

The scheduled cleaning, servicing, and adjustment necessary to keep an article in a serviceable or satisfactory operating condition, ordinary wear and tear excepted.

§ 101–42.001–2 Repair.

The restoration of an article to a serviceable or operable condition from an unserviceable or inoperable condition resulting from excessive wear, breakage, injury, dilapidation, decay, or partial destruction.

§ 101–42.001–3 Rehabilitation.

The restoration or renovation of serviceable or operable articles to a near new condition or the repair of unserviceable or inoperable articles when the overall objective is to restore or renovate articles to a near new condition. In addition, the word is used in a generic sense to encompass services covered by this Part 101–42.

§ 101–42.001–4 Reclamation.

The recovery of precious metals or critical materials having intrinsic value from articles of personal property.

Subpart 101–42.1—Sources of Property Rehabilitation Services

§ 101–42.100 [Reserved]

§ 101–42.101 General.

GSA regional property rehabilitation organizational elements assist agencies in furthering maximum utilization of personal property by providing maintenance, repair, rehabilitation, and reclamation services. These services are made available through contracts with commercial firms, and through agreements with the National Industries for the Blind and with Federal repair facilities such as those operated by the Federal Prison Industries. The services provided are primarily for domestic application but may be utilized to provide support for foreign assistance programs.

(a) The Guide to Sources of Supply and Service, a Federal Supply Catalog, is published by the Federal Supply Service, GSA, to indicate sources of supply and service provided by GSA for the use of Federal agencies, including property rehabilitation type service contracts established by the Property Management and Disposal Service, GSA. Copies are furnished central and field offices of Federal agencies. Additional copies may be obtained from any GSA regional office.

(b) GSA regional Property Management and Disposal Service offices periodically issue bulletins to heads of Federal agency offices furnishing information concerning GSA service support for the maintenance, repair, rehabilitation, and reclamation of Government-owned personal property.

(c) A GSA regional Property Management and Disposal Service office will, upon a written request from a Federal agency to the office servicing that agency, develop sources of services, evaluate contractor capabilities, and conduct surveys or studies to justify establishing term contracts for services not available at the time the needs arise.

§ 101–42.102 GSA term contracts for services.

(a) GSA establishes regional term contracts; prepares and issues regional term contract price schedules on a zonal, regional, or other area basis; and performs contract administration.

(b) Agency offices may be placed on a distribution list to receive term contracts in the form of price schedules applicable within specified areas upon request to the GSA regional office administering the contracts.

(c) Regional term contract price schedules are published in catalog style and list services available from contractors named therein. Notices of changes in the price schedules are furnished all agency offices receiving the schedules.

(d) The price schedules specify that agencies of the Federal Government will, unless excepted, issue purchase orders direct to contractors listed in the schedules; receive and inspect the shipments; and make payments direct to such contractors without referring the transactions to GSA. The price schedules provide for appropriate action in the event of delinquency or default on the part of any contractor.

§ 101–42.102–1 Primary source provisions.

(a) GSA regional term contracts shall be used as a primary source for meeting executive agencies' requirements in the areas of maintenance, repair, rehabilitation, and reclamation of personal property, to the extent provided for in such contracts. These term contracts and covering price schedules are, therefore, mandatory on agencies in the geographic areas designated. However, contracts to which those agencies are parties, existing at the time term contract schedules are published, will continue to be in effect until completion of such existing contracts.

(b) When an agency determines that services available from an existing term contract price schedule will not fill its required needs, a request to waive the requirement shall be submitted to the GSA regional Property Management and Disposal Service office administering the contract. Such requests shall specify the quantities involved, describe the difference between the services required and those listed in the price schedule, and give reasons why the services will not meet the requirements. Waivers are not required in the case of public exigencies.

§ 101–42.102–2 Optional use provisions.

Each GSA regional term contract price schedule contains provisions whereby, in addition to the agencies included under the primary source provision, all agencies and activities of the Federal Government, including the legislative and judicial branches, and other activities for which GSA is authorized by law to procure, may place orders under such schedules.

§ 101–42.102–3 Contract administration.

GSA regional Property Management and Disposal Service offices administer service contracts for and on behalf of the contracting office with respect to: (a) expediting orders; (b) evaluating the acceptability of contract workmanship; (c) insuring contractor compliance with technical requirements of the contract; and (d) assisting in the resolution of issues that may arise between ordering agencies and contractors concerning performance of contract provisions.

§ 101–42.103 Miscellaneous.

§ 101–42.103–1 Repairing of locks and lock mechanisms on Government-owned desks.

It is the responsibility of executive agencies to order the repair or replacement of locks and locking mechanisms only on those desks where there is a valid agency need for operable locks. The evaluation and determination of whether a

valid need exists shall be on the basis of written criteria approved by a designated responsible official of the ordering agency. (See § 101–25.302–6 for use standards.)

Subpart 101–42.2—Property Rehabilitation Services Performed by Federal Facilities

§ 101–42.200 Scope of subpart.

This subpart prescribes the policies and procedures governing executive agency in-house repair facilities.

§ 101–42.201 Federal repair facilities.

Each agency shall evaluate, periodically, its in-house repair and reclamation facilities to determine if it is more economical to use established GSA sources as shown in § 101–42.101.

§ 101–42.202 Establishment, continuation, or expansion of repair facilities.

The establishment, continuation, or expansion of in-house commercial type repair and reclamation facilities shall be governed by the criteria set forth in Bureau of the Budget Circular No. A–76, Revised, August 30, 1967.

§ 101–42.203 Notifications.

(a) Each executive agency shall furnish, if it has not already done so, to the appropriate GSA regional office serving that agency, information as to each Government-owned facility operated by it for the repair, maintenance, rehabilitation, or reclamation of personal property. Such information shall include the type of facility, personnel complement, capability, and geographical area served. Information as to Department of Defense facilities will pertain only to reconditioning or depot maintenance facilities for nonmilitary equipment.

(b) Agencies proposing to establish or substantially expand facilities for repair, maintenance, rehabilitation, or reclamation of personal property shall furnish the General Services Administration, Property Management and Disposal Service, Washington, D.C. 20405, with prior information such as type of facility, personnel complement, capability, and geographical area to be served, so that the proposal may be evaluated against existing contracts and facilities. Information as to Department of Defense facilities will pertain only to reconditioning or depot maintenance facilities.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: July 3, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–8149; Filed, July 10, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT

Subpart—Allowances and Reimbursements for Members of Policy Making Bodies

Chapter X, Part 1068 of Title 45 of the Code of Federal Regulations is amended by adding a new subpart, reading as follows:

Sec.
1068.5–1 Applicability of this subpart.
1068.5–2 Definitions.
1068.5–3 Policy.
1068.5–4 Administration.

AUTHORITY: The provisions of this subpart issued under secs. 244(1), 602, 78 Stat. 530, 21 Stat. 707; 42 U.S.C. 2836, 2942.

§ 1068.5–1 Applicability of this subpart.

This subpart applies to all members of policy making bodies of grantees funded under Titles I–B, I–D, II, and III–B of the Economic Opportunity Act of 1964, as amended, if the assistance is administered by OEO. This includes members of principal representative boards, delegate agency governing bodies, area policy boards or councils, county boards of multicounty CAAs, governing boards of neighborhood-based organizations, policy advisory committees for particular types of projects and committees of a CAA or neighborhood or area board as these boards are defined in section 1068.5–2.

§ 1068.5–2 Definitions.

As used in this subpart:

(a) "Allowance" means a payment made to an individual for actual attendance at a meeting to assure and encourage his attendance at this meeting.

(b) "Reimbursement" means a payment made to an individual to cover the cost of certain expenses actually incurred as a result of attendance at a meeting or in the performance of other official duties and responsibilities in connection with a community action program.

(c) A "Meeting" is considered to take place when proper notification has been made inviting the participants to attend.

(d) "Policy Making Body" includes the following representative boards of grantees:

(1) Principal representative boards.

(2) Delegate agency governing bodies if the delegate agency's activities are solely or substantially financed with OEO funds as part of the community action program and at least one-third of its governing body is composed of representatives selected by the poor persons whom the delegate agency serves.

(3) Area policy boards or councils, county boards of a multicounty CAA, or neighborhood based organizations which perform a major policy-making function with regard to a subarea of the community served by the CAA. (Such boards may be an integral part of the CAA or may be established as delegate agencies of the CAA.)

(4) Policy advisory committees for a particular type of project, such as Head Start or Neighborhood Health Services.

(5) Committees of a CAA or neighborhood or area board if such a committee performs major policymaking functions. (An example of such a committee would be the executive or steering committee of a CAA board.)

§ 1068.5–3 Policy.

(a) *General.* Allowances and reimbursements may be paid to certain members of grantee policymaking bodies for attendance at meetings, when such payments serve to assure and encourage the maximum feasible participation of members of groups and residents of the areas served. The grantees' principal representative board shall exercise discretionary power in determining the extent to which this policy will be applied in its agency. This subpart lists the categories of policymaking bodies which are eligible to receive allowances and reimbursements. If a grantee has not budgeted funds for allowances or reimbursements as part of its normal budget submission, funds may be reprogramed for this purpose (if the grantee determines it is a priority) through the normal amendment procedure (see OEO Instruction 6710–1, section V, pages 3–24). A record of the principal representative board's decision regarding the payment or nonpayment of allowances and reimbursements, and reasons for this decision, should be maintained by the grantee.

(b) *Allowances.* (1) Any person who is a member of a grantee's policymaking body is eligible to be paid an allowance as long as his family income falls within OEO Poverty Guidelines and as long as he is not a Federal employee, not an employee of a CAA or delegate agency, and not an employee of a State or local public agency.

(2) Allowances should not exceed $5 per meeting unless the grantee's principal representative board determines a higher payment more suitable. Allowances in excess of $5 may be paid only if justified by CAP grantees on the basis of comparability with similar fees paid to the poor by antipoverty programs administered by non-CAP grantees and funded from sources other than OEO (e.g. Model Cities). (Comparability means that the allowance plus the reimbursements paid by the CAP grantee would be commensurate with the total payments made to the poor by other agencies.) Grantees should consult with other antipoverty programs in their area to determine if the fees being paid to the poor by the various programs are comparable.

(3) No person shall be paid an allowance for attendance at more than two meetings per month, regardless of whether the meetings are for the same or different policy making bodies.

(c) *Reimbursements.* (1) Any person, including a Federal employee or an employee of a State or local public agency, whose family income falls within OEO Poverty Guidelines and who is a member of a grantee's policy making body is eligible to be paid a reimbursement. Receiving an allowance does not preclude receiving a reimbursement for actual expenses incurred in attending that meeting. Nonpoor members of a grantee's policy making body may receive reimbursements for travel (under certain circumstances) and may receive per diem (see subparagraph (3)(ii) of this paragraph).

(2) No person shall be reimbursed for more than two meetings per month, regardless of whether the meetings are for the same or different policy making bodies.

(3) The following expenses incurred as the result of actual attendance at meetings, or in the performance of other official duties and responsibilities in connection with a community action program, may be reimbursed.

(i) *Travel.* Reimbursement may be made for transportation to and from official meetings or other official appointments by the least expensive, convenient means of transportation. This shall be public transportation, or, when no public transportation is available, by taxi, or by private automobile travel at a rate not to exceed 10 cents a mile. Women traveling unescorted to meetings after dark may be reimbursed for actual taxi fare paid even when convenient public transportation is available. Where the community served by the community action program covers a large geographic area, such as a multicounty CAA or a statewide grantee, reimbursements may also be made to those nonpoor members of a policymaking body who must travel a "substantial-distance" from their home to attend meetings within the community. The grantee's principal respresentative board shall determine what constitutes a "substantial distance" in their community. Such payments shall accord with the Standardized Government Travel Regulations and with Part 1069 of this chapter. In cases where there is group riding, only the board members providing the vehicle shall be reimbursed.

(ii) *Per diem.* Per diem may be paid to both poor and nonpoor members of policy making bodies when attendance at a meeting requires overnight lodging Such payments shall accord with the Standardized Government Travel Regulations (current per diem rate is $16 a day) and with Part 1069 of this chapter. (A per diem allowance is paid in lieu of meals and lodging.)

(iii) *Meals.* When per diem is not in effect, reimbursement for the actual costs of meals may be paid to the poor, only, when the time of an official meeting or other official appointment is such as to require attendance during a meal hour and when the meal is not otherwise provided. Such reimbursement shall be for the actual cost of the meal, but may not exceed $1.50 per person for lunch and $3.50 per person for dinner.

(iv) *Baby-sitting expenses.* The poor, only, may be reimbursed for the actual costs necessarily incurred for the care of their young children while they attend an official meeting. The hourly rate paid must be comparable to that usually paid in the area for such services. In no event shall the rate of compensation exceed $1.25 per hour.

(v) *Lost wages.* When attendance at a meeting involves loss of wages, the poor may be reimbursed for actual wages lost up to $15 a day. This would be in addition to per diem if the meeting involved overnight travel.

(vi) *Other expenses.* Calls made on private telephones will not be allowed as a reimbursable expense. A grantee or delegate agency may make available to board members the use of telephones in the offices of the agency.

(4) The eligibility for reimbursement of expenses incurred in attendance at meetings by board members as limited in this subpart apply only to meetings held within the area served by the community action program. Reimbursement for travel and per diem outside this area is covered in Part 1069 of this chapter.

§ 1068.5–4 Administration.

(a) *Applying for funds.* Funds to pay allowances and reimbursements as defined in this subpart may be requested as part of any community action program application, but approval is subject to availability of budget funds.

(b) *Accounting for funds.* Payments made under the policy set forth in this subpart are subject to audit and to disallowance by OEO if not in accord with OEO Instructions and regulations. Individuals requesting reimbursement shall submit appropriate documentation of actual expense incurred (a listing of expenses and amounts is sufficient). Minutes of the meeting indicating the low-income members who were present and who received an allowance will be sufficient documentation of allowances paid for audit purposes. This material shall be made a part of the accounting records of the grantee.

(c) *Non-Federal share.* The allowances and reimbursements herein permitted may not be credited as a non-Federal share contribution in lieu of making such payments to eligible board members.

(d) *Public records.* The accounting records of allowable payments and expense reimbursements are required to be available for public inspection under the rules set forth in Part 1070 of this chapter.

Effective date. This subpart shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

THEODORE M. BERRY,
Director,
Community Action Program.

JUNE 27, 1969.

[F.R. Doc. 69–8165; Filed, July 10, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 39, 3d Rev., Amdt. 5]

PART 222—STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

Forms of Vessel Utilization and Performance Reports Prescribed

This amendment is to remove the requirement for filing of Forms MA–7803 and MA–7804 and to require the filing only of Forms MA–578 and MA–578A.

Effective upon the date of publication of this amendment in the FEDERAL REGISTER § 222.2 is amended to read as follows:

§ 222.2 Forms of vessel utilization and performance reports prescribed.

(a) Pursuant to authority of section 212(A) of the Merchant Marine Act, 1936, as amended by Public Law 612, 84th Congress; 70 Stat. 332; 46 U.S.C. 1122a, the Secretary of Commerce has determined that it is necessary and desirable in order to carry out the purposes and provisions of the Merchant Marine Act, 1936, as amended (49 Stat. 1985, et seq.; 46 U.S.C. 1101, et seq.) to require an operator of a vessel in waterborne foreign commerce of the United States to file accurate reports on Form MA–578 with respect to passenger and dry cargo vessels, on Form MA–578A with respect to vessels carrying certain containerized cargo; such forms and instructions for the preparation thereof are hereby prescibed and approved.[1]

(1) An accurate report on Form MA–578, Vessel Utilization and Performance Report, shall be filed in duplicate with the appropriate District Director of Customs for transmittal to the Maritime Administration by the operator of every self-propelled dry cargo and passenger vessel of 1,000 or more gross registered tons before midnight of the 30th calendar day after entry into the first U.S. port and before midnight of the 30th calendar day after clearing the last U.S. port. Operators desiring to submit combination reports for dry cargo and passenger vessels (inbound and outbound portions) after clearing the final U.S. port may do so upon obtaining written permission from the Maritime Administration, Washington, D.C. 20235.

(2) In addition, and subject to the same qualifying and filing requirements set forth above, an accurate report on Form MA–578A, Supplemental Unitized

[1] Copy each of the Forms MA–578 (1–67) and MA–578A (3–21–67), together with instructions for their use, respectively, are on file in the Office of the Federal Register. These forms and instructions may be obtained from the Marine Section, District Director of Customs at U.S. ports.

Cargo Container Report, shall be filed by such operator when, on any one voyage, a vessel carries 10 or more (i) 8 x 8 x 10 feet or larger containers, or (ii) half-height containers 8 feet in width and 10 or more feet in length, or (iii) flatbeds 8 feet in width and 20 or more feet in length. Forms MA-578 and MA-578A are required to be filed in duplicate for all voyages of merchant vessels operated by or for the account of the Department of Defense except vessels of the Military Sea Transportation Service (MSTS) nucleus fleet.

(b) By agreement with the Bureau of Customs, District Directors of Customs will be responsible for policing receipt of dry cargo and passenger vessel inbound, outbound, and combination inbound/outbound reports on Form MA-578 and Form MA-578A.

NOTE: The reporting requirements contained in this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: July 8, 1969.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-8178; Filed, July 10, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Arrowwood National Wildlife Refuge, N. Dak.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 15,900 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting with guns is not permitted.

(2) The open season for hunting deer on the refuge is from 12 noon to sunset on August 30, 1969, and from sunrise to sunset August 31, 1969, through September 28, 1969.

(3) A federal permit is required to enter the public hunting area. It may be obtained by applying in person at refuge headquarters, located 6 miles east of Edmunds, N. Dak., between the hours of 8 a.m. and 4:30 p.m. Monday thru Friday.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 28, 1969.

ARNOLD D. KRUSE,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak.

JULY 3, 1969.

[F.R. Doc. 69-8151; Filed, July 10, 1969; 8:45 a.m.]

PART 32—HUNTING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Montezuma National Wildlife Refuge, N.Y., is permitted except on the areas designated by signs as closed. The open area, comprising 3,639 acres, is delineated on maps available at refuge headquarters, 4 miles east of Seneca Falls, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) The open season is Monday through Friday from November 17 to December 2, 1969, inclusive. Actual dates open are November 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, and December 1, 2, 1969.

(2) Only longbows may be used. No gun hunting will be allowed.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 2, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 30, 1969.

[F.R. Doc. 69-8150; Filed, July 10, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[43 CFR Part 417]

PROCEDURAL METHODS FOR IMPLEMENTING COLORADO RIVER WATER CONSERVATION MEASURES WITH LOWER BASIN CONTRACTORS AND OTHERS

Notice of Proposed Rule Making

Basis and purpose. Pursuant to the authority vested in the Secretary of the Interior by the Boulder Canyon Project Act (45 Stat. 1057, 1060) by the contracts for the storage and delivery of Colorado River water pursuant to that Act (herein termed "Boulder Canyon Project Act Contracts") heretofore made between the United States and certain public or private organizations (herein termed "Contractors") and the March 9, 1964, Decree of the Supreme Court of the United States in the case of Arizona v. California et al., 376 U.S. 340, notice is hereby given of the intention to revise Part 417 of Title 43 of the Code of Federal Regulations. The purpose of this revision is to establish new procedures for the adoption of recommendations relating to water conservation practices in the diversion, delivery, distribution, and use of Colorado River water and to the making of annual determinations relating to the estimated quantities of water required by Contractors each calendar year to the end that deliveries of Colorado River water to each Contractor will not exceed that reasonably required for beneficial use. In addition, the revision deletes the requirement for annual publication of determinations in the FEDERAL REGISTER since all affected parties are given actual notice in writing of determinations.

It is the policy of the Department of the Interior to afford those dealing with the Department a full and fair opportunity to be heard and to have their views considered on matters affecting their interests. Accordingly, interested parties may submit written comments, suggestions or objections with respect to the proposed revisions to Part 417 to the Regional Director, Region 3, Bureau of Reclamation, Post Office Box 427, Boulder City, Nev. 89005, within 30 days of publication of this notice in the FEDERAL REGISTER.

Part 417 of Title 43 of the Code of Federal Regulations is revised in its entirety to read as follows:

PART 417—PROCEDURAL METHODS FOR IMPLEMENTING COLORADO RIVER WATER CONSERVATION MEASURES WITH LOWER BASIN CONTRACTORS AND OTHERS

Sec.
417.1 Scope of part.
417.2 Consultation with contractors.
417.3 Notice of recommendations and determinations.
417.4 Changed conditions, emergency, or hardship modifications.
417.5 General regulations.

AUTHORITY: The provisions of this Part 417 issued under 45 Stat. 1057, 1060; 43 U.S.C. 617.

§ 417.1 Scope of part.

The procedures established in this Part shall apply to every public or private organization (herein termed "Contractor") in Arizona, California, or Nevada which, pursuant to the Boulder Canyon Project Act or to provisions of other Reclamation Laws, has a valid contract for the delivery of Colorado River water, and to Indian Reservations and Federal establishments enumerated in Article II(D) of the March 9, 1964, Decree of the Supreme Court of the United States in the case of Arizona v. California et al., 376 U.S. 340 (for purposes of this part each such Indian Reservation and Federal establishment is considered as a "Contractor"), except that (a) neither this part nor the term "Contractor" as used herein shall apply to any person or entity which has a contract for the delivery or use of Colorado River water made pursuant to the Warren Act of February 21, 1911 (36 Stat. 925) or the Miscellaneous Purposes Act of February 25, 1920 (41 Stat. 451), and (b) Contractors and permittees for small quantities of water and Contractors for municipal and industrial water may be excluded from the application of these procedures at the discretion of the Regional Director.

§ 417.2 Consultation with contractors.

The Regional Director, Bureau of Reclamation, Boulder City, Nev., or his representative will, prior to the beginning of each calendar year, arrange for and conduct such consultations with each Contractor as the Regional Director may deem appropriate as to the making by the Regional Director of annual recommendations relating to water conservation measures and operating practices in the diversion, delivery, distribution and use of Colorado River water, and to the making by the Regional Director of annual determinations of each Contractor's water requirements for the ensuing calendar year to the end that deliveries of Colorado River water to each Contractor will not exceed those reasonably required for beneficial use under the respective Boulder Canyon Project Act contract or other authorization for use of Colorado River water.

§ 417.3 Notice of recommendations and determinations.

Following consultation with each Contractor, and after consideration of all relevant comments and suggestions advanced by the Contractors in such consultations, the Regional Director will formulate his recommendations and determinations relating to the matters specified in § 417.2. The recommendations and determinations shall, with respect to each Contractor, be based upon but not necessarily limited to such factors as the area to be irrigated, climatic conditions, location, soils classifications, the kinds of crops raised, cropping practices, the type of irrigation system in use, the condition of water carriage and distribution facilities, record of water orders and rejections of ordered water, general operating practices, the operating efficiencies and methods of irrigation of the water users, municipal water requirements and the pertinent provisions of the Contractor's Boulder Canyon Project Act water delivery contract. The Regional Director shall give each Contractor written notice of his recommendations and determinations. The recommendations and determinations of the Regional Director shall be final and conclusive unless, within 30 days of the date of the notice, the Contractor submits his written comments and objections to the Regional Director and requests further consultation. If, after such further consultation, timely taken, the Regional Director does not modify his recommendations and determinations and so advises the Contractor in writing, or if modifications are made but the Contractor still feels aggrieved thereby after notification in writing of such modified recommendations and determinations, the Contractor may appeal to the Secretary of the Interior. During the pendency of such appeal, and until disposition thereof by the Secretary, the recommendations and determinations formulated by the Regional Director shall be of no force or effect.

§ 417.4 Changed conditions, emergency, or hardship modifications.

A Contractor may at any time apply in writing to the Regional Director for modification of recommendations or determinations deemed necessary because of changed conditions, emergency or hardship. Upon receipt of such written application identifying the reason for such requested modification, the Regional Director shall arrange for consultation with the Contractor with the objective of making such modifications as he may deem appropriate under the then existing

conditions. The Regional Director may initiate efforts for further consultation with any Contractor on his own motion with the objective of modifying previous recommendations and determinations, but in the event such modifications are made, the Contractor shall have the same opportunity to object and appeal as provided in § 417.3 hereof for the initial recommendations and determinations. The Regional Director shall afford the fullest practicable opportunity for consultation with a Contractor when acting under this section. Each modification under this section shall be transmitted to the Contractor by letter.

§ 417.5 General regulations.

In addition to the recommendations and determinations formulated according to the procedures set out above, the right is reserved to issue regulations of general applicability to the topics dealt with herein.

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

JULY 3, 1969.

[F.R. Doc. 69-8162; Filed, July 10, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-EA-73]

FEDERAL AIRWAY SEGMENT AND REPORTING POINT

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 167 segment between Hartford, Conn., and Providence, R.I.; and revoke the Sterling Intersection reporting point.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, JFK International Airport, New York 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace proposal:

1. Realign V-167 segment from Hartford to Providence via the intersection of Hartford 081° T (094° M) and Providence 270° T (284° M). This realignment would facilitate the movement of air traffic operating between Hartford and Boston by eliminating the requirement of eastbound aircraft to monitor the Providence VORTAC from the Clarks Intersection to the Sterling Intersection.

2. Revoke the Sterling Intersection as a compulsory reporting point. This intersection will be retained as an on-request reporting point.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1959 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 2, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-8173; Filed, July 10, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-65]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Morristown, Tenn., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Morristown transition area would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Moore-Murrell Airport; within 4.5 miles northwest and 9.5 miles southeast of the 239° bearing from Morristown RBN (Lat. 36°11'10" N., long. 83°22'00" W.), extending from the 9.5-mile radius area to 18.5 miles southwest of the RBN.

Since the last alteration of controlled airspace at Morristown terminal, changes in criteria appropriate to Moore-Murrell Airport and the associated instrument approach procedures require an increase in the transition area basic radius circle from 7 to 9.5 miles, an increase in the width of the extension from a total of 13 miles to a total of 14 miles, and an increase in the length of the extension from 12 to 18.5 miles.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on July 1, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-8174; Filed, July 10, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-49]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the 700 foot portion of the Ogden, Utah, transition area.

Interested person may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The criteria for establishment of controlled airspace to protect aircraft executing procedure turns has been changed. Accordingly it is necessary to alter this area to conform to the new criteria.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (34 F.R. 4637) the Ogden, Utah, transition area is amended by

deleting all before "* * *: that airspace extending upward from 1,200 feet above the surface * * *" and substituting therefor "That airspace extending upward from 700 feet above the surface bounded on the north by latitude 41°-27'00" N., on the east by longitude 111°-55'00" W., on the south by latitude 41°00'00" N., and on the west by longitude 112°22'00" W., within 4.5 miles southwest and 9.5 miles northeast of the Ogden VORTAC 316° radial extending from the VORTAC to 18.5 miles northwest of the VORTAC:"

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on July 2, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-8175; Filed, July 10, 1969; 8:46 a.m.]

Federal Highway Administration

[49 CFR Part 371][1]

[Docket No. 69-12; Notice No. 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

New Pneumatic Tires; Passenger Cars

Federal Motor Vehicle Safety Standard No. 109 (49 CFR 371.21), as amended (33 F.R. 19711), specifies tire dimensions and laboratory test requirements for bead unseating resistance, strength, endurance and high speed performance; defines tire load ratings; and specifies labeling requirements for new pneumatic tires for use on passenger cars manufactured after 1948.

Paragraph S5.5.4 of Standard No. 109 specifies that for the high speed performance aspects of the standard, tires are to be tested at 75 m.p.h. for 30 minutes, 80 m.p.h. for 30 minutes, and (except for deep-tread winter-type tires) 85 m.p.h. for 30 minutes.

Because, in actual practice, deep-tread winter-type tires are often required to perform at the same rate of speed as other type passenger car tires it is considered in the public interest to amend S5.5.4 to require the same level of high speed performance from deep-tread winter-type tires as other type tires are required to meet. It is proposed that the amendment will become effective 60 days from date of publication in the FEDERAL REGISTER.

Interested persons are invited to participate in the making of this proposed amendment by submitting written data, views, or arguments. Ten copies of comments should be submitted to the Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591. All comments received on or before the close of business August 26, 1969, will be considered before action is taken on the proposed amendment.

[1] Formerly contained in 23 CFR 255.

In consideration of the foregoing, it is proposed that 49 CFR Part 371, Federal Motor Vehicle Safety Standards, § 371.21, Federal Motor Vehicle Safety Standard No. 109, as amended (34 F.R. 19711) be amended by changing paragraph S5.5.4 as follows:

S5.5.4 Without readjusting inflation pressure, test at 75 m.p.h. for 30 minutes, 80 m.p.h. for 30 minutes, and 85 m.p.h. for 30 minutes.

This proposed amendment is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation from the Secretary of Transportation, Part I of the Regulations of the Office of the Secretary (49 CFR 1.4(c)).

Issued: July 7, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-8210; Filed, July 10, 1969; 8:49 a.m.]

[49 CFR Part 375]

[Dockets Nos. 28-1, 28-2, 28-6; Notice 7]

MOTOR VEHICLE SAFETY REGULATIONS

Consumer Information

The Consumer Information Regulations issued by the Administrator were published as a final rule on January 25, 1969 (34 F.R. 1246). The regulations were amended by order published in the FEDERAL REGISTER on May 23, 1969 (34 F.R. 8112). Section 375.6 of these regulations specified that manufacturers of motor vehicles should furnish the required information "at the time of original purchase to the first person who purchases the motor vehicle for purposes other than resale", and in addition, to the Administrator. The section essentially repeated the terms of section 112(d) of the National Traffic and Motor Vehicle Safety Act. Questions have arisen concerning the persons to whom and the time at which the manufacturer should provide the required information. It is proposed that § 375.6 be revised, in order to clarify these points and to further the goals of the Act in regard to consumer information.

One of the main objectives in providing this information to the public is to enable persons to compare various vehicles with a view to determining which one is most suitable for their needs from a safety standpoint. The proposed revision would make it clear that, in addition to providing the information to first purchasers for purposes other than resale, the manufacturer must also provide this information for examination by prospective purchasers. In requiring manufacturers to "provide" the information "for examination by prospective purchasers", it is intended that manufacturers and their dealers will arrange a system whereby the information is effectively and conveniently available to all those who wish to examine it. The manufacturer is not required, however, under this proposal to provide prospective purchasers with copies of this information for their retention.

Another question not covered by the existing § 375.6 is the time at which the information required is to be submitted to the Administrator. It is proposed that the information be submitted to the Administrator at least 30 days before it is first provided for examination by prospective purchasers so that there may be an evaluation and dissemination to the public of this information if deemed appropriate.

In consideration of the above, it is proposed that 49 CFR 375.6 be revised to read as follows:

§ 375.6 Requirements.

(a) At the time a motor vehicle is delivered to the first purchaser for purposes other than resale, the manufacturer of that vehicle shall provide to that purchaser, in writing and in the English language, the information specified in Subpart B of this part that is applicable to that vehicle.

(b) Every manufacturer of motor vehicles shall provide for examination by prospective purchasers, at each location where its vehicles are offered for sale, the information specified in Subpart B that is applicable to each of the vehicles offered for sale at that location. Any requirements in Subpart B that an information document unconditionally indicate the data applicable to the vehicle with which it is provided shall not apply to information provided pursuant to this paragraph.

(c) Each manufacturer of motor vehicles shall submit to the Administrator in triplicate the information specified in Subpart B that is applicable to each of the manufacturer's vehicles offered for sale, at least 30 days before that information is first provided for examination by prospective purchasers pursuant to paragraph (b) of this section.

Comment is invited on the proposed revision. Comments should refer to the docket and notice number, and be submitted in 10 copies to: Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591. All comments received within 60 days of the date of publication of this notice will be considered.

The amendment to the Consumer Information Regulations published May 23, 1969 (34 F.R. 8112) changed the applicability of the three issued sections of Subpart B from vehicles manufactured on or after October 1, 1969, to those manufactured on or after January 1, 1970. It is anticipated that paragraphs (a) and (b) of this proposed amendment will become effective January 1, 1970, and that paragraph (c) will become effective December 1, 1969.

This notice of proposed rule making is issued under the authority of sections 112 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1407) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

Issued on July 7, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-8209; Filed, July 10, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 85]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Authority Regarding Waiver of Claims for Overpayment of Pay

Pursuant to the authority vested in me by section 5584 of title 5, United States Code, I hereby delegate to the Assistant Administrator for Administration, the following function and authority:

The waiver in whole or in part of a claim by the United States, not in excess of $500, arising from an erroneous payment of pay to a person while in the employ of the Agency for International Development, or a predecessor agency.

The authority delegated herein shall be exercised in accordance with title 5, United States Code, section 5584, the standards prescribed by the Comptroller General of the United States, and regulations, procedures and policies now or hereafter established or modified and promulgated within Agency for International Development.

This authority may be redelegated further to those officers as the Assistant Administrator for Administration shall specify, and may be exercised by persons performing the functions of those officers in an acting capacity.

This delegation of authority shall be effective immediately.

Dated: July 2, 1969.

RUTHERFORD POATS,
Acting Administrator.

[F.R. Doc. 69-8167; Filed, July 10, 1969; 8:46 a.m.]

HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICAN COUNTRIES

Notice of Special Addendum for Ecuador

A. *Introduction.* The Agency for International Development ("A.I.D.") has issued a public announcement, entitled "Reopening of the Latin American Housing Guaranty Program". This announcement provides that competitive applications will be taken for new housing investment guaranty projects in Eucador from December 1, 1969, to December 15, 1969, and provides a tentative allocation of U.S. $3 million of guaranty authority for this purpose.

B. *General requirements for all housing guaranty applications submitted in Ecuador on a basis of this Special Addendum.* 1. Mortgage insurance in local currency will be a minimum requirement for all projects. A dollar guaranty of repayment of the loan by an entity acceptable to A.I.D. will be accepted in lieu thereof.

2. Fees payable by the prospective homeowners will be dependent on item 1, above.

a. When mortgage insurance in local currency is provided the fees will be as follows:

(1) Initial (paid at time of disbursements) default and delinquency reserve fee, 1½ percent.

(2) Annual (paid on a monthly basis) A.I.D. fee, 1 percent; devaluation insurance fee, 1 percent.

b. If an acceptable dollar guaranty of repayment is provided, A.I.D. will not require any reserve fees but will only require an annual A.I.D. fee of ½ percent (payable on a monthly basis).

3. Applicants should apprise themselves of all other fees and charges that will have to be paid by the home purchasers in Ecuador. These fees and charges must be included where appropriate in the application form.

4. In the event that adjustable mortgages are provided for under future Ecuadorian law, but prior to the execution of contract documents, approved projects will be required to have such adjustable mortgages.

C. *Categories of applications which will be accepted in Ecuador in accordance with this Special Addendum.* 1. Applications will be accepted in the four following categories:

a. Pilot or demonstration projects.

b. Housing projects for lower income families.

c. Institutions important to the Alliance.

d. Local participation projects.

2. Applications under the "Credit Institutions Projects" category will not be acceptable in Ecuador at the present time.

D. *Modifications of the categories of applications.* 1. Pilot or Demonstration: Applicants in this category must submit houses which will have a maximum selling price of $6,667 (120,000 sucres) at the time that construction commences.

2. Housing projects for Lower Income Families: Applicants in this category must submit houses which will have a maximum selling price of $2,788 (50,000 sucres) at the time that construction commences.

3. Institutions Important to the Alliance: Applicants in this category must be established Ecuadorian Housing Cooperatives. In each case the applicant shall obtain the prior written approval of the Banco Ecuatoriano de la Vivienda ("B.E.V."). Applicants in this category must submit houses which will have a maximum selling price of $4,500 (81,000 sucres) at the time that construction commences.

4. Local Participation: Applicants in this category must submit houses which will have a maximum selling price of $6,388 (115,000 sucres) at the time that construction commences. Applications showing a higher percentage of local financing than the 25 percent prescribed in the Announcement and lower selling prices than the maximum prescribed herein will be favored by A.I.D.

E. *In closing.* 1. For additional information on any of the above requirements or for information on any aspect of the housing guaranty program for Ecuador, please communicate with:

The United States A.I.D. Mission To Ecuador, care of American Embassy, Quito, Ecuador.
George K. Fitch, USAID Housing Officer.
Charles Blankenstein, USAID Capital Development Officer.

2. Additional information concerning this program may be obtained from:

Housing and Urban Development Division, Latin America Bureau, Agency for International Development, Department of State, Room 2242, Washington, D.C. 20523.
Stanley Baruch, Director.
Peter M. Kimm, Deputy Director for Guaranties and Engineering.

STANLEY BARUCH,
Director,
Housing and Urban Development.

[F.R. Doc. 69-8168; Filed, July 10, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ROBERT M. ORNDORFF

Notice of Granting of Relief

Notice is hereby given that Robert M. Orndorff, 1820 Morrell Avenue, Connellsville, Pa., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 3, 1934, in the Court of Oyer and Terminer and Quarter Sessions of the Peace for the County of Fayette, Pa., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Robert M. Orndorff, because of such convictions to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 United States Code, Appendix) because of such convictions it would be unlawful for Mr. Orndorff to receive, possess, or transport in commerce, a firearm. Notice is hereby further given that I have considered Robert M. Orndorff's application and have found:

The convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the requested relief to Robert M. Orndorff from disabilities incurred by reason of his conviction, would not be contrary to public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Robert M. Orndorff be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 7th day of July, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-8195; Filed, July 10, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-234]

GULF GENERAL ATOMIC INC.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued Amendment No. 4, as set forth below, to License No. CX-23. The license authoritizes Gulf General Atomic Inc., to possess, use and operate the Experimental Critical Facility located on the Company's Torrey Pines Mesa site in San Diego, Calif.

This amendment, effective as of the date of issuance, increases: (1) the total quantity of uranium-235, which the licensee may receive, possess and use under the license, from 250 kilograms to 400 kilograms; (2) the total number of 10-curie plutonium-beryllium neutrons sources, which the licensee may receive, possess and use under the license, to two; and adds 200 grams of uranium-233 to the list of materials that may be received, possessed and used under this license.

By application dated June 4, 1969, Gulf General Atomic Inc., requested authorization to receive, possess and use additional U^{235} in the form of new fuel elements in connection with operation of the Experimental Critical Facility. The additional fuel elements will be stored in the reactor building storage vault in horizontal trays in accordance with procedures which have previously been reviewed and approved by the Commission.

The additional plutonium-beryllium neutron source will be used for instrument check-out purposes under approved health-physics procedures. The 200 grams of U^{235} will be used in experimental programs in accordance with the provisions of the Technical Specifications for operation of the facility. Therefore, there is reasonable assurance that the health and safety of the public will not be endangered.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the application dated June 4, 1969, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 2d day of July 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. CX-23, Amdt. 4]

The Atomic Energy Commission has found that:

(a) The application for amendment dated June 4, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(b) Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

(c) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Facility License No. CX-23, as amended, which authorizes the Gulf General Atomic Inc., to operate the Experimental Critical Facility on the Company's Torrey Pines Mesa site in San Diego, Calif., is hereby further amended in the following manner:

Subparagraph 2.B. is amended to read as follows:

"B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, 'Special Nuclear Material', to receive, possess and use (1) up to 400 kilograms of uranium-235, (2) two 10-curie plutonium-beryllium neutron sources, and (3) 200 grams of uranium-233, all in connection with operation of the ECF;"

This amendment is effective as of the date of issuance.

Date of issuance: July 2, 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-8202; Filed, July 10, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20896, 20897; Order 69-7-42]

AIR WEST, INC.

Order Granting Petition for the Issuance of a Show Cause, Order Regarding Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of July 1969.

On April 8, 1969, Air West, Inc. (Air West), filed an application requesting the amendment of its certificate of public convenience and necessity for Route 76 to permit nonstop service, without subsidy eligibility, between Burbank and Las Vegas. Air West contemporaneously filed a petition requesting the issuance of a show-cause order for the same authority. Air West also filed an application requesting, in the alternative, renewal of its exemption authority to provide Burbank-Las Vegas service which authority expires on June 9, 1969.[1]

No answers to Air West's application have been filed.

Upon consideration of the pleadings and other relevant matters, the Board has determined to grant Air West's petition for the issuance of an order to show cause why Air West's certificate of public convenience and necessity for Route 76 should not be amended to permit nonstop service between Burbank and Las Vegas, on a subsidy-ineligible basis. We tentatively find and conclude that the public convenience and necessity require the above-described amendment of Air West's certificate.

In support of our proposed ultimate finding, we tentatively conclude as follows: That the Burbank-Las Vegas market has experienced a marked increase in traffic as a result of the level of service provided by Air West pursuant to its exemption authority;[2] that grant of Air West's petition will provide

[1] The exemption authority was granted to Air West's corporate predecessor, Pacific Air Lines, Inc., by Order E-25279, dated June 9, 1967, for a period of 2 years. Air West filed an application for renewal of such authority.

[2] Air West carried 196 passengers per day during the last 6 months of 1968, during which time Air West provided three nonstop round trips per day. In comparison, in May, 1968, when Air West provided only one nonstop round trip per day, the market approximated less than 50 passengers per day.

Air West with greater operational flexibility and the opportunity to increase its equipment utilization; that grant of Burbank-Las Vegas nonstop authority will contribute to the alleviation of congestion at the Los Angeles International Airport; and that no other air carrier will experience significant diversion.

Interested persons will be given twenty days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final.[3] We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or of law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause on or before July 28, 1969, why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Air West's certificate of public convenience and necessity for Route 76 so as to permit nonstop service between Burbank and Las Vegas on a subsidy-ineligible basis;

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objection together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [4]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon the following persons who are hereby made parties to this proceeding: Delta Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., the City of Burbank and the City of Las Vegas.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-8187; Filed, July 10, 1969; 8:47 a.m.]

[3] Air West should submit an estimate of the first year's gross transport revenues increase within the ranges specified in § 389.25 (a) (2) (i) of the Board's regulations.

[4] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing of objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[Docket No. 21009]

BRITISH UNITED AIRWAYS (SERVICES) LTD. AND BRITISH UNITED AIRWAYS LTD.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 22, 1969, at 10 a.m., e.d.s.t., in Room 630, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 7, 1969.

[SEAL] JOSEPH L. FITZMAURICE, *Hearing Examiner.*

[F.R. Doc. 69-8191; Filed, July 10, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-7-26]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority July 3, 1969.

By Order 69-6-103, dated June 19, 1969, action was deferred, with a view toward eventual approval, on a resolution adopted by the International Air Transport Association (IATA), relating to specific commodity rates. The Board, in deferring action on the agreement, granted 10 days in which interested persons might file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-6-103 will herein be made final.

Accordingly, it is ordered, That:

Agreement C.A.B. 20806, R-31, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-8188; Filed, July 10, 1969; 8:48 a.m.]

[Docket No. 20291; Order 69-7-25]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority July 3, 1969.

By Order 69-6-65, dated June 12, 1969, action was deferred, with a view toward eventual approval, on a certain resolution adopted by Joint Conference 1-2-3 of the International Air Transport Association (IATA). This resolution, which relates to affinity group travel between the United States and India/Pakistan/Afghanistan/Ceylon/Nepal, would be amended by the inclusion of provisions requiring that the tickets for all group members shall be issued by the same IATA-approved agent unless issued by the carriers.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 69-6-65 will herein be made final.

Accordingly, it is ordered, That:

Agreement C.A.B. 20981, R-2, is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-8189; Filed, July 10, 1969; 8:48 a.m.]

[Docket No. 20950]

LUXAIR

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 30, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 7, 1969.

[SEAL] JOSEPH L. FITZMAURICE, *Hearing Examiner.*

[F.R. Doc. 69-8190; Filed, July 10, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. G-3912, etc.]

ASHLAND OIL & REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JULY 2, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said associations should on or before July 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56 of the Commission's general policy and interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Acting Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3012 D 6-20-69	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Hugoton Field, Haskell County, Kans.	(1)	----
G-4070 C 6-19-69	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., East Haynesville and Colquitt Fields, Claiborne Parish, La.	14.8783	15.025
G-6314 C 3-21-69	Amerada Petroleum Corp.,[2] Post Office Box 2040, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Teague Field, Lea County, N. Mex.	10.0	14.65
G-7160 D 6-11-69	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102 (partial abandonment).	Northern Natural Gas Co., Blinebry and Tubb Gas Pools, Lea County, N. Mex.	Uneconomical	----
G-7167 D 6-12-69	Gulf Oil Corp. (Operator) et al. (partial abandonment).	Northern Natural Gas Co., Eumont Pool, Lea County, N. Mex.	Uneconomical	----
G-10546 D 6-20-69	Ashland Oil & Refining Co.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	(3)	----
G-11030 E 6-5-69	Continental Oil Co. (successor to W. U. Paul), Post Office Box 2197, Houston, Tex. 77001.	Florida Gas Transmission Co., Borosa Field, Starr County, Tex.	18.0	14.65
G-11941 D 6-11-69	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Trunkline Gas Co., Hurricane Creek Field, Beauregard Parish, La.	Assigned	----
G-20138 C 6-11-69	Pubco Petroleum Corp., Post Office Box 869, Albuquerque, N. Mex. 87103.	El Paso Natural Gas Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	13.0	15.025
C162-339 6-13-69 [4]	Union Carbide Petroleum Corp. (formerly Metals Service Co.), 270 Park Ave., New York, N.Y. 10017.	Trunkline Gas Co., Northeast Hitchcock Field, Galveston County, Tex.	20.0	14.65
C162-505 6-13-69 [4]	do	Consolidated Gas Supply Corp., Lubeck District, Wood County, W. Va.	25.0	15.325
C162-655 D 6-9-69	Paul H. Ash et al., d.b.a. A. & C. Oil and Gas Co., c/o John R. Haller, 123 East Second St., Weston, W. Va. 26452.	Equitable Gas Co., Skin Creek District, Lewis County, W. Va.	Assigned	----
C162-1111 C 6-17-69	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver and Harper Counties, Okla.	[6] 20.015	14.65
C163-729 E 6-16-69	C R A International, Ltd. (successor to Ridgely Inc.), Post Office Box 7305, Kansas City, Mo. 64116.	Northern Natural Gas Co., acreage in Ochiltree County, Tex.	[6] 16.5	14.65
C164-988 C 6-12-69	Charles O. Hardey (Operator) et al., Post Office Box 1237, Shreveport, La. 71102.	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	12.0508	15.025
C164-1007 C 6-19-69	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	12.2339	15.025
C165-1172 E 5-26-69	Doyle H. Baird et al. (successor to Kerr-McGee Corp.), 555 17th St., Patterson Bldg., Denver, Colo. 80202.	Mountain Fuel Supply Co., Federal Four Mile Creek Unit, Moffat County, Colo.	15.0	15.025
C166-522 (C166-118) (C166-521) C 5-15-69 [4] D 5-15-69 [7]	Ventura Oil Co., 1029 East Eighth Ave., Denver, Colo. 80218.	Equitable Gas Co., Glenville District, Gilmer County, and Buckhannon District, Upshur County, W. Va.	25.0	15.325
C166-1317 E 6-4-69	Cornell Oil Co. (successor to Anson L. Clark), 4616 Greenville Ave., Dallas, Tex. 75206.	Panhandle Eastern Pipe Line Co., South Bishop Field, Ellis County, Okla.	17.0	14.65
C168-1013 E 6-16-69	Royal Oil & Gas Corp. (successor to Mineral Resources Corp.), c/o John S. Holy, attorney, Post Office Box 643, Weston, W. Va. 26452.	Equitable Gas Co., Troy District, Gilmer County, W. Va.	25.0	15.325
C169-197 C 6-20-69	Ashland Oil & Refining Co.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	28.0	15.325
C169-228 C 6-11-69	Gulf Oil Corp.	Transwestern Pipeline Co., North Gruver Field, Hansford County, Tex.	18.95	14.65
C169-876 C 6-17-69	R. C. Wynn, 1525 Republic Bank Bldg., Dallas, Tex. 75201.	El Paso Natural Gas Co., Blanco Mesa Verde Pool, San Juan County, N. Mex.	13.0	15.025
C169-877 C 6-17-69	do	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
C169-999 (C161-636) 4-21-69 [8]	Signal Oil and Gas Co.,[2] 1010 Wilshire Blvd., Los Angeles, Calif. 90017.	Transwestern Pipeline Co., Bell Lake Unit, Lea County, N. Mex.	[9] 15.5	14.65
C169-1067 A 5-19-69	Phillips Petroleum Co.,[2] Bartlesville, Okla. 74003.	Northern Natural Gas Co., Owego Field, Pecos County, Tex.	[11] 16.5 [12] 14.5	14.65 ----
C169-1170 (G-12581) F 6-9-69	W. L. Popejoy (successor to Agnes Cullen Arnold, et al.), 1519 The 600 Bldg., Corpus Christi, Tex. 78401.	Transcontinental Gas Pipe Line Corp., Washburn Ranch, West (5450') Field, La Salle County, Tex.	14.0	14.65
C169-1171 A 6-11-69	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	El Paso Natural Gas Co., Pictured Cliffs Area, San Juan County, N. Mex.	13.0	15.025
C169-1172 B 6-11-69	Cleary Petroleum Corp. (Operator), et al.	Northern Natural Gas Co., Como Field, Beaver County, Okla.	Depleted	----
C169-1173 B 6-11-69	Cleary Petroleum Corp.	do	Depleted	----

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C169 1174 A 6 11-69	Helmerich & Payne, Inc., 1579 East 21st St., Tulsa, Okla. 74114.	Panhandle Eastern Pipe Line Co., South Canadian Area, Woodward County, Okla.	[2] 17.0	14.65
C169 1175 A 6 10-69	Gulf Oil Corp.	Texas Gas Transmission Corp., Church Point Field, Acadia Parish, La.	[3] 21.25	15.025
C169 1176 A 6 10-69	Jerome P. McHugh, et al., 950 Petroleum Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Ignacio Dakota Field, La Plata County, Colo.	14.0	15.025
C169 1177 A 6 11-69	Mobil Oil Corp.	Texas Eastern Transmission Corp., Main Pass Block 6 Field, Offshore St. Bernard Parish, La.	20.0	15.025
C169 1178 (C161 380) F 4 29-69	Am-Sen Corp., successor to Heimbaugh Properties, Inc., 3616 North Santa Fe, Oklahoma City, Okla. 73118.	Northern Natural Gas Co., Southwest Fargan Field, Beaver County, Okla.	17.0	14.65
C169 1179 A 6 13 69	MacDonald Spidel, c/o John S. Holy, attorney, Post Office Box 668, Weston, W. Va. 26452.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	[3] 27.0	15.025
C169 1180 A 6 13-69	Anadarko Production Co., et al., Post Office Box 2497, Houston, Tex. 77001.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., West Panhandle Field, Moore and Potter Counties, Tex.	14.0	14.65
C169 1181 A 6 13-69	Ladd Petroleum Corp., successor to Richard Chamberlain et al.) [4]	do	14.0	15.025
C169 1182 (C161 564) F 6 18 69	Ladd Petroleum Corp., successor to McCulloch Oil Corp. of California (Operator) et al.) [5]	do	14.0	15.025
C169 1183 (C162 855) F 6 9-69	Cities Service Gas Co., Wakita Trend Field, Alfalfa County, Okla.	[6] 14.0	[7] Depleted	14.65
C169 1184 A 6 16-69	Union Oil of California	Panhandle Eastern Pipe Line Co., South Peek Field, Roger Mills County, Okla.	[8] 18.0	14.65
C169 1185 A 6 16-69	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Eugene Island Block 296 Field, South Marsh Island and Eugene Island Areas, Offshore Louisiana.	21.25	15.025
C169 1186 A 6 16-69	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., South Marsh Island and Eugene Island Areas, Offshore Louisiana.	21.25	15.025
C169 1190 A 6-13-69 [9]	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Eugene Island 26 Field, Offshore Louisiana.	21.25	15.025
C169 1191 A 6-9-69	W. A. Moncrief, Jr., et al., Moncrief-Hilliard-Nail Commerce, Fort Worth, Tex. 76102.	Southern Union Gathering Co., Hastings-Dakota Field, San Juan County, N. Mex.	13.0	15.025
C169 1192 B 6-16-69	Amerada Petroleum Corp. (Operator), Post Office Box 2040, Tulsa, Okla. 74102.	Northern Natural Gas Co., Seminole Field, Gaines County, Tex.	(10)	
C169 1193 A 6-16-69	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Southern Natural Gas Co., Montgut Field, Terrebonne and Lafourche Parishes, La.	21.25	15.025
C169 1194 A 6-16-69	Medallion Oil Co., 580 South Main St., Findlay, Ohio 45840.	Arkansas Louisiana Gas Co., Northeast Hillsdale Field, Grant and Garfield Counties, Okla.	[11] 17.0	14.65
C169 1195 A 6-17-69	Sun Oil Co.	Southern Natural Gas Co., Forrest Home Field, Adams County, Miss.	20.0	15.025
C169 1197 A 6-16-69	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Arkansas Louisiana Gas Co., Kinta Field, Haskell County, Okla.	16.0	14.65
C169 1198 A 6-18-69	William Grynerwald & Associates, Inc., Post Office Box 909 Colorado Springs, Colo. 80901.	Panhandle Eastern Pipe Line Co., acreage in Seward County, Kans.	[12] 16.0	14.65
C169 1199 A 6-17-69	Adena Gas Co., c/o Lloyd G. Jackson, partner, Post Office Box 498, Logan, W. Va. 25601.	United Fuel Gas Co., acreage in Lincoln County, W. Va.	16.0	15.325
C169 1200 A 6-19-69	Redbow Co., 1300 Mercantile Dallas Bldg., Dallas, Tex. 75201.	Texas Gas Transmission Corp., North Shongaloo-Red Rock Field, Webster Parish, La.	[13] 19.75	15.025
C169 1201 A 6-19-69	Yucca Petroleum Co. (Operator) et al., c/o Jerry F. Lyons, attorney, Post Office Box 530, Amarillo, Tex. 79105.	Panhandle Eastern Pipe Line Co., Walgamott Field, Woods County, Okla.	[14] 17.85	14.65

[1] Deletes expired pages.
[2] Applicant has agreed to accept permanent authorization conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[3] Amendment to certificate filed to reflect change in corporate name.
[4] Includes 1 cent upward B.t.u. adjustment and 0.015 cent tax reimbursement. Subject to upward and downward B.t.u. adjustment.
[5] Rate in effect subject to refund in docket No. R163 282.
[6] Rate in effect subject to refund in docket No. Equitable Contract No. 6945 (A. M. Van Fleet, agent for Pacific States Gas & Oil), FPC GRS No. 3, docket No. C166-520 in subject Contract No. 6964 (Pacific States Gas & Oil, Inc., FPC GRS No. 3, docket No. C166-521 in subject Contract No. 6967.
[7] Reflects transfer of certain acreage from the subject Contract No. 6967 to Contract No. 6235 (on file as Rabbit Oil & Gas Co., FPC GRS No. 1, certificated in docket No. C166-1372).
[8] Includes 1.95 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[9] Applicant is filing for certificate to cover the portion of a sale presently covered by Continental Oil Co.'s FPC GRS No. 1, certificated in docket No. C161-458.
[10] Plus applicable taxes.
[11] Gas well gas.
[12] Casinghead gas.
[13] Subject to upward and downward B.t.u. adjustment.
[14] Applicant states its willingness to accept a permanent certificate in conformance with Opinions Nos. 546 and 546-A.
[15] Applicant has heretofore filed in docket No. C166-1366 an application for a certificate of public convenience and necessity to sell gas from a part of the subject acreage. Applicant has heretofore filed in docket No. C166-1392 an application for a certificate of public convenience and necessity to sell gas from a part of the subject acreage.
[16] The proposed sale involved residue gas which was to be processed from casinghead gas. This required construction of a processing plant for this purpose. Plans for the plant did not materialize and it will not be built.
[17] Subject to deduction for compression, if required.
[18] Includes 0.95 cent tax reimbursement. Subject to upward and downward B.t.u. adjustment.
[19] Includes 0.95 cent tax reimbursement and 1.0 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[20] Rate in effect subject to refund in dockets Nos. G-5041 and R163 375.
[21] Subject to upward B.t.u. adjustment.
[22] Contract provides for rate of 19.5 cents per Mcf, however, Applicants state their willingness to accept certificate at 17 cents per Mcf.
[23] "Et al" parties under certificate issued to McCulloch Oil Corp. of California (Operator) et al., docket No. C-61-564.

See footnotes at end of table.

FEDERAL RESERVE SYSTEM

CENTRAL BANKING SYSTEM, INC.

Notice of Request and Order for Hearing

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)), and § 222.4(a) of the Board's Regulation Y (12 CFR 222.4(a)), by Central Banking System, Inc., Oakland, Calif., a bank holding company, for a determination that the planned insurance activities of its proposed nonbanking subsidiary, a corporation to be formed by Applicant, are of the kind described in the aforementioned sections of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to the acquisition or retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

[F.R. Doc. 69-8113; Filed, July 10, 1969; 8:45 a.m.]

Inasmuch as section 4(c)(8) of the Act requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing:

It is hereby ordered, That pursuant to section 4(c)(8) of the Bank Holding Company Act and in accordance with §§ 222.4(a) and 222.5(a) of the Board's Regulation Y (12 CFR 222.4(a), 222.5(a)), promulgated under the Bank Holding Company Act, a hearing with respect to this matter be held commencing on August 19, 1969, at 10 a.m. at the Federal Reserve Bank of San Francisco, 400 Sansome Street, San Francisco, Calif., before Philip J. LaMacchia (whose address is U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C.), a hearing examiner selected by the Civil Service Commission, pursuant to section 3344 of title 5 of the United States Code. The hearing will be conducted according to the Board's Rules of Practice for Formal Hearings (12 CFR Part 263). The right is reserved to the Board or the hearing examiner to designate any other date or place for such hearing of any part thereof which may be determined to be necessary or appropriate for the convenience of the parties. The Board's rules of practice for formal hearings provide, in part, "Unless otherwise specifically provided by statute or by rule of the Board, a hearing shall ordinarily be private and shall be attended only by the parties, their representatives or counsel, witnesses while testifying, and other persons having an official interest in the proceeding: *Provided, however*, That, on written request by a party or a representative of the Board, or on the Board's own motion, the Board, in its discretion and to the extent permitted by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony at the hearing should file with the Secretary of the Board, directly or through the Federal Reserve Bank of San Francisco, on or before August 5, 1969, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such requests will be presented to the hearing examiner, and the persons submitting the requests will be notified, prior to the hearing, of his determination thereon. The application may be inspected at the Federal Reserve Bank of San Francisco or at the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, D.C.

Dated at Washington, D.C., this 3d day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8203; Filed, July 10, 1969; 8:49 a.m.]

DACOTAH BANK HOLDING CO.

Notice of Request and Order for Hearing

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)), and § 222.4(a) of the Board's Regulation Y (12 CFR 222.4(a)), by Dacotah Bank Holding Co., Aberdeen, S. Dak., a bank holding company, for determinations that the activities of Citizens Agricultural Credit Corporation, F & M Agricultural Credit Corporation, Citizens Insurance Agency, Inc., Roslyn Insurance Agency, Inc., and Security Insurance Agency, Inc., are or are to be of the kind described in the aforementioned sections of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to the acquisition or retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

Inasmuch as section 4(c)(8) of the Act requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing:

It is hereby ordered, That pursuant to section 4(c)(8) of the Bank Holding Company Act and in accordance with §§ 222.4(a) and 222.5(a) of the Board's Regulation Y (12 CFR 222.4(a), 222.5(a)), promulgated under the Bank Holding Company Act, a hearing with respect to this matter be held commencing on August 12, 1969, at 10:00 a.m. at the Federal Reserve Bank of Minneapolis, 73 South Fifth Street, Minneapolis, Minn., before Philip J. LaMacchia (whose address is U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C.), a hearing examiner selected by the Civil Service Commission, pursuant to section 3344 of title 5 of the United States Code. The hearing will be conducted according to the Board's Rules of Practice for Formal Hearings (12 CFR Part 263). The right is reserved to the Board or the hearing examiner to designate any other date or place for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties. The Board's rules of practice for formal hearings provide, in part, "Unless otherwise specifically provided by statute or by rule of the Board, a hearing shall ordinarily be private and shall be attended only by the parties, their representatives or counsel, representatives of the Board, witnesses while testifying, and other persons having an official interest in the proceeding: *Provided, however*, That, on written request by a party or a representative of the Board, or on the Board's own motion, the Board, in its discretion and to the extent permitted by law, may permit other persons to attend or may order the hearing to be public.

Any person desiring to give testimony at the hearing should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Minneapolis, on or before July 29, 1969, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such requests will be presented to the hearing examiner, and the persons submitting the requests will be notified, prior to the hearing, of his determination thereon. The application may be inspected at the Federal Reserve Bank of Minneapolis or at the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, D.C.

Dated at Washington, D.C., this 3d day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8204; Filed, July 10, 1969; 8:49 a.m.]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

CRESTON VALLEY WILDLIFE MANAGEMENT AREA

Order Amending Order of Approval

In the matter of the application of the Creston Valley Wildlife Management Area to the International Joint Commission for an order amending the order of approval of the Commission dated the 12th day of October 1950, as amended, by the order of approval of the Commission dated the 3d day of April 1956.

Notice is hereby given that the International Joint Commission has received an application from the Creston Valley Wildlife Management Area for amendments to the above-noted orders of approval relating to the regulation of Duck Lake to permit the construction and operation of a wildlife nesting habitat in Duck Lake which lies to the east of both the east and west branches of the Kootenay River approximately 15 miles north of the international boundary.

Specifically, the Commission has been asked to amend Condition (7) of its order of April 3, 1956, by substituting the words "elevation 1745" for the words "elevation 1745.5" where they occur. Also, the Commission is being asked to approve the construction of a dike within Duck

Lake which will enclose an area of approximately 850 acres for waterfowl nesting; the levels in this area to be maintained at elevation 1744 or lower. The remaining 3,150 acres is to continue as a flood control reservoir with a maximum elevation of 1745. During construction of the dike and drainage works, the Commission is being asked to approve the holding of Duck Lake at elevation 1742 or lower.

Notice is also given that the International Joint Commission will conduct a public hearing on this matter at 10 a.m., local time, Tuesday, August 12, 1969, in the Downtowner Motel, Creston, British Columbia. All interested persons will be given opportunity to express their views either orally or by written statements. Where possible, fifteen (15) copies of written statements should be filed with each Secretary ten (10) days in advance of the hearing with thirty (30) additional copies deposited with either of them at the hearing.

Copies of the application and of the orders of approval of the Commission referred to above are available upon request to the Secretaries of the Commission.

W. A. BULLARD,
Secretary, U.S. Section, International Joint Commission, Washington, D.C. 20440.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission, Room 850, 151 Slater Street, Ottawa 4, Ontario, Canada.

JULY 7, 1969.

[F.R. Doc. 69-8164; Filed, July 10, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2825]

GREENWOOD MANAGEMENT CORP.

Order Permanently Suspending Exemption

JULY 3, 1969.

In the matter of Greenwood Management Corp., 431 South 3d East, Suite 102, Salt Lake City, Utah, File No. 24D-2825.

I. Greenwood Management Corp. (issuer), a Utah corportion, with offices located at Salt Lake City, Utah, filed with the Commission on December 23, 1968, a notification on Form 1-A and an offering circular relating to an offering of 300,000 shares of common stock, at 10 cents per share for an aggregate of $30,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. Kenneth M. Hisatake of Salt Lake City was designated as agent for the issuer in connection with the sale of the shares offered and was to receive no commission. The offering commenced February 24, 1969.

II. The Commission on May 7, 1969, temporarily suspended the Regulation A exemption of Greenwood Management Corp., stating that it had reasonable cause to believe from information reported to it by the staff that:

A. The terms and conditions of Regulation A were not complied with in that:

1. The Form 1-A filed on behalf of the issuer fails to disclose Curtis Minerals as an affiliate of the issuer;

2. The Form 1-A fails to disclose sales of unregistered securities by its affiliates within 1 year prior to the filing of Form 1-A and present or proposed offerings of securities by affiliates;

3. The offering circular fails to disclose all material transactions within the past 2 years between the issuer and persons affiliated with and controlling the issuer;

4. The offering circular filed on behalf of the issuer fails to disclose that net cash proceeds of the offering were to be used, in significant part, to repay a loan incurred in the acquisition of shares of stock of an affiliate of the issuer;

5. The offering circular fails to include accurate and adequate financial statements of the issuer.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to accurately and adequately disclose the assets and liabilities of the issuer;

2. The failure to disclose certain material transactions between the issuer and its promoters and affiliates;

3. The failure to disclose that a public offering of securities of an affiliated issuer was in progress at the time of the issuer's public offering pursuant to Regulation A;

4. The failure to accurately and adequately set forth the uses to which proceeds of the offering would be applied.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, by reason of the matters described above.

III. An answer was filed by the issuer on June 9, 1969, however, on June 16, 1969, the issuer withdrew its request for hearing and communicated its intent to abide by the decisions made by the Commission. The Commission finds that it is in the public interest and for the protection of investors to permanently suspend the exemption of the issuer under Regulation A.

It is ordered, Pursuant to Rule 261(a), subparagraphs (1) and (2) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8207; Filed, July 10, 1969; 8:49 a.m.]

[812-2549]

RICHARDS, MERRILL & PETERSON, INC., AND HUGHBANKS, INC.

Notice of Filing of Application for an Order of Exemption

JULY 7, 1969.

In the matter of Richards, Merrill & Peterson, Inc., Old National Bank Building, Spokane, Wash. 99201, and Hughbanks, Inc., 1090 Dexter Horton Building, Seattle, Wash. 98104; (812-2549).

Notice is hereby given that Richards, Merrill & Peterson, Inc., and Hughbanks, Inc. ("applicants"), prospective representatives of a group of underwriters of a proposed offering of shares of Capital Investors Corp. ("Fund"), a registered closed-end investment company, has filed an application for an exemptive order pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"). Applicant requests that they, to the extent necessary, be exempted from section 30(f) of the Act to the extent that it adopts section 16(b) of the Securities Exchange Act of 1934 ("Exchange Act") in connection with their transactions incident to the distribution of Fund shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Fund shares are to be purchased by the underwriters at a price of $7.78 per share, pursuant to a "firm commitment" underwriting agreement to be entered into between the Fund and the underwriters represented by applicants. Upon the effective date of the Fund's registration statement under the Securities Act of 1933, the shares will be sold to the public at a public offering price of $8.50 per share, the gross underwriting commission thus being $0.72 per share. The underwriters do not intend to make sales to selected dealers at an offering price less a concession.

While the number of shares covered by the registration statement on file under the Securities Act of 1933 is stated as 500,000 shares, it is contemplated that this number of shares may be increased before the Underwriting Agreement is signed and such registration statement is effective.

It seems likely that applicants will acquire individually from the Fund in accordance with the provisions of the Underwriting Agreement more than 10 percent of the Capital Stock of the Fund (thus making them "insiders" subject to the provisions of section 16(b)) and together more than 50 percent of the Capital Stock of the Fund which will be outstanding at the time of the closing with the underwriters.

The purpose of the purchase by applicant and the other underwriters is for resale in connection with the initial distribution of shares of the Fund. It will thus be a transaction effected in connection with a distribution of a substantial block of securities within the purpose and spirit of the Commission's Rule 16b-2.

Applicants state that it is necessary for it to obtain the exemption requested by this application because of the requirements of the last clause of the first sentence of paragraph (a)(3) of Rule 16b-2 since it appears likely that the aggregate participation of underwriters who will not require an exemption under that rule will not be at least equal to the participation of applicants.

In addition to purchases from the Fund and sales to customers there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, over-allotments, purchases to cover over-allotments, and sales of shares purchased in stabilization.

Applicants state that no underwriter has any inside information or possibility of using inside information and, in fact, there is no inside information in existence since the Fund prior to the initial distribution will have virtually no assets or business of any sort. No director or officer of any underwriter is a director or officer of the Fund.

Section 30(f) of the Act imposes the duties and liabilities of section 16 of the Exchange Act upon, among others, beneficial owners of more than 10 percent of any class of outstanding securities of, and directors of, a registered closed-end investment company. Section 16(b) of the Exchange Act contains provisions for accountability for profits from purchases and sales or sales and purchases within 6 months of any equity security of the related issuer by those persons covered thereby. Applicants represent that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. They state that the transactions sought to be exempted cannot lend themselves to the practices to which section 16(b) of the Exchange Act was enacted to apply.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 21, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8208; Filed, July 10, 1969; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 717]

MINNESOTA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Nobles County, Minn.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on June 28, 1969, and continuing thereafter.

OFFICE

Small Business Administration Regional Office, 816 Second Avenue, South, Minneapolis, Minn. 55402.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1970.

Dated: July 2, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-8166; Filed, July 10, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction No. 51-A]

ERIE-LACKAWANNA RAILWAY CO., AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 51, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 51 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 9 a.m., July 8, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 8, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-8183; Filed, July 10, 1969; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 8, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41686—*Clay, kaolin or pyrophyllite from specified points in Alabama.* Filed by O. W. South, Jr., agent (No. A-6113), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads, as described in the application, from Letohatchie and Montgomery, Ala., to Providence, R.I., and points taking same rates in National Rate Basis Tariff 1-A.

Grounds for relief—Rate relationship.

Tariff—Supplement 53 to Southern Freight Association, agent, tariff ICC S-751.

FSA No. 41687—*Soda ash to points in Louisiana and Texas.* Filed by Western Trunk Line Committee, agent (No. A-2593), for interested rail carriers. Rates on soda ash, in carloads, as described in the application, from Alchem, Stauffer, and Westvaco, Wyo., to specified points in Louisiana and Texas.

Grounds for relief—Rate relationship.

Tariffs—Supplement 99 to Western Trunk Line Committee, agent, tariff ICC A-4374, and supplement 11 to Southwestern Freight Bureau, agent, tariff ICC 4832.

FSA No. 41688—*Asphalt and other petroleum products from Sinclair, Wyo.* Filed by Colorado-Utah-Wyoming Committee, agent (No. 6), for interested rail carriers. Rates on asphalt, and other petroleum products, in tank carloads, as described in the application, from Sinclair, Wyo., to points in Colorado and Wyoming.

Grounds for relief—Modified short-line distance formula and grouping.

Tariff—Supplement 49 to Colorado-Utah-Wyoming Committee, agent, tariff ICC 4.

By the Commission.

[SEAL] ANDREW ANTHONY, JR., *Acting Secretary.*

[F.R. Doc. 69-8184; Filed, July 10, 1969; 8:47 a.m.]

[Notice 864]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 7, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR, Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13651 (Sub-No. 12 TA), filed July 1, 1969. Applicant: PEOPLES TRANSFER, INC., Post Office Box 6367, 1400 North Black Canyon Highway, Phoenix, Ariz. 85005. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, 3550 North Central, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard boxes and containers* such as are used in packing fruits and vegetables, from points in Los Angeles County, Calif., to points in Luna and Socorro Counties, N. Mex., and from points in Maricopa County, Ariz., to points in Luna, Dona Ana, Socorro, Sierra, Torrance, San Juan, Bernalillo, and Valencia Counties, N. Mex., and points in El Paso and Deaf Smith Counties, Tex.; Delta and Montezuma Counties, Colo.; and Riverside and Imperial Counties, Calif., for 180 days. Supporting shippers: Boise Cascade Corp., Boise, Idaho; Fibreboard Corp., 475 Brannan Street, San Francisco, Calif. 94119. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 57315 (Sub-No. 16 TA), filed July 1, 1969. Applicant: TRI-STATE TRANSPORT, INC., 91 Heard Street, Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yogurt*, from Stratford, Conn., to Boston, Westwood, Somerville, and Worcester, Mass., and Jersey City, N.J., for 150 days. Supporting shipper: Borden, Inc., 33 West 60th Street, New York, N.Y. 10023. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2211-B, J.F.K. Federal Building, Government Center, Boston, Mass. 02203.

No. MC 76472 (Sub-No. 10 TA), filed July 1, 1969. Applicant: MATERIAL TRUCKING, INC., 924 South Heald Street, Wilmington, Del. 19801. Applicant's representative: William Saienni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, in bulk, from Wilmington, Del., to Aspers, Pa., for 180 days. Supporting shipper: Glen-Gery Corp., Post Office Box 206, Reading, Pa. 19607; Joseph E. Tolson, Traffic Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 87123 (Sub-No. 3 TA), filed July 1, 1969. Applicant: ROSE HARE, doing business as MAX KAFER EXPRESS, 218 West 37th Street, New York, N.Y. 10018. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture thereof, between Belford, Long Branch, Morgan, and Jackson Township, N.J., on the one hand, and on the other, Philadelphia, Pa., for 150 days. NOTE: Applicant does intend to tack with carriers at Philadelphia, and New York, N.Y., commercial zone. Supporting shippers: Devon Knitwear Co., Inc., 3300 Frankford Avenue, Philadelphia, Pa.; Jaylo Fashions, 147 Brighton Avenue, West End, N.J.; The Scharf Corp., 320 Memorial Parkway, New Brunswick, N.J. 08901; Rimi Fashions Inc., Rural Delivery 3, Box 319, Jackson, N.J. Send protests to: Paul W. Assenza—District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 107162 (Sub-No. 24 TA), filed July 1, 1969. Applicant: NOBLE GRAHAM, Route No. 1, Brimley, Mich. 49715. Applicant's representative: Philip H. Porter, 708 First National Bank Building, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from port of entry on the United States-Canada boundary line, between the United States and Canada, at or near Sault Ste. Marie, Mich., to East Jordan, Mich., over the Mackinac Bridge, for 180 days. Supporting shipper: Traders Metal Co., Limited, Post Office Box 459, Sault Ste. Marie, Ontario, Canada. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 133720 (Sub-No. 1 TA), filed July 1, 1969. Applicant: SHAWANO TERMINAL WAREHOUSE, INC., Post Office Box 67, Shawano, Wis. 54166. Applicant's representative: Robert D. Sundby, 110 East Main Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket shells, and related supplies*, from Shawano, Wis., to points in Alger, Baraga, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, and Ontonagon Counties, Mich., for 180 days. Supporting shipper: Batesville Casket Co., Inc., Batesville, Ind. 47006 (Adrian J. Borchelt, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 133814 (Sub-No. 1 TA), filed July 1, 1969. Applicant: E. E. CARROLL, doing business as CARROLL TRUCKING COMPANY, 3533 Audubon Road, Montgomery, Ala. 36111. Applicant's representative: J. Douglas Harris, 409-412 Bell Building, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Jefferson County, Ala., to Pensacola, Fla., for 180 days. Supporting shipper: Watkins Brick Co., Post Office Box 8, Ensley Station, Birmingham, Ala. 35218. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814-2121 Building, Birmingham, Ala., 35203.

No. MC 133854 TA, filed July 1, 1969. Applicant: DOYLE REASNOR AND LEO REASNOR, doing business as REASNOR CONSTRUCTION CO., Box 148, Kinta, Okla. 75542. Applicant's representative: Leo Reasnor (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from mine site of Kerr-McGee Corp., 6 miles southeast of Stigler, Okla., to rail siding of Texas & Pacific Railway, approximately 3 miles east of Stigler, Okla., and rail siding of Fort Smith and Van Buren Railway at McCurtain, Okla., for 180 days. Supporting shipper: Kerr-McGee Corp., Kerr-McGee Building, Oklahoma City, Okla. 73102. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 133855 TA, filed July 1, 1969. Applicant: GERALD G. WOOD, doing business as WOOD & SONS, Route No. 1, Sun Prairie, Wis. 53590. Applicant's representative: Robert J. Kay, 433 West Washington Avenue, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Progeny test bulls and mature bulls*, from De Forest, Dane County, Wis., to points in the United States, and from points in the United States to De Forest, Dane County, Wis., for the account of American Breeders Service, Inc., De Forest, Wis. for 180 days. Supporting shipper: American Breeders Service, Inc., De Forest, Wis. 53532. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

By the Commission.

[SEAL] ANDREW ANTHONY, JR., *Acting Secretary.*

[F.R. Doc. 69-8185; Filed, July 10, 1969; 8:47 a.m.]

[Notice 374]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 8, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 70748. By order of July 1, 1969, Division 3, acting as an Appellate Division, approved the transfer to George Aigner & Sons, Inc., Chicago, Ill., of Certificates in Nos. MC-111126 and MC-111126 (Sub-No. 1), issued June 6, 1950 and August 17, 1951, respectively, to William Sadowsky, doing business as Advance Lumber Cartage Co., Chicago, Ill., authorizing the transportation of: Lumber, wooden poles, requiring special equipment, and plasterboard, from points in Illinois in the Chicago commercial zone to points in Indiana, and from points in the Chicago, Ill., commercial zone to points in Wisconsin. Harold E. Marks, 208 South La Salle Street, Chicago, Ill. 60604, attorney for applicants.

[SEAL] ANDREW ANTHONY, JR., *Acting Secretary.*

[F.R. Doc. 69-8186; Filed, July 10, 1969; 8:47 a.m.]

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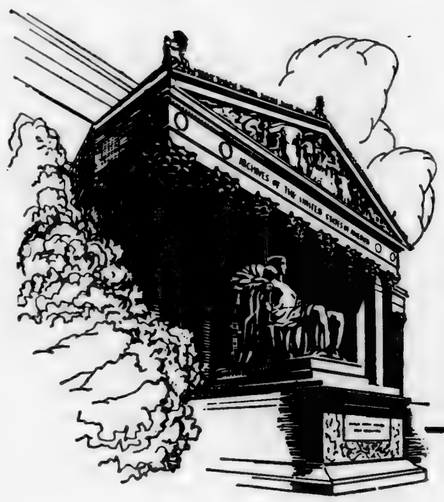
Friday, July 11, 1969 • Washington, D.C.

PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

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Advisory Circular Checklist and Status of Federal Aviation Regulations

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 00-2M—Effective May 29, 1969]

ADVISORY CIRCULAR CHECKLIST AND STATUS OF FEDERAL AVIATION REGULATIONS

1. *Purpose.* This notice contains the revised checklist of current FAA advisory circulars and the status of Federal Aviation Regulations as of May 29, 1969.

2. *Explanation.* The FAA issues advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas in the recodified Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually listing all current circulars and now includes information concerning the status of the Federal Aviation Regulations.

3. *The Circular Numbering System.*

a. *General.* The advisory circular numbers relate to the subchapter titles and correspond to the parts, and when appropriate, the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's.

b. *Subject numbers.* The general subject matter areas and related numbers are as follows:

Subject Number	*Subject Matter*
00	General.
10	Procedural.
20	Aircraft.
60	Airmen.
70	Airspace.
90	Air Traffic Control and General Operations.
120	Air Carrier and Commercial Operators and Helicopters.
140	Schools and Other Certified Agencies.
150	Airports.
170	Air Navigational Facilities.
180	Administrative
210	Flight Information.

c. *Breakdown of subject numbers.* When the volume of circulars in a general series warrants a subsubject breakdown, the general number is followed by a slash and a subsubject number. Material in the 150, Airports, series is issued under the following subsubjects:

Number and Subject	
150/1900	Defense Readiness Program.
150/4000	Resource Management.
150/5000	Airport Planning.
150/5100	Federal-aid Airport Program.
150/5150	Surplus Airport Property Conveyance Programs.
150/5190	Airport Compliance Program.
150/5200	Airport Safety—General.
150/5210	Airport Safety Operations (Recommended Training, Standards, Manning).
150/5220	Airport Safety Equipment and Facilities.
150/5230	Airport Ground Safety System.
150/5240	Civil Airports Emergency Preparedness
150/5300	Design, Construction, and Maintenance—General.
150/5320	Airport Design.
150/5325	Influence of Aircraft Performance on Aircraft Design.
150/5335	Runway, Taxiway, and Apron Characteristics.
150/5340	Airport Visual Aids.
150/5345	Airport Lighting Equipment.
150/5360	Airport Buildings.
150/5370	Airport Construction
150/5380	Airport Maintenance.
150/5390	Heliports.

d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

4. *The Advisory Circular Checklist.*

a. *General.* Each circular issued is listed numerically within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title, and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Omitted numbers.* In some series sequential numbers omitted are missing numbers, e.g., 00-8 through 00-11 have not been used although 00-7 and 00-12 have been used. These numbers are assigned to advisory circulars still in preparation which will be issued later.

c. *Free and sales circulars.* The checklist has been separated into two parts in this issue. Part I includes only circulars that are free to the public. Part II includes only circulars that are for sale by the Superintendent of Documents.

d. *Internal directives for sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of Part II of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

5. *How to get circulars.*

a. When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When (Sub.) is included with the price, the advisory circular is available on a subscription basis only. After your subscription has been entered by the Superintendent of Documents, supplements or changes to the basic document will be provided automatically at no additional charge until the subscription expires. When no price is given, the circular is distributed free of charge by FAA. Paragraph 5 tells how to get copies of circulars from these two sources.

b. Request free advisory circulars shown without an indicated price from: Department of Transportation, Federal Aviation Administration, Distribution Unit, TAD 484.3, Washington, D.C. 20590.

NOTE: Persons who want to be placed on FAA's mailing list for future circulars should write to the above address. Be sure to identify the subject matter desired by the subject numbers and titles shown in paragraph 3b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the general series will be distributed to every addressee on each of the subject series lists. Persons requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's and changes to FAR's will automatically receive related circulars.

c. Order advisory circulars and internal directives with purchase price given from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Send check or money order with your order to the Superintendent of Documents. Make the check or money order payable to the Superintendent of Documents in the amounts indicated in the list. Orders for mailing to foreign countries should include an additional amount of 25 percent of the price to cover postage. No c.o.d. orders are accepted.

6. *Reproduction of Advisory Circulars.* Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

7. *Cancellations.* The following advisory circulars are canceled:

AC 00-2L Advisory Circular Checklist, 1-17-69. Canceled by AC 00-2M, Advisory Circular Checklist, 5-29-69.

AC 20-6J United States Civil Aircraft Register, 7-1-68. Canceled by AC 20-6K, United States Civil Aircraft Register, 1-1-69.

AC 20-11 Eligibility and Quality of Aircraft Replacement Parts and Supplies, 8-18-63. Canceled by AC 20-62, Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts, 4-30-69.

AC 20-12 Acceptable Functional and Installation Criteria for Aircraft Type Certification Approval of the Installation of Airborne Communication, Navigation, and Automatic Flight Control Systems, 4-6-64. Canceled.

AC 20-19A Identification of Approved Aeronautical Replacement Parts, 1-19-66. Canceled by AC 20-62, Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts, 4-30-69.

AC 20-21 Application of Glass Fiber Laminates in Aircraft, 12-3-64. Canceled.

AC 20-23B Interchange of Service Experience—Mechanical Difficulties, 12-7-67. Canceled by AC 20-23C, Interchange of Service Experience—Mechanical Difficulties, 5-9-69.

AC 20-25 Identification of Technical Standard Order (TSO) Safety Belts, 7-5-64. Canceled by AC 20-25A, Identification of Technical Standard Order (TSO) Safety Belts, 3-14-69.

AC 20-34 Prevention of Retractable Landing Gear Failures, 3-8-65. Canceled by AC 20-34A, Prevention of Retractable Landing Gear Failures, 4-21-69.

AC 20-37 Aircraft Metal Propeller Blade Failure, 6-7-65. Canceled by AC 20-37A, Aircraft Metal Propeller Blade Failures, 4-4-69.

AC 20-58 Acceptable Means of Testing Automatic Altitude Reporting Equipment for Compliance With FAR 91.36(b), 6-10-68. Canceled by AC 20-58A, Acceptable Means of Testing Automatic Altitude Reporting Equipment for Compliance With FAR 91.36(b), 4-28-69.

AC 61.117-1B Flight Test Guide—Commercial Pilot, Airplane, 4-21-67. Canceled by AC 61.117-1C, Flight Test Guide—Commercial Pilot, Airplane, 2-7-69.

AC 61-12B Student Pilot Guide, 5-31-67. Canceled by AC 61-12C, Student Pilot Guide, 10-3-68.

AC 61-27 Instrument Flying Handbook, 12-20-66. Canceled by AC 61-27A, Instrument Flying Handbook, 4-30-68.

AC 61-35 Gold Seal Flight Instructor Certificates, 10-4-66. Canceled by AC 61-35A, Gold Seal Flight Instructor Certificates, 2-11-69.

AC 61-40 Performance of Stalls on Pilot Flight Tests, 9-14-67. Canceled.

AC 90-13 and Change 1 Turbojet Training Program—General Aviation, 4-22-64 and 12-23-65. Canceled.

AC 90-18 Large Propeller-Driven Aircraft Training Program—General Aviation, 10-21-64. Canceled.

AC 90-21 Dualing of Service O Circuits 8273, 8275, and 8276, 3-1-65. Canceled.

AC 120-1 Reporting Requirements of Air Carrier and Commerical Operators, 6-6-63. Canceled by AC 120-1A, Reporting Requirements of Air Carriers, Commercial Operators, and Travel Clubs, 4-24-69.

AC 120-11 Section 42.52(b) of Civil Air Regulations Part 42, 11-11-63. Canceled.

AC 120-22 Systemsworthiness Analysis Program, 7-29-66. Canceled.

AC 120-24 Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods, 9-1-66. Canceled by AC 120-24A, Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods, 2-25-69.

AC 121-2 and Change 1 FAA Airborne Vibration Monitoring Program for Turbine Engines, 1-15-63 and 5-20-63. Canceled.

AC 140-1C Consolidated Listing of FAA Certificated Repair Stations, 8-1-67. Canceled by AC 140-1D, Consolidated Listing of FAA Certificated Repair Stations, 7-1-68.

AC 145.101-1 Application for Air Agency Certificate—Manufacturer's Maintenance Facility, 7-12-66. Canceled by AC 145.-101-1A, Application for Air Agency Certificate—Manufacturer's Maintenance Facility, 3-10-69.

AC 147-2D Federal Aviation Administration Certificated Mechanic School Directory, 7-15-68. Canceled by AC 147-2E, Federal Aviation Administration Certificated Mechanic School Directory, 1-15-69.

AC 149.9-1A Military Surplus Parachutes, 9-24-64. Canceled.

AC 150/4290-2 Assistance in Obtaining Copper Products for Airport Lighting, 9-18-68. Canceled.

AC 150/5040-1 Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Large Air Transportation Hubs Through 1980, 9-21-67. Canceled by AC 150/5040-1A, Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Large Air Transportation Hubs Through 1980, 3-27-69.

AC 150/5090-1 Airport Planning as a Part of Comprehensive State Planning Programs, 4-25-66. Canceled. AC 150/5050-3 announces a new report covering the material.

AC 150/5240-6A Radiation Safety for Civil Airports, 12-27-65. Canceled.

AC 150/5300-4 Utility Airports—Design Criteria and Dimensional Standards, 5-19-67. Canceled by AC 150/5300-4A, Utility Airports—Air Access to National Transportation, 5-6-69.

AC 150/5340-1A and Change 1 Marking of Serviceable Runways and Taxiways, 6-30-66 and 9-15-66. Canceled by AC 150/5340-1B, Marking of Serviceable Runways and Taxiways, 4-2-69.

AC 150/5345-1A Approved Airport Lighting Equipment, 8-9-66. Canceled by AC 150/5345-1B, Approved Airport Lighting Equipment 10-30-68.

AC 170-4 Emergency Signaling Device for Aircraft in Distress, 1-9-64. Canceled by AC 91-19, Emergency Locator Beacons—Crash, Survival, Personnel, 3-17-69.

AC 183.29-1C Designated Engineering Representatives, 4-25-67. Canceled by AC 183.29-1D, Designated Engineering Representatives, 2-28-69.

Handbook 7300.7 Aeronautical Communications and Pilot Services, 3-3-66. Canceled by Handbook 7110.10, Flight Services, 4-1-69.

8. *Additions.* The following advisory circulars are added to the list:

AC 00-2M Advisory Circular Checklist, 5-29-69.

AC 00-25 Forming and Operating a Flying Club, 3-24-69.

AC 00-26 Definition of "U.S. National Aviation Standards", 1-22-69.

AC 00-27 U.S. National Standard for the IFF Mark X (SIF) Air Traffic Control Radar Beacon System Characteristics (ARTCRBS), 1-24-69.

AC 20-6K United States Civil Aircraft Register, 1-1-69.

AC 20-7E Supplement 6, General Aviation Inspection Aids, 1-14-69.
Supplement 7, General Aviation Inspection Aids, 2-7-69.
Supplement 8, General Aviation Inspection Aids, 3-5-69.
Supplement 9, General Aviation Inspection Aids, 4-3-69.
Supplement 10, General Aviation Inspection Aids, 5-12-69.

AC 20-23C Interchange of Service Experience—Mechanical Difficulties, 5-9-69.

AC 20-25A Identification of Technical Standard Order (TSO) Safety Belts, 3-14-69.

AC 20-34A Prevention of Retractable Landing Gear Failures, 4-21-69.

AC 20-37A Aircraft Metal Propeller Blade Failure, 4-4-69.

AC 20-58A Acceptable Means of Testing Automatic Altitude Reporting Equipment for Compliance with FAR 91.36 (b), 4-28-69.

AC 20-62 Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts, 4-30-69.

AC 37-3 Radio Technical Commission for Aeronautics Document DO-138, 1-10-69.

AC 61.117-1C Flight Test Guide—Commercial Pilot, Airplane, 2-7-69.

AC 61-12C Student Pilot Guide, 10-3-68.

AC 61-27A Instrument Flying Handbook, 4-30-68.

AC 61-35A Gold Seal Flight Instructor Certificates, 2-11-69.

AC 65-8 1969 Aviation Maintenance Symposium—Advances in Aviation Maintenance Technology, 5-14-69.

AC 90-43 Operations Reservations for High-Density Traffic Airports, 3-25-69.

AC 90-44 Airport Ground Operations During Low Visibility Conditions, 4-25-69.

AC 91-19 Emergency Locator Beacons—Crash, Survival, Personnel, 3-17-69.

AC 91-20 Inspection Schedule—for Beech Model B-99, 3-14-69.

AC 120-1A Reporting Requirements of Air Carriers, Commercial Operators, and Travel Clubs, 4-24-69.

AC 120-24A Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods, 2-25-69.

AC 140-1D Consolidated Listing of FAA Certificated Repair Stations, 7-1-68.

AC 145.101-1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility, 3-10-69.

AC 147-2E Federal Aviation Administration Certificated Mechanic School Directory, 1-15-69.

AC 150/5040-1A Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Large Air Transportation Hubs Through 1980, 3-27-69.

AC 150/5050-3 Announcement of a Report Entitled "Planning the State Airport System", 1-31-69.

AC 150/5100-5 Land Acquisition in the Federal-Aid Airport Program, 1-30-69.

AC 150/5150-2, Change 1 Federal Surplus Personal Property for Public Airport Purposes, 4-22-69.

AC 150/5210-11 Response to Aircraft Emergencies, 4-15-69.

AC 150/5230-3 Fire Prevention During Aircraft Fueling Operations, 4-8-69.

AC 150/5300-4A Utility Airports—Air Access to National Transportation, 5-6-69.

AC 150/5340-1B Marking of Serviceable Runways and Taxiways, 4-2-69.

AC 150/5340-20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines, 2-17-69.

AC 150/5345-1B Approved Airport Lighting Equipment, 10-30-68.

AC 150/5345-39 FAA Specification L-853, Runway and Taxiway Centerline Reflective Markers, 1-10-69.

AC 150/5345-40 Specification for L-854 Radio Controls, 3-21-69.

AC 150/5355-1 Diagrammatic Maps and Location Signs at Airports, 3-21-69.

AC 183.29-1D Designated Engineering Representatives, 2-28-69.

ADVISORY CIRCULAR CHECKLIST NOTICE

In an effort to avoid confusion when ordering material, the checklist has been divided into two parts. Part I contains only the free material, copies of which are to be obtained from the Department of Transportation (see 5b for address). Part II contains only the material for sale, copies of which are to be obtained from the Superintendent of Documents (see 5c for address).

Superintendent of Documents catalogue numbers have been included to aid Superintendent of Documents personnel in processing orders. Please use them when ordering—along with the title and FAA number. To avoid unnecessary delays, do not order single-sales material and subscription-sales material on the same order form, as orders are separated for processing by different departments when they arrive at Superintendent of Documents.

Subject matter areas and numerical chronology have been maintained in both parts.

PART I

General

SUBJECT NO. 00

00-1 The Advisory Circular System (12-4-62).

Describes the FAA Advisory Circular System.

00–2M Advisory Circular Checklist (5–29–69).

Transmits the revised checklist of current FAA advisory circulars and the status of the Federal Aviation Regulations as of 5–29–69.

00–7 State and Regional Defense Airlift Planning (4–30–64).

Provides guidance for the development of plans by the FAA and other Federal and State agencies for the use of non-air-carrier aircraft during an emergency.

00–7 CH 1 Provision of Appendix 4 and Addition of New Appendix 9 to State and Regional Defense Airlift Planning (1–5–65).

The title is self-explanatory.

00–7 CH 2 State and Regional Defense Airlift Planning (2–20–67).

Change 2 to basic document.

00–14 Flights by U.S. Pilots Into and Within Canada (4–16–65).

Provides information concerning flights into and within Canada.

00–15 Potential Hazard Associated With Passengers Carrying "Anti-Mugger" Spray Devices (8–20–65).

Advises aircraft operators, crewmembers, and others who are responsible for flight safety, of a possible hazard to flight should a passenger inadvertently or otherwise discharge a device commonly known as an "anti-mugger" spray device in the cabin of an aircraft.

00–17 Turbulence in Clear Air (12–16–65).

Provides information on atmospheric turbulence and wind shear, emphasizing important points pertaining to the common causes of turbulence, the hazards associated with it, and the conditions under which it is most likely to be encountered.

00–19 System Description for a Modernized Weather Teletypewriter Communications System (7–8–66).

Transmits a technical report of the system improvements which the Federal Aviation Agency plans to make in the operation of the Services A, C, and O weather teletypewriter communications network.

00–20 Cancellation of Flight Standards Service Releases (9–7–66).

Cancels all outstanding Flight Standards Service Releases.

00–21 Shoulder Harness (10–5–66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

00–23A Near Midair Collision Reporting (12–18–68).

Advises that the FAA will continue through December 31, 1969, to handle reports of near midair collisions in accordance with the policy established January 1, 1968.

00–24 Thunderstorms (6–12–68).

Contains information concerning flights in or near thunderstorms.

00–26 Definition of "U.S. National Aviation Standards" (1–22–69).

Informs the aviation community of the approval by the FAA Administrator of a definition of U.S. National Aviation Standards, the need for such standards, and their relationship to the Federal Aviation Regulations.

00–27 U.S. National Standard for the IFF Mark X (SIF) Air Traffic Control Radar Beacon System Characteristics (ATCRBS) 1–24–69.

Informs the aviation community of the approval by the FAA Administrator of the U.S. National Aviation Standard for the ATCRBS.

Procedural

SUBJECT NO. 10

11–1 Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (10–28–64).

Emphasizes the need for the early submission of proposals involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

Aircraft

SUBJECT NO. 20

20–1 Limitations of Self-Locking Castellated Nuts (6–20–63).

Provides information on the limitations of cotter pinned self-locking nuts.

20–3A Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (1–15–64).

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA.

20–5A Plane Sense (4–4–67).

Provides general aviation information for the private aircraft owner.

20–10 Approved Airplane Flight Manuals for Transport Category Airplanes (7–30–63).

Calls attention to the regulatory requirements relating to FAA Approved Airplane Flight Manuals.

20–13A Surface-Effect Vehicles (8–28–64).

States FAA policy on surface-effect vehicles (vehicles supported by a cushion of compressed air).

20–14 Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated Engines or Engines to Which Major Alterations Have Been Made (10–25–63).

Sets forth information needed by FAA for type certification of aircraft in the restricted category with uncertificated engines or engines having major alterations.

20–15A Qualification of Type Certificated Engines and Propellers for Aircraft Installations (3–24–66).

Calls attention to the relationship between both Federal Aviation Regulations, Parts 33 (Aircraft Engine Airworthiness) and 35 (Propeller Airworthiness), and various aircraft airworthiness parts.

20–17 Surplus Military Aircraft (1–6–64).

Informs how to obtain copies of regulations required for certification of surplus military aircraft.

20–18A Qualification Testing of Turbojet Engine Thrust Reversers (3–16–66).

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 3, when run under nonstandard ambient air conditions.

20–20A Flammability of Jet Fuels (4–9–65).

Gives information on the possibility of combustion of fuel in aircraft fuel tanks.

20–23C Interchange of Service Experience — Mechanical Difficulties (5–9–69).

Explains the advantages of a voluntary exchange of service experience data.

20–24A Qualification of Fuels, Lubricants, and Additives (4–1–67).

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

20–25A Identification of Technical Standard Order (TSO) Safety Belts (3–14–69).

Describes the markings which indicate that a safety belt has been manufactured under the FAA TSO system and approved for use in certificated aircraft.

20–27A Certification and Operation of Amateur-Built Aircraft (8–12–68).

Provides information and guidance material for amateur aircraft builders.

20–28 Nationally Advertised Aircraft Construction Kits (8–7–64).

Explains that using certain kits could render the aircraft ineligible for the issuance of an experimental certificate as an amateur-built aircraft.

20–29A Use of Anti-Icing Additive PFA–55MB (6–19–67).

Provides information on the use of anti-icing additive for jet fuels to assure compliance with FAR's that require assurance of continuous fuel flow under icing conditions.

20–30A Airplane Position Lights and Supplementary Lights (4–18–68).

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

20–32A Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (9–13–68).

Informs aircraft owners, operators, maintenance personnel, and pilots of the potential dangers of carbon monoxide contamination and discusses means of detection and procedures to follow when contamination is suspected.

20–33 Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 10, 13, and 14 (2–8–65).

Advises the public that policy information contained in the subject Civil Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

20–34A Prevention of Retractable Landing Gear Failures (4–21–69).

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

20–35A Tie-Down Sense (10–29–68).

Provides information of general use on aircraft tie-down techniques and procedures.

20–36A Index of Materials, Parts and Appliances Certified Under the Technical Standard Order System—March 1, 1966 (4–8–66).

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of March 1, 1966. Such products are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

20–37A Aircraft Metal Propeller Blade Failure (4–4–69).

Provides information and suggested procedures to increase service life and to minimize blade failures of metal propellers.

20–38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2–8–66).

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on transport airplanes, and provides information as to suitable measuring instruments.

20–39 Installation Approval of Entertainment Type Television Equipment in Aircraft (7–15–65).

Presents an acceptable method (but not the only method) by which compliance may be shown with Federal Aviation Regulations 23.1431, FAR 25.1309(b), FAR 27.1309(b), or FAR 29.1309(b) as applicable.

20–40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8–11–65).

Sets forth an acceptable means of complying with placarding rules in Federal Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

20–41 Replacement TSO Radio Equipment in Transport Aircraft (8–30–65).

Sets forth an acceptable means for complying with rules governing transport category aircraft installations in cases involving the substitution of technical standard order radio equipment for functionally similar radio equipment.

20–42 Hand Fire Extinguishers in Transport Category Airplanes and Rotorcraft (9–1–65).

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

20–43 Aircraft Fuel Contamination (9–3–65).

Informs the aviation community of the potential hazards of fuel contamination, its control, and recommended fuel servicing procedures.

20–44 Glass Fiber Fabric for Aircraft Covering (9–3–65).

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

20–45 Safetying of Turnbuckles on Civil Aircraft (9–17–65).

Provides information on turnbuckle safetying methods that have been found acceptable by the Agency during past aircraft type certification programs.

20–46 Suggested Equipment for Gliders Operating Under IFR (9–23–65).

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

20–47 Exterior Colored Band Around Exits on Transport Airplanes (2–8–66).

Sets forth an acceptable means, but not the only means, of complying with the requirement for a 2-inch colored band outlining exits required to be openable from the outside on transport airplanes.

20–48 Practice Guide for Decontaminating Aircraft (5–5–66).

The title is self-explanatory.

20–49 Analysis of Bird Strike Reports on Transport Category Airplanes (7–27–66).

Provides the results of a statistical study on the frequency of collisions of birds with transport aircraft and the resulting damages.

20–51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products (4–12–67).

Provides assistance to persons who desire to obtain FAA approval of major alterations to type certificated products.

20–52 Maintenance Inspection Notes for Douglas DC–6/7 Series Aircraft (8–24–67).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of DC–6/7 series aircraft.

20–53 Protection of Aircraft Fuel System Against Lightning (10–6–67).

Sets forth acceptable means, not the sole means, by which compliance may be shown with fuel system lightning protection airworthiness regulations.

20–54 Hazards of Radium-Activated Luminous Compounds Used on Aircraft Instruments (10–24–67).

Provides information concerning health hazards associated with the repair and maintenance of instruments containing luminous markings activated with radium-226 or radium-228 (mesothorium).

20–55 Turbine Engine Overhaul Standard Practices Manual—Maintenance of Fluorescent Penetrant Inspection Equipment (1–22–68).

Advises operators of the necessity for periodic checking of black light lamps and filters used during fluorescent penetrant inspection of engine parts.

20–56 Marking of TSO–C72a Individual Flotation Devices (1–19–68).

Outlines acceptable methods for marking individual flotation devices which also serve as seat cushions.

20–57 Automatic Landing Systems (1–29–68).

Sets forth an acceptable means of compliance but not the only means for the installation approval of automatic landing systems in transport category aircraft which may be used initially in Category II operations.

20–58A Acceptable Means of Testing Automatic Altitude Reporting Equipment for Compliance with FAR 91.36(b) (4–28–69).

Title is self-explanatory.

20–59 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (2–19–68).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Convair 240, 340/440, 240T, and 340T series aircraft.

20–60 Accessibility to Exess Emergency Exits (7–18–68).

Sets forth acceptable means of compliance with the "readily accessible" provisions in the Federal Aviation Regulations dealing with excess emergency exits.

20–62 Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts (4–30–69).

Provides information relative to the determination of the eligibility of aeronautical parts and materials for installation on certificated aircraft.

21–1 Production Certificates (6–15–65).

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

21–2A Export Airworthiness Approval Procedures (2–16–67).

Announces the adoption of new regulations and provides guidance to the public regarding the issuance of export airworthiness approvals for aeronautical products to be exported from the United States.

21–2A CH 1 (8–30–67).

21–2A CH 2 (10–30–67).

21–2A CH 3 (3–20–68).

21–2A CH 4 (11–6–68).

21–4A Special Flight Permits for Operation of Overweight Aircraft (9–16–66).

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

21–5 Summary of Supplemental Type Certificates (2–24–66).

Announces the availability to the public of a new Summary of Supplemental Type Certificates (STC's), Part 21 of the Federal Aviation Regulations.

21–6 Production Under Type Certificate Only (5–29–67).

Provides information concerning Subpart F of FAR Part 21, and sets forth examples, when necessary, of acceptable means of compliance with its requirements.

21–7 Certification and Approval of Import Products (6–13–67).

Provides guidance and information relative to U.S. certification and approval of import aircraft, aircraft engines, propellers manufactured in a foreign country with which the United States has an acceptance agreement of those products for export and import.

21.25–1 Use of Restricted Category Airplanes for Glider Towing (4–20–65).

Announces that glider towing is now considered to be a special purpose for type and airworthiness certification in the restricted category.

21.303–1 Replacement and Modification Parts (3–2–66).

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and sets forth examples of acceptable means of compliance with its requirements.

23–1 Type Certification Spin Test Procedures (4–1–64).

Sets forth an acceptalbe means by which compliance may be shown with the one-turn spinning requirement in Part 3 of the CAR's.

23.1329–1 Automatic Pilot Systems Approval (Non-Transport) (12–23–65).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 23.1329 may be shown.

25–1 Airplane Flight Manual Procedures Associated with Performance Limitations (9–4–63).

Provides acceptable means for compliance with Special Regulation SR–422B, section 4T.743(c).

25–2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7–9–64).

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR–422B.

25–4 Inertial Navigation Systems (INS) (2–18–66).

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

25.253–1 High-Speed Characteristics (11–24–65).

Sets forth an acceptable means by which compliance may be shown with FAR 25.253 during certification flight tests.

25.253–1 CH 1 (1–10–66).

Provides amended information for the basic advisory circular.

25.1329–1A Automatic Pilot System Approval (7–8–68).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

25.1457–1 Cockpit Voice Recorder Installations (4–7–65).

Sets forth an acceptable means of compliance with provisions in FAR Part 25 pertaining to cockpit voice recorder location and erasure features.

27.1581–1 Sea Rotorcraft Autorotative Landing on Land (8–3–65).

Sets forth acceptable means, not the sole means, with which to provide suitable warning information to crews of float-equipped rotorcraft (pneumatic bag type) when a safe autorotative landing on land may not be possible.

29–1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12–26–63).

Gives means for compliance with flight requirements in various CAR's.

29–1 CH 1 (3–26–64).

Transmits revised information about the time delay of automatic stabilization equipment.

29.773–1 Pilot Compartment View (1–19–66).

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a)(1), may be shown.

33–1A Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (6–19–68).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements of Part 33 of the Federal Aviation Regulations.

33–2 Aircraft Engine Type Certification Handbook (3–30–66).

Contains guidance relating to type certification of aircraft engines which will constitute acceptable means, although not the sole means, of compliance with the Federal Aviation Regulations.

33–2 CH 1 (9–13–67).

Transmits revised material to the basic advisory circular.

33–3 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9–9–68).

Sets forth guidance and acceptable means, not the sole means, by which compliance may be shown with the turbine and compressor rotor substantiation requirements in FAR Part 33.

37–2 Test Procedures for Maximum Allowable Airspeed Indicators (12–9–68).

Provides guidance concerning test procedures which may be used in showing compliance with the standards in FAR 37.145 (TSO–C46a).

37–3 Radio Technical Commission for Aeronautics Document DO–138 (1–10–69).

This circular announces RTCA Document DO–138 and discusses how it may be used in connection with technical standard order authorizations.

39–1 Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC–3 Series Aircraft (8–1–63).

Describes methods of determining that jig fixtures meet the requirements of Airworthiness Directive 63–4–1.

39–3 Distribution of Airworthiness Directives (3–29–67).

Announces a new procedure for the distribution of airworthiness directives.

39–5 Distribution of Airworthiness Directives (10–3–67).

Announces the availability to the public of a subscription service for airworthiness directives.

43–1 Matching VHF Navigation Receiver Outputs With Display Indicators (8–2–65).

Alerts industry to the possibility of mismatching outputs, both guidance and flag alarm, of certain VHF navigation receivers when used with some types of display indicators causing the receiver to fail without providing a flag alarm.

43–2 Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (9–10–65).

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents

information concerning the general operation, calibration, and maintenance of such barometers.

43.9–1B Instruction for Completion of FAA Form 337 (6–27–66).

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller, or Appliance).

43.11–1B Aircraft Use and Inspection Report (8–29–68).

Provides instructions for the completion of FAA Form 8320–3 (11–67), Aircraft Use and Inspection Report formerly FAA 2350.

43–202 Maintenance of Weather Radar Radomes (6–11–65).

Provides guidance material useful to repair facilities in the maintenance of weather radar radomes.

43–203A Altimeter and Static System Tests and Inspections (6–6–67).

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

Airmen

SUBJECT No. 60

60–1 Know Your Aircraft (6–12–63).

Describes potential hazards associated with operation of unfamiliar aircraft and recommends good operating practices.

60–2E Annual Aviation Mechanic Safety Awards Program (6–20–68).

Provides details of the annual Aviation Mechanic Safety Awards Program which is a joint effort of FAA, The Flight Safety Foundation, and the aviation community.

60–4 Pilot's Spatial Disorientation (2–9–65).

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

60–5 Advisory Information on Written Test Questions Missed (4–24–67).

Announces a new automated method of reporting written test results to airmen applicants. The applicant will be provided information concerning the subject matter areas in which one or more questions were answered incorrectly on the test.

60–6 FAA Approved Airplane Flight Manuals, Placards, Listings, Instrument Markings—Small Airplanes (12–13–68).

Alerts pilots to the regulatory requirements relating to the subject and provides information to aid pilots to comply with the provisions of FAR section 91.31.

61–1B Aircraft Type Ratings (12–14–67).

Lists the aircraft type ratings issued to pilots and advises the public of the designations used for the aircraft on which type ratings are issued.

61–5A Helicopter Pilot Written Test Guide—Private—Commercial (8–14–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirements for a private or commercial pilot certificate with a helicopter rating.

61.15–1 Helicoptor or Gyroplane Class Rating Requirement for Rotorcraft Pilots (1–15–63).

Calls the attention of certificated rotorcraft pilots to the fact that helicoptor or gyroplane class ratings are required for the operation of rotorcraft after 2–1–63.

61–19 Safety Hazard Associated with Simulated Instrument Flights (12–4–64).

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

61–22A Pilot Flight Tests in Small Airplanes With Stability/Control Augmentation (3–16–66).

Rescinds the limitation published in AC 61–22 for pilot certificates issued on the basis of flight training and tests in airplane equipped with gyroscopic stability/control augmentation systems.

61–24 Student Pilot Certificate Endorsements for Solo Flight in Single-Place or Single-Control Aircraft (7–20–65).

Describes a suggested procedure for checking out student pilots for solo flights in single-place or single-control aircraft.

61–26 Flight Instructor Requalification Program and Increased Student Pilot Operating Requirements (9–23–65).

Informs the public of the procedures which will be used by FAA inspectors in implementing the Flight Instructor Certificate renewal, instructor supervision of student pilots, and other associated requirements instituted by FAR Amendment 61–18.

61–31 Gyroplane Pilot Examination Guide, Private and Commercial (2–9–66).

Outlines information basic to a gyroplane pilot, lists sources useful in acquiring this knowledge, and presents sample examination questions.

61–33 Gyroplane Flight Instructor Examination Guide (3–25–66).

Assists applicants who are preparing for the Flight Instructor Rotocraft Gyroplane Written Examination. Revised in 1966.

61–35A Gold Seal Flight Instructor Certificate (2–11–69).

Announces the issuance of gold seal certificates to persons with outstanding qualifications and performance records as flight instructors.

61–36 Use of Other Than U.S. Coast and Geodetic Survey Charts on Pilot Flight Tests (2–6–67).

Clarifies the requirement governing the use on pilot flight tests of en route and instrument approach charts prepared by other than the U.S. Coast and Geodetic Survey.

61–37 Correction to Koch Chart in AC 61–11 and AC 61–28 (2–14–67).

Informs holders of AC 61–11, Airplane Flight Instructor Examination Guide, (1965) and AC 61–28, Commercial Pilot Written Examination Guide (1966), of inaccuracies in the Koch Charts for Altitude and Temperature Effects which appear in these publications.

61–38 Rotorcraft Helicopter Written Test Guide (8–16–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirement for a flight instructor certificate with a helicopter rating.

61–39 Flight Test Guide, Private and Commercial Pilot—Glider (8–28–67).

Assists applicants for private and commercial pilot flight tests in gliders.

61–41 Glider Flight Instructor Written Test Guide (11–7–67).

Outlines the scope of the basic aeronautical knowledge requirements for a glider flight instructor; acquaints the applicant with source material that may be used to acquire this basic knowledge; and presents a sample test with correct answers and explanations.

61–43 Glider Pilot Written Test Guide—Private and Commercial (11–30–67).

Outlines the scope of the basic aeronautical knowledge requirements for a glider pilot; acquaints the applicant with source material that may be used to acquire this basic knowledge; and presents a sample test with correct answers and explanations.

61–44 Valid Flight Instructor Certificates (11–30–67).

Alerts student pilots, flight instructors, and pilot school operators to the expiration of many flight instructor certificates.

61–45 Instrument Rating (Helicopter) Written Test Guide (1–24–68).

Assists applicants who are preparing for the helicopter instrument rating. Presents a study outline, study materials and a sample test with answers.

65–6A Change in Airframe and Powerplant Mechanic Tests (12–8–67).

Provides a new effective date for the changeover to a new format for the Airframe and Powerplant mechanic written, oral, and practical tests announced by the earlier circular.

65–8 1969 Aviation Maintenance Symposium-Advances in Aviation Maintenance Technology (5–14–69).

Announces the fifth annual aviation maintenance symposium to be held in Oklahoma City—December 9, 10, and 11, 1969.

65.33–1 List of Study References for the ATC Tower Operator Examination (5–25–66).

The title is self-explanatory.

65.95–2 Handbook and Study Guide for Aviation Mechanics' Inspection Authorization (5–3–67).

Gives guidance to persons conducting annual and progressive inspection and approving major repairs or alterations of aircraft. While the handbook is primarily intended for mechanics holding or preparing for an Inspection Authorization, it may be useful to aircraft manufacturers and certificated repair stations who have these privileges.

Airspace

SUBJECT NO. 70

70/7460–2 Proposed Construction or Alteration of Objects That May Affect the Navigable Airspace (4–5–68).

Alerts those persons proposing to erect or alter an object that may affect the navigable airspace of the requirement to submit a notice to the Administrator of the FAA.

70/7460–3 Petitioning the Administrator for Discretionary Review; Section 77.37, FAR (8–8–68).

Revises and updates information concerning the submission of petitions to the Administrator for review, extension, or revision of determinations issued by regional directors or their designees.

73–1 Establishment of Alert Areas (3–11–68).

Announces the establishment of alert areas and sets forth the procedures which FAA will follow in establishing such areas.

77–1 Objects Affecting Navigable Airspace (7–2–65).

Announces the availability of the revised Part 77 of the Federal Aviation Regulations (FAR), dated May 1, 1965. This revised Part 77 supersedes the edition dated December 12, 1962.

Air Traffic Control and General Operations

SUBJECT NO. 90

90–1A Civil Use of U.S. Government Produced Instrument Approach Charts (4–10–68).

Clarifies landing minimums requirements and revises instrument approach charts.

90–5 Coordination of Air Traffic Control Procedures and Criteria (6–13–63).

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

90–8 Radio Identification of Student Pilots (8–15–63).

Encourages student pilots to identify themselves when communicating with FAA facilities.

90–10 Holding Pattern (3–1–64).

Advises pilots that revised IFR aircraft holding pattern procedures, implemented by FAA in January 1, 1962, will be the sole basis for providing protected airspace for holding patterns, beginning March 1, 1964.

90–11A Air Traffic Control Radio Frequency Assignment Plan (6–7–68).

Describes the civil air traffic control very high frequency assignment plan and the allocation of frequencies in the 118–136 MHz band.

90–12 Severe Weather Avoidance (4–15–64).

Provides information regarding air traffic control assistance in avoiding severe weather conditions.

90–14A Altitude—Temperature Effect on Aircraft Performance (1–26–68).

Introduces the Denalt Performance Computer and reemphasizes the hazardous effects density altitude can have on aircraft.

90–15 Pilot's Response to ATC Clearances and Instructions (7–2–64).

States Agency philosophy concerning expected pilot response to air traffic control clearances and instructions.

90–19 Use of Radar for the Provision of Air Traffic Control Services (10–29–64).

Advises the aviation community of FAA practice in the use of radar information to provide air traffic control services.

90–20 Weather Radar Radomes (11–12–64).

Highlights some important points to consider in the selection and maintenance of weather radar radomes.

90–22A Automatic Terminal Information Service (ATIS) (10–9–68).

Provides updated information concerning the operation of Automatic Terminal Information Service (ATIS).

90–23A Wake Turbulence (12–21–65).

Provides information on the subject of wake turbulence and suggests techniques that may help pilots avoid the hazards associated with wing tip vortex turbulence.

90–24 Service A Weather Teletypewriter Circuit Loading Adjustment (3–15–65).

Advises Service A weather teletypewriter system subscribers of a pending transfer of certain data from Area to Supplemental Circuits and provides lead time for obtaining extension service on the latter where necessary to continue receiving such data.

90–27 Operation of Pictorial Display/Course Line Computer Equipment in the National Airspace System (8–20–65).

Sets forth the advantages to be gained by the utilization of airborne Pictorial Display/Course Line Computer (PD/CLC) equipment in conjunction with VOR/DME/TACAN ground facilities.

90–28 Course Changes While Operating Under Instrument Flight Rules Below 18,000 Feet Mean Sea Level (9–2–65).

Reminds pilots making course changes that routings prescribed in air traffic control clearances must be adhered to as closely as possible in order that flight paths will remain within airway/route boundaries during en route and terminal flight operations.

90–30A Precision Approach Radar (PAR) Service (11–21–67).

Provides information concerning the provision of Precision Approach Radar (PAR) service at FAA operated air traffic control facilities.

90–31 Retention of Flight Service Station (FSS) Civil Flight Plans and Related Records (7–1–67).

Establishes new retention periods for flight plans, preflight briefing logs, visual flight rule flight progress strips, and related records with FSSs.

90–32 Radar Capabilities and Limitations (8–15–67).

Advises the aviation community of the inherent capabilities and limitations of radar systems and the effect of these factors on the service provided by air traffic control (ATC) facilities.

90–33 VFR Communications for General Aviation (11–20–67).

Describes VHF (118–136 MHz band) air/ground communications channel utilization for general aviation aircraft in the VFR environment and includes information on the use of channels in the private aircraft (122–123 MHz) band recently made available by the Federal Communications Commission (Docket 17177).

90–34 Accidents Resulting from Wheelbarrowing in Tricycle Gear Equipped Aircraft (2–27–68).

Explains "wheelbarrowing", the circumstances under which it is likely to occur, and recommended corrective action.

90–35 Frequency Discipline (5–17–68).

Reemphasizes the need for pilots to be constantly aware of the importance of practicing frequency discipline in normal conduct of operations.

90–36 The Use of Chaff as an In-Flight Emergency Signal (5–22–68).

Advises of the value and proper usage of chaff to alert radar controllers to the presence of an aircraft in distress which has a two-way radio failure.

90–37 Flight Operations Near Airports (6–19–68).

Emphasizes to pilots the necessity of adhering to good operating practices and procedures, particularly when operating at or near airports.

90–38 Use of Preferred IFR Routes (8–4–68).

Outlines the background, intent, and requested actions pertaining to the use of preferred IFR routes.

90–39 Identification of Civil Aircraft in Radio Communications (8–5–68).

Outlines an important change in the Federal Communications Commission (FCC) rules for the aviation services concerning the methods of identifying aircraft in radio transmissions.

90–40 Intersection Takeoffs (9–5–68).

Apprises pilots concerning procedures governing intersection takeoffs.

90–41 Standard Terminal Arrival Routes (9–6–68).

Describes a program for establishment and use of standard terminal arrival (STARS).

90–42 Traffic Advisory Practices at Nontower Airports (12–9–68).

This circular establishes, as good operating practices, procedures for pilots to exchange traffic information when operating to or from nontower airports.

90–43 Operations Reservations for High-Density Traffic Airports. (3–25–69).

Advises the aviation community of the means for all aircraft operators, except scheduled and supplemental air carriers and scheduled air taxis, to obtain a reservation to operate to and/or from designated high-density traffic airports.

90–44 Airport Ground Operations During Low Visibility Conditions (4–25–69).

Alerts the aviation community to potential problem areas which may exist on airport movement areas during periods of extremely low visibility.

91–3 Acrobatic Flight (9–30–63).

Sets safe operating practices for the conduct of acrobatic flight operations.

91–5 Waivers Part 91, Federal Aviation Regulations (2–27–64).

Provides information on submission of applications and issuance of waivers to FAR Part 91.

91–6 Water, Slush, and Snow on the Runway (1–21–65).

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

91–7 Hazards Associated With In-Flight Use of "Visible-Fluid" Type Cigarette Lighters (3–16–65).

Discusses the potential hazards associated with in-flight use of "visible-fluid" type cigarette lighters.

91–8 Use of Oxygen by General Aviation Pilots/Passengers (5–16–65).

Provides general aviation personnel with information concerning the use of oxygen.

91–9 Potential Hazards Associated With Turbojet Ground Operations (6–19–65).

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

91–10A Suggestions for Use of ILS Minima by General Aviation Operators of Turbojet Airplanes (10–8–65).

Provides general aviation operators of turbojet airplanes with information on practices and procedures to be considered before utilizing the lowest published IFR minima prescribed by FAR Part 97 and provides information on pilot-in-command experience, initial and recurrent pilot proficiency, and airborne airplane equipment.

91–11 Periodic Inspection Reminder (8–10–65).

Provides the aviation community with a uniform visual reminder of the date a periodic inspection becomes due.

91–12 Required Inspection for Air Carrier Aircraft Reverting to General Operation Under FAR 91 (5–24–66).

Describes acceptable methods for complying with the required inspections established by FAR Part 91.

91–13 Cold Weather Operation of Aircraft (11–16–66).

Emphasizes factors to be considered for the effective preparation, maintenance, and operation of aircraft in cold weather.

91–14 Altimeter Setting Sources (2–15–67).

Provides the aviation public, industry, and FAA field personnel with guidelines for setting up reliable altimeter setting sources.

91–16 Category II Operations—General Aviation Airplanes (8–7–67).

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61, 91, 97, and 135.

91–17 The Use of View Limiting Devices on Aircraft (2–20–68).

Alerts pilots to the continuing need to make judicious and cautious use of all view limiting devices on aircraft.

91–18 Course Needle Oscillations on VHF Omnidirectional Range (VOR) Receivers (12–6–68).

Advises all operators of aircraft equipped with VHF omnidirectional range (VOR) receivers regarding course needle oscillations.

91–19 Emergency Locator Beacons—Crash, Survival, Personnel (3–17–69).

Provides information concerning recent activities relating to emergency locator radio beacons. Describes for users the means by which such signals will be monitored or heard.

91–20 Inspection Schedule—for Beech Model B–99 (3–14–69).

Provides information for use by persons planning to develop an inspection schedule for Beech Model B–99.

91.29–1 Special Structural Inspections (4–8–68).

Discusses occurrences which may cause structural damage affecting the airworthiness of aircraft.

91.83–1 Canceling or Closing Flight Plans (3–12–64).

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

91.83–2 IFR Flight Plan Route Information (2–16–66).

Clarifies the air traffic control needs for the filing of route information in an IFR (Instrument Flight Rules) flight plan.

95–1 Airway and Route Obstruction Clearance (6–17–65).

Advises all interested persons of the airspace areas within which obstruction clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEAs) for publication in FAR Part 95.

99.11–1 Flight Plan Requirements: Coastal or Domestic ADIZ (11–15–63).

Provides recommended flight plan filing procedures for operation within or into an Air Defense Identification Zone (ADIZ).

99.27–1 Flight Plan Tolerances for Air Defense Identification Zones (9–30–63).

Provides recommended flight plan tolerances for operations within or into the ADIZ.

101–1 Waivers of Part 101, Federal Aviation Regulations (1–13–64).

Provides information on submission of applications and issuances of waivers to FAR Part 101.

103–1 Hazard Associated With Sublimation of Solid Carbon Dioxide (Dry Ice) Aboard Aircraft (12–16–63).

Discusses potential hazards of dry ice and gives precautionary measures.

105–2 Sport Parachute Jumping (9–6–68).

Provides suggestions to improve sport parachuting safety; information to assist parachutists in complying with FAR Part 105; and a list of aircraft which may be operated with one cabin door removed, including the procedures for obtaining FAA authorization for door removal.

Air Carrier and Commercial Operators and Helicopters

SUBJECT NO. 120

120–1A Reporting Requirements of Air Carriers, Commercial Operators, and Travel Clubs (4–24–69).

Advises of the mechanical reliability reporting requirements contained in FAR Parts 121 and 127 and the accident and incident reporting requirements of NTSB Part 430, Safety Investigation Regulations.

120–2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8–20–63).

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

120–4B Criteria for Turbojet Landing Weather Minima—Air Carriers and Commercial Operators of Large Aircraft (6–14–68).

Sets forth the criteria for approval of landing weather minima for turbojet

aircraft below ¾-mile visibility or RVR 4,000 but above Category II minima.

120–5 High Altitude Operations in Areas of Turbulence (8–26–63).

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

120–7 Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (9–4–63).

Recommends minimum altitudes for conducting simulated emergency flight training maneuvers be established.

120–12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6–24–64).

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

120–13 Jet Transport Aircraft Attitude Instrument Systems (6–26–64).

Provides information about the characteristics of some attitude instrument systems presently installed in some jet transport aircraft.

120–14 Air Taxi Operators and Commercial Operators of Small Aircraft (7–6–64).

Clarifies the requirements of Part 135 of the FAR's and provides additional information not readily available.

120–16 Continuous Airworthiness Program (10–19–64).

Provides air carriers and commercial operators with guidance and information pertinent to the regulatory amendments concerned with requirements for air carrier continuous airworthiness program.

120–17 Handbook for Maintenance Control by Reliability Methods (12–31–64).

Provides information and guidance material which may be used to design or develop maintenance reliability programs which include a standard for determining time limitations.

120–17 CH 1 (6–24–66).

120–17 CH 2 (5–6–68).

120–18 Preservation of Maintenance Records (5–10–65).

Provides information and guidance relative to the microfilming of maintenance records.

120–20 Criteria for Approval of Category II Landing Weather Minima (6–6–66).

Sets forth criteria, guidelines, and procedures which provide an acceptable basis for the approval of Category II ILS minima and the installation approval of the associated airborne systems.

120–20 CH 1 (1–12–68).

Transmits a revised Appendix 3 of the Advisory Circular.

120–20 CH 2 (5–21–68).

Clarifies use of minimum glide slope threshold crossing height in Par. 11, Appendix 3.

120–21 Aircraft Maintenance Time Limitations (6–24–66).

Provides method and procedures for the initial establishment and revision of time limitations on inspections, checks, maintenance or overhaul.

120–24A Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods (2–25–69).

Describes methods and procedures used by the FAA in the establishment and revision of aircraft engine overhaul periods.

120–26 Civil Aircraft Operator Designators (1–25–68).

States the criteria and the procedures for the assignment of a designator and a corresponding air/ground call sign to civil aircraft operators engaged in domestic services on a repetitive basis.

120–27 Aircraft Weight and Balance Control (10–15–68).

Provides a method and procedures for weight and balance control.

121–1 Standard Maintenance Specifications Handbook (12–15–62).

Consolidated reprint 5–15–69, includes Changes 1 through 18.

Provides procedures acceptable to FAA which may be used by operators when establishing inspection intervals and overhaul times.

121–3H Maintenance Review Board Reports (2–7–68).

Adds the Boeing 727, Supplement No. 1; Boeing 737; Fairchild-Hiller FH–227; and Fairchild-Hiller FH–227, Revision 1 to the list of available Maintenance Review Board Reports.

121–6 Portable Battery-Powered Megaphones (1–5–66).

Sets forth an acceptable means for complying with rules (applicable to various persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.

121–7 Use of Seat Belts by Passengers and Flight Attendants To Prevent Injuries (7–14–66).

Concerned with the prevention of injury due to air turbulence.

121–8 Additional Airport Aids—Runway Marking and Lighting—Air Carrier Turbojet Operations (9–19–66).

Emphasizes the importance of runway markings and approach slope guidance in assisting turbojet airplane pilots to touchdown at the proper runway point.

121–9 Maintenance of Evacuation Slides (9–22–66).

Provides information and guidance to air carriers and commercial operators in the maintenance of emergency evacuation slides.

121–10 Doppler Radar Navigational Aids (3–23–67).

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Part 121 who desire approval of Doppler RADAR navigation systems for use in their operations.

121–10 CH 1 (1–10–68).

Transmits a page change to the subject advisory circular.

121–11 Approval of Inertial Navigation Systems (INS) (3–23–67).

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Part 121 who desire approval of inertial navigation systems as the sole means of navigation in their operations.

121–11 CH 1 (1–10–68).

Transmits a page change to the subject advisory circular.

121–12 Wet or Slippery Runways (8–17–67).

Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121 (8–17–67).

121.195(d)–1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11–19–65).

Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.

123–1 Air Travel Clubs (10–17–68).

Sets forth guidelines and procedures to assist air travel clubs using large aircraft in meeting safety requirements of FAR Part 123.

135.155–1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators (2–16–65).

Sets forth an acceptable means of compliance with provisions in FAR Part 135 and Part 23 dealing with alternate static sources.

135–1 Air Taxi Aircraft Weight and Balance Control (9–17–68).

Provides a method and procedures for developing a weight and balance control system for small aircraft operating in the air taxi fleet under FAR Part 135.

137–1 Agricultural Aircraft Operations (11–29–65).

Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulatory in nature, which will assist interested persons in understanding the operating privileges and limitations of this part.

Schools and Other Certificated Agencies

SUBJECT No. 140

140–1D Consolidated Listing of FAA Certificated Repair Stations (7–1–68).

Gives the name, address, certificate number, and ratings of repair stations.

140–2D List of Certificated Pilot Flight and Ground Schools (3–13–68).

Lists FAA certificated schools as of March 1968.

140–3A Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (6–12–68).

The title is self-explanatory.

140–4 Use of Audio-Visual Courses in Approved Pilot Ground Schools Certificated Under Part 141 (8–7–68).

Informs operators of certificated pilot schools on the use of audio-visual training aids for instruction in approved ground school courses conducted under the FARs.

145.101–1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility (3–10–69).

Explains how to obtain a repair station certificate.

147–2E Federal Aviation Administration Certificated Mechanic School Directory (1–15–69).

Provides a revised listing of all FAA certificated mechanic schools as of January 15, 1969.

149–2D Listing of Federal Aviation Administration Certificated Parachute Lofts (8–1–68).

Provides a revised list of all FAA certificated parachute lofts.

Airports

SUBJECT No. 150

DEFENSE READINESS PROGRAM

150/1930–1 Radiological Decontamination of Civil Airports (8–19–66).

Offers guidance in preattack preparations, emergency action and decontamination methods.

AIRPORT PLANNING

150/5040–1A Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Large Air Transportation Hubs Through 1980 (3–27–69).

Announces the availability of the new report and where to obtain it.

150/5050–2 Compatible Land Use Planning in the Vicinity of Airports (4–13–67).

Advises Federal Aviation Administration personnel, local government officials and the public of the availability of the following two reports prepared under the auspices of the FAA by the firm of Transportation Consultants, Inc. *Compatible Land Use Planning On and Around Airports, and Aids Available for Compatible Land Use Planning Around Airports.*

150/5050–3 Announcement of a Report Entitled "Planning the State Airport System" (1–31–69).

Advises of the availability of the report and how to obtain it.

150/5060–1A Airport Capacity Criteria Used in Preparing the National Airport Plan (7–8–68).

Presents the method used by the Federal Aviation Administration for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

150/5060–2 Airport Site Selection (7–19–67).

Recommends procedures and provides guidance for analyzing potential airport sites.

150/5070–1 Rapid Transit Service for Metropolitan Airports (8–26–65).

Informs airport officials of a Federal assistance program for rapid transit.

150/5070–2 Planning the Metropolitan Airport (9–17–65). (Consolidated reprint 6–30–66 includes change 1.)

Provides guidance and methodology for planning the metropolitan airport system as a part of the comprehensive metropolitan planning program.

150/5070–3 Planning the Airport Industrial Park (9–30–65).

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

150/5070–4 Planning for Rapid Urbanization Around Major Metropolitan Airports (3–31–66).

Alerts planning agencies to the need for developing appropriate planning programs to guide rapid urbanization in the vicinity of major metropolitan airports and suggests procedures for such planning programs.

150/5090–1 Regional Air Carrier Airport Planning (2–2–67).

This circular: (1) Informs local and State governments, airport operators, and area planners of a Federal policy concerning the development of a single airport to serve two or more cities and their environs; and (2) provides such planners with guidance for evaluating the feasibility of establishing such regional airports.

FEDERAL-AID AIRPORT PROGRAMS

150/5100–2 Priorities Under the Federal-aid Airport Program for Fiscal Year 1967 (5–9–66).

Provides information of priorities used in the allocation of Federal funds for airport development under the Federal-aid Airport Program.

150/5100–3A Federal-aid Airport Program-Procedures Guide for Sponsors (9–20–68).

Provides guidance to public agencies that sponsor or propose to sponsor projects under the Federal-aid Airport Program (FAAP) authorized by the Federal Airport Act.

150/5100–4 Airport Advance Planning (1–12–68).

Provides an explanation of the FAA advance planning program.

150/5100–5 Land Acquisition in the Federal-Aid Airport Program (1–30–69).

Provides general information to sponsors of airport development projects under the Federal-aid Airport Program on the eligibility of land acquisition and extent of Federal participation in land acquisition costs.

SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS

150/5150–2 Federal Surplus Personal Property for Public Airport Purposes (6–27–68).

Outlines policies and procedures for State and local agencies applying for and acquiring surplus Federal personal property for public airport purposes.

150/5150–2 CH 1 (4–22–69).

Revises the flow of copies of the SF 123 to provide for more accurate review of donated property.

AIRPORT COMPLIANCE PROGRAM

150/5190–1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8–18–66).

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

150/5190–2 Exclusive Rights at Airports (9–2–66).

Provides basic information and guidance on FAA policy concerning exclusive rights at public airports on which Federal funds, administered by the FAA, have been expended.

150/5190–3 Model Airport Zoning Ordinance (1–16–67).

Provides a guide to be used in preparing airport zoning ordinances. This model will require modification and revision to suit circumstances and fulfill State and local law.

AIRPORT SAFETY—GENERAL

150/5200–1 Bird Hazards to Aviation (3–1–65).

Discusses certain steps that can be taken toward reducing or solving the bird strike problem on and near airports.

150/5200–2 Bird Strike/Incident Report Form (11–27–65).

Informs military and civil aviation organizations that FAA Form 3830, "Bird

Strike/Incident Report Form," is available for use in reporting bird hazards and accidents/incidents to aircraft.

150/5200–3 Bird Hazards to Aircraft (10–7–66).

Transmits the latest published information concerning the reduction of bird strikes on aircraft.

150/5200–4 Foaming of Runways (12–21–66).

Discusses runway foaming and suggests procedures for providing this service.

150/5200–5 Considerations for the Improvement of Airport Safety (2–2–67).

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

150/5200–6A Security of Aircraft at Airports (6–28–68).

Directs attention to the problem of pilferage from aircraft on airports and suggests action to reduce pilferage and the hazards that may result therefrom.

150/5200–7 Safety on Airport During Maintenance of Runway Lighting (1–24–68).

Points the possibility of an accident occurring to airport employees caused by electrocution.

150/5200–8 Use of Chemical Controls to Repel Flocks of Birds at Airports (5–2–68).

Acquaints airport operators with new recommendations on the use of chemical methods for dispersing flocks of birds.

150/5200–9 Bird Reactions and Scaring Devices (6–26–68).

Transmits a report on bird species and their responses and reactions to scaring devices.

150/5200–10 Airport Emergency Operations Planning (7–26–68).

Provides guidance to airport management and disaster control personnel in the preparation of plans for emergency actions at civil airports.

150/5200–11 Airport Terminals and the Physically Handicapped (11–27–68).

Discusses the problems of the physically handicapped air traveler and suggests features that can be incorporated in modification or new construction of airport terminal buildings.

150/5210–2 Airport Emergency Medical Facilities and Services (9–3–64).

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

150/5210–4 FAA Aircraft Fire and Rescue Training Film, "Blanket for Survival" (10–27–65).

Provides information on the purpose, content, and availability of the subject training film.

150/5210–5 Painting, Marking, and Lighting of Vehicles Used on an Airport (8–31–66).

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

150/5210–6 Aircraft Fire and Rescue Facilities and Extinguishing Agents (9–7–66).

Furnishes guidance for estimating the facilities necessary to provide adequate aircraft fire and rescue service at civil airports.

150/5210–7 Aircraft Fire and Rescue Communications (10–28–66).

Provides airport management with information helpful in the establishment of communication and alarm facilities. Such facilities alert and guide those personnel who must deal with aircraft ground emergencies.

150/5210–8 Aircraft Firefighting and Rescue Personnel and Personnel Clothing (1–13–67).

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

150/5210–9 Airport Fire Department Operating Procedures During Periods of Low Visibility (10–27–67).

Suggests training criteria which airport management may use in developing minimum response times for aircraft fire and rescue trucks during periods of low visibility.

150/5210–10 Airport Fire and Rescue Equipment Building Guide (12–7–67).

The title is self-explanatory.

150/5210–11 Response to Aircraft Emergencies (4–15–69).

Informs airport operators and others of an existing need for reducing aircraft firefighting response time, and outlines a uniform response time goal of 2 minutes within aircraft operational areas on airports.

150/5220–1 Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7–24–64).

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

150/5220–2 Guide Specification for 1,800-Gallon Aircraft Fire and Rescue Truck (7–24–64).

Describes a vehicle possessing the minimum performance capabilities recommended for an acceptable aircraft fire and rescue truck.

150/5220–3 Guide Specification for 1,000-Gallon Aircraft Fire and Rescue Truck (3–9–67).

The title is self-explanatory.

150/5220–4 Water Supply Systems for Aircraft Fire and Rescue Protection (12–7–67).

The title is self-explanatory.

150/5220–5 Guide Specification for a Combination Foam and Dry Chemical Aircraft Fire and Rescue Truck (12–29–67).

Specification requirements developed by FAA to assist airport management in developing local procurement specifications for fire and rescue trucks.

150/5220–6 Guide Specification for 1,000-Gallon Tank Truck (4–10–68).

Assists airport management in the development of local procurement specifications.

150/5220–7 Guide Specification for 2,500-Gallon Aircraft Fire and Rescue Truck (8–30–68).

Guide Specification developed to assist airport management in the development of local procurement specifications.

150/5230–1 Suggestions for Airport Safety Self-Inspection (3–30–64).

Summarizes the functional statements, procedures, forms, and schedules on safety self-inspection now in use at many U.S. civil airports.

150/5230–2 Guide Specification for Fire Extinguishing System (Foam) for Heliports (4–14–65).

Contains guidance material which may be used by airport management in the development of local procurement specifications.

150/5230–3 Fire Prevention During Aircraft Fueling Operations (4–8–69).

This advisory circular provides information on fire preventative measures which aircraft servicing personnel should observe during fueling operations.

CIVIL AIRPORTS EMERGENCY PREPAREDNESS

150/5240–1A Airport Disaster Control Guide (10–31–67).

Acts as a guide to reducing or avoiding problems imposed by enemy nuclear attack.

DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300–2 Airport Design Requirements for Terminal Navigational Aids (3–30–64).

Provides information regarding location, functions, and citing requirements of air navigation aids on and in the immediate vicinity of airports.

150/5300–3 Adaptation of TSO–N18 Criterion to Clearways and Stopways (10–18–64).

Sets forth standards recommended by the FAA for guidance of the public for the adaptation of TSO–N18 criterion to clearways and stopways.

150/5300–5 Airport Reference Point (9–26–68).

Defines and presents the method for calculating an airport reference point.

150/5310–2 Airport Planning and Airport Layout Plans (9–19–68).

Contains guidance material for airport planning and preparation of airport layout plans. It applies to any airport. It is also used as a basis for determining the acceptability of airport layout plans prepared or revised with Federal cost participation under the Federal-aid Airport Program.

150/5310–3 FAA Order 5310.2, Relocating Thresholds Due to Obstructions at Existing Runways (5–27–68).

Announces the issuance of instructions to FAA field personnel on the displacement or relocation of thresholds.

150/5320–6A Airport Paving (5–9–67).

Provides data for the design and construction of pavements at civil airports.

150/5320–6A CH 1 (6–11–68).

Transmits page changes and adds new chapter 6 to basic AC.

150/5325–2A Airport Surface Areas Gradient Standards (5–12–66).

Sets forth standards recommended by FAA for guidance of the public in establishing the gradient of airport surface areas used for landing, takeoff, and other aircraft ground movement.

150/5325–3 Background Information on the Aircraft Performance Curves for Large Airplanes (1–26–65).

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

150/5325–3 CH 1 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 Runway Length Requirements for Airport Design (4–5–65).

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

150/5325–4 CH 1 (8–5–65).

Provides amended information for the basic advisory circular and includes aircraft performance curves for the BAC 1–11.

150/5325–4 CH 2 (9–21–65).

Transmits aircraft performance curves for the Boeing 707–300C and the Fairchild F–27 and F–27B.

150/5325–4 CH 3 (4–25–66).

Transmits aircraft performance curves for the Douglas DC–8–55, DC–8F–55, and DC–9–10 Series, the Fairchild F–27J, and the Nord 262.

150/5325–4 CH 4 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 CH 5 (7–13–66).

Transmits aircraft performance curves for the Douglas DC–9–10 Series equipped with Pratt & Whitney JT8D–1 Engines.

150/5325–4 CH 6 (12–8–66).

It is recommended that turbojet powered aircraft use more runway length when landing under wet or slippery, rather than under dry conditions. This change furnishes a basis for estimating the additional recommended length.

150/5325–4 CH 7 (2–7–67).

Presents designs curves for landing and takeoff requirements of airplanes in common use in the civil fleet. Also presented are instructions on the use of these design curves and a discussion of the factors considered in their development.

150/5325–4 CH 8 (11–8–67).

Transmits aircraft performance curves for the Boeing 747, Convair 640 (340D or 440D), and Douglas DC–9–30 Series.

150/5325–5A Aircraft Data (1–12–68).

Presents a listing of principal dimensions of aircraft affecting airport design for guidance in aircraft development.

150/5325–6 Effects of Jet Blast (4–15–65).

Presents the criteria for treatment of jet blast effects which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5325–7 Is Your Airport Ready for the Boeing 747 (1–23–68).

Presents a preliminary condensed survey of today's airport design criteria and their suitability to the presently known characteristics of the Boeing 747 airplane.

150/5330–2A Runway/Taxiway Widths and Clearances for Airline Airports (7–26–68).

Presents the Federal Aviation Administration recommendations for landing strip, runway, and taxiway widths and clearances at airports served by certificated air carriers.

150/5330–3 Wind Effect on Runway Orientation (5–5–66).

Provides guidance for evaluating wind conditions and determining their effect on the orientation of runways.

150/5335–1 Airport Taxiways (1–28–65).

Provides the criteria for airport taxiways which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5335–1 CH 1 (11–15–66).

Taxiways designed for two- and three-engine jet powered air carrier airplanes may have a minimum width of 60 feet. This change provides guidance for the design of such taxiway design widths.

150/5335–2 Airport Aprons (1–27–65).

Provides the criteria for airport aprons which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5340–1B Marking of Serviceable Runways and Taxiways (4–2–69).

Sets forth standards and practices for the guidance of the public in marking and remarking serviceable runways and taxiways. Required for FAAP.

150/5340–4A Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (8–4–66).

Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.

150/5340–5 Segmented Circle Airport Marker System (8–1–63).

Recommends an airport marking system of pilot aids and traffic control devices. Required for FAAP project activity.

150/5340–7A Marking and Lighting of Deceptive, Closed, and Hazardous Areas on Airports (1–10–68).

Describes standards for marking deceptive, closed, and hazardous areas on airports.

150/5340–8 Airport 51-foot Tubular Beacon Tower (6–11–64).

Provides design and installation details on the subject tower.

150/5340–9 Prefabricated Metal Housing for Electrical Equipment (8–18–64).

Provides design and installation details on the subject metal housing.

150/5340–13A High Intensity Runway Lighting System (4–14–67).

Provides corrected curves for estimating loads in high intensity series circuits.

150/5340–14A Economy Approach Lighting Aids (3–7–67).

Describes standards for the design, installation, and maintenance of economy approach lighting aids.

150/5340–15A Taxiway Edge Lighting System (11–1–67).

Describes standards for the design, installation, and maintenance of a taxiway edge lighting system.

150/5340–15A CH 1 (4–2–68).

Transmits change to basic AC.

150/5340–16A Medium Intensity Runway Lighting System (12–19–67).

Describes standards for the design, installation, and maintenance of a medium intensity runway lighting system.

150/5340–17 Standby Power for Non-FAA Airport Lighting Systems (1–25–68).

Describes standards acceptable for the design, installation, and maintenance of standby power for nonagency owned airport visual aids associated with the National Airspace System.

150/5340–18 Taxiway Guidance System (9–27–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway guidance sign system.

150/5340–19 Taxiway Centerline Lighting System (11–14–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway centerline lighting system.

150/5340–20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (2–17–69).

Describes standards for the installation and maintenance of reflective markers for airport runway and taxiway centerlines.

150/5345–1B Approved Airport Lighting Equipment (10–30–68).

Contains lists of approved airport lighting equipment and manufacturers qualified to supply such equipment.

150/5345–2 Specification for L–810 Obstruction Light (11–4–63).

Required for FAAP project activity.

150/5345–2 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–3A Specification for L–821 Airport Lighting Panel for Remote Control of Airport Lighting (10–20–67).

Required for FAAP project activity.

150/5345–3A CH 1 (6–11–68).

Corrects case dimensions for the size 4 panel and other page changes.

150/5345–4 Specification for L–289 Internally Lighted Airport Taxi Guidance Sign (10–15–63).

Required for FAAP project activity.

150/5345–4 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–5 Specification for L–847 Circuit Selector Switch, 5000 Volt 20 Ampere (9–3–63).

Required for FAAP project activity.

150/5345–6 Specification for L–809 Airport Light Base and Transformer Housing (9–3–63).

Required for FAAP project activity.

150/5345–7 Specification for L–824 Underground Electrical Cables for Airport Lighting Circuits (11–4–63).

Required for FAAP project activity.

150/5345–9B Specification for L–819 Fixed Focus Bidirectional High Intensity Runway Lights (6–27–67).

Describes the subject specification requirements.

150/5345–10B Specification for L–828 Constant Current Regulator With Stepless Brightness Control (4–8–68).

Required for FAAP project activity.

150/5345–11 Specification for L–812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, With Brightness Control for Remote Operation (3–2–64).

Required for FAAP project activity.

150/5345–12A Specification for L–801 Beacon (5–12–67).

Describes the subject specification requirements.

150/5345–13 Specification for L–841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1–6–64).

Required for FAAP project activity.

150/5345–14 Specification for L–827 "A" Frame Hinged Support for 12-Foot Wind Cone (2–13–64).

Required for FAAP project activity.

150/5345–14 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–15 Specification for L–842 Airport Centerline Light (1–6–64).

Required for FAAP project activity.

150/5345–16 Specification for L–843 Airport In-Runway Touchdown Zone Light (1–20–64).

Required for FAAP project activity.

150/5345–17 Specification for L–845 Semiflush Inset Prismatic Airport Light (3–3–64).

Describes the subject specification requirements.

150/5345–18 Specification for L–811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; With Brightness Control and Runway Selection for Direct Operation (3–3–64).

Required for FAAP project activity.

150/5345–18 CH 1 (5–28–64).

Advises that a detail requirement is not applicable to the circular.

150/5345–19 Specification for L–838 Semiflush Prismatic Airport Light (5–11–64).

Describes the subject specification requirements.

150/5345–20 Specification for L–802 Runway and Strip Light (6–24–64).

Describes the subject specification requirements.

150/5345–20 CH 1 (8–31–64).

Provides amended information for the basic advisory circular.

150/5345–20 CH 2 (1–14–66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345–20 CH 3 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–21 Specification for L–813 Static Indoor Type Constant Current Regulator Assembly; 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7–28–64).

Describes the subject specification requirements.

150/5345–22 Specification for L–834 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit (10–8–64).

Describes the subject specification requirements.

150/5345–23 Specification for L–822 Taxiway Edge Light (10–13–64).

Describes the subject specification requirements.

150/5345–23 CH 1 (1–14–66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345–23 CH 2 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–24 Specification for L–849 Condenser Discharge Type Flashing Light (6–30–65).

Describes the subject specification requirements for a condenser discharge type flashing light.

150/5345–24 CH 1 (6–14–66).

Deletes a detail requirement.

150/5345–25 Specification for L–848 Medium Intensity Approach Light Bar Assembly (6–30–65).

Describes the subject specification requirements for a medium intensity approach light bar assembly.

150/5345–26 Specification for L–823 Plug and Receptacle, Cable Connectors (10–5–64).

Describes the subject specification requirements.

150/5345–27 Specification for L–807 8-Foot Illuminated Wind Cone (2–10–65).

Describes the subject specification requirements for an illuminated wind cone for the guidance of the public. Required for FAAP project activity.

150/5345–27 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–28 Specification for L–851 Abbreviated Visual Approach Slope Indicator System (10–28–66).

Describes the subject specification requirements for abbreviated visual approach slope indicator system (AVASI) equipment.

150/5345–29 FAA Specification L–852, Light Assembly, Airport Taxiway Centerline (3–18–68).

Describes, for public guidance, FAA Specification L–852 which establishes the performance requirements and pertinent construction details for bidirectional semiflush inset light assemblies for lighting airport taxiway centerlines.

150/5345–30A Specification for L–846 Electrical Wire for Lighting Circuits To Be Installed in Airport Pavements (2–3–67).

Describes, for the guidance of the public, subject specification requirements for electrical wire.

150/5345–31 Specification for L–833 Individual Lamp Series-to-Series Type Insulating Transformer for 600 Volt or 3,000 Volt Series Circuits (12–3–64).

Describes the subject specification requirements.

150/5345–32 Specification for L–837 Large-Size Light Base and Transformer Housing (1–13–65).

Describes the subject specification requirements.

150/5345–33 Specification for L–844 Individual Lamp Series-to-Series Type Insulating Transformer for 5000 Volt Series Circuit 20/6.6 Amperes 200 Watt (1–13–65).

Describes the subject specification requirements.

150/5345–34 Specification for L–839 Individual Lamp Series-to-Series Type Insulating Transformer for 5000 Volt Series Circuit 6.6/20 Amperes 300 Watt (1–13–65).

Describes the subject specification requirements.

150/5345–35 Specification for L–816 Circuit Selector Cabinet Assembly for 600 Volt Series Circuits (1–28–65).

Describes the subject specification requirements.

150/5345–36 Specification for L–808 Lighted Wind Tee (2–3–65).

Describes the subject specification requirements.

150/5345–37B FAA Specification L–850, Light Assembly Airport Runway Centerline and Touchdown Zone (1–8–68).

Revises subject light assembly.

150/5345–38 Changes to Airport Lighting Equipment (3–23–67).

The title is self-explanatory.

150/5345–39 FAA Specification L–853, Runway and Taxiway Centerline Reflective Markers (1–10–69).

Describes specification requirements for L–853 Runway and Taxiway reflective markers for guidance of the public.

150/5345–40 Specification for L–854 Radio Controls (3–21–69).

Describes specification requirements for guidance of the public.

150/5355–1 Diagrammatic Maps and Location Signs at Airports (3–21–69).

Informs airport authorities of the desirability to provide diagrammatic maps of facilities within terminal buildings and of the need for clearly marked locations signs at airports, especially at those used by international travelers.

150/5360–1 Airport Service Equipment Buildings (4–6–64).

Provides guidance on design of buildings for housing equipment used in maintaining and repairing operational areas.

150/5360–2 Airport Cargo Facilities (4–6–64).

Provides guidance material on air cargo facilities.

150/5360–3 Federal Inspection Service Facilities at International Airports (4–1–66).

Describes and illustrates recommended facilities for inspection of passengers, baggage, and cargo entering the United States through international airport terminals. The material is for the guidance of architect-engineers and others interested in the planning and design of these airport facilities.

150/5370–2 Safety on Airports During Construction Activity (4–22–64).

Provides guidelines concerning safety at airports during periods of construction activity.

150/5380–1 Airport Maintenance (4–14–63).

Provides a basic checklist and suggestions for an effective airport maintenance program.

150/5380–2A Snow Removal Techniques Where In-Pavement Lighting Systems Are Installed (12–24–64).

Provides information on damage to in-pavement lighting fixtures by snow removal equipment and recommends procedures to avoid such damage.

150/5380–3 Cleaning of Runway Contamination (6–28–68).

Provides information to the aviation industry relative to cleaning rubber deposits, oil, grease, and jet aircraft exhaust deposits from runway surfaces.

150/5380–4 Ramp Operations During Periods of Snow and Ice Accumulation (9–11–68).

Directs attention to an increased accident potential when snow or ice accumulates on the surfaces of ramps and aircraft parking and holding areas and suggests some measures to reduce this potential.

150/5390–1 Heliport Design Guide (11–3–64). (Consolidated reprint 6–10–68 includes Change 1.)

Contains design guidance material for the development of heliports, both surface and elevated, to serve single- and multi-engine helicopters operating under visual flight rules.

Air Navigational Facilities

SUBJECT NO. 170

170–1 Operation and Use of Approved Lights (ALS) and Sequenced Flashing Lights (SFL) Systems (1–14–63).

Advises airspace users of the operation and use of the ALS and SFL systems.

170–2 Implementation of ILS Channels 11 Through 20 (10–16–63).

Advertises that ILS Channels 11 through 20 are now being used in the United States and encourages owners to equip their aircraft with 20-channel capability.

170–3B Distance Measuring Equipment (DME) (11–8–65).

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

170–6A Use of Radionavigation Test Generators (3–30–66).

Gives information received from the Federal Communications Commission as to the frequencies on which the FCC will license test generators (used to radiate a radionavigation signal) within the scope of its regulations and gives additional information to assist the user when checking aircraft navigation receivers.

170/6850–1 Aeronautical Beacons and True Lights (8–28–68).

Describes FAA standards for the installation and operation of aeronautical beacons serving as true lights.

170–7 Decommissioning of ILS Middle Compass Locators (10–29–65).

Disseminates information regarding the FAA program for decommissioning of compass locators associated with ILS middle markers.

170–8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11–7–66).

In the future, common frequencies may be assigned to like components of two instrument landing systems serving opposite ends of the same runway. This will include the localizers, glide slopes, and associated outer and middle marker compass locators (LOM and LMM).

170–9 Criteria for Acceptance of Ownership and Servicing of Civil Aviation Interest(s) Navigational and Air Traffic Control Systems and Equipment (11–26–68).

Contains a revised FAA policy under which the FAA accepts conditional ownership of equipment and systems from civil aviation interests, without the use of Federal funds, and operates, maintains, and provides the logistic support of such equipment.

171–1 Estimating Packing and Shipping Costs for Export Shipments for ATC and Navaid Equipments (2–18–66).

Assists personnel engaged in preparing packing and shipping estimates of air navigation and traffic control equipments for overseas shipment.

Administrative

SUBJECT No. 180

183.29–1D Designated Engineering Representatives (2–28–69).

Lists the Designated Engineering Representatives available for consulting work. Designated Engineering Representatives, as direct representatives of the Federal Aviation Administration, are authorized to approve certain types of data as complying with the Federal Aviation Regulations within particular categories; such as structural, systems and equipment, powerplant, flight analyst, flight test pilot, and engine.

Flight Information

SUBJECT No. 210

210–1 National Notice to Airmen System (2–8–64).

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

210–2 Schedule of Effective Dates for Flight Information (6–26–68).

Announced a 1-week shift in the U.S. schedule for effective dates for flight information.

211–1 Content Criteria for Airman's Information Manual (3–15–66).

Announces the FAA policy for inclusion of aeronautical data in the Airman's Information Manual (AIM).

211–2 Recommended Standards for IFR Aeronautical Charts (3–20–67).

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR, aeronautical charts for use in the National Airspace System (NAS).

211–3 Aviation Fuel Code Used in Flight Information Publications (5–19–67).

Transmits information concerning the change in aviation fuel codes used in FAA reports and publications, NATO symbols to be used.

PART II

General

SUBJECT No. 00

00–6 Aviation Weather (5–20–65).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. Published in 1965. ($2.25 GPO.) FAA 5.8/2 : W 37.

00–25 Forming and Operating a Flying Club (3–24–69).

Provides preliminary information that will assist anyone or any group of people interested in forming and operating a flying club. ($0.35 GPO). TD 4.8 : F 67.

Aircraft

SUBJECT No. 20

20–6K U.S. Civil Aircraft Register (1–1–69).

Lists all active U.S. civil aircraft by registration number. Published in 1969. ($11.50 GPO.) TD 4.18/2 : 969.

20–7E General Aviation Inspection Aids, Summary (August 1968).

Provides the aviation community with a uniform means for interchanging service experience that may improve the durability and safety of aeronautical products. Of value to mechanics, operators of repair stations, and others engaged in the inspection, maintenance, and operation of aircraft in general. ($2, $2.50 foreign—Sub. GPO.) TD 4.409 : 968.

20–7E Supplement 1 (September 1968).

20–7E Supplement 2 (October 1968).

20–7E Supplement 3 (November 1968).

20–7E Supplement 4 (December 1968).

20–7E Supplement 5 (January 1969).

20–7E Supplement 6 (February 1969).

20–7E Supplement 7 (March 1969).

20–7E Supplement 8 (April 1969).

20–7E Supplement 9 (May 1969).

20–9 Personal Aircraft Inspection Handbook (12–2–64).

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Reprinted 1967. ($1 GPO.) FAA 5.8/2 : Ai 7/2.

20–50 Ultrasonic Nondestructive Testing (11–9–66).

Provides FAA personnel and the general aviation public with some of the theory and processes of ultrasonic testing which will assist them in the more advanced uses of this system for the inspection of aircraft and aircraft components during manufacture or maintenance. ($0.45 GPO.) TD 4.8 : Ul 8.

21–3 Basic Glider Criteria Handbook (1962).

Provides individual glider designers, the glider industry, and glider operating organizations with guidance material that augments the glider airworthiness certification requirements of the Federal Aviation Regulations. Reprinted 1969. ($1 GPO.) FAA 5.8/2: G 49/962.

43.13–1 Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (5–16–66).

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1965. ($3—Sub. GPO.) FAA 5.15 : 965.

Subscription now includes: Ch. 1 (5–1–67); Ch. 2 (8–9–67); Ch. 3 (1–24–68); Ch. 4 (1–29–68); Ch. 5 (9–20–68).

43.13–2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4–19–66).

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published in 1965. ($2—Sub. GPO.) FAA 5.16 : 965.

Subscription now includes: Ch. 1 (1–12–67); Ch. 2 (5–26–67); Ch. 3 (6–26–67); Ch. 4 (9–12–67); Ch. 5 (11–9–67); Ch. 6 (4–12–68).

Airmen

SUBJECT No. 60

61–2A Private Pilot (Airplane) Flight Training Guide (9–1–64).

Contains a complete private pilot flight training syllabus which consists of 30 lessons. Published in 1964. ($1 GPO.) FAA 5.8/2: P 64/4/964.

61–3B Flight Test Guide—Private Pilot—Airplane—Single Engine (4–2–68).

Assists the private pilot applicant in preparing for his certification flight test. Published in 1968. ($0.20 GPO.) TD 4.408 : P 64/2.

61–4B Flight Test Guide—Multiengine Airplane Class or Type Rating (4–1–68).

Assists the private pilot applicant in preparing for certification or rating flight tests. Published in 1968. ($0.15 GPO.) TD 4.408 : M 91.

61–8A Instrument Pilot Examination Guide (1–12–66).

Assists pilots in preparing for the Instrument Pilot Examination. Reprinted 1969. ($0.55 GPO.) FAA 5.8/2 : In 7/966.

61–9 Pilot Transition Courses for Complex Single-Engine and Light Twin-Engine Airplanes (6–16–64).

Provides training syllabuses and checkout standards for pilots who seek to qualify on additional types of airplanes. Published in 1964. ($0.15 GPO.) FAA 5.8/2 : P 64/7.

61–10 Private and Commercial Pilots Refresher Courses (9–1–64).

Provides a syllabus of ground instruction periods and training lessons. Published in 1964. ($0.15 GPO.) FAA 5.8/2 : P 64/9.

61–11A Airplane Flight Instructor Written Test Guide (9–5–67).

Provides information to prospective airplane flight instructors about certification requirements, application progedures, and reference study materials; a sample examination is presented with explanations of the correct answers. Published in 1967. ($0.60 GPO.) TD 4.408 : In 7.

61–12C Student Pilot Guide (10–3–68).

Serves as a guide for prospective student pilots and presents general procedures for obtaining student and private pilot certificates. Published in 1969. ($0.20 GPO.) TD 4.8 : P 64/968.

61–13 Basic Helicopter Handbook (1–20–66).

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. Published in 1965. ($0.75 GPO.) FAA 5.8/2 : H 36.

61–14 Flight Instructor Practical Test Guide (1–19–65).

Provides assistance to the certificated pilot in preparing for the practical demonstration required for the issuance of the flight instructor certificate. Published in 1964. ($0.10 GPO.) FAA 5.8/2 : F 64/8.

61–16 Flight Instructor's Handbook (1–19–65).

Contains study and reference material on the principles of teaching and flight training procedures. Reprinted 1969. ($1.25 GPO.) FAA 5.8/2 : F 64/7.

61–17A Flight Test Guide—Instrument Pilot Airplane (6–6–67).

Provides assistance for the instrument pilot applicant in preparing for his instrument rating flight test. Published in 1967. ($0.10 GPO.) TD 4.408 : In 7/2.

61–18B Airline Transport Pilot (Airplane) Written Test Guide (7–1–68).

Describes the type and scope of aeronautical knowledge covered by the written examination, lists appropriate references for study, and presents sample examination questions. Published in 1968. ($0.55 GPO.) TD 4.408 : P 64/3.

61–21 Flight Training Handbook (1–11–66).

Provides information and direction in the introduction and performance of training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors. Published in 1965. ($0.70 GPO.) FAA 1.8 : F 64/4.

61–23 Private Pilot's Handbook of Aeronautical Knowledge (5–27–66).

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. Published in 1966. ($2.75 GPO.) FAA 5.8/2 : P 64/5/965.

61–25 Flight Test Guide—Helicopter, Private and Commercial Pilot (12–7–65).

Assists the helicopter pilot applicant in preparing for the certification flight tests; provides information concerning applicable procedures and standards. Published in 1965. ($0.10 GPO.) FAA 1.8 : H 36/2.

61–27A Instrument Flying Handbook (4–30–68).

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Private Pilot's Handbook of Aeronautical Knowledge." Published in 1969. ($2.50 GPO.) TD 4.408 : In 7/3.

61–28 Commercial Pilot Examination Guide (5–17–66).

Guides prospective applicants toward a clear understanding of the requirements, the reference material, the form of the examination, and the examining procedures. Published in 1966. ($0.75 GPO.) FAA 5.8/2 : P 64/3/966.

61–29 Instrument Flight Instructor Written Examination Guide (9–28–66).

Designed to aid those preparing for the Instrument Flight Instructor Written Examination, this guide outlines basic knowledge necessary to an instrument flight instructor, indicates sources helpful in acquiring this knowledge, and provides sample questions and answers for practice. Published in 1966. ($0.50 GPO.) FAA 1.8 : In 7.

61–30 Flight Test Guide—Gyroplane, Commercial Pilot (2–8–66).

Assists commercial pilot operator in preparing for certification test. Revised in 1966. ($0.15 GPO.) FAA 5.8/2 : G 99/2/966.

61–32 Private Pilot Written Examination Guide (8–15–67).

A combination workbook, written test guide. Includes 71 exercises covering every section of the Private Pilot's Handbook of Aeronautical Knowledge plus a sample written test presented in a fashion similar to the current Private Pilot Written Examination. Reprinted in 1969. ($1.75 GPO.) TD 4.408: P 64.

61–34 Federal Aviation Regulations Written Examination Guide for Private, Commercial, and Military Pilots (11–17–67).

Outlines the scope of the basic knowledge required of civilian pilots who are studying regulations as they pertain to certification of private and commercial pilots. Additionally, it accomplishes the same for military pilots or qualified former military pilots who are applying for FAA private or commercial pilot certificates on the basis of military competency. Reprinted 1969. ($0.50 GPO.) TD 4.8 : P 64.

61–42 Airline Transport Pilot (Helicopter) Written Test Guide (11–7–67).

Provides guidance to applicants preparing for the Airline Transport Pilot Rotorcraft/Helicopter (VFR and/or IFR) Written Tests. Describes the type and scope of required aeronautical knowledge covered by the written test. ($0.25 GPO.) TD 4.408 : H 36.

61.117–1C Flight Test Guide—Commercial Pilot, Airplane (2–7–69).

Assists the commercial applicant in preparing for his certification flight test. ($0.20 GPO.) TD 4.8 : P 64/3.

63–1A Flight Engineer Written Test Guide (5–10–68).

Contains information about certification requirements and describes the type and scope of the examination. It also lists appropriate study and reference material and presents sample examinations with test items similar to those found in the official examinations. Published in 1968. ($0.50 GPO.) TD 4.408 : En 3.

63–2 Flight Navigator Written Examination Guide (10–26–66).

This circular: (1) Outlines the scope of the basic aeronautical knowledge requirements for a Flight Navigator; (2) acquaints the applicant with source material that may be used to acquire this basic knowledge; and (3) presents a sample examination, answers and explanations to the sample examination test items, and other data used in the current Flight Navigator Written Examinations. Published in 1967. ($0.25 GPO.) FAA 5.8/2 : F 64/10.

65–2A Airframe and Powerplant Mechanics Certification Guide (10–12–67).

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. Reprinted in 1969. ($0.65 GPO.) TD 4.8 : Ai 7/6.

65–4A Aircraft Dispatcher Written Test Guide (8–16–68).

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. Published in 1969. ($0.50 GPO.) TD 4.8 : Ai 7/12.

65–5 Parachute Rigger Certification Guide (6–19–67).

Provides information on how to apply for a parachute rigger certificate or rating and assists the applicant in preparing for the written, oral, and practical tests. Published in 1968. ($0.15 GPO.) TD 4.8 : P 21.

Airspace

SUBJECT No. 70

70/7460–1 Obstruction Marking and Lighting (2–29–68). (Consolidated reprint includes change 1, 1969)

Describes the agency standards on obstruction marking and lighting and establishes the methods, procedures, and

equipment types as official FAA policy. ($0.60 GPO.) TD 4.8 : Ob 7/968.

Air Traffic Control and General Operations

SUBJECT No. 90

91.11–1 Guide to Drug Hazards in Aviation Medicine (7–19–63).

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Published in 1962. ($0.35 GPO.) FAA 7.9 : D 84.

91–15 Terrain Flying (2–2–67).

A pocket-size booklet designed as a tool for the average private pilot. Contains a composite picture of the observations, opinions, warnings, and advice from veteran pilots who have flown this vast land of ours that can help to make flying more pleasant and safer. Tips on flying into Mexico, Canada, and Alaska. ($0.55 GPO.) TD 4.2 : T 27.

Schools and Other Certificated Agencies

SUBJECT No. 140

143–1B Ground Instructor Examination Guide—Basic—Advanced (4–18–67).

Designed to assist applicants preparing for the Basic or Advanced Ground Instructor Written Examination by outlining the required knowledge and by providing sample questions for practice. Revised in 1967. ($1 GPO.) TD 4.408 : G 91.

143–2A Ground Instructor—Instrument—Written Test Guide (9–29–67).

Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers. Reprinted in 1969. ($0.70 GPO.) TD 4.8: G 91.

Airports

SUBJECT No. 150

DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300–4A Utility Airports—Air Access to National Transportation (5–6–69).

Presents recommendations of the Federal Aviation Administration for the design of utility airports. These airports are developed for general aviation operations and this guide has been prepared to encourage and guide persons interested in their development. ($1.75 GPO.) TD 4.8 : Ai 7/968.

150/5320–5A Airport Drainage (1–28–66).

Provides guidance for airport managers, engineers, and the public in the design and maintenance of airport drainage systems. Published in 1965. ($0.45 GPO.) FAA 8.8 : D 78.

150/5370–1A Standard Specifications for Construction of Airports (5–28–68).

Contains specification items for construction of airports and other related information. Acceptable for FAAP project activity. Published in 1968. ($3.50 GPO.) TD 4.24 : 968.

Internal Directives

Contractions Handbook, 7340.1A (1–1–69).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications, weather, charting and associated services. ($1 GPO.) TD 4.308 : C 76.

Contractions Handbook, 7340.1A CH 1 (1–14–69).

($0.15 GPO.) TD 4.308 : C 76.

Location Identifiers, 7350.1L.

Incorporates all authorized 3-letter location identifiers for special use in United States, worldwide, and Canadian assignments. Dated 5–15–69. ($6 Sub.—GPO.) TD 4.310:.

Flight Services, 7110.10 (4–1–69).

This handbook consists of two parts. Part I, the basic, prescribes procedures and phraseology for use by personnel providing flight assistance and communications services. Part II, the teletypewriter portion, includes Services A and B teletypewriter operating procedures, pertinent International Teletypewriter Procedures, and the conterminous U.S. Service A Weather Schedules. Supersedes Aeronautical Communications and Pilot Services, dated 3–3–66. ($9-Sub. GPO.) TD 4.308 : F 64.

International Flight Information Manual, Vol. 17 (April 1969).

This Manual is primarily designed as a preflight and planning guide for use by U.S. nonscheduled operators, business and private aviators contemplating flights outside of the United States.

The Manual, which is complemented by the International Notams publication, contains foreign entry requirements, a directory of aerodromes of entry including operational data, and pertinent regulations, and restrictions. It also contains passport, visa, and health requirements for each country. Published annually with quarterly amendments. ($3—Annual Sub. GPO.) TD 4.309 : 16.

International Notams, Vol. 22 (April 1969).

Covers notices on navigational facilities and information on associated aeronautical data generally classified as "Special Notices". Acts as a notice-to-airmen service only. Published weekly. ($5—Annual Sub. GPO.) TD 4.11 :.

Airman's Information Manual:

Part 1—Basic Flight Manual and ATC Procedures.

This part is issued quarterly and contains basic fundamentals required to fly in the National Airspace System; adverse factors affecting Safety of Flight; Health and Medical Facts of interest to pilots; ATC information affecting rules, regulations and procedures; a Glossary of Aeronautical Terms; U.S. Entry and Departure Procedures, including Airports of Entry and Landing Rights Airports; Air Defense Identification Zones (ADIZ); Designated Mountainous Areas; Scatana, and Emergency Procedures. (Annual Sub. $2.50, Foreign mailing—75 cents additional. GPO.) TD 4.12 : pt. 1/.

Part 2—Airport Directory.

This part is issued semiannually and contains a Directory of all Airports, Seaplanes Bases, and Heliports in the conterminous United States, Puerto Rico, and the Virgin Islands which are available for transient civil use. It includes all of their facilities and services, except communications, in codified form. Those airports with communications are also listed in Part 3 which reflects their radio facilities. A list of new and permanently closed airports which updates this part is contained in Part 3.

Included, also, is a list of selected Commercial Broadcast Stations of 100 watts or more of power. (Annual Sub. $4, Foreign mailing—$1 additional. GPO.) TD 4.12 : pt. 2/.

Parts 3 and 3A—Operational Data and Notices to Airmen.

Part 3 is issued every 28 days and contains a Master Alphabetical Index covering all Parts of the AIM; an Airport/Facility Directory containing a list of all major airports with communications; a tabulation of Air Navigation Radio Aids and their assigned frequencies; Parachute Jump Areas; Preferred Routes; Standard Instrument Departures (SIDs); Substitute Route Structures; a Sectional Chart Bulletin, which updates Sectional charts cumulatively; Restrictions to Enroute Navigation Aids; VOR Receiver Check Points; Special General and Area Notices; a tabulation of New and Permanently Closed Airports, which updates Part 2, and Oil Burner Routes.

Part 3A is issued every 14 days and contains Notices to Airmen considered essential to the safety of flight as well as supplemental data to Part 3. (Annual Sub. $18. Foreign mailing—$5 additional. GPO.) TD 4.12 : pt. 3/.

Aircraft Type Certificate Data Sheets and Specifications.

Contains all current aircraft specifications and type certificate data sheets issued by the FAA. Monthly supplements provided. ($20—Sub., Foreign mailing—$5 additional. GPO.) TD 4.15 : 967.

Aircraft Engine and Propeller Type Certificate Data Sheets.

Contains all current aircraft engine and propeller type certificate data sheets and specifications issued by FAA. Monthly supplements provided. ($16—Sub., Foreign mailing—$4 additional. GPO.) TD 4.15/2 : 968.

Summary of Supplemental Type Certificates.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. ($9—Sub., Foreign mailing—$3.50 additional. GPO.) FAA 5.12 : 965.

STATUS OF THE FEDERAL AVIATION REGULATIONS

As of May 29, 1969

IMPORTANT NOTICE

The Federal Aviation Administration is reissuing the Federal Aviation Regulations (FAR) in a volume system to be sold on a subscription basis by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The purchase of a FAR volume will establish your subscription service with the Superintendent of Documents for automatic receipt of changes to the volume as issued by FAA.

The volume structure is:

Volume	*FAR Part*
I	1.
II	11, 13, 15, 21, 37, 39, 45, 47, 49, 183, 185, 187, 189.
III	23, 25.
IV	27, 29, 31, 33, 35.
V	43, 145, 149.
VI	91, 93, 99, 101, 103, 105.
VII	121, 123, 127, 129.
VIII	133, 135, 137.
IX	61, 63, 65, 67, 141, 143, 147.
X	151, 153, 155, 159, 165, 167.
XI	71, 73, 75, 77, 95, 97, 157, 169, 171.

As each volume is issued, an availability notification providing price and an order form will be issued and distributed by the Superintendent of Documents. If you are now on an FAA mailing list to receive Changes to any FAR Part, you will receive this notice.

However, until a Part is grouped into its respective Volume and the Volume is for sale, the present system of obtaining the Part and Changes thereto will remain in effect.

At the time of publishing this checklist, orders are being accepted by the Superintendent of Documents for the following Volumes:

Volume	Published	Price
I	May 1969	$1.50 (Foreign mailing—50 cents additional.).
II	July 1969	$8 (Foreign mailing—$2 additional.).
V	July 1969	$3 (Foreign mailing—75 cents additional.).
VI	August 1969	$5.50 (Foreign mailing—$1.25 additional.).

Individual FAR Parts not as yet reissued in the Volume system are still sold by the Superintendent of Documents at the prices shown in the following list. Parts with a (†) preceding the number are available in the Volumes as indicated above. Changes to Parts not in Volumes will be provided by FAA. An order form for this service is included in the front of the FAR Part for your convenience.

Instructions for ordering. Orders for the FARs should include remittance by check or money order made payable to the Superintendent of Documents, and should be addressed to:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Orders from foreign countries, except Canada and Mexico, should include an additional amount of one-fourth the purchase price to cover foreign mailing. Remittance should be by International Money Order or by a draft on a U.S. bank.

FAR part No.	Title	Effective date	Price	Changes
†1	Definitions and Abbreviations	5-15-62		
†11	General Rule-Making Procedures	11-10-62		
†13	Enforcement Procedures	11-10-62		
†15	Nondiscrimination in Federally Assisted Programs of the Federal Aviation Agency	1-30-65		
†21	Certification Procedures for Products and Parts	2- 1-65		
23	Airworthiness Standards: Normal, Utility, and Acrobatic Category Airplanes	2- 1-65	1.25	6
25	Airworthiness Standards: Transport Category Airplanes	2- 1-65	2.25	19
27	Airworthiness Standards: Normal Category Rotorcraft	2- 1-65	.70	1
29	Airworthiness Standards: Transport Category Rotorcraft	2- 1-65	2.00	4
31	Airworthiness Standards: Manned Free Balloons	7- 1-64	.20	2
33	Airworthiness Standards: Aircraft Engines	2- 1-65	.40	3
35	Airworthiness Standards: Propellers	2- 1-65	.30	2
†37	Technical Standard Order Authorizations	1- 4-65		
†39	Airworthiness Directives	11-20-64		
†43	Maintenance, Preventive Maintenance, Rebuilding, and Alteration	7- 6-64		
†45	Identification and Registration Marking	4-20-64		
†47	Aircraft Registration	5- 1-66		
†49	Recording of Aircraft Titles and Security Documents	8-18-64		
61	Certification: Pilots and Flight Instructors	11- 1-62	1.25	29
63	Certification: Flight Crewmembers Other Than Pilots	11- 1-62	.35	10
65	Certification: Airmen Other Than Flight Crewmembers	11- 1-62	.35	12
67	Medical Standards and Certification	11- 1-62	.25	7
*71	Designation of Federal Airways, Controlled Airspace, and Reporting Points	12-12-62	.20	4
*73	Special Use Airspace	12-12-62	.20	1
*75	Establishment of Jet Routes	12-12-62	.20	2
77	Objects Affecting Navigable Airspace	5- 1-65	.35	7
†91	General Operating and Flight Rules	9-30-63		
†93	Special Air Traffic Rules and Airport Traffic Patterns	9-30-63		
**95	IFR Altitudes	9-30-63	.25	
**97	Standard Instrument Approach Procedures	9-30-63	.20	1
†99	Security Control of Air Traffic	9-30-63		
†101	Moored Balloons, Kites, Unmanned Rockets and Unmanned Free Balloons	9-30-63		
†103	Transportation of Dangerous Articles and Magnetized Materials	9-30-63		
†105	Parachute Jumping	2-20-63		
121	Certification and Operations: Air Carriers and Commercial Operators of Large Aircraft	4- 1-65	2.00	32
123	Certification and Operations: Air Travel Clubs Using Large Airplanes	10-14-68	.25	1
127	Certification and Operations of Scheduled Air Carriers with Helicopters	11- 2-64	.35	10
129	Operations of Foreign Air Carriers	4- 1-64	.20	4
133	Rotorcraft External-Load Operations	5-17-64	.20	3
135	Air Taxi Operators and Commercial Operators of Small Aircraft	4- 7-64 and 9- 7-64	.35	5
137	Agricultural Aircraft Operations	1- 1-66	.25	3
141	Pilot Schools	9-17-62	.35	7
143	Ground Instructors	9-17-62	.25	3
†145	Repair Stations	9-17-62		
147	Mechanic Schools	9-17-62	.20	1
†149	Parachute Lofts	9-17-62		
151	Federal Aid to Airports	2-11-63	.40	28
153	Acquisition of U.S. Land for Public Airports	2-11-63	.20	4
155	Release of Airport Property from Surplus Property Disposal Restrictions	2-11-63	.20	
157	Notice of Construction, Alteration, Activation, and Deactivation of Airports	3- 2-66	.20	1
159	National Capital Airports	10- 1-62	.30	11
161	(Deleted effective 6-1-66)			
163	(Deleted effective 7-1-65)			
165	Wake Island Code	9- 4-62	.30	2
167	Annette Island, Alaska, Airport	8-21-66	.15	
171	Non-Federal Navigation Facilities	10- 1-64	.25	4
181	(Rescinded 4-1-67)			
†183	Representatives of the Administrator	Reissued March 1968		
†185	Testimony by Employees and Production of Records in Legal Proceedings			
†187	Fees			
†189	Use of Federal Aviation Administration Communications System			

*Changes to individual airspace designations and airways descriptions, individual restricted areas, and individual jet route descriptions are not included in the basic Parts 71, 73, and 75 respectively because of their length and complexity. Such changes are published in the FEDERAL REGISTER and are included on appropriate aeronautical charts.

**Due to the complexity, length, and frequency of issuance, en route IFR altitudes and instrument approach procedures are published in the FEDERAL REGISTER, the Airman's Information Manual, and are depicted on the aeronautical charts. Therefore, they are not included in the basic Parts 95 and 97.

CHARLES H. MCKEON,
Manager, Headquarters Operations.

MARY E. HEALY,
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[F.R. Doc. 69-8161; Filed, July 10, 1969; 8:45 a.m.]

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FEDERAL REGISTER

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NOTICE

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Atomic Energy Commission
Civil Aeronautics Board
Civil Defense Office
Civil Service Commission
Consumer and Marketing Service
Defense Department
Economic Opportunity Office
Engineers Corps
Federal Communications Commission
Federal Maritime Commission
Fiscal Service
Fish and Wildlife Service
Food and Drug Administration
Housing and Urban Development Department
Indian Affairs Bureau
Internal Revenue Service
Interstate Commerce Commission
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Public Health Service
Securities and Exchange Commission
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Special Assistant to the Commissioner of Customs (Organized Crime and Smuggling), Bureau of Customs, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) is added to paragraph (c) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

• • • • • •

(c) *Bureau of Customs.* • • •

(3) One Special Assistant to the Commissioner of Customs (Organized Crime and Smuggling).

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8241; Filed, July 11, 1969; 8:47 a.m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Sections 352.508(g), 353.707, 511.612, 532.703(g), 713.235, and 772.308 are revised to clarify the criteria considered by the Commission when examining requests to reopen and reconsider previous decisions.

PART 352—REEMPLOYMENT RIGHTS

§ 352.508 Appeals to the Commission.

• • • • • •

(g) *Review by the Commissioners.* The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(1) New and material evidence is available that was not readily available when the previous decision was issued;

(2) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(3) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(Sec. 625, 75 Stat. 449; 22 U.S.C. 2385, E.O. 10973; 3 CFR 1959–63 Comp., p. 493)

PART 353—RESTORATION AFTER MILITARY DUTY

§ 353.707 Review by the Commissioners.

The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(a) New and material evidence is available that was not readily available when the previous decision was issued;

(b) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(c) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(Sec. 9, 62 Stat. 614, as amended; 50 U.S.C. App. 459)

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION SYSTEM

§ 511.612 Review by the Commissioners.

The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(a) New and material evidence is available that was not readily available when the previous decision was issued;

(b) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(c) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(5 U.S.C. 5115, 5338)

PART 532—PAY UNDER PREVAILING RATE SYSTEMS

§ 532.703 Appeal to the Commission.

• • • • • •

(g) The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(1) New and material evidence is available that was not readily available when the previous decision was issued;

(2) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(3) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(5 U.S.C. 5115, 5338)

PART 713—EQUAL OPPORTUNITY

§ 713.235 Review by the Commissioners.

The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(a) New and material evidence is available that was not readily available when the previous decision was issued;

(b) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(c) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(5 U.S.C. 1301, 3301, 3302, 7151–7154, 7301, E.O. 10577; 3 CFR, 1954–58 Comp., p. 218, E.O. 11222, E.O. 11246; 3 CFR 1964–65 Comp., pp. 306, 339, E.O. 11375; 3 CFR, 1967 Comp., p. 320)

PART 772—APPEALS TO THE COMMISSION

§ 772.308 Review by the Commissioners.

The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(a) New and material evidence is available that was not readily available when the previous decision was issued;

(b) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(c) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(5 U.S.C. 1302, 3301, 3302, 5115, 5338, 7512, 7701, 8347, E.O. 10577; 3 CFR, 54–58 Comp., p. 218, E.O. 10988; 3 CFR, 1959–63 Comp., 521)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8240; Filed, July 11, 1969; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Publicly Approved Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1963, as amended, and section 2 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State.
Colorado. The entire State.
Connecticut. The entire State;
Delaware. The entire State;
Florida. Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hendry, Hernando, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;
Georgia. The entire State;
Hawaii. Honolulu, Kauai, and Maui Counties.
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State.
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Caldwell, Claiborne, Concordia, East Baton Rouge, East Carroll, East Feliciana, Grant, Iberia, Iberville, Jackson, Jefferson, Lafayette, Lafourche, Lincoln, Livingston, Madison, Natchitoches, Orleans, Ouachita, Red River, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, West Feliciana, and Winn Parishes;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State.
Nebraska. Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Kimball, Knox, Lancaster, Lincoln, Logan, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State.
North Carolina. The entire State;
North Dakota. The entire State.
Ohio. The entire State;
Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward Counties;
Oregon. The entire State;
Pennsylvania. The entire State.
Rhode Island. The entire State.
South Carolina. The entire State;
South Dakota. Beadle, Bennett, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation.
Tennessee. The entire State;
Texas. Andrews, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Baylor, Bee, Bell, Bexar, Blanco, Bordon, Bosque, Brazos, Brewster, Briscoe, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Gray, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hockley, Hood, Hudspeth, Hutchinson, Irion, Jack Jasper, Jeff Davis, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Marion, Martin, Mason, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Rockwell, Runnels, Rusk, Sabin, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorten, Tom Green, Travis, Upshur, Upton, Uvalde, Val Verde, Ward, Washington, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(l): East Carroll and Madison Parishes; Caddo County in Oklahoma; Cooke and Rusk Counties in Texas.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(l): Brooks and Howard Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of July 1969.

G. H. WISE,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-8261; Filed, July 11, 1969; 8:49 a.m.]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night, and Holiday Inspection and Quarantine Activities at Border, Coastal, and Air Ports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 97.1 of Part 97, Title 9, Code of Federal Regulations, is further amended to read as follows:

§ 97.1 Overtime work at laboratories, border ports, ocean ports, and airports.[1]

Any person, firm, or corporation having ownership, custody, or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of the Animal Health Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday period and shall pay the Administrator of the Agricultural Research Service at the rate of $8.32 per man hour per employee as follows: A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Animal Health Division for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed three hours. When inspection, laboratory testing, quarantine, or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are located, one-half of the commuted travel time period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty: *Provided, however*, That periods of unscheduled overtime or holiday service performed by laboratory personnel shall be limited to Saturdays, Sundays, and holidays, and shall further be limited to hours which would normally constitute a regular work day. It shall be administratively determined from time to time which days constitute holidays.

The foregoing amendment shall become effective July 13, 1969, when it shall supersede 9 CFR 97.1, effective July 14, 1968.

The purpose of this amendment is to increase the hourly rate for overtime services from $7.92 to $8.32 commensurate with salary increases provided in the Federal Employees Salary Act of 1967 (Public Law 90–206); Executive Order 11474. It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

Done at Washington, D.C., this 9th day of July 1969.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 69-8289; Filed, July 11, 1969; 8:49 a.m.]

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8637]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Margin Requirements for OTC Securities

The Securities and Exchange Commission today announced the adoption of Rule 17a–12 (17 CFR 240.17a–12) under the Securities Exchange Act of 1934 ("the Act") and Forms X–17A–12(1) (17 CFR 249.619) and X–17A–12(2) (17 CFR 249.620) thereunder as the means for implementing rules of the Board of Governors of the Federal Reserve System ("the Board") providing for exemptions from specified margin requirements of loans by banks to broker-dealers who are market makers in securities placed by the Board pursuant to Regulation U as amended (12 CFR 221.1 et seq.) on its list of OTC Margin Stocks as provided for by the July 29, 1968 amendment to section 7 of the Act (15 U.S.C. 78g; Public Law 90–437; 82 Stat. 452).

The Commission published its proposal to adopt Rule 17a–12 (17 CFR 240.17a–12) and Forms X–17A–12(1) (17 CFR 249.619) and X–17A–12(2) (17 CFR 249.620) on February 19, 1969, in Securities Exchange Act Release No. 8529 and in the FEDERAL REGISTER of February 26, 1969 (34 F.R. 2613), and it received a number of suggestions and comments with respect to them. It has considered such comments and suggestions and now adopts Rule 17a–12 (17 CFR 240.17a–12) and Forms X–17A–12(1) (17 CFR 249.619) and X–17A–12(2) (17 CFR 249.620) in the forms set forth below.

In its Regulation U, the Board has deemed it desirable in the interest of fair and orderly markets to provide for an OTC Market Maker's exemption under which a bank may make loans to a market maker in a security on the OTC Margin Stock list in amounts determined by the bank in good faith, instead of within the general limitations prescribed for the extension of credit on such a security. In section 3(w) of Regulation U (12 CFR 221.3(w)), the Board has set forth its criteria for an OTC Market Maker entitled to the special credit provisions. To qualify, a broker-dealer must file a notice with the Commission in prescribed form (Form X–17A–12(1)) (17 CFR 249.619); he must be in compliance with the net capital requirements of Rule 15c3–1 (17 CFR 240.15c3–1) under the Act, or of the capital rules of a national securities exchange of which he is a member; and he must have and maintain a minimum net capital in accordance therewith of $25,000 plus $5,000 for each OTC Margin Security in which he makes a market, subject to a maximum net capital requirement of $250,000. Additionally, he must (except when it is unlawful) regularly publish bona fide competitive bid and offer quotations in a recognized "interdealer quotations system" (which has the same meaning as in Rule 15c2–7 (17 CFR 240.15c2–7) under the Act); be ready, willing, and able to effect transactions with other broker-dealers in reasonable amounts at his quoted prices; and have a reasonable average rate of turnover in the security. It is the intent of subparagraphs (1) and (2) of Rule 17a–12 (17 CFR 240.17a–12) to provide for the same criteria for an OTC Market Maker as those in section 3(w) of Regulation U.

The definition of OTC Market Maker in these rules takes into account the possibility that certain antimanipulative provisions of the Federal securities laws,

such as Rule 10b–6 (17 CFR 240.10b–6) under the Act, would prohibit a market maker from meeting all of the conditions of an OTC Market Maker in a given OTC Margin Security, on certain occasions. Paragraph (e) of Rule 17a–12 (17 CFR 240.17a–12) provides that, in such a case, the OTC Market Maker is to give prompt written notice to the Commission stating the basis for failing to meet specified conditions; and, after resuming his full market making activities, to promptly notify the Commission to that effect in writing. Such notices are in lieu of any filings on Form X–17A–12(1) (17 CFR 249.619) in this eventuality.

As specified in paragraph (b) of Rule 17a–12 (17 CFR 240.17a–12), Form X–17A–12(1) (17 CFR 249.619) is the form to be filed within 10 days after the effective date of the rule by each registered broker-dealer who is an OTC Market Maker in any OTC Margin Security with respect to each such security. In addition, if he becomes such a market maker after the effective date of the rule, or if he is a market maker in a security placed after the effective date of the rule by the Board on its OTC Margin Stock list, he must within 5 days thereafter file Form X–17A–12(1) (17 CFR 249.619) as to such security. This form must be filed even though the market maker does not intend to avail himself of the OTC Market Maker exemption for any OTC Margin Security Form X–17A–12(1) (17 CFR 249.619) is also to be filed in respect of each security in which an OTC Market Maker ceases to make a market in an OTC Margin Stock, except that no such filing need be made with respect to a security removed by the Board from the OTC Margin Security list.

Form X–17A–12(2) (17 CFR 249.620) is a quarterly filing form which must be filed by a broker-dealer who has been an OTC Market Maker during the quarter. Three executed copies must be filed within 10 days after the end of the quarter. If the market maker has not received credit under the OTC Market Maker exemption at any time during the quarter, he will be required to answer only the first three questions which are essentially merely means of identification. If, however, he has received such credit during the quarter, he must provide information called for by the form with respect to a given day during the quarter specified by the Commission at the end of the quarter. Form X–17A–12(2) (17 CFR 249.620) is considerably simplified over the one originally proposed. The items on the form are designed to ascertain whether the person making the filing meets the criteria for an OTC Market Maker and to shed some light on the broker-dealer's volume of activity and extent of borrowings on OTC Margin Security in which he is an OTC Market Maker.

Under paragraph (f) of Rule 17a–12 (17 CFR 240.17a–12), reports filed on Form X–17A–12(2) (17 CFR 249.620) would be maintained in a nonpublic file but would be available for official use to any official or employee of the United States, any State, or the Board, or to any national securities exchange and any national securities association of which the broker-dealer is a member, as well as to any other person to whom the Commission authorizes disclosure in the public interest.

Commission action. Acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 17(a) and 23(a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors, and also deeming such action necessary for the execution of the functions vested in the Commission by the Act, the Securities and Exchange Commission hereby adopts new §§ 240.17a–12, 249.619, and 249.620 in Chapter II of Title 17 of the Code of Federal Regulation as set forth below. Since that rule and those forms are adopted to implement the amendments adopted on June 6, 1969, by the Board of Governors of the Federal Reserve System to Regulations G, T, and U under the Act which become effective on July 8, 1969, the Commission finds that for good cause it is necessary in the public interest and for the protection of investors that Rule 17a–12 (17 CFR 240.17a–12) and Forms X–17A–12(1) (17 CFR 249.619) and X–17A–12(2) (17 CFR 249.620) become effective on July 8, 1969.

§ 240.17a–12 Reports to be filed by market makers in O-T-C Margin Securities.

(a) Every broker or dealer registered on the effective date of this rule pursuant to section 15 of the Act who is an OTC Market Maker in any OTC Margin Security shall, within 10 days after the effective date of this rule, file a notice on Form X–17A–12(1) (§ 249.619 of this chapter) with the Commission for each such security as to which he was an OTC Market Maker on the effective date of this rule.

(1) For the purpose of this section, the term, "OTC Margin Security", shall mean a security which is not registered on a national securities exchange and which is on a list published by the Board of Governors of the Federal Reserve System ("the Board") pursuant to section 3(d)(2) of Regulation U under the Securities Exchange Act of 1934 (12 CFR 221.3(d)(2)).

(2) For the purpose of this section, a dealer shall be deemed an "OTC Market Maker" in an OTC Margin Security if he is subject to and is in compliance with Rule 15c3–1 (§ 240.15c3–1) (or is subject to and in compliance with the capital rules of an exchange of which he is a member if the members thereof are exempted from Rule 15c3–1 (§ 240.15c3–1(b)(2)) and he has and maintains minimum net capital, as defined in Rule 15c3–1 (§ 240.15c3–1) (or in such capital rules of such exchange), of $25,000 plus $5,000 for each such security in excess of five in respect of which he has filed and not withdrawn the notice on Form X–17A–12(1) (§ 249.619 of this chapter) (except that he shall not be required to have such net capital of more than $250,000 to be an OTC Market Maker under the provisions of this section) and if, except when such activity is unlawful, he meets all of the following conditions with respect to such security: (i) He regularly publishes bona fide, competitive bid and offer quotations in a recognized interdealer quotation system, (ii) he furnishes bona fide, competitive bid and offer quotations to other brokers and dealers on request, (iii) he is ready, willing, and able to effect transactions in reasonable amounts, and at his quoted prices, with other brokers and dealers, and (iv) he has a reasonable average rate of inventory turnover.

(b) Every registered broker-dealer who, after the effective date of this section, becomes an OTC Market Maker in any OTC Margin Security or is an OTC Market Maker in a particular security which is placed by the Board on the OTC Margin Security list after he becomes a market maker in such security, shall, within 5 days after he becomes such a market maker or after it is placed on such list, as the case may be, file with the Commission a notice on Form X–17A–12(1) (§ 249.619 of this chapter) identifying each such security.

(c) Every registered broker-dealer who has filed a notice under paragraph (a) or (b) of this section who ceases to be an OTC Market Maker in any security listed in any notice filed under such paragraphs shall, within 5 days thereafter, notify the Commission on Form X–17A–12(1) (§ 249.619 of this chapter) that he has ceased to be a market maker with respect to such security: *Provided, however,* That if a security has been removed by the Board from the OTC Margin Security list, no such notice respecting cessation of market making activities need be filed as to that security.

(d) Every registered broker-dealer who, during any calendar quarter, is or has been an OTC Market Maker in any OTC Margin Security shall, within 10 days after the end of each such calendar quarter, file with the Commission three fully executed copies of a report on Form X–17A–12(2) (§ 249.620 of this chapter).

(e) If at any time an OTC Market Maker is unable to meet one or more of the conditions specified in subdivision (i), (ii), (iii), or (iv) of paragraph (a)(2) of this section because such activity would be unlawful, he shall promptly notify the Commission in writing of such fact and state the basis for failing to meet such conditions; and if and when he has resumed the activity necessary to meet such conditions, he shall promptly notify the Commission in writing of such resumption.

(f) Reports on Form X–17A–12(2) (§ 249.620 of this chapter) will be maintained in a nonpublic file: *Provided, however,* That any such report shall be available for official use, to any official or employee of the United States, any State, or the Board; to any national securities exchange and any national registered securities association of which the broker-dealer filing such report is a member; and to any other person to whom the Commission authorizes disclosure in the public interest.

§ 249.619 Form X–17A–12(1)—Notification required to be filed by certain broker-dealer market makers pursuant to section 17 of the Act and § 240.17a–12 of this chapter.

This form must be executed and filed with the Commission pursuant to paragraph (a) of § 240.17a–12 of this chapter within 10 days by every registered broker-dealer who, on the effective date of said section is an OTC Market Maker as defined in paragraph (e) of said section; and pursuant to paragraphs (b) and (c) respectively of § 240.17a–12 of this chapter by each broker-dealer within 5 days after becoming or ceasing to be such OTC Market Maker.

§ 249.620 Form X–17A–12(2)—Quarterly report required to be filed by certain broker-dealer market makers pursuant to section 17 of the Act and § 240.17a–12(d) of this chapter.

This form must be executed and filed with the Commission as a quarterly report, pursuant to paragraph (d) of § 240.17a–12 of this chapter, within 10 days after the close of each calendar quarter, by each broker-dealer who is or who has been an OTC Market Maker, as defined in paragraph (e) of § 240.17a–12 of this chapter during such quarter.

NOTE: Copies of these forms have been filed with the Office of the Federal Register and may be obtained from the Securities and Exchange Commission at its Washington Headquarters Offices or any of its regional or branch offices.

(Secs. 7, 15(b), 17(a), 23(a), 48 Stat. 895, 897, 901, as amended, 49 Stat. 1379, 82 Stat. 452, 15 U.S.C. 78g, 78o, 78q, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 3, 1969.

Incorporation by reference approved by the Director of the Federal Register on July 11, 1969.

[F.R. Doc. 69-8206; Filed, July 11, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Exemption of Cheese and Cheese Products From Certain Labeling Requirements

In the matter of exempting cheese and cheese products from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

Nineteen comments were received in response to the notice of proposed rule making in the above-identified matter that was published in the FEDERAL REGISTER of November 22, 1968 (33 F.R. 17314), and based on a petition filed by Kraft Foods Division of National Dairy Products Corp., 500 Peshtigo Court, Chicago, Ill. 60611.

1. Nine State agencies support the proposal except for that portion that would permit declaration of price "per specified number of pounds." These comments urge that the price be stated in terms of the price per pound.

2. One State agency supports the entire proposal.

3. Two State agencies oppose the proposal stating that adoption of the exemption would make value comparisons difficult.

4. One State and one city agency oppose the proposal because they believe the grounds given by the petitioner in support thereof are insufficient to warrant adoption.

5. One State agency opposes the proposal on the grounds that it is "another attempt to subvert the law and to continue to 'hide' the cost of the product from the consumer."

6. One State agency opposes the proposal because, among other reasons, it would permit the cheese packer to fill in only the space provided for the quantity of contents declaration thereby placing the responsibility of filling in the price per pound and the total price on the distributor or retailer. This State agency reports that in its experience, the difficulty in making this computation has caused some distributors or retailers to use conventional computing scales to weigh and price the items on a gross-weight rather than a net-weight basis.

7. A trade association opposes the proposal stating that it sees "no reason why the price per pound should be left off of cheese produced by Kraft."

8. A cheese producer fully supports the proposal.

9. One firm supports the proposal and urges that the exemption be expanded to cover all food packages declaring net weight, price per pound or specified number of pounds, and total price.

Inasmuch as the several-hundred label exhibits submitted with the petition are all labeled to show the price per pound, the Commissioner of Food and Drugs concludes that there is no reason to provide for a declaration in terms of a "specified number of pounds" on the subject nonrandom weight cheese packages. The amendment herein is changed accordingly.

The Commissioner further concludes that the basic random weight package exemption should remain unchanged to provide for continuation of multiple unit pricing on such packages—a trade practice established for years. To insist on single unit pricing would result in the consumer paying more for a product. For example, a product previously sold for 2 pounds for 39 cents would be, on a single unit basis, 20 cents per pound and thus disadvantageous to the consumer.

The Commissioner concludes that the comments discussed in paragraphs 3, 4, 5, and 7 above are the result of a misunderstanding of the type of package that would be covered by the proposed exemption. The subject cheese packages are those wrapped in cellophane and labeled to show net weight, price per pound, and total price. Such labeling provides more information than labeling which is in compliance with the current regulations of the Fair Packaging and Labeling Act, for the price per pound would be calculated for the purchaser.

Regarding the comment in paragraph 6 above, the Commissioner concludes that the type of false labeling discussed could be employed by the distributor or retailer whether or not the proposed exemption is adopted. If it is employed, the product would be in violation of the Federal Food, Drug, and Cosmetic Act as well as many State and local statutes.

The comment requesting expansion of the exemption, paragraph 9 above, is more in the nature of a separate proposal and will be considered as such on its own merits.

Based on consideration of the information submitted by the petitioner, the comments received, and other relevant material, the Commissioner concludes that the proposed amendment should be adopted as set forth below with the provision for multiple unit pricing on nonrandom weight cheese packages deleted.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered,* That § 1.1c (a)(2) be revised to read as follows:

§ 1.1c Exemptions from required label statements.

* * * * * *

(a) *Foods.* * * *

(2) Random food packages, as defined in § 1.8b(j), bearing labels declaring net weight, price per pound or per specified number of pounds, and total price shall be exempt from the type size, dual declaration, and placement requirements of § 1.8b if the accurate statement of net weight is presented conspicuously on the principal display panel of the package. In the case of food packed in random packages at one place for subsequent shipment and sale at another, the price sections of the label may be left blank provided they are filled in by the seller prior to retail sale. This exemption shall also apply to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random food packages exempted by this subparagraph except that the labels shall bear a declaration of price per pound and not price per specified number of pounds.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of

Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is required, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: July 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8218; Filed, July 11, 1969; 8:45 a.m.]

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C BLUE NO. 1; CONFIRMATION OF EFFECTIVE DATE OF ORDER LISTING FOR FOOD AND DRUG USE

In the matter of listing FD&C Blue No. 1 for food use (§ 8.206) and drug use (§ 8.4021) subject to certification:

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 8, 1969 (34 F.R. 7445). Accordingly, the regulations promulgated thereby (§§ 8.206 and 8.4021) will become effective July 7, 1969.

2. Effective July 7, 1969, § 8.501 *Provisional lists of color additives* is amended in the table in paragraph (a) by changing for the item "FD&C Blue No. 1" the portion reading "(§ 9.80 of this chapter)" to read "(§ 8.206 of this chapter)" and by changing for this item in the column "Food use" the closing date "June 30, 1969" to read "June 30, 1969 [3]" and adding to the bottom of the table a footnote reading "[3] Lakes only."

Dated: July 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8219; Filed, July 11, 1969; 8:45 a.m.]

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C RED NO. 3; CONFIRMATION OF EFFECTIVE DATE OF ORDER LISTING FOR FOOD AND DRUG USE

In the matter of listing FD&C Red No. 3 for food use (§ 8.242) and for drug use (§ 8.4102) subject to certification:

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 8, 1969 (34 F.R. 7446). Accordingly, the regulations promulgated thereby (§§ 8.242 and 8.4102) will become effective July 7, 1969.

2. Effective July 7, 1969, § 8.501 *Provisional lists of color additives* is amended in the table in paragraph (a) by changing for the item "FD&C Red No. 3" the portion reading "(§ 9.62 of this chapter)" to read "(§ 8.242 of this chapter)" and by changing for this item in the column "Food use" the closing date "June 30, 1969" to read "June 30, 1969 [3]" and adding to the bottom of the table a footnote reading "[3] Lakes only."

Dated: July 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8220; Filed, July 11, 1969; 8:45 a.m.]

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C YELLOW NO. 5; CONFIRMATION OF EFFECTIVE DATE OF ORDER LISTING FOR FOOD AND DRUG USE

In the matter of listing FD&C Yellow No. 5 for food use (§ 8.275) and drug use (§ 8.4175):

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 8, 1969 (34 F.R. 7447). Accordingly, the regulations (§§ 8.275 and 8.4175) promulgated thereby will become effective July 7, 1969.

2. Effective July 7, 1969, § 8.501 *Provisional lists of color additives* is amended in the table in paragraph (a) by changing for the item "FD&C Yellow No. 5" the portion in the first column reading "(§ 9.40 of this chapter)" to read "(§ 8.275 of this chapter)" and by changing the date in the column "Food use" for this item from "June 30, 1969" to "June 30, 1969 [3]" and adding to the bottom of the table a footnote reading "[3] Lakes only."

Dated: July 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8221; Filed, July 11, 1969; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

MELENGESTROL ACETATE

Based on a petition filed by The Upjohn Co., Kalamazoo, Mich. 49001, an order was published in the FEDERAL REGISTER of February 6, 1968 (33 F.R. 2602), providing for the safe use of melengestrol acetate in animal feed (§ 121.308) and establishing a zero tolerance for residues of the additive in edible tissues and by-products of treated cattle (§ 121.1214). The regulation providing the tolerance included the method of analysis by which it is determined that no residues are present.

Following publication of the order comments were received from the petitioner suggesting that certain editorial revisions and corrections be made therein, and the Commissioner of Food and Drugs concludes that the published method of analysis should be revised as suggested.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785–88, as amended; 21 U.S.C. 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1214 *Melengestrol acetate* is amended by changing the method of analysis in paragraph (b), as follows:

1. In III *Special apparatus:*

a. Item G is amended by changing "202° C." to read "220° C.".

b. Item T4b is amended by changing "V–G14" to read "V–G9".

c. Item T5b is amended by changing "V–G11" to read "V–G9".

2. In V *Procedure:*

a. Item C9 is revised to read as follows:

9. Repeat step 7, but this time homogenize the dry cake without its filter paper for 2 minutes and filter.

b. Item D12 is revised to read as follows:

12. To the combined filtrates in the 2-liter separatory funnel, add 500 milliliters of water and 2 milliliters of saturated sodium sulfate solution to give 55 to 60 percent aqueous methanol.

c. Item F is revised to read as follows:

F. Solvent partition: 1. Transfer the residue to a 125-milliliter separatory funnel using two 20-milliliter portions of hexane saturated with 7:3 methanol-water.

2. Extract the hexane phase with 40 milliliters of 7:3 methanol-water, first rinsing the round-bottomed flask with the aqueous methanol.

a. Shake the funnel vigorously for 1 minute; let the phases separate at least 1 hour.

b. Drain the lower phases into a 500-milliliter separatory funnel containing 50 milliliters of methylene chloride, 80 milliliters of water, and 0.5 milliliter of saturated sodium sulfate solution.

3. Repeat step 2 four more times combining all extracts in the 500-milliliter separatory funnel.

4. Stopper the 500-milliliter separatory funnel, invert carefully, and vent immediately. Shake the funnel cautiously, venting frequently. When all pressure subsides, shake the funnel vigorously for 1 minute, wait 20–30 minutes, and drain the lower phase into a 500-milliliter round-bottomed flask. This precaution does not apply to the subsequent shakings.

5. Extract with three more 50-milliliter portions of methylene chloride, each time draining the lower phase into the flask.

6. Roto-evaporate the combined extracts until all the solvent has been removed. *Stopping place.* Stopper and store in refrigerator or deep freeze.

Since this order merely makes technical changes and corrections in a previously promulgated method of analysis and is noncontroversial in nature, notice and public procedure are not prerequisites to this promulgation.

Effective date. This order shall become effective 30 days after its publication in the FEDERAL REGISTER.

(Secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785–88, as amended; 21 U.S.C. 348, 371(a))

Dated: June 30, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8222; Filed, July 11, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9H2341) filed by Harchem Division, Wallace & Tiernan, Inc., 110 East Hanover Avenue, Cedar Knolls, N.J. 07927, and other relevant material, concludes that the food additive regulations should be amended to provide for safe use of an additional sanitizing solution, as set forth below, on food-processing equipment and utensils and other food-contact articles, except milk containers or equipment. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2547 is amended by adding a new subparagraph each to paragraphs (b) and (c), as follows:

§ 121.2547 Sanitizing solutions.

* * * * * *

(b) * * *

(10) An aqueous solution containing trichloromelamine and either sodium lauryl sulfate or dodecylbenzenesulfonic acid, together with components generally recognized as safe. In addition to use on food-processing equipment and utensils and other food-contact articles, this solution may be used on beverage containers except milk containers or equipment.

(c) * * *

(7) Solutions identified in paragraph (b)(10) of this section shall provide not more than sufficient trichloromelamine to produce 200 parts per million of available chlorine and either sodium lauryl sulfate at a level not in excess of the minimum required to produce its intended functional effect or not more than 400 parts per million of dodecylbenzenesulfonic acid.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 30, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8223; Filed, July 11, 1969; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 15—PUBLIC INFORMATION

Miscellaneous Amendments

Part 15 of Title 24 of the Code of Federal Regulations is amended in the following respects:

1. Section 15.31 (a) and (b)(1) is revised, to reflect change in address under paragraph (a) and under paragraph (b)(1) as to Regions I and II, and under paragraph (b)(1) as to Region VI to change "Northwest Operations Office" to "Northwest Area Office" and to change address, to read as follows:

§ 15.31 Information centers.

(a) The Department maintains a Central Information Center in Washington, D.C., at the following location:

Department of Housing and Urban Development, 451 Seventh Street SW., Room 1202, Washington, D.C. 20410.

(b) The Department also maintains an information center—

(1) In each of its Regional Offices as follows:

Region I—26 Federal Plaza, New York, N.Y. 10007.
Region II—Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106.
Region III—Peachtree-Seventh Building, Atlanta, Ga. 30323.
Region IV—360 North Michigan Avenue, Chicago, Ill. 60601.
Region V—Federal Office Building, 819 Taylor Street, Fort Worth, Tex. 76102.
Region VI—450 Golden Gate Avenue, Post Office Box 36003, San Francisco, Calif. 94102; Northwest Area Office, Arcade Plaza Building, Seattle, Wash. 98104.
Region VII—Ponce De Leon and Boliva, Post Office Box 3869, GPO, San Juan, P.R. 00936.

* * * * *

2. Section 15.32 is revised, to change "Director, Division of Public Affairs" to "Director of Public Affairs", to read:

§ 15.32 Information officers.

There shall be an information officer in each of the information centers described in § 15.31 who shall be responsible for making information and records available to the public in accordance with this part. The information officer in the Department Central Information Center shall be designated by the Director of Public Affairs. The information officer in each Regional Office and field office shall be designated by the Regional Administrator or the Director of the office, as the case may be, with the concurrence of the Director of Public Affairs.

3. Section 15.61(a) is revised, to reflect change in address, to read:

§ 15.61 Administrative review.

(a) Review shall be available only from a written denial of a request for a record issued under § 15.52, and only if a written request for review is filed within 30 days after issuance of the written denial. The filing of a request for review may be accomplished by mailing to the Secretary of Housing and Urban Development, 451 Seventh Street SW., Room 10000, Washington, D.C. 20410, a copy of the request if in writing, a copy of the written denial issued under § 15.52, and a statement of the circumstances, reasons, or arguments advanced in support of disclosure of the original request for the record. Review will be made promptly by the Secretary or his designee on the basis of the written record described in this § 15.61.

• • • • •

(5 U.S.C. 552; sec. 7(d) of HUD Act, 42 U.S.C. 3535(d))

Dated: July 3, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-8246; Filed, July 11, 1969; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER N—GRAZING

PART 151—GENERAL GRAZING REGULATIONS

Allocation of Grazing Privileges

JULY 7, 1969.

On pages 9383–9386 of the FEDERAL REGISTER of June 14, 1969, there was published the revised Part 151, Subchapter N, Chapter I, Title 25, of the Code of Federal Regulations pertaining to the General Grazing Regulations applicable to Indian lands. These rules were issued under the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM2 and pursuant to the authority vested in the Secretary of the Interior by 5 U.S.C. 301 and under various statutes relating to the surface use of Indian lands which were cited on page 9384 of Volume 34 of the FEDERAL REGISTER published on June 14, 1969.

Part 151, Subchapter N, Chapter I, Title 25, of the Code of Federal Regulations as published in the FEDERAL REGISTER on June 14, 1969 (34 F.R. 9385), is amended by revising § 151.10, entitled "Allocation of Grazing Privileges," as follows: Add one new sentence reading "The Superintendent may implement the governing body's allocation program by authorizing the allocation of grazing privileges on individually owned land." This new sentence is added immediately following the first sentence which ends with the words "* * * by that governing body."

J. L. NORWOOD,
Acting Deputy Commissioner.

[F.R. Doc. 69-8228; Filed, July 11, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER D—SECURITY

PART 156—DEPARTMENT OF DEFENSE CIVILIAN APPLICANT AND EMPLOYEE SECURITY PROGRAM

Policy

The following miscellaneous amendment to Part 156 has been approved:

Section 156.6(c) is revised to read as follows:

§ 156.6 Policy.

• • • • • •

(c) No U.S. citizen permanent or indefinite employee of the Department of Defense who has been appointed to a sensitive position shall be suspended, reassigned, or detailed to a nonsensitive position in the interests of national security without being granted the procedural benefits set forth in § 156.10.

• • • • • •

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-8217; Filed, July 11, 1969; 8:45 a.m.]

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

PART 1801—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

Principles for Determining Costs

Part 1801 of Chapter XVIII of Title 32 of the Code of Federal Regulations is revised as follows:

1. Section 1801.2 is revised by adding a new paragraph, (i), reading as follows:

§ 1801.2 Definitions.

• • • • • •

(i) *Allowable costs.* Except where restricted or prohibited by law the cost principles set forth in Circular A-87, issued by the Bureau of the Budget on May 9, 1968, will be applied beginning July 1, 1969, in determining costs incurred by State governments and at the earliest practicable date but no later than January 1, 1970 in determining costs incurred by political subdivisions of a State.

§ 1801.9 [Amended]

2. In § 1801.9, paragraph (c) is revoked.

(64 Stat. 1250, 1255, 50 U.S.C. App. 2281; 2253; Reorg. Plan No. 1 of 1958 as amended, 72 Stat. 1799–1801, 23 F.R. 4991; E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, Apr. 10, 1964, 29 F.R. 5017)

Dated: June 30, 1969.

JOHN E. DAVIS,
Director of Civil Defense.

[F.R. Doc. 69-8215; Filed, July 11, 1969; 8:45 a.m.]

PART 1807—CONTRIBUTIONS FOR CIVIL DEFENSE PERSONNEL AND ADMINISTRATIVE EXPENSES

Principles for Determining Costs

Section 1807.7 of Title 32 of the Code of Federal Regulations is revised to read as follows:

§ 1807.7 Federal share and allowable costs.

(a) *Federal share.* The Federal financial contribution shall not exceed one-half the total allowable cost of necessary and essential State and local personnel and administrative expenses.

(b) *Allowable costs.* Except where restricted or prohibited by law the cost principles set forth in Circular A-87, issued by the Bureau of the Budget on May 9, 1968, will be applied beginning July 1, 1969, in determining costs incurred by State governments and at the earliest practicable date but no later than January 1, 1970, in determining costs incurred by political subdivisions of a State.

(Secs. 205, 401(g), 72 Stat. 533, 534, 64 Stat. 1255, 50 U.S.C. App. 2286, 50 U.S.C. App 2253; 72 Stat 1799–1801, 23 F.R. 4991; E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, Apr. 10, 1964, 29 F.R. 5017)

Dated: June 30, 1969.

JOHN E. DAVIS,
Director of Civil Defense.

[F.R. Doc. 69-8216; Filed, July 11, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Wrangell Narrows, Alaska, and Brunswick River, N.C.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.800 governing the use, administration, and navigation of Wrangell Narrows, Alaska, is hereby amended revoking paragraph (b), revising paragraphs (c), (d), (e), and (g) in their entirety effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.800 Wrangell Narrows, Alaska; use, administration and navigation.

• • • • • •

(b) [Revoked]

(c) *Speed restrictions.* No vessel shall exceed a speed of seven (7) knots in the vicinity of Petersburg, between Wrangell Narrows Channel Light 58 and Wrangell Narrows Lighted Buoy 60.

(d) *Tow channel.* The following route shall be taken by all tows passing through Wrangell Narrows when the towboat has a draft of 9 feet or less (northbound, read down; southbound, read up):

East of Battery Islets:
East of Tow Channel Buoy 1 TC.
East of Tow Channel Buoy 3 TC.
West of Tow Channel Buoy 4 TC.
East of Colorado Reef:
East of Wrangell Narrows Channel Light 21.
West of Wrangell Narrows Channel Lighted Buoy 25.
East of Tow Channel Buoy 5 TC.
East of Tow Channel Buoy 7 TC.
West of Petersburg:
East of Wrangell Narrows Channel Light 54 FR.
East of Wrangell Narrows Channel Light 56 Qk FR.
East of Wrangell Narrows Channel Light 58 FR., thence proceeding to west side of channel and leaving Wrangell Narrows by making passage between Wrangell Narrows Channel Daybeacon 61 and Wrangell Narrows North Entrance Lighted Bell Buoy 63 F.

(e) *Size of tows.* The maximum tows permitted shall be one pile driver, or three units of other towable equipment or seven raft sections.

• • • • • •

(g) *Anchorage.* Vessels may anchor in the anchorage basin in the vicinity of Anchor Point. No craft or tow shall be anchored in Wrangell Narrows in either the main ship channel or the towing channel, nor shall any craft or tow be anchored so that it can swing into either of these channels.

• • • • • •

[Regs., June 26, 1968, 1507–32 (Wrangell Narrows, Alaska)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.900 governing the use and navigation of restricted areas in the vicinity of Maritime Administration Reserve Fleets is hereby amended by revoking paragraph (a)(3) effective upon publication in the FEDERAL REGISTER, since the area is no longer needed, as follows:

§ 207.900 Restricted areas in vicinity of Maritime Administration Reserve Fleets.

(a) • • •

(3) [Revoked]

• • • • • •

[Regs., June 25, 1969, 1507–32 (Brunswick River, N.C.)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-8214; Filed, July 11, 1969; 8:45 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 419-69]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart K—Criminal Division

AUTHORIZATION TO REDELEGATE AUTHORITY

By virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5 of the United States Code, § 0.59 of Subpart K of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by designating the present text as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 0.59 Delegation respecting the approval of certain applications by U.S. Attorneys to Federal Courts for orders compelling testimony or the production of evidence by witnesses.

• • • • • •

(b) The Assistant Attorney General in charge of the Criminal Division is authorized to redelegate the authority delegated to him by paragraph (a) of this section to his Deputy Assistant Attorney General to be exercised solely during the absence of the Assistant Attorney General from the City of Washington.

The amendment made by this order shall be effective upon publication in the FEDERAL REGISTER.

Dated: July 7, 1969.

JOHN N. MITCHELL,
Attorney General.

[F.R. Doc. 69-8262; Filed, July 11, 1969; 8:49 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

North Cascades National Park, Wash.; Removal of Restriction Prohibiting Use of Nonpreserved Fish Eggs for Fishing

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and the Act of October 2, 1968 (82 Stat. 926, 16 U.S.C. 90 et seq.), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Western Regional Order No. 4 (31 F.R. 5577), as amended, Special Regulation, § 7.66, as hereby promulgated relaxes the General Regulation, § 2.13 *Fishing*, paragraph (j)(1) as it applies to the use of nonpreserved fish eggs.

The purpose of this special regulation is to bring about acceptable fishery practices and conformance with the State of Washington in regard to the use of nonpreserved fish eggs as fishing bait.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, since this special regulation will not impose any additional restrictions on the public, comment thereon is deemed to be unnecessary and not in the public interest. This special regulation will thus take effect upon its publication in the FEDERAL REGISTER.

(5 U.S.C. 553)

Section 7.66 reads as follows:

§ 7.66 North Cascades National Park.

(a) *Bait for fishing.* The use of nonpreserved fish eggs is permitted.

ROGER J. CONTOR,
Superintendent, North Cascades National Park.

[F.R. Doc. 69-8231; Filed, July 11, 1969; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Redemption Values and Investment Yields for Extended Maturity Period

Table 55, showing the investment yields to maturity for Series E savings bonds with issue dates December 1, 1961, through May 1, 1962, which is a part of Department Circular No. 653, Seventh Revision, dated March 18, 1966, as amended (31 CFR Part 316), is hereby supplemented by addition of the redemption values and investment yields for the extended maturity period, as set forth below.

Dated: July 7, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

TABLE 55

(For Extended Maturity Period)

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1961, THROUGH MAY 1, 1962

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after maturity date (beginning 7 years, 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of each extended maturity period to beginning of each half-year period thereafter	(3) On current redemption value from begining of each half-year period to extended maturity
								Percent	*Percent*
First ½ year[1] (9/1/69)	$25.41	$50.82	$101.64	$203.28	$508.20	$1,016.40	$10,164	0.00	4.25
½ to 1 year (3/1/70)	25.94	51.88	103.76	207.52	518.80	1,037.60	10,376	4.17	4.25
1 to 1½ years (9/1/70)	26.48	52.96	105.92	211.84	529.60	1,059.20	10,592	4.17	4.26
1½ to 2 years (3/1/71)	27.03	54.06	108.12	216.24	540.60	1,081.20	10,812	4.16	4.26
2 to 2½ years (9/1/71)	27.58	55.16	110.32	220.64	551.60	1,103.20	11,032	4.14	4.28
2½ to 3 years (3/1/72)	28.16	56.32	112.64	225.28	563.20	1,126.40	11,264	4.15	4.28
3 to 3½ years (9/1/72)	28.74	57.48	114.96	229.92	574.80	1,149.60	11,496	4.15	4.29
3½ to 4 years (3/1/73)	29.34	58.68	117.36	234.72	586.80	1,173.60	11,736	4.15	4.30
4 to 4½ years (9/1/73)	29.95	59.90	119.80	239.60	599.00	1,198.00	11,980	4.15	4.31
4½ to 5 years (3/1/74)	30.57	61.14	122.28	244.56	611.40	1,222.80	12,228	4.15	4.33
5 to 5½ years (9/1/74)	31.20	62.40	124.80	249.60	624.00	1,248.00	12,480	4.15	4.35
5½ to 6 years (3/1/75)	31.85	63.70	127.40	254.80	637.00	1,274.00	12,740	4.15	4.37
6 to 6½ years (9/1/75)	32.51	65.02	130.04	260.08	650.20	1,300.40	13,004	4.15	4.40
6½ to 7 years (3/1/76)	33.19	66.38	132.76	265.52	663.80	1,327.60	13,276	4.15	4.43
7 to 7½ years (9/1/76)	33.87	67.74	135.48	270.96	677.40	1,354.80	13,548	4.15	4.48
7½ to 8 years (3/1/77)	34.58	69.16	138.32	276.64	691.60	1,383.20	13,832	4.15	4.54
8 to 8½ years (9/1/77)	35.29	70.58	141.16	282.32	705.80	1,411.60	14,116	4.15	4.65
8½ to 9 years (3/1/78)	36.03	72.06	144.12	288.24	720.60	1,441.20	14,412	4.15	4.81
9 to 9½ years (9/1/78)	36.77	73.54	147.08	294.16	735.40	1,470.80	14,708	4.15	5.16
9½ to 10 years (3/1/79)	37.54	75.08	150.16	300.32	750.80	1,501.60	15,016	4.15	6.13
EXTENDED MATURITY VALUE (10 years from original maturity date)[2] (9/1/79)	**38.69**	**77.38**	**154.76**	**309.52**	**773.80**	**1,547.60**	**15,476**	[3] 4.25	

[1] Month, day, and year on which issues of December 1, 1961, enter each period. For subsequent issue months add the appropriate number of months.
[2] 17 years and 9 months from issue date. Extended maturity value improved by the revision of June 1, 1968.
[3] Yield on purchase price from issue date to extended maturity date is 4.12 percent.

[F.R. Doc. 69-8194; Filed, July 11, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1069—COMMUNITY ACTION PROGRAM GRANTEE PERSONNEL MANAGEMENT

Subpart—Travel Regulations for CAP Grantees and Delegate Agencies

Chapter X, Part 1069 of Title 45 of the Code of Federal Regulations is amended by adding a new subpart, reading as follows:

Sec.
1069.3–1 Applicability of this subpart.
1069.3–2 Policy.
1069.3–3 Accounting for travel funds.
1069.3–4 General travel regulations.
1069.3–5 Restrictions on charging out-of-the-community travel costs to grant funds.
1069.3–6 Approval of travel outside the continental United States.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

§ 1069.3–1 Applicability of this subpart.

This subpart applies to all grant programs financially assisted under Titles I, II, and III–B of the Economic Opportunity Act, as amended, if the assistance is administered by OEO.

§ 1069.3–2 Policy.

(a) All grantees and delegate agencies are required to follow the travel policies set forth in the Standardized Government Travel Regulations (SGTR). However, when a grantee or delegate agency has existing travel policies that are more restrictive than those in the SGTR, or when the grant contains more restrictive limitations, the more restrictive policies shall be followed.

(b) The governing or administering board of each grantee or delegate agency shall approve its written travel regulations and designate responsible officials to assure that the regulations comply with the requirements of this subpart and are adhered to by employees when using grant funds (including the required non-Federal share) to pay for their travel.

(c) In common with other expenditures, payments for travel are subject to audit by independent licensed public accountants and Federal auditors. Expenditures for travel which fail to meet the requirements of this subpart may be questioned as proper charges against grant funds. Grantees are responsible for providing the documentation needed to prove that questioned travel expenditures were reasonable and necessary.

(d) In addition, grant funds may not be used to reimburse costs incurred for travel which violates any OEO Instruction, Community Action Memo or grant condition. Particular attention is directed to the limitations on travel for the purpose of lobbying set forth in Community Action Memo No. 66,[1] and to the authorized uses for project vehicles discussed in Community Action Memo No. 72.[1]

§ 1069.3–3 Accounting for travel funds.

All grantee or delegate agency payments for travel by employees, consultants, and members of governing or administering boards must be authorized in advance and must be supported by properly approved invoices covering both travel and, if, applicable, per diem. Suggested forms for this purpose are available at OEO Headquarters and Regional Offices.

[1] Not filed with the Office of the Federal Register.

§ 1069.3–4 General travel regulations.

(a) General travel regulations issued by grantees and delegate agencies should contain the restrictions set forth as follows:

(1) Where a grantee or delegate agency has a previously established travel policy which contains requirements that are more restrictive than those of the SGTR, the more restrictive requirements shall be followed.

(2) Mileage costs for use of privately owned automobiles shall be paid in accordance with prevailing rates in a community. In no event, however, may the rates paid exceed 10 cents a mile.

(3) Less than first-class travel accommodations shall be used in all instances except the following: The reason(s) for travelling first-class must be shown on travel vouchers submitted for reimbursement.

(i) These accommodations do not exist are not available within a reasonable time;

(ii) Less than first-class would result in higher overall cost because of required routing, time urgency, baggage differential or other factors;

(iii) Physical condition of the traveler or other extenuating circumstances require the use of first-class.

(b) Grantee and delegate agency travelers shall have their travel authorized in advance in accordance with their organization's rules on the subject. The authorization shall include a brief explanation of the purpose of the trip, destination, and period during which the travelers will be on travel status. Reimbursements for travel expenses should be supported by vouchers that show the name of the individuals who traveled and refer to the authorization that approved the travel.

(c) Local travel expenses for persons whose position require daily or intermittent travel should be covered by a general travel authorization and should only be reimbursed after presentation of a local travel expense statement submitted at regular intervals.

(d) When program personnel are in a travel status through the ending date of a program year and into a new program year, the cost of their transportation shall be charged to the period in which the tickets for their travel were purchased. However, mileage, per diem, and other expenses reimbursed to a traveler shall be charged to the proper program-year grant in accordance with the days in which the expenses were incurred and the per diem was due.

§ 1069.3–5 Restrictions on charging out-of-the-community travel costs to grant funds.

(a) Grantees may use OEO grant funds to reimburse out-of-the-community travel costs incurred by grantee and delegate agency employees, consultants, and members of governing or administering boards without obtaining prior OEO approval, if the travel was for purposes outlined below and meets the geographical limitations of § 1069.3–6.

(1) The travel is in response to a specific invitation from the OEO Headquarters or an OEO Regional Office to attend a conference or meeting for the purpose of furthering CAP activities.

(2) Travel to attend conferences and meetings of professional organizations whose efforts are closely related to the poverty programs. This would include, but not be limited to, State Economic Opportunity Offices operating under an OEO grant, the National Association for Community Development, and Community Action Directors' Associations. No specific limit is imposed on the number of trips which may be charged to the grant within the approved budget. However, grantees and delegate agencies should be prepared to show to OEO auditors, inspectors, and evaluation teams that each such trip was reasonable and contributed to the development or management of the grantee's approved program.

(3) Travel to interview prospective employees or to procure services, supplies or equipment when it can be shown that the travel was necessary and advantageous in the instances involved.

(b) All other travel must be specifically approved, in writing, in advance by the Director, Community Action Program, OEO (Headquarters funded programs) and the Regional Director (Regionally funded programs), or their designees, before reimbursement from grant funds is authorized.

§ 1069.3–6 Approval of travel outside the continental United States.

(a) All travel outside of the limits of the 48 continental United States must be approved in writing, in advance, by the Regional Director for Regionally administered grants or the Director, CAP, for Headquarters administered grants. Similar approval is required for travel within the continental United States by CAP grantees in Alaska, Hawaii, and the United States Territories.

(b) CAP grantees in Alaska, Hawaii, and the Territories may permit travel to meetings within their state or territory without specific OEO approval, if the travel meets the other requirements of this instruction. Travel is also permitted between Puerto Rico and the Virgin Islands for area meetings and conferences and similarly between Micronesia (the Trust Territories) and Guam. All other travel outside of these States or areas must have prior approval.

Effective date. This subpart shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

THEODORE M. BERRY,
Director,
Community Action Program.

[F.R. Doc. 69–8232; Filed, July 11, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 14, 1968 (7 CFR 354.1), administrative instructions (7 CFR 354.2), effective August 19, 1967, as amended February 9, 1968, April 19, 1968, July 25, 1968, December 14, 1968, February 19, 1969, and June 6, 1969 (32 F.R. 11981, 33 F.R. 2757, 5987, 10561, 18580, 34 F.R. 2351, 9025), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to the "lists" therein as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * * * *

WITHIN METROPOLITAN AREA

ONE HOUR

Add: Bangor, Maine (served by inspectors temporarily detailed to Bangor, Maine, or vicinity, in excess of 12 hours).

* * * * * * *

OUTSIDE METROPOLITAN AREA

* * * * * * *

THREE HOURS

Add: Any undesignated Maine port served from Boston, Mass.

* * * * * * *

SIX HOURS

Add: Bangor, Maine (served from Boston, Mass.).

* * * * * * *

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 8th day of July 1969.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 69-8237; Filed, July 11, 1969; 8:47 a.m.]

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 354.1 of Part 354, Title 7, Code of Federal Regulations, is amended to read as follows:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, who requires the services of an employee of the Plant Quarantine Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, quarantine, or certification service during such overtime or holiday period, and shall pay the Government therefor at the rate of $8.32 per man-hour per employee. A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Plant Quarantine Division for the areas in which the holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters is located, one-half of the commuted travel period applicable to the point at which the services are performed shall be charged when duties involve overtime that begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It will be administratively determined from time to time which days constitute holidays.

(b) The Division inspector in charge in honoring a request to furnish inspection, quarantine, or certification service, shall assign employees to such holiday or overtime duty with due regard to the work program and availability of employees for duty.

(64 Stat. 561; 7 U.S.C. 2260)

The foregoing amendment shall become effective July 13, 1969, when it shall supersede 7 CFR 354.1, effective July 14, 1968.

The purpose of this amendment is to increase the hourly rate for overtime or holiday services from $7.92 to $8.32 commensurate with salary increases provided in the Federal Salary Act of 1967 (Public Law 90-206). Determination of the hourly rate for overtime services and of the commuted travel time allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of July 1969.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-8288; Filed, July 11, 1969; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 282]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.582 Lemon Regulation 282.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 8, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 13, 1969, through July 19, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 311,550 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 10, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8287; Filed, July 11, 1969; 8:49 a.m.]

[Lime Reg. 27, Amdt. 3]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Lime Administrative Committee reflects its appraisal of current crop and market conditions. More restrictive regulation requirements should be made effective no later than July 14, 1969, because market prices for fresh limes declined severely. Hence, a higher minimum grade regulation for limes for fresh shipment is needed to increase returns to producers through a reduction in the marketable supply while providing consumers with more desirable limes of better quality.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 14, 1969. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 27 (34 F.R. 6438, 7867, 9849) and unless sooner terminated, will continue to be so regulated through April 30, 1970; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to July 14, 1969, and in the manner herein provided, were promptly submitted to the Department after a meeting of the Florida Lime Administrative Committee on July 9, 1969, held to consider recommendations for regulations; the provisions of this amendment are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 911.329 (Lime Reg. 27; 34 F.R. 6438, 7867, 9849) the introductory text of paragraph (a)(2) and subdivision (ii) thereof is amended to read as follows:

§ 911.329 Lime Regulation 27.

(a) * * *

(2) During the period July 14, 1969, through April 30, 1970, no handler shall handle:

* * * * *

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. No. 1: *Provided,* That limes which meet all the requirements of the U.S. No. 1 grade, except as to color, may be shipped if such limes meet the color requirements of the U.S. No. 2 grade; or

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, July 11, 1969, to become effective July 14, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8347; Filed, July 11, 1969; 11:28 a.m.]

[Peach Reg. 7]

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Regulation by Grades and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Administrative Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of peaches from the production area are expected to begin on or about July 14, 1969. The grade and size requirements provided herein are necessary to prevent the handling, on and after July 14, 1969, of any peaches of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. The grade and size requirements reflect the necessity for eliminating the least desirable grades and sizes; the committee's estimate of the percentage of the fruit that will be eliminated by such requirements; and the quantity of the more desirable grades and sizes which will be available for shipment after such elimination.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 14, 1969. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 8, 1969; recommendations as to the need for, and the extent of, regulation of shipments of such peaches were made by said committee on July 8, 1969, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were submitted to the Department on July 9, and made available to growers and handlers; shipments of the current crop of peaches are expected to begin on or about the effective date hereof; and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 919.308 Peach Regulation 7.

(a) *Order.* (1) During the period July 14, 1969, through September 14, 1969, no handler shall ship:

(i) Any peaches of any variety which do not grade at least U.S. No. 1 grade except as follows: Not to exceed 20 percent, by count, of such peaches in such lot may consist of peaches which do not meet the requirements of such grade, but not more than 10 percent, by count, of the peaches in any such lot may consist of peaches with defects causing serious damage of which not more than 5 percent shall consist of such defects caused by twig borer, or oriental fruit moth, and not more than 1 percent, by count, of the peaches in any such lot may consist of peaches which are not free from decay;

(ii) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (*a*) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(2) Definitions: As used herein, "peaches," "handler," "ship," and "varieties" shall have the same meaning as when used in the aforesaid amended marketing agreement and order: "U.S. No. 1," "diameter," "count," and "serious damage" shall have the same meaning as when used in the U.S. Standards for Peaches (§§ 51.1210–51.1223 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 11, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8348; Filed, July 11, 1969; 11:28 a.m.]

[946.324]

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Limitation of Shipments and Import Requirements for Red Skinned Round Type Potatoes

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946), regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER June 27, 1969 (34 F.R. 9934). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested persons were afforded an opportunity to file written data, views, or arguments pertaining thereto not later than 5 days after publication. None was filed.

Statement of consideration. The notice was based on the recommendations and information submitted by the State of Washington Potato Committee, established pursuant to the said marketing agreement and order and other available information. The recommendations of the committee reflect its appraisal of the composition of the 1969 crop of Washington potatoes and of the marketing prospects for this season.

The grade, size, cleanliness, and maturity requirements provided herein are necessary to prevent immature potatoes, or those that are of poor quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The regulations with respect to special purpose shipments for other than fresh market use are designed to meet the different requirements for such outlets.

Findings. After consideration of all relevant matter presented in the aforesaid notice, based upon the recommendations of the State of Washington Potato Committee and other available information, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is hereby further found that good cause exists for making this regulation effective at the time herein provided and for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1969 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) identical regulations were in effect during the previous marketing season for potatoes produced in the State of Washington, so producers and handlers are aware of the provisions of this regulation, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

§ 946.324 Limitation of shipments.

During the period July 16, 1969, through July 15, 1970, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c) through (f) of this section.

(a) *Minimum quality requirements—*(1) *Grade.* All varieties—U.S. No. 2, or better grade.

(2) *Size*—(i) *Round varieties.* 1⅞ inches minimum diameter.

(ii) *Long varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties—at least "fairly clean."

(b) *Minimum maturity requirements—*(1) *Round and long white (White Rose) varieties.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) *Other long varieties (including but not limited to Russet Burbank and Norgold).* "Slightly skinned" which means that not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered."

(c) *Special purpose shipments.* The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of seed potatoes or to shipments of potatoes for any of the following purposes:

(1) Livestock feed;
(2) Charity;
(3) Starch;
(4) Canning or freezing;
(5) Dehydration;
(6) Export;
(7) Potato chipping;
(8) Prepeeling; or
(9) Potato sticks (French fried shoestring potatoes).

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, prepeeling, or potato sticks pursuant to paragraph (c) of this section, unless such potatoes are handled in accordance with paragraph (e) of this section, shall:

(1) Notify the committee of intent so to ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment;

(2) Obtain a Washington State Shipping Permit as issued by the Washington State Department of Agriculture in lieu of a Federal-State Inspection Certificate, except shipments for export; and

(3) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of handlers or receivers to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(4) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler, such handler shall submit to the committee a revised special purpose shipment report.

(e) *Special purpose shipments exempt from safeguards.* In the case of shipments of potatoes: (1) To freezers or dehydrators in the counties of Grant, Adams, Franklin, Benton, and Yakima in the State of Washington and (2) for canning, freezing, dehydration, potato chipping, or prepeeling within the district where grown, the handler of such potatoes shall be exempt from safeguard requirements of paragraph (d) of this section whenever the processor of such potatoes has signed an agreement with the committee to meet the reporting and other requirements of this part specified by the committee.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment over 5 hundredweight of potatoes.

(g) *Definitions.* The terms "U.S. No. 2," "fairly clean," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and this part (Order No. 946).

(h) *Applicability to imports.* Pursuant to section 608e–1 of the Act and § 980.1 "Import regulations" (§ 980.1 of this chapter), Irish potatoes of the red skinned round type imported during the months of July and August shall meet the grade, size, quality, and maturity requirements specified for round varieties in paragraphs (a) and (b) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 8, 1969, to become effective July 16, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8238; Filed, July 11, 1969; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

RATES; EDUCATIONAL ASSISTANCE ALLOWANCE

In § 21.4136, paragraph (a) is amended to read as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. chapter 34.

(a) *Rates.* Educational assistance allowance is payable for periods commencing on or after October 1, 1967, at the following monthly rates.

Type of courses	Monthly rate			
	No dependent	One dependent	Two dependents	Additional for each additional dependent
Institutional:				
Full time	$130	$155	$175	$10
¾ time	95	115	135	7
½ time	60	75	85	5
Less than ½, but more than ¼ time	[1] 60			
¼ time or less	[1] 30			
Cooperative, other than farm cooperative (full time only)	105	125	145	7
Apprentice or on-job (full-time only):				
Payment designated training assistance allowance:				
1st 6 months	80	90	100	None
2d 6 months	60	70	80	None
3d 6 months	40	50	60	None
4th 6 months and succeeding periods	20	30	40	None
Correspondence	Established charge for number of lessons completed by veteran and serviced by school [2]—Allowance paid quarterly.			
Flight training	90 per centum of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight course are required to pay—Allowance paid monthly based on actual flight training received.			
Farm cooperative:				
Full time	105	125	145	7
¾ time	75	90	105	5
½ time	50	60	70	

(38 U.S.C. 1677, 1682, 1683)

[1] See paragraph (b) of this section.
[2] Established charge means the cost of the lowest time payment plan or the actual cost to the veteran, whichever is lesser.

* * * * * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective June 1, 1969.

By direction of the Administrator.

Approved: June 30, 1969.

[SEAL]

FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69-8211; Filed, July 11, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 922]

APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Approval of Expenses and Fixing of Rate of Assessment for 1969–70 Fiscal Period

Consideration is being given to the following proposals submitted by the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during the period April 1, 1969, through March 31, 1970, will amount to $3,364.

(2) That there be fixed, at $1.50 per ton of apricots, the rate of assessment payable by each handler in accordance with § 922.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 8, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–8239; Filed, July 11, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 15]

FLOUR STANDARDS

Notice of Withdrawal of Proposal To Delete Oxides of Nitrogen and Nitrosyl Chloride From Lists of Optional Ingredients

In the matter of amending the definitions and standards of identity for flour, § 15.1 (with application by cross-reference to §§ 15.10, 15.20, 15.30, 15.50, 15.60, 15.70, and 15.75), and for whole wheat flour, § 15.80 (with application by cross-reference to §§ 15.90 and 15.100) by deleting oxides of nitrogen and nitrosyl chloride from the lists of optional ingredients:

Two comments were received in response to the proposal in the above-identified matter published on the initiative of the Commissioner of Food and Drugs in the FEDERAL REGISTER of August 27, 1966 (31 F.R. 11398). The proposal was based on an investigation showing that the two flour bleaching agents, oxides of nitrogen and nitrosyl chloride, were no longer used. To eliminate these items from periodic reviews, it proposed that they be deleted from the list of permitted optional bleaching ingredients.

One comment was favorable. One firm opposed the change on the ground that it uses the ingredients to bleach flour. Inasmuch as the ingredients are still being used, the Commissioner concludes that the provision for their optional use should not be deleted.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120), the subject proposal of August 27, 1966 (31 F.R. 11398), is hereby withdrawn.

Dated: July 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–8224; Filed, July 11, 1969; 8:46 a.m.]

Public Health Service

[42 CFR Part 81]

METROPOLITAN PROVIDENCE INTERSTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and of Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Providence Interstate Air Quality Control Region (Rhode Island-Massachusetts) as set forth in the following new § 81.31 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Rhode Island and Massachusetts and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the House Legislative Chamber, Second Floor, Rhode Island State Capitol, Smith Street, Providence, Rhode Island, beginning at 10 a.m., July 29, 1969.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203 of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.31 is proposed to be added to read as follows:

§ 81.31 Metropolitan Providence Interstate Air Quality Control Region.

The Metropolitan Providence Interstate Air Quality Control Region (Rhode Island-Massachusetts) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

The entire State of Rhode Island.
In the State of Massachusetts:

CITIES

Attleboro.
Fall River.
New Bedford.
Taunton.

TOWNS

Acushnet.
Bellingham.
Berkley.
Blackstone.
Bourne.
Carver.
Dartmouth.
Dighton.
Fairhaven.
Franklin.
Freetown.
Halifax.
Kingston.
Lakeville.
Mansfield.
Marion.
Mattapoisett.
Middleborough.
Millville.
North Attleborough.
Norton.
Plainville.
Plymouth.
Plympton.
Raynham.
Rehoboth.
Rochester.
Sandwich.
Seekonk.
Somerset.
Swansea.
Wareham.
Westport.
Wrentham.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90–148, 81 Stat. 490, 504, 42 U.S.C. 1857c–2(a), 1857g(a).

Dated: July 2, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69–8032; Filed, July 11, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

JOHN MAX LINDLEY

Notice of Granting of Relief

Notice is hereby given that John Max Lindley, 10610 Southeast Boise Street, Portland, Oreg. 97266, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 14, 1934, by the Superior Court, Long Beach, Los Angeles County, Calif., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John Max Lindley, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Lindley to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John Max Lindley's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that John Max Lindley be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 7th day of July 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-8260; Filed, July 11, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SUPERVISORY PROCUREMENT AGENT, DENVER SERVICE CENTER

Delegation of Authority Regarding Contracts and Leases

Director, Denver Service Center, Supplement to Bureau of Land Management Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510–03B2c, the Supervisory Procurement Agent is authorized to:

1. Enter into contracts and leases as described in Bureau Manual 1510.03B2c in amounts not to exceed $10,000, except that procurements from established sources may be made in any amount.

B. The authorities contained herein may not be redelegated.

C. This Delegation of Authority is effective July 15, 1969.

GARTH H. RUDD,
Director.

[F.R. Doc. 69-8229; Filed, July 11, 1969; 8:46 a.m.]

[New Mexico 4827]

NEW MEXICO

Notice of Classification; Correction

JULY 3, 1969.

In F.R. Doc. 69-200 appearing on page 266 of the FEDERAL REGISTER issue of Wednesday, January 8, 1969 (34 F.R. 266), the following correction should be made: In line 7 first paragraph change "Hidalgo County, N. Mex." to "Valencia County, N. Mex."

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-8230; Filed, July 11, 1969; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. G-442]

ROBERT L. KALB

Notice of Loan Application

Robert L. Kalb, Star Route, Box 6, Brownsville, Tex. 78520, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 65.9-foot, registered length wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-8263; Filed, July 11, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

PROPOSED PATENT COOPERATION TREATY

Request for Comments

The Patent Office has received a copy of the final draft of a proposed Patent Cooperation Treaty, prepared by the United International Bureaux for the Protection of Intellectual Property (BIRPI) for submission to a Diplomatic Conference of the member states of the Paris Union during the spring of 1970.

Copies of the Treaty and implementing regulations will be published in the July 15, 1969, issue of the Official Gazette of the Patent Office and individual copies will be mailed to persons and firms appearing in the Directory of Registered Attorneys and Agents. Background material, also prepared by BIRPI, is planned for publication in the Official Gazette later in July.

Copies of these materials will be available after publication to interested persons upon request to the Commissioner of Patents.

All persons who desire to present their views, objections, recommendations, or suggestions in connection with the materials are invited to do so by forwarding the same to the Commissioner of Patents, Washington, D.C. 20231, on or before January 31, 1970. No hearing will be scheduled.

WILLIAM E. SCHUYLER, JR.,
Commissioner of Patents.

Approved: July 10, 1969.

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

[F.R. Doc. 69-8290; Filed, July 11, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding FD&C Blue No. 2

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 52) has been filed by the American Cyanamid Co., Pearl River, N.Y. 10965, proposing the issuance of a color additive regulation (21 CFR Part 8) to provide for the safe use and certification of FD&C Blue No. 2 (5,5'-disulfo-3,3'-dioxo-$\Delta^{2,2'}$-biindoline, disodium salt) as a color for nylon sutures in amounts not to exceed 1 percent by weight.

Dated: July 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8225; Filed, July 11, 1969; 8:46 a.m.]

NATIONAL STARCH & CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2425) has been filed by National Starch & Chemical Corp., 1700 West Front Street, Plainfield, N.J. 07063, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of the nitrate salt of a copolymer of 2-aminoethyl acrylate and hydroxypropyl acrylate as a retention aid and drainage aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended for food-contact use.

Dated: July 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8226; Filed, July 11, 1969; 8:46 a.m.]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0841) has been filed by Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, Kans. 66110, proposing the establishment of a tolerance (21 CFR Part 120) for negligible residues of the fungicide triphenyltin hydroxide in or on the raw agricultural commodity sugar beets at 0.1 part per million.

The analytical method proposed in the petition is a colorimetric procedure in which residues are extracted with methylene chloride. After wet ashing, inorganic tin in the ashed residue is determined colorimetrically with phenyl fluorone.

Dated: July 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8227; Filed, July 11, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

ASSISTANT GENERAL MANAGER FOR MILITARY APPLICATION ET AL.

Notice of Basic Compensation

Pursuant to the provisions of 5 U.S.C. 5364, the salaries of the following positions, established by the Atomic Energy Act of 1954, as amended, were adjusted from $30,239 to $33,495 per annum, effective July 13, 1969:

Title of position	*Authorizing Section of Atomic Energy Act of 1954, as amended*
Assistant General Manager for Military Application, and Program Division Directors.	Section 25a.
Director, Division of Inspection.	Section 25c.
Executive Management Positions.	Section 25d.

Dated: July 7, 1969.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 69-8212; Filed, July 11, 1969; 8:45 a.m.]

POLONIUM-210

Price Increase

As a consequence of a recent major reduction in requirements for polonium-210, current AEC prices for this radioisotope are no longer consistent with recovery of AEC full costs for its production and distribution. To obviate this discrepancy, the Commission proposes to increase its price for polonium-210 to $80 per curie. Present polonium-210 prices vary with the quantity ordered. For the most commonly ordered amounts, the present price is $15 per curie.

All interested persons who desire to submit written comments for consideration in connection with this proposed price increase should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 45 days after publication of this notice in the FEDERAL REGISTER. Unless suspended or rescinded within 30 days after the period provided for public comment as a consequence of any substantive comment received, the new price will become effective 90 days after publication of this notice in the FEDERAL REGISTER.

Public comments received after the aforementioned 45-day period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 3d day of July 1969.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 69-8213; Filed, July 11, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21138]

CHINA AIRLINES

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 23, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Thomas P. Sheehan.

Dated at Washington, D.C., July 8, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-8249; Filed, July 11, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-7-41]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority July 8, 1969.

By Order 69-6-104, dated June 19, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-6-104 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-80 and R-81, be, and it hereby is, approved; *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8247; Filed, July 11, 1969; 8:48 a.m.]

[Docket No. 20701; Order 69-7-45]

LAZARD FRERES & CO. ET AL.

Order of Tentative Approval of Control and Interlocking Relationships

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of July 1969.

By application filed February 6, 1969, Lazard Freres & Co. (Lazard) requests approval without hearing, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended, (the Act) of the common control by Lazard of Republic Carloading and Distributing Co., Inc. (RCD), Sullivan Lines, Inc. (Sullivan), and Republic Airmodal, Inc. (Airmodal). Approval under section 409 of the Act or disclaimer of jurisdiction is also requested with respect to certain interlocking relationships.

RCD is a surface freight forwarder authorized by the Interstate Commerce Commission to operate between all points in the United States with two exceptions.[1] RCD's principal operations consist of the assembly and consolidation of shipments for carriage by rail in carload or "piggy-back" lots and the break-bulk and distribution of these shipments. RCD has terminal facilities in 58 cities and its gross operating revenues for 1968 were approximately $39 million. It has seven subsidiaries, four of which are corporate shells which RCD does not intend to activate. The other three are Rep Trans, Inc., Bay Area Transport, Inc., and Biscayne Cartage Co. each of which performs cartage and/or pickup and delivery services at certain major cities in the United States.

Sullivan is an ICC motor carrier restricted to the carriage of freight tendered on the waybills of surface freight forwarders. It is not authorized to solicit, sell, or transport shipments for the general public or to interline with other motor carriers. It operates in the northeast United States in an area bounded roughly by Cincinnati, Detroit, Washington, and Boston. Sullivan owns no terminal facilities, trucks, or tractors. Its 61 trailers are moved exclusively by owner-drivers. Gross business in 1968 was $811,000.

Airmodal, a wholly owned subsidiary of RCD, is an applicant for domestic and international air freight forwarder authority. It will use the pickup and delivery services of RCD and its subsidiaries and its own sales force will be supplemented by the widespread RCD organization.

Lazard is a partnership engaged in the investment banking business and is a member of the New York Stock Exchange. It has 26 partners, 25 individuals and Lazard Freres et Cie, a Paris investment banking firm. In 1965, 13 of the present Lazard partners and others acquired a $500,000 participation in a First National City Bank-Marine Midland loan to Yale Transport Systems, Inc. (Yale), which then owned 96.8 percent of RCD. Shortly thereafter, Yale, followed by RCD, filed petitions for reorganization under Chapter X of the Bankruptcy Act. As a result of the court approved reorganization, RCD was completely divorced from Yale. Various financial arrangements to establish RCD as an operating entity resulted in Lazard loaning RCD $1 million and acquiring a 10-year option on 52 percent of RCD's common and 53.5 percent of its preferred stock. The stock is in a voting trust controlled by Lazard.[2] RCD owns all of the stock of Airmodal. Sullivan is owned by the Legum Corp., the stock of which is in a voting trust controlled by Lazard.

The interlocking relationships for which approval or disclaimer of jurisdiction is sought fall into two categories. One involves those persons who hold positions as officers and/or directors of RCD, Airmodal, Sullivan and the three cartage companies; i.e., companies within the same system of subsidiary or affiliated companies under the common control of Lazard. These individuals are Leslie Legum, Robert L. Lalich, Frank Woods, and Richard J. Mackey. The other category involves a partner of Lazard who is a director of RCD, and other Lazard partners who are directors of firms, the activities of which come within the scope of section 409 of the Act. Thus, representative relationships arise within the meaning of the doctrine of the Lehman Brothers Interlocking Relationships case, 15 CAB 656 (1952). Donald A. Petrie is chairman of the board of directors of RCD. D. D. Deane is a director of McLean Industries which derives 90 percent of its revenues from the operation of a subsidiary, Sea-Land Services, Inc., a common carrier by vessel. S. DeJ. Osborne is a director of United Fruit Co. which operates cargo vessels with limited passenger capacity principally between North America and Central and South America. George Murane, Jr., is a director of Wyandotte Chemicals, Inc., a subsidiary of which operates a terminal switching railway at the company's plant in Michigan.

No comments or requests for a hearing have been received.

Upon consideration of the application, it is concluded that Airmodal is an air carrier and that RCD and Sullivan are common carriers within the meaning of section 408 of the Act and that the acquisition of control of Airmodal by RCD and the common control of RCD and Sullivan by Lazard are subject to that section.

However, the Board has concluded tentatively that such acquisition does not involve the control of an air carrier directly engaged in the operation of aircraft in air transportation and does not result in creating a monopoly or tend to restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is concluded tentatively that a hearing is not required in the public interest.

Upon consideration of the foregoing, and other information set forth in the record herein, it does not appear that the common control by Lazard of RCD/Airmodal and Sullivan will pose any substantial conflict of interest problems. At the outset, we note that the Board as a matter of policy has permitted surface freight forwarders to participate in air freight forwarding.[3] Thus, the RCD-Airmodal relationship presents no new issues. As to the common control of RCD-Airmodal and Sullivan, we believe that because of the special characteristics of Sullivan's operations there is little potential for conflict of interest between Airmodal and Sullivan. In this connection, we note that Sullivan is restricted to transporting shipments on the waybills of surface freight forwarders and cannot solicit, sell or transport shipments of the general public or interline with other motor carriers; that it is a comparatively small scale operator with an investment in tangible property of less than $150,000 including 61 truck trailers (it owns no motorized equipment); that its gross operating revenue in 1968 was $811,000 of which RCD contributed less than 10 percent for transportation services furnished by Sullivan; and that only one of the markets which Sullivan is authorized to serve (New York-Detroit) is in the top 30 air freight markets.[4] Under these circumstances there appears to be little likelihood that the control relationships will present any significant conflicts of interest.[5] Nevertheless, should Sullivan's operations be expanded geographically in the future, new issues not now present may arise. In its final order, the Board will condition its approval so as to make that approval effective only so long as Sullivan's surface rights are not expanded beyond their present scope.[6] The Board will also retain jurisdiction generally over the control relationships subject to its approval.

The Board concludes that the interlocking relationships of Messrs. Legum, Lalich, Woods, and Mackey as officers

[1] These are (1) between points in California and points in Oregon, Washington, and Idaho, and (2) from points in Kansas and points in the United States east of and including Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to points in Alaska and Hawaii.

[2] Lazard, by means of an identical voting trust, has assigned its interests in the option and the loan to RCD Holdings, Ltd., a wholly owned subsidiary.

[3] 9 CAB 473.

[4] CAB Economic Study of Air Freight Forwarding, May 1968, p. 188-189.

[5] While Sullivan might appear to come within the literal language of the proposed regulations issued concurrently with the Board's decision in the Motor Carrier-Air Freight Forwarder Investigation (Order 69-4-100, Apr. 21, 1969), in the light of the unique character of Sullivan's operations and other considerations discussed above and in the absence of any significant conflict of interest no purpose would be served in deferring the processing of the application until we act on the proposed regulation.

[6] We reach a like conclusion with respect to RCD's subsidiaries, Rep Trans, Inc., Bay Area Transport, Inc., and Biscayne Cartage Co.

and/or directors of the affiliated and subsidiary companies (RCD, Airmodal, Sullivan, and the three cartage companies) fall within the exemption from section 409 provided by Part 287 of the Board's economic regulations.[7] Thus, to the extent the application requests approval of those relationships, it will be dismissed.

We will disclaim jurisdiction over the relationship between RCD/Airmodal and Wyandotte Chemicals Corp. arising as a result of Mr. Petrie's position with RCD and that of his partner, Mr. Murnane, with Wyandotte. The Board has previously disclaimed jurisdiction over terminal railway/supplemental air carrier relationships on the grounds that the geographical scope of the former's operations eliminates the potential for competition.[7] We conclude that the operations of indirect air carriers are similarly noncompetitive with terminal railway operations.

We have decided tentatively to approve the relationships between RCD/Airmodal and United Fruit Co. (Mr. Osborne) and McLean Industries (Mr. Deane) resulting from Mr. Petrie having a representative on the board of directors of the two companies. The Board has previously approved interlocking relationships between direct air carriers and United Fruit Co.[8] Both of these ocean carriers are primarily engaged, according to the applicants, in the transportation of low priority bulk cargoes and there is no reasonable expectancy of effective competition between these carriers and RCD/Airmodal in the immediate future. However, with the forthcoming availability of large capacity airfreighters resulting in increased competition between direct air carriers/air freight forwarders and ocean carriers, competitive problems not foreseeable at this time might develop. We shall therefore retain jurisdiction over the relationships for the purpose of reviewing our approval of the section 409 relationships at such time as may be necessary.

In view of the foregoing, the Board tentatively concludes that it should approve without hearing under the third proviso of section 408(b) of the Act the control relationships described herein. We will also tentatively approve under section 409, the interlocking relationships involving RCD/Airmodal, Lazard, United Fruit, Sea-Land, and Messrs. Petrie, Deane, and Osborne since a due showing has been made in the form and manner prescribed by Part 251 of the Board's economic regulations that such interlocking relationships will not adversely affect the public interest. In accordance with section 408 of the Act this order, constituting notice of the Boards' tentative findings, will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing thereon.

Accordingly, it is ordered:

1. That interested persons are afforded 10 days from the date of service hereof within which to file comments or request a hearing with respect to the Board's proposed action on the application in Docket 20701;[9] and

2. That the Attorney General be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8248; Filed, July 11, 1969; 8:48 a.m.]

[7] Order 68-7-98, July 19, 1968; Universal Airlines, Inc., et al., Order 69-2-110, Feb. 20, 1969, Modern Air Transport, Inc., et al.

[8] Northeast Airlines-United Fruit Co., Order E-23059, Dec. 30, 1965, Docket 16711; and Pan American World Airways, Inc.-United Fruit Co., Order E-8532, July 29, 1954, Docket 3605.

[9] Comments shall conform to the requirements of the Board's rules of practice for filing documents. Further, since opportunity to file comments is provided, petitions for reconsideration of this order will not be entertained.

CIVIL SERVICE COMMISSION

HYDROLOGY SERIES

Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that minimum educational requirements should be established for positions in the Hydrology Series, GS-1315. The requirements, the duties of the positions, and the reasons for the Commission's decision that the requirements are necessary are set forth below.

HYDROLOGY SERIES, GS-1315 (ALL GRADES)

Minimum educational requirements. Candidates must have successfully completed one of the following requirements:

A. A full 4-year course of study at an accredited college or university leading to a bachelor's or higher degree with major study in physical or natural science (including geophysical sciences), or engineering. The study must have included at least 30 semester hours in any combination of courses in hydrology, physical science, engineering science, soils, mathematics, aquatic biology, or the management or conservation of water resources. The course work must have included differential and integral calculus, and physics.

B. Four years of education and/or experience, including a total of 30 semester hours in any combination of courses in hydrology, physical science (including geophysical sciences), engineering science, soils, mathematics, aquatic biology, or the management or conservation of water resources. The course work must have included differential and integral calculus, and physics. The combination of education and experience must demonstrate that the candidate possesses professional knowledge and skills comparable to those that would normally be acquired through the education described in A.

Duties. Hydrologists perform professional work such as the following:

Study and predict the interactions within the hydrologic cycle with relation to precipitation, evapotranspiration, streamflow, and subsurface water as influenced by the surface and subsurface characteristics of the watershed and the works of man.

Investigate the transport of sediment and dissolved materials in natural waters and the physical and biological changes resulting from this transport.

Evaluate the quantities, rates of movement and quality of water in the various phases of the hydrologic cycle.

Reasons for establishing requirements. The duties of these positions cannot be performed without a sound basic knowledge of the scientific principles, theories, and concepts that have application to the professional scientific field of hydrology, and the mathematical tools that are used in the analysis and treatment of hydrologic data. The duties of the positions require the application of highly technical scientific information and skills which can only be acquired through the successful completion of a course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8242; Filed, July 11, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18528; FCC 69R-292]

DeWITT RADIO

Memorandum Opinion and Order Enlarging Issues

In re application of Don Renault and Edwin Zaiontz, doing business as DeWitt Radio, Yorktown, Tex., Docket No. 18528, File No. BP-17138; for construction permit.

1. This proceeding involves the application of Don Renault and Edwin Zaiontz, doing business as DeWitt Radio (DeWitt) for an authorization to construct a new standard broadcast station at Yorktown, Tex. It was designated for hearing by order, FCC 69-423, 17 FCC 2d 385, 34 F.R. 7189, published May 1, 1969. Presently before the Review Board is a petition to enlarge issues, filed May 22, 1969, by Cuero Broadcasters, Inc.

(Cuero),[1] licensee of station KCFH, Cuero, Tex., and a party to the proceeding. Petitioner requests the addition of the following issues:

(1) To determine whether DeWitt Radio kept the Commission advised of "substantial and significant changes" as required by § 1.65 of the Commission's rules.

(2) To determine whether Don Renault deliberately made misrepresentations to the Commission in BP–17138 and/or BP–17254 with regard to his participation in the operation of the proposed stations.

(3) To determine, in light of the evidence adduced on the above issues, whether Don Renault possesses the requisite character qualifications to be a Commission licensee.

2. Cuero concedes that its petition was required to be filed on May 16, 1969, and is late under § 1.229(b) of the Commission's rules. However, petitioner contends that it was not possible to meet the deadline because of the late retention of legal counsel and the necessity of examining other applications submitted by principals of DeWitt, and requests that Rule 1.229 be waived to accept its late filing. Moreover, petitioner argues that because of the public interest questions raised, consideration of the petition on the merits is appropriate under the doctrine in Edgefield-Saluda Radio Company, 5 FCC 2d 148, 8 RR 2d 611 (1966). The Broadcast Bureau, in its comments, supports consideration of the petition on its merits.

3. Cuero has not shown good cause for its untimely filing. Its petition is grounded on an application filed in May 1966, and on an amendment filed in May 1967. Therefore, petitioner's lateness cannot be excused on the ground of the recent availability of these documents. As for the late retention of counsel, Cuero has not indicated when counsel was retained and we are therefore unable to determine whether such late retention might constitute good cause. Nevertheless, petitioner does raise substantial public interest questions and a grant of the requested issues would not unduly disrupt the proceeding. Therefore, consistent with our practice, we will consider the request on its merits. See WSTB–TV, Inc., 16 FCC 2d 625, 15 RR 2d 697 (1969); Edgefield-Saluda, supra.

Section 1.65 issue. 4. Petitioner notes that DeWitt filed the instant application in March 1966; that in May 1966, Don Renault, a partner in DeWitt, filed an application (BP–17254) for authorization to construct a new standard broadcast station in Del Rio, Tex.; and that application was subsequently granted and the station is now in operation under the call letters KWDR. Cuero contends that an examination of DeWitt's application reveals no amendment indicating that the Del Rio application had been filed or granted. Moreover, in its supplementary petition to enlarge issues, Cuero asserts that Don Renault is also a 51 percent owner of Inter-American Television Corp., Inc., which filed an application seeking a construction permit for a new television broadcast station to operate on Channel 10 in Del Rio, Tex., on April 1, 1969. Again, petitioner contends that the applicant has violated § 1.65 of the rules by failing to amend the instant application to reveal the filing of the channel 10 application.

5. The Review Board agrees with the Broadcast Bureau that the requested § 1.65 disqualifying issue should be added. Petitioner raises serious questions concerning whether DeWitt has kept the Commission informed of changes material to its application,[2] and the applicant has made no attempt to provide an explanation. An issue inquiring into this matter will therefore be specified.

Misrepresentation issue. 6. In support of its request for a misrepresentation issue, petitioner notes that DeWitt states in its application that Don Renault will be a full-time employee of the proposed station, and that Renault, in his 1966 Del Rio application, made the same statement in regard to that proposal. Cuero further points out that in May 1967, an amendment was filed to the Del Rio AM application in which Mr. Renault stated that he could fulfill both commitments by the utilization of his private plane, and that, while he would have a station manager in Yorktown, he would be general manager of that facility and responsible for a portion of its sales and all of its engineering. Petitioner contends that it is not possible for Mr. Renault to do both jobs, and that, since the Yorktown proposal involves a directional operation, it will require the presence of an engineer at all times when on the air, leading to a violation of the Commission's rules if Mr. Renault carries out his plan to spend part of his time in Del Rio. Petitioner argues that it is inconceivable that Mr. Renault, a station owner for over 10 years, would not realize that his plan to serve both stations, as explained in the amendment, would be violative of the Commission's rules. Therefore, Cuero argues that a question of misrepresentation is raised by what it characterizes as untrue and misleading statements in the instant and Del Rio AM applications and in the May 1967, amendment to the Del Rio application.

7. The Review Board agrees with the Broadcast Bureau that a misrepresentation issue is not warranted here. As the Bureau points out in its comments, the Commission dealt with a parallel question in the designation order, i.e., whether Renault could carry out his representation concerning the extent of his participation in news programing in light of his commitment to the Del Rio station, and the Commission added an adequacy of staff issue against DeWitt to resolve the question. In our view, no question of concealment or misrepresentation by the applicant in this matter has been raised, and the problem is basically no different than the one dealt with by the Commission. The feasibility of Mr. Renault's proposed participation in the instant proposal can be explored under the existing staffing issue. The request for a misrepresentation issue will be denied.

8. *Accordingly, it is ordered,* That the petition to enlarge issues, filed May 22, 1969, by Cuero Broadcasters, Inc., and the supplement to petition to enlarge issues, filed May 23, 1969, by Cuero Broadcasters, Inc., are granted to the extent indicated below and are denied in all other respects; and

9. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue: To determine whether Don Renault and Edwin Zaiontz, doing business as DeWitt Radio, kept the Commission advised of "substantial and significant changes" as required by § 1.65 of the Commission's rules; and, if not, whether the applicant possesses the requisite qualifications to be a Commission licensee; and

10. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added above will be on Cuero Broadcasters, Inc., and the burden of proof under such issue will be on Don Renault and Edwin Zaiontz, doing business as DeWitt Radio.

Adopted: July 7, 1969.

Released: July 8, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–8245; Filed, July 11, 1969; 8:48 a.m.]

[1] Also before the Review Board are: (a) Supplement to petition to enlarge issues, filed May 23, 1969, by Cuero; and (b) comments, filed June 5, 1969, by the Broadcast Bureau.

[2] The Commission, in its designation order, took cognizance of Mr. Renault's interest in the Del Rio AM station. However, this fact does not excuse the applicant's failure to amend its application at any time to inform the Commission of such interest. Moreover, there is no reference in the designation order to Mr. Renault's interest in Channel 10 in Del Rio.

[Docket Nos. 18241, etc.; FCC 69–727]

KFPW BROADCASTING CO. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of George T. Hernreich, trading as KFPW Broadcasting Co., Fort Smith, Ark., requests: 100.9 mcs, No. 265; 3 kw; 275 feet, Docket No. 18241, File No. BPH–6180; Christian Broadcasting Co., Hot Springs, Ark., requests: 106.3 mcs, No. 292; 0.457 kw(H); 0.457 kw(V); 670 feet, Docket No. 18388, File No. BPH–6249; Tim Timothy, Inc. (KBHS), Hot Springs, Ark., has: 590 kc, 5 kw, day, requests: 590 kc, 1 kw, 5 kw–LS, DA–N, U, Docket No. 18591, File No. BP–17526; for construction permits.

1. The Commission has before it the above-captioned and described applications and a petition to designate the application of Tim Timothy, Inc. (KBHS), for hearing in the consolidated proceeding now in progress on the applications of KFPW Broadcasting Co. (KFPW), and the Christian Broadcasting Co. The petition was filed on March 25, 1969, by the Christian Broadcasting Co. which is the licensee of standard broadcast station KXOW, Hot Springs, Ark. KBHS filed an opposition to the petition, Hernreich filed comments[1] supporting the petition, and the Christian Broadcasting Co. filed a reply.

2. The KFPW application was designated for hearing with another mutually exclusive application (since dismissed) by order of the Commission on July 3, 1968 (FCC 68–705 released July 11, 1968). The Christian Broadcasting Co. application was designated for hearing with the mutually exclusive application of George T. Hernreich trading as KZNG Broadcasting Co., on November 26, 1968 (FCC 68–1145 released Dec. 5, 1968) 14 RR 2d 960. Mr. Hernreich has since dismissed the KZNG application. In the Christian Broadcasting Co.-KZNG Broadcasting Co., proceeding, among the issues to be resolved is the question of whether the applicants had conducted special contests or promotions in order to improve artificially their ratings of standard broadcast stations in Hot Springs, KXOW and KZNG, respectively, of which the applicants are licensees. Thereafter, the Commission consolidated Hernreich's Fort Smith application in the Hot Springs proceeding for the purpose of determining whether the evidence adduced at the hearing reflects adversely on Hernreich's qualifications to obtain the Fort Smith authorization he seeks, FCC 69–178, 16 FCC 2d 681 released February 27, 1969.

3. In the Christian Broadcasting Co. petition, KBHS is charged with improving its rating by practices similar to those in which KXOW and KZNG have allegedly engaged. KBHS opposes the petition on the procedural grounds that the petition was not filed within the time prescribed by § 1.580(i) of the Commission's rules[2] and that the Commission's failure to consolidate the KBHS application with the Hot Springs FM applications after the Christian Broadcasting Co. had filed an earlier complaint alleging that KBHS had engaged in artificially improving its ratings ("hypoing") is an explicit indication that such a consolidation will not "best conduce to the proper dispatch of business and to the ends of justice." Substantively, KBHS seeks to defend two instances cited in the Christian Broadcasting Co. petition. First, KBHS claims that an "Uncle Jack Kash" promotion was started on April 10, 1967, 6 weeks before a Hooper survey which commenced on May 22, 1967. KBHS then quotes what appears to be a policy statement of the Broadcast Rating Council reported in Broadcasting of March 24, 1969 (page 128):

> Such activity shall be deemed hypoing if it occurs only during the survey period or less than 1 week prior to the beginning of the survey period.

KBHS argues that, according to industry definition, the "Uncle Jack Kash" promotion was not "hypo-ing" and that the promotion has continued and still continues without interruption. With respect to a "sweepstakes" promotion mentioned in the Christian Broadcasting Co. petition, KBHS states that the promotion was not designed by the station and that the station had no part in the promotion other than running paid announcements. KBHS also contends that the Christian Broadcasting Company petition "is laden with accusations of false advertising, and underhanded business practices, all of which are unsupported."

4. While it is true that Christian Broadcasting Co.'s petition was untimely, the Commission did not intend that its prior failure to consolidate the KBHS application in the proceeding on the Hot Springs FM application was to be an indication that the consolidation would not be conducive to the proper dispatch of its business. The KBHS application was not consolidated in the FM proceeding because the processing of the FM applications was completed before the completion of the processing of the KBHS application. As is the general practice in the absence of some indication of the existence of questions involving the same issues, the FM applications were processed without regard to the pendency of the AM proposal of another applicant. When the processing of the KBHS application was completed it was noted that not only had the "hypo-ing" charges been leveled at KXOW and KZNG but also that similar accusations have been made against KBHS. Since, in any event, the question raised would require resolution before favorable action on the KBHS proposal, the Commission must decide which procedure, under the circumstances, would achieve the more satisfactory resolution.

5. With regard to the KBHS allegation that one of its promotions, "Uncle Jack Kash," is not, by industry definition, "hypo-ing," the Commission accords due weight to the views of the industry council and they may be helpful in weighing the public interest factors which may develop. The ultimate public interest determination, however, is the responsibility of the Commission.

6. The accusations against KBHS appear to be but one facet of a dispute among the standard broadcast licensees in Hot Springs which seems to have generated some heat. The Commission finds, under the present circumstances, that, rather than attempt to resolve the question as it relates to KBHS on the basis of pleadings and other written statements on file, the better procedure is to consolidate the KBHS proposal into the proceeding already in progress and resolve the dispute on the basis of a hearing record. Accordingly, the petition of the Christian Broadcasting Co., though untimely, will be treated as an informal objection and the request to consolidate the KBHS proposal in the hearing will be granted. As to all matters within the peculiar knowledge of the respective applicants, the burden of proceeding with the introduction of evidence and the burden of proof shall be upon such applicants.

7. The proposed nighttime operation of KBHS will be limited to essentially the 18.7 mv/m contour and, as a result will encompass 97.1 percent of the population of Hot Springs. Thus, the proposal falls short of full compliance with § 73.188 of the Commission's rules. KBHS requests a waiver of that section and shows that, based on a house count, the 1968 population is 37,286 and that the population within the corporate city limits which is outside the proposed nighttime interference-free contour is 1,078. The proposed 25 mv/m contour will completely encompass the central business district of Hot Springs. In addition, the proposed operation would provide service to an area within Hot Springs which is not presently served by the one unlimited time standard broadcast station KZNG, assigned to the city, and 77 percent of the area within the proposed nighttime interference-free contour will receive a first primary nighttime service from the KBHS proposal. Under these circumstances, the Commission finds that a waiver of § 73.188 of the rules is justified, and KBHS' waiver request will be granted.

8. The Commission has previously found George T. Hernreich, trading as KFPW Broadcasting Co. and the Christian Broadcasting Co. qualified to construct and operate as proposed except as indicated by issues heretofore specified and now finds Tim Timothy, Inc., qualified to construct and operate KBHS as proposed except as indicated by the issues specified below. However, for the reasons stated above, the Commission is unable to make the statutory finding that the proposal would serve the public interest, convenience and necessity and is of the opinion that the application of Tim Timothy, Inc., must be consolidated in the proceeding now in progress.

9. *Accordingly, it is ordered,* That the request of the Christian Broadcasting Co., to consolidate the captioned applications for hearing is granted; and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.227(a) of the Commission's rules, the application of Tim Timothy, Inc., is consolidated for hearing in the proceeding on the applications of George T. Hernreich, trading as KFPW Broadcasting Co., and the Christian Broadcasting Co., at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether and, if so, the extent to which KZNG Broadcasting Co., conducted special contests or promotions in order to improve artificially its rating, and in light of the evidence thus adduced, whether George T.

[1] KBHS responded to Hernreich's comments by affidavit of B. F. Timothy, president and majority stockholder of KBHS.

[2] Pursuant to §§ 1.571(c) and 1.580(i) of the rules, the Commission, by public notice of Apr. 5, 1967, fixed May 11, 1967, as the date on which pleadings against the KBHS application must be filed.

Hernreich, trading as KFPW Broadcasting Co., possesses the requisite qualifications to obtain the requested authorization.

(2) To determine whether and, if so, the extent to which Christian Broadcasting Co., conducted special contests or promotions in order to improve artificially its ratings, and in the light of the evidence thus adduced, whether Christian Broadcasting Co., possesses the requisite qualifications to obtain the requested authorization.

(3) To determine whether and, if so, the extent to which Tim Timothy, Inc., conducted special contests or promotions in order to improve artificially its ratings, and in the light of the evidence thus adduced, whether Tim Timothy, Inc., possesses the requisite qualifications to obtain the requested authorization.

(4) To determine the efforts made by KFPW Broadcasting Co., to ascertain community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs.

(5) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether grants of the applications would serve the public interest, convenience and necessity.

10. *It is further ordered*, That the request of Tim Timothy, Inc., for waiver of § 73.188 of the Commission's rules is hereby granted.

11. *It is further ordered*, That the burden of proceeding with the introduction of the evidence and the burden of proof on the issues herein shall be upon the applicants.

12. *It is further ordered*, That the specification of issues and conditions herein shall supersede the specification of issues and conditions in all previous orders in this proceeding.

13. *It is further ordered*, That, if the application of the Christian Broadcasting Co., is granted, the permit shall contain the following condition: Section 73.210(a)(2) of the Commission's rules is waived to permit the establishment of the main studio outside the city limits of Hot Springs, Ark., near the intersection of Kingsway Drive and Buena Vista Road.

14. *It is further ordered*, That, to avail itself of the opportunity to be heard, Tim Timothy, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

15. *It is further ordered*, That Tim Timothy, Inc., shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 2, 1969.

Released: July 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-8243; Filed, July 11, 1969; 8:48 a.m.]

[Docket Nos. 18292, 18593; FCC 69-738]

K & M BROADCASTERS, INC., AND MOLLY PITCHER BROADCASTING CO., INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of K & M Broadcasters, Inc., Stirling, N.J., Requests: 1070 kc, 250 w, Day, Docket No. 18292, File No. BP-17004; Molly Pitcher Broadcasting Co., Inc., Freehold, N.J., Requests: 1070 kc, 1 kw, DA, Day, Docket No. 18593, File No. BP-17496; for construction permits.

1. The Commission has before it the above-captioned and described application of K & M Broadcasters, Inc., which, pursuant to an initial decision released May 9, 1969, by Chief Hearing Examiner, Arthur A. Gladstone, will be granted unless the Commission takes further action pursuant to § 1.276 of the Commission's rules. Also before the Commission is the above-captioned application of the Molly Pitcher Broadcasting Co., Inc., which was dismissed on August 14, 1968, for failure to respond to official correspondence, a "Petition for Partial Reconsideration and for Consolidation" filed by the Molly Pitcher Broadcasting Co., Inc. (Molly Pitcher); oppositions to the "Petition for Reconsideration of Order of Dismissal" filed by Harold M. Gade, licensee of Station WHTG, Eatontown, N.J., and the Kel Broadcasting Co., Inc., a former applicant for a construction permit for a new standard broadcast station in Watchung, N.J., and Molly Pitcher's reply to the oppositions.

2. Pleadings and related documents on file prior to the dismissal of the Molly Pitcher applications are the following: A petition to reject the application filed on October 7, 1966, by the Kel Broadcasting Co., Inc., Molly Pitcher's opposition and the petitioner's reply; a letter of October 28, 1966, of Herbert P. Michels, former applicant for the proposed Stirling station, requesting the rejection of the Molly Pitcher application; a petition for reconsideration of the acceptance of the Molly Pitcher application filed March 13, 1967, by Kel Broadcasting Co., Inc., and Molly Pitcher's opposition; a petition requesting that the Molly Pitcher application be returned filed by Michels on April 12, 1967, Molly Pitcher's opposition and Michels' reply; and a petition to deny the Molly Pitcher application filed May 11, 1967, by Harold M. Gade (WHTG). Molly Pitcher did not respond to the WHTG petition until, in its post dismissal pleadings, it stated that it is prepared to meet the issues requested by WHTG.

3. Prior to the dismissal of the Molly Pitcher application, there were pending four applications involving interrelated conflicts. Those applications were the application of the Sunbury Broadcasting Corp. (WKOK) (File No. BP-16936) for a modification of the authorization of WKOK, Sunbury, Pa.; and the applications of Herbert P. Michels (File No. BP-17004), the Kel Broadcasting Co., Inc. (File No. BP-17405), and Molly Pitcher (File No. BP-17496) for construction permits for new standard broadcast stations at Stirling, Watchung, and Freehold, N.J., respectively. Each application specified a frequency of 1070 kilocycles. The Kel application was mutually exclusive with each of the other three. Michels' application was mutually exclusive with Kel and Molly Pitcher but not with the WKOK proposal. Molly Pitcher was in conflict with both Michels and Kel, but, notwithstanding the overlap of the 0.025 mv/m contour of WKOK with the 0.5 mv/m contour of Molly Pitcher, was not in conflict with the WKOK proposal inasmuch as no overlap of the WKOK 0.05 mv/m contour with the Molly Pitcher 1 mv/m contour would occur and Molly Pitcher proposes the first standard broadcast facility in Freehold. See § 73.37 of the Commission's rules.

4. During the pendency of those applications, Michels, in objecting to the application of Molly Pitcher, noted that the Molly Pitcher notice of the filing of its application published in The Freehold Transcript stated that a copy of the application was on file for public inspection at the offices of the corporation in Red Bank, N.J. § 1.580(f)(10) provides that a copy of an application must be on file at a stated address in the community in which the main studio is proposed to be located—in this case, Freehold. Thus, Molly Pitcher's first notice was technically not in compliance with § 1.580(f)(1) of the rules.

5. In response to Michels' objection, Molly Pitcher contended that the notice was in substantial compliance with the Commission's requirement but that, to remove any question, a second notice would be published which would comply with the letter of the Commission's rules. This statement appeared in a pleading filed on April 25, 1967. Nothing further was received on this matter by January 1968, and on January 29, 1968, the Commission addressed a letter to Molly Pitcher requesting that the Commission be advised if a second notice had been published. The Commission requested a response within thirty (30) days and advised Molly Pitcher that, in the absence of a response within 30 days, its application would be dismissed pursuant to § 1.568(b) of the rules, a section that provides that failure to respond to official correspondence is cause for dismissal of an application. Molly Pitcher did not respond to this letter by August 14, 1968, and on that date the Commission dismissed the application.[2]

6. Simultaneously with the dismissal of the Molly Pitcher application, the Commission ordered a hearing on the other three proposals, WKOK, Michels and Kel. Thereafter, negotiations between Michels and Kel resulted in a merger between those two applicants, the Kel application was dismissed and Michels and Kel have continued to prosecute the Stirling proposal under the corporate name, K & M Broadcasters, Inc. The dismissal of the Kel application removed the conflict with the WKOK proposal which was severed from the K & M proposal and granted.

7. Meantime, Molly Pitcher filed its petition for reconsideration of the order of dismissal and a petition for partial reconsideration of the order designating the other applications for hearing to the extent of consolidating the Molly Pitcher application in the hearing proceeding. The petition for reconsideration of the order of dismissal recites the history of the Molly Pitcher application and refers to the filing of the petition to deny the application by WHTG in which WHTG raised a question regarding the availability of Molly Pitcher's proposed transmitter site. Molly Pitcher explains the failure to respond to the Commission's letter of January 29, 1968, by stating that its original expectation of acquiring the transmitter site did not materialize. Tentative arrangements had been made with a Mr. Samuel Brenner to purchase a parcel of land and lease part of the property to be used as the transmitter site. Mr. Brenner's plan to purchase the land was subject to the condition that he find a use for that portion of the property which Molly Pitcher did not intend to lease. At the time the WHTG petition was filed, it was questionable whether Mr. Brenner would go forward with the original plan. Molly Pitcher states that several months were spent in unsuccessful efforts to purchase the site proposed or adjacent land and takes the position that it could not properly publish a new notice because it had no site to specify other than the one with respect to which the unresolved question had been raised.

8. Shortly before the dismissal of its application, according to Molly Pitcher, a commitment was secured from the landowner to sell the property at a specified price. The landowner also agreed to act as Molly Pitcher's agent for the purpose of keeping on file in this office in Freehold a copy of the application for public inspection. Molly Pitcher then republished its notice on August 22 and 29, and September 5, 1968, in The Freehold Transcript, a weekly newspaper. The notice states that a copy of the application may be inspected in Freehold.

9. Having related its experience with respect to the proposed transmitter site, Molly Pitcher now requests that the Commission reconsider its order of dismissal and designate the application for hearing in Docket No. 18292.

10. Molly Pitcher argues further that "the public interest would be served far more by the allocation of the instant frequency in Freehold than would be the case if it were allowed to go, by default, to * * * Stirling." Molly Pitcher also asserts that the only question presented is whether the public interest, in this situation, may yield to the private interests of the other applicants (now applicant) in the hearing proceeding.

11. WHTG urges, on the other hand: "The instant petition presents the basic question as to whether the Commission's processing rules are to be observed or whether applicants shall be free to disregard them with impunity."

12. The Commission finds that it will be in the public interest to reinstate the Molly Pitcher application and consolidate its proposal with the K & M proposal. This will provide the Commission an opportunity to consider the question of which proposal may provide the more fair, efficient and equitable distribution of radio service within the meaning of section 307(b) of the Communications Act of 1934, as amended. This is assuming that Molly Pitcher will be able to resolve favorably several issues which must be specified against it. In taking this action the Commission does not condone Molly Pitcher's serious procedural lapse in failing to file a timely response to official correspondence, or in failing to comply with § 1.65 of the Commission's rules in that it apparently did not advise the Commission of a material change in circumstances with respect to the proposed transmitter site.

13. With reference to those documents listed in paragraph 2, above, all but WHTG's petition to deny the Molly Pitcher application deal with the procedural question of the acceptability of the application. Michels and the Kel Broadcasting Co. urged the rejection of the Molly Pitcher application alleging that the proposal did not meet the minimum separation requirements of § 73.37 in that, it is claimed, overlap of contours prohibited by § 73.37(a) would occur involving the Molly Pitcher proposal and stations WTIC, Hartford, Conn. (1080 kc, 50 kw, DA-N, U), WHN, New York, N.Y. (1050 kc, 50 kw, DA-1, U) and KYW, Philadelphia, Pa. (1060 kc, 50 kw, DA-1, U). At the time of the filing of the Molly Pitcher application, the Commission's study of the proposal indicated that it was in compliance with § 73.37. A subsequent amendment which included field intensity measurement data removes any possible doubt on the question of the application's acceptability. Accordingly, the application is not subject to dismissal on 73.37 grounds. See Natick Broadcast Associates, Inc., v. Federal Communications Commission, —— U.S. App. D.C. ——, 385 F. 2d 985, 11 RR 2d 2065 (1967); James River Broadcasting Corporation v. Federal Communications Commission, —— U.S. App. D.C. ——, 399 F. 2d 581, 13 RR 2d 2088 (1968).

14. Michels is also critical of Molly Pitcher's measurements and suggests that they may be unreliable because of the alleged inaccuracy of the measuring instrument. Michels also cites various omissions in the application. With reference to the measurement data, a careful examination of the information submitted indicates that it is adequate to establish that the Molly Pitcher proposal is in compliance with the Commission's allocation standards and that, apart from Michels' speculative observations concerning the measuring instrument, there is no reason to doubt the accuracy of the measurements. With regard to the alleged incompleteness of the application, there are indeed some omissions, none of which, however, constitute grounds for dismissing the application. Accordingly, the requests of Michels and Kel to reject or dismiss the Molly Pitcher application must be denied.

15. WHTG, in requesting the denial of the Molly Pitcher application, raises several questions which have not been resolved. WHTG first states that Molly Pitcher claims to have made a "comprehensive market study" which included a survey to "interview and consult with civic leaders". WHTG conducted an investigation to determine the nature of the contacts made by Molly Pitcher. Of the several community leaders contacted by WHTG, most of them were unaware of a proposal for a station in Freehold and all but three had not been contacted by anyone concerning a proposed new service. WHTG concludes that no significant survey was made. WHTG also alleges that the programs proposed by Molly Pitcher were taken from the schedules of WHTG and of WJLK in Asbury Park, N.J.

16. Molly Pitcher appears to rely on the residence of its president, Norman K. Brenner, in Matawan, N.J., and a survey of a cross-section of the potential audience and unidentified civic leaders as the basis for its ascertainment of community needs. The material submitted concerning its proposed program service consists, for the most part, of general statements reflecting the opinions of Molly Pitcher's principals but not specifically related to any survey which may have been made. With regard to Mr. Brenner's residence in Matawan, the Commission does not regard such residence, without more, sufficient to establish familiarity with the needs and interests of the area. Andy Valley Broadcasting System, Inc., 12 FCC 2d 3, 12 RR 2d 591 (1968). Moreover, the applicant's showing is otherwise inadequate to show an awareness of area needs and the manner in which those needs are to be met. Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961); Public Notice of August 22, 1968, 33 FR 12113, 13 RR 2d 1903. Therefore, an appropriate issue will be specified.

[1] Commissioners Bartley, Wadsworth, and Johnson absent.

[2] In the petition for partial reconsideration, Molly Pitcher erroneously states that its application had been dismissed for failure to republish a notice of the filing of its application. Actually, at the time the application was dismissed, the Commission had not been advised whether a second notice had been published or not.

17. WHTG next requests that the availability of the proposed site be placed in issue, and Molly Pitcher now concedes that, at the time WHTG's petition was filed there was serious doubt concerning the availability of the site. WHTG claims that the specification of the site at a time when an offer to purchase the land was rejected by the landowner constituted a misrepresentation. Based on Molly Pitcher's account of its experience with the site, it would appear that the original arrangements were tenuous at best. It now appears, however, that the site now specified is available, and the Commission will not place its availability in issue. It does appear that Molly Pitcher did not comply with the requirements of § 1.65 of the rules in that it failed to advise the Commission when it appeared that the site might not be available. Accordingly, this failure will be considered in the hearing.

18. WHTG alleges that the Molly Pitcher proposal will not comply with § 73.188(b)(1) of the Commission's rules inasmuch as the proposed 25 mv/m contour will not encompass all the business and factory area of Freehold. In support of this allegation, WHTG submitted an affidavit of its chief engineer to which was attached an exhibit showing business and factory areas of Freehold. A segment of the proposed 25 mv/m contour is drawn on the exhibit, and portions of the business and factory areas are shown outside the contour. It is not entirely clear how the location of the 25 mv/m contour was determined although there is mention of Figure 9A in the Molly Pitcher proposal. The Commission's examination of the material filed by the applicant indicates that the proposed 25 mv/m contour will substantially cover the business area of Freehold, and, therefore, a § 73.188(b)(1) issue is not necessary.

19. Finally, WHTG contends that the Commission's policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965), should be applied in the case of the Molly Pitcher application. Under that policy, where an applicant's proposed 5 mv/m contour penetrates the geographic boundaries of a community with a population of over 50,000 persons and having at least twice the population of the applicant's specified community a presumption arises that the applicant realistically proposes to serve the larger community rather than the specified community. In adopting the policy, the Commission stated that in those instances when the presumption would not arise because, for example, the larger community lacks the required population, interested parties may petition to designate the application for hearing. The Commission indicated that such petitions would receive favorable consideration if a petitioner makes a threshold showing that the proposal would realistically serve primarily a community other than the applicant's specified community.

20. In support of its contention that the suburban community policy should apply in this case, WHTG submitted a quantity of statistical information including population figures and lists of civic and social organizations and commercial establishments in Molly Pitcher's proposed service area. WHTG implicitly recognizes that no single community in the proposed service area has a population of as much as 50,000 but seeks to raise the presumption by combining the populations of several communities. WHTG points out that the combined populations of Asbury Park (17,366), Neptune Township (21,487), and Lakewood (13,004) are 51,857 or more than 50,000. The petitioner also lists other communities which lie wholly or partially within the proposed 5 mv/m contour. In addition WHTG lists other communities which lie wholly or partially within the proposed 2 mv/m contour. WHTG notes that Freehold will be located in a minor lobe of the directional antenna pattern and has a population of only 9,140. WHTG cites the greater civic, social and economic development which has occurred in the communities along the eastern New Jersey coast but claims that no comparable development has taken place in Freehold. In addition, WHTG points out that there are numerous services and facilities outside Freehold that cannot be found in Freehold.

21. Upon consideration of the entire showing, however, the Commission is unable to infer that Molly Pitcher intends to serve primarily some more populous, unspecified community. Moreover, the showing fails to establish that there is in the area a single central city of which Freehold may be a suburb. WHTG emphasizes the modest population of Freehold, but apparently, according to the petitioner's figures, the population of its own community, Eatontown (10,334), is not substantially greater than that of Freehold.

22. Freehold is the county seat of Monmouth County, and, according to the matrial submitted by WHTG, Freehold appears to have all the indicia of an integrated community. It may well be, as WHTG suggests, that if the Freehold station is authorized, Molly Pitcher may seek revenues from advertisers in communities other than Freehold, but this does not mean that the Commission must presume that the station will primarily serve some unnamed community other than Freehold. It is true that Freehold will lie in a minor lobe, but the proposed station will cover Freehold with the required signal. The Commission finds that WHTG has failed to make a threshold showing that Molly Pitcher does not intend realistically to serve Freehold. Accordingly, the request for a suburban community issue will be denied.

23. One other matter to be resolved in the hearing includes the financial qualifications of Molly Pitcher. The financial information in addition to being out of date indicates that the principals will provide the necessary funds but no balance sheets or financial statements have been submitted. Therefore, there is no basis for a finding that the Molly Pitcher principals have funds to meet their commitments. Moreover, Molly Pitcher should submit current information for consideration in connection with the financial issue specified.

24. K & M Broadcasters, Inc., have been found qualified to construct and operate its proposed station, and the Commission now finds the Molly Pitcher Broadcasting Co., Inc., qualified, except as indicated by the issues specified below. However, because of the matters indicated above, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the application of the Molly Pitcher Broadcasting Co., Inc., must be consolidated for hearing with the application of K & M Broadcasters, Inc., on the issues set forth below. We recognize that qualification issues specified in our previous orders relating to the K & M application were resolved by the Hearing Examiner's initial decision. However, we specifically direct the Examiner to consider evidence directed to such issues if proffered by Molly Pitcher Broadcasting Co., Inc.

25. *Accordingly, it is ordered*, That the "Petition for Reconsideration of Order of Dismissal" and the "Petition for Partial Reconsideration and for Consolidation" filed by the Molly Pitcher Broadcasting Co., Inc., are granted; that the effective date of the initial decision of the Chief Hearing Examiner (FCC 69D-30) looking toward a grant of the application of K & M Broadcasters, Inc., is stayed; that the application of K & M Broadcasters, Inc., is remanded for a reopening of the record, for further hearing and the issuance of a supplemental initial decision; and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application of the Molly Pitcher Broadcasting Co., Inc., is consolidated for hearing in the proceeding on the application of K & M Broadcasters, Inc., at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

(2) To determine the efforts made by the Molly Pitcher Broadcasting Co., Inc., to ascertain the community needs and interests of the area to be served and the means by which they propose to meet those needs and interests.

(3) To determine whether the Molly Pitcher Broadcasting Co., Inc., is financially qualified to construct and operate its proposed station.

(4) To determine, with respect to the application of the Molly Pitcher Broadcasting Co., Inc., whether this applicant has continued to keep the Commission advised of "substantial and significant changes" in its application as required by § 1.65 of the Commission's rules.

(5) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the applications would better provide a fair, efficient and equitable distribution of radio service.

(6) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either of the applications should be granted.

26. *It is further ordered*, That Harold M. Gade, licensee of station WHTG, Eatontown, N.J., is made a party to the proceeding.

27. *It is further ordered*, That the petition to deny the application of the Molly Pitcher Broadcasting Co., Inc., filed by Harold M. Gade, is granted to the extent indicated above and is denied in all other respects.

28. *It is further ordered*, That the requests of Herbert P. Michels and the Kel Broadcasting Co., Inc., to reject or dismiss the application of the Molly Pitcher Broadcasting Co., Inc., are denied.

29. *It is further ordered*, That the burden of proceeding with the introduction of the evidence and the burden of proof with respect to issues 2, 3, and 4 shall be upon the Molly Pitcher Broadcasting Co., Inc.

30. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the Molly Pitcher Broadcasting Co., Inc., and Harold M. Gade, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

31. *It is further ordered*, That the Molly Pitcher Broadcasting Co., Inc., shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 2, 1969.

Released: July 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8244; Filed, July 11, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

CENTRAL GULF STEAMSHIP CORP. ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. N. W. Johnson, Vice Chairman,
Central Gulf Steamship Corp.,
1 Whitehall Street,
New York, N.Y. 10004.

Agreement No. 9804 establishes a cooperative working arrangement between Central Gulf Steamship Corp., Contramar S.A., and Eurogulf Lines, Inc., in the westbound trade from ports (including ports and places on inland waters) in the United Kingdom, Eire, continental Europe north of Gibraltar, including Scandinavian and Baltic Sea ports, to U.S. South Atlantic and Gulf ports including ports and/or places on inland waterways.

It recites the agreement of the parties to inaugurate a lighter-aboard-ship (LASH) common carrier service in November 1969, or as soon as the first LASH vessel and barges are made available by Central Gulf. The service will be operated by Eurogulf Lines, Inc., under the trade name of "Central Gulf Contramar Line," with monthly sailings scheduled during the first 8 or 9 months and every 15 days thereafter. Neither Central Gulf nor Contramar nor any of their affiliates or agents will operate or act as agents for a common or contract carrier service in these trades, whether with LASH vessels or otherwise, other than that operated by Eurogulf.

Further provision is made (1) for the appointment of Central Gulf as general agents for the line in the United States, and of Continental Lines S.A. as general agents and central booking office in Europe, and copies of these agency agreements have been filed for information purposes; (2) for the employment of subagents and stevedores by the general agents; (3) for the publication by Central Gulf Contramar Line (Eurogulf) of a tariff of rates, terms and conditions for the transportation of cargo in the trades, and (4) that the duration of the agreement is 5 years commencing October 1, 1969, subject to extension, and for its termination by any of the parties at any time upon 6 months' notice to the other parties.

Dated: July 9, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8250; Filed, July 11, 1969; 8:48 a.m.]

JET AIR FREIGHT AND COPELAND SHIPPING, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Gary L. Zimmerman, Secretary, Jet Air Freight, 900 West Florence Avenue, Inglewood, Calif. 90301.

Agreement No. FF-4 between Jet Air Freight, a California corporation (Independent Ocean Freight Forwarder License No. 1095), and Copeland Shipping, Inc., a New York corporation (Independent Ocean Freight Forwarder License No. 92), provides for the acquisition by Jet of all the issued and outstanding stock of Copeland in exchange for a certain number of shares of the common stock of Jet. Copeland will continue its corporate identity, but as a wholly-owned subsidiary of Jet. Both parties will retain their current FMC Licenses to operate as independent ocean freight forwarders. The acquisition with respect to the air freight forwarding operations of Jet and Copeland has been approved by the Civil Aeronautics Board.

Dated: July 9, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8251; Filed, July 11, 1969; 8:48 a.m.]

NOVO CORP. AND BARNETT INTERNATIONAL FORWARDERS, INCORPORATED, OF CALIFORNIA

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the

[2] Commissioners Bartley, Wadsworth, and Johnson absent; Commissioner Robert E. Lee concurring in the result.

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Edward Schmeltzer, Morgan, Lewis & Bockius, 1140 Connecticut Avenue, N.Y., Washington, D.C. 20036.

Agreement No. FF-5 between Novo Corporation and Barnett International Forwarders, Incorporated, of California (Barnett of California, FMC License No. 689), provides for the acquisition of Barnett of California by Novo Corp. Novo currently owns Trans-World Forwarding & Air Expediting Co. (FMC License No. 773), and Barnett International Forwarders, Incorporated, a New York corporation (FMC License No. 865).

The acquisition would be accomplished by having Barnett of California merge with and into a wholly owned subsidiary of Novo, to be incorporated in the State of California for this purpose. The surviving subsidiary corporation would bear the name of Barnett International Forwarders, Incorporated, of California.

As consideration for the acquisition, Novo would issue to the two stockholders of Barnett of California, in equal parts as to each, shares of common stock of Novo having a market value of one hundred sixty-five thousand dollars ($165,000.00).

Dated: July 9, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8252; Filed, July 11, 1969; 8:48 a.m.]

SWISS/NORTH ATLANTIC FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Swiss/North Atlantic Freight Conference (modification of conference agreement).

Notice of agreement filed for approval by:

Mrs. M. Lambert, Secretary, Swiss/North Atlantic Freight Conference, 85, Rue de la Republique D-4, 92—Meudon (Hauts-de-Seine), France.

Agreement No. 7860-11 amends the first sentence of Article 1 of the basic agreement of the Swiss/North Atlantic Freight Conference to read as follows: "This Agreement covers the establishment and maintenance of agreed rates, charges and practices, for or in connection with the transportation of cargo originating in Switzerland and Liechtenstein, destined to the United States via the European Continental Ports of loading in the Hamburg/Bayonne Range, both inclusive; ports of the French Mediterranean Coast; all the ports of the Italian Mediterranean and Adriatic Coast served by members, to North Atlantic Ports of the United States in the Hampton Roads/Portland (Maine) Range, in any vessel owned, controlled, chartered, or operated by the Members in the trade covered by this Agreement."

Dated: July 9, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8253; Filed, July 11, 1969; 8:48 a.m.]

[Commission Order 52 (Revised)]

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Sec.
1 Purpose.
2 Policy.
3 Scope of program.
4 Responsibilities.
5 Director of Equal Employment Opportunity.
6 Counseling procedure.
7 Complaint procedure.
8 Hearings.
9 Decision.
10 Appeal.

SECTION 1. *Purpose.* 1.01 This order expands and revises the provisions of C.O. 52 (Revised) dated October 30, 1968, to comply with the revised U.S. Civil Service regulation, Federal Personnel Manual Part 713, effective July 1, 1969.

1.02 This order establishes procedures for the informal settlement of grievances concerning employment discrimination; for the receipt, investigation, and disposition of complaints of such discrimination; for the adjustment of such complaints; for the formal hearing of such complaints before an appeals examiner; and for the Appeal of the decision of the Director of EEO to the Civil Service Commission.

SEC. 2. *Policy.* 2.01 There shall be, in the Federal Maritime Commission, a positive continuing program of equal employment opportunity for all qualified persons, consistent with law, without discrimination because of race, religion, color, national origin, physical impairment, sex, political affiliations, marital status, or age (hereinafter referred to as discrimination).

2.02 Any person wishing to file a complaint involving issues of discrimination must first discuss his grievance with the Equal Employment Opportunity Counselor (hereinafter referred to as the Counselor) for the purpose of providing the maximum opportunity for informal resolution of the grievance.

2.03 There shall be prompt, fair, and impartial consideration and disposition of all complaints involving issues of discrimination.

2.04 At all stages in the presentation of the complaint, or counseling under section 6, the aggrieved person or complainant shall be free from restraint, interference, coercion, discrimination, or reprisal and shall have the right to be accompanied, represented, and advised by a representative of his own choosing.

2.05 An employee complainant (in an active duty status) shall have a reasonable amount of official time to present his grievance or complaint. If such employee designates another employee as his representative, the representative shall be free from restraint, interference, coercion, discrimination or reprisal, and shall have a reasonable amount of official time, if he is otherwise in an active duty status, to present the complaint.

2.06 The Director, Officer, and Counselor shall be free from restraint, interference, coercion, discrimination or any other reprisal, direct or indirect, in connection with the performance of their duties under this order.

SEC. 3. *Scope of Program.* 3.01 The Federal Maritime Commission shall, through its management and supervisory officials assigned responsibilities under section 4 of this order, establish and maintain a program providing for the:

1. Availability of equal employment opportunity for all qualified employees and applicants for employment in all job categories, without regard for race, religion, color or national origin, physical handicap, sex, political affiliation, marital status, or age.

2. Communication of the Commission's equal opportunity policy program and its employment needs to educational institutions, the Civil Service Commission, Federal and State employment agencies, and other sources of qualified minority group applicants to obtain their recruitment assistance.

3. Continuous reappraisal of the duties and responsibilities of positions to determine whether duties can be restructured to provide more opportunity for the selection of under-utilized and handicapped employees or applicants and the development of such employees, through training, to the higher level required.

4. Conduct of all training programs by the Federal Maritime Commission on the basic premise that all employees shall be given equal opportunity to participate solely on the basis of job betterment and improvement in employee skills.

5. Participation at the community level with other employers, with schools and universities, and with other public and private groups in cooperative action to improve employment opportunities and community conditions that affect employability.

SEC. 4. *Responsibilities.* 4.01 The Chairman, Federal Maritime Commission, will exercise personal leadership in establishing, maintaining and carrying out a positive continuing program to assure equal opportunity in every aspect of the Commission's policies and practices.

4.02 The Managing Director is responsible for the executive direction of the development and implementation of an affirmative program of equal employment opportunity. The Managing Director will be aided in the effectuation of such program by the principal management officials of the Commission as specified in sections 4.03 through 4.07 below.

4.03 Heads of Offices and Bureaus are responsible for carrying out, within their organizational units, the equal employment opportunity program and policies of the Commission. Further, such officials shall discharge their personnel management responsibilities in a manner to ensure that there is no form of prejudice or discrimination in personnel practices or working conditions.

4.04 The Chief, Division of Personnel is responsible for providing staff assistance to the Director of Equal Employment Opportunity, EEOO, EEOC, bureau directors, and office chiefs in their performance of activities under the equal opportunity program. Moreover, he is responsible for ensuring that personnel policies and practices, as set forth in this order, are fulfilled in the recruitment, selection, utilization and training of personnel.

4.05 The Deputy Managing Director is designated as Director of Equal Employment Opportunity of the Federal Maritime Commission and shall carry out the duties and responsibilities enumerated in section 5 of this order. In this capacity, he shall be under the immediate supervision of the Chairman.

4.06 The Director, Bureau of Hearing Counsel, is designated as the Equal Employment Opportunity Officer of the Federal Maritime Commission and shall carry out the duties and responsibilities enumerated in section 7 of this order.

4.07 The Deputy General Counsel is designated as the Equal Employment Opportunity Counselor of the Federal Maritime Commission and shall carry out the duties and responsibilities enumerated in section 6 of this order. Moreover, he shall advise the Director of Equal Employment Opportunity of the need for additional counselors, from time to time, to carry out the responsibilities of Equal Employment Opportunity counseling.

SEC. 5. *Director of Equal Employment Opportunity.* 5.01 The Director of Equal Employment Opportunity is responsible for:

1. Advising the Chairman with respect to the adequacy and implementation of the Commission's program for equal employment opportunity.

2. Evaluating from time to time, but at least every 6 months, the sufficiency of the total Commission's program for equal employment opportunity and reporting thereon to the Chairman with recommendations as to any improvement or correction needed.

3. Providing for counseling, by an Equal Employment Opportunity Counselor in accordance with section 6 of this order of any aggrieved employee or qualified applicant for employment who believes that he has been discriminated against.

4. Providing for the receipt, investigation, and disposition of any complaints, in accordance with section 7 of this order, of discrimination in personnel matters within the Commission by any complainant employee or qualified applicant for employment who believes he has been discriminated against.

5. Providing for the receipt, investigation, and disposition, of allegations by organizations or other third parties of discrimination in personnel matters within the agency whether or not related to an individual complaint of discrimination, with notification of his decision to the party submitting the allegation:

6. Making the agency decision on complaints of discrimination and ordering appropriate corrective measures.

7. With the advice of the Equal Employment Opportunity Officer(s) and Counselor(s), developing and administering a detailed plan of action to implement the Commission's equal employment opportunity program; maintaining such plan on a current basis, thereby ensuring that the plan will be continuously responsive to the needs of the organization and the requirements of public policy.

5.02 The Director of Equal Employment Opportunity shall file such reports to the Federal Maritime Commission and Civil Service Commission as are required.

SEC. 6. *Counseling procedure.* 6.01 Any aggrieved person who believes that he has been discriminated against must consult with an Equal Employment Opportunity Counselor in attempting to resolve the matter. The Counselor shall make whatever inquiry he believes necessary into the matter; shall seek a solution of the matter on an informal basis; and shall counsel the aggrieved person concerning the merits of the matter.

6.02 The aggrieved person must bring his grievance to the attention of the Counselor within 15 calendar days of the event giving rise to the grievance or, if a personnel action, within 15 calendar days of its effective date; provided however that a grievance concerned with a continuing discriminatory practice having a material bearing on employment may be brought at any time.

6.03 The Counselor shall, insofar as practical, conduct his final interview with the aggrieved person not later than 15 working days after the date on which the matter was called to his attention by the aggrieved person. Moreover, the Counselor shall advise the aggrieved person in a final interview of his right to file a complaint of discrimination with the agency's Equal Employment Opportunity Officer, if the matter has not been resolved to the aggrieved person's satisfaction; he shall also advise him of the requirements governing the acceptance of a complaint in section 7 hereof. Moreover, the Counselor shall assist the aggrieved person, if so requested by that person, in filing his complaint.

6.04 The Counselor shall not reveal the identity of an aggrieved person who has sought counseling except when so authorized by the aggrieved person until the agency has accepted a complaint of discrimination from the aggrieved person on the matter brought to the attention of the Counselor.

6.05 When a complaint of discrimination has been accepted from an aggrieved person, the Counselor shall submit a written report to the EEO Officer, a copy to the aggrieved person, summarizing his action and advice both to the EEOO and the aggrieved person concerning the merits of the matter.

6.06 The Counselor shall maintain records of his counseling activities for the purpose of briefing periodically (at least quarterly) the Director of Equal Employment Opportunity on such activities.

6.07 The Counselor shall be readily available for resolving all grievances concerning discrimination.

SEC. 7. *Complaint procedure*—7.01 *Who may file.* Any aggrieved employee or qualified applicant for employment who believes that he has been discriminated against may file a complaint.

7.02 *Where to file.* Complaints shall be filed with the Equal Employment Opportunity Officer, Federal Maritime Commission.

7.03 *Time limit.* A complaint must be submitted in writing by the complainant or his representative within 15 calendar days of the date of the complainant's final interview with the Equal Employment Opportunity Counselor. The time limits stated herein may be extended by the Equal Employment Opportunity Officer for good cause shown by the complainant.

7.04 *Processing of a complaint.* 1. Complaints of discrimination will be investigated and acted upon promptly in accordance with Part 713 of the Civil Service Commission's regulations revised July 1, 1969. A copy of these regulations is available from the Director of Equal Employment Opportunity, or the EEO Officer(s) or Counselor(s), or the Chief, Division of Personnel.

2. The Equal Employment Opportunity Officer shall advise the Director of Equal Employment Opportunity on receiving a complaint. The EEO Officer shall promptly investigate the complaint unless the complaint arises in a position which is directly or indirectly under his jurisdiction; in such case, the Director shall appoint an alternate for him. The EEO Officer shall be authorized to administer oaths and shall be authorized to require statements of witnesses under oath or affirmation, without pledge of confidence. The investigation of the officer shall include a thorough review of the circumstances under which the alleged discrimination occurred, the treatment of members of the complainant's group identified by his complaint as compared with the treatment of other employees in the organizational segment in which the alleged discrimination occurred, and any policies and practices related to the work situation which may constitute, or appear to constitute, discrimination even though they have not been expressly cited by the complainant. An investigation file shall be compiled containing the various documents and information acquired during the investigation including affidavits of the complainant, of the alleged discriminating official(s), and of the witnesses, and copies of, or extracts from, records, policy statements, or regulations of the Federal Maritime Commission, organized to show the relevance to the complaint, or the general environment out of which the complaint arose. In addition, the investigative file shall record in summary fashion such data as to the membership or lack thereof of a person in the complainant's group needed to resolve a complaint of discrimination: *Provided, however,* That all such information in the investigative file shall be obtained voluntarily and that no such information shall be acquired by coercion of an employee to provide such.

3. The Director of EEO shall arrange to furnish the EEO Officer or other person conducting the investigation the necessary written authority:

(a) To investigate all aspects of complaints of discrimination,

(b) To require all employees of the agency to cooperate in the conduct of such investigation, and

(c) To require employees of the agency having knowledge of the matter complained of to furnish testimony under oath or affirmation without a pledge of confidence.

4. The information file shall be made available to the complainant or his representative for review for the purpose of adjustment of the complaint on an informal basis. If the complaint is adjusted, the terms shall be reduced to writing and incorporated into the file, with a copy to the complainant.

5. If the complaint is not adjusted, the complainant shall be notified in writing of the Equal Employment Opportunity Officer's proposed disposition thereof, and advised of his right to a hearing with subsequent decision by the Director of Equal Employment Opportunity and his right to such decision without a hearing. The complainant shall notify the Director of Equal Employment Opportunity within 7 calendar days of receipt of such notification of his decision whether he wishes to have a hearing. If the complainant fails to notify the Director of Equal Employment Opportunity within 7 days, the proposed disposition of the Equal Employment Opportunity Officer becomes the decision of the Federal Maritime Commission, and the complainant will be so notified by letter together with information on his rights of appeal to the Civil Service Commission and the time limitations applicable to such appeal.

SEC. 8. *Hearings.* 8.01 If after receipt of the proposed decision of the Equal Employment Officer, the complainant requests a hearing, such hearing shall be before an appeals examiner conducted in accord with section 713.218 of the Federal Personnel Manual.

8.02 The appeals examiner shall transmit the complaint file including the record of the hearing, together with his findings, analysis, and recommended decision to the Director of Equal Employment Opportunity, with notification to the complainant of this action.

SEC. 9. *Decision.* The Director of Equal Employment Opportunity shall base his decision on the file presented to him by the appeals examiner. This decision shall be in writing and transmitted to the complainant and his representative and shall conform to the requirements of section 713.221 of the Federal Personnel Manual. Moreover, the Director of Equal Employment Opportunity shall advise the complainant of his rights to appeal to the Civil Service Commission and the time limit within which such appeal must be filed.

SEC. 10. *Appeal from the Decision of the Federal Maritime Commission.* 10.01 Except as provided by section 10.02, a complainant may appeal to the Civil Service Commission on a complaint of discrimination on grounds of race, religion, color, national origin, sex, political affiliation, marital status, or age if the Director of EEO has decided:

(1) To reject the complaint because (a) it was not timely filed, or (b) it was not within the purview of FMC regulations; or

(2) To cancel the complaint (a) because of the complainant's failure to prosecute his complaint, or (b) because of the complainant's separation which is not related to his complaint; or

(3) On the merits of the complaint, but the decision does not resolve the complaint to the complainant's satisfaction.

10.02 A complainant may not appeal to the Civil Service Commission when the issue of discrimination giving rise to the complaint is being considered, or has been considered, in connection with any other appeal by the complainant to the Civil Service Commission.

10.03 The complainant shall file his appeal in writing, either personally or by mail, with the Board of Appeals and Review, U.S. Civil Service Commission, Washington, D.C. 20415.

10.04 Appellate procedures to the Civil Service Commission are governed by sections 713.231–713.236 of the Federal Personnel Manual.

JOHN HARLLEE,
Rear Admiral,
U.S. Navy (Retired), Chairman.

[F.R. Doc. 69-8254; Filed, July 11, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2320]

A.V.C. CORP. ET AL.

Notice of and Order for Hearing on Application for Exemptions

JULY 1, 1969.

In the matter of A.V.C. Corp., 100 West 10th Street, Wilmington, Del. 19801; U.S. Communications Corp., 1500 Walnut Street, Philadelphia, Pa.; Butcher & Sherrerd, 1500 Walnut Street, Philadelphia, Pa.; and Joseph L. Castle, 1500 Walnut Street, Philadelphia, Pa.

Notice is hereby given that A.V.C. Corporation, a Delaware corporation ("AVC") registered under the Investment Company Act of 1940 ("Act") as a closed-end, nondiversified management investment company, U.S. Communications Corp., a Delaware corporation ("USCC") 70 percent owned by AVC, Butcher & Sherrerd, a partnership ("B&S"), registered as a broker-dealer, and Joseph L. Castle ("Castle") a partner of B&S, have filed an application for an order: (1) Pursuant to section 6(c) of the Act exempting from the provisions of section 17(e) (1) and (2) of the Act certain payments to B&S for its services in connection with the establishment of USCC and (2) pursuant to section 17(b) of the Act exempting the issuance of 2,000 shares of common stock of USCC and $8,000 principal amount of its debentures to Castle in connection with the statutory merger of USCC and Philadelphia Television Broadcasting Co., a Pennsylvania corporation ("WPHL"), in which company Castle had owned stock. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

From May 1, 1967, until February 21, 1968, Mr. Howard Butcher III ("Butcher") a general partner in B&S, served as a director of AVC.

In January of 1967, Mr. Daniel H. Overmyer ("Overmyer"), through contacts with Castle, who was then an employee of B&S (and since Jan. 1, 1968, has been a partner of B&S) sought the aid of B&S in selling a portion of his warehouse interests. B&S advised Overmyer that financing through his warehouse interests would be less advantageous than some form of financing involving certain of Overmyer's television broadcasting interests in construction permits from the Federal Communications Commission ("FCC") for UHF broadcasting stations in five cities. Overmyer agreed, and B&S presented the matter to a few potential purchasers before it offered the combined financing to AVC. AVC indicated interest and asked B&S to develop further information and analyses. B&S did so and also participated in the subsequent extensive negotiations between AVC and Overmyer which resulted in agreements whereby $3 million was to be loaned to Overmyer, and 80 percent of the stock of his companies owning the television interests was to be purchased by AVC for $1 million. AVC also received a 3-year option to purchase Overmyer's remaining 20-percent interest in the television companies at a price to be computed pursuant to a formula up to $3 million. It appears that the ceiling price will prevail.

Previous to their search for financing for Overmyer, B&S had been trying to obtain further financing for WPHL which was an independent UHF television station in Philadelphia that had been broadcasting for about 2 years.

B&S thought that a combination of WPHL with the Overmyer television companies under the control of AVC would be desirable since WPHL's experience and management would be of benefit to the Overmyer companies, and the combination would minimize supervisory and management expenses and achieve economies in purchasing and programing.

B&S and Castle assisted in the negotiations which took place between WPHL and AVC which resulted in the creation of USCC, a new company to which AVC assigned its rights under its agreement with Overmyer and into which WPHL would be merged. The stock of USCC would be owned 70 percent by AVC and 30 percent by the holders of WPHL stock and $240,000 of USCC debentures would be issued to the former holders of WPHL preferred stock.

The merger agreement also obligated AVC to furnish certain additional financing for USCC in order to construct and equip the stations and meet initial operating deficits.

The Overmyer transactions and the WPHL merger could not be completed until the FCC had given its approval. In order to prepare the necessary FCC applications and to lay the groundwork for activities that would follow the closings, it was agreed that Castle would make the bulk of his time available to AVC, and to USCC upon its organization, to assist with these matters. Upon the formation of USCC on June 6, 1967, Castle became the chairman of its board of directors and chief executive officer. He remained as chief executive officer until April 1968 and as chairman of the board until December 1968. It was understood that compensation for Castle's management services would be included in the fee finally paid to B&S for its services in connection with the transactions. For the 6-month period following Castle's termination as chief executive officer, i.e., from May 1, 1968, through October 31, 1968, during which period Castle's duties were restricted to those as chairman of the board and to miscellaneous advisory services, B&S was paid $1,000 per month on account of his services. Applicants claim that Castle's services to AVC and to USCC during the period from April 1967 to April 1968 were worth in excess of $25,000.

The FCC approved the transaction on December 8, 1967. The closing of the Overmyer purchase was held on January 15, 1968, and the closing of the WPHL merger a week later, on January 22, 1968. In addition to the previously mentioned services, B&S also rendered services in connection with the procurement of additional financing for USCC.

Overmyer has paid B&S $40,000 for its services, and AVC proposes to pay B&S $100,000 for its services.

Insofar as they are pertinent here, sections 17(e) (1) and (2) of the Act prohibit B&S, a partnership in which Butcher and Castle are partners, from accepting from any source any compensation (other than a regular salary or wage from AVC) for the purchase or sale of any property to or for AVC or USCC during the period that Butcher and Castle were affiliated with AVC and USCC, except in the course of B&S's business as a broker, in which case its compensation is limited to 1 percent, unless the Commission by order in the public interest and consistent with the protection of investors permits a larger commission.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, or transaction from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants represent that the fee is fair and reasonable and does not involve overreaching on the part of any person concerned.

At the time WPHL was merged into USCC, Castle owned 1.33 percent of the common stock of WPHL consisting of 400 shares (200 of Class A and 200 of Class B), and also 400 shares of its $20 par preferred stock. By operation of the merger, Castle's common stock of WPHL along with that of other WPHL stockholders was converted (on a 5 for 1 basis) into 2,000 shares of the common stock of USCC. Similarly, Castle's holdings of WPHL preferred stock were converted into $8,000 of debentures of USCC.

Since Castle may be deemed to have been an affiliated person of USCC when the merger agreement between WPHL and USCC was executed, the exchange of Castle's stock in WPHL for securities of USCC, which is an affiliated person of AVC, may be considered a sale of property by an affiliated person of an affiliated person of an investment company to a company controlled by the investment company, which is prohibited by section 17(a) of the Act unless the Commission exempts the transaction pursuant to section 17(b) of the Act on finding that:

(1) The terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) The proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act; and

(3) The proposed transaction is consistent with the general purposes of the Act.

Applicants apply pursuant to section 17(b) for an exemption of the transaction from section 17(a) if it should be deemed applicable.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 25th day of September 1969 at 10 a.m., in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than the Applicants, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 23d day of September 1969, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses noted above, and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters are presented for consideration without prejudice to its specifying additional matters upon further examination:

(1) Whether B&S, in connection with the Overmyer transaction and the

WPHL–USCC merger, acted as a broker and if so whether its proposed compensation from any source for such services exceeds 1 percent of the purchase or sale price of the securities involved, and if it does whether it is in the public interests and consistent with the protection of investors to permit a larger commission.

(2) Whether in connection with the aforesaid transactions B&S acted as an agent but otherwise than in the course of its business as an underwriter or broker and if so whether it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act to exempt the acceptance of compensation for such services by B&S from the provisions of section 17(e); and

(3) Whether the exchange of securities of USCC for the securities of WPHL held by Castle is a transaction subject to section 17(a) and, if it is, whether (1) the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (2) the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act; and (3) the proposed transaction is consistent with the general purposes of the Act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to the Applicants, and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER, and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 69-8233; Filed, July 11, 1969; 8:47 a.m.]

BARTEP INDUSTRIES, INC.

Order Suspending Trading

JULY 8, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, That trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 9, 1969, through July 18, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 69-8234; Filed, July 11, 1969; 8:47 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

JULY 8, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co. (a Nevada corporation) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 9, 1969, through July 18, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 69-8235; Filed, July 11, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 865]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 8, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 17609 (Sub-No. 1 TA), filed June 30, 1969. Applicant: ABCORE WORLD VAN SERVICE, INC., 9565 Southwest 168th Street, Miami, Fla. 33157. Applicant's representative: Alan P. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Dade, Collier, and Broward Counties, Fla.; restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Cartwright International Van Lines, 4250 24th Avenue West, Seattle, Wash. 98199; International Export Packers, Inc., 5360 Wheeler Avenue, Alexandria, Va. 22304. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 59952 (Sub-No. 7 TA), filed July 2, 1969. Applicant: THE J. M. BARBE CO., Buna Vista Street NE., Warren, Ohio. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, from the plantsite of U.S. Steel Supply, Petroleum, Ohio, to points in Kentucky, Michigan, New York, Pennsylvania, and West Virginia, for 150 days. Supporting shipper: United States Steel Products, Division of United States Steel Corp., Post Office Box 251, Sharon, Pa. 16146. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 67234 (Sub-No. 13 TA), filed July 2, 1969. Applicant: UNITED VAN LINES, INC., No. 1 United Drive, Fenton, Mo. 63026. Applicant's representative: Gregory M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission in 17 M.C.C. 467, from points in the United States to points in Hawaii, for 180 days. NOTE: Applicant intends to tack with MC 67234, and Sub 1. Supporting shipper: United Van Lines, Inc., past operations. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 86913 (Sub-No. 29 TA), filed June 27, 1969. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. 27589. Applicant's representative: W. S. Bugg (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard*, from Conway, N.C., and points within 10 miles thereof, to points in that part of Maine north of a line beginning at the Maine-New Hampshire State line near Gilead, Maine, and extending along U.S. Highway 2 to Bangor, Maine, thence along Alternate U.S. Highway 1 to Ellsworth, Maine, and thence along Maine Highway 3 to Bar Harbor, Maine, New York, N.Y., and points in Nassau, Queens, Kings, and Suffolk Counties, N.Y., that part of Pennsylvania on, south and east of a line beginning at the New Jersey-Pennsylvania State line near Easton, Pa., and extending along U.S. Highway 22 to Harrisburg, Pa., thence along Interstate Highway 83 (formerly U.S. Highway 111) to the Pennsylvania-Maryland State line near Maryland line, Md., points in Montgomery County, Md., and Baltimore, Md., points in West Virginia south of U.S. Highway 50, and points in Tennessee east of U.S. Highway 25E, points in Virginia and the District of Columbia, for 180 days. Supporting shipper: Georgia-Pacific Corporation, Post Office Box 909, Augusta, Ga. 30903. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 111941 (Sub-No. 16 TA), filed July 1, 1969. Applicant: PIERCETON TRUCKING COMPANY, INC., Post Office Box 233, Laketon, Ind. 46943. Applicant's representative: Alki E. Scopelitis, 816 Merchants Bank Building, 11 South Meridian Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated steel and materials, equipment, and supplies* used in the installation and erection of prefabricated steel when moving at the same time and in the same vehicle with prefabricated steel, from River Rouge, Mich., to the plant and warehouse sites of Fisher Body Division, G.M.C., at or near Norwood, Ohio, for 180 days. Supporting shipper: Whitehead & Kales Co., 58 Haltiner, Detroit, Mich. 48218. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 116538 (Sub-No. 6 TA), filed July 1, 1969. Applicant: DEFOREST L. REED, 102 Champion Street, Carthage, N.Y. 13619. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (a) from Smyrna, Waterloo, Boonville, Hannibal, Wolcott, Deer River, and Heuvelton, N.Y., to Montrose, Simpson, Scranton, Lewisburg, Wilkes-Barre, Union City, Endeavor, Hellam, Herndon, Kreamer, and Lancaster, Pa.; and Hagerstown, Md.; (b) from Smyrna, Waterloo, Booneville, Hannibal, Wolcott, Deer River, and Heuvelton, N.Y., to Branford and Ivoryton, Conn.; (c) from Hannibal, Wolcott, Deer River, Bleecker, East Branch, and Stratford, N.Y., to points of entry on the United States-Canada boundary line in New York State, for 180 days. Supporting shipper: Baillie Lumber Co., Inc., 12 Main Street, Post Office Box 6, Hamburg, N.Y. 14075. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 119573 (Sub-No. 11 TA), filed July 2, 1969. Applicant: WATKINS TRUCKING, INC., 207 Trenton Avenue, Uhrichsville, Ohio 44683. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus, Ohio. 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from New Straitsville, Ohio, to points in Maryland, Virginia, and the District of Columbia, for 180 days. Supporting shipper: The Columbus Clay Manufacturing Co., New Straitsville, Ohio 43766. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 129459 (Sub-No. 4 TA), filed July 2, 1969. Applicant: KEARNEY'S TRUCK SERVICE, INC., U.S. Route Alternate 611, Portland, Pa. 18351. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, in bulk, from Portland, Pa., Matawan, N.J., for 150 days. Supporting shipper: Duncan Thecker Associates, Post Office Box 177, Oakhurst, N.J. 07755. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 129774 (Sub-No. 1 TA), filed June 30, 1969. Applicant: BRADY TRANSFER & STORAGE CO., INC., New Burton Road and Webbs Lane Rural Delivery No. 1, Dover, Del. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in New Castle, Kent, and Sussex Counties, Del.; and Cecil, Kent, Queen Anne, Talbot, Caroline, Dorchester, and Wicomico Counties, Md.; Restriction: Restricted to the transportation of traffic having prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Vanpac Carriers, Inc., 2114 Macdonald Avenue, Richmond, Calif. 94801; Wallace Gracie, Assistant Operation Manager; Karevan, Inc., Post Office Box 9240, Queen Anne Station, Seattle, Wash. 98109; Forrest D. Forgey, Direction Sales and Agency Relations. Send protests to: District Supervisor Paul J. Lowry, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 133750 (Sub-No. 1 TA), filed July 2, 1969. Applicant: HARVEY WULFF, doing business as HARVEY WULFF TRUCKING, Salem, S. Dak. 57058. Applicant's representative: Earl H. Scudder, Jr., Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated concrete products*, from Salem, S. Dak., to points in Iowa, Minnesota, Nebraska, and North Dakota, for 180 days. Supporting shipper: F & W Concrete Products Co., Inc., Salem, S. Dak. 57058. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 133769 (Sub-No. 1 TA), filed July 2, 1969. Applicant: JACK STEVENS, doing business as STEVENS TRUCKING, 501 North 13th Street, Frederick, Okla. 73542. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ash, fly*, in bulk, from points in Oklahoma, Arkansas, and Missouri to points in Kern County, Calif., for 150 days. Supporting shipper: Cascade Charcoal, Inc., Post Office Box 2453, Bakersfield, Calif. 93302. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 133846 TA, filed June 30, 1969. Applicant: FLITE LINE SERVICE, INC., 1610 Jackson Street, Philadelphia, Pa. 19145. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, points in Atlantic, Cumberland, Cape May, Salem, Gloucester, Camden, Burlington, and Mercer Counties, N.J., for 180 days. Supporting shippers: Imperial Air Freight Service, Inc., 151 Oliver Street, Newark, N.J. 07105; Medallion Air Freight Corporation, 344 West 37th Street, New York, N.Y. 10018; Entico Air Freight Service, 555 West 34th Street, New York, N.Y. 10001; Bor-Air Freight Co., Inc., 351 West 38th Street, New York, N.Y. 10018. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133853 TA, filed July 1, 1969. Applicant: COLUMBIA LEASE & RENTAL, INC., West 1527 2nd Avenue, Spokane, Wash. 99204. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, from points in Spokane County, Wash., to points in Kootenai and Shoshone Counties, Idaho, with no transportation on return except for *returned or rejected items*, under a continuing contract with Spokane Dry Goods Co., doing business as The Crescent, a department store, for 180 days. Supporting shipper: Spokane Dry Goods Co., doing business as, The Crescent, Spokane, Wash. 99210. Send protests to: L. C. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 133859 TA, filed July 2, 1969. Applicant: JAMES S. GRIMES, Route No. 3, Frederick, Md. Applicant's representative: Charles E. Creager, Suite 1609, Eldorado Towers, 11215 Oak Leaf Drive, Silver Spring, Md. 20901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, inoperative, stolen, abandoned, repossessed, replacement motor vehicles and trailers* (except house trailers and mobile homes), with or without cargo, *and parts therefor*, in truckaway service using wrecker; equipment only; between points in Carroll, Howard, Frederick, and Washington Counties, Md., and Berkeley and Jefferson Counties, W. Va., on the one hand, and, on the other, points in Alabama, Delaware, District of Columbia, Connecticut, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shippers: Some 13 common and private motor carriers. The list may be examined in the named supervisor's office, or at the Commissions office in Washington, D.C. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8255; Filed, July 11, 1969; 8:49 a.m.]

[Notice 866]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 9, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 36222 (Sub-No. 13 TA), filed July 3, 1969. Applicant: JOHN L. FANSHAW, JR., doing business as CREWE TRANSFER, Crewe, Va. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, Va. 23220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Washington, N.C., and Crewe, Va., for 150 days. NOTE: Applicant intends to interline with L & M Express Co., Docket No. MC 44639 and subs at Crewe, Va. Supporting shippers: Washington Garment Co., Inc., 900 East Fifth Street, Washington, N.C. 27889; Wonderland Fashions, Inc., 350 Warren Street, Jersey City 2, N.J. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 97009 (Sub-No. 19 TA), filed June 25, 1969. Applicant: VINCENT J. HERZOG, 200 Delaware Street, Honesdale, Pa. 18431. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobile equipment, accessories, and supplies*, between Milford, Pa., on the one hand, and, on the other, Scranton, Pa., and Binghamton, N.Y.; (2) *furniture, fiber glass articles*, and *commodities* used or useful in the manufacture of furniture and fiber glass articles, between Milford and Twin Lakes, Pa., on the one hand, and, on the other, Scranton, Pa., and Binghamton, N.Y., for 150 days. NOTE: Applicant is authorized to interline traffic at Binghamton, N.Y., and Scranton, Pa. Supporting shipper: Sparkomatic Corp., Milford, Pa. 18337; Harry Heim Associates, Inc., Box 341, Milford, Pa. 18337. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 108119 (Sub-No. 24 TA), filed July 2, 1969. Applicant: E. L. MURPHY TRUCKING CO., Post Office Box 3010, St. Paul, Minn. 55101. Applicant's representative: James L. Nelson, 305 Degree of Honor Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweeping machines, and parts, attachments, and accessories for street sweeping machines*, from points in the Minneapolis-St. Paul, Minn., commercial zone to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: American Hoist & Derrick Co., 63 South Robert Street, St. Paul, Minn. 55107. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, Minneapolis, Minn. 55401.

No. MC 111401 (Sub-No. 282 TA), filed July 3, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *CSS-1H emulsified asphalt for slurry seal*, in bulk, in tank vehicles, from Salina, Kans., to Minneapolis, Minn., for 180 days. Supporting shipper: J. A. Maddox, President, Hy-Way Asphalt Products, Inc., Box 1262, Salina, Kans. 67401. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 124359 (Sub-No. 9 TA), filed June 30, 1969. Applicant: WIL-HELEN, INC., 1409 16th Avenue, Greeley, Colo. 80631. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and materials and supplies* used in the installation thereof, from Greenville, S.C., and Newnan and Calhoun, Ga., to Colorado and Cheyenne, Wyo., restricted to service performed under a continuing contract with Wholesale Flooring, Inc., and Wholesale Carpets, Inc., both of Denver, Colo., for 150 days. NOTE: Applicant does not intend to tack with its present authority. Supporting shipper: Wholesale Flooring, Inc., and Wholesale Carpets, Inc., 2200 Market Street, Denver, Colo. 80205. Send protests to: C. W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 133770 (Sub-No. 1 TA), filed July 3, 1969. Applicant: MARYLAND CHICKEN PROCESSORS, INC., Snow Hill, Md. Applicant's representative: Otis G. Esham, Snow Hill, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in special operations, between points in Accomack County, Va. and Snow Hill, Md., for 180 days. Supporting shipper: Maryland Chicken Processors, Inc., Snow Hill, Md., Otis G. Esham, President. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 133751 (Sub-No. 1 TA), filed June 24, 1969. Applicant: RENO-LOY-ALTON-CALPINE STAGE LINES, INC., Post Office Box 367, Loyalton, Calif. 96118. Applicant's representative: Marchall G. Berol, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, articles of unusual value, commodities in bulk, commodities requiring special handling or special equipment, and used household goods as defined by the Commission), restricted against the transportation of packages or articles weighing in the aggregate more than 5,000 pounds from one consignor to one consignee on any one day, between Reno, Nev., and Downieville, Calif., serving all intermediate points, and serving the off-route point of Calpine, Calif., from Reno over U.S. Highway 395 to Hallelujah Junction, Calif., thence over California Highway 70 to Vinton, thence over California Highway 49 to Downieville, and return over the same route, for 150 days. NOTE: Applicant intends to interline with other carriers at Reno, Nev. Supporting shippers: Lombardi Mercantile, Loyalton, Calif. 96118; Loyalton Pharmacy, Loyalton, Calif. 96118; Loyalton Hotel & Apartments, Loyalton, Calif. 96118; Feather River Lumber Co., Loyalton, Calif. 96118; Downieville Motors, Downieville, Calif. 95935; Sattley Cash Store, Sattley, Calif. 96124; Harold A. Stoy, Hallelujah Junction, Doyle, Calif. 96109; Sierra Hardware Company, Downieville, Calif. 95936. Send protests to: Daniel Augustine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 East Washington Street, Carson City, Nev. 89701.

No. MC 133846 (Sub-No. 1 TA), filed July 2, 1969. Applicant: FLITE LINE SERVICE, INC., 1610 Jackson Street, Philadelphia, Pa. 19145. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), between Logan International Airport, Boston, Mass., La Guardia Airport and John F. Kennedy International Airport, New York, N.Y.; Newark Airport, Newark, N.J.; Philadelphia International Airport, Philadelphia, Pa.; Friendship International Airport, Anne Arundel County, Md.; Dulles International Airport, Chantilly, Va., and Washington; National Airport, Arlington County, Va., on the one hand, and, on the other, Norfolk Municipal Airport, Norfolk, Va.; Charlotte Airport, Charlotte, N.C.; Atlanta Municipal Airport, Atlanta, Ga.; Orlando Airport, Orlando, Fla., and Miami International Airport, Miami, Fla., for 180 days. Supporting shippers: Entico Air Freight Service, 555 West 34th Street, New York, N.Y. 10001; Imperial Air Freight Service, Inc., 151 Oliver Street, Newark, N.J. 07105; Medallion Air Freight Corporation, 344 West 37th Street, New York, N.Y. 10018; Bor-Air Freight Co., Inc., 351 West 38th Street, New York, N.Y. 10018. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133860 TA, filed July 2, 1969. Applicant: HC&D MOVING & STORAGE COMPANY, INC., Post Office Box 4008, 911 Middle Street, Honolulu, Hawaii 96812. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points beyond Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint through motor-water-motor rates under section 216(c) of the Act. Supporting shipper: AMFAC, Inc., Post Office Box 3230, Honolulu, Hawaii 96801; Dillingham Corp., Box 3288, Honolulu, Hawaii 96801; Dole Co., 650 Iwilei Road, Honolulu, Hawaii 96817; Kentron Hawaii, Ltd., 207 Keawe Street, Honolulu, Hawaii 96813. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

MOTOR CARRIER OF PASSENGERS

No. MC 133858 TA, filed July 2, 1969. Applicant: THE COTTER GARAGE CORPORATION, 8 Jewell Court, Hartford, Conn. 06105. Applicant's representative: Richard Goodman, 266 Pearl Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, from points in Litchfield, Hartford, and Tolland Counties, Conn., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey; restricted to transportation of not more than six passengers in any one vehicle (not including driver), for 180 days. Supporting shippers: There are 14 supporting shippers to this application. Information regarding supporting shippers' letters may be obtained from the Hartford Field Office at the address listed below, or at the Offices of the Interstate Commerce Commission in Washington, D.C. Send protests to: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8256; Filed, July 11, 1969; 8:49 a.m.]

[Notice 375]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 9, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-71238. By order of June 27, 1969, the Motor Carrier Board approved the transfer to Sawyer Stockliners, Inc., West Highway, Torrington, Wyo. 82240, of certificate No. MC-95742 issued February 25, 1960, to Carl Sawyer, doing business as Sawyer Stockliners, West Highway, Torrington, Wyo. 82240, authorizing the transportation of: Building materials, coal, livestock, and livestock feed, etc., between points in Colorado, Nebraska, South Dakota, and Wyoming.

No. MC-FC-71396. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Kevah Konner, Inc., Pine Brook, N.J., of the operating rights in certificate No. MC-44252 issued July 5, 1968, to Wagner Tours, Inc., North Haledon, N.J., authorizing the transportation of passengers and their baggage, restricted to traffic originating and the points and in the territory indicated, in charter operations, from Paterson, N.J., and points in New Jersey and New York within 15 miles of Paterson, N.J., to points in New York and New Jersey and those in Pennsylvania on and east of U.S. Highway 11, and return. Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102, attorney for transferor; Benjamin L. Bendit, 744 Broad Street, Newark, N.J. 07102, attorney for transferee.

No. MC-FC-71421. By order of July 1, 1969, the Motor Carrier Board approved the transfer to K. V. Young and D. A. Goepel, a partnership, doing business as Iowa Van & Storage Co., 216 Commercial Street, Ottumwa, Iowa 52501, of the operating rights in certificate No. MC-52525 issued February 14, 1963, to Jack Shipman, doing business as Hale Transfer & Storage, 801 High Avenue West, Oskaloosa, Iowa 52577, authorizing the transportation of malt beverages, in containers, from Minneapolis, Minn., to Bloomfield, Iowa, serving the intermediate and off-route points of Oskaloosa, Ottumwa, and Albia, Iowa; household goods as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Illinois, Minnesota, Missouri, and Nebraska; beer, from Minneapolis, Minn., to Centerville, Iowa; butter, from Oskaloosa,

Iowa, to St. Paul, Minn.; groceries, from Albert Lea, Minn., to Des Moines, Iowa; petroleum products, from St. Louis, Mo., to Oskaloosa, Iowa; wallpaper, from Joliet, Ill., to Oskaloosa, Iowa, and superphosphate, from Chicago, Ill., to Oskaloosa, Iowa.

No. MC-FC-71436. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Rayburn Trucking, Inc., Elizabeth, N.J., of permit No. MC-2776, issued October 18, 1950, to Joseph Janolis and Anthony Rambone, doing business as J. Janolis Trucking Co., Edgewater, N.J., authorizing the transportation of: Sugar, from Edgewater, N.J., to points in New York and New Jersey within 40 miles of Edgewater; sugar and sugar products, including liquid sugar, in containers, from New York, N.Y., to points in New Jersey and New York within 40 miles of Columbus Circle, New York, N.Y., except those in Westchester County, N.Y.; and rejected shipments, from the above-specified destination points to New York, N.Y. Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102, counsel for applicants.

No. MC-FC-71470. By order of July 1, 1969, the Motor Carrier Board approved the transfer to Orvan Tjeerdsma, Avon, S. Dak., of certificate No. MC-81354 issued March 29, 1968, to James E. Tolsma, doing business as Tolsma Transfer, Springfield, S. Dak., authorizing the transportation of general commodities, with specified exceptions between specified points in South Dakota and Iowa and household goods between specified points in South Dakota on the one hand, and, on the other, points in Iowa, Minnesota, and Nebraska. Elmer E. Gemar, Post Office Box 245, Springfield, S. Dak., attorney for applicants.

No. MC-FC-71475. By order of July 1, 1969, the Motor Carrier Board approved the transfer to Fred H. Meyer, doing business as Meyer Truck Line, Alma, Kans., of certificate No. MC-7342 (Sub-No. 3), issued October 22, 1958, to Roy A. Kemble, Maple Hill, Kans., authorizing the transportation of: Feed, agricultural implements and parts, building materials, petroleum products in containers, empty petroleum products containers, hardware, aluminum pipe, irrigation equipment, commercial fertilizer, fence posts, twine, wire fencing, and baling wire, between Paxico, Kans., and points within 21 miles thereof, on the one hand, and, on the other, Kansas City, and St. Joseph, Mo. Bill Baldock, Alma, Kans. 66401, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8257; Filed, July 11, 1969; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 9, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41689—*Petroleum and petroleum products to points in official territory.* Filed by Southwestern Freight Bureau, agent (No. B-41), for interested rail carriers. Rates on petroleum and petroleum products and related articles, in tank carloads, as described in the application, from points in southwestern territory, including Kansas and Missouri, to points in official territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 165 to Southwestern Freight Bureau, agent, tariff ICC 4530.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8258; Filed, July 11, 1969; 8:49 a.m.]

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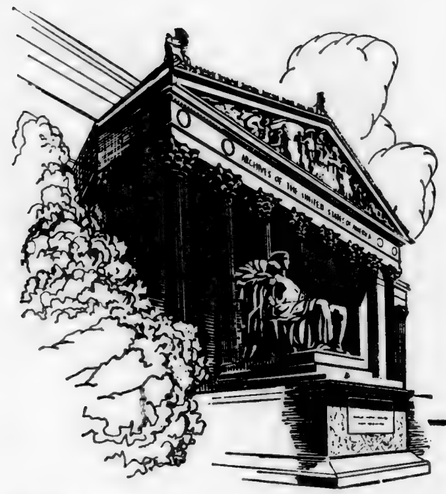
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16 CFR

13 (4 documents) 11579, 11580

17 CFR

231 11581
241 11581

21 CFR

120 (4 documents) 11589–11591
121 11589
147 11592

33 CFR

110 11582
117 (2 documents) 11582

39 CFR

742 11582

50 CFR

PROPOSED RULES:

32 11593

Rules and Regulations

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1549]

PART 13—PROHIBITED TRADE PRACTICES

Be-Len Manufacturing Co., Inc., et al.

Subpart—Misbranding or Mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal Regulatory and Statutory Requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1852 *Formal Regulatory and Statutory Requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Be-Len Manufacturing Co., Inc., et al., New York, N.Y., Docket C–1549, June 23, 1969]

In the Matter of Be-Len Manufacturing Co., Inc., a Corporation, and Samuel Ziegler and Arthur Ziegler, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer of men's and boys' wearing apparel to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Be-Len Manufacturing Co., Inc., a corporation, and its officers, and Samuel Ziegler and Arthur Ziegler, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

2. Failing to affix labels to samples, swatches or specimens of wool products used to promote or reflect the sale of wool products, showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(a) (2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 23, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–8312; Filed, July 14, 1969; 8:49 a.m.]

[Docket No. C–1547]

PART 13—PROHIBITED TRADE PRACTICES

District Credit Clothing & Furniture, Inc., and Sidney Gimble

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.155 *Prices:* 13.155–95 Terms *and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices:* § 13.1905 *Terms and conditions.* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, District Credit Clothing & Furniture, Inc., et al., Washington, D.C., Docket C–1547, June 16, 1969]

In the Matter of District Credit Clothing & Furniture, Inc., a Corporation, and Sidney Gimble, Individually and as an Officer of Said Corporation

Consent order requiring a Washington, D.C., retailer of clothing, furniture and appliances to cease misusing the word "free", inducing customers to sign partially completed contracts, misrepresenting finance charges and conditions, and failing to disclose the legal effect of installment payment default.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents District Credit Clothing & Furniture, Inc., a corporation, and its officers, and Sidney Gimble, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of clothing, furniture, appliances, and other items of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any article of merchandise is being given free or as a gift, or without cost or charge, in connection with the purchase of other merchandise, unless the stated price of the merchandise required to be purchased in order to obtain said article is the same or less than the customary and usual price at which such merchandise has been sold separately by respondents for a substantial period of time in the recent and regular course of their business.

2. Inducing or causing purchasers of respondents' merchandise to sign blank or partially completed sale contracts or any other contractual instruments which are not fully completed at the time such instruments are executed.

3. Representing, directly or by implication, the rate of a finance charge, the amount of downpayment, the amount of any installment payment, the dollar amount of any finance charge, or the number of installments or the period of repayment unless respondents clearly and conspicuously disclose, in immediate conjunction with such representation, all of the following items:

(a) The cash price.

(b) The time price, consisting of the sum of the cash price, all finance charges, and any other extra charges before deducting any downpayment or allowance for a trade-in or otherwise.

(c) The downpayment, if any.

(d) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended.

(e) The rate of the finance charge expressed as an annual percentage rate.

4. Representing, directly or by implication, that a specific periodic consumer credit payment or installment payment can be arranged unless the respondents usually and customarily arrange credit payments or installments for that period and in that amount.

5. Failing to disclose orally and in writing to each customer who executes a conditional sale contract, or who otherwise purchases merchandise or services from respondents on credit, before such customer obligates himself to make any such credit purchase, all of the following items:

(a) The cash price of the merchandise or service purchased.

(b) The sum of any amounts credited as downpayment (including any trade-in).

(c) The difference between the amount referred to in paragraph (a) and the amount referred to in paragraph (b).

(d) All other charges, individually itemized, which are included in the amount of the credit extended but which are not part of the finance charge.

(e) The total amount to be financed (the sum of the amount described in paragraph (c) plus the amount described in paragraph (d)).

(f) The amount of the finance charge.

(g) The finance charge expressed as an annual percentage rate.

(h) The total credit price (the sum of the amounts described in paragraph (e) plus the amount described in paragraph (f)) and the number, amount, and due dates or periods of payments scheduled to pay the total credit price.

(i) The default, delinquency, or similar charges payable in the event of late payments as well as all other consequences provided in the sales or credit agreements for late or missed payments.

(j) A description of any security interest held or to be retained or acquired by respondents in connection with the extension of credit, and a clear identification of the property to which the security interest relates.

For purposes of paragraphs 3 and 5 of this order, the definition of the term "finance charge" and computation of the annual percentage rate is to be determined under [sections 106 and 107 of] Public Law 90-321, the "Truth in Lending Act," and the regulations promulgated thereunder.

6. Failing to provide purchasers of respondents' merchandise with a copy of the executed sales contract or any other agreement at the time of execution by the purchaser.

7. Failing to disclose in writing on any conditional sale contract, promissory note or other instrument of indebtedness executed by a purchaser, and with such conspicuousness and clarity as is likely to be observed and read by such purchaser, that:

Any such instrument at respondents' option after a default in installment payments may be enforced in a court of law.

8. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' merchandise, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 16, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-8313; Filed, July 14, 1969; 8:49 a.m.]

[Docket No. C-1517]

PART 13—PROHIBITED TRADE PRACTICES

General Nutrition Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-52 Medicinal, therapeutic, healthful, etc.; 13.170-64 Nutritive.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies, sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, General Nutrition Corp. et al., Pittsburgh, Pa., Docket C-1517, June 20, 1969]

In the Matter of General Nutrition Corp., a Corporation, Also Trading as Natural Sales Co., and David B. Shakarian, Individually and as an Officer of Said Corporation

Order amending a previous consent order, 34 F.R. 7276, dated April 4, 1969, which prohibited a drug company from making certain exaggerated claims for its products by substituting a paragraph which clarified the order's compliance report provision.

The amended cease and desist order is as follows:

It is ordered, That the last paragraph of the Commission's order dated April 4, 1969, be, and it hereby is, amended to read as follows:

It is further ordered, That the respondents herein shall, on the date that this order shall become final in accordance with the terms of paragraph 7 of the Consent Agreement, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 20, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-8314; Filed, July 14, 1969; 8:49 a.m.]

[Docket No. C-1548]

PART 13—PROHIBITED TRADE PRACTICES

Neemco Imperial, Ltd., et al.

Subpart—Misbranding or Mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1475 *Location.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Neemco Imperial, Ltd., trading as Victoria Gift Shop et al., San Francisco, Calif., Docket C-1548, June 23, 1969]

In the Matter of Neemco Imperial, Ltd., a Corporation, Trading as Victoria Gift Shop and Victoria Imperial Gift Shops Ltd., and Pearl L. Braha Mamiye and Mal Eli Mamiye, Individually and as Officers of Said Corporation

Consent order requiring a San Francisco, Calif., oriental gift shop to cease misbranding the fiber content of its textile fiber products and misrepresenting the location of its business.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Neemco Imperial, Ltd., a corporation, trading as Victoria Gift Shop and Victoria Imperial Gift Shops Ltd., or under any other name or names and its officers, and Pearl L. Braha Mamiye and Mal Eli Mamiye, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label or other means of identification to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Failing to set forth in disclosing the required fiber content information as to floor coverings, containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

It is further ordered, That respondents Neemco Imperial, Ltd., a corporation, trading as Victoria Gift Shop and Victoria Imperial Gift Shops Ltd., or under any other name or names and its officers, and Pearl L. Braha Mamiye and Mal Eli Mamiye, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of floor coverings, handkerchiefs or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Directly or indirectly representing in any manner through the use of such words as "main office London, England" or any terms of similar import, either with or without such names as Neemco Imperial, Ltd., Victoria Gift Shop and Victoria Gift Shops Ltd. that corporate respondent is a British firm or has offices in London, England.

2. Representing in any manner that corporate respondent is a foreign firm or that the corporate respondent has offices in England or in any other foreign country or misrepresenting in any manner the location of respondents' place of business.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 23, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-8315; Filed, July 14, 1969; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-4982, 34-8638]

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Spin Offs and Shell Corporations

The Securities and Exchange Commission today made publicly known its concern with the methods being employed by a growing number of companies and persons to effect distributions to the public of unregistered securities in possible violation of the registration requirements of the Securities Act of 1933 and of the antifraud and antimanipulative provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934. The methods employed can take and in fact have taken a variety of patterns.

I. Frequently, the pattern involves the issuance by a company, with little, if any, business activity, of its shares to a publicly owned company in exchange for what may or may not be nominal consideration. The publicly owned company subsequently spins off the shares to its shareholders with the result that active trading in the shares begins with no information on the issuer being available to the investing public. Despite this lack of information, moreover, the shares frequently trade in an active market at increasingly higher prices. Under such a pattern, when the shares are issued to the publicly owned or acquiring company, a sale takes place within the meaning of the Securities Act and if the shares are then distributed to the shareholders of the acquiring company, that company may be an underwriter within the meaning of section 2(11) of the Act as a person "who purchased from an issuer with a view to * * * the distribution of any security" or as a person who "has a direct or indirect participation in any such undertaking."

While the distribution of the shares to the acquiring company's shareholders may not, in itself, constitute a distribution for the purposes of the Act, the entire process, including the redistribution in the trading market which can be anticipated and which may indeed be a principal purpose of the spin off, can have that consequence. It is accordingly the Commission's position that the shares which are distributed in certain spin offs involve the participation of a statutory underwriter and are thus, in those transactions, subject to the registration requirements of the Act and subsequent transactions in the shares by dealers, unless otherwise exempt, would be subject to the provisions of section 5 requiring the delivery of a prospectus during the 40- or 90-day period set forth in section 4(3).

The theory has been advanced that since a sale is not involved in the distribution of the shares in a spin off that registration is not required and that even if it is required, no purpose would be served by filing a registration statement and requiring the delivery of a prospectus since the persons receiving the shares are not called upon to make an investment judgment.

This reasoning fails, however, to take into account that there is a sale by the issuer and the distribution thereafter does not cease at the point of receipt by the initial distributees of the shares but continues into the trading market involving sales to the investing public at large. Moreover, it ignores what appears to be primarily the purpose of the spin off in numerous circumstances which is to create quickly, and without the disclosure required by registration, a trading market in the shares of the issuer. Devices of this kind, contravene the purpose, as well as the specific provisions, of the Act which, in the words of the statutory preamble, are "to provide full and fair disclosure of the character of the securities sold in interstate and foreign commerce and through the mails, and to prevent frauds in the sale thereof." In the circumstances of a spin off, when the shares are thereafter traded in the absence of information about the issuer, the potential for fraud and deceit is manifest.

This release does not attempt to deal with any problems attributable to more conventional spin offs, which do not involve a process of purchase of securities by a publicly owned company followed by their spin off and redistribution in the trading markets.

II. Another pattern has come to the Commission's attention in which certain promoters have acquired corporations which have ceased active operations, or which have little or no assets ("shell corporations"), and which have a substantial number of shares outstanding, generally in the hands of the public. Thereafter the promoters have engaged in activities to quickly increase the market value of their shareholdings. For example, in some cases promoters have initiated a program of acquisitions, transferring assets of dubious value to the "shell corporations" in exchange for substantial amounts of newly issued shares. This activity is frequently accompanied by publicity containing exaggerated or misleading statements and designed to stimulate interest of public investors in the company's shares in violation of the antifraud provisions of the Securities Exchange Act of 1934. Thereafter the market prices of these securities have risen sharply under circumstances which bear no relationship to the underlying financial condition and business activities of the company. In some of these cases the promoters or other corporate insiders, take advantage of the market activity and the price rise which they have generated, have sold their shares at the inflated prices to the public in violation of the registration and antifraud provisions of the Federal securities laws. Similar activities have also been noted in a number of cases involving shares which a publicly held company has spun off to its shareholders.

III. The activities discussed above generally can only be successfully accomplished through the efforts of brokers and dealers. Accordingly, brokers and dealers are cautioned to be particularly mindful of their obligations under the registration and antifraud provisions of the Federal securities laws with respect to effecting transactions in such securities. In this connection, where a broker or dealer receives an order to sell securities of a little-known, inactive issuer, or one with respect to which there is no current information available except possibly unfounded rumors, care must

be taken to obtain sufficient information about the issuer and the person desirous of effecting the trade in order to be reasonably assured that the proposed transaction complies with the applicable requirements. Moreover, before a broker or dealer induces or solicits a transaction he should make diligent inquiry concerning the issuer, in order to form a reasonable basis for his recommendation, and fully inform his customers of the information so obtained, or in the absence of any information, of that fact.

In the foregoing connection the Commission also calls attention to its release dated February 2, 1962, on the subject "Distribution by Broker-Dealers of Unregistered Securities" (Securities Act Release No. 4445, Securities Exchange Act Release No. 6721; 27 F.R. 1251, Feb. 10, 1962).

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 2, 1969.

[F.R. Doc. 69-8282; Filed, July 14, 1969; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69-62]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

BARGE FLEETING AREA, HILLSBOROUGH BAY, TAMPA, FLA.

1. The Commander, 7th Coast Guard District, Miami, Fla., by letter dated May 13, 1969, requested the establishment of a Barge Anchorage Ground in Hillsborough Bay, Tampa, Fla. The reason for the request is that there is a heavy increase in barge traffic, and an anchorage is required to accommodate transient barges. A public notice dated March 6, 1969, was issued by the Commander, 7th Coast Guard District, Miami, Fla., describing the proposed anchorage. All known interested parties were notified and requested to comment on the proposal. Two objections were received. However, these objections were resolved, in that barges will be limited in the use of the anchorage for a period not in excess of 96 hours. Since the foregoing procedure afforded effective notice to all interested parties, publication of the notice of proposed rule making in the FEDERAL REGISTER is unnecessary. Therefore, the request to establish an anchorage ground for barges as described in 33 CFR 110.193(a)(5) below is granted, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. This document effectuates this request by adding a new § 110.193(a)(5) describing the limits of this anchorage ground.

3. In Subpart B of Part 110, § 110.193 is amended by adding a new paragraph (a)(5), following paragraph (a)(4), to read as follows:

§ 110.193 Tampa Bay, Fla.

* * * * *

(a) * * *

(5) *Barge Fleeting Area, Hillsborough Bay.* Located 400 feet west of Cut "D" Channel at a point beginning at latitude 27°54'34", longitude 52°26'35"; thence northerly 1,000 feet to latitude 27°54'43", longitude 82°26'40"; thence westerly 500 feet to latitude 27°54'41", longitude 82°-26'45"; thence southerly 1,000 feet to latitude 27°54'32", longitude 82°26'40"; thence easterly 500 feet to the point of beginning.

NOTE: This area is reserved for transient barges only. Barges shall not occupy this anchorage for a period longer than 96 hours unless permission is obtained from the Captain of the Port for this purpose.

* * * * *

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.4(a)(3)(i))

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: July 2, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-8310; Filed, July 14, 1969; 8:48 a.m.]

[CGFR 69-70]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Dunns Creek, Fla.

1. The Florida State Road Department by letter dated May 5, 1969, requested the Commander, 7th Coast Guard District to revise the operation regulations for the drawbridge across Dunns Creek near Palatka. A public notice dated May 13, 1969 setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, 7th Coast Guard District and was made available to all persons known to have an interest in this subject.

2. After consideration of all comments submitted in response to this proposal the revision is accepted. Accordingly, 33 CFR 117.245(h)(25) is revised to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(h) Waterways discharging into Atlantic Ocean south of Charleston. * * *

(25) Dunns Creek, Fla.; State Road Department of Florida bridge across Dunns Creek near Palatka. At least 3 hours' advance notice required.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.4(a)(3)(v))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: July 2, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-8265; Filed, July 14, 1969; 8:45 a.m.]

[CGFR 69-61]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Indian River, Fla.

1. The Commander, 7th Coast Guard District by letter dated May 13, 1969, requested that the Commandant revise the operation regulations in § 117.436 to eliminate the Cocoa drawbridge listed thereon. This drawbridge was removed April 23, 1969, and has been replaced by twin fixed bridges.

2. Accordingly, the heading and paragraph (a) of § 117.436 are revised to read as follows:

§ 117.436 Indian River, Fla.; Florida State Road Department bridges at Titusville, Eau Gallie, and Melbourne, and the National Aeronautics and Space Administration bridge at Addison Point.

(a) Except as provided in paragraphs (b) and (c) of this section, the owner of or agency controlling the bridges at Titusville, Addison Point, Eau Gallie, and Melbourne shall not be required to open the drawspans between 6:45 a.m. and 7:45 a.m. and between 4:15 p.m. and 5:45 p.m., Monday through Friday of each week.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.4(a)(3)(v))

Effective date. This revision shall become effective upon the date of publication in the FEDERAL REGISTER.

Dated: July 2, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-8266; Filed, July 14, 1969; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 742—CODE OF ETHICAL CONDUCT

Miscellaneous Amendments

Part 742 is being amended in several respects to delegate additional functions to the Ethical Conduct Counselor and in order to make changes for the purpose of clarification. These amendments were approved by the Civil Service Commission on July 3, 1969, and are effective upon publication in the FEDERAL REGISTER.

I. Section 742.735–26(b)(5) is amended to change the designation Postmaster General to Ethical Conduct Counselor.

§ 742.735–26 Conflicts of interest.

* * * * *

(b) *Employment after separation.* * * *

(5) Notwithstanding subparagraphs (1) and (2) of this paragraph, when a particular matter involved is in a scientific or technical field and if the Ethical Conduct Counselor certifies in writing that it is in the national interest and the certification is published in the FEDERAL REGISTER, a former officer or employee, including a former special Government employee, with outstanding scientific or technical qualifications may act as attorney or agent or appear personally.

* * * * *

NOTE: The corresponding Postal Manual section is 742.262e.

II. Section 742.735–27(a)(1) is amended to change the designation Postmaster General to Ethical Conduct Counselor; and paragraph (b)(5) thereof is amended to clarify a cross reference.

§ 742.735–27 Dealings with public.

(a) *Giving endorsements.* (1) An employee shall not, with or without compensation, give an endorsement to any business, enterprise, or product which may give rise to any inference or indication that such business, enterprise, or product is officially endorsed by this Department or the United States, without special permission from the Ethical Conduct Counselor.

* * * * *

(b) *Permitted activities.* * * *

* * * * *

(5) Soliciting for fund raising drives for civic, religious, fraternal auxiliaries, clubs, and kindred organizations so long as they do not solicit while on duty, or solicit while wearing their uniform or any insignia or badge or in any way identify themselves as postal employees, or solicit from patrons with whom they have recurring official contact, or use their postal position to influence collections. See §§ 741.73, 742.256, 742.295, and 742.296 of the Postal Manual.

NOTE: The corresponding Postal Manual sections are 742.271a and 742.272e, respectively.

III. In § 742.735–54 the opening sentence of paragraph (a) is amended to change the designation Postmaster General to Ethical Conduct Counselor.

§ 742.735–54 Exclusions.

(a) Employees in positions listed in § 742.735–52 (c) and (d) of this chapter may be excluded from the reporting requirement when the Ethical Conduct Counselor determines that:

* * * * *

NOTE: The corresponding Postal Manual section is 742.54a.

IV. Section 742.735–61(b) is amended to change the designation Postmaster General to Ethical Conduct Counselor.

§ 742.735–61 Special Government employees required to submit statements.

* * * * *

(b) The financial interests of the special Government employees which the Ethical Conduct Counselor determines are relevant in the light of the duties he is to perform.

NOTE: The corresponding Postal Manual section is 742.61b.

V. Section 742.735–62 is amended to change the designation Postmaster General to Ethical Conduct Counselor.

§ 742.735–62 Exceptions.

The Ethical Conduct Counselor may waive the requirement in § 742.735–61 above for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when he finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this section consultant and expert have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include a physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients.

NOTE: The corresponding Postal Manual section is 742.62.

VI. Section 742.735–71 is amended by adding new paragraph (f) to state that the Ethical Conduct Counselor may, in proper cases, make exceptions to the requirements or prohibitions of Part 742.

§ 742.735–71 Ethical Conduct Counselor and Deputy Ethical Conduct Counselors.

* * * * *

(f) Unless prohibited by law or Executive order, or inconsistent with 5 CFR Part 735, the Ethical Conduct Counselor may make exception to the requirements or prohibitions in this Part, for good cause shown.

NOTE: The corresponding Postal Manual section is 742.716.

(5 U.S.C. 301, 39 U.S.C. 501, Executive Order 11222, dated May 8, 1965)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-8279; Filed, July 14, 1969; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., Rev. 1, Amdt. 13]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1964 and Subsequent Crops

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 31 F.R. 5941, 32 F.R. 7843, 9301, 10910, and 13376, and 33 F.R. 222, 299, 2564, 5659, 6097, 8220, 12821, and 16142, and 34 F.R. 1228 containing the General Regulations Governing Price Support for the 1964 and Subsequent Crops of Grains and Similarly Handled Commodities are hereby amended as follows:

1. Paragraph (a) of § 1421.53 is amended to provide for using Purchase Agreement (Form CCC–614) by producer when notifying county office of intention to sell a commodity to CCC. The amended paragraph (a) reads as follows:

§ 1421.53 Eligibility requirements.

(a) *Requesting price support.* To obtain price support on an eligible commodity, a producer must request a loan on his eligible commodity, or notify the ASCS county office of his intention to sell his eligible commodity by executing and delivering to the county office a Purchase Agreement (Form CCC–614), no later than the maturity date specified in the applicable commodity supplement.

* * * * *

2. Paragraph (c) of § 1421.55 is amended to define situations where the county committee may authorize a later period of availability or date of disbursement on an individual basis. The amended paragraph (c) reads as follows:

§ 1421.55 Program availability, disbursement and maturity of loans.

* * * * *

(c) *Availability and maturity dates.* Availability and maturity dates applicable to loans and purchases will be specified in the annual commodity supplements to the regulations in this subpart. If the time for repayment of the loan indebtedness of warehouse storage loans for any crop of a commodity is extended, a producer who does not have a loan and wishes to participate in the extended warehouse loan program must request a warehouse storage loan on or before the final loan availability date

specified in the applicable commodity supplement and disbursement of the warehouse storage loan shall be completed not later than the original maturity date. A producer who wishes to convert a farm storage loan or part thereof into a warehouse storage loan in order to participate in the extended warehouse loan program must request approval of the county committee for such conversion, obtain its consent to deliver the commodity subject to the farm stored loan or other eligible commodity to an approved warehouse and deliver acceptable warehouse receipts to the county office on or before the original maturity date specified in the applicable commodity supplement; disbursement of the warehouse storage loan shall be completed not later than the original maturity date (with settlement as provided in paragraph (d) of § 1421.67). Notwithstanding any of the provisions of this § 1421.55, the county committee may authorize on an individual producer basis a later date of disbursement during the 30-day period following the original maturity date in emergency situations, such as illness, road conditions or similar emergency situations. Whenever the final date of availability or the maturity date falls on a nonworkday for ASCS county offices, the applicable final date shall be extended to include the next workday. CCC may, by public announcement prior to the applicable loan maturity date, extend the time for repayment of the loan indebtedness with respect to warehouse storage loans secured by the pledge of one or more of the following commodities of the 1967 or subsequent crops: Barley, corn, grain sorghum, oats, soybeans, and wheat; if any such loan maturity date is extended, CCC will pay the storing warehouse, at the rates specified in the applicable CCC storage agreement, any charges which have accrued and are unpaid through the original loan maturity date with respect to the commodity pledged to secure the extended loan indebtedness and the amount so paid shall be for the account of the producer and shall become a part of the loan indebtedness except that the producer will not be required to pay interest to CCC thereon; storage charges which accrue after the original loan maturity date with respect to the above-named commodities securing repayment of extended warehouse storage loans shall be for the account of CCC. CCC may at any time accelerate the time for repayment of a price support loan indebtedness; in the event of any such acceleration, CCC will give a produeer affected thereby notice of such acceleration at least 10 days in advance of the accelerated loan maturity date.

3. Paragraph (d) of § 1421.67 is amended to provide that transfer of a farm stored loan to a warehouse stored loan during the 30 day period immediately following the maturity date shall be permitted only under emergency situations. The amended paragraph (d) reads as follows:

§ 1421.67 Farm storage loans.

* * * * *

(d) *Transfer from farm storage loan to warehouse storage loan.* Upon request by the producer, the county committee may approve the conversion of a farm storage loan or part thereof into a warehouse storage loan at any time during the loan period. The county committee may also approve conversion of a farm storage loan or part thereof to a warehouse storage loan during the 30-day period after the maturity date in emergency situations, such as insect infestation that cannot be controlled, danger of flood, damage to the storage structure, loss of control of the storage structure or failure to transfer before the maturity date due to illness, road conditions or similar emergency situations. In the case of emergency transfers the producer must make the request in writing describing the emergency. Conversion of the farm storage loan or part thereof shall be made through the pledge of warehouse receipts for the commodity placed under warehouse storage loan and the immediate payment by the producer of the amount by which the warehouse storage loan is less than the farm storage loan or part thereof plus interest. Any amounts due the producer shall be disbursed by the county office.

4. Paragraph (d) of § 1421.69 is amended to define situations under which a commodity may be delivered before maturity date. The amended paragraph (d) reads as follows:

§ 1421.69 Liquidation of farm storage loans.

* * * * *

(d) *Delivery before maturity date.* If the producer loses control of the storage structure, there is insect infestation that cannot be controlled, danger of flood, or damage to the storage structure making it unsafe to continue storage of the commodity on the farm the commodity may be delivered before the maturity date of the loan with prior approval by the county committee. Settlement will be made with the producer as provided in § 1421.72.

5. Paragraph (b) (2) of § 1421.71 is amended to provide that in the case of eligible commodities stored in an approved warehouse, the producer must submit to the county office not later than the day after maturity, warehouse receipts for the quantity of the commodity he elects to sell to CCC. The amended paragraph (b) (2) reads as follows:

§ 1421.71 Purchases from producers.

* * * * *

(b) * * *

(2) *Delivery period.* In the case of an eligible farm stored commodity, the producer must make delivery of the commodity within the period of time after the loan maturity date for the kind of commodity as specified in delivery instructions issued by the county office unless the county office determines that more time is needed for delivery. Delivery shall be made to the location specified in such instructions. In the case of eligible commodities, except rice, stored in an approved warehouse, the producer must submit to the county office not earlier than 10 days before the maturity date but not later than the day after the maturity date, warehouse receipts for the quantity of the commodity he elects to sell to CCC. Notwithstanding any of the provisions of this § 1421.71, in the case of an eligible farm stored commodity covered by an approved Purchase Agreement (Form CCC-614), the county committee may, on request of the producer authorize delivery of the commodity before the maturity date for the commodity if the producer loses control of the storage structure, there is insect infestation that cannot be controlled, danger of flood or damage to the storage structure making it unsafe to continue storage of the commodity on the farm.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 401, 403, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1421, 1423, and 1425)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 9, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-8291; Filed, July 14, 1969; 8:47 a.m.]

PART 1427—COTTON

Subpart—1969 Crop Supplement to Cotton Loan Program Regulations

The Cotton Loan Program Regulations issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to loan operations for cotton are supplemented for 1969 crop cotton as follows:

Sec.
1427.1521 Purpose.
1427.1522 Schedule of base loan rates for eligible 1969 crop, upland cotton by warehouse location.
1427.1523 Schedule of premiums and discounts for grade and staple length of eligible 1969 crop upland cotton.
1427.1524 Schedule of premiums and discounts for micronaire readings on 1969 crop upland cotton.
1427.1525 Schedule of loan rates for eligible qualities of 1969 crop extra long staple cotton by warehouse location.

AUTHORITY: The provisions of this subpart issued under secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421.

§ 1427.1521 Purpose.

This subpart is for the purpose of announcing that loans will be available on upland and extra long staple cotton of the 1969 crop under the terms and conditions stated in the Cotton Loan Program Regulations issued by Commodity Credit Corporation and contained in this Part 1427. This subpart also contains schedules to be used in determining loan rates on 1969 crop cotton.

§ 1427.1522 Schedule of base loan rates for eligible 1969 crop upland cotton by warehouse location.

ALABAMA

City	County	Basis middling white inch loan rate
Akron	Hale	20.45
Albertville	Marshall	20.55
Aliceville	Pickens	20.40
Altoona	Etowah	20.60
Andalusia	Covington	20.45
Anniston	Calhoun	20.70
Arab	Marshall	20.55
Athens	Limestone	20.45
Atmore	Escambia	20.40
Attalla	Etowah	20.60
Belle Mina	Limestone	20.45
Berry	Fayette	20.45
Birmingham	Jefferson	20.45
Blountsville	Blount	20.55
Boaz	Marshall	20.55
Boligee	Greene	20.40
Brantley	Crenshaw	20.45
Brent	Bibb	20.45
Brewton	Escambia	20.40
Brundidge	Pike	20.45
Camden	Wilcox	20.40
Centre	Cherokee	20.60
Centreville	Bibb	20.45
Clayton	Barbour	20.55
Collinsville	De Kalb	20.55
Columbia	Houston	20.45
Cordova	Walker	20.45
Cottonwood	Houston	20.45
Cullman	Cullman	20.45
Decatur	Morgan	20.45
Demopolis	Marengo	20.40
Dothan	Houston	20.45
Dutton	Jackson	20.45
Eclectic	Elmore	20.55
Elba	Coffee	20.45
Elkmont	Limestone	20.45
Enterprise	Coffee	20.45
Ethelsville	Pickens	20.40
Eufaula	Barbour	20.55
Eutaw	Greene	20.40
Evergreen	Conecuh	20.40
Fayette	Fayette	20.45
Florala	Covington	20.45
Fort Deposit	Lowndes	20.45
Fort Payne	De Kalb	20.55
Frisco City	Monroe	20.40
Gadsden	Etowah	20.60
Georgiana	Butler	20.45
Geraldine	De Kalb	20.55
Goodway	Monroe	20.40
Gordo	Pickens	20.40
Goshen	Pike	20.45
Greenbrier	Limestone	20.45
Greensboro	Hale	20.45
Greenville	Butler	20.45
Guntersville	Marshall	20.55
Haleyville	Winston	20.45
Hamilton	Marion	20.40
Hartford	Geneva	20.45
Hartselle	Morgan	20.45
Havana Junction	Hale	20.45
Headland	Henry	20.45
Hollywood	Jackson	20.45
Huntsville	Madison	20.45
Hurtsboro	Russell	20.60
Jasper	Walker	20.45
Kennedy	Lamar	20.40
Lafayette	Chambers	20.60
Larkinsville	Jackson	20.45
Linden	Marengo	20.40
Livingston	Sumter	20.40
Louisville	Barbour	20.55
Luverne	Crenshaw	20.45
McCullough	Escambia	20.40
Madison	Madison	20.45
Malvern	Geneva	20.45
Maplesville	Chilton	20.45
Marion	Perry	20.45
Millport	Lamar	20.40
Mobile	Mobile	20.40
Monroeville	Monroe	20.40
Montgomery	Montgomery	20.45
Moundville	Hale	20.45
Newbern	do	20.45
New Hope	Madison	20.45
Newville	Henry	20.45
Northport	Tuscaloosa	20.45
Notasulga	Macon	20.55
Oneonta	Blount	20.55
Opelika	Lee	20.60
Opp	Covington	20.45
Panola	Sumter	20.40
Phil Campbell	Franklin	20.40
Pinckard	Dale	20.45
Pisgah	Jackson	20.45
Red Bay	Franklin	20.40
Reform	Pickens	20.40
Rogersville	Lauderdale	20.40
Russellville	Franklin	20.40
Samantha	Tuscaloosa	20.45
Samson	Geneva	20.45
Scottsboro	Jackson	20.45
Section	do	20.45
Selma	Dallas	20.45
Sheffield	Colbert	20.40
Slocomb	Geneva	20.45
Stevenson	Jackson	20.45
Sulligent	Lamar	20.40
Sweet Water	Marengo	20.40
Sylacauga	Talladega	20.60
Talladega	do	20.60
Tallassee	Elmore	20.55
Troy	Pike	20.45
Tuscumbia	Colbert	20.40
Tuskegee	Macon	20.55
Union Springs	Bullock	20.55
Uniontown	Perry	20.45
Vernon	Lamar	20.40
Wetumpka	Elmore	20.55
Winfield	Marion	20.40

ARIZONA

Eloy	Pinal	19.50
Phoenix	Maricopa	19.80
Picacho	Pinal	19.80
Safford	Graham	20.00
Yuma	Yuma	19.80

ARKANSAS

Arkadelphia	Clark	20.35
Ashdown	Little River	20.30
Batesville	Independence	20.35
Blytheville	Mississippi	20.35
Bradley	Lafayette	20.30
Brinkley	Monroe	20.35
Camden	Ouachita	20.30
Clarendon	Monroe	20.35
Cotton Plant	Woodruff	20.35
Dardanelle	Yell	20.35
Dell	Mississippi	20.35
Dumas	Desha	20.35
Earle	Crittenden	20.35
England	Lonoke	20.35
Eudora	Chicot	20.35
Evadale	Mississippi	20.35
Forrest City	St. Francis	20.35
Fort Smith	Sebastian	20.30
Helena	Phillips	20.35
Hope	Hempstead	20.30
Hughes	St. Francis	20.35
Jonesboro	Craighead	20.35
Leachville	Mississippi	20.35
Lepanto	Poinsett	20.35
Lonoke	Lonoke	20.35
McCrory	Woodruff	20.35
McGehee	Desha	20.35
Magnolia	Columbia	20.30
Marianna	Lee	20.35
Marked Tree	Poinsett	20.35
Marvell	Phillips	20.35
Morrilton	Conway	20.35
Newport	Jackson	20.35
North Little Rock	Pulaski	20.35
Osceola	Mississippi	20.35
Pine Bluff	Jefferson	20.35
Portland	Ashley	20.35
Prescott	Nevada	20.30
Searcy	White	20.35
Sparkman	Dallas	20.30
Trumann	Poinsett	20.35
Waldo	Columbia	20.30
Walnut Ridge	Lawrence	20.35
West Memphis	Crittenden	20.35
Wynne	Cross	20.35

CALIFORNIA

Bakersfield	Kern	19.80
Brawley	Imperial	19.80
Calico	Kern	19.80
El Centro	Imperial	19.80
Fresno	Fresno	19.80
Imperial	Imperial	19.80
Kerman	Fresno	19.80
Los Angeles	Los Angeles	19.80
Pinedale	Fresno	19.80
Tulare	Tulare	19.80

FLORIDA

Jay	Santa Rosa	20.40

GEORGIA

City	County	Basis middling white inch loan rate
Adairsville	Bartow	20.65
Adel	Cook	20.45
Alamo	Wheeler	20.55
Albany	Dougherty	20.55
Allentown	Wilkinson	20.65
Ambrose	Coffee	20.55
Americus	Sumter	20.55
Arabi	Crisp	20.55
Arlington	Calhoun	20.45
Ashburn	Turner	20.55
Athens	Clarke	20.70
Atlanta	Fulton	20.65
Augusta	Richmond	20.70
Bartow	Jefferson	20.65
Baxley	Appling	20.55
Blakely	Early	20.45
Bronwood	Terrell	20.55
Brooklet	Bulloch	20.65
Buena Vista	Marion	20.65
Butler	Taylor	20.65
Byromville	Dooly	20.55
Cadwell	Laurens	20.65
Cairo	Grady	20.45
Camilla	Mitchell	20.45
Carrollton	Carroll	20.65
Cedartown	Polk	20.65
Chauncey	Dodge	20.65
Chester	do	20.65
Claxton	Evans	20.55
Cochran	Bleckley	20.65
Coleman	Randolph	20.45
Colquitt	Miller	20.45
Columbus	Muscogee	20.65
Comer	Madison	20.70
Concord	Pike	20.65
Conyers	Rockdale	20.65
Cordele	Crisp	20.55
Coverdale	Turner	20.55
Covington	Newton	20.65
Cuthbert	Randolph	20.45
Davisboro	Washington	20.65
Dawson	Terrell	20.55
De Soto	Sumter	20.55
Dexter	Laurens	20.65
Doerun	Colquitt	20.45
Donalsonville	Seminole	20.45
Douglas	Coffee	20.55
Dublin	Laurens	20.65
Dudley	do	20.65
Eastman	Dodge	20.65
East Point	Fulton	20.65
Edison	Calhoun	20.45
Elberton	Elbert	20.70
Elko	Houston	20.65
Ellaville	Schley	20.65
Findlay	Dooly	20.55
Fitzgerald	Ben Hill	20.55
Fort Gaines	Clay	20.45
Fort Valley	Peach	20.65
Franklinton	Bibb	20.65
Funston	Colquitt	20.45
Gay	Meriwether	20.65
Glennville	Tattnall	20.55
Greenville	Meriwether	20.65
Griffin	Spalding	20.65
Haralson	Coweta	20.65
Hawkinsville	Pulaski	20.65
Hazlehurst	Jeff Davis	20.55
Hogansville	Troup	20.65
Hollonville	Pike	20.65
Ideal	Macon	20.65
Jefferson	Jackson	20.70
Jeffersonville	Twiggs	20.65
Jesup	Wayne	20.55
Kingston	Bartow	20.65
La Grange	Troup	20.65
Lavonia	Franklin	20.70
Lawrenceville	Gwinnett	20.65
Lenox	Cook	20.45
Leslie	Sumter	20.55
Locust Grove	Henry	20.65
Loganville	Walton	20.65
Louisville	Jefferson	20.65
Lumpkin	Stewart	20.55
Luthersville	Meriwether	20.65
Lyerly	Chattooga	20.65
Lyons	Toombs	20.55
McDonough	Henry	20.65
Macon	Bibb	20.65
Madison	Morgan	20.65
Mansfield	Newton	20.65
Marshallville	Macon	20.65
Metgs	Thomas	20.45
Metter	Candler	20.65
Midville	Burke	20.65
Milledgeville	Baldwin	20.65
Millen	Jenkins	20.65
Monroe	Walton	20.65
Montezuma	Macon	20.65
Morven	Brooks	20.45

GEORGIA—Continued

City	County	Basis middling white inch loan rate
Moultrie	Colquitt	20.45
Norman Park	do	20.45
Ocilla	Irwin	20.55
Oglethorpe	Macon	20.65
Omega	Tift	20.55
Parrott	Terrell	20.55
Pelham	Mitchell	20.45
Pinehurst	Dooly	20.55
Pinelog	Bartow	20.65
Pine Mountain	Harris	20.65
Pineview	Wilcox	20.55
Pitts	do	20.55
Plains	Sumter	20.55
Portal	Bulloch	20.65
Poulan	Worth	20.55
Quitman	Brooks	20.45
Rebecca	Turner	20.55
Rentz	Laurens	20.65
Reynolds	Taylor	20.65
Rochelle	Wilcox	20.55
Rockmart	Polk	20.65
Rome	Floyd	20.65
Royston	Franklin	20.70
Rutledge	Morgan	20.65
Sandersville	Washington	20.65
Sasser	Terrell	20.55
Savannah	Chatham	20.65
Senoia	Coweta	20.65
Shady Dale	Jasper	20.65
Shellman	Randolph	20.45
Shingler	Worth	20.55
Social Circle	Walton	20.65
Soperton	Treutlen	20.65
Sparta	Hancock	20.65
Statesboro	Bulloch	20.65
Swainsboro	Emanuel	20.65
Sycamore	Turner	20.55
Sylvania	Screven	20.65
Sylvester	Worth	20.55
Tennille	Washington	20.65
Thomson	McDuffie	20.70
Tifton	Tift	20.55
Twin City	Emanuel	20.65
Unadilla	Dooly	20.55
Uvalda	Montgomery	20.55
Valdosta	Lowndes	20.45
Vidalia	Toombs	20.55
Vienna	Dooly	20.55
Villa Rica	Carroll	20.65
Wadley	Jefferson	20.65
Warrenton	Warren	20.70
Warwick	Worth	20.55
Washington	Wilkes	20.70
Watkinsville	Oconee	20.70
Waynesboro	Burke	20.65
Winder	Barrow	20.70
Woodbury	Meriwether	20.65
Wrens	Jefferson	20.65
Wrightsville	Johnson	20.65
Yatesville	Upson	20.65
Zebulon	Pike	20.65

LOUISIANA

City	Parish	Basis middling white inch loan rate
Alexandria	Rapides	20.30
Bernice	Union	20.30
Cheneyville	Rapides	20.30
Coushatta	Red River	20.30
Delhi	Richland	20.35
Ferriday	Concordia	20.35
Franklinton	Washington	20.35
Haynesville	Claiborne	20.30
Homer	do	20.30
Lake Providence	East Carroll	20.35
Mansfield	De Soto	20.30
Monroe	Quachita	20.35
Natchitoches	Natchitoches	20.30
Newellton	Tensas	20.35
New Orleans	Orleans	20.35
Oak Grove	West Carroll	20.35
Opelousas	St. Landry	20.30
Plain Dealing	Bossier	20.30
Rayville	Richland	20.35
Shreveport	Caddo	20.30
Tallulah	Madison	20.35
Winnsboro	Franklin	20.35

MISSISSIPPI

City	County	Basis middling white inch loan rate
Aberdeen	Monroe	20.40
Amory	do	20.40
Batesville	Panola	20.40
Belzoni	Humphreys	20.35
Booneville	Prentiss	20.40
Brookhaven	Lincoln	20.35
Canton	Madison	20.40
Carthage	Leake	20.40
Clarksdale	Coahoma	20.35
Cleveland	Bolivar	20.35
Columbia	Marion	20.35
Columbus	Lowndes	20.40
Como	Panola	20.40
Corinth	Alcorn	20.40
Drew	Sunflower	20.35
Durant	Holmes	20.40
Flora	Madison	20.35
Forest	Scott	20.35
Greenville	Washington	20.35
Greenwood	Leflore	20.35
Grenada	Grenada	20.40
Gulfport	Harrison	20.35
Hattiesburg	Forrest	20.35
Hollandale	Washington	20.35
Holly Springs	Marshall	20.40
Houston	Chickasaw	20.40
Indianola	Sunflower	20.35
Inverness	do	20.35
Itta Bena	Leflore	20.35
Jackson	Hinds	20.35
Kosciusko	Attala	20.40
Laurel	Jones	20.35
Leland	Washington	20.35
McComb	Pike	20.35
Macon	Noxubee	20.40
Magee	Simpson	20.35
Magnolia	Pike	20.35
Marks	Quitman	20.35
Meridian	Lauderdale	20.40
New Albany	Union	20.40
Newton	Newton	20.35
Okolona	Chickasaw	20.40
Oxford	Lafayette	20.40
Philadelphia	Neshoba	20.40
Pontotoc	Pontotoc	20.40
Prentiss	Jefferson Davis	20.35
Quitman	Clarke	20.35
Ripley	Tippah	20.40
Rolling Fork	Sharkey	20.35
Rosedale	Bolivar	20.35
Ruleville	Sunflower	20.35
Shaw	Bolivar	20.35
Shelby	do	20.35
Shuqualak	Noxubee	20.40
Sledge	Quitman	20.35
Summit	Pike	20.35
Tunica	Tunica	20.35
Tupelo	Lee	20.40
Tutwiler	Tallahatchie	20.35
Tylertown	Walthall	20.35
Union	Newton	20.40
Vicksburg	Warren	20.35
West Point	Clay	20.40
Yazoo City	Yazoo	20.35

MISSOURI

City	County	Basis middling white inch loan rate
Arbyrd	Dunklin	20.35
Caruthersville	Pemiscot	20.35
Charleston	Mississippi	20.35
Gideon	New Madrid	20.35
Hayti	Pemiscot	20.35
Kennett	Dunklin	20.35
Lilbourn	New Madrid	20.35
Malden	Dunklin	20.35
Portageville	New Madrid	20.35
Sikeston	Scott	20.35

NEW MEXICO

City	County	Basis middling white inch loan rate
Artesia	Eddy	20.15
Carlsbad	do	20.15
Deming	Luna	20.10
Las Cruces	Dona Ana	20.15
Lovington	Lea	20.20
Roswell	Chaves	20.15

NORTH CAROLINA

City	County	Basis middling white inch loan rate
Battleboro	Nash	20.75
Bethel	Pitt	20.75
Bladenboro	Bladen	20.75

NORTH CAROLINA—Continued

City	County	Basis middling white inch loan rate
Butner	Granville	20.75
Candor	Montgomery	20.80
Charlotte	Mecklenburg	20.80
Cherryville	Gaston	20.80
Clayton	Johnston	20.75
Clinton	Sampson	20.75
Conway	Northampton	20.75
Dunn	Harnett	20.75
Durham	Durham	20.80
Edenton	Chowan	20.75
Enfield	Halifax	20.75
Farmville	Pitt	20.75
Fayetteville	Cumberland	20.75
Franklinton	Franklin	20.75
Gastonia	Gaston	20.80
Gibson	Scotland	20.75
Goldsboro	Wayne	20.75
Greenville	Pitt	20.75
Henderson	Vance	20.75
Jackson	Northampton	20.75
Kings Mountain	Cleveland	20.80
Laurel Hill	Scotland	20.75
Laurinburg	do	20.75
Lewiston	Bertie	20.75
Lincolnton	Lincoln	20.80
Littleton	Halifax	20.75
Louisburg	Franklin	20.75
Lumberton	Robeson	20.75
Maxton	do	20.75
Monroe	Union	20.80
Mooresville	Iredell	20.80
Morven	Anson	20.80
Mount Olive	Wayne	20.75
Murfreesboro	Hertford	20.75
Nashville	Nash	20.75
Newton	Catawba	20.80
Parkton	Robeson	20.75
Pembroke	do	20.75
Pinetops	Edgecombe	20.75
Rayford	Hoke	20.75
Raleigh	Wake	20.75
Red Springs	Robeson	20.75
Rich Square	Northampton	20.75
Roanoke Rapids	Halifax	20.75
Rockingham	Richmond	20.80
Rowland	Robeson	20.75
St. Pauls	do	20.75
Salisbury	Rowan	20.80
Sanford	Lee	20.80
Scotland Neck	Halifax	20.75
Seaboard	Northampton	20.75
Selma	Johnston	20.75
Severn	Northampton	20.75
Shelby	Cleveland	20.80
Smithfield	Johnston	20.75
Southern Pines	Moore	20.80
Statesville	Iredell	20.80
Tarboro	Edgecombe	20.75
Warrenton	Scotland	20.75
Wake Forest	Wake	20.75
Washington	Beaufort	20.75
Weldon	Halifax	20.75
Williamston	Martin	20.75
Wilson	Wilson	20.75
Woodland	Northampton	20.75

OKLAHOMA

City	County	Basis middling white inch loan rate
Altus	Jackson	20.25
Amarillo	Caddo	20.25
Chickasha	Grady	20.25
Durant	Bryan	20.30
Elk City	Beckham	20.25
Frederick	Tillman	20.25
Hobart	Kiowa	20.25
Idabel	McCurtain	20.30
Mangum	Greer	20.25
Mountain View	Kiowa	20.25
Muskogee	Muskogee	20.40
Oklahoma City	Oklahoma	20.25
Wynne Wood	Garvin	20.25

SOUTH CAROLINA

City	County	Basis middling white inch loan rate
Abbeville	Abbeville	20.80
Aiken	Aiken	20.80
Allendale	Allendale	20.75
Anderson	Anderson	20.80
Angelus	Chesterfield	20.80
Bamberg	Bamberg	20.75
Barnwell	Barnwell	20.75

SOUTH CAROLINA—Continued

City	County	Basis middling white inch loan rate
Batesburg	Lexington	20.80
Bennettsville	Marlboro	20.75
Bethune	Kershaw	20.80
Bishopville	Lee	20.75
Blackville	Barnwell	20.75
Bowman	Orangeburg	20.75
Branchville	do	20.75
Brunson	Hampton	20.75
Calhoun Falls	Abbeville	20.80
Camden	Kershaw	20.80
Cameron	Calhoun	20.75
Charleston	Charleston	20.75
Cheraw	Chesterfield	20.80
Chester	Chester	20.80
Chesterfield	Chesterfield	20.80
Clinton	Laurens	20.80
Clio	Marlboro	20.75
Clover	York	20.80
Columbia	Richland	20.80
Cowpens	Spartanburg	20.80
Dalzell	Sumter	20.75
Darlington	Darlington	20.75
Denmark	Bamberg	20.75
Dillon	Dillon	20.75
Edgefield	Edgefield	20.80
Elgin	Kershaw	20.80
Elloree	Orangeburg	20.75
Estill	Hampton	20.75
Florence	Florence	20.75
Fountain Inn	Greenville	20.80
Gaffney	Cherokee	20.80
Garnett	Hampton	20.75
Greeleyville	Williamsburg	20.75
Greenville	Greenville	20.80
Greenwood	Greenwood	20.80
Hartsville	Darlington	20.75
Heath Springs	Lancaster	20.80
Hemingway	Williamsburg	20.75
Holly Hill	Orangeburg	20.75
Inman	Spartanburg	20.80
Jefferson	Chesterfield	20.80
Johnsonville	Florence	20.75
Johnston	Edgefield	20.80
Kershaw	Kershaw	20.80
Kingstree	Williamsburg	20.75
Lake City	Florence	20.75
Lake View	Dillon	20.75
Lamar	Darlington	20.75
Latta	Dillon	20.75
Laurens	Laurens	20.80
Leesville	Lexington	20.80
Lynchburg	Lee	20.75
McColl	Marlboro	20.75
Manning	Clarendon	20.75
Marion	Marion	20.75
Mayesville	Sumter	20.75
Mountville	Laurens	20.80
Mullins	Marion	20.75
Newberry	Newberry	20.80
North	Orangeburg	20.75
Norway	do	20.75
Olanta	Florence	20.75
Olar	Bamberg	20.75
Orangeburg	Orangeburg	20.75
Pamplico	Florence	20.75
Patrick	Chesterfield	20.80
Pendleton	Anderson	20.80
Pinewood	Sumter	20.75
Plum Branch	McCormick	20.80
Prosperity	Newberry	20.80
Ridge Spring	Saluda	20.80
Ridgeway	Fairfield	20.80
Rock Hill	York	20.80
Saluda	Saluda	20.80
Seneca	Oconee	20.80
Spartanburg	Spartanburg	20.80
Springfield	Orangeburg	20.75
St. Matthews	Calhoun	20.75
Summerton	Clarendon	20.75
Sumter	Sumter	20.75

SOUTH CAROLINA—Continued

City	County	Basis middling white inch loan rate
Swansea	Lexington	20.80
Timmonsville	Florence	20.75
Turbeville	Clarendon	20.75
Union	Union	20.80
Wagener	Aiken	20.80
Wellford	Spartanburg	20.80
Williston	Barnwell	20.75
York	York	20.80

TENNESSEE

City	County	Basis middling white inch loan rate
Brownsville	Haywood	20.40
Chattanooga	Hamilton	20.55
Covington	Tipton	20.40
Decherd	Franklin	20.45
Dyersburg	Dyer	20.40
Five Points	Lawrence	20.40
Henderson	Chester	20.40
Jackson	Madison	20.40
Lawrenceburg	Lawrence	20.40
Memphis	Shelby	20.40
Milan	Gibson	20.40
Ripley	Lauderdale	20.40
Tiptonville	Lake	20.40

TEXAS

City	County	Basis middling white inch loan rate
Abernathy	Hale	20.20
Abilene	Taylor	20.25
Ballinger	Runnels	20.25
Bay City	Matagorda	20.25
Big Spring	Howard	20.20
Bovina	Parmer	20.20
Brady	McCulloch	20.25
Brenham	Washington	20.25
Brownfield	Terry	20.20
Brownsville	Cameron	20.20
Brownwood	Brown	20.25
Bryan	Brazos	20.25
Burton	Washington	20.25
Cameron	Milam	20.25
Caldwell	Burleson	20.30
Childress	Childress	20.25
Clarksville	Red River	20.30
Cleburne	Johnson	20.25
Colorado City	Mitchell	20.25
Commerce	Hunt	20.30
Cooper	Delta	20.30
Corpus Christi	Nueces	20.25
Corsicana	Navarro	20.25
Crockett	Houston	20.25
Crosbyton	Crosby	20.20
Dallas	Dallas	20.25
Dimmitt	Castro	20.20
Edna	Jackson	20.25
Elgin	Bastrop	20.25
Enloe	Delta	20.30
Ennis	Ellis	20.26
Fabens	El Paso	20.15
Fauna	Harris	20.30
Floydada	Floyd	20.25
Forney	Kaufman	20.30
Fort Stockton	Pecos	20.20
Gainesville	Cooke	20.30
Galveston	Galveston	20.30
Garland	Dallas	20.30
Greenville	Hunt	20.30
Hamlin	Jones	20.25
Harlingen	Cameron	20.20
Hart	Castro	20.20
Haskell	Haskell	20.25
Hearne	Robertson	20.25
Hedley	Donley	20.25
Hillsboro	Hill	20.25
Honey Grove	Fannin	20.30
Houston	Harris	20.30
Hubbard	Hill	20.25
Huntsville	Walker	20.25

TEXAS—Continued

City	County	Basis middling white inch loan rate
Kaufman	Kaufman	20.30
Kenedy	Karnes	20.25
Knox City	Knox	20.25
La Grange	Fayette	20.25
Lamesa	Dawson	20.20
Levelland	Hockley	20.20
Littlefield	Lamb	20.20
Lockhart	Caldwell	20.25
Lockney	Floyd	20.20
Lorsine	Mitchell	20.25
Lorenzo	Crosby	20.20
Lubbock	Lubbock	20.20
McKinney	Collin	20.30
Marlin	Falls	20.25
Mart	McLennan	20.25
Memphis	Hall	20.25
Mexia	Limestone	20.25
Morton	Cochran	20.20
Muleshoe	Bailey	20.20
Munday	Knox	20.25
Nacogdoches	Nacogdoches	20.30
Navasota	Grimes	20.25
Needville	Fort Bend	20.30
Obrien	Haskell	20.25
Odonnel	Lynn	20.20
Paducah	Cottle	20.25
Paris	Lamar	20.30
Pecos	Reeves	20.20
Plains	Yoakum	20.20
Plainview	Hale	20.20
Pyote	Ward	20.20
Quanah	Hardeman	20.25
Quitaque	Briscoe	20.20
Ralls	Crosby	20.20
Raymondville	Willacy	20.20
Roaring Springs	Motley	20.25
Rochester	Haskell	20.25
Rosebud	Falls	20.25
Rosenberg	Fort Bend	20.30
Rotan	Fisher	20.25
Rule	Haskell	20.25
San Angelo	Tom Green	20.25
Schulenburg	Fayette	20.25
Seagraves	Gaines	20.20
Seymour	Baylor	20.25
Shamrock	Wheeler	20.25
Shiner	Lavaca	20.25
Slaton	Lubbock	20.20
Snyder	Scurry	20.25
Spur	Dickens	20.25
Stamford	Jones	20.25
Stanton	Martin	20.20
Sudan	Lamb	20.20
Sweetwater	Nolan	20.25
Taft	San Patricio	20.25
Tahoka	Lynn	20.20
Tarzan	Martin	20.20
Taylor	Williamson	20.25
Temple	Bell	20.25
Terrell	Kaufman	20.30
Texarkana	Bowie	20.30
Tulia	Swisher	20.20
Turkey	Hall	20.20
Vernon	Wilbarger	20.25
Victoria	Victoria	20.25
Waco	McLennan	20.25
Waxahachie	Ellis	20.25
Wellington	Collingsworth	20.25
Weslaco	Hidalgo	20.20
Whiteface	Cochran	20.20
Wichita Falls	Wichita	20.25
Wills Point	Van Zandt	20.30
Winters	Runnels	20.25

VIRGINIA

City	County	Basis middling white inch loan rate
Boykins	Southampton	20.75
Brodnax	Brunswick	20.75

§ 1427.1523 Schedule of premiums and discounts for grade and staple length of eligible 1969 crop upland cotton.

(Points per pound—Basis 1-inch middling)

Grade	Codes [1]	Staple length (inches)													
		1 1/16	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 1/32	1 1/8	1 3/32	1 1/16	1 5/32	1 1/4 and longer
		(26)	(28)	(29)	(30)	(31)	(32)	(33)	(34)	(35)	(36)	(37)	(38)	(39)	(40 and up)
WHITE		Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.
GM and better	(11 and 01)	−345	−310	−265	−195	−95	+50	+215	+415	+490	+560	+620	+710	+890	+1040
SM	(21)	−355	−320	−275	−205	−105	+40	+210	+405	+480	+550	+605	+695	+875	+1025
MID plus	(30)	−375	−340	−295	−225	−125	+20	+190	+380	+455	+520	+570	+650	+820	+965
MID	(31)	−395	−360	−315	−245	−145	Base	+160	+360	+430	+490	+540	+610	+775	+900
SLM plus	(40)	−480	−450	−405	−335	−265	−125	+30	+220	+275	+310	+345	+425	+560	+665
SLM	(41)	−530	−495	−450	−390	−315	−185	−40	+140	+195	+250	+280	+345	+480	+595
LM plus	(50)	−595	−570	−530	−470	−400	−265	−185	−75	−40	−5	+5	+30	+55	+105
LM	(51)	−635	−610	−575	−515	−445	−335	−250	−145	−105	−75	−65	−50	−25	Even
SGO plus	(60)	−735	−715	−680	−630	−570	−460	−410	−380	−365	−355	−355	−355	−355	−355
SGO	(61)	−765	−765	−730	−690	−620	−515	−475	−450	−435	−425	−425	−425	−425	−425
GO plus	(70)	−865	−845	−815	−775	−720	−625	−585	−575	−560	−550	−550	−550	−550	−550
GO	(71)	−910	−890	−860	−820	−770	−680	−640	−630	−620	−610	−610	−610	−610	−610
LIGHT SPOTTED															
GM	(12)	−420	−385	−340	−285	−215	−95	+65	+195	+245	+280	+320	+395	+565	+735
SM	(22)	−430	−395	−350	−295	−225	−110	+55	+180	+230	+270	+305	+375	+545	+705
MID	(32)	−490	−460	−420	−365	−300	−185	−40	+95	+135	+180	+225	+290	+405	+505
SLM	(42)	−610	−580	−540	−485	−425	−325	−225	−140	−115	−85	−70	−55	−40	−15
LM	(52)	−750	−720	−685	−635	−585	−505	−445	−400	−390	−385	−385	−385	−385	−385
SPOTTED															
GM	(13)	−585	−555	−515	−460	−400	−300	−215	−170	−145	−115	−105	−95	−70	−45
SM	(23)	−600	−570	−530	−475	−415	−315	−230	−185	−160	−130	−120	−110	−80	−70
MID	(33)	−655	−625	−585	−530	−475	−380	−320	−285	−275	−265	−260	−255	−255	−250
SLM	(43)	−765	−730	−690	−640	−595	−520	−460	−435	−425	−425	−425	−425	−425	−425
LM	(53)	−880	−845	−810	−770	−725	−645	−600	−585	−580	−575	−575	−575	−575	−575
TINGED															
GM	(14)	−740	−700	−670	−640	−610	−575	−550	−540	−535	−535	−535	−535	−535	−535
SM	(24)	−755	−715	−685	−655	−625	−590	−565	−555	−550	−550	−550	−550	−550	−550
MID	(34)	−820	−780	−750	−720	−685	−655	−630	−620	−615	−615	−615	−615	−615	−615
SLM	(44)	−920	−880	−845	−810	−780	−740	−725	−710	−710	−710	−710	−710	−710	−710
LM	(54)	−1035	−1000	−970	−940	−915	−880	−855	−845	−845	−845	−845	−845	−845	−845
YELLOW STAINED															
GM	(15)	−900	−860	−835	−805	−780	−745	−730	−720	−720	−720	−720	−720	−720	−720
SM	(25)	−915	−875	−850	−820	−795	−760	−745	−735	−735	−735	−735	−735	−735	−735
MID	(35)	−970	−930	−905	−875	−845	−815	−800	−790	−790	−790	−790	−790	−790	−790
LIGHT GRAY															
GM	(16)	−435	−405	−365	−315	−230	−115	+10	+115	+170	+205	+250	+300	+450	+580
SM	(26)	−480	−450	−415	−365	−285	−190	−65	+40	+90	+150	+190	+235	+360	+485
MID	(36)	−565	−560	−525	−480	−410	−315	−239	−155	−130	−110	−95	−70	−45	−20
SLM	(46)	−730	−710	−680	−635	−575	−490	−420	−390	−375	−360	−360	−360	−360	−360
GRAY															
GM	(17)	−535	−510	−475	−430	−360	−265	−160	−100	−60	−10	+30	+75	+120	+165
SM	(27)	−595	−570	−535	−490	−420	−325	−245	−190	−170	−150	−135	−115	−110	−65
MID	(37)	−750	−730	−700	−655	−585	−510	−440	−410	−395	−385	−385	−385	−385	−385
SLM	(47)	−860	−845	−810	−765	−725	−660	−615	−595	−590	−580	−580	−580	−580	−580

Grade Symbols: GM—Good Middling; SM—Strict Middling; MID—Middling; SLM—Strict Low Middling; LM—Low Middling; SGO—Strict Good Ordinary; GO—Good Ordinary.

[1] Grade and staple codes. Staple below 13/16 is coded 24 and is not eligible for loan. Any grade code starting with an 8 is "below grade" and is not eligible for loan.

§ 1427.1524 Schedule of premiums and discounts for micronaire readings on 1969 crop upland cotton.

Micronaire reading	Points per pound
5.3 and above	Discount of 135.
5.0 through 5.2	Discount of 35.
3.5 through 4.9	Premium of 45.
3.3 through 3.4	Premium of 45.
3.0 through 3.2	Discount of 140.
2.7 through 2.9	Discount of 255.
2.6 and less	Discount of 390.

§ 1427.1525 Schedule of loan rates for eligible qualities of 1969 crop extra long staple cotton by warehouse location.

(In cents per pound, net weight)

Grade	Staple length (inches)					
	1 3/8		1 3/16		1 1/2 and longer	
	Cotton stored in approved warehouses in—		Cotton stored in approved warehouses in—		Cotton stored in approved warehouses in—	
	Arizona and California	New Mexico, Texas and other States	Arizona and California	New Mexico, Texas and other States	Arizona and California	New Mexico, Texas and other States
1	41.00	41.40	41.50	41.90	41.70	42.10
2	40.75	41.15	41.30	41.70	41.50	41.90
3	40.35	40.75	40.90	41.30	41.10	41.50
4	39.60	40.00	40.05	40.45	40.25	40.65
5	37.25	37.65	37.70	38.10	37.85	38.25
6	33.80	34.20	34.10	34.50	34.20	34.60
7	30.70	31.10	30.90	31.30	31.00	31.40
8	28.10	28.50	28.25	28.65	28.35	28.75
9	25.85	26.25	26.00	26.40	26.10	26.50

Effective date. This subpart shall become effective upon filing with the FEDERAL REGISTER for publication.

Signed at Washington, D.C., on July 7, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-8198; Filed, July 14, 1969; 8:45 a.m.]

[CCC Honey Price Support Regs., for 1968 and Subsequent Crops, Rev. 1, Amdt. 1]

PART 1434—HONEY

Subpart—Honey Price Support Regulations

FEES AND CHARGES; CORRECTION

In F.R. Doc. 69-7300 appearing at page 9675 in the issue of Friday, June 20, 1969, the amount of the loan service fee for cooperatives as set forth in § 1434.13(a) is corrected by changing "$2" to read "$4".

This correction is effective as of June 1, 1969, the effective date of the amendment being corrected.

Signed at Washington, D.C., on July 9, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-8292; Filed, July 14, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-WE-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On April 15, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6487) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a control zone for San Carlos Airport, Calif.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., September 18, 1969.

Issued in Los Angeles, Calif., on June 26, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the following control zone is added:

SAN CARLOS, CALIF.

Within a 3-mile radius of the San Carlos Airport (latitude 37°30'40" N., longitude 122°14'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 69-8280; Filed, July 14, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

PART 121—FOOD ADDITIVES

Malathion

A. A petition (PP 8F0634) was filed with the Food and Drug Administration by the American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing the establishment of tolerances for residues of the insecticide malathion in or on raw agricultural commodities as follows: 135 parts per million in or on cowpea hay, lespedeza, lupines, peanuts (forage and hay), soybeans (forage and hay), and vetch; 50 parts per million in or on almonds (hulls); 8 parts per million in or on chestnuts, filberts, lentils, okra, papayas, soybeans (dry and succulent), sugar beets, and sweetpotatoes; 1 part per million (negligible residues) in or on almonds (meat) and macadamia nuts; 0.5 part per million (negligible residues) in or on peanuts; 0.2 part per million (negligible residues) in milk; and 0.1 part per million (negligible residues) in eggs and safflower seed.

Subsequently the petitioner amended the petition to request the tolerances as they appear in the amended section below.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that:

1. The subject residues on feed items are in the category specified in § 120.6 (a) (3); whereas, dermal applications to cattle and poultry require establishment of tolerances for residues in milk and eggs.

2. The tolerances established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by revising § 120.111 to read as follows:

§ 120.111 Malathion; tolerances for residues.

Tolerances are established for residues of the insecticide malathion (*O,O*-dimethyl dithiophosphate of diethyl mercaptosuccinate) in or on raw agricultural commodities as follows:

From preharvest application: 135 parts per million in or on alfalfa, clover, cowpea forage and hay, grass, grass hay, lespedeza hay and straw, lupine hay and straw, peanut forage and hay, soybean forage and hay, and vetch hay and straw.

From preharvest application: 50 parts per million in or on almond hulls.

From preharvest application: 8 parts per million in or on apples, apricots, asparagus, avocados, beans, beets (including tops), blackberries, blueberries, boysenberries, broccoli, brussels sprouts, cabbage, carrots, cauliflower, celery, cherries, collards, corn forage, cranberries, cucumbers, currants, dandelions, dates, dewberries, eggplants, endive (escarole), figs, garlic, gooseberries, grapefruit, grapes, guavas, horseradish, kale, kohlrabi, kumquats, leeks, lemons, lentils, lespedeza seed, lettuce, limes, loganberries, lupine seed, mangos, melons, mushrooms, mustard greens, nectarines, okra, onions (including green onions), oranges, parsley, parsnips, passion fruit, peaches, pears, peas, peavines, peavine hay, pecans, peppermint, peppers, pineapples, plums, potatoes, prunes, pumpkins, quinces, radishes, raspberries, rutabagas, salsify (including tops), shallots, sorghum forage, soybeans (dry and succulent), spearmint, spinach, squash (both summer and winter), strawberries, sugar beets (tops), Swiss chard, tangelos, tangerines, tomatoes, turnips (including tops), vetch seed, walnuts, and watercress.

From preharvest and postharvest application: 8 parts per million in or on peanuts and the grains of barley, oats, rice, rye, sorghum, and wheat.

From postharvest application: 8 parts per million in or on corn grain.

From preslaughter application: 4 parts per million in or on meat, fat, and meat byproducts from cattle, goats, hogs, horses, poultry, or sheep; the tolerance level shall not be exceeded in any cut of meat or in any meat byproduct from cattle, goats, hogs, horses, poultry, or sheep.

From preharvest application: 2 parts per million in or on corn (kernels plus cob with husk removed) and cottonseed.

From preharvest application: 1 part per million in or on almonds, chestnuts, filberts, macadamia nuts, papayas, sugar beets (roots), and sweetpotatoes.

From preharvest application: 0.2 part per million in or on safflower seed.

From application to dairy cows: 0.5 part per million in milk fat reflecting negligible residues in milk.

From application to poultry: 0.1 part per million in eggs.

Where tolerances are established in this section for residues of malathion from both preharvest and postharvest application to the same commodity, the accumulative residues on the commodity from both shall not exceed the tolerance for residues from postharvest application.

B. Having evaluated the data in a petition (FAP 9H2348) submitted by the aforementioned petitioner, and other relevant material, the Commissioner concludes that the food additive regulations should be amended to establish a food additive tolerance of 0.6 part per million for residues of the subject insecticide in refined safflower oil resulting from application of the insecticide to the growing safflower plant and that such food additive tolerance is safe.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated as cited above, Part 121 is amended by revising § 121.1172 to read as follows:

§ 121.1172 Malathion.

Malathion may be safely used in accordance with the following conditions:

(a) (1) It is incorporated into paper trays in amounts not exceeding 200 milligrams per square foot.

(2) Treated paper trays are intended for use only in the drying of grapes (raisins).

(3) Total residue of malathion on processed ready-to-eat raisins from drying on treated trays and from application to grapes before harvest shall not exceed 8 parts per million.

(b) Residues of malathion in refined safflower oil from application to the growing safflower plant shall not exceed 0.6 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 408(d)(2), 409(c)(1), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(2), 348(c)(1))

Dated: July 8, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8274; Filed, July 14, 1969; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Dimethyl 2,2,2-Trichloro-1-Hydroxyethyl Phosphonate

A petition (PP 7F0612) was filed with the Food and Drug Administration by the Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of tolerances for residues of the insecticide *O,O*-dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate in or on certain raw agricultural commodities.

Subsequently, the petitioner amended the petition by withdrawing the proposed tolerances regarding kale, rutabagas, and turnips and proposing the following tolerances: 45 parts per million in or on alfalfa (hay) and clover (hay); 12 parts per million in or on alfalfa (fresh), barley (green fodder and straw), clover (fresh), flax straw, oats (green fodder and straw), sugar beet tops, and wheat (green fodder and straw); 2 parts per million in or on bananas (of which not more than 0.2 part per million will be in the pulp after peel is removed and discarded); 1 part per million in or on beans (vines) and cowpeas (vines); and 0.1 part per million (negligible residues) in or on artichokes, brussels sprouts, barley (grain), beans (dried), cabbage, carrots, cauliflower, collards, corn (forage and fodder), corn (kernels and cobs with husks removed), cottonseed, cowpeas, flaxseed, lettuce, lima beans, oats (grain), peppers, pumpkins, safflower seed, snap beans, sugar beets, table beets, tomatoes, and wheat (grain).

The petitioner also proposes the following tolerances from topical applications of the insecticide to meat and dairy cattle: 0.1 part per million in or on meat, fat, and meat byproducts of cattle; and 0.01 part per million in milk.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since the proposed usages on growing crops are not reasonably expected to result in transfer of residues of the pesticide to meat, milk, eggs, or poultry, tolerances are unnecessary regarding these commodities. These usages are classified in the category specified in § 120.6(a)(3). For topical application of the insecticide, however, there is reasonable expectation of residues in meat and milk and these usages are classified as specified in § 120.6(a)(2).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.198 is revised to read as follows:

§ 120.198 *O,O*-Dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate; tolerances for residues.

Tolerances are established for residues of the insecticide *O,O*-dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate in or on raw agricultural commodities as follows:

45 parts per million in or on alfalfa (hay) and clover (hay).

12 parts per million in or on alfalfa (fresh), barley (green fodder and straw), clover (fresh), flax straw, oats (green fodder and straw), sugar beet tops, and wheat (green fodder and straw).

2 parts per million in or on bananas (of which not more than 0.2 part per million will be present in the pulp after the peel is removed).

1 part per million in or on bean vines and cowpea vines.

0.1 part per million (negligible residues) in or on artichokes, barley (grain), beans (dried), beets (garden), brussels sprouts, cabbage, carrots, cauliflower, collards, corn fodder and forage, corn (kernels plus cob with husk removed), cottonseed, cowpeas, flaxseed, lettuce, lima beans, meat, fat, and meat byproducts of cattle, oats (grain), peppers, pumpkins, safflower seed, snap beans, sugar beets, tomatoes, and wheat (grain).

0.01 part per million (negligible residue) in milk.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 8, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8275; Filed, July 14, 1969; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dimenthyl 2,3,5,6-Tetrachloroterephthalate

A petition (PP 9F0780) was filed with the Food and Drug Administration by Diamond Shamrock Corp., Post Office Box 348, Painesville, Ohio 44077, proposing the establishment of tolerances for negligible residues of the herbicide dimethyl 2,3,5,6-tetrachloroterephthalate and its metabolites (monomethyl 2,3,5,6-tetrachloroterephthalate and 2,3,5,6-tetrachloroterephthalic acid) in or on the raw agricultural commodities corn grain (field) and sweet corn (husk removed) at 0.05 part per million; and corn forage (field and sweet) at 0.4 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs finds that:

1. The proposed usage is not reasonably expected to result in residues of the herbicide and/or its metabolites in meat, milk, poultry, and eggs. The uses are classified in the category specified in § 120.6(a)(3).

2. The tolerances established by this order are safe and will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.185 is revised to read as follows to establish the above-mentioned tolerances:

§ 120.185 Dimethyl 2,3,5,6-tetrachloroterephthalate; tolerances for residues.

Tolerances for total residues of the herbicide dimethyl 2,3,5,6-tetrachloroterephthalate and its metabolites monomethyl 2,3,5,6-tetrachloroterephthalate and 2,3,5,6-tetrachloroterephthalic acid (calculated as dimethyl 2,3,5,6-tetrachloroterephthalate) are established as follows:

5 parts per million in or on mustard greens and turnip greens.

2 parts per million in or on collards, field beans (dry), kale, lettuce, mung beans (dry), peppers, pimentos, potatoes, snap beans (succulent), southern peas (black-eyed peas), soybeans, strawberries, sweetpotatoes, turnips, and yams.

1 part per million in or on broccoli, brussels sprouts, cabbage, cantaloups, cauliflower, cucumbers, eggplants, garlic, honeydew melons, onions, summer squash, tomatoes, watermelons, and winter squash.

0.4 part per million (negligible residue) in or on corn forage or fodder (including sweet corn, field corn, and popcorn).

0.2 part per million (negligible residue) in or on cottonseed.

0.05 part per million (negligible residue) in or on corn grain (including field corn and popcorn) and sweet corn (kernels plus cob with husk removed).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 8, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8273; Filed, July 14, 1969; 8:45 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Amiben

A petition (PP 7F0591) was filed with the Food and Drug Administration by Amchem Products, Inc., Brookside Avenue, Ambler, Pa. 19002, proposing the establishment of tolerances for negligible residues of the herbicide amiben (3-amino-2,5-dichlorobenzoic acid) and its related aminodichlorobenzoic acids in or on the raw agricultural commodities beans (dry), beans (lima), corn, peanuts, peppers, pumpkins, soybeans, squash,

sweetpotatoes, and tomatoes at 0.2 part per million.

Subsequently, the petitioner amended the petition by proposing additional tolerances for residues of amiben in or on corn fodder and forage, bean vines, peanut forage, and soybean forage; by rewording the request regarding squash to read "squash (summer and winter)"; and by reducing the tolerance levels on all the subject crops to 0.1 part per million.

Data in the petition show that tolerances for residues of the related aminodichlorobenzoic acids resulting from the proposed uses are unnecessary.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since the proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, or poultry, tolerances are unnecessary regarding these items. The usage is classified in the category specified in § 120.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.266 Amiben; tolerances for residues.

Tolerances for negligible residues of amiben (3-amino-2,5-dichlorobenzoic acid) are established in or on the raw agricultural commodities beans (dried), bean vines, field corn (grain, fodder, and forage), lima beans, peanuts, peanut forage, peppers, pumpkins, soybeans, soybean forage, squash (summer and winter), sweetpotatoes, and tomatoes at 0.1 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 8, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8272; Filed, July 14, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Packaging

In § 147.2 *Antibiotic sensitivity discs; certification procedure*, paragraph (b) *Packaging*, third sentence, the incorrect cross-reference "§ 146.7" is changed to read "§ 146.10".

(Secs. 507, 701(a), 52 Stat. 1055, 59 Stat. 463, as amended; 21 U.S.C. 357, 371(a))

Dated: July 8, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8271; Filed, July 14, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

WICHITA MOUNTAINS WILDLIFE REFUGE, OKLA.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926; 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.31 by the addition of the Wichita Mountains Wildlife Refuge, Okla., to the list of areas open to the hunting of elk as legislatively permitted.

It has been determined that the regulated hunting of elk may be permitted as designated on the Wichita Mountains Wildlife Refuge without detriment to the objectives for which the area was established.

It has also been determined that the carrying capacity of the refuge can support a healthy herd of 350 elk. The present herd numbers 535. To reduce the herd to its habitat capacity, a surplus of 185 elk will be removed. About 60 of these, the estimated annual herd increment, is expected to be taken by hunters, and the remainder will be trapped and transplanted to other suitable habitat.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 60 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

* * * * *

OKLAHOMA

* * * * *

Wichita Mountains Wildlife Refuge.

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 11, 1969.

[F.R. Doc. 69-8372; Filed, July 14, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 71]

GENERAL PROVISIONS RELATING TO INTERSTATE MOVEMENT OF ANIMALS, INCLUDING POULTRY

Notice of Proposed Rule Making

Notice is hereby given, in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Department of Agriculture is considering the amendment of the general regulations relating to the interstate movement of certain animals, including poultry (9 CFR Part 71), pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114a, 114a–1, 115–117, 120–126, 134–134h), in the following respects:

1. Section 71.2 would be amended to read as follows:

§ 71.2 Secretary to issue rule governing quarantine and interstate movement of diseased animals, including poultry.

When the Secretary of Agriculture shall determine the fact that poultry or other animals in any State, Territory, or the District of Columbia are affected with any contagious, infectious, or communicable disease of livestock or poultry for which, in his opinion, a quarantine should be established or that other basis for a quarantine exists, notice will be given of that fact, and a rule will be issued accordingly, placing in quarantine such State, Territory, or the District of Columbia, or specified portion thereof. This rule will either absolutely forbid the interstate movement of the quarantined animals from the quarantined area or will indicate the regulations under which interstate movements may be made.

2. Sections 71.4, 71.5, 71.6, 71.7, 71.8, and 71.9 of the regulations would be deleted and new §§ 71.4, 71.5, 71.6 and 71.7 would be issued to read as follows:

§ 71.4 Maintenance of certain facilities and premises in a sanitary condition required; cleaning and disinfection, when required; animals classed as "exposed."

(a) Yards, pens, chutes, alleys, and other facilities and premises which are used in connection with the interstate movement of livestock or poultry shall be maintained by the person in possession of the facilities and premises in a clean and sanitary condition, in accordance with good animal husbandry practices, and shall be subject to inspection by a Division or State Inspector or an accredited veterinarian and when such inspector or veterinarian determines that such facilities or premises are not in such a clean and sanitary condition and gives written notice of his determination to such person, the facilities and premises shall be cleaned and disinfected in accordance with §§ 71.7 and 71.10–71.12 by such person under the supervision of such an inspector or veterinarian before such premises are again used for livestock or poultry.

(b) Yards, pens, chutes, alleys, and other facilities and premises which have contained interstate shipments of cattle, sheep, swine, poultry, or other animals affected with, or carrying the infection of, any contagious, infectious, or communicable disease of livestock or poultry other than slight unopened cases of actinomycosis or actinobacillosis (or both, bovine foot rot, atrophic rhinitis, ram epididymitis, ringworm, infectious keratitis, and arthritis (simple lesions only), shall be cleaned and disinfected under the supervision of a Division or State Inspector or accredited veterinarian in accordance with §§ 71.7 and 71.10–71.12 before such premises are again used for animals, and any poultry or other animals unloaded into such yards or premises before they have been so cleaned and disinfected shall thereafter be classed as "exposed" within the meaning of the regulations in this subchapter and shall not be moved interstate except in compliance with the provisions of such regulations applicable to exposed animals.

§ 71.5 Unsanitary railroad cars, trucks, boats, aircraft or other means of conveyance; interstate movement restricted.

No person who receives notice from a Division Inspector that a railroad car, truck, boat, aircraft or other means of conveyance owned or operated by such person is not in a clean and sanitary condition in accordance with good animal husbandry practices, shall thereafter use such means of conveyance in connection with the interstate movement of livestock or poultry, or move said means of conveyance interstate, until it has been cleaned and disinfected under the supervision of a Division or State Inspector or accredited veterinarian in accordance with §§ 71.7 and 71.10–71.12.

§ 71.6 Carrier responsible for cleaning and disinfecting of railroad cars, trucks, boats, aircraft or other means of conveyance.

(a) Railroad cars, trucks, boats, aircraft and other means of conveyance which have been used in the interstate transportation of cattle, sheep, swine, poultry, or other animals affected with,

or carrying the infection of, any contagious, infectious, or communicable disease of livestock or poultry other than slight unopened cases of actinomycosis or actinobacillosis (or both) atrophic rhinitis, bovine foot rot, ram epididymitis, ringworm, infectious keratitis, and arthritis (simple lesions only), shall be cleaned and disinfected under Division supervision in accordance with §§ 71.7 and 71.10–71.12, at the point where the animals are unloaded, before again being used for animals, including poultry, and the final carrier shall be responsible for such cleaning and disinfecting: *Provided*, That when Division supervision is not available at such point, the means of conveyance may be cleaned and disinfected under the supervision of a State Inspector or an accredited veterinarian.

(b) No railroad car, truck, boat, aircraft or other means of conveyance from which poultry or other animals affected with an infectious, contagious or communicable disease of livestock or poultry, other than those specified in § 71.4 (b), have been unloaded shall thereafter be used in connection with the interstate movement of animals, including poultry, or be moved interstate until it has been cleaned and disinfected by the final carrier under the supervision of a Division or State Inspector or accredited veterinarian in accordance with §§ 71.7 and 71.10–71.12.

(c) If Division supervision or other supervision as required by paragraph (a) or (b) of this section or proper cleaning and disinfecting facilities are not available at the point where the animals are unloaded, upon permission first received from the Division, the means of conveyance may be forwarded empty to a point at which such supervision and facilities are available, and there be cleaned and disinfected under supervision in accordance with §§ 71.7 and 71.10–71.12.

§ 71.7 Means of conveyance, facilities and premises; methods of cleaning and disinfecting.

(a) Railroad cars, trucks, aircraft or other means of conveyance, except boats, required by the regulations in this subchapter to be cleaned and disinfected shall be treated in the following manner: Remove all litter and manure from all portions of the conveyance, including any external ledges and framework; clean the exterior and interior of the conveyance; and saturate the entire interior surface, including the inner surface of the doors of the conveyance, with a permitted disinfectant specified in §§ 71.10–71.12.

(b) Boats required by the regulations in this subchapter to be cleaned and disinfected shall be treated in the following manner: Remove all litter and manure from the decks and stalls, and all other parts of the boat occupied or traversed by any poultry or other animals and from the portable chutes or other appliances or fixtures used in loading and unloading the animals, and saturate with a permitted disinfectant the entire surface of the deck, stalls, or other parts of the boat occupied or traversed by any animals or with which they may come in contact or which have contained litter or manure.

(c) Yards, pens, chutes, and alleys required by the regulations in this subchapter to be disinfected shall be treated in the following manner: Empty all troughs, racks, or other feeding or watering appliances; remove all litter and manure from the floors, posts, or other parts; and saturate the entire surface of the fencing, troughs, chutes, floors, walls, and other parts with a permitted disinfectant specified in §§ 71.10–71.12.

§§ 71.13–71.17 [Amended]

3. Whenever in the heading or text of §§ 71.13 and 71.15 the term "livestock" is used, the words "or poultry" would be inserted immediately thereafter, and whenever the term "livestock" is used in the text of § 71.14, the words "animals, including poultry" would be substituted.

4. Whenever in the heading or text of §§ 71.13, 71.14, 71.16, and 71.17 the term "animals" or "animal" is used, the words "poultry or other" would be inserted immediately preceding such term.

The purposes of the proposed amendments are to clarify and update the regulations contained in this part by (1) adding "aircraft and other means of conveyance" to the list of vehicles which are subject to cleaning and disinfection requirements under the regulations; (2) requiring that facilities and premises used in connection with the interstate movement of livestock and poultry be kept in a clean and sanitary condition; (3) including a reference to poultry as appropriate through the regulations in this part; and (4) clarifying the provisions of the regulations.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 10th day of July 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-8316; Filed, July 14, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ALBERT M. ROMBERGER

Notice of Granting of Relief

Notice is hereby given that Albert M. Romberger, 58 Silliman Street, Cressona, Pa. 17929, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 28, 1946, by the U.S. District Court for the Eastern District of Pennsylvania of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Albert M. Romberger, because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Romberger to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Albert M. Romberger's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Albert M. Romberger be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 9th day of July 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-8309; Filed, July 14, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Order No. 17]

WYOMING

Phosphate Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

PHOSPHATE LANDS

T. 41 N., R. 118 W., unsurveyed,
Sec. 3, NW¼, N½SW¼;
Sec. 4, N½NE¼, SW¼NE¼, W½, W½SE¼;
Sec. 5, E½E½;
Sec. 8, E½NE¼;
Sec. 9, W½NE¼, NW¼, N½SW¼, SE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 14, SW¼SW¼;
Sec. 15, W½NW¼, SE¼NW¼, N½SW¼, SE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 16, N½NE¼, SE¼NE¼;
Sec. 17, W½SW¼, SE¼SW¼;
Sec. 18, S½;
Sec. 20, W½NE¼, SE¼NE¼, N½NW¼, SE¼NW¼, NE¼SE¼;
Sec. 21, SW¼, S½SE¼;
Sec. 22, NE¼NE¼;
Sec. 23, S½NE¼, N½NW¼, SE¼NW¼, NE¼SE¼;
Sec. 26, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 27, SW¼NE¼, W½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 28, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 35, N½NE¼, NE¼NW¼;
Sec. 36, W½NE¼, SE¼NE¼, NW¼, N½SE¼.

RECLASSIFIED PHOSPHATE LANDS FROM NONPHOSPHATE LANDS

Prior classification of the following described land as nonphosphate land is hereby revoked and the land is reclassified as phosphate land:

T. 41 N., R. 118 W., unsurveyed,
Sec. 1, NW¼NE¼, NE¼NW¼, SE¼SE¼;
Sec. 11, E½SE¼;
Sec. 12, NE¼NE¼, S½NE¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 24, NW¼SW¼.

NONPHOSPHATE LANDS

T. 41 N., R. 118 W., unsurveyed,
Sec. 3, W½NE¼, S½SW¼, W½SE¼;
Sec. 4, SE¼NE¼, E½SE¼;
Sec. 5, W½E½, W½;
Secs. 6 and 7;
Sec. 8, W½NE¼, W½, SE¼;
Sec. 9, E½NE¼, SW¼SW¼, NE¼SE¼;
Sec. 10, NW¼NE¼, N½NW¼;
Sec. 14, N½SW¼, SE¼SW¼;
Sec. 15, SW¼NE¼, NE¼NW¼, SW¼SW¼, NE¼SE¼;
Sec. 16, SW¼NE¼, W½, SE¼;
Sec. 17, N½, NE¼SW¼, SE¼;
Sec. 18, N½;
Sec. 19;
Sec. 20, NE¼NE¼, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 21, N¼, N½SE¼;
Sec. 22, W½NE¼, SE¼NE¼, W½, SE¼;
Sec. 23, N½NE¼, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 25;
Sec. 26, N½, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 27, N½NE¼, SE¼NE¼, NE¼NW¼, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 28, SW¼NE¼, W½NW¼, SE¼NW¼, S½;
Secs. 29 to 34, inclusive;
Sec. 35, S½NE¼, W½NW¼, SE¼NW¼, S½;
Sec. 36, NE¼NE¼, SW¼, S½SE¼.

The area described aggregates 15,411 acres, more or less, of which about 4,098 acres are classified phosphate lands, about 640 acres are reclassified phosphate lands that were formerly classified nonphosphate lands, and about 10,673 acres are classified nonphosphate lands.

ARTHUR A. BAKER,
Acting Director.

JULY 3, 1969.

[F.R. Doc. 69-8277; Filed, July 14, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 9F0843) has been filed by Shell Chemical Co., Division of Shell Oil Co., Suite 1103, 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of an insecticide that is a mixture of 3,4,5-trimethylphenyl methylcarbamate and 2,3,5-trimethylphenyl methylcarbamate in or on the raw agricultural commodities corn grain, fodder, and forage, including field corn, popcorn, and sweet corn at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using an electron-capture detection system to measure the derivative produced by reaction with trifluoroacetic anhydride.

Dated: July 8, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8276; Filed, July 14, 1969; 8:46 a.m.]

Office of Education

CONSTRUCTON OF NONCOMMERCIAL EDUCATIONAL BROADCAST FACILITIES

Notice of Acceptance of Applications for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction of noncommercial educational broadcasting facilities are accepted for filing under the provisions of title III, part IV of the Communications Act of 1934, as amended (47 U.S.C. 390–399) and in accordance with 45 CFR 60.8.

Any interested person may, pursuant to 45 CFR 60.10, within 30 calendar days from the date of this publication, file comments regarding these applications with the Director, Educational Broadcasting Facilities Program, U.S. Office of Education, Washington, D.C. 20202.

EDUCATIONAL TELEVISION

Department of Education of the Commonwealth of Puerto Rico (WIPR–TV) Urb. Industrial Tres Monjitas, Cesar Gonzalez Avenue, Calaf Corner, Hato Rey, P.R. 00919, File No. 9/339 0059–T, to improve the facilities of noncommercial educational television station WIPR–TV on Channel 6, San Juan, P.R., accepted as of April 30, 1969. Estimated project cost: $300,000. Grant requested: $225,000. Application signed by: Ramon Mellado, Secretary of Education.

EDUCATIONAL RADIO

Department of Education of the Commonwealth of Puerto Rico, Urb. Industrial Tres. Monjitas, Cesar Gonzalez Avenue, Calaf Corner, Hato Rey, P.R. 00919, File No. 9/339/0058–R, to expand the facilities of noncommercial educational radio station WIPR–FM, Channel 217, San Juan, P.R., accepted as of April 30, 1969. Estimated project cost: $100,000. Grant requested: $75,000. Application signed by: Ramon Mellado, Secretary of Education.

The University of Vermont and State Agricultural College, 489 Main Street, Burlington, Vt. 05401, File No. 9/339/0005–R, to expand the facilities of noncommercial educational radio station WRUV–FM on Channel 211, Burlington, Vt., accepted as of April 11, 1969. Estimated project cost: $35,959. Grant requested: $25,629. Application signed by: Lyman S. Rowell, president.

Approved: July 1, 1969.

JAMES E. ALLEN, Jr.,
U.S. Commissioner of Education.

[F.R. Doc. 69–8295; Filed, July 14, 1969; 8:47 a.m.]

EDUCATION BENEFITS AND VETERANS' AND WAR ORPHANS' ASSISTANCE

Simultaneous Receipt

Notice is hereby given that persons receiving veterans' and war orphans' assistance provided under Chapters 34 and 35 of title 38 of the United States Code are not precluded on account of the receipt of such assistance from simultaneously receiving financial assistance under programs of the U.S. Office of Education, Department of Health, Education, and Welfare.

Persons receiving financial assistance under programs of the U.S. Office of Education, Department of Health, Education, and Welfare should consult with the Veterans Administration to determine whether they may also be eligible to receive veterans' and war orphans' assistance.

Dated: July 8, 1969.

JAMES E. ALLEN, Jr.
U.S. Commissioner of Education.

[F.R. Doc. 69–8296; Filed, July 14, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69–71]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR, Chapter I) require that various items of livesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from May 26, 1969, to June 5, 1969 (List No. 16–69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.4 (a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction and materials are set forth in 46 CFR, Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

LIFE WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/94/0, lifeboat winch, Type 55G–MKII; approval is limited to mechanical components only and for a maximum working load of 11,000 pounds pull at the drums (5,500 pounds per fall); identified by general arrangement drawings No. W1–F–002, revision C, dated May 1, 1969, and No. W1–F–002–H, revision A, dated November 21, 1968; and drawing list, revision B, dated May 29, 1969, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective June 5, 1969.

SIGNALS, DISTRESS, HAND RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.021/11/0, Bristol marine hand red flare distress signal, 500 candlepower, 2 minutes burning time, Bristol dwg. No. 506, revised May 14, 1958, manufactured by Bristol Flare Corp., State Road, Bristol, Pa. 19007, for Kilgore Corp., Toone, Tenn. 38381, effective May 26, 1969.

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

Approval No. 160.026/32/1, container for emergency provisions for lifeboats and life rafts, dwg. No. RF–3, dated July 15, 1964, markings: ¼ ration for lifeboats, ½ ration for inflatable life rafts, manufactured by H & M Packing Corp., 915 Ruberta Avenue, Glendale, Calif. 91201, effective June 3, 1969. (It is an extension of Approval No. 160.026/32/1, dated July 30, 1964.)

Approval No. 160.026/37/0, container for emergency provisions for lifeboats and life rafts, dwg. No. 1367, dated June 22, 1964, and revised June 30, 1964, marking: ¼ ration for lifeboats, ½ ration for inflatable life rafts, manufactured by Globe Equipment Corp., 257 Water Street, Brooklyn, N.Y. 11201, effective June 3, 1969. (It is an extension of Approval No. 160.026/37/0, dated July 2, 1964.)

LIFEBOATS FOR MERCHANT VESSELS

Approval No. 160.035/397/6, 24.0' x 8.0' x 3.5' fibrous glass reinforced plastic (FRP), motor-propelled lifeboat, without radio cabin or searchlight (Class 1), 37-person capacity, identified by general arrangement dwg. No. P–24–ID Rev. N, dated April 10, 1969. 46 CFR 160.035–13(c), marking. Weights: condition "A" =3,994 pounds, condition "B"=11,114 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective June 3, 1969. (It supersedes Approval No. 160.035/397/6, dated Apr. 17, 1969 to show revision date of Dwg. List.)

SIGNALS, DISTRESS, HAND, ORANGE SMOKE FOR MERCHANT VESSELS

Approval No. 160.037/6/0, Bristol marine hand orange smoke distress signal, Bristol dwg. No. 600, revised June 2, 1958, manufactured by Bristol Flare Corp., State Road, Bristol, Pa. 19007, for Kilgore Corp., Toone, Tenn. 38381, effective May 26, 1969.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/37/0, "Foster Insulfas Sealer 31–26" composition type incombustible material consisting solely of Foster 31–26 noncombustible coating and sealfas open weave glass cloth, identical to that referred to in National Bureau of Standards Test Report No. TG10210–1974:FP3363, dated April 30, 1956, formerly "Fiberseal"; also formerly "Foster Fiberseal Sealer", manufactured by Benjamin Foster Co., Post Office Box 59, Ambler, Pa. 19002, effective June 5, 1969. (It is an extension of Approval No. 164.009/37/0, dated July 31, 1964, and change of address of manufacturer.)

Approval No. 164.009/78/0, "Foster Insulfas Adhesive 81–15" composition type incombustible material, identical to that referred to in National Bureau of Standards Test Report No. TG10210–2107:FR3634, dated December 3, 1963, manufactured by Benjamin Foster Co., Post Office Box 59, Ambler, Pa. 19002, effective June 5, 1969. (It is an extension of Approval No. 164.009/78/0, dated July 31, 1964, and change of address of manufacturer.)

Approval No. 164.009/80/0, Foster insulfas coatings 31–30, composition type incombustible material, identical to that referred to in National Bureau of Standards Test Report No. TG10210–2109: FR3636, dated May 11, 1964, manufactured by Benjamin Foster Co., Post Office Box 59, Ambler, Pa. 19002, effective June 5, 1969. (It is an extension of Approval No. 164.009/80/0, dated July 7, 1964, and change of address of manufacturer.)

Approval No. 164.009/127/0, "No. 75 Ultralite MC Insulation," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1656:FP2855 (Test No. 122822), dated December 13, 1949, approved in a density of 0.75 pound per cubic foot, manufactured at Plant No. 5 by Gustin Bacon Manufacturing Co., Post Office Box 19079, Kansas City, Kans. 66118, effective June 4, 1969.

Approval No. 164.009/128/0, "No. 100 Ultralite MC Insulation," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG3610–1519:FP2622, dated May 19, 1948, approved in a 1-pound per cubic foot density, manufactured at Plant No. 5 by Gustin Bacon Manufacturing Co., Post Office Box 19079, Kansas City, Kans. 66118, effective June 4, 1969.

Approval No. 164.009/129/0, "No. 150 Ultralite MC Insulation," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1656:FP2855 (Test No. 122822), dated December 13, 1949, approved in a density of 1.48 pounds per cubic foot, manufactured at Plant No. 5 by Gustin Bacon Manufacturing Co., Post Office Box 19079, Kansas City, Kans. 66118, effective June 4, 1969.

Dated: July 8, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69–8267; Filed, July 14, 1969; 8:45 a.m.]

Federal Aviation Administration

ENGINEERING AND MANUFACTURING DISTRICT OFFICE AT HARRISBURG-YORK STATE AIRPORT, NEW CUMBERLAND, PA.

Notice of Relocation

Notice is hereby given that on or about July 15, 1969, the Engineering and Manufacturing District Office at Harrisburg-York State Airport, New Cumberland, Pa., will be relocated to Harrisburg, Pa. It will continue to provide services to the aviation industry and public without interruption, at the new location. Communications to the District Office should be addressed as follows:

Engineering and Manufacturing District Office, No. 44, Department of Transportation, Federal Aviation Administration, Federal Office Building, 228 Walnut Street, Harrisburg, Pa. 17108.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in New York, N.Y., on July 2, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69–8281; Filed, July 14, 1969; 8:46 a.m.]

National Transportation Safety Board

[Docket No. SS–R–6]

INVESTIGATION OF DERAILMENT OF PENN CENTRAL PASSENGER TRAIN

Notice of Hearing

In the matter of investigation of accident involving derailment of Penn Central Passenger Train No. Second 115 at Glenn Dale, Md., June 28, 1969, with subsequent numerous injuries to passengers.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m., e.d.t., on Monday, August 18, 1969, in conference room 2008, on the second floor of Federal Office Building No. 7, at 17th and H Streets NW., Washington, D.C.

Dated this 3d day of July 1969.

[SEAL] JOHN H. REED,
Chairman, Board of Inquiry.

[F.R. Doc. 69–8278; Filed, July 14, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20291; Order 69–7–49]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority July 9, 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 2 and Joint Conferences 1–2 and 1–2–3 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement amends Construction Rule for Passenger Fares by clarifying the definition of a one-way backhaul journey as any journey which for fare calculation purposes is not a complete round- or circle-trip journey entirely by air.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that Resolutions 200(Mail 888)014a, JT12(Mail 590)014a, and JT123(Mail 590)014a, which are incorporated in the above-designated agreement are adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement CAB 21045 is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–8297; Filed, July 14, 1969; 8:47 a.m.]

[Docket No. 20486, etc.]

MOHAWK AIRLINES, INC.

Notice of Postponement of Hearing

Mohawk Airlines, Inc., Rochester-Pittsburgh—Subpart M.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the public hearing in the above-entitled matter now assigned to be held on July 29, 1969, is hereby postponed to August 7, 1969, at 10 a.m., e.d.s.t., in room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 10, 1969.

[SEAL] ROBERT M. JOHNSON,
Hearing Examiner.

[F.R. Doc. 69-8298; Filed, July 14, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18594-18597; FCC 69-739]

PLEASANT BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Pleasant Broadcasting Co., Mount Pleasant, Iowa, Docket No. 18594, File No. BP-17235; Requests: 1130 kc, 250 w, Daytime; Donald K. Van Slyke, Vern McDonough, James J. Delmont, Alfred R. Sundberg, Dwight C. Vredenburg, Marion M. Coons, Virgil Meyer, Robert M. Stone, Clarence H. Morton, W. M. Eikenberry, John E. King, Aldo Della Vedova, George R. Garton, and Levorah Keller, doing business as Chariton Radio Co., Chariton, Iowa, Docket No. 18595, File No. BP-17559; Requests: 1130 kc, 500 w, DA, Daytime; BCST Company of Iowa, Inc., Mount Pleasant, Iowa, Docket No. 18596, File No. BP-17571; Requests: 1130 kc, 250 w, Daytime; Frank J. Herges, James J. Delmont, Vern McDonough, Leo C. Brau, E. N. Walker, Clarence C. Van Amerongen, Edwin W. Poock, James T. McCabe, Dwight C. Vredenberg, Marion M. Coons, and William J. Hart, doing business as Mount Pleasant Radio Co., Mount Pleasant, Iowa, Docket No. 18597, File No. BPH-5770; Requests: 105.5 mc, No. 288; 3 kw; 201 feet; for construction permits.

1. The Commission has under consideration the above-captioned and described applications. The Chariton, Iowa, and Mount Pleasant, Iowa, AM applications are mutually exclusive because of mutual overlap of 0.05 mv/m and 1 mv/m contours. The Mount Pleasant, Iowa, FM application is joined herein because of common questions pertaining to it and the Chariton AM application.

2. According to an agreement submitted with the FM application, it was applicant's intention to form an Iowa limited partnership. This agreement, however, appears to be defective in a number of particulars. Although eight of the 11 members of the partnership are described as limited partners, there is no such statement regarding the status of the other three, except for certain language describing their obligations, which suggests that they may be general partners. This possibility is negated by the statement in section II, table I of the application which lists all 11 as limited partners. In addition, the agreement specifies that the partnership is to continue until the expressed purpose is accomplished. Since the purpose is said to be the obtaining of a permit authorizing construction and operation of the station, the partnership would apparently terminate upon grant of the application. Finally, section X of the agreement refers without explanation to the existence of corporation rather than a partnership. Similar problems are involved in the Chariton AM application. In this instance too the partnership terminates with accomplishment of the expressed purpose, viz the obtaining of a permit for construction and operation of the station. The agreement refers to an intention to form a corporation upon grant of the permit. Although a corrective amendment to this application has been filed, section II of the application continues to show all the participants as limited partners. Because of these unresolved questions, issues will be specified to determine the legal status of these applicants and whether these applicants have or can comply with applicable requirements regarding operation of limited partnerships in the State of Iowa.

3. As to the Chariton application, approximately $87,805 is shown to be required to construct and operate the proposed station for 1 year without revenue. To meet this requirement, reliance is placed on prepayment of expenses ($2,500) and bank loans (totaling $92,000) to the partners who will provide the station's financing. Although the banks in question appear willing to provide these amounts, neither bank letter sets forth the applicable terms and conditions, and neither partner has indicated the basis upon which the funds would be supplied, nor the amount of first-year repayments, if any. Accordingly, an issue will be specified to determine the circumstances under which these amounts would be available.

4. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), and our public notice of August 22, 1968 (FCC 68-487), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Chariton Radio does not appear to have made an adequate survey and none of the applicants have adequately listed the suggestions received regarding community needs or the programing proposed to meet these needs as evaluated. Thus, we are unable at this time to determine whether any of the applicants are aware of and responsive to the needs of their areas. Accordingly, Suburban issues are required.

5. The Chariton, Iowa AM proposal is mutually exclusive with the AM applications for Mount Pleasant, Iowa. Consequently, if the Chariton applicant is found qualified, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

6. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of the matters discussed above, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

7. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the efforts made by Pleasant Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(2) To determine the efforts made by Chariton Radio Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine the efforts made by BCST Company of Iowa, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine the efforts made by Mount Pleasant Radio Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(5) To determine whether Chariton Radio Co. and Mount Pleasant Radio Co. are or can be qualified to do business as limited partnerships in the State of Iowa.

(6) To determine whether and under what circumstances Chariton Radio Co. would have available to it the additional $85,305 required to construct and operate for 1 year without revenue and thus demonstrate its financial qualifications.

(7) To determine the areas and populations which would receive primary service from the Chariton Radio Co., Pleasant Broadcasting Co., and BCST Company of Iowa, Inc., proposals and the availability of other primary aural service to such areas and populations.

(8) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals referred to in issue 7 would best provide a fair, efficient, and equitable distribution of radio service.

(9) To determine, in the event it is concluded that a choice between the applications referred to in issue 8 should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

(10) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

8. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 2, 1969.

Released: July 10, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8293; Filed, July 14, 1969; 8:47 a.m.]

[Docket Nos. 18531, 18532; FCC 69R-298]

VISTA BROADCASTING CO., INC., AND KNET, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Vista Broadcasting Co., Inc., Palestine, Tex., Docket No. 18531, File No. BPH-6292; KNET, Inc., Palestine, Tex., Docket No. 18532, File No. BPH-6405; for construction permits.

1. Vista Broadcasting Co., Inc., (Vista), and KNET, Inc. (KNET), are mutually exclusive applicants for a new FM broadcast station to operate on Channel 232, at Palestine, Tex. Their applications were designated for hearing on a standard comparative issue by Commission Order, FCC 69-425, released April 28, 1969, 34 F.R. 7193. In that order, each of the applicants was found qualified to construct and operate the proposed station. KNET, by a motion filed May 16, 1969, seeks to enlarge the issues to determine whether the stockholders of Vista have net liquid current assets sufficient to meet their obligations to the applicant and, in the light of the facts adduced, to determine whether Vista is financially qualified.[2] KNET notes that Vista, in its application, estimates that it will require $58,711 to construct and operate the proposed station for the first year and that, as amended, Vista's application proposes to finance its station by $20,000 in stock subscriptions, $20,000 in loans from stock subscribers, and a $20,000 loan from the East Texas Bank of Palestine, Tex. KNET observes that none of the balance sheets associated with the application are dated and that the application is more than a year old; thus, it is impossible to evaluate the present financial situation of the four stock subscribers, each of whom is committed to supply a $5,000 capital investment and a loan of $5,000. Moreover, KNET argues that an analysis of the balance sheets does not show that any of the stock subscribers have net liquid current assets to meet their commitments,[3] and as to some, the liabilities listed actually exceed the current liquid assets. Based on the foregoing, KNET argues that the issue should be added. The Broadcast Bureau supports KNET's motion.

2. In opposition, Vista argues that KNET has misread the balance sheets of its stock subscribers and that had KNET taken into account such items as stocks, accounts receivable, and in some instances, real estate, it would have ascertained that each stock subscriber could meet his commitment to the corporation. Vista also relies on an amendment to its application filed concurrently with its opposition herein, which consists of recent balance sheets for each of the four stock subscribers upon which it relies.[4]

3. The Review Board has examined the balance sheets submitted by Vista in its recent amendment and agrees with the Bureau's supplementary comments that neither C. Rayburn Moore nor Jerry F. Fountaine have shown sufficient current liquid assets to meet their respective commitments to Vista. It is well established that receivables, stocks and bonds, and fixed assets, in the absence of proof of marketability or liquidity, afford no reasonable assurance that funds will, in fact, be available to meet commitments to an applicant for a radio station. See, e.g., Miami Broadcasting Corporation, FCC 67R-327, 9 FCC 2d 694. Without reliance on such assets, Moore's balance sheet reflects only $5,800 in current assets and Fountaine's balance sheet reflects only $3,180 in current assets. We will, therefore, add an issue to ascertain whether C. Rayburn Moore and Jerry F. Fountaine can meet their respective commitments to Vista Broadcasting Co., Inc.

4. *Accordingly, it is ordered*, That the Broadcast Bureau's request, filed June 23, 1969, is granted; that the motion to enlarge issues, filed May 16, 1969, by KNET, Inc., is granted to the extent indicated below, and is denied in all other respects; and that the issues in this proceeding are enlarged as follows:

(a) To determine whether C. Rayburn Moore and Jerry F. Fontaine can meet their respective stock subscriptions and loan commitments to Vista Broadcasting Co., Inc.;

(b) To determine, in light of the evidence adduced pursuant to (a) above, whether Vista Broadcasting Co., Inc. is financially qualified to construct and operates its proposed station.

5. *It is further ordered*, That the burdens of proceeding and proof under the issues added herein will be on Vista Broadcasting Co., Inc.

Adopted: July 9, 1969.

Released: July 10, 1969.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8294; Filed, July 14, 1969; 8:47 a.m.]

[1] Commissioners Bartley, Wadsworth and Johnson absent; Commissioners Robert E. Lee and H. Rex Lee concurring in the result.

[2] The Board also has before it the Broadcast Bureau's statement in support of the motion to enlarge, filed May 29, 1969; Vista's opposition to motion to enlarge, filed June 12, 1969; Broadcast Bureau's request to file supplementary comments, filed June 23, 1969; and Broadcast Bureau's supplementary comments, filed June 23, 1969. The Bureau's request to file supplementary comments is appropriate in the circumstances of the case and the supplementary comments will be considered.

[3] The liabilities shown on the balance sheets are not broken down to show current liabilities and long-term liabilities.

[4] The Examiner accepted the amendment by order, 69M-795, released June 29, 1969.

TARIFF COMMISSION

[337-23]

COFFEE CONCENTRATES

Postponement of Hearing Date

On May 26, 1969, the Tariff Commission issued a notice of the institution of investigation No. 337-23 and ordered a public hearing in connection therewith to begin on July 22, 1969 (34 F.R. 8320) in respect to a complaint filed under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) by Struthers Scientific and International Corporation of New York, N.Y., which alleged unfair methods of competition and unfair acts in the importation into and sale of coffee concentrates in the United States in violation of the provisions of section 337. On June 20, 1969, the Commission issued a notice of an amendment of the scope of investigation No. 337-23 (34 F.R. 9829).

In view of requests therefor from interested parties and for other reasons, notice is hereby given of the postponement of the hearing in this investigation so that it will begin on September 16, 1969, at 10 a.m., e.d.s.t., in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., rather than on July 22, 1969, as originally ordered. Interested parties desiring to appear and give testimony at the hearing should follow the requirements stated in the original notice in the FEDERAL REGISTER of May 29, 1969 (34 F.R. 8320).

Issued: July 10, 1969.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 69-8299; Filed, July 14, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF SOUTH CAROLINA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of South Carolina for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of South Carolina and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. The appendix referenced in the résumé is included in the complete text of the program. A copy of the program, including proposed South Carolina regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 25th day of June 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF SOUTH CAROLINA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of South Carolina is authorized under section 1-400.15 of the 1962 Code of Laws of South Carolina and cumulative supplement thereto to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of South Carolina certified on June 4, 1969, that the State of South Carolina (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use it best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulations of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 15, 1969, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at _____, in triplicate, this _____ day of _____.

For the United States Atomic Energy Commission.

_____

Done at Columbia, S.C., in triplicate, this _____ day of _____.

For the State of South Carolina.

_____
Governor.

FOREWORD

South Carolina is dedicated to the purpose of protecting and improving the lot of its citizens. This dedication is realized, in part, by its full participation in the age of atoms, in due recognition of the many benefits to be derived from the peaceful uses of nuclear energy and its byproducts.

To discharge its responsibility to the citizens of this State to protect them from possible harmful effects of ionizing radiation, the 1967 General Assembly enacted the Atomic Energy and Radiation Control Act, which at one time recognizes the partnership that must exist between the fostering of nuclear enterprise and the protection against potential radiation hazards.

This Act authorizes the Governor to enter into an agreement with the Federal Government whereby certain regulatory functions now exercised by the Federal Government in the licensing and control of byproduct material, source material and special nuclear material in quantities not sufficient to create a critical mass will be transferred to the State.

The Act also designates the South Carolina State Board of Health as the agency which shall be responsible for the control of radiation sources. A complete regulatory program consistent with that conducted by the U.S. Atomic Energy Commission is authorized.

The following pages will present a description of past, present, and future activities of the State Board of Health in the field of Radiological Health, including the organization, procedures, and resources which will be brought to bear on the new responsibility assumed as a result of the aforementioned agreement.

HISTORY

As early as 1947 the South Carolina State Board of Health became aware of and concerned about the occupational exposure of workers to static eliminators. Over fifty of these devices were located, surveyed, and recommendations for shielding and access control were made. No leak-testing was performed as equipment was not available at the time.

Also at this time a program designed to reduce occupational exposure of shoe salesmen to X-rays from fluoroscopic shoe-fitting machines was instituted. This was later followed by more complete regulations covering all aspects of the use of these devices, and finally they were outlawed altogether. Ninety-six shoe-fitting machines in all were eliminated.

A voluntary X-ray program was begun in 1953, whereby services of the South Carolina State Board of Health were made available for the purpose of inspecting X-ray installations and recommending corrective actions where needed. This program received very good response, and during the period 1953–1966, 965 machines were inspected and 38 percent were found to be deficient in some respect. Eighty percent of these deficiencies were corrected as a result of recommendations and followup inspections. This included 662 dental SurPak examinations, resulting in the installation of 63 aluminum filters and 135 collimators. More recently, during the period in which more comprehensive radiation control regulations were being developed, a program of voluntary registration of X-ray machines was begun. By December 31, 1968, 1,269 X-ray machines were registered.

A radium management program was begun in 1965 when it was discovered that the radium storage facility in a large hospital was contaminated by a leaking source, which the hospital no longer possessed. The services of the South Carolina State Board of Health were offered in this area of concern, and this voluntary service resulted in the registration of 331 radium sources in 23 facilities totaling 2,352 milligrams. Of these sources, 254 have been leak-tested and 29 leaking sources have been detected. All owners of leaking sources of radium voluntarily disposed of the leaking radium sources or had them reencapsulated. The Agency provides assistance to radium users in the proper disposal of unwanted or leaking sources. Inspections were based on recommendations in NBS Handbook 73. A written report with recommendations was left with the users after each inspection. The degree of compliance with recommendations was 90 percent. Followup visits were made when indicated.

Another activity in the area of radioactive materials has been the accompanying of AEC Inspectors on the occasion of inspection visits to South Carolina. Within the last 8 years, South Carolina personnel have accompanied Atomic Energy Commission Inspectors on 75 percent of the inspections within the State. This has served the valuable purpose of familiarizing the staff with the inspection of licenses of radioactive materials, as well as the investigation of incidents involving licensed material.

In 1956, as a result of recommendations made by the Savannah River Advisory Board, the South Carolina Water Pollution Control Authority conservatively entered into an environmental monitoring program to determine the effect, if any, of the Savannah River Plant of the Atomic Energy Commission on the aquatic environment. Initially, this program consisted of one sampling point on the Savannah River below the plant effluent, which was subjected to gross alpha and beta analysis. Continuous paddlewheel samplers were later added at three locations, and more rigorous analytical procedures were employed, including specific isotope analysis and gamma spectroscopy when indicated by gross measurements.

The location of the Carolinas-Virginia Nuclear Power Associates' small power reactor at Parr, S.C., as well as the nuclear submarine repair facility at the Charleston Naval Shipyard prompted considerable expansion and sophistication of the environmental program to include over 150 sampling points, sampling air, water, precipitation, bottom muds and silt, vegetation, and milk. These samples were subjected to gross alpha and beta analysis, specific isotope analysis and gamma scans. Approximately 1,200 analyses per year were performed. The number of sampling points, as well as items sampled and analyzed underwent change as new nuclear installations were announced. Modern, well equipped laboratory facilities were provided for this work.

During the past year the responsibility for the environmental program was transferred to the South Carolina State Board of Health, in close cooperation with the South Carolina Pollution Control Authority.

Also during the past year regulations governing radioactive materials, X-ray machines and particle accelerators were adopted, after several meetings of the Technical Advisory Radiation Control Council, which met to consider in detail proposed regulations, and after public hearings to air the recommendations before the public. The Technical Advisory Radiation Control Council is a committee authorized by the Atomic Energy and Radiation Control Act to advise the State Board of Health on policy matters, including regulations.

PRESENT PROGRAM

The present program of the Division of Radiological Health consists of initiating the activities authorized by the Atomic Energy and Radiation Control Act, and continuing environmental monitoring, expanding the scope of this operation to take care of the burgeoning nuclear industries announced for South Carolina.

Licensing of radium is now mandatory. All X-ray machines and particle accelerators were required to be registered by March 31, 1969. The portions of the program dealing with these requirements have begun.

The radium management inspection determines compliance with regulations and terms of the license. Items checked are shielding, storage, access control, posting of signs, records, leak-testing, survey meters, personnel monitoring, and transport equipment. Again, other recommendations of a helpful nature are made.

The environmental program consists of sampling the environment in the vicinity of nuclear installations existing, under construction or announced. Preoperational surveillance activities consist of determining radioactivity levels in environmental samples as a baseline against which to compare those levels found after operations commence. Surveillance around existing facilities is conducted to determine if there is any impact on the environment as a result of release of radioactivity. If gross alpha and beta determinations show an increase, gamma and alpha spectrometry or specific isotope analysis is used to determine the source. An experimental program to determine the efficacy of using thermo-luminescent dosimetry as an environmental monitor is being conducted.

FUTURE PLANS

Future plans will include extending the regulatory program to licensing and regulating the use of those radioactive materials presently under the purview of the U.S. Atomic Energy Commission, dependent upon signing an agreement with the Atomic Energy Commission. Details of the regulatory procedures and policies to be followed are given in a later section.

An in-house formal training program in radiological health will be conducted for new staff personnel on a scheduled basis, and will utilize outside instructors where they are available.

SCOPE OF PROBLEM

There are an estimated 2,000 X-ray units in South Carolina, approximately 600 of these being dental units. The number of Atomic Energy Commission licenses for byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass currently in effect is 142. There are 331 known radium sources in use at 23 facilities totaling 2,352 milligrams. Numerous particle accelerators exist in this State.

Four large commercial nuclear power reactors are under construction, three of them being at one location. Also under construction is a nuclear fuels fabrication plant. Announcements have been made by two separate companies of their intentions to construct a nuclear fuels reprocessing plant. Other installations which indicate the need for environmental surveillance activities are the Savannah River Plant of the Atomic Energy Commission and the nuclear submarine repair base at Charleston, S.C.

ORGANIZATION AND STAFF

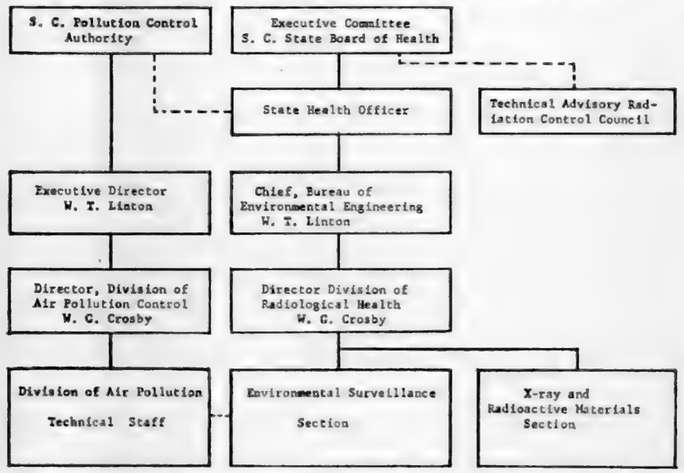
Under the provisions of the Atomic Energy and Radiation Control Act, the South Carolina State Board of Health is designated as the agency to exercise regulatory functions in radiological health. The organization of the State Board of Health is shown in Appendix, Chart 1. A Technical Advisory Radiation Control Council, appointed by the Governor, is also established. The purpose of this Council is to advise the State Board of Health on matters pertaining to ionizing radiation including standards, rules and regulations to be adopted, modified, promulgated or repealed by the Agency. Present membership of the Council is given in Table 1 of the appendix.

To assist the State Board of Health and staff in judging applications for nonroutine medical use of radioactive materials a Medical Advisory Committee has been appointed, the membership of which is shown in Table 2 of the appendix.

The functional radiological health program is operated by the Division of Radiological Health which, in turn, is a division of the Bureau of Environmental Engineering. The director of this division is also the director of the Division of Air Pollution Control, and spends his time equally divided between the

two divisions. In addition to State Board of Health staff members, experienced technicians are assigned to the Division of Radiological Health from the Bureau of Pollution Control to do work in environmental surveillance.

The line of authority and responsibility is shown on the accompanying diagram. The dotted line shown between the State Health Officer and the Pollution Control Authority indicates that he is, ex officio, Chairman of the Pollution Control Authority. There is also the statutory requirement that two additional members of the Authority be appointed from the Executive Committee of the State Board of Health. The dotted line between the Technical Staff of the Division of Air Pollution Control and the Environmental Surveillance Section of the Division of Radiological Health is intended to show the assignment of personnel and technical services by the Pollution Control Authority to the Division of Radiological Health.



REGULATORY PROCEDURES AND POLICY

Licensing and registration. The South Carolina State Board of Health has been designated the State Agency with the responsibility to develop an all-encompassing radiological health program in accordance with sections 1-400.11 through 1-400.16 of the 1962 Code of Laws of South Carolina and supplement thereto, the Atomic Energy and Radiation Control Act of South Carolina. The Division of Radiological Health has the responsibility for the operational phases of this program.

This program will regulate the safe use of all sources of ionizing radiation in the State including radium and accelerator produced nuclides, X-ray producing machines and particle accelerators. Certain small quantities of radionuclides as well as electronic devices which produce X-rays incidental to their operations in intensities insufficient to constitute a health hazard will be exempt. Licensing of all radionuclides including radium, and registration of X-ray machines and particle accelerators are features of this program. All regulations governing these sources are substantially in accord with the suggested State regulations as published by the Council of State Governments in cooperation with the Atomic Energy Commission and the U.S. Public Health Service. Every effort will be made to conduct the program in a fashion that is compatible with those operated by other agreement States and the Atomic Energy Commission.

The licensing program will be patterned after the one established by the Atomic Energy Commission and will use applicable criteria contained in regulations as published by the Atomic Energy Commission. The director and key staff members will evaluate each radioactive material license application, including prelicensing visits if this is indicated. When applications are received for unusual uses, additional advice will be sought. When applications for nonroutine medical uses are received the Medical Advisory Committee will be consulted. When applications for specific licenses are approved, licenses will be signed by the State Health Officer for the South Carolina State Board of Health.

Inspection. Inspection to determine radiation safety and compliance with pertinent regulations, and provisions of license or registration will be conducted as needed by division staff members. These members consist of the Director, the Radiological Health Specialist, Radiological Health Inspector and the Laboratory Technician III, who are or will be qualified by training and experience to conduct the inspections. Inspections will be either by prearrangement or unannounced during reasonable hours.

Licenses will be inspected on a priority basis determined by type of use, quantity of radioactive material, physical and chemical form, training, and experience of user, frequency of use and other factors in keeping with the experience gained by others including the Atomic Energy Commission and other agreement States. The initially planned frequencies are categorized as follows:

Classification of use	*Usual inspection frequency*
Industrial radiography:	
Fixed installations	Once each 12 months.
Mobile operations	Once each 6 months.
Operations involving waste disposal.	Once each 6 months.
Broad licenses—industrial, medical, or academic.	Once each 6–12 months.
Other specific licenses — industrial, medical, or academic.	Once each 12–24 months.

These frequencies are subject to alteration and are presented as a depiction of the general policy at this time. Individual licenses will be judged on the particular circumstances associated with the terms of the license.

Inspections will include the observation of pertinent facilities and equipment; a review of use procedures and radiation safety practices; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials; and instrument surveys to assess radiation levels incident to the operation—all as appropriate to the scope and conditions of the license and applicable regulations.

At the start and conclusion of an inspection, personal contact will be at management level whenever possible. Following the inspections, results will be discussed with the license management, appropriate tentative recommendations will be made and questions answered.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup will be available from the Agency on the occasion of incidents.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by a senior staff member and submitted to the Director of the Division of Radiological Health.

All inspectors will keep abreast of changes and developments in the field of radioactive materials by attending training courses, seminars and symposia, as well as in-house training which will be required.

Compliance and enforcement. The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

Where there are items of noncompliance, the licensee shall be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed, or expected to be completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

The terms and conditions of a license, upon request by the licensee, may be amended, consistent with the Act or regulations, to meet changing conditions in operations or to remedy minor items of noncompliance. The Agency may amend, suspend or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act, or regulations or failure to take adequate action concerning items of noncompliance. Prior to such action, the Agency shall notify the licensee of its intent to amend, suspend or revoke the license and provide the opportunity for a hearing.

Whenever the Agency finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may, in accordance with the Act, without notice of hearing, issue a regulation or order reciting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Agency, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon findings that the possessor is unable to observe or is not observing the provisions of the Act or regulations issued thereunder. After these actions the licensee still has right to a hearing.

A court order directing a person to comply, or enjoining practices in violation of the Act or regulations, may be sought by the Attorney General in the appropriate court upon request of the Agency, after notice to such persons and ample opportunity to comply has been afforded.

The Agency will use its best efforts to obtain compliance through cooperation and education. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, will the full legal procedures normally be employed.

Effective date of license transfer. Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued by the Agency which shall expire either 90 days after the receipt from the Agency of a notice of expiration of such license or on the date of expiration specified in the federal license, whichever is earlier.

Compatibility and reciprocity. In promulgating rules and regulations, the Agency has, insofar as practicable, avoided requiring dual licensing and has provided for reciprocal recognition of other state and federal licenses.

Radiological emergency capability. The Division of Radiological Health has maintained the capability for handling radiological emergencies since 1959. This capability includes training of personnel, proper monitoring instruments, and liaison with other agencies such as State Highway Patrol, Atomic Energy Commission, Savannah River Plant, and U.S. Public Health Service.

As a result of our Radium Management Program, additional capability was formulated in 1965 to handle other radiological emergencies such as lost or damaged radium sources, overexposures, contamination, or transportation incidents. Additional personnel were trained, better instruments purchased and maintained, "emergency kits" put together for immediate use, and a system for telephone communications instituted. Emergency plans of other groups and agencies involving radiological incidents were reviewed by our Division.

Future plans for emergency procedures involve first of all a thorough review of our existing plan in light of the new role as an agreement state. A more formal plan will be instituted delineating the responsibility of each group or agency. Radiological Emergency Assistance Teams will be organized and trained in areas of major radiological activity. The Division of Radiological Health, which will be responsible for the program, will coordinate the new plan so that when and if an emergency does occur a systematic procedure will be followed.

[F.R. Doc. 69-7644; Filed, June 30, 1969; 8:45 a.m.]

[Dockets Nos. 50-317 and 50-318]

BALTIMORE GAS AND ELECTRIC CO.

Notice of Issuance of Provisional Construction Permits

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated June 30, 1969, the Director of the Division of Reactor Licensing has issued Provisional Construction permits Nos. CPPR-63 and CPPR-64 to the Baltimore Gas and Electric Co. for the construction of two pressurized water nuclear reactors, designated as the Calvert Cliffs Nuclear Power Plant Units 1 and 2, at the applicant's site on the western shore of the Chesapeake Bay in Calvert County, Md., about 10 miles southeast of Prince Frederick, Md. The reactors are each designed for initial operation at approximately 2,440 thermal megawatts.

A copy of the initial decision is on file in the Commisson's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 7th day of July 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-8264; Filed, July 14, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

EVANS PRODUCTS CO. AND RETLA STEAMSHIP CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Amy Scupi, Esq., Galland, Kharasch, Calkins & Lippman, 1824 R Street NW., Washington, D.C. 20009.

Agreement 9549-3 between Evans Products Co. and Retla Steamship Co., modifies Article 9 of the basic agreement by expanding its geographic scope to include Okinawa, Hong Kong, Singapore, Malaysia, and Indonesia.

Dated: July 10, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8300; Filed, July 14, 1969; 8:48 a.m.]

OCEANIC STEAMSHIP CO. ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. David F. Anderson, Senior Counsel, The Oceanic Steamship Co., 100 Mission Street, San Francisco, Calif. 94105.

An agreement between The Oceanic Steamship Co., Grace Line, Inc., Transatlantic Steamship Co., Ltd., and Flota Mercante Grancolumbiana, S.A., has been filed with the Commission and assigned Federal Maritime Commission No. 9805. The agreement provides for the parties to agree upon the compensation for and use of a common stevedore for the discharge of bulk and package concentrates from their vessels at Selby, Calif. In addition, the parties have the right of independent action and are to independently negotiate and enter into its separate stevedoring contract.

Dated: July 10, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8301; Filed, July 14, 1969; 8:48 a.m.]

SOLOMON ISLANDS RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

John P. Meade, Esq., Graham & James, 1725 DeSales Street NW., Washington, D.C. 20036.

Agreement No. 9807 between Columbus Line and Pacific Australia Direct Line provides for the establishment of a rate-fixing agreement covering the transportation of freight and charges and practices relating thereto in the trade from the Pacific Coast of the United States to the Solomon Islands in accordance with the terms and conditions set forth in the agreement.

Dated: July 10, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8302; Filed, July 14, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. DA-1090-California]

PLUMAS NATIONAL FOREST

Finding and Order for Cancellation and Vacation

JULY 7, 1969.

Lands withdrawn in Power Site Classification No. 179 and Project Nos. 1258 and 2126, Docket No. DA-1090-California, U.S. Forest Service.

Application has been filed by the U.S. Forest Service for cancellation and vacation, respectively of the power withdrawals pertaining to the following described lands of the United States, located within the Plumas National Forest:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 25 N., R. 9 E.,
Sec. 22, S½NW¼NE¼, N½N½SW¼NE¼.

(Approximately 30 acres.)

The subject lands lie on and near Spanish Creek, a tributary to East Branch North Fork Feather River, in the vicinity of the settlement of Keddie, Calif. The lands are withdrawn variously as follows: In Power Site Classification No. 179, approved May 13, 1927; pursuant to the filing on August 12, 1942 of an amendatory application for license for a 50-foot right-of-way for transmission line Project No. 1258; and pursuant to the filing on February 24, 1953, of an application for a preliminary permit for Project No. 2126. A subsequent application for a license for Project No. 2126 was denied by Commission order and opinion dated October 10, 1962. The license issued for Project No. 1258 expired on February 10, 1967, and the transmission line formerly under license is presently in operation under a special use permit issued by the U.S. Forest Service.

Although several upstream sites have been suggested for multipurpose projects, there are no known plans for power development that would affect the subject lands. An early Bureau of Reclamation plan proposed the construction of the American Valley Reservoir about 4 miles upstream from the subject lands. Such a development would only affect the subject lands if a conduit to develop the project were to be located on the lands. However, the U. S. Geological Survey reports this proposal to be economically infeasible because it would inundate existing improvements, including the town of Quincy, several miles of Western Pacific Railroad main line, and State Route No. 70. These same adverse effects make development of the 15-mile stretch of Spanish Creek between the town of Quincy and its confluence with the East Branch North Fork Feather River economically infeasible.

The Commission finds: Inasmuch as the lands have no significant power value, the power site withdrawals pertaining to the lands serve no useful purpose and should be canceled and vacated. Accordingly, it has no objection to cancellation of Power Site Classification No. 179 insofar as it affects the subject lands.

The Commission orders: The withdrawals of the lands pursuant to the applications for Project Nos. 1258 and 2126 are hereby vacated insofar as they affect the subject lands.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8268; Filed, July 14, 1969; 8:45 a.m.]

[Docket No. RI70-1]

SUPERIOR OIL CO.

Offshore Transportation; Order on Petition for Special Relief

JULY 7, 1969.

On May 8, 1969, The Superior Oil Co. (Superior), filed a petition for special relief pursuant to ordering paragraph (C) of Opinion No. 546-A, issued March 20, 1969, in Area Rate Proceeding, dockets Nos. AR 61-2, et al., ------ FPC ------, with respect to natural gas produced offshore South Louisiana (Block 71 and 149 Fields), and transported to an onshore point by Superior for sale and delivery to Michigan Wisconsin Pipe Line Co., under Superior's FPC Gas Rate Schedule No. 7.

Ordering paragraph (C) of Opinion No. 546-A provides that a producer may, by reason of the fact that it is transporting or paying for the transportation of gas produced in the Federal Domain to a point onshore, file a rate reflecting the applicable onshore base area rate by petitioning for special relief setting forth the facts regarding each case. It further provides that the difference between the onshore and offshore rate shall be subject to refund as to all or any part thereof to which the producer ultimately is found not to be entitled. The applicable offshore and onshore area rates for the subject sale, as established by the Commission in its Opinion No. 546, issued September 25, 1968, ------ FPC ------, are 17 cents and 18.5 cents per Mcf at 15.025 p.s.i.a., respectively, subject to upward and downward B.t.u. adjustment. (Section 154.105(c)(1), regulations under the Natural Gas Act.)

Because of the stays issued by the Court and the Commission of Opinions Nos. 546 and 546-A, Superior has collected since October 1, 1968 (the effective date of the South Louisiana decision), and will continue to collect a rate in excess of the onshore area rate for Federal Domain gas transported onshore. Absent the stay, under paragraph (C) of Opinion No. 546-A, Superior would be allowed to collect the onshore area rate as of October 1, 1968, subject to refund.[1]

If the Commission's stay is dissolved, Superior will reduce its rate to the applicable onshore rate, and all monies collected since October 1, 1968, in excess of the onshore area rate will be subject to refund under ordering paragraph (C) of Opinion No. 546. However, the question of refunds with respect to the difference between the applicable onshore and offshore rates collected since October 1, 1968 (including any such amounts collected after the dissolution of the stay), will await final action of the Commission on Superior's petition for special relief in the above-entitled proceeding.

The Commission orders:

(A) Superior's petition for special relief with respect to sales under its FPC Gas Rate Schedule No. 7 will be disposed of in the above-entitled proceeding.

(B) Notices of intervention or petitions to intervene in the above-entitled proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 and 1.37(f)) on or before August 5, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8269; Filed, July 14, 1969; 8:45 a.m.]

[1] The Fifth Circuit Court of Appeals on May 13, 1969, granted a stay of the orders issued in this opinion until appeals are heard, but not beyond July 1, 1969, unless the Court orders otherwise. At the Court's request the Commission thereafter, by order issued May 29, 1969, stayed the rate reduction provisions of Opinions Nos. 546 and 546-A to and including Oct. 13, 1969. As a result of the Commission's action, the Court dissolved its stay on May 29, 1969.

[Docket No. CP69-222]

TENNESSEE GAS PIPELINE CO.

Notice of Postponement of Filing

JULY 7, 1969.

Tennessee Gas Pipeline Co., a division of Tenneco Inc., docket No. CP69-222 (Phase II).

Notice is hereby given that the filing of prepared direct testimony set for July 11, 1969, by order issued June 13, 1969, and the hearing scheduled to commence on July 21, 1969, in the above-designated matter are postponed pending further notice.

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8270; Filed, July 14, 1969; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations Temporary Regulation F-50]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a natural gas service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Federal Power Commission in a proceeding involving natural gas pipeline rates of the Cities Service Gas Co., FPC docket No. RP 69-39.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROBERT L. KUNZIG,
Administrator of General Services.

JULY 8, 1969.

[F.R. Doc. 69-8311; Filed, July 14, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[37-65]

NORTHEAST UTILITIES ET AL.

Notice of Posteffective Amendment Regarding Proposed Change in Purchasing Functions of Subsidiary Service Company and Related Transactions

JULY 9, 1969.

In the matter of Northeast Utilities, 70 Federal Street, Boston, Mass. 02110; Northeast Utilities Service Co., the Hartford Electric Light Co., 176 Cumberland Avenue, Wethersfield, Conn. 06109; the Connecticut Light and Power Co., Selden Street, Berlin, Conn. 06037; Holyoke Water Power Co., 1 Canal Street, Holyoke, Mass. 01040; Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, Mass. 01089.

Notice is hereby given that Northeast Utilities Service Co. ("NUSCO"), a wholly owned subsidiary service company of Northeast Utilities ("Northeast"), a registered holding company, and four of Northeast's electric utility subsidiary companies, the Connecticut Light and Power Co. ("CL&P"), the Hartford Electric Light Co. ("HELCO"), Holyoke Water Power Co. ("Holyoke"), and Western Massachusetts Electric Co. ("WMECO"), have filed with this Commission a posteffective amendment to the joint application-declaration in this matter pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, 12, and 13(b) of the Act, and Rules 40(b), 42(b)(2), 50 (a)(1) and (a)(4), and 88 thereunder as applicable to the proposed transactions. All interested persons are referred to the said posteffective amendment, which is summarized below, for a complete statement of the proposed transactions.

NUSCO now purchases, as common agent for the accounts of CL&P, HELCO, Holyole, and WMECO, all of the standard materials and supplies maintained in stock for such companies in the service company's central warehouse in Berlin, Conn. As a consequence, NUSCO is required to keep separate inventory and State sales and use tax records in respect of the merchandise which it handles for each of the four operating companies. Certain of such records overlap those maintained by the operating companies. In order to simplify the multiplicity of tax accounting and other records necessitated by the present arrangement, applicants-declarants propose that the materials and supplies required for the four associate operating companies be purchased and inventoried by NUSCO for its own account as a wholesaler for subsequent resale and delivery to the associate companies upon their request.

The proposed change would necessitate procurement of additional capital from Northeast. By its order dated June 30, 1966 (Holding Company Act Release No. 15519), the Commission authorized NUSCO to issue and sell long-term unsecured notes ("old notes") to Northeast for cash, during a period of 5 years commencing with the effective date of such order, subject to the express limitations that (1) the aggregate principal amount of such notes to be at any one time outstanding would not exceed $3 million and (2) the aggregate capital of NUSCO would at all times be maintained at an amount approximately equal to the sum of 2 months' operating expenses plus the cost of its property less applicable reserves, prepayments, and petty cash working funds.

NUSCO now proposes to issue and sell to Northeast for cash, and Northeast proposes to acquire, during the remainder of the aforesaid 5-year period, additional long-term unsecured notes ("new notes") having the same terms and provisions as the old notes. The company further proposes that the aforesaid limitations as to the principal amounts of notes to be issued and outstanding be modified so as to provide: (1) That not more than $5 million aggregate principal amount of NUSCO's old and new notes may be at any one time outstanding; and (2) that the aggregate capital of NUSCO, including its outstanding notes and capital stock, will be maintained at all times at an amount approximately equal to the sum of 2 months' operating expenses, plus an amount necessary to finance the inventory of materials and supplies proposed to be purchased by NUSCO and stored in its central warehouse, plus the cost of NUSCO's property less applicable reserves, prepayments, and petty cash working funds.

The applicants-declarants represent that adoption of the proposed purchasing arrangements would have no effect on vendors' invoice prices now being paid by associate companies or the purchase and inventory records presently maintained by such companies. The new procedure would eliminate Connecticut sales taxes of approximately $35,000 per year levied on merchandise purchased in Connecticut for redelivery and ultimate use in Massachusetts and result in estimated net annual savings of $5,000 in the costs of recordkeeping and accounting functions presently performed by NUSCO.

The application-declaration further states that no fees or expenses will be incurred in connection with the proposed transactions, and that no consent or approval of any State commission or Federal commission, other than this Commission, is required in respect of the proposed transactions.

Notice is further given that any interested person may, not later than July 28, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the said joint application-declaration, as amended by the said post-effective amendment or as it may be further amended, may be granted and permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8283; Filed, July 14, 1969; 8:46 a.m.]

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

JULY 9, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey, a New Jersey corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 10, 1969, through July 19, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8284; Filed, July 14, 1969; 8:46 a.m.]

[812-2524]

SELECTED SPECIAL SHARES, INC.

Sale of Shares by an Open-End Investment Company Not at the Public Offering Price

JULY 9, 1969.

Notice is hereby given that Selected Special Shares, Inc. ("Selected"), a Delaware corporation, 135 South La Salle Street, Chicago, Ill. 60603, registered as an open-end management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act, requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a proposed transaction in which Selected's redeemable securities may be issued at a price other than the public offering price described in the prospectus, for substantially all of the assets of My-Ed Corp. ("My-Ed"). All interested persons are referred to the application on file with the Commission for a complete statement of the representations which are summarized below.

Selected represents that My-Ed, an Illinois corporation, has three stockholders and is, therefore, exempt from registration under the Act pursuant to section 3(c)(1) of the Act. At March 31, 1969, My-Ed's assets consisted of cash and securities having a value of $2,631,910 and Selected had total assets of $72,608,293. My-Ed is an investment counsel client of Security Supervisors Inc., the investment adviser of Selected.

By agreement and plan of reorganization dated April 22, 1969, My-Ed will transfer substantially all of its assets to Selected in exchange for shares of Selected stock. My-Ed will receive the number of shares of Selected calculated by dividing the value of My-Ed's assets by Selected's net asset value per share, subject to a reduction in the number of Selected shares to be exchanged if a greater percentage of My-Ed's assets is represented by unrealized appreciation than Selected's. It is expected that at the closing date the percentage of My-Ed's unrealized appreciation will not exceed that of Selected and that no adjustment will be required. If the transaction had been closed on or about March 31, 1969, My-Ed would have received approximately 148,369 shares of Selected, representing approximately 3.46 percent of Selected's total shares outstanding. The net asset value of Selected's securities for the purposes of the exchange will be the net asset value next computed after the closing. The value of My-Ed's assets shall be determined in the same manner. Selected's public offering price is calculated by adding to its current net asset value a sales charge as described in its prospectus, and no sales charge will be added in this transaction.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt a transaction from the provisions of section 22(d) if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Selected represents that My-Ed's portfolio securities meet the investment objectives of Selected and represent desirable investments for Selected, that the terms of the transaction were arrived at through arm's length bargaining and that the terms of the transaction are fair and equitable.

Notice is further given that any interested person may, not later than July 30, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Selected at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8285; Filed, July 14, 1969; 8:47 a.m.]

WATER RESOURCES COUNCIL

POLICIES AND PROCEDURES IN PLAN FORMULATION AND EVALUATION OF WATER AND RELATED LAND RESOURCES PROJECTS

Notice of Public Hearing

Notice is hereby given that the Water Resources Council will hold a public hearing commencing at 10 a.m. on August 22, 1969, at the Kentucky Hotel, Fifth and Walnut Streets, Louisville, Ky.

The purpose of this hearing is to obtain the views of the interested public on the policies and procedures used by the Federal agencies in the formulation and evaluation of plans for use and development of water and related land resources.

On June 13, 1969, the Water Resources Council published in the FEDERAL REGISTER (34 F.R. 9367-9368) a notice of public hearing and the availability of a special task force report, which was submitted to the Water Resources Council. The report is entitled "Procedures for Evaluation of Water and Related Land Resources Projects". The report sets forth a statement of the national objectives for water resources development. The objectives include national income, regional development, environmental enhancement, and well-being of people, and they provide the framework within which the effects of water and related land resources projects may be evaluated. Benefits and costs are identified as the beneficial or adverse effects of plans toward attainment of these national objectives. All effects of the water and related land resources plans are to be displayed in a system of accounts.

The notice in the FEDERAL REGISTER on June 13, 1969, announced a series of hearings to be held at various locations in the United States throughout the month of August 1969, and also hearings to be held in September 1969, in Washington, D.C. The detailed background for and the times and places of those hearings are set forth in that notice.

Since the publication of that notice, various persons have asked that another hearing be held somewhere in the vicinity of the Ohio River Valley. For that reason the hearing on August 22, 1969, in Louisville, Ky., has been added to the list of the places where hearings will be held.

At the hearings the Water Resources Council would like to obtain the views of all interested persons on (1) the report of the special task force, (2) Senate Document No. 97 and Supplement No. 1 thereto, dated June 4, 1964, and (3) any other matters that are relevant to policies and procedures to be used by Federal agencies in the formulation and evaluation of water and related land resources projects. After consideration of the views and comments received, and of the results obtained in certain tests to be held on the procedures proposed in the report, the Council will formulate, in accordance with the Council's authority under the provisions of the Water Resources Planning Act (Public Law 89-80), principles, standards, and procedures to be observed by the Federal agencies in the formulation and evaluation of water and related land resources projects. These proposals will again be submitted to the public for review and comment before they are approved.

Copies of the report of the special task force, and of Senate Document No. 97 and Supplement No. 1 thereto, dated June 4, 1964, may be obtained by writing to the Water Resources Council, 1025 Vermont Avenue NW., Washington, D.C. 20005.

Views may be presented at the hearings in person or by submitting a written statement for the record. No advanced notice of intention to testify or to submit a written statement is necessary. The record will be kept open through September 19, 1969 for submission of further written statements not presented at the hearings. If necessary to accommodate all those wishing to testify, the hearing officer may limit each oral presentation to 30 minutes. Any person so limited shall have the privilege of submitting a written extension of his remarks, which will be incorporated in the record.

Written statements for the record not delivered to the hearing officer during the hearing should be addressed to Henry P. Caulfield, Jr., Executive Director, Water Resources Council, 1025 Vermont Avenue NW., Washington, D.C. 2005.

Dated: July 8, 1969.

HENRY P. CAULFIELD, JR., *Executive Director.*

[F.R. Doc. 69-8286; Filed, July 14, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 867]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 10, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3252 (Sub-No. 60 TA), filed July 2, 1969. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barret, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda and sodium hypochlorite*, in bulk, in tank vehicles, from Orrington, Maine, to points in New Hampshire, Massachusetts, Rhode Island and ports of entry in the United States and Canada international boundary line at or near Calais, Vanceboro, and Houlton, Maine, for 180 days. Supporting shipper: IMC Chlor-Alkali, Inc., 5401 Old Orchard Road, Skokie, Ill. 60076. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 25798 (Sub-No. 194 TA), filed July 7, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts*, from Wilmington, Del., to points in Indiana, Illinois, Iowa, Wisconsin, Minnesota, Missouri, Kansas, Nebraska, North Dakota, South Dakota, Arkansas, Michigan, Ohio, and Oklahoma, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 57275 (Sub-No. 12 TA), filed July 1, 1969. Applicant: SCHADE REFRIGERATED LINES, 429 West Jackson, Phoenix, Ariz. 95003. Applicant's representative: Richard Minne, Luhrs Building, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Confectionery and chocolate products*, in mechanically controlled refrigerated vehicles, between Phoenix, Ariz., and points in that part of Arizona beginning at junction Bell Road and U.S. Highways 60–70–89, thence last to Lake Pleasant Road, thence north along Lake Pleasant Road to junction Carefree Highway, thence east along Carefree Highway to junction Cave Creek Road, thence north to town of Cave Creek and east to Carefree to junction Scottsdale Road, thence south along Scottsdale Road to junction Pinnacle Peak Road, thence east along Pinnacle Peak Road to junction unnumbered county road, thence south along unnumbered county road past Fort McDowell to junction Arizona Highway 87, thence east along Arizona Highway 87 to junction Stewart Mountain Dam Road, thence south along Stewart Mountain Dam Road past Stewart Mountain Dam to junction Old Bush Highway, thence southwesterly along Old Bush Highway to junction Ellsworth Road, thence south along Ellsworth Road to junction Hunt Highway near Maricopa County line, thence west and south along Hunt Highway to junction Arizona Highway 87, thence southeasterly along Arizona Highway 87 to Sacaton turnoff, thence along unnumbered highway to the town of Sacaton, thence westerly along Sacaton Road to junction Arizona Highway 93, thence north along Arizona Highway 93 to junction Bapchule Road, thence west along Bapchule Road to junction Maricopa Road, thence north along Maricopa Road to junction Komatka Road, thence west along Komatka Road to St. Johns, thence north along Avenue 51 to Broadway (Future interstate freeway), thence west along Broadway to 115th Avenue, thence north along 115th Avenue to junction U.S. Highway 80, thence along U.S. Highway 80 to Buckeye, Ariz., thence north along Cemetery Road to Broadway, thence east along Broadway to Cotton Lane, thence north along Cotton Lane to junction Beardsley Road, thence east along Beardsley Road to junction U.S. Highway 60–70, thence south along U.S. Highway 60–70 to point of beginning at Bell Road, service is authorized at points on the boundary roads and highways and off-route service to Caterpillar Proving Grounds approximately 4 miles west of Cotton Lane near Indian School Road, for 180 days. NOTE: Applicant states it will, if requested, interline with carriers who participate in Rocky Mountain Motor Tariff Bureau Tariff IG to further the transportation of the designated commodities within the subject area. In its past operations under its previous registration, applicant has continued such an interline operation although there has been a very slight movement of traffic. Supporting shippers: Curtis Candy Co., Division of Standard Brands, Inc., Franklin Park, Ill.; E. J. Brach & Sons, Chicago, Ill.; Chicago Candy Association, Chicago, Ill. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 60012 (Sub-No. 82 TA), filed June 25, 1969. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52nd Avenue, Denver, Colo. 80216. Applicant's representative: Warren D. Braucher, Post Office Box 5482, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities of unusual value, household goods as defined by the Commission, and those injurious or contaminating to other lading, (1) between Antonito, Colo., and the Colorado-New Mexico state line, from Antonito, over Colorado Highway 17 to the Colorado-New Mexico state line, and return over the same route, serving all intermediate points, and serving the off-route points in that part of Conejos and Rio Grande Counties, Colo., located south of U.S. Highway 160 and west of U.S. Highway 285; (2) between Antonito, Colo., and Chama, N. Mex., from Antonito, over U.S. Highway 285 to Tres Piedras, N. Mex., thence over U.S. Highway 64 to Tierra Amarilla, N. Mex., thence over U.S. Highway 84 to its junction with New Mexico Highway 17 (approximately 4 miles east of Monero, N. Mex.), and thence over New Mexico Highway 17 to Chama, N. Mex., and return over the same routes, serving all intermediate points and serving the off-route points of No Agua, N. Mex. (approximately 7 miles north of Tres Piedres); the plantsite of Johns-Manville Corp. located approximately 1½ miles east of No Agua; and the plantsite of the United Perlite Corp., located approximately 16 miles east of No Agua, for 180 days. NOTE: Applicant intends to interline at Salt Lake City, Utah, and Denver, Colo., and to tack with present authority in MC 60012 and Subs 28, 29, 30, 32, 38, 58, and 70. Supporting shippers: Mr. Ellwood H. Spencer, General Traffic Manager, Grefco, Inc., 1520 Locust Street, Philadelphia, Pa. 19102; Contract Engineering Co., Platoro Project, Platoro Mail, Monte Vista, Colo. 81144; Johns-Manville Perlite Corp., Post Office Box 338, Antonito, Colo. 81120; United Perlite Corp., Post Office Box 367, Antonito, Colo. 81120; The Cleveland-Cliffs Iron Co., Post Office Box 1211, Rifle, Colo. 81650. Send protests to: Charles W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1961 Stout Street, Denver, Colo. 80202.

No. MC 83539 (Sub-No. 257 TA), filed July 2, 1969. Applicant: C & H TRANSPORTATION CO., INC., Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: J. P. Welsh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft ground support units and aircraft cargo and passenger handling equipment and machinery, attachments, parts and accessories used in connection therewith*, from Houston, Tex., to points in the United States (except Hawaii and Texas), for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Stewart & Stevenson, Post Office Box 1637, Houston, Tex. 77001. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 103993 (Sub-No. 433 TA), filed July 7, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck campers and camp coaches*, from Virginia Beach, Va., to points in the United States east of the Mississippi River, for 180 days. Supporting shipper: Virginian Coach Camper Corp., Virginia Beach, Va. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 114848 (Sub-No. 47 TA), filed July 2, 1969. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and grain products*, from West Memphis, Ark., to points in Mississippi, Tennessee, Alabama, Kentucky, and Georgia, for 180 days. Supporting shippers: Burrus Mills, Inc., 330 Mercantile Securities Building., Post Office Box 448, Dallas, Tex. 75221 (Mr. Gayle Johnson, General Traffic Manager); and Flour Mills of America, Inc., Post Office Box 2568, Kansas City, Mo. 64142 (Mr. A. W. Schroeder, Traffic Manager). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, Memphis, Tenn. 38103.

No. MC 117673 (Sub-No. 2 TA), filed July 3, 1969. Applicant: THE BIG E CORP., 505 North Myrtle Avenue, Jacksonville, Fla. 32204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, including plantains, and agricultural commodities* otherwise exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed shipments with bananas or plantains, from Wilmington, Del., to points in Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, District of Columbia, New Jersey, New York, Ohio, Tennessee, Kentucky, Indiana, Illinois, Wisconsin, Missouri, Michigan, and Alabama, for 180 days. NOTE: Applicant intends to tack with its existing authority, but no interlining. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 124170 (Sub-No. 16 TA), filed July 2, 1969. Applicant: FROSTWAYS, INC., 2450 Scotten Street, Detroit, Mich. 48209. Applicant's representative: Walter Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts and agricultural commodities* otherwise exempt, from economic regulations under section 203(b)6 of the Act when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Kentucky, Indiana, Ohio, Michigan, Illinois, and Pennsylvania, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower Building, 10 Witherell Street, Detroit, Mich. 48226.

No. MC 124181 (Sub-No. 11 TA), filed July 2, 1969. Applicant: JOSEPH GENOVA, Clayton Road, Williamstown, N.J. 08094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, ends, caps and covers*, from Morrisville (Bucks County), Pa., to Williamstown and Glassboro, N.J., under contract with Violet Packing Co., National Fruit Product Co., Inc., and Ron-Son Mushroom Product Co., Inc., for 150 days. Supporting shippers: Violet Packing Co., 123 Railroad Avenue, Williamstown, N.J., 08094; National Fruit Product Co., Inc., Glassboro, N.J. 08028; Ron-Son Mushroom Products, Inc., Ellis Street and Deptford Road, Glassboro, N.J. 08028. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 127042 (Sub-No. 41 TA), filed July 7, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream and vegetable oil compounds, dessert topping, and coffee whitener*, from points in the Kansas City, Mo., commercial zone to points in Illinois, Iowa, Minnesota, Nebraska, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Presto Food Products, Inc., 1101 East 16th Street, Kansas City, Mo. 64108. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 127902 (Sub-No. 1 TA), filed July 2, 1969. Applicant: M. L. DIETZ, doing business as DIETZ MOTOR LINES, Post Office Box 757, Hickory, N.C. 28601. Applicant's representative: Charles E. Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Buncombe, Caldwell, Burke, Catawba, Rutherford, McDowell, Alexander, and Iredell Counties, N.C., to points in Alabama, Mississippi, Louisiana, and Arkansas (except from Hickory and Conover, N.C., to points in Alabama), for 150 days. Supporting shippers: Caldwell Furniture Co., Lenoir, N.C. 28645; Hickory Manufacturing Co., Box 998, Hickory, N.C. 28601; Fairfield Chair Co., Lenoir, N.C. 28645; Bernhardt Industries, Lenoir, N.C. 28645; Consolidated Furniture Industries, Inc., Lenoir, N.C. 28645; Broyhill Furniture Industries, Lenoir, N.C. 28645; Comfort Chair Co., Inc., Post Office Drawer 2227, Hickory, N.C. 28601; DeVille Furniture Co., Post Office Box 2246, Hickory, N.C. 28601; Drexel Furniture Co., Drexel, N.C. 28619. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 133771 (Sub-No. 1 TA), filed July 3, 1969. Applicant: JACK STEWART, doing business as JACK STEWART PRODUCE COMPANY, Box 605, Idabel, Okla. 74745. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay pots*, for the account of Marshall Pottery, Inc., from Marshall, Tex., to Los Angeles, Salinas, Hayward, San Jose, and Smith River, Calif., Walla Walla, Wash., and Stayton, Oreg., for 150 days. Supporting shipper: Richard Ellis, vice president, Marshall Pottery, Inc., Marshall, Tex. 75670. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 133774 (Sub-No. 1 TA), filed July 2, 1969. Applicant: HARRY R. OLOFFSON AND HAROLD F. OLOFFSON, a partnership, doing business as OLOFFSON TRUCKING SERVICE, Manlius, Ill. Applicant's representative: Samuel G. Harrod, 106 East Center Street, Eureka, Ill. 61530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gravity flow farm boxes and related parts and running gears*, restricted to transportation performed by vehicles equipped with booms or hoists for loading and unloading, from Manlius, Ill., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin, for 180 days. Supporting shipper: Smith and Co. (Division of Burlington and Associates, Inc.), Manlius, Ill. 61338. Send protests to: District Supervisor Raymond E. Mauk, Interstate Commerce Commission, Bureau of Operations, U.S. Court House, FOB Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69–8303; Filed, July 14, 1969; 8:48 a.m.]

[Notice 376–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 10, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71104 (Republication). By order of June 30, 1969, the Motor Carrier Board, supplemented the order of the Commission, Motor Carrier Board, entered February 24, 1969, to authorize transfer of Certificate No. MC–82841 and sub numbers thereunder to Hunt Transportation, Inc., Omaha, Nebr., from R. D. Transfer, Inc., Omaha, Nebr., to authorize the transfer of the additional operating rights contained in Certificate No. MC–82841 (Sub-No. 43), issued to transferor March 24, 1969, authorizing the transportation of: Paper and paper articles from Omaha and Nebraska City, Nebr., and Sioux City, Iowa, to points in Colorado, Iowa, Kansas, Minnesota, Missouri, South Dakota, and a specified portion of Nebraska. Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102, attorney for applicants.

No. MC–FC–71446. By order of June 30, 1969, the Motor Carrier Board approved the transfer to Leman Knight, doing business as Pete Knight Trucking Co., Detroit, Ala., of the operating rights

in Permit No. MC–127726 issued on August 19, 1966, to Lawrence Ray Palmer and Lawrence Richard Palmer, a partnership, doing business as Palmer Machine Works, Amory, Miss., authorizing the transportation of: Fertilizer and fertilizer materials, dry, in bulk or in packages, between Florence, Ala., and points in Mississippi; fertilizer and fertilizer materials, dry, in bulk in dump vehicles, and in packages, between Tupelo, Miss., and Florence, Ala. Rubel L. Phillips, Post Office Box 22628, Jackson, Miss. 39205, attorney for transferee.

No. MC–FC–71313. By order of June 30, 1969, the Motor Carrier Board approved the transfer to Stewart Doyle, Inc., doing business as Doyle Transit Co., Fargo, N. Dak., of certificates in Nos. MC–125726 and MC–125726 (Sub-No. 1), issued January 8, 1965, and July 19, 1965, respectively, to Northern Transit Co., a corporation, of: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Fargo, N. Dak., and Oakes, N. Dak., serving all intermediate points; and, between Oakes, N. Dak., and Ellendale, N. Dak., serving all intermediate points. C. J. Serkland, 216 First National Bank Building, Fargo, N. Dak. 58102, attorney for applicants.

No. MC–FC–71447. By order of June 30, 1969, the Motor Carrier Board approved the transfer to Jordan Bus Co., Inc., 3201 Northwest 63d Street, Oklahoma City, Okla., of the certificates in Nos. MC–28680, MC–28680 (Sub–No. 5), MC–28680 (Sub-No. 8), MC–28680 (Sub-No. 9), MC–28680 (Sub-No. 12), MC–28680 (Sub-No. 15), MC–28680 (Sub-No. 16), MC–28680 (Sub-No. 17), and MC–28680 (Sub-No. 20), issued October 25, 1957, June 17, 1952, October 9, 1956, October 4, 1957, April 24, 1958, August 22, 1958, April 3, 1958, April 7, 1963, and March 30, 1959, respectively, to Jordan Bus Co., a corporation, 1232 United Founders Tower, Oklahoma City, Okla., authorizing the transportation of passengers and their baggage, and express and newspapers over regular routes between specified points in Oklahoma, Arkansas, and Texas.

No. MC–FC–71463. By order of June 30, 1969, the Motor Carrier Board approved the transfer to Ensminger Motor Lines, Inc., Frankfort, Ill., of certificate No. MC–129744 issued February 10, 1969, to Kenneth Ensminger, doing business as Ensminger Motor Lines, Frankfort, Ill., authorizing the transportation of plastic products, except in bulk, from Frankfort, Ill., to points in Wisconsin (except Green Bay, Wis., and points in its commercial zone as defined by the Commission), Michigan (except Cheboygan and points in its commercial zone as defined by the Commission), Indiana, and Ohio. Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69–8305; Filed, July 14, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 59]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Seaboard Coast Line Railroad Co. shall deliver to the St. Louis-San Francisco Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The St. Louis-San Francisco Railway Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., July 10, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 27, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 9, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69–8306; Filed, July 14, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 57–A]

SEABOARD COAST LINE RAILROAD CO., ET AL.

Car Distribution

Upon further consideration of Car Distribution Direction No. 57, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 57 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11 a.m., July 9, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 9, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69–8307; Filed, July 14, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 46–A]

SOUTHERN RAILWAY CO., AND MISSOURI PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 46, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 46 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11 a.m., July 9, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 9, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69–8308; Filed, July 14, 1969; 8:48 a.m.]

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PART II

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

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Milk in Certain Marketing Areas

Recommended Decision



DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1131]

[Docket Nos. AO-271-A12, AO-271-A12-RO2]

MILK IN CENTRAL ARIZONA MARKETING AREA

Notice of Revised Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this revised recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Central Arizona marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Phoenix, Ariz., during the period February 7–10, 1967, pursuant to notices thereof which were issued on December 14, 1966 (31 F.R. 16277), January 4, 1967 (32 F.R. 140), and January 12, 1967 (32 F.R. 415).

The material issues on the record of the hearing relate to:

1. Marketing area extension.
2. Producer definition.
3. Producer-handler definition.
4. Classification provisions.
5. Transfer provisions.
6. Location differential at Tucson.
7. Obligation of a handler operating a partially regulated distributing plant.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Regulatory Programs, on October 9, 1967 (32 F.R. 14232, F.R. Doc. 67-12143), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. Exceptions were filed by a number of interested parties.

This proceeding was reopened at a public hearing held at Memphis, Tenn., under Docket No. AO-217-A12-RO2, among others, beginning February 19, 1968, pursuant to notice thereof which was issued February 6, 1968 (33 F.R. 2785). At the reopened hearing, issues (3), (4), and (7) were considered with respect to the disposition of filled milk products in the marketing area.

This decision sets forth in detail the findings and conclusions and proposed order findings and conclusions on issues (3), (4) and pertinent parts of (7). It also incorporates herein all the findings and conclusions and proposed order provisions relating to issues (1), (2), (5), (6), and that part of (7) which relates to the obligation of a partially regulated distributing plant disposing of fluid milk in the marketing area, as set forth in the prior decision.

Interested parties may submit exceptions on all the issues of this proceeding which were considered at the hearing and the reopened hearing.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area extension.* The proposals to include the southern part of Mohave County and the northern part of Yuma County in the marketing area are denied.

The cooperative association serving the market proposed that the marketing area be extended to include the southern part of Mohave County (south of the Colorado River) and the northern part of Yuma County. The southern part of Yuma County is now included in the marketing area.

At the present time there is no distribution in the northern part of Yuma County by handlers regulated under the order. All of the milk sold there is distributed by two unregulated handlers. The milk moves into the area from Blythe, Calif. In Mohave County, regulated handlers dispose of approximately 70 percent of the Class I sales. This is approximately 1.5 percent of the total Class I sales of regulated handlers. The remainder of the Class I sales in Mohave County south of the Colorado River are made by a distributor located in Needles, Calif.

The northern part of Yuma County is separated from the marketing area by desert. There is only one north-south highway across the county and it is in the extreme western part of the county close to the California border. At the time of the hearing, there were no highways or bridges across the Bill Williams River which forms the boundary between Yuma and Mohave Counties.

Proponent stated that a new highway-bridge complex across the Bill Williams River was under construction and that upon its completion it would be practicable for regulated handlers to dispose of milk in northern Yuma County. If this area were added to the marketing area and a compensatory payment were assessed on the California milk, regulated handlers might expect to expand their sales very substantially in the two-county area.

Proponents contended that California handlers had a decided buying advantage over regulated handlers in that the California Milk Stabilization Regulation did not apply to milk sold outside the State of California. They alleged that such milk was purchased at the Class III price and that this lower cost of acquiring milk was a cause of market instability.

The record clearly established that California regulations do not apply to sales to military installations regardless of their location. There are apparently no military installations in the areas under consideration. Hence competition for sales to military bases is not involved here.

With respect to sales to other than military installations, however, the evidence does not bear out the contention of proponents. The figures presented by proponents on prices received by California producers do not establish that milk is being purchased by California handlers for sale in Arizona at the Class III price.

On the other hand witnesses for handlers who operate plants in California testified that the State of California does in fact establish the prices which handlers must pay for such milk. They referred specifically to section 4283 of the Agricultural Code of California and to the provisions of the Stabilization and Marketing Plan for the Southern Metropolitan Area (Los Angeles, Orange, San Bernardino, and Riverside Counties), issued under the authority of the above code. Blythe is located in Riverside County and Needles is in San Bernardino County.

The record does not establish that there is a significant difference in the cost to Arizona and California handlers of milk acquired for fluid disposition to nonmilitary outlets in Arizona. Hence, at this time the record evidence does not reveal disorderly marketing conditions which affect regulated handlers in the proposed area.

It is concluded, therefore, that the northern part of Yuma County and Mohave County should not be added to the marketing area. In Yuma County regulated handlers sell no milk and the proposal for regulation is based on handlers expectations of acquiring some business there after the completion of a new bridge over the Bill Williams River. In the case of Mohave County where regulated handlers do sell some milk, the county, in view of the decision to omit Yuma County, would not be contiguous to the remainder of the marketing area. Moreover, the volume of milk distributed there by Central Arizona handlers is a very small percentage of the total Class I sales of regulated handlers.

A handler proposed that a lower Class I price apply in Yuma and Mohave Counties if the marketing area were not extended. The appropriate level of Class I milk price for a marketing area is influenced by the Class I sales which regulated handlers make outside the marketing area. These sales affect the volume of milk covered by an order.

If the Class I price were higher for milk sold inside than outside the marketing area, returns for Class I disposition inside the area would bear the greater burden of providing the incentive for milk production for both. To the extent that a higher Class I price inside the marketing area is reflected in higher prices to consumers inside the area said consumers would be subsidizing consumers outside the marketing area where lower prices prevailed.

There is no basis when establishing the appropriate Class I milk price for a market to distinguish between milk sold inside and milk sold outside the marketing area. The milk sold outside the area by regulated handlers is produced under the same conditions as milk sold in the marketing area and is processed in the same plants. Thus, the milk moving through the regulated handlers' plants, whether it is sold inside or outside the marketing area is part of the same supply and demand considerations upon which the determination concerning the appropriate Class I price level must be made.

Neither is it intended that Federal milk regulation be susceptible of manipulation to permit the use of adjacent outside markets as a dumping ground for milk in excess of a market's needs. A lower Class I price for milk sold in the other area could have a lowering effect on the price paid farmers by unregulated distributors in that area, and would tend to lower returns to dairy farmers supplying the unregulated handlers. For the above reasons, it is concluded that an out-of-area Class I price should not be adopted, and the proposal, therefore, is denied.

2. *Producer definition.* The order should provide for the recipt of milk at a pool plant by diversion from an other order plant without designating the dairy farmers who shipped it as producers under the Central Arizona order.

The cooperative association supplying milk to Central Arizona regulated handlers also supplies milk to two handlers regulated by the Rio Grande Valley order on a 5-day-week basis. During the remainder of the week, some of this milk is manufactured at the association's plant which is regulated by the Central Arizona order.

The milk supplied to the Rio Grande Valley handlers was developed for and is, in large part, committed to the Rio Grande Valley area. Under present order provisions, however, when the milk is diverted from the Rio Grande Valley pool plants and received at a pool plant under the Central Arizona order, the dairy farmers involved are designated as producers under the Central Arizona order, and the milk is accounted for as producer milk. Since the milk is not needed for fluid use in the Central Arizona area, it is converted into manufactured dairy products. This tends to lower the uniform price to producers regularly supplying the Central Arizona market.

In other instances, milk regularly marketed by the cooperative association in the Rio Grande Valley area is transferred to a manufacturing plant about 700 miles from El Paso, Tex., when not needed for Class I use under that order. Under the proposed order change, such milk could be diverted about 400 miles for manufacture at a pool plant regulated by the Central Arizona order without lowering the uniform prices of the producers regularly supplying the market. This would also result in a considerable saving in transportation costs to the association in supplying the Rio Grande Valley market.

The proposal will encourage greater marketing efficiencies and can be implemented by providing in the "producer" definition that the term shall not include a person with respect to milk diverted to a pool plant from an other order plant if such person retains producer status under the other order and if the operators of both the diverting plant and the plant to which the milk is diverted have requested Class III classification in their reports of receipts and utilization filed with the market administrators of the respective orders.

3. *Producer-handler definition.* Producer-handlers should continue to be exempt from the pooling and pricing provisions of the order. However, the producer-handler definition should be amended to prohibit the reconstitution or recombining of fluid milk products and filled milk from concentrated nonfat milk solids such as nonfat dry milk. Also, provision should be made to add to the definition a further limitation on the quantity of fluid milk products (including filled milk) that a producer-handler may receive from pool plants if he is to retain exemption from pricing and pooling milk of his own production under the order.

A hearing on amendments to the Central Arizona order considered, among other issues, the distribution of filled milk by producer-handlers. It was held at Phoenix, Ariz., during the period February 7–10, 1967, and a recommended decision was issued by the Acting Deputy Administrator, Regulatory Programs, on October 9, 1967 (32 F.R. 14232). Exceptions to the recommended decision were filed by interested parties.

A general hearing at Memphis, Tenn., which began on February 19, 1968, also considered this issue, and for the Central Arizona market, represented a reopening of the February 1967 hearing. The evidence submitted at the Memphis hearing, together with the exceptions to the 1967 recommended decision are considered in this decision.

The order now provides essentially that a person who is a dairy farmer and who processes in his own plant and distributes in the marketing area milk of his own production may be defined as a producer-handler. As such, he is accorded exemption from all payment obligations normally applicable to handlers fully regulated under the order. Recognizing that circumstances might arise where a producer-handler's production might temporarily fall below his sales requirement, the order provides that such a person may buy supplemental milk from pool plants in an amount representing not more than 5 percent of his Class I utilization for the month without losing his producer-handler status. No limit was placed on the volume of nonfluid other source products which a producer-handler could purchase. However, it was not contemplated that the producer-handler, typically a family type farm operation, would recombine or reconstitute nonfat dry milk solids into substantial quantities of fluid products.

Under the present provisions of the order, producer-handlers can buy nonfluid, other source milk from any source and reconstitute it into a full range of fluid milk products such as buttermilk and milk drinks. More specifically, some producer-handlers have reconstituted nonfat dry milk and have made filled milk by recombining the fluid skim milk with added ingredients such as vegetable fat, and vitamins. When they do this they obtain an undue pricing advantage compared to regulated handlers. Other handlers incur financial obligations to the pool on unregulated milk used in identical or similar fluid milk products, but producer-handlers are exempt from pooling and incur no obligation to the pool. This financial advantage accruing to producer-handlers under the present terms of the order was not contemplated when the producer-handler exemption was provided. A person who reconstitutes substantial quantities of fluid milk products including filled milk cannot be considered to be disposing of milk of his own farm production and hence should not enjoy the exempt status afforded a farmer who bottles and distributes essentially only milk of his own production.

At the Phoenix hearing, a witness for a producer-handler proposed that a tolerance factor of 25 percent is needed to cover emergencies and the seasonality of production and Class I sales. In this connection, a 1962 decision (27 F.R. 3923), official notice of which is hereby taken, stated that producer handlers must provide for their own seasonal reserves. The 5-percent tolerance now provided is for emergency situations. Moreover, the evidence in this proceeding is that the 5-percent tolerance now provided has been fully adequate.

Accommodating the purchase of milk and milk products (including nonfat dry milk) from pool plants, as proposed by the witness, would not further marketing stability, because it would shift a further burden of surplus to other producers supplying the market to the extent of the reserves otherwise needed by producer handlers. The proposal, therefore, is denied.

The 5-percent tolerance factor now provided under the order applies only to purchases of supplemental bulk milk by producer-handlers from pool plants. It should also include packaged milk products which producer-handlers acquire from pool plant or other order plants for resale as Class I either with or without further processing. Such products would include items such as flavored milk and buttermilk. The 5-percent tolerance factor should also include filled milk, whether made from

fluid skim or from reconstituted nonfat dry milk. To implement this, the order should specify that the 5-percent tolerance applies to fluid milk products purchased from pool or other order plants. Filled milk is included in the fluid milk products definition contained herein.

As under the present order, a producer-handler should not be precluded from buying from any source manufactured dairy products such as butter and cheese, which are in a form such that they cannot be reconstituted into fluid milk products. Likewise, the order should continue to provide that such person may not purchase fluid milk products from other dairy farmers or from a nonpool plant without losing his exemption under the order. This may be accomplished by providing that fluid milk products received at the plant of a producer-handler or acquired for route disposition may be derived only from own farm production and fluid milk products transferred from pool plants or other order plants subject to the aforesaid limitations. Also, producer-handlers may not reprocess or convert nonfluid milk products into a fluid milk product except to increase the nonfat milk solids content above that of the fluid milk products so received.

A witness for some of the producer-handlers operating in the Central Arizona area testified that the 5,000-pound limit on supplemental milk purchases, as proposed by the cooperative association, would effectively eliminate from exemption at least two producer-handlers. This would result because their supplemental purchases of nonfat dry milk which is reconstituted and combined with vegetable fat and other ingredients greatly exceed that amount. He argued that Federal milk orders generally allow "adequate" purchases of supplemental milk from pool plants. Actually, there is no significant difference between the Central Arizona order and other orders in this regard, including the proposed volume limit of 5,000 pounds.

In exceptions, some of the producer-handlers objected strenously to the limitations proposed by the cooperative association and recommended by the Department. Specifically, they objected to the 5,000-pound limit proposed for receipts from pool plants, reiterating that the provision would eliminate their exemption as producer-handlers.

Nevertheless, it is appropriate that a limit be placed on the amount of milk that a producer-handler may receive from pool plants if he is to retain exemption from pricing and pooling of his own production. If producer-handlers could rely on substantial pool supplies to supplement their own production, they would be able to keep all of their own production for Class I use without assuming the burden of their own surplus. The producer-handler maintains control of his milk from its source at the farm until its ultimate disposition. He is, therefore, in position to keep his farm production closely in line with the needs of his fluid milk business. He should assume the burden of maintaining whatever reserve supply of milk is necessary for his fluid operations.

There was no significant controversy over the present provision that a producer-handler's receipts from pool plants be limited to 5 percent of his fluid milk product disposition. There was, however, substantial protest with respect to the provision that such receipts not exceed 5,000 pounds monthly. The exceptors are producer-handlers of relatively large production. They should be expected to rely on their own production for reserve supplies. However, an occasional purchase of a small quantity from pool plants should be permitted to cover possible emergencies.

Producer-handlers are purchasing supplemental milk from pool plants within the limits now prescribed by the order. In fact, a witness for two producer-handlers with the largest volumes testified that they contemplate no need to increase supplemental purchases of bulk milk from pool plants. The additional provision that such purchases shall not exceed 5,000 pounds per month is necessary to insure that producer-handlers do not obtain an undue price advantage compared to regulated handlers in the use of nonfat dry milk reconstituted into fluid milk products.

It is concluded that a volume limitation of 5,000 pounds should apply whenever 5 percent of a producer-handler's fluid milk product disposition exceeds that figure. Accordingly, under the producer-handler definition provided herein, a producer-handler's total disposition of fluid milk products may not exceed his own farm production, plus fluid milk products obtained by transfer from pool plants or other order plants in an amount not to exceed 5 percent of his total fluid milk product disposition for the month or 5,000 pounds, whichever is less; plus the skim milk equivalent of nonfat milk solids used to increase the total solids content of fluid milk products.

4. *Classification provisions.* The findings and conclusions pertaining to the classification and pricing of filled milk, which resulted from evidence introduced at the Memphis hearing, are hereby adopted as the findings and conclusions of this decision.

At the Phoenix hearing, the cooperative association, which represents a majority of the producers on the market, proposed that the order be amended to provide that any milk product not specifically designated as Class II milk or as Class III milk be automatically classified as Class I milk. The main purpose of this proposal was to make certain that fluid milk products made from skim milk or from reconstituted nonfat milk solids and in which nonmilk fat has been substituted for the butterfat, are classified as Class I milk.

In this connection, it is noted that the Memphis decision recommends that filled milk products be defined separately from the fluid milk product definition, and that the product "filled milk" be included in the fluid milk product definition. Accordingly, the fluid milk product definition of Order 131 is amended to adopt this recommendation.

Another proposal by the proponent was that the provision that excludes from Class I classification, sterilized products in hermetically sealed containers be clarified. The purpose of such clarification would be to indicate specifically the type of containers that would be covered by the exclusion. It would distinguish, for example, between the use of skim milk and butterfat in evaporated milk packaged in metal cans and fluid products which have the characteristics of fresh products and are packaged in paper containers.

Substantial changes in marketing practices concerning the distribution of sterilized products have occurred within the dairy industry since the 1967 hearing at Phoenix. The testimony concerning this proposal was limited to glass and metal containers and thus may not reflect current marketing conditions. Accordingly, the proposal is denied.

Proponent also proposed that yogurt be classified as Class I milk because: (1) It is similar in form and use to sour cream and buttermilk, (2) it is required to be labeled "Grade A", (3) handlers depend on the availability of locally inspected milk for its manufacture, and (4) all yogurt sold in the market is manufactured in the same plants that process and package fluid milk products.

Yogurt has been classified in the lowest price class since the inception of the order in 1955. The principal reason advanced by proponent for now classifying yogurt as Class I milk is that it is required to be labeled as Grade A milk by the local health authorities.

The decision in which yogurt was included in the lowest price class (20 F.R. 6344, official notice of which is hereby taken) indicated that the applicable health ordinances for the marketing area did not require yogurt to be made exclusively from milk approved by local health authorities.

The record fails to establish that marketing conditions indicated in 20 F.R. 6344 with respect to yogurt have changed since the matter was last reviewed. Hence, it is concluded that the classification of yogurt should not be changed at this time.

5. *Transfer provisions.* The provision requiring a "Grade C" label for cream transferred outside the market for manufacturing should be revised.

A witness for the cooperative association in the market testified that the present provision impedes the sale of cream from the pool plant operated by the association to ice cream manufacturers some distance from the market.

The quality implication of the present "Grade C" labeling provision is apparent, and should be changed. Yet, some provision is needed to prevent such cream from being used in fluid milk products. In this connection, it should be sufficient to provide that cream so transferred with certification designating "manufacturing use only" may be classified as Class III milk.

6. *Location differentials at Tucson.* The zone location differential at Tucson, Ariz., should be lowered to 12 cents per hundredweight to reflect procurement changes in the area. The zone location differential of plus 30 cents per hundredweight now applicable at Tucson has not been changed since the order was promulgated in 1955.

Under the order, the Class I and uniform prices are increased 30 cents per hundredweight over the f.o.b. market price for milk received from producers at pool plants located at Tucson. Four pool plants are located at Tucson, and two of them purchase milk from producers. The purpose of the zone location differential is to encourage the movement of milk to the Tucson segment of the market from the major milk producing segment of the milkshed (Maricopa County). The changes herein provided are the same as those proposed by producers.

One of the handlers opposed the proposal to amend the provision. He criticized proponent's proposal because it did not give sufficient weight to production costs in the Tucson area. He contended that production costs are relatively high in the area and that this justifies a continuation of the plus 30-cent zone differential now provided.

In this connection, when the order was promulgated in 1955 the 30-cent higher price at Tucson was based primarily on the actual cost of hauling milk from the main segment of the Central Arizona milkshed. Official notice is hereby taken of the decision containing the applicable findings (20 F.R. 7695).

Since the promulgation of the order and the establishment of the 30-cent differential between Phoenix and Tucson, a marked change has occurred in the pattern of the milk supply for the market.

Average daily production per farm has increased from 1,807 pounds per day in 1956 to 6,652 pounds per day in 1966. Thus, increased production per farm and resultant fewer stops per truckload together with a vastly improved highway system have resulted in a lower per hundredweight cost for transporting milk.

The major consideration in reviewing the differential between Tucson and Phoenix is the substantial increase that has taken place in the production of milk in the area lying between Phoenix and Tucson. This is particularly true in the area of Casa Grande in the northern part of Pinal County. The increase in production in this locality is, of course, in part attributable to the very substantial increase in production per farm which has occurred throughout the whole milkshed. The major factor, however, has been the relocation of farms which has occurred. Some producers formerly located in the vicinity of Phoenix have moved their herds to new locations between the two cities as the expanding metropolitan area of Phoenix has encroached upon the farms formerly surrounding that city.

A substantial proportion of the milk of its member producers is hauled by the cooperative association in its own trucks. From the production area about Casa Grande, the hauling rate from the farm to plants in Tucson is 30 cents per hundredweight. From the farm to Phoenix the hauling rate 18 cents per hundredweight. Thus, a producer whose milk is delivered to Tucson has a net return at the farm 18 cents higher than his neighbor whose milk is delivered to a Phoenix plant.

Under today's conditions, the 30 cent higher price at Tucson, instead of equalizing prices between Phoenix and Tucson producers, creates a serious disparity in net farm prices in the production area developing between the two cities. As production shifts to this location a continuation of the present differential could result in a dislocation of supplies between the two major segments of the market.

It is concluded that the present zone location differential of plus 30 cents which is applicable at Tucson no longer reflects current marketing conditions for the area. A substantial proportion of the milk supply for the Tucson area is no longer identified with the main segment of the milkshed as previously. A differential which more reasonably reflects the prevailing cost of moving milk to Tucson should be provided. This can be done by providing a zone location differential of plus 12 cents over the f.o.b. Class I and uniform prices for producer milk delivered to a pool plant at Tucson.

As a corollary change, the Class I differential should be increased 2 cents. This will maintain in the pool approximately the same amount of money represented in lowering the zone location differential as proposed, and will help to assure the market of an adequate supply of milk for fluid use.

7. *Obligations of a handler operating a partially regulated distributing plant.* The findings and conclusions of the Memphis decision concerning the obligation of a partially regulated distributing plant that distributes filled milk in the marketing area are hereby adopted. If the filled milk is made from reconstituted nonfat dry milk, the obligation is at the rate of the difference between the Class I and Class III prices. If the filled milk is made from fresh skim milk, the handler has the option of making a payment into the producer-settlement fund on the quantity of such milk disposed of in the marketing area at a rate equal to the difference between the Class I and the uniform prices.

At the Phoenix hearing, the principal cooperative serving the market proposed that the rate charged a partially regulated distributing plant on sales of fluid milk products in the marketing area be changed from the difference between the Class I and uniform prices to the difference between the Class I and Class III prices.

The order now provides that an unregulated distributor who disposes of some fluid milk products on routes in the regulated marketing area shall be accorded four options as a means of integrating his plant operations into the market's regulatory scheme.

(a) He may show that payment for his total dairy farm supply has been at least as much as if his plant were fully regulated;

(b) He may show that he has purchased Class I milk priced under some Federal order in an amount at least equivalent to his total Class I sales within the regulated area;

(c) He may make a payment into the producer-settlement fund on the quantity of Class I sales made in the regulated market at a rate equal to the difference between the Class I price and the blend price for the regulated market; or

(d) Any combination of (b) and (c).

Proponent contends that the amendment is needed because substantially lower-priced milk from California is displacing fluid milk sales to military bases by Central Arizona handlers.

The marketing conditions involved in this issue are comparable to those described in the decision issued by the Department following the Lehigh Valley case. Consequently, official notice of that decision is hereby taken (29 F.R. 9218). The decision indicated that a rate of payment representing the difference between the Class I price and the surplus price might be justified if it were found that the unregulated milk sold in a Federal order marketing area carries only a surplus value.

We may not conclude from the record that such is the case in the proceeding. An exhibit was introduced by proponent indicating that the prices paid by one Los Angeles, Calif., handler for milk sold to military bases averaged $4.22 per hundredweight in 1966 for milk testing 3.5 percent butterfat content. This was 56 cents per hundredweight higher than the Central Arizona Class III price which averaged $3.66 for 1966. The prices paid by another Los Angeles handler for "military milk" averaged 69 cents per hundredweight higher than Central Arizona Class III prices, while those paid by a third Los Angeles handler averaged 72 cents higher.

However, none of these prices was said by proponent to represent prices paid by Los Angeles handlers for milk sold to military bases in Arizona. There is no indication where the milk was actually sold.

Another exhibit indicated the Central Arizona Class III and blend prices and similar prices paid to 40 producers shipping milk to the Los Angeles market. However, the "blend" price for the Los Angeles market represents a blend price of the handler receiving the milk and does not represent a "blend" price for the market.

For 1965, the Class III prices paid for milk delivered by the 40 Los Angeles producers averaged 59 cents per hundred weight higher than the average of the Central Arizona Class III prices for the same year (both for milk testing 3.5 percent butterfat). For 1966, the Class III prices for the Los Angeles area averaged 22 cents per hundredweight higher than the Central Arizona Class III price.

For 1965 and 1966 the blend prices of the Los Angeles producers averaged 3 cents and 26 cents per hundredweight

lower, respectively, than the Central Arizona blend prices for the corresponding years.

These were the only California price data entered in evidence, and they cannot be specifically identified with milk sold in Arizona. Moreover, California milk that is sold to military bases in the Central Arizona marketing area (principally at Yuma) comes from the San Diego market and no price data were introduced concerning that area.

The price differences between Central Arizona regulated handlers and California unregulated handlers, which is the basis of this issue is not centered, as proponent contends, on the removal of California milk price regulation from sales to military bases. As indicated, proponent's price data were for the Los Angeles market whereas the milk for the military base at issue (near Yuma) comes from San Diego. The prices quoted for military milk are substantially above the Class III prices established by the California regulation, and the California Class III prices are substantially higher than Central Arizona Class III prices.

There is a substantial difference developing between the Central Arizona Class I prices and the Class I prices established by the California Milk Stabilization Regulation for the Los Angeles market. For 1965, Central Arizona Class I prices averaged 27 cents per hundredweight higher than Los Angeles Class I prices. For 1966, Central Arizona Class I prices averaged 78 cents higher than the Class I prices for the Los Angeles market. Thus, Central Arizona handlers might expect to meet increased competition from partially regulated handlers on packaged milk from Los Angeles for outlets, not military in the marketing area.

It is concluded that milk for Class I use in the Central Arizona marketing area is not being purchased, as proponent contends, by unregulated California handlers for prices equal to or lower than Central Arizona Class III prices. The proposal, therefore, is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The following order amending the order as amended regulating the handling of milk in the Central Arizona marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1131.7, the introductory text immediately preceding paragraph (a) is revised as follows:

§ 1131.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk pursuant to the requirements specified in paragraph (a) or (b) of this section, and whose milk is received directly from the farm at a pool plant, or is diverted as producer milk pursuant to § 1131.13. The term "producer" shall not include a person with respect to milk diverted to a pool plant from an other order plant if such person retained producer status under the other order and if the operators of both the diverting plant and the plant to which diverted have requested Class III classification in their reports of receipts and utilization filed with the market administrators of the respective orders.

* * * * *

2. In § 1131.8, pargarphs (a) and (b) are revised to read as follows:

§ 1131.8 Pool plant.

"Pool plant" means any milk plant, except the plant of a producer-handler or a plant exempt pursuant to § 1131.61:

(a) Approved by a duly constituted state or municipal health authority for the receipt or processing of Grade A milk or which supplies processed milk to an agency of the United States Government located within the marketing area, from which during the month:

(1) There are disposed of on routes fluid milk products, except filled milk, equal to at least 50 percent of the total receipts at the plant (i) of milk qualified by inspection to become producer milk pursuant to § 1131.13(a), and (ii) from other milk plants and a cooperative association acting in the capacity of a handler pursuant to § 1131.10(c) in the form of fluid milk products, except filled milk, qualified for fluid consumption; and

(2) There are disposed of on routes in the marketing area fluid milk products, except filled milk, in a volume not less than 25 percent of such receipts and also greater than an average of 600 pounds per day.

(b) Any plant which ships fluid milk products, except filled milk, approved by any health authority having jurisdiction in the marketing areas as eligible for distribution under a Grade A label in a volume not less than 50 percent of its receipts of milk (from dairy farmers who would be producers if this plant qualifies as a pool plant) in the current month during the period of July through October or 20 percent in the current month during the period of November through June to a plant specified in paragraph (a) of this section: *Provided*, That if a plant qualifies in each of the months of July through October in the manner prescribed in this section such plant shall upon written application to the market administrator on or before October 31 following such compliance be designated as a pool plant until the end of the following June.

* * * * *

3. In § 1131.9, the introductory text preceding paragraph (a), and paragraph (d) are revised to read as follows:

§ 1131.9 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved during the month to a pool plant and which is not an other order plant nor a producer-handler plant.

4. Section 1131.11 is revised to read as follows:

§ 1131.11 Producer-handler.

"Producer-handler" means:

(a) Any person who is both a dairy farmer and the operator of a plant from which fluid milk products are disposed of in the marketing area on routes and who:

(1) Receives at his plant, or acquires for disposition on routes, fluid milk products only from:

(i) His own farm production, and

(ii) Fluid milk products obtained by transfer from pool plants or other order plants in an amount not to exceed 5 percent of his total fluid milk product disposition for the month or 5,000 pounds, whichever is less;

(2) Does not reprocess or convert nonfluid milk products into a fluid milk product except to increase the nonfat milk solids content above that of the fluid milk product received;

(3) Furnishes proof satisfactory to the market administrator that:

(i) The maintenance, care, and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled (other than that received from regulated plants) is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and

(ii) The operation of such plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(b) A governmental agency that operates a milk plant, except that a plant operated by such agency shall be a pool plant if bulk milk is delivered during the month by such governmental agency to another plant that is a pool plant and a written request is filed by the agency with the market administrator asking that its plant be considered a pool plant. If such a plant is made a pool plant at the request of the governmental agency for 1 month and thereafter resumes the status of a nonpool plant, it shall not be eligible for pool plant status again until it has been a nonpool plant for 12 consecutive months.

5. Section 1131.15 is revised to read as follows:

§ 1131.15 Fluid milk product.

"Fluid milk product" means milk (including frozen or concentrated milk), cream (sweet or sour), skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, or any mixture in fluid form of milk, skim milk or cream (including such products made by reconstituting or recombining concentrated or dehydrated milk constituents with water), with or without other ingredients. This definition shall not include sterilized products packaged in hermetically sealed containers, a product which contains 6 percent or more nonmilk fat (or oil), eggnog, yogurt, ice cream mix or aerated plastic or frozen cream.

6. Section 1131.16 is revised to read as follows:

§ 1131.16 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or a plant store) of a fluid milk product classified as Class I milk pursuant to § 1131.41(a), other than a delivery to a plant described in § 1131.8(a).

7. A new § 1131.18 is added to read as follows:

§ 1131.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1131.22, paragraph (i) is revised to read as follows:

§ 1131.22 Duties.

* * * * *

(i) Verify all reports and payments of each handler by audit, as necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

* * * * *

9. In § 1131.30, paragraphs (b) and (c) are revised to read as follows:

§ 1131.30 Reports of receipts and utilization.

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement of the route disposition of Class I milk outside the marketing area, and a statement showing separately in-area and outside area route disposition of filled milk.

(c) Each handler specified in § 1131.10 (d) who operates a partially regulated distributing plant shall report as required in this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement as to the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

10. In § 1131.44, paragraph (d), and subparagraph (5) of paragraph (g) are revised to read as follows:

§ 1131.44 Transfers.

* * * * *

(d) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located outside the marketing area and outside Imperial County, Calif., except that cream may be classified as Class III if prior notice is given to the market administrator, each container is labeled by the transferor as "cream for manufacturing use only" and such shipment is so invoiced.

* * * * *

(g) * * *

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to another class shall be classified as Class III; and

* * * * *

11. In § 1131.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised to read as follows:

§ 1131.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1131.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1131.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, in sequence beginning with Class III from the pounds of skim milk remaining in Class II and III but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class III utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, from cooperative handlers pursuant to § 1131.10(c), and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in

excess of similar transfers to such plant, if Class III utilization is requested by the handler and the operator of the transferor plant requests the lowest class utilization under the other order;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1131.22(1) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

* * * * *

§ 1131.51 [Amended].

12. In § 1131.51(a), the figure "$2.30" is revised to "$2.32".

13. In § 1131.53, paragraph (c) is revised to read as follows:

§ 1131.53 Location adjustments to handlers.

* * * * *

(c) For other source milk to which a location adjustment is applicable and for milk received from producers at a plant located in Pima County, Ariz., and which is classified as Class I milk, the price computed under § 1131.51(a) shall be increased 12 cents.

14. Section 1131.61 is revised to read as follows:

§ 1131.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except as specified in paragraphs (c) and (d):

(a) Any plant qualified pursuant to § 1131.8(a) which disposes of a lesser volume of Class I milk, except filled milk, in the Central Arizona marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order is exempted;

(b) Any plant qualified pursuant to § 1131.8(b) for any portion of the period November through June, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

(c) Each handler operating a plant described in paragraph (a) or (b) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1131.30 and 1131.31) and allow verification of such reports by the market administrator; and

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph, to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

15. Section 1131.62 is revised to read as follows:

§ 1131.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant except one from which less than an average of 600 pounds per day of Class I milk is disposed of on a route(s) in the marketing area shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1131.30(c) and 1131.31(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1131.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1131.70(f) and a credit in the amount specified in § 1131.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph a value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

16. Section 1131.81 is revised to read as follows:

§ 1131.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1131.82, 1131.61, and 1131.62 and out of which he shall make all payments pursuant to § 1131.83: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

17. In § 1131.87, paragraphs (a) and (d) are revised to read as follows:

§ 1131.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat, involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

Signed at Washington, D.C., on June 17, 1969.

JOHN C. BLUM,
Deputy Administrator
Regulatory Programs.

[F.R. Doc. 69-7282; Filed, July 14, 1969; 8:45 a.m.]

[7 CFR Parts 1001–1006, 1011–1013, 1015, 1016, 1030, 1032–1036, 1040, 1041, 1043, 1044, 1046, 1049, 1050, 1060, 1062–1065, 1068–1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096–1099, 1101–1104, 1106, 1108, 1120, 1121, 1125–1130, 1132–1134, 1136–1138]

MILK IN MEMPHIS, TENNESSEE, AND CERTAIN OTHER MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Marketing areas	Docket No.
1097	Memphis	AO-219-A21.
1001	Massachusetts-Rhode Island-New Hampshire.	AO-14-A43.
1002	New York-New Jersey	AO-71-A55.
1003	Washington, D.C.	AO-293-A18.
1004	Delaware Valley	AO-160-A36.
1005	Tri-State	AO-177-A32.
1006	Upper Florida	AO-356-A3.
1011	Appalachian	AO-251-A10.
1012	Tampa Bay	AO-347-A7.
1013	Southeastern Florida	AO-286-A15.
1015	Connecticut	AO-306-A20.
1016	Upper Chesapeake Bay	AO-312-A15.
1030	Chicago Regional	AO-361-R01.
1032	Southern Illinois	AO-313-A15.
1033	Cincinnati	AO-166-A37.
1034	Miami Valley	AO-175-A27.
1035	Columbus	AO-176-A24.
1036	Eastern Ohio-Western Pennsylvania.	AO-179-A28-R01.
1040	Southern Michigan	AO-225-A19-R01.
1041	Northwestern Ohio	AO-72-A33.
1043	Upstate Michigan	AO-247-A13.
1044	Michigan Upper Peninsula.	AO-299-A14.
1046	Louisville-Lexington-Evansville.	AO-123-A34.
1049	Indiana	AO-319-A12.
1050	Central Illinois	AO-355-A4.
1060	Minneapolis-North Dakota	AO-360-A1.
1062	St. Louis-Ozarks	AO-10-A39-R01.
1063	Quad Cities-Dubuque	AO-105-A27-R01.
1064	Kansas City	AO-23-A33.
1065	Nebraska-Western Iowa	AO-86-A21-R01.
1068	Minneapolis-St. Paul	AO-178-A21.
1069	Duluth-Superior	AO-133-A15.
1070	Cedar Rapids-Iowa City	AO-225-A18.
1071	Neosho Valley	AO-227-A21.
1073	Wichita	AO-173-A22.
1075	Black Hills	AO-248-A9.
1076	Eastern South Dakota	AO-260-A12.
1078	North Central Iowa	AO-272-A13.
1079	Des Moines	AO-285-A15.
1090	Chattanooga	AO-266-A10-R01.
1094	New Orleans	AO-103-A26.
1096	Northern Louisiana	AO-257-A16.
1098	Nashville	AO-184-A26.
1099	Paducah	AO-183-A20.
1101	Knoxville	AO-195-A17.
1102	Fort Smith	AO-237-A16.
1103	Mississippi	AO-346-A6.
1104	Red River Valley	AO-268-A12.
1106	Oklahoma Metropolitan	AO-210-A25.
1108	Central Arkansas	AO-243-A18.
1120	Lubbock-Plainview	AO-328-A8.
1121	South Texas	AO-364-R01.
1125	Puget Sound	AO-226-A18-R01.
1126	North Texas	AO-231-A32-R01.
1127	San Antonio	AO-232-A18.
1128	Central West Texas	AO-238-A21.
1129	Austin-Waco	AO-256-A14.
1130	Corpus Christi	AO-259-A17.
1132	Texas Panhandle	AO-262-A17.
1133	Inland Empire	AO-275-A18-R01.
1134	Western Colorado	AO-301-A8-R01.
1136	Great Basin	AO-309-A12.
1137	Eastern Colorado	AO-326-A13.
1138	Rio Grande Valley	AO-335-A11.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in each of the marketing areas heretofore specified.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, as amended, were formulated, was conducted at Memphis, Tenn., on February 19–22, April 23–24, and May 21–24, 1968, pursuant to notice thereof which was issued February 6, 1968 (33 F.R. 2785).

Seventy-six milk orders were listed in the notice of hearing. Eleven of these orders have since been merged with another order(s). Greater Wheeling (Part 1008), Clarksburg (Part 1009) and Youngstown-Warren (Part 1048) were merged into the Eastern Ohio-Western Pennsylvania order. Northwestern Indiana (Part 1031), Rock River Valley (Part 1038), Milwaukee (Part 1039), Northeastern Wisconsin (Part 1045), and Madison (Part 1051) were merged into the Chicago Regional order. Fort Wayne (Part 1047) was merged into the Indiana order (formerly Indianapolis, Indiana). Sioux City (Part 1066) was merged into the Nebraska-Western Iowa order. Ozarks (Part 1067) was merged into the St. Louis-Ozarks order (formerly St. Louis).

As a result, the proposed amendments relate only to the existing 65 orders as merged, Such mergers have had no effect on the basic issue involved in this proceeding. This is because the decision herein deals with the matter of how filled milk should be classified and priced under Federal milk orders. The treatment would have been appropriate under each of the orders prior to merger and it is equally appropriate under the orders as merged. Therefore, the findings and conclusions of this decision are equally applicable to the orders as merged.

Certain changes are being made in the Central Arizona order in its application to filled milk and producer-handlers. These matters were considered at a hearing held in Phoenix, Ariz., February 7–10, 1967, on proposals to amend the Central Arizona order pursuant to notice issued December 14, 1966 (31 F.R. 16277) and January 12, 1967 (32 F.R. 415). The record of that hearing was reopened in connection with the national hearing on which record this decision is based. Comparable changes in the Central Arizona provisions relating to filled milk and producer-handlers are contained in a separate revised decision on that order issued concurrently with this decision.

For the Chicago Regional, Southern Michigan, Eastern Ohio-Western Pennsylvania, St. Louis-Ozarks, Quad Cities-Dubuque, Nebraska-Western Iowa, Chattanooga, Puget Sound, North Texas, Central Arizona, Inland Empire, South Texas and Western Colorado markets the hearing constituted a reopening of prior hearings on matters relating to the particular markets, including issues other than the issues herein discussed.

Prior to scheduling the hearing, the Department had received numerous expressions of concern from producer and handler groups about the possible competitive impact of filled milk and imitation milk on the existing structures of markets under Federal order regulation. In view of the widespread concern, the Department invited industry representatives to a series of public meetings. This was done to achieve the widest possible understanding of the problems before going to a hearing.

The hearing notice opened for discussion all problems which the various parties had indicated in their proposals or in the public meetings to be related to filled or imitation milk under order regulation.

The material issues on the record of the hearing were:

1. Interstate commerce.
2. Classification of filled milk.
3. Treatment of reconstituted skim milk in filled milk disposed of by regulated handlers, partially regulated handlers or producer-handlers.
4. Definition of filled milk for order purposes.
5. Reclassification of fluid products of milk not now in Class I.
6. Conforming changes in order provisions.

FINDINGS AND CONCLUSIONS

The following findings and conclusions, on the material issues, are based on evidence presented at the hearing and the record thereof:

1. *Interstate commerce.* Filled milk disposed of in any of the marketing areas of these orders directly burdens, obstructs or affects interstate commerce in milk and milk products. It has been previously determined (at the time of promulgation of the particular order) that all milk marketed in each of these marketing areas is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk and milk products. Filled milk disposed of in these markets is, in content, substantially a product of milk and competes for the same sales outlets as milk. It follows that the marketing of the milk ingredients contained in filled milk in a Federal order market burdens, obstructs or affects interstate commerce in milk and milk products. This conclusion applies whether the marketing of filled milk is by a regulated plant or by a plant not fully regulated under an order, since both compete for similiar outlets in the market.

Manufactured milk products may be used in the production of filled milk. Manufactured milk products move in interstate commerce and compete in the national market irrespective of where the milk is produced. Therefore, manufactured milk products when used in the production of filled milk for disposition in these markets likewise burden, obstruct or affect interstate commerce in milk and milk products.

The shipment of filled milk across State lines is prohibited by the Filled Milk Act. Nevertheless, intrastate commerce in filled milk burdens, obstructs, and affects interstate commerce in milk and milk products regulated under Federal milk orders. This decision relates to the appropriate classification and pricing of milk and milk products under the Agricultural Marketing Agreement Act of 1937, as amended, when such milk or milk products are used in filled milk.

2. *Classification of filled milk.* Skim milk disposed of for fluid consumption in "filled milk" should be Class I milk under each of the respective orders.

The product marketed as "filled milk" in Federal order markets is a combination of skim milk and vegetable fat or oil in about the same proportions as the skim milk and milkfat in whole milk. Accordingly, well over 90 percent of the product is skim milk. In most filled milk the skim milk portion is fresh fluid skim milk as separated from whole milk. Some filled milk contains reconstituted fluid skim milk prepared from a concentrated product such as nonfat dry milk. Whether made from vegetable fat and fresh or reconstituted skim milk, or any combination thereof, the resulting product resembles whole milk in appearance.

Filled milk is distributed in regulated markets by milk handlers in the course of their regular business through the same outlets and in the same types of containers as whole milk.

At the time of the hearing filled milk products simulating whole fluid milk were being marketed by handlers under 24 of the 76 Federal orders then in force. The combined volume of filled milk sales in these markets was about 4.6 million pounds in February 1968. For all Federal order markets this was about 0.15 percent of total Class I sales.

About half of the 4.6 million pounds of filled milk was sold in the Central Arizona market. There it represented about 6.8 percent of the Class I disposition of local handlers in February 1968. In February 1969, the sales of filled milk by Central Arizona handlers amounted to about 3.5 million pounds, or 10.3 percent of total Class I disposition of handlers. (Official notice is taken herein of the March 1969 issue of "Market Information Bulletin" prepared and distributed by the Central Arizona market administrator.)

In all but two markets where filled milk is sold, the milk product content therein has been subject to the same regulatory treatment as the general category of fluid milk products. That is, it is treated as a Class I disposition. Skim milk is the principal milk product involved in the classification since any residual butterfat would be minimal.

Even with Class I classification, regulated handlers disposing of filled milk make a savings in cost by substituting vegetable fat for butterfat. This then is the main incentive for the marketing of filled milk under the present application of the orders. Such cost difference of vegetable fat versus butterfat is not an issue in this hearing, however, and is relevant only to the extent that it explains a profit motivation for marketing the product under order regulation even though the skim milk content has been priced as Class I milk.

The net cost saving due to substitution of fat and allowing for the cost of added emulsifiers and stabilizers is about 2.9 cents per quart. This is based on costs of coconut oil, emulsifiers and stabilizers as shown in Exhibit No. 22, and on average Class I prices and butterfat differentials for February 1968.

The evidence in the hearing record supports the conclusion that classification of the skim milk and butterfat in filled milk as Class I disposition is appropriate. Filled milk marketed in simulation of milk is already, under most orders, properly treated as a Class I fluid milk product disposition.

The specific language of the Act with respect to classification is that each order shall contain terms "* * * classifying milk in accordance with the form in which or the purpose for which it is used * * *". In applying the language of the Act we here consider the form and purpose of use for both filled milk and the milk ingredient content of the filled milk.

The form of filled milk and the purpose for which it is used are the same as the form and purpose of use of whole milk. Filled milk, just as whole milk, is disposed of in fluid form. It is marketed by handlers in the same types of packages and in the same trade channels as the whole milk they market, and is mainly intended as a beverage substitute for milk.

Similarly, the fluid skim milk content of the filled milk is in the same form as skim milk in whole milk and serves the same purpose, providing in each case the main body of the product thereby making it a milk beverage. The addition of the nonmilk ingredients, principally vegetable fat or oil and stabilizers, does not alter the basis for Class I classification. The addition of nonmilk ingredients in fluid milk products is not a new development. The addition of vegetable fat does not involve an essentially different consideration from that for other

Class I fluid milk products to which a flavoring ingredient, such as chocolate (which also contains nonmilk fat) has been added.

For purpose of illustration, a product within the "fluid milk product" category containing a nonmilk additive is chocolate milk. The additive is not considered as changing the form of this product so that it is no longer a fluid milk product. For the purposes of classification, the flavoring material has never been regarded as significant in determining the form of the product or as a basis for altering its classification.

The same reasoning applies in the case of filled milk—that the additives do not change significantly the form or the purpose of use and therefore do not constitute a basis for classification other than in Class I.

The product "filled milk" therefore should be classified, for the purpose of pricing under the orders, in the same manner as whole milk. As in the case of other fluid milk products containing some nonmilk ingredients, the classification would apply only to the milk ingredients in the product.

Handlers generally opposed Class I classification although they acknowledged filled milk to be a substitute for fluid milk and intended for similar purposes. In view of the preceding findings and conclusions it is necessary to reject handlers' testimony that the skim milk portion of filled milk should be priced lower than Class I. Further, handlers' testimony on the possible competition of synthetic products has no particular application to filled milk. Such competition relates to the entire category of fluid milk products.

Since we are dealing with a product, filled milk, which is clearly marketed for the same use as whole milk, is composed principally of milk products, is made in the semblance of whole milk, and is, in fact, designed as a substitute for whole milk, returns to dairy farmers should be the same for the corresponding milk components of the two products. This recognizes that the appropriate Class I price level serves to assure an adequate but not excessive milk supply. Therefore, the skim milk (or butterfat) in both products, and in other fluid milk products, should make proportionate contributions to this objective. This is accomplished by the classification of all such products as Class I milk.

3. *Treatment of reconstituted skim milk in filled milk.* As previously stated, some of the filled milk sold in regulated markets is made by combining "reconstituted skim milk" with vegetable fat and other minor ingredients. "Reconstituted skim milk" commonly is made from nonfat dry milk to which water is added to return it essentially to a form and consistency similar to fresh skim milk.

Prior findings and conclusions (under issue No. 2) dealt with filled milk as a product made with fresh skim milk. But when filled milk is made with reconstituted skim milk a somewhat different regulatory problem is involved. Primarily the problem relates to the conversion by a handler of a product, such as nonfat dry milk, normally priced as a surplus use into another product for Class I use. In addition, the possible entrance into the market of reconstituted products from unregulated sources enlarges the problem.

The potential of these conditions for disruptive influence on the market for producer milk is extremely serious because disposition of a product for a Class I use but pricing it in a surplus price class undermines the classified pricing system.

A determination consequently must be made of the proper classification of the resultant reconstituted skim milk and its regulatory treatment whether received as such by the handler from an unregulated source or reconstituted in his own plant.

Reconstituted skim milk in filled milk disposed of for fluid consumption should be treated as Class I milk.

Filled milk made with reconstituted skim milk is from a marketing standpoint essentially similar to filled milk made with fresh skim milk. It has the same material composition, is in the same form, and is intended for the same primary purpose—to be used as a beverage in substitution for milk. The reconstituted product competes in the same market channels and for the same wholesale and retail market outlets as filled milk made from fresh skim milk. It is a competitor of whole milk at the consumer level.

Reconstituted skim milk in filled milk should be classified and priced on the same basis as reconstituted milk in other fluid milk products to achieve uniformity of pricing for milk in similar uses. Uniformity of pricing could not be achieved if some handlers have a lower cost by substituting a surplus class product (in this case usually nonfat dry milk) for a Class I use.

Nonfat dry milk is an important product outlet for the daily and seasonal surpluses in many of the regulated fluid milk markets. Consequently, it not only may be derived from milk of manufacturing quality but often will be readily available from graded milk which is surplus to the local fluid market. Whichever the source, it is priced at the manufacturing milk price level—the lowest price for any use of milk.

The objectives of classified pricing are uniformity of pricing according to form or use and providing an adequate return to producers for the fluid market. Therefore, the widespread disposition of filled milk made from reconstituted skim milk, if the skim milk were not subject to some "equalizing" payment, could lead to total defeat of such objectives. Certainly, the classification and pricing plan should protect the Class I market from the potential effects of competition with products produced from the market's own surplus or similar products produced elsewhere at a manufacturing price when used in filled milk.

It should be noted that the orders already contain specific provisions dealing with disposition by a regulated handler of other fluid milk products which have been reconstituted from nonfluid milk products. The problem of proper classification and charge for such use of nonfluid milk products to produce products for Class I disposition was dealt with in the decision issued June 19, 1964 (29 F.R. 9002), official notice of which is taken. The decision applied to orders in 76 marketing areas.

The findings and conclusions which relate to this subject appearing at 29 F.R. 9010 were as follows: "Certain milk by its very nature must be treated as surplus when received at market pool plants regulated by a Federal order and, therefore, it must be assigned a surplus value. One such source is milk received at a regulated plant, in either bulk or packaged form, from a producer-handler (under any Federal order). Another source is milk produced by the reconstitution to fluid form of manufactured dairy products, such as fluid skim milk made by the addition of water to nonfat dry milk. Still another source is milk of manufacturing grade (non-Grade A milk) which is not eligible for disposition for fluid consumption in the market. As to milk from these sources, a payment into the producer-settlement fund at the difference between the Class I and surplus prices must be required of the receiving handler when such milk is allocated to Class I, following 'down-allocation' to the extent it can be absorbed in lower priced uses.

"A surplus value likewise is properly assigned to reconstituted milk (for instance, the result of combining nonfat dry milk or condensed milk with water). The products used in such reconstitution process are made from milk which always carries a manufacturing, or surplus, value. Producer milk used to produce such products is priced as surplus under each of these Federal orders. Since the milk used to produce these products is originally priced as surplus milk, payment into the producer-settlement fund at the difference between the Class I and surplus price is necessary to insure competitive equity with producer milk when reconstituted milk is used in Class I. No recognition should be given to processing costs involved in the manufacture of the products derived from unregulated milk and used in reconstitution since similar costs are incurred in processing producer milk into such products."

The method of treating reconstituted products described in the 1964 decision is appropriately applicable to reconstituted skim milk used in filled milk. The nonfluid milk products in such use are derived from milk having a surplus value and should be assigned to surplus uses of the handler to the extent possible. To the extent that such reconstituted product cannot be assigned to a surplus use class it must be considered as used in Class I. In this case payment to the producer-settlement fund at the difference between the Class I price and surplus price is necessary not only to assure competitive equity among handlers but also to insure the integrity of the

classified pricing system as a means of assuring reasonable prices to producers.

Uniform treatment of reconstituted skim milk in filled milk should apply to the several types of handling operations. While one handler may reconstitute skim milk from nonfluid milk products in his own regulated plant, another may purchase filled milk containing reconstituted skim milk from other handlers. A third type of operation is distribution of reconstituted product in the marketing area from a plant which is not fully regulated.

For skim milk reconstituted in a fully regulated plant, the allocation provisions of each order already assign "other source milk in a form other than a fluid milk product" first to surplus use, and then any remainder to Class I. For the quantity assigned to Class I disposition, a charge at the Class I price less the surplus price applies. This charge applies whether the reconstituted product is disposed of on routes, or to another plant. In the case of interplant transfers (including transfers between order markets), the orders already provide for the classification of the fluid milk product transferred. The quantity so classified as Class I would be subject to the charge at the transferor plant, except in some cases in a handler pool market.

New provisions would be needed to treat receipts of filled milk at a regulated plant if the receipt is from an unregulated source and contains reconstituted skim milk. The receipt should be assigned in series first to the surplus class and then successively to the next higher price classes. The receiving handler should be charged the Class I price less the surplus price for any quantity of skim milk or butterfat so assigned to Class I utilization. This method would extend the uniform application of the same rate of charge as applies in the case of a handler making reconstituted product in his own plant.

A situation similar to receipt from an unregulated source may arise if filled milk containing reconstituted skim milk is received from a plant regulated under an individual handler pool order. This could happen because the individual handler pool orders price only the Class I usage assignable to receipts of producer milk at the handler pool plant. If the Class I disposition of the plant exceeds producer milk received there, which is possible if reconstituted product is used for filled milk, then this Class I usage is not priced.

In this case the receipt at a market order pool plant from a handler pool plant should be treated the same as a receipt from an unregulated plant. The receipt of reconstituted filled milk would be allocated first to surplus class and any remainder to higher classes. The receiving handler would be obligated for any of such receipt assigned to Class I at the Class I price less surplus class price, adjusted to the location of the plant from which received.

Another aspect of disposition of reconstituted filled milk by a pool plant under an individual handler pool order is the possibility that such plant could dispose of the product on routes in another marketing area where market pooling applies. In such a case the operator of the handler pool plant should be obligated to pay the difference between the Class I and surplus prices on such disposition in the marketing area to the extent that such disposition is not assigned to producer milk at his pool plant. The payment should be made into the producer-settlement fund of the market where sold. The Class I price used for this purpose would be the order price of the market where the disposition is made, adjusted for location of the plant. Such payment is necessary to apply the same treatment to reconstituted filled milk sales by the pool plant under the individual-handler pool order as would apply to a plant regulated by the order applicable to the area in which the route sales are made.

Partially regulated distributing plants likewise may dispose of reconstituted filled milk in the marketing area. The term "partially regulated distributing plant" applies to a plant which has route disposition of fluid milk products in the marketing area too small to qualify it as a pool plant, or which otherwise does not meet the pooling requirements of the particular order. Each of the orders contains specific provisions which apply to such plants for the purpose of achieving a reasonable competitive parity between these plants and fully regulated handlers. These provisions should be modified with respect to Class I products containing reconstituted skim milk disposed of in the marketing area.

The provisions allow certain options to the operators of partially regulated distributing plants, except in the case of the Massachusetts-Rhode Island-New Hampshire, New York-New Jersey, and Connecticut orders. In each of these orders, fluid milk products disposed of by nonpool plants on routes in the marketing area or received from such plants at regulated plants for Class I use are pooled. In effect, the operator of the plant disposing of such fluid milk products that are classified in Class I is charged the difference between the Class I price and the blended price on any of such quantities in excess of receipts of pool milk classified as Class I.

Under all other orders, three additional options are allowed. Two are very similar to the treatment under the northeastern orders.

One would allow such a handler to offset his disposition in the marketing area by purchases of Class I milk from fully regulated plants.

The second alternative would allow such handler to make payment into the producer-settlement fund with respect to his Class I disposition in the marketing area at a rate per hundredweight equal to the Class I price less the uniform price. The partially regulated handler is given credit for any quantity of Class I milk purchased from fully regulated plants.

Under a third option not allowed under the northeastern orders the value of such handler's milk utilization is computed in the same manner as for a pool plant. The handler then has the choice of paying this sum to the Grade A dairy farmers supplying his plant or dividing the sum between payments to such farmers and payments to the producer-settlement fund.

The options now provided in the orders are designed to apply to a partially regulated handler whose disposition in the marketing area is primarily milk received from dairy farmers. But if such disposition is wholly or largely filled milk made with reconstituted skim milk, the payment now required (Class I price less uniform price) would not be equitable in relation to the requirement upon pool handlers that they pay the Class I less surplus price for such Class I disposition. Also, fully regulated plants are subject to Class I price less surplus price obligation on all Class I disposition of reconstituted skim milk, whether in filled milk or in other Class I disposition. This same charge should apply to partially regulated plants with respect to disposition in the marketing area of any fluid milk product containing reconstituted skim milk. Such treatment is necessary to make the obligation for disposition of reconstituted product comparable to the obligation upon a pool handler for the same kind of utilization.

Provision accordingly should be made for a handler operating a partially regulated distributing plant to pay into the producer-settlement fund at the Class I price less surplus price with respect to the quantity of reconstituted skim milk in Class I products disposed of on routes in the marketing area. This would be similar to the provision which requires payment only on disposition in the marketing area.

Each partially regulated handler disposing of filled milk in a regulated marketing area must maintain adequate records of his receipts and utilization which will permit verification by the market administrator of his sources and disposition with respect to filled milk. Also, unless such a handler furnishes proof to the contrary, his disposition of filled milk in the markting area should be treated as a reconstituted product. Unless a partially regulated handler were required to prove that this disposition in the marketing area is not reconstituted product, he could gain substantial advantage because he could avoid the higher rate of payment needed on conversion of a surplus product to Class I use. For this reason the burden of proof that the filled milk was not made from reconstituted skim milk should be on the handler.

On disposition made in a market pool market the payment should be made into the producer-settlement fund of such market. This is the only practical disposition of the funds so collected. The distribution of such money among producers, as a part of the uniform price, results in an equitable disposition of the proceeds without advantage to any particular group. The money would assist in maintaining an adequate supply of high quality milk for the market. It is an administratively feasible plan which contributes to orderly marketing.

Handlers in supporting a special class for filled milk pointed out that the cost of nonfat dry milk purchased from wholesale distributors would exceed the surplus milk price for the equivalent quantities of raw fluid skim milk purchased from producers. Processing and handling costs in producing and marketing the dry product result in a higher cost for nonfat dry milk purchased as compared to fresh raw skim milk at the surplus or manufacturing milk price.

The reprocessing or reconstitution of fluid products from manufactured products involves handling and processing not characteristically part of supplying raw milk to a fluid market. To credit the handler with processing costs (even if they could be determined accurately in each instance) incurred in converting milk into its dry form would simply divert money to defray a portion of the handler's expense rather than using it to encourage the production of a sufficient supply of milk qualified for the fluid market. Certainly handlers would not at their own expense process the skim milk from producer milk into nonfat dry milk simply with the intention of reconstituting it to fluid form. This would be an uneconomical method of handling milk involving unnecessary expense and would serve no useful marketing purpose. Consequently, there is no justification for making an allowance for processing costs in computing a handler's obligation in the case of nonfat dry milk obtained from unregulated sources.

Some producer groups suggested that such equalization payments should be returned to the dairy farmers who produced the milk which was the source of the reconstituted products no matter how far away the nonfat dry milk was produced. This proposal was not complete since no specific plan was presented for accomplishing such payment to the dairy farmers whose milk was used. The practical difficulties involved preclude payment to such farmers.

In individual-handler pool markets the present practice that reconstituted skim milk shall be allocated to the handler's lowest class use should be continued.

In determining the obligation of pool handlers for use of reconstituted skim milk in filled milk, no allowance should be made for the processing cost of the nonfat dry milk irrespective of source.

Producer-handler disposition. Although producer-handler definitions vary among the several orders, the main intent in all markets is that the definitions shall apply only to a fluid milk processor who depends primarily on his own production for his milk supply. Some orders make provision for a producer-handler to supplement own production by purchases of milk from regulated sources, but safeguard the integrity of the pricing scheme by requiring that such transfers be priced as Class I milk to the seller.

The producer-handler definition of each order should be amended to preclude use of any reconstituted skim milk or unregulated milk in either filled milk or other fluid milk products.

The producer-handler is not subject to the pricing and pooling provisions of the applicable order. It should be made clear in each order, therefore, that a producer-handler using reconstituted skim milk or unregulated milk in filled milk or other fluid milk product disposition by so doing will disqualify himself from his exempt status as a producer-handler.

Reconstituted skim milk in filled milk has been marketed by at least one producer-handler in the Central Arizona market. This disposition represents a substantial part of his sales. This market was the first Federal order market to experience competition of filled milk sales by a producer-handler. It is also the market where greatest penetration of filled milk has taken place. The filled milk operation has had a significant disruptive influence on the stable and orderly marketing of milk in this market, the problems of which are dealt with in more detail in the concurrent decision for such market.

Similarly, a threat to uniformity of pricing could result in any market if producer-handlers were permitted to use reconstituted skim milk or unregulated milk in either filled milk or other fluid milk product disposition without restriction. It is not practical for this purpose to distinguish between receipts of concentrated milk products for reconstitution and fluid milk from an unregulated source. Either type of receipt could result in the same kind of advantage to a producer-handler, compared to a regulated handler.

Only seven orders currently contain no limit on such receipts but no present use of such receipts by producer-handlers in these markets is known. These orders are those regulating the Black Hills, Cedar Rapids, Cincinnati, Des Moines, Neosho Valley, Oklahoma Metropolitan, and Texas Panhandle marketing areas. These orders should be made similar to others to require that a producer-handler may not dispose of fluid milk products in excess of his own milk production and fluid milk products received from regulated plants as the individual orders provide. With such provision in the seven orders, all orders covered herein will preclude pool exemption of the producer-handler if he uses unregulated milk or milk products as Class I milk.

This kind of restriction on use of unregulated receipts does not interfere with the essential operation of a producer-handler in marketing his own milk production and in buying needed supplemental supplies, but is necessary to insure uniform pricing under the classified pricing plan.

4. *Definition of filled milk for order purposes.* A definition of filled milk should be constructed which meets the specific needs of order regulation and for such purpose only.

Most filled milk is made to simulate whole milk. There are however, many possible variations in the content of filled milk. Filled milk products within the beverage category may contain more or less vegetable fat than the normal fat content of whole milk. In order to cover all products which might be in this category, the order term "filled milk" should apply to products containing less than six percent of nonmilk fat.

Filled milk therefore should be defined as:

"Any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product; and contains less than six percent nonmilk fat (or oil)."

Fluid products of the type described by the definition possibly could contain some milkfat as well as nonmilk fat. Such products also would be "filled milk" under this definition in order to assure the effectiveness of the proposed order provisions on filled milk. Filled milk, as so defined, should be included in the term "fluid milk product" as defined in each order.

Proposals submitted for the hearing would have defined filled milk in some markets to include higher fat products. There is insufficient information, however, on which to establish a Class I classification for filled milk products containing 6 percent or more nonmilk fat. While nonmilk fat products substituting for cream products are sold extensively, testimony did not develop the basis for defining such products as fluid milk products. Hence, on the basis of this record, skim milk and butterfat in filled milk containing 6 percent or more nonmilk fat should be classified in the surplus class in each order.

Sodium caseinate in any product regulated under these orders should be treated as a nonmilk ingredient at this time.

Some handlers requested that sodium caseinate, although derived in part from milk, not be regarded as a milk product if used as an ingredient in any kind of milk imitation or substitute. Sodium caseinate has been used as an ingredient in imitation milk made to resemble fluid milk. No proposal was made on the record for regulation of sodium caseinate as a milk product under the Federal milk orders.

5. *Change in classification of certain milk products.* No change should be made in the classification of milk products other than filled milk.

Notice was given to consider changing the classification of certain milk products. Handler testimony opposed such changes except on the basis of their consideration in further hearings dealing with particular situations in individual markets. The evidence adduced in this hearing is sufficient only with respect to the manner in which each order should classify the components of milk used in filled milk.

6. *Conforming changes in order provisions.* Order definitions serve, inter alia, to identify dairy farmers who are producers for the market and to identify plants to be regulated. The amendments with respect to filled milk require several changes in definitions.

Presently, the provisions defining pool plants and producers serve to qualify for pooling the milk approved for fluid use and regularly supplied to the fluid market. Except in a few instances, similar standards have not been established for sources of milk for filled milk. The order provisions should not result in pooling milk from unapproved and intermittent sources with milk of farmers regularly supplying and approved for the fluid market. Therefore, the determination of whether a distributing plant is qualified for pooling should not be affected by its disposition of filled milk in the marketing area. Similarly, inclusion of shipments of filled milk would not be a proper basis for qualifying a plant as a pool supply plant. Appropriate changes to accomplish these objectives are made as corollary amendments.

The definition of "partially regulated distributing plant" also should be modified to include any plant making disposition of filled milk on routes in the marketing area. This is done by deleting the specification that fluid milk products disposed of on routes in the marketing area be Grade A.

Throughout this decision reference is made to the term "distributing plant" and to the term "partially regulated distributing plant." These terms have been used to describe plants from which filled milk is, or may be, distributed. Under the present orders, a distributing plant is a plant that by meeting certain performance standards may obtain pool plant status. A partially regulated distributing plant is defined under a "nonpool plant" provision and in no event could become pooled without meeting the terms provided for distributing plants and pool plants. Where used in this decision, the two definitions "partially regulated distributing plant" and "distributing plant," are treated as separate and independent definitions.

The definition of "unregulated supply plant" should be modified to cover possible shipments of filled milk. While no monetary obligation is imposed on an unregulated supply plant, the term is used in the order to identify sources of receipts of unregulated milk. The location of the unregulated supply plant is considered in establishing the obligation of the receiving plant.

Order provisions with respect to reports, records and facilities, and market administrators' functions are modified to insert the term "filled milk" wherever needed to clarify the intention that the product is covered by the applicable order provision. Additional reports are needed with respect to quantities of disposition in the marketing area by pool plants and partially regulated distributing plants. These reports should show quantities of Class I disposition separately for filled milk and other fluid milk products. In the case of the partially regulated plant, the report should show also the quantity of reconstituted skim milk in fluid milk products disposed of in the marketing area.

Throughout the classification and allocation provisions, filled milk would be treated generally in the same manner as other fluid milk products. Inventories of filled milk would be treated the same as inventories of whole milk. In those orders in which all inventories of fluid milk products are in the surplus class, the same basis of classification would apply to filled milk. If the order provides that packaged fluid milk products in inventory are in Class I, the same would apply to packaged inventory of filled milk. With respect to filled milk modified by the addition of nonfat milk solids, the same type of accounting would apply as now applies under each order to modified whole milk.

Receipts of filled milk containing reconstituted skim milk from a handler pool plant or an unregulated supply plant would be allocated so as to properly apply the charges which prior findings and conclusions state should apply to transfers from such plants. These receipts would be allocated first to the surplus class and then in series to the higher priced classification. Receipts of packaged filled milk from another order plant would be allocated in the same manner as other packaged fluid milk products from other order plants, except filled milk containing reconstituted skim milk.

The provisions with respect to any plant which qualifies as a pool plant under more than one order should be modified in order that the determination of which order applies will be based on disposition of fluid milk products other than filled milk. These changes will coordinate these provisions with the modifications of pool plant provisions previously described.

In most orders, the present administrative expense provision does not require amendment to include filled milk disposition. However, the administrative expense provision of the orders located in the Northeast require amendment to conform with all others. In certain orders, the present exemption from regulation (including administrative expense) on limited quantities of such Class I route disposition is continued.

In some provisions the words "skim milk and butterfat" are substituted for the word "milk" where this provides a more specific meaning. One instance is the provision (used in all orders) referring to termination of obligations.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Proposed findings and conclusions with respect to the conduct of the hearing are denied. Each of the rulings of the hearing examiner with respect to the conduct of the hearing is approved.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDERS

The following order amending the orders as amended regulating the handling of milk in the specified marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

PART 1001—MILK IN THE MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE MARKETING AREA

1. Section 1001.17 is revised to read as follows:

§ 1001.17 Exempt distributing plant.

"Exempt distributing plant" means a plant, other than a pool supply plant or a regulated plant under another Federal order, which meets all the requirements for status as a pool distributing plant except that its route disposition exclusive of filled milk in the marketing area in the month does not exceed 700 quarts on any day or a daily average of 300 quarts.

2. Section 1001.22 is revised to read as follows:

§ 1001.22 Fluid milk products.

"Fluid milk products" means milk, skimmed milk, flavored milk or skimmed milk, cultured skimmed milk, buttermilk, filled milk, concentrated milk, any mixture of milk or skimmed milk and cream containing less than 10 percent butterfat, and 50 percent of the quantity by weight of any mixture of milk or skimmed milk and cream containing at least 10 percent but less than 16 percent butterfat. The term includes these products in fluid, frozen, fortified, or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as eggnog, yogurt, whey, ice cream mix, ice milk mix, milk shake base mix, evaporated or condensed milk or skimmed milk, in either plain or sweetened form, and any product which contains 6 percent or more nonmilk fat (or oil). Fluid milk products which have been placed in containers for disposition to retail or wholesale outlets are referred to in this part as packaged fluid milk products.

3. In § 1001.25 the introductory text preceding paragraph (a) of the section is revised to read as follows:

§ 1001.25 Pool milk.

"Pool milk" means fluid milk products (other than exempt milk) received or disposed of as specified in this section, except that with respect to filled milk the term shall include only the quantity proved to have been made from other fresh fluid milk products.

* * * * *

4. A new § 1001.28 is added to read as follows:

§ 1001.28 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skimmed milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1001.35 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1001.35 Distributing plants.

Each processing and packaging plant (other than a producer-handler's plant under any Federal order or a regulated plant under another Federal order) shall be a pool distributing plant in any month in which it meets the conditions specified in this section. Receipts and disposition of filled milk shall be excluded in determining whether a plant has met these conditions.

* * * * *

6. Section 1001.36 is revised to read as follows:

§ 1001.36 Cooperative association plants located in the marketing area.

Each plant which is located in the marketing area and which is operated by a cooperative association shall be a pool plant in any month in which its route disposition does not exceed 2 percent of its total receipts of fluid milk products. Receipts and disposition of filled milk shall be excluded in determining whether a plant has met these conditions.

7. In § 1001.37 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1001.37 Supply plants.

Each plant (other than a plant described in paragraph (e) of this section) shall be a pool supply plant in any month in which it meets the conditions specified in paragraph (a), and in paragraph (b), (c), or (d), of this section. Receipts and disposition of filled milk shall be excluded in determining whether a plant has met these conditions. For the purposes of this section, milk received at a plant from a cooperative association in its capacity as a handler under § 1001.9(d) shall be considered as received at that plant from dairy farmers' farms.

* * * * *

8. Section 1001.58 is revised to read as follows:

§ 1001.58 Additional assignment to Class II milk.

Assign to Class II milk the quantities received in fluid milk products not previously assigned to classes under §§ 1001.54 through 1001.57.

9. In § 1001.64 subparagraphs (2) and (3) are revised and a new subparagraph (4) is added to paragraph (b), paragraph (d) is revised, and subparagraphs (1) and (2) are revised and a new subparagraph (3) is added to paragraph (e), to read as follows:

§ 1001.64 Computation of value of fluid milk products at class prices.

* * * * *

(b) * * *

(2) Product assigned to Class I milk under § 1001.55(d), except that for any cooperative association in its capacity as a handler under § 1001.9(d), the quantity shall be reduced by the quantity of any excess of milk moved to pool plants during the month over the quantity of producer milk, to the limit of the quantity assigned to Class I milk under § 1001.55(d);

(3) Product assigned to Class I milk under §§ 1001.55 (e) and (f), and 1001.58; and

(4) Filled milk, not proved to have been made from other fresh fluid milk products assigned to Class I milk under § 1001.55 (g) and (h).

* * * * *

(d) Multiply by the applicable Class I price the quantities of:

(1) Pool milk distributed as route disposition in the marketing area from the handler's nonpool plant; and

(2) Filled milk distributed as route disposition in the marketing area from the handler's nonpool plant which is excluded from pool milk only because it is not proved to have been made from other fresh fluid milk products.

(e) * * *

(1) Product assigned to Class I milk under § 1001.55 (a) through (c);

(2) Product assigned to Class I milk under §§ 1001.55 (e) and (f), and 1001.58; and

(3) Product for which a value is determined under subparagraphs (b)(4) and (d)(2) of this section.

* * * * *

10. In § 1001.87 paragraph (c) is revised to read as follows:

§ 1001.87 Payment of administration expense.

* * * * *

(c) The quantity distributed as route disposition in the marketing area from a handler's nonpool plant for which a value is determined under § 1001.64(d).

11. In § 1001.94 paragraphs (a) and (d) are revised to read as follows:

§ 1001.94 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in the obligation, unless within the 2-year period the market administrator notifies the handler in writing that the money is due and payable. Service of the notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of the producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which the handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on the payment is claimed, unless the handler, within the applicable

period of time, files a petition under section 8c(15)(A) of the Act, claiming the money.

PART 1002—MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

1. Section 1002.15 is revised to read as follows:

§ 1002.15 Fluid milk product.

"Fluid milk product" means all skim milk and butterfat in the form of milk, fluid skim milk, filled milk, cultured or flavored milk drinks (except eggnog, and yogurt), concentrated fluid milk disposed of in consumer packages, cream (except storage, plastic or sour), half and half (except sour) and any other mixture of cream, milk or skim milk containing less than 18 percent butterfat (other than frozen desserts, frozen dessert mixes, whipped topping mixtures, evaporated milk, plain or sweetened condensed milk or skim milk, sterilized milk or milk products in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil)): *Provided*, That when any fluid milk product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

2. A new § 1002.17 is added to read as follows:

§ 1002.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

3. In § 1002.28 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1002.28 Temporary pool plants.

Except for plants which, pursuant to paragraph (f) of this section, are not eligible for designation, any plant not designated pursuant to § 1002.24 shall automatically be designated a pool plant in accordance with provisions of paragraphs (a) through (e) of this section: *Provided*, That no plant shall be a pool plant pursuant to this section if, in the absence of this provision, milk received from dairy farmers and units at the plant would be classified and priced under an other order with a provision for marketwide equalization, and if the percentage of the milk received from dairy farmers and units at the plant which is classified in Class I–A and disposed of in the marketing area defined in such other order is greater than the percentage of such milk so classified and disposed of in this marketing area: *Provided further*, That for purposes of the computations of percentages set forth in this section, skim milk and butterfat in filled milk shall be excluded from skim milk and butterfat classified in Class I–A and Class I–B.

* * * * * *

4. In § 1002.44(e)(3) a new subdivision (vi) is added to read as follows:

§ 1002.44 Transfers.

* * * * * *

(e) * * *

(3) * * *

(vi) Any remaining Class I–A route disposition in the marketing area shall be subject to the pricing specified in § 1002.70(d)(2).

5. Section 1002.70(d)(2) is revised to read as follows:

§ 1002.70 Net pool obligation of handlers.

* * * * * *

(d) * * *

(2) Multiply the difference between the applicable Class I–A and Class II prices, both adjusted by the applicable differential pursuant to § 1002.51, by the pounds of skim milk and butterfat in other source milk subtracted from Class I–A pursuant to § 1002.45(a)(4) and the corresponding step of § 1002.45(b) and by the pounds of skim milk and butterfat specified in § 1002.44(e)(3)(vi).

6. Section 1002.90 is revised to read as follows:

§ 1002.90 Payment by handlers.

As his pro rata share of the expense of administration of this part, each handler shall, on or before the 18th day of each month, pay to the market administrator a sum not exceeding 2 cents per hundredweight on the total quantity of pool milk received from dairy farmers at plants or from farms in a unit operated by such handler, directly or at the instance of a cooperative association of producers and on the quantity for which payment is made pursuant to § 1002.70(d)(2), the exact amount to be determined by the market administrator subject to review by the Secretary. This section shall not be deemed to duplicate any similar payment by any handler under an order issued by the Commissioner of Agriculture and Markets of the State of New York, or the Director of the New Jersey Office of Milk Industry, with respect to the marketing area. Whenever verification by the market administrator discloses an error in the payment made by any handler, such error shall be adjusted not later than the date next following such disclosure on which payments are due pursuant to this section.

7. In § 1002.91 paragraph (a) and (d) are revised to read as follows:

§ 1002.91 Termination of obligations.

* * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable periods of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1003—MILK IN THE WASHINGTON, D.C., MARKETING AREA

1. Section 1003.7 is revised to read as follows:

§ 1003.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment whether owned and operated by one or more persons constituting a single operating unit or establishment for the receiving and processing, or packaging of milk or milk products (including filled milk).

1a. In § 1003.8, paragraph (b) is revised to read as follows:

§ 1003.8 Approved plant.

* * * * * *

(b) Any plant from which milk or filled milk is moved during the month to a plant specified in paragraph (a) of this section.

2. Section 1003.9 is revised to read as follows:

§ 1003.9 Pool plants and nonpool plants.

A "pool plant" means any plant described in this section pursuant to paragraph (a) or (b) of this section; a "nonpool plant" means any plant described pursuant to paragraph (c) of this section;

(a) An approved plant that is neither a producer-handler plant nor a plant of a handler pursuant to § 1003.10(e):

(1) During any month within which a volume of milk not less than 10 percent of its receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1003.10(e)) approved by a duly constituted health authority for fluid disposition, is disposed of on routes as Class I milk, except filled milk, in the marketing area: *Provided*, That the total quantity of Class I milk, except filled milk, disposed of from such plant (inside and outside the marketing area) is equal to not less than 50 percent of such plant's total receipts from such dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1003.10(c)); or

(2) During any month of October through February in which at least 50 percent, and during any month of March through September in which at least 40 percent of its receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1003.10(c)) approved by a duly constituted health authority for fluid disposition is shipped in the form of milk, skim milk, or cream to a plant which disposes of not less than 10 percent of its approved milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1003.10(c)), and from other approved plants, on routes as Class I milk, except filled milk, in the marketing area and not less than 50 percent of such receipts are disposed of as Class I milk, except filled milk, inside and outside the marketing area: *Provided*, That any such plant which was a pool plant in each of the preceding months of October through February shall be a pool plant for the months of March through September, unless the handler gives written notice to the market administrator on or before the first day of such month that the plant is a nonpool plant: *And provided further*, That any such plant which was a nonpool plant during any of the months of October through February shall not be a pool plant in any of the immediately following months of March through September in which it was owned by the same handler or affiliate of the handler or by any person who controls, or is controlled by, the handler.

(b) Any manufacturing plant which is operated by a cooperative association 70 percent or more of whose members are qualified producers whose milk is regularly received during the month at other plants which are pool plants pursuant to paragraph (a) of this section (including the milk of such producers which is delivered to such other plants by a cooperative association in its capacity as a handler pursuant to § 1003.10(c)).

(c) Any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(1) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(2) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(3) "Partially regulated distributing plant" means a nonpool plant that is neither a producer-handler plant, an other order plant nor a plant of a handler pursuant to § 1003.10(e) and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(4) "Unregulated supply plant" means a nonpool plant that is neither a producer-handler plant, an other order plant nor a plant of a handler pursuant to § 1003.10(e) and from which fluid milk products are shipped to a pool plant.

3. Section 1003.12 is revised to read as follows:

§ 1003.12 Producer-handler.

"Producer-handler" means any person who, during the month:

(a) Operates a dairy farm and an approved plant from which Class I milk is disposed of on routes in the marketing area; and

(b) Whose sole source of supply for Class I milk is his own farm production and transfers of fluid milk products from pool plants.

4. In § 1003.16, paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 1003.16 Definitions of milk and milk products.

(a) "Fluid milk product" means milk and skim milk, concentrated milk (including frozen concentrated milk), reconstituted or fortified milk and skim milk, flavored milk and skim milk, cultured skim milk, buttermilk, filled milk, cream and any mixture of cream and milk or skim milk. "Fluid milk product" shall not include aerated cream, sour cream, yogurt, eggnog, products which are packaged in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil).

* * * * * *

(f) "Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1003.30, subparagraph (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1003.30 Reports of receipts and utilization.

(a) * * *

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph showing separately in-area route disposition, except filled milk, and filled milk route disposition in the area;

(b) Each handler specified in § 1003.10(a) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * * *

6. In § 1003.31(a), subparagraph (2) is revised to read as follows:

§ 1003.31 Other reports.

(a) * * *

(2) On or before the first day other source milk is received in the form of milk, filled milk, fluid skim milk or cream at his pool plant(s) his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

* * * * * *

6a. In § 1003.32, paragraph (b) is revised to read as follows:

§ 1003.32 Records and facilities.

* * * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

* * * * * *

7. In § 1003.44, the introductory text of paragraph (e) is revised and paragraphs (d) and (f)(5) are revised to read as follows:

§ 1003.44 Transfers.

* * * * * *

(d) As Class I milk, if transferred in bulk in the form of milk, filled milk, skim milk or cream, or diverted to a nonpool plant that is neither an approved plant, an other order plant, a producer-handler plant nor a plant of a handler pursuant to § 1003.10(e), located 300 miles or more by the shortest hard-surfaced highway distance as determined by the market administrator, from the zero milestone in Washington, D.C., except that cream so transferred may be classified as Class II if the transferor claims such classification, gives sufficient notice so that the market administrator may verify conditions of shipment, establishes such cream was transferred without approval of a duly constituted health authority for fluid disposition, labels each container to show that the contents are for manufacturing only, and such shipment is so invoiced;

(e) As Class I milk, if transferred in bulk in the form of milk, filled milk, skim milk, or cream, or diverted in bulk to a nonpool plant that is neither an approved plant, an other order plant, a producer-handler plant nor a plant of a handler pursuant to § 1003.10(e), located less than 300 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the zero milestone in Washington, D.C., unless the requirements of subparagraphs

(1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

• • • • • •

(f) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • • •

8. In § 1003.46, subparagraphs (2), (3), (4), (7) and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1003.46 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (vi) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which approval by a duly constituted health authority for fluid disposition is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of fluid milk products from a handler pursuant to § 1003.10(e);

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products for which the handler requests Class II utilization which were received from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating the plant, and from dairy farmers who are not producers, that were not subtracted pursuant to subparagraph (3) of this paragraph, but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, that were not subtracted pursuant to subparagraphs (3) and (4) (i) of this paragraph, to the extent that the total of such receipts are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1003.10(c) and in receipts in bulk from other order plants classified and priced pursuant to the applicable order that were not subtracted pursuant to subparagraph (3) (vi) of this paragraph; and

(c) (1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (1) of this subparagraph; and

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made; and

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3) (vi) of this paragraph, in excess of similar transfers to such plant if classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

• • • • • •

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, from other order plant(s) if not classified or priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, that were not subtracted pursuant to subparagraphs (3) (v), (3) (vi), (4) (i) or (4) (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from other order plants (except receipts from other order plant(s) not classified and priced pursuant to the order regulating such plant), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3) (vi) and (4) (iii) of this paragraph, pursuant to the following procedure:

• • • • • •

9. Section 1003.61 is revised to read as follows:

§ 1003.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all provisions of this part except as specified in paragraphs (c) and (d) of this section:

(a) Any plant qualified pursuant to § 1003.9(a) (1) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk, except filled milk, is disposed of from such plant on routes in the Washington marketing area than in a marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 1003.9(a) (2) or (b) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant has qualified as a pool plant pursuant to the first proviso of § 1003.9(a) (2) for each month during the preceding October through February.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such a manner as the market administrator may require (in lieu of reports pursuant to §§ 1003.30 and 1003.31) and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

10. Section 1003.62 is revised to read as follows:

§ 1003.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1003.30(b) and 1003.31(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1003.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1003.70(e) and a credit in the amount specified in § 1003.84(b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1003.30(b) and 1003.31(c) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1003.9, with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for milk (approved by a duly constituted health authority for fluid disposition) received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11. Section 1003.83 is revised to read as follows:

§ 1003.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1003.61, 1003.62, 1003.84, and 1003.86 and out of which he shall make all payments pursuant to §§ 1003.85 and 1003.86: *Provided,* That the market administrator shall offset any such payment due to any handler against payment due from such handler.

12. In § 1003.89 paragraphs (a) and (d) are revised to read as follows:

§ 1003.89 Termination of obligations.

• • • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such two-year period the market administrator notifies the handler that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

• • • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1004—MILK IN THE DELAWARE VALLEY MARKETING AREA

1. In § 1004.7, paragraph (a) is revised to read as follows:

§ 1004.7 Plants.

(a) "Plant" means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received from dairy farmers or processed or packaged. However, a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk

products in transit for route disposition shall not be a plant under this definition.

* * * * *

1a. In § 1004.8, paragraphs (a) and (b) are revised to read as follows:

§ 1004.8 Pool plant.

* * * * *

(a) A distributing plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 45 percent, of the milk received at such plant directly from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association, but excluding the milk of dairy farmers for other markets) or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c), is disposed of as route disposition, except filled milk, and the volume disposed of as route disposition, except filled milk, in the marketing area during the month is not less than 10 percent of such receipts.

(b) Subject to the provisions of paragraphs (c) and (d) of this section, a supply plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 40 percent, of the milk received from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association), or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c) is moved during the month to a distributing plant from which a volume of fluid milk products, except filled milk, which is not less than 50 percent during any month of September through February, or 45 percent during any month of March through August, of its receipts of milk from dairy farmers, cooperative associations, and from other plants is disposed of as route disposition during the month, and the volume disposed of as route disposition in the marketing area during the month is not less than 10 percent of such receipts. However, a supply plant shall not be qualified pursuant to this paragraph in any mouth in which a greater proportion of its qualifying shipments are made to a plant(s) regulated under another Federal order than to plants regulated under this order.

* * * * *

2. In § 1004.16, paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 1004.16 Milk and milk products.

(a) "Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, cultured buttermilk, flavored milk, milk drinks (plain or flavored), filled milk, concentrated milk, and any other mixture of cream and milk or skim milk containing less than 18 percent butterfat (other than ice cream, ice cream mixes, ice milk mixes, eggnog, yogurt, sour half and half, sterilized products in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil): *Provided*, That when the product is modified by the addition of nonfat milk solids, the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content;

* * * * *

(f) "Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

3. In § 1004.30, subparagraph (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1004.30 Reports of receipts and utilization.

(a) * * *

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, showing separately in-area route disposition, except filled milk, and filled milk route disposition in the area;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of milk from dairy farmers shall be reported in lieu of producer milk, such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * *

3a. In § 1004.32, paragraph (b) is revised to read as follows:

§ 1004.32 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

* * * * *

3b. In § 1004.41, subparagraph (8) of paragraph (b) is revised to read as follows:

§ 1004.41 Classes of utilization.

* * * * *

(b) * * *

(8) In the skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition.

4. In § 1004.44 subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1004.44 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

5. In § 1004.46 subparagraphs (3) through (9) and the introductory text of subparagraph (10) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1004.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (5) (v) of this paragraph as follows, if the fluid products so received are classified and priced as Class I milk under such order or the equivalent thereof if assigned to Class I milk under this order:

(i) From Class II milk, the lesser of the pounds remaining, or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products from dairy farmers for other markets pursuant to § 1004.14(a) and from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II;

(i) The pounds of skim milk in receipts of fluid milk products, for which the handler requests Class II utilization, which were received from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating the plant and from dairy farmers for other markets pursuant to § 1004.14(b), that were not subtracted pursuant to subparagraph (5) of this paragraph, but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(b), if not assigned pursuant to subparagraphs (3), (5), and (6)(i) of this paragraph, to the extent that the total of such receipts is in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1004.10(c), in receipts from Order 2 pool bulk tank units and in receipts in bulk from other order plants which are classified and priced pursuant to the applicable order, that were not subtracted pursuant to subparagraph (5)(v); and

(c) (1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(b), remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II, shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (5)(v) of this paragraph in excess of similar transfers to such plant if classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class II milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, from other order plants if not classified or priced pursuant to the order regulating such plant and from dairy farmers for other markets pursuant to § 1004.14(b), that were not subtracted pursuant to subparagraphs (5)(iv), (5)(v), (6)(i), or (6)(ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk in receipts of fluid milk products from Order 2 pool bulk tank units and in bulk from other order plants (except receipts from other order plants not classified and priced pursuant to the order regulating such plant), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (5)(v) or (6)(iii) of this paragraph, pursuant to the following procedure:

* * * * *

6. Section 1004.61 is revised to read as follows:

§ 1004.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all provisions of this part except as specified in this section:

(a) Any plant qualified pursuant to § 1004.8(a) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk, except filled milk, is disposed of from such plant on routes in the Delaware Valley marketing area than in a marketing area regulated pursuant to such other order;

(b) Any plant subject to the classification and pricing provisions of another order issued pursuant to the Act, notwithstanding its status under this order pursuant to § 1004.8 (a) or (b).

(c) Each handler operating a plant described in paragraph (a) or (b) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1004.30 and 1004.31) and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in the marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

7. In § 1004.62 paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1004.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1004.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1004.70(e) and a credit in the amount specified in § 1004.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and

other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

8. In § 1004.88 paragraphs (a) and (d) are revised to read as follows:

§ 1004.88 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid:

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1005—MILK IN THE TRI-STATE MARKETING AREA

1. Sections 1005.7, 1005.10, 1005.11, 1005.12 and 1005.14 are revised to read as follows:

§ 1005.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, milk drinks (plain or flavored), reconstituted or fortified milk or skim milk (including "dietary" products), concentrated milk, eggnog, cream (not frozen), cultured sour cream, or any mixture in fluid form of milk or skim milk and cream: *Provided*, That such fluid milk products shall not include ice cream mix, frozen dessert mix, evaporated and condensed milk or skim milk, aerated cream products, dips (mixtures with sour cream or cheese base containing nondairy ingredients) not labeled Grade A, a product which contains 6 percent or more nonmilk fat (or oil), nor products which are sterilized or packaged in hermetically sealed containers.

§ 1005.10 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk product or filled milk is shipped during the month to a pool plant.

§ 1005.11 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) specified in paragraph (a) or (b) of this section.

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products, except filled milk, physically received at such plant or diverted as producer milk from such plant pursuant to § 1005.16 is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which during the months of September, October, and November not less than 50 percent, and during all other months not less than 40 percent, of the Grade A milk physically received at such plant from dairy farmers, reload points and handlers pursuant to § 1005.13(d) or diverted as producer milk from such plant pursuant to § 1005.16 is shipped to and physically received in the form of fluid milk products, except filled milk, at pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of September through March shall be a pool plant for the months of April through August, unless the milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant.

§ 1005.12 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1005.11 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1005.14 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant;

(b) Receives no fluid milk products from sources other than his own farm production and pool plants;

(c) Uses no nonfluid milk products for reconstitution into fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing and packaging business are the personal enterprise and risk of such person.

2. A new § 1005.20 is added and reads as follows:

§ 1005.20 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

3. In § 1005.30, paragraph (b) is revised to read as follows:

§ 1005.30 Reports of receipts and utilization.

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat in route disposition in the marketing area, showing separately the in-area disposition of filled milk; and

(2) For a handler pursuant to § 1005.13(b), the amount of reconstituted skim milk in fluid milk products disposed of in the marketing area on routes; and

* * * * *

4. In § 1005.33, paragraphs (b) and (c) are revised to read as follows:

§ 1005.33 Records and facilities.

* * * * *

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

* * * * *

5. In § 1005.43(d), subparagraph (5) is revised to read as follows:

§ 1005.43 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified in a comparable classification as Class II or Class III; and

* * * * *

6. In § 1005.45(a), subparagraphs (2), (3), (4), and (7) and the introductory text of subparagraph (8) are revised to read as follows:

§ 1005.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1005.41(c)(2) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III) but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(a) For which the handler requests Class III utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class III utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

* * * * *

7. In § 1005.62, paragraphs (a)(1) and (b) are revised to read as follows:

§ 1005.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) The obligation that would have been computed pursuant to § 1005.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be be valued at the Class II or Class III price if allocated to such class at the pool plant or other order plant and be valued at the weighted average price (or, in its absence, the uniform price) of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1005.60(e) and a credit in the amount specified in § 1005.74(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1005.30 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1005.11(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price pursuant to § 1005.61 at the same location or at the Class III price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool

plant less the value of such skim milk at the Class III price.

8. A new § 1005.63 is added and reads as follows:

§ 1005.63 Obligation of handler operating an other order plant.

Each handler who operate an other order plant that is regulated under an order providing for individual-handler pooling shall pay to the market administrator for the producer-settlement fund, on or before the 25th day after the end of the month, an amount computed as follows:

(a) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each marketing area; and

(b) Compute the value of the quantity of reconstituted skim milk assigned in paragraph (a) of this section to Class I disposition in this marketing area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

9. Section 1005.73 is revised to read as follows:

§ 1005.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1005.62, 1005.63, and 1005.74 and out of which he shall make all payments from such fund pursuant to § 1005.75: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

10. In § 1005.80, paragraph (a) is revised to read as follows:

§ 1005.80 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligations, unless within such two-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

1. Sections 1006.7, 1006.8, 1006.9, and 1006.10 are revised to read as follows:

§ 1006.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk, filled milk, flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers.

§ 1006.8 Distributing plant.

"Distributing plant" means a plant:

(a) That is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes; or

(b) That processes or packages filled milk and from which filled milk is disposed of during the month in the marketing area on routes.

§ 1006.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority or filled milk is shipped during the month to a pool plant.

§ 1006.10 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section that is not an other order plant, a producer-handler plant, or an exempt distributing plant.

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products, except filled milk, received at the plant during the month is disposed of on routes except as filled milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes except as filled milk.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section.

2. In § 1006.11, the introductory text and paragraph (a) are revised to read as follows:

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) **"Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued** pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1006.10 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

* * * * *

3. A new § 1006.19a is added and reads as follows:

§ 1006.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

4. In § 1006.30, the introductory text and paragraph (b) are revised to read as follows:

§ 1006.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler (except a handler pursuant to § 1006.13 (e) or (f)) shall report to the market administrator for such month with respect to each plant at which milk is received or at which filled milk is processed or packaged, reporting in detail and on forms prescribed by the market administrator;

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes, showing separately the in-area disposition of filled milk; and

(2) For a handler pursuant to § 1006.13(b), the amount of reconstituted skim milk in fluid milk products disposed of in the marketing area on routes; and

* * * * *

5. In §1006.33, paragraphs (b) and (c) are revised to read as follows:

§ 1006.33 Records and facilities.

* * * * *

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

* * * * *

5a. In § 1006.41, paragraph (c)(1) is revised to read as follows:

§ 1006.41 Classes of utilization.

* * * * *

(c) * * *

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), eggnog, yogurt, aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat

dry milk, dry whole milk, dry whey, condensed or dry buttermilk, a product which contains 6 percent or more nonmilk fat (or oil), and sterilized products in hermetically sealed containers:

* * * * *

6. In § 1006.45(a), subparagraphs (2), (3), (6), and (9) and the introductory text of subparagraph (10) are revised to read as follows:

§ 1006.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(vi) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1006.41(c)(4) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or a Class II product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of fluid milk products from an exempt distributing plant;

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

* * * * *

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III unless otherwise specified below) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph:

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph, in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(v) and (6)(i) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(vi) and (6)(ii) of this paragraph:

* * * * *

7. In § 1006.62, paragraphs (a)(1) and (b) are revised to read as follows:

§ 1006.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) The obligation that would have been computed pursuant to § 1006.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1006.60(e) and a credit in the amount specified in § 1006.74(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1006.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1006.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or at the Class III price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

8. A new § 1006.63 is added and reads as follows:

§ 1006.63 Obligation of handler operating an other order plant.

Each handler who operates an other order plant that is regulated under an order providing for individual-handler pooling shall pay to the market administrator for the producer-settlement fund, on or before the 25th day after the end of the month, an amount computed as follows:

(a) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each marketing area; and

(b) Compute the value of the quantity of reconstituted skim milk assigned in paragraph (a) of this section to Class I disposition in this marketing area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

9. Section 1006.73 is revised to read as follows:

§ 1006.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1006.62, 1006.63, and 1006.74 and out of which he shall make all payments from such fund pursuant to § 1006.75: Provided, That the market administrator shall offset the payment due to a handler against payments due from such handler.

10. In § 1006.80, paragraphs (a) and (d) are revised to read as follows:

§ 1006.80 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claims were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1011—MILK IN THE APPALACHIAN MARKETING AREA

1. Sections 1011.7, 1011.8, 1011.9, 1011.18, and 1011.19 are revised to read as follows:

§ 1011.7 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or sale from a plant or plant store) of any milk or milk products (including filled milk) classified as Class I milk pursuant to § 1011.41(a) other than a delivery to a plant.

§ 1011.8 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment whether owned and operated by one or more persons constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received and processed or packaged: *Provided*, That this definition shall not be deemed to include any separate building, premises or facilities the primary function of which is to hold or store packaged milk or milk products (including filled milk) in finished form in transit on routes.

§ 1011.9 Pool plant.

"Pool plant" means any plant except the plant of a producer-handler or a plant described in § 1011.61:

(a) From which during the month:

(1) Total disposition of Class I milk, except filled milk, is equal to not less than 50 percent of the milk approved or recognized by a duly constituted health authority for distribution within the marketing area which is received from dairy farmers and from cooperative associations who deliver such milk to such plant in the manner described in § 1011.10(d); and

(2) Disposition of Class I milk, except filled milk, on routes in the marketing area is equal to not less than 10 percent of its total Class I milk disposition, except filled milk, on routes both inside and outside the marketing area;

(b) From which milk or milk products, except filled milk, approved or recognized by a duly constituted health authority for distribution within the marketing area in an amount equal to not less than 50 percent of its receipts of such milk or milk products from dairy farmers and from cooperative associations who deliver such milk to such plant in the manner described in § 1011.10(d) are shipped as milk, skim milk or cream in fluid form to plants specified in paragraph (a) of this section: *Provided*, That any plant which qualifies as a pool plant pursuant to this paragraph in each of the months of August through March shall be a pool plant for the following months of April through July unless the operator of such plant files with the market administrator prior to the first day of any month of April through July a written request for nonpool status for such month; or

(c) Which is operated by a cooperative association, if the total pounds of milk, skim milk or cream approved or recognized by a duly constituted health authority for distribution within the marketing area which are transferred from such plant to pool plants qualified pursuant to paragraph (a) or (b) of this section and which are received at similarly qualified pool plants from producers who are members of the association are equal to not less than 70 percent of the pounds of Class I utilization, except filled milk, at such other pool plants.

§ 1011.18 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, form an other order plant that were not shipped to a pool plant.

§ 1011.19 Fluid milk product.

"Fluid milk product" means all milk, skim milk (including concentrated and reconstituted skim milk), filled milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except sterilized products in hermetically sealed containers, ice cream mix, a product which contains 6 percent or more nonmilk fat (or oil), and eggnog).

2. A new § 1011.19a is added and reads as follows:

§ 1011.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

3. In § 1011.30, paragraphs (a)(5) and (b) are revised to read as follows:

§ 1011.30 Reports of receipts and utilization.

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported by this part, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

(b) Each handler specified in § 1011.10(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and the quantity of reconstituted skim milk in such disposition.

* * * * *

4. In § 1011.31, paragraph (b) is revised to read as follows:

§ 1011.31 Other reports.

* * * * *

(b) Each handler operating a pool plant shall report to the market administrator on or before the first day other source milk is received in the form of milk, filled milk, fluid skim milk or cream at his pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product.

5. In § 1011.33, paragraphs (b) and (c) are revised to read as follows:

§ 1011.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products (including filled milk) handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * *

6. Section 1011.35 is revised to read as follows:

§ 1011.35 Accounting periods.

A handler may account for the receipts, utilization and classification of milk and filled milk at any of his pool plants for two periods within a month, either period not to be less than seven days, in the same manner as for a month, if he provides to the market administrator in writing not later than 24 hours prior to the end of an accounting period notification of his intention to use two accounting periods.

7. In § 1011.44, paragraphs (c) and (f)(5) and the introductory text of paragraph (d) are revised to read as follows:

§ 1011.44 Transfers.

* * * * *

(c) As Class I milk, if transferred in bulk as fluid milk, skim milk, filled milk, or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 200 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Hall of Bluefield, West Virginia, or the city limits of Kingsport, Tennessee;

(d) As Class I milk, if transferred in bulk as fluid milk, skim milk, filled milk, or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more that 200 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Hall of Bluefield, West Virginia, or from the city limits of Kingsport, Tennessee, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1011.46(a), subparagraphs (2), (3), (4), and (7) and the introductory text of subparagraph (8) are revised to read as follows:

§ 1011.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers or from a cooperative association in its capacity as a handler pursuant to § 1011.10(d), and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

* * * * *

9. Section 1011.61 is revised to read as follows:

§ 1011.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempt from regulation under this order except as specified in paragraphs (c) and (d) of this section.

(a) Any plant qualified pursuant to § 1011.9(a) which would be fully regulated under the provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk, except filled milk, is disposed of from such plant on routes in the Appalachian marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 1011.9 (b) or (c) which would be fully regulated under the provisions of another order issued pursuant to the Act unless such plant was a pool plant pursuant to § 1011.9 (b) or (c) for each month during the preceding August through March period.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1011.30), and allow verification of such reports by the market administrator.

(d) Each handler operating a plant described in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another

order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

10. In § 1011.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1011.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1011.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1011.70(e) and a credit in the amount specified in § 1011.94(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant less the value of such skim milk at the Class II price.

11. Section 1011.93 is revised to read as follows:

§ 1011.93 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1011.61, 1011.62, 1011.94, and 1011.96 and out of which he shall make all payments pursuant to §§ 1011.95 and 1011.96: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

12. In § 1011.99, paragraphs (a) and (d) are revised to read as follows:

§ 1011.99 Termination of obligations.

* * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1012—MILK IN THE TAMPA BAY MARKETING AREA

1. Sections 1012.7, 1012.9, and 1012.10 are revised to read as follows:

§ 1012.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), filled milk, flavored milk, or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers or a product which contains six percent or more nonmilk fat (or oil).

§ 1012.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product that is acceptable to the appropriate health authority for distribution in the marketing area as Grade A or filled milk is shipped during the month to a pool plant.

§ 1012.10 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) specified in paragraph (a) or (b) of this section:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products, except filled milk, received at the plant during the month is disposed of on routes except as filled milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes except as filled milk.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section.

2. Section 1012.11 is revised to read as follows:

§ 1012.11 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1012.10 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which

fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

3. A new § 1012.19a is added and reads as follows:

§ 1012.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

4. In § 1012.30, the introductory text and paragraph (b) are revised to read as follows:

§ 1012.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler (except a handler pursuant to § 1012.13 (d) or (e)) shall report to the market administrator for such month with respect to each plant at which milk is received or at which filled milk is processed or packaged, reporting in detail and on forms prescribed by the market administrator:

* * * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes, showing separately the in-area disposition of filled milk; and

(2) For a handler pursuant to § 1012.13(b), the amount of reconstituted skim milk in fluid milk products disposed of in the marketing area on routes; and

* * * * * *

5. In § 1012.33, paragraphs (b) and (c) are revised to read as follows:

§ 1012.33 Records and facilities.

* * * * * *

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

* * * * * *

6. In § 1012.45(a), subparagraphs (2), (3), (6), and (9) and the introductory text of subparagraph (10) are revised to read as follows:

§ 1012.45 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1012.41(c)(4) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or a Class II product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk, from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

* * * * * *

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III unless otherwise specified below) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

* * * * * *

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (6)(i) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) and (6)(ii) of this paragraph:

* * * * * *

7. In § 1012.62, paragraphs (a)(1) and (b) are revised to read as follows:

§ 1012.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * *

(a) * * *

(1) The obligation that would have been computed pursuant to § 1012.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1012.60(e) and a credit in the amount specified in § 1012.74(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1012.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1012.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

* * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and

butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or at the Class III price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

8. A new §1012.63 is added and reads as follows:

§ 1012.63 Obligation of handler operating an other order plant.

Each handler who operates an other order plant that is regulated under an order providing for individual-handler pooling shall pay to the market administrator for the producer-settlement fund, on or before the 25th day after the end of the month, an amount computed as follows:

(a) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each marketing area; and

(b) Compute the value of the quantity of reconstituted skim milk assigned in paragraph (a) of this section to Class I disposition in this marketing area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

9. Section 1012.73 is revised to read as follows:

§ 1012.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1012.62, 1012.63, and 1012.74 and out of which he shall make all payments from such fund pursuant to § 1012.75: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

10. In § 1012.80, paragraph (a) is revised to read as follows:

§ 1012.80 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such two-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

PART 1013—MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

1. Sections 1013.7 and 1013.10 are revised to read as follows:

§ 1013.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), filled milk, flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers, a product which contains 6 percent or more nonmilk fat (or oil), or milkshake mix.

§ 1013.10 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) that is specified in paragraph (a) or (b) of this section and which is not a facility described in paragraph (c) of this section:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products, except filled milk, received at the plant during the month is disposed of on routes except as filled milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes except as filled milk.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section.

(c) Pool plant as defined in this section shall not be deemed to include any building, premises, or facilities, the primary function of which is to hold or store bottled milk or milk products (including filled milk) in finished form, nor shall it include any part of a plant in which the operations are entirely separated (by wall or other partition) from the handling of producer milk.

2. In § 1013.11, the introductory text is revised to read as follows:

§ 1013.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

3. Section 1013.12 is revised to read as follows:

§ 1013.12 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor, or a sale from or through a plant store, or by vending machine) of any product in a form designated as Class I milk pursuant to § 1013.41(a), but does not include delivery to a milk or filled milk receiving or processing plant.

4. Section 1013.14 is revised to read as follows:

§ 1013.14 Producer-handler.

"Producer-handler" means any person who, during the month:

(a) Produces milk;

(b) Distributes Class I milk on routes in the marketing area;

(c) Uses no nonfluid milk products for reconstitution into fluid milk products; and

(d) Receives no milk except from his own dairy farm, and receives no products designated as Class I milk pursuant to § 1013.41(a) from pool plants or other sources.

5. A new § 1013.21 is added and reads as follows:

§ 1013.21 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

6. In § 1013.30, the introductory text and paragraph (b) are revised to read as follows:

§ 1013.30 Report of sources and utilization.

On or before the 7th day after the end of each month, each handler, except a handler pursuant to § 1013.13 (e) or (f), shall report to the market administrator for such month, and for each accounting period in each month, with respect to each plant at which milk is received or at which filled milk is processed or packaged in detail and on forms prescribed by the market administrator, as follows:

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat disposed of as Class I milk on routes entirely outside the marketing area, showing separately the in-area and outside area route disposition of filled milk; and

(2) For a handler pursuant to § 1013.13 (b), the amount of reconstituted skim milk in fluid milk products disposed of in the marketing area on routes;

* * * * *

7. In § 1013.32, paragraph (b) is revised to read as follows:

§ 1013.32 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

* * * * *

8. In § 1013.46, subparagraphs (4) and (7) and the introductory texts of subparagraphs (2) and (11) in paragraph (a), and paragraph (d) are revised to read as follows:

§ 1013.46 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(iv) of this paragraph, as follows:

* * * * *

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class IV, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(ii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iii) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(iv) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

* * * * *

(7) Subtract, in the order specified below, from the pounds of skim milk remaining in Class IV, Class III and/or Class II (beginning with Class IV unless otherwise specified) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers (except that subtracted pursuant to subparagraph (4) of this paragraph):

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(11) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (4)(iv) and (7)(ii) of this paragraph:

(d) A handler may account for the receipts, utilization and classification of milk and filled milk, at his plant, for periods within a month if he notifies the market administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

9. In § 1013.61, paragraph (c) is revised and a new paragraph (d) is added to read as follows:

§ 1013.61 Plants where other Federal orders may apply.

* * * * *

(c) Any plant which does not dispose of a greater volume of Class I milk, except filled milk, on routes in the Southeastern Florida marketing area than in the marketing area regulated pursuant to such other order.

(d) Each handler operating a plant specified in paragraph (c) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

10. In § 1013.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1013.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1013.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1013.70(e) and a credit in the amount specified in § 1013.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant less the value of such skim milk at the Class III price.

11. Section 1013.81 is revised to read as follows:

§ 1013.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made

by handlers pursuant to §§ 1013.61, 1013.62, 1013.82, and 1013.84 and out of which he shall make all payments pursuant to §§ 1013.83 and 1013.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

12. In § 1013.87, paragraph (a) is revised to read as follows:

§ 1013.87 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the names of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

PART 1015—MILK IN THE CONNECTICUT MARKETING AREA

1. In § 1015.10, paragraph (a) is revised to read as follows:

§ 1015.10 Producer-handler.

* * * * *

(a) His sole source of supply for fluid milk products (exclusive of that portion thereof which is represented by nonfat solids used in fortification) is his own production and fluid milk products transferred from pool plants. For the purpose of this paragraph, any fluid milk products which were acquired or purchased from a nonpool plant by him, his agent, partner or other associate and which he or such other person caused to be delivered at retail or wholesale outlets (including vending machines) in any Federal marketing area without being first received at his plant shall be included in such person's nonpool source of fluid milk products.

* * * * *

2. In § 1015.15 the introductory text preceding paragraph (a) of the section is revised to read as follows:

§ 1015.15 Plant.

"Plant" means the land and buildings, whether owned or operated by one or more persons, at which are maintained facilities and equipment for the receiving, handling or processing of milk or milk products (including filled milk), constituting a single operating unit or establishment. The term "plant" does not include:

* * * * *

3. In § 1015.16 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1015.16 Pool plant.

"Pool plant" means any plant specified in paragraph (a) or (b) of this section: *Provided*, That receipts and disposition of filled milk shall be excluded in determining whether a plant has met the conditions for pool plant status.

* * * * *

4. Section 1015.17 is revised to read as follows:

§ 1015.17 Exempt distributing plant.

"Exempt distributing plant" means a plant, other than a pool supply plant or a regulated plant under another Federal order, which meets all the requirements for status as a pool distributing plant except that its route disposition exclusive of filled milk in the marketing area in the month does not exceed 700 quarts on any day or a daily average of 300 quarts.

5. Section 1015.22 is revised to read as follows:

§ 1015.22 Fluid milk products.

"Fluid milk products" means milk, skimmed milk, flavored milk or skimmed milk, cultured skimmed milk, buttermilk, filled milk, concentrated milk, any mixture of milk or skimmed milk and cream containing less than 10 percent butterfat, and 50 percent of the quantity by weight of any mixture of milk or skimmed milk and cream containing at least 10 percent but less than 12 percent butterfat. The term includes these products in fluid, frozen, fortified, or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as eggnog, yogurt, whey, ice cream mix, ice milk mix, milk shake base mix, evaporated or condensed milk or skimmed milk in either plain or sweetened form, and any product which contains 6 percent or more nonmilk fat (or oil). Fluid milk products which have been placed in containers for disposition to retail or wholesale outlets are referred to in this part as packaged fluid milk products.

6. In § 1015.25 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1015.25 Pool milk.

"Pool milk" means fluid milk products (other than exempt milk) received or disposed of as specified in this section, except that with respect to filled milk the term shall include only the quantity proved to have been made from other fresh fluid milk products.

* * * * *

7. Section 1015.29 is added to read as follows:

§ 1015.29 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skimmed milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1015.55 paragraph (b)(3) is revised to read as follows:

§ 1015.55 Assignment to classes of skim milk and butterfat received.

* * * * *

(b) * * *

(3) Filled milk from any source (exclusive of receipts from other pool plants and regulated plants under other Federal orders with marketwide pools) which is not proved to have been made from other fresh fluid milk products and any other fluid milk products from producer-handlers under any Federal order, from exempt governmental agencies, or from exempt distributing plants under any New England Federal order in sequence beginning with the source most distant from Hartford according to its zone location;

* * * * *

9. In § 1015.63 paragraphs (e) and (f) are revised to read as follows:

§ 1015.63 Value of each handler's fluid milk products.

* * * * *

(e) Multiply by the applicable Class I price the quantities of:

(1) Pool milk under § 1015.25 (e) and (f) distributed as route disposition in the marketing area from the handler's nonpool plant; and

(2) Filled milk distributed as route disposition in the marketing area from the handler's nonpool plant which is excluded from pool milk only because it is not proved to have been made from other fresh fluid milk products.

(f) Multiply by the applicable Class II price the quantities of:

(1) Other source milk assigned to Class I milk under § 1015.55(b) (1) and (2);

(2) Other source milk assigned to Class I milk under § 1015.55(b) (3) and (4) and (d); and

(3) Product for which a value is determined under subparagraph (e)(2) of this section.

* * * * *

10. In § 1015.87 subparagraph (b) is revised to read as follows:

§ 1015.87 Payment of administration expense.

* * * * *

(b) The payment shall also apply to the quantity distributed as route disposition in the marketing area from a handler's nonpool plant for which a value is determined under § 1015.63(e), to the quantity of producer milk for which a cooperative association is the handler under § 1015.9(c), and to the quantity of producer milk for which the cooperative association is the handler under § 1015.9(d), except that disposed of to pool plants or in ending inventory for the month.

11. In § 1015.94 paragraphs (a) and (d) are revised to read as follows:

§ 1015.94 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate two years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in the obligation, unless within the two-year period the market administrator notifies the handler in writing that the money is due and payable. Service of the notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of the producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which the handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund is on the payment is claimed, unless the handler, within the applicable period of time, files a petition under section 8c(15)(A) of the Act, claiming the money.

PART 1016—MILK IN THE UPPER CHESAPEAKE BAY MARKETING AREA

1. Section 1016.3 is revised to read as follows:

§ 1016.3 Definitions of plants.

(a) "Plant" means the land, buildings, surroundings, facilities and equipment operated by one or more persons, constituting a single operating unit or establishment for the receiving (other than transfer from one vehicle to another), processing or packaging of milk or milk products (including filled milk).

(b) "Pool plant" means a plant specified in subparagraph (1), (2), (3), or (4) of this paragraph that is neither a producer-handler plant nor a plant of a handler pursuant to § 1016.2(g)(5): *Provided*, That any plant qualified as a pool plant pursuant to subparagraph (2) of this paragraph in each of the months of October through February shall be a pool plant for the immediately following months of March through September unless the handler gives written notice to the market administrator on or before the first day of any such month(s) (March through September) that the plant is a nonpool plant for the remaining months through September: *And provided further*, That any such plant specified in subparagraph (2) of this paragraph which was a nonpool plant during any month of October through February shall not be a pool plant in any of the immediately following months of March through September in which it is operated by the same handler, an affiliate of the handler or by any person who controls or is controlled by the handler.

(1) A plant which during the month disposes of as Class I milk, except filled milk, on routes in the marketing area a quantity equal to not less than 10 percent of its total receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4)) and which disposes of as Class I milk, except filled milk, a quantity equal to not less than 50 percent of such receipts.

(2) A plant in any month of October through February in which a quantity of milk equal to not less than 50 percent, and in any month of March through September in which a quantity of milk equal to not less than 40 percent, of its receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4)) is moved to a plant(s) which disposes of as Class I milk, except filled milk, on routes in the marketing area a quantity equal to not less than 10 percent of its receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4)) and from other plants and which disposes of as Class I milk, except filled milk, a quantity equal to not less than 50 percent of such receipts: *Provided*, That in the case of a handler operating a pool plant qualified pursuant to subparagraph (1) of this paragraph and two or more plants approved by the appropriate health authority in the marketing area as a source of supply for such plant, such supply plants shall be considered as a unit (system) for purposes of plant qualification under this paragraph upon written notice to the market administrator by the handler designating the plants to be included and the period during which such designation shall apply. Such notice or notice of changes in designation shall be given on or before the first day of the first month to which such notice applies.

(3) A manufacturing plant, located in the marketing area, from which any fluid milk product is moved to a plant which is a pool plant pursuant to subparagraphs (1) and (4) of this paragraph if during the month not less than 90 percent of its receipts from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4)) are from Baltimore City permit holders who are members of a cooperative association of which 70 percent or more of the members are producers whose milk is received at other pool plants.

(4) A plant which disposes of as Class I milk, except filled milk, on routes in the marketing area a quantity equal to not less than 5 percent of its total receipts from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4)) and disposes of a quantity of milk equal to not less than 10 percent of such receipts either in such route disposition in the marketing area, or in quantities of skim milk and butterfat in the form of fluid milk products transferred or diverted to nonpool plants which dispose of such skim milk and butterfat on routes in the marketing area as Class I milk (considering such route disposition by each nonpool plant to be supplied out of such fluid milk products transferred or diverted to the nonpool plant to the extent that the skim milk and butterfat in the route disposition could have been so derived): *Provided*, That the plant herein qualified as a pool plant disposes of as Class I milk, except filled milk, a quantity equal to not less than 50 percent of its receipts of milk from dairy farmers: *And provided further*, That all plants as described in this subparagraph are operated by the same handler.

(c) "Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(1) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(2) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(3) "Partially regulated distributing plant" means a nonpool plant that is neither a producer-handler plant, an other order plant nor a plant of a handler pursuant to § 1016.2(g)(5) and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month; and

(4) "Unregulated supply plant" means a nonpool plant that is neither a producer-handler plant, an other order plant nor a plant of a handler pursuant to § 1016.2(g)(5) and from which fluid milk products are shipped to a pool plant.

2. In § 1016.4, paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 1016.4 Definitions of milk and milk products.

(a) "Fluid milk product" means milk, skim milk (including concentrated, reconstituted and fortified milk and skim milk) buttermilk, filled milk, milk drinks (plain or flavored) and (except eggnog, milk shake mix, ice cream mix, evaporated and plain or sweetened condensed milk or skim milk, sterilized products in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil)) any mixture in fluid form of cream and milk or skim milk containing less than 12 percent butterfat, and 50 percent of the quantity by weight of any such mixture containing at least 12 percent but less than 18 percent butterfat.

• • • • •

(f) "Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

3. In § 1016.30, subparagraph (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1016.30 Reports of receipts and utilization.

(a) • • •

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, showing separately in-area route disposition, except filled milk, and filled milk route disposition in the area.

(b) Each handler specified in § 1016.2 (g)(2) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that milk approved for fluid consumption by the appropriate health authority received from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

3a. In § 1016.32, paragraph (b) is revised to read as follows:

§ 1016.32 Records and facilities.

• • • • •

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

• • • • •

4. In § 1016.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1016.44 Transfers.

• • • • •

(f) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • •

5. In § 1016.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1016.46 Allocation of skim milk and butterfat classified.

• • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(vi) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which approval by a duly constituted health authority for fluid disposition is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of fluid milk products from a handler pursuant to § 1016.2 (g)(5);

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products for which the handler requests Class II utilization which were received from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating the plant, and from dairy farmers who are not producers that were not subtracted pursuant to subparagraph (3) of this paragraph, but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, that were not subtracted pursuant to subparagraph (3) and (4)(i) of this paragraph, to the extent that the total of such receipts are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4) and in receipts in bulk from other order plants classified and priced pursuant to the applicable order that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph; and

(c)(1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph;

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph, in excess of similar transfers to such plant if classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

• • • • •

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, from other order plant(s) if not classified or priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, that were not subtracted pursuant to subparagraphs (3)(v), (3)(vi), (4)(i), or (4)(ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from other order plants (except receipts from other order plant(s) not classified and priced pursuant to the order regulating such plant), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(vi) or (4)(iii) of this paragraph pursuant to the following procedure:

• • • • •

6. Section 1016.61 is revised to read as follows:

§ 1016.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all provisions of this part except as specified in paragraphs (c) and (d) of this section.

(a) Any plant qualified pursuant to § 1016.3(b) (1) or (4) which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act unless a greater volume of Class I milk, except filled milk, is disposed of from such plant on routes in this marketing area than in a marketing area pursuant to such other order.

(b) Any plant qualified pursuant to § 1016.3(b)(2) which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to the first proviso in § 1016.3(b) for each month during the preceding October through February.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1016.30 and 1016.31) and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

7. In § 1016.62, paragraph (a)(1)(i) and (b) are revised to read as follows:

§ 1016.62 Obligations of handler operating a partially regulated distributing plant.

• • • • •

(a) • • •

(1)(i) The obligation that would have been computed pursuant to § 1016.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1016.70(e) and a credit in the amount specified in § 1016.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

• • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

8. Section 1016.83 is revised to read as follows:

§ 1016.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1016.61, 1016.62, 1016.84, and 1016.86 and out of which he shall make all payments pursuant to §§ 1016.85 and 1016.86; *Provided*, That the market administrator shall offset any such payment due to any handler against payment due from such handler.

9. In § 1016.89, paragraphs (a) and (d) are revised to read as follows:

§ 1016.89 Termination of obligations.

• • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c), terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

• • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant

to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1030—MILK IN CHICAGO REGIONAL MARKETING AREA

1. Section 1030.7 is revised as follows:

§ 1030.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet cream, and any mixture in fluid form of such products, including filled milk. It also includes sour cream and sour cream products which are labeled Grade A. Eggnog, including custards and puddings, ice cream mix, frozen dessert mix, yogurt, aerated cream products, evaporated and condensed milk or skim milk and sterilized products in hermetically sealed containers shall not be fluid milk products pursuant to this section. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

2. Section 1030.11 is revised as follows:

§ 1030.11 Pool plant.

"Pool plant" means a plant at which milk is received from dairy farmers, a facility at which milk received from farms in a tank truck is commingled with other milk for further shipment, or a plant at which milk is processed and packaged or manufactured, which plant or facility is described in paragraph (a), (b), or (c) of this section (except an other order plant or the plant of a producer-handler or an exempt distributing plant). If a portion of the plant is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition and is physically separated from the Grade A portion, such unapproved portion shall not be considered a part of the pool plant.

(a) A distributing plant from which there is disposed of during the month not less than the percentages set forth in subparagraphs (2) and (3) of this paragraph of the receipts specified in subparagraph (1). Two or more distributing plants of a handler shall be considered a unit for the purpose of subparagraph (3) of this paragraph in any month if the handler operating such plants has filed a written request with the market administrator prior to such month requesting that they be considered a unit.

(1) The total Grade A fluid milk products, except filled milk, received during the month at such plant, including producer milk diverted under § 1030.16, but excluding receipts of fluid milk products from other pool distributing plants and receipts from other order plants and unregulated supply plants which are assigned pursuant to § 1030.46(a)(4) (i) (a) and (ii) and the corresponding step of § 1030.46(b).

(2) Not less than 10 percent of such receipts is disposed of from such plant in the marketing area in the form of packaged fluid milk products, except filled milk, either on routes or moved to other plants from which it is disposed of in the marketing area on routes. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(3) Not less than 45 percent of such receipts is disposed of in the form of packaged fluid milk products, except filled milk, either on routes or moved to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(b) A supply plant, or a facility at which milk received from farms in a tank truck is commingled with other milk for further shipment, from which the quantity of fluid milk products, except filled milk, moved during the month in accordance with subparagraphs (1), (2), and (3) of this paragraph is not less than the percentages specified in subparagraphs (4) and (5) of this paragraph subject to subparagraphs (6), (7), and (8) of this paragraph, of the volume of Grade A milk received from dairy farmers at such plant or facility, including producer milk diverted under § 1030.16.

(1) To pool plants pursuant to paragraph (a) of this section;

(2) To plants of producer-handlers;

(3) To partially regulated distributing plants and assigned to Class I milk disposed of in the marketing area from such plants pursuant to § 1030.44(d)(3)(i);

(4) Such percentages shall be not less than 40 percent in each of the months of September, October, and November and 30 percent in all other months, except that a plant which is a pool plant pursuant to this paragraph during each of the months of August through December shall be a pool plant for each of the following months of January through July unless:

(i) The milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area; or

(ii) Written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting the plant be designated a nonpool plant for such month and each subsequent month through July during which it would not otherwise qualify as a pool plant.

(5) Reserved.

(6) The percentages specified in subparagraph (4) of this paragraph applicable during the months August–December shall be increased or decreased by up to 10 percentage points by the Director of the Dairy Division if he finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding the Director shall investigate the need for revision either on his own initiative or at the request of interested persons and if his investigation shows that a revision might be appropriate he shall issue a notice stating that revision is being considered and inviting data, views, and arguments with respect to the proposed revision: *Provided*, That if a plant which would not otherwise qualify as a pool plant during the month pursuant to subparagraph (4) of this paragraph would qualify as a pool plant as a result of this subparagraph, such plant shall be a nonpool plant for such month upon filing by the operator of such plant a written request for nonpool status with the market administrator.

(7) Two or more plants shall be considered a unit for the purpose of this paragraph if the following conditions are met:

(i) The plants included in a unit are owned or fully leased and operated by the handler establishing the unit. In the case of plants operated by cooperative associations two or more cooperative associations may establish a unit of designated plants by filing with the market administrator a written contractual agreement obligating each plant of the unit to ship milk as directed by such cooperatives;

(ii) The handler or cooperatives establishing a unit notify the market administrator in writing of the plants to be included therein prior to August 1 of each year and no additional plants shall be added to the unit prior to August 1 of the following year; and

(iii) The notification pursuant to subdivision (ii) of this subparagraph shall list the plants in the order in which they shall be excluded from the unit if the minimum shipping requirements are not met, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the minimum requirements.

(8) If, during August through December a handler notifies the market administrator in writing that a plant is unable to meet the requirements set forth herein because of a work stoppage due to a labor dispute between employer and employees, the market administrator, upon verification of the handler's claim, shall not include the receipts and utilization of skim milk and butterfat at such plant for those days from the date of notification through the last day of the work stoppage in determining the percentage of skim milk and butterfat shipped pursuant to this paragraph. When the work stoppage includes an entire month, the plant shall be considered to have met the minimum percentage shipping requirements in that month for pool plant status pursuant to this paragraph, but such relief shall not be granted for more than two consecutive months.

(c) A plant which is operated by a cooperative association and which is not a pool plant pursuant to paragraph (a) or (b) of this section shall be a pool plant if at least 50 percent of the Grade A milk of producers of such cooperative association is received at pool distributing plants of other handlers during the month and written application for pool plant status is filed with the market administrator on or before the first day of such month.

3. Section 1030.12 is revised as follows:

§ 1030.12 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk

from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1030.11 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than is so disposed of in the marketing area regulated pursuant to such other order.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, a producer-handler plant, or an exempt distributing plant and from which fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant that is not an other order plant, a producer-handler plant, or an exempt distributing plant from which fluid milk products are shipped during the month to a pool plant.

(e) "Exempt distributing plant" means a distributing plant operated by a governmental agency.

4. A new § 1030.19 is added as follows:

§ 1030.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1030.30, paragraph (b) is revised as follows:

§ 1030.30 Reports of receipts and utilization.

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk inside and outside marketing area on routes, and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

6. In § 1030.31, paragraphs (a) and (c) are revised as follows:

§ 1030.31 Other reports.

(a) Each producer-handler shall report the receipts and disposition of skim milk and butterfat at such plant at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator.

* * * * *

(c) Each handler operating a partially regulated distributing plant shall report for each such plant the information required of pool plant operators pursuant to § 1030.30 substituting receipts from dairy farmers for producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * *

7. In § 1030.32, paragraphs (b) and (c) are revised as follows:

§ 1030.32 Records and facilities.

* * * * *

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

* * * * *

8. In § 1030.44, paragraph (e)(5) is revised as follows:

§ 1030.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk and skim milk and butterfat allocated to the other classes shall be classified as Class II; and

* * * * *

9. Section 1030.46 is revised as follows:

§ 1030.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1030.45, the market administrator shall determine the classification of producer milk for each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1030.41(b) (7) and (9);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant in excess in each case of similar transfers to the same plant, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order and from an exempt distributing plant;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another marketwide pool order.

(4) Subtract, in the order specified below from the pounds of skim milk remaining in Class II milk but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(a) For which the handler requests Class II milk utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers (or other pool plants, if applicable), and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in bulk, including diversions from an other order plant in excess of similar transfers and diversions to such plant, if Class II milk utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess

in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (d)(ii) of this paragraph;

(i) In series beginning with Class II milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II milk utilization of skim milk announced for the month by the market administrator pursuant to § 1030.22(k) or the percentage that Class II milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1030.44(a); and

(10) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II milk. Any amount so subtracted shall be known as "overage"; and

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section.

10. Section 1030.60 is revised as follows:

§ 1030.60 Obligation of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1030.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1030.70 (a) through (e) at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1030.70(e) and a credit in the amount specified in § 1030.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1030.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1030.11(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products or in filled milk disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I milk price (after deducting the location adjustment rate for the zone in which the nonpool plant is located) subtract its value at the uniform price at the same location or at the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11. A new § 1030.61 is added as follows:

§ 1030.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to an other order plant as defined in § 1030.12(a) except as specified in paragraphs (a) and (b) of this section.

(a) Each handler operating a plant described in § 1030.12(a) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1030.30 and 1030.31) and allow verification of such reports by the market administrator.

(b) Each handler operating a plant subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

12. Section 1030.83 is revised as follows:

§ 1030.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund and out of which he shall make all payments from such fund pursuant to §§ 1030.60, 1030.61, 1030.84, 1030.85, and 1030.86: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

13. In § 1030.89, paragraphs (a) and (d) are revised as follows:

§ 1030.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraph (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to, the following:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

1. In § 1032.12, paragraphs (a) and (b) are revised to read as follows:

§ 1032.12 Pool plant.

* * * * *

(a) A distributing plant, other than that of a producer-handler or one described in § 1032.61, from which during the month:

(1) Disposition of fluid milk products, except filled milk, in the marketing area on routes is equal to 10 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.9(d), or from which an average of not less than 7,000 pounds per day of fluid milk products, except filled milk, is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products, except filled milk, on routes is equal to 50 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.9(d) during the months of August through February and 40 percent during all other months;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1032.9(d) is moved to and received at a pool plant(s) described in paragraph (a) of this section which have at least 50 percent Class I use (not including filled milk) of the total of such supply plant milk and producer milk receipts in the months of August through February and 40 percent in other months;

* * * * *

2. Section 1032.13 is revised to read as follows:

§ 1032.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further denied as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

3. Section 1032.16 is revised to read as follows:

§ 1032.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, plain or flavored milk and milk drinks (unmodified or fortified), including "dietary milk products" and reconstituted milk or skim milk, filled milk, concentrated milk not in hermetically sealed containers, cream (sweet or sour), and mixtures of cream and milk or skim milk, but not including the following: Aerated cream products, frozen storage cream, sour cream and sour cream mixtures not labeled Grade A, eggnog, yogurt, frozen dessert mixes, evaporated or condensed milk, and sterilized fluid milk products in hermetically sealed containers. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1032.19a is added to read as follows:

§ 1032.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1032.30, subparagraphs (3) and (5) of paragraph (a) and (c) are revised to read as follows:

§ 1032.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(5) Such other information with respect to the receipts and utilization of milk and milk products (including filled milk) as the market administrator may require;

* * * * *

(c) Each handler specified in § 1032.9 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk; and

* * * * *

6. In § 1032.43, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1032.43 Transfers and diversions.

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II;

* * * * *

7. In § 1032.45, subparagraphs (2), (3), (4), (5), (6), (7), (8), and the introductory text of subparagraph (9) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1032.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A

certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order.

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25; and

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II, if Class II utilization was requested by the transferee handler and the operator of the transferor plant requests such utilization;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4)(iv) or (5) (i) and (ii) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (4)(v) or (5)(iii) of this paragraph pursuant to the following procedure;

8. Section 1032.61 is revised to read as follows:

§ 1032.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except as specified in paragraphs (d) and (e).

(a) A distributing plant qualified pursuant to § 1032.12(a) which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order than as Class I route disposition in the Southern Illinois marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such Class I route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this paragraph;

(b) A distributing plant qualified pursuant to § 1032.12(a), which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk, except filled milk, is disposed of during the month in the Southern Illinois marketing area as Class I route disposition than as Class I route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation even though such plant has greater such Class I route disposition in the marketing area of the Southern Illinois order; and

(c) Any plant qualified pursuant to § 1032.12(c) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

(d) The operator of a plant specified in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

9. In § 1032.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1032.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1032.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts of such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1032.70(f) and a credit in the amount specified in § 1032.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher; and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

10. Section 1032.83 is revised to read as follows:

§ 1032.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," which shall function as follows: (a) All payments made by handlers pursuant to §§ 1032.61, 1032.62 (a) and (b), 1032.84, and 1032.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1032.85 and 1032.86: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler; and (b) all amounts subtracted pursuant to § 1032.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1032.80 in accordance with the requirements of § 1032.71(i).

11. In § 1032.90, paragraphs (a) and (d) are revised to read as follows:

§ 1032.90 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be completed upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists were received or handled; and

* * * * *

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1033—MILK IN THE GREATER CINCINNATI MARKETING AREA

1. Section 1033.9 is revised to read as follows:

§ 1033.9 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no fluid milk products from other dairy farmers or from sources other than pool plants and no nonfluid milk products for reconstitution into fluid milk products: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a distributing plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

2. Section 1033.10 is revised to read as follows:

§ 1033.10 Plant.

"Plant" means the land and buildings together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which contains stationary milk holding facilities and is operated exclusively for the bulk handling or processing of milk or milk products (including filled milk). The term "plant" does not include distribution points (separate premises used primarily for the transfer to vehicles of packaged fluid milk products moved there from processing and packaging plants).

3. In § 1033.13, paragraphs (a) and (b) are revised to read as follows:

§ 1033.13 Pool plant.

* * * * *

(a) A distributing plant with:

(1) Route disposition, except filled milk, within the marketing area during the month of at least 15 percent of its total route disposition, except filled milk, such percentage to be exclusive of receipts from other plants of packaged fluid milk products priced as Class I milk under this or any other Federal order; and

(2) Total route disposition, except filled milk, amounting to not less than 50 percent of its total receipts of Grade A milk from dairy farmers, other plants (excluding receipts of bulk fluid milk products transferred or diverted to it as Class II milk from other plants), and cooperatives as handlers pursuant to § 1033.8 (but excluding any such milk diverted from such plant to a nonpool plant by the cooperative pursuant to § 1033.15(c)). Any plant which complies with such percentage requirement during the immediately preceding month shall continue to be a pool plant during the current month even if the minimum percentage requirement under this subparagraph is not met for the current month.

(b) A supply plant from which during the month the volume of fluid milk products, except filled milk, shipped directly to and received at plants qualified pursuant to paragraph (a) of this section and route disposition, except filled milk, from such plant within the marketing area, if any, is not less than 50 percent of the volume of Grade A milk received from dairy farmers at such plant (excluding receipts from other plants or as a diversion pursuant to § 1033.15). Any supply plant which meets the required percentage of this paragraph during each of the months of September through February shall continue to be so qualified for the following months of March through August, unless such operator in writing requests nonpool plant status for such plant. Such nonpool plant status shall be effective the first month following such notice and thereafter until the plant requalifies under this section on the basis of shipments.

4. Section 1033.14 is revised to read as follows:

§ 1033.14 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which there is route disposition in the marketing area during the month of fluid milk products in consumer-type packages or dispenser units.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

5. Section 1033.16 is revised to read as follows:

§ 1033.16 Fluid milk product.

Except as provided in paragraph (c) of this section, "fluid milk product" means the fluid form of:

(a) Milk, skim milk, buttermilk, flavored milk, milk drink, whipped cream, cream (sweet or sour), eggnog, concentrated milk, filled milk; and

(b) Any mixture of milk, skim milk or cream including fluid, frozen, or semi-frozen malted milk and milk shake mixtures containing less than 15 percent total milk solids.

(c) Excluded from this definition are: Frozen storage cream, aerated cream in dispensers, ice cream and frozen dessert mixes, pancake mix, evaporated and condensed milk, and any sour mixture of skim milk and butterfat in nonfluid form to which cheese or any food substance other than a milk product has been added and which is disposed of as other than sour cream. Also excluded is any product which contains 6 percent or more nonmilk fat (or oil).

6. A new § 1033.19a is added to read as follows:

§ 1033.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1033.30, paragraph (a) is revised to read as follows:

§ 1033.30 Monthly reports of receipts and utilization.

* * * * *

(a) The total pounds of skim milk and butterfat contained in or represented by:

(1) Producer milk, including own farm production and quantities diverted to nonpool plants;

(2) Fluid milk products received from other pool plants;

(3) Other source milk, with the identity of each source;

(4) Inventories of fluid milk products on hand at the beginning and end of the month in bulk and in packaged form, separately;

(5) Route disposition (except filled milk) inside the marketing area; and

(6) Route disposition of filled milk inside the marketing area;

* * * * *

8. In § 1033.31, paragraph (b) is revised to read as follows:

§ 1033.31 Other reports.

* * * * *

(b) Each handler specified in § 1033.8 (d) who operates a partially regulated distributing plant shall report as required of handlers operating pool plants pursuant to § 1033.30 (a) through (c), except dairy farmer receipts of Grade A milk shall be reported in lieu of producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area; and

* * * * *

9. Section 1033.33 is revised to read as follows:

§ 1033.33 Records and facilities.

Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products and filled milk received and disposed of in the same form; (b) the weights and tests for butterfat, and for other content, of all milk and milk products (including filled milk) handled; and (c) payments to producers and cooperative associations.

9a. In § 1033.41(b)(1), a new subdivision (vii) is added and reads as follows:

§ 1033.41 Classes of utilization.

* * * * *

(b) * * *

(1) * * *

(vii) Any product which contains 6 percent or more nonmilk fat (or oil);

* * * * *

10. In § 1033.43(d), subparagraph (5) is revised to read as follows:

§ 1033.43 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

11. In § 1033.46(a), subparagraphs (2), (4), (5), (8), and (9) are revised to read as follows:

§ 1033.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

* * * * *

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers to such plant, but not

in excess of the pounds of skim milk remaining in Class II milk if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(8) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4)(iv) and (5)(i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (4)(v) and (5)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be prorata to whichever of the following represents the higher proportion of all Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1033.22(k); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant at which such adjustment can be made;

12. In § 1033.61, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1033.61 Obligations of a handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1033.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1033.60(e) and a credit in the amount specified in § 1033.72(b) with respect to receipts from an unregulated supply plant except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. In § 1033.71, paragraph (a) is revised to read as follows:

§ 1033.71 Producer-settlement fund.

* * * * *

(a) All payments made by handlers pursuant to §§ 1033.61 (a) and (b), 1033.72, and 1033.92 shall be deposited in this fund, and all payments made pursuant to § 1033.73 shall be made out of this fund;

* * * * *

14. In § 1033.78, paragraphs (a) and (d) are revised to read as follows:

§ 1033.78 Termination of obligation.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part, shall terminate 2 years after the end of the calendar month during which skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

15. Section 1033.92 is revised to read as follows:

§ 1033.92 Plants subject to other Federal orders.

(a) The provisions of this part shall not apply, except as specified in paragraphs (b) and (c) of this section, to a distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1033.13 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area on

routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area and to pool plants regulated pursuant to such other order during the current month and each of the 3 months immediately preceding.

(b) The operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler operating a distributing plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

PART 1034—MILK IN THE MIAMI VALLEY, OHIO, MARKETING AREA

1. Section 1034.10 is revised to read as follows:

§ 1034.10 Plant.

"Plant" means the land and buildings together with their surroundings, facilities, and equipment constituting a single operating unit or establishment which is operated exclusively by one or more persons and used for the bulk handling or processing of milk or milk products (including filled milk).

2. In § 1034.13, paragraphs (a) and (b) are revised to read as follows:

§ 1034.13 Pool plant.

* * * * * *

(a) A distributing plant from which during the month:

(1) Route disposition (except filled milk) made within the marketing area is at least 15 percent of its total route disposition (except filled milk); and

(2) At least 50 percent of the total receipts of Grade A milk at such plant from dairy farmers, other plants (excluding receipts of bulk fluid milk products from other plants which are assigned as Class II milk pursuant to § 1034.45(a) (5) (i) and (iii) and (10)), and cooperatives as handlers pursuant to § 1034.8, including any such milk diverted to other plants pursuant to § 1034.15 by the handler operating such plant, is route disposition (except filled milk) during each of the months of August through January, at least 45 percent February and March, and at least 40 percent during other months, except that a plant which qualifies as a pool plant by complying with the preceding requirements of this subparagraph during the immediately preceding month shall continue to be a pool plant during the current month even if the minimum percentage requirement for the current month is not met.

(b) A supply plant from which during the month the volume of fluid milk products (except filled milk) shipped to and received at plants qualified pursuant to paragraph (a) of this section and route disposition (except filled milk) from such plant within the marketing area, if any, is not less than 50 percent of the volume of Grade A milk received from dairy farmers at such plant (including receipts from a handler pursuant to § 1034.8(c) but not receipts of other milk on diversion pursuant to § 1034.15). Any supply plant which is qualified by reason of meeting the required percentage of this paragraph during the months of August through March shall continue to be so qualified for the following months of April through July even if the required percentage pursuant to this paragraph is not met in the latter months, unless such operator requests the market administrator in writing that such plant should not be so qualified, such revised status to be effective the first month following such notice and thereafter until the plant requalifies under this section on the basis of shipments.

* * * * * *

3. In § 1034.14, the introductory text immediately preceding paragraph (a) is revised to read as follows:

§ 1034.14 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * * *

4. Section 1034.16 is revised to read as follows:

§ 1034.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored or cultured milk or skim milk, filled milk, buttermilk, concentrated milk, sweet or sour cream, and any fluid mixture of cream and milk or skim milk, including prepared milk shake mixes containing less than 15 percent total milk solids. The term includes these products in fluid, frozen (except cream), fortified or reconstituted form, but does not include sterilized cream in hermetically sealed metal or glass containers, eggnog, ice cream mix, or other frozen dessert mixes, aerated cream products, storage cream, cultured sour mixtures disposed of as other than sour cream unless labeled as a Grade A product, evaporated or condensed milk or skim milk in either plain or sweetened form, and a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1034.19 is added to read as follows:

§ 1034.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1034.30, paragraphs (a)(3) and (c) are revised to read as follows:

§ 1034.30 Reports of receipts and utilization.

* * * * * *

(a) * * *

(3) The utilization or disposition of all receipts required to be reported, including separate data relative to:

(i) Bulk fluid milk products on hand at the end of the month;

(ii) Packaged fluid milk products on hand at the end of the month;

(iii) Route disposition (except filled milk), inside and outside the marketing area; and

(iv) Route disposition of filled milk inside and outside the marketing area; and

* * * * * *

(c) Each handler who operates a partially regulated distributing plant shall report for such plant the information required by paragraph (a) of this section, except that receipts of milk approved by any duly constituted health authority for fluid consumption in the marketing area shall be reported as if producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area.

7. Section 1034.33 is revised to read as follows:

§ 1034.33 Records and facilities.

Each handler, including any partially regulated handler, shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) Receipts of producer milk and other source milk and the utilization of such receipts at each of his plants;

(b) Weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products (including filled milk) handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month at each plant; and

(d) Payments to producers, other dairy farmers, and cooperative associations including the amount and nature of any deductions made and the disbursement of money so deducted.

8. In § 1034.43(d), subparagraph (5) is revised to read as follows:

§ 1034.43 Transfers.

* * * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * * *

9. In § 1034.45(a), subparagraphs (2), (4), (5), (8), and (9) are revised to read as follows:

§ 1034.45 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(vi) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

* * * * * *

(4) Subtract successively from the pounds of skim milk remaining in each class in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product, provided that any such milk received as cottage cheese curd shall be subtracted directly from the handler's cottage cheese utilization;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of fluid milk products from a plant exempt pursuant to § 1034.60(b);

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, for which the handler requests Class II utilization (other than cottage cheese manufacture) but not in excess of the pounds of skim milk remaining in such Class II uses;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such pool plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(vi) of this paragraph; and

(c) (1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph;

(2) Should such computation result in a quantity to be subtracted from Class II, which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(vi) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

* * * * * *

(8) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4)(v) and (5) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4)(vi) and (5)(iii) of this paragraph:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of all Class II milk.

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1034.22(I); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

* * * * * *

10. Section 1034.61 is revised to read as follows:

§ 1034.61 Plants subject to other Federal orders.

The provisions of this part shall not apply except as specified in paragraphs (c) and (d) of this section:

(a) A distributing plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant pursuant to § 1034.13(a) and a greater volume of

fluid milk products (except filled milk) is disposed of from such plant to retail or wholesale outlets in the Miami Valley, Ohio, marketing area and to pool plants under this part than in the marketing area and to pool plants regulated by such other order during the current month and each of the 3 months immediately preceding.

(b) A supply plant meeting the requirements of § 1034.13(b) which also continues to have pool plant status under another Federal order.

(c) The operator of a plant specified in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. In § 1034.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1034.62 Obligation of a handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1034.70 had such plant been a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant, transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order is so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1034.70(f) and a credit in the amount specified in § 1034.84 (b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12. Section 1034.83 is revised to read as follows:

§ 1034.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1034.61, 1034.62, 1034.84, and 1034.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1034.85 and 1034.86, except that any payments due to any handler shall be offset by any payments due from such handler; and

(b) All amounts subtracted pursuant to § 1034.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1034.80 in accordance with the requirements of § 1034.71(l).

13. In § 1034.100, paragraphs (a) and (d) are revised to read as follows:

§ 1034.100 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1035—MILK IN THE COLUMBUS, OHIO, MARKETING AREA

1. Section 1035.7 is revised to read as follows:

§ 1035.7 Fluid milk product.

"Fluid milk products" means the fluid form of milk, skim milk, filled milk, buttermilk, concentrated milk, milk drinks (plain or flavored including dietary milk, prepared milk shake mixes containing 15 percent or less of total milk solids and eggnog), sweet or sour cream, or any mixture in fluid form of milk, skim milk or cream (except storage cream, aerated cream products, ice cream mix, cultured sour mixtures which are not labeled "Grade A", evaporated or condensed milk and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

2. Section 1035.8 is revised to read as follows:

§ 1035.8 Route.

"Route" means a delivery (including a sale from a plant store) of a fluid milk product(s) to a wholesale or retail stop(s) other than to a milk or filled milk plant(s) or to a food processing plant(s) for use other than for fluid consumption.

3. Section 1035.9 is revised to read as follows:

§ 1035.9 Fluid milk plant.

"Fluid milk plant" means a plant or other facilities which are used in the receipt, preparation, or processing of milk which is approved by a duly constituted health authority for fluid disposition as Grade A milk of filled milk and all or a portion of such milk of filled milk is:

(a) Disposed of during the month in the form of a fluid milk product(s) in the marketing area on a route(s); or

(b) Moved to a plant described in paragraph (a) of this section in the form of a fluid milk product(s).

4. In § 1035.10, paragraphs (a) and (b) are revised to read as follows:

§ 1035.10 Pool plant.

* * * * *

(a) Any fluid milk plant from which the volume of Class I milk, except filled milk, disposed of on a route(s) is equal to not less than 50 percent of the Grade A milk described in § 1035.12(a) received at such plant from dairy farmers and from other plants during the month and more than 15 percent of such receipts are disposed of as Class I milk, except filled milk, on routes in the marketing area: *Provided*, That the 50 percent requirement of this paragraph shall apply only during the months of January, February, October and November to a fluid milk plant which operates routes all of which service only the Campus of Ohio State University, Columbus, Ohio; or

(b) Any fluid milk plant which receives milk from dairy farmers described in § 1035.12(a) and from which fluid milk products, except filled milk, equal to not less than 50 percent of the milk received at such plant from such dairy farmers during the month is moved to a plant(s) described in paragraph (a) of this section: *Provided*, That if such shipments are not less than 50 percent of the receipts of milk from such dairy farmers at such plant during the immediately preceding period of August through November, such plant shall, unless written application for nonpool plant status is received by the market administrator from the operator of such plant on or before March 1 of any year, be designated as a pool plant for the months of March through July of such year.

5. In § 1035.11, the introductory text immediately preceding paragraph (a), and paragraphs (c) and (d) are revised to read as follows:

§ 1035.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which milk, skim milk, filled milk, or cream is shipped to a pool plant.

6. Section 1035.15 is revised as follows:

§ 1035.15 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, who distributes any portion of such milk on a route in the marketing area and who receives no fluid milk products from other dairy farmers or nonpool plants and no nonfluid milk products for reconstitution into fluid milk products: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

7. A new § 1035.19 is added to read as follows:

§ 1035.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1035.30, paragraph (b) is revised to read as follows:

§ 1035.30 Reports of receipts and utilization.

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported by each handler pursuant to this section, including separate statements of his disposition of fluid milk products (except filled milk) and filled milk on routes in the marketing area.

* * * * *

9. In § 1035.31, paragraph (b) is revised to read as follows:

§ 1035.31 Other reports.

* * * * *

(b) Each handler specified in § 1035.14 (c) who operates a partially regulated distributing plant shall report as required pursuant to § 1035.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include separate statements showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and the amount of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area: *Provided*, That a handler making payments pursuant to § 1035.63(b) need not report payments pursuant to § 1035.30(d) to dairy farmers.

* * * * *

10. Section 1035.32 is revised to read as follows:

§ 1035.32 Records and facilities.

Each handler and producer-handler shall maintain and make available to the market administrator, his agent, or such other person as the Secretary may designate, during the usual hours of business, such accounts and records of his operations and such facilities, as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat handled, including all milk products and filled milk received and disposed of in the same form; (b) the weights and tests for butterfat and for other contents, of all milk and milk products (including filled milk) handled; and (c) payments to producers and cooperative associations.

11. In § 1035.43(e), subparagraph (5) is revised to read as follows:

§ 1035.43 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

12. In § 1035.46(a), subparagraphs (2), (3), (4), (7), and (8) are revised to read as follows:

§ 1035.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim

milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another marketwide pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

• • • • •

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1035.22(1) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

• • • • •

13. In § 1035.63, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1035.63 Obligations of handler operating a partially regulated distributing plant.

• • • • •

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1035.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1035.60(e) and a credit in the amount specified in § 1035.71(c) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

• • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

14. Section 1035.64 is revised to read as follows:

§ 1035.64 Plants subject to other Federal orders.

(a) The provisions of this part, except paragraph (b) of this section, shall not apply to a milk plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1035.10 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in the Columbus, Ohio, marketing area to retail or wholesale outlets and other pool plants than in the marketing area regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided*, That the operator of a plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

15. Section 1035.70 is revised to read as follows:

§ 1035.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1035.64 and 1035.71 shall be deposited in this fund, and all payments made pursuant to § 1035.72(a) and (b) shall be made out of this fund; and

(b) All amounts subtracted pursuant to § 1035.61(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1035.72 in accordance with the requirements of § 1035.61(i).

16. In § 1035.92, paragraphs (a) and (d) are revised to read as follows:

§ 1035.92 Termination of obligations.

• • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation, is payable to the market administrator, the account for which it is to be paid.

• • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. Section 1036.7 is revised to read as follows:

§ 1036.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, concentrated milk, cream, and mixtures of such cream or milk and skim milk.

2. Sections 1036.9 and 1036.10 are revised to read as follows:

§ 1036.9 Distributing plant.

"Distributing plant" means a plant in which:

(a) Milk approved by a duly constituted health authority for fluid consumption is processed or packaged and which has route disposition in the marketing area during the month; or

(b) Filled milk is processed or packaged and which has route disposition in the marketing area during the month.

§ 1036.10 Supply plant.

"Supply plant" means a plant from which:

(a) A fluid milk product acceptable to a duly constituted health authority is transferred or diverted during the month to a pool plant; or

(b) Filled milk is transferred during the month to a pool plant.

3. Section 1036.11 is revised to read as follows:

§ 1036.11 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section that is not an other order plant or a producer-handler plant.

(a) A distributing plant that has route disposition, except filled milk, during the month of not less than 50 percent (40 percent for each month of April through August) of the total receipts of fluid milk products, except filled milk, that are approved by a duly constituted health authority for fluid consumption and that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to § 1036.16 and that has route disposition, except filled milk, in the marketing area during the month of not less than 15 percent of such receipts.

(b) A supply plant from which during the months of September, October, and November not less than 50 percent, and in all other months not less than 40 percent, of the total quantity of milk approved by a duly constituted health authority for fluid consumption physically received (including that diverted from other plants) at such plant from dairy farmers and handlers pursuant to § 1036.13(d) or diverted as producer milk pursuant to § 1036.16 to pool plants and nonpool plants is transferred or diverted to and physically received in the form of fluid milk products, except filled milk, at pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of September through February shall be a pool plant for the months of March through August unless the milk received at the plant does not continue to meet the requirements of a duly constituted health authority or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant.

4. In § 1036.12, the introductory text and paragraph (a) are revised to read as follows:

§ 1036.12 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) Except as provided in paragraphs (c)(2) and (d)(2) of this section, "other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1036.11 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area as route disposition and to pool plants qualified on the basis of route disposition in this marketing area than is so disposed of from such plant in the marketing area regulated pursuant to such other order.

• • • • •

5. Section 1036.14 is revised to read as follows:

§ 1036.14 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant;

(b) Receives no fluid milk products from sources other than his own farm production and pool plants;

(c) Uses no nonfluid milk products for reconstitution into fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing and packaging business are the personal enterprise and risk of such person.

6. A new § 1036.22 is added to read as follows:

§ 1036.22 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk products, and contains less than 6 percent nonmilk fat (or oil).

7. In § 1036.30, the introductory text and paragraph (b) are revised to read as follows:

§ 1036.30 Reports of receipts and utilization.

On or before the eighth day after the end of each month, each handler (except a handler pursuant to § 1036.13(e) or (f)) shall report to the market administrator for such month with respect to each plant at which milk is received or at which filled milk is processed or packaged, reporting in detail and on forms prescribed by the market administrator:

• • • • • •

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat in route disposition in the marketing area, showing separately the in-area route disposition of filled milk; and

(2) For a handler pursuant to § 1036.13(b), the amount of reconstituted skim milk in route disposition in the marketing area; and

• • • • • •

8. In § 1036.33, paragraphs (b) and (c) are revised to read as follows:

§ 1036.33 Records and facilities.

• • • • • •

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

• • • • • •

8a. In § 1036.41(b), subparagraphs (1) and (2) are revised to read as follows:

§ 1036.41 Classes of utilization.

* * * * *

(b) * * *

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), sour cream, sour cream products (e.g., dips), eggnog, yogurt, aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, a product which contains six percent or more nonmilk fat (or oil), milk shake mix containing not less than 12 percent total milk solids, and sterilized products in hermetically sealed glass or metal containers;

(2) Skim milk and butterfat in fluid milk products delivered in bulk form to and used at a commercial food processing establishment (other than a milk or filled milk plant) in the manufacture of packaged food products (other than milk products and filled milk) for consumption off the premises;

* * * * *

9. In § 1036.43(d), subparagraph (5) is revised to read as follows:

§ 1036.43 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

10. In § 1036.45(a), subparagraphs (2), (3), (4) and (7), and the introductory text of subparagraph (8) are revised to read as follows:

§ 1036.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class II pursuant to § 1036.41(b)(6) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which appropriate health approval is not established and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant that are in excess of similar transfers to the same plant and that were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

* * * * *

11. In § 1036.62, paragraphs (a)(1) and (b) are revised to read as follows:

§ 1036.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) The obligation that would have been computed pursuant to § 1036.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1036.60(e) and a credit in the amount specified in § 1036.74(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1036.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1036.11(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat in the plant's route disposition in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or at the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12. A new § 1036.64 is added and reads as follows:

§ 1036.64 Obligation of handler operating an other order plant.

Each handler who operates an other order plant that is regulated under an order providing for individual-handler pooling shall pay to the market administrator for the producer-settlement fund, on or before the 25th day after the end of the month, an amount computed as follows:

(a) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to the route disposition in each marketing area; and

(b) Compute the value of the quantity of reconstituted skim milk assigned in paragraph (a) of this section to route disposition in this marketing area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

13. Section 1036.73 is revised to read as follows:

§ 1036.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments pursuant to §§ 1036.62, 1036.64, and 1036.74 and out of which he shall make all payments pursuant to § 1036.75: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

14. In § 1036.79, paragraphs (a) and (d) are revised to read as follows:

§ 1036.79 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handlers' utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers; the name of such producers(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

1. Section 1040.9 is revised to read as follows:

§ 1040.9 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a dairy farm and a milk plant from which fluid milk products are distributed in the marketing area and who received fluid milk products only from his own production or by transfer from a pool plant and no nonfluid milk products for reconstitution into fluid milk products; and

(b) Provides proof that (1) the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts by transfer from a pool plant); and (2) the operation of the processing business is the personal enterprise and risk of such person.

2. Section 1040.12 is revised to read as follows:

§ 1040.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, buttermilk, yogurt, filled milk, cream (exclusive of frozen and sour cream), and any mixture in fluid form of cream and milk or skim milk (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

3. Section 1040.13 is revised to read as follows:

§ 1040.13 Route.

"Route" means a delivery (including a delivery by a vendor or sale from a plant or plant store) of any fluid milk product (except bulk cream) classified as Class I to a wholesale or retail outlet other than a delivery to any milk or filled milk plant.

4. In § 1040.16, paragraph (a) is revised to read as follows:

§ 1040.16 Pool plant.

* * * * *

(a) A distributing plant, other than a producer-handler plant or plants exempt pursuant to § 1040.90 and § 1040.91, from which total distribution of fluid milk products, except filled milk, on routes during the month or during either of the 2 months immediately preceding is not less than 50 percent of receipts of producer milk and fluid milk products, except filled milk, from supply plants and cooperative associations pursuant to § 1040.7(c).

* * * * *

5. In § 1040.17, paragraphs (a) and (c) are revised to read as follows:

§ 1040.17 Call percentage.

* * * * *

(a) Estimate the aggregate pounds of Class I milk utilization, except filled milk, for the month including an additional 15 percent thereof as an operating margin, at pool distributing plants;

* * * * *

(c) Divide any plus balance of estimated Class I milk, except filled milk remaining by the estimated receipts of producer milk for the month at the supply plants.

* * * * *

6. In § 1040.18, the introductory text immediately preceding paragraph (a) and paragraph (d) are revised to read as follows:

§ 1040.18 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a fluid milk product is shipped during the month to a pool plant.

7. A new § 1040.21 is added to read as follows:

§ 1040.21 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1040.30, a new paragraph (d) is added and paragraph (b) is revised to read as follows:

§ 1040.30 Monthly reports of receipts and utilization.

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and a statement showing separately in-area route disposition of filled milk; and

* * * * *

(d) The quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area by each handler specified in § 1040.7(b) who

operates a partially regulated distributing plant.

9. Section 1040.32 is revised to read as follows:

§ 1040.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk poducts and filled milk received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk, and other contents of all milk, and milk products (including filled milk) handled; and (c) payments to producers and cooperative associations.

10. In § 1040.43(e), subparagraph (5) is revised to read as follows:

§ 1040.43 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products, shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class III; and

* * * * *

11. In § 1040.46(a), subparagraphs (2), (4), (5), (8), and (9) are revised to read as follows:

§ 1040.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

* * * * *

(4) Subtract in the order specified below, from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than a fluid milk product, provided that any such milk received as cottage cheese or cottage cheese curd shall be subtracted directly from the handler's cottage cheese utilization (Class II);

(ii) Receipts of fluid milk products (except filled milk) that are not approved by a duly constituted health authority for fluid consumption in the marketing area and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or Class III, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph:

(*a*) For which the handler requests Class III utilization; or

(*b*) In series beginning with Class III, which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a cooperative association pursuant to § 1040.7(c), receipts from pool plants of other handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers to such plant, if Class III utilization was requested by the operator of such plant and the handler;

* * * * *

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4)(iv) and (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (4)(v) and (5)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated combined Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1040.27(l) or the percentage that combined Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

* * * * *

12. In § 1040.66, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1040.66 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1040.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III milk (or Class II) if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1040.60(e) and a credit in the amount specified in § 1040.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1040.62 at the same location or at the Class III price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

13. Section 1040.83 is revised to read as follows:

§ 1040.83 Producer-equalization fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 1040.66, 1040.84, and 1040.91, and out of which he shall make all payments pursuant to § 1040.85.

14. Section 1040.91 is revised to read as follows:

§ 1040.91 Handlers subject to other Federal orders.

(a) A handler who operates a plant at which during the month milk is fully subject to the classification, pricing, and payment provisions of another marketing agreement or order issued pursuant to the Act and the disposition of fluid milk products, except filled milk, in the other Federal marketing area exceeds that in the Southern Michigan marketing area shall be exempt for such month from all provisions of this part except §§ 1040.31, 1040.32, and 1040.33 and paragraph (b) of this section.

(b) Each handler operating a pool distributing plant described in § 1040.16(a) that is exempt pursuant to paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

15. In § 1040.100, paragraphs (a) and (d) are revised to read as follows:

§ 1040.100 Termination of obligations.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's report of utilization of the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1041—MILK IN THE NORTHWESTERN OHIO MARKETING AREA

1. Section 1041.9 is revised to read as follows:

§ 1041.9 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a dairy farm and a distributing plant;

(b) Receives only milk of his own production or fluid milk products which are priced as Class I milk under an order issued pursuant to the Act and no nonfluid milk products for reconstitution into fluid milk products; and

(c) Provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources used in his own farm production and the operation of the processing and packaging facilities for fluid milk products are conducted as his personal enterprise and at his own risk.

2. In § 1041.10, the introductory text immediately preceding paragraph (a) is revised to read as follows:

§ 1041.10 Plant.

"Plant" means the land and buildings, together with their surroundings, facilities and equipment constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products (including filled milk). The term "plant" does not include:

* * * * *

3. Section 1041.12 is revised to read as follows:

§ 1041.12 Supply plant.

"Supply plant" means a plant from which milk, skim milk, filled milk or cream is shipped during the month to a plant qualified as a pool plant under § 1041.13(a).

4. In § 1041.13, paragraphs (a) and (b) are revised to read as follows:

§ 1041.13 Pool plant.

* * * * *

(a) A distributing plant with route disposition, except filled milk, during the month, or in 5 of the immediately preceding 6 months, of not less than 50 percent of the total Grade A milk received at such plant from dairy farmers (excluding any such milk received by diversion from a plant at which such milk is fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act), pool supply plants and through reload points, and with at least 15 percent of such route disposition made within the marketing area during the month.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is represented in shipments of fluid milk products, except filled milk, to a plant described under paragraph (a) of this section. If a plant meets the above requirement in this paragraph in each of the months of September through December, such plant shall qualify under this paragraph until the end of the following August, unless the plant operator requests nonpool status for such plant; in the latter event nonpool plant status shall be effective the first month following the filing of a request in writing to the market administrator and shall continue until the plant requalifies under this section on the basis of actual shipments.

5. Section 1041.14 is revised to read as follows:

§ 1041.14 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which there is route disposition in the marketing area during the month of fluid milk products in consumer-type packages or dispenser units.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products are shipped to a pool plant.

6. Section 1041.16 is revised to read as follows:

§ 1041.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored or cultured milk or skim milk, buttermilk, concentrated milk, eggnog, sweet or sour cream, filled milk, and any mixture of fluid cream and milk or skim milk. Cultured sour mixtures disposed of as other than sour cream and

yogurt shall be considered as fluid milk products only if disposed of under a Grade A label. The term includes these products in fluid, frozen (except cream), fortified or reconstituted form, but does not include sterilized products in hermetically sealed containers, and such products as milkshake mix, ice cream mix, and other frozen dessert mixes, aerated cream products, frozen cream, cultured sour mixtures (disposed of as other than sour cream and not disposed of under a Grade A label), pancake mixes, evaporated or sweetened condensed milk, or skim milk in either plain or sweetened form, and a product which contains 6 percent or more nonmilk fat (or oil).

7. A new § 1041.21 is added to read as follows:

§ 1041.21 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1041.30, paragraph (f) is revised to read as follows:

§ 1041.30 Reports of receipts and utilization.

* * * * *

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including separate statements of the route disposition of fluid milk products (except filled milk) and filled milk in the marketing area; and

* * * * *

9. In § 1041.31, paragraph (b) is revised to read as follows:

§ 1041.31 Other reports.

* * * * *

(b) On or before the 7th day after the end of each month, each handler who operates a partially regulated distributing plant shall report the information required of handlers operating pool plants pursuant to § 1041.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the amount of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area.

10. Section 1041.33 is revised to read as follows:

§ 1041.33 Records and facilities.

(a) Each handler shall maintain detailed and summary records showing all receipts, movements and disposition of milk and milk products (including filled milk) during each month, and the quantities of milk and milk products (including filled milk) in the inventories at the beginning and end of each month.

(b) For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Verify the information contained in the reports submitted in accordance with this part;

(2) Weigh, sample and test milk and milk products (including filled milk); and

(3) Make such examination of records, operations, equipment and facilities as the market administrator deems necessary for the purpose specified in this paragraph.

11. In § 1041.44(d), subparagraph (5) is revised to read as follows:

§ 1041.44 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

12. In § 1041.46(a), subparagraphs (2), (3), (4), (7), and (8) are revised to read as follows:

§ 1041.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(*c*)(*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plants, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) and (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1041.27(m); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

* * * * *

13. Section 1041.61 is revised to read as follows:

§ 1041.61 Plants subject to other Federal orders.

(a) The provisions of this part except §§ 1041.30, 1041.31, 1041.32, and 1041.33 and paragraph (b) of this section, shall not apply to a distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant pursuant to § 1041.13 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in the Northwestern Ohio marketing area to retail or wholesale outlets and to other pool plants than in the marketing area regulated pursuant to such other order during the current month and each of the three months immediately preceding, unless the Secretary determines that the applicable order should more apropriately be determined on some other basis. The operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may request and permit his verification of such reports; and

(b) Each handler operating a distributing plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

14. In § 1041.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1041.62 Obligations of a handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1041.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1041.70(e) and a credit in the amount specified in § 1041.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

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* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

15. In § 1041.91, paragraphs (a) and (d) are reyised to read as follows:

§ 1041.91 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that the money is due and payable. Service of the notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following:

(1) The amount of the obligation;

(2) The month during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1043—MILK IN THE UPSTATE MICHIGAN MARKETING AREA

1. In § 1043.8, paragraph (a) is revised to read as follows:

§ 1043.8 Pool plant.

* * * * *

(a) A distributing plant other than that of a producer-handler, or one described in § 1043.82 or § 1043.83, from which during the month:

(1) Disposition of fluid milk products, except filled milk, on routes in the marketing area equals or exceeds the smaller of:

(i) Twenty percent of such plant's receipts from qualified dairy farmers, or

(ii) 150,000 pounds; and

(2) Total disposition of fluid milk products, except filled milk, on routes during the month equals or exceeds 50 percent of receipts of fluid milk products, except filled milk, from qualified dairy farmers and supply plants.

* * * * *

2. Section 1043.12 is revised to read as follows:

§ 1043.12 Producer-handler.

"Producer-handler" means a person who operates a dairy farm and a distributing plant and who received no fluid milk products except from his own production or by transfer from a pool plant, and receives no nonfluid milk products for reconstitution into fluid milk products: *Provided*, That such person provides proof that the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts by transfer from a pool plant) and the operation of the processing business is the personal enterprise and risk of such person.

3. Section 1043.16 is revised to read as follows:

§ 1043.16 Fluid milk product.

"Fluid milk product" means milk, flavored milk, skim milk, buttermilk, filled milk, half-and-half, or other mixtures of cream and milk containing less than 18 percent butterfat.

4. Section 1043.17 is revised to read as follows:

§ 1043.17 Route.

"Route" means a delivery (including delivery by a vendor, or sale from a plant or plant store) of any fluid milk product, other than a delivery in bulk form to any milk or filled milk processing plant.

5. In § 1043.18, the introductory text immediately preceding paragraph (a) and paragraph (d) are revised to read as follows:

§ 1043.18 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a fluid milk product is shipped during the month to a pool plant.

6. A new § 1043.19 is added to read as follows:

§ 1043.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1043.30(c), subparagraph (2) is revised to read as follows:

§ 1043.30 Monthly reports of receipts and utilization.

* * * * *

(c) * * *

(2) The utilization or disposition of such receipts. Each handler shall report separately the respective amounts of skim milk and butterfat disposed of on routes (other than to pool plants) in the marketing area as Class I milk, except filled milk, and as filled milk. The report for each handler pursuant to § 1043.9(b) shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * *

8. Section 1043.33 is revised to read as follows:

§ 1043.33 Exempt handler reports.

Each handler exempt pursuant to § 1043.82 or § 1043.83 shall report to the market administrator his disposition of fluid milk products on routes in the marketing area and a report showing separately in-area route sales of filled milk at such time and in such manner as the market administrator shall prescribe.

9. Section 1043.34 is revised to read as follows:

§ 1043.34 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records, of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products or filled milk received and disposed of in the same form, (b) the weights and tests for butterfat, skim mik and other contents of all milk and milk products (including filled milk) handled, (c) inventories of all milk and milk products (including filled milk) on hand at the beginning and end of each month, and (d) payments to producers and cooperative associations.

9a. In § 1043.41(b), subparagraph (2) is revised to read as follows:

§ 1043.41 Classes of utilization.

* * * * *

(b) * * *

(2) Skim milk and butterfat disposed of as fluid cream or in any product which contains 6 percent or more nonmilk fat (or oil);

* * * * *

10. In § 1043.43(d), subparagraph (5) is revised to read as follows:

§ 1043.43 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II or Class III; and

* * * * *

11. In § 1043.46(a), subparagraphs (2), (3), (4), (7), and (8) are revised to read as follows:

§ 1043.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and cream received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or cream;

(ii) Receipts of fluid milk products (except filled milk) and cream that are not approved by a duly constituted health authority for fluid consumption, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products and cream from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another marketwide pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or Class III but not in excess of such quantity:

(i) Receipts of fluid milk products and cream from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II or Class III utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products and cream in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II or Class III utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products and cream from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products and cream in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1043.22(j) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

* * * * *

12. Section 1043.71 is revised to read as follows:

§ 1043.71 Producer-equalization fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 1043.72, 1043.83, and 1043.84 (including any adjustments thereto pursuant to § 1043.76) and out of which he shall make all payments pursuant to § 1043.73 (including any adjustments thereto pursuant to § 1043.76).

13. In § 1043.78, paragraphs (a) and (d) are revised to read as follows:

§ 1043.78 Termination of obligations.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the skim milk and butterfat involved in such obligation, unless, within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

14. Section 1043.83 is revised to read as follows:

§ 1043.83 Milk subject to other Federal orders.

(a) Milk received at the plant of a handler at which the handling of milk is fully subject during the month to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk (excluding filled milk) in the other Federal marketing area, either during the month or during the average of the 12 preceding months, exceeds that in the Upstate Michigan marketing area shall be exempted for such month from all the provisions hereof except as specified in paragraphs (b) and (c) of this section, unless the Secretary determines that such plant is more appropriately regulated under this part.

(b) Each handler operating a plant specified in paragraph (a) of this section shall with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler operating a plant specified in § 1043.8(a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

15. In § 1043.84, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1043.84 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1043.61 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1043.60(e) and a credit in the amount specified in § 1043.72(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk

in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

• • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributin plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1043.61 at the same location or at the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

1. Section 1044.6 is revised as follows:

§ 1044.6 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, flavored milk drinks, buttermilk, filled milk, half and half and cream (sweet or sour).

2. Section 1044.7 is revised as follows:

§ 1044.7 Route.

"Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk or filled milk processing plant.

3. Section 1044.8 is revised as follows:

§ 1044.8 Fluid milk plant.

"Fluid milk plant" means the premises, buildings and facilities of any milk receiving, processing or packaging plant handling milk eligible for distribution in the marketing area as Grade A milk or conforming to the requirements of Michigan Act No. 169, Public Acts 1929, as amended:

(a) From which any fluid milk product, except filled milk, is disposed of during the month in the marketing area on routes except as provided in § 1044.81; or

(b) From which any milk or skim milk, except skim milk in filled milk, is delivered to plants described in paragraph (a) of this section on ten or more days in any of the months of July through December or on three or more days in any of the months of January through June.

4. Section 1044.9 is revised as follows:

§ 1044.9 Nonfluid milk plant.

"Nonfluid milk plant" means any milk or filled milk receiving, manufacturing or processing plant other than a fluid milk plant. The following categories of nonfluid milk plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonfluid milk plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonfluid milk plant that is neither an other order plant nor a producer-handler plant and from which a fluid milk product is shipped during the month to a fluid milk plant.

5. Section 1044.19 is added as follows:

§ 1044.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milk fat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1044.30, paragraph (a)(2) is revised as follows:

§ 1044.30 Monthly reports of receipts and utilization.

• • • • •

(a) • • •

(2) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing in-area and outside area route disposition of filled milk; and

• • • • •

7. Section 1044.34 is revised as follows:

§ 1044.34 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of all his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products (including filled milk) received and disposed of in the same form;

(b) The weights and tests for butterfat, skim milk and other content of all milk and milk products (including filled milk) handled;

(c) Inventories of all dairy products (including filled milk) on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

8. In § 1044.43, paragraph (d)(5) is revised as follows:

§ 1044.43 Transfers.

• • • • •

(d) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • •

9. In § 1044.46, subparagraphs (3), (4) and (7)(i) of paragraph (a) are revised as follows:

§ 1044.46 Allocation of skim milk and butterfat classified.

• • • • •

(a) • • •

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) that are not approved by a duly constituted health authority, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk at all fluid milk plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other fluid milk plant handlers and in receipts in bulk from other order plants; and

(c)(1) Multiply any resulting plus quantity by the percentage that receipts

of skim milk in fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, remaining at this plant is of all such receipts remaining at all fluid milk plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other fluid milk plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other fluid milk plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

• • • • •

(7) • • •

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv), (4)(i) or (ii) of this paragraph; and

• • • • •

10. In § 1044.75, paragraphs (a) and (d) are revised as follows:

§ 1044.75 Termination of obligations.

• • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's report of utilization of the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or association or, if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

11. Section 1044.82 is revised as follows:

§ 1044.82 Handlers subject to other Federal orders.

The provisions of this part shall not apply to a handler with respect to the operation of a fluid milk plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and the disposition of fluid milk products, except filled milk, in the other Federal marketing area exceeds that in the Michigan Upper Peninsula marketing area: *Provided*, That the operator of a fluid milk plant which is exempted from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. Section 1046.9 is revised to read as follows:

§ 1046.9 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, distributes any portion of such milk in the marketing area on a route and receives no fluid milk products from other dairy farmers or nonpool plants and no nonfluid milk products for reconstitution into fluid milk products: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the care and management of all of the dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

2. In § 1046.12, paragraph (a) is revised to read as follows:

§ 1046.12 Pool plant.

• • • • •

(a) A city plant, other than a plant operated by a producer-handler, which meets the following requirements:

(1) For each of the months of May through October not less than 30 percent and for each of the months of November through April not less than 50 percent of the fluid milk products, except filled milk, received during the 2 months immediately preceding from persons described in § 1046.7(a), from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), from country plants and from pool plants in containers not larger than a gallon are disposed of as Class I milk, except filled milk, from such plant during such 2-month period to all outlets except such disposition to pool plants in containers larger than a gallon: *Provided*, That, if such utilization percentage for the 2 preceding months cannot be ascertained by the market administrator, the respective percentages shall apply to receipts and sales during the current month; and

(2) An amount of Class I milk, except filled milk, equal to not less than an average of 13,500 pounds per day or not less than 10 percent of the fluid milk products, except filled milk, received during the current month from persons described in § 1046.7(a), from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), and from country plants is distributed on routes in the marketing area;

• • • • •

3. In § 1046.13, the introductory text immediately preceding paragraph (a) and paragraphs (c) and (d) are revised as follows:

§ 1046.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

• • • • •

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products are shipped to a pool plant.

4. Amend § 1046.15 to read as follows:

§ 1046.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, milk drinks (plain or flavored), reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, pancake mix, evaporated milk, condensed milk, aerated cream products, eggnog, and cultured sour mixtures not labeled as Grade A) which are neither

sterilized nor packaged in hermetically sealed containers. This definition shall not include a product which contains 6 percent or more non-milk fat (or oil).

5. Section 1046.17 is revised to read as follows:

§ 1046.17 Route.

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor) of a fluid milk product(s) to a wholesale or retail outlet(s) other than to a milk or filled milk plant(s). A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets without intermediate movement to another milk or filled milk plant.

6. A new § 1046.19a is added to read as follows:

§ 1046.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1046.30, paragraphs (a) (5) and (b) are revised to read as follows:

§ 1046.30 Reports of receipts and utilization.

(a) • • •

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including separate statements of the disposition of fluid milk products, except filled milk, and filled milk on routes in the marketing area.

• • • • •

(b) Each handler specified in § 1046.8 (d) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

8. Section 1046.33 is revised to read as follows:

§ 1046.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts, records, and reports of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products (including filled milk) handled;

(c) Payments to producers, including supporting records of all deductions and written authorization from each producer of the rate per hundredweight or other method for computing hauling charges on such producer milk; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products (including filled milk) on hand at the beginning and end of each month.

9. In § 1046.44, aragraphs (d), (e), and (f)(5) are revised to read as follows:

§ 1046.44 Transfers.

• • • • •

(d) As Class I milk, if transferred in bulk (in the form of milk, skim milk, filled milk or cream) or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located 250 airline miles or more as determined by the market administrator, from the nearer of the City Halls in either Louisville, Ky., or Evansville, Ind.

(e) As Class I milk, if transferred in bulk (in the form of milk, skim milk, filled milk or cream) or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant located less than 250 airline miles as determined by the market administrator, from the nearer of the City Halls in either Louisville, Ky., or Evansville, Ind., unless the requirements of subparagraphs (1) and 2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

• • • • •

(f) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • •

10. In § 1046.46(a), subparagraphs (2), (3), (4), (7), and (8) are revised to read as follows:

§ 1046.46 Allocation of skim milk and butterfat classified.

• • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that subtracted pursuant to subparagraph (3) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products, except filled milk, for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from pool plants of other handlers, from a cooperative association as a handler pursuant to § 1046.8(c), and in bulk receipts from other order plants, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph, in excess of similar transfers to such plant but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

• • • • •

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3) (iv) and (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made:

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3) (v) and (4) (iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1046.22(m); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

• • • • •

11. Section 1046.61 revised to read as follows:

§ 1046.61 Plants subject to other Federal orders.

(a) Unless determined otherwise by the Secretary, the provisions, except paragraph (b) of this section, of this part shall not apply to a milk plant during any month in which the milk at such plant would be subject to the pricing and pooling provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1046.12 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in the Louisville-Lexington-Evansville marketing area to other pool plants and to retail or wholesale outlets than in the marketing area regulated pursuant to such other order during the current month: *Provided*, That the operator of a plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) Each handler operating a plant specified in § 1046.12(a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

12. In § 1046.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1046.62 Obligations of handler operating a partially regulated distributing plant.

• • • • •

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1046.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1046.70(e) and a credit in the amount specified in § 1046.84 (b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

• • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. Section 1046.83 is revised to read as follows:

§ 1046.83 Producer-Settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1046.61, 1046.62, 1046.84, and 1046.86 and out of which he shall make all payments pursuant to §§ 1046.85 and 1046.86: *Provided*, That payments due any handler shall be offset by payments due from such handler.

14. In § 1046.89, paragraphs (a) and (d) are revised to read as follows:

§ 1046.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report of the skim milk and butterfat involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled, and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deductions of set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1049—MILK IN THE INDIANA MARKETING AREA

1. Section 1049.9 is revised to read as follows:

§ 1049.9 Producer-handler.

"Producer-handler" means a person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants, and no nonfluid milk products for reconstitution into fluid milk products: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources used in his own farm production and the operation of the processing and distributing business are at the personal enterprise and risk of such person.

2. In § 1049.12, paragraph (a) is revised to read as follows:

§ 1049.12 Pool plant.

* * * * *

(a) A distributing plant with:

(1) Total route sales, exclusive of packaged fluid milk products received from other plants and filled milk, in an amount not less than 50 percent of Grade A milk received at such plant during the month from dairy farmers (excluding receipts of producer milk by diversion pursuant to § 1049.14) and supply plants, except that a plant meeting such percentage requirement for the preceding month may remain qualified under this subparagraph in the current month; and

(2) Route sales within the marketing area during the month of at least 10 percent of such receipts, such route sales to be exclusive of packaged fluid milk products received from other plants and filled milk: *Provided*, That any plant meeting the requirements of this paragraph in each of the months of September through May, inclusive, shall continue to have pool plant status in the months of June, July, and August, immediately following if fluid milk products, except filled milk, are disposed of from the plant in the marketing area on routes during such month.

* * * * *

3. In § 1049.13, the introductory text immediately preceding paragraph (a) is revised to read as follows:

§ 1049.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

4. Section 1049.15 is revised to read as follows:

§ 1049.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, filled milk, buttermilk, milk drinks (plain or flavored), "fortified" products, "dietary" milk products, concentrated milk or skim milk, reconstituted milk, skim milk, or milk drinks (plain or flavored), and cream or any mixture in fluid form of cream, milk or skim milk (except eggnog, yogurt, milk shake mix, frozen dessert mix, sour cream, aerated cream products, evaporated and plain or sweetened condensed milk or skim milk, and sterilized products packaged in hermetically sealed metal or glass containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. Section 1049.17 is revised to read as follows:

§ 1049.17 Route.

"Route" means a delivery (including that custom-packaged for another person, disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1049.41(a)(1) other than a delivery in bulk form to any milk or filled milk processing plant.

6. A new § 1049.19 is added to read as follows:

§ 1049.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1049.30, paragraph (b) is revised to read as follows:

§ 1049.30 Reports of receipts and utilization.

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including separate statements of the disposition of Class I milk, except filled milk, and filled milk on routes inside the marketing area; and

* * * * *

8. Section 1049.31 is revised to read as follows:

§ 1049.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) Each handler specified in § 1049.8(c) who operates a partially regulated distributing plant shall report as required of handlers operating pool plants pursuant to § 1049.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

9. Section 1049.33 is revised to read as follows:

§ 1049.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

(d) Payments to producers or dairy farmers, as the case may be, and cooperative associations, including the amount and nature of any deductions and the disbursement of moneys so deducted.

10. In § 1049.44(d), subparagraph (5) is revised to read as follows:

§ 1049.44 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

11. In § 1049.46(a) paragraphs (2), (3), (4), (7), and (8) are revised to read as follows:

§ 1049.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(c) (1) Multiple any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk, in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs, (3)(v) and (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk;

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1049.27(m); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

* * * * *

12. Section 1049.61 is revised to read as follows:

§ 1049.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as the operator of a plant specified in paragraph (a), (b), or (c) of this section the provisions of this part shall not apply, except as specified in paragraphs (d) and (e) of this section:

(a) A distributing plant from which the Secretary determines a greater proportion of fluid milk products (except filled milk) is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to regulation of such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition (except filled milk) on routes is made in such other marketing

area, unless, notwithstanding the provisions of this paragraph, it is regulated by such other order;

(b) A distributing plant which meets the requirements set forth in § 1049.12 (a) which also meets the requirements of another order on the basis of its distribution in such other marketing area and from which the Secretary determines a greater quantity of milk (except filled milk) is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other order;

(c) A supply plant which during the month is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1049.12(b) and a greater volume of fluid milk products (except filled milk) is moved to pool distributing plants qualified on the basis of route sales in this marketing area;

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section, shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator; and

(e) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

13. In § 1049.62, paragraphs (a) and (b)(1)(i) are revised to read as follows:

* * * * *

§ 1049.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * *

(a) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is greater, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price;

(b) Except as a handler may elect the option pursuant to paragraph (a) of this section, an amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1049.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1049.70(e) and a credit in the amount specified in § 1049.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * * *

14. Section 1049.81 is revised to read as follows:

§ 1049.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1049.61, 1049.62, 1049.82, 1049.84, and 1049.88 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1049.83, 1049.84, and 1049.88, except that any payments due to any handler shall be offset by any payments due from such handler; and

(b) All amounts subtracted pursuant to § 1049.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1049.80 in accordance with the requirements of § 1049.71(i).

15. In § 1049.87, paragraphs (a) and (d) are revised to read as follows:

§ 1049.87 Termination of obligations.

* * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

1. In § 1050.12 paragraphs (a) and (b) are revised to read as follows:

§ 1050.12 Pool plant.

* * * * * *

(a) A distributing plant, other than that of a producer-handler or one described in § 1050.61, from which during the month:

(1) Disposition of fluid milk products, except filled milk, in the marketing area on routes is equal to 10 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.9(d), or from which an average of not less than 7,000 pounds per day of fluid milk products, except filled milk, is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products, except filled milk, on routes is equal to 50 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.9(d) during the months of August through February and 40 percent during all other months;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1050.9(d) is moved to and received at a pool plant(s) described in paragraph (a) of this section which have at least 50 percent Class I use (not including filled milk) of the total of such supply plant milk and producer milk receipts in the months of August through February and 40 percent in other months;

* * * * * *

2. Section 1050.13 is revised to read as follows:

§ 1050.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

3. Section 1050.16 is revised to read as follows:

§ 1050.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, plain or flavored milk and milk drinks (unmodified or fortified), including "dietary milk products" and reconstituted milk or skim milk; filled milk; concentrated milk not in hermetically sealed containers, cream (sweet or sour), and mixtures of cream and milk or skim milk, but not including the following: Aerated cream products, frozen storage cream, sour cream and sour cream mixtures not labeled Grade A, eggnog, yogurt, frozen dessert mixes, evaporated or condensed milk, and sterilized fluid milk products in hermetically sealed containers. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1050.19a is added to read as follows:

§ 1050.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1050.30 subparagraphs (3) and (5) of paragraph (a) and paragraph (c) are revised to read as follows:

§ 1050.30 Reports of receipts and utilization.

* * * * * *

(a) * * *

(3) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * * *

(5) Such other information with respect to the receipts and utilization of milk and milk products (including filled milk) as the market administrator may require;

* * * * * *

(c) Each handler specified in § 1050.9(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk; and

* * * * * *

6. In § 1050.43, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1050.43 Transfers and diversions.

* * * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II;

* * * * * *

7. In § 1050.45, subparagraphs (2), (3), (4), (5), (6), (7), (8), and the introductory text of subparagraph (9) preceding subdivision (i) of paragraph (a) are revised to read as follows:

* * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II;

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25; and

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in

Class II, if Class II utilization was requested by the transferee handler and the operator of the transferor plant requests such utilization;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4)(iv) or (5) (i) and (ii) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (4)(v) or (5)(iii) of this paragraph pursuant to the following procedure:

• • • • •

8. Section 1050.61 is revised to read as follows:

§ 1050.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except as specified in paragraphs (d) and (e):

(a) A distributing plant qualified pursuant to § 1050.12(a) which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order than as Class I route disposition in the Central Illinois marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such Class I route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this paragraph;

(b) A distributing plant qualified pursuant to § 1050.12(a) which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk, except filled milk, is disposed of during the month in the Central Illinois marketing area as Class I route disposition than as Class I route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation even though such plant has greater such Class I route disposition in the marketing area of the Central Illinois order;

(c) Any plant qualified pursuant to § 1050.12(c) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act;

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1050.30 through 1050.32) and allow verification of such reports by the market administrator; and

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

9. In § 1050.62 paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1050.62 Obligations of handler operating a partially regulated distributing plant.

• • • • •

(a) • • •

(1) (i) The obligation that would have been computed pursuant to § 1050.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts of such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1050.70(f) and a credit in the amount specified in § 1050.84 (b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

• • • • •

(b) An amount computed as follows: (1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

10. Section 1050.83 is revised to read as follows:

§ 1050.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," which shall function as follows: (a) All payments made by handlers pursuant to §§ 1050.61, 1050.62, 1050.84, and 1050.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1050.85 and 1050.86: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler; and (b) all amounts subtracted pursuant to § 1050.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1050.80 in accordance with the requirements of § 1050.71(i).

11. In § 1050.90 paragraphs (a) and (d) are revised to read as follows:

§ 1050.90 Termination of obligations.

• • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and

butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers or if the obligation is payable to the market administrator, the account for which it is to be paid;

• • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1060—MILK IN THE MINNESOTA-NORTH DAKOTA MARKETING AREA

1. Section 1060.11 is revised to read as follows:

§ 1060.11 Producer-handler.

Producer-handler means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distributing plant;

(b) Receives no milk during the month from other dairy farmers or from sources other than pool plants and not more than 3,000 pounds of milk and fluid milk products (including the milk equivalent of nonfluid products which are reconstituted into fluid milk products) during the month from any source;

(c) Receives no nonfluid milk products from any source for reconstitution into fluid milk products except that received within the limitations set forth in paragraph (b) of this section;

(d) Such person must provide proof satisfactory to the market administrator that (1) the care and management of all the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person, and (2) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

2. Section 1060.18 is revised to read as follows:

§ 1060.18 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, filled milk, concentrated milk, buttermilk, milk drinks (plain or flavored), sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk. The term includes these products in fluid, frozen, fortified (including "dietary" milk products) or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as yogurt, eggnog, aerated cream in dispensers, ice cream mix, frozen dessert mix and evaporated or condensed milk or skim milk. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

3. A new § 1060.19 is added, to read as follows:

§ 1060.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

4. Section 1060.20 is revised to read as follows:

§ 1060.20 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed and/or packaged. Separate facilities used only as a reload point for transferring bulk milk or filled milk from one tank truck to another shall not be a plant under this definition. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

5. In § 1060.23, paragraphs (a) and (b) are revised to read as follows:

§ 1060.23 Pool plant.

• • • • •

(a) A distributing plant from which during the month there is disposed:

(1) As Class I milk, except filled milk, on routes in the marketing area not less than 15 percent of Grade A milk receipts at such plant; and

(2) As Class I milk, except filled milk, on routes or by transfer to another plant and classified as Class I pursuant to § 1060.44 not less than the applicable percentage of such plant's receipts of Grade A milk:

(i) March through June, 20 percent;

(ii) July through February, 25 percent: *Provided*, That all distributing plants operated by a handler may be considered as one plant for the purpose of meeting the applicable percentage requirement of this subparagraph if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested; and

(b) A supply plant from which not less than 25 percent of its producer receipts at such plant during the month is shipped as fluid milk products, except filled milk, to pool plants qualified pursuant to paragraph (a) of this section: *Provided*, That a supply plant which qualified pursuant to this paragraph in each of the immediately preceding months of August through November shall be a pool plant for the months of March through June unless the plant operator requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

6. In § 1060.24, the introductory text preceding paragraph (a), and paragraphs (c) and (d) are revised to read as follows:

§ 1060.24 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

• • • • •

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are shipped during the month to a distributing plant, and is neither an other order plant nor a producer-handler plant.

7. In § 1060.35, paragraphs (e) and (h) are revised to read as follows:

§ 1060.35 Reports of receipts and utilization.

• • • • •

(e) A separate statement showing the disposition of fluid milk products on routes in the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

• • • • •

(h) Each handler specified in § 1060.10(d) who operates a partially regulated distributing plant shall report as required in this section, except that receipts of Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

7a. In § 1060.38, paragraphs (b) and (c) are revised to read as follows:

§ 1060.38 Records and facilities.

• • • • •

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

* * * * *

8. In § 1060.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1060.44 Transfers.

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

9. Section 1060.46 is revised to read as follows:

§ 1060.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1060.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1060.41(b)(5);

(2) Subtract from the pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidefitified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order, and from exempt institutions as defined in § 1060.60(b);

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph;

(a) For which the handler requests Class II utilization; or

(b) The pounds of skim milk in receipts which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) the sum of the pounds of skim milk in producer milk, receipts of fluid milk products from pool plants of other handlers, and receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the transferee handler but not in excess of the pounds of skim milk remaining in Class II milk;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4)(iv) or (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4)(v) or (5)(ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1060.32(1) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1060.44(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

10. The introductory text of § 1060.61 which precedes paragraph (a) is revised to read as follows:

§ 1060.61 Plants subject to other Federal orders.

The provisions of this order shall not apply with respect to a plant of a handler specified in paragraph (a) or (b) of this section except as specified in paragraphs (c) and (d):

* * * * *

§ 1060.61 [Amended]

10a. In paragraph (a) of § 1060.61, the phrase "fluid milk products" as it appears in the text preceding the proviso is changed to read "fluid milk products, except filled milk,"; and the phrase "Class I disposition" as it appears in the proviso is changed to read "Class I disposition, except filled milk".

10b. In § 1060.61, paragraph (b) is revised and new paragraphs (c) and (d) are added to read as follows:

§ 1060.61 Plants subject to other Federal orders.

* * * * *

(b) A distributing plant which meets the requirements set forth in § 1060.23(a) which also meets the requirements of another marketing order on the basis of its distribution in such other marketing area and from which the Secretary determines a greater quantity of fluid milk products, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing order.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1060.35 through 1060.37) and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a) or (b) of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. In § 1060.62, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1060.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1060.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1060.70(f) and a credit in the amount specified in § 1060.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct (except that deducted under a similiar provision of another order issud pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price), and add for the qauntity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12. In § 1060.83, paragraph (a) is revised to read as follows:

§ 1060.83 Producer-settlement fund.

* * * * *

(a) Payments made by handlers pursuant to §§ 1060.61, 1060.62, 1060.84 and 1060.86.

* * * * *

13. In § 1060.89, paragraphs (a) and (d) are revised to read as follows:

§ 1060.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1062—MILK IN THE ST. LOUIS-OZARKS MARKETING AREA

1. Section 1062.12 is revised to read as follows:

§ 1062.12 Pool plant.

"Pool plant" means:

(a) Any distributing plant, other than that of a producer-handler or one described in § 1062.61, which:

(1) Has disposition during the month of fluid milk products, except filled milk, on routes and in packaged form to pool distributing plants, which, after subtraction of the quantity of packaged fluid milk products, except filled milk, received from other pool plants, is equal to at least 50 percent of such plant's total receipts of Grade A fluid milk products from dairy farmers (including milk diverted by the plant operator), supply plants and cooperative associations as handlers pursuant to § 1062.8(d), exclusive of packaged fluid milk products, except filled milk, received from other pool plants, and has route disposition in the marketing area in an amount equal to 10 percent or more of such receipts or an average of not less than 7,000 pounds per day, whichever is less; or

(2) Qualified as a pool plant in the immediately preceding month on the basis of the performance standards described in subparagraph (1) of this paragraph;

(b) Any supply plant from which during the month 50 percent or more of the Grade A milk received from dairy farmers and cooperative associations in their capacity as a handler pursuant to § 1062.8(d) is shipped to a plant(s) described in paragraph (a) of this section. Any supply plant which has shipped to a plant(s) described in paragraph (a) of this section the required percentages of its receipts during each of the months of September through February shall be designated a pool plant in each of the following months of March through August unless the plant operator requests the market administrator in writing that such plant not be a pool plant. Such nonpool plant status shall be effective the first month following such notice and thereafter until the plant again qualifies as a pool plant on the basis of shipments;

(c) Any plant which is operated by or under contract to a cooperative association, or a federation of cooperatives, if:

(1) The operator of such plant(s) requests pool status, and 50 percent or more of all the Grade A milk from farms of the member producers of such cooperative or federation including milk delivered by the cooperative as a handler pursuant to § 1062.8(d) has been shipped to and physically received at pool distributing plants during the current month or the previous 12-month period ending with

the current month, either directly from producer member farms or by transfer from such association plant(s); and

(2) Such a plant does not qualify during the month as a "pool plant" under another market pool order issued pursuant to the Act by making shipments of milk to plants which qualify as "pool plants" under such other order; or

(3) Such plant meets the requirements of subparagraph (2) of this paragraph and met the requirements of subparagraph (1) of this paragraph in the preceding month.

2. Section 1062.13 is revised to read as follows:

§ 1062.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant which has route disposition of fluid milk products in consumer-type packages or dispenser units in the marketing area during the month; and

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

3. Section 1062.16 is revised to read as follows:

§ 1062.16 Fluid milk products.

"Fluid milk product" means milk, skim milk, concentrated milk, buttermilk, flavored milk, milk drinks (plain or flavored), fortified milk or skim milk (including "dietary milk products"), filled milk, reconstituted milk or skim milk, sour cream and sour cream mixtures labeled Grade A, cream or any mixture in fluid form of milk or skim milk and cream (except frozen or aerated cream, ice cream or frozen dessert mixes, eggnog, sour cream or sour cream mixtures not labeled Grade A, dips not labeled Grade A, and sterilized milk and milk products hermetically sealed in metal or glass containers and so processed either before or after sealing so as to prevent microbial spoilage). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. Section 1062.17 is revised to read as follows:

§ 1062.17 Route disposition.

"Route disposition" or "disposed of on routes" means any deliver of a fluid milk product to a retail or wholesale outlet (including any delivery through a vendor, or a sale in packaged form from a plant or plant store) except a delivery to another plant or to commercial food establishments pursuant to § 1062.41(b)(4).

5. A new § 1062.19 is added to read as follows:

§ 1062.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1062.30, paragraphs (a)(3), (4) and (b) are revised to read as follows:

§ 1062.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization or disposition of all quantities required to be reported, including separate statements of quantities:

(i) Of fluid milk products on hand at the end of the month;

(ii) Of route disposition of fluid milk products in the marketing area, and route disposition of filled milk in and outside the marketing area; and

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each handler described in § 1062.8(b) shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk and such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * *

7. In § 1062.33, paragraph (b) is revised to read as follows:

§ 1062.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

* * * * *

8. In § 1062.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1062.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph (e), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid products shall be classified as Class I milk, and skim milk and butterfat allocated to another class shall be classified as Class II milk; and

* * * * *

9. In § 1062.46(a), subparagraphs (2), (3), (4), (5), (6), (7), and the introductory text of subparagraph (8) preceding subdivision (i) are revised to read as follows:

§ 1062.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order or from a plant exempt pursuant to § 1062.60(b);

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II milk but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(*a*) For which the handler requests Class II milk utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II milk utilization was requested by the operator of such plant and the handler;

(iii) The pounds of skim milk in receipts of milk by diversion from an other order plant for which Class II utilization was requested by the receiving handler and by the diverting handler under the other order, but not in excess of the pounds of skim milk remaining in Class II milk;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

* * * * *

10. Section 1062.61 is revised to read as follows:

§ 1062.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition, except filled milk, during the month in such other Federal order marketing area is greater than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition, except filled milk, during the month in this marketing area is greater than was so disposed of in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order;

(c) A supply plant meeting the requirements of § 1062.12(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of March through August if such plant retains automatic pooling status under this part;

(d) The operator of a plant specified in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1062.30 through 1062.32) and allow verification of such reports by the market administrator; and

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in the marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. In § 1062.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1062.62 Obligations of handlers operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1062.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or any other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1062.70(e) and a credit in the amount specified in § 1062.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

(b) An amount computed as follows:

(1) Determine the respective amounts of route disposition (other than to pool plants) of skim milk and butterfat disposed of in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I milk price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II milk price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12. Section 1062.83 is revised to read as follows:

§ 1062.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1062.61, 1062.62, 1062.84, and 1062.86, and out of which he shall make all payments to handlers pursuant to §§ 1062.85 and 1062.86. The market administrator shall offset the payment due to a handler against payments due from such handler.

13. In § 1062.89, paragraphs (a) and (d) are revised to read as follows:

§ 1062.89 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

1. In § 1063.10, paragraphs (a) and (b) are revised as follows:

§ 1063.10 Pool plant.

* * * * *

(a) A distributing plant from which: (1) The volume of Class I packaged fluid milk products, except filled milk, disposed of during the month either on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets or moved to other plants, less receipts of packaged fluid milk products other than filled milk from other pool distributing plants, is not less than 45 percent of the total Grade A fluid milk products, except filled milk, received at such plant, exclusive of receipts of packaged fluid milk products from other pool distributing plants and receipts from other order plants which are assigned pursuant to § 1063.46(a)(4)(ii) and the corresponding step of § 1063.46(b); and

(2) Not less than 15 percent of such receipts during the month are so disposed of in the marketing area on routes.

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to plants qualified pursuant to paragraph (a) of this section is not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of December through August, unless written application is filed with the market administrator on or before the 1st day of any of the months of December through August to be designated a nonpool plant for such month and for each subsequent month through August.

* * * * *

2. Section 1063.11 is revised as follows:

§ 1063.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped during the month to a pool plant.

3. Section 1063.15 is revised as follows:

§ 1063.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), filled milk, cream or any mixture in fluid form of skim milk and butterfat (except aerated cream products, products containing cheese and labeled as such, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1063.18 is added as follows:

§ 1063.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1063.30, paragraph (f) is revised as follows:

§ 1063.30 Reports of receipts and utilization.

* * * * *

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

6. In § 1063.31, paragraph (c)(1) is revised as follows:

§ 1063.31 Other reports.

* * * * *

(c) * * *

(1) As required pursuant to § 1063.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk.

* * * * *

7. In § 1063.44, paragraph (e)(5) is revised as follows:

§ 1063.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1063.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised as follows:

§ 1063.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Substract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying

the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk, including diversions, from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1063.22(m) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

* * * * *

9. Section 1063.61 is revised as follows:

§ 1063.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a handler who operates a plant specified in paragraph (a) of this section except as specified in paragraphs (b) and (c):

(a) A distributing plant, a supply plant or a plant otherwise qualified as a pool plant pursuant to § 1063.10(c) during any month in which such plant would be subject to the classification and pricing provision of another order issued pursuant to the act unless the disposition of fluid milk products, except filled milk, from such plant to pool plants qualified under § 1063.10 and to retail and wholesale outlets in the Quad Cities-Dubunque marketing area exceeds such disposition to retail and wholesale outlets in such other marketing area and to pool plants regulated by such other order;

(b) Each handler operating a plant described in paragraph (a) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1063.30) and allow verification of such reports by the market administrator.

(c) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the non-pool plant and subtract its value at the Class II price.

10. In § 1063.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1063.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1063.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1063.70(e) and a credit in the amount specified in § 1063.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11. Section 1063.83 is revised as follows:

§ 1063.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1063.61, 1063.62, 1063.84, and 1063.86 and out of which he shall make all payments to handlers pursuant to §§ 1063.85 and 1063.86.

12. In § 1063.89, paragraphs (a) and (d) are revised as follows:

§ 1063.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in

the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

1. Section 1064.12 is revised as follows:

§ 1064.12 Pool plant.

"Pool plant" means a plant (except a plant exempt pursuant to § 1064.60 or § 1064.62) specified in paragraph (a), (b), or (c) of this section:

(a) A distributing plant from which during the month or the immediately preceding month:

(1) Not less than 15 percent of the total Grade A fluid milk products, except filled milk, received at such plant, including producer milk diverted to other plants pursuant to § 1064.15 by the handler operating such plant is disposed of in the marketing area on routes in the form of fluid milk products, except filled milk, and

(2) Not less than the following percentage of the total Grade A fluid milk products, except filled milk, received at such plant, including producer milk diverted to other plants pursuant to § 1064.15 by the handler operating such plant is disposed of on routes in the form of fluid milk products, except filled milk: *Provided*, That the combined receipts and disposition of each handler who operates more than one distributing plant, each of which meets the performance requirement of subparagraph (1) of this paragraph, shall be used in determining the percentages specified in this subparagraph:

(i) April through June, 35 percent;

(ii) September and October, 50 percent; and

(iii) All other months, 45 percent.

(b) A supply plant from which during the month the volume of Grade A fluid milk products, except filled milk, shipped to and received at pool plants pursuant to paragraph (a) of this section and/or disposed of in the marketing area as Class I, except filled milk, on routes is not less than 30 percent during November, December, and January and not less than 50 percent during all other months of the volume of Grade A milk received from dairy farmers at such plant (including receipts from a handler pursuant to § 1064.7(c) except receipts of diverted milk pursuant to § 1064.15): *Provided*, That any supply plant which is a pool plant during September through January shall be pooled for the following months of February through August if the required percentages pursuant to this paragraph are not met, unless such operator requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

(c) A supply plant which is operated by a cooperative association in any month in which the member producer milk of such cooperative association received during the month at pool distributing plants either by transfer from such supply plant or directly from member producers' farms is equal to or in excess of the following percentages of such cooperatives' total member producer milk: September, October, November, December, and January, 65 percent; all other months, 50 percent. If two or more cooperative associations desire to qualify, a supply plant operated by one of such cooperatives as a pool plant on the basis of their combined deliveries to pool distributing plants and have filed a request to this effect in writing with the market administrator on or before the first day of the month the agreement is effective, such a supply plant shall be a pool plant during the month if the above specified percentages of the total member producer milk of such cooperative associations was received during the month at pool distributing plants.

2. Section 1064.13 is revised as follows:

§ 1064.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant (except the plant of a handler pursuant to § 1064.7(f), an other order plant, or a producer-handler plant) from which fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant which is not an other order plant, a producer-handler plant, or a plant of a handler pursuant to § 1064.7(f) from which a fluid milk product is shipped during the month to a pool plant.

3. Section 1064.17 is revised as follows:

§ 1064.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, fortified milk or skim milk, reconstituted milk or skim milk, filled milk, sweet or sour cream and any mixture of such cream and milk or skim milk (including such mixtures containing less than the required butterfat standard for cream but not including any cultured sour mixtures to which cheese or any food substance other than a milk product has been added in an amount not less than 3 percent by weight of the finished product) and concentrated (frozen or fresh) milk, flavored milk, or flavored milk drinks which are neither sterilized nor in hermetically sealed cans. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1064.17a is added as follows:

§ 1064.17a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1064.30, paragraphs (e) and (h) are revised as follows:

§ 1064.30 Reports of receipts and utilization.

* * * * *

(e) The disposition of fluid milk products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(h) Each handler specified in § 1064.7(d) who operates a partially regulated distributing plant shall report as required in this section, with receipts in Grade A milk reported in lieu of those in producer milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk.

6. In § 1064.33, paragraphs (b) and (d) are revised as follows:

§ 1064.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products (including filled milk) handled;

* * * * *

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product (including filled milk) on hand at the beginning and at the end of each month.

7. In § 1064.44, paragraph (e)(5) is revised as follows:

§ 1064.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I and skim milk and butterfat allocated to the other class shall be classified as Class III; and

* * * * *

8. Section 1064.46 is revised as follows:

§ 1064.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1064.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III, the pounds of skim milk classified as Class III pursuant to § 1064.41(c)(7);

(2) Subtract from the remaining pounds of skim milk in each class, the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(vi) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract, in the order specified below, from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products, except filled milk, for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of fluid milk products from a handler pursuant to § 1064.7(f);

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another marketwide pool order.

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II milk or Class III milk but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products that were not subtracted pursuant to subparagraph (3)(v) of this paragraph from an unregulated supply plant:

(*a*) For which the handler requests Class II or Class III in series beginning with the requested class; or

(*b*) In series beginning with Class III, which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, receipts from other pool plants, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph; and

(ii) Receipts of fluid milk products that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph in bulk from an other order plant in excess of similar transfers to such plant, if Class II or Class III was requested by the operators of both plants in series beginning with the requested class;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of fluid milk products at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(v) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(vi) or (4)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated combined Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1064.22(m) or the percentage that combined Class II and Class III utilization remaining is of the total remaining utilization of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1064.44(a); and

(10) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. In § 1064.61, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1064.61 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1064.70 shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1064.70(e) and a credit in the amount specified in § 1064.84(a)(2)(ii) with respect to receipts, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

10. Section 1064.62 is revised as follows:

§ 1064.62 Plants subject to other Federal orders.

The provisions of this part shall not apply to any plant which meets the requirements of paragraph (a), (b), or (c) of this section, except as specified in paragraphs (d) and (e) of this section.

(a) A distributing plant qualified pursuant to § 1064.12 which also meets the pooling requirements of another Federal order and a greater volume of fluid milk products, except filled milk, was disposed of during the month on routes in such other marketing area and to pool plants qualified on the basis of route distribution in such other marketing

area than was so disposed of in this marketing area except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its fluid product disposition, except filled milk, is made in the above described manner in such other marketing area, unless, notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A distributing plant qualified pursuant to § 1064.12 which also meets the pooling requirements of another Federal order and a greater volume of fluid milk products, except filled milk, was disposed of during the month on routes in this marketing area and to pool plants qualified on the basis of route distribution in this marketing area than was so disposed of in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A supply plant meeting the requirements of § 1064.12, which also meets the pooling requirements of another Federal order, from which greater direct marketing area route disposition in the form of fluid milk products, except filled milk, and qualifying shipments are made to plants regulated under such other order than are made in this marketing area on routes in the form of fluid milk products, except filled milk, and to plants regulated under this part, except that during the months of February through August if the operator of such plant gives written notification to the market administrator on or before the 1st day of any such month that he elects to maintain automatic pool status for such plants under this part for the month and each subsequent month through August.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1064.30 through 1064.32) and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

11. In § 1064.83, paragraph (a) is revised as follows:

§ 1064.83 Producer-settlement fund.

* * * * *

(a) Payments made by handlers pursuant to § 1064.61 (a) and (b), § 1064.62 (e), and §§ 1064.84 and 1064.86.

* * * * *

12. In § 1064.89, paragraphs (a) and (d) are revised as follows:

§ 1064.89 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING IOWA

1. Section 1065.9 is revised to read as follows:

§ 1065.9 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and the operator of a distributing plant, and who meets all of the following conditions:

(a) Receipts of fluid milk products at his plant are solely milk of his own production and fluid milk products from pool plants of other handlers;

(b) Receives no nonfluid milk products for reconstituting into fluid milk products; and

(c) The maintenance, care and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging and distribution of the milk (including filled milk) are the personal enterprise and the personal risk of such person.

2. In § 1065.12, paragraphs (a) and (b) are revised to read as follows:

§ 1065.12 Pool plant.

* * * * *

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers, supply plants (exclusive of plants qualifying as pool plants pursuant to this paragraph), and cooperative associations pursuant to § 1065.8 (d), is disposed of during the month on routes and not less than 15 percent of such receipts are so disposed of in the marketing area; and

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 50 percent of the Grade A milk received at such plant from dairy farmers and cooperative associations pursuant to § 1065.8(d) during such month. A supply plant that qualifies as a pool plant in each of the immediately preceding months of August through December shall be a pool plant for the succeeding months of January through July, unless the plant operator requests the market administrator, in writing, that such plant not be a pool plant, such nonpool plant status to be effective the first month following such notice and thereafter until the plant again qualifies as a pool plant on the basis of shipments.

* * * * *

3. In § 1065.13, the introductory text preceding paragraph (a), and paragraphs (c) and (d) are revised to read as follows:

§ 1065.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant

from which fluid milk products are shipped during the month to a pool plant.

4. Section 1065.16 is revised to read as follows:

§ 1065.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, yogurt, milk drinks (plain or flavored), filled milk, concentrated milk (frozen or fresh), cream, cultured or sour cream or any mixture in fluid form of milk or skim milk and cream (except frozen cream, a product which contains 6 percent or more nonmilk fat (or oil), aerated cream products, ice cream mix, frozen dessert mixes, eggnog, evaporated or condensed milk, sterilized products packaged in hermetically sealed metal or glass containers, and cultured sour mixtures of cream and milk or skim milk to which cheese or any other food substance other than a milk product has been added and not labeled as Grade A).

5. A new § 1065.19 is added, to read as follows:

§ 1065.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1065.30, subparagraph (3) of paragraph (a), and paragraph (b) are revised to read as follows:

§ 1065.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization in each class of the quantities required to be reported, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(b) Each handler specified in § 1065.8 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk shall be reported in lieu of those in producer milk; such report shall include separate statements showing the respective amounts of skim milk and butterfat disposed of on routes (other than to pool plants) in the marketing area as Class I milk and the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

* * * * *

7. Section 1065.33 is revised to read as follows:

§ 1065.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat required to be reported pursuant to § 1065.30;

(b) The weights and tests for butterfat and other contents of all milk and milk products (including filled milk) received or utilized; and

(c) Payments to producers or cooperative associations.

8. In § 1065.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1065.44 Transfers.

* * * * *

(f) * * *

(5) For the purposes of this paragraph if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to Class II under the other order shall be classified as Class III; and

* * * * *

9. Section 1065.46 is revised to read as follows:

§ 1065.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1065.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1065.41(c)(8);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, in sequence beginning with Class III from the pounds of skim milk remaining in Classes II and III, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(a) For which the handler requests Class II or Class III utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph,

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such a plant, if Class II or Class III utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1065.22(1) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers

according to the classification assigned pursuant to § 1065.44(a);

(10) Subtract pro rata from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from a cooperative association in its capacity as a handler pursuant to § 1065.8(d); and

(11) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the precedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

10. Section 1065.61 is revised to read as follows:

§ 1065.61 Plants subject to other Federal orders.

The provisions of this part, except §§ 1065.32 through 1065.34 and as specified in paragraph (c) of this section shall not apply to a handler with respect to the operation of plants described in paragraphs (a) or (b).

(a) A plant qualified pursuant to § 1065.12(a) from which a lesser volume of fluid milk products (not including filled milk) is disposed of in the Nebraska-Western Iowa marketing area than in the marketing area of another marketing agreement or order issued pursuant to the Act and which is fully subject to the classification and pricing provisions of such other agreement or order;

(b) Any plant qualified pursuant to § 1065.12(b) for any portion of the period of January through July, inclusive, that producer milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

(c) Each handler operating a plant specified in paragraph (a), of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketing pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

11. In § 1065.62, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1065.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1065.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1065.70(e) and a credit in the amount specified in § 1065.82 (b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows: (1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

12. Section 1065.81 is revised to read as follows:

§ 1065.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1065.61, 1065.62 (a) and (b), 1065.82, and 1065.84 and out of which he shall make all payments to handlers pursuant to §§ 1065.83 and 1065.84.

13. In § 1065.87, paragraphs (a) and (d) are revised to read as follows:

§ 1065.87 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on skim milk and butterfat involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service if such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists were received or handled; and

(3) If the obligation is payable to one or more producer(s) or association of producers, the names of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1068—MILK IN THE MINNEAPOLIS-ST. PAUL, MINNESOTA MARKETING AREA

1. Section 1068.7 is revised to read as follows:

§ 1068.7 Route.

"Route" means any delivery either inside or outside the marketing area (including disposition by a vendor or from a plant store or from vending machines) of any item of Class I milk to a wholesale or retail stop, including any governmentally operated institution, but (except for filled milk) excluding any disposition of skim milk or butterfat not eligible for sale in fluid form as Grade A milk or cream in the marketing area from a nonpool plant to any other plant or to a commercial processor of foods.

2. Section 1068.8 is revised to read as follows:

§ 1068.8 Plant.

"Plant" means the entire land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing or other handling of milk or milk products (including filled milk). Under this definition any separate portion of a premises or facilities qualified under § 1068.9(b) used to receive, process, or otherwise handle milk or filled milk shall be deemed to be a separate plant. This definition shall not include any building, premises, facilities, or equipment used primarily (a) to hold or store bottled milk or milk products (including filled milk) in finished form in transit for wholesale or retail distribution on a route(s), or (b) to transfer milk from one conveyance to another in transit from farm to plant of first receipt.

3. In § 1068.9, paragraphs (a) and (b) are revised to read as follows:

§ 1068.9 Pool plant.

* * * * *

(a) A plant in which milk is processed or packaged and from which not less than 15 percent of its total disposition of Class I milk, except filled milk, during the month either by the operator of such plant or by another person is made within the marketing area on a route(s): *Provided*, That the total quantity of Class I milk, except filled milk, disposed of from such plant during the month either inside or outside the marketing area, is equal to 30 percent or more of such plant's total receipts of skim milk and butterfat eligible for sale in fluid form as Grade A milk within the marketing area in any of the months of January through June, or to 50 percent or more of such total receipts in any of the months of July through December; or

(b) Any plant from which during any month 40 percent or more of such plant's total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to (1) a plant(s) which has qualified pursuant to paragraph (a) of this section, (2) any other plant(s) located within the marketing area from which Class I milk, not including filled milk, is disposed of within the marketing area on a route(s), or (3) a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities: *Provided*, That if during each of the months of August, September, and October, 40 percent or more of such plant's receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through the following July: *And provided further*, That any deliveries of milk by a cooperative association during the months of August, September, and October directly from a farm(s) of its producer member(s) to a plant(s) described in paragraph (a) of this section may be considered, for purposes of this paragraph, as having been received first at a plant of such cooperative association.

* * * * *

4. In § 1068.10, the introductory text preceding paragraph (a), and paragraphs (c) and (d) are revised to read as follows:

§ 1068.10 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a fluid milk product is shipped during the month to a pool plant.

5. Section 1068.15 is revised to read as follows:

§ 1068.15 Producer-handler.

Producer-handler means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distribution plant at which Grade A milk of his own production is processed and packaged, and disposed of as Class I milk on routes in the marketing area;

(b) Receives no milk from the farms of other dairy farmers nor fluid milk products from any other source, except receipts of not more than 50,000 pounds (3.5 percent milk equivalent of butterfat) in the form of milk or filled milk during the month by transfer from pool plants of other handlers;

(c) Receives no nonfluid milk products from any source for use in reconstituting fluid milk products;

(d) Has route disposition consisting only of skim milk and butterfat obtained from his own farm production except that received pursuant the exception set forth in paragraph (b) of this section; and

(e) The maintenance, care and management of the dairy animals and other resources necessary to produce such milk and the processing, packaging or distribution of milk (including filled milk) are the personal enterprise, and the personal risk, of such person.

6. Section 1068.19 is revised to read as follows:

§ 1068.19 Fluid milk product.

"Fluid milk product" means milk, skim milk (including reconstituted skim milk), filled milk, concentrated milk, buttermilk, flavored milk, flavored milk drinks (except any such item disposed of as animal feed and sterilized milk, cream, or milk drinks in metal containers hermetically sealed), cream (sweet or sour, including "Smetana" and similar sour cream products and mixtures of cream and milk or skim milk containing less butterfat than the legal standard for cream): *Provided*, That when nonfat milk solids are added for "fortification" the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same mixture and butterfat content. This definition also shall not include a product which contains 6 percent or more nonmilk fat (or oil).

7. A new § 1068.17 is added, to read as follows:

§ 1068.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk products; and contains less than 6 percent nonmilk fat (or oil).

8. Section 1068.30 is revised to read as follows:

§ 1068.30 Monthly reports of receipts and utilization.

(a) On or before the 10th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 1068.13(a) shall report, separately for each pool plant, to the market administrator for the preceding month with respect to all milk and milk products (including filled milk), except any milk product defined as Class II milk which is disposed of in the form in which received without further processing or packaging by the handler, received at each pool plant, the following:

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including such handler's own production) and contained in milk and filled milk received from producer-handlers and other pool plants.

(2) The quantities of skim milk and quantities of butterfat contained in other source milk, with the sources thereof;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including on a skim milk equivalent basis any nonfat milk solids used to fortify (or as an additive to) any milk product (including filled milk) as described in § 1068.45, and including the quantities of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products (including filled milk);

(4) A separate statement of the disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

(5) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

(b) Each handler specified in § 1068.13 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes (other than to pool plants) in the marketing area as Class I milk, and the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(c) Each handler specified in § 1068.13 (e) who operates an unregulated supply plant shall report as required in paragraph (a) of this section, except that the receipts in Grade A milk shall be reported in lieu of those in producer milk.

9. In § 1068.33, paragraph (d) is revised to read as follows:

§ 1068.33 Records and facilities.

* * * * *

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product (including filled milk) on hand at the beginning and at the end of each month.

10. In § 1068.44, paragraph (c), and subparagraph (5) of paragraph (f) are revised to read as follows:

§ 1068.44 Transfers.

* * * * *

(c) As Class I milk if moved to a nonpool plant by a cooperative association directly from the farm of the producer and the nonpool plant is one from which milk (including filled milk) is disposed of in fluid form on routes;

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

11. Section 1068.45 is revised to read as follows:

§ 1068.45 Computation of milk in each class.

For each month the market administrator shall correct mathematical and other obvious errors in the monthly report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler: *Provided*, That when nonfat milk solids derived from nonfat dry milk, condensed skim milk, and any other product condensed from milk or skim milk, are utilized by such handler either (a) to fortify (or as an additive to) fluid milk, flavored milk, skim milk, or any other milk product (including filled milk), or (b) for disposition by a handler in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

12. Section 1068.46 is revised to read as follows:

§ 1068.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1068.45, the market administrator shall determine the classification of produced milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1068.41(b)(5);

(2) Subtract from the pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a cooperative association as a handler pursuant to the proviso of § 1068.13(a), receipts from pool plants of other handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1068.22(i) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1068.44(a);

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

13. Section 1068.61 is revised to read as follows:

§ 1068.61 Producer-handlers.

Any handler claiming producer-handler status shall furnish to the market administrator, for verification, evidence of his qualifications as a producer-handler pursuant to § 1068.15 and shall furnish evidence of subsequent changes made in the manner of producing, securing, or distributing milk (including filled milk) that affect such qualifications as a producer-handler; such verification by the market administrator shall be made within 15 days of receipt of the evidence and shall be effective as of the first day of the month during which vertification is made.

14. Section 1068.62 is revised to read as follows:

§ 1068.62 Milk under more than one Federal order.

Milk received at a plant qualified as a pool plant under § 1068.9 shall be exempt from the provisions of this part except as specified in paragraphs (c) and (d) of this section if all the conditions of paragraphs (a) and (b) of this section are met:

(a) The Secretary determines that a greater quantity of milk in fluid form is disposed of from such plant to another regulated area as defined in another marketing agreement or order issued pursuant to the act either on routes or through plants regulated by such other marketing agreement or order than is disposed of from such plant in the Minneapolis-St. Paul marketing area either on routes or through other pool plants; and

(b) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part;

(c) The handler of such milk shall make reports to the market administrator with respect to his total receipts and utilization or disposition of skim milk and butterfat at such times and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with § 1068.33.

(d) A handler, with respect to milk exempt from the terms of the Minneapolis-St. Paul order as provided in this section, if such milk is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

15. Section 1068.63 is revised to read as follows:

§ 1068.63 Butterfat in fluid skim milk.

For classification purposes, pursuant to §§ 1068.40 through 1068.46, butterfat in skim milk either disposed of to others or used in the manufacture of milk products (including filled milk) shall be accounted for at a butterfat content of 0.065 percent, unless the handler has adequate records of the actual butterfat content of such skim milk.

16. In § 1068.64, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1068.64 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1068.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant for an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1068.70(d) and a credit in the amount specified in § 1068.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1068.71 applicable at such location or at the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

17. Section 1068.83 is revised to read as follows:

§ 1068.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1068.62, 1068.64, 1068.84, and 1068.86 and out of which he shall make all payments due handlers pursuant to §§ 1068.85 and 1068.86: *Provided*, That the market administrator shall offset any payments due any handler against payments due from such handler.

18. In § 1068.93, paragraphs (a) and (d) are revised to read as follows:

§ 1068.93 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1069—MILK IN THE DULUTH-SUPERIOR MARKETING AREA

1. In § 1069.7, paragraphs (a) and (b) are revised to read as follows:

§ 1069.7 Pool plant.

* * * * *

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which fluid milk products are pasteurized or packaged and from which there is disposed of during the month as Class I milk, except filled milk, on routes an amount equal to 50 percent or more of total receipts of Grade A milk at such plant from dairy farmers, from other plants, and from cooperative associations in their capacity as handlers and from which there is disposed of as Class I milk, except filled milk, on routes in the marketing area an amount equal to 10 percent or more of such total receipts: *Provided*, That such Class I sales distribution (not including filled milk) in the marketing area averages at least 500 pounds per day;

(b) Any plant, hereinafter referred to as a "supply pool plant", from which during the month 50 percent or more of its supply of Grade A milk from dairy farmers is moved to a distributing pool plant(s): *Provided*, That any supply plant which has qualified as a pool plant in each of the months of September, October, and November shall be a pool plant for each of the following months of December through August unless written request for nonpool status is furnished in advance to the market administrator.

* * * * *

2. Section 1069.8 is revised to read as follows:

§ 1069.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped during the month to a pool plant.

3. Section 1069.14 is revised to read as follows:

§ 1069.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk flavored milk, flavored milk drinks, filled milk, concentrated milk or milk drinks not in hermetically sealed cans, cream, and fluid mixtures of cream and milk or skim milk, including reconstituted milk or skim milk, but not including frozen cream, aerated cream products, eggnog, or ice cream and frozen dessert mixes. This definition shall not include a product which contains six percent or more nonmilk fat (or oil).

4. A new § 1069.18 is added, to read as follows:

§ 1069.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1069.30, subparagraph (5) of paragraph (a), and paragraph (b) are revised to read as follows:

§ 1069.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(b) Each handler specified in § 1069.9 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include separate statements showing the quantity of fluid milk products disposed of on routes (other than to pool plants) in the marketing area as Class I milk, and the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

6. In § 1069.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1069.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

7. Section 1069.46 is revised to read as follows:

§ 1069.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1069.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1069.41(b)(5);

(2) Subtract from the remaining pound of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim drinks (plain or flavored), cream or any milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity;

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a handler pursuant to § 1069.9(d), receipts from pool plants of other handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1069.22(k) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1069.44(a);

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

8. Section 1069.61 is revised to read as follows:

§ 1069.61 Plants subject to other Federal orders.

(a) Except as set forth in paragraph (b) of this section, the provisions of this part shall not apply to a plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless:

(1) Such plant is qualified as a pool plant pursuant to § 1069.7 and a greater volume of Class I milk, except filled milk, is disposed of from such plant in the Duluth-Superior marketing area than in the marketing area regulated pursuant to such other order, or

(2) The Secretary determines that the applicable order should more appropriately be determined on some other basis.

(b) Each handler in his capacity as an operator of a plant which, pursuant this section, is made partially exempt from the provisions of this part shall:

(1) With respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1069.30 through 1069.32) and allow verification of such reports by the market administrator; and

(2) If such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(i) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(ii) Compute the value of the quantity assigned in subparagraph (1) to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

9. In § 1069.62, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1069.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1069.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1069.70(e) and a credit in the amount specified in § 1069.64(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1069.71 at the same location or at the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

10. Section 1069.83 is revised to read as follows:

§ 1069.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1069.61, 1069.62, 1069.84, and 1069.86, and out of which he shall make payments to handlers pursuant to §§ 1069.85 and 1069.86: *Provided*, That any payments due to any handler shall be offset by any payments due such handler.

11. In § 1069.89, paragraphs (a) and (d) are revised to read as follows:

§ 1069.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

1. Section 1070.10 is revised as follows:

§ 1070.10 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year.

(c) A cooperative association with respect to Grade A milk received from dairy farmers at their farms in a tank truck owned or operated by such cooperative association and delivered in such tank truck to a pool plant: *Provided*, That such milk shall be deemed to have been received by the cooperative association at the location of the pool plant to which it is delivered by the tank truck and such location shall be deemed to be the location of such cooperative association in its capacity as the operator of a pool plant.

(d) A plant (1) which is approved by a duly constituted health authority for the handling of Grade A milk; (2) which is operated by a cooperative association; and (3) from which the milk transferred by the association to plants of other handlers specified in paragraph (a) of this section plus that delivered by such association pursuant to paragraph (c) of this section and that delivered directly from the farms of members of such association to such plants is Grade A milk delivered by producers who are members of the association. If written application is filed with the market administrator on or before the 5th day of any month, such plant may be designated a nonpool plant for such month and for any subsequent months, except such plant shall be a nonpool plant during any month in which it would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless the disposition of fluid milk products, except filled milk, from such plant to pool plants qualified under § 1070.10 and to retail and wholesale outlets in the Cedar Rapids-Iowa City marketing area exceeds such disposition to retail and wholesale outlets in such other marketing area and to pool plants regulated by such other order.

2. Section 1070.11 is revised as follows:

§ 1070.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped during the month to a pool plant.

3. Section 1070.13 is revised as follows:

§ 1070.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers or from a cooperative association in its capacity as the operator of a pool plant pursuant to § 1070.10(c) and whose disposition of fluid milk products does not exceed that (a) received from a pool plant, (b) processed from milk of his own production, or (c) processed from fluid milk products received from a pool plant.

4. Section 1070.15 is revised as follows:

§ 1070.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), filled milk, cream or any mixture in fluid form of skim milk and cream (except aerated cream products, ice cream mix, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1070.18 is added as follows:

§ 1070.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1070.30, paragraph (f) is revised as follows:

§ 1070.30 Reports of receipts and utilization.

• • • • •

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

• • • • •

7. In § 1070.31, paragraph (c)(1) is revised as follows:

§ 1070.31 Other reports.

• • • • •

(c) • • •

(1) As required pursuant to § 1070.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and shall include a statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

• • • • •

8. In §1070.32, paragraphs (b) and (c) are revised as follows:

§ 1070.32 Records and facilities.

• • • • •

(b) The weights and butterfat and other content of all milk, skim milk cream and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

• • • • •

9. In § 1070.44, paragraph (e)(5) is revised as follows:

§ 1070.44 Transfers.

• • • • •

(e) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • •

10. In § 1070.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised as follows:

§ 1070.46 Allocation of skim milk and butterfat classified.

• • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(iv) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

• • • • •

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipt of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1070.22(1) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

11. Section 1070.61 is revised as follows:

§ 1070.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a handler who operates a plant specified in paragraph (a) of this section except as specified in paragraphs (b) and (c):

(a) A distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the disposition of fluid milk products, except filled milk, from such plant to pool plants qualified under § 1070.10 and to retail and wholesale outlets in the Cedar Rapids-Iowa City marketing area exceeds such disposition to retail and wholesale outlets in such other marketing area and to pool plants regulated by such other order.

(b) Each handler operating a plant described in paragraph (a) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1070.30 and 1070.31) and allow verification of such reports by the market administrator.

(c) Each handler operating a plant specified in paragraph (a), of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

12. In § 1070.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1070.62 Obligations of handler operating a partially regulated distributing plant.

• • • • •

(a) • • •

(1)(i) The obligation that would have been computed pursuant to § 1070.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1070.70(e) and a credit in the amount specified in § 1070.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

• • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. Section 1070.83 is revised as follows:

§ 1070.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1070.61, 1070.62, 1070.84, and 1070.86, and out of which he shall make all payments to handlers pursuant to §§ 1070.85 and 1070.86.

14. In § 1070.89, paragraphs (a) and (d) are revised as follows:

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1071—MILK IN THE NEOSHO VALLEY MARKETING AREA

1. In § 1071.7, the introductory text and paragraph (a) are revised to read as follows:

§ 1071.7 Pool plant.

"Pool plant" means any milk plant described in paragraph (a) or (b) of this section, which is approved by the appropriate health authority having jurisdiction in the marketing area, except the plant of a producer-handler or a plant exempt pursuant to § 1071.61.

(a) Any plant, hereinafter referred to as a "distributing pool plant" from which:

(1) During the current delivery period there is distributed as Class I milk, except filled milk, on routes in the marketing area, an amount equal to 10 percent or more of such plant's Grade A receipts from dairy farmers as specified in subparagraph (2) of this paragraph; and

(i) During the current delivery period there is disposed of as Class I milk, except filled milk, an amount not less than an applicable percentage of such plant's Grade A receipts as specified in subparagraph (2) of this paragraph as follows: (*a*) April through August, 30 percent; and (*b*) September through March, 45 percent; or

(ii) During five of the six immediately preceding delivery periods, such plant was a pool plant by virtue of meeting the specifications pursuant to subdivision (i) of this subparagraph; and

(2) The Grade A receipts from dairy farmers to be used in calculating the percentages specified in subparagraph (1) of this paragraph, for each plant shall include all receipts of Grade A milk from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1071.9(c)(3) subject to the following provisions:

(i) Milk diverted to another plant for the account of the operator of the plant from which the milk was diverted shall be included in the receipts of the plant from which diverted for the purposes of this section, if the milk is claimed as diverted on the report of the diverting handler filed for the month pursuant to § 1071.30 (if such claim is made by the diverting handler, milk so diverted shall be excluded from the receipts of the plant to which diverted); and

(ii) Milk received at a plant operated by a cooperative association from another cooperative association acting as a handler pursuant to § 1071.9(c)(2) shall be excluded from the cooperative association's plant receipts for the purposes of this section.

* * * * *

2. Section 1071.8 is revised to read as follows:

§ 1071.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are distributed on routes in the marketing area in consumer-type packages or dispenser units during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved during the month to a pool plant qualified pursuant to § 1071.7 and which is neither an other order plant nor a producer-handler plant.

3. Section 1071.11 is revised to read as follows:

§ 1071.11 Producer-handler.

"Producer-handler" means any person who, with the approval of any health authority having jurisdiction in the marketing area, processes milk from his own farm production and disposes of all or a portion of such milk as Class I milk within the marketing area, who receives no milk from producers, and who disposes of no fluid milk products in excess of those (a) received from a pool plant, (b) received from an other order plant that are classified and priced as Class I milk under the other order, and (c) from milk of his own production.

4. Section 1071.16 is revised to read as follows:

§ 1071.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, filled milk, flavored milk drinks, cream, cultured sour cream, and any mixture (except bulk ice cream mix, eggnog, and aerated cream) of cream and milk or skim milk. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1071.17 is added to read as follows:

§ 1071.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. Section 1071.30 is revised to read as follows:

§ 1071.30 Reports of receipts and utilization.

On or before the 7th day after the end of each delivery period, each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator for each plant as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Receipts for his account of producer milk;

(2) Milk and milk products (including filled milk) received from other pool plants and from a cooperative association which is a handler pursuant to § 1071.9(c);

(3) Other source milk; and

(4) Inventories on hand at the beginning and the end of the delivery period;

(b) The utilization of all skim milk and butterfat required to be reported by this section, and a statement showing separately in-area and outside area route disposition of filled milk;

(c) Such other information with respect to the receipts and utilization of milk and milk products (including filled milk) as the market administrator may require; and

(d) Each handler specified in § 1071.9(b) who operates a partially regulated distributing plant, shall report as required in this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

7. Section 1071.33 is revised to read as follows:

§ 1071.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat in producer milk and all other skim milk and butterfat in milk and milk products (including filled milk) handled during the month and in inventories at the beginning and end of the month.

(b) The weights of butterfat and skim milk in all milk and milk products (including filled milk) handled; and

(c) Payments to producers and cooperative associations.

8. In § 1071.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1071.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

9. In § 1071.46(a), subparagraphs (2), (4), (5), (7), and (8) are revised to read as follows:

§ 1071.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

* * * * *

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph;

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and substracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, from cooperative handlers pursuant to § 1071.9(c), and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4)(v) or (5)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pusuant to subparagraphs (4)(v) or (5)(ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1071.22(1) or [illegible] percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

* * * * *

10. Section 1071.61 is revised to read as follows:

§ 1071.61 Handlers subject to other orders.

In the case of any handler (as defined in this section) who the Secretary determines disposed of a greater portion of his milk as Class I milk, except filled milk, in another marketing area regulated by another milk marketing agreement or order issued pursuant to the Act, or who otherwise is determined pursuant to the provisions of another milk marketing agreement or order to be subject to the pricing and payment provisions of such agreement or order, the provisions of this order shall not apply except as specified in paragraphs (a) and (b) of this section:

(a) Each handler operating a plant described above shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) Each handler operating a plant described above, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. In § 1071.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1071.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1071.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1071.70(d) and a credit in the amount specified in § 1071.93(b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in filled milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12. Section 1071.92 is revised to read as follows:

§ 1071.92 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit payments made by handlers pursuant to §§ 1071.61, 1071.62, 1071.93, and 1071.95 and out of which he shall make payments to handlers pursuant to §§ 1071.94 and 1071.95: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

13. In § 1071.98, paragraphs (a) and (d) are revised to read as follows:

§ 1071.98 Termination of Obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

1. In § 1073.9, paragraph (a) is revised to read as follows:

§ 1073.9 Producer-handler.

* * * * *

(a) His disposition of fluid milk products does not exceed his own farm production, receipts of fluid milk products from pool plants and receipts of packaged fluid milk products from other order plants; and

* * * * *

2. In § 1073.12, subparagraph (1) of paragraph (a) is revised to read as follows:

§ 1073.12 Pool plant.

* * * * *

(a) * * *

(1) Disposes of through route disposition fluid milk products, except filled milk, in an amount equal to 25 percent or more during the months of March through July and 35 percent during all other months of such plant's total receipts of Grade A milk direct from dairy farmers, supply plants and cooperative associations in their capacity as a handler pursuant to § 1073.8(d) and has route disposition in the marketing area in an amount equal to 10 percent or more of such receipts. In any case in which the entire quantity of fluid milk products, except filled milk, disposed of in packages in a particular size and form is received in such packages from other plants, all such disposition shall be credited to the plant from which such packages were received and shall be deducted from the appropriate disposition of the receiving plant; or

* * * * *

3. Section 1073.13 is revised to read as follows:

§ 1073.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant which has route disposition of fluid milk products in consumer-type packages or dispenser units in the marketing area during the month; and

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped to a pool plant.

4. Section 1073.16 is revised to read as follows:

§ 1073.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, filled milk, concentrated milk disposed of for fluid consumption other than in hermetically sealed metal or glass containers, buttermilk, flavored milk, yogurt, milk drinks (plain or flavored) "modified or fortified," including "dietary milk products" and reconstituted milk or skim milk, sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of milk or skim milk and cream (except frozen or aerated cream, ice cream or frozen dessert mixes, eggnog and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains six percent or more nonmilk fat (or oil).

5. A new § 1073.19 is added to read as follows:

§ 1073.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1073.30, subparagraph (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1073.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization or disposition of all quantities required to be reported, including separate statements of quantities:

(i) Of bulk fluid milk products on hand at the end of the month;

(ii) Of packaged fluid milk products on hand at the end of the month; and

(iii) Of route disposition of fluid milk products in the marketing area;

(iv) Of in-area route disposition of filled milk; and

(v) Of outside area route disposition of filled milk; and

* * * * *

(b) Each handler described in § 1073.8(b) shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those of producer milk and a statement showing the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area; and

* * * * *

7. In § 1073.33, paragraph (b) is revised to read as follows:

§ 1073.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products (including filled milk) handled;

* * * * *

8. In § 1073.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1073.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph (e), if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk and butterfat allocated to another class shall be classified as Class III milk; and

9. In § 1073.46, subparagraphs (2), (3), (4), (5), (6), (7), (8), and the introductory text of subparagraph (9) preceding subdivision (i), of paragraph (a) are revised to read as follows:

§ 1073.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4) (v) of this paragraph as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or III milk but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (4) (iv) of this paragraph:

(*a*) For which the handler requests Class III (or Class II) milk utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph in excess of similar transfers to such plant, if Class III (or Class II) milk utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4) (iv) or (5) (i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4) (v) or (5) (ii) of this paragraph:

10. Section 1073.61 is revised to read as follows:

§ 1073.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition, except filled milk, during the month in such other Federal order marketing area is greater than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of such Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition, except filled milk, during the month in this marketing area is greater than was so disposed of in such other Federal order marketing area but which plant is nevertheless, fully regulated under such other Federal order; and

(c) A supply plant meeting the requirements of § 1073.12(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to

plants regulated under this part, except during the months of December through July if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1073.30 through 1073.32) and allow verification of such reports by the market administrator;

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

11. In § 1073.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1073.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1073.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstructed skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1073.70(g) and a credit in the amount specified in § 1073.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I milk price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III milk price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price at the location of the nonpool plant less the value of such skim milk at the Class III price.

12. Section 1073.83 is revised to read as follows:

§ 1073.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1073.61, 1073.62, 1073.84, and 1073.86, and out of which he shall make all payments to handlers pursuant to §§ 1073.85 and 1073.86. Immediately after computing the uniform prices for each month, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 1073.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

13. In § 1073.89, paragraphs (a) and (d) are revised to read as follows:

§ 1073.89 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1075—MILK IN THE BLACK HILLS, S. DAK., MARKETING AREA

1. Section 1075.12 is revised to read as follows:

§ 1075.12 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to not less than 20 percent of the Grade A milk received at such plant from producers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) in the marketing area.

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year.

2. Section 1075.13 is revised to read as follows:

§ 1075.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped during the month to a pool plant.

3. Section 1075.15 is revised to read as follows:

§ 1075.15 Producer-handler.

"Producer-handler" means any person who operates both a dairy farm(s) and a distributing plant at which each of the following conditions are met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes in the marketing area; and

(c) The butterfat or skim milk disposed of in the form of fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products in bulk or in packaged form from pool plants of other handlers: *Provided*, That such person shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer and the processing, packaging, and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such person in his capacity as a handler.

4. Section 1075.18 is revised to read as follows:

§ 1075.18 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, milk drinks (plain or flavored), cream or any mixture in fluid form of milk, skim milk, and cream (except ice cream mix, evaporated or condensed milk, a product which contains 6 percent or more nonmilk fat (or oil), and sterilized products packaged in hermetically sealed containers).

5. A new § 1075.23 is added to read as follows:

§ 1075.23 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1075.30, paragraph (f) is revised and a new paragraph (h) is added to read as follows:

§ 1075.30 Reports of receipts and utilization.

* * * * *

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including separate statements of the route disposition of Class I milk outside the marketing area and on routes in the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(h) Each handler who operates a partially regulated distributing plant shall report as required in paragraphs (a) through (g) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include separate statements showing the quantity of fluid milk products disposed of on routes in the marketing area and the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

7. Section 1075.32 is revised to read as follows:

§ 1075.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

(d) Payments to approved dairy farmers and cooperative associations.

8. In § 1075.44, subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1075.44 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph if the transferee order provides for more than two classes of utilization skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

9. Section 1075.46 is revised to read as follows:

§ 1075.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1075.45, the market administrator shall determine the classification of milk received at each plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1075.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph as follows:

(i) From Class II milk the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order.

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(c)(1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(iv), (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (3)(v) or (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1075.27(k); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1075.44;

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

10. Section 1075.61 is revised to read as follows:

§ 1075.61 Plants subject to other Federal orders.

(a) Except as set forth in paragraphs (b) and (c) of this section, the provisions of this part shall not apply to an other order plant during any month unless such plant is qualified as a pool plant pursuant to § 1075.12 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant to retail or wholesale outlets in the Black Hills marketing area and to pool plants under this part than in the marketing area and to pool plants regulated pursuant to such other order;

(b) The operator of a plant specified in paragraph (a) of this section which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1075.30) and allow verification of such reports by the market administrator;

(c) Each handler operating a distributing plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. In § 1075.62, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1075.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) The obligation that would have been computed pursuant to § 1075.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1075.70(e) and a credit in the amount specified in § 1075.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products or in filled milk disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11a. In § 1075.74, paragraph (a) is revised to read as follows:

§ 1075.74 Notification of handlers.

* * * * *

(a) The amount and value of milk or filled milk in each class pursuant to §§ 1075.46 and 1075.70 and the totals of such amounts and values;

* * * * *

12. Section 1075.83 is revised to read as follows:

§ 1075.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1075.61, 1075.62, 1075.84, 1075.85, and 1075.86; *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

13. In § 1075.89, paragraphs (a) and (d) are revised to read as follows:

§ 1075.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrators) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to § 8c(15)(A) of the act, a petition claiming such money.

PART 1076—MILK IN THE EASTERN SOUTH DAKOTA MARKETING AREA

1. Section 1076.9 is revised to read as follows:

§ 1076.9 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and the operator of a distributing plant, and who meets all of the following conditions:

(a) Receipts of fluid milk products at his plant are solely milk of his own production and from pool plants of other handlers;

(b) Receives no nonfluid milk products from any source for use in reconstituting fluid milk products; and

(c) The maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk (including filled milk) are the personal enterprise and the personal risk of such person.

2. In § 1076.12, paragraphs (a) and (b) are revised to read as follows:

§ 1076.12 Pool plant.

* * * * *

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers, cooperative associations pursuant to § 1076.8(d) and from supply plants is disposed of during the month on routes and not less than 15 percent of such receipts are disposed of as Class I milk, except filled milk, on routes in the marketing area; and

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 35 percent of the Grade A milk received at such plant from dairy farmers and cooperative associations pursuant to § 1076.8(d) during such month. If such shipments are not less than 50 percent of such receipts during each of the immediately preceding months of September through November, such plant shall be a a pool plant for the months of March through June, unless the operator of such plant requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and such plant shall thereafter be a nonpool plant until it again qualifies as a pool plant on the basis of the shipping requirements set forth in this paragraph.

* * * * *

3. Section 1076.13 is revised to read as follows:

§ 1076.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, and from which fluid milk products are shipped during the month to a pool plant.

4. Section 1076.16 is revised to read as follows:

§ 1076.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, filled milk, milk drinks (plain or flavored), cream (sweet or sour) and any mixture in fluid form of skim milk and cream (except frozen cream, aerated cream, ice cream, ice cream and frozen dessert

mixes, a product which contains six percent or more nonmilk fat (or oil), and sterilized products in hermetically sealed containers).

5. Section 1076.17 is revised to read as follows:

§ 1076.17 Route.

"Route" means a delivery (including delivery by a vendor or a sale from a plant store, or distribution center) of any fluid milk product to retail or wholesale outlets, except a delivery in bulk form to a milk (including filled milk) processing plant. The route disposition of a handler shall be attributed to the processing and packaging plant from which the Class I milk is moved to retail or wholesale outlets without intermediate movement to another processing plant.

6. A new § 1076.19 is added to read as follows:

§ 1076.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than six percent nonmilk fat (or oil).

7. In § 1076.30, subparagraph (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1076.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization in each class of the quantities required to be reported, including a separate statement of the disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(b) Each handler specified in § 1076.8 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes (other than to pool plants) in the marketing area as Class I milk, and the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

* * * * *

8. Section 1076.33 is revised to read as follows:

§ 1076.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat required to be reported pursuant to § 1076.30;

(b) The weight and butterfat and other content of all milk, skim milk, cream, and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

9. In § 1076.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1076.44 Transfers.

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

10. Section 1076.46 is revised to read as follows:

§ 1076.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1076.45, the market administrator shall determine the classification of producer milk received by each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1076.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order.

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subpargaraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1076.27(l) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1076.44(a);

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from a cooperative association in its capacity as a handler pursuant to § 1076.8(d) according to the classification assigned pursuant to § 1076.44(e); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determined the weighted average butterfat content of producer milk in each class.

11. Section 1076.61 is revised to read as follows:

§ 1076.61 Plants subject to other Federal orders.

The provisions of this part, except §§ 1076.32 through 1076.34 and as specified elsewhere in this section, shall not apply to a handler with respect to the operation of plants described in paragraph (a) or (b).

(a) A plant qualified pursuant to § 1076.12(a) from which a lesser volume of fluid milk products, except filled milk, is disposed of in the Eastern South Dakota marketing area than in the marketing area of another marketing agreement or order issued pursuant to the Act and which is fully subject to the classification and pricing provisions of such other agreement or order;

(b) Any plant qualified pursuant to § 1076.12(b) for any portion of the period of March through June, inclusive, that producer milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

(c) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

12. In § 1076.62, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1076.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1076.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1076.70(e) and a credit in the amount specified in § 1076.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products or in filled milk disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. Section 1076.76 is revised to read as follows:

§ 1076.76 Notification of handlers.

On or before the 12th day of each month the market administrator shall notify each handler with respect to each of his pool plants:

(a) The amount and value of milk (including filled milk) in each class computed pursuant to §§ 1076.46 and 1076.70 and the totals of such amounts and values;

(b) The uniform price computed pursuant to § 1076.72 or § 1076.73, whichever is applicable;

(c) The amount, if any, due such handler from the producer-settlement fund; and

(d) The total amounts to be paid by such handler pursuant to §§ 1076.82 and 1076.85.

14. Section 1076.81 is revised to read as follows:

§ 1076.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1076.61, 1076.62, 1076.82, and 1076.84 and out of which he shall make all payments to handlers pursuant to §§ 1076.83 and 1076.84: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from each handler.

15. In § 1076.86, paragraphs (a) and (d) are revised to read as follows:

§ 1076.86 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which

the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to § 8c(15)(A) of the Act, a petition claiming such money.

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

1. Section 1078.10 is revised as follows:

§ 1078.10 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to more than an average of 1,000 pounds per day or not less than 15 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other plants) in the marketing area.

(b) A supply plant for the month in which shipments of milk, skim milk or cream are made to distributing plants which are pool plants on not less than 10 days in any of the months of September, October, and November and on not less than 5 days in other months: *Provided*, That a supply plant which was not a pool plant for each of the immediately preceding months of September, October, and November shall not be a pool plant for any month during which none of the milk, skim milk or cream from such plant would be allocated to Class I milk pursuant to the procedure specified in § 1078.46(a)(3) and the corresponding step of § 1078.46(b) at a distributing plant which is a pool plant.

2. Section 1078.11 is revised as follows:

§ 1078.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped during the month to a pool plant.

3. Section 1078.15 is revised as follows:

§ 1078.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), filled milk, cream or any mixture in fluid form of skim milk and cream (except aerated cream products, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1078.19 is added as follows:

§ 1078.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milk fat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1078.30, paragraph (f) is revised as follows:

§ 1078.30 Reports of receipts and utilization.

* * * * * * *

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk.

6. In § 1078.32, paragraphs (b) and (c) are revised as follows:

§ 1078.32 Records and facilities.

* * * * * * *

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * * * *

7. In § 1078.44, paragraph (e)(5) is revised as follows:

§ 1078.44 Transfers.

* * * * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * * * *

8. In § 1078.46, subparagraphs (3), (4), and (7) of paragraph (a) are revised as follows:

§ 1078.46 Allocation of skim milk and butterfat classified.

* * * * * * *

(a) * * *

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, from an unregulated supply plant:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

* * * * * * *

9. Section 1078.61 is revised as follows:

§ 1078.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 1078.10 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant to retail or wholesale outlets and to pool plants in the North Central Iowa marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1078.30) and allow verification of such reports by the market administrator.

10. In § 1078.86, paragraphs (a) and (d) are revised as follows:

§ 1078.86 Termination of obligations.

* * * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1079—MILK IN THE DES MOINES, IOWA, MARKETING AREA

1. Section 1079.10 is revised as follows:

§ 1079.1 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts or an average of not less than 7,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year: *And provided further*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

2. Section 1079.11 is revised as follows:

§ 1079.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped during the month to a pool plant.

3. Section 1079.13 is revised as follows:

§ 1079.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers or from sources other than pool plants and whose disposition of fluid milk products does not exceed that (a) received from a pool plant, (b) processed from milk of his own production, or (c) processed from fluid milk received from a pool plant.

4. Section 1079.15 is revised as follows:

§ 1079.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), filled milk, cream or any mixture in fluid form of skim milk and cream (except aerated cream products, sour cream, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1079.19 is added as follows:

§ 1079.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1079.30, paragraphs (f) and (g) are revised as follows:

§ 1079.30 Reports of receipts and utilization.

* * * * * * *

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk in the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

(g) Each handler operating a partially regulated distributing plant shall report as required in this section substituting receipts from dairy farmers for receipts of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

7. In § 1079.32, paragraphs (b) and (c) are revised as follows:

§ 1079.32 Records and facilities.

* * * * * * *

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * * * *

8. In § 1079.44, paragraph (e)(5) is revised as follows:

§ 1079.44 Transfers.

* * * * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

9. In § 1079.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised as follows:

§ 1079.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract successively from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(c) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv), (4)(i) or (ii) of this paragraph.

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) or (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1079.27(1); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

* * * * *

10. Section 1079.61 is revised as follows:

§ 1079.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a handler who operates a plant specified in paragraph (a) of this section except as specified in paragraphs (b) and (c):

(a) A distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the disposition of fluid milk products, except filled milk, from such plant to pool plants qualified under § 1079.10 and to retail and wholesale outlets in the Des Moines, Iowa, marketing area exceeds such disposition to retail and wholesale outlets in such other marketing area and to pool plants regulated by such other order;

(b) Each handler operating a plant described in paragraph (a) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1079.30 and 1079.31) and allow verification of such reports by the market administrator.

(c) Each handler operating a plant specified in paragraph (a), of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. In § 1079.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1079.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1079.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1079.70(e) and a credit in the amount specified in § 1079.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12. Section 1079.83 is revised as follows:

§ 1079.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1079.61, 1079.62, 1079.84, 1079.85, and 1079.86: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

13. In § 1079.89, paragraphs (a) and (d) are revised as follows:

§ 1079.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraph (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator received the handler's utilization report on skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calender month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1090—MILK IN THE CHATTANOOGA, TENN., MARKETING AREA

1. In § 1090.7, paragraphs (a) and (b) are revised to read as follows:

§ 1090.7 Pool plant.

* * * * *

(a) Milk distributing plant approved or recognized by a duly constituted health authority for the receiving or processing of Grade A milk and from which Class I milk, except filled milk, equal to not less than 50 percent of its receipts of milk from other pool plants and from approved dairy farmers is disposed of during the month on routes and from which Class I milk, except filled milk, equal to not less than 15 percent of its total Class I disposition, except filled milk, is disposed of during the month on routes in the marketing area;

(b) Milk supply plant which, during the month, ships fluid milk products, except filled milk, approved or recognized by a duly constituted health authority as eligible for distribution under a Grade A label in a volume equal to not less than 50 percent of its receipts of milk from approved dairy farmers to a plant specified in paragraph (a) of this section: *Provided*, That any plant which qualifies as a pool plant pursuant to this paragraph in each of the months of August through February shall be designated as a pool plant for the following months of March through July unless the operator of such plant files with the market administrator prior to the first day of any of the months of March–July a written request for withdrawal; or

* * * * *

2. Sections 1090.8, 1090.10, 1090.12, and 1090.14 are revised to read as follows:

§ 1090.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant,

from which fluid milk products are shipped to a pool plant.

§ 1090.10 Producer-handler.

"Producer-handler" means an approved dairy farmer who:

(a) Operates a plant from which Class I milk is disposed of on routes in the marketing area;

(b) Receives no fluid milk products from other dairy farmers or from sources other than pool plants;

(c) Uses no nonfluid milk products for reconstitution into fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing, packaging, and distribution business are the personal enterprise and risk of such person.

§ 1090.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, flavored milk and skim milk drinks, yogurt, cream (sweet or sour) or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, a product which contains 6 percent or more nonmilk fat (or oil), ice cream and ice milk mix and aerated cream).

§ 1090.14 Route.

"Route" means any delivery (including delivery by a vendor or a sale from a plant or plant store) of milk or any milk product (including filled milk) classified as Class I milk pursuant to § 1090.41(a) other than a delivery to any milk or filled milk processing plant.

3. A new § 1090.20 is added and reads as follows:

§ 1090.20 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

4. In § 1090.30, paragraphs (a)(5) and (b) are revised to read as follows:

§ 1090.30 Reports of receipts and utilization.

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including separate statements as to the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

(b) Each handler specified in § 1090.9(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and in quantity of reconstituted skim milk in such disposition.

* * * * *

5. In § 1090.44, the introductory text of paragraph (d) and subparagraph (5) of paragraph (f) are revised to read as follows

§ 1090.44 Transfers.

* * * * *

(d) As Class I milk, if transferred in the form of milk, skim milk, or filled milk in bulk or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

6. In § 1090.46(a), subparagraphs (1-a), (2), (3), (4), and (7) and the introductory text of subparagraph (8) are revised to read as follows:

§ 1090.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(1-a) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in packaged fluid milk products, except filled milk made from reconstituted skim milk, received from an unregulated supply plant or the pounds of skim milk classified as Class I milk and transferred or diverted during the month to such plant, whichever is less;

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (1-a) and (3)(iv) of this paragraph:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (1-a), (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

* * * * *

7. In § 1090.61, paragraph (a) is revised and a new paragraph (c) is added and reads as follows:

§ 1090.61 Plants subject to other Federal orders.

* * * * *

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk, except filled milk, is disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the Chattanooga, Tennessee, marketing area than in the marketing area regulated pursuant to such order

* * * * *

(c) Each handler operating a plant described in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

8. In § 1090.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1090.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1090.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1090.70(e) and a credit in the amount specified in § 1090.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, substract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant less the value of such skim milk at the Class II price.

9. Section 1090.81 is revised to read as follows:

§ 1090.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1090.61, 1090.62, 1090.82, and 1090.84, and out of which he shall make all payments pursuant to §§ 1090.83 and 1090.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

10. In § 1090.87, paragraph (a) is revised to read as follows:

§ 1090.87 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled, and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

PART 1094—MILK IN THE NEW ORLEANS, LA., MARKETING AREA

1. Section 1094.7 is revised to read as follows:

§ 1094.7 Route.

"Route" means any delivery of a fluid milk product from a milk processing plant to wholesale or retail outlets (including any delivery by a vendor and from a plant store or through a vending machine) other than a delivery to any milk or filled milk receiving and/or processing plant.

1a. In § 1094.10, paragraph (a) is revised to read as follows:

§ 1094.10 Pool plant.

* * * * *

(a) A distributing plant, other than that of a producer-handler or one described in § 1094.63(a), from which during the month:

(1) Disposition in the marketing area of fluid milk products, except filled milk, on routes is at least the lesser of a daily average of 1,500 pounds or 20 percent of receipts from dairy farmers, cooperatives in their capacities as handlers pursuant to § 1094.12(d) and supply plants; and

(2) Total disposition of fluid milk products, except filled milk, on routes is 50 percent or more of receipts from dairy farmers, cooperatives in their capacities as handlers pursuant to § 1094.12(d) and supply plants;

* * * * *

2. Section 1094.11 is revised to read as follows:

§ 1094.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

3. Section 1094.13 is revised to read as follows:

§ 1094.13 Producer-handler.

Producer-handler means a dairy farmer who operates a distributing plant at which no fluid milk or fluid milk products are received during the month except his own production or transfers from

a pool plant(s) and which has no receipts of nonfluid milk products disposed of as Class I milk.

4. Section 1094.17 is revised to read as follows:

§ 1094.17 Fluid milk product.

Fluid milk product means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, filled milk, concentrated milk or skim milk, fortified milk or skim milk, flavored milk, flavored milk drinks (including eggnog) yogurt, cream (other than frozen storage cream), cultured sour cream, sour cream products labeled Grade A and any mixture of cream and milk or skim milk in fluid form (other than ice cream mixes, other frozen dessert mixes and sterilized products contained in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1094.19a is added to read as follows:

§ 1094.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1094.30, subparagraph (6) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1094.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(6) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including a separate statement with respect to Class I milk disposed of inside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk.

* * * * *

(b) Each handler specified in § 1094.12 (b) who operates a partially regulated distributing plant shall report in the same manner as required in paragraph (a) of this section with respect to all receipts and utilization, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk and base and excess milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk.

7. In § 1094.44, subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1094.44 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1094.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1094.46 Allocation of skim milk and butterfat in each class.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, receipts from a cooperative association in its capacity as a handler pursuant to § 1094.12(d) and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler; and

(iii) Receipts of milk by diversion from an other order plant for which Class II utilization was requested by the receiving handler and by the diverting handler under the other order;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (3)(v) or (4)(ii) of this paragraph:

* * * * *

9. In § 1094.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1094.62 Obligations of handlers operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1094.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1094.70(e) and a credit in the amount specified in § 1094.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act:

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

10. Section 1094.63 is revised to read as follows:

§ 1094.63 Plants subject to other Federal orders.

The handler operating a plant specified in paragraphs (a) or (b) of this section shall be exempt from all provisions of this part except §§ 1094.32, 1094.34 and 1094.35 and as specified in paragraph (c):

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless a greater volume of Class I milk, except filled milk, is disposed of during the month on routes in the New Orleans marketing area than in the marketing area defined in such other order;

(b) Any supply plant which would be subject to the classification and pricing provision of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to § 1094.10(c).

(c) Each handler operating a plant specified in paragraph (a) of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. Section 1094.81 is revised to read as follows:

§ 1094.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1094.62, 1094.63, 1094.82, and 1094.84, and out of which he shall make all payments pursuant to §§ 1094.83 and 1094.84: *Provided*, That, any payments due to any handler shall be offset by any payments due from such handler.

12. In § 1094.87, paragraph (a) is revised to read as follows:

§ 1094.87 Termination of obligations.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers; or if the obligation is payable to the market administrator, the account for which it is to be paid.

PART 1096—MILK IN THE NORTHERN LOUISIANA MARKETING AREA

1. Section 1096.10 is revised to read as follows:

§ 1096.10 Plant.

"Plant" means the land, buildings together with their surroundings, facilities and equipment whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received and/or processed or packaged: *Provided*, That a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distributing depot for fluid milk products in transit on routes shall not be a plant under this definition.

2. In § 1096.13, paragraphs (a) and (b) are revised to read as follows:

§ 1096.13 Pool plant.

* * * * *

(a) A distributing plant other than the plant of a producer-handler from which a volume of Class I milk, except filled milk, not less than 50 percent of the Grade A milk received at such plant from dairy farmers and a cooperative association in its capacity as a handler pursuant to § 1096.8(d) is disposed of during the month on routes unless the volume so disposed of in the marketing area is less than 10 percent of such receipts or less than 1,500 pounds on a daily average;

(b) A supply plant from which a volume of fluid milk products not less than 50 percent of its Grade A receipts from dairy farmers and from a cooperative association in its capacity as a handler pursuant to § 1096.8(d) is transferred during the month to a distributing plant(s) from which a volume of Class I milk, except filled milk, not less than 50 percent of its receipts of Grade A milk from dairy farmers, cooperative associations, and from other plants is disposed of on routes during the month and the volume so disposed of in the marketing area is at least 10 percent of such receipts or a daily average of 1,500 pounds whichever is less: *Provided*, That any plant which was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet the shipping requirements, unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for the remaining months through August; and

* * * * *

3. Section 1096.15 is revised to read as follows:

§ 1096.15 Fluid milk product.

"Fluid milk product" means all the skim milk (including concentrated and reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk and milk drinks, filled milk, cream, cultured sour cream and any mixture of cream and milk or skim milk (except eggnog, aerated cream products, ice cream, ice cream mix, ice milk, ice milk mix, frozen desserts, frozen cream, evaporated milk, condensed milk, sterilized milk products packaged in hermetically sealed containers and any product which contains 6 percent or more nonmilk fat (or oil)): *Provided*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

4. Section 1096.21 is revised to read as follows:

§ 1096.21 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and

pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other plant nor a producer-handler plant.

5. A new § 1096.22 is added to read as follows:

§ 1096.22 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1096.30, subparagraphs (2) and (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1096.30 Reports of receipts and utilization.

(a) • • •

(2) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the route disposition of fluid milk products on routes outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

(3) Such other information with respect to the receipts and utilization of milk and milk products (including filled milk) as the market administrator may require;

(b) Each handler specified in § 1096.8 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk;

• • • • • •

7. In § 1096.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1096.44 Transfers.

• • • • • •

(e) • • •

(5) For purposes of this paragraph (e), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • • •

8. In § 1096.46, subparagraphs (2), (3), (4), (5), (6), (7), and the introductory text to subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1096.46 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to suparagraph (3)(v) as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(2–a) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order or from a plant exempt pursuant to § 1096.60(b);

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii)(a) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(1) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(2) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(3) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(b) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (3)(v) or (4)(iii) of this paragraph pursuant to the following procedure:

9. Section 1096.61 is revised to read as follows:

§ 1096.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except as specified in paragraphs (c) and (d):

(a) A distributing plant meeting the requirements of § 1096.13(a) which also meets the pooling requirements of another Federal order and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, and which was fully subject to the classification and pooling provisions of such other order;

(b) A distributing plant meeting the requirements of § 1096.13(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is disposed of on routes in such other marketing area but which plant is nevertheless fully regulated under such other Federal order;

(c) The operator of a plant specified in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator; and

(d) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

10. In § 1096.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1096.62 Obligations of handler operating a partially regulated distributing plant.

• • • • • •

(a) • • •

(1)(i) The obligation that would have been computed pursuant to § 1096.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1096.70(e) and a credit in the amount specified in § 1096.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph and

• • • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11. Section 1096.81 is revised to read as follows:

§ 1096.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1096.61, 1096.62, 1096.82, and 1096.84 and out of which he shall make payments to handlers pursuant to §§ 1096.83 and 1096.84: *Provided*, That payments due to any handler shall be offset by any payment due from such handler.

12. In § 1096.87, paragraphs (a) and (b) are revised to read as follows:

§ 1096.87 Termination of obligations.

• • • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

• • • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1097—MILK IN THE MEMPHIS, TENN., MARKETING AREA

1. Section 1097.7 is revised to read as follows:

§ 1097.7 Fluid milk plant.

(a) Any milk processing or packaging plant from which a volume of Class I

milk, except filled milk, equal to an average of 1,000 pounds or more per day, or not less than 5.0 percent of the Class I milk, except filled milk, of such plant is disposed of during the month as Class I milk on route disposition in the marketing area;

(b) Any plant from which during the month fluid milk products (bulk or packaged), except filled milk, in excess of 70,000 pounds are moved to and received at a plant(s) described pursuant to paragraph (a) of this section.

1a. Section 1097.8 is revised to read as follows:

§ 1097.8 Route disposition.

"Route disposition" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk products to a retail or wholesale outlet other than a delivery to a milk or filled milk plant. A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets, without intermediate movement to another milk or filled milk plant.

2. Section 1097.9 is revised to read as follows:

§ 1097.9 Nonfluid milk plant.

"Nonfluid milk plant" means any milk or filled milk manufacturing, processing or packaging plant other than a fluid milk plant. The following categories of nonfluid milk plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonfluid milk plant that is neither an other order plant nor a producer-handler plant, from which Class I milk in consumer-type packages or dispenser units is distributed on routes in the marketing area during the month.

(d) "Unregulated supply plants" means a nonfluid milk plant from which fluid milk products are moved during the month to a fluid milk plant and which is not an other order plant nor a producer-handler plant.

3. Section 1097.16 is revised to read as follows:

§ 1097.16 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, plain or flavored milk drinks, sweet and sour cream (except aerated cream, frozen cream, and sterilized cream packaged in hermetically sealed containers not labeled as Grade A); filled milk; and any mixture in fluid form of milk, skim milk, and cream except mixes for frozen dairy products. Eggnog and sour cream mixtures to which cheese or any food substance other than a milk product has been added shall be considered as fluid milk products only if disposed of under a Grade A label. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1097.19 is added to read as follows:

§ 1097.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1097.30, paragraph (e) is revised to read as follows:

§ 1097.30 Reports of receipts and utilization.

* * * * *

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk.

* * * * *

6. In § 1097.32, paragraphs (b) and (c) are revised to read as follows:

§ 1097.32 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled; and

(c) The pounds of skim milk and butterfat contained in or represented by all milk and milk products (including filled milk) on hand at the beginning and end of each month.

7. In § 1097.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1097.44 Transfers.

* * * * *

(f) * * *

(5) For purposes of this paragraph (f), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1097.46, subparagraphs (3), (4), and (7) of paragraph (a) are revised to read as follows:

§ 1097.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(4) Subtract in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from fluid milk plants of other handlers, from cooperative associations which are handlers pursuant to § 1097.10(c), and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

* * * * *

9. Section 1097.61 is revised to read as follows:

§ 1097.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraph (a) or (b) of this section, the provisions of this part shall not apply except that such handler shall with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may prescribe and allow verification of such reports by the market administrator:

(a) A plant qualified pursuant to § 1097.7 (a) or (b) which would be fully regulated pursuant to the provisions of another order issued pursuant to the Act and from which the market administrator determines that a greater volume of fluid milk products, except filled milk, was disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order and as fluid milk products transferred as Class I milk to plants fully regulated by such other order than as Class I route disposition in the Memphis, Tenn., marketing area and as fluid milk products transferred as Class I milk to other fluid milk plants: *Provided*, That a plant which was a fluid milk plant pursuant to § 1097.7 (a) or (b) under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of fluid milk products, except filled milk, is disposed of as Class I milk on routes in such other marketing area or to plants fully subject to such other order, unless the other order requires regulation of the plant without regard to its qualifying as a fluid milk plant for regulation under this order subject to the proviso of this paragraph; and

(b) A plant qualified pursuant to § 1097.7 (a) or (b) which meets the requirements for fully regulated plants under another Federal order and from which the market administrator determines a greater volume of fluid milk products, except filled milk, is disposed of during the month as Class I route disposition in the Memphis, Tenn., marketing area and as fluid milk products transferred as Class I milk to other fluid milk plants than as Class I route disposition in the other marketing area and fluid milk products transferred as Class I milk to plants fully regulated by such other order, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation under the particular circumstances described herein of having greater Class I disposition under the Memphis, Tenn., order.

10. In § 1097.98, paragraphs (a) and (d) are revised to read as follows:

§ 1097.98 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1098—MILK IN THE NASHVILLE, TENN., MARKETING AREA

1. Section 1098.9 is revised to read as follows:

§ 1098.9 Producer-handler.

"Producer-handler" means a person who:

(a) Produces milk and operates an approved plant;

(b) Uses no nonfluid milk products for reconstitution into fluid milk products; and

(c) Receives no fluid milk products during the month except milk of his own production and transfers from pool plants.

2. In § 1098.11, paragraphs (a) and (b) are revised to read as follows:

§ 1098.11 Pool plant.

* * * * *

(a) A plant at which during the month fluid milk products are processed or packaged and from which (1) disposition of fluid milk products, except filled milk, on routes is at least 50 percent of total receipts of Grade A milk and (2) fluid milk products, except filled milk, distributed on routes in the marketing area are at least 15 percent of its total disposition of fluid milk products, except filled milk, on routes.

(b) A plant from which during the month there has been delivered to plants described in paragraph (a) of this section fluid milk products, except filled milk, approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume not less than 50 percent of its receipts of milk from approved dairy farmers: *Provided*, That any plant which qualified as a pool plant pursuant to this paragraph in each of the months of August through February shall be designated as a pool plant for the following months of March through July, unless the operator of such plant files with the market administrator a written requests for withdrawal prior to the first day of the month for which nonpool status is requested, in which case the plant shall remain a nonpool plant until it again qualifies for pool status.

* * * * *

3. Sections 1098.12, 1098.15, and 1098.18 are revised to read as follows:

§ 1098.12 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products are shipped to a pool plant.

§ 1098.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, flavored milk drinks, yogurt, cream (sweet and sour), or any mixture in fluid form of skim milk and butterfat components of milk (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix, a product which contains 6 percent or more nonmilk fat (or oil), aerated cream and sour cream mixtures to which cheese or any food substance other than a milk product has been added and which is not disposed of under a Grade A label).

§ 1098.18 Route.

"Route" means any delivery (including delivery by a vendor or a sale from a plant store) of fluid milk products other than a delivery to a milk or filled milk processing plant.

4. A new § 1098.19 is added and reads as follows:

§ 1098.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than six percent nonmilk fat (or oil).

5. In § 1098.30, paragraphs (a) and (e) are revised to read as follows:

§ 1098.30 Reports of receipts and utilization.

* * * * *

(a) The quantities of skim milk and butterfat contained in producer milk (showing separately such milk received

from a cooperative association pursuant to § 1098.8(c)), except that a handler as specified in § 1098.8(d) who operates a partially regulated distributing plant shall report receipts of Grade A milk from dairy farmers in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and the quantity of reconstituted skim milk in such disposition;

* * * * *

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

6. Section 1098.33 is revised to read as follows:

§ 1098.33 Records and facilities.

Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat, and shall, during the usual hours of business, make available to the market administrator, or his representative, such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat, and in case of errors or omissions, ascertain the correct figures; (b) weigh, sample and test butterfat content of all milk and milk products (including filled milk) handled; (c) verify deductions authorized by producers and the disbursement of moneys so deducted; and (d) make such examinations of operations, equipment, and facilities as the market administrator deems necessary.

7. In § 1098.41(b), subparagraph (3–a) is revised to read as follows:

§ 1098.41 Classes of utilization.

* * * * *

(b) * * *

(3–a) Disposed of in bulk fluid milk products to bakeries, candy factories, soup factories and similar establishments at which the fluid milk products were used in the manufacture of food products other than milk products (including filled milk);

* * * * *

8. In § 1098.44, the introductory text of paragraph (d) and and subparagraph (5) of paragraph (e) are revised to read as follows:

§ 1098.44 Transfers.

* * * * *

(d) As Class I milk, if transferred in bulk as milk, filled milk, skim milk or cream or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

9. In § 1098.46(a), subparagraphs (2), (3), (4), and (7) and the introductory text of subparagraph (8) are revised to read as follows:

§ 1098.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

10. Section 1098.80 is revised to read as follows:

§ 1098.80 Producer-settlement fund.

The market administrator shall maintain a producer-settlement fund into which he shall deposit the appropriate payments made by handlers pursuant to §§ 1098.81, 1098.87, 1098.91, and 1098.92 and out of which he shall make appropriate payments required pursuant to §§ 1098.82 and 1098.87.

11. In § 1098.88, paragraphs (a) and (d) are revised to read as follows:

§ 1098.88 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligations, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

12. Section 1098.91 is revised to read as follows:

§ 1098.91 Handlers subject to other Federal orders.

(a) Except as specified in paragraphs (b) and (c) of this section, the provisions of this part shall not apply to a handler with respect to the operation of a plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and in which the disposition of fluid milk products, except filled milk, from such plant in the other Federal marketing area exceeds that in the Nashville, Tenn., marketing area: *Provided*, That on the basis of a written application made either by the plant operator or by the cooperative association supplying milk to such operator's plant, at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions;

(b) Each handler operating a plant described in paragraph (a) of this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator; and

(c) Each handler operating a plant described in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

13. In § 1098.92, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1098.92 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1098.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1098.70(e) and a credit in the amount specified in § 1098.81(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant less the value of such skim milk at the Class II price.

PART 1099—MILK IN THE PADUCAH, KY., MARKETING AREA

1. Section 1099.8 is revised to read as follows:

§ 1099.8 Pool plant.

"Pool plant" means:

(a) A distributing plant from which 45 percent or more of its receipts of milk from dairy farmers producing milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority (including milk of such dairy farmers diverted by the plant operator), from cooperative associations in their capacity as handlers pursuant to § 1099.10(e) and fluid milk products, except filled milk, from other plants is disposed of as Class I milk, except filled milk, on route disposition during the month and from which a daily average of 3,000 pounds or more per day, or 10 percent or more of such receipts, whichever is less, is disposed of as fluid milk products, except filled milk, on route disposition in the marketing area: *Provided*, That a plant which qualifies as a pool plant by complying with the foregoing requirements during any month shall be a pool plant during the following month; or

(b) A distributing plant or supply plant from which the volume of milk, skim milk and cream shipped to pool plants qualified pursuant to paragraph (a) of this section, or disposed of as Class I milk, except filled milk, on route distribution is equal to not less than 50 percent of the receipts of milk from dairy farmers producing milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority (including milk of such dairy farmers diverted by the plant operator), from cooperative associations in their capacity as handlers pursuant to § 1099.10(e) and fluid milk products, except filled milk, received from other plants: *Provided*, That if a supply plant ships to pool plants qualified pursuant to paragraph (a) of this section, milk, skim milk and cream equal to at least 75 percent of its receipts of milk from such dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1099.10(e) in October and November and 35 percent of such milk in three additional months during the period from August through January, such plant shall, upon written application to the market administrator on or before the end of such period, be designated as a pool plant until the end of any month during the succeeding August through January period in which the milk of such plant is disposed of in such a way that it becomes impossible for the plant to reestablish its qualification under the term of this proviso.

2. Section 1099.9 is revised to read as follows:

§ 1099.9 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packagers or dispenser units are distributed on route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant (other than a producer-handler plant or an other order plant) from which fluid milk products are shipped to a pool plant.

3. Section 1099.15 is revised to read as follows:

§ 1099.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk and flavored milk drinks (modified or fortified, including dietary products) and reconstituted milk or skim; filled milk; concentrated milk not sterilized in hermetically sealed containers; cream, sweet and sour; and mixtures of cream and milk or skim milk but not including the following: Frozen cream, aerated cream products, cultured sour cream mixtures other than sour cream, eggnog and boiled custard, ice cream, and ice cream and ice milk mixes, and cream or mixtures of cream with milk or skim milk sterilized in hermetically sealed containers. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

3a. Section 1099.16 is revised to read as follows:

§ 1099.16 Route disposition.

"Route disposition" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk products to a retail or wholesale outlet other than a milk or filled milk plant. A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets.

4. A new § 1099.19 is added to read as follows:

§ 1099.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. Section 1099.30 is revised to read as follows:

§ 1099.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month, reports for such month shall be made to the market administrator in the detail and on forms prescribed by the market administrator:

(a) Each handler other than one specified in § 1099.10(b) shall report the following:

(1) The quantities of skim milk and butterfat contained in all receipts at each of his distributing and supply plants of (i) producer milk, showing separately that from cooperative associations pursuant to § 1099.10(e), (ii) in fluid milk products received from pool plants, and (iii) other source milk;

(2) The quantities of skim milk and butterfat contained in produced milk diverted to nonpool plants pursuant to § 1099.13, the names of the producers so diverted, and the plant to which diverted;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (1) and (2) of this paragraph, including a statement showing the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

(4) Inventories of Class I milk on hand at the beginning and end of the month;

(5) The name and address of each producer from whom milk was not received during the previous months and the date on which milk was first received from such producer;

(6) The name and address of each producer who discontinues deliveries of milk and the date on which milk was last received from such producer; and

(7) Each handler with respect to fluid milk products disposed of for animal feed or dumped shall report to the market administrator such information and at such time as a market administrator may require.

(b) Each handler specified in § 1099.10(b) shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk and such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat respectively in fluid milk products and the quantity thereof which is reconstituted skim milk.

6. Section 1099.33 is revised to read as follows:

§ 1099.33 Records and facilities.

Each handler shall keep adequate records of receipts and utilization of milk and milk products (including filled milk) and shall during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The amount and nature of deductions authorized by producers and disbursements of any money so deducted; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk and milk products (including filled milk) on hand at the beginning and end of the month.

7. In § 1099.43, subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1099.43 Transfers.

* * * * * *

(d) * * *

(5) For purposes of this paragraph (d), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * * *

8. In § 1099.45, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are amended to read as follows:

§ 1099.45 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an

order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, and dairy farmers who are not producers:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants and dairy farmers who are not producers which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph;

* * * * * *

9. Section 1099.61 is revised to read as follows:

§ 1099.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section, the provisions of this part shall not apply except as specified in paragraphs (d) and (e):

(a) A distributing plant qualified pursuant to § 1099.8 which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order than as Class I route disposition in the Paducah, Ky., marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such Class I route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this paragraph: *And provided further*, on the basis of a written application made either by the plant operator or by the cooperative association supplying milk to such operator's plant, at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I route dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I route disposition made under limited term contracts to governmental bases and institutions;

(b) A distributing plant qualified pursuant to § 1099.8 which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk, except filled milk, is disposed of during the month in the Paducah marketing area as Class I route disposition than as Class I route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation even though such plant has greater such Class I route disposition in the marketing area of the Paducah, Ky., order;

(c) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to the proviso of § 1099.8(b) during the preceding August through January period;

(d) The operator of a plant specified in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

10. In § 1099.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1099.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1099.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1099.70(e) and a credit in the amount specified in § 1099.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on route disposition in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11. Section 1099.81 is revised to read as follows:

§ 1099.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers, pursuant to §§ 1099.61, 1099.62, 1099.82, and 1099.84 shall be deposited in this fund, and all payments made pursuant to §§ 1099.83 and 1099.84 shall be made out of this fund: *Provided*, That payments due to any handler shall be offset by payments due from such handler; and

(b) All amounts subtracted pursuant to § 1099.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1099.80 in accordance with the requirements of § 1099.71(i).

12. In § 1099.89, paragraphs (a) and (d) are revised to read as follows:

§ 1099.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

1. Sections 1101.7, 1101.9, 1101.10, and 1101.17 are revised to read as follows:

§ 1101.7 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and an approved plant from which Class I milk is disposed of on routes in the marketing area;

(b) Receives no fluid milk products from other dairy farmers or from sources other than pool plants;

(c) Uses no nonfluid milk products for reconstitution into fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing, packaging and distribution business are the personal enterprise and risk of such person.

§ 1101.9 Pool plant.

"Pool plant" means:

(a) An approved plant from which a volume of Class I milk, except filled milk, equal to not less than 50 percent of its receipts of producer milk and milk and skim milk from other pool plants is disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (including plant stores): *Provided*, That not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area; and

(b) An approved plant from which at least 50 percent of the hundredweight of its producer milk received during the month is shipped in the form of milk, skim milk or cream to a plant qualified pursuant to paragraph (a) of this section and classified as Class I milk: *Provided*, That if such shipments amount to not less than 65 percent of the producer milk of such plant during each of the preceding months of August through February, such plant may, upon written application to the market administrator on or before March 1 of any year be designated as a pool plant for the months of March through July of such year.

§ 1101.10 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products are shipped to a pool plant.

§ 1101.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, flavored milk drinks, cream, and any cream product except frozen cream and ice cream mix. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

2. A new § 1101.18 is added to read as follows:

§ 1101.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, culture, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product including stabilizers emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

3. In § 1101.30, paragraph (a)(5) and (b) are revised to read as follows:

§ 1101.30 Reports of receipts and utilization.

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

(b) Each handler specified in § 1101.11(b) who operates a partially regulated distributing plant, shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and the quantity of reconstituted skim milk in such disposition.

* * * * *

4. Section 1101.32 is revised to read as follows:

§ 1101.32 Records and facilities.

Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample, and test for butterfat content all milk and milk products (including filled milk) handled; (c) verify payment to producers; and (d) make such examination of operations, equipment, and facilities, as are necessary and essential to the proper administration of this subpart or any amendments thereto.

5. In § 1101.44, the introductory text of paragraph (c) and subparagraph (5) of paragraph (d) are revised to read as follows:

§ 1101.44 Transfers.

* * * * *

(c) As Class I milk, if transferred in bulk in the form of milk, filled milk, skim milk or cream or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

6. In § 1101.46(a), subparagraphs (2), (3), (5), (6), and (8) and the introductory text of subparagraph (9) are revised to read as follows:

§ 1101.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk in receipts of packaged fluid milk products, except filled milk made from reconstituted skim milk, from an unregulated supply plant or the pounds of skim milk classified as Class I milk and transferred during the month to such nonpool plant, whichever is less;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (5)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

* * * * *

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (2) and (5)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (5)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (5)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (2), (5)(iv), and (6)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (5)(v) and (6)(ii) of this paragraph:

* * * * *

7. Section 1101.81 is revised to read as follows:

§ 1101.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1101.82, 1101.84, 1101.91, and 1101.92, and out of which he shall make all payments pursuant to §§ 1101.83 and 1101.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

8. In § 1101.89, paragraphs (a) and (d) are revised to read as follows:

§ 1101.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart, shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

9. In § 1101.91, paragraph (a) is revised and a new paragraph (c) is added and reads as follows:

§ 1101.91 Plants subject to other Federal orders.

* * * * *

(a) Any pool plant qualified pursuant to § 1101.9(a) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that more Class I milk, except filled milk, is disposed of from such plant on routes to retail or wholesale outlets in the Knoxville, Tennessee, marketing areas than is so disposed of in the marketing area regulated pursuant to such other order.

* * * * *

(c) Each handler operating a plant described in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

10. In § 1101.92, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1101.92 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1101.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and tranfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, excepted that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1101.70(e) and a credit in the amount specified in § 1101.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant less the value of such skim milk at the Class II price.

PART 1102—MILK IN THE FORT SMITH, ARK., MARKETING AREA

1. Section 1102.7 is revised to read as follows:

§ 1102.7 Approved plant.

"Approved plant" means any milk plant, except the plant of a producer-handler or a plant exempt pursuant to § 1102.61, approved by any health authority having jurisdiction in the marketing area from which fluid milk products other than filled milk are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores).

2. Section 1102.8 is revised to read as follows:

§ 1102.8 Unapproved plant.

"Unapproved plant" means any milk or filled milk receiving, manufacturing or processing plant other than an approved plant. The following categories of unapproved plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means an unapproved plant which is not an other order plant nor a producer-handler plant and from which fluid milk products eligible for distribution in the marketing area for fluid consumption are moved during the month to an approved plant.

3. Section 1102.9 is revised to read as follows:

§ 1102.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a milk plant approved by any health authority having jurisdiction in the marketing area from which fluid milk products other than filled milk are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores);

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

4. Section 1102.16 is revised to read as follows:

§ 1102.16 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, cream, cultured sour cream and any mixture of cream and milk or skim milk (except bulk ice cream mix.) This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1102.17 is added to read as follows:

§ 1102.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1102.33, paragraphs (b) and (d) are revised to read as follows:

§ 1102.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

* * * * *

(d) The pounds of skim milk and butterfat contained in or represented by all milk and milk products (including filled milk) on hand at the beginning and end of each month.

7. In § 1102.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1102.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1102.46, subparagraphs (3), (4), and (6) of paragraph (a) are revised to read as follows:

§ 1102.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(3) Subtract in the order specified below the pound of skim milk remaining in each class, in series beginning with Class II the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(4) Subtract in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from approved plants of other handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

Receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

* * * * *

9. Section 1102.61 is revised to read as follows:

§ 1102.61 Milk priced under other Federal orders.

In the case of any handler who the Secretary determines disposes of a greater portion of his fluid milk products, except filled milk, as Class I milk in another marketing area regulated by a milk marketing agreement or order issued pursuant to the act, the provisions of this part shall not apply except that:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

10. In § 1102.85, paragraphs (a) and (d) are revised to read as follows:

§ 1102.85 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of paragraphs (b) and (c) of this section, terminates 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1103—MILK IN THE MISSISSIPPI MARKETING AREA

1. Section 1103.8 is revised to read as follows:

§ 1103.8 Plant.

"Plant" means the land and buildings together with their surroundings, facilities and equipment whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received and/or processed or packaged: *Provided*, That a separate establishment or facility used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distributing depot for fluid milk products in transit for route disposition shall not be a plant under this definition.

2. In § 1103.11, paragraphs (a) and (b) are revised to read as follows:

§ 1103.11 Pool plant.

* * * * *

(a) A distributing plant, other than that of a producer-handler or one described in § 1103.61, from which during the month route disposition of fluid milk products, except filled milk, is not less than 50 percent of its total receipts of Grade A milk and the volume so disposed of in the marketing area is at least 20 percent of the total route disposition of fluid milk products, except filled milk, or a daily average during the month of 7,000 pounds, whichever is less;

(b) A supply plant from which a volume of fluid milk products, except filled milk, amounting to not less than 50 percent of the Grade A milk received at such plant from dairy farmers is transferred during the month to a distributing plant(s) from which a volume of Class I milk, except filled milk, amounting to not less than 50 percent of its receipts of Grade A milk from dairy farmers and from other plants is disposed of as route disposition during the month and the volume so disposed of in the marketing area is at least 20 percent of its total Class I route disposition (not including filled milk) or a daily average during the month of 7,000 pounds, whichever is less: *Provided*, That any plant which was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet the shipping requirements unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for the remaining months through August; and

* * * * *

3. Section 1103.12 is revised to read as follows:

§ 1103.12 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

4. Section 1103.14 is revised to read as follows:

§ 1103.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant which, during the month, received no other source milk (except own production), producer milk, or fluid milk products from a pool plant: *Provided*, That such person establishes that the maintenance, care and management of all resources necessary to produce the entire volume of fluid milk products handled and all facilities necessary for operations as a handler are each the personal enterprise and risk of such person.

5. Section 1103.18 is revised to read as follows:

§ 1103.18 Fluid milk product.

"Fluid milk product" means all the skim milk (including reconstituted skim

milk and concentrated skim milk, other than bulk condensed) and butterfat in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, eggnog, yogurt, cream (sweet or sour) and any mixture in fluid form of cream and skim milk or milk (except aerated cream, frozen storage cream, ice cream, ice cream mixes, frozen ice milk, ice milk mixes, frozen dessert and mixes, sterilized products contained in hermetically sealed cans, and any product which contains 6 percent or more nonmilk fat (or oil)): *Provided*, That when any such milk product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

6. A new § 1103.19a is added to read as follows:

§ 1103.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1103.30, subparagraph (2) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1103.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(2) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the route disposition of fluid milk products outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(b) Each handler specified in § 1103.13 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk;

* * * * *

8. In § 1103.33, paragraphs (b) and (c) are revised to read as follows:

§ 1103.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk and milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * *

9. In § 1103.44, subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1103.44 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

10. In § 1103.46, subparagraphs (2), (2–a), (3), (4), (5), (6), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1103.46 Allocation of skim milk and butterfat classification.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(2–a) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of Class I transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(*c*)(*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler; and

(iv) The pounds of skim milk in receipts of milk by diversion from an other order plant for which Class II utilization was requested by the receiving handler and by the diverting handler under the other order, but not in excess of the pounds of skim milk remaining in Class II milk;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(iv) or (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (3)(v) or (4)(iii) of this paragraph pursuant to the following procedure:

* * * * *

11. Section 1103.61 is revised to read as follows:

§ 1103.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as the operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except as specified in paragraphs (d) and (e):

(a) A plant meeting the requirements of § 1103.11(a) which also meets the pooling requirements of another Federal order, and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month as route dispositions in such other Federal order marketing area than is disposed of as route dispositions in this marketing area; except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of such Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1103.11(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month as route dispositions in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless, fully regulated under such other Federal order; and

(c) A plant meeting the requirements of § 1103.11(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part except during the months of February through August if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1103.30 and 1103.31) and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

12. In § 1103.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1103.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1103.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1103.70(e) and a credit in the amount specified in § 1103.97(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk route dispositions in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. Section 1103.96 is revised to read as follows:

§ 1103.96 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all applicable payments made by handlers pursuant to §§ 1103.61, 1103.62, 1103.93 (a), and 1103.97, and out of which he shall make all applicable payments pursuant to §§ 1103.93(b) and 1103.98: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

14. In § 1103.100, paragraphs (a) and (d) are revised to read as follows:

§ 1103.100 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of such producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an under payment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1104—MILK IN RED RIVER VALLEY MARKETING AREA

1. In § 1104.7, paragraph (c) is revised as follows:

§ 1104.7 Distributing plant.

(c) from which Class I milk, except filled milk, is disposed of during the month on routes in the marketing area in an amount greater than an average of 600 pounds per day.

2. Section 1104.8 is revised as follows:

§ 1104.8 Supply plant.

"Supply plant" means all the buildings, premises, and facilities of a plant from which fluid milk products, except filled milk, equal to not less than 50 percent of its receipts of milk from dairy farmers, who would be producers if this plant qualified as a pool plant, are shipped to a distributing plant during such month: *Provided*, That any plant which qualifies as a supply plant for each of the months of September through December shall, upon written application to the market administrator before January 31 of the following year, be designated as a supply plant for the months of January through August.

3. Section 1104.10 is revised as follows:

§ 1104.10 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant, except an other order plant or a producer-handler plant, from which fluid milk products are distributed on routes in the marketing area in consumer-type packages or dispenser units during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved during the month to a pool plant qualified pursuant to § 1104.9 and which is not an other order plant nor a producer-handler plant.

4. Section 1104.13 is revised as follows:

§ 1104.13 Producer-handler.

"Producer-handler" means any person who produces milk and who operates a plant from which the disposition of Class I milk on routes in the marketing area does not exceed such person's own production and fluid milk products received from a pool plant regulated under either this Part or Part 1106 regulating the handling of milk in the Oklahoma Metropolitan marketing area.

5. Section 1104.15 is revised as follows:

§ 1104.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, cream or any mixture in fluid form of cream and milk or skim milk (except cultured sour cream, frozen storage cream, aerated cream products, ice cream and frozen dessert mix, evaporated or condensed milk, and sterilized products in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

6. Section 1104.17 is revised as follows:

§ 1104.17 Route disposition.

"Route disposition" or "disposed of on routes" means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products, other than a delivery to a milk or filled milk plant.

7. A new § 1104.18 is added as follows:

§ 1104.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1104.30, paragraphs (a)(5) and (c) are revised as follows:

§ 1104.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(5) The disposition of Class I products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(c) Each handler specified in § 1104.11(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of in the marketing area as Class I milk on routes with such in-area sales of reconstituted skim milk in fluid milk products shown separately.

9. Section 1104.33 is revised as follows:

§ 1104.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products (including filled milk) handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products (including filled milk) on hand at the beginning and end of each month.

10. In § 1104.44 paragraph (e)(5) is revised as follows:

§ 1104.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph (e), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

11. In § 1104.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised as follows:

§ 1104.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (3)(v) or (4)(ii) of this paragraph:

* * * * *

12. Section 1104.61 is revised as follows:

§ 1104.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e).

(a) A distributing plant meeting the requirements of § 1104.9 which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, was disposed of during the month on routes in such other Federal order marketing area than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order. On the basis of a written application made by the plant operator at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions.

(b) A distributing plant meeting the requirements of § 1104.9 which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk was disposed of during the month on routes in this marketing area than was so disposed of in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A supply plant meeting the requirements of § 1104.9 which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraph (a), (b) or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of the receipts of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

13. In § 1104.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1104.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1104.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1104.70(e) and a credit in the amount specified in § 1104.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

14. Section 1104.81 is revised as follows:

§ 1104.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1104.61, 1104.62, 1104.82, and 1104.84, and out of which he shall make all payments to handlers pursuant to §§ 1104.83 and 1104.84: *Provided*, That any payments due to any handler may be offset by any payments due from such handler.

15. In § 1104.87, paragraphs (a) and (d) are revised as follows:

§ 1104.87 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund of such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

1. In § 1106.9, paragraphs (a) and (b) are revised to read as follows:

§ 1106.9 Pool plant.

* * * * *

(a) A distributing plant (other than that of a producer-handler or one which is exempt pursuant to § 1106.61) from which the following percentages of the receipts described in § 1106.7(c) are disposed of during the month as follows:

(1) 50 percent as Class I milk in the form of fluid milk products, except filled milk, and

(2) 5 percent as fluid milk products, except filled milk, on routes in the marketing area.

(b) A supply plant from which an amount equal to 50 percent of the receipts described in § 1106.8 is shipped during the month as fluid milk products, except filled milk, to a plant described in paragraph (a) of this section. Any supply plant that qualifies as a pool plant during each of the months of September through December shall be a pool plant for the following months of January through August except that, if the operator of such plant so requests the market administrator in writing, its pool plant status shall be terminated the first day of the month following receipt of such notification.

* * * * *

2. Section 1106.10 is revised as follows:

§ 1106.10 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in an order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are distributed on routes in the marketing area in consumer-type packages or dispenser units during the month.

(d) "Unregulated supply plant" means a nonpool plant, except an other order plant or a producer-handler plant, from which fluid milk products are moved during the month to a pool plant qualified pursuant to § 1106.9.

3. Section 1106.15 is revised as follows:

§ 1106.15 Producer-handler.

"Producer-handler" means any person who produces milk and operates a plant which meets the standards in § 1106.7(a) from which Class I milk is disposed of on routes in the marketing area, but who receives no milk from producers or other dairy farmers, and whose disposition of Class I milk does not exceed his own production and fluid milk products received from pool plants.

4. Section 1106.16 is revised as follows:

§ 1106.16 Route.

"Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products other than a delivery in bulk to a milk or filled milk plant.

5. Section 1106.17 is revised as follows:

§ 1106.17 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, cream (except cream stored and frozen), cultured sour cream, and any mixture in fluid form of cream and milk or skim milk (except bulk ice cream mix). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

6. A new § 1106.19 is added as follows:

§ 1106.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. Section 1106.30 is revised as follows:

§ 1106.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for each accounting period in the month in detail on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers.

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts of fluid milk products from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

(f) The quantities of skim milk and butterfat contained in opening and closing inventories of fluid milk products separately in bulk and in packaged form; and

(g) Each handler specified in § 1106.11(b) who operates a partially regulated distributing plant shall report as required in this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of in the marketing area as Class I milk on routes with such in-area sales of reconstituted skim milk in fluid milk products shown separately; and

(h) Such other information with respect to receipts and utilization as the market administrator may prescribe.

8. Section 1106.33 is revised as follows:

§ 1106.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to: (a) The receipts and utilization of all receipts of producer milk and other source milk; (b) the weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products (including filled milk) handled; (c) payments to producers and cooperative association; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products (including filled milk) on hand at the beginning and end of each accounting period.

9. In § 1106.44, paragraph (e)(5) is revised as follows:

§ 1106.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

10. In § 1106.46, paragraph (a) is revised as follows:

§ 1106.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1106.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining of 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(2–a) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the accounting period;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the accounting period;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1106.22(1) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers according to the classification assigned pursuant to § 1106.44(a);

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

11. Section 1106.61 is revised as follows:

§ 1106.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A distributing plant meeting the requirements of § 1106.9 which also meets the pooling requirements of another Federal order and from which a greater quantity of Class I milk, except filled milk, was disposed of during the month on routes in such other Federal order marketing area than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order. On the basis of a written application made by the plant operator at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions.

(b) A distributing plant meeting the requirements of § 1106.9 which also meets the pooling requirements of another Federal order and from which a greater quantity of Class I milk, except filled milk, was disposed of during the month on routes in this marketing area than was so disposed of in such other Federal

order marketing area but which plant is nevertheless, fully regulated under such other Federal order;

(c) A supply plant meeting the requirements of § 1106.9 which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragarph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of the receipts of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plants on routes in marketing areas regulated by two or more market pool orders the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

12. In § 1106.62 paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1106.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1106.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1106.70(e) and a credit in the amount specified in § 1106.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. Section 1106.63 is revised as follows:

§ 1106.63 Governmental agencies.

A plant owned and operated by a governmental agency or establishment which processes or packages milk or filled milk distributed in the marketing area, shall be exempt from all provisions of this part. Fluid milk products received at a pool plant from such agencies shall be treated on the same basis as though received from a producer-handler. Fluid milk products (including diverted milk) disposed of by a handler to such agencies shall be classified as Class I milk.

In § 1071.51, paragraph (b) is revised to read as follows:

14. Section 1106.83 is revised as follows:

§ 1106.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1106.61, 1106.62, 1106.84 and 1106.86, and out of which he shall make all payments to handlers pursuant to §§ 1106.85 and 1106.86, inclusive.

15. In § 1106.89, paragraphs (a) and (d) are revised as follows:

§ 1106.89 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff) by the market administrator was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1108—MILK IN THE CENTRAL ARKANSAS MARKETING AREA

1. Section 1108.7 is revised to read as follows:

§ 1108.7 Approved plant.

"Approved plant" means all of the buildings, premises and facilities of a plant (a) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors and sales through plant stores) to wholesale or retail outlets (except pool plants) located in the marketing area, or (b) from which milk or skim milk is shipped during the month to a distributing plant.

2. Section 1108.8 is revised to read as follows:

§ 1108.8 Distributing plant.

"Distributing plant" means an approved plant from which Class I milk, except filled milk, equal to not less than

50 percent of its receipts of producer milk, milk from a cooperative association in its capacity as a handler pursuant to § 1108.12(c), and fluid milk products, except filled milk, from other pool plants is disposed of during the month, on routes or through plant stores, to wholesale or retail outlets (except pool plants) and from which Class I milk, except filled milk, equal to not less than 10 percent of such receipts is disposed of during the month on routes or through plant stores, to wholesale or retail outlets (except pool plants) located in the marketing area.

3. In § 1108.9, paragraph (a) is revised to read as follows:

§ 1108.9 Supply plant.

* * * * *

(a) An approved plant from which fluid milk products, except filled milk, in an amount not less than 50 percent of its receipts of producer milk and milk received from a cooperative association in its capacity as a handler pursuant to § 1108.12(c) is moved during such month to distributing plants: *Provided*, That any such plant which qualifies as a supply plant for each of the months during the period October through January shall upon written application to the market administrator, on or before the end of such period, be designated as a supply plant for the following months of February through September; or

* * * * *

4. Section 1108.11 is revised to read as follows:

§ 1108.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are shipped during the month to a pool plant qualified pursuant to § 1108.10 and which is not an other order plant nor a producer-handler plant.

5. A new paragraph (d) is added to § 1108.12 to read as follows:

§ 1108.12 Handler.

* * * * *

(d) Any person who operates a partially regulated distributing plant.

6. Section 1108.16 is revised to read as follows:

§ 1108.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, yogurt, cream, or any mixture in fluid form of milk, skim milk and cream except frozen cream, aerated cream, ice cream mix, eggnog and sterilized products in hermetically sealed containers. Sour cream mixtures to which cheese or any food substance other than a milk product has been added shall be considered as a fluid milk product only if disposed of under a Grade A label. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

7. A new § 1108.21 is added to read as follows:

§ 1108.21 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat or oil).

8. In § 1108.30, paragraphs (b) and (c) are revised to read as follows:

§ 1108.30 Reports of sources and utilization.

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, in-area and outside area route disposition of filled milk, and inventories of fluid milk products on hand at the end of the month.

(c) Each handler who operates a partially regulated distributing plant shall report as required in this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk;

Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk.

9. In § 1108.44, subparagraph (5) of paragraph (g) is revised to read as follows:

§ 1108.44 Transfers.

* * * * *

(g) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

10. In § 1108.46, subparagraph (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1108.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, from cooperative associations as handlers pursuant to § 1108.12(c), and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim

milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

• • • • •

11. Section 1108.61 is revised to read as follows:

§ 1108.61 Plants subject to other Federal orders.

A plant specified in paragraphs (a) or (b) of this section shall be a nonpool plant for purposes of this part except as specified in paragraphs (c) and (d):

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk, except filled milk, was disposed of from such plant during the six months period immediately preceding to retail or wholesale outlets (except pool plants or nonpool plants) in the Central Arkansas marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a pool plant for each of the preceding months of August through January.

(c) The operator of a plant specified in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

12. In § 1108.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1108.62 Obligations of handler operating a partially regulated distributing plant.

• • • • •

(a) • • •

(1)(i) The obligation that would have been computed pursuant to § 1108.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1108.70(e) and a credit in the amount specified in § 1108.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

• • • • •

(b) An amount computed as follows: (1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. Section 1108.81 is revised to read as follows:

§ 1108.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1108.61, 1108.62, 1108.82, and 1108.84, and out of which he shall make all payments pursuant to §§ 1108.83 and 1108.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

14. In § 1108.87, paragraph (a) is revised to read as follows:

§ 1108.87 Termination of obligations.

• • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • •

PART 1120—MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

1. Section 1120.7 is revised as follows:

§ 1120.7 Fluid milk product.

"Fluid milk product" means all the skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, concentrated milk, fortified milk or skim milk, flavored milk drinks, filled milk, cream except aerated cream products, cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk in fluid form except ice cream and other frozen dessert mixes, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

2. Section 1120.9 is revised as follows:

§ 1120.9 Plant.

"Plant" means the land, buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products including filled milk) are received from dairy farmers or processed or packaged:

Provided, That a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk products in transit on routes shall not be a plant under this definition.

3. Section 1120.12 is revised as follows:

§ 1120.12 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than the plant of a producer-handler, from which a volume of Class I milk, except filled milk, not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(c)(2) is disposed of during the month on routes unless the volume so disposed of in the marketing area is less than 15 percent of such receipts or less than 1500 pounds on a daily average: *Provided*, That if a portion of such plant, physically apart from the Grade A portion of such a plant, is operated separately and is not approved by any health authority for the receiving, transferring, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered to be a part of such pool plant pursuant to this paragraph;

(b) A supply plant from which a volume of fluid milk products, except filled milk, not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(a)(2) is transferred during the month to a distributing plant from which a volume of Class I milk, except filled milk, not less than 50 percent of its receipts of Grade A milk from dairy farmers, cooperative associations, and from other plants is disposed of on routes during the month and the volume so disposed of in the marketing area is at least 15 percent of such receipts or a daily average of 1500 pounds, whichever is less: *Provided*, That if a portion of such supply plant, physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, transferring, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered to be part of such pool plant pursuant to this paragraph: *And provided further*, That any plant which was a pool plant pursuant to this paragraph in each of the months of September through November shall be a pool plant for the following months of March through June, unless written application is filed with the market administrator on or before the first day of any such months for designation as a nonpool plant for the remaining months through June.

4. Section 1120.13 is revised as follows:

§ 1120.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means any nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

5. Section 1120.18 is revised as follows:

§ 1120.18 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and whose only source of supply for Class I milk is his own farm production and transfers from pool plants: *Provided*, That such person furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprises of and at the personal risks of such person.

6. A new § 1120.19 is added as follows:

§ 1120.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. Section 1120.30 is revised as follows:

REPORTS, RECORDS AND FACILITIES

§ 1120.30 Reports of receipts and utilization.

(a) On or before the eighth day after the end of each month each cooperative association in its capacity as a handler pursuant to § 1120.17(c)(1) and (2) and each handler with respect to each of his pool plants shall report to the market administrator for such month and for each accounting period in such month elected pursuant to § 1120.34, in the detail and on forms prescribed by the market administrator, as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) Receipts of producer milk (including such handler's own farm production);

(ii) Receipts of fluid milk products from other pool plants and from cooperative associations;

(iii) Receipts of other source milk; and

(iv) Inventories of fluid milk products on hand at the beginning and at the end of such month;

(2) The utilization of all skim milk and butterfat required to be reported by this part, including a statement showing separately in-area and outside area route disposition of filled milk;

(b) Each handler specified in § 1120.17(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those of producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk with such in-area disposition of reconstituted skim milk in fluid milk products shown separately; and

(c) Each handler operating a nonpool supply plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

8. Section 1120.34 is revised as follows:

§ 1120.34 Accounting periods.

A handler may account for receipts, utilization and classification of skim milk and butterfat at any of his pool plants for two periods within a month, each period not to be less than 7 days, in the same manner as for a month if he provides to the market administrator in writing not later than 24 hours prior to the end of an accounting period notification of his intention to use two accounting periods.

9. In § 1120.44, paragraph (e)(5) is revised as follows:

§ 1120.44 Transfers.

• • • • •

(e) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • •

10. In § 1120.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised as follows:

§ 1120.46 Allocation of skim milk and butterfat classified.

• • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1120.17(c), and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(*c*)(*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(iv), (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (3)(v) or (4)(iii) of this paragraph pursuant to the following procedure:

* * * * *

11. Section 1120.61 is revised as follows:

§ 1120.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a) or (b) of this section except as specified in paragraphs (c) and (d):

(a) A plant meeting the requirements of § 1120.12(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of its Class I route disposition, except filled milk, is made in such other marketing area, unless notwithstanding the provisions of this paragraph it is regulated under such other order;

(b) A plant meeting the requirements of § 1120.12(a) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area but which plant is fully regulated under such other Federal order.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of the receipts of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

12. In § 1120.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1120.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1120.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective

order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1120.70(e) and a credit in the amount specified in § 1120.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. Section 1120.63 is revised as follows:

§ 1120.63 State institutions.

A State owned and operated institution or establishment which processes or packages fluid milk products distributed solely on its premises or those of other State institutions or establishments shall be exempt from all provisions of this part. Fluid milk products received at a pool plant from such institutions shall be treated on the same basis as though received from a producer-handler. Fluid milk products disposed of by a handler to such institutions shall be classified on the same basis as though disposed of to a producer-handler.

14. Section 1120.81 is revised as follows:

§ 1120.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" in which he shall deposit all payments made by handlers pursuant to §§ 1120.61, 1120.62, 1120.82, and 1120.84, subject to the provisions of § 1120.87, and out of which he shall make all payments pursuant to §§ 1120.83 and 1120.84: *Provided*, That payments due to any handler shall be offset by any payment due from such handler.

15. In § 1120.88, paragraphs (a) and (b) are revised as follows:

§ 1120.88 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the last day of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the last day of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1121—MILK IN THE SOUTH TEXAS MARKETING AREA

1. Part 1121.7 is revised to read as follows:

§ 1121.7 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed and/or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

2. Section 1121.9 is revised to read as follows:

§ 1121.9 Supply plant.

"Supply plant" means any plant approved by an appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which fluid milk products are moved to a distributing plant.

3. In § 1121.10, paragraphs (a) and (b) are revised to read as follows:

§ 1121.10 Pool plant.

"Pool plant" means:

(a) Any distributing plant, except a producer-handler plant or an other order plant, from which during the month:

(1) The disposition of fluid milk products, except filled milk, on routes within the marketing area is 40 percent or more of the receipts of Grade A milk at such plant; and

(2) The total disposition of fluid milk products, except filled milk, on routes is 50 percent or more of the receipts of Grade A milk at such plant;

(b) A supply plant:

(1) During any month in which 50 percent or more of the receipts of Grade A milk from dairy farmers and handlers pursuant to § 1121.12(d) at such plant is moved as fluid milk products, except filled milk, in bulk to pool distributing plants; or

(2) During each of the months of January through August, if such plant was a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding months of September through December, unless the operator of such plant has filed with the market administrator before the first day of any month written request that such plant not be a pool plant for each month through August during which it does not otherwise qualify as a pool plant; or

* * * * *

4. In § 1121.11, the introductory text and paragraphs (c) and (d) are revised to read as follows:

§ 1121.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month but which is neither an other order plant nor a producer-handler plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes (other than to pool plants) in the marketing area during the month.

5. Section 1121.15 is revised to read as follows:

§ 1121.15 Producer-handler.

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from other dairy farmers;

(c) Disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk;

(d) Receives from pool plants not more than a total of 5,000 pounds of fluid milk products during the month or 5 percent of his Class I disposition, whichever is less; and

(e) Furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

6. Section 1121.16 is revised to read as follows:

§ 1121.16 Fluid milk products.

"Fluid milk products" mean milk, skim milk, buttermilk, filled milk, flavored milk, flavored milk drinks; sweet cream, curtured sour cream and sour cream products labeled Grade A; any mixture in fluid form of milk or skim milk and cream; concentrated milk or skim milk. Eggnog, frozen dessert mixes, yogurt, aerated cream products, evaporated milk, condensed milk or skim milk and sterilized products in hermetically sealed metal or glass containers shall not be fluid milk products pursuant to this section. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

7. Section 1121.18 is revised to read as follows:

§ 1121.18 Route disposition.

"Route disposition", or "disposed of on routes", means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products, other than a delivery to a plant.

8. A new § 1121.19a is added to read as follows:

§ 1121.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

9. In § 1121.22, paragraph (g) is revised to read as follows:

§ 1121.22 Duties.

* * * * * *

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary;

* * * * * *

10. In § 1121.30, paragraphs (a)(3) and (c) are revised to read as follows:

§ 1121.30 Reports of receipts and utilization.

* * * * * *

(a) * * *

(3) The utilization or disposition of all quantities required to be reported, showing separately:

(i) Total route disposition, except filled milk,

(ii) Route disposition in the marketing area showing filled milk disposition separately;

(iii) Transfers to other pool plants;

(iv) Transfers to other order plants;

(v) Transfers to nonpool plants; and

(vi) Diversion to nonpool plants.

* * * * * *

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk.

11. In § 1121.32, paragraph (b) is revised to read as follows:

§ 1121.32 Other reports.

* * * * * *

(b) Each handler operating an other order plant with route disposition in the marketing area shall report such disposition (showing filled milk disposition separately) to the market administrator on or before the seventh day after the end of the month.

12. In § 1121.33, paragraph (b) is revised to read as follows:

§ 1121.33 Records and facilities.

* * * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products (including filled milk) handled;

* * * * * *

13. In § 1121.46, paragraph (a) (2), (4), (5), (8), and (9) is revised to read as follows:

§ 1121.46 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

* * * * * *

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class in series beginning with Class II milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order or from a plant exempt pursuant to § 1121.62;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II milk but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph;

(a) For which the handler requests Class II milk utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and

(ii) Receipts of fluid milk products, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in bulk from an other order plant in excess of similar transfers to such plant, if Class II milk utilization was requested by the operator of such plant and the handler;

* * * * * *

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (4)(iv) or (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk

from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4)(v) or (5)(ii) of this paragraph:

(i) In series beginning with Class II milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II milk utilization of skim milk announced for the month by the market administrator pursuant to § 1121.22(o) or the percentage that Class II milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

* * * * * *

14. Section 1121.60 is revised to read as follows:

§ 1121.60 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e) of this section.

(a) A plant meeting the requirements of § 1121.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of such Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1121.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

* * * * * *

(d) Each handler operating a plant described in paragraph (a), (b), or (c) shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

15. In § 1121.61, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1121.61 Obligation of handler operating a partially regulated distributing plant.

* * * * * *

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1121.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfer from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1121.70(e) and a credit computed at the uniform price with respect to receipts, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

16. Section 1121.62 is revised to read as follows:

§ 1121.62 Governmental agencies.

A plant owned and operated by a governmental agency or establishment which processes or packages milk or filled milk distributed in the marketing area, shall be exempt from all provisions of this part. Fluid milk products received at a pool plant from such agencies shall be treated on the same basis as though received from a producer-handler. Fluid milk products disposed of by a handler to such agencies shall be classified on the same basis as though disposed of to a producer-handler.

17. Section 1121.83 is revised to read as follows:

§ 1121.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 1121.60, 1121.61, 1121.84, and 1121.86, and out of which he shall make all payments to handlers pursuant to §§ 1121.85 and 1121.86.

18. In § 1121.89, paragraphs (a) and (d) are revised to read as follows:

§ 1121.89 Termination of obligation.

* * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or 2 years after the end of the

calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1125—MILK IN THE PUGET SOUND, WASH., MARKETING AREA

1. The text of § 1125.7 which precedes paragraph (a) is revised to read as follows:

§ 1125.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment, which is maintained and operated primarily for the receiving, handling and/or processing of milk and milk products (including filled milk). The term "plant" does not include:

* * * * * *

2. In § 1125.8, paragraphs (a) and (b) are revised to read as follows:

§ 1125.8 Pool plant.

* * * * *

"(a) Any such plant, hereinafter referred to as a "pool distributing plant", from which during the month route disposition of fluid milk products, except route disposition of filled milk, in the marketing area averages more than 110 pounds daily and is also 10 percent or more of receipts of Grade A milk at such plant; or

(b) Any other such plant, hereinafter referred to as a "pool supply plant", at which milk, except filled milk, so qualified is received from dairy farmers or a cooperative association pursuant to § 1125.10(f), and which is:

(1) Located in the marketing area; or

(2) Located outside the marketing area, and from which is moved in the form of fluid milk products, except filled milk, to a pool distributing plant at least the following applicable percentage of both the skim milk and butterfat in Grade A milk received from dairy farmers:

(i) During the months of October through December, 50 percent of such receipts during the month; or

(ii) During the months of January through September, 20 percent of such receipts during the month, except that any plant which shipped in the form of fluid milk products, except filled milk, more than 50 percent of such receipts during the entire period of October through December immediately preceding shall be a pool plant for each of the months of January through September.

(3) Any plant which otherwise meets the requirements of this paragraph may withdraw from pool supply plant status for any month in the January–September period if the operator of the plant files with the market administrator, prior to the first day of such month, a written request for such withdrawal.

3. Section 1125.9 is revised to read as follows:

§ 1125.9 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which during the month an average of more than 110 pounds daily of fluid milk products is disposed of on routes in the marketing area.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are moved to a pool plant during the month.

4. Section 1125.12 is revised to read as follows:

§ 1125.12 Producer milk.

"Producer milk" or "milk received from producers" means skim milk and butterfat in milk produced by producers which is received for the account of a handler as follows:

(a) With respect to receipts at a pool plant, producer milk shall include:

(1) Milk received at such plant directly from producers;

(2) Milk (not including filled milk) diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the condition set forth in paragraph (c) of this section; and

(3) Milk received at such pool plant from a cooperative association in its capacity as a handler pursuant to § 1125.10(f), for all purposes other than those specified in paragraph (b)(2)(i) of this section;

(b) With respect to milk for which a cooperative association is a handler in a capacity other than as the operator of a pool plant, producer milk shall include:

(1) Milk (not including filled milk) diverted from the pool plant of another handler to a nonpool plant for the account of the cooperative association, subject to the condition set forth in paragraph (c) of this section; and

(2) Milk for which the cooperative association is a handler pursuant to § 1125.10(f) to the following extent:

(i) For purposes of reporting pursuant to ~~t~~§§ 1125.30(c) and 1125.31(a) and making payments to producers pursuant to § 1125.80(a); and

(ii) For all purposes, with respect to any such milk which is not delivered to the pool plant of another handler;

(c) For purposes of location adjustments pursuant to §§ 1125.53 and 1125.81, milk diverted to a nonpool plant shall be priced at the location of the plant to which diverted; and

(d) In the case of any bulk tank load of milk originating at farms and subsequently received in part at two or more plants, the proportion of the load received at each such plant shall be prorated among the individual producers on the basis of their percentage of the total load.

5. In § 1125.14, paragraphs (a)(2) and (d) are revised to read as follows:

§ 1125.14 Producer-handler.

* * * * * *

(a) * * *

(2) The producer-handler neither receives at his designated milk production resources and facilities nor receives, handles, processes or distributes at or through any of his milk handling, processing or distributing resources and facilities (designated as such pursuant to paragraph (b)(2) of this section) nonfluid milk products for reconstitution into fluid milk products, or fluid milk products derived from any source other than (i) his designated milk production resources and facilities, (ii) pool plants within the limitation specified in paragraph (c)(2) of this section, or (iii) nonfat milk solids which are used to fortify fluid milk products.

* * * * * *

(d) *Public announcement.* The market administrator shall publicly announce the name, plant location and farm location(s) of persons designated as producer-handlers, of those whose designations have been cancelled, and the effective dates of producer-handler status or loss of producer-handler status for each. Such announcements shall be controlling with respect to the accounting at plants of other handlers for milk or filled milk received from any producer-handler.

* * * * * *

6. Section 1125.15 is revised to read as follows:

§ 1125.15 Fluid milk product.

"Fluid milk product" means the following, in fluid or frozen form:

(a) Milk, skim milk, skim milk drinks, buttermilk, filled milk, flavored milk, and flavored milk drinks (including such products reconstituted or fortified with additional nonfat milk solids);

(b) Concentrated milk, skim milk, flavored milk, and flavored milk drinks; and

(c) Cream (sweet or sour) and any mixtures of cream and milk or skim milk (exclusive of ice cream and frozen dessert mixes, cocoa mixes, aerated cream products, and eggnog).

Fluid milk products shall not include those products commonly known as evaporated milk, condensed milk, and skim milk (plain or sweetened), yogurt, starter, any milk or milk products (including filled milk) sterilized and packaged in hermetically sealed metal or glass containers; or a product which contains 6 percent or more nonmilk fat (or oil).

7. A new § 1125.15a is added to read as follows:

§ 1125.15a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1125.30, paragraphs (a)(2) and (d) are revised to read as follows:

§ 1125.30 Monthly reports of receipts and utilization.

* * * * * *

(a) * * *

(2) The utilization of all skim milk and butterfat required to be reported, including separate statements of quantities:

(i) contained in fluid milk products on hand at the beginning and end of the month,

(ii) in route disposition outside the marketing area, and

(iii) in route disposition of filled milk in the marketing area and outside the marketing area;

* * * * * *

(d) Each handler who operates a partially regulated distributing plant shall report as specified in paragraph (a)(1), (2), and (4) of this section except that receipts from dairy farmers in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include separate statements, respectively, showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

9. Section 1125.32 is revised to read as follows:

§ 1125.32 Other reports.

At such time and in such manner as the market administrator may prescribe, each handler shall report to the market administrator such information in addition to that required under § 1125.30 as may be requested by the market administrator with respect to milk and milk products (including filled milk) handled by him.

9a. In § 1125.41, subparagraph (1) of paragraph (b) is revised to read as follows:

§ 1125.41 Classes of utilization.

* * * * * *

(b) * * *

(1) Used to produce ice cream, ice cream mix, frozen desserts, aerated cream products, plastic cream, soured cream dressing, yogurt, eggnog, cottage cheese, pot cheese, bakers cheese, cream cheese, neufchatel cheese, starter or any milk or milk products (including filled milk) sterilized and packaged in hermetically sealed metal or glass containers;

* * * * * *

10. In § 1125.43, paragraph (b) is revised to read as follows:

§ 1125.43 Responsibility of handlers and reclassification of milk.

* * * * * *

(b) The burden shall rest upon each handler to establish the sources of milk and milk products (including filled milk) required to be reported by him pursuant to § 1125.30.

* * * * * *

11. In § 1125.44, paragraph (a)(4) is revised to read as follows:

§ 1125.44 Interplant movements.

* * * * * *

(a) * * *

(4) Notwithstanding the prior provisions of this paragraph, any such skim milk and butterfat transferred in bulk from a pool plant to a pool distributing plant in which facilities are maintained and used to receive milk or milk products (including filled milk) required by applicable health authority regulations to be kept physically separate from Grade A milk shall be classified in accordance with the provisions of paragraph (b) of this section; and

* * * * * *

12. In § 1125.45, paragraph (a) is revised to read as follows:

§ 1125.45 Computation of skim milk and butterfat in each class.

* * * * * *

(a) If any other source milk not subject to allocation at such plant pursuant to § 1125.46(a) (2) through (4) was received at any pool plant of a handler, there will be computed for such handler the total pounds of skim milk and butterfat, respectively, in each class at all of his pool plants combined, exclusive of any classification based upon movements between such plants, and allocation pursuant to § 1125.46 and computation of obligation pursuant to § 1125.70 shall be based upon the combined utilization so computed. For purposes of assigning location adjustments pursuant to §§ 1125.53 with respect to milk or filled milk moved between such plants, the skim milk and butterfat subtracted from each class pursuant to § 1125.46(a) (2), (3), (4), (6), and (7) and the corresponding steps of § 1125.46 (b) will be assigned so far as possible to utilization (exclusive of such interplant movements) reported at the plant at which it was received, and thereafter in sequence to plants at which location adjustment for such class is the same or most nearly similar, and the applicable location adjustments will be determined on the basis of the classification resulting from the application of § 1125.44 (a) and (b) to the remaining utilization reported;

* * * * * *

13. Section 1125.46 is revised to read as follows:

§ 1125.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1125.45, the market administrator shall determine the classification of producer milk for each handler at all his pool plants (or at each pool plant, when § 1125.45(b) applies) as follows:

(a) Skim milk shall be allocated in the following manner, except that the quantities allocated to Class II milk and Class III milk shall be subtracted in series beginning with Class III.

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1125.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below, from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products not qualified for disposition to consumers in fluid form, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(vi) Subtract, if the total pounds of skim milk in all classes pursuant to § 1125.45 exceed the total pounds of skim milk reported pursuant to § 1125.30(a)(1), from the remaining pounds of skim milk in each class, in series beginning with Class III, the amount determined by prorating such excess between the pounds of skim milk subtracted pursuant to subdivisions (i) through (v) of this subparagraph and the remaining receipts;

(4) Subtract, in the order specified below in sequence beginning with Class III, from the pounds of skim milk remaining in Class II and Class III but not in excess of such quantity;

(i) Receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II or III utilization;

(ii) Remaining receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of

skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in receipts of producer milk, receipts from pool plants of other handlers (and of the same handler, when § 11.25.45(b) applies), and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II or III utilization was requested by the operator of such plant and the handler;

(5) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(iv) or (4) (i) and (ii) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (3)(v) or (4)(ii) of this paragraph;

(i) In series, beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the precentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1125.22(m) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers (and of the same handler, when § 1125.45(b) applies) according to the classification assigned pursuant to § 1125.44;

(9) If the pounds of skim milk remaining in all three classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section and § 1125.45(c) into one total for each class and determine the weighted average butterfat content of producer milk in each class.

14. Section 1125.66 is revised to read as follows:

§ 1125.66 Plants subject to other Federal orders.

Except for §§ 1125.30(e), 1125.32 through 1125.34, and paragraph (c) of this section, the provisions of this part shall not apply to a handler with respect to the operation of plants described as follows:

(a) A distributing plant from which a lesser volume of fluid milk products, except filled milk, is disposed of as route disposition in the Puget Sound marketing area than as route disposition in the marketing area of another marketing agreement or order issued pursuant to the Act and which is fully subject to the classification and pricing provisions of such other agreement or order;

(b) Any supply plant for any portion of the period of January through September, inclusive, that producer milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

(c) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant: If reconstituted skim milk in filled milk is disposed of from such plant on routes in the marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

15. In § 1125.67, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1125.67 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1125.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1125.70(e) and a credit in the amount specified in § 1125.84(b)(3) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes within the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

16. In § 1125.81, paragraph (c) is revised to read as follows:

§ 1125.81 Location adjustments to producers and on nonpool milk.

* * * * *

(c) For purposes of computations pursuant to §§ 1125.84 and 1125.85 the weighted average price for all milk shall be adjusted at the rates set forth in § 1125.53 for Class I milk applicable at the location of the nonpool plant from which the milk or filled milk was received.

17. Section 1125.83 is revised to read as follows:

§ 1125.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1125.66, 1125.67, and 1125.84 and out of which he shall make all payments to handlers pursuant to § 1125.85.

18. Section 1125.84 is revised to read as follows:

§ 1125.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month during which the skim milk and butterfat were received, each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the total amount specified in paragraph (b) of this section:

(a) The sum of:

(1) The net pool obligations computed pursuant to § 1125.70 for such handler; and

(2) For a cooperative association handler, the amount due from other handlers pursuant to § 1125.80(d);

(b) The sum of:

(1) The value of milk received by such handler from producers at the applicable uniform prices specified in § 1125.80 (a);

(2) The amount to be paid to cooperative associations pursuant to § 1125.80 (d); and

(3) The value at the weighted average price for all skim milk and butterfat applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) adjusted for butterfat content by the producer butterfat differential, with respect to other source milk for which a value is computed pursuant to § 1125.70(e).

19. Section 1125.85 is revised to read as follows:

§ 1125.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month during which the skim milk and butterfat were received, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1125.84(b) exceeds the amount computed pursuant to § 1125.84(a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 1125.84, 1125.86, 1125.87, and 1125.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

20. In § 1125.89, paragraphs (a) and (d) are revised to read as follows:

§ 1125.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last-known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claims were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

1. Section 1126.7 is revised as follows:

§ 1126.7 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed and/or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

2. In § 1126.10 paragraph (a) is revised as follows:

§ 1126.10 Pool plant.

* * * * *

(a) Any distributing plant, except a producer-handler plant or an other order plant, from which during the month:

(1) The disposition of fluid milk products, except filled milk, on routes within the marketing area is 10 percent or more of the receipts of Grade A milk at such plant; and

(2) The total disposition of fluid milk products, except filled milk, on routes is 50 percent or more of the receipts of Grade A milk at such plant, except that if two or more distributing plants operated by the same handler each meet the performance requirement of subparagraph (1) of this paragraph and total disposition of fluid milk products, except filled milk, on routes of such plants is 50 percent or more of receipts of Grade A milk at such plants, each such plant shall be deemed to have met the requirement of this subparagraph;

* * * * *

3. Section 1126.11 is revised as follows:

§ 1126.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month but which is neither an other order plant nor a producer-handler plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes (other than to pool plants) in the marketing area during the month.

4. Section 1126.15 is revised as follows:

§ 1126.15 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk drinks, filled milk, cream (except sterilized cream and sterilized cream products disposed of in hermetically sealed metal or glass containers and cultured sour cream), and any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. Section 1126.18 is revised as follows:

§ 1126.18 Reserve supply credit.

The hundredweight of reserve supply credit that may be assigned to milk moved from a supply plant to a distributing plant shall be calculated as follows: From the total hundredweight of milk classified as Class I milk, except filled milk, at the distributing plant during the month, deduct Class I sales, except filled milk, to other pool plant(s) and from this result deduct an amount equal to 85 percent of the total hundredweight of milk received from producers during the month at such plant. Any plus figure resulting from this calculation shall be assigned pro rata to milk moved to such plant from supply plants unless the operator of the distributing plant notifies the market administrator in writing of a different assignment on or before the 7th day after the end of the month.

6. Section 1126.19 is revised as follows:

§ 1126.19 Route.

"Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of a fluid milk product other than a delivery in bulk form to a milk processing plant.

7. A new § 1126.20 is added as follows:

§ 1126.20 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1126.30, paragraphs (f) and (h) are revised as follows:

§ 1126.30 Reports of receipts and utilization.

* * * * *

(f) The disposition of fluid milk products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

(h) Each handler operating a partially regulated distributing plant shall report as required in this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk.

9. In § 1126.33, paragraph (b) is revised as follows:

§ 1126.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products (including filled milk) handled;

* * * * *

10. In § 1126.41, paragraph (a)(1) is revised as follows:

§ 1126.41 Classes of utilization.

* * * * *

(a) * * *

(1) Disposed of in the form of a fluid milk product: *Provided*, That when any fluid milk product is modified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content;

* * * * *

(7) That portion of modified products excluded from a Class I skim milk classification pursuant to paragraph (a) of this section.

11. In § 1126.44, paragraph (g)(5) is revised as follows:

§ 1126.44 Transfers.

* * * * *

(g) * * *

(5) For purposes of this paragraph, if the order to which the skim milk and butterfat is transferred or diverted provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

12. In § 1126.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised as follows:

§ 1126.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk in receipts from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1126.12 (c) and (d) and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(*c*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv), or (4)(i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v), or (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1126.27(m); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall by subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

* * * * *

13. Section 1126.61 is revised as follows:

§ 1126.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A plant meeting the requirements of § 1126.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1126.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A plant meeting the requirements of § 1126.10(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of the receipts of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

14. In § 1126.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1126.62 Obligation of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1126.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1126.70(e) and a credit in the amount specified in § 1126.93(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

15. Section 1126.92 is revised as follows:

§ 1126.92 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1126.61, 1126.62, 1126.93, and 1126.95, and out of which he shall make all payments to handlers pursuant to §§ 1126.94 and 1126.95.

16. In § 1126.98, paragraphs (a) and (d) are revised as follows:

§ 1126.98 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the

terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8(c)(15)(A) of the Act, a petition claiming such money.

PART 1127—MILK IN SAN ANTONIO, TEX., MARKETING AREA

1. In § 1127.8, paragraph (a) is revised to read as follows:

§ 1127.8 Pool plant.

* * * * *

(a) A distributing plant (other than one exempt pursuant to § 1127.60) which disposes of as Class I milk, except filled milk, on routes in the marketing area 15 percent or more of its receipts of milk during the month from pool plants and from dairy farmers conforming to the requirements set forth in § 1127.11;

* * * * *

2. Section 1127.9 is revised to read as follows:

§ 1127.9 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

3. Section 1127.14 is revised to read as follows:

§ 1127.14 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, cream or any mixture of cream and milk or skim milk (except eggnog, cultured sour cream, frozen storage cream and bulk ice cream and frozen dairy product mixes). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1127.16 is added to read as follows:

§ 1127.16 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1127.30, paragraph (e) is revised to read as follows:

§ 1127.30 Reports of receipts and utilization.

* * * * *

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

6. Section 1127.32 is revised to read as follows:

§ 1127.32 Other reports.

Each handler who operates a partially regulated distributing plant shall report pursuant to § 1127.30 and pursuant to § 1127.31 in the event that such handler does not elect at the regular time of reporting pursuant to § 1127.30 to pay amounts computed pursuant to § 1127.61(b), except that receipts of Grade A milk from dairy farmers and payments to such dairy farmers shall be reported in lieu of receipts from and payments to producers; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

7. In § 1127.33, paragraphs (b) and (d) are revised to read as follows:

§ 1127.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products (including filled milk) handled;

* * * * *

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and other milk products (including filled milk) on hand at the beginning and end of each month.

8. In § 1127.44, subparagraph (5) of paragraph (c) is revised to read as follows:

§ 1127.44 Transfers.

* * * * *

(c) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other clases shall be classified as Class II or Class II–A (if identical classification is provided under the other order); and

* * * * *

9. In § 1127.46, subparagraphs (3), (4), (5), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1127.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with the lowest priced class, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II–A and Class II (beginning with Class II–A), but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph:

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, receipts from a cooperative association in its capacity as a handler pursuant to § 1127.10(d) and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4)(iv) or (5)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4)(v) or (5)(ii) of this paragraph:

* * * * *

10. Section 1127.60 is revised to read as follows:

§ 1127.60 Handlers subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a) or (b) of this section except as specified in paragraphs (c) and (d):

(a) A plant meeting the requirements for pooling pursuant to § 1127.8(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all of the provisions of this part in the immediately preceding month, it shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such Class I route disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is fully regulated under such other order.

(b) A plant meeting the requirements for pooling pursuant to § 1127.8(a) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area, but which plant is fully regulated under such other Federal order.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1127.30 and 1127.31) and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), or (b) of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. In § 1127.61, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1127.61 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1127.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class II–A milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1127.70(d) and a credit in the amount specified in § 1127.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparargraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12. In § 1127.89, paragraphs (a) and (d) are revised to read as follows:

§ 1127.89 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The delivery period during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the agreement (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1128—MILK IN CENTRAL WEST TEXAS MARKETING AREA

1. In § 1128.7, paragraphs (a)(1) and (b) are revised to read as follows:

§ 1128.7 Approved plant.

* * * * *

(a) * * *

(1) From which Class I milk labeled Grade A other than filled milk, in consumer packages is disposed of in the marketing area on routes, or

* * * * *

(b) A milk plant approved by and under the routine inspection of a health authority other than that of a municipality in the marketing area from which Class I milk labeled Grade A other than filled milk in consumer packages is disposed of in the marketing area on a route operated wholly or partially in the marketing area in an amount equal to 10 percent or more of the total disposition of Class I milk, except filled milk, from such plant during the month.

2. Section 1128.8 is revised to read as follows:

§ 1128.8 Unapproved plant.

"Unapproved plant" means any milk or filled milk receiving, manufacturing or processing plant other than an approved plant. The following categories of unapproved plant are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means an unapproved plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means an unapproved plant from which fluid milk products are moved to an approved plant during the month but which is neither an other order plant nor a producer-handler plant.

3. Section 1128.13 is revised to read as follows:

§ 1128.13 Producer-handler.

"Producer-handler" means any person:

(a) who operates a dairy farm and a milk plant approved by and under the routine inspection of the appropriate health authority from which fluid milk products labeled Grade A in consumer-type packages are disposed of in the marketing area on routes and;

(b) whose disposition of fluid milk products does not exceed his own farm production and receipts of fluid milk products from approved plants.

4. Section 1128.14 is revised to read as follows:

§ 1128.14 Route.

"Route" means any delivery (including any delivery by a vendor or at a plant store) of a fluid milk product other than in bulk to a milk or filled milk processing plant.

5. Section 1128.15 is revised to read as follows:

§ 1128.15 Fluid milk product.

"Fluid milk product" means all the skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk drinks, filled milk, cream, sour cream and sour cream products under a Grade A label, and any mixture (except eggnog, aerated cream products and mixes for ice cream or other frozen dairy products) of cream and milk or skim milk: *Provided*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

6. A new § 1128.16 is added to read as follows:

§ 1128.16 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1128.30, paragraph (g) is revised to read as follows:

§ 1128.30 Reports of receipts and utilization.

* * * * *

(g) The disposition of Class I products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

8. In § 1128.32, paragraph (b) is revised to read as follows:

§ 1128.32 Other reports.

* * * * *

(b) Each handler who operates a partially regulated distributing plant shall report pursuant to § 1128.30 and pursuant to § 1128.31 in the event that such handler does not elect at the regular time of reporting pursuant to § 1128.30 to pay amounts computed pursuant to § 1128.62(b), except that receipts in Grade A milk from dairy farmers and payments to such dairy farmers shall be reported in lieu of receipts from and payments to producers; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk.

* * * * *

9. In § 1128.33, paragraphs (b) and (d) are revised to read as follows:

§ 1128.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products (including filled milk) handled;

* * * * *

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products (including filled milk) on hand at the beginning and end of each month.

10. In § 1128.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1128.44 Transfers.

* * * * *

(f) * * *

(5) For purposes of this paragraph (f), if the transferee order provides for more than two classes of utilization skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II unless the other order provides a Class II–A classification identical to that provided in this order; and

* * * * *

11. In § 1128.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1128.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with the lowest priced class, the pounds of skim milk in each of the following:

(i) Other source milk in the form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a produced-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II–A and Class II (beginning with Class II–A):

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in such classes, respectively;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between approved plants of the handler) at all approved plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other approved plants and from a cooperative association in its capacity as a handler pursuant to § 1128.9(c), and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all approved plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Such subtraction is to be made first from the remaining Class II–A at the pool plant where received, next from remaining Class II–A at other pool plant(s) of such handler. If the amount to be subtracted is greater than the remaining Class II–A at all pool plants of the handler, such additional amount is to be subtracted first from the remaining Class II at the pool plant where received, next from Class II at other pool plant(s) of such handler. In such case, the utilization of skim milk in Class II–A (then Class II) shall be increased and the utilization of skim milk in Class II (then Class I) shall be decreased in an amount equal to the quantity necessary to make such subtraction, and the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(*ii*) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II–A and Class II milk,

* * * * *

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all approved plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) or 4 (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the approved plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other approved plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other approved plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) or (4)(iii) of this paragraph pursuant to the following procedure:

* * * * *

12. Section 1128.61 is revised to read as follows:

§ 1128.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e) that:

(a) An approved plant pursuant to § 1128.7(a)(1) or (b) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of such Class I route disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is regulated under such other order.

(b) An approved plant pursuant to § 1128.7(a)(1) or (b) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is fully regulated under such other Federal order.

(c) An approved plant pursuant to § 1128.7(a)(2) which (1) meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part or, (2) retains automatic pooling status for the month under another Federal order by virtue of its performance in previous months.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the

reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

13. In § 1128.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1128.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1128.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class II–A milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1128.70(e) and a credit in the amount specified in § 1128.94(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to approved plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from approved plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

14. Section 1128.93 is revised to read as follows:

§ 1128.93 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1128.61, 1128.62, 1128.94, and 1128.96, and out of which he shall make all payments to handlers pursuant to §§ 1128.95 and 1128.96.

15. In § 1128.99, paragraphs (a) and (d) are revised to read as follows:

§ 1128.99 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8(c)(15)(A) of the act, a petition claiming such money.

PART 1129—MILK IN THE AUSTIN-WACO, TEX., MARKETING AREA

1. Section 1129.8 is revised as follows:

§ 1129.8 Distributing plant.

"Distributing plant" means any milk processing or packaging plant from which Class I milk, except filled milk, equal to more than an average of 500 pounds per day or 5 percent, whichever is less, of the Grade "A" milk and skim milk received from dairy farmers or other plants, is disposed of during the month on a route(s) operated partially or wholly in the marketing area.

2. Section 1129.11 is revised as follows:

§ 1129.11 Nonfluid milk plant.

"Nonfluid milk plant" means any milk or filled milk receiving, manufacturing or processing plant other than a fluid milk plant. The following categories of nonfluid milk plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonfluid milk plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonfluid milk plant from which fluid milk products are moved to a fluid milk plant during the month, but which is neither an other order plant nor a producer-handler plant.

3. The introductory text and paragraph (a) of § 1129.14 are revised as follows:

§ 1129.14 Route.

"Route" means the delivery (including delivery by a vendor or sale at a plant store) of fluid milk products other than as follows:

(a) Delivery in bulk to a plant, or

* * * * *

4. Section 1129.20 is revised as follows:

§ 1129.20 Fluid milk product.

"Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk drinks, filled milk, cream, cultured sour cream, any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream mix, or other frozen mixes, evaporated or condensed milk and any milk product contained in hermetically sealed containers): *Provided*, That when nonfat milk solids are added for fortification the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of unmodified product of the same nature and butterfat content. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1129.21 is added as follows:

§ 1129.21 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk

(whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1129.27, paragraph (g) is revised as follows:

§ 1129.27 Duties.

* * * * *

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary;

* * * * *

7. In § 1129.30, paragraph (e) is revised as follows:

§ 1129.30 Reports of receipts and utilization.

* * * * *

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the route disposition of Class I milk outside the marketing area, and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

8. In § 1129.33, paragraphs (b) and (c) are revised as follows:

§ 1129.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, and milk products (including filled milk) handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, and milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * *

9. In § 1129.44, subparagraph (5) of paragraph (e) is revised as follows:

§ 1129.44 Transfers.

* * * * *

(5) For purposes of this paragraph (e), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

10. In § 1129.46, subparagraphs (2), (3), (4), and (7) of paragraph (a) are revised as follows:

§ 1129.46 Allocation of skim milk and butterfat classified.

* * * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(a) For which the handler requests Class I utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from fluid milk plants of other handlers, receipts from a cooperative association in its capacity as a handler pursuant to § 1129.13(b)(2) and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(iv) or (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) or (4)(ii) of this paragraph;

* * * * *

11. Section 1129.61 is revised as follows:

§ 1129.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to any plant specified in paragraph (a), (b), or (c) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) An approved distributing plant which also meets the pooling requirements of another Federal order and from which the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than is disposed of on routes (other than to a distributing plant(s)) in the Austin-Waco marketing area.

(b) An approved distributing plant which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes (other than to a distributing plant(s)) in the Austin-Waco marketing area than is disposed of on routes in such other Federal order marketing area, but which plant is, nevertheless, fully regulated under such other Federal order.

(c) An approved supply plant which (1) meets the pooling requirements of another Federal order and from which greater qualifying shipments, except filled milk, are made during the month to plants regulated under such other order than are made to plants regulated under this part, or (2) retains automatic pooling status under another Federal order.

12. In § 1129.96, paragraphs (a) and (d) are revised as follows:

§ 1129.96 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1130—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

1. Section 1130.7 is revised as follows:

§ 1130.7 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed or packaged. Separate facilities without storage tanks which are used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

2. In § 1130.10, paragraphs (a) and (b) are revised as follows:

§ 1130.10 Pool plant.

* * * * *

"Pool plant" means:

(a) Any distributing plant, except a producer-handler plant or an other order plant, from which during the month:

(1) The disposition of fluid milk products, except filled milk, within the marketing area on routes is 10 percent or more of the receipts of Grade A milk at such plant; and

(2) The total disposition of fluid milk products, except filled milk, on routes is 50 percent or more of the receipts of Grade A milk at such plant;

(b) A supply plant:

(1) During any month in which 50 percent or more of the receipts of Grade A milk from dairy farmers and handlers pursuant to § 1130.12(d) at such plant is moved as fluid milk products, except filled milk, to pool distributing plants; or

(2) During each of the months of January through August, if such plant was a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding months of September through December, unless the operator of such plant has filed with the market administrator before the first day of any month written request that such plant not be a pool plant for each month through August during which it does not otherwise qualify as a pool plant; or

* * * * *

3. Section 1130.11 is revised as follows:

§ 1130.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another Federal order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month but which is neither an other order plant nor a producer-handler plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are disposed of on routes in the marketing area during the month.

4. Section 1130.15 is revised as follows:

§ 1130.15 Producer-handler.

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from other dairy farmers;

(c) Disposes of no other source milk as Class I milk except:

(1) That represented by nonfat solids used in the fortification of fluid milk products; or

(2) Yogurt in packaged form and cream in prepackaged tetrapaks (one-half fluid ounce capacity) if such products are made from milk classified and priced under any Federal order;

(d) Receives during the month from pool plants fluid milk products in a total quantity of not more than 10,000 pounds, or 5 percent of his Class I disposition, whichever is less; and

(e) Furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

5. Section 1130.16 is revised as follows:

§ 1130.16 Fluid milk products.

"Fluid milk products" means all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, filled milk, cream, cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk or skim milk (other than frozen cream, aerated cream products, eggnog, ice cream, ice cream mix or other frozen mixes, evaporated or condensed milk and milk products contained in hermetically sealed containers): *Provided*, That when nonfat milk solids are added for "fortification", the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

6. A new § 1130.16a is added as follows:

§ 1130.16a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. Section 1130.18 is revised as follows:

§ 1130.18 Route disposition.

"Route disposition", or "disposed of on routes", means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products other than a delivery to a milk or filled milk plant.

8. In § 1130.30, paragraphs (a)(3) and (c) are revised as follows:

§ 1130.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization or disposition of all quantities required to be reported, showing separately:

(i) Total route disposition, except filled milk;

(ii) Route disposition in the marketing area;

(iii) Transfers to other pool plants;

(iv) Transfers to other order plants;

(v) Transfers to nonpool plants;

(vi) Diversions to nonpool plants; and

(vii) In-area and outside area route disposition of filled milk.

* * * * *

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of

each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk.

9. In § 1130.33, paragraphs (b) and (c) are revised as follows:

§ 1130.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products (including filled milk) handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * *

10. In § 1130.44, paragraph (e)(5) is revised as follows:

§ 1130.33 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph (e), if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk and butterfat allocated to another class shall be classified as Class III milk; and

* * * * *

11. Section 1130.46 is revised as follows:

§ 1130.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1130.45, the market administrator shall determine the classification of producer milk for each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk classified as Class III milk pursuant to § 1130.41(c)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class in series beginning with Class III milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or Class III milk but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph;

(a) For which the handler requests Class II or Class III milk utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers to such plant, if Class II or Class III milk utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4)(iv) or (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4)(v) or (5)(ii) of this paragraph:

(i) In series beginning with Class III milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1130.22(o) or the percentage that Class II and Class III milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1130.44(a); and

(11) If the pounds of skim milk remaining in each class exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III milk. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section and § 1130.45(d) for each class and determine the weighted average butterfat content of producer milk in each class.

12. Section 1130.60 is revised as follows:

§ 1130.60 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A plant meeting the requirements of § 1130.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition, except filled milk, is made in such other marketing area unless notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1130.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A plant meeting the requirements of § 1130.10(b) which also meets the

pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months January through August, if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraphs (a) or (b) of this section shall report pursuant to § 1130.32(b) and each handler operating a plant described in paragraph (c) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

13. In § 1130.61, paragraphs (a) (1) (i) and (b) are revised as follows:

§ 1130.61 Obligations of handler operating a partially regulated distributing plant.

* * * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1130.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II (or Class III) milk if allocated to such classes at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1130.70(e) and a credit computed at the uniform price with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class III price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

14. Section 1130.83 is revised as follows:

§ 1130.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 1130.60, 1130.61, 1130.84, and 1130.86, and out of which he shall make all payments to handlers pursuant to §§ 1130.85 and 1130.86.

15. In § 1130.89, paragraphs (a) and (d) are revised as follows:

§ 1130.89 Termination of obligation.

* * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligations exists, were received or handled; and

(3) If the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

1. Section 1132.10 is revised as follows:

§ 1132.10 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk, except filled milk, not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts, or an average of not less than 10,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 75 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year: *And provided further*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

2. Section 1132.11 is revised as follows:

§ 1132.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution in the marketing area are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

3. Section 1132.12 is revised as follows:

§ 1132.12 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates a partially regulated distributing plant;

(c) Any cooperative association with respect to milk of producers which is diverted from a pool plant to a nonpool plant for the account of such association;

(d) Any cooperative association with respect to the milk of its member producers which it causes to be delivered directly from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing that it wishes to become the handler for such milk. The cooperative association shall be considered the handler for such bulk tank milk, effective the first day of the month following receipt of such notice, and milk so delivered shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant to which it is delivered; and

(e) A producer-handler, or any person who operates an other order plant described in § 1132.61.

4. Section 1132.13 is revised as follows:

§ 1132.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers and who disposes of no fluid milk products in excess of his own milk production and fluid milk products received from pool plants.

5. Section 1132.15 is revised as follows:

§ 1132.15 Fluid milk product.

"Fluid milk product" means milk (including concentrated milk), skim milk (including reconstituted skim milk), buttermilk, filled milk, milk drinks (plain or flavored), cream, or any fluid mixture of cream and milk or skim milk (except storage cream, aerated cream products, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers): *Provided*, That when any such product is modified by the addition of nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

6. A new § 1032.18 is added as follows:

§ 1032.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of no fat milk solids), with or without milk fat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1132.30, paragraph (f) is revised as follows:

§ 1132.30 Reports of receipts and utilization.

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk.

8. In § 1132.31, paragraph (c) is revised as follows:

§ 1132.31 Other reports.

* * * * * *

(c) Each handler operating a partially regulated distributing plant shall report pursuant to § 1132.30 including a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and pursuant to §1132.31(b)(1) in the event that such handler does not elect at the regular time of reporting pursuant to § 1132.30 to pay amounts computed pursuant to § 1132.62 (b), except that receipts in Grade A milk from dairy farmers and payments to such dairy farmers shall be reported in lieu of receipts from and payments to producers.

9. In § 1132.32, paragraphs (b) and (c) are revised as follows:

§ 1132.32 Records and facilities.

* * * * * *

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

10. In § 1132.44, subparagraph (5) of paragraph (e) is revised as follows:

§ 1132.44 Transfers.

* * * * * *

(e) * * *

(5) For purposes of this paragraph (e), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * * *

11. In § 1132.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i), of paragraph (a) are revised as follows:

§ 1132.46 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for invidiual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that

were not subtracted pursuant to subparagraph (3)(iv) of this paragraph,

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, receipts from a cooperative association in its capacity as a handler pursuant to § 1132.12(c) and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

* * * * *

12. Section 1132.61 is revised as follows:

§ 1132.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraphs (a) or (b) of this section except as specified in paragraphs (c) and (d).

(a) A distributing plant meeting the requirements of § 1132.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of to retail and wholesale outlets (excluding pool plants) in this marketing area, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of such Class I disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is regulated under such other order. On the basis of a written application made by the plant operator at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) such Class I disposition made under limited term contracts to governmental bases and institutions.

(b) A distributing plant meeting the requirements of § 1132.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month to retail and wholesale outlets (excluding pool plants) in this marketing area than is disposed of on routes in such other marketing area but which plant is nevertheless fully regulated under such other Federal order;

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

13. In § 1132.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1132.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1132.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1132.70(e) and a credit in the amount specified in § 1132.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph, and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

14. Section 1132.83 is revised as follows:

§ 1132.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1132.61, 1132.62, 1132.84, and 1132.86, and out of which he shall make all payments pursuant to §§ 1132.85 and 1132.86: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

15. In § 1132.90 paragraphs (a) and (d) are revised as follows:

§ 1132.90 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1133—MILK IN THE INLAND EMPIRE MARKETING AREA

1. Section 1133.7 is revised to read as follows:

§ 1133.7 Plant.

"Plant" means the land, buildings, facilities, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained primarily for receiving, processing or packaging of fluid milk and milk products (including filled milk). However, an establishment that is separate from the foregoing operating unit and used only for transferring bulk milk from one tank truck to another shall not be a plant under this definition.

2. In § 1133.8, paragraphs (a) and (b) are revised to read as follows:

§ 1133.8 Pool plant.

"Pool plant" means any plant described in paragraph (a) or (b) of this section, other than the plant of a producer-handler, or a plant with respect to which the handler is exempt pursuant to § 1133.61, which is approved by an appropriate health authority for the receiving of milk qualified for distribution as Grade A milk in the marketing area.

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which fluid milk products are processed or packaged and from which during the month:

(1) Disposition of fluid milk products, except filled milk, on routes within the marketing area equals or exceeds the lesser of 250,000 pounds or 20 percent of the total receipts of Grade A milk from dairy farmers, cooperative associations pursuant to § 1133.15(d), and from pool supply plants and other plants forwarding the applicable percentage of receipts specified in paragraph (b) of this section to such plant and other pool distributing plants; and

(2) Total disposition of fluid milk products, except filled milk, on routes is 40 percent or more of such receipts in any of the months of February through August, inclusive, and 50 percent or more of such receipts in any of the months of September through January, inclusive.

(b) Any plant, hereinafter referred to as a "supply pool plant", from which there is forwarded in the form of fluid milk products, to a pool distributing plant(s) 50 percent or more each of the skim milk and butterfat in its dairy farm supply of Grade A milk except filled milk, during the current month during the period of September through November, or 20 percent or more during the current month during the period December through August. Any such plant which has forwarded in the form of fluid milk products, more than 50 percent of such receipts except filled milk, for the entire period of September through November shall be a pool plant for the months of December through August immediately following unless the operator of such plant files with the market administrator, prior to the first day of any month(s), a written request to withdraw such plant from pool plant status for such month(s); and

* * * * *

3. Section 1133.9, paragraph (c) is revised to read as follows:

§ 1133.9 Nonpool plant.

* * * * *

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

* * * * *

4. Section 1133.16 is revised to read as follows:

§ 1133.16 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a processing plant from which fluid milk products are distributed on routes in the marketing area but who receives no fluid milk products during the month from other dairy farmers or from any other source except by transfer from a pool plant, and who receives no nonfluid milk products for reconstitution into fluid milk products. Such person must provide proof satisfactory to the market administrator that the maintenance, care and management of the dairy animals and other resources necessary to produce his own farm milk production and the operation of the processing and distribution business is the personal enterprise and risk of such person.

5. Section 1133.17 is revised to read as follows:

§ 1133.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drinks, filled milk, concentrated milk, skim milk or milk drinks (not including evaporated milk, condensed milk or condensed skim milk), fortified milk or skim milk (including "diet" foods), cream (sweet or sour), any mixture in fluid form of cream and milk or skim milk (except ice cream mix, frozen dessert mix, cocoa mixes, a product which contains 6 percent or more nonmilk fat (or oil), aerated products, eggnog and yogurt), which are neither sterilized nor in hermetically sealed metal containers.

6. A new § 1133.19 is added to read as follows:

§ 1133.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1133.30, subparagraph (3) of paragraph (a), and paragraph (b) are revised to read as follows:

§ 1133.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization in each class of the quantities required to be reported, including separate statements of quantities (i) in inventories of fluid milk products on hand at the end of the month, (ii) in route disposition outside the marketing area, and (iii) of in-area and outside area route disposition of filled milk; and

* * * * *

(b) Each handler specified in § 1133.15(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * *

8. Section 1133.33 is revised to read as follows:

§ 1133.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other person upon whose utiliza-

tion the classification of skim milk and butterfat depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The information required to be reported pursuant to §§ 1133.30, 1133.31, and 1133.32;

(b) The weights and tests for butterfat and other contents of all milk, filled milk, and milk products handled, including filled milk; and

(c) Payments required to be made pursuant to §§ 1133.80 through 1133.88.

9. In § 1133.43, paragraph (b) is revised to read as follows:

§ 1133.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can establish to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise:

(b) The burden shall rest upon each handler to establish the sources of milk and milk products (including filled milk) required to be reported by him pursuant to § 1133.30; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

10. In § 1133.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1133.44 Transfers and diversions.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transfered order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to Class II under the other order shall be classified as Class III; and

* * * * *

11. In § 1133.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised to read as follows:

§ 1133.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1133.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1133.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order.

(4) Subtract, in the order specified below, in sequence beginning with Class III from the pounds of skim milk remaining in Classes II and III, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(a) For which the handler requests Class II or Class III utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II or Class III utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

* * * * *

12. In § 1133.51, paragraph (d)(2) is revised to read as follows:

§ 1133.51 Class prices.

* * * * *

(d) * * *

(2) Determine the total pounds of milk and milk products (including filled milk) disposed of from pool plants as Class I milk (excluding shrinkage, unaccounted for milk, and any duplications resulting from interhandler transfers) during the same 2 months;

13. Section 1133.61 is revised to read as follows:

§ 1133.61 Plants subject to other Federal orders.

(a) Except as specified in paragraphs (b) and (c), the provisions of this part shall not apply to any distributing or supply plant which would be subject to the classification, pricing and payment provisions of another order issued pursuant to the Act, unless a greater volume of fluid milk products, except filled milk, are disposed of on routes or to pool plants in the Inland Empire marketing area than in the marketing area regulated pursuant to such other order.

(b) The operator of a plant specified in paragraph (a) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

14. In § 1133.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1133.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1133.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III milk if allocated to such class at the pool pant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1133.70(e) and a credit in the amount specified in § 1133.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

15. Section 1133.63 is revised to read as follows:

§ 1133.63 State institutions.

A State owned and operated institution or establishment which processes or packages skim milk and butterfat distributed solely on its premises or those of other State institutions or establishments shall be exempt from all provisions of this part. Skim milk and butterfat received from institutions at pool plants shall be treated as other source milk received from a producer-handler, and fluid milk products disposed of by a handler to such institutions shall be classified on the same basis as though disposed of to a producer-handler.

16. Section 1133.83 is revised to read as follows:

§ 1133.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1133.61, 1133.62, 1133.84, and 1133.86 and out of which he shall make all payments to handlers pursuant to §§ 1133.85 and 1133.86.

17. In § 1133.89, paragraphs (a) and (d) are revised to read as follows:

§ 1133.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claims were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1134—MILK IN THE WESTERN COLORADO MARKETING AREA

1. Section 1134.9 is revised to read as follows:

§ 1134.9 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section, except the plant of a producer-handler or the plant of a handler exempt under § 1134.61.

(a) Any plant hereinafter referred to as a "distributing pool plant," in which during the month fluid milk products are processed or packaged and from which:

(1) An amount equal to 50 percent or more of the total receipts of Grade A milk (except receipts from distributing pool plants) is disposed of as fluid milk products, except filled milk, on routes, and

(2) Ten percent or more of such receipts, or 2,000 pounds per day, whichever is less, are disposed of as fluid milk products, except filled milk, on routes in the marketing area; and

(b) Any plant hereinafter referred to as a "supply pool plant" from which during the month 50 percent of its dairy farm supply of Grade A milk is moved in the form of fluid milk products, except filled milk, to distributing pool plants. Any supply plant which has qualified as a pool plant in each of the months of September through February shall be a pool plant in each of the following months of March through August, unless written request for nonpool status for any such month(s) is furnished in advance to the market administrator. A plant withdrawn from supply pool plant status may not be reinstated for any of the following months of March through August unless it fulfills the shipping requirements of this paragraph for such month(s).

2. Section 1134.10 is revised to read as follows:

§ 1134.10 Nonpool plant.

"Nonpool plant" means any milk, or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued under the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued under the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products are moved during the month to a pool plant.

3. Section 1134.16 is revised to read as follows:

§ 1134.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, reconstituted milk or skim milk fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mixes, frozen cream, a product which contains 6 percent or more nonmilk fat or oil, aerated cream, eggnog, cultured sour mixtures to which cheese or any food substance other than a milk product has been added in an amount not less than 3 percent by weight of the finished product), which are neither sterilized nor in hermetically sealed containers.

4. A new § 1134.19 is added to read as follows:

§ 1134.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1134.30, subparagraph (5) of paragraph (a) and paragraph (c) are revised to read as follows:

§ 1134.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported under this section, including a separate statement of the route disposition of Class I milk outside the marketing area, and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

6. Section 1134.33 is revised to read as follows:

§ 1134.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, filled milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products and filled milk on hand at the beginning and end of each month; and

(d) Payments to producers, or to cooperative associations, including any deductions, and the disbursement of money so deducted.

7. In § 1134.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1134.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to another class shall be classified as Class III; and

* * * * *

8. Section 1134.46 is revised to read as follows:

§ 1134.46 Allocation of skim milk and butterfat classified.

After making the computations under § 1134.45 the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler under § 1134.11 (c) and (d) which was not received at a pool plant and the classification of milk received from producers, from a pool plant operated by a cooperative association and from cooperative association handlers under § 1134.11(d) at a pool plant(s) for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III under § 1134.41(c)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From the utilization comparable under such other order if the products are not classified as Class I under the other order;

(ii) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(iii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order.

(5) Subtract in sequence beginning with Class III in the order specified below, from the pounds of skim milk remaining in Class III and Class II;

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, for which the handler requests Class III utilization, but not in excess of the pounds of skim milk remaining in Class III and Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I by 1.25; and

(*b*) Subtract from the result the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers and in receipts of fluid milk products in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers or diversions to such plant, but not in excess of the pounds of skim milk remaining in Class III (and Class II), if Class III utilization was requested by the transferee handler and the operator of the transferor plant requests the lowest class utilization under the order;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted under subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining

in each class, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted under subparagraph (4)(iv) or (5)(i) or (ii) of this paragraph.

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products or filled milk in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4)(v) or (5)(iii) of this paragraph:

(i) Such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class III and Class II combined;

(*a*) The estimated utilization of skim milk in each class by all handlers, as announced for the month under § 1134.22(l); or

(*b*) The pounds of skim milk remaining in each class at the pool plant of the handler;

(10) Substract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned under § 1134.44;

(11) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in milk received from producers, and from cooperative associations under § 1134.11(d) subtract such excess from the remaining pounds of skim milk in series beginning with Class III. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined under paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. Section 1134.61 is revised to read as follows:

§ 1134.61 Exempt plants.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except as specified in paragraphs (d) and (e):

(a) Any distributing plant from which less than an average of 200 pounds per day of Class I milk (except filled milk) is disposed of on routes in the marketing area during the month.

(b) Any distributing plant which would be subject to the classification and pricing provisions of another order issued under the Act, unless such plant is qualified as a pool plant under § 1134.9(a) and more Class I milk (except filled milk) is disposed of from such plant on routes in the Western Colorado marketing area than in the marketing area defined under such other order.

(c) Any plant qualified under § 1134.9 (b) for any portion of the period of March through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued under the Act.

(d) The operator of a plant specified in paragraphs (a), (b), or (c) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (b), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of the receipts of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

10. In § 1134.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1131.62 Obligations of a handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed under § 1134.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the repective order if so allocated to Class I milk, except that reconstituted skim milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1134.70(e) and a credit in the amount specified in § 1134.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued under the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

11. Section 1134.83 is revised to read as follows:

§ 1134.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers under §§ 1134.61, 1134.62, 1134.84, and 1134.86 and out of which he shall make all payments under §§ 1134.85 and 1134.86: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

12. In § 1134.89, paragraphs (a) and (d) are revised to read as follows:

§ 1134.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such pro-

ducer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

• • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, under section 8c (15) (A) of the Act, a petition claiming such money.

PART 1136—MILK IN THE GREAT BASIN MARKETING AREA

1. In § 1136.8 paragraph (c) is revised to read as follows:

§ 1136.8 Producer-handler.

• • • • •

(c) The operation of the milk (including filled milk) production, processing and distributing facilities are under the complete and exclusive control of such person and at his sole risk.

2. Section 1136.10 is revised to read as follows:

§ 1136.10 Approved plant.

"Approved plant" means a plant which either receives milk from dairy farmers or possesses the approval of any duly constituted health authority for the processing or packaging of Grade A fluid products, and (a) in which milk or milk products (including filled milk) are processed or packaged and from which any fluid milk product is disposed of during the month on routes in the marketing area, or (b) in which milk is received or processed and from which milk or skim milk is shipped during the month to a plant described in paragraph (a) of this section.

3. Section 1136.11 is revised to read as follows:

§ 1136.11 Pool plant.

"Pool plant" means:

(a) An approved plant, except the plant of a producer-handler as described in § 1136.8, from which during the month there is disposed of on routes fluid milk products, except filled milk, equal to not less than 50 percent of the receipts during the month at such plant of producer milk, producer milk diverted therefrom by the plant operator and receipts at the plant of fluid milk products, except filled milk, from plants described pursuant to paragraph (b) of this section, and there are disposed of on routes in the marketing area fluid milk products, except filled milk, equal to not less than 15 percent of the total fluid milk product disposition, except filled milk, from the plant on routes. If any cooperative association operating an approved plant as defined in § 1136.10(a) causes producer milk to be delivered to a pool plant pursuant to this paragraph operated by another handler, such producer milk shall be included for the computations made pursuant to this paragraph for such cooperative association's plant along with the receipts of producer milk at such cooperative association's plant, and the quantity of such milk calculated as Class I milk pursuant to § 1136.22(h) shall be included for such computations along with the fluid milk products, except filled milk, disposed of on routes from such cooperative association's plant. If such a cooperative association operates more than one approved plant as defined in § 1136.10(a), such producer milk and Class I milk shall be included in the computation for whichever plant the cooperative association requests in writing to the market administrator. If no such written request is made, such producer milk and Class I milk shall be prorated among the plants. If a handler operates more than one approved plant, the combined receipts and fluid milk products disposition, except filled milk, of any of such plants may be used as the basis for qualifying the respective plants pursuant to the preceding computations specified in this paragraph if the handler in writing so requests the market administrator.

(b) An approved plant from which during the month fluid milk products, except filled milk, equal to not less than 50 percent of the total of receipts at the plant from dairy farmers meeting the inspection requirements described in § 1136.7, milk diverted pursuant to § 1136.13 by the handler operating the plant and other fluid milk products, except filled milk, qualified for distribution for fluid consumption received at the plant are shipped to a plant described in paragraph (a) of this section: *Provided*, That a plant which so qualifies in each of the months of August through January as a pool plant shall be a pool plant in each of the following months of February through July unless the operator requests in written notice to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

4. In § 1136.12 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1136.12 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

• • • • •

5. Section 1136.15 is revised to read as follows:

§ 1136.15 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, cream (sweet or sour) except frozen cream, concentrated milk (fresh or frozen), fortified milk or skim milk, reconstituted milk or skim milk, or any mixture in fluid form of milk, skim milk and cream (except ice cream, ice cream mix, eggnog, a product which contains 6 percent or more nonmilk fat (or oil), aerated cream, evaporated or condensed milk (plain or sweetened), and sterilized products in hermetically sealed containers).

6. A new § 1136.18 is added to read as follows:

§ 1136.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1136.30, subparagraph (2) of paragraph (a) is revised to read as follows:

§ 1136.30 Reports of sources and utilization.

(a) • • •

(2) The utilization of all skim milk and butterfat required to be reported pursuant to subparagraph (1) of this paragraph, including a separate statement of the route disposition of Class I milk outside the marketing area, and a statement showing separately in-area and outside area route disposition of filled milk;

• • • • •

8. In § 1136.31, paragraph (c) is revised to read as follows:

§ 1136.31 Other reports.

• • • • •

(c) Each handler specified in § 1136.9 (a) (2) who operates a partially regulated distributing plant shall report as required in § 1136.30, except that receipts of milk produced in compliance with the inspection requirements of a duly constituted health authority for fluid consumption shall be reported in lieu of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

9. In § 1136.42, paragraph (c) and subparagraph (5) of paragraph (d) are revised to read as follows:

§ 1136.42 Transfers.

• • • • •

(c) If transferred in bulk form as milk, filled milk, skim milk, or cream to a nonpool plant which is neither an other order plant nor a producer-handler plant, shall be classified as Class I milk unless the requirements of subparagraphs (1), (2) and (3) of this paragraph are met, in which case the skim milk and butterfat so transferred shall be classified in accordance with the assignment resulting from subparagraph (4) of this paragraph:

(d) • • •

(5) For purposes of this paragraph (d), if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I and skim milk and butterfat allocated to Class II under the other order shall be classified as Class III; and

• • • • •

10. In § 1136.44, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised to read as follows:

§ 1136.44 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1136.43, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1136.9 (b) and (c) which was not received at a pool plant and the classification of milk received from producers and from cooperative association handlers pursuant to § 1136.9 (c) by each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1136.41(c) (5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (i) (*d*) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1136.41 (c) (8) plus two percent of such receipts (weight of an equal volume of a like unmodified product of the same butterfat content);

(ii) From Class I milk, the remainder of such receipts; and

(iii) In the event that packaged other order milk receipts (including filled milk) are in excess of the total amount subtracted pursuant to § 1136.44(a) (2) (i) and (ii), the remaining quantity shall be substracted from the utilization remaining in Class III and then Class II;

(3) Subtract, in the order specified below, the pounds of skim milk in each of the following:

(i) From the pounds of skim milk remaining in each class, in series beginning with Class III:

(*a*) Other source milk in a form other than that of a fluid milk product;

(*b*) Receipts of fluid milk products (except filled milk) not qualified for fluid consumption, and receipts of fluid milk products from unidentified sources;

(*c*) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order, and from exempt plants as defined in § 1136.60(a);

(*d*) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(*e*) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(ii) From the pounds of skim milk remaining in Class II and Class III, beginning with Class II, receipts from pool plants of other handlers (or other pool plants, if applicable) in the form of cottage cheese;

(4) Substract, in the order specified below in sequence beginning with Class III, from the pounds of skim milk remaining in Classes II and III but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3) (i) (*d*) of this paragraph, for which the handler requests Class III utilization;

(ii) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3) (i) (*d*) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I by 1.25; and

(*b*) Subtract from the result the sum of the pounds of skim milk in producer milk, in receipts from pool plants of other handlers (or other pool plants, if applicable), and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3) (i) (*e*) of this paragraph;

(iii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3) (i) (*e*) of this paragraph, in excess of similar transfers to such plant, if Class III utilization was requested by the transferee handler and the operator of the transferor plant requests the lowest class utilization under the other order;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated plants which were not subtracted pursuant to subparagraph (3) (i) (*d*) or (4) (i) or (ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3) (i) (*e*) or (4) (iii) of this paragraph:

• • • • •

11. Section 1136.61 is revised to read as follows:

§ 1136.61 Plants where other Federal orders may apply.

Any plant described by paragraph (a) or (b) of this section shall be exempt from § 1136.11, except as specified in paragraphs (c) and (d):

(a) Any plant which does not dispose of a greater volume of Class I milk, except filled milk, on routes in the Great Basin marketing area than in the marketing area regulated pursuant to such other order; and

(b) Any plant during the months of February through July which qualifies as a pool plant only pursuant to the proviso of § 1136.11(b).

(c) The operator of a plant specified in paragraph (a) or (b) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

12. In § 1136.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1136.62 Obligations of handler operating a partially regulated distributing plant.

• • • • •

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1136.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of

the respective order if so allocated to Class I milk, except that reconstituted skim milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1136.70(e) and a credit in the amount specified in § 1136.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

• • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to a pool plant) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price

13. Section 1136.81 is revised to read as follows:

§ 1136.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1131.61, 1136.62, 1136.82, and 1136.84, and out of which he shall make all payments pursuant to §§ 1136.83 and 1136.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

14. In § 1136.87, paragraphs (a) and (d) are revised to read as follows:

§ 1136.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

• • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

1. Section 1137.7 is revised to read as follows:

§ 1137.7 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except the plant of a producer-handler or the plant of a handler exempt pursuant to § 1137.61.

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which during the month fluid milk products are processed or packaged and from which (1) an amount equal to 50 percent or more of the total receipts of Grade A milk (except receipts from distributing pool plants) is disposed of as fluid milk products, except filled milk, on routes, and (2) 10 percent or more of such receipts, or 12,000 pounds per day, whichever is less, are disposed of as fluid milk products, except filled milk, on routes in the marketing area; and

(b) Any plant, hereinafter referred to as a "supply pool plant" from which during the month 50 percent of its dairy farm supply of Grade A milk is moved to distributing pool plant(s) as fluid milk products, except filled milk. Any supply plant which has qualified as a pool plant in each of the months of September through February (under either this part or under Part 1135 of this chapter, regulating the handling of milk in Colorado Springs-Pueblo marketing area) shall be a pool plant in each of the following months of March through August unless written request for nonpool status for any such month(s) is furnished in advance to the market administrator. A plant withdrawn from supply pool plant status may not be reinstated for any subsequent month of March through August unless it fulfills the shipping requirements of this paragraph for such month.

2. Section 1137.8 is revised to read as follows:

§ 1137.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant which is neither an other order plant nor a producer-handler plant and from which fluid milk products are moved during the month to a pool plant qualified pursuant to § 1137.7.

3. Section 1137.11 is revised to read as follows:

§ 1137.11 Producer-handler.

(a) "Producer-handler" means any person who operates a dairy farm and a milk processing plant which distributes fluid milk products on routes in the marketing area and who:

(1) Receives no fluid milk products during the month from dairy farmers;

(2) Receives no fluid milk products during the month from any other source except by transfer from a pool plant; and

(3) Receives no other source milk for reconstitution into fluid milk products.

(b) Such person must provide proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the volume of fluid milk products (excluding transfers from pool plants) and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of such person.

4. Section 1137.14 is revised to read as follows:

§ 1137.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, concentrated milk, reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), sweet cream, sour cream and sour cream mixtures disposed of under a Grade A label, half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, a product which contains 6 percent or more nonmilk fat (or oil), aerated cream, frozen cream, plastic cream, eggnog and sterilized products packaged in hermetically sealed containers).

5. Section 1137.15 is revised to read as follows:

§ 1137.15 Route.

"Route" means any delivery to retail or wholesale outlets (including a delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or a nonpool plant: *Provided*, That packaged fluid milk products, except filled milk, that are transferred to a distributing pool plant from a plant with route disposition in the marketing area, and which are classified as Class I under § 1137.44(a), shall be considered as a route disposition from the transferor plant, rather than from the transferee plant, for the single purpose of qualifying it as a pool distributing plant under § 1137.7(a)(1).

6. A new § 1137.16 is added to read as follows:

§ 1137.16 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1137.30, subparagraph (5) of paragraph (a), and paragraph (c) are revised to read as follows:

§ 1137.30 Reports of receipts and utilization.

• • • • •

(a) • • •

(5) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the route disposition of Class I milk outside the marketing area, and a statement showing separately in-area and outside area route disposition of filled milk;

• • • • •

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

8. In § 1137.44, subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1137.44 Transfers.

• • • • •

(d) • • •

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to another class shall be classified as Class III; and

• • • • •

9. In § 1137.46, subparagraphs (2), (3), (4), (5), (6), (8), and (9) of paragraph (a) are revised to read as follows:

§ 1137.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1137.45, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1137.9 (c) and (d) which was not received at a pool plant and the classification of milk received from producers, from a pool plant operated by a cooperative association and from cooperative association handlers pursuant to § 1137.9(d) at a pool plant(s) for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1137.41(c)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order.

(5) Subtract, in sequence beginning with Class III in the order specified below, from the pounds of skim milk remaining in Class III and Class II;

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, for which the handler requests Class III utilization, but not in excess of the pounds of skim milk remaining in Class III and Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I by 1.25; and

(b) Subtract from the result the sum of the pounds of skim milk in producer milk, in receipts from pool plants of other handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers or diversions to such plant, but not in excess of the pounds of skim milk remaining in Class III (and Class II), if Class III utilization was requested by the transferee handler and the operator of the transferor plant requests the lowest class utilization under the other order;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4)(iv) or (5)(i) or (ii) of this paragraph. (For purposes of this subtraction at a pool plant(s) operated by a cooperative association, skim milk in fluid milk products transferred to the pool plant of another handler shall be added to the remaining pounds of skim milk in each class prorata to the market average utilization announced pursuant to § 1137.22(1));

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4)(v) or (5)(iii) of this paragraph:

• • • • •

§ 1137.61 Exempt plants.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A plant meeting the requirements of § 1137.7(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, was disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately proceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1137.7(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order;

(c) Any distributing plant from which less than an average of 300 pounds of Class I milk per day, except filled milk, is disposed of on routes in the marketing area during the month; and

(d) Each handler operating a plant described in paragraph (a), (b), or (c) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1137.30 through 1137.32) and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month and amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

10. In § 1137.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1137.62 Obligations of a handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1137.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1137.70(e) and a credit in the amount specified in § 1137.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content;

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

11. Section 1137.83 is revised to read as follows:

§ 1137.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1137.61, 1137.62, 1137.84, and 1137.86 and out of which he shall make all payments pursuant to §§ 1137.85 and 1137.86: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

12. In § 1137.89, paragraphs (a) and (d) are revised to read as follows:

§ 1137.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1138—MILK IN THE RIO GRANDE VALLEY MARKETING AREA

1. In § 1138.8 paragraph (c) is revised to read as follows:

§ 1138.8 Producer-handler.

* * * * *

(c) A governmental agency which operates a milk, or filled milk plant shall be considered a producer-handler: *Provided*, That the plant operated by such agency shall be a pool plant if bulk milk is delivered during the month by such governmental agency to another plant which is a pool plant and a written request is filed by the agency with the market administrator asking that its plant be considered a pool plant. If such a plant is made a pool plant at the request of the governmental agency for one month and thereafter resumes the status of a nonpool plant it shall not be eligible for pool plant status again until

it has been a nonpool plant for 12 consecutive months.

2. In § 1138.10, paragraphs (a) and (b) are revised as follows:

§ 1138.10 Pool plant.

* * * * *

(a) Any plant hereinafter referred to as a "distributing pool plant" in which fluid milk products are pasteurized or packaged and from which not less than 15 percent of the total Class I sales of such plant, except filled milk, or 10,000 pounds daily (average), whichever is less, are made in the marketing area on routes: *Provided*, That the total quantity of Class I milk, except filled milk, disposed from such plant during the month is not less than 50 percent of such plant's receipts of Grade A milk, which receipts shall include all milk diverted from such pool plant to a nonpool plant by the handler operating such pool plant;

(b) Any plant hereinafter referred to as a "supply pool plant" from which during the month not less than 50 percent of its dairy farm supply of Grade A milk is moved to plants from each of which a volume of Class I milk, except filled milk, not less than 50 percent of its receipts of Grade A milk is disposed of on routes during the month and Class I milk, except filled milk, disposed of in the marketing area on routes is at least 15 percent of such receipts or a daily average of 10,000 pounds, whichever is less.

* * * * *

3. Section 1138.11 is revised to read as follows:

§ 1138.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution in the marketing area are moved to a pool plant qualified pursuant to § 1138.10 and which is not an other order plant nor a producer-handler plant.

4. Section 1138.14 is revised to read as follows:

§ 1138.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), filled milk, reconstituted milk or skim milk, fortified milk (including "dietary" milk products), concentrated milk, sweet cream and any mixture of milk, skim milk, or sweet cream except frozen cream, frozen dessert mixes, ice cream mix, evaporated or condensed milk or skim milk, aerated cream products, and sterilized products in hermetically sealed containers; and eggnog, yogurt and sour cream and cultured sour cream mixes shall be considered as fluid milk products only if disposed of under a Grade A label. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1138.16 is added to read as follows:

§ 1138.16 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1138.30, subparagraph (6) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1138.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(6) The route disposition of fluid milk products in the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * *

7. Section 1138.36 is revised to read as follows:

§ 1138.36 Accounting periods.

A handler may account for receipts, utilization and classification of skim milk and butterfat at his pool plant(s) for two periods within a month, each period not to be less than 7 days, in the same manner as for a month if he provides to the market administrator in writing not less than 24 hours prior to the end of an accounting period notification of his intention to use two accounting periods.

8. In § 1138.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1138.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

9. In § 1138.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i), of paragraph (a) are revised to read as follows:

§ 1138.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class as follows:

(i) From Class I milk, the pounds of skim milk that were received from a producer-handler as packaged, certified fluid milk products and were disposed of in the same form as received;

(ii) From Class II milk, with respect to the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, the lesser of the pounds remaining or 2 percent of such receipts; and

(iii) From Class I milk, the remainder of the receipts specified in subdivision (ii) of this subparagraph;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order, except that subtracted pursuant to subparagraph (2)(i) of this paragraph;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to

subparagraph (3) (iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

• • • • •

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3) (iv) or (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3) (v) or (4) (iii) of this paragraph pursuant to the following procedure:

• • • • •

10. Section 1138.61 is revised to read as follows:

§ 1138.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except as specified in paragraphs (c) and (d):

(a) Any plant qualified pursuant to § 1138.10(a) which disposes of a lesser volume of Class I milk, except filled milk, in the Rio Grande Valley marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order;

(b) Any plant qualified pursuant to § 1138.10(b) for any portion of the period March through July, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part;

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. In § 1138.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1138.62 Obligations of handler operating a partially regulated distributing plant.

• • • • •

(a) • • •

(1) (i) The obligation that would have been computed pursuant to § 1138.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1138.70(e) and a credit in the amount specified in § 1138.84 (b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

• • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the repective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12. Section 1138.83 is revised to read as follows:

§ 1138.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1138.61, 1138.62, 1138.84, and 1138.86 and out of which he shall make all payments pursuant to §§ 1138.85 and 1138.86: *Provided*, That any payments due any handler shall be offset by any payments due from such handler.

13. In § 1138.89, paragraphs (a) and (d) are revised to read as follows:

§ 1138.89 Termination of obligations.

• • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producers or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15) (A) of the Act, a petition claiming such money.

Signed at Washington, D.C., on June 17, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3114 is amended to show that two additional positions of Night Battalion Officer at the U.S. Merchant Marine Academy, Maritime Administration, are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, subparagraph (10) of paragraph (h) is amended as set out below.

§ 213.3114 Department of Commerce.

* * * * *

(h) *Maritime Administration.* * * *

(10) U.S. Merchant Marine Academy, positions of: Professors, instructors, and teachers; including heads of the Department of Physical Training and Athletics, Ships Medicine, Ship Management, History and Languages, Mathematics and Science, Nautical Science and Engineering; the Regimental Officer; the Drill and Activities Officers; the Board and Activities Officer; the First, Second, and Third Battalion Officers; and three Night Battalion Officers.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–8385; Filed, July 15, 1969; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the position of Director, Office of Minerals and Solid Fuels, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (33) is added to paragraph (a) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(33) Director, Office of Minerals and Solid Fuels.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–8387; Filed, July 15, 1969; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Private Secretary to the Assistant to the Secretary (States Relations) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (24) is added to paragraph (a) of § 213.3313.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* * * *

(24) One Private Secretary to the Assistant to the Secretary (States Relations).

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–8382; Filed, July 15, 1969; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Private Secretary to the Director, Science and Education, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (p) of § 213.3313 as set out below.

§ 213.3313 Department of Agriculture.

* * * * *

(p) *Science and Education.* * * *

(2) One Private Secretary to the Director.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–8383; Filed, July 15, 1969; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that an additional position of Special Assistant to the Assistant Administrator is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (8) of paragraph (a) of § 213.3337 is amended as set out below.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* * * *

(8) Two Special Assistants to the Assistant Administrator.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–8384; Filed, July 15, 1969; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one additional position of Special Assistant to the Assistant Secretary for Model Cities and Governmental Relations is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (e) of § 213.3384 is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(e) *Office of the Assistant Secretary for Model Cities and Governmental Relations.* * * *

(3) Three Special Assistants to the Assistant Secretary.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–8386; Filed, July 15, 1969; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lime Reg. 3, Amdt. 11]

PART 944—FRUIT; IMPORT REGULATIONS

Limes

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a)(2) of § 944.202 (Lime Reg. 3; 34 F.R. 6516, 7959) are hereby amended to read as follows:

§ 944.202 Lime Regulation 3.

(a) * * *

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. No. 1 grade: *Provided,* That limes meeting all the requirements of the U.S. No. 1 grade, except as to color, may be imported if such limes meet the color requirements of the U.S. No. 2 grade;

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under amended Lime Regulation 27 (§ 911.329), which becomes effective July 14, 1969; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of 3 days, the minimum that is prescribed by section 8e, is given with respect to such regulation; and (e) such notice is hereby determined under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 11, 1969, to become effective July 21, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8349; Filed, July 15, 1969; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 104—HEALTH CARE COVERAGE FOR PERSONS BEING SEPARATED FROM ACTIVE DUTY

The Deputy Secretary of Defense approved the following:

Sec.
104.1 Purpose.
104.2 Applicability and scope.
104.3 Policies.
104.4 Responsibilities.

AUTHORITY: The provisions of this Part 104 issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 104.1 Purpose.

This part (a) establishes a Department of Defense health care program (hereinafter referred to as the "program") designed to give certain persons being separated from active duty an opportunity to purchase short-term coverage for themselves and their dependents under designated medical service, insurance or health plans; and (b) assigns program responsibilities and outlines administrative actions to be taken by the Military Departments.

§ 104.2 Applicability and scope.

The provisions of this part apply to the Military Departments and cover military personnel being separated from active duty—

(a) Other than from active duty for training; and

(b) Other than by reason of retirement; and

(c) Regardless of the characterization of their separation.

§ 104.3 Policies.

(a) Each person covered by the program shall be given an opportunity at the time he is separated to purchase short-term coverage under medical service, insurance or health plans designated by the Assistant Secretary of Defense (Manpower and Reserve Affairs).

(b) Each person covered by the program shall be counseled regarding the program at an appropriate time during his period of active duty and again during separation processing. Each person covered shall be:

(1) Given a full explanation of the costs and benefits of the plan or plans available; and

(2) Advised that the purchase of coverage is entirely voluntary and that the cost of any plan in which he enrolls will be borne entirely by him and must be paid for in full during separation processing; and

(3) Advised that after he is separated, all questions involving his coverage become a matter between him and the company providing the coverage.

(c) Coverage under the program shall be paid for by a one-time deduction from final pay, except that when such a procedure is not feasible persons desiring coverage may provide separation processing personnel with a postal money order payable to the company providing coverage.

§ 104.4 Responsibilities.

(a) The Secretaries of the Military Departments shall:

(1) Establish internal programs implementing this part.

(2) Require their separation processing activities to:

(i) Stock identification cards and application forms specified by the Assistant Secretary of Defense (Manpower and Reserve Affairs).

(ii) Assist in the completion of application forms and to issue information cards after coverage has been paid for under § 104.3(c) and before the departure of the individual from the separation processing activity.

(iii) Forward on the day of purchase a specified notice to the designated office of the company from which coverage was purchased.

(iv) Mail a consolidated check (and, when appropriate, individual money orders) at least once each week to the companies concerned, covering the premiums and enrollment fees collected, together with a list of the persons who are covered by the checks and money orders.

(b) The Assistant Secretary of Defense (Manpower and Reserve Affairs) shall:

(1) Select, announce, and periodically review the plan or plans which are to be made available under the program.

(2) Withdraw the privilege of offering a plan under this program from a company when he determines that the best interests of the Department of Defense and the persons being separated make such action appropriate.

(3) Specify the forms, cards and notices to be used.

(4) Monitor and evaluate the programs established under paragraph (a)(1) of this section, making recommendations to the Secretaries of the Military Departments and, when necessary, to the Secretary of Defense in respect to individual programs.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-8318; Filed, July 15, 1969; 8:45 a.m.]

SUBCHAPTER N—COMMERCIAL INSURANCE

PART 278—MOTOR VEHICLE LIABILITY INSURANCE

Miscellaneous Amendments

The following miscellaneous changes have been authorized:

1. Section 278.5(a) is revised to read as follows:

§ 278.5 General requirements.

(a) *Driving and parking privileges.* To secure and retain driving and parking privileges on military installations, all military and civilian personnel must possess and must certify in writing to the possession of motor vehicle liability insurance which meets the requirements of this directive. Any further requirement to support possession of automobile liability insurance is prohibited.

* * * * *

2. Section 278.7 is amended by revising introductory paragraph (a)(1) to read as follows:

§ 278.7 Exceptions.

(a) For Defense members: (1) Driving and parking privileges will be granted on military installations to personnel who certify in writing to the possession of policies from insurers licensed in the State where the policies were purchased and that satisfy the requirements of this part, except for the insurer being licensed in the state in which the installation of current assignment is located, if such policies were purchased:

* * * * *

3. Change "ASD (Manpower)" and "ASD(M)" to "ASD (Manpower and Reserve Affairs)" and "ASD (M&RA)" wherever they appear in §§ 278.3, 278.6 (c) (4), (5); 278.7 (b)(2) and (c); and 278.8(a).

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-8319; Filed, July 15, 1969; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 801—ADMISSION OF LABOR UNION REPRESENTATIVES OF CONTRACTOR EMPLOYEES TO AIR FORCE INSTALLATIONS

Part 801 of the Code of Federal Regulations is revised as follows:

Sec.
801.0 Purpose.
801.2 Policy.
801.4 Procedures on admission to unclassified areas.
801.6 Restrictions.

AUTHORITY: The provisions of this Part 801 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 11-23, Dec. 4, 1968.

§ 801.0 Purpose.

This part establishes the responsibility of commanders concerning Air Force policy on the admission of labor union representatives of contractor employees to Air Force installations. The terms "labor union," "union representative," "agent," etc., as used in this part, refer to contractor employee representatives only.

§ 801.2 Policy.

(a) *On cooperation.* Air Force policy is to cooperate with authorized labor union representatives by granting them admission to Air Force installations when they are engaged in legitimate union business, subject to the restrictions of this part.

(b) *On admission of representatives.* The admission of labor union representatives to Air Force installations is governed by the following:

(1) When a union agent desires to enter an installation to conduct union business during workhours, the commander may authorize such visit, provided that:

(i) The agent's entry does not violate applicable safety and security regulations. The provisions of Part 850, Subchapter E of this chapter govern the admission to classified areas.

(ii) The agent's entry, presence, or activities will not interfere with base operations or work progress.

(2) When construction on an Air Force installation is administered by a construction agent of the Air Force, such as the Corps of Engineers, U.S. Army, the commander should notify the construction agent of the proposed visit and the purpose thereof. He should also determine whether the proposed visit will interfere with work progress.

(c) *On commander's authority.* Consistent with the responsibility a commander has for the overall control of activities on his installation, he is authorized to act freely in each individual situation, provided that his actions are within the limits of this part.

(d) *On permanent passes.* No provision of this part should be interpreted as requiring that permanent passes be issued to labor representatives to conduct union business.

§ 801.4 Procedures on admission to unclassified areas.

The commander may give labor union representatives permission to enter an unclassified area to:

(a) Visit the commander to discuss policy matters relating to employees who are engaged in work on the installation and who are members of the union represented by the visitor. The commander is cautioned to use discretion so as not to become involved in details of labor relations or in disputes between unions and contractors or between unions. Air Force policy is to remain neutral in labor-management disputes. Air Force Systems Command (AFSC) has trained contractor industrial relations specialists (CIRS) in specific geographic areas of the United States to assist in resolving labor-management problems (AFR 78-1 (Defense Industrial Plant Equipment Center Operations)).

(b) Visit contractors, contractor representatives, or union stewards to discuss and review conditions of employment, grievances, and related matters within the terms of the collective bargaining agreements involving employees.

(c) Visit individual employees of contractors: *Provided,* That discussion and review of matters within the collective bargaining process cannot otherwise be accomplished.

§ 801.6 Restrictions.

In approving visits of labor representatives, the commander should include the limitations and restrictions applying to other visitors. Permission to visit an Air Force installation does not include the right to hold meetings, collect dues, make speeches, or distribute inciting or provocative material. Organizing activities during workhours are considered disruptive; therefore, visits for this purpose are not authorized.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-8389; Filed, July 15, 1969; 8:51 a.m.]

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 905—MEDICAL SERVICE OFFICER PROCUREMENT PROGRAM FOR IN-SERVICE TRAINING

Part 905 is revised as follows:

Sec.
905.0 Purpose.
905.2 General requirements for program participation.
905.4 Determining the number of participants.
905.6 Submitting applications.
905.8 Obtaining application forms and information.
905.10 Participating in a medical education program for Regular or Reserve officers.
905.12 Participating in the civilian intern program for medical students.
905.14 Participating in the senior medical student program.
905.16 Applying for training in the registered nurses program.
905.18 Applying for training in the biomedical sciences program.
905.20 Compensation for all medical training.
905.22 Compensation for individual training programs.
905.24 Assignment and reappointment.

AUTHORITY: The provisions of this Part 905 issued under sec. 8012, 70A Stat. 488; sec. 593, 70A Stat. 25, sec. 3354, 70A Stat. 194; 10 U.S.C. 8012, 593, 3357.

SOURCE: AFR 36-46, Oct. 1, 1968.

§ 905.0 Purpose.

This part outlines the requirements each applicant must meet to participate in one of the following Air Force medical officer training programs: the civilian medical intern program; the military medical and dental intern program; the senior medical student program, the biomedical sciences training program, or the registered nurses training program.

§ 905.2 General requirements for program participation.

Each applicant for one of the training programs described here must meet the general requirements for Reserve appointment, as outlined in Part 881, Subchapter I of this chapter, as well as the specific requirements for the particular program for which he applies. He must also undergo a National Agency Check or a Background Investigation, as prescribed by AFR 205-6 (Civil Censorship), before he may be appointed to any of them.

§ 905.4 Determining the number of participants.

Hq USAF determines annually the number of authorized participants in this training, and announces that number in yearly schedules, to deans of colleges and universities throughout the Nation.

§ 905.6 Submitting applications.

Applications are to be sent to USAF MPC (AFMSMB), Randolph AFB TX 78148, according to the schedule that is announced annually. To submit an application, it is necessary for the applicant to do the following:

(a) Submit all of the forms required by Part 881, Subchapter I of this chapter,

to apply for a Reserve appointment.

(b) Submit all of the forms required for the specific training program (for example, to apply for the civilian medical intern training program, submit AF Form 266, "Application for Assignment to Intern Training in a Civilian Hospital;" AF Form 281, "Intern Training Agreement;" and AF Form 281a, "Intern Training Agreement Supplement.")

(c) Submit a written agreement to serve on a specified time contract, and to serve the minimum specified period of active duty after his training program is completed.

§ 905.8 Obtaining application forms and information.

To obtain the proper forms and additional information about these training programs, the applicant should write to USAFMPC (AFMSMB), Randolph AFB TX 78148.

§ 905.10 Participating in a medical education program for Regular or Reserve officers.

(a) See AFR 36–13 (Medical Education of Regular Air Force Officers), for how to participate in the Regular program.

(b) See AFR 36–25 (Medical Education of Reserve Air Force Officers), for how to participate in the Reserve program.

§ 905.12 Participating in the civilian intern program for medical students.

To be eligible for this training, the applicant must:

(a) Be a graduate (or prospective graduate) of a medical school acceptable to the Surgeon General, USAF.

(b) Have been accepted for a 1-year internship (rotating, mixed, or straight) in an approved civilian hospital.

§ 905.14 Participating in the senior medical student program.

To be eligible for this training, the applicant must:

(a) Have successfully completed the first semester of his junior year at a medical school acceptable to the Surgeon General, USAF, at the time he applies. He must be officially enrolled in his senior year at the time he enters on duty in this training program.

(b) Agree, in writing, to participate in the Air Force-sponsored Inter Training Program. (If he participates, and is not matched for military internship or selected for a civilian internship, the Air Force will release him from active duty for 12 months, to pursue a civilian internship at his own expense. Upon completion of that internship, he will be recalled to active duty to fulfill the service obligation incurred as a result of the training received in the student program.)

§ 905.16 Applying for training in the registered nurses program.

To be eligible for this training, the applicant must:

(a) Meet current criteria, for appointment in the grade in which the individual is professionally qualified.

(b) Be enrolled in an accredited university program and be within one year of completing the requirements for a baccalaureate or masters degree, at the time the participant enters on active duty in the Air Force.

(c) Submit a statement of service.

(d) Submit a proposed education plan, indicating the title, number, etc., of courses to be taken.

(e) Submit a recommendation from the student's course advisor or dean.

§ 905.18 Applying for training in the biomedical sciences program.

To be eligible for this training, the applicant must:

(a) Be 21 years of age, but not have passed the 28th birthday on the date of appointment.

(b) If a female, have no dependents under 18 years of age.

(c) Agree to serve the minimum period of active duty after completion of the training. (For training in dietetics, occupational therapy, and physical therapy, agree to serve as specified in the training agreement.)

(d) Meet the following educational requirements:

Medical allied specialty applied for:	Undergraduate degree required in:
Bioenvironmental engineering	Civil, chemical, sanitary, electrical or mechanical engineering, or related subject acceptable to the Surgeon General, USAF.
Biomedical laboratory	Bacteriology, biology, biochemistry, parasitology, pharmacy, zoology, or related field acceptable to the Surgeon General, USAF.
Aviation physiology, entomology, psychology, or social work.	Any area acceptable to the professional school and to The Surgeon General, USAF.
Health physicist	Physics, chemistry, engineering, or biology.

§ 905.20 Compensation for all medical training.

When an applicant is selected, he is appointed in the Reserve of the Air Force and is eligible to receive the pay and allowance normally authorized. However:

(a) If he is a medical or dental intern, he does not receive the special pay currently authorized for a physician or dentist.

(b) He is subject to the restrictions imposed by AFM 177–105 (Military Pay—Input Document Preparation and Disposition) on compensation, quarters, or subsistence furnished by a civilian medical facility or institution.

§ 905.22 Compensation for individual training programs.

When an applicant is selected for the Senior Medical Student Program, the Biomedical Sciences Training Program, or the Registered Nurses Training Program, the applicant is personally responsible for the following, without reimbursement from the Air Force:

(a) Payment of all school tuition, related fees, and textbook purchases.

(b) Travel expenses incident to the training program.

§ 905.24 Assignment and reappointment.

(a) Each participant in a medical training program who is training in a civilian facility/institution is assigned to the U.S. Air Force Institute of Technology, with his duty station at the civilian facility/institution. Upon completion of this first phase, he is reassigned to an Air Force medical facility.

(b) Each participant in the Senior Medical Student Program is reappointed in the Reserve of the Air Force (Medical Corps) upon his graduation from medical school.

(1) *For training in occupational and physical therapy.* Must be enrolled in the final year of an approved baccalaureate program (or must possess a baccalaureate degree, and be enrolled in the final year of an approved occupational or physical therapy certificate program).

(2) *For training in dietetics.* Must be a graduate of (or be a candidate for graduation from) an approved college or university. Must also have been accepted for training in an internship program approved by the American Dietetic Association.

(3) *For training in optometry or biomedical therapy.* Must be enrolled in the final year of an approved school of optometry or podiatry, or be within 1 year of receiving a graduate degree in an appropriate specialty.

(4) *For training in other medical allied sciences.* Must have a baccalaureate degree in one of the following disciplines and be enrolled and within 1 year of receiving a graduate degree in one of the specialties listed below.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69–8391; Filed, July 15, 1969; 8:51 a.m.]

SUBCHAPTER I—STANDARDS OF CONDUCT

PART 920—STANDARDS OF CONDUCT

Miscellaneous Amendments

Chapter VII of Title 32 of the Code of Federal Regulations is amended to read as follows:

Section 920.9(c) is revised; § 920.9(d) is deleted; § 920.13(c) is revised; § 920.19 (e) and (f) are revised; § 920.24(f) is revised.

§ 920.9 Outside employment of Air Force personnel.

* * * * *

(c) Air Force personnel are encouraged to engage in teaching, lecturing, and writing. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing or writing for the purpose of the special preparation of a person or class of persons for an examination of the Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when that information has been published or is available to the general public or will be made available on requests, or when the agency head gives written authorizations for the use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a civilian Presidential appointee shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs or operations of his agency or which draws substantially on official data or ideas which have not become part of the body of public information.

(d) [Deleted]

* * * * *

§ 920.13 Confidential statement of employment and financial interest (DD Form 1555).

* * * * *

(c) No one below the grade of Lieutenant Colonel of GS–13 (or comparable pay grade) will be required to submit a DD Form 1555; nor will any one whose basic duties are not within the provisions of this section and § 920.24 be required to submit a DD Form 1555. The requirement to report financial holdings is limited to a very few key personnel, but this in no way limits the duty of each and every member of the Air Force to immediately call to the attention of his superior any situation which involves a conflict of personal versus public interests. No member of the Air Force may ever undertake for himself the decision whether a conflicting interest, no matter how insignificant, is or is not sufficient to influence his judgment. This decision belongs to and must be made by an official in accord with § 920.15(d).

§ 920.19 Officers of the Reserve components.

* * * * *

(e) Membership in a Reserve component of the armed forces or in the National Guard does not, in itself, prevent a person from practicing his civilian profession or occupation before or in connection with any department (see U.S.C. 520).

(f) An officer of a Reserve component, whether in the Ready, Standby, or Retired Reserve, who is not on active duty is not, solely because of his status as a Reserve, considered to be an officer or employee of the United States for the purpose of bringing him within the prohibitions summarized in paragraphs 15, 16, and 17 (see U.S.C. 2105(d)).

* * * * *

§ 920.24 Confidential statements of employment and financial interests (DD Form 1555).

* * * * *

(f) *Time of filing.* Each officer and employee will file the DD Form 1555 not later than October 31, 1967, reporting the required information as of September 30, 1967. Each will file supplementary statements periodically thereafter as prescribed in paragraph (g) of this section. An officer or employee who is transferred or reassigned to another position not under his prior superior, who is required to file a DD Form 1555, will file it with his new superior within 30 days after reporting for duty, unless the new superior prescribes an earlier date. An officer or employee who enters Government service after the date of this part who is required to file a DD Form 1555 will do so within 30 days from the date of commencement of such service. Designees to positions requiring the approval of the Secretary of the Air Force shall execute the statement in advance of nomination so that it may be reviewed prior to appointment.

* * * * *

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted) [Change 1, Feb. 1, 1968, and change 2, Aug. 20, 1968 to AFR 30–30 dated June 28, 1966]

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69–8390; Filed, July 15, 1969; 8:51 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Blue Ridge Parkway, Va.-N.C.; Fishing, Bicycles, and Boating

A proposal was published at page 7084 of the FEDERAL REGISTER of April 30, 1969, to revise § 7.34 of Title 36 of the Code of Federal Regulations. The purpose of this amendment is to delete materials which are duplicated in the general regulations applicable to the areas of the National Park System, to amend the regulations on fishing, and to add regulations concerning bicycles and boating.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received and the proposed amendments are hereby adopted without change and is set forth below. These amendments shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

Section 7.34 is amended as follows:

§ 7.34 Blue Ridge Parkway.

(a) [Revoked]

(b) *Fishing.* (1) Fishing is prohibited from one-half hour after sunset until one-half hour before sunrise.

(2) Fishing from the dam at Price Lake or from the footbridge in Price Lake picnic area in Watauga County, N.C., and from the James River Parkway Bridge in Bedford and Amherst Counties, Va., is prohibited.

(3) The following waters are subject to the restrictions indicated:

(i) *North Carolina.* Basin Creek and its tributaries in Doughton Park; Trout Lake in Moses H. Cone Memorial Park; Ash Bear Pen Pond, Boone Fork River, Cold Prong Branch, Laurel Creek, Price Lake, Sims Creek, and Sims Pond in Julian Price Memorial Park; Camp Creek and Linville River in Linville Falls Recreation Area.

(*a*) On all of the above-designated waters in North Carolina the use of bait other than artificial lures having a single hook is prohibited, except that on Basin Creek and its tributaries and Boone Fork River from Price Lake Dam downstream to the Parkway boundary the use of bait other than single hook artificial flies is prohibited.

(*b*) On all of the above-designated waters in North Carolina the daily creel and size limits shall be posted around the lake shorelines and along the stream banks.

(ii) *Virginia.* Peaks of Otter Lake in Bedford County, Va.

(*a*) On the above-designated water in Virginia the use of bait other than artificial lures having one single hook is prohibited.

(*b*) On the above-designated water in Virginia the daily creel and size limits shall be as posted on the lake shoreline.

(4) Prohibited bait in waters in subparagraph (3) (i) and (ii) of this paragraph: Possession of or use as bait of fish eggs, small fish or minnows, insects, worms, and other similar organic bait or parts thereof adjacent to, on, or in streams or lakes while in possession of fishing tackle is prohibited.

(c) [Revoked]

* * * * *

(e) [Revoked]

* * * * *

(i) [Revoked]

(j) [Revoked]

(k) *Bicycles.* The use of bicycles on trails on the Blue Ridge Parkway is prohibited except on those trails designated for bicycle use by posted signs.

(l) *Boating.* (1) The use of any vessel, as defined in § 3.1 of this chapter, on the waters of the Blue Ridge Parkway is prohibited except on the waters of Price Lake.

(2) Vessels using Price Lake shall be restricted to vessels propelled solely by oars or paddles.

(3) Vessels using Price Lake may be launched only at established or designated ramps and shall be removed

from the water for the night. Campers shall remove their vessels from the water to their campsites at night.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 49 Stat. 2041; 16 U.S.C. 460a-2, as amended)

EARL W. BATTEN,
Acting Superintendent,
Blue Ridge Parkway.

[F.R. Doc. 69-8329; Filed, July 15, 1969; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

PRESERVATION OF DISABILITY RATINGS

Section 3.951 is revised to read as follows:

§ 3.951 Preservation of disability ratings.

A disability which has been continuously rated at or above any evaluation of disability for 20 or more years for compensation purposes under laws administered by the Veterans Administration will not be reduced to less than such evaluation except upon a showing that such rating was based on fraud. Likewise, a rating of permanent total disability for pension purposes which has been in force for 20 or more years will not be reduced except upon a showing that the rating was based on fraud. The 20-year period will be computed from the effective date of the evaluation to the effective date of reduction of evaluation. (38 U.S.C. 110; Public Law 91-32)

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective August 19, 1964.

Approved: July 9, 1969.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69-8346; Filed, July 15, 1969; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-1—GENERAL

Labor Surplus Area Contract Set-Aside Procedures

This amendment revises the criteria establishing the eligibility of a business enterprise (a "certified-eligible" concern) to participate in labor surplus area set-asides and thereby permits more concerns to qualify for contract awards under such preferences. The revision reduces the amount of the costs a concern must incur on account of manufacturing or production in or near sections of concentrated unemployment or underemployment for qualification as a "certified-eligible" concern. The amount of such costs are reduced from more than 30 percent of the contract price to more than 25 percent of the contract price.

Subpart 1-1.7—Small Business Concerns

Section 1-1.706-6(c) is amended by revising paragraph (b)(3)(i) of the notice prescribed therein as follows:

§ 1-1.706-6 Partial set-asides.

* * * * * * *

(c) * * *

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE

* * * * * * *

(b)(3) * * *

(i) "Certified-eligible concern" means a concern located in or near a section of concentrated unemployment or underemployment which has been certified by the Secretary of Labor in accordance with 29 CFR 8.7(b) with respect to employment of disadvantaged persons residing within such sections, and which will agree to perform, or cause to be performed by a certified concern, a substantial proportion of a contract in or near such sections; it includes a concern which, though not so certified, agrees to have a substantial proportion of a contract performed by certified concerns in or near such sections. A concern shall be deemed to perform a substantial proportion of a contract in or near sections of concentrated unemployment or underemployment if the costs that the concern will incur on account of manufacturing or production in or near such sections (by itself, if a certified concern, or by certified concerns acting as first-tier subcontractors) amount to more than 25 percent of the contract price.

* * * * * * *

Subpart 1-1.8—Labor Surplus Area Concerns

1. Section 1-1.801-1(a) is revised as follows:

§ 1-1.801-1 Labor surplus area concern.

* * * * * * *

(a) "Certified-eligible concern" means a concern located in or near a section of concentrated unemployment or underemployment which has been certified by the Secretary of Labor in accordance with 29 CFR 8.7(b) with respect to employment of disadvantaged persons residing within such sections, and which will agree to perform, or cause to be performed by a certified concern, a substantial proportion of a contract in or near such sections; it includes a concern which, though not so certified, agrees to have a substantial proportion of a contract performed by certified concerns in or near such sections. A concern shall be deemed to perform a substantial proportion of a contract in or near sections of concentrated unemployment or underemployment if the costs that the concern will incur on account of manufacturing or production in or near such sections (by itself, if a certified concern, or by certified concerns acting as first-tier subcontractors) amount to more than 25 percent of the contract price.

* * * * * * *

2. Section 1-1.804-2(b) is amended by revising paragraph (b)(2)(i) of the notice prescribed therein as follows:

§ 1-1.804-2 Notice to bidders or offerors.

* * * * * * *

(b) * * *

NOTICE OF LABOR SURPLUS AREA SET-ASIDE

* * * * * * *

(b)(2) * * *

(i) "Certified-eligible concern" means a concern located in or near a section of concentrated unemployment or underemployment which has been certified by the Secretary of Labor in accordance with 29 CFR 8.7(b) with respect to employment of disadvantaged persons residing within such sections, and which will agree to perform, or cause to be performed by a certified concern, a substantial proportion of a contract in or near such sections; it includes a concern which, though not so certified, agrees to have a substantial proportion of a contract performed by certified concerns in or near such sections. A concern shall be deemed to perform a substantial proportion of a contract in or near sections of concentrated unemployment or underemployment if the costs that the concern will incur on account of manufacturing or production in or near such sections (by itself, if a certified concern, or by certified concerns acting as first-tier subcontractors) amount to more than 25 percent of the contract price.

* * * * * * *

3. Section 1-1.805-3(b) is amended by revising paragraph (b) of the clause prescribed therein as follows:

§ 1-1.805-3 Required clauses.

* * * * * * *

(b) * * *

LABOR SURPLUS AREA SUBCONTRACTING PROGRAM

* * * * * * *

(b) A "labor surplus area concern" is a concern which will perform, or cause to be performed, a substantial proportion of any contract awarded to it (1) in or near sections of concentrated unemployment or underemployment as a certified-eligible concern, or (2) a concern which will perform, or cause to be performed, a substantial proportion of any contract awarded to it in "Areas of Substantial Labor Surplus" (also called "Areas of Substantial Unemployment"), as designated by the Department of Labor. A concern shall be deemed to perform a substantial proportion of a contract in or near sections of concentrated unemployment or underemployment if the costs that the concern will incur on account of manufacturing or production in or near such sections (by itself, if a certified concern, or by certified concerns acting as first-tier subcontractors) amount to more than 25 percent of the contract price. A concern shall be deemed to perform a substantial proportion of a contract in a labor surplus area if the costs that the concern will incur on account of manufacturing or production performed in persistent or substantial labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the price of such contract.

* * * * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective July 15, 1969.

Dated: July 9, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-8381; Filed, July 15, 1969; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

Interpretations of Accounting Requirements

1. On February 18, 1969, the Chief of the Common Carrier Bureau of this Commission released an interpretation of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the rules and regulations. That interpretation which related to the proper accounting to be performed with respect to deferred Federal income taxes on intrasystem profits was designated as Case 26, effective January 1, 1969.

2. It is desirable that this case interpretation (editorially amended as indicated hereinafter) be included in Appendix A, Interpretations of the Accounting Requirements Contained in This System of Accounts, of Part 31 of the rules and regulations.

3. A minor editorial change has been made in the Statement of Facts in Case 26. The first sentence of the third paragraph of the Statement of Facts as originally issued referred to "the $50 tax saving." Those words have been changed to read "the $50 of deferred tax" to make this sentence consistent with the language used in the preceding paragraph to describe the item.

4. Authority for this amendment is contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and in § 0.261(a) of Part 0, Commission Organization, of the Commission's rules. Since the inclusion of this interpretation in the rules relates to procedure and the amendment made herein to Case 26 as previously issued is editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

5. *Accordingly, it is ordered,* That Part 31 of the rules and regulations is amended as set forth below, effective January 1, 1969.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: July 9, 1969.

Released: July 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the rules is amended as follows:

Appendix A is amended by adding a new Case 26 as follows:

APPENDIX A

INTERPRETATIONS OF THE ACCOUNTING REQUIREMENTS CONTAINED IN THIS SYSTEM OF ACCOUNT

* * * * * * *

Case 26

STATEMENT OF FACTS

JANUARY 1, 1969.

Certain groups of affiliated companies filing consolidated Federal income tax returns include both operating telephone companies and manufacturing companies. Pursuant to closing agreements with the Internal Revenue Service, effective January 1, 1966, the Federal income taxes on profits on sales by manufacturing and supply affiliates to the operating telephone companies are deferred and recognized over the life of the specific plant or equipment to which related. Under the terms of tax allocation agreements, the manufacturing companies pay, normally through a common parent, to their telephone company affiliates each year amounts equivalent to the income tax that would be payable on profits from sales to the telephone companies in the absence of tax allocation agreements. The total amount of profit that is realized by manufacturing companies on sales to their affiliated telephone companies is excluded from the cost of plant on which depreciation is taken for Federal income tax purposes.

One method used by many telephone companies who are members of such groups to account for the payments received from their manufacturing affiliates is to credit plant with the amount of the payments received. The resulting annual increase in income tax expense due to disallowance of the profit element of plant cost as depreciation expense for tax purposes over the estimated life of the plant is offset by a compensating reduction in the annual book depreciation charge due to the reduced depreciable plant base. The other method commonly used is for the operating telephone company to credit a reserve for deferred taxes with the amount of the taxes deferred and to amortize such amount to operating taxes over the estimated life of the plant which amount offsets the annual increase in income tax expense. Under the first method, for example, Company A is a manufacturing company which sells equipment to Company B, a telephone company affiliate included in the same consolidated Federal income tax return. Company A sells, among other items, $1,000 of central office equipment to Company B on which transaction Company A makes a profit of $100 and, assuming a 50 percent tax rate, refunds to Company B $50 which is the income tax effect of the intrasystem profit eliminated in the consolidated return. Company B initially charges the cost of the equipment of $1,000 to account 221, "Central office equipment," and when the $50 is received credits that amount to account 221 leaving a net balance of $950 in plant for the transaction.

Under the other method, Company C is another manufacturing company which sells $1,000 of central office equipment to Company D, its affiliate and refunds to Company D the $50 of deferred tax. Company D also charges account 221 with the $1,000 paid for the equipment. However, Company D credits the $50 received to a Reserve for Deferred Taxes under account 174, "Other deferred credits," and amortizes such amount to operating taxes over the estimated average life of the plant.

Either method of recording the payment received is acceptable to the Commission: *Provided, however,* That in no event shall a carrier make a change in its method of accounting without prior Commission approval.

For simplicity, it is assumed that, in each instance, no other amounts are capitalized for the equipment and that the equipment will have a service life of 10 years with zero net salvage. The annual depreciation expense recorded in its accounts by Company B is therefore $95 and for Company D is $100. In each case it is assumed that, after 5 years of service, the plant is sold to Company E, a nonaffiliated telephone company, for $500 and that the tax rate for the entire period of ownership and at the time of sale has remained unchanged at 50 percent. Under currently effective closing agreements with the Internal Revenue Service, the portion of deferred taxes that has not been eliminated through reduced depreciation charges (or amortized) at the time of the sale becomes payable as a tax by Company B and by Company D in the year of the sale.

Question (a): What accounting should be performed by Company B to record the retirement of the plant sold?

Answer (a): The plant accounts should be restored to the actual original cost of $1,000 before performing the retirement entry. The entry to be made to restore the actual original cost is a debit to account 221, "Central office equipment," of $50 and credits of $25 to account 171, "Depreciation reserve," and $25 to account 166, "Taxes accrued." This entry serves to (1) restore the actual original cost, (2) include in the depreciation reserve the amount that would have been accrued had depreciation been accrued on the basis of actual original cost, and (3) record the liability for the tax which becomes payable at the time of the sale. The sale price of $500 is credited to account 171 and that account is then charged and account 221 is credited with the $1,000 then recorded in account 221.

Question (b): What accounting should be performed by Company D to record the retirement of the plant sold?

Answer (b): Company D performs the same accounting that would normally be performed for a sale of plant and, in addition, the deferred taxes subaccount under account 174 is charged and account 166 is credited with $25. The latter entry clears the deferred taxes subaccount and sets up the tax liability which is payable in the year of the sale.

Question (c): What accounting should be performed by Company E for the purchase and what amount should be recorded by Company E as the original cost of the plant purchased?

Answer (c): Company E performs the accounting that would normally be performed for a purchase of telephone plant. The original cost of plant to be recorded by Company E in each instance is $1,000 the amount initially paid for the equipment purchased from Company A by Company B and from Company C by Company D.

NOTE: In the event that there is a change in the tax rate subsequent to the date of purchase the effect of such change, including that occurring at the time of sale, shall be reflected through the operating taxes account rather than through adjustment of the credit to the plant accounts or to the deferred tax reserve account.

[F.R. Doc. 69-8350; Filed, July 15, 1969; 8:47 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 3; Amdt. 9–1]

PART 9—TESTIMONY OF EMPLOYEES OF THE DEPARTMENT AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS

The purpose of this amendment is to revise Part 9 of the regulations of the Office of the Secretary of Transportation to state, for the entire Department of Transportation, the policies and procedures with respect to departmental employees in legal proceedings, the service of legal process, and the production of records pursuant to subpoena.

Government agencies are often requested by private litigants to furnish expert witnesses as to technical or other matters that are within the scope of the agencies' functions. It is the policy of the Department of Transportation not to authorize its employees to testify in those cases for reasons enumerated in the revised regulation. However, this part does establish procedures whereby, under appropriate circumstances, an employee may testify as to facts within his personal knowledge, while refraining from opinion testimony. The part does not apply to those private cases in which an employee may be called upon to testify, while on leave, as to facts or events that have no relationship to his duties and the functions of the Department.

The part also describes the method whereby records may be subpoenaed and explains the relationship of records sought to be obtained by subpoena to records that may be made available, upon request and without a subpoena, under Part 7 of Title 49 CFR, "Public Availability of Information".

Since this amendment relates to matters of Departmental management, procedures, and practices, notice and public procedure hereon is not required, and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 9 of the regulations of the Office of the Secretary of Transportation is amended, effective July 16, 1969, to read as set forth below.

Issued in Washington, D.C., on July 11, 1969.

JOHN A. VOLPE,
Secretary of Transportation.

Sec.

9.1 Purpose.
9.3 Definitions.
9.5 Testimony by employees in proceedings involving the United States.
9.7 Legal proceedings between private litigants; general rule.
9.9 Legal proceedings between private litigants; subpoenas.
9.11 Legal proceedings between private litigants; factual testimony.
9.13 Legal proceedings between private litigants; expert or opinion testimony.
9.15 Legal proceedings between private litigants; disclosure of records.
9.17 Acceptance of service on behalf of Secretary.

AUTHORITY: The provisions of this Part 9 issued under sec. 9, Department of Transportation Act; 49 U.S.C. 1657.

§ 9.1 Purpose.

(a) This part prescribes the policies and procedures of the Department with respect to testimony of its employees as witnesses in legal proceedings, the acceptance of service of legal process and pleadings in legal proceedings involving the Department, and the production of records of the Department pursuant to subpoena.

(b) The General Counsel or the appropriate counsel of the operating administration concerned may grant permission to deviate from a policy or procedure prescribed by this part. He may grant that permission only when the deviation will not interfere with matters of operational or military necessity, and when—

(1) It is necessary to prevent a miscarriage of justice;

(2) The Department has an interest in the decision that may be rendered in the legal proceeding; or

(3) The deviation is in the best interests of transportation activities fostered by the Department or the United States.

(c) This part does not apply to any legal proceeding in which an employee is to testify, while in leave status, as to facts or events that are in no way related to the duties he performs or to the functions of the Department.

§ 9.3 Definitions.

For purposes of this part—

"Appropriate counsel of the operating administration concerned" includes the General Counsel or Chief Counsel of the operating administration concerned and any person to whom he has delegated his authority under this part.

"Department" means the Department of Transportation, including the Office of the Secretary and the following operating administrations:

(a) The U.S. Coast Guard.

(b) The Federal Aviation Administration.

(c) The Federal Highway Administration.

(d) The Federal Railroad Administration.

(e) The Urban Mass Transportation Administration.

(f) The St. Lawrence Seaway Development Corporation.

"Legal proceeding" includes any proceeding before a court of law, administrative board or commission, hearing officer, or other body conducting a legal or administrative proceeding.

"Legal proceeding between private litigants" means any legal proceeding in which neither the United States nor the Department of Transportation is directly or indirectly involved.

§ 9.5 Testimony by employees in proceedings involving the United States.

(a) An employee of the Department may not testify as an expert or opinion witness for any party other than the United States in any legal proceeding in which the United States is involved, but may testify as to facts.

(b) Whenever, in any legal proceeding involving the United States, the attorney in charge of presenting the case for the United States requests it, the General Counsel or appropriate counsel of the operating administration concerned shall arrange for an employee of the Department to testify as a witness for the United States.

§ 9.7 Legal proceedings between private litigants; general rule.

Subject to §§ 9.9 and 9.13, an employee of the Department may not testify as an expert or opinion witness, as to any matter related to his duties or the functions of the Department, in any legal proceeding between private litigants, for the following reasons:

(a) To conserve the time of employees for conducting official business.

(b) To minimize the possibility of involving the Department in controversial issues that are not related to its mission.

(c) To prevent the possibility that the public will misconstrue variances between the personal opinions of employees and departmental policy.

(d) To avoid spending the time and money of the United States for private purposes.

§ 9.9 Legal proceedings between private litigants; subpoenas.

(a) Whenever, in a legal proceeding between private litigants, an employee of the Department is served with a subpoena or is requested to testify, he shall immediately report the service or request to the General Counsel or appropriate counsel of the operating administration concerned, who shall determine whether the employee is required to comply and shall, in appropriate cases, arrange for legal representation for the employee.

(b) Whenever an employee's compliance with a subpoena would adversely affect the performance of official duties or require producing records that are not available for public disclosure, the General Counsel or appropriate counsel of the operating administration concerned shall attempt to have the subpoena withdrawn or modified.

§ 9.11 Legal proceedings between private litigants; factual testimony.

(a) An employee of the Department who has been subpoenaed in a legal proceeding between private litigants, and who is required to comply with the subpoena, shall testify only as to facts within his personal knowledge, even if the facts are contained in a report that he is not allowed to produce. However, he must obtain the permission of the General Counsel or appropriate counsel of the operating administration concerned before disclosing any information that is restricted by statute or regulation.

(b) An employee who gives factual testimony shall avoid any statements of opinion.

§ 9.13 Legal proceedings between private litigants; expert or opinion testimony.

If, while testifying in a legal proceeding between private litigants, an employee of the Department is asked for expert or opinion testimony, he shall decline to answer on the grounds that he is forbidden to do so by this part. If he is then ordered by the body conduting the proceeding to testify, he shall do so.

§ 9.15 Legal proceedings between private litigants: disclosure of records.

(a) Copies of any records available for public inspection under Part 7 of this subtitle, "Public Availability of Information", are available, as provided in that part, to litigants upon request.

(b) If an employee of the Department receives a subpoena or request to produce records in court or before any other body, he shall refer it to the General Counsel or appropriate counsel of the operating administration concerned. If the subpoena or request calls for producing records the release of which is authorized, counsel shall advise that the subpoena or request be honored.

(c) An employee of the Department may not produce a record except upon a clearance from the General Counsel or appropriate counsel of the operating administration concerned. If copies of records that are available for public inspection under Part 7 of this subtitle are subpoenaed, the person subpoenaing them is liable for the fee established under that part for the production of those records, including any search for them.

(d) If an employee is served with a subpoena calling for records that the General Counsel or appropriate counsel of the operating administration concerned determines should not be released, the General Counsel or appropriate counsel of the operating administration concerned shall attempt to have the subpoena withdrawn or modified. If this cannot be done, the employee shall appear at the time and place specified in the subpoena, accompanied by an attorney from the Office of the General Counsel, appropriate counsel of the operating administration concerned, or the Department of Justice, as appropriate, and explain to the authority conducting the proceeding that a statute or regulation prohibits him from producing the records.

(e) If an employee who follows the procedure in paragraph (d) of this section is ordered to show cause why he should not be cited for contempt of court, the General Counsel or appropriate counsel of the operating administration concerned shall request the Department of Justice to represent the employee.

§ 9.17 Acceptance of service on behalf of Secretary.

Process or pleadings in any legal proceeding may be served, at the option of the server, on the General Counsel or appropriate counsel of the operating administration concerned, with the same effect as if served upon the Secretary or the head of the operating administration concerned, as the case may be. The official accepting the service under this section shall acknowledge the service and take further action as appropriate.

[F.R. Doc. 69–8357; Filed, July 15, 1969; 8:48 a.m.]

Chapter II—Federal Railroad Administration, Department of Transportation

MISCELLANEOUS AMENDMENTS TO CHAPTER

The purpose of this amendment is to make some minor corrections to Parts 225, 230, 231, 233, 234, and 236 of Title 49 of the Code of Federal Regulations. As a result of transferring into Chapter II of Title 49 the various regulations of the Federal Railroad Administration, certain omissions and errors were made and should be corrected.

Sections 225.56, 230.203(f), 230.212(h), 230.215(f), 230.233(h), 230.277(n), 230.316(b), 230.320(a), 230.329(a) are corrected or amended to correct printing errors.

Section 230.10 is being amended to provide for the payment of a fee where an extension of the period for removal of flues has been requested of the Bureau of Railroad Safety. This was provided for in item (34) of § 6.2 of Title 49, but was omitted when § 6.2 became section 1002 after the administration of the Locomotive Inspection Act was transferred from the Interstate Commerce Commission to the Federal Railroad Administration.

Section 231.23 (e)(3) and (j)(1) is being amended to conform with Federal Railroad Administration Order of February 29, 1968, served the same date, in Docket No. 32258 (FRA–Sub. No. 1) but never published.

Section 233.0 is being amended as provided in Interstate Commerce Commission Order of November 14, 1963, served on January 6, 1964, but never published in the FEDERAL REGISTER. The form numbers in §§ 233.1 and 234.1–1 are revised to conform with the present numbering system adopted since January 6, 1964.

Section 236.590 is being amended to extend the cleaning, testing, and inspection period for certain valves to 24 months as provided in § 230.208(c) of the Locomotive Inspection Rules which became effective October 14, 1967. The change in § 230.208(c) was the result of hearings held in Ex Parte 234, Amendment of Other Than Steam Locomotive Rules. Since the valves referred to in § 236.590 are also included in § 230.208(c), the changes are necessary in order that the Signal Regulations and the Locomotive Rules are consistent.

Since these amendments merely make minor corrections in these sections, notice and public procedure thereon are unnecessary and good cause exists for making them effective in less than 30 days notice.

Issued in Washington, D.C., on July 11, 1969.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

PART 225—RAILROAD ACCIDENTS; REPORTS AND CLASSIFICATION

Section 225.56 *Code causes* is amended as follows:

TRAIN-SERVICE ACCIDENTS

5. SPECIFIED GROUPS OF CAUSES

Coupling or Uncoupling Locomotives or Cars, or Manipulating Air or Steam Connections

The following code cause numbers should be corrected as follows:

Reads	Should read	Reads	Should read
5888	5862	5918	5880
5901	5863	5919	5881
5902	5864	5920	5882
5903	5865	5921	5883
5904	5866	5922	5884
5905	5867	5923	5885
5906	5868	5924	5886
5907	5869	5925	5887
5908	5870	5926	5888
5909	5871	5927	5889
5910	5872	5928	5890
5911	5873	5929	5891
5912	5874	5930	5892
5913	5875	5931	5893
5914	5876	5932	5894
5915	5877	5933	5895
5916	5878	5934	5898
5917	5879		

NONTRAIN ACCIDENTS

7. EQUIPMENT

(b) Construction, servicing, maintenance, and dismantling of cars:

7115 Moving car for repairs.
7116 Unexpected movement of car.

PART 230—LOCOMOTIVE INSPECTION

Section 230.203(f): The form referred to in this section is amended by deleting the initials "ICC" in the first line of said form and substituting the initials "FRA" as follows: FRA Form No. 2–A

Section 230.212(h) *Draft gear:* The word "meausring" in this section should be corrected to the word "measuring."

Section 230.215(f) *Bore of rod bushings:* The word "exced" in this section should be corrected to the word "exceed."

Section 230.233(h) *Motor suspension:* This section is amended by deleting the word "failing" and substituting the word "falling."

Section 230.227(n) *Modification:* Figure 7, rolled steel wheels, is corrected by deleting the citation (§ 230.277(m)) and substituting the citation (§ 230.227(n)).

Section 230.316(b) *Setting and testing:* The phrase "(b) Setting and testing safety valves" is misplaced and should follow the sentence ending "discharged steam."

Section 230.320(a) *Frequency:* This section is being amended by correcting the word "handhold" in the fifth sentence to "handhole."

Section 230.329(a) *Specification:* This section is being amended by correcting the word "tubs" in the fifth sentence to "tubes."

Section 230.10 *Flues to be removed:* This section is being amended by adding the following sentence: "The application should include a check or money order in the amount of $25.00 payable to the Federal Railroad Administration."

PART 231—RAILROAD SAFETY APPLIANCE STANDARDS

Section 231.21(e)(3) *Location:* This section is amended by deleting the present paragraph (e)(3) and substituting the following:

(3) *Location.* One on each side of car, extending from end platform to end platform at a distance of not less than 51 inches from centerline of car, except that where break in side railing is necessary for side ladder or operating cabinet, the side railing shall be securely attached to such ladder and/or cabinet.

Section 231.21(j)(1) *Number:* This section is amended by deleting the present paragraph (j)(1) and substituting the following:

(1) *Number.* One operating platform, two ladders and safety railing. Not required if all fittings used in the loading or unloading of the tank car are accessible from ground or end platform.

PART 233—ANNUAL REPORT OF METHODS OF TRAIN OPERATION, INTERLOCKING AND CONTROLLED POINTS, AUTOMATIC TRAINSTOP, TRAIN CONTROL, AND CAB SIGNAL SYSTEMS

Part 233 is amended by deleting the present part and substituting the following:

Sec.
233.0 Annual reports required.
233.1 Annual report forms with instructions.

AUTHORITY: The provisions of this Part 233 issued under sec. 12, 20, 24 Stat. 383, 386, as amended, sec. 441, 41 Stat. 498, as amended, sec. 6 (e), (f), 80 Stat. 939, 49 U.S.C. 12, 20, 26, 1655.

§ 233.0 Annual reports required.

(a) The information called for below must be furnished to the Director, Bureau of Railroad Safety, Federal Railroad Administration, Washington, D.C. 20591, by all carriers by rail subject to section 26 of title 49 of the United States Code, not later than January 15 of each year, namely:

(1) A statement as of January 1 each year showing information concerning (i) methods of train operation (railroad lines or parts of lines operated under the various block systems or by timetable and train orders only), (ii) number and type of interlocking and controlled points, and (iii) automatic train-stop, train-control, and cab-signal systems, on the respective annual report forms listed in § 233.1 in accordance with the instructions and definitions on the reverse of said forms.

§ 233.1 Annual report forms with instructions.

(a) Form FRA F 6180–9, Methods of Train Operation.[1]

(b) Form FRA F 6180–10, Interlocking and Controlled Points.[1]

(c) Form FRA F 6180–11, Automatic Train-Stop, Train-Control, and Cab-Signal Systems.[1]

PART 234—SIGNAL FAILURE REPORTS

Section 234.1 is amended by deleting said section and substituting the following:

§ 234.1 List of forms.

1. Form FRA F 6180–14 Signal failure report.[1]
2. Instructions.

PART 236—INSTALLATION, INSPECTION, MAINTENANCE, AND REPAIR OF SYSTEMS, DEVICES, AND APPLIANCES

Section 236.590 *Pneumatic apparatus:* This section is amended by changing the present requirement "every 6 months" to "every 24 months."

[F.R. Doc. 69–8356; Filed, July 15, 1969; 8:48 a.m.]

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

PART 375—CONSUMER INFORMATION REGULATIONS

Skid Number Level

Amended regulations concerning the furnishing of consumer information for motor vehicles, 49 CFR 375.101, 375.102, and 375.106, were published in the FEDERAL REGISTER of May 23, 1969 (34 F.R. 8112). Sections 375.101, *Vehicle stopping distance*, and 375.106, *Acceleration and passing ability*, in paragraphs (d)(7) and (d)(1)(vii) respectively, specified that the information provided shall be valid for road surfaces with a skid number of 70, as measured in accordance with American Society for Testing and Materials Method E–274 at 40 miles per hour, omitting water delivery as specified in paragraph 7.1 of that Method.

Several petitions for reconsideration have been received, requesting that the skid number condition be set at higher level because there are only a limited number of test tracks presently with surfaces of that low a skid number. It is recognized that the level of 70 may be somewhat lower than many existing test track and road surfaces. It has been determined, in light of the petitions received, that the skid number condition can be set at a somewhat higher level without detracting from the value of the information provided or the enforceability of the regulations. Accordingly, the figure "70" in §§ 375.101(d)(7) and 375.106(d)(1)(vii) is hereby changed to "75".

One petitioner requested a delay in the effective date of the regulation because of difficulties in obtaining equipment for the measurement of skid number. In light of the relaxation of the skid number requirement embodied in this notice, and the possibility of temporarily leasing either measuring equipment or test facilities, evidenced by fact that only one such request was received, the request for a delay in effective date is denied.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and opportunity for comment thereon are unnecessary and the amendment is incorporated into the above-referenced regulations without change in the effective date. This notice of amendment in response to petitions for reconsideration is issued under the authority of sections 112 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1407) and the delegation of authority by the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

Issued on July 14, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69–8419; Filed, July 15, 1969; 8:51 a.m.]

[1] Forms filed as part of the original document.

Title 14—AERONAUTICS AND SPACE

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 5—Delegations and Designations

EXTRATERRESTRIAL EXPOSURE

New § 1204.509 is added, reading as follows:

§ 1204.509 Power and authority—to exercise authority with respect to extraterrestrial exposure.

(a) *Delegation.* The Associate Administrator for Manned Space Flight and the Associate Administrator for Space Science and Applications are hereby authorized to execute within their respective assigned program responsibilities the administrative actions specified in § 1211.104(a) of this chapter, subject to the limitations prescribed in Part 1211 of this chapter.

(b) *Redelegation.* Authority may be redelegated in writing to subordinate officials with the power of further redelegation.

(c) *Reporting.* The officials to whom authority is delegated in this section shall insure that feedback is provided to the Administrator through official channels to keep him fully and currently informed of significant actions, problems, or other matters of substance related to the exercise of the authority delegated hereunder.

T. O. PAINE,
Administrator.

[F.R. Doc. 69–8474; Filed, July 15, 1969; 10:56 a.m.]

PART 1211—EXTRATERRESTRIAL EXPOSURE

New Part 1211 is added, reading as follows:

Sec.
1211.100 Scope.
1211.101 Applicability.
1211.102 Definitions.
1211.103 Authority.
1211.104 Policy.
1211.105 Relationship with Departments of Health, Education, and Welfare and Agriculture.
1211.106 Cooperation with States, territories, and possessions.
1211.107 Court or other process.
1211.108 Violations.

AUTHORITY: The provisions of this Part 1211 issued under sec. 203, 72 Stat. 429, as amended (42 U.S.C. 2473); sec. 304, 72 Stat. 433 (42 U.S.C. 2455, 2456) and 18 U.S.C. 799 and Art. IX, Outer Space Treaty, TIAS 6347 (18 UST 2416).

§ 1211.100 Scope.

This part establishes: (a) NASA policy, responsibility and authority to guard the Earth against any harmful contamination or adverse changes in its environment resulting from personnel, spacecraft and other property returning to the Earth after landing on or coming within the atmospheric envelope of a celestial body; and (b) security requirements, restrictions and safeguards that are necessary in the interest of the national security.

§ 1211.101 Applicability.

The provisions of this part apply to all NASA manned and unmanned space missions which land on or come within the atmospheric envelope of a celestial body and return to the Earth.

§ 1211.102 Definitions.

(a) "NASA" and the "Administrator" mean, respectively, the National Aeronautics and Space Administration and the Administrator of the National Aeronautics and Space Administration or his authorized representative (see § 1204.509 of this chapter).

(b) "Extraterrestrially exposed" means the state or condition of any person, property, animal or other form of life or matter whatever, who or which has:

(1) Touched directly or come within the atmospheric envelope of any other celestial body; or

(2) Touched directly or been in close proximity to (or been exposed indirectly to) any person, property, animal or other form of life or matter who or which has been extraterrestrially exposed by virtue of subparagraph (1) of this paragraph.

For example, if person or thing "A" touches the surface of the Moon, and on "A's" return to the Earth, "B" touches "A" and, subsequently, "C" touches "B," all of these—"A" through "C" inclusive—would be extraterrestrially exposed ("A" and "B" directly; "C" indirectly).

(c) "Quarantine" means the detention, examination and decontamination of any person, property, animal or other form of life or matter whatever that is extraterrestrially exposed, and includes the apprehension or seizure of such person, property, animal or other form of life or matter whatever.

(d) "Quarantine period" means a period of consecutive calendar days as may be established in accordance with § 1211.104(a).

(e) "United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and any other territory or possession of the United States, and in a territorial sense all places and waters subject to the jurisdiction of the United States.

§ 1211.103 Authority.

(a) Sections 203 and 304 of the National Aeronautics and Space Act of 1968, as amended (42 U.S.C. 2473, 2455 and 2456).

(b) 18 U.S.C. 799.

(c) Article IX, Outer Space Treaty, TIAS 6347 (18 UST 2416).

(d) NASA Management Instructions 1052.90 and 8020.13.

§ 1211.104 Policy.

(a) *Administrative actions.* The Administrator or his designee as authorized by § 1204.509 of this chapter shall in his discretion:

(1) Determine the beginning and duration of a quarantine period with respect to any space mission; the quarantine period as it applies to various life forms will be announced.

(2) Designate in writing quarantine officers to exercise quarantine authority.

(3) Determine that a particular person, property, animal, or other form of life or matter whatever is extraterrestrially exposed and quarantine such person, property, animal, or other form of life or matter whatever. The quarantine may be based only on a determination, with or without the benefit of a hearing, that there is probable cause to believe that such person, property, animal or other form of life or matter whatever is extraterrestrially exposed.

(4) Determine within the United States or within vessels or vehicles of the United States the place, boundaries, and rules of operation of necessary quarantine stations.

(5) Provide for guard services by contract or otherwise, as may be necessary, to maintain security and inviolability of quarantine stations and quarantined persons, property, animals, or other form of life or matter whatever.

(6) Provide for the subsistence, health, and welfare of persons quarantined under the provisions of this part.

(7) Hold such hearings at such times, in such manner and for such purposes as may be desirable or necessary under this part, including hearings for the purpose of creating a record for use in making any determination under this part or for the purpose of reviewing any such determination.

(8) Cooperate with the Department of Health, Education, and Welfare and the Department of Agriculture in accordance with the provisions of § 1211.105.

(9) Take such other actions as may be prudent or necessary and which are consistent with this part.

(b) *Quarantine.* (1) During any period of announced quarantine, the property within the posted perimeter of the Lunar Receiving Laboratory at the Manned Spacecraft Center, Houston, Tex., is designated as the NASA Lunar Receiving Laboratory Quarantine Station.

(2) Other quarantine stations may be established if determined necessary as provided in paragraph (a)(4) of this section.

(3) During any period of announced quarantine, no person shall enter or depart from the limits of any quarantine station without permission of the cognizant NASA quarantine officer. During such period, the posted perimeter of a quarantine station shall be secured by armed guard.

(4) Any person who enters the limits of any quarantine station during the quarantine period shall be deemed to have consented to the quarantine of his person if it is determined that he is or has become extraterrestrially exposed.

(5) At the earliest practicable time, each person who is quarantined by NASA shall be given a reasonable opportunity to communicate by telephone with legal counsel or other persons of his choice.

§ 1211.105 Relationship with Departments of Health, Education, and Welfare and Agriculture.

(a) If either the Department of Health, Education, and Welfare or the Department of Agriculture exercises its authority to quarantine an extraterrestrially exposed person, property, animal, or other form of life or matter whatever, NASA will, except as provided in paragraph (c) of this section, not exercise the authority to quarantine that same person, property, animal, or other form of life or matter whatever. In such cases, NASA will offer to these departments the use of the Lunar Receiving Laboratory Quarantine Station and such other service, equipment, personnel, and facilities as may be necessary to ensure an effective quarantine.

(b) If neither the Department of Health, Education, and Welfare or the Department of Agriculture exercises its quarantine authority, NASA shall exercise the authority to quarantine an extraterrestrially exposed person, property, animal or other form of life or matter whatever. In such cases, NASA will inform these departments of such quarantine action and, in addition, may request the use of such service, equipment, personnel and facilities of other Federal departments and agencies as may be necessary to ensure an effective quarantine.

(c) NASA shall quarantine NASA astronauts and other NASA personnel as determined necessary and all NASA property involved in any space mission.

§ 1211.106 Cooperation with States, territories and possessions.

Actions taken in accordance with the provisions of this part shall be exercised

in cooperation with the applicable authority of any State, territory, possession or any political subdivision thereof.

§ 1211.107 Court or other process.

(a) NASA officers and employees are prohibited from discharging from the limits of a quarantine station any quarantined person, property, animal or other form of life or matter whatever during an announced quarantine period in compliance with a subpoena, show cause order or other request, order or demand of any court or other authority without the prior approval of the General Counsel and the Administrator.

(b) Where approval to discharge a quarantined person, property, animal or other form of life or matter whatever in compliance with such a request, order or demand of any court or other authority is not given, the person to whom it is directed shall, if possible, appear in court or before the other authority and respectfully state his inability to comply, relying for his action upon this § 1211.107.

§ 1211.108 Violations.

Whoever willfully violates, attempts to violate, or conspires to violate any provision of this part or any regulation or order issued under this part or who enters or departs from the limits of any quarantine station in disregard of the quarantine rules or regulations or without permission of the NASA quarantine officer shall be fined not more than $5,000 or imprisoned not more than 1 year, or both (18 U.S.C. 799).

Effective date. In light of the Apollo 11 space mission and the need to guard the Earth against extraterrestrial contamination, it is hereby determined that compliance with section 553 of Title 5 of the United States Code is impracticable and contrary to the public interest; therefore, the provisions of this Part 1211 are effective upon publication in the FEDERAL REGISTER.

T. O. PAINE,
Administrator.

[F.R. Doc. 69-8473; Filed, July 15, 1969; 10:56 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Parts 173, 177]

[Docket No. HM-14; Notice 69-17]

TRANSPORTATION OF HAZARDOUS MATERIALS

Hazardous Materials in Specification 106A and 110A Tanks by Rail Freight and Highway

On February 15, 1969, a notice of proposed rule making (Docket No. HM-14; Notice No. 69-2) was published in the FEDERAL REGISTER (34 F.R. 2256) requesting public comment on a proposal of the Hazardous Materials Regulations Board to amend § 173.247(a)(16) of the Department's Hazardous Materials Regulations to authorize the transportation of antimony pentachloride in specification 106A and 110A tanks by highway.

It has been determined that there is an increasing use being made of these so called "ton tanks" for transportation of hazardous materials by motor vehicle. There are at present nine sections in Part 173 of the Hazardous Materials Regulations that authorize more than 30 different materials to be transported by highway in these tanks. All the authorizations are found in notes to various sections of the regulations. Rather than continue this practice, as was proposed in the notice, this notice is published under the same docket number to request public comment on a broader proposal which is being considered by the Board.

The Hazardous Materials Board is considering amending the Department's Hazardous Materials Regulations, (1) to cancel the notes (except § 173.314(c), note 7) which authorize the transportation of specification 106A or 110A tanks by highway and to specifically authorize such transportation by placing the authority in the text of the affected regulations; (2) to describe these two specifications as tanks instead of tank cars where highway transportation is authorized; (3) to remove the specification designation 106A500 from sections affected since the "grandfather" authorization for the use of this specification is provided for in § 173.31(a)(2); (4) to authorize not only antimony pentachloride to be transported by highway in these tanks as was proposel in Notice No. 69-2, but also titanium tetrachloride (anhydrous) as is presently authorized for rail in § 173.247(a)(16); (5) to make editorial non-substantive changes concerning outage requirements in the various sections affected; (6) to make specific reference, in the appropriate sections, to § 174.560 and to proposed § 177.834(m) which sections contain particular requirements pertaining to the transportation and handling of these tanks; (7) to add a new paragraph (m) to § 177.834 to specify in one place the conditions and requirements for the carriage of these tanks by highway and to provide a reference to the regulations in Part 174 which specify requirements for combination rail-freight-highway transportation where transfers are involved and for trailer-on-flat-car operations; (8) to cancel §§ 177.837(c), 177.839(d), 177.840 (c), and 177.841(c), note 1 since the requirements specified in these sections will be covered by § 177.834(m).

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before September 10, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

One comment has been received by the Board concerning the proposal in Notice No. 69-2. The commenter had no objection to the basic proposal but raised the point that these tanks, when placed on motor vehicles, could be tendered to the railroads for trailer-on-flat-car-service. The commenter recommended the addition of a sentence to specify conditions for the offering of vehicles loaded with these tanks for rail transportation. This manner of carriage is authorized by the regulations and it is appropriate to provide a reference in Part 177 to requirements in Part 174 which relate to such carriage. Section 177.834(m)(4) is being considered as a means to accomplish this purpose.

It is also proposed to add a new paragraph (a)(6) in § 173.353 in order to provide separate authorizations for specification 106A tanks from those for specification 105A and 111A tank cars presently authorized in paragraph (a)(5) of that section.

This notice includes the proposed revision to § 173.264(b)(6) pertaining to the shipment of hydrofluoric acid in specification 110A500W tanks which was originally proposed in Docket No. HM-9; Notice No. 68-7 (33 F.R. 17189).

In consideration of the foregoing, it is proposed to amend the Hazardous Materials Regulations as follows:

I. Part 173 would be amended as follows:

A. In the Table of Contents § 173.336 would be amended to read as follows:

Sec.
173.336 Nitrogen dioxide, liquid; nitrogen peroxide, liquid; and nitrogen tetroxide, liquid.

B. In § 173.148 paragraph (a)(4) would be amended; note 1 and footnote 1 would be canceled as follows:

§ 173.148 Monoethylamine.

(a) • • •

(4) Specification 106A500X, or 110A 500W (§§ 179.300, 179.301 of this chapter) tanks. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834 (m) of this chapter for special requirements.)

[Note 1 canceled]
[Footnote 1 canceled]

• • • • •

C. In § 173.247 paragraph (a)(16) would be amended as follows:

§ 173.247 Acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.

(a) • • •

(16) Specification 106A500X or 110A 500W (§§ 179.300, 179.301 of this chapter) tanks. Authorized only for antimony pentachloride and titanium tetrachloride (anhydrous). Tanks containing titanium tetrachloride (anhydrous) must not be equipped with safety devices. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

D. In § 173.264 paragraph (b)(6) would be amended; note 1 would be canceled as follows:

§ 173.264 Hydrofluoric acid.

• • • • •

(b) • • •

(6) Specification 106A500X or 110A 500W (§§ 179.300, 179.301 of this chapter) tanks. Tanks may not be equipped with safety devices of any type and valves must be protected by metal caps. Tanks must not be filled to a density in excess of 85 percent of the water weight capacity of the tank. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834 (m) of this chapter for special requirements.)

[Note 1 canceled]

• • • • •

E. In § 173.314 paragraph (c) table, note 7 would be amended as follows:

§ 173.314 Requirements for compressed gases in tank cars.

* * * * *

(c) * * *

NOTE 7: Specification 106A or 110A tanks authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

* * * * *

F. In § 173.333 paragraph (a)(2) would be amended; note 1 and footnote 1 would be canceled as follows:

§ 173.333 Phosgene or diphosgene.

(a) * * *

(2) Specification 106A500X (§§ 179.300, 179.301 of this chapter) tanks. Authorized only for phosgene. Each tank must be equipped with gas-tight valve protection caps which must be approved by the Bureau of Explosives. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

[Note 1 canceled]
[Footnote 1 canceled]

* * * * *

G. In § 173.336 the heading and paragraph (a)(3) would be amended; note 1 and footnote 1 would be canceled as follows:

§ 173.336 Nitrogen dioxide, liquid; nitrogen peroxide, liquid; and nitrogen tetroxide, liquid.

(a) * * *

(3) Specification 106A500X (§§ 179.300, 179.301 of this chapter) tanks. Each tank must be equipped with gas-tight valve protection caps which must be approved by the Bureau of Explosives. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

[Note 1 canceled]
[Footnote 1 canceled]

* * * * *

H. In § 173.338 paragraph (a)(3) would be amended; note 1 and footnote 1 would be canceled as follows:

§ 173.338 Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.

(a) * * *

(3) Specification 106A500X (§§ 179.300, 179.301 of this chapter) tanks. Each tank must be equipped with gas-tight valve protection caps which must be approved by the Bureau of Explosives. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

[Note 1 canceled]
[Footnote 1 canceled]

* * * * *

I. In § 173.353 paragraph (a)(5) would be amended; (a)(6) would be added; paragraph (b) would be canceled as follows:

§ 173.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

(a) * * *

(5) Specification 105A100,[1] 105A100-W, or 111A100-W-4 (§§ 179.100, 179.101, 179.200, 179.201 of this chapter) tank cars. Outage must be sufficient to prevent tank cars from becoming liquid full at 105° F.

[Note 1 canceled]

(6) Specification 106A500X (§§ 179.300, 179.301 of this chapter) tanks. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

(b) [Canceled]

* * * * *

J. In § 173.357 paragraph (b)(4) would be amended; footnote 1 would be canceled as follows:

§ 173.357 Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A.

* * * * *

(b) * * *

(4) Specification 106A500X (§§ 179.300, 179.301 of this chapter) tanks. Valves must be protected by metal caps. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

[Footnote 1 canceled]

* * * * *

II. Part 177 would be amended as follows:

A. In § 177.834 paragraph (m) would be added to read as follows:

§ 177.831 General requirements.

* * * * *

(m) Tanks constructed and maintained in compliance with specification 106A or 110A (§§ 179.300, 179.301 of this chapter) that are authorized for the shipment of hazardous materials by highway in Part 173 of this chapter must be carried in accordance with the following requirements:

(1) Tanks must be securely chocked or clamped on vehicles to prevent any shifting.

(2) Equipment suitable for handing a tank must be provided at any point where a tank is to be loaded upon or removed from a vehicle.

(3) No more than two cargo carrying vehicles may be in the same combination of vehicles.

(4) Compliance with § 174.560 of this chapter for combination rail freight, highway shipments and §§ 174.532 and 174.533 of this chapter for trailer-on-flat-car service is required.

B. In § 177.837 paragraph (c) would be canceled as follows:

§ 177.837 Flammable liquids.

* * * * *

(c) [Canceled]

* * * * *

C. In § 177.839 pararaph (d) would be canceled as follows:

§ 177.839 Corrosive liquids.

* * * * *

(d) [Canceled]

D. In § 177.840 paragraph (c) would be canceled as follows:

§ 177.840 Compressed gases.

* * * * *

(c) [Canceled]

* * * * *

E. In § 177.841 note 1 following paragraph (c) would be canceled as follows:

§ 177.841 Poisons.

* * * * *

(c) * * *

[Note 1 canceled]

* * * * *

These proposals are made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on July 8, 1969.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

F. C. TURNER,
Administrator,
Federal Highway Administration.

[F.R. Doc. 69-8343; Filed, July 15, 1969; 8:47 a.m.]

[49 CFR Parts 173, 178]

[Docket No. HM-26; Notice 69-18]

TRANSPORTATION OF HAZARDOUS MATERIALS

Specification 50X Portable Tanks and 4B240X Cylinders

The Hazardous Materials Regulations Board is considering deleting references in the Department's Hazardous Materials Regulations to the authorized use and construction of Specification 50X portable tanks and 4B240X cylinders.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before September 10, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

Appendices A and A-1 to Subpart C of Part 178 were made a part of the regulations on March 29, 1940, to authorize the trial transportation of butane in portable fusion-welded tanks identified as Specification "ICC-50X". There was also made a part of the regulations, following Appendix A-1, reference to the order of December 18, 1941, which authorized trial transportation of liquefied petroleum gas in cylinders identified as Specification "ICC-4B240X".

It appears that the appendices and orders mentioned above no longer serve any valid purpose and that they should be deleted. It also appears that it is no longer necessary to authorize the two trial specifications covered by the orders; however, any owner or user of either of these two specifications may provide the Board with information concerning their use, including the number being used, the type of service, and retest data. All information provided will be considered before a final rule making action.

In consideration of the foregoing, the Board proposes to delete the following sections and references to construction and authorized use of ICC-50X portable tanks and ICC-4B240X cylinders:

1. Paragraph (d) in § 173.32;
2. The reference to "4B240X" in § 173.301(h);
3. The reference to "4B240X" in § 173.304(d)(3)(i), and
4. All matter incorporated at the end of Subpart C to Part 178 following § 178.68-20 to the beginning of Subpart D of that part.

This proposal is made under the authority of sections 831–835 of title 18 United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902 (h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on July 8, 1969.

C. P. MURPHY,
Rear Admiral, U.S. Coast Guard, by direction of Commandant, U.S. Coast Guard.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

F. C. TURNER,
Administrator,
Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.

[F.R. Doc. 69-8344; Filed, July 15, 1969; 8:47 a.m.]

Office of Pipeline Safety

[49 CFR Part 191]

[Notice 69-1; Docket No. OPS-2]

FORMS FOR REPORTING GAS PIPELINE FAILURES

Notice of Proposed Rule Making

The Office of Pipeline Safety is considering adopting a new Part 191 to require reporting of information about gas pipeline system failures. This information is necessary for a rational regulatory program, for defining safety problems, and for devising regulatory solutions to those problems.

Since a regulation is a solution to a safety problem, the first task is to marshal the facts which define safety problems, that is, detailed information about the causes of system failures. As this information is not available in any of the existing government or industry programs, it is proposed to collect the information through the following two kinds of reports from industry:

(1) Current reports of pipeline system failures that occur either during operation or during the testing of pipelines; and

(2) Annual reports from each gas pipeline company that will give an overall picture of that company's experience for the preceding calendar year.

It is proposed to require separate failure reports for (1) gas distribution systems, and (2) gas transmission/gathering systems and transmission lines of distribution systems. Information will be classified by the function the pipeline is performing, without regard for the classification of the company which operates the pipeline. Comment is invited on a definition of "transmission lines of distribution systems", that will conveniently distinguish these lines from the distribution lines.

It is proposed to require current reports of any leak or unintended escape of gas which could create a hazard to persons or property and which, taking into account the location of the leak, requires immediate repair. These will be the principal source of information on the causes of system failures. Comment is invited on the probable volume of these reports and the cost of preparing each report. The discussion of cost should cover separately (1) the clerical cost of reporting information which the companies now routinely collect, and (2) the cost of collecting and reporting other information, specifying that information that is not now routinely collected.

In case of serious system failures, the gas company would report at the earliest possible time by telephone. The failures that would require such an immediate report are the kinds of failures that pipeline companies subject to the jurisdiction of the Federal Power Commission have for many years been required to report under that Commission's regulations (18 CFR 260.9). Basically, the Federal Power Commission regulations require immediate reporting of any failure that—

(1) Causes a fatality or a personal injury requiring hospitalization;

(2) Requires the taking of any segment of gas transmission pipeline out of service;

(3) Results in gas escaping from the pipeline and igniting;

(4) Causes estimated damage to the property of the company or others, or both, of a total of at least $5,000; or

(5) While not specifically covered in items (1) through (4) is considered significant in the judgment of the company.

The Office of Pipeline Safety is discussing with the Federal Power Commission the possibility of including in the proposed reporting forms, requests for information that the Commission has in the past obtained under 18 CFR 260.9 and that the Commission will continue to need. This would enable the affected companies to use a single report form in reporting to the Federal Government concerning system failures. If an agreement is reached on this procedure, the final forms will include requests for the information that the FPC will need in the future and that it presently obtains under its § 260.9.

The annual reports which are proposed would provide a statistical base for the gas pipeline safety regulatory program. Comment is invited on the cost of preparing each report, including (1) the clerical cost of reporting information which the companies now have, and (2) the cost of collecting and reporting other information, specifying the information which the companies do not now have.

Comment is also invited on the advisability of giving industry the option of making these reports in machine record form, rather than the proposed questionnaire form. Since automatic data processing of these reports is planned, we shall work with industry in developing compatible systems, if comments indicate a need to do so. Those who favor machine record reporting should discuss the difference in cost of reporting by machine record and by questionnaire.

As mentioned above, detailed information about the causes of system failures is necessary for the development of a rational regulatory program. It is essential that we begin to collect this type of information as soon as possible. Therefore, it is proposed to make the reporting requirement adopted as a result of this notice applicable no later than January 1, 1970. This will enable us to obtain annual reports for calendar year 1969 and individual reports for each system failure that occurs after January 1, 1970. To meet this target date, it is important that comments be received by the closing date stated below in order to ensure an opportunity to consider all relevant matter before a final rule is issued.

Interested persons are invited to participate in the making of these proposed rules by submitting written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number and be

submitted in duplicate to the Office of Pipeline Safety, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received before September 8, 1969, will be considered before taking final action on the notice. All comments will be available for examination by interested persons at the Office of Pipeline Safety before and after the closing date for comments. The proposals contained in this notice may be changed in light of comments received.

In consideration of the foregoing, it is proposed to amend Title 49 of the Code of Federal Regulations by adding a new Part 191 as set forth below.

This amendment is proposed under the authority of the Natural Gas Pipe line Safety Act of 1968 (49 U.S.C. sec. 1671 et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

Issued in Washington, D.C., on July 8, 1969.

W. C. JENNINGS,
Acting Director,
Office of Pipeline Safety.

PART 191—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINES: REPORTS OF SYSTEM FAILURES

Sec.
191.1 Scope.
191.3 Definitions.
191.5 Immediate notice of certain system failures.
191.7 Addressee for reports.
191.9 Gas distribution system: System failure report.
191.11 Gas distribution system: Annual report.
191.13 Gas transmission and gathering systems and transmission lines of distribution systems: Operational system failure report.
191.15 Gas transmission and gathering systems and transmission lines of distribution systems: Test failure report.
191.17 Gas transmission and gathering systems and transmission lines of distribution systems: Annual report.

§ 191.1 Scope.

This part prescribes the reporting requirements applicable to each operator of a gas pipeline gathering, transmission, or distribution system.

§ 191.3 Definitions.

As used in this part—

"Grade 1 Leak" means a leak of gas that could create a hazard to persons or property and that, taking into account the location of the leak, requires immediate repair.

"Grade 2 Leak" means a leak that is recognized as being nonhazardous at the time of detection but that justifies scheduled repair based on potential future hazard.

"Grade 3 Leak" means all system failures not included as class 1 or class 2 leaks.

"System" means all parts of a pipeline operator's physical facilities through which gas moves, including but not limited to, line pipe, valves and other appurtenances connected to line pipe, compressor units, fabricated assemblies associated with compressor units, metering and delivery stations, and fabricated assemblies in metering and delivery stations.

"System failure" or "failure" means a detected leak or unintended escape of gas from a pipeline system.

§ 191.5 Immediate notice of certain system failures.

(a) Each pipeline operator shall, at the earliest practicable moment following the failure, report by telephone to _____ each of the following system failures:

(1) A failure that causes a fatality or a personal injury requiring hospitalization.

(2) A failure that requires the taking of any segment of gas transmission pipeline out of service.

(3) A failure that results in gas igniting.

(4) A failure that causes estimated damage to the property of the company, or others, or both of a total of at least $5,000.

(5) A failure that is significant, in the judgment of the company, even though it does not meet the criteria of subparagraph (1), (2), (3), or (4) of this paragraph.

A system failure that meets only the conditions of subparagraph (2) or (3) of this paragraph need not be reported if it occurs solely as a consequence of, or in connection with, planned or routine maintenance or construction.

(b) In making immediate reports under this section, the pipeline operator shall give the following information:

(1) The location of the system failure.

(2) The time of the system failure.

(3) The extent of injuries, if any.

(4) All other significant facts that are known by the company that are relevant to the cause of the system failure or extent of the damages.

§ 191.7 Addressee for reports.

All written reports required by this part must be made to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590.

§ 191.9 Gas distribution system: System failure report.

Each operator of a gas distribution system shall, as soon as practicable but not more than 20 days after detection, report each Grade 1 leak on DOT Form _____ (number to be inserted, refer to Form No. 1 attached;[1] in the final rule, each of the forms will be included as an appendix to this document).

§ 191.11 Gas distribution system: Annual report.

Each operator of a gas distribution system shall, not later than February 15 of each year, prepare and submit an annual report for the preceding calendar year on DOT Form No. _____ (number to be inserted, refer to Form No. 2 attached).[1]

§ 191.13 Gas transmission and gathering systems and transmission lines of distribution systems: Operational system failure report.

Each operator of gathering or transmission lines (including transmission lines of a distribution system) shall, as soon as practicable but not more than 20 days after detection, report each Grade 1 leak on DOT Form No. _____ (number to be inserted, refer to Form No. 3 attached).[1]

§ 191.15 Gas transmission and gathering systems and transmission lines of distribution systems: Test failure report.

Each operator of gathering or transmission lines (including transmission lines of a distribution system) shall, as soon as practicable but not more than 20 days after detection, report each failure of any part of the pipeline system being tested that results in a loss of the test medium on DOT Form No. _____ (number to be inserted, refer to Form No. 4 attached).[1]

§ 191.17 Gas transmission and gathering systems and transmission lines of distribution systems: Annual report.

Each operator of gathering or transmission lines (including transmission lines of a distribution system) shall, not later than February 15 of each year, prepare and submit an annual report for the preceding calendar year on DOT Form No. _____ (number to be inserted, refer to Form No. 5 attached).[1]

[F.R. Doc. 69-8259; Filed, July 15, 1969; 8:45 a.m.]

[1] Forms Nos. 1, 2, 3, 4, and 5 filed as part of original document.

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 24]

STANDARD TIME ZONE BOUNDARY IN STATE OF NEVADA

Withdrawal of Proposed Rule Making

The Department of Transportation proposed in Notice No. 69-4 published in the FEDERAL REGISTER on May 8, 1969 (34 F.R. 7458) that § 71.8 of Title 49 of the Code of Federal Regulations be amended to redefine the boundary line between the Pacific and mountain time zones so as to include White Pine and Lincoln Counties in the mountain time zone. The notice was based on a Joint Resolution of the Legislature of Nevada. The notice stated that consideration would be given to all comments received on or before June 30, 1969.

Approximately 1,157 responses were received on the proposal. Of this total, 1,148 were from White Pine County (population 10,200), and nine were from Lincoln County (population 2,800). Of the 1,148 comments from White Pine County, 192 favored the change and 956 were opposed. Of the White Pine commercial interests responding, 11 favored the change and five were opposed. All of the nine comments received from Lincoln County favored the change.

The fact that the large majority of the responses received from White Pine County clearly opposed the proposed change, combined with the fact that the response from Lincoln County was minimal and shows clearly a lack of interest in the change, leads to the conclusion that no substantial basis has been established to justify a change in the present time zone boundary line as it exists for the State of Nevada. The Governor of Nevada has informed the Department that, on the above basis, he believes no change is indicated.

It is, therefore, the conclusion of the Department of Transportation from the foregoing that the line now described in § 71.8 which follows the Nevada-Utah border and places the entire State of Nevada in the Pacific time zone should not be changed. Accordingly, the notice of proposed rule making published in the FEDERAL REGISTER on May 8, 1969 (34 F.R. 7458) is hereby withdrawn.

This action does not concern adherence to or exemption from advanced (daylight saving) time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from 2 a.m. on the last Sunday of April to 2 a.m. on the last Sunday of October of each year, but permits any State to exempt itself from this requirement, by law applicable to the entire State. No political subdivision of a State may prescribe a time that is inconsistent with this requirement. The Department of Transportation has no administrative authority with respect to this matter.

This action is taken under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267), section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)), and § 1.8(i)(1) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.8(i)(1)).

Issued in Washington, D.C., on July 14, 1969.

R. TENNEY JOHNSON,
Acting General Counsel.

[F.R. Doc. 69-8345; Filed, July 15, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 18604; FCC 69-764]

MATERIAL MADE AVAILABLE FOR PUBLIC INSPECTION

Retention Period

In the matter of amendment of § 1.526 of the Commission's rules to specify a retention period for material made available for public inspection; Docket No. 18604, RM-1386.

1. Section 1.526 of the Commission's rules, as adopted March 31 and effective May 13, 1965 (with minor changes on further consideration later that year), provides that broadcasting stations (and applicants for new stations) shall keep "local inspection" files containing copies of applications and some other material which they file with the Commission, and provide opportunity for public inspection of such material in the local file to the extent it is available for public inspection at the Commission's offices in Washington, D.C. This rule was adopted (after rule making) in order to implement the policy expressed by the Congress in favor of informed public participation in the regulation of broadcasting.

2. Section 1.526(e) deals with the retention of the material in the local file. Except for material concerning requests for political broadcast time under section 315 (which are governed by other rules), and material concerning applications for new facilities (which may be discarded if the application is ultimately denied), this paragraph states that "The permittee or licensee shall maintain such a file as long as an authorization to operate the station is outstanding." Thus, material placed in the file is now required to be kept indefinitely. In adopting this requirement, the Commission noted suggestions that the retention period should be 1 or 2 years and stated (Report and Order in Docket 14864, FCC 65-273, 4 R.R. 2d 1664, 1673 (1965)):

> • • • we shall consider establishing limits on the useful duration of the period for which the files would have to be maintained as experience under the new provisions accrues.

This position was affirmed on reconsideration (FCC 65-913, 6 R.R. 2d 1527, 1531).

3. In a petition for rule making filed December 26, 1968, the National Association of Broadcasters (NAB) requests that the rule be modified to specify a period of 3 years for retention of material retained in the local file. In support of this request, NAB urges the above statements that the matter will be reviewed in the light of experience, the fact (recognized in a Commission action in December 1968) that where possible rules should specify a definite period for the retention of material required to be kept, and what NAB believes to be the very limited use which has been made by the public of the local-file material since the rule was adopted.[1] In the last connection it is urged that the Commission also consider reassessing the whole concept of a local file and its purposes.

4. A reasonable specified retention period is consistent with Commission policy.[2] However, we do not believe that the period suggested is sufficiently long. Both the Commission and the Congress have emphasized in recent years the importance of informed public participation in broadcast regulation.[3] In line with this policy, we believe that the public should have available material covering a longer period, so that the station's performance over a number of years can be evaluated in light of its representations. It appears that this objective may be obtained by a period covering about two license periods.

5. Therefore, we propose to amend § 1.526(e) to provide that in general material shall be retained in the file for seven years after its placement therein. However, a longer period would be required if necessary to cover the period from the filing of one application until Commission action on the second succeeding renewal application. Material would also be required to be retained for a longer period if it relates to the subject of a Commission investigation, a claim against the licensee, or a complaint to the Commission of which the licensee has been notified (in which case it shall be retained until the matter is resolved). The rule would also set forth certain other requirements: (1) Where a particular application incorporates by reference material in an earlier application as to programing and related matters (section IV and related material), the material in the earlier application so incorporated shall remain on file for the same length of time as the application referring to it; and (2) the material in the "local file" shall be made available for public inspection as long as it is in fact retained by the licensee, even though the request for inspection is made after the required retention period.

6. In view of the foregoing, it is proposed to amend subparagraph (2) of paragraph (e) of § 1.526 to read as follows:

§ 1.526 Records to be maintained locally for public inspection by applicants, permittees, and licensees.

• • • • •

(e) *Period of retention.* • • •

(2) The permittee or licensee shall maintain such a file so long as an authorization to operate the station is outstanding, and shall permit public inspection of the material in the file as long as it is retained by the licensee even though the request for inspection is made after the conclusion of the required retention period specified in this subparagraph. Applications and other material placed in the file shall be retained for a period of 7 years from the

[1] NAB states that it surveyed a large number of radio and TV stations as to the number of requests to use the local files during 1967. Of 1,286 stations reporting, only 50 reported any requests at all; the 50 reported a total of 65 requests. 42 of these had only one request, and NAB believes this may have been (although not so stated) a request by the FCC field inspector rather than a member of the public. Six reported two requests, one three, and one (an FM station not yet in operation at the time) eight.

[2] See, for example, FCC 68-1149 (Nov. 29, 1968), adopting specific retention-period provisions for other rules.

[3] For a discussion and relevant citations see the report and order in Docket 14864 adopting the "local file" rule, 4 R.R. 2d 1664 at 1665–1668.

date the material is tendered for filing with the Commission, except that such material shall be retained for whatever longer period is necessary to comply with the following requirements: (i) Material shall be retained until final Commission action on the second renewal application following the application or other material in question; and (ii) material relating to a matter which is the subject of a claim against the licensee, a Commission investigation or a complaint to the Commission of which the licensee has been advised, shall be retained until the licensee is notified in writing that the material may be discarded, or, if the matter is a private one, the claim has been satisfied or is barred by statutes of limitations. Where an application and related material incorporates by reference material in earlier applications and material concerning programing and related matters (section IV and related material), the material so referred to shall be retained as long as the application referring to it.

7. Authority for this amendment is contained in sections 4(i), 303(r), and 311 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 20, 1969, and reply comments on or before September 5, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching the decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: July 9, 1969.

Released: July 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8351; Filed, July 15, 1969; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18605; FCC 69-765]

TV VISUAL TRANSMISSIONS

Coded Information for Program Identification

In the matter of amendment of Part 73, § 73.682(a) of the Commission's rules and regulations to permit the inclusion of coded information in TV visual transmissions for the purpose of program identification; Docket No. 18605, RM-1462.

1. On June 4, 1969, International Digisonics Corporation (IDC) filed a petition seeking adoption of a rule which would permit the transmission of video tape and film with coded patterns incorporated to provide means for automatically electronically identifying each film or tape at a receiving location or locations equipped for this purpose.

2. IDC urges that there has long been a need for an independent broadcast monitoring service, which it intends to establish, that can provide verification of the number of times that a television program or commercial has been broadcast. Payments to performers and their unions are dependent in part upon the number of times the programs in which they appear are broadcast, and advertisers and owners of copyrights in television broadcast matter have an obvious interest in the information such a monitoring service can provide. IDC also claims that the independent verification of copyrighted material in broadcasts carried over CATV systems will become desirable if the CATV rules proposed by the Commission on December 12, 1968 (Docket 18397, FCC 68-1176) are adopted. It suggests that pursuant to appropriate modification of the Commission's logging rules, such a service, available to broadcasters, could greatly facilitate and simplify their log keeping chores.[1]

3. IDC's proposed monitoring system would include specially designed receiving monitors tuned to individual television broadcast stations and located nationwide at sites wholly independent of the stations. The monitors would record identification information coded on the broadcast material, the times of commencement and ending of the material and any deficiencies in the visual or aural portions of the program. On polling, each monitor would relay its stored information via dataphone communications lines to a central computer, which would provide a printout.

4. The information which provides program identification is in binary coded decimal form, and consists of a rectangular pattern which is printed in the four corners of each program or commercial film for a number of frames corresponding to the last four of the first 4½ seconds, and the first four of the last 4½ seconds, of the film's running time. While the pattern is included as a part of the "picture" transmitted by the TV station, it normally cannot be seen by the home viewer, because the home TV receiving set is generally adjusted by the manufacturer so that the full vertical and horizontal extent of the transmitted picture (the "raster") is not shown. The main purpose of such an "overscan" adjustment is to provide for picture "shrinkage" which can occur with the aging of the receiver components and downward variations of the AC power supply voltage. The size, shape, and placement of the coded patterns are such that they fall in the overscan areas, and outside the viewing field presented by the receiver. IDC outlines the results of a rather extensive series of tests which it states proves conclusively that the coded material will not be visible to the viewer, and hence will cause no degradation of picture quality.

5. The rule change IDC proposes which would specifically sanction the inclusion of the coded information in TV broadcast transmissions is:

Amend Part 73, section 682(a) by adding thereto a new subsection (22) as follows:

(22) The intervals within the first and last 10 microseconds of lines 21 through 23 and 260 through 262 (on a "field" basis) in the first and last 93 frames of a video tape or film transmission may contain coded patterns recorded in the video tape or film for use in electronic identification of television broadcast transmissions, provided that, in any event, the use of such coded patterns shall not result in significant degradation of the program or commercial transmissions of the television broadcast station.

6. IDC has accompanied its petition for rule making with a request that pending a decision in the rule making proceeding a waiver be granted of those rules which in the Commission's opinion "might prohibit television broadcast licensees from transmitting commercial or program material containing IDC coded information used for automatic monitoring purposes." IDC states, however, that it does not believe implementation of its system violates present rules.

7. The conflict involved is not, in this case, with any specific Commission rule, but with the basic purpose of the broadcasting service, which is defined in the Communications Act as "the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations." IDC proposes the transmission of information over television broadcast facilities not intended for the public, but rather for the private interests of IDC and its clients. The Commission has the power to authorize, by rule, the use of broadcast frequencies for other than broadcast purposes. It has exercised this power, in certain instances, to permit such uses, but only after they have been found not to conflict with or unduly restrict the use of these frequencies for their intended purpose, and have been determined to be otherwise in the public interest. Nonbroadcast activities by FM stations (Docket 12517) 19 RR 1619, 1623-24. The fact that the Commission's rules do not specifically prohibit methods of operation by TV stations which produce results contrary to the basic statute does not confer on licensees the right to employ such methods.

8. In our opinion, there are three basic questions raised by the IDC petition, on which we invite specific comment:

(1) Are the portions of the picture raster excluded from the viewing field in the usual television receiver so devoid of present and potential usefulness in TV picture transmission that their employment for other purposes will not inhibit possible future improvements in the quality of visual reproduction in TV receivers?

(2) Assuming that the answer to (1) is in the affirmative, is the use to which IDC proposes to put a portion of the unviewed picture area of sufficient value and general benefit that it can be found in the public interest to authorize such use, to the exclusion of other possible uses?

(3) Would the adoption of the rule IDC proposes in practical effect preempt a portion of all TV broadcast facilities for the primary benefit of a single user? If this is the case, is it in the public interest to adopt such a rule?

Concerning (1) we would emphasize that the loss in reproduction of the transmitted picture area, which may be as much as 20 percent of such area, occurs because of tolerances built into present day TV receivers by their manufacturers, an aspect of receiver production the Commission does not control. While we do not question the present need for these tolerances, the net effect of their employment is to deny the viewer a portion of the transmitted picture and to reduce appreciably the number of picture elements in the viewed area. The use of such tolerances, at least of the magnitude apparently now employed, is therefore undesirable, even though necessary as a practical matter.[2] We question, however, whether this practice must continue indefinitely. In this connection, we note the increasing use of transistors in TV receiver design, and the development of inexpensive methods of voltage regulation with solid state devices. The general employment of such devices in TV receivers conceivably may minimize the importance of those factors—component aging and line voltage variations—largely responsible for the present practice of overscanning, and make possible its reduction or substantial elimination. If, in the meantime, we allow presently unviewed portions of the picture raster to be used in a manner which destroys or limits their value for picture reproduction, the possible enhancement of picture quality which could result from TV receiver improvement would be precluded. We invite comments of interested and knowledgeable parties on this question.

9. If, on the basis of comments and data submitted with respect to the above we conclude that the portions of the picture raster presently denied the viewer will continue to be of little or no utility for picture reproduction, and, accordingly, can be used to some extent for other purposes with no adverse effect on the visible portion of the picture, we must decide what kind of use would be of most public benefit. Assuming that the portions of the raster on which IDC would display its coded patterns represent the full extent of the safely useable area, adoption of the rule which IDC proposes would effectively preempt the available area for the program identification function which IDC proposes. There are other uses to which it might otherwise be put—a rather obvious example, akin to a present permissible use of an SCA in an FM broadcast station is the transmission of meter readings and other data from a TV transmitter to its remote control point. While a more general rule might be written which would permit alternative uses of the raster area in question, its utilization for other purposes in individual cases would probably preclude the effectuation of a monitoring system such as IDC proposes, at least on a nationwide basis.

10. We therefore desire comment on whether the service IDC proposes promises to be of such general and significant value to broadcasting and entities involved in broadcasting, and otherwise in the public interest as to justify the adoption of rules which would permit it, and, indeed, protect it, or whether there are other potential broadcast related uses to which the available raster area might be devoted which would be of greater overall benefit to broadcasters and the public.

11. Finally, we are concerned with the possibility that if we adopt a rule such as IDC proposes we are, in effect, sanctioning a preemption of a portion of all TV broadcast facilities for the primary benefit of a single user, IDC. While IDC would provide a service which could be highly useful to numerous entities, it does this as a private party and at a profit. Unless the conditions of operation and the patent situation are such that monitoring services competitive to that which IDC proposes would not be effectively precluded, IDC would enjoy a virtual monopoly in this field. We desire comment from IDC and other interested parties on this aspect of its proposal.

12. In support of its request for a temporary waiver, mentioned above, IDC states it will confine its monitoring activities to commercials produced by leading advertisers with coded identification information and broadcast in the cities of Los Angeles, Chicago, and New York. No charge will be made for its service during the waiver period. Its tests would include studies of antenna location and the effects of weather conditions and natural interference on system performance, and it will experiment with other uses of its basic monitoring system. At the Commission's request, it will make available all data collected on the performance of the system during the waiver period.

13. We will permit our licensees to participate in the further tests which IDC proposes during the pendency of the instant proceeding as we believe that the results of the tests may contribute substantially to the resolution of this proceeding, and no apparent degradation of TV picture reception will presently result. IDC is directed to inform all television stations to whom material concerning coded identification information is being furnished and whose transmissions are being monitored of such facts.

14. It is our understanding that the monitoring areas proposed by IDC for the interim period are the same as those in which it previously has conducted its activities, and no increase in the number of such areas is involved. We particularly rely on IDC's representation that no charge will be made to advertisers, and that coded information will be placed only on commercials. These are essentially ephemeral. We would view with concern the inclusion at this time of such coding on program material, which normally might be rerun repeatedly over an extended period of time. Should we reach a decision not to permit the transmission of nonbroadcast information over TV stations, such material, however meritorious, would be denied to viewers and rendered valueless to its producers. We expect IDC to furnish full information as to the results of its tests in connection with its submissions in this proceeding, including the call letters and locations of TV stations which broadcast commercials with coded information. We also invite all TV stations participating in such tests to report any comments or complaints received from viewers.

15. Finally, IDC should keep in mind that the outcome of the proceeding could be to prohibit the use of its system. Accordingly, any investment it makes is at its own peril.

16. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j), and 303 of the Communications Act of 1934, as amended.

17. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 18, 1969, and reply comments on or before October 17, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account specific information before it, in addition to the specific comments invited by this notice.

18. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: July 9, 1969.

Released: July 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8352; Filed, July 15, 1969; 8:48 a.m.]

[1] IDC also indicates a willingness to work with the Commission in developing techniques, within the framework of the proposed IDC system, for the Commission's use in monitoring television transmissions.

[2] It may be argued that there is generally little significant detail near the edges of the picture. However, we would note that the Society of Motion Picture and Television Engineers has found it desirable to recommend (RP-8-1968) that in the preparation of film for TV use, picture action and titles be confined within specified areas of the film frame so that, when viewed on the screen of the average TV receiver significant information will not be lost.

[3] Commissioner Wadsworth absent.

[4] Commissioner Wadsworth absent.

[47 CFR Part 73]

[Docket No. 18601; FCC 69-752]

BROADCAST OF TELEPHONE CONVERSATIONS

Notice of Proposed Rule Making

In the matter of amendment of Part 73 of the Commission's rules and regulations with respect to the broadcast of telephone conversations, Docket No. 18601.

1. The Commission has from time to time received complaints that its licensees have broadcast telephone conversations without prior notice to the other parties to the telephone calls. The complaints usually have been that station employees have telephoned the complainants regarding news items or other matters, and have broadcast the conversations either simultaneously or on a delayed basis, without first having informed the other parties of the intention to broadcast the conversations.

2. For many years, the message toll telephone tariffs on file with the Commission prohibited the direct connection of local exchange and toll telephone service facilities to the facilities of broadcast stations. Under the tariffs, the only way that a two-way telephone conversation could be broadcast was for the station to record the conversation on a recording device and then broadcast from the recording. Whenever a recording device was used, the Commission's decision in Use of Recording Devices (11 FCC 1033) required the sounding of a "beep tone" warning to the parties that the call was being recorded. Thus, the "beep tone" served in some instances to alert the other party to a conversation with a broadcasting station employee that the station might intend to broadcast the conversation.

3. However, complaints we have received indicate that in some instances the mere sounding of the tone did not alert the other party to the possibility that the conversation might be broadcast, and in any event, the foregoing situation has now been changed as a consequence of the recent liberalizing tariff revisions made by the telephone companies following the Carterfone decision. Carter v. A.T. & T. Co., 18 FCC 2d 420, 13 RR 2d 597. The result is that effective July 1, 1969, broadcast stations may interconnect their facilities to exchange and toll telephone facilities by other means than through a recording device, and may broadcast live, two-way conversations without use of the "beep tone" warning.

4. In view of the deletion of the recording requirement, we believe that measures should be taken to insure that licensees frankly disclose to third parties any plan to broadcast their telephone conversations. We believe that the public interest standard requires this measure of candor and fairness by licensees. Therefore we are proposing to amend Part 73 of our rules and regulations by adoption of the section as set forth below with respect to all broadcast services.

5. Although the rule as proposed would require that, prior to recording a telephone conversation or broadcasting the conversation simultaneously with its occurrence, the licensee inform the other party of the intention to broadcast it, we recognize that in certain special situations explicit prior explanation may not be required; for example, when an outside party initiates a telephone call to the conductor of an "open mike" program with full knowledge that all telephone conversations with the program conductor at that hour are likely to be broadcast.

6. We invite comments and reply comments on the amendment of Part 73 as proposed below.

7. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j), and 303 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 18, 1969, and reply comments on or before September 2, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching the decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provision of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs and other documents shall be furnished the Commission.

Adopted: July 9, 1969.

Released: July 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

It is proposed to amend Part 73 by adding a new section to Subparts A, B, C, and E to read as follows:

§ 73._____ **Broadcast of telephone conversations.**

Before recording a telephone conversation for broadcast or broadcasting a telephone conversation simultaneously with its occurrence, a licensee shall inform any party to the call, not aware of the facts, of the licensee's intention to broadcast the conversation.

[F.R. Doc. 69-8353; Filed, July 15, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[No. MC-C-1 (Sub-No. 7)]

ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE

Redefinition of Limits

JULY 11, 1969.

Redefinition of the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone heretofore defined in MC-C-1 (Sub-No. 3) St. Louis, Mo.-East St. Louis, Ill., commercial zone. 106 M.C.C. 844 at page 845.

Petitioner: Norfolk and Western Railway Co.

Petitioner's representatives: Donald M. Tolmie, Richard W. Kienle, and Carl B. Sterzing, Jr., 8 North Jefferson Street, Roanoke, Va. 24011.

By petition filed June 4, 1969, the above-named petitioner requests the Commission to reopen the above proceeding for the purpose of redefining the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone which were most recently defined on March 5, 1968, in St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, 106 M.C.C. 844 at pages 845-847 (49 CFR 1048.3) so as to include therein an area east of the present eastern limits of the zone.

As presently defined, the St. Louis, Mo.-East St. Louis, Ill., commercial zone includes, in part, all points within the corporate limits of Madison, Ill. Petitioner requests the Commission to include within the zone petitioner's yard and trailer-on-flatcar (T.O.F.C.) ramp facilities east of, and abutting upon, the corporate limits of Madison, Ill., bounded by a line commencing at the intersection of the right-of-way of the Alton & Southern RR. and the Madison corporate limits near 19th Street, thence east and south along said right-of-way to its intersection with the right-of-way of Illinois Terminal RR. Co., thence southwesterly along the Illinois Terminal RR. Co., right-of-way to its intersection with Illinois Highway 203, thence northwesterly along said highway to its intersection with the Madison corporate boundary near McCambridge Avenue.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before September 12, 1969. Each such statement should include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioner's representatives.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8361; Filed, July 15, 1969; 8:48 a.m.]

[49 CFR Part 1048]

[No. MC-C-1 (Sub-No. 8)]

ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE

Redefinition of Limits

JULY 11, 1969.

Redefinition of the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone heretofore defined in MC-C-1 (Sub-No. 3) St. Louis, Mo.-East St. Louis, Ill., commercial zone 106 M.C.C. 844 at Page 845.

Petitioners: D. J. Etzkorn Co., Chrysler Corp., St. Louis Parts Depot, Ralston Purina Co., Schnuck Markets, Inc., Hussman Refrigerator Co., F. F. Kirchner, Inc., and Lindclay Corp.

Petitioners' representative: B. W. La Tourette, Jr., 611 Olive Street, St. Louis, Mo. 63101.

By petition filed June 24, 1969, the above-named petitioners request the Commission to reopen the above proceeding for the purpose of redefining the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone which were most recently defined on March 5, 1968, in St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, 106 M.C.C. 844 at pages 845-847 (49 CFR 1048.3) so as to include therein an area west of the present northwestern limits of the zone.

As presently defined, the St. Louis, Mo.-East St. Louis, Ill., commercial zone is bounded, in part by a line beginning at the junction of the right-of-way of the Chicago, Rock Island and Pacific Railroad and Dorsett Road, along Dorsett Road in an easterly direction to its junction with U.S. Highway 66, thence in a northerly direction along U.S. Highway 66 to its junction with Natural Bridge Road. Petitioners request the Commission to include within the zone an area bounded by a line as follows: Beginning at the intersection of Lindbergh Boulevard (U.S. Highway 61 and Missouri Highway 140) and Brown Road, said point being within the present commercial zone, thence westerly along Brown Road to its intersection with Interstate Highway 270, thence southerly along the western boundary of Interstate Highway 270 to its intersection with the right-of-way of the Norfolk and Western Railway Co.; thence westerly along the right-of-way of the Norfolk and Western Railway Co. to its intersection with Taussig Road; thence southwesterly along the western boundary of Taussig Road to its intersection with Missouri Highway 115; thence easterly along Missouri Highway 115 to its intersection with the present limits of said commercial zone.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before September 12, 1969. Each such statement should include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioners' representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.
Acting Secretary.

[F.R. Doc. 69-8362; Filed, July 15, 1969; 8:48 a.m.]

[49 CFR Part 1048]

[Ex Parte No. MC-37 (Sub-No. 19)]

NEW ORLEANS, LA., COMMERCIAL ZONE

Redefinition of Limits

JULY 11, 1969.

Redefinition of the limits of the New Orleans, La., commercial zone, heretofore defined in Ex Parte No. MC-37, commercial zones and terminal areas, 81 M.C.C. 726 at pages 729-730.

Petitioner: Slidell Chamber of Commerce.

Petitioner's representative: Robert E. Blackwell, Slidell Chamber of Commerce, Slidell, La.

By petition filed June 2, 1969, Slidell Chamber of Commerce requests the Commission to redefine the New Orleans, La., commercial zone as presently defined in Commercial Zones and Terminal Areas, 81 M.C.C. 726, at pages 729-730. As there defined, the New Orleans commercial zone extends, as pertinent here, from a point on the shore of Lake Pontchartrain where it is crossed by the Jefferson Parish-Orleans Parish line, easterly along the shore of Lake Pontchartrain to the Rigolets; thence through the Rigolets in an easterly direction to Lake Borgne. Petitioner requests the Commission to include within the New Orleans commercial zone, an area bounded by a line commencing at a point on the shore of Lake Pontchartrain where it is crossed by the Jefferson Parish-Orleans Parish line, thence easterly along the shore of Lake Pontchartrain to U.S. Highway 11 bridge, thence northerly along U.S. Highway 11 to the south city limits of Slidell, thence west, north, and east along the said city limits to Bayou Bonfica; thence along Bayou Bonfica northward to U.S. Highway 190, thence west along U.S. Highway 190 to Camp Villere Road; thence north along Camp Villere Road to Interstate Highway 12; thence east along Interstate Highway 12 to its intersection with Interstate Highway 10, thence south along Interstate Highway 10 to its intersection with the present zone limits.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed redefinition of the New Orleans, La., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views or arguments shall be filed with the Commission on or before September 12, 1969. Such statement shall include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioner's representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8363; Filed, July 15, 1969; 8:49 a.m.]

[49 CFR Part 1048]

[Ex Parte No. MC-37 (Sub-No. 3)]

DETROIT, MICH., COMMERCIAL ZONE

Redefinition of Limits

JULY 11, 1969.

Redefinition of the limits of the Detroit, Mich., commercial zone, heretofore defined in Ex Parte No. MC-37 commercial zones and terminal areas 48 M.C.C. 95, at page 97.

Petitioner: Township of Farmington, Mich.

Petitioner's representative: Judson B. Robb, 1158 Oak Street, Wyandotte, Mich.

By petition filed May 12, 1969, the Township of Farmington requests the Commission to extend the Detroit, Mich., commercial zone, as presently defined in Commercial Zones and Terminal Areas, 48 M.C.C. 95, at page 97. As there defined, the Detroit commercial zone extends, as here pertinent, from the junction of Van Born Road to Newburg Road, thence north along Newburg Road to its junction with Halsted Road to West Maple Road. Petitioner requests that the Commission redefine the Detroit commercial zone to include that area bounded by a line commencing at the junction of Newburg Road and Eight Mile Road, thence west along Eight Mile Road to

Haggarty Road, thence north along Haggarty Road to Fourteen Mile Road, thence east on Fourteen Mile Road to Halsted Road, thence north along Halstead Road to West Maple Road.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed redefinition of the Detroit, Mich., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before September 12, 1969. Such statement shall include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioner's representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8364; Filed, July 15, 1969; 8:49 a.m.]

[49 CFR Part 1048]

[Ex Parte No. MC-37 (Sub-No. 17)]

BEAUMONT, TEX., COMMERCIAL ZONE

Definition of Limits

JULY 11, 1969.

Definition of the Beaumont, Tex., commercial zone.

Petitioners: Beaumont Chamber of Commerce, Orange Chamber of Commerce, and Port Arthur Chamber of Commerce.

Petitioners' representative: Frank C. Brooks, 630 Fidelity Union Tower, Dallas, Texas.

By petition filed April 21, 1969, petitioners request the Commission to institute a proceeding for the purpose of specificially defining the limits of the zone adjacent to and commercially a part of Beaumont, Tex., which are now prescribed by the general formula promulgated in Commercial Zones and Terminal Areas, 46 M.C.C. 665 (49 CFR 1048.101). Such formula provides that a city, such as Beaumont, having a population greater than 100,000, and which has not been accorded individual consideration, shall have a commercial zone which consists of, and includes, the following: (a) The municipality itself; (b) all municipalities which are contiguous to the base municipality; (c) all unincorporated areas within 5 miles of its corporate limits and all of any other municipality any part of which is within 5 miles of the corporate limits of the base municipality; and (d) all municipalities wholly surrounded, or so surrounded except for a water boundary, by the base municipality.

The instant petition requests specific definition of the Beaumont commercial zone to include all of the area which is included by the application of the above formula, and, in addition, all points and all of any municipality any part of which is within that area bounded by a line beginning at that point south of Beaumont at which the west bank of Hillebrandt Bayou intersects the present limits of the zone in (c) above; thence along the west bank of Hillebrandt Bayou to its confluence with Taylors Bayou; thence in a southeasterly direction along the west and south banks of Taylors Bayou to its confluence with the Intracoastal Waterway; thence along the west and north banks of the Intracoastal Waterway to its confluence with Sabine River and Sabine Lake at a point immediately east of Groves; thence in a northeasterly direction along the north and west banks of Sabine Lake and Sabine River to the Orange-Newton County line; thence westerly along said county line to State Highway 87; thence southerly along State Highway 87 to Interstate Highway 10; thence westerly along Interstate Highway 10 to its intersection with the present limits of the zone in (c) above.

No oral hearing is contemplated at this time, but anyone wishing to make representation in favor of, or against, the above-proposed definition of the Beaumont, Tex., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before September 12, 1969. Such statement shall include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioners' representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.
Acting Secretary.

[F.R. Doc. 69-8365; Filed, July 15, 1969; 8:49 a.m.]

[49 CFR Part 1050]

[Ex Parte No. MC-59]

MOTOR CARRIER OPERATION IN STATE OF HAWAII

Petition for Reopening of Proceeding

JULY 11, 1969.

Petitioners: Bekins Van & Storage Co. of Hawaii, Inc.; Dean Van Lines of Hawaii; M. Dyer & Sons Inc.; Global Van Lines, Inc.; H. C. & D. Moving & Storage Co., Inc.; Hawaiian Packing & Crating Co., Ltd.; Hawaiian Van & Storage Co.; Y. Higa Enterprises, Ltd.; Richmond Transfer & Storage Co.; Smyth Hawaiian Van Lines; Sunvan Hawaii, Inc.; Trans Pacific Van Co., Ltd.; Worldwide Moving & Storage, Inc.

Petitioners' representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006.

By petition filed June 25, 1969, petitioners pursuant to Rule 102 of the Commission's general rules of practice seek reopening of the proceeding herein for the purpose of removing the class certificate off exemption granted under section 204(a)(4a) in the prior report herein entitled Motor Carrier Operation in the State of Hawaii, 84 M.C.C. 5, decided December 5, 1960, to the extent that it applies to motor common carriers of household goods operating in interstate or foreign commerce between points in the State of Hawaii. Petitioners state they are motor common carriers of household goods presently operating in interstate and foreign commerce between points in the State of Hawaii; that Bekins, Dean, Global, Richmond, Smyth, and Sunvan presently hold certificates from the Commission authorizing operations between points in Hawaii while the remaining petitioners operate under the certificate of exemption; and that together the regulated and unregulated petitioners comprise all but two of the motor common carriers of household goods operating in interstate or foreign commerce in Hawaii. Petitioners further state the nature of transportation of household goods by Hawaii-based motor carriers has materially changed since the admission of Hawaii into the Union on August 21, 1959, and the initial decision of the Commission in Ex Parte MC-59, dated December 5, 1960, and this characterization of motor carrier operations within the State of Hawaii is no longer applicable to the transportation of household goods by Hawaii-based motor common carriers. Petitioners aver that the quantity of household goods shipments moving in interstate or foreign commerce to and from the State of Hawaii has increased substantially in the over 8½ years since the initial report in Ex Parte MC-59, and that almost all of the many household goods shipments moving between Hawaii and points in the remaining 49 States of the Union move in joint land-water-land movements performed by carriers regulated by the Federal Maritime Commission as well as the Interstate Commerce Commission. These shipments allegedly move on through bills of lading and under joint rates which should be filed with the Interstate Commerce Commission. Petitioners maintain that the divided responsibility for regulating household goods carrier engaged in operations within the State of Hawaii is undesirable and that the nature of their operations today no longer justifies the retention of the exception of the uncertificated household goods carrier as a class; and accordingly, the certificate of exemption should be revoked in the interest of uniform regulation of all Hawaii-based household goods carriers operating in interstate or foreign commerce by the Interstate Commerce Commission. Petitioners further state that another

reason for removing the exemption is to permit the presently exempt carriers to enter into agreements with mainland carriers establishing through routes and joint rates. Now that the certificates of the 19 mainland carriers have been revoked as a result of the decision in HC&D Moving & Storage Company, Inc., et al. v. United States, supra, the exempt petitioners seek to have the exemption removed so that they may continue the interline service presently offered the shipping public under joint rates. However, the exempt carriers cannot lawfully continue to provide interline service with the mainland carriers under agreements for through routes and joint rates pursuant to section 216(c) of the Act while operating under exemption. Any interested person desiring to participate, may file an original and 14 copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8360; Filed, July 15, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

ARMED FORCES INFORMATION AND EDUCATION PROGRAM

The Assistant Secretary of Defense (Manpower and Reserve Affairs) approved the following:

I. *Purpose.* This Instruction establishes the mission of the Armed Forces Information and Education Program and the functions and responsibilities of the Directorate for Armed Forces Information and Education.

II. *Definitions.* As used in this Instruction:

A. "Information" and "education" means internal troop information and education other than training or education accomplished through academic institutions.

B. "Materials" include publications, posters, motion pictures, disc pressings, and radio and television filmed and taped programs, including commercially produced programs.

III. *Mission.* The Armed Forces Information and Education Program shall include the production of materials in such areas as: Democracy and Communism, World Affairs, Forces for Freedom (United States and friendly forces), Citizenship (including voting), Orientation for Overseas Duty and the Code of Conduct.

IV. *Functions.* The Directorate for Armed Forces Information and Education, under the policy direction of the Assistant Secretary of Defense (Manpower and Reserve Affairs) will:

A. Develop and coordinate in conjunction with the Military Departments and Armed Forces Information and Education Program in the areas specified in III above for use in and support of the Military Departments' internal information programs. Due consideration will be given to the established program schedules of the Military Departments.

B. Develop long-range plans supporting the objectives of the Program, described in III.

C. Produce or procure materials to support the programs of the Military Departments.

D. Provide for the review, assessment and evaluation of the effectiveness of Military Departments' internal information and education programs and materials, in the areas described in III.

E. Exercise policy and operational control over the Armed Forces Radio and Television Service, Los Angeles and the Armed Forces Press, Radio and Television Service, New York (DoD Instructions 5120.4 and 5120.20 respectively[1]).

F. Provide specific policy guidance through the Military Departments for the operation and support of Armed Forces Radio and Television stations.

V. *Responsibilities and relationships.* A. The Directorate for Armed Forces Information and Education shall:

1. Provide for the production, procurement and/or evaluation of information and education materials, as described III for use in and support of the Military Departments' information and education programs.

2. Provide guidance on the utilization of specific information and education materials described in III, when so directed by the Assistant Secretary of Defense (Manpower and Reserve Affairs).

B. This Instruction in no way abrogates Service responsibilities in the areas described in III.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-8320; Filed, July 15, 1969; 8:45 a.m.]

[1] Filed as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

HEALTH PROGRAM FOR MINOR DEPENDENTS IN OVERSEAS DEPENDENTS SCHOOLS

The Assistant Secretary of Defense (Manpower and Reserve Affairs) approved the following:

REF.: (a) DoD Directive 1342.6, "Overseas Dependents Education, Department of Defense," July 16, 1968.[1]

I. *Purpose and applicability.* This Instruction provides for the establishment of a school health program as an integral part of all Overseas Dependents Schools operated by the Military Departments under the policy direction of the Assistant Secretary of Defense (Manpower and Reserve Affairs) (see reference (a)). This program is within the Congressional limitation of the Overseas Dependents Education Program. The provisions of this Instruction apply to all components of the Department of Defense.

II. *Standards.* A. Consistent with the concept of operation for Overseas Dependents Schools within the geographical areas (as outlined in reference (a)) the Secretaries of the Military Departments, in providing a comprehensive school health program for minor dependents, will program, budget, and fund all appropriated costs of:

1. Health education for all students through a sequential curriculum supported by up-to-date, adequate instructional materials and equipment;

2. School nurses who will serve as health specialists on local school faculties.

B. Administrative supervision of the health program in each school will be the responsibility of the school principal.

C. Technical direction and supervision pertaining to medical matters will be the responsibility of the senior medical officer of the installation.

D. Included in the health program will be:

1. Activities which:

a. appraise the health status of students;

b. counsel students, parents, and others concerning appraisal findings;

c. encourage the correction of remediable defects;

d. assist in identifying exceptional children;

e. help prevent and control disease;

f. provide emergency care in cases of injury or sudden illness; and

2. Services, such as:

a. preventive medicine as required;

b. vision and audiometric screening;

c. tuberculin testing;

d. physical fitness testing;

e. dental checks;

f. examination and identification of candidates for special education classes and for participation in school athletics; and

g. adequate health records on all students.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-8321; Filed, July 15, 1969; 8:45 a.m.]

[1] Filed as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 4377]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

JUNE 20, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described in paragraph 3 are hereby classified for multiple-use management. Publication of this notice has the effect (a) of segregating the public lands described in paragraph 3 from appropriation only under the agricultural land laws (43 U.S.C., Chs. 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171), and (b) of further segregating the lands described in paragraph 4 of this notice from appropriation under the general mining laws (30 U.S.C., Ch. 2). The lands shall remain open to all other applicable forms of appropriation including the mineral leasing laws. Except for the lands described in paragraph 4 of this notice, all of the lands shall remain open to appropriation under the general mining laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Several comments were received following publication of the notice of proposed classification (34 F.R. 5390) or at the public hearings held at Condon, Oreg., on April 15; The Dalles, Oreg., on April 16; and Madras, Oreg., on April 17. All comments were carefully considered and were generally favorable. Therefore, no changes have been made in the list of lands included in this classification. The record showing the comments received and other information is on file and can be examined in the Prineville District Office, 185 East Fourth Street, Prineville, Oreg., and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg.

3. The public lands classified in paragraph 1 above are located in Gilliam, Jefferson, Sherman, Wasco, and Wheeler Counties within the following described areas and are shown on maps on file in the Prineville District Office, Bureau of Land Management, 185 East Fourth Street, Prineville, Oreg., and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. The maps are designated "OR 4377, 2411.2, 36–05, February 1969".

The description of the areas is as follows:

WILLAMETTE MERIDIAN

T. 1 N., R. 11 E.,
Secs. 1, 11, 12, 34, and 35.
T. 1 N., R. 12 E.,
Sec. 20 and secs. 29 to 32, inclusive.
T. 1 N., R. 15 E.,
Secs. 11, 12, 14, 23, 24, and 26.
T. 1 N., R. 16 E.,
Secs. 30, 32, and 34.
T. 1 N., R. 19 E.,
Secs. 2, 4, 10, secs. 12 to 14, inclusive, except NE¼NW¼ and SE¼NE¼ of sec. 12, and sec. 25.
T. 1 N., R. 20 E.,
Secs. 30 and 31.
T. 2 N., R. 18 E.,
Secs. 10, 11, 12, 14, and 15.
T. 2 N., R. 19 E.,
Secs. 6, 18, 19, 20, 28, 30, 32, and 34.
T. 3 N., R. 17 E.,
Sec. 14, lot 1 and sec. 24.
T. 3 N., R. 18 E.,
Secs. 18, 20, 22, 26, 28, 30, 32, 33, and 34.
T. 1 S., R. 11 E.,
Secs. 1 to 3, inclusive.
T. 1 S., R. 12 E.,
Sec. 6.
T. 1 S., R. 15 E.,
Secs. 24 to 26, inclusive, and sec. 35.
T. 1 S., R. 16 E.,
Secs. 4 to 6, inclusive, secs. 8, 17, 19, 20, and secs. 29 to 32, inclusive.
T. 1 S., R. 18 E.,
Secs. 24 to 26, inclusive, and secs. 35.
T. 1 S., R. 19 E.,
Secs. 1 to 3, inclusive, secs. 8 to 15, inclusive, secs. 17 and 26, inclusive, secs. 29 to 32, inclusive, and sec. 35.
T. 1 S., R. 20 E.,
Secs. 5 to 9, inclusive, except NE¼NW¼ of sec. 9.
T. 2 S., R. 15 E.,
Sec. 1, secs. 12 to 15, inclusive, secs. 22 to 28, inclusive, and secs. 33 to 35, inclusive.
T. 2 S., R. 16 E.,
Secs. 5 to 8, inclusive, secs. 17 to 20, inclusive, and secs. 29 to 32, inclusive.
T. 2 S., R. 18 E.,
Sec. 1, secs. 11 to 14, inclusive, secs. 20 to 29, inclusive, and secs. 34 and 35.
T. 2 S., R. 19 E.,
Secs. 5 to 8, inclusive, secs. 18 to 20, inclusive, and secs. 29 to 33, inclusive.
T. 3 S., R. 14 E.,
Sec. 1, secs. 10 to 14, inclusive, secs. 23, 24, and 35.
T. 3 S., R. 15 E.,
Secs. 3 to 10, inclusive, and secs. 17 and 18.
T. 3 S., R. 18 E.,
Secs. 1 to 3, inclusive, secs. 9 to 15, inclusive, secs. 20 to 29, inclusive, and secs. 32 to 35, inclusive.
T. 4 S., R. 12 E.,
Secs. 25 and 35.
T. 4 S., R. 13 E.,
Secs. 9, 10, 17, 19, and 20.
T. 4 S., R. 14 E.,
Secs. 1 to 3, inclusive, secs. 7 to 15, inclusive, secs. 17, 20, 21, 24, 29, 32, and 33.
T. 4 S., R. 15 E.,
Secs. 7, 8, lot 4, SE¼SW¼ sec. 18, secs. 19, 20, 23, 24, and 30.
T. 4 S., R. 16 E.,
Secs. 19, 29, 32, 33, and 34.
T. 4 S., R. 18 E.,
Secs. 1 to 4, inclusive, secs. 10 to 15, inclusive, secs. 22 to 27, inclusive, secs. 34 and 35.
T. 4 S., R. 19 E.,
Secs. 19, 26, and secs. 29 to 35, inclusive.
T. 4 S., R. 20 E.,
Secs. 27 to 35, inclusive.
T. 5 S., R. 11 E.,
Secs. 9, 10, secs. 13 to 15, inclusive, and secs. 21 and 35.
T. 5 S., R. 12 E.,
Secs. 2, 3, 4, secs. 7 to 9, inclusive, and sec. 18.
T. 5 S., R. 13 E.,
Secs. 12 to 15, inclusive, secs. 22, 24, 25, and 33.
T. 5 S., R. 14 E.,
Secs. 1, 5, 6, and 7.
T. 5 S., R. 15 E.,
Sec. 6.
T. 5 S., R. 16 E.,
Secs. 1, 2, 3, and secs. 10 to 13, inclusive.
T. 5 S., R. 17 E.,
Secs. 18 and 32.
T. 5 S., R. 18 E.,
Secs. 1, 2, 3, 10, 11, 15, 20, 21, 22, secs. 24 to 29, inclusive, and secs. 32 to 35, inclusive.
T. 5 S., R. 19 E.,
Secs. 1 to 10, inclusive, secs. 12, 17, 19, 20, 21, and secs. 28 to 32, inclusive.
T. 5 S., R. 20 E.,
Secs. 3, 4, and 10.
T. 6 S., R. 13 E.,
Secs. 1, 4, 5, 8, 9, 12, 13, 16;
Sec. 20, NE¼ and E½NW¼;
Sec. 21, lots 3 and 4, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 22, lots 1 and 2;
Sec. 26, lots 2, 3, 4, and 6;
Sec. 27, lot 1;
Sec. 36, lots 2, 3, 4, 5, 6, and 7, N½NE¼.
T. 6 S., R. 14 E.,
Sec. 6;
Sec. 17, NW¼SW¼;
Secs. 18 to 21, inclusive;
Sec. 28, lots 2, 3, 9, 10, 11, 12, 13, and 14, N½SW¼;
Sec. 29, lots 6, 7, 8, 9, 10, 11, 12, 13, and 14, S½NE¼, N½SE¼.
T. 6 S., R. 17 E.,
Sec. 6.
T. 6 S., R. 18 E.,
Sec. 2, lot 1, NE¼SE¼, secs. 11, 14, 23, 25, 26, 27, 33, and 35.
T. 6 S., R. 19 E.,
Secs. 6, 7, 8, secs. 17 to 22, inclusive, and secs. 27 to 31, inclusive.
T. 7 S., R. 14 E.,
Secs. 2, 3, and SE¼SE¼ sec. 4;
Sec. 5, lot 18;
Sec. 6, lots 5, 6, 7, and 8;
Sec. 8, lot 3;
Sec. 9, lots 3 and 4, E½E½, S½SW¼, SW¼SE¼;
Secs. 10, 11, 14, and 15;
Sec. 17, lots 2, 3, and 4, E½E½;
Sec. 20, lots 1, 2, 3, and 4;
Secs. 21 to 24, inclusive;
Sec. 28;
Sec. 29, lot 1.
T. 7 S., R. 16 E.,
S½SW¼ sec. 13, S½SE¼ sec. 14, secs. 20 to 25, inclusive, secs. 27 to 29, inclusive, secs. 31, 32, and 33.
T. 7 S., R. 17 E.,
Secs. 8, 12, 14, 18, and 20.
T. 7 S., R. 18 E.,
Secs. 1, 3, 4, 5, secs. 7 to 10, inclusive, secs. 12 to 15, inclusive, secs. 17, 18, secs. 20 to 28, inclusive, secs. 34 and 35.
T. 7 S., R. 19 E.,
Secs. 4 to 10, inclusive, sec. 15, secs. 17 to 22, inclusive, and secs. 28 to 34, inclusive.
T. 8 S., R. 14 E.,
Sec. 4, lots 4, 5, 6, and 7, SE¼NW¼;
Sec. 5, lot 1;
Sec. 9, lots 1, 2, 3, and 4;
Sec. 10, SW¼NW¼ and NW¼SW¼;
Sec. 15, SE¼NW¼ and SW¼SW¼;
Sec. 21, lots 1, 2, 3, 4, and 5, E½NE¼, S½SW¼, and SW¼SE¼;
Secs. 22, 23, and 27;
Sec. 29, lots 2, 3, lots 9 to 17, inclusive, and SE¼SE¼;
Sec. 32, lots 1, 2, and 3;
Secs. 33 and 35.
T. 8 S., R. 15 E.,
Secs. 1, 2, secs. 11 to 15, inclusive, secs. 22 to 25, inclusive, secs. 27 to 29, inclusive, secs. 31 to 33, inclusive, and sec. 35.
T. 8 S., R. 16 E.,
Secs 5 to 9, inclusive, secs. 18 to 19.
T. 8 S., R. 18 E.,
Secs. 1, 12, 13, 24, 26, and 34.
T. 8 S., R. 19 E.,
Secs. 3 to 15, inclusive, secs. 17, 18, secs. 20 to 27, inclusive, secs. 30, 32, 34, and 35.
T. 8 S., R. 20 E.,
Secs. 6, 7, 18, 19, 20, lots 1, 2, and 3, sec. 21, lots 2 and 3, sec. 28, secs. 29, 31, and 32.
T. 8 S., R. 22 E.,
Secs. 24 and 25.
T. 8 S., R. 23 E.,
Sec. 19, lots 2 and 3, SE¼SW¼ sec 30, secs. 31, 32, 33, and SE¼SE¼ sec. 35.
T. 8 S., R. 24 E.,
SE¼SW¼ sec. 29 and secs. 31 to 35, inclusive.
T. 8 S., R. 25 E.,
Lot 4, sec. 19, SE¼ sec, 20, SW¼NW¼, W½SW¼ sec. 27, and secs. 28 to 35, inclusive.
T. 9 S., R. 12 E.,
Sec. 36, S½S½SE¼ that portion lying east and south of Deschutes River.
T. 9 S., R. 13 E.,
Sec. 12, lots 1, 2, 3, 4, and 5, E½SE¼;
Sec. 13, lot 1, NW¼NE¼, NE¼NW¼, and SW¼NW¼;
Sec. 14, lots 1, 2, 3, 4, and 9, SE¼NE¼;
Sec. 15, lots 1, 2, 3, 4, and 9, S½NE¼, SE¼NW¼ and NW¼SW¼;
Sec. 20, lot 2, E½NE¼, SW¼NE¼, and W½SE¼;
Sec. 21, NW¼NW¼;
Sec. 29, SW¼NW¼;
Sec. 30, S½NE¼ and W½SE¼;
Sec. 31, lot 4, NW¼NE¼, and SW¼SE¼.

T. 9 S., R. 14 E.,
Secs. 1 to 4, inclusive;
Sec. 5, lot 1, lot 4 that portion between the railroad right-of-way and the Deschutes River, NW¼SW¼;
Sec. 6, lots 1 and 2;
Sec. 7, lots 1 to 5, inclusive, NE¼NE¼, SE¼NW¼, and NE¼SW¼;
Secs. 9, 10, 15, 22, and 23.
T. 9 S., R. 18 E.,
Secs. 2, 12, 14, 23, and 24.
T. 9 S., R. 19 E.,
Secs. 1, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 30, 31, and 34.
T. 9 S., R. 20 E.,
Secs. 5 to 9, inclusive, secs. 18, 20, 25, 26, 30, 32, and 34.
T. 9 S., R. 21 E.,
Secs. 22 to 26, inclusive, and secs. 28 to 35, inclusive.
T. 9 S., R. 22 E.,
Sec. 1, secs. 10 to 15, inclusive, secs. 19, 20, 22, 23, secs. 27 to 30, inclusive, and secs. 32 and 35.
T. 9 S., R. 23 E.,
Secs. 1 to 6, inclusive, secs. 8, 9, N½ sec. 10, N½ sec. 11, secs. 12, 17, and 18.
T. 9 S., R. 24 E.,
Secs. 2, 5, 6, lot 1 sec. 7, secs. 12, 14, secs. 23 to 27, inclusive, secs. 34 and 35.
T. 9 S., R. 25 E.,
Secs. 2 to 14, inclusive, secs. 19, 21, secs. 23 to 27, inclusive, secs. 30, 34, and 35.
T. 10 S., R. 12 E.,
Sec. 13, lot 4;
Sec. 24, lots 5 and 6;
Sec. 25, lots 6, 7, 8, 9, 10, and 11;
Sec. 35, lots 4 and 5.
T. 10 S., R. 13 E.,
Sec. 18, lots 1, 2, 3, and 4, NE¼SW¼;
Sec. 19, lots 1, 2, and 3, E½NW¼;
Secs. 29, 30, 32, and 33.
T. 10 S., R. 17 E.,
Secs. 2, 6, 7, 12, 17, 18, 20, 21, 23, secs. 25 to 28, inclusive, and secs. 30 and 35.
T. 10 S., R. 18 E.,
Secs. 1, 6, 10, 14, 18, 22, 23, 24, 26, 27, and secs. 30 to 35, inclusive.
T. 10 S., R. 19 E.,
Secs. 4, 6, 7, 8, 11, secs. 17 to 21, inclusive, and secs. 25 to 31, inclusive.
T. 10 S., R. 20 E.,
Secs. 4, 7, 12, 14, 17, 18, and secs. 28 to 34, inclusive.
T. 10 S., R. 21 E.,
Secs. 1 to 6, inclusive, secs. 8 to 15, inclusive, sec. 18, secs. 20 to 24, inclusive, secs. 27, 30, 32, 34, and 35.
T. 10 S., R. 22 E.,
Sec. 5, lot 4, SW¼NW¼.
T. 10 S., R. 24 E.,
Secs. 2, 3, NE¼NE¼ sec. 11, secs. 12, 13, 24, 25, and 35.
T. 10 S., R. 25 E.,
Secs. 1 to 7, inclusive, secs. 9 to 15, inclusive, and secs. 17 to 35, inclusive.
T. 11 S., R. 11 E.,
Sec. 25, lots 2, 3, and 4, S½S½;
Sec. 27, lot 3, S½NE¼, NE¼SE¼, and N½SW¼;
Sec. 33, NE¼SE¼.
T. 11 S., R. 12 E.,
Sec. 2, lots 1, 2, 3, 4, and 5, N½SE¼, SE¼SE¼;
Sec. 10, lots 1, 2, 3, 4, and 5, S½SE¼;
Sec. 11, lots 2 and 3, NE¼NW¼, and NW¼SW¼;
Sec. 15, lots 5, 6, 7, and 8;
Sec. 22, lots 1, 2, 3, and 4, SW¼SE¼, and NE¼SE¼;
Sec. 23, N½SE¼ and SW¼SW¼;
Sec. 24, NW¼NW¼ and NW¼SW¼;
Sec. 26, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 27, lots 2, 3, 4, and 5, W½NE¼, NE¼NW¼, S½NW¼, and NW¼SE¼;
Sec. 28, lots 1, 2, 3, and 4, NW¼SE¼;
Sec. 29, lots 2 and 3;
Sec. 30, lots 1, 2, 3, 4, and 5;
Sec. 31, lots 1, 2, and 3, W½NE¼ and E½NW¼;
Sec. 32, W½NE¼, N½NW¼, NW¼SW¼, and W½SE¼;
Sec. 34, lots 2, 3, and 4, SE¼SW¼ and W½SE¼;
Sec. 35, SW¼NE¼, W½, and NW¼SE¼.
T. 11 S., R. 18 E.,
Secs. 3, 4, 9, 10, and 25.
T. 11 S., R. 19 E.,
Secs. 1, 2, 3, secs. 5 to 8, inclusive, secs. 12, 13, 14, 17, secs. 19 to 23, inclusive, secs. 26 to 29, inclusive, secs. 31, 32, 33, and 35.
T. 11 S., R. 20 E.,
Secs. 3 to 6, inclusive;
Sec. 9, NW¼NE¼;
Sec. 10, N½N½, S½NE¼, and SE¼NW¼.
T. 11 S., R. 21 E.,
Secs. 2 and 4.
T. 11 S., R. 24 E.,
Secs. 1, 2, 12, 13, 14, and 24.
T. 11 S., R. 25 E.,
Secs. 1 to 9, inclusive, secs. 11 to 15, inclusive, sec. 17, secs. 21 to 32, inclusive, and secs. 34 and 35.
T. 12 S., R. 11 E.,
Sec. 4, SE¼NE¼ and NE¼SE¼;
Sec. 10, NE¼NE¼;
Sec. 11, SE¼NW¼ and NE¼SE¼;
Sec. 12, SW¼NE¼ and SW¼SW¼;
Sec. 13, W½NW¼ and N½SW¼;
Sec. 14, S½NE¼, SE¼NW¼, W½SE¼, and NE¼SE¼;
Sec. 20, NW¼NE¼;
Sec. 23, E½SW¼ and W½SE¼;
Sec. 24, SW¼SE¼;
Sec. 25, W½NW¼ and NW¼SW¼;
Sec. 26, NE¼, E½NW¼, and SW¼NW¼;
Sec. 34, SW¼SE¼;
Sec. 35, S½NE¼.
T. 12 S., R. 12 E.,
Sec. 2, lot 4;
Sec. 3, lots 1, 2, 3, 6, 7, 8, 9, and 10, SW¼;
Sec. 9, SE¼SE¼;
Sec. 10, lots 1, 2, 3, 4, 6, 8, 9, 11, and 14;
Sec. 11, N½SW¼ and SW¼SW¼;
Sec. 14, W½;
Sec. 15, lots 3 and 4;
Sec. 19, NE¼SW¼;
Sec. 21, W½E½, E½W½, and SW¼SW¼;
Sec. 22, SE¼SE¼;
Sec. 23, NW¼ and N½SW¼;
Sec. 27, lots 1, 2, 3, 5, 6, 7, 9, 10, and 11, NW¼SW¼.
T. 12 S., R. 20 E.,
Secs. 6, 7, and 8.
T. 12 S., R. 24 E.,
Sec. 1, lots 1 and 2.
T. 12 S., R. 25 E.,
Secs. 1 to 6, inclusive, secs. 12, 14, 24, 26, 32, and 34.
T. 13 S., R. 11 E.,
Lot 3 sec. 5, SW¼NW¼ sec. 17, and SE¼NE¼ sec. 18.
T. 13 S., R. 12 E.,
Sec. 3, lots 7 and 8;
Sec. 4, lots 3 and 7, SW¼NE¼, NW¼SE¼;
Sec. 5, lots 3 and 4, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 6, lot 10, NE¼SE¼;
Sec. 7, E½NE¼;
Sec. 8, NW¼NW¼, S½NW¼, N½SW¼, W½SE¼, and SE¼SE¼;
Sec. 11, SW¼SW¼;
Sec. 13, lots 12 and 14;
Sec. 14, lot 5, NE¼NW¼;
Sec. 17, W½E½ and SE¼SE¼;
Sec. 19, NE¼SE¼;
Sec. 20, N½NE¼ and SE¼NE¼;
Sec. 21, SW¼NW¼, N½S½, and SE¼SE¼;
Sec. 24, SW¼NE¼;
Sec. 27, SW¼NW¼ and NW¼SW¼;
Sec. 28, lots 1, 2, 3, 4, and 5, NW¼NE¼;
Sec. 30, NW¼NE¼;
Sec. 33, lots 2, 3, and 4, SW¼NE¼, and SE¼NW¼;
Sec. 34, W½SW¼.
T. 13 S., R. 13 E.,
Sec. 31, lot 3.
T. 13 S., R. 24 E.,
Sec. 12;
Sec. 13, NE¼.
T. 13 S., R. 25 E.,
SE¼SE¼ sec. 6, secs. 7, 12, 13, 14, and secs. 17 to 24, inclusive.

The areas described aggregate approximately 275,000 acres of public lands.

4. As provided in paragraph 2, the following described public lands, which are a part of the lands described in paragraph 3, are further segregated from location or appropriation under the general mining laws:

WILLAMETTE MERIDIAN

T. 2 S., R. 15 E.,
Sec. 26, S½SW¼.
T. 3 S., R. 14 E.,
Sec. 13, S½NW¼ and N½SW¼;
Sec. 14, E½SE¼.
T. 3 S., R. 15 E.,
Sec. 3, W½SW¼;
Sec. 4, SW¼;
Sec. 5, E½SE¼;
Sec. 7, NE¼SW¼ and N½SE¼;
Sec. 8, SE¼SE¼;
Sec. 9, SW¼SW¼;
Sec. 17, NE¼NE¼ and N½SE¼.
T. 4 S., R. 14 E.,
Sec. 20, SE¼NE¼;
Sec. 21, NW¼NW¼;
Sec. 29, W½NE¼ and W½SE¼;
Sec. 32, N½NE¼;
Sec. 33, W½NW¼ and NW¼SW¼.
T. 5 S., R. 13 E.,
Sec. 24, lots 5 and 6;
Sec. 25, lots 5, 7, and 8.
T. 7 S., R. 14 E.,
Sec. 8, lot 3;
Sec. 9, lots 3 and 4, S½SW¼;
Sec. 17, lots 2, 3, and 4.
T. 8 S., R. 14 E.,
Sec. 21, lots 1, 2, 3, 4, and 5, S½SW¼, and SW¼SE¼;
Sec. 29, lots 9, 10, 11, 12, 13, 14, 15, 16, and 17;
Sec. 32, lots 1, 2, and 3.
T. 9 S., R. 13 E.,
Sec. 12, lots 2, 3, 4, and 5;
Sec. 13, lot 1, NW¼NE¼ and NE¼NW¼.
T. 13 S., R. 12 E.,
Sec. 8, NW¼NW¼ and S½NW¼;
Sec. 33, lots 2 and 3, SW¼NE¼, and SE¼NW¼.

The areas described aggregate approximately 2,764 acres of public lands.

5. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2(c).

6. Interested parties may submit comments to the Secretary of the Interior, LLM 721, Washington, D.C. 20240.

DANIEL P. BAKER,
Acting State Director.

[F.R. Doc. 69-8328; Filed, July 15, 1969; 8:46 a.m.]

National Park Service

NATIONAL CAPITAL REGION

Demonstrations, Parades, and Public Gatherings

In accordance with the provisions of the order of the United States Court of Appeals for the District of Columbia Circuit in the case of A Quaker Action Group, et al. v. Hickel, et al. (No. 22,983), decided June 24, 1969, any person or group wishing to use an area of the National Capital Region of the National Park Service for a demonstration must advise the National Park Service of the planned demonstration at least 15 days before the event. Accordingly, notice is hereby given that the required 15 days advance notice must be furnished to one of the following persons: (1) Regional Director, National Capital Region, National Park Service, (2) Chief of the United States Park Police, or (3) the park superintendent having administration over the park area proposed for the demonstration. Such notice shall include the name and address of the person or organization sponsoring the demonstration; the time, date, duration, and place of the event; the purpose of the demonstration; and the estimated number of persons expected to participate.

Dated: July 10, 1969.

GEORGE B. HARTZOG,
Director,
National Park Service.

[F.R. Doc. 69-8330; Filed, July 15, 1969; 8:46 a.m.]

Office of the Secretary

ALLEGHENY PORTAGE RAILROAD NATIONAL HISTORIC SITE AND JOHNSTOWN FLOOD NATIONAL MEMORIAL

Notice of Acquisition of Administrable Park Units

Pursuant to the Act of August 31, 1964 (78 Stat. 752), which authorizes the Secretary of the Interior to designate up to 950 acres of certain lands in the State of Pennsylvania for inclusion in the Allegheny Portage Railroad National Historic Site and up to 55 acres of other lands in such State for inclusion in the Johnstown Flood National Memorial, the Secretary has designated certain lands for inclusion in the national historic site and national memorial within the limits set out in the act, as depicted on drawings numbered 423/92000 and 427/92000, dated March 19, 1969, which drawings are on file in the Office of the National Park Service, Department of the Interior.

The aforesaid act states that when the Secretary has acquired sufficient lands to form administrable park units, he shall publish notice of that fact in the FEDERAL REGISTER and the areas designated shall thereafter be known as the Allegheny Portage Railroad National Historic Site and the Johnstown Flood National Memorial. Land and interests in land aggregating 766.46 acres have been acquired for inclusion in the Allegheny Portage Railroad National Historic Site and 54.18 acres of land have been acquired for the Johnstown Flood National Memorial.

Therefore, notice is hereby given that sufficient lands and interests in lands have been acquired within the aforesaid designated areas to form administrable park units and such areas shall hereafter be known as the Allegheny Portage Railroad National Historic Site and the Johnstown Flood National Memorial.

Dated: June 30, 1969.

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

[F.R. Doc. 69-8342; Filed, July 15, 1969; 8:47 a.m.]

LORAN A. EISELE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 26, 1969.

Dated: June 26, 1969.

LORAN A. EISELE.

[F.R. Doc. 69-8331; Filed, July 15, 1969; 8:46 a.m.]

ANDREW PAT JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 30, 1969.

Dated: June 26, 1969.

A. PAT JONES.

[F.R. Doc. 69-8332; Filed, July 15, 1969; 8:46 a.m.]

VIVAN B. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 1, 1969.

Dated: July 1, 1969.

VIVAN B. JONES.

[F.R. Doc. 69-8333; Filed, July 15, 1969; 8:46 a.m.]

GEORGE V. KENNEDY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 1, 1969.

Dated: July 3, 1969.

GEORGE V. KENNEDY.

[F.R. Doc. 69-8334; Filed, July 15, 1969; 8:46 a.m.]

MAX R. LLEWELLYN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 26, 1969.

Dated: June 26, 1969.

M. R. LLEWELLYN.

[F.R. Doc. 69-8335; Filed, July 15, 1969; 8:46 a.m.]

CARLOS O. LOVE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 27, 1969.

Dated: June 27, 1969.

CARLOS O. LOVE.

[F.R. Doc. 69-8336; Filed, July 15, 1969; 8:46 a.m.]

JOHN P. MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 27, 1969.

Dated: June 27, 1969.

JOHN P. MADGETT.

[F.R. Doc. 69-8337; Filed, July 15, 1969; 8:46 a.m.]

WILLIAM G. MEESE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Director—Essex County Light and Power Co., Ltd. Director—Manufacturers National Bank of Detroit.
(2) Addition: Manufacturers National Bank of Detroit.
(3) No change.
(4) No change.

This statement is made as of June 27, 1969.

Dated: June 27, 1969.

WILLIAM G. MEESE.

[F.R. Doc. 69-8338; Filed, July 15, 1969; 8:46 a.m.]

SAMUEL RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 27, 1969.

Dated: June 27, 1969.

RIGGS SHEPPERD.

[F.R. Doc. 69-8339; Filed, July 15, 1969; 8:47 a.m.]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 3, 1969.

Dated: July 3, 1969.

W. B. SIMONDS.

[F.R. Doc. 69-8340; Filed, July 15, 1969; 8:47 a.m.]

WILFORD D. WILDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Appointee is currently participating in an employee stock purchase plan adopted by Niagara Mohawk Power Corp. effective January 1, 1965, and has elected the maximum participation possible which is 6 percent of appointee's annual salary.
(3) No change.
(4) No change.

This statement is made as of June 26, 1969.

Dated: June 26, 1969.

W. D. WILDER.

[F.R. Doc. 69-8341; Filed, July 15, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NOVOBIOCIN PREPARATIONS FOR ORAL AND PARENTERAL USE

Drugs for Human Use

In the FEDERAL REGISTER of May 2, 1969 (34 F.R. 7252), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following oral and parenteral forms of novobiocin:

1. Albamycin Mix-O-Vial, Powder for Injection; Albamycin Capsules; and Albamycin Syrup; all marketed by the Upjohn Co., 301 Henrietta Street, Kalamazoo, Mich. 49001.

2. Cathomycin Sodium Capsules; marketed by Merck & Co., Inc., Rahway, N.J. 07065.

The announcement stated that the Food and Drug Administration has concluded that novobiocin is effective for certain indications and is appropriate for use under the qualifications stated therein. The announcement provided labeling guidelines developed on the basis of reevaluation of the drug and requested holders of antibiotic Forms 5 or 6 approved for a drug of the kind described to submit, within 30 days after publication of the announcement in the FEDERAL REGISTER, supplements to their antibiotic Forms 5 or 6 applications to provide for revised labeling.

During the 30-day period, the only information received warranting any change in the announcement pertained to labeling of the drug, particularly the "warning box." Accordingly, on the basis of the additional information, the Commissioner concludes that for all novobiocin preparations for oral and parenteral use those parts of the labeling indicated below should be substantially as follows (optional additional information applicable to the drug may be proposed under other appropriate paragraph headings and should follow the information set forth below). The announcement of May 2, 1969, is to be regarded as amended to reflect the following new labeling guidelines.

NOVOBIOCIN

WARNING

Novobiocin Should Be Used Only for Those Serious Infections Where Other Less Toxic Drugs Are Ineffective or Contraindicated, Because of the Following:

1. The High Frequency of Adverse Reactions, Principally Urticaria and Maculopapular Dermatitis. Hepatic Dysfunction and Blood Dyscrasias Have Occurred Less Frequently.

2. The Rapid and Frequent Emergence of Resistant Strains, Especially Staphylococci.

DESCRIPTION

Novobiocin, in the crystalline state, has a light yellow to white color depending upon the state of subdivision. It is odorless or practically odorless. The sodium salt is freely soluble in water, alcohol, glycerine, and propylene glycol. One gram of the calcium salt dissolves in about 250 cc. of water, in about 30 ml. of alcohol, in about 450 ml. of ether, and in about 1100 ml. of chloroform. In contrast to most antibiotics produced by actinomycetes, novobiocin, like penicillin, is acidic in nature and is stable to the degree of acidity or alkalinity present in the gastrointestinal tract.

ACTIONS

In vitro novobiocin shows activity against *Staphylococcus aureus* and against some strains of *Proteus vulgaris*. It shows no cross-resistance with penicillin against resistant strains of *M. pyogenes* var. *aureus* (*Staphylococcus aureus*); however, in vitro studies indicate that *M. pyogenes* var. *aureus* rapidly develops resistance to novobiocin.

INDICATIONS

Novobiocin is indicated in the treatment of serious infections due to susceptible strains of *Staphylococcus aureus* when the patient is sensitive to other effective antibiotics, such as the penicillins, cephalosporins, vancomycin, lincomycin, erythromycin, and the tetracyclines, or when there are other contraindications to these antibiotics.

Add for the oral forms: Novobiocin may be useful in the few urinary tract infections caused by Proteus species sensitive to novobiocin but resistant to other therapy.

CONTRAINDICATIONS

This drug should not be administered to persons with known sensitivity to novobiocin.

WARNING (SEE "BOX WARNING")

Because novobiocin has been shown to affect bilirubin metabolism adversely, its use should be avoided in newborn and premature infants.

PRECAUTIONS

Novobiocin possesses a high index of sensitization and appropriate precautions should be taken. If allergic reactions develop during treatment and are not readily controlled by the usual measures, the product should be discontinued.

Hepatic and hematologic studies should be made routinely during treatment. In the case of development of liver dysfunction, the drug should be stopped. If hematologic studies show evidence of the development of leukopenia or other blood dyscrasias, the drug should be stopped.

If new infections appear during therapy, appropriate measures should be taken and consideration given to discontinuance of novobiocin.

ADVERSE REACTIONS

A relatively high incidence of hypersensitivity reactions, consisting most commonly of skin eruptions, has occurred. Skin eruptions may take the form of urticarial, erythematous, maculopapular, or scarlatiniform rash. Erythema multiforme (Stevens-Johnson Syndrome) has occurred but is rare.

Leukopenia, eosinophilia and/or fever have occurred occasionally in patients receiving Albamycin (novobiocin). Rarely, other blood dyscrasias, including anemia, pancytopenia, agranulocytosis, and thrombocytopenia have occurred.

Liver dysfunction including jaundice, elevation of serum bilirubin concentration, and impaired bromsulphalein excretion, have occurred.

Other adverse reactions include nausea and vomiting, loose stools and diarrhea, and intestinal hemorrhage. Alopecia has been reported but relationship to novobiocin has not been established.

DOSAGE AND ADMINISTRATION

PARENTERAL

This method of administration should be used only as a temporary measure in severe infections for those unable to take the preparation orally.

Adults: 500 mg. intramuscularly or intravenously every 12 hours.
Children:
Moderately acute infections: 15 mg./kg./day in two divided doses at 12-hour intervals.
Severe infections: Up to 30 mg./kg./day in two divided doses at 12-hour intervals.

ORAL

Adults: Usually 250 mg. every 6 hours or 500 mg. every 12 hours. In severe cases, 500 mg. every 6 hours or 1.0 mg. every 12 hours.
Children:
Moderately acute infections: 15 mg./kg./day in divided doses.
Severe infections: 30–45 mg./kg./day in divided doses.

Accordingly, the Commissioner notifies manufacturers, packers, or distributors of drugs of composition and labeling similar to the subject drugs that novobiocin preparations for oral and parenteral use should be promptly relabeled with labeling substantially as that set forth above. The Commissioner further concludes that the certificates of safety and effectiveness heretofore issued for these drugs should be revoked, outstanding stocks of the drug should be recalled, and practitioners of the medical profession should be informed of the new labeling provisions by direct communication.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), certificates of safety and effectiveness issued for the subject preparations are revoked.

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER to allow time for a recall to be completed and for the manufacturers to issue an appropriate letter to prescribers. Certification of new stocks has been discontinued; the Food and Drug Administration is prepared to certify lots of these drugs labeled in accord with labeling guidelines set forth herein.

Dated: July 8, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-8327; Filed, July 15, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-151]

UNIVERSITY OF ILLINOIS

Order Extending Completion Date

By application dated June 19, 1969, the University of Illinois requested an extension of the latest completion date of Construction Permit No. CPRR-105. The construction permit authorizes the University of Illinois to construct an Advanced TRIGA nuclear reactor on the University's campus in Urbana, Ill.

Good cause having been shown for the extension of the latest completion date of the construction permit pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of 10 CFR Part 50 of the Commission's regulations:

It is hereby ordered, That the latest completion date of Construction Permit No. CPRR-105 is extended from July 1, 1969, to September 1, 1969.

Date of issuance: July 7, 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-8317; Filed, July 15, 1969; 8:45 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Assistant to the Administrator, Consumer and Marketing Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8388; Filed, July 15, 1969; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1159]

AGAPITO TORRES MALDONADO

Order of Revocation

On May 19, 1969, the Great American Insurance Company of New York notified the Federal Maritime Commission that Independent Ocean Freight Forwarder Surety Bond No. S-1586207, underwritten in behalf of Agapito Torres Maldonado, Post Office Box 1763, Ponce, P.R. 00731, would be canceled at the earliest possible time.

By letter dated June 3, 1969, the Commission notified Agapito Torres Maldonado that the aforesaid bond was being terminated effective June 19, 1969, and that unless a new or reinstated surety bond was submitted prior to June 19, 1969, its Independent Ocean Freight Forwarder License No. 1159 would be canceled pursuant to § 510.9, General Order 4.

Agapito Torres Maldonado has failed to submit a surety bond in compliance with the above rule.

In accordance with the authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 1159 of Agapito Torres Maldonado be and is hereby revoked effective June 19, 1969.

It is further ordered, That this cancellation is without prejudice to reapplication at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL

REGISTER and served upon Agapito Torres Maldonado.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-8373; Filed, July 15, 1969; 8:49 a.m.]

CUNARD LINE, LTD.

Order of Revocation

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-65 and Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,061.

Whereas, Cunard Line Ltd., 555 Fifth Avenue, New York, N.Y. 10017, has ceased to operate the passenger vessel "Queen Elizabeth"; and

Whereas, Cunard Line Ltd. has returned Certificate (Performance) No. P-65 and Certificate (Casualty) No. C-1,061 covering only the "Queen Elizabeth" for revocation:

It is ordered, That Certificate (Performance) No. P-65 and Certificate (Casualty) No. C-1,061 covering only the "Queen Elizabeth" be and are hereby revoked effective July 11, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on Cunard Line Ltd.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8374; Filed, July 15, 1969; 8:49 a.m.]

CUNARD STEAM-SHIP CO., LTD.

Order of Revocation

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-20 and Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,019.

Whereas, The Cunard Steam-Ship Co., Ltd., Cleveland House, St. James Square, London S.W.1, England, has ceased to operate the passenger vessels "Queen Elizabeth", "Carmania", "Franconia", "Carinthia", "Caronia", and "Sylvania"; and

Whereas, Of the above vessels, Cunard Line Ltd., a subsidiary of The Cunard Steam-Ship Co., Ltd., now operates the "Franconia" and "Carmania"; and

Whereas, The Cunard Steam-Ship Co., Ltd., has returned Certificate (Performance) No. P-20 and Certificate (Casualty) No. C-1,019 for revocation.

It is ordered, That Certificate (Performance) No. P-20 and Certificate (Casualty) No. C-1,019 covering the above vessels and issued to The Cunard Steam-Ship Co., Ltd., be and are hereby revoked effective July 11, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on The Cunard Steam-Ship Co., Ltd.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8375; Filed, July 15, 1969; 8:49 a.m.]

GRACE LINE, INC.

Order of Revocation

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-34 and Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,041.

Whereas, Grace Line, Three Hanover Square, New York, N.Y. 10004, has ceased to operate the passenger vessels "Santa Cecilia," "Santa Isabel," "Santa Monico," and "Santa Luisa"; and

Whereas, Grace Line has returned Certificate (Performance) No. P-34 and Certificate (Casualty) No. C-1,041 covering only the above vessels for revocation:

It is ordered, That Certificate (Performance) No. P-34 and Certificate (Casualty) No. C-1,041 covering only the above vessels be and are hereby revoked effective July 11, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on Grace Line, Inc.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8376; Filed, July 15, 1969; 8:50 a.m.]

HOLLAND-AMERICA LINE

Order of Revocation

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-9 and Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,016.

Whereas, N.V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij "Holland-Amerika Lijn" (Holland-America Line) Pier 40, North River, New York, N.Y. 10014, has ceased to operate the passenger vessels "Maasdam" and "Diemerdyk"; and

Whereas, N.V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij "Holland-Amerika Lijn" (Holland-America Line) has returned Certificate (Performance) No. P-9 and Certificate (Casualty) No. C-1,016 covering only the "Maasdam" and "Diemerdyk" for revocation:

It is ordered, That Certificate (Performance) No. P-9 and Certificate (Casualty) No. C-1,016 covering only the "Maasdam" and "Diemerdyk" be and are hereby revoked effective July 11, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on N.V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij "Holland-Amerika Lijn" (Holland-America Line).

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8377; Filed, July 15, 1969; 8:50 a.m.]

MEDCHI FREIGHT POOL

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. Eric G. Brown, Secretary, Medchi Freight Pool, 10 Place De La Joliette (2me), Bouches-du-Rhone, Marseilles, France.

Agreement No. 9020-8 modifies the basic pooling agreement as follows:

1. Amends Article 3 to permit the lines to call at Cadiz instead of Seville from September 15th to end of open water season. All attendant pool privileges and obligations provided for Seville are applicable to Cadiz. Deletes the word "secondary" from the second line of the final paragraph.

2. Amends Article 5 to provide that loading expenses at Ancona, Italy, will be increased from $2.50 to $5 per 1,000 kilos. Clarifies the provisions of this article with respect to carrying money on F.I.O. shipments.

3. Amends Article 9 by (1) revising the list of loading ports at which calls may be substituted and the minimum tonnage requirements which count in the fulfillment of service obligations and (2) providing that if cargo offerings at any port covered by the Pooling Agreement exceed the normal carrying capacity of the member lines, the members may decide by unanimous vote to berth or charter the additional tonnage needed to cover such an emergency.

4. Amends Article 10 to provide that, for the 1969 Pool Period, failure to effect the minimum number of loading or discharging calls as specified in Article 9 shall result in a penalty of $5,000 for each loading call not effected and a penalty of $8,500 for each discharging call not effected. These penalties are in lieu of proportionate reductions in pool shares. Revises the method and procedures for calculating penalties for overcarriage and undercarriage for the 1969 Pool Period.

5. Deletes Article 11 and, pursuant thereto, Articles 12 through 21 are to be renumbered accordingly.

Dated: July 11, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8378; Filed, July 15, 1969; 8:50 a.m.]

NORTON LINE JOINT SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Elmer C. Maddy, Esquire, Kirlin, Campbell & Keating, One Twenty Broadway, New York, N.Y. 10005.

Agreement 7559-6, between the member carriers of the Norton Line Joint Service, operating in the trade between U.S. Atlantic, Gulf and Great Lakes ports and Central American, South American, and Caribbean Sea ports, modifies Article 4 of the basic agreement to change the apportionment of expenses, namely legal, advertising, trade association, and related expenses incurred in connection with conference membership by the joint service, from sharing on an equal basis, to allocating these expenses among the parties in the proportion of the tonnage supplied by them for the period of such expenses. Other expenses incidental to the joint service, shall be borne by the parties as they may agree from time to time.

Dated: July 11, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8379; Filed, July 15, 1969; 8:50 a.m.]

PACIFIC COAST RIVER PLATE BRAZIL CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. H. P. Blok, Chairman, Pacific Coast River Plate Brazil Conference, 417 Montgomery Street, San Francisco, Calif. 94104.

Agreement No. 6400-15 between the member lines of the Pacific Coast River Plate Brazil Conference will supersede and cancel Agreement No. 6400, as amended. Agreement No. 6400-15 provides for the cooperation by the parties in the promotion and development of the foreign commerce of the United States, Canada, Argentina, Uruguay, Brazil, and Paraguay. The trade will be divided into the following two sections: (A) Between Pacific coast ports of the United States and Canada and ports in Argentina, Paraguay and Uruguay, and from Pacific coast ports of the United States and Canada to ports in Brazil with headquarters in San Francisco, and (B) from ports in Brazil to Pacific coast ports of the United States and Canada with headquarters in Rio de Janeiro.

Provision is made for a Board of Directors of each section to consist of a designated representative of each carrier member active in the trade covered by each section, which shall appoint an Executive Administrator of each section who shall act as directed by the Board of Directors, preside at all conference meetings, except the meetings of the Board of Directors, and shall be responsible for maintaining the records of his section and complying with the filing requirements of the proper governmental authorities.

Dated: July 11, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8380; Filed, July 15, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7433]

BALTIMORE GAS AND ELECTRIC CO. AND POTOMAC ELECTRIC POWER CO.

Order Granting Rehearing

JULY 9, 1969.

On June 11, 1969, Potomac Electric Power Co. filed an application for rehearing and reconsideration on the Commission's order authorizing transfer of electric facilities issued May 14, 1969, in this proceeding.

The Commission finds: It is appropriate and in the public interest to grant rehearing on the aforesaid order, as hereinafter provided.

The Commission orders: Rehearing on the aforesaid order issued May 14, 1969, is hereby granted for the purpose of further consideration.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8322; Filed, July 15, 1969; 8:45 a.m.]

[Project 2426]

DEPARTMENT OF WATER RESOURCES OF STATE OF CALIFORNIA AND CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER

Order Granting Petitions To Intervene and Providing for Hearing

JULY 9, 1969.

On December 20, 1965, the Department of Water Resources of the State of California (DWR) filed an application for license for the California Aqueduct project. The project works, as described in the application, will transmit water, for hydroelectric power and consumptive uses, through about 460 miles of aqueduct, for use along the western side of the San Joaquin Valley, in the central coastal region, and in Southern California. The project starts at Italian Slough in the delta of the Sacramento—San Joaquin Rivers, east of the San Francisco Bay area.

This order concerns only the West Branch Division of the aqueduct project, which will supply water and power to the Los Angeles area. Features of the West Branch Division of the project, contained in the application, include two reservoirs, Pyramid and Castaic, and associated powerhouses, occupying the watershed of Piru and Castaic Creeks, tributaries of the Santa Clara River above Los Angeles. The project will occupy lands of the United States.

On September 22, 1967, DWR filed a second amendment to its license application, adding to the project pumped storage hydroelectric facilities utilizing Pyramid and Castaic forebay reservoirs as, respectively, the upper and lower pools. As the amendment calls for joint development of the pumped storage generating facility by DWR and the City of

Los Angeles Department of Water and Power (City), the latter was added as a joint applicant.

On May 31, 1968, the Commission granted intervention to several petitioners, including six who severally operate three natural gas pipelines, two oil pipelines, a telephone line and a power transmission line which would be inundated in part by Pyramid reservoir. Intervention was also granted to certain municipalities to be supplied with water by the aqueduct. The Commission's order (39 FPC 894) permitted each utility to file a complete statement of fact and law in support of its position. In addition the Applicants were permitted to submit legal reply briefs and the interveners to file legal closing briefs. All these briefs have been filed and it is understood that the parties concerned and the staff have assembled for filing various rights-of-way and other documents on which reliance is made in the statements and briefs.

In a petition to intervene filed on February 20, 1969, the county of Los Angeles (County) states that it proposes, if permitted, to present evidence which would be helpful in evaluating the recreational facilities which the project should make available to the residents of the County. On December 5, 1968, the Los Angeles Chamber of Commerce (Chamber) filed a petition to intervene, stating that it wished to present evidence relating to the need for low-cost water and power in Southern California.

DWR filed an objection to the County's petition to intervene. While the petitions of the County and Chamber are untimely, good cause exists to permit their late filing.

The Commission finds:

(1) It is necessary and appropriate for the purposes of the Federal Power Act that a public hearing be afforded in this matter respecting those issues which are within the authority of the Commission and raised by the applications and petitions to intervene as referred to above.

(2) For purposes of clarification of the specific matters of fact and law to be developed in the hearing as ordered hereinafter, a prehearing conference will be held on August 5, 1969. Without passing judgment at this time on the extent to which the Commission has authority to grant the relief requested, at the hearing the utility interveners, and others interested, may present to the Presiding Examiner the statements of fact, briefs, and documents referred to above, in addition to such other evidence relating to rights-of-way they may deem advisable to offer. Evidence may also be introduced as to the effect of the West Branch Division of the Aqueduct on recreational and other public uses in the Los Angeles area.

(3) Although the petitions to intervene of the county of Los Angeles and the Los Angeles Chamber of Commerce were not filed within the time required by § 1.8 of the Commission's rules of practice and procedure (18 CFR 1.8), good cause exists to permit their late filing.

(4) The participation in these proceedings of the county of Los Angeles and the Los Angeles Chamber of Commerce would be in the public interest.

The Commission orders:

(A) The county of Los Angeles and the Los Angeles Chamber of Commerce are hereby permitted to intervene in the above-entitled proceeding subject to the rules and regulations of the Commission: *Provided*, That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene: *Provided further*, That the admission of the petitioners shall not be construed as recognition by the Commission that the interveners, or either of them, might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) A prehearing conference will be held on August 5, 1969, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., before the Presiding Examiner, who shall fix the schedule for the filing of testimony and evidence based on the needs expressed by the parties for time to prepare their direct presentations.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-8326; Filed, July 15, 1969; 8:45 a.m.]

[Docket No. CP70-1]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

JULY 9, 1969.

Take notice that on July 7, 1969, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP70-1 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities necessary to sell and deliver natural gas on a direct preferred interruptible basis to the city of Tallahassee, Fla., for use in the newly constructed Arvah B. Hopkins steam and gas turbine powered municipal generating station, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 0.42 mile of 6-inch pipe, together with a metering and regulating station at a point on its existing 30-inch main pipeline in Leon County, Fla., where gas will be delivered to the generating station for generation of electricity for distribution to residential, commercial, and industrial customers. Applicant states that the use of natural gas will avoid the nuisance of air pollution, and will afford economies of plant maintenance and operation in addition to enabling the plant to operate on a parity with other municipal electric generating systems which have been relieved of entire dependence upon a single fuel. Applicant estimates the maximum daily and annual deliveries to be 18,850 Mcf per day and 59,700,000 Mcf per year.[1] The estimated total cost of the proposed facilities is $56,000, which is proposed to be financed by funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 8, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-8323; Filed, July 15, 1969; 8:45 a.m.]

[Docket No. E-7495]

SOUTHERN CALIFORNIA EDISON CO. AND SIERRA PACIFIC POWER CO.

Notice of Application

JULY 9, 1969.

Take notice that Southern California Edison Co. (Edison) and Sierra Pacific Power Co. (Sierra) have filed an application seeking authority pursuant to section 203 of the Federal Power Act for Edison to sell and Sierra to acquire certain electric generation, transmission, substation and distribution facilities, including all of the operating facilities of Edison located in Nye and Esmeralda Counties in the State of Nevada.

[1] 19,500 Mcf B.t.u. and 6,192,300 Mcf B.t.u.

Edison is incorporated under the laws of the State of California with its principal business office at Los Angeles, Calif., and is engaged in the electric utility business in 15 counties in central and southern California and in two counties in Nevada.

Sierra is incorporated under the laws of the State of Nevada with its principal business office at Reno, Nev., and is engaged in the electric utility business in the eastern Sierra Nevada mountain portions of California and in 11 counties in Nevada.

Pursuant to an Agreement of Purchase and Sale, dated June 16, 1969, Edison has agreed to sell to Sierra the electric system and operating rights in Nye and Esmeralda Counties in Nevada for a purchase price of $2,300,000, subject to certain adjustments, plus certain amounts for diesel generation and automotive equipment, to be paid by a promissory note for $500,000 secured by a security agreement and mortgage on certain of the properties being sold and the balance to be paid in cash.

Upon completion of the proposed transaction, Sierra will commence to serve the customers in such counties previously served directly by Edison and Sierra will purchase power from Edison for a period of 5 years or until such earlier date as Sierra connects the properties with its own generating resources.

Sierra proposes to serve the area under its own rate schedules which generally are lower than the rate schedules now offered by Edison. Sierra also proposes to continue to offer customers the option to receive service under the rate schedules now offered by Edison for a period following the sale ending September 1, 1972.

Any person desiring to be heard with reference to said Application should, on or before July 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rule of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-8324; Filed, July 15, 1969; 8:45 a.m.]

[Docket No. CP61-79]

UNITED GAS PIPE LINE CO. AND TEXAS GAS TRANSMISSION CORP.

Notice of Joint Application To Amend

JULY 9, 1969.

Take notice that on July 2, 1969, United Gas Pipe Line Co. (Applicant United), Post Office Box 1407, Shreveport, La. 71102, and Texas Gas Transmission Corp. (Applicant Texas), Post Office Box 1160, Owensboro, Ky. 42301, jointly filed in Docket No. CP61-79 a petition pursuant to section 7(c) of the Natural Gas Act, to amend the certificate of public convenience and necessity, issued December 19, 1960, to authorize the construction and operation, as an additional exchange point of certain minor facilities needed to interconnect their existing transmission facilities at a point near the Chacahonla Field in Assumption Parish, La, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant United has installed the minor interconnecting facilities at the proposed additional exchange point under the emergency provisions of § 157.22 of the regulations under the Natural Gas Act. Applicants state that this additional delivery point will permit Applicant United to receive gas in Northern Louisiana for injection into its Bistineau Gas Storage Field during the summer months in order to assure maintenance of adequate natural gas service during the heating season. Applicants estimate the total cost of the proposed facilities to be $14,600, which will be met from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-8325; Filed, July 15, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 10, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 11, 1969, through July 20, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8358; Filed, July 15, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 718]

ILLINOIS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969 because of the effects of certain disasters, damage resulted to residences and business property located in Jo Daviess and Stephenson Counties, Ill.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid

Counties and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 2, 1969.

OFFICE

Small Business Administration Regional Office, 219 South Dearborn Street, Chicago, Ill. 60604.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1970.

Dated: July 8, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-8304; Filed, July 15, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 559]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 11, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Deviation No. 22), RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017, filed July 1, 1969. Carrier's representative: William H. Marx, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* moving in express service, over a deviation route as follows: Between Harrisburg, Pa., and Hagerstown, Md., over Interstate Highway 81, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Harrisburg, Pa., across the Susquehanna River to U.S. Highway 11, thence over U.S. Highway 11 to Hagerstown, Md.; (2) from junction U.S. Highway 11 and Pennsylvania Highway 641, near Camp Hill, Pa., over Pennsylvania Highway 641 to Newville, Pa., thence over Pennsylvania Highway 233 to junction U.S. Highway 11; (3) from Waynesboro, Pa., over Pennsylvania Highway 16 to Greencastle, Pa.; and (4) from Chambersburg, Pa., over Pennsylvania Highway 316 to Waynesboro, Pa., and return over the same routes.

No. MC 66562 (Deviation No. 23), RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017, filed July 1, 1969. Carrier's representative: William H. Marx, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* moving in express service, over a deviation route as follows: From Washington, D.C., over Interstate Highway 66 to junction Interstate Highway 81, near Strasburg, Va., thence over Interstate Highway 81 to Harrisonburg, Va. (traversing U.S. Highway 29 and Virginia Highway 55 until completed portions of Interstate Highway 66 are completed), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Washington, D.C., over U.S. Highway 29 to Gainesville, Va., thence over Virginia Highway 55 to Strasburg, Va., thence over U.S. Highway 11 to Harrisonburg, Va., and return over the same route.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8366; Filed, July 15, 1969; 8:49 a.m.]

[Notice 1312]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 11, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 57275 (Sub-No. 11) (Republication), filed August 3, 1966, published in the FEDERAL REGISTER issue of August 10, 1966, and republished this issue. Applicant: SCHADE REFRIGERATED LINES, a corporation, 429 West Jackson Street, Phoenix, Ariz. Applicant's representative: Richard Minne, 609 Luhrs Building, Phoenix, Ariz. 85003. Applicant, in accordance with the requirements of section 206(a) of the Interstate Commerce Act, as amended, and the Commission's rules and regulations promulgated thereunder, has made timely application for a certificate of registration as evidence of a right to conduct operations in interstate or foreign commerce within limits which do not exceed the scope of th intrastate operations authorized in certificate No. 6403, as amended by order dated December 31, 1968, and reissued the same date, by the Arizona Corporation Commission, which certificate, as amended, authorizes operations as a common carrier by motor vehicle, solely within the State of Arizona. An order of the Commission, Operating Rights Board, dated June 30, 1969, and served July 3, 1969, finds that a certificate of registration shall concurrently be issued to applicant, unless otherwise ordered, which certificate of registration shall (1) correspond in scope to the rights in certificate No. 6403 as reissued December 31, 1968, by the Arizona Corporation Commission and (2) shall supersede the certificate of registration issued in No. MC 57275 (Sub-No. 10) supported by certificate No. 6403 dated August 14, 1957, as evidence of a right to engage in operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, transporting:

Meat and meat products, edible meat byproducts, frozen and perishable foods, confectionery and chocolate products, dairy products, as defined in Group B, Appendix I, 61 M.C.C. 209, unexposed X-ray film and drugs, in an on-call nonscheduled service between points and places in Arizona, providing a complete mechanically refrigerated service, subject to the restrictions that: No tacking; no truckload shipment of more than 40,000 pounds from one consignor to one consignee; no intrastate movement of confectionery and chocolate products between points and places within a 25-mile radius of Phoenix, Ariz. *Note No. 1:* Arizona Certificate No. 6403, dated December 31, 1968, is now conditioned to expire on December 31, 1973. If such certificate is renewed or reissued, a copy of each renewal order, duly certified by an appropriate official of the State Commission shall be filed by the holder thereof with the Interstate Commerce Commission in Washington, D.C., within 30 days after the date of service of the renewal order. The holder hereof is cautioned that if the Arizona Corporation Commission does not renew the intrastate operating rights embraced in certificate No. 6403, or when renewed, if a certified copy of each renewal order is not filed with this Commission as required above, his right to engage in interstate or foreign commerce, as evidenced by a certificate of registration issued in this proceeding, shall terminate on the 180th day after the expiration date of the intrastate rights covered by

the last order of the Arizona Corporation Commission properly on file with this Commission. *Note No. 2:* Applicant holds certificate of public convenience and necessity No. MC 57275 (Sub-No. 3), issued by the Interstate Commerce Commission, authorizing transportation of certain commodities, in interstate or foreign commerce, between points solely within the State of Arizona.

Applicant is hereby cautioned, that this order, authorizes issuance of a certificate of registration as evidence of a right to engage in operations, in interstate or foreign commerce, as described above, only insofar as such operations do not duplicate those authorized in certificate No. MC-57275 (Sub-No. 3) as issued by the Interstate Commerce Commission. The publication in the FEDERAL REGISTER of the State authority sought differs to some extent from that authorized by the State Commission and that because it is possible that interested parties, who have relied upon the notice of the application as published in the FEDERAL REGISTER, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the appendix to this order, a notice of the authority granted by this order will be published in the FEDERAL REGISTER and issuance of a certificate of registration in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate pleading with this Commission; and good cause appearing therefor.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 57254 (Sub-No. 11) (Correction), filed April 28, 1969, published in the FEDERAL REGISTER issue of June 11, 1969, corrected and republished as corrected, in part, this issue. Applicant: ASSOCIATED FREIGHT LINES, a corporation, 1700 24th Street, Oakland, Calif. 96407. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 401, San Francisco, Calif. 94104. The purpose of this partial republication is to correct the typographical errors in the routes listed below and to correct a misstatement of fact, as published, in the previous publication: (48) Should read "From *Ventura* over California Highway 33 to its junction with California Highway 166 at a point approximately 6 miles east of *Cuyama;* inclusives;" (131) Should read "From *Ramona* over California Highway 67 to El Cajon, inclusive;" and (136) Should read "From National City over California Highway 103 to its junction with U.S. Highway 395 at a point approximately 7 miles north of San Diego, with service to all off-route points situated in the counties of Alameda, Contra Costa, Fresno, Kings, Lake, Los Angeles, Marin, Merced, Monterey, Napa, Orange, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Tulare, Ventura and *Yolo.*" NOTE: This application is a matter directly related to MC-F-10465, published in the FEDERAL REGISTER issue of May 7, 1969. By this instant application, applicant seeks to convert its certificate of registration into a certificate of public convenience and necessity. The rest of the applications remain the same.

No. MC 98979 (Sub-No. 2) filed March 27, 1969. Applicant: MILLER BROS. INC., 306 North Eighth Avenue, Post Office Box 1228, Greeley, Colo. 80631. Applicant's representative: Thomas F. Kilroy, 405-S Crystal Plaza, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: (1) *General commodities*, (a) between Denver and Estes Park, Colo., from Denver over U.S. Highway 287 to junction Colorado Highway 66, thence over Colorado Highway 66 and Colorado Highway 7 to Estes Park, and return over the same route, serving all intermediate points, and/or, over U.S. Highway 87 and Interstate Highway 25 to junction U.S. Highway 119, thence over Colorado Highway 119 to junction U.S. Highway 287, thence over U.S. Highway 287 to junction Colorado Highway 66, thence over Colorado Highway 66 and Colorado Highway 7 to Estes Park, and return over the same route, serving all intermediate points, including the off-route points in the Hygiene Community; (b) between Boulder, Colo., and junction Colorado Highway 66, over Colorado Highway 7 and return over the same route, serving all intermediate points; (c) between Greeley and Loveland, Colo., over U.S. Highway 34, and return over the same route, serving all intermediate points; (d) between Loveland and Estes Park, Colo., over U.S. Highway 34, and return over the same route, serving all intermediate points and the off-route points on the North Big Thompson Canyon Road; (e) between Fort Collins and Loveland, Colo., over U.S. Highway 287, and return over the same route, serving all intermediate points, and/or from Fort Collins, over U.S. Highway 87 and Interstate Highway 25 to junction U.S. 34, thence over U.S. Highway 34 to Loveland, and return over the same route, serving all intermediate points; and (f) between Estes Park and Granby, Colo., over U.S. Highway 34, serving all intermediate points, with the right to use an alternate route between Denver and Granby, Colo., over U.S. Highway 40; (B) Irregular routes: (2) *General commodities* (except liquid petroleum products, in bulk, in tank vehicles), (a) between points within 15 miles of and including Estes Park, Colo., and (b) between points within 15 miles of and including Estes Park, Colo., on the one hand, and, on the other, points in Colorado. NOTE: Applicant states the purpose of this instant application is to convert its certificate of registration, MC 98979 Sub 1, to a certificate of public convenience and necessity. This application is a matter directly related to Docket No. MC-F-10096, published FEDERAL REGISTER issue of April 24, 1968. If a hearing is deemed necessary, applicant did not specify location.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

No. MC-F-10534. Authority sought for purchase by ALLYN TRANSPORTATION COMPANY, 14011 South Central Avenue, Los Angeles, Calif. 90059, of a portion of the operating rights of MATICH TRANSPORTATION COMPANY, Post Office Box 390, Colton, Calif. 92324, and for acquisition by WILLIAM J. COLLINGE, also of Los Angeles, Calif., of control of such rights through the purchase. Applicants' attorney: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Operating rights sought to be transferred: *Road oils, and liquid asphalts*, in bulk, in tank trucks, as a *common carrier* over irregular routes, between points in Arizona, points in California located in and south of Ventura, Los Angeles, and San Bernardino Counties, Calif., and points in that portion of Nevada located on and south of U.S. Highway 6; and *Petroleum road oils and asphaltic emulsions*, in bulk, in tank trucks, maximum 6,000 gallons, between points in Nevada, from points in Modoc, Lassen, Plumas, Sierra, Nevada, Placer, Eldorado, Alpine, and Mono Counties, Calif., to points in Nevada. Vendee is authorized to operate as a *common carrier* in California, Arizona, Nevada, New Mexico, Colorado, Idaho, Montana, Oregon, Utah, Washington, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10535. Authority sought for purchase by ROETHLISBERGER TRANSFER COMPANY, Post Office Box 495, Shelby, Ohio 44875, of a portion of the operating rights of FRANK WILLIAMS TRANSFER & STORAGE CO., Post Office Box 326, Mansfield, Ohio 44902, and for acquisition by RUTH ROETHLISBERGER, also of Shelby, Ohio, of control of such rights through the purchase. Applicants' attorneys: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215 and Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in Richland County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Missouri, New York and Pennsylvania. Vendee is authorized to operate as a *common carrier* in Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10536. Authority sought for purchase by CENTRAL TRANSPORT, INC., 3399 East McNichols Road, Detroit, Mich. 48212, of a portion of the operating rights and certain property of NORWALK TRUCK LINES, INC., Post Office Box 192, Littleton, Colo. 80120, and for acquisition by T. J. MOROUN and M. J. MOROUN, both of 1007 Bishop Road, Grosse Pointe Park, Mich., of control of such rights and property through the purchase. Applicants' attorneys: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226, and Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Defiance, Ohio, and Toledo, Ohio, serving all intermediate points between Defiance, Ohio, and Napoleon, Ohio (but not including Napoleon, Ohio), and the off-route point of Jewell, Ohio, between South Bend, Ind., and junction unnumbered highway (formerly U.S. Highway 12) and Michigan Highway 40, near Lake Cora, Mich., serving all intermediate points, between Angola, Ind., and Marshall, Mich., serving all intermediate points, but not serving Angola, Ind., between Paulding, Ohio, and Fort Wayne, Ind., serving the intermediate point of New Haven, Ind., intermediate and off-route points within 5 miles of Fort Wayne, Ind., and certain off-route points, between certain specified points in Ohio, serving all intermediate points, between Toledo, Ohio, and Luckey, Ohio, serving no intermediate points; over one alternate route for operating convenience only;

General commodities, except those of unusual value, classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Akron, Ohio, and Flint, Mich., serving the intermediate points of Toledo, Ohio, and those between Toledo and Akron, Ohio, and certain off-route points, between junction U.S. Highway 20 and Ohio Highway 51 (formerly portion Ohio Highway 120) and junction U.S. Highway 20 and Ohio Highway 2, serving no intermediate points, between Angola, Ind., and Coldwater, Mich., serving all intermediate points, between New Haven, Ind., and Pontiac, Mich., serving all intermediate points except Maumee and Waterville, Ohio, and certain off-route points, between Ypsilanti, Mich., and Nappanee, Ind., serving all intermediate points except those between Ypsilanti and Coldwater, Mich., and the off-route points of Wakarusa, Ind., those within 2 miles of Elkhart, Ind., between Midland, Mich., and Bay City, Mich., serving all intermediate points and the off-route points within 5 miles of Bay City, Mich., between Detroit, Mich., and Toledo, Ohio, serving all intermediate points, and certain off-route points, between junction Michigan Highway 24 (formerly Michigan Highway 58) and U.S. Highway 24, and junction Michigan Highway 24 (formerly Michigan Highway 58) and U.S. Highway 10, serving all intermediate points, between Detroit, Mich., and Michigan City, Ind., serving the intermediate points of Ann Arbor, Mich., and those between Ann Arbor and Detroit, Mich., and the off-route points within 5 miles of Ann Arbor, Mich., and those in Wayne County, Mich., between Toledo, Ohio, and Kalamazoo, Mich., serving all intermediate points, and certain off-route points, between Benton Harbor, Mich., and Toledo, Ohio, serving all intermediate points, and certain off-route points, between Battle Creek, Mich., and Lansing, Mich., serving all intermediate points, and the off-route points within 5 miles of Lansing, Mich.;

Between Marshall, Mich., and Charlotte, Mich., serving all intermediate points, between Mansfield, Ohio, and Sandusky, Ohio, serving all intermediate points, and certain off-route points, between Jackson, Mich., and Van Wert, Ohio, serving no intermediate points, between Sturgis, Mich., and Columbia City, Ind., serving the intermediate point of Lagrange, Ind., between Erie, Mich., and Toledo, Ohio, between Detroit, Mich., and junction Interstate Highway 94 and U.S. Highway 12 (formerly junction U.S. Highway Bypass 112) (west of Ypsilanti, Mich.), for operating convenience only, serving no terminal or intermediate points not otherwise authorized, between Mottville, Mich., and junction U.S. Highway 12 and unnumbered highway (formerly junction U.S. Highway 112 and U.S. Highway 12) between Detroit, Mich., and junction Michigan Highway 14 (formerly U.S. Highway 12) and Michigan Highway 17, between Adrian, Mich., and junction Michigan Highways 50 and 52, for operating convenience only, serving no intermediate points; between Flint, Mich., and the port of entry on the United States-Canada boundary line, at or near Port Huron, Mich., serving no intermediate points and serving the port of entry for the purpose of joinder only, with restriction; over numerous alternate routes for operating convenience only. Vendee is authorized to operate as a *common carrier* in Michigan; and under certificates of registration, within the State of Michigan. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC–F–10537 (INTERNATIONAL CARTAGE, INC.—Purchase (Portion)—NORWALK TRUCK LINES, INC.) published this same issue.

No. MC–F–10537. Authority sought for purchase by INTERNATIONAL CARTAGE, INC., 1020 18th Street, Detroit, Mich. 48216, of a portion of the operating rights and certain property of NORWALK TRUCK LINES, INC., Post Office Box 192, Littleton, Colo. 80120, and for acquisition by INDUSTRIAL CARTAGE COMPANY, INC., also of Detroit, Mich., of control of such rights and property through the purchase. Applicants' attorneys: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226, and Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over regular routes, between Detroit, Mich., and Ypsilanti, Mich., serving all intermediate points, and the off-route points in Wayne County, Mich., between Bay City, Mich., and Detroit, Mich., serving all intermediate points, and certain off-route points, between Lansing, Mich., and Flint, Mich., serving all intermediate points, and the off-route points within 5 miles of Flint, Mich., and those within 5 miles of Lansing, Mich., between Saginaw, Mich., and junction Michigan Highways 13 and 78, for operating convenience only, serving no intermediate points. Vendee holds no authority from this Commission. However, its controlling stockholder wholly owns INTERNATIONAL CARTAGE LIMITED, 712 Huron Lane, Windsor, Ontario, Canada, which is authorized to operate as a *common carrier* in Michigan. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC–F–10536 (CENTRAL TRANSPORT, INC. — Purchase — (Portion) — NORWALK TRUCK LINES, INC.), published this same issue.

No. MC–F–10538. Authority sought for purchase by WORSTER MOTOR LINES, INC., East Main Road, Rural Delivery No. 1, North East, Pa. 16428, of a portion of the operating rights and certain property of LEWIS G. JOHNSON, INC., Port Gibson, N.Y. 14537, and for acquisition by DAVID B. WORSTER, West Lake Road, Rural Delivery No. 1, North East, Pa., of control of such rights and certain property through the purchase. Applicants' attorney and representative: William W. Knox, 23 West 10th Street, Erie, Pa., and Raymond G. Richards, 23 West Main Street, Webster, N.Y. Operating rights and certain property sought to be transferred: *Canned Goods and Cereal Food Preparations*, as a *common carrier* over irregular routes, from Holley, Hilton, Hamlin, and Williamson, N.Y., to points in Florida; *damaged shipments* of the next above-authorized commodities, from points in Florida, to Holley, Hilton, Hamlin, and Williamson, N.Y.; food stuffs (except frozen foods and except commodities in bulk in tank vehicles), from the plantsites of Duffy Mott Co., Inc., at Hamlin, Hilton, and Williamson, N.Y., to points in Florida; and meats and meat products, in vehicles equipped with mechanical refrigeration, from the plantsite of Tobin Packing Co., Inc., at Rochester, N.Y., to the plantsite of Tobin Packing Co., Inc., at Miami, Fla. Vendee is authorized to operate as a *common carrier* in Maine, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New York, New Jersey, Delaware, Maryland, West Virginia, Virginia, Ohio, Michigan, New Hampshire, Vermont, Minnesota, South Carolina, Alabama, Florida, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10539. Authority sought for purchase by M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102, of a portion of the operating rights of FALWELL FAST FREIGHT, INC., 3915 Campbell Avenue, Lynchburg, Va., and for acquisition by S. H. MITCHELL, also of Winston-Salem, N.C., of control of such rights through the purchase. Applicants' attorney and representative: A. W. Flynn, Jr., Post Office Box 127, Greensboro, N.C. 27402, and B. M. Shirley, Post Office Box 612, Winston-Salem, N.C. 27102. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank trucks, as a *common carrier*, over regular routes, from Greensboro, N.C., and points and places within 15 miles of Greensboro, to points and places in Halifax, Henry, Wythe, Montgomery, Roanoke, Campbell, Rockbridge, Alleghany, and Pittsylvania Counties, Va.; *rejected shipments of the commodities specified immediately above*, from the destination points specified immediately above to Greensboro and points and places within 15 miles of Greensboro, from Friendship, N.C., to Honaker, Bedford, and Galax, Va. Vendee is authorized to operate as a *common carrier* in South Carolina, Virginia, North Carolina, Tennessee, Georgia, Florida, New Jersey, West Virginia, Kentucky, New York, Maryland, Ohio, Pennsylvania, Illinois, Michigan, Missouri, Texas, Alabama, Arkansas, Louisiana, Mississippi, Kansas, Michigan, Minnesota, Nebraska, Oklahoma, Wisconsin, Iowa, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10540. Authority sought for control by RED STAR INVESTMENTS, LTD., 775 Marche Central, Montreal, Quebec, Canada, of LAUREL TRANSPORT U.S. INC., 775 Marche Central, Montreal, Quebec, Canada, and for acquisition by RED STAR EXPRESS LINES OF AUBURN, INC., 24–50 Wright Avenue, Auburn, N.Y., CRELINSTEN, INC., 775 Marche Central, Montreal, Canada, JOHN BISGROVE, 24–50 Wright Avenue, Auburn, N.Y., and ARTHUR CRELINSTEN, 4536 Sherbrooke Street, West Montreal, Canada, of control of LAUREL TRANSPORT U.S. INC., through the acquisition by RED STAR INVESTMENTS, LTD. Applicants' attorney: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Operating rights sought to be controlled: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, material, and supplies* used in the conduct of such business as a *common carrier* over regular routes, between Plattsburgh, N.Y., and Malone, N.Y., serving all intermediate points, and the off-route points of St. Regis Falls and Bombay, N.Y., between Plattsburgh, N.Y., and Tupper Lake, N.Y., serving all intermediate points; and the off-route point of Faust, N.Y., between Plattsburgh, N.Y., and Ticonderoga, N.Y., serving all intermediate points; and *general commodities*, excepting among others, household goods and commodities in bulk, over irregular routes, between Plattsburgh, N.Y., on the one hand, and, on the other, certain specified points in New York. RED STAR INVESTMENTS, LTD., holds no authority from this Commission. However its controlling stockholder RED STAR EXPRESS LINES OF AUBURN, INC., is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Massachusetts, Vermont, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10541. Authority sought for control and merger by PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, N.Y. 14527, of the operating rights and property of EASTERN CARRIER CORPORATION, 316 North Apple Street, Dunmore, Pa. 18512, and for acquisition by ROBERT L. HINSON, 9 Rosewood Drive, Penn Yan, N.Y., of control of such rights and property through the purchase. Applicants' attorney and representative: Russell R. Sage, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314, and Marvin H. Lourie, 100 West Lake Road, Penn Yan, N.Y. 14527. Operating rights sought to be controlled and merged: *Hosiery*, as a *common carrier* over regular routes, from Washington, N.J., to Philadelphia, Pa., serving no intermediate points; *groceries and grocery store supplies*, from New York, N.Y., to Wilkes-Barre, Pa., serving no intermediate points; *general commodities*, excepting among other, household goods and commodites in bulk, over irregular routes, between Wind Gap, Pa., on the one hand, and, on the other, certain specified points in Pennsylvania and Phillipsburg, N.J., between points in Philadelphia County, Pa., on the one hand, and, on the other, those in Camden County, N.J.; *general commodities*, except livestock, commodities in bulk, films, alcoholic beverages, dangerous explosives, commodities of unusual value, commodities requiring special equipment, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between Philadelphia, Pa., on the one hand, and, on the other, points and places in that part of Warren County, N.J., north of New Jersey Highways 24 and S24, other than Great Meadows, N.J.;

General commodities, except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment, between New York, N.Y., and points and places in New Jersey north of Mercer and Middlesex Counties, on the one hand, and, on the other, certain specified points in Pennsylvania and New York, between New York, N.Y., on the one hand, and, on the other, and certain specified points in New Jersey; *general commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, in truckload lots, between certain specified points in New York, on the one hand, and, on the other, points in Pennsylvania; *general commodities*, except those of unusual value, and except livestock, dangerous explosives, alcoholic beverages, silk, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those injurious or contaminating to other lading, from Pittston, Pa., to points and places in Pennsylvania within 50 miles of Pittston; *textile products, advertising matter* furnished by the manufacturers of such products for use in the sale of textile products, and commodities, other than machinery, used by textile plants in the manufacture of textiles, between certain specified points in New York, on the one hand, and, on the other, New York, N.Y., and certain specified points in New Jersey; *machinery*, between Pittston, Pa., on the one hand, and, on the other, New York, N.Y., and Jersey City, N.J.; *canned goods and grocers' supplies*, from Bridgeville and Seaford, Del., and certain specified points in Maryland to points in Luzerne and Lackawanna Counties, Pa. PENN YAN EXPRESS, INC., is authorized to operate as a *common carrier* in New York, Pennsylvania, New Jersey, Maryland, Delaware, Connecticut, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10542. Authority sought for control and merger by FISCHBACH TRUCKING CO., 921 Sherman Street, Akron, Ohio 44311, of the operating rights and property of PECK MOVERS, INC., 170 South Forge Street, Akron, Ohio 44308, and for acquisition by C. B. FISCHBACH, also of 921 Sherman Street, Akron, Ohio 44311, of control of such rights and property through the transaction. Applicants' attorney: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be controlled and merged: Under a certificate of registration, in Docket No. MC–120311 Sub-No. 1, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Ohio. FISCHBACH TRUCKING CO., is authorized to operate as a *common carrier* in Missouri, Kentucky, Michigan, Tennessee, Ohio, Arkansas, Illinois, Massachusetts, Connecticut, New Jersey, Rhode Island, New York, Indiana, Pennsylvania, Maryland, West Virginia, and Delaware. Application has not been filed for temporary authority under section 210a(b). NOTE: MC 111398 Sub-No. 13 is a matter directly related.

No. MC–F–10543. Authority sought for control by LEWIS G. JOHNSON, INC., 16 Greg Street, Port Gibson, N.Y. 14537, of GENE ADAMS REFRIGERATED TRUCKING SERVICE, INC., 600 Cayuga Road, Buffalo, N.Y. 14225, and for acquisition by JOHNSON TRANSPORTATION, INC., 3100 Monroe Avenue, Rochester, N.Y. 14618, and in turn by GERALD PERRY, Pittsford, N.Y., of control of GENE ADAMS REFRIGERATED TRUCKING SERVICE, INC.,

through the acquisition by LEWIS G. JOHNSON, INC. Applicants' attorneys and representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036, Norman M. Pinsky, Herbert M. Canter, both of 345 South Warren Street, Syracuse, N.Y. 13202, and Allan H. Vogt, 720 Liberty Bank Building, Buffalo, N.Y. 14202. Operating rights sought to be controlled: *Meats, meat products, and meat byproducts,* as a *common carrier,* over irregular routes, between Buffalo, N.Y., on the one hand, and, on the other, Newark, N.J., Stamford, Conn., and points in the New York, N.Y., commercial zone as defined by the Commission, from Buffalo, N.Y., to the sites of the military installations in Connecticut, Delaware, Florida, Georgia, Maryland, North Carolina, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia, with restriction; *fresh carcass meats,* on hangers, and incidental thereto and in the same vehicle therewith, the *commodities described as meats, meat products, and meat byproducts,* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, from Rochester, N.Y., to the sites of military installations in Connecticut, Delaware, Florida, Georgia, Maryland, North Carolina, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia, with restriction.

Meats, meat products and meat byproducts, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (other than those in bulk moved in tank vehicles), from Buffalo and Rochester, N.Y., to points in Massachusetts, Pennsylvania, and New Jersey; *meats, meat products, and meat byproducts, and dairy products,* as described in sections A and B of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and *frozen foods,* except those included in the above-specified commodities, between Albany, N.Y., on the one hand, and, on the other, points in New York, except points in Kings, Queens, Nassau, and Suffolk Counties, from Rochester, Moyers Corners, Syracuse, and Binghamton, N.Y., to points in New York, except points in Kings, Queens, Nassau, and Suffolk Counties; *frozen fruits, frozen berries, and frozen vegetables,* from New York, N.Y., to Syracuse, N.Y., from Jersey City, N.J., to Dunkirk, Gortland, Buffalo, Rochester, and Syracuse, N.Y.; and *refrigerated products,* between New York and Buffalo, N.Y., on the one hand, and, on the other, points in New York. LEWIS G. JOHNSON, INC., is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, Massachusetts, Delaware, Maryland, North Carolina, Virginia, South Carolina, Georgia, Florida, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10544. Authority sought for purchase by HMIELESKI TRUCKING CORP., 108 New Era Drive, South Plainfield, N.J. 07080, of the operating rights of A. OUGHTON & SONS, INC. (Leo Neiwirth, Assignee for the Benefit of Creditors), 60 Park Place, Newark, N.J. 07102, and for acquisition by EDMUND HMIELESKI, JR., 553 McKeon Street, Perth Amboy, N.J., and LILLIAN HMIELESKI, 555 McKeon Street, Perth Amboy, N.J., of control of such rights through the purchase. Applicants' attorney: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over irregular routes, between New Brunswick, N.J., on the one hand, and, on the other, points in New Jersey within 15 miles of New Brunswick; and *ventilating and heating equipment, and supplies,* between New Brunswick, N.J., on the one hand, and, on the other, New York, N.Y., Philadelphia and Chester, Pa., and points in Westchester and Nassau Counties, N.Y. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10545. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION, 175 Linfield Drive, Menlo Park, Calif. 94025, of the operating rights and property of SWAN TRANSPORTATION, INC., Phoenix Avenue, Lowell, Mass., and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., International Building, 601 California Street, San Francisco, Calif. 94108, of control of such rights through the purchase. Applicant's attorneys: Francis E. Barrett and Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187, and John F. Curley, 15 Court Square, Boston, Mass. 02108. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-120433 Sub 1 covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in all points in the United States except New Hampshire, Maine, Vermont, Florida, Virginia, Mississippi, and Hawaii. Application has been filed for temporary authority under section 210a(b). NOTE: MC-42487 Sub-No. 726 is a matter directly related.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8367; Filed, July 15, 1969; 8:49 a.m.]

[Notice 862]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 2, 1969.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 279 TA), filed June 27, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 500, 2125 Commercial Boulevard, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts, and agricultural commodities* otherwise exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 104523 (Sub-No. 42TA), filed June 27, 1969. Applicant: HUSTON TRUCK LINE, INC., Friend, Nebr. 68359. Applicant's representative: Earl H. Scudder, Jr., Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry feed and dry mineral feed mixtures,* from the plantsite or facilities of Moorman Manufacturing Co., at or near Columbus, Nebr., to Marcus and Atlantic, Iowa, for 180 days. Supporting shipper: Moorman Manufacturing Co., 1000 North 30th Street, Quincy, Ill. 62301. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 110410 (Sub-No. 9 TA), filed June 27, 1969. Applicant: BENTON BROTHERS FILM EXPRESS, INC., 168 Baker Street NW., Atlanta, Ga. 30313. Applicant's representative: Herbert R. Matthews (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), having an immediately prior or subsequent movement by air, between points located in that part of Florida on and north of a line beginning at Fort Pierce, Fla., and extending along Florida Highway 70 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 29, thence along Florida Highway 29, to junction Florida Highway 80, thence along Florida Highway 80 to junction Florida Highway 867, and thence along Florida Highway 867 to Punta Rassa, and on and east of U.S. Highway 19, for 180 days. Supporting shippers: There are approximately (26) statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 110525 (Sub-No. 918 TA), filed June 27, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry cement,* in bulk, from Bowie, Md., to points in Pennsylvania, Virginia, West Virginia, Delaware, and the District of Columbia, for 180 days. Supporting shipper: Allentown Portland Cement Co., Division of National Gypsum Co., Seventh Street, Allentown, Pa. 18105. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 111729 (Sub-No. 286 TA), filed June 23, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: J. M. Delany (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds, and advertising material moving therewith;* (a) between Minneapolis, Minn., on the one hand, and, on the other, points in North Dakota; South Dakota; and points in Ashland, Barron, Chippewa, Douglas, Eau Claire, La Crosse, Langlade, Marathon, Oneida, Rusk, Washburn, and Wood Counties, Wis.; (b) between Des Moines and Cedar Rapids, Iowa, on the one hand, and, on the other, points in Iowa, on traffic having an immediately prior or subsequent movement by air; (c) between Milwaukee, Wis., on the one hand, and, on the other, points in Columbia, Grant, Monroe, Portage, Richland, Sauk, Vernon, and Wood Counties, Wis., on traffic having an immediately prior or subsequent movement by air; (d) between Long Island City, N.Y., on the one hand, and, on the other, points in Essex and Middlesex Counties, N.J., and points in New Haven and Hartford Counties, Conn.; (e) between Jamestown, N.Y., and Erie, Pa.; (f) between points in California, having an immediately prior or subsequent movement by air. (2) *Whole human blood,* between St. Louis, Mo., on the one hand, and, on the other, points on and south of Highway No. 40 in the State of Indiana; and Louisville and Lexington, Ky. (3) *Cut flowers and decorative greens,* having an immediately prior or subsequent movement by motor vehicle, (a) between points in Illinois; (b) between points in Indiana; (c) between points in Iowa; (d) between points in Kentucky; (e) between points in Michigan; (f) between points in Missouri; (g) between points in Ohio; (h) between points in Tennessee; (i) between points in Virginia. (4) *Repair and replacement pump and pipe parts, consisting of shafts, impellers, bushings, housings, casings, nipples, collars, and flanges,* restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, having an immediately prior or subsequent movement by air, between points in California, for 180 days. Supporting shippers: There are approximately (11) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 116947 (Sub-No. 10 TA), filed June 27, 1969. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Ashby Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Metal beverage containers and container ends,* from the plantsite of Crown Cork and Seal Co., Atlanta, Ga., to Jacksonville, Fla., for 150 days. Supporting shipper: Crown Cork and Seal Co., 9300 Ashton Road, Post Office Box 6208, Philadelphia, Pa. 19136. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 129475 (Sub-No. 6 TA), filed June 27, 1969. Applicant: E. D. CARRELL, doing business as CARRELL TRUCKING CO., Post Office Box 186, Monroe, Ga. 30655. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise as traded in by retail department stores,* between the warehouses of Sears, Roebuck and Co., Atlanta, Ga., and Franklin, Murphy, and Sylva, N.C., for 180 days. Supporting shipper: Sears, Roebuck and Co., 675 Ponce DeLeon Avenue NE., Atlanta, Ga. 30309.

No. MC 133690 (Sub-No. 1 TA), filed June 25, 1969. Applicant: KINGSWAY DALEWOOD LTD., 123 Rexdale Boulevard, Rexdale, Ontario, Canada. Applicant's representative: Ronald J. Mastej, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of unusual value, classes A and B explosives, household goods and commodities in bulk), between the port of entry on the international boundary, between the United States and Canada at International Falls, Minn., on the one hand, and, on the other, International Falls, Minn., for 180 days. NOTE: Applicant intends to tack with authority issued by Ontario Highway Transport Board, and interline traffic at International Falls, Minn. Supporting shipper: Boise Cascade Corp., Post Office Box 200, Boise, Idaho 83701. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 133838 TA, filed June 25, 1969. Applicant: DAVID W. TUDOR AND WILLIAM R. WHISLER, a partnership, doing business as OLYMPIC TRAILER MOVERS, Post Office Box 851 (Charley Creek Road), Aberdeen, Wash. 98520. Applicant's representative: Paul A. Bitar, Bitar Building, Hoquiam, Wash. 98550. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Mobile Homes and trailers,* from factories located at points in Idaho, Oregon, and Washington to points in Washington, Centralia, Wash. (factory), to points in Washington, Idaho, and Oregon, for 180 days. Supporting shippers: Bayview Lumber Co., Post Office Box 519, Cosmopolis, Wash. 98537; Blue Pacific Enterprises, Inc., Post Office Box 107, Westport, Wash. 98595; Fred Potts Real Estate, 522 West Wishkah, Aberdeen, Wash. 98520; Lucky's Trailer Sales Inc., 5015 Olympic Highway, Aberdeen, Wash. 98520; Lamplighter Mobile Homes, 1121 Lum Road, Centralia, Wash. 98531; Robin Wood Trailer Sales, 302 Pioneer Road, Aberdeen, Wash. 98520. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 133842 TA, filed June 27, 1969. Applicant: GRAHAM TRANSFER & STORAGE COMPANY, 2108 A Street, Meridian, Miss. 39301. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *used household goods,* between points in Pickens,

Greene, Hale, Sumter, Marango, Choctaw, Clarke, and Washington Counties, Ala.; Oktibbeha, Lowndes, Noxubee, Winston, Attala, Scott, Kemper, Neshoba, Leake, Newton, Rankin, Jasper, Smith, Lauderdale, Covington, Wayne, Forrest, Clarke Counties, Miss.; restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Vanpac Carriers, Inc., 2114 Macdonald Avenue, Richmond, Calif. 94801. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 133843 TA, filed June 27, 1969. Applicant: ZENITH TRANSPORTATION CORPORATION, 5321 West State Street, Milwaukee, Wis. 53208. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Des Plaines, Ill., to Racine, Kenosha, and Lake Geneva, Wis.; and from Rockford, Ill., to Beloit, Janesville, and Monroe, Wis., for 180 days. Supporting shipper: Consolidated Petroleum Corp., 2127 Jackson Street, Post Office Box 861, Oshkosh, Wis. 54901. R. C. Downs, Secretary-Treasurer. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8368; Filed, July 15, 1969; 8:49 a.m.]

[Notice 376]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 11, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70835. By order of June 25, 1969, Division 3, approved the transfer to KDL, Inc., doing business as Pep Lines Trucking Co., Highland Park, Mich., of the operating rights in certificate No. MC-120184 (Sub-No. 1) issued February 28, 1969, to Pep Lines Trucking Co., a corporation, Highland Park, Mich., authorizing the transportation of motion picture, still picture, and sound producing films, and recording, producing, and amplifying devices, and other commodities used in connection with the operation and maintenance of theaters, between points in Michigan: magazines, from Detroit, Mich., to points in Michigan, except Port Huron and Mount Clemens, and from New Buffalo, Mich., to St. Louis and Westbranch, Mich., and general commodities, with the usual exceptions, and limited to packages and parcels not exceeding 70 pounds per shipment from one consignor to one consignee on any one day, and moving in vehicles having a rated capacity of 2 tons, from points in the Detroit, Mich., commercial zone to points in Michigan as specified. J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115, and Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8370; Filed, July 15, 1969; 8:49 a.m.]

[Notice 377]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 11, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71469. By order of July 9, 1969, the Motor Carrier Board approved the transfer to Milton Transportation, Inc., Milton, Pa., of the permits in Nos. MC-96098, MC-96098 (Sub-No. 1), MC-96098 (Sub-No. 4), MC-96098 (Sub-No. 8), MC-96098 (Sub-No. 10), MC-96098 (Sub-No. 11), MC-96098 (Sub-No. 17), MC-96098 (Sub-No. 22), MC-96098 (Sub-No. 27) issued January 16, 1952, January 16, 1952, January 16, 1952, November 13, 1950, January 16, 1952, November 7, 1950, October 12, 1965, August 29, 1966, and January 9, 1969, respectively to H. H. Follmer Transportation, Inc., Milton, Pa., authorizing the transportation of numerous specified commodities from and to specified points and areas in the States of Pennsylvania, New York, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia, and the District of Columbia. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, representative for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8369; Filed, July 15, 1969; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 11, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. C-239 (Case No. 9), filed June 5, 1969. Applicant: INTERCITY TRUCKING SERVICE, INC., 14333 Goddard Street, Detroit, Mich. 48212. Applicant's representative: Robert D. Schuler, Matheson, Dixon & Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities*, serving the plantsite of Entrekin Computor, Inc., near Highway U.S. 23 near Fenton, Mich., as an off-route point in connection with authorized regular route operations. Both intrastate and interstate authority sought.

HEARING: Tuesday, July 22, 1969 at 9:30 a.m., Michigan Public Service Commission, Law Building (Seven-Story Office Building), 525 West Ottawa Street, Lansing, Mich. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. MT-8780, filed May 12, 1969. Applicant: JOHN F. HARRINGTON, doing business as JOHN F. HARRINGTON TRUCKING, Rural Delivery No. 2, Oneonta, N.Y. 13820. Applicant's representative: Robert A. Harlem, Harrington, Harlem & Silvernell, 241 Main Street, Oneonta, N.Y. 13820. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities*, as defined in Title 16 NYCRR 800.1, between all of the following points: Andes, Bainbridge, Bloomville, Cobleskill, Cooperstown, Davenport, Delancy, Delhi, Fraser, Grand Gorge, Halcottsville, Hamden, Harpersfield, Hobart, Kelly's Corners, Margaretville, Masonville, Oneonta, Otego, Prattsville, Roxbury, Sidney, Stamford, Unadilla, Walton, Wells Bridge and West Harpersfield. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the New York Public Service, Commission, 44 Holland Avenue, Albany, N.Y. 12208, and should not be directed to the Interstate Commerce Commission.

State Docket No. 69303-CCT, filed June 26, 1969. Applicant: FRESHWATER-SMITH MACHINE CO., 808 Georgia Avenue, Fort Pierce, Fla. 33450. Applicant's representative: Richard J. Brooks, Post Office Box 1531, Tallahassee, Fla. 32302. Certificate of public convenience and necessity sought to operate a freight service as follows: *Heavy commodities* which due to size, weight, and bulk require special handling and/or special equipment, such as draglines, bulldozers, heavy farm machinery, poles, contractors machinery etc., from, to and between all points and places in the State of Florida. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8371; Filed, July 15, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 69-753]

BROADCAST OF TELEPHONE CONVERSATIONS WITHOUT NOTICE TO OTHER PARTIES

Complaints Regarding Notice of Intention

JULY 10, 1969.

From time to time the Commission receives complaints that its licensees broadcast telephone conversations without prior notice to the other parties. Complaints usually represent that a station employee called the complainant regarding a news item and broadcast the telephone conversation, either simultaneously or on a delayed basis, without having informed the other party at the beginning of the call of the intention to broadcast it.

Prior to recording a telephone conversation or broadcasting the conversation simultaneously with its occurrence, the licensee should inform the other party of its intention to broadcast the conversation. We recognize that in some situations it may not be necessary to inform the other party explicitly; e.g., during "open mike" programs in which the outside party initiates a telephone call with full understanding that the conversation will be broadcast.

Rule making looking toward making this requirement part of the rules governing the various broadcast services is being instituted today.

Action by the Commission July 9, 1969.[1]

Distribution: To all broadcast licensees.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8354; Filed, July 15, 1969; 8:48 a.m.]

[1] Commissioners Hyde (Chairman), Bartley, Robert E. Lee, Cox, Wadsworth, Johnson, and H. Rex Lee.

[Mexican List 256]

MEXICAN STANDARD BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignments

APRIL 16, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna radiation mv/m/km	Schedule	Class	Antenna height (feet)	Ground system: No. radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		620 kilocycles							
XENK (this cancels the notification to increase to 10,000 W, DA-N, included in List No. 231).	Mexico, D. F.	10,000D/5000N	ND	U	III				
		630 kilocycles							
XEID (PN: 5000 W, DA-N)	Caimanca, Son., *N. 30°58' 08", W. 110°18'30".*	5000	ND-175	D	III	292	90	292	4-10-70 (Probable).
		640 kilocycles							
XEWM (this notifies the supplementary information).	San Cristobal las Casas, Chis., *N. 16°44'53", W. 92°38'45".*	250	ND-175	D	II	577	90	322	9-10-69 (Probable).
		680 kilocycles							
XELV (this notifies the supplementary information).	Hermosillo, Son., *N. 29°05' 21", W. 110°57'08".*	250	ND-175	D	II	250	120	341	8-10-69 (Probable).
		710 kilocycles							
XEIE (assignment deleted)	Parral, Chih	500	ND	D	II				4-16-69.
		770 kilocycles							
XEMV (assignment deleted)	Los Mochis, Sin	2500	ND	D	II				4-16-69.
		770 kilocycles							
XEZP (assignment deleted)	Lagos de Moreno, Jal	150	ND	D	IV				4-16-69.
		790 kilocycles							
XELN (in operation since 3-28-69. This notifies the supplementary information).	Linares, N.L., *N. 24°52'-21", W. 99°33'22".*	1000	ND-175	D	III	295	90	262	8-28-69.
		790 kilocycles							
XERC (correction of an omission: In operation with 10,000D/1000N ND, since 11-1-67. This notifies the supplemenatry information).	Mexico, D.F., *N. 19°24'-20", W. 98°07'26".*	10,000D/1000N	ND-180	U	III	302	120	302	11-1-67.
		980 kilocycles							
XEU (PO: 500 W, ND, U)	Veracruz, Ver., *N. 19°10'-44", W. 96°08'59".*	5000D/1000N	ND-190	U	III	266	120	266	10-10-69 (Probable).
		950 kilocycles							
XEYJ (this corrects the Class of nighttime operation, previously III).	Nueva Rosita, Coah	1000D/100N	ND	U	IIID/IVN				

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: No. radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		1040 kilocycles							
XEIV (assignment deleted)	La Piedad, Mich	1000	ND	D	II				4-16-69.
		1110 kilocycles							
XEJAC (in operation since 2-20-69. This notifies the supplementary information).	Cardenas, Tab., *N. 18°00'-50", W. 93°21'50".*	1000	ND-192	D	II	*233*	*180*	*246*	*2-20-69.*
		1130 kilocycles							
XEPK (correction of an omission: In operation since 10-10-64. Change in call letters, previously XEPD. This notifies the supplementary information).	Pachuca, Hgo., *N. 20°07' 43", W. 98°43'59".*	500	ND-175	D	II	*208*	*120*	*208*	*10-10-64.*
		1140 kilocycles							
XEFP (assignment deleted)	Reynosa, Tams	1000D/250N	ND	U	IV				4-16-69.
		1290 kilocycles							
XESIN (this complements the supplementary information provided in List No. 255).	Culiacan, Sin., *N. 24°48'20", W. 107°23'30".*	5000D/500N	ND-190	U	III	196	120	193	3-17-70 (probable).
		1290 kilocycles							
XERE (in operation since 3-27-69. This notifies the supplementary information).	Sals. tierra, Gto., *N. 20°13'09", W. 100°53'30".*	250	ND-180	D	IV	*188*	*100*	*184*	*3-27-69.*
		1340 kilocycles							
XEABA (under construction. This notifies the supplementary information).	Nueva Rosita, Coah. *N. 28°58'12", W. 101°11'09".*	1000D/100N	ND-175	U	IIID/IVN	*159*	*90*	*159*	2-17-70 (probable).
		1500 kilocycles							
XEHU (PO: 500 W D/100 W N, ND. This modifies the geographical coordinates *N. 20°05'08", W. 97°00'03".*)	Martinez de la Torre, Ver.	5000D/100N	DA-D	U	IIID/IVN				9-10-69 (probable).
		1300 kilocycles							
XEYI (assignment deleted)	Jojutla, Mor	1000	DA-D	D	III				4-16-69.
		1350 kilocycles							
XEHY (assignment deleted)	Oaxaca, Oax	1000	ND	D	III				4-16-69.
		1450 kilocycles							
XEJW (assignment deleted)	Chilpancingo, Gro	1000D/250N	ND	U	IV				4-16-69.
		1460 kilocycles							
XE8Z (assignment deleted)	Zihuatanejo, Gro	250	ND	U	IV				4-16-69.
		1540 kilocycles							
XEIJ (assignment deleted)	Cardenas, S.L.P	250	ND	D	II				4-16-69.
		1580 kilocycles							
XEIL (assignment deleted)	Minatitlan, Ver	500	ND	D	II				4-16-69.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-8355; Filed, July 15, 1969; 8:48 a.m.]

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(As of January 1, 1969)

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Title 3—THE PRESIDENT

Proclamation 3918

CAPTIVE NATIONS WEEK, 1969

By the President of the United States of America

A Proclamation

By Joint Resolution on July 17, 1959, the Eighty-Sixth Congress authorized and requested the designation of the third week of July as Captive Nations Week. Ten years have passed and there have been many changes in international affairs. But one thing that has not changed is the desire for national independence in Eastern Europe.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 13, 1969, as Captive Nations Week.

I invite the people of the United States of America to observe this week with appropriate ceremonies and activities, and I urge them to renew their devotion to the high ideals on which our nation was founded and has prospered and to sustain with understanding and sympathy the just aspirations of the peoples of all nations for independence and human freedom.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of July in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 69-8513; Filed, July 15, 1969; 4:49 p.m.]

Rules and Regulations

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

RATES; EDUCATIONAL ASSISTANCE ALLOWANCE

Correction

In F.R. Doc. 69-8211, appearing at page 11551 in the issue for Saturday, July 12, 1969, make the following changes:

1. In the table for § 21.4136(a), under "Monthly rate", in the column headed "Additional for each additional dependent", insert the figure "3" opposite the entry "Farm cooperative: ½ time".

2. The year "1969" in the effective date paragraph should read "1966".

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

Section 213.3199 is amended to show that the termination date of the Schedule A exception covering positions in grade GS–15 and below on the staff of the National Commission on the Causes and Prevention of Violence is extended from July 31, 1969, to December 31, 1969. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (b) of § 213.3199 is amended as set out below.

§ 213.3199 Temporary Boards and Commissions.

* * * * *

(b) *National Commission on the Causes and Preventions of Violence.* (1) Until December 31, 1969, positions at GS–15 and below.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8438; Filed, July 16, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 17—SALE OF AGRICULTURAL COMMODITIES MADE AVAILABLE UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

Subpart A—Regulations Governing the Financing of Commercial Sales of Agricultural Commodities

CONTRACTS BETWEEN SUPPLIERS AND IMPORTERS

Section 17.6 of the Regulations Governing the Financing of Commercial Sales of Agricultural Commodities pursuant to Title I of the Agricultural Trade Development and Assistance Act of 1954, 31 F.R. 16818, as amended, is hereby amended by changing paragraph (b)(1) to read as follows:

§ 17.6 Contracts between suppliers and importers.

* * * * *

(b) *Invitation to bid.* (1) Importers may make purchases through negotiation with a supplier or suppliers of the importer's choice or on the basis of invitations (tenders) to submit competitive offers unless the General Sales Manager, specifies in the purchase authorization that purchases must be made on the basis of invitations to submit competitive offers. Such invitations shall not limit the right to submit offers to any specified group or class of suppliers but shall permit submission of offers by any supplier who meets the requirements of this section.

* * * * *

(Sec. 102, 68 Stat. 454, as amended; 7 U.S.C. 1702)

Effective date. This amendment shall become effective with respect to purchase authorizations issued on or after the date of publication of the amendment in the FEDERAL REGISTER.

Issued at Washington, D.C., this July 12, 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-8418; Filed, July 16, 1969; 8:47 a.m.]

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Miscellaneous Amendments

Pursuant to section 25 of the Poultry Products Inspection Act, as amended (21 U.S.C., and Supp. IV sec. 468), the regulations under said Act (7 CFR Part 81) are hereby amended to change the provisions therein relating to fees for overtime and holiday work to increase the fees due to increased cost of providing such services resulting from the Postal Revenue and Federal Salary Act of 1967 (Public Law 90–206).

Secs. 81.170, 81.171, and 81.172 of said regulations are hereby amended by deleting the figure "$7.40" and substituting in lieu thereof "$8.00".

The Poultry Products Inspection Act, as amended, and the regulations promulgated thereunder require the cost of overtime and holiday inspection service to be paid for by the applicant or user of the service. It has been determined that in order to cover these increased costs of the service, the hourly fee charges in connection with the performance of the service must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under 5 U.S.C. 553, it is found that notice and other public procedure with respect to these amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments shall become effective July 13, 1969, with respect to Federal poultry products inspection services rendered on and after that date.

Done at Washington, D.C. on July 11, 1969.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 69-8413; Filed, July 16, 1969; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 285]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.585 Valencia Orange Regulation 285.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effectve date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 15, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 18, 1969, through July 24, 1969, are hereby fixed as follows:

(i) District 1: 192,000 cartons;

(ii) District 2: 292,000 cartons;

(iii) District 3: 66,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 16, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–8516; Filed, July 16, 1969; 11:17 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 307—FACILITIES FOR INSPECTION

PART 340—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCTS

SUBCHAPTER B—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

MISCELLANEOUS AMENDMENTS

Pursuant to the statutory authorities cited below, the provisions of the regulations in 9 CFR Parts 307, 340 and 355 relating to fees for overtime (including holiday) meat inspection and certain voluntary services are hereby amended to increase the fees due to increased cost of providing such services resulting from the Postal Revenue and Federal Salary Act of 1967 (Public Law 90–206).

Section 307.4 is amended to read as follows:

§ 307.4 Overtime work of meat inspection employees.

The management of an official establishment, an importer, or an exporter desiring to work under conditions which will require the services of an employee of the Program on any Saturday, Sunday, or holiday, or for more than 8 hours on any other day, shall, sufficiently in advance of the period of overtime, request the officer in charge or his assistant to furnish inspection service during such overtime period, and shall pay the Administrator therefor $8 per hour to reimburse the Service for the cost of the inspection services so furnished. It will be administratively determined from time to time which days constitute holidays.

(Sec. 21, 34 Stat. 1264, as amended, 81 Stat. 584; 21 U.S.C. 621; 41 Stat. 241, 7 U.S.C. 394)

Section 340.7(c) is amended to read as follows:

§ 340.7 Fees and charges.

* * * * *

(c) The fees to be charged and collected for service under the regulations in this part shall be at the rate of $7.40 per hour for base time, $8 per hour for overtime including Saturdays, Sundays, and holidays, and $8.80 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service, including but not limited to the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative work week.

* * * * *

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Section 355.12 is amended to read as follows:

§ 355.12 Charge for service.

The fees to be charged and collected by the Administrator shall be $7.40 per hour for base time, $8 per hour for overtime including Saturdays, Sundays, and holidays, and $8.80 per hour for laboratory service to reimburse the Service for the cost of the inspection services so furnished.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

It has been determined that in order to cover these increased costs of the services, the hourly fee charges in connection with the performance of the services must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under 5 U.S.C. 553, it is found that notice and other public procedure with respect to these amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments shall become effective July 13, 1969, with respect to all inspection services rendered on and after that date under the cited regulations.

Done at Washington, D.C. on July 11, 1969.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 69–8414; Filed, July 16, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. A new § 1.331 is added, and in § 1.701–1(a)(2), the introductory text and subdivisions (i), (iv), and (v) are revised, as follows:

§ 1.331 Management control systems.

(a) A management control system is an orderly way, generally including a documented procedure, of assisting managers in defining or stating policy, objectives, and requirements; assigning responsibility; achieving efficient and effective utilization of resources; periodically measuring performance; comparing that performance against stated objectives and requirements; and taking appropriate action. Contractually imposed management control systems require the contractor to submit management reports and/or specify management procedures, To avoid duplication and proliferation, only those management control systems which are essential to the fulfillment of DoD and contractor responsibilities shall be made a contractual requirement.

(b) The responsibility for determining management control systems requirements and for completion of the DD Form 1660 is vested in the project officer, program manager, commodity manager, or other requiring office. Procedures for review of the DD Form 1660 by the contracting officer are specified in § 16.827–3 of this chapter.

(c) Although the judicious application of management control systems on all contracts regardless of size is important, use of the DD Form 1660 is only required on those contracts exceeding $1 million.

(d) Pursuant to the above, appropriate management control systems shall be contractually applied only if they:

(1) Are required by a standard ASPR clause, or

(2) Are listed in DoD Manual 7000.6 M, Management Control Systems List; or

(3) Are specifically approved by the Office of the Assistant Secretary of Defense (Comptroller) or of the Secretary of the Department concerned.

(e) Approved management control systems, except those specified in this Regulation, shall be listed on a Management Control Systems Summary List, DD Form 1660 (see F–200.1660). An approved DD Form 1660 and the contract clause titled "Management Control Systems Requirement" (see § 7.104–50 of this chapter) shall be included in all contracts when applicable.

(f) The DD Form 1660 procedures help to achieve the following objectives with respect to the management of programs and the acquisition of management data:

(1) Management control systems selected for use in managing the contract/program should be limited to those that are essential to the fulfillment of the responsibilities of the Department of Defense and contractor.

(2) More than one management control system satisfying the same requirement should not be specified on a single contract.

(3) The management data requirements in a contract should be formally approved, should not exceed the needs of the planned program management approach, and should be specifically identified on an individual item basis.

(g) Instructions for the preparation, review and use of DD Form 1660 are in § 16.827 of this chapter.

§ 1.701–1 Small business concern.

(a) * * *

(2) *Industry small business size standards.* In addition to being independently owned and operated, and not dominant in the field of operation in which it is bidding on Government contracts, a small business concern in order to qualify as such must meet the criteria established for the industries set forth below. Annual sales or annual receipts, as used throughout this subpart, means the annual sales or annual receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year. If a concern has 50 percent or more of its annual sales or receipts attributable to business activity within Alaska, then whenever the size criterion of "annual sales or annual receipts" is used in any size definition contained in this subpart, the stated dollar limitation for the purpose of qualifying as a small business concern shall be increased by 25 percent of the indicated amount.

(i) *Construction industries.* For construction, alteration, or repair (including painting and decorating), of buildings, bridges, roads, or other real property, the average annual receipts of the concern and its affiliates for its preceding 3 fiscal years must not exceed $7,500,000. For dredging, the average annual receipts of the concern and its affiliates for its preceding 3 fiscal years must not exceed $5 million.

* * * * *

(iv) *Service industries.* (a) For services not elsewhere defined in this part, the average annual sales or receipts of the concern and its affiliates for the preceding 3 fiscal years must not exceed $1 million.

(b) Any concern bidding on a contract for engineering services (other than marine engineering services), motion picture production, or motion picture services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million.

(c) Any concern bidding on a contract for naval architectural and marine engineering services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $6 million.

(d) Any concern bidding on a contract for janitorial and custodial services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $3 million.

(e) Any concern bidding on a contract for base maintenance[1] is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million.

(f) Any concern bidding on contracts for marine cargo handling services is classified as small if its annual sales or receipts do not exceed $5 million for the preceding 3 years.

(v) *Transportation industries—(a) General.* Except as provided in (b) and (c) below, for passenger or freight transportation the number of employees of the concern and its affiliates must not exceed 500 persons.

(b) *Air transportation.* For air transportation, the number of employees of the concern and its affiliates must not exceed 1,000 persons.

(c) *Trucking (local and long distance), warehousing, packing, and crating, and/or freight forwarding.* For trucking (local and long distance), warehousing, packing, and crating, and/or freight forwarding, the annual receipts of the concern and its affiliates must not exceed $3 million. No such concern, however, will be denied small business status for the purpose of Government procurement solely because of its contractual relationship with a large interstate van line if the concern's annual receipts have not exceeded $3 million during its most recently completed fiscal year.

* * * * *

§ 1.801–1 [Amended]

2. In § 1.801–1(a), near the end of the paragraph, the words "30 percent" are changed to read "25 percent".

3. In § 1.805.3(b), the clause heading and clause paragraph (b) are revised, as follows:

[1] Base Maintenance means furnishing at an installation within the several States, Commonwealth of Puerto Rico, Virgin Islands or the District of Columbia three or more of the following services: Janitorial and custodial services, protective guard services, commissary services, fire prevention services, refuse collection services, safety engineering services, messenger services, grounds maintenance and landscaping services, and air conditioning and refrigeration maintenance: *Provided, however,* That whenever the contracting officer determines prior to the issuance of bids that the estimated value of one of the foregoing services constitutes more than 50 percent of the estimated value of the entire contract, the contract shall not be classified as base maintenance but in the industry in which such service is classified.

§ 3.805–3 Required clauses.

• • • • •

(b) • • •

LABOR SURPLUS AREA SUBCONTRACTING PROGRAM (JANUARY 1969)

• • • • •

(b) A "labor surplus area concern" is a concern which will perform, or cause to be performed, a substantial proportion of any contract awarded to it (i) in or near "Sections of concentrated unemployment or "underemployment" as a certified-eligible concern, (ii) in "Areas of Persistent Labor Surplus" or (iii) in "Areas of Substantial Labor Surplus," as designated by the Department of Labor. A certified-eligible concern shall be deemed to perform a substantial proportion of a contract in or near sections of concentrated unemployment or underemployment if the costs that the concern will incur on account of manufacturing or production in or near such sections (by itself if a certified concern, or by certified concerns acting as first-tier subcontractors) amount to more than 25 percent of the price of such contracts; a concern shall be deemed to perform a substantial proportion of a contract in a persistent or substantial labor surplus area if the costs that the concern will incur on account of manufacturing or production (by itself or its first-tier subcontractors) in such area amount to more than 50 percent of the price of such contract.

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PART 2—PROCUREMENT BY FORMAL ADVERTISING

4. In § 2.201(a), subparagraph (35) is revised and new subparagraph (45) is added, as follows:

§ 2.201 Preparation of invitation for bids.

• • • • •

(a) • • •

(35) A statement as follows:

This procurement is not set aside for labor surplus area concerns. However, the bidder's status as such a concern may affect entitlement to award in case of tie bids or of bid evaluation in accordance with the Buy American clause of this solicitation. In order to have his entitlement to a preference determined if those circumstances should apply the bidder must:

(i) Furnish with his bid evidence that he or his first-tier subcontractor is a certified concern in accordance with 29 CFR 8.7(b), and identify below the address in or near a "section of concentrated unemployment or underemployment," as classified by the Secretary of Labor, at which the costs he will incur on account of manufacturing or production (by himself if a certified concern or by certified concerns acting as first-tier subcontractors) amount to more than 25 percent of the contract price; or

(ii) Identify below the persistent or substantial labor surplus area in which the costs that he will incur on account of manufacturing or production (by himself or his first-tier subcontractors) amount to more than 50 percent of the contract price.

Failure to furnish evidence of certification by the Secretary of Labor if applicable, and to identify the locations as specified above will preclude consideration of the bidder as a labor surplus area concern. Bidder agrees that if, as a labor surplus area concern, he is awarded a contract for which he would not have qualified in the absence of such status, he will perform the contract or cause it to be performed, in accordance with the obligations which such status entails. (JUNE 1968)

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(45) DD Form 1660, Management Control Systems Summary List (see § 16.827–4 of this chapter).

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PART 3—PROCUREMENT BY NEGOTIATION

5. The introductory text of § 3.101 is revised; and in § 3.501(b), subparagraphs (39) and (72) are revised, and new subparagraph (78) is added, as follows:

§ 3.101 Negotiation as distinguished from formal advertising.

Except as provided by § 3.805–1(c), whenever supplies or services are to be procured by negotiation (see Subparts A and B, Part 16 of this chapter), price quotations, supported by statements and analyses of estimated costs or other evidence of reasonable prices and other vital matters deemed necessary by the contracting officer (see § 3.807), shall be solicited from the maximum number of qualified sources of supplies or services consistent with the nature of and requirements for the supplies or services to be procured, in accordance with the basic policies set forth in Subpart C, Part 1 of this chapter (for research and development, see § 4.106 of this chapter), to the end that the procurement will be made to the best advantage of the Government, price and other factors considered. Unless award without written or oral discussion is permitted under § 3.805–1(a), negotiation shall thereupon be conducted, by contracting officers and their negotiators, with due attention being given to the following and any other appropriate factors:

• • • • •

§ 3.501 Preparation of request for proposals or request for quotations.

• • • • •

(b) • • •

(39) A statement as follows:

This procurement is not set aside for labor surplus area concerns. However the offeror's status as such a concern may affect entitlement to award in case of tie offers, or of offer evaluation in accordance with the Buy American clause of this solicitation. In order to have his entitlement to a preference determined if those circumstances should apply, the offeror must:

(i) Furnish with his offer evidence that he or his first-tier subcontractor is a certified concern in accordance with 29 CFR 8.7(b), and identify below the address in or near a "section of concentrated unemployment or underemployment," as classified by the Secretary of Labor, at which the costs he will incur on account of manufacturing or production (by himself if a certified concern or by certified concerns acting as first-tier subcontractors) amount to more than 25 percent of the contract price; or

(ii) Identify below the persistent or substantial labor surplus area in which the costs that he will incur on account of manufacturing or production (by himself or his first-tier subcontractors) amount to more than 50 percent of the contract price.

Failure to furnish evidence of certification by the Secretary of Labor if applicable, and to identify the locations as specified above will preclude consideration of the offeror as a labor surplus area concern. Offeror agrees that if, as a labor surplus area concern, he is awarded a contract for which he would not have qualified in the absence of such status, he will perform the contract or cause it to be performed, in accordance with the obligations which such status entails. (JUNE 1968)

• • • • •

(72) If it is expected that the procurement will result in a fixed price contract not in excess of $100,000 for which cost or pricing data will not be obtained, the price representation provided in § 3.604–3(d) shall be set forth in a prominent place in the schedule except when adequate price competition as defined in § 3.807–1(b)(1) is anticipated;

• • • • •

(78) DD Form 1660, Management Control Systems Summary List (see § 16.827–4 of this chapter).

• • • • •

6. In § 3.805–1, a new sentence is added to paragraph (a), and paragraph (c) is revised; and in § 3.809(c)(1), subdivision (i) is revised, as follows:

§ 3.805–1 General.

(a) • • •

No proposal from a responsible source offering an acceptable technical proposal shall be rejected for failure to fall within a competitive range unless such proposal includes a price proposal. (The procurement of architect-engineer services is governed by Subpart D, Part 18 of this chapter.)

• • • • •

(c) Except when cost-reimbursement type contracts are to be used (see § 3.805–2), solicitations may provide for two-step negotiation. After receipt of initial unpriced technical proposals, such proposals will be evaluated to determine those which are acceptable to the Government or which, after discussion, can be made acceptable. After necessary discussions are completed, prices will thereafter be solicited for all acceptable proposals and no award may be made until such prices have been received. Solicitations may also include a notification of the possibility that award may be made upon submission of prices without further discussion of proposals received and therefore the best possible price should be submitted initially (see paragraph (a)(5) of this section). Unless such notification is included in the solicitation, discussions shall be conducted as provided in the introductory part of paragraph (a) of this section.

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§ 3.809 Contract audit as a pricing aid.

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(c) *Additional functions of the contract auditor.* (1) • • •

(i) The contract auditor is the authorized representative of the contracting officer for the purpose of examining reimbursement vouchers received directly from contractors, transmitting those vouchers approved for provisional payment to the cognizant disbursing officer and issuing DCAA Form 1, "Notice of Contract Costs Suspended and/or Disapproved," with a copy to the cognizant ACO, with respect to costs claimed but not considered allowable. In the case of costs suspended, if the contractor disagrees with the suspension action by the contract auditor and the difference cannot be resolved, the contractor may appeal in writing to the cognizant ACO, who will make his determination promptly in writing. In the case of costs disapproved, the DCAA Form 1 shall include the following statement:

As to any disapproved costs identified herein, this notice constitutes a final decision of the Contracting Officer, effective 60 days after the date of its receipt by the Contractor, unless the Contractor mails or furnishes to the cognizant Administrative Contracting Officer a written appeal before the expiration of such 60-day period. If this notice becomes a final decision of the Contracting Officer by virtue of expiration of the 60-day period, it may be appealed in accordance with the provisions of the "Disputes" clause of the contract identified above. If the Contractor decides to make such an appeal, written notice thereof (in triplicate) must be mailed or otherwise furnished to the Contracting Officer within 30 days from the date this decision becomes effective. Such notice should indicate that an appeal is intended and should reference this decision and identify the contract by number. The Armed Services Board of Contract Appeals is the authorized representative of the Secretary for hearing and determining such disputes. The rules of the Armed Services Board of Contract Appeals are set forth in the Armed Services Procurement Regulation, Appendix A, Part 2.

If the contractor appeals in writing to the ACO from a disallowance action by the contract auditor within the 60-day period mentioned above, the ACO will make his determination in writing, as promptly as practicable, as a final decision of the contracting officer (see § 1.314 of this chapter re decisions under the Disputes clause) and mail or otherwise furnish a copy to the contractor. In those instances where the ACO does not sustain the contract auditor's disallowance, the ACO shall document the contract file to set forth the specific reasons why reinstatement of the disallowed cost was considered appropriate. A copy shall be furnished to the contract auditor. In addition, the contracting officer may direct the issuance of DCAA Form 1, "Notice of Contract Costs Suspended and/or Disapproved," with respect to any cost that he has reason to believe should be suspended or disapproved. The contract auditor will approve fee portions of vouchers for provisional payment in accordance with the contract schedule and any instructions received from the administrative contracting officer. Completion vouchers shall be forwarded to the ACO for approval and transmittal to the cognizant disbursing officer.

• • • • •

PART 7—CONTRACT CLAUSES

7. Sections 7.104–15 and 7.104–41 are revised; new § 7.104–50 is added; and § 7.203–7 is revised, as follows:

§ 7.104–15 Examination of records.

Pursuant to 10 U.S.C. 2313(b), the following clause will be inserted in all negotiated fixed-price supply contracts in excess of $2,500, including contracts awarded under a total (Small Business Restricted Advertising) or partial set-aside, except as provided in §§ 6.704 and 6.1001 of this chapter.

EXAMINATION OF RECORDS (APRIL 1969)

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under this contract or of the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier, have access to and the right to examine any books, documents, papers, and records of the Contractor, that directly pertain to, and involve transactions relating to this contract or subcontracts hereunder.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under the subcontract or of the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier, have access to and the right to examine any books, documents, papers, and records of such subcontractor that directly pertain to, and involve transactions relating to the subcontract. The term "subcontract" as used in the clause excludes: (i) Purchase orders not exceeding $2,500 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

When Standard Form 32 is used, the form need not be changed to delete the parenthetical sentence preceding paragraph (a) of the clause. (For services contracts, see § 3.113 of this chapter.)

§ 7.104–41 Audit and records.

(a) Insert the following clause only in firm fixed-price and fixed-price with escalation negotiated contracts which when entered into exceed $100,000 except where the price negotiated is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In addition, the contracting officer shall include this clause with appropriate reduction in the dollar amounts provided therein, in firm fixed-price and fixed-price with escalation negotiated contracts, not exceeding $100,000, for which he has obtained a Certificate of Current Cost or Pricing Data in accordance with § 3.807–3(a)(2) of this chapter in connection with the initial pricing of the contract.

AUDIT (APRIL 1969)

(a) For purposes of verifying that certified cost of pricing data submitted, in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000, were accurate, complete, and current, the Contracting Officer, or his authorized representatives, shall—until the expiration of 3 years from the date of final payment under this contract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier—have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(b) The Contractor agrees to insert this clause including this paragraph (b) in all subcontracts hereunder which when entered into exceed $100,000, so as to apply until the expiration of 3 years from the date of final payment under the subcontract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier, unless the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. When so inserted, changes shall be made to designate the higher-tier subcontractor at the level involved as the contracting and certifying party; to add "of the Government prime contract" after "Contracting Officer"; and to add, at the end of (a) above, the words, "provided that, in the case of any contract change or modification, such change or modification results from a change or other modification to the Government prime contract." In each such excepted subcontract hereunder which when entered into exceeds $100,000, the Contractor shall insert the following clause to apply until the expiration of 3 years from the date of final payment under the subcontract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier.

AUDIT—PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification of this contract which involves a price adjustment in excess of $100,000 unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation: *Provided*, That such change or other modification to this contract results from a change or other modification to the Government prime contract.

(b) For purposes of verifying that certified cost or pricing data submitted in conjunction with such a contract change or modification were accurate, complete, and current, the Contracting Officer of the Government prime contract or his authorized representative shall—until the expiration of 3 years from the date of final payment under this contract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier—have the right to examine those books, records, documents, papers and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The Subcontractor agrees to insert this clause, including this paragraph (c), in all subcontracts hereunder which when entered into exceed $100,000, so as to apply until the expiration of 3 years from the date of final payment of the subcontract or for the time

periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier.

(b) Insert the following clause in formally advertised contracts which are expected to exceed $100,000 when entered into; and in firm fixed-price and fixed-price with escalation negotiated contracts which when entered into exceed $100,000 when the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In negotiated contracts, delete from paragraph (b) of the clause the words "the Comptroller General of the United States".

AUDIT—PRICE ADJUSTMENTS (APRIL 1969)

(a) This clause shall become operative only with respect to any change or other modification of this contract which involves a price adjustment in excess of $100,000, unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) For purposes of verifying that certified cost or pricing data submitted in conjunction with such a contract change or other modification were accurate, complete, and current, the Contracting Officer, the Comptroller General of the United States, or any authorized representative, shall—until the expiration of 3 years from the date of final payment under this contract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier—have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The Contractor agrees to insert this clause, including this paragraph (c), in all subcontracts hereunder which when entered into exceed $100,000 so as to apply until the expiration of 3 years from the date of final payment under the subcontract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier. When so inserted, changes shall be made to designate the higher-tier subcontractor at the level involved as the contracting and certifying party; to add "of the Government prime contract" after "Contracting Officer"; and to add, at the end of (a) above, the words, "provided that the change or other modification to the subcontract results from a change or other modification to the Government prime contract."

(c) Insert the following clause in any negotiated contract which is not firm fixed-price or fixed-price with escalation.

AUDIT AND RECORDS (APRIL 1969)

(a) The Contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitute "records" for the purposes of this clause.

(b) The Contractor's plants, or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the Contracting Officer or his authorized representative. In addition, for purposes of verifying that cost or pricing data submitted, in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000, were accurate, complete, and current, the Contracting Officer, or his authorized representatives, shall—until the expiration of 3 years from the date of final payment under this contract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier—have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The Contractor shall preserve and make available his records (i) until the expiration of 3 years from the date of final payment under this contract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier, and (ii) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (A) or (B) below.

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier.

(B) Records which relate to (i) appeals under the "Disputes" clause of this contract (ii) litigation or the settlement of claims arising out of the performance of this contract, or (iii) costs and expenses of this contract as to which exception has been taken by the Contracting Officer or his duly authorized representative, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) (1) The Contractor shall insert this clause, including the whole of this paragraph (d), in each subcontract hereunder that is not firm fixed-price or fixed-price with escalation. When so inserted, changes shall be made to designate the higher-tier subcontractor at the level involved in place of the Contractor; to add "of the Government prime contract" after "Contracting Officer"; and to substitute "the Government prime contract" in place of "this contract" in (B) of paragraph (c) above.

(2) The Contractor shall insert the following clause in each firm fixed-price or fixed-price with escalation subcontract hereunder which when entered into exceeds $100,000, except those subcontracts covered by subparagraph (3) below.

AUDIT—

(a) For purposes of verifying that certified cost or pricing data submitted in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000 were accurate, complete, and current, the Contracting Officer of the Government prime contract, or his authorized representatives, shall—until the expiration of 3 years from the date of final payment under this contract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier—have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(b) The subcontractor agrees to insert this clause including this paragraph (b) in all subcontracts hereunder which when entered into exceed $100,000 unless the price is based on adequate price competition, established catalog or market prices of commerical items sold in substantial quantities to the general public, or prices set by law or regulation.

(3) The Contractor shall insert the following clause in each firm fixed-price or fixed-price with escalation subcontract hereunder which when entered into exceeds $100,000 where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

AUDIT—PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification of this contract, which involves a price adjustment in excess of $100,000 unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation: *Provided*, That such change or other modification to this contract must result from a change or other modification to the Government prime contract.

(b) For purposes of verifying that any certified cost or pricing data submitted in conjunction with a contract change or other modification were accurate, complete, and current, the Contracting Officer of the Government prime contract, or his authorized representatives, shall—until the expiration of 3 years from the date of final payment under this contract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier—have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The subcontractor agrees to insert this clause including this paragraph (c) in all subcontracts hereunder which when entered into exceed $100,000 so as to apply until the expiration of 3 years from the date of final payment of the subcontract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier.

In cost-reimbursement type contracts that have separate periods of performance and that are to include, in the Examination of Records clause prescribed by § 7.203–7, the alternate subparagraph (a)(4) which is set forth in § 7.203–7(b), the clause set forth above in this paragraph shall be modified by adding the following to paragraph (c) thereof:

Notwithstanding the foregoing, the Contractor's obligation to preserve and make available his records shall not extend beyond the period of his like obligation under the "Examination of Records" clause of this contract.

Such contracts may be administered as indicated in § 7.203–7(b).

(d) The requirement for inclusion of the clauses in paragraphs (a) and (b) of this section may be waived for contracts with foreign governments or agencies thereof under circumstances where the requirement for the clauses in §§ 7.104–29 and 7.104–42 may be waived.

(e) The following clause shall be inserted only in those firm fixed-price contracts on which Cost Information Reports are to be submitted.

AUDIT—COST INFORMATION REPORTS (SEPTEMBER 1968)

(a) The Contracting Officer or his authorized representative shall, until the expiration of 3 years from the date of final payment under this contract, have the right to examine policies, procedures, books, records, and documents of the Contractor in order to (i) evaluate the effectiveness of these policies and procedures for producing Cost Information Reports data, and (ii) selectively test the data contained in Cost Information Reports.

(b) The Contractor shall insert the substance of this clause, except this paragraph, in any subcontract hereunder calling for the furnishing of Cost Information Reports.

§ 7.104–50 Management control systems.

In accordance with § 1.331(e) of this chapter, insert the following clause.

MANAGEMENT CONTROL SYSTEMS REQUIREMENTS (MAY 1969)

The Contractor shall utilize the management control systems listed on the DD Form 1660, Management Control Systems Summary List, attached hereto and made a part hereof. Compliance with this clause shall not relieve the Contractor from complying with any other provision of this contract.

§ 7.203–7 Examination of records.

(a) Except as provided in paragraph (b) of this section, and in § 6.704 of this chapter, insert the following clause.

EXAMINATION OF RECORDS (APRIL 1969)

(a) (1) The Contractor agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of this contract (hereinafter collectively called the "records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies, and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this contract.

(2) The Contractor agrees to make available at the office of the Contractor at all reasonable times during the period set forth in subparagraph (4) below any books, documents, papers, or records of the Contractor, that directly pertain to, and involve transactions relating to this contract or subcontracts hereunder for inspection, audit or reproduction by any authorized representative of the Comptroller General.

(3) In the event the Comptroller General or any of his duly authorized representatives determines that his audit of the amounts reimbursed under this contract as transportation charges will be made at a place other than the office of the Contractor, the Contractor agrees to deliver, with the reimbursement voucher covering such charges or as may be otherwise specified within 2 years after reimbursement of charges covered by any such voucher, to such representative as may be designated for that purpose through the Contracting Officer, such documentary evidence in support of transportation costs as may be required by the Comptroller General or any of his duly authorized representatives.

(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the Contractor shall preserve and make available his records (i) until expiration of 3 years after final payment under this contract or of the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier; and (ii) for such longer period, if any, as is required by applicable statute, by any other clause of this contract, or by (A) or (B) below.

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available until expiration of 3 years from the date of any resulting final settlement or of the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier.

(B) Records which relate to (i) appeals under the "Disputes" clause of this contract, (ii) litigation or the settlement of claims arising out of the performance of this contract, or (iii) cost and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall be retained by the Contractor until such appeals, litigation, claims, or exceptions have been disposed of.

(5) Except for documentary evidence delivered pursuant to subparagraph (3) above, and the records described in subparagraph (4)(B) above, the Contractor may in fulfillment of his obligation to retain his records as required by this clause substitute photographs, microphotographs, or other authentic reproductions of such records, after the expiration of 2 years following the last day of the month of reimbursement to the Contractor of the invoice or voucher to which such records relate, unless a shorter period is authorized by the Contracting Officer with the concurrence of the Comptroller General or his duly authorized representative.

(6) The provisions of this paragraph (a), including this subparagraph (6), shall be applicable to and included in each subcontract hereunder which is on a cost, cost-plus-a-fixed-fee, time-and-material or labor-hour basis.

(b) The Contractor further agrees to include in each of his subcontracts hereunder, other than those set forth in subparagraph (a)(6) above, a provision to the effect that the subcontractor agrees that the Comptroller General or any of his duly authorized representatives, shall, until the expiration of 3 years after final payment under the subcontract, or of the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier, have access to and the right to examine any books, documents, papers, and records of such subcontractor that directly pertain to, and involve transactions relating to the subcontract. The term "subcontract," as used in this paragraph (b) only, excludes (i) purchase orders not exceeding $2,500 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(b) In the case of contracts which establish separate periods of performance, the following alternate subparagraph (a)(4) may be substituted for the corresponding subparagraph of the clause prescribed by paragraph (a) of this section.

(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the Contractor shall preserve and make available his records (i) until expiration of 3 years from the date of payment of the voucher or invoice submitted by the Contractor after the completion of the work performed during any separate period of performance established by this contract or by any amendment or supplemental agreement, without regard to former or subsequent periods of performance, or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier, and (ii) for such longer period, if any, as is required by applicable statute or by any other clause of this contract, or by (A) or (B) below.

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available until expiration of 3 years from the date of any resulting final settlement or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier.

(B) Records which relate to (i) appeals under the "Disputes" clause of this contract, (ii) litigation of the settlement of claims arising out of the performance of this contract, or (iii) cost and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall be retained by the Contractor until such appeals, litigation, claims, or exceptions have been disposed of (APRIL 1969).

In the case of such contracts which do not contain the foregoing alternate subparagraph (a)(4), that subparagraph may be inserted by amendment, or in the alternative, the retention of records may be administered in accordance with the procedures set forth in the foregoing alternate subparagraph (a)(4).

8. New §§ 7.204–19, 7.303–32, 7.403–32, 7.504–11, 7.605–41, 7.608–2, and 7.705–6 are added, as follows:

§ 7.204–19 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.303–32 Management control systems requirements.

In accordance with §16.827–1 of this chapter, insert the clause in § 7.104.50.

§ 7.403–32 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.504–11 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.605–41 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.608–2 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.705–6 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

9. The introductory text of § 7.705–22 is revised; new §§ 7.802–6 and 7.902–32 are added; and § 7.1002–21 is revised, as follows:

§ 7.705–22 Facilities equipment modernization.

Insert the following clause in any bilateral modification of an existing facilities contract, and in any new facilities contract, under which the Government provides modernized or replacement facilities.

• • • • •

§ 7.802–6 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.902–32 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.1002–21 Records and accounts.

RECORDS AND ACCOUNTS (APRIL 1969)

The Contracting Officer shall have access to all accounting records applicable to this account and the method of accounting used by the Contractor shall be subject to the approval of the Contracting Officer, but no material change will be made in the Contractor's method if it conforms to good accounting practice and the costs are readily ascertainable therefrom. So far as it is practicable, the Contractor shall maintain a complete separate system of accounts under this contract and shall preserve until expiration of at least three (3) years after the expiration or termination of the contract or any extension thereof or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier, all books, papers, or other accounting records, pertaining thereto. All information obtained from the Contractor's records pursuant to this clause shall be treated as confidential.

PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

10. New §§ 15.308, 15.308–1, and 15.308–2 are added; and a new Subpart H is added, as follows:

§ 15.308 Simplified method for small institutions.

§ 15.308–1 General.

(a) Where the total direct cost of all federally supported work under research and educational service agreements at an institution does not exceed $1 million in a fiscal year (excluding direct payments by the institution to participants under educational service agreements for stipends, support, and similar costs requiring little, if any, indirect cost support), the use of the abbreviated procedure described in § 15.308–2, may be used in determining allowable indirect costs. Under this abbreviated procedure, the institution's most recent annual financial report and immediately available supporting information, with salaries and wages segregated from other costs, will be utilized as a basis for determining the indirect cost rate applicable both to federally supported research and educational service agreements.

(b) The rigid formula approach provided under this abbreviated procedure should not be used where it produces results which appear inequitable to the Government or the institution. In any such case, indirect costs should be determined through use of the regular procedure.

§ 15.308–2 Abbreviated procedure.

(a) Establish the total amount of salaries and wages paid to all employees of the institution.

(b) Establish an overhead pool consisting of the expenditures (exclusive of capital items and other costs specifically identified as unallowable) which customarily are classified under the following titles or their equivalent:

(1) General administration and general expense (exclusive of costs of student administration and services, student aid, student activities, and scholarships).

(2) Operation and maintenance of physical plant.

(3) Library.

(4) Department administration expenses, which will be computed as 20 percent of the salaries and expenses of deans and heads of departments.

In those cases where expenditures classified under subparagraphs (1) and (2) of this paragraph have previously been allocated to "other institutional activities," they may be included in the overhead pool. The total amount of salaries and wages included in the overhead pool must be separately identified.

(c) Establish a salary and wage distribution base, determined by deducting from the total of salaries and wages as established under paragraph (a) of this section the amount of salaries and wages included under paragraph (b) of this section.

(d) Establish the indirect cost rate, determined by dividing the amount in the overhead pool, paragraph (b) of this section, by the amount of the distribution base, paragraph (c) of this section.

(e) Apply the indirect cost rate established to direct salaries and wages for individual agreements to determine the amount of indirect costs allocable to such agreements.

Subpart H—Principles for Determining Costs Applicable to Training and Other Educational Services Under Grants and Contracts With Educational Institutions

Sec.

15.801 Purpose.
15.802 Application.
15.803 Terminology.
15.803–1 Educational service agreement.
15.803–2 Instruction.
15.804 Student administration and services.
15.804–1 Administration and services.
15.804–2 Instruction activity.
15.805 Direct costs of educational service agreements.
15.806 Indirect costs of instruction activity.
15.807 Indirect costs applicable to educational service agreements.
15.808 Indirect cost rates for educational service agreements.
15.809 General standards for selected items of cost.
15.809–1 Commencement and convocation costs (§ 15.309–5).
15.809–2 Compensation for personal services (§ 15.309–7).
15.809–3 Scholarships and student aid costs (§ 15.309–35).
15.809–4 Student activity costs (§ 15.309–40).
15.809–5 Student service costs (§ 15.309–41).

AUTHORITY: The provisions of this Subpart H issued under secs. 2202, 2301–2314, 70A Stat. 120, 127–133; 10 U.S.C. 2202, 2301–2314.

§ 15.801 Purpose.

This subpart extends the scope of Subpart C of this part to cover the determination of costs incurred by educational institutions under Federal grants and contracts for training and other educational services.

§ 15.802 Application.

All agencies of the Department of Defense will use Subpart C of this part, including this Subpart H, as a basis for determining allowable costs under grants and cost reimbursement type contracts with educational institutions for work performed under federally sponsored educational service agreements.

§ 15.803 Terminology.

The following definitions are to be used in determining the indirect cost of federally sponsored training and other educational services under this subpart.

§ 15.803–1 Educational service agreement.

This term means any grant or contract under which Federal financing is provided on a cost reimbursement basis for all or an agreed portion of the costs incurred for training or other educational services. Typical of the work covered by educational service agreements are summer institutes, special training programs for selected participants, professional or technical services to cooperating countries, the development and introduction of new or expanded courses, and similar instructional oriented undertakings, including special research training programs, that are separately budgeted and accounted for by the institution. The term does not extend to (a) grants or contracts for organized research, (b) arrangements under which the Federal financing is exclusively in the form of scholarships, fellowships, traineeships, or other fixed amounts such as a cost of education allowance or the normal published tuition rates and fees of an institution, or (c) construction, facility, and exclusively general resource or institutional type grants.

§ 15.803–2 Instruction.

This term means all of the academic work other than organized research carried on by an institution, including the teaching of graduate and undergraduate courses, departmental research (see § 15.302–2) and all special training or other instructional oriented projects sponsored by the Federal Government or others under educational service agreements.

§ 15.804 Student administration and services.

In addition to the five major functional categories of indirect costs described in § 15.306, there is established an additional category under the title "Student administration and services" to embrace the following:

§ 15.804–1 Administration and services.

The expenses in this category are those that have been incurred for the administration of student affairs and for services to students, including expenses of such activities as deans of students, admissions, registrar, counseling and placement services, student advisers, student health and infirmary services, catalogs, and commencements and convocations. The salaries of members of the academic staff whose academic appointments or assignments require the performance of such administrative or service work may also be included to the extent that the portion so charged is supported pursuant to § 15.809–2. The student administration and services category also includes the staff benefits and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the cost of the operation and maintenance of the physical plant, and charges representing use allowance or depreciation applicable to the buildings and equipment utilized in the performance of the functions included in this category.

§ 15.804–2 Instruction activity.

The expenses in this category are generally applicable in their entirety to the instruction activity. They should be allocated to applicable cost objectives within the instruction activity, including educational service agreements, when such agreements reasonably benefit from these expenses. Such expenses should be allocated on the basis of population served (computed on the basis of full-time equivalents including students, faculty, and others as appropriate) or other methods which will result in an equitable distribution to cost objectives in relation to the benefits received and be consistent with guides provided in § 15.305–2.

§ 15.805 Direct costs of educational service agreements.

Direct costs of work performed under educational service agreements will be determined consistent with the principles set forth in § 15.304.

§ 15.806 Indirect costs of the instruction activity.

The indirect costs of the instruction activity as a whole should include its allocated share of administrative and supportive costs determined in accordance with the principles set forth in § 15.804 and in § 15.306. Such costs may include other items of indirect cost incurred solely for the instruction activity and not included in the general allocation of the various categories of indirect expenses.

§ 15.807 Indirect costs applicable to educational service agreements.

The individual items of indirect costs applicable to the instruction activity as a whole should be assigned to (a) educational service agreements, and (b) all other instructional work through use of appropriate cost groupings, selected distribution bases, and other reasonable methods as outlined in § 15.305–2. A single indirect pool may be used for all educational service agreements provided this results in a reasonably equitable distribution of costs among agreements in relation to indirect support services provided. However, when the level of indirect support significantly varies for work performed either on campus or off campus under a particular agreement or group of agreements, separate cost pools should be established consistent with the principles set forth in § 15.307–1(b). Where direct charges are provided for under educational service agreements for such things as commencement fees, student fees, and tuition, the related indirect costs, through separate cost groupings, should be excluded from the indirect costs allocable to the service agreements.

§ 15.808 Indirect cost rates for educational service agreements.

An indirect costs rate should be determined for the educational service agreement pool or pools, as established under § 15.807. The rate in each case should be stated as the percentage which the amount of the particular educational service agreement pool is of the total direct salaries and wages of all educational service agreements identified with such pool. Indirect costs should be distributed to individual agreements by applying the rate or rates established to direct salaries and wages for each agreement.

§ 15.809 General standards for selected items of cost.

The standards for selected items of cost as set forth in §15.309–1 through § 15.309–46 applicable to research agreements will also be applied to educational service agreements with the following modifications:

§ 15.809–1 Commencement and convocation costs (§ 15.309–5).

Expenses incurred for convocations and commencements apply to the instruction activity as a whole. Such expenses are unallowable as direct costs of educational service agreements unless specifically authorized in the agreement or approved in writing by the sponsoring agency. For eligibility of allocation as indirect costs, see § 15.804.

§ 15.809–2 Compensation for personal services (§ 15.309–7).

Charges to educational service agreements for personal services will be determined and supported consistent with the provisions of § 15.309–7, except that: (a) Charges for direct salaries and wages of the professional staff, including those in the professorial category, will be documented and supported consistent with the provisions of § 15.309–7 for nonprofessorial professional staff members (the provision for stipulated salary support will not be used for educational service agreements); and (b) charges may include compensation in excess of the base salary of a faculty member for the conduct of courses outside the regularly established work schedule of such member providing: (1) Extra charges are determined at a rate not greater than the basic salary rate of the member; (2) salary payments for such work follow practices consistently applied within the institution; and (3) specific authorization for such charges is included in the educational service agreement.

§ 15.809–3 Scholarships and student aid costs (§ 15.309–35).

Expenses incurred for scholarships and student aid are unallowable as either direct costs or indirect costs of educational service agreements, unless specifically authorized in the educational service agreement or approved in writing by the sponsoring agency.

§ 15.809–4 Student activity costs (§ 15.309–40).

Expenses incurred for student activities are unallowable as either direct costs or indirect costs of educational service agreements, unless specifically authorized in the educational service agreement or approved in writing by the sponsoring agency.

§ 15.809–5 Student services costs (§ 15.309–41).

Expenses incurred for student services are unallowable as direct costs of educational service agreements unless specifically authorized in the agreement or approved in writing by the sponsoring agency. For eligibility of allocation as indirect costs, see § 15.804.

PART 16—PROCUREMENT FORMS

11. New §§ 16.827, 16.827–1, 16.827–2, 16.827–3, and 16.827–4 are added, as follows:

§ 16.827 Management Control Systems Summary List (DD Form 1660).

§ 16.827–1 General.

A DD Form 1660 and the clause set forth in § 7.104–50 of this chapter shall be included in all contracts which are estimated to exceed $1 million and use management control systems other than those required by ASPR (see § 1.331 of this chapter). The DD Form 1660 shall list each management control system required by the contract except those required by a clause set forth in this subchapter.

§ 16.827–2 Preparation.

The DD Form 1660 shall be prepared and used in accordance with the following:

(a) Each entry shall be selected from the Management Control Systems List, DoD Manual 7000.6 M, or have been specifically approved for use on the contract by the Office of the Assistant Secretary of Defense (Comptroller) or of the Secretary of the Department concerned.

(b) Entries on the DD Form 1660 shall be made as follows:

Item 1. Number the entries sequentially on the form.

Item 2. Transcribe the document numbers from the "Document Number" column on the Management Control Systems List (MCSL) (DODM 7000.6 M).

Item 3. Transcribe the date of issue or date of latest revision of the document from the "Date" column in the MCSL.

Item 4. Transcribe the document title from the center column on the MCSL.

Item 5. Enter the DD Form 1423 sequence numbers for all data requirements derived

from the MCSL. Enter any exceptions made to the reporting and control requirements of the management control system or state where the exceptions are contained in the contract.

§ 16.827–3 Procedure.

Upon receipt of a DD Form 1660, the contracting officer shall take the following steps:

(a) Verify that the listed system(s) appear on the Management Control Systems List (MCSL).

(b) Verify that the approval of the Office of the Assistant Secretary of Defense (Comptroller) or of the Secretary of the Department concerned accompanies the DD Form 1660 for any system not appearing on the MCSL.

(c) Inform the originator of the requirement either to substitute an approved management control system or to obtain approval for any unlisted or unapproved system included on the DD Form 1660.

§ 16.827–4 Completed DD Form 1660.

The completed DD Form 1660 shall be included in the solicitation document and the resulting contracts.

PART 19—TRANSPORTATION

12. In § 19.204(a)(1), subdivision (i) is revised to read as follows:

§ 19.204 Consignment and marking instructions.

(a)(1) • • •

(i) Department of Defense organizational entity code of consignee and clear text identification of consignee and destination.

• • • • •

PART 30—APPENDIXES TO ARMED SERVICES PROCUREMENT REGULATIONS

13. In § 30.1, paragraph 4 in part I and paragraph I and Rule 12 in part II are revised, and a new § 30.9 is added, as follows:

§ 30.1 Appendix A—Armed Services Board of Contract Appeals.

PART I—CHARTER

• • • • •

4. The chairman of the Board shall be responsible for establishing appropriate divisions of the Board to provide for the most effective and expeditious handling of appeals. He shall be responsible for assigning appeals to the divisions for decision without regard to the military department or other procuring agency which entered into the contract. A division may consist of one or more members of the Board. The chairman shall designate one member of each division as the division head. The division heads and the chairman and vice chairman shall constitute the senior deciding group of the Board. A majority of the members of a division or of the senior deciding group shall constitute a quorum for the transaction of the business of each, respectively. Decisions of the Board shall be by majority vote of the members of a division participating and the chairman and a vice chairman, unless the chairman refers the appeal for decision by the senior deciding group. The decision of the Board in cases so referred to the senior deciding group shall be by majority vote of the participating members of that group. The chairman may refer an appeal of unusual difficulty, significant precedential importance, or serious dispute within the normal decision process for decision by the senior deciding group. On request of an appellant, concurred in by the Government, an appeal involving $5,000 or less may be decided by a single member of the Board under accelerated procedures as provided in the rules of the Board.

• • • • •

PART II—RULES

PREFACE TO RULES OF THE ARMED SERVICES BOARD OF CONTRACT APPEALS

I. Summary of Pertinent Charter Provisions

The Armed Services Board of Contract Appeals is the authorized representative of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, in hearing, considering and determining, as fully and finally as might each of the Secretaries:

(a) Appeals by contractors from decisions of contracting officers or their authorized representatives or other authorities on disputed questions, taken pursuant to the provision of contracts requiring the determination of such appeals by the Secretary of Defense or by a Secretary of a military department or their duly authorized representative or board; or,

(b) Appeals by contractors taken pursuant to the provisions of any directive whereby the Secretary of Defense or the Secretary of a military department has granted a right of appeal not contained in the contract.

When an appeal is taken pursuant to a disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may in its discretion hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. In the consideration of an appeal, should it appear that a claim is involved which is not cognizable under the terms of the contract, the Board may make findings of fact with respect to such a claim without expressing an opinion on the question of liability.

When a contract requires the Secretary of Defense or the Secretary of a military department, personally to render a decision on the matter in dispute, the Armed Services Board of Contract Appeals makes and submits findings and recommendations to the appropriate Secretary with respect thereto.

There are a number of divisions of the Armed Services Board of Contract Appeals, established by the Chairman of the Board in such manner as to provide for the most effective and expeditious handling of appeals. The Chairman and a Vice Chairman of the Board act as members of each division. Appeals are assigned to the divisions for decision without regard to the military department or other procuring agency which entered into the contract involved. Hearing may be held by a designated member, or by a duly authorized examiner. The decision of a majority of a division constitutes the decision of the Board, unless the Chairman refers the appeal to the Board's Senior Deciding Group (consisting of the Chairman, Vice Chairmen, and all division heads), in which event a decision of a majority of that group constitutes the decision of the Board. Appeals referred to the Senior Deciding Group are those of unusual difficulty, significant precedential importance, or serious dispute within the normal division decision process.

On request of the parties, an appeal involving $5,000 or less is decided as provided in the Optional Accelerated Procedure set forth in Rule 12, by a single member of the Board.

• • • • •

12. *Optional accelerated procedure.* Should an appeal involve $5,000 in amount or less, it may at the option of the parties be processed under this rule. In the event of such election, the Board will undertake to issue a decision on the appeal on an expedited basis, without regard to its normal position on the docket. Under this accelerated procedure, the case will be further expedited if the parties elect to waive pleadings and/or elect to waive the hearing and submit on the record. In all other respects, these rules will apply.

• • • • •

§ 30.9 Appendix M—Retention requirements for contractor and subcontractor records.

PART 1—GENERAL

M–101 General. (a) Contractors and subcontractors are required to retain and make available books, records, documents, and other supporting evidence required to satisfy contract negotiation, administration, and audit requirements of the Department of Defense and the Comptroller General of the United States. These requirements are prescribed by contract clauses.

(b) The general record retention requirements of these contract clauses are subject to the exceptions set forth in this appendix. The appendix identifies these exceptions and prescribes specific retention periods for them.

(1) Records are identified herein primarily in terms of their purpose or use and not by specific name or form number. The descriptive identifications may or may not conform to contractor usage or individual filing practices; but they are to apply to all records kept by the contractor which come within the description, regardless of contractor designations of such records. If two or more of the record categories described are interfiled and screening for disposal is not practical, the contractor or the subcontractor shall retain the entire record series for the longest period prescribed for any of the records.

(2) The prescribed retention periods for the records described in M–201 shall be calculated from the end of the contractor's fiscal year in which an entry is made charging or allocating a cost to a Government contract. Where there is a series of such entries involving a specific record, the retention period for that record shall be calculated from the end of the contractor's fiscal year in which the final entry is made. To apply these retention periods, the contractor or subcontractor should cut off the records in annual blocks and retain for block disposal in accordance with the prescribed retention periods under the related contract or subcontract. An exception to the foregoing starting time for the retention periods shall occur where records generated during a prior contract are relied upon by a contractor for cost and pricing data in negotiation of a succeeding contract, and the 2- and 4-year periods will run for those records from the date of the succeeding contract.

(c) The provision in this appendix shall not be construed as exempting the contractor from compliance with any applicable statute or other lawful requirement for the retention of records for longer periods than prescribed herein. If the contractor should retain records described in M–201 for longer periods because of justifiable purposes, such records shall be subject to the right of the Comptroller General to have access to and to examine within the statutory periods provided in the contract clause.

M–102 Retroactive application. The prescribed retention periods set forth in this appendix are applicable to all contractual record retention provisions in existence at the date of adoption of this appendix.

PART 2—RETENTION REQUIREMENTS

M–201 Retention Periods. Contractors and subcontractors shall retain the records described in the contract or subcontract records clauses, and shall make them available to the Comptroller General of the United States, the Contracting Officer, or their authorized representatives, (i) until expiration of 3 years after final payment or, for certain records, for the period specified in this paragraph M–201, whichever expires earlier, and (ii) for whatever longer period, if any, is specified in the general requirements of the applicable contract or subcontract records clause.

M–201.1 Financial and cost accounting records. Retain for the following periods, calculated as provided in M–101(b)(2):

(i) Accounts receivable invoices, adjustments to the accounts, invoice registers, shipping orders, carrier freight bills, or other documents which detail the material or services billed on the related invoices—retain 4 years.

(ii) Material, work order, or service order files, consisting of purchase requisitions or purchase orders for material or services, or orders for transfer of material or supplies—retain 4 years.

(iii) Cash advance recaps, prepared as posting entries to accounts receivable ledgers for amounts of expense vouchers prepared for employees' travel and related expenses—retain 4 years.

(iv) Paid, canceled, and voided checks, other than those issued for the payment of salary and wages—retain 4 years.

(v) Accounts payable records to support disbursements of funds for materials, equipment, supplies, and services, containing originals or copies of the following and related documents: remittance advices and statements, vendors' invoices, invoice audits and distribution slips, receiving and inspection reports or comparable certifications of receipt and inspection of material or services, and debit and credit memoranda—retain 4 years.

(vi) Labor cost distribution cards or equivalent documentation—retain 2 years.

(vii) Petty cash records showing description of expenditures, to whom paid, name of person authorizing payment, and date, including copies of vouchers and other supporting documents—retain 2 years.

M–201.2 Pay administration records. Retain for the following periods, calculated as provided in M–101(b)(2):

(i) Payroll sheets, registers, or their equivalent, of salaries and wages paid to individual employees for each payroll period; change slips; and tax withholding statements—retain 4 years.

(ii) Clock cards or other time and attendance cards—retain 2 years.

(iii) Paid checks, receipts for wages paid in cash, or other evidence of payments for services rendered by employees—retain 2 years.

M–201.3 Procurement and supplies records. Retain for the following periods, calculated as provided in M–101(b)(2):

(i) Stores requisitions for materials, supplies, equipment, and services—retain 2 years.

(ii) Work orders for maintenance and other services—retain 4 years.

(iii) Equipment records, consisting of equipment utilization and status reports and equipment repair orders—retain 4 years.

(iv) Expendable property records, reflecting accountability for the receipt and use of material in the performance of a contract—retain 4 years.

(v) Receiving and inspection report records, consisting of reports reflecting receipt and inspection of supplies, equipment, and material—retain 4 years.

(vi) Purchase order files for supplies, equipment, material, or services, to be used in the performance of a contract or subcontract—retain 4 years.

(vii) Production records of quality control, reliability, and inspection—retain 4 years.

M–202 Nonapplicability of retention requirements. The retention periods in M–201 are not applicable to extra copies of documents or intermediate data records. These may be disposed as follows:

(a) Those duplicate copies of documents which are not required for Government purposes may be destroyed at any time: provided such copies do not contain significant information not shown on the retained record copies.

(b) Intermediate data records consisting of punched cards, electronic tape, or comparable media may be disposed of if printouts or listings are prepared and maintained showing the details of the transactions charged or allocated to individual Government contracts and identifying the supporting source documents.

[Rev. 2, ASPR, Apr. 28, 1969, DPC 69 and 70] (Secs. 2202, 2301–2314, 70A Stat. 120, 127–133; 10 U.S.C. 2202, 2301–2314)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69–8393; Filed, July 16, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 23,042]

PART 545—OPERATIONS

Loan Prepayments

JULY 10, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 545.6–12(b) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–12(b)) for the purpose of permitting Federal savings and loan associations and their borrowers to negotiate any amount of prepayment penalty in connection with any loan other than a loan secured by an owner-occupied "home", as the term "home" is defined in § 541.10–2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 541.10–2), hereby amends paragraph (b) of said § 545.6–12 to read as follows, effective July 17, 1969.

§ 545.6–12 Loan payments.

• • • • •

(b) *Loan payments and prepayments.* Payments on the principal indebtedness of all loans on real estate security shall be applied directly to the reduction of such indebtedness, but prepayments made on an installment loan may be reapplied from time to time in whole or in part by a Federal association to offset payments which subsequently accrue under the loan contract. Borrowers from Federal associations shall have the right to prepay their loans without penalty unless the loan contract makes express provision for a prepayment penalty. The prepayment penalty for a loan secured by a home which is occupied or to be occupied in whole or in part by a borrower shall not be more than 6 months' advance interest on that part of the aggregate amount of all prepayments made on such loan in any 12-month period which exceeds 20 percent of the original principal amount of the loan.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948, Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time and since it is in the public interest for the additional authority granted in the amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 508.11 of the General Regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(b); and publication of said amendment for the period specified in section 508.14 of the General Regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason, and the Board hereby so finds; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69–8441; Filed, July 16, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69–SO–75; Amdt. 39–796]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA–28 and PA–32 Airplanes

There have been failures of the control wheel retaining pin on Piper PA–28 and PA–32 model airplanes that could result in loss of elevator and aileron control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive

is being issued to require installation of a self-tapping screw adjacent to the control wheel retaining pin to prevent loss of the pin on Piper PA-28 and PA-32 model airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to the following models: PA-28-180/-235, PA-28R-180/-200, and PA-32-260/-300. The following are affected serial numbers:

PA-28-180, Serial Nos. 28-4378 through 28-5406;
PA-28-235, Serial Nos. 28-11040 through 28-11257;
PA-28R-180, Serial Nos. 28-30005 through 28-31095;
PA-28R-200, Serial Nos. 28-35001 through 28-35265;
PA-32-260, Serial Nos. 32-1111 through 32-1165;
PA-32-300, Serial Nos. 32-40566 through 32-40715.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent control wheel retaining pin from dislodging, install a self-tapping steel screw adjacent to the retaining pin for each control wheel in accordance with Piper Service Bulletin No. 295, or equivalent approved by Chief, Engineering and Manufacturing Branch, FAA Southern Region.

This amendment becomes effective July 21, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Piper Aircraft Corp., Post Office Box 1328, Vero Beach, Fla. 32960, Attention: Mr. H. M. Toomey, Administrative Engineer. These documents may also be examined at FAA Southern Region, 3400 Whipple Street, East Point, Ga. 30320, and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20553. A historical file on this airworthiness directive which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Southern Region.

Issued in East Point, Ga. on July 9, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on July 16, 1969.

[F.R. Doc. 69-8411; Filed, July 16, 1969; 8:46 a.m.]

[Airworthiness Docket No. 69-SW-22; Amdt. 39-795]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of the magnesium cyclic bellcrank support assemblies until replaced with an aluminum assembly on Bell Model 206A helicopters to supersede Amendment 39-746 was published in 34 F.R. 8369.

Interested persons have been afforded an opportunity to participate in making the amendment. One comment was received and was concerned with: (1) The wording of subparagraph (a)(2), in that it could be interpreted to require torqueing the nuts on the support assembly on a daily basis; and, (2) that due to the inaccessibility of some of the nuts on the assembly, torqueing of the bolt head should be acceptable where necessary. It was intended that the inspection be accomplished by grasping the support assembly to determine whether or not it was loose and to torque the nuts only if the assembly was determined to be loose. Accordingly, subparagraph (a)(2) is being changed to more properly describe the method of inspection and to provide for the torqueing of the bolt heads, as necessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Model 206A helicopters equipped with magnesium cyclic bellcrank support assemblies.

Compliance required as indicated.

To prevent failure of the magnesium cyclic bellcrank support assemblies, P/N 206-001-521, due to fatigue cracks, accomplish the following:

(a) Inspect the right and left-hand support assemblies, P/N 206-001-521, that have accumulated 25 hours' total time in service after April 15, 1969, before the first flight of each day as follows:

(1) Remove the upper forward cowling, P/N 206-061-801, to expose the hydraulic power cylinders.

(2) Inspect the attachment of the support assemblies to the fuselage for firmness by grasping with the fingers. If the support assembly is loose, torque the nut on the NAS 1304-9 bolt to 80 to 100 inch-pounds and the nut on the NAS 1305-9 bolt to 120 to 145 inch-pounds. If a nut is inaccessible, torque the bolt head in accordance with the method described in paragraph 4 of Bell Helicopter Company Service Bulletin No. 206A-11 dated May 9, 1969, or in accordance with a method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

(3) Inspect visually the right and left-hand support assemblies, P/N 206-001-521, for cracks in the spotfaced areas around the attachment bolts and in the fillet radii between the base and vertical section of the supports, using a flashlight or equivalent. Both the forward and aft flange fillet radii and spotfaced areas must be inspected.

(4) Smooth out any nicks or corrosion visible in the forward and aft flange fillet radii and the spotfaced areas, using a fine file and crocus cloth.

(b) Remove and replace the support assembly before further flight if cracks are found. Inspect cyclic control rigging in accordance with paragraph 4-30 of the Model 206A Maintenance and Overhaul Instructions when the support assembly is replaced.

(c) Remove and replace right and left-hand magnesium support assemblies with new aluminum support assemblies, P/N 206-001-544, within 100 hours' time in service after the effective date of this AD in accordance with the procedures in Bell Helicopter Company Service Bulletin No. 206A-11 dated May 9, 1969, or in accordance with a procedure approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

(d) The inspections in paragraph (a) are no longer required when aluminum bellcrank supports are installed in accordance with paragraph (c).

(Bell Model 206A Maintenance and Overhaul Manual Interim Revision No. 206A-69-16 pertains partially to this subject.)

This supersedes Amendment 39-746 (34 F.R. 6472), AD 69-7-3.

This amendment becomes effective August 16, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on July 8, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-8408; Filed, July 16, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 8206 of the FEDERAL REGISTER for May 27, 1969, the Federal Aviation Administration published proposed regulations which would alter the Mount Pocono, Pa., transition area (34 F.R. 8732).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., September 18, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 2, 1969.

IRVING MARK,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to in the description of the Mount Pocono, Pa., transition area, delete all after the words "within 2 miles each side of the" and insert the following in lieu thereof, "333° bearing from the Tobyhanna RBN (41° 12'15" N., 75°25'20" W.) extending from the RBN to 7.5 miles northwest of the RBN."

[F.R. Doc. 69-8421; Filed, July 16, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 8206 of the FEDERAL REGISTER for May 27, 1969, the Federal Aviation Administration published proposed regulations which would designate a 700-foot transition area over Empire Aero Services Airport, Skaneateles, N.Y.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., September 18, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 2, 1969.

IRVING MARK,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Skaneateles, N.Y., transition area described as follows:

SKANEATELES, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 42°54'50" N., 76°26'20" W. of Empire Aero Services Airport, Skaneateles, N.Y.; within 2 miles each side of the Runway 10 centerline, extended from the 5-mile radius area to 6 miles east of the lift-off end of the runway and within 2 miles each side of the Syracuse VORTAC 215° radial, extending from the 5-mile radius area to 13 miles southwest of the Syracuse VORTAC.

[F.R. Doc. 69-8422; Filed, July 16, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Greenwood, Miss., control zone and transition area.

The Greenwood control zone is described in § 71.171 (34 F.R. 4557, 5431) and the Greenwood transition area is described in § 71.181 (34 F.R. 4637, 5431).

In each description, an extension is predicated on the Greenwood VORTAC 079° radial and has a designated width of 2 miles each side of the radial.

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace for the protection of these procedures was revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria and a redefinement of the final approach radial of AL-181-VOR-RWY 5 instrument approach procedure from the 079° to the 081° radial, it is necessary to alter the descriptions by redesignating the control zone and transition area extensions predicated on the 079° radial to the 081° radial, increase the width of the control zone extension predicated on this radial from 2 to 2.5 miles each side, and decrease the width of the transition area extension predicated on this radial from 2 to 1.5 miles each side.

In view of the foregoing, notice and public procedure hereon are unnecessary and action is taken herein to amend the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Greenwood, Miss., control zone (34 F.R. 5431) is amended to read:

GREENWOOD, MISS.

Within a 5-mile radius of the Greenwood-Leflore Airport (lat. 33°29'30" N., long. 90°-04'50" W.); within 2.5 miles each side of the Greenwood VORTAC 081° radial, extending from the 5-mile radius zone to 1.5 miles east of the VORTAC.

In § 71.181 (34 F.R. 4637), the Greenwood, Miss., transition area (34 F.R. 5431) is amended to read:

GREENWOOD, MISS.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Greenwood-Leflore Airport (lat. 33°-29'30" N., long. 90°04'50" W.); within 1.5 miles each side of the Greenwood VORTAC 081° radial, extending from the 10-mile radius area to the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a), sec. 6(c), the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 7, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-8407; Filed, July 16, 1969; 8:46 a.m.]

[Airspace Docket No. 68-PC-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airways and Reporting Points

On May 10, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7579) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would accomplish the following:

1. Designate V-20 Hawaii from Honolulu, Hawaii, via the intersection of Honolulu 134° and the Kona, Hawaii, 308° True radials; Kona.

2. Designate V-23 Hawaii from Upolu Point, Hawaii, to the intersection of Upolu Point 280° and Honolulu 134° True radials.

3. Extend V-7 Hawaii from Lanai, Hawaii, via the intersection of Lanai 140° and Kona 323° True radials; to Kona.

4. Designate Firepit Intersection, intersection of Honolulu 134° and Upolu Point 280° True radials, as a reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

It was the intent that V-23, via the Upolu Point 280° T radial, intersect V-20 at the intersection of the Honolulu 134° and Kona 308° True radials (Firepit INT). Subsequent to publication of the notice, a mathematical computation of the Upolu Point radial determined that its value should be 277° T to intersect V-20 at the Firepit INT. Corrective action is taken herein.

Since the change in the value of the Upolu Point radial is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., September 18, 1969, as hereinafter set forth.

1. Section 71.127 (34 F.R. 4544) is amended as follows:

a. V-20 Hawaii is added as follows:

V-20 Hawaii. From Honolulu, Hawaii, INT Honolulu 134° and Kona, Hawaii; 308° radials; Kona.

b. V-23 Hawaii is added as follows:

V-23 Hawaii. From Upolu Point, Hawaii; INT Upolu Point 277° and Honolulu, Hawaii, 134° radials.

c. V-7 Hawaii is amended to read as follows:

V-7 Hawaii. From Kona, Hawaii, INT Kona 323° and Lanai, Hawaii, 140° radials; Lanai; Molokai, Hawaii.

2. In § 71.215 (34 F.R. 4806) the following is added:

Firepit INT: INT Honolulu, Hawaii, 134° and Upolu Point 277° radials.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510, E.O. 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 10, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-8409; Filed, July 16, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SW-27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Kerrville, Tex., transition area.

On May 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7977) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Kerrville, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to issuance of the notice, the agency learned that the position of the Kerrville RBN had been recomputed and the coordinates corrected. Changing to the correct coordinates will not affect the extent of the proposed transition area. Action is taken herein to incorporate the correct coordinates of the RBN in the transition area description.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 18, 1969, as herein set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

KERRVILLE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kerrville Municipal (Louis Schreiner Field) Airport (lat. 29°58'41" N., long. 99°05'11" W.), and within 3 miles each side of the 134° bearing from the Kerrville RBN (lat. 29°59'11" N., long. 99°04'31" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on July 8, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-8410; Filed, July 16, 1969; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-166]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Transportation of Passengers Between United States Ports on Foreign Vessels

The purpose of this amendment is to clarify the fact that the Commissioner of Customs has authority in certain cases to extend the time a foreign vessel may remain in a coastwise port without being deemed to have landed passengers taken at another such port. For that purpose, § 4.80a(a)(2) of the Customs Regulations is amended to read as follows:

§ 4.80a Passengers on foreign vessels taken on board and landed in the United States.

(a) • • •

(2) The passenger goes ashore, even temporarily, at another coastwise port on a voyage to one or more coastwise ports but touching at a nearby foreign port or ports (but at no other foreign port) if during the course of the voyage the vessel remains in the coastwise port (not including the port of embarkation) for more than 24 hours, without regard to whether the passenger ultimately severs his connection with the vessel at the port at which he embarked. This period may be extended by the district director of customs concerned to 48 hours or by the Commissioner of Customs for a longer period if the district director or the Commissioner is satisfied that the vessel will be unable to depart within the permitted period for reasons connected with the loading or unloading of cargo or for the safety or safe navigation of the vessel.

• • • • • •

(80 Stat. 379. R.S. 251; 5 U.S.C. 301, 19 U.S.C. 66)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: July 8, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-8434; Filed, July 16, 1969; 8:48 a.m.]

[T.D. 69-168]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

Net amount of bounty declared for the month of June 1969 for products of Australia subject to the countervailing duty order published in T.D. 54582.

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of June 1969, of approved fruit products and other approved products containing sugar amounts to Australian $79.10 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian $79.10 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury Decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 69-96 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: July 8, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-8433; Filed, July 16, 1969; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TDE (or DDD)

No comments were received in response to the notice published in the FEDERAL REGISTER of May 21, 1969 (34 F.R. 7974), proposing a reduction of tolerances for residues of the insecticide TDE (1,1-dichloro-2,2-bis(p-chlorophenyl) ethane) from 7 parts per million to 3.5 parts per million or 1 part per million in or on certain raw agricultural commodities for specified reasons. Also, no requests were received to refer the proposal to an advisory committee.

The Commissioner of Food and Drugs concludes that the tolerances should be reduced as proposed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (e), (m), 68 Stat. 514, 517; 21 U.S.C. 346a (e), (m)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.187 is revised to read as follows:

§ 120.187 TDE (or DDD); tolerances for residues.

Tolerances for residues of the insecticide TDE (1,1-dichloro-2,2-bis(p-chlorophenyl) ethane) are established in or on raw agricultural commodities as follows:

7 parts per million in or on apples, apricots, beans, blueberries (huckleberries), cucumbers, eggplants, grapes, melons, nectarines, peaches, pears, peppers, pumpkins, quinces, rutabaga tops, squash, summer squash, tomatoes, and turnip greens.

3.5 parts per million in or on blackberries, boysenberries, cherries, citrus fruits, dewberries, loganberries, plums (fresh prunes), raspberries, strawberries, sweet corn (kernels plus cob with husks removed).

1 part per million in or on broccoli, brussels sprouts, cabbage, carrots, cauliflower, kohlrabi, lettuce, peas, rutabagas (roots), spinach, and turnips (roots).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW, Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(e), (m), 68 Stat. 514, 517; 21 U.S.C. 346a (e), (m))

Dated: July 8, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-8396; Filed, July 16, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Correction and Clarification Regarding Penicillin-Streptomycin Containing Combination Drugs for Veterinary Use

An order published in the FEDERAL REGISTER of June 13, 1969 (34 F.R. 9333), included among other things certain amendments regarding tests and methods of assay and certification requirements of penicillin and penicillin-containing drugs.

Sections 146a.58 and 146a.67 provided for label changes in the products covered by these monographs with regard to their use in food-producing animals. The changes would require that the labeling for such products bear a statement that animals treated with such products are not to be slaughtered for food within 30 days of the last treatment. An order was promulgated May 17, 1969 (34 F.R. 7849), that incorporated the findings and conclusions of the Commissioner and was based in part upon comments submitted in response to said proposal.

As a completion of action on the proposal of April 11, 1968 (33 F.R. 5627), and based upon the findings published in the order of May 17, 1969 (34 F.R. 7849), pusuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120): The amendments to § 146a.58 and § 146a.67 promulgated June 13, 1969 (34 F.R. 9333), as related to use of such drugs in food-producing animals are hereby based upon the findings and conclusions set forth in said order of May 17, 1969.

Effective date. The labeling changes required by the order of June 13, 1969, become effective on July 23, 1969. Antibiotic preparations not in compliance with § 146a.58 or § 146a.67 as revised will be subject to regulatory action after November 13, 1969.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 9, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-8395; Filed, July 16, 1969; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

[Dept. Reg. 108.605]

REVISION

Parts 121 through 127 of Title 22 of the Code of Federal Regulations are revised and Part 128 is added as set forth below. This revision does not include § 121.01 which will be issued at a later date.

Part
121 Arms, Ammunition, and Implements of War.
122 Registration.
123 Licenses for Unclassified Arms, Ammunition, and Implements of War.
124 Manufacturing License and Technical Assistance Agreements.
125 Technical Data.
126 Prohibited Shipments, Temporary Suspension or Modification of Regulations, Exemptions and Relation to Other Provisions of Law.
127 Violations and Penalties.
128 Administrative Procedures.

PART 121—ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

ENUMERATION OF ARTICLES

Sec.
121.01 The U.S. munitions list.

DEFINITIONS AND INTERPRETATIONS

121.02 Equipment.
121.03 Firearms.
121.04 Cartridge and shell casings.
121.05 Military demolition blocks and blasting caps.
121.06 Apparatus and devices under Category IV(b).
121.07 Amphibious vehicles.
121.08 Chemical agents.
121.09 Propellants.
121.10 Military explosives.
121.11 Military fuel thickeners.
121.12 Vessels of war and special naval equipment.
121.13 Aircraft and related articles.
121.14 Helium gas.
121.15 Forgings, castings, and machined bodies.
121.16 "United States".
121.17 Person.
121.18 Export.
121.19 Intransit shipments.
121.20 Licenses.
121.21 District directors of customs.

AUTHORITY: The provisions of this Part 121 issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redelegation of Authority No. 104-3-A, 28 F.R. 7231.

ENUMERATION OF ARTICLES

§ 121.01 The U.S. munitions list.

• • • • • •

DEFINITIONS AND INTERPRETATIONS

§ 121.02 Equipment.

The term "equipment" as used in this subchapter, unless it appears otherwise in the context, means any article (see footnote 1, § 121.01) not including technical data. The terms "equipment" and "article" include (a) experimental equipment being developed for military use, and (b) models and mockups (with or without moving parts) if they reveal any information relating to the use, operation, maintenance, repair, overhaul, production, processing, manufacture, research, development, or design of any arms, ammunition, and implements of war on the U.S. Munitions List.

§ 121.03 Firearms.

Rifles, carbines, revolvers, and pistols, to caliber .50 inclusive, and shotguns with barrels less than 18 inches in length, are included under Category I(a). Machineguns, submachineguns, machine pistols, and fully automatic rifles to caliber .50 inclusive are included under Category I(b).

(a) As used in this subchapter, the term "firearm" denotes a weapon not over .50 caliber which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. (BB and pellet guns are not included on the Munitions List.)

(b) A "rifle" is a shoulder firearm discharging bullets through a rifled barrel at least 16 inches in length, including combination and drilling guns.

(c) A "carbine" is a lightweight shoulder firearm with a short barrel, under 16 inches in length.

(d) A "pistol" is a hand-operated firearm having a chamber integral with, or permanently aligned with, the bore.

(e) A "revolver" is a hand-operated firearm with a revolving cylinder containing chambers for individual cartridges.

(f) A "machinegun," "machine pistol" or "submachinegun" is a firearm originally designed to fire, or capable of being fired fully automatically by a single pull of the trigger.

§ 121.04 Cartridge and shell casings.

Cartridge and shell casings are included under Category III of the U.S. Munitions List unless, prior to their exportation, they have been rendered useless beyond the possibility of restoration for use for the purpose originally produced by means of excessive heating, flame treatment, mangling, crushing, cutting, or popping. (Shotgun ammunition is not included in the Munitions List.)

§ 121.05 Military demolition blocks and blasting caps.

The term "military demolition blocks and blasting caps" does not include the following articles:

(a) Electric squibs.

(b) No. 6 and No. 8 blasting caps, including electric.

(c) Delay electric blasting caps (including No. 6 and No. 8 millisecond).

(d) Seismograph electric blasting caps (including SSS, Static-Master, Vibrocap SR, and SEISMO SR).

(e) Oil well perforating devices.

§ 121.06 Apparatus and devices under Category IV(b).

Category IV(b) includes inter alia the following: Fuzes and components thereof, bomb racks and shackles, bomb shackle release units, bomb ejectors, torpedo tubes, torpedo and guided missile boosters, guidance system materials (except those having a commercial application), launching racks and projectors, pistols (exploders), igniters, fuze arming devices, intervalometers, and components therefor, guided missile launchers and specialized handling equipment and hardened missile launching facilities.

§ 121.07 Amphibious vehicles.

As used in Category VII(f), the term "amphibious vehicles" includes, but is not limited to, automotive vehicles or chassis embodying all-wheel drive and equipped to meet special military requirements, with adaptation features for deep water fording and sealed electrical systems.

§ 121.08 Chemical agents.

(See Category XIV(a).) A chemical agent is a substance useful in war which, by its ordinary and direct chemical action, produces a powerful physiological effect. The term "chemical agents" includes but is not limited to the following chemical compounds:

1. Lung irritants:
(a) Diphenylcyanoarsine (DC).
(b) Fluorine (but not fluorene).
(c) Trichloronitro methane (Chlorpicrin PS).
2. Vesicants:
(a) B Chlorvinyldichlorarsine (Lewisite, L).
(b) Bisdichlorethyl sulphide (Mustard gas, HD or H).
(c) Ethyldichloroarsine (ED).
(d) Methyldichloroarsine (MD).
3. Lachrymators and tear gases:
(a) Brombenzylcyanide (BBC).
(b) Chloroacetophenone (CN).
(c) Dibromodimethyl ether.
(d) Dichlorodimethyl ether (ClCl).
(e) Ethyldibromoarsine.
(f) Phenylcarbylamine chloride.
(g) Tear gas solutions (CNB and CNS).
(h) Tear gas orthochlorobenzalmalononitrile (CS).
4. Sternutators and irritant smokes:
(a) Diphenylaminechloroarsine (Adamsite, DM).
(b) Diphenylchlorarsine (BA).
(c) Liquid pepper.
5. Nerve gases. These are toxic compounds which affect the nervous system, such as:
(a) Dimethylaminoethoxycyanophosphine oxide (GA).
(b) Methylisopropoxyfluorophosphine oxide (GB).
(c) Methylpinacolyloxyfluoriphosphine oxide (GD).
6. Antiplant chemicals:
(a) Butyl, 2,4-dichlorophenoxyacetate (LNA).
(b) 2,4,5-trichlorophenoxyacetate (LNB).
(c) Butyl 2-chloro-4-fluorophenoxyacetate (LNF).

§ 121.09 Propellants.

The term "propellants" includes but is not limited to the following:

(a) Propellant powders, including smokeless shotgun powder (see § 123.37).

(b) Hydrazine (including Monomethyl hydrazine and symmetrical dimethyl hydrazine but excluding hydrazine hydrate).

(c) Unsymmetrical dimethyl hydrazine.

(d) Hydrogen peroxide over 85 percent concentration.

(e) Nitroguanadine or picrite.

(f) Nitrocellulose with nitrogen content of over 12.20 percent.

(g) Nitrogen tetroxide.

(h) Other solid propellant compositions, including but not limited to the following:

(1) Single base (nitrocellulose).

(2) Double base (nitrocellulose, nitroglycerin).

(3) Triple base (nitrocellulose, nitroglycerin, nitroguanidine).

(4) Composite of nitroglycerin, ammonium perchlorate, potassium perchlorate, nitronium perchlorate, guanidine (guanidinium) perchlorate, nitrogen tetroxide, ammonium nitrate or nitrocellulose with plastics, metal fuels, or rubbers added; and compounds composed only of fluorine and one or more of the following: Other halogens, oxygen, or nitrogen.

(5) Special purpose chemical base high energy solid military fuels.

(i) Other liquid propellant compositions, including but not limited to the following:

(1) Monopropellants (hydrazine, hydrazine nitrate, and water).

(2) Bipropellants (hydrazine, fuming nitric acid (HNO_3)).

(3) Perchloryl fluoride.

(4) Special purpose chemical base high energy liquid military fuels and oxidizers.

§ 121.10 Military explosives.

The term "military explosives" includes, but is not limited to, the following:

(a) Ammonium picrate.

(b) Black powder made with potassium nitrate or sodium nitrate.

(c) Cyclotetramethylene - tetranitramine (HMX).

(d) Cyclotrimethylene - trinitramine (RDX, Cyclonite, Hexogen or T4).

(e) Dinitronaphthalene.

(f) Ethylenedinitramine.

(g) Hexanitrodiphenylamine.

(h) Nitroglycerin.

(i) Nitrostarch.

(j) Pentaerythritol tetranitrate (penthrite, pentrite or PETN).

(k) Tetranitronaphthalene.

(l) Trinitroanisol.

(m) Trinitronaphthalene.

(n) Trinitrophenol (picric acid).

(o) Trinitrophenylmethylnitramine (Tetryl).

(p) Trinitrotoluene (TNT).

(q) Trinitroxylene.

(r) Ammonium perchlorate nitrocellulose (military grade).

(s) Any combinations of the above.

§ 121.11 Military fuel thickeners.

The term "military fuel thickeners" includes: compounds (e.g., octal), or mixtures of such compounds (e.g., napalm) specifically formulated for the purpose of producing materials which, when added to petroleum products, provide a gel-type incendiary material for use in bombs, projectiles, flame throwers, or other implements of war.

§ 121.12 Vessels of war and special naval equipment.

(See Category VI.) The term "vessels of war" includes, but is not limited to, the following:

(a) Combatant:

(1) Warships (including nuclear-powered versions):

Aircraft carriers (CVA, CVE, CVHE, CVL, CVS).
Battleships (BB, BBG).
Command ships (CBC, CLC).
Cruisers (CA, CAG, CB, CG, CL, CLAA, CLG).
Destroyers (DD, DDC, DDE, DDG, DDR, DL, DLG).
Submarines (SS, SSB, SSG, SSK, SSR).

(2) Amphibious warfare vessels:

Amphibious assault ship (LPH).
Amphibious force flagship (AGC).
Assault helicopter aircraft carrier (CVHA).
Attack cargo ship (AKA).
Control escort vessel (DEC).
Cargo submarine (AK(SS)).
Inshore fire support ship (IFS).
Landing ships (LSD, LSMR, LST, LPD).
Transport submarine (AP(SS)).
Transports (APA, APD).

(3) Landing craft (LCM, LCU, LCVP, ATC, CCB).

(4) Landing vehicle, tracked (LVT).

(5) Mine warfare vessels:

Mine hunter, coastal (MHC).
Mine countermeasures support ship (MCS).
Minelayers (DM, MMA, MMC, MMF).
Minesweepers (DMS, MSC, MSC(O), MSF, MSO, MSI, MSB, MSA, YMS, MSL, Ub, MS).

(6) Patrol vessels:

Escort vessels (DE, DER, PCS, PCER, PF, DEG).
Gunboats (PCM, PR).
Submarine chasers (PC, PCS, SC).
Yacht (PY).

(b) Auxiliary vessels and service craft:

(1) Advanced aviation base ship (AVB).

(2) Auxiliary submarine (AG(SS)).

(3) Cable repairing or laying ship (ARC).

(4) Degaussing vessel (ABG).

(5) Distilling ship (AW).

(6) Drone aircraft catapult control craft (YV).

(7) Floating dry docks, cranes, and associated workships and lighters (AFDB, AFDL, AFDM, ARD, YFD, YFMD, YR, YRDH, YRDM, YHL, YSD).

(8) Guided missile ship (AVM).

(9) Harbor utility craft (YFU).

(10) Icebreaker (AGB).

(11) Logistic support ships (AE, AF, AK, AKS, AO, ACE, AOG, AOR, AO(SS), AVS).

(12) Miscellaneous auxiliary (AG, IX, YAG).

(13) Miscellaneous cargo ships (AKD, AKL, AKV, AVT).

(14) Naval barges and lighters (YC, YCF, YCK, YCV, YF, YFB, YFN, YFNS, YFNX, YFP, YFR, YFRN, YFRT, YFT, YG, YGN, YO, YOG, YOGN, YON, YOS, YSR, YTT, YW, YWN).

(15) Net laying and tending ships (AKN, AN, YNG).

(16) Oceanographic research ship (AGOR).

(17) Patrol craft (PT, YP).

(18) Repair, salvage, and rescue vessels (AR, ARB, ARG, ARL, ARS, ARSD, ARV, ARVA, ARVE, ASR).

(19) Survey ships (AGS, AGSC).

(20) Target and training submarine (SST).

(21) Tenders (AD, AGP, ARST, AS, AV, AVP, YDT).

(22) Transports and barracks vessels (AP, APB, APC, APL, YHB, YRB, YRBM).

(23) Tugs (ATA, ATF, ATR, YTB, YTL, YTM).

(24) Ocean radar picket ship (AGR).

(25) Submersible craft (X). (See Category XX.)

(26) Utility aircraft carrier (CVU).

(c) Coast Guard patrol and service vessels and craft:

(1) Submarine repair and berthing barge (YRB).

(2) Labor transportation barracks ship (APL).

(3) Coast Guard cutter (CGC).

(4) Gunboat (WPG).

(5) Patrol craft (WPC, WSC).

(6) Seaplane tender (WAVP).

(7) Icebreaker (WAGB).

(8) Cargo ship (WAK).

(9) Buoy tenders and boats (WAGE, WD).

(10) Cable layer (WARC).

(11) Lightship (WAL).

(12) Coast Guard tugs (WAT, WKT).

(13) Radio ship (WAGR).

(14) Special vessel (WIX).

(15) Auxiliary vessels (WAG, WAGE).

(16) Other Coast Guard patrol or rescue craft (i) of over 300 horsepower when equipped with a gas turbine engine or engines, and (ii) of over 600 horsepower when equipped with an engine or engines of the internal combustion, reciprocating type.

(d) Air Force craft: Air Force rescue boat.

(e) Army vessels and craft:

(1) Transportation Corps tug: 100 ft. (LT), 65 ft. (ST), T-boat, Q-boat, J-boat, E-boat.

(2) Barges (BG, BC, BR, BSP, BSPI, BKI, BCF, BBL, BARC, BK).

(3) Cranes, floating (BD).

(4) Drydock, floating (FDL).

(5) Repair ship, floating (FMS).

(6) Trainer, amphibious 20-ton wheeled tow boat, inland waterway (LTI, STI).

§ 121.13 Aircraft and related articles.

(a) The term "aircraft" used in Category VIII of the U.S. Munitions List means aircraft designed, modified, or equipped for military purpose as specified in Category VIII, including so-called "demilitarized" aircraft. The export of such aircraft are subject to the licensing requirements of the Department of State.

(b) Regardless of demilitarization, all aircraft bearing an original military designation are included in Category VIII of the U.S. Munitions List, except the following aircraft which have not been specifically equipped, reequipped, or modified for military operations:

(1) Cargo aircraft bearing "C" designations C–45 through C–118 inclusive, and C–121.

(2) Trainer aircraft bearing "T" designations and using reciprocating engines only.

(3) Utility aircraft bearing "U" designations and using reciprocating engines only.

(4) All liaison aircraft bearing an "L" designation.

§ 121.14 Helium gas.

The word "helium" means "contained helium" at standard atmospheric pressure (14.7 pounds per square inch) and 70° Fahrenheit. The term "contained helium" means the actual quantity of the element helium (i.e., 100 percent pure helium) in terms of cubic feet present in a mixture of helium and other gases. Purity determination shall be made by usually recognized methods.

§ 121.15 Forgings, castings, and machined bodies.

Items in a partially completed state, such as forgings, castings, extrusions, and machined bodies of any of the articles enumerated on the U.S. Munitions List which have reached a stage in manufacture where they are clearly identifiable as arms, ammunition, and implements of war are considered to be such articles for the purposes of section 414 of the Mutual Security Act, as amended.

§ 121.16 "United States."

For the purposes of this subchapter the term "United States," when used in the geographical sense, unless otherwise expressly defined, includes the several States, the insular possessions of the United States, the Canal Zone, the District of Columbia, and any territory over which the United States exercises all and any powers of administration, legislation, and jurisdiction.

§ 121.17 Person.

For the purposes of this subchapter the term "Person" includes a partnership, company, association, corporation, firm, society, or joint stock company, as well as a natural person.

§ 121.18 Export.

For the purposes of this subchapter the term "export" means the sending or taking out of the United States in any manner any article, equipment, or technical data on the U.S. Munitions List except as may be otherwise expressly provided in a particular context.

§ 121.19 Intransit shipments.

For the purposes of this subchapter equipment on the U.S. Munitions List temporarily entering the United States in transit to another country, including return to the country of export, shall constitute a temporary import for which a Department of State Intransit License (DSP–61) shall be required.

§ 121.20 Licenses.

(a) For the purposes of this subchapter the term "license" denotes a document bearing the word "license" which when dated, sealed, numbered, and signed by the Secretary of State or his authorized designees permits the export, temporary export, or intransit shipment of specific articles on the U.S. Munitions List (See §§ 123.05.)

(b) Licenses shall be issued valid for 6 months unless a different period is expressly stated thereon. The licenses are not transferable.

(c) Upon request by the applicant, licenses for the export of technical data as defined in § 125.01 may be issued valid for 1 year.

(d) No photographic or other copy may be made of an original license unless authorized by the Department of State.

§ 121.21 District Director of Customs.

When used in this subchapter the term "district director of customs" includes the district directors of customs at customs headquarters ports (other than the port of New York, N.Y.); the regional commissioner of customs, the deputy and assistant regional commissioners of customs for customs region II at the port of New York, N.Y.; and port directors at customs ports not designated as headquarters ports.

PART 122—REGISTRATION

Sec.
122.01 Registration requirements.
122.02 Application for registration.
122.03 Refund of fee.
122.04 Notification of changes in information furnished by registrants.
122.05 Maintenance of records by registrants.

PROCEDURES

122.10 Submission of application.

AUTHORITY: The provisions of this Part 122 issued under sec. 414, as amended, 68 Stat. 848, 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; Redelegation of Authority No. 104–3–A, 28 F.R. 7231.

§ 122.01 Registration requirements.

(a) Persons (as defined in § 121.17 of this subchapter) engaged in the business, in the United States, of manufacturing or exporting articles enumerated in the U.S. Munitions List shall be required to register with the Secretary of State.

Manufacturers, whether they engage in export, shall also be required to register.

(b) Persons engaged in the business, in the United States, of exporting articles enumerated in the U.S. Munitions List, and importing such articles under the provisions of Title 26, Code of Federal Regulations, are required to register for a fee with the Secretary of State as exporters, and to register for a fee with the Secretary of the Treasury as importers.

(c) The fabrication of arms, ammunition, and implements of war for experimental or scientific purposes, including research and development, is not considered as manufacture for the purposes of the regulations in this part.

(d) Registration is not required of persons (1) whose pertinent business activities are confined to the production or exportation of unclassified technical data relating to arms, ammunition, and implements of war, or (2) whose export activity is subject to license under the provisions of the Atomic Energy Act of 1954, as amended, and which does not include exports of articles on the U.S. Munitions List.

§ 122.02 Application for registration.

(a) Applicants may be registered for periods of from 1 to 5 years at a time upon submission of a completed Form DSP–9, and payment of a fee as follows:

1 year	$125
2 years	250
3 years	350
4 years	425
5 years	500

(b) A registrant who fails to renew his registration after its lapse and, after an intervening period seeks to register again, shall be liable to pay registration fees if during that period or part thereof he had conducted business activities involving articles enumerated in the U.S. Munitions List.

§ 122.03 Refund of fee.

When a multiple-year registration fee has been paid, a request for refund for whole future years will be honored pro rata only if the person ceases to be a manufacturer or exporter of Munitions List articles during the years for which refund is claimed.

§ 122.04 Notification of changes in information furnished by registrants.

Registered persons must notify the Secretary of State of significant changes in the information set forth in their applications for registration, such as the establishment of a foreign affiliate.

§ 122.05 Maintenance of records by registrants.

(a) Persons required to register must maintain for a period of 6 years, subject to the inspection of the Secretary of State or any person designated by him, records bearing on U.S. Munitions List articles, including records concerning the acquisition and disposition of such articles by the registrant. The Secretary may prescribe a longer or shorter period in individual cases as he may deem appropriate.

(b) Officers of the Office of Security, of the Office of Munitions Control of the Department of State, and of the U.S. Customs Agency Service, Bureau of Customs, Treasury Department, are hereby designated as the representatives of the Secretary of State for the purposes of this section.

PROCEDURES

§ 122.10 Submission of application.

(a) Department of State Form DSP–9, Application for Registration, must be submitted to the Department in original. The Department will not register an applicant who has not satisfactorily replied to all questions on the form or who fails to accompany the application with a payment of one of the fees prescribed in § 122.02(a).

(b) Applications and fees (by money order or check payable to the Department of State) must be mailed or delivered together to the Department as indicated in the instructions on the back of Form DSP–9.

(c) Other matters pertaining to registration requirements should be addressed to the Office of Munitions Control, Department of State, Washington, D.C. 20520.

PART 123—LICENSES FOR UNCLASSIFIED [1] ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

Sec.

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123.53 Filing of export and intransit licenses with district directors of customs.
123.54 Shipments by mail.
123.55 Temporary exports.
123.56 Domestic aircraft shipments via a foreign country.

AUTHORITY: The provisions of this Part 123 issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6 Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9025, 28 F.R. 7231; and Redelegation of Authority No. 104–3–A, 28 F.R. 7231.

§ 123.01 Export license.

Equipment (see § 121.02 of this subchapter for definition) on the U.S. Munitions List shall not be exported from the United States until a license has been obtained from the Department of State, or it is otherwise exempt under other provisions of this subchapter. As a condition precedent for the issuance of an export license, the Department of State may require all pertinent documentary information regarding the proposed transaction, and may also require the execution of an appropriate bond.

§ 123.02 Imports.

Equipment on the U.S. Munitions List shall not be imported into the United States unless (a) it had been previously exported temporarily under a license issued by the Department of State; (b) it constitutes a temporary import under the Intransit License procedure (see §§ 123.03 and 123.09); or (c) its import has been authorized or exempted by the Secretary of the Treasury (26 CFR Part 178).

§ 123.03 Intransit license.

An intransit license shall be required for the temporary entry of any equipment enumerated in the U.S. Munitions List into the United States for transshipment to a third country (see also § 123.35). The Department may require the execution of an appropriate bond. (An Intransit License may also be used for other temporary imports. See §§ 121.19 and 123.09.)

§ 123.04 Temporary export license.

A license for the temporary export of unclassified equipment on the Munitions List may be obtained from the Department of State in lieu of export and import licenses when such equipment will be exported on a temporary basis and will be returned to the United States. The Department may require full documentary information regarding such proposed transaction, and the execution of an appropriate bond. (See § 123.55 for procedures.) With respect to firearms as defined in 26 U.S.C. 5845(a), evidence shall be shown that all applicable requirements of 26 CFR Part 179 have been satisfied.

[1] Provisions for the export of classified arms, ammunition and implements of war are contained in Part 125 of this subchapter.

§ 123.05 License denial, revocation, suspension or amendment.[2]

(a) Licenses may be denied, revoked, suspended, or amended by the Department of State without prior notice whenever the Department deems such action to be advisable in furtherance of (1) world peace; (2) the security of the United States; (3) the foreign policy of the United States; or (4) whenever the Department has reason to believe that section 414 of the Mutual Security Act of 1954, as amended, or any regulation contained in this subchapter shall have been violated.

(b) Whenever a license application is denied, or an outstanding license is revoked, suspended, or amended, the applicant or licensee shall be advised promptly in writing of the Department's decision, together with the reasons therefor as specifically as security and foreign relations considerations permit.

(c) Upon written request within 30 days after receipt of an adverse decision by the Department of State, the applicant or licensee shall be accorded an opportunity to present additional information and a review of the whole case by the Department.

§ 123.06 Foreign trade zones.

A Foreign Trade Zone of the United States is considered an integral part of the United States for the purpose of this subchapter. A license is therefore not required for shipments between the United States and such a Foreign Trade Zone. However, an export license shall be required for all shipments of U.S. Munitions List equipment from such Foreign Trade Zones to other countries.

§ 123.07 Export to warehouses or distribution points outside the United States.

Applications for license to export U.S. Munitions List equipment to warehouses or distribution points outside the United States for subsequent resale will be considered by the Department of State. Licenses issued for such transactions normally will contain conditions for special distribution controls and reporting.

§ 123.08 Export of vessels of war and military aircraft.

(a) The transfer of a privately owned vessel of war as defined by § 121.12 or a privately owned military aircraft as defined in § 121.13 from the United States to foreign registry shall constitute an export for which an approval or license from the Department of State shall be required. If the vessel or aircraft in question is physically located abroad, the written approval of the Department of State shall be obtained before the registry of such vessel or aircraft may be transferred.

(b) The registration under a foreign flag of a privately owned vessel of war or privately owned military aircraft that has not been registered in the United States, but is located in the United States, shall constitute an export for which a license from the Department of State is required.

NOTE: Such transactions may also require the prior approval of the Maritime Administration or the Federal Aviation Administration, as applicable.

§ 123.09 Overhaul, repairs, or modifications of foreign-owned arms, ammunition, and implements of war.

Persons intending to overhaul, repair, or modify foreign-owned arms, ammunition, and implements of war on the U.S. Munitions List, in the United States, shall obtain an Intransit License from the Department of State. The entry of such equipment into the United States for overhaul, repair, or modification shall constitute a temporary import provided it will be returned directly to the country of ownership.

§ 123.10 Country of ultimate destination.

(a) The country designated on the application for an export license as the country of ultimate destination shall be the country in which the equipment shall ultimately receive end use. Such equipment shall not be diverted from that country even though it might have been incorporated through an intermediate process into other end items.

(b) The prior written approval of the Department of State shall be obtained before U.S. Munitions List equipment previously exported from the United States under a license of the Department of State may be resold, diverted, transferred, transshipped, reshipped, or reexported to, or disposed of in any country other than the country of ultimate destination as stated in the export license.

(c) The exporter shall incorporate the following statement as an integral part of the shipper's export declaration, the bill of lading and the invoice, whenever U.S. Munitions List equipment is to be exported: "These commodities are licensed by the U.S. Government for export to (Country of ultimate destination). Diversion contrary to U.S. law is prohibited." The person to whom a license has been granted shall be responsible for the inclusion of such a statement even though the transaction may be handled by a freight forwarder or other forwarding agent.

(d) Applications for export (form DSP–5) of significant combat equipment [3] (and letter applications in cases of significant classified combat equipment) submitted to the Office of Munitions Control shall be accompanied by a "Consignee-Purchaser Transaction Statement" (Form DSP–83) which must be submitted by the foreign importer to the U.S. applicant for export license. The Transaction Statement shall provide that, except as specifically authorized by prior written approval of the Department of State, the ultimate consignee (and purchaser if not the same as the ultimate consignee) will not re-export, resell or otherwise dispose of the equipment enumerated in the application outside the country named as the location of the ultimate consignee. The Office of Munitions Control reserves the right to require a Consignee-Purchaser Transaction Statement with respect to the export of any U.S. Munitions List article.

(e) In applications for export where a Consignee-Purchaser Transaction Statement is required and where both the ultimate consignee and the purchaser are nongovernmental entities, the Department of State may require a Nonretransfer Assurance (DSP–83, Item 8) from the appropriate authority of the foreign importer's government. The Nonretransfer Assurance shall provide that the foreign importer's government undertakes not to authorize the reexport, resale, or other disposition of the equipment enumerated in the application without obtaining the prior written consent of the U.S. Government.

§ 123.11 Movements of vessels outside U.S. territorial jurisdiction.

(a) A license from the Department of State shall be required whenever a vessel on the U.S. Munitions List makes a voyage outside the United States which is deemed an export as defined in § 121.18 of this subchapter.

(b) An export license shall not be required when such a vessel departs from the United States without entering the territorial waters of a foreign country, provided no arms, ammunition, or implements of war, or technical data related thereto are carried as cargo. In the event that such a vessel shall enter the territorial waters of a foreign country before returning to the United States, or carries as cargo arms, ammunition, or implements of war, or technical data related thereto, a License for Temporary Export (DSP–73) shall be obtained from the Department of State. (See §§ 123.04 and 123.55.)

§ 123.12 Canadian shipments.

District directors of customs and postmasters may release unclassified Munitions List equipment (as defined in § 121.01 of this subchapter) to Canada without an export license with the following exceptions:

(a) Intransit shipments through the United States to or from Canada, or intransit shipments through Canada from the United States;

(b) Helium gas as defined in Category XV;

(c) Nuclear weapons strategic delivery systems and all specifically designed

[2] The provisions of § 123.05 are also applicable to applications and licenses for the export of technical data (see Part 125 of this subchapter).

[3] Significant combat equipment shall include the articles (not including technical data) enumerated in categories I (a), (b) and (c) (in quantity); II (a) and (b); III(a) (excluding ammunition for firearms in category I); IV (a), (c), and (d); V(b) (in quantity); VI(a) (limited to combatant vessels as defined in § 121.12(a) of this subchapter), (b) (inclusive only of turrets and gun mounts, missile systems, and special weapons systems) and (e); VII (a), (b), (c), and (f); VIII (a), (b), (c), GEMS as defined in (k), and inertial systems as defined in (l); XII(a); XIV (a), (b), (c), and (d); XVI; and XVII.

components, parts, accessories, attachments, and associated equipment therefor;

(d) Nuclear weapons design and test equipment as defined in Category XVI;

(e) Naval nuclear propulsion equipment as defined in Category VI(e);

(f) Aircraft as defined in Category VIII(a).

§ 123.13 Shipments between U.S. possessions and the Panama Canal Zone.

Export licenses shall not be required for shipments of equipment on the U.S. Munitions List between the United States, U.S. possessions, and the Panama Canal Zone. Licenses, however, are required for shipments between these areas and foreign countries.

§ 123.14 Domestic aircraft shipments via foreign ports.

A license is not required for airborne shipments of arms, ammunition, and implements of war being transported from one port in the United States to another U.S. port via a foreign country. In lieu thereof, a statement is required of the pilot (see § 123.56).

§ 123.15 Import certificate/delivery verification procedure.

(IC/DV) General. The United States and a number of foreign countries have agreed on a procedure designed to assure that certain commodities imported into their territories will not be diverted, transshipped, or reexported to another destination except in accordance with export control regulations of the importing country. The procedure covered by such agreement is known as the Import Certificate Delivery Verification Procedure (IC/DV) and may be invoked with respect to equipment on the U.S. Munitions List.

(a) *Exports.* As a supplement to normal control procedures, the Department may utilize the IC/DV procedure on proposed exports of Munitions List equipment to nongovernment entities in the following countries: Austria, Belgium, Denmark, France, Federal Republic of Germany, Greece, Hong Kong, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Turkey, and the United Kingdom. In each case in which the Department invokes the IC/DV procedure, U.S. exporters will be required to submit, in addition to an export license application (a completed form DSP–5), the original Import Certificate authenticated by the government of the importing country. This document will serve as evidence that the foreign importer has complied with the import regulations of the government of the importing country and that he has declared his intentions not to divert, transship or reexport the material described therein without prior approval of that government. After delivery of the commodities to the foreign consignee, the Department may also require U.S. exporters to furnish documentation (Delivery Vertification) from the government of the importing country attesting to the delivery in accordance with the terms of the approved export license. Both the Import Certificate and the Delivery Verification will be obtained and furnished to the U.S. exporter by the foreign importer.

(b) *Triangular transaction.* When a transaction involves three or more countries which have adopted the IC/DV procedure, governments of these countries may stamp a triangular symbol on the "Import Certificate". This symbol is usually placed on the "Import Certificate" when the applicant for the "Import Certificate" (the importer) has stated either (1) he is uncertain whether the items covered by the "Import Certificate" will be imported into the country issuing the "Import Certificate"; (2) that he knows that the items will not be imported into the country issuing the "Import Certificate"; or (3) that, if the items are to be imported into the country issuing the "Import Certificate", they will subsequently be reexported to another destination. Consequently, it is possible that the ultimate consignee and the country of ultimate destination will not coincide with that of the importer. All parties, including the ultimate consignee in the true country of ultimate destination will be shown on the completed "Import Certificate."

EXEMPTIONS

§ 123.30 Obsolete small arms.

District directors of customs are authorized to permit the export, without a license, of firearms covered by Category I (a) and (e) of the U.S. Munitions List, which were manufactured prior to 1898, on presentation of satisfactory evidence of age.

§ 123.31 Arms and ammunition for personal use.

(a) Subject to the provisions of § 126.01, district directors of customs are authorized to permit, after declaration by the individual and inspection by a customs office, not more than three nonautomatic firearms and not more than 1,000 cartridges therefor, to be exported from the United States without a license, when these firearms are on the person of an individual or with his baggage or effects, whether accompanied or unaccompanied (but not mailed), and are intended exclusively for his personal use for sporting or scientific purposes or for personal protection and not for resale. This exemption extends to not more than three tear gas guns or other type hand dispensers and not more than 100 tear gas cartridges therefor. The foregoing exemption is not applicable (1) to crewmembers of vessels or aircraft unless they personally declare the firearms to a customs officer upon each departure from the United States, and declare the intention to return them on each return to the United States, and (2) to the personnel referred to in § 123.32, infra.

(b) Subject to the provisions of § 126.01 of this subchapter, district directors of customs are authorized to permit individuals to export ammunition for firearms, without a license, provided the quantity does not exceed 1,000 cartridges (or rounds) in any shipment, and the ammunition is for their personal use and not for resale. The foregoing exemption is not applicable to the personnel referred to in § 123.32.

§ 123.32 Arms for personal use of members of the Armed Forces and civilian employees of the U.S. Government.

The following exemptions shall apply to uniformed personnel of the U.S. Armed Forces and U.S. civilian employees of the U.S. Government (both referred to hereinafter as "personnel") who are assigned abroad for extended duty. These exemptions do not apply to dependents of the personnel.

(a) *Firearms.* District directors of customs are authorized to permit Category I(a) firearms and parts for such weapons to leave (but not be mailed from) the United States without a license provided: (1) They are consigned to servicemen's clubs abroad for uniformed members of the U.S. Armed Forces; (2) in the case of uniformed members of the U.S. Armed Forces and civilian employees of the Department of Defense, they are consigned to the personnel, for their personal use and not for resale, if the firearms are accompanied by a written authorization from the commanding officer; or (3) in the case of other U.S. Government employees, they are consigned to such personnel for their personal use and not for resale, and the Chief of the U.S. Diplomatic Mission, or his designee, in the country of destination, has approved in writing to the Department of State the bringing of specific types and quantities of firearms into that country.

(b) *Ammunition.* District directors of customs are authorized to permit not more than 1,000 cartridges (or rounds) of ammunition for the firearms in paragraph (a) of this section to be exported (but not mailed) from the United States without a license when the firearms are on the person of the owner or with his baggage or effects, whether accompanied or unaccompanied (but not mailed).

§ 123.33 Sample shipments.

Subject to the provisions of § 126.01 of this subchapter, district directors of customs are authorized to permit a total of not more than three rifles, carbines (excluding automatic and semiautomatic models), revolvers, and pistols to be exported without a license, provided the articles in question are not for sale and will be returned to the original shipper. Customs authorities may also permit the export of sample firearms without a license when they are being returned to their original owner abroad.

§ 123.34 Minor components.

Subject to the provisions of § 126.01 of this subchapter district directors of customs are authorized to permit the export without a license of components and parts for Category I(a) firearms, except barrels, cylinders, receivers (frames), or complete breech mechanisms, when the total value does not exceed $100 wholesale in any single transaction.

§ 123.35 Border shipments and shipments transiting the Panama Canal.

Shipments originating in Canada or Mexico which incidentally transit the United States en route to a delivery point in the country of origin are exempt from the requirement of an intransit license. Vessels transiting the Panama Canal without off-loading cargo are exempt from the requirement of an intransit license.

§ 123.36 Certain helium gas exports.

Subject to the provisions of §§ 121.14 and 126.01 of this subchapter, district directors of customs are authorized to permit the export, without a license, of miniature cylinders containing helium gas in fractional cubic foot quantities mixed with other gases: *Provided*, That the shipment does not exceed 10 cubic feet of "contained helium" to any consignee in any one shipment, and (a) the gas is intended for medical use or for the use of educational and research institutions and laboratories where such organizations have education and research as their primary purpose; or (b) the gas is to be used by U.S. companies to repair or provide maintenance on equipment for which they have contractual responsibilities.

§ 123.37 Propellants and explosives.

Subject to the provisions of § 126.01 of this subchapter, district directors of customs are authorized to permit the export, without a license in any single transaction, of not more than 25 pounds of propellants and explosives for nonexplosive uses, such as for medical uses and laboratory tests. Such shipments must be clearly marked as to content and must not include any materials bearing a military security classification.

§ 123.38 Nuclear materials.

To the extent that equipment, the export of which is controlled by the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, is coextensive with equipment in Category VI(e), Category XVI, and Category XVIII, the provisions of this subchapter shall not apply.

PROCEDURES

§ 123.50 Applications for licenses.[1]

Applications for licenses for the export of arms, ammunition, and implements of war shall be made as follows (on forms dated not earlier than 1968) to the Office of Munitions Control, Department of State, Washington, D.C. 20520:

(a) Applications for export licenses shall be made on Form DSP–5.

(b) Applications for intransit licenses shall be made on Form DSP–61.

(c) Applications for temporary export licenses shall be made on Form DSP–73.

§ 123.51 Renewal and disposition of licenses.

(a) If any licensed commodities are not shipped within the period authorized in the license, a new application for another license shall be submitted therefor. The new application shall refer to the lapsed license and shall not include any commodities other than the unshipped balance of the lapsed license.

(d) Unused, expired, suspended, amended, or revoked licenses shall be returned immediately to the Department of State.

§ 123.52 Ports of exit or entry.

An application for a license shall state the proposed port or ports of exit from, and if applicable, entry into, the United States. If, after the issuance of the license, there will be any change of the port or ports originally stated in the application, the Office of Munitions Control shall be notified immediately by letter of such proposed change, and a copy shall be sent to the district director of customs at the new port.

§ 123.53 Filing of export and intransit licenses with district directors of customs.

(a) Prior to the actual shipment of any arms, ammunition and implements of war on the U.S. Munitions List, the license issued therefor shall be filed with the district director of customs at the port where the shipment is made, except for exports by mail (see § 123.54). A Shipper's Export Declaration (U.S. Department of Commerce Form 7525–V) shall also be filed with, and be authenticated by, the district director of customs before the arms, ammunition, and implements of war are actually shipped for export. The district director of customs shall endorse each license to show the shipments made. Licenses shall be returned by the district director of customs to the Office of Munitions Control, Department of State, upon expiration of the dates stated thereon, or upon the completion of the shipments, whichever first occurs.

(b) District directors of customs are authorized to permit the shipment of arms, ammunition, and implements of war on the U.S. Munitions List identified on any license when the total value of the shipment does not exceed 10 percent of the aggregate value (not quantity) stated in the license.

§ 123.54 Shipments by mail.

Export licenses for U.S. Munitions List equipment being sent abroad by mail shall be filed with the postmaster at the post office where the equipment is mailed. A Shipper's Export Declaration (U.S. Department of Commerce Form 7525–V) shall also be filed with, and be authenticated by, the postmaster before the equipment is actually sent. The postmaster shall endorse each license to show the shipments made. Licenses shall be returned by the postmaster to the Department of State upon expiration of the dates stated thereon or upon completion of the mailings, whichever first occurs.

§ 123.55 Temporary exports.

(a) A License for Temporary Export of unclassified U.S. Munitions List equipment (not technical data) shall be obtained from the Department of State, on Form DSP–73 when such arms, ammunition, and implements of war will be sent temporarily abroad for brief periods and will be returned to the United States in the same condition.

(b) Equipment authorized for temporary export under License for Temporary Export shall be shipped only from a port in the United States where a district director of customs is available. The License for Temporary Export shall be presented to the district director of customs who, upon verification, shall endorse the exit column on the reverse side of the license. The endorsed License for Temporary Export shall be retained by the licensee. In the case of a military aircraft or vessel the endorsed license shall be carried on board such vessel or aircraft as evidence that it has been duly authorized by the Department of State to leave the United States temporarily.

(c) Upon the return to the United States of equipment covered by a License for Temporary Export, the license shall be endorsed in the entry column by the district director of customs. The licensee shall transmit the used license immediately to the Office of Munitions Control, Department of State.

(d) The Department of State may permit a series of temporary exports of aircraft and vessels on the U.S. Munitions List under a single License for Temporary Export. Full details regarding such transactions shall be submitted to the Department on Form DSP–73, supplemented if necessary by a covering letter. Such series of temporary exports shall usually be for a period not exceeding 6 months. The district director of customs shall endorse the License for Temporary Export upon each exit from, and reentry into, the United States. On the final return, the licensee shall transmit the used license immediately to the Office of Munitions Control, Department of State.

(e) All unused Licenses for Temporary Export shall be returned to the Office of Munitions Control, Department of State, prior to, or immediately after, the expiration of the authorized dates stated thereon.

(f) Owners of arms, ammunition, and implements of war on the U.S. Munitions List exported under Licenses for Temporary Export shall be responsible for the acts of their employees, agents, and all authorized persons to whom possession has been entrusted regarding the operation, use, possession, transportation, and handling of such arms, ammunition, and implements of war abroad. All transferees abroad obtaining temporary custody of such arms, ammunition, and implements of war, directly or indirectly, and irrespective of the number of intermediate transfers, shall be bound by the regulations of this subchapter in the same manner and to same extent as the original owner-transferor.

(g) Failure to return immediately a used or a lapsed unused License for Temporary Export to the Office of Munitions Control, Department of State, shall constitute an offense punishable under the provisions of Part 127 of this subchapter.

[1] The procedures governing the export of classified information and equipment are set forth in Part 125 of this subchapter.

(h) Extensions of Licenses for Temporary Export shall be made to the Office of Munitions Control, Department of State, on new application forms (DSP–73), which shall state, inter alia, the port of departure stated in the original application and the name of the new port of departure if different.

§ 123.56 Domestic aircraft shipments via a foreign country.

When airborne shipments of arms, ammunition, and implements of war on the U.S. Munitions List are to be transported from one location in the United States to another location in the United States via a foreign country, the pilot of the aircraft shall file a written statement with the district director of customs at the port of exit in the United States. The original statement shall be filed at the time of exit with the district director of Customs. A duplicate of the statement shall also be filed with the district director of customs at the port of reentry, who shall duly endorse it and transmit it to the district director of customs at the port of exit. The statement shall be as follows:

STATEMENT

DOMESTIC SHIPMENTS VIA A FOREIGN COUNTRY OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR ON THE U.S. MUNITIONS LIST

Under the penalty according to Federal law, the undersigned certifies and warrants that all the facts in this document are true and correct, and that the equipment listed below are being shipped from _____ (U.S. port of exit) via _____ (foreign country) to _____, which is the final destination in the United States.
(U.S. port of entry)

Amount	*Description of equipment*	*Value*
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signed _____

Endorsement: Customs Inspector.
Port of exit _____
Date: _____
Endorsement: Customs Inspector.
Port of entry _____
Date: _____

PART 124—MANUFACTURING LICENSE AND TECHNICAL ASSISTANCE AGREEMENTS

Sec
124.01 Manufacturing license and technical assistance agreements.
124.02 Export of technical data in furtherance of an agreement
124.03 Deposit of copies of signed agreements with the Department of State.
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124.10 Required information in agreements.
124.11 Required information in letters of transmittal.

AUTHORITY: The provisions of this Part 124 issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; Redelegation of Authority No. 104–3–A, 28 F.R. 7231

§ 124.01 Manufacturing license and technical assistance agreements.

Proposed agreements and proposed amendments to existing agreements between persons in the United States and persons in foreign countries, private or governmental, for (a) the manufacture abroad, or (b) the furnishing abroad of technical assistance (i.e., the performance of functions and or the conveyance of information involving the disclosure of technical data) relating to arms, ammunition, and implements of war on the U.S. Munitions List, shall be submitted by letter (not Form DSP–5) to the Office of Munitions Control, Department of State, for approval from the standpoint of world peace, U.S. foreign policy and the security of the United States. Proposed agreements (or amendments thereto) shall not take effect until Department of State approval has been obtained. (Sales representation agreements are not subject to Department of State approval.)

§ 124.02 Export of technical data in furtherance of an agreement.

(a) District directors of customs or postal authorities may permit the export without a license of unclassified technical data, in furtherance of a manufacturing license or technical assistance agreement covering arms, ammunition, and implements of war on the U.S. Munitions List which has been approved in writing by the Department of State, unless the unclassified technical data exceed the technical and/or product limitations approved in the relevant agreement. The U.S. party to the agreement shall certify that the unclassified technical data to be exported comply with the limitations imposed in this subsection. Department of State approval shall be additionally obtained for the export of any portion of the unclassified technical data which may exceed such limitations.

(b) The export of classified information in furtherance of an approved manufacturing license or technical assistance agreement which provides for the transmittal of classified information shall not require further Department of State approval provided:

(1) The U.S. party certifies to the Department of Defense transmittal authority that the classified information does not exceed the technical and/or product limitations in the agreement approved by the Department of State, and

(2) The U.S. party complies with the requirements of the Department of Defense Industrial Security Manual concerning the transmission of such classified information, and any other requirements of cognizant U.S. departments or agencies.

§ 124.03 Deposit of copies of signed agreements with the Department of State.

U.S. parties to manufacturing license and technical assistance agreements shall, within 30 days after their signature and entry into force, file with the Office of Munitions Control, Department of State, one copy of all such agreements concluded with the foreign parties.

§ 124.04 Termination of manufacturing license and technical assistance agreements.

U.S. parties to manufacturing license and technical assistance agreements shall inform the Office of Munitions Control, Department of State, in writing not less than 60 days prior to the expiration date of any such approved agreement of the impending termination of that agreement.

§ 124.05 Proposed agreements not concluded.

Proposed agreements that have been approved by the Department of State, with or without provisos, but not finally concluded with foreign parties for any reason whatsoever, shall be brought to the attention of the Office of Munitions Control, Department of State, within 60 days following a decision not to conclude the agreements.

PROCEDURES

§ 124.10 Required information in agreements.

Proposed manufacturing license and technical assistance agreements (and amendments thereto) shall be submitted in five copies to the Department of State for approval. (Such agreements shall not become effective until the Department's approval has been obtained.) The proposed agreements shall contain, inter alia, the following information and statements in terms as precise as possible, or the transmittal letter shall state the reasons for their omission or variation:

(a) The equipment and technology involved as described by military nomenclature, contract number, Federal stock number, nameplate data, or other specific information.

(b) A detailed description of the assistance and information to be furnished and the manufacturing rights to be granted, if any.

(c) The duration of the proposed agreement.

(d) Specific identification of the countries or areas in which manufacturing, production, processing, sale, or other form of transfer is to be licensed.

(e) A statement that reads as follows: "The article to be produced under license, including technical data pertaining thereto, is not authorized to be directly or indirectly sold, leased, released, assigned, transferred, conveyed, or in any manner disposed of in or to Albania, Bulgaria, Communist China, Cuba, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, North Korea, Outer Mongolia, Poland, Rumania, Union of Soviet Socialist Republics, any of the area of Viet-Nam which is under de facto Communist control, and any other area which is determined by the Department of State to be under Communist control."

(f) (1) With respect to all manufacturing license agreements, a statement that reads as follows: "No export, sale, transfer or other disposition of the licensed article is authorized to any country outside the territory wherein manufacture or sale is herein licensed without the prior written approval of the U.S. Government."

(2) With respect to manufacturing license agreements for significant combat equipment,[1] the Department may require that the prospective foreign licensee furnish an "Nth Country Control Statement" (Form DSP–83a) to the Office of Munitions Control. The Nth Country Control Statement shall provide that the licensee agrees to ensure that any contract or other transfer arrangement with a recipient of the licensed article in any country within the licensed sales territory will include the following provision:

"The recipient shall obtain the approval of the United States Government prior to entering into a commitment for the transfer of the licensed article by sale or otherwise to another recipient in the same or any other country in the world."

[At the option of the parties, the obligation on the licensee as provided in the Nth Country Control Statement (Form DSP–83a) may be included in the manufacturing license agreement.]

[The Office of Munitions Control reserves the right to require an Nth Country Control Statement (Form DSP–83a) or a similar undertaking in the license agreement, at the option of the parties, in connection with the foreign manufacture of any U.S. Munitions List article.]

(g) A statement that reads as follows: "This agreement shall not become effective without the prior approval of the Department of State of the United States Government."

(h) A statement that reads as follows: "This agreement is subject to all the laws and regulations, now or hereafter in effect, of the United States Government and its departments and agencies."

(i) A statement that reads as follows: "The licensor retains the right to terminate this agreement if the United States Government or its departments or agencies disapproves the continuance of the agreement."

(j) A statement that reads as follows:

"(1) It is agreed that sales under contracts made with funds derived through the Military Assistance Program or otherwise through the United States Government will not include either (a) charges for patent rights in which the U.S. Government holds a royalty-free license, or (b) charges for data which the U.S. Government has a right to use and disclose to others, which are in the public domain, or which the U.S. Government has acquired without restrictions upon their use and disclosure to others. However, charges may be made for reasonable reproduction, handling, mailing, and similar administrative costs incident to the furnishing of such data.

"(2) If the U.S. Government is obligated to pay royalties, fees or other charges for technical data, patents and inventions which were background to Licensor prior to any U.S. Government-funded effort for design and development of the items which are the subject of this agreement, and which are involved in the manufacture, use or sale of these items, any such charges, fees or royalties for the use of such rights in connection with any purchases from licensee or its sublicensees with U.S. funds, including those derived from a Mutual Security Program, shall be no greater than such first-mentioned obligation.

"(3) Subject to the provisions of paragraph (2) above, no other fees, charges or royalties in this agreement will be assessed against U.S. Government funded purchases of such items, except that a proportionate share of (a) technical assistance, (b) inventions and data which have been developed entirely without U.S. Government funding, (c) charges made for handling, reproduction and transfer of documentation as provided in this agreement, and (d) the rental or purchase price of machine tools and tooling may, to the extent that such charges are reasonable and related to the proposed procurement, be recognized as items of costs for such purchases."

(k) A statement that reads as follows: "The Licensor and Licensee agree that obligations created by this agreement are subordinate to any obligations created by contracts or subcontracts which they may have individually or collectively with the U.S. Government."

(l) A statement that reads as follows: "Any use of tooling and facilities which the U.S. Government owns or to which it has the right to acquire title must be authorized by the U.S. Government contracting officer."

(m) A statement that reads as follows: "No liability shall be incurred by or attributed to the U.S. Government in connection with any possible infringements of privately-owned patent or proprietary rights, either domestic or foreign, by reason of the U.S. Government's approval of this agreement."

§ 124.11 Required information in letters of transmittal.

An application for approval of a manufacturing license or technical assistance agreement with a foreign person by the Department of State shall be accompanied by an explanatory letter, in original and four copies, containing the following:

(a) A statement giving the licensor's Munitions Control registration number.

(b) A statement identifying any U.S. Government contract under which the equipment or technical data was or were produced, improved, developed, or supplied, or whether derived from any bid or other proposal to the U.S. Government.

(c) A statement giving the military security classification of the equipment or technical data.

(d) A statement reading as follows: "If the agreement is approved by the Department of State, such approval will not be construed by _____ (the applicant) as passing on the legality of the agreement from the standpoint of antitrust laws or other applicable statutes, nor will _____ (the applicant) construe the Department's approval as constituting either approval or disapproval of any of the business terms or conditions between the parties to the agreement."

(e) A statement identifying any patent applications which disclose any of the subject matter of the equipment or technical data covered by secrecy orders issued by the U.S. Patent Office.

(f) A statement that reads as follows: "The _____ (applicant) will not permit the proposed agreement to enter into force until it has been approved by the Department of State."

(g) A statement reading as follows: "Within 30 days the _____ (applicant) will furnish the Department of State with one copy of the signed agreement (or amendment) as finally concluded; will advise the Department of its termination not less than 60 days prior to expiration, including information on the continuation of any rights or flow of technical data to the foreign party; and if a decision is made not to conclude the proposed agreement, will so advise the Department within 60 days."

[1] Significant combat equipment shall include the articles (not including technical data) enumerated in categories I (a), (b), and (c) (in quantity); II (a) and (b); III (a) (excluding ammunition for firearms in category I); IV (a), (c), and (d); V(b) (in quantity); VI(a) (limited to combatant vessels as defined in § 121.12(a) of this subchapter), (b) inclusive only of turrets and gun mounts, missile systems, and special weapons systems) and (e); VII (a), (b), (c), and (f); VIII (a), (b), (c), GEMS as defined in (k), and inertial systems as defined in (l); XII(a); XIV (a), (b), (c), and (d); XVI; and XVII.

PART 125—TECHNICAL DATA

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125.23 Filing of licenses for export of technical data.

AUTHORITY: The provisions of this Part 125 issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10409; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redelegation of Authority No. 104–3–A, 28 F.R. 7231.

NOTE: Export licenses for technical data may be denied, revoked, suspended, or amended by the Department of State. (See § 123.05 of this subchapter.)

§ 125.01 Technical data.

As used in this subchapter the term "technical data" means: (a) Unclassified information related to the use, operation, maintenance, repair, overhaul, production, processing, manufacture, development, engineering, or design of any arms, ammunition, and implements of war on the U.S. Munitions List, or (b) any technology which advances the state-of-the-art or establishes a new art in an area of significant military

applicability,[1] or (c) classified information as defined in § 125.02.

§ 125.02 Classified information.

As used in this subchapter, the term "classified information" is either (a) equipment, or (b) information (relating to any arms, ammunition, and implements of war on the U.S. Munitions List) which has been assigned a U.S. security classification as requiring protection in the interest of national defense. (Patent applications covered by a secrecy order fall in the same category as classified information. See § 125.05 (d).) See §§ 125.10 and 125.11 for exemptions.

§ 125.03 Export of technical data.

The export controls of this subchapter over technical data (a) apply to the export of unclassified technical data relating to arms, ammunition, and implements of war on the U.S. Munitions List, and (b) classified equipment and classified information relating to arms, ammunition, and implements of war on the U.S. Munitions List as defined in § 125.02. These controls shall apply whenever the information is to be exported by oral, visual, or documentary means. Therefore, an export occurs whenever technical data is, inter alia, mailed or shipped outside the United States, carried by hand outside the United States, disclosed through visits abroad by American citizens (including participation in briefings and symposia), and disclosed to foreign nationals[2] in the United States (including plant visits and participation in briefings and symposia). A license to export technical data shall not be used for foreign production purposes, or for technical assistance in such production, without the specific approval of the Department of State.

§ 125.04 Export of unclassified technical data.

(a) *General.* A license issued by the Department of State shall be required for the export of unclassified technical data relating to any arms, ammunition, and implements of war on the U.S. Munitions List unless otherwise expressly exempted in this subchapter (see §§ 125.10 and 125.11).

(b) *Patents.* A license issued by the Department of State shall be required for the export of unclassified technical data relating to arms, ammunition, and implements of war on the U.S. Munitions List which are included in any application for a foreign patent. This licensing requirement, is in addition to the license for foreign filing which must be obtained by an exporter from the U.S. Patent Office during the first 6 months of the pendancy of a patent application. After 6 months, only a Department of State license shall be required. (See § 125.05(d) concerning patent applications covered by a secrecy order.)

(c) *Visits.* A license issued by the Department of State shall be required for the export of unclassified technical data relating to arms, ammunition, and implements of war on the U.S. Munitions List which are to be disclosed to foreign nationals either in connection with visits to foreign countries, including foreign diplomatic missions and consular offices in the United States and abroad, by U.S. persons, or in connection with visits to the United States by foreign nationals, unless otherwise expressly exempted in this subchapter (see § 125.11).

§ 125.05 Export of classified information.

(a) Any request for authority to export classified information by other than the cognizant department or agency of the U.S. Government shall be submitted by letter to the Department of State for approval. (See §§ 125.10 and 125.11 for exemptions.) The letter shall set forth all pertinent information with full details of the proposed transaction. (See § 125.21 for procedure.)

(b) Classified information, as defined in § 125.02, which is approved by the Department of State for export shall be transferred or communicated only in accordance with the requirements of the Department of Defense Industrial Security Manual relating to the transmission of classified information (and any other requirements imposed by cognizant U.S. departments and agencies).

(c) The approval of the Department of State shall be obtained for the export of classified information to be disclosed to foreign nationals either in connection with visits to foreign countries by U.S. persons, or in connection with visits to the United States by foreign nationals, unless the proposed export is expressly exempt under the provisions of this subchapter (see § 125.11). There shall be no release of classified information in any manner or form to any foreign national except as otherwise expressly provided in this subchapter.

(d) All communications relating to a patent application covered by a secrecy order shall be addressed to the U.S. Patent Office. (See 37 CFR 5.11.)

EXEMPTIONS

§ 125.10 Shipments by U.S. Government agencies.

Exports of technical data by U.S. Government agencies are exempt in accordance with Part 126 of this subchapter. This exemption, however, shall not apply when a U.S. Government agency, on behalf of a private individual or firm, acts as a transmittal agent either as a convenience or in satisfaction of security requirements.

§ 125.11 General exemptions.

(a) Except as provided in § 126.01, district directors of customs and postal authorities are authorized to permit the export without a license of unclassified technical data as follows:

(1) If it is in published[3] form and subject to public dissemination by being:

(i) Sold at newsstands and bookstores;

(ii) Available by subscription or purchase without restrictions to any person or available without cost to any person;

(iii) Granted second class mailing privileges by the U.S. Government; or,

(iv) Freely available at public libraries.

(2) If it has been approved for public release by any U.S. Government department or agency having authority to classify information or material under Executive Order 10501, as amended, and does not disclose the details of design, production, or manufacture of any arms, ammunition, or implements of war on the U.S. Munitions List.

(3) If the export is in furtherance of a manufacturing license or technical assistance agreement approved by the Department of State in accordance with Part 124 of this subchapter.

(4) If the export is in furtherance of a contract with an agency of the U.S. Government or a contract between an agency of the U.S. Government and foreign persons, provided the contract calls for the transmission of relevant unclassified technical data, and such data are being exported only by the prime contractor.

(5) If it relates to firearms not in excess of caliber .50 and ammunition for such weapons, except technical data containing advanced designs, processes, and manufacturing techniques.

(6) If it consists of technical data, other than design, development, or production information relating to equipment, the export of which has been previously authorized to the same recipient.

(7) If it consists of operations, maintenance, and training manuals, and aids relating to equipment, the export of which has been authorized to the same recipient.[4]

(8) If it consists of additional copies of technical data previously approved for export to the same recipient.

(9) If it consists solely of technical data being reexported to the original source of import.

(10) If the export is by the prime contractor in direct support and within the technical and/or product limitations of a "U.S. Government approved project" and the prime contractor so certifies. The Office of Munitions Control, Department of State, will verify, upon request, those projects which are "U.S. Government approved", and accord an exemption to the applicant who applies for such verification and exemption, where appropriate, under this subparagraph.[5]

(11) If the export is solely for the use of American citizen employees of U.S. firms provided the U.S. firm certifies its overseas employee is a U.S. citizen and has a "need to know."[6]

(b) *Plant visits.* Except as restricted by the provisions of § 126.01 of this subchapter:

(1) No license shall be required for the oral and visual disclosure of unclassified technical data during the course of a plant visit by foreign nationals provided the data is disclosed in connection with a classified plant visit or the visit has the approval of a U.S. Government agency having authority for the classification of information of material under Executive Order 10501, as amended, and the requirements of section V, paragraph 38(i) of the Industrial Security Manual are met.

(2) No license shall be required for the documentary disclosure of unclassified technical data during the course of a plant visit by foreign nationals provided it is a verbatim presentation of the oral and visual data disclosed under subparagraph (1) of this paragraph.

(3) No Department of State approval is required for the disclosure of oral and visual classified information during the course of a plant visit by foreign nationals provided the visit has been approved by the cognizant U.S. Defense agency and the requirements of section V, paragraph 38(i) of the Defense Industrial Security Manual are met.

§ 125.12 Canadian shipments.

District directors of customs and postal authorities are authorized to permit the export of unclassified technical data to Canada without an export license, except when such technical data relate to the arms, ammunition, and implements of war in § 123.12 of this subchapter.

§ 125.13 Data on nuclear materials.

To the extent that technical data, the export of which are controlled by the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, are coextensive with technical data related to articles in Category VI(e), Category XVI, and Category XVIII, the provisions of this subchapter shall not apply.

PROCEDURES

§ 125.20 Export of unclassified technical data.

(a) *General and visits.* Unless exempted in §§ 125.10 or 125.11 of this subchapter, applications for the export or the disclosure of nonexempt unclassified technical data to foreign persons shall be made to the Department of State on Form DSP–5, accompanied by five copies of the data. In the case of visits, sufficient details of the proposed discussions shall be transmitted in quintuplicate for an adequate appraisal of the data in question.

(b) *Patents.* All requests for approval for the filing of patent applications in a foreign country, and requests for filing amendments, modifications or supplements thereto, shall be made to the U.S. Patent Office in accordance with 37 CFR Part 5, and to the Department of State in accordance with the provisions of paragraph (a) of this section.

§ 125.21 Export of classified information.

Unless exempted in § 125.10 or § 125.11 of this subchapter, applications for approval to export or disclose classified information or classified equipment to foreign nationals shall be submitted to the Department of State by letter (not DSP–5) in quintuplicate, accompanied by 5 copies of any documentary information. The letter shall include, inter alia, statements specifying:

(a) A lead statement giving the licensor's Munitions Control registration number.

(b) The highest degree of security classification of the equipment or information involved, and the authority responsible for assigning such classification.

(c) The cognizant project or contracting agency.

(d) If the equipment or information was not directly contracted for, whether it was derived from U.S. Government sources, project development, bid requirements, or contractual arrangements.

(e) Military nomenclature, contract numbers, and other identifying information.

(f) Location(s) and date(s) where disclosure(s) will be made.

(g) The purpose and the names of the foreign person(s) to whom disclosure(s) will be made.

§ 125.22 Certification requirements.

An exporter in the United States claiming any exemption for the export of technical data in accordance with the provisions of § 125.11, may do so by certifying that the proposed export is covered by the relevant paragraph(s) of that Section. Such certification shall be made by marking the package or letter "22 CFR 125.11 * * * applicable," identifying the specific paragraph(s) under which the exemption is claimed.

§ 125.23 Filing of licenses for export of technical data.

Licenses authorizing the export of technical data shall be presented to, and filed with the appropriate district director of customs or postmaster at the time of shipment or mailing. The district director of customs or postmaster shall transmit the licenses to the Office of Munitions Control, Department of State, in accordance with the instructions contained on the reverse thereof.

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[1] The initial burden of determining whether the technology in question advances the state-of-the-art or establishes a new art is upon the U.S. party or applicant.

[2] The term "foreign nationals" as used in this subchapter means "All persons not citizens of, not nationals of, nor immigrant aliens to, the United States" as defined in the Department of Defense Industrial Security Manual. However, certain other foreign persons may be cleared to have access to technical data. See section 3 of the Industrial Security Manual.

[3] The burden for obtaining appropriate U.S. Government approval for the publication of technical data falling within the definition in § 125.01, including such data as may be developed under other than U.S. Government contract, is on the person or company seeking publication.

[4] Not applicable to technical data relating to Category VI(e) and Category XVI.

[5] Classified information may also be transmitted in direct support of and within the technical and/or product limitations of such verified "U.S. Government approved projects" without prior Department of State approval provided the U.S. party so certifies and complies with the requirements of the Department of Defense Industrial Security Manual relating to the transmission of such classified information (and any other requirements of cognizant U.S. Government departments or agencies).

[6] Classified information may also be exported to such certified American citizen employees without prior Department of State approval provided the U.S. party complies with the requirements of the Department of Defense Industrial Security Manual relating to the transmission of such classified information (and any other requirements of cognizant U.S. Government departments or agencies). Such technical data or information (classified or unclassified) shall not be released by oral, visual, or documentary means to any foreign person.

PART 126—PROHIBITED SHIPMENTS, TEMPORARY SUSPENSION OR MODIFICATION OF REGULATIONS, EXEMPTIONS, AND RELATION TO OTHER PROVISIONS OF LAW

Sec.

126.01 Prohibited shipments to or from certain countries.
126.02 Temporary suspension or modification of regulations of the subchapter.
126.03 Waiver or exception in hardship cases.
126.04 Shipments by U.S. Government agencies.
126.05 Relation to other provisions of law.

AUTHORITY: The provisions of this Part 126 issued under sec. 414, as amended, 68 Stat. 848, 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; Redelegation of Authority No. 104–3–A, 28 F.R. 7231.

§ 126.01 Prohibited shipments to or from certain countries.

The policy of the United States is to deny licenses and other approvals for U.S. Munitions List articles destined for or originating in Albania, Bulgaria, Communist China, Cuba, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, North Korea, Outer Mongolia, Poland, Rumania, Union of Soviet Socialist Republics, any of the area of Viet-Nam which is under *de facto* communist control, and to or from any other area where the shipment of Munitions List articles would not be in furtherance of world peace and the security and foreign policy of the United States. The exemptions provided in the regulations in this subchapter, except § 125.11(a) (1) and (2) of this subchapter, do not apply to shipments destined for or originating in any of these proscribed countries or areas.

§ 126.02 Temporary suspension or modification of regulations of the subchapter.

The Director, Office of Munitions Control, Department of State, is authorized to order the temporary suspension or modification of any or all of the regulations of this subchapter in the interest of furthering the objectives of world peace and the security and foreign policy of the United States.

§ 126.03 Waiver or exception in hardship cases.

In bona fide cases showing exceptional and undue hardship, the Director, Office

of Munitions Control, Department of State, is authorized to make an exception to the regulations of this subchapter after full review.

§ 126.04 Shipments by U.S. Government agencies.

The exportation of Articles on the U.S. Munitions List by any department or agency of the U.S. Government is not subject to the provisions of section 414 of the Mutual Security Act of 1954, as amended. A license to export such articles, therefore, is not required when all aspects of the transaction are handled by a U.S. Government agency. A license shall be required, however, when a private person or forwarding agent is involved in any aspect of the transaction unless the consignor, consignee, and intermediate consignee (if any) are agencies of the U.S. Government and the exportation is covered by a U.S. Government bill of lading. This section does not authorize any government department or agency to export any items listed in § 121.01 of this subchapter which are subject to restrictions by virtue of other statutory provisions.

§ 126.05 Relation to other provisions of law.

The provisions in this subchapter are in addition to, and are not in lieu of, any other provision of law or regulations respecting commerce in arms, ammunition, and implements of war, and technical data relating thereto.

PART 127—VIOLATIONS AND PENALTIES

Sec.
127.01 Violations in general.
127.02 Misrepresentation and concealment of facts.
127.03 Penalties for violations.
127.04 Penalties for violations relating to Southern Rhodesia.
127.05 Authority of district directors of customs.
127.06 Seizure and forfeiture in attempts at illegal exports.

AUTHORITY: The provisions of this Part 127 issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; 18 U.S.C. 1001; 22 U.S.C. 401; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 1068, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redelegation of Authority No. 104–3–A, 28 F.R. 7231. The provisions of Part 127 regarding exports to Southern Rhodesia, issued under E.O. 11322, 32 F.R. 119; 59 Stat. 620, 22 U.S.C. 287c.

§ 127.01 Violations in general.

It shall be unlawful for any person to export or attempt to export from the United States any of those articles on the U.S. Munitions List without first having obtained a license therefor, unless written approval was obtained from the Department of State or an exemption from this requirement is authorized by this subchapter.

§ 127.02 Misrepresentation and concealment of facts.

(a) It shall be unlawful willfully to use, or attempt to use, for the purpose of exportation of U.S. Munitions List articles, any export or intransit control document which contains a false statement or misrepresents or conceals a material fact. Any such false statement, misrepresentation or concealment of material fact in such a document shall be considered, as made in a matter within the jurisdiction of a department or agency of the United States, in violation of section 1001 of title 18, United States Code and section 414 of the Mutual Security Act of 1954, as amended (22 U.S.C. 1934).

(b) For the purpose of this section, the term export control document includes the following when used for the purpose of exportation, or attempted exportation of U.S. Munitions List articles:

(1) Applications for export or intransit license and supporting documents.
(2) Shippers export declarations.
(3) Invoices.
(4) Declarations of destination.
(5) Delivery verifications.
(6) Applications for temporary export license.
(7) Applications for registration.
(8) Purchase orders.
(9) Foreign import certificates.
(10) Bills-of-lading.
(11) Air way bills.
(12) Consignee-purchaser transaction statements.
(13) Nth country control statements.

§ 127.03 Penalties for violations.

Any person who willfully violates any provision of section 414 of the Mutual Security Act of 1954, as amended (22 U.S.C. 1934), or any rule or regulation issued under that section, or who willfully, in a registration or license application, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall, upon conviction, be fined not more than $25,000, or imprisoned not more than 2 years, or both.

§ 127.04 Penalties for violations relating to Southern Rhodesia.

Any person subject to the jurisdiction of the United States who, with regard to exports from the United States to Southern Rhodesia, willfully violates any provision of section 1(d), of Executive Order 11322 or any rule or regulation contained in this part, or who willfully in a registration or license application makes any untrue statement of a material fact, or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall, upon conviction, be fined not more than $10,000, or imprisoned not more than 10 years, or both.

§ 127.05 Authority of district directors of customs.

(a) District directors of customs are authorized to take appropriate action to insure observance of this subchapter as to the exportation, or the attempted exportation, of arms, ammunition, and implements of war, and technical data relating thereto, whether authorized by licenses or written approval issued under this subchapter, including, but not limited to, inspection of loading or unloading of carriers.

(b) Upon the presentation of a license or written approval to a customs officer, authorizing the exportation of arms, ammunition, and implements of war, and technical data relating thereto, the customs officer may require, in addition to such documents as may be required by customs regulations, the production of other relevant documents and information relating to the proposed exportation, including, but not limited to, invoices, orders, packing lists, shipping documents, correspondence, and instructions.

§ 127.06 Seizure and forfeiture in attempts at illegal exports.

(a) Any attempt to export or ship from or take out of the United States any articles on the U.S. Munitions List in violation of the provisions of this subchapter shall constitute an offense punishable under section 401 of title 22 of the United States Code. Whenever it is known or there shall be probable cause to believe that any articles on the U.S. Munitions List are intended to be or are being or have been exported or removed from the United States in violation of law, such articles and any vessel, vehicle or aircraft involved in such attempt shall be subject to seizure, forfeiture and disposition as provided in section 401 of title 22 of the United States Code.

(b) Similarly, any attempt to violate any of the conditions under which a Temporary Export or Intransit License was issued pursuant to this subchapter shall also constitute an offense punishable under section 401 of title 22 of the United States Code, and such articles, together with any vessel, vehicle or aircraft involved in such attempt shall be subject to seizure, forfeiture, and disposition as provided in section 401 of title 22 of the United States Code.

PART 128—ADMINISTRATIVE PROCEDURES

§ 128.01 Exclusion of functions under section 414 of the Mutual Security Act of 1954, as amended.

The functions conferred by section 414 of the Mutual Security Act of 1954, as amended, are excluded from the following sections of the Administrative Procedure Act: 5 U.S.C. §§ 553, 554.

(Sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redelegation of Authority No. 104–3–A, 28 F.R. 7231)

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective dates: The regulations in Subchapter M shall be effective upon publication in the FEDERAL REGISTER, except (a) the following articles shall not be subject to Department of State licensing until 42 days after the date of publication: Liquid pepper as listed in § 121.08(4)(c); nitrogen tetroxide as listed in § 121.09(7); and perchloryl fluoride as listed in § 121.09(9)(c); and (b) the following articles shall not be relinquished from Department of State licensing until 42 days after the date of publication: Shotguns with barrels 18 inches and over in length; landing ships (LSSF, LSIL, LSM, and LSSL), landing craft (LCC, LCP, LCR, LCS, LCV), floating dock (YD), floating pile driver (YPD), and dredge (YM), as previously listed in § 121.12.

Dated: July 2, 1969.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

[F.R. Doc. 69–8412; Filed, July 16, 1969; 8:49 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Flathead Indian Irrigation Project, Mont.

On page 9287 of the FEDERAL REGISTER of June 12, 1969, there was published a notice of intention to amend §§ 221.24, 221.26 and 221.28 of title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Mont., that are subject to the jurisdiction of the several irrigation districts. The purpose of the amendments is to establish the lump sum assessment against the Flathead, Mission, and Jocko Valley Districts within the Flathead Indian Irrigation Project for the 1970 season.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

Sections 221.24, 221.26, and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Mont., on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929, March 28, 1934, August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1970 an assessment of $305,976.29 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 82,057.61 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Mont., on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1970 an assessment of $55,169.18 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 14,908.72 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Irrigation Project, Mont., on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, April 18, 1950, and August 24, 1967, there is hereby fixed for the season of 1970 an assessment of $23,279.52 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 6,870.03 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

JAMES F. CANAN,
Area Director.

[F.R. Doc. 69–8401; Filed, July 16, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC–37 (Sub-No. 13)]

PART 1048—COMMERCIAL ZONES

Rio Grande Border Municipalities, Commercial Zones and Terminal Areas; Postponement of Effective Date

By order of the Commission entered May 7, 1969, and published on page 9870 of the June 26, 1969, issue of the FEDERAL REGISTER, § 1048.101 of Chapter X of Title 49 of the Code of Federal Regulations was amended.

Upon consideration of the record in the above-entitled proceeding, and of the joint petition (letter) of G. Arrendondo Transfer Co., Inc., Gateway Transfer Co., Inc., Southern Trucking Co., Alamo Express, Inc., Brown Express, Inc., Central Express, Inc., and Valley Transit, Inc., filed July 1, 1969, for extension of the time for filing petitions for reconsideration, treated also as a petition for extension of the effective date; and good cause appearing therefor:

It is ordered, That the time on or before which petitions for reconsideration in the above-entitled proceeding may be filed be, and it is hereby, extended to August 4, 1969.

It is further ordered, That the statutory effective date of the order entered May 7, 1969, in the said proceeding be, and it is hereby, postponed from July 12, 1969, to September 8, 1969.

Dated at Washington, D.C., this 10th day of July 1969.

By the Commission, Chairman Brown.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69–8428; Filed, July 16, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 112, 113, 114]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Proposed Standard Requirements

NOTE: This document was published inadvertently in the Rules and Regulations section on page 11489 of the issue for Friday, July 11, 1969. It should appear as set forth herein.

Notice is hereby given in accordance with the provisions contained in section 533(b) of title 5, United States Code (1966), that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

The proposed amendments would add a new Part 113 to Chapter I of Title 9, Code of Federal Regulations in which test methods and procedures to be known as Standard Requirements would be prescribed. Regulations in this proposal would establish the use of Standard Requirements and basic test procedures applicable to biological products.

Authorization for sampling of biological products for test purposes as provided for in §§ 112.26 and 112.27 would be revised and included in § 113.4.

The proposed amendments to Part 114 would remove test requirements in §§ 114.5(c), 114.13, and 114.14, by deletion of such sections and include a revision of such requirements in Part 113. Requirements in § 114.18 are no longer applicable and such section would be revoked.

PART 112—LABELS

1. Part 112 is amended by deleting §§ 112.26 and 112.27. The heading and index is to read as follows:

LABELS

Sec.
- 112.1 Containers.
- 112.2 Required and permitted information.
- 112.3 Diluent labels.
- 112.4 Reference to distributors and permittees.
- 112.5 Review and approval of labels and other material.
- 112.6 Packaging desiccated products.
- 112.7 Special additional requirements.

PART 113—STANDARD REQUIREMENTS

2. Chapter I of Title 9 of the Code of Federal Regulations is amended by adding a new Part 113, reading as follows:

APPLICABILITY

Sec.
- 113.1 Standard requirements—compliance.
- 113.2 Standard requirements—ingredients of biological products.
- 113.3 Standard requirements—sampling of biological products.
- 113.4 Standard requirements—outline of production.
- 113.5 Standard requirements—general testing.
- 113.6 Standard requirements—division testing.
- 113.7 Standard requirements—multiple fractions.
- 113.8 Standard requirements—virus titrations in lieu of tests for antigenicity.

AUTHORITY: The provisions of this Part 113 issued under 37 Stat. 832–833; 21 U.S.C. 151–158

APPLICABILITY

§ 113.1 Standard requirements—compliance.

The regulations in this part apply to each serial or subserial of a licensed biological product manufactured in a licensed establishment and to each serial or subserial of a biological product in each shipment imported for distribution and sale.

§ 113.2 Standard requirements—ingredients of biological products.

All ingredients used in a licensed biological product shall meet accepted standards of purity and quality; shall be sufficiently nontoxic so that the amount present in the recommended dose of the product shall not be toxic to the recipient; and in the combinations used shall not denature the specific substances in the product below the minimum acceptable potency within the dating period when stored at the recommended temperature.

§ 113.3 Standard requirements—sampling of biological products.

Each licensee and permittee shall furnish representative samples of each serial or subserial of a biological product manufactured in the United States or imported into the United States as prescribed in paragraphs (a) and (b) of this section. Additional samples may be purchased in the open market by a Division representative.

(a) Prerelease test samples for Division use shall be forwarded to the place designated by the Director and in the number and quantity as prescribed. Comparable samples shall be used by the licensee and permittee for similar tests.

(1) Each licensee shall select prerelease samples as follows:

(i) Nonviable liquid products—either bulk or final container samples of completed product shall be used for inactivation, purity, or potency tests. Biological product in final containers shall be used for sterility tests.

(ii) Viable liquid products; samples shall be in final containers and shall be selected at the end of the filling operation.

(iii) Desiccated products; samples shall be in final containers and shall be selected from various locations within the drying chamber if desiccated in the final container. Biological products desiccated in bulk shall be sampled at the end of the filling operation.

(2) Each permittee shall select prerelease samples so that each serial or subserial in each shipment shall be represented.

(b) Reserve samples shall be selected from each serial and subserial of every biological product. Such samples shall be selected at random from finished product by the licensee or permittee. Each sample shall:

(1) Consist of 5 single dose or 2 multiple dose packages as the case may be;

(2) Be adequate in quantity for appropriate examination and testing;

(3) Be truly representative and in final containers;

(4) Be held in a special compartment or equivalent set aside by the licensee or permittee, for the exclusive holding of these samples under refrigeration at 35° to 45° F. for 6 months after the expiration date stated on the labels. The samples shall be stored systematically for ready reference and procurement if and when required.

§ 113.4 Standard requirements—outline of production.

(a) To comply with the test requirements in § 114.8(b) of this chapter, each outline shall designate the test methods and procedures by which the biological product shall be evaluated for purity, safety, and potency: *Provided*, That if alternate methods or procedures are authorized, the ones to be used shall be so designated.

(b) The test methods and procedures contained in all applicable Standard Requirements shall be complied with unless otherwise exempted by the Director and provided that such exemption is noted in the approved outline.

§ 113.5 Standard requirements—general testing.

(a) No biological product shall be released prior to the completion of required tests necessary to establish the product to be satisfactory for purity, safety, and potency.

(b) Tests of biological products shall be observed by a competent employee of the manufacturer during all critical periods. A critical period shall be the time of day when certain specified reactions must occur in required tests to properly evaluate the results.

(c) Records of all tests shall be kept in accordance with Part 116 of this chapter. Copies of tests reports shall be submitted to the Division. Blank forms shall be furnished upon request to the Veterinary Biologics Division.

(d) When a serial or subserial has not been found satisfactory by the test methods and procedures designated in § 113.4, and a repeat test is to be conducted, the same test method shall be used.

(e) When new test methods are developed and approved by the Division, biological products shall be evaluated by such methods, and serials or subserials found unsatisfactory when so tested shall not be released for market.

§ 113.6 Standard requirements—division testing.

A biological product shall with reasonable certainty yield the results intended when used as recommended or suggested in its labeling or proposed labeling prior to the expiration date.

(a) The Director is authorized to cause a licensed biological product, manufactured in the United States or imported into the United States, to be examined and tested for one or more of the following: purity, safety, potency, or effectiveness; in which case, the licensee or permittee shall withhold such product from the market until a determination has been made.

(b) A serial or subserial of a biological product which has not been found satisfactory by applicable test methods or procedures is not in compliance with the regulations in Parts 101 through 121 of this subchapter and shall not be released for market.

§ 113.7 Standard requirements—multiple fractions.

(a) When a biological product contains more than one immunogenic fraction, the completed product shall be evaluated by tests applicable to each fraction.

(b) When similar potency tests are required for more than one fraction of a combination biological product, the same vaccinated animals may be used to evaluate different fractions of the combination biological product provided controls representing each fraction are challenged separately and the vaccinates are challenged with virulent material representing all fractions.

(c) When the same safety test is required for more than one fraction, requirements are fulfilled by satisfactory results from one test of the completed product.

(d) Biological products containing one or more chemically inactivated fraction(s) and one or more live virus or modified live virus fraction(s) shall be prepared as recommended for use and held at room temperature 30 minutes before initiating virus titrations or potency tests.

(e) Virus titrations for a multivirus product shall be conducted by methods which will quantitate each virus.

§ 113.8 Standard requirements—virus titrations in lieu of test for antigenicity.

(a) The Director may exempt a live virus vaccine from a required vaccination-challenge test for release if the efficacy can with reasonable certainty be determined by:

(1) Testing the seed virus for potency in a manner approved by the Director; and

(2) Establishing the lowest satisfactory virus titer based on the minimum protective dose plus an adequate overage allowance for uncertain conditions; and

(3) Conducting virus titrations on each serial or subserial in an accepted titration test system.

(b) One or more serials or subserials of a biological product which has been exempted from a required vaccination-challenge test according to the conditions in paragraph (a) of this section may be subjected to said test by the Division or the licensee. If found unsatisfactory, the biological product shall be removed from the market.

(c) A biological product shall not be exempted under the provisions of paragraph (a) of this section if observation of the vaccinated test animals during the prechallenge period constitutes an irreplaceable safety test.

PART 114—MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

3. Part 114 is amended by deleting §§ 114.5(c), 114.13, 114.14, and 114.18.

Interested persons are invited to submit written data, views, or arguments regarding the proposed regulations to the Veterinary Biologics Division, Federal Center Building, Hyattsville, Md. 20782, within 60 days after date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 7th day of July 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69–8197; Filed, July 10, 1969; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 1036]

MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area is being considered for July 1969.

The provision proposed to be suspended is § 1036.16(b)(4) which reads "In any month of April through July, the quantity of milk of any producer diverted to nonpool plants that exceeds that physically received at pool plants shall be deemed to have been received by the diverting handler at the location of the nonpool plant to which diverted; and." This provision relates to the point of pricing of producer milk diverted to nonpool plants.

This suspension action was requested by Milk Producers Federation to accommodate the handling of reserve milk for the market. The Governor of Ohio has declared 23 counties as disaster areas due to recent flood and windstorm damage. The cooperative states that because of electrical power failure caused by the storm, the principal pool plant handling reserve milk for the market will be unable to operate for at least 2 weeks. Milk normally received at such pool plant from producers must be diverted to distant nonpool plants. Suspension would result in pricing diverted milk at the location of the pool plant where it is normally received instead of at nonpool plants to which diverted.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C. on July 14, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69–8415; Filed, July 16, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

[15 CFR Part 602]

ARTICLES CONDITIONALLY FREE: INSTRUMENTS AND APPARATUS FOR SCIENTIFIC AND EDUCATIONAL INSTITUTIONS

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Commerce and the Secretary of the Treasury are considering proposed regulations amending the existing

regulations (15 CFR Part 602) implementing section 6(c) of Public Law 89–651, the Educational, Scientific, and Cultural Materials Importation Act of 1966. The purpose of the amended regulations is to prescribe new simplified procedures relating to duty-free entry of certain kinds of instruments and apparatus for nonprofit scientific and educational institutions. These procedures are intended to assist applicants in filing for duty-free entry of scientific instruments and apparatus under the aforementioned Act.

All persons who desire to submit written views or comments on the proposed amended regulations set out below should file them in triplicate with the General Counsel, Department of Commerce, Washington, D.C. 20230, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

PART 602—INSTRUMENTS AND APPARATUS FOR EDUCATIONAL AND SCIENTIFIC INSTITUTIONS

§ 602.1 General provisions.

(a) *Introductory provisions.* The regulations in this part are issued under the authority of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897; see particularly section 6(c) thereof and headnote 6(f) to part 4, of Schedule 8, Tariff Schedules of the United States, section 1202, title 19, United States Code, as added by said section 6(c)). The Act provides, inter alia that any nonprofit institution (whether public or private) established for educational or scientific purposes may obtain duty-free treatment of certain instruments and apparatus entered for its use, if the Secretary of Commerce determines that no instrument or apparatus of equivalent scientific value to such article, for the purposes for which the instrument or apparatus is intended to be used, is being manufactured in the United States. A public or private nonprofit institution established for educational or scientific purposes desiring to obtain free entry of an instrument or apparatus under item 851.60, Tariff Schedules of the United States, shall file an application for such entry in accordance with the requirements of 19 CFR 10.115 and 15 CFR 602.2. (All references in this Part 602 to items, headnotes, schedules or parts, unless otherwise indicated, are references to items, headnotes, schedules or parts of the Tariff Schedules of the United States.) If the application is made in accordance with applicable regulations, notice and opportunity to present views will be provided in accordance with § 602.4, subject to § 602.5(e). Thereafter the application shall be reviewed, and a decision made thereon and published in the FEDERAL REGISTER, in accordance with § 602.5. An appeal from any such decision may be taken, in accordance with headnote 6(e) to part 4 of Schedule 8, Tariff Schedules of the United States, only to the U.S. Court of Customs and Patent Appeals and only on a question or questions of law, within 20 days after publication of the decision in the FEDERAL REGISTER. If at any time while its application is under consideration by the Secretary of Commerce or by the Court of Customs and Patent Appeals on an appeal from a finding by him, an institution cancels an order for the instrument or apparatus to which the application relates or ceases to have a firm intention to order such instrument or apparatus, the institution shall promptly notify the Administrator or such Court, as the case may be.

(b) *Definitions.* (1) "Instruments and apparatus" shall embrace only instruments and apparatus classifiable under the tariff items specified in headnote 6(a) or part 4 of Schedule 8. A combination of a basic instrument or apparatus and additional components shall be treated as a single instrument or apparatus hereunder provided that, under normal commercial practice, such combination is considered to be a single instrument or apparatus and provided further that the applicant has ordered or, upon favorable action on its application, firmly intends to order the combination as a unit.

(2) "Accessory" shall have the meaning which it has under normal commercial usage. An accessory for which duty-free entry is sought under item 851.60 shall be the subject of a separate application when it is not an accompanying accessory.

(3) "Foreign instrument" shall mean an instrument, apparatus or accessory for which duty-free entry is sought under item 851.60. However, "foreign instrument" does not include repair components, which enter under item 851.65.

(4) "Accompanying accessory" shall mean an accessory for a foreign instrument that accompanies it in the same shipment and that is necessary for accomplishment of the purposes for which the instrument is intended to be used. Only one application shall be required for a foreign instrument and its accompanying accessories.

(5) Unless context indicates otherwise, "article" shall mean a foreign instrument and its accompanying accessories.

(6) "Domestic instrument" shall mean an instrument, apparatus or accessory which is produced in the United States.

(7) "Pertinent specification" of an instrument, apparatus, or accessory shall mean those guaranteed structural, operational, performance and other characteristics specified for the instrument, apparatus, or accessory that are necessary for the accomplishment of the purposes described by the applicant in responses to Question 7 of form BDSAF–768, "Request for Duty-Free Entry of Scientific Instruments or Apparatus," excluding from consideration those purposes excluded by headnotes 1 or 6(a) to Part 4, Schedule 8, Tariff Schedules of the United States (TSUS). The term does not extend to such characteristics as size, durability, complexity or ease of operation, ease of maintenance and versatility, unless the applicant can demonstrate that they are necessary for accomplishing the purposes for which the article is intended to be used. The term does not include cost differences between the domestic and foreign instrument, apparatus or accessory.

(8) "Administrator" shall mean the Administrator, Business and Defense Services Administration of the Department of Commerce, or such official as may be designated to act in his behalf in this matter.

(c) *Applications and comments.* Applications (19 CFR 10.115 and 15 CFR 602.2) and comments (§ 602.4) shall be in writing, typed or printed, in the English language and legible. Copies of relevant documents, such as manufacturers' specifications, advertisements for bids, correspondence relating to availability of instruments or apparatus or the like, should be made a part of an application or comments if fully identified. Each copy should be permanent and legible, and shall be attached as part of the response to the question to which it relates. A document in a foreign language shall be accompanied by an accurate translation.

(d) *Exclusion from duty-free entry under Headnote 6(a).* Certain articles will be excluded from duty-free entry as prescribed in 19 CFR 10.114(c).

(e) *Scientific equivalency.* The determination of scientific equivalency shall be based on a comparison of the pertinent specifications of the foreign instrument with similar pertinent specifications of the most closely comparable domestic instrument. The guaranteed specifications for the foreign article will be considered in the comparison, including any amendments to the guaranteed specifications which have been inserted in the record. Similarly, the guaranteed specifications for the most closely comparable domestic instrument will be considered including any amendments to the guaranteed specifications which have been inserted in the record. In the comparison, the Administrator may consider any reasonable combination of domestic instruments and accessories as being comparable to a foreign instrument that combines two or more functions in an integrated unit, if the combination of domestic instruments and accessories is capable of accomplishing the purposes for which the foreign instrument is intended to be used. If the Administrator finds that at least one domestic instrument or reasonable combination of domestic instruments does possess all the pertinent specifications of the foreign article, he shall find that there is being manufactured in the United States an instrument of equivalent scientific value to the foreign instrument for such purposes as described in the response to Question 7 of Form BDSAF–768. Otherwise, he shall find to the contrary.

(f) *Domestic manufacturer.* An instrument, apparatus or accessory shall be considered as being manufactured in the United States if they are customarily produced for stock in anticipation of a sale, produced according to manufacturer's specifications only after receipt of order, or custom-made. Produced for stock, produced on order, and custom-made shall have the following meanings:

(1) *Produced for stock.* An instrument, apparatus, or accessory shall be considered to be produced for stock if it was manufactured in the United States, is on sale and available from a stock in the United States.

(2) *Produced on order.* An instrument, apparatus, or accessory shall be considered to be produced on order if a domestic manufacturer lists it in a current catalog and is able and willing to produce the instrument, apparatus or accessory within the United States and have it available without unreasonable delay to the applicant. In determining whether a U.S. manufacturer is able and willing to produce such instrument, apparatus or accessory and have it so available, the Administrator shall take into account the normal commercial practices applicable to the production and delivery of instruments, apparatus, or accessories of the same general category.

(3) *Custom-made.* An instrument, apparatus, or accessory shall be considered to be custom-made if it is an instrument, apparatus, or accessory made to purchaser's specifications. In determining whether a domestic manufacturer is able to produce a custom-made instrument, apparatus, or accessory as defined herein, the Administrator shall take into account the production experiences of the domestic manufacturer with respect to the types and complexity of products, the extent of the technological gap between the instrument, apparatus, or accessory to which the application relates and the manufacturer's customary products, and the availability of the professional and technical skills, as well as manufacturing experience, essential to bridging the gap and the time required by the domestic manufacturer to produce an instrument, apparatus, or accessory to purchaser's specifications.

(g) *Excessive delivery time.* Duty-free entry of the article shall be considered justified without regard to whether there is being manufactured in the United States an instrument, apparatus, or accessory of equivalent scientific value for the purposes described in response to Question 7, if the delay in obtaining such domestic instrument, apparatus or accessory (as indicated by the difference between the delivery times quoted respectively by domestic manufacturer and foreign manufacturer) will seriously impair the accomplishment of the purposes. In determining whether the difference in delivery times is excessive, the Administrator shall take into account the relevancy of the applicant's program to other research programs with respect to timing, the applicant's need to have such instrument, apparatus or accessory available at the scheduled time for the course(s) in which the article is intended to be used, and other relevant circumstances.

(h) *Entry and liquidation.* Entry and liquidation procedures are prescribed in 19 CFR 10.114(d).

§ 602.2 Application for duty-free entry of foreign instruments.

(a) *Additional requirements applicable to applications.* Business and Defense Services Administration Form 768 (BDSAF–768), "Request for duty-free entry of scientific instruments and apparatus," a sample of which is set forth as Appendix A hereto and is hereby made a part hereof, shall be used in the preparation of an application. Seven copies of the form shall be completed in accordance with paragraph (b) of this section. Question 1, 2, 3, 4, 6, and 10 of the form shall be answered by an authorized fiscal officer of the applicant institution; questions 5, 7, 8, and 9 shall be answered by the person in the applicant institution under whose direction and control the foreign instrument will be used and who is thoroughly familiar with the specific program requiring an instrument, apparatus, or accessory having the pertinent specifications of the foreign instrument. Two of such forms shall be executed in original by the aforementioned persons; five shall be conformed copies. The seven completed copies of the form, with the attachments required to complete fully should be filed with the Commissioner of Customs, Attention: Tariff Classification Rulings, Washington, D.C. 20226.

(b) *BDSAF–768.* The applicant should answer all applicable questions appearing on BDSAF–768. The following instructions are to be followed in completing the form. Unless otherwise indicated from context, terms used in the form have the meanings defined in § 602.1(b).

(1) *Question 5 (Description of article).* A single application (in the required number of copies) may be submitted for any quantity of the same type or model of the foreign instrument, apparatus or accessory, provided that all of that quantity are intended to be used for all of the purposes described in the response to Question 7. If the purchase order includes different types or models of the same category of instruments, apparatus or accessory, a separate application shall be submitted for each type or model although all may be intended for the same purposes. The specifications of the foreign manufacturer or facsimile thereof shall be included in the response to Question 5. These specifications shall be in a form that permits comparison with customary specifications for comparable domestic instrument, apparatus, or accessories. If the technical nature of the foreign instrument, apparatus, or accessory is such that the specifications for a performance capability may vary according to variations in test procedures, sample material, sample size and other parameters, the specifications for the article shall identify the relevant parameters. In the case of produced-on-order or custom-made instruments, apparatus, or accessories, the response to Question 5 shall include a statement from the foreign manufacturer attesting to the degree of compliance with purchaser's specifications.

(2) *Question 6 (Serial number(s)).* If the serial numbers of the foreign instrument and accompanying accessories are not known when the application is submitted, they shall be supplied in writing to the Administrator promptly when they become known to the applicant.

(3) *Question 7 (Intended purposes).* The response to this question shall describe the intended purposes of the article in sufficient detail to permit identifying each specification of the article that is alleged to be pertinent with the particular purpose(s) and the related objective(s) for the accomplishment of which the specification is claimed to be necessary. If the article is intended to be used in both research and educational programs, the purposes and relevant objectives of each program shall be described separately.

(4) *Question 8 (Justification for duty-free entry)*—(i) *No instrument, apparatus, or accessory of the same general category is being manufactured in the United States.* The term "same general category" shall mean the category in which an instrument, apparatus or accessory is customarily classified in trade directories and product-source lists (electron microscopes, mass spectrometers, light microscopes, X-ray spectrometers, and the like). If any instrument, apparatus, or accessory of the same general category is being manufactured in the United States, without regard to the degree of comparability with the article, the applicant shall justify the nonequivalency of such instrument, apparatus, or accessory in accordance with subdivision (ii) of this subparagraph.

(ii) *No instrument, apparatus, or accessory being manufactured in the United States is of equivalent scientific value to the article for such purposes as described in response to Question 7.* The comparison of the alleged pertinent specifications of the article shall be made with similar specifications of the most closely comparable instrument being manufactured in the United States. The term "most closely comparable instrument" shall mean the domestic instrument(s) or apparatus and accessories that most closely fulfill the applicant's technical requirement described in response to Question 7, without regard to differences in cost, design or structural characteristics. In making the comparison only the article and accompanying accessories described in respose to Question 5 and the purposes described in response to Question 7 shall be considered. The planned purchase of additional accessories or the planned conversion of the article at some unspecified future time, for programs that may probably be undertaken in some unspecified future period, shall not be considered in the comparison.

(iii) *Excessive delivery time.* The applicant should set forth the shortest delivery times quoted respectively by the manufacturer of the foreign article and the manufacturer(s) of the equivalent domestic instrument or apparatus from the place of shipment to the site where the instrument or apparatus is to be delivered. The applicant should also state how the difference in the delivery times quoted respectively by the foreign manufacturer and domestic manufacturer(s) will seriously impair the purposes described in response to Question 7.

(5) *Question 9 (Basis for response to Question 7).* The response to this question should indicate the efforts made by the applicant to ascertain whether there was being manufactured in the United States an instrument, apparatus or accessory of equivalent scientific value to the foreign article for the purposes described in response to Question 7, as well as the reasons for the applicant's selection of the particular type or model for comparison with the article in response to Question 8b when more than one type or model of the same manufacturer was available. If domestic manufacturers were afforded an opportunity to bid, the response to Question 9 should indicate the manner in which such opportunity was offered, such as formal invitation to bid that included a description of applicant's technical requirements. Copies of any correspondence between the applicant and domestic manufacturers should be appended to Form BDSAF–768.

(6) *Question 10 (Information on entry of article).* If the required information regarding the entry of the article is not available to the applicant at the time form BDSAF–768 is prepared, this information shall be transmitted promptly to the Administrator as soon as it becomes known to the applicant.

§ 602.3 Review of the application by the Commissioner of Customs.

Applications will be processed by the Commissioner of Customs as set forth in 19 CFR 10.116. Applicants shall inform the Administrator of entry number, date of entry, port of entry and the Customs district through which the foreign instrument has been entered and the application number to which such entry relates, as prescribed in 19 CFR 10.116(c).

§ 602.4 Public notice of application and opportunity to present views.

(a) *Publication of Notice.* Upon receipt from the Commissioner of Customs of an application that has been found by him to be in accordance with applicable regulations, the Administrator shall assign it a docket number and, subject to § 602.5(e), cause an appropriate notice to be published in the FEDERAL REGISTER to afford reasonable opportunity for presentation of views with respect to the question "whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States." (Headnote 6(c) to part 4 of Schedule 8.) The complete notice shall include the date on which the Commissioner of Customs received the application, the docket number and applicant's answer to Questions 1, 2, 5, and 7. The date of the last day of the period for comment shall be 20 days after the date on which the notice of the application is published unless a later date for such last day is published in the notice. As soon as the notice of an application is filed with the FEDERAL REGISTER, the Administrator shall make a copy of the application available for public review during ordinary business hours.

(b) *Additional requirements applicable to comments.* Persons who are authorized by Headnote 6(e) to appeal an adverse finding to the Court of Customs and Patent Appeals (hereinafter called "parties") and who wish to comment must submit their views and comments in one of the formats stated in paragraph (c) of this section. Views and comments from other interested persons and Government agencies will be received in any written form complying with § 602.1(c); however, one of the formats of paragraph (c) of this section should be used if feasible. Any comment, to be placed upon the record, must be submitted in three (3) copies and must state the name and address of the person submitting the comment and the docket number of the application to which the comment applies. Since each application file must be complete in itself, a separate set of copies of a comment must be furnished for each application to which the comment pertains, even though the sets of copies pertaining to two or more applications may be identical. Comments should be addressed to the Administrator.

(c) *Formats for comments.* Comments favoring the granting of an application should be in the form of supplementary answers to pertinent questions in § 602.2, and should avoid duplication of the content of the application insofar as is practicable. Comments opposing the granting of an application should be in the following form:

(1) State name and address of the party commenting.

(2) State the docket number of the application to which the comment applies.

(3) List instruments or apparatus considered by the party to be scientifically equivalent to the foreign instrument and its accompanying accessory(ies) and to be presently manufactured in the United States. Provide pertinent specifications for instruments or apparatus manufactured by the party.

(4) Direct the comments to the applicant's response to Question 8 and, with respect to each specification of the article (accompanying accessories) listed as pertinent therein demonstrate:

(i) That the specification can be equalled or exceeded with the instrument or apparatus (accompanying accessories) described in subparagraph (3) of this paragraph; or

(ii) That although the instrument or apparatus (accompanying accessory) differs in design, it is nonetheless functionally equivalent (superior) because it is as capable as or better than the article in fulfilling the purpose(s) relevant to the specification; or

(iii) The specification is not pertinent because it does not relate to one or more purposes described by the applicant in response to Question 7, being rather a convenience or representing personal preferences, cost factors and the like.

(5) Where the comments regarding subparagraph (4) (i) or (ii) of this paragraph, relate to a particular accessory or optional device offered by the domestic manufacturer, cite the type, model, or other catalog designation of the accessory or device and include the specifications therefor in the comments.

(6) Where the justification for duty-free entry is based on excessive delivery time, show whether:

(i) Such instruments or apparatus are as a general rule either manufactured for stock, produced on order, or are custom-made;

(ii) An instrument or apparatus of equivalent scientific value to the article, for the purposes described in response to Question 7 could have been produced and delivered to the applicant within a reasonable time following the receipt of the order.

(7) Indicate whether the applicant afforded the domestic manufacturer an opportunity to furnish an instrument or apparatus (accessories) of equivalent scientific value to the article for the purposes described in response to Question 7 and, if such be the case, whether the applicant submitted a formal invitation to bid that included the technical requirements of the applicant.

§ 602.5 Review and findings of the Department of Commerce.

(a) *Effect of expiration of the period for comment.* The Administrator shall assemble the application, and those comments meeting the requirements of § 602.4(b), into a record. After the period, for comment (§ 602.4(a)), has ended, he shall not place explanations, arguments, or recommendations, other than those obtained from any selected Federal agency(ies) pursuant to paragraph (b) of this section, in the record in any form. He shall treat written comments received after the period for comment has ended as offers to provide additional information (see paragraph (c) of this section) to the extent that they contain factual information, as contrasted with arguments, explanations or recommendations.

(b) *Administrator's additions to the record.* The Administrator may add to the record such additional written factual information available within the Executive Branch of the Government, and such printed information generally available to the public, as he deems appropriate and pertinent. He may also obtain for the record an opinion on any issue before him and reasons therefor from any agency of the Government which he regards as having particular competency in the field in question.

(c) *Additional information from parties.* If it appears to the Administrator that the information in the record is not sufficient to enable him to render a decision, if the action of denial without prejudice (paragraph (e) of this section) appears to be inappropriate, and if it further appears that certain additional specific factual information will cure the insufficiency of the record, the Administrator in his discretion may request and place in the record such additional factual information as he feels will enable him to render a decision, from that party or those parties that appear best suited to provide the information. The Administrator may attach appropriate conditions and time limitations upon the provision of such information, and may draw appropriate inferences from the failure of a party to provide the information requested from him. The Administrator shall not, under this procedure, place arguments, explanations, or recommendations upon the record. The Administrator may also, in his discretion, request from any party or parties to a proceeding hereunder, and place in the record, such additional affirmations as he deems necessary to enable him to render a decision.

(d) *Decision on the application.* The Administrator shall prepare a written decision granting or denying the application in whole or in part. The decision shall be in the form of one or more findings stating whether an instrument or apparatus of equivalent scientific value to the article for which duty-free entry is sought, for the purposes for which it is intended to be used, is or is not being manufactured in the United States, and it shall include a statement of his reasons for the finding(s). He shall transmit the decision to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant. At the same time, he shall make a copy of the record available for public review. (Copies of materials received pursuant to paragraphs (a) and (c) of this section which were not entered in the record pursuant to this section shall also be made available for public review. The Administrator may dispose of such materials at any time after final disposition of the application.) Pursuant to 19 CFR 10.117, the Administrator shall notify the district director of customs for the district in which entry of the merchandise in question was made, or the Commissioner of Customs if the district of entry is not known to the Administrator, of the final disposition of each application. If the Administrator thereafter receives notice from the applicant in accordance with 19 CFR 10.116(c), he shall then notify said district director of the final disposition of the application. For purposes of this subsection, disposition of an application shall be deemed final (1) when 20 days have elapsed after publication of the decision in the FEDERAL REGISTER and no appeal has been taken pursuant to § 602.1, or (2) if such appeal has been taken, when final judgment is made and entered by the U.S. Court of Customs and Patent Appeals.

(e) *Denial without prejudice to resubmission.* The Administrator may deny an application without prejudice to its resubmission but otherwise in accordance with paragraph (d) of this section, if the application contains a deficiency which, in his opinion, prevents its consideration on its merits. The Administrator shall state the deficiencies of the application in writing when making such a denial. A copy of the notice of such denial shall be transmitted to the Secretary of Health, Education, and Welfare and the Commissioner of Customs. A copy shall also be transmitted to the district director of Customs for the port of entry concerned, if the information requested in Question 10 of form BDSAF–768 has been furnished by the applicant by the time the notice of denial without prejudice to resubmission was being prepared. The applicant shall on or before the 20th day following the date of such notice, inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 9th day period. The resubmitted application shall indicate in the space provided therefor in form BDSAF–768 the docket number of the original application. If the applicant fails, within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of paragraph (d) of this section. In such a case, the Administrator shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant. At the same time, he shall make a copy of the record available for public review.

(f) *Outstanding denials without prejudice to resubmission.* An applicant whose application has been denied without prejudice to resubmission prior to the effective date of these regulations shall on or before the 20th day following the effective date of these regulations inform the Administrator whether it intends to submit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the effective date of these regulations. The resubmitted application shall indicate in the space provided therefor in form BDSAF–768 the docket number of the original application. If an applicant fails, within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denied without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of paragraph (d) of this section. In such cases, the Administrator shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs and to the applicant. At the same time, he shall make a copy of the record available for public review.

FOREST D. HOCKERSMITH,
Acting Administrator, Business and Defense Services Administration.

KENNETH N. DAVIS, JR.,
Assistant Secretary, Domestic and International Business.

EUGENE T. ROSSIDES,
Assistant Secretary, Department of the Treasury.

APPENDIX A—SAMPLE FORM BDSAF–768

U.S. DEPARTMENT OF COMMERCE, BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Treasury Department, Bureau of Customs

REQUEST FOR DUTY-FREE ENTRY OF SCIENTIFIC INSTRUMENTS OR APPARATUS

Mail application to: Bureau of Customs, Washington, D.C. 20226.
For use only by Bureau of Customs:
Date received by Customs _____
Customs' application number _____
For use only by Department of Commerce:
Docket No. _____

TO BE COMPLETED BY APPLICANT

NOTE: To avoid delays in processing this application due to omission of essential information, study the section of the regulations cited for each item. Where detailed information is indicated, this should be furnished on separate sheets of paper. In addition to numbering the item to which the information is related, the applicant should identify each sheet with the name of the institution and the article for which duty-free treatment is requested.

1. Name of applicant institution _____

2. Address _____
(Street, City, State, ZIP Code)

3. This is a nonprofit institution established for (check appropriate box)
☐ Scientific purposes.
☐ Educational purposes.

4a. This application is (check appropriate box)
☐ An original application.
☐ A resubmission of Docket No. _____.

4b. Applicant has (check appropriate box)
☐ Already placed a bona fide order for the article _____
(date of order)
☐ A firm intention, in event of favorable action on this application to place a bona fide order for the article within the time specified by law.

5. Description of the article and accompanying accessories, for which duty-free entry is requested (section 602.2(b)(1)).

a. Commercially standard catalogued instrument or apparatus (accessories):

(1) Identify the article and each accompanying accessory, according to the foreign manufacturer's type or model number.

(2) Attach the foreign manufacturer's literature (or facsimiles thereof, which describe the article (accessories) and specifies the structural, operational, performance and other characteristics of the article (accessories).

b. Special-order variant of standard catalogued instrument or apparatus, which has been significantly modified according to applicant's specifications, with respect to structural, functional, and/or performance characteristics:

(1) Identify the article according to its standard nomenclature and foreign manufacturer's type or model number.

(2) Attach a copy of the applicant's specifications describing the required modifications.

(3) Attach a copy of the literature describing the foreign article when sold as a standard instrument or apparatus.

(4) Indicate the extent to which each of the performance specifications applicable to the standard instrument or apparatus have been increased or decreased, if the modifications resulted in a change in the original performance parameters.

c. Article custom-made entirely to applicant's specifications:

(1) Attach a copy of applicant's specifications.

(2) Attach a statement from foreign manufacturer indicating whether the article fulfills applicant's specifications described in (1) above, or the extent to which the article deviated from these specifications.

6. If known at the time the application is submitted, furnish the serial number of the article and each accompanying accessory described in item 5. If the serial numbers are not furnished with the application, they shall be supplied to the Administrator as soon as they become known to the applicant, identifying the docket number of the application to which the article (accessories) relate (section 602.2(b)(2)).

7. Purposes for which article (accessories) is intended to be used.

a. Description of research purposes should include (section 602.2(b)(3)):

(1) The identity of the materials or phenomena to be studied.

(2) The properties of the materials or phenomena to be investigated.

(3) The experiments to be conducted.

(4) The objectives pursued in the course of the investigations.

(5) The techniques used in employing the article (accessories) in achieving the objectives.

b. Description of educational purposes should include:

(1) Name and content of course(s) in which article (accessories) will be used.

(2) Objectives of the course(s).

(3) Techniques used in employing article (accessories) in achieving educational objectives.

8. Justification for duty-free entry of article.

a. No instrument or apparatus of the same general category as the article is being manufactured in the United States (section 602.2(b)(4)(i)).

b. No instrument or apparatus in the same general category as the article, which is being manufactured in the United States, is of equivalent scientific value to the article for the purposes described in item 7 (section 602.2(4)(ii)).

(1) Identify the domestic manufacturer(s) and the respective type or model number(s) of the instrument(s) or apparatus with which the article has been compared.

(2) List the structural, performance, and other characteristics of the article which are not possessed by the most closely comparable domestic instrument(s) or apparatus.

(3) Relate each characteristic listed in (3) above to one or more purposes described in item 7, by explaining why either (a) the availability of the characteristic permits you to accomplish the relevant purpose(s) that otherwise could not be achieved without the characteristic or, (b) the characteristic permits you to carry the relevant purpose(s) further than can possibly be carried with the similar characteristic of the domestic instrument(s) or apparatus.

c. Excessive delivery time, without regard to scientific equivalency of available domestic instrument(s) or apparatus (section 602.2(b)(4)(iii)).

(1) State the shortest delivery time quoted by any domestic manufacturer of an instrument or apparatus comparable to the foreign article, from place of shipment to site where instrument or apparatus is to be delivered.

(2) State the delivery time quoted by the foreign manufacturer, from place of shipment to site where article is to be delivered.

(3) Explain why the delay in receiving a domestic instrument or apparatus of equivalent scientific value to the foreign article for the purposes described in item 7, shown by the difference between (1) and (2) above, would seriously impair the achievement of these purposes.

9. Description of efforts made by applicant to ascertain the availability of a domestic instrument or apparatus of equivalent scientific purposes to the foreign article, for the purposes described in item 7 (section 602.2(b)(5)).

a. List names of domestic manufacturers contacted and indicate whether:

(1) Domestic manufacturer(s) was (were) furnished with a description of your technical requirements, such as presented in item 7.

(2) Domestic manufacturer(s) was (were) requested to bid on an instrument or apparatus in the same technologically competitive class as the article (i.e., one capable of fulfilling the performance and other relevant specifications of the article) without reference to cost limitations, instructed to bid with reference to stipulated limitations on the cost of the instrument or apparatus.

(3) Domestic manufacturer(s) replied to the invitation to bid with an offer to furnish either (a) a standard catalogued instrument or apparatus, or (b) to modify a standard catalogued instrument or apparatus to the extent necessary to meet the applicant's technical requirements.

b. If no domestic manufacturers were contacted prior to deciding to purchase the article, indicate the basis for concluding that none of the instruments or apparatus in the same general category as the article, which were being manufactured in the United States, was scientifically equivalent to the article for the purposes described in item 7.

10. Entry of article (section 602.2(b)(6)).

a. If article had been entered prior to submitting this application, indicate:

(1) Port of entry.

(2) Date of entry.

(3) Entry number.

b. If firm order has been placed for article subsequently to submitting this application, the information regarding port of entry, date of entry and entry number should be transmitted immediately following entry of the article to the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230.

CERTIFICATION

The applicant is informed and believes that no instrument or apparatus of equivalent scientific value, for the purposes stated in reply to question 7 above, is being manufactured in the United States.

The above-named applicants requests that this application for duty-free importation under Public Law 89-651 be approved and certifies that all staments in this application are true or believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any duty-free importation entered thereon.

Typed name and title of authorized fiscal officer:

(Signature)

Area Code_____
Telephone number_____
Date_____
Typed name and title of official under whose direction and control the foreign article will be used:

(Signature)

Area code_____
Telephone number_____
Date_____

[F.R. Doc. 69-8432; Filed, July 16, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 69-EA-63]

AIRWORTHINESS DIRECTIVE

Fairchild Hiller Aircraft

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Fairchild Hiller F-27 and FH-227 type airplanes.

There have been reports of insufficient retention of the door locking mechanism so as to permit the rear outward opening door to open in flight and also allow the door lock ring to slip. Since this is a condition which can exist in other aircraft of the same type design, it is proposed to issue an airworthiness directive which will require alteration of the door locking mechanism on F-27 and FH-227 type airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

FAIRCHILD HILLER. Applies to F-27 and FH-227 type airplanes certificated in all categories and incorporating rear passenger door spindle, P/N 27-313006-3, -5, -7, or -9

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To provide a more positive retention of the passenger door locking mechanism accomplish the following:

(a) For F-27 type airplanes with spindle, P/N 27-313006-3, installed in the door lock mechanism, comply with section D(1) through D(8) of Fairchild Hiller Service Bulletin No. F-27-52-27, dated February 10, 1969. In place of Step "D(5)", rig the door mechanism in accordance with Fairchild Hiller Service Bulletin No. F-27-52-19, dated May 26, 1966.

(b) For F-27 type airplanes with spindle, P/N 27-313006-5, 27-313006-7, or 27-313006-9, installed in the door lock mechanism, comply with section E(1) through E(8) of Fairchild Hiller Service Bulletin No. F-27-52-27, dated February 10, 1969. Rig the door mechanism in accordance with Fairchild Hiller Service Bulletin No. F-27-52-19, dated May 26, 1966.

(c) For FH-227 type airplanes with spindle, P/N 27-313006-5, 27-313006-7, or 27-313006-9, installed in the door lock mechanism, comply with the "Accomplishment Instructions" of Fairchild Hiller Service Bulletin No. FH-227-52-13, dated February 10, 1969.

(d) An equivalent alteration approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may be used in lieu of the foregoing methods.

(e) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y. on July 8, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-8423; Filed, July 16, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 8]

SIZE STANDARDS

Notice of Hearing on Definition of Small Business for Bidding on Government Procurements for Food Services

Notice is hereby given that the Administrator of the Small Business Administration (SBA) proposes to hold a hearing on the definition of a small business for the purpose of bidding on Government procurements for food services.

A concern currently can qualify as small business for the purpose of bidding on Government procurements for food services if, together with its affiliates, its average annual sales and receipts for its preceding three (3) fiscal years do not exceed $3 million.

The Government Service Contractors Association has petitioned SBA to increase the food service size standard to $5 million in average annual receipts.

The Association has offered the following argument in support of its petition:

1. Wages represent seventy percent (70%) to eighty percent (80%) of service contract costs. Since 1967, the year in which the SBA first proposed the currently effective $3 million standard, wages in this field of operation have dramatically increased and in many cases have doubled. These increases have been due to both increases in the minimum wage and also to specific determinations by the Secretary of Labor under the McNamara-O'Hara Service Contracts Act of 1965, as amended, as to prevailing wages and fringe benefits in defined geographical areas and the minimum wages to be paid in said areas in performing Government contracts. In most cases the specified wages exceed the Federal minimum wage.

2. The food service industry for Government procurements is comprised primarily of institutional feeding specialists. Operators of commercial restaurants normally are not qualified and do not attempt to perform Government contracts for mass feeding or mess attendant services. Conversely, concerns in the institutional field normally are not found in the commercial restaurant field.

Within the institutional food service field there are approximately thirty (30) to forty (40) established companies. Of these, some fifteen (15) to twenty (20) have sales of over $100 million. These companies have sought participation in Government food service programs.

3. A survey of members of the Association who are engaged in providing food or mess attendant services to the Government and who qualify as small business under the currently effective $3 million standard, has revealed that seventy-five percent (75%) favor a size standard of $5 million or more.

Government data is scarce with respect to the size and nature of concerns who compete for or are potential competitors for Government contracts for food services. It is hoped that evidence offered at or in connection with this hearing will place the SBA in a better position to determine whether to retain the currently effective $3 million average annual receipts size standard or whether to increase such standard to $5 million as requested in the petition.

In preparing testimony for submission in connection with the hearing, the following should be considered:

a. In computing a concern's average annual sales or receipts for the purpose of applying the size standard, it is necessary to include the total sales and receipts of the concern and its affiliates, regardless of whether such sales or receipts are in payment for food services.

b. For administrative reasons size standards must be applied on a national basis. Therefore, comment should be directed to the effect of a particular size standard on competition for procurements nationwide.

The hearing will be held on Tuesday, August 5, 1969, at 9:30 a.m., e.d.s.t., in Room 214 at 1441 L Street NW., Washington, D.C.

For planning purposes, it is requested that those intending to present oral testimony at the hearing notify Mr. William Murfin, Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, as soon as possible.

Those wishing to file position papers in lieu of presenting oral testimony should do so on or before the hearing date.

Dated: July 14, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-8482; Filed, July 16, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69-126; Customs Delegation Order 1 (Revision 1), Correction]

ASSISTANT COMMISSIONER OF CUSTOMS, OFFICE OF REGULATIONS AND RULINGS, ET AL.

Performance of Functions

JULY 11, 1969.

Section 1A(b)(2)(iii) of T.D. 69-126, which was published on May 27, 1969 (34 F.R. 8208) as F.R. Doc. 69-6280, is hereby corrected to read:

(iii) Offers in compromise under 19 U.S.C. 1617, as amended, if recommended by the General Counsel of the Treasury Department.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-8435; Filed, July 16, 1969; 8:48 a.m.]

Internal Revenue Service

WILLIAM L. LORING

Notice of Granting of Relief

Notice is hereby given that William L. Loring, Hilltop Road, Mendham, N.J., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction in June 1943, in Somerset County Court, N.J., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for William L. Loring, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction it would be unlawful for Mr. William L. Loring, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered William L. Loring's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to William L. Loring from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that William L. Loring be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described. Signed at Washington, D.C., this 11th day of July 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-8436; Filed, July 16, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. C-305]

CLARK D. PERMAR

Notice of Loan Application

JULY 11, 1969.

Clark D. Permar, 460 Embarcadero, Oakland, Calif. 94606, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 55-foot length overall steel vessel to engage in the fishery for salmon, albacore, Dungeness crab, shrimp, and bottomfish.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-8400; Filed, July 16, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

OAKDALE LIVESTOCK AUCTION CO. ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, and location of stockyard, and date of posting

CALIFORNIA

Oakdale Livestock Auction Co., Oakdale, Apr. 1, 1969.

CONNECTICUT

Hebron Horse Auction, Hebron, Jan. 1, 1969.

IOWA

Oxford Sale Barn, Oxford, Mar. 20, 1969.

NORTH CAROLINA

Iredell Livestock Company, Turnersburg, June 6, 1969.

OKLAHOMA

Prague Stockyards, Prague, Mar. 27, 1969.

Done at Washington, D.C., this 8th day of July 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

JULY 11, 1969.

[F.R. Doc. 69-8416; Filed, July 16, 1969; 8:47 a.m.]

SOUTH FLORIDA HORSE AUCTION ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, and location of stockyard, and date of posting

South Florida Horse Auction, Hialeah, Fla., Feb. 6, 1969.

Morehead Stock Yards, Morehead, Ky., Dec. 30, 1959.

Sparta Stockyards Co., Sparta, Ky., Dec. 28, 1959.

Lycoming Livestock Market, Inc., Williamsport, Pa., Feb. 23, 1960.

Beasley Community Auction, Franklin, Tenn., Nov. 30, 1960.

Dixie National Stock Yards, Memphis, Tenn., Nov. 1, 1921.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 8th day of July 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-8417; Filed, July 16, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CIBA AGROCHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0846) has been filed by CIBA Agrochemical Co., Post Office Box 1105, Vero Beach, Fla. 32960, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the herbicide 3-(4-bromo-3-chlorophenyl)-1-methoxy-1-methylurea in or on the raw agricultural commodities corn grain, fodder, and forage at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a colorimetric procedure in which the residue is hydrolyzed to 4-bromo-3-choloraniline and extracted by steam distillation. The extracted aniline is diazotized and coupled with *N*-1-naphthylethylenediamine to produce a color that is measured spectrophotometrically at 550 millimicrons.

Dated: July 8, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8397; Filed, July 16, 1969; 8:45 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petitions Regarding Pesticide Chemical and Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0842) has been filed by The Dow Chemical Co., Post Office Box 1706, Midland, Mich. 48640, proposing the establishment of tolerances (21 CFR 120.150) for residues of the herbicide dalapon sodium salt calculated as dalapon (2,2-dichloropropionic acid) in or on raw agricultural commodities as follows: 12 parts per million in poultry kidneys; 7 parts per million in or on coffee beans; 5 parts per million in or on alfalfa hay, lemons, sorghum forage, and trefoil hay and in kidneys of cattle, goats, hogs, and sheep and in poultry tissue (other than kidney); 2 parts per million in meat and meat byproducts (other than kidney) of cattle, goats, hogs, and sheep; 1 part per million in or on beans, bean straw, macadamia nuts, sorghum, and soybeans; 0.5 part per million in eggs; 0.15 part per million in milk; and 0.1 part per million in or on sugar cane.

Notice is also given that the same firm has filed a related food additive petition (FAP 9H2427) proposing the amendment of a food additive regulation (21 CFR 121.216) to provide for residues of the herbicide in dehydrated citrus pulp for cattle feed when present therein as a result of application of the herbicide during the growing of lemons.

The analytical methods proposed in the petition for determining residues of the herbicide are: (1) The method of G. N. Smith et al., "Agricultural and Food Chemistry," vol. 5, pages 675-78 (1957) and (2) the method of M. E. Getzendaner, "Agricultural and Food Chemistry," vol. 16, pages 856-62 (1968).

Dated: July 8, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8398; Filed, July 16, 1969; 8:45 a.m.]

[Docket No. FDC-D-134; NDA 11-823]

G. D. SEARLE & CO.

Mornidine (Pipamazine) Tablets and Injection; Notice of Withdrawal of Approval of New-Drug Application

G. D. Searle & Co., Post Office Box 5110, Chicago, Ill. 60680, holder of effective new-drug application No. 11-823 for the drug pipamazine, marketed as Mornidine Tablets (5 milligrams per tablet) and Mornidine Injection (5 milligrams per milliliter), has requested withdrawal of approval of said application.

This application became effective July 22, 1959. The labeling recommended the drug for all conditions in which it is desirable to stop nausea and vomiting, including the nausea and emesis of pregnancy, surgery, radiotherapy, nitrogen mustard therapy, and gastroenteritis.

A supplement to expand the section on clinical applications submitted in April 1962 was ruled incomplete in June 1962.

The medical data in the new-drug application were completely reviewed, evaluated, and summarized in September 1963, and it was concluded that (1) there was inadequate scientific evidence to show efficacy for any of the labeled indications and (2) there was inadequate evidence that the drug is safe for use in pregnant women.

On June 21, 1963, the applicant submitted reports on abortion, miscarriage, and fetal mortality. The data were inconclusive, but the applicant proposed labeling revisions in December 1963 to note that animal reproductive studies were underway and to state that the effect on the fetus was not known.

The applicant was notified June 3, 1964, that the supplement to the application was incomplete in that: (1) The safety of Mornidine (pipamazine) in the specific condition of nausea and vomiting of pregnancy was not substantiated; (2) the safety of intravenous administration was not substantiated; (3) the labeling failed to warn against the association of pernicious vomiting of pregnancy with serious hepatic lesions and possibly dangerous synergistic effect of a phenothiazine drug in this situation; and (4) the labeling did not adequately emphasize the danger of oversedation. The applicant was further advised to insert a pregnancy warning statement in the labeling and that effective October 10, 1964, the application would be reviewed again from the standpoint of efficacy.

The firm advised the Food and Drug Administration on September 21, 1964, and April 14, 1966, that it had discontinued manufacture and supply of Mornidine Tablets and Ampuls. The product was not recalled at that time and several years later stocks were found in pharmacies.

On February 4, 1969, the Food and Drug Administration notified the applicant of its intention to initiate proceedings to withdraw approval of the application. On February 10, 1969, G. D. Searle & Co. stated that both Mornidine Tablets and Injection were being recalled to the retail level, requested withdrawal of approval of the application, and waived opportunity for a hearing in this regard, further saying that "the data presented to the Food and Drug Administration prior to the marketing of Mornidine in 1959 might be lacking in substantial evidence of safety and effectiveness as might now be required by the Drug Amendments of 1962."

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under the authority delegated to him (21 CFR 2.120), finds on the basis of new information evaluated with evidence available when the application was approved that the drug is not shown to be safe and effective for use under the conditions of use upon which the application was approved.

Therefore, pursuant to the foregoing finding, approval of new-drug application No. 11–823 and all amendments and supplements thereto applying to Mornidine Tablets and Injection is withdrawn, effective on the date of signature of this document.

Dated: July 10, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–8399; Filed, July 16, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69–73]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period of June 10, 1969 (List No. 17–69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant U.S. Coast Guard with respect to these approvals (49 CFR 1.4(a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction and materials are set forth in 46 CFR, Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/205/1, style HNB–MS–25 drum pilot actuated safety valve, carbon steel body, maximum pressure of 600 p.s.i., maximum temperature 650° F., dwg. No. D–39897–5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/205/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/206/1, style HNB–MS–35–6 drum pilot actuated safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 650° F., dwg. No. D–39897–5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/206/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/207/1, style HNB–MS–35 drum pilot actuated safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 650° F., dwg. No. D–39897–5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/207/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/208 1, style HNB–MS–26 drum pilot actuated safety valve, carbon steel body, maximum pressure of 600 p.s.i., maximum temperature 750° F., dwg. No. D–39897–5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/208/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/209 1, style HNB–MS–36–6 drum pilot actuated safety valve, carbon steel body, maximum pressure of 850 p.s.i., maximum temperature 750° F., dwg. No. D–39897–5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/209/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/210 1, style HNB–MS–36 drum pilot actuated safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 750° F., dwg. No. D–39897–5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/211/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/211/1, style HNB–MS–27 drum pilot actuated safety valve, alloy steel body, maximum pressure of 600 p.s.i., maximum temperature 900° F., dwg. No. D–39897–5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/211/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/212/1, style HNB–MS–37–6 drum pilot actuated safety valve, alloy steel body, maximum pressure of 700 p.s.i., maximum temperature 900° F., dwg. No. D–39897–5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/212.0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/213/1, style HNB–MS–37 drum pilot actuated safety valve, alloy steel body, maximum pressure of 900 p.s.i., maximum temperature 900° F., dwg. No. D–39897–5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2, 2½", and 3", manufactured by Crosby Valve & Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/213.0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/214/1, style HNB–MS–28 drum pilot actuated safety valve, alloy steel body, maximum pressure of 535 p.s.i., maximum temperature 1,000° F., dwg. No. D–39897–5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/214.0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/215/1, style HNB–MS–38–6 drum pilot actuated safety valve, alloy steel body, maximum pressure of 535 p.s.i., maximum temperature 1,000° F., dwg. No. D–39897–5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/215/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/216/1, style HNB–MS–38 drum pilot actuated safety valve, alloy steel body, maximum pressure of 900 p.s.i., maximum temperature 1,000° F., dwg. No. D–39897–5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/216/0, dated

Sept. 17, 1968, to show change in construction.)

Dated: July 11, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69–8437; Filed, July 16, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–241]

MISSISSIPPI STATE UNIVERSITY

Order Extending Construction Permit Expiration Date

By application dated June 3, 1969, the Mississippi State University requested an extension of the expiration date of Provisional Construction Permit No. CPRR–91. The permit authorizes the University to possess and store disassembled nuclear reactor components and a small amount of special nuclear material on its campus in State College, Miss.

Good cause having been shown for the extension of the expiration date of the permit pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the expiration date of Provisional Construction Permit No. CPRR–91, as amended, is extended from July 31, 1969 to July 31, 1971.

Dated at Bethesda, Md., this 7th day of July 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69–8392; Filed, July 16, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20826; Order 69–7–60]

ALASKA SERVICE INVESTIGATION

Order Regarding Major Route Patterns

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of July 1969.

By Order 69–3–68, dated March 19, 1969, the Board instituted an investigation designed to constitute a comprehensive review of major route patterns serving Alaska. Petitions for reconsideration, motions to consolidate, petitions for leave to intervene, and answers thereto have been filed.

The petitions for reconsideration request that we consider herein service between Portland/Seattle and Anchorage and between Fairbanks/Anchorage and Prudhoe Bay and that issues relating to service between Anchorage and Kenai be deleted. We have concluded that these petitions should be granted to the extent of adding service to Prudhoe Bay to the issues of the proceeding and should be denied in all other respects.

Prudhoe Bay, now served by Wien Consolidated Airlines, Inc., pursuant to exemption, is the site of a major oil discovery of undetermined proportions which promises to be a major factor in the future development of Alaska's economy. It is appropriate that we investigate in this proceeding the need for transportation of persons, property, and mail to support continued exploration and development of the oil resources in this area.

We have determined not to add the issue of service between Seattle/Portland and Anchorage. This market is served by three carriers under a pattern determined in the Pacific Northwest-Alaska Air Service Case, Order E–21955, dated March 26, 1965, for an anticipated period of 7 years. There is no showing that the service is not satisfactory nor has it been otherwise shown that a review at this time is necessary. We find that inclusion of this market is unnecessary, would result in a premature review of its service, and would unduly complicate the proceeding.

The Board will also deny the request for removal of Anchorage-Kenai service from the issues. Kenai's traffic originations showed a fourfold increase between the fiscal year 1965 total of 11,804 passengers and the 1968 total of 65,968, and this market, in which the Board has certificated only one carrier, accounts for a substantial volume of traffic that justifies consideration of certification of competitive service.

The motions for consolidation of applications will be granted to the extent they conform to the scope of the proceeding, as amended, and to the Board's regulations. However, several are beyond the proceeding's scope in part or in whole. Thus, Alaska Airlines, Inc., seeks consolidation of its application in Docket No. 19662 for authority to serve Prince Rupert and Whitehorse in Canada. The proceeding does not include any issue of new service to Canadian points. It is true that Whitehorse is on Wien's route 126–F and Prince Rupert is on Alaska's route 124–F and these points are presently in issue, under ordering paragraph 1.d of Order 69–3–68 insofar as concerns realignment of segments, but the filings of the carriers do not include proposed realignment of these segments. We have concluded that we will delete consideration of issues concerning these two foreign routes.

Alaska's application in Docket 19665 includes matters beyond the issues insofar as concerns new or additional service at King Salmon, Dillingham, Bethel, and Point Barrow. This carrier's application in Docket 19839 involves a new segment serving points it already has authority to serve except Kodiak, Homer, Kenai, Prudhoe Bay, and Point Barrow (it states that it would not prosecute the question of nonstop service between Seattle and Portland, on the one hand, and Kenai, Homer, and Kodiak, on the other hand).[1] The request for Point Barrow authority goes beyond the issues. We have previously concluded that Prudhoe Bay service should be included and that point will be added to Appendix A of Order 69–3–68. This application will not be considered herein insofar as concerns authority for new or additional service for Kodiak, Homer, and Kenai except for the markets listed in Appendix A of Order 69–3–68.

We agree with Bureau Counsel that the request of Howard J. Mays for consolidation of the Mays-Munz-Galleher Certificate Proceeding, Docket 7973, is inappropriate because that proceeding was closed when the Board entered its decision, Order E–21778, dated February 9, 1965. However, since the suspension of Mays' certificate will expire April 11, 1970, the continued effectiveness of the certificate should be litigated in this proceeding. The Board's order of investigation will be amended to include that issue.

Wien's application, Docket 20936, in paragraphs III D, E, and F is vague and violates § 201.4(c)(3) of the economic regulations in that it fails to name terminal and intermediate points. In addition, paragraph III B of Wien's application introduces a prospective element of time as to points to be considered as served under the 25-mile rule or irregular route authority. It includes points on route 126 as hereafter amended and points served as of the date of decision. We agree with Bureau Counsel that consideration of certificate authority to serve points actually served under the foregoing authorities should be limited to those actually served during 1968, as provided in paragraph 1.d(3) of Order 69–3–68. This portion of Wien's application will be considered herein only in that context. While the Bureau's proposed standard for such awards of service twice a week, in both directions, for at least 4 months during 1968, appears to have merit, we will leave this for determination after hearing of the evidence and the views of the parties. Nor will Wien's application be considered with respect to points served pursuant to exemption authorization except for those meeting the "presently served" standard of paragraph 1.d(4) of Order 69–3–68.

Petitions for leave to intervene have been filed by the Alaska Transportation Commission, the Department of Defense, certain Portland and Washington representatives, and the Postmaster General. Each has shown an interest justifying intervention.

Accordingly, it is ordered, That:

1. Order 69–3–69, dated March 19, 1969, be and it is amended as follows:

a. Delete "124–F" and "126–F" from ordering paragraph 1.d.

b. Change Appendix A, page 1, by adding "Prudhoe Bay" to each of the 10 market groupings listed in that appendix.

[1] This reservation accomplishes substantially the same purpose as Bureau Counsel's proposed pretrial restriction against such service.

c. Add new paragraph 1.e, reading as follows.

e. The continued suspension of the certificate of public convenience and necessity issued to Howard J. Mays or make such other disposition of the certificate as may be required by the public convenience and necessity.

2. The applications of Alaska Airlines, Inc., Dockets 19664, 19665, and 19839; Kodiak Airways, Inc., Docket 19851; Northwest Airlines, Inc., Docket 20930; Pan American World Airways, Inc., Docket 20937; Western Air Lines, Inc., Docket No. 20933; and Wien Consolidated Airlines, Inc., Docket 20936 (except paragraphs III D, E, and F); be and they are consolidated to the extent they request (a) authority, on a nonsubsidy basis, for new or additional service in any of the markets set forth in Appendix A of Order 69-3-68, as amended; (b) suspension, termination, or other modification of authority to serve points set forth in Appendix B of Order 69-3-68; or (c) alteration, amendment, or modification of Alaska Airlines' certificates for routes 124 and 138 and Wien Consolidated Airlines' certificate for route 126 as specified in paragraph 1.d of Order 69-3-68.

3. The applications set forth in paragraph 2 be and they hereby are dismissed to the extent not consolidated herein.

4. The Alaska Transportation Commission, the Department of Defense, the Portland Parties (city of Portland, Portland Chamber of Commerce, Portland Freight Traffic Association, and the Port of Portland), the Postmaster General, and the Washington Parties (the State of Washington Utilities and Transportation Commission, the Port of Seattle Commission, the city of Seattle, the county of King, the Seattle Chamber of Commerce, the city of Tacoma, the Tacoma Chamber of Commerce, and the Seattle Traffic Association), be and they hereby are granted leave to intervene.

5. The petitions and motions requesting change in the scope of the proceeding and consolidation of applications be and they hereby are denied in all other respects.

This order will be printed in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8443; Filed, July 16, 1969; 8:49 a.m.]

[Docket No. 20291; Order 69-7-63]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of July 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which was adopted for early effectiveness at a special meeting of Traffic Conference 1 held in Nassau, has been assigned the above-designated CAB agreement number.

The agreement amends the present 30-day excursion fares applicable within the Western Hemisphere by the inclusion of an additional specified excursion fare between Houston and Panama City. The fare will afford a reduction of about 35 percent from the otherwise applicable round-trip economy fare.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolution 140/070, which is incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement CAB 21101 be and hereby is approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statement should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8442; Filed, July 16, 1969; 8:49 a.m.]

[Docket No. 16606 etc.]

REOPENED OZARK ROUTE REALIGNMENT INVESTIGATION SERVICE TO SEDALIA, MO.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on September 18, 1969, commencing at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the prehearing conference report served June 16, 1969, and other documents that are in the docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 10, 1969.

[SEAL] E. ROBERT SEAVER,
Hearing Examiner.

[F.R. Doc. 69-8444; Filed, July 16, 1969; 8:49 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Associate Deputy Attorney General for Criminal Justice, Office of the Deputy Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8439; Filed, July 16, 1969; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20) the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment the position of Assistant Director, Division of Community Services, Bureau of Prisons. This position is removed from the excepted service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8440; Filed, July 16, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18599, 18600; FCC 69-751]

BIG CHIEF BROADCASTING COMPANY OF LAWTON, INC., AND PROGRESSIVE BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Big Chief Broadcasting Company of Lawton, Inc., Lawton, Okla., Docket No. 18599, File No. BPH-6455; Requests: 98.1 mcs, No. 251; 68.5 kw; 206 feet; Progressive Broadcasting Co., Lawton, Okla., Docket No. 18600, File No. BPH-6536; Requests: 98.1 mcs, No. 251; 54.2 kw; 201 feet; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), and our public notice of August 22, 1968 (FCC 68-847), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Big Chief Broadcasting Company of Lawton, Inc., has not shown that it has adequately surveyed the needs of Lawton, nor has it adequately listed the suggestions received or the programing proposed to meet the needs as evaluated. Thus, we are unable to determine that Big Chief is aware of and responsive to the needs of the area and a Suburban issue will be specified.

3. According to its application, Progressive Broadcasting Co. requires) $69,220 to construct and operate its proposed station for 1 year without reliance on revenues. To meet this requirement Progressive relies on cash on hand, which totals only $48,100. Accordingly, an issue will be specified to determine the availability of the additional $21,120.

4. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

5. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the efforts made by Big Chief Broadcasting Company of Lawton, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(2) To determine whether Progressive Broadcasting Co. has available to it the additional $21,120 required to construct and operate its proposed station for 1 year without revenues and thus demonstrate its financial qualifications.

(3) To determine which of the proposals, on a comparative basis, better serve the public interest.

(4) To determine in the light of the evidence adduced pursuant to the foregoing issue, which, if either, of the applications for construction permit should be granted.

6. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 9, 1969.

Released: July 14, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8427; Filed, July 16, 1969; 8:47 a.m.]

[Report 448]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 14, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, and application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

08-C2-P-70—Central Communications, Inc. (New), C.P. for new 2-way station to be located at 3.6 miles southeast of Okanogan, Wash., to operate on frequency 152.12 MHz.

09-C2-P-70—General Telephone Co. of Wisconsin (New), C.P. for new 1-way station to be located at 521 Fourth Street, Wausau, Wis., to operate on frequency 158.100 MHz.

11-C2-P-(3)-70—Kidd's Communications, Inc. (KMA257), C.P. for additional base facilities to operate on frequency 152.03 MHz and repeater facilities to operate on frequency 75.92 MHz at location No. 5: Granite Station Hill, Calif. Also add control facilities to operate on frequency 72.34 MHz at location No. 2: 215 East 18th Street, Bakersfield, Calif.

13-C2-MP-70—Radio Pocket Page, Inc. (KOA796), Modification of C.P. for an additional transmitter to operate on frequency 35.58 MHz at 4646 Southwest Council Crest Drive, Portland, Oreg.

14-C2-P-70—Eastern Oregon Telephone Co. (New), C.P. for a new 2-way station to be located at lot 6 South Boardman east side Southeast Main Street, Boardman, Oreg., to operate on frequency 152.81 MHz.

15-C2-P-70—The Bell Telephone Co. of Pennsylvania (KGA585), C.P. for an additional transmitter to operate on base frequencies 454.40, 454.50, 454.55, 454.60 MHz at location No. 2: 12 South 12th Street, Philadelphia, Pa. Also add transmitter to operate on auxiliary test frequencies 459.40, 459.50, 459.55, 459.60 MHz at location No. 1: 1631 Arch Street, Philadelphia, Pa.

20-C2-P-70—The Pacific Telephone & Telegraph Co. (New), C.P. for new 2-way station to be located at Sulphur Bank Ridge, 2.1 miles south-southeast of Clearlake Oaks, Calif., to operate on frequency 152.51 MHz.

21-C2-P-70—Marvin Barenblat, doing business as Autophone of San Antonio (KKJ451), C.P. for an additional base channel to operate on frequency 152.12 MHz at station located at 700 East Hildebrand, San Antonio, Tex.

22-C2-ML-69—General Telephone Co. of California (KMM698), Modification of license to change frequency to 454.625 MHz. Transmitter location: 0.4 mile southwest of junction Sunset Drive and Alta Vista Drive, Sunset Drive Reservoir, Redlands, Calif.

29-C2-MP-70—Souris River Telephone Mutual Aid Corp. (KAI930), Modification of C.P. to change frequency from 152.72 MHz to 152.63 MHz at station located at 11.5 miles south, 2 miles west of Minot, N. Dak.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

30–C2–P–(3)–70—Texas Mobile Telephone Co. (New), C.P. for new 2-way station to be located at 1200 feet south of loop 820, 700 feet east of Highway 287, Fort Worth, Tex., to operate on frequencies 454.075, 454.175, 454.275 MHz.

35–C2–P–70—Tel-Page Corp. (KEC521), C.P. for an additional transmitter to operate on frequency 43.220 MHz at 14 Lafayette Square, Buffalo, N.Y.

36–C2–P–70—Andrew J. Dibrell (New), C.P. for new 1-way station to be located at 612 Allende Street, Laredo, Tex., to operate on frequency 152.54 MHz.

37–C2–P–70—General Telephone Co. of Wisconsin (New), C.P. for new 1-way station to be located at 0.4 miles south-southwest from Dodgeville, Wis., to operate on frequency 152.840 MHz.

38–C2–P–70—General Telephone Co. of Wisconsin (New), C.P. for new 2-way station to be located at 0.4 mile south-southwest from Dodgeville, Wis., to operate on frequency 152.750 MHz.

Major Amendment

5740–C2–P–69—Airsignal International, Inc. (New). Amended to add an additional channel to operate on frequency 158.70 MHz at its station to be located at Dermon Building, 46 North Third Street, Memphis, Tenn. All other particulars same as reported on public notice dated Apr. 7, 1969, Report No. 434.

Corrections

7894–C2–P–(5)–69—The Chesapeake & Potomac Telephone Co. (KGA586), Correct to read: C.P. to change antenna system for base frequencies 152.51, 152.63, 152.72, 152.78, 152.81 MHz at location No. 2: 1420 Columbia Road NW., Washington, D.C. All other particulars same as reported on public notice dated June 30, 1969, Report No. 446.

7768–C2–P/L–69—Atlas Van-Lines, Inc., Correct Informative: Applicant has filed an application for 500 individual mobile units using facilities of miscellaneous Common Carriers throughout the continental United States.

Informative

Applications for renewal of licenses in the Developmental Public Air-Ground Radiotelephone Service shall be submitted not less than 30 days nor more than 60 days prior to Sept. 10, 1969, for those licenses expected to be renewed.

RURAL RADIO SERVICE

23–C1–P/L–70—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new fixed station to be located at 10 miles west-southwest of Syracuse, Utah, to operate on frequency 157.80 MHz.

24–C1–ML–70—Idaho Telephone Co. (KKU66), Modification of license to add frequency 158.04 MHz in any temporary location within the territory of the grantee.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

16–C1–P–70—South Central Bell Telephone Co. (New), C.P. for a new fixed station to be located at the corner of Ninth and Margaret Streets, Morgan City, La., to operate on frequencies 5945.2 and 6063.8 MHz toward Thibodaux, La.

17–C1–MP–70—South Central Bell Telephone Co. (KGG21), Modification of C.P. to change the frequencies and point of communication from 6286.2 and 6404.8 MHz toward Houma, La., to 6197.2 and 6315.9 MHz toward Morgan City, La., and change the antenna system. Station location: 204 Back Street, Thibodaux, La.

25–C1–P–70—General Telephone Co. of California (KTF39), C.P. for two additional transmitters for Hot Standby operation to operate on existing frequencies 10,835 and 11,115 MHz toward Crestline, Calif., via passive reflector. Station location: 660 E Street, San Bernardino, Calif.

26–C1–P–70—General Telephone Co. of California (KTF41), Same as above except, frequency 11,035 MHz toward Rimforest, Calif. Station location: 27316 State Highway No. 189, Lake Arrowhead, Calif.

27–C1–P–70—General Telephone Co. of California (KTF40), Same except, frequencies 11,285 MHz toward Lake Arrowhead, Calif., and 11,485 MHz toward San Bernardino, Calif. Station location: Rimforest, 1.25 miles southwest of Blue Jay, Calif.

28–C1–P–70—General Telephone Co. of California (KYS21), Same except, frequency 11,245 11,285 MHz toward Lake Arrowhead, Calif., and 11,485 MHz toward San Bernardino, MHz toward San Bernardino, Calif., via passive reflector. Station location: 946 Fern Drive, Crestline, Calif.

4967–C1–R–70—New Jersey Bell Telephone Co. (KYC84), Renewal of developmental station license expiring Aug. 7, 1969. Term: Aug. 7, 1969, to Aug. 7, 1970.

[F.R. Doc. 69–8426; Filed, July 16, 1969; 8:47 a.m.]

[Docket No. 17554 etc.; FCC 69–747]

WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Instituting Hearing and Investigation and Consolidating Proceedings

In the matter of proposed revisions in the rates of the Western Union Telegraph Co. for tie-line domestic interstate telegraph services, Docket No. 17554; in the matter of proposed revisions in the domestic telegraph message tariffs of the Western Union Telegraph Co., Docket No. 18270; in the matter of proposed revisions in the rates of The Western Union Telegraph Co. for domestic telex service, Docket No. 18598.

1. The Commission has under consideration (a) its order adopted June 28, 1967, in Docket No. 17554 (FCC 67–744) instituting an investigation and hearing into the lawfulness of certain tariffs of the Western Union Telegraph Co. (Western Union) applicable to charges for tie-line interstate telegraph services, (b) its order adopted July 29, 1968, in Docket No. 18270 (FCC 68–776) instituting an investigation and hearing into the lawfulness of new and revised rates and service classifications of Western Union applicable to its offering of domestic telegraph message service and consolidating this proceeding with the proceedings in Docket No. 17554, and (c) increased charges of Western Union for its offering of domestic telex service which were submitted under Transmittal No. 6351, to become effective July 10, 1969, designated as follows:

14th Revised Page 8, 2d Revised Page 9B and 3d Revised Page 41 of Western Union's Tariff FCC No. 240, providing for an upward adjustment in the fixed monthly service charge, a change in the manner of charging for pulse usage and the elimination of the prorata basis for determining the applicability of reduced charges for partial monthly billing periods.

2. The above-cited tariff schedules contain revised and increased charges applicable to Domestic Telex Service and the Commission is unable to determine from an examination of the above-cited schedules whether the charges contained therein will be lawful under the Communications Act of 1934, as amended. If the above-cited tariff schedules are permitted to become effective on the date specified therein, the rights and interests of the public may be adversely affected thereby.

3. The issues raised by the revised domestic telex charges are similar to those currently involved in the proceedings in Dockets Nos. 17554 and 18270 and thus should be considered with those matters by consolidating the proceedings.

4. *Accordingly, it is ordered,* That, pursuant to sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, the Commission shall enter upon a hearing and investigation concerning the lawfulness of the charges set forth in the above-cited tariff schedules and any amendments, cancellations, or successive issues thereof effected during the pendancy of the investigation; and

5. *It is further ordered,* That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-cited tariff schedules is hereby suspended until October 7, 1969, and that during said period of suspension, no changes shall be made in said tariff schedules or in the charges sought to be increased thereby, unless authorized by special permission of the Commission; and

6. *It is further ordered,* That, the issues in this case shall be as follows:

(1) Whether the proposed tariff revisions are just and reasonable and not otherwise unlawful under sections 201(b) and 202(a) of the Communications Act of 1934, as amended.

(2) Without in anyway limiting the scope of the matters to be considered under the foregoing issue, consideration shall be given to the following matters:

(a) Whether Western Union, under existing rate levels applicable to all of its services, has an additional overall revenue and earnings requirements, and, if so, the extent to which such requirements are attributable to the service involved;

(b) The extent to which the proposed tariff revisions may be expected to satisfy any such additional requirements of Western Union on both a short run and long run basis;

(3) Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices or the maximum or minimum charges to be hereafter followed with respect to the services governed by the tariff schedules herein suspended, and, if so, what charges, classifications, regulations and practices should be prescribed.

7. *It is further ordered,* That, in the event a decision as to the lawfulness of the provisions suspended has not been made during the aforesaid suspension period, and said revised charges, classifications, regulations, and practices go into effect, The Western Union Telegraph Co. shall, until further ordered by the Commission, keep accurate account or record of all amounts received by reason of the increased charges specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision therein the Commission may by further order require the refund thereof, with interest, pursuant to section 205 of the Communications Act of 1934, as amended, and the carrier shall file with the Commission reports with respect to the aforementioned accounting requirements as shall be prescribed by the Chief, Common Carrier Bureau; and

8. *It is further ordered,* That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified, before a presiding officer to be designated hereafter who shall certify the record to the Commission, without preparation of an initial or recommended decision, and the Chief of the Common Carrier Bureau shall thereafter issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282; and

9. *It is further ordered,* That, a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended, and that The Western Union Telegraph Co. is hereby made party respondent to this proceeding.

10. *It is further ordered,* That, the proceedings ordered herein are hereby consolidated with the proceedings heretofore ordered in Dockets Nos. 17554 and 18270.

Adopted: July 9, 1969.

Released: July 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–8425; Filed, July 16, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70–2]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JULY 9, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 27, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket No.
RI70–2	Union Oil Co. of California (Operator) et al., Union Oil Center, Los Angeles, Calif. 90017.	32	13	West Lake Natural Gasoline Co. (Lake Trammell Area, Nolan County, Tex.) (RR. District No. 7–B).	$3,500	6–12–69	[2] 7–13–69	[3] 7–14–69	8.5	[4] [5] 9.0	RI60–431.

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] Revenue-sharing rate increase. For the period Jan. 1, 1968 to Jan. 1, 1973, the contract price is 50 percent of buyer's resale price but no less than 50 percent of 18 cents. Buyer's resale price is 18 cents per Mcf.
[5] Pressure base is 14.65 p.s.i.a.

Union Oil Company of California (Operator) et al., (Union Oil) requests waiver of the statutory notice requirement to permit an effective date of June 12, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Union Oil's rate filing and such request is denied.

Union Oil has proposed a revenue sharing increase from 8.5 cents to 9 cents per Mcf for a sale of gas to West Lake Natural Gasoline Co. (West Lake) in Nolan County, Tex. West Lake is currently collecting 18 cents per Mfc subject to refund in Docket No. RI65-29 for the resale of such gas to El Paso Natural Gas Co. In these circumstances we believe it appropriate to suspend Union Oil's increase for 1 day from the expiration date of the 30 day statutory notice period.

[F.R. Doc. 69-8394; Filed, July 16, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4769]

MICHIGAN CONSOLIDATED GAS CO.

Notice of Proposed Issue and Sale of Notes to Banks

JULY 11, 1969.

Notice is hereby given that Michigan Consolidated Gas Co. ("Michigan"), 1 Woodward Avenue, Detroit, Mich. 48226, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan proposes to issue and sell, from time to time commencing after August 14, 1969, and ending August 14, 1970, its unsecured promissory notes, in varying amounts as funds are required, in an aggregate face amount not exceeding $55 million outstanding at any one time to the following banks in the respective amounts shown:

First National City Bank, New York, N.Y.	$10,000,000
National Bank of Detroit, Mich.	15,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	5,000,000
The Chase Manhattan Bank, New York, N.Y.	5,000,000
Manufacturers National Bank of Detroit, Mich.	7,000,000
The Detroit Bank & Trust Co., Detroit, Mich.	10,000,000
Old Kent Bank and Trust Co., Grand Rapids, Mich.	2,000,000
City National Bank of Detroit, Detroit, Mich.	1,000,000
Total	55,000,000

Each note will be dated as of the date of issue, will mature August 14, 1970, and will bear interest at the prime rate in effect at First National City Bank, New York, N.Y., on the date of each borrowing, which interest rate will be adjusted to the prime rate in effect at such bank at the beginning of each 90-day period subsequent to the date of the first borrowing. There is no commitment fee, and the notes may be prepaid at any time without penalty. Michigan proposes to use the proceeds from the sale of the proposed notes to retire $20 million of promissory notes issued to finance, in part, 1968 and 1969 construction and to finance in part, the 1969 construction program which is estimated at $58,600,000.

Fees and expenses incident to the proposed transactions are estimated at $1,500, including legal fees of $500. The declaration states that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

Notice is further given that any interested person may, not later than August 1, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8402; Filed, July 16, 1969; 8:45 a.m.]

[811-1399]

ATLANTIC CAPITAL CORP.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

JULY 10, 1969.

Notice is hereby given that Atlantic Capital Corp. ("Applicant"), Gifford, Woody, Carter and Hays, 1 Wall Street, New York, N.Y. 10005, a New Jersey corporation registered as a nondiversified, closed-end management investment company under the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was incorporated in September 1960. In August 1961, it was granted a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958. On June 29, 1966, Applicant registered as an investment company under the Act and also registered 200,000 shares of its common stock under the Securities Act of 1933. On July 10, 1967, Applicant surrendered its license under the Small Business Investment Act of 1958. On February 15, 1968, Applicant's registration statement under the Securities Act was amended, reducing the number of shares to be offered to 100,000 shares. On March 12, 1968, the registration statement covering the remaining 100,000 shares was ordered withdrawn upon Applicant's representation that it no longer intended to make a public offering of the shares.

Applicant represents that its only shareholders are 17 individuals and a brokerage firm, Spear, Leeds and Kellogg of New York City, which owns 76.59 percent of the outstanding voting securities. Applicant further represents that it no longer intends to operate as a small business investment company and does not intend to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 30, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8403; Filed, July 16, 1969; 8:46 a.m.]

[File 1-3909]

BSF CO.

Order Suspending Trading

JULY 11, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 14, 1969, through July 23, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8404; Filed, July 16, 1969; 8:46 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

JULY 11, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 14, 1969, through July 23, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8405; Filed, July 16, 1969; 8:46 a.m.]

TELSTAR, INC.

Order Suspending Trading

JULY 11, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being trade otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 14, 1969, through July 23, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8406; Filed, July 16, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1313]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JULY 11, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the Special Rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 531 (Sub-No. 251), filed June 23, 1969. Applicant: YOUNGER BROTHERS, INC., Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, liquid or dry, in bulk, in tank vehicles, from plantsite of E. I. du Pont de Nemours & Co., Pineville (Rapides Parish), La., to points in Alabama, Georgia, Missouri, and Tennessee (except Kingsport, Tenn.). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

control may be involved. If a hearing is deemed necessary, applicant did not specify location.

No. MC 4964 (Sub-No. 36), filed June 19, 1969. Applicant: ROY L. JONES, INC., 915 McCarty Avenue, Post Office Box 24128, Houston, Tex. 77029. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which require the use of special equipment by reason of size or weight (except household goods and commodities in bulk), between points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas, restricted to traffic moving, to, from, or between military installations or Defense Department establishments and moving on Government bills of lading or on commercial bills of lading containing an endorsement approved in *Interpretation of Government Rate Tariff for Eastern Central Motor Carriers*, 322 I.C.C. 161. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant also states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5470 (Sub-No. 56), filed June 24, 1969. Applicant: TAJON, INC., Rural Carrier No. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals* in dump vehicles, from Alloy, W. Va., to points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, and Pennsylvania. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 9325 (Sub-No. 43), filed June 23, 1969. Applicant: K LINES, INC., Post Office Box 216, Lebanon, Oreg. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, between points in Oregon. NOTE: Applicant states it will tack the authority sought with its Sub 35. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 24570 (Sub-No. 1), filed June 23, 1969. Applicant: HALLMARK VAN LINES, INC., 67 Grove Street, Chicopee Falls, Mass. 01020. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts and Connecticut, restricted (1) to shipments having a prior or subsequent movement beyond said points, in containers, and (2) to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority in MC 113665 Sub-No. 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Hartford, Conn.

No. MC 30126 (Sub-No. 11), filed June 16, 1969. Applicant: LOUIS N. VILLALANTI, doing business as VILLALANTI FREIGHT LINES, Morenci, Ariz. 85540. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal grinding balls and castings*, between Peterson (also known as Kyrene), Ariz., and the Tyrone Branch Mine of Phelps Dodge Corp. located at Tyrone, N. Mex., under contract with Phelps Dodge Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Santa Fe, N. Mex.

No. MC 30237 (Sub-No. 18), filed June 16, 1969. Applicant: YEATTS TRANSFER COMPANY, a corporation, Post Office Box 666, Altavista, Va. 24517. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as described in appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Altavista and Rocky Mount, Va., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, South Carolina, Tennessee, and Wisconsin. NOTE: Applicant states the proposed authority could be joined to provide at through service from Bridgewater and Culpeper, Va., and Saddle Brook, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30837 (Sub-No. 374), filed June 19, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, 701 Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potato harvesters* (mounted on trailers other than those designed to be drawn by passenger automobiles), from Lansing, Mich., to points in New York, Maine, Wisconsin, Pennsylvania, Ohio, New Jersey, Minnesota, and North Dakota; and (2) *orchard and grove sprayers and potato harvesters* (mounted on trailers other than those designed to be drawn by passenger automobiles) from Ocoee, Fla., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, West Virginia, Virginia, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 722) filed June 18, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, between Joliet, Ill., and Denver, Colo.: (1) from Joliet over Interstate Highway 80 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 36 at Springfield, Ill., thence over U.S. Highway 36 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Interstate Highway 70 at Kansas City, Mo., thence over Interstate Highway 70 to Denver, and return over the same route; and (2) from Joliet over Interstate Highway 80 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 36 at Springfield, Ill., thence over U.S. Highway 36 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 40 at or near Limon, Colo., thence over U.S. Highway 40 to Denver, and return over the same route; routes (1) and (2) above serving Kansas City, Mo., and Kansas City, Kans., for purpose of joinder only, serving no other intermediate points, as alternate routes for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 47142 (Sub-No. 105), filed June 24, 1969. Applicant: C. I. WHITTEN TRANSFER COMPANY, a corporation, 4417 Earl Court, Huntington, W. Va. 25702. Applicant's representative: George Joline, Suite 117, 2500 North Van Dorn Street, Alexandria, Va. 22302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class B explosives*, from Badger Army Ammunition Plant, Baraboo, Wis., to Aberdeen Proving Ground, Md. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 59150 (Sub-No. 41), filed June 23, 1969. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1734 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Savannah, Ga., to points in Alabama. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 61403 (Sub-No. 197), filed June 10, 1969. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37622. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Woodstock, Tenn., to points in Virginia and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 79065 (Sub-No. 1), filed June 19, 1969. Applicant: THE D. C. McCURDY COMPANY, a corporation, Post Office Box 160, Martins Ferry, Ohio 43925. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, as are transported in dump trucks, (1) between points in Columbiana County, Ohio, on the one hand, and, on the other, points in Beaver, Washington, Lawrence, and Greene Counties, Pa., and Hancock and Brooke Counties, W. Va.; (2) between points in Jefferson County, Ohio, on the one hand, and, on the other, points in Beaver, Washington, and Greene Counties, Pa., and Hancock, Brooke, and Ohio Counties, W. Va.; (3) between points in Belmont County, Ohio, on the one hand, and, on the other, points in Washington and Greene Counties, Pa., and Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, and Pleasants Counties, W. Va.; (4) between points in Brooke County, W. Va., on the one hand, and, on the other, Beaver, Washington, and Greene Counties, Pa., and Columbiana, Carroll, Jefferson, Harrison, Belmont, Guernsey, Noble, and Monroe Counties, Ohio; and (5) between points in Marshall County, W. Va., on the one hand, and, on the other, points in Washington and Greene Counties, Pa., and Columbiana, Carroll, Jefferson, Harrison, Belmont, Guernsey, Noble, and Monroe Counties, Ohio. NOTE: Applicant states it can cancel its lead Certificate MC 79065, if this application is granted. It further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 83539 (Sub-No. 255), filed June 18, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers* and/or *fluid coolers, parts thereof and materials and supplies* used or useful in the construction and/or installation of the above-described articles, from points in Johnson County, Kans., to points in the United States (except Alaska, Hawaii, and Kansas). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 83835 (Sub-No. 58), filed June 16, 1969. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which, because of size or weight, require the use of special equipment or special handling; and (2) *ammunition and explosives*, (a) between military installation or Defense Department establishments in Alaska, Arkansas, Colorado, North Dakota, South Dakota, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nebraska, Michigan, New Mexico, Ohio, Oklahoma, Pennsylvania, Texas, Utah, Wyoming, and West Virginia; and (b) between points in (a) above on the one hand, and, on the other, points in Alaska, Arkansas, Colorado, North Dakota, South Dakota, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nebraska, Michigan, New Mexico, Ohio, Oklahoma, Pennsylvania, Texas, Utah, Wyoming, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states it seeks no duplicating authority. If hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Dallas, Tex.

No. MC 89723 (Sub-No. 54), filed June 26, 1969. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robert S. Davis (same address as applicant). The instant application seeks authority solely to remove Waco, Tex., as a key point from applicant's certificate No. MC 89723 (Sub-No. 4), wherein it is authorized to transport general commodities over regular routes, between various points in Texas in service auxiliary to and supplemental of rail service of Missouri Pacific Railroad Co. but subject to all other key points and other restrictions contained in said certificate. NOTE: Applicant states no new routes or points are sought to be served. Applicant further states it is a wholly owned subsidiary of Missouri Pacific Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Forth Worth or Houston, Tex.

No. MC 94265 (Sub-No. 220), filed June 26, 1969. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Applicant's representative: Wilmer B. Hill, 666 11th Street, NW., 705 McLachlen Bank Building, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Swift & Co. at Glenwood, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to traffic originating at and destined to the points named. NOTE: If a hearing is deemed necesary, applicant requests it be held at Chicago, Ill., Des Moines, Iowa, or Washington, D.C.

No. MC 99756 (Sub-No. 3), filed June 17, 1969. Applicant: C. & C. DONNELLY TRUCKING CORP., 311 North Brookside Avenue, Freeport, N.Y. 11520. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between points in the New York, N.Y., commercial zone as defined by the Commission. NOTE: Applicant states it intends to tack the proposed authority at points in New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 100666 (Sub-No. 142), filed June 26, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Richmond County, Ga., to points in Arkansas, Louisiana, Texas, Oklahoma, and Mississippi. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 102616 (Sub-No. 837), filed June 25, 1969. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Post Office Box 7211, Akron, Ohio 44306. Applicant's representative: Harold G. Hernly, 711 14th Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plantsite of United States Steel Corp. at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, common control may be involved. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 102679 (Sub-No. 2), filed June 13, 1969. Applicant: LAMBERT'S MOVING & STORAGE, INC., 211 West Fifth Street, Connersville, Ind. 47331. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, and Ohio. NOTE: Applicant states it presently holds authority in its MC 102679 which duplicates in part that which is sought herein. All such duplicating authority shall be eliminated if and when the instant application is granted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 103435 (Sub-No. 211), filed June 25, 1969. Applicant: UNITED BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince Street, Littleton, Colo. 80120. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between junction U.S. Highway 395 and 730 near McNary, Oreg., and junction U.S. Highways 30 and 95 near Fruitland, Idaho, and return over the same routes serving no intermediate points and serving junction U.S. Highways 395 and 30 and junctions U.S. Highways 30 and 95 for purpose of joinder only, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 103993 (Sub-No. 425), filed June 25, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles; wooden products; electronic components, assemblies, and products; electric and electromechanical components, assemblies, and products*, from St. Louis, Mo., to points in the United States excluding Alaska and Hawaii. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 103993 (Sub-No. 428), filed June 25, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets*, from Des Moines, Iowa, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 103993 (Sub-No. 429), filed June 25, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Leflore County, Miss., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 103993 (Sub-No. 431), filed June 25, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobile, in initial movements, from points in Lancaster County, S.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 103993 (Sub-No. 432), filed June 25, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conveyors, bins and materials, parts, and accessories*, thereof, from Glasgow and Kansas City, Mo., and Fort Leavenworth, Kans., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 105350 (Sub-No. 17), filed June 20, 1969. Applicant: NORTH PARK TRANSPORTATION COMPANY, a corporation, 5150 Columbine Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk), between Rawlins and Riverside, Wyo., from Rawlins over U.S. Highway 30 to junction Wyoming Highway 130, thence south on Wyoming Highway 130 to junction Wyoming Highway 230, thence south on Wyoming Highway 230 to Riverside and return over the same route, serving all intermediate points, and serving the off-route points of Walcott and Encampment, Wyo., restricted however against any service between Rawlins, Wyo., and Sinclair, Wyo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Rawlins, Wyo.

No. MC 106920 (Sub-No. 32), filed June 25, 1969. Applicant: RIGGS FOOD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: Carroll V. Lewis, 122 East North Street, Sidney, Ohio 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Washington Court House, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 107227 (Sub-No. 105), filed June 27, 1969. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tree and livestock sprayers*, on wheels, from Gilroy, Calif., to points in Arizona, Idaho, Nevada, Oregon, Utah, and Washington. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107403 (Sub-No. 775), filed June 17, 1969. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plantsite of United States Steel Corp. at or near Haverhill, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 107515 (Sub-No. 663), filed June 18, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products*, from the plantsite of U.S. Plywood: Champion Papers, Inc., at or near Courtland, Ala., to points in Iowa, Kansas, Michigan, Missouri, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 107541 (Sub-No. 28), filed June 13, 1969. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukee, Oreg. 97222. Applicant's representative: Earl V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, salt, and fertilizer* (not including liquid bulk), from points in California and Nevada to points in Oregon and Washington. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 107818 (Sub-No. 47), filed June 27, 1969. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Post Office Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, 1301 Gulf Life Drive, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Swift & Co., at Glenwood, Iowa, to points in Florida, Georgia, and Alabama, restricted to traffic originating at said origin and destined to said destinations. NOTE: If a hearing is deemed neecssary, applicant requests it be held at Chicago, Ill.

No. MC 108119 (Sub-No. 23), filed June 13, 1969. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 3303 Sibley Memorial Highway, Post Office Box 3010, St. Paul, Minn. 55101. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweeping machines and parts, attachments, and accessories* for street sweeping machines, from points in Minnesota to points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Chicago, Ill., or Washington, D.C.

No. MC 108398 (Sub-No. 38), filed June 19, 1969. Applicant: RINGSBY-PACIFIC LTD., a corporation, 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commidities* which require the use of special equipment or special handling by reason of size or weight; (a) between military installations or Defense Department establishments in California, Montana, Nevada, Oregon, Utah, and Washington; and (b) between points in (a) above, on the one hand, and, on the other points in California, Montana, Nevada, Oregon, Utah, and Washington. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Denver, Colo.

No. MC 110098 (Sub-No. 101), filed June 24, 1969. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats fresh, and meats fresh frozen*, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Hereford, Tex., to points in Colorado, Iowa, Minnesota, Nebraska, Texas, and Wisconsin, restricted to the transportation of traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 110420 (Sub-No. 593), filed June 19, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, from Lorain, Ohio, to points in Ohio, Illinois, Michigan, Indiana, Wisconsin, Minnesota, Missouri, Oklahoma, Virginia, Georgia, North Carolina, Tennessee, New Jersey, Massachusetts, Rhode Island, New York, and California. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 110525 (Sub-No. 913), filed June 12, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plantsite of United States Steel Corp. at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 915), filed June 19, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten dimethyl terephthalate*, in bulk, from Old Hickory, Tenn., to Brevard, N.C. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 916), filed June 19, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East

Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from the plantsite of the Monsanto Co. located in Brazoria County, Tex., approximately 12 miles south of Alvin, Tex., to points in the United States (except points in Alaska, Hawaii, Oregon, Texas, and Washington). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 917), filed June 23, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), also Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin*, in bulk, in tank vehicles, from Reading, Pa., to Cortland, N.Y. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant did not specify location.

No. MC 110525 (Sub-No. 920), filed June 20, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Webster Grove, Mo., to points in Texas. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 921), filed June 23, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M. Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, from Bowie, Md., to points in Pennsylvania, Virginia, Maryland, West Virginia, Delaware, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111434 (Sub-No. 78), filed June 18, 1969. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. 80216. Applicant's representative: Peter J. Crouse, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone and limestone products*, from the plantsite of Colorado Lien Co., approximately 19 miles north of Fort Collins, Colo., on U.S. Highway 287, to points in Nebraska and Kansas on and west of U.S. Highway 281, points in Texas and New Mexico north of Interstate Highway 40, and points in Cimarron, Tex., and Beaver County, Okla. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 111812 (Sub-No. 384), filed June 23, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representatives: R. H. Jinks (same address as above), and Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except those commodities in bulk and hides), from the plantsite and/or warehouse facilities of Swift & Co. at or near Glenwood, Iowa, to points in North Dakota, South Dakota, Minnesota, Wisconsin, Michigan, Ohio, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, restricted to traffic originating at the plantsite and/or warehouse facilities of Swift & Co. and destined to the named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 111941 (Sub-No. 17), filed June 25, 1969. Applicant: PIERCETON TRUCKING COMPANY, INC., Post Office Box 233, Laketon, Ind. 46943. Applicant's representative: Alki E. Scopelitis, 816 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid calcium chloride*, from Midland, Mich., to points in Indiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 113855 (Sub-No. 201), filed June 17, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Street sweeping machines, and parts, attachments, and accessories* for street sweeping machines, from points in Minnesota to points in the United States (except Hawaii). NOTE: Applicant states that there are tacking possibilities with its present authority in Subs 2 and 84, whereas it is authorized to serve points in South Dakota, Minnesota, North Dakota, Nebraska, Iowa, Montana, Wyoming, Colorado, Wisconsin, Illinois, Michigan, Indiana, Kansas, Missouri, Ohio, Pennsylvania, Utah, California, Oregon, and Washington. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 114087 (Sub-No. 11), filed June 23, 1969. Applicant: DECATUR PETROLEUM HAULERS, INC., 159 First Avenue NE., Decatur, Ala. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Coal*, in bulk and *slag* in bulk, from Siglo, Tenn., to Decatur, Ala., under contract with Monsanto Co. and Columbia Slag Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 114194 (Sub-No. 153), filed June 25, 1969. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Donald D. Metzler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, and limestone products*, from Ste. Genevieve and Mosher, Mo., to points in Illinois (except Madison County) and points in Kentucky and Arkansas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115841 (Sub-No. 353), filed June 17, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Wellsboro, Pa., to points in Kentucky, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Arkansas, Mississippi, Louisiana, Oklahoma, Texas, Missouri, Kansas, Iowa, Wisconsin, Nebraska, Lower Peninsula of Michigan, Arizona, California, Oregon, and Washington. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 116014 (Sub-No. 46), filed June 23, 1969. Applicant: OVIVER TRUCKING COMPANY, INC., Post Office Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Wilmington, N.C., on the one hand, and on the other, points in Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, South Carolina, Tennessee, and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 117439 (Sub-No. 37), filed June 16, 1969. Applicant: BULK TRANSPORT, INC., U.S. Highway 190, Post Office Box 89, Port Allen, La. 70767. Applicant's representative: John Schwab, 617 North Boulevard, Post Office Box 3036, Baton Rouge, La. 70821. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sandblasting grit*, in bulk, and in bags or other containers, from Mobile, Ala., to points in the States of Louisiana, Mississippi, Alabama, and Florida. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Houston, Tex., or Tampa, Fla.

No. MC 117686 (Sub-No. 101), filed June 18, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and/or packaged animal feed*, when moving in the same vehicle and at the same time with shipments of canned goods (presently authorized), from the plantsite and/or warehouse facilities of Mavar Shrimp & Oyster Co., Ltd., at or near Biloxi, Miss., to points in Kansas, Missouri, South Dakota, Iowa, Arkansas, Minnesota, and North Dakota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Jackson, Miss.

No. MC 118127 (Sub-No. 12) (Correction), filed May 28, 1969, published in FEDERAL REGISTER issue of June 26, 1969, and republished as corrected, this issue. Applicant: HALE DISTRIBUTING COMPANY, INC., 1315 East Seventh Street, Los Angeles, Calif. Applicant's representative: William J. Augello, Jr., 36 West 44th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Blue Anchor and Garfield, N.J., Boston and Southboro, Mass., and Philadelphia, Pa., to points in Los Angeles County, Calif. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to show correct number as MC 118127 (Sub-No. 12), in lieu of MC 1181127 (Sub-No. 12) as previously published.

No. MC 118290 (Sub-No. 6), filed June 2, 1969. Applicant: EDWARD F. FULLER, doing business as: EDDIE FULLER, 2180A Northwest 23d Street, Miami, Fla. 33142. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Fannin and Capitol Streets, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between points in Dade and Broward Counties, Fla., on the one hand, and, on the other, Los Angeles basin territory and San Francisco Bay area group in California, as hereinafter described by applicant in (A) and (B) below, as follows: (A) Los Angeles basin territory: Los Angeles basin territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118 approximately 2 miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road; to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the city of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly, and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly, and northerly along said corporate boundary to the right-of-way of the Atchison, Topeka & Santa Fe Railway Co.; southwesterly along said right-of-way to Washington Avenue; southerly along Washington Avenue through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning; and

(B) The San Francisco Bay area group consists of the following cities or towns: Acampo, Agnew, Alameda, Albany, Alviso, Antioch, Arno, Ashland, Atherton, Auburn, Avon, Baden, Banta, Bayshore, Belmont, Benicia, Benicia Arsenal, Berkeley, Brisbane, Broderick, Burlingame, Campbell, Camp Stoneman, Castro Valley, Colfax, Colma, Concord, Cordelia, Cordero, Cowell, Coyote, Crockett, Cupertino, Daly City, Davis, Dixon, Dublin, Dupont, Edenvale, El Cerrito, Eliot, Elk Grove, El Sobrante, Emeryville, Fairfield, Florin, Fremont, French Camp, Galt, Giant, Hayward, Hedgeside, Hercules, Hillsborough, Hillsdale, Holy Cross, Lafayette, Lathrop, Livermore, Lockeford, Lodi, Lomita Park, Los Altos (Santa Clara County), Luzon, Lyoth, Mare Island, Martinez, Mather Air Force Base, McClellan Air Force Base (Planehaven), McConnell, Menlo Park, Millbrae, Milpitas, Moffett Naval Air Station, Mountain View, Mount Eden, Napa, Napa Junction, Naval Ammunition Depot (Port Chicago), Naval Weapons Station (Concord), and Newark, Calif. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Los Angeles, Calif.

No. MC 118959 (Sub-No. 45), filed June 16, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings and couplings*, from Louisiana, Mo., to points in Alabama, Arkansas, Florida, Colorado, Georgia, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Mississippi, Michigan, Missouri, Ohio, Kansas, Nebraska, Oklahoma, North Carolina, Pennsylvania, South Carolina, Tennessee, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept

a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 125664, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 119176 (Sub-No. 6), filed June 26, 1969. Applicant: THE SQUAW TRANSIT COMPANY, a corporation, Post Office Box 9417, Tulsa, Okla. 74107. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which by reason of size or weight require the use of special equipment or special handling; and (2) *ammunition and explosives*, when moving on U.S. Government bills of lading; (a) between military installations or Defense Department establishments in the United States; and (b) between points in (a) above, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be at Washington, D.C.

No. MC 119632 (Sub-No. 35), filed June 11, 1969. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, Ohio. Applicant's representative: V. Baker Smith, 2107 The Fidelity Buildings, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, closures, and fiberboard and pulpboard boxes, materials, and supplies* used in the manufacture of glass and plastic containers (except in bulk, in tank vehicles); (1) between Brockport, N.Y., the Lower Peninsula of Michigan and Kentucky; and (2) between Clarion, Pa., and the Lower Peninsula of Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119657 (Sub-No. 7), filed June 16, 1969. Applicant: GEORGE TRANSIT LINE, INC., 760–764 Northeast 47th Place, Des Moines, Iowa 50313. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients;* (1) from points in Iowa, to points in Minnesota and Wisconsin; and (2) between points in Minnesota and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119741 (Sub-No. 30) (Amendment), filed May 9, 1969, published in the FEDERAL REGISTER issue of June 5, 1969, and republished as amended, this issue. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zones, to points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, New York, New Jersey, Ohio, Pennsylvania, Maryland, Rhode Island, and the District of Columbia. NOTE: The purpose of this republication is to include the additional destination States of Maryland, Rhode Island, and the District of Columbia. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 123067 (Sub-No. 87), filed June 5, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: B. M. Shirley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer and fertilizer materials*, in bulk, from Norfolk and Chesapeake, Va., to points in North Carolina; (2) *liquid and dry fertilizer and fertilizer materials*, in bulk, from Norfolk and Chesapeake, Va., to points in Delaware, Maryland, and North Carolina; and (3) *dry fertilizer and fertilizer materials and ingredients*, in bulk, from Suffolk, Va., to points in North Carolina. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 123407 (Sub-No. 54), filed June 12, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Micheal E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and conduit*, from Harvey, Ill., to points in Mississippi, Louisiana, Arkansas, Alabama, Tennessee, Georgia, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Iowa, and the Upper Peninsula of Michigan. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 55), filed June 17, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board and materials, accessories, and supplies* used in the installation thereof; (A) from Alpena, Mich., to points in North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Iowa, Nebraska, Missouri, Kansas, Colorado, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Arkansas, Oklahoma, Texas, and Louisiana; and (b) from Chicago, Ill., to points in North Dakota, South Dakota, Iowa, Nebraska, Colorado, Kansas, Missouri, Kentucky, Tennessee, Georgia, Alabama, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, and New Mexico; and (2) *returned and rejected shipments* of (1) above and *materials, supplies, and equipment* used in the manufacture of the commodities in (1) above: (a) from points in the destination States named in (1)(a) above, to Alpena, Mich.; and (b) from points in the destination States in (1)(b) above, to Chicago, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123476 (Sub-No. 8), filed June 26, 1969. Applicant: CURTIS TRANSPORT, INC., 1334 Lonedell Road, Arnold, Mo. 63010. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products, laminated with aluminum or wood*, from the plantsite of Dow Chemical Co. at Cape Girardeau, Mo., to points in New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 124083 (Sub-No. 39), filed June 23, 1969. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt;* (1) from points in Marion County, Ind., to points in Illinois; (2) from points in Hamilton County, Ohio, to points in Indiana; and (3) from points in St. Louis County, Mo., to points in Illinois and Indiana. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept

a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 124328 (Sub-No. 36), filed June 26, 1969. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representatives: Edward K. Wheeler, 704 Southern Building, 15th and H Streets NW., Washington, D.C., and F. D. Partlan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *American Express Co. money orders and travelers cheques* in armored vehicles with armed guards in attendance from point of pickup to point of delivery, from Rochester, N.Y., to Trenton, N.J., Atlanta, Ga., Chicago, Ill., San Francisco, Calif., Denver, Colo., and New York, N.Y., under contract with American Express Co., New York, N.Y. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124402 (Sub-No. 5), filed June 26, 1969. Applicant: FLEET LINE, INC., Post Office Box 7026, 8919 Eighth Avenue, Chattanooga, Tenn. 37410. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Chattanooga, Tenn., to points in Florida, Georgia, North Carolina, and South Carolina under contract with Swift & Co. NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn., or Atlanta, Ga.

No. MC 124920 (Sub-No. 8), filed June 25, 1969. Applicant: LA BAR'S, INC., 310 Breck Street, Scranton, Pa. 18505. Applicant's representative: L. Agnew Myers, Jr., Suite 1122, Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, iron and steel, from Cleveland, Ohio, to Wilkes-Barre, Pa. NOTE: Applicant states it intends to tack at Wilkes-Barre and Scranton, Pa., to serve New Jersey, New York, N.Y., and points in New York within 15 miles of New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at Wilkes-Barre or Harrisburg, Pa., or Washington, D.C.

No. MC 126039 (Sub-No. 12), filed June 13, 1969. Applicant: MORGAN TRANSPORTATION SYSTEM, INC., U.S. Highways 6 and 15, New Paris, Ind. 46553. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies, and equipment* used or useful in the maintenance and operation of printing houses, between Dwight, Ill., and Warsaw, Ind., and points within 5 miles thereof, on the one hand, and, on the other, points in Ohio, Indiana, Michigan, Kentucky, and Illinois. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 126305 (Sub-No. 18), filed June 17, 1969. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres*, highway marking strip glass, ballotini and glass, crushed, ground, and powdered, from Apex, N.C., to points in Maryland, Virginia, Delaware, West Virginia, Alabama, South Carolina, Georgia, Florida, Tennessee, Mississippi, Louisiana, and Texas; and (2) *materials and supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles), from the above-destination territory to Apex, N.C. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 127505 (Sub-No. 26), filed June 16, 1969. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. 61342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum blanks, extrusions, molding shapes, sheets, and stampings* (except in bulk), from St. Charles, Ill., to Monon and Wakarusa, Ind., and Mottville and West Branch, Mich.; (2) *steel strips*, from Mendota, Ill., to Chicago, Ill.; (3) *aluminum bombs*, empty, from Mendota, Ill., to the Naval Ammunition Depots at Bangor, Wash., and near McAlester, Okla.; and (4) *aluminum sheet*, from points in Grundy County, Ill., to Bristol, Ind. Restriction: (1), (2), (3), and (4) restricted against those articles which because of size or weight require the use of special equipment or handling. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128293 (Sub-No. 1), filed June 2, 1969. Applicant: ACTRON CORPORATION, 52 Northern Avenue, Boston, Mass. 02110. Applicant's representative: Neal Holland, 225 Franklin, St., Boston, Mass. 02110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, toys, and games*, between Boston, Mass., on the one hand, and, on the other, all points in Massachusetts. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 129073 (Sub-No. 1), filed June 20, 1969. Applicant: R. D. BROWN, doing business as DAN BROWN TRUCKING, 1017 North Eighth Street, Greybull, Wyo. 82426. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite and drilling mud*, between points in Big Horn County, Wyo., on the one hand, and, on the other, points in Montana and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Casper or Cheyenne, Wyo., or Billings, Mont.

No. MC 129350 (Sub-No. 5), filed June 23, 1969. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 410 North 10th Street, Billings, Mont. 59103. Applicant's representatives: Joseph F. Meglen, 207 Behner Building, 2822 Third Avenue North, Billings, Mont., and Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, timbers, poles, posts and pilings and hardboard*, from White Sulphur Springs, Mont., and points within 5 miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Michigan; and (2) *canned goods and frozen vegetables*, from Fox Lake, Beaver Dam, Ripon, and Rosendale, Wis., Belvidere and Lanark, Ill., and points in Minnesota, to points in Montana. Traffic restricted to that originating at the plantsites of Green Giant Co. and destined to points in Montana. NOTE: The purpose of this application is to convert applicant's existing contract carrier permit No. MC 129264, Sub-Nos. 2 and 6, to that of a common carrier certificate. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 133240 (Sub-No. 3), filed June 11, 1969. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, N.J. 07306. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, in cartons, between Secaucus, N.J., on the one hand, and, on the other, Toledo and Oregon, Ohio; Monroe, Woodhaven, Melvindale, Ypsilanti, Ann Arbor, Mount Clemens, Utica, and Pontiac, Mich. Restriction: The authority sought herein is restricted to a transportation service to be performed under a contract or continuing contract with Holly Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 133635 (Sub-No. 2), filed June 23, 1969. Applicant: MARVIN W. LEPPER, Radcliffe, Iowa 50230. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractor wheels, wheel rims, and related mounting hardware, hubs, and clamps*, from Plainfield, Ill., to points in Illinois, Iowa, Kansas, Kentucky, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133694 (Sub-No. 1), filed June 18, 1969. Applicant: VICTORY VAN CORPORATION, 950 South Pickett Street, Alexandria, Va. 22304. Applicant's representative: Carlyle C. Ring, Jr., 710 Ring Building, 1200 18th Street NW., Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Household goods, electronic equipment, manufactured products, general supplies* required in business of contract shipper (except explosives), between points in Montgomery, Prince Georges, and Anne Arundel Counties, Md.; the District of Columbia; and points in Fairfax, Arlington, Prince William, and Loudoun Counties, Va., and Fairfax, Falls Church, and Alexandria, Va., under contract with International Business Machines Corp. NOTE: Applicant has a pending common carrier application under MC 128153 Sub 1. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133707 (Sub-No. 2), filed June 18, 1969. Applicant: MIDLAND RENTALS, INC., 1032 Delphinium Drive, Billings, Mont. 59102. Applicant's representative: Jerome Anderson, Post Office Box 1215, Billings, Mont. 59103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products, novelties, novelty parts, and affiliated items;* and (2) *paper products and cartons*, between Chicago, Ill., and Milwaukee, Wis., on the one hand, and, on the other, Ashland, Mont., and points within 5 miles thereof, under contract with Guild Arts & Crafts, Inc. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 133783 (Amendment), filed June 2, 1969, published in the FEDERAL REGISTER issue of June 19, 1969, and republished as amended this issue. Applicant: JOEL TRANSPORT, INC., 43 Chernucha Avenue, Merrick, N.Y. 11566. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between the facilities of ABC Freight Forwarding Corp., Midland Forwarding Corp., and Blue Ribbon Express, Inc., located at New York, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y. (restricted to shipments having prior movement via freight forwarder). NOTE: The purpose of this republication is to reflect a change in the scope of the application to show that radial operations are proposed. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 133818, filed June 16, 1969. Applicant: CLEMANS BROTHERS, INC., Box 46, North Walnut Street, Marysville, Ohio 43040. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Bus bar systems, bus bar system trolleys; electric cut outs, electric switchboards* (other than telephone), *electric switches, electric breakers, junction boxes, plastic circuit breaker bases, cable terminals, wire, and other similar electrical equipment;* (1) between Bellefontaine, Marysville, and Urbana, Ohio, on the one hand, and, on the other, the warehouse and plant facilities of I.T.E. Imperial Corp. at Atlanta, Ga., Bellmawr, N.J., Chicago, Ill., Philadelphia, Pa., and Tucker, Ga.; (2) between Bellefontaine, Marysville, and Urbana, Ohio, on the one hand, and, on the other, points in Ohio, restricted to shipments having a prior or subsequent movement in railroad piggy-back service; (b) *paint* in containers from Chicago, Ill., to Bellefontaine and Marysville, Ohio; (c) *insulating materials* from Lafayette, Ind., to Bellefontaine, Marysville, and Urbana, Ohio, and (d) *porcelain insulators* from Trenton, N.J., to Bellefontaine, Marysville, and Urbana, Ohio, restricted to shipments moving under a continuing contract with I.T.E. Imperial Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133831, filed June 18, 1969. Applicant: DON SWAIN WILLIAMSON, Aurora, N.C. 27806. Applicant's representative: David L. Ward, Jr., 310 Broad Street, New Bern, N.C. 28560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in shipping and packing of seafood and seafood products, from Baltimore, Md., to points in North Carolina east of U.S. Highway 17. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Bern (Craven County), Washington (Beaufort County), or Bayboro (Pamlico County), N.C.

No. MC 133832, filed June 17, 1969. Applicant: A.D.S. TRUCKING INC., 217 West Nicholai Street, Hicksville, N.Y. 11801. Applicant's representatives: Douglas Miller, 14 Gront Street, Hempstead, N.Y. 11550, and Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Earthenware and chinaware, advertising material, and store display racks;* (a) from the New York, N.Y., commercial zone to points in Nassau and Suffolk Counties, N.Y.; and (b) from the New York, N.Y., commercial zone and Oceanside, N.Y., to points in New Jersey and Connecticut; (2) *books, advertising material, and store display racks*, from the New York, N.Y., commercial zone to points in New Jersey and Connecticut; and (3) *returned shipments of commodities* in (1) and (2) in the opposite direction, under contract with Sperling & Schwartz, Inc., and Rockville International, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133833, filed June 13, 1969. Applicant: ALVIN C. HILL, doing business as HILL TRUCKNG SERVICE, 907 North College, Post Office Box 441, Stuttgart, Ark. 72160. Applicant's representative: Art Givens, Jr., Suite 1101, Union Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in dump vehicles, between Helena and Little Rock, Ark., and points in Missouri, Tennessee, Mississippi, Louisiana, and Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., Memphis, Tenn., or Dallas, Tex.

No. MC 133835, filed June 18, 1969. Applicant: INTERSTATE CARRIERS CORP., 7236 East Slausen Avenue, Los Angeles, Calif. 90022. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by manufacturers and distributors of automotive parts and accessories*, from points in Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Nebraska, Ohio, Rhode Island, Tennessee, Texas, Utah, and Wisconsin, to Phoenix and Tucson, Ariz.; Boise, Idaho; McMinnville, Tualatin, and Portland, Oreg.; El Paso, Tex.; Clearfield and Salt Lake City, Utah; Battleground, Chehalis, Olympia, and Seattle, Wash.; and points in California, restricted to service under a continuing contract with Motor Rim & Wheel Service of California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 133836, filed June 20, 1969. Applicant: E. H. HAMILTON TRUCKING & WAREHOUSE SERVICE, INC., 105 South Denny Street, Indianapolis, Ind. 46201. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and appliances*, from Indianapolis, Ind., to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

MOTOR CARRIERS OF PASSENGERS

No. MC 29854 (Sub-No. 32), filed June 13, 1969. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Avenue, Jersey City, N.J. 07306. Applicant's representative: S. S. Elsen, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between points in Secaucus, N.J., from junction County Avenue with Secaucus Road, over County Avenue to junction New County Road, thence over New County Road to its southerly terminus, and return over the same route, serving all intermediate points. NOTE: Applicant states it proposes to tack the authority here sought at junction County Avenue with Secaucus Road in Secaucus, a service point on its existing authority in Docket No. MC 29854 Sub 30. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 61335 (Sub-No. 10), filed June 18, 1969. Applicant: TRANSBRIDGE LINES, INC., Post Office Box 146, Phillipsburg, N.J. 08865. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points Hunterdon County, N.J., and Monroe County, Pa., and extending to points in Alabama, Arizona, Arkansas, Idaho, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, Oklahoma, Oregon, South Dakota, Tennessee, and West Virginia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Allentown, Pa.

No. MC 133804, filed June 9, 1969. Applicant: VIRGINIA COACH, INC., 1919 Hileman Road, Falls Church, Va. 22403. Applicant's representative: E. Stephen Heisley, Suite 705, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over regular route, transporting: *Passengers and their baggage* when moving therewith (1) between Gainsville, Va., on the one hand, and, on the other the facilities of the National Security Agency at or near Fort Meade, Md., and Friendship Annex of National Security Agency at or near Friendship Airport, Anne Arundel County, Md.; from Gainsville, Va., along U.S. Highway 29 to junction Interstate Highway 66, thence along Interstate Highway 66 to junction Virginia Highway 123; thence along Virginia Highway 123 to junction U.S. Highway 29; thence along U.S. Highway 29 to Fairfax, Va.; thence along U.S. Highway 29 to Fairfax, Va.; thence along U.S. Highway 29 to junction Virginia Highway 123; thence along Virginia Highway 123 to junction Interstate Highway 66; thence along Interstate Highway 66 to junction Interstate Highway 495; thence along Interstate Highway 495 to junction U.S. Highway 7; thence along U.S. Highway 7 to Tysons Corner, Va.; thence along U.S. Highway 7 to junction Virginia Highway 123; thence along Virginia Highway 123 to junction Interstate Highway 495; thence along Interstate Highway 495 to junction Baltimore Washington Parkway; thence along the Baltimore Washington Parkway (a) to junction Maryland Highway 32, thence along Maryland Highway 32 to the facilities of National Security Agency at or near Fort Meade, Md.;

(b) To junction Maryland Highway 32, thence along Maryland Highway 32 to the facilities of National Security Agency at or near Fort Meade, Md., thence west of Maryland Highway 32 to junction Baltimore Washington Parkway; thence along the Baltimore Washington Parkway to junction Maryland Highway 46; thence along Maryland Highway 46 to junction Maryland Highway 170; thence along Maryland Highway 170 to junction Elkridge Landing Road; thence along Elkridge Landing Road to the Friendship Annex of National Security Agency, at or near Friendship Airport, Anne Arundel County, Md.; and (c) to junction Maryland Highway 46; thence along Maryland Highway 46 to junction Maryland Highway 170; thence along Maryland Highway 170 to junction Elkridge Landing Road; thence along Elkridge Landing Road to the Friendship Annex of National Security Agency at or near Friendship Airport, Anne Arundel County, Md., and return over the same routes, serving the intermediate points of Fairfax and Tysons Corner, Va.; (2) between Tysons Corner, Va., on the one hand, and, on the other, the facilities of National Security Agency, at or near Fort Meade, Md., and the Friendship Annex of National Security Agency at or near Friendship Airport, Anne Arundel County, Md.; from Tysons Corner, Va., along U.S. Highway 7 to junction Interstate Highway 495; thence along Interstate Highway 495 to junction Braddock Road, thence along Braddock Road to intersection Port Royal Road; thence along Braddock Road to intersection Interstate Highway 495; thence along Interstate Highway 495 to intersection Telegraph Road; thence along Telegraph Road to intersection with Franconia Road, thence along Telegraph Road to intersection Interstate Highway 495; thence along Interstate Highway 495 to junction Baltimore Washington Parkway; thence along the Baltimore Washington Parkway (a) to junction Maryland Highway 32; thence along Maryland Highway 32 to the facilities of National Security Agency at or near Fort Meade, Md.;

(b) To junction Maryland Highway 32; thence along Maryland Highway 32 to the facilities of National Security Agency at or near Fort Meade, Md.; thence along Maryland Highway 32 to junction with the Baltimore Washington Parkway; thence along the Baltimore Washington Parkway to junction Maryland Highway 46; thence along Maryland Highway 46 to junction Maryland Highway 170; thence along Maryland Highway 170 to junction Elkridge Landing Road; thence along Elkridge Landing Road to the Friendship Annex of National Security Agency at or near Friendship Airport, Anne Arundel County, Md., and return over the same routes with the right to pickup and discharge passengers at the intermediate points of the junction of Telegraph Road and Franconia Road; and the junction of Braddock Road and Port Royal Road; (3) between Tysons Corner, Va., on the one hand, and, on the other, the facilities of National Security Agency at or near Fort Meade, Md., and the Friendship Airport, Anne Arundel County, Md.; from Tysons Corner, Va., along U.S. Highway 7 to Falls Church, Va.; thence along U.S. Highway 7 to junction U.S. Highway 50 (Seven Corners, Va.); thence along U.S. Highway 50 to junction Interstate Highway 495; thence along Interstate Highway 495 to junction Telegraph Road; thence along Telegraph Road to junction Franconia Road; thence along Telegraph Road to junction Interstate Highway 495; thence along Interstate Highway 495 to junction Baltimore Washington Parkway; thence along the Baltimore Washington Parkway (a) to junction Maryland Highway 32 to the facilities of National Security Agency at or near Fort Meade, Md.;

(b) To junction Maryland Highway 32; thence along Maryland Highway 32 to the facilities of National Security Agency at or near Fort Meade, Md.; thence along Maryland Highway 32 to junction Baltimore Washington Parkway; thence along the Baltimore Washington Parkway to junction Maryland Highway 46; thence along Maryland Highway 46 to junction Maryland Highway 170; thence along Maryland Highway 170 to junction Elkridge Landing Road; thence along Elkridge Landing Road to the Friendship Annex of National Security Agency at or near Friendship Airport, Anne Arundel County, Md., and return over these same routes with the right to pickup and discharge passengers at the intermediate points of Falls Church, Va., Seven Corners, Va. (junction of U.S. Highways 7 and 50), and the junction of Telegraph Road and Franconia Road). NOTE: If a

hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133837, filed June 20, 1969. Applicant: JOHN L. HOLDEN, doing business as THE KEE-WAY-DIN SKI CLUB, 7930 Indian Hill Road, Village of Indian Hill, Ohio 45253. Applicant's representative: John L. Holden (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, including skis, personal belongings, and camping gear, in charter operations, beginning and ending at Indian Hill, Ohio, and extending to points in Michigan, Pennsylvania, New York, North Carolina, Illinois, Wisconsin, and Colorado, under contract with Camping and Education Foundation. NOTE: If a hearing is deemed necessary, applicant did not specify a location.

No. MC 133857, filed June 24, 1969. Applicant: GEORGE E. AINEY, Rural Delivery 5, Montrose, Pa. 18801. Applicant's representatives: James K. Peck and James K. Peck, Jr., 912 Northeastern National Bank Building, Scranton, Pa. 18503. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, beginning and ending at Montrose, Pa., and extending to points in Pennsylvania and New York (except New York, N.Y.), under contract with Montrose United Fire Co. If a hearing is deemed necessary, applicant requests it be held at Montrose, Pa., or Scranton, Pa.

APPLICATION OF FREIGHT FORWARDERS

No. MC FF-378 ENGEL STORAGE CORPORATION Freight Forwarder Application, filed June 30, 1969. Applicant: ENGEL STORAGE CORPORATION, 901 Julia Street, Elizabeth, N.J. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought under section 410, part IV of the Interstate Commerce Act for a permit authorizing applicant to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water, air, or motor vehicle in the transportation of *household goods, unaccompanied baggage, and unaccompanied automobiles*, between points in the United States, including Alaska and Hawaii.

APPPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 115841 (Sub-No. 356), filed June 25, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001, and C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites of, or facilities utilized by Pet Inc., at or near Chambersburg and Allentown, Pa., to points in Missouri, Iowa, Oklahoma, Texas, and points in Kansas and Nebraska on and east of U.S. Highway 81. Restriction: The above authority is restricted to traffic originating at or destined to the above-specified origins and destinations. NOTE: Applicant states that the purpose of this application is primarily to eliminate the necessity of observing gateways at Nashville, Tenn., and/or points in Tennessee west of the Tennessee River, as presently authorized in applicant's certificates.

No. MC 117392 (Sub-No. 10), filed June 27, 1969. Applicant: FRANK W. EDMANDS, INC., 16 Hamilton Street, Saugus, Mass. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, in dump and conveyor vehicles, from Bow, N.H., to points in Massachusetts. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted.

No. MC 124328 (Sub-No. 35), filed June 23, 1969. Applicant: BRINKS'S, INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: F. D. Partlan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency and coin*, between Boston, Mass., on the one hand, and, on the other, points in Vermont. NOTE: Common control and dual operations may be involved.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8359; Filed, July 16, 1969; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 14, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41690—*Soda ash from Saltville, Va.* Filed by O. W. South, Jr., agent (No. A6114), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, as described in the application, from Saltville, Va., to Mineral Wells, Miss. Grounds for relief—Market competition.

Tariff—Supplement 146 to Southern Freight Association, agent, tariff ICC S-517.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8429; Filed, July 16, 1969; 8:47 a.m.]

[Notice 868]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 11, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 16502 (Sub-No. 13 TA), filed July 3, 1969. Applicant: ROBINSON TRUCK LINES, West Main Street, West Point, Miss. 39773. Applicant's representative: Donald B. Morrison, Post Office Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Scooba, Miss., and Electric Mills, Miss., serving all intermediate points, from Scooba, Miss., to Electric Mills, Miss., over U.S. Highway 45, and return over the same route, for 180 days. NOTE: The above authority will be joined with and used in conjunction with applicant's present authority extending between Memphis, Tenn., on the one hand, and, on the other, various points in Mississippi, including Scooba, Miss. Supporting shipper: Midland Manufacturing Co., Inc., Electric Mills, Miss. 39329. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 27754 (Sub-No. 13 TA), filed July 8, 1969. Applicant: FRANK J. KUBLY TRANSFER, INC., 1202 18th Street, Monroe, Wis. 53566. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Monroe, Wis., to Minneapolis-St. Paul, Rochester, and Medford, Minn., and Fargo, N. Dak., and return movement of *empty malt beverage containers*, from Minneapolis-St. Paul, Rochester and Medford, Minn., and Fargo, N. Dak., to Monroe, Wis., for 180 days. Supporting shipper: Joseph Huber Brewing Co., Monroe, Wis. 53566. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 76492 (Sub-No. 2 TA), filed July 8, 1969. Applicant: BEE'S VAN & STORAGE, INC., Post Office Box 321, Santa Maria, Calif. 93454. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in San Luis Obispo and Santa Barbara Counties, Calif., for 180 days. Supporting shippers: American Ensign Van Service, Inc., Post Office Box 2270, Wilmington, Calif. 90744; Getz Bros. & Co., Post Office Box 2230, Wilmington, Calif. 90744. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 83217 (Sub-No. 43 TA), filed July 2, 1969. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee, Post Office Box 1252, Sioux Falls, S. Dak. 57101. Applicant's representative: Henry Schuette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and coconuts, plantains, and pineapples*, from Wilmington, Del., to points in Kansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: West Indies Fruit Co., Samuel Gordon, Vice President, Post Office Box 1940, Miami, Fla. 33101. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 92806 (Sub-No. 29 TA), filed July 8, 1969. Applicant: MILES & SONS TRUCKING SERVICE, Post Office Box 430, Mountain View, Calif. 94042. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ash, fly*, in bulk, in pneumatic equipment, from South Dos Palos, Calif., to points in Merced and Fresno Counties, Calif., for 150 days. Supporting shipper: Carl W. Olson & Sons Co., 222 East Fifth Avenue, San Mateo, Calif. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 111812 (Sub-No. 385 TA), filed July 8, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 1233, 405½ East Eighth Street, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elk Grove Village, Ill., to points in Idaho, Montana, Oregon, Washington, North Dakota, and South Dakota, for 180 days. Supporting shippers: Continental Coffee Co., 2550 North Clybourn, Chicago, Ill.; Glen Tobin, Distribution Manager; Rossi Quality Foods, Inc., 261 North King Street, Elk Grove Village, Ill.; W. George Whaley, General Sales Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 119406 (Sub-No. 2 TA), filed July 8, 1969. Applicant: ROBERT J. GRALL, 1402 Hamann Road, Manitowoc, Wis. 54220. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from Kossuth Township, Manitowoc County, Wis., to points in Indiana, Illinois, Missouri, Iowa, Minnesota, and the Upper Peninsula of Michigan, for 180 days. Supporting shipper: Rockwell Lime Co., Manitowoc, Wis. 54220 (Joseph G. Brisch, Secretary). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 390 TA), filed July 8, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from the West Penn Power Co., Mitchell Station, Courtney, Pa., to points in Morris County, N.J., for 180 days. Supporting shipper: Dayton Fly Ash Co., Inc., 2101 Dryden Road, Dayton, Ohio 45439 (Barton A. Thomas, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 133819 (Sub-No. 1 TA), filed July 2, 1969. Applicant: SERVICE, INCORPORATED, 301 West First Avenue, Crossett, Ark. 71635. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, wood shavings and sawdust*, between points in Arkansas on and south of a line beginning at the Arkansas/Texas border, thence along U.S. Highway 82 to the Arkansas/Mississippi border, on the one hand, and, on the other, points in Louisiana on or north of a line beginning at the Louisiana/Mississippi border, thence along U.S. Highway 84 to Archie, La.; thence along Louisiana Highway 28 to Alexandria, La.; thence along Louisiana Highway 1 to the junction of U.S. Highway 84; thence along U.S. Highway 84 to the Louisiana/Texas border, for 180 days. Supporting shipper: Georgia-Pacific Corp., Post Office Box 520, Crossett, Ark. 71635. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 133863 (Sub-No. 1 TA), filed July 8, 1969. Applicant: FRANK MURPHY CONTRACT CARRIER, INC., 730 Richmond Terrace, Staten Island, N.Y. 10301. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except building materials), in containers or trailers, having a prior or subsequent movement by water in interstate or foreign commerce, between points within the New York commercial zone as defined by the Commission, for 150 days. Supporting shippers: Grace Line Inc., 3 Hanover Square, New York, N.Y. 10004; American Export Isbrandtsen Lines Inc., 26 Broadway, New York, N.Y. 10004. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133865 TA, filed July 8, 1969. Applicant: HUBBARD VAN AND STORAGE COMPANY, Post Office Box 743, Santa Maria, Calif. 93454. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Monterey, San Luis Obispo and Santa Barbara Counties, Calif., for 180 days. Supporting shippers: Columbia Export Packers, Inc., 19000 South Vermont Avenue, Torrance, Calif. 90502; Higa Fast Pac, Inc., 465 California Street, Suite 530, San Francisco, Calif. 94104; International Export Packers, 5360 Wheeler Avenue, Alexandria, Va. 22304. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8430; Filed, July 16, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 58, Amdt. 1]

SOUTHERN RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 58, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 58 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 27, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 13, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-8431; Filed, July 16, 1969; 8:48 a.m.]

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Title 3—THE PRESIDENT

Proclamation 3919

NATIONAL DAY OF PARTICIPATION

By the President of the United States of America

A Proclamation

Apollo 11 is on its way to the moon. It carries three brave astronauts; it also carries the hopes and prayers of hundreds of millions of people here on earth, for whom that first footfall on the moon will be a moment of transcendent drama. Never before has man embarked on so epic an adventure.

In the words of the plaque the Apollo astronauts expect to leave on the moon, they go "in peace for all mankind." The adventure is not theirs alone, but everyone's; the history they are making is not only scientific history, but human history. That moment when man first sets foot on a body other than earth will stand through the centuries as one supreme in human experience, and profound in its meaning for generations to come.

In past ages, exploration was a lonely enterprise. But today, the miracles of space travel are matched by miracles of space communication; even across the vast lunar distance, television brings the moment of discovery into our homes, and makes all of us participants.

As the astronauts go where man has never gone; as they attempt what man has never tried, we on earth will want, as one people, to be with them in spirit; to share the glory and the wonder, and to support them with prayers that all will go well.

In order that as many as possible can have the opportunity to share as fully as possible in this surpassing occasion, I, RICHARD NIXON, President of the United States of America, do hereby proclaim Monday, July 21, 1969, to be a National Day of Participation; and I invite the Governors of the States and the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

All executive departments, independent establishments, and other governmental agencies, including their field services, shall be closed on the National Day of Participation, and all of their employees (except employees of the Department of State, the Department of Defense, or other agencies who in the judgment of their agency heads should be at their posts of duty for national security or other public reasons), shall be excused from duty on that day. And I direct that the flag of the United States be displayed on all public buildings on that day.

I urge the Governors of the States, the mayors of cities, the heads of school systems, and other public officials to take similar action. I also urge private employers to make appropriate arrangements so that as many of our citizens as possible will be able to share in the significant events of that day. And, finally, I call upon all of our people, on that historic day, to join in prayer for the successful conclusion of Apollo 11's mission and the safe return of its crew.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of July, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 69-8547; Filed, July 16, 1969; 4:03 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[Interpretation 25]

PART 362—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Pesticides Containing Sodium Arsenite and Arsenic Trioxide Compounds

On July 25, 1968, Interpretation No. 25 of the Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act was published in the FEDERAL REGISTER (33 F.R. 10561) setting forth certain requirements with respect to registration of pesticides containing sodium arsenite and arsenic trioxide compounds. This interpretation was scheduled to become effective 90 days after its publication. Subsequent thereto, on October 15, 1968 (33 F.R. 15294), a notice was published delaying the effective date of this interpretation until further notice.

After thorough consideration of all relevant matters, Interpretation 25 is made effective as follows:

§ 362.123 Interpretation with respect to labeling of sodium arsenite or arsenic trioxide products.

(a) *Home use unacceptable.* Labeling for economic poisons submitted in connection with registration under the Act bearing directions for use of products containing more than 2 percent sodium arsenite or more than 1.5 percent arsenic trioxide in or around the home is not acceptable.

(b) *Required warning against home use.* In addition to other warning and caution statements required by the regulations and interpretations under the Act, labels for such products with acceptable directions for agricultural, commercial, or industrial use must bear, in a prominent position, the warning statement(s) as indicated below:

(1) All products; "Do Not Use or Store in or Around the Home."

(2) Products intended for area treatments such as herbicide use; "Do Not Allow Domestic Animals to Graze Treated Areas."

Effective date. This interpretation shall become effective upon publication in the FEDERAL REGISTER, on which date procedures set forth in section 4 of the Act (7 U.S.C. 135b) shall be instituted for the cancellation of the registration of any product failing to comply with this interpretation.

Done at Washington, D.C., this 15th day of July, 1969.

HARRY W. HAYS,
Director,
Pesticides Regulation Division.

[F.R. Doc. 69-8472; Filed, July 17, 1969; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Wheat Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Wheat Loan and Purchase Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 34 F.R. 8897 and 9701 containing regulations for price support loans and purchases applicable to the 1969 crop of wheat are amended as follows:

In § 1421.2119, paragraph (b) is amended to correct basic county support rates as follows:

§ 1421.2119 Support rates, premiums, and discounts.

* * * * *

(b) *Basic support rates (counties)*

* * *

State	County	Rate per bushel	
		From	To
Nebraska	Pawnee	$1.23	$1.28
Pennsylvania	Bradford	1.30	1.34

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 11, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-8478; Filed, July 17, 1969; 8:47 a.m.]

[CCC Grain Price Support Regs, 1969 Crop Grain Sorghum Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Grain Sorghum Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and any amendments thereto and the 1966 and Subsequent Crops Grain Sorghum Loan and Purchase Program regulations (31 F.R. 8000) and any amendments thereto, which contain regulations of a general nature with respect to price support operations, are further supplemented by revising §§ 1421.2575—1421.2579 to read as follows, effective as to the 1969 crop of grain sorghum. The material previously appearing in these sections remains in full force and effect as to the crops to which it was applicable.

Sec.
1421.2575 Availability.
1421.2576 Compliance requirements.
1421.2577 Warehouse charges.
1421.2578 Maturity of loans.
1421.2579 Support rates and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

§ 1421.2575 Availability.

A producer desiring a price support loan must request a loan on his eligible grain sorghum on or before May 31, 1970, on grain sorghum stored in Oklahoma and Texas and on or before June 30, 1970, on grain sorghum stored in all other States. To obtain price support through sales, a producer must execute and deliver to the appropriate county ASCS office a Purchase Agreement (Form CCC-614) indicating the approximate quantity of 1969 crop grain sorghum he may sell to CCC. The Purchase Agreement must be delivered to CCC on or before June 30, 1970, with respect to grain sorghum stored in the States of Oklahoma and Texas, and on or before July 31, 1970, with respect to grain sorghum stored in any other State.

§ 1421.2576 Compliance requirements.

To be eligible for a loan or purchase, a producer must qualify for a price support payment under the 1966-69 Feed

Grain Program Regulations (31 F.R. 8339), and any amendments thereto, on grain sorghum of the 1969 crop on the farm on which the grain sorghum tendered for loan or purchase was produced except that such qualification is not necessary with respect to grain sorghum produced in any area of the United States in which the feed grain program is not in effect.

§ 1421.2577 Warehouse charges.

Subject to the provisions of § 1421.2569, the following schedule of deductions for grain sorghum stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall apply:

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of June 30, 1970	Deduction (cents per hundredweight)	Maturity date of July 31, 1970
(1)	---	(1)
	27	Prior to June 3, 1969.
	26	June 3-June 18, 1969.
Prior to June 4, 1969	25	June 19-July 4, 1969.
June 4-June 19, 1969	24	July 5-July 20, 1969.
June 20-July 5, 1969	23	July 21-Aug. 5, 1969.
July 6-July 21, 1969	22	Aug. 6-Aug. 21, 1969.
July 22-Aug. 6, 1969	21	Aug. 22-Sept. 6, 1969.
Aug. 7-Aug. 22, 1969	20	Sept. 7-Sept. 22, 1969.
Aug. 23-Sept. 7, 1969	19	Sept. 23-Oct. 8, 1969.
Sept. 8-Sept. 23, 1969	18	Oct. 9-Oct. 24, 1969.
Sept. 24-Oct. 9, 1969	17	Oct. 25-Nov. 9, 1969.
Oct. 10-Oct. 25, 1969	16	Nov. 10-Nov. 25, 1969.
Oct. 26-Nov. 10, 1969	15	Nov. 26-Dec. 11, 1969.
Nov. 11-Nov. 26, 1969	14	Dec. 12-Dec. 27, 1969.
Nov. 27-Dec. 12, 1969	13	Dec. 28, 1969-Jan. 12, 1970.
Dec. 13-Dec. 28, 1969	12	Jan. 13-Jan. 28, 1970.
Dec. 29, 1969-Jan. 13, 1970.	11	Jan. 29-Feb. 13, 1970.
Jan. 14-Jan. 29, 1970	10	Feb. 14-Mar. 1, 1970.
Jan. 30-Feb. 14, 1970	9	Mar. 2-Mar. 17, 1970.
Feb. 15-Mar. 2, 1970	8	Mar. 18-Apr. 2, 1970.
Mar. 3-Mar. 18, 1970	7	Apr. 3-Apr. 18, 1970.
Mar. 19-Apr. 3, 1970	6	Apr. 19-May 4, 1970.
Apr. 4-Apr. 19, 1970	5	May 5-May 20, 1970.
Apr. 20-May 5, 1970	4	May 21-June 5, 1970.
May 6-May 21, 1970	3	June 6-June 21, 1970.
May 22-June 6, 1970	2	June 22-July 7, 1970.
June 7-June 30, 1970	1	July 8-July 31, 1970.

[1] Dates storage charges start, all dates inclusive.

§ 1421.2578 Maturity of loans.

Loans mature on demand but not later than: June 30, 1970, on grain sorghum stored in the States of Oklahoma and Texas and July 31, 1970, on grain sorghum stored in all other States.

§ 1421.2579 Support rates and discounts.

(a) *Basic support rates (terminals).* Basic support rates for loan and settlement purposes for grade No. 2 or better grain sorghum stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per hundredweight
Sioux City, Iowa	$1.69
Omaha, Nebr.	1.73
Council Bluffs, Iowa	1.73
Atchison, Kans.	1.83
Kansas City, Kans.	1.83
Kansas City, Mo.	1.83
St. Joseph, Mo.	1.83
Cairo, Ill.	1.97
East St. Louis, Ill.	1.97
St. Louis, Mo.	$1.97
Memphis, Tenn.	2.02
Beaumont, Tex.	2.06
Brownsville, Tex.	2.06
Corpus Christi, Tex.	2.06
Galveston, Tex.	2.06
Houston, Tex.	2.06
Port Arthur, Tex.	2.06
Baton Rouge, La.	2.06
New Orleans, La.	2.06
Los Angeles, Calif.	2.26
Long Beach, Calif.	2.26
Oakland, Calif.	2.26
San Francisco, Calif.	2.26
Wilmington, Calif.	2.26
Stockton, Calif.	2.26
Astoria, Oreg.	2.24
Portland, Oreg.	2.24
Kalama, Wash.	2.24
Longview, Wash.	2.24
Seattle, Wash.	2.24
Tacoma, Wash.	2.24
Vancouver, Wash.	2.24

(b) *Basic support rates (counties).* Basic county support rates for loan and settlement purposes for farm-stored and country warehouse-stored grain sorghum are established for grain sorghum grading No. 2 or better and are as follows:

ALABAMA

County	Rate per cwt.
All counties	$1.62

ARIZONA

County	Rate per cwt.	County	Rate per cwt.
Apache	$1.50	Mohave	$1.60
Cochise	1.76	Navajo	1.50
Coconino	1.50	Pima	1.81
Gila	1.50	Pinal	1.87
Graham	1.60	Santa Cruz	1.79
Greenlee	1.50	Yavapai	1.50
Maricopa	1.87	Yuma	1.89

ARKANSAS

County	Rate per cwt.	County	Rate per cwt.
Arkansas	$1.72	Lee	$1.78
Ashley	1.67	Lincoln	1.69
Baxter	1.53	Little River	1.49
Benton	1.45	Logan	1.49
Boone	1.50	Lonoke	1.72
Bradley	1.56	Madison	1.45
Calhoun	1.54	Marion	1.50
Carroll	1.48	Miller	1.49
Chicot	1.69	Mississippi	1.78
Clark	1.54	Monroe	1.75
Clay	1.72	Montgomery	1.49
Cleburne	1.73	Nevada	1.50
Cleveland	1.71	Newton	1.50
Columbia	1.50	Ouachita	1.53
Conway	1.68	Perry	1.54
Craighead	1.77	Phillips	1.76
Crawford	1.48	Pike	1.50
Crittenden	1.78	Poinsett	1.78
Cross	1.78	Polk	1.45
Dallas	1.55	Pope	1.53
Desha	1.71	Prairie	1.74
Drew	1.67	Pulaski	1.71
Faulkner	1.69	Randolph	1.74
Franklin	1.50	St. Francis	1.78
Fulton	1.61	Saline	1.60
Garland	1.54	Scott	1.45
Grant	1.55	Searcy	1.50
Greene	1.75	Sebastian	1.48
Hempstead	1.50	Sevier	1.47
Hot Spring	1.55	Sharp	1.61
Howard	1.49	Stone	1.57
Independence	1.66	Union	1.50
Izard	1.55	Van Buren	1.68
Jackson	1.72	Washington	1.45
Jefferson	1.71	White	1.74
Johnson	1.50	Woodruff	1.76
Lafayette	1.50	Yell	1.53
Lawrence	1.73		

CALIFORNIA

County	Rate per cwt.	County	Rate per cwt.
Alameda	$2.01	San Benito	$1.97
Amador	2.01	San Bernardino	1.97
Butte	1.96	San Diego	1.91
Calaveras	2.01	San Francisco	2.04
Colusa	1.99	San Joaquin	2.05
Contra Costa	2.01	San Luis Obispo	1.91
El Dorado	1.95	San Mateo	2.02
Fresno	1.98	Santa Barbara	1.90
Glenn	1.97	Santa Clara	2.00
Imperial	1.93	Santa Cruz	1.95
Inyo	1.71	Shasta	1.78
Kern	1.96	Sierra	1.66
Kings	1.98	Siskiyou	1.78
Lake	1.92	Solano	2.00
Lassen	1.69	Sonoma	1.99
Los Angeles	1.99	Stanislaus	2.03
Madera	2.02	Sutter	1.98
Marin	2.01	Tehama	1.88
Merced	2.02	Tulare	1.96
Modoc	1.78	Tuolumne	2.02
Monterey	1.95	Ventura	1.98
Napa	2.00	Yolo	2.01
Orange	1.98	Yuba	1.98
Placer	1.98		
Plumas	1.81		
Riverside	1.93		
Sacramento	2.01		

COLORADO

County	Rate per cwt.	County	Rate per cwt.
Baca [1]	$1.48	All other counties	$1.42

FLORIDA

County	Rate per cwt.
All counties	$1.62

GEORGIA

County	Rate per cwt.
All counties	$1.67

IDAHO

County	Rate per cwt.
All counties	$1.36

ILLINOIS

County	Rate per cwt.
All counties	$1.49

INDIANA

County	Rate per cwt.
All counties	$1.52

IOWA

County	Rate per cwt.	County	Rate per cwt.
Adair	$1.46	Mahaska	$1.44
Adams	1.49	Marion	1.45
Appanoose	1.48	Marshall	1.39
Audubon	1.48	Mills	1.49
Boone	1.42	Monona	1.49
Buena Vista	1.43	Monroe	1.45
Calhoun	1.43	Montgomery	1.49
Carroll	1.47	O'Brien	1.45
Cass	1.47	Osceola	1.44
Cherokee	1.45	Page	1.51
Clarke	1.48	Palo Alto	1.40
Clay	1.42	Plymouth	1.45
Crawford	1.49	Pocahontas	1.41
Dallas	1.43	Polk	1.42
Davis	1.45	Pottawattamie	1.49
Decatur	1.49	Ringgold	1.51
Des Moines	1.40	Sac	1.45
Dickinson	1.41	Shelby	1.49
Emmet	1.39	Sioux	1.45
Fremont	1.49	Story	1.41
Greene	1.44	Taylor	1.53
Guthrie	1.46	Union	1.50
Hamilton	1.40	Van Buren	1.42
Harrison	1.49	Wapello	1.45
Henry	1.40	Warren	1.46
Humboldt	1.40	Washington	1.40
Ida	1.45	Wayne	1.50
Jasper	1.42	Webster	1.43
Jefferson	1.43	Woodbury	1.46
Keokuk	1.43	Wright	1.38
Lee	1.42	All other counties	1.37
Lucas	1.48		
Lyon	1.45		
Madison	1.46		

(See footnote at end of document.)

KANSAS

County	Rate per cwt.	County	Rate per cwt.
Allen [1]	$1.55	Linn	$1.58
Anderson	1.57	Logan	1.40
Atchison	1.59	Lyon [1]	1.53
Barber [1]	1.56	McPherson [1]	1.53
Barton [1]	1.51	Marion [1]	1.53
Bourbon	1.56	Marshall	1.52
Brown	1.56	Meade [1]	1.52
Butler [1]	1.55	Miami	1.58
Chase [1]	1.53	Mitchell [1]	1.51
Chautauqua [1]	1.58	Montgomery [1]	1.58
Cherokee [1]	1.58	Morris [1]	1.53
Cheyenne	1.40	Morton [1]	1.54
Clark [1]	1.53	Nemaha	1.53
Clay [1]	1.51	Neosho [1]	1.56
Cloud [1]	1.51	Ness [1]	1.50
Coffey [1]	1.54	Norton [1]	1.46
Comanche [1]	1.53	Osage	1.55
Cowley [1]	1.58	Osborne [1]	1.50
Crawford [1]	1.56	Ottawa [1]	1.51
Decatur [1]	1.42	Pawnee [1]	1.51
Dickinson [1]	1.53	Phillips [1]	1.47
Doniphan	1.56	Pottawatomie	1.53
Douglas	1.58	Pratt [1]	1.51
Edwards [1]	1.51	Rawlins	1.40
Elk [1]	1.57	Reno [1]	1.53
Ellis [1]	1.49	Republic [1]	1.50
Ellsworth [1]	1.52	Rice [1]	1.53
Finney [1]	1.44	Riley [1]	1.52
Ford [1]	1.50	Rooks [1]	1.48
Franklin	1.58	Rush [1]	1.51
Geary [1]	1.52	Russell [1]	1.49
Gove [1]	1.42	Saline [1]	1.52
Graham [1]	1.45	Scott [1]	1.44
Grant [1]	1.50	Sedgwick [1]	1.55
Gray [1]	1.48	Seward [1]	1.53
Greeley	1.41	Shawnee	1.55
Greenwood [1]	1.55	Sheridan [1]	1.40
Hamilton [1]	1.45	Sherman	1.40
Harper [1]	1.58	Smith [1]	1.49
Harvey [1]	1.54	Stafford [1]	1.51
Haskell [1]	1.52	Stanton [1]	1.47
Hodgeman [1]	1.50	Stevens [1]	1.53
Jackson	1.56	Sumner [1]	1.58
Jefferson	1.58	Thomas	1.40
Jewell [1]	1.49	Trego [1]	1.46
Johnson	1.58	Wabaunsee [1]	1.53
Kearny [1]	1.45	Wallace	1.40
Kingman [1]	1.54	Washington [1]	1.50
Kiowa [1]	1.51	Wichita [1]	1.42
Labette [1]	1.58	Wilson [1]	1.56
Lane [1]	1.46	Woodson [1]	1.55
Leavenworth	1.59	Wyandotte [1]	1.58
Lincoln [1]	1.51		

KENTUCKY

County	Rate per cwt.
All counties	$1.62

LOUISIANA

County	Rate per cwt.
All counties	$1.62

MICHIGAN

County	Rate per cwt.
All counties	$1.47

MINNESOTA

County	Rate per cwt.
All counties	$1.42

MISSISSIPPI

County	Rate per cwt.
All counties	$1.62

MISSOURI

County	Rate per cwt.	County	Rate per cwt.
Adair	$1.48	Carter	$1.49
Andrew	1.59	Cass	1.58
Atchinson	1.53	Cedar	1.57
Audrain	1.49	Charlton	1.57
Barry	1.58	Christian	1.58
Barton	1.58	Clark	1.46
Bates	1.59	Clay	1.59
Benton	1.55	Clinton	1.59
Bollinger	1.67	Cole	1.47
Boone	1.50	Cooper	1.53
Buchanan	1.59	Crawford	1.49
Butler	1.70	Dade	1.56
Caldwell	1.59	Dallas	1.50
Callaway	1.47	Daviess	1.57
Camden	1.45	De Kalb	1.59
Cape Girardeau	1.66	Dent	1.46
Carroll	1.59	Douglas	1.58
		Dunklin	1.72

See footnotes at end of table.

MISSOURI—Continued

County	Rate per cwt.	County	Rate per cwt.
Franklin	$1.54	Osage	$1.47
Gasconade	1.50	Ozark	1.58
Gentry	1.55	Pemiscot	1.73
Greene	1.58	Perry	1.63
Grundy	1.56	Pettis	1.56
Harrison	1.53	Phelps	1.48
Henry	1.58	Pike	1.45
Hickory	1.54	Platte	1.59
Holt	1.56	Polk	1.58
Howard	1.54	Pulaski	1.45
Howell	1.58	Putnam	1.52
Iron	1.65	Ralls	1.48
Jackson	1.59	Randolph	1.53
Jasper	1.56	Ray	1.59
Jefferson	1.63	Reynolds	1.46
Johnson	1.59	Ripley	1.70
Knox	1.46	St. Charles	1.54
Laclede	1.45	St. Clair	1.57
Lafayette	1.59	St. Francois	1.65
Lawrence	1.58	St. Louis	1.56
Lewis	1.46	Ste. Genevieve	1.63
Lincoln	1.44	Saline	1.58
Linn	1.56	Schuyler	1.47
Livingston	1.58	Scotland	1.46
McDonald	1.58	Scott	1.70
Macon	1.53	Shannon	1.49
Maries	1.48	Shelby	1.51
Marion	1.47	Stoddard	1.70
Mercer	1.53	Stone	1.58
Miller	1.47	Sullivan	1.54
Mississippi	1.69	Taney	1.58
Moniteau	1.49	Texas	1.58
Monroe	1.50	Vernon	1.57
Montgomery	1.51	Warren	1.53
Morgan	1.51	Washington	1.63
New Madrid	1.71	Wayne	1.69
Newton	1.58	Webster	1.52
Nodaway	1.55	Worth	1.54
Oregon	1.59	Wright	1.58

NEBRASKA

County	Rate per cwt.	County	Rate per cwt.
Adams [1]	$1.47	Kearney [1]	$1.46
Antelope	1.44	Knox	1.44
Boone	1.44	Lancaster	1.51
Boyd	1.41	Madison	1.46
Buffalo [1]	1.44	Merrick [1]	1.47
Burt	1.49	Nance	1.44
Butler	1.48	Nemaha	1.51
Cass	1.51	Nuckolls [1]	1.48
Cedar	1.45	Otoe	1.51
Clay [1]	1.47	Pawnee	1.52
Colfax	1.49	Phelps [1]	1.44
Cuming	1.49	Pierce	1.46
Custer	1.42	Platte	1.46
Dakota	1.45	Polk [1]	1.47
Dawson [1]	1.41	Redwillow	1.42
Dixon	1.45	Richardson	1.53
Dodge	1.49	Saline	1.51
Douglas	1.49	Sarpy	1.49
Fillmore	1.48	Saunders	1.49
Franklin [1]	1.45	Seward	1.49
Frontier	1.42	Sherman [1]	1.43
Furnas [1]	1.43	Stanton	1.48
Gage	1.51	Thayer [1]	1.48
Garfield [1]	1.41	Thurston	1.48
Gosper [1]	1.43	Valley [1]	1.41
Greeley [1]	1.44	Washington	1.49
Hall [1]	1.46	Wayne	1.45
Hamilton [1]	1.47	Webster [1]	1.47
Harlan [1]	1.45	Wheeler	1.44
Holt	1.41	York [1]	1.47
Howard [1]	1.45	All other counties	1.40
Jefferson	1.50		
Johnson	1.52		

NEVADA

County	Rate per cwt.
All counties	$1.46

NEW MEXICO

County	Rate per cwt.	County	Rate per cwt.
Chaves	$1.54	Lea [1]	$1.61
Curry [1]	1.62	Luna	1.51
Debaca	1.51	Quay [1]	1.59
Eddy	1.51	Roosevelt [1]	1.59
Guadalupe [1]	1.56	Union [1]	1.56
Harding [1]	1.58	All other counties	1.50
Hidalgo	1.51		

NORTH CAROLINA

County	Rate per cwt.
All counties	$1.67

NORTH DAKOTA

County	Rate per cwt.
All counties	$1.37

OHIO

County	Rate per cwt.
All counties	$1.52

OKLAHOMA

County	Rate per cwt.	County	Rate per cwt.
Adair [1]	$1.60	Le Flore [1]	$1.66
Alfalfa [1]	1.62	Lincoln [1]	1.65
Atoka [1]	1.68	Logan [1]	1.64
Beaver [1]	1.56	Love [1]	1.69
Beckham [1]	1.65	McClain [1]	1.69
Blaine [1]	1.65	McCurtain [1]	1.64
Bryan [1]	1.70	McIntosh [1]	1.65
Caddo [1]	1.67	Major [1]	1.64
Canadian [1]	1.66	Marshall [1]	1.70
Carter [1]	1.70	Mayes [1]	1.63
Cherokee [1]	1.65	Murray [1]	1.69
Choctaw [1]	1.70	Muskogee [1]	1.65
Cimarron [1]	1.56	Noble [1]	1.63
Cleveland [1]	1.68	Nowata [1]	1.61
Coal [1]	1.68	Okfuskee [1]	1.65
Comanche [1]	1.69	Oklahoma [1]	1.65
Cotton [1]	1.62	Okmulgee [1]	1.65
Craig [1]	1.65	Osage [1]	1.60
Creek [1]	1.65	Ottawa [1]	1.62
Custer [1]	1.65	Pawnee [1]	1.61
Delaware [1]	1.62	Payne [1]	1.64
Dewey [1]	1.62	Pittsburg [1]	1.66
Ellis [1]	1.58	Pontotoc [1]	1.67
Garfield [1]	1.64	Pottawatomie [1]	1.65
Garvin [1]	1.69	Pushmataha [1]	1.68
Grady [1]	1.68	Roger Mills [1]	1.63
Grant [1]	1.61	Rogers [1]	1.63
Greer [1]	1.66	Seminole [1]	1.65
Harmon [1]	1.66	Sequoyah [1]	1.65
Harper [1]	1.57	Stephens [1]	1.70
Haskell [1]	1.65	Texas [1]	1.55
Hughes [1]	1.65	Tillman [1]	1.66
Jackson [1]	1.66	Tulsa [1]	1.65
Jefferson [1]	1.71	Wagoner [1]	1.64
Johnston [1]	1.69	Washington [1]	1.62
Kay [1]	1.61	Washita [1]	1.65
Kingfisher [1]	1.65	Woods [1]	1.60
Kiowa [1]	1.67	Woodward [1]	1.59
Latimer [1]	1.65		

OREGON

County	Rate per cwt.
All counties	$1.51

PENNSYLVANIA

County	Rate per cwt.
All counties	$1.67

SOUTH CAROLINA

County	Rate per cwt.
All counties	$1.67

SOUTH DAKOTA

County	Rate per cwt.	County	Rate per cwt.
Bon Homme	$1.43	McCook	$1.40
Charles Mix	1.39	Minnehaha	1.42
Clay	1.45	Moody	1.40
Douglas	1.40	Turner	1.43
Hanson	1.39	Union	1.45
Hutchinson	1.42	Yankton	1.45
Lake	1.39	All other counties	1.38
Lincoln	1.45		

TENNESSEE

County	Rate per cwt.
All counties	$1.62

TEXAS

County	Rate per cwt.	County	Rate per cwt.
Anderson	$1.73	Borden [1]	$1.62
Andrews [1]	1.62	Bosque [1]	1.73
Angelina	1.77	Bowie [1]	1.68
Aransas	1.88	Brazoria	1.83
Archer [1]	1.67	Brazos	1.78
Armstrong [1]	1.63	Brewster	1.50
Atascosa	1.80	Briscoe [1]	1.62
Austin	1.82	Brooks	1.82
Bailey [1]	1.62	Brown [1]	1.70
Bandera	1.74	Burleson	1.77
Bastrop	1.75	Burnet	1.67
Baylor [1]	1.66	Caldwell	1.78
Bee	1.87	Calhoun	1.85
Bell [1]	1.73	Callahan	1.66
Bexar	1.76	Cameron [1]	1.91
Blanco	1.70	Camp [1]	1.73

TEXAS—Continued

County	Rate per cwt.	County	Rate per cwt.
Carson[1]	1.55	Jackson	1.61
Cass[1]	1.70	Jasper	1.76
Castro[1]	1.62	Jeff Davis	1.50
Chambers	1.77	Jefferson	1.79
Cherokee	1.72	Jim Hogg	1.78
Childress[1]	1.66	Jim Wells	1.88
Clay[1]	1.72	Johnson[1]	1.73
Cochran[1]	1.62	Jones[1]	1.66
Coke[1]	1.66	Karnes	1.82
Coleman[1]	1.65	Kaufman[1]	1.68
Collin[1]	1.70	Kendall	1.75
Collingsworth[1]	1.66	Kenedy	1.86
Colorado	1.80	Kent	1.64
Comal	1.76	Kerr[1]	1.74
Comanche[1]	1.70	Kimble[1]	1.70
Concho[1]	1.70	King[1]	1.65
Cooke[1]	1.72	Kinney	1.66
Coryell[1]	1.70	Kleberg	1.86
Cottle[1]	1.64	Knox[1]	1.66
Crane[1]	1.62	Lamar[1]	1.67
Crockett[1]	1.62	Lamb[1]	1.62
Crosby[1]	1.62	Lampasas[1]	1.73
Culberson	1.50	La Salle	1.70
Dallam[1]	1.58	Lavaca	1.77
Dallas[1]	1.73	Lee	1.77
Dawson[1]	1.62	Leon	1.75
Deaf Smith[1]	1.62	Liberty	1.82
Delta[1]	1.66	Limestone[1]	1.75
Denton[1]	1.73	Lipscomb[1]	1.58
De Witt	1.81	Live Oak	1.84
Dickens[1]	1.62	Llano	1.66
Dimmit	1.66	Loving	1.53
Donley[1]	1.63	Lubbock[1]	1.62
Duval	1.81	Lynn[1]	1.62
Eastland[1]	1.66	McCulloch[1]	1.70
Ector[1]	1.61	McLennan[1]	1.73
Edwards	1.53	McMullen	1.80
Ellis[1]	1.70	Madison	1.78
El Paso	1.50	Marion[1]	1.73
Erath	1.70	Martin[1]	1.62
Falls[1]	1.75	Mason[1]	1.70
Fannin[1]	1.73	Matagorda	1.79
Fayette	1.77	Maverick	1.65
Fisher[1]	1.66	Medina	1.75
Floyd[1]	1.62	Menard[1]	1.70
Foard[1]	1.66	Midland[1]	1.61
Fort Bend	1.83	Milam	1.76
Franklin[1]	1.70	Mills[1]	1.73
Freestone[1]	1.73	Mitchell[1]	1.62
Frio	1.72	Montague[1]	1.72
Gaines	1.62	Montgomery	1.82
Galveston[1]	1.83	Moore[1]	1.59
Garza[1]	1.62	Morris[1]	1.65
Gillespie	1.74	Motley[1]	1.64
Glasscock[1]	1.62	Nacogdoches	1.71
Goliad	1.86	Navarro[1]	1.70
Gonzales	1.77	Newton	1.76
Gray[1]	1.63	Nolan[1]	1.65
Grayson[1]	1.70	Nueces	1.91
Gregg[1]	1.71	Ochiltree	1.58
Grimes	1.80	Oldham[1]	1.62
Guadalupe	1.76	Orange	1.77
Hale[1]	1.62	Palo Pinto[1]	1.70
Hall[1]	1.64	Panola	1.68
Hamilton[1]	1.70	Parker[1]	1.70
Hansford[1]	1.58	Parmer[1]	1.62
Hardeman[1]	1.66	Pecos[1]	1.62
Hardin	1.77	Polk	1.79
Harris	1.83	Potter[1]	1.62
Harrison[1]	1.72	Presidio	1.47
Hartley[1]	1.58	Rains[1]	1.73
Haskell[1]	1.66	Randall[1]	1.62
Hays	1.73	Reagan[1]	1.62
Hemphill[1]	1.61	Real	1.72
Henderson	1.68	Red River[1]	1.70
Hidalgo	1.89	Reeves	1.55
Hill[1]	1.73	Refugio	1.88
Hockley[1]	1.62	Roberts[1]	1.59
Hood[1]	1.71	Robertson	1.76
Hopkins[1]	1.73	Rockwall[1]	1.73
Houston	1.77	Runnels[1]	1.66
Howard[1]	1.62	Rusk[1]	1.71
Hudspeth	1.80	Sabine	1.71
Hunt[1]	1.70	San Augustine	1.71
Hutchinson[1]	1.58	San Jacinto	1.82
Irion[1]	1.62	San Patricio	1.91
		San Saba[1]	1.70

TEXAS—Continued

County	Rate per cwt.	County	Rate per cwt.
Jack[1]	1.71	Schleicher	1.50
Scurry[1]	1.64	Upton[1]	1.62
Shackelford[1]	1.68	Uvalde	1.72
Shelby	1.71	Val Verde	1.61
Sherman[1]	1.56	Van Zandt[1]	1.73
Smith[1]	1.70	Victoria	1.83
Somervell[1]	1.71	Walker	1.81
Starr	1.84	Waller	1.83
Stephens[1]	1.71	Ward[1]	1.61
Sterling[1]	1.64	Washington	1.78
Stonewall[1]	1.68	Webb	1.73
Sutton	1.50	Wharton	1.81
Swisher[1]	1.62	Wheeler[1]	1.63
Tarrant[1]	1.71	Wichita[1]	1.67
Taylor[1]	1.66	Wilbarger[1]	1.67
Terrell[1]	1.50	Willacy	1.90
Terry[1]	1.62	Williamson[1]	1.73
		Wilson	1.77
Throckmorton[1]	1.69	Winkler[1]	1.61
Titus[1]	1.70	Wise[1]	1.72
Tom Green[1]	1.66	Wood[1]	1.73
Travis	1.73	Yoakum[1]	1.62
Trinity	1.79	Young[1]	1.71
Tyler	1.76	Zapata	1.73
Upshur[1]	1.69	Zavala	1.66

UTAH

All counties	$1.36

VIRGINIA

All counties	$1.67

WASHINGTON

All counties	$1.51

WISCONSIN

All counties	$1.42

WYOMING

All counties	$1.41

(c) *Discounts.* The basic support rate shall be adjusted by discounts as follows:

	Cents per hundredweight
(1) Class:	
Mixed grain sorghum	3
(2) Grade:	
No. 3 (not over 14 percent moisture)	3
No. 4 (not over 14 percent moisture)	5
Smutty	5
(3) Weed control law (where required by § 1421.74)	15
(4) Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the grain sorghum, such as (but not limited to) moisture, heat damage, test weight, weevily, musty, sour, stones, weathered, discolored. Such discounts will be established not later than the time delivery of grain sorghum to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at ASCS county offices.	

NOTE: Discounts are cumulative except only one grade discount shall be applied.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on July 11, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-8477; Filed, July 17, 1969; 8:45 a.m.]

[1] Refer to paragraph (b) of § 1421.2571 in determining the support value of grain sorghum shipped from points in these counties and stored in transit to a terminal market.

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 318—REINSPECTION AND PREPARATION OF PRODUCTS

Frozen Products

On August 30, 1968, there was published in the FEDERAL REGISTER (33 F.R. 12258), a notice of proposed amendments to § 318.1 of the Meat Inspection Regulations (9 CFR 318.1). After due consideration of all relevant matters concerning such notice and under the authority of section 21 of the Federal Meat Inspection Act, as amended (21 U.S.C., Supp. III, sec. 621), the regulation in § 318.1 is amended as set forth below.

Statement of considerations. Maintaining a clean, safe, and wholesome meat supply remains a prime function of the Consumer Protection Program of the Department of Agriculture.

The present regulation provides for reinspection of all products as often as may be necessary in order to ascertain whether they are sound, healthful, wholesome, and fit for human food, but no specified, uniform reinspection method has heretofore been adopted for programwide application. This amendment applies a consistent type and standard of reinspection throughout the Consumer Protection Program. A uniform system of reinspection will be advantageous to the meat packing industry.

Modern mechanized packinghouse industry operations have resulted in much faster slaughtering operations and greater volumes of product. These greater volumes of product and mechanized handling methods necessitate the utilization of statistical sampling plans to assure the American consumer of a clean, wholesome meat supply because 100 percent reinspection is not practical or economical.

Six negative comments were received regarding the proposed amendment. The major objections were due to a misinterpretation of the intent of the amendment or objection to a portion of Part 318 that was unchanged and has been in the regulations for many years.

The amendment is the same as the proposal set forth in the notice of rule making except for clarification of the footnote concerning sampling plans. It does not appear that further notice and other public procedure would elicit additional factual information with respect to the amendment. Since the amendment is designed for increased protection of the meat supply, it should be made effective promptly. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendment are impracticable, and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

In § 318.1 paragraph (a) is amended by changing the introductory portion preceding the proviso therein and paragraph (b) is amended by changing the portion preceding subparagraph (1) therein as follows:

§ 318.1 Reinspection of products; frozen products.

(a) All products, whether fresh, cured, or otherwise prepared, even though previously inspected and passed, shall be reinspected by Program employees as often as may be necessary in order to ascertain whether they are sound, healthful, wholesome, and fit for human food at the time they leave official establishments. This reinspection procedure may be accomplished through use of statistically sound sampling plans that assure a high level of confidence. Meat inspection supervisors shall designate the type of plan and the inspector shall select the specific plan to be used in accordance with instructions issued to them by the Administrator.[1] If upon reinspection, any article is found to have become adulterated, all official inspection legends thereon shall be removed or defaced and the article shall be condemned and destroyed for human food purposes in accordance with the provisions of this subchapter:

* * * * *

(b) Care shall be taken to see that product is in good condition when placed in freezers at official establishments and, also, when it is removed from freezers at official establishments for transportation or storage elsewhere. If there is doubt as to the soundness of any frozen product, the inspector will require the defrosting and reinspection of a sufficient quantity thereof to determine its actual condition. The reinspection may be accomplished through utilization of statistical sampling plans.

* * * * *

(Sec. 21, 34 Stat. 1260, as amended by 81 Stat. 584, 21 U.S.C., Supp. III, sec. 621; 29 F.R. 16210, as amended; 33 F.R. 10750)

The amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of July 1969.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 69-8497; Filed, July 17, 1969; 8:49 a.m.]

[1] Further information concerning sampling plans which have been adopted for specific products may be obtained from the Officers in Charge of Program circuits. These sampling plans are developed for individual products by the Washington staff and will be distributed for field use as they are developed. The type of plan applicable depends on factors such as whether the product is in containers, stage of preparation, and procedures followed by the establishment operator. The specific plan applicable depends on the kind of product involved, such as livers, oxtails, etc.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-SW-30; Amdt. 39-798]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models 170, 172, and 175 Series Airplanes

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require inspection and repair or replacement of muffler assemblies on certain modified Cessna 170, 172, and 175 series airplanes was published in 34 F.R. 8168.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

CESSNA. Applies to all Cessna Model 170, 172, and 175 series airplanes modified in accordance with Supplemental Type Certificates SA3-13, SA3-126, SA3-571, SA3-672, SA3-674, SA135CE, SA420CE, SA421CE, or SA424CE, incorporating a Piper Muffler Assembly, P/N 10808-00, with the installation of a Lycoming engine.

Compliance required as indicated.

To detect cracks in the muffler assembly, acomplish the following:

(a) Inspect muffler assemblies with less than 950 hours' time in service on the effective date of this AD, in accordance with paragraph (c) below within the next 50 hours' time in service and thereafter at intervals not to exceed 100 hours' time in service from the last inspection until accumulating 950 hours' time in service, then comply with paragraph (b) below.

(b) Inspect muffler assemblies with more than 950 hours' time in service on the effective date of this AD, in accordance with paragraph (c) below within the next 50 hours' time in service and thereafter at intervals not to exceed 50 hours' time in service from the last inspection.

(c) Inspect the engine exhaust muffler and shroud assembly (including the internal baffle tube and tail pipe), carburetor heat shroud and air duct, support braces, clamps and brackets, exhaust stacks and manifolds. Remove muffler assembly, disconnect air ducts, stacks, and shrouds as necessary, and visually inspect exterior and interior surfaces with a probe light and mirror for signs of cracks, corrosion, burn-throughs, heat damage, collapsed stack, or weld separations. Special attention should be given to the exhaust stack under the carburetor heat shroud. Except for the initial inspection, the muffler assembly need not be removed from the airplane if the shroud is opened for inspection of external portions of the muffler and the internal portions are inspected through the muffler tail pipe outlet end one end of the muffler at the stack connection.

Caution. Do not alter these mufflers to remove the internal baffle tube without prior FAA approval.

(Piper Service Letter No. 324B describes the critical areas.)

(d) Replace or repair parts having any of the defects listed in paragraph (c) before further flight, and thereafter comply with the inspection requirements of paragraph (a) or (b), whichever is applicable. Make welding repairs and pressure test in accordance with Advisory Circular AC 43.13-1 or an FAA-approved equivalent. Care should be exercised when reinstalling the exhaust system components to prevent distortion or preloading of parts.

This amendment becomes effective August 20, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on July 11, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-8469; Filed, July 17, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the time of designation of the Palm Springs, Calif., control zone.

The Palm Springs control zone is presently designated from 0600 to 2300 hours local time daily. Due to changes in aircraft activity the hours of operation of the Palm Springs control tower will be changed to 0600 to 2200 hours local time daily. Therefore action is taken herein to redesignate the Palm Springs control zone with effective hours coincident with those of the control tower.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth:

In § 71.171 (34 F.R. 4557) the Palm Springs, Calif., control zone is amended by deleting " * * * 0600 to 2300 hours, * * * " and substituting " * * * 0600 to 2200 hours, * * *" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., July 24, 1969.

Issued in Los Angeles, Calif., on July 10, 1969.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

[F.R. Doc. 69-8468; Filed, July 17, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 7287 of the FEDERAL REGISTER dated May 3, 1969, the Federal Aviation

Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Crookston, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Crookston Municipal Airport-Kirkwood Field latitude coordinate recited in the Crookston, Minn., transition area designation as "latitude 96°37'10" W." is changed to read "latitude 96°37'15" W.".

This amendment shall be effective 0901 G.m.t., September 18, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on June 26, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

CROOKSTON, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Crookston Municipal Airport-Kirkwood Field (latitude 47°50'30" N., longitude 96°-37'15" W.); and within 3 miles each side of the 304° bearing from Crookston Municipal Airport-Kirkwood Field, extending from the 5-mile radius area to 8 miles northwest of the airport, and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 124° bearing from Crookston Municipal Airport-Kirkwood Field, extending from the airport to 12 miles southeast of the airport; and within 8 miles southwest of the 124° and 304° bearings from Crookston Municipal Airport-Kirkwood Field, extending from 2 miles northwest to 6 miles southeast of the airport, excluding the portion which overlies the Grand Forks, N. Dak. 1,200-foot floor transition area.

[F.R. Doc. 69-8500; Filed, July 17, 1969; 8:49 a.m.]

[Airspace Docket No. 69-CE-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 6488 of the FEDERAL REGISTER dated April 15, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at New Ulm, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The New Ulm Municipal Airport longitude coordinate recited in the New Ulm, Minn., transition area designation as "longitude 94°30'10" W." is changed to read "longitude 94°30'05" W.".

This amendment shall be effective 0901 G.m.t., August 21, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on June 19, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

NEW ULM, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of New Ulm Municipal Airport (latitude 44°19'15" N., longitude 94°30'05" W.); and within 2 miles each side of the 307° bearing from New Ulm Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 307° bearing from New Ulm Municipal Airport extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 127° bearing from New Ulm Municipal Airport, extending from the airport to 12 miles southeast of the airport.

[F.R. Doc. 69-8501; Filed, July 17, 1969; 8:49 a.m.]

[Airspace Docket No. 69-CE-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Transition Areas

On page 6794 of the FEDERAL REGISTER dated April 23, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate and alter transition areas at Wausau, Mosinee, and Marshfield, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following changes:

(1) The Central Wisconsin Airport latitude coordinate recited in the Mosinee, Wis., transition area designation as "latitude 44°46'40" N." is changed to read "latitude 44°46'35" N.".

(2) The Marshfield Municipal Airport coordinates recited in the Marshfield, Wis., transition area alteration as "latitude 44°38'10" N., longitude 90°11'20" W." are changed to read "latitude 40°-38'10" N., longitude 90°11'15" W.".

This amendment shall be effective 0901 G.m.t., August 21, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on June 19, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

(1) In § 71.181 (34 F.R. 4637), the following transition area is added:

MOSINEE, WIS.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Central Wisconsin Airport (latitude 44°46'35" N., longitude 89°40'00" W.), excluding the portions which overlie the Wausau and Stevens Point, Wis., transition areas.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MARSHFIELD, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshfield Municipal Airport (latitude 40°38'10" N., longitude 90°11'15" W.); within 2 miles each side of the 216° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles southwest of the airport; and within 2 miles each side of the 325° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.

(3) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

WAUSAU, WIS.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 138° bearing from Wausau Municipal Airport (latitude 44°55'35" N., longitude 89°37'35" W.), extending from the 5-mile radius control zone to 9 miles southeast of the airport; and that airspace extending upward from 1200 feet above the surface bounded on the North by a line 6 miles north of and parallel to the Wausau VOR 273° radial, the arc of a 15-mile radius circle centered on the Wausau Municipal Airport and a line 9 miles north of and parallel to the Wausau VOR 106° radial, on the East by an arc of a 35-mile radius circle centered on the Wausau VOR, on the South by a line 5 miles south of and parallel to the Stevens Point, Wis. 089° radial, the arc of a 15-mile radius circle centered on the Stevens Point VOR, the Stevens Point VOR 230° radial, the Camp Douglas, Wis., transition area, and V-345, on the West by longitude 90°40'00" W.

[F.R. Doc. 69-8502; Filed, July 17, 1969; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-169]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

Reimbursable Compensation

On May 14, 1969, there was published in the FEDERAL REGISTER (34 F.R. 7654) a notice of proposed rulemaking to amend § 19.5(b) of the Customs Regulations (19 CFR 19.5(b)) to provide for obtaining reimbursement from the bonded warehouse proprietors for the contributions of the Government for the warehouse officers' uniform allowances, retirement, life insurance, and health benefits. Interested persons were given 30 days in which to submit in writing any data, views, or arguments pertaining to the proposed amendment.

Two parties have filed objections to the proposed amendment. The Bureau, however, after further consideration and for the reasons stated in the notice of proposed rulemaking, has decided that the Government contributions for uniform allowances, retirement, life insurance, and health benefits for warehouse officers constitute part of the compensation of such officers reimbursable under section 555 of the Tariff Act of 1930 (19 U.S.C. 1555) by the warehouse proprietor.

Therefore, the proposed amendment is hereby adopted without change. Section 19.5(b) is amended by substituting the following in lieu of the first sentence:

§ 19.5 Customs warehouse officer; compensation of.

* * * * *

(b) The charge to be made for the services of a customs warehouse officer or a customs employee temporarily assigned to act as a customs warehouse officer at a bonded warehouse on a regular workday during his basic 40-hour workweek shall be computed at a rate per hour equal to 134 percent of the hourly rate of regular pay of the particular employee with an addition equal to any night pay differential actually payable under 5 U.S.C. 5545. The rate per hour equal to 134 percent of the hourly rate of regular pay is computed as follows:

	Hours	Hours
Gross number of working hours in 52 40-hour weeks		2080
Less:		
8 national holidays—January 1, February 22, May 30, July 4, 1st Monday in September, November 11, 4th Thursday in November, and December 25	64	
Annual leave—26 days	208	
Sick leave—13 days	104	376
Net number of working hours		1704
Gross number of working hours in 52 40-hour weeks		2080
Working hour equivalent of Government contributions for employee uniform allowance, retirement, life insurance, and health benefits computed at 10 percent of annual rate of pay of employee		208
Equivalent annual working hour charge to customs appropriation		2288

Ratio of annual number of working hours charged to customs appropriation to net number of annual working hours $\frac{2288}{1704} = 134$ percent.

* * * * *

(Secs. 555, 624, 46 Stat. 743, 759; 19 U.S.C. 1555, 1624)

This amendment shall become effective on the first day of the pay period beginning 30 days after publication of this amendment in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: July 8, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-8496; Filed, July 17, 1969; 8:49 a.m.]

[T.D. 69-167]

PART 31—CUSTOMHOUSE BROKERS

Retention and Microfilming of Records

On March 19, 1969, notice of proposed rule making regarding amendment of the Regulations relating to the retention and microfilming of records by customhouse brokers, 19 CFR Chapter I, Part 31, §31.23, was published in the FEDERAL REGISTER (34 F.R. 5382). Interested persons were given 15 days in which to submit data, views, or arguments regarding the proposed amendment.

After consideration of the relevant matters received, the amendment is hereby adopted as proposed and is set forth below:

§ 31.23 Retention of books and papers.

(a) *Period and place of retention.* The books and papers as defined in §31.1(e) and required by §§ 31.21 and 31.22 to be kept by a broker shall be retained within the customs district to which they relate for at least 6 years after the date of entry. When merchandise is withdrawn from a bonded warehouse, copies of papers relating to the withdrawal shall be retained for 6 years from the date of withdrawal.

(b) *Microfilming of books and papers.* A customhouse broker may, with the approval of the district director of customs of the district in which he is licensed, record on microfilm any books and papers, other than books of account, required to be retained under the provisions of paragraph (a) of this section which are not less than 3 years old. A request for approval of the district director shall be accompanied by a description of the system of filing and indexing the spools of microfilm. Retention and availability of the microfilm during the remainder of the period of retention shall satisfy the requirements of paragraph (a) of this section.

(R.S. 251, secs. 624, 641; 19 U.S.C. 1624, 1641)

Effective date. This amendment shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: July 8, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-8495; Filed, July 17, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 31—NONALCOHOLIC BEVERAGES

Soda Water, Identity Standard; Order Listing Enzyme-Modified Soy Protein in Carrier of Propylene Glycol as Optional Foaming Agent

In the matter of amending the definition and standard of identity for soda water (21 CFR 31.1) to permit the use of enzyme-modified soy protein in a carrier of propylene glycol as an optional foaming agent:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter that was published in the FEDERAL REGISTER of May 10, 1969 (34 F.R. 7578), and based on a petition submitted by the National Soft Drink Association, 1128 16th Street NW., Washington, D.C. 20036.

Having considered the information submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 31.1(b)(7) be revised to read as follows:

§ 31.1 Soda water; identity; label statement of optional ingredients.

* * * * *

(b) * * *

(7) One or more of the foaming agents ammoniated glycyrrhizin, gum ghatti, licorice, or glycyrrhiza, yucca (Joshua-tree), yucca (Mohave), quillaia (soapbark) (Quillaja saponaria Mol.), and enzyme-modified soy protein in a carrier of propylene glycol.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied

by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance

[F.R. Doc. 69-8456; Filed, July 17, 1969; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Inert Ingredients or Adjuvants in Pesticide Formulations

On November 14, 1961 (26 F.R. 10640), the Commissioner of Food and Drugs published a proposal to exempt certain inert ingredients in pesticide formulations from the requirement of a tolerance. At that time, it was stated that the U.S. Department of Agriculture had concluded that all ingredients in an economic poison formulation that is used in the production, storage, or transportation of raw agricultural commodities are "pesticide chemicals."

Since that time various inert ingredients in pesticide formulations have been exempted from the requirement of a tolerance under the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act, the most recent exemptions being published April 3, 1969 (34 F.R. 6041). This added a number of surfactants to § 120.1001 and included a notice of a deadline for the regulation of surfactants and other adjuvants used in pesticide formulations. Objections were received including a request for a hearing on the deadline date and its application to surfactants as well as to all other adjuvants used in pesticide formulations. The Commissioner concluded that no factual issue for a hearing on the provisions of the order was presented and the objections were not filed. The purpose of this document is to clarify the deadline included in the order of April 3, 1969.

All inert ingredients or adjuvants in pesticide formulations subject to the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act should be cleared by December 31, 1969, unless evidence is presented to show that enough progress has been made in the investigation to warrant the conclusion that continued use would be without undue hazard to the public health. In no event should use without clearance be continued beyond December 31, 1970.

This document is published pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408, 68 Stat. 511-18, as amended; 21 U.S.C. 346a) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 10, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-8454; Filed, July 17, 1969; 8:45 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

cis-N-[(1,1,2,2-Tetrachloroethyl) thio] - 4 - Cyclohexene-1,2-Dicarboximide

A petition (PP 9F0797) was filed with the Food and Drug Administration by the Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, Calif. 94804, proposing the establishment of tolerances for residues of the fungicide *cis-N*-[(1,1,2,2-tetrachloroethyl) thio] - 4 - cyclohexene - 1,2 - dicarboximide in or on the raw agricultural commodities: Cherries (sour) at 50 parts per million; apricots, nectarines, and peaches at 30 parts per million; tomatoes at 15 parts per million; and cherries (sweet), cucumbers, melons, plums, and prunes at 5 parts per million.

Subsequently the petitioner amended the petition by reducing the proposed tolerances for residues in or on nectarines from 30 parts per million to 2 parts per million and in or on cherries (sweet), cucumbers, plums, and prunes from 5 parts per million to 2 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.267 *cis-N*-[(1,1,2,2-Tetrachloroethyl)thio]-4 - cyclohexene - 1,2 - dicarboximide; tolerances for residues.

Tolerances are established for residues of the fungicide *cis-N*-[(1,1,2,2-tetrachloroethyl)thio] - 4 - cyclohexene - 1,2-dicarboximide in or on raw agricultural commodities as follows:

50 parts per million in or on cherries (sour).

30 parts per million in or on apricots and peaches.

15 parts per million in or on tomatoes.

5 parts per million in or on melons.

2 parts per million in or on cherries (sweet), cucumbers, nectarines, and plums (fresh prunes).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8452; Filed, July 17, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SODIUM SALT OF POLYACRYLIC ACID

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8L2291) filed by Crucible Chemical Co., 6017 Northwest Highway, Chicago, Ill. 60631, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use, as set forth below, of the sodium salt of polyacrylic acid in defoaming agents used in processing food and in food-contact coatings.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended:

1. By inserting alphabetically in the table in § 121.1099(a)(2) a new item, as follows:

§ 121.1099 Defoaming agents.

* * * * *

(a) * * *

(2) * * *

Substances	*Limitations*
* * *	* * *
Polyacrylic acid, sodium salt.	As a stabilizer and thickener in defoaming agents containing dimethylpolysiloxane in an amount reasonably required to accomplish the intended effect.
* * *	* * *

2. By inserting alphabetically in the table in § 121.2557(d)(3) a new item, as follows:

§ 121.2557 Defoaming agents used in coatings.

* * * * *

(d) * * *

(3) * * *

List of substances	*Limitations*
* * *	* * *
Polyacrylic acid, sodium salt.	As a stabilizer and thickener in defoaming agents containing dimethylpolysiloxane.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8457; Filed, July 17, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYURETHANE RESINS

The Commissioner of Food and Drugs, having evaluated the data in petitions (FAP 9B2409, 9B2410) filed by Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of two additional substances as reactants in the preparation of polyurethane resins for use in contact with dry bulk food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2522(a)(2) is amended by alphabetically inserting in the list of substances two new items as follows:

§ 121.2522 Polyurethane resins.

* * * * *

(a) * * *

(2) List of substances:

* * * * *

α-Hydro-ω-hydroxypoly(oxytetramethylene).

* * * * *

Poly(oxycarbonylpentamethylene).

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8455; Filed, July 17, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

XYLENE-FORMALDEHYDE RESINS CONDENSED WITH 4,4'-ISOPROPYLIDENEDIPHENOL - EPICHLOROHYDRIN EPOXY RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2322) filed by General Electric Co., 1 Plastics Avenue, Pittsfield, Mass. 01201, and other relevant material, concludes that (1) § 121.2559 should be amended to provide for use of resins produced by the condensation of allyl ether of mono-, di-, or trimethylol phenol and capryl alcohol as optional adjuvants in resins regulated under that section and (2) that § 121.2559 should be expanded to provide for use of its subject resins in contact with food at temperatures not to exceed 160° F.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2559 is revised to read as follows:

§ 121.2559 Xylene-formaldehyde resins condensed with 4,4'-isopropylidenediphenol-epichlorohydrin epoxy resins.

The resins identified in paragraph (a) of this section may be safely used as a food-contact coating for articles intended for use in contact with food, in accordance with the following prescribed conditions.

(a) The resins are produced by the condensation of xylene-formaldehyde resin and 4,4'-isopropylidenediphenol-epichlorohydrin epoxy resins, to which may have been added certain optional adjuvant substances required in the production of the resins or added to impart desired physical and technical properties. The optional adjuvant substances may include resins produced by the condensation of allyl ether of mono-, di-, or trimethylol phenol and capryl alcohol and also may include substances identified in § 121.2514(b)(3), with the exception of paragraph (b)(3)(xxxi) and (xxxii) of that section.

(b) The resins identified in paragraph (a) of this section may be used as a food-contact coating for articles intended for contact at temperatures not to exceed 160° F. with food of types I, II, VI A and B, and VIII described in table 1 of § 121.2526(c) provided that the coating in the finished form in which it is to contact food meets the following extractive limitations when tested by the methods provided in § 121.2514(e):

(1) The coating when extracted with distilled water at 180° F. for 24 hours yields total extractives not to exceed 0.05 milligram per square inch of food-contact surface.

(2) The coating when extracted with 8 percent (by volume) ethyl alcohol in distilled water at 160° F. for 4 hours yields total extractives not to exceed 0.05 milligram per square inch of food-contact surface.

(c) The resins identified in paragraph (a) of this section may be used as a food-contact coating for articles intended for contact at temperatures not to exceed room temperature with food of type VI–C described in table 1 of § 121.2526(c) provided the coating in the finished form in which it is to contact food meets the following extractives limitations when tested by the methods provided in § 121.2514(e):

(1) The coating when extracted with distilled water at 180° F. for 24 hours yields total extractives not to exceed 0.05 milligram per square inch of food-contact surface.

(2) The coating when extracted with 50 percent (by volume) ethyl alcohol in distilled water at 180° F. for 24 hours yields total extractives not to exceed 0.05 milligram per square inch.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8458; Filed, July 17, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

2,6-BIS(1-METHYLHEPTADECYL)-p-CRESOL

No comments were received in response to the notice published in the FEDERAL REGISTER of February 27, 1969 (34 F.R. 2672), proposing that § 121.2566 be amended:

1. To provide for additional use of 2,6-bis(1-methlyheptadecyl)-p-cresol as an antioxidant and/or stabilizer in olefin polymers that contact food generally rather than just nonfatty food as presently permitted under the provisions of that section; and

2. To include a thickness limitation further restricting the present use of the subject additive in olefin polymers in contact with food containing more than 8 percent of alcohol based upon new information indicating that migration of the additive to such foods could be significantly higher than originally contemplated.

In the case of No. 1 above, a petition (FAP 8B2221) was filed by Eastman Chemical Products, Inc., Kingsport, Tenn. 37662 (notice was given in the FEDERAL REGISTER of October 25, 1967; 32 F.R. 14791). The proposal regarding No. 2 above was on the initiative of the Commissioner of Food and Drugs.

Having considered the data submitted in the petition, and other relevant information, the Commissioner concludes that § 121.2566 should be amended as proposed with the exception that the proposed thickness limitation be revised as set forth below so as to apply to the polymers generally rather than just films and coatings as was proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), (d), 72 Stat. 1786–87; 21 U.S.C. 348(c)(1), (d)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by revising the limitations for the subject item to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
2,6-Bis(1-methylheptadecyl)-p-cresol.	For use only at levels not exceeding 0.3 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4. The average thickness of such polymers in the form in which they contact fatty food or food containing more than 8 percent of alcohol shall not exceed 0.004 inch.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), (d), 72 Stat. 1786–87; 21 U.S.C. 348(c)(1), (d))

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8450; Filed, July 17, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP8B2225) filed by Eastman Chemical Products, Inc., Kingsport, Tenn. 37662, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of an additional optional substance (identified below) as an antioxidant and/or stabilizer in polymers used in the manufacture of articles for food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
Poly(1,4 - cyclohexylenedimethylene - 3,3'-thiodipropionate) partially terminated with stearyl alcohol and produced when approximately equal moles of 1,4-cyclohexanedimethanol and 3,3'-thiodipropionic acid are made to react in the presence of stearyl alcohol so that the final product has an average molecular weight in the range of 1,800–2,200, as determined by vapor pressure osmometry, and has a maximum acid value of 2.5.	For use only: 1. In polypropylene complying with § 121.2501(c), item 1.1, and used in contact with nonfatty, nonalcoholic food. 2. At levels not to exceed 0.5 percent by weight of polypropylene complying with § 121.2501(c), item 1.1, and used in contact with fatty, nonalcoholic food. The average thickness of such polymers in the form in which they contact fatty, nonalcoholic food shall not exceed 0.005 inch.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8451; Filed, July 17, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL REGULATIONS

PART 148—ANTIBIOTIC DRUGS; PACKAGING AND LABELING REQUIREMENTS

Miscellaneous Amendments

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 146 and 148 are amended as follows to make revisions that are in effect of an editorial nature:

1. Section 146.2 is amended in paragraph (c) by revising subparagraphs (2), (5), (7), and (8) and adding new subparagraphs (9) and (10), as follows:

§ 146.2 Requests for certification, check tests and assays, and working standards; information and samples required.

* * * * *

(c) * * *

(2) The quantity of each ingredient used in making the batch and a statement that each such ingredient conforms to the requirements or standards prescribed therefor, if any, by specific regulations or official compendium or otherwise approved by the Commissioner.

* * * * *

(5) The results of the latest tests and assays made by or for him on the batch as required for the drug by specific regulations.

* * * * *

(7) Unless previously submitted, the results and dates of the latest tests and assays made by or for him on the antibiotic(s) used in making the batch as required by specific regulations.

(8) The number of accurately representative samples that are required for the batch by specific regulations:

(i) In the case of drugs such as dry powders, solutions, ointments, and suspensions, the sample shall be collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal. In no case, however, shall more than 5,000 immediate containers have been packaged during each such interval of sampling, except for a sample collected for sterility testing.

(ii) In the case of drugs such as tablets or other such unit dosage forms, the sample shall be collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal. In no case, however, shall more than 5,000 tablets have been tableted during each interval of sampling, except for a sample collected for time of disintegration. If the person who packages the tablets into dispensing-size containers is not the manufacturer, such sample shall be collected throughout the entire time of packaging the batch into such containers.

(iii) In the case of drugs packaged for repacking or for use in the manufacture of another drug, the samples must be representative of the batch. Such samples may be taken from a composite composed of portions taken from a representative number of bulk containers, the composite consisting of no more than 10 times the amount required for conducting the required tests and assays.

(9) In the case of an initial request for certification, each ingredient used in making the batch other than ingredients required by specific regulations: 1 package of each containing approximately 5 grams. Results and dates of the latest tests and assays made by or for him on such ingredients shall precede or accompany the submission.

(10) The results and dates of tests and assays made by or for him on the nonantibiotic active ingredients used in making the batch.

* * * * *

2. Section 148.2 is revised to read as follows:

§ 148.2 Packaging requirements.

Each antibiotic drug described in Parts 148a, 148b, et seq., and 149a, 149b, et seq., of this chapter shall be packaged in immediate containers which shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The immediate containers shall be tight containers as defined by the U.S.P., except if it is dispensed as an ointment or cream, the immediate containers shall be well-closed containers as defined by the U.S.P.

(a) If it is a sterile preparation, the containers shall be sterile at the time of filling and closing and shall be so sealed that the contents cannot be used without destroying the seal.

(b) If it is intended for parenteral use, it shall be in containers of colorless, transparent glass (unless it is packaged to contain a single dose), closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each container shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and administration of the volume, whether administered in single or multiple doses.

(c) If it is dispensed as a tablet, capsule, troche, pellet, or suppository, it may be enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U.S.P., except for the provision that it shall be capable of tight reclosure. The immediate container may contain a dessicant separated from the drug by a plug of cotton or other like material.

(d) If it is dispensed as an ointment or cream, it shall be in collapsible tubes which shall not be larger than the ⅛-ounce size if the ointment is represented for ophthalmic use, and in no case larger than the 2-ounce size, except that if it is labeled for institutional use, it may be packaged in immediate containers of glass.

(e) If it is intended for ophthalmic use or for inhalation therapy, the closure shall be one through which a hypodermic needle cannot be introduced.

The amendments herein are editorial in nature in that for cross-reference purposes they relocate existing requirements. Accordingly, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8453; Filed, July 17, 1969; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

MISCELLANEOUS AMENDMENTS

In § 203.390 paragraphs (a)(2) and (b)(2) are amended to read as follows:

§ 203.390 Waiver of title—mortgages on property formerly held by the Secretary.

(a) *Mortgages sold by the Secretary.* * * *

(2) The Secretary will accept an assignment of a mortgage previously sold by him, where the mortgagee is unable to complete foreclosure because of a defect in the mortgage instrument, a defect in the mortgage transaction, or a defect in title which existed at or prior to the time the mortgage assignment was filed for record. In such instances, the Secretary will not object to title by reason of any such defect.

(b) *Property sold by the Secretary.* * * *

(2) The Secretary will accept an assignment of a mortgage executed in connection with the sale of property by him, where the mortgagee is unable to complete foreclosure because of a defect in the mortgage instrument, a defect in the mortgage transaction, or a defect in title which existed at or prior to the time the mortgage was filed for record. In such instances, the Secretary will not object to title by reason of any such defect.

In § 203.402 paragraph (f) is amended to read as follows:

§ 203.402 Items included in payment—conveyed properties.

* * * * *

(f) Foreclosure costs or costs of acquiring the property otherwise (including costs of acquiring the property by the mortgagee and of conveying and evidencing title to the property to the Secretary) actually paid by the mortgagee and approved by the Commissioner, in an amount not in excess of two-thirds of such costs or $75, whichever is the greater. Where the foreclosure involves a mortgage sold by the Secretary on or after August 1, 1969, or a mortgage executed in connection with the sale of property by the Secretary on or after such date, the mortgagee shall be reimbursed (in addition to the amount determined under the foregoing) for any extra costs incurred in the foreclosure as a result of a defect in the mortgage instrument, or a defect in the mortgage transaction or a defect in title which existed at or prior to the time the mortgage (or its assignment by the Secretary) was filed for record, if the mortgagee establishes to the satisfaction of the Commissioner that such extra costs are over and above those customarily incurred in the area.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

Issued at Washington, D.C., July 14, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-8480; Filed, July 17, 1969; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

[DoD Directive 1332.17]

PART 48—RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN

The Deputy Secretary of Defense approved the following:

Subpart A—General Information

Sec.
48.101 Purpose
48.102 Definitions.

Subpart B—Election of Options

48.201 Options.
48.202 Limitation on number of annuities.
48.203 Election of options.
48.204 Change or revocation of election.
48.205 Election form.
48.206 Information regarding elections.

Subpart C—Designation of Beneficiaries

48.301 Designation.
48.302 Substantiating evidence regarding dependency and age of dependents.
48.303 Condition affecting entitlement of widow or widower.

Subpart D—Reduction of Retired Pay

48.401 Computation of reduction.
48.402 Effective date of reduction.
48.403 Payment of nonwithheld reduction of retired pay.
48.404 Ages to be used.
48.405 Action upon removal from temporary disability retired list.
48.406 Withdrawal and reduction of percentage or amount of participation.

Subpart E—Annuity

48.501 General information.
48.502 Effective date of annuity.
48.503 Claims for annuity payments.
48.504 Payment to children.
48.505 Establishing eligibility of annuitants.
48.506 Recovery of erroneous annuity payments.
48.507 Restriction on participation.
48.508 Certain 100 percent disability retirements.

Subpart F—Miscellaneous

48.601 Annual report.
48.602 Organization.
48.603 Correction of administrative deficiencies.
48.604 Transition and protective clauses.

AUTHORITY: The provisions of this Part 48 issued under 10 U.S.C. 1444.

Subpart A—General Information

§ 48.101 Purpose.

The purpose of the Retired Serviceman's Family Protection Plan is to permit each member of the uniformed services to elect to receive a reduced amount of any retired pay which may be awarded him as a result of service in his uniformed service in order to provide an annuity payable after his death (while entitled to retired pay) to his widow, child, or children, subject to certain limitations specified in the law and elaborated in the regulations in this part.

§ 48.102 Definitions.

(a) The terms "Plan" or "RSFPP" as hereinafter used means the Retired Serviceman's Family Protection Plan (formerly called the Uniformed Services Contingency Option Act).

(b) The term "uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, Commissioned Corps of Environmental Science Services Administration, and Commissioned Corps of Public Health Service.

(c) The term "member" means a commissioned officer, commissioned warrant officer, warrant officer, nurse, flight officer, or a person in an enlisted grade (including an aviation cadet) of any of the uniformed services, and a person in any of these categories who is entitled to or is in receipt of retired pay, except persons excluded in title 10, United States Code, section 1431(a), as amended.

(d) The term "widow" includes "widower" and refers to the lawful spouse of the member on the date of retirement with pay.

(e) The term "child" means, in all cases, a member's child, who is living on the date of retirement of the member with pay and who meets the following requirements:

(1) A legitimate child under 18 years of age and unmarried.

(2) A stepchild, under 18 years of age and unmarried, who is in fact dependent on the member for support (see paragraphs (f) and (g) of this section).

(3) A legally adopted child, under 18 years of age and unmarried.

(4) A child, as defined above, who is 18 or more years of age and unmarried, and who is incapable of self-support because of being mentally defective or physically incapacitated if that condition existed prior to reaching age 18.

(5) A child as defined above, who is at least 18, but under 23 years of age and unmarried, who is pursuing a full-time course of study or training in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. (Applicable only in the case of members who retired on or after Nov. 1, 1968).

(6) A child loses his eligibility for an annuity under this part if he is adopted by a third person before the parent-member's death. His eligibility is not affected if he is adopted by a third person after the parent-member's death (36 Comp. Gen. 325).

(f) The term "stepchild" means a child of a member's spouse by a former marriage. The stepchild relationship terminates upon the divorce of the parent spouse, but not upon the death of the parent spouse.

(g) The term "in fact dependent" means that the stepchild must be dependent on the member for over half of his or her support.

(h) The term "retirement" means retirement with eligibility to receive retired pay.

(i) The term "retired pay" includes retired, retirement, equivalent and retainer pay awarded as a result of service in the uniformed services.

(j) The term "reduced retired pay" means the retired pay remaining after the cost of participation in RSFPP has been subtracted.

(k) The term "department concerned" means (1) the Department of the Army with respect to the Army, (2) the Department of the Navy with respect to the Navy and Marine Corps, (3) the Department of the Air Force with respect to the Air Force, (4) the Department of Transportation with respect to the Coast Guard, (5) the Department of Commerce with respect to the Environmental Science Services Administration, and (6) the Department of Health, Education, and Welfare with respect to the Public Health Service.

(l) The term "dependent" means the prospective annuitants described in paragraphs (d) and (e) of this section.

(m) The term "Board of Actuaries" means the Government Actuary in the Department of the Treasury, the Chief Actuary of the Social Security Administration, and a member of the Society of Actuaries appointed by the President to advise the Secretary of Defense on the administration of the Plan.

(n) The term "Joint Board" means representatives of the uniformed services appointed under the provisions of § 48.602.

(o) The term "years of service" means years of service creditable in the computation of basic pay.

(p) The term "election" means the choice of options made by the member under the RSFPP. This term includes a modification of a previous election or an election submitted after a revocation of a previous option(s) elected.

(q) The term "elections in effect" means valid elections existing on the day of retirement.

(r) A recognized educational institution is defined as a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution which meets one or more of the following criteria:

(1) It is operated or directly supported by the United States, or a State, or local governmental agency.

(2) It is accredited by a nationally recognized or State recognized accrediting agency.

(3) It is approved as an educational institution by a State or local governmental agency.

(4) Its credits are accepted for transfer (or for admission) by three or more accredited schools on the same basis as credits from an accredited school.

Subpart B—Election of Options

§ 48.201 Options.

As provided in § 48.203, a member may elect one or more of the following annuities. The amount must be specified at time of election, and may not be for more than 50 per centum nor less than 12½ per centum of his retired pay, in no case may be less than a $25 monthly annuity be elected. If the election is made in terms of dollars, the amount may be more than 50 per centum of the retired pay that he would receive if he were to retire at the time of election; however, if such elected amount exceeds 50 per centum of his retired pay when he does retire, it shall be reduced to an amount equal to such 50 per centum. Also, if the dollar amount elected is less than 12½ per centum of his retired pay when he does retire, it shall be increased to an amount equal to such 12½ per centum.

(a) Option 1 is an annuity payable to or on behalf of his widow, the annuity to terminate upon her death or remarriage.

(b) Option 2 is an annuity payable to or on behalf of his surviving child or children as defined in § 48.102, the annuity to terminate when there ceases to be at least one such surviving child eligible to receive the annuity. Each payment under such annuity shall be paid in equal shares to or on behalf of the surviving children remaining eligible at the time the payment is due. A member who had this option in effect on the date of retirement, and who retired on or after November 1, 1968, may apply to the Secretary concerned to have a child (other than a child described in § 48.102(e)(4)) who is at least 18 but less than 23 years of age considered not to be an eligible beneficiary under this paragraph (b) or § 48.202. Normally such applications will be approved.

(c) Option 3 is an annuity to or on behalf of his widow and surviving child or children. Such annuity shall be paid to the widow until death or remarriage, and thereafter each payment under such annuity shall be paid in equal shares to or on behalf of the surviving children remaining eligible at the time the payment is due. A member may provide for allocating, during the period of the surviving spouse's eligibility, a part of the annuity under this Subpart B for payment to those of his surviving children who are not children of that spouse. The sum allotted will not exceed the equitable share for which such children would be eligible after the death of the widow.

(d) When no eligible beneficiary remains to benefit from the option elected, the member's retired pay will be restored (except as provided in § 48.604, for certain members retired before Aug. 13, 1968). All elections on file on Aug. 13, 1968, for members not entitled to receive retired pay will be considered to include the restoration feature with attendant cost factors being applied at time of retirement. For the purpose of this paragraph, a child (other than a child described in § 48.102(e)(4)) who is at least 18 but less than 23 years of age, and is not pursuing a course of study as defined in § 48.102(e)(5), shall be considered an eligible beneficiary unless an approved application by the member pursuant to § 48.201(b) that such a child is not to be considered an eligible beneficiary is in effect (for members who retire on or after Nov. 1, 1968).

§ 48.202 Limitation on number of annuities.

When a member desires to provide both the annuity provided by Option 1 and Option 2, he may elect amounts that, in total, meet the limitations specified in § 48.201. The cost of each annuity, and the amount of each annuity shall be determined separately. A member may not elect the combination of Options 1 and 3 or Options 2 and 3 in any case. The combined amount of the annuities may not be more than 50 per centum nor less than 12½ per centum of his retired pay. In no case may less than a $25 per month combined annuity be provided.

§ 48.203 Election of options.

(a) A member who has completed less than 19 years of service as defined in § 48.102(o) may elect to receive a reduced amount of retired pay in order to provide one or more of the annuities as specified in §§ 48.201 and 48.202, payable after his death while entitled to retired pay to or on behalf of his surviving widow, child, or children. To be effective, the election by such a member must be dated, signed, witnessed, and delivered to appropriate service officials, or postmarked not later than midnight on the day in which he completes 19 years of service. Such an election will become effective immediately upon subsequent retirement. The latest election, change, or revocation made in accordance with this subsection will, if otherwise valid, be the effective election, unless superseded by a change as provided in paragragh (b) of this section.

(b) Except as provided in paragraph (c) of this section, a member who fails or declines to make an election before completion of 19 years of service may make an election after that time. However, unless the election is made at least 2 years prior to the date the member becomes entitled to receive retired pay, it will not be effective. The same applies to subsequent changes or revocations made prior to retirement.

(c) If an election, revocation, or change was made prior to August 13,

1968, the 19-year and 2-year provisions are automatically in effect on August 13, 1968, for members who were not entitled to retired pay on such date, unless the member applies under § 48.604(d) to remain under the provisions of the law prior to August 13, 1968. In this case the "18 years of service" and "3 years prior to receipt of retired pay" rules will apply.

(d) A member retired for physical disability on or after November 1, 1968 who is awarded retired pay prior to completion of 19 years of service may make an election which is subject to the restrictions set forth in § 48.507. The election by such member shall be made before the first day for which he is entitled to retired pay. Elections made under this subsection prior to November 1, 1968, must be made by the member retiring for physical disability prior to completing 18 years.

(e) If, because of military operations, a member is assigned to an isolated station, or is missing, interned in a neutral country, captured by a hostile force, or beleaguered or besieged, and for that reason is unable to make an election before completing 19 years of service, he may make the election within 1 year after he ceases to be assigned to that station or returns to the jurisdiction of his service as the case may be, and such election shall become effective immediately upon subsequent retirement.

(f) A member to whom retired pay is granted retroactively, and who is otherwise eligible to make an election, may make the election within 90 days after receiving notice that such pay has been granted him.

(g) Whenever a member is determined to be mentally incompetent by medical officers of the uniformed services or of the Veterans Administration, or is adjudged mentally incompetent by a court of competent jurisdiction and because of such mental incompetency is incapable of making any election within the time limitations prescribed by the Plan, the Secretary of the Department concerned may make the appropriate election on behalf of such member upon request of the spouse, or if there be no spouse, by or on behalf of the child or children of such member. If such member is subsequently determined to be mentally competent by the Veterans Administration or a court of competent jurisdiction, he may, within 180 days after such determination or judgment, change or revoke the election made on his behalf. In such a case, the change or revocation will be effective on the date of the member's request for such change or revocation. Deductions previously made shall not be refunded.

(h) All elections on file on August 13, 1968, for members not entitled to receive retired pay shall be subject to the provisions of this section unless the member makes the application specified in § 48.604(d).

(i) A person who was a former member of the armed forces on November 1, 1953, and who is granted retired pay after that date, may, at the time he is granted that pay, make an election as provided in § 48.201.

§ 48.204 Change or revocation of election.

(a) A change of election is a change in the amount of the annuity or annuities under any option, or a change in any option or options selected. A revocation is a cancellation of a previous election and constitutes a withdrawal from coverage under the Plan.

(b) A member may change or revoke his election as often as he desires prior to the completion of 19 years of service. Such a change or revocation must be dated, signed, witnessed, and delivered to appropriate service officials, or postmarked not later than midnight on the day in which the member completes 19 years of service. The latest election, change, or revocation which is submitted in accordance with this subsection will be effective at retirement.

(c) A member who desires to make an election or change or revoke his election after he has completed 19 years of service may do so prior to his retirement. However, such an election, change or revocation will be effective only if at least 2 years elapse between the date of the election, change, or revocation and the date of eligibility to receive retired pay.

(d) A revocation will not prohibit the filing of a new election at a later date which will become valid under applicable validation provisions.

(e) A member may, on or after November 1, 1968, at any time prior to his retirement, change or revoke his election (provided the change does not increase the amount of the annuity elected) to reflect a change in the marital or dependency status of the member or his family caused by death, divorce, annulment, remarriage, or acquisition of a child, if such change or revocation is made within 2 years of such change in status.

(f) Notification of a change in family status is not a change of election.

(g) All changes and revocations on file on August 13, 1968, for members not entitled to retired pay shall be subject to the provisions of this section unless the member makes the application specified in § 48.604(d).

§ 48.205 Election form.

The form for making election after October 31, 1968, is prescribed as Election of Options, Retired Serviceman's Family Protection Plan, DD Form 1688.[1] It will be submitted as directed herein. All copies will be signed, and any otherwise complete, signed copy, when properly submitted, may be used to substantiate the fact of election, modification, revocation, or change in family status.

§ 48.206 Information regarding elections.

(a) All members of the Reserve component who will have accumulated sufficient service to be eligible for retired pay at age 60, will be counseled on the Plan before reaching their 57th birth dates in order to insure that valid elections can be made prior to their 58th birth dates. An election, modification, or revocation submitted subsequent to attaining age 58 will be valid only if it is made and submitted at least 2 years prior to the first date for which retired pay is granted.

(b) It is the responsibility of the department concerned to provide election forms and to promulgate information concerning the benefits of the Plan to all members so as to allow a timely election.

(c) Members retiring for physical disability prior to the completion of 19 years of service will, prior to retirement, be counseled and furnished information concerning the operation of the Plan.

Subpart C—Designation of Beneficiaries

§ 48.301 Designation.

(a) All legal beneficiaries described in § 48.102 must be named at the date of retirement pursuant to the option elected. Although a member without dependents may make an election, it will not be effective unless he has eligible dependents at the time of his retirement.

(b) When a change in family status occurs prior to retirement which would effect a change as provided in § 48.204(e), new DD Form 1688,[1] Election of Options, Retired Serviceman's Family Protection Plan, should be filed to evidence such change.

§ 48.302 Substantiating evidence regarding dependency and age of dependents.

At the time of submitting the election, or prior to retirement, the member must indicate his wife's and youngest child birth date as applicable to the option elected. At or before the time of his retirement, he must submit proof of final dissolution of prior marriages, if any, both for himself and his spouse. The age of the dependents must be substantiated by a birth certificate or other competent evidence. The birth date of a member must be verified by his service record. All required substantiating evidence must be at the disbursing office which would normally pay the member retired pay or retainer pay immediately following retirement so as to permit the establishment of accurate pay accounts and to prevent the creation of indebtednesses or overpayments.

§ 48.303 Condition affecting entitlement of widow or widower.

A member may have a different lawful spouse at the time of retirement from the lawful spouse he had at the time of election. The lawful spouse at the time of retirement is the spouse eligible for an annuity at the time of member's death. Divorce of the member will remove the former spouse as a prospective annuitant.

Subpart D—Reduction of Retired Pay

§ 48.401 Computation of reduction.

(a) The reduction to be made in the retired pay of a member who has made an election shall be computed by the uniformed service concerned in each individual case, based upon tables of factors prepared by the Board of Actuaries. The computation shall be based upon the applicable table in effect on the date of retirement.

(b) An adjustment may be made in the reduction of retired pay upon the finding of an administrative error or a mistake of fact (see § 48.603).

(c) If a member elects to be covered by option 3, and on the date he is awarded retired pay has no children eligible to receive the annuity, or has only a child or children aged 18–22 (other than a child described in § 48.102(e)(4) and elects, at retirement, that such child or children shall not be considered to be eligible beneficiaries, he shall have his costs computed as though he had elected option 1. If he elects option 3, and on the date he is awarded retired pay has no wife eligible for the annuity, he shall have his costs computed as though he had elected option 2.

(d) If a member elects option 3, and after he becomes entitled to retired pay, there is no eligible spouse because of death or divorce, upon the retired member's application, no deductions from his retired pay shall be made after the last day of the month in which there ceases to be an eligible spouse. Children otherwise eligible will continue to be eligible for the annuity in event of the member's death. No amounts by which the member's retired pay is reduced before that date may be refunded to or credited on behalf of that person.

(e) The amount of reduction in retired pay and the annuity payable established for each individual at the time of his retirement shall remain unaltered except as provided in §§ 48.203(g), 48.401(b), 48.401(d), and 48.406, regardless of future pay increases or decreases.

§ 48.402 Effective date of reduction.

The effective date of reduction in retired pay will be the effective date of retirement with pay. The reduction in retired pay will be terminated on the date the member ceases to be entitled to retired pay or on the first day of the month following that in which there is no eligible beneficiary (for exception to this rule see § 48.604).

§ 48.403 Payment of nonwithheld reduction of retired pay.

(a) A member of a uniformed service who is entitled to retired pay and has made an election shall, during any period in which he is not receiving retired pay (including periods of active duty), deposit the amount which would have been withheld from his retired pay had he been receiving that pay.

(b) Such deposit will be payable to Treasurer of the United States and shall be forwarded monthly to the disbursing office which would normally pay the member his retired pay.

(c) The disbursing office will in all cases inform the member of the amount to be deposited and when such deposits are to be made.

(d) In the event deposits are not made within 30 days of the due date, the disbursing office will inform the member concerned that he is delinquent from such due date and thereafter his designated beneficiaries will not be eligible for the annuity provided under the Plan until the arrears have been paid. The notification of delinquency will advise the member that 15 additional days have been granted to him in which to remit his deposit, and that if the arrears are not deposited within that period, the member will be charged interest to include the first day of delinquency. In no case will the expiration date of the 15 days exceed a date later than 45 days from the date the deposit was due. The interest will be computed monthly and the rate will be that used in computing the cost tables in effect on the date of the member's retirement. If such member later becomes in receipt of retired pay, any arrears with compound interest will be withheld.

§ 48.404 Ages to be used.

Ages to be used for calculating reductions of retired pay will be the ages of the member and his eligible dependents on their nearest birth dates as of the date of the member's retirement.

§ 48.405 Action upon removal from temporary disability retired list.

(a) Any member on the temporary disability retired list established pursuant to title 10, United States Code, Chapter 61, who has elected to receive reduced retired pay in order to provide one or more of the annuities specified in the Plan, and who is subsequently removed from the list due to any reason other than permanent retirement, shall have refunded to him a sum which represents the difference between the amount by which his retired pay has been reduced and the cost of an amount of term insurance which is equal to the protection provided his dependents during the period he was on the temporary disability retired list.

(b) If the member concerned is returned to active duty, his election as previously made will continue or he may change or revoke the election as provided in § 48.204.

(c) Time creditable for the purpose of the two year interval required to make a change, revocation or new election valid includes service before, during, and after temporary disability retirement. (See §§ 48.203 and 48.204 and Comptroller Decision B–144158, Dec. 23, 1960.) Active duty after removal from a temporary disability retired list is a necessity in such a case.

§ 48.406 Withdrawal and reduction of percentage or amount of participation.

A retired member who is participating in the Plan may revoke his election and withdraw from participation, or he may reduce the amount of the survivor annuity; however, an approved withdrawal or reduction will not be effective earlier than the first day of the seventh month beginning after the date his application is received by the Finance Center controlling his pay record. (For special rules covering participating members retired before Aug. 13, 1968, without option 4, see § 48.604.) No application for reduction will be approved which requests a change in options. A request to reduce an annuity or to withdraw from the Plan is irrevocable, and a retired member who withdraws may never again participate in the Plan. Approval of a request for a reduction will not be made when such reduction results in an annuity of less than 12½ per centum of the member's retired pay or less than a $25 monthly annuity. The new cost, after such reduction in survivor annuity, will be computed from the applicable cost table at the time of retirement. No amounts by which a member's retired pay is reduced may be refunded to, or credited on behalf of, the member by virtue of an application made by him under this section.

Subpart E—Annuity

§ 48.501 General information.

Except as provided in § 48.506(a), no annuity payable under the Plan shall be assignable, or subject to execution, levy, attachment, garnishment, or other legal process. Annuities payable under this Plan shall be in addition to any pensions or other payments to which the beneficiaries may now or hereafter be entitled under other provisions of law (except as provided in § 48.507), and may not be considered as income under any law administered by the Veterans Administration, except for the purpose of title 38, United States Code, section 415(g) and chapter 15.

§ 48.502 Effective date of annuity.

All annuities payable under this Plan except those payable to beneficiaries described in § 48.102(e)(5) shall accrue from the first day of the month in which the retired member dies and shall be due and payable not later than the 15th day of each month following that month and in equal monthly installments thereafter, except that no annuity shall accrue or be paid for the month in which entitlement to that annuity terminates.

§ 48.503 Claims for annuity payments.

Upon official notification of the death of a retired member who has elected under the Plan, the department concerned shall forward to the eligible surviving beneficiaries the necessary information and forms (DD Form 768, Application for Annuity Under Retired Serviceman's Family Protection Plan) for making application for annuity payments. Such information shall include the place to which the application should be forwarded and to which questions regarding annuity payments should be addressed.

§ 48.504 Payment to children.

(a) Annuities for a child or children will be paid to the child's guardian, or if there is no guardian, to the person(s) who has care, custody, and control of the child or children.

[1] Filed as part of the original document. Copies may be obtained from Military Personnel Officer.

(b) Annuities payable to or on behalf of an eligible child as defined in § 48.102 (e)(5) accrue as of the first day of the month in which—

(1) The member (upon whose retired pay the annuity is based) dies if the eligible child's 18th birthday occurs in the same or a preceding month, or

(2) The 18th birthday of an eligible child occurs if the member (upon whose retired pay the annuity is based) died in a preceding month, or

(3) A child first becomes (or again becomes) eligible, if that eligible child's 18th birthday and the death of the member (upon whose retired pay the annuity is based) both occurred in a preceding month or months. An eligible child under this subparagraph might become ineligible at age 18 and again become eligible by furnishing proof of pursuit of a full time course of study or training as enumerated in § 48.102(e)(5).

§ 48.505 Establishing eligibility of annuitants.

(a) Eligibility for the annuity will be established by such evidence as may be required by the department concerned.

(b) If a child as defined in § 48.102(e)(4) is a designated annuitant, the department concerned shall require proof that the incapacity for self-support existed prior to the child's reaching age 18. Proof that continued incapacitation exists will be required every 2 years after the child passes the age of 18 years, except in a case where medical prognosis indicates recovery is impossible.

(c) If a child as defined in § 48.102(e)(5) is a designated annuitant, as specified in § 48.504(b), the department concerned shall require proof from the institution at least semiannually that the child is pursuing a full-time course of training as prescribed. For the purpose of proving eligibility, a child is considered to be pursuing a full-time course of study or training during an interval between school periods that does not exceed 150 days if he has demonstrated to the satisfaction of the department concerned that he has a bona fide intention of commencing, resuming, or continuing to pursue a full-time course of study or training in a recognized educational institution immediately after that interval.

§ 48.506 Recovery of erroneous annuity payments.

(a) The Secretary of the Department concerned is empowered to use any means provided by law to recover amounts of annuities erroneously paid to any individual under the Plan. He may authorize such recovery by adjustment in subsequent payments to which the individual is entitled.

(b) There need be no recovery when in the judgment of the Secretary of the Department concerned and the Comptroller General of the United States, the individual to whom the erroneous payment was made is without fault and recovery would be contrary to the purpose of the Plan or would be against equity and good conscience.

§ 48.507 Restriction on participation.

(a) If a person who has made an election under the Plan retires with a physical disability before the completion of 19 years of service and then dies in retirement, his widow and eligible children can receive monthly survivor annuities only if they are not eligible for Dependency and Indemnity Compensation payments from the Veterans Administration. If either the widow or children are eligible for dependency and indemnity compensation payments, then payment of annuities under the Plan may not be made to any member of the family. If the retired member's death was not service connected and his widow or children are not eligible for payments from the Veterans Administration, they may receive the provided annuity payments under the Plan.

(b) If the beneficiaries on whose behalf the election was made are restricted as in § 48.507(a), from receiving annuities, the amounts withheld from the elector's retired pay as a result of the election will be refunded to the beneficiaries, less the amount of any annuity paid, and without interest.

(c) Upon notification of the death of the member in such a case, the department concerned will take the following actions:

(1) Notify the Central Office of the Veterans Administration of the death of the member and request that the department concerned be advised if an award is made under chapter 11 or 13, title 38, United States Code.

(2) Request the Central Office of the Veterans Administration to forward to the eligible widow and/or children an application form for survivor benefits under chapter 11 or 13, title 38, United States Code, with instructions for completion and submission.

§ 48.508 Certain 100 percent disability retirement.

An election filed on or after August 13, 1968 is not effective if the member dies within 30 days following retirement from a disability of 100 per centum (under the standard schedule of rating disabilities in use by the Veterans Administration) for which he was retired under chapter 61, title 10, United States Code, unless—

(a) Such disability was the result of injury or disease received in line of duty as a direct result of armed conflict, or

(b) His widow or children are not entitled to dependency and indemnity compensation under chapter 13, title 38, United States Code.

Subpart F—Miscellaneous

§ 48.601 Annual report.

Information and data for the preparation of the annual report of the Board of Actuaries will be compiled by the Office of the Secretary of Defense after promulgation of appropriate instructions to each of the uniformed services. These instructions will be in consonance with Executive Order 10499 directing the Secretary of Defense to administer the provisions of the law.

§ 48.602 Organization.

(a) The Joint Board for the Retired Serviceman's Family Protection Plan shall consist of a principal and alternate member for each of the uniformed services appointed by the Department Secretary concerned. Alternate members will be authorized to act in the absence of the principal. The Board shall meet on call of the Chairman. A quorum shall consist of representatives of at least four of the participating services.

(b) The Board shall establish procedures for the orderly conduct of business to be approved by the Assistant Secretary of Defense (Manpower and Reserve Affairs).

(c) The duties of the Board will include but not be limited to the following:

(1) Making recommendations to the Secretary of Defense for:

(i) Changes to the Executive order delegating to him functions conferred on the President by law,

(ii) Changes to these regulations,

(iii) Changes to the law, and

(iv) Measures to insure uniform operating policies.

(2) Promulgating tables of annuity costs as prescribed by the Board of Actuaries.

(3) Promulgating cost of term insurance as required in § 48.405.

(d) The Chairmanship of the Joint Board will be designated by the Assistant Secretary of Defense (Manpower and Reserve Affairs).

§ 48.603 Correction of administrative deficiencies.

(a) The Secretary of the Department concerned may correct any election or any change or revocation of an election when he considers it necessary to correct an administrative error. Information on such corrections shall be compiled by each department for inclusion in the report prescribed by § 48.601.

(b) Except when procured by fraud, a correction under the section is final and conclusive on all officers of the United States.

(c) Information on all corrections to elections under this Plan which are made under title 10, section 1552, United States Code, shall be compiled and this information forwarded to the Board of Actuaries for an actuarial analysis.

§ 48.604 Transition and protective clauses.

(a) A retired member who is participating in the Plan without inclusion of former option 4, which provided for restoration of retired pay when no eligible beneficiary remained in his election, may before September 1, 1969, elect to have that option included in his election. The election to include such option 4 becomes effective on the first day of the month following the month in which that election was made. The retired member must on or before the effective date agree to pay to the Treasury both the total additional amount to cover the option had it been effective when he retired, and the interest which would have accrued on the additional amount up to the effective date of the new option 4. No such additional amount (except interest) shall accrue for months after the first month for which the individual had no eligible beneficiary. However, if undue hardship or financial burden would result, payments may be made in from two to 12 monthly installments when the monthly amount involved is $25 or less, or in from two to 36 installments when the monthly amounts involved exceed $25. No amounts by which a member's retired pay was reduced may be refunded to, or credited on behalf of, the retired member by virtue of an application made by him under this § 48.604. A retired member who does not make the additional election provided under this § 48.604 within the time limits will not be allowed to reduce an annuity or withdraw from participation in the Plan as provided by § 48.406.

(b) Members who have elected and are not yet retired will automatically participate under the provisions of § 48.201.

(c) Elections in effect on August 13, 1968, will remain under the cost tables applicable on the date of the member's retirement.

(d) Any member who has filed an election, modification, or revocation prior to August 13, 1968, may before September 1, 1969, submit a written application to the Secretary concerned requesting that such election, modification, or revocation remain under the time-of-election provisions of the law applicable on the date it was filed.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-8446; Filed, July 17, 1969; 8:45 a.m.]

PART 52—SOLE SURVIVING SONS

Definitions

A sentence has been added to § 52.3(a) so that the paragraph reads as follows:

§ 52.3 Definitions.

As used in this part, the following definitions will apply:

(a) "Sole surviving son" means the only remaining son in a family of which, because of hazards incident to service in the Armed Forces of the United States, the father, or one or more sons or daughters—

(1) Have been killed;

(2) Have died as a result of wounds, accident, or disease;

(3) Are in a captured or missing-in-action status; or

(4) Are permanently 100 percent physically disabled (to include 100 percent mental disability) as determined by the Veterans Administration or one of the military services, and are hospitalized on a continuing basis, and not gainfully employed by virtue of such disability.

Once qualified as a sole surviving son, such status is permanently retained even though there is no living family survivor (Supreme Court Decision, McKart v. U.S. (May 26, 1969, No. 403—October Term 1968))

* * * * *

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-8447; Filed, July 17, 1969; 8:45 a.m.]

PART 80—PERMANENT-RESIDENCE ALIENS SERVING IN ARMED FORCES OF UNITED STATES TO FULFILL NATURALIZATION REQUIREMENTS; SEPARATION OF

PART 80a—NATURALIZATION OF ALIENS WHO HAVE SERVED HONORABLY IN AN ACTIVE DUTY STATUS IN THE ARMED FORCES OF THE UNITED STATES DURING CERTAIN PERIODS OF HOSTILITIES

Redesignation

Part 80 which was published as a revision at page 8352, May 30, 1969, is republished as Part 80a, under a new title. The remaining portions of the document are unchanged.

Sec.
80a.1 Purpose.
80a.2 Applicability and scope.
80a.3 Policy and procedure.

AUTHORITY: The provisions of this Part 80a issued under sec. 301, 80 Stat. 371; 5 U.S.C. 301.

§ 80a.1 Purpose.

This part establishes uniform procedures to facilitate the naturalization of aliens who have served honorably in an active duty status in the Armed Forces of the United States during the Vietnam hostilities or during any other future period of hostilities that may be designated by the President.

§ 80a.2 Applicability and scope.

(a) Provisions of this part apply to the Military Departments and cover all aliens who have rendered honorable service on active duty during the period beginning February 28, 1961, and ending on a date designated by the President by Executive order as the date of termination of the Vietnam hostilities.

(b) This part shall also apply during any future period which the President by Executive order shall designate as a period in which the Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force.

(c) Under section 329 of the Immigration and Naturalization Act, as amended by Public Law 90-633 (8 United States Code 1440), an alien member who has served honorably in active duty status at any time during the qualifying periods, and who is otherwise eligible, may be naturalized whether or not he has been lawfully admitted to the United States for permanent residence, if the member was inducted, enlisted, or reenlisted in the United States (inclusive of Puerto Rico, Guam, Virgin Islands, Canal Zone, American Samoa, or Swains Island).

(1) The induction, enlistment or reenlistment in the United States or its stated possessions must actually be in these land areas, in ports, harbors, bays, enclosed sea areas along their coast or within a marginal belt of the sea extending from the coastline outward 3 geographical miles.

(2) Although enlistment or reenlistment aboard a ship on the high seas or in foreign waters does not meet the requirements of section 329 of the Immigration and Naturalization Act, as amended by Public Law 90-633 (8 United States Code 1440), the provisions of Part 80 of this subchapter may apply.

(d) Residence in the United States or a specified period of physical presence in the United States is not required. In addition, an alien seeking naturalization under section 329 of the Immigration and Naturalization Act, as amended by Public Law 90-633 (8 United States Code 1440), is exempt from all Federal naturalization fees associated with the filing of a petition or the issuance of a certificate of naturalization.

§ 80a.3 Policy and procedure.

Each Military Department will establish procedures containing the provisions outlined in paragraphs (a) and (b) of this section. In addition, each qualifying alien shall be advised of the liberalized naturalization provisions of section 329 of the Immigration and Naturalization Act, as amended by Public Law 90-633 (8 U.S.C. 1440), i.e., that the usual naturalization requirements concerning age, residence, physical presence, court jurisdiction and waiting period are not applicable, and be given appropriate assistance in processing his naturalization application in consonance with procedures issued by the Department of Justice, Immigration and Naturalization Service.

(a) Military basic training and orientation programs shall include advice and assistance to interested aliens in completing and submitting the application and other forms required to initiate naturalization proceedings. In addition, applicants should be advised that:

(1) Under the laws of certain foreign countries, military service in the U.S. Armed Forces may result in the loss of their native country citizenship but that this same service may make them eligible for U.S. citizenship.

(2) Their eligibility for naturalization, based upon the honorable service in active duty status described in section 329 of the Immigration and Naturalization Act, as amended by Public Law 90-633 (8 U.S.C. 1440) will be retained, even though they apply for naturalization after their return to the United States following the termination or completion of their overseas assignment, or after their honorable discharge from the Armed Forces of the United States.

(3) If they are stationed at a base in continental United States, Alaska,

Hawaii, Puerto Rico, Guam, or the Virgin Islands, they should apply for citizenship only if they expect to be stationed at the base for at least 60 days following application. Unless the Immigration and Naturalization Service has at least 60 days in which to complete the case, there is no assurance that it can be completed before the applicant is transferred, since the processing procedures outlined below take time and are not entirely within the control of the Immigration and Naturalization Service.

(i) Every naturalization application must be processed when received by the Immigration and Naturalization Service. The Immigration and Naturalization Service has made special arrangements to expedite the processing of petitions of alien members of the Armed Forces.

(ii) After processing, the alien applicant and two citizen witnesses must personally appear for examination by an officer of the Immigration and Naturalization Service in connection with the filing of a petition for naturalization in court.

(iii) Finally, the applicant must again appear in person before the naturalization court on a date set by the court so that he may be admitted to citizenship.

(4) If they are scheduled for overseas assignment where naturalization courts are not available, they should apply for naturalization on the earliest possible date but no later than 60 days before departure for overseas assignments. While the Immigration and Naturalization Service will accord these cases every possible priority, there is no assurance that they will be completed before the applicant's departure unless the Immigration and Naturalization Service has at least 60 days in which to accomplish the matter.

(i) An alien serviceman who is serving overseas, and has submitted or submits the required naturalization application and forms to the Immigration and Naturalization Service, may not be granted ordinary leave, or Rest and Recuperation (R&R) leave (where authorized in overseas areas) for naturalization purposes, unless a written notification from the Immigration and Naturalization Service has been received by the serviceman informing him that the processing of his application has been completed, and requesting him to appear with two U.S. citizen witnesses before a representative of the Immigration and Naturalization Service at a delegated location for the purpose of completing the naturalization.

(ii) If possible, applicants granted leave for such purposes should advise the Immigration and Naturalization Service when they expect to arrive in the leave area and, in any event, should contact the Immigration and Naturalization Service office immediately upon arrival in that area. The Immigration and Naturalization Service will make every effort to complete the naturalization within the leave period.

(5) The following forms required for naturalization purposes may be obtained from any office of the Immigration and Naturalization Service:

(i) N–400 Application to File a Petition for Naturalization (Must be submitted in triplicate).

(ii) G–325 Biographic Information (Must be submitted in duplicate).

(iii) G–325B Biographic Information (Must be submitted in duplicate).

(iv) FD–258 Applicant Fingerprint Card.

(v) N–426 Certificate of Military or Naval Service (Should be handled on a priority basis so as to avoid prejudicing the early completion of the naturalization process, particularly for an alien who may receive an overseas assignment).

(b) "Naturalization Requirements and General Information" published by the U.S. Department of Justice (Form N–17) describes the naturalization requirements and lists Immigration and Naturalization offices which process applications.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69–8445; Filed, July 17, 1969; 8:45 a.m.]

Chapter XVII—Office of Emergency Preparedness

[OEP Order 1400.1B]

PART 1701—CENTRAL OFFICE AND FIELD ORGANIZATIONS

PART 1713—EQUAL EMPLOYMENT OPPORTUNITY

Miscellaneous Amendments

Sec.
1713.1 Purpose.
1713.2 Authority.
1713.3 OEP employment policy.
1713.4 Designation of Director of Equal Employment Opportunity, Equal Employment Opportunity Officers, and Equal Employment Opportunity Counselor.
1713.5 Processing complaints of discrimination.
1713.6 Right of appeal to the Civil Service Commission.

AUTHORITY: The provisions of this Part 1713 issued under Executive Order 11246, Oct. 24, 1965.

§ 1713.1 Purpose.

This part reaffirms the policy of the Office of Emergency Preparedness of excluding and prohibiting discrimination against employees or applicants for employment in the Office of Emergency Preparedness because of race, color, religion, sex, or national origin. It also prescribes agency standards and procedures for the initiation and adjudication of complaints of discrimination under the provisions of Executive Order No. 11246 of October 24, 1965, and the revised regulations of the Civil Service Commission, effective July 1, 1969 (5 CFR Part 713).

§ 1713.2 Authority.

(a) Executive Order No. 11246 of October 24, 1965, reemphasizes the policy of the Federal Government to provide equal employment opportunity and reaffirms the direct obligation of each agency head to establish and maintain a positive program of equal opportunity within his activities.

(b) That Executive order assigns to the Civil Service Commission the responsibility for supervising and providing leadership and guidance in the area of equal opportunity and for reviewing agency program accomplishments periodically. Furthermore, agencies are required to comply with the regulations, orders, and instructions issued by the Commission pursuant to that order.

§ 1713.3 OEP employment policy.

It is the policy of the Office of Emergency Preparedness to assure, by positive measures, equal opportunity for all qualified persons with respect to employment in this Agency. Each employee of this Agency has a positive obligation to promote and ensure that there is full equality with respect to employment opportunities within this Agency. Discrimination against any employee or applicant for employment in the Office of Emergency Preparedness because of race, color, religion, sex, or national origin is prohibited. The Director of Equal Employment Opportunity, in conjunction with the Director of Administration, shall review the employment practices of this Agency and recommend, where appropriate, updating of the Agency's positive action program so that this policy may be applied effectively with respect to all personnel matters.

§ 1713.4 Designation of Director of Equal Employment Opportunity, Equal Employment Opportunity Officers, and Equal Employment Opportunity Counselor.

(a) The Director of the Office of Emergency Preparedness shall designate a Director of Equal Employment Opportunity for the Agency. The Director of Equal Employment Opportunity, under the immediate supervision of the Director of the Office of Emergency Preparedness, has full operating responsibility for carrying out the non-discrimination employment policy of the Federal Government within the Agency.

(b) The Director, OEP, shall designate an Equal Employment Opportunity Counselor. The Counselor shall seek resolution, on an informal basis, of matters giving rise to any allegation of discrimination prohibited by this part. Employees shall consult with the Counselor before filing formal complaints of discrimination pursuant to this part. In any case in which it is impracticable for an aggrieved employee to consult with the Counselor, the Director shall designate a temporary Counselor to consult with that employee.

(c) The Director shall designate one or more Equal Employment Opportunity Officers whose primary function shall be to receive formal complaints of discrimination and to advise the Director of Equal Employment Opportunity of the receipt of those complaints.

§ 1713.5 Processing complaints of discrimination.

The procedures and standards to be followed in the processing of complaints of discrimination under this part shall be those prescribed in §§ 713.212 through 713.222 of the regulations of the Civil Service Commission (5 CFR 713.212–713.222). The above-cited sections of those regulations are hereby adopted as the regulations of the Office of Emergency Preparedness for this purpose. The Director of the Office of Emergency Preparedness shall make all final decisions with respect to complaints filed pursuant to this part.

§ 1713.6 Right of appeal to the Civil Service Commission.

(a) *Entitlement.* A complainant may, under the Civil Service Commission regulations, appeal to the Commission if the Director of the Office of Emergency Preparedness has made a decision:

(1) To reject his complaint because (i) it was not timely filed, or (ii) it was not within the purview of this part; or

(2) To discontinue processing of his complaint (i) because of the complainant's failure to prosecute his complaint, or (ii) because of the complainant's separation; or

(3) On the merits of the complaint, if the decision does not resolve the complaint to the complainant's satisfaction.

(b) *Where to appeal.* The complainant shall file any such appeal, in writing, either personally or by mail, with the Board of Appeals and Review, U.S. Civil Service Commission, Washington, D.C. 20415.

(c) *Time limit.* A complainant may file an appeal at any time after receipt of his Agency's notice of final decision on his complaint but not later than 15 calendar days after receipt of that notice. The time limit in this section may be extended at the discretion of the Board of Appeals and Review, upon a showing by the complainant that he was not notified of the prescribed time limit and was not otherwise aware of it, or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

§ 1701.6 [Amended]

Cancellation and amendment. OEP Order 1400.1A, dated August 19, 1966, and OEP Order 1400.2A, dated May 13, 1966, are hereby canceled. The penultimate sentence of § 1701.6 of Title 32 of the Code of Federal Regulations is amended by deleting "Equal Employment Policy Officer", and inserting in lieu thereof "Director of Equal Employment Opportunity."

Effective date. This order shall become effective July 1, 1969.

Dated: July 11, 1969.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[F.R. Doc. 69–8467; Filed, July 17, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 33—SPORT FISHING

St. Vincent National Wildlife Refuge, Fla.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), 50 CFR 33.4 is amended to add the St. Vincent National Wildlife Refuge, Fla., to the list of areas open to sport fishing, as legislatively permitted.

Since this amendment benefits the public by relieving existing restrictions on fishing, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i as amended; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd)

Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

* * * * *

FLORIDA

* * * * *

St. Vincent National Wildlife Refuge.

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JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 15, 1969.

[F.R. Doc. 69–8476; Filed, July 17, 1969; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18346; FCC 69–568]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

ITFS Response Stations

First report and order. In the matter of amendment of Part 74, Subpart I of the Commission rules and regulations governing instructional television fixed stations to provide for the licensing of ITFS response stations in the band 2686–2690 Mc/s; Docket No. 18346, RM–1259.

1. The Commission has before it for consideration its notice of proposed rule making released October 4, 1968 (FCC 68–998), proposing to amend its rules and regulations governing instructional television fixed stations to provide for the licensing of ITFS response stations in the band 2686–2690 Mc/s. This modification was requested by Leland Stanford Junior University (Stanford) in a petition (RM–1259) filed on February 23, 1968. Stanford requested that the Commission amend its rules to provide for the use of low-powered, voice modulated radio transmitters in the upper 4 Mc/s of the Instructional Television Fixed Station band (2500–2690 Mc/s) so that students receiving instruction via an instructional television fixed station may communicate with the instructor to ask and respond to questions as in a school room. It was claimed that such communications would greatly add to the effectiveness of instructional television. The present rules do not provide for such talk-back facilities. The notice invited interested parties to submit comments on or before November 12, 1968, and replies to such comments on or before November 22, 1968. Subsequently the date was extended to December 5, 1968, for filing reply comments.

2. Comments were received from the Michigan State University; Mr. Lloyd P. Morris, Elmwood Park, Ill.; John F. Browne, Jr., and Associates (Browne); Micro-Link Systems, Varian Associates (Micro-Link); National Association of Educational Broadcasters (NAEB); State of Michigan, Department of Education; Leland Stanford Junior University (Stanford); Comments filed by Wilner, Scheiner & Greeley, Attorneys (Greeley), on behalf of five Catholic Dioceses, two public school boards, and one University; Archdiocese of New York; Association for Graduate Education and Research of North Texas (TAGER); Chicago Area School Television, Inc. (CAST); and A. Earl Cullum, Jr., and Associates. All of the above-listed parties support the Commission's proposed rule making in that they agree that a need exists for the talk-back circuit from the school room, and that it would make the use of Instructional Television Fixed Stations more meaningful from the instructors' and students' viewpoint. However, in varying degrees, Morris, Browne, Micro-Link, NAEB, State of Michigan, Greeley, and CAST suggest that response transmissions such as pushbutton scoring signals and computer-assisted instructional systems, etc., be allowed; and that these forms of data processing would be a desirable adjunct in connection with the instructional use of the station. They argue that any form of modulation that can be contained within the bandwidth should be authorized; and that this is a new method of teaching in remote classrooms and that there should be no restrictions on the use of the response station. Browne and NAEB believe that problems may arise when a number of response stations are on the channel and that provision should be made to allow the ITFS station to key the desired response station carriers on and off. Micro-Link and Browne argue that, due to the proposed simplified licensing procedures, site problems might

occur which would lead to interference problems to ITFS licensees; and that the usual procedure of construction permit and license should be used. Browne suggests that an ITFS station be required to cease operation if notified by another ITFS station that it is causing interference to its operation. Micro-Link further urges that these channels also be made available to applicants other than ITFS systems. Stanford asks that certain changes be made in the FAA notification requirement so that unnecessary notices of proposed construction will not be made, and that it not be necessary to maintain an operating log for the response station.

3. The comments proposing uses other than voice talk-back were not specific as to the purpose and need for such additional uses, and in some cases we are unable to determine whether such uses would be consistent with the objectives of the proposed rules. The service intended to be provided by these rules is a response capability to instructional material sent over the ITFS facility. The petitioner proposed that these be voice circuits. Oral exchange between the instructor and the pupil is a time-tested part of the learning process. In recent years, teaching machines have been used whereby reading material is displayed and then a statement is shown, or a question posed, and the student must push a button indicating agreement or disagreement with the statement (true or false) or select the correct answer to the question from among several given answers (multiple choice). If the student's response is incorrect he is instructed to push another button and the machine may go back and again display the original reading material by means other than voice. There may thus be a need for additional forms of response. This could take the form of computer-assisted instructional systems, response evaluation systems, and even some form of central data processing that would be used in connection with the teaching methods employed. From the several comments made it appears that it may be desirable to provide for the advanced methods of teaching that have been, and are being, developed in addition to the voice response. However, it seems that more specific information should be furnished the Commission as to the manner in which such operation would be used. It also appears important to provide expeditiously for the provision of voice response service, which was the request of the petitioner and all that was contemplated by the notice of proposed rule making herein. Accordingly, we are herein adopting rules assigning channels for the ITFS response service, as proposed, and limiting them for the time being to use for voice transmissions. In a further notice of proposed rule making also adopted herein, we seek comments on expansion to include other forms of dialogue between instructor and students which would be consistent with the purpose of the rules and structure of the new service as herein adopted.

4. Other uses, further removed from our proposal, were also suggested, including use for data retrieval and library reference service. To some extent these imply independent operation of transmitters in this band, and, indeed, Micro-Link suggested that the Commission not restrict the licensing of these transmitters only to the licensees of ITFS stations. Cullum, in its reply comments, opposes this proposal and states that it is important that every ITFS licensee be assured of the availability of channels for talk-back purposes, and that we should not adopt this, or any other proposal that would depart from this concept. Although other uses may be found, and comments thereon are invited in the further notice adopted herein, it would seem that until we have established the response service and determined its channel needs, such action would be premature. The Commission prefers to wait until the ITFS response service (limited to voice or expanded to include other student response techniques) has had an opportunity to become established before examining the possibility of adding other uses or creating a new service to operate on these frequencies.

5. It appears that the traffic problems raised by Browne and NAEB are merely circuit and classroom discipline problems, as Cullum states in its reply comments. It would appear that the arrangements proposed would complicate and make more costly the overall service. Accordingly, it will be the responsibility of the individual licensee to maintain circuit discipline. As stated in the proposed rule making, those transmitters will be low power, will be paired with ITFS stations, and will be available to a licensee who is qualified for this service.

6. It was suggested in the comments that the Commission require a construction permit and license for this service, rather than the notification-procedure proposed in the notice. After further consideration, it has been decided that it would be appropriate to handle the authorization of response stations in the more usual application manner as a part of the basic ITFS application and licensing procedure for new systems and modification application for existing systems. This would follow existing procedures and still keep the authorization of the response stations as simple as possible. With this in mind, we are modifying the present FCC Form 330P to add section VI, which will be used to list the receiving and/or response station locations, with the necessary associated information. As a means of differentiating between receiving-only sites and sites that would have both response transmitters and receivers, it is requested that R1, R2, etc., be used for receiving sites and RT1, RT2, etc. be used in section VI for sites having response transmitters. A new applicant will file the Form 330P as now modified, while an existing licensee will merely apply to modify his present license by filing sections I, III, and VI, so as to add the required response stations needed. One copy of section VI will be returned to the applicant, with appropriate antenna-marking requirements where necessary, and it is to be kept at the main ITFS station, with a legible photocopy of the appropriate page of section VI posted at each response station location. It is anticipated that there will be many requests initially, and we will make every effort to expedite the authorization process.

7. The vertical plan views of each receiving location now required should also show the transmitting antenna if a response station is to be installed. New § 74.939, as adopted herein, applies to response stations the provisions of §§ 74.967 and 74.981(a)(5) concerning antenna tower painting and lighting requirements, when applicable.

8. The logging requirements are very modest for this service, and either the responsible person at the response station or the operator at the ITFS station may keep this log. He need only enter the period of time that each response station is in operation, and the purpose of each use. The log entries could be in the form of "intermittent transmissions" during the period (date-time), noting the subject or class being taught, with the location of the response station(s). This provides a record of the operation of the response station if interference problems should arise.

9. Micro-Link's suggestion to reduce the channel width of the response channels to 100 kc/s, allow the use of four channels to ITFS stations, and allow licensees of other services to operate on these frequencies would appear to increase greatly the potential interference to the response stations, and also increase the problems of circuit discipline. It is our view that the response station should have a relatively interference-free channel for its use in responding to the ITFS station, and be assured of the availability of channels for talk-back purposes. For the foregoing reasons it appears that it would not be desirable either to further reduce the channel width or to allow the use of these frequencies by another class of licensees, and we will adhere to the use of one 125 kc/s channel for the response station(s) associated with each ITFS station as set forth in the proposed rule making. Experience with the new service may in the future warrant consideration of modifications such as those mentioned.

10. *Accordingly, it is ordered*, That, effective August 26, 1969, and pursuant to authority contained in sections 4(i) and 303 (g) and (r) of the Communications Act of 1934, as amended, Subpart I of Part 74 of the Commission's rules is amended to read as set forth below. Since the rules adopted herein provide for a highly desirable extension of ITFS service in furtherance of section 303(g) of the Act, and relax existing restrictions on usage of these channels, it is appropriate to make the new rules effective as quickly as possible.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: May 21, 1969.

Released: July 15, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Part 74, Subpart I of the Commission's rules is amended in the following respects:

1. In § 74.901 insert the following definition in the appropriate alphabetic sequence.

§ 74.901 Definitions.

* * * * *

ITFS response station. A fixed station operated at an authorized location to provide voice communication to an associated instructional television fixed station.

* * * * *

2. Section 74.939 is added to read as follows:

§ 74.939 Special rules governing ITFS response stations.

(a) An ITFS response station is authorized to provide voice communications with its associated instructional television fixed station so that students may ask and answer questions and otherwise discuss with the instructor the subject being taught. Other voice communications concerning the technical operation of the system may be carried on when necessary.

(b) An ITFS response station may be operated only by the licensee of an instructional television fixed station and only at an authorized receiving location of the instructional television fixed station with which it communicates. More than one ITFS response station may be operated at the same or different locations by the same licensee. An application for authority to operate a new or modified response station shall be filed with the Commission in Washington, D.C., on FCC Form 330P. Section VI of that form shall supply the following information for each response station:

(1) The name of the school or other description of the building in which the ITFS response station will be located, the address, and the geographic coordinates of the ITFS response station transmitting antenna.

(2) The manufacturer's name, type number, operating frequency, and power output of the proposed ITFS response station transmitter.

(3) The type of transmitting antenna, power gain, and azimuthal orientation of the major lobe of radiation in degrees measured clockwise from True North.

(4) A sketch giving pertinent details of the ITFS response station transmitting antenna installation including ground elevation of the transmitter site above mean sea level; overall height above ground, including appurtenances, of any ground-mounted tower or mast on which the transmitting antenna will be mounted or, if the tower or mast is or will be located on an existing building or other manmade structure, the separate heights above ground of the building and the tower or mast including appurtenances; the location of the tower or mast on the building; the location of the transmitting antenna on the tower or mast; and the overall height of the transmitting antenna above ground. This can be combined with the sketch for the receiving location if the transmitting antenna is clearly shown.

(c) See Part 17 of this chapter concerning notification to the Federal Aviation Administration of proposed antenna construction or alteration. The provisions of §§ 74.967 and 74.981(a)(5), concerning antenna painting and lighting requirements, apply to ITFS response stations as well as main ITFS stations.

(d) All ITFS response stations communicating with a single instructional television fixed station shall operate on the same frequency. The specified frequency which may be used is determined by the channel assigned to the instructional television fixed station with which it is communicating, as shown in the following table. Operation on other ITFS response channels is prohibited.

ITFS Channel No.	Response Frequency (MHz)	ITFS Channel No.	Response Frequency (MHz)
A–1	2686.0625	E–1	2686.5625
A–2	2687.0625	E–2	2687.5625
A–3	2688.0625	E–3	2688.5625
A–4	2689.0625	E–4	2689.5625
B–1	2686.1875	F–1	2686.6875
B–2	2687.1875	F–2	2687.6875
B–3	2688.1875	F–3	2688.6875
B–4	2689.1875	F–4	2689.6875
C–1	2686.3125	G–1	2686.8125
C–2	2687.3125	G–2	2687.8125
C–3	2688.3125	G–3	2688.8125
C–4	2689.3125	G–4	2689.8125
D–1	2686.4375	H–1	2686.9375
D–2	2687.4375	H–2	2687.9375
D–3	2688.4375	H–3	2688.9375
D–4	2689.4375	***	2689.9375

NOTE: The frequency 2689.9375 MHz, listed at the end of the Group H column, is not paired with any specified ITFS channel. It will be held in reserve to meet unforeseen contingencies.

(e) Transmitter power output will normally be limited to no more than 250 milliwatts. Upon a special showing of need, transmitter power output of up to 2 watts may be permitted.

(f) The channels assigned to ITFS response stations are 125 kHz in width. The assigned frequency is at the center of the channel. Either frequency or amplitude modulation may be employed. If amplitude modulation is used, the carrier shall not be modulated in excess of 100 percent. If frequency modulation is employed, the maximum carrier excursion resulting from modulation shall not be greater than 25 kHz above and below the unmodulated carrier frequency. Any excursion appearing outside the authorized channel, including radio frequency harmonics, shall be attenuated no less than 60 decibels below the peak power of the unmodulated carrier. Greater attenuation may be required if interference is caused by out-of-band emissions.

(g) The unmodulated carrier frequency shall be maintained within 35 kHz of the assigned frequency at all times. Adequate means shall be provided to insure compliance with this rule.

(h) A directive transmitting antenna shall be employed, oriented toward the transmitter site of the associated instructional television fixed station. The beamwidth between half power points shall not exceed 15° and radiation in any minor lobe of the antenna radiation pattern shall be at least 20 decibels below the power in the main lobe of radiation.

(i) The transmitter of an ITFS response station may be operated unattended provided that the transmissions are observed by the operator on duty at the associated instructional television fixed station, who shall take such steps as may be necessary to correct any condition of improper operation. The overall performance of the ITFS response station transmitter shall be checked as often as is necessary to insure that it is functioning in accordance with the requirements of the Commission rules and in any case, at intervals of no more than 1 month. An entry shall be made in the operating log giving the date and results of these checks. The licensee of an ITFS response station is responsible for the proper operation of the transmitter at all times. The transmitter shall be installed and protected in such manner as to prevent tampering or operation by unauthorized persons.

(j) After approval by the Commission the original of the authorization shall be posted at the ITFS station and a legible photocopy of the appropriate page of section VI of Form 330P shall be posted at or attached to each response transmitter.

(k) The transmitting apparatus employed at ITFS response stations shall have received type acceptance in accordance with § 74.952.

(l) An ITFS response station shall be operated only when engaged in communication with its associated instructional television fixed station or for necessary equipment or system tests and adjustments. Radiation of an unmodulated carrier and other unnecessary transmissions are forbidden.

(m) The requirement of § 74.961 apply with regard to logging requirements.

(n) Individual call signs will not be assigned to ITFS response stations. It is assumed that in normal usage the location and identity of an ITFS response station can be determined by the content of its communications. If such is not the case, provision shall be made to announce the location at intervals of no more than one-half hour whenever the transmitter is being operated.

[F.R. Doc. 69-8491; Filed, July 17, 1969; 8:48 a.m.]

[1] Commissioner Wadsworth absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. X]

[Docket No. AO–219–A21, etc.]

MILK IN MEMPHIS, TENN., AND CERTAIN OTHER MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Memphis, Tenn., et al. marketing area, which was issued June 17, 1969 (34 F.R. 11809), is hereby extended from August 4 to September 4, 1969.

Signed at Washington, D.C., on July 15, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69–8499; Filed, July 17, 1969; 8:49 a.m.]

[7 CFR Part 1131]

[Dockets Nos. AO–271–A12, AO–271–A12–R02]

MILK IN CENTRAL ARIZONA MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Revised Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the revised recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arizona marketing area, which was issued June 17, 1969, is hereby extended from August 4 to September 4, 1969.

Signed at Washington, D.C., on July 15, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69–8498; Filed, July 17, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 69–SW–48]

AIRWORTHINESS DIRECTIVE

Mitchell Industries, Inc., and Piper Aircraft Corp. Automatic Flight System Instruments

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Mitchell Industries, Inc., automatic pilot and automatic aileron stabilizer instruments, the Mitchell Century II, Century III and Stabilizer, installed in various airplanes, and to Piper Aircraft Corp. automatic pilot and automatic aileron stabilizer instruments, the Piper Auto-Control III, AltiMatic III, and Auto-Flite, installed in various Piper and possibly other airplanes.

There have been failures of the bridle cable clamps, Mitchell Part No. 42A173 and 42A184, or Piper Part No. 753–981, which have allowed the ⅛-inch cable or the $\frac{5}{32}$-inch cable to slip, resulting in binding of the controls. In one instance, an aircraft went into a steep spiral at 4,000 feet, with recovery being made at 400 feet. Since this condition is likely to exist or develop in airplanes incorporating the Mitchell instruments or in Piper airplanes incorporating the Piper instruments, the proposed airworthiness directive would require replacement of the bridle cable clamps on all airplanes in which any of the above automatic pilot or automatic aileron stabilizer instruments are installed.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after date of publication of this notice will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be made a part of the official docket and will be available for examination by interested persons, both before and after the closing date for comments, at the office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

MITCHELL INDUSTRIES, INC. Applies to the Mitchell Century II, Century III and Stabilizer automatic pilot and automatic aileron stabilizer instruments (incorporating bridle cable clamps) installed in various small aircraft, including, but not limited to Aero Commander, Beech, Bellanca, Cessna, de-Havilland, Helio, Maule, Mooney, Piper, and Wren airplanes.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent slippage of servo bridle cable clamps and resultant binding of the control system, accomplish the following:

Remove Servo Bridle Cable Clamps, Mitchell P/N 42A173 or 42A184, as applicable, and replace with new Servo Bridle Cable Clamps, Mitchell P/N 42A173–1 or 42A184–1, as applicable, in accordance with the installation instructions in Mitchell Industries, Inc. Service Bulletin No. MB–1, dated February 11, 1968, or later FAA-approved revision, or in accordance with instructions approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

NOTE: On some Piper Model PA28 and Model PA28R airplanes it will be necessary to replace the aileron pulley bracket, Piper P/N 62746, with Piper P/N62746–00 or Mitchell P/N 7B970, in order to provide necessary cable clamp clearance.

PIPER AIRCRAFT CORP. Applies to the Piper AutoControl III, Altimatic III, and Auto-Flite automatic pilot and automatic aileron stabilizer instruments (incorporating bridle cable clamps) installed in various small aircraft, including, but not limited to Piper airplanes

Compliance required within the next 25 hours' time in service after the effective date of the AD, unless already accomplished.

To prevent slippage of servo bridle cable clamps and resultant binding of the control system, accomplish the following:

Remove Servo Bridle Cable Clamps, Mitchell P/N 42A173 and 42A184, or Piper P/N 753–981, as applicable, and replace with new Servo Bridle Cable Clamps, Mitchell P/N 42A173–1 or 42A184–1, as applicable, in accordance with the installation instructions in Mitchell Industries, Inc., Service Bulletin No. MB–1, dated February 11, 1968, or later FAA-approved revision or in accordance with instructions approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southern Region, FAA.

NOTE: On some Piper Model PA–28 and Model PA–28R airplanes it will be necessary to replace the aileron pulley bracket, Piper P/N 62746, with Piper P/N 62746–00, in order to provide necessary cable clamp clearance.

Issued in Fort Worth, Tex., on July 11, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69–8471; Filed, July 17, 1969; 8:47 a.m.]

[14 CFR Part 39]

[Docket No. 69–EA–80]

AIRWORTHINESS DIRECTIVE

Kollsman Altimeters

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to certain types of Kollsman altimeters.

There have been reports of spurious electrical signals causing incorrect negative pointer displacement in the subject Kollsman altimeters while operating in the barometric mode. Since this condition is likely to exist in other altimeters of the same design, an airworthiness directive is proposed which will require an internal wiring change.

Interested persons are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

Applies to Kollsman Type A4086910021, A4186910028 and A4186910029 Altimeters.

Unless already accomplished, compliance is required within 900 hours time in service after the effective date of this AD, or the next overhaul of the altimeter, which ever occurs first. In order to remove the source of a false signal, alter the altimeters in accordance with either:

(a) Kollsman Service Bulletin 188, Rev. 1, dated December 19, 1968, or Service Bulletin 189, dated October 29, 1968, or

(b) An equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is made under the authority of section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 11, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69–8512; Filed, July 17, 1969; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–AL–8]

CONTROL ZONE

Proposed Alteration

On June 13, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9348) stating that the Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the effective period of the Minchumina, Alaska, control zone. The airspace docket number assigned to this notice had been previously assigned to a rule altering the effective period of the Minchumina control zone and made effective on April 28, 1969 (34 F.R. 7221). The airspace docket number (Airspace Docket No. 69–AL–3) for the notice of proposed rule making issued in Anchorage, Alaska, on June 4, 1969, was erroneously assigned.

In consideration of the foregoing, effective immediately, F.R. Doc. 69–6979 is altered as follows: In the heading, delete Airspace Docket No. 69–AL–3 and substitute Airspace Docket No. 69–AL–8 therefor.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Anchorage, Alaska, on July 11, 1969.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 69–8470; Filed, July 17, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–CE–50]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Jackson, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Jackson, Minn., transition area, the instrument approach procedure for Jackson Municipal Airport has been altered. In addition, the criteria for the designation of transition areas have changed. Accordingly, it is necessary to alter the Jackson transition area to adequately protect aircraft executing the altered approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

JACKSON, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (latitude 43°39'00" N., longitude 94°59'10" W.); and within 3 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 147° and 327° bearings from Jackson Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport; and within 5 miles each side of the 147° bearing from Jackson Municipal Airport, extending from the airport to 12 miles southeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 25, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69–8503; Filed, July 17, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–CE–52]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Mosinee, Wis.

Interested persons may participate in the proposed rule making by submitting

such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Mosinee, Wis., two new special use instrument approach procedures have been developed for the Central Wisconsin Airport, utilizing a privately owned radio beacon located on the airport as a navigational aid. Accordingly, it is necessary to alter the Mosinee, Wis., transition area to adequately protect aircraft executing these new approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MOSINEE, WIS.

The airspace extending upward from 700 feet above the surface within a 10-mile radius of Central Wisconsin Airport (latitude 44°46'40" N., longitude 89°40'00" W.); within 5 miles each side of the 087° bearing from Central Wisconsin Airport, extending from the 10-mile radius area to 13 miles east of the airport; and within 5 miles each side of the 242° bearing from Central Wisconsin Airport, extending from the 10-mile radius area to 12 miles southwest of the airport, excluding the portion which overlies the Wausau, Wis., transition area.

This amendement is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 25, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-8504; Filed, July 17, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-45]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at McPherson, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the McPherson, Kans. Airport, utilizing the Hutchinson, Kans., VORTAC as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at McPherson, Kans. The new procedure will become effective concurrently with the designation of the transition area. The Kansas City Air Route Traffic Control Center, through the Hutchinson Combined Station/Tower, will control IFR air traffic into and out of the McPherson, Kans., Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

MCPHERSON, KANS.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of McPherson Airport (latitude 38°-21'25" N., longitude 97°41'35" W.); and within 2½ miles each side of the Hutchinson, Kans., VORTAC 027° radial, extending from the 5½-mile radius area to 19 miles northeast of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 19, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-8505; Filed, July 17, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-47]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Madison, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Madison, Ind., Municipal Airport, utilizing a privately owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Madison, Ind. The new procedure will become effective concurrently with the designation of the transition area. Instrument approaches at Madison will be controlled by the Standiford TRACON.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

MADISON, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Madison Municipal Airport (latitude 38°-45'30" N., longitude 85°28'00" W.); and within 3 miles each side of the 206° bearing from Madison Municipal Airport, extending from the 5-mile radius area to 8 miles southwest of the airport, excluding the portion which overlies Restricted Area R-3403.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 19, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-8506; Filed, July 17, 1969; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-48]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Woodruff, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Lakeland Airport, Woodruff, Wis., utilizing a privately owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Woodruff, Wis. The new procedure will become effective concurrently with the designation of the transition area. The Minneapolis Air Route Traffic Control Center, through the Wausau, Wis., Flight Service Station, will control IFR air traffic into and out of Lakeland Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

WOODRUFF, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lakeland Airport (latitude 45°55'00" N., longitude 89°43'00" W.); and within 3 miles each side of the 347° bearing from Lakeland Airport, extending from the 5-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 167° and 347° bearings from Lakeland Airport, extending from 8 miles south to 18½ miles north of the airport, excluding the portion which overlies the Rhinelander, Wis., transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 25, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-8507; Filed, July 17, 1969; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-49]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lincoln, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Logan County Airport, Lincoln, Ill., utilizing the Capital, Ill., VORTAC as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Lincoln, Ill. The new procedure will become effective concurrently with the designation of the transition area. The Springfield, Ill., approach control facility will control approaches at this airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

LINCOLN, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Logan County Airport (latitude 40°39'35" N., longitude 89°20'05" W.); and within 2½ miles each side of the Capital, Ill., VORTAC 041° radial, extending from the 5-mile radius area to 17 miles northeast of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 26, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-8508; Filed, July 17, 1969; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-51]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Merrill, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials

may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Merrill, Wis., Municipal Airport, utilizing a State-owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Merrill, Wis. The new procedure will become effective concurrently with the designation of the transition area. The Wausau, Wis., Flight Service Station will control IFR air traffic into and out of the Merrill Municipal Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

MERRILL, WIS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Merrill Municipal Airport (latitude 45°12'-00" N., longitude 89°42'25" W.); and within 3 miles each side of the 332° bearing from Merrill Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 332° and 152° bearing from Merrill Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport, excluding the portion which overlies the Wausau, Wis., transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 25, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-8509; Filed, July 17, 1969; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-53]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Spirit Lake, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Spirit Lake, Iowa, Municipal Airport utilizing a city-owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Spirit Lake, Iowa. The new procedure will become effective concurrently with the designation of the transition area. The Minneapolis, Minn., Air Route Traffic Control Center will control IFR air traffic into and out of Spirit Lake Municipal Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

SPIRIT LAKE, IOWA

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Spirit Lake Municipal Airport (latitude 43°23'05" N., longitude 95°08'10" W.); and within 3 miles each side of the 353° bearing from Spirit Lake Municipal Airport, extending from the 5½-mile radius to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 353° bearing from Spirit Lake Municipal Airport, extending from the airport to 18½ miles north of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 25, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-8510; Filed, July 17, 1969; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-46]

CONTROL ZONES AND TRANSITION AREAS

Proposed Revocation and Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to revoke the Peru, Ind., control zone and transition area and to designate a control zone and transition area for Kokomo, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace in the Grissom Air Force Base and Kokomo, Ind., terminal area, some of the instrument approach procedures have been changed. The designation of controlled airspace is now contained within the Peru, Ind., control zone and transition area. In addition, the criteria for the designation of control zones and transition areas have changed. Since there is no Peru, Ind., airport, it is necessary to revoke the Peru, Ind., control zone and transition area and add a Kokomo, Ind., control zone and transition area which will encompass the Grissom Air Force Base and Kokomo terminal area. The new control zone and transition area will adequately protect aircraft executing the revised approach procedures and comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is revoked: Peru, Ind.

(2) In § 71.181 (34 F.R. 4637), the following transition area is revoked: Peru, Ind.

(3) In § 71.171 (34 F.R. 4557), the following control zone is added:

KOKOMO, IND.

Within a 5-mile radius of Grissom AFB (latitude 40°39'40" N., longitude 86°08'30" W.); within 2½ miles each side of the Grissom AFB TACAN 053° radial, extending from the 5-mile radius zone to 7 miles northeast of the TACAN; within 2½ miles each side of the Grissom AFB TACAN 220° radial, extending from the 5-mile radius zone to 7 miles southwest of the TACAN; within 3 miles each side of the Grissom AFB VOR 230° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR; within a 5-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); within 3 miles each side of the Kokomo VOR 039° radial, extending from the 5-mile radius zone to 7 miles northeast of the VOR; and within 3 miles each side of the Kokomo VOR 129° radial, extending from the 5-mile radius zone to 7 miles southeast of the VOR.

(4) In § 71.181 (34 F.R. 4637), the following transition area is added:

KOKOMO, IND.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Grissom AFB (latitude 40°39'40" N., longitude 86°08'30" W.); within a 6½-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); within a 5-mile radius of Logansport, Ind., Municipal Airport (latitude 40°42'40" N., longitude 86°22'35" W.); within 4½ miles each side of the Grissom AFB ILS localizer southwest course extending from the 8½- and 6½-mile radii areas to 3½ miles southwest of the OM; within 3 miles each side of the Kokomo VORTAC 039° radial, extending from the 6½- and 8½-mile radii areas to 8 miles northeast of the VORTAC; and within 3 miles each side of the Kokomo VORTAC 129° radial, extending from the 6½-mile radius area to 8 miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40°07'00" N., longitude 86°00'00" W.; to latitude 40°07'00" N., longitude 86°33'00" W.; to latitude 41°00'00" N., longitude 85°50'00" W.; to latitude 40°30'00" N., longitude 85°50'00" W.; to the point of beginning.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 20, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-8511; Filed, July 17, 1969; 8:50 a.m.]

Federal Highway Administration

[49 CFR Ch. III]

INFLATABLE OCCUPANT RESTRAINT SYSTEMS

Notice of Meeting

On June 26, 1969, the Administrator issued an advance notice of proposed rule making which advised that he was considering the issuance of a Federal Motor Vehicle Safety Standard relating to inflatable occupant restraint systems or other passive occupant restraints in certain motor vehicles (34 F.R. 11148).

In the interest of furthering the prompt development of a final rule relating to passive restraints, the National Highway Safety Bureau has scheduled a public meeting to be held on August 27, 1969. The meeting will provide interested persons with a general orientation on the subject of inflatable occupant restraints and, to the extent that time allows, will give equipment suppliers, vehicle manufacturers, researchers, and other knowledgeable persons the opportunity to make formal presentations, if they desire to do so, and to exchange technical information. An additional purpose of the meeting is to provide a forum for discussion of the general state-of-the-art of inflatable occupant restraints or other passive restraint systems and their components, to permit discussion of the broad implications of a standard specifying requirements for such systems, and to stimulate cooperative research, design, development, and testing of the systems and their components. The Bureau anticipates that the meeting will result in the submission of more meaningful data in response to the advance notice of proposed rule making.

Interested persons are invited to attend the meeting. Persons who desire to make a formal presentation should contact Mr. Clue Ferguson, Director, Office of Standards on Crash-Injury Reduction, National Highway Safety Bureau, 1730 K Street NW., Washington, D.C. 20591 (Area Code 202-382-3191) before August 13, 1969, so that time limitations (if necessary) and the need for any special equipment, such as projectors, can be discussed and final arrangements can be made. A general outline of the planned presentation should also be submitted at this time. Persons whose presentations include photographs, slides, motion pictures, or other visual aids should plan to submit copies of them for the record at the meeting, if possible.

The formal agenda will be available on the date of the meeting. A transcript of the meeting will be made. It will be available for examination in the Docket Room, Room 512, 400 Sixth Street SW., Washington, D.C. 20591, approximately 3 days after the meeting is adjourned.

The date, time, and place of the meeting are as follows:

Date: August 27, 1969, and August 28, 1969, if necessary.
Time: 9 a.m. to 5 p.m.
Place: Department of Commerce Auditorium, 14th and E Streets NW., Washington, D.C.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); 49 CFR 353.27)

Issued on July 17, 1969.

ROBERT BRENNER,
Acting Director, National Highway Safety Bureau.

[F.R. Doc. 69-8481; Filed, July 17, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 40]

URANIUM CONTAINED IN COUNTERWEIGHTS

Notice of Proposed Rule Making

Section 40.13(c)(5) of the regulations of the Atomic Energy Commission "Licensing of Source Material", 10 CFR Part 40, exempts from the regulations in Part 40 and the requirements for a license set forth in section 62 of the Atomic Energy Act of 1954, as amended, the receipt, possession, use, transfer, or import of uranium contained in counterweights installed in aircraft, rockets, projectiles, or missiles, or stored or handled in connection with installation or removal of such counterweights, when (1) the counterweights are manufactured in accordance with a Commission specific license, (2) each counterweight has been impressed with the legend "Caution—Radioactive Material—Uranium", and (3) the plating or other covering has not been removed or penetrated. Paragraph (c) provides a general license for the export of such counterweights to any foreign country or destination other than Southern Rhodesia and Sino-Soviet bloc countries.

By letter dated January 28, 1969, National Lead Company of Albany, N.Y., filed a petition (PRM 40-13) with the Commission requesting amendments of Part 40 to (a) change the labeling requirement in §§ 40.13(c)(5)(ii) and 40.23(c) for uranium in the form of counterweights to eliminate the words "Caution—Radioactive Material" and substitute the word "Uranium" and disposal instructions as the required legend, (b) revise § 40.13(c)(5)(iii) to eliminate the provision of the exemption that the plating or other covering of the counterweight not be removed or penetrated, and (c) add a proviso that the exemption not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of counterweights other than minor repair of the plating or other covering.

The Commission has given careful consideration to the petition and is considering adoption of the following amendments, which would revise the legend requirements in §§ 40.13(c)(5)(ii) and 40.23(c), and the requirement in § 40.13(c)(5)(iii) for plating or other covering.

Under revised § 40.13(c)(5)(ii), each exempt counterweight would be impressed with the legend (clearly legible through any plating or other covering): "Depleted Uranium," and under revised § 40.13(c)(5)(iii), each exempt counterweight would be durably and legibly labeled or marked with the identification of the manufacturer, and the statement: "Unauthorized Alterations Prohibited".

The safe handling of counterweights during installation, storage, or removal does not depend on any specific actions by workers in response to the words, "Caution—Radioactive Material", in the existing required legend. Limitation of exposures is dependent on the design of

the counterweights, the relatively low radiation levels from depleted uranium and the limited period of time personnel are required to be in close proximity to the counterweights. Accordingly, the Commission considers that the revision of § 40.13(c)(5)(ii) to delete the precautionary words "Caution—Radioactive Material", as requested by the petitioner, is appropriate. The general license in § 40.23 for the export of counterweights would be revised to reflect the proposed new legend requirement in § 40.13(c)(5)(ii).

One purpose of limiting the exemption to counterweights on which the plating or other covering has not been removed or penetrated was to provide assurance against loss of plating or other covering which could result in significant oxidation of the uranium and spread of contamination. Experience to date with thousands of counterweights in use over the past several years indicates that present manufacturing techniques provide adequate protection against oxidation of uranium. Accordingly the proposed amedments would eliminate the present provisions in the exemption (§ 40.13(c)(5)(iii)) that the plating or other covering of the counterweights not be removed or penetrated.

Another purpose of limiting the exemption to counterweights on which the plating or other covering has not been removed or penetrated was to prohibit activities under the exemption that would involve processing of the uranium. This restriction against processing of the uranium in counterweights would be continued by adding a new § 40.13(c)(5)(iv). The new § 40.13(c)(5)(iv) provides that the exemption in § 40.13(c)(5) shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of exempt counterweights. The repair or restoration of any plating or other covering would, however, be permitted under the exemption since this process would not involve exposure hazards significantly different from those involved in handling an undamaged counterweight.

To provide positive identification of the radioactive material in exempt counterweights, the words "Depleted Uranium" would be required to be impressed in each counterweight. Also, to call attention to the excluded chemical, physical, and metallurgical treatment or processing, a proposed new § 40.13(c)(5)(iii) would require each counterweight to be labeled or marked durably and legibly with the statement: "Unauthorized Alterations Prohibited". A footnote to §§ 40.13(c)(5)(ii) and (iii) would continue the exemption for currently exempted counterweights that do not meet the requirements of new §§ 40.13(c)(5)(ii) and (iii), if they are manufactured prior to December 31, 1969, under a specific license issued by the Commission and are impressed with the legend required by § 40.13(c)(5)(ii) in effect on June 30, 1969. The Commission considers that these provisions will adequately control the low radiation exposures that may result from discarded counterweights.

The use, storage, and handling of counterweights installed in aircraft, rockets, projectiles, and missiles under the proposed amendments which follow do not involve radiation safety considerations that are significantly different from those involved in the use, storage, and handling of the counterweights under current § 40.13(c)(5).

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 40 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within thirty (30) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. In § 40.13(c) of 10 CFR Part 40, subparagraph (5) is revised to read as follows:

§ 40.13 Unimportant quantities of source material.

• • • • •

(c) Any person is exempt from the regulation in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers, or imports into the United States:

• • • • •

(5) Uranium contained in counterweights installed in aircraft, rockets, projectiles, and missiles, or stored or handled in connection with installation or removal of such counterweights: *Provided, That:*

(i) The counterweights are manufactured in accordance with a specific license issued by the Commission authorizing distribution by the licensee pursuant to this subparagraph;

(ii) Each counterweight has been impressed with the following legend clearly legible through any plating or other covering: "DEPLETED URANIUM";[1]

(iii) Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer, and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED";[1] and

(iv) The exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any such counterweights other than repair or restoration of any plating or other covering.

• • • • •

2. In § 40.23 of 10 CFR Part 40, paragraph (c) is revised to read as follows:

§ 40.23 General licenses to export.

• • • • •

(c) A general license designated AEC-GRO-SMC is hereby issued authorizing the export from the United States to any foreign country or destination, except Southern Rhodesia or countries or destinations listed in § 40.90, of uranium in the form of counterweights installed in aircraft, rockets, projectiles, or missiles; *Provided,* That such counterweights have been manufactured under a specific license issued by the Commission and have been impressed with a statement, clearly legible after plating, which states, "DEPLETED URANIUM".

• • • • •

(Sec. 62, 68 Stat. 932, 42 U.S.C. 2092; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 14th day of July 1969.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 69-8532; Filed, July 17, 1969; 8:50 a.m.]

[1] The requirements specified in subdivisions (ii) and (iii) of this subparagraph need not be met by counterweights manufactured prior to December 31, 1969: *Provided,* That such counterweights were manufactured under a specific license issued by the Commission and were impressed with the legend required by § 40.13(c)(5)(ii) in effect on June 30, 1969.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 18346, RM-1259; FCC 69-569]

INSTRUCTIONAL TELEVISION FIXED STATIONS

Further Notice of Proposed Rule Making Regarding Licensing of ITFS Response Stations

In the Matter of Amendment of Part 74, Subpart I of the Commission's rules and regulations governing instructional television fixed stations to provide for the licensing of ITFS response stations in the band 2686–2690 Mc/s.

1. In a first report and order adopted herein today, the Commission has provided for response stations in the Instructional Television Fixed Service (2500–2690 Mc/s), using the top 4 Mc/s of that band. The rules as adopted limit the use of the response stations to voice transmissions, which was the only type of usage requested in the petition of Leland Stanford Junior University (Stanford) on which the notice of proposed rule making herein was based, or proposed in that notice.

2. As mentioned in paragraphs 3–5 of the first report and order, a number of commenting parties requested that the new service not be limited to voice transmission, but that other types of transmission which can profitably be used in the instructional process should also be permitted. It is the purpose of this further notice to invite comments on this matter. Comments should discuss the need for, and the forms of, data transmissions such as pushbutton scoring signals, response evaluation systems and computer assisted instructional systems, a well as methods as to their use in this service. Information is also desired as to the types of modulation to be used and the ability to confine the emissions within the response channel in accordance with § 74.939(f) of these rules.

3. The primary thrust of this further notice relates to methods of instruction which involve, essentially, only the substitution of other methods for voice in the instructional response process. As noted in paragraph 4 of the first report and order, some of the suggested further uses went well beyond this, into matters such as data retrieval and library reference use. It was suggested that the authorization of these response stations should not be confined to ITFS licensees. Comments on such further expansion of permissible usage are also invited; however, they must show how such usage could be fitted into the structure of the service as authorized in the rules adopted today. As mentioned, we believe such further extension of this service should await experience with its development and information as to the demand for it for the purpose contemplated in this proceeding.

4. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 26, 1969, and reply comments on or before September 8, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching the decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

5. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: May 21, 1969.

Released: July 15, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8492; Filed, July 17, 1969; 8:48 a.m.]

[1] Commissioner Wadsworth absent.

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-364]

REPORTING OF RETAIL RATE CHANGES BY ELECTRIC UTILITIES

Notice of Proposed Rule Making

JULY 10, 1969.

1. Notice is given pursuant to section 553 of title 5 of the United States Code that the Commission is proposing to add a new § 141.27 to its regulations under the Federal Power Act to require all electric utilities to file a report of any change in its retail rates within 60 days of the establishment of a new rate schedule or discontinuance or change of an existing rate schedule. The proposed new section of the regulations would create a one page form designated as FPC Form No. 82. The purpose of the form would be to elicit rate change information needed to improve the usefulness of data set forth in long established Commission publications which are prepared and disseminated as a part of the Commission's statistical data gathering and reporting functions. A copy of that form is attached hereto as Appendix A.[1]

2. In pertinent part section 311 of the Federal Power Act provides: "* * * the Commission * * * shall, so far as practicable, secure and keep current information regarding * * * the rates, charges, and contracts in respect of the sale of electric energy and its service to residential, rural, commercial, and industrial consumers and other purchasers by private and public agencies; * * *". It is under this section of the Federal Power Act that information is obtained for the preparation of several annual Commission publications: The National Electric Rate Book, the Typical Electric Bills report, and the All Electric Homes report, all of which have extensive circulation and use by the electric utility industry and the general public.

Under present practices, respondent companies are required to report in FPC Form No. 1 only important changes in their retail rate schedules. We believe that all billing determinants, revenue changes and other information shown on the proposed form should be reported, and on a more current basis. The data elicited by the proposed form will be used in the Commission's statistical publications, and thereby further assuring accuracy of their content and timeliness of the statistical data presented.

3. This amendment to the Commission's regulations under the Federal Power Act is proposed to be issued under the authority granted by the Federal Power Act as amended, particularly sections 304, 309, and 311 thereof (49 Stat. 855, 858, and 859; 16 U.S.C. 825c, 825h, and 825j).

4. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than August 24, 1969, data, views, and comments in writing concerning the matters herein proposed. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons, wishing to have their comments considered in the clearance of the proposed form under provisions of the Federal Reports Act of 1942 may at the same time submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Standards, Bureau of the Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name and address of the person to whom correspondence in regard to the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed new report form. The Commission will consider all such written submissions before acting on the matters herein proposed.

5. Accordingly, we propose to amend our regulation under the Federal Power Act by adding a new § 141.27 to those regulations (Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations) to read as follows:

§ 141.27 Form No. 82, Report of Changes in Retail Rates.

This form is designed to obtain within 60 days of the establishment of a new retail rate schedule or change of an existing retail rate schedule the 12-month dollar effect of such change.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8461; Filed, July 17, 1969; 8:46 a.m.]

[1] Filed as part of the original document.

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE ATOMIC SUPPORT AGENCY (DASA)

Organization, Functions, and Delegations of Authority

The Deputy Secretary of Defense approved the following:

I. *General.* Pursuant to the authority vested in the Secretary of Defense, the Defense Atomic Support Agency (DASA) is a designated agency of the Department of Defense under the direction, authority, and control of the Secretary of Defense.

II. *Organization.* DASA shall consist of:

A. A Director; a Deputy Director (Scientific), who shall be the principal assistant to the Director in the field of nuclear weapons effects research and tests; a Deputy Director (Operations and Administration), who shall also serve as Chief, Joint Atomic Information Exchange Group (JAIEG); and a headquarters establishment.

B. Such subordinate units, facilities, and activities as are established by the Director, DASA, or are herein or hereafter specifically assigned or attached to DASA by the Secretary of Defense.

III. *Mission and responsibilities.* A. The mission of the Defense Atomic Support Agency (DASA) is to provide support to the Secretary of Defense, the Joint Chiefs of Staff, the military departments and such other DoD components as may be appropriate, in matters concerning nuclear weapons, nuclear weapons effects, nuclear weapons testing, and such other aspects of the DoD nuclear energy program as may be directed by the Secretary of Defense.

B. The Director, DASA, shall be responsible for:

1. Consolidated management and direction for the DoD nuclear weapons, weapons effects, and nuclear weapons test program in accordance with the functions assigned herein.

2. Providing staff advice and assistance on nuclear weapons, nuclear weapons effects, nuclear weapons testing and other related matters to the Secretary of Defense, the Joint Chiefs of Staff, the military departments; and other DoD components, as appropriate.

IV. *Supervision.* Staff supervision of DASA for the Secretary of Defense will be provided as follows:

A. The Joint Chiefs of Staff, acting through the Director, DASA, shall exercise primary staff supervision over the activities of DASA except as otherwise prescribed herein. Specifically, they shall:

1. Exercise staff supervision over the military operational aspects of DASA activities, including: (a) Composition of the nuclear stockpile; (b) allocation and dispersal of nuclear weapons; (c) nuclear weapons technical training; and (d) military participation in and support of nuclear testing.

2. Review and provide military advice, as appropriate, regarding:

a. Validity of operational requirements for new nuclear weapons.

b. Suitability of arrangements for the logistics aspects of nuclear weapon stockpile management.

c. Operational aspects of nuclear weapon safety.

d. Adequacy of nuclear test programs.

3. Review and make recommendations to the Secretary of Defense regarding the joint table of distribution and associated resources required by DASA to discharge assigned functions.

B. The Director, Defense Research and Engineering shall:

1. Approve, disapprove, or modify DASA research, development, test and evaluation programs.

2. Supervise implementation of DASA research, development, test and evaluation programs.

C. The Assistant to the Secretary of Defense (Atomic Energy), shall:

1. Exercise staff supervision through the Director, DASA, over those DASA activities associated with: (a) Logistics aspects of nuclear weapon stockpile management; (b) technical nuclear safety; (c) support of the Military Liaison Committee; and (d) the application of nuclear energy in other than the weapons field.

2. Direct DASA regarding the transmission of information to the Joint Committee on Atomic Energy as required by the Atomic Energy Act of 1954, as amended.

3. Provide for DASA participation in the processing of agreements between the Department of Defense and the Atomic Energy Commission on appropriate nuclear matters.

V. *Functions.* Under its Director, and in accordance with the assignments of responsibility specified in paragraph III, above, DASA shall perform the following functions:

A. Maintain overall surveillance and provide direction, coordination, advice, or assistance, as appropriate, on major actions affecting the nuclear stockpile including: composition, development, production, allocation, storage, modification, dispersal, maintenance, retirement and stockpile management services.

B. Store and maintain nuclear weapons as directed.

C. Provide and maintain contiguous to the National Military Command Center (NMCC), for National Command Authorities, the Nuclear Warfare Status Element to collect, collate, display, and disseminate information on status and location of all reserve and dispersed weapons.

D. Within approved policies and programs and in consonance with the statutory provisions for the Military Liaison Committee and pertinent DoD–AEC agreements, act as the central coordinating agency for the Department of Defense with the Atomic Energy Commission (AEC) on matters pertaining to the research, development, production, stockpiling, and tests of nuclear weapons.

E. Advise and assist the Joint Chiefs of Staff in the development of recommendations concerning the stockpile composition, allocation, and dispersal of nuclear weapons.

F. Plan for and supervise the conduct of DoD weapon effects tests and DoD research for the investigation of nuclear weapon effects.

G. Assist the military departments with operational systems tests involving nuclear detonations in developing plans and by conducting the nuclear safety studies and supervising the execution of tests.

H. Make recommendations to the Joint Chiefs of Staff regarding the composition and command arrangements for test organizations to conduct tests or to support the AEC in conducting tests.

I. Arrange for the AEC support of DoD weapons test programs in accordance with basic DoD–AEC agreements.

J. Furnish information and advice to the Secretary of Defense, Joint Chiefs of Staff, military departments, and unified and specified commands on matters pertaining to the security of nuclear weapons information, material, and installations.

K. Conduct technical inspections of units having responsibilities for assembling, maintaining, or storing nuclear weapons, their associated components and ancillary equipment. Inspections will be performed on a selective sampling basis of nuclear capable units assigned to every major command in the Department of Defense in accordance with schedules developed in coordination with the military departments and promulgated by DASA.

L. Provide advice and assistance to further the capability for employment of and defense against nuclear weapons, through such means as:

1. Evaluation of weapons effects data and dissemination of results of such evaluations to all commands, and other DoD agencies as appropriate.

2. Technical evaluation of criteria contained in war plans and doctrine when requested by the Joint Chiefs of Staff, the military departments, or unified and specified commands.

3. Maintenance of current information as to the status of military research and engineering in the field of radiac instruments, individual and collective protective devices, radiological decontamination procedures, and the medical aspects of nuclear warfare. In order to insure an integrated effort, make recommendations to the Director, DDR&E, the Joint Chiefs of Staff, and the military departments, as appropriate.

4. Maintenance of current information on the status of military research and engineering in the field of nuclear weapons vulnerability.

M. Prepare and maintain current the DoD portion of the National Test Readiness Plan.

N. Plan, program, and conduct or sponsor:

1. Training courses, as necessary to fulfill the expressed requirements of the military departments for technically qualified personnel in the fields of nuclear weapons assembly, maintenance, nuclear hazards, safety, and emergency demolition of weapons; and in such other fields as deal with specific technical aspects of the overall nuclear weapons program.

2. Postgraduate courses as required to fulfill training requirements.

3. Department of Defense orientation and familiarization courses on the various aspects of the national nuclear weapons program.

4. Other joint-Service courses as appropriate.

O. Exercise command and administrative control over the Armed Forces Radiobiology Research Institute (AFRRI). In the exercise of this function the Director, DASA will be assisted in matters of policy by a board of governors consisting of himself as Chairman and the Surgeons General. The Department of the Navy will provide logistics support in accordance with a host-tenant agreement between DASA and the Department of the Navy.

P. Maintain and operate a Joint Nuclear Accident Coordinating Center (JNACC), in conjunction with the AEC, to provide assistance for handling radiological accidents and significant incidents and to provide within the DoD the central agency for the collection and dissemination for pertinent information on all reported nuclear weapons accidents and significant incidents.

Q. Provide guidance and assistance to appropriate Commanders, on an as required basis, in an accident or incident situation involving nuclear weapons or nuclear components in the custody of or under the physical control of the Department of Defense. Such guidance and assistance is to be in the form of staff support.

R. Manage a coordinated nuclear weapons technical logistics data and information program to include joint nuclear weapons publications published by DASA, the military departments, and agencies of government.

S. In cooperation with the military departments and the AEC, prepare, publish, distribute, and maintain joint nuclear weapons publications pertaining to stockpile management and supply management of AEC produced nuclear ordnance, and service produced items as mutually agreed with the military departments.

T. In coordination with the Defense Supply Agency and the military departments, manage that portion of the Federal Cataloging Program pertaining to Federal Supply Group Eleven (11).

U. Participate in the Defense Standardization Program and be responsible as the DoD assignee and activity for planning and accomplishing standardization for Federal Supply Group Eleven (11) and all AEC-controlled items in all other Federal Supply Classes.

V. In coordination with the AEC and the military departments perform integrated supply management for DoD of all AEC produced nuclear ordnance and those Service produced items where such management is determined to be most effective and economical. The determination of economy and effectiveness will be made through mutual agreement between DASA and a military department or as directed by the Joint Chiefs of Staff.

W. Manage and reconcile the AEC–DoD Loan Account for nuclear materials used in conjunction with nuclear weapons.

X. Provide support as required for the Joint Atomic Information Exchange Group (JAIEG).

Y. Provide technical assistance and support to the Office, Secretary of Defense, the military departments, and the Joint Chiefs of Staff in reviewing and processing safety rules for nuclear weapons systems.

Z. Perform such other functions as may be assigned.

VI. *Authority.* A. In performance of his assigned responsibilities and functions, the Director, DASA, is specifically delegated authority to:

1. Command the Defense Atomic Support Agency.

2. Have access to and direct communications with all DoD components, and, after appropriate coordination, with other organizations concerned with his assigned responsibilities.

3. Prescribe procedures, standards, and practices governing the management and direction of the functions assigned to DASA.

4. Obtain information from any component of the DoD which is necessary for the performance of DASA functions.

5. Execute the functions for which DASA is responsible in the manner deemed most feasible and desirable by the Director in consonance with the aims of maximum overall efficiency, economy, and effectiveness.

B. A delegation of administrative authorities required by the Director, DASA, to administer and direct the operations of the Agency is contained in Appendix A of this Directive.

VII. *Relationships.* A. In the performance of his functions the Director, DASA, shall:

1. Coordinate actions as appropriate with the other components of the DoD and with those departments and agencies of Government having collateral or related functions in his field of assigned responsibilities.

2. Maintain appropriate liaison with the other components of the DoD and with the necessary departments and agencies of the Government for the exchange of information and findings in the field of his assigned responsibilities.

3. Make maximum use of the established facilities, procedures and channels of the military departments and other DoD components for logistic support, procurement, accounting, disbursing, investigative and related administrative operations, where practicable to achieve maximum efficiency and economy.

4. Insure that the Joint Chiefs of Staff, the military departments, and appropriate OSD staff elements are kept fully informed concerning DASA activities of substantive concern to them.

B. The military departments and other DoD components will:

1. Provide assistance within their respective fields of responsibility to the Director, DASA, to carry out his assigned responsibilities and functions.

2. Coordinate with DASA all programs which include research, tests, or investigations of nuclear weapons effects. This specifically includes systems response to nuclear weapons effects.

3. Keep the Director, DASA, informed as to the substance of their direct communications with other DoD components and with the AEC and its laboratories which affect DASA's functions.

4. Provide Director, DASA, with requirements for nuclear weapons effects research and testing.

VIII. *Administration.* A. The Director shall be a military officer of three-star grade appointed by the Secretary of Defense, upon recommendation by the Joint Chiefs of Staff.

B. The Deputy Directors shall be appointed by the Secretary of Defense. When military officers, the Deputy Directors will be recommended by the Joint Chiefs of Staff and will normally be selected from Services different from that of the Director.

C. DASA will be authorized such personnel, facilities, funds, and other administrative support as the Secretary of Defense deems necessary for the performance of its assigned functions.

D. The military departments will assign military personnel to DASA in accordance with approved authorizations. Procedures for such assignments will be as agreed upon between the Director, DASA, and the individual military departments.

E. Programming, budgeting, financing, auditing, accounting and reporting activities of DASA will be in conformance with the policies established by the Assistant Secretary of Defense (Comptroller).

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

APPENDIX A

DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, the Director, DASA, or, in the absence of the Director, the person acting for him is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of DASA to:

1. Exercise the powers vested in the Secretary of Defense by section 204 of the National Security Act of 1947, as amended (10 U.S.C. 1580), and section 12 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 22a) pertaining to the employment, direction and general administration of DASA civilian personnel.

2. Fix rates of pay for wage board employees exempted from the Classification Act by section 202(7) of that Act on the basis of prevailing rates for comparable jobs in the locality where each installation is located. DASA, in fixing such rates, shall follow the wage schedule established by the Army-Air Force Wage Board.

3. Establish such advisory committees and employ such part-time advisors as approved by the Secretary of Defense for the performance of DASA functions pursuant to the provisions of 10 U.S.C. 173, 5 U.S.C. 55a, and the Agreement between the DoD and the Civil Service Commission on employment of experts and consultants, dated July 22, 1959.

4. Administer oaths of office incident to entrance into the Executive Branch of the Federal Government of any other oath required by law in connection with employment therein, in accordance with the provisions of the Act of June 26, 1943 (5 U.S.C. 16a) and designate in writing, as may be necessary, officers and employees of DASA to perform this function.

5. Establish a DASA Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishment, or other personal efforts, including special acts or services, benefit or affect DASA or its subordinate activities in accordance with the provisions of the Act of September 1954 (5 U.S.C. 2123) and Civil Service Regulations.

6. In accordance with the provisions of the Act of August 26, 1950, as amended (5 U.S.C. 22-1); Executive Order 10450, dated April 27, 1953, as amended; and DoD Directive 5210.7 (32 CFR Part 156).

a. Designate any position in DASA as a "sensitive" position;

b. Authorize, in case of an emergency, the appointment of a person to a sensitive position in the Agency for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Security Check, has not been completed; and

c. Authorize the suspension, but not to terminate the services of an employee in the interest of national security in positions within DASA.

7. Clear DASA personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of DoD Directive 5210.8[1] dated February 15, 1962 (as revised), "Policy on Investigation and Clearance of Department of Defense Personnel for Access to Classified Defense Information" and of Executive Order 10501, dated November 5, 1953, as amended (32 CFR Part 161).

8. Act as agent for the collection and payment of employment taxes imposed by Chapter 21 of the Internal Revenue Code of 1954, and, as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954 and section 205(p) (1) and (2) of the Social Security Act, as amended (42 U.S.C. 405(p) (1) and (2) with respect to DASA employees.

9. Authorize and approve overtime work for DASA civilian officers and employees in accordance with the provisions of § 550.111 of the Civil Service Regulations.

10. Authorize and approve:

a. Travel for DASA civilian officers and employees in accordance with the Standardized Government Travel Regulations, as amended (BoB Circular A-7, Revised);

b. Temporary duty travel only for military personnel assigned or detailed to DASA in accordance with Joint Travel Regulations for the Uniformed Services, dated April 1, 1951, as amended.

c. Invitational travel to persons serving without compensation whose consultative, advisory, or highly specialized technical services are required in a capacity that is directly related to or in connection with DASA activities, pursuant to the provisions of section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2).

11. Approve the expenditure of funds available for travel by military personnel assigned or detailed to DASA for expenses incident to attendance at meetings of technical, scientific, professional, or other similar organizations in such instances where the approval of the Secretary of Defense or his designee is required by law (5 U.S.C. 174a). This authority cannot be redelegated.

12. Develop, establish, and maintain an active and continuing Records Management Program, pursuant to the provisions of section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 396(b)).

13. Enter into and administer contracts, directly or through a military department or other Government department or agency, as appropriate, for supplies, equipment and services required to accomplish the mission of the DASA. To the extent that any law or executive order specifically limits the exercise of such authority to persons at the Secretarial level of a military department, such authority will be exercised by the Assistant Secretary of Defense (Installations and Logistics).

14. Establish and use Imprest Funds for making small purchases of material and services other than personal for DASA when it is determined more advantageous and consistent with the best interests of the Government, in accordance with the provisions of DoD Instruction 7280.1,[1] dated January 5, 1962, and the Joint Regulation of the General Services Administration—Treasury Department—General Accounting Office, entitled "For Small Purchases Utilizing Imprest Funds."

15. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of DASA (44 U.S.C. 324).

16. a. Establish and maintain appropriate Property Accounts for DASA.

b. Appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for DASA property contained in the authorized Property Accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulation.

17. Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Director, DASA, pursuant to subsections III.A. and V.B. of DoD Directive 5200.8,[1] dated August 20, 1954 (19 F.R. 5446).

18. Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD Directive 5025.1,[1] dated March 7, 1961.

19. Enter into support and service agreements with the military departments, other DoD agencies, or other Government agencies as required for the effective performance of responsibilities and functions assigned to DASA.

20. Exercise the authority delegated to the Secretary of Defense by the Administrator of the General Services Administration with respect to the disposal of surplus personal property.

The Director, DASA, may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

[F.R. Doc. 69-8448; Filed, July 17, 1969; 8:45 a.m.]

[1] Filed as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FOOD AND NUTRITION SERVICE

Notice of Proposed Transfer of Assignments of Functions and Delegations of Authority

In accordance with Reorganization Plan No. 2 of 1953, and in order to afford interested persons and groups an opportunity to place before the Department their views with respect to the proposed action, the Department is giving advance public notice of a proposed transfer of assigned functions and delegations of authority and the establishment of a new agency.

1. *Purpose.* That hunger and malnutrition should persist in a land such as ours is embarrassing and intolerable. We are proposing the most comprehensive attack on the problem ever undertaken in this country. Our goal is to put an end to hunger in America for all time—to help make it possible for all citizens to become full contributors in our society.

2. *Functions shifted.* In order to give increased emphasis to this vital mission, we are proposing the establishment of a new Agency. This Agency will be the Food and Nutrition Service. The Food and Nutrition Service will direct its attack on malnutrition and undernutrition through our food stamp and direct distribution programs, school lunch and school breakfast programs, special food service programs for children, and other child nutrition and special feeding programs. This Agency, under the direction of an Administrator, will report to the Secretary, through the Assistant Secretary for Marketing and Consumer Services.

The Department proposes to transfer to the new Food and Nutrition Service the following functions and delegations of authority:

From the Consumer and Marketing Service—all of the functions administered by the Office of the Deputy Administrator for Consumer Food Programs, Commodity Distribution Division, Food Stamp Division, School Lunch Division, Consumer Food Programs Services Staff, and the Consumer Food Programs District Offices (except Food Trades Staff functions).

3. *Management support activities.* All accounting, budget, personnel, and other management support functions presently performed by the Consumer and Marketing Service in the administration of the functions identified in section 2 above will be transferred to the Food and Nutrition Service.

In order to be considered, views and comments of interested persons and groups must be received by the Secretary by July 31, 1969.

Done at Washington, D.C. this 15th day of July 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-8479; Filed, July 17, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20826]

ALASKA SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on August 5, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Associate Chief Examiner Ralph L. Wiser.

Evidence and information requests, proposed stipulations, statements of position, statements of proposed issues, proposed procedural dates, and any motions shall be filed on or before July 28, 1969, with the Examiner, Bureau of Operating Rights, and the persons made parties to the investigation by Order 69-3-68.

Dated at Washington, D.C., July 15, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-8489; Filed, July 17, 1969; 8:48 a.m.]

[Dockets Nos. 18078, 16349; Order 69-7-67]

SERVICE MAIL RATES

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of July 1969.

Service mail rates for transatlantic and transpacific priority mail, Docket 18078; service mail rates for military ordinary mail, Docket 18078; and domestic service mail rate investigation, Docket 16349.

By Order 69-4-90, dated April 15, 1969, the Flying Tiger Line Inc. (FTL), was awarded a certificate of public convenience and necessity authorizing it to engage in overseas and foreign air transportation with respect to property and mail over a transpacific route (Route 163). By petition filed June 18, 1969, FTL has requested that the service mail rates in effect for U.S. transpacific air carriers be made applicable to its newly authorized transpacific operations.

For transpacific priority mail and military ordinary mail, FTL requests that the outstanding service mail rate orders for transpacific priority mail (Order 68-9-9) and military ordinary mail (Order 68-9-8) be amended to make the rates established therein applicable to the overseas and foreign operations of FTL, pending the final decision in the show-cause proceedings initiated by the Board in Order 69-4-124, dated April 28, 1969, in Dockets 18078, 15381, and 20415, and subject to retroactive adjustment if appropriate. FTL also requests that the Board make a technical amendment to the Domestic Service Mail Rate Order E-25610 by removing FTL from the list of carriers appearing on page 1 thereof and adding FTL to the list of carriers appearing on page 2 thereof.

On June 27, 1969, the Postmaster General filed a reply supporting FTL's petition and stating that appropriate pleadings would be filed subsequently to amend the transpacific mail rate order to establish standard mileages applicable to FTL's operations in the Pacific.

FTL is currently operating under a system mail rate for priority mail pursuant to Order E-25610, dated August 28, 1967, as amended; and that rate would be applicable to its newly authorized services in the absence of a further Board order establishing separate rates for the domestic service and the new services in overseas and foreign air transportation. FTL's petition opens its current priority mail rate and in effect requests the reestablishment of the domestic rate for its domestic services and the establishment of new rates for its new transpacific services at the same levels as those previously established for other carriers performing such services, subject to the establishment of standard mileages for FTL's transpacific services.

By Order 69-7-11, dated July 2, 1969, the Board among other things established standard mileages applicable to the transpacific services of Pan American World Airways, Inc., and Northwest Airlines, Inc., pursuant to Order to Show Cause 69-4-124. The Board's order noted that standard mileages for other carriers' routes not covered by that order would be established in later proceedings upon application of the affected carrier or the Postmaster General.

Since it is appropriate that FTL's service mail rates be the same as those applicable to other carriers providing competitive services, the Board proposes to issue an order including the following findings and conclusions:

(1) On and after June 18, 1969, the fair and reasonable final service mail rate to be paid the Flying Tiger Line Inc., for the transportation of priority mail by aircraft over its domestic routes, the facilities used and useful therefor, and the services connected therewith, is the final service mail rate established by Order E-25610, as amended.

(2) On and after June 18, 1969, the fair and reasonable final service mail rate to be paid the Flying Tiger Line Inc., for the transportation of priority mail by aircraft over its transpacific routes, the facilities used and useful therefor, and the services connected therewith, is the current final service mail rate established for transpacific services by Order 68-9-9, as amended, as it shall be further amended to establish standard mileages applicable to the services of the Flying Tiger Line Inc.

(3) On and after June 18, 1969, the fair and reasonable final service mail rate to be paid the Flying Tiger Line Inc., for the transportation of military ordinary mail by aircraft in transpacific service, the facilities used and useful therefor, and the services connected therewith, is the current final mail rate established for military ordinary mail by Order 68-9-8, as amended.

(4) The foregoing findings and conclusions shall be implemented by the following amendments to Board orders:

(a) Order E-25610, dated August 28, 1967, as amended, shall be further amended by deleting "The Flying Tiger Line Inc." from the list of carriers appearing on the bottom of page 1 thereof and adding "The Flying Tiger Line Inc." to the list of carriers appearing at the top of page 2 thereof.

(b) Order 68-9-9, dated September 4, 1968, as amended, shall be further

amended by inserting the following sentence before the last sentence of paragraph 1.c on page 2 thereof: "On and after June 18, 1969, the transpacific services of The Flying Tiger Line Inc., shall be compensated at the rate of 28.8 cents per ton-mile."

(c) Order 68-9-8, dated September 4, 1968, as amended, shall be further amended by inserting the following sentence at the end of the paragraph on page 2 thereof: "On and after June 18, 1969, the rate of compensation for the transpacific services of The Flying Tiger Line Inc., for this class of mail shall be 21.84 cents per ton-mile."

(5) The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons and particularly the Flying Tiger Line Inc., and the Postmaster General are directed to show cause why the Board should not publish the final rates specified above as the fair and reasonable rates of compensation to be paid to the Flying Tiger Line Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing the issues involved in determining the fair and reasonable rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

This order shall be served upon the Flying Tiger Line, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8490; Filed, July 17, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MERCK & CO., INC.

Notice of Withdrawal of Petitions for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065, has withdrawn its petitions (35-020V and 35-021V), notice of which was published in the FEDERAL REGISTER of November 9, 1968 (33 F.R. 16478), proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of a combination of amprolium (0.0125 percent) and ethopabate (0.004 percent), plus 3-nitro-4-hydroxyphenylarsonic acid (0.005 percent) or arsanilic acid (0.01 percent) in chicken feed. The proposed indications for use of each of the combinations were to aid in the prevention of outbreaks of coccidiosis, in stimulating growth, improving feed efficiency, and improving pigmentation in chickens.

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8459; Filed, July 17, 1969; 8:46 a.m.]

SYNTEX LABORATORIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (11-427V) has been filed by Syntex Laboratories, Inc., Stanford Industrial Park, Palo Alto, Calif. 94304, proposing amendments to the food additive regulations (21 CFR Part 121) to provide for the safe use for growth promotion and feed efficiency in beef heifers of a subcutaneous ear implant containing testosterone propionate (200 milligrams per dose) and estradiol benzoate (20 milligrams per dose) that may be administered when animals are being given diethylstilbestrol at 10 milligrams per head per day in the feed.

Dated: July 9, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8460; Filed, July 17, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

CHIEF COUNSEL, COAST GUARD

Delegation of Certain Military Justice Authority

(a) Pursuant to the Uniform Code of Military Justice, Chapter 47 of title 10, United States Code, the Chief Counsel of the U.S. Coast Guard is authorized to exercise the powers and perform the duties, with respect to the Coast Guard, under the following sections of the Uniform Code:

(1) The authority to recommend assignment for duty of law specialists under Article 6(a), section 806(a) of title 10, United States Code.

(2) The authority to make field inspections in connection with the administration of military justice under Article 6(a), section 806(a) of title 10, United States Code.

(3) The authority to designate military judges; to make assignments of, and exercise direct responsibility for, military judges; and to assign, or approve the performance of, other duties of a judicial or nonjudicial nature by military judges under Article 26(c), section 826(c) of title 10, United States Code.

(4) The authority to forward to a Court of Military Review records that must be referred to a Court of Military Review under Article 66(b), section 866(b) of title 10, United States Code.

(5) The authority to instruct the convening authority to take action in accordance with the decision of the Court of Military Review and authority to dismiss the charges under Article 66(e), section 866(e) of title 10, United States Code.

(6) The authority to modify or vacate findings and sentences in cases not reviewed by a Court of Military Review under Article 69, section 869 of title 10, United States Code.

(b) The authority delegated by subparagraph (3) of paragraph (a) may be redelegated only to the Deputy Chief Counsel.

(c) The Chief Counsel shall make an annual summary report of his actions taken under subparagraph (6) of paragraph (a) of this delegation to the General Counsel of the Department of Transportation (including the number of cases subject to that authority, the number of applications for review filed, and the disposition thereof) for inclusion, as appropriate, in the Judge Advocates General and Court of Military Appeals report to Congress required by Article 67(g), section 867(g) of title 10, United States Code.

Issued in Washington, D.C., on July 14, 1969.

JAMES A. WASHINGTON, JR.,
General Counsel.

[F.R. Doc. 69-8488; Filed, July 17, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1230]

EVERETT W. FLEISIG CO.

Order of Revocation

On April 28, 1969, Everett W. Fleisig doing business as Everett W. Fleisig Co., 24 Stone Street, New York, N.Y. 10004 (FMC No. 1230), entered into an agreement with Bernard Robbins acting for Leo G. Robbins doing business as Robbins Forwarding Co. (FMC No. 880). The agreement provides for the merger of the two companies for the purpose of forming a new corporation, Robbins Fleisig Forwarding, Inc., which will operate under the existing license number of the Robbins Forwarding Co.

The agreement was filed with the Commission for approval pursuant to the requirements of section 15, Shipping Act, 1916, and § 510.26 of General Order 4. Subsequently, on June 26, 1969, the Commission approved the agreement.

In accordance with the provisions contained in the agreement, Everett W. Fleisig has voluntarily submitted Independent Ocean Freight Forwarder License No. 1230 to the Commission for cancellation.

Pursuant to the authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 1230 of Everett W. Fleisig doing business as Everett W. Fleisig Co. be and is hereby revoked effective June 30, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the licensee.

LEROY F. FULLER,
Director, Bureau of Domestic Regulations.

[F.R. Doc. 69-8493; Filed, July 17, 1969; 8:48 a.m.]

PORT OF SEATTLE AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. T. P. McCutchan, Manager, Property Management Department, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T-2320 between the Port of Seattle and Sea-Land Service, Inc., is an interim agreement providing for the lease of an area to be used for the storage of containers and vans at a fixed monthly rental. The area covered by the lease will eventually be covered by an amendment to Agreement No. T-2005 between the parties, which provides for the lease of property and improvements on portions of Terminal 5, West Waterway, Seattle.

Dated: July 15, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8494; Filed, July 17, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. R-360]

RIGHTS-OF-WAY ROUTES AND ABOVEGROUND FACILITIES OF NATURAL GAS COMPANIES

Selection, Clearing, Construction, and Maintenance; Extension of Time

JULY 10, 1969.

Upon consideration of the requests filed by the Independent Natural Gas Association of America and Tennessee Gas Pipeline Co., A Division of Tenneco Inc., on June 27, 1969, and July 3, 1969, respectively, in the above-designated proceeding;

Notice is hereby given that the time is extended to and including August 20, 1969, within which any interested person may submit data, views, and comments in writing in the above-designated matter.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8462; Filed, July 17, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-355]

ARKANSAS OKLAHOMA GAS CORP.

Notice of Application

JULY 8, 1969.

Take notice that on June 30, 1969, Arkansas Louisiana Gas Corp. (Applicant), 115 North 12th Street, Fort Smith, Ark. 72901, filed in Docket No. CP69-355 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities required to purchase the production from two gas wells located within approximately 2,135 feet of Applicant's present pipeline system in Le Flore County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 3½-inch O.D. gathering line approximately 2,135 feet in length, together with necessary valves, fittings, and metering and regulating facilities, running from a gas well owned by Monsanto Co. and located in sec. 1 of T. 9 N. of R. 26 E., Le Flore County, Okla., to a point of connection with Applicant's present facilities in sec. 1 of T. 9 N., R. 26 E., Le Flore County.

Applicant states that the proposed facilities will not result in any increase in the delivery capacity of Applicant's presently authorized pipeline system and no new markets are proposed to be served. Applicant estimates the total cost of the proposed facilities to be $7,470. The cost will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8463; Filed, July 17, 1969; 8:46 a.m.]

[Docket No. CP69-357]

BLUE DOLPHIN PIPE LINE CO.

Notice of Application

JULY 8, 1969.

Take notice that on June 30, 1969, Blue Dolphin Pipe Line Co. (Applicant), 50 West 50th Street, New York, N.Y. 10020, filed in Docket No. CP69-357 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder, for a certificate of public convenience and necessity authorizing miscellaneous rearrangements of Applicant's existing transportation facilities from the offshore Texas area to delivery points at the Dow Chemical Co. plant in Freeport, Tex., and their operation during the 12-month period following July 22, 1969, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant does not have any specific rearrangements to propose, but anticipates that within the 12-month period it may have occasion to make certain minor rearrangements in its existing facilities, the cost of which is not to exceed $10,000, and the additional delivery volume of which would not exceed 100,000 Mcf annually.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8464; Filed, July 17, 1969; 8:46 a.m.]

[Dockets Nos. G-8932, CP69-345]

EL PASO NATURAL GAS CO.

Notice of Application and Petition To Amend; Correction

JULY 7, 1969.

In the notice of application and petition to amend, issued June 30, 1969, and published in the FEDERAL REGISTER July 8, 1969 (34 F.R. 11338), on page 1, paragraph 1: Change "* * * additional 50,000 Mcf per day of natural gas to be imported from Canada * * *" to "* * * additional 150,000 Mcf per day of natural gas to be imported from Canada * * *".

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8465; Filed, July 17, 1969; 8:46 a.m.]

[Docket No. RP69-35]

PANHANDLE EASTERN PIPE LINE CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets; Correction

JULY 2, 1969.

In the order providing for hearing and suspending proposed revised tariff sheets, issued June 12, 1969, and published in the FEDERAL REGISTER June 21, 1969 (34 F.R. 9728), on page 1, footnote 1, last line: change "No. 30" to "No. 25." On page 2, 3d paragraph 1st line: change "incicated" to "indicated" and "issued to "issues."

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8466; Filed, July 17, 1969; 8:46 a.m.]

[Docket No. CP70-2]

VALLEY GAS TRANSMISSION, INC.

Notice of Application

JULY 11, 1969.

Take notice that on July 8, 1969, Valley Gas Transmission, Inc. (Applicant), Post Office Box 1188, Houston, Tex. 77001, filed in Docket No. CP70-2 an abbreviated application, pursuant to section 7(c) of the Natural Gas Act and Part 157 of the regulations under the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of a 750 horsepower compressor station and related facilities in Goliad County, Tex., and to connect the proposed facilities with Trunkline Gas Co.'s 6-inch Maetze Field lateral, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states such facilities will enable Applicant to avoid the loss of presently connected reserves from reservoirs where pressures have declined and will reduce line pressures thereby placing Applicant and Trunkline Gas Co. in a more favorable position to acquire any new gas supplies developed in that area.

Estimated cost of the proposed facilities is $103,000, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 11, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8449; Filed, July 17, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2511]

HORACE MANN LIFE INSURANCE CO. SEPARATE ACCOUNT B

Notice of Application for Exemption

JULY 14, 1969.

Notice is hereby given that Horace Mann Life Insurance Co. Separate Account B ("Applicant"), 216 East Monroe Street, Springfield, Ill., a unit investment trust registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq. ("Act"), has filed an application pursuant to section 6(c) of the Act for an order exempting Applicant from the provisions of section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Horace Mann Life Insurance Co. ("Insurance Company") established Applicant principally to offer contracts which qualify as tax deferred annuities under 403(b) of the Internal Revenue Code. The purchaser makes a series of payments under the contract which are invested (net of deductions for insurance [certain death benefit and mortality guarantees] sales, administrative and other expenses) through Applicant in the shares of NEA Mutual Fund, Inc. ("Fund"), a diversified, open-end, management investment company.

Insurance Company is a stock life insurance company organized under the laws of the State of Illinois. Applicant is administered and accounted for as a part of the business of Insurance Company, but under the Illinois Insurance Code the income, gains, or losses of Applicant are credited to or charged against the amounts allocated to Applicant in accordance with the terms of the contracts without regard to the other income, gains, or losses of Insurance Company.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in sales load except on a uniform basis.

Applicant requests exemption from the provisions of section 22(d) of the Act to the extent stated below:

Applicant states that effective as of August 15, 1968, the National Education Association of the United States ("NEA") entered into a master contract with Insurance Company under which fixed and variable annuity benefits are made available to NEA members desiring to participate in such NEA-sponsored program. Such members may elect to allocate their contributions paid to Insurance Company between a fixed accumulation account (providing conventional fixed annuity benefits) and variable annuity contracts offered by Applicant.

Applicant further states that NEA members participating in an earlier NEA-sponsored annuity program with a different insurance carrier, which program provided for fixed annuity benefits only, were afforded the opportunity to transfer their accumulated benefits under such program to the new NEA-sponsored program. Such transferred amounts were allocated only to fixed accumulation accounts of Insurance Company. Of approximately 960 persons enrolled in the earlier program as of January 1, 1969, approximately 435 elected to transfer their accumulated benefits to Insurance Company; the aggregate value of the accumulated funds transferred was approximately $900,000. Applicant further states that a large number of such approximately 435 transferees have now requested that some portion or all of their accumulated funds be allocated to Applicant.

Applicant requests an exemption from the provisions of section 22(d) of the Act to permit it to make such allocations on behalf of such of the approximately 435 persons referred to above as request the same, without the imposition of further charges with respect to such allocated amounts. Applicant states that the number of persons and total amount of dollars involved is relatively small, that the group affected is composed of a single class of persons (previous enrollees in the earlier NEA program who have requested such allocation), and that the transaction would be a nonrecurring one, and that for such reasons no purpose sought to be served by section 22(d) would be violated by granting the requested exemption.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 4, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8486; Filed, July 17, 1969; 8:48 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

JULY 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 15, 1969, through July 24, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8487; Filed, July 17, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 378]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 15, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71328. By order of June 30, 1969, the Motor Carrier Board on reconsideration, approved the transfer to CCC Trucking, Inc., New York, N.Y., of permit No. MC-112748 issued August 22, 1967, to Giant Transport, Inc., Paterson, N.J., authorizing the transportation of cloth piece goods, between Paterson, N.J., and New York, N.Y. James J. Farrell, 206 North Boulevard, Belmar, N.J. 07719, registered practitioner for applicants.

No. MC–FC–71439. By order of June 30, 1969, the Motor Carrier Board approved the transfer to Imperial Tour and Travel, Inc., Portland, Oreg., of the license in No. MC–12368, issued December 6, 1966, to E. Royce and E. M. Dodge, doing business as Imperial Travel Bureau, Portland, Oreg., authorizing services as a broker of passengers between points in the United States, except Hawaii and Alaska. John G. McLaughlin, 624 Pacific Building, Portland, Oreg. 97204, attorney for applicants.

No. MC–FC–71459. By order of July 3, 1969, the Motor Carrier Board approved the transfer to Lambert Transfer Co., Inc., Florence, Ala., of certificate No. MC–62658, issued November 27, 1968, to R. L. Stewart and O. S. Stewart, doing business as Stewart Transfer Co., Florence, Ala., authorizing the transportation of: Household goods, as defined by the Commission, between Florence, Ala., and 25 miles thereof, on the one hand, and, on the other, points in Tennessee and Mississippi. J. A. Keller, 212 South Cedar Street, Florence, Ala. 35630, attorney for applicants.

No. MC–FC–71464. By order of June 30, 1969, the Motor Carrier Board approved the transfer to Merkel Bros., Inc., Ridgewood, N.Y., of certificates Nos. MC–84458 and MC–84458 (Sub-No. 1) issued September 17, 1940, and July 21, 1947, respectively, to George Merkel and John Merkel, a partnership, doing business as George Merkel & Son, Ridgewood, N.Y., authorizing the transportation of household goods, between New York, N.Y., and points in Long Island, N.Y., on the one hand, and, on the other, points in New York, Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, and between New York, N.Y., and points in Long Island, N.Y., on the one hand, and, on the other, points in Maine and Virginia, traversing nine States and the District of Columbia. Morris Honig, 150 Broadway, New York, N.Y. 10038, attorney for applicants.

No. MC–FC–71467. By order of June 30, 1969, the Motor Carrier Board approved the transfer to Hicklin Motor Line, Inc., St. Matthews, S.C., of certificates Nos. MC–18535, MC–18535 (Sub-No. 30), MC–18535 (Sub-No. 31), MC–18535 (Sub-No. 33), MC–18535 (Sub-No. 35), MC–18535 (Sub-No. 36), MC–18535 (Sub-No. 38), MC–18535 (Sub-No. 43), MC–18535 (Sub-No. 45), MC–18535 (Sub-No. 46), and MC–18535 (Sub-No. 48), issued November 18, 1955, May 29, 1957, September 22, 1960, April 4, 1963, July 27, 1964, August 9, 1963, November 18, 1955, May 29, 1957, September 22, 1960, April 4, 1963, July 27, 1964, August 9, 1963, November 29, 1963, December 10, 1964, April 9, 1965, August 4, 1965, and August 6, 1968, respectively, to O. Alex Hicklin, doing business as Hicklin Motor Line, St. Matthews, S.C., authorizing the transportation of: Fish and shellfish, from points in South Carolina, Georgia, and Florida, to points in Georgia, South Carolina, North Carolina, Virginia, Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia. Agricultural commodities, from points in South Carolina, to points in Georgia, South Carolina, North Carolina, Virginia, Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia.

The above-described commodities shall not be transported from points in that part of South Carolina on and east of U.S. Highway 1, to Augusta, Ga., Charlotte, Raleigh, and Asheville, N.C., and Richmond, Va. Hardwood and veneer furniture dimension stock, from Ruffin, S.C., to Bassett and Martinsville, Va. Lumber (except veneer and plywood), from Orangeburg, S.C., to points in North Carolina (except Kings Mountain and Charlotte, N.C., points within 5 miles of Charlotte, those on U.S. Highway 29 between Kings Mountain and Charlotte, N.C., and those on U.S. Highway 21 between Charlotte, N.C., and the North Carolina-South Carolina State line). Lumber, from St. Matthews, S.C., to points in North Carolina, except Asheville, Charlotte, and Raleigh, and those in Virginia, except Richmond, on and south of U.S. Highway 60. Cotton, from St. Matthews, Blackville, Estill, Norway, Orangeburg, and Springfield, S.C., to Lavonia, Ga., and Danville, Va., and from St. Matthews, S.C., to East Point, Ga., and points in North Carolina, except Asheville, Charlotte, and Raleigh. Pedigreed cotton seed, from St. Matthews, S.C., to points in Georgia, except Augusta, Savannah, and Port Wentworth, and those in North Carolina, except Asheville, Charlotte, and Raleigh. Agricultural implements and parts, from Atlanta, Ga., to points in South Carolina. General commodities, with the usual exceptions, between points in that part of South Carolina on and east of U.S. Highway 1, on the one hand, and, on the other, Savannah and Port Wentworth, Ga. Metal and concrete pipe and materials and supplies used in connection with the installation of such pipe, from Columbia, S.C., and points in South Carolina within 10 miles of Columbia, to points in Alabama, Florida, Georgia, North Carolina, Tennessee, and Virginia. Peat humus, from points in Colleton County, S.C., on or south of U.S. Highway 17, to points in Alabama, Florida, Georgia, North Carolina, Tennessee, and Virginia. Bananas, from Tampa, Miami, and Jacksonville, Fla., and Charleston, S.C., to Columbia, S.C., and Raleigh, N.C. Crushed stone and asphalt, in dump trucks, from Martinez, Ga., and points within 5 miles of Martinez, to points in Abbeville, Aiken, Allendale, Barnwell, Beaufort, Edgefield, Hampton, Jasper, McCormick, and Saluda Counties, S.C. Lumber (except veneer), and native wood, rough, dressed, and precut, from points in Orangeburg County, S.C., to points in Georgia (except Savannah and Port Wentworth, Ga.).

Salvaged building materials, from Charlotte, N.C., to points in South Carolina. Aggregates, from Bennettsville, S.C., to points in Florida and Virginia. Aggregates, in dump vehicles from points in Lexington, Marlboro, and Richland Counties, S.C., to points in Robeson County, N.C. Sand, gravel, and stabilizer and aggregates, in bulk and bags, from points in South Carolina, to points in North Carolina, restricted against the transportation of dry sand, ground and pulverized, in bulk, in tank or covered hopper vehicles equipped for unloading by pneumatic loading devices, from the site of the Pennsylvania Glass Sand Corp. plant, at Edmund, S.C., about 10 miles south of Columbia, S.C., to points in North Carolina; and from Lilesville, N.C., to points in South Carolina. Sand, gravel, crushed stone, stabilizer, and aggregates, from points in South Carolina, to points in Georgia (except crushed stone, in bags, from Kershaw County, S.C., to points in Georgia). Aggregates, crushed stone, and gravel, in bulk, from Ruby, Ga., to points in South Carolina. Aggregates, crushed stone, gravel, and sand, from Marlboro, S.C., Eldorado, N.C., and Lowry, Va., to points in Alabama, Florida, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Ohio, Tennessee, and West Virginia, and from Lowry, Va., to points in South Carolina, North Carolina, and Georgia. Sand, from points in Kershaw and Lexington Counties, S.C., to points in Alabama, Florida, Kentucky, Mississippi, Tennessee, West Virginia, and Virginia. Lawrence M. Gressette, Jr., Post Office Box 346, St. Matthews, S.C. 29135, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69–8483; Filed, July 17, 1969; 8:48 a.m.]

[Notice 378A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 15, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70968. By order of Division 3, acting as an Appellate Division, approved the transfer to Denver-Midwest Motor Freight, Inc., a Colorado corporation, Denver, Colo., of certificates Nos. MC–41792, MC–41792 (Sub-No. 12) and MC–41792 (Sub-No. 13) issued April 1, 1966, February 8, 1968, and June 17, 1968, respectively, to Holdcroft Transportation Co., Sioux City, Iowa, collectively authorizing the transportation of general commodities and various specified commodities from, to, or between specified points in Minnesota, South Dakota, Iowa, Nebraska, Missouri, Kansas, and Colorado. Donald E. Leonard, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69–8484; Filed, July 17, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 15, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41691—*Lumber from points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B–62), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, from points in southwestern territory, to points on the AH&W, C&NW, GB&W, and Soo Line Railroad Co. in the States of Illinois, Iowa, Michigan, Minnesota, and Wisconsin.

Grounds for relief—Carrier competition.

Tariff—Supplement 133 to Southwestern Freight Bureau, agent, tariff I.C.C. 4690.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69–8485; Filed, July 17, 1969; 8:48 a.m.]

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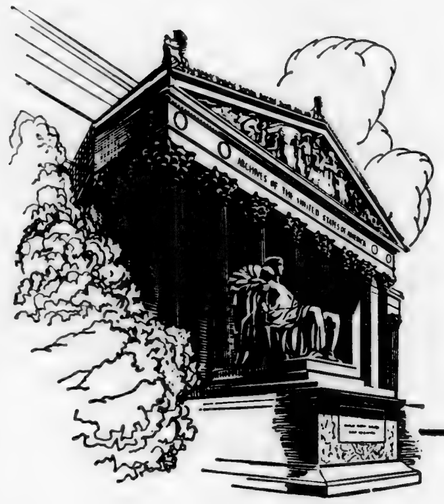
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Saturday, July 19, 1969 • Washington, D.C.
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Department of Transportation

Section 213.3394 is amended to show that a second position of Special Assistant to the Under Secretary of Transportation and the position of Special Assistant to the Deputy Under Secretary of Transportation and one position of State Liaison Officer in the Office of the Assistant Secretary for Public Affairs are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (13) of paragraph (a) is amended and subparagraphs (17) and (18) are added to paragraph (a) as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(13) Two Special Assistants to the Under Secretary of Transportation.

• • • • • •

(17) One Special Assistant to the Deputy Under Secretary of Transportation.

(18) One State Liaison Officer, Office of the Assistant Secretary for Public Affairs.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–8533; Filed, July 18, 1969; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER A—POLICY, PRACTICE AND PROCEDURE

CHARGES

[General Order 85, Amdt. 1]

PART 206—MISCELLANEOUS FEES

Subpart A—Charges for Statistical or Economic Data

Effective upon publication in the FEDERAL REGISTER, § 206.4 of Subpart A of this part is hereby revised to read as follows:

§ 206.4 Charges.

To recover the cost to the Federal Government of statistical or economic data furnished within the purview of § 206.3, including the direct and indirect costs thereof, the Maritime Administration will make a charge of: $8.60 per hour for regular time, and $12.90 per hour for overtime, for each employee's time required to produce the information.

Dated: July 14, 1969.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69–8514; Filed, July 18, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1968–69 and Subsequent Marketing Years

NATURAL DISASTER TRANSFERS OF ALLOTMENTS

Basis and purpose. (a) This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). The purpose of the amendment is to grant relief to the owners and operators of farms having tobacco acreage allotments whose land is determined to be unsuitable for the production of tobacco during:

(1) The 1969 crop year because of excessive rain or flash floods, and

(2) Any subsequent year because of any natural disaster.

(b) Since with respect to the 1969 crop, tobacco farmers are now finishing transplanting tobacco in the fields and since the time in which such transplanting can be completed is early July, it is essential that the amendment be made effective at the earliest possible date. Accordingly, it is found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and the amendment contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

The regulations in the above-designated subpart (33 F.R. 15521, 34 F.R. 1225) are amended by adding a new section after § 724.70 to read as follows:

§ 724.71 Transfer of tobacco farm acreage allotment for farms affected by a natural disaster.

(a) *Transfers for 1969 crop.* The county committee may, upon written application of the farm operator and with the concurrence of the State committee, approve the transfer to another farm or farms in the same or adjoining counties within the State, of any or all of the tobacco acreage allotment of the 1969 crop for any farm which the county committee determines cannot be planted to such crop on such farm because excessive rain or flash floods prevented the timely planting or replanting of tobacco.

(b) *Transfers for 1970 and subsequent crops*—(1) *Designation of counties affected by a natural disaster.* The Deputy Administrator shall determine for any year beginning with the 1970 crop, those counties affected by a natural disaster (including but not limited to hurricane, rain, flash flood, hail, drought, and any other severe weather) which prevents the timely planting or replanting of any or all of the tobacco acreage allotments for any farm in the county. The county committee shall post in the county office a notice of any such determination affecting the county and, to the extent practicable, shall give general publicity in the county to such determination.

(2) *Application for transfer.* The owner or operator of a farm in a county designated for any year under subparagraph (1) of this paragraph may file a written application for transfer of tobacco acreage within the farm tobacco allotment for such year to another farm or farms in the same county or in an adjoining county in the same or another State if such acreage cannot be timely planted or replanted because of the natural disaster determined for such year. The application shall be filed with the county committee for the county in which the farm affected by such disaster is located. If the application involves a transfer to an adjoining county, the county committee for the adjoining county shall be consulted before action is taken by the county committee receiving the application.

(3) *Amount of transfer.* The acreage to be transferred shall not exceed the smaller of (i) the farm allotment established under this part less such acreage planted to tobacco and not destroyed by the natural disaster, or (ii) the acreage requested to be transferred.

(4) *County committee approval.* The county committee shall approve the transfer if it finds that the following conditions have been met:

(i) All or part of the farm allotment for the farm from which the acreage is to be transferred could not be timely planted or replanted because of the natural disaster and planting was not prohibited by the lease in the case of lands owned by the Federal Government.

(ii) One or more of producers of tobacco on the farm from which the acreage is to be transferred will be a bona fide producer engaged in the production of tobacco on the farm to which the acreage is to be transferred and will share in the crop or in the proceeds of the tobacco.

(5) *Cancellation of transfers.* If a transfer is approved under this section and it is later determined that the conditions in subparagraph (4) of this paragraph have not been met, the county committee, State committee, or the Deputy Administrator may cancel such transfer. Action by the county committee to cancel a transfer shall be subject to the approval of the State committee or its representative.

(6) *Acreage history credits and eligibility as an old tobacco farm.* Any acreage transferred under this paragraph shall be considered for the purpose of determining future allotments to have been planted to tobacco on the farm from which such allotment is transferred.

(7) *Closing dates.* The closing date for filing applications for transfers with the county committee shall be July 15 of the current year. Notwithstanding such closing date requirement, the county committee may accept applications filed after the closing date upon a determination by the county committee that the failure to timely file an application was the result of conditions beyond the control of the applicant and a representative of the State committee approves such determination.

(Secs. 313, 375, 52 Stat. 47, as amended, 66, as amended; 7 U.S.C. 1313, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 14, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-8553; Filed, July 18, 1969; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 383]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.683 Lemon Regulation 383.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 15, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 20, 1969, through July 26, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 311,550 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 17, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8608; Filed, July 18, 1969; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Peanut Farm-Stored Loan and Purchase Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Farm-Stored Peanut Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops of Grain and Similarly Handled Commodities (Revision 1) (31 F.R. 5941) and any amendments thereto (hereinafter referred to as "the general regulations") and the 1967 and Subsequent Crops Peanut Farm-Stored Loan and Purchase Supplement (32 F.R. 12744) and any amendments thereto (hereinafter referred to as "the continuing supplement"), which contain regulations of a general nature with respect to price support operations, are further supplemented by revising §§ 1421.3626-1421.3629 to read as follows, effective as to the 1969 crop of peanuts. The material previously appearing in these sections remains in full force and effect as to the crops to which it was applicable.

Sec.
1421.3626 Purpose.
1421.3627 Availability.
1421.3628 Maturity of loans.
1421.3629 Price support rates.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 401, 403, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1421, 1423, 1425.

§ 1421.3626 Purpose.

This supplement, together with the applicable provisions of the general regulations and the provisions of the continuing supplement, apply to farm-stored loans and purchases for the 1969 crop of peanuts.

§ 1421.3627 Availability.

(a) *Farm-stored loans.* Producers must request a loan on 1969 crop eligible peanuts on or before April 30, 1970.

(b) *Purchases.* Producers desiring to offer eligible peanuts not under loan for purchase must notify the ASCS county office on or before May 31, 1970, of their intent to sell.

§ 1421.3628 Maturity of loans.

Unless demand is made earlier, farm-stored loans on farmers' stock peanuts will mature on May 31, 1970.

§ 1421.3629 Price support rates.

(a) *Loan rate.* Subject to the discounts specified in paragraph (b) of this section, the loan rates for farmers' stock peanuts placed under farm-stored loan shall be the following rates by types per ton:

Type	Dollars per ton
Virginia [1]	$257
Runner	238
Southeast Spanish	249
Southwest Spanish	245
Valencia (suitable for cleaning and roasting)	257

[1] Bradford Big Boy (50 percent of price for Virginia Type, $128).

(b) *Location adjustments to support prices.* The loan rates specified in paragraph (a) of this section shall be subject to the following discounts for farmers' stock peanuts placed under a farm-stored loan in the States specified where peanuts are not customarily shelled or crushed:

State	Dollars per ton
Arizona	$25
Arkansas	10
California	33
Louisiana	7
Mississippi	20
Missouri	10
Tennessee	25

(c) *Settlement values.* The support prices, premiums, and discounts for use in computing the settlement value, under § 1421.3622(b) of the continuing supplement, of peanuts acquired by CCC under loan or purchase shall be those specified in § 1446.44 the 1969 crop peanut warehouse storage loan and sheller purchase supplement, 34 F.R. ------, including the location adjustments specified therein for peanuts delivered to CCC in States where peanuts are not customarily shelled or crushed.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 15, 1969.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-8517; Filed, July 18, 1969; 8:45 a.m.]

PART 1464—TOBACCO

Statement with respect to the tobacco price support loan program formulated by Commodity Credit Corporation and Agricultural Stabilization and Conservation Service (hereinafter referred to respectively as "CCC" and "ASCS"). Due to certain operational changes in the tobacco loan program, and the renumbering of the sections of the Puerto Rican Tobacco Purchase Program, this part is hereby revised and reissued.

Subpart A—Tobacco Loan Program

Sec.
1464.1 Administration.
1464.2 Availability of price support.
1464.3 Level of price support.
1464.4 Deductions from advances.
1464.5 Interest rate and general provisions.
1464.6 Maturity date.
1464.7 Eligible producer.
1464.8 Eligible tobacco.
1464.9 Auction warehouse certification of Flue-cured tobacco.

Subpart B—Puerto Rican Tobacco Purchase Program

1464.51 General statement.
1464.52 Administration.
1464.53 Definitions.
1464.54 Offer to sell tobacco to Commodity Credit Corporation.
1464.55 Acceptance of offer—title and risk of loss.
1464.56 Delivery and temporary storage.
1464.57 Purchase price for tobacco.
1464.58 Payment for tobacco.
1464.59 Dealer settlement with producers.
1464.60 Records and books.

AUTHORITY: The provisions of this Part 1464 issued under sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051 as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c.

Subpart A—Tobacco Loan Program

§ 1464.1 Administration.

(a) This program will be administered by the Tobacco Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC. The program will be carried out in the field by producer associations (hereinafter referred to as "associations") acting for groups of producers. To obtain a loan, an association must enter into a loan agreement with CCC, which agreement will set forth terms and conditions prescribed by CCC. To the extent provided in the loan agreement, an association shall meet the eligibility requirements for price support prescribed in Cooperative Marketing Associations Eligibility Requirements for Price Support (7 CFR Part 1425), as amended. CCC reserves the right to restrict the number of associations with which it will contract, and in so doing will select such associations as it deems necessary or desirable to effectuate the purposes of this program with a maximum of efficiency and economy of operation. The names of such associations may be obtained from the Tobacco Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Each year CCC will make loans to associations upon the security of eligible tobacco, and the associations in turn will make price support advances to eligible producers either directly or through auction warehouses. Loans made to associations will include not only the initial loan value of the tobacco, but also amounts to cover costs of receiving, processing, storing, and selling tobacco pledged as security for the loan, including that part of overhead costs not borne by the association pursuant to § 1464.4. Associations will be authorized to enter into contracts for these services through the usual trade channels.

§ 1464.2 Availability of price support.

(a) Subject to the provisions of paragraph (c) of this section, price support will be available for any crop of each of the following kinds of tobacco, if producers have not disapproved marketing quotas for such crop:

Flue-cured tobacco, types 11, 12, 13, and 14.
Kentucky-Tennessee Fire-cured tobacco, types 22 and 23.
Virginia Fire-cured tobacco, type 21.
Virginia Sun-cured tobacco, type 37.
Dark Air-cured tobacco, types 35 and 36.
Burley tobacco, type 31.
Maryland tobacco, type 32.
Cigar filler tobacco, type 41.
Cigar filler and binder tobacco, types 42, 43, 44, 53, 54, and 55.
Puerto Rican tobacco, type 46.
Cigar binder tobacco, types 51 and 52.

(b) No price support will be available with respect to any kind of tobacco for any year for which marketing quotas have been disapproved by growers.

(c) No price support will be available on Flue-cured tobacco which exceeds 110 percent of the farm marketing quota for the year in which marketed.

(d) Price support to eligible producers will be made available on eligible tobacco in the following manner:

(1) *Through auction warehouses.* (i) Price support will be available for tobacco offered for auction sale at auction warehouses which have contracted with an association, on a form of agreement approved by CCC, to make price support advances to producers on behalf of the association. Producers will deliver their tobacco to auction warehouses to be displayed and offered for sale at auction. The association's contracts with auction warehouses will require the auction warehouses to see that producers are informed that price support advances are available on each basket of tobacco in the auction when the final bid is less than one bid above the advance rate, and to make price support advances available to eligible producers on eligible tobacco. For Flue-cured tobacco the association's contracts with auction warehouses will also require the auction warehouse to mark any tobacco sale bill "No Price Support" if the marketing of the pounds of tobacco covered by that bill will result in the producer marketing in excess of 110 percent of his farm marketing quota. Producers will generally receive the price support advances from the warehouseman for any tobacco to be consigned to the association at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any one day's auction market. The warehouseman will, in turn, be reimbursed by the association with funds borrowed from CCC.

(ii) Price support will be available only at warehouses where tobacco inspection service is provided by the Consumer and Marketing Service, USDA. Inspection and price support services may be extended to new markets or to additional

sales on established markets in accordance with this part and subpart A of 7 CFR Part 29. Those regulations provide that such additional services may be extended only after a formal public hearing establishes the need for the services and the adequacy of the buying power that will participate.

(iii) CCC reserves the right to direct the association to withhold a contract under the price support program from any auction warehouse for 1 or more years if, based on previous performance of similar contracts, or other evidence, there is substantial reason to expect that such warehouse will not fulfill the contract obligations.

(2) *Upon direct delivery to the Association.* Eligible producers in nonauction market areas may deliver eligible tobacco to central receiving points designated by the appropriate association. Flue-cured producers who, after the close of all Flue-cured auction markets, including cleanup sales, have Flue-cured tobacco which is security for a farm storage loan obtained pursuant to Part 1421 of this chapter, may deliver such tobacco to the central receiving points designation by the appropriate association. After the tobacco has been graded by USDA inspectors, the producer will receive the price support advance directly from the association for any tobacco to be pledged as security for loans.

(3) *Period of price support.* Price support will be available to eligible producers on eligible tobacco only during each year's normal marketing season for each kind of tobacco for which support is provided. For the purpose of this subpart, the normal marketing season for Flue-cured tobacco delivered directly to the association will include the date on which the producer is directed, pursuant to Part 1421 of this chapter, to so deliver the tobacco. Such date will be soon after the close of all Flue-cured markets, including cleanup sales.

§ 1464.3 Level of price support.

The level of price support to eligible producers shall be as required by statute. For each crop of any kind of tobacco the level of price support shall be determined by multiplying the support level of the 1959 crop or, if marketing quotas were disapproved for the 1959 crop, the level at which the 1959 crop would have been supported if marketing quotas had been in effect, by the ratio of (a) the average index of prices paid by farmers, as defined in section 301(a)(1)(C) of the Agricultural Adjustment Act of 1938, for the 3 calendar years immediately preceding the calendar year in which the marketing year begins for the crop for which the support level is being determined to (b) the average index of such prices paid by farmers for the 1959 calendar year. Generally, the price support level for each kind of tobacco will be announced soon after the beginning of each calendar year. Schedules of loan rates, by types and grades for each kind of tobacco will be announced as supplements to this statement before the opening of the markets. Flue-cured tobacco of varieties Coker 139, Coker 140, Coker 316, Reams 64, and Dixie Bright 244, or a mixture or strain of such seed varieties or any breeding line of Flue-cured tobacco seed varieties, including, but not limited to, 187 Golden Wilt (also designated by such names as No-Name, XYZ, Mortgage Lifter, Super XYZ), having the quality and chemical characteristics of the seed varieties designated as Coker 139, Coker 140, Coker 316, Reams 64, or Dixie Bright 244 will be supported at one-half the support rate, plus 12½ cents, for comparable grades of acceptable varieties.

§ 1464.4 Deductions from advances.

(a) The associations will be required to bear a portion of the overhead costs in connection with the loan operation. For this purpose, the associations in the auction marketing areas may charge the producer a fee of 25 cents per hundred pounds and may make such other charges as may be authorized or approved by CCC. In the nonauction market areas, the fee will be established at a rate commensurate with the services performed by the associations. Such fees and charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with auction warehousemen under which they will collect such charges and remit to the associations.

(b) If any producer on a farm is indebted to the United States and such indebtedness is listed on the Claim Control Record, Form ASCS–604, the Government will effect collection of the amount of the indebtedness by set-off from the amount of price support advance due the producer in the following manner: Any marketing card covering tobacco eligible for price support issued for such farm in accordance with the applicable regulations issued by the Secretary of Agriculture with respect to marketing quotas (Parts 724 and 725 of this title) will bear a notation showing the indebtedness, the name of the debtor and the amount of the indebtedness. The acceptance and use of a marketing card bearing a notation of indebtedness to the United States by the producer named as debtor on such card will constitute an authorization by such producer to any tobacco warehouseman or association to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lienholders. The acceptance and use of a marketing card bearing a notation and information of indebtedness to the United States will not constitute a waiver of any right of the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(c) If any producer of 1969 and subsequent crops of Flue-cured tobacco is indebted to the United States for a farm storage loan obtained pursuant to Part 1421 of this chapter, the principal amount of such loan will be deducted from the price support advance paid the producer by the association and will be applied to repayment of the farm storage loan.

§ 1464.5 Interest rate and general provisions.

The loans made to the associations will bear interest at the rate announced by CCC for each crop and will be nonrecourse both as to principal and interest except in the case of misrepresentation, fraud or failure to carry out the loan agreement. In instances where the loan to the association is made on a quantity of tobacco on which a farm storage loan had been made, any unpaid interest applicable to the farm storage loan on such quantity of tobacco will not be collected from the producer who obtained the farm storage loan but will be added to the accrued interest of the loan made to the association. Tobacco loses its identity as to original ownership through commingling in the packing process, and individual producers may not redeem their tobacco once it has been pledged as security for the loan. Associations will sell the loan tobacco as provided in the loan agreements for each crop, and the net proceeds of sales of the loan collateral of each crop will be applied to the loan account for such crop until the loan is repaid in full. If the proceeds from the sale of the loan collateral of any crop exceeds (a) the amount of the loan plus all fees, handling charges, operating costs and interest; and (b) any amount due CCC under a barter transfer agreement entered into between CCC and the Association, such excess shall constitute "net gains" and shall be distributed in cash by the Association to the producers who placed the tobacco under loan unless other disposition is approved by CCC.

§ 1464.6 Maturity date.

Loans made under the program will mature on demand.

§ 1464.7 Eligible producer.

(a) All producers of Puerto Rican tobacco are eligible producers, since Puerto Rican tobacco is not under U.S. marketing quotas. Any producer of another kind of tobacco is an eligible producer if, under the applicable regulations of the Secretary of Agriculture with respect to tobacco marketing quotas for the applicable marketing year, a marketing card has been issued for his farm which, if for Flue-cured or Burley tobacco, does not bear the words "No Price Support," and if for other than Flue-cured or Burley tobacco, is designated a "Within Quota" marketing card. In general, the marketing quota regulations provide for the issuance of marketing cards designated "Within Quota" or not marked "No Price Support" where the tobacco acreage harvested for each kind of tobacco produced on the farm is not in excess of the applicable acreage allotment established under the marketing quota program for the farm. However, a "Within Quota" marketing card is not issued or a marketing card is marked "No Price Support" where the farm operator fails to comply with provisions of Part 718 of this title with respect to disposition of excess acreage or certification of acreage or tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

(b) Marketing quota cards issued pursuant to the Agricultural Adjustment Act of 1933, as amended, when utilized for the purpose of obtaining price support under this subpart, are submitted, and the data in support thereof is reported, under the Agricultural Act of 1949, as amended, and under the Commodity Credit Corporation Charter Act, as amended, and may be utilized as CCC deems necessary or desirable for the conduct of the price support program.

§ 1464.8 Eligible tobacco.

Eligible tobacco shall be United States and Puerto Rican Tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) which (a) is of a kind and crop for which price support is available; (b) if marketing quotas are in effect, has been properly identified in accordance with applicable tobacco Marketing Quota Regulations by (1) a Within Quota Marketing Card, if other than Flue-cured or Burley tobacco, or (2) a Marketing Card which does not bear the words "No Price Support," if Flue-cured or Burley tobacco; (c) if Flue-cured tobacco, (1) is offered for marketing on a tobacco sale bill which is not marked "No Price Suport," and is for a number of pounds which, when added to the pounds of Flue-cured tobacco previously marketed on that year's marketing card, does not exceed 110 percent of the applicable farm marketing quota; or (2) is delivered to the association and is a quantity which, when added to the previous marketings on such card, does not exceed 110 percent of the applicable farm marketing quota; (d) has been delivered to the association by the producer, either directly or through an auction warehouse, prior to sale to any other person; (e) has been delivered to the association by the producer, either directly or through an auction warehouse, in lots identified by not more than one marketing card for each lot; (f) is in sound and merchantable condition; (g) was not produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco; and (h) has been graded by USDA official tobacco inspectors in a grade for which price support is available.

§ 1464.9 Auction warehouse certification of Flue-cured tobacco.

Auction warehouses through which price support is made available to producers of Flu-cured tobacco shall identify, through the use of "certified" basket tickets, all tobacco (including resale and "excess" tobacco) offered for sale at auction which is determined to be of varieties eligible for full price support. A distinguishably different type of basket ticket shall be used for all other tobacco offered for sale at auction. In the case of producer tobacco, the warehouseman shall examine the marketing card prior to the time the tobacco is offered for sale, record the marketing card serial number on the tobacco sale bill, and shall use certified basket tickets on the tobacco only if the marketing card presented does not bear the words "Discount Variety." In the case of resale tobacco (tobacco which has previously been sold by the producer), the tobacco Marketing Quota Regulations provide that, when the State Executive Director, ASCS, determines there is a significant amount of discount variety tobacco available for marketing in any marketing year, he may require tobacco which is eligible for full price support to be covered by a Form MQ 79–1, Dealer's Certification-Resale Tobacco, unless its eligibility for full price support is determined by the State Executive Director or his representative. When notified by the State Executive Director that this requirement is in effect, the warehouseman shall not use a certified basket ticket for resale tobacco unless he has obtained Form MQ 79–1, properly executed by the seller, or unless the State Executive Director has determined that the tobacco is eligible to be so identified. The Form MQ 79–1 Dealer's Certification-Resale Tobacco contains a certification by the seller to the USDA and the warehouse that the tobacco offered for sale and all other resale tobacco in which the dealer has an interest was purchased directly from the producer and was identified by a marketing card not bearing the words "Discount Variety" or was purchased by him at auction sale through a warehouse having price support available to producers and was identified by a certified basket ticket. Properly executed Dealer's Certification-Resale Tobacco shall be furnished to the USDA representative stationed at the warehouse prior to the sale of the tobacco, with a copy to the warehouse. Where the State Executive Director notifies the warehouse that the certifications of any dealer are not acceptable for this purpose, the Dealer's Certification shall not be used by the warehouse as a basis for a "certified" basket ticket. Such notice will be given to all warehouses having price support available to producers if a dealer is found to have made a false certification, or if a dealer fails to file reports required by applicable marketing quota regulations. In the latter case, the notice will be rescinded when the dealer files the reports if they show that he has not made false certifications with respect to identification of full support variety tobacco. Dealers making false certifications, or producers using marketing cards other than the one issued for the farm on which the tobacco was produced, to obtain use of certified basket tickets for tobacco not entitled to such identification, shall be subject to applicable provisions of law relating to conspiracy, fraud, or other offenses, and to penalties imposed by applicable marketing quota regulations. A dealer, who has full support variety resale tobacco for which the Dealer's Certification cannot properly be executed because such tobacco or other tobacco in which he has an interest was acquired other than as the certification form provides, or a dealer whose certifications have been determined to be unacceptable, may have full support variety tobacco identified on a "certified" basket ticket through application to the State Executive Director. In such instances, if by examination of the marketing quota records and other evidence, the Director determines that the tobacco is of a full support variety, a special authorization will be given for the warehouses to identify the tobacco on a "certified" basket ticket.

Subpart B—Puerto Rican Tobacco Purchase Program

§ 1464.51 General statement.

This subpart sets forth the terms and conditions of a price support program under which Commodity Credit Corporation (referred to in this subpart as CCC) will purchase eligible Puerto Rican tobacco from eligible dealers.

§ 1464.52 Administration.

This program will be administered by the Tobacco Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC.

§ 1464.53 Definitions.

(a) The term "Puerto Rican regulation" refers to the regulation issued by the Commonwealth of Puerto Rico Department of Agriculture entitled "Regulation To Govern Commercial Relations Between Tobacco Growers and Dealers".

(b) The term "loan program regulation" refers to the price support regulation issued by Commodity Credit Corporation, U.S. Department of Agriculture, entitled "Tobacco Loan Program" (Part 1464 of this chapter).

(c) The term "eligible tobacco" means type 46 tobacco, of the crop current at the time of the offer to sell, which is held by an eligible dealer for and on behalf of producers, pursuant to the Puerto Rican regulation, and of which not less than 85 percent is of grades for which price support is available under the loan program regulations.

(d) The term "eligible dealer" means a dealer who is licensed under, and who is in compliance with, the Puerto Rican regulation.

§ 1464.54 Offer to sell tobacco to Commodity Credit Corporation.

Each year, upon being informed by the Commonwealth of Puerto Rico Department of Agriculture of an eligible dealer who, after July 1, has eligible tobacco which he is unable to sell commercially at acceptable prices, CCC shall mail to such dealer Form No. PR–1 "Offer and Acceptance for Sale and Purchase of Puerto Rican Tobacco". If the dealer decides to offer tobacco to CCC, he shall arrange to have the tobacco graded and weighed by inspectors of the Tobacco Division, C&MS, U.S. Department of Agriculture. The dealer shall furnish all labor and equipment necessary to facilitate the grading and weighing, and the charges for inspectors will be paid by

CCC. The dealer shall then complete the offer portion of the form, including the weight of each grade offered, shall execute that portion of the form in triplicate and shall airmail the executed copies of the form to the Director, Tobacco Division, U.S. Department of Agriculture, Washington, D.C. 20250. A copy of the Grade and Weight Certificate, Form PR–2, signed by the inspector, shall accompany each offer. The dealer may submit more than one offer to sell, but no offer postmarked later than September 30 of the year in which executed will be accepted unless, for reasons beyond the control of the dealer, the grade and weight certificate could not be obtained by that date. The tobacco covered by each offer shall constitute a "lot".

§ 1464.55 Acceptance of offer—title and risk of loss.

CCC shall promptly accept each properly executed offer on Form No. PR–1 by filling out and executing the acceptance portion of the form, and shall promptly airmail a copy to the dealer. Upon the execution of the acceptance form by CCC, the offer and acceptance shall constitute a valid and binding contract and title and risk of loss or damage to the tobacco shall pass to CCC.

§ 1464.56 Delivery and temporary storage.

The dealer shall deliver all tobacco sold to CCC f.o.b. trucks at dealer's warehouse when and as directed by CCC. Pending delivery, the dealer shall furnish free storage for a period up to 45 days from the date of acceptance.

§ 1464.57 Purchase price for tobacco.

The purchase price for each lot of tobacco offered by the dealer shall be the sum of (a) the grade purchase rate designated in the Offer and Acceptance form for each grade multiplied by the number of pounds in each grade as shown on the acceptance form and on the applicable grade and weight certificate, totaled for all grades (hereinafter called the lot settlement value), and (b) a handling charge at the rate of $11 per hundredweight of tobacco purchased. The grade purchase rate designated in the Offer and Acceptance form for each grade shall be the grade loan rate for the then current crop as announced by CCC for Puerto Rican tobacco pursuant to the loan program regulation, less 1 cent per pound, converted to a sweated-weight basis by multiplying by the factor 1.19. For scrap and No Grade tobacco for which there is no grade loan rate under the loan program regulation, the grade purchase rate will be the grade loan rate for N grade, less 3 cents per pound, converted to a sweated-weight basis by multiplying by the factor 1.19.

§ 1464.58 Payment for tobacco.

CCC shall pay the dealer for tobacco purchased, promptly following acceptance of an offer.

§ 1464.59 Dealer settlement with producers.

Within 30 days from the date the dealer receives payment from CCC for any lot of tobacco, he shall pay or credit to the account of all producers from whom he received tobacco an amount which, except for any minor difference resulting from the computation of each producer's share, is equal to the lot settlement value of the tobacco sold to CCC. Each producer's share of such payment shall be determined on the basis of all tobacco delivered to the dealer by all producers, including both any tobacco sold commercially and the tobacco sold to CCC, in accordance with the following computation: The total loan value of all grades of tobacco received from all producers shall be determined on the basis of the announced CCC grade loan rates, or, in the case of Scrap and No Grade tobacco, for which there are no announced grade loan rates, on the basis of the grade loan rate for N grade, less 2 cents per pound. The lot settlement value of the tobacco sold to CCC shall be divided by the total loan value of all tobacco received. Each grade loan rate shall be multiplied by this factor to determine a grade settlement rate for each grade of tobacco received from producers. Each producer from whom the dealer received tobacco during the year shall be paid or credited for each pound of tobacco of each grade he delivered at the grade settlement rate for that grade. Within 35 days from the date of receiving payment from CCC, the dealer shall execute and transmit to CCC, Form PR 3, "Certification of Payments to Producers".

§ 1464.60 Records and books.

The dealer shall keep complete and accurate records with respect to all his transactions relating to the tobacco of any crop year during which tobacco is sold to CCC. Such records shall, at all times, show the name and address of each producer from whom tobacco was received, the number of pounds of each U.S. Government grade of tobacco received from each producer, the date and place received, the amounts advanced to each producer in money, material, or services, the date of such advances and description of services or materials charged as advances, quantities of tobacco sold, name and address of purchaser, grades and prices of tobacco sold and amount paid to each producer or credited to each producer's account in settlement for the tobacco delivered. The dealer shall keep such records for a period of 3 years after delivery of tobacco to CCC and shall make them available upon request to representatives of CCC or the General Accounting Office for examination and audit.

Effective date: Date of filing with Office of Federal Register.

Signed at Washington, D.C., on July 15, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69–8554; Filed, July 18, 1969; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T]

PART 220—CREDIT BY BROKERS AND DEALERS

Notice of Request and Order for Suspension

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, by several life insurance companies who have registered or expect to register as broker-dealers with the Securities and Exchange Commission, that this Part 220 (Regulation T) be amended to enable such conventional lending activities as are unrelated to the companies' broker-dealer function to be subject only to Part 207 (Regulation G) and not to the provisions of this part.

The insurance companies are presently registered with the Board of Governors under Regulation G in connection with their conventional lending operations which include loans secured by margin securities, as defined by § 207.2(d) of that regulation. In addition, the companies have registered as broker-dealers under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) in consequence of the issuance and sale by such companies of variable annuity contracts registered under the Securities Act of 1933 (15 U.S.C. 77a). As a result of the recent amendment to the Board's margin regulations (FEDERAL REGISTER of June 11, 1969 (34 F.R. 9191, 9196, and 9203)) effective July 8, 1969, the definition of "creditor" in § 220.2(b) of Regulation T was revised to cover all registered broker-dealers. Accordingly, all extensions of credit and related transactions of insurance companies who are also registered broker-dealers have become subject to the requirements of Regulation T.

Inasmuch as extensions of credit pursuant to certain normal lending activities of such insurance companies would be in violation of Regulation T, although such extensions of credit are presently permissible under Regulation G and are distinct from any broker-dealer activities of the companies, the Board deems it appropriate in the public interest to consider a request for a remedial amendment, which would allocate lending functions of such companies between Regulations G and T: *Provided*, That such amendment would not contribute to the evasion or circumvention of the Board's margin regulations.

In order to provide relief during a study leading to a more definitive resolution of the matter,

It is ordered, That pursuant to section 7(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(c)), the provisions of Part 220 be and hereby are suspended, for a period of 90 days commencing the date of publication of this notice in the FEDERAL REGISTER, insofar as they apply to any insurance company as defined by section 2(a)(17) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(17)) which is registered pursuant to section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) as a broker-dealer, in respect of credit unrelated to transactions involving variable annuity contracts registered under the Securities Act of 1933 (15 U.S.C. 77a) issued by such insurance company or by a company of which the insurance company or an affiliated person thereof as defined by section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(17)) is the principal underwriter or investment advisor; provided that such insurance company is subject to, and by appropriate registration and otherwise complies with, the provisions of Part 207 of this chapter.

Dated at Washington, D.C., this 14th day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–8515; Filed, July 18, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69–CE–54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the segment of VOR Federal airway No. 2 between Lone Rock, Wis., and Milwaukee, Wis. The Federal Aviation Administration is taking action herein to realign V–2 between Lone Rock and Milwaukee via the Madison, Wis., VOR. This segment is presently designated via the intersection of the Lone Rock 140° T and the Milwaukee 272° T radials which overlies the Madison VOR. Realignment of V–2 via the Madison VOR will provide better course guidance and simplify charting.

Since this airway alteration is minor in nature and causes no additional burden, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., September 18, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V–2 is amended by deleting "12 AGL INT Lone Rock 104° and Milwaukee, Wis., 272° radials; 12 AGL Milwaukee;" and substituting "Madison, Wis.; Milwaukee, Wis.;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 16, 1969.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69–8521; Filed, July 18, 1969; 8:45 a.m.]

[Airspace Docket No. 69–WA–29]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Jet Route

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to designate the U.S. portion of Jet Route No. 513 that would extend from Lakehead, Ontario, Canada, to Sudbury, Ontario, Canada.

The Canadian Department of Transport has advised that they have an immediate requirement for a high level airway to be designated from Lakehead direct to Sudbury. The U.S. segment of this jet route would involve a minimal amount of controlled airspace.

Since this action is minor in nature, the Administrator has determined that notice and public procedure thereon is unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

Section 75.100 (34 F.R. 4856) is amended by adding the following:

Jet Route No. 513 (Lakehead, Ontario, Canada, to Sudbury, Ontario, Canada) (joins Canadian high level airway No. HL–513). From Lakehead, Ontario, Canada, direct to Sudbury, Ontario, Canada, excluding the portion within Canada.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 16, 1969.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69–8523; Filed, July 18, 1969; 8:45 a.m.]

[Airspace Docket No. 69–CE–28]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Jet Advisory Area

On June 12, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9288) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a nonradar jet advisory area along Jet Route No. 500 from the United States/Canadian border southeast of Lakehead, Ontario, Canada, to the positive control area boundary northwest of Sault Ste. Marie, Mich., from Flight Level 240 to Flight Level 280, inclusive.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 21, 1969, as hereinafter set forth.

Section 75.200 (34 F.R. 4872) Jet Route No. 500 Jet Advisory Area is amended by adding the following:

Nonradar: From the United States Canadian border southeast of Lakehead, Ontario, Canada, to the positive control area boundary northwest of Sault Ste. Marie, Mich., from FL–240 to FL–280, inclusive.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 16, 1969.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69–8522; Filed, July 18, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

[File 206–9–1]

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Fiber Content of Special Types of Products

On March 27, 1969, the Commission issued a notice of amendment of § 303.10 (Rule 10) of Part 303, rules and regulations under the Textile Fiber Products Identification Act, "Fiber Content of Special Types of Products" so as to add a new paragraph thereto designated as paragraph (c), and to provide for the manner and form of disclosing the required fiber content information of textile fibers which contain components combined at or prior to the time of initial extrusion which if separately extruded would fall within existing definitions of textile fibers as set forth in § 303.7 (Rule 7) of the regulations under the aforesaid Act. Such notice was published in the FEDERAL REGISTER on March 28, 1969, at 34 F.R. 5836.

The notice of amendment provided that paragraph (c) of § 303.10 (Rule 10) would become effective 45 days after publication in the FEDERAL REGISTER. It was further provided that interested parties could submit written comments within 20 days of the publication of paragraph (c) of § 303.10 (Rule 10) in the FEDERAL REGISTER but that this should not affect the effective date unless the Commission should otherwise order.

Upon indication of certain interested parties of a desire for a further period for comments, by notice issued April 18, 1969, published in the FEDERAL REGISTER April 23, 1969, the time for submission of written views and comments in this matter was extended to May 15, 1969, and the effective date of paragraph (c) § 303.10 (Rule 10) of the rules and regulations under the Textile Fiber Products Identification Act was deferred until June 30, 1969. Pursuant to this notice, written comments were received from Northern Textile Association and Man-Made Fiber Producers Association.

After consideration of all views, arguments, and other data pursuant to the above-mentioned notice of April 18, 1969, and all pertinent information available to the Commission, the Commission has determined to revise paragraph (c) of § 303.10 (Rule 10) of Title 16, Part 303, rules and regulations under the Textile Fiber Products Identification Act to clarify the meaning thereof with respect to structure and composition of fibers coming under said paragraph.

Section 303.10 (Rule 10) of the rules and regulations under the Textile Fiber Products Identification Act, Fiber Content of Special Types of Products, is amended by revising paragraph (c) thereof to read as follows:

§ 303.10 Fiber content of special types of products.

* * * * *

(c) (1) Where a manufactured textile fiber is essentially a physical combination or mixture of two or more chemically distinct constituents or components combined at or prior to the time of extrusion, which components if separately extruded would each fall within different existing definitions of textile fibers as set forth in § 303.7 (Rule 7), the fiber content disclosure as to such fiber, shall for all purposes under the regulations in this part (i) disclose such fact in the required fiber content information by appropriate nondeceptive descriptive terminology, such as "biconstituent fiber" or "multiconstituent fiber," (ii) set out the components contained in the fiber by the appropriate generic name specified in § 303.7 (Rule 7) in the order of their predominance by weight, and (iii) set out the respective percentages of such components by weight.

(2) If the components of such fibers are of a matrix-fibril configuration, the term "matrix-fibril fiber" or "matrix fiber" may be used in setting forth the information required by this paragraph.

(3) Examples of proper fiber content designations under this paragraph are:

100% Biconstituent Fiber
(65% Nylon, 35% Polyester)

80% Matrix Fiber (60% Nylon, 40% Polyester)
15% Polyester
5% Rayon

(4) All of the provisions as to fiber content disclosures contained in the Act and regulations, including the provisions relative to fiber content tolerances and disclosures of fibers present in amounts of less than 5 percentum of the total fiber weight, shall also be applicable to the designations and disclosures prescribed by this paragraph.

STATEMENT OF BASIS AND PURPOSE

The comments contained in the statement of basis and purpose appearing in the March 27, 1969, notice of amendment previously referred to are incorporated herein by reference. The following additional comments are made with respect to the modifications made by this notice.

A major point raised by the comments made in response to the April 18, 1969, notice was that while our notice of March 27, 1969, was correct in a scientific sense in using the terms "bicomponent" and "biconstituent" as synonymous, this usage was at variance with usages that have grown up in the trade. "Bicomponent" in trade usage was said to connote a fiber with two discrete halves or portions of different chemical composition attached together in a side-by-side configuration while "biconstituent" was said to connote a fiber composed of one fiber former as a continuous phase with one or more other fiber formers dispersed therein in the form of particles or fibrils, constituting a discontinuous phase. A second major point raised by the comments was that our Rule 10(c) as originally written could be interpreted as applying to a multipolymer fiber where the polymers, though of different chemical composition, nevertheless fall within the same generic category in Rule 7. It was pointed out that there presently exists in commerce side-by-side fibers of two different kinds of nylon, two different kinds of acrylic, and perhaps others. Further, it was said that these side-by-side fibers with sides from the same generic class are the only types presently commercially developed and that other bicomponent fibers which may or may not be successfully developed in the future could include side-by-side and sheath-core types with the components falling in different generic classes.

It was not the intention of the Commission to disturb the meanings of useful trade terms which may have grown up within the industry. Therefore, we have concluded that making the terms "bicomponent" or "multicomponent" mandatory in disclosure of fiber content information with regard to multipolymer fibers is not the best way to proceed. Further, we have concluded that in the interest of leaving room for the free evolution of useful trade terms, it is the better course for us not to make mandatory the use of any particular term denoting fiber construction, but instead to require only nondeceptive, descriptive disclosure of such information. In this connection we have changed the rule to provide that the terms "biconstituent" or "multiconstituent," which were suggested as acceptable terms in the comments, may be used where appropriate. Also, in accordance with our original and unchanged intent, we have clarified the rule to make it unmistakably clear that it applies only where the polymers of a multipolymer fiber fall within different generic definitions in Rule 7.

Some parties questioned whether Rule 10(c) as written would cover a sheath-core or side-by-side bicomponent fiber with components falling in different generic categories (should such a fiber be commercially developed), and whether this was intended by the Commission. It was the Commission's intention that any fiber, including side-by-side and sheath-core bicomponent or multicomponent fibers, constructed from polymers combined before or during extrusion from different generic categories in Rule 7 be covered, regardless of the configuration formed by such polymers in the fiber, so long as they are essentially physically, rather than chemically, mixed.

The point was made that the term "mixture" in Rule 10(c) must have reference only to the type of fiber comprised of one fiber former in a continuous phase with particles or fibrils of one or more other fiber formers dispersed therein as a discontinuous phase. We do not interpret the limits of meaning of the word "mixture" so narrowly. Webster's Third New International Dictionary Unabridged gives as one definition of the word "the state of being mixed," while one of the definitions of "mixed" is "made up of or involving individuals or items of more than one kind." Also, one definition of the verb form "mix" is "to bring together (as different kinds of people or things) in close association." This meaning in consistent with, and within the scope of our notice of rulemaking in this proceeding wherein we proposed an amendment to specify "the manner and form of disclosing the required fiber content information of textile fiber products which contain two or more chemically distinct components which are combined at or prior to the time of fiber formation and which if separately extruded would fall within existing definitions of textile fibers as set forth in § 303.7 (Rule 7) of the rules and regulations under the Textile Fiber Products Identification Act." Notice of June 18, 1968, published in the FEDERAL REGISTER June 20, 1968. However, since some confusion appears to have arisen, we have concluded that the term "combination" should be inserted in the rule adjacent to the term "mixture" so as to make the Commission's intention more clear.

(Sec. 7, 72 Stat. 1717; 15 U.S.C. 70)

Effective date. Paragraph (c) of § 303.10 (Rule 10) as amended herein, shall become effective 30 days after publication in the FEDERAL REGISTER.

Issued: July 16, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-8518; Filed, July 18, 1969; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Kansas City Interstate Air Quality Control Region

On March 26, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5657) to amend Part 81 by designating the Metropolitan Kansas City Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on April 11, 1969. Due consideration has been given to all relevant material presented, with the result that one county, Douglas County, Kans., has been deleted from the proposed Region, and one county, Buchanan County, Mo., not in the original proposal, has been added to the Region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.25, as set forth below, designating the Metropolitan Kansas City Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.25 Metropolitan Kansas City Interstate Air Quality Control Region.

The Metropolitan Kansas City Interstate Air Quality Control Region (Missouri-Kansas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Missouri:

Buchanan County.	Jackson County.
Cass County.	Platte County.
Clay County.	Ray County.

In the State of Kansas:

Johnson County.	Wyandotte County.
Leavenworth County.	

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: July 15, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-8539; Filed, July 18, 1969; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4673]

[Utah 6398]

UTAH

Interforest Transfers; Exclusion of Lands From Uinta and Ashley National Forests

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and upon the recommendation of the Assistant Secretary of Agriculture, it is ordered as follows:

1. The following described privately owned lands are hereby excluded from within the national forests indicated, and the boundaries of said forests are adjusted accordingly:

UINTA MERIDIAN

A. ASHLEY NATIONAL FOREST

T. 1 S., R. 8 W.,
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 1 S., R. 9 W.,
Secs. 13 to 36, inclusive.
T. 1 S., R. 10 W.,
Sec. 9, SE¼SE¼ (that portion east of present ridgetop boundary);
Sec. 10, S½SW¼, and that portion of SE¼NE¼ and SE¼ southeast of present ridgetop boundary;
Sec. 11, S½, and that portion of S½NW¼ south of present ridgetop boundary;
Sec. 12, SW¼, S½SE¼ (that portion south of present ridgetop boundary);
Secs. 13 and 14;
Sec. 15, N½, SE¼ and that part of SW¼ east of present ridgetop boundary;
Sec. 16, E½NE¼, NE¼SE¼ (that portion east of present ridgetop boundary);
Sec. 22, E½ and that part of NW¼ east of present ridgetop boundary;
Secs. 23 and 24;
Sec. 25, N½, SE¼ and that part of SW¼ northeast of present ridgetop boundary;
Sec. 26, N½ and that part of N½SW¼, SE¼SW¼, and SE¼ northeast of present ridgetop boundary;
Sec. 27, N½NE¼, SE¼NE¼ (that portion east of present ridgetop boundary);
Sec. 36, NE¼, E½SE¼ (that portion east of present ridgetop boundary).

B. UINTA NATIONAL FOREST

T. 1 S., R. 10 W.,
Sec. 9, SE¼SE¼ (that portion west of present ridgetop boundary);
Sec. 10, SE¼NE¼, SE¼ (that portion northwest of present ridgetop boundary);
Sec. 11, S½NW¼ (that portion north of present ridgetop boundary);
Sec. 12, SW¼, S½SE¼ (that portion north of present ridgetop boundary);
Sec. 15, SW¼ (that portion west of present ridgetop boundary);
Sec. 16, E½NE¼, NE¼SE¼ (that portion west of present ridgetop boundary);
Sec. 22, NW¼ (that portion west of present ridgetop boundary);
Sec. 25, SW¼ (that portion southwest of present ridgetop boundary);
Sec. 26, N½SW¼, SE¼SW¼, SE¼ (that portion southwest of present ridgetop boundary);
Sec. 27, N½NE¼, SE¼NE¼ (that portion west of present ridgetop boundary);
Sec. 36, NE¼, E½SE¼ (that portion west of present ridgetop boundary).

The areas described aggregate approximately 29,282.11 acres of nonpublic land.

2. The following listed lands within the exterior boundaries of the Ashley National Forest transferred from the Uinta National Forest by Public Land Order No. 950 of March 30, 1954, are hereby transferred to the Uinta National Forest:

T. 1 S., R. 10 W.,
Sec. 9, NE¼SE¼, SW¼SE¼ (that portion east of present ridgetop boundary);
Sec. 10, N½NE¼, SW¼NE¼, S½NW¼, N½SW¼ (that portion east of present ridgetop boundary);
Sec. 11, S½NE¼, N½NW¼ (that portion east of present ridgetop boundary);
Sec. 12, SW¼NW¼, N½SE¼ (that portion east of present ridgetop boundary);
Sec. 16, W½NE¼ (that portion east of present ridgetop boundary);
Sec. 22, E½SW¼ (that portion east of present ridgetop boundary);
Sec. 26, SW¼SW¼ (that portion east of present ridgetop boundary);
Sec. 27, SW¼NE¼, NE¼NW¼, N½SE¼ (that portion east of present ridgetop boundary);
Sec. 35, N½N½ (that portion east of present ridgetop boundary);
Sec. 36, NW¼, W½SE¼ (that portion east of present ridgetop boundary).

The exterior boundaries of the forests involved are hereby adjusted in accordance with the transfers made by this order, and any transferred land now having a national forest status shall become a part of the forest to which it is transferred.

The order shall not be construed as giving a national forest status to any lands which do not now have such status, or as changing the status of any lands which now have a national forest status.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 14, 1969.

[F.R. Doc. 69-8559; Filed, July 18, 1969; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 609—WOMEN'S AND CHILDREN'S UNDERWEAR AND MEN'S BLOUSE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan

No. 6 of 1950 (3 CFR 1949—1953 Comp., p. 1004), and by means of Administrative Order No. 606 (34 F.R. 5434), the Secretary of Labor appointed and convened Industry Committee No. 82–C for the women's and children's underwear and women's blouse industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendation with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 82–C are hereby published, to be effective August 4, 1969, in this order amending § 609.2 of Title 29, Code of Federal Regulations, by revising each subdivision (i) of subparagraphs (1) and (2) of paragraph (a) and subparagraph (1) of paragraph (b). As revised, § 609.2 reads as follows:

§ 609.2 Wage rates.

* * * * *

(a) *Employments covered prior to the 1961 amendments.* * * *

(1) *Hand-sewing classification.* (i) The minimum wage for this classification is $1.19 an hour.

* * * * *

(2) *Other operations classification.* (i) The minimum wage for this classification is $1.38 an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.60 an hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 14th day of July 1969.

ROBERT D. MARAN,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 69–8519; Filed, July 18, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18473; FCC 69–759]

DOMESTIC PUBLIC POINT-TO-POINT MICROWAVE RADIO SERVICE; ANNUAL REPORTS BY LICENSEES

Report and order. In the matter of adoption of FCC Form P on which to file annual reports by licensees in the Domestic Public Point-to-Point Microwave Radio Service who are Miscellaneous Common Carriers, and related amendments to Part 1—Practice and Procedure; Part 21—Domestic Public Radio Services (Other Than Maritime Mobile); and Part 43—Reports of Communication Common Carriers and Certain Affiliates, of the Commission's rules, Docket No. 18473.

1. On February 28, 1969, the Commission issued its notice of proposed rule making in the above-entitled proceeding which was duly published in the FEDERAL REGISTER (34 F.R. 3852). In that notice it was proposed to adopt FCC Form P and to amend Part 1, § 1.785; Part 21, § 21.300; and Part 43, § 43.21, of the Commission's rules to require licensees in the Domestic Public Point-to-Point Microwave Radio Service who are miscellaneous common carriers to file on that form an annual report.

2. Comments were filed by Western Microwave, Inc., on behalf of itself and its subsidiary carriers (Western); 20 miscellaneous carriers (20 carriers);[1] Microwave Transmission Corp. (MTC); Frank K. Spain doing business as Microwave Service Co., and Alabama Microwave, Inc. (Spain); and Eastern Microwave, Inc. (Eastern).

3. MTC concurred with the Commission that the information requested by this form was needed by the Commission to properly perform its regulatory functions and that the filing of this form would not be an undue burden or hardship on the miscellaneous common carriers. The 20 carriers were opposed to the form, stating that the Commission is acting beyond its authority in this matter and that completing this form is an undue burden. Western, Eastern, and Spain supported adoption of the proposed report form, but raised certain specific objections to some parts of the form, chief among which were:

(a) That section I, question B of the proposed form should be modified to require only a report of written service complaints received during the year;

(b) That section II should be modified so as not to disclose the basic monthly charge and the revenue for the year from each and every customer listed individually because, if this information were disclosed to competitors, it would put the filer at a distinct competitive disadvantage;

(c) That the condensed income statement should be expanded to more accurately reflect the cost of doing business;

(d) That the filing date should be extended 1 full year to give the carriers time to adjust their recordkeeping system;

(e) That certain portions of the report including parts II and IV should be kept confidential and not be available to the public; and

(f) That the form should be modified to allow carriers who operate on a fiscal year period to file subsequent to the close of the fiscal year rather than at the close of the calendar year.

We comment on these objections in the same order.

4. We do not believe that the burden of completing this form would be onerous, nor that the Commission has exceeded the authority conferred by section 4(i) of the Communications Act of 1934, as amended, which empowers the Commission to make only those rules "as may be necessary in the execution of its functions." As was clearly stated in the notice of proposed rule making herein, virtually all of the miscellaneous carriers who would be required to file this proposed form are engaged in interstate communications, do not at this time file any annual report form, and are providing services which the Commission is obliged to regulate pursuant to title II of the Communications Act. Therefore, it is clearly within the Commission's power to implement its regulatory responsibilities by eliciting the information required by this form.

5. It has been suggested that section I, in question B, be modified to only require a report of written service complaints received during the year. It is indicated that field personnel of the communication common carriers may receive numerous and often duplicative verbal complaints, the vast majority of which are resolved by routine adjustments of microwave equipment. It is considered that it would be unduly burdensome for the Commission to require the compilation and reporting of such verbal complaints. Since it was our intention to only give attention to service complaints that might be of such a nature as to merit a written complaint, section I, question B, will be modified to only require a report of the written service complaints received during the reporting year.

6. The principal objection of the carriers in reference to section II is that if they were forced to list each of their customers, the service they receive, and the monthly and annual charge, this information would be plainly brought to the attention of their competitors, possibly to their competitive disadvantage. Although the carriers do not dispute that the Commission may need such information to perform its regulatory obligations, they feel that vis-a-vis their competitors this is privileged information. The purpose of columns A, B, and C of section II is to provide the Commission with information on an annual basis of the services being provided by each carrier on each system since these services may be changed in some circumstances without prior notice or authorization. Upon reconsideration, we conclude that the information proposed to be required by column D and E should be available from the carrier's tariff filing and that the "total" is reflected in the carrier's income statement. Since the information proposed to be required by column D and E should be computable from tariff filings presently available at this Commission (unless an intrastate service is being provided), and the purpose for which these columns were proposed could thus be satisfied by deleting column E and changing column D to read "Identify the tariff under which this service is being provided," we will modify section II of the proposed form in this accord.

7. It has been suggested that the income statement be expanded to allow the carriers to more accurately reflect their particular costs of doing business. Although the income information required to be reported under section IV is brief and additional information might be required in the future, we will not expand this section at this time in order to minimize the effort involved with completing the form. We, however, will keep this suggestion active, and if it is found that additional information is required in the future, we may seek to modify this section.[2] As the services provided by these carriers expand and with the experience gained in evaluating these forms, we will be in a better position to determine how this part or other parts of the form might be expanded or modified.

* * * * *

8. Other than the flat statement that recordkeeping functions will have to be adjusted, there is no justification offered for delaying the initial filing date for the form. Although the proposed rules would require the carriers to keep records for the filing of this form separate and apart from other business records, we do not feel, nor was it alleged, that we are requiring any information that the carriers would not now be keeping in the ordinary course of business. In view of the foregoing, we are not disposed to further extend the time after which this report will be required to be filed.

9. We see little merit to the argument that the financial report in section IV should be kept confidential. Although the financial reports submitted by licensees of broadcast stations on FCC Form 324 are not routinely available to the public, 47 CFR 0.457(d)(1)(i), the extensive financial information submitted by other carriers on forms M, O, and R are publicly available, the distinction of course being that the latter are common carriers subject to utility type regulation. In view of the foregoing, we see no justifiable reason not to make these brief financial statements of the miscellaneous common carriers available to the public.

10. It has been suggested in paragraph 3(f) herein, that we modify the proposed form to allow carriers who operate on a fiscal year basis to file Form P 90 days subsequent to the close of its fiscal year. However, as was recognized in the pleadings, under § 43.21(a) of the Commission's rules, carriers other than miscellaneous must also submit annual reports on a calendar year basis. Regardless of whether a carrier operates on a calendar or fiscal year, the same records must be kept and the only additional burden on a carrier operating on a fiscal year would be that it would have to close its accounting records more than once each year. It would appear that most modern accounting systems would require that financial computations be made on at least a semiannual or quarterly basis. Since the information supplied would be less valuable to the Commission if not filed in a uniform manner, we have not accepted this suggested modification.

11. In summary, we conclude that the filing of Form P will not be burdensome, and that the date for the first filing of the form should not be extended. Further, the proposed form will be modified in accordance with the discussion herein.

12. The rule changes in Parts 1, 21, and 43 necessary to implement Form P are set forth below, Parts A, B, and C. Information to be requested in the annual report is included in the appendix as an attachment.[3]

13. *Accordingly, it is ordered,* Pursuant to authority contained in section 4(i) and 303 of the Communications Act of 1934, as amended, that, effective August 18, 1969, (a) FCC Form P is adopted as modified herein[3]; (b) Part 1, § 1.785; Part 21, section 21.300, and Part 43, § 43.21; of the Commission's rules are amended as shown below; and (c) that all suggestions, to the extent they have not been accepted herein, are hereby denied.

14. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 9, 1969.

Released: July 16, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 1—Practice and Procedure, Part 21—Domestic Public Radio Services (Other Than Maritime Mobile), and Part 43—Reports of Communication Common Carriers and Certain Affiliates, of the Commission's rules are amended as set forth in Paragraphs A, B, and C:

PART 1—PRACTICE AND PROCEDURE

A. Paragraph (a) of § 1.785 of Part 1 is amended by adding the following subparagraph (6):

§ 1.785 Annual financial reports.

(a) * * *

(6) Form P (licensees in domestic public point-to-point microwave radio service who are miscellaneous common carriers as defined in § 21.1 of this chapter).

* * * * *

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

B. Section 21.300 is amended to read as follows:

§ 21.300 Business records.

Each licensee of radio facilities authorized under the rules of this part and required to file either FCC Form L or FCC Form P (see § 1.785 of this chapter) shall keep complete records of all phases of operations covered by such reports distinctly separate and apart from any other business or activity conducted by the licensee.

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

C. In § 43.21 of Part 43, the first sentence in paragraph (a) is amended to read as follows:

§ 43.21 Annual reports of carriers and certain affiliates.

(a) Communication common carriers having annual operating revenues in excess of $1 million, licensees in the Domestic Public Land Mobile Radio Service, Licensees in the Domestic Public Point-to-Point Microwave Radio Service who are miscellaneous common carriers as defined by § 21.1 of this chapter, communication common carriers operating to overseas points or in the Maritime radio services and having annual operating revenues in excess of $50,000, and certain companies (as indicated in paragraph (c) of this section) directly or indirectly controlling such carriers shall file with the Commission annual reports as provided in this section. * * *

* * * * *

[F.R. Doc. 69–8548; Filed, July 18, 1969; 8:47 a.m.]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Use of Hertzian Waves by Experimental Stations Engaged in Research Other Than of Radio Nature

Order. In the matter of amendment of Part 2 to make provision in § 2.102(b)(4) for the use of hertzian waves by experimental stations engaged in research other than of a radio nature.

1. The Commission has before it the desirability of making certain editorial changes in Part 2 of its rules and regulations.

2. Sections 5.201 and 5.202(d) make provision for licensing of stations in the Experimental Radio Service to provide communications essential to research projects when existing communications

[1] The 20 carriers are Andrews Tower Rentals, Inc., Columbia Television Co., Inc., DalWorth Microwave, Inc., Dorate, Inc., East Texas Transmission Co., Electronics, Inc., Hi-Desert Microwave, Inc., KHC Microwave Corp., Laredo Microwave, Inc., Midwest Microwave, Inc., Minnesota Microwave, Inc., New England Microwave Corp., Pilot Butte Transmission Co., Southwest Texas Transmission Co., Teleplex Microwave Systems, Inc., Teleprompter Transmission of Kansas, Inc., Teleprompter Transmission of New Mexico, Inc., Teleprompter Transmission of Oregon, Inc., United Video, Inc., and Wentronics, Inc.

[2] Of course, a filer may comment under "Remarks" or attach as an exhibit any information that is deemed would be appropriate to more accurately reflect its financial position or cost of doing business.

[3] Filed as part of the original document.

facilities are inadequate. The research is not necessarily related to hertzian waves.

3. In order to conform Part 2 to the above cited provisions of Part 5, § 2.102 (b) is amended by adding a new subparagraph (4) and existing subparagraphs (4), (5), (6), and (7) are renumbered (5), (6), (7), and (8), respectively.

4. Authority for the amendments is contained in sections 4(j), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the rules and regulations. Because these amendments are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

5. *It is ordered*, effective July 22, 1969, That Part 2 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: July 14, 1969.

Released: July 15, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations is amended as follows:

In § 2.102(b), a new subparagraph (4) is added and the present subparagraphs (4), (5), (6), and (7) are renumbered (5), (6), (7), and (8), respectively, to read as follows:

§ 2.102 Assignment of frequencies.

* * * * *

(b) * * *

(4) Experimental stations engaged in communications essential to research projects when existing communication facilities are inadequate may be authorized the use of any frequency which is in a band allocated to the fixed, land mobile or broadcasting services or to one of those services shared with another service.

* * * * *

[F.R. Doc. 69-8547; Filed, July 18, 1969; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

[Docket No. 69-16; Notice No. 1]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS [1]

Motor Vehicle Safety Standards No. 109, New Pneumatic Tires—Passenger Cars, and No. 110, Tire Selection and Rims—Passenger Cars

On October 5, 1968, the Federal Highway Administration published guidelines in the FEDERAL REGISTER (33 F.R. 14964) by which routine additions could be added to Appendix A of Standard No. 109 and the Appendix A of Standard No. 110. These guidelines provided an abbreviated rule making procedure for adding tire sizes to Standard No. 109 and alternative rim sizes to Standard No. 110, whereby the addition becomes effective 30 days from date of publication in the FEDERAL REGISTER if no objections to the proposed additions are received. If comments objecting to the amendment warrant, rule making pursuant to the rule making procedures for motor vehicle safety standards (49 CFR Part 353) [2] will be followed.

The Rubber Manufacturers Association has petitioned for (1) the addition of E60-15 and G60-15 tire size designations to Table I-K of Appendix A of Standard No. 109; (2) the addition of 6JJ and 7JJ as alternative rims for the E60-15 tire size designation and 7JJ as an alternative rim for the G60-15 tire size designation in Table I of Appendix A of Standard No. 110; and (3) the addition of a new "78 Series" radial ply tire designation to Table I of Appendix A of Standard No. 109 with the addition of appropriate alternative rims to Table I of Appendix A of Standard No. 110.

On the basis of the data submitted by the Rubber Manufacturers Association indicating compliance with the requirements of Federal Motor Vehicle Safety Standard No. 109 and No. 110 and other information submitted in accordance with the procedural guidelines set forth (33 F.R. 14964), Appendix A of Federal Motor Vehicle Safety Standard No. 109 and Table I of Appendix A of Standard No. 110 is amended effective 30 days from date of publication of this notice provided no objections to the proposed changes are received.

In consideration of the foregoing, § 371.21 of Part 371 Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 109 (33 F.R. 14964) and Appendix A of Standard No. 110 (34 F.R. 16102) are amended as set forth below effective 30 days from date of publication in the FEDERAL REGISTER.

These amendments are issued under the delegation of authority of October 5, 1968 (33 F.R. 14964), and sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation from the Secretary of Transportation, Part I of the regulations of the Office of the Secretary (49 CFR 1.4(c)).

Issued on July 16, 1969.

H. M. JACKLIN, Jr.,
Acting Director, Motor Vehicle Safety Performance Service.

MOTOR VEHICLE SAFETY STANDARD NO. 109
NEW PNEUMATIC TIRES—PASSENGER CARS

1. Delete Table I-K and insert the following new Table I-K of Appendix A.

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

TABLE I-K

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "60 SERIES" BIAS PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	20	22	24	26	28	30	32	34	36	38	40			
E60-15	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	6	33.83	8.70
F60-15	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	7	34.94	9.40
G60-15	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	7	35.73	9.70

[1] The letter "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

2. The following new Table I-M is added to Appendix A listing a new category of tire size designation.

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

TABLE I-M

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "78 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	20	22	24	26	28	30	32	34	36	38	40			
BR78-13	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	30.31	6.75
CR78-14	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5	31.67	7.00
DR78-14	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5	32.26	7.20
FR78-14	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	33.78	7.85
GR78-14	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	34.78	8.30
HR78-14	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	35.77	8.60
JR78-14	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.47	8.95
FR78-15	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.28	7.70
GR78-15	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.30	8.15
HR78-15	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.23	8.45
JR78-15	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.98	8.80
LR78-15	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	37.66	9.00

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash."

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

MOTOR VEHICLE SAFETY STANDARD NO. 110
TIRE SELECTION AND RIMS—PASSENGER CARS

Delete Table I of Appendix A and insert the following new Table I of Appendix A.

FMVSS NO. 110

APPENDIX A—TABLE I

Alternative Rims

Tire size	*Rim* [1]
4.80-10	*3.50D.*
6.40-15	*4-JJ, 4½-JJ, 4½-K, 4.50E,* 5.00E, 5-JJ, 5-K, 5½-JJ.
7.00-15	*5.00F,* 5-K.
8.25-15	5½-JJ, *6-JJ, 6-K, 6-L.*
8.55-15	5½-JJ, *6-JJ, 6-K, 6-L.*
8.90-15	6-JJ, *6½L,* 7-L.
9.15-15	5½-JJ.
E50C-16	3½.
F50C-16	3½.
H50C-17	3½.
E60-15	*6JJ,* 7JJ.
F60-15	6½-JJ, *7-JJ.*
G60-15	*7JJ.*
D70-13	5½-*JJ,* 5½-*K.*
E70-14	7-JJ.
F70-14	7-JJ.
C70-15	*5½-JJ.*
E70-15	7-JJ.
F70-15	8-JJ.
G70-15	7-JJ.
5.0-15	3.50B, 3.50D, 3½-JJ, *4-JJ, 4.00C.*
5.5-15	3.50D, 3½-JJ, *4-JJ,* 4½-JJ.
145-10	3.50B.
145-13	3½-JJ, 4½-JJ.
165-13	*4½-JJ.*
185-15	4½-JJ.
5.20-13	4½-JJ.
5.60-13	3½-JJ, 4-JJ.
6.00-13	*4-JJ.*
5.60-15	5-K.
155R13	5-JJ.
155-13/6.15-13	5-JJ.
B78-14	*4½-JJ, 4½-K,* 5-JJ, 5-K.
C78-14	4½-JJ, *5-JJ, 5-K,* 5½-JJ, 6-JJ.
D78-14	*5-JJ, 5-K.*
E78-14	4½-JJ, 5-JJ, 5-K, *5½-JJ,* 5½-*K,* 6-JJ, 6½-JJ.
F78-14	5-JJ, 5-K, 5½-JJ, 5½-*K,* 6-JJ, 6-K, 6½-JJ.
G78-14	5-JJ, 5½-JJ, 5½-K, *6-JJ, 6-K,* 7-JJ.
H78-14	5½-JJ, *6-JJ, 6-K,* 6½-JJ, 6½-K.
J78-14	*6-JJ, 6-K,* 6½-JJ.
C78-15	4½-JJ, 4½-K, *5-JJ, 5-K.*
D78-15	*5-JJ, 5-K.*
E78-15	4½-K, *5-JJ, 5-K,* 5½-JJ, 5½-K, 6-JJ.
F78-15	4½-K, 5-JJ, 5-K, 5½-JJ, 5½-*K,* 6-JJ.
G78-15	5-JJ, 5-K, 5½-JJ, 5½-K, 6-JJ, 6-K, 6-L.
H78-15	5½-JJ, 5½-K, *6-JJ, 6-K,* 6-L, 6½-K.
J78-15	*6-JJ, 6-K, 6-L,* 6½-JJ.
L78-15	*6-JJ, 6-K, 6-L,* 6½-JJ.
BR78-13	*4½JJ.*
CR78-14	*5JJ.*
DR78-14	*5JJ.*
FR78-14	*5½JJ.*
GR78-14	*6JJ.*
HR78-14	*6JJ.*
JR78-14	*6½JJ.*
FR78-15	*5½JJ.*
GR78-15	*6JJ.*
HR78-15	*6JJ.*
JR78-15	*6½JJ.*
LR78-15	*6½JJ.*

[1] Italicized designations denote Test Rims.

NOTE: Where JJ rims are specified in the above Table, J and JK rim contours are permissible.

[F.R. Doc. 69-8535; Filed, July 18, 1969; 8:45 a.m.]

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 18397]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Order Extending Time for Filing Reply Comments

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals, Docket No. 18397.

1. On June 4, 1969, the Industrial Electronics Division of Electronic Industries Association (EIA) requested the Commission to extend the time for filing comments on Part V of Docket No. 18397 through November 3, 1969. As grounds for this request, EIA stated that it proposed to undertake substantial studies relating to the issues in Part V, which could not be completed within the time then allowed.

2. Since the questions in Part V are pertinent to the issues in Parts III and IV of Docket No. 18397 (see Notice of Proposed Rule Making and Notice of Inquiry, 15 FCC 2d 417, 443), the Commission is desirous of receiving initial comment on Part V at an early date and will adhere to the present August 1, 1969, deadline for comments on Part V. However, in order to obtain the assistance of the proposed EIA studies, it appears that the public interest will be served by extending the time for filing reply comments on Part V through November 3, 1969.

3. *Accordingly, it is ordered*, Pursuant to § 0.289(c)(4) of the Commission's rules and regulations, That the time for filing reply comments on Part V of Docket No. 18397 is extended through November 3, 1969.

Adopted: July 14, 1969.

Released: July 15, 1969.

[SEAL] SOL SCHILDHAUSE,
Chief, CATV Task Force.

[F.R. Doc. 69-8549; Filed, July 18, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

GRAND TETON NATIONAL PARK, WYO.

Oversnow Vehicles, Mountain Climbing and Winter Touring

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), the act of September 14, 1950 (64 Stat. 849; 16 U.S.C. 406d–1), 245 DM1 (27 F.R. 6395), as amended, National Park Service Order No. 34 (31 F.R. 4255), as amended, National Park Service Order No. 4 (31 F.R. 5769), as amended, it is proposed to amend § 7.22 of Title 36 of the Code of Federal Regulations as set forth below.

The following proposed amendment supersedes the proposed amendment of 36 CFR 7.22, as set forth in the FEDERAL REGISTER, volume 33 at page 10942. The amendment provides a registration system and sets forth requirements for operation of oversnow vehicles, prohibits solo climbing and provides a registration system for climbing and hiking and winter touring to ensure that visitors pursuing these activities will be cognizant of the hazards they will encounter.

It is the policy of the Department of the Interior to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit comments, suggestions, or objections to the Superintendent, Grand Teton National Park, Moose, Wyo. 83012 within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.22 is amended to read as follows:

§ 7.22 **Grand Teton National Park.**

* * * * *

(f) *Oversnow vehicles.* (1) The term "oversnow vehicle" shall include all devices propelled by a motor that are designed for oversnow travel.

(2) Registration of each oversnow vehicle with the Superintendent is required prior to operation in the Park.

(3) An adequate lighting system is required if the vehicle is traveling during darkness.

(4) An adequate propeller guard is required if the vehicle is a snowplane.

(5) Oversnow vehicle use is permitted only in areas designated by the Superintendent, and is not permitted on plowed roads. A map of the designated areas is located in the Superintendent's office.

(6) No person under the age of 16 shall operate an oversnow vehicle without direct supervision of an adult.

(7) Racing, other competitive uses, and operation of an oversnow vehicle in an unsafe manner is prohibited.

(8) Oversnow vehicles used to carry passengers for hire will be deemed commercial, and will be subject to § 3.4 of this chapter.

* * * * *

(h) *Mountain climbing and off-trail hiking.* (1) Solo climbing is prohibited. Registration with the Superintendent is required prior to any climbing or hiking off designated trails west of the Snake River above the 7,000-foot level. The registrant is required to sign in immediately upon return from the climb or hike. All established trails are designated on a map located in the Superintendent's office.

(i) *Winter touring.* (1) The Superintendent may, by posting or official notice, establish on the basis of weather and snow conditions, a winter touring season.

(2) Registration with the Superintendent is required prior to any winter travel using skiis, snowshoes, or other nonmechanical means, away from plowed roads. The registrant is required to sign in immediately upon return from a trip.

(3) Solo winter touring is prohibited.

HOWARD H. CHAPMAN,
Superintendent,
Grand Teton National Park.

[F.R. Doc. 69-8560; Filed, July 18, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

BUREAU FOR EAST ASIA; DIRECTOR, PROCUREMENT MANAGEMENT, AND CHIEF, SERVICES CONTRACTS DIVISION

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by Delegation of Authority No. 17 from the Administrator, dated June 14, 1962, as amended, I hereby redelegate, for countries or areas within the responsibility of the Assistant Administrator for East Asia, authority to the Director, Office of Procurement Management and the Chief, Services Contracts Division, to sign or approve the following:

(1) Contracts and amendments to contracts, financed in whole or in part by A.I.D., other than contracts exclusively for the supply of commodities, and grants, other than to a foreign government, or agencies of a foreign government;

(2) Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for contracts described in paragraph (1) above;

(3) Amendment or modification (pursuant to Executive Order 11223) involving less than $25,000 of A.I.D.-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract.

The authorities herein redelegated may be exercised by a person who is performing the functions of the Director, Office of Procurement Management or the Chief, Services Contracts Division, in an "Acting" capacity. The authorities are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D.

The authorities redelegated herein may not be further redelegated.

The Redelegation of Authority from the Assistant Administrator for East Asia to the Director, Office of Procurement Management and the Chief, Services Contracts Division dated July 16, 1968, is hereby superseded.

This redelegation of authority is effective immediately.

ROBERT H. NOOTER,
Acting Assistant Administrator,
East Asia.

JUNE 26, 1969.

[F.R. Doc. 69-8561; Filed, July 18, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

GRAINS AND SIMILARLY HANDLED COMMODITIES

Notice of Final Date for Redemption of Warehouse-Storage Loans Made Under 1968 Price Support Programs

The Notice of Final Date for Redemption of Warehouse-Storage Loans Made Under 1968 Price Support Programs, published on April 30, 1969, 34 F.R. 7091, and May 22, 1969, 34 F.R. 8052, is amended to remove the footnote mark from the notice applicable to the extension of the maturity date for 1968 crop corn to delete the word "corn" from footnote 1, so the notice applicable to corn and the footnote now read as follows:

CORN

	Maturity date	Final date for repayment
In all States	July 31, 1969	July 31, 1969

* * * * *

[1] This notice does not apply to loans on barley, grain sorghum, oats, soybeans, and wheat with respect to which producers, prior to the above maturity dates, have given written notice to the ASCS county office through which they obtained such loans that they wish to have such maturity dates extended.

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 15, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-8555; Filed, July 18, 1969; 8:48 a.m.]

Packers and Stockyards Administration

[P. & S. Docket No. 1246]

ST. LOUIS NATIONAL STOCKYARDS CO.

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on June 26, 1969, continuing in effect to and including June 30, 1971, an order issued on November 16, 1965 (24 A.D. 1482), authorizing the respondent, St. Louis National Stockyards Co., to assess the current temporary schedule of rates and charges.

By a petition filed on June 25, 1969, the respondent requested authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requested that the current schedule, as so modified, be continued in effect to and including June 30, 1971.

YARDAGE CHARGES

	Rate per head	
	Present	Proposed
A. Livestock sold or resold in the Commission Division:		
Cattle (except bulls weighing 800 lbs. or over)	$1.30	$1.50
Calves (400 lbs. or under)	.72	.83
Hogs (except boars)	.45	.55
Sheep and goats	.33	.38
Bulls weighing 800 lbs. or over	2.15	2.50
Boars	1.35	1.55
B. Livestock received directly by packers through the yards:		
Cattle (except bulls weighing 800 lbs. or over)	.65	.75
Calves (400 lbs. or under)	.36	.42
Hogs (except boars)	.23	.28
Sheep and goats	.17	.19
Bulls weighing 800 lbs. or over	1.08	1.25
Boars	.68	.78
C. Livestock resold at the yards for local delivery, other than livestock resold in the Commission Division:		
Cattle (except bulls weighing 800 lbs. or over)	.33	.38
Calves	.20	.23
Hogs (except boars)	.11	.15
Sheep and goats	.08	.10
Bulls weighing 800 lbs. or over	.50	.68
Boars	.16	.21
D. Livestock resold at the yards for shipment off the market, other than livestock resold in the Commission Division:		
Cattle (except bulls weighing 800 lbs. or over)	.15	.18
Calves	.10	.12
Hogs (except boars)	.06	.08
Sheep and goats	.05	.06
Bulls weighing 800 lbs. or over	.25	.29
Boars	.08	.10

DELIVERY CHARGES

A. Delivery of hogs from truck unloading chutes to Market Agency Pens. This charge will be assessed against the Market Agency receiving the livestock	$0.05	$0.07

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 10 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of July 1969.

GLENN G. BIERMAN,
Acting Administrator, Packers and Stockyards Administration.

[F.R. Doc. 69-8557; Filed, July 18, 1969; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RALPH FRANK WILLIAMS

Notice of Granting of Relief

Notice is hereby given that Ralph Frank Williams, Route No. 8, Box 276B, Charlotte, N.C., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incured by reason of his conviction on April 5, 1939, in the U.S. District Court for the Middle District of North Carolina, of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(a)(20). Unless relief is granted, it will be unlawful for Ralph Frank Williams, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C. Appendix) it would be unlawful for Mr. Williams to receive, possess, or transport in commerce or affecting commerce, a firearm. Notice is hereby further given that I have considered Ralph Frank Williams' application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Ralph Frank Williams from disabilities incurred by reason of his conviction would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Ralph Frank Williams be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of the conviction hereinabove described. Signed at Washington, D.C., this 14th day of July, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-8541; Filed, July 18, 1969; 8:47 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR MODEL CITIES, REGION V (FORT WORTH)

Redelegation of Authority With Respect to Model Cities Program

The Assistant Regional Administrator for Model Cities, Region V (Fort Worth), is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Adminstrator in section A of the redelegations of authority by the Assistant Secretary for Model Cities and Governmental Relations effective November 27, 1967 (32 F.R. 17496, Dec. 6, 1967), as amended effective April 29, 1968 (33 F.R. 14733, Oct. 2, 1968), with respect to the Model Cities Program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3301-3313), including the authority to authorize waiver of Part II, Article III, section 303(B) of the planning grant contract in respect to payment of the ten (10) percent withheld from the Federal grant amount for satisfactory completion of the planning phase, excepting, however, the authority to authorize waivers of other contract provisions.

This redelegation supersedes the redelegation effective August 28, 1968 (33 F.R. 12149, Aug. 28, 1968).

(Redelegations of Authority by Assistant Secretary for Model Cities and Governmental Relations effective Nov. 27, 1967 (32 F.R. 17496, Dec. 6, 1967), as amended effective Apr. 29, 1968 (33 F.R. 14733, Oct. 2, 1968))

Effective date. This redelegation of authority shall be effective as of July 19, 1969.

W. W. COLLINS,
Regional Administrator, Region V.

[F.R. Doc. 69-8536; Filed, July 18, 1969; 8:46 a.m.]

ACTING REGIONAL ADMINISTRATOR ET AL., REGION V (FORT WORTH)

Designations

The designations of officers authorized to serve as Acting Assistant Regional Administrators in Region V (33 F.R. 18305, Dec. 10, 1968, as amended at 34 F.R. 6708, Apr. 19, 1969) are hereby amended under section B by the addition of paragraph 8, to read as follows:

8. Acting Assistant Regional Administrator for Equal Opportunity:

a. Deputy Assistant Regional Administrator for Equal Opportunity.

b. Director, Equal Employment Opportunity Division, Equal Opportunity Office.

c. Director, Program Services and Review Division, Equal Opportunity Office.

d. Chief, Reports and Control Branch, Equal Opportunity Office.

(Delegation effective May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective date. This amendment of designations is effective as of May 8, 1969.

W. W. COLLINS,
Regional Administrator, Region V (Fort Worth).

[F.R. Doc. 69-8537; Filed, July 18, 1969; 8:46 a.m.]

ACTING REGIONAL ADMINISTRATOR, REGION I (NEW YORK)

Designation

The officers appointed to the following listed positions in Region I (New York) are hereby designated to serve as Acting Regional Administrator, Region I (New York), during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Regional Administrator.
2. Assistant Regional Administrator for Renewal Assistance.
3. Assistant Regional Administrator for Housing Assistance.
4. Assistant Regional Administrator for Metropolitan Development.

This designation supersedes the designation effective August 4, 1967 (32 F.R. 11359, Aug. 4, 1967).

(Delegation May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of July 2, 1969.

ANNE M. ROBERTS,
Acting Regional Administrator, Region I.

[F.R. Doc. 69-8538; Filed, July 18, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO.

Notice of Receipt of Application for Construction Permit and Facility License

Portland General Electric Co., 621 Southwest Alder Street, Portland, Oreg., pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated June 25, 1969, for authorization to construct and operate a pressurized water nuclear reactor at the applicant's Trojan Nuclear Plantsite.

The 623-acre site is located on the west bank of the Columbia River in Columbia County, Oreg. The site is approximately 31 miles north of Portland, Oreg., 4 miles south-southeast of Ranier, Oreg., and 3 miles northwest of Kalama, Wash.

The proposed reactor, designated as the Trojan Nuclear Plant, is designed for initial operation at approximately 3,423 thermal megawatts with a net electrical output of approximately 1,106 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 14th day of July 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 69-8524; Filed, July 18, 1969; 8:45 a.m.]

[Docket No. 50-72]

UNIVERSITY OF UTAH

Notice of Issuance of Amendment to Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on June 28, 1969 (34 F.R. 10010), the Atomic Energy Commission has issued, in the form set forth in that notice, Amendment No. 7 to Facility License No. R-25 to the University of Utah at Salt Lake City, Utah.

The amendment, which is effective as of the date of issuance, authorizes the university to operate its Model AGN-201, Serial No. 107, nuclear reactor, located on the university's campus in Salt Lake City, at increased power levels up to a maximum of 5 watts and redesignates the reactor as a Model AGN-201M.

Dated at Bethesda, Md., this 15th day of July 1969.

For the Atomic Energy Commission.

DUDLEY THOMPSON,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-8525; Filed, July 18, 1969; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 28]

H. F. AHMANSON & CO.

Notice of Receipt of Application for Permission To Acquire Control of Guarantee Savings and Loan Association of Livermore Valley

JULY 16, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the H. F. Ahmanson & Co., Los Angeles, Calif., a registered savings and loan holding company for approval of the latter corporation's acquisition of control of the Guarantee Savings and Loan Association of Livermore Valley, Livermore, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the rules and regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase of stock of Guarantee Savings and Loan Association of Livermore Valley by Home Savings and Loan Association, a subsidiary of H. F. Ahmanson & Co., from Savings Financial, which owns 98.9 percent of the stock of Guarantee Savings and Loan Association of Livermore Valley, followed by the transfer of substantially all of the assets of said Guarantee Savings and Loan Association of Livermore Valley to said Home Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary, Federal Home Loan Bank Board.

[F.R. Doc. 69-8526; Filed, July 18, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

INTERCONTINENTAL INDUSTRIES, INC.

Order Suspending Trading

JULY 15, 1969.

The common stock, $1 par value, of Intercontinental Industries, Inc. (a Nevada corporation, being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Intercontinental Industries, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 16, 1969, through July 25, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8527; Filed, July 18, 1969; 8:46 a.m.]

[Files Nos. 7-3154—3156]

OCCIDENTAL PETROLEUM CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 15, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the preferred stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Occidental Petroleum Corp., $2.16 convertible preferred stock, $1 par value	7-3154
Occidental Petroleum Corp., $3.60 convertible preferred stock, $1 par value	7-3155
Occidental Petroleum Corp., $4 convertible preferred stock, $1 par value	7-3156

Upon receipt of a request, on or before July 30, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8528; Filed, July 18, 1969; 8:46 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

JULY 15, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Rajac Industries, Inc., a New York corporation, is required in the public

interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 16, 1969, through July 25, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8529; Filed, July 18, 1969; 8:46 a.m.]

[Files Nos. 7-3157, 7-3158]

SEEMAN BROS., INC., AND WILSHIRE OIL CO. OF TEXAS

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 15, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Seeman Bros., Inc.	7-3157
Wilshire Oil Co. of Texas	7-3158

Upon receipt of a request, on or before July 30, 1969, from any interested person, the Commisison will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8530; Filed, July 18, 1969; 8:46 a.m.]

[812-2327]

TL MANAGEMENT, INC.

Notice of Filing of Application

JULY 15, 1969.

Notice is hereby given that TL Management, Inc. ("applicant"), One Chase Manhattan Plaza, Suite 5810, New York, N.Y. 10005, a Delaware corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission finding and declaring that applicant is primarily engaged, through a controlled company, in a business other than that of investing, reinvesting, owning, holding, or trading in securities and for an order pursuant to section 6(c) of the Act exempting applicant, until entry by the Commission of an order disposing of said application, from the provisions of section 7 of the Act, subject to certain conditions set forth below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant owns 600,000 shares (29 percent) of the outstanding capital stock of Travelodge Corp. ("Travelodge"), a California corporation. Such shares represent substantially all of applicant's total assets and are investment securities, as defined in section 3 of the Act. Section 3(a)(3) of the Act defines as an investment company any issuer which is engaged, or proposes to engage, in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Section 3(b)(2) provides that any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses, is not an investment company.

Section 6(c) of the Act, as here pertinent, provides that the Commission may, by order upon application, conditionally or unconditionally exempt any person from any provision or provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant is a close corporation under section 342 of the Delaware Corporation Law. As such, all of its issued stock must be held by not more than 30 persons and it may make no public offering of its stock. Applicant was organized at the instance of Travelodge Australia Ltd. ("Limited") and Trust Houses Group Ltd. ("Trust Houses"). Limited and Trust Houses have acquired an aggregate of approximately 51 percent of the capital stock of applicant. An additional 12.6 percent of such stock is owned by Western International Hotels Co. ("Western"), a Washington corporation. The balance of applicant's capital stock is held by six stockholders. Limited (formerly named Motels of Australia, Ltd.) operates more than 60 motels or hotels in Australia. Trust Houses operates more than 100 in the United Kingdom and a subsidiary controls its operations in Spain, Portugal, and the Caribbean area; in the Pacific area it operates jointly with Limited. Western operates over 50 hotels and motels, including 20 in the United States and others in Canada, Guatemala, Hong Kong, Japan, Mexico, and Venezuela. Western has over 1,000 shareholders, most of whom are in the United States. Less than 1 percent of the outstanding securities of each of Limited or Trust Houses is known to be owned in the United States.

Travelodge is engaged as a joint venturer in the ownership and operation of over 350 motels located throughout the United States. Applicant acquired its 29 percent interest in Travelodge from the former chairman of the board of directors of Travelodge, who was the founder of the company, and from his wife. Applicant is the largest stockholder of Travelodge; no other stockholder will hold as much as 7 percent of its outstanding stock. The board of directors of Travelodge consists of nine persons, of which five are nominees of applicant. The president of applicant, who is chairman of the board of Limited, is also chairman of the board of Travelodge. He and two vice presidents of applicant will be active in the management of Travelodge.

The objective of the formation of applicant and the acquisition of its interest in Travelodge is the creation of a medium to provide on a worldwide basis uniform accommodations under the name "Travelodge." The plan brings together the operations of Limited, Trust Houses, Western, and Travelodge. It is intended that others will be invited to joint the system, under which Applicant will license independent operators to use the name of the group and its booking facilities and will provide specialized management services to the international and national accommodation industry. Applicant may also engage in operations on its own account. Applicant has no intention of acquiring any securities other than shares of Travelodge. It expects to acquire additional shares of Travelodge as they become available and financing arrangements are made.

Section 3(b)(2) of the Act exempted applicant from the provisions of the Act, applicable to an investment company as such, for a period of 60 days from the filing of the application. In requesting an exemption from the prohibitions of section 7 of the Act from the end of such 60-day period until the entry of an order of the Commission with respect to its application, applicant agrees that the granting of such exemption may be made subject to the condition that applicant,

and other persons in their transactions and relations with applicant, shall, pursuant to section 6(e) of the Act, be subject to all other provisions of the Act, and the rules and regulations of the Commission thereunder, as though applicant were a registered investment company, with the exception of the following: Sections 8; 10(a); 17 (f), (g), and (h); 20(a); 30; and 31.

Notice is further given that any interested person may, not later than July 29, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the application may be issued upon the basis of the information stated in said application, unless an order for hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8531; Filed, July 18, 1969; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aalfs Manufacturing Co., Spencer, Iowa; 5-18-69 to 5-17-70; 10 learners (men's jeans).

Aalfs Manufacturing Co., Storm Lake, Iowa; 6-5-69 to 6-4-70; 10 learners (boys' jeans).

Altamont Shirt Corp., Altamont, Tenn.; 6-18-69 to 6-17-70 (men's and boys' sport and dress shirts and women's and girls' blouses).

Angelica Uniform Co., Winfield, Mo.; 6-25-69 to 6-24-70; 10 learners (men's washable service coats).

Barad & Co., Salem, Mo.; 6-3-69 to 6-2-70 (women's sleepwear).

Barco of Utah, Kanab, Utah; 6-18-69 to 6-17-70; 10 learners (nurses uniforms and doctors' jackets).

Bee & Gee Pants Manufacturing Co., Inc., Dickson City, Pa.; 5-15-69 to 5-14-70 (men's and boys' trousers).

Michael Berkowitz Co., Inc., Confluence, Pa.; 5-29-69 to 5-28-70; 10 learners (ladies' pajamas).

Blue Bell, Inc., Seminole, Okla.; 5-17-69 to 5-16-70 (men's denim pants).

Brunswick Manufacturing Co., Brunswick, Ga.; 5-20-69 to 5-19-70 (children's and ladies' car coats and zipper jackets).

Cal-Crest Outerwear, Inc., Murphysboro, Ill.; 6-9-69 to 6-8-70 (men's and boys' jackets).

Carolina Girls Wear, Inc., St. George, S.C.; 6-18-69 to 6-17-70 (children's dresses).

Carwood Manufacturing Co., Cornelia, Ga.; 5-26-69 to 5-25-70 (men's combat tropical coats).

Central Apparel Corp., Danville, Va.; 7-2-69 to 7-1-70 (children's pants).

Crane Manufacturing Co., Crane, Mo.; 6-5-69 to 6-4-70 (men's and boys' jeans and Army combat trousers).

Crane Manufacturing Co., Republic, Mo.; 6-5-69 to 6-4-70; 10 learners (men's and boys' trousers).

Decaturville Sportswear Co., Inc., Decaturville, Tenn.; 5-30-69 to 5-29-70 (ladies' sportswear).

E. & B. Dress Manufacturing Co., Inc., Simpson, Pa.; 6-9-69 to 6-8-70; 2 learners (women's dresses).

Eagle Pass Manufacturing Co., Eagle Pass, Tex.; 6-4-69 to 6-3-70 (jeans).

Freeland Manufacturing Co., Freeland, Pa.; 6-19-69 to 6-18-70 (men's and boys' sport jackets and men's work clothing).

Freeland Sportswear Co., Inc., Freeland, Pa.; 5-27-69 to 5-26-70 (men's outerwear jackets).

Garan Inc., Adamsville, Tenn.; 5-21-69 to 5-20-70 (men's and boys' sport shirts).

Hamburg Short Corp., Hamburg, Ark.; 5-26-69 to 5-25-70 (boys' shirts).

Hy-Grade Pants Co., Inc., Taylor, Pa.; 6-12-69 to 6-11-70 (men's and boys' pants).

Imperial Reading Corp., La Follette, Tenn.; 5-17-69 to 5-16-70 (men's dress shirts).

Jo-Jac Shirt Co., Inc., Pulaski, Tenn.; 7-3-69 to 7-2-70 (boys' sport shirts).

Karalee, Inc., Sharpsburg, N.C.; 5-26-69 to 5-25-70; 10 learners (ladies' shifts and cotton blouses).

Lad 'N Dad Slacks, Inc., No. 2, Ashburn, Ga.; 6-10-69 to 6-9-70 (boys' and men's dress trousers).

Lavonia Industries, Inc., Lavonia, Ga.; 5-18-69 to 5-17-70 (women's dresses).

Leco Manufacturing Corp., Mountain City, Tenn.; 6-4-69 to 6-3-70 (ladies' and children's nightgowns and pajamas).

Louisburg Sportswear Co., Louisburg, N.C.; 6-13-69 to 6-12-70 (men's and boys' knitted shirts).

Louisiana Industrial Garment Manufacturing Co., Gonzales, La.; 6-12-69 to 6-11-70 (men's dress and work pants).

Lynn Manufacturing Co., Johnston, S.C.; 6-16-69 to 6-15-70 (women's dresses).

Lyons Manufacturing Co., Inc., Lyons, Ga.; 5-18-69 to 5-17-70 (men's and boys' shirts and ladies' blouses).

Martin Manufacturing Co., Inc., Martin, Tenn.; 6-2-69 to 6-1-70 (men's shirts).

Martin Manufacturing Co., Inc., Ramer, Tenn.; 5-19-69 to 5-18-70 (men's and boys' outerwear).

McCreary Manufacturing Co., Inc., Stearns, Ky.; 6-26-69 to 6-25-70 (men's dress shirts).

Meadow Sportswear, Inc., Okolona, Miss.; 5-23-69 to 5-22-70 (men's dress slacks).

Mode O'Day Co., Salt Lake City, Utah; 6-3-69 to 6-2-70 (women's and children's dresses).

Monroe Manufacturing Co., Newark, N.J.; 6-10-69 to 6-9-70; 4 learners (men's and boys' outerwear jackets).

The Newton Co., Newton, Miss.; 5-17-69 to 5-16-70 (men's and ladies' slacks).

Norris Manufacturing Co., Taylors, S.C.; 5-19-69 to 5-18-70 (men's and boys' sport and dress shirts and ladies' blouses).

Opp Textiles, Inc., Opp, Ala.; 5-18-69 to 5-17-70 (hunting clothing).

Paducah Shirt Co., Inc., Paducah, Ky.; 6-21-69 to 6-20-70 (boys' knit shirts).

Paramount Sportswear Corp., Fall River, Mass.; 5-25-69 to 5-24-70; 10 learners (children's clothing).

Pelham Industrial Garment Manufacturing Co., Pelham, Ga.; 5-26-69 to 5-25-70; 10 learners (men's shop coats).

Piedmont Shirt Co., Greenville, S.C.; 5-25-69 to 5-24-70 (men's and boys' sport and dress shirts).

Putnam Manufacturing Co., Cookeville, Tenn.; 5-16-69 to 5-15-70 (men's work pants).

Raritan Sportswear Co., Perth Amboy, N.J.; 5-17-69 to 5-16-70; 5 learners (men's and boys' outerwear sports jackets).

Reed Manufacturing Co., Tupelo, Miss.; 5-22-69 to 5-21-70 (men's work pants, slacks, shirts, and boys' dungarees).

Renmar Manufacturing Corp., Parkersburg, W. Va.; 6-10-69 to 6-9-70 (infants', juniors', and preteen clothing playwear).

Roman's Inc., Scranton, Pa.; 6-9-69 to 6-8-70; 10 learners (men's ladies', and boys' casual jackets).

Fred Ronald Manufacturing Co., Parsons, Kans.; 5-20-69 to 5-19-70 (boys' slacks).

Scranton Pants Manufacturing Co., Scranton, Pa.; 5-23-69 to 5-22-70 (men's dress pants).

Henry I. Siegel Co., Inc., Johnson City, Tenn.; 6-13-69 to 6-12-70 (men's and boys' single pants).

Spencer California, Tehachapi, Calif.; 6-20-69 to 6-19-70; 6 learners (children's jumpers and shifts, pajamas, and nightgowns).

Stone Manufacturing Co., Greenville, S.C.; 5-27-69 to 5-26-70 (ladies' and children's playwear, blouses, slips, and sleepwear).

Levi Strauss & Co., Valdosta, Ga; 6-24-69 to 6-23-70 (men's and boys' pants).

Sweet-Orr & Co., Inc., Dawsonville, Ga.; 5-28-69 to 5-27-70 (boys' uniform shirts).

Tucumcari Industries, Tucumcari, N. Mex.; 6-10-69 to 6-9-70; 10 learners (ladies', girls', men's and boys' outerwear jackets).

Van Heusen Co., Des Arc, Ark.; 6-7-69 to 6-6-70 (men's dress shirts).

Van Heusen Corp., Patton, Pa.; 6-10-69 to 6-9-70 (men's dress and sport shirts).

E. Weinshel & Bro. Co., Milwaukee, Wis.; 6-13-69 to 6-12-70; 10 learners (poplin jackets and suburban coats).

J. M. Wood Manufacturing Co., Inc., Waco, Tex.; 5-18-69 to 5-17-70 (men's work clothes and boys' jeans and casual pants).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Barad & Co., Salem, Mo.; 6-18-69 to 12-17-69; 25 learners (ladies' sleepwear).

Michael Berkowitz Co., Inc., Confluence, Pa.; 5-29-69 to 11-28-69; 25 learners (ladies' pajamas).

Big River Manufacturing Co., Kittanning, Pa.; 6-16-69 to 12-15-69; 50 learners (boys' knit shirts and nylon jackets).

Cal-Ute Corp., Deseret, Utah; 5-26-69 to 11-25-69; 50 learners (men's outerwear jackets).

Collinwood Manufacturing Co., Collinwood, Tenn.; 5-22-69 to 11-21-69; 65 learners (women's and men's washable service apparel).

F. Jacobson & Sons, Inc., Middlesboro, Ky.; 5-26-69 to 11-25-69; 15 learners (men's shirts).

Lynn Manufacturing Co., Johnston, S.C.; 6-16-69 to 12-15-69; 100 learners (women's dresses).

ReView Apparel, Inc., Fillmore, Utah; 6-16-69 to 10-20-69; 40 additional learners (ladies' dresses and jackets) (supplemental certificate).

Rogin, Inc., Winder, Ga.; 6-6-69 to 12-5-69; 10 learners (men's dress pants).

Tri County Shirt Co., Salem, Ark.; 6-2-69 to 12-1-69; 50 learners (white dress shirts).

Tucumcari Industries, Tucumcari, N. Mex.; 6-10-69 to 12-9-69; 15 learners (ladies', girls', men's and boys' outerwear jackets).

Vernal Sportswear, Inc., Vernal, Utah; 6-20-69 to 12-19-69; 12 learners (children's and ladies' blouses, pants, and swimsuits).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

N. Churchill Manufacturing Co., Inc., Centralia, Wash.; 5-25-69 to 5-24-70; 10 learners for normal labor turnover purposes (men's work gloves).

Jasper Glove Co., Inc., Jasper, Ind.; 5-28-69 to 5-27-70; 10 learners for normal labor turnover purposes (work gloves).

Jasper Glove Co., Inc., Jasper, Ind.; 5-16-69 to 11-15-69; 20 learners for plant expansion purposes (work gloves).

Piedmont Glove Manufacturing Corp., Gaffney, S.C.; 6-14-69 to 6-13-70; 10 learners for normal labor turnover purposes (cotton and leather work gloves).

Wells Lamont Corp., Philadelphia, Miss.; 5-24-69 to 5-23-70; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Elizabeth City Hosiery Mills, Elizabeth City, N.C.; 5-26-69 to 11-25-69; 20 learners for plant expansion purposes (ladies' nylon hosiery).

Monroe Industries, Inc., Tellico Plains, Tenn.; 6-15-69 to 6-14-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's and girls' panty hose).

Monroe Industries, Inc., Tellico Plains, Tenn.; 6-15-69 to 12-14-69; 50 learners for plant expansion purposes (women's and girls' panty hose).

W. Y. Shugart & Sons, Inc., Fort Payne, Ala.; 6-4-69 to 6-3-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' and children's seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Indiana Fabrics, Inc., Knox, Ind.; 5-26-69 to 5-25-70; 5 learners for normal labor turnover purposes (knitted terrycloth).

J. E. Morgan Knitting Mills, Inc., Tamaqua, Pa.; 6-11-69 to 6-10-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear and crib blankets and infants' garments).

Mullins Textile Mills, Mullins, S.C.; 6-17-69 to 6-16-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted underwear and sportswear).

Reidler Knitting Mills, Inc., Hazleton, Pa.; 5-29-69 to 5-28-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's and children's cotton knit underwear).

Sylvester Textile Corp., Sylvester, Ga.; 5-23-69 to 11-22-69; 30 learners for plant expansion purposes (ladies' lingerie and sleepwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Laric Manufacturing Corp., Luquillo, P.R.; 4-28-69 to 10-27-69; 10 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.21 an hour (ladies' lingerie).

Meyers & Son Manufacturing Co., of Puerto Rico, Inc., Cidra, P.R.; 6-9-69 to 6-8-70; 5 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.06 an hour (coveralls).

Randy Knitting Mills, Inc., Quebradillas, P.R.; 5-19-69 to 5-18-70; 5 learners for normal labor turnover purposes in the occupations of (1) Sweater knitting, for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.24 an hour for the remaining 240 hours; and (2) Machine stitching-seaming and hand sewing for a learning period of 320 hours at the rates of $1.17 an hour for the first 160 hours and $1.34 an hour for the remaining 160 hours (full fashioned sweaters).

Randy Knitting Mills, Inc., Quebradillas, P.R.; 5-19-69 to 11-18-69; 10 learners for plant expansion purposes in the occupations of (1) Sweater knitting, for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.34 an hour for the remaining 240 hours; and (2) Machine stitching-seaming and hand sewing for a learning period of 320 hours at the rates of $1.17 an hour for the first 160 hours and $1.34 an hour for the remaining 160 hours (full fashioned sweaters).

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificates issued under Part 527 are as indicated below.

Garfield Business Institute, Beaver Falls, Pa.; 5-29-69 to 5-28-70; authorizing the employment of 10 student-workers in the clerical industry in the occupations of secretary, stenographer, and general clerk for a learning period of 1,000 hours at the rates of $1.20 an hour for the first 500 hours and $1.30 an hour for the remaining 500 hours.

New Castle Business College, New Castle, Pa.; 5-29-69 to 5-28-70; authorizing the employment of 30 student-workers in the clerical industry in the occupations of secretary, stenographer, and general clerk for a learning period of 1,000 hours at the rates of $1.20 an hour for the first 500 hours and $1.30 an hour for the remaining 500 hours.

The student-worker certificates were issued upon the applicant's representations and supporting materials fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 14th day of July 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69-8520; Filed, July 18, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 16, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41692—*Crude petroleum to Harrison (Newark), N.J.* Filed by Southwestern Freight Bureau, agent (No. B-47), for interested rail carriers. Rates on crude petroleum, suitable only for mixing, blending, and/or refining, in tank carloads, as described in the application, from specified points in southwestern and midcontinent territories, to Harrison (Newark), N.J.

Grounds for relief—Market competition.

Tariff—Supplement 167 to Southwestern Freight Bureau, agent, tariff I.C.C. 4530.

FSA No. 41693—*Petroleum cyclohexane from, to, and between points in southwestern and midcontinent territories.* Filed by Southwestern Freight Bureau, agent (No. B-49), for interested rail carriers. Rates on petroleum cyclohexane, not pure, in tank carloads, as described in the application, from, to, and between points in southwestern and midcontinent territories.

Grounds for relief—Carrier competition and rate relationship.

Tariffs—Supplement 51 to Southwestern Freight Bureau, agent, tariff ICC 4714, and six other schedules named in the application.

FSA No. 41694—*Bituminous coal to Michigan City, Ind.* Filed by Illinois Freight Association, agent (No. 345), for interested rail carriers. Rates on bituminous coal, in carloads, as described in the application, from mines in southern Illinois, to Michigan City, Ind.

Grounds for relief—Market competition with Indiana mines, and competition with gas as a fuel.

Tariff—Supplement 25 to Illinois Freight Association, agent, tariff ICC 1157.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8542; Filed, July 18, 1969; 8:47 a.m.]

[No. 35130]

ILLINOIS CENTRAL RAILROAD CO. ET AL.

Applicable Tariff Provisions Regarding Freight Charges on New Empty Tank Cars

JULY 7, 1969.

Notice is hereby given that petitioners, Illinois Central Railroad Co., Louisville & Nashville Railroad Co., Penn Central Co., and Southern Railway System, have filed a petition with the Interstate Commerce Commission praying that the Commission enter a declaratory order, as authorized by section 554(e) [1] of the Administrative Procedure Act, to determine the controversy discussed hereinbelow.

The question to be determined in this proceeding is whether a tank car is an article of freight, subject to freight charges, or an instrumentality of transportation to be credited with mileage for equalization purposes, under the following circumstances.

(a) A new tank car being moved on its own wheels from the point at which the construction of the car was started to the point at which construction will be completed by installation of rubber linings, or installation or addition of some other part that will become an integral part of the car, where both points are published in the Official Railway Equipment Register as "home points" of the car owner; and

(b) A new tank car being moved on its own wheels from the point at which construction of the car was completed (which is listed in the Official Railway Equipment Register as a "home point" of the car owner) to the point at which, it is anticipated, the car will be loaded for the first time.

The petitioners contend that, in both instances, freight charges apply.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition, supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies each upon the following attorneys representing petitioners herein, namely: Mr. John H. Doeringer, Illinois Central, 135 East 11th Place, Chicago, Ill. 60605; Mr. Roy L. Sherman, Louisville & Nashville, 908 West Broadway, Louisville, Ky. 40201; Mr. Paul R. Duke, Penn Central, 6 Penn Center Plaza, Philadelphia, Pa. 19104; and Mr. Duncan B. Phillips, Southern Railway, Post Office Box 1808, Washington, D.C. 20013. Thereafter the Commission will proceed to render its decision in this matter, including the observance of any additional requirements that appear warranted to assure due process of law.

Notice pursuant to statutory requirements of the filing of this petition will be given by publication hereof in the FEDERAL REGISTER.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8543; Filed, July 18, 1969; 8:47 a.m.]

[S.O. 994; ICC Order 30]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of N. Thomas Harris, agent, the Chicago, Rock Island and Pacific Railroad Co. is unable to transport traffic over its line into Pipestone, Minn., because of track damage.

It is ordered, That:

(a) The Chicago, Rock Island and Pacific Railroad Co., being unable to transport traffic over its line into Pipestone, Minn., because of track damage, that line and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Chicago, Rock Island and Pacific Railroad Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11 a.m., July 15, 1969.

(g) Expiration date: This order shall expire at 11:59 p.m., August 31, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 15, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS,
Agent.

[F.R. Doc. 69-8544; Filed, July 18, 1969; 8:47 a.m.]

[Notice 869]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 16, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made.

[1] Formerly section 5(d) of the Administrative Procedure Act.

The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 35045 (Sub-No. 5 TA) (Correction), filed June 12, 1969, published FEDERAL REGISTER, issue of June 25, 1969, and republished as corrected this issue. Applicant: HORNE HEAVY HAULING, INC., 1124 De Kalb Avenue NE., Atlanta, Ga. 30307. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, containers, and packages: And, *mixed shipments of fertilizer and pine bark mulch*, in bags, containers, and packages, from the warehouse of Greenlife Products Co., at or near Covington, Ga., to points in Tennessee, Alabama, South Carolina, North Carolina, Florida, Mississippi, Ohio, Kentucky, Indiana, Michigan, and Illinois, for 150 days. NOTE: The purpose of this republication is to include Alabama, South Carolina, North Carolina, Florida, and Mississippi, omitted from previous publication. Supporting shipper: Greenlife Products Co., West Point, Va. 23181. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 50307 (Sub-No. 48 TA), filed July 8, 1969. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment* used in the manufacture thereof, between points in the New York, N.Y., commercial zone, points in New Jersey and Pennsylvania on the one hand, and on the other, Woodsfield, Ohio, for 150 days. Supporting shipper: LGAM Manufacturing Co., Inc., Woodsfield, Ohio. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 67234 (Sub-No. 14 TA), filed July 8, 1969. Applicant: UNITED VAN LINES, INC., No. 1 United Drive, Fenton, Mo. 63026. Applicant's representative: G. M. Rebman, Suite 1230 Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission in 17 M.C.C. 467, from points in the United States to points in that part of Alaska, east of an imaginary line constituting a southward extension of the United States-Canada boundary line (Alaska-Yukon Territory), for 180 days. NOTE: Applicant intends to tack with authority in MC 67234 (Sub 1). Supporting shipper: United Van Lines, Inc., past operations. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 71459 (Sub-No. 16 TA), filed July 10, 1969. Applicant: HOPPER TRUCK LINES, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Applicant's representative: David P. Roush (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities except (1) those of unusual value, (2) dangerous articles, (3) household goods, (4) commodities in bulk, (5) commodities requiring special equipment, (6) those injurious or contaminating to other lading as a common carrier by motor vehicle, from Phoenix, Ariz., to Silver City, N. Mex., over U.S. Highway 70 to a junction with New Mexico Highway 90 in or near Lordsburg, N. Mex., thence over New Mexico Highway 90 to Silver City, N. Mex., serving the intermediate point of Tyrone, N. Mex., and return over the same route as follows; from Silver City, N. Mex., over New Mexico Highway 90 to a junction with U.S. Highway 70 in or near Lordsburg, N. Mex., thence over U.S. Highway 70 to Phoenix, Ariz., serving the intermediate point of Tyrone, N. Mex., for 180 days. NOTE: Applicant intends to tack to the present authority held by applicant, Docket No. 71459 and subs, between Los Angeles, Calif., and Phoenix, Ariz. The applicant intends to interline with C-B Truck Lines, Inc., Docket MC-104789, at Silver City, N. Mex., and with all carriers operating to or from the City of Phoenix, Ariz. Supporting shippers: There are approximately 47 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 83539 (Sub-No. 258 TA), filed July 7, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. Applicant's representative: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from Holden, La., to points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Klaus H. Permer, U.S. Plywood-Champion Papers Inc., Knightsbridge Drive, Hamilton, Ohio. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 83539 (Sub-No. 260 TA), filed July 9, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks and tow tractors*, from West Memphis, Ark., to points in the United States (except Arkansas and Hawaii), for 180 days. NOTE: Applicant does not intend to tack authority. Supporting shipper: Baker-York, Inc., 981 South Eighth Street, West Memphis, Ark. 72301. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 99905 (Sub-No. 2 TA), filed July 8, 1969. Applicant: CLAYTON MILLER, doing business as DEL REYE VAN & STORAGE, 4941 West Rosecrans Avenue, Hawthorne, Calif. 90250. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Kern, Los Angeles, Orange, Riverside, San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties, Calif., for 180 days. Supporting shippers: Higa Fast Pac, Inc., 465 California Street, Suite 530, San Francisco, Calif. 94104; Trans-American World Transit, Inc., 7540 South Western Avenue, Chicago, Ill. 60620; Department of the Air Force, 414th Combat Support Squadron (ADC), Oxnard Air Force Base, Calif. 93030. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 100300 (Sub-No. 5 TA), filed July 8, 1969. Applicant: H. B. NELSON AND SONS, INC., 1017 Broadway, Alexandria, Minn. 56308. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antifreeze, petroleum and petroleum products*, in containers, *machinery, materials, tools, and equipment, and spare parts*, used in and for the dispensing and application of petroleum products, *hydraulic system components, parts, and accessories, agricultural crop spray oils, cleaning agents and solvents, advertising and display materials, racks, and stands*, from Minneapolis and St. Paul, Minn., to points in Minnesota, North Dakota, South Dakota, and points in Iowa located on and north of U.S. Highway 20, for 180 days. Supporting shipper: The Farm-Oyl Co., 2333 Hampden Avenue, St. Paul, Minn. 55114. Send protests to: District

Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 111170 (Sub-No. 129 TA), filed July 9, 1969. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chlorinated camphene*, in bulk, from West Helena, Ark., to points in Louisiana; Mississippi; Hayti, Mo.; and Humboldt, Johnson, and Memphis, Tenn., for 180 days. Supporting shipper: Hercules, Inc., Wilmington, Del. 19889. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 113388 (Sub-No. 91 TA), filed July 7, 1969. Applicant: LESTER C. NEWTON TRUCKING CO., Post Office Box 265, Bridgeville, Del. Applicant's representative: Thomas E. Garn (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods, and potato products* (not frozen), in vehicles equipped with mechanical refrigeration, from Mount Morris, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan (Lower Peninsula), New Jersey, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *frozen poultry and poultry products*, from Moorefield, W. Va.; to points in Florida, Georgia, North Carolina, South Carolina, Virginia, and points in Tennessee on and east of U.S. Highway 127, for 180 days. Supporting shippers: Lamb-Weston, Inc., 2017 Lloyd Center, Post Office Box 12145, Portland, Oreg. 97212; D. J. Osbjornson, General Traffic Manager; Pierce-Pre-Cooked Foods, Inc., Moorefield, W. Va. 26836; W. A. Wood, Traffic and Supply Coordinator. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 114829 (Sub-No. 6 TA), filed July 9, 1969. Applicant: GENERAL CARTAGE COMPANY, INC., Post Office Box 417, Sterling, Ill. 61081. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Rock Island, Ill., to Arlington, Markeson, and Plover, Wis., and Sleepy Eye and Wells, Minn., for 120 days. Supporting shipper: Container Corporation of America, 500 East North Avenue, Carol Stream, Ill. 60187. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 115181 (Sub-No. 13 TA), filed July 11, 1969. Applicant: HAROLD M. FELTY, INC., Rural Delivery No. 1, Pine Grove, Pa. 17963. Applicant's representative: Joseph E. Tolson, 1212 Liggett Avenue, Post Office Box 206, Reading, Pa. 19607. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Wyomissing, Berks County, Pa., to points in Connecticut, Delaware, Massachusetts, New Jersey, and New York, and return of *damaged and/or refused shipments* to points of origin, for 150 days. Supporting shipper: Glen-Gery Corp., 1212 Liggett Avenue, Post Office Box 206, Reading, Pa. 19607. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 116538 (Sub-No. 6 TA) (Amendment), filed July 1, 1969, published FEDERAL REGISTER, issue of July 12, 1969, and republished as amended this issue. Applicant: DEFOREST L. REED, 102 Champion Street, Carthage, N.Y. 13619. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough sawn hardwood lumber*, (a) from Cortland, Lafayette, Richland, and Syracuse, N.Y., to Dover, Englewood, Hoboken, Jersey City, Kenilworth, Newark, and Paterson, N.J.; (b) from Lowville, N.Y., to New York, N.Y.; (c) from Bernhards Bay to New York, N.Y.; (d) from Smyrna, Waterloo, Hannibal, Deer River, Lowville, Wolcott, Heuvelton, Croghan, Apalachin, Boonville, Bernhards Bay, Bleeker, North Creek, Little Falls, Central Square, Cato, Cassadaga, Delhi, East Branch, Ellington, Herkimer, Hartwick, Lyons, Locke, Marion, Margaretville, Medina, Poland, Stratford, Stamford, Wellsville, West Leyden, Warrensburg, Cohecton, Pine Plains, and Kingston, N.Y., to Gardner, Templeton, Boston, and Lawrence, Mass.; Branford, Ivoryton, and Stanford, Conn.; Hellam, Herndon, Kreamer, Lancaster, Union City, Lewisburg, Montrose, Philadelphia, Scranton, Simpson, Wilkes-Barre, Endeavor, Troy, Youngsville, Mifflinburg, and Port Allegany, Pa.; Hagerstown, Md., ports of entry at Canadian border; Washington, Old Bridge, Bayonne, Newark, Paterson, and Jersey City, N.J., for 180 days. NOTE: The purpose of this republication is to redescribe the scope of the authority sought. Supporting shippers: Baillie Lumber Co., Inc., 12 Main Street, Post Office Box 6, Hamburg, N.Y. 14075; Sabbeth Mathews Hardwood Corp., One Hanson Place, Brooklyn 17, N.Y.; McGregor Lumber Inc., Smyrna, N.Y. 13464; American Machine & Foundry Co., IPG, Trinity Avenue, Lowville, N.Y. 13367. Send protests to: District Supervisor Morris H. Gross, Interstate Commerce Commission, Bureau of Operations, Room 104, O'Donnell Building, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 125391 (Sub-No. 1 TA), filed July 10, 1969. Applicant: JOHN KAWALEK, SHIRLEY KAWALEK, AND DAVID KAWALEK, a partnership, doing business as KAWALEK TRUCKING, Mora, Minn. 55051. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa meal and alfalfa pellets*, in bulk, and in bags, from Grasston, Minn., to points in Wisconsin on and north of U.S. Highway 10 and on and west of U.S. Highway 51, and also Wausau, Wis., for 180 days. Supporting shipper: East Central Alfalfa Co., Grasston, Minn. Send protests to: A. E. Rathert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128909 (Sub-No. 12 TA), filed July 8, 1969. Applicant: COMMODORE CONTRACT CARRIERS, INC., 8712 West Dodge Road, Suite 4000, Omaha, Nebr. 68114. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *House trailers* designed to be drawn by passenger automobiles, *buildings* in sections mounted on wheeled undercarriages with hitchball connectors, *pickup and tent campers, and motor homes;* (2) *Unrelated parts, appliances, furniture, and accessories* when moving in the commodities described in (1) above, (a) between Compton and Bellflower, Calif.; Elkhart, Ind.; Lebanon, Oreg.; and Bellefonte, Pa.; (b) between the points listed in part (a) above, on the one hand, and, on the other, Falls City and North Bend, Nebr.; Roseburg, Oreg.; Red Bay, Haleyville, Hamilton, and Carbon Hill, Ala.; Arlington, Tenn.; Danville, Va.; Thomasville, Ga.; and Corsicana and Fort Worth, Tex.; (c) between Elkhart, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (d) between Bellflower and Compton, Calif., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; (e) between Bellefonte, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont Virginia, West Virginia, Wisconsin, and the District of Columbia; and (f) between Lebanon, Oreg., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Washington, and Wyoming; and (3)

Wheels, axles and hitches, from points in the United States (except Alaska and Hawaii), to Compton and Bellflower, Calif.; Elkhart, Ind.; Bellefonte, Pa.; and Lebanon, Oreg. Restriction: (1) All service hereunder shall be limited to traffic originating or terminating at the plantsites of The Commodore Corp., its subsidiaries or divisions. (2) All service shall be performed under continuing contracts with The Commodore Corp., its subsidiaries or divisions, for 150 days. Supporting shipper: The Commodore Corp., 8712 West Dodge Road, Suite 4000, Omaha, Nebr. 68114. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 15th and Dodge Street, Omaha, Nebr. 68102.

No. MC 129574 (Sub-No. 2 TA), filed July 9, 1969. Applicant: FRANK R. CHULLINO, doing business as MID-WEST TRANSPORTATION COMPANY, 2802 Avenue B, Council Bluffs, Iowa 51501. Applicant's representative: Inar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except malt beverages), in containers, from points in New York, Indiana, Pennsylvania, Illinois, Ohio, Michigan, Kentucky, Massachusetts, New Jersey, Maryland, Connecticut, and Missouri to Omaha, Nebr., for 180 days. Supporting shipper: United Distillers Products Co., 110 North 12th Street, Omaha, Nebr. 68102. Send protest to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, 15th and Dodge Streets, Omaha, Nebr. 68102.

No. MC 133233 (Sub-No. 6 TA), filed July 9, 1969. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Inar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from points in Nebraska to points in Idaho and Utah, for 180 days. Supporting shippers: (1) Evans Trading Co., Inc., Post Office Box 1544, Odgen, Utah; (2) Rangen, Ind., Post Office Box 706, Buhl, Idaho; (3) Farrell Grain Co., Post Office Box 385, Odgen, Utah. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133312 (Sub-No. 2 TA), filed July 9, 1969. Applicant: HARRY E. HALLECK, 4670 West Cedar Avenue, Denver, Colo. 80215. Applicant's representative: Warren D. Braucher, 500 Columbine Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Helium* in cylinders and *helium cylinders*, between Denver, Colo., and the plantsite of Gardner Cryogenics, approximately 22 miles northwest of Elkhart, Kans., for 180 days. Supporting shipper: Ellswood, 1354 Larimer, Denver, Colo. 80204. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 133779 TA (Correction), filed June 5, 1969, published FEDERAL REGISTER, issued of June 12, 1969 and July 9, 1969, and republished as corrected this issue. Applicant: FUNDIS COMPANY, a corporation, Broadway at Cornell Street, Lovelock, Nev. 89419. Applicant's representative: Pete Fundis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth*, infusorial or diatomaceous (diatomite); also *earth, diatomaceous, physically combined with, not to exceed 10 percent alkyl napthalene sodium sulfonate;* also *wood pulp, sulphite*, from Colado Junction (6 miles east of Lovelock, Nev.), and from Clark (22 miles east of Reno, Nev.), Nev., to the following named California counties: San Luis Obispo, Kings, Fresno, Tulare, Inyo, Mono, Kern, San Bernardino, Riverside, Imperial, San Diego and Orange, for 180 days. NOTE: The purpose of this republication is to include the origin points of Clark, Nev., inadvertently omitted in previous publication. Supporting shipper: Eagle Picher Industries, Inc., Post Office Box 1869, Reno, Nev. 89505. Send protests to: District Supervisor Daniel Augustine, Room 24, 222 East Washington Street, Carson City, Nev. 89701.

No. MC 133803 (Sub-No. 1 TA), filed July 8, 1969. Applicant: B & W DISTRIBUTORS CORPORATION, 11 Franklin Avenue, Rye, N.Y. 10580. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newspapes and magazines*, from John F. Kennedy International Airport, La Guardia Airport, and New York, N.Y., and Jersey City, N.J., to points in New York, New Jersey, and Connecticut, for 150 days. Supporting shippers: Triangle Circulation Co., Traffic Department, 431 North 15th Street, Philadelphia, Pa. 19130; Mark Associates, Inc., 260 West Broadway, New York, N.Y. 10013; The New Yorker, 25 West 43d Street, New York, N.Y. 10036. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133831 (Sub-No. 1 TA), filed July 9, 1969. Applicant: DON SWAIN WILLIAMSON, Aurora, N.C. 27806. Applicant's representative: David L. Ward, Jr., Drawer 867, New Bern, N.C. 28560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Supplies and materials*, used in shipping and packing of seafood and seafood products, from Baltimore, Md., to Aurora, Hobucken, South Creek, Lowlands, Whortonsville, and Oriental, N.C., for 180 days. Supporting shippers: Aurora Packing Co., Aurora, N.C., and Daniels Seafood Co., Oriental, N.C. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 133875 TA, filed July 9, 1969. Applicant: JORGENSEN & SONS TRUCKING, INC., 4000 Northwest Yeon Avenue, Portland, Oreg. 97210. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical, mechanical and electronic parts, and components* for repair and replacement on appliances, radios and phonograph, and television sets, between warehouses of General Electric Co. and Westinghouse Appliance Sales and Service Co. in Portland, Oreg., and Beaverton, Oreg., on the one hand, and, on the other, points in Clark County, Wash., for 180 days. Supporting shippers: General Electric Co., 14305 Southwest Millikan Way, Beaverton, Oreg., and Westinghouse Electric Corp., 815 Northwest 12th Avenue, Portland, Oreg. 97209. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8545; Filed, July 18, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

BURNETT CORP.

Order Conditionally Accepting Notice of Change in Rate

JULY 10, 1969.

On June 10, 1969, Burnett Corp. (Burnett) filed a notice of change in rate from 11 cents to 12 cents per Mcf of natural gas at 14.65 p.s.i.a. for a sale to Cities Service Gas Co. in the West Panhandle Field, Carson County, Tex. (Texas Railroad Commission District No. 10) under Burnett's FPC Gas Rate Schedule No. 3. Additionally, Burnett filed an amendment to its gas sales contract providing for the proposed 12-cent rate to be effective for a 5-year period beginning January 7, 1969. The notice of change in rate and the contract amendment have been designated as Supplement No. 15 to Burnett's FPC Gas Rate Schedule No. 3. The notice of change in rate and the contract amendment purport to be filed in accordance with the provisons of § 2.56(c)(1) of the Commission's General Policy and Interpretations, Rules of Practice and Procedure (Seventh Amendment to the Commission's Statement of General Policy No. 61–1). However, because Burnett has not provided for the proposed increased rate to be effective for the remaining life of the contract and has not eliminated all rate escalation provisions therefrom, except for the tax reimbursement provision, its filings are inconsistent with the provisions of said section.

Accordingly, we shall accept Burnett's filings on the condition that it amend the subject gas sales contract to provide for the proposed 12-cent-per-Mcf rate for the remaining life of the contract, and to eliminate from said contract all rate escalation provisions, except for the tax reimbursement provision. However, the tax reimbursement provision henceforth shall apply only to future tax increases.

Burnett has requested that its notice of change be accepted effective as of January 7, 1969, the effective date of the proposed 12-cent rate under the contract. No reasons are given in support of such request. We find no cause to permit the proposed increase in rate to be effective prior to the expiration of the statutory period on July 11, 1969.

The Commission orders:

(A) The notice of change in rate and contractual amendment filed by Burnett on June 10, 1969, designated as Supplement No. 15 to its FPC Gas Rate Schedule No. 3, are accepted for filing to be effective as of July 11, 1969, subject to the provisions of paragraph (B) below.

(B) Burnett shall file within 30 days of the date of issuance of this order an amendment to its FPC Gas Rate Schedule No. 3 providing for the proposed 12 cents per Mcf rate to be effective for the remaining life of the contract, and eliminating from said contract all rate escalation provisions, except for the tax reimbursement provisions.

(C) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Burnett, the Commission staff, or any affected party hereto, in any proceedings now pending, including area rate or similar proceedings, or hereafter instituted by or against Burnett or any other companies, person or parties affected by this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8551; Filed, July 18, 1969; 8:48 a.m.]

[Docket Nos. CP69-269, CP69-237]

FORAKER GAS CO. ET AL.

Order Consolidating Proceedings, Permitting Intervention, Setting Hearing Date and Prescribing Procedure

JULY 14, 1969.

Foraker Gas Co., Applicant, Texas Eastern Transmission Corp., Respondent, Docket No. CP69-269; United Cities Gas Co., Applicant, Texas Eastern Transmission Corp., Respondent, Docket No. CP69-237.

CP69-269: Clyde M. Foraker, Jr., as Managing Partner in an ordinary partnership transacting business in the State of Ohio under the name of Foraker Gas Co. (Foraker), New Lexington, Ohio 43764, filed on April 15, 1969, under docket No. CP69-269 pursuant to section 7(a) of the Natural Gas Act, an application for an order directing Texas Eastern Transmission Corp. (Texas Eastern), Houston, Tex. 77001, to connect its natural gas transportation facilities near Somerset, Perry County, Ohio, with pipeline facilities to be constructed by the applicant and sell and deliver natural gas to the applicant for resale in southwestern Perry County and in the village of Oreville in Hocking County, Ohio.

Foraker alleged that it now serves four ceramic plants in Perry County, three of which have other available sources of gas supply. Its present gas supply consists of casinghead oil-well gas purchased from independent producers in Perry County. Foraker is the sole purchaser of such gas in that area. It proposes to supplement gas from local sources with gas from Texas Eastern to enable it to increase sales to present customers and add new customers.

Foraker proposes to construct transmission pipeline and distribution facilities to cost an estimated total of $64,752. It estimates that in the third year of operation it will require 456,250 Mcf of natural gas (at 14.73 p.s.i.a.) from Texas Eastern and 1600 Mcf peak day delivery to supplement local production of 164,750 Mcf annual and 690 Mcf peak day.

Texas Eastern filed an answer denying that service to Foraker will not impair its ability "* * * to render adequate service to its existing customers or subject it to any undue burden", and denying also that it is the only feasible source of gas supply for Foraker's proposed service area.

Notice of Foraker's application, setting May 23, 1969, as the final date for filing protests or petitions to intervene, was published in the FEDERAL REGISTER on May 2, 1969 (34 F.R. 7261). Petitions to intervene in opposition to Foraker's application were filed by:

Columbia Gas of Ohio, Inc., 99 North Front Street, Columbus, Ohio 43215.
The Ohio Fuel Co., 99 North Front Street, Columbus, Ohio 43215.
National Gas & Oil Corp., 1500 Granville Road, Newark, Ohio 43055.

Although none of the petitions were filed by May 23, all of them gave acceptable reasons for delay in filing and stated facts showing interests which may be directly affected and which are not adequately represented by existing parties and as to which the petitioners may be bound by the Commission's action in the proceeding.

CP69-237: United Cities Gas Co. (United), 404 James Robertson Parkway, Nashville, Tenn. 37219, filed on March 10, 1969, under docket No. CP69-237 pursuant to section 7(a) of the Natural Gas Act, an application for an order directing Texas Eastern Transmission Corp. to connect its natural gas transportation facilities at a point about 4 miles north of the town of Eldorado in Saline County, Ill., with pipeline facilities to be constructed by United and sell and deliver to United its estimated fifth-year requirement of 58,100 Mcf of natural gas annually and 450 Mcf peak day for resale in the Village of Equality and in Gallatin and Saline Counties, Ill. United's application was supplemented by information filed on March 17, 21, 27, 1969.

United proposes to construct a distribution system in the Village of Equality and about 14 miles of 2-inch pipeline to the point of connection with Texas Eastern's transmission line at an estimated total cost of $259,800. United proposes to provide natural gas service in Equality and along the pipeline route to an estimated total of 231 customers in the third year of operation. It estimates its third-year gas requirements at 40,030 Mcf with 375 Mcf peak day delivery.

United alleged that it distributes natural gas in several towns in Illinois and is authorized by the Illinois Commerce Commission to render the proposed service.

Texas Eastern filed an answer stating its position that the sale and delivery by Texas Eastern of the small volume of gas requested by United is not economically feasible.

Notice of United's application, setting April 11, 1969, as the final date for filing protests or petitions to intervene was published in the FEDERAL REGISTER on March 26, 1969 (34 F.R. 5666). Only one petition to intervene was filed and that one was withdrawn.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings on the applications under Dockets Nos. CP69-237 and CP69-269 be consolidated and that a public hearing be held on the issues presented by said applications as ordered hereinafter.

(2) Good cause exists to allow the petitioners named above to intervene in this proceeding subject to their compliance with the terms of this order in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The proceedings on the applications under Dockets Nos. CP69-237 and CP69-269 are hereby consolidated.

(B) The petitioners named above are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided*, That they shall comply with the terms of this order and that their participation shall be limited to matters affecting rights and interests expressly asserted in their petitions to intervene; and provided further that permission to intervene shall not be construed as admission by the Commission that any intervener might be aggrieved by any order entered in this proceeding.

(C) A public hearing on the issues presented by the applications under Dockets Nos. CP69-237 and CP69-269 will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m. on November 18, 1969.

(D) Each party shall file with the Commission and serve on all other parties and the Commission's staff the proposed evidence comprising its case-in-chief, including prepared testimony of witnesses and exhibits, as follows:

Foraker and United on or before August 25, 1969; Texas Eastern and each intervener on or before September 29, 1969.

Foraker and United shall file and serve rebuttal evidence on or October 20, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-8552; Filed, July 18, 1969; 8:48 a.m.]

UNION TEXAS PETROLEUM ET AL.

[Docket No. RI69-855 etc.]

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 30, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-855	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al., Post Office Box 2120, Houston, Tex. 77001.	65	[3] 7	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	$4,570	6-10-69	[4] 7-11-69	[5] 7-12-69	[6] 14.2894	[7] [8] 15.2894	RI69-373.
RI69-856	Northern Natural Gas Producing Co., Post Office Box 1774, Houston, Tex. 77001.	25	[9] 13	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	36	5-21-69	[10] 7-7-69	[5] 7-8-69	[12] 14.0505	[7] [11] 14.2343	
RI69-857	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	20	13	United Gas Pipe Line Co. (Brandt Field, Goliad County, Tex.) (RR. District No. 2).	1,833	6-9-69	[4] 7-10-69	[5] 7-11-69	13.1664	[13] [14] 14.0	

[3] Does not include acreage added by Supplement No. 5 for which the 1-cent minimum guarantee for liquids is not applicable.
[4] The stated effective date is the effective date requested by Respondent.
[5] The suspension period is limited to 1 day.
[6] Increase from rate exclusive of 1-cent minimum guarantee for liquids to rate inclusive of 1-cent minimum guarantee for liquids.
[7] Pressure base is 15.025 p.s.i.a.
[8] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[9] Additional material filed June 4, 1969, requesting change of effective date to July 6, 1969.
[10] The stated effective date is the first day after expiration of the statutory notice.
[11] Tax reimbursement increase.
[12] Rate suspended in Docket No. RI69-432; motion to put rate into effect filed June 4, 1969.
[13] "Fractured" rate increase. Contractually entitled to 14.1792 cents (14-cent base plus 0.1792-cent tax reimbursement).
[14] Pressure base is 14.65 p.s.i.a.

Northern Natural Gas Producing Co. (Northern) requests that its proposed rate increase be permitted to become effective as of July 6, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Northern's rate filing and such request is denied.

Northern's proposed rate increase reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While the buyer concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein with respect to Northern's rate filing shall concern itself with the contractual basis for the rate filing, as well as the statutory lawfulness of the proposed increased rate and charge.

Getty Oil Co. (Getty) is "fracturing" its contractually due rate of 14.1792 cents and proposing an increase to 14 cents per Mcf so as not to exceed the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 2 as announced in the Commission's statement of general policy No. 61-1, as amended. However, Getty did not submit with its notice of change in rate a waiver of its right to file for the remaining portion of its contractually due rate. Consistent with prior Commission action on similar rate increase filings, we conclude that Getty's proposed rate increase should be suspended for 1 day from July 10, 1969, the proposed effective date, since Getty did not submit with its increased rate filing a waiver of its right to file for the remaining increment of its contractually due rate.

Northern and Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al. (Union), proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56). Since Northern's proposed rate increase is for tax reimbursement and Union's rate increase includes the 1 cent per Mcf minimum guarantee for liquids as provided by its contract which was not included in its previous filing and is now filed in accordance with the Commission's suspension order dated December 27, 1968, in Docket No. RI69-373, we conclude that they should be suspended for 1 day from July 7, 1969 (Northern), the date of expiration of the statutory notice, and July 11, 1969 (Union), the proposed effective date.

[F.R. Doc. 69-8550; Filed, July 18, 1969; 8:47 a.m.]

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-WE-7-AD; Amdt. 39-799]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-3, DC-3A, DC-3C, and DC-3D Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive applicable to McDonnell Douglas Model DC-3, DC-3A, DC-3C, and DC-3D Series airplanes which would require periodic inspections and repair of the wing center section skin in the area between Stations 94.250 and 127.750, left and right sides, and from the lower front spar cap aft to the lower center spar was published in the FEDERAL REGISTER on May 24, 1969.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment was received which objected to the proposed inspection times on the basis they would cause a burden on fleet scheduling and flight programs and would create unnecessary cost and manpower support problems. No proposals were presented that could be considered to provide equivalent safety.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

McDONNELL DOUGLAS. (Applies to all DC-3, DC-3A, DC-3C, and DC-3D Series Aircraft.)

Compliance required as indicated.

To detect cracks or failures in the center section skin in the vicinity of Stations 94.250 and 127.750, left and right sides, in the wing stringers in the same area, in the angles forming the lower front spar cap, or in the spar cap connecting strap, accomplish the following:

(a) Within 250 hours time in service after the effective date of this AD, unless already accomplished within the last 250 hours time in service, and prior to further flight after each exposure to severe turbulence and after each hard landing, inspect the lower front spar cap and the lower center section skin and stringers back to the lower center spar cap in the vicinity of wing station 94.250 and wing station 127.750, left and right sides. After thoroughly cleaning the affected area, inspect all inaccessible portions of the lower front spar cap, the front spar web, the strap connecting the angles forming the lower front spar cap, and the lower wing skin and wing stringers in accordance with the X-ray inspection procedures instructions outlined in paragraph 2A of McDonnell Douglas DC-3 Service Bulletin No. 263, Revision No. 3, dated March 10, 1963, or later FAA approved revisions, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region. Inspect visually and by dye penetrant methods all accessible portions of the lower wing skin, the lower front spar cap and the spar web between Stations 94.250 and 127.750. Repair or replace any elements found cracked in the skin, the lower front spar cap, the spar cap connecting strap, the spar web or stringers prior to further flight, as follows:

(1) On wings which have not previously been reinforced or repaired at Station 127.750 per McDonnell Douglas Service Bulletin No. 229, or by an equivalent repair or reinforcement at Station 94.250, repair cracks in the lower wing skin in accordance with Figure 2, Sheets 1 through 6, of McDonnell Douglas DC-3 Service Bulletin No. 263, or later FAA approved revisions.

(2) On wings which have previously been reinforced or repaired at Station 127.750 per McDonnell Douglas Service Bulletin No. 229, or by an equivalent reinforcement or repair at Station 94.250, repair any crack which has progressed beyond the stop hole drilled per that Service Bulletin or equivalent reinforcement or repair or which has developed and grown to within the last three rows of rivets from the aft end of the doubler installed per that Service Bulletin or equivalent reinforcement or repair. Repair by removing the previously installed doubler and accomplishing the repair instructions described by Figure 2 of McDonnell Douglas Service Bulletin No. 263 or later FAA approved revision.

(3) Repair or replace cracked stringers in accordance with the McDonnell Douglas DC-3 Structural Repair Manual.

(4) Repair cracked spar caps and spar webs in accordance with the Douglas DC—3 Structural Repair Manual.

(5) Replace cracked spar cap connecting straps.

(6) Repair or replace cracked elements in another manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) At intervals not to exceed 900 hours time in service after the last inspection, reinspect per (a), above, all wings on which the wing skin at both stations 94.250 and 127.750 has not been repaired per (a)(1) or has not been reinforced either in accordance with McDonnell Douglas Service Bulletin No. 263 or a combination of Service Bulletin No. 263 and McDonnell Douglas Service Bulletin No. 229 or equivalent. Any crack detected in the wing skin and any new, unrepaired crack found in any element of the lower front spar cap, spar cap connecting strap, spar web or stringer must be repaired or replaced per (a), above, prior to further flight.

(c) Within the next 2000 hours time in service after the first inspection per (a), above, and at intervals thereafter not to exceed 2000 hours time in service, reinspect per (a), above, all wings on which the wing skin at both stations 94.250 and 127.750 was repaired per (a)(1), which has been otherwise reinforced in accordance with Service Bulletin No. 263 or later FAA approved revision, or which has been otherwise reinforced at Station 127.750 in accordance with McDonnell Douglas Service Bulletin No. 229 and reinforced at Station 94.250 in a manner equivalent to Service Bulletin No. 229 or in accordance with Service Bulletin No. 263 or later FAA approved revision. Any previously unrepaired cracks detected by these reinspections of spar caps, spar web, spar cap connecting strap or stringers must be repaired or the elements replaced per (a) (3), (4), (5), or (6), above, prior to further flight. Any new crack detected in the wing skin or any crack progression beyond a stop drill hole at a station repaired or reinforced per Service Bulletin 229 or equivalent must be repaired per Service Bulletin No. 263. Any new crack detected in the wing skin or any crack progression beyond a stop drill hole at a station repaired or reinforced per Service Bulletin No. 263, must be repaired prior to further flight in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) An airplane which has been subjected to severe turbulence or to a hard landing may be flown in accordance with FAR 21.197 to a base where X-ray inspection per (a) and repair if necessary, can be performed: *Provided*, That a close visual inspection per (a) shows no evidence of cracking or failure in the front spar elements or other areas that can be inspected visually. An airplane inspected in this manner or by X-ray per (a) and is found to have one or more failed elements, may be flown in accordance with FAR 21.197(a)(1) to a base where repair can be performed, subject to the concurrence of the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective August 21, 1969.

(Sec. 318(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request from the McDonnell Douglas Corp., 2750 West Lomita Boulevard, Torrance, Calif. 90505, Attention: Dept. C-5-770. These documents may also be examined at FAA Western Region, 5651 West Manchester Avenue, Los Angeles, Calif. 90045, and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20553. A historical file on this airworthiness directive which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Western Region.

Issued in Los Angeles, Calif., on July 14, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on July 22, 1969.

[F.R. Doc. 69-8598; Filed, July 22, 1969; 8:48 a.m.]

[Docket No. 9715; Amdt. 39-805]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 744, 745D, and 810 Series Airplanes

There have been fatigue cracks detected on the outer wing spar lower booms of the Vickers Viscount Models 744, 745D, and 810 Series Airplanes. In view of the serious consequences of a spar boom failure and since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive (AD) is being issued to require replacement of the outer wing spar lower booms before they accumulate 100 percent of the retirement life specified in Viscount Overhaul Schedules dated prior to May 15, 1969.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS VISCOUNT. Applies to Viscount Models 744, 745D, and 810 Series Airplanes

Compliance required as indicated unless already accomplished

To prevent fatigue failure of the outer wing spar lower boom accomplish the following:

(a) For Model 744 Series Airplanes, replace the outer wing spar lower booms as follows:

(1) For spar booms that have accumulated less than 70 percent of the approved retirement life, as specified in the last amendment to the applicable Viscount Overhaul Manual, chapter 5, Overhaul Schedule section dated before May 15, 1969, replace the outer wing spar lower booms with new booms of the same part number before they accumulate 70 percent of that approved retirement life or before July 31, 1969, whichever occurs later.

(2) For spar boom that have accumulated 70 percent or more of the approved retirement life, as specified in the last amendment to the applicable Viscount Overhaul Manual, Chapter 5, Overhaul Schedule Section dated before May 15, 1969, replace the outer wing spar lower booms with new booms of the same part number before they accumulate 100 percent of that approved retirement life or before July 31, 1969 whichever occurs first.

(b) For Models 745D and 810 Series Airplanes, replace the outer wing spar lower booms as follows:

(1) For spar booms that have accumulated less than 90 percent of the approved retirement life, as specified in the last amendment to the applicable Viscount Instruction Manual 745D Series or Aircraft Manual 810 Series, Chapter 3, Overhaul Schedule Section dated before May 15, 1969, replace the outer wing spar lower booms with new booms of the same part number before they accumulate 90 percent of that approved retirement life or before October 31, 1969, whichever occurs later.

(2) For spar booms that have accumulated 90 percent or more of the approved retirement life, as specified in the last amendment to the applicable Viscount Instruction Manual 745D Series or Aircraft Manual 810 Series, Chapter 3, Overhaul Schedule Section dated before May 15, 1969, replace the outer wing spar lower booms with new booms of the same part number before they accumulate 100 percent of that approved retirement life or before October 31, 1969, whichever occurs first.

(c) All new outer wing spar booms that are installed in accordance with the requirements of paragraphs (a) and (b) of this AD must be replaced before the accumulation of the revised retirement life specified in the latest amendment to the applicable Viscount Overhaul Schedule, dated after May 15, 1969, or an FAA-approved equivalent.

(d) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings to be used in determining the retirement life of the outer wing spar lower booms may be determined by dividing each aircraft's hours' time in service by the operator's fleet average time from takeoff to landing for the aircraft type.

This amendment becomes effective July 27, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 16, 1969.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-8585; Filed, July 22, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WA-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make an editorial correction in the description of VOR Federal airway No. 171 alternate segment that is designated between Louisville, Ky., and Lewis, Ind.

In an amendment to Part 71 of the Federal Aviation Regulations published in the FEDERAL REGISTER (34 F.R. 5928) a north alternate segment to V-171 was designated between Louisville and Lewis whereas an east alternate segment should have been designated. Corrective action is taken herein.

Since this alteration is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509, 5928) V-171 is amended by deleting "north alternate from Louisville to Lewis" and substituting "east alternate from Louisville to Lewis" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 15, 1969.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69-8579; Filed, July 22, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 7869 and 7870 of the FEDERAL REGISTER dated May 17, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Independence, Kans.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 18, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 9, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

INDEPENDENCE, KANS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Independence Municipal Airport (latitude 37°09'25" N., longitude 95°46'50" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 193° bearing from Independence Municipal Airport, extending from the airport to 18½ miles south of the airport, extending the portion which overlies the Bartlesville, Okla., transition area.

[F.R. Doc. 69-8580; Filed, July 22, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 7870 of the FEDERAL REGISTER dated May 17, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Coffeyville, Kans.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 18, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 9, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

COFFEYVILLE, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Coffeyville Municipal Airport (latitude 37°05'45" N., longitude 95°34'25" W.); and within 3 miles each side of the 163° bearing from Coffeyville Municipal Airport, extending from the 7-mile radius area to 8 miles south of the airport and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 163° bearing from Coffeyville Municipal Airport extending from the airport to 18½ miles south of the airport; and the area northeast of Coffeyville bounded on the northeast by a line 5 miles southwest of and parallel to the Oswego, Kans., VOR 306° radial, on the south by V-516 and on the west by V-131.

[F.R. Doc. 69-8581; Filed, July 22, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SO-76]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Alexander City, Ala., transition area.

The Alexander City transition area is described in § 71.181 (34 F.R. 4637 and 1892). In the description, an extension predicated on the 171° bearing from the Alexander City RBN has a designated width of 2 miles each side of the bearing.

U.S. Standard for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with Government agencies concerned and affected idustry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace for the protection of these procedures was revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to alter the description by increasing the width of the transition area extension predicated on the 171° bearing from the Alexander City RBN from 2 miles each side to 3 miles each side of this bearing.

In view of the foregoing, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Alexander City, Ala., transition area (34 F.R. 1892) is amended as follows: "* * * within 2 miles each side of the 171° bearing * * *" is deleted and "* * * within 3 miles each side of the 171° bearing * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 11, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-8582; Filed, July 22, 1969; 8:46 a.m.]

[Airspace Docket No. 68-EA-118]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Areas

On March 26, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5658) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Virginia Beach, Va., transition area east of the States of Virginia and North Carolina.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In accordance with our policy to consolidate transition areas wherever possible, action is taken herein to include the airspace encompassed by the Virginia Beach transition area in the North Carolina and Virginia transition area descriptions. Since this action is minor and editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

Section 71.181 (34 F.R. 4637, 5647, and 5648) is amended as follows:

1. In the North Carolina transition area, all after "to latitude 33°48'10" N., longitude 78°31'45" W.;" is deleted and "thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning; and that airspace extending upward from 2,000 feet MSL to FL-600 bounded on the east by long. 75°30'-00" W., on the south and west by a line 3 nautical miles from and parallel to the shoreline and on the north by lat. 36°33'30" N., excluding that airspace within R-5301 A and B, R-5306 A, B, and C, R-5311, R-5313, R-5302." is substituted therefor.

2. In the Virginia transition area, all after "Virginia and that airspace extending upward from" is deleted and "2,000 feet MSL to FL-600 bounded on the east by long. 75°30'00" W., on the south by lat. 36°33'30" N. and on the west and north by a line 3 nautical miles from and parallel to the shoreline, excluding that airspace within Control 1149, W-50, R-6602, and R-6606." is substituted therefor.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348 and 1510; E.O. 10854 (25 F.R. 95658); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 15, 1969.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69-8583; Filed, July 22, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 7616 of the FEDERAL REGISTER dated May 13, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Decorah, Iowa.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 18, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 9, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

DECORAH, IOWA

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Decorah Municipal Airport (latitude 43°16'35" N., longitude 91°44'50" W.); and within 3 miles each side of the 122° bearing from Decorah Municipal Airport, extending from the 5½-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 122° and 302° bearings from Decorah Municipal Airport, extending from 18½ miles southeast to 6 miles northwest of the airport; and within 5 miles each side of the 302° bearing from Decorah Municipal Airport, extending from the airport to 12 miles northwest of the airport.

[F.R. Doc. 69-8584; Filed, July 22, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspection, Marketing Practices), Department of Agriculture

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING AND CERTIFICATION)

Subpart A—Regulations

FEE AND LINTERS FACTOR

On May 15, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7705) regarding the amendment of § 61.45 of the Regulations For Cottonseed Sold or Offered For Sale For Crushing Purposes (7 CFR Part 61, Subpart A) and § 61.102(b) of the Standards For Grades of Cottonseed Sold or Offered For Sale For Crushing Purposes Within the United States (7 CFR Part 61, Subpart B).

Statement of considerations. The amendment of § 61.102(b) which would have revised the table of premiums and discounts for total linters content of cottonseed will not be made. The current price relationship between linters and cottonseed oil, meal, and hulls does not justify a revision in this table of premiums and discounts. The value of linters in relation to other products of cottonseed will remain at 1 percent.

The amendment of § 61.45 will increase the fee charged licensed cottonseed chemists for each certificate of the grade of cottonseed issued by them from 40 cents to 50 cents. This increase in fee is necessary to cover the cost of administering the cottonseed regulations. Therefore, pursuant to authority contained in section 205 of the Agricultural Marketing Act of 1946, as amended (60 Stat. 1090; 7 U.S.C. 1624) § 61.45 is revised to read as follows:

§ 61.45 Fee for certificates to be paid by licensee to service.

To cover in part the cost of administering the regulations in this part each licensed cottonseed chemist shall pay to the Service 50 cents for each certificate of the grade of cottonseed issued by him. Upon receipt of a statement from the Service each month showing the number of certificates issued by the licensee, such licensee will forward the appropriate remittance in the form of a check, draft, or money order payable to the "Consumer and Marketing Service, USDA."

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Effective date. This amendment is effective August 1, 1969.

Dated: July 17, 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-8609; Filed, July 22, 1969; 8:49 a.m.]

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees and Charges for Inspection of Certain Agricultural and Vegetable Seeds for Quality

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the schedule of maximum fees in 7 CFR Part 68, § 68.42b, are hereby amended.

Statement of considerations. The Agricultural Marketing Act of 1946 provides for the collection of fees which are reasonable and cover the cost of the service rendered. A recent general salary increase of classified Civil Service employees averages approximately 10 percent for employees at the average level performing these services. The base rates are therefore increased by 10 percent. It should be noted that the schedule of fees given below shows the maximum fees for each test of each kind. If less time is required for such tests, a lesser fee will be charged, but at least a minimum fee will be charged for any service.

Section 68.42b is amended to read:

§ 68.42b Fees and charges for the inspection of agricultural and vegetable seeds.

(a) The fee for each germination, purity, and noxious-weed seed test shall be at the rate of $8.80 per hour, in increments of 15 minutes or any part thereof, but not less than $4.40 for any test and not more than the maximum fee as specified in the following table, except that no maximum is applicable to especially difficult tests such as 400-seed separations for kind or variety; mottled seed counts of sweetclover; or noxious-weed seed examinations of bluegrasses for annual bluegrass, wheatgrasses for quackgrass, and sudangrass for johnsongrass; or to tests of certain kinds or varieties of seeds as indicated in the table.

MAXIMUM FEES

Name of seed	Germination	Purity	Purity and germination	Noxious-weed seeds	Purity and noxious-weed	Germination, purity and noxious weeds
AGRICULTURAL SEEDS						
Alfalfa	$8.80	$6.60	$13.20	$8.80	$13.20	$19.80
Alfilaria			$8.80 per hour			
Alyceclover	8.80	11.00	17.60	8.80	17.60	24.20
Bahiagrass			$8.80 per hour			
Barley	8.80	8.80	15.40	8.80	15.40	22.00
Barrelclover	8.80	6.60	13.20	8.80	15.40	19.80
Bean						
Adzuki	8.80	6.60	13.20	4.40	8.80	15.40
Field	11.00	4.40	13.20	4.40	6.60	15.40
Mung	8.80	6.60	13.20	4.40	8.80	15.40
Beet						
Field	11.00	6.60	15.40	4.40	8.80	17.60
Sugar	11.00	6.60	15.40	4.40	8.80	17.60
Beggarweed	11.00	8.80	17.60	6.60	13.20	22.00
Bentgrass:						
Colonial	8.80	13.20	19.80	8.80	19.80	26.40
Creeping	8.80	13.20	19.80	8.80	19.80	26.40
Velvet	8.80	13.20	19.80	8.80	19.80	26.40
Bermudagrass:						
Common	11.00	17.60	26.40	8.80	24.20	33.00
Giant	11.00	17.60	26.40	8.80	24.20	33.00
Bluegrass:						
Bulbous	11.00	11.00	19.80	8.80	17.60	26.40
Canada	8.80	13.20	19.80	13.20	24.20	30.80
Glaucantha	8.80	13.20	19.80	13.20	24.20	30.80
Kentucky	8.80	13.20	19.80	13.20	24.20	30.80
Nevada	8.80	11.00	17.60	8.80	17.60	24.20
Rough	8.80	13.20	19.80	13.20	28.60	35.20
Texas	8.80	8.80	15.40	8.80	15.40	22.00
Wood	8.80	13.20	19.80	13.20	24.20	30.80
Bluestem:						
Big			$8.80 per hour			
Little			8.80 per hour			
Sand			8.80 per hour			
Yellow			8.80 per hour			
Brome						
Field	8.80	11.00	17.60	8.80	17.60	24.20
Mountain	11.00	8.80	17.60	6.60	13.20	22.00
Smooth	8.80	11.00	17.60	8.80	17.60	24.20
Broomcorn	8.80	6.60	15.40	6.60	11.00	19.80
Buckwheat	8.80	6.60	15.40	6.60	11.00	19.80
Buffalograss			$8.80 per hour			
Buffelgrass			8.80 per hour			
Bur-clover:						
California	8.80	6.60	13.20	8.80	13.20	19.80
Spotted	8.80	6.60	13.20	8.80	13.20	19.80
Burnet, little	8.80	6.60	13.20	6.60	11.00	17.60
Buttonclover	8.80	6.60	13.20	8.80	13.20	19.80
Canarygrass	8.80	6.60	13.20	6.60	11.00	17.60
Canarygrass, reed	8.80	13.20	19.80	6.60	17.60	24.20
Carpetgrass	8.80	11.00	17.60	11.00	19.80	26.40
Castorbean	11.00	4.40	13.20	4.40	6.60	15.40
Chess, soft	8.80	11.00	17.60	8.80	17.60	24.20
Chickpea	11.00	4.40	13.20	4.40	6.60	15.40
Clover:						
Alsike	$11.00	$8.80	$17.60	$8.80	$15.40	$24.20
Berseem	8.80	6.60	15.40	6.60	11.00	17.60
Crimson	8.80	6.60	15.40	8.80	15.40	22.00
Hop, large	8.80	6.60	15.40	8.80	15.40	22.00
Hop, small	8.80	6.60	15.40	8.80	15.40	22.00
Kenya	8.80	6.60	15.40	8.80	15.40	22.00
Ladino	8.80	6.60	15.40	8.80	15.40	22.00
Lappa	8.80	6.60	15.40	8.80	15.40	22.00
Persian	8.80	6.60	15.40	8.80	15.40	22.00
Red	8.80	6.60	15.40	8.80	15.40	22.00
Rose	8.80	6.60	15.40	8.80	15.40	22.00
Strawberry	8.80	6.60	15.40	8.80	15.40	22.00
Sub	8.80	6.60	15.40	8.80	15.40	22.00
White	8.80	6.60	15.40	8.80	15.40	22.00
Corn:						
Field	8.80	6.60	13.20	4.40	8.80	15.40
Pop	8.80	6.60	13.20	4.40	8.80	15.40
Cotton	8.80	6.60	13.20	6.60	11.00	17.60
Cowpea	11.00	4.40	15.40	4.40	8.80	17.60
Crested dogtail	8.80	6.60	15.40	8.80	15.40	22.00
Crotolaria:						
Intermediate	11.00	6.60	15.40	6.60	11.00	22.00
Showy	11.00	6.60	15.40	6.60	11.00	22.00
Slender leaf	11.00	6.60	15.40	6.60	11.00	22.00
Striped	11.00	6.60	15.40	6.60	11.00	22.00
Sunn	8.80	6.60	15.40	6.60	11.00	19.80
Crownvetch	11.00	17.60	26.40	8.80	24.20	33.00
Dallisgrass	8.80	8.80	15.40	8.80	15.40	22.00
Dichondra	8.80	6.60	15.40	8.80	13.20	19.80
Dropseed, sand	8.80	6.60	15.40	8.80	15.40	22.00
Emmer	8.80	6.60	13.20	6.60	11.00	17.60
Fescue:						
Chewings	8.80	11.00	17.60	8.80	17.60	24.20
Hair	8.80	11.00	17.60	8.80	17.60	24.20
Hard	8.80	11.00	17.60	8.80	17.60	24.20
Meadow	8.80	11.00	17.60	8.80	17.60	24.20
Red	8.80	11.00	17.60	8.80	17.60	24.20
Sheep	8.80	11.00	17.60	8.80	17.60	24.20
Tall	8.80	11.00	17.60	11.00	19.80	26.40
Flax	8.80	6.60	15.40	8.80	15.40	22.00
Grama:						
Blue			$8.80 per hour			
Side-oats			8.80 per hour			
Guar	8.80		13.20	6.60	11.00	17.60
Guinea grass	8.80		17.60	11.00	26.40	33.00
Hardinggrass	8.80		24.20	11.00	17.60	13.20
Hemp	8.80		13.20	6.60	11.00	
Indiangrass, yellow			$8.80 per hour			
Indigo, hairy	8.80		13.20	6.60	11.00	17.60
Japanese lawngrass	8.80		24.20	6.60	22.00	28.60
Johnsongrass	11.00		17.60	8.80	17.60	24.20
Kudzu	8.80		13.20	6.60	11.00	17.60
Lentil	8.80		13.20	6.60	11.00	17.60
Lespedeza:						
Korean	8.80		19.80	13.20	24.20	30.80
Serices	8.80		15.40	11.00	17.60	24.20
Siberian	8.80		17.60	11.00	19.80	26.40
Striate	8.80		17.60	11.00	19.80	26.40
Lovegrass:						
Sand	8.80		15.40	8.80	15.40	22.00
Weeping	8.80		15.40	8.80	15.40	22.00
Lupine:						
Blue	11.00		6.60	4.40	8.80	17.60
White	11.00		15.40	4.40	8.80	17.60
Yellow	11.00		15.40	4.40	8.80	17.60
Maximilagrass	8.80		24.20	6.60	22.00	28.60
Meadowfoxtail	11.00		17.60	6.60	15.40	22.00
Medick, black	8.80		6.60	8.80	13.20	19.80
Millet:						
Browntop	$11.00	$8.80	$17.60	$8.80	$15.40	$24.20
Foxtail	8.80	6.60	15.40	8.80	15.40	22.00
Japanese	8.80	6.60	15.40	8.80	15.40	22.00
Pearl	8.80	6.60	13.20	6.60	11.00	17.60
Proso	8.80	6.60	13.20	6.60	11.00	17.60
Molassesgrass			$8.80 per hour			
Mustard:						
India	8.80	6.60	13.20	6.60	11.00	17.60
Black	8.80	6.60	13.20	6.60	11.00	17.60
White	8.80	6.60	13.20	6.60	11.00	17.60
Napiergrass	8.80	6.60	13.20	6.60	11.00	17.60
Oat	8.80	8.80	15.40	8.80	15.40	22.00
Orchardgrass, tall	8.80	13.20	19.80	13.20	24.20	30.80
Orchardgrass	8.80	13.20	19.80	11.00	24.20	30.80
Panicgrass:						
Blue	8.80	8.80	15.40	8.80	15.40	22.00
Green	8.80	13.20	19.80	8.80	15.40	26.40
Peanut	11.00	6.60	15.40	4.40	8.80	17.60
Pea, field	11.00	4.40	13.20	4.40	6.60	15.40
Rape	11.00	8.80	22.00	11.00	24.20	30.80
Ryegrass:						
Annual	8.80	6.60	15.40	8.80	15.40	22.00
Perennial	8.80	6.60	15.40	8.80	15.40	22.00
Wimmera	8.80	6.60	15.40	11.00	19.80	26.40
Safflower	8.80	6.60	11.00	4.40	8.80	15.40
Sainfoin	8.80	6.60	15.40	6.60	11.00	19.80
Sesame	8.80	6.60	15.40	6.60	11.00	19.80
Seshania	8.80	6.60	15.40	6.60	11.00	19.80
Smilo	8.80	6.60	13.20	6.60	11.00	17.60
Sorghum	8.80	6.60	13.20	6.60	11.00	17.60
Sorghum-sudangrass hybrid	8.80	6.60	15.40	8.80	15.40	22.00
Soybean	8.80	6.60	15.40	8.80	15.40	22.00
Spelt	8.80	6.60	13.20	8.80	13.20	19.80
Sudangrass	8.80	6.60	13.20	4.40	8.80	15.40
Sunflower	8.80	4.40	13.20	6.60	11.00	17.60
Sweetclover:						
White	8.80		15.40	8.80	15.40	22.00
Yellow	8.80		15.40	8.80	15.40	22.00
Sweet vernalgrass	8.80		15.40	6.60	13.20	19.80
Switchgrass	8.80		15.40	6.60	13.20	19.80
Timothy	8.80		13.20	8.80	13.20	19.80
Tobacco	$8.80 per hour					
Trefoil	8.80	6.60	15.40	8.80	15.40	22.00
Bird	8.80	8.80	15.40	8.80	15.40	22.00
Birdsfoot	8.80	8.80	19.80	8.80	19.80	26.40
Vaseygrass	8.80	13.20	19.80	8.80	19.80	26.40
Veldtgrass	4.40	13.20	17.60	8.80	15.40	22.00
Velvetbean	8.80	6.60	15.40	4.40	6.60	15.40
Vetch:						
Common	8.80	8.80	15.40	6.60	13.20	19.80
Hairy	8.80	8.80	15.40	6.60	13.20	19.80
Hungarian	8.80	6.60	15.40	6.60	13.20	19.80
Monantha	8.80	6.60	15.40	6.60	13.20	19.80
Narrowleaf	8.80	8.80	15.40	6.60	13.20	19.80
Purple	8.80	8.80	15.40	6.60	13.20	19.80
Woollypod	8.80	8.80	15.40	6.60	13.20	19.80

Name of seed	Germination	Purity	Purity and germination	Noxious-weed seeds	Purity and noxious-weed	Germination, purity and noxious weeds
Wheat						
Common	$8.80	$6.60	$13.20	$6.60	$11.00	$17.60
Club	8.80	6.60	13.20	6.60	11.00	17.60
Durum	8.80	6.60	13.20	6.60	11.00	17.60
Polish	8.80	6.60	13.20	6.60	11.00	17.60
Poulard	8.80	6.60	13.20	6.60	11.00	17.60
Wheatgrass						
Beardless	8.80	11.00	17.60	6.60	15.40	22.00
Crested, fairway	8.80	11.00	17.60	6.60	15.40	22.00
Crested, standard	8.80	11.00	17.60	6.60	15.40	22.00
Intermediate	8.80	11.00	17.60	6.60	15.40	22.00
Pubescent	8.80	11.00	17.60	6.60	15.40	22.00
Eggplant	8.80	6.60	15.40	6.60	11.00	19.80
Endive	8.80	8.80	15.40	8.80	15.40	22.00
Kale	8.80	6.60	13.20	6.60	11.00	17.60
Chinese	8.80	6.60	13.20	6.60	11.00	17.60
Siberian	8.80	6.60	13.20	6.60	11.00	17.60
Kohlrabi	8.80	6.60	13.20	6.60	11.00	17.60
Leek	8.80	6.60	13.20	8.80	13.20	19.80
Lettuce	8.80	6.60	13.20	6.60	11.00	17.60
Muskmelon	8.80	4.40	11.00	4.40	6.60	13.20
Mustard, India	8.80	6.60	13.20	6.60	11.00	17.60
Mustard, spinach	8.80	6.60	15.40	6.60	11.00	17.60
Okra	8.80	6.60	15.40	6.60	11.00	19.80
Onion	8.80	6.60	13.20	8.80	13.20	19.80
Onion, Welsh	8.80	6.60	13.20	8.80	13.20	19.80
Pak-choi	8.80	6.60	13.20	6.60	11.00	17.60
Parsley	8.80	8.80	15.40	8.80	15.40	22.00
Parsnip	8.80	8.80	15.40	8.80	15.40	22.00
Pea	11.00	4.40	13.20	4.40	6.60	15.40
Cabbage, Chinese	8.80	6.60	13.20	6.60	11.00	17.60
Cabbage, tronchuda	8.80	6.60	13.20	6.60	11.00	17.60
Canteloupe (see Muskmelon)						
Cardoon	8.80	8.80	15.40	6.60	13.20	19.80
Carrot	8.80	8.80	15.40	8.80	15.40	22.00
Cauliflower	8.80	6.60	13.20	6.60	11.00	17.60
Celeriac	8.80	6.60	13.20	6.60	15.40	17.60
Chard, Swiss	11.00	6.60	15.40	6.60	11.00	19.80
Chicory	8.80	8.80	15.40	8.80	15.40	22.00
Chives	8.80	6.60	13.20	8.80	13.20	19.80
Citron	8.80	4.40	11.00	4.40	6.60	13.20
Collards	8.80	6.60	13.20	6.60	11.00	17.60
Corn, sweet	11.00	4.40	13.20	4.40	6.60	15.40
Cornsalad	8.80	8.80	15.40	8.80	15.40	22.00
Cowpea	11.00	6.60	15.40	4.40	8.80	17.60
Cress						
Garden	8.80	6.60	13.20	8.80	13.20	19.80
Upland	8.80	6.60	13.20	8.80	13.20	19.80
Water	8.80	8.80	15.40	8.80	15.40	22.00
Cucumber	8.80	4.40	11.00	4.40	6.60	13.20
Dandelion	8.80	8.80	15.40	8.80	15.40	22.00
Siberian	8.80	11.00	17.60	6.60	15.40	22.00
Slender	8.80	11.00	17.60	6.60	15.40	22.00
Tall	8.80	11.00	17.60	6.60	15.40	22.00
Western	11.00	11.00	19.80	6.60	15.40	24.20
Wild-rye						
Canada	8.80	8.80	15.40	6.60	13.20	19.80
Russian	8.80	8.80	15.40	6.60	13.20	19.80
VEGETABLE SEEDS						
Artichoke	8.80	6.60	13.20	6.60	11.00	17.60
Asparagus	8.80	6.60	13.20	6.60	11.00	17.60
Asparagusbean	11.00	4.40	13.20	4.40	6.60	15.40
Bean						
Garden	11.00	4.40	13.20	4.40	6.60	15.40
Lima	11.00	4.40	13.20	4.40	6.60	15.40
Runner	11.00	4.40	13.20	4.40	6.60	15.40
Beet	11.00	6.60	15.40	6.60	11.00	19.80
Broadbean	11.00	4.40	13.20	4.40	6.60	15.40
Broccoli	8.80	6.60	13.20	6.60	11.00	17.60
Brussels sprouts	8.80	6.60	13.20	6.60	11.00	17.60
Burdock, great	8.80	6.60	13.20	6.60	11.00	17.60
Cabbage	8.80	6.60	13.20	6.60	11.00	17.60
Pepper	8.80	6.60	15.40	6.60	11.00	19.80
Pumpkin	8.80	4.40	11.00	4.40	6.60	13.20
Radish	8.80	6.60	15.40	6.60	11.00	19.80
Rhubarb	11.00	4.40	13.20	4.40	6.60	15.40
Rutabaga	8.80	6.60	13.20	6.60	11.00	17.60
Salsify	8.80	6.60	15.40	6.60	11.00	19.80
Sorrel	8.80	6.60	15.40	6.60	11.00	19.80
Soybean	11.00	4.40	13.20	4.40	6.60	15.40
Spinach	8.80	6.60	13.20	4.40	8.80	15.40
Spinach, New Zealand	11.00	6.60	15.40	4.40	8.80	17.60
Squash	8.80	4.40	11.00	4.40	6.60	13.20
Tomato	8.80	6.60	15.40	6.60	11.00	19.80
Tomato, husk	8.80	6.60	15.40	6.60	11.00	19.80
Turnip	8.80	6.60	13.20	6.60	11.00	17.60
Watermelon	8.80	4.40	11.00	4.40	6.60	13.20

(b) Sampling, sealing, checkweighing, checkloading, inspection of condition of containers, and any similar services shall be at the rate of $8.80 per hour, with a 2-hour minimum commencing when the official sampler or inspector arrives at the inspection point on or after the appointed time and terminating when the sampler or inspector leaves the premises. This same rate applies regardless of the hour of the day or the location of the plant where the service is rendered.

The facts needed to establish these fees and charges for service are known by the Consumer and Marketing Service. It is therefore determined that public hearing and other rule making procedures are not necessary under the provisions of 5 U.S.C. 553.

These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of July 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-8556; Filed, July 22, 1969; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 382]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling; Correction

In F.R. Doc. 69-8287 appearing in the FEDERAL REGISTER issue of Saturday, July 12, 1969 (34 F.R. 11548), the regulation's numerical designations appearing in the headings as, "[Lemon Reg. 282]," and as, "§ 910.582 Lemon Regulation 282," are corrected to read "[Lemon Reg. 382]" and "§ 910.682 Lemon Regulation 382."

Dated: July 17, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8617; Filed, July 22, 1969; 8:50 a.m.]

[Lime Reg. 27, Amdt. 4]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Lime Administrative Committee reflects its appraisal of current crop and market conditions. Less restrictive regulation requirements are necessary to enable the Florida lime industry to fill market demand. Insufficient volume of lines meeting the specifications of the current regulation are available, hence, it is essential that the regulation herein prescribed be made effective at the time hereinafter specified.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of limes grown in Florida.

Order. In § 911.329 (Lime Reg. 27; 34 F.R. 6438, 7867, 9849, 11549) the introductory text of paragraph (a)(2) and subdivision (ii) thereof is amended to read as follows:

§ 911.329 Lime Regulation 27.

(a) • • •

(2) During the period July 17, 1969, through April 30, 1970, no handler shall handle:

• • • • •

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least 85 percent U.S. No. 1 quality, except as to color: *Provided*, That not less than an aggregate area of three-fourths of the surface of each fruit shall meet the minimum color requirement for "mixed color": *And provided further*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet color requirements set forth in the U.S. Standards for Persian (Tahiti) Limes, shall apply; or

• • • • •

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, July 16, 1969, to become effective July 17, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8592; Filed, July 22, 1969; 8:47 a.m.]

[Pear Reg. 1, Amdt. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Pear Commodity Committee, and upon other available information, it is hereby found that the limitation of shipments of pears, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Pear Commodity Committee reflects its appraisal of the 1969 California pear crop and an inability of handlers to economically market the crop due to hail damage. The amendment of the grade requirement currently in effect recognizes this problem and provides some relief. However, the grade requirement will continue to provide consumers with good quality pears.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof; and this amendment relieves restrictions on the handling of pears.

It is, therefore, ordered that the provisions of paragraph (a)(1) of § 917.418 (Pear Reg. 1, 34 F.R. 11259) are hereby amended to increase the tolerance for pears damaged but not seriously damaged by hail. As amended § 917.418(a)(1) reads as follows:

§ 917.418 Pear Regulation 1.

(a) *Order.* (1) During the period July 17, 1969, through December 31, 1969, no handler shall ship any box or container of Bartlett, Max-Red (Max-Red Bartlett, Red Bartlett), or Rosired (Rosired Bartlett) varieties of pears unless:

(i) At least 85 percent, by count, of the pears contained in such box or container shall grade at least U.S. No. 1 with the remainder thereof grading not less than U.S. No. 2: *Provided*, That an additional tolerance of 5 percent, by count, shall be permitted for pears damaged but not seriously damaged by hail; and

• • • • •

The provisions of this amendment shall become effective July 17, 1969.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 16, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8593; Filed, July 22, 1969; 8:47 a.m.]

[Lime Reg. 3, Amdt. 12]

PART 944—FRUIT; IMPORT REGULATIONS

Limes

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a)(2) of § 944.202 (Lime Reg. 3; 34 F.R. 6516, 7959, 11965) are hereby amended to read as follows:

§ 944.202 Lime Regulation 3.

(a) • • •

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least 85 percent U.S. No. 1 quality, except as to color: *Provided*, That an aggregate area of three fourths of the surface of each fruit shall meet the minimum color requirement for "mixed color": *And provided further*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet color requirements set forth in the U.S. Standards for Persian (Tahiti) Limes, shall apply;

• • • • •

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under amended Lime Regulation 27 (§ 911.329), which becomes effective July 17, 1969; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of limes.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, July 16, 1969, to become effective July 17, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8591; Filed, July 22, 1969; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[12th Gen. Rev. of Export Regs., Amdt. 1]

PART 373—SPECIAL LICENSING PROCEDURES

PART 386—EXPORT CLEARANCE

Miscellaneous Amendments

Parts 373 and 386 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: July 22, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

1. In § 373.2, paragraph (b)(1) is hereby amended to read as follows:

§ 373.2 Project license.

• • • • •

(b) • • •

(1) Commodities listed in Supplement No. 1 to this Part 373.

• • • • •

2. A new licensing procedure, designated § 373.7 *Service Supply (SL) Procedure*, is established to read as follows:

§ 373.7 Service Supply (SL) Procedure.

A procedure is established to enable persons or firms in the United States or abroad to provide prompt service for equipment exported from the United States, produced abroad by a subsidiary, affiliate, or branch of a U.S. firm, or produced abroad by a manufacturer who uses parts imported from the United States in the manufactured product.

(a) *Definitions and interpretations.* Terms used in this § 373.7 (and in the related forms), are defined or interpreted in subparagraphs (1) through (8) of this paragraph:

(1) *Service and servicing.* The terms "service" and "servicing" refer to normal and usual activities to maintain equipment in proper, efficient, and safe operating condition or to restore equipment to this condition.

(2) *Service facility.* The term "service facility" refers to a person or firm that has as its function, or as one of its functions, the servicing of equipment.

(3) *Equipment.* The term "equipment" includes, but is not restricted to, instruments, machines, aircraft, vehicles, and apparatus.

(4) *U.S. equipment.* The term "U.S. equipment" refers to equipment (i) exported from the United States, or (ii) manufactured or produced abroad by a U.S. subsidiary.

(5) *U.S. subsidiary.* The term "U.S. subsidiary" means a foreign-based subsidiary, affiliate, or branch of a U.S. person or firm under the full and active control of such U.S. person or firm.

(6) *Effective control.* The term "effective control" means the exercise of a right, under a contractual agreement between the U.S. exporter and the consignee, to determine and control the reexport of parts exported from the United States.

(7) *Replacement parts.* The term "replacement parts" means parts needed for the immediate repair of equipment, including replacement of defective parts. (It does not include test instruments or operating supplies.) Commodities that improve or change the basic design characteristics (e.g., as to accuracy, capability, or productivity) of the equipment upon which they are installed are not deemed to be replacement parts within the meaning of the Service Supply (SL) procedure.

(8) *Spare parts.* The term "spare parts" refers to parts in the kinds and quantities normally and customarily kept on hand in the event they are needed to assure prompt repair of equipment. (It does not include test instruments and operating supplies.) Commodities that improve or change the basic design characteristics (e.g., as to accuracy, capability, or productivity) of the equipment upon which they are installed are not deemed to be spare parts within the meaning of the Service Supply (SL) procedure.

(b) *Commodities subject to the Service Supply (SL) Licensing Procedure.* Any commodity for which an export license is required may be exported or reexported under the provisions of this § 373.7; except:

(1) Parts to service commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 378.1 of this chapter;

(2) Parts to service arms, ammunition, or implements of war referred to in Supplement No. 2 to Part 370 of this chapter;

(3) Parts to service commodities subject to the Atomic Energy Act referred to in § 370.10(e) of this chapter;

(4) Parts to service commodities[1] listed in Supplement No. 1 to this Part 373; and

(5) Commodities listed in Supplement No. 1 to this Part 373.

(c) *Destinations*—(1) *Country Groups S and Z.* No export or reexport may be made directly or indirectly, under provisions of this § 373.7 to Country Group S or Z. Furthermore, no equipment owned or controlled by, or under lease or charter to Country Groups S or Z or any national thereof may be serviced under the provisions of this SL procedure.

(2) *Country Groups W and Y.* Exports and reexports to Country Groups W and Y may be made only in accordance with the provisions of paragraph (i) of this section. Except as provided in paragraph (i) of this section, no equipment owned or controlled by, or under lease or charter to, Country Groups W or Y or any national thereof may be serviced under the provisions of this SL procedure.

(d) *Types of service supply authorizations.* Three types of export or reexport authorizations are obtainable under the provisions of this § 373.7.

(1) *Exports from the United States.* A U.S. person or firm may obtain a license valid for 12 months to export spare and replacement parts to consignees in Country Groups T, V, or X for purposes of servicing U.S. equipment unless such consignees are listed in the U.S. Table of Denial and Probation Orders (see paragraph (e)(2)) of this section. Under certain conditions replacement parts (but not spare parts) may also be exported to Country Groups W and Y, subject to the provisions set forth in paragraph (i) of this section.

(i) *Qualification requirements.* To qualify for a Service Supply (SL) license authorizing exports from the United States, the applicant must meet all of the following requirements:

(*a*) The applicant must be either (*1*) the U.S. person or firm that manufactured or exported the equipment to be serviced abroad, or (*2*) the U.S. firm whose foreign subsidiary manufactured the equipment to be serviced.

(*b*) Supplying spare and replacement parts must be a normal function of the applicant's business; and

(*c*) The export shall be made for purposes of servicing U.S. equipment in the possession of the consignee.

(ii) *Applications.* The applicant shall submit the following documents, satisfactorily completed:

(*a*) Form FC–420, Application Processing Card;

(*b*) Form FC–419, Application for Export License;

(*c*) Form IA–543,[2] Service Supply (SL) License Statement by U.S. Exporter (see Supplement S–X for facsimile of form.); and

(*d*) Comprehensive narrative statement by the exporter.

An application for an SL license need not be supported by the Import Certificate or Consignee Statement otherwise required under § 375.1 or § 375.2 of this chapter. A Swiss Blue Import Certificate or a Yugoslav End-Use Certificate is required when applicable. (See paragraph (e) of this section.)

(iii) *Preparation of documents.* The document listed in subparagraph (2) of this paragraph shall be prepared as follows:

(*a*) *Form FC–420.* The applicant shall prepare Form FC–420, Application Processing Card, in accordance with the provisions of § 372.4(a)(5) of this chapter except as follows:

(*1*) "Service Supply License" shall be entered in the export control commodity number space;

(*2*) The processing number space shall not be completed; and

(*3*) The applicant shall enter the word "various" in the commodity description space on the Form FC–420.

(*b*) *Form FC–419.* The applicant shall prepare and submit Form FC–419, Application for Export License, in accordance with the provisions of § 372.4(a)(4) of this chapter with the following specific modifications:

(*1*) The words "Service Supply License" shall be entered in the space entitled, "Date of Application", in addition to entering the date in the same space.

(*2*) The word "various" shall be entered in the space for the ultimate consignee.

[1] Except that parts may be exported under the provisions of this § 373.3 to service commodities identified in Supplement No. 1 to this Part 373 under Export Control Commodity No. 73410.

[2] Form IA–543 may be obtained at all U.S. Department of Commerce Field Offices (see list of addresses on page 1 under Field Office addresses) and from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

(3) A duplicate list of countries of ultimate destination shall be prepared in alphabetical order, and the words "See attached list" shall be inserted in the space for the ultimate destination.

(*4*) An estimated 1 year's supply of spare and replacement parts shall be entered on the application. All commodities identified by the Symbol "A" in the last column of the Commodity Control List (see § 399.1 of this chapter) shall be either listed separately on the application or on an attachment thereto, or, if feasible, described in related product groups. Examples of acceptable product groups are "Semiconductors, A type"; "aircraft engines, A type"; etc.

(*5*) All commodities not identified by the symbol "A" on the Commodity Control List having export control numbers with the same first two digits may be combined into a single entry. The commodity description for each such entry shall be in terms of broad descriptive categories corresponding with the commodity sections and subheadings that appear on the Commodity Control List (§ 399.1 of this chapter, pages 3 and 4).

(*6*) The estimated total value of each "A" commodity or "A" product group and of each group of non-"A" commodities to be exported during the 1 year validity period of the SL license shall be shown in the space provided for the total selling price, and a grand total shall be computed for all of the commodities.

(*7*) The following statement shall be entered at the bottom of the space provided for the commodity description on the application:

No commodity excluded from the SL procedure under the Export Control Regulations will be exported to any consignee in any destination under this SL license if this application is approved.

(*8*) The spaces entitled "Export Control Commodity No. and Processing No.," "Unit Price," and "Quantity to Be Shipped" shall be left blank.

(*c*) *Form IA–543.* Three copies of Form IA–543 shall be manually signed by the applicant or by a responsible official of the applicant who is authorized to bind the applicant to all of the terms, undertakings, and commitments set forth on the form.

(*d*) *Comprehensive narrative statement.* A comprehensive narrative statement shall be submitted by the applicant in support of his application for an SL license. This statement shall set forth the scope of the applicant's servicing activities pertinent to the application and shall include, for each entry listed on the application, the volume of exports for servicing made during the preceding year. If this volume has to be estimate, the basis upon which the estimate was compiled shall be explained.

NOTE: The preparation of an application for an SL license involves a substantial amount of work. Therefore, a prospective applicant may wish to consult the Office of Export Control to obtain a preliminary determination of the applicability of the SL procedure to his transaction and as to any special information that may be required.

(2) *Reexports authorization by foreign-based service facility.* A service facility located in Country Groups T, V, or X may be authorized to use and to reexport spare and replacement parts to consignees in any other destination in Country Groups T, V, or X to service U.S. equipment, unless such consignees are listed in the U.S. Table of Denial and Probation Orders (see paragraph (h)(3) of this section). If the service facility is approved, reexports are authorized in accordance therewith regardless of any restrictions imposed on reexports under the terms of the other licensing procedures. The service facility may also be authorized to service U.S. equipment in the country where the facility is located and return the serviced equipment to the country from which it was sent within Country Groups T, V, or X. If the foreign-based service facility is under the effective control of the U.S. exporter, it may also be authorized to reexport, upon specific instructions of the U.S. exporter, replacement parts for immediate repair in Country Groups W or Y of U.S. equipment subject to the provision of paragraph (i) of this section.

(i) *Qualification requirements.* To qualify to receive reexport authorization under the SL procedure, a foreign person or firm must have been designated as a service facility by the U.S. manufacturer or by the U.S. exporter of the U.S. equipment to be serviced, and servicing such equipment must be a normal function of the designated facility.

(ii) *Application.* The service facility shall submit to the Office of Export Control (Attention: 852) U.S. Department of Commerce, Washington, D.C. 20230, a letter requesting authorization to use and reexport spare and replacement parts under the SL procedure. This letter shall be accompanied by three completed copies of Form IA–544, Service Supply (SL) Statement by Service Facility or Manufacturer (see Supplement S–Y for facsimile of form) and by a comprehensive narrative statement by the operator of the service facility prepared in accordance with the following instructions:

(*a*) The statement shall identify the U.S. manufacturer(s) or U.S. exporter(s) that has (have) designated the facility to be its service facility and shall indicate the period for which the designation shall remain in effect.

(*b*) If the service facility is under the effective control of the U.S. person or firm, the statement shall so-indicate.

(*c*) The statement shall describe in detail the services performed by the service facility, as indicated on the Form IA–544.

(3) *Reexports by foreign manufacturer.* A manufacturer located in Country Group T, V, or X who incorporates parts exported from the United States into a product may be authorized to reexport to consignees in Country Groups T, V, or X such U.S.-origin parts as spare or replacement parts for servicing the manufactured products in the consignee's possession, unless such consignees are listed in the U.S. Table of Denial and Probation Orders (see paragraph (g)(3) of this section).

(i) *Qualification requirements.* To qualify to receive reexport authorization under the SL procedure, a foreign manufacturer must use parts exported from the United States in the manufactured equipment to be serviced, and the parts to be reexported for purposes of servicing such equipment must be of the same type as the components they are to replace.

(ii) *Applications.* The manufacturer shall submit a letter requesting permission to reexport under the SL procedure parts imported from the United States to replace such parts incorporated into a product manufactured by the applicant. This letter shall be supported by three completed copies of Form IA–544, Service Supply (SL) Statement by Service Facility or Manufacturer (see Supplement S–Y for facsimile of form) identifying the manufactured products containing parts exported from the United States and the countries to which these products are exported.

(e) *Exports and reexport to Switzerland or Yugoslavia.* For an export or reexport of spare parts to service equipment located in Switzerland or Yugoslavia, the U.S. exporter or his approved service facility, or the authorized foreign manufacturer, must obtain for each transaction a Swiss Blue Import Certificate or a Yugoslav End-Use Certificate showing the United States as the country of origin of the parts to be shipped. Exporters shall forward these documents to the Office of Export Control in accordance with the provisions of paragraph (k) of this section. Approved Form IA–544 holders (i.e., foreign service facilities and manufacturers) shall forward, on a monthly basis the originals of these documents (or reproduced copies if the originals are required by the Government of the country in which the Form IA–544 holder is located) directly to the Office of Export Control (Attention 852), U.S. Department of Commerce, Washington, D.C. 20230. A letter of transmittal showing the SL license number of the approved Form IA–544 shall accompany the documents.

(f) *Action by Office of Export Control on license applications*—(1) *Approved license applications*—(i) *Issuance of license.* When an application for a SL license is approved, a Form FC–628, Export License, will be issued authorizing, subject to the provisions of the export regulations and to the terms and provisions of the license, the export of commodities covered during a validity period of 1 year. An approved copy of Form IA–543 will also be issued to the exporter. The SL license will be similar to a validated license described in § 372.9 of this chapter with the following exceptions:

(*a*) *Validation.* The license will be validated in the license number space with a stamp which includes a facsimile of the U.S. Department of Commerce seal, the letter "D" and a series of numbers to indicate the year, month, and day on

which the license was validated. An explanation of the coded dates shown on the license is set forth in § 372.9(b) of this chapter.

(b) *Service supply license number.* Immediately below the validation stamp, the SL license number assigned to the license will be indicated. This license number will be a four-digit number prefixed by the letter "S" and suffixed by a one-letter code indicating the Office of Export Control licensing division to which the license was assigned (that is: "C" for Capital Goods Division; "P" for Production Materials and Consumer Products Division; and "S" for Scientific and Electronic Equipment Division).

(c) *Special conditions.* Special conditions or restrictions may be imposed on the use of a SL license in addition to the general conditions or restrictions set forth in the Export Control Regulations. These conditions or restrictions will be set forth on the license document at the time of issuance, or a separate written notification of these conditions or restrictions will be given to the licensee.

(ii) *Notification to Customs Offices.* The Office of Export Control will notify all Customs Offices of the issuance of the SL license.

(2) *Applications returned without action.* When an SL license application is returned without action by the Office of Export Control, the application together with related documents will be returned to the applicant with Form FC–204–B, Advice on Application Returned Without Action. This form will state the reason(s) for return of the license application and will explain the corrections and additional information required if the application is to be resubmitted to the Office of Export Control for further consideration.

(3) *Applications not approved.* When an application for an SL license is not approved by the Office of Export Control, the applicant will be notified, and the notice will explain the reason(s) why the application was not approved. The applicant may apply for an individual or other appropriate type of validated license for transactions covered by the SL license application that was not approved.

(g) *Export clearance*—(1) *General.* Generally, the Office of Export Control will notify all Customs Offices of the approval of an SL license within 15 days after dispatch of the license to the licensee. Therefore, an exporter should not plan to clear an export at an earlier date unless he has verified that notification has reached the Customs Office at the intended port of exit.

(2) *Presentation of license or other approval action.* When clearing shipments for export under an SL license, the licensee shall, on demand, show to the Customs Officer or Postmaster either the original or a photocopy of the license or amendment. The license or amendment, however, is not required to be filed with the Customs Office or Post Office. When exporting by mail, the SL license number shall be entered on the address side of the wrapper on the package.

(3) *Limitation on amount shipped.* Exports under an SL license of any commodity or commodity group identified thereon by the symbol "A" are limited for each such entry, during the entire validity period of the license, to the amount shown on the license for that entry. However, exports of an entry not identified by the symbol "A" may exceed the amount shown for that particular entry provided the total amount of all such shipments does not exceed the grand total of the amounts authorized for all of the commodities not identified by the symbol "A" shown on the license.

(4) *Notice to ultimate consignee.* The following notice shall be entered on the commercial invoice covering each shipment under the SL license:

These commodities are sent for authorized repair purposes only and may not be used for any other purpose.

(5) *Shipper's export declaration.* As set forth in the standard instructions for preparing Shipper's Export Declarations, the validated license number must be shown on the Declaration. In the case of an SL license, the license number is prefixed by the letter "S" (see paragraph (f)(1)(i) of this section).

NOTE: Although the SL license describes the commodities in broad descriptive terms, commodity descriptions on the Declaration shall be specific. The description of a commodity shall (1) conform to the applicable Commodity Control List description, and (2) incorporate any additional information where required by Schedule B; for example, the type, size, or name of specific commodity.

(h) *Action by Office of Export Control on reexports*—(1) *Reexports by foreign-based service facility.* (i) If the Office of Export Control approves the request of a foreign-based service facility for authorization to reexport parts imported from the United States under the SL procedure, a validated copy of Form IA–544 will be sent to the service facility, via the U.S. Foreign Service. This shall be retained by the service facility as evidence of its authority to reexport spare or replacement parts imported from the United States. However, this authority shall in no way relieve the service facility from its responsibilities to comply with the laws, rules, and regulations of the countries from which the parts are to be reexported, or of any other country having authority over any phase of the transaction. If the service facility's Form IA–544 was submitted to the Office of Export Control through its U.S. parent firm, the validated copy will be sent through the U.S. parent firm, with an extra copy for retention by the U.S. parent firm. The copy of the validated Form IA–544 will bear a facility number on the bottom right corner of the form. When ordering spare or replacement parts from the United States, under the individual validated license procedure, the service facility shall cite this Form IA–544 Facility Number instead of submitting the documentation otherwise required in support of a license application (such as an import certificate or a consignee/purchaser statement). Normally, the Office of Export Control will accept this number instead of documents otherwise required.

(ii) Unless specifically restricted, an approved Form IA–544 authorizes the named service facility to:

(a) Service the types of equipment indicated on the Form IA–544 in the country where the facility is located and return the serviced equipment to the country from which it was sent within Country Groups T, V, or X.[2]

(b) Reexport parts imported from the United States to consignees in Country Groups T, V, or X for the purpose of servicing U.S.-origin equipment in the possession of the consignee. If the service facility is under the effective control of the U.S. exporter, it may, upon specific instructions of the exporter, reexport replacement (but not spare) parts to a consignee in Country Groups W or Y, subject to the special provisions set forth in paragraph (i) of this section.[4] The reexport authorizations described in this (b) normally will apply to commodities imported under the provisions of any type of U.S. export license. Except when specifically limited by the Office of Export Control, reexports under an approved Form IA–544 are authorized regardless of any restrictions imposed under the terms of any other licensing procedure.

(iii) In all cases, reasonable care and diligence must be exercised to prevent shipments of kinds and quantities of parts in excess of that not needed for the authorized service.

(2) *Reexports by foreign manufacturer.* If the Office of Export Control approves the request of a foreign manufacturer for authorization to reexport U.S. spare or replacement parts, a validated copy of Form IA–544 will be sent to the manufacturer, via the U.S. Foreign Service. This shall be retained by him as evidence of his authority to reexport the spare or replacement parts to the countries listed in the Form IA–544. However, this authority shall in no way relieve the manufacturer from its responsibilities to comply with the laws, rules, and regulations of the country from which the commodity is to be reexported, or of any other country having authority over any phase of the transaction. This reexport authorization normally will apply to commodities imported under the provisions of any type of U.S. export license. Except when specifically limited by the Office of Export Control, reexports under an approved Form IA–544 are authorized regardless of any restrictions imposed under the terms of other licensing procedures. In all cases, reasonable care and diligence must be exercised to prevent shipments of kinds and quantities of parts not needed for the authorized service.

[2] If the service facility is under the effective control of the U.S. exporter, it may also return the serviced equipment to Country Groups W and Y.

[4] Further authorization from the Treasury Department is not required for reexports to Country Group W or Y authorized by the Office of Export Control under the SL procedure.

(3) *Table of denial and probation orders.* (i) A U.S. parent firm shall furnish its foreign-based service facility(ies) or foreign manufacturer(s) with current reprints of the "Table of Denial and Probation Orders Currently in Effect" when the validated Form IA–544 is forwarded. Thereafter, each addendum to the table shall also be furnished promptly to each foreign-based service facility or manufacturer.

(ii) If the foreign-based service facility or manufacturer is not a U.S. subsidiary, the current table will be sent with the validated Form IA–544 by the Office of Export Control. Thereafter, it will be the responsibility of the facility or manufacturer to obtain each addendum to the table, either by subscription to the Export Control Regulations, by written request to the Office of Export Control or by other suitable arrangements.

(i) *Special provisions for Country Groups W and Y.* An export or reexport may be made to Country Groups W or Y under the provisions of this § 373.7 only if the following conditions and restrictions are complied with:

(1) The U.S. exporter or a foreign service facility under the U.S. exporter's effective control may export or reexport only replacement parts to a consignee in Country Group W or Y. Spare parts, as defined in paragraph (a)(8) of this section, may not be exported or reexported to these destinations under the SL procedure.

(2) The U.S. exporter or the reexporting service facility must have no knowledge or reason to believe that the equipment to be serviced was exported or reexported to the Country Group W or Y destination without the authorization of the U.S. Government.

(3) The shipment must be for the purpose of servicing equipment originally exported from the United States or obtained from a U.S. subsidiary. Further, the shipment may be made in a total quantity no greater, and a quality no better, than that necessary for this purpose.

(4) Parts identified by the symbol "A" on the Commodity Control List may not be exported or reexported under this procedure to Country Group W or Y if the value of the parts included in a shipment is more than $2,000.[1]

(5) Parts identified by the symbol "A" on the Commodity Control List, regardless of value, may not be exported or reexported to Country Group W or Y to service equipment also identified on the Commodity Control List by the symbol "A".[3]

(6) Special recordkeeping and reporting requirements for exports and reexports to Country Groups W and Y must be observed. (See paragraphs (j) and (k) of this section.)

(j) *Records.* A U.S. exporter is required to maintain records of all exports for a period of 3 years in accordance with the provisions of § 387.11 of this chapter and of this paragraph (j).

[1] Requests for exceptions to this restriction will be considered under the provisions of paragraph (k) of this section.

(1) A foreign-based service facility or a foreign manufacturer is required to retain records of all reexports made under the provisions of this SL procedure for a period of 3 years and to make all such records available for inspection in accordance with the provisions of § 387.11 of this chapter upon request, by officials of the U.S. Government. As a minimum, the record of each export or reexport shall show:

(i) The Form IA–544 approval number and the full name and address of the individual or firm to which the parts were reexported;

(ii) The full description of the equipment for which the parts were intended;

(iii) The full description of each part reexported;

(iv) Quantity or value of each part reexported; and

(v) Date of reexport.

(2) In the event that a foreign governmental regulation or statute prohibits a U.S. Government representative from inspecting these records in the foreign country, the Office of Export Control may, in substitution, require the submission of specified records, documents, or both.

(k) *Reports.* (1) Each exporter who has been issued an SL license under the provisions of paragraph (f)(1) of this section shall prepare and submit, on a monthly basis, a report on all exports made during the preceding month under the SL license. The report shall identify the commodities and give the quantities shipped to each consignee in the same detail required by the Commodity Control List. Where exports are made to service, vessels or aircraft, both the country of registry and the country to which the shipment was made shall be listed. Yugoslav End-Use Certificates and Swiss Blue Import Certificates covering exports to these destinations shall be submitted as attachments to the report.

(2) If exports of commodities identified by the symbol "A" on the Commodity Conrol List have been made to Country Group W or Y under the SL procedure, the monthly report shall show each of these shipments separately, the date of each shipment, and shall include the following additional information for each such commodity:

(i) A description of the equipment serviced in Commodity Control List terms;

(ii) The quantity or number and the value of such items of equipment serviced; and

(iii) The country in which the equipment was serviced.

(2) If the U.S. exporter has authorized his approved foreign-based service facility to reexport such commodities identified by the symbol "A" to Country Group W or Y, a similar monthly report shall be submitted in the same detail set forth above.

(3) In addition, the Office of Export Control may require additional reports regarding any aspect of exports or reexports under the provisions of this § 373.7.

(4) The reports shall be submitted in original only and transmitted to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

(l) *Exceptions.* In the event that a U.S. exporter is unable to meet any of the requirements of this SL procedure, but believes that unusual circumstances warrant a waiver or an exception to one or more of these requirements, he may consult or write to the Office of Export Control explaining the circumstances in full and requesting a waiver or exception.

(m) *Cancellation or restriction of license or reexport authorization.* The Office of Export Control may find it necessary to revoke, suspend, revise, or restrict a Service Supply License or a reexport authorization granted under the provisions of the SL procedure with or without prior notice.

(n) *Amendment of license or reexport authorization.* A person or firm desiring to increase the amount authorized for export under the SL procedure may do so at any time during the validity period of the license. Amendment requests shall be submitted on Form IA–763, Request for and Notice of Amendment Action (see Supplement S–4 for facsimile of form), in accordance with the provisions of § 372.11 of this chapter. An amendment of an SL license to extend the validity period will not be granted. A new license application shall be filed for this purpose.

(o) *Effect of other provisions.* Insofar as consistent with the provisions of this § 373.7, all of the provisions of the Export Control Regulations shall apply equally to license and reexport authorizations issued under this section and to applications for licenses and requests for reexport authorization.

3. Supplement No. 1 to Part 373, Commodities Excluded From Distribution License and Project License Procedures, is amended by adding the following commodities:

Export Control Commodity Number and Commodity Description	
33250	Lubricants which contain fluoroalcohol esters or perfluoroalkyl ethers as the principal ingredient.
51202	Cyclic chemical intermediates, as follows: (a) 2-di-cyclohexyl carbodiimide; (b) di-o-tolyl carbodiimide; (c) methyl benzylate; (d) ortho chloro benzaldehyde; (e) piperidine carboxyl acid; (f) 3-quinuclidinone; and (g) 3-quinuclidinol.
51203	Beta-diethylaminoethyldiphenylpro - pylacetate hydrochloride.
51205	Cyclic chemical products, as follows: (a) Ethyl centralite (di-ethyldiphenylurea); (b) methyl centralite; (c) NN-diphenylurea (unsymmetrical diphenylurea); (d) methyl NN diphenylurea (methyl unsymmerical diphenylurea); (e) ethyl-NN-diphenylurea (ethyl unsymmetrical diphenylurea); (f) ethyl phenyl urethane; (g) diphenyl urethane; (h) diortho tolylurethane; and (i) 2-nitrodiphenylamine (N-phenyl-2-nitroaniline; nitrophenylamine).
51209	Diethylene triamine of a purity 96 percent or higher.
51470	Boron carbides, hydrides, and nitrides.

Export Control Commodity Number and Commodity Description—Continued	
57112	Prepared explosives and priming compositions containing one or more of the following chemicals: mercury fulminate; lead azide; lead styphnate (lead trinitroresorcinate); lead thiocyanate; tetrazine; or diazodinitrophenol.
59972	Artificial nonpyrolytic graphite and products, having an apparent relative density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.), in such forms as will not pass through a 2-inch square hole.
59972	Other artificial graphite products in block, brick, plate, or rod form, smallest dimension 2 inches or over.
59999	Hydraulic fluids formulated wholly or in part with fluorinated or chlorinated silicones, fluoro-alcohol esters, or perfluoro-alkyl ethers.
62105	Hose and tubing: (a) Made of, lined with, or covered with polytetrafluoroethylene or polychlorotrifluoroethylene, or (b) wholly made of, lined with, or covered with oher fluorocarbon polymers or copolymers.
62910	Tires, or a kind specially constructed to be bullet proof or run when deflated; and other aircraft tires and inner tubes.
65380	Continuous tapes suitable for use in filament-wound structures, having all of the following characteristics: (a) Consisting of monofilaments 12 microns (0.0047 inch) or less in diameter, (b) modulus of elasticity greater than 11 times 10^6 p.s.i., and (c) tensile strength to density ratio (figure of merit) greater than 350,000 p.s.i.
65380	Continuous tapes suitable for use in filament-wound structures, made of glass fibers having: (a) A modulus of elasticity of 10.5 times 10^6 p.s.i. or greater, or (b) a tensile strength to density ratio (figure of merit) of 300,000 p.s.i. or greater.
65380	Broad and narrow woven fabrics including tapes, made from silica or quartz fibers, whether or not coated or impregnated.
65543	Textile fabrics, n.e.c. (a) Coated or impregnated with (i) fluorocarbon polymers or copolymers, or (ii) polyimides, polybanzimidazoles, polyimidazopyrrolones, aromatic polyamides, and polyparaxylylenes where the value of such contained polymeric substances, either alone or in combination with fluorocarbon polymers or copolymers, is 50 percent or more of the total value of the materials used; and (b) made from silica or quartz fibers, whether or not coated or impregnated.
65584	Textile fabrics and articles used in machinery or plant, as follows: (a) Wholly made of fluorocarbon polymers or copolymers; and (b) coated or impregnated with (i) fluorocarbon polymers or copolymers, or (ii) polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, and polyparaxylylenes where the value of such contained polymeric substance, either alone or in combination with fluorocarbon polymers or copolymers, is 50 percent or more of the total value of the materials used.
66363–66370	Other nonpyrolytic artificial graphite products, n.e.c., having an apparent relative density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.).
66363–66370	Other artificial graphite products, n.e.c., in block, brick, plage, or rod form, smallest dimension 2 inches or over.
66494	Silica or quartz fibers in any form (including chopped or macerated) whether or not coated or impregnated; and articles thereof, n.e.c. (including mats and felts).
68950	Lithium alloys containing 50 percent or more lithium.
68950	Titanium metal and titanium alloys containing 70 percent or more titanium, wrought or unwrought, including intermediate mill shapes, and waste and scrap.
69211–69899	Containers, jacketed only, for the storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.) as follows: (a) With multilaminar type insulation under vacuum; or (b) with other insulating systems, having a liquid capacity of 250 gallons or more, and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight.
69899	Castings and forgings, as follows: (a) Lithium or lithium alloy containing 50 percent or more lithium; and (b) titanium metal or titanium alloy containing 70 percent or more titanium.
69899	Electrical conducting materials specially designed for operation continuously or discontinuously at ambient temperatures below minus 202° F. (minus 130° C.).
71510	Metal-cutting machine tools and other machine tools for the working of metals, specially designed for the manufacture of arms, munitions, and implements of war.
71521	Foundry equipment specially designed for the manufacture of arms, munitions, and implements of war.
71851	Foundry machines specially designed for the manufacture of arms, munitions, or implements of war; and specially designed parts, n.e.c.
71919	Process vessels specially designed for chemically processing radioactive material; and specially designed parts and accessories, n.e.c.
71919	Other machines and equipment, n.e.c., specially designed for use in processing of irradiated nuclear materials to isolate or recover fissionable materials; and specially designed parts and accessories, n.e.c.
71919	Heat exchangers made of aluminum, copper, nickel, or alloys containing more than 60 percent nickel, or combinations of these metals as clad tubes, designed to operate at subatmospheric pressure, with a leak rate of less than 10^{-4} atmospheres per hour under a pressure differential of 1 atmosphere; and specially designed parts, n.e.c.
71919	Equipment for the production of liquid fluorine; and specially designed parts.
71980	Other hot or cold isostatic presses; and parts and accessories, n.e.c.
71980	Assembling jigs and fixtures for military equipment; and specially designed parts and accessories, n.e.c.
71980	Ammunition loading machines, hand loading; and specially designed parts and accessories, n.e.c.
71980	Equipment for the production of military explosives and solid propellants.
71980	Filament winding machines designed for or modified for the manufacture of rigid structural forms by precisely controlled tensioning and positioning of filament yarns, tapes, or rovings; and parts, controls, and accessories, n.e.c.
72952	Testing and inspecting machines specially designed for the examination, testing, and checking of arms, munitions, and implements of war.
72996	Other electrical carbons, except carbon brushes, made of nonpyrolytic graphite having an apparent relative density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.).
86112	Lenses and prisms specially designed for high-speed cameras and streak cameras under Nos. 86140 and 86150 which are subject to the Import Certificate/Delivery Verification procedure.
86140	Photographic microflash equipment capable of giving a flash of 1/100,000 second or shorter duration at a minimum recurrence frequency of 200 flashes per second; and specially designed parts and accessories.
86191	Range finders specially designed for cameras under Nos. 86140 and 86150 which are subject to the Import Certificate/Delivery Verification procedure; and specially designed parts and accessories, n.e.c.
86195	Testing and inspecting machines specially designed for the examination, testing, and checking of arms, munitions, and implements of war.
86195	Vibration testing equipment.
86198	Testing and inspecting equipment specially designed for the examination, testing, and checking of arms, munitions, and implements of war; and specially designed parts, n.e.c.
86198	Vibration testing equipment capable of providing a thrust greater than 2,000 lbs., and specialized ancillary equipment thereof.
86246–86300	Film and plates, as follows: (a) Having an intensity dynamic range of 1,000,000:1 or more, or (b) having a speed of ASA 10,000 (or equivalent) or more.
89300	Articles, n.e.c., of artificial plastic materials containing silica, quartz, carbon, or graphite fibers in any form.
89300	Hose or tubing made of, lined with, or covered with polytetrafluoroethylene or polychlorotrifluoroethylene.

4. In § 386.2, paragraph (g) is hereby amended to read as follows:

§ 386.2 Presentation and use of validated license.

* * * * *

(g) *Reshipment of undelivered shipments.* Where shipment cleared under a validated export license is not received by the ultimate consignee because the exporting carrier failed to deliver it, the same, or an identical, commodity in the quantity or value shipped may be exported under the same license to the same consignee and destination, provided that satisfactory evidence of the original export clearance and of the failure to deliver the shipment, together with a satisfactory explanation of the delivery failure, is submitted to the Customs Office. If a commodity is to be reexported to any person other than the original consignee, the shipment is deemed to be a new export and is subject to all current Export Control Regulations regarding the specific commodity and destination.

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[F.R. Doc. 69–8475; Filed, July 22, 1969; 8:45 a.m.]

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Miscellaneous Amendments

EDITORIAL NOTE: The Foreign Direct Investment Regulations appear in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations ("CFR"). Thus, all sections of the regulations contained in the CFR are preceded by the designation "1000" (e.g., § 1000.201). The "1000" prefix has for convenience been eliminated from the section references contained in this notice. The terms "DI" and "AFN" are used in this notice to refer to "direct investor" and "affiliated foreign national".

Notice is hereby given that the Office of Foreign Direct Investments (the "Office") has made certain miscellaneous amendments to §§ 203, 306, 312, 313, 324, and 1105 of the Foreign Direct Investment Regulations (the "regulations"). The amendments are substantially as proposed on June 18, 1969 (34 F.R. 9564), but the following clarifications should be noted:

(i) Expenditure of available proceeds in transfers of capital to Canadian AFNs does not decrease available proceeds under § 324(d);

(ii) Reallocation under § 203(d) (2) and (3) can be accomplished only with respect to proceeds of long-term foreign borrowing expended or allocated during 1968 and thereafter; and

(iii) Proceeds deemed allocated under § 203(d)(2) may not thereafter be held in any form prohibited by that subparagraph.

Also, note that section 2 of this notice has been expanded to include further clarification of the effect of partial repayment of a long-term foreign borrowing when a portion of the proceeds of such borrowing has been expended or allocated and a portion is being held as available proceeds.

The principal purpose of the amendments is to give DI's increased flexibility in the use of proceeds of long-term foreign borrowing as a means of complying with the program, by permitting allocation of such proceeds against positive direct investment (including the reinvested earnings component), and to clarify the rules with respect to the use of such proceeds.

1. *Introduction.* Briefly, and in numerical order, the amendments are as follows:

(a) Section 203(a)(3), a definition of "direct investment liquid foreign balances", is revoked. Note, however, the use in § 203 of the term "available proceeds", which is defined in § 324(d) as proceeds of long-term foreign borrowing which have not been expended or allocated.

(b) Section 203(b), requiring that books and records be kept which identify separately the amount and use of long-term foreign borrowing, is abbreviated.

(c) Section 203(c) is amended to eliminate the term "direct investment liquid foreign balances" and to replace it with the term "available proceeds held in the form of liquid foreign balances". The amendment effects no substantive change. However, new § 306(e) should be read in conjunction with § 203(c). The effect of new § 306(e) is to require repatriation to the United States of allocated proceeds. Therefore, allocated proceeds which had previously been held as available proceeds in the form of liquid foreign balances cannot, when allocated, continue to be held as liquid foreign balances.

Section 203(c) continues to require that liquid foreign balances (excluding available proceeds) held by a DI at the end of any month be reduced to the 1965–66 end-of-month average unless the $25,000 exemption of revised § 203(e)(1) applies. This requirement of § 203(c) applies whether a DI elects the $1,000,000 minimum allowable under § 503, the historical allowable under § 504 (a) and (c), or the 30 percent earnings allowable under § 504(b).

(d) Section 203(d)(1) now requires a DI to expend or allocate available proceeds of long-term foreign borrowing, other than available proceeds repatriated to the United States, before the DI is permitted to make a positive net transfer of capital pursuant to § 504 or § 1302. Previously, the section required the expenditure or allocation only of direct investment liquid foreign balances but not proceeds held in the form of nonliquid foreign balances or securities issued by foreign nationals. The section has also been amended to exempt from the restrictions of § 203(d)(1) DIs who elect the $1,000,000 minimum allowable under § 503. This exemption is allowed because DIs electing § 503 cannot carry forward to succeeding years any unused allowable.

(e) The certification procedure in former § 203(d)(2) is repealed. As discussed in section 4 of this notice, a specific exemption procedure is substituted for the certification procedure. Applications must be filed on or before December 1 to be assured of consideration before the end of the year.

(f) Former § 203(d)(3) has been renumbered § 203(d)(2). This section sets forth the rules by which a DI may change the scheduled area in which a deduction is made for proceeds of long-term foreign borrowing originally expended in transfers of capital during 1968 or subsequent years. It is no longer required that available proceeds be expended "because of" § 203(d)(1) in order to change the scheduled area in which a deduction is made.

(g) A new § 203(d)(3) has been added which is analogous to revised § 203(d)(2) referred to in paragraph (f) above. Section 203(d)(3) permits a change during 1969 or subsequent years of the scheduled area in which a deduction for allocated proceeds of long-term foreign borrowing has been made.

(h) Section 203(e)(1) has been amended to permit an exemption from the § 203(c) end-of-month limitation on liquid foreign balances if the DI holds $25,000 or less in liquid foreign balances. Previously, the exemption for liquid foreign balances was applicable only if all foreign balances, nonliquid, liquid, and direct investment liquid foreign balances, did not exceed $25,000.

Section 203(e)(2) has been amended technically and also substantively, so that it now permits an exemption from the prohibitions of § 203(d)(1) if no more than $25,000 of available proceeds are held by the DI at the end of a year in the form of foreign property. Previously, the exemption applied only if all foreign balances of a DI were no more than $25,000.

(i) New § 306(e) is added to permit deductions from positive direct investment at the end of any year for proceeds of long-term foreign borrowing allocated to such positive direct investment. This provision permits allocation even though the positive direct investment may consist entirely of reinvested earnings. Allocated proceeds may not, however, be held, as of the end of the year in which they are allocated, in the form of foreign balances or in the form of securities of foreign nationals or any other foreign property. Thus, allocated proceeds must be repatriated to the United States as of the end of the year in which they are allocated.

(j) Section 312(a)(7), which deals with transfers of capital upon repayment of long-term foreign borrowing, has been amended to conform to §§ 324(c), 306(e), and 203(d) and to delete obsolete material.

(k) Section 313(d)(1), which previously provided for deductions with respect to either expenditures or allocations of proceeds of long-term foreign borrowing, is amended to apply to expenditures only.

(l) Section 324(c), which defines "proceeds of long-term foreign borrowing", has been clarified, and the provision therein which added to available proceeds amounts repaid by AFNs to the

DI, or amounts distributed to a DI on liquidation of an AFN, has been deleted. The section, as amended, also requires that a DI must report a borrowing on its first report filed with the Office following the borrowing, in order for the funds received from the borrowing to qualify as proceeds.

(m) Section 324(d) has been amended to clarify the definition of "available proceeds". These are proceeds of long-term foreign borrowing which have not yet been allocated to positive direct investment or expended in making transfers of capital to AFNs other than Canadian AFNs. Available proceeds expended in transfers of capital to Canadian AFNs continue to be available proceeds.

(n) Section 1105(c) is obsolete and has been revoked.

2. *Available proceeds of long-term foreign borrowing.* The term "proceeds of long-term foreign borrowing" is defined in § 324(c) to mean the gross amount or value received (before deducting discounts, commissions or fees) less repayment of principal of such borrowing. A borrowing must be reported to the Office on the DI's first required periodic report following the borrowing (whether it be the quarterly or annual report) in order for funds received from the borrowing to qualify as proceeds of long-term foreign borrowing. Therefore, DIs who plan to use funds received from a borrowing for direct investment purposes at any time in the current or succeeding years should report the borrowing on Form FDI–102 or FDI–102F, if the DI is required to file such reports. However, if a DI does not plan to use funds received from a long-term foreign borrowing for expenditure or allocation under the regulations, it need not report such a borrowing. If a borrowing is not reported, the DI will not have available proceeds from such borrowing at the end of 1969 and will not be subject to § 203(d)(1) with respect to such borrowing. Note, however, that funds received from such borrowing will, if held in liquid foreign balances, be subject to the limitations of § 203(c).

The term "available proceeds" of long-term foreign borrowing is defined in § 324(d) as the proceeds remaining after subtracting (1) amounts expended in making transfers of capital to AFNs (other than Canadian AFNs) and deducted under § 313(d) (1) and (2) amounts allocated to positive direct investment in any scheduled area (other than to positive direct investment in Canada) and deducted under § 306(e). Available proceeds expended in transfers of capital to Canadian AFNs remain available proceeds. See section 3 of this notice for a discussion of the rules governing disposition of such proceeds upon allocation.

The provision in former § 324(c)(2) that treated the repayment or other liquidation of debt or equity acquired by the DI with proceeds as an addition to available proceeds has been deleted, because available proceeds which have been expended in making transfers of capital to AFNs may now be freely reallocated to other scheduled areas under § 203(d)(2). Such repayment or liquidation will, if it meets the conditions of § 312(b), qualify as a transfer of capital from the AFN to the DI and should be reported as such. See section 5 of this notice for an explanation of the manner in which new § 203(d)(2) replaces the prior provision of § 324(c)(2).

Section 312(a)(7) has also been amended to conform to §§ 324(c), 306(e), and 203(d). Previously, a transfer of capital in repayment of a long-term foreign borrowing was incurred only if the proceeds of such borrowing were invested at the time DI repaid the borrowing; i.e., if the proceeds were then expended in transfers of capital to an AFN or allocated to a positive net transfer of capital. Accordingly, during 1968, if proceeds which had been expended in an AFN were returned to the DI by the AFN in the manner contemplated by former § 324(c)(2), prior to repayment of the long-term foreign borrowing by the DI, no transfer of capital would be incurred as a result of such repayment.

Because of the amendment of §§ 324(c) and 203(d)(2), recognition of a transfer of capital under revised § 312(a)(7) depends not on whether the proceeds of the long-term foreign borrowing are invested in an AFN at the time of repayment of such borrowing, but on whether a deduction has been taken at any time with respect to such proceeds. Section 312(a)(7) now requires recognition of a transfer of capital if a deduction was taken with respect to use of proceeds under § 313(d)(1) at the end of any year, 1965 through 1968, unless such proceeds were returned to the DI prior to the end of 1968, in the manner contemplated by former § 324(c), and were not expended or allocated thereafter. Section 312(a)(7) also requires recognition of a transfer of capital if a deduction is claimed during 1969 or any year thereafter under § 313(d)(1) or § 306(e). Therefore, during 1969, if proceeds are returned by an AFN to the DI, prior to repayment by the DI of the long-term foreign borrowing, the DI nevertheless incurs a transfer of capital upon repayment of the borrowing. (During 1969, however, the DI recognizes a § 312(b) transfer of capital upon return of the proceeds.)

As was the case previously, a DI does not incur a transfer of capital in repayment of a long-term foreign borrowing if the proceeds of such borrowing have not been expended or allocated at any time, i.e., remain available proceeds.

General, whether a transfer of capital or a reduction of available proceeds results from the repayment of a long-term foreign borrowing may be ascertained by the DI from its books and records kept pursuant to § 203(b). Accordingly, when a DI repays a long-term foreign borrowing, all of the proceeds of which have been expended or allocated in connection with making positive direct investment, the DI must report a transfer of capital under § 312(a)(7), and when a DI has not expended or allocated any portion of the proceeds of a particular long-term foreign borrowing, any repayment of the borrowing results in a reduction of available proceeds. However, if a portion of the proceeds of a borrowing has been expended or allocated, while the remainder has not been expended or allocated and thus constitutes available proceeds, the effect of a partial repayment cannot be ascertained from the DI's books and records. In such case, any repayment of such borrowing shall be treated first as a reduction of the available proceeds of such borrowing, until the available proceeds are reduced to zero, and then as a transfer of capital under § 312(a)(7). Notwithstanding the immediately preceding sentence, where a long-term foreign borrowing is in the form of debentures convertible into stock of the DI and a portion of the proceeds of such borrowing has been expended or allocated and a portion is held as available proceeds, the Office will permit the DI to treat repayments resulting from conversions either as reductions of available proceeds of such borrowing, or as transfers of capital under § 312(a)(7).

The following examples are illustrative of § 324(c) and (d):

Example 1. On March 1, 1969, an international finance subsidiary of a U.S. corporation (DI) sells in a public offering in Europe 12-year, $20,000,000 face amount convertible debentures at an aggregate discount of $500,000 and pays $500,000 in underwriting fees. DI thus receives $19,000,000 net as a result of the borrowing. However, for purposes of § 324(c), the proceeds of the borrowing are nevertheless $20,000,000 and DI has $20,000,000 in available proceeds, including the $1,000,000 representing discount and fees. DI may allocate a full $20,000,000 to positive direct investment under § 306(e) even though only the $19,000,000 received is repatriated before the end of the year. DI may alternatively transfer $1,000,000 abroad and hold in liquid foreign balances a full $20,000,000 without regard to the limitations of § 203(c). Thereafter, if it expends such proceeds in making transfers of capital, the full $20,000,000 will be deductible under § 313(d)(1). In both cases DI's books and records must indicate the use and employment of the proceeds, as provided in § 203(b).

Example 2. Same facts as Example 1. On April 1, 1969, DI loaned $15,000,000 of such proceeds to its Belgian subsidiary (X), and invested the remaining $4,000,000 of the net borrowed proceeds in certificates of deposit in the London branch of a U.S. bank. There are no other relevant transactions during 1969, and accordingly DI has available proceeds of $5,000,000 as of the end of 1969. On March 1, 1970, X makes a repayment of $1,000,000 to DI. As of such date, DI still has available proceeds of only $5,000,000. The repayment of $1,000,000 to DI from X does not increase available proceeds but constitutes a transfer of capital from Schedule C to DI under § 312(b). If the funds repaid are thereafter transferred to AFN's, § 312(a) will apply to such transfers, but § 313(d)(1) will not apply.

Example 3. Same facts as Example 2 except that $2,000,000 face amount of debentures were converted during 1969. DI had filed a certificate under Subpart J with respect to the issuance of the debentures, so that recognition of the transfer of capital is postponed until 1970. DI treats the repayment by conversion as a repayment with respect to the proceeds expended in X, and thereby incurs a transfer of capital of $2,000,000 to X under § 312(a)(7), recognition of which is postponed until 1970 by § 1002(a)(3). Note that if the repayment had not been by reason of conversion of a debenture, the partial repayment by DI would have reduced available proceeds in the amount of $2,000,000. DI, in that case, would not have incurred a transfer of capital under § 312(a)(7) and would hold only $3,000,000 of available proceeds.

Example 4. On February 1, 1969, DI borrowed $1,000,000 from a foreign bank which qualified as long-term foreign borrowing under § 324 and expended the proceeds in making a transfer of capital in the form of a loan to its U.K. subsidiary (X). In its final report for the year 1969, DI would show direct investment of zero, since the transfer of capital is offset by a deduction under § 313(d)(1), because such transfer of capital was made with proceeds of long-term foreign borrowing. On March 1, 1970, X repays $250,000 to DI and on June 30, 1970, DI repays $500,000 in principal amount to the foreign bank. There are no other relevant transactions during this time. Assuming DI is required to file quarterly reports in 1970, it would report a negative net transfer of capital of $250,000 under § 312(b) at the end of the first quarter. The repayment by X to DI would not constitute an increase in available proceeds. At the end of the second quarter, after DI has repaid $500,000 of its borrowing, DI would report a positive net transfer of capital to X of $250,000 for the half year ($500,000 in § 312(a) transfers less $250,000 in § 312(b) transfers). Note also that DI has, as of June 30, 1970, only $500,000 of proceeds of long-term foreign borrowing, all of which are expended in X. Note also that available proceeds cannot be less than zero and cannot exceed proceeds of long-term foreign borrowing (i.e., such borrowing as is outstanding at a given point in time).

3. *Allocation to positive direct investment under § 306(e).* New § 306(e) has been added to give additional flexibility to DIs in using proceeds of long-term foreign borrowing to reduce positive direct investment to the level authorized by Subparts E and M. During 1968, to the extent positive direct investment was attributable to reinvested earnings, it could only be reduced by payment of dividends by AFNs or by a negative net transfer of capital. The regulations did not permit the allocation of the proceeds of long-term foreign borrowing as an offset to reinvested earnings. This is now expressly permitted by § 306(e), provided that available proceeds equal to the amount allocated on the DI's books and records are repatriated to the United States as of the end of the year for which the deduction under § 306(e) is made. After the allocation has been made, the DI is prohibited from holding the allocated proceeds in the form of foreign balances or securities of foreign nationals or any other foreign property: *Provided, however,* That such proceeds may be used in making transfers of capital to AFNs. However, if such proceeds are so expended, no deduction under § 313(d)(1) will be allowed, since the transfer of capital was not made with available proceeds. The repayment of the long-term foreign borrowing, the proceeds of which are involved in the allocation, will constitute a transfer of capital under § 312(a)(7) to the scheduled area with respect to which the allocation under § 306(e) was made.

If available proceeds which have been expended in transfers of capital to Canadian AFNs are allocated to positive direct investment in any scheduled area, they may not remain expended (i.e., held by the DI in the form of securities of a foreign national) as of the end of the year in which they are allocated. Therefore, such proceeds must be returned by the Canadian AFN and held by the DI as of the end of such year in any form not prohibited by § 306(e). The holding of such proceeds by a Canadian AFN in a form that would be permitted by § 306(e) if held by the DI does not satisfy the requirements of § 306(e). After return to the DI, the allocated proceeds may, in any subsequent year, be expended in transfers of capital to AFNs, including Canadian AFNs.

The following examples are illustrative of §§ 306(e) and 313(d)(1):

Example 5. DI elects the $1,000,000 minimum allowable under § 503 for 1969. (Note that this election makes § 203(d)(1) inapplicable.) During 1969, DI makes no net transfer of capital of its scheduled area B incorporated AFN (X), and X has earnings of $1,400,000, and pays no dividends. During 1969, DI makes a long-term foreign borrowing of $1,000,000 and reports such proceeds on its next quarterly report (or if no such report is required, on its next annual report). Prior to December 31, DI repatriates $400,000 to the United States as provided in § 306(e)(1)(iii), and uses such amount for domestic working capital purposes. DI holds $600,000 of available proceeds in the form of liquid foreign balances, as permitted by § 203(c). No other relevant transactions occur in 1969. DI thereafter enters an "allocation" on its books and records as required in § 306(e)(1)(i) and deducts $400,000 from positive direct investment (calculated as provided in § 306(a)(3)) on its FDI–102F for 1969 as required in § 306(e)(1)(ii). Accordingly, DI has made positive direct investment, for purposes of § 503, of $1,000,000 in 1969 and carries forward $600,000 in available proceeds for use in subsequent years.

Example 6. Same facts as Example 5. During 1970, DI expends the $600,000 of available proceeds carried over from 1969 in a transfer of capital to X, and expends the $400,000 previously allocated and repatriated to the United States in 1969 plus an additional $600,000 in a transfer of capital to a newly-formed AFN (Y) in scheduled area C. There are no other relevant transactions. DI has made total transfers of capital under § 312(a) during 1970 of $1,600,000 and, before applying the deduction provisions of § 313(d)(1), it has a positive net transfer of capital and positive direct investment in the same amount. However, DI may deduct under § 313(d)(1) the amount of available proceeds transferred to X ($600,000) in computing its net transfer of capital in 1970. The transfer to Y of allocated proceeds will result in a transfer of capital under § 312(a) and § 313(d)(1) shall not apply to such transfer. Note that upon repayment of the long-term foreign borrowing, a § 312(a)(7) transfer of capital will result from the repayment, all of which will be charged in scheduled area B since the full amount of the proceeds were expended or allocated in that scheduled area; i.e., $600,000 representing the deferred charge for the deduction provided for expenditure of proceeds under § 313(d)(1) and $400,000 representing the deferred charge provided for allocations of proceeds under § 306(e). The actual transfer of the $400,000 allocated proceeds to a different scheduled area does not change the scheduled area to which a repayment of the borrowing is charged under § 312(a)(7).

4. *Use of available proceeds required by § 203(d)(1).* Section 203(d)(1) no longer applies to DIs electing the minimum allowable of § 503. Section 203(d)(1) requires, however, that DIs electing either the historical or earnings allowables of § 504 or the earnings allowable of § 1302 make use of any available proceeds which are held in the form of foreign balances or securities of foreign nationals before making a positive net transfer of capital to a scheduled area for the year, to the extent that the positive net transfer of capital will result in positive direct investment in that scheduled area that is not authorized by § 1002. For the purpose of complying with § 203(d)(1), available proceeds may be expended in transfers of capital to AFNs and deducted under § 313(d)(1), or they may be allocated to positive direct investment and deducted under new § 306(e). As amended, the prohibitions of § 203(d)(1) now apply if available proceeds are held in any type of foreign property, and not only if available proceeds are held in liquid foreign balances, as was previously the case. Only if available proceeds are repatriated to the United States will the DI not be affected by the prohibitions of § 203(d)(1).

Section 203(d)(1) provides that any allocation to positive direct investment pursuant to § 306(e), even though made to bring the DI into compliance with its schedular allowables as well as for § 203(d)(1) purposes, shall first be deemed to reduce the positive net transfer of capital component of positive direct investment. Accordingly, any allocations under § 306(e) will serve the double purpose of satisfying § 203(d)(1) at the same time as they reduce positive direct investment for purposes of § 504.

Since exemption from § 203(d)(1) requires that available proceeds be repatriated to the United States, and since the allocation of available proceeds under § 306(e) requires that proceeds so allocated be repatriated to, and held in, the United States, compliance with § 203(d)(1) may in certain instances be impossible or create substantial hardship. Also, the amendment to § 203(d)(1) may cause hardship to a DI which prior to the proposed amendments invested available proceeds in foreign balances with a maturity after the end of 1969. Section 203(d)(2) formerly provided relief from the provisions of § 203(d)(1) if a DI certified within 45 days after the end of the year that the expenditure of available proceeds held in the form of direct investment liquid foreign balances as of the end of the year,

in making the positive net transfers of capital which were actually made by the direct investor during such year, and the liquidation and return of such direct investment liquid foreign balances to the United States, would have contravened express representations made by the direct investor to, or restrictions imposed on the direct investor by, persons from whom the relevant long-term foreign borrowings were obtained (as conditions to obtaining such borrowings) or would have created a substantial probability of material adverse United States or foreign tax consequences to the direct investor.

These same grounds for relief from § 203(d)(1) will continue to apply, but relief will be granted in 1969 in the form

of specific exemptions rather than by certification. Applications for such relief, however, must be filed on or before December 1 of the year for which exemption is sought in order to assure consideration by the Office by the end of the year. DIs should refer in this connection to the Revised Instructions for Submitting Applications for Specific Authorization or Exemptions or for Interpretive Opinions, dated June 6, 1969, issued by the Office.

The Office recognizes that in certain instances DIs, particularly their international finance subsidiaries (frequently referred to as "80/20" or "Section 861" corporations), may be concerned that any repatriation of proceeds of long-term foreign borrowing as a result of § 203(d)(1) may jeopardize the exemption from United States withholding taxes on interest payable to foreign creditors. In this connection, however, the Office wishes to direct the attention of DIs to Internal Revenue Service Technical Information Release No. 1005, issued December 27, 1969 (Rev. Rul. 69–27), in which there is discussion of several options available under § 861(a) of the Internal Revenue Code which are consistent with the objectives and requirements of the Foreign Direct Investment Program and will not adversely affect an international finance subsidiary's § 861 "foreign source income" position.

The following example is illustrative of § 203(d)(1):

Example 7. DI elects the 30 percent earnings allowable under § 504(b) for 1969 and has a Schedule B allowable of $2,000,000. During 1969, DI makes a positive net transfer of capital to Schedule B of $2,500,000 and its Schedule B AFNs earn $1,000,000. In addition, DI holds $5,000,000 in available proceeds in the form of short-term deposits in a German bank (liquid foreign balances). Assuming DI's Schedule B AFNs pay no dividends for 1969, DI may repatriate prior to the end of the year $1,500,000 of the available proceeds and allocate and deduct such amount pursuant to § 306(e), thereby reducing its positive direct investment in Schedule B to $2,000,000 ($2,500,000 plus $1,000,000 less $1,500,000) in compliance with its allowables under § 504(b). However, since DI would still hold overseas available proceeds in the form of foreign balances, and its net transfers of capital to Schedule B, after taking into account the proviso to § 203(d)(1), would be $1,000,000 ($2,500,000 less $1,500,000), DI is required to allocate before the end of the year at least an additional $1,000,000 to comply with § 203(d)(1). If this repatriated amount is allocated to positive direct investment under § 306(e), DI will report positive direct investment in Schedule B during 1969 on its FDI–102F of $1,000,000 (deemed to consist of a zero net transfer of capital plus reinvested earnings of $1,000,000) and would have a Schedule B carry-forward into 1970 of $1,000,000 for its unused allowables in that amount. In the alternative DI may repatriate all remaining available proceeds held in the form of foreign balances of $3,500,000 so that § 203(d)(1) does not apply, and it need not then allocate any portion of them to positive direct investment. DI would then show positive direct investment in Schedule C of $2,000,000, it would have no carry-forward and it would have $3,500,000 of available proceeds for use in succeeding years.

5. *Change of scheduled area in which deductions are made.* Section 203(d)(3) as in effect during 1968 permitted proceeds of long-term foreign borrowing expended in a scheduled area in transfers of capital to be "reallocated" to transfers made to another scheduled area, but only if such transfers were made because of the provisions of § 203(d)(1). Further, only one such reallocation could be made. Under new § 203(d)(2), a direct investor which expended proceeds of long-term foreign borrowing during 1968 and took a deduction from net transfer of capital to a scheduled area under § 313(d)(1), or expends proceeds during 1969 and takes a deduction under such section, may thereafter, up to the amount of the actual deductions, make unlimited successive deductions, in the same or successive years, from positive direct investment in other scheduled areas. Also, under new § 203(d)(3), a direct investor which allocated proceeds of long-term foreign borrowing at the end of 1968 and took a deduction under § 313(d)(1), or allocates such proceeds at the end of 1969 and takes a deduction under § 306(e), may thereafter make unlimited successive allocations and deductions, in successive years, from positive direct investment in other scheduled areas. Both subparagraphs (2) and (3) of § 203(d) permit a change in the scheduled area to which an allocation is made whether or not the first expenditure or allocation was made because of the provisions of § 203(d)(1). In each case, however, for each new deduction, a transfer of capital in an amount equal to the deduction is recognized in the scheduled area in which the last prior expenditure or allocation was made. If a reallocation is made under § 203(d)(3), the proceeds with respect to which the reallocation is made must continue to be held as allocated proceeds under § 306(e)(2). If a change of deduction is made under § 203(d)(2), the proceeds deemed allocated by that subparagraph may not be held in any form prohibited by that subparagraph.

No reallocation under § 203(d)(2) or (3) may take place with respect to a borrowing that has been repaid, since allocated proceeds are, by definition, only those proceeds which are of outstanding borrowings. Reallocation may, however, in all events be made up to the amount of proceeds expended in transfers of capital or allocated to positive direct investment to the extent the long-term foreign borrowing with respect to those proceeds is not repaid.

Section 203(d)(2) now provides the DI with the flexibility to make successive short-term loans to various AFNs in different scheduled areas that was previously provided by § 324(c) as in effect during 1968. Under former § 324(c), the DI could loan proceeds of long-term foreign borrowing to an AFN, taking a deduction under § 313(d)(1) against the § 312(a) transfer of capital arising because of the loan. If, during the same year, the DI desired to use the proceeds in another AFN, it could receive repayment of the loan previously made with the proceeds. This repayment by the first AFN to the DI would not, under former § 324(c), be recognized as a transfer of capital under § 312(b), but would increase available proceeds in the hands of the DI. The DI could then lend the proceeds to the other AFN and again take a deduction under § 313(d)(1).

Under § 203(d)(2), during 1969, the same transactions may be accomplished, but the manner of reporting them has been changed. The loan to the first AFN is still reported as a transfer of capital under § 312(a), with a deduction taken under §313(d)(1). However, when the first AFN repays the loan to the DI, a transfer of capital under § 312(b) is recognized; there is no increase of available proceeds in the hands of the DI, since the proceeds are deemed to be still invested in the first AFN. The funds received by the DI, therefore, would not be exempt from the limitations of § 203(c) if held in the form of liquid foreign balances.

DI may now loan the proceeds to a second AFN, but because the proceeds are not available proceeds, DI may take no § 313(d)(1) deduction against the § 312(a) transfer of capital. However, if, at the end of the year, DI desires to take a deduction against the § 312(a) transfer of capital, it may do so under § 203(d)(2). At such time, a transfer of capital to the scheduled area of the first AFN is recognized, but such transfer of capital under § 203(d)(2) will be offset by the prior § 312(b) transfer of capital from the first AFN to the DI.

After a change in deduction is made under § 203(d)(2), the proceeds with respect to which the deduction is taken must not be held by the DI in any form prohibited by that subparagraph. Accordingly, if such proceeds are returned to the DI by reason of repayment or other liquidation of a debt or equity interest in an AFN required with proceeds, the proceeds may not be held in the form of foreign property except that the proceeds may be used to make transfers of capital to AFNs (to which § 313(d)(1) does not apply). For example, if a DI loans available proceeds to an AFN during 1969, which loan is repaid to the DI during 1969, and if the DI then allocates such proceeds to the reinvested earnings component of positive direct investment in a different scheduled area under § 203(d)(2) at the end of 1969, and if the DI holds the funds received from the AFN, then the DI must not hold such funds in any form prohibited by § 203(d)(2). Under the proviso in § 203(d)(2), however, DI may hold the funds in the form of securities of AFNs which were acquired by making transfers of capital to those AFNs.

The following example is illustrative of § 203(d)(2) and (3):

Example 8. DI elects the historical allowable for 1969 and has a Schedule B allowable of $2,000,000. During 1969, DI makes a long-term foreign borrowing, the gross proceeds of which are $5,000,000. During 1969, DI expends $3,000,000 of its available proceeds by making a loan to X, its sole Schedule B AFN, for which a deduction is taken under § 313(d)(1), and X has earnings of $4,000,000 and pays no dividends, resulting in positive direct investment in Schedule B during 1969 of $4,000,000. Prior to the end of 1969, however, X repatriates and allocates its remaining $2,000,000 of available proceeds to positive direct investment in X and deducts such amount under § 306(e) to arrive at $2,000,000 of positive direct investment in 1969 authorized by its Schedule B allowable.

During 1970, DI again elects the historical allowable of $2,000,000 in Schedule B. DI acquires a Schedule C AFN (Y), with $4,000,000 of funds from U.S. sources. DI has no allowable and no other AFNs in Schedule C and makes no other transactions in Schedule C. The acquisition is a transfer of capital which results in positive direct investment in Schedule C during 1970 of $4,000,000. During 1970, DI deducts from Schedule C positive direct investment, under § 203(d)(2), $3,000,000 which was expended in making the transfer of capital to Schedule B during 1969. DI also allocates $1,000,000, under § 203(d)(3), which was previously allocated to positive direct investment in Schedule B during 1969, and therefore deducts a total of $4,000,000 from positive direct investment in Schedule C during 1970 in order to comply with the program in that scheduled area. This change in the scheduled area in which allocation and deduction are made results in transfers of capital to X in Schedule B during 1970 of $4,000,000 ($3,000,000 plus $1,000,000). During 1970, X has earnings of $4,500,000 and pays dividends in the same amount to DI, and X also, during 1970, repays $2,000,000 of the $3,000,000 loan made by DI during 1969 with proceeds, which is recognized as a transfer of capital to DI of $2,000,000, so that DI has positive direct investment in Schedule B for 1970 of $2,000,000 as authorized under its § 504 allowable for that scheduled area. DI may not hold the $2,000,000 of allocated proceeds repaid to it by X in any form prohibited by § 203(d)(2).

6. *Miscellaneous.* Section 203(e)(1) has been amended to permit an exemption from the § 203(c) end-of-month limitation on liquid foreign balances if the DI holds $25,000 or less in liquid foreign balances. DIs which elect the § 503 minimum allowable, in particular, should note that the increase of the § 503 minimum allowable to $1,000,000 does not affect the ceiling provided in § 203(c) which continues to be based on the average end-of-month amounts of liquid foreign balances held by the DI during 1965 and 1966, subject only to the $25,000 exemption. All DIs should be aware that it is the intent of the regulations that the volume of liquid foreign balances should not vary significantly over the course of a month, except for legitimate business reasons. In addition, DIs are also reminded that § 203(a)(4) provides that certain liquid foreign balances nominally held by AFNs of a DI will be considered held by the DI itself. For example, intercompany loans to a subsidiary which result in liquid foreign balances not related to the business needs of the subsidiary are both transfers of capital under § 312(a) and liquid foreign balances subject to the ceilings established in § 203(c).

The text of the amendments, effective with respect to transactions on or after January 1, 1969, unless otherwise specifically provided, is as follows:

1. Subparagraph (3) of paragraph (a) of § 1000.203 is revoked, and paragraphs (b), (c), (d), and (e) of that section are revised to read as follows:

§ 1000.203 Liquid foreign balances.

(a) * * *

(3) [Revoked]

* * * * * *

(b) Each direct investor shall maintain books and records that identify separately all proceeds of long-term foreign borrowing received with respect to each long-term foreign borrowing made by the direct investor and the uses to which such proceeds have been put.

(c) Except as provided in paragraph (e)(1) of this section or as permitted by the Secretary by means of authorizations, exemptions or otherwise, each direct investor is hereby required, on or before June 30, 1968, to reduce the amount of liquid foreign balances (other than available proceeds, as defined in § 1000.324(d), held in the form of liquid foreign balances) held by such direct investor to an amount not in excess of the average end-of-month amounts of such balances held by such direct investor during 1965 and 1966 (whether or not a direct investor at that time); and, thereafter, to limit the amount of such balances held by such direct investor at the end of any month to such reduced amount.

(d) (1) Except as provided in paragraph (e)(2) of this section, or as permitted by the Secretary by means of authorizations, exemptions or otherwise, a direct investor which holds available proceeds, as defined in § 1000.324(d), in the form of foreign balances or in the form of securities (including debt obligations, equity interests and any other type of investment contract) of foreign nationals or in the form of any other foreign property as of the end of any year commencing with the year 1969 shall be prohibited from making a positive net transfer of capital to any scheduled area for such year, but only to the extent such positive net transfer of capital results in positive direct investment in such scheduled area for such year that is not authorized by § 1000.1002: *Provided*, That this subparagraph shall not apply to a direct investor which elects to be governed by § 1000.503 for such year: *And provided further*, That for purposes of this subparagraph, allocations to positive direct investment under § 1000.306(e) or subparagraph (2) of this paragraph and reallocations under subparagraph (3) of this paragraph shall be deemed to reduce any positive net transfer of capital to a scheduled area and thereafter to reduce any reinvested earnings in such scheduled area.

(2) A direct investor which, during 1968 or any succeeding year, expends proceeds of long-term foreign borrowing and makes a deduction from net transfer of capital to a scheduled area under § 1000.313(d)(1), may thereafter deduct, during 1969 or any succeeding year, from positive direct investment in a different scheduled area, an amount equal to all or a part of such expended proceeds as are allocated pursuant to this subparagraph. Proceeds shall be allocated in a different scheduled area pursuant to this subparagraph if (i) an entry is made in the books and records maintained by the direct investor under paragraph (b) of this section and § 1000.601; (ii) the allocation and the deduction from positive direct investment in a different scheduled area are reported on the next annual report of the direct investor (Form FDI–102F) filed for the year for which the deduction is made; and (iii) the proceeds with respect to which such deduction is made, as of the end of the year for which the deduction is made and thereafter, are not held, directly or indirectly, in the form of foreign balances or in the form of securities (including debt obligations, equity interests and any other type of investment contract), of foreign nationals or in the form of any other foreign property: *Provided*, That such proceeds may remain expended in an affiliated foreign national or again be expended at any time in making transfers of capital to affiliated foreign nationals, but if so again expended, § 1000.313(d)(1) shall not apply. The direct investor shall be deemed at the time of such deduction from positive direct investment in a different scheduled area to have made a transfer of capital equal to the amount of such deduction to the scheduled area in which the deduction from net transfer of capital under § 1000.313(d)(1) was previously made. The direct investor may thereafter continue to change the scheduled area in which a deduction from positive direct investment is made, up to the amount of proceeds of long-term foreign borrowing expended in making the original transfer of capital for which a deduction under § 1000.313(d)(1) was made: *Provided*, That each time such change occurs, the direct investor shall be deemed to have made a transfer of capital to the immediately previous scheduled area in the amount of the deduction from positive direct investment in the subsequent scheduled area.

(3) A direct investor which, during 1968 or any succeeding year, allocates proceeds of long-term foreign borrowing and deducts the amount of such proceeds from positive direct investment in a scheduled area under § 1000.306(e), may, during 1969 or any succeeding year, reallocate all or part of such proceeds of long-term foreign borrowing to positive direct investment in another scheduled area. The direct investor which makes a reallocation under this subparagraph (3) shall be deemed at the time of such reallocation to have made a transfer of capital equal to the amount so reallocated to the scheduled area in which the proceeds of long-term foreign borrowing were allocated immediately prior thereto. The direct investor may thereafter continue to reallocate to different scheduled areas, up to the amount of proceeds of long-term foreign borrowing previously allocated: *Provided*, That each time such reallocation occurs, the direct investor shall be deemed to have made a transfer of capital equal to the amount so reallocated to the scheduled area to which the proceeds of long-term foreign borrowing were allocated or reallocated or immediately prior to such reallocation.

(e) (1) Commencing with July 1, 1969, a direct investor which, as of the end of any month, has total liquid foreign balances (other than available proceeds held in the form of liquid foreign balances) not exceeding $25,000, shall not be subject to the provisions of paragraph (c) of this section with respect to such month.

(2) A direct investor which, as of the end of any year, holds available proceeds in the form described in paragraph (d)(1) of this section in an aggregate amount not in excess of $25,000, shall not be subject to the provisions of paragraph (d)(1) with respect to such year.

2. A new paragraph (e) is added to § 1000.306 to read as follows:

§ 1000.306 Positive and negative direct investment.

* * * * *

(e)(1) There shall be deducted from positive direct investment in a scheduled area during any year, as calculated under paragraph (a) of this section, an amount equal to any available proceeds (as defined in § 1000.324(d)) allocated by the direct investor to such positive direct investment for such year. Available proceeds shall be allocated to such positive direct investment for such year if (i) an entry is made in the books and records maintained by the direct investor under §§ 1000.203(b) and 1000.601; (ii) the allocation and deduction is reported on the next annual report of the direct investor (Form FDI–102F) filed for the year for which the deduction is made; and (iii) the proceeds, as of the end of the year for which the deduction is made, are not held, directly or indirectly, in the form of foreign balances or in the form of securities (including debt obligations, equity interests and any other type of investment contract) of foreign nationals or in the form of any other foreign property.

(2) A direct investor which allocates available proceeds as provided in subparagraph (1) of this paragraph is prohibited from thereafter holding such proceeds in any form prohibited by subdivision (iii) of that subparagraph: *Provided*, That such proceeds may thereafter be expended in making transfers of capital to affiliated foreign nationals, but if so expended, § 1000.313(d)(1) shall not apply.

3. Section 1000.312(a)(7) is revised to read as follows:

§ 1000.312 Transfers of capital.

(a) * * *

(7) The complete or partial satisfaction by a direct investor of a long-term foreign borrowing made by the direct investor before or after the effective date of the regulations to the extent the proceeds of the borrowing were expended in making transfers of capital on or after January 1, 1965, or were allocated by the direct investor (on the books and records maintained by the direct investor under §§ 1000.203(b) and 1000.601) to positive direct investment. A transfer of capital resulting from the repayment of a borrowing by a direct investor shall be deemed to have been made to the scheduled area in which such proceeds were expended or to which they were allocated at the time of such repayment and with respect to which a deduction was made under § 1000.203(d)(2), § 1000.203(d)(3), § 1000.306(e), or § 1000.313(d)(1); or if deductions were made in two or more scheduled areas with respect to such repaid borrowing, the transfer shall be apportioned among such scheduled areas in the same proportions as the amount of such deductions in each such scheduled area. If any apportionment made by a direct investor hereunder is determined by the Secretary to be inconsistent with the purposes of this part, the Secretary shall have the right, in his discretion, to make an apportionment consistent with the purposes of this part.

* * * * *

4. Paragraph (d)(1) of § 1000.313 is revised to read as follows:

§ 1000.313 Net transfer of capital.

* * * * *

(d) In calculating the amount of the net transfer of capital made by a direct investor to a scheduled area during any period (including the years 1965 and 1966) pursuant to paragraph (c) of this section:

(1) There shall be deducted an amount equal to the proceeds of long-term foreign borrowing actually expended in making transfers of capital to affiliated foreign nationals in such scheduled area during such period.

* * * * *

5. Paragraphs (c) and (d) of § 1000.324 are revised to read as follows:

§ 1000.324 Long-term foreign borrowing.

* * * * *

(c) "Proceeds of long-term foreign borrowing" means (1) the gross amount or value (before deducting any discounts, commissions or fees) of funds or other property received by a direct investor from the first purchaser or holder in exchange for the debt obligation issued or created in connection with the borrowing, and reported by the direct investor on its next and all succeeding periodic reports filed with the Office (whether quarterly on Form FDI–102 or annual on Form FDI–102F) for periods during which such borrowing is outstanding, less (2) repayments of principal of such borrowing.

(d) "Available proceeds" means proceeds of long-term foreign borrowing (as defined in paragraph (c) of this section) less (1) amounts which have been expended in transfers of capital to affiliated foreign nationals other than Canadian affiliates as defined in § 1000.1101(a) and deducted under § 1000.313(d)(1), and (2) amounts allocated to positive direct investment made in a scheduled area and deducted under § 1000.306(e).

* * * * *

6. Section 1000.1105 is amended to revoke paragraph (c) of that section.

§ 1000.1105 Foreign balances.

* * * * *

(c) [Revoked]

7. The amendments hereby adopted shall be effective as of the date of publication in final form in the FEDERAL REGISTER and shall apply to all direct investment and affected transactions occurring during the year 1969 and succeeding years.

RICHARD P. URFER,
Director, Office of Foreign Direct Investments.

JULY 18, 1969.

[F.R. Doc. 69–8654; Filed, July 22, 1969; 8:50 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33–4988, 34–8650]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Registration Forms; Description of Lines of Business

On February 18, 1969, the Securities and Exchange Commission published in Securities Act Release No. 4949 (Securities Exchange Act Release No. 8530; 34 F.R. 2362, Feb. 19, 1969) certain revised proposals for amendments to Forms S–1 (17 CFR 239.11), S–7 (17 CFR 239.26), and 10 (17 CFR 249.210). Forms S–1 and S–7 are used for the registration of securities under the Securities Act of 1933 and Form 10 is used for the registration of securities under the Securities Exchange Act of 1934.

A considerable number of comments were received in regard to the revised proposals and were very helpful to the Commission in reaching a decision on the proposed amendments.

The amendments relate to Item 9 of Form S–1, Item 5 of Form S–7 and Item 3 of Form 10, which require a brief description of the business done and intended to be done by the registrant and its subsidiaries.

Where a registrant and its subsidiaries are engaged in more than one line of business, the amendments require the disclosure for each of a maximum of the last 5 fiscal years subsequent to December 31, 1966, of the approximate amount or percentage of total sales and operating revenues and of contribution to income before income taxes and extraordinary items attributable to each line of business which contributed, during either of the last 2 fiscal years, a certain proportion to (1) the total of sales and revenues, or (2) income before income taxes and extraordinary items. For companies with total sales and revenues over $50 million, the proportion will be 10 percent; for smaller companies, 15 percent. Similar disclosure is also required with respect to any line of business which resulted in a loss of 10 percent or more (or 15 percent or more for smaller companies) of such income before deduction of losses. Where the percentage test as applied to both sales and earnings contributions results in more than 10 lines of business, the disclosure may be limited to the 10 most important lines. Where it is not practicable to state the contribution to income before income taxes and extraordinary items for any line of business, the contribution to the results of operations most closely approaching such income is to be disclosed.

Various suggestions were made for more specific indications of the meaning of "line of business." However, in view of the numerous ways in which companies are organized to do business, the variety of products and services, the history of predecessor and acquired companies, and the diversity of operating characteristics, such as markets, raw materials, manufacturing processes and competitive conditions, it is not deemed feasible or desirable to be more specific in defining a line of business. Management, because of its familiarity with company structure, is in the most informed position to separate the company into components on a reasonable basis for reporting purposes. Accordingly, discretion is left to the management to devise a reporting pattern appropriate to the particular company's operations and responsive to its organizational concepts.

The amendments continue the existing disclosure requirements on breakdown of total volume of sales and revenues by principal classes of similar products or services, except that the percentage test has been reduced from 15 percent to 10 percent in the case of companies having total sales and revenues in excess of $50 million during either of their last 2 fiscal years. This continued requirement is appropriate in view of the relative freedom given management in determining "line of business." Of course, for a company using classes of similar products or services as its basis for determining lines of business, repetition of the disclosure will be unnecessary. It should also be noted that to the extent such classification is not coincident with the company's determination of its lines of business or where the company is not engaged in more than one line of business, disclosure is limited to proportion of sales and revenues and does not require a showing of contribution to earnings.

There were various comments with respect to the percentage test used in the proposed amendments. The Commission has carefully considered all of these comments and has examined financial data voluntarily furnished by numerous companies in which the information as to contribution of lines of business has been broken down on a basis of less than 15 percent and in some cases on a basis of less than 10 percent. The data indicated that, in the case of many larger multiline companies, a substantial portion of the aggregate business done was represented by lines of business which individually contributed less than 15 percent to the company's aggregate business. The Commission has concluded that in the case of larger companies a breakdown of lines of business on a basis of 10 percent will provide material information regarding a significant portion of the company's aggregate business represented by lines which individually contribute less than 15 percent to its business. With respect to smaller companies, however, the Commission has concluded that a breakdown of lines of business on a basis of 15 percent will provide adequate disclosure. Accordingly it is provided that where the total sales and revenues exceeded $50 million during either of the last 2 fiscal years the 10 percent test shall be used and where they did not exceed that amount the 15 percent test may be used.

Comparable amendments to other disclosure requirements are being deferred pending the completion of consideration of the recently completed study of disclosure under the Securities Exchange Act of 1934.

The foregoing amendments[1] shall be effective with respect to registration statements filed on any of the specified forms on or after August 14, 1969.

Copies of the foregoing release have been filed with the Office of the Federal Register and may be obtained from the Securities and Exchange Commission's Washington headquarters office or any regional office.

By the Commission; July 14, 1969.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–8622; Filed, July 22, 1969; 8:50 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–358; Order 381]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Area Rate Levels for Natural Gas Sales by Independent Producers; Correction

JULY 10, 1969.

In the order amending § 2.56, rules of practice and procedure, general policy and interpretations under the Natural Gas Act, area rate levels for natural gas sales by independent producers, issued May 20, 1969, and published in the FEDERAL REGISTER (34 F.R. 7904), in Attachment B–1, Table No. 3, under "Rate Area" only, after "Oklahoma" change "Carter-Knox Other Panhandle" to "Panhandle Other Carter-Knox."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–8563; Filed, July 22, 1969; 8:45 a.m.]

[1] Filed as part of the original document.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 14—CACAO PRODUCTS

Cocoa With Dioctyl Sodium Sulfosuccinate for Manufacturing; Standard of Identity

In the matter of establishing a standard of identity for cocoa with dioctyl sodium sulfosuccinate for manufacturing:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of December 24, 1968 (33 F.R. 19197), based on a petition submitted by the American Cyanamid Co., Fine Chemicals Department, Pearl River, N.Y. 10965.

In response to the notice five comments were received. Three favored the proposal. One opposed it and questioned the effectiveness and safety of dioctyl sodium sulfosuccinate at the level proposed by the petitioner. The fifth comment was submitted by the petitioner as a rebuttal to the unfavorable one.

In consideration of the information submitted in the petition, the comments received, and other information available, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to establish the standard as proposed.

Also published in this issue of the FEDERAL REGISTER is an order (1) amending the food additive regulation concerning dioctyl sodium sulfosuccinate (21 CFR 121.1137) to provide for its safe use as a dispersing agent in "cocoa with dioctyl sodium sulfosuccinate for manufacturing" and (2) establishing a food additive regulation (21 CFR 121.1229) to provide for the safe use of the new food additive "cocoa with dioctyl sodium sulfosuccinate for manufacturing."

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That a new section be added to Part 14, as follows:

§ 14.14 Cocoa with dioctyl sodium sulfosuccinate for manufacturing; identity; label statement of optional ingredients.

(a) Cocoa with dioctyl sodium sulfosuccinate for manufacturing is the food additive complying with the provisions of § 121.1229 of this chapter. It conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for breakfast cocoa by § 14.3, or for cocoa by § 14.4, or low-fat cocoa by § 14.5, except that the food additive contains dioctyl sodium sulfosuccinate (complying with the requirements of § 121.1137 of this chapter including the limit of not more than 0.4

percent by weight of the finished food additive).

(b) The name of the food additive is "cocoa with dioctyl sodium sulfosuccinate for manufacturing" to which is added any modifier of the word "cocoa" required by the definition and standard of identity to which the food additive otherwise conforms. When the food additive is used in a fabricated food, the words "for manufacturing" may be omitted from any declaration of ingredients required under § 1.10 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 14, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8570; Filed, July 22, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COCOA WITH DIOCTYL SODIUM SULFOSUCCINATE FOR MANUFACTURING

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6J2039) filed by American Cyanamid Co., Pearl River, N.Y. 10965, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of dioctyl sodium sulfosuccinate as a dispersing agent in "cocoa with dioctyl sodium sulfosuccinate for manufacturing," in accordance with the standard of identity therefor (21 CFR 14.14) promulgated in this issue of the FEDERAL REGISTER. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended:

1. By adding to § 121.1137 a new paragraph (e), as follows:

§ 121.1137 Dioctyl sodium sulfosuccinate.

* * * * *

(e) As a dispersing agent in "cocoa with dioctyl sodium sulfosuccinate for manufacturing" that conforms to the provisions of § 14.14 of this chapter and the use limitations prescribed in § 121.1229, in an amount not to exceed 0.4 percent by weight thereof.

2. By adding to Subpart D the following new section:

§ 121.1229 Cocoa with dioctyl sodium sulfosuccinate for manufacturing.

The food additive "cocoa with dioctyl sodium sulfosuccinate for manufacturing," conforming to § 14.14 of this chapter and § 121.1137, is used or intended for use as a flavoring substance in dry beverage mixes whereby the amount of dioctyl sodium sulfosuccinate does not exceed 75 parts per million of the finished beverage. The labeling of the dry beverage mix shall bear adequate directions to assure use in compliance with this section.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 14, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8569; Filed, July 22, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 138—DRUGS; OFFICIAL NAMES

New Names

A. In the FEDERAL REGISTER of October 11, 1968 (33 F.R. 15219), a notice was published proposing that § 138.2 be amended by adding certain additional items to the list therein as official names for drugs.

Having considered the comments received in response to the proposal, and other relevant information, the Commissioner of Food and Drugs concludes that:

1. The proposed name "hydrocodone" should not be added to § 138.2 since it is already designated in official compendia.

2. The proposed name "oxilapine" should not be adopted at this time pending further study.

3. The balance of the proposal should be adopted with minor technical and editorial changes.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 508, 76 Stat. 1789; 21 U.S.C. 358) and the administrative procedure provisions of 5 U.S.C. 552 (80 Stat. 383, as amended 81 Stat. 54), and under authority delegated to the Commissioner (21 CFR 2.120), § 138.2 is amended by alphabetically inserting in the table the following new items as official names for drugs:

§ 138.2 Drugs; official names.

* * * * *

Official name	Chemical name or description	Molecular formula
...	...	...
Alamecin	An antibiotic substance derived from *Trichoderma viride Pers. ex fries.*	
...	...	...
Azaserine	Serine diazoacetate (ester)	$C_5H_7N_3O_4$
...	...	...
Cephaloridine	1-[[2-Carboxy-8-oxo-7-[2-(2-thienyl)acetamido]-5-thia-1-azabicyclo-[4.2.0]oct-2-en-3-yl]methyl]pyridinium hydroxide, inner salt.	$C_{19}H_{17}N_3O_4S_2$
...	...	...
Chlorprothixene	2-Chloro-*N,N*-dimethylthioxanthene-$\Delta^{9,\gamma}$-propylamine	$C_{18}H_{18}ClNS$
...	...	...
Citenamide	*5H*-Dibenzo[*a,d*]cycloheptene-5-carboxamide	$C_{16}H_{13}NO$
...	...	...
Clodazon	5-Chloro-1-[3-(dimethylamino)propyl]-3-phenyl-2-benzimidazolinone.	$C_{18}H_{20}ClN_3O$
...	...	...
Clomagestone	6-Chloro-17-hydroxy-16α-methylpregna-4,6-diene-3,20-dione	$C_{22}H_{29}ClO_3$
...	...	...
Clopidol	3,5-Dichloro-2,6-dimethyl-4-pyridinol	$C_7H_7Cl_2NO$
...	...	...
Clozapine	8-Chloro-11-(4-methyl-1-piperazinyl)-*5H*-dibenzo[*b,e*][1,4] diazepine.	$C_{18}H_{19}ClN_4$
...	...	...
Dactinomycin	Actinomycin D	$C_{62}H_{86}N_{12}O_{16}$
...	...	...
Decoquinate	Ethyl 6-(decyloxy)-7-ethoxy-4-hydroxy-3-quinolinecarboxylate	$C_{24}H_{39}NO_5$
...	...	...
Dibromsalan	4',5-Dibromosalicylanilide	$C_{13}H_9Br_2NO_2$
...	...	...
Diphenidol	α,α-Diphenyl-1-piperidinebutanol	$C_{21}H_{27}NO$

Official name	Chemical name or description	Molecular formula
Dipyridamole	2,2',2'',2'''-[(4,8-Dipiperidinopyrimido[5,4-d]pyrimidine-2,6-diyl)dinitrilo]tetraethanol.	$C_{24}H_{40}N_8O_4$
Dipyrone	Sodium (antipyrinylmethylamino)methanesulfonate hydrate	$C_{13}H_{16}N_3NaO_4S.H_2O$
Doxapram	1-Ethyl-4-(2-morpholinoethyl)-3,3-diphenyl-2-pyrrolidinone	$C_{24}H_{30}N_2O_2$
...	...	...
Ethoxazene	4-[(*p*-Ethoxyphenyl)azo]-*m*-phenylenediamine	$C_{14}H_{16}N_4O$
...	...	...
Fluroxene	2,2,2-Trifluoroethyl vinyl ether	$C_4H_5F_3O$
...	...	...
Isoetharine	3,4-Dihydroxy-α-[1-(isopropylamino)propyl]benzyl alcohol	$C_{14}H_{23}NO_3$
...	...	...
Magaldrate	Tetrakis (hydroxymagnesium) decahydroxydialuminate dihydrate.	$Al_2H_{16}Mg_4O_{16}.2H_2O$
...	...	...
Metabromsalan	3,5-Dibromosalicylanilide	$C_{13}H_9Br_2NO_2$
...	...	...
Midaflur	4-Amino-2,2,5,5-tetrakis(trifluoromethyl)-3-imidazoline	$C_7H_5F_{12}N_3$
...	...	...
Nequinate	3-Acetoxy-6-butyl-7-benzyloxy-4-oxoquinoline	$C_{22}H_{23}NO_4$
...	...	...
Norgestrel	(+)-13-Ethyl-17-hydroxy-18,19-dinor-17α-pregn-4-en-20-yn-3-one	$C_{21}H_{28}O_2$
...	...	...
Oxandrolone	17β-Hydroxy-17-methyl-2-oxa-5α-androstan-3-one	$C_{19}H_{30}O_3$
...	...	...
Oxethazaine	2,2'[(2-Hydroxyethyl)imino]-bis[*N*-(α,α-dimethylphenethyl)-*N*-methylacetamide].	$C_{36}H_{58}N_4O_3$
...	...	...
Oxymetazoline	6-*tert*-Butyl-3-(2-imidazolin-2-ylmethyl)-2,4-dimtehylphenol	$C_{16}H_{24}N_2O$
...	...	...
Pancrelipase	A concentrate of pancreatic enzymes standardized for lipase content.	
...	...	...
Paramethasone	6α-Fluoro-11β,17,21-trihydroxy-16α-methylpregna-1,4-diene-3,20-dione.	$C_{22}H_{29}FO_5$
...	...	...
Phenyramidol	α-[(2-Pyridylamino)methyl] benzyl alcohol	$C_{13}H_{14}N_2O$
...	...	...
Pipazethate	2-(2-Piperidinoethoxy)ethyl 10*H*-pyrido[3,2-*b*] [1,4]benzothiazine-10-carboxylate.	$C_{23}H_{28}N_2O_3S$
...	...	...
Poldine	2-(Hydroxymethyl)-1,1-dimethylpyrrolidinium benzilate	$C_{21}H_{26}NO_3$
...	...	...
Pralidoxime	2-Formyl-1-methylpyridinium oxime	$C_7H_9N_2O$
...	...	...
Prilocaine	2-(Propylamino)-*o*-propionotoluidide	$C_{13}H_{20}N_2O$
...	...	...
Protriptyline	*N*-Methyl-5*H*-dibenzo[*a,d*]cycloheptene-5-propylamine	$C_{19}H_{21}N$
...	...	...
Simethicone	A mixture of dimethyl polysiloxanes and silica gel.	
...	...	...
Stanozolol	17-Methyl-5α-androstano[3,2-*c*]pyrazol-17β-ol	$C_{21}H_{32}N_2O$
...	...	...
Sulpiride	*N*-[(1-Ethyl-2-pyrrolidinyl)methyl]-5-sulfamoyl-*o*-anisamide	$C_{15}H_{23}N_3O_4S$
...	...	...
Thiothixene	*N,N*-Dimethyl-9-[3-(4-methyl-1-piperazinyl)propylidene]thioxanthene-2-sulfonamide.	$C_{23}H_{29}N_3O_2S_2$
...	...	...
Tolnaftate	*O*-2-Naphthyl *m,N*-dimethylthiocarbanilate	$C_{19}H_{17}NOS$
...	...	...
Tribromsalan	3,4',5-Tribromosalicylanilide	$C_{13}H_8Br_3NO_2$
...	...	...
Vinblastine	An alkaloid (vincaleukoblastine) extracted from *Vinca rosea*	$C_{46}H_{58}N_4O_9$

B. An order was published in the FEDERAL REGISTER of April 3, 1969 (34 F.R. 6043), adding certain items to § 138.2 as official names for drugs. Included in that order were the items "panthenol" and "pentazocine," and, to correct inadvertent omissions, the chemical names set forth for these two items are hereby changed by adding to each the prefix "(±)".

Effective date. This order shall become effective 30 days after its publication in the FEDERAL REGISTER.

(Sec. 508, 76 Stat. 1789; 21 U.S.C. 358)

Dated: July 11, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-8558; Filed, July 22, 1969; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Certain Purchases Abroad of Articles for Personal Use or as Gifts

The Foreign Assets Control Regulations are being amended by the addition of § 500.540 to authorize the purchase abroad and importation as accompanied baggage of limited quantities of Chinese or Chinese-type goods for noncommercial purposes.

Section 500.540 is hereby added to the regulations in this part which section shall read as follows:

§ 500.540 Certain purchases abroad of articles for personal use or as gifts.

(a) Except as provided in paragraph (b) of this section, persons outside the United States are authorized to purchase abroad and import as accompanied baggage merchandise subject to § 500.204, provided that:

(1) Such purchases and imports by any person do not exceed a total of $100 in any calendar month;

(2) Purchases are for personal use or as gifts, are in noncommercial quantities, and are not for resale; and

(3) Payment is made in foreign currency or by travelers' check.

(b) This section does not authorize any purchase or import of merchandise of North Korean or North Vietnamese origin.

(c) Customs transactions incident to the importation of merchandise purchased and being imported in compliance with this section are authorized, notwithstanding the provisions of § 500.808.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 69-8747; Filed, July 22, 1969; 11:26 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1029-A]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co. Authorized To Operate Over Tracks of Penn Central Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of July 1969.

Upon further consideration of Service Order No. 1029 and good cause appearing therefor:

It is ordered, That:

Section 1033.1029 *Service Order No. 1029* (Delaware and Hudson Railway Co. authorized to operate over tracks of Penn Central Co.) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 11:59 p.m., July 15, 1969; that copies of this order

and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of the order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ANDREW ANTHONY, JR., *Acting Secretary.*

[F.R. Doc. 69-8603; Filed, July 22, 1969; 8:48 a.m.]

[S.O. 1032]

PART 1033—CAR SERVICE

Great Northern Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of July 1969.

It appearing, that because of track damage from flooding, the Chicago, Rock Island and Pacific Railroad Co. is unable to serve shippers located on its line at Pipestone, Minn.; that the Great Northern Railway Co. has agreed to serve industries located on the Chicago, Rock Island and Pacific Railroad Co. at Pipestone, Minn.; that the Commission is of the opinion that operation by the Great Northern Railway Co. over tracks of the Chicago, Rock Island and Pacific Railroad Co. at Pipestone, Minn., is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1032 Service Order No. 1032.

(a) *Great Northern Railway Co. authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Co.* The Great Northern Railway Co. be, and it is hereby, authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Co. at Pipestone, Minn.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Great Northern Railway Co. over tracks of the Chicago, Rock Island and Pacific Railroad Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Great Northern Railway Co. over these tracks of the Chicago, Rock Island and Pacific Railroad Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., July 16, 1969.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ANDREW ANTHONY, JR., *Acting Secretary.*

[F.R. Doc. 69-8604; Filed, July 22, 1969; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 33—SPORT FISHING

Catahoula National Wildlife Refuge, La.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), 50 CFR 33.4 is amended to add the Catahoula National Wildlife Refuge, La., to the list of areas open to sport fishing, as legislatively permitted.

Since this amendment benefits the public by relieving existing restrictions on fishing, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i as amended; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd)

Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

* * * * *

LOUISIANA

* * * * *

Catahoula National Wildlife Refuge.

* * * * *

J. P. LINDUSKA, *Acting Director, Bureau of Sport Fisheries and Wildlife.*

JULY 16, 1969.

[F.R. Doc. 69-8621; Filed, July 22, 1969, 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

PEARS FOR CANNING

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Pears for Canning (7 CFR 51.1345-51.1359). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than August 15, 1969, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b)).

Statement of considerations leading to the proposed revision of the grade standards. The U.S. Standards for Pears for Canning have been in effect since June 12, 1939. They were published in the FEDERAL REGISTER in August 1951. Extensive descriptive material concerning the application of the standards was deleted at that time. However, this material may still be found in mimeographed copies of the grade standards which have been distributed.

These standards are seldom used by the canning pear industry, which prefers contract specifications which may be quickly changed to meet specific conditions. However, they are used to some extent by exporters of pears to be used for processing purposes. The Export Apple and Pear Act requires pears for export, except small exempted lots, to at least meet either the U.S. No. 2 grade for pears for fresh market or, if destined for processing, the U.S. No. 1 grade for pears for canning. The latter grade does not provide tolerances for defects and off-size. Without tolerances, a shipment would have to be 100 percent free from scorable defects to meet the requirements of the U.S. No. 1 grade for pears for canning. In the customary application of these standards to determine the percentages of U.S. No. 1, U.S. No. 2 and cull pears in a lot, there is no need for tolerances. However, when a lot of pears must meet the requirements of one specified grade, tolerances for defects are necessary. Without tolerances, a shipment would have to be 100 percent free from scorable defects to meet the requirements of the U.S. No. 1 grade for pears for canning. Application of the standards on this basis has proven impractical. Tolerances should be incorporated as proposed in this revision so that these standards will be practical for use in the certification of shipments of pears exported for processing purposes.

Early in 1969, a study draft containing suggestions for several changes in these grade standards was prepared and distributed to representatives of the pear industry. Suggested changes included revised definitions and requirements and additional grades, as well as providing tolerances. Comments received concerning the study draft were generally adverse, but there was no specific objection to the suggested tolerances. Consequently the only important change now proposed is the essential one to provide tolerances.

The proposed revision would include the following changes:

(1) The title of the standards would be changed from U.S. Standards for Pears for Canning to U.S. Standards for Pears for Processing. This would remove any question as to the applicability of the standards to pears used in all processing methods.

(2) Tolerances for defective and off-size pears would be provided for use in determining whether or not a lot of pears meets a specified grade.

(3) Minor changes in wording would be made in the interest of clarity.

The proposed standards, as revised, are as follows:

GENERAL

Sec.
51.1345 General.

GRADES

51.1346 U.S. No. 1.
51.1347 U.S. No. 2.

CULLS

51.1348 Culls.

SIZE

51.1349 Size.

APPLICATION OF STANDARDS

51.1350 Application of standards.

DEFINITIONS

51.1351 Mature.
51.1352 Handpicked.
51.1353 Firm.
51.1354 Well formed.
51.1355 Damage.
51.1356 Pears grown from late blooms.
51.1357 Seriously deformed.
51.1358 Serious damage.
51.1359 Diameter.

AUTHORITY: The privisions of this subpart issued under sec. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GENERAL

§ 51.1345 General.

All percentages shall be calculated on the basis of weight.

GRADES

§ 51.1346 U.S. No. 1.

"U.S. No. 1" shall consist of pears of one variety which are mature, handpicked, firm, well formed, free from scald, hard end, black end, internal breakdown, decay, worms and worm holes and from damage caused by broken skins, limbrubs, sprayburn, sunburn, scab, russeting, bruises, hail, frost, drought spot, disease, insects, mechanical or other means. Unless otherwise specified, the pears grown from late blooms shall not yellowish green. Tree-ripened pears and pears grown from late blooms shall not be considered as meeting the requirements of this grade. (See § 51.1349).

§ 51.1347 U.S. No. 2.

"U.S. No. 2" shall consist of pears of one variety which are mature, handpicked, firm, not seriously deformed, free from scald, hard end, black end, internal breakdown, decay, worms and wormholes, and free from serious damage by any other cause. Unless otherwise specified, the pears shall not be further advanced than yellowish green. Tree-ripened pears and pears grown from late blooms shall not be considered as meeting the requirements of this grade. (See § 51.1349.)

CULLS

§ 51.1348 Culls.

"Culls" are pears which do not meet the requirements of either of the foregoing grades.

SIZE

§ 51.1349 Size.

Size may be specified in connection with a grade by agreement between buyer and seller and stated in terms of minimum diameter or minimum and maximum diameters. Diameters shall be specified in inches and not less than eighth-inch fractions thereof. In addition, size may be stated in terms of ratio of length to diameter.

APPLICATION OF STANDARDS

§ 51.1350 Application of standards.

In the application of these standards to determine the percentage of the lot

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

which meets the requirements of the U.S. No. 1 or U.S. No. 2 grades, tolerances shall not apply.

(a) *Tolerances.* When a lot of pears is required to meet one of the U.S. grades, the following tolerances, by weight, shall apply:

(1) *For defects.* 10 percent for pears which fail to meet the requirements of the grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

(i) 2 percent for pears which are affected by decay.

(ii) 5 percent for pears which are infested by worms or have wormholes.

(2) *For off-size.* 5 percent for pears which are smaller than any specified minimum size, and 10 percent for pears larger than any specified maximum size.

DEFINITIONS

§ 51.1351 Mature.

"Mature" means that the pear has reached the stage of maturtiy which will insure the proper completion of the ripening process.

§ 51.1352 Handpicked.

"Handpicked" means that the pears do not show evidence of having been on the ground.

§ 51.1353 Firm.

"Firm" means that the pear is fairly solid and yields only very slightly to moderate pressure, and is not wilted, shriveled, rubbery, or flabby.

§ 51.1354 Well formed.

"Well formed" means that the pear has the shape characteristic of the variety, so that after paring, cutting in halves, and coring, each half of the pear shall be well formed. Bartlett pears shall have at least a fairly well developed neck.

§ 51.1355 Damage.

"Damage" means any injury or defect which materially affects the canning quality of the fruit. After paring, cutting in halves, and coring, each half of the pear shall be well formed or the pear is considered damaged. Pears showing surface blemishes shall be considered damaged when the injury cannot be completely removed in the ordinary processes of paring for commercial use.

§ 51.1356 Pears grown from late blooms.

"Pears grown from late blooms." Such pears often have excessively long stems (commonly termed "rat tails"), or may be misshapen or slightly rough. Such pears do not ripen properly for ordinary canning use.

§ 51.1357 Seriously deformed.

"Seriously deformed" means that the pear is so badly misshapen as to cause a loss during the usual commercial preparation for use of over 20 percent, by weight, of the pear in excess of that which would occur if the pear were well formed. Round or apple-shaped pears shall not be considered seriously deformed.

§ 51.1358 Serious damage.

"Serious damage" means any injury or defect which cannot be removed during the usual commercial preparation for use without a loss of over 20 percent, by weight, of the pear in excess of that which would occur if the pear were not defective.

§ 15.1359 Diameter.

"Diameter" means the greatest dimension of the pear taken at right angles to a line running from the stem to the blossom end.

Dated: July 17, 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-8610; Filed, July 22, 1969; 8:49 a.m.]

[7 CFR Part 908]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Handling

Notice is hereby given that the Department is considering proposed amendments, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; §§ 908.100–908.142; 33 F.R. 3167) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment of said rules and regulations was proposed by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The proposed amendment would (1) provide that whenever a time of day is specified in the rules and regulations it shall mean the local time in effect at committee headquarters; (2) set forth the committee's current mailing address; (3) reduce the number of committee members representing cooperatives handling less than 50 percent of the oranges and change nomination procedures to conform with the amended marketing agreement and order provisions; (4) provide that the committee's recommendations for volume regulation for each prorate district shall reflect that district's percentage of the tree crop in the production area; (5) specify conditions for loan transactions arranged by handlers and by the committee; (6) delete § 908.103 because the provisions thereof are being incorporated into the amendment of § 908.102 or are otherwise covered by § 908.23; (7) specify what information applicants for short-life allotment shall furnish to the committee; (8) prescribe procedures for bona fide and timely offers to lend general maturity allotments and for allocating forfeited allotment to handlers; (9) include provisions for allocations to, and transfers between, handlers of freeze damage allotment; and (10) change the conversion factor provisions.

The proposed amendments are as follows:

1. Add a new paragraph (g) to § 908.100 *Definitions* to read as follows:

§ 908.100 Definitions.

* * * * *

(g) Whenever a time of day is specified in this subpart, it shall mean local time in effect at the headquarters of the committee in Los Angeles, Calif.

§ 908.101 [Amended]

2. Amend the provisions of § 908.101 *Communications* following the colon to read as follows:

Valencia Orange Administrative Committee, 117 West Ninth Street, Room 913, Los Angeles, Calif. 90015.

3. Amend the provisions of subparagraphs (2) and (3) of paragraph (a) of § 908.102 *Nomination procedure to read* as follows:

§ 908.102 Nomination procedure.

(a) * * *

(2) All cooperative marketing organizations which are not qualified to nominate members and alternate members pursuant to § 908.22(b), or the growers affiliated therewith, shall nominate members and alternate members as provided in § 908.22(c). The vote of each such organization shall be weighted, as provided in § 908.22(e), by the quantity of oranges which it handled during the marketing year in which the nominations are made.

(3) Not less than seven meetings shall be held at such times and places throughout the production area as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included under subparagraphs (1) and (2) of this paragraph may vote. At each such meeting, the growers present shall nominate members and alternate members as provided in § 908.22(d). The number of ballots to be cast in selecting the nominees at any such meeting shall be determined at that meeting. All growers voting at any such meeting shall submit their names and addresses to the agent of the Secretary.

* * * * *

§ 908.103 [Deleted]

4. Delete § 908.103.

§ 908.108 [Redesignated]

5. Redesignate § 908.110 as § 908.108.

6. Add a new § 908.110 *Equity of marketing opportunity* to read as follows:

§ 908.110 Equity of marketing opportunity.

Equity of marketing opportunity between districts shall be afforded by the following procedure:

(a) The committee shall establish an equity factor which is the same for all prorate districts. The equity factor shall be stated as a percentage of the tree crop in each district and shall reflect the committee's objective as to the quantity of oranges (grown in each district) for which there will be marketing opportunity under volume regulation during the ensuing season.

(b) At the marketing policy meeting for each prorate district the committee shall formulate, for the ensuing season, a weekly handling schedule to reflect the district's desired weekly handlings that will comprise the total quantity of oranges (grown in that district) that may be handled under volume regulation, such total being the amount established by application of the equity factor. Each such schedule for a prorate district shall cover a seasonal period as determined by the committee to be appropriate for that district. Prior to any marketing policy meeting for a prorate district the committee may consult with producers and handlers of oranges grown in that district regarding formulation of the weekly handling schedule for that district.

(c) Following the marketing policy meetings for all districts the committee may review and make equitable modifications as it deems advisable in the equity factor and weekly handling schedules.

(d) The committee shall combine into a weekly total the quantities of oranges that each district desires to handle each week, as shown on the weekly handling schedules. The weekly quantity shown on the applicable schedule for a district shall be converted into a percentage of the said weekly total. This percentage shall be known as the percentage allocation to such district.

(e) Unless otherwise provided in § 908.117, the committee shall base its recommendation each week (pursuant to § 908.51(a)) to the Secretary as to the respective quantities of oranges that should be handled in the prorate districts, upon the percentage allocations for such districts for such week except that prior to the reaching of general maturity in a district the quantity of oranges for such district shall be in an amount equal to the total early maturity allotments approved by the committee for that district pursuant to § 908.60.

(f) The committee shall make such adjustments as it deems advisable in the equity factor, the weekly handling schedules, and the percentage allocations to prorate districts, so as to reflect changing crop or market conditions. Appropriate adjustments shall be made in the schedules and percentage allocations as soon as possible after a change in the estimated tree crop of any prorate district. Whenever the committee ascertains that a prorate district would have oranges (grown in that district) remaining for handling, under volume regulation at the end of the schedule for that district, the committee may (1) adjust the equity factor upward with corresponding changes in the weekly handling schedules for all districts or (2) adjust the schedules for all districts by adding thereto the difference between the aggregate quantity of oranges listed on the weekly handling schedule for that district during all of the preceding weeks and the sum of the aggregate quantity of oranges (grown in that district) fixed by the Secretary for handling under general maturity, early maturity, and freeze damage allotments during such preceding weeks of regulation plus the aggregate quantity of oranges (grown in that district) that were handled when no such regulation was in effect. Adjustments in the weekly handling schedules for each of the prorate districts may be made by adding weeks to or deleting weeks from the schedule and, if deemed advisable, by proportionate modification of the desired handlings shown thereon for the remaining weeks of the reason or any portion thereof.

(g) The committee shall calculate each season as soon as it is feasible, an estimated percentage of the total tree crop in the production area that will be handled under volume regulation and prepare a schedule of estimated weekly handlings based thereon, reflecting the judgment of the committee as to the quantity of oranges that will be handled under volume regulation, taking into account the purposes of the act.

7. Revise the provisions of § 908.111 *Allotment loans* by inserting new paragraphs (c) and (e) as hereinafter set forth and revising paragraph (d) by changing the term "5 p.m." to read as "4:30 p.m.":

§ 908.111 Allotment loans.

* * * * *

(c) *Loans arranged by the committee.* The committee shall arrange loans for handlers subject to paragraphs (a) and (b) of this section and, to the extent practicable, in accordance with the following:

(1) Except as otherwise provided in subparagraph (3)(iii) of this paragraph (c), the committee shall consider offers to loan and requests to borrow received prior to 12 o'clock noon Monday separately from offers and requests received thereafter during the week.

(2) Each handler offering allotment for loan shall specify at least two payback dates. To receive a loan of any such allotment, or portion thereof, offered, the payback date specified by the requesting handler must be the same as one of the repayment dates specified by the offering handler.

(3) Loan offers and requests received by the committee prior to 12 o'clock noon Monday shall be applied first to the arrangement of loans between handlers within the same prorate district in accordance with the following provisions:

(i) If requests from handlers, in a prorate district, for general maturity allotment exceed the quantity offered by handlers in that district, the quantity offered shall be apportioned to each borrowing handler so that the amount he receives bears the same ratio to the total amount received by all borrowing handlers as the amount he requested bears to the total amount requested by all borrowing handlers. If the quantity of general maturity allotment offered in any prorate district exceeds the quantity requested in that district, the same proportion of each offering handler's allotment shall be loaned; and any surplus general maturity allotment from such prorate district shall be apportioned, as aforesaid, to fill requests from borrowing handlers in all other prorate districts.

(ii) If requests from handlers, in a prorate district, for short-life allotment exceed the quantity offered by handlers in that district, the quantity offered shall be apportioned to each borrowing handler so that the amount he receives bears the same ratio to the total amount received by all borrowing handlers as the amount he requested bears to the total amount requested by all borrowing handlers. If the quantity of short-life allotment offered in a prorate district exceeds the quantity requested in that district, the same proportion of each lending handler's allotment shall be loaned.

(iii) Such loan offers and requests may be modified or withdrawn any time prior to 12 o'clock noon Monday, after which time the committee shall arrange allotment loans on the basis of the offers and requests including modifications thereof, then pending without further action by the handlers involved. Loan offers and requests not fully utilized in such allotment loan arrangements may be modified or withdrawn.

(4) Offers to loan allotment received by the committee at, or subsequent to, 12 o'clock noon Monday shall be applied first to the arrangement of loans to handlers within the same prorate district whose requests were received prior to such time, but had not been completely filled. Any remaining allotment shall then be applied to the arrangement of loans to handlers within that district to fill any requests as thereafter received. Allotment loan offers received from handlers in a prorate district at, or subsequent to, 12 o'clock noon Monday and for which there are no requests by handlers in that district may be applied by the committee to the arrangement of loans to fill requests from handlers in other prorate districts. If the total allotment offered for loan in the same prorate district exceeds total requests in such district, the same proportion of each lending handler's allotment shall be loaned. If the requests exceed such total allotment, each request shall be filled in the same proportion as the amount requested bears to the total amount requested.

(i) Offers to loan, and requests to borrow, allotment received at, or subsequent to, 12 o'clock noon Monday may be modified or withdrawn: *Provided,* That allotment loan arrangements with respect to such offered allotment have not been completed by the committee.

(5) Offers to loan, and requests for, allotment may be made in person, by telephone, or telegram, or in writing. Immediately after completing arrangements for a loan the committee shall confirm the terms thereof by mailing VOAC Form 6 Confirmation of Allotment Loan to the handlers involved.

• • • • • •

(e) Whenever any Monday herein specified falls on a legal holiday, the next following business day shall be applicable.

8. Revise the second sentence of paragraph (b) of § 908.114 *Short-life allotments* to read as follows:

§ 908.114 Short-life allotments.

• • • • • •

(b) *Application to be filed.* * * * The application shall contain the following information: Name and address of applicant; location of each grove producing short-life oranges; a record covering the maximum years available, but not in excess of the 10 immediately preceding years, showing the marketing period of the oranges covered by the application; a suggested shortened marketing season showing the final date when the short-life oranges covered by the application should be marketed; and, a showing satisfactory to the committee why the oranges controlled by the application cannot be marketed during the normal marketing period for the applicable district through appropriate adjustments in the handler's packinghouse operations.

9. Add a new § 908.116 *Credit forfeitures* reading as follows:

§ 908.116 Credit forfeitures.

The forfeiture of any handler's general maturity allotment that was neither used nor loaned to another handler shall be applied to reduce overshipments of handlers as provided in § 908.55 unless the forfeiting handler made a bona fide and timely offer to the committee to lend his undershipment. An offer shall be considered bona fide and timely if such offer (a) was received in the office of the committee by 12 o'clock noon Monday, or the next following business day if Monday is a legal holiday, and (b) contained at least two alternate payback dates. All short-life allotment that is forfeited shall be applied to reduce overshipments of handlers as provided in § 908.55.

10. Add a new § 908.117 *Freeze damage allotments* to read as follows:

§ 908.117 Freeze damage allotments.

(a) At least 6 days before any meeting held by the committee to consider the quantity of allotments to be issued in any one or more prorate districts pursuant to § 908.61a, the committee shall mail written notice to handlers in such districts of its intention advising handlers that applications for such allotments shall be filed with the committee as hereinafter provided.

(b) Whenever freeze damage allotments are to be issued in a prorate district pursuant to § 908.61a on the basis of requests by handlers, the committee shall determine on the basis of all available information and after consideration of all of the factors enumerated in § 908.51(b), the extent to which freeze damage allotments should be granted in such district.

(c) Any handler who desires to receive freeze damage allotment shall request such allotment in person, or by telephone, telegram, or by filing VOAC Form 35 on or before 12 o'clock noon of the day preceding the regular weekly meeting of the committee. Such requests may be made at any of the offices of the committee. VOAC Form 35 shall contain (1) the name and address of the handler, (2) the week for which the application is made, (3) the amount of freeze damage allotment requested, and (4) the signature of the handler or authorized representative. All requests not made by a properly completed VOAC Form 35 shall be confirmed by delivering to the committee at any of its offices, not later than the day preceding the committee's regular weekly meeting, a properly completed VOAC Form 35 or by mailing a properly completed form to the committee not later than the day preceding the committee's regular weekly meeting.

(d) Whenever the total amount of freeze damage allotment the committee determines should be granted to handlers within a prorate district equals or is larger than the total amount applied for in such district, the full amount applied for in each application shall be granted. Whenever the total amount applied for exceeds the total amount of freeze damage allotment the committee deems should be granted in the district, the request of each handler in such district shall be granted in the same proportion as the handler's tree crop bears to the total tree crop for that district, but not in excess of the amount requested, and any allotment then remaining shall be granted in successive increments, as necessary, to handlers filing requests, in proportion to the tree crop controlled by each, but not in excess of the amount requested.

(e) Any handler to whom freeze damage allotment is issued may transfer such allotment, or portion thereof, to another such handler in the same prorate district; and such handlers shall notify the committee of such transfer on or before 12 o'clock noon Friday, or the following business day if Friday is a legal holiday, of the week following the one for which such allotment was issued. Such notification shall show names of the parties, the amount of the allotment transferred, and the week thereof.

(f) Any handler to whom freeze damage allotment is issued and who desires transfer of freeze damage allotment from or to other such handlers within another prorate district shall so notify the committee in person, by telephone, or telegram, or in writing by 12 o'clock noon Wednesday of the week for which the allotment was issued, or by 12 o'clock noon of the preceding day if Wednesday is a legal holiday. The committee shall endeavor to effect a transfer of allotment and shall confirm each such transfer to the handlers involved. In the event the total amount of the allotment available for transfer is less than the total amount requested, the committee shall transfer the available allotment to the requesting handlers in proportion to the amount requested by each.

§ 908.139 [Amended]

11. In § 908.139 *Conversion factors*, delete "40" from the second sentence and insert in lieu thereof "37½".

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 17, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8611; Filed, July 22, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 141c, 146c, 148n]

ANTIBIOTIC DRUGS; TETRACYCLINE-TYPE PRODUCTS

Sterility Test

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that to improve the sterility test for certain tetracycline-type products Parts 141c, 146c, and 148n be amended:

1. By revising § 141c.201(b) to read as follows:

§ 141c.201 Chlortetracycline hydrochloride.

• • • • • •

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

• • • • • •

2. By revising § 141c.206(c) to read as follows:

§ 141c.206 Chlortetracycline ophthalmic; tetracycline hydrochloride ophthalmic.

• • • • • •

(c) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

• • • • • •

3. By revising § 141c.221(b) to read as follows:

§ 141c.221 Tetracycline hydrochloride for intramuscular use; tetracycline phosphate complex for intramuscular use.

• • • • • •

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except that if the product contains tetracycline hydrochloride use diluting fluid D in lieu of diluting fluid A, or if the product contains tetracycline phosphate complex use 50 milligrams in lieu of 300 milligrams.

• • • • • •

4. By revising § 141c.235(b) to read as follows:

§ 141c.235 Tetracycline hydrochloride-oleandomycin phosphate for aqueous injection.

• • • • • •

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

• • • • • •

5. By revising § 141c.249(b) to read as follows:

§ 141c.249 Rolitetracycline for intravenous use.

• • • • • •

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

• • • • • •

6. By revising § 141c.250(b) to read as follows:

§ 141c.250 Rolitetracycline for intramuscular use.

• • • • • •

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

• • • • • •

7. By revising § 146c.201(d)(3)(ii) to read as follows:

§ 146c.201 Chlortetracycline hydrochloride (chlortetracycline hydrochloride salt).

• • • • • •

(d) * * *

(3) * * *

(ii) For sterility testing: 20 packages, each containing approximately 300 milligrams.

• • • • • •

8. By revising § 148n.1(a)(3)(ii) (b) and (b)(2) to read as follows:

§ 148n.1 Oxytetracycline.

(a) * * *

(3) * * *

(ii) * * *

(*b*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

• • • • • •

(b) * * *

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

• • • • • •

9. By revising § 148n.2(a)(3)(ii) (b) and (b)(2) to read as follows:

§ 148n.2 Oxytetracycline hydrochloride.

(a) * * *

(3) * * *

(ii) * * *

(*b*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

• • • • • •

(b) * * *

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

• • • • • •

10. By revising § 148n.11(b)(2) to read as follows:

§ 148n.11 Oxytetracycline hydrochloride for injection.

• • • • • •

(b) * * *

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

• • • • • •

11. By revising § 148n.17(b)(2) to read as follows:

§ 148n.17 Ophthalmic oxytetracycline hydrochloride.

• • • • • •

(b) * * *

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

• • • • • •

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: July 11, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8571; Filed, July 22, 1969; 8:46 a.m.]

Public Health Service

[42 CFR Part 81]

PUGET SOUND INTRASTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and of Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Puget Sound Intrastate Air Quality Control Region (Washington) as set forth in the following new § 81.32 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Washington and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Federal Court House, Circuit Court Room, Eighth floor, 1010 Fifth Avenue, Seattle, Wash., beginning at 10 a.m., August 5, 1969.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203 of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.32 is proposed to be added to read as follows:

§ 81.32 Puget Sound Intrastate Air Quality Control Region.

The Puget Sound Intrastate Air Quality Control Region (Washington) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Washington:
King County.
Pierce County.
Snohomish County.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: July 16, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69-8595; Filed, July 22, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-31]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the Russell, Kans., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Russell, Kans., transition area, the instrument approach procedure for the Russell, Kans., Municipal Airport has been modified. In addition, the criteria for designation of transition areas have changed. Accordingly, it is necessary to alter the Russell, Kans., transition area to adequately protect aircraft executing the modified approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

RUSSELL, KANS.

That airspace extending upward from 700 feet above the surface within 2½ miles each side of the Hays, Kans., VORTAC 086° radial, extending from a 5-mile radius circle centered on the Russell Municipal Airport (latitude 38°52'20" N., longitude 98°48'45" W.) to 19 miles east of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles north and 9½ miles south of the Hays VORTAC 086° radial extending from 1 mile to 29 miles east of the VORTAC, excluding the portion which overlies the Hays, Kans., transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 3, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-8586; Filed, July 22, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-77]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Hilton Head Island, S.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Hilton Head Island transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Hilton Head Airport.

The proposed transition area is required to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Hilton Head Airport, utilizing the Savannah, Ga., VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in East Point, Ga., on July 14, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-8588; Filed, July 22, 1969; 8:47 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 69-EA-77]

JET ROUTE SEGMENTS

Proposed Designation and Revocation

The Federal Aviation Administration (FAA) is considering amendments to Part 75 of the Federal Aviation Regulation that would designate segments of Jet Route No. 547 from Peck, Mich., to Northbrook, Ill., and from Buffalo, N.Y., to Kennebunk, Maine; and revoke the segment of Jet Route No. 82 between Albany, N.Y., and Boston, Mass.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA is considering the following airspace proposals:

1. Designate segments of J-547 from Peck, via Pullman, Mich., to Northbrook; and from Buffalo via Syracuse, N.Y.; intersection of Syracuse 094° T (105° M) and Albany, N.Y. 058° T (071° M) radials, to Kennebunk. These extensions of J-547 would provide a one-number route for traffic operating along the high altitude preferred route between Boston and Chicago. This proposed segment between Buffalo and Kennebunk would also provide route continuity for traffic proceeding to the west from Pease AFB and the Portland, Maine, airports.

2. Revoke J-82 segment between Albany and Boston. This segment is no longer required by air traffic. The latest FAA peak-day air traffic survey showed only five aircraft movements on this segment of J-82. High altitude traffic departing Boston terminal area for western terminals will be cleared via the Merrimack Standard Instrument Departure Route to Syracuse and then routed via the proposed segment of J-547, thus obviating the retention of the segment of J-82 between Albany and Boston.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 15, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-8587; Filed, July 22, 1969; 8:47 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-27; Notice 69-19]

TRANSPORTATION OF HAZARDOUS MATERIALS

Reuse of Spec. 17 Series Steel Drums

The Hazardous Materials Regulations Board is considering amending § 173.28 of the Department's Hazardous Materials Regulations to specify the standards which must be met in order for shippers to reuse certain DOT specification 17-series drums for the shipment of specified classes of hazardous materials.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before September 23, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

A review of reports of incidents involving leaking steel drums has revealed that many of the "leakers" reported upon were "single-trip" specification 17-series drums that had been reconditioned or repaired and reused. Followup investigations on several incidents and inspections of drum reconditioning facilities have revealed that such operations do not always produce reconditioned drums which would be of such a quality as to lend themselves to compatibility with established minimum safety standards for new drums. Yet, the reconditioned drums are used under essentially the same transportation conditions as new drums. Deficiencies noted included attempts to repair badly damaged drums, removal of perent metal of a drum during reconditioning with resultant unacceptable reduction in wall thickness, and inadequate inspection and testing of the reconditioned drums prior to reuse for the shipment of hazardous materials.

The Department's regulations now provide that single-trip drums may be reconditioned and reused only under conditions approved by the Bureau of Explosives of the Association of American Railroads. The regulations do not prescribe standards against which the reconditioning operations might be evaluated. The Board believes that it is the responsibility of Government to clearly set forth safety standards which it expects industry to meet.

This proposal would amend § 173.28 (h) and add paragraphs (m) and (n) to prescribe the conditions under which single-trip drums may be reused for shipment of certain hazardous materials. General requirements for cleaning, reconditioning, inspection, and testing of drums are proposed. A drum marking system is proposed which would include identification of the drum reconditioner through a DOT code number. Procedures would also be prescribed for drum alteration in a new § 173.28(n).

In consideration of the foregoing, it is proposed to make the following amendment to the hazardous materials regulations:

In § 173.28 paragraph (h) would be amended; paragraphs (m) and (n) would be added to read as follows:

§ 173.28 Reuse of containers.

* * * * *

(h) Except as provided in paragraphs (m) and (n) of this section, single-trip containers made under specifications prescribed in Part 178 of this chapter, from which contents have once been removed following use for shipment of any material, must not be used thereafter for shipment of hazardous materials.

* * * * *

(m) Specs. 17C, 17E, and 17H steel drums (§§ 178.115, 178.116, 178.118 of this chapter), from which contents have been removed following use for transportation or storage of any article, may be reused as packagings for shipments of flammable liquids having flash points above 20° F., flammable solids, oxidizing materials, and radioactive materials, as prescribed in this part: *Provided*, That the following requirements, in addition to the other requirements of this section, are complied with prior to each reuse.

(1) Each drum must be thoroughly cleaned to remove all residues and foreign matter, inspected for deterioration or defects, and returned to its original shape and contour. Any drum which shows evidence of deterioration (e.g., visible pitting or significant reduction in parent metal thickness from rust, corrosion, or cleaning processes), metal fatigue, or other material defects, or which cannot be returned to its original shape and contour must not be certified for reuse. All closure devices must be removed (if removable), inspected for defects, and replaced as necessary. All gaskets and nonmetal plugs or other closure parts must be replaced, including openhead cover gaskets.

(2) The entire surface of each drum must be tested by constant interior air pressure while either completely immersed under water or completely covered with soap suds or oil. The air pressure must be maintained for a period of time sufficient to permit a complete inspection for leaks. The minimum air pressure for the test must be as follows:

Specification No.	Capacity	Minimum test pressure p.s.i.
17C	All	15
17E	Over 12 gallons	7
	12 gallons or less	5
17H	Over 12 gallons	7
	12 gallons or less	5

If leaking, the drum must not be reused or certified for reuse. Repairs are not authorized.

(3) All previous test markings, commodity identification markings, and labels must be removed.

(4) Marking:

(i) The outside of each drum must be marked on the body within 10 inches of the top head, in letters of a contrasting color with the following information: "TESTED", the test pressure, the month and year of the test, the DOT code number of the tester, and the location where the drum was tested. For example:

TESTED, 15 p.s.i. 2/68,
DOT-1001,
Pittsburgh, Pa.

The code number required for this marking must be obtained from the Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590, before drums are reconditioned under this section.

(ii) The outside of each removable head, for drums over 5 gallons capacity, must be marked to indicate the gauge of the steel used in making the head (e.g., "16-gauge").

(iii) Marking must conform to the requirements of § 173.24.

(n) Any drum which meets one specification may be altered to meet another specification provided the drum is capable of meeting the new specification in all respects.

(1) Each drum so altered must be inspected and tested in accordance with paragraph (m) of this section and the "type test" required for the new specification.

(2) The specification marking on the drum must be as required by the new

specification, and must be on a metal plate securely attached to the drum. The plate must be located on the body within 10 inches from the top head. The marking must conform to § 173.24. If the rated capacity is reduced by more than 2 percent, the new rated capacity must be shown. Both the old and the new specification identification must be shown with the specification to which the drum is converted shown last, e.g., "17E/17H".

These proposals are made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on July 15, 1969.

J. B. McCARTY, Jr.,
Captain, U.S. Coast Guard, by direction of Commandant, U.S. Coast Guard.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

F. C. TURNER,
Administrator,
Federal Highway Administration.

SAM SCHNEIDER,
Board Member, For the
Federal Aviation Administration.

[F.R. Doc. 69-8596; Filed, July 22, 1969; 8:48 a.m.]

[49 CFR Part 173]

[Docket No. HM-28; Notice 69-20]

TRANSPORTATION OF HAZARDOUS MATERIALS

Removal of Label Exemption

The Hazardous Materials Regulations Board is considering amending paragraph (c) and canceling paragraph (e) of § 173.402 of the Department's Hazardous Materials Regulations to remove certain exemptions from requirements for the labeling of packages containing specified classes of hazardous materials when they are transported in carload or truckload lots. The Board is also planning to cancel § 173.404(h) since the provision therein is no longer necessary.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before September 23, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

Carload and truckload shipments of hazardous materials, except classes A or C poisons, etiologic agents, and radioactive materials, are presently exempt from labeling requirements when such shipments are loaded by the shipper and are unloaded by the consignee from the transport vehicle in which originally loaded. In addition, carload and truckload shipments of classes A or C poisons, etiologic agents, and radioactive materials made by, for, or to the Department of Defense are presently exempt from the labeling requirements if loaded by the shipper and unloaded by the consignee from the transport vehicle in which originally loaded when accompanied by qualified personnel who are supplied with equipment to repair leaks or other container failures which will permit escape of contents.

These labeling exemptions were provided over 30 years ago for rail shipments. The exemptions were later extended to truckload shipments when transported by highway. In either case a car or motor vehicle containing carload or truckload shipments is required to be placarded or marked as prescribed for the hazardous materials contained therein. The placard (or marking) has about the same relationship to the rail car or motor vehicle as the label has to the package. Basically, the label provides precautionary information to the handler of the package and governs the loading or storage of the package while in the custody of the carrier. The placard (or marking) governs the placement of the rail car in a train, is a warning to train crews and operating personnel, and provides precautionary information to persons responding to the scene of an accident. Essentially the same type of safeguards apply to a placard motor vehicle.

Packages of hazardous materials often are not confined within transport vehicles as a result of collisions, derailments, and overturns. These packages may or may not be intact. Persons engaged in firefighting cleanup operations, enforcement, and the general public should be afforded sufficient warning of the potential hazards of the materials in packages. Prescribed labels on packages are a means of informing persons of the hazards involved.

There are occurrences when handling personnel, other than those employed by consignees, would come into contact with these hazardous materials even though such events are not contemplated at the time of shipment. Such occurrences as mechanical failure of transport equipment, shipments reconsigned to more than one destination, and the placement of shipments temporarily in storage are not uncommon.

The Board believes that the absence of labels from certain packages of hazardous materials even when carried in carload or truckload shipments is no longer justified except for shipments of the Department of Defense which are loaded and unloaded under its supervision and which are escorted by its personnel.

In consideration of the foregoing, it is proposed to amend certain sections of the Hazardous Materials Regulations as follows:

(A) In § 173.402 paragraph (c) would be amended; paragraph (e) would be canceled as follows:

§ 173.402 Labeling of explosives or other dangerous articles.

* * * * *

(c) Labels are not required on packages containing hazardous materials when the packages are—

(1) Loaded and unloaded under the supervision of Department of Defense personnel; and

(2) Under escort by Department of Defense personnel in a separate vehicle.

* * * * *

(e) [Canceled]

(B) In § 173.404 paragraph (h) would be canceled as follows:

§ 173.404 Labels.

* * * * *

(h) [Canceled]

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657) and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on July 15, 1969.

C. P. MURPHY,
Rear Admiral, U.S. Coast Guard, by direction of Commandant, U.S. Coast Guard.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

F. C. TURNER,
Administrator,
Federal Highway Administration.

SAM SCHNEIDER,
Board Member, For the
Federal Aviation Administration.

[F.R. Doc. 69-8597; Filed, July 22, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

CHILDREN'S MEDICAL RELIEF INTERNATIONAL, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration[1] as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Children's Medical Relief International, Inc., 535 Fifth Avenue, New York, N.Y. 10017.

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

JULY 14, 1969.

[F.R. Doc. 69-8577; Filed, July 22, 1969; 8:46 a.m.]

INTERNATIONAL EYE FOUNDATION

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3), 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration[1] as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

International Eye Foundation, Sibley Memorial Hospital, Washington, D.C. 20016.

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

JULY 14, 1969.

[F.R. Doc. 69-8578; Filed, July 22, 1969; 8:46 a.m.]

[1] Certificate filed as part of original document.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 2691]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 15, 1969.

The Assistant Secretary for Fish and Wildlife, Parks, and Marine Resources, U.S. Department of the Interior, Washington, D.C., has filed an application, Serial No. Sacramento 2691, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of entry, including the mining laws (30 U.S.C., Ch. 2) but not from leasing under the mineral leasing laws. The land will be administered by the Bureau of Sport Fisheries and Wildlife for the management of migratory birds and other wildlife as part of the San Luis National Wildlife Refuge. The 8-acre tract lies within the exterior boundaries of the refuge.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 8 S., R. 11 E.,
Sec. 20, Lot 9.

The area described contains approximately 8 acres in Merced County.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-8620; Filed, July 22, 1969; 8:50 a.m.]

NEW MEXICO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JULY 14, 1969.

Notice of a Department of Agriculture, Forest Service, application New Mexico 0559467, for withdrawal and reservation of lands for recreation purposes, was published as F.R. Doc. 66-3103 on page 4901 of the issue for Thursday, March 24, 1966. The applicant agency has canceled its application insofar as it affects a part of the lands. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, the lands described below, at 10 a.m. on August 18, 1969, will be relieved of the segregative effect on the above mentioned application:

NEW MEXICO PRINCIPAL MERIDIAN

CARSON NATIONAL FOREST

T. 29 N., R. 14 E.,
Sec. 24, E½SE¼SW¼NE¼, W½SW¼SE¼NE¼, excepting area in conflict with HES 88, NW¼NW¼NE¼SE¼, E½NW¼SE¼, NE¼SW¼SE¼, E½NW¼SW¼SE¼, and W½SE¼SW¼SE¼;
Sec. 25, W½NE¼NW¼NE¼ and SW¼NW¼NE¼;
Sec. 36, NW¼NW¼NW¼NW¼.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-8572; Filed, July 22, 1969; 8:46 a.m.]

[Utah 7493]

UTAH

Notice of Classification

JULY 15, 1969.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g), for lands within the Salt Lake District.

The lands affected by this classification are located in Box Elder County and are described as follows:

SALT LAKE MERIDIAN

T. 9 N., R. 14 W.,
Secs. 4, 10, 12, 14, 22, 24, 26, 28, and 34.
T. 10 N., R. 13 W.,
Secs. 14, 18, 20, 22, 24, 26, 28, 30, and 34.
T. 10 N., R. 14 W.,
Secs. 14, 18, 22, 24, 26, 28, 30, and 34.
T. 10 N., R. 15 W.,
Secs. 2, 4, 8, 12, and 20;
Sec. 6, S½SE¼;
Sec. 18, lots 1, 2, E½NW¼.
T. 11 N., R. 14 W.,
Sec. 30, all;
Sec. 31, E½E½.
T. 11 N., R. 15 W.,
Secs. 12, 24, 26, and 34;
Sec. 14, NE¼, E½NW¼, S½;
Sec. 22, E½SE¼.
T. 12 N., R. 15 W.,
Sec. 12, all.

The above-described areas aggregate 24,688.97 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240. (43 CFR 2411.1-2(d)).

R. D. NIELSON,
State Director.

[F.R. Doc. 69-8574; Filed, July 22, 1969; 8:46 a.m.]

[OR 4336(Wash.)]

WASHINGTON

Notice of Offering of Land for Sale

JULY 15, 1969.

Notice is hereby given that under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427) 43 CFR Subpart 2243, and pursuant to an application from the town of Odessa, Wash., the Secretary of the Interior will offer for sale the following 40.89 acre tract:

WILLAMETTE MERIDIAN, WASHINGTON

T. 21 N., R. 33 E.,
Sec. 4, lot 4.

The land is situated within Lincoln County, one-half mile northeast of Odessa, and is needed for development of public airport support facilities. By Final Resolution of Board of Commissioners of Lincoln County, Wash., dated February 3, 1969, the land was zoned as a "Public Facility District".

It is the intention of the Secretary to enter into an agreement with the town of Odessa to permit the town to purchase the land at its appraised fair market value.

The land will be sold subject to all valid existing rights. Patent to the land issued under the Act of September 19, 1964, supra, shall contain reservations to the United States of rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945); and of all mineral deposits, which shall thereupon be withdrawn from appropriation under the public land laws, including the mineral and mineral leasing laws.

Any adverse claimants to the above-described land should file their claims or objections with the undersigned within 30 days of the filing of this notice.

IRVING W. ANDERSON,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-8573; Filed, July 22, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

PEANUTS; 1969 CROP

Incoming and Outgoing Quality Regulations and Indemnification; Correction

The regulations, regulating handling, F.R. Doc. 69-7771, appearing at page 11152 in the July 2, 1969, issue of the FEDERAL REGISTER, contains an inadvertent omission. The omission is corrected as follows:

In the Incoming Quality Regulation—1969 Crop Peanuts, paragraph (e), the second, third, and fourth sentences are corrected to read: "If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, such peanuts may contain up to 3 percent damaged kernels and Virginia type peanuts so produced and which are not stacked at harvest may contain up to 12 percent moisture; in the Southeastern Area and Virginia-Carolina Area, such seed peanuts, other than the foregoing Virginia type, may contain up to 11 percent moisture and in the Southwestern Area up to 10 percent moisture; and such seed peanuts may have visible *Aspergillus flavus*."

Dated: July 17, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Market Service.

[F.R. Doc. 69-8612; Filed, July 22, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

OFFICE OF CHILD DEVELOPMENT

Establishment

Under the authority of section 6 of Reorganization Plan No. 1 of 1953 and pursuant to the delegation of authority to me from the Director, Office of Economic Opportunity, to administer Project Head Start approved by the President on June 30, 1969, I hereby order the following:

SECTION 1. *Organization.* There is hereby established in the Office of the Secretary an Office of Child Development. This Office will include responsibility for Project Head Start and will function under the direction of the Assistant Secretary for Administration.

SEC. 2. *Continuation of regulations and delegations.* Pending reissuance, all regulations, rules, orders, statements of policy, or interpretations of the Head Start program, Office of Economic Opportunity, are adopted by the Secretary of Health, Education, and Welfare, as regulations, rules, orders, statements of policy, or intepretations of the Department. Pending further administrative delegation by the Director, Office of Child Development (with approval of the Assistant Secretary for Administration), all administrative delegations relating to the carrying out of the Head Start program within the Office of Economic Opportunity are adopted by the Office of Child Development.

SEC. 3. *Effective date.* This order shall be effective immediately.

Dated: July 7, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-8540; Filed, July 22, 1969; 8:45 a.m.]

ACTING DIRECTOR, OFFICE OF CHILD DEVELOPMENT

Designation

I hereby designate Jule M. Sugarman as Acting Director, Office of Child Development.

ROBERT H. FINCH,
Secretary.

JULY 7, 1969.

[F.R. Doc. 69-8589; Filed, July 22, 1969; 8:47 a.m.]

REGIONAL DIRECTORS

Redelegation of Authority Regarding Administration of Head Start Program

1. Pursuant to a delegation of authority from the Director, Office of Economic Opportunity, acting under authority of the Economic Opportunity Act of 1964 (hereinafter the Act), I redelegate to the Regional Directors of the Department of Health, Education, and Welfare the power to make grants under section 222(a)(1) of the Act (Project Head Start), except insofar as such grants are for programs which primarily serve migrants or Indians living on Federal reservations.

2. Such redelegation shall include the authority to make, amend, suspend, and cancel grants, and to issue audit disallowances as well as to receive appeals on and make final decisions on such disallowances.

3. Regional Directors shall make grants under the general policies and in such form as prescribed by the Director, OCD (and approved by the Assistant Secretary for Administration), and shall conform to the allocations and financial guidelines issued by him.

4. This delegation shall take effect immediately.

ROBERT H. FINCH,
Secretary.

JULY 7, 1969.

[F.R. Doc. 69-8590; Filed, July 22, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-66]

BEAUMONT, TEX.

Revocation of Designation as Port of Documentation

1. Notice of the proposed revocation of the designation of Beaumont, Tex., as a port of documentation and the transfer of the documentation records to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Federal Building, Customhouse, Fifth and Austin Avenue, Port Arthur, Tex. 77640, was published in the FEDERAL REGISTER of May 14, 1969 (34 F.R. 7667) as CGFR 69-50.

2. By virtue of the authority contained in sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b), 49 CFR 1.4(a)(2), the following action is hereby taken effective August 21, 1969:

(a) The designation of Beaumont, Tex., as a port of documentation is revoked;

(b) The documentation records at Beaumont, Tex., are transferred to the office of the Officer in Charge, Marine Inspection, Federal Building, Customhouse, Fifth and Austin Avenue, Port Arthur, Tex. 77640; and

(c) Port Arthur is designated as home port of all vessels now having Beaumont as home port.

3. Vessels marked with the name of Beaumont as home port shall be deemed to be properly marked within the meaning of section 4178 of the Revised Statutes, as amended (46 U.S.C. 46) and the regulations issued thereunder, for a period of 2 years from the effective date of this order.

Dated: July 15, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 69-8616; Filed, July 22, 1969; 8:50 a.m.]

[CGFR 69-71]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

Correction

In F.R. Doc. 69-8267 appearing at page 11596 in the issue of Tuesday, July 15, 1969, the first center heading in the document should read "Lifeboat Winches for Merchant Vessels".

CIVIL AERONAUTICS BOARD

[Docket No. 20398; Order 69-7-85]

AIR FREIGHT

Order Regarding Minimum Charges Per Shipment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of July 1969.

By Order 68-10-116, dated October 21, 1968, in Docket 20398 [1] the Board ordered an investigation of the minimum charge provisions of 22 of the domestic scheduled route carriers. The pertinent tariff charges in question are typically (a) the charge for 50 pounds, but not less than $10 for the trunks, all-cargo carriers, and some local service carriers, and (b) $8 for most of the remaining local service carriers. A prehearing conference in this investigation was held on June 26, 1969.

On May 29, 1969, for effectiveness July 1, 1969, Seaboard World Airlines, Inc. (Seaboard), filed initial rates for its recently authorized domestic routes, which included a minimum charge provision based on the charge for 50 pounds, but not less than $10. The issues as to the lawfulness of the minimum charge provisions of the domestic scheduled route carriers in Docket 20398 appear equally applicable to the minimum charge provisions contained in the tariffs of Seaboard. We will therefore by this order institute an investigation of the minimum charge provisions contained in the Seaboard domestic tariffs.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the minimum charge per shipment appearing on 45th Revised Page 115 of Tariff CAB No. 8 (Agent J. Aniello series) issued by Airline Tariff Publishers, Inc., Agent, including subsequent revisions and reissues thereof, and rules, regulations and practices affecting such minimum charge per shipment are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful minimum charge per shipment and rules, regulations, or practices affecting such minimum charge per shipment.

2. The investigation instituted in paragraph 1 herein is hereby included in the investigation initiated in Docket 20398 by Order 68-10-116 and Seaboard World Airlines, Inc. is hereby made a party thereto.

3. Copies of this order shall be filed with the tariffs and served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Airlift International, Inc., The Flying Tiger Line, Inc., Air West, Inc., Allegheny Airlines, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Trans-Texas Airways, Inc., Emery Air Freight Corp., The Society of American Florists and Ornamental Horticulturists, the Western Regional Floral Traffic Conference, Inc., and Seaboard World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8613; Filed, July 22, 1969; 8:49 a.m.]

[Docket No. 20929; Order 69-7-74]

ALASKA AIRLINES, INC., ET AL.

Order Requesting Written Comments and Setting Matter for Oral Argument

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of July 1969.

Agreement between Alaska Airlines, Inc., Continental Air Lines, Inc., et al., Docket No. 20929, Agreement CAB 20953; relating to a common automated reservations system, filed pursuant to section 412 of the Federal Aviation Act of 1958.

On April 21, 1969, the Executive Secretary of the Air Traffic Conference of America (ATC), on behalf of certain ATC air carrier members,[1] filed pursuant to section 412 of the Federal Aviation Act of 1958; as amended (the Act), an agreement pertaining to the development and implementation by ATAR Computer Systems, Inc. (ATARCSI), of a common automated reservations system.

Nature of the agreement. The agreement consists of five documents: (1) An interline agreement among the air carrier participants; (2) an agreement between ATARCSI and the Executive Secretary of ATC (ATARS agreement); (3) a functional description of the system, (4) a standard contract with selling agents for use of the ATAR system (agency contract), and (5) a standard schedule of charges to trunk carriers and local service carriers (Schedule of Charges). Each document is summarized in the appendix.[2a]

[1] Western Regional Floral Traffic Conference, Inc., was granted leave to intervene, Order 69-6-170 dated June 30, 1969.

[1] The carriers are: Alaska Airlines, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; National Airlines, Inc.; Northeast Airlines, Inc.; Northwest Airlines, Inc.; Southern Airways, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; and Western Air Lines, Inc.

[2a] Appendix filed as part of the original document.

A condition precedent to execution of an agreement by ATC with ATARCSI for development of a reservation system was participation therein by at least 10 air carriers who hold certificates of public convenience and necessity to engage in scheduled air transportation and who carried collectively (for the most recent annual period for which data are available) at least 50 percent of the total scheduled domestic revenue passenger miles. The agreement has been executed by 11 air carriers,[2b] whose operations meet the passenger mile requirement mentioned above. It is to become effective upon approval by the Board.

Any conditions to approval imposed by the Board must be acceptable to the original participants and to ATARCSI, to the extent they affect the latter company. The agreement is open to participation by any air carrier (as the term is defined in the Act) authorized to engage in scheduled air transportation pursuant to certificate of public convenience and necessity and to Air Canada and Canadian Pacific Air Lines, Ltd.

Background developments. The agreement is the outgrowth of "enabling" resolutions adopted by ATC in May 1967 which consisted of amendments to ATC resolutions identified as Agreements CAB 5044–A126, 5270–A1, and 18923–A1.[3] The effect of these amendments was (1) to establish conditions for the development and ultimate implementation of a common automated reservations system, (2) to outline the required capabilities of such a system, and (3) pending development of such a system, to permit the installation of electronic reservations equipment in the offices of travel agents or customers.

Another link in the chain of developments leading to the establishment of a common system was a memorandum of understanding (Agreement CAB 19739) signed by 22 airlines which established a Steering Task Force to oversee the development of such a system and to establish and coordinate efforts of the subcommittee dealing with the various aspects of the problem. This memorandum of understanding subsequently was adopted as a resolution of the ATC members (Agreement CAB 19991) in November 1967.[4]

The ATAR system. The ATAR system is described in part by ATARCSI as follows:

> The ATAR system (ATARS) is a facility provided by ATAR Computer Systems, Inc. (ATARCSI) for linking selling agents with the reservations centers of air carriers. Air carriers will provide to ATARS their schedules and flight/class/segment availability. For one all-inclusive monthly charge, ATARCSI will supply the selling agent with a private telephone line and a terminal on his premises, called a "selling agent set." Through it, ATARS will provide the selling agent with the means to determine schedules and availability and to establish passenger itineraries by means of the system's computers. Itineraries thus created within the system will be instantly forwarded to air carriers in accordance with standard airline industry message procedures. The system will provide automatic relay, to the selling agent's terminal, of messages sent to it by an air carrier.

ATARS is to maintain schedules for 360 days ahead.

The procedures contemplate that a selling agent may request availability between origin and destination either by approximate departure time or specific flight number.

It is understood that upon request of a selling agent, ATARS will first display direct service flights which do exist and a table of connecting points over which connecting services may be constructed. Then, upon the selling agent's selection of a specific connecting point, ATARS will display computer-generated connecting service schedules. Both the table of connecting points and the minimum connection times for connecting service schedules will be in accordance with the standards established by the airline industry.

Five basic fares will be quoted in response to schedule and availability requests for direct service.

The control of the seat inventory on each flight/class/segment, however, remains with the individual air carriers.

The cost to the carriers, which reportedly will bear 80 percent of the cost of operating ATARS, will be $3 per month to a trunkline and $1 per month to a regional carrier for each flight over each segment of their routes. In addition, they will pay 13 cents for each transaction, i.e., a sale made through ATARS, and 2 cents per inquiry. Selling agents will pay a deposit of $500 per terminal set. This amount is refundable, beginning 7 months after the set becomes operational, at the rate of $50 per month. In addition, the agent will pay from $110 per month for up to 2,000 transactions to $160 per month for over 6,000 transactions.

Otherwise, the agreement provides, in part, that each participant (1) will not place, retain or cooperate with others in placing or retaining equipment on the premises of any selling agent for purposes similar to those described in the agreement; (2) will not supply any person, either directly or indirectly through a person other than ATARCSI, with any schedule availability information or sell and cancel facilities into its reservations center for purposes and through equipment similar to that described in the agreement; and (3) will take all reasonable steps designed to forbid and prevent members of ATC from doing any of these acts and things.

Statements in opposition. The Telemax Corp. has filed a petition requesting that the Board disapprove the agreement on the grounds that it violates antitrust principles, creates sweeping anticompetitive effects, unnecessarily sacrifices the advantages of a free competitive market, is not required by a serious transportation need, secures no public benefits, and is therefore adverse to the public interest. In the alternative, Telemax requests the matter be set for hearing.

The Association of Retail Travel Agents (ARTA) has filed comments protesting the exclusionary provisions of the agreement and the adverse effects on the transportation industry which would result if the Board should approve the agreement. ARTA requests that the agreement be disapproved.

The Department of Justice filed comments on the arrangement, pointing out that the Board's previous approval of interline agreements does not extend to the terms of any ultimate agreement. Justice asserts that the instant proposal calls for a collective boycott of ATARS competitors and presents ATARS with a monopoly in the airline reservations market. If a common system can be operated while still permitting competition between suppliers, as claimed by Telemax, Justice maintains that there is no serious transportation need justifying a monopoly. Thus, it states that the agreement, which constitutes a per se violation of the antitrust laws, cannot be approved by the Board, and the Board should disapprove it or set the matter for full hearing.

Views of the Board. The agreement raises new and novel issues of considerable significance to many persons, including carriers participating in the agreement as well as the nonparticipants, travel agents, business firms, competitors of ATARCSI, hotels, motels, car rental companies, and the traveling public. Because of the complexity of the agreement and its impact, the Board has decided to defer action on the matter temporarily and allow an opportunity for interested persons to file written comments in support of or in opposition to approval of the agreement. The Board has also concluded that it should hear oral argument.

In regard to the written comments and the oral argument, the Board desires that the parties focus on the following questions as well as any other matters they deem relevant:

1. Is it possible under current technology to construct an automated reservations system which would permit the use both of terminal equipment and computers supplied by more than one vendor? Thus, as individual airlines are supplying availability information to ATARS, why could they not supply like information to competing reservations systems?

2. If so, would such a system be economically feasible to carriers, selling agents, and vendors?

3. Would the development of a possibly superior system be discouraged by Board approval of the instant agreement?

4. Does the adoption of a common automated reservations system of the type now proposed serve a serious transportation need, and thus secure important public benefits?

5. What is the basis for the charges to both the carriers and to the agents?

6. What direct cost and administrative savings or other benefits are projected for the travel agent through ATARS that could not be provided in open competition?

7. How was the 10-carrier/50 percent-of-the-traffic standard selected as the go-ahead point for ATARS? Does this mean that below this figure (a) ATARCSI's profitability would be insufficient, (b) the travel agents costs would be too high, or (c) ATC's administrative burden would be too great? Or were there other considerations?

8. If the 10 carrier/50 percent standard is exceeded will there be a related reduction in charges by ATARS to the carriers and/or the travel agents, or simply an increase in ATARCSI's profitability?

9. Would the extension of ATAR's to other reservation services, for example, to car rental firms, hotels, motels, etc. permit economies which would decrease charges to participating carriers and selling agents?

10. What limitations, if any, are placed on the use which ATARCSI may make of the air travel data supplied to it by the air carriers participating in ATARS?

Beyond the foregoing, it would be helpful for the carriers to outline the factors which resulted in the selection of ATARS in the face of certain inadequacies alleged by the parties opposing approval of that system.[5]

The Board would be interested in having agents and commercial accounts indicate in what specific respects the advantages of the ATARS system outweigh any disadvantages to them, or vice versa.

The Board is also desirous of receiving information from manufacturers/vendors of systems which offer services equivalent or superior to those offered by ATARS. Such persons should address themselves to, among other things, the ability of a particular system to be interfaced with other systems; whether a common system could be achieved by such interfacing with no less capability or capacity than the proposed ATARS system and at no greater expense to the users; and, finally, what effect approval of the agreement would have on their continuing interest in the field of computerized reservations systems.

Other interested persons are at liberty to offer other factual information which will show the extent to which they would be affected by the agreement. Comments of such persons should show whether they are currently using or have decided to order electronic reservations equipment; and the primary use to which such equipment will be put, such as airline reservations, hotel/motel reservations, car rental arrangements, or other use.

Accordingly, it is ordered:

1. That action on Agreement CAB 20953 be and it hereby is deferred;

2. That interested persons are afforded a period of 20 days from the date of service of this order to file comments in support of or in opposition to the agreement;[6]

3. That persons who have filed timely comments in accordance with the foregoing paragraph be afforded a further period of 15 days within which to file rebuttal comments;[7]

4. That the issues raised by Agreement CAB 20953 and the request for approval thereof shall be set for oral argument before the Board on September 3, 1969, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.; and

5. That all parties who desire to participate in such oral argument shall advise the Board in writing of their desire to participate on or before August 15, 1969.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–8614; Filed, July 22, 1969; 8:49 a.m.]

[Dockets Nos. 20579, 21201; Order 69–7–83]

FLYING TIGER LINE, INC.

Order of Investigation and Suspension Regarding Increased General Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of July 1969.

By tariffs marked for effectiveness July 27, 1969, and bearing posting and filing dates as noted below, The Flying Tiger Line, Inc. (Tiger), proposes the following domestic air freight rate increases:

Posted June 12, 1969. (a) General commodity rates at all weight-breaks from under 100 to 3,000 pounds are increased from 7.5 to 9.1 percent;[1] and (b) parcel post rates are increased approximately 7.5 percent, but not less than $1 per 100 pounds.

Filed June 24, 1969. Specific commodity rates at all weight-breaks are increased, reflecting a basic adjustment of 7.5 percent but not less than $1 per 100 pounds.

In support of its filings, Tiger states it is increasing its existing rates in order to improve the relationship of freight revenues to expenses.

Tiger's general commodity rates at weight-breaks of 300 pounds and under are in many instances presently higher than rates of competing carriers, after reflecting a 7½ percent increase which the Board has recently permitted. Under Tiger's instant proposal, most general commodity rates at these weight-breaks would exceed, significantly, the level of other domestic carriers, Tiger's rates above 300 pounds will typically match permitted rates.[2]

No complaints have been filed against any of Tiger's increases.

The Board has previously suspended earlier proposals of other carriers which would have increased numerous rates significantly in excess of 7½ percent, indicating that while the carriers may be entitled to some revenue increase from air freight, the Board was not prepared to permit increases of such magnitude.

In permitting the 7½ percent rate increase to the domestic cargo carriers, the Board considered, inter alia, that such increases would not have a sharp impact upon numerous shippers and would provide a reasonable compromise between the carriers' requirements for additional revenues and the shippers needs that sharp increases not be imposed upon them at one time.[3]

On the basis of matters now before it, the Board is not prepared without investigation to permit rates at levels above the level defined by the currently effective increases.[4]

Accordingly, upon consideration of Tiger's filings and other relevant matters, the Board finds that the general commodity rate proposals may be unjust, unreasonable, or unjustly discriminatory, or unjustly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.[5]

The remaining rate proposals involve increases within the parameters heretofore permitted by the Board and these will be permitted to become effective without investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. The investigation ordered by Order 68–12–115 in Docket 20579 be and it hereby is dismissed;

[2b] Footnote 1, supra.

[3] Such resolutions were approved by Order E–26098.

[4] Agreements 19739 and 19991 were approved by Board Orders E–25635, Sept. 6, 1967, and E–26282, Jan. 25, 1968, respectively.

[5] In addition, information should be furnished showing the names of the officers, directors and principal stockholders owning 1 percent or more of the stock of ATARCSI and Informatics, Inc.

[6] An original and 19 copies of such comments should be filed with the Board's Docket Section.

[7] The 35-day period contemplated by ordering paragraphs 2 and 3 will run consecutively.

[1] Based on sampling of major markets.

[2] Tiger does not offer competitive weight-breaks of 5,000 pounds and over, hence Tiger's 3,000-pound rate, while consistent with Board-permitted rates at such level, will result in charges higher than permitted rates for these greater weights.

[3] Order 69–5–114, dated May 23, 1969.

[4] The Board is aware that at weight-breaks in excess of 300 pounds Tiger's rates would not generally exceed the level of rates permitted other carriers. While the order of suspension includes the entirety of Tiger's general commodity rate revisions, the Board would consider a filing by Tiger which would not involve rates at a level higher than rates currently being permitted for other carriers.

[5] Tiger's currently effective general commodity rates are pending investigation in Docket 20579, which the Board will now dismiss, as only Tiger remains in the proceeding.

2. An investigation is instituted to determine whether the rates and provisions described in Appendix A attached hereto,* and rules, regulations, and practices affecting such rates and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

3. Pending hearing and decision by the Board, the rates and provisions described in Appendix A hereto* are suspended and their use deferred to and including October 24, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

4. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariff and served upon The Flying Tiger Line, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-8615; Filed, July 22, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

INTERMODAL TRANSPORT CO., INC., ET AL.

Independent Ocean Freight Forwarder Licenses and Applicants

Notice is hereby given that the following applicants have been licensed during 1969 by the Federal Maritime Commission as Independent Ocean Freight Forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (46 U.S.C. 841 (b)).

Intermodal Transport Co., Inc., 180 El Camino Real, Millbrae, Calif. 94030, FMC License No. 1247.

W. Mercer & Co., Inc., Building 80, Room 208, J. F. Kennedy Airport, Jamaica, N.Y. 11430, FMC License No. 1249.

Robert De Morro, d/b/a Travelers Overseas Freight Forwarders, 179 Farren Avenue, New Haven, Conn. 06513, FMC License No. 1251.

Jose Astengo, Jr., 1300 South Beacon Street, Room 116, Post Office Box 1888, San Pedro, Calif., FMC License No 1253.

Ted L. Rausch, 260 Spear Street, San Francisco, Calif., FMC License No. 1248.

Adolfo Ferrer Luchessi, Marina Street, Muelle No. 6, Box 2092, Old San Juan Station, San Juan, P.R. 00903, FMC License No. 1250.

Stanley J. Hope, 702 Stevenson Lane, Baltimore, Md. 21204, FMC License No. 1252.

* Appendix filed as part of the original document.

Dated: July 17, 1969.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-8599; Filed, July 22, 1969; 8:48 a.m.]

RUMANIA/UNITED STATES ATLANTIC RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. Howard A. Levy, Kurrus and Jacobi, 2000 K Street NW., Washington, D.C. 20006.

Agreement No. 9577-2, between American Export Isbrandtsen Lines, Inc. and Hellenic Lines Ltd., amends clauses 1, 2, and 6(f) of the basic agreement to delete those provisions necessitating compliance with the reporting requirements of the Commission's General Orders 7 and 18. These orders were amended June 4, 1969, to except two-party rate-fixing agreements from the application thereof.

Dated: July 17, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-8600; Filed, July 22, 1969; 8:48 a.m.]

SALONIKA/U.S. RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. Howard A. Levy, Kurrus and Jacobi, 2000 K Street NW., Washington, D.C. 20006.

Agreement No. 9461-4, between American Export Isbrandtsen Lines, Inc., and Hellenic Lines Ltd., amends clauses 1, 2, and 7(f) of the basic agreement to delete those provisions necessitating compliance with the reporting requirements of the Commission's General Orders 7 and 18. These orders were amended June 4, 1969, to except two-party rate-fixing agreements from the application thereof.

Dated: July 17, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-8601; Filed, July 22, 1969; 8:48 a.m.]

SEA-LAND SERVICE, INC., AND GULF-PUERTO RICO LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Corbin and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9771-1 between Sea-Land Service, Inc., and Gulf-Puerto Rico Lines, Inc., modifies the basic transhipment agreement by expanding its geographic scope to include Hong Kong and Taiwan.

Dated: July 17, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-8602; Filed, July 22, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3912 etc.]

ASHLAND OIL & REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

JULY 15, 1969.

Ashland Oil & Refining Co. and other applicants listed herein, Docket No. G-3912 etc.; Ashland Oil & Refining Co., Docket No. G-10546.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued July 2, 1969, and published in the FEDERAL REGISTER July 11, 1969 (34 F.R. 11504), on page 3, Column 4, Docket No. G-10546: Change "Footnote 2" to read "Footnote 1".

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-8562; Filed, July 22, 1969; 8:45 a.m.]

[Docket No. CP70-4]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

JULY 15, 1969.

Take notice that on July 10, 1969, Montana-Dakota Utilities Co. (Applicant) 400 North Fourth Street, Bismarck, N. Dak. 58501, filed in Docket No. CP70-4 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes the construction and operation of the following facilities:

(1) Construct approximately 263½ miles of 2⅜-inch to 16-inch pipeline to serve approximately 16 North Dakota communities.

(2) Construct an automated compressor station at Bismarck, N. Dak., and install two 1,100 horsepower Centrifugal Compressor Units.

(3) Install two additional 1,100 horsepower Centrifugal Compressor Units at the Cabin Creek Compressor Station, Fallon County, Mont. (To be installed in 1971.)

(4) Construct city gate stations in 12 North Dakota communities to serve the proposed new market area.

(5) Construct a transfer station through which natural gas will be delivered from the Minot-Bismarck transmission line into the Bismarck-Valley City transmission line.

(6) Remove and retire approximately 25 miles of 12¾-inch O.D. pipeline and four valve settings beginning at a point near Golva, N. Dak., to a point in Billings County, N. Dak.

Applicant states that the proposed construction is necessary to provide natural gas service to an area not now being served with natural gas and to serve the continued growth of system peak day requirements.

Total estimated cost of the proposed facilities is $9,677,000, to be financed through the sale of first mortgage bonds in 1970. Estimated net charge to retirement reserve for the removal and retirement of approximately 25 miles of 12¾-inch main is $351,114.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 11, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-8566; Filed, July 22, 1969; 8:45 a.m.]

[Docket No. CP68-193 (Phase II) etc.]

NORTHERN NATURAL GAS CO.

Notice Regarding Withdrawal of Certificate Application

JULY 15, 1969.

On June 13, 1969, Northern Natural Gas Co. pursuant to § 1.11(d) of the rules of practice and procedure filed a notice of withdrawal of its application in Docket No. CP69-267 in the consolidated proceedings in Docket No. CP68-193 (Phase II) et al., which requests authority to sell and deliver additional contract demand volumes to Northern Illinois Gas Co.

Notice is hereby given that the filing of the subject notice of withdrawal shall not be deemed to have effected the withdrawal of the certificate application simply because the Commission has not acted within 30 days after the filing of the subject notice.

By direction of the Commission.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-8565; Filed, July 22, 1969; 8:45 a.m.]

[Docket No. CP68-193, etc.]

NORTHERN NATURAL GAS CO. ET AL.

Notice of Postponement of Prehearing Conference

JULY 15, 1969.

Notice is hereby given that the prehearing conference set for July 18, 1969, in the above-designated matter is postponed to August 5, 1969.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-8564; Filed, July 22, 1969; 8:45 a.m.]

[Project No. 679]

SOUTHERN CALIFORNIA EDISON CO.

Order Accepting Surrender of License (Transmission Line) and Vacating Power Withdrawals

JULY 15, 1969.

On March 14, 1969, Southern California Edison Co., licensee for transmission line Project No. 679, filed an application for surrender of its license for the project located on lands of the United States within the San Bernardino National Forest in the county of San Bernardino, Calif.

The line is a 10 kv distribution line approximately 3,467 feet long which receives its power from a 33 kv circuit extending from Highland substation via Burnt Mill substation to the Houston substation.

The licensee states that it applied for the surrender at the request of the Forest Service in order to permit the Forest Service, in turn, to request that the

Commission vacate the power withdrawals under the Federal Power Act made pursuant to the licensee's application for license for the line and application for amendment of the license. By letter dated June 5, 1969, the Forest Service made such a request and advised that it has been working with the licensee and is presently negotiating with the city of San Bernardino on a mutually favorable land exchange which is related to the transmission line project. The Service has advised also that it has issued (Feb. 3, 1969) a special use permit to the licensee for the continued occupancy of forest lands by the line, and that its request for vacation of the section 24 power withdrawals was made to facilitate the land exchange contingent upon Commission acceptance of surrender of the license.

Annual charges under the license for the project ($1) have been paid through December 31, 1968. Public notice under section 6 of the Federal Power Act has been waived in the license. The license instruments have been returned to the Commission.

Portions (totaling about 1.15 acres) of the SE¼NW¼ sec. 19, T. 1 N., R. 3 W., San Bernardino Meridian, California, are withdrawn pursuant to the filing on January 5, 1926 of an application for license for the line, and on July 23, 1926 of an application for amendment of the license. Notices of the land withdrawals for the line were given to the General Land Office (now Bureau of Land Management) by Commission letters dated January 15, 1926 and August 30, 1926.

The Commission finds:

(1) The subject line is not part of a project as defined in section 3(11) of the Federal Power Act.

(2) Acceptance of surrender of the license for the line as hereinafter provided is appropriate for the purposes of the Federal Power Act.

(3) The withdrawals of the lands occupied by the line pursuant to the applications for Project No. 679 serve no useful purpose and should be vacated.

The Commission orders:

(A) The acceptance of surrender of the license for Project No. 679 is hereby accepted, effective as of February 2, 1969, and the annual charge under the license for the period January 1, 1969 through February 1, 1969 is hereby waived.

(B) The withdrawals under section 24 of the Federal Power Act pursuant to the filing of application for license for Project No. 679 and application for amendment of that license are hereby vacated.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-8424; Filed, July 22, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA BANK OF THE SOUTHWEST

Order Approving Merger of Banks

In the matter of the application of First Virginia Bank of the Southwest for approval of merger with Bank of New River Valley.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by First Virginia Bank of the Southwest, Christiansburg, Va., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Bank of New River Valley, Radford, Va., under the charter and name of the former. As an incident to the merger, the four offices of Bank of New River Valley would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

Dated at Washington, D.C., this 11th day of July 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-8567; Filed, July 22, 1969; 8:45 a.m.]

ROACHDALE BANK AND TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Roachdale Bank and Trust Co. for approval of merger with The State Bank of Russellville.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Roachdale Bank and Trust Co., Roachdale, Ind., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with The State Bank of Russellville, Russellville, Ind., under the charter of the former and under the name, Tri-County Bank & Trust Co. As an incident to the merger, the office of The State Bank of Russellville would become branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

Dated at Washington, D.C., this 11th day of July 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-8568; Filed, July 22, 1969; 8:45 a.m.]

HAMILTON NATIONAL ASSOCIATES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Hamilton National Associates, Inc., which is a bank holding company located in Chattanooga, Tenn., for the prior approval of the Board of the acquisition by Applicant of 50.9 percent of the voting shares of Marion Trust and Banking Co., Jasper, Tenn.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 15th day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-8618; Filed, July 22, 1969; 8:50 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Chairman Martin and Governors Robertson, Daane, Maisel, and Sherrill. Absent and not voting: Governors Mitchell and Brimmer.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Vice Chairman Robertson and Governors Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Martin and Governor Mitchell.

GENERAL SERVICES ADMINISTRATION

STANDING INTERAGENCY COMMITTEES CHAIRED BY GSA

Bureau of the Budget Circular No. A-63 of March 2, 1964, requires that notice of the establishment or extension of standing interagency committees be published in the FEDERAL REGISTER "in order to facilitate convenient and permanent reference by Federal agencies, unless this would be inconsistent with law or regulations, or where such publication would not be in the national interest." In compliance with this requirement, the following information is provided relating to standing interagency committees chaired by the General Services Administration.

A. Continuing interagency committees established by legislation, Executive order, or at the direction of the President:

Administrative Committee of the Federal Register.
Federal Fire Council.
National Archives Trust Fund Board.
National Historical Publications Commission.

B. Standing committees established during fiscal year 1969:

Interagency Committee on Silver Dollar Disposal.
Joint Federal, State, and Local Government Advisory Panel on Procurement and Supply.

C. Standing committees and subcommittees extended beyond June 30, 1969:

Interagency Advisory Committee on Disposal of Natural Rubber.
Interagency Advisory Committee on Security Equipment.
Interagency Advisory Committee on Standardization Planning.
Interagency Committee for Improvement in Procurement and Management of Property.
Interagency Committee for Review of Federal Supply Schedules.
Interagency Coordinating Committee on Medical Stockpile Shelf-Life Items.
Interagency Procurement Policy Committee.
Interagency- Transportation and Traffic Management Committee.
Southwest Employment Area Transportation Committee.
Southwest Employment Area Transportation Working Committee.
Southwest Employment Area Transportation Working Subcommittee.

Dated: July 15, 1969:

ROBERT L. KUNZIG, *Administrator of General Services.*

[F.R. Doc. 69-8619; Filed, July 22, 1969; 8:50 a.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

[Public Law 90-146; 81 Stat. 466]

ORGANIZATION AND AVAILABILITY OF INFORMATION

The following amended regulations are published pursuant to section 552 of title 5, United States Code, as amended:

Sec.
1 Purpose.
2 Definitions.
3 Authority, functions, and organization.
4 Public information.
5 Requests.
6 Exceptions to release.
7 Effective date.

SECTION 1. *Purpose.* These regulations of the National Commission on Product Safety, implementing 5 U.S.C. 552, are furnished for the guidance of the public. The regulations provide information concerning the authority, functions, and organization of the Commission, and the procedures by which documentary material and information may be obtained from the Commission. Official records of the Commission are available to members of the public on written request, as described herein.

SEC. 2. *Definitions.* To the extent that terms used in this part are defined in 5 U.S.C. 551, they shall have the same definition herein. As used in this part, "Commission" means National Commission on Product Safety.

SEC. 3. *Authority, functions, and organization*—(a) *Authority.* The National Commission on Product Safety was established by Public Law 90-146 (81 Stat. 466) effective November 20, 1967. The Commission is authorized to conduct hearings anywhere in the United States; to require by special or general orders the submittal of written reports and answers to Commission inquiries; to administer oaths; to require by subpoena attendance and testimony of witnesses and the production of documentary evidence; to invoke the aid of any district court of the United States to insure compliance with such subpoena or order; to order that testimony be taken by deposition before a duly selected designee of the Commission with power to administer oaths; to pay witness fees; to request from any other department, agency, or independent instrumentality of the Government such information as is deemed necessary to carry out the functions of the Commission; to enter into contracts for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties; to publish or withhold from publication information obtained by it; to delegate any of its functions to individual members of the Commission or to designated individuals on its staff; and to make such rules and regulations as are necessary for the conduct of its business.

(b) *Functions.* (1) Pursuant to statute, the Commission is to conduct a comprehensive study and investigation of the scope and adequacy of measures currently employed to protect consumers against unreasonable risk of injuries which may be caused by hazardous household products. Such study and investigation shall include consideration of the following:

(i) The identity of categories of household products which may present an unreasonable hazard to the health and safety of the consuming public.

(ii) The extent to which self-regulation by industry affords such protection;

(iii) The protection against such hazardous products afforded at common law in the States, including the relationship of product warranty to such protection; and

(iv) A review of Federal, State, and local laws relating to the protection of consumers against categories of such hazardous products, including scope of coverage, effectiveness of sanctions, adequacy of investigatory powers, uniformity of application, and quality of enforcement.

The Commission is to submit to the President and to the Congress such interim reports as it deems advisable and shall submit its final report to the President and to the Congress.

(2) The foregoing enumeration of powers and functions is for the information of the public and should not be construed to limit any additional powers or functions inherent in the existence of agencies of the U.S. Government, nor to limit other authority reserved to the Commission by Public Law 90-146.

(c) *Organization.* (1) The Commission consists of seven Commissioners appointed by the President, one of whom is designated Chairman by the President.

(2) The principal staff consists of Executive Director, General Counsel, Operations Chief, and Director of Public Affairs.

(3) The location of the Commission is at 1016 16th Street NW., Washington, D.C. 20036. The public may obtain information or make submittals or requests by writing to the Executive Director, or appearing, at that address.

(4) The Commission has no field offices.

SEC. 4. *Public information.* All information in the possession of the Commission (except information which is exempt from disclosure pursuant to section 6 hereof) is public and may be obtained upon written request to the Executive Director, 1016 16th Street NW., Washington, D.C. 20036, or by appearing personally at the office of the Commission between the hours of 1:30 and 4:30 p.m., Monday through Friday. Such information includes but is not limited to:

(a) Copies of Public Law 90–146 (81 Stat. 466), establishing the Commission;

(b) The Commission's regulations and a description of its organization as published in the FEDERAL REGISTER;

(c) Transcripts of testimony taken in public hearings, and other documentary evidence introduced at such public hearings;

(d) Written communications from members of the public claiming that a household product is hazardous, unless such communications request confidentiality;

(e) Official statements of policy and interpretations adopted by the Commission and not published in the FEDERAL REGISTER;

(f) Administrative staff manuals and staff instructions that affect a member of the public;

(g) Official minutes of Commission meetings; and

(h) Such additional information concerning the activities of the Commission as is released from time to time through the Commission's Office of Public Affairs.

SEC. 5. *Requests.* (a) Application by a member of the public for public information shall be for an identifiable record and in writing and shall indicate whether copies are desired.

(b) Requests should be made to the Commission's Executive Director. If for any reason, the request is denied, appeal may be had to the Commission. Appeals must be in writing and addressed to the Chairman, National Commission on Product Safety, 1016 16th Street NW., Washington, D.C. 20036. Where the request is for information or materials of which copies are not available and photostating or reproduction by other means is required, such service will be provided only upon payment of the costs involved.

(c) In the event that information is desired for inspection, copying, or use by an agency of the Federal or a State Government, a request therefor shall be made by the administrative head of the agency. Such request shall be in writing, and shall describe the information or material desired, if the production of documents or records or the making of copies thereof is requested.

(d) Any officer or employee who is served with a subpoena requiring the production or disclosure of any documents or records which are not public and are excepted from release by section 6 below, shall promptly advise the Commission of the service of such subpoena, the nature of the documents or information sought, and all relevant facts and circumstances. The Commission will thereupon enter such order or give such instructions as it shall deem advisable, consistent with statutory restrictions, its rules, and the public interest.

If an officer or employee so served has not received instructions from the Commission prior to the return date of the subpoena, he shall appear in court and respectfully decline to produce the documents or records or to disclose the information called for, basing his refusal upon these regulations.

SEC. 6. *Exceptions to release.* (a) The records of the Commission which are exempt from availability for public inspection and copying pursuant to 5 U.S.C. 522(b) are:

(1) Records related solely to internal personnel rules and practices of the Commission;

(2) Trade secrets, names of customers and commercial or financial information obtained from any person which is customarily privileged or which is expressly received by the Commission in confidence;

(3) Interagency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the Commission;

(4) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(5) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party; and testimony, exhibits, and other material obtained in executive sessions of the Commission;

(6) Such other files and records of the Commission exempted from disclosure by statute or by Executive order.

(b) (1) Notwithstanding the foregoing, the Commission, in its discretion and consistent with Public Law 90–146 may determine, upon request for information, that such information be withheld and the request denied whenever there are reasonable grounds to believe that disclosure would give an unfair competitive advantage to any person, or unfairly affect the economic interests of any person, or would otherwise be contrary to the provisions of Public Law 90–146.

(2) For the purposes of this section, "unfair competitive advantage" means economic advantage which is caused by different treatment of one or more of a group of competitors, unless such treatment is (a) warranted by differences in safety characteristics of products, or (b) necessary to protect the public from potential risk of injury from a product.

SEC. 7. *Effective date.* These amended regulations shall be effective July 30, 1969.

Dated: July 20, 1969.

ARNOLD B. ELKIND,
Chairman.

[F.R. Doc. 69–8534; Filed, July 22, 1969; 8:45 a.m.]

WATER RESOURCES COUNCIL

POLICIES AND PROCEDURES IN PLAN FORMULATION AND EVALUATION OF WATER AND RELATED LAND RESOURCES PROJECTS

Notice of Change in Discount Rate

Notice is hereby given that the interest rate to be used by Federal agencies in the formulation and evaluation of plans for water and related land resources is 4⅞ percent for the period July 1, 1969, through and including June 30, 1970.

The rate has been computed in accordance with § 704.39 of the rules and regulations of the Water Resources Council, 18 CFR 704.39, and is to be used by all Federal agencies in plan formulation and evaluation of water and related land resources projects for the purpose of discounting future benefits and computing costs, or otherwise converting benefits and costs to a common time basis.

The interest rate shall apply to all Federal and federally assisted water and related land resources project evaluation reports submitted to the Congress, or approved administratively, after the close of the 90th Congress, subject however to the provisions of 18 CFR 704.39 (d) regarding projects authorized prior to the close of the second session of the 90th Congress where State or local governmental agencies have given, prior to December 31, 1969, satisfactory assurances to pay the required non-Federal share of project costs.

The Treasury Department informed the Water Resources Council pursuant to 18 CFR 704.39(b) that the interest rate would be 5½ percent based upon the formula set forth in 18 CFR 709.39(a): "* * * the average yield during the preceding fiscal year on interest-bearing marketable securities of the United States, which, at the time the computation is made, have terms of 15 years or more remaining to maturity * * *." This higher rate, however, cannot be used for plan formulation and evaluation for fiscal year 1970 because a further provision of the Council's rules and regulations provides "* * * [t]hat in no event shall the rate be raised or lowered more than one-quarter of 1 percent for any year." 18 CFR 704.39(a). Since the rate in fiscal year 1969 was 4⅝ percent, 18 CFR 704.39(e), the rate for fiscal year 1970 is 4⅞ percent.

Dated: July 14, 1969.

HENRY P. CAULFIELD, Jr.,
Executive Director.

[F.R. Doc. 69–8607; Filed, July 22, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF SOUTH CAROLINA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of South Carolina for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of South Carolina and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. The appendix referenced in the résumé is included in the complete text of the program. A copy of the program, including proposed South Carolina regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 25th day of June 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF SOUTH CAROLINA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of South Carolina is authorized under section 1–400.15 of the 1962 Code of Laws of South Carolina and cumulative supplement thereto to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of South Carolina certified on June 4, 1969, that the State of South Carolina (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ---------- that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use it best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulations of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 15, 1969, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at ----------, in triplicate, this ---------- day of ----------.

For the United States Atomic Energy Commission.

Done at Columbia, S.C., in triplicate, this ---------- day of ----------.

For the State of South Carolina.

Governor.

FOREWORD

South Carolina is dedicated to the purpose of protecting and improving the lot of its citizens. This dedication is realized, in part, by its full participation in the age of atoms, in due recognition of the many benefits to be derived from the peaceful uses of nuclear energy and its byproducts.

To discharge its responsibility to the citizens of this State to protect them from possible harmful effects of ionizing radiation, the 1967 General Assembly enacted the Atomic Energy and Radiation Control Act, which at one time recognizes the partnership that must exist between the fostering of nuclear enterprise and the protection against potential radiation hazards.

This Act authorizes the Governor to enter into an agreement with the Federal Government whereby certain regulatory functions now exercised by the Federal Government in the licensing and control of byproduct material, source material and special nuclear material in quantities not sufficient to create a critical mass will be transferred to the State.

The Act also designates the South Carolina State Board of Health as the agency which shall be responsible for the control of radiation sources. A complete regulatory program consistent with that conducted by the U.S. Atomic Energy Commission is authorized.

The following pages will present a description of past, present, and future activities of the State Board of Health in the field of Radiological Health, including the organization, procedures, and resources which will be brought to bear on the new responsibility assumed as a result of the aforementioned agreement.

History

As early as 1947 the South Carolina State Board of Health became aware of and concerned about the occupational exposure of workers to static eliminators. Over fifty of these devices were located, surveyed, and recommendations for shielding and access control were made. No leak-testing was performed as equipment was not available at the time.

Also at this time a program designed to reduce occupational exposure of shoe salesmen to X-rays from fluoroscopic shoe-fitting machines was instituted. This was later followed by more complete regulations covering all aspects of the use of these devices, and finally they were outlawed altogether. Ninety-six shoe-fitting machines in all were eliminated.

A voluntary X-ray program was begun in 1953, whereby services of the South Carolina State Board of Health were made available for the purpose of inspecting X-ray installations and recommending corrective actions where needed. This program received very good response, and during the period 1953–1966, 965 machines were inspected and 38 percent were found to be deficient in some respect. Eighty percent of these deficiencies were corrected as a result of recommendations and followup inspections. This included 662 dental SurPak examinations, resulting in the installation of 63 aluminum filters and 135 collimators. More recently, during the period in which more comprehensive radiation control regulations were being developed, a program of voluntary registration of X-ray machines was begun. By December 31, 1968, 1,269 X-ray machines were registered.

A radium management program was begun in 1965 when it was discovered that the radium storage facility in a large hospital was contaminated by a leaking source, which the hospital no longer possessed. The services of the South Carolina State Board of Health were offered in this area of concern, and this voluntary service resulted in the registration of 331 radium sources in 23 facilities totaling 2,352 milligrams. Of these sources, 254 have been leak-tested and 29 leaking sources have been detected. All owners of leaking sources of radium voluntarily disposed of the leaking radium sources or had them reencapsulated. The Agency provides assistance to radium users in the proper disposal of unwanted or leaking sources. Inspections were based on recommendations in NBS Handbook 73. A written report with recommendations was left with the users after each inspection. The degree of compliance with recommendations was 90 percent. Followup visits were made when indicated.

Another activity in the area of radioactive materials has been the accompanying of AEC Inspectors on the occasion of inspection visits to South Carolina. Within the last 8 years, South Carolina personnel have accompanied Atomic Energy Commission Inspectors on 75 percent of the inspections within the State. This has served the valuable purpose of familiarizing the staff with the inspection of licenses of radioactive materials, as well as the investigation of incidents involving licensed material.

In 1956, as a result of recommendations made by the Savannah River Advisory Board, the South Carolina Water Pollution Control Authority conservatively entered into an environmental monitoring program to determine the effect, if any, of the Savannah River Plant of the Atomic Energy Commission on the aquatic environment. Initially, this program consisted of one sampling point on the Savannah River below the plant effluent, which was subjected to gross alpha and beta analysis. Continuous paddlewheel samplers were later added at three locations, and more rigorous analytical procedures were employed, including specific isotope analysis and gamma spectroscopy when indicated by gross measurements.

The location of the Carolinas-Virginia Nuclear Power Associates' small power reactor at Parr, S.C., as well as the nuclear submarine repair facility at the Charleston Naval Shipyard prompted considerable expansion and sophistication of the environmental program to include over 150 sampling points, sampling air, water, precipitation, bottom muds and silt, vegetation, and milk. These samples were subjected to gross alpha and beta analysis, specific isotope analysis and gamma scans. Approximately 1,200 analyses per year were performed. The number of sampling points, as well as items sampled and analyzed underwent change as new nuclear installations were announced. Modern, well equipped laboratory facilities were provided for this work.

During the past year the responsibility for the environmental program was transferred to the South Carolina State Board of Health, in close cooperation with the South Carolina Pollution Control Authority.

Also during the past year regulations governing radioactive materials, X-ray machines and particle accelerators were adopted, after several meetings of the Technical Advisory Radiation Control Council, which met to consider in detail proposed regulations, and after public hearings to air the recommendations before the public. The Technical Advisory Radiation Control Council is a committee authorized by the Atomic Energy and Radiation Control Act to advise the State Board of Health on policy matters, including regulations.

Present Program

The present program of the Division of Radiological Health consists of initiating the activities authorized by the Atomic Energy and Radiation Control Act, and continuing environmental monitoring, expanding the scope of this operation to take care of the burgeoning nuclear industries announced for South Carolina.

Licensing of radium is now mandatory. All X-ray machines and particle accelerators were required to be registered by March 31, 1969. The portions of the program dealing with these requirements have begun.

The radium management inspection determines compliance with regulations and terms of the license. Items checked are shielding, storage, access control, posting of signs, records, leak-testing, survey meters, personnel monitoring, and transport equipment. Again, other recommendations of a helpful nature are made.

The environmental program consists of sampling the environment in the vicinity of nuclear installations existing, under construction or announced. Preoperational surveillance activities consist of determining radioactivity levels in environmental samples as a baseline against which to compare those levels found after operations commence. Surveillance around existing facilities is conducted to determine if there is any impact on the environment as a result of release of radioactivity. If gross alpha and beta determinations show an increase, gamma and alpha spectrometry or specific isotope analysis is used to determine the source. An experimental program to determine the efficacy of using thermo-luminescent dosimetry as an environmental monitor is being conducted.

Future Plans

Future plans will include extending the regulatory program to licensing and regulating the use of those radioactive materials presently under the purview of the U.S. Atomic Energy Commission, dependent upon signing an agreement with the Atomic Energy Commission. Details of the regulatory procedures and policies to be followed are given in a later section.

An in-house formal training program in radiological health will be conducted for new staff personnel on a scheduled basis, and will utilize outside instructors where they are available.

Scope of Problem

There are an estimated 2,000 X-ray units in South Carolina, approximately 600 of these being dental units. The number of Atomic Energy Commission licenses for byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass currently in effect is 142. There are 331 known radium sources in use at 23 facilities totaling 2,352 milligrams. Numerous particle accelerators exist in this State.

Four large commercial nuclear power reactors are under construction, three of them being at one location. Also under construction is a nuclear fuels fabrication plant. Announcements have been made by two separate companies of their intentions to construct a nuclear fuels reprocessing plant. Other installations which indicate the need for environmental surveillance activities are the Savannah River Plant of the Atomic Energy Commission and the nuclear submarine repair base at Charleston, S.C.

Organization and Staff

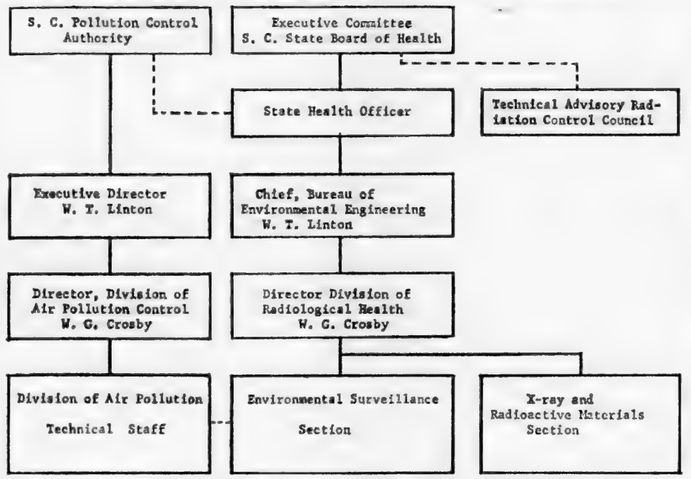
Under the provisions of the Atomic Energy and Radiation Control Act, the South Carolina State Board of Health is designated as the agency to exercise regulatory functions in radiological health. The organization of the State Board of Health is shown in Appendix, Chart 1. A Technical Advisory Radiation Control Council, appointed by the Governor, is also established. The purpose of this Council is to advise the State Board of Health on matters pertaining to ionizing radiation including standards, rules and regulations to be adopted, modified, promulgated or repealed by the Agency. Present membership of the Council is given in Table 1 of the appendix.

To assist the State Board of Health and staff in judging applications for nonroutine medical use of radioactive materials a Medical Advisory Committee has been appointed, the membership of which is shown in Table 2 of the appendix.

The functional radiological health program is operated by the Division of Radiological Health which, in turn, is a division of the Bureau of Environmental Engineering. The director of this division is also the director of the Division of Air Pollution Control, and spends his time equally divided between the

two divisions. In addition to State Board of Health staff members, experienced technicians are assigned to the Division of Radiological Health from the Bureau of Pollution Control to do work in environmental surveillance.

The line of authority and responsibility is shown on the accompanying diagram. The dotted line shown between the State Health Officer and the Pollution Control Authority indicates that he is, ex officio, Chairman of the Pollution Control Authority. There is also the statutory requirement that two additional members of the Authority be appointed from the Executive Committee of the State Board of Health. The dotted line between the Technical Staff of the Division of Air Pollution Control and the Environmental Surveillance Section of the Division of Radiological Health is intended to show the assignment of personnel and technical services by the Pollution Control Authority to the Division of Radiological Health.



Regulatory Procedures and Policy

Licensing and registration. The South Carolina State Board of Health has been designated the State Agency with the responsibility to develop an all-encompassing radiological health program in accordance with sections 1–400.11 through 1–400.16 of the 1962 Code of Laws of South Carolina and supplement thereto, the Atomic Energy and Radiation Control Act of South Carolina. The Division of Radiological Health has the responsibility for the operational phases of this program.

This program will regulate the safe use of all sources of ionizing radiation in the State including radium and accelerator produced nuclides, X-ray producing machines and particle accelerators. Certain small quantities of radionuclides as well as electronic devices which produce X-rays incidental to their operations in intensities insufficient to constitute a health hazard will be exempt. Licensing of all radionuclides including radium, and registration of X-ray machines and particle accelerators are features of this program. All regulations governing these sources are substantially in accord with the suggested State regulations as published by the Council of State Governments in cooperation with the Atomic Energy Commission and the U.S. Public Health Service. Every effort will be made to conduct the program in a fashion that is compatible with those operated by other agreement States and the Atomic Energy Commission.

The licensing program will be patterned after the one established by the Atomic Energy Commission and will use applicable criteria contained in regulations as published by the Atomic Energy Commission. The director and key staff members will evaluate each radioactive material license application, including prelicensing visits if this is indicated. When applications are received for unusual uses, additional advice will be sought. When applications for nonroutine medical uses are received the Medical Advisory Committee will be consulted. When applications for specific licenses are approved, licenses will be signed by the State Health Officer for the South Carolina State Board of Health.

Inspection. Inspection to determine radiation safety and compliance with pertinent regulations and provisions of license or registration will be conducted as needed by division staff members. These members consist of the Director, the Radiological Health Specialist, Radiological Health Inspector and the Laboratory Technician III, who are or will be qualified by training and experience to conduct the inspections. Inspections will be either by prearrangement or unannounced during reasonable hours.

Licenses will be inspected on a priority basis determined by type of use, quantity of radioactive material, physical and chemical form, training, and experience of user, frequency of use and other factors in keeping with the experience gained by others including the Atomic Energy Commission and other agreement States. The initially planned frequencies are categorized as follows:

Classification of use	*Usual inspection frequency*
Industrial radiography:	
Fixed installations	Once each 12 months.
Mobile operations	Once each 6 months.
Operations involving waste disposal.	Once each 6 months.
Broad licenses—industrial, medical, or academic.	Once each 6–12 months.
Other specific licenses — industrial, medical, or academic.	Once each 12–24 months.

These frequencies are subject to alteration and are presented as a depiction of the general policy at this time. Individual licenses will be judged on the particular circumstances associated with the terms of the license.

Inspections will include the observation of pertinent facilities and equipment; a review of use procedures and radiation safety practices; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials; and instrument surveys to assess radiation levels incident to the operation—all as appropriate to the scope and conditions of the license and applicable regulations.

At the start and conclusion of an inspection, personal contact will be at management level whenever possible. Following the inspections, results will be discussed with the license management, appropriate tentative recommendations will be made and questions answered.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup will be available from the Agency on the occasion of incidents.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by a senior staff member and submitted to the Director of the Division of Radiological Health.

All inspectors will keep abreast of changes and developments in the field of radioactive materials by attending training courses, seminars and symposia, as well as in-house training which will be required.

Compliance and enforcement. The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

Where there are items of noncompliance, the licensee shall be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed, or expected to be completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

The terms and conditions of a license, upon request by the licensee, may be amended, consistent with the Act or regulations, to meet changing conditions in operations or to remedy minor items of noncompliance. The Agency may amend, suspend or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act, or regulations or failure to take adequate action concerning items of noncompliance. Prior to such action,

the Agency shall notify the licensee of its intent to amend, suspend or revoke the license and provide the opportunity for a hearing.

Whenever the Agency finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may, in accordance with the Act, without notice of hearing, issue a regulation or order reciting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Agency, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon findings that the possessor is unable to observe or is not observing the provisions of the Act or regulations issued thereunder. After these actions the licensee still has right to a hearing.

A court order directing a person to comply, or enjoining practices in violation of the Act or regulations, may be sought by the Attorney General in the appropriate court upon request of the Agency, after notice to such persons and ample opportunity to comply has been afforded.

The Agency will use its best efforts to obtain compliance through cooperation and education. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, will the full legal procedures normally be employed.

Effective date of license transfer. Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued by the Agency which shall expire either 90 days after the receipt from the Agency of a notice of expiration of such license or on the date of expiration specified in the federal license, whichever is earlier.

Compatibility and reciprocity. In promulgating rules and regulations, the Agency has, insofar as practicable, avoided requiring dual licensing and has provided for reciprocal recognition of other state and federal licenses.

Radiological emergency capability. The Division of Radiological Health has maintained the capability for handling radiological emergencies since 1959. This capability includes training of personnel, proper monitoring instruments, and liaison with other agencies such as State Highway Patrol, Atomic Energy Commission, Savannah River Plant, and U.S. Public Health Service.

As a result of our Radium Management Program, additional capability was formulated in 1965 to handle other radiological emergencies such as lost or damaged radium sources, overexposures, contamination, or transportation incidents. Additional personnel were trained, better instruments purchased and maintained, "emergency kits" put together for immediate use, and a system for telephone communications instituted. Emergency plans of other groups and agencies involving radiological incidents were reviewed by our Division.

Future plans for emergency procedures involve first of all a thorough review of our existing plan in light of the new role as an agreement state. A more formal plan will be instituted delineating the responsibility of each group or agency. Radiological Emergency Assistance Teams will be organized and trained in areas of major radiological activity. The Division of Radiological Health, which will be responsible for the program, will coordinate the new plan so that when and if an emergency does occur a systematic procedure will be followed.

[F.R. Doc. 69-7644; Filed, June 30, 1969; 8:45 a.m.]

JOHN B. STORER

Certification

Pursuant to the proviso contained in section 207 of title 18 United States Code (Public Law 87-849, 76 Stat. 1124), having found that Dr. John B. Storer, formerly Deputy Director of the Division of Biology and Medicine, Atomic Energy Commission, and presently an employee of the Union Carbide Corp. at the Oak Ridge National Laboratory (a Government-owned laboratory operated for the Atomic Energy Commission by the Union Carbide Corp.), possesses outstanding scientific qualifications, I certify that the national interest would be served by the said Dr. Storer acting as agent for or appearing personally before the Atomic Energy Commission on behalf of the Union Carbide Corp. in connection with the operation of the Oak Ridge National Laboratory by the Corporation under its contract with the Commission, on matters relating to biomedical programs of the Oak Ridge National Laboratory in which he participated personally and substantially as an employee of the Atomic Energy Commission or which were under his official responsibility as an Atomic Energy Commission employee.

This certification is directed to be published in the FEDERAL REGISTER.

Dated: July 15, 1969.

E. J. BLOCH,
Acting General Manager.

[F.R. Doc. 69-8594; Filed, July 22, 1969; 8:48 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

TENNESSEE

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g); notice is hereby given that on July 11, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Tennessee adversely affected by severe storms and flooding beginning on or about June 23, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Tennessee.

I do hereby determine the following areas in the State of Tennessee to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 11, 1969:

The Counties of:

Clay.	Macon.
Cumberland.	Overton.
Jackson.	Sumner.

Dated: July 15, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-8575; Filed, July 22, 1969; 8:46 a.m.]

WISCONSIN

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g); notice is hereby given that on July 11, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Wisconsin adversely affected by severe storms and flooding beginning on or about June 29, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Wisconsin.

I do hereby determine the following areas in the State of Wisconsin to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 11, 1969:

The Counties of:

Grant.	Milwaukee.
Green.	Racine.
Lafayette.	Waukesha.

Dated: July 15, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-8576; Filed, July 22, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2472]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Filing of Application for Order Exempting Proposed Transaction Between Affiliated Persons

JULY 16, 1969.

Notice is hereby given that E. I. du Pont de Nemours and Co. ("applicant"), Wilmington, Del. 19898, a Delaware corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from section 17(a) of the Act a proposed transaction described below whereby applicant would assign to one of its employees, Frederic A. Lang ("Lang"), certain patent rights. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Christiana Securities Co. ("Christiana"), a registered closed-end investment company, owns approximately 29 percent of the outstanding common stock of applicant. Under sections 2(a)(3) and 2(a)(9) of the Act, applicant is an affiliate of, and is presumed to be controlled by, Christiana and Lang is an affiliated person of applicant.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from purchasing from such registered company or from any company controlled by such registered company any security or other property, unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Applicant proposes to assign to Lang certain United States and foreign patent applications and an issued foreign patent relating to the design and use of tendons and anchoring systems for post-tensioning concrete. The patent applications and patent, together with any patents issuing from the patent applications or from continuations or divisions thereof, will be referred to herein as the "subject patent rights". Lang, while an employee of the applicant, invented the tendons and anchoring systems covered by the subject patent rights and, in accordance with his employment contract, his rights to the invention became the property of applicant. There have been no sales of products related to the subject patent rights and applicant does not intend to produce and market these products. Lang has requested applicant to assign the subject patent rights to him and, in order to devote his full time to the exploitation of the subject patent rights, indicated a desire to retire as he is presently eligible to do.

Under the terms of the proposed assignment agreement, applicant would assign the subject patent rights to Lang and would also grant him the nonexclusive right to use certain related technical and marketing information. Lang would pay $1,000 for the right to use such information, which amount is not to be refundable, and $1,000 as an advance against royalties that may be due applicant during the period ending January 1, 1972. Royalties would accrue to applicant beginning with the first calendar quarter after the total cumulative sales volume of the products involved exceeded $2,000,000 and would amount to 1 percent of the net selling price. In the event that payments to applicant have not reached a total of $15,000 by January 1, 1972, applicant can request and obtain reassignment of all the subject patent rights. Lang would also be given an option to a nonexclusive license under another patent application owned by applicant to make, use and sell plastic-covered lubricated wire for post-tensioning concrete. Lang would agree not to assert any patent, from the subject patent rights, against applicant or any designee of applicant to prevent the manufacture, use or sale of plastic-covered lubricated wire that is not intended for post-tensioning concrete.

Applicant states that there is no established market for the products to which the subject patent rights relate nor any clear indication of the ultimate market acceptance of such products and that Lang will have to incur considerable expenses and risk in order to develop a profitable business. Applicant further states that it is not aware of any other party to whom the subject patent rights could be assigned on terms more favorable to it than those presently proposed.

Notice is further given that any interested person may, no later than July 29, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8623; Filed, July 22, 1969; 8:50 a.m.]

[812-2321]

TAX EXEMPT INCOME FUND, SERIES 5

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

JULY 16, 1969.

Notice is hereby given that Goodbody & Co., the sponsor and depositor of Tax Exempt Income Fund, Series 5 ("Applicant"), 55 Broad Street, New York, N.Y., a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application on behalf of Applicant for an order pursuant to section 8(f) of the Act declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

A notification of registration on Form N-8A and a registration statement on Form N-8B-2 relating to Applicant were filed with the Commission on May 17, 1968. Formation of Applicant was subsequently discontinued by the sponsor and no securities were sold.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 4, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the

hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8624; Filed, July 22, 1969; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 870]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 17, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 250 TA) (Correction), filed June 12, 1969, published FEDERAL REGISTER, issue of June 25, 1969, and republished as corrected this issue. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). NOTE: The purpose of this republication is to show the correct docket number assigned thereto, MC 531 (Sub No. 251 TA), in lieu of MC 531 Sub 1 TA as previously published in error.

No. MC 27754 (Sub-No. 14 TA), filed July 11, 1969. Applicant: FRANK J. KUBLY TRANSFER, INC., 1202 18th Street, Monroe, Wis. 53566. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese whey*, from Forreston, Ill., to Peru, Ind., and Cumberland and Green Bay, Wis., for 180 days. Supporting shipper: Walter Howld, doing business as Forreston Cheese Co., Forreston, Ill. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 60066 (Sub-No. 6 TA), filed July 9, 1969. Applicant: BEE LINE MOTOR FREIGHT, 1804 Paul Street, Omaha, Nebr. 68102. Applicant's representative: Inar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between North Platte, Nebr., and McCook, Nebr., over U.S. Highway 83, serving the intermediate points of Wellfleet, Maywood, and the off-route point of Curtis, Nebr., for 150 days. NOTE: Applicant intends to interline with all carriers at North Platte, Nebr. Supporting shipper: There are seven supporting letters from interline motor carriers and shippers. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, 15th and Dodge Streets, Omaha, Nebr. 68102.

No. MC 95540 (Sub-No. 757 TA), filed July 10, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth* (synthetic fiber), other than with pile or loop surfaces, coated with plastic, other than cellular expanded or foamed or resin, from Costa Mesa, Calif., to Orlando, Fla.; Marietta, Ga.; Charleston, S.C.; Nashville, Tenn.; Middletown, Ohio; and Hagerstown, Md., for 180 days. Supporting shipper: Whittaker Corp., Narmco Materials Division, 600 Victoria Street, Costa Mesa, Calif. 92627. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 114890 (Sub-No. 43 TA), filed July 14, 1969. Applicant: C. E. REYNOLDS TRANSPORT, INC., 2209 Range Line, Joplin, Mo. 64801. Applicant's representative: J. David Harden, Jr., 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solution*, in bulk, in tank vehicles, from the plantsite of Cherokee Nitrogen Co. at or near Pryor, Okla., to points in Iowa, Missouri, and Nebraska, for 150 days. Supporting shipper: Cherokee Nitrogen Co., Post Office Box 429, Pryor, Okla. 74361. Send protests to: District Supervisor John V. Barry, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128866 (Sub-No. 9 TA), filed July 8, 1969. Applicant: B & B TRUCKING, INC., Post Office Box 128, 9 Brade Lane, Cherry Hill, N.J. 08034. Applicant's representative: Daniel L. O'Connor, Federal Bar Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum food containers*, (a) from the plantsite of Penny Plate, Inc., at Cherry Hill, N.J., to: The plantsite of Penny Plate, Inc., at Searcy, Ark.; the plantsite of Morton Frozen Foods, Inc., at Russellville, Ark.; the plantsite of Stouffer Foods, Inc., at Quincy, Ill.; the plantsite of Table Talk, Inc., at Worcester, Mass.; the plantsite of Pet, Inc., at Frankfort, Mich.; the plantsites of Banquet Division of F. M. Stamper, Inc., at Marshall, Carrollton, and Macon, Mo.; the plantsites of Stouffer Foods, Inc., at Cleveland and Solon, Ohio; the plantsite of Pet, Inc., at Chickasha, Okla.; the warehouse of Buff-Henley, Inc., at Philadelphia, Pa.; and the plantsites of Morton Frozen Foods, Inc., at Crozet and Waynesboro, Va., (b) from the plantsite of Penny Plate, Inc., at Searcy, Ark., to: The plantsite of Morton Frozen Foods, Inc., at Russellville, Ark.; the warehouse of Penny Plate, Inc., at Deerfield, Ill.; the plantsite of Stouffer Foods, Inc., at Quincy, Ill.; the plantsite of Table Talk, Inc., at Worcester, Mass.; the plantsite of Pet, Inc., at Frankfort, Mich.; the plantsites of Banquet Division of F. M. Stamper, Inc., at Marshall, Carrollton, and Macon, Mo.; the plantsites of Stouffer Foods, Inc., at Cleveland and Solon, Ohio; the plantsite of Pet, Inc., at Chickasha, Okla.; the warehouse of Buff-Henley, Inc., at Philadelphia, Pa.; and the plantsite of Morton Frozen Foods, Inc., at Waynesboro, Va. (2) *Aluminum foil or sheet*, from the plantsite of the Kaiser Aluminum Co. at Ravenswood, W. Va., to the plantsites of Penny Plate, Inc., at Searcy, Ark., and Cherry Hill, N.J. (3) *Scrap aluminum, defective or damaged aluminum foil or sheets, skids, pallets, and aluminum cores*, from plantsites of Penny Plate, Inc., at Searcy, Ark., and Cherry Hill, N.J., to the plantsite of Kaiser Aluminum Co. at Ravenswood, W. Va., for 150 days. Supporting shipper: Penny Plate, Inc., Post Office Box 458, Haddonfield, N.J. 08034. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 133777 (Sub-No. 1 TA), filed July 11, 1969. Applicant: METAL CARRIERS, INC., Route 1, Box 91B, Grapevine, Tex. 76051. Applicant's representative: Reagan Sayers, Post Office Box 17007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap aluminum and scrap nonferrous metals*, between points in Texas and Arkansas, for 120 days. Supporting shippers: A. Tenenbaum Co., Inc., Post Office Box 109, Little Rock, Ark. 72203; Hot Springs Aluminum, Processors, Inc., Post Office Box 1120, Hot Springs, Ark. 71901. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

By the Commission.

[SEAL] ANDREW ANTHONY, JR., *Acting Secretary.*

[F.R. Doc. 69-8605; Filed, July 22, 1969; 8:49 a.m.]

[Notice 380]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 17, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71369. By order of July 7, 1969, the Motor Carrier Board approved the transfer to K. R. Rezendes, Inc., Assonet, Mass., of the certificate in No. MC-104168, issued January 31, 1963, to Assonet Trucking Co., Inc., authorizing the transportation of sand, gravel, and other road surfacing materials between described areas of Rhode Island and Massachusetts. Russell B. Curnett, 36 Circuit Drive, Edgewood Station, R.I. 02905, representative for applicants.

No. MC-FC-71427. By order of July 7, 1969, the Motor Carrier Board approved the transfer to Charles B. Wilcox, Jr., doing business as Bus-Air Truck Line, Kansas City, Mo., of the operating rights in certificate No. MC-62882 issued February 9, 1967, to James A. Barnard, doing business as Jim Barnard Trucking Co., Spring Hill, Kans., authorizing the transportation of general commodities, with usual exceptions, from Kansas City, Mo., to Spring Hill, Kans., serving specified intermediate and off-routes; livestock, from Paola, Kans., to Kansas City, Mo.; feed, agricultural machinery, building materials, household goods, fertilizer, and oil, from Kansas City, Mo., to Spring Hill, Kans., and points within 10 miles of Spring Hill, and livestock, between Spring Hill, Kans., and points within 10 miles thereof, on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo. Marion W. Chipman, Box 146, Suite 1001-1004, Keepers Building, 135 West Park, Olathe, Kans. 66061, attorney for applicants.

No. MC-FC-71482. By order of July 9, 1969, the Motor Carrier Board approved the transfer to Ferman L. Strickland and Eileen M. Strickland, a partnership, doing business as Aurora Delivery, Anchorage, Alaska, of certificate No. MC-119402 (Sub-No. 2) issued March 8, 1965, to Robert A. Rehus, doing business as Palmer Transfer, Palmer, Alaska, authorizing the transportation of: General commodities, with certain exceptions, between Anchorage, Alaska, and Wasilla, Alaska, serving all intermediate points, and between all points within 100 miles of Anchorage, Alaska, north of an imaginary line, through Anchorage. A. Robert Hahn, Jr., 542 Second Avenue, Anchorage, Alaska 99501, attorney for applicants.

No. MC-FC-71490. By order of July 7, 1969, the Motor Carrier Board approved the transfer to Harvey Mears, Inc., 111 Pension Street, Chincoteague, Va. 23336, of certificate No. MC-126360 (Sub-No. 3) and Permit No. MC-128350, issued July 13, 1965, and August 17, 1966, to Harvey Mears, 111 Pension Street, Chincoteague, Va. 23336, authorizing the transportation of passengers and their baggage and express between Wallops Island, Va., on the one hand, and, on the other, Coquena Beach, N.C., and points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

No. MC-FC-71495. By order of July 7, 1969, the Motor Carrier Board approved the transfer to Charles F. Reynolds and H. Lee Bryant, doing business as Hoffman Transfer Co. (a partnership), Denver, Colo., of the corrected certificate of registration in No. MC-57232 (Sub-No. 1) issued October 6, 1967, to Stuart Rogell, doing business as Hoffman Transfer Co., 2921 Walnut Street, Denver, Colo. 80205, evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Colorado. Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001, attorney for transferee.

No. MC-FC-71503. By order of July 9, 1969, the Motor Carrier Board approved the transfer to Miller Bros. Co., Inc., Hyrum, Utah, of certificate No. MC-117699 (Sub-No. 1), issued August 1, 1968, to E. A. Miller & Sons Packing Co., Inc., Hyrum, Utah, authorizing the transportation of bananas from Los Angeles and San Francisco, Calif., to Salt Lake City, Utah. Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111, attorney for applicants.

[SEAL] ANDREW ANTHONY, JR., *Acting Secretary.*

[F.R. Doc. 69-8606; Filed, July 22, 1969; 8:49 a.m.]

[Notice 379]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 16, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71399. By order of July 3, 1969, the Motor Carrier Board approved the transfer to The Portanova Trucking Co., Inc., Trumbull, Conn., of the operating rights in certificate No. MC-133145 issued June 26, 1969, to Lucy Portanova, Executrix of the estate of Daniel L. Portanova, doing business as Portanova Trucking Co., Trumbull, Conn., authorizing the transportation of lumber and building materials, except cement in bulk, between points in Connecticut, restricted to the transportation of traffic having a prior movement by rail. Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103, attorney for applicants.

No. MC-FC-71413. By order of July 3, 1969, the Motor Carrier Board approved the transfer to Courtney Van Lines, Inc., 513 North Market Street, Marion, Ill. 62959, of certificate No. MC-19240, issued April 21, 1964, to Courtney's Moving & Storage Co., 513 North Market Street, Marion, Ill. 62959, authorizing the transportation of: Fruits and vegetables, from points in Williamson, Franklin, and Saline Counties, Ill., to St. Louis, Mo., Indianapolis, Ind., Nashville, Tenn., and Columbus and Cleveland, Ohio, with no transportation for compensation on return except as otherwise authorized; and household goods as defined by the Commission, between points in Williamson, Franklin, Saline, Jackson, Johnson, Alexander, Pulaski, Massac, Pope, Hardin, Gallatin, White, Hamilton, Jefferson, Perry, Union, Wabash, Wayne, and Edwards Counties, Ill., on the one hand, and, on the other, points in Missouri, Kentucky, Indiana, Iowa, Ohio, West Virginia, Pennsylvania, New Mexico, Texas, Kansas, Wisconsin, Oklahoma, Tennessee, Michigan, Nebraska, Colorado, Alabama, Arkansas, and the District of Columbia. Such authority is subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act.

No. MC-FC-71442. By order of July 3, 1969, the Motor Carrier Board approved the transfer to Lawson Equipment, Inc., Stanberry, Mo., of certificate in No. MC-54291, issued September 18, 1968, to Richard D. Ezell and Evelyn E. Ezell, a partnership, doing business as R. and L. Truck Line, Stanberry, Mo., authorizing the transportation of: General commodities, with the usual exceptions, between St. Joseph, Mo., and Stanberry, Mo., and, livestock, from Stanberry, Mo., to Kansas City, Kans., serving the intermediate and off-route points of Kansas City, Mo., and those within 10 miles of Stanberry. Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo.

65101, and, Richard R. Nacy, Jr., Central, Trust Building, Jefferson City, Mo. 65101, attorneys for applicants.

No. MC-FC-71493. By order of July 3, 1969, the Motor Carrier Board approved the transfer to Merchant Moving & Storage, Inc., Lake Bluff, Ill., of the operating rights in permit No. MC-114350 issued on September 18, 1959, to Louis M. Schultz and Marie C. Schultz, a partnership, doing business as Merchant Moving & Storage, Waukegan, Ill., authorizing the transportation of: Such commodities as are dealt in by chain retail and mail-order department stores from Waukegan, Ill., to specified portion of Wisconsin. Melvin N. Routman, 308 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

[SEAL] ANDREW ANTHONY, JR., *Acting Secretary.*

[F.R. Doc. 69-8546; Filed, July 18, 1969; 8:47 a.m.]

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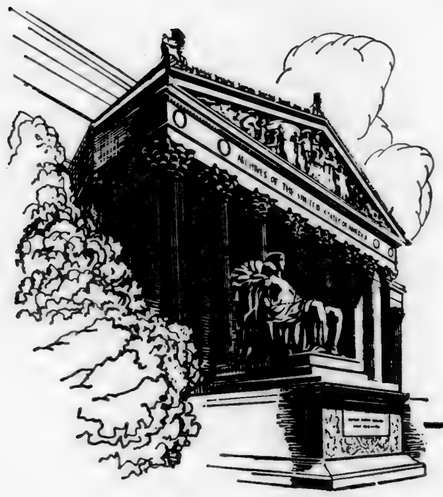
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1949–1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

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PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Assistant Administrator for Public Affairs, Urban Mass Transportation Administration, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (f) is added to § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

* * * * *

(f) *Urban Mass Transportation Administration.* (1) One Assistant Administrator for Public Affairs.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8753; Filed, July 23, 1969; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

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PART 292—REPRESENTATION AND APPEARANCES

Practice

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on May 22, 1969 (34 F.R. 8047) pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there was set out proposed rules pertaining to practice before the Service and the Board of Immigration Appeals. Several representations have been received. For clarification, the rules have been amended in one respect by deleting the word "and" and by substituting the word "or" therefor in § 1.1 (k), that word being the sixth word from the end of the sentence. The rules as set out below are adopted.

Paragraphs (f), (g), and (i) of § 1.1 are amended and paragraph (k) is added to read as follows:

§ 1.1 Definitions.

As used in this chapter:

* * * * *

(f) The term "attorney" means any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law.

(g) Unless the context otherwise requires, the term "case" means any proceeding arising under any immigration or naturalization law, Executive order, or Presidential proclamation, or preparation for or incident to such proceeding, including preliminary steps by any private person or corporation preliminary to the filing of the application or petition by which any proceeding under the jurisdiction of the Service or the Board is initiated.

* * * * *

(i) The term "practice" means the act or acts of any person appearing in any case, either in person or through the preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client before or with the Service, or any officer of the Service, or the Board.

* * * * *

(k) The term "preparation," constituting practice, means the study of the facts of a case and the applicable laws, coupled with the giving of advice, and auxiliary activities, including the incidental drawing up and completion of papers, but does not include the lawful functions of a notary public or service consisting solely of assistance in the completion of blank spaces on printed service forms by one whose remuneration, if any, is nominal and who does not hold himself out as specially qualified in law or in immigration and naturalization procedure.

PART 292—REPRESENTATION AND APPEARANCES

1. Paragraph (b) of § 292.1 is amended and paragraph (i) is added to read as follows:

§ 292.1 Representation of others.

* * * * *

(b) *Reputable individuals.* When a person is entitled to representation, he may be represented by any reputable individual of good moral character who is appearing without remuneration, directly or indirectly, and files a written declaration to that effect, if such representation is permitted by a regional commissioner, district director, officer in charge, special inquiry officer, the Commissioner, or the Board.

* * * * *

(i) *Limitations.* No other person or persons shall practice in any case.

§ 292.3 [Amended]

2. The first sentence of paragraph (a) Grounds of § 292.3 *Suspension or disbarment* is amended to read as follows: "The Board, with the approval of the Attorney General, may suspend or bar from further practice an attorney or representative if it shall find that it is in the public interest to do so."

3. The last sentence of paragraph (b) Procedure of § 292.3 *Suspension or disbarment* is amended to read as follows: "When the final order is for suspension or disbarment, the attorney or representative shall not thereafter be permitted to practice until authorized by the Board."

4. Paragraph (b) of § 292.5 is amended to read as follows:

§ 292.5 Service upon and action by attorney or representative of record.

* * * * *

(b) *Right to representation.* Whenever an examination is provided for in this chapter, the person involved shall have the right to be represented by an attorney or representative who, except as otherwise specifically provided in Part 332 of this chapter, shall be permitted to examine or cross-examine such person and witnesses, to introduce evidence, to make objections which shall be stated succinctly and entered on the record, and to submit briefs.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above prescribed rules is to curb the illegal practice of law by nonlawyers before the Service and Board of Immigration Appeals.

This order shall become effective on September 2, 1969.

Dated: July 17, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69-8661; Filed, July 23, 1969; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Permitted Dips

Pursuant to the provisions of the Act of March 3, 1905, as amended, the Act of February 2, 1903, as amended, and the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), § 72.13(b) of Part 72, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. In § 72.13(b), the word "certain" is deleted in subparagraphs (1) and (2) and the word "approved" is substituted therefor.

2. Subparagraph (3) of § 72.13(b) is amended to read as follows:

(b) *Permitted dips.* The dips at present permitted by the Department in official dipping for interstate movement are:

(3) Approved proprietary brands of coumaphos (Co-Ral®), 25 percent wettable powder labeled for use as a 0.25 percent dip and used at a concentration of 0.20 to 0.25 percent.

3. In § 72.13(c) the heading is changed, and a new sentence is added at the beginning of said paragraph, to read, respectively, as follows:

(c) *Approval of dips.* Proprietary brands of dips are permitted to be used for purposes of this part only when approved by the Director of the Animal Health Division.

(Sec. 2, 32 Stat. 792, Ch. 30, 45 Stat. 59; 21 U.S.C. 111. Interprets or applies secs. 4, 5, 7, 23 Stat. 32, as amended, sec. 1, 32 Stat. 791, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 112, 113, 117, 120, 123, 125; 29 F.R. 16210, as amended, 33 F.R. 15485, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The purpose of the foregoing amendments is to remove certain restrictions presently imposed on the use of approved proprietary brands of Co-Ral® as a dip permitted to be used in accordance with specified conditions under the regulations by: (1) Permitting the use of any approved brand without advance approval by the Director of the Animal Health Division for the specific use; and (2) permitting extended use of any approved brand for systematic dipping for eradication as well as a precautionary dip.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of July 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69–8674; Filed, July 23, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69–WE–12–AD; Amdt. 39–800]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707/720 Series Aircraft

Amendment 39–786, 69–WE–12–AD (34 F.R. 9748) requires inspection and modification at the rudder hydraulic actuator support fitting. After issuing Amendment 39–786, the Administration determined that the phrase "or later FAA-approved revision" must be added in five (5) places.

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–786, is amended by adding the phrase "or later FAA-approved revision" immediately after the phrase "Boeing ASB No. 2903," in paragraphs (a)(1) and (c), and after the phrase "Boeing ASB No. 2903 dated June 2, 1969" in paragraphs (a)(2) and (b).

This amendment becomes effective July 24, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on July 14, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69–8631; Filed, July 23, 1969; 8:45 a.m.]

[Docket No. 9721; Amdt. 47–8]

PART 47—AIRCRAFT REGISTRATION

Provision for Transfer or Reservation by Current Owner of Assigned One to Three Symbol Identification Number

The purpose of this amendment of § 47.15(g) of the Federal Aviation Regulations is to permit the transfer or reservation of an assigned one to three symbol aircraft identification number at the request of the current owner.

Section 47.15(g) now states that the owner of an aircraft need not surrender a one to three symbol identification number that was assigned to his aircraft before August 18, 1964. Under the present interpretation of § 47.15(g), its provisions are applicable only to the person to whom the aircraft was registered on August 18, 1964. A subsequent owner is not permitted to transfer the number to another aircraft he owns, or reserve the number for later assignment. Therefore, each time an aircraft owner requests the transfer or reservation of a one to three symbol identification number assigned to his aircraft, the Aircraft Registry must make a search of the records to determine if that person is the "owner" referred to in § 47.15(g).

The amendment provides that regardless of when the aircraft was registered in his name, the current aircraft owner need not surrender a one to three symbol identification number assigned to the aircraft, but may apply for reassignment of that number to another aircraft he owns or for reservation of the number for later assignment.

The amendment would not be applicable to those one to three symbol identification numbers which have been assigned in accordance with § 47.15(e). An applicant under § 47.15(e) must show that the structural configuration or design of the aircraft prevents the placing of a larger number on his aircraft. Therefore, an aircraft owner would have no future need for the number unless he would subsequently acquire an aircraft that would meet the structural configuration or design requirements of § 47.15(e). In such case, § 47.15(e) would again be available to him.

The present supply of one to three symbol identification numbers consists of approximately 640 numbers. The numbers which have been presently assigned are not included in this figure, and therefore, amending § 47.15(g) would not adversely affect the present supply.

Under the present procedure, when a current owner's request for reassignment or reservation is denied, an explanation for such denial is given. Exemption procedures are also available under the Federal Aviation Regulations whereby exemptions are requested to permit the transfer or reservation of the number assigned to the current owner of the aircraft. These procedures, as well as the search of the records that must presently be made, are time consuming and costly to both the aviation public and the Aircraft Registry.

Since this amendment is procedural in nature, and does not impose a burden on the public, I find that notice and public procedure thereon are not necessary, and that it may become effective on less than 30 days notice.

In consideration of the foregoing, § 47.15(g) of the Federal Aviation Regulations is hereby amended effective July 24, 1969, to read as follows:

§ 47.15 Identification number.

* * * * *

(g) The owner of an aircraft need not surrender a one to three symbol identification number assigned to his aircraft provided the number was not assigned to the aircraft under the provisions of paragraph (e) of this section. The owner may apply to the FAA Aircraft Registry for reassignment of the number to his aircraft, or for the reservation of that number for later assignment. The fee required by § 47.17 for a reassigned or reserved identification number must accompany the application. At the same time, the owner must apply to the FAA Aircraft Registry for assignment of a new identification number to the aircraft to which the one to three symbol identification number had been assigned. The fee required by § 47.17 for a special identification number must accompany the application.

* * * * *

(Secs. 307(c), 313(a), 501, 503, 505, 1102, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1401, 1403, 1405, 1502; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); § 1.4(b)(1) of the Regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on July 16, 1969.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 69–8633; Filed, July 23, 1969; 8:45 a.m.]

[Airspace Docket No. 69–EA–47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 9035 of the FEDERAL REGISTER for June 6, 1969, the Federal Aviation Administration published proposed regulations which would alter the Findlay, Ohio, control zone (34 F.R. 4581) and transition area (34 F.R. 4684).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., September 18, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 11, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to, in the description of the Findlay, Ohio, control zone, delete "Findlay VOR 046°" and all after and insert in lieu thereof "Findlay VORTAC 045° radial extending from the Findlay Airport 5-mile radius to the VORTAC; within 2 miles each side of the 178° bearing from the Findlay RBN, extending from the Findlay Airport 5-mile radius to 8 miles south of the RBN; within 2 miles each side of the 248° bearing from the Findlay RBN, extending from the Findlay Airport 5-mile radius to 8 miles west of the RBN; within a 5-mile radius of the center 40°53'15" N., 83°52'00" W. of Bluffton Flying Service Airport, Bluffton, Ohio; and within 2 miles each side of the Findlay VORTAC 051° radial and 231° radial extending from the Bluffton Flying Service Airport 5-mile radius to the Findlay Airport 5-mile radius."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to, in the description of the Findlay, Ohio, 700-foot transition area, delete "Findlay VOR 226° radial, extending from the 6-mile radius area to 8 miles southwest of the VOR;" and insert in lieu thereof; "248° bearing from the Findlay RBN extending from the Findlay Airport 6-mile radius area to 8 miles west of the RBN; within 2 miles each side of the 178° bearing from the Findlay RBN, extending from the Findlay Airport 6-mile radius area to 8 miles south of the RBN; within a 5-mile radius of the center 40°53'15" N., 83°52'00" W., of Bluffton Flying Service Airport, Bluffton, Ohio; within 2 miles each side of the Findlay VORTAC 051° radial and 231° radial, extending from the Bluffton Flying Service Airport 5-mile radius area to 8 miles northeast of the VORTAC, and within 2 miles each side of the Findlay VORTAC 225° radial, extending from the VORTAC to the Bluffton Flying Service Airport 5-mile radius area."

[F.R. Doc. 69–8629; Filed, July 23, 1969; 8:45 a.m.]

[Airspace Docket No. 69–SO–72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Hattiesburg, Miss., transition area.

The Hattiesburg transition area is described in § 71.181 (34 F.R. 4637). In the description, extensions are predicated on the Hattiesburg VORTAC 156° radial and the 330° bearing from the Hattiesburg RBN with designated widths of 2 miles each side of the radial and bearing, extending from the 7-mile radius area to the VORTAC and to 8 miles northwest of the RBN, respectively.

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with Government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace for the protection of these procedures was revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Additionally, the refined geographic coordinate for Hattiesburg RBN (lat. 31°17'57" N., long. 89°18'01" W.) was obtained from Coast and Geodetic Survey.

Because of this revised criteria and the refined geographic location of Hattiesburg RBN, it is necessary to alter the description by reducing the width from 2 to 1.5 miles each side of the 156° radial of the VORTAC, increase the width from 2 to 3 miles each side of the 330° bearing from the RBN, extend the 7-mile radius area to 8.5 miles northwest of the RBN, and editorially amend the geographic coordinate of Hattiesburg RBN.

In view of the foregoing, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Hattiesburg, Miss., transition area is amended to read:

HATTIESBURG, MISS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hattiesburg Municipal Airport (lat. 31°16'01" N., long. 89°15'16" W.); within 1.5 miles each side of the Hattiesburg VORTAC 156° radial, extending from the 7-mile radius area to the VORTAC; within 3 miles each side of the 330° bearing from Hattiesburg RBN (lat. 31°17'57" N., long. 89°18'01" W.), extending from the 7-mile radius area to 8.5 mile northwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 15, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69–8630; Filed, July 23, 1969; 8:45 a.m.]

[Airspace Docket No. 69–EA–50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 8711 of the FEDERAL REGISTER for June 3, 1969, the Federal Aviation Administration published proposed regulations which would designate a 700-foot floor transition area over Buehl Field, Langhorne, Pa.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., September 18, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 11, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Langhorne, Pa. transition area described as follows:

LANGHORNE, PA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°11'15" N., 74°54'00" W., of Buehl Field, Langhorne, Pa., excluding the portion which coincides with the North Philadelphia, Pa., transition area. This transition area shall be effective from sunrise to sunset, daily.

[F.R. Doc. 69-8632; Filed, July 23, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1549]

PART 13—PROHIBITED TRADE PRACTICES

Be-Len Manufacturing Co., Inc., et al.

Correction

In F.R. Doc. 69-8312 appearing at page 11579 in the issue of Tuesday, July 15, 1969, in the third line of paragraph 2, the word "reflect" should read "effect".

[Docket No. C-1547]

PART 13—PROHIBITED TRADE PRACTICES

District Credit Clothing & Furniture, Inc., and Sidney Gimble

Correction

In F.R. Doc. 69-8313 appearing at page 11579 in the issue of Tuesday, July 15, 1969, in the first paragraph, line four, the title for the subpart should read "Subpart—Misrepresenting oneself and good—Goods".

[Docket No. C-1551]

PART 13—PROHIBITED TRADE PRACTICES

Maylis Associates et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Maylis Associates et al., New York, N.Y., Docket C-1551, July 2, 1969]

In the Matter of Maylis Associates, a Partnership, and Solomon Elias, Morris Ellis, Sidney Landau, and Milton Steiger, Individually and as Copartners Trading as Maylis Associates

Consent order requiring a New York City clothing manufacturer to cease misbranding and falsely invoicing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Maylis Associates, a partnership, and Solomon Elias, Morris Ellis, Sidney Landau, and Milton Steiger, individually and as copartners doing business as Maylis Associates or under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Setting forth as a part of the listing or marking of required fiber content on the stamp, tag, label or other mark of identification affixed to a wool product words which constitute, directly or indirectly, the generic name of a fiber not present in the product.

4. Setting forth words and terms in required information under section 4(a)(2) of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to wool products.

It is further ordered, That respondents Maylis Associates, a partnership, and Solomon Elias, Morris Ellis, Sidney Landau, and Milton Steiger, individually and as copartners doing business as Maylis Associates or under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of fabrics or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in such products on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 2, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 69-8643; Filed, July 23, 1969; 8:46 a.m.]

[Docket No. C-1554]

PART 13—PROHIBITED TRADE PRACTICES

Meyer Brothers

Subpart—Advertising falsely and misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act; 13.30-75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act; 13.73-90 Textile Fiber Products Identification Act. Subpart—Invoicing Products Falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or Mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 70, 69f) [Cease and desist order, Meyer Brothers, Paterson, N.J., Docket C-1554, July 2, 1969]

In the Matter of Meyer Brothers, a Corporation

Consent order requiring a Paterson, N.J., department store to cease falsely advertising its furs and textiles, and misbranding and falsely invoicing its furs.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Meyer Brothers, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Falsely or deceptively labeling or otherwise falsely or deceptively identifying any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Setting forth on a label attached to the fur product the name or names of any animal or animals other than the name of the animal producing the fur contained in the fur product as specified in the Fur Products Name Guide, and as prescribed by the rules and regulations.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on a label affixed to such fur product.

5. Failing to set forth the term "Dyed Broadtail-processed Lamb" on a label in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb".

6. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

7. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on a label affixed to such fur product.

8. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on an invoice pertaining to such fur product.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

4. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

D. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That respondent Meyer Brothers, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from falsely or deceptively advertising any textile fiber product by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such product as to the name or amount of constituent fibers contained therein.

2. Making any representation, by disclosure or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b)(1) and (2) of the Textile Fiber Products Identification Act is contained in the same advertisement, except that the percentages of the fibers present in a textile fiber product need not be stated.

3. Using a fiber trademark in advertising such textile fiber product without a full disclosure of the required content information in at least one instance in said advertisement.

4. Using a fiber trademark in advertising such textile fiber product containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

5. Using a fiber trademark in advertising such textile fiber product containing only one fiber without such fiber trademark appearing at least once in the said advertisement, in immediate proximity and conjunction with the generic name of the fiber and in plainly legible and conspicuous type or lettering.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: July 2, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 69-8644; Filed, July 23, 1969; 8:46 a.m.]

[Docket No. C-1553]

PART 13—PROHIBITED TRADE PRACTICES

Richard Martin Sampson et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Richard Martin Sampson trading as Richard Robert Edwards, etc., New York, N.Y., Docket C-1553, July 2, 1969]

In the Matter of Richard Martin Sampson, an Individual Trading as Richard Robert Edwards and as Pano-Lib, Inc.

Consent order requiring a New York City retail furrier to cease misbranding, deceptively invoicing, and falsely advertising his fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Richard Martin Sampson, an individual trading as Richard Robert Edwards

and as Pano-Lib, Inc., or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth required information under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on the label affixed to such fur product.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Setting forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on a label affixed to such fur product.

5. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

6. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth on an invoice the item number or mark assigned to such fur product.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Represents, directly or by implication, that such fur product is from the 1969 Paris collection of Jean Revion or from any source unless such source is in fact the true source of the fur product being advertised.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: July 2, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-8645; Filed, July 23, 1969; 8:46 a.m.]

[Docket No. C-1552]

PART 13—PROHIBITED TRADE PRACTICES

Walker Scott Corp. and Walker Scott Co.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155-85 Sales below cost.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Walker Scott Corp. doing business as Walker Scott Co., San Diego, Calif., Docket C-1552, July 2, 1969]

In the Matter of Walker Scott Corp., a Corporation, Doing Business as Walker Scott Co.

Consent order requiring a San Diego, Calif., department store operator to cease falsely advertising its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Walker Scott Corp., a corporation, trading as Walker Scott Co. or under any other name, and respondent's officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Falsely or deceptively represents, directly or by implication, by means of the phrase "Below Wholesale Cost" or any other phrase, term or word of similar import or meaning that such fur product is being offered for sale at less than the price paid for the product by the respondent so offering the product for sale.

2. Falsely or deceptively represents that savings are afforded to the purchaser of such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: July 2, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-8646; Filed, July 23, 1969; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-777]

PART 1—PRACTICE AND PROCEDURE

PART 97—AMATEUR RADIO SERVICE

Miscellaneous Amendments

Order. In the matter of amendment of Parts 1 and 97 of the Commission's rules to provide for an additional application form in the amateur radio service.

1. FCC Form 610[1] is presently used by applicants for individual, club, and military recreation amateur station licenses. All items on the application form are not relevant to all three types of stations and, as a result, applications are frequently improperly completed, necessitating their return for amendment.

2. To reduce the number of defective applications filed, separate forms, one for individual stations and one for club and military recreation stations, are to be used. The use of separate forms will be of benefit to both the Commission and the public.

3. Accordingly, the rules are being amended to provide for the use of new FCC Form 610-B by applicants for radio club and military recreation stations.

4. Because the amendment relates to matters of procedure, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply. Authority for adoption of this amendment is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered*, That effective July 31, 1969, Parts 1 and 97 of the rules are amended as set forth below.

6. *It is further ordered*, That the current FCC Form 610 may continue to be used by radio clubs and military recreation organizations until September 1, 1969, when the use of Form 610-B will be required.

7. *It is further ordered*, That individual amateur applicants will continue to file for amateur licenses on the FCC Form 610, but that all editions of application form, FCC Form 610, dated prior to July 1966, will no longer be accepted for filing.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 15, 1969.

Released: July 18, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

I. Part 1 of the Commission's rules is amended as follows:

Section 1.922 is amended by adding to the list of forms to be used the form "610-B Application for Amateur Club or Military Recreation Station" between the Forms 610-A and 701.

§ 1.922 Forms to be used.

FCC form	Title
•	•
610-B	Application for Amateur Club or Military Recreation Station.
•	•

II. Part 97 of the Commission's rules is amended as follows:

1. Section 97.41(a) is amended to read as follows:

§ 97.41 Application for station license.

(a) Each application for an individual station license shall be made on the FCC Form 610, and each application for a club or military recreation station shall be made on an FCC Form 610-B.

• • • • •

2. In § 97.43(b), the introductory text and subparagraph (6) are amended to read as follows:

§ 97.43 Location of station.

• • • • •

(b) Authority for operation of an amateur station with the licensed operator on duty at a specific remote control point in lieu of the remote transmitter location may be granted upon filing an application on FCC Form 610 for an individual station license and on FCC Form 610-B for an amateur club or military recreation station license provided the following conditions are met:

• • • • •

(6) In the event that operation of an amateur transmitter from a remote control point by radio is desired, an application on FCC Form 610 for an individual station license and on FCC Form 610-B for an amateur club or military recreation station license should be submitted with a letter requesting authority to operate in such a manner stating that the controlling transmitter at the remote control location will operate within amateur frequency bands 220 megacycles or higher and that there will be full compliance with subparagraphs (1) through (5) of this paragraph. Supplemental statements and diagrams should accompany the application and show how radio remote control will be accomplished and what means will be employed to prevent unauthorized operation of the transmitter by signals other than those from the controlling unit. There should be included complete data on control channels, relays and functions of each, directional antenna design for the transmitter and receiver in the control circuit, and means employed for turning the main transmitter on and off from the remote control location.

• • • • •

3. In § 97.47, paragraphs (a) and (b) are amended to read as follows:

§ 97.47 Renewal and/or modification of amateur station license.

(a) Application for renewal and/or modification of an individual station license shall be submitted on FCC Form 610, and application for renewal and/or modification of an amateur club or military recreation station shall be submitted on FCC Form 610-B. In every case the application shall be accompanied by the applicant's license or photocopy thereof. Applications for renewal of unexpired licenses must be made during the license term and should be filed not later than 60 days prior to the end of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of an unexpired license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(b) If a license is allowed to expire, application for renewal may be made during a period of grace of 1 year after the expiration date. During this 1-year period of grace, an expired license is not valid. A license renewed during the grace period will be dated currently and will not be backdated to the date of expiration. An application for an individual station license shall be submitted on FCC Form 610. An application for an amateur club or military recreation station license shall be submitted on FCC Form 610-B. In every case the application shall be accompanied by the applicant's expired license or a photocopy thereof.

• • • • •

4. In § 97.95(a), the introductory text and subparagraph (2) are amended as follows:

§ 97.95 Operation away from the authorized permanent station location.

(a) Operation within the United States, its territories, or possessions is permitted as follows:

• • • • •

(2) When the authorized permanent station location is changed, formal application (FCC Form 610 for an individual station license and FCC Form 610-B for an amateur club or military recreation station license) must be submitted to the Commission prior to any operation and within 4 months of the move for the purpose of modifying the station license to show the new permament station location. Operation at the new location is permitted under the license for the former station from the date the modification application is mailed until advised of Commission action on that application.

• • • • •

[F.R. Doc. 69-8649; Filed, July 23, 1969; 8:47 a.m.]

[Docket No. 17955; FCC 69-794]

PART 73—RADIO BROADCAST SERVICES

Memorandum Opinion and Order Regarding Table of Assignments, Refugio, Tex.

In the matter of amendment of § 73.202(b) *Table of assignments*, FM Broadcast Stations (Geneva, Ala., Baker, Mont., Wallace, N.C., Zeeland, Mich., Springdale, Ark., College, Alaska, Myrtle, Beach, S.C., Refugio, Tex., Gardiner, N.Y., Fort Valley and Douglas, Ga., Billings, Mont., and McMinnville, Tenn.), Docket No. 17955, RM-1217, RM-1219, RM-1216, RM-1221, RM-1224, RM-1222, RM-1230, RM-1225, RM-1231, RM-1226, RM-1213, RM-1228.

1. The Commission considers here the petition for reconsideration filed by Lawrence Wood on May 27, 1968, of that portion of the report and order in Docket No. 17955, released April 26, 1968 (FCC 68-455, 33 F.R. 6659), assigning Channel 224A to Refugio, Tex., and denying petitioner's request to assign Class C Channel 294 to that community. Petitioner is a potential FM applicant at Refugio. No comments by other parties were filed in connection with the petition for reconsideration.

[1] Form filed as part of the original document.

[2] Commissioner Wadsworth absent.

2. Refugio, with a population of 4,944 persons, is the largest community and county seat of Refugio County, population 10,975. It is located about midway between Corpus Christi and Victoria, about 37 miles from each. There are no AM or FM stations operating in Refugio County, or in neighboring Goliad County (population 5,429) which petitioner also seeks to serve.

3. The Commission instituted a rule making proceeding in response to a request filed by petitioner to assign a first Class C Channel 294 to the small community of Refugio. The notice proposed either that assignment or, in the alternative, to assign a Class A Channel, 224A, 292A, or 296A. After careful consideration of the comments and data filed in response to the notice of proposed rule making, the Commission reached the decision that denial of the petitioner's request for a Class C channel and assignment of a Class A channel instead would serve the public interest. The decision was based on a number of considerations. First, we were not persuaded that such a small community located near Corpus Christi and Victoria, with existing Class C operations, merited a wide-area Class C assignment. Furthermore, the petitioner's showing of a "white area" of 146.9 square miles, containing very little population, that would be covered by the proposed Class C operation was not considered very significant. Finally, we were not of the opinion that the facts developed in the proceeding were sufficient to support the request for a wide-area channel in view of the large area that would be precluded from future use of the channel. We therefore assigned Class A Channel 224A to Refugio.

4. We have carefully studied the contentions and data submitted in petitioner's request for reconsideration. As concerns the assignment of a Class C channel, the arguments now advanced are chiefly a repetition of those previously submitted in earlier pleadings in the proceeding. The principal contentions made are: (1) The greater service a Class C facility would provide, with a 1 mv/m signal reaching 43,892 persons as compared to 10,119 persons so served with a Class A facility, thus providing an adequate economic base which a Class A station would not have in this sparsely settled area; (2) the greater "white area" which would be served, 147 square miles containing 1,334 persons compared to 2.5 square miles and 6 persons so benefitting from Class A facilities;[1] (3) the need for local service in Refugio and Goliad Counties, with no AM or FM stations or daily newspapers, and no programing meeting local needs from the distant stations at Victoria, Corpus Christi and elsewhere; (4) other Commission decisions assigning Class C channels to places of this size or smaller, located as close or closer to larger centers having Class B/C assignments.[2]

5. We do not find in the material before us, nearly all of which was advanced and considered earlier, reason to alter our decision not to assign Class C Channel 294 to Refugio, an assignment which would preclude use of this channel in an extremely large area extending to the Texas-Mexico border, much greater than the preclusion effect on this or other channels resulting from a Class A assignment. We refer to the views expressed in the decision herein, cited above. With respect to prior Commission decisions (footnote 2, above) most of which were mentioned previously by petitioner, it is true that wide-coverage B or C channels have been assigned to places the size of Refugio or smaller, located as close or closer to a larger center than it is to Victoria and Corpus Christi. However, in none of these cases was there the existing and potential FM service in the area generally that there is in this case, with Class C assignments and stations in different directions from Refugio at Victoria, Corpus Christi, and Sinton (the latter only some 23 miles from Refugio), as well as Class A assignments at Beeville and Cuero in the general area. Therefore we affirm our decision in this respect.

6. Mr. Woods also requests, in the event the Commission remains of the opinion assignment of a Class A channel should be retained, that Channel 292A or 296A, both of which were indicated to be available to Refugio in the notice in this proceedings, be substituted for the presently assigned Channel 224A. In support of the request it is pointed out that, although Channel 224A meets the required spacing requirements at the Refugio standard reference point (post office), other assignments in the area would severely restrict selection of sites in the north northwesterly direction from the community. It is suggested that this would prevent selection of a site maximizing service to a potential "white area" northwest of Refugio. It is asserted that neither Channels 292A nor 296A would be similarly restricted. We are of the opinion that sufficient justification has been made in this instance to warrant substitution of one of the other available Class A channels. Channel 224A has not been applied for since its assignment. We are therefore deleting Chanel 224A and assigning Channel 292A as a substitute at Refugio.[3]

7. In view of the foregoing, and pursuant to authority contained in sections 4(i), 303(r), and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That effective August 25, 1969, § 73.202(b) of the Commission's rules, is amended, insofar as the community listed below is concerned, to read as follows:

City	Channel No.
Refugio, Tex	292A

8. *It is further ordered*, That the petition for reconsideration filed in this proceeding by Lawrence Wood is granted to the extent indicated herein and in all other respects is denied; and that this proceeding (Docket 17955) is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: July 15, 1969.

Released: July 18, 1969.

FEDERAL COMMUNICATIONS COMMISSION[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-8650; Filed, July 23, 1969; 8:47 a.m.]

[Docket No. 18507; FCC 69-776]

PART 95—CITIZENS RADIO SERVICE

Identification of Class A Citizens Radio Stations

Report and order. In the matter of amendment of § 95.95 of the Commission's rules to permit Class A citizens radio stations to be identified in the manner provided for other land mobile stations, Docket No. 18507.

1. On April 2, 1969, the Commission adopted a notice of proposed rule making in the above-entitled matter (FCC 69-312) which was duly published in the FEDERAL REGISTER on April 19, 1969 (34 F.R. 6293). The time for filing comments and reply comments has passed.

2. In the notice, we proposed the amendment of § 95.95 of the Commission's rules to permit Class A stations to identify in a manner similar to that of other land mobile stations.

3. The only comment received was from George Nims Raybin who suggested that Class D stations also be permitted to identify themselves in the same manner. This suggestion is considered to be beyond the scope of the instant proceeding, but it may be commented that differences in permissible power, antenna height, and communication range between Class A and Class D stations are such as to warrant no corresponding change in the mode of identification of Class D stations.

4. Under this rule change, Class A licensees may identify their stations in a manner similar to other land mobile stations, and the Commission believes that its adoption will serve the public interest. The first sentence of § 95.95(e) has been edited to make clear that the method of identification is optional for Class A base stations, fixed stations, and mobile units when communicating with base stations. Identification must be made in accordance with § 95.95(c) when communications are between mobile units.

5. Authority for the amendment set forth below is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

6. *Therefore, it is ordered*, That effective August 26, 1969, § 95.95 of the Commission's rules is amended by adding a new paragraph (e) as set forth below.

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 15, 1969.

Released: July 18, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

I. Part 95 of the Commission's rules is amended as follows:

1. Section 95.95 is amended by the addition of a new paragraph (e) to read:

§ 95.95 Station identification.

* * * * *

(e) In lieu of complying with the requirements of paragraph (c) of this section, Class A base stations, fixed stations, and mobile units when communicating with base stations may identify as follows:

(1) Base stations and fixed stations of a Class A radio system shall transmit their call signs at the end of each transmission or exchange of transmissions, or once each 15-minute period of a continuous exchange of communications.

(2) A mobile unit of a Class A station communicating with a base station of a Class A radio system on the same frequency shall transmit once during each exchange of transmissions any unit identifier which is on file in the station records of such base station.

(3) A mobile unit of Class A stations communicating with a base station of a Class A radio system on a different frequency shall transmit its call sign at the end of each transmission or exchange of transmissions, or once each 15-minute period of a continuous exchange of communications.

[F.R. Doc. 69-8651; Filed, July 23, 1969; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1004—ADMINISTRATIVE INTERPRETATIONS—STATEMENTS OF POLICY

Gifts, Donations, and Hospitality by Carriers

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of July 1969.

The Interstate Commerce Commission issues the following Statement of Policy for inclusion in Chapter X of Title 49 of the Code of Federal Regulations.

It is ordered, That Part 1004 of Chapter X of Title 49 of the Code of Federal Regulations be amended as follows:

(1) The heading of Part 1004 is amended to read as set forth above.

(2) A new § 1004.2 is added to read as follows:

§ 1004.2 Gifts, donations, and hospitality by carriers.

(a) This Commission has long been confronted with questions propounded by the public concerning the correct application and interpretation of the law as it relates to the extent, if any, to which a regulated carrier may lawfully make gifts or donations or provide hospitality to a shipper's representative.

(b) In the light of current business practices and some apparent continued uncertainty with respect to matters concerning the lawful limits of the practice of carriers making gifts or donations or providing hospitality to shippers and their representatives, the Commission deems it appropriate to issue this statement of policy.

(c) The enactment of the Interstate Commerce Act and its amendments was for the purpose of eliminating abuses. Common carriers are engaged in what has always been regarded as a public business and by reason of this status they are subject to strict legal obligations. They must, within the limits of their abilities, serve all who seek their services, and serve them equally and fairly. The "buying of freight" either directly or indirectly does not comport with fulfilling that obligation.

(d) Some purchasers of transportation may not be beyond soliciting favors from the carriers. Certainly the intent of the law is to protect both the shipper and the carrier. Any person, whether carrier, shipper, consignee, or broker, or any officer, employee, agent, or representative thereof, who shall knowingly offer, grant, or give, or solicit, accept, or receive any rebate, concession, or discrimination in violation of any provision of the Act, is in violation of the law. Thus, a gift by the carrier to a shipper of anything of substantial intrinsic value would be deemed a violation of the law and would subject both the carrier and the recipient to the penalties therein provided.

(e) It is also evident that substantial expenditures of this type could have the effect of raising the level of rates and charges for carrier services. Therefore, great care will be taken by this Commission to assure that no such expenses will be allowed to support requests to increase carrier rates and charges. It will be our purpose to take appropriate enforcement action wherever concessions involving unlawful expenditures of the described type are found to occur. Some such matters which have come to our attention are presently under investigation by our field staff.

(f) For the purpose of giving greater publication to the principles involved, the following points involving the carrier-shipper relation are restated here:

(1) It is unlawful for any common carrier engaged in interstate or foreign commerce to make, give, or cause any undue or unreasonable preference or advantage to any particular person.

(2) No common carrier shall refund or remit in any manner or by any device, directly or indirectly, or extend to any person any privileges or facilities for transportation in interstate commerce except such as are specified in its tariffs. (Obviously no carrier's tariffs can contain provisions for gifts or privileges for preferred customers, or any other limited class, since they are in violation of the law.)

(3) Gifts of services or articles of substantial value to particular shippers or their representatives are considered violations of the law. For example, transportation of shipper representatives in carrier-owned aircraft or automobiles to resorts for recreational weekends or similar excursions are so regarded. Also, the use of trading stamps by common carriers is considered to amount to a rebate, whether the stamps are redeemable by the carrier or by a third party. Essentially, this is a discount and, though no cash is refunded, the equivalent of cash is given to the customer. Common carriers may not participate in such plans.

(Sec. 12, 24 Stat. 383, as amended, 81 Stat. 54; 49 U.S.C. 12, 5 U.S.C. 552)

It is further ordered, That this amendment shall be effective upon its publication in the FEDERAL REGISTER.

And it is further ordered, That notice of this statement of policy shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr., *Acting Secretary.*

[F.R. Doc. 69-8663; Filed, July 23, 1969; 8:48 a.m.]

[No. MC-C-258]

PART 1048—COMMERCIAL ZONES

Decision and Order on Further Consideration Regarding Kansas City, Mo.-Kansas City, Kans. Commercial Zone

At a session of the Interstate Commerce Commission, Review Board No. 2, Members Mills, Boyle, and Parker, held at its office in Washington, D.C., on the 11th day of June 1969.

It appearing, that on September 25, 1967, the Commission, Review Board No. 2, made and filed its decision and order on further consideration in this proceeding, 105 M.C.C. 750, redefining the limits of the zone adjacent to and commercially a part of Kansas City, Mo.-Kansas City, Kans., contemplated by section 203

[1] The "white area" was inadvertently described in the report and order as 144.4 instead of 146.9 square miles. Refugio itself receives at least two FM signals of 1 mv/m or greater intensity; the "white area" is entirely in Goliad County.

[2] Mentioned are Commission decisions, from 1964 to 1967, making Class B or Class C assignments to Carrollton, Ala., Ellsworth, Maine, Magee, and Forest, Miss., Jerseyville, Ill., Pipestone, Minn., and Poteau and Pryor, Okla.

[3] Our preclusion study of the three Class A channels assignable to Refugio (224A, 292A, and 296A) indicates that each would cause some preclusion to two adjacent Class C channels, all such areas being about equal in area except for the areas for Channel 295 that would be caused by assignment of Channels 292A or 296A. Since the impact area on Channel 295 would be somewhat less from the assignment of Channel 292A, it is being selected in preference to Channel 296A.

[4] Commissioner Wadsworth absent.

[1] Commissioner Wadsworth absent.

(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8));

It further appearing, that the present limits of said zone are defined, in part, by a line beginning at the western boundary of Richards-Gebaur Air Force Base at its intersection with Missouri Highway 150, and extending west along Missouri Highway 150 to the Kansas-Missouri State line;

It further appearing, that by petition filed March 17, 1969, Borg-Warner Pipe and Products, Department of Fabricated Products Division, Borg-Warner Corp., requests the Commission to reopen the above proceeding for the purpose of redefining the limits of the Kansas City, Mo.-Kansas City, Kans., commercial zone so as to include an area located within Kansas City, Mo., not now within the limits of such zone;

It further appearing, that pursuant to section 552 of the Administrative Procedure Act, notice of the said proposal to include a part of Kansas City, Mo., within the zone was published in the FEDERAL REGISTER on March 26, 1969 (34 F.R. 5659), which notice stated that no oral hearing was contemplated, and that persons desiring to participate in the proceeding were invited to file representations supporting or opposing the action proposed;

It further appearing, that a representation supporting the proposed redefinition of the zone was filed by Red Ball Motor Freight, Inc., and that no representations in opposition to the proposed redefinition were filed;

And it further appearing, that the involved incorporated portion of Kansas City, Mo., not now within the Kansas City, Mo.-Kansas City, Kans., commercial zone, is, in fact, economically and commercially a part of Kansas City, Mo.;

Wherefore, and good cause appearing therefor:

We find, that the zone adjacent to and commercially a part of Kansas City, Mo.-Kansas City, Kans., as contemplated by section 203(b)(8) of the Interstate Commerce Act should be modified to include that area described in the second succeeding paragraph herein.

It is ordered, That said proceeding be, and it is hereby, reopened for further consideration.

It is further ordered, That the decision and order entered in this proceeding September 25, 1967 (49 CFR 1048.8), be, and they are hereby, vacated and set aside and § 1048.8 is hereby revised as follows:

§ 1048.8 Kansas City, Mo.-Kansas City, Kans.

The zone adjacent to and commercially a part of Kansas City, Mo.-Kansas City, Kans., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)), includes and is comprised of all points in the area bounded by a line as follows:

Beginning on the north side of the Missouri River at the western boundary line of Parkville, Mo., thence along the western and northern boundaries of Parkville to the Kansas City, Mo., corporate limits, thence along the western, northern, and eastern corporate limits of Kansas City, Mo., to its junction with U.S. Bypass 71 (near Liberty, Mo.), thence along U.S. Bypass 71 to Liberty, thence along the northern and eastern boundaries of Liberty to its junction with U.S. Bypass 71 south of Liberty, thence south along U.S. Bypass 71 to its junction with the Independence, Mo., corporate limits, thence along the eastern Independence, Mo., corporate limits to its junction with the Lees Summit corporate limits, thence along the eastern Lees Summit corporate limits to the Jackson-Cass County line, thence west along Jackson-Cass County line to the eastern corporate limits of Belton, Mo., thence along the eastern, southern, and western corporate limits of Belton to the western boundary of Richards-Gebaur Air Force Base, thence along the western boundary of said Air Force base to the corporate limits of Kansas City, Mo., thence west along said corporate limits to the Kansas-Missouri State line, thence north along the Kansas-Missouri State line to 110th Street, thence west along 110th Street to its junction with U.S. Highway 69, thence north along U.S. Highway 69 to its junction with 103d Street, thence west along 103d Street to its junction with Quivera Road (the corporate boundary of Lenexa, Kans.), thence along the eastern, southern, western, and northern boundaries of Lenexa to Pflumm Road, thence north along Pflumm Road to its junction with Kansas Highway 10, thence west on Kansas Highway 10 to its junction with Kansas Highway 7, thence north on Kansas Highway 7 to Bonner Springs, Kans., thence along the southern and eastern boundaries of Bonner Springs to its junction with Kansas Highway 32, thence east on Kansas Highway 32 to the corporate boundary of Kansas City, Kans., thence north, west, and east along the corporate boundaries of Kansas City, Kans., to junction of Cernech Road and Pomeroy Drive, thence northwesterly along Pomeroy Drive to its junction with 79th Street, thence along 79th Street to its junction with Wolcott Drive at Pomeroy, Kans., thence due west 1.3 miles to its junction with an unnamed road, thence north along such unnamed road to the entrance to the Powell Port facility, thence due north to the southern bank of the Missouri River, thence east along the southern bank of the Missouri River to a point directly across from the western boundary of Parkville, Mo., thence across the Missouri River to point of beginning.

(49 Stat. 543, as amended, 544, as amended, 546, as amended; 49 U.S.C. 302, 303, 304)

It is further ordered, That this order shall become effective on August 22, 1969, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Review Board No. 2.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-8664; Filed, July 23, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kofa Game Range, Ariz.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARIZONA

KOFA GAME RANGE

The public hunting of quail, rabbits, coyotes, gray fox, bobcat, and skunks on the Kofa Game Range, Ariz., is permitted only on the area designated by signs as open to hunting. This open area, comprising 660,041 acres or 100 percent of the total area of the game range, is delineated on a map available at the refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail, rabbits, coyotes, gray fox, bobcat, and skunks subject to the following special condition:

(1) The open season for hunting quail, rabbits, coyotes, gray fox, bobcat, and skunks on the refuge extends from October 1 through November 30, 1969, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1969.

CLAUDE F. LARD,
Refuge Manager, Kofa Game Range, Yuma, Ariz.

JULY 11, 1969.

[F.R. Doc. 69-8627; Filed, July 23, 1969; 8:45 a.m.]

PART 32—HUNTING

Cabeza Prieta Game Range, Ariz.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA

CABEZA PRIETA GAME RANGE

Public hunting of bighorn sheep on the Cabeza Prieta Game Range, Ariz., is permitted only on the area designated by signs as open to hunting. The bighorn sheep season is from December 6 through December 21, 1969, inclusive. The open bighorn sheep area, comprising 685,000 acres, is delineated on a map available at the game range headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of bighorn sheep subject to the following special condition:

(1) Bighorn sheep limited to four permits issued by the Arizona Game and Fish Department.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 21, 1969.

CLAUDE F. LARD,
Refuge Manager, Cabeza Prieta Game Range, Yuma, Ariz.

JULY 11, 1969.

[F.R. Doc. 69-8625; Filed, July 23, 1969; 8:45 a.m.]

PART 32—HUNTING

Kofa Game Range, Ariz.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA

KOFA GAME RANGE

Public hunting of bighorn sheep and deer on the Kofa Game Range, Ariz., is permitted only on the area designated by signs as open to hunting. The bighorn sheep season is from December 6 through December 21, 1969, inclusive, and the deer season is from September 5 through September 21, 1969, inclusive, and from October 31 through November 16, 1969, inclusive. The open bighorn sheep and deer hunting area, comprising 660,041 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103.

Hunting shall be in accordance with all applicable State regulations covering the hunting of bighorn sheep and deer subject to the following special condition:

(1) Bighorn sheep limited to 10 permits issued by the Arizona Game and Fish Department.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 21, 1969.

CLAUDE F. LARD,
Refuge Manager, Kofa Game Range, Yuma, Ariz.

JULY 11, 1969.

[F.R. Doc. 69-8626; Filed, July 23, 1969; 8:45 a.m.]

PART 32—HUNTING

San Andres National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of deer (either sex) on the San Andres National Wildlife Refuge, N. Mex., is permitted from November 29 through November 30, 1969, inclusive, only on the area designated by signs as open to hunting. This area, comprising 57,215 acres, is delineated on maps available at refuge headquarters, Las Cruces, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following special conditions:

(1) Hunters must check in and out in person at the check station at the junction of U.S. 70 and Jornada Road. The check station will be open to allow hunters to start checking in during the afternoon of November 28, 1969. Time of entry to the hunting area will be at the discretion of the conservation officer in charge. Any entry permits required by the military authorities will be available at the check station. All hunters must check out no later than 10 p.m. November 30, 1969.

(2) No entry into the hunting area from the west will be permitted north of the Rope Springs Road. Hunters will also not be permitted to enter the east side of the San Andres Range except at the discretion of the conservation officer in charge.

(3) The conservation officer in charge may restrict the number of hunters entering any one area. If required by the firing schedule, hunters will be cleared from all areas whereon their safety is endangered.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1969.

JOHN H. KIGER,
Refuge Manager, San Andres National Wildlife Refuge, Las Cruces, N. Mex.

JULY 11, 1969.

[F.R. Doc. 69-8628; Filed, July 23, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 284, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829) regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 908.584 (Valencia Orange Reg. 284, 34 F.R. 11413) are hereby amended to read as follows:

§ 908.584 Valencia Orange Regulation 284.

* * * * * *

(b) *Order.* (1) * * *

(i) District 1: 228,000 cartons;

(ii) District 2: 344,000 cartons;

(iii) District 3: 78,000 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 17, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8639; Filed, July 23, 1969; 8:46 a.m.]

[Valencia Orange Reg. 286]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.586 Valencia Orange Regulation 286.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 22, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 25, 1969, through July 31, 1969, are hereby fixed as follows:

(i) District 1: 216,000 cartons;
(ii) District 2: 294,000 cartons;
(iii) District 3: 90,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 23, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–8784; Filed, July 23, 1969; 12:17 p.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1969 Crop Supplement to Cotton Loan Program Regulations

Correction

In F.R. Doc. 69–8198 appearing at page 11584 in the issue of Tuesday, July 15, 1969, make the following changes:

1. In the table for § 1427.1522, under the State of Texas, the city "Odonnel" should read "Odonnell".

2. In the table for § 1427.1523, the third entry from the bottom under the column "17_{32}" should read "—100".

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 69–CE–10–AD]

AIRWORTHINESS DIRECTIVES

Continental Models TSIO–520–B–D–E Engines

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Continental Models TSIO–520–B–D–E engines. There have been reports of failures of the turbocharger lubricating oil scavenge pump on these engines which resulted in loss of engine oil supply, engine featherings, engine power loss, and inflight fire.

Since this condition is likely to exist or develop in other engines of the same type design, the proposed airworthiness directive would require, within the next 100 hours' time-in-service after the effective date of this airworthiness directive, replacement of the scavenge pump drive gear and driving key of all engines of the serial numbers hereinafter listed having more than 300 hours' time-in-service, in accordance with instructions contained in Continental Service Bulletin No. M69–8, dated June 11, 1969.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, view, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Director, Central Region, Attention: Regional Counsel, Airworthiness Rules Docket, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of the notice in the FEDERAL REGISTER will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive.

CONTINENTAL. Applies to Models TSIO–520–B (Serial Nos. 145001 through 145618), TSIO–520–D (Serial Nos. 156001 through 156103), and TSIO–520–E (Serial Nos. 165001 through 165493, 165496, and 165497) engines having 300 hours' or more time-in-service, except those engines having turbocharger oil scavenge pumps with P/N 635327 Shaft Gear-Starter, P/N 635328 Body-Scavenge Pump and P/N 635330 Gear-Scavenge Pump, or those engines equipped with P/N 635061–A1 Starter Adaptor and Scavenge Pump Assembly.

Compliance: Unless already accomplished, within the next 100 hours' time-in-service after the effective date of this airworthiness directive, on engines having 300 or more hours' time-in-service, or at or before 400 hours' time-in-service on engines that have less than 300 hours' time-in-service at the effective date of this airworthiness directive, accomplish the following:

To prevent failure of the turbocharger lubricating oil scavenge pump:

Remove P/N 632597 scavenge pump drive gear and P/N MS 35756–3 Woodruff Key and replace with a P/N 636251 scavenge pump drive gear and a new P/N MS 35756–3 Woodruff Key. In the P/N 632602 scavenge body assembly drill a 0.093 inch ($\frac{3}{32}$) diameter hole to a depth of 0.31 inch ($\frac{5}{16}$) in the floor of the gear cavity midway between the center of the gears. Continental Service Bulletin No. M69–8 dated June 11, 1969, refers to the above and provides additional instructions on this modification.

Issued in Kansas City, Mo., on July 15, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69–8636; Filed, July 23, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–WE–54]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Palm Springs, Calif., control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The hours of operation of the Palm Springs tower and effective time of the control zone are currently from 0600 to 2300 hours local time daily. Rule-making action is currently being processed to reduce these hours to 2200 hours local time daily. It is expected, however, that seasonal changes in the hours of operation of the control tower will be necessary in the future due to changes in traffic volume. The use of the NOTAM is proposed to designate these changes, when required, and will provide an expeditious means of designating the effective hours of the control zone to coincide with the hours of operation of the control tower.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.171 (34 F.R. 4557) the description of the Palm Springs, Calif., control zone is amended by deleting the last sentence and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (72 Stat. 749; 49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on July 14, 1969.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

[F.R. Doc. 69–8634; Filed, July 23, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–WE–51]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the descriptions of the Grand

Junction, Colo., control zone and transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The criteria for establishment of control zones and transition areas has recently been changed. Accordingly it is necessary to alter such areas to conform to the new criteria.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.171 (34 F.R. 4557) the description of the Grand Junction, Colo., control zone is amended by deleting the numeral "• • • 10 • • •" and substituting "• • • 8 • • •" therefore.

In § 71.181 (34 F.R. 4637) in the description of the Grand Junction, Colo., transition area a 700-foot portion of transition area is added and amended to read in part as follows:

GRAND JUNCTION, COLO.

That airspace extending upward from 700 feet above the surface within 8 miles northwest and 5 miles southeast of the Grand Junction VORTAC 247° and 067° radials extending from 13 miles southwest to 14 miles northeast of the VORTAC and within 2 miles south and 10 miles north of the Grand Junction VORTAC 110° radial extending from the VORTAC to 22 miles southeast; that airspace extending upward from 1,200 feet above the surface • • •.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348 (a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on July 14, 1969.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

[F.R. Doc. 69-8635; Filed, July 23, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18607; FCC 69-793]

DETERMINATION OF POWER OF STANDARD BROADCAST STATIONS

Notice of Proposed Rule Making

1. Section 73.51(a) of the Commission's rules requires that the operating power of a standard broadcast station be determined under normal conditions, "by the direct method", i.e., by measuring the antenna current, and taking the product of the square of this value and the antenna resistance, which has been previously measured. Paragraph (b) of this section permits the determination of power "by the indirect method" on a temporary basis in emergencies, or in other instances when a determination by the direct method is not feasible, or would provide a result of questionable accuracy. Section 73.52 describes the indirect method, which involves the application of an efficiency factor to the DC plate input power to the final radio stage of the transmitter. A table of values for the efficiency factor for different methods of modulation and transmitter power ratings is set forth in paragraph (b) of this section.

2. The present rules provide no alternative to the use of efficiency factors contained in the above-mentioned table, despite the fact that these are average values, and the appropriate figures may vary among transmitters of different makes, and with various power levels for a given transmitter. Moreover, certain modern transmitters employ methods of modulation to which none of the efficiency factors listed in the table are applicable.

3. It is the primary purpose of this proceeding to provide for other, more accurate means for determining the efficiency factor in individual cases where the indirect method for determining power is employed. To a large extent, the rule changes proposed in this area codify procedures which heretofore have been specified or permitted on an ad hoc basis.

4. As a secondary objective, we propose to reorganize material in the rules dealing with power and its determination and, in certain instances, delete certain redundant or obsolete matter, and in other cases, revise or add material. Specifically, the following changes may be noted.

5. Paragraph (e) of § 73.39, provides in part that stations determining power by the indirect method may log transmission line current in lieu of antenna current. Neither antenna nor transmission line current values are employed in the determination of power by the indirect method. Accordingly, this paragraph would be deleted as inapplicable and obsolete.

6. All provisions relating to the determination of power by the direct and indirect methods now in §§ 73.51 and 73.52, as revised would be consolidated in § 73.51, retaining the present heading.

7. The material in § 73.57 *Operating power; maintenance of,* would be transferred to § 73.52, thus locating the sections of the rules dealing with operating power in more convenient physical proximity. Section 73.57 would be deleted.

8. Section 73.54 *Operating power; direct measurement* deals principally with the determination of antenna resistance and reactance; the present heading is not truly descriptive of its contents. It is proposed to retitle this section "Antenna resistance and reactance; how determined," to delete material not directly applicable to this subject and to add requirements now found only under Question 9 of section II–A of FCC Form 302.[1] The material deleted is covered by present paragraphs (a), (b), and (d) (3) and (5).

9. In particular, present paragraph (a) unnecessarily repeats material contained in § 1.546, and (d)(5) states no requirement not already contained in paragraph (a) of § 73.58. Present paragraph (b) and paragraph (d)(3) purport to specify the methods to be employed in measuring resistance and reactance. However, these specifications are in terms that are essentially nonrestrictive—they do not, per se, preclude the measurement of antenna resistance by any method found acceptable by the Commission on the basis of a proper showing. Consequently, we see little benefit to be gained by retaining the material contained in these paragraphs. In any event, perhaps 99 percent of all antenna resistance measurements are made with radio frequency bridges, and we foresee no substantial change in this situation.

10. For the reason cited above, material having to do with methods of measurement of antenna resistance would be deleted from paragraph (a)(5) of § 73.186. However, the principal purpose for amending this paragraph is to remove the reference to power determination "by the direct method". Power is determined by the direct method when the station is in regular operation (see § 73.51) but only pursuant to favorable Commission action on a formal application to permit this (see § 1.546). A station conducting a field intensity survey is required to maintain the power fed into its antenna at a specified level throughout the survey, but is not expected to file an application in connection with this requirement. Accordingly, as we propose to revise this subparagraph, we require maintenance of the "antenna power", as defined in paragraph (f) of § 73.14. This language change, of course, involves no substantive change in the technical requirements.

11. Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, it is proposed to amend Part 73, Subpart A of the Commission's rules as set forth below.

[1] When FCC Form 302 is revised, it is expected that the material to be included in § 73.54 will be deleted from the form.

12. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 22, 1969, and reply comments on or before September 5, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

13. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: July 15, 1969.

Released: July 18, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 73.39, the text of paragraph (e) is deleted, and (e) is shown as "[Reserved]."

§ 73.39 Indicating instruments—specifications.

• • • • • •

(e) [Reserved]

• • • • • •

2. Section 73.51 is amended to read as follows:

§ 73.51 Operating power; how determined.

(a) Except as provided in paragraph (b) of this section, the operating power shall be the product of the antenna resistance at the operating frequency (see § 73.54) and the square of the antenna current at this frequency, measured at the point where the antenna resistance has been determined.

(b) The operating power shall be determined on a temporary basis by the indirect method described in paragraphs (c) and (d) of this section, in the following circumstances: (1) In an emergency, where the authorized antenna system has been damaged by causes beyond the control of the licensee or permittee (see § 73.45), or (2) pending completion of authorized changes in the antenna system, or (3) if changes occur in the antenna system or its environment which affect or appear likely to affect the value of antenna resistance or (4) if the antenna current meter becomes defective (see § 73.58). Prior authorization for determination of power by the indirect method is not required. However, an appropriate notation shall be made in the operating log.

(c) (1) Operating power is determined by the indirect method by applying an appropriate factor to the plate input power, in accordance with the following formula:

$$\text{Operating power} = Ep \times Ip \times F$$

Where:
Ep = plate voltage of the final radio stage.
Ip = total plate current of the final radio stage.
F = efficiency factor.

(2) The value of F applicable to each mode of operation shall be entered in the operating log for each day of operation, with a notation as to its derivation. This factor shall be established by one of the methods described in paragraph (d) of this section, which are listed in order of preference.

(d) (1) If the transmitter and the power utilized during the period of indirect power determination are the same as have been authorized and utilized for any period of regular operation, the factor F shall be the ratio of such authorized power to the corresponding plate input power of the transmitter for regular conditions of operation, computed with values of plate voltage and plate current obtained from the operating logs of the station for the last week of regular operation. However, if the station has been regularly authorized for operation with directional antenna, and temporary authority has been granted for nondirectional operation with regularly authorized power during the period that power is being determined indirectly, an adjusted factor F shall be employed, which is derived by dividing the factor, as determined above, by a constant (0.925 for authorized powers of 5 kw or less; 0.95 for power above 5 kw).

(2) If a station has not been previously in regular operation with the power authorized during the period of indirect power determination, if a new transmitter has been installed, or if, for any other reason, the determination of the factor F by the method described in paragraph (b)(1) of this section is impracticable:

(i) The factor F shall be obtained from the transmitter manufacturer's letter or test report retained in the station's files, if such a letter or test report specifies a unique value of F for the power level and frequency utilized; or

(ii) By reference to the following table:

Factor (F)	Method of modulation	Maximum rated carrier power	Class of amplifier
0.70	Plate	0.25–1.0 kw	
.80	do	5 kw and over	
.35	Low level	0.25 kw and over	B
.65	do	do	BC[1]
.35	Grid	do	

[1] All linear amplifier operation where efficiency approaches that of Class C operation.

(3) When the factor F is obtained from the table, this value shall be used even though the operating power may be less than the maximum rated carrier power of the transmitter.

§ 73.57 [Redesignated]

3. The title and text of § 73.52 is deleted and the title and text of § 73.57 substituted therefor.

4. Section 73.54 is amended to read as follows:

§ 73.54 Antenna resistance and reactance; how determined.

(a) The resistance of an omnidirectional series fed antenna shall be measured at the base of the antenna, without intervening coupling networks. For a shunt excited antenna, the antenna resistance shall be measured at the point the slant wire or other feed wire couples to the transmission line (or to the transmitter if no transmission line is employed).

(b) The resistance and reactance of a directional antenna shall be measured at the point of common radio frequency input to the directional antenna system. The following conditions shall obtain:

(1) The antenna shall be finally adjusted for the required radiation pattern.

(2) The reactance at the operating frequency and at the point of measurement shall be adjusted to zero, or as near thereto as practicable.

(c) (1) The resistance of an antenna shall be determined by the following procedure: A series of discrete measurements shall be made over a band of frequencies extending from approximately 25 kc/s below the operating frequency to approximately 25 kc/s; above that frequency, at intervals of approximately 5 kc/s. The measured values shall be plotted on a linear graph, with frequency as the abscissa and resistance as the ordinate. A smooth curve shall be drawn through the plotted values. The resistance value corresponding to the point of intersection of the curve and the ordinate representing the operating frequency of the station shall be the resistance of the antenna.

(2) For a directional antenna, the reactance of the antenna shall be determined by a procedure similar to that described in subparagraph (1) of this paragraph.

(d) The license of a station with a directional antenna, and authorized power of 5 kilowatts or less shall specify an antenna resistance 92.5 percent of that determined at the point of common input; for a station with directional antenna and authorized power exceeding 5 kilowatts the license shall specify an antenna resistance 95 percent of that determined at the point of common input.

(e) Applications for authority to determine power by the direct method shall specify the antenna or common point resistance, and shall include the following supporting information.

(1) A full description of the method used to make measurements.

(2) A schematic diagram showing clearly all components of coupling circuits, the point of resistance measurement, location of antenna ammeter, connections to and characteristics of all tower lighting isolation circuits, static drains, and any other fixtures, sample lines, etc., connected to or supported by the antenna, including other antennas and associated circuits.

(3) Make and type of each calibrated instrument employed, manufacturer's rated accuracy, together with the date of last calibration of the instrument, the accuracy of the calibration, and the identity of the person or firm making the calibration.

(4) A tabulation of all measured data.

[2] Commissioner Wadsworth absent.

(5) Graph(s) plotted from this data.
(6) The qualifications of the engineer(s) making the measurements.

§ 73.57 [Deleted]

5. Section 73.57 is deleted.

§ 73.58 [Amended]

6. Section 73.58(b)(3) line 8—change reference from "§ 73.52" to "73.51 (c) and (d)."

7. In § 73.186, subparagraph (5) of paragraph (a) is amended to read as follows:

§ 73.186 Field intensity measurements in allocation; establishment of effective field at 1 mile.

(a) • • •

(5) The antenna power of the station shall be maintained at the authorized level during all field intensity measurements. The power determination requires a knowledge of the total antenna resistance, which must be accurately measured and modified in accordance with § 73.54(d) in the case of a directional antenna, and the antenna current, measured by an ammeter of acceptable accuracy (see §§ 73.39 and 73.58).

• • • • •

[F.R. Doc. 69-8652; Filed, July 23, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

PLASTIC MATTRESS HANDLES FROM CANADA

Determination of Sales at Less Than Fair Value

JULY 11, 1969.

Information was received on March 21, 1968, that plastic mattress handles manufactured by Fibre Conversion Co., Ltd., Toronto, Canada, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs is being published concurrently with this notice.

I hereby determine that plastic mattress handles manufactured by Fibre Conversion Co., Ltd., Toronto, Canada, are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons:

It was determined that the appropriate comparison for fair value purposes is between purchase price and home market price.

Purchase price was based on the delivered price to the United States port with an appropriate deduction to establish a price exclusive of freight charges from Toronto to Buffalo.

Home market price was based on the weighted-average price to purchasers in the home market for the period under consideration with no deductions being made.

Purchase price was lower than the home market price.

This determination is published pursuant to section 201(a) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-8655; Filed, July 23, 1969; 8:47 a.m.]

PLASTIC MATTRESS HANDLES FROM CANADA

Withholding of Appraisement Notice

JULY 11, 1969.

Information was received on March 21, 1968, that plastic mattress handles manufactured by Fibre Conversion Co., Ltd., Toronto, Canada, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice," which was published in the FEDERAL REGISTER of September 10, 1968, on page 12792. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)) notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such plastic mattress handles manufactured by Fibre Conversion Co., Ltd., Toronto, Canada, are less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Customs officers are being directed to withhold appraisement of plastic mattress handles manufactured by Fibre Conversion Co., Ltd., Toronto, Canada, in accordance with § 53.48, Customs Regulations (19 CFR 53.48).

In accordance with §§ 53.32(b) and 53.37, Customs Regulations (19 CFR 53.32(b), 53.37) interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views or arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 53.34(a), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 3 months from the date of such publication, unless previously revoked.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69-8656; Filed, July 23, 1969; 8:47 a.m.]

Internal Revenue Service

PAUL FIKE, JR.

Notice of Granting of Relief

Notice is hereby given that Paul Fike, Jr., 479 Coolspring Street, Uniontown, Pa., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on October 19, 1960, in the Court of Quarter Sessions of Fayette County, Pa., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Paul Fike, Jr., because of such convictions to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under Chapter 44, title 18, United States Code, from obtaining a license under that Chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 United States Code, Appendix) because of such convictions it would be unlawful for Mr. Fike, to receive, possess, or transport in commerce, a firearm. Notice is hereby further given that I have considered Paul Fike, Jr.'s application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of Chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Paul Fike, Jr. from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Paul Fike, Jr. be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described. Signed at Washington, D.C., this 11th day of July 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-8657; Filed, July 23, 1969; 8:47 a.m.]

MERLIN L. ALSON AND ROBERT D. BROMLEY

Notice of Granting of Relief

The Federal Firearms Act was repealed by section 906 of the Omnibus Crime Control and Safe Streets Act of 1968. (82 Stat. 234.) Section 907 of that Act provided that the repeal of the Federal Firearms Act should not in itself terminate any valid license issued pursuant to that Act, and any such license should be deemed valid until it expired according to its terms unless it was sooner revoked or terminated pursuant to applicable provisions of law. (82 Stat. 235.) However, Title VII of the same Act prohibited persons convicted of felonies from receiving, possessing or transporting in commerce or affecting commerce, any firearm. (82 Stat. 236.)

Section 10 of the Federal Firearms Act provided that persons who had been convicted of certain crimes punishable by imprisonment for a term exceeding 1 year could apply for relief from their disabilities incurred under the Act by virtue of such convictions. (79 Stat. 788.) The following persons applied for and were granted relief, and a notice thereof was published in the FEDERAL REGISTER as required by law.

(1) Merlin L. Alson, 31 F.R. 14993 (1966)

(2) Robert D. Bromley, 32 F.R. 14337 (1967)

It will be necessary for these persons to be granted relief from their disabilities under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236) and the Gun Control Act of 1968 (82 Stat. 1213) if they wish to continue to receive, possess, transport, and deal in firearms.

Notice is hereby given that I have considered the previous applications for relief from disabilities of the persons named above. I have found that:

(1) Their convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of Chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) The circumstances regarding their convictions, and the applicants' records and reputations, are such that they will not be likely to act in a manner dangerous to public safety, and that granting them relief pursuant to 18 U.S.C. 925(c) would not be contrary to the public interest.

Therefore, it is ordered, Pursuant to the authority vested in the Secretary of the Treasury by 18 U.S.C. 925(c), delegated to me by 26 CFR 178.144(c), that all the persons listed above be, and they are hereby, granted relief from any and all disabilities imposed by the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197) and the Gun Control Act of 1968 (82 Stat. 1213) with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of their conviction of crimes punishable by imprisonment for a term exceeding 1 year as described in the issue of the FEDERAL REGISTER cited after each listed name.

Signed at Washington, D.C., this 17th day of July 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-8658; Filed, July 23, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification C3-1109]

CALIFORNIA

Order Providing for Opening of Public Lands

JULY 17, 1969.

1. Pursuant to Bureau Order No. 701 of July 23, 1964 (29 F.R. 10526), as amended, and pursuant to authority delegated to me by the Manager, November 18, 1965 (30 F.R. 14444), the following described land was classified April 15, 1969 and is hereby opened to filing of applications for exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, subject to valid existing rights, the provisions of any existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 7, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

MOUNT DIABLO MERIDIAN

T. 46 N., R. 1 E.,
Sec. 18, Lot 1.

2. The above described area contains 39.80 acres of public land located near Sheep Mountain approximately 5 miles due east of Macdoel, Siskiyou County, Calif., and is included in the Mount Dome National Cooperative Land and Wildlife Management Area.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-8752; Filed, July 23, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

COLOMBIA

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in the Commissioner of Social Security by the Secretary of Health, Education, and Welfare, and redelegated to him, the Director of the Bureau of Retirement and Survivors Insurance has approved a finding that beginning January 1967 Colombia has in effect a social insurance system of general application which meets the requirements of section 202(t)(2)(A) and (B) in that it pays periodic benefits on account of old age, retirement, or death and qualified U.S. citizens, not citizens of Colombia, who leave that country are permitted to receive such benefits at the full rate while outside that country without regard to the duration of the absence.

Accordingly, it is hereby determined and found that Colombia has in effect beginning with January 1967, a social insurance system of general application which meets the requirements of section 202(t)(2)(A) and (B) of the Social Security Act (42 U.S.C. 402(t)(2)(A) and (B)).

This revises the finding published in the FEDERAL REGISTER of July 26, 1958 (23 F.R. 5674).

Dated: July 3, 1969.

HUGH F. MCKENNA,
Director, Bureau of Retirement and Survivors Insurance.

[F.R. Doc. 69-8659; Filed, July 23, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20781; Order 69-7-81]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Transatlantic Promotional Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of July 1969.

Agreements adopted by the International Air Transport Association (IATA) relating to transatlantic promotional fares, Docket 20781, Agreement CAB 20848.

By Order 69-4-138, the Board approved various IATA transatlantic fare resolutions subject to certain conditions. The Board, inter alia, limited to March 31, 1970, its approval of the contract bulk inclusive tour (CBIT) fares intended for effectiveness from November 1, 1969, through March 31, 1971, and it set this element of the resolutions down for an expedited investigation along with the discontinuance of the round-trip discount. The Board also deferred action on the group inclusive tour (GIT) fares intended for effectiveness April 1, 1970, through March 31, 1971. The latter would impose roughly a $10 increase in the round-trip fares and tighter tour requirements than those that now apply.

Petitions for reconsideration of one or both of these resolutions have been received from Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA), American Express Co. (AMEXCO), Creative Tour Operators (CTOA), and Flying Mercury, Inc. In general, the petitioners seek an extension of approval of the resolutions in question through the 1970 summer season—through varying dates up to October 31, 1970. A statement has also been received from the Secretary of Commerce suggesting that the CBIT fares be approved through the 1970 summer season and asking that the Board act now on the GIT fares so as to remove the present uncertainty over the latter fares for next year.[1] Pan American has filed a motion to file an unauthorized document supplementing its petition. The Board will grant the motion and consider the supplement.

The principal thrust of the petitions is that the carriers and the travel industry have an urgent need for some degree of certainty as to the fares and the rules that will be available for inclusive tour travel in the 1970 summer season because of the lead time normally required for planning and marketing tours. It is contended that the planning and marketing of promotional programs for the next summer season cannot be accomplished on short notice—that effective marketing requires a lead time beginning now.

Both Pan American and TWA advert to the Board's limited approval of the CBIT fares through March 31, 1970, as a means of obtaining some experience under these fares, and, in substance, both believe that the test would be meaningless since approval would be limited to an off-season period.

AMEXCO argues that tour operators are faced with two alternatives—either to delay the marketing of the tours until the Board has resolved the lawfulness of the promotional fares or to proceed on the assumption that the fares in question will be approved for application next summer. AMEXCO contends that if it follows the second alternative, and the fares are not available in the 1970 summer season, serious public inconvenience would result and that this situation would prove disastrous for AMEXCO. In addition to wasted expenditures, its reputation of honoring commitments would be at stake. Finally, AMEXCO believes that the Board's action on these promotional fares will deter westbound travel to the United States, since definitive fares to the other vacation spots will be available on terms known in advance.

The National Air Carriers Association (NACA) filed an answer to the petition for reconsideration. NACA does not oppose the extension of the Board's approval of the GIT fares beyond April 1, 1970, but it expresses strong opposition to an extension of the Board's approval of the CBIT fares.[2]

Upon consideration of the record and all relevant matters, the Board will deny the petitions to extend approval of the CBIT fares, but will approve the GIT fares for their intended effectiveness, i.e., April 1, 1970, through March 31, 1971.[3] The Board ordered this investigation of the CBIT fares in the light of contentions by the supplemental air carrier industry that these fares are unreasonable and that they would be seriously injured by them. There is nothing in the petitions for reconsideration which was not considered before we issued Order 69-4-138 or that would now resolve those issues.

The contention that failure to approve the CBIT fares now for the period beyond March 31, 1970, will impair the carriers' and tour operators' ability to mount a successful inclusive tour program during the 1970 season, if valid, does not override the need to test the lawfulness of those fares before they come into general use during the peak season travel period when they could have a serious potential effect on the supplemental carriers. There is no question here of discontinuing a long-established tour basing fare to the detriment of persons who have been relying on that fare. The question is whether a newly designed promotional fare meets the statutory tests of lawfulness and whether the implementing agreement should be approved for the future.

The theory that some persons may gamble on eventual approval of the CBIT fares, going forward now with tour programs based on such fares, to the ultimate inconvenience and disadvantage of the traveling public if the fares are later disapproved, is no valid basis for applying the fares at this point for use during the peak 1970 travel season. Moreover, our approval herein of the GIT fares for the full term of the resolution should afford the tour industry an adequate basis for a full tour program during the summer of 1970.

Accordingly, it is ordered, That:

1. The motions of Pan American World Airways, Inc., and the National Air Carriers Association to file unauthorized documents are granted;

2. Petitions requesting an extension of the Board's approval of the contract bulk inclusive tour fares are denied;

3. Group inclusive tour fares intended for effectiveness from April 1, 1970, through March 31, 1971, on which Board action was deferred, are approved; and

4. To the extent not granted, all other petitions, complaints, and requests relating to the extension of approval of the CBIT fares and/or approval of the GIT fares are hereby denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8675; Filed, July 23, 1969; 8:49 a.m.]

[1] NACA has filed a motion for leave to file an unauthorized document, namely, a response to the Secretary of Commerce's statement. This motion will be granted.

[2] NACA says that the Board lacks jurisdiction to reconsider its order on the CBIT fares because of the pendency of NACA's petition for judicial review of such order in the U.S. Court of Appeals for the District of Columbia Circuit, National Air Carrier Association, et al. v. Civil Aeronautics Board, C.A.D.C. No. 23,012, filed May 7, 1969. In view of our denial of the requests to extend approval of the CBIT fares, no question of our jurisdiction is presented. Anchor Line v. Federal Maritime Commission, 299 F. 2d 124 (C.A.D.C., 1962); Frontier Airlines, Inc. v. Civil Aeronautics Board, 259 F. 2d 808 (C.A.D.C., 1958).

[3] Although the Board earlier decided to defer action at this time on the GIT fares for effectiveness on and after Apr. 1, 1970, in light of the contentions that the fares and rules applicable to inclusive tours for the 1970 season must be established now, we will pass on the GIT agreements at this time. The increases in the round-trip GIT fares proposed, generally $10, are minimal, and the Board has historically allowed the carriers a measure of discretion in establishing promotional fares. In addition, the proposed changes in the rules governing the applicability of the GIT fares are not unreasonable and should improve the economics of these fares. For example, GIT rules would (1) place a limitation on the number of allowable stopovers, and (2) require sightseeing as part of the minimum tour price. Current GIT rules (1) have no restriction on the number of stopovers, and (2) do not require sightseeing as part of the minimum tour price.

[4] Members Gilliland and Adams would have granted the petitions as filed.

[Docket No. 20950]

LUXAIR

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned to be held on July 30, 1969, is hereby postponed to August 1, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 17, 1969.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 69-8676; Filed, July 23, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18602, 18603; FCC 69-762]

NATIONAL BROADCASTING CO., INC. (KNBC), AND VOICE OF LOS ANGELES, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of National Broadcasting Co., Inc. (KNBC), Los Angeles, Calif., Docket No. 18602, File No. BRCT-81; for renewal of broadcast license;

Voice of Los Angeles, Inc., Los Angeles, Calif., Docket No. 18603, File No. BPCT-4192; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications, one requesting a renewal of its license to operate on Channel 4, Los Angeles, Calif., and the other requesting a construction permit for a new television broadcast station to operate on Channel 4, Los Angeles, Calif.

2. With respect to the application of Voice of Los Angeles, Inc., the following considerations are pertinent:

(a) Based on the information contained in the application of Voice of Los Angeles, Inc., cash in the amount of $2,636,422 will be needed for the construction and first 3 months cost of operation of the proposed station, consisting of down payment on equipment—$383,000; payments on equipment including interest—$328,422; buildings—$100,000; other items—$200,000; 3 months cost of operation—$1,625,000. The applicant does not propose to operate with a network affiliation. Since the independent Los Angeles VHF television stations generate revenues on an average at least equal in amount to the applicant's anticipated first-year revenues ($6,500,000), the cash needed figure has been computed on the basis of requiring that the applicant demonstrate the availability of cash to meet the first 3 months operating costs until the previously established revenues can be generated.

(b) To meet the cash needed requirements, the applicant relies upon the availability of $319,990 in stock subscription agreements and a $2,500,000 bank loan from the Union Bank, Los Angeles, Calif. The applicant has established that except for John F. Simmons, all of the proposed stockholders have available liquid and current assets in excess of current liabilities in sufficient amounts to meet their total stock subscription commitments of $304,990. Since the balance sheet submitted by John F. Simmons does not indicate what portion of his liabilities are current, it cannot be determined whether he will have available sufficient liquid and current assets in excess of current liabilities to meet his $15,000 subscription commitment. The proposed $2,500,000 bank loan from the Union Bank does not comply with the requirements of section III, paragraph 4(h), FCC Form 301, since the loan is conditioned on the stockholders providing guarantees or pledges of collateral in a manner sufficient to satisfy the bank and no such guarantees or pledges have been submitted and there is no indication as to the type of guarantees or pledges which would satisfy the bank. Accordingly, financial issues have been specified.

3. National Broadcasting Co., Inc., is qualified to own and operate Television Broadcast Station KNBC[1] and except as indicated by the issues set forth below, Voice of Los Angeles, Inc., is qualified to construct, own, and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

4. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of National Broadcasting Co., Inc., and Voice of Los Angeles, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine with respect to the application of Voice of Los Angeles, Inc.:

(a) Whether John F. Simmons has available liquid and current assets (as defined in section III, paragraph 4(d), FCC Form 301) in excess of current liabilities in sufficient amount to meet his commitment to the applicant.

(b) Whether the applicant will have available a bank loan of $2,500,000 from the Union Bank to finance the construction and first 3 months cost of operation of the station.

(c) Whether, in the light of the evidence adduced pursuant to the foregoing, Voice of Los Angeles, Inc., is financially qualified.

(2) To determine which of the proposals would better serve the public interest.

(3) To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

5. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

6. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 9, 1969.

Released: July 16, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8653; Filed, July 23, 1969; 8:47 a.m.]

[1] On two occasions we have written letters raising certain problems in connection with the operation of Station KNBC, and in each letter we have stated that the matters discussed would be considered further in connection with the next application for renewal of license of Station KNBC, 12 F.C.C. 2d 778, 13 R.R. 2d 82 (1968), 14 F.C.C. 2d 976, 14 R.R. 2d 421 (1968). Therefore, these matters will be considered in this proceeding.

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 29]

GOLDEN WEST FINANCIAL CORP.

Notice of Receipt of Applications for Permission To Acquire Control of Modesto Savings and Loan Association and Redwood Empire Savings and Loan Association

JULY 18, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Golden West Financial Corp., Oakland, Calif., a registered savings and loan holding company, for approval of the latter corporation's acquisition of control of the Modesto Savings and Loan Association, Modesto, Calif., an insured institution and Redwood Empire Savings and Loan Association, Petaluma, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and section 584.4 of the rules and regulations for Savings and Loan Holding Companies, said acquisitions to be effected by the purchase of assets of Modesto Savings and Loan Association and Redwood Empire Savings and Loan Association by Golden West Savings and Loan Association, an insured institution which is controlled by Golden West Financial Corp., in exchange for stock of Golden West Financial Corp., and the assumption of the liabilities and obligations of Modesto Savings and Loan Association and Redwood Empire Savings and Loan Association by Golden West Savings and Loan Association. Following such exchange Modesto Savings and Loan Association and Redwood Empire Savings and Loan Association will be dissolved. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-8648; Filed, July 23, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2793 etc.]

ATLANTIC RICHFIELD CO.

Orders Issuing Certificates of Public Convenience and Necessity

JULY 2, 1969.

In the order amending orders issuing certificates of public convenience and necessity, accepting notices of succession for filing, redesignating FPC gas rate schedules, substituting respondent, redesignating proceedings, and dismissing in part petition to amend, issued June 12, 1969, and published in the FEDERAL REGISTER June 24, 1969, F.R. 34(9758), on page 3, paragraph (F) should read as follows:

(F) The petition to amend is dismissed as moot with respect to the sales authorized in Docket No. G-4882, except as to sales from the Case Formation, and CI64-1500 which have been permitted to be abandoned in Dockets Nos. CI65-1271 and CI69-820.

On page 4, add certificate Docket No. G-15373 as pertaining to sales heretofore authorized to be made under Sinclair Oil Corp. FPC Gas Rate Schedule No. 61 which sales will be continued under Atlantic Richfield Co. FPC Gas Rate Schedule No. 359, and delete the asterisk after the latter rate schedule number.

On page 8, move "5" from after rate suspension Docket No. G-16669 to after rate suspension Docket No. RI65-244, and in footnote 5 change "Proceeding" to "Proceedings."

On page 8, add certificate in Docket No. G-4882, and rate suspension Docket No. RI60-213 as pertaining to sales heretofore authorized to be made under Sinclair Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 339 which sales will be continued under Atlantic Richfield Co. (Operator) et al., FPC Gas Rate Schedule No. 557.

On page 8, delete "4" after certificate Docket No. CI61-468.

On page 9, delete "6" after certificate Docket No. CI69-835.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8640; Filed, July 23, 1969; 8:46 a.m.]

[Docket No. CP69-352]

CITIES SERVICE GAS CO.

Notice of Application

JULY 16, 1969.

In the notice of application, issued July 2, 1969, and published in the FEDERAL REGISTER July 10, 1969, F.R. 34 (11445), on page 1, paragraph 2: Change " * * * for resale and distribution in the community of Pine, Okla., in Osage County" to " * * * for resale and distribution in the community of Prue, Okla., in Osage County."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8641; Filed, July 23, 1969; 8:46 a.m.]

[Docket No. E-7494]

IOWA POWER AND LIGHT CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Application

JULY 16, 1969.

In the notice of application, issued July 2, 1969, and published in the FEDERAL REGISTER July 10, 1969, F.R. 34 (11445), change the last phrase of paragraph 2 to read as follows: "the common stock of the new company for each share of the common stock of Iowa Power".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8642; Filed, July 23, 1969; 8:46 a.m.]

[Project No. 665]

UTAH POWER & LIGHT CO.

Notice of Application for Surrender of License (Major)

JULY 18, 1969.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-824r) by Utah Power & Light Co. for surrender of license for Project No. 665, located along the Santaquin or Summit Creek, Utah.

The Santaquin project consists of (1) a concrete diversion dam and intake; (2) an 11,120-foot long wood stave pipe from the intake to the penstock; (3) a 2,145-foot long steel penstock; (4) a brick powerhouse with two generating units of 880 kw. each; (5) a short transmission line from the powerhouse to a switchyard on the interconnected transmission system of the licensee and (6) appurtenant facilities.

According to the application filed June 17, 1969, the operation of the project is uneconomical and the energy supplied by this project can be furnished more economically from other sources within the Licensee's interconnected system. Licensee will dismantle project within one year following approval of application.

Any person desiring to be heard with reference to said application should, on or before August 27, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8680; Filed, July 23, 1969; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Anton Alkek Grocery & Market, foodstore; 714 South Bridge Street, Victoria, Tex.; 4-26-69 to 4-25-70.

Baconia Plantation, Inc., agriculture; Cary, Miss.; 5-12-69 to 5-11-70.

Baptist Memorial Hospital, hosptial; 1007 Goodyear Avenue, Gadsden, Ala.; 5-10-69 to 5-9-70.

Bern's Super Foods, foodstore; 20 North Main Street, Midvale, Utah; 5-2-69 to 5-1-70.

Big Giant Super Market, Inc., foodstore; 2121 South Portland, Oklahoma City, Okla.; 5-1-69 to 4-30-70.

The Bomber, gasoline station; 13515 Southeast McLoughlin, Portland, Oreg.; 5-10-69 to 4-30-70.

Bond Stores, Inc., apparel store; 729 Broad Street, Newark, N.J.; 5-15-69 to 5-14-70.

Bondurant Drug, Inc., drugstore; 107 Main Street, Corbin, Ky.; 4-15-69 to 4-14-70.

Bone Superette, foodstore; 609 First Street, Bald Knob, Ark.; 4-11-69 to 4-10-70.

Buchanan Nursing Home, Inc., nursing home; Okeene, Okla.; 4-22-69 to 4-21-70.

Buehler Market, foodstore; 1509 First Avenue, Southeast, Cedar Rapids, Iowa; 5-2-69 to 5-1-70.

Robert Buist, agriculture; 11993 74th Avenue, Allendale, Mich.; 5-5-69 to 5-4-70.

Butler Furniture Co., furniture store; 408 Washington Avenue, West Plains, Mo.; 5-19-69 to 5-18-70.

John Casemier Food Market, foodstore; 120 West Savidge Street, Spring Lake, Mich.; 4-24-69 to 4-23-70.

Clinch Food Market, foodstore; Homerville, Ga.; 4-25-69 to 4-24-70.

Dover, Inc., foodstore; Crossville, Ala.; 5-10-69 to 5-9-70.

The Drumstick, Inc., restaurant; 7835 State Line, Kansas City, Mo.; 5-7-69 to 4-26-70.

Duckwall's, Inc., variety-department store; No. 69, Lawrence, Kans.; 5-7-69 to 1-31-70.

Edson's Grocery, foodstore; Stanberry, Mo.; 5-16-69 to 5-15-70.

Anthony Euser Greenhouses, agriculture; Route 1, Broomfield, Colo.; 4-9-69 to 4-8-70.

Forest Retreat Farms, Inc., agriculture; Carlisle, Ky.; 5-8-69 to 5-7-70.

Frankenmuth IGA, foodstore; 270 South Main Street, Frankenmuth, Mich.; 5-14-69 to 5-13-70.

Wm. Gehring, Inc., agriculture; Rensselaer, Ind.; 4-9-69 to 4-8-70.

Gerado's Grocery, foodstores; Toluca, Ill.; 5-7-69 to 5-6-70.

Gifford Memorial Hospital, Inc., hospital; 44 South Main Street, Randolph, Vt.; 5-1-69 to 4-30-70.

W. T. Grant Co., variety-department stores; No. 877, Jacksonville, Fla., 5-19-69 to 5-18-70; No. 53, St. Ann, Mo., 5-12-69 to 5-12-69 to 5-11-70; No. 629, Ashland, Ohio, 5-10-69 to 5-9-70.

Herberger's, department store; 518 St. Germain, St. Cloud, Minn.; 5-16-69 to 5-15-70.

Hill Country Implement Co., Inc., farm implement dealer; 307 East Main, Fredericksburg, Tex.; 5-7-69 to 5-6-70.

Jerry's Markets, foodstore; 2101 West Franklin, Evansville, Ind.; 5-2-69 to 5-1-70.

Josenhans Drug Store, drugstore; 1 North Whittaker Street, New Buffalo, Mich.; 4-23-69 to 4-22-70.

Herbert Klug, agriculture; 271 Seminole, Muskegon, Mich.; 5-13-69 to 5-12-70.

Kreher's Poultry Farm, agriculture; 11066 Main Street, Clarence, N.Y.; 4-24-69 to 4-23-70.

S. S. Kresge Co., variety-department stores from 5-2-69 to 5-1-70 except as otherwise indicated: No 4058, Springfield, Ill.; No. 363, Owensboro, Ky.; No. 704, Dallas, Tex. (5-13-69 to 5-12-70).

S. H. Kress and Co., variety-department stores from 5-1-69 to 4-30-70 except as otherwise indicated: 901 G Avenue, Douglas, Ariz. (4-27-69 to 4-26-70); 119 Morley Avenue, Nogales, Ariz. (4-27-69 to 4-26-70); 22 West Washington Street, Phoenix, Ariz. (4-27-69 to 4-26-70); 414 Central Avenue SW., Albuquerque, N. Mex.; 206 North Main Street, Roswell, N. Mex. (5-15-69 to 5-14-70); 119 West Main Street, Ardmore, Okla.; 325 Chickasha Avenue, Chickasha, Okla.; 129 West Main Street, Enid, Okla.; 324 C Avenue, Lawton, Okla.; 100 East Seventh Street, Okmulgee, Okla.; 105 East Grand Avenue, Ponca City, Okla.; 109 East Main, Shawnee, Okla.; 218 South Main Street, Tulsa, Okla.; 243 East Main Street, Johnson City, Tenn.; 700 Polk Street, Amarillo, Tex.; 1404 Elm Street, Dallas, Tex.; 206 West Jefferson Street, Dallas, Tex.; 201 West California Street, Gainesville, Tex.; 2506 Lee Street, Greenville, Tex.; 116 West Broad Street, Texarkana, Tex.; 114 West Erwin Street, Tyler, Tex.; 101 South College Street, Waxahachie, Tex.; 808 Indiana Avenue, Wichita Falls, Tex.

Leader Store, department store; 41 West Broad Street, Hazleton, Pa.; 5-19-69 to 5-18-70.

Leepers Retail Outlet, foodstore; Mt. Pleasant, Pa.; 5-19-69 to 5-18-70.

Le-Mac Nurseries, Inc., agriculture; Hampton, Va.; 5-1-69 to 8-31-69.

Lynndale Planting Co., Inc., agriculture; Cary, Miss.; 5-12-69 to 5-11-70.

McCrory-McLellan-Green Stores, variety-department store No. 466, St. Paul, Minn.; 5-2-69 to 5-1-70.

Mid-Nebraska Lutheran Home, nursing home; Newman Grove, Nebr.; 5-9-69 to 5-8-70.

Harry Minkovitz, Inc., department store; 124 Main Street, Sylvania, Ga.; 4-21-69 to 4-20-70.

Moody's Discount Center, foodstore; No. 1, San Benito, Tex.; 5-20-69 to 5-19-70.

Morgan & Lindsey, Inc., variety-department store, No. 3076, Greenville, Miss.; 4-21-69 to 4-20-70.

Mount Arbor Nurseries, agriculture; 400 North Center Street, Shenandoah, Iowa; 5-10-69 to 5-9-70.

G. C. Murphy Co., variety-department stores from 5-1-69 to 4-30-70 except as otherwise indicated: No. 97, Naugatuck, Conn. (5-4-69 to 5-3-70); No. 93, Torrington, Conn. (5-4-69 to 5-3-70); No. 435, Albion, Mich.; No. 436, Charlotte, Mich.; No. 444, Coldwater, Mich.; No. 406, Hillsdale, Mich.; No. 437, Marshall, Mich.; No. 424, Owosso, Mich.; No. 120, St. Joseph, Mich.; No. 451, South Haven, Mich.; No. 136, Ocean City, N.J. (5-8-69 to 5-7-70); No. 139, Washington, N.J. (5-8-68 to 5-7-70); No 135, Wildwood, N.J. (5-8-69 to 5-7-70); No. 181, Alliance, Ohio; No. 140, Barnesville, Ohio; No. 65, Bellaire, Ohio; No. 36, Bellefontaine, Ohio; No. 415, Bryon, Ohio; No. 234, Cincinnati, Ohio; No. 110, Circleville, Ohio; No. 265, Columbus, Ohio; No. 418, Defiance, Ohio; No. 441, Franklin, Ohio; No. 460, Galion, Ohio; Nos. 2 and 468, Gallipolis, Ohio; No. 37, Greenville, Ohio; No. 456, Hillsboro, Ohio; No. 459, Jackson, Ohio; No. 269, Kettering, Ohio (5-8-69 to 5-7-70); No. 446, Lebanon, Ohio (5-9-69 to 5-8-70); No. 469, London, Ohio (5-9-69 to 5-8-70); No. 230, Marion, Ohio (5-9-69 to 5-8-70); No. 38, Middletown, Ohio (5-9-69 to 5-8-70); No. 462, Napoleon, Ohio (5-9-69 to 5-8-70); No. 257, North Ridgeville, Ohio (5-9-69 to 5-8-70); No. 41, Piqua, Ohio (5-9-69 to 5-8-70); No. 453, St. Marys, Ohio (5-9-69 to 5-8-70); No. 52, Salem, Ohio (5-9-69 to 5-8-70); No. 40, Sidney, Ohio (5-9-69 to 5-8-70); No. 434, Toledo, Ohio (5-9-69 to 5-8-70); No. 122, Toronto, Ohio (5-9-69 to 5-8-70); No. 35, Troy, Ohio (5-9-69 to 5-8-70); No. 419, Urbana, Ohio (5-9-69 to 5-8-70); No. 20, Washington Court House, Ohio (5-8-69 to 5-7-70); No. 192, Wilmington, Ohio (5-8-69 to 5-7-70); Nos. 187 and 222, Youngstown, Ohio (5-8-69 to 5-7-70).

Myers Fried Chicken, Inc., restaurant; 2700 Georgia Street, Amarillo Tex.; 5-8-69 to 5-7-70.

Mrs. Gertrude Nauman, agriculture; Bowmansdale, Pa.; 4-28-69 to 4-27-70.

Neisner Brothers, Inc., variety-department store; No. 125, Washington, D.C.; 5-19-69 to 5-18-70.

Ochs Brothers, Inc., department store; 414 Central Avenue, Faribault, Minn.; 5-19-69 to 5-18-70.

Olson's Grocery, foodstore; Bagley, Minn.; 5-14-69 to 5-13-70.

Pacemaker Food Store, foodstores from 5-2-69 to 5-1-70: 2019 Broadway, Rockford, Ill.; 3132 North Rockton Avenue, Rockford, Ill.

Park N Shop Supermarket, foodstores from 5-12-69 to 5-11-70: East Jefferson, Culver, Ind.; Lincoln at Beech Road, Osceola, Ind.; 54977 Mayflower Road, South Bend, Ind.

Piggly Wiggly, foodstore; Centre, Ala.; 4-17-69 to 4-16-70.

Post Gardens, Inc., agriculture; 3055 West Michigan, Battle Creek, Mich.; 5-8-69 to 5-7-70.

Jim Pridgen Hardware, Inc., hardware store; 110 South Fifth Street, Griffin, Ga.; 4-22-69 to 4-21-70.

R & G Market, foodstore; 523 South 17th Street, Manhattan, Kans.; 5-15-69 to 3-30-70.

Raylass Department Store, variety-department stores from 5-1-69 to 4-30-70: 835-841 Broad Street, Augusta, Ga.; Corner Main and Davis Streets, Burlington, N.C.; 315 West Main Street, Durham, N.C.; 202 Hay Street, Fayetteville, N.C.; 102-04 West Main Street, Gastonia, N.C.; Corner Main Street and Second Avenue, Lexington, N.C.; 112 Pendelton Street, Easley, S.C.; 131 Main Street, Spartanburg, S.C.

Reeble Food Market, foodstores from 5-15-69 to 5-14-70: Nos. 1 and 2, Emporia, Ohio.

Ridgewood Variety, Inc., variety store; 623 42d Avenue, East Moline, Ill.; 5-14-69 to 5-13-70.

Rosefield Food Center, Inc., foodstore; Richeyville, Pa.; 5-16-69 to 5-15-70.

Royal's Inc., department store; Immokalee, Fla.; 5-9-69 to 5-8-70.

Rudyard Co-Op Co., foodstore; Rudyard, Mich.; 5-11-69 to 5-10-70.

Nelson W. Scott, agriculture; 3825 Werner Street, Muskegon, Mich.; 5-13-69 to 5-12-70.

Shenandoah Nurseries, agriculture; Shenandoah, Iowa; 5-12-69 to 5-11-70.

Arthur E. Snyder, agriculture; 57537 Mayflower Road, South Bend, Ind.; 5-13-69 to 5-12-70.

Spurgeon's, department store; 125 South Side Square, Macomb, Ill.; 5-1-69 to 4-30-70.

Sterling Stores Co., Inc., variety stores from 5-1-69 to 4-30-70: 2240 Lamar Avenue, Memphis, Tenn.; 121-123 North Moose Street, Morrilton, Ark.

T.G. & Y. Stores Co., variety-department stores: No. 231, Mobile, Ala., 5-1-69 to 4-30-70; No. 183, Phoenix, Ariz.; 4-29-69 to 4-28-70; No. 181, Albuquerque, N. Mex. 5-15-69 to 5-14-70; No. 286, Santa Fe, N. Mex. 5-19-69 to 5-18-70; No. 67, Tulsa, Okla. 4-29-69 to 4-28-70; No. 120, Amarillo, Tex. 5-2-69 to 5-1-70.

Jacob Wagenmaker, agriculture; 1243 East Norton Road, Muskegon, Mich.; 5-10-69 to 5-9-70.

Walton's Family Center, variety store; Midtown Shopping Center, Bentonville, Ark.; 1-13-69 to 1-12-70.

Ward & Fennig, department store; Estelline, S. Dak.; 5-19-69 to 5-18-70.

Ward-Brodt Music Co., music store; 315 North Henry Street, Madison, Wis.; 5-15-69 to 5-14-70.

Winfield Grocery & Market, foodstore; 120 East Third Street, West Liberty, Iowa; 5-19-69 to 5-18-70.

The Wishbone, Inc., restaurant; 4455 Main, Kansas City, Mo.; 5-7-69 to 4-26-70.

Wolke & Kotler, Inc., department store; 4811 Milwaukee Avenue, Chicago, Ill.; 5-16-69 to 5-15-70.

Woods Super Market, foodstore; Buffalo, Mo.; 5-3-69 to 5-2-70.

F. W. Woolworth Co., variety-department stores from 5-16-69 to 5-15-70: No. 2229, Crestwood, Mo.; No. 2253, Houston, Tex.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Ashcraft's Market, Inc., foodstore; 158 First Street, Harrison, Mich.; stock clerk, carryout; 15 to 27 percent; 5-16-69 to 5-15-70.

Ben Franklin, Inc., variety store; 300 West Eureka Street, Berryville, Ark.; stock clerk, salesclerk; 5 to 6 percent; 1-13-69 to 1-12-70.

Big Star, foodstore; No. 95, Memphis, Tenn.; sacker, carryout, bottle clerk; 15 to 20 percent; 5-9-69 to 5-8-70.

John Casemier Food Market, foodstore; 244 Randall Street, Coopersville Mich.; stock clerk, carryout, produce clerk, clerk, cleanup; 25 to 35 percent; 4-24-69 to 4-23-70.

Columbus Farm Equipment, Inc., farm implement dealer; Columbus, Nebr.; mechanic; 1 to 10 percent; 5-12-69 to 5-11-70.

Community Hospital of Roanoke Valley, hospital; 101 Elm Avenue SE., Roanoke, Va.; general duty nursing; 1 percent; 5-1-69 to 4-30-70.

Craft's Drug Store, drugstore; No. 11, Spartanburg, S.C.; salesclerk; 8 percent; 5-6-69 to 5-5-70.

D. S. Flower Farm, agriculture; Stuart, Fla.; general farm laborer; 9 to 32 percent; 4-14-69 to 4-13-70.

Dick's Market, foodstore; 350 East Pages Lane; Centerville, Utah; bagger, checker, stock clerk, general worker; 36 to 54 percent; 5-7-69 to 5-6-70.

Engle's Grocery and Market, foodstore; 225 West Main, Madison, Kans.; stock clerk, bagger, carryout; 10 to 18 percent; 5-19-69 to 5-18-70.

Garden City I.G.A. Foodliner, foodstore; 600 Garden City Drive, Monroeville, Pa.; cashier, stock clerk, bagger, carryout; 11 to 28 percent; 5-7-69 to 5-6-70.

Gee Bee, department store; Monroeville, Pa.; cashier, stock clerk, salesclerk, wrapper; 0.2 to 3 percent; 5-20-69 to 5-19-70.

Dillon Cos., Inc., foodstores for the occupations of cashier, checker, carryout, clerk, maintenance, wrapper: No. 105, Springdale, Ark., 11 to 32 percent, 5-12-69 to 5-11-70; No. 51, Great Bend, Kans.; 17 to 38 percent, 5-2-69 to 5-1-70.

W. T. Grant Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, cashier except as otherwise indicated: No. 226, Rockford, Ill., 6 to 18 percent, 5-17-69 to 5-16-70 (salesclerk, stock clerk); No. 142, Ballwin, Mo., 5 to 18 percent, 5-12-69 to 5-11-70 (salesclerk, office clerk, stock clerk); No. 1233, St. Charles, Mo., 6 to 10 percent, 5-8-69 to 5-7-70; No. 126, Newark, Ohio, 6 to 23 percent, 5-15-69 to 5-14-70; No. 3370, Washington, Pa., 6 to 20 percent, 5-13-69 to 5-12-70 (salesclerk).

H & J Food Basket, foodstores for the occupation of carryout, 4-22-69 to 4-21-70: No. 17, Roswell, N. Mex., 5 percent; No. 18, Roswell, N. Mex., 8 percent; No. 15, Ruidoso, N. Mex., 6 percent.

Haffner's 5¢ to $1 Store, variety store; No. 23, Sandusky, Mich.; salesclerk, office clerk, stock clerk, janitorial; 9 to 20 percent; 4-24-69 to 4-23-70.

Hub Frankel Co., Inc., department store; 232-234 West Main Street, Danville, Ky.; salesclerk, stock clerk, office clerk; 2 to 12 percent; 5-14-69 to 5-13-70.

Jerry's IGA, Inc., foodstore; 1113 West Beecher Street, Adrian, Mich; bagger, stock clerk; 14 to 28 percent; 5-6-69 to 5-5-70.

Jerry's Markets, foodstores for the occupations of sacker, carryout, 10 percent, 5-2-69 to 5-1-70: 2809 Lincoln Avenue, Evansville, Ind.; 1115 Main Street, Evansville, Ind.

S. S. Kresge Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, checker-cashier except as otherwise indicated: No. 4111, Birmingham, Ala., 3 to 11 percent, 5-8-69 to 5-7-70 (salesclerk); No. 4243, Oakland Park, Fla., 1 to 12 percent, 5-2-69 to 5-1-70 (salesclerk); No. 4085, Pensacola, Fla., 1 to 12 percent, 5-3-69 to 5-2-70 (salesclerk); 2535 Hubbell Avenue, Des Moines, Iowa, 2 to 10 percent, 5-2-69 to 5-1-70; No. 4018, Dubuque, Iowa, 8 to 23 percent, 5-3-69 to 5-2-70; No. 4110, High Point, N.C., 11 to 22 percent, 5-13-69 to 5-12-70 (salesclerk, checker); No. 4069, Casper, Wyo., 9 to 18 percent, 5-17-69 to 5-16-70.

Lerner Shops, apparel stores for the occupations of salesclerk, cashier, credit clerk, 5-15-69 to 5-14-70 except as otherwise indicated: No. 125, Mobile, Ala., 5 to 21 percent; No. 416, Tucson, Ariz., 15 percent; No. 46, Bradenton, Fla., 4 to 18 percent (5-2-69 to 5-1-70); No. 146, Sarasota, Fla., 4 to 18 percent (5-2-69 to 5-1-70); Nos. 54, 62, and 106, Tampa, Fla., 4 to 18 percent (5-2-69 to 5-1-70); No. 228, South Bend, Ind., 3 to 9 percent; No. 255, Wichita, Kans., 10 to 17 percent (5-2-69 to 5-1-70); No. 267, Pleasure Ridge Park, Ky., 5 to 13 percent (5-2-69 to 5-1-70); Nos. 134 and 302, Hyattsville, Md., 10 percent; No. 176, Langley Park, Md., 10 percent; No. 69, Silver Spring, Md., 10 percent; No. 177, Wheaton, Md., 10 percent; No. 159, Boston, Mass., 3 to 40 percent (5-2-69 to 5-1-70); No. 166, Framingham, Mass., 3 to 40 percent (5-2-69 to 5-1-70); No. 158, Medford, Mass., 3 to 40 percent (5-2-69 to 5-1-70); No. 164, Peabody, Mass., 3 to 40 percent (5-2-69 to 5-1-70); No. 156, Revere, Mass., 3 to 40 percent (5-2-69 to 5-1-70); No. 152, Worchester, Mass., 3 to 40 percent; No. 188, Biloxi, Miss., 5 to 21 percent; No. 74, Meridian, Miss., 5 to 21 percent; Nos. 208, 209, and 300, Kansas City, Mo., 10 to 17 percent (5-2-69 to 5-1-70); No. 27, Metuchen, N.J., 6 to 25 percent (5-9-69 to 5-8-70); No. 18, Paramus, N.J., 19 to 37 percent (5-9-69 to 5-8-70); No. 311, Willingboro, N.J., 14 to 30 percent (5-2-69 to 5-1-70); No. 89, Asheville, N.C., 6 to 20 percent (5-2-69 to 5-1-70); No. 39, Charlotte, N.C., 4 to 12 percent (5-2-69 to 5-1-70); No. 309, Akron, Ohio, 3 to 24 percent; Nos. 252 and 304, Cincinnati, Ohio, 4 to 11 percent; No. 264, Columbus, Ohio, 3 to 10 percent; No. 202, Dayton, Ohio, 4 to 11 percent; No. 278, Parma, Ohio, 7 to 11 percent; No. 64, Enid, Okla., 1 to 12 percent (4-25-69 to 4-24-70); No. 301, Tulsa, Okla., 1 to 12 percent (4-25-69 to 4-24-70); No. 206, Erie, Pa., 7 to 12 percent (4-25-69 to 4-24-70); No. 61, Anderson, S.C., 6 to 26 percent (5-2-69 to 5-1-70); No. 473, Abilene, Tex., 10 to 28 percent; No. 466, Amarillo, Tex., 0 to 35 percent; No. 131, Austin, Tex., 11 to 28 percent; No. 50, Beaumont, Tex., 0.2 to 21 percent (5-17-69 to 5-16-70); Nos. 37 and 101, Dallas, Tex., 4 to 11 percent; Nos. 130 and 471, El Paso, Tex., 10 to 28 percent; Nos. 104 and 148, Forth Worth, Tex., 4 to 11 percent; Nos. 56, 98, and 182, Houston, Tex., 4 to 11 percent (5-17-69 to 5-16-70); No. 58, Lubbock, Tex., 12 to 28 percent; No. 47, Mesquite, Tex., 4 to 11 percent; No. 33, Lynchburg, Va., 9 to 16 percent; No. 140, Newport News, Va., 13 to 20 percent; Nos. 215, 248, and 261, Milwaukee, Wis., 9 to 20 percent; No. 221, Wauwatosa, Wis., 9 to 20 percent.

Magic Mart, Inc., department store; East Race Street, Searcy, Ark.; salesclerk, stock clerk, janitorial; 2 to 14 percent; 4-21-69 to 4-20-70.

Martori Brothers Distributors, agriculture; Glendale, Ariz.; grape packer; 0 to 73 percent; 5-15-69 to 5-14-70.

May's Drug Store, drugstores for the occupations of salesclerk, stock clerk, 5 to 8 percent, 5-2-69 to 5-1-70 except as otherwise indicated: Nos. 161, 165, 166, 170, and 171, Cedar Rapids, Iowa; No. 175, Cedar Rapids, Iowa (5-15-69 to 5-1-70); No. 204, Dubuque, Iowa; No. 184, Marion, Iowa; No. 194, Marshalltown, Iowa; No. 197, Ottumwa, Iowa.

Men's Quality Shop, Inc., apparel; Oglethorpe Mall, Savannah, Ga.; salesclerk, office clerk, maintenance; 6 to 32 percent; 5-8-69 to 5-7-70.

Morgan & Lindsey, Inc., variety-department stores for the occupations of salesclerk, office clerk, stock clerk except as otherwise indicated, 8 to 27 percent except as otherwise indicated: No. 3120, Baton Rouge, La., 5-12-69 to 5-11-70; No. 3027, Bunkie, La., 5-16-69 to 5-15-70 (salesclerk, stock clerk); No. 3110, Lafayette, La. (6 to 17 percent), 5-2-69 to 5-1-70.

G. C. Murphy Co., variety-department stores for the occupations of salesclerk, office clerk, stock clerk, janitorial: No. 282, Shreveport, La., 12 to 25 percent, 5-12-69 to 5-11-70; Nos. 71 and 298, Trenton, N.J., 17 to 28 percent, 5-8-69 to 5-7-70; No. 291, Cleveland, Ohio, 2 to 18 percent, 5-9-69 to 5-8-70; No. 281, Dayton, Ohio, 5 to 18 percent, 5-9-69 to 5-8-70.

Neisner Brothers, Inc., variety-department store; No. 169, Newton, Iowa; salesclerk; 1 to 18 percent; 5-2-69 to 5-1-70.

North Plaza Shop Rite, foodstore; 1307 North Center, Beaver Dam, Wis.; carryout; 5 to 21 percent; 4-16-69 to 4-15-70.

Pacemaker Food Store, foodstore; 8010 North Second Street, Rockford, Ill.; bagger, stock clerk, janitorial, carryout, cashier, window trimmer; 20 percent; 5-2-69 to 5-1-70.

Piggly Wiggly, foodstores for the occupation of bagger except as otherwise indicated: 10th Street, De Funiak Springs, Fla., 9 to 10 percent, 5-12-69 to 5-11-70; West Oakland Avenue, Camilla, Ga., 10 percent, 5-12-69 to 3-5-70; North Lake Drive, Prestonsburg, Ky., 20 to 32 percent, 5-19-69 to 5-18-70 (bagger, carryout, stock clerk).

Pleezing Food Store, foodstore; No. 4, Pensacola, Fla.; bagger, checker, stock clerk, market counter helper; 8 to 18 percent; 5-14-69 to 5-13-70.

Raylass Department Store, variety-department store; 1123-5 Broadway, Columbus, Ga.; stock clerk, salesclerk, office clerk, marker, janitorial; 11 to 29 percent; 5-4-69 to 5-3-70.

Rose's Stores, Inc., variety-department stores for the occupations of salesclerk, stock clerk, checker, marker, order writer, window trimmer except as otherwise indicated, 5-15-69 to 5-14-70 except as otherwise indicated: No. 11, La Grange, Ga., 13 to 31 percent, 5-5-69 to 5-4-70; No. 173, Tifton, Ga., 13 to 32 percent; No. 171, Aiken, S.C., 6 to 21 percent (salesclerk, stock clerk); No. 157, Morristown, Tenn., 2 to 8 percent (salesclerk, stock clerk, office clerk, checker).

Royal's, Inc., department store; 300 West North Park Street, Okeechobee, Fla.; salesclerk; 2 to 46 percent; 5-9-69 to 5-8-70.

St. Michael's Hospital, hospital; Third and Broadway, Tyndall, S. Dak.; nurse's aide; 0.3 to 5 percent; 5-16-69 to 5-15-70.

Sterling Stores Co., Inc., variety store; 5030 Park Avenue, Memphis, Tenn.; salesclerk, stock clerk, janitorial; 12 to 43 percent; 5-1-69 to 4-30-70.

T.G. & Y. Stores Co., variety-department stores for the occupations of salesclerk, office clerk, stock clerk: No. 189, Yuma, Ariz., 26 to 30 percent, 4-29-69 to 4-28-70; No. 763, Jonesboro, Ark., 11 to 30 percent, 5-9-69 to 5-8-70; No. 596, Chula Vista, Calif., 23 to 30 percent, 5-15-69 to 5-14-70; No. 455, Kansas City, Kans., 15 to 29 percent, 5-2-69 to 5-1-70; No. 777, Minden, La., 6 to 17 percent, 5-19-69 to 5-18-70; No. 701, West Monroe, La., 3 to 15 percent, 5-1-69 to 4-30-70; No. 140, Independence, Mo., 22 to 39 percent, 5-2-69 to 5-1-70; No. 450, Sedalia, Mo., 14 to 30 percent, 5-2-69 to 5-1-70; No. 284, Albuquerque, N. Mex., 13 to 24 percent, 5-7-69 to 5-6-70; No. 86, Nicoma Park, Okla., 22 to 30 percent, 4-24-69 to 4-23-70; No. 418, Oklahoma City, Okla., 22 to 30 percent, 5-1-69 to 4-30-70; No. 842, Nacogdoches, Tex., 30 percent, 5-9-69 to 5-8-70; No. 779, Nederland, Tex., 30 percent, 5-5-69 to 11-13-69, Replacement.

Tom's Super Market, foodstore; Front and Kellner Streets, Rensselaer, Ind.; stock clerk, carryout; 35 to 40 percent; 5-16-69 to 5-14-70.

Trowbridge Super Markets, Inc., foodstore; 300-310 Gilbert, Charles City, Iowa; carryout, stock clerk; 8 to 22 percent; 5-15-69 to 5-14-70.

F. W. Woolworth Co., variety-department stores for the occupation of salesclerk, 5-2-69 to 5-1-70: No. 2804, Kansas City, Mo., 4 to 23 percent; No. 2598, St. Louis, Mo., 9 to 15 percent.

Each certificate has been issued upon the representations of the employer

which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 16th day of July 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69-8647; Filed, July 23, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-75]

AGRICULTURAL COOPERATIVE TRANSPORTATION EXEMPTION

Implementation of Public Law 90-433

JULY 16, 1969.

Section 1047.21 of Title 49 CFR, effective July 7, 1969, adopted by the Commission to implement the provisions of Public Law 90-433 amending sections 203(b)(5) and 220 of the Interstate Commerce Act contains a limitation as to the amount of certain interstate transportation which may be performed by an agricultural cooperative subject to the regulations. It is specifically provided therein that such transportation "shall in no event exceed 15 percent of its total interstate transportation services in any fiscal year, measured in terms of tonnage."

The Commission has been requested by interested parties to clarify the meaning of the 15 percent limitation when applied to operations by an agricultural cooperative during that part of its fiscal year remaining after July 7, 1969. In this connection the Commission hereby advises all interested parties that the tonnage limitation specified in § 1047.21 of the subject regulations adopted by the Commission applies only to that interstate traffic received for transportation during the part of the fiscal year of any such argricultural cooperative remaining after July 6, 1969, regardless of the length of such remaining period.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8665; Filed, July 23, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 18, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41695—*Phosphatic fertilizer solution from points in Utah.* Filed by Colorado-Utah-Wyoming Committee, agent (No. 7), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, from points in Utah, to points in Colorado and Wyoming.

Grounds for relief—Short-line distance formula and grouping.

FSA No. 41696—*Anhydrous ammonia from specified points in Canada.* Filed by Western Trunk Line Committee, agent (No. A-2594), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, as described in the application, from specified points in Canada, to specified points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Canadian National Railway tariff ICC W.766.

FSA No. 41697—*Chemicals from Louisiana and Texas points to Lemont, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-53), for interested rail carriers. Rates on perchloroethylene, trichloroethane, and trichloroethylene, in tank carloads, from specified points in Louisiana and Texas, to Lemont, Ill.

Grounds for relief—Market competition.

Tariffs—Supplements 166 and 231 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 4564, respectively.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8666; Filed, July 23, 1969; 8:48 a.m.]

[Notice 560]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 18, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 4963 (Deviation No. 35), JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. 19475, filed July 10, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Charlotte, N.C., over Interstate Highway 85 to junction Interstate Highway 95, thence over Interstate Highway 95 to Washington, D.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Roanoke, Va., over U.S. Highway 220 to Ridgeway, Va., thence over Virginia Highway 87 to the Virginia-North Carolina State line, thence over North Carolina Highway 87 to Reidsville, N.C., thence over U.S. Highway 29 to Greensboro, N.C., thence over Alternate U.S. Highway 29 (formerly portion U.S. Highway 29) to High Point, N.C., thence over U.S. Highway 29 to junction Business Route U.S. Highway 29 (formerly portion U.S. Highway 29), thence over Business Route U.S. Highway 29 to Salisbury, N.C., thence over U.S. Highway 601 (formerly portion U.S. Highway 29) to junction U.S. Highway 29, thence over U.S. Highway 29 to Charlotte, N.C., (2) from High Point, N.C., over U.S. Highway 29 to Danville, Va., thence over U.S. Highway 58 to Martinsville, Va., thence over U.S. Highway 220 to Roanoke, Va., (3) from Lynchburg, Va., over U.S. Highway 501 to South Boston, Va., and (4) from Roanoke, Va., over U.S. Highway 460 to Lynchburg, Va., thence over U.S. Highway 29 via Charlottesville, Va., to Washington, D.C., and return over the same routes.

No. MC 8600 (Deviation No. 8), WERNER CONTINENTAL, INC., Graham Street, McKees Rocks, Pa. 15136, filed July 7, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Hubbard (Youngstown), Ohio, over Interstate Highway 80 to junction Interstate Highway 81E, thence over Interstate Highway 81E to junction Interstate Highway 84, thence over Interstate Highway 84 to Hartford, Conn.; and (2) from Hubbard (Youngstown), Ohio, over Interstate Highway 80 to junction North East Extension of the Pennsylvania Turnpike, thence over the North East Extension of the Pennsylvania Turnpike to Philadelphia, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Hubbard (Youngstown), Ohio, over U.S. Highway 422 to Portersville, Pa., thence over U.S. Highway 19 to Pittsburgh, Pa., thence over U.S. Highway 22 to Newark, N.J., thence over city streets and connecting highways to New York, N.Y., thence over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 to Hartford, Conn.; and (2) from Hubbard (Youngstown), Ohio, over the route described in (1) above to Harrisburg, Pa., thence over U.S. Highway 422 to Philadelphia, Pa., and return over the same routes.

No. MC 61440 (Deviation No. 15), LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Post Office Box 82488, Oklahoma City, Okla. 73108, filed July 8, 1969. Carrier's representative: Richard H. Champlin, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Houston, Tex., and Beaumont, Tex., over Interstate Highway 10, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Houston, Tex., and Beaumont, Tex., over U.S. Highway 90.

No. MC 65491 (Deviation No. 8), GEORGE W. BROWN, INC., 1475 East 222d Street, Bronx, N.Y. 10469, filed July 10, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Buffalo, N.Y., over Interstate Highway 90 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction Interstate Highway 80S thence over Interstate Highway 80S to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highways 70N and 70S, thence over Interstate Highway 70N to Baltimore, Md.; and (2) from Buffalo, N.Y., over the route described in (1) above to junction Interstate Highway 70, 70N and 70S, thence over Interstate Highway 70S to Washington, D.C., and return over same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 22, thence over U.S. Highway 22 to Easton, Pa., thence over unnumbered highway via Wilson, Dryland, Butztown, Bethlehem, and Allentown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway at or near Strausstown, Pa., thence over unnumbered highway via Strausstown and Bethel, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa.; (2) from New York, N.Y., over U.S. Highway 9 to Albany, N.Y., thence over U.S. Highway 20 to junction New York Highway 130, thence over New York Highway 130 to Buffalo, N.Y.; and (3) from Newark, N.J., over U.S. Highway 1 to Richmond, Va., and return over the same routes.

No. MC 66562 (Deviation No. 24), RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017, filed July 9, 1969. Carrier's representative: William H. Marx, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, moving in express service, over a deviation route as follows: Between Binghamton, N.Y., and Syracuse, N.Y., over Interstate Highway 81, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Binghamton, N.Y. over U.S. Highway 11 to junction New York Highway 41, thence over New York Highway 41 to junction New York Highway 281, thence over Highway 281 to junction U.S. Highway 11, thence over U.S. Highway 11 to Syracuse, N.Y., and return over the same route.

No. MC 76032 (Deviation No. 24), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed July 7, 1969. Carrier's representative: William E. Kenworthy, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exception, over a deviation route as follows: From junction U.S. Highway 40 and Interstate Highway 35W near Salina, Kans., over Interstate Highway 35W to junction U.S. Highway 56 near McPherson, Kans., thence over U.S. Highway 56 to junction Kansas Highway 96 near Great Bend, Kans., thence over Kansas Highway 96 to the Kansas-Colorado State line, thence over Colorado Highway 96 to Pueblo, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) Between Kansas City, Mo., and Denver, Colo. over U.S. Highway 40; and (2) between Denver, Colo., and Pueblo, Colo., over U.S. Highway 85.

No. MC 108589 (Deviation No. 3), EAGLE EXPRESS COMPANY, Post Office Box 679, Somerset, Ky. 42501, filed July 8, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction Interstate Highway 75 and Tennessee Highway 63, at Caryville, Tenn., and Knoxville, Tenn., over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authoried to transport the same commodities, over a pertinent service route as follows: From Knoxville, Tenn., over U.S. Highway 25W to Caryville, Tenn., thence over Tennessee Highway 63 to junction U.S. Highway 27, thence over U.S. Highway 27 to Somerset, Ky., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 61616 (Deviation No. 33) (Cancels Deviation No. 30), MIDWEST BUSLINES, INC., 433 West Washington Avenue, North Little Rock, Ark. 72214, filed July 10, 1969. Carrier's representative: Nathaniel Davis, Post Office Box 1188, Little Rock, Ark. 72203. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers over deviation routes as follows: (1) From junction U.S. Highway 64 and Interstate Highway 40, 1.7 miles west of Clarksville, Ark., over Interstate Highway 40 to junction Arkansas Highway 103 (an access road), thence over Arkansas Highway 103 to Clarksville, Ark., a distance of 5.2 miles; (2) from Clarksville, Ark., over Arkansas Highway 103 (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Arkansas Highway 7 (an access road), thence over Arkansas Highway 7 to Russellville, Ark., a distance of 26.2 miles; (3) from Russellville, Ark., over Arkansas Highway 7 (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Arkansas Highway 331 (an access road), thence over Arkansas Highway 331 to junction U.S. Highway 64, a distance of 5.7 miles; (4) from junction U.S. Highway 64 and Arkansas Highway 331 over Arkansas Highway 331 (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to junction unnumbered access road, thence over unnumbered access road to Pottsville, Ark., a distance of 4.8 miles; and (5) from Pottsville, Ark., over unnumbered access road to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Arkansas Highway 105 (an access road), thence over Arkansas Highway 105 to Atkins, Ark., a distance of 6.7 miles; and (6) from Atkins, Ark., over Arkansas Highway 105 (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to junction unnumbered access road, thence over unnumbered access road to Blackwell, Ark., a distance of 8.2 miles, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: (1) From Fort Smith, Ark., over U.S. Highway 64 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction U.S. Highway 70, thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

No. MC 61616 (Deviation No. 34), MIDWEST BUSLINE, INC., 433 West Washington Avenue, North Little Rock, Ark., filed July 10, 1969. Carrier's representative: Nathaniel Davis, Post Office Box 1188, Little Rock, Ark. 72203. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Menifee, Ark., over an unnumbered

access road to junction Interstate Highway 40, thence over Interstate Highway 40 to North Little Rock, Ark., a distance of 34.2 miles, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Fort Smith, Ark., over U.S. Highway 64 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction U.S. Highway 70, thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8667; Filed, July 23, 1969; 8:48 a.m.]

[Notice 1314]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 18, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications, as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 119778 (Sub-No. 120) (Republication), filed February 13, 1969, published in the FEDERAL REGISTER issue of March 13, 1969, and republished this issue. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. 35221. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. By application filed February 13, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of liquid sugar and blends of liquid sugar, in bulk, in tank vehicles, from points in Jefferson County, Ala., to points in Georgia on and west of U.S. Highway 129, and points in that part of Tennessee on and west of a line beginning at the Georgia–Tennessee State line and extending along U.S. Highway 11 to Knoxville, Tenn., thence along U.S. Highway 25W to the Tennessee–Kentucky State line and east of Tennessee Highway 13. An order of the Commission, Operating Rights Board, dated June 20, 1969, and served July 15, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *liquid sugar* and (2) *blends of liquid sugar and other sweeteners*, in bulk, in tank vehicles, from points in Jefferson County, Ala., to those points in that part of Georgia on and west of U.S. Highway 129, and to those points in that part of Tennessee on and west of a line beginning at the Georgia-Tennessee State line and extending along U.S. Highway 11 to Knoxville, Tenn., thence along U.S. Highway 25W to the Tennessee-Kentucky State line and east of Tennessee Highway 13; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133192 (Republication), filed September 26, 1968, published in FEDERAL REGISTER issue of October 17, 1968, and republished this issue. Applicant: LARRY TREBINO CONSTRUCTION COMPANY, INC., 5 Cypress Drive, Burlington, Mass. 01803. Applicant's representative: Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601. By application filed September 26, 1968, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce as a contract carrier by motor vehicle over irregular routes of (1) granite chips and sand from Chelmsford and Monson, Mass., to Danbury, Hartford, Manchester, Newington, North Haven, and South Windsor, Conn.; (2) quartz and topaz from Lyneboro, N.H., and Malden, Mass., to Manchester, and South Windsor, Conn.; (3) expanded shale from Plainville, Mass., to Danbury, Hartford, Newington, and North Haven, Conn.; (4) pumice from Boston, Mass., Bridgeport and North Haven, Conn., and Portsmouth, N.H., to Acton and Medford, Mass., and North Haven, Conn.; (5) kiln feed from Canaan, Conn., to Acton and Medford, Mass.; and (6) limestone from Lee, Mass., to North Haven, Conn.; in bulk, in dump vehicles under contract with Plasticrete Corp. The application was referred to Examiner Allard for hearing and the recommendation of an appropriate order thereon. Hearing was held on May 8, 1969, at Boston, Mass.

A report and recommended order was served June 19, 1969, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) *granite chips and sand* from Chelmsford and Monson, Mass., to Danbury, Hartford, Manchester, Newington, North Haven, and South Windsor, Conn.; (2) *quartz and topaz* from Lyneboro, N.H., and Malden, Mass., to Manchester, Newington, and South Windsor, Conn.; (3) *expanded shale* from Plainville, Mass., to Danbury, Hartford, Newington, and North Haven, Conn.; (4) *pumice* from Boston, Mass., and Bridgeport and North Haven, Conn., and Portsmouth, N.H., to Acton and Medford, Mass., and North Haven, Conn.; (5) *kiln feed* from Canaan, Conn., to Acton and Medford, Mass.; and (6) *limestone* from Lee, Mass., to North Haven, Conn., in bulk, in dump vehicles, under contract with Plasticrete Corp., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133339 (Republication), filed December 9, 1968, published in FEDERAL REGISTER issues of January 3, 1969, and February 6, 1969, and republished this issue. Applicant: VICTORIA TRANSFER & STORAGE CO., a corporation, 1211 North Laurent Street, Post Office Box 1807, Victoria, Tex. 77901. Applicant's representative: Mert Starnes, The 904 Lavaca Building, Austin, Tex. 78701. By application filed December 9, 1968, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes of telephone equipment, materials, and supplies between Victoria, Tex., on the one hand, and, on the other, points in De Witt, Jackson, Calhoun, Victoria, Bee, Goliad, Refugio, and Lavaca Counties, Tex., restricted to traffic having a prior or subsequent out-of-State movement, under contract with Western Electric Co., Inc. An order of the Commission, Operating Rights Board, dated June 5, 1969, and served June 20, 1969, finds that operation by applicant, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of *telephone equipment, materials, and supplies* between Victoria, Tex., on the one hand, and, on the other, points in De Witt, Jackson, Calhoun, Victoria, Bee, Goliad, Refugio, and Lavaca Counties, Tex., under a continuing contract with Western Electric Co., Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 114789 (Sub-No. 16) (Notice of Filing of Petition To Add an Additional Contract Shipper), filed July 9, 1969. Petitioner: NATIONWIDE CARRIERS, INC., Maple Plain, Minn. Petitioner, states it is a motor carrier of property in interstate commerce operating under both common and contract authority. Contract authority is issued in MC 114789 and subs thereunder, and authorizes, in Sub 16, the following described operations: "Floor coverings, stair treads, wall tile, countertop coverings, and molding, and materials and supplies used in the installation, maintenance, and repair of the commodities described above." "From Danbury, New London and West Haven, Conn.; Boston, Mass.; Lisbon, Maine; Newark, Salem, and Trenton, N.J.; Newburgh and New York, N.Y.; Akron, Fostoria, and Middlefield, Ohio; and Chicago, Ill.; to points in Iowa, Minnesota, North Dakota, and Wisconsin, with no transportation for compensation on return except as otherwise authorized." Petitioner states it is operating the above authority under contract with General Floor Coverings Co. of Minneapolis, Minn. Said authority described above was issued on February 6, 1969. By the instant petition, Petitioner states that Minnesota Tile Supply of Minneapolis, Minn., has requested petitioner to provide the same kind and type of contract service for it as it is presently performing for General Floor Coverings, and Petitioner is desirous of performing this extension of service. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 5888 (Sub-No. 30), filed June 29, 1969. Applicant: MID-AMERICAN LINES, INC., 900 North Indiana, Kansas City, Mo. 64120. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods and commodities in bulk), (1) between points in Lake, Cook, McHenry, De Kalb, Kane, Du Page, Kendall, Grundy, Will, and Kankakee Counties, Ill., and (2) between points in the counties named in (1) above, on the one hand, and, on the other, points in Illinois, restricted to shipments originating at or destined to points in the counties named in (1) above. NOTE: This application is directly related to MC–F 10529, published in the FEDERAL REGISTER on July 9, 1969. Applicant states it intends to tack at Chicago, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

Finance Docket No. 25723. (Correction) (SOUTHERN PACIFIC COMPANY and SOUTHERN PACIFIC TRANSPORTATION COMPANY), published in the June 18, 1969, issue of the FEDERAL REGISTER, on page 9596. This notice to show the correct name "SOUTHERN PACIFIC TRANSPORTATION COMPANY (Transportation Company), a new corporation, in lieu of Southern Pacific Transport Company (Transport Company), as was erroneously referred to in the prior notice.

No. MC–F–10414. (Amendment) (EASTERN EXPRESS, INC.—Purchase—KASMAR ROCHELLE TRANSIT CO.), published in the March 19, 1969, issue of the FEDERAL REGISTER, on page 5410. Amendment filed July 2, 1969, shows the joining in of AMERICAN EXPORT INDUSTRIES, INC., 26 Broadway, New York, N.Y. 10004, as party in control of EASTERN EXPRESS, INC.

No. MC–F–10507 (Supplement) (RYDER SYSTEM, INC.—Control—COMPLETE AUTO TRANSIT, INC.), published in the June 18, 1969, issue of the FEDERAL REGISTER, on page 9597. By supplemental application, filed July 14, 1969, JAR CORPORATION, TEMCO INDUSTRIES, INC., and RIDR, INC., all also of 2701 South Bayshore Drive, Miami, Fla. 33133, seek to join in the application as parties in control of RYDER SYSTEM, INC.

No. MC–F–10513 (Correction) (AAA MOTOR LINES, INC.—Control—COOPER TRANSFER CO., INC.), published in the June 25, 1969, issue of the FEDERAL REGISTER, on page 9833. This notice to show additional authority sought to be controlled which was inadvertently stated in error or omitted and the exclusion of one nonexistent route which was inadvertently included. The additional authority sought to be controlled should read: *General commodities*, excepting, among others, household goods, but not excepting commodities in bulk, over regular routes, between Pensacola, Fla., and Uriah, Ala., serving all intermediate points, in lieu of between Pensacola, Fla., and Uriah, Ala.; *textile products*, over irregular routes, from points in Alabama within

150 miles of Brewton, Ala., including Brewton, Ala., to New Orleans, La., in lieu of from points in Alabama within 150 miles of Brewton, Ala., including Brewton, Ala., to points in Florida within 100 miles of Pensacola, Fla., including Pensacola, Fla.; and *roofing and roofing materials*, from New Orleans, La., to points in Alabama within 150 miles of Brewton, Ala., including Brewton, Ala., and points in Florida within 10 miles of Pensacola, Fla., including Pensacola, Fla. The nonexistent authority which should be excluded reads: *General commodities*, excepting among others, household goods and commodities in bulk, over regular routes, between Mobile, Ala., on the one hand, and, on the other, points in Alabama.

No. MC–F–10530. Authority sought for purchase by PAUL ARPIN VAN LINES, INC., 150 Manton Avenue, Providence, R.I. 02909, of the operating rights of A-WORLD VAN SERVICE, INC. (JOSEPH O. EARP, Trustee in Bankruptcy), % Jerome Shulkin, 30th Floor, Smith Tower, Seattle, Wash. 98104, and for acquisition by PAUL ARPIN VAN-LINES, INC., and, in turn by ADOLPH ARPIN, MILTON J. ARPIN, LOUISE M. ARPIN, and PAUL G. ARPIN, all also of Providence, R.I., of control of such rights through the purchase. Applicants' attorney and representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038, and Jerome Shulkin, 30th Floor, Smith Tower, Seattle, Wash. 98104. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Colorado, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10531. Authority sought for purchase by GUY HEAVENER, INC., Harleysville, Pa., of a portion of the operating rights of PROSPECT TRUCKING CO., INC., 2129 Nottingham Way, Trenton, N.J. 08619, and for acquisition by DUANE HEAVENER, also of Harleysville, Pa., of control of such rights through the purchase. Applicants' attorney: James W. Patterson, 2107 Fidelity Building, Philadelphia, Pa. 19109. Operating rights sought to be transferred: *Fertilizer*, as a *common carrier*, over irregular routes, from Baltimore, Md., Camden and Trenton, N.J., and Wilmington, Del., to points in Chester, Montgomery, Delaware, Bucks, and Berks Counties, Pa., and points in Camden and Atlantic Counties, N.J., from Carteret, N.J., to points in Bucks and Montgomery Counties, Pa. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC–F–10473 (P. LIEDTKA TRUCKING, INC.—Purchase (Portion)—PROSPECT TRUCKING CO., INC.), MC–F–10459 (MAIN TRUCKING & RIGGING CO., INC.—Purchase (Portion)—PROSPECT TRUCKING CO., INC.), and MC–F–10475 (N & N TRANSPORTATION CO., INC.—Purchase (Portion)—PROSPECT TRUCKING CO., INC.), published in the May 14, 1969, and April 30, 1969, issues of the FEDERAL REGISTER, on pages 7673, 7109, and 7674, respectively.

No. MC–F–10532. Authority sought for purchase by McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071, of a portion of the operating rights of SCHILLI MOTOR LINES, Yeoman, Ind. (Mailing address: Post Office Box 122, Delphi, Ind. 46923), and for acquisition by LEONARD R. McKEE, also of Mattawan, Mich., of control of such rights through the purchase. Applicants' attorney: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Operating rights sought to be transferred: *Foodstuffs*, except those in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Lawton, Mich., to points in that part of Illinois south of U.S. Highway 36, Indiana and Kentucky, with restriction. Vendee is authorized to operate as a *common carrier* in Michigan, California, Florida, Louisiana, Georgia, Arizona, Utah, Indiana, Mississippi, Alabama, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; and as a *contract carrier* in New York, Maryland, Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10533. Authority sought for purchase by LOUIS J. GARDELLA, INC., 111 Harbor Avenue, Norwalk, Conn. 06852, of the operating rights of THE DAVIS STORAGE COMPANY, 335 East Street, New Haven, Conn. 06511, and for acquisition by LOUIS J. GARDELLA, Spar Road, Norwalk, Conn., of control of such rights through the purchase. Applicants' attorney: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. 06510. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–48554 Sub 2, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Connecticut. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, Maryland, Illinois, Delaware, New Jersey, New York, Michigan, Rhode Island, Maine, New Hampshire, Pennsylvania, Ohio, West Virginia, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–73866 Sub 5 is a matter directly related.

No. MC–F–10546. Authority sought for purchase by LIGON SPECIALIZED HAULERS, INC., Post Office Box Drawer L, Madisonville, Ky. 42431, of the operating rights of L. R. HENLEY, Clarksville, Mo. 63336, and for acquisition by RALPH LIGON, also of Madisonville, Ky., of control of such rights through the purchase. Applicants' attorney: Robert M. Pearce, Post Office Box E, 1033 State Street, Bowling Green, Ky. 42101. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Clarksville, Mo., and East St. Louis, Ill., serving the intermediate point of St. Louis, Mo., and intermediate and off-route points within 7 miles of Clarksville. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii); and as a *contract carrier* in all points in the United States (except Alaska, Hawaii, and the District of Columbia). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10547. Authority sought for purchase by ALLIED INDUSTRIAL CONTRACTORS, INC., 300 East 7 Mile Road, Detroit, Mich. 48203, of the operating rights of TURNER CARTAGE & STORAGE CO., 4200 Miller Road, Dearborn, Mich. 48216, and for acquisition by RODGER DEAN WASSERMAN and ALVIN WASSERMAN, both of 2201 Finkell Avenue, Detroit, Mich., EDITH L. WASSERMAN, 1521 Charrington, Birmingham, Mich., ALBERT A. GOLDFARB, 3300 Guardian Building, Detroit, Mich. and BARBARA L. GOLDFARB, 30165 Stellamar Drive, Birmingham, Mich., of control of such rights through the purchase. Applicants' attorney: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–66585 Sub 6, covering the transportation of properties, as a common carrier, in intrastate commerce, within the State of Michigan. Vendee holds no authority from this Commission. However one of its stock holders ALVIN WASSERMAN of ALLIED DELIVERY SYSTEM, INC. is authorized to operate as a *common carrier* in the State of Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10548. Authority sought for purchase by REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon (Toledo), Ohio 43616, of a portion of the operating rights of HUFF TRANSPORT CO., INC., 2114 South 41st Street, Louisville, Ky. 40213, and for acquisition by LEASEWAY TRANSPORTATION CORP., and in turn by H. M. O'NEILL, F. J. O'NEILL and W. J. O'NEILL all of 21111 Chagrin Boulevard, Cleveland, Ohio 44122, of control of such rights through the purchase. Applicants' attorneys: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115 and Roland Rice, 618 Perpetual Building, Washington, D.C. 20004.

Operating rights sought to be transferred: *Petroleum and petroleum products*, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, as a *common carrier* over irregular routes from the pipeline terminal site of the Texas Eastern Transmission Corp., at or near Lebanon, Warren County, Ohio, to points in Indiana, Kentucky, and West Virginia (except points in Kanawha County, W. Va., and except petroleum chemicals to Fairmont, Fellansbee, and Morgantown, W. Va.). Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii) and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10549. Authority sought for purchase by B-BROTHERS CARTAGE, INC., Post Office Box 21, 1020 West 129th Place, Blue Island, Ill. 60406, of the operating rights of TAYLOR TRANSFER COMPANY, INC. (Bernard C. Chaitman, assignee for the benefit of creditors), 260 East Brookmont Boulevard, Kankakee, Ill. Applicants' attorney: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Kankakee, Ill., and Chicago, Ill., serving all intermediate points, and the off-route point of Bourbonnais, Ill., with restriction; *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, between Kankakee, Ill., and Chicago, Ill., serving no intermediate points, with restriction; and under a certificate of registration, in Docket No. MC–870 Sub-No. 3, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Wisconsin, Indiana, Michigan, Ohio, Kentucky, and Missouri. Application has been filed for temporary authority under section 210a(b). NOTE: MC–127608 Sub-No. 2 is a matter directly related.

No. MC–F–10550. Authority sought for purchase by MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, Portland, Oreg., of the operating rights of W. J. TANNAHILL & SONS, 2101 East 38th Street, Vernon, Calif., and for acquisition by O. J. MITCHELL, also of Portland, Oreg., and B. D. MITCHELL, Post Office Box 370, Medford, Oreg., of control of such rights through the purchase. Applicants' attorneys: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205, and Bart Wade, 729 Citizen's National Bank Building, 453 South Spring Street, Los Angeles, Calif. Operating rights sought to be transferred: *Building materials*, as a *common carrier*, over irregular routes, from Los Angeles Harbor and Long Beach Harbor, Calif., to points in California within 325 miles of First and Main Streets, Los Angeles, Calif.; and *lumber*, from points in the Los Angeles commercial zone as defined by the Commission in *Los Angeles, Calif., Commercial Zone*, 3 M.C.C. 248, to points in California within 325 miles of First and Main Streets, Los Angeles, Calif. Vendee is authorized to operate as a *common carrier* in Oregon, Washington, Idaho, California, Montana, and Nevada. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10551. Authority sought for control and merger by BERMAN'S MOTOR EXPRESS, INC., Post Office Box 1566, Binghamton, N.Y. 13902, of the operating rights and property of NORWICH EXPRESS, INC., 2 Franklin Street, Binghamton, N.Y., and for acquisition by JACOB BERMAN, Post Office Box 1566, Binghamton, N.Y. 13902, BENJAMIN BERMAN, and SAMUEL BERMAN, both of 337 Mystic Avenue, Medford, Mass. 02178, of control of such rights and property through the transaction. Applicants' attorneys and representatives: Martin Werner, Norman Weiss, both of 2 West 45th Street, New York, N.Y. 10036, and Eugene E. Peckham, Security Mutual Building, Binghamton, N.Y. 13901. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Binghamton, N.Y., and Norwich, N.Y., serving the intermediate points of Greene and Oxford, N.Y.; and under a certificate of registration, in Docket No. MC–99820 Sub-No. 2, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York. BERMAN'S MOTOR EXPRESS, INC., is authorized to operate as a *common carrier* in New York, Massachusetts, Pennsylvania, Maine, Rhode Island, New Hampshire, Vermont, and Connecticut. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–111625 Sub-No. 15 is a matter directly related.

No. MC–F–10552. Authority sought for purchase by JIM TIONA, Jr., 803 West Ohio, Butler, Mo. 64730, of a portion of the operating rights of VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, Kans. 66762. Applicants' attorney: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Operating rights sought to be transferred: *Dry muriate of pot ash*, as a *common carrier*, over irregular routes, from points in Eddy and Lea Counties, N. Mex., to Tulsa, Okla. Vendee is authorized to operate as a *common carrier* in Oklahoma, Kansas, Nebraska, Colorado, Iowa, Minnesota, Missouri, Tennessee, Mississippi, Arkansas, Virginia, West Virginia, Texas, Indiana, Kentucky, Michigan, North Dakota, Ohio, Wisconsin, South Dakota, Illinois, Louisiana, Alabama, and New Mexico. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.D. Doc. 69–8668; Filed, July 23, 1969; 8:48 a.m.]

[Notice 871]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 18, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub.-No. 252 TA), filed July 11, 1969. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum grease*, in bulk, in tank vehicles, from the plantsite of International Lubricant Co., New Orleans, La., to points in Alabama, Michigan, Ohio, and West Virginia, for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Shell Oil Co. (Mr. R. E. Olson, Assistant Manager, Traffic Department), 1250 Sixth Avenue, New York, N.Y. 10020. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 65525 (Sub-No. 20 TA), filed July 11, 1969. Applicant: WHITE BROTHERS TRUCKING CO., 10 South School Street, Wasco, Ill. Applicant's representative: Ralph Immer (same address as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Concrete pressure pipe*, from Hattiesburg, Miss., to Seadrift, Tex., for 180 days. Supporting shipper: Price Brothers Co., Post Office Box 825, Dayton, Ohio 45401. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 105755 (Sub-No. 12 TA), filed July 14, 1969. Applicant: M. J. K. TRUCKING CORP., 1040 John Alden Lane, Schenectady, N.Y. 12303. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, coconuts, and other exempt agricultural commodities* when transported in mixed shipments with regulated commodities, from Wilmington, Del., to points in the States of New York and New Jersey, for 150 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 107934 (Sub-No. 20 TA), filed July 11, 1969. Applicant: BYRD MOTOR LINE, INCORPORATED, Post Office Box 787, Lexington, N.C. 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Ronda and Elkin, N.C., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, Wisconsin, and District of Columbia, for 180 days. Supporting shipper: Burlington Industries, Inc., Transportation Division, Box 691, Burlington, N.C. 27215. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlottte, N.C. 28202.

No. MC 108449 (Sub-No. 298 TA), filed July 14, 1969. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from Fergus Falls, Minn., to points in North Dakota, for 180 days. Supporting shipper: Otter Tail Power Co., Fergus Falls, Minn. 56537. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 18088 (Sub-No. 50 TA), filed July 11, 1969. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Box Drawer 8, Sycamore, Ala. 35149. Applicant's representative: Erris A. Barnett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with usual exceptions, between Vincent, Ala., the plantsite of Vulcan Binder & Cover, Division of EBSCO Industries, Inc., on the one hand, and, on the other, points in Alabama, Georgia, South Carolina, and Tennessee, for 180 days. NOTE: Applicant will effect interchange at all points served Atlanta, Ga.; Birmingham and Mobile, Ala.; Greenville, S.C.; Chattanooga, Knoxville, Memphis, and Nashville, Tenn. Supporting shipper: Vulcan Binder & Cover, Division of EBSCO Industries, Inc., Post Office Box 29, Vincent, Ala. 35178. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 128383 (Sub-No. 5 TA), filed July 8, 1969. Applicant: PINTO TRUCKING SERVICE, INC., 1219 Morris Street, Philadelphia, Pa. 19148. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, between John F. Kennedy International Airport, New York, N.Y., Newark Airport, Newark, N.J., and Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, and Salem Counties, N.J., and Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., for 180 days. Supporting shippers: Airborne Freight Corp., Calcon Hook Road, Sharon Hill, Pa. 19079; Atlas Chemical Industries, Inc., Valley Forge Industrial Park, Valley Forge, Pa. 19481; Bor-Air Freight Co., Inc., 351 West 38th Street, New York, N.Y. 10018; Davis, Turner & Co., 113 Chestnut Street, Philadelphia, Pa. 19106; Five Star Air Freight Corp., Third and Governor Printz Boulevard, Lester, Pa. 19154; Imperial Air Freight Service, Inc., 151 Oliver Street, Newark, N.J. 07105; John H. Faunce Inc., 721 Chestnut Street, Philadelphia, Pa. 19106; Leeds & Northrup Co., Sumneytown Pike, North Wales, Pa. 19454; Wyeth Laboratories, Post Office Box 861, Paoli, Pa. 19301. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 129253 (Sub-No. 2 TA), filed July 14, 1969. Applicant: P & H TRUCKING COMPANY, 184 West 3300 South Street, Salt Lake City, Utah 84115. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing, heating, and waterworks supplies*, between points in Colorado, California, Wyoming, Nebraska, and New Mexico, for 180 days. Supporting shipper: N. O. Nelson Co. of Colorado, 300 Ilex Street, Post Office Box 76, Pueblo, Colo. 81002 (Bobby E. Cowden, President). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 133066 (Sub-No. 1 TA), filed July 10, 1969. Applicant: THURMAN LEE HESTER, doing business as T. L. HESTER TRUCK SERVICE, 904 South Howard, Moore, Okla. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Finished paper products*, from San Rafael, Calif., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Texas, for 180 days. Supporting shipper: Marco Paper Products Co., T. J. McCall, Vice President, 452 Du Bois Street, San Rafael, Calif. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 133646 (Sub-No. 1 TA), filed July 10, 1969. Applicant: YELLOWSTONE MOLASSES SERVICE, INC., Post Office Box 404, Billings, Mont. 59103. Applicant's representative: J. F. Meglen, Post Office Box 1581, 2822 Third Avenue North, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in specialized tank vehicles, between sugar plants located at Sidney, Billings, and Hardin, Mont., and Lovell, Worland, and Torrington, Wyo., for 180 days. Supporting shipper: Holly Sugar Corp., 100 Chase Stone Center, Colorado Springs, Colo. 80902. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133882 TA, filed July 14, 1969. Applicant: BARRY BLOEDEL, doing business as NEW ULM FREIGHTLINES, 1427 North Broadway, New Ulm, Minn. 56073. Applicant's representative: James H. Malecki, State and Center Streets, New Ulm, Minn. 56073. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, material, and supplies* used in the manufacture, assembly, equipping, outfitting and furnishing of mobile homes, from Elkhart, Ind., South Bend, Ind., Chicago, Ill., and Marshfield, Wis., to New Ulm, Minn., and return of *rejected, damaged, or defective materials*, for 180 days. Supporting shipper: Homette Corp., Division of Skyline, Inc., 2520 By Pass Road, Elkhart, Ind. 56514. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

By the Commission.

[SEAL] ANDREW ANTHONY, JR., *Acting Secretary.*

[F.R. Doc. 69-8669; Filed, July 23, 1969; 8:48 a.m.]

[Notice 381]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 18, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71461. By order of July 9, 1969, the Motor Carrier Board approved the transfer to Wadsworth and Reilly Express, Inc., Washington Mills, N.Y., of certificate No. MC-83151, issued May 18, 1954, to William Wadsworth, Sumner E. Reilly, and W. Bradley Wadsworth, a partnership, doing business as Wadsworth & Reilly, Washington Mills, N.Y., authorizing the transportation of general commodities, with the usual exceptions, between specified points in New York. Henry A. Cappelli, Suite 1102, First National Bank Building, Utica, N.Y. 13501, attorney for applicants.

No. MC-FC-71478. By order of July 9, 1969, the Motor Carrier Board approved the transfer to Best-Way Truck Line, Inc., Denver, Colo., of certificate No. MC-126058 (Sub-No. 2) issued March 3, 1969, to Bruce E. Bishop, doing business as Best-Way Truck Line, Denver, Colo., authorizing the transportation of general commodities, with the usual exceptions, between Denver, Colo., and Kirk, Colo., serving all intermediate and off-route points within 15 miles of Kirk (except Cope and Idalia, Colo.). Sanford Zisman, 1515 Western Federal Savings Building, Denver, Colo. 80202, attorney for applicants.

No. MC-FC-71484. By order of July 10, 1969, the Motor Carrier Board approved the transfer to Stephen's Moving Co., Inc., Berea, Ohio, of the certificate No. MC-47861 issued June 21, 1957, to A.A.A. Moving & Storage Co., a corporation, Berea, Ohio, authorizing the transportation of: *Household goods*, as defined by the Commission, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky Michigan, New Jersey, New York, Pennsylvania, and West Virginia. Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-71489. By order of July 9, 1969, the Motor Carrier Board approved the transfer to Peck's Moving & Storage Co., Inc., 1719 North Eighth Street, Paducah, Ky. 42001, of certificate No. MC-107077 issued September 17, 1958, to Reid Peck, doing business as Peck's Moving & Storage Co., 1719 North Eighth Street, Paducah, Ky. 42001, authorizing the transportation of uncrated furniture between points in McCracken County, Ky., on the one hand, and, on the other, points in Illinois, Missouri, and Tennessee, and household goods as defined by the Commission between points in specified counties in Kentucky on the one hand, and, on the other, points in Tennessee, Michigan, Ohio, Alabama, Arkansas, and Mississippi.

No. MC-FC-71501. By order of July 9, 1969, the Motor Carrier Board approved the transfer to Donald M. Koch, Alhambra, Ill., of certificates Nos. MC-66992 and MC-66992 (Sub-No. 1), issued October 12, 1949, and November 7, 1949, respectively, to Alfred H. Koch, Alhambra, Ill., authorizing the transportation of: *Livestock and poultry*, from points and places in Marine, Alhambra, and Hamel Townships, Madison County, Ill., to St. Louis, Mo., with no transportation for compensation on return; and general commodities, excluding household goods, commodities in bulk, and other specified commodities, from St. Louis, Mo., to points and places in Marine, Alhambra, and Hamel Townships, Madison County, Ill., and return with no transportation for compensation except as otherwise authorized. Routman and Lawley, 308 Reisch Building, Springfield, Ill. 62700, attorneys for applicants.

[SEAL] ANDREW ANTHONY, JR., *Acting Secretary.*

[F.R. Doc. 69-8670; Filed, July 23, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 50; Amdt. 3]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

To: Seaboard Coast Line Railroad Co., Norfolk and Western Railway Co., and Chicago, Burlington & Quincy Railroad Co.

Upon further consideration of Car Distribution Direction No. 50, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 50 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., August 3, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 20, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 17, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS, *Agent.*

[F.R. Doc. 69-8671; Filed, July 23, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 52; Amdt. 3]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 52, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 52 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., August 3, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 20, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 17, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS, *Agent.*

[F.R. Doc. 69-8672; Filed, July 23, 1969; 8:48 a.m.]

[S.O. 994; ICC Order 31]

CHICAGO AND NORTH WESTERN RAILWAY CO.

Rerouting and Diversion of Traffic

In the opinion of N. Thomas Harris, agent, the Chicago and North Western Railway Co. is unable to transport traffic over car ferries at Manitowoc, Wis., because of damage to its ferry slip at Manitowoc, Wis.

It is ordered, That:

(a) Rerouting traffic: The Chicago and North Western Railway Co. being unable to transport traffic over car ferries at Manitowoc, Wis., because of damage to its ferry slip at Manitowoc, Wis. The Chicago and North Western Railway Co. and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted or diverted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4 p.m., July 16, 1969.

(g) Expiration date: This order shall expire at 11:59 p.m., July 31, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 16, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS,
Agent.

[F.R. Doc. 69-8673; Filed, July 23, 1969; 8:48 a.m.]

CABINET TASK FORCE ON OIL IMPORT CONTROL

MANDATORY OIL IMPORT PROGRAM

Second-Round Submissions

1. On May 22, 1969, the Task Force on Oil Import Control published a notice in the FEDERAL REGISTER (34 F.R. 8055) setting forth its procedures and listing general and detailed questions on which responsive submissions were invited. The initial period for submissions ended on July 15, 1969, and copies of these submissions are available for reading and reproduction in accordance with the Task Force's previously published procedures.

2. For ease of reference paragraph 9 of those procedures is repeated in full:

9. The Task Force may, after reviewing the initial submissions, propound additional or repeated questions by publication of a similar notice in the FEDERAL REGISTER or by notice to individuals. Whether or not such additional or repeated questions are propounded, all interested parties are invited to submit additional or more refined data, comments, statements of views, and arguments by way of rebuttal, after their own review of initial submissions by other interested parties. For either of these purposes, the Task Force library will be open to receive second-round or rebuttal submissions no later than August 15, 1969. Interested persons may thereafter read and reproduce these second-round or rebuttal submissions as before, but no third round is contemplated.

The Task Force is currently reviewing the initial submissions, and may publish or address to inidividuals any further questions developed in the course of this review.

3. The Task Force has received or will be receiving certain special materials that will be deposited in its library and on which comments of interested persons during the second round of submissions would be particularly welcomed. These comprise:

(a) A report for the Office of Science and Technology by Charles River Associates, Inc., entitled "An Analytical Framework for Evaluating the Oil Import Quota Program."

(b) "Report on Estimates of Additional Recoverable Reserves of Oil and Gas for the United States and Canada," dated June 30, 1969, also prepared for the Office of Science and Technology by de Golyer & MacNaughton.

(c) A report for the Secretary of Interior by the National Petroleum Council, expected to be available about August 1, providing industry information relating to designated questions in the FEDERAL REGISTER notice of May 22, 1969.

(d) Presentations to committees of the Congress, including—to the extent that printing schedules permit—testimony prepared for submission to the Antitrust Subcommittee of the Senate Judiciary Committee in 1969.

(e) Other, comparable materials of special interest that have been or may be deposited by the staff, together with the foregoing materials, on or before August 8 in a file marked "Special Materials" in the Task Force library. One or more preliminary assessments of the possible order of magnitude of costs of production and transportation to market of Alaskan North Slope oil may be included in this category.

4. Interested persons who wish to make submissions in the second round should not repeat information or arguments adequately presented by their own or other submissions in the course of the first round. In some cases, however, it may be possible to comment on the materials specially identified in paragraph 3 of this notice through brief incorporations by reference of material set forth in one or more identified first-round submissions.

5. Rebuttal material should identify with particularity the first-round submission(s) or specially identified materials being rebutted.

6. All other procedures set forth in the FEDERAL REGISTER notice of May 22, 1969 remain in effect, although interested persons are encouraged to keep their second-round submissions well below 50 pages in length whenever possible.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-8782; Filed, July 23, 1969; 11:43 a.m.]

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Federal Communications Commission
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Title 7—AGRICULTURE

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 50]

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Central Illinois marketing area (7 CFR Part 1050), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for the month of July 1969.

In § 1050.14(b)(2) the provision "during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer."

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will revoke for the month of July 1969 the provision which limits the quantity of diverted milk which qualifies as producer milk to not more than 8 days' production of a producer.

(4) This suspension action is necessary to provide for the efficient handling of reserve milk of the market during July 1969. Because of abnormally large amounts of rainfall which resulted in excellent pasture conditions the volume of reserve milk supplies which must be moved to milk manufacturing plants exceeds the quantity which could be moved under the 8-day diversion limitation. The most efficient method of handling is movement directly from producers' farms to milk manufacturing plants. This suspension order would allow such handling while the dairy farmers involved retain producer status.

(5) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (34 F.R. 11099). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during July 1969.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of July 1969.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 21, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69–8749; Filed, July 24, 1969; 8:50 a.m.]

[Milk Order 63]

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Quad Cities-Dubuque marketing area (7 CFR Part 1063), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the months of July and August 1969.

In § 1063.14 the provision *"Provided, That in any of the months of July through January milk diverted from the farm of a producer on more than the number of days that milk was delivered to a pool plant from such farm during the month shall not be deemed to have been received by the diverting handler."*

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will revoke for the months of July and August 1969 the provision which limits the amount of diverted milk which qualifies as producer milk to not more than the same number of days' production that was delivered to a pool plant from a producer's farm.

(4) This suspension action is necessary to provide for the efficient handling of reserve milk of the market during July and August 1969. Because one of the major handlers in the market lost a large regional supermarket chain's business in June 1969 which in turn has substantially reduced the amount of milk needed by handlers for fluid use, the volume of reserve milk supplies which must be moved to milk manufacturing plants exceeds the quantity that could be moved under the diversion limitation. The most efficient method of handling is movement directly from producers' farms to milk manufacturing plants. This suspension would allow such handling while the dairy farmers involved retain producer status.

(5) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (34 F.R. 11378). Cooperative associations in the market contend that without the suspension the reserve milk would have to be hauled to pool plants at the expense of the producers and would be a waste of producers' money. One handler in the market opposed the suspension on the basis that the market is being adequately supplied with milk under the present diversion provisions of the order. Although the reserve supplies are not needed at pool plants it is necessary that such milk retain producer milk status to assure that producers historically associated with the market share uniformly in carrying the burden of the market's reserve supplies.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during July and August 1969.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the months of July and August 1969.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 21, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69–8750; Filed, July 24, 1969; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

Set forth below is a schedule of advance rates, by grades, for the 1969 crop of types 11–14 Flue-cured tobacco, under the tobacco price support loan program.

§ 1464.16 1969 Crop—Flue-cured tobacco, types 11–14, advance schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
A1F	90.25	H5L	76.25
A2F	88.25	H6L	72.25
B1L	84.25	H1F	85.25
B2L	79.25	H2F	82.25
B3L	76.25	H3F	80.25
B4L	74.25	H4F	78.25
B5L	70.25	H5F	76.25
B6L	66.25	H6F	72.25
B1F	84.25	H3FR	74.25
B2F	79.25	H4FR	71.25
B3F	76.25	H5FR	68.25
B4F	74.25	H6FR	64.25
B5F	70.25	H4K	72.25
B6F	66.25	H5K	68.25
B1FR	83.25	H6K	62.25
B2FR	78.25	C1L	86.25
B3FR	75.25	C2L	84.25
B4FR	71.25	C3L	82.25
B5FR	67.25	C4L	80.25
B6FR	62.25	C5L	78.25
B3R	61.25	C1F	86.25
B4R	56.25	C2F	84.25
B3LV	72.25	C3F	82.25
B4LV	68.25	C4F	80.25
B5LV	64.25	C5F	78.25
B3FV	72.25	C4LV	76.25
B4FV	68.25	C4FV	76.25
B5FV	64.25	C4K	77.25
B4KV	57.25	C4KL	73.25
B5KV	51.25	C4KF	73.25
B6KV	46.25	C4KM	73.25
B3K	66.25	C4KR	77.25
B4K	64.25	C4LS	72.25
B5K	60.25	C5LS	69.25
B6K	54.25	X1L	82.25
B3KL	58.25	X2L	80.25
B4KL	56.25	X3L	78.25
B5KL	52.25	X4L	75.25
B6KL	46.25	X5L	71.25
B3KR	67.25	X1F	82.25
B4KR	65.25	X2F	80.25
B5KR	61.25	X3F	78.25
B3KF	57.25	X4F	75.25
B4KF	55.25	X5F	71.25
B5KF	51.25	X3LV	73.25
B6KF	45.25	X4LV	70.25
B3KM	61.25	X3FV	73.25
B4KM	59.25	X4FV	70.25
B5KM	55.25	X4KV	61.25
B6KM	49.25	B4GG	43.25
B4CL	61.25	B5GG	41.25
B5CL	58.25	X4KL	67.25
B6CL	52.25	X4KF	67.25
B4CF	60.25	X3KM	71.25
B5CF	55.25	X4KM	66.25
B6CF	50.25	X4KR	71.25
B4GR	53.25	X3LS	69.25
B5GR	47.25	X4LS	65.25
B6GR	41.25	X3FS	68.25
B4GK	55.25	X4FS	65.25
B5GK	50.25	X4G	59.25
B6GK	45.25	X5G	53.25
B5R	50.25	X4GK	57.25
B6R	45.25	P2L	77.25
B3LS	67.25	P3L	74.25
B4LS	65.25	P4L	71.25
B5LS	61.25	P5L	63.25
B6LS	54.25	P2F	77.25
B3FS	63.25	P3F	74.25
B4FS	61.25	P4F	70.25
B5FS	57.25	P5F	60.25
B6FS	51.25	P4G	55.25
B5RR	45.25	P5G	48.25
B5RG	42.25	N1L	49.25
H1L	85.25	N1XL	54.25
H2L	82.25	N1F	44.25
H3L	80.25	N1K	50.25
H4L	78.25	N1R	36.25
N1GL	42.25	N1GR	35.25
N1GF	40.25	N1GG	32.25

See footnotes at end of table.

[1] The advance rates listed are applicable only to untied Flue-cured tobacco identified on a 1969 tobacco marketing card which does not bear either the notation "No Price Support" or "Discount Variety Limited Support" and which does not, together with all other tobacco previously marketed and currently being offered for marketing on a single tobacco sales bill, exceed 110 percent of the applicable farm marketing quota. Rates for tobacco identified on a marketing card which bears the notation "Discount Variety Limited Support", which does not bear the notation "No Price Support" and which does not, together with all other tobacco previously marketed and currently being offered for marketing on a single tobacco sales bill, exceed 110 percent of the applicable farm marketing quota, are 50 percent of the advance rates listed, plus twelve and one-half cents ($0.125) per hundred pounds. Rates for tied Flue-cured tobacco are three dollars ($3.00) per hundred pounds more for each grade than for untied tobacco similarly identified. Tobacco is eligible for advances only if consigned by the original producer and only if produced by a cooperator.

In all belts, price support will be available on both tied and untied tobacco throughout the entire marketing season.

Tobacco graded "W" (doubtful keeping order), "U" (unsound), N2, No–G or scrap will not be accepted. The cooperative association through which price support is made available is authorized to deduct 25 cents per hundred pounds to apply against overhead costs.

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c)

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on July 18, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69–8678; Filed, July 22, 1969; 9:55 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

Issuance of Licenses for Receipt, Storage, Packaging, and Transfer of Radioactive Wastes

On April 29, 1969, the Atomic Energy Commission published in the FEDERAL REGISTER (34 F.R. 7033) proposed amendments to certain sections of its rules of practice in 10 CFR Part 2. The proposed amendments would eliminate requirements for assignment of docket numbers, publication of notices of proposed action and issuance of licenses, and service of license applications and notices on State and local officials, with respect to applications for licenses to receive, package, or store waste byproduct, source, or special nuclear material for transfer to other licensees for ultimate disposal.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments received and other factors involved, the Commission has adopted the proposed amendments. The text of the amendments set out below is identical with the text of the proposed amendments published April 29, 1969.

The amendments will (1) accord applications for licenses involving only the receipt, storage, and packaging of waste materials, the same treatment accorded applications for other types of materials licenses, and (2) reduce unnecessary details in the Commission's materials licensing process. Applications for licenses authorizing ultimate disposal of waste materials by the licensee are not affected by the adoption of the amendments. Applications for such licenses will continue to be assigned docket numbers, and notice of proposed action, and issuance of any such licenses will continue to be published in the FEDERAL REGISTER and notification given to State and local officials.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments of Title 10, Chapter I, Code of Federal Regulations, Part 2, are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

1. Section 2.101 is amended to read as follows:

§ 2.101 Filing of application.

(a) An application for a license or an amendment to a license shall be filed with the Director of Regulation as prescribed by the applicable provisions of this chapter. A prospective applicant may confer informally with the regulatory staff prior to the filing of an application. Each application for a license for a facility, or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee will be assigned a docket number.

(b) An applicant for a license for a facility or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee shall serve a copy of the application on the chief executive of the municipality in which the facility is to be located or the activity is to be conducted or, if the facility is not to be located or the activity conducted within a municipality, on the chief executive of the county. The Director of Regulation will send a copy of each such application to the Governor or other appropriate official of the State in which the facility is to be located or the activity is to be conducted, and will cause to be published in the FEDERAL REGISTER a notice of receipt of the application which states the purpose of the application and specifies the location at which the proposed activity would be conducted.

2. Paragraph (a) of § 2.103 is amended to read as follows:

§ 2.103 Action on applications for byproduct, source, special nuclear material, and operator licenses.

(a) If the Director of Regulation finds that an application for a byproduct, source, special nuclear material, or operator license complies with the requirements of the Act and this chapter, he will issue a license. If the license is for a facility or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee, the Director of Regulation will inform the State and local officials specified in § 2.104(c) of the issuance of the license.

* * * * *

3. Paragraph (c) of § 2.104 is amended to read as follows:

§ 2.104 Notice of hearing.

* * * * *

(c) The Secretary will give timely notice of the hearing to all parties and to other persons, if any, entitled by law to notice. The Director of Regulation will transmit a notice of hearing on an application for a facility license or for a license for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee, to the Governor or other appropriate official of the State and to the chief executive of the municipality in which the facility is to be located or the activity is to be conducted or, if the facility is not to be located or the activity conducted within a municipality, to the chief executive of the county.

4. Subparagraph (2) of § 2.105(a) is amended to read as follows:

§ 2.105 Notice of proposed action.

(a) If a hearing is not required by the Act or this chapter, and if the Commission or the Director of Regulation has not found that a hearing is in the public interest, he will, prior to acting thereon, cause to be published in the FEDERAL REGISTER a notice of proposed action with respect to an application for:

* * * * *

(2) A license for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee; or

* * * * *

5. Subparagraph (2) of § 2.106(a) is amended to read as follows:

§ 2.106 Notice of issuance.

(a) The Director of Regulation will cause to be published in the FEDERAL REGISTER notice of, and will inform the State and local officials specified in § 2.104(c) of, the issuance of:

* * * * *

(2) An amendment of a license for a facility or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee, whether or not a notice of proposed action has been previously published;

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 14th day of July 1969.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 69–8679; Filed, July 24, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. G]

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

Miscellaneous Provisions; Correction

Effective immediately, the document revising Part 207 of Chapter II of Title 12 of the Code of Federal Regulations (F.R. Doc. 69–6863), published in the FEDERAL REGISTER on June 11, 1969, is corrected as follows:

By changing in § 207.4(a)(1)(i) the words "to any such credit extended prior to February 1, 1968, to finance the exercise of such rights granted to any named officer or employee and effectively" to "to any such credit extended to finance the exercise of such rights granted to any named officer or employee prior to February 1, 1968, and effectively".

(15 U.S.C. 78g)

Dated at Washington, D.C., the 14th day of July 1969.

Board of Governors of the Federal Reserve System.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–8694; Filed, July 24, 1969; 8:45 a.m.]

[Reg. Z]

PART 226—TRUTH IN LENDING

Refinancing and Increasing; Correction

The interpretation published July 1, 1969 (34 F.R. 11083), § 226.903 *Refinancing and increasing—disclosures and effects on the right of rescission,* is corrected by changing in the last sentence of paragraph (a) the words "lien on" to "security interest in".

(15 U.S.C. 1634)

Dated at Washington, D.C., the 14th day of July 1969.

Board of Governors of the Federal Reserve System.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–8695; Filed, July 24, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69–62]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

BARGE FLEETING AREA, HILLSBOROUGH BAY, TAMPA, FLA.

Correction

In F.R. Doc. 69–8310, appearing at page 11582 in the issue of Tuesday, July 15, 1969, in the fourth line of § 110.193(a)(5), the reference to "52°26'35''" should read "82°26'35''".

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

1969–70 Hunting Seasons for Puerto Rico and Virgin Islands

Section 10.52 *Migratory game bird hunting seasons for Puerto Rico and the Virgin Islands* appearing on pages 9678 and 9679 of the FEDERAL REGISTER of Friday, June 20, 1969, is corrected as follows:

§ 10.52 Migratory game bird hunting seasons for Puerto Rico and the Virgin Islands.

* * * * *

(a) *Puerto Rico.*

* * * * *

Open season dates[1] * * * July 19 to September 26, 1969.

* * * * *

* * * Paloma Sabanera; * * *

* * * * *

(c) *Virgin Islands.*

* * * * *

[1] The season is closed on all species of migratory game birds in the Virgin Islands except Zenaida doves.

* * * * *

In the paragraph listing local names for game birds, the spelling of the word "Barbara" is changed to "Barbary".

(40 Stat. 755; 16 U.S.C. 703 et seq.)

Effective date. This revision becomes effective on publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 22, 1969.

[F.R. Doc. 69-8756; Filed, July 24, 1969; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Airworthiness Docket No. 69-SW-32; Amdt. 39-801]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 204B, 205A, and 205A-1 Helicopters

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations to include an airworthiness directive that requires replacement, within specified limitations, of aft cross tubes having 1,000 hours' time in service on Bell Model 204B, 205A, and 205A-1 helicopters equipped with Float Kit Installations, Part No. 204-706-053, or Part No. 205-706-050, was published in 34 F.R. 8369, because there had been failures of the aft cross tube, attributed to fatigue cracks, on some Bell Model 204B helicopters.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Model 204B, 205A, and 205A-1 helicopters equipped with the Float Kit Installation, Part No. 204-706-053, or Part No. 205-706-050.

Compliance required as indicated.

To prevent possible failure of the aft cross tube, Part No. 204-706-053-5, or Part No. 205-050-114-1, due to fatigue cracks, accomplish the following:

(a) Remove and replace aft cross tubes with 900 or more hours' time in service on the effective date of this AD within the next 100 hours' time in service.

(b) Remove and replace aft cross tubes with less than 900 hours' time in service on the effective date of this AD, prior to accumulating 1,000 hours' time in service.

(c) Remove and replace all subsequent replacement aft cross tubes prior to accumulating 1,000 hours' time in service.

(d) Operators not having kept time in service records on individual cross tubes should use float kit hours' time in service for the purpose of paragraphs (a), (b), and (c) above.

(Bell Helicopter Co. Service Bulletin No. 204B-5, 205A-3, dated Apr. 2, 1969, pertains to this subject.)

This amendment becomes effective August 16, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on July 15, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-8735; Filed, July 24, 1969; 8:49 a.m.]

[Airworthiness Docket No. 69-WE-13-AD; Amdt. 39-803]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Airplane Co. Model 707 Aircraft

Amendment 80 (25 F.R. 336) AD 60-2-1, as amended by Amendment 39-58 (30 F.R. 5827) and Amendment 39-632 required repetitive inspections of wing splice plates on certain Boeing Model 707 Series aircraft.

All the cracks which have occurred have done so within the first 25,000 flight hours. It appears from service experience and upon the advice of the manufacturer that the splice plates of aircraft which have been operated for 25,000 flight hours or more with no reported cracks, were properly installed and in all likelihood are not subject to cracking.

Therefore, AD 60-2-1, as amended, is further amended to provide that those aircraft which have accumulated 25,000 flight hours or more, no longer have to comply therewith.

Since this amendment relieves a limitation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 80 (25 F.R. 336), AD 60-2-1 as amended by Amendment 39-58 (30 F.R. 5827) and Amendment 39-632 is further amended as follows:

Amendment 80 (25 F.R. 336), AD 60-2-1, as amended, Boeing Model 707-100 Series aircraft (listed) is amended by adding a new paragraph (e) to read:

(e) Aircraft which have accumulated 25,000 or more flight hours do not require further inspections under this Airworthiness Directive.

This amendment becomes effective July 25, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on July 15, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-8736; Filed, July 24, 1969; 8:49 a.m.]

[Airworthiness Docket No. 69-WE-15AD; Amdt. 39-804]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

It has been determined that repeated firing of the squib on the Accessory Products Co. (APCO), engine fire extinguishing container can result in a slow discharge or no discharge of the container.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive (AD) is being issued to require inspection and replacement or modification as required of the APCO engine fire extinguisher outlet body, P/N 805516, on Boeing Model 727 Series airplanes. The modifications to the outlet body will preclude the possibility of repeated squib firing causing a reduced diameter gas port and providing less than optimum gas flow to the discharge mechanism.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days. In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 727 Series airplanes.

Compliance required as indicated.

To prevent a slow discharge or no discharge of the engine fire extinguisher container, accomplish the following:

(a) Within the next 1,000 hours' time in service after the effective date of this AD unless already accomplished, and after each discharge regardless of time in service, inspect the Accessory Products Co. (APCO) fire extinguisher outlet body P/N 805516 to determine that the gas port diameter has not been reduced below the allowable limit as set out in APCO Service Bulletin No. 26-04, dated March 31, 1969, or later FAA-approved revision or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) If an outlet body is found which is below the allowable limit, replace it, or modify it in accordance with APCO Service Bulletin No. 26-04 or later FAA-approved revision or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Within the next 3,000 hours' time in service after the effective date of this AD unless already accomplished, modify the APCO fire extinguisher outlet body P/N 805516 in accordance with APCO Service Bulletin No. 26-04 or later FAA-approved revision or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Upon completion of the modification described in (b) or (c), the inspection requirement of (a) is no longer applicable.

This amendment becomes effective on July 25, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on July 16, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-8737; Filed, July 24, 1969; 8:49 a.m.]

[Docket No. 69-CE-11-AD; Amdt. 39-797]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 310 Series and 320 Series Airplanes

An airworthiness directive was adopted on July 9, 1969, and made effective as to all known owners of Cessna Models 310, 310A through 310F, 320 and 320-1 airplanes. For clarification purposes one paragraph of the airworthiness directive was amended on July 15, 1969, and all owners were advised by letter of the amendment. The airworthiness directive was issued because as a result of tests conducted by the manufacturer in certain of these model airplanes it has been determined that fuel starvation will occur during high angle descent in certain aircraft configurations with substantial quantities of otherwise usable fuel in each main tank. High angles of nose-down inclination cause the fuel port in the tank to be exposed to air and results in engine stoppage. A shallow angle of nose-down inclination will lessen the possibility of fuel starvation. Application of power during descents while flaps are fully extended will have a marked effect in shallowing nose-down inclinations.

In order to prevent this condition, the airworthiness directive prohibits operation with less than five (5) gallons of fuel in each main tank and requires prior to further flight the installation of placards reading: "Operation with less than 5 gallons of fuel in each main tank is prohibited. Usable fuel in each main tank is 45 gallons" and "Maintain power within green arcs during descent".

Since it was found that immediate corrective action was required, notice and public procedure thereon was not practical and contrary to the public interest and good cause existed for making this airworthiness directive effective immediately as to the owners of the Cessna Model Airplanes listed herein by individual letters dated July 9, and July 15, 1969. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons in addition to those to whom it was made effective by letters dated July 9, and July 15, 1969.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

CESSNA. Applies to Models 310, 310A through 310F, 320, and 320-1 Airplanes (all serial numbers).

Compliance: Required as indicated, unless already accomplished.

To prevent fuel starvation during high angle descent, accomplish the following:

(A) Effective immediately, operation of the airplane with less than five (5) gallons of fuel in each main tank is prohibited.

(B) Prior to further flight on all models listed above, install a permanent type placard in full view of the pilot as near as possible to the main fuel quantity indicator with the following wording:

"Operation With Less Than Five (5) Gallons of Fuel in Each Main Tank Is Prohibited. Usable Fuel in Each Main Tank Is 45 Gallons."

(C) Prior to further flight on all models listed above, install a permanent type placard in full view of the pilot as near as possible to the manifold pressure gauge with the following wording:

"Maintain Power Within Green Arcs During Descent."

NOTE: The operator may make and install the above placards. Minimum ⅛-inch high letters must be used.

This amendment becomes effective July 25, 1969, for all persons except those to whom it was made effective by letters dated July 9, and July 15, 1969.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on July 17, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-8767; Filed, July 24, 1969; 8:51 a.m.]

[Docket No. 69-CE-12-AD; Amdt. 39-802]

PART 39—AIRWORTHINESS DIRECTIVES

Learjet Models 23, 24, and 25 Airplanes

There have been reports of throttle cable jamming on certain Learjet Model 24 and 25 airplanes which are equipped with one-piece Controlex throttle cables. Certain Learjet Model 23 airplanes are also equipped with these throttle cables. The throttle cable jamming condition can result in loss of engine control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued requiring within 50 hours' time in service from the effective date of this airworthiness directive, the installation of two-piece quick-disconnect type ball bearing throttle cables in accordance with Lear Service Kit No. 23/24/25-317, dated May 19, 1969, or later Federal Aviation Administration approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LEARJET. Applies to Model 23 (Serial Nos. 23-012, 23-019, and 23-030 through 23-099) equipped with Controlex ball bearing throttle cables; Model 24 (Serial Nos. 24-100 through 24-139 equipped with Controlex ball bearing throttle cables, and (Serial Nos. 24-140 through 24-180); and Model 25 (Serial Nos. 25-003 through 25-024) Airplanes.

Compliance: Within 50 hours' time in service after the effective date of this airworthiness directive, unless already accomplished.

To prevent the possibility of the engine power control cable jamming, accomplish the following:

Remove the one-piece Controlex throttle cables and install two-piece quick-disconnect type ball bearing throttle cables in accordance with Lear Service Kit No. 23/24/25-317, dated May 19, 1969, or later Federal Aviation Administration approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region.

This amendment becomes effective August 15, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on July 16, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-8738; Filed, July 24, 1969; 8:49 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-CE-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 7869 of the FEDERAL REGISTER dated May 17, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Poplar Bluff, Mo.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Earl Fields Memorial Airport longitude coordinate recited in the Poplar Bluff, Mo., transition area alteration as "longitude 90°19'30" W." is changed to read "longitude 90°19'20" W.".

This amendment shall be effective 0901 G.m.t., September 18, 1969.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on July 11, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

POPLAR BLUFF, MO.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Earl Fields Memorial Airport (latitude 36°46'20" N., longitude 90°19'20" W.); and within 3 miles each side of the 189° bearing from Earl Fields Memorial Airport, extending from the 5½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 009° and 189° bearings from Earl Fields Memorial Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 075° bearing from the Earl Fields Memorial Airport, extending from the airport to V-9, excluding the portion which overlies the Blytheville, Ark., transition area.

[F.R. Doc. 69-8734; Filed, July 24, 1969; 8:49 a.m.]

[Airspace Docket No. 68-EA-142]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway and Reporting Point

On May 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7977) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would revoke the U.S. portion of Green Federal airway No. 1 and the Millinocket, Maine, radio beacon domestic low altitude reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

1. In § 71.103 (34 F.R. 4506) "G-1" is revoked.

2. In § 71.203 (34 F.R. 4792) "Millinocket, Maine, RBN" is revoked.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 17, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-8740; Filed, July 24, 1969; 8:49 a.m.]

[Airspace Docket No. 69-SW-45]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the designated altitudes of the Orogrande, N. Mex., Restricted Area R-5106.

The Department of the Army has requested that the maximum altitude on R-5106 be reduced from "unlimited" to "40,000 feet MSL." Such action is taken herein.

Since this amendment will relieve a restriction, notice and public procedure hereon are unnecessary and for this reason may be made effective without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended effective upon publication as hereinafter set forth.

Section 73.51 (34 F.R. 4837) is amended as follows: In the "Designated altitudes." of R-5106 Orogrande, N. Mex., "to unlimited." is deleted and "to 40,000 feet MSL." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 17, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-8733; Filed, July 24, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-9]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation and Alteration of Jet Routes

On May 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7545) stating that the Federal Aviation Administration was considering amendments to Part 75 of the Federal Aviation Regulations that would designate J-33 and realign J-87 between Humble, Tex., and Greater Southwest, Tex., to provide dual route capability.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

Section 75.100 (34 F.R. 4856, 6079) is amended as follows:

1. Jet Route No. 33 is added as follows:

Jet Route No. 33 (Humble, Tex., to Greater Southwest, Tex.).

From Humble, Tex., via INT Humble 347° and Greater Southwest, Tex., 139° radials; to Greater Southwest.

2. In the text of Jet Route No. 87, all before "Tulsa, Okla.;" is deleted and "From Humble, Tex., via INT Humble 332° and Greater Southwest, Tex., 154° radials; Greater Southwest;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 17, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-8739; Filed, July 24, 1969; 8:49 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9723; Amdt. 95-182]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of The Federal Aviation Regulations is amended, effective August 21, 1969, as follows:

1. By amending Subpart C as follows:

Section 95.48 *Green Federal airway 8* is amended to read in part:

From, to, and MEA

Mordvinoff INT, Alaska; *Cold Bay, Alaska, LFR; **6,000. *5,300—MEA Cold Bay LFR, southwestbound. **8,000—MEA required without HF airborne communications equipment.

Section 95.638 *Blue Federal airway 38* is amended to read in part:

Five Fingers, Alaska, LF/RBN; Sisters Island, Alaska, LF/RBN; 7,000.
Sisters Island, Alaska, LF/RBN; Gustavus, Alaska, LFR; 5,600.
*Gustavus, Alaska, LFR; Haines, Alaska, LF/RBN; 9,000. *7,000—MCA Gustavus LFR, northbound.
Haines, Alaska, LF/RBN; Whitehorse, Yukon Territory, LFR; *10,000. *For that airspace over U.S. territory.

Section 95.640 *Blue Federal airway 40* is amended to read in part:

Haines, Alaska, LF/RBN; Robinson, Yukon Territory, Canada, LF/RBN; *10,000. *9,800—MOCA. #For that airspace over U.S. territory.

Section 95.1001 *Direct routes—United States* is amended to delete:

Alma, Ga., VORTAC; Int, GNV 270°/AMG 182°; 18,000.

Asheville, N.C., VOR; *Gilkey INT, N.C.; 6,000. *6,000—MCA Gilkey INT, westbound.
50-nautical-mile DME via 001° M rad, PIE VORTAC; St. Petersburg, Fla., VORTAC; *6,000. *1,300—MOCA.
*Gilkey INT, N.C.; Lawndale INT, N.C.; 4,000. *6,000—MCA Gilkey INT, westbound.
Int, GNV 270°/AMG 182°; 50-nautical-mile DME, 001° M rad, PIE VORTAC; 10,000.
Int, 090° M rad, Decatur, Ala., VOR and 136° M rad, Huntsville, Ala., VOR; Int, 080° M rad, Huntsville, Ala., VOR and 177° M rad, Shelbyville VOR; *4,000. *2,800—MOCA.
Lawndale INT, N.C.; Stanley INT, N.C.; 3,000.
Lawson, Ga., LF/RBN; Seale INT, Ala.; 2,000.
Northgate INT, Fla.; Marianna, Fla., VOR; 1,500.

Section 95.1001 *Direct routes—United States* is amended by adding:

Asheville, N.C., VOR; Int, 084° M rad, Asheville, VOR and 374° M rad, Fort Mill VOR; 6,000.
Augusta, Ga., VOR; Chattin INT, S.C.; 2,000.
Biscayne Bay, Fla., VOR; Deerfield INT, Fla.; 2,000.
Carmel, N.Y., VOR; Newtown INT, Conn.; *3,000. *2,200—MOCA.
Carp INT, Alaska; Shrimp INT, Alaska; #2,000. #10,000—MEA required without HF airborne communications equipment.
Deerfield INT, Fla.; Bonita INT, Fla.; *6,000. *1,400—MOCA.
Halibut INT, Alaska; Carp INT, Alaska; #2,000. #10,000—MEA required without HF airborne communications equipment.
Int, 270° M rad, Gainesville, Fla., VOR and 182° M rad, Alma, Ga., VOR; St. Petersburg, Fla., 50-mile DME Fix, 001° rad, *10,000. *1,300—MOCA.
McComb, Miss., VOR; Mobile, Ala., VOR; *2,300. *1,800—MOCA.
Nenana, Alaska, VOR; Chandalar Lake, Alaska, LF/RBN Cop 113° ENN; *14,500. *8,000—MOCA.
Newtown INT, Conn.; Litchfield INT, Conn.; *3,000. *2,200—MOCA.
Porpoise INT, Alaska; Middleton Island, Alaska, VOR; #2,000. #10,000—MEA required without HF airborne communications equipment.
Putnam, Conn., VOR; Leominster INT, Mass.; 3,000.
Rome, Ga., VOR; Huntsville, Ala., VOR; 4,000.
St. Petersburg, Fla., 50-mile DME Fix/001° rad, St. Petersburg, Fla., VOR; *6,000. *1,300—MOCA.
Shrimp INT, Alaska; Porpoise INT, Alaska; #2,000. #10,000—MEA required without HF airborne communications equipment.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Chason INT, Fla.; Tallahassee, Fla., VOR; *3,000. *1,600—MOCA.
Guppy INT, Fla.; Int, 052° M rad, Biscayne Bay, Fla., VOR and 008° M rad, Bimini, Nassau, VOR; *4,000. *1,200—MOCA.
Lee INT, Fla.; Valdosta, Ga., VOR; *2,000. *1,500—MOCA.
Orlando, Fla., VOR; Tico INT, Fla.; 2,000. MAA—45,000.

Section 95.6004 *VOR Federal airway 4* is amended by adding:

Charleston, W. Va., VOR via S alter.; Swiss INT, W. Va., via S alter.; 3,000.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Kansas City, Mo., VOR; Fleming INT, Mo.; *2,600. *2,400—MOCA.
Swiss INT, W. Va., via S alter.; Elkins, W. Va., VOR via S alter.; 5,000.
Topeka, Kans., VOR via N alter.; Wood INT, Kans., via N alter.; *2,700. *2,400—MOCA.
Wood INT, Kans., via N alter.; Kansas City, Mo., VOR via N alter.; *2,600. *2,300—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Nashville, Tenn.; Central City, Ky., VOR; 3,000.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Cuba INT, Tenn., via W alter.; Malden, Mo., VOR via W alter.; *2,500. *1,900—MOCA.
Greenwood, Miss., VOR via E alter.; Independence INT, Miss., via E alter.; *2,000. *1,700—MOCA.
Kerrville INT, Tenn.; Holland INT, Mo.; *2,500. *2,300—MOCA.
McComb, Miss., VOR; *Florence INT, Miss.; **2,000. *4,000—MRA. **1,800—MOCA.
Memphis, Tenn., VOR; *Kerrville INT, Tenn.; **2,500. *2,700—MRA. **2,300—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

Memphis, Tenn., VOR via W alter.; *Kerrville INT, Tenn., via W alter.; **2,500. *2,700—MRA. **2,300—MOCA.
Kerrville INT, Tenn., via W alter.; Dyersburg, Tenn., VOR via W alter.; *2,500. *2,300—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Santa Barbara, Calif., VOR; Henderson INT, Calif.; 7,000.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Hope INT, Minn.; Farmington, Minn., VOR; *3,000. *2,600—MOCA.
Kansas City, Mo., VOR; Plattsburg INT, Mo.; *2,600. *2,400—MOCA.
Lamoni, Iowa, VOR; *Woodburn INT, Iowa; **3,000. *4,300—MRA. **2,400—MOCA.
Woodburn INT, Iowa; Des Moines, Iowa, VOR; *2,600. *2,400—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Shawnee INT, Okla., via S alter; Prague INT, Okla., via S alter.; *5,500. *2,400—MOCA.
Prague INT, Okla., via S alter.; Sapulpa INT, Okla., via S alter.; *4,000. *2,300—MOCA.
Vandalia, Ill., VOR; Terre Haute, Ind, VOR; *2,400. *2,000—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Independence INT, Tex., via W alter.; College Station, Tex., VOR via W alter.; 1,800.
Kansas City, Mo., VOR; Dearborn INT, Mo.; *2,600. *2,300—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Knoxville, Tenn., VOR; *Piedmont INT, Tenn.; 3,000. *4,000—MCA—Piedmont INT, northeastbound.
Piedmont INT, Tenn.; Ottway INT, Tenn.; 4,000.
Ottway INT, Tenn.; Telford INT, Tenn.; 4,000.
Memphis, Tenn., VOR via S alter.; Moscow INT, Tenn., via S alter.; **1,900. *1,700—MOCA.
Moscow INT, Tenn., via S alter.; Selmer INT, Tenn., via S alter.; *3,500. *1,700—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Alex INT, Okla.; Oklahoma City, Okla., VOR; *2,800. *2,400—MOCA.
Bellaire INT, Tex., via E alter.; San Antonio, Tex., VOR via E alter.; *2,500. *2,400—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Augusta, Ga., VOR; *Norway INT, S.C.; **3,000. *3,500—MCA Norway INT, southeastbound. **2,100—MOCA.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Sheridan, Wyo., VOR; Billings, Mont., VOR; *8,000. *7,000—MOCA.
Sheridan, Wyo., VOR via E alter.; Billings, Mont., VOR via E alter.; *8,000. *7,000—MOCA.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

Malad City, Idaho, VOR; Bannock INT, Idaho; 10,000.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

Oceanside, Calif., VOR; Balboa INT, Calif.; 4,000.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

St. George INT, S.C.; *Ernies INT, S.C.; **2,000. *2,500—MRA. **1,700—MOCA.
Ernies INT, S.C.; Columbia, S.C., VOR; *2,000. *1,700—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Harris, Ga., VOR; *Dillard INT, Ga.; 7,500. *7,000—MCA Dillard INT, Westbound.
Hillemann INT, Ark., via N alter.; *Round Pond INT, Ark., via N alter; **3,000. *4,000—MRA. **1,700—MOCA.
Texarkana, Ark., VOR via N alter.; Pike INT, Ark., via N alter.; *3,500. *1,700—MOCA.
Pike INT, Ark., via N alter.; Marcus INT, Ark., via N alter.; 3,500.
Round Pond INT, Ark., via N alter.; Memphis, Tenn., VOR via N alter.; *1,800. *1,500—MOCA.
Memphis, Tenn., VOR via N alter.; Moscow INT, Tenn., via N alter.; *1,900. *1,700—MOCA.
Moscow INT, Tenn., via N alter.; *Selmer INT, Tenn., via N alter.; **3,500. *4,000—MRA. **1,700—MOCA.

Section 95.6057 *VOR Federal airway 57* is amended to read:

Lexington, Ky., VOR; Falmouth, Ky., VOR; 3,000.
Falmouth, Ky., VOR; Hamilton INT, Ohio; 2,700.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Fort Mill, S.C., VOR; Midland INT, N.C.; *2,200. *1,900—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Sparkman INT, Ark.; Caney INT, Ark.; 3,500.
Hot Springs, Ark., VOR; Ola INT, Ark.; 3,500.
Hot Springs, Ark., VOR via W alter.; Creek INT, Ark., via W alter.; *3,500. *3,200—MOCA.
Creek INT, Ark., via W alter.; Rover INT, Ark., via W alter.; 5,500.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

Alex INT, Okla., via E alter.; Oklahoma City, Okla., VOR via E alter.; *2,800. *2,400—MOCA.
Lamoni, Iowa, VOR; *Woodburn INT, Iowa; **3,000. *4,300—MRA. **2,400—MOCA.
Woodburn INT, Iowa; Des Moines, Iowa, VOR; *2,600. *2,400—MOCA.
Topeka, Kans., VOR; Huron INT, Kans.; *2,600. *2,300—MOCA.

Section 95.6082 *VOR Federal airway 82* is amended to read in part:

Brainerd, Minn., VOR; Minneapolis, Minn., VOR; *3,000. *2,600—MOCA.

Section 95.6086 *VOR Federal airway 86* is amended to read in part:

Billings, Mont., VOR; Sheridan, Wyo., VOR; *8,000. *7,000—MOCA.

Section 95.6102 *VOR Federal airway 102* is amended to read in part:

Carlsbad, N. Mex., VOR; Hobbs, N. Mex., VOR; *5,600. *5,000—MOCA.
Hobbs, N. Mex., VOR; Lubbock, Tex., VOR; *6,000. *5,400—MOCA.

Section 95.6112 *VOR Federal airway 112* is amended to read in part:

Pasco, Wash., VOR via W alter.; *Grange INT, Wash., via W alter.; 5,000. *6,000—MRA.
Grange INT, Wash., via W alter.; Spokane, Wash., VOR via W alter.; 5,000.

Section 95.6131 *VOR Federal airway 131* is amended to read in part:

Tulsa, Okla., VOR; Tyro INT, Kans.; *2,700. *2,300—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Kansas City, Mo., VOR; Dearborn INT, Mo.; *2,600. *2,300—MOCA.

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

Lamoni, Iowa, VOR; *Woodburn INT, Iowa; **3,000. *4,300—MRA. **2,400—MOCA.
Woodburn INT, Iowa; Des Moines, Iowa, VOR; *2,600. *2,400—MOCA.
Minneapolis, Minn., VOR; Brainerd, Minn., VOR; *3,000. *2,600—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Alex INT, Okla., via W alter.; Oklahoma City, Okla., VOR via W alter.; *2,800. *2,400—MOCA.
Bellaire INT, Tex.; San Antonio, Tex., VOR; *2,500.*2,400—MOCA.
Maysville INT, Okla.; *Washington INT, Okla.; **2,800. *4,000—MRA. **2,400—MOCA.
Washington INT, Okla.; Oklahoma City, Okla., VOR; *2,800. *2,400—MOCA.

Section 95.6165 *VOR Federal airway 165* is amended to read in part:

Oceanside, Calif., VOR; Balboa INT, Calif.; 4,000.

Section 95.6167 *VOR Federal airway 167* is amended to read in part:

Hartford, Conn., VOR; Sterling INT, Conn.; *2,600. *2,000—MOCA.
Sterling INT, Conn.; Providence, R.I., VOR; *2,500. *1,800—MOCA.

Section 95.6185 *VOR Federal airway 185* is amended to read in part:

Snowbird, Tenn., VOR; *Piedmont INT, Tenn.; 6,000. *4,000—MCA Piedmont INT, southeastbound.
Piedmont INT, Tenn.; via E alter.; Knoxville, Tenn., VOR via E alter.; 3,000.

Section 95.6193 *VOR Federal airway 193* is amended to read in part:

White Cloud, Mich., VOR via W alter.; Manistee, Mich., VOR via W alter.; *2,900. *2,300—MOCA.

Manistee, Mich., VOR via W alter.; Traverse City, Mich., VOR via W alter.; *2,900. *2,200—MOCA.

Section 95.6213 *VOR Federal airway 213* is amended to read in part:

Eureka INT, N.C.; Rocky Mount, N.C., VOR; *2,000. *1,300—MOCA.

Section 95.6217 *VOR Federal airway 217* is amended to read in part:

Milwaukee, Wis., ILS lczr.; Lake Park INT, Wis.; 2,300.

Section 95.6257 *VOR Federal airway 257* is amended to read in part:

Malad City, Idaho, VOR; Bannock INT, Idaho; 10,000.
Pocatello, Idaho, VOR; Rockford INT, Idaho; 7,000.
Rockford INT, Idaho; Dubois, Idaho, VOR; 7,500.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

Greenwood, Miss., VOR; College INT, Miss.; 2,000.

Section 95.6280 *VOR Federal airway 280* is amended to read in part:

Topeka, Kans., VOR; Wood INT, Kans.; *2,700. *2,400—MOCA.
Wood INT, Kans.; Kansas City, Mo. VOR; *2,600. *2,300—MOCA.

Section 95.6289 *VOR Federal airway 289* is amended to read in part:

Gregg County, Tex., VOR; Texarkana, Ark., VOR; 2,000.

Section 95.6484 *VOR Federal airway 484* is amended to read in part:

Wooden Shoe INT, Idaho; Spring Bay INT, Utah; *14,000. *11,900—MOCA.

Section 95.6492 *VOR Federal airway 492* is amended to read in part:

Labelle, Fla., VOR via N. alter.; *Haven INT, Fla., via N. alter.; **2,000. *3,000—MCA Haven INT, southeastbound. **1,200—MOCA.

Section 95.7012 *Jet Route No. 12* is deleted:

Section 95.7020 *Jet Route No. 20* is amended to delete:

From, To, MEA, and MAA

Pendleton, Oreg., VORTAC; Boise, Idaho, VORTAC; 18,000; 45,000.
Boise, Idaho, VORTAC; Malad City, Idaho, VORTAC; 18,000; 45,000.

Section 95.7020 *Jet Route No. 20* is amended by adding:

Pendleton, Oreg., VORTAC; McCall, Idaho, VORTAC; 18,000; 45,000.
McCall, Idaho, VORTAC; Pocatello, Idaho, VORTAC; 18,000; 45,000.
Pocatello, Idaho, VORTAC; Rock Springs, Wyo., VORTAC; 18,000; 45,000.

Section 95.7034 *Jet Route No. 34* is amended to read in part:

Cleveland, Ohio, VORTAC; Bellaire, Ohio, VORTAC; 18,000; 45,000.
Bellaire, Ohio, VORTAC; Westminster, Md., VORTAC; 23,000; 45,000.

Section 95.7049 *Jet Route No. 49* is amended to delete:

Charleston, W. Va., VORTAC; Philippsburg, Pa., VORTAC; 18,000; 45,000.

Section 95.7054 *Jet Route No. 54* is amended by adding:

Pendleton, Oreg., VORTAC; Boise, Idaho, VORTAC; 18,000; 45,000.
Boise, Idaho, VORTAC; Pocatello, Idaho, VORTAC; 18,000; 45,000.

Section 95.7054 *Jet Route No. 54* is amended to delete:

Pendleton, Oreg., VORTAC; McCall, Idaho, VOR; 18,000; 45,000.

Section 95.7080 *Jet Route No. 80* is amended to read in part:

Indianapolis, Ind., VORTAC; Bellaire, Ohio, VORTAC; 18,000; 45,000.
Bellaire, Ohio, VORTAC; Coyle, N.J., VORTAC; 18,000; 45,000.

Section 95.7110 *Jet Route No. 110* is amended to read in part:

Indianapolis, Ind., VORTAC; Bellaire, Ohio, VORTAC; 18,000; 45,000.
Bellaire, Ohio, VORTAC; Coyle, N.J., VORTAC; 18,000; 45,000.

Section 95.7145 *Jet Route No. 145* is added to read:

Charleston, W. Va., VORTAC; Bellaire, Ohio, VORTAC; 18,000; 45,000.

Section 95.7149 *Jet Route No. 149* is amended to read:

Casanova, Va., VORTAC; Rosewood, Ohio, VORTAC; 27,000; 45,000.
Rosewood, Ohio, VORTAC; Fort Wayne, Ind., VORTAC; 18,000; 45,000.

Section 95.7162 *Jet Route No. 162* is added to read:

Cleveland, Ohio, VORTAC; Bellaire, Ohio, VORTAC; 18,000; 45,000.
Bellaire, Ohio, VORTAC; Front Royal, Va., VORTAC; 18,000; 45,000.

Section 95.7502 *Jet Route No. 502* is amended to read in part:

United States-Canadian border; Annette Island, Alaska, VOR; 18,000; 45,000.

Section 95.7518 *Jet Route No. 518* is amended to read in part:

United States-Canadian border; Cleveland, Ohio, VORTAC; 18,000; 45,000.
Cleveland, Ohio, VORTAC; Westminster, Md., VORTAC; 19,000; 45,000.

2. By amending subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

From; to—Changeover point: Distance; from

V–15 is amended to read in part:
Humble, Tex., VOR via E. alter.; Navasota, Tex., VOR via E. alter.; 25; Humble.
V–18 is added to read:
Augusta, Ga., VORTAC; Norway INT, S.C.; 48; Augusta.
V–314 is amended to delete:
Princeton, Maine, VOR; St. Johns, Canada, VOR; 36; Princeton.
V–484 is amended to read in part:
Twin Falls, Idaho, VOR; Salt Lake City, Utah, VOR; 59; Twin Falls.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on July 15, 1969.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[F.R. Doc. 69-8637; Filed, July 24, 1969; 8:45 a.m.]

[Reg. Docket No. 9701; Amdt. 658]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
AMA VOR	AM LOM	Direct	5000	T-dn*	300–1	300–1	300–1
Claude Int	AM LOM	Direct	5000	C-dn	600–1	600–1	600–1¼
Canyon Int	AM LOM	Direct	5000	A-dn	NA	NA	NA
Tower Int	AM LOM	Direct	5300				
Plant Int	AM LOM	Direct	6000				

Radar vectoring.
Procedure turn E side crs 130° Outbnd, 310° Inbnd, 5000′ within 10 miles. Nonstandard due to ATC requirements.
Minimum altitude over facility on final approach crs, 4500′.
Crs and distance, facility to airport, 310°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles after passing AM LOM, turn left, climb to 6000′ within 20 miles on 260° bearing from AM LOM.
CAUTION: Towers, 3020′, 2 miles NW of airport; 3994′ 2 miles NE of airport; 3929′, 2 miles NE of airport. 294′ AGL grain elevator located ¼ mile SW of Runway 35.
NOTES: No weather service at airport. Air carrier use not authorized. Tradewind MIHW is AM LOM.
*300–2 required for takeoff Runway 35.
MSA within 25 miles of facility: 000°–360°—6000′.

City, Amarillo; State, Tex.; Airport name, Tradewind; Elev., 3642′; Fac. Class., H-SAB/LOM; Ident., AM; Procedure No. NDB (ADF)–1, Amdt. 6; Eff. date, 7 Aug. 69 Sup. Amdt. No. 5; Dated 26 June 69

Grand Beach Int	MGC RBn (final)	Direct	1250	T-dn	300–1	300–1	200–½
North Liberty Int	MGC RBn	Direct	2300	C-dn	600–1	600–1	600–1¼
				S-dn-20	600–1	600–1	600–1
				A-dn	NA	NA	NA

Procedure turn E side of crs, 010° Outbnd, 190° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1250′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MGC RBn, climb to 2300′ on crs 190° and return to RBn.
NOTES: (1) Use South Bend altimeter setting. (2) Procedure not authorized between 0200–1300Z.
CAUTION: 730′ MSL (80′ AGL) light pole 450′ W of Runway 20 centerline and 400′ past threshold.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2900′; 180°–360°—2100′.

City, Michigan City; State, Ind.; Airport name, Michigan City; Elev., 650′; Fac. Class., MHW; Ident., MGC; Procedure No. NDB (ADF) Runway 20, Amdt. 3; Eff. date, 7 Aug. 69; Sup. Amdt. No. 2; Dated, 24 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T–d%	1000–2	1000–2	1000–2
				T–n%	1000–3	1000–3	1000–3
				C–d	1000–2	1000–2	1000–2
				C–n	1000–3	1000–3	1000–3
				A–d	1000–2	1000–2	1000–2
				A–n	1000–3	1000–3	1000–3

Procedure turn N side of crs, 090° Outbnd, 270° Inbnd, 4500′ within 10 miles. Not authorized beyond 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 157°—7.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing EED VOR, turn right and climb to 6000′ on R 322° within 20 miles.
NOTE: Final approach from holding pattern at EED VOR not authorized. Procedure turn required.
%Takeoffs all runways: Climb heading 045° to intercept and climb via EED VOR R 331°, within 20 miles to recross EED VOR at 4000′, then via assigned route. Procedure turn W. of crs.
MSA within 25 miles of facility: 000°–090°—8100′; 090°–180°—6100′; 180°–270°—4700′; 270°–360°—5600′.

City, Needles; State, Calif.; Airport name, Needles Municipal; Elev., 909′; Fac. Class., BVORTAC; Ident., EED; Procedure No. VOR–1, Amdt. 5; Eff. date, 7 Aug 69; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 24 June 65

2. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Champaign, Ill. (Urbana)—University of Illinois-Willard, VOR Runway 22, Amdt. 1, 20 Jan. 1968, canceled, effective 7 Aug. 1969.

3. By amending § 97.15 of Subpart B to establish very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Mansfield Int	CMI VORTAC	Direct	2400	T–dn%	300–1	300–1	200–½
R 270°, CMI VORTAC CW	R 027°, CMI VORTAC	Via 12-mile DME Arc.	2700	S–dn–22	400–1	400–1	400–1
				C–dn	400–1	500–1	500–1½
				A–dn	800–2	800–2	800–2
R 145°, CMI VORTAC CCW	R 027°, CMI VORTAC	Via 12-mile DME Arc.	2400				
12-mile DME, R 027°	6-mile DME, R 027° (NOPT)	Direct	2400				

Procedure turn E side of crs, 027° Outbnd, 207° Inbnd, 2400′ within 10 miles of 6-mile DME Fix.
Minimum altitude over 6-mile DME Fix on final approach crs, 2400′; over 2.6-mile DME Fix, 1500′.
Crs and distance, 6-mile DME Fix to airport, 207°—6.3 miles.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 0 mile of VORTAC, climb to 2500′ on R 234° and proceed to Bement Int.
%When weather is less than 400–1, aircraft departing Runways 4, 31, and 36, maintain runway heading until reaching 1500′ due to 1146′ tower 2.5 miles NNE.
MSA within 25 miles of facility: 000°–180°—3000′; 180°–360°—2800′.

City, Champaign (Urbana); State, Ill.; Airport name, University of Illinois-Willard; Elev., 753′; Fac. Class., L–BVORTAC; Ident., CMI; Procedure No. VOR/DME Runway 22, Amdt. Orig.; Eff. date, 7 Aug. 69

4. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.3 miles after passing FDY VORTAC.
				Climb to 2400′, left turn, proceed to FDY VORTAC and hold.
				Supplementary charting information:
				Hold NE Findley VORTAC R 053°, right turns, 1 minute, 233° Inbnd.
				Runway 23, TDZ elevation, 850′.

Proceed turn N side of crs, 053° Outbnd, 233° Inbnd, 2400′ within 10 miles of FDY VORTAC.
FAF, FDY VORTAC. Final approach crs, 233°. Distance FAF to MAP, 6.3 miles.
Minimum altitude over FDY VORTAC, 1700′.
MSA: 000°–090°—2400′; 090°–180°—2300′; 180°–270°—2500′; 270°–360°—2200′.
NOTES: (1) Use Findley, Ohio, altimeter setting. (2) Alternate minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–23	1260	1	410	1260	1	410	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1380	1	530	1380	1	530	NA	NA
A	Not authorized		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Bluffton; State, Ohio; Airport name, Bluffton Flying Service; Elev., 850′; Facility, FDY; Procedure No. VOR Runway 23, Amdt. Orig.; Eff. date, 7 Aug. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MTJ VOR.
				Climbing right turn to 7900′ direct to MTJ VOR; continue climb in holding* pattern for direction of flight.
				Supplementary charting information:
				*Hold NW MTJ VOR, right turns, minute, 119° Inbnd.
				Final approach crs intercepts Runway 12 centerline 5200′ from threshold.
				LRCO 122.1.
				Runway 12, TDZ elevation, 5731′.

Procedure turn S side of crs, 299° Outbnd, 119° Inbnd, 7900′ within 10 miles of MTJ VOR.
Final approach crs, 119°.
MSA: 000°–090°—13,800′; 090°–180°—15,200′; 180°–270°—13,000′; 270°–360°—11,300′.
NOTES: (1) Use GJT altimeter setting when control zone not effective. (2) Final approach from holding pattern not authorized; procedure turn required.
&Alternate minimums not authorized when control zone not effective, except operators with approved weather service.
@Circling and straight-in MDA increased 200′ when control zone not effective, except operators with approved weather service.
%IFR departure procedures: Climb in holding pattern to cross MTJ VOR at or above 10,000′ eastbound V–244; 9300′ westbound V–244.
#Air carrier reduction not authorized.
$Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–12@$	6400	1	669	6400	1	669	6400	1¼	669	6400	1½	669
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	6400	1	641	6400	1	641	6400	1½	641	6640	2	881
A	And 1000–2.		T 2-eng. or less—Standard.%#				T over 2-eng.—Standard.%#					

City, Montrose; State, Colo.; Airport name, Montrose County; Elev., 5759′; Facility, MIJ; Procedure No. VOR–2, Amdt. Orig.; Eff. date, 7 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5 miles after passing Ettrick Int.
HCM VORTAC	HPW VORTAC (NOPT)	Direct	2000	Climb on HPW R-252 to 2000' to Dalton Int. and hold. Supplementary charting information: Hold SW on RIC R 252°, 1 minute, 5-mile right turns Inbnd crs 040°. Intersects centerline 3000' from runway threshold. Antenna 1.3 miles N of airport, 335'. Runway 23, TDZ elevation, 191'.

Procedure turn not authorized. Descend in holding pattern to 2000' at HPW VORTAC 1 minute left turns Inbnd crs 252°.
FAF, Ettrick Int. Final approach crs, 252°. Distance FAF to MAP, 5 miles.
Minimum altitude over Ettrick Int (14.8-mile DME Fix), 1600'.
NOTES: (1) Use Richmond altimeter setting. (2) Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-23	760	1	500	760	1¼	500	760	1¼	500	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	760	1	500	760	1¼	506	760	1¼	506	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Petersburg; State, Va., Airport Name, Petersburg Municipal; Elev., 194'; Facility, HPW; Procedure No. VOR Runway 23, Amdt. Orig.; Eff. date, 7 Aug. 69

5. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 8.8 miles after passing ADM VOR.
ADM NDB	ADM VORTAC	Direct	2500	Climb to 2700' on R-046 within 20 miles.
DUC VOR	ADM VORTAC	Direct	2000	Supplementary charting information: Tower 1.7 miles N, 1075'.

Procedure turn S side of crs, 226° Outbnd, 046° Inbnd, 2500' within 10 miles of ADM VORTAC.
FAF, Ardmore VORTAC. Final approach crs, 046°. Distance FAF to MAP, 8.8 miles.
Minimum altitude over ADM VORTAC, 2000', over Autry Int, 1360'.
MSA: 000°–090°—2700'; 090°–180°—2900'; 180°–270°—2500'; 270°–360°—2700'.
#Night operations not authorized Runways 4–22.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4#	1360	1	898	1360	1	898	1360	1	898	1360	1	898
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1360	1	898	1360	1	408	1360	1½	618	1400	2	638
	VOR/DME or VOR/ADF Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4#	1200	1	438	1200	1	438	1200	1	438	1200	1	438
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1300	1	538	1300	1	538	1380	1½	618	1400	2	638
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Ardmore; State, Okla.; Airport name, Ardmore Municipal; Elev., 762'; Facility, ADM; Procedure No. VOR Runway 4, Amdt. 7; Eff. date, 7 Aug. 69; Sup. Amdt. No. 6, Dated, 28 Nov. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: MTJ VOR.
Grand Junction VORTAC	Bridgeport DME Fix	Direct	10,500	Climbing right turn to 8,300' on R 299° of MTJ VOR within 10 miles, return to VOR and hold.
Bridgeport DME Fix	Delta DME Fix	Direct	8300	Supplementary charting information: Hold NW MTJ VOR, right turns, 1 minute, 119° Inbnd.
Delta DME Fix	Roe Fan Marker (NOPT)	Direct	*6600	Final approach crs intercepts Runway 12 centerline 5200' from threshold.
MTJ VOR	Roe Fan Marker	Direct	8300	TDZ elevation, 5731'.
				LRCO—122.1.

Procedure turn S side of crs, 299° Outbnd, 119° Inbnd, 8,300' within 10 miles of Roe Fan Marker.
Final approach crs, 119°.
Minimum altitude over Roe Fan Marker, *6,600'.
MSA: 000°–090°—13,800'; 090°–180°—15,200'; 180°–270°—13,000'; 270°–360°—11,300'.
NOTES: (1) Use GJT altimeter setting when control zone not effective. (2) Fan Marker equipment required.
#Alternate minimums not authorized when control zone not effective, except operators with approved weather service.
*Circling and straight-in MDA increased 400' and MDA over Roe FM becomes 6800' when control zone not effective, except operators with approved weather service.
%IFR departure procedures: Climb in holding pattern to cross MTJ VOR at or above 10,000' eastbound V-244; 9300' westbound V-244.
**Air carrier reduction not authorized.
$Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	Fan Marker minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT			
S-12*$	6140	1	409	6140	1	409	6140	1	409	6140	1	409
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C*	6280	1	521	6280	1	521	6340	1½	581	6640	2	881
A	1000-2.#		T 2-eng. or less—Standard.%**				T over 2-eng.—Standard.%**					

City, Montrose; State, Colo.; Airport name, Montrose County; Elev., 5759'; Facility, MTJ; Procedure No. VOR-1, Amdt. 1; Eff. date, 7 Aug. 69; Sup. Amdt. No. VOR Runway 12, Orig.; Dated, 22 Aug. 68

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 10.2 miles after passing PHX VOR.
				Climbing left turn to 5000' direct to PHX VOR. Supplementary charting information: Final approach crs to a point 1.1 miles S of midpoint Runways 3/21. Chart VFR track MAP to airport.

Approach crs (profile) starts at PHX VOR.
FAF, PHX VOR. Final approach crs, 339°. Distance FAF to MAP, 10.2 miles.
Minimum altitude over PHX VOR, 5000'.
MSA: 010°–100°—6100'; 100°–190°—4200'; 190°–280°—5600'; 280°–010°—5900'.
NOTES: (1) Radar vectoring. (2) Use Phoenix altimeter setting.
% IFR departure procedures: Climb visually over airport to 1900' or above, direct to PHX VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2140	1	661	2140	1	661	2140	1½	661	2140	2	661
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Scottsdale; State, Ariz.; Airport name, Scottsdale Municipal; Elev., 1479'; Facility, PHX; Procedure No. VOR-1, Amdt. 1; Eff. date, 7 Aug. 69; Sup. Amdt. No. Orig.; Dated, 3 July 69

6. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.2 miles after passing PTB RBN.
McKenney Int	PTB NDB (NOPT)	Direct	1500	Climb to 1900', right turn, direct to PTB RBN and hold
Appomattox Int	PTB NDB	Direct	1900	Supplementary charting information: Hold SW, 1 minute, right turns, Inbnd crs, 052°. Alternate missed approach: Climbing left turn to 2000' via the HPW R 252° to Dalton Int and hold. Hold SW on RIC R 220° 1 minute/3-mile right turns, Inbnd crs, 040°. Runway 5, TDZ elevation, 193'.

Procedure turn S side of crs, 232° Outbnd, 052° Inbnd, 1900' within 10 miles of PTB RBN.
FAF, PTB RBN. Final approach crs, 052°. Distance FAF to MAP, 4.2 miles.
Minimum altitude over PTB RBN, 1500'.
MSA: 000°–090°—2100'; 090°–180°—1700'; 180°–270°—1800'; 270°–360°—2100'.
NOTES: (1) Use Richmond altimeter setting. (2) Radar vectoring.
CAUTION: Do not penetrate R–6602 when executing procedure turn.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–5	720	1	527	720	1	527	720	1	527	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	720	1	526	720	1	526	720	1¼	526	NA
A	Not authorized.		T 2 eng. or less—Standard.				T over 2-eng.—Standard.			

City, Petersburg; State, Va.; Airport name, Petersburg Municipal; Elev., 194'; Facility, PTB; Procedure No. NDB (ADF) Runway 5, Amdt. Orig.; Eff. date, 7 Aug. 69

7. By amending § 97.31 of Subpart C to cancel precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

Dothan, Ala.—Dothan, Radar–1, Amdt. 3, 21 Mar. 1968, canceled, effective 7 Aug. 1969.

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on July 2, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69–8087; Filed, July 24, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR–41; Amdt. 6]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Refund of Filing Fee

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of July 1969.

Under § 389.25 of the Organization Regulations a filing fee of $200 is charged for applications under section 401 of the Act involving certificates of public convenience and necessity to engage in air transportation. The regulation provides that the fee will be refunded if the application is (1) withdrawn prior to hearing, (2) dismissed under the stale-application rule of § 302.911, or (3) dismissed pursuant to the denial of consolidation rule of § 302.12(e). Where moot applications are dismissed with the carriers' consent under the Board's "docket-sweep" program, those applications may possibly fall within the regulation's scope on the grounds either that they have been withdrawn or that they are stale. To remove any uncertainty, the Board will amend § 389.25 by specifying that refunds are allowed in all cases where the Chief Examiner dismisses applications prior to hearing pursuant to § 385.10(b). The amendment also clarifies that the refunds are payable only if requested.

Since this amendment is an interpretive rule of agency practice and procedure, and since it clarifies the grounds for refund of fees, and otherwise imposes no burden, the Board finds that notice and public procedure are unnecessary and that the regulation may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 389 of its Organization Regulations (14 CFR Part 389), effective July 18, 1969, by amending § 389.25(a) to read as follows:

§ 389.25 Schedule of filing and license fees.

(a) *Certificates of public convenience and necessity.* (1) The filing fee for an application, under section 401 of the Act, (i) for a certificate of public convenience and necessity to engage in air transportation, or (ii) to amend, modify, renew, or transfer a certificate or to abandon a route or a part thereof, is $200. The fee will be refunded, on request, if the application is withdrawn prior to hearing, is dismissed under the stale-application rule of § 302.911 of this chapter, is dismissed pursuant to the denial of consolidation rule of § 302.12(e) of this chapter, or is otherwise dismissed by the Chief Examiner prior to hearing under the authority delegated to him in § 385.10(b) of this chapter.

* * * * *

(Sec. 204(a), Federal Aviation Act of 1958; 72 Stat. 743; 49 U.S.C. 1324(a); 5 U.S.C. 140)

By the Civil Aeronautics Board.

HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–8755; Filed, July 24, 1969; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7176]

PART 13—PROHIBITED TRADE PRACTICES

Alleghany Pharmacal Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170–74 Reducing, nonfattening, low-calorie, etc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Final order reinstating cease and desist order, Alleghany Pharmacal Corp. et al., New York, N.Y., Docket 7176, June 17, 1969]

In the Matter of Alleghany Pharmacal Corp., a Corporation, and Harry Evans and Vincent J. Lynch, Individually, and Chester Carity, Individually and as an Officer of Said Corporation

Order dismissing an amended complaint issued November 15, 1965, and reinstating the suspended order of November 7, 1958, 23 F.R. 10506, which prohibited a New York City distributor of drugs from deceptively advertising its weight-reducing preparation, "Hungrex with P.P.A."

The final order is as follows:

It is ordered, That the amended complaint issued on November 15, 1965, be dismissed as to all respondents without prejudice to the right of the Commission to take such further action in the future as may appear to be appropriate.

It is further ordered, That the order to cease and desist issued by the Commission November 7, 1958, remain in effect as to all respondents named therein.

Issued: June 17, 1969.

By the Commission.

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–8701; Filed, July 24, 1969; 8:46 a.m.]

[Docket No. C–1556]

PART 13—PROHIBITED TRADE PRACTICES

Gineros & Boronico, Inc., et al.

Subpart—Invoicing Products Falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or Mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—*Neglecting, Unfairly or Deceptively, To Make Material Disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Gineros & Boronico, Inc., et al., New York, N.Y., Docket C–1556, July 8, 1969]

In the Matter of Gineros & Boronico, Inc., a Corporation, and Spero Gineros and Constantine Boronico, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Gineros & Boronico, Inc., a corporation, and its officers, and Spero Gineros and Constantine Boronico, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in the fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 8, 1969.

By the Commission.

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–8702; Filed, July 24, 1969; 8:46 a.m.]

[Docket No. C–1555]

PART 13—PROHIBITED TRADE PRACTICES

Orvil D. Percifield et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Orvil D. Percifield trading as Northwest Chinchilla Co., Portland, Oreg., Docket C–1555, July 2, 1969]

In the Matter of Orvil D. Percifield, Also Known as Orville D. Percifield, an Individual Trading and Doing Business as Northwest Chinchilla Co., Formely Known as The Chinchilla Guild of America, Pacific Northwest Division

Consent order requiring a Portland, Oreg., distributor of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality

of its stock, deceptively guaranteeing the fertility of its stock, and misrepresenting its services to purchasers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Orvil D. Percifield, also known as Orville D. Percifield, an individual trading and doing business as Northwest Chinchilla Co., formerly known as The Chinchilla Guild of America, Pacific Northwest Division, or trading and doing business under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of chinchilla breeding stock or any other products, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages, or spare buildings, or other quarters or buildings unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation, and other environmental conditions.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved without previous knowledge or experience in the breeding, caring for, and raising of such animals.

3. Each female chinchilla purchased from respondent and each female offspring will produce successive litters of one to four live offspring at 111-day intervals.

4. The number of litters or sizes thereof produced per female chinchilla is any number or range thereof; or representing, in any manner, the past number or range of numbers of litters or sizes produced per female chinchilla of purchasers of respondent's breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of litters or sizes thereof produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

5. Pelts from the offspring of respondent's chinchilla breeding stock sell for an average price of $30.90 per pelt; or that pelts from the offspring of respondent's breeding stock generally sell from $15 to $60 each.

6. Chinchilla pelts from respondent's breeding stock will sell for any price, average price, or range of prices; or representing, in any manner, the past price, average price or range of prices of purchasers of respondent's breeding stock unless in fact the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

7. Purchasers of respondent's chinchilla breeding stock will receive top quality chinchillas or that respondent's chinchilla breeding stock has a market value of $350 each or any other price or range of prices unless respondent's purchasers do actually receive chinchillas of the represented market value, price or range of prices.

8. Each female chinchilla purchased from respondent and each female offspring produce at least three live young per year.

9. The number of live offspring produced per female chinchilla is any number or range of numbers; or representing, in any manner, the past number or range of numbers of live offspring produced per female chinchilla of purchasers of respondent's breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of live offspring produced per female chinchilla of these purchasers under circumstances similar to those of the purchasers to whom the representation is made.

10. A purchaser starting with six mated pairs of respondent's chinchillas will have, from the sale of pelts, a gross income, earnings or profits of $5,760 at the end of the fifth year after purchase.

11. Purchasers of respondent's breeding stock will realize earnings, profits, or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits, or income of purchasers of respondent's breeding stock unless in fact the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

12. Breeding stock purchased from respondent is warranted or guaranteed without clearly and conspicuously disclosing in immediate conjunction therewith the nature and extent of the guarantee, the manner in which the guarantor will perform and the identity of the guarantor.

13. Breeding chinchillas by mated pairs will produce more or better quality offspring than by polygamous breeding.

14. Chinchillas are hardy animals or are not susceptible to disease.

15. Purchasers of respondent's chinchilla breeding stock joining The Chinchilla Guild of America will, because of the services offered by that organization, be able to raise chinchillas with pelts selling for an average price of $45 per pelt, or for any other amount in excess of that usually received by members of said Guild; or misrepresenting, in any manner, the benefits, gains, or advantages afforded members of said Guild or members, participants, or affiliates of any other organization or group.

16. Respondent will purchase all or any of the chinchilla offspring or pelts thereof raised by purchasers of respondent's breeding stock for $80 a pair unless respondent does in fact so purchase such offspring or pelts for the represented price; or that respondent will purchase said offspring or pelts for any other prices unless respondent does, in fact, purchase all the offspring or pelts offered by said purchasers at the prices and on the terms and conditions represented; or representing, in any manner, that respondent will purchase chinchilla offspring raised by customers unless respondent does in fact purchase such offspring.

17. The "Guild Quality" standard of live chinchilla evaluation is an accepted standard in the chinchilla industry for determining the quality of chinchilla breeding stock; or misrepresenting, in any manner, the standards or the acceptance or recognition of standards in the chinchilla industry for the evaluation or grading of chinchillas or the pelts therefrom.

18. Approximately 75 percent of all chinchillas raised from chinchilla breeding stock purchased from respondent will be of Guild quality; or misrepresenting, in any manner, the number or proportion of chinchillas from respondent's or any other breeding stock which will be of a stated grade or quality.

19. Respondent doing business as Northwest Chinchilla Co. or under any other trade or corporate name or as an individual has been in the chinchilla business for more than 20 years; or misrepresenting, in any manner, the length of time respondent individually or through any corporate or other device has been in business.

20. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondent's breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondent's chinchillas because said chinchillas or pelts are in great demand.

21. Purchasers investing $4,000 in respondent's chinchillas will make $25,000 in profit 2 years after the purchase of respondent's chinchillas.

22. Purchasers investing any amount or range of amounts will make any amount, or range of amounts in profit in any number of years or interval of time after the purchase of respondent's chinchillas; or representing, in any manner, the past profit or range of profits purchasers investing any amount or range of amounts will make in any number of years or interval of time after purchase of respondent's chinchillas unless, in fact, the past profit or range of profits represented are those of a substantial number of purchasers and accurately reflect the average profit or range of profits of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

23. The assistance or advice furnished to purchasers of respondent's chinchilla breeding stock by respondent or The Chinchilla Guild of America will assure purchasers of successfully breeding or raising chinchillas as a commercially profitable enterprise.

B. Misrepresenting, in any manner, the assistance, training, services or advice supplied by respondent to purchasers of his chinchilla breeding stock.

C. Misrepresenting, in any manner, the earnings or profits to purchasers or the quality or reproduction capacity of any chinchilla breeding stock.

D. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondent's products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: July 2, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-8703; Filed, July 24, 1969; 8:46 a.m.]

[Docket No. C-1550]

PART 13—PROHIBITED TRADE PRACTICES

Slifka Fabrics et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Slifka Fabrics et al., New York, N.Y., Docket C-1550, July 2, 1969]

In the Matter of Slifka Fabrics, a Partnership, and Joseph Slifka and Sylvia Slifka, Individually and as Copartners Trading as Slifka Fabrics

Consent order requiring a New York City converter and importer of fabrics to cease misbranding and falsely invoicing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Slifka Fabrics, a partnership, and Joseph Slifka and Sylvia Slifka, individually and as copartners trading as Slifka Fabrics, or under any other name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Slifka Fabrics, a partnership, and Joseph Slifka and Sylvia Slifka, individually and as copartners trading as Slifka Fabrics, or under any other name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, sale or distribution of wool products, or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in such products, on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 2, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-8704; Filed, July 24, 1969; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-355; Order 384]

MISCELLANEOUS AMENDMENTS TO CHAPTER

JULY 17, 1969.

Takeover or relicensing of licensed projects, new application requirements relating to Federal development, electric coordination, water quality, historical and archeological properties, procedural changes.

On December 19, 1968, the Commission issued a notice of proposed rule making in this proceeding (33 F.R. 20052, Dec. 31, 1968) wherein it proposed to amend Part 16, of the regulations under the Federal Power Act and to delete § 2.6 of the rules of practice and procedure with respect to the takeover of projects by the United States or relicensing of projects to non-Federal entities as a result of the amendment of the Federal Power Act, Public Law 90-451 (82 Stat. 616). The Commission additionally proposed to amend §§ 4.41 and 4.40 of the regulations under the Federal Power Act prescribing certain new application requirements relating to Federal development, electrical coordination, water quality, and historical and archeological properties. Also proposed were certain amendments of §§ 4.31 and 4.50 hereinafter set forth.

The proposed amendments, which provide new procedures for the processing of applications covering expiring licenses of hydroelectric projects, will permit the Commission, in a single proceeding to determine whether a project should be relicensed or recommended for Federal takeover. New procedures are also provided for the filing of applications for nonpower licenses which have been provided for in the amendment of section 15 of the Act.

Proposed requirements for additional information will enable the Commission to explore more fully in both original and renewal licensing proceedings all considerations bearing on comprehensive development under section 10(a) of the Federal Power Act. These include economic and financial feasibility, the multiple purpose uses of streams, hydraulic and electrical coordination of a project with other projects and systems, water quality control, pollution abatement, recreational development, fish and wildlife conservation, development of aesthetic values, and preservation of historical and archeological properties.

Twenty-two responses have been received to the Commission's notice [1] suggesting a number of modifications of the proposed rules. A number of these suggestions as hereinafter discussed will re-

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[1] (1) U.S. Department of the Interior, National Park Service.
(2) Idaho Fish and Game Department.
(3) Wisconsin Valley Improvement Co.
(4) Montana Power Co.
(5) Northeast Utilities Service Co.
(6) Southern California Edison Co.
(7) New England Power Co.
(8) Union Electric Co.
(9) U.S. Department of the Interior, Office of the Secretary.
(10) Virginia Electric and Power Co.
(11) Alabama Power Co.
(12) Georgia Power Co.
(13) Utah Power & Light Co.
(14) Pacific Gas & Light Co.
(15) Public Service Co. of New Hampshire.
(16) Consolidated Papers, Inc.
(17) The Washington Water Power Co.
(18) Pennsylvania Power & Light Co.
(19) Idaho Power Co.
(20) Pacific Power & Light Co.
(21) American Public Power Association.
(22) U.S. Department of Agriculture, Forest Service.

sult in improved terms of Commission regulations. Those not adopted were considered to be unnecessary or lacking in merit.

We are revising that part of § 16.3, which provides that Licensees whose licenses expire within 3 years must file applications for new licenses in accordance with the newly prescribed regulations within 6 months of the issuance of this rule, by extending the 3-year period to 3½ years. Licensees whose licenses expire shortly after the 3-year period will thus have at least 6 months within which to file. For Applicants who have already filed under existing provisions we are providing 6 months in which to supplement their applications in accordance with the new regulations. It has been suggested that a 6-month period within which to prepare an application for license is insufficient. While there may exist individual situations in which upon the filing of a prior request, a brief extension may be shown to be warranted, we believe that a 6-month period should normally be adequate. It has also been suggested that persons who are not presently licensees but seek to be licensed to takeover and operate a project, should for power or nonpower purposes be subject to the same time requirements for filing their applications as licensees. We have provided a 6-month period after a licensee has filed during which nonlicensee applicants may file, recognizing that such parties who might otherwise not choose to compete with an existing licensee for a new license, may be motivated to file if adequate redevelopment or coordination is not proposed by the licensee, or in the absence of any application by licensee.

Section 16.5 dealing with annual licenses, has been modified in accordance with some of the comments to make clear that an annual license will be automatically issued by the Secretary until final Commission action has been taken upon any application by an existing licensee for a new license.[2]

A number of comments dealt with the provisions of § 16.6. The proposed rule did not permit the incorporation by reference of certain exhibits previously filed in order to provide for completely self contained applications in takeover and relicensing proceedings. Upon review of the proposed rule, however, we agree that an exception should be made with respect to Exhibit A which, if the Applicant is a corporation, consists of the charter or certificate and articles of incorporation, with all amendments thereto, and may be voluminous. We have provided an appropriate exception in § 16.6(a) as well as in § 4.31. We have likewise provided in § 4.31 for the deferral of the filing of final Exhibits F and K in the case of unconstructed projects. Some of the comments urge deferral of information to be required by § 16.6 (b) and (e) of the proposed rule. It is contended for instance, that information on severance damages [3] would not be necessary where a project is relicensed to an existing licensee. Such a contention overlooks the possibility that an application by a nonlicensee or a takeover recommendation, may be filed in the proceeding. We wish to stress, as we did in hearings before the Congress in support of Public Law 90–451, that this Commission must have adequate information on all subjects relating to the takeover or relicensing of hydroelectric projects in order for the Commission to fulfill its responsibilities of passing upon relicensing to the original licensee, or recommending Federal takeover, or licensing the project to a new entity, in a single proceeding.

In response to several comments on § 16.6(b), we have modified the language with respect to fair value, net investment and severance damages. It has been suggested that § 16.6(d), requiring a statement as to why additional project capacity, "if feasible" is not proposed to be installed, is ambiguous in that capacity, which could feasibly be installed from an engineering standpoint, may be infeasible, at least at the time of relicensing, on the basis of valid economic considerations. This is quite true, and we recognize that in many, if not most, cases where the existing licensee believes technically feasible additional capacity is not presently economic from the standpoint of its company, analysis will show it is also not required by a comprehensive plan of waterway development undertaken either by the existing licensee or some other interested party. But it is important in such circumstances that the existing licensee, who will be in the best position to make the initial evaluation of the question, provide the Commission and other interested parties with a detailed statement of the reasons for his conclusions on the matter.[4] We shall therefore clarify the rule to point out that the statement with respect to additional capacity is required wherever the installation thereof is technically feasible.

The suggestion in some of the comments that § 16.6(e) be made applicable to nonlicensee applicant is not adopted as that section specifically seeks to elicit information from an existing licensee on how it would be affected by takeover or relicensing to another.

Section 16.7 was the subject of particular interest to the Forest Service, Department of Agriculture in its comments since there are a number of small projects located on National Forest lands which represent potential nonpower developments over which the Forest Service may wish to exercise regulatory supervision. In response to the comments of the Forest Service we have expanded the language of § 16.7 to indicate that as a temporary license, the nonpower license is subject to termination at any time after the license is issued upon showing by an agency that it is authorized and willing to assume adequate regulatory supervision. Moreover, we shall provide that in the case of projects located on the public lands or reservations of the United States, where there is no pending application for relicensing as a powerplant, such a showing may be made by the agency having authority over such lands during the proceedings upon an application for a nonpower license itself, since in such circumstances the necessity for our issuing any nonpower license may be obviated.[5]

The Forest Service raises questions concerning the language of section 15(b), added to section 15 of the Act by Public Law 90–451, appearing to authorize the Commission to issue nonpower licenses "on its own motion". As we understand this language, it authorizes the Commission in its discretion, to tender a nonpower license to an applicant for a power license "whenever it finds in conformity with a comprehensive plan for improving or developing a waterway or waterways for beneficial public uses all or part of any licensed project should no longer be used or adapted for power purposes." Nothing in the language or legislative history of Public Law 90–451 indicates that this authority supersedes the existing authority of the Forest Service to issue Special Use Permits for nonpower purposes and we anticipate no conflict with the Forest Service in this regard.

It has been suggested that the term "regulatory supervision" taken from section 15(b), added by Public Law 90–451, should be defined. Precise definition is undesirable for purposes of the regulations as we do not now have before us an experience base of factual situations which should be recognized in any precise definitional statement. For present purposes, we believe it sufficient to note what is intended generally is administrative control over the lands and facilities concerned. It would be our intent that a statement by officials of the local, State or Federal Government body in question that it possessed such continuing authority would satisfy the provisions of section 15(b) and these regulations. For example, we anticipate that in the case of public lands falling under the authority of the Departments of Agriculture or Interior, the relevant statements would be filed by officials of these Departments stating their authority and legal capacity to act in respect to the lands involved.

The Department of the Interior has requested that § 16.8 be changed to provide a period of 9 months in lieu of 6 months during which a Federal agency may file a recommendation for takeover, after notice of an application for relicensing has been issued. We are acceding to this request and likewise extending the time for the filing of a reply to the recommendation, as suggested in several comments, to 4 months which is believed to be adequate.

Several comments with reference to §§ 16.8 and 16.9 express the need to provide an opportunity for oral argument and rehearing, as well as for the notice and opportunity for hearing prescribed by the Act, prior to the transmittal of a Commission takeover recommendation to Congress. The parties to a takeover or relicensing proceeding will have an opportunity pursuant to our rules of practice and procedure to petition the Commission for oral argument, whenever they believe it appropriate for any reason, and to seek reconsideration of any action recommending takeover to the Congress. We agree, however, that, prior to the submission of any such takeover recommendation to the Congress, the licensee and other interested parties should have an opportunity to seek reconsideration and § 16.9 has been modified [6] to so provide.

It has also been suggested that provision should be made for furnishing the Congress with the licensee's views with respect to takeover at the time the Commission transmits its recommendation. Presumably, such views and those of other interested parties will be set forth in the Commission's report to Congress, and any order on reconsideration; to the extent the licensee or any other party believes his views have not been properly reflected, he is of course free to make such additional presentation to the Congress as he deems fit. Additionally, the record and any pleadings on the matter before the Commission will be available for Congress' consideration should it so desire. We believe to provide, by rule, for the submission of anything more would be unnecessary and impractical.

In response to several comments we have clarified the language of § 16.10 to make it more consistent with the governing statutory language, and certain language of § 16.11 erroneously suggesting that the two year notice of takeover provided in section 14 of the Act could be shortened by Congress, has been deleted. It is contended in several comments that the statutory 2-year notice period is too short to permit the licensee to make other arrangements. While there may be circumstances where it will be impossible or impractical to have the United States or a new licensee take possession of the project within 2 years of final determination by the Congress or the Commission's notice thereof, in which event the Commission will be free to specify the appropriate later date, we believe that the normal notice period specified in these rules should be the statutory minimum of 2 years. We agree, however, with the suggestion that the time in which to file claims for compensation after issuance of notice of congressional takeover should be enlarged and have, accordingly, changed the 3-month period in § 16.11 to 6 months.

One comment with respect to § 16.12 makes reference to the absence of provisions for renewal of minor part licenses not subject to takeover. This category of licenses, consisting primarily of transmission facilities, are generally not subject to section 14 or 15 of the Act and in a number of cases involve situations which under our consistent practice over the past 30 years either would not be licensed at all or would be licensed as part of a complete project. However, since there are a number of such licenses which the Commission will undoubtedly find appropriate for relicensing and the existing licensees should, in any event, have a procedure through which they can seek new licenses, we have included minor part licenses not subject to section 14 of the Act within the category of licenses to which § 16.12 applies.

We have added § 16.13 making § 4.31 (Acceptance for Filing or Rejection of Applications), as revised herein, applicable to license applications filed under Part 16 of the regulations.

The Office of the Secretary of Interior and the National Park Service of the Department of the Interior have, in their respective comments, suggested somewhat similar revisions to the proposed amendment to the language of § 4.40(k) of the Commission's regulations dealing with historical and archeological properties. The language of the rules has been revised to meet the suggestions in these comments.

Several comments suggested that the proposed requirements under Exhibit H relating to water quality may be unnecessary in some situations. We recognize, of course, that certain projects will have a lesser effect on water quality than others and that the information furnished will so indicate. We believe it important, however, that the Commission obtain all available information which an applicant can furnish on the project's effect upon the water quality of the stream. We are, however, making some minor modifications to Exhibit H which will serve to more clearly specify the information desired and to avoid duplication of similar information provided in Exhibit R or S.

A number of the comments received were critical of proposed Exhibit T on grounds that it purportedly puts a positive burden upon an applicant to show a negative with respect to Federal takeover or development, and, as such, may indicate a Commission view that Federal development or takeover should be recommended unless it can be factually demonstrated that the applicant can do a superior job. This misconceives the purpose of Exhibit T, which is solely to seek information from the licensee to aid the Commission in making the determination, required of it either on initial licensing or relicensing, whether to recommend Federal development.

The procedures established by the Commission pursuant to the congressional mandate that it consider in a single proceeding the alternatives of relicensing or a takeover recommendation, would properly be subject to criticism if we failed to seek information from the potential or existing licensee itself as to why it believed it, rather than an agency of the Federal Government, should be authorized to construct, operate and maintain the project in the future. Moreover, we consciously left the details to be included in the statement to the applicant, speaking instead only in the general terms of the language of sections 10(a) and 7(b),[7] in recognition of the fact that much of the factual support will be included in other portions of the filing and that the applicant should be given full rein to present such data and argumentation on the point as it sees fit.

A number of comments question the necessity for, or comprehensiveness of, the proposed new Exhibit U. That exhibit seeks, for applications for new unconstructed projects and for relicensing of existing projects, detailed information as to the relationship of the existing and proposed power output of the project to the needs of the licensee's system and the systems of the region in which the project is, or is to be, located with which the licensee's system is, or could be, interconnected or coordinated on an economic basis. To the extent that these comments reflect a belief that any consideration of the nature of the proposed power utilization of a licensed project is irrelevant to our licensing responsibility

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[2] With respect to the provisions of § 16.5 it should be noted that section 9(b) of the Administrative Procedure Act (5 U.S.C. 558(c)) provides that when a timely and sufficient application for a new license has been filed in accordance with agency rules a license with reference to a continuing activity does not expire until the application has been finally determined by the agency.

[3] It should be noted that § 16.6(b)(4) relating to severance damages does not require the precise amount claimed, but rather the basis for such a claim.

[4] In this respect, we point out that the alternatives available to the Commission are not limited to a renewal of a project license upon condition that the licensee install new capacity then, or pursuant to some schedule for the future, or turning the entire project over to a new entity. The Act also provides authority for the separate licensing of individual project works of a complete development. Thus, for example, where otherwise appropriate, an additional generating unit or other facility could be separately licensed to a new party while the remainder of the project is relicensed to the original licensee.

[5] There conceivably may be situations where even in such circumstances a Commission license for nonpower use will be beneficial to the nonlicensee applicant to permit him to take advantage of the right under section 15(b) of the Act to take over the project works at the net investment price. This would, of course, be considered by the Commission in determining whether to exercise its discretion to terminate the proceeding.

[6] Since any recommendation to the Congress is necessarily a nonfinal action which cannot by itself affect the licensee's rights, in the absence of subsequent congressional legislation we do not believe such action, unlike final Commission action granting or denying a license, would be subject to rehearing or judicial review under section 313 of the Act. In fact, since a recommendation by the Commission is not a legal prerequisite to congressional takeover, it cannot even be characterized as an essential interlocutory step in such action.

[7] There has been some question raised as to the use of the language "these public programs" in the last phrase of the description of Exhibit T in the proposed rule. Our objective was to indicate our recognition that in reaching our determination whether "the development of any water resources for public purposes should be undertaken by the United States" under sections 7(b) or 7(c) of the Act, the comprehensive development standards of section 10(a) must necessarily be applied. The word "programs" was inadvertently substituted for the statutory word "purposes" and this has been corrected.

as long as the power can be economically absorbed in the licensee's system, they are based upon an overly restrictive view of our duties to insure that licensed projects are "best adapted to a comprehensive plan for improving or developing a waterway * * * for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water power development and for other public uses * * *". See Udall v. FPC, 387 U.S. 428, cf., Red Lion Broadcasting Co. v. Federal Communications Commission, ------ U.S. ------, 37 U.S. Law Week 4509, 4517. (U.S. Sup. Ct., 1969). We agree, however, that the significance of such information will vary with the magnitude of the potential power output of the project, and are accordingly modifying the exhibit to provide that it will not be applicable, except upon special request, to projects having or proposing to have less than 25,000 kilowatts installed capacity. We have also modified the language of the exhibit to make clear that it is applicable to all of the power output of a project sought to be relicensed, and that among the data to be supplied is information with respect to the dependable capacity of the project.

Several of the comments, while recognizing the general validity of the inquiry into the nature of the power utilization, question its scope particularly to the extent it requires the applicant to explore the potential utilization of the power developed, or which could be developed, by other systems with which the applicant's system could be, but is not presently, interconnected and coordinated. We recognize, of course, that the range of the systems with which an applicant's system theoretically could be electrically interconnected and coordinated are extensive and for this reason limited the scope of the inquiry to those whom the applicant could reasonably believe could, in the event of interconnection and coordination, utilize project power upon an economic basis. We do not believe, however, as some of the comments suggest, that such inquiry should be limited to systems which have previously expressed an interest in securing project power. An applicant seeking to utilize the Nation's waterways for the development of power has an obligation to look beyond its own needs to those of the region in which it operates, Western Massachusetts Electric Co. 39 FPC 723, 734–35, 40 FPC 300. For from being merely an unwelcome burden we are convinced that the reasonable regional planning required to be detailed by the exhibit will, in most cases, be beneficial to the prospective licensee, as well as the general public.

The Commission finds:

The amendments hereinafter set forth are necessary and appropriate for carrying out the provisions of the Federal Power Act.

The Commission acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 4(e), 7(c), 9, 10(a), 14, 15, and 309 thereof (41 Stat. 1065, 1068, 1071, 1072; 49 Stat. 884, 858, 82 Stat. 616; 16 U.S.C. 797(e), 802, 803, 807, 808, 825h) orders:

(A) Part 16, Subchapter (B), Chapter I, Title 18, Code of Federal Regulations is amended by substituting therefore a new Part 16 as follows:

PART 16—PROCEDURES RELATING TO TAKEOVER AND RELICENSING OF LICENSED PROJECTS

Sec.

16.1 Purpose and coverage.
16.2 Public notice of projects under expiring license.
16.3 When to file.
16.4 Notice upon filing of application.
16.5 Annual license.
16.6 Application for new license for projects subject to sections 14 and 15 of the Act and all other major projects.
16.7 Applications for nonpower license.
16.8 Departmental recommendation for takeover.
16.9 Commission recommendation to Congress.
16.10 Motion for stay by Federal department or agency.
16.11 Procedures upon congressional authorization of takeover.
16.12 Renewal of minor and minor part licenses not subject to sections 14 and 15.
16.13 Acceptance for filing or rejection of application.

AUTHORITY: The provisions of this Part 16 issued under Federal Power Act, secs. 7(c), 14, 15, 309 (16 U.S.C. 800, 807, 808, 825h).

§ 16.1 Purpose and coverage.

This part implements the amendments of sections 7(c), 14, and 15 of Part I of the Federal Power Act, as amended, enacted by Public Law 90–451, 82 Stat. 616, approved August 3, 1968. It applies to projects subject to sections 14 and 15 of the Federal Power Act including projects for which a nonpower license may be issued. Procedures are provided for the filing of applications for either power or nonpower licenses for projects whose licenses are expiring. A license for a power project issued to either the original licensee or another licensee is referred to in this part as a "new license" and a license for a nonpower project as a "non-power license". Also provided are procedures for the filing of recommendations for takeover by Federal departments or agencies and applications for renewal of licenses not subject to section 14.

§ 16.2 Public notice of projects under expiring license.

In order that there should be adequate notice and opportunity to file timely applications for a license, the Commission's Secretary will give notice of the expiration of license of a project (except transmission line and minor projects) 5 years in advance thereof in the same manner as provided in section 4(f) of the Act. The Secretary shall upon promulgation of the rules herein give notice, as provided in section 4(f) of the Act, of all whose license terms have expired since January 1, 1968, or which will expire within 5 years of the effective date of this rule. In addition, the Commission each year will publish in its annual report and in the FEDERAL REGISTER a table showing the projects which will expire during the succeeding 5 years. The table will list these licenses according to their expiration dates and will contain the following information: (a) License expiration date; (b) licensee's name; (c) project number; (d) type of principal project works licensed, e.g., dam and reservoir, powerhouse, transmission lines; (e) location by State, county, and stream; also by city or nearby city when appropriate; and (f) plant installed capacity.

§ 16.3 When to file.

(a) An existing licensee must file an application for a "new license" or "nonpower license" or a statement of intention not to file an application for a "new license" no earlier than 5 years and no later than 3 years prior to the expiration of its license, except that, where the license will expire within 3½ years of the issuance of this part, such applications or statements shall be filed within 6 months from the effective date of this part. Applicants which have applications pending which were filed under previous Commission regulations shall supplement their applications in accordance with pertinent provisions of this part within 6 months of the effective date of this part.

(b) Any other person or municipality may file an application for a "new license" or "non-power license" within 5 years of the expiration of the license, but in no event, unless authorized by the Commission, later than 6 months after issuance of notice of the filing of an application or statement by the licensee under § 16.4 or 2½ years before the expiration of the license, whichever is earlier.

(c) Any application submitted after the expiration of the time specified herein for filing must be accompanied by a motion requesting permission to file late, which motion shall detail the reasons of good cause why the application was not timely filed and how the public interest would be served by its consideration.

§ 16.4 Notice upon filing of application.

When any timely application or statement within the meaning of § 16.3 is received, or when the Commission grants any motion for consideration of a late filed application, notice of receipt thereof will be furnished the applicant, and public notice will be given in the same manner as provided in sections 4(f) and 15(b) of the Act (49 Stat. 838; 41 Stat. 1072; 82 Stat. 616; 16 U.S.C. 797, 808) §§ 1.37 and 2.1 of this chapter, the Fish and Wildlife Coordination Act, 48 Stat. 401, as amended, 16 U.S.C. 661 et seq., and by publication in the FEDERAL REGISTER.

§ 16.5 Annual licenses.

No application for annual license need be filed nor will such application be accepted under section 15 of the Act. An existing licensee making timely filing for a new license will be deemed to have filed for an annual license. If the Commission has not acted upon an application by licensee for a new license at the expiration of the license term, by the issuance of an order granting, denying or dismissing it, an annual license shall be issued by notice of the Secretary.

§ 16.6 Applications for new license for projects subject to sections 14 and 15 of the Federal Power Act and all other major projects.

(a) Each application for a new license hereunder shall conform in form to § 131.2 of this chapter, and shall set forth in appropriate detail all information and exhibits prescribed in §§ 4.40 through 4.42 of this chapter, inclusive and in § 4.51 of this chapter, as well as additional information specified in paragraphs (b) through (e) of this section, except that Exhibit A may be incorporated in an application by reference where one applicant files applications for several projects, one of which already contains an Exhibit A or in any case where applicant has filed an Exhibit A within 10 years preceding the filing of the application, and that Exhibits N and O as specified in § 4.41 of this chapter need only be filed as provided in paragraph (c) of this section. An original and fourteen conformed copies of the application and all accompanying exhibits shall be submitted to the Commission plus one additional conformed copy for each interested State Commission.

(b) An application for a "new license" hereunder shall include a statement showing the amount which Licensee estimates would be payable if the project were to be taken over at the end of the license term pursuant to the provisions of sections 14 and 15 of the Federal Power Act. This statement shall include estimates of: (1) Fair value; (2) net investment; and (3) severance damages. (This subsection is not applicable to State, municipal, or nonlicensee applicants.)

(c) If the applicant proposes project works in addition to those already under license, the maps, plans, and descriptions of the project works (Exs. I, J, L and M) shall distinguish the project works or parts thereof which have been constructed from those to be constructed. Exhibits N and O shall also be included in the application relating to new construction.

(d) Applicant shall furnish its plans for the future modification or redevelopment of the project, if any, and shall set forth in detail why technically feasible, additional capacity is not proposed for installation at the time of relicensing.

(e) Applicant shall file a statement on the effect that takeover by the United States or relicensing to another applicant would have upon the supply of electric energy to the system with which it is interconnected, the rates charged its customers, the licensee's financial condition, and taxes collected by local, State, and Federal Governments. (This subsection is not applicable to State, municipal or nonlicensee applicants.)

§ 16.7 Application for nonpower license.

Each application for "non-power license" shall generally follow the form prescribed in § 131.6 of this chapter, except for subsections 7 and 8 thereof. It shall be accompanied by Exhibits K, L, R, and S prepared as described in section 4.41, and shall include the information specified in paragraphs (a) through (c) of this section. Unless otherwise specified, an original and 14 conformed copies of the application and all accompanying exhibits shall be submitted with one additional conformed copy for each interested State commission. Additional information may be requested by the Commission if desired.

(a) Applicant shall furnish a description of the nonpower purpose for which the project is to be utilized and a showing of how such use conforms with a comprehensive plan for improving or developing a waterway or waterways for beneficial uses, including a statement of the probable impact which conversion of the project to nonpower use will have on the power supply of the system served by the project.

(b) Applicant shall identify the State, municipal, interstate or Federal agency, if any, which is authorized or willing to assume regulatory supervision over the land, waterways and facilities to be included within the nonpower project. (If there is such an agency, applicant shall forward one copy of the application to such agency.)

(c) Applicant shall submit a proposal for the removal or other disposition of power facilities of the project.

A "non-power license" shall be effective until such time as in the judgment of the Commission a State, municipal, interstate, or Federal agency is authorized and willing to assume regulatory supervison over the land, waterways, and facilities included within the "non-power license" or until the project structures are removed. Such State, municipal, interstate or Federal agency may petition the Commission for termination of a "non-power license" at any time. Where the existing project is located on the public lands or reservations of the United States, and there is no application for relicensing as a power project either by the original licensee or some other entity, or a takeover recommendation, the Commission may, in its discretion, and upon a showing by the agency having jurisdiction over the lands or reservations that it is prepared to assume requisite regulatory supervision for the nonpower use of the project, terminate the proceeding without issuing any license for nonpower use.

§ 16.8 Departmental recommendation for takeover.

A recommendation that the United States exercise its right to take over a project may be filed by any Federal department or agency no earlier than 5 years and no later than 2 years prior to the expiration of the license term; *Provided, however*, That such recommendation shall not be filed later than 9 months after the issuance of a notice of application for a new license. Departments or agencies filing such recommendations shall thereby become parties to the relicensing-takeover proceeding. An original and 14 copies of the recommendation shall be filed together with one additional copy for each interested State commission. The recommendation shall specify the project works which would be taken over by the United States, shall include a detailed description of the proposed Federal operation of the project, including any plans for its redevelopment and shall indicate how takeover would serve the public interest as fully as non-Federal development and operation. It shall also include a statement indicating whether the agency making the recommendation intends to undertake operation of the project. A copy of the recommendation shall be served upon the licensee by the Commission's Secretary. Any applicant for a new license covering all or part of the project involved in the takeover recommendation shall have 120 days within which to serve a reply to the recommendation upon the Commission with copies to any parties in the proceeding.

§ 16.9 Commission recommendation to Congress.

If the Commission, after notice and opportunity for hearing concludes upon departmental recommendation, a proposal of any party, or its own motion, that the standards of section 10(a) of the Act would best be served if a project whose license is expiring is taken over by the United States, it will issue its findings and recommendations to this, effect, and after any modification thereof, upon consideration of any application for reconsideration, made in conformity with the provisions of § 1.34 of this chapter governing applications for rehearing, forward copies of its findings and recommendations to the Congress.

§ 16.10 Motion for stay by Federal department or agency.

If the Commission does not recommend to the Congress that a project be taken over, a Federal department or agency which has filed a timely recommendation for takover as provided in this part may, within thirty (30) days of issuance of an order granting a license, file a motion, with copies to the parties in the proceeding, before the Commission requesting a stay of the license order. Upon the filing of such a motion, the license order automatically will be stayed for 2 years from the date of issuance of the order, unless the stay is terminated earlier upon motion of the department or agency requesting the stay or by action of Congress, The Commission will notify Congress of any such stay. Upon expiration or termination of the stay, including any extension thereof by act of Congress, the Commission's license order shall automatically become effective in accordance with its terms. The Commission will notify Congress of each license order which has become effective by reason of the expiration or termination of a stay.

§ 16.11 Procedures upon congressional authorization of takeover.

A determination whether or not there is to be a Federal takeover of a project would ultimately be made by Congress through the enactment of appropriate legislation. If Congress authorizes takeover, the Secretary will immediately give the licensee not less than 2 years' notice in writing of such action. Within 6 months of issuance of such notice the licensee shall present to the Commission any claim for compensation consistent with the provisions of section 14 of the Federal Power Act and the regulations of the Commission.

§ 16.12 Renewal of minor or minor part licenses not subject to sections 14 and 15.

Licensees whose minor or minor part licenses are not subject to sections 14 and 15 of the Act and wish to continue operation of the project after the end of the license term shall file an application for a "new license" 1 year prior to the expiration of their original license in accordance with applicable provisions of part 4 of this chapter.

§ 16.13 Acceptance for filing or rejection of application.

Acceptance for filing or rejection of applications under this part shall be in accordance with the provisions of §4.31 of this chapter.

PART 2—GENERAL POLICY AND INTERPRETATIONS

§ 2.6 [Deleted]

(B) Part 2, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by deleting therefrom § 2.6.

PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

(C) Part 4, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. Section 4.40 is amended by substituting new provisions for § 4.40(k) and redesignating the current paragraph (k) as (l) as follows:

§ 4.40 Contents.

* * * * *

(k) A description of any historical or archeological properties listed in the National Register established under the provisions of Public Law 89–665 (80 Stat. 915) or under consideration or eligible for listing in the National Register which are or may be affected by the project. The National Register is contained in the FEDERAL REGISTER of February 25, 1969, Part 2 of this chapter (34 F.R. 2580), and is updated on the first Tuesday of each month thereafter. Inquiries with respect to properties under consideration or eligible for listing may be directed to the State Liaison Officer, a list of which is included in the FEDERAL REGISTER of February 25, 1969.

(l) Other data which the Applicant may consider pertinent

2. Section 4.41 is amended by revising Exhibit H and adding Exhibits T and U to § 4.41 as follows:

§ 4.41 Required exhibits.

* * * * *

Exhibit H. A statement of the proposed operation of the project works during times of low, normal, and flood flows on the stream, including a statement of reservoir elevations and the minimum flow proposed to be released, during the recreation season and periods of low water, and, to the extent possible, full exposition of any proposed use of the project for the conservation and utilization in the public interest of the available water resources for the purposes of power, navigation, irrigation, reclamation, flood control, recreation, fish, wildlife, and municipal water supply. A statement of the effect, if any, the project would have on water quality, in the reservoir or downstream, plans for maintaining or improving water quality and a statement on the extent of consultation and cooperation with Federal, State, and local agencies having responsibilities for water quality control. A statement as to whether in relation to existing and proposed future projects in the same or related watersheds, the fullest practicable utilization of the water, storage possibilities and head available will be made possible. Furnish operating rule for reservoirs with draw-down and usable storage; State criteria for determining spillway capacity. To the extent that aspects of water quality, referred to herein, related to fish and wildlife and recreation are covered in Exhibit S or in Exhibit R, respectively, a specific reference to Exhibit S or Exhibit R will suffice.

* * * * *

Exhibit T. A statement setting forth why the development and operation of the project by applicant rather than the Federal Government would be best adapted to a comprehensive plan for improving or developing the waterway or waterways within the meaning of section 10(a) of the Act and why the development of the water resources by the Federal Government is not necessary to achieve these public purposes. (This exhibit is not required in applications for relicensing of State or municipal projects.)

Exhibit U. This exhibit shall (unless specially requested during the course of processing of an application) be applicable to applications for projects both on initial licensing and relicensing, having or proposing to have 25,000 kilowatts or more of capacity. It shall consist of a detailed statement showing the manner in which any power or energy developed or to be developed by the project, or in the case of an application for relicensing of an existing project, any additional power or energy proposed to be developed, will be utilized, and the manner in which any additional power or energy that could be economically developed might be utilized: (a) As a part of applicant's electric system; (b) as a part of the electric systems of others with which applicant electrically interconnects and coordinates; and (c) as a part of the electric systems of others with which applicant could electrically interconnect and coordinate upon an economic basis.

Among the details to be so provided, the exhibit shall identify by FPC rate schedule designation (or furnish as a part of the exhibit, if not on file with the Commission, including any agreements) all of the undertakings of the applicant to interconnect and coordinate its generation and transmission facilities with those of others for purposes of sales, purchases, or exchanges of various types of capacity, energy, transmission, or other servicing including, but not necessarily limited to, all requirements service, partial requirements service, hydrostorage and hydrothermal pumped back operations, economy energy transactions, equipment maintenance scheduling, reserve sharing, frequency control and point to point or displacement deliveries of electric power and energy.

The exhibit shall inter alia state the following: (1) Nature and extent of the applicant's consultation with other electric systems, power pools, or power planning groups in formulating its plan for development and utilization of the optimum output of the project, including the disposition of excess power and energy from the project to others than the applicant and the terms of any such disposition; (2) the nature and extent of applicant's activities in correlating the generating and transmission capability of the project with the needs and resources of its system and of other interconnected systems. Such statements shall set forth full details of the load, generation, and time periods employed. With respect to information on dependable capacity required in Exhibit I, applicants shall furnish a summer and winter load curve either on a weekly or monthly basis, showing the contribution that the project would make to the dependable capacity on the applicant's system as well as the regional system load on which it would or could be used and indicating any change in dependable capacity of the project with load growth at appropriate intervals from and after the date of the application or initial operation.

3. Section 4.50 is amended to provide an exception to the requirement of Exhibits T and U with respect to applications for certain constructed projects by adding the following paragraph to § 4.50:

§ 4.50 Contents.

* * * * *

Exhibits T and U. These exhibits shall not be required for applications for original licenses on constructed projects.

4. Section 4.31 is amended to read as follows:

§ 4.31 Acceptance for filing or rejection of applications.

(a) When an application which conforms to the requirements of § 1.15 of this chapter is received, it will be given a filing number. Notice of receipt thereof and filing number given thereto will be furnished applicant and notices will be given in accordance with the requirements of section 4 of the Act (49 Stat. 839; 16 U.S.C. 797), § 1.37 of this chapter, and the Fish and Wildlife Coordination Act, 48 Stat. 401, as amended 16 U.S.C. 611 et seq. Notice will also be given to the appropriate office of the Department of the Interior as to the public lands affected, if any, so that withdrawals from entry may be recorded, unless such action has been taken in connection with a preliminary permit. An application in order to be acceptable for processing must contain the information required pursuant to §§ 4.40 through 4.51, inclusive, as well as, any additional information required, as appropriate, except that: (a) Exhibit A may be incorporated in an application by reference where an applicant files applications for several projects one of which already contains an Exhibit A or in any case where applicant has filed an Exhibit A within 10 years preceding the filing of the application, and (b) for unconstructed projects, final Exhibits F and K may be filed subsequent to the issuance of the license as prescribed therein.

(b) An applicant may be required to furnish additional information required pursuant to these sections at such time as the Secretary directs. Failure to furnish the required information will constitute grounds for rejection of the application by the Secretary as provided by § 1.14 of this chapter. The Commission may require as a condition of license that the licensee furnish additional or revised exhibits by a specified time. Failure to furnish such information within the time specified, or an extension thereof granted by the Commission, shall constitute a violation of the license and cause for action under section 26 of the Federal Power Act.

(D) These amendments shall become effective September 2, 1969.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8686; Filed, July 24, 1969; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965——)

Subpart P—Certification and Recertification; Requests for Payment

PROGRAMS FOR HOSPITAL INSURANCE BENEFITS AND SUPPLEMENTARY MEDICAL INSURANCE BENEFITS FOR AGED

On January 25, 1969, there was published in the FEDERAL REGISTER (34 F.R. 1254) a notice of proposed rule making with a proposed amendment to Subpart P of Regulations No. 5. The proposed amendment would add new sections to the subpart to set forth policies and procedures for requesting payment under the programs for hospital insurance benefits and supplementary medical insurance benefits for the aged pursuant to title XVIII of the Social Security Act. Interested persons were given the opportunity to submit within 30 days, data, views, or arguments with regard to the proposed new sections. The 30-day period has passed and no comments have been received. Accordingly, the amendment is, as proposed, adopted, subject to the following changes:

1. Paragraphs (a) and (b) of § 405.1667 have been clarified with respect to where providers of services shall file claims and requests for payment.

2. Paragraph (a) of § 405.1672 has been changed to set forth more specifically the circumstances under which payment for a nonparticipating hospital's reasonable charges for covered emergency hospital services may be made directly to the entitled individual.

3. Paragraph (a)(2) and Example 2 of § 405.1675 have been modified to reflect that an enrolled individual may assign a claim for a supplementary medical insurance benefit to the person or organization furnishing the services even if the enrolled individual has paid part of the bill amounting to as much as or more than the full reasonable charge to such person or organization. The assignment, upon acceptance by the physician or supplier, is deemed valid and the reasonable charge shall be the full charge.

(Secs. 1102, 1814, 1815, 1833, 1835, 1842, 1871, 49 Stat. 647, as amended, 79 Stat. 294, as amended, 79 Stat. 297, 79 Stat. 302, 303, 309, 331, as amended; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 1302, 1395 et seq.)

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated: July 3, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: July 17, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

Subpart P of Regulations No. 5 (20 CFR 405.1601 et seq.) is amended by revising the heading and adding §§ 405.1660–405.1694 to read as set forth below.

Subpart P—Certification and Recertification; Requests for Payment

Sec.
- 405.1660 Payment on behalf of the individual; general.
- 405.1662 Form used for claiming payment.
- 405.1663 Individual's request for payment.
- 405.1664 Persons authorized to request payment.
- 405.1665 Evidence of authority to execute a request for payment.
- 405.1666 Signature by representative of the participating provider or hospital.
- 405.1667 Submitting claim for payment and request for payment.
- 405.1672 Individual's request for direct payment; general.
- 405.1674 Individual's request for direct payment; evidence describing services.
- 405.1675 Assignment of right to receive payment under the supplementary medical insurance benefits plan.
- 405.1678 Direct payment or assignment of payment; prescribed form.
- 405.1679 Execution of claim for payment.
- 405.1680 Payment pursuant to physician's authorization to accept assignment and receive payment on his behalf.
- 405.1683 Payment on the basis of a paid bill; individual dies before receiving direct payment.
- 405.1684 Payment on the basis of an unpaid bill; individual dies before receiving direct payment or assigning payment.
- 405.1685 Payment to qualified organizations that pay bills on behalf of enrollees.
- 405.1686 Organizations qualified to receive payment for benefits on behalf of enrollee.
- 405.1692 Time limitation for claiming payment.
- 405.1693 Definition of claim for purposes of time limitation.
- 405.1694 Extension of time limitation.

§ 405.1660 Payment on behalf of the individual; general.

(a) *Hospital insurance benefits.* Where an individual is entitled to hospital insurance benefits, payment based on reasonable cost is made on his behalf to a participating provider of services (or in some cases to a nonparticipating hospital for emergency services) for covered inpatient hospital services (see §§ 405.116, 405.152, and 405.153), post-hospital extended care services (see § 405.125), post-hospital home health services (see § 405.131), and outpatient hospital diagnostic services furnished before April 1968 (see §§ 405.145 and 405.152). Effective with respect to services furnished on or after April 1, 1968, coverage of outpatient hospital diagnostic services is included as "medical and other health services" under the supplementary medical insurance benefits plan.

(b) *Supplementary medical insurance benefits.* Where an individual is entitled to supplementary medical insurance benefits, payment based on reasonable cost is made on his behalf to a participating provider of services (or to a hospital which has elected to claim payment for emergency services) for covered home health services (see § 405.233 et seq.) and medical and other health services (see §§ 405.231 and 405.249) furnished by, or under arrangements made by, such provider of services or hospital. (See § 405.1680 relating to billing for services furnished by a physician.)

(c) *Claim for payment.* A claim for payment for services described in paragraph (a) or (b) of this section must be submitted by the participating provider or the hospital which has elected to claim payment for emergency services, and the individual or an authorized person acting on his behalf must request, in writing, that such payment be made (see §§ 405.1663 and 405.1667).

§ 405.1662 Form used for claiming payment.

A claim for payment under the hospital insurance benefits program or the supplementary medical insurance plan shall be submitted by a participating provider of services or a hospital which has elected to claim payment for emergency services on a form designated by the Social Security Administration and executed in accordance with such instructions as are prescribed by the Administration (see § 422.510 of Part 422 of this chapter).

§ 405.1663 Individual's request for payment.

Except as provided in paragraph (a), (b), or (c) of this section or § 405.1664, before payment may be made on behalf of an individual, a written request for payment must be executed by the individual or an authorized person acting on his behalf. The individual or the authorized person may do this by signing the request for payment statement on the form designated by the Social Security Administration (see § 405.1662) or any statement which evidences an intent to claim payment for authorized services. A participating provider of services, or the hospital which has elected to claim payment for emergency services, shall have the individual or an authorized person sign the request for payment before the claim is submitted for payment (see § 405.1667).

(a) In the case of inpatient hospital services (see §§ 405.116 and 405.152) a request for payment is not required for the second or subsequent claim submitted on behalf of such individual by the same participating provider of services (or hospital claiming payment for emergency services) during the same continuous period of inpatient hospital services.

(b) In the case of home health services (see §§ 405.131 and 405.236), a request for payment is not required for the second or subsequent claim submitted on behalf of such individual by the same participating provider of services under the same home care plan (see §§ 405.131 and 405.236).

(c) In the case of post-hospital extended care services (see § 405.125), a request for payment is not required for the second or subsequent claims submitted on behalf of such individual by the same participating provider of services during the same continuous period of extended care services.

§ 405.1664 Persons authorized to request payment.

The Social Security Administration determines who is a proper party to execute a request for payment, as described in § 405.1663, for services furnished to an individual by a participating provider of services, or a hospital which has elected to claim payment for emergency services, under the following rules:

(a) If the individual is mentally and physically capable, he shall execute the request for payment.

(b) If it is impracticable for the individual to execute a request for payment because his physical or mental condition is such that he should not be asked to transact business, the request for payment may be executed by one of the following, without any order of priority: his legal guardian, a relative or other person receiving social security or other governmental benefits on behalf of the individual, a relative or other person who arranged for his admission, a representative of an institution (other than the institution providing the services) furnishing him care, or a representative of a governmental entity providing him welfare assistance.

(c) Where an individual is deceased, the request for payment may be executed by one of the following, without any order of priority: The legal representative of his estate, a relative or other person who had been receiving social security or other governmental benefits on behalf of the individual, a relative or other person who arranged for his admission, a representative of an institution (other than the institution providing the services) which had been furnishing him care, or a representative of a governmental entity which had been providing him welfare assistance.

(d) Where the participating provider of services, or the hospital which has elected to claim payment for emergency services is unable to have a request for payment executed in accordance with paragraph (a), (b), or (c) of this section, an official of the provider or hospital (e.g., a hospital administrator) may execute a request for payment at the time the claim is forwarded for payment (see § 405.1667). The provider or hospital should not, except as provided in paragraph (e) of this section, routinely sign the request for payment on behalf of any individual. (See § 405.1665 for information regarding explanatory statement required.)

(e) Where the individual does not visit the institution providing the services (e.g., in connection with an outpatient diagnostic blood test), the provider or hospital may execute the request for payment but the absence of the individual's signature must be explained (e.g., "Patient not physically present for tests").

(f) For good cause shown the Social Security Administration may accept a request for payment executed by a person other than one described in paragraph (a), (b), (c), (d), or (e) of this section.

§ 405.1665 Evidence of authority to execute a request for payment.

Where a person other than the individual (see § 405.1664) executes a written statement requesting payment to be made to a participating provider of services or to a hospital claiming payment for emergency services on behalf of the individual, such person shall submit a brief statement (to be forwarded by the provider or hospital with the claim for payment except where the individual's request is retained in accordance with the provisions of § 405.1667(b)) that:

(a) Describes the relationship of such person to the individual; and

(b) Explains the circumstances that make it impracticable for the individual to execute a request for payment.

§ 405.1666 Signature by representative of the participating provider or hospital.

A claim form (see § 405.1662) submitted by a participating provider of services or a hospital which has elected to claim payment for emergency services, for the purpose of claiming payment under the hospital insurance benefits program or the supplementary medical insurance benefits plan for covered items and services furnished to an individual, must be signed by an authorized representative of such provider or hospital.

§ 405.1667 Submitting claim for payment and request for payment.

(a) *Submitting a claim.* A participating provider of services, or a hospital which has elected to claim payment for emergency services, shall forward claims for payment under the hospital insurance plan and the supplementary medical insurance plan to its designated intermediary or carrier or to the Social Security Administration, as appropriate.

(b) *Filing request for payment.* A participating provider of services, or a hospital which has elected to claim payment for emergency services, shall file an individual's request for payment (see § 405.1663) with its intermediary or carrier or with the Social Security Administration, as appropriate, prior to, or in connection with, the forwarding of a claim for payment for services furnished to the individual; except that, the provider or hospital that has entered into an arrangement to do so with its intermediary or carrier or with the Social Security Administration may retain an individual's request for payment as part of its files.

§ 405.1672 Individual's request for direct payment; general.

(a) *Hospital insurance benefits.* Payment under the hospital insurance benefits program, on the basis of an itemized bill, may be made to the entitled individual in accordance with section 142 of the Social Security Amendments of 1967 (Public Law 90–248) and § 405.156 (in amounts determined in accordance with § 405.158) for a nonparticipating hospital's reasonable charges for covered inpatient hospital services which are furnished by, or under arrangements made by, such nonparticipating hospital. This provision applies only with respect to admissions before 1968 where the nonparticipating hospital is not entitled to receive payment for such services under the hospital insurance benefits program and where a claim for payment is made before January 1969. Payment under the hospital insurance benefits program on the basis of an itemized bill, may also be made to the entitled individual in accordance with section 1814(d) of the Act, as amended by section 143 of the Social Security Amendments of 1967, and in accordance with § 405.157 (in amounts determined in accordance with § 405.158) for a nonparticipating hospital's reasonable charges for covered emergency inpatient hospital services furnished with respect to admissions after 1967 and for covered emergency outpatient hospital diagnostic services furnished after 1967 and before April 1, 1968, by, or under arrangements made by, such nonparticipating hospital where the hospital has not elected to receive payment for such services under the hospital insurance benefits program. Effective with respect to services furnished on or after April 1, 1968, outpatient hospital diagnostic services are included as "medical and other health services" under the supplementary medical insurance benefits plan (see section 1861(s)(2)(C) of the Act) and not included as covered services under the hospital insurance benefits program.

(b) *Supplementary medical insurance benefits.* Payment under the supplementary medical insurance benefits plan (excluding payment for services furnished by, or under arrangements made by, a participating provider of services or a hospital which has elected to claim payment for emergency services—see § 405.1660), on the basis of reasonable charges, may be made to the entitled individual for covered "medical and other health services" discussed in § 405.231, and for services which would constitute emergency outpatient services, if payment cannot be made under the provisions of § 405.249 solely because the nonparticipating hospital furnishing such services has not elected to claim such payment.

(c) *Payment on the basis of an itemized bill.* Payment due on the basis of an itemized bill for items and services described in paragraph (a) or (b) of this section may be made to the entitled individual after he (or his authorized representative) submits a claim (see § 405.1678) and evidence adequately describing the services (see § 405.1674). (For assignment of the right to supplementary medical insurance benefits payment, see § 405.1675; for payment to organizations that pay bills on behalf of enrollees, see § 405.1685.)

(d) *Payment to legal representative.* Pursuant to section 1872 of the Act, when it appears that the interest of an entitled individual may be served thereby, payment under paragraphs (a), (b), and (c) of this section may be made on behalf of the entitled individual to his legal guardian, committee, or other legal representative, or to the representative payee of such individual selected under the provisions of §§ 404.1601–404.1610 of Part 404 of this chapter.

§ 405.1674 Individual's request for direct payment; evidence describing services.

Before payment may be made to an individual under the hospital insurance benefits program or the supplementary medical insurance benefits plan for covered items and services furnished him (see § 405.1672 (a) or (b)), the individual (or his authorized representative (see § 405.1679)) shall, in addition to filing a claim form as described in § 405.1678, meet the requirements of either paragraph (a) or (b) of this section.

(a) The individual must submit an itemized bill substantially in accordance with the following:

(1) The name and address of the person or organization furnishing the covered items or services (if provided in an independent laboratory, its name and address must be shown—if the items or services are not furnished by a physician, the name and address of the physician who prescribed the items or services must be shown);

(2) The name and address of the individual receiving the items or services;

(3) The place the items or services are provided (home, office, independent laboratory, hospital, etc.);

(4) The date(s) the items or services were furnished;

(5) An itemization of the items or services sufficient to permit determination of the reasonable charge (if the bill is for ambulance service, it must show the pickup and delivery points);

(6) The charges for each service or item supplied.

(b) In lieu of submitting an itemized bill as described in paragraph (a) of this section, the individual may, with respect to a claim for payment under the supplementary medical insurance benefits plan, have the person or organization providing the covered items or services, complete the "Report of Services" portion of the appropriate claim form (using a separate form for each such person or organization) in accordance with such instructions as are prescribed by the Social Security Administration.

§ 405.1675 Assignment of right to receive payment under the supplementary medical insurance benefits plan.

(a)(1) When an individual is furnished covered medical or other health services for which he may receive direct payment on the basis of reasonable charges (see § 405.1672(b)), excluding payment for services which would constitute emergency outpatient services, he may assign the right to receive the supplementary medical insurance benefit payment for such services to the person or organization that furnished the services if such person or organization agrees to the assignment. The claim for such payment should be completed in accordance with the instructions prescribed by the Social Security Administration (see § 405.1678). In accepting an assignment, such person or organization agrees that the reasonable charge, as determined by the carrier or the Social Security Administration, as appropriate, shall be the full charge and such person or organization shall not charge the individual any amount in excess of the applicable unmet deductible (see §§ 405.245 and 405.246) applied to the reasonable charge and 20 percent of the remaining reasonable charge. Where, however, a physician has executed a written authorization enabling a qualified person or organization (such as a hospital where he furnished his services) to accept assignment and receive payment on his behalf, payment under the supplementary medical insurance benefits plan is made to such person or organization (see § 405.1680).

(2) The enrolled individual may assign a claim for supplementary medical insurance benefits even though he has paid part of the bill to the person or organization furnishing the services. In such cases, the person or organization submitting the assigned claim will be paid whichever of the following is less: (i) the reasonable charge minus the amount of the bill already paid; or (ii) the full supplementary medical insurance benefit due for the services furnished. Any amount of the supplementary medical insurance benefit which, on this basis, is not payable to the person or organization submitting the assigned claim will be paid to the individual.

Example 1: An assigned bill of $300 on which partial payment of $100 has been paid is submitted to the carrier. The carrier determines that $300 is the reasonable charge for the services furnished, and $25 of the supplementary medical insurance benefits deductible (see § 405.245) has previously been met. Total payment due is 80 percent of $275 ($300 minus the remaining $25 of the deductible), or $220. Of this amount, $200 will be paid to the person or organization that furnished the services (the difference between the $100 partial payment which the person or organization has already received, and the $300 amount of the reasonable charge). The $20 will be paid to the enrolled individual.

Example 2: An assigned bill of $325 on which partial payment of $250 has been paid is submitted to the carrier. The carrier determines that $250 is the reasonable charge for the services furnished, and no part of the supplementary medical insurance benefits deductible has been previously met. Total payment due is 80 percent of $200 ($250 reasonable charge minus the $50 deductible), or $160. The $160 is payable to the enrolled individual since any payment to the person or organization when added to the amount of the partial payment, will exceed the reasonable charge for the services furnished.

(b) A separate claim is required for each person or organization accepting an assignment unless physicians' services are billed in accordance with the provisions of § 405.1680.

§ 405.1678 Direct payment or assignment of payment; prescribed form.

Before payment may be made for services described in §§ 405.1672 and 405.1675, a claim for such payment shall be filed on a form prescribed by the Social Security Administration and in accordance with the instructions as are prescribed by the Administration (see § 422.510 of Part 422 of this chapter). With respect to the time limitation for claiming payment, see § 405.1692.

§ 405.1679 Execution of claim for payment.

A claim as described in § 405.1678 for payment on the basis of an itemized bill or an assignment shall be executed by the individual receiving the services or by a proper party on his behalf under the following rules:

(a) If the individual is mentally and physically capable of executing the statement, he shall execute the claim.

(b) If it is impracticable for the individual to execute a claim because his physical or mental condition is such that he should not be asked to transact business, the claim may be executed by one of the following, without any order of priority: his legal guardian, a relative or a person receiving social security or other governmental benefits on behalf of the individual; the person who arranged for his treatment; a representative of an institution furnishing him

care; or a representative of a governmental entity providing him welfare assistance.

(c) If the individual is deceased, the claim for payment may be executed by a person filing under the provisions of § 405.1683 or § 405.1684.

(d) For good cause shown, the Social Security Administration may authorize a person other than one described in paragraph (a) or (b) of this section to execute a claim for payment.

§ 405.1680 Payment pursuant to physician's authorization to accept assignment and receive payment on his behalf.

(a) Payment due under an assignment of the right to receive payment (see § 405.1675) for covered physician services furnished under the supplementary medical insurance program on the basis of reasonable charges may be made on behalf of a physician to an organization or institution, if:

(1) The organization or institution has on file and in effect such physician's written authorization, enabling the organization or institution or a duly authorized representative of such organization or institution (e.g., a hospital administrator or medical clinic representative), (i) to accept on his behalf any assignment made by any individual who receives medical treatment from him of the amount payable to such individual under Part B of title XVIII of the Social Security Act and (ii) to receive, subject to the provisions of § 405.1675(a), any payment which could be made to him pursuant to such assignment;

(2) The organization or institution establishes to the satisfaction of the Administration, the Part A intermediary, or the Part B carrier (as appropriate) that it is qualified to receive such payment; and

(3) The organization agrees to submit such information as the Administration, the Part A intermediary, or the Part B carrier (as appropriate) may require in order to apply the requirements for payment of supplementary medical insurance benefits.

(b) For purposes of this section, the types of organizations and institutions qualified to receive such payment include, but are not limited to, the following:

(1) A hospital, extended care facility, or home health agency (whether or not such institution or agency is qualified to enter into an agreement, pursuant to § 1866 of the Act, to participate in the health insurance program), for services for which the physician is paid salary or other non-fee-for-service remuneration by the agency or institution;

(2) An organized medical clinic, for services performed by the physician as an employee, partner, or as proprietor of the clinic;

(3) A hospital, for services of an attending physician in a teaching setting in such hospital;

(4) A medical, osteopathic, or dental school, for services of an attending physician is a member of the faculty of such school.

§ 405.1683 Payment on the basis of a paid bill; individual dies before receiving direct payment.

(a) *Persons to whom payment can be made.* If an individual who received covered services for which he may receive direct payment (see § 405.1672 (a) and (b)) dies before any payment due him under title XVIII of the Act and this Part 405 has been completed, and such services have been paid for, payment of the amount due (including the amount of any unnegotiated check(s) issued for purposes of making direct payment to the individual) shall, subject to the provisions of paragraph (b) of this section, be made as follows:

(1) If the services were paid for (before or after such individual's death) by a person other than the deceased individual, payment will be made to the person or persons who, without a legal obligation to do so, paid for such services. (If such person is himself deceased, see subparagraph (2) of this paragraph (a).) If the services were paid for by the deceased individual before his death or from funds of his estate, payment will be made to the legal representative of the estate (including a representative under a small estate statute) of such deceased individual.

(2) If the deceased individual or his estate paid for the services and no legal representative of the estate has been appointed or, if the person(s) who paid for the services is other than the deceased individual and is himself deceased, payment will be made in the following order of priority:

(i) To the person, if any, who is found by the Administration to be the surviving spouse of the deceased individual, if such spouse was either living in the same household with the deceased at the time of his death, or was, for the month in which the deceased individual died, entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as the deceased individual;

(ii) To the child or children, if any, of the deceased individual who were, for the month in which the deceased individual died, entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as was the deceased individual (and, in case there is more than one such child, in equal parts to each such child);

(iii) To the parent or parents, if any, of the deceased individual who were, for the month in which the deceased individual died, entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as was the deceased individual (and, in case there is more than one such parent, in equal parts to each such parent);

(iv) To the person, if any, determined by the Administration to be the surviving spouse of the deceased individual who was neither living in the same household with the deceased individual at the time of his death nor was, for the month in which the deceased individual died, entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as the deceased individual;

(v) To the person or persons, if any, determined by the Administration to be the child or children of the deceased individual who were not entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as was the deceased individual (and, in case there is more than one child, in equal parts to each such child);

(vi) To the parent or parents, if any, of the deceased individual who were not entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as was the deceased individual (and, in case there is more than one such parent, in equal parts to each such parent).

(3) If the services were paid for by someone other than the deceased individual and that person died before the payment to him was completed, payment will not be made to such person's estate. Nor does the right to payment pass directly to the legal representative of the deceased individual's estate. In such a case, payment will be made to a surviving relative of the deceased individual in accordance with the priorities in subparagraph (2) of this paragraph (a). If none of such relatives survive, payment will then be made to the legal representative, if any, of the deceased individual's estate.

(b) *Claiming payment.* Payment due under paragraph (a) of this section shall be made to the person(s) qualified to receive such payment provided the conditions in subparagraphs (1) and (2) of this paragraph (b) are met.

(1) Such person submits a signed and properly completed request for payment (see § 405.1678) and evidence (i) that the services have been paid for and (ii) as to who paid for such services. If a claim form was submitted by the deceased individual prior to his death, the claimant need not submit another claim form; in such a situation, any written request for the payment will suffice. Evidence of payment may consist of:

(*a*) A receipted bill (or a properly completed "Report of Services" portion of a claim form (see § 405.1674)) showing who paid the bill;

(*b*) A canceled check;

(*c*) A written statement from the physician or authorized member of his staff; or

(*d*) Other probative evidence.

(2) There is evidence that the items or services were rendered.

§ 405.1684 Payment on the basis of an unpaid bill; individual dies before receiving direct payment or assigning payment.

If an individual, who received covered medical and other health services for which he may either receive direct payment (see § 405.1672(b)) or assign the right to receive payment (see § 405.1675), dies before receiving such direct payment and (a) no assignment of the right to payment was made by such individual before his death, and (b) payment for such services has not been made, payment for such services shall be made to the physician or other person who provided such services. However, payment shall be made only in such amount and subject to such conditions as would have been applicable (under title XVIII of the Act and this Part 405) if the individual who received the services had not died, and only if the person or persons who furnished the services files a claim for such payment (see § 405.1678) and agrees that the reasonable charge shall be the full charge for such services. The physician or other person shall, upon the request of the Social Security Administration or the carrier, furnish corroborating evidence of rendition of the services for which reimbursement is being claimed.

§ 405.1685 Payment to organizations that pay bills on behalf of enrollees.

(a) Notwithstanding the provisions set forth in §§ 405.1672 and 405.1675, payment may be made to an organization to reimburse it for its payment for services covered by the supplementary medical insurance program furnished an enrollee (excluding services furnished by, or under arrangements made by, a participating provider of services or a hospital which has elected to claim payment for emergency services (see § 405.1660)), if:

(1) The organization has paid in full the amount of the charges for the services for which payment is being claimed (see § 405.1678);

(2) The organization has the enrollee's (or his authorized representative's) written authorization to receive reimbursement on the basis of bills paid in full on his behalf by the organization for such services;

(3) The organization relieves the enrollee of liability for payment for the services specified in the claim, and will not seek any reimbursement from him or his survivors or estate for such services, if payment for such services is made to the organization on the claim;

(4) The organization establishes to the satisfaction of the Social Security Administration or Part B carrier that it meets the requirements of § 405.1686; and

(5) The organization submits such other information as the Social Security Administration or the Part B carrier may request in order to apply the requirements for payment for such services.

(b) An organization is not required to pay and claim reimbursement for all bills for services furnished an enrollee under the supplementary medical insurance program. The organization may establish criteria for determining at its discretion what bills it will pay on the enrollee's behalf.

§ 405.1686 Organizations qualified to receive payment on behalf of enrollee.

For the purpose of § 405.1685, the types of organizations which can qualify to receive payment for supplementary medical insurance benefits include, but are not limited to, employer, union, employer-employee, or other organizations which:

(a) Pay physicians' bills for employees (active and retired) or their dependents, either directly or utilizing the services of an insurer (an insurer that provides complementary insurance protection and pays bills for such an organization may act on behalf of the organization to claim and receive payment for supplementary medical insurance benefits under the conditions discussed in § 405.1680 with respect to such employees and their dependents); or

(b) Administer group practice prepayment plans with respect to medical bills for services which are provided to members by other than plan physicians or by physicians with whom arrangements have not been made under the plan for providing services (e.g., emergency physician services to a member when he is outside the service area of the plan).

§ 405.1692 Time limitation for claiming payment.

Effective with respect to claims submitted after April 1, 1968, a claim for payment under the supplementary medical insurance benefits plan submitted by, or on behalf of, any person(s) for the purpose of claiming payment, on a reasonable charge basis, for covered items and services furnished an individual entitled under such plan, must be filed with the Social Security Administration, a carrier, or an intermediary on or before December 31 of the calendar year following the calendar year in which such items and services were furnished. However, the time limitation on filing claims for such items and services furnished in the last 3 months of a calendar year (i.e., October through December), is December 31 of the second calendar year following the year in which the items and services were furnished.

Example: An individual received surgery in August 1968. He (or the physician performing the surgery, if the right to claim payment has been assigned), must file a claim for payment for such services on or before December 31, 1969. If the surgery had been performed in November 1968, the claim must be filed on or before December 31, 1970.

§ 405.1693 Definition of claim for purposes of time limitation.

For purposes of § 405.1692, a claim is any writing submitted by, or on behalf of, any person(s) which indicates the person's intent to claim payment under the supplementary medical insurance benefits plan in connection with specified covered services furnished to an identified individual. It is not necessary that such writing be on a form prescribed by the Social Security Administration, that the services be itemized, or that the information be complete (e.g., a claim could be filed by a note from the individual's spouse, a physician's bill, or an incomplete prescribed claim form). If a claim, as defined herein, is mailed or delivered to the Administration, a carrier, or an intermediary within the applicable time limitation, the claim is filed timely even though a prescribed claim form or additional required information is supplied or obtained after such time limitation.

§ 405.1694 Extension of time limitation.

Notwithstanding the provisions of § 405.1692, where the last day of the time limitation falls on a nonworkday (Saturday, Sunday, legal holiday, or a day all or part of which is declared to be a nonworkday for Federal employees by statute or Executive order) a claim for payment will be considered filed timely if deposited in the U.S. postal system or received by the Social Security Administration, a carrier, or an intermediary on the first workday thereafter.

[F.R. Doc. 69-8754; Filed, July 24, 1969; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Provolone Cheese; Confirmation of Effective Date of Order Amending Standard

In the matter of amending the definition and standard of identity for provolone cheese, pasta filata cheese (21 CFR 19.590) to permit the use of liquid smoke product as an optional ingredient:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of January 8, 1969 (34 F.R. 251). Accordingly, the amendments promulgated by that order became effective March 9, 1969.

Dated: July 15, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8706; Filed, July 24, 1969; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Doxycycline Hyclate Diagnostic Sensitivity Powder

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 147 to provide for certification of the subject powder:

§ 147.7 Doxycycline hyclate diagnostic sensitivity powder.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Doxycycline hyclate diagnostic sensitivity powder is crystalline doxycycline hyclate, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of micro-organisms to doxycycline. Each vial contains doxycycline hyclate equivalent to 20 milligrams of doxycycline. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its moisture content is not more than 4 percent. When reconstituted as directed in the labeling, its pH is not less than 2.0 and not more than 3.5. The doxycycline hyclate used conforms to the standards prescribed by § 148z.1(a)(1) (i), (iii), (iv), (v), and (vi) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 148.3(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(*a*) The statement "For laboratory diagnostic use only."

(*b*) The statement "Sterile."

(*c*) The batch mark.

(*d*) The number of milligrams of doxycycline in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The doxycycline hyclate used in making the batch for potency, moisture, pH, doxycycline content, identity, and crystallinity.

(*b*) The batch for potency, sterility, moisture, and pH.

(ii) Samples required:

(*a*) The doxycycline hyclate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(5) *Fees.* $1 for each container in the sample submitted in accordance with subparagraph (4)(ii)(*b*)(*1*) of this paragraph; $4 for each package in the sample submitted in accordance with subparagraph (4)(ii)(*a*) of this paragraph; $12 for all containers in the sample submitted in accordance with subparagraph (4)(ii)(*b*)(2) of this paragraph, and $24 for all containers in the sample submitted for any repeat sterility test, if necessary, in accordance with § 141.2(f) of this chapter.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Transfer a 10-milliliter aliquot to a 100-milliliter volumetric flask and dilute to volume with 0.1*N* hydrochloric acid. Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.1 microgram of doxycycline per milliliter.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.-503 of this chapter, using the drug reconstituted as directed in the labeling.

Data supplied by the manufacturer concerning the subject diagnostic sensitivity powder have been evaluated. Since the conditions prerequisite to providing for certification have been complied with and since it is in the public interest not to delay in so providing, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 16, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-8705; Filed, July 24, 1969; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

San Carlos Indian Irrigation Project, Ariz.

On page 9620 of the FEDERAL REGISTER of June 19, 1969, there was published a notice of intention to amend § 221.63 of Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against the irrigable lands of the San Carlos Irrigation Project, Ariz. The purpose of the amendment is to establish the assessment rate for the joint works in the San Carlos Indian Irrigation Project, Ariz.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

Section 221.63 is amended to read as follows:

§ 221.63 Assessments, joint works.

(a) Pursuant to the Act of Congress approved June 7, 1924 (43 Stat. 476), and supplementary acts, the repayment contract of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with applicable provisions of the order of the Secretary of the Interior of June 15, 1938 (§§ 221.69a–221.69m), the cost of the operation and maintenance of the Joint Works of the San Carlos Indian Irrigation Project for the fiscal year 1971 is estimated to be $230,000 and the rate of assessment for the said fiscal year and subsequent fiscal years until further order, is hereby fixed at $2.30 for each acre of land.

W. WADE HEAD,
Area Director.

[F.R. Doc. 69-8760; Filed, July 24, 1969; 8:50 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 420-69]

PART 42—NONDISCRIMINATION; EQUAL EMPLOYMENT OPPORTUNITY; POLICY AND PROCEDURES

Subpart A—Equal Employment Opportunity Within the Department of Justice

Establishing the equal employment opportunity policy for the Department of Justice and designating the Director of Equal Employment Opportunity and the Complaint Adjudication Officer.

By virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5 of the United States Code, and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and in conformity with the regulations of the Civil Service Commission issued pursuant thereto (5 CFR Part 713), Subpart A of Part 42 of Title 28 of the Code of Federal Regulations is hereby revised to read as follows:

Subpart A—Equal Employment Opportunity Within the Department of Justice

Sec.
42.1 Policy.
42.2 Designation of Director of Equal Employment Opportunity and Complaint Adjudication Officer.

AUTHORITY: The provisions of this Subpart A issued under 5 U.S.C. 301, 28 U.S.C. 509, 510, E.O. 11246, 3 CFR, 1964–1965 Comp., E.O. 11375, 3 CFR, 1967 Comp.

§ 42.1 Policy.

In conformity with the policy expressed in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, I hereby declare it to be the policy of the Department of Justice to prohibit discrimination in employment because of race, color, religion, sex, or national origin and to provide equal employment opportunity in each organizational element of the Department. Management will seek out and eliminate any personnel management policy, procedure or practice which denies equality of opportunity to any group or individual on the basis of race, color, religion, sex, or national origin, and will take appropriate action to more fully utilize the abilities of all employees.

§ 42.2 Designation of Director of Equal Employment Opportunity and Complaint Adjudication Officer.

(a) In compliance with the regulations of the Civil Service Commission (5 CFR Part 713), the Assistant Attorney General for Administration is hereby designated as Director of Equal Employment Opportunity for the Department of Justice with responsibilities for administration of the Equal Employment Opportunity Program within the Department. The Director of Equal Employment Opportunity shall publish and implement the Department of Justice regulations, which shall include a positive action program to eliminate causes of discrimination and shall include procedures for processing complaints of discrimination within the Department.

(b) The Assistant Attorney General in charge of the Civil Rights Division shall appoint a Complaint Adjudication Officer, who shall render decisions for the Department of Justice on complaints from employees and applicants for employment within the Department which allege discrimination because of race, color, religion, sex, or national origin.

Order Nos. 358–66 of April 19, 1966, and 366–66 of July 26, 1966, are hereby superseded.

Dated: July 17, 1969.

JOHN N. MITCHELL,
Attorney General.

[F.R. Doc. 69-8720; Filed, July 24, 1969; 8:47 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 602—LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 606 (34 F.R. 5434), the Secretary of Labor appointed and convened Industry Committee No. 85–C for the leather, leather goods and related products industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendation with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 83–C are hereby published, to be effective August 9, 1969, in this order amending § 602.2 of Title 29, Code of Federal Regulations. As amended, § 602.2 reads as follows:

§ 602.2 Wage rates.

* * * * *

(a) *Pre-1961 coverage classifications.* The classifications in this paragraph (a) apply to all activities of employees in the industry to which section 6 of the Fair Labor Standards Act would have applied prior to the Fair Labor Standards Amendments of 1961.

(1) *Belt classification.* (i) The minimum wage for this classification is $1.55 an hour.

(ii) This classification is defined as the manufacture of apparel belts made of leather, artificial leather, plastics, paper or paperboard, or similar materials (except fabric).

(2) *Baseball and softball classification.* (i) The minimum wage for this classification is $1.25 an hour.

(ii) This classification is defined as the manufacture of baseballs and softballs covered with leather, artificial leather, fabric, plastics, or similar materials.

(3) *Sporting and athletic goods classification.* (i) The minimum wage for this classification is $1.30 an hour.

(ii) This classification is defined as the manufacture of sporting and athletic goods other than baseballs and softballs.

(4) *General classification.* (i) The minimum wage for this classification is $1.225.

(ii) This classification is defined as the manufacture of all products and activities not included in any other pre-1961 coverage classification in the industry.

(b) *1961 Coverage classification.* (1) The minimum wage for this classification is $1.225 an hour.

(2) This classification is defined as all activities in the industry which were brought within the purview of section 6 of the Fair Labor Standards Act solely by reason of the Fair Labor Standards Amendments of 1961.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 16th day of July 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor.

[F.R. Doc. 69-8723; Filed, July 24, 1969; 8:48 a.m.]

PART 603—FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 606 (34 F.R. 5434), the Secretary of Labor appointed and convened Industry Committee No. 83–A for the fabric and leather glove industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendation with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 83–A are hereby published, to be effective August 9, 1969, in this order amending § 603.2 of Title 29, Code of Federal Regulations. As amended, § 603.2 reads as follows:

§ 605.2 **Wage rates.**

• • • • •

(a) *Pre-1961 coverage classifications.* The classifications in this paragraph (a) apply to all activities of employees in the fabric and leather glove industry in Puerto Rico to which section 6 of the Fair Labor Standards Act would have applied prior to the Fair Labor Standards Amendments of 1961.

(1) *Hand-sewing on fabric gloves classification.* (i) The minimum wage for this classification is 47 cents an hour.

• • • • •

(2) *Hand-sewing on leather gloves classification.* (i) The minimum wage for this classification is 76 cents an hour.

• • • • •

(3) *Other operations classification.* (i) The minimum wage for this classification is $1.45 an hour.

(ii) This classification is defined as all operations except those included in the hand-sewing on fabric gloves classification and hand-sewing on leather gloves classification.

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.45 an hour.

(2) This classification is defined as all activities which were brought within the purview of section 6 of the Fair Labor Standards Act solely by reason of the Fair Labor Standards Amendments of 1961.

• • • • •

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 16th day of July 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor.

[F.R. Doc. 69-8721; Filed, July 24, 1969; 8:47 a.m.]

PART 687—HOSIERY INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 606 (34 F.R. 5434), the Secretary of Labor appointed and convened Industry Committee No. 83–B for the hosiery industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendation with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 83–B are hereby published, to be effective August 9, 1969, in this order amending § 687.2 of Title 29, Code of Federal Regulations. As amended, § 687.2 reads as follows:

§ 687.2 **Wage rates.**

• • • • •

(a) *Pre-1966 coverage classifications.* The classifications in this paragraph (a) apply to all activities of employees in the hosiery industry in Puerto Rico to which section 6 of the Fair Labor Standards Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(1) *Women's hosiery classification.* (i) The minimum wage for this classification is $1.25 an hour.

• • • • •

(2) *All other hosiery classification.* (i) The minimum wage for this classification is $1.20 an hour.

• • • • •

(b) [Revoked]

• • • • •

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 16th day of July 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor.

[F.R. Doc. 69-8722; Filed, July 24, 1969; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-3; Amdt. Nos. 174-3, 177-5, 178-3]

MISCELLANEOUS AMENDMENTS TO CHAPTER; CORRECTION

On May 1, 1969, the Hazardous Materials Regulations Board published several amendments to the Department's Hazardous Materials Regulations (49 CFR Parts 170–189; 34 F.R. 7158). On May 6, 1969, portions of Amendment No. 178–3 were republished in the FEDERAL REGISTER (34 F.R. 7332) to correct errors in printing. Since that time, three omissions have been brought to the Board's attention, and this action corrects those omissions.

Amendments 174–3 and 177–5. In §§ 174.538(a) and 177.848(a) (loading and storage charts) the amendments did not specify the addition of the footnote "f" reference at the intersection of horizontal column 15 with vertical columns a through g respectively as was intended.

Amendment 178–3. As stated in item 16 of the preamble, it was intended to provide for rephosphorized steels by addition of a new footnote 6 to Table I of Appendix A to Part 178. This provision was unintentionally omitted when the amendment was published. The addition of a phosphorus limit of 0.045 for grade 3 steel without the footnote authorization had the effect of excluding the use of rephosphorized steel. This change was not intended.

In consideration of the foregoing, Amendments 174–3, 177–5, and 178–3 are hereby corrected as set forth below.

PART 174—CARRIERS BY RAIL FREIGHT

I. In Amendment 174–3, the amendment to § 174.538 item IV (A) is corrected to read as follows:

(A) In § 174.538(a) the Chart is amended by adding the following new footnote f and adding a footnote "f" reference at the intersection of vertical column 15 with horizontal columns, a, b, c, d, e, f, and g, respectively, and at the intersection of horizontal column 15 with vertical columns a, b, c, d, e, f, and g, respectively.

§ 174.538 **Loading and storage chart of explosives and other dangerous articles.**

(a) • • •

[f] Normal uranium, depleted uranium, and thorium metal in solid form may also be loaded and transported with articles named in vertical and horizontal columns a, b, c, d, e, f, and g.

• • • • •

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

II. In Amendment 177–5 the amendment to § 177.848(a) item V (A) is corrected to read as follows:

(A) In § 177.848(a) the chart is amended by adding the following new footnote f and adding a footnote "f" reference at the intersection of vertical column 15 with horizontal columns, a, b, c, d, e, f, and g, respectively, and at the intersection of horizontal column 15 with vertical columns, a, b, c, d, e, f, and g, respectively.

§ 177.848 **Loading and storage chart of explosives and other dangerous articles.**

(a) • • •

[f] Normal uranium, depleted uranium, and thorium metal in solid form may also be loaded and transported with articles named in vertical and horizontal columns a, b, c, d, e, f, and g.

• • • • •

PART 178—SHIPPING CONTAINER SPECIFICATIONS

III. In Amendment 178–3 "Appendix A—Specifications For Steel" to Part 178 is corrected to read as follows:

APPENDIX A—SPECIFICATIONS FOR STEEL

TABLE 1

Open-hearth, basic oxygen, or electric steel of uniform quality.
The following chemical composition limits are based on ladle analysis:

Designation	Chemical composition, percent-ladle analysis		
	Grade 1 [1]	Grade 2 [1 2]	Grade 3 [2 4 5]
Carbon	0.10/0.20	0.24 maximum	0.22 maximum.
Manganese	1.10/1.60	0.50/1.00	1.25 maximum.
Phosphorus, maximum	0.04	0.04	0.045.[6]
Sulfur, maximum	0.05	0.05	0.05.
Silicon	0.15/0.30	0.30 maximum	
Copper, maximum	0.40		
Columbium		0.01/0.04	
Heat treatment authorized	[3]	[3]	[3].
Maximum stress (p.s.i.)	35,000	35,000	35,000.

[1] Addition of other elements to obtain alloying effect is not authorized.
[2] Ferritic grain size 6 or finer according to ASTM E112–63.
[3] Any suitable heat treatment in excess of 1,100° F., except that liquid quenching is not permitted.
[4] Other alloying elements may be added and shall be reported.
[5] For compositions with a maximum carbon content of 0.15 percent on ladle analysis, the maximum limit for manganese on ladle analysis may be 1.40 percent.
[6] Rephosphorized Grade 3 steels containing no more than 0.15 percent phosphorus are permitted if carbon content does not exceed 0.15 percent and manganese does not exceed 1 percent.

CHECK ANALYSIS TOLERANCES

A heat of steel made under any of the above grades, the ladle analysis of which is slightly out of the specified range, is acceptable if the check analysis is within the following variations:

Element	Limit or maximum specified (percent)	Tolerance (percent) over the maximum limit or under the minimum limit	
		Under minimum limit	Over maximum limit
Carbon	To 0.15 inclusive	0.02	0.03
	Over 0.15 to 0.40 inclusive	0.03	0.04
Manganese	To 0.60 inclusive	0.03	0.03
	Over 0.60 to 1.15 inclusive	0.04	0.04
	Over 1.15 to 2.50 inclusive	0.05	0.05
Phosphorus [7]	All ranges		0.01
Sulfur	All ranges		0.01
Silicon	To 0.30 inclusive	0.02	0.03
	Over 0.30 to 1.00 inclusive	0.05	0.05
Copper	To 1.00 inclusive	0.03	0.03
	Over 1.00 to 2.00 inclusive	0.05	0.05
Nickel	To 1.00 inclusive	0.03	0.03
	Over 1.00 to 2.00 inclusive	0.05	0.05
Chromium	To 0.90 inclusive	0.03	0.03
	Over 0.90 to 2.10 inclusive	0.05	0.05
Molybdenum	To 0.20 inclusive	0.01	0.01
	Over 0.20 to 0.40 inclusive	0.02	0.02
Zirconium	All ranges	0.01	0.05
Columbium	To 0.04 inclusive	0.005	0.01
Aluminum	Over 0.10 to 0.20 inclusive	0.04	0.04
	Over 0.20 to 0.30 inclusive	0.05	0.05

[7] Rephosphorized steels not subject to check analysis for phosphorus.

(Secs. 831–835, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657); Title VI, sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h)))

Issued in Washington, D.C., on July 18, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

F. C. TURNER,
Federal Highway Administrator.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

[F.R. Doc. 69-8660; Filed, July 24, 1969; 8:45 a.m.]

Chapter III—Federal Highway Administration, Department of Transportation

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Appendix A—Interpretations

MOTOR VEHICLE SAFETY STANDARD NO. 211; WHEEL NUTS, WHEEL DISCS, AND HUB CAPS—PASSENGER CARS AND MULTIPURPOSE PASSENGER VEHICLES

A clarification of the term "wheel nuts" as used in the requirements section S3 of Standard No. 211 has been requested. This section states that "wheel nuts, hub caps, and wheel discs for use on passenger cars and multipurpose passenger vehicles shall not incorporate winged projections." A "wheel nut" is an exposed nut that is mounted at the center or hub of a wheel, and not the ordinary small hexagonal nut, one of several which secures a wheel to an axle, and which is normally covered by a hub cap or wheel disc.

Issued on July 22, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-8761; Filed, July 24, 1969; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

ST. VINCENT NATIONAL WILDLIFE REFUGE, FLA.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.21 by the addition of St. Vincent National Wildlife Refuge, Fla., to the list of areas open to the hunting of upland game, as legislatively permitted.

It has been determined that regulated hunting of upland game may be permitted as designated on the St. Vincent National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

§ 32.21 List of open areas; upland game.

* * * * *

FLORIDA

* * * * *

St. Vincent National Wildlife Refuge.

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 18, 1969.

[F.R. Doc. 69-8718; Filed, July 24, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1125]

[Docket No. AO-226-A20]

MILK IN PUGET SOUND, WASH., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Seattle, Wash., on April 29, 1969, pursuant to notice thereof issued on April 16, 1969 (34 F.R. 6697).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs on June 20, 1969 (34 F.R. 9808; F.R. Doc. 69-7487) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue, findings and conclusions, rulings, and general findings of the recommended decision (34 F.R. 9808; F.R. Doc. 69-7487) are hereby approved and adopted and are set forth in full herein.

The material issue on the record of hearing relates to the extension of the Class I base provisions of the order through December 31, 1970.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The Class I base plan provisions of the order should be extended through December 31, 1970, the expiration date of the enabling legislation. The Class I base plan is now effective through December 31, 1969.

Amendments to the Agricultural Marketing Agreement Act by Public Law 89-321 (Food and Agriculture Act of 1965) authorized Class I base plans for Federal milk orders through December 1969. The Congress has since extended that authorization through December 1970 by Public Law 90-559.

The extension of the Class I base plan was widely supported by producer groups, including the cooperative associations representing a major portion of the producers supplying the market. The only opposition testimony to the extension was from spokesmen representing possibly as many as 90 "new producers." A new producer is a producer under the order who does not hold a base. Some of the opposition testimony was that the new producers had relied on the termination date of December 31, 1969, and should have the opportunity of making new bases if the plan is extended.

In December 1968, 357 of the 1,866 producers supplying the market were new producers. Of these, 252[1] had taken on new producer status by selling the bases originally assigned to them. Since the inception of the Class I base plan in September 1967, the monetary return realized from the sale of Class I bases by 776 dairy farmers who sold them was about $7 million.

The decision providing for the Puget Sound Class I base plan specified December 31, 1969, as the termination date, the same termination date first provided by the Congress for the enabling legislation. Such authority was later extended by the Congress to December 31, 1970. A spokesman for new producers acknowledged that from the inception of the base plan in the market there was the possibility that the Congress might extend the enabling legislation. Such action, of course, would make possible consideration of an extension of the Puget Sound base plan. Whether a producer has held or sold his base was a personal decision based upon his own estimate as to whether the legislative authority for Class I base plans and the Puget Sound Class I base plan would be extended beyond December 31, 1969.

A Class I base plan assigns each producer a share of the Class I market in proportion to his deliveries to the market during a representative period. A production history base was computed for each producer on the market in May 1967 who delivered milk to a Puget Sound handler 120 days or more in August-December 1966. The production history base computed was the highest of such producer's average daily delivery in August-December 1964, 1965 or 1966 in which he delivered producer milk under the order on 120 days or more.

From his production history base a Class I base was computed for each producer. Such base represented his pro rata share of 120 percent of the average daily pounds of producer milk classified as Class I in 1966. Deliveries within the Class I base receive the base price and deliveries in excess receive the lower excess milk price. Neither the production history base nor the Class I base is adjusted because of changes in producer deliveries or in Class I sales.

As provided in the enabling legislation and specified in the order, any increase in Class I base resulting from enlarged or increased consumption and any producer Class I bases forfeited or surrendered must be made available first to new producers and to the alleviation of hardship and inequity among producers. Total Class I base available to new producers is prorated among them on the basis of their deliveries during the month. The Class I base assigned new producers in September 1967 through March 1969 averaged 32 percent of their deliveries, ranging between 18 percent and 50 percent in the 19-month period.

New producers opposed to the extension contended also that the Class I base plan should not be extended unless the provisions for allowing new producers to participate in the plan are

[1] Official notice is taken of Marketing Service Information for the Puget Sound Marketing Area, Vol. 19, No. 3, for March 1969, issued by the Market Administrator.

amended to provide a larger share of the Class I market for such producers. A request presented at the hearing by a new producer spokesman would defer action on the proposal to extend the Class I base plan until consideration had been given at a hearing on a proposal to assign more Class I base to new producers than is now provided in the order.

The order provisions for assigning Class I base to new producers are in accord with the enabling legislation. The legislation, which has been extended through December 31, 1970, provides no authority for changing the basis for assigning Class I base to new producers. Under the law, Class I base may be assigned to new producers only as it becomes available through increased Class I sales and from forfeited and surrendered bases. For these reasons the request to continue the hearing is denied.

Of the 1,252 million pounds of milk pooled under the Puget Sound order in 1968, the 613 million pounds in the surplus utilizations (Class II and Class III) were 49 percent of producer deliveries. This approximates the utilization of producer milk in the surplus classes under the Puget Sound order in recent years. It is the type of surplus situation which the plan was designed by the Congress to remedy.

The market thus continues to show a large proportion of producer milk above Class I needs. Moreover, no change in marketing conditions since the inception of the Class I base plan which might justify early termination of the plan was cited on the record. The findings and conclusions of the decision issued by the Assistant Secretary on July 17, 1967, continue to be applicable to marketing conditions for producers and justify extension of the Class I base plan as proposed by the large majority of producers. Official notice is taken of the findings of that decision (32 F.R. 10742) and they are adopted as if set forth herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Puget Sound, Wash., Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Puget Sound, Wash., Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum in which each individual producer has one vote be conducted to determine whether the extension of the Class I base plan of payment to producers, as specified in the attached order, as amended, regulating the handling of milk in the Puget Sound, Wash., marketing area is separately approved or favored by the producers, as defined under the terms of the order, as amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of May 1969 is hereby determined to be the representative period for the conduct of such referendum. Nicholas L. Keyock is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et seq.), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on July 21, 1969.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Puget Sound, Wash., Marketing Area

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations made are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Wash., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

in the Puget Sound, Wash., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 20, 1969, and published in the FEDERAL REGISTER on June 25, 1969 (34 F.R. 9808; F.R. Doc. 69-7487), shall be and are the terms and provisions of this order, and are set forth in full herein.

The following order provisions, which are effective through December 31, 1969, are hereby made effective through December 31, 1970: §§ 1125.22(k)(2), 1125.110, 1125.111, 1125.120, 1125.121, 1125.122, 1125.123, and 1125.124.

[F.R. Doc. 69-8751; Filed, July 24, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 141]

TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Anhydrotetracycline and 4-Epianhydrotetracycline

It is proposed to amend the antibiotic drug regulations to include a maximum limit for 4-epianhydrotetracycline in tetracycline, tetracycline hydrochloride, and tetracycline phosphate complex bulks, and all oral and injectable dosage forms containing these tetracyclines. The maximum limit for 4-epianhydrotetracycline will be 2 percent for bulks, 3 percent for injectables, oral powders, tablets, and capsules, and 5 percent for oral suspensions. In the case of bulks, injectables, tablets, and capsules, if the results of the test for total anhydrotetracyclines content are within the required limits, these results may be submitted in lieu of the results of the test for 4-epianhydrotetracycline and that test need not be performed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that the following section be added to Part 141:

§ 141.580 Anhydrotetracycline and 4-epianhydrotetracycline.

Determination of 4-epianhydrotetracycline and anhydrotetracyclines in tetracycline, tetracycline hydrochloride, tetracycline phosphate, and in dosage forms thereof is as follows:

(a) *Screening procedure for total anhydrotetracyclines content*—(1) *Sample solution preparation*—(i) *Bulk packaged for repacking or for use in the manufacture of another drug.* Accurately weigh approximately 50 milligrams of the sample into a 50-milliliter volumetric flask and add 10 milliliters of 0.1*N* hydrochloric acid. Shake until sample is completely dissolved, and then dilute to volume with water.

(ii) *Sterile dispensing containers.* Transfer a quantity of sample equivalent to 250 milligrams of tetracycline hydrochloride to a 250-milliliter volumetric flask, dilute to volume with 0.02*N* hydrochloric acid, and mix well.

(iii) *Capsules.* Transfer a representative quantity of capsule contents equivalent to 250 milligrams of tetracycline hydrochloride to a 250-milliliter volumetric flask. Add 50 milliliters of 0.1*N* hydrochloric acid and shake on a mechanical shaker for 5 minutes. Dilute to volume with water and filter through a fluted filter paper. Discard the first 20 milliliters of filtrate and collect the next 20 milliliters.

(iv) *Tablets.* Grind a representative number of tablets to a fine powder. Transfer an amount of the powder equivalent to 250 milligrams of tetracycline hydrochloride to a 250-milliliter volumetric flask. Add 50 milliliters of 0.1*N* hydrochloric acid and shake on a mechanical shaker for 5 minutes. Dilute to volume with water and filter through a fluted filter paper. Discard the first 20 milliliters of filtrate and collect the next 20 milliliters.

(v) *Oral powders and suspensions.* Proceed as described in paragraph (b) of this section.

(2) *Test procedure.* Using a suitable spectrophotometer, determine the absorbance of the sample solution prepared as directed in subparagraph (1) of this paragraph at 430 millimicrons using 0.02*N* hydrochloric acid as a blank. Then accurately dilute 1.0 milliliter of the sample solution to 100 milliliters with 0.02*N* hydrochloric acid and determine the absorbance of this solution at 356 millimicrons, using 0.02*N* hydrochloric acid as a blank.

(3) *Calculations.*

$$\text{Percent anhydrotetracycline} = \frac{[{}^{a}430 - ({}^{a}356 \times 0.0019)] \times 100}{180}$$

where:

$^{a}430$ = Absorptivity (1%, 1 cm.) of sample at 430 millimicrons;

For bulk, absorptivity $= \frac{\text{Absorbance} \times 50 \times 10}{\text{Milligrams of sample}}$;

For sterile dispensing containers, capsules, and tablets; absorptivity = Absorbance × 10;

$^{a}356$ = Absorptivity (1%, 1 cm.) of sample at 356 millimicrons;

For bulk, absorptivity $= \frac{\text{Absorbance} \times 50 \times 1000}{\text{Milligrams of sample}}$;

For sterile dispensing containers, capsules, and tablets; absorptivity = Absorbance × 1,000;

0.0019 = Absorbance ratio ($^{a}430$/$^{a}356$) observed with tetracycline;

180 = Absorptivity (1%, 1 cm.) of anhydrotetracycline hydrochloride at 430 millimicrons.

(4) *Evaluation.* If the total anhydrotetracyclines content exceeds the limit set for 4-epianhydrotetracycline for the specific products, perform the determination for anhydrotetracycline and 4-epianhydrotetracycline described in paragraph (b) of this section.

(b) *Determination of anhydrotetracyclines content and 4-epianhydrotetracycline content*—(1) *Apparatus and reagents.* (i) Chromatographic tube (15 millimeters ID x 150 millimeters long).

(ii) Diatomaceous earth, acid-washed (Celite 545 or equivalent).

(iii) EDTA solution: 0.1*M* ethylenediamine tetraacetic acid disodium salt adjusted to pH 7.8 with ammonium hydroxide (reagent grade).

(iv) Chloroform.

(v) Ammonium hydroxide solution (1+9).

(2) *Column preparation.* Add 5 milliliters of EDTA solution to 10 grams of dry diatomaceous earth and mix until the diatomaceous earth is uniformly moistened. Place a small round piece of filter paper at the junction of the barrel and exit tube of the chromatographic tube. Add about 80 percent of the diatomaceous earth mixture to the tube and pack tightly with a tamper to a height of 9–10 centimeters.

(3) *Sample preparation.* Place an amount of sample equivalent to 250 milligrams of tetracycline hydrochloride in a 50-milliliter volumetric flask. Add 30 milliliters EDTA solution, shake the flask for about 10 minutes on a mechanical shaker, and dilute to volume with EDTA solution. In the case of oral powders and suspensions or pediatric drops, dilute an amount of sample equivalent to 125 milligrams of tetracycline hydrochloride to 10 milliliters with EDTA solution. Adjust the solution to pH 7.8 with ammonium hydroxide solution, dilute to 25 milliliters with EDTA solution, and mix well. Add 1.0 milliliter of this solution to 1 gram of dry diatomaceous earth and mix thoroughly with a small glass stirring rod. Pack this sample-diatomaceous earth mixture on the column, and then on top of it pack the remaining 20 percent of the EDTA-moistened diatomaceous earth remaining from the column preparation described in subparagraph (2) of this paragraph.

(4) *Procedure.* Elute the column with chloroform, collecting portions of 5 milliliters, 5 milliliters, 10 milliliters, 10 milliliters, and 5 milliliters in separate volumetric flasks. Determine the absorbance of each fraction at 430 millimicrons using a suitable spectrophotometer and chloroform as the blank.

(5) *Calculations.* Calculate the anhydrotetracyclines content from the first 5-milliliter portion collected and the 4-epianhydrotetracycline content from the second through fifth portions collected using the following formulas:

$$\text{Percent anhydrotetracyclines} = \frac{\text{Absorbance} \times 1{,}000}{175.5}$$

$$\text{Fractional percent of 4-epianhydrotetracycline in each 5-milliliter fraction} = \frac{\text{Absorbance} \times 1{,}000}{162}$$

$$\text{Fractional percent of 4-epianhydrotetracycline in each 10-milliliter fraction} = \frac{\text{Absorbance} \times 2{,}000}{162}$$

where:

175.5 = Absorptivity (1%, 1 cm.) of anhydrotetracyclines at 430 millimicrons;

162 = Absorptivity (1%, 1 cm.) of 4-epianhydrotetracycline at 430 millimicrons.

Total the fractional percentages of 4-epianhydrotetracycline in portions 2 through 5, to obtain the total percentage of 4-epianhydrotetracycline with respect to the weight of bulk powder or the labeled quantity of tetracycline hydrochloride in sterile dispensing containers, capsules, tablets, or oral powders and suspensions.

Any interested person may, within 60 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: July 16, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-8708; Filed, July 24, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 37]

[Docket No. 9724; Notice No. 69-29]

AIRBORNE ATC TRANSPONDER EQUIPMENT

Technical Standard Order

The Federal Aviation Administration is considering amending § 37.180 of the Federal Aviation Regulations by revising the Technical Standard Order (TSO-74a) to update the standards for airborne ATC transponder equipment.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before October 23, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The current TSO does not reflect either the U.S. National Standard for the IFF Mark X (SIF) Air Traffic Control Radar Beacon System (ATCRBS) Characteristics as revised on October 10, 1968, or the International Standards and Recommended Practices, Aeronautical Telecommunications Annex 10, adopted by the Council of the International Civil Aviation Organization (ICAO) on December 11, 1967, and set forth in Amendment No. 47. The U.S. National Standard for ATCRBS specifies the performance required of each component to meet the overall operations requirements of the common civil/military system. It specifies the technical parameters, tolerances, and techniques to the extent required to ensure proper operation and compatibility between elements of the ATCRBS. In addition to the foregoing, at the FAA's request the Radio Technical Commission for Aeronautics (RTCA) has developed new environmental test standards for airborne electronic/electrical equipment and instruments.

The FAA proposes to amend § 37.180 to conform to the recent revisions of the U.S. National Standard for the ATCRBS characteristics and the recent amendments to ICAO, Annex 10, and to require compliance with the RTCA Document DO-138, entitled "Environment Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments."

A number of technical changes to the TSO would be made in accomplishing the foregoing. Transponders would be required to automatically reply to Mode C interrogations, independently of other modes and codes manually selected. The transponder would be required to have a means of removing the information pulses from the Mode C reply when requested by Air Traffic Control. An upper amplitude limit for pulse P_2 would be established to which the transponder must reply, and the received signal amplitude range over which the transponder must be suppressed would be relaxed to make the requirement easier to meet without degrading the system appreciably. All references to megacycles as the unit of frequency in the standards would be changed to megahertz.

In consideration of the foregoing, it is proposed to amend § 37.180 Airborne ATC Transponder Equipment—TSO-C74b of the Federal Aviation Regulations as follows:

1. By amending paragraphs (a), (b), (c), and (d) to read as follows:

(a) *Applicability.* This technical standard order prescribes the minimum performance standards that ATC transponder equipment must meet in order to be identified with the applicable TSO marking. New models of equipment that are to be so identified, and that are manufactured on or after (the effective date of this section), must meet the requirements of the "Federal Aviation Administration Standard, Airborne ATC Transponder Equipment," set forth at the end of this section, and Radio Technical Commission for Aeronautics Document No. DO-138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments" dated June 27, 1968. RTCA document No. DO-138 is incorporated herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23 of the Federal Aviation Regulations, and is available as indicated in § 37.23. Additionally, RTCA document No. DO-138 may be examined at any FAA Regional Office and may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C. 20006, at a cost of $4 per copy.

(b) *Marking.* (1) In addition to the markings specified in § 37.7, the equipment must be marked to indicate the environmental extremes over which it has been designed to operate. There are 12 environmental test procedures outlined in the RTCA document which have categories established. These must be identified on the nameplate by the words "Environmental Categories" or, as abbreviated, "Env. Cat." followed by 12 letters which identify the categories designated. Reading from left to right, the category designations must appear on the nameplate in the following order, so that they may be readily identified:

(i) Temperature-Altitude category;

(ii) Humidity category;

(iii) Vibration category;

(iv) Audio frequency magnetic field susceptibility category;

(v) Radio frequency susceptibility category;

(vi) Emission of spurious radio frequency energy category;

(vii) Explosion category;

(viii) Waterproofness category;

(ix) Hydraulic fluid category;

(x) Sand and dust category;

(xi) Fungus resistance category;

(xii) Salt spray category.

(2) Equipment intended for installation in aircraft that operate at altitudes above 15,000 feet must be identified on the nameplate as Class I equipment.

(3) Equipment intended for installation in aircraft that operate at altitudes not exceeding 15,000 feet must be identified on the nameplate as Class II equipment.

(4) Where a manufacturer desires to substantiate his equipment in dual categories for one environment, the nameplate must be marked with both categories in the space designated for that

category by placing one letter above the other in the following manner:

Env. Cat. $^{A}_{D}$ AJAAAXWHDFS Class I

(5) Each separate component of equipment (antenna, power supply, etc.) must be identified with at least the name of the manufacturer, the TSO number and the environmental categories over which the equipment component is designed to operate. Where an environmental test procedure is not applicable to that component and the test is not conducted, an X should be placed in the space assigned for that category.

(c) *Data requirements.* In accordance with § 37.5 the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, in the region in which the manufacturer is located, the following technical data:

(1) One copy of the operating instructions and equipment limitations of the manufacturer.

(2) One copy of the installation procedures with applicable schematic drawings, wiring diagram, and specifications, and a listing of components (by part number) or possible combinations thereof, which make up a system complying with this TSO. Indicate any limitations, restrictions, or other conditions pertinent to the installation.

(3) One copy of the test report of the manufacturer.

(d) *Previously approved equipment.* Airborne ATC transponder equipment approved prior to (the effective date of this section) may continue to be manufactured under the provisions of its original approval.

2. By amending the "Federal Aviation Standard for Airborne ATC Transponder Equipment" as follows:

(a) By amending paragraph 1.2c to read as follows:

1.2 *Operating controls.*

* * * * *

c. Selection of Modes 3/A and C combined, manually selected, the transponder must automatically reply to Mode C interrogation.

(b) By amending paragraph 2.1 by striking out the word "Megacycle" wherever it appears, and inserting the word "Megahertz" in place thereof.

(c) By amending paragraph 2.2 to read as follows:

2.2 *Receiver sensitivity and dynamic range.* a. The minimum triggering level (MTL) of the transponder must be such that replies are generated to 90 percent of the interrogation signals when—

1. The two pulses P_1 and P_2 constituting an interrogation are of equal amplitude and P_1 is not detected; and

2. The amplitude of these signals received at the antenna end of the transmission line of the transponder is nominally 71 db below 1 milliwatt with limits between 69 and 77 db below 1 milliwatt.

b. With the transponder adjusted to comply with paragraph a, the random triggering rate (squitter) must not be greater than five reply pulse groups or suppressions per second averaged over a period of at least 30 seconds.

c. The variation of the minimum triggering level between modes must not exceed 1 db for nominal pulse spacings and pulse widths.

d. The reply characteristics apply over a received signal amplitude range between minimum triggering level and 50 db above that level.

e. The standards of this section assume a transmission line loss of 3 db and an antenna performance equivalent to that of a simple quarter wave antenna. In the event that these assumed conditions do not apply, the equipment must be adjusted as necessary to provide a sensitivity equivalent to that specified.

(d) By amending paragraph 2.6a(2) to read as follows:

2.6 *Decoding performance.* a. * * *

(2) The received amplitude of P_2 is in excess of a level 1 db below the received amplitude of P_1 but no greater than 3 db above the received amplitude of P_2.

(e) By amending paragraph 2.6c to read as follows:

2.6 *Decoding performance.*

* * * * *

c. *Side-lobe suppression.* The transponder must be suppressed for a period of 35 ±10 microseconds following receipt of a pulse pair of proper spacing and amplitude indicative of side-lobe interrogation. This suppression action must be capable of being reinitiated for the full duration within 2 microseconds after the end of any suppression period. The transponder must be suppressed with a 99 percent efficiency over a received signal amplitude range between 3 db above minimum triggering level and 50 db above that level and upon receipt of properly spaced interrogations when the received amplitude of P_2 is equal to or in excess of the received amplitude of P_1 and spaced 2.0 ± 0.15 microsecond from P_1.

(f) By amending paragraph 2.7d to read as follows:

2.7 *Transponder discrimination and desensitization*

* * * * *

d. *Reply rate control.* A sensitivity-reduction type reply rate control must be provided. The range of this control must permit adjustment of the reply rate to any value between 500 replies per second and the maximum rate of which the transponder is capable, or 2,000 replies per second, whichever is the lesser, without regard to the number of pulses in each reply. Sensitivity reduction in excess of 3 db must not take effect until 90 percent of the selected reply rate is exceeded. The sensitivity must be reduced by at least 30 db when the rate exceeds the selected value by 50 percent. The reply rate limit must be set at 1,200 replies per second, or the maximum value below 1,200 replies per second of which the transponder is capable.

(g) By amending paragraph 2.10 by striking out the word "Megacycles" and inserting the word "Megahertz" in place thereof.

(h) By amending paragraph 2.11 to read as follows:

2.11 *Transmitter power output.* a. For equipment intended for installation in aircraft which operate at altitudes above 15,000 feet (Class I), the peak pulse power available at the antenna end of the transmission line of the transponder must be at least 21 db and not more than 27 db above 1 watt at any reply rate up to 1,200 per second for a 15-pulse coded reply.

b. For equipment intended for installation in aircraft which operate at altitudes not exceeding 15,000 feet (Class II), the peak pulse power available at the antenna end of the transmission line of the transponder must be at least 18.5 db and not more than 27 db above 1 watt at any reply rate up to 1,200 per second for a 15-pulse coded reply.

c. The standards of this section assume a transmission line loss of 3 db and an antenna performance equivalent to that of a simple quarter wave antenna. In the event that these assumed conditions do not apply, the equipment must be adjusted as necessary to provide a transmitter power output equivalent to that sepcified.

(i) By amending paragraph 2.14 to read as follows:

2.14 *Pressure-altitude transmission.* The equipment must have the capability for automatic pressure-altitude transmission in 100-foot increments on Mode C when operated in conjunction with a pressure-altitude encoder (digitizer). The equipment must be capable of automatic reply to Mode C interrogations with combinations of information pulses coded in binary form in 100-foot increments necessary for the equipment to operate up to design maximum altitude. The transponder must be provided with a means to remove the information pulses from the Mode C reply when requested by Air Traffic Control. The transponder must continue transmitting the framing pulses on Mode C when the information pulses have been removed or are not provided. Automatic pressure altitude transmission codes pulse position assignment are set forth in figure 2.

(j) By amending paragraph 2.15 to read as follows:

2.15 *Self test and monitor.* If a self test feature or monitor is provided, the devices that radiate test interrogation signals, or prevent transponder reply to proper interrogation during the test period, must be limited to intermittent use which is no longer than that required to determine the transponder status. The test interrogation rate must not exceed 450 per second and the interrogation signal level at the antenna end of the transmission line must not exceed a level of 70 dbm.

(k) By striking out paragraph 2.16, by redesignating present paragraphs 2.17 and 2.18 as paragraphs 2.16 and 2.17, and by adding a new paragraph 2.18 to read as follows:

2.18 *Emission of spurious radiofrequency energy.* The levels of conducted and radiated spurious radiofrequency energy emitted by the equipment must not exceed those levels specified in Appendix A of RTCA Document No. DO–138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments," dated June 27, 1968.

(l) By amending section 3 to read as follows:

3.0 *Minimum performance standards under environmental conditions.* Unless otherwise specified, the test procedures applicable to a determination of the performance of airborne ATC transponder equipment under environmental conditions are set forth in RTCA Document No. DO–138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments," dated June 27, 1968

3.1 *Temperature-Altitude*—a. *Low temperature.* (1) When the equipment is subjected to this test, the standards of the following paragraphs must be met: 2.1a; 2.2, except that at temperatures below −15° C., the sensitivity must not be less than −69 dbm and the variation of sensitivity of the receiver between any mode on which it is capable of operating must be less than 2 db; 2.6a(1); 2.6b(1); 2.6c; 2.7b; 2.7c; 2.10; 2.11; 2.12, except that at temperatures below −15° C. the delay variation between modes on which the transponder is capable of replying must be less than 0.4 microsecond; 2.13c; 2.13d; and 2.13e.

(2) Following the low temperature test, the requirements of paragraph 2.16 must be met.

b. *High temperature.* (1) When the equipment is subjected to the high short-time operating temperature test, the equipment must operate electrically and mechanically.

(2) When the equipment is subjected to the high operating temperature test, the standards of the following paragraphs must be met: 2.1a; 2.2, except that at temperatures above +40° C., the sensitivity must not be less than −69 dbm and the variation of sensitivity of the receiver between any mode on which it is capable of operating must be less than 2 db; 2.6a(1); 2.6b(1); 2.6c; 2.7b; 2.7c; 2.10; 2.11; 2.12, except that at temperatures above +40° C. the delay variation between modes on which the transponder is capable of replying must be less than 0.4 microsecond; 2.13c; 2.13d; and 2.13e.

(3) Following the high temperature test, the requirements of paragraph 2.16 must be met.

c. *Altitude.* (1) When the equipment is subjected to this test, the standards of the following paragraphs must be met: 2.1 a and b; 2.10; 2.11; and 2.13d.

(2) Following the altitude test, the requirements of paragraph 2.16 must be met.

d. *Decompression (when required).* When the equipment is subjected to this test, the standards of paragraphs 2.1 a and b; 2.10; 2.11; and 2.13a must be met.

e. *Overpressure (when required).* When the equipment is subjected to this test, the standards of paragraphs 2.1 a and b; 2.10; 2.11; and 2.13a must be met.

3.2 *Humidity.* After being subjected to this test, the equipment must meet the following:

a. Within 15 minutes from the time primary power is applied, the receiver sensitivity must be within 3 db of that specified in paragraph 2.2, the transmitter power output must be within 3 db of that specified in paragraph 2.11, and the requirements of 2.1a; 2.1b; and 2.10 must be met.

b. Within 4 hours from the time primary power is applied the standards of paragraphs 2.1 a and b; 2.2; 2.10; 2.11; and 2.16 must be met.

3.3 *Shock.* a. Following the application of the following paragraphs must be met: 2.1a; 2.2; 2.6a (1); 2.6c; 2.7b; 2.7c; 2.10; 2.11; 2.12; 2.13c; 2.13d; 2.13e; and 2.16.

b. Following the application of the 15G shocks, the equipment must have remained in its mounting and no parts of the equipment or its mounting become detached and free of the shock test equipment. The application of the 15G shock test may result in damage to the equipment. Therefore, this test may be conducted after the other tests are completed.

3.4 *Vibration.* a. When the equipment is subjected to this test, the standards of the following paragraphs must be met: 2.1a; 2.2; 2.6a(1); 2.6b(1); 2.6c; 2.7b; 2.7c; 2.10; 2.11; 2.13c; 2.13d; and 2.13e.

b. Following the vibration test, the requirements of paragraph 2.16 must be met.

3.5 *Temperature variation.* a. When the equipment is subjected to this test, the standards of the following paragraphs must be met: 2.1a; 2.2, except that at temperatures below −15° C. and above +40° C., the sensitivity must be not less than −69 dbm and the variation of sensitivity of the receiver between any mode on which it is capable of operating must be less than 2 db; 2.6a(1); 2.6b(1); 2.6c; 2.7b; 2.7c; 2.10; 2.11; 2.12, except that at temperatures below −15° C. and above +40° C., the delay variation between modes on which the transponder is capable of replying must be less than 0.4 microsecond; 2.13c; 2.13d; and 2.13e.

b. Following the temperature variation test, the requirement of paragraph 2.16 must be met.

3.6 *Power input variation.* When the equipment is subjected to this test, the standards of the following paragraphs must be met: 2.1a; 2.2; 2.6a(1); 2.6b(1); 2.6c; 2.7b; 2.7c; 2.10; 2.11; 2.12; 2.13c; 2.13d; and 2.13e.

3.7 *Low voltage.* a. When the primary power voltage(s) of DC operated equipment is 80 percent and when that of AC operated equipment is 87½ percent of design voltage(s), the equipment must operate electrically and mechanically.

b. DC operated equipment must meet the standards of paragraphs 2.1 a and b; 2.2; 2.10; and 2.11 within two (2) minutes upon returning the primary power voltage(s) to design voltage, after the gradual reduction of the primary voltage(s) from 80 percent to 50 percent of design voltage(s).

c. The gradual reduction of the primary power voltage(s) of DC operated equipment from 50 percent to 0 percent of design voltage(s) must produce no evidence of the presence of fire or smoke. Paragraph 1.2 does not apply.

3.8 *Conducted voltage transient.* When the equipment is subjected to this test, the standards of paragraphs 2.1 a and b; 2.2; 2.10; and 2.11 must be met.

3.9 *Conducted audiofrequency susceptibility.* When the equipment is subjected to this test, the standards of paragraphs 2.1 a and b; 2.2; 2.10; and 2.11 must be met.

3.10 *Audiofrequency magnetic field susceptibility.* When the equipment is subjected to this test, the standards of paragraphs 2.1 a and b; 2.2; 2.10; and 2.11 must be met.

3.11 *Radiofrequency susceptibility (radiated and conducted).* When the equipment is subjected to this test, the standards of paragraphs 2.1 a and b; 2.2b; 2.10; and 2.11 must be met.

3.12 *Explosion (when required).* When the equipment is subjected to this test, the equipment must cause no detonation of the explosive mixture within the test chamber.

3.13 *Waterproofness (drip proof) test (when required).* After subjection to this test, the standards of paragraphs 2.1; 2.2; 2.10; 2.11; and 2.13a must be met.

3.14 *Hydraulic fluid test (when required).* After subjection to this test, the standards of paragraphs 2.1; 2.2; 2.10; 2.11; and 2.13a must be met.

3.15 *Sand and dust test (when required).* After subjection to this test, the standards of paragraphs 2.1; 2.2; 2.10; 2.11; and 2.13a must be met.

3.16 *Fungus resistance test (when required).* After subjection to this test, the standards of paragraphs 2.1; 2.2; 2.10; 2.11; and 2.13a must be met.

3.17 *Salt spray test (when required).* After subjection to this test, the standards of paragraphs 2.1; 2.2; 2.10; 2.11; and 2.13a must be met.

(m) By amending paragraph 1.0b of Appendix A by striking out the letters "Cps" and inserting the word "Hertz" in place thereof.

(n) By amending paragraph 1.0h of Appendix A by striking out the letters "mc" and inserting the letters "MHz" in place thereof.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 18, 1969.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–8741; Filed, July 24, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–79]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Brunswick, Ga. (Malcolm-McKinnon Airport and NAS Glynco), control zones and the Brunswick, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlantic Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Brunswick (Malcolm-McKinnon Airport and NAS Glynco) control zones described in § 71.171 (34 F.R. 4557) and the Brunswick transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

BRUNSWICK, GA. (MALCOLM-MCKINNON AIRPORT)

Within a 5-mile radius of Malcolm-McKinnon Airport (lat. 31°09'05" N., long. 81°-23'20" W.); within 1.5 miles each side of the Brunswick VORTAC 023° radial, extending from the 5-mile radius zone to the VORTAC, excluding the portion within a 1.5-mile radius of Brunswick Municipal Airport (lat. 31°11'10" N., long. 81°28'50" W.) and the portion within the Brunswick (NAS Glynco) control zone.

BRUNSWICK, GA. (NAS GLYNCO)

Within a 5-mile radius of NAS Glynco (lat. 31°15'30" N., long. 81°28'00" W.); within 1.5 miles each side of the Glynco TACAN 055° radial, extending from the 5-mile radius zone to 5 miles northeast of the

TACAN; within 2 miles each side of the Glynco TACAN 250° radial, extending from the 5-mile radius zone to 6.5 miles west of the TACAN, excluding the portion that is within a 1.5-mile radius of Brunswick Municipal Airport (lat. 31°11'10" N., long. 81°28'50" W.) south of a line 3.5 miles south of and parallel to NAS Glynco Runway 7 centerline extended.

BRUNSWICK, GA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of NAS Glynco (lat. 31°15'30" N., long. 81°28'50" W.); within an 8.5-mile radius of Malcolm-McKinnon Airport (lat. 31°09'05" N., long. 81°23'20" W.); within a 5-mile radius of Jekyll Island Airport; within 3 miles each side of Brunswick VORTAC 203° radial, extending from the Malcolm-McKinnon Airport 8.5-mile and Jekyll Island Airport 5-mile radius areas to 8.5 miles south of the VORTAC; within 3 miles each side of the 268° bearing from Glynco RBN, extending from the NAS Glynco 8.5-mile radius area to 8.5 miles west of the RBN; excluding the portion outside of the continental limits of the United States.

Since the last alteration of controlled airspace in the Brunswick terminal area, turbojet aircraft have begun utilizing the Malcolm-McKinnon Airport and NAS Glynco. The criteria for designating controlled airspace for the protection of IFR aircraft has been revised.

The application of Terminal Instrument Procedures (TERPs) and current controlled airspace designation criteria, appropriate to the Brunswick terminal area and associated instrument approach procedures, requires increases and decreases in the width and length of control zone and transition area extensions, an increase in the NAS Glynco transition area basic radius circle, and the designation of an 8.5-mile transition area basic radius circle at Malcolm-McKinnon Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on July 16, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-8742; Filed, July 24, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-49]

TRANSITION AREAS

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate, alter, revoke and redescribe controlled airspace in the Houston, Tex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to expand the 700-foot portion of the Houston, Tex., transition area to encompass five surrounding transition areas which would be revoked. Additional controlled airspace would be designated to provide airspace sufficient to satisfy the needs of users and air traffic control and to conform with recently revised criteria. Included in this additional airspace would be that airspace which is required to provide controlled airspace protection for aircraft executing approach departure procedures proposed for the Humphrey Airport, Baytown, Tex.

The resultant simplified chart depiction of the proposed 700-foot transition area would be of benefit to the public because it would be more readily discernible due to the deletion of a considerable amount of clutter from the charts. This would provide a clearer display of critical data.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.181 (34 F.R. 4702, 6280) the Houston, Tex., transition area 700-foot portion is amended to read:

HOUSTON, TEX.

That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at lat. 30°35'00" N., long. 95°28'00" W., thence to lat. 29°45'00" N., long. 94°44'00" W., thence to the intersection of the arc of a 5-mile radius circle centered on Scholes Field, Galveston, Tex. (lat. 29°15'55" N., long. 94°51'35" W.), and lat. 29°16'00" N. at a point east of Scholes Field, thence clockwise along the arc of the 5-mile radius circle to lat. 29°16'00" N. at a point west of Scholes Field, thence to lat. 29°30'00" N., long. 95°54'00" W., to lat. 30°26'00" N., long. 95°42'00" W., to point of beginning.

(2) In § 71.181 (34 F.R. 4640) the Alief, Tex., transition area is revoked.

(3) In § 71.181 (34 F.R. 4668) the Conroe, Tex., transition area is revoked.

(4) In § 71.181 (34 F.R. 4690) the Galveston, Tex., transition area is revoked.

(5) In § 71.181 (34 F.R. 4772) the Sugar Land, Tex., transition area is revoked.

(6) In § 71.181 (34 F.R. 4775) the Tomball, Tex., transition area is revoked.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on July 15, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-8743; Filed, July 24, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-55]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Sheldon, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Sheldon, Iowa, Municipal Airport, utilizing a city-owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Sheldon, Iowa. The new procedure will become effective concurrently with the designation of the transition area. The Minneapolis, Minn., Air Route Traffic Control Center will control IFR air traffic into and out of the Sheldon Municipal Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

SHELDON, IOWA

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Sheldon Muncipal Airport (latitude 43°12'30" N., longitude 95°50'00" W.); and within 3 miles each side of the 163° bearing from Sheldon Municipal Airport, extending from the 5½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 163° and 343° bearings from Sheldon Municipal Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 343° bearing from Sheldon Municipal Airport, extending from the airport to 12 miles north of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 9, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-8744; Filed, July 24, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-74]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Starkville, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Starkville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of George M. Bryan Field; within 9.5 miles north and 4.5 miles south of Columbus, Miss., VORTAC 260° radial, extending from 23 miles to 42 miles west of the VORTAC, excluding the portion within Columbus, Miss., transition area.

The proposed transition area is required for the protection of IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to George M. Bryan Field, utilizing the Columbus VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on July 17, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-8745; Filed, July 24, 1969; 8:49 a.m.]

Hazardous Materials Regulations Board

[49 CFR Parts 172, 173]

[Docket No. HM-29; Notice No. 69-21]

CARBON MONOXIDE IN MANIFOLDED CYLINDERS

Authorization of Shipments and Increased Filling Limitation

The Hazardous Materials Regulations Board is considering amending §§ 172.5, 173.301, 173.302, and 173.304 of the Department's Hazardous Materials Regulations to authorize shipments of carbon monoxide in manifolded cylinders, and to extend the filling limitation for carbon monoxide cylinders under specified conditions.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before September 30, 1969 will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

Shipments of carbon monoxide in manifolded clyinders complying with specifications 3A, and 3AA, and having minimum service pressure of 2,400 p.s.i.g. have been made under the provisions of special permits for several years. Under these permits the pressure in the cylinder is limited to not over 1,000 pounds per square inch gauge at 70° F. except that cylinders are permitted to be charged up to 1,500 p.s.i.g. with dry and sulfur free gas. The regulations currently authorize shipments of carbon monoxide in these specification cylinders but do not permit charging of cylinders over 1,000 p.s.i.g. at 70° F., nor do they permit such cylinders to be manifolded. Increased pressure has been permitted on the basis that the corroding characteristics of the gas are mitigated when the gas is dry and sulfur free. There have been no reports of adverse experience registered with the Department in connection with shipments made under the terms of the permits.

This proposal would relocate the packing requirements for carbon monoxide from § 173.304 to § 173.302(f) because this gas is not transported as a liquefied compressed gas as defined in § 173.301 (d). The manifolding provisions are set forth in § 173.301(d)(2). Changes to §§ 172.5 and 173.304 are made to coincide therewith.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 172 and 173 as follows:

I. Part 172 would be amended as follows:

(A) In § 172.5 paragraph (a), Commodity List, would be amended to read as follows:

§ 172.5 List of explosives and other dangerous articles.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Carbon monoxide.	F.G.....	173.306, 173.302	Red gas.	150 pounds.

II. Part 173 would be amended as follows:

(A) In § 173.301 paragraph (d)(2) would be amended to read as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders.[1]

(d) * * *

(2) Manifolding is authorized for cylinders of the following nonliquefied gases: Boron trifluoride, carbon monoxide, ethylene, hydrogen, hydrocarbon gases, and methane, provided individual cylinders are equipped with approved safety relief devices as required by § 173.34(d) or § 173.315(i), and further provided that each cylinder is equipped with individual shutoff valve, or valves, which must be tightly closed while in transit. Manifold branch lines to these individual shutoff valves must be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. A temperature measuring device may be inserted

in one cylinder of a manifolded installation in place of the shutoff valve. Manifolded cylinders for carbon monoxide must have a minimum service pressure of 2,400 p.s.i.g., and the pressure of this gas in the cylinder must not exceed 1,500 p.s.i.g. at 70° F.

• • • • •

(B) In § 173.302 paragraph (f) would be added to read as follows:

§ 173.302 Charging of cylinders with nonliquefied compressed gases.

• • • • •

(f) *Carbon monoxide.* Carbon monoxide must be shipped in spec. 3A, 3AA, 3, or 3E (§§ 178.36, 178.37, 178.42 of this chapter) cylinders having minimum service pressure of 1,800 p.s.i.g. The pressure in the cylinder must not exceed 1,000 pounds per square inch gauge at 70° F. except that if the gas is dry and sulfur free then cylinders may be charged up to 1,500 p.s.i.g.

(C) In § 173.304 paragraph (a)(2) the table would be amended as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) • • •
(2) • • •

Kind of gas	Maximum permitted filling density (see note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34 (a), (b), § 173.301(j) (see notes following table)
Cancel Carbon monoxide.		DOT-3A1800; DOT-3AA1800; DOT-3; DOT-3E1800; The pressure in the cylinder must not exceed 1,000 pounds per square inch at 70° F.

• • • • •

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on July 22, 1969.

C. P. MURPHY,
RearAdmiral, U.S. Coast Guard, by direction of Commandant, U.S. Coast Guard.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

F. C. TURNER,
Administrator, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[F.R. Doc. 69-8762; Filed, July 24, 1969; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of the Comptroller of the Currency

[Delegation Order 12]

FIRST DEPUTY COMPTROLLER OF THE CURRENCY ET AL.

Order of Succession To Act as Comptroller

By virtue of the authority vested in me by Treasury Department Order No. 129 (Rev. No. 2), dated April 22, 1955, it is hereby ordered as follows:

1. The following officers in the Bureau of Comptroller of the Currency, in the order of succession enumerated, shall act as Comptroller of the Currency during the absence or disability of the Comptroller of the Currency or when there is a vacancy in such office:

(1) Justin T. Watson, First Deputy Comptroller of the Currency.
(2) Thomas G. DeShazo, Deputy Comptroller of the Curency.
(3) David C. Motter, Deputy Comptroller of the Currency.
(4) John D. Gwin, Deputy Comptroller of the Currency.
(5) John Nicoll, Administrative Assistant to the Comptroller of the Currency.
(6) Frank H. Ellis, Chief National Bank Examiner.
(7) Dean E. Miller, Deputy Comptroller of the Currency.
(8) Richard J. Blanchard, Deputy Comptroller of the Currency.
(9) Albert J. Faulstich, Deputy Comptroller of the Currency.
(10) Regional Administrator of National Banks at Richmond, Va.
(11) Regional Administrator of National Banks at Philadelphia, Pa.
(12) Regional Administrator of National Banks at New York City, N.Y.
(13) Regional Administrator of National Banks at Cleveland, Ohio.
(14) Regional Administrator of National Banks at Atlanta, Ga.
(15) Regional Administrator of National Banks at Boston, Mass.
(16) Regional Administrator of National Banks at Chicago, Ill.
(17) Regional Administrator of National Banks at Memphis, Tenn.
(18) Regional Administrator of National Banks at Kansas City, Mo.
(19) Regional Administrator of National Banks at Minneapolis, Minn.
(20) Regional Administrator of National Banks at Dallas, Tex.
(21) Regional Administrator of National Banks at Denver, Colo.
(22) Regional Administrator of National Banks at San Francisco, Calif.
(23) Regional Administrator of National Banks at Portland, Oreg.

2. In the event of an enemy attack on the continental United States, all Regional Administrators of National Banks, including any Acting Regional Administrators, are authorized in their respective regions to perform any function of the Comptroller of the Currency, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respecitve officers will be notified when they are to cease exercising the authority delegated in this paragraph.

3. Delegation Order No. 11 is hereby repealed.

Dated: July 18, 1969.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 69-8763; Filed, July 24, 1969; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 8880]

COLORADO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

JULY 17, 1969.

Notice of a Forest Service, U.S. Department of Agriculture application, Colorado 8880, for withdrawal and reservation of lands for the Chimney Rock Archeological Area, was published as F.R. Doc. 68-6847, on pages 9221 and 9222 of the issue for Wednesday, June 11, 1969. The applicant agency has cancelled its application insofar as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN
SAN JUAN NATIONAL FOREST

T. 34 N., R. 4 W., South of Ute Line,
Sec. 20, W½NE¼, NW¼SE¼, containing 120 acres.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands, at 10 a.m., on August 22, 1969, will be relieved of the segregative effect of the above-mentioned application.

J. ELLIOTT HALL,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-8757; Filed, July 24, 1969; 8:50 a.m.]

[Serial No. N-2710]

NEVADA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

JULY 3, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the area described below are hereby classified for transfer out of Federal ownership under one of the following statutes: Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421–27); section 8 of the Taylor Grazing Act (43 U.S.C. 315g); Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741) as amended and supplemented (43 U.S.C. 869, 869–1, to 869–4). Publication of this notice has the effect of segregating the described lands from all forms of disposal under the public land laws, including the mining laws, except as to the forms of disposal for which the lands are classified. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than the mining laws. Those lands described in paragraph 3a are further segregated from the mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Following publication of a notice of proposed classification (33 F.R. 207), and the public hearing at Winnemucca, Nev., which was held November 12, 1968, objection was raised to the withdrawal of land in sec. 26, T. 36 N., R. 37 E., from mineral entry due to its mineral potential. Further investigation of the land in sec. 26 revealed the objection to segregation from mineral entry was based on sound geologic information. Therefore, the lands in question, the N½NE¼ and the NW¼ sec. 26, T. 36 N., R. 37 E., are hereby deleted from the classification, and the segregation effected by the notice of proposed classification is hereby terminated. Further objection was raised to the proposed classification as it concerned disposal of lands containing sand dunes. However, in further discussion with the objecting parties, it was shown that areas containing sand dunes of higher recreation value and covering considerably larger areas are being retained in Federal ownership. Two of the three conservation groups who objected to the proposed classification withdrew their opposition. The third made no further comment after the proposal was more fully explained. The record showing the comments received and other information is on file and can be examined in the Winnemucca District Office, Winnemucca, Nev. The public lands affected by this classification are shown on maps on file and available for inspection in the Winnemucca District Office and the Nevada Land Office, Bureau of Land Management, 300 Booth

Street, Room 3104 Federal Building, Reno, Nev.

3. The lands are located in Humboldt County, Nev., and are described as follows:

a. The following lands are classified for disposal under the Public Land Sale Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1421–1427):

MOUNT DIABLO MERIDIAN

HUMBOLDT COUNTY

T. 35 N., R. 37 E.,
Sec. 4, lots 1, 2, 3, 4, $SW\frac{1}{4}NW\frac{1}{4}$;
Sec. 6, all;
Sec. 10, $S\frac{1}{2}S\frac{1}{2}$;
Sec. 12, all;
Sec. 30, lots 3, 4, $E\frac{1}{2}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$.
T. 36 N., R. 37 E.,
Sec. 34, $NE\frac{1}{4}$, $NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$.
T. 35 N., R. 38 E.,
Sec. 18, all;
Sec 30, $E\frac{1}{2}$.
T 36 N., R. 38 E.,
Sec. 1, lots 5–14 inclusive, $S\frac{1}{2}SW\frac{1}{4}$.
(The notice of proposed classification contained an error in the description of public lands in sec. 1, T. 36 N., R. 38 E. The notice of proposed classification described the land in question as the $S\frac{1}{2}$, whereas the correct description is lots 5–14 inclusive, and the $S\frac{1}{2}SW\frac{1}{4}$.)

The public land described above aggregate approximately 3,466.26 acres.

b. The following described lands are classified for exchange under section 8(b) of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272, 49 Stat. 1976; 43 U.S.C. 315g; 43 CFR Subpart 2244):

MOUNT DIABLO MERIDIAN

HUMBOLDT COUNTY

T. 37 N., R. 38 E.,
Sec. 2, all except $S\frac{1}{2}NE\frac{1}{4}$;
Sec. 3, all;
Sec. 10, all;
Sec. 11, $SW\frac{1}{4}$;
Sec. 12, all;
Sec. 14, all;
Sec. 15, $NE\frac{1}{4}$;
Sec. 16, $E\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 22, $E\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all except $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 28, $NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}$;
Sec. 33, all except $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 34, $W\frac{1}{2}NW\frac{1}{4}$;
Sec. 36, $N\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$.
T. 38 N., R. 38 E.,
Sec. 15, $E\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 22, $E\frac{1}{2}$;
Sec. 27, $E\frac{1}{2}$;
Sec. 34, $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 36, $N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$.
T. 37 N., R. 39 E.,
Sec. 4, all;
Sec. 6, all;
Sec. 8, all;
Sec. 16, all;
Sec. 17, $SE\frac{1}{4}$;
Sec. 18, all;
Sec. 19, $SE\frac{1}{4}$;
Sec. 20, all;
Sec. 21, $NW\frac{1}{4}$;
Sec. 24, all except $SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 26, all except $NE\frac{1}{4}NE\frac{1}{4}$;
Sec. 28, all except $NW\frac{1}{4}NW\frac{1}{4}$;
Sec. 29, $NW\frac{1}{4}$;
Sec. 30, all;
Sec. 36, all.
T. 38 N., R. 39 E.,
Sec 36, all.
T 36 N., R. 40 E.,
Sec. 6, all except $NE\frac{1}{4}NE\frac{1}{4}$.

The public lands described above aggregate approximately 19,945.71 acres.

c. The following described lands are classified for disposal under the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741) as amended and supplemented (43 U.S.C. 869, 869–1 to 869–4):

MOUNT DIABLO MERIDIAN

HUMBOLDT COUNTY

T. 36 N., R. 38 E.,
Sec. 28, $SE\frac{1}{4}SE\frac{1}{4}$.

The public lands described above aggregate approximately 40 acres.

4. Applications for exchange will not be accepted until such time as prospective exchange proponents have been furnished a statement that proposals are feasible in accordance with 43 CFR 2244.1–2(b)(1).

5. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2(c).

ROLLA E. CHANDLER,
Acting State Director, Nevada.

[F.R. Doc. 69–8714; Filed, July 24, 1969; 8:47 a.m.]

[OR 4189]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

APRIL 10, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–1418) and to the regulations in 43 CFR Parts 2410 and 2411, all of the public lands within the areas described in paragraph 3 are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of the notice of proposed classification (33 F.R. 20057) or at the public hearing held at Vale, Oreg., on January 30, 1969. The record showing the comments received and other information is on file and can be examined in the Vale District Office, Vale, Oreg. The December 31, 1968, notice of proposed classification (33 F.R. 20057) contained in error certain lands which are within the Malheur National Forest. These lands are not included in this notice, but are listed in a separate notice of termination. No other changes have been made in the list of lands in this classification.

3. The public lands affected by this classification are located within the following described areas and are shown on maps designated OR 4189, 2411.2: 36–030, December 1968, on file in the Vale District Office, Bureau of Land Management, Vale, Oreg., and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg.

WILLAMETTE MERIDIAN

MALHEUR COUNTY

T. 14 S., R. 41 E.,
Sec. 24.
T. 14 S., R. 42 E.,
Secs. 19 to 26, inclusive, secs. 28 and 34.
T. 14 S., R. 43 E.,
Sec. 30.
T. 15 S., R. 37 E.,
Sec. 14, $S\frac{1}{2}$;
Secs. 24 and 26.
T. 15 S., R. 38 E.,
Secs. 6 to 8, inclusive, and secs. 17 to 20, inclusive.
T. 15 S., R. 42 E.,
Secs. 2, 10, 12, 14, 22, 23, 26, 27, and 35.
T. 15 S., R. 43 E.,
Secs. 2 to 4, inclusive, secs. 8, 10, 11, 13, 14, secs. 16 to 18, inclusive, secs. 20, 22, 28, and 32.
T. 15 S., R. 44 E.,
Sec. 30.
T. 16 S., R. 42 E.,
Secs. 1 to 3, inclusive, and secs. 11 to 15, inclusive.
T. 16 S., R. 43 E.,
Sec. 28.
T. 16 S., R. 46 E.,
Sec. 19.
T. 18 S., R. 37 E.,
Sec. 29.
T. 18 S., R. 43 E.,
Secs. 2, 26, and 34.
T. 19 S., R. 42 E.,
Secs. 24, 26, and 28.
T. 20 S., R. 41 E.,
Sec. 12.
T. 20 S., R. 45 E.,
Secs. 14 and 15, and secs. 17 to 22, inclusive.
T. 21 S., R. 37 E.,
Secs. 13 to 15, inclusive, secs. 18, 21, and 24.
T. 21 S., R. 38 E.,
Secs. 18, 19, and 29.
T. 24 S., R. 37 E.,
Sec. 31.
T. 24 S., R. 41 E.,
Secs. 5, 8, and 17.
T. 25 S., R. 37 E.,
Secs. 18, 20, 28, 30, 32, and 34.
T. 26 S., R. 38 E.,
Secs. 26 and 35.
T. 26 S., R. 39 E.,
Secs. 14, 22, and 34.
T. 26 S., R. 40 E.,
Secs. 18 to 20, inclusive, and secs. 28 to 31, inclusive.
T. 26 S., R. 42 E.,
Secs. 13, 21, 24, 31, and 32.
T. 26 S., R. 45 E.,
Secs. 28 to 33, inclusive.
T. 27 S., R. 38 E.,
Secs. 23, 33, and 35.
T. 27 S., R. 39 E.,
Secs. 3, 17, 18, 21, and 22.
T. 27 S., R. 40 E.,
Secs. 6 and 7.
T. 28 S., R. 44 E.,
Secs. 10 and 15.
T. 28 S., R. 46 E.,
Secs. 13 to 15, inclusive, secs. 18, 27, 29, and 30.
T. 29 S., R. 46 E.,
Sec. 35.
T. 30 S., R. 40½ E.,
Sec. 1.
T. 30 S., R. 42 E.,
Secs. 28 and 33.
T. 30 S., R. 44 E.,
Sec. 5.
T. 30 S., R. 45 E.,
Secs. 16, 20, and 30.
T. 30 S., R. 46 E.,
Sec. 2.
T. 31 S., R. 40 E.,
Sec. 35.
T. 31 S., R. 41 E.,
Sec. 30.
T. 31 S., R. 42 E.,
Sec. 4.
T. 32 S., R. 40 E.,
Secs. 2, 14, and 24.
T. 32 S., R. 41 E.,
Secs. 1, 6, and 11.
T. 32 S., R. 46 E.,
Sec. 33.
T. 33 S., R. 40 E.,
Sec. 2.
T. 33 S., R. 46 E.,
Secs. 7 to 9, inclusive.
T. 34 S., R. 46 E.,
Sec. 36.
T. 35 S., R. 37 E.,
Secs. 4, 11, 13, 30, and 31.
T. 35 S., R. 45 E.,
Secs. 14 and 33.
T. 35 S., R. 46 E.,
Sec. 2.
T. 40 S., R. 44 E.,
Secs. 26 and 29.
T. 41 S., R. 42 E.,
Secs. 2, 4, 9, 11, 13, and 14.
T. 41 S., R. 44 E.,
Secs. 12, 13, and 24.

GRANT COUNTY

T. 16 S., R. 36 E.,
Sec. 25, E½ sec. 26, and sec. 35.
T. 17 S., R. 36 E.,
Secs. 10, 15, $SE\frac{1}{4}$ sec. 21, and sec. 22.

The public lands in the areas described aggregate approximately 56,770 acres.

4. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2(c). Interested parties may submit comments to the Secretary of the Interior, LLM 721, Washington, D.C. 20240, for a period of 30 days following publication of this notice.

DANIEL P. BAKER,
Acting State Director.

[F.R. Doc. 69–8715; Filed, July 24, 1969; 8:47 a.m.]

[OR 4189]

OREGON

Notice of Termination of Proposed Classification of Public Lands

APRIL 10, 1969.

Notice of a proposed classification of public lands for multiple-use management was published as F.R. Doc. 68–15513 on pages 20057 and 20058 of the issue for December 31, 1968. The proposed classification has been canceled insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR 2411.2(e)(2)(ii), such lands will be at 10 a.m. August 15, 1969, relieved of any segregative effect the above mentioned proposed classification may have had.

The lands involved in this notice of termination are:

WILLAMETTE MERIDIAN

MALHEUR COUNTY

T. 15 S., R. 37 E.,
Sec. 14, $N\frac{1}{2}$.

GRANT COUNTY

T. 16 S., R. 36 E.,
Sec. 26, $W\frac{1}{2}$.
T. 17 S., R. 36 E.,
Sec. 21, $N\frac{1}{2}$, $SW\frac{1}{4}$.

DANIEL P. BAKER,
Acting State Director.

[F.R. Doc. 69–8716; Filed, July 24, 1969; 8:47 a.m.]

[OR 5051]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

JULY 16, 1969.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 5051, for the withdrawal of the public lands described below, from all forms of appropriation under the public land laws including the mining laws, but not the mineral leasing laws.

The applicant desires the lands for the Yellowjacket Campground and Administrative Site and the Joaquin Miller Administrative Site in connection with the administration of the Malheur National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the areas to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

MALHEUR NATIONAL FOREST

Yellowjacket Campground and Admisistrative Site

T. 19 S., R. 29 E.,
Sec. 32, $W\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$ $NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$ $SW\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, and $W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$.

Joaquin Miller Administrative Site

T. 20 S., R. 31 E.,
Sec. 23, $E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$.

The areas described aggerate 265 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69–8758; Filed, July 24, 1969; 8:50 a.m.]

[Wyoming 16495]

WYOMING

Notice of Classification of Public Lands for Multiple-Use Management

JULY 18, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands described below are hereby classified for multiple-use management. Publication of this notice segregates the land from all forms of appropriation under the public land laws, including the mining laws. The lands will remain open to mineral leasing. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, as amended.

2. Notice of proposed classification was issued to interested parties December 16, 1968. Newspaper and radio coverage was run concurrently. No adverse response has been received. Written endorsement of the proposal is contained in the case file at the Land Office, Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, Wyo.

3. Public lands affected by this publication are:

SIXTH PRINCIPAL MERIDIAN

CARBON COUNTY, WYO.

T. 15 N., R 82 W.,
Sec. 14, $SW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, and $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 15, $N\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, and $E\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}$;
Sec. 23, $N\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$, and $N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$.

The land described aggregates 810 acres and is referred to as the Bennett Peak Recreation Area.

The lands are shown on maps and status plats on file in the Rawlins District, Bureau of Land Management, Rawlins, Wyo., and the Land Office, Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, Wyo.

4. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c.

ED PIERSON,
State Director.

[F.R. Doc. 69-8717; Filed, July 24, 1969; 8:47 a.m.]

Fish and Wildlife Service

[Docket No. S-471]

B & H FISHERIES, INC.

Notice of Loan Application

JULY 17, 1969.

B & H Fisheries, Inc., Route 2, Box 74-24, Ruddell Road, Olympia, Wash. 98500, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 72-foot length overall steel vessel to engage in the fishery for Dungeness crab, king crab, Tanner crab, salmon, shrimp, and albacore tuna.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-8719; Filed, July 24, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(67)-34]

STEINEMANN BEADON, LTD., AND D. V. BEADON

Order Denying Export Privileges for Indefinite Period

In the matter of Steinemann Beadon, Ltd., and D. V. Beadon, Hodford House, 17/27 High Street, Hounslow, Middlesex, England, respondents; File No. 23(67)-34. The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because the said respondents failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 388.15 of the Export Control Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application was reviewed by the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows the following: The respondent firm Steinemann Beadon Ltd., is a private limited liability company with a place of business in Hounslow, Middlesex, England; the company carries on business as coating engineers and consultants; the respondent D. V. Beadon is a director of said firm and participated in the transactions hereinafter mentioned; the respondents ordered strategic U.S.-origin electronic equipment from a United Kingdom subsidiary of a U.S. firm and certain said equipment was delivered to respondents.

The said Investigations Division is conducting an investigation into the facts and circumstances regarding the ordering of said equipment, the intended disposition thereof, and the disposition of the equipment that respondents received.

It is impracticable to subpoena the respondents, and relevant and material written interrogatories and requests to furnish certain specific documents relating to the matters under investigation were served on them pursuant to § 388.15 of the Export Control Regulations. The respondents have failed to furnish answers to the interrogatories and have failed to furnish the documents requested, all as required by said section. They have not shown good cause for such failure. I find that an order denying export priviliges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended. *Accordingly, it is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly; (a) apply for, obtain, transfer or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 388.15 of the Export Control Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on July 21, 1969.

Dated: July 11, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-8746; Filed, July 24, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ELANCO PRODUCTS CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0851) has been filed by Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the establishment of tolerances (21 CFR 120.207) for negligible residues of the herbicide trifluralin in or on the raw agricultural commodities wheat grain and wheat straw at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure.

Dated: July 16, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8709; Filed, July 24, 1969; 8:47 a.m.]

HERCULES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2432) has been filed by Hercules, Inc., Wilmington, Del. 19899, proposing that § 121.1160 *Hydroxypropyl cellulose* (21 CFR 121.1160) be amended to change the minimum viscosity specification for hydroxypropyl cellulose from 75 centipoises for 5 percent by weight aqueous solution at 25° C. to 145 centipoises for 10 percent by weight aqueous solution at 25° C.

Dated: July 14, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8710; Filed, July 24, 1969; 8:47 a.m.]

MOBAY CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2430) has been filed by Mobay Chemical Co., Penn Lincoln Parkway West, Pittsburgh, Pa. 15205, on behalf of Farbenfabriken Bayer A.G., Leverkusen, Federal Republic of Germany, proposing that § 121.2574 *Polycarbonate resins* (21 CFR 121.2574) be amended to provide for the safe use of 2,6-bis(2'-hydroxy-5'-methylbenzyl)-4-methylphenol in the production of polycarbonate resins intended for food-contact use.

Dated: July 16, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8711; Filed, July 24, 1969; 8:47 a.m.]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0852) has been filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of tolerances (21 CFR 120.241) for negligible residues of the herbicide *S*-(*O,O*-diisopropyl phosphorodithioate) of *N*-(2-mercaptoethyl) benzenesulfonamide including its oxygen analog *S*-(*O,O*-diisopropyl phosphorothioate) of *N*-(2-mercaptoethyl) benzenesulfonamide in or on the raw agricultural commodity groups fruiting vegetables and leafy vegetables at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide and its oxygen analog is a gas chromatographic procedure using a phosphorus-sensitive thermionic detector. Liquid chromatography on a silica gel column separates the herbicide from its oxygen analog, and the two are then determined separately by the gas chromatographic procedure.

Dated: July 16, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8712; Filed, July 24, 1969; 8:47 a.m.]

VELSICOL CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2431) has been filed by Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611, proposing that § 121.2511 *Plasticizers in polymeric substances* (21 CFR 121.2511) be amended to provide for the safe use of triethylene glycol dibenzoate as a plasticizer in polymeric substances intended for use in contact with food.

Dated: July 14, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8713; Filed, July 24, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 69-7-76]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates

JULY 16, 1969.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to cargo rates.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted at meetings held in Athens in April and May of 1969 and is intended to be effective for a 2-year period from October 1, 1969.

The subject agreement, which encompasses a portion of the cargo resolutions adopted at Athens, relates solely to resolutions establishing or amending charges for nontransportation services and to resolutions involving administrative, procedural, or technical provisions which do not affect rate levels.

In general, the agreement revalidates, in some instances with amendments, a number of resolutions previously approved by the Board. The more substantive amendments are made in resolutions governing charges for ancillary services.

With respect to charges for the collection of disbursements made by carriers and to charges for C.O.D. services, the basic charge of one percent of the amount collectable would be retained, but the minimum charge for these services would be increased from $2 to $3.60. The resolution which governs terminal charges at airports (Resolution 512b) is amended so as to eliminate, in the United States and in certain other geographical areas, a provision which permits carriers, by local agreement, to extend or reduce the free storage of inbound shipments beyond 48 hours after 8 a.m. of the day following arrival at the airport of destination prior to Customs clearance. The elimination of local carrier flexibility has the effect of reducing the allowance for shipments arriving at U.S. airports from an existing three to two free storage days.

A new resolution provides that a charge of $3 be assessed by carriers for the amendment of an air waybill at the request of a shipper or his agent after the dispatch of a consignment from the airport of departure, if the amendment is at variance with or in addition to original instructions.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
21046:			
R-1	001c	Cargo Tie-In Resolution (New)	1 2, 2/3; 3/1; 1/2/3
R-3	001l	Mid and South Atlantic Container Escape (New)	1/2.
R-3	001j	2 Year Effectiveness Escape—Cargo Revalidating and Amending.	Worldwide.
R-4	002	Standard Revalidation Resolution insofar as it relates to the following resolutions:	
		014b—Construction Rule for Cargo Rates (as amended)	1
		018—Proration of Involuntary Rerouted Consignments (as amended)	1
		021a—Conversion of Cargo Rates and Charges (as amended)	1
		045a—Cargo Charters	1
		045c—Involuntary Change of Routing of Cargo from Chartered Aircraft to Scheduled Service	1
		115—Meeting Rates and Practices—Cargo (as amended)	1.
		503a—Proration of Valuation Charges (as amended)	1
		509a—Application/Substantiation Form for Specific Commodity Rates	1
		600f—Use of Experimental Air Waybills	1.
R-7	002	Standard Revalidation Resolution—insofar as it relates to the following resolutions:	
		014b—Construction Rule for Cargo Rates (as amended)	1/2
		018—Proration of Involuntary Rerouted Consignments (as amended).	1/2
		045a—Cargo Charters	1/2
		045c—Involuntary Change of Routing of Cargo from Chartered Aircraft to Scheduled Service	1/2
		503a—Proration of Valuation Charges (as amended)	1/2
		521b—Packaging Service	1/2
		509a—Application/Substantiation Form for Specific Commodity Rates	1/2
		504—Assembly or Disassembly of Aircraft	1/2
R-9	002	Standard Revalidation Resolution—insofar as it relates to the following resolutions:	
		014b—Construction Rule for Cargo Agents	3/1
		014x—Special Joint 3/1 and Joint 1/2/3 Cargo Construction Rule	3/1
		018—Proration of Involuntary Rerouted Consignments (as amended)	3/1
		045a—Cargo Charters	3/1.
		045c—Involuntary Change of Routing of Cargo from Chartered Aircraft to Scheduled Service	3/1.
		503a—Proration of Valuation Charges (as amended)	3/1
		509a—Application/Substantiation Form for Specific Commodity Rates.	3/1
R-10	002	Standard Revalidation Resolution—insofar as it relates to the following resolutions:	
		014b—Construction Rule for Cargo Rates (as amended)	1/2/3
		014w—Special Joint 2/3 and Joint 1/2/3 Cargo Construction Rule	1/2/3.
		014x—Special Joint 3/1 and Joint 1/2/3 Cargo Construction Rule	1/2/3
		018—Proration of Involuntary Rerouted Consignments (as amended)	1/2/3
		045a—Cargo Charters	1/2/3
		045c—Involuntary Change of Routing of Cargo from Chartered Aircraft to Scheduled Service.	1/2/3.
		503a—Proration of Valuation Charges (as amended)	1/2/3
		509a—Application/Substantiation Form for Specific Commodity Rates.	1/2/3.
R-11	014c	Computer Constructed Rates—Revalidating and Amending	Worldwide.
R-12	023b	Rounding-Off Cargo Rates—Amending	Worldwide.
R-13	115j (115d)	Meeting Non-IATA Cargo Competition—Revalidating and Amending.	3.
R-25	507b	Use of Surface Transportation—Revalidating and Amending	Worldwide.
R-28	509	Charges for Disbursements—Revalidating and Amending	Worldwide.
R-30	512a	C.O.D. Procedures—Revalidating and Amending	Worldwide.
R-31	512b	Air Cargo Rates—Airport to Airport Revalidating and Amending.	Worldwide.
R-33	512d	Charge for Amendment of Air Waybill (New)	Worldwide.
R-36	517	Telecommunications Charges—Amending	Worldwide.

Accordingly, it is ordered, That:

Action on those portions of Agreement CAB 21046 described above be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 15 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8759; Filed, July 24, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18517, 18518; FCC 69R-303]

GREAT SOUTHERN BROADCASTING CO. AND HENDERSONVILLE BROADCASTING CORP., INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of William O. Barry, trading as Great Southern Broadcasting Co., Donelson, Tenn., Docket No. 18517, File No. BPH-6010; Hendersonville Broadcasting Corp., Inc., Hendersonville, Tenn., Docket No. 18518, File No. BPH-6296; for construction permits.

1. This proceeding involves the mutually exclusive applications of Great Southern Broadcasting Co. (Great Southern) and Hendersonville Broadcasting Corp., Inc. (Hendersonville), for construction permits to establish new FM broadcast stations at Donelson and Hendersonville, Tenn., respectively. The applications were designated for hearing by order, FCC 69-327 (corrected), released April 11, 1969, on various issues, including a financial issue (availability of funds) as to the Hendersonville application, a section 307(b) issue and a contingent comparative issue. Presently before the Review Board is a petition to enlarge issues, filed April 28, 1969, by Great Southern.[1]

2. In its petition, to enlarge issues Great Southern contends that Hendersonville has failed to make a full disclosure in its application regarding the other business and financial interests of its principals as required by Table II of section II of the application form; that the application form fails to disclose that John M. Steinhauer, Jr., Hendersonville's president, director and 20 percent stockholder, was the president and treasurer and a member of the Board of Directors of Sterling Opticians, Inc., during 1965; and that the files of the U.S. District Court for the Middle District of Tennessee show that Sterling Opticians, Inc., was adjudged a bankrupt corporation during 1965.[2] Petitioner argues that Hendersonville's failure to disclose that its chief executive officer and one of its principal stockholders had a substantial interest in this bankrupt corporation becomes significant in light of the fact that Hendersonville's financial proposal is a very thin one which prompted the Commission, on its own motion, to add a financial issue against Hendersonville. On this basis, Great Southern urges enlargement of the issues in this proceeding as follows:

To determine whether the failure of Hendersonville Broadcasting Corp., Inc., to disclose in the application that its president, director and 20 percent stockholder, John M. Steinhauer, Jr., was an officer and a director of Sterling Opticians, Inc., a bankrupt corporation, within the 5-year period immediately preceding the filing of the Hendersonville application reflects adversely upon the qualifications of Hendersonville Broadcasting Corp., Inc., and its principals to be a licensee of this Commission.

3. In opposition, Hendersonville concedes that the salient facts alleged by Great Southern are accurate, but disagrees with the conclusions drawn by the petitioner. The applicant contends that Steinhauer had no intention of concealing his connection with Sterling Opticians and that his failure to disclose this fact was the result of oversight and misapprehension of Commission requirements. In an affidavit attached to the opposition pleading, Steinhauer explains his association with Sterling Opticians and his attempt to salvage the company from financial difficulties and underscores his belief that the application form only called for information concerning personal bankruptcies. Hendersonville argues that, in any event, Great Southern has made no showing with respect to the relationship between the corporate bankruptcy and Steinhauer's personal financial situation insofar as it may affect his commitments to Hendersonville.[3] The applicant notes that the very nature of a corporation insulates its individual stockholders from personal liability. It is Hendersonville's ultimate position that the petitioner has failed to allege facts sufficiently specific to meet the requirements of § 1.229 of the Commission's rules. In its comments on petitioner's request, the Broadcast Bureau states that Steinhauer's association with Sterling Opticians should have been reported in Table II of section II of the application form which requires information concerning the occupation, business, and financial interests, at present and during the past 5 years, of the applicant and each party thereto. The Bureau also asserts that the bankruptcy of Sterling Opticians should have been reported by Hendersonville and Steinhauer in response to Question 10(f) of section II, and that the fact of incorporation should not be permitted to shield Steinhauer from the obligation of reporting that fact. It is the Bureau's position, however, that, in light of the applicant's explanation of these omissions, their significance should not be considered as a disqualifying issue, but rather should be considered under the contingent comparative issue.[4]

4. In reply, Great Southern argues that Steinhauer's explanation concerning his failure to understand the application form's instructions is inadequate since Steinhauer apparently disclosed all of his other business interests in Table II. The petitioner notes the fact that Steinhauer was one of the principal stockholders in the bankrupt corporation as well as its principal executive officer and that as official court records indicate (attached to petitioner's reply), he participated in every stage of the bankruptcy proceedings. Great Southern also take issue with Hendersonville's claim that Steinhauer's interest in the bankrupt corporation has no bearing on the applicant's financial qualifications. In support of this point, petitioner notes that the Hendersonville application failed to establish that Steinhauer has sufficient funds to meet his financial commitment to the applicant and that the applicant's proposed bank loan requires the endorsement and guarantee of the individual stockholders. Under these circumstances, therefore, the petitioner argues that the fact that the chief officer and one of the principal stockholders of the applicant was recently involved in a bankrupt corporation becomes important here under the financial qualifications issue; and that Hendersonville should not be heard to argue that Steinhauer's personal financial situation is somehow insulated from and irrelevant to the fact that he was a prime mover in a bankrupt corporation. According to the petitioner, the failure to disclose Steinhauer's association with Sterling Opticians was a serious withholding of essential information in the context of this hearing, and the applicant's response of inadvertent omission is unreasonable in light of the clear instructions of Table II of the application form.

5. Petitioner's request seeks the addition of an issue to determine whether Hendersonville's failure to disclose Steinhauer's association with Sterling Opticians, a bankrupt corporation, reflects adversely upon the applicant's qualifications to be a Commission licensee. Great Southern alleges that such omission assumes significance since it may affect Steinhauer's ability to meet his commitments to the applicant in the form of a capital stock subscription and a loan endorsement and, as a result, the applicant's financial qualifications. While we agree that the disclosure of Steinhauer's association with Sterling Opticians should have been made in section II of the application, we do not agree that the circumstances surrounding the nondisclosure warrant the addition of a disqualifying issue to this proceeding. In spite of the petitioner's contentions, we fail to see how the omission has any bearing on Steinhauer's ability to meet his commitment to Hendersonville or that applicant's financial qualifications; and we, therefore, have no reason to suspect the veracity of Steinhauer's sworn statement concerning the inadvertent nature of the omission. However, despite our rejection of petitioner's approach, we are faced with Hendersonville's conceded failure to submit complete and accurate information to the Commission. Under such circumstances, we agree with the Broadcast Bureau that, while a disqualifying issue would be inappropriate here, an issue inquiring into the nondisclosure and its effect on the applicant's comparative qualifications is appropriate and will be specified. Cf. Kittyhawk Broadcasting Corporation, 17 FCC 2d 602, 16 RR 2d 73 (1969); Minshall Broadcasting Company, Inc., 10 FCC 2d 647, 11 RR 2d 754 (1967); Adirondack Television Corporation, 6 FCC 2d 156, 8 RR 2d 1311 (1966).[5]

6. *Accordingly, it is ordered*, That the petition to enlarge issues, filed April 28, 1969, by William O. Barry, trading as Great Southern Broadcasting Co., is granted to the extent that the issues in this proceeding are enlarged by the addition of the following issue and is denied in all other respects: To determine whether Hendersonville Broadcasting Corp., Inc. (or its principals), failed to submit accurate and complete information in its pending application, as required by section II, FCC Form 301; and, if so, whether such failure reflects adversely on the comparative qualifications of the applicant under the contingent comparative issue specified in the Commission's designation order.

7. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issue added herein will be on William O. Barry, trading as Great Southern Broadcasting Co., and the burden of proof will be on Hendersonville Broadcasting Corp., Inc.

Adopted: July 14, 1969.

Released: July 15, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8765; Filed, July 24, 1969; 8:51 a.m.]

[1] Also before the Review Board are: (a) Opposition of Hendersonville, filed May 20, 1969; (b) Broadcast Bureau's comments, filed May 22, 1969; and (c) reply of Great Southern, filed June 2, 1969.

[2] In support of its factual allegations, Great Southern attaches a copy of an affidavit of the Secretary of State of Tennessee, attesting to the fact of Steinhauer's participation in Sterling Opticians, Inc., in 1965; also attached is an excerpt from the files of the U.S. District Court, indicating a 1965 bankruptcy proceeding involving Sterling Opticians, Inc.

[3] Steinhauer has subscribed for 612½ shares of the capital stock of Hendersonville Broadcasting Corp., Inc., at $20 per share. He has also agreed to act as a guarantor of a proposed $40,000 bank loan to the applicant.

[4] The Bureau states that the attachments to Great Southern's petition, noted above, are sufficient to comply with the requirements of § 1.229(c) of the Commission's rules. The Bureau also notes that the affidavit of the Secretary of State of Tennessee refers to one "John N. Steinhauer, Jr." rather than to John M. Steinhauer, Jr., the applicant's president. The Board, as the Bureau does in its comments, assumes that the difference in the middle initial is the result of a typographical error.

[5] Hendersonville's admission of petitioner's factual allegations in its responsive pleading does not relieve the applicant of its duty to maintain an accurate and complete application under the provisions of § 1.65 of the rules. Even though there may have been some confusion about the requirements of the application form at the time of the preparation of the Hendersonville application, our discussion here should be sufficient indication that an amendment to the application is appropriate.

[6] Review Board Member Pincock absent and Board Member Berkemeyer dissenting and voting to add a disqualifying issue.

FEDERAL POWER COMMISSION

[Docket No. RI70–16]

ATLANTIC RICHFIELD CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JULY 17, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 11, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Atlantic has previously filed a general undertaking, as provided in Order No. 377, which has been accepted. Consequently, it will not be necessary for Atlantic to file an agreement and undertaking herein. In these circumstances Atlantic's proposed rate will become effective, subject to refund, as of the expiration of the suspension period without any further action by Atlantic.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI70–16	Atlantic Richfield Co., Post Office Box 521, Tulsa, Okla. 74102.	433	9	H. L. Hunt et al [2] (North Lansing Field, Harrison County, Tex.) (R.R. District No. 6).	$1,212	6–17–69	[3] 7–18–69	[4] 7–19–69	[5] 15.5	[6] [7] 16.1	RI66–77.

[2] H. L. Hunt et al. resells the gas under its FPC Gas Rate Schedule No. 4 to Texas Eastern Transmission Corp., at an effective rate of 16.6 cents subject to refund in Docket No. RI69–160.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] The suspension period is limited to 1 day.
[5] Three-step periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a 0.75 cent per Mcf deduction by buyer for compression.

Atlantic Richfield Co. (Atlantic) requests waiver of the statutory notice to permit an effective date of June 17, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Atlantic's rate filing and such request is denied.

Atlantic proposes a three-step periodic rate increase, from 15.5 cents to 16.1 cents per Mcf, for a sale of gas to H. L. Hunt et al. (Hunt), from the North Lansing Field, Harrison County, Tex. (Railroad District No. 6). The area increased rate ceiling is 14 cents per Mcf. Hunt processes the gas and resells the residue gas to Texas Eastern Transmission Corp. at a rate of 16.6 cents which is effective subject to refund in Docket No. RI69–160. Atlantic's proposed rate is directly related to Hunt's presently effective rate. The proposed rate exceeds the area increased rate ceiling for Texas Railroad District No. 6 as announced in the Commission's Statement of General Policy No. 61–1, as amended. Since Hunt's rate is in effect subject to refund, we conclude that Atlantic's rate increase should be suspended for 1 day from July 18, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69–8682; Filed, July 24, 1969; 8:45 a.m.]

[Docket No. RP69–39]

CITIES SERVICE GAS CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

JULY 18, 1969.

Cities Service Gas Co. (Cities) on June 20, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1.[1] The proposed changes would increase jurisdictional revenues by an estimated $16,090,776 annually, based on sales for the year ending February 28, 1969, as adjusted. The changes are proposed to become effective July 23, 1969.

Cities states that the proposed change is required by an increased jurisdictional cost of service reflecting the general inflationary conditions in the country and in the natural gas transmission industry in particular. The proposed rates include a claimed rate of return of 8⅝ percent. Cities also states that the increased rates reflect an amount for amortizing (1) a judgment entered against Cities in a suit by Western Natural Gas Co. and, (2) a contested claim by Mobil Oil Corp. under a contract provision relating to payment for volumes not taken in the Kansas-Hugoton Field.

A review of the filing indicates that certain issues are raised therein which require development in an evidentiary proceeding. Those issues include, but are not limited to: Rate of return; rate base and the reserve for depreciation; purchased gas costs including the Mobil claim; Federal income tax including the surcharge; classification and allocation of costs between jurisdictional and nonjurisdictional customers; and amortization of the judgment resulting from the suit by Western Natural Gas Co.

The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Proposed revised Tariff Sheets: First Revised Sheet Nos. 17A and 17B; Third Revised Sheet No. 24E; 12th Revised Sheet Nos. 4, 5, 7, 8, 10, and 19; 13th Revised Sheet No. 12; 14th Revised Sheet No. 14; and 15th Revised Sheet No. 16.

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5-month suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Cities' FPC Gas Tariff, as proposed to be amended, and that the proposed tariff sheets listed above be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing July 31, 1969, at 10 a.m., e.d.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classifications and services contained in Cities' FPC Gas Tariff, as proposed to be amended.

(B) Pending such hearing and decision thereon, Cities' proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until December 23, 1969, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on July 31, 1969, Cities' prepared testimony (Statement P) filed and served on July 3, 1969 together with its entire rate filing as submitted and served on June 20, 1969, shall be admitted to the record as Cities' complete case-in-chief as provided in the Commission's regulations, § 154.63(e)(1), and Order No. 254, 28 FPC 495, 496, without prejudice to motions by other parties to exclude or strike this or other evidence.

(D) Following admission of Cities' complete case-in-chief the parties shall present their views and the Presiding Examiner in the exercise of his discretion shall determine whether there shall be an initial phase and, if so, which issues shall be heard therein. If he determines that there shall be an initial phase hearing, he shall fix dates for service of staff's and intervenor's evidence and Cities' rebuttal evidence on such issues; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible.

(E) Presiding Examiner Walter T. Southworth, or any other designated for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided; and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–8687; Filed, July 24, 1969; 8:45 a.m.]

[Docket No. CP67–58]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Petition To Amend

JULY 16, 1969.

Take notice that on July 14, 1969, Manufacturers Light and Heat Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP67–58 a petition pursuant to section 7(c) of the Natural Gas Act to amend the certificate of public convenience and necessity issued on December 13, 1966, to authorize an increase of its peak day deliveries of natural gas to four industrial customers from 1,015 Mcf per day to 1,500 Mcf per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has already been approached by Air Reduction Co., Inc., for an increase in delivery and anticipates other requests in the immediate future, and therefor proposes one increase to cover all expected requests.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 14, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Secretary.*

8688; Filed, July 24, 1969; 8:45 a.m.]

[Docket No. CP70–8]

MICHIGAN WISCONSIN PIPELINE CO.

Notice of Application

JULY 18, 1969.

Take notice that on July 15, 1969, Michigan Wisconsin Pipeline Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP70–8 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 1 mile of 2-inch lateral and a sales measuring station to provide an additional delivery point for Wisconsin Public Service Corp. so that it might sell and deliver natural gas to Lincoln Boys School, in the town of Birch, Lincoln County, Wis., which is being constructed by the State of Wisconsin. Third year peak day and annual natural gas requirements are estimated at 450 Mcf and 35,000 Mcf, respectively.

Total estimated cost of the proposed facilities is $35,820, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rule of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–8689; Filed, July 24, 1969; 8:45 a.m.]

[Docket No. CP67-52]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Petition To Amend

JULY 16, 1969.

Take notice that on July 10, 1969, Mississippi River Transmission Corp. (Petitioner) 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CP67-52 a petition to amend the order of the Commission issued in said docket on December 16, 1966, as amended on November 15, 1967, and October 14, 1968, which order authorized Petitioner, inter alia, to render priority interruptible service to its resale customers for a yearly period ending October 31, 1967. By the aforementioned amendments, the date of termination of such service was extended to October 31, 1968 and 1969, respectively, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner herein requests that the Commission's aforesaid order be further amended to allow this service to continue from November 1, 1969, on a permanent basis. Petitioner states that several resale customers have requested continuation of such service on a permanent basis.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 14, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8690; Filed, July 24, 1969; 8:45 a.m.]

[Docket No. CP70-7]

SOUTHERN NATURAL GAS CO.

Notice of Application

JULY 17, 1969.

Take notice that on July 15, 1969, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP70-7 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the sale and delivery of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to:

(1) Increase the design daily delivery capacity of Applicant's main line system by approximately 182,000 Mcf from 2,065,000 Mcf to 2,247,000 Mcf to meet the peak day requirements of Applicant's present customers through the winter of 1971-72;

(2) Reinforce the existing Thomaston-Griffin and Griffin-South Atlanta branchlines to meet the increasing requirements of Atlanta Gas Light Co. in the Atlanta area and of other customers serviced from Applicant's main North Line;

(3) Provide for the transportation through Applicant's South Louisiana Supply System of increased volumes of gas from presently certificated sources; and

(4) Deliver natural gas on a firm and interruptible basis to a new customer, American Can Co., for use in a pulp and paper mill near Butler, Ala.

Estimated total cost of the proposed facilities is $45 million to be financed initially by bank loans.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest and therefore any person desiring to be heard or to make any protest with reference to said application should on or before July 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8691; Filed, July 24, 1969; 8:45 a.m.]

[Docket No. CP69-222]

TENNESSEE GAS PIPELINE CO.

Notice of Amendment to Application

JULY 17, 1969.

Take notice that on July 15, 1969, Tennessee Gas Pipeline Co. (Applicant), Tennessee Building, Houston, Tex. 77002, a division of Tenneco Inc., filed in Docket No. CP69-222 its amendment to its application for a certificate of public convenience and necessity, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

On February 18, 1969, Applicant filed its application seeking authority to construct and operate facilities therein described and also requesting authorization to render the additional natural gas service as proposed therein. The application was noticed by the Federal Power Commission and several interventions were filed. Three intervenors, Pennsylvania Gas and Water Co., Connecticut Natural Gas Corp., and the New York Public Service Commission, requested that a hearing be held on Applicant's application, but indicated that they were not opposed to the consideration of the application in two phases, Phase I being the construction and operation of the facilities proposed and Phase II being the additional natural gas service proposed. By its order issued June 10, 1969, the Commission divided the subject application into two phases and authorized Phase I, the construction and operation of the proposed facilities. By its order of June 13, 1969, the Commission directed Applicant to serve its direct testimony concerning Phase II on or before July 11, 1969, and provided for cross-examination of that testimony to commence on July 21, 1969.

By motion dated July 1, 1969, Applicant requested that the hearings and filings of testimony be postponed pending the filing by Applicant of an amended application implementing an agreement reached by Applicant, its customers and Commission Staff. By its order of July 7, 1969, the Commission granted the request for postponement. By its amended application Applicant seeks authorization to render, in addition to the services proposed in its original application, the following additional services:

Customer	Type of service	Mcf daily at 14.73 p.s.i.a.
Central Hudson Gas and Electric Corp.	Storage service (one year).	8,160
Consolidated Edison Company of New York.	do	25,500
Manufacturers Light and Heat Co.	do	10,200
Orange and Rockland Utilities, Inc.	do	7,200
Pennsylvania Gas and Water Co.	(long term)	5,814
Connecticut Natural Gas Corp.	Contracted demand (one year).	1,428
Consolidated Gas Supply Corp.	Interruptible (one year).	40,800
Iroquois Gas Corp.	do	30,600

No additional facilities are requested. In this instance it appears that a shorter notice period is reasonable and consistent with the public interest, and therefore any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8692; Filed, July 24, 1969; 8:45 a.m.]

[Docket No. CP70-9]

WEST TENNESSEE PUBLIC UTILITY DISTRICT OF WEAKLEY, CARROLL, AND BENTON COUNTIES, TENN., AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JULY 18, 1969.

Take notice that on July 15, 1969, the West Tennessee Public Utility District of Weakley, Carroll, and Benton Counties, Tenn. (Applicant), Gleason, Tenn., filed in Docket No. CP70-9 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for distribution and resale in the service area of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant states that it is presently taking natural gas from Tennessee Gas Pipeline Co. and that additional volumes are required to meet the present growth rate. Applicant further states that to purchase the additional natural gas requirements from Tennessee Gas Pipeline Co. would require an expenditure of $1,250,000 for 42 miles of 10-inch pipeline whereas Respondent has a high pressure transmission main 1¼ miles northwest of one of the communities to be served. Applicants' peak day and annual requirements from Respondent are as follows:

Year of operation	Peak day (Mcf)	Annual (Mcf)
First	2041	204,000
Second	2161	214,000
Third	2281	224,000

The total estimated cost of the proposed facilities is $45,000, which will be financed from operating funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8693; Filed, July 24, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

AFFILIATED BANKSHARES OF COLORADO, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Affiliated Bankshares of Colorado, Inc., Denver, Colo., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 67 percent or more of the voting shares of the following banks in Colorado: Arapahoe National Bank of Boulder, Boulder, Colo.; Bank of Manitou, Manitou Springs, Colo.; Cache National Bank of Greeley, Greeley, Colo.; The Farmers National Bank of Ault, Ault, Colo.; First National Bank in Boulder, Boulder, Colo.; First National Bank of Colorado Springs, Colorado Springs, Colo.; First National Bank of Lafayette, Lafayette, Colo.; First National Bank of Louisville, Louisville, Colo.; First National Bank in Loveland, Loveland, Colo.; Fort Carson National Bank, Fort Carson, Colo.; The Greeley National Bank, Greeley, Colo.; West Greeley National Bank, Greeley, Colo.; and Westlake First National Bank, Loveland, Colo.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Dated at Washington, D.C., this 17th day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8696; Filed, July 24, 1969; 8:46 a.m.]

BARNETT NATIONAL SECURITIES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Barnett National Securities Corp., which is a bank holding company located in Jacksonville, Fla., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Anastasia Bank, St. Augustine, Fla., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 16th day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8697; Filed, July 24, 1969; 8:46 a.m.]

JEFFERSON BANCORP, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Jefferson Bancorp, Inc., Miami Beach, Fla., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Jefferson National Bank of Miami Beach, Miami Beach, Fla., and 80 percent or more of the voting shares of Jefferson National Bank at Sunny Isles, Sunny Isles, Fla.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 16th day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8698; Filed, July 24, 1969; 8:46 a.m.]

CITIZENS AND SOUTHERN HOLDING CO. AND CITIZENS AND SOUTHERN NATIONAL BANK

Order Making Determinations Under Bank Holding Company Act

In the matter of the applications, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956, by the Citizens and Southern Holding Co., and the Citizens and Southern National Bank, both of Atlanta, Ga., for determination as to American Southern Life Insurance Co. and the Citizens and Southern Agency, Inc., proposed nonbank subsidiaries (Dockets Nos. BHC-90, BHC-91).

The Citizens and Southern Holding Co. and the Citizens and Southern National Bank, both of Atlanta, Ga., both of which are bank holding companies within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. sec. 1841(a)), have filed requests for determinations by the Board of Governors of the Federal Reserve System that the activities planned to be undertaken by two proposed nonbank subsidiaries (American Southern Life Insurance Co., and the Citizens and Southern Agency, Inc.) are of the kind described in section 4(c)(8) of the Act (12 U.S.C. sec. 1843(c)(8)) and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)) so as to make it unnecessary for the prohibitions of section 4(a) of the Act, respecting ownership of shares in nonbanking companies, to apply in order to carry out the purpose of the Act.

Pursuant to the requirements of section 4(c)(8) of the Act, and in accordance with the provisions of §§ 222.4(a) and 222.5(a) of Regulation Y (12 CFR 222.4(a) and 222.5(a)), a hearing was held on these matters on January 30, 1969. The hearing examiner filed his report and recommended decision[1] wherein he recommended that the Board make the requested determinations; Applicants nevertheless filed an exception to the examiner's recommended order. For the reasons set forth in a statement[1] of this date, and on the basis of the entire record:

It is hereby ordered, That the activities planned to be undertaken by each of the proposed subsidiaries named hereinabove are determined to be so closely related to the business of banking and of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4(a) of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act: *Provided, however*, That the determination with respect to each such subsidiary is subject to revocation by the Board if the facts upon which it is based change in any material respect.

Dated at Washington, D.C., this 17th day of July 1969.

By order of the General Counsel of the Board of Governors, acting on behalf of the Board pursuant to delegated authority (12 CFR 265.2(b)(2)).

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8699; Filed, July 24, 1969; 8:46 a.m.]

FIRST SECURITY CORP.

Order Making Determinations Under Bank Holding Company Act

In the matter of the applications, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956, by First Security Corp., Salt Lake City, Utah, for determinations as to First Security Life Insurance Co. (or Firsco Life Insurance Co.) and First Security Agency, Inc., proposed nonbank subsidiaries (Dockets Nos. BHC-88, BHC-89).

First Security Corp., Salt Lake City, Utah, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. sec. 1841(a)), has filed requests for determinations by the Board of Governors of the Federal Reserve System that the activities planned to be undertaken by two proposed nonbank subsidiaries, First Security Life Insurance Co. (or Firsco Life Insurance Co.) and First Security Agency, Inc., are of the kind described in

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

section 4(c)(8) of the Act (12 U.S.C. sec. 1843(c)(8)) and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)) so as to make it unnecessary for the prohibitions of section 4(a) of the Act, respecting ownership of shares of nonbanking companies, to apply in order to carry out the purposes of the Act.

Pursuant to the requirements of section 4(c)(8) of the Act, and in accordance with the provisions of §§ 222.4(a) and 222.5(a) of Regulation Y (12 CFR 222.4(a) and 222.5(a)); a hearing was held on these matters on January 16, 1969. The hearing examiner filed his report and recommended decision[1] wherein he recommended that the Board make the requested determinations. For the reasons set forth in a statement[1] of this date, and on the basis of the entire record:

It is hereby ordered, That the activities planned to be undertaken by each of the proposed subsidiaries named hereinabove are determined to be so closely related to the business of banking and of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4(a) of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act: *Provided, however*, That the determination with respect to each such subsidiary is subject to revocation by the Board if the facts upon which it is based change in any material respect.

Dated at Washington, D.C., this 17th day of July 1969.

By order of the General Counsel of the Board of Governors, acting on behalf of the Board pursuant to delegated authority (12 CFR 265.2(b)(2)).

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8700; Filed, July 24, 1969; 8:46 a.m.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 69-1]

EXTRATERRESTRIAL EXPOSURE

Establishment of Quarantine Period

Pursuant to the authority vested in me, and in accordance with 14 CFR 1211.104(a)(1), I hereby determine that with respect to the Apollo 11 space mission:

a. The beginning of the quarantine period for extraterrestrial exposure is July 21, 1969.

b. The duration of the quarantine period for extraterrestrially exposed persons shall terminate on August 11, 1969, unless modified prior to that date.

c. The duration of the quarantine period for extraterrestrially exposed property, animals, or other form of life (other than persons) or matter whatever shall continue until successful completion of safety tests and/or decontamination.

FRANK A. BOGART,
Acting Associate Administrator, Office of Manned Space Flight.

JULY 23, 1969.

[F.R. Doc. 69-8856; Filed, July 24, 1969; 11:22 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

SECURITIES AND EXCHANGE COMMISSION

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

JULY 18, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey, a New Jersey corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 20, 1969, through July 29, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8730; Filed, July 24, 1969; 8:48 a.m.]

[31-698]

CONTINENTAL TELEPHONE CORP.

Notice of Filing of Application for Exemption

JULY 18, 1969.

Notice is hereby given that Continental Telephone Corp. ("Continental"), 222 South Central, St. Louis, Mo. 63105, a Delaware corporation and a nonutility company, has filed an application with this Commission pursuant to section 3(a)(5) of the Public Utility Holding Company Act of 1935 ("Act"), requesting an exemption from all provisions of the Act upon the consummation of its proposed acquisition of 90 percent or more of the capital stock of Andros Transmission and Telephone Co. Ltd. ("Andros"), a Bahamian electric utility company. All interested persons are referred to the application, which is summarized below.

Continental, organized in 1960, is a telephone holding company which currently neither directly nor indirectly owns any voting securities of a public-utility company, as defined in section 2(a)(5) of the Act. As of December 31, 1968, Continental served approximately 1,300,000 telephones in 40 States, Canada and four Caribbean countries, had consolidated operating revenues and sales of $220 million and consolidated net income of $25 million. Total consolidated assets as of December 31, 1968, amounted to $856,285,000.

Continental has entered in an agreement with Andros and the representative of holders of more than 80 percent of Andros capital stock, whereby Continental has agreed to acquire through a tender offer, subject to prior exemption from the Act, at least 90 percent of Andros capital stock, which stock is the only voting security of Andros.

Andros furnishes both telephone and electric service in the Bahamas. During 1968, Andros' total operating revenues were $72,208, of which $60,053 were electric revenues and $4,900 were telephone revenues. Total assets, less valuation reserves, as of December 31, 1968 were $426,882, of which $249,668 was net electric plant and $87,857, net telephone plant. Continental states that it is entitled to an exemption pursuant to section 3(a)(5), because Andros conducts its business entirely outside the United States, and Continental as a holding company will not derive any part of its income, directly or indirectly, from a public-utility subsidiary company within the United States.

Notice is further given that any interested person may, not later than August 14, 1969, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8729; Filed, July 24, 1969; 8:48 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 18, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 21, 1969, through July 30, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8731; Filed, July 24, 1969; 8:48 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

JULY 18, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co. (a Nevada corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 19, 1969, through July 28, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8732; Filed, July 24, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

CAPITAL FOR TECHNICAL INDUSTRIES, INC.

Notice of Surrender of License

Notice is hereby given that Capital for Technical Industries, Inc. (Capital) has, pursuant to § 107.105 of the regulations governing small business investment companies (33 F.R. 326; 13 CFR Part 107) surrendered its license to operate as a small business investment company (SBIC).

Capital was incorporated on July 21, 1960, under the laws of the State of California to operate solely as an SBIC under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), and it was issued license number 12-0014 by the Small Business Administration on June 12, 1961.

Under the authority vested by the Act, and the Regulations promulgated thereunder, the surrender of the license of Capital is hereby accepted and, accordingly, it is no longer licensed to operate as an SBIC.

Dated: July 10, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69-8724; Filed, July 24, 1969; 8:48 a.m.]

WOODROCK BUSINESS CAPITAL CORP.

Notice of Surrender of License

Notice is hereby given that the Small Business Administration (SBA) accepted, on July 9, 1969, the surrender of the license issued to Woodrock Business Capital Corp. (Licensee), New York, N.Y. (incorporated in New York).

SBA published a notice in the FEDERAL REGISTER on June 25, 1969, inviting comments regarding the request of the Licensee to surrender its license. SBA received no comments. The Licensee repaid its debt to SBA and satisfied all other conditions for the surrender of its license.

The corporation no longer is licensed to operate as a small business investment company.

Dated: July 10, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69-8725; Filed, July 24, 1969; 8:48 a.m.]

[Delegation of Authority No. 30 (Los Angeles) Disaster 1]

MANAGER, DISASTER BRANCH OFFICE, LOS ANGELES, CALIF.

Rescission of Delegation of Authority

Notice is hereby given that Delegation of Authority No. 30, Disaster 1 (34 F.R. 7100 and 34 F.R. 7627) is hereby rescinded in its entirety.

Effective date: June 13, 1969.

ALVIN P. MEYERS, *Regional Director, Los Angeles, Calif.*

[F.R. Doc. 69-8726; Filed, July 24, 1969; 8:48 a.m.]

[Declaration of Disaster Loan Area 720]

IOWA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969 because of the effects of certain disasters, damage resulted to residences and business property located in Marshall and Tama Counties, Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid counties and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 8, 1969.

OFFICE

Small Business Administration Regional Office, 210 Walnut Street, Des Moines, Iowa 50309

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1970.

Dated: July 15, 1969.

HILARY SANDOVAL, JR., *Administrator.*

[F.R. Doc. 69-8727; Filed, July 24, 1969; 8:48 a.m.]

[Declaration of Disaster Loan Area 719]

OHIO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Ohio;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas consitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in all areas affected or to be affected in the State of Ohio, suffered damage or destruction resulting from winds and floods occurring on July 4, 1969.

OFFICES

Small Business Administration Regional Office, 1240 East Ninth Street, Cleveland, Ohio 44199.

Small Business Administration Regional Office, 50 West Gay Street, Columbus, Ohio 43215.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1970.

Dated: July 11, 1969.

HILARY SANDOVAL, JR., *Administrator.*

[F.R. Doc. 69-8728; Filed, July 24, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1315]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JULY 18, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2860 (Sub-No. 58), filed June 18, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen and not frozen; *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in straight and mixed shipments, between Vineland, N.J., on the one hand, and, on the other, points in the United States west of Interstate Highway 75 (except points in Alaska and Hawaii). NOTE: Applicant states it will tack at Vineland, N.J., to and from points in the eastern United States. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 11592 (Sub-No. 6), filed June 27, 1969. Applicant: BEST REFRIGERATED EXPRESS, INC., 1001 West South Omaha Bridge Road, Council Bluffs, Iowa 51501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* and *articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, and except hides, from points in Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to points in Illinois, Wisconsin, Indiana, Ohio, and Michigan. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 18088 (Sub-No. 49) (amendment), filed March 21, 1969, published in the FEDERAL REGISTER issue of April 10, 1969, amended and republished this issue. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. 35149. Applicant's representative: Gavin W. O'Brien, 2800 L Street NW., Suite 815, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yarn, including tire cord, fiber and synthetic fiber yarn, synthetic stable fiber, synthetic fiber, and synthetic plastic and containers* used for transportation of such commodities, *poylester, textiles, and textile products, textile machinery and parts, chemicals, chemical products, and containers, materials, and supplies* used or consumed in production by a textile factory and *empty beams* (except commodities in bulk, in vehicles, and except commodities which, because of size or weight, require special equipment), between Pensacola and Gonzales, Fla.; Decatur and Huntsville, Ala.; on the one hand, and, on the other, Bowling Green, Ky.; and the site of the Firestone Synthetic Fibers & Textiles Co., Division of the Firestone Tire & Rubber Co. located north of Bowling Green, Ky.; and (2) *tire fabrics*, from Bowling Green, Ky., and points within a radius of 10 miles thereof, to Memphis, Tenn., and Albany, Ga., and points within 10 miles of each. NOTE: The purpose of this republication is to amend both the commodities description and the points of service to comport with the needs for service established by the supporting shippers. Applicant states it intends to tack the authority requested in this application with points common to its certificated authority, wherein it conducts operations in Alabama, Tennessee, South Carolina, and Georgia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga. Special notice: The publication hereinabove set forth reflects the scope of the application as filed by applicant, and may include descriptions which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the application here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 20793 (Sub-No. 42), filed June 27, 1969. Applicant: WAGNER TRUCKING CO., INC., Jobstown, N.J. 08041. Applicant's representative: G. Donald Bullock, 128 Greenwood Avenue, Wyncote, Pa. 19095. Authority sought to operate as a *common carrier*, by motor

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

vehicle, over irregular routes, transporting: *Limestone*, from the Baltimore, Md., commercial zone as defined by the Commission, to points in New Jersey and those in Pennsylvania on and east of U.S. Highway 15. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 29079 (Sub-No. 55), filed July 6, 1969. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and liquid commodities in bulk), between points in Hancock County, Ky., on the one hand, and, on the other, points in Alabama, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, South Carolina, Tennessee, and West Virginia and points in Carroll County, Ga. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 277), filed May 29, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in Maine, Maryland, Massachusetts, New Hampshire, New York, Vermont, Pennsylvania, Rhode Island, New Jersey, and Connecticut, restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 41870 (Sub-No. 8), filed June 23, 1969. Applicant: VICTOR L. LANGE, doing business as LANGE TRUCK LINE, 1008 Oaklawn, Post Office Box 28, Pleasanton, Tex. 78064. Applicant's representative: Mert Starnes, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Poth and Kenedy, Tex., over U.S. Highway 181 to Kenedy and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 42261 (Sub-No. 102), filed June 30, 1969. Applicant: LANGER TRANSPORT CORP., Route 1 and Danforth Avenue, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal and poultry feed*, in bulk, from Albany, N.Y., and Manheim, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 724), filed June 30, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Mountainville, N.Y., as an off-route point in connection with carrier's presently authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 48221 (Sub-No. 2) (Amendment), filed April 10, 1969, published in FEDERAL REGISTER issue of May 1, 1969, amended July 7, 1969, and republished, as amended, this issue. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 2501 O Street, Omaha, Nebr. 68107. Applicant's representative: Gerald C. Morehouse (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier* Certificates, 61 M.C.C. 209 and 766, from the plant and warehouse facilities of Swift & Co., at or near Glenwood, Iowa, to points in Colorado, Illinois, Michigan, Nebraska, and to points in Kansas City, Kans.-Mo., commercial zone, restricted to traffic origination at the named facilities and destined to the above-named destinations. NOTE: the purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 55898 (Sub-No. 39), filed June 16, 1969. Applicant: HARRY A. DECATO, doing business as DECATO BROS. TRUCKING CO., Heater Road, Lebanon, N.H. 03766. Applicant's representative: Arthur J. Barbeau, 795 Elm Street, Room 510, Manchester, N.H. 03101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, and (2) *wood and forest products*, between points in New Hampshire and Vermont. NOTE: Applicant states it intends to tack at any point where service would be authorized in New Hampshire and Vermont. Applicant further states that this application is filed for the purpose of permitting applicant to conduct operations between all points in New Hampshire and Vermont in direct service, without having to combine or tack various segments of its present authority. Applicant holds authority under MC 111735, as a contract carrier, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 57941 (Sub-No. 4), filed May 19, 1969. Applicant: CITY TRANSFER COMPANY, a corporation, 2045 West Buckeye Road, Phoenix, Ariz. 85009. Applicant's representative: Donald E. Fernaays, 4114A North 20th Street, Phoenix, Ariz. 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value and household goods as defined by the Commission, between points in the encompassed territory in Maricopa, Pinal, and Pima Counties, Ariz., as described; beginning at Cartaro, Ariz., on Interstate Highway 10, north and east on a line to Oracle Junction, Ariz., on U.S. Highways 80 and 89, north on a line to Kearny, Ariz., on Arizona Highway 177, north and west on Arizona Highway 177 to Superior, Ariz., west on U.S. Highways 80 and 89 to Apache Junction, Ariz., north and east on Arizona Highway 88 to Tortilla Flats, Ariz., west on a line from Tortilla Flats, Ariz., to Cactus, Ariz., west on Cactus Road to 59th Avenue, south on 59th Avenue to Glendale, Ariz., west on Glendale Avenue to 99th Avenue, south of 99th Avenue to Tolleson, Ariz., west of U.S. Highway 80 to Goodyear, Ariz., south and west on a line from Goodyear, Ariz., to a point on Arizona Highway 84, 3 miles east of Gila, Bend Ariz., south and east on a line from Arizona Highway 84, 3 miles east of Gila Bend, Ariz., to Vaya Chin, Ariz., on the Papago Indian Reservation, east and south on a line from Vaya Chin, Ariz., to Schuchk, Ariz., on the Papago Indian Reservation, east and north on a line to the beginning point of Cartaro, Ariz., on Interstate Highway 10.

(2) *Dried and liquid fertilizer and dried and liquid insecticides* within the State of Arizona. (3) *Boxes, fiberboard*, corrugated or not corrugated, *pulpboard*, corrugated or not corrugated, and *paper*, for use in the manufacturing of corrugated containers, between points in Arizona, Imperial County, and that portion of Riverside and San Bernardino Counties, Calif., east of a north south

line beginning at the Nevada-California State line directly north of Nipton, Calif., and extending south through Nipton and Desert Center, Calif., to the northern boundary of Imperial County, Calif., Delta, Montezuma, Mesa Counties, Colo., Dona Ana, Lincoln, Luna, San Juan, and Torrence Counties, N. Mex., El Paso and Deaf Smith Counties, Tex. NOTE: Applicant states it is seeking multi-State authority, and proposed to convert in part certificate of registration MC 57941 Sub 3, to a Certificate of Public Convenience and Necessity. Applicant requests should instant application be granted that the certificate of registration be canceled. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 59150 (Sub-No. 42), filed July 2, 1969. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and parts, materials, supplies, and accessories* used in the installation of composition board, from the plantsite of The Celotex Corp. at Marrero, La., to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 60117 (Sub-No. 2), filed June 16, 1969. Applicant: RAYMOND H. WILSON, doing business as WILSON TRANSFER COMPANY, Post Office Box 248, Quinton, Okla. 74561. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Kinta and Spiro, Okla., over Oklahoma Highway 31, to Junction U.S. Highway 271, to Spiro, Okla., and return over the same route, serving the intermediate points of Lequire, Kerr McHehee Mining, Inc., located in Milton, McCurtain, and Bokoshe, Okla.; and (2) between Quinton, Okla., and Eufaula Dam over Oklahoma Highway 71, and return over the same route, serving Enterprise, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, or Tulsa, Okla.

No. MC 79065 (Sub-No. 1) (Correction), filed June 19, 1969, published FEDERAL REGISTER issue of July 18, 1969, corrected and republished as corrected, this issue. Applicant: THE D. C. McCURDY COMPANY, a corporation, Post Office Box 160, Martins Ferry, Ohio 43925. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003. NOTE: The purpose of this partial republication is to show correct name of commodity description as *"Such bulk commodities"*, as are transported in dump trucks, in lieu of "general commodities", as are transported in dump trucks shown erroneously in previous publication. The rest of the application remains the same.

No. MC 79999 (Sub-No. 5), filed June 26, 1969. Applicant: E. JACK WALTON TRUCKING COMPANY, a corporation, 13020 Sarah Lane, Post Office Box 9776, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Commodities which because of their size or weight require the use of special equipment or special handling, and (2) *ammunitions and explosives*, when moving on U.S. Government bills of lading, (a) between military installations or Defense Department establishments in the United States, and (b) between points in (a) above, on the one hand, and, on the other, points in Texas, Oklahoma, Kansas, New Mexico, and Louisiana. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82841 (Sub-No. 58), filed June 30, 1969. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Irrigation systems and parts for irrigation systems*, from points in Douglas County, Nebr., to points in North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Maine, Illinois, Colorado, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 83539 (Sub-No. 256), filed June 25, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft ground support units, and aircraft cargo and passenger handling equipment, and machinery, attachments, parts, and accessories* used in connection therewith, from Houston, Tex., to points in the United States (except Hawaii and Texas). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Houston, Tex.

No. MC 85465 (Sub-No. 17) (Correction), filed March 20, 1969, published FEDERAL REGISTER, issues of May 1, 1969, and July 3, 1969, amended June 12, 1969, and republished as corrected this issue. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including classes A and B explosives, but excepting livestock, household goods, commodities which because of size or weight require the use of special equipment, articles of unusual value, and commodities in bulk, between points in Nebraska, on the one hand, and, on the other, points in the United States, except Alaska and Hawaii, restricted to traffic moving from, to, or between military installations or Defense Department establishments. NOTE: The purpose of this republication is to redescribe the territorial description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 88082 (Sub-No. 8), filed June 25, 1969. Applicant: ST. MARYS TRUCKING CO., INC., 1417 Hart Street, Post Office Box 765, Vincennes, Ind. 47591. Applicant's Earl J. Thomas, 5850 North High Street, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry (other than in bulk), between the plantsite of Diamond Shamrock Chemical Corp., Painesville, Ohio, and Terre Haute, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 89723 (Sub-No. 53), filed June 15, 1969. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robert S. Davis, 2008 Missouri Building, St. Louis, Mo. 63103. In No. MC 89723 (Sub-No. 53) applicant holds extensive regular-route common carrier authority authorizing the transportation of express matter, moving on express receipt of Railway Express Agency, Inc., and general commodities, except livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over specified regular routes in the States of Arkansas, Tennessee, and Missouri, subject to certain restrictions, among which is the following: No shipments shall be transported by said carrier as a common carrier by motor vehicle, between any of the following points, or through, to, or from more than one of said points with hyphenated points considered as a single key point: Memphis, Tenn.; Alexandria, La.; Newport, Little Rock-North Little Rock, Fort

Smith-Van Buren, Eldorado, and Texarkana, Ark.; Poplar Bluff, Mo., except as to shipments to St. Louis, Mo.-East St. Louis, Ill., and to and from Wynne and Newport, Ark. By this application, applicant seeks to remove Fort Smith-Van Buren, Ark., as a keypoint. If this authority is granted the keypoint restrictions appearing above would be amended to read: Memphis, Tenn.; Alexandria, La.; Newport, Little Rock-North Little Rock, Eldorado, and Texarkana, Ark.; Poplar Bluff, Mo., except as to shipments to St. Louis, Mo.-East St. Louis, Ill., and to and from Wynne and Newport, Ark. No other restrictions would be altered and the service would remain auxiliary to, and supplemental of, rail service of Missouri Pacific Railroad Co. Applicant is a wholly owned subsidiary of Missouri Pacific Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 90373 (Sub-No. 30), filed June 30, 1969. Applicant: C. & R. TRUCKING CO., a corporation, Inman Avenue, Avenel, N.J. 07001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* manufactured, warehoused by, and shipped between the facilities of Inmont Corp. at Winslow, N.J., on the one hand, and, on the other, New York, N.Y., points in Nassau, Suffolk, Orange, Rockland and Westchester Counties, N.Y., points in Connecticut and points in Pennsylvania east of the Susquehanna River, Delaware and Maryland, under contract with Inmont Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 94876 (Sub-No. 6), filed June 20, 1969. Applicant: RICHARD ACERRA, INC., 43–09 Vernon Boulevard, Long Island City, New York, N.Y. 11101. Applicant's representative: J. Aiden Connors, Suite 454, 527 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods and products*, in containers, *bakery product containers and stale bakery products*, between New York, N.Y., and Wayne (Passaic County), N.Y., under contract with Borden, Inc., Foods Division, Drake Bakeries. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 103993 (Sub-No. 430), filed June 25, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Columbus County, N.C., to points in the United States excluding Alaska and Hawaii. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 103993 (Sub-No. 434), filed July 2, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp coaches, truck campers, and trailers* designed to be drawn by passenger automobiles in initial movements, from points in Natrona County, Wyo., to points in the United States east of the Mississippi River. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Casper, Wyo.

No. MC 106623 (Sub-No. 11), filed June 26, 1969. Applicant: SOUTHWEST OILFIELD TRANSPORTATION CO., a corporation, 602 Service Street, Post Office Box 7427, Houston, Tex. 77008. Applicant's representative: Joe G. Fender, 802 Houston First Saving Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *commodities* which because of their size or weight require the use of special equipment or special handling; and (2) *ammunition and explosives*, when moving on U.S. Government bills of lading; (a) between military installations or Defense Department establishments in the United States; and (b) between points in (a) above, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106644 (Sub-No. 98), filed June 25, 1969. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., Atlanta, Ga. 30321. Applicant's representative: K. Edward Wolcott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic or iron fittings and connections, valves, hydrants, and gaskets*, from the plantsite and warehouse facilities of the Clow Corp., located near Lincoln (Talladega County), Ala., to points in Connecticut, Delaware, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 107002 (Sub-No. 374), filed June 27, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as applicant), and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Memphis, Tenn., to points in South Carolina and Virginia. NOTE: Applicant states that while tacking is not contemplated, the authority sought could be combined with other authorities in MC 107002 and subs thereto to perform service from points in Arkansas. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107496 (Sub-No. 736), filed July 2, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Chicago, Des Plaines, and Lemont, Ill., to points in Wisconsin, Indiana, and Illinois. NOTE: Applicant asserts there is a possibility of tacking, but there is no present intention to tack. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 108068 (Sub-No. 82), filed June 16, 1969. Applicant: U.S.A.C. TRANSPORT, INC., Post Office Box G, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as applicant) and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aircraft and aircraft parts*, and (2) *equipment, parts, materials*, machinery and supplies used in the assembling, maintenance, servicing, repairing and operation of aircraft, between (a) points in Tennessee, Arkansas, Texas, Colorado, Kansas, Nebraska, Oregon, Washington, Illinois, Minnesota, Iowa, Louisiana, Georgia, Florida, Oklahoma, Missouri, New York, California, Virginia, and the District of Columbia, and (b) between points in (a) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to terminals and facilities of Braniff International. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 108185 (Sub-No. 43), filed June 5, 1969. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, a corporation, 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representatives: John R. Turney, 342 West Vista Avenue, Phoenix, Ariz. 85021, and William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Atlanta, Ga., and Nashville, Tenn., from Atlanta over U.S. Highway 41 to Adairsville, Ga., thence over U.S. Highway 41 (also Interstate Highway 75) to junction Interstate Highway 24 at or near Chattanooga, Tenn., thence over U.S. Highway 41 (also Interstate Highway 24) to Nashville, and return over the same route, serving no intermediate points, and serving Nashville for purpose of joinder only, and (2) between Atlanta, Ga., and Cincinnati, Ohio, from Atlanta over U.S. Highway 41 to Cartersville, Ga., thence over U.S. Highway 411 to junction U.S. Highway 129, thence over U.S. Highway 129 to Knoxville, Tenn., thence over U.S. Highway 25W (also Interstate Highway 75) to Corbin, Ky., thence over U.S. Highway 25W (also Interstate Highway 75) to Cincinnati and return over the same route serving no intermediate points, and serving Cincinnati for purposes of joinder only; as alternate routes for operating convenience only in connection with (1) and (2) above. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Minneapolis, Minn., or Phoenix, Ariz.

No. MC 108207 (Sub-No. 264), filed June 23, 1969. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, (1) from Memphis, Tenn., to Los Angeles, Calif., and Kankakee, Ill.; and (2) from St. Louis, Mo., to Kankakee, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 108676 (Sub-No. 31), filed June 30, 1969. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which require the use of special equipment by reason of size or weight, (a) between military installation or Defense Department establishments in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia, and (b) between points in (a) above on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 594), filed July 7, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate and cocoa bean products, coating and flavoring compounds, and liquid cocoa butter*, in bulk, from Burlington, Wis., to points in Alabama, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Utah, and Virginia. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 111231 (Sub-No. 165) filed May 12, 1969, published FEDERAL REGISTER June 5, 1969, and republished as clarified this issue. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: B. J. Wiseman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products, conduits or pipe and fittings and accessories* necessary to the installation thereof; *plastic pipe, fittings, and accessories* necessary to the intallation thereof, in straight or mixed shipments, from Van Buren, Ark., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Mississippi, Nebraska, Oklahoma, Tennessee, and Texas. NOTE: The purpose of this republication is to clarify the commodity description, which was shown erroneously in previous publication with a comma after "cement". Applicant indicates tacking possibilities with portions of its authority in MC 111231 and subs thereto wherein as here pertinent it conducts operations in Arkansas, Colorado, Illinois, Indiana, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 111729 (Sub-No. 285), filed June 19, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representatives: John M. Delany (same address as applicant) and Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds, and advertising material moving therewith;* (a) between Minneapolis, Minn., on the one hand, and, on the other, points in North Dakota, South Dakota, and points in Ashland, Barron, Chippewa, Douglas, Eau Claire, La Crosse, Langlade, Marathon, Oneida, Rusk, Washburn, and Wood Counties, Wis.; (b) between Des Moines and Cedar Rapids, Iowa, on the one hand, and, on the other, points in Iowa, on traffic having an immediately prior or subsequent movement by air; (c) between Milwaukee, Wis., on the one hand, and, on the other, points in Columbia, Grant, Monroe, Portage, Richland, Sauk, Vernon, and Wood Counties, Wis., on traffic having an immediately prior or subsequent movement by air; (d) between Long Island City, N.Y., on the one hand, and, on the other, points in Essex and Middlesex Counties, N.J., and points in New Haven and Hartford Counties, Conn.; (e) between Jamestown, N.Y., and Erie, Pa.; (f) between points in California, having an immediately prior or subsequent movement by air; (2) *whole human blood*, between St. Louis, Mo., on the one hand, and, on the other, points on and south of Highway 40 in Indiana; and Louisville and Lexington, Ky.; (3) *cut flowers and decorative greens*, having an immediately prior or subsequent movement by motor vehicle; (a) between points in Illinois; (b) between points in Indiana; (c) between points in Iowa; (d) between points in Kentucky; (e) between points in Michigan; (f) between points in Missouri; (g) between points in Ohio; (h) between points in Tennessee; (i) between points in Virginia; and (4) *repair and replacement pump and pipe parts*, consisting of shafts, impellers, bushings, housings, castings, nipples, collars, and flanges, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, having an immediately prior or subsequent movement by air, between points in California. NOTE: Applicant states it intends to tack with its common carrier authority. Applicant is also authorized to operate as a contract carrier under MC 112750 and related subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111812 (Sub-No. 382), filed June 18, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representatives: Donald L. Stern, 630 City National Bank Building Omaha, Nebr. 68102, and R. H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier*

Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides) from Buhl, Idaho, to points in Washington, Oregon, Illinois, Minnesota, Wisconsin, Nebraska, Colorado, Iowa, Michigan, Indiana, Kansas, and Missouri. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Denver, Colo.

No. MC 113362 (Sub-No. 163), filed June 27, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible processed nuts* in packages or containers, from the plantsite and storage facilities of The Kelling Nut Co., at Paterson, N.J., to Chicago, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113535 (Sub-No. 10), filed June 30, 1969. Applicant: A & W TRUCKING CO., INC., Box 370, Rural Route 2, Mosinee, Wis. 54455. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard and fiberboard products*, from Rockford, Ill., to points in Iowa on or east of U.S. Highway 61 and points in Wisconsin on or south or west of a line from La Crosse, Wis., along Wisconsin Highway 33 to the junction of Wisconsin Highway 33 and U.S. Highway 12, and thence along U.S. Highway 12 to the Wisconsin-Illinois boundary. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn., Milwaukee or Madison, Wis., or Rockford, Ill.

No. MC 113678 (Sub-No. 358), filed July 7, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood plasma*, from Denver, Colo., to Berkeley, Calif. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 114273 (Sub-No. 44), filed June 25, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from Glenwood, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Glenwood, Iowa, from plantsite and/or storage facilities of Swift & Co. to named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114533 (Sub-No. 194), filed July 7, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representatives: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606, and Arnold Burke, 2220 Brunswick Building, 69 West Washington Boulevard, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Audit media and other business records*, between Elk Grove Village, Ill., on the one hand, and, on the other, Detroit, Mich.; and (2) *specifications and drawings*, between Topeka, Kans., on the one hand, and, on the other, St. Louis, Mo. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 115273 (Sub-No. 9), filed June 30, 1969. Applicant: ACME CARRIERS, INC., 216 Third Street, Brooklyn, N.Y. Applicant's representative George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), from points in the New York, N.Y., commercial zone, as defined by the Commission; Sewaren, N.J., to Chicago, North Chicago, Elgin, Waukegan, and Rockford, Ill., and St. Louis, Mo. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 115491 (Sub-No. 117), filed June 16, 1969. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Box 67, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, between points in Hillsborough County, Fla., on the one hand, and, on the other, points in Alabama, Florida, and Georgia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa or Orlando, Fla.

No. MC 115523 (Sub-No. 152), filed June 26, 1969. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 North Beck Street, Salt Lake City, Utah 84116. Applicant's representative: Halard E. Barker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* in bulk, from Twin Falls, Idaho, and 10 miles thereof, and Rupert, Idaho, and 10 miles thereof, to points in Utah. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states no duplicating authority is held nor is it sought herein. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City or Ogden, Utah.

No. MC 115841 (Sub-No. 355), filed June 23, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, coconuts, pineapples, and agricultural commodities*, exempt from economic regulation pursuant to section 203(b)(6) of the Interstate Commerce Commission Act, when transported at the same time in the same vehicle with commodities subject to economic regulation (as otherwise authorized), from Wilmington, Del., to points in the United States east of New Mexico, Colorado, Wyoming, and Montana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 117686 (Sub-No. 101) (Correction), filed June 18, 1969, published in the FEDERAL REGISTER, issue of July 17, 1969, and republished in part, as corrected, this issue. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. NOTE: The purpose of this partial republication is to include the State of Nebraska in the destination territory which was inadvertently omitted from the previous publication. The rest of the application remains the same.

No. MC 117686 (Sub-No. 102), filed June 30, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats fresh and meats frozen*, from the plantsite and/or cold storage facilities utilized by Wilson and Co., Inc., at or near Hereford, Tex., to points in Alabama, Arkansas, Georgia, and Tennessee (except Memphis), restricted to the transportation of traffic originating at the above specified plantsite and/or cold storage facilities and destined to the above destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117686 (Sub-No. 103), filed June 30, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from Glenwood, Iowa, to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, Georgia, and Texas, restricted to the transportation of traffic originating at the plantsite and storage facilities of Swift & Co. at or near Glenwood, Iowa, and destined to points in the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 117788 (Sub-No. 7), filed June 27, 1969. Applicant: DETROIT REFRIGERATED TRUCKING, INC., 249 Schweizer, Detroit, Mich. 48226. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Maine, Vermont, New Hampshire, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, New Jersey, and the District of Columbia, restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co., at Hillsdale, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 118282 (Sub-No. 25), filed June 23, 1969. Applicant: JOHNNY BROWN'S INC., 6801 Northwest 74th Avenue, Miami, Fla. Applicant's representative: Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, frozen foods, meats, meat products and meat byproducts, as defined by the Commission), between points in Florida, on the one hand, and, on the other, points in Dallas and Tarrant Counties, Tex. NOTE: Applicant holds contract carrier authority under Docket No. MC 125811 and Sub 5, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., with additional hearing in Miami and Orlando, Fla.

No. MC 119623 (Sub-No. 4), filed June 5, 1969. Applicant: LAWRENCE SUNDERMYER, Box 352, Pipestone, Minn. 56164. Applicant's representative: Thomas Harper, Kelley Building, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and cresote and penta treated posts and poles*, from points in Yell County, Ark., on and east of Arkansas Highway 27 to points in Kansas, Nebraska, and South Dakota; and points in Iowa, on and west of U.S. Highway 69; points in Minnesota, on and west of Minnesota Highway 15; and on and south of U.S. Highway 12, with no transportation for compensation on return except as otherwise authorized. NOTE: Applicant states it intends to tack with its presently held authority at Panama, Okla. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 123048 (Sub-No. 156), filed July 3, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors, lawn and garden equipment, and turf maintenance equipment;* (2) *parts* of the commodities in (1) above and (3) *attachments* for commodities in (1) above, from Racine, Wis., to points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at chicago, Ill., or Milwaukee, Wis.

No. MC 12421 (Sub-No. 130), filed June 20, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Box "H", Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from the plantsite and/or storage facilities of Swift & Co., at or near Glenwood, Iowa, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Wisconsin, and Wyoming. Restrictions: The authority sought herein is restricted (1) to the transportation of traffic originating at the above-named origins and destined to the above-named destination States; and (2) to the extent the authority sought herein duplicates any authority held by carrier shall not be construed as conferring more than a single operating right. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124692 (Sub-No. 61), filed June 24, 1969. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Richard Bebel, 2814 North Cleveland Avenue, St. Paul, Minn. 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the plantsite of Jones & Laughlin Steel Corp. at Hennepin, Ill., to points in Colorado, Wyoming, Montana, Idaho, Washington, Utah, and Oregon. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Pittsburgh, Pa.

No. MC 124952 (Sub-No. 5), filed June 30, 1969. Applicant: RUSSELL HASINBILLER, doing business as R & H TRANSPORT, Box 28, Craigville, Ind. 46731. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, preserves, jellies, baking dairy, ice cream, and soda fountain supplies and ingredients*, between the plantsites and warehouses of Bessire & Co., Inc., located at Richmond, Va., Charlotte, N.C., Pittsburgh, Pa., Columbus, Ohio, Grand Rapids, Mich., Indianapolis, Ind., Cincinnati, Ohio, Louisville, Ky., Memphis, Tenn., and Birmingham, Ala., under a continuing contract with Bessire & Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 125628 (Sub-No. 1) (Amendment), filed June 4, 1969, published FEDERAL REGISTER, issue of June 26, 1969, amended June 27, 1969, and republished as amended this issue. Applicant: S. S. BAIRD & SONS, LIMITED, 437 Aberdeen Street, Fredericton, New Brunswick, Canada. Applicant's representative:

Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete beams, joints and tees, lumber, flooring and fuel blocks, steel, structural steel and steel articles and materials and supplies* used in the installation of the described commodities, from the ports of entry on the international boundary line between the United States and Canada, located at or near Calais, Houlton, and Vanceboro, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. NOTE: The purpose of this republication is to add flooring, and fuel blocks, to the commodity description. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 127304 (Sub-No. 4) (Amendment), filed May 28, 1969, published FEDERAL REGISTER, issue of June 19, 1969, amended July 1, 1969, and republished as amended this issue. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 North West Street, Valley Center, Kans. 67147. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dichlorodifluoromethane and monochlorodifluoromethane*, in containers and cylinders, and *plastic and plastic articles*, from Colwich, Kans., to points in the United States (except Alaska and Hawaii), and (2) *empty containers and cylinders*, from Philadelphia, Pa., and Columbus, Ohio, to Colwich, Kans., under contract with International Plastics, Inc. NOTE: The purpose of this republication is to add (2) above. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 128495 (Sub-No. 2), filed June 18, 1969. Applicant: AARID VAN LINES, INC., 1329–1337 South Hanover Street, Baltimore, Md. 21230. Applicant's representative: Anthony C. Vance, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Baltimore City, Md.; U.S. Naval training Center, Bainbridge, Md.; Army Chemical Center, Edgewood, Md., Aberdeen Proving Ground, Aberdeen, Md., and points in Lancaster and Chester Counties, Pa., and New Castle County, Del., and Kent County, Md., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states it intends to tack with its present authority at Baltimore, Md., and the military installations cited. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 128692 (Sub-No. 2), filed June 25, 1969. Applicant: HOWARD L. FRY, 2823 C Street, McKeesport, Pa. 15130. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing*, between Butler and the Borough of Springdale, Pa., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Ohio, and Wisconsin. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Keystone Pipe & Supply Co., of Butler, Pa.; Tubular Service Division and Keystone Pipe & Supply Co., of Springdale, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 129657 (Sub-No. 2), filed June 25, 1969. Applicant: KEN McCARVILLE DISTRIBUTING COMPANY, INC., 436 Rainbow Road, Spring Green, Wis. 53588. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and carbonated beverages*, from St. Louis, Mo., to Sturgeon Bay, Wis. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 129913 (Sub-No. 2), filed June 20, 1969. Applicant: W. C. DEAN, SR. TRUCKING, INC., 495 South Road, Poughkeepsie, N.Y. 12601. Applicant's representative: Albert Frederick, 62 Market Street, Poughkeepsie, N.Y. 12601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, between Wappingers Falls, N.Y., on the one hand, and, on the other, points in Dutchess, Orange, and Ulster Counties, N.Y., under contract with Western Electric Co., Inc., restricted to traffic having a prior or subsequent out-of-State movement. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany or New York, N.Y.

No. MC 133199 (Sub-No. 1) (Correction), filed June 16, 1969, published FEDERAL REGISTER issue of July 10, 1969, corrected and republished as corrected, this issue. Applicant: RAYMOND BARTLESON, doing business as COLORADO CONTRACT CARRIER, 1230 Seventh Street, Post Office Box 5703, Denver, Colo. 80217. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pickles and peppers*, in containers; (a) from Denver and Fort Collins, Colo., to points in Oklahoma, Kansas, Texas, and New Mexico; and (b) from Albuquerque, N. Mex., to Denver, Colo.; (2) *salt*, from Lyons and Hutchinson, Kans., to Fort Collins and Denver, Colo.; (3) *sugar*, from Hereford and Amarillo, Tex., to Denver and Fort Collins, Colo.; and (4) *glass jars*, from Ada, Muskogee, Sand Springs, Okmulgee, Okla., and Waco, Tex., to Denver and Fort Collins, Colo.; all under contract with Dreher Pickle Co., Denver, Colo. NOTE: The purpose of this republication is to reflect the correct docket number as MC 133199 (Sub-No. 1) in lieu of MC 133179 (Sub-No. 1) which was erroneously shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 133382 (Sub-No. 2), filed June 23, 1969. Applicant: JACQUES POULIOT, doing business as POULIOT TRANSPORT, St. Camille, Bellechasse County, Quebec, Canada. Applicant's representatives: Frank H. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184, and Donald J. Bourassa, 116 State Street, Augusta, Maine. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood shingles, and wood laths*, from ports of entry on the international boundary line between the United States and Canada, located at or near Jackman, Maine; Derby Line, Beecher Falls, Highgate Springs, and Norton Mills, Vt.; and Rouses Point, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Delaware, under a contract or continuing contracts with Clermont Pelletier, Longueuil, Chambly County, Quebec, Canada, restricted to traffic originating at points in Montmagny and L'Islet Counties, Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Augusta, Maine, or Boston, Mass.

No. MC 133579 (Sub-No. 1), filed July 7, 1969. Applicant: BENNETT FORD, a corporation, 47 West Sixth South, Salt Lake City, Utah 84101. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, damaged, stolen, repossessed, and abandoned vehicles, and replacements thereof*, together with *parts and cargo* related to such vehicles by use of wrecker equipment, between points in Utah, on the one hand, and on the other, points in Wyoming, Nevada, Utah, Idaho, California, and Colorado. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133706 (Sub-No. 1), filed June 30, 1969. Applicant: ROBERT L. HARROLD, 420 East Park Street, Taylorville, Ill. 62568. Applicant's representative: Melvin N. Routman, 308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements, grain drying and storage equipment, and component parts thereof*, from Taylorville, Ill., to points in Georgia, Iowa, Missouri, Minnesota, North Dakota, South Carolina, and Tennessee, for the account of Baughman-Oster, Inc., of Taylorville, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 133843 (Sub-No. 1), filed June 26, 1969. Applicant: ZENITH TRANSPORTATION CORPORATION, 5321 West State Street, Milwaukee, Wis. 53208. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Des Plaines and Rockford, Ill., to points in Rock, Green, Jefferson, Dane, Walworth, Racine, and Kenosha Counties, Wis., under contract with Consolidated Petroleum Corp. of Oshkosh, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 133845, filed June 23, 1969. Applicant: ANTHONY COLANGELO, doing business as COLE TRUCKING COMPANY, 200 West 16th Street, New York N.Y. 10015. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods;* (1) from piers located in the New York, N.Y., commercial zone as defined by the Commission and piers located in Port Newark and Port Elizabeth, N.J., to Paterson and Carstadt, N.J., restricted to shipments having a prior movement by water; and (2) from New York, N.Y., to Paterson and Carstadt, N.J., under contract with P. Kaufmann, Inc. NOTE: If a hearing is deemed necessary, applicant requests it held at New York, N.Y.

No. MC 133853 (Sub-No. 1), filed June 30, 1969. Applicant: COLUMBIA LEASE & RENTAL, INC., West 1527 Second Avenue, Spokane, Wash. 99204. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, from points in Spokane County, Wash., to points in Kootenai and Shoshone Counties, Idaho (with no transportation on return except for returned or rejected items) under contract with Spokane Dry Goods Co., doing business as "The Crescent", a department store. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 133874, filed July 1, 1969. Applicant: C. H. DAVENPORT, Rural Delivery No. 2, Catawissa, Pa. 17820. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Christmas trees*, balled and burlapped, or cut; *boughs, laurel roping, greens, and all products, natural or artificial* usually grown, manufactured, or sold by wholesale or retail nurserymen and florists; and *materials, supplies, or equipment* used in connection with or incidental to the growing, manufacturing, or selling of said products, when originating at or destined to such nurserymen, florists, or their dealers, manufacturers, or distributors, between points in Pennsylvania, on the one hand, and, on the other, points in the United States (including Alaska). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

APPLICATION OF WATER CARRIER

No. W-104 (Sub-No. 23) UNION BARGE LINE CORP., Extension—Upper Mississippi River Application, filed July 7, 1969. Applicant: UNION BARGE LINE CORPORATION, 1 Oliver Plaza, Pittsburgh, Pa. 15222. Applicant's representative: Peter A. Greene, Commonwealth Building, 1625 K Street NW., Washington, D.C. 20006. Application of Union Barge Line Corp., filed July 10, 1969, subject to Part III of the Interstate Commerce Act, for a revised certificate authorizing extension of its operations to include operations as a *common carrier* by water in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities*, and by towing vessels in the performance of general towage between ports and points along the Arkansas River and its tributaries, the Arkansas Post Canal, and the White River from the Arkansas Post Canal to its confluence with the Mississippi River, on the one hand, and, on the other, (1) Tampa, Fla., and (2) ports and points along (a) the Mississippi River, from its confluence with the Missouri River to and including Minneapolis, Minn., (b) the Minnesota River below and including Shakopee, Minn., (c) the St. Croix River below and including Stillwater, Minn., (d) the Illinois Waterway and connecting canals and waterways including points along Lake Michigan between Waukegan, Ill., and Michigan City, Ind., (e) the Cumberland River and its tributaries below and including Old Hickory, Tenn., and (f) the Tennessee River and its tributaries below and including Knoxville, Tenn.

APPLICATION OF FREIGHT FORWARDER

No. FF-374 (Correction), AUTOMOBILE RAIL FORWARDING CO., Freight Forwarder Application, filed May 26, 1969, published FEDERAL REGISTER, issue of June 12, 1969, and republished as corrected this issue. Applicant: AUTOMOBILE RAIL FORWARDING CO., a division of NORTHSHORE & CENTRAL ILLINOIS FREIGHT CO., a corporation, 6150 South East Avenue, Hodgkins, Ill. 60527. Applicant's representative: Edward P. Byrnes, Jr. (same address as applicant). Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit, authorizing applicant to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carrier by railroad and/or motor vehicle in the transportation of *motor vehicles* (automobiles), between points in Florida and Illinois. NOTE: The purpose of this republication is to show applicant's correct name, Automobile Rail Forwarding Co., in lieu of Auto Rail Forwarding Co.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 415), filed June 20, 1969. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round trip special operations, during the authorized racing season at the specified race tracks, beginning and ending at Irvington, N.J., and extending to Roosevelt Raceway, Westbury, N.Y., and Yonkers Raceway, Yonkers, N.Y. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction again tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 108204 (Sub-No. 3), filed June 26, 1969. Applicant: VANCOUVER TOURS AND TRANSIT LIMITED, doing business as VANCOUVER TOURS & TRANSIT LTD., 629 Derman Street, Vancouver 5, British Columbia, Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, between the ports of entry on the international boundary line between the United States and Canada located at Blaine, Lynden, Customs, and Oroville, Wash., on the one hand, and, on the other, points in Oregon, California, Nevada, Arizona, and Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 133858 (Sub-No. 1), filed July 1, 1969. Applicant: THE COTTER GARAGE CORPORATION, 8 Jewell Court, Hartford, Conn. 06105. Applicant's representative: Richard Goodman, Bailey and Wechsler, 266 Pearl Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter service in nonscheduled door-to-door service limited to the transportation of not more than six passengers in any one vehicle (not including driver), between points in Litchfield, Hartford, and Tolland Counties, Conn., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 42487 (Sub-No. 725), filed July 2, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: R. C. Stetson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, livestock, commodities injurious or contaminating to other lading, and household goods as defined by the Commission), between Liberal, Kans., and Flagstaff, Ariz., from Liberal over U.S. Highway 54 to Santa Rose, N. Mex., thence over U.S. Highway 66 to Flagstaff, and return over the same route, as an alternate route in connection with applicant's presently authorized regular route operations between Bucklin, Kans., and Phoenix, Tucson, and Douglas, Ariz., serving no intermediate points.

No. MC 129384 (Clarification), filed June 2, 1969, published in the FEDERAL REGISTER issue of June 26, 1969, and republished as clarified this issue. Applicant: BETHANY EXPRESS, INC., 616 South 22d Street, Bethany, Mo. 64424. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (A) between the junction of U.S. Highway 69 and Missouri Highway 6 and Bethany, Mo., serving all intermediate points and the junction of U.S. Highway 69 and Missouri Highway 6 as a point of joinder with carrier's otherwise authorized routes, without restriction, from the junction of U.S. Highway 69 and Missouri Highway 6, thence over Missouri Highway 6 to its junction with Missouri Highway 13, thence over Missouri Highway 13 to its junction with U.S. Highway 136, thence over U.S. Highway 136 to Bethany, Mo., and return over the same route; (B) between Bethany, Mo., and Yorktown, Iowa, serving all intermediate points and the off-route points of Corydon, Iowa; and Cainsville and Saline, Mo., from Bethany, Mo., over U.S. Highway 136 to Princeton, Mo., thence over U.S. Highway 65 to its junction with Iowa Highway 2, thence over Iowa Highway 2 to its junction with unnumbered highway, thence over unnumbered highway to Yorktown, Iowa, and return over the same route;

(C) Between Eagleville, Mo., and Leon, Iowa, serving all intermediate points and the off-route points of Saline and Cainville, Mo., serving Leon, Iowa, as a point of joinder with carrier's otherwise authorized routes, without restriction, from Eagleville, Mo., over U.S. Highway 69 to Leon, Iowa, and return over the same route; (D) between the junction of U.S. Highway 136 and U.S. Highway 169 and Mount Ayr, Iowa, serving all intermediate points and the off-route points of Worth and Denver, Mo., and serving the junction of U.S. Highway 136 and U.S. Highway 169 and Mount Ayr, Iowa, as points of joinder with carrier's otherwise authorized routes without restriction, from the junction of U.S. Highway 136 and U.S. Highway 169, over U.S. Highway 169, to Mount Ayr, Iowa, and return over the same route; (E) between Stanberry, Mo., and the junction of Missouri Highway 246 and Missouri Highway 46 serving all intermediate points and the off-route points of Conception and Conception Junction, Mo., and the junction of Missouri Highway 246 and Missouri Highway 46 as a point to joinder with carrier's otherwise authorized routes, without restriction, from Stanberry, Mo., over U.S. Highway 136 to its junction with Missouri Highway 46, thence over Missouri Highway 46 to its junction with Missouri Highway 246 and return over the same route; (F) between the junction of U.S. Highway 71 and Missouri Highway 27, and Bedford, Iowa, serving all intermediate points, and the junction of U.S. Highway 71 and Missouri Highway 27, and Bedford, Iowa, as points of joinder with carrier's otherwise authorized routes, without restriction, from the junction of U.S. Highway 71 and Missouri Highway 27 over Missouri Highway 27 to Iowa State line, thence over Iowa Highway 148 to Bedford, Iowa, and return over the same route;

(G) Between Hopkins, Mo., and the junction of Missouri Highway 46 and U.S. Highway 69 serving all intermediate points and the off-route points of Worth and Denver, Mo., and Athelston and Blockton, Iowa, and serving (a) Hopkins, Mo., (b) the junction of Missouri Highways 46 and 246; (c) Grant City, Mo.; and (d) the junction of Missouri Highway 46 and U.S. Highway 69 as points of joinder with carrier's otherwise authorized routes, without restriction, from Hopkins, Mo., over Missouri Highway 27 to its junction with Missouri Highway 246, thence easterly over Missouri Highway 246 to Grant City, Mo., thence over Missouri Highway 46 to its junction with U.S. Highway 69 and return over the same route; and (H) between points and places in the Kansas City, Mo.-Kans., commercial zone and Clarinda, Iowa, serving the intermediate point of St. Joseph, Mo. (restricted against service between the Kansas City, Mo.-Kans., commercial zone and St. Joseph, Mo.) and also serving Clarinda, Iowa, as a point of joinder with carrier's otherwise authorized routes, without restriction, from points and places in Kansas City, Mo., over Interstate Highway 29, to St. Joseph, Mo., thence over U.S. Highway 71 to Clarinda, Iowa, and return over the same route. NOTE: The purpose of this republication is to more clearly set forth the territorial scope of the application.

MC 26451 (Sub-No. 14), filed June 30, 1969. Applicant: INTERMOUNTAIN TRANSPORTATION COMPANY, a corporation, Nos. 7–9 Main Street, Anaconda, Mont. 59711. Applicant's representative: John L. McKeon, 124 Oak Street, Anaconda, Mont. 59711. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers*, in the same vehicle with passengers, between Great Falls and Billings, Mont.: From Great Falls over U.S. Highway 87 to Billings and return over the same route, serving all intermediate points. NOTE: Applicant states it intends to tack the sought authority with its presently held authority at Great Falls, Mont., to serve points in Montana and Idaho.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.
Acting Secretary.

[F.R. Doc. 69-8662; Filed, July 24, 1969; 8:45 a.m.]

[Notice 382]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 22, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71412. By order of July 14, 1969, the Motor Carrier Board approved the transfer to Robert Lukenbill, doing business as J & L Co., Spokane, Wash., of the operating rights in permit No. MC-124315 issued July 23, 1964, to Robert Lukenbill and Dwight Johnson, a partnership, doing business as J & L Co., Spokane, Wash., authorizing the transportation of bakery products, from Spokane, Wash., to Newport, Pullman, and Colville, Wash., and Wallace, Lewiston, Moscow, Plummer, Coeur d'Alene, Sandpoint, and Kellogg, Idaho; and returned and stale bakery products, from the specified destination points in Washington and Idaho to Spokane, Wash. Hugh A. Dressel, 702 Old National Bank Building, Spokane, Wash. 99201, attorney for applicants.

No. MC-FC-71465. By order of July 10, 1969, the Motor Carrier Board approved the transfer to Dover Moving & Storage, Inc., Dover, Del., of the certificate in No. MC-11168, issued November 30, 1961, to C. F. Schwartz, Inc., authorizing the transportation of general commodities and specified commodities from, to and between named points and areas in Maryland, Virginia, Pennsylvania, New Jersey, North Carolina, Georgia, Delaware, New York, and the District of Columbia. Wilmer A. Hill, 529 Transportation Building, Washington, D.C. 20006, attorney for applicants.

No. MC-FC-71481. By order of July 14, 1969, the Motor Carrier Board approved the transfer to L. E. Boling, Inc., Kewanee, Ill., of certificates Nos. MC-119583 and MC-119583 (Sub-No. 1) issued July 27, 1960, and March 6, 1962, respectively, to L. E. Boling, Kewanee, Ill., authorizing the transportation of cereal beverages, malt beverages, compressed gas, carbide, fresh and canned vegetables, canning machinery and equipment, roofing and building materials, and low-bed trailers, in initial movements, in truckaway service, and axles and brakes used in the manufacture of low-bed trailers, between and from and to, from various points in the United States, except Alaska and Hawaii. Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603, attorney for applicants.

No. MC-FC-71488. By order of July 10, 1969, the Motor Carrier Board approved the transfer to Osborne Trucking Co., Inc., Riverton, Wyo., of the operating rights in permit No. MC-127964 (Sub-No. 1) issued May 26, 1967, to John H. Osborne, doing business as Osborne Trucking Co., Riverton, Wyo., authorizing the transportation of cement, in bulk, from Montana City, Mont., and Devil's Slide, Utah, to Riverton, Wyo.; concrete pipe and precast concrete products, from Riverton, Wyo., to points in Colorado, Idaho, and Utah; and reinforcing steel mesh, reinforcing steel bars angle iron, steel bars, and steel channels, from Pueblo, Colo., to Riverton, Wyo. Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001, attorney for applicants.

No. MC-FC-71502. By order of July 10, 1969, the Motor Carrier Board approved the transfer to McConnell Van Lines, Inc., Hershey, Nebr., of a portion of certificate No. MC-18352, issued June 13, 1941, to Howard McConnell, Hershey, Nebr., authorizing the transportation of: Household goods, over irregular routes, between Hershey, Nebr., and points in Nebraska within 55 miles of Hershey, on the one hand, and, on the other, points in Colorado and Wyoming. Robert E. Roeder, Post Office Box 908, North Platte, Nebr. 69101, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8766; Filed, July 24, 1969; 8:51 a.m.]

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Civil Service Commission
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
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PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Special Assistant to the Deputy Assistant Secretary for Legislation (Health) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (15) is added to paragraph (f) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(f) *Office of the Assistant Secretary for Legislation.* * * *

(15) One Special Assistant to the Deputy Assistant Secretary for Legislation (Health).

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–8848; Filed, July 25, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 11]

PART 722—COTTON

Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton

TRANSFERS WHICH WOULD CREATE SMALL FARM ELIGIBILITY

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

The purpose of this amendment is to remove, for transfers to take effect for 1970, the requirement that county committees shall not approve a transfer where such transfer will create a small farm under the upland cotton program.

When the regulations for the 1970 upland cotton program (relating to price support and small farm payments) are issued, the definition of a "small farm" will exclude those farms from which allotment transfers made in 1970 would create farms that would otherwise be eligible for small farm benefits.

Since the period for filing applications for transfer to take effect for 1970 is from June 1, 1969 through December 31, 1969, it is essential that this amendment be made effective as soon as possible. It is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective upon filing with the Director, Office of the Federal Register.

Paragraph (m) of § 722.430 of the Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton of Part 722, Subchapter B of Chapter VII, Title 7 of the Code of Federal Regulations (33 F.R. 895 and 19823), is revoked.

(Secs. 344a, 375; 79 Stat. 1197, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344b, 1375)

Signed at Washington, D.C., on July 22, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–8822; Filed, July 25, 1969; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 384]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.684 Lemon Regulation 384.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 22, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 27, 1969, through August 2, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 302,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 24, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8857; Filed, July 25, 1969; 8:49 a.m.]

[Prune Reg. 7]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Washington-Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh prunes, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Washington-Oregon Fresh Prune Marketing Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of prunes from the production area are expected to begin on or about July 28, 1969. The grade requirements provided herein are necessary to prevent the handling, on and after July 28, 1969, of any prunes grading lower than the grade herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. The Brooks variety of prunes is excluded from regulation because (1) they are consumed in the areas in which they are produced because they are not suitable for shipment, and (2) production has been declining in recent years and is now quite insignificant. Individual shipments, not exceeding 500 pounds, of prunes of the Stanley or Merton varieties of prunes, subject to necessary safeguards, are excepted from these requirements because the production of these varieties is relatively small and those few which are produced are primarily consumed locally for home use and not for resale. Individual shipments, not exceeding 150 pounds, of any variety other than Stanley or Merton varieties of prunes sold for home use and not for resale, subject to necessary safeguards, are excepted from these requirements in that the quantity of prunes so handled is relatively inconsequential when compared with the total quantity handled, and because it would be administratively impractical to regulate the handling of such shipments due to the nearness of the source of supply.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 28, 1969. A reasonable determination as to the supply of, and the demand for, prunes must await the development of the crop and adequate information thereon was not available to the Washington-Oregon Fresh Prune Marketing Committee until July 15, 1969, recommendation as to the need for, and the extent of, regulation of shipments of such prunes was made at the meeting of said committee on July 15, 1969, after consideration of all available information relative to the supply and demand conditions for such prunes, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such prunes are expected to begin on or about the effective date hereof; this regulation should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 924.308 Prune Regulation 7.

(a) *Order.* (1) Prune Regulation 6 (33 F.R. 10736) is hereby terminated on July 28, 1969.

(2) During the period July 28, 1969, through July 31, 1970, no handler shall handle any lot of prunes, except prunes of the Brooks variety, unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(i) *Minimum grade requirement.* Such prunes grade at least U.S. No. 1: *Provided,* That any prunes having not less than two-thirds (⅔) of the surface with purplish color may be shipped if they otherwise grade at least U.S. No. 1.

(3) Notwithstanding any other provision of this regulation, any individual shipment which, in the aggregate, does not exceed 500 pounds, net weight, of prunes of the Stanley, or Merton varieties of prunes, or 150 pounds, net weight, of prunes of any variety other than Stanley, or Merton varieties of prunes, which meets each of the following requirements may be handled without regard to the restrictions of this paragraph, of § 924.41 (Assessments), and of § 924.55 (Inspection and certification):

(i) The shipment consists of prunes sold for home use and not for resale, and

(ii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(b) The term "U.S. No. 1" shall have the same meaning as when used in the U.S. Standards for Fresh Plums and Prunes (§ 51.1520–51.1538 of this title; 34 F.R. 5301); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (May 1954) and in the Oregon State Department of Agriculture Standards for Italian Prunes (July 1965); and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 23, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8858; Filed, July 25, 1969; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Rye Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Rye Loan and Purchase Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published at 34 F.R. 8290 and 9418 containing provisions for price support loans and purchases applicable to the 1969 crop of rye are amended as follows:

In § 1421.2855, paragraph (b) is amended to change the rates for certain counties in New Mexico. Also paragraph (b) is amended to establish a rate for Crosby County, Tex. Under the center heading "Texas" between the counties of Cottle and Dallam, add the following. Paragraph (b) is amended as follows:

§ 1421.2855 Support rates.

* * * * *

(b) *County support rates.* * * *

NEW MEXICO

County	Rate per bushel
Curry	$0.98
Harding	.94
Lea	.96
Quay	.98
Roosevelt	.97
Union	.96
All other counties	.90

* * * * *

TEXAS

County	Rate per bushel
Crosby	$0.98

* * * * *

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat .1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 18, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-8787; Filed, July 25, 1969; 8:46 a.m.]

[CCC Grain Price Support Regs., 1969 Crop Flaxseed Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Flaxseed Loan and Purchase Program

SUPPORT RATES, PREMIUMS, AND DISCOUNTS

The regulations issued by Commodity Credit Corporation which contain the basic price support rates for the 1969 crop of flaxseed, 34 F.R. 9059, are amended to establish a basic support rate of $2.52 per bushel for all counties in the State of Washington.

Section 1421.3068(b) is amended by inserting, between the listings for South Dakota and Wisconsin the following:

WASHINGTON

All counties	$2.52

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 17, 1969.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-8788; Filed, July 25, 1969; 8:46 a.m.]

PART 1446—PEANUTS

Subpart—1969 Crop Peanut Warehouse Storage Loans and Sheller Purchases

The General Regulations Governing 1967 and Subsequent Crop Peanut Warehouse Storage Loans and Sheller Purchases (32 F.R. 9950) and any amendments thereto (hereinafter called the General Regulations), which contain terms and conditions under which CCC will make warehouse storage loans on and sheller purchases of peanuts, are supplemented by revising §§ 1446.40–1446.44 and 1446.50–1446.52 to read as follows, effective as to the 1969 crop of peanuts. The material previously appearing in these sections remains in full force and effect as to the crops to which it was applicable.

WAREHOUSE STORAGE LOANS

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AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c. Interpret or apply secs. 101, 401, 63 Stat. 1051, as amended, 7 U.S.C. 1441, 1421.

WAREHOUSE STORAGE LOANS

§ 1446.40 Associations through which producers may obtain price support.

Eligible producers may obtain price support by means of warehouse storage loans on eligible 1969 crop farmers stock peanuts through, in the Southeastern area, GFA Peanut Association, Camillo, Ga.; Southwestern area, Southwestern Peanut Growers Association, Gorman, Tex.; and Virginia-Carolina area, Peanut Growers Cooperative Marketing Association, Franklin, Va.

§ 1446.41 Applicability.

The support prices specified in this section apply to 1969 crop farmers stock peanuts in bulk or in bags, net weight basis, eligible for price support advances under the General Regulations.

§ 1446.42 National average price.

The national average support price for 1969 crop peanuts is $247.50 per ton.

§ 1446.43 Average support prices by type.

The support prices by type per average grade ton of 1969 crop peanuts are:

Type	Dollars per ton
Virginia	$257.41
Runner	238.00
Southeast Spanish	249.37
Southwest Spanish	245.12
Valencia, suitable for cleaning and roasting	257.41

The price for Valencia type peanuts not suitable for cleaning and roasting will be the same as for Spanish type peanuts in the same area.

§ 1446.44 Calculation of support prices.

The support price per ton for 1969 crop peanuts of a particular type and quality shall be calculated on the basis of the following rates, premiums, and discounts (with no value being assigned to damaged kernels), except that the minimum support value for any lot of eligible peanuts of any type shall be 4 cents per pound of kernels in the lot:

(a) *Kernel value per net ton excluding loose shelled kernels.* (1) Price for each percent of sound mature and sound split kernels shall be:

Type	Dollars per ton
Virginia	$3.564
Runner	3.477
Southeast Spanish	3.516
Southwest Spanish	3.516
Valencia:	
Southwestern area—suitable for cleaning and roasting	3.921
Southwestern area—not suitable for cleaning and roasting	3.516
Areas other than Southwestern	3.516

(2) Price for each percent of other kernels:

All types	$1.40

(3) Premium for each 1 percent extra large kernels in Virginia type peanuts shall be 45 cents, except that no premium shall be applicable to any lot of such peanuts containing more than 7 percent damaged kernels.

(b) *Value of loose shelled kernels per pound.*

All types	$0.07

(c) *Damaged kernel discount.* For all types of peanuts, the discount per ton for damaged kernels shall be as follows:

Peanuts containing damaged kernels of—	Discount
1 percent	None
2 percent	$3.40
3 percent	7.00
4 percent	11.00
5 percent	25.00
6 percent	40.00
7 percent	60.00
8–9 percent	80.00
10 percent and over	100.00

(d) *Sound split kernel discount.* For all types of peanuts, the discount per ton for sound split kernels shall be as follows:

Peanuts containing sound split kernels of—	Discount
1 through 4 percent	None
5 percent	$1.00
6 percent	1.60

Plus 80 cents for each percent of sound split kernels in excess of 6 percent.

(e) *Foreign material discount.* The discount for each full 1 percent foreign material in excess of 4 percent and not over 10 percent shall be $1 per ton.

(f) *Price adjustment for peanuts sampled with other than a pneumatic sampler.* The support price for Virginia type peanuts sampled with other than a pneumatic sampler shall be reduced by $0.0025 per pound net weight including loose shelled kernels.

(g) *Mixed types discount.* Individual lots of farmers stock peanuts containing mixtures of two or more types in which there is less than 90 percent of any one type will be supported at a rate which is $10 per ton less than the support price applicable to the type in the mixture having the lowest support price.

(h) *Location adjustments to support prices.* Farmers stock peanuts delivered to the association for price support advances in the States specified, where peanuts are not customarily shelled or crushed, shall be discounted as follows:

(1) Arizona, $25 per ton.
(2) Arkansas, $10 per ton.
(3) California, $33 per ton.
(4) Louisiana, $7 per ton.
(5) Mississippi, $20 per ton.
(6) Missouri, $10 per ton.
(7) Tennessee, $25 per ton.

(i) *Virginia type peanuts.* Virginia type peanuts, to receive peanut price support as Virginia type, must contain 40 percent or more "fancy" size peanuts, as determined by a presizer with the rollers set at $^{34}/_{64}$ inch space. Virginia type peanuts so determined to contain less than 40 percent "fancy" size peanuts will be supported (but not classed) as though they were Runner type.

(j) *Bradford peanuts.* Bradford Big Boy (or Victor Bradford) peanuts will be supported at 50 percent of the support price for Virginia type peanuts of the same quality, with no premium for extra large kernels.

SHELLER PURCHASES

§ 1446.50 Eligible sheller—filing time.

To be eligible to sell 1969 crop peanuts to CCC under this subpart, the sheller shall file with the association not later than February 28, 1970, or such later date as may be approved by CCC, the notice of participation required under § 1446.11 (a).

§ 1446.51 Period of offering.

Unless a later date is approved in writing by CCC, written offers to sell 1969 crop peanuts to CCC, on the form prescribed by CCC, may be filed with the association from time of harvest through:

(a) July 31, 1970, for shelled peanuts not U.S. grade described in § 1446.52(c), and for farmers stock peanuts described in § 1446.52(d).

(d) October 31, 1970, for U.S. grade shelled peanuts described in § 1446.52(b).

§ 1446.52 CCC purchases of eligible peanuts and prices.

(a) *Basis of purchase.* Except as otherwise provided in § 1446.13 of the General Regulations, CCC will purchase from eligible shellers 1969 crop peanuts which meet the specifications contained in this section. The peanuts will be purchased on the basis of the net weight determined at the time of delivery and the prices specified in paragraphs (b), (c), and (d) of this section. CCC will also pay a carrying charge for farmers stock and U.S. grade shelled peanuts which are delivered to CCC after November 1969 in the Southeastern area, and December 1969 in the Southwestern and Virginia-Carolina areas. The carrying charge will commence on December 1, 1969, in the Southeastern area, and January 1, 1970, in the Southwestern and Virginia-Carolina areas, and will accrue at the rate of (1) $1.40 per ton net weight per calendar month or fraction thereof for U.S. grade shelled peanuts, but shall not exceed a total of $7 per ton net weight, and (2) $1 per ton net weight per calendar month or fraction thereof for farmers stock peanuts but shall not exceed a total of $5 per ton net weight.

(b) *U.S. grade shelled peanuts.*

(1) U.S. No. 1 (all types)—18.80 cents per pound.
(2) U.S. Extra Large Virginia—22.40 cents per pound.
(3) U.S. Medium Virginia—20.10 cents per pound.
(4) U.S. Splits (all types)—18.30 cents per pound.

U.S. grade shelled peanuts shall meet the U.S. Standards for such peanuts, except that they shall not contain more than 1.25 percent damaged or unshelled kernels other than minor defects and not more than 2 percent total damaged or unshelled and minor defects.

(c) *Shelled peanuts—not U.S. grade.*

(1) No. 1 size; i.e., ride U.S. No. 1 screens—18.00 cents per pound.

(2) Large whole kernels which will not pass through screens with the following size openings—17.20 cents per pound:

Virginia	14/64" x 1" slot.
Runner	14/64" x ¾" slot.
Spanish	13/64" x ¾" slot.

(3) Large split kernels (i.e., separated halves) which will not pass through screens with the following size openings—17.70 cents per pound:

Virginia	17/64" round.
Runner	17/64" round.
Spanish	16/64" round.

(4) Small whole kernels which will not pass through screens with the following size openings—12.60 cents per pound:

Virginia	12/64" x 1" slot.
Runner	12/64" x ¾" slot.
Spanish	11/64" x ¾" slot.

(5) In addition to the other prices specified in this paragraph (c), CCC shall pay the sheller for "fall through" not exceeding 3 percent at the rate of 6 cents per pound. "Fall through" means all kernels or portions thereof which will pass through screens with the following size openings:

	Whole kernels	Splits and portions
Virginia	$^{13}/_{64}$" x 1" slot	$^{17}/_{64}$" round.
Runner	$^{13}/_{64}$" x ¾" slot	$^{17}/_{64}$" round.
Spanish and Valencia	$^{13}/_{64}$" x ¾" slot	$^{16}/_{64}$" round.

(6) Quality conditions: Any lot of shelled peanuts of the sizes described in subparagraphs (1) through (4) of this paragraph (c) shall not contain more than (i) 4 percent damaged or unshelled kernels other than minor defects, (ii) 8 percent total damaged or unshelled and minor defects, (iii) 9 percent moisture in the Southeastern and Southwestern areas, or 10 percent moisture in the Virginia-Carolina area, (iv) 6 percent "fall through," as defined in subparagraph (5) of this paragraph (c) (but CCC will not pay for any "fall through" in excess of 3 percent), and (v) 2 percent foreign material. The peanuts in any bag(s) in any lot of such peanuts shall also meet the quality conditions set forth above in this subparagraph (6). If a sheller offers to CCC any lot of such peanuts which contains peanuts of different sizes (i.e., No. 1 size, large whole, small whole, or large split kernels) bagged separately, the sheller (i) shall mark or tag each bag in the lot to show the size of the peanuts therein, and (ii) shall stack the bags of each size of peanuts separately to make them readily available for sampling.

(7) The prices specified for shelled peanuts described in this paragraph (c) shall be discounted (i) for damaged and unshelled kernels and minor defects at the rates prescribed in the table appearing at the end of this subpart, (ii) for foreign material at the rate of one-tenth of 1 cent per pound for each full one-tenth of 1 percent by which the foreign material is in excess of 1 percent, and (iii) for aflatoxin, in lots containing more than 30 parts per billion, at the rate of 1.25 cents per net pound. The sheller shall cause a representative sample of each lot of peanuts to be drawn by an inspector and sent for aflatoxin assay to a CCC-approved laboratory. The sheller may at his option cause two additional samples from the lot to be drawn at the same time and in the same manner as the first sample. The assay results of the first sample shall be final, except that if such results show the lot to contain more than 30 parts per billion of aflatoxin and the sheller has exercised his option to have the two additional samples drawn, the sheller may send the additional samples to be assayed, in which event results of the three assays shall be averaged to determine the aflatoxin content. The sheller shall pay the laboratory for such assay(s); however, CCC will reimburse the sheller for the cost of the assay of one sample only on each lot of peanuts delivered to and accepted by CCC.

(d) *Farmers stock peanuts.* Farmers stock support price, outweight-outgrade basis, plus $6 per net ton.

DISCOUNT SCHEDULE FOR 1969-CROP SHELLED PEANUTS

(Cents per pound deduction)

Percent damage of unshelled	Percent minor defects											
	0-1.4	1.5-1.9	2.0-2.4	2.5-2.9	3.0-3.4	3.5-3.9	4.0-4.4	4.5-4.9	5.0-5.4	5.5-5.9	6.0-6.4	6.5-8.0
0-1.0		0.05	0.11	0.17	0.23	0.29	0.36	0.43	0.51	0.60	0.69	1.00
1.1	0.04	.09	.15	.21	.27	.33	.40	.47	.55	.64	.73	1.04
1.2	.08	.13	.19	.25	.31	.37	.44	.51	.59	.68	.77	1.08
1.3	.12	.17	.23	.29	.35	.41	.48	.55	.63	.72	.81	1.12
1.4	.16	.21	.27	.33	.39	.45	.52	.59	.67	.76	.85	1.16
1.5	.20	.25	.31	.37	.43	.49	.56	.63	.71	.80	.89	1.20
1.6	.24	.29	.35	.41	.47	.53	.60	.67	.75	.84	.93	
1.7	.28	.33	.39	.45	.51	.57	.64	.71	.79	.88	.97	
1.8	.32	.37	.43	.49	.55	.61	.68	.75	.83	.92	1.01	
1.9	.36	.41	.47	.53	.59	.65	.72	.79	.87	.96	1.05	
2.0	.40	.45	.51	.57	.63	.69	.76	.83	.91	1.00	1.09	
2.1	.46	.51	.57	.63	.69	.75	.82	.89	.97	1.06		
2.2	.53	.58	.64	.70	.76	.82	.89	.96	1.04	1.13		
2.3	.61	.66	.72	.78	.84	.90	.97	1.04	1.12	1.21		
2.4	.70	.75	.81	.87	.93	.99	1.06	1.13	1.21	1.30		
2.5	.80	.85	.91	.97	1.03	1.09	1.16	1.23	1.31	1.40		
2.6	.90	.95	1.01	1.07	1.13	1.19	1.26	1.33	1.41			
2.7	1.00	1.05	1.11	1.17	1.23	1.29	1.36	1.43	1.51			
2.8	1.10	1.15	1.21	1.27	1.33	1.39	1.46	1.53	1.61			
2.9	1.20	1.25	1.31	1.37	1.43	1.49	1.56	1.63	1.71			
3.0	1.30	1.35	1.41	1.47	1.53	1.59	1.66	1.73	1.81			
3.1	1.40	1.45	1.51	1.57	1.63	1.69	1.76	1.83				
3.2	1.50	1.55	1.61	1.67	1.73	1.79	1.86	1.93				
3.3	1.60	1.65	1.71	1.77	1.83	1.89	1.96	2.03				
3.4	1.70	1.75	1.81	1.87	1.93	1.99	2.06	2.13				
3.5	1.80	1.85	1.91	1.97	2.03	2.09	2.16	2.23				
3.6	1.90	1.96	2.01	2.07	2.13	2.19	2.26					
3.7	2.00	2.05	2.11	2.17	2.23	2.29	2.36					
3.8	2.10	2.15	2.21	2.27	2.33	2.39	2.46					
3.9	2.20	2.25	2.31	2.37	2.43	2.49	2.56					
4.0	2.30	2.35	2.41	2.47	2.53	2.59	2.66					

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 17, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-8748; Filed, July 25, 1969; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 56—SWINE DESTROYED BECAUSE OF HOG CHOLERA

Payment of Indemnities

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a, 114g, 115, 117, 120, 121, 123–126, and 134b), § 56.1(h) of Part 56, Title 9, Code of Federal Regulations, relating to the payment of indemnity for swine destroyed because of hog cholera, is hereby amended to read as follows:

§ 56.1 Definitions.

* * * * *

(h) *Inbred or hybrid swine.* Any breeding swine upon which a certificate of registration has been issued by Inbred Livestock Registry Association or Farmers Hybrid Cos., Inc., or Lucie Hybrid Hog Farms.

(Secs. 3–5, 23 Stat. as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended, 75 Stat. 481, 76 Stat. 129–132; 21 U.S.C. 111–113, 114, 114a, 114g, 115, 117, 120, 121, 123–126, 134b)

The foregoing amendment adds Lucie Hybrid Hog Farms to the list of those swine associations whose certificates of registration are recognized by the Division for the purpose of payment of indemnity for swine slaughtered at the established rate used for purebred and inbred and hybrid swine.

The amendment will be of benefit to affected persons as it will facilitate the payment of indemnity claims for hybrid and inbred swine destroyed because of hog cholera. Accordingly, under the administrative procedure provisions (5 U.S.C. 553) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of July 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-8795; Filed, July 25, 1969; 8:46 a.m.]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e) is amended to read as follows:

§ 76.2 Notices relating to existence of hog cholera; prohibition of movement of virulent virus; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

* * * * *

(e) *Notice of quarantine.* Notice is hereby given that because of the existence of hog cholera in the Delmarva Peninsula comprised of portions of the States of Delaware, Maryland, and Virginia and the nature and extent of outbreaks of this disease, the following portions of such States are hereby quarantined because of said disease:

(1) *Delaware.* That portion of the State of Delaware lying south of the Chesapeake and Delaware Canal and north and east of the Delaware-Maryland State line.

(2) *Maryland.* That portion of the State of Maryland lying south of the Chesapeake and Delaware Canal, east of the Chesapeake Bay, and north of the Maryland-Virginia State line.

(3) *Virginia.* That portion of the State of Virginia lying east of the Chesapeake Bay and south of the Maryland-Virginia State line.

2. In § 76.2 paragraph (f) is amended by deleting the references to "Delaware" and "Maryland".

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792 as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115 117, 120, 121, 123–126, 134b, 134h; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine portions of the States of Delaware, Maryland, and Virginia which comprise the Delmarva Peninsula because of the existence of hog cholera. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such portions of those States.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of July 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-8786; Filed, July 25, 1969; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. G, T, U]

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

PART 220—CREDIT BY BROKERS AND DEALERS

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

Adoption of Forms

1. The Board of Governors has adopted the following new and revised forms for use by banks, brokers and dealers, and other persons in fulfilling certain requirements of Parts 207, 220, and 221 of Title 12 (Regulations G, T, and U) that became effective July 8, 1969.[1]

a. Registration Statement for Persons Other Than Commercial Banks and Brokers That Extend Credit Secured by Margin Securities (Federal Reserve Form G-1).

b. Deregistration Statement for Persons Registered Pursuant to Regulation G (Federal Reserve Form G-2).

c. Statement of Purpose of an Extension of Credit by a Person Subject to Registration Under Regulation G Secured by Margin Securities (Federal Reserve Form G-3).

d. Quarterly Report (Federal Reserve Form G-4).

e. Statement of Purpose of an Extension of Credit by a Creditor (Federal Reserve Form T-4).

f. Statement of Purpose of a Stock Secured Extension of Credit by a Bank (Federal Reserve Form U-1).

[1] A copy of each form is filed as a part of the original document. Copies are available upon request to the Board of Governors of the Federal Reserve System or any Federal Reserve Bank after July 18, 1969.

g. Statement of Purpose of an Extension of Credit Under Section 221.3(w) of Federal Reserve Regulation U (Federal Reserve Form U-2).

2. General notice of the proposed rule making with respect to Parts 207, 220, and 221 was published in the FEDERAL REGISTER of February 15, 1969 (34 F.R. 2257, 2261, and 2268), and notice of adoption thereof in the FEDERAL REGISTER of June 11, 1969 (34 F.R. 9191, 9196, and 9203). The adoption of these forms implements certain requirements of such regulations as revised by the Board, effective July 8, 1969.

Dated at Washington, D.C., this 18th day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8769; Filed, July 25, 1969; 8:45 a.m.]

[Reg. Z, Supp. II]

PART 226—TRUTH IN LENDING

Procedures and Criteria for State Exemption From Federal Law

1. Effective July 1, 1969, Supplement II to Part 226 is added as set forth below.

2. On April 9, 1969, notice of proposed rule making regarding Supplement II to Part 226 (Regulation Z) was published in the FEDERAL REGISTER (34 F.R. 6295). Supplement II is incorporated by reference in § 226.12(b) and contain procedures and criteria to be followed by a State seeking an exemption from the Federal Act on the basis of a determination by the Board that under its law a class or classes of credit transactions are subject to requirements substantially similar to the requirements of Chapter 2 of the Federal Truth in Lending Act (15 U.S.C. 1631-1641) and that there is adequate provision for enforcement.

3. After consideration of all such relevant matter presented by interested persons, in addition to editorial and minor structural changes, the following substantive changes have been made in the proposals as published in the notice of proposed rule making:

a. Requirements relating to the submission of documents to support an application were broadened to include information concerning fiscal arrangements for administrative enforcement, the number and qualification of personnel, and procedures for enforcement including enforcement with respect to federally chartered creditors. In this connection although a class of transactions in general may be granted an exemption, federally chartered institutions otherwise included within the class may be treated as a separate class subject to the Federal Act unless appropriate arrangements have been made with Federal authorities to assure effective enforcement of the requirements of State law.

b. Classes of transactions subject to exemption were broadened to include any significant class of credit transactions which is determined by the Board to be readily susceptible to treatment as a separate class of transactions consistent with the purpose of the Act and without undue likelihood of impairing enforcement.

c. The final version of the supplement clarifies the fact that State classes of transactions must encompass all transactions within the dollar amount limits set in the Federal Act. Additionally the supplement makes it clear that no class of transactions which normally involves a security interest in real property which the customer uses or expects to use as his principal residence will be exempted unless that class of transactions is subject to the right of rescission under State law as provided under section 125 of the Federal Act. Classes of transactions which normally do not involve such security interests may be conditionally exempted although not subject to a State right of rescission provided that any transaction within the class which does involve such security interest remains subject to section 125 of the Federal Act.

d. The procedure for consideration of an application has been modified to provide notice in the FEDERAL REGISTER of the filing of any application in advance of Board determination as to possible exemption. A copy of the application will be available for examination at the Board and the Federal Reserve Bank of each Federal Reserve District in which any part of the applicant State is situated.

e. Provision for procedures to be followed in the event of an adverse determination on an exemption are included in the supplement, and procedures for revocation of exemption are expanded.

4. The Board found that the rules contained in Supplement II are essentially procedural in nature. Accordingly, the provisions of section 553 of title 5, United States Code, relating to deferred effective date with respect to changes in substantive rules, were not followed in promulgating this supplement.

(15 U.S.C. 1633)

Dated at Washington, D.C., this 1st day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

SUPPLEMENT II TO REGULATION Z

PROCEDURES AND CRITERIA UNDER WHICH ANY STATE MAY APPLY FOR EXEMPTION PURSUANT TO PARAGRAPH (A) OF § 226.12

(a) *Application.*—Any State may make application to the Board, pursuant to the terms of this supplement and the Board's Rules of Procedure (12 CFR 262), for a determination that, under the laws of that State,[1] any class

[1] Any reference to State law in Supplement II includes a reference to any regulations which implement State law and formal interpretations thereof.

of transactions[2] within that State is subject to requirements substantially similar to those imposed under Chapter 2 of the Act[3] and that there is adequate provision for enforcement of such requirements. Such application shall be:

(1) Made by letter addressed to the Board signed by the Governor, the Attorney General, or any official of the State having responsibilities under the State laws which are applicable to that class of transaction and supported by the documents specified in paragraph (b); and

(2) Made with respect to any class of transactions described in subparagraph (c) (1) under which creditors extend or arrange to extend, or in connection with which creditors offer to extend or offer to arrange to extend, consumer credit within that State.

(b) *Supporting documents.* The application shall be accompanied by:

(1) A copy of the full text of the laws of the State which are claimed by the applicant to impose requirements substantially similar to those imposed under Chapter 2 of the Act with respect to the class of transactions within that State.

(2) A comparison of each requirement of State law with the corresponding requirement of Chapter 2 of the Act, together with reasons to support the claim that applicable requirements of State law are substantially similar to all requirements imposed under Chapter 2 of the Act (including the provisions of § 125) with respect to that class of transactions, and to demonstrate that any differences are not inconsistent with the requirements of Chapter 2 of the Act and that there are no other effective State laws which are inconsistent with the requirements of Chapter 2 of the Act with respect to that class of transactions.

(3) A copy of the full text of the laws of the State which provide for enforcement of the State laws referred to in subparagraph (1) of this paragraph.

(4) A comparison of the provisions of State law with the provisions of §§ 108, 112, 130, and 131 of the Act, together with reasons to support the claim that such State laws provide for:

(i) Administrative enforcement of the State laws referred to in subparagraph (1) of this paragraph which is tantamount to the provisions for enforcement under § 108 of the Act;

(ii) Criminal liability for willful and knowing violation with penalties substantially similar to those prescribed under § 112 of the Act;

(iii) Civil liability for failure to make required disclosures substantially similar to those provided under §§ 130 and 131 of the Act, except that more severe penalties may be provided; and

(iv) A statute of limitations that prescribes a period, with respect to civil liability actions, of substantially similar duration as that provided under paragraph (e) of § 130 of the Act.

(5) A statement identifying the office designated or to be designated to administer the State laws referred to in subparagraph (1) of this paragraph, together with complete information regarding the fiscal arrangements for administrative enforcement (including the amount of funds available or to be provided), the number and qualification of personnel engaged therein, and a description of the procedures under which such State laws are to be administratively enforced, including administrative enforcement with respect to federally chartered creditors.[4] The foregoing statement should include reasons to support the claim that there is adequate provision for enforcement of such State laws.

(c) *Criteria for determination.* The Board will consider the following criteria along with any other relevant information in making a determination of whether the laws of a State impose requirements substantially similar to those imposed under Chapter 2 of the Act with respect to any class of transactions within that State, and whether there is adequate provision for enforcement of such laws:

(1) A class of transactions shall be:

(i) Transactions under open end consumer credit plans which are subject to the requirements of § 127 of the Act;

(ii) Consumer credit sale transactions not under open end credit plans which are subject to the requirements of § 128 of the Act;

(iii) Consumer loan transactions not under open end credit plans which are subject to the requirements of § 129 of the Act; or

(iv) Any significant class of credit transactions which is determined by the Board to be readily susceptible to treatment as a separate class of transactions consistent with the purpose of the Act and without undue likelihood of impairing enforcement. Such class of credit transactions may be identified by reference to the type of creditor or the type of subject matter of the transaction, or both.

(2) In order for requirements of State law to be substantially similar to requirements imposed under Chapter 2 of the Act, the provisions of State law[5] shall require that:

(i) Definitions and rules of construction, as applicable, import the same meaning and have the same application as those prescribed under § 226.2;

(ii) Each class of transactions shall include all consumer credit transactions in that class in which a security interest in real property is or will be retained or acquired irrespective of the amount financed, but may exclude other transactions where the amount financed exceeds $25,000;

(iii) Creditors make required disclosures and deliver required notices in form, content, and terminology as prescribed in this part; however, references to Federal law in the form of notice required under § 226.9(b) may be changed so as to refer to State law;

(iv) Creditors make disclosures of the finance charge determined as prescribed under § 226.4;

(v) Creditors make disclosures of the annual percentage rate determined as prescribed under § 226.5;

(vi) Customers shall have a right to rescind certain transactions as provided under § 125 of the Act and shall also be afforded remedies in event of rescission as provided under that section;[6]

(vii) Creditors make delivery of required disclosures and notices in the circumstances and at a time no later than as prescribed under §§ 226.7, 226.8, and 226.9, as applicable;

(viii) If the Comparative Index of Credit Cost is permitted or required to be disclosed, it is determined and disclosed as prescribed under § 226.11; and

(ix) Creditors comply with general disclosure requirements prescribed in accordance with paragraphs (a), (d), (e), and (i) of § 226.6, and any provision in State law which permits the supplying of additional information or explanations shall be subject to restrictions as provided under the first sentence of § 226.6(c).

(3) In determining whether provision for enforcement of State law referred to in subparagraph (1) of paragraph (b) is adequate, consideration will be given to the extent to which, under the laws of the State, provision is made for:

(i) Administrative enforcement, including necessary facilities, personnel and funding;

(ii) Criminal liability for willful and knowing violation with penalties substantially similar to those prescribed under § 112 of the Act;

(iii) Civil liability for failure to make required disclosures substantially similar to those provided under §§ 130 and 131 of the Act, except that more severe penalties may be provided; and

(iv) A statute of limitations with respect to civil liability of substantially similar duration as that provided under § 130 of the Act.

(d) *Public notice of filing and proposed rule making.* In connection with any application which has been filed in accordance with the requirements of paragraphs (a) and (b), notice of such filing and proposed rule making will be published by the Board in the FEDERAL REGISTER, and a copy of such application will be made available for examination by interested persons during business hours at the Board and at the Federal Reserve Bank of each Federal Reserve District in which any part of the State of the applicant is situated. A period of time will be allowed from the date of such publication for the Board to receive written comments from interested persons with respect to that application.

(e) *Exemption from requirements of Chapter 2.* If the Board determines on the basis of the information before it that under the law of a State any class of transactions is subject to requirements substantially similar to those imposed under Chapter 2 of the Act and that there is adequate provision for enforcement, the Board will exempt such class

[2] References to "class of transactions" in Supplement II, as applicable, include two or more of such classes of transactions.

[3] Any reference to Chapter 2 of the Act or any section thereof in Supplement II includes a reference to the implementing provisions of this part and the Board's formal interpretations thereof.

[4] All transactions within an exempt class of transactions in which a federally chartered institution is a creditor shall be treated as a separate class of transactions not subject to the exemption, and such federally chartered creditors shall remain subject to the requirements of the Act and administrative enforcement by the appropriate Federal authority under § 108 of the Act, unless it is established to the satisfaction of the Board that appropriate arrangements have been made with such Federal authorities to assure effective enforcement of the requirements of State laws with respect to such creditors.

[5] This paragraph is not to be construed as indicating that the Board would consider adversely any additional requirements of State law which are not inconsistent with the purpose of the Act or the requirements imposed under Chapter 2 of the Act.

[6] No class of transactions which normally involves a security interest in real property which the customer uses or expects to use as his principal residence will be exempted unless that class of transactions is subject to the right of rescission under State law as provided under § 125 of the Act. However, any other class of transactions which in the opinion of the Board does not normally involve any such security interest may be conditionally exempted although it is not subject to the right of rescission under State law, the conditon being that those transactions within the class which do involve any such security interest shall remain subject to the provisions of § 125 of the Act. In such cases, the right to rescind shall exist until midnight of the third business day following the date of consummation of that transaction or the date of delivery of the disclosures required under § 226.9 and all other material disclosures required under State law, whichever is later.

of transactions in that State from the requirements of Chapter 2 of the Act in the following manner and subject to the following conditions:

(1) Notice of the exemption will be published in the FEDERAL REGISTER, and the Board will furnish a copy of such notice to the official who made application for such exemption and to each Federal authority responsible for administrative enforcement of the requirements of Chapter 2 of the Act.

(2) The appropriate official of any State which receives an exemption shall inform the Board within 30 days of the occurrence of any change in its related law (or regulations). The report of any such change shall contain copies of the full text of that change together with statements setting forth the information and opinions with respect to that change as specified in subparagraphs (2) and (4) of paragraph (b). The appropriate official of any State which has received an exemption shall file with the Board from time to time such reports as the Board may require.

(3) The Board will inform the appropriate official of any State which receives an exemption of any subsequent amendments of Chapter 2 of the Act (including the implementing provisions of this part and the Board's formal interpretations) which might call for amendment of State law, regulations, or formal interpretations.

(f) *Adverse determination.* (1) If after publication of notice in the FEDERAL REGISTER as provided under paragraph (d) the Board finds on the basis of the information before it that it cannot make any favorable determination in connection with the application, the Board will notify the appropriate State official of the facts upon which such findings are based and shall afford that State a reasonable opportunity to demonstrate or achieve compliance.

(2) If, after having afforded the State such opportunity to demonstrate or achieve compliance, the Board finds on the basis of the information before it that it still cannot make any favorable determination in connection with the application, the Board will publish in the FEDERAL REGISTER a notice of its decision with respect to such application and will furnish a copy of such notice to the official who made application for such exemption.

(g) *Revocation of exemption.* (1) The Board reserves the right to revoke any exemption if at any time it determines that the State law does not in fact impose requirements which are substantially similar to those imposed under Chapter 2 of the Act or that there is not in fact adequate provision for enforcement.

(2) Before revoking any State exemption, the Board will notify the appropriate State official of the facts or conduct which in the opinion of the Board warrant such revocation and shall afford that State such opportunity as the Board deems appropriate in the circumstances to demonstrate or achieve compliance.

(3) If, after having been afforded the opportunity to demonstrate or achieve compliance, the Board determines that the State has not done so, notice of the Board's intention to revoke such exemption shall be published as a notice of proposed rule making in the FEDERAL REGISTER. A period of time will be allowed from the date of such publication for the Board to receive written comments from interested persons with respect to the proposed rule making.

(4) In the event of revocation of such exemption, notice of such revocation shall be published by the Board in the FEDERAL REGISTER, and a copy of such notice shall also be furnished to the appropriate State official and to the Federal authorities responsible for enforcement of requirements of Chapter 2 of the Act, and the class of transactions affected within that State shall then be subject to the requirements of Chapter 2 of the Act and subject to administrative enforcement as provided under § 108 of the Act.

[F.R. Doc. 69-8770; Filed, July 25, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-CE-13-AD; Amdt. 39-806]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 99 Series Airplanes

An airworthiness directive was adopted on July 11, 1969, and made effective immediately as to all known owners of Beech Model 99 series airplanes. The Beech Model 99 series airplanes include the Beech Models 99 and 99A airplanes. This airworthiness directive was issued because recent investigations have established that cracks may exist in the elevator torque tubes in these model airplanes. Failure of these tubes can result in the airplane being uncontrollable. In order to prevent this condition the directive requires before further flight and thereafter at 100 hour intervals on all Beech Model 99 series airplanes with 500 or more hours' time in service and to other Beech Model 99 series airplanes when 500 hours' time in service is accrued, removal of both aluminum elevator torque tubes and inspection of the entire tubes for cracks utilizing dye-penetrant or zyglo inspection methods. If cracks are found, the elevator torque tubes must be replaced with Beech P/N 115-610010-191 steel torque tubes. Both elevator torque tubes must be replaced with Beech P/N 115-610010-191 steel torque tubes within 300 hours' of the initial inspection. In addition, the airworthiness directive requires that notification, in writing, will be given to the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, of all cracks found on inspections made pursuant to this airworthiness directive.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed in making the airworthiness directive effective immediately as to the owners of Beech Models 99 and 99A airplanes by individual telegrams dated July 11, 1969. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BEECH. Applies to all Models 99 and 99A (Serial Nos. U-1 through U-128) airplanes with 500 or more hours' time in service and to other Models 99 and 99A (Serial Nos. U-1 through U-128) airplanes when 500 hours' time in service is accrued.

Compliance: Required as indicated, unless already accomplished.

To prevent possible loss of elevator control, accomplish the following:

(a) Before further flight, remove both aluminum elevator torque tubes and inspect the entire tubes for cracks utilizing dye-penetrant or zyglo inspection methods. If cracks are found, replace the elevator torque tubes with Beech P/N 115-610010-191 steel torque tubes. To accomplish this inspection, the airplane may be flown in accordance with FAR 21.197 to a base where the inspection can be performed.

(b) The inspection required by paragraph (a) must be repeated each 100 hours' time in service after the initial inspection and if cracks are found the tubes must be replaced as provided in paragraph (a).

(c) Both elevator torque tubes must be replaced with Beech P/N 115-610010-191 steel torque tubes within 300 hours' of the initial inspection.

(d) When the replacement described in this Airworthiness Directive has been accomplished, the inspections required by this Airworthiness Directive are no longer required.

(e) Notification, in writing, will be given the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, of all cracks found on inspections pursuant to this airworthiness directive. (Reporting approved by the Bureau of the Budget under BOB No. 04-R0174.)

This amendment becomes effective July 26, 1969, for all persons except those to whom it was made effective by telegram dated July 11, 1969.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421 and 1423, and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 18, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-8779; Filed, July 25, 1969; 8:46 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1221—NASA OFFICIAL SEAL, INSIGNIA, OFFICIAL ASTRONAUT BADGES AND FLAGS

1. Part 1221: The title of part and the text is revised in its entirety as follows:

Sec.
1221.100 Scope.
1221.101 Establishment of the NASA Seal.
1221.102 Establishment of the NASA Insignia.
1221.103 Establishment of official NASA Astronaut Badges.
1221.104 Policy.
1221.105 The official NASA Flag.
1221.106 Administrator's, Deputy Administrator's, and Associate Administrator's Flags.
1221.107 Compliance and enforcement.
1221.108 Illustration of the NASA Seal.
1221.109 Illustration of the NASA Insignia.

AUTHORITY: The provisions of this Part 1221 issued pursuant to 42 U.S.C. 2472(a) and 2473(b)(1).

§ 1221.100 Scope.

This part sets forth the policy governing the use of the official National Aeronautics and Space Administration (NASA):

(a) Seal,
(b) Insignia,
(c) Astronaut Badges, and
(d) Flags.

§ 1221.101 Establishment of the NASA Seal.

The official NASA Seal, as illustrated in § 1221.108, was established by Executive Order 10849 (24 F.R. 9559), November 27, 1959, as amended by Executive Order 10942 (24 F.R. 4419), May 22, 1961. The NASA Seal, established by the President, is the official Seal of the Agency and symbolizes the achievements and goals of NASA and the United States in aeronautical and space activities.

§ 1221.102 Establishment of the NASA Insignia.

(a) The NASA Insignia, as illustrated in § 1221.109, was designed by the Army Institute of Heraldry, and approved by the Commission on Fine Arts and the NASA Administrator. It symbolizes NASA's role in aeronautics and space, and is to be used in matters of a general and less formal nature than those reserved for the NASA Seal. Any change to the description of the NASA Insignia requires the written approval of the Administrator, the Army Institute of Heraldry, and the Commission on Fine Arts.

(b) The NASA Insignia as described in paragraph (a) of this section and the NASA Astronaut Badges as described in § 1221.103 are the only official NASA Insignia authorized for use in representing NASA or any of its programs.

(c) Prior to the use of any other insignia, the proposed insignia and its use must be approved in writing by the Administrator and submitted to the Army Institute of Heraldry and the Commission of Fine Arts for approval. If approved, the insignia and use of such insignia must be prescribed in this Part 1221.

§ 1221.103 Establishment of Official NASA Astronaut Badges.

A separate and unique badge shall be designed in connection with or in commemoration of each manned flight mission for the particular astronauts involved. Each such badge shall be approved by the Administrator or his designee and shall be officially identified by its title, such as the "Apollo 8 Badge," etc. Collectively these badges will comprise the official NASA Astronaut Badges. The policy concerning the use of the NASA Astronaut Badges is set forth in § 1221.104(d).

§ 1221.104 Policy.

(a) *Basic.* The official NASA Seal, the NASA Insignia, the official NASA Astronaut Badges, and the NASA Flags, as prescribed in this part, shall be used exclusively to represent NASA and its programs. Such use shall be governed by the policies set forth in this § 1221.104 and in § 1221.105. Any other use is prohibited, and shall be subject to the penalties authorized by statute, as set forth in paragraph (f) of this section.

(b) *The NASA Seal.* The use of the NASA Seal is restricted to the following:

(1) NASA award certificates and medals.

(2) Security credentials and employee identification cards.

(3) NASA letterhead stationery.

(4) Administrator's documents; the seal may be used on documents such as interagency or intergovernmental agreements and special reports to the President and the Congress, and on other documents, at the discretion of the Administrator.

(5) Plaques; the design of the NASA Seal may be incorporated in plaques for display in Agency auditoriums, presentation rooms, lobbies, offices of senior officials, and on the fronts of buildings occupied by NASA (see paragraph (e) of this section).

(6) The NASA Flag, and the Administrator's, Deputy Administrator's, and Associate Administrator's Flags, which incorporate the design of the NASA Seal.

(7) Official films prepared by or for NASA, which are determined to warrant such identification by the Assistant Administrator for Public Affairs, or his designee.

(8) Official NASA prestige publications which represent the achievements or mission of NASA as a whole.

(9) Official publications (or documents) involving participation by another Government agency for which the other Government agency has authorized the use of its seal.

(c) *The NASA Insignia.* The NASA Insignia is authorized for use on the following:

(1) *Official NASA Articles.* (i) Wearing apparel and personal property items used by NASA employees in performance of their official duties.

(ii) Required uniforms of contractor employees when performing official guard or fire protection duties within NASA installations or at other assigned NASA duty stations, and on any required contractor-owned vehicles used exclusively in the performance of these official duties, when authorized by NASA contracting officers.

(iii) Aircraft, automobiles, trucks, and similar vehicles owned by, leased to, or contractor-furnished to NASA, or produced for NASA by contractors, but excluding NASA-owned vehicles used and operated by contractors.

(iv) Equipment and facilities owned by, leased to, or contractor-furnished to NASA, such as machinery, major tools, ground handling equipment, office and shop furnishings (if appropriate), and similar items of a permanent nature, including those produced for NASA by contractors.

(v) Official NASA pamphlets, manuals, handbooks, bulletins, general reports, posters, signs, charts, and items of a similar nature for general use, other than those covered in paragraph (b)(8) and (9) of this section.

(vi) Honorary service pins or other official means of recognizing service or meritorious acts other than those described in paragraph (b)(1) of this section.

(vii) Brief cases or dispatch cases issued by NASA.

(viii) Certificates (NASA Forms 699A and 699B) covering authority for NASA and contractor security personnel to carry firearms.

(ix) NASA occupied buildings when the use of the NASA Insignia is more appropriate than use of the NASA Seal.

(2) Personal articles—NASA employees:

(i) Business calling cards of NASA employees may carry the imprint of the NASA Insignia.

(ii) Limited usage on automobiles. If determined appropriate by the cognizant installation official, it is acceptable to place a NASA Insignia sticker on personal automobiles where such identification will facilitate entry or control of such vehicles at NASA installations or parking areas.

(iii) Personal items used in connection with officially recognized NASA employees' recreation association activities.

(iv) Items for sale to NASA employees only through NASA employees' nonappropriated fund activities.

(d) *NASA Astronaut Badges.* Official NASA Astronaut Badges will be restricted to use by the astronauts, and for such other official purposes as the Administrator or his designee may deem appropriate.

(e) *Custody of NASA Seal.* The Executive Secretary shall be responsible for custody of the NASA impression seal and custody of NASA replica (plaques) seals.

(f) *Violations*—(1) *NASA Seal.* Any person who uses the official NASA Seal in a manner other than as authorized in this part shall be subject to the provisions of title 18, U.S.C. section 1017, which provides as follows:

Government seals wrongfully used and instruments wrongfully sealed. Whoever fraudulently or wrongfully affixes or impresses the seal of any department or agency of the United States, to or upon any certificate, instrument, commission, document, or paper or with knowledge or its fraudulent character, with wrongful or fraudulent intent, uses, buys, procures, sells, or transfers to another any such certificate, instrument, commission, document, or paper, to which or upon which said seal has been so fraudulently affixed or impressed, shall be fined not more than $5,000 or imprisoned not more than 5 years, or both. (June 25, 1948, ch. 645, 62 Stat. 753)

(2) *NASA Insignia and Astronaut Badges.* Any person who uses the NASA Insignia or official NASA Astronaut Badges in a manner other than as authorized in this part shall be subject to the provisions of title 18, U.S.C. section 701, which provides as follows:

Official badges, identification cards, other insignia. Whoever manufactures, sells, or possesses any badge, identification card, or other insignia, of the design prescribed by the head of any department or agency of

the United States for use by an officer or employee thereof, or any colorable imitation thereof, or photographs, prints, or in any other manner makes or executes any engraving, photograph, print, or impression in the likeness of any colorable imitation thereof, except as authorized under regulations made pursuant to law, shall be fined not more than $250 or imprisoned not more than 6 months or both. (June 25, 1948, ch. 645, 62 Stat. 731)

§ 1221.105 The Official NASA Flag.

(a) *Establishment.* The official NASA Flag was created by the Administrator in January 1960. The NASA Flag is 4 feet 4 inches by 5 feet 6 inches in size with a 30-inch diameter NASA Seal incorporated in the center of a blue field, and with a yellow fringe (Reference: Army QMG Dwg. 5–1–269, rev. Sept. 14, 1960).

(b) *Policy.* (1) The NASA Flag is authorized for use as follows:

(i) On or in front of NASA installation buildings.

(ii) At NASA ceremonies.

(iii) At conferences (including display in NASA conference rooms).

(iv) At governmental or public appearances of NASA executives.

(v) In private offices of senior officials.

(vi) As otherwise authorized by the Administrator or his designee.

(2) The NASA Flag must always be displayed with the U.S. Flag. When the U.S. Flag and the NASA Flag are displayed on a speaker's platform in an auditorium, the U.S. Flag must occupy the position of honor and be placed at the NASA representative's right as he faces the audience, with the NASA Flag placed at his left.

§ 1221.106 Administrator's, Deputy Administrator's and Associate Administrator's Flags.

Concurrently with the establishment of the official NASA Flag in January 1960, the Administrator also established NASA Flags to represent the Administrator, the Deputy Administrator and the Associate Administrator. Each of these Flags conforms to the basic design of the official NASA Flag except that:

(a) The size of the Flags is 3 feet by 4 feet;

(b) The Administrator's Flag has four stars;

(c) The Deputy Administrator's Flag has three stars; and

(d) The Associate Administrator's Flag has two stars.

These flags shall be displayed with the U.S. Flag in the respective offices but may be temporarily removed for use at the discretion of the incumbent.

§ 1221.107 Compliance and enforcement.

In order to ensure adherence to the authorized uses of the NASA Seal, the NASA Insignia, official NASA Astronaut Badges, and the NASA Flags as provided herein, a report of each suspected violation of this Part 1221 (including the use of unauthorized NASA insignias) or of questionable usages of the NASA Seal, the Insignia, official NASA Astronaut Badges, or the NASA Flags shall be submitted to the Director of Inspections, in accordance with NASA Management Instruction 1960.1.

§ 1221.108 Illustration of the NASA Seal.



§ 1221.109 Illustration of the NASA Insignia.



Effective date: The provisions of this Part 1221 are effective upon publication in the FEDERAL REGISTER.

T. O. PAINE,
Administrator.

[F.R. Doc. 69–8792; Filed, July 25, 1969; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1558]

PART 13—PROHIBITED TRADE PRACTICES

Hobby Mart, Inc., and Irving Feldstein

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, The Hobby Mart, Inc., et al., Pittsburgh, Pa., Docket C–1558, July 9, 1969]

In the Matter of The Hobby Mart, Inc., a Corporation, and Irving Feldstein, Individually and as an Officer of Said Corporation

Consent order requiring a Pittsburgh, Pa., seller of various products to cease marketing dangerously flammable fabrics including wood fiber chips.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents The Hobby Mart, Inc., a corporation, and its officers, and Irving Feldstein, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric as "commerce" and "fabric" are defined in the Flammable Fabrics Act, as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondents herein shall within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the fabric which gave rise to the complaint, (1) the amount of such fabric in inventory, (2) any action taken to notify customers of the flammability of such fabric and the results thereof and (3) any disposition of such fabrics since August 5, 1968. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of silk, rayon, or cotton or combinations thereof in a weight of 2 ounces or less per square yard or made of cotton or rayon or combinations thereof with a raised fiber surface fabric. Respondents will submit samples of any such fabric, product or related material with this report.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 9, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–8803; Filed, July 25, 1969; 8:47 a.m.]

[Docket No. C–1559]

PART 13—PROHIBITED TRADE PRACTICES

Majestic Chinchilla, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Majestic Chinchilla, Inc., et al., Louisville, Ky., Docket C–1559, July 10, 1969]

In the Matter of Majestic Chinchilla, Inc., a Corporation, and Howard M. Withers, Individually and as an Officer of Said Corporation, and John R. Smith and Odie Carman, Individually and as Former Officers of Said Corporation

Consent order requiring a Louisville, Ky., seller of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of the stock, deceptively guaranteeing the fertility of the stock, and misrepresenting services to purchasers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Majestic Chinchilla, Inc., a corporation, and its officers, and Howard M. Withers, individually and as an officer of said corporation, and John R. Smith and Odie Carman, individually and as former officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, closed-in porches or spare buildings, or other quarters or buildings unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation, and other environmental conditions.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved without previous knowledge or experience in the breeding, caring for, and raising of such animals.

3. Chinchillas are hardy animals or are not susceptible to disease.

4. Purchasers of respondents' chinchilla breeding stock will receive high or top quality chinchillas.

5. Each female chinchilla purchased from respondents and each female offspring will produce at least four live young per year.

6. The number of live offspring produced per female chinchilla is any number or range of numbers; or representing, in any manner, the past number or range of numbers of live offspring produced per female chinchilla of purchasers of respondents' breeding stock unless, in fact, the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of live offspring produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

7. Each female chinchilla purchased from respondents and each female offspring will produce successive litters of one to five live offspring at 111-day intervals.

8. The number of litters or sizes thereof produced per female chinchilla is any number or range thereof; or representing, in any manner, the past number or range of numbers of litters or sizes produced per female chinchilla of purchasers of respondents' breeding stock unless, in fact, the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of litters or sizes thereof produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

9. Pelts from the offspring of respondents' chinchilla breeding stock sell for an average price of $30 per pelt; or that pelts from the offspring of respondents' breeding stock generally sell from $30.90 to $63 each.

10. Chinchilla pelts will sell for any price, average price, or range of prices; or representing, in any manner, the past price, average price or range of prices of pelts of purchasers of respondents' breeding stock unless, in fact, the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

11. A purchaser starting with one female and one male will have, from the sale of pelts, a net profit, annual income or earnings of $3,865.98 in the sixth year after purchase.

12. Purchasers of respondents' breeding stock will realize earnings, profits or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits or income of purchasers of respondents' breeding stock unless, in fact, the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

13. Breeding stock purchased from respondents is guaranteed or warranted without clearly and conspicuously disclosing, in immediate conjunction therewith, the nature and extent of the guarantee, the manner in which the guarantor will perform thereunder and the identity of the guarantor.

14. Purchasers of respondents' chinchilla breeding stock will receive service calls from respondents' service personnel four times a year for the first year after purchase of the animals or at any other interval or frequency unless purchasers do in fact receive the represented number of service calls at the represented interval or frequency.

15. Purchasers of respondents' chinchilla breeding stock are given guidance in the care and breeding of chinchillas or are furnished advice by respondents as to the breeding of chinchillas unless purchasers are actually given the represented guidance in the care and breeding of chinchillas and are furnished the represented advice by respondents as to the breeding of chinchillas.

16. Chinchillas or chincilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chincillas or pelts are in great demand.

17. The assistance or advice furnished to purchasers of respondents' chinchilla breeding stock by respondents will enable purchasers to successfully breed or raise chinchillas as a commercially profitable enterprise.

B. 1. Misrepresenting, in any manner, the assistance, training, services or advice supplied by respondents to purchasers of their chinchilla breeding stock.

2. Misrepresenting, in any manner, the earnings or profits to purchasers; or the quality or reproduction capacity of any chinchilla breeding stock.

C. Failing to deliver a copy of this order to cease and desist to all present and future salesmen and other persons engaged in the sale of the respondents' products or services and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the repondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 10, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–8804; Filed, July 25, 1969; 8:47 a.m.]

[Docket No. C-1557]

PART 13—PROHIBITED TRADE PRACTICES

Philip Reiner Furs, Inc., and Philip Reiner

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–10 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Philip Reiner Furs, Inc., et al., New York, N.Y., Docket C–1557, July 8, 1969]

In the Matter of Philip Reiner Furs, Inc., a Corporation, and Philip Reiner, Individually and as an Officer of Said Corporation

Consent order requiring a New York City retail furrier to cease misbranding, falsely invoicing, and advertising its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Philip Reiner Furs, Inc., a corporation, and its officers, and Philip Reiner, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Falsely or deceptively labeling or otherwise falsely or deceptively identifying any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Setting forth on a label attached to such fur product the name or names of any animal or animals other than the name of the animal producing the fur contained in the fur product as specified in the Fur Products Name Guide, and as prescribed by the rules and regulations.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on a label affixed to such fur product.

5. Failing to set forth the term "Dyed Broadtail-processed Lamb" on a label in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb."

6. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

7. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on a label affixed to such fur product.

8. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on an invoice pertaining to such fur product the name or names of any animal or animals other than the name of the animal producing the fur contained in the fur product as specified in the Fur Products Name Guide, and as prescribed by the rules and regulations.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on an invoice pertaining to such fur product.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

4. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

D. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 8, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc 69-8805; Filed, July 25, 1969; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Federal Water Pollution Control Administration, Department of the Interior

PART 620—WATER QUALITY STANDARDS

Adoption, Identification, and Availability of State Standards

The document amending § 620.10 of Part 620 of Title 18 of the Code of Federal Regulations, published in the FEDERAL REGISTER on May 16, 1969, at 34 F.R. 7800, is corrected by changing the designation of "Territory of Puerto Rico" to "Commonwealth of Puerto Rico".

Dated: July 18, 1969.

WALTER J. HICKEL, *Secretary of the Interior.*

[F.R. Doc. 69-8774; Filed, July 25, 1969; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 230—CREDIT UNIONS SERVING DEPARTMENT OF DEFENSE PERSONNEL

The following revision to Part 230 was approved by the Deputy Secretary of Defense on July 11, 1969:

Sec.
230.1 Purpose.
230.2 Applicability.
230.3 Definitions.
230.4 General policies.
230.5 Responsibilities.
230.6 Logistical support.
230.7 Stateside DoD Credit Unions.
230.8 Overseas DoD Credit Unions.

AUTHORITY: The provisions of this Part 230 issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301 and sec. 1–28, 48 Stat. 1216; 12 U.S.C. 1751 et seq.

§ 230.1 Purpose.

This part (a) consolidates and updates Department of Defense policies governing the establishment and support of and relationships with credit unions serving DoD military and certain civilian personnel in the United States, the District of Columbia, the territorial possessions of the United States, the Canal Zone, and Puerto Rico, and at overseas operating locations in implementation of 12 U.S.C. 1751 et seq. (and 45 CFR, ch. 3) and (b) assigns responsibility for policy direction of the DoD credit union program.

§ 230.2 Applicability.

The provisions of this Part 230 apply to all DoD components.

§ 230.3 Definitions.

(a) *Federal credit unions.* Federal credit unions are established and operated under the authority granted by the Federal Credit Union Act, as amended (12 U.S.C., 1751 et seq.) as legal entities with specific powers and authorities as approved by law. They are examined periodically by the Bureau of Federal Credit Unions of the Department of Health, Education, and Welfare (45 CFR ch. 3).

(b) *State credit unions.* Credit unions organized under State laws, operate on the same general principles as Federal credit unions and usually are supervised by the State banking departments.

(c) *Regulated overseas credit union.* A federally chartered credit union which furnishes services at U.S. military installations in foreign jurisdictions as suboffices of U.S.-based Federal credit unions. (See § 230.8.)

(d) *Nonregulated overseas credit union.* A credit union which does not fall under the jurisdiction of the Bureau of Federal Credit Unions or of State agencies, but which operates on a military installation and serves DoD personnel in accordance with the provisions of this Part 230. (See § 230.8.)

(e) *Fair rental.* As used in this Part 230 (see § 230.7(d)(2)), fair rental is a reasonable cost for an on-base facility, and should not be compared with civilian market or local economy rental fees.

(f) *Stateside DoD credit unions.* For the purpose of this Part 230, includes the 50 States of the United States, the District of Columbia, the Canal Zone, Puerto Rico, and U.S. Territories and Possessions. (See § 230.7.)

(g) *Full service credit unions.* For the purpose of this Part 230, a full service credit union is nondiscriminatory in nature (by extending equal service to all grades, ranks, races, and components), provides normal counter transaction services, and is staffed with a Loan Officer, a person authorized to sign checks and a full-time Counselor. (Counseling functions may be assumed by the Loan Officer or the person authorized to sign checks of the credit union.)

§ 230.4 General policies.

(a) Credit unions, as stated in Federal Government policy (12 U.S.C. 1751 et seq. and 45 CFR, ch. 3) are recognized as cooperative associations created for the purpose of stimulating systematic savings and creating a source of credit for provident or productive purposes; they emphasize self-help and wise management of resources, thereby raising the standards of living, strengthening the family unit and increasing the self-reliance of the member. They will be recognized and assisted by DoD components at all echelons as important morale and welfare resources which extend mutual benefits to all DoD personnel by (1) inculcating habits of thrift through the accumulation of savings, (2) combating usurious practices by providing money for personal loans at low-cost interest rates, and (3) extending full counseling services on personal and family financial planning problems, true costs of installment buying contracts, and related matters of interest to members and their dependents. Credit unions may offer money orders and travelers checks for sale to their members at all times.

(b) Credit unions services will be made available to DoD personnel of all ranks and grades under conditions and in the manner set forth in §§ 230.7 and 230.8. DoD Components will (1) recognize the right of all military and civilian personnel to organize and/or affiliate with credit unions formed under duly constituted authority; and (2) encourage the application and expansion of the principles of the credit union movement at all DoD installations worldwide.

(c) Existing DoD credit unions worldwide will continue to operate in accordance with present contractual agreements, as applicable.

(d) Policies and procedures governing (1) establishment of new credit unions, and (2) furnishing of space and logistical support to existing and new credit unions are set forth in §§ 230.7 and 230.8.

§ 230.5 Responsibilities.

(a) The Assistant Secretary of Defense (M&RA) shall (1) administer the overall DoD credit union program and assure its effective implementation, (2) maintain liaison with the Bureau of Federal Credit Unions, or an equivalent State agency, in support of management and administrative procedures governed by their directives, (3) maintain liaison with Associations, Leagues of Credit Unions and Councils formed by DoD credit unions to provide guidance and assistance, as desired and required, in the conduct of credit union operations, and (4) take final action on exceptions to the provisions of this Part 230.

(b) The Secretaries of the Military Departments shall:

(1) Have responsibility of recognizing and assisting credit unions in developing and expanding credit union services, where there is a need for such services, for organizations under their jurisdiction located in the United States, the District of Columbia, the Canal Zone, Puerto Rico, and U.S. territories and possessions, consistent with the provisions of this Part 230.

(2) Establish liaison with the Bureau of Federal Credit Unions, the State agencies involved, and associations, leagues, and councils formed by DoD credit unions and representing the credit union community.

(3) Coordinate the development of stateside credit unions with other Military Departments when required; and

(4) Maintain a current listing of all credit unions and such offices thereof serving their Departments.

(c) All DoD Components will:

(1) Recognize the right of military and civilian personnel to organize and/or affiliate with credit unions formed under duly constituted authority, and encourage the application and expansion of the principles of the credit union movement in the DoD worldwide.

(2) Recognize and support credit union Associations, Leagues of Credit Unions and Councils formed by DoD credit unions within the credit union movement to serve individual credit unions.

(3) Encourage DoD personnel who volunteer to serve on credit union boards and committees on a nonreimbursable basis where neither conflict of duty nor interest is involved.

§ 230.6 Logistical support.

Credit unions organized by and for DoD military and civilian personnel stateside and overseas may be provided logistical support as set forth below.

§ 230.7 Stateside DoD credit unions.

(a) *General*—(1) *New DoD credit unions.* (i) Where there is a demonstrated need for credit union services, primary emphasis will be placed on the establishment of a facility chartered by on-site personnel when sufficient personnel capability and interest exists. Otherwise, the possibility of using suboffice services of an existing credit union under the common bond principle (e.g., Army credit unions servicing Army personnel at Army installations) should be explored. However, credit union services

should not be denied or delayed merely because the common-bond principle cannot be satisfied.

(ii) When neither of the conditions in § 230.7(a)(1)(i) prevail, and provided qualified full-time counseling service is available, a suboffice facility employing teletype or other communications liaison with the parent credit union may be established.

(iii) Where none of the possibilities above exist, service by mail is permitted by any credit union whose charter authorizes same.

(2) *Dual credit unions.* At certain installations, two credit unions, each with independent and/or overlapping fields of membership, now exist. These credit unions are encouraged to take voluntary action to request charter amendments which would permit full credit union services without discrimination.

(i) Where charter amendment is neither desired nor deemed appropriate by the officials of the credit union or where such proposed amendment is disapproved by the Bureau of Federal Credit Unions or the appropriate State agency, affected credit unions should be encouraged to consider the advantages of merger. Mergers may not be directed by military officials.

(ii) Where neither charter amendments nor mergers are possible, existing credit unions not offering full services without discrimination because of grade, rank, race, or component may retain but not expand existing facilities or may elect to operate from an off-base location.

(iii) Priority in space allocation and facility support will be tendered to that credit union offering full services without discrimination. However, where neither of two existing credit unions on a military installation offers full services without discrimination and another credit union expresses an interest to operate thereon and provide full credit union services to all personnel without discrimination, the installation commander shall:

(*a*) Withdraw on-base space and support functions for both on termination of existing leases or tenancy agreements; and,

(*b*) Cause their removal to an off-base operating location.

(iv) Excepting for those already in existence, only one credit union on a military installation is permitted.

(b) *Operations*—(1) *Operating policies.* Credit unions organized by and for DoD military and civilian personnel may be provided with the property and logistic support contemplated by § 230.7(c) below provided operating policies are consistent with the following:

(i) *Lending.* (*a*) In accordance with accepted credit union practice, lending policies will be as liberal as possible and still be consistent with the interests of the credit union and the individual member.

(*b*) To be avoided are unnecessarily restrictive, unreasonable, or out-of-date rules on the size of loans, type and amount of security, or waiting periods before loan eligibility can be granted.

(2) Special attention will be given to assisting the military members in pay grades of E–1, E–2, and E–3 who apply for loans for provident purposes.

(*b*) Credit unions which evidence a policy of excluding certain ranks, grades or classes of personnel from their loan services shall be deemed discriminatory in nature and inconsistent with the recognized spirit of the credit union movement. A continuing failure to reflect a fair proportion of loan service to all ranks, grades, or classes of personnel is one of the factors to be considered in making the above determination.

(ii) *Counseling.* Counseling service will be made available to DoD credit union members without charge, and will include helping members, particularly youthful and inexperienced servicemen and young married families, to solve money problems and to budget.

(iii) *Savings.* Members will be encouraged to participate in a regular savings plan:

(*a*) With only reasonable limitations when dictated by good management principles as to amounts which may be deposited at any one time or the total amount which may be held in shares; and

(*b*) By a reasonable dividend or return on savings.

(iv) *Relations.* (*a*) Cooperation, liaison and exchange of information between credit unions of all DoD components will be encouraged. Credit union associations, credit union leagues, and councils formed by DoD type credit unions within the credit union movement provide an excellent means of communication.

(*b*) Credit unions operating on military installations serving DoD personnel will keep the installation commander advised of the credit union operations and furnish him a copy of the monthly financial report and other credit union publications, and invite him or his designees to attend annual meetings and other appropriate functions. Credit unions will, to the extent resources permit and when so requested, provide the installation commander with lecturers and material on consumer credit matters in support of educational programs for Department of Defense personnel.

(*c*) The support and sympathetic understanding intended by this Part 230 will not be construed as representing control, supervision, or financial responsibility of credit unions by installation commanders or the Department of Defense.

(2) *Facilities and staffing.* Full credit unions services (see § 230.3) shall be provided at on-site facilities staffed by (*a*) a Loan Officer authorized to act by and for the credit committed, (*b*) an individual authorized to sign checks, and (*c*) a qualified full-time counsellor available to the membership during operating hours. Exceptions to this requirement will be considered in the case of newly organized credit unions.

(i) Where an on-site operation requires only minimum staffing, the counsellor duties may be assumed by § 230.7(a)(1) or (2).

(ii) Where an on-site facility extends its services to one or more areas of the same installation and direct courier or message service is available to the main on-site office, a one person operation is authorized.

(c) *Miscellaneous provisions.* (1) Credit unions serving DoD personnel will be afforded advertising space in appropriate publications on a paid-for or no-charge basis consistent with the policies of the media concerned.

(i) The use of bulletin boards for promotional or informational material is authorized.

(ii) Competitive literature from other credit unions will not be disseminated at that installation. This does not preclude any credit union whose approved charter will permit it to serve its members while stationed overseas from utilizing a direct mail approach or a commercial advertising campaign in the same area. Arrangements for distribution of credit union literature through Military Exchange outlets in areas where an on-base credit union exists, will be discontinued as of December 31, 1969.

(iii) The use of the Armed Forces Radio and Television Service to promote a specific credit union is prohibited.

(2) *Duty hours.* Credit unions will be permitted to conduct operations during normal duty hours providing that there is no undue interference with the performance of official duties. Credit unions are encouraged to establish operating hours consistent with the needs of the military installation to best service the overall needs of the membership within sound management principles.

(3) *Support of pay allotment privileges.* DoD personnel may use the allotment of pay privileges to the credit union of their choice to meet existing obligations and establish sound credit practices.

(i) Under no circumstances will the initiation of an allotment of pay become a prerequisite for a loan approval. Allotments voluntarily initiated to a credit union under DoD Directive 7330.1[1] may continue in force at the pleasure of the allottor.

(ii) Members of credit unions having an outstanding loan balance will contact the credit union on departure from the installation on a permanent change of station, in accordance with clearance procedures established by the appropriate military departments.

(d) *Utilization of military real property and space.* One full service credit union at each DoD installation will be furnished space, when available, without charge. The furnishing of office space and related real property to credit unions will be governed by section 1770 of the Federal Credit Union Act. Credit unions assigned military real property space will reimburse the DoD for all services, such as telephone lines, long distance toll calls, and space alterations.

[1] Filed as part of original. Copies may be obtained from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

(1) Criteria governing the assignment of existing space facilities to, and construction of new space facilities (when authorized) for credit unions, will be in accordance with the Manual[2] authorized by DoD Directive 4270.1.[1]

(2) Proposals by credit union officials for the erection of structures at credit union expense may be authorized if consistent with guidance contained in DoD Directive 1000.11[1] and DoD Instruction 1000.12.[1]

(i) In addition, credit unions submitting such plans for consideration must also agree to be financially responsible for the maintenance, utilities, and services furnished.

(ii) Land required for approved construction at credit union expense shall be made available only at fair rental (see definitions in § 230.3) by lease: *Provided*, That at the option of the credit union structures erected thereon will be conveyed to the Government without reimbursement or removed, and the land restored to its original condition in the event of (a) installation inactivation, closing or other disposal action, (b) liquidation of the credit union, or (c) revocation of the credit union lease.

§ 230.8 Overseas DoD credit unions.

(a) *Regulated overseas credit unions* (see definition in § 230.3). Such credit unions established as a suboffice of a U.S.-based Federal credit union, will be limited to on-base operations, and will confine its membership to DoD military and civilian personnel and their dependents who are U.S. citizens.

(1) *Development and supervisory procedures.* Unified Command Commanders and/or Designated Component Commanders and the Military Departments will (a) issue appropriate instructions consistent with this Directive governing existing suboffice credit unions under their jurisdiction, and (b) encourage the suboffice concept consistent with any international arrangements related to the presence of U.S. forces in the country concerned.

(i) The office of the ASD (M&RA) will be notified through military channels where there is a need for a suboffice in an overseas location. This notification will include the name of a designated project officer and a statement that this requirement has been coordinated with the U.S. Chief of Mission or U.S. Embassy involved and that the country involved will permit the operation.

(*a*) The ASD (M&RA) will then notify, or cause to be notified, those stateside DoD credit unions which have expressed an interest in an overseas suboffice operation. Applications resulting from such notification will then be forwarded to the Bureau of Federal Credit Unions for eligibility determination.

(*b*) A list of eligible credit unions will then be forwarded to the unified commander and/or the designated component commander and to the Military Departments advising of the interested credit unions and requesting recommendations.

(ii) Each approved suboffice will be assigned a primary installation from which to operate and a geographical territory for further expansion through additional branches. These may be permanent locations or traveling services through mobile outlets.

(iii) Suboffices will be authorized an exclusive on-site franchise; however, any credit union having an approved charter which authorizes it to serve its members while stationed overseas may continue to do so by direct mail, including the use of available media for commercial solicitation through advertising.

(2) *Organization and control procedures.* See § 230.8(c).

(b) *Nonregulated overseas credit unions.* (1) Such credit unions, which fall under the scope of authority of neither the Bureau of Federal Credit Unions nor of State agencies, serve DoD personnel exclusively on military installations and are entitled to and receive allotments of pay, will comply with the provisions of this Part 230.

(i) Effective with the publication of this Part 230, the formation of new nonregulated credit unions is prohibited.

(ii) Existing nonregulated overseas credit unions will be encouraged to merge with a U.S.-based Federal credit union. Such action must be voluntary and will be subject to any specific requirements levied by the Bureau of Federal Credit Unions.

(2) Unified Command Commanders and/or designated Component Commanders and the Military Departments will continue to monitor and cause to be examined periodically, through procedures outlined below, the existing nonregulated overseas credit unions and will promulgate additional instructions, where required, in support of this Part 230.

(3) Organization and Control Procedures: (See § 230.8(c).)

(c) *Organization and control procedures.* (1) Both regulated and nonregulated overseas credit unions will be organized and conduct business in accordance with this Part 230. Additionally, implementing regulations of the Unified Command Commanders and/or the Designated Component Commander or the Military Departments will govern.

(i) The recommendations and direction of the Bureau of Federal Credit Unions through its rules, regulations, procedural forms, reports and manuals (including the Handbook for Federal Credit Unions) apply directly to all regulated overseas credit union suboffices; for nonregulated credit unions overseas, the same standards for compliance are established by DoD.

(ii) Funds should be deposited and/or invested in accordance with the authority available to Federal credit unions. In the event an authorized depository is not available, nonregulated credit unions overseas may deposit funds in the same manner authorized for nonappropriated funds, such as clubs and post exchanges. Regulated overseas credit unions should deposit funds in accordance with the instructions issued by the Bureau of Federal Credit Unions.

(iii) All overseas credit union transactions must either be in U.S. currency or military script prescribed for the area in which the overseas credit union is operating.

(iv) No credit union loans may be made for the purpose of purchasing real property or for the purpose of purchasing or erecting any type of residence in any foreign country.

(2) Periodic examinations of overseas credit unions will be conducted by examiners from the Bureau of Federal Credit Unions. Regulated overseas credit unions will be examined at the parent office in the United States, nonregulated overseas credit unions at their overseas locations.

(i) All costs incident to examinations of regulated overseas credit unions will be paid by the credit union being examined. Costs incident to examinations of nonregulated overseas credit unions will be paid for by the credit union being examined.

(*a*) To offset travel costs involved, the DoD will authorize Category Z travel by the examiners from port-to-port in each direction at Government expense.

(*b*) The ASD (M&RA) or his designee will act as liaison between the Unified Commander and/or Designated Component Commander or the Military Departments and the Bureau of Federal Credit Unions to complete travel arrangements for periodic examinations of nonregulated credit unions.

(ii) Reports of examinations will be furnished to the ASD (M&RA), the Unified Commander (or the designated component Commander), and to the Military Departments involved. Additionally, distribution as established by the Bureau of Federal Credit Unions will be made.

(*a*) The appropriate commander will assure immediate corrective action is taken when examination reflects deficiences or irregularities.

(*b*) Copies of such actions and a report of final action will be forwarded to the ASD (M&RA).

(d) *Property and logistical support.* Property and logistical support for both regulated and nonregulated credit unions will, to the extent feasible, equate to those for stateside credit unions (see § 230.7).

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-8791; Filed, July 25, 1969; 8:46 a.m.]

[2] Not available to the public.

SUBCHAPTER P—RECORDS

PART 288—USER CHARGES

Miscellaneous Amendments

The following amendments to Part 288 have been approved:

1. Section 288.7(b) has been amended to read as follows:

§ 288.7 Accounting and reporting.

* * * * *

(b) *Reporting requirement.* DoD Instruction 7730.43[1] requires DoD Components to submit reports on user charges to the Assistant Secretary of Defense (Comptroller) for consolidation and transmission to the Bureau of the Budget as provided in BoB Circular A–25.

2. Section 288.9 has been amended by addition of new paragraph (r) to read as follows:

§ 288.9 Examples of benefits not to be charged under the provisions of § 288.3(d).

* * * * *

(r) Administrative services normally provided in reference or reading rooms for public inspection of records, except for copies of records or documents furnished.

3. Section 288.10 *Schedule of fees and rates* (the preamble, and paragraphs (b), (1), (2), (3), (5), (6), (7), (8), (9), (10)) have been amended. Section 288.10, as revised now reads as follows:

§ 288.10 Schedule of fees and rates.

(a) Schedule of fees: This schedule applies to authorized services related to copying, certifying, and searching records rendered to the public by components of the Department of Defense, except when those services are excluded or excepted from charges under § 288.3(d). Except as provided in special cases prescribed below, a minimum of $1.50 will be levied for processing any chargeable case. Normally, only one (1) copy of any record or document will be provided.

(b) Requests involving:

(1) Training and education:

(i) Transcripts:

	Fee
Original copy	$1.50
Each additional copy	.25

(Includes requests for transcripts of graduation from military academies and schools.)

(ii) Certificates:

Original copy	$1.50
Each additional copy	.25

(Includes all requests for certificates, verification of attendance, and course completion from service schools and other facilities.)

(2) Medical and dental records of patients and former patients when requested for purposes other than further treatment: Covers request for information from or copies of medical records, including Clinical Records (inpatient records of military and nonmilitary patients), Health Records (military outpatient records), Outpatient Records (nonmilitary outpatient records), Dental Records, and loan of X-rays.

Searching and processing (per hour)	$5.00
Minimum charge	2.50
Each typewritten page	1.50
Office copy reproductions (per image)	.25
Loan of each X-ray	1.50

[1] Filed as part of original. Copies may be obtained from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

(3) Military Membership and Record (excluding Medical and Dental Records):

Address of record, each	$1.50
Copies of releasable military personnel records, such as effectiveness reports for officers and enlisted men, reproduced for the personal use of active, retired, and former members or next of kin of missing in action or deceased member of the Armed Forces	
Minimum charge (up to six office copy reproductions)	1.50
Each additional image	.25
Statement of verification of service of report of separation, for individuals with other than honorable discharges	2.50

(4) Photography:

(i) Still pictorial or documentary photographic prints, black and white, and not more than three prints may be sold from any individual negative on each order. Unlisted standard sizes of black and white prints may be furnished, if available at proportionate fees.

8 x 10 single weight glossy finish, 1st print	$0.90
2d and 3d prints, each	.40
8 x 10 double weight matte finish, 1st print	.95
2d and 3d prints, each	.45
11 x 14 double weight matte finish, 1st print	1.15
2d and 3d prints, each	.45
16 x 20 double weight matte finish, 1st print	1.35
2d and 3d prints, each	.60
20 x 24 double weight matte finish, 1st print	1.50
2d and 3d prints, each	.70
35mm. color transparencies (cardboard mount), each	1.10
4 x 5 color transparencies or color negative, each	6.00
8 x 10 color transparencies or color negative, each	10.00

(In quantities not to exceed three copies of any one view.) Color prints will not be furnished for public use.

(ii) Aerial photographic prints, contact prints, or exact negative sizes, single weight glossy or double weight semimatte:

7 x 9 or 9 x 9 in quantities:
- 1–5, $1 each print.
- 6–100, $5 plus $0.85 for each print over 5 and up to 100.
- 101–1,000, $85.75 plus $0.65 for each print over 100 and up to 1,000.
- Over 1,000, $670.75 plus $0.60 for each print over 1,000.

9 x 18 in quantities:
- 1–5, $2 for each print.
- 6–100, $10 plus $1.70 for each print over 5 and up to 100.
- 101–1,000, $171.50 plus $1.30 for each print over 100 and up to 1,000.
- Over 1,000, $1,341.50 plus $1.20 for each print over 1,000.

(iii) Aerial Photographic Indexes and Mosaic copies in any number size 20 x 24, each $1.30.

(iv) Reproduction of Cover Overlays:

Transparent foil film overlays, each	$1.50
Transparent paper overlays, each	.60
Transparent paper plot maps, per square foot	.10
Photostat plot maps (maximum size 17½ x 23), each	.65

(v) Motion picture:

16-mm. or 35-mm. black and white unedited footage and/or optical sound track, per foot	$0.10
Color unedited footage:	
16-mm., per foot	.20
16-mm., inter-negative	.25
35-mm., per foot:	
Viewing or release print, each	.25
Separation master positive (3 required)	.75
Color, inter-positive, each	.55
Color, inter-negative, each	.55
Magnetic Tape (per foot):	
16-mm. (Direct Dubb), each	.05
35-mm. (Direct Dubb), each	.05
Searching (including overhead):	
Each hour or fraction thereof (per hour)	7.00
All film used in duplication to furnish a requested end product shall be charged for on a per foot basis.	
Minimum charge (including stock search) per order	10.00

(5) Construction and engineering information: Copies of aerial photographic maps, specifications, permits, charts, blueprints, and other technical engineering documents.

Searching, per hour or fraction thereof (including overhead costs)	$3.00
First print	.50
Each additional print of same document	.25

(6) Copies of medical articles and illustrations: Standards contained in 5 U.S.C. 140 of the basic Instruction will be utilized in computing costs.

(7) Claims, litigation: (Includes court-martial records, furnishing information from Investigative Reports, e.g. automobile collision investigations, safety reports, etc.) Requests pertaining to private litigation and to cases in which the United States is a party and where court rules provide for reproduction of records without cost to the Government (if not covered in 2. or 3., above).

Searching and processing (per hour)	$5.00
Minimum charge	2.50

NOTE: Charges for professional search or research will be made in accordance with paragraph 10b, below.

Office copy reproductions (minimum up to six (6) reproduced images)	1.50
Each additional image	.25
Certification and validation with seal, each	2.50

(8) Publication and forms: A search and/or processing fee as prescribed in 10a, below, will be made for requests requiring extensive time (1 hour or more).

(i) Shelf Stock: (Requestors may be furnished more than one copy of a publication or form if it does not deplete stock levels below projected planned usage.)

Minimum fee per request	$1.50
plus	
Forms, per copy	.05
Publications, per printed page	.01

(Examples: Cost of 20 forms, $2.50; cost of a publication with 100 pages, $2.50.)

(ii) Office copy reproduction (when shelf stock is not available).

Minimum charge (up to six reproduced pages)	$1.50
Each additional image	.25

(9) Engineering data (microfilm):

Aperture cards:	
Silver duplicate negative, per card	$0.35
When key punched and verified, per card	.40
Diazo duplicate negative, per card	.30
When key punched and verified, per card	.35
35-mm. roll film, per frame	.30
16-mm. roll film, per frame	.20
Paper prints (Engineering drawings), each	.50
Paper reprints of microfilm indices, each	.05

(10) General: Charges for any additional services not specifically provided above and consistent with the provisions of the basic instruction will be made by the respective DoD components of the following rates:

Clerical search and processing per hour	$5.00
Minimum charge	2.50
Professional searching or researching (to be established at actual hourly rate prior to search. A minimum charge will be established at ½ the hourly rate.)	
Minimum charge for office copy reproduction (minimum up to six images)	1.50
Each additional image	.25
Each typewritten page	1.50
Certification and validation with seal, each	2.50
Review of application for authorization to solicit members of the military services for the purchase of life insurance on U.S. military installations in foreign areas	125.00
Hand drawn plots and sketches, each hour or fraction thereof	6.00

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

[F.R. Doc. 69–8768; Filed, July 25, 1969; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Yosemite National Park, Calif.; Fishing

A proposal was published at page 6931 of the FEDERAL REGISTER of April 25, 1969, to revise § 7.16 of Title 36 of the Code of Federal Regulations, to establish specific closure to angling of the waters of Delaney Creek and Skelton Lakes in Yosemite National Park, for the protection and preservation of the Piute cutthroat trout.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed revision. No comments, suggestions or objections have been received and the proposed revision is hereby adopted without change and is set forth below. This revision shall take effect 30 days following the date of its publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 41 Stat. 731, 16 U.S.C. 57)

New subparagraph (1) is added to paragraph (k) of § 7.16 as follows:

§ 7.16 Yosemite National Park.

* * * * *

(k) *Experimental fish management waters.* * * *

(1) Skelton Lakes, and Delaney Creek from its beginning at the outlet of the lower Skelton Lake to its interception with the Tuolumne Meadows—Young Lakes Trail, are closed to all public fishing.

LAWRENCE C. HADLEY,
Superintendent, Yosemite National Park.

[F.R. Doc. 69–8773; Filed, July 25, 1969; 8:45 a.m.]

Chapter II—Forest Service, Department of Agriculture

PART 211—ADMINISTRATION

Appeals From Administrative Decisions

Part 211 of Title 36, Code of Federal Regulations, is amended as follows:

1. Section 211.20(b)(1) is revised to read as follows:

§ 211.20 Contract appeals; appeals from decisions on matters other than contract.

* * * * *

(b) *Exclusions.* (1) There are excluded from the application of this subpart appeals from decisions of contracting officers of the Department of Agriculture involving disputed questions of fact under contracts for the construction, alteration, or repair of public buildings or works, or the purchase of administrative supplies, equipment, materials, or services, provided for in 41 CFR 4–50.201 et seq.

* * * * *

2. Section 211.116(c)(3) is revised to read as follows:

§ 211.116 Conduct of hearings.

* * * * *

(c) *Evidence.* * * *

(3) *Depositions.* The deposition of any witness shall be admitted, in the manner provided in § 211.111(e).

(30 Stat. 35, as amended, 16 U.S.C. 551, 50 Stat. 526, 7 U.S.C. 1011(f); R.S. 161 as amended, 5 U.S.C. 22)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

THOMAS K. COWDEN,
Assistant Secretary of Agriculture.

JULY 23, 1969.

[F.R. Doc. 69–8790; Filed, July 25, 1969; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

DEPRESSED INDUSTRIES

By revision of Defense Manpower Policy No. 4, published in the FEDERAL REGISTER on July 20, 1968 (33 F.R. 10393), the Office of Emergency Preparedness included the revocation of Notifications Nos. 38, 53, and 57 which provided special requirements for the placement of procurement with the textile, apparel, and shipbuilding industries, respectively. Accordingly, provisions under Subpart 1–1.8, Labor Surplus Area Concerns, which reflected the requirements of the revoked Notifications are deleted by this amendment. In addition, editorial changes are made to correct organizational references.

PART 1–1—GENERAL

The table of contents for Part 1–1 is amended by the deletion of the captions for §§ 1–1.806–2, 1–1.806–4, and 1–1.806–5 and by designating these sections "Reserved," as follows:

Sec.
1–1.806–2 [Reserved]
1–1.806–4 [Reserved]
1–1.806–5 [Reserved]

Subpart 1–1.8—Labor Surplus Area Concerns

Sections 1–1.806–2, 1–1.806–4, and 1–1.806–5 are deleted and the captions thereof designated "Reserved," as follows:

§ 1–1.806–2 [Reserved]

§ 1–1.806–4 [Reserved]

§ 1–1.806–5 [Reserved]

PART 1–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 1–5.10—Use of Excess Aluminum

1. Section 1–5.1001–1(b) is amended as follows:

§ 1–5.1001–1 Government Use Program.

* * * * *

(b) * * *

Director, Stockpile Disposal Division, Property Management and Disposal Service, General Services Administration, Washington, D.C. 20405.

* * * * *

2. Section 1–5.1001–2 is amended by the amendment of paragraph (b) of the contract clause set forth therein, as follows:

§ 1–5.1001–2 Contract clause.

REQUIRED SOURCE FOR ALUMINUM INGOT

* * * * *

(b) * * *

Director, Stockpile Disposal Division, Property Management and Disposal Service, General Services Administration, Washington, D.C. 20405.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: July 18, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-8772; Filed, July 25, 1969; 8:45 a.m.]

Chapter 12B—Coast Guard, Department of Transportation

[CGFR 69-69]

PART 12B-1—GENERAL

Subpart 12B-1.7—Small Business Concerns

SMALL BUSINESS PROGRAM

The purpose of this document is to amend the Coast Guard Procurement Regulations to conform with recent changes in the Department of Transportation Procurement Regulations and to be consistent with Small Business Administration policies on small business set-asides for proposed construction procurements as published in General Services Administration Bulletin 11 dated March 14, 1969. Since this amendment relates to agency management, and contracts, notice and public procedures thereon is unnecessary under the provision of the Administrative Procedures Act (5 U.S.C. 553).

§§ 12B-1.700, 12B-1.701, 12B-1.702, 12B-1.704-2, 12B-1.706-5, 12B-1.706-51 [Revoked]

1. Subpart 12B-1.7 is amended by revoking §§ 12B-1.700, 12B-1.701, 12B-1.702, 12B-1.704-2, 12B-1.706-5, and 12B-1.706-51.

2. Section 12B-1.706-1 is revised as follows:

§ 12B-1.706-1 General.

(a) The chief officer responsible for procurement on June 27, 1960, entered into a Joint Class Set-Aside for small business (Class Set-Aside No. USCG-C-1) providing that: All construction contracts for the construction, maintenance, or repair of shore structures within the United States, valued at $200,000 or less, entered into by the various contracting officers of the U.S. Coast Guard, be limited to small business concerns, exception being made for those contract requirements wherein the contracting officer makes a written determination that there are less than three small business firms that are available to bid on the required work. This class set-aside has been continued on a unilateral basis.

(1) A decision by the contracting officer not to use Class Set-Aside USCG-C-1 due to a determination that there are less than three small business firms that are available to bid on the required work or any other reasons such as unreasonable cost as set forth in § 1-1.706-3 of this title will be made with concurrence of the Chief, Procurement Branch for procurements originating at Coast Guard Headquarters and of the comptroller or commanding officer as applicable for procurements originating in the field.

(2) In procurements involving Class Set-Aside USCG-C-1, each invitation for bid or request for proposal shall contain the notice set forth in § 1-1.706-5(c) of this title changing the words "contracting officer" to "chief officer responsible for procurement." The face of all copies of the invitations for bids or requests for proposals will clearly and conspicuously indicate "Class Set-Aside USCG-C-1."

(b) A total set-aside preference for participation of small business shall be considered for every procurement for construction including alteration, maintenance, and repairs in excess of $200,000 and under $500,000. When, in the findings of the contracting officer, such preference would not serve the best interests of the Government, the contracting officer, Coast Guard Headquarters shall notify Chief, Supply Division and field contracting officers shall notify the cognizant comptroller or commanding officer as applicable. Unless the aforementioned officer, such as the case may be, disagrees with the contracting officer's findings, the contracting officer shall proceed to process the procurement on an unrestricted basis.

(c) Small business set-aside preferences shall be considered for construction, including alteration, maintenance and repairs in excess of $500,000 on a case-by-case basis, favoring the preferential participation of small business whenever appropriate as determined by the contracting officer.

3. Section 12B-1.706-50 is revised as follows:

§ 12B-1.706-50 Documentation of small business set-aside determinations.

(a) The determination to make a total unilateral set-aside in connection with an individual procurement shall be noted in the procurement contract file. Class set-aside determinations shall be documented substantially in the format set forth below and a copy shall be retained in the "purchase history" file or equivalent record covering the commodity or service involved. Class set-aside determinations will be signed by the contracting officer and approved by: (1) Chief, Supply Division for contracts originating at Coast Guard Headquarters; and (2) by comptroller or commanding officer as applicable for contracts originating in the field.

UNILATERAL SMALL BUSINESS CLASS SET-ASIDE DETERMINATION

In accordance with FPR 1-1.706 and CGPR 12B-1.706, it is hereby determined that procurements by the (name of procuring activity) of the following commodities or services shall be set-aside for small business concerns on a class basis. This determination shall be reviewed on _____, or, in any event, not later than 1 year after the above determinations date. This determination does not apply to any individual procurement for which small purchase procedures are to be used and applies only to the procuring activity named above. (List items or services)

(b) In the case of any individual procurement action where a set-aside is not considered feasible, the reasons for not making a set-aside shall be summarized in the procurement contract file.

(Sec. 633, 63 Stat. 545, sec. 205(c), 63 Stat. 389, as amended, secs. 2301-2314 (Ch 137), 70A Stat. 127-133, as amended, sec. 6(b), 80 Stat. 938; 14 U.S.C. 633, 40 U.S.C. 486(c), 10 U.S.C. 2301-2314, 49 U.S.C 1655(b); 41 CFR 12-1.008)

Effective date. These amendments shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: July 23, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-8820; Filed, July 25, 1969; 8:49 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER E—LOAD LINES

[CGFR 69-82]

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

Great Lakes Vessels; Load Lines

On June 24, 1969, a notice of proposed rule making regarding an amendment to Subpart 45.15 of Part 45, Subchapter E, Title 46, Code of Federal Regulations, by adding a new § 45.15-100 was published in the FEDERAL REGISTER (34 F.R. 9754). Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below. Since this amendment is a substantive change which relieves a restriction, the Administrative Procedure Act (5 U.S.C. 553(d)) grants an exception to the 30 days effective date requirement.

(Sec. 2, 45 Stat. 1493, sec. 2, 49 Stat. 888, as amended, sec. 6(b), 80 Stat. 937; 46 U.S.C. 85a, 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2))

Effective date: This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: July 25, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

§ 45.15-100 Reduced freeboards for steamers having superior design and operational features engaged on Great Lakes voyages.

(a) Subject to compliance with the additional conditions in paragraph (b) of this section but otherwise in accordance with the usual conditions of assignment, freeboards of steamers over 440 feet in length engaged on Great Lakes voyages, may be computed from the lesser tabular values given by the Table 45.15-100(a) in lieu of those given by Table 45.15-97(a).

TABLE 45.15-100(a)—REDUCED BASIC MINIMUM SUMMER FREEBOARDS FOR STEAMERS ON GREAT LAKES VOYAGES

Length of ship (feet)	*Freeboard (inches)*
440	78.2
450	80.7
460	83.1
470	85.6
480	88.1
490	90.6
500	93.1
510	95.6
520	98.1
530	100.6
540	103.0
550	105.4
560	107.7
570	110.0
580	112.3
590	114.6
600	116.8
610	119.0
620	121.1
630	123.2
640	125.3
650	127.3
660	129.3
670	131.3
680	133.3
690	135.3
700	137.1
710	139.0
720	140.9
730	142.7
740	144.5
750	146.3
760	148.1
770	149.8
780	151.5
790	153.2
800	154.8
810	156.4
820	158.0
830	159.6
840	161.2
850	162.8
860	164.3
870	165.9
880	167.4
890	168.9
900	170.4
910	171.8
920	173.3
930	174.7
940	176.1
950	177.5
960	178.9
970	180.3
980	181.7
990	183.1
1000	184.4

Freeboards at intermediate lengths of ship shall be obtained by linear interpolation.

(b) In order to be eligible for the reduced freeboards permitted by this section, vessels shall comply with following supplementary conditions:

(1) Vessels shall be built of steel complying with the amended classification society specifications issued in 1948, or thereafter.

(2) Hatch covers shall be one piece weathertight steel or equivalent material.

(3) A protected underdeck fore and aft passage shall be provided.

(4) Deck houses and superstructures shall be of steel or equivalent material.

(5) Vessels shall be structurally suitable for the resulting load draft in all operating conditions.

[F.R. Doc. 69-8864; Filed, July 25, 1969; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Special Permission 70-275]

PART 1300—FREIGHT SCHEDULES; RAILROADS

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

Tariffs Containing Joint Rates and Through Routes for Transportation of Property Between Points in the U.S. and Foreign Countries

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 15th day of July 1969.

It appearing, that Rule 67 of Tariff Circular No. 20 (47 CFR 1300.67) does not permit the filing of joint rates and through routes for the transportation of property between points in the United States and points in foreign countries embracing common carriers by water and common carriers subject to the Interstate Commerce Act:

And it further appearing, that the proposed rule making required by section 553 of the Administrative Procedure Act (5 U.S.C. 553) is unnecessary since the change in existing regulations to be effectuated by this order will permit common carriers by water to enter into arrangements with common carriers subject to the Interstate Commerce Act for joint rates and through routes covering the transportation of property between points in the United States and points in foreign countries, thus constituting a relaxation of the regulations heretofore prescribed:

It is ordered, That § 1300.67 of Chapter X of Title 49 of the Code of Federal Regulations be, and the same is hereby, revised to read as follows:

§ 1300.67 Export and import traffic—ocean carriers.

(a) *Through routes and joint rates.* When a common carrier by water enters into an arrangement with a common carrier subject to the Interstate Commerce Act for joint rates and through routes covering the transportation of property subject to the Act between points in the United States and points in foreign countries, tariffs naming such joint rates and through routes must be filed with this Commission, and must be published, filed, and posted in conformity with the provisions of the Act and the rules of this tariff circular.

(b) *Port combination basis.* When the carriers do not enter into joint rate and through route arrangements as provided in paragraph (a) of this section, but desire to handle traffic on basis of combinations of rates to and from the ports, the ocean carrier is not subject to the Interstate Commerce Act or the jurisdiction of the Commission and the following will apply:

(1) *Export and import tariffs.* (i) The carriers subject to the Interstate Commerce Act transporting property exported or imported from a foreign country by water must file their rates to the ports and from the ports, and such rates must be the same for all, regardless of what ocean carrier may be designated by the shipper except as otherwise provided by section 28 of the Merchant Marine Act (41 Stat. 999; 46 U.S.C. 884).

(ii) When rates are published to apply on export or import traffic, the tariffs containing such rates shall specify by inclusion or exclusion the countries to or from which traffic subject to such rates shall move, whether such countries are, or are not, adjacent to the United States.

(iii) In the interest of clearness the tariffs should also specify whether or not property destined to or coming from Cuba, the Philippine Islands, Puerto Rico, the Hawaiian Islands, or the Canal Zone are included. For convenience, and without regard to the political status and relation of the Philippines, Puerto Rico, the Hawaiian Islands, and the Canal Zone to the United States, they together with Cuba, are for these purposes, to be classed with foreign countries, and in the absence of statement in tariffs limiting the application of export and import rates, export and import rates will apply on traffic destined to or coming from the above-named territories.

(2) *Steamship charges may be shown.* As a matter of convenience to the public, said carriers may also publish as information in their tariffs in connection with the rate as above provided, the steamship charges to or from foreign destinations. When this is done, such steamship charges may be changed without notice, but the rates of the carriers to (or from) ports are subject to all provisions of the Interstate Commerce Act and of the Commission's rules with respect to notice and form of publication. Tariffs containing such steamship charges must not be concurred in by the ocean carriers.

(c) *Through export and import billing.* Export and import shipments may be forwarded under through billing, but through bills of lading must clearly separate the liability of the carriers included therein where different, and must show (1) the tariff rate of the carrier or carriers subject to the Act to or from the port, or (2) joint rates or charges when such rates are established and are named in tariffs on file with the Commission as provided in paragraph (a) of this section.

It is further ordered, That § 1307.22 of Chapter X of Title 49 of the Code of

Federal Regulations be, and the same is hereby, revised to read as follows:

§ 1307.22 Application of regulations.

(a) The regulations in this Subpart B will also apply to tariffs containing joint rates of common carriers of property by motor vehicle and common carriers by water, other than railroad-owned or railroad-controlled water carriers, and except as provided in paragraph (c) of this section.

(b) The regulations in this Subpart B will not apply to tariffs containing joint rates between motor carriers and common carriers by rail or by water when such water carriers are railroad-owned or railroad-controlled and operate under the provisions of section 5(21) of the Interstate Commerce Act or to tariffs containing joint motor-rail-water rates whether or not the water carrier is railroad owned or controlled.

(c) The regulations in this Subpart B will not apply to tariffs containing joint rates and through routes between common carriers by water and common carriers by motor vehicle for the transportation of property between points in the United States and points in foreign countries. For regulations to apply see Rule 67 of Tariff Circular No. 20 (§ 1300.67 of this chapter).

It is further ordered, That this revision shall become effective upon publication in the FEDERAL REGISTER.

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(Secs. 5, 6, 24 Stat. 380, as amended, 12, 24 Stat. 383, as amended, 204, 49 Stat. 546, as amended, 217, 49 Stat. 560, as amended. 49 U.S.C. 5, 6, 12, 304, 317)

By the Commission, Division 2.

[SEAL] ANDREW ANTHONY, Jr.
Acting Secretary.

[F.R. Doc. 69-8806; Filed, July 25, 1969; 8:47 a.m.]

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 63]

[Docket No. 18509]

CHANNEL FACILITIES FURNISHED TO AFFILIATED CATV SYSTEMS

Applications of Telephone Companies for Certificates

In the matter of applications of telephone companies for section 214 certificates for channel facilities furnished to affiliated community antenna television systems; Docket No. 18509.

1. The Commission has before it motions by the United Telephone System (United), filed July 16, 1969, and by the American Telephone & Telegraph Co. (A.T. & T.), filed July 17, 1969, requesting that the time for filing reply comments in the above-captioned matter be extended until August 18, 1969, and August 1, 1969, respectively. Reply comments are presently due on July 18, 1969.

2. In support, it is stated that due to the number and extent of the comments filed, the period of time allowed under the present filing date of July 18, 1969, "does not provide sufficient time to analyze these documents and adequately prepare replies thereto." In addition, United alleges that as of the time of filing its present motion, it had not received a copy of the text of an order by the Commission, deciding certain prior related motions in this proceeding, which decision may affect the substance of its reply comments.

3. We are desirous of concluding this matter as quickly as possible because of the important public interest issues involved. However, we recognize that numerous, extensive and complex comments have been filed by the parties. Under these circumstances we believe that the public interest will be served by this one final extension of the filing period for reply comments in this proceeding for all interested parties to August 1, 1969.

4. In view of the foregoing, United's request for an extension of the filing date of reply comments to August 18, 1969, will be denied to the extent it requests an extension beyond August 1, 1969.

5. *Accordingly, it is ordered,* Pursuant to authority delegated by § 0.303(c) of the Commission's rules, that the American Telephone and Telegraph Co.'s motion for the extension of time for filing reply comments to the above-captioned proceedings to August 1, 1969, is hereby granted; and that the United Telephone System's motion for extension to August 18, 1969, is hereby denied insofar as it requests an extension beyond August 1, 1969.

Adopted: July 18, 1969.

Released: July 22, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] ASHER H. ENDE,
Acting Chief,
Common Carrier Bureau.

[F.R. Doc. 69-8815; Filed, July 25, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte No. MC 19 (Sub-No. 9)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS (AGENCY RELATIONSHIPS)

Extension of Time

JULY 23, 1969.

At the request of certain respondents, the time for filing initial written representations in the above-entitled proceeding has been extended to September 15, 1969, and the date for notifying the Commission of intention to participate has been extended to October 6, 1969.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-8807; Filed, July 25, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69-176]

AIRCRAFT IN FOREIGN TRADE

Supplies and Equipment for Aircraft of Foreign Registry

JULY 18, 1969.

Treasury decision 49914(7) dated July 8, 1939, stated that in accordance with section 309(d) of the Tariff Act of 1930, as amended (19 U.S.C. 1309(d)) the Department of Commerce had found and advised the Secretary of the Treasury that the United Kingdom allows to aircraft registered in the United States and engaged in foreign trade privileges substantially reciprocal to the privileges referred to in sections 309(a) and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309(a), 1317) in respect of aircraft registered in a foreign country and actually engaged in foreign trade.

The Department of Commerce now advises that its finding did not include ground equipment since it was not included in the exemptions allowable under section 309 of the tariff act prior to its amendment by the Customs Simplification Act of 1953 (sec. 11(a), 67 Stat. 514). On June 24, 1969, the Department of Commerce issued a finding that the United Kingdom does not allow exemption from duty or tax on ground equipment brought into that country for aircraft of U.S. registry engaged in foreign trade.

Accordingly, effective June 25, 1969, ground equipment may not be withdrawn under section 309(a)(3) of the Tariff Act of 1930, as amended, for aircraft registered in the United Kingdom.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-8793; Filed, July 25, 1969; 8:47 a.m.]

Internal Revenue Service

JOHN R. LUTES

Notice of Granting of Relief

Notice is hereby given that John R. Lutes, 203 Courtland Street, Dowagiac, Mich., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 30, 1948, by the Circuit Court of St. Joseph County, Ind., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John R. Lutes, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction, it would be unlawful for Mr. Lutes to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John R. Lutes' application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that John R. Lutes be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of July 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-8795; Filed, July 25, 1969; 8:47 a.m.]

THOMAS BENTON MILLS

Notice of Granting of Relief

Notice is hereby given that Thomas Benton Mills, 617 Southeast Avenue H, Idabel, Okla., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 6, 1933, in the District Court of Choctaw County, Okla., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Thomas Benton Mills, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction it would be unlawful for Mr. Mills, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered Thomas Benton Mills' application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Thomas Benton Mills from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Thomas Benton Mills be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described. Signed at Washington, D.C., this 22d day of July 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-8794; Filed, July 25, 1969; 8:47 a.m.]

HARRY R. WATKINS

Notice of Granting of Relief

Notice is hereby given that Henry R. Watkins, 5290 Jonestown Road, Harrisburg, Pa., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 20, 1950, of two crimes, one in the Court of Quarter Sessions, Dauphin County, Pa., and the other in the Court of Oyer and Terminer, Dauphin County, Pa., both of which were punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Harry R. Watkins, because of such convictions to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such convictions it would be unlawful for Mr. Watkins to receive, possess, or transport in commerce, a firearm. Notice is hereby further given that I have considered Harry R. Watkins' application and have found:

(1) The convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Harry R. Watkins from disabilities incurred by reason of his convictions, would not be contrary to the public interest.

It is ordered, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Harry R. Watkins be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the convictions hereinabove described. Signed at Washington, D.C., this 22d day of July 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-8796; Filed, July 25, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

GRAINS AND SIMILARLY HANDLED COMMODITIES

Notice of Extension of Warehouse Storage Loans

The Notice of Extension of Warehouse Storage Loans, published on January 18, 1969, in 34 F.R. 874, is amended to delete therefrom all references to corn and to maturity dates applicable to corn. The effect of this amendment notice is to remove corn from the list of 1967 and 1968 crop commodities eligible for the extended warehouse storage loan program. The amended notice reads as follows:

Pursuant to the provisions of § 1421.55 of the General Regulations Governing Price Support for the 1964 and Subsequent Crops of Grains and Similarly Handled Commodities, as amended, CCC hereby gives notice that, subject to earlier demand for payment, the loan maturity dates of price support warehouse-storage loans on the 1967 and 1968 crops of barley, grain sorghum, oats, soybeans, and wheat are extended for an additional 1-year period from the current maturity dates for such loans, as provided below, with respect to producers who prior to the current original maturity dates of loans secured by the 1968 crops of such commodities or the current extended maturity date of loans secured by the 1967 crops thereof, or such later dates that may be authorized for good cause by the Deputy Administrator, State and County Operations, ASCS, notify in writing the ASCS county office through which they obtained such loans that they wish to have such maturity dates extended; loans with respect to which no request for extensions are received will mature on the current original and extended maturity dates of loans secured by the 1968 and 1967 crops of the commodities designated in this notice.

Commodity	1967 Crop		1968 Crop	
	From current extended maturity date	To re-extended maturity date	From current original loan maturity date	To extended loan maturity date
Barley in Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming	May 31, 1969	May 31, 1970	May 31, 1969	May 31, 1970
Barley in all other States	Apr. 30, 1969	Apr. 30, 1970	Apr. 30, 1969	Apr. 30, 1970
Grain sorghum in Oklahoma and Texas	June 30, 1969	June 30, 1970	June 30, 1969	June 30, 1970
Grain sorghum in all other States	July 31, 1969	July 31, 1970	July 31, 1969	July 31, 1970
Oats in Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming	May 31, 1969	May 31, 1970	May 31, 1969	May 31, 1970
Oats in all other States	Apr. 30, 1969	Apr. 30, 1970	Apr. 30, 1969	Apr. 30, 1970
Soybeans in all States	July 31, 1969	July 31, 1970	July 31, 1969	July 31, 1970
Wheat in Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming	May 31, 1969	May 31, 1970	May 31, 1969	May 31, 1970
Wheat in all other States	Apr. 30, 1969	Apr. 30, 1970	Apr. 30, 1969	Apr. 30, 1970

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 401, 403, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1421, 1423, 1425)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 17, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-8789; Filed, July 25, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-64]

PONCE, P.R. AND MAYAGUEZ, P.R.

Revocation of Designations as Ports of Documentation

1. Notice of the proposed revocation of the designations of Ponce, P.R., and Mayaguez, P.R., as ports of documentation and the transfer of the documentation records to the office of the Officer in Charge, Marine Inspection, Federal Building, San Juan, P.R. 00904, was published in the FEDERAL REGISTER of May 14, 1969 (34 F.R. 7667) as CGFR 69-47.

2. By virtue of the authority contained in sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2), the following action is hereby taken effective August 20, 1969:

(a) The designations of Ponce, P.R., and Mayaguez, P.R., as ports of documentation are revoked;

(b) The documentation records at Ponce, P.R., and Mayaguez, P.R., are transferred to the office of the Officer in Charge, Marine Inspection, Federal Building, San Juan, P.R. 00904; and

(c) San Juan is designated as home port of all vessels now having Ponce and Mayaguez as home port.

3. Vessels marked with the name of Ponce or Mayaguez as home port shall be deemed to be properly marked within the meaning of section 4178 of the Revised Statutes, as amended (46 U.S.C. 46), and the regulations issued thereunder, for a period of 2 years from the effective date of this order.

Dated: July 17, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69-8821; Filed, July 25, 1969; 8:49 a.m.]

National Transportation Safety Board

[Docket No. SA-413]

INVESTIGATION OF ACCIDENT INVOLVING UNITED AIR LINES AIRCRAFT

Notice of Hearing

In the matter of investigation of accident involving United Air Lines Aircraft, Boeing 727-22C, of U.S. Registry N7434U, which occurred in Santa Monica Bay, 11.3 miles west of Los Angeles International Airport, Los Angeles, Calif., January 18, 1969.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m. (local time), on August 13, 1969, at the Hotel Miramar, Wilshire Boulevard and Ocean Avenue, Santa Monica, Calif.

Dated this 22d day of July 1969.

[SEAL] JOHN M. STUHLDREHER,
Hearing Officer.

[F.R. Doc. 69-8797; Filed, July 25, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 69-7-93]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority, July 18, 1969.

Agreement adopted by Joint Conference 1-2-3 of the International Air Transport Association relating to specific commodity rates.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated June 19, 1969, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R-82:
Commodity Item 1410—Bulbs, 59 cents per kg., minimum weight 500 kgs., Ankara to New York.

R-83:
Commodity Item 1231—Handbags, Pocketbooks, Wallets, Purses, 100 cents per kg., minimum weight 300 kgs., Tel Aviv to New York.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R-82 and R-83, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8812; Filed, July 25, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-7-94]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority, July 18, 1969.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated June 19, 1969, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R-32
Commodity Item 7177—Printed Promotional Material, 28 cents per kg., minimum weight 2,000 kgs., St. Lucia to New York.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20806, R-32, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8813; Filed, July 25, 1969; 8:48 a.m.]

MOHAWK AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

JULY 23, 1969.

Notice is hereby given that the Civil Aeronautics Board on July 22, 1969, received an application, Docket 21219, from Mohawk Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 94 to authorize it to engage in nonstop service between Albany, N.Y., and Washington, D.C. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8814; Filed, July 25, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 449]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 22, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

Major Amendments

6862-C2-P-69—The Lincoln Telephone & Telegraph Co. (New). Amend to change antenna location from 321 North Street, Joseph Avenue, Hastings, Nebr. to 1602 West B Street, Hastings, Nebr. Also amend to change transmitter and antenna system. Application reported on public notice dated May 19, 1969, Report No. 440.

2125-C2-P-69—Capital Telephone Co., Inc. (KEC937). Amend to change base frequency to 152.18 MHz. All other particulars to remain the same as reported on public notice dated Oct. 14, 1968, Report No. 409.

4435-C2-P-69—Tel-Car, Inc. (New). Amend to read: Repeater frequency 459.150 MHz and at location No. 2: 0.5 mile east of Meridian, Idaho, to operate on control frequency 454.150 MHz. All other particulars to remain the same as reported on public notice dated Feb. 10, 1969, Report No. 426.

RURAL RADIO SERVICE

157-C1/C2-AL-(2)-70—Karl's Radio Service Co. (KVI21). Consent to assignment of license from: Karl's Radio Service Co., Assignor, to: Karl M. Bachman and Margaret E. Bachman, doing business as Telco Answering Service, Assignee.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

98-C1-P-70—California Interstate Telephone Co. (KMQ75). C.P. to add frequencies 5945.2, 6063.8, and 6167.6 MHz toward Lane Mountain, Calif. Station location: 1.4 miles southwest of Randsburg, Calif. on Government Peak.

99-C1-P-70—California Interstate Telephone Co. (KNZ59). C.P. to add frequencies 6226.9, 6301.0, and 6345.5 MHz toward Government Peak, near Randsburg, Calif.; 6330.7 MHz toward Barstow, Calif., and 11,245.0 MHz toward Bicycle Hill, Calif. Station location: Lane Mountain, 14 miles north-northeast of Barstow, Calif.

100-C1-P-70—California Interstate Telephone Co. (KMW61). C.P. to add 6108.3 MHz toward Lane Mountain, Calif. Station location: On State Highway No. 66, between May and Otis Street, extended, Barstow, Calif.

101-C1-P-70—California Interstate Telephone Co. (KYR95). C.P. to add frequencies 6093.5 and 10,715.0 MHz toward Lane Mountain, Calif., and add 6078.6 and 10,935.0 MHz toward Turquoise, Calif. Station location: Bicycle Hill, 7.7 miles northeast of Camp Irwin, Calif.

102-C1-P-70—Matanuska Telephone Association, Inc. (New), C.P. for a new fixed station to be located at 4 kilometers east of Talkeetna, Alaska, to operate on frequencies 11,365, 11,525, and 11,685 MHz toward Scotty, Alaska.

103-C1-P-70—Matanuska Telephone Association, Inc. (New), C.P. for a new fixed station to be located at Scotty Lake, 9.5 kilometers west of Talkeetna, Alaska, to operate on frequencies 10,765, 10,915, and 11,075 MHz toward Talkeetna, Alaska, and 6595, 6675, and 6635 MHz toward Twelvemile, Alaska.

104-C1-P-70—Matanuska Telephone Association, Inc. (New), C.P. for a new fixed station to be located at Twelvemile, 1.6 kilometers west of Twelvemile Lake, Alaska, to operate on frequencies 6776, 6855, and 6815 MHz toward Scotty, Alaska, and 6063.8, 6123.1, and 6093.5 MHz toward Anchorage, Alaska.

108-C1-P-70—The Ohio Bell Telephone Co. (KQL27). C.P. to add frequencies 13,212.5 and 13,287.5 MHz toward Parma, Ohio, and change the antenna system. Station location: 780 Huron Road, Cleveland, Ohio.

121-C1-P/L-70—Illinois Bell Telephone Co. (New), C.P. and license for a new Developmental temporary-fixed station to operate within the territory of the applicant, to operate on frequencies in the 2110-2130, 2160-2180, 3700-4200, 5925-6425, and 10,700-11,700 MHz frequency bands.

Major Amendment

5963-C1-P-69—The Lincoln Telephone & Telegraph Co. (New). Change operating frequencies from 6204.7 and 6323.3 MHz to 11,525 and 11,605 MHz. All other particulars the same as reported in public notice dated Apr. 14, 1969.

5964-C1-P-69—The Lincoln Telephone & Telegraph Co. (KBC94), Change operating frequencies from 6011.9 and 6103.5 MHz to 10,995 and 11,075 MHz. All other particulars same as above.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

95-C2-P-70—The Pacific Telephone & Telegraph Co. (New), C.P. for new 2-way station to be located at Point Carbrillo, 1.2 miles south of Casper, Calif., to operate on frequency 152.69 MHz.

96-C2-P-70—Southern Bell Telephone & Telegraph Co. (KIG295), C.P. for an additional fourth channel to operate on base frequency 152.57 MHz at station located at South Carolina on Paris Mountain, 6 miles north of Greenville, S.C.

97-C2-P-70—Mobilfone Communications, Inc. (KKX714), C.P. for an additional channel to operate on frequency 152.21 MHz at location No. 2: On Highway No. 183, 3 miles north of Austin, Tex.

240-C2-R-70—New York Telephone Co. (KEA770), Renewal of (Developmental) expiring Sept. 10, 1969. Term: Sept. 10, 1969 to Sept. 10, 1970.

105-C2-P-70—Telephone Answering Service, Inc. (New), C.P. for new 1-way station to be located at 60 Monroe Avenue, Grand Rapids, Mich., to operate on frequency 152.24 MHz.

106-C2-P-70—Harrisonville Telephone Co. (New), C.P. for new 1-way station to be located at 212 North Church Street, Waterloo, Ill., to operate on frequency 152.84 MHz.

107-C2-P-70—Mueller Electronics, Inc. (KEC746), C.P. to change antenna system for base relocate facilities to: Off Highway 9, approximately 1 mile north of Cape May, N.J., operating on base frequency 152.09 MHz; replace transmitter for same.

117-C2-P-70—Land of Lincoln Mobile Telephone Co. (New), C.P. for a new 2-way station to be located at La Salle Building, 1 North La Salle Street, Chicago, Ill., to operate on frequency 454.025 MHz.

118-C2-P-70—Mobile Telephone Co. of New Jersey (New), C.P. for a new 2-way station to be located at Stone Hedge House, 8200 Boulevard East, North Bergen, N.J., to operate on frequency 454.175 MHz.

119-C2-P-(3)-70—Evergreen State Mobile Telephone Co. (New), C.P. for new 2-way station to be located at Ratelco Antenna Farm, Antenna No. 5, Cougar Mountain, Issaquah, Wash., to operate on frequencies 454.100, 454.175, 454.225 MHz.

120-C2-P-70—Tele-Comm, Inc. (KON926), C.P. to change antenna system for base frequency 152.12 MHz at location No. 1: 4.5 miles west of Bremerton, Wash.

492-C2-R-70—Michigan Bell Telephone Co. (KQD306), Renewal of (Developmental) expiring Sept. 10, 1969. Term: Sept. 10, 1969 to Sept. 10, 1970.

127-C2-P-70—Eugene M. Thomas doing business as Thomas Telephone Answering Service (New), C.P. for new 2-way station to be located at end of Mine Road, top of Lee Hill Mountain, 5.5 miles northwest of Boulder, Colo., to operate on frequency 454.10 MHz.

128-C2-P-70—Carford Corp. (KMA219), C.P. to change antenna system for base frequency 152.03 MHz at station located at 1501 McHenry Street, Modesto, Calif.

129-C2-P-70—General Telephone Co. of Florida (KIY397), C.P. to change antenna system for base frequencies 152.78, 152.81 MHz at station located at 525 feet south of Proctor Road and 125 feet east of Honore Road, Bee Ridge, Fla. Also add auxiliary test frequency 158.01 MHz at existing location northwest corner of Constitution Avenue and Swift Road, Sarasota, Fla.

153-C2-P-70—Radio Relay Corp. (New), C.P. for new 1-way station to be located at Rochester Trust Building, Rochester, N.Y., to operate on frequency 35.58 MHz.

154-C2-P-(3)-70—Oklahoma Mobile Telephone Co. (New), C.P. for new 2-way station to be located at KOCO-TV, North Kelley Avenue and Britton Road, Oklahoma City, Okla., to operate on frequencies 454.125, 454.22, 454.325 MHz.

155-C2-P-70—Tim G. Burgman (New), C.P. for new 1-way station to be located at Seventh and Division Streets, Tumwater, Wash., to operate on frequency 158.70 MHz.

157-C1/C2-AL-(2)-70—Karl's Radio Service Co. (KFL921), Consent to assignment of license from: Karl's Radio Service Co., Assignor, to: Karl M. Bachman and Margaret E. Bachman, doing business as Telco Answering Service, Assignee.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

141–C1–P–70—American Microwave & Communications, Inc. (New), C.P. for a new station 3 miles southeast of De Pere, Wis., at lat. 44°24'21" N., long. 88°00'19" W. Frequency 6062.5 MHz on azimuth 5°53'.

142–C1–P–70—American Microwave & Communications, Inc. (KSJ60), C.P. to add frequency 6262.5 MHz on azimuth 32°35'. Location: 4 miles west of Harmony Corners, Wis., at lat. 45°04'53" N., long. 87°54'25" W.

143–C1–P–70—American Microwave & Communications, Inc. (KQN52), C.P. to add frequency 6027.5 MHz on azimuth 47°00'. Location: 3.5 miles east-southeast of Talbot, Mich., at lat. 45°29'40" N., long. 87°31'50" W.

144–C1–P–70—American Microwave & Communications, Inc. (New), C.P. for a new station 2 miles west of Escanaba, Mich., at lat. 45°45'40" N., long. 87°07'30" W. Frequency 6367.7 MHz on azimuth 18°15'. (Informative: Applicant proposes to provide the television signal from the WFRV–TV transmitter site near De Pere, Wis., to the WFRV–TV Channel 3 satellite television broadcast station near Trenary, Mich.)

145–C1–P–70—West Texas Microwave Co. (KLU86), C.P. to change transmitters to Collins, type MW–609E having power output of 5 watts and emission 30,000F9. Location: 4.5 miles west of Aldo, Tex. Frequencies 11,265 and 11,505 MHz on azimuth 388°00'.

146–C1–P–70—United Video, Inc. (New), C.P. for a new station 1 mile northwest of Louisiana, Mo., at lat. 39°27'30" N., long. 91°03'44" W. Frequencies: 10,775, 10,935, 11,015, 11,095, and 11,175 MHz on azimuth 313°24'. (Informative: Applicant proposes to provide the television signals of Stations KETC, KPLR–TV, KST–TV, KTVI, and KMOX–TV of St. Louis, Mo., to Hannibal, Mo., for delivery to Hannibal Cable T.V., Inc.)

147–C1–P–70—Newhouse Alabama Microwave, Inc. (New), C.P. for a new station at Radio Park in Birmingham, Ala., at lat. 33°29'28" N., long. 86°47'47" W. Frequencies 5974.8 and 6093.5 MHz on azimuth 69°57'.

148–C1–P–70—Newhouse Alabama Microwave, Inc. (New), C.P. for a new station 7 miles west of Pell City, Ala., at lat. 33°26'21" N., long. 86°25'07" W. Frequencies 6226.9 and 6345.5 MHz on azimuth 81°23'.

149–C1–P–70—Newhouse Alabama Microwave, Inc. (New), C.P. for a new station on Blue Mountain near Anniston, Ala., at lat. 33°40'51" N., long. 85°48'56" W. Frequency 5974.8 MHz on azimuth 212°06'. (Informative: Applicant proposes to provide the television signals on the CBS and NBC networks to television station WHMA–TV in Anniston, Ala.)

150–C1–ML–70—West Texas Microwave Co. (KTQ81), Modification of license for station located at Colorado City, Tex., to permit carriage of audio programing of KIXL–FM to Snyder, Tex., for delivery to Snyder Community Antenna Television, Inc.

151–C1–ML–70—West Texas Microwave Co. (KZI26), Modification of license for station located at Abernathy, Tex., to permit carriage of audio programing of KIXL–FM to Plainview, Tex., for delivery to Plain View Cable Television.

152–C1–ML–70—West Texas Microwave Co. (KTR35), Modification of license for station located at Pleasant Valley, Tex., to permit carriage of audio programing of KIXL–FM to Lubbock, Tex., for delivery to Lubbock Television Cable Co., Inc.

[F.R. Doc. 69–8816; Filed, July 25, 1969; 8:48 a.m.]

[Dockets Nos. 18515, 18516; FCC 69R–308]

JACO, INC., AND KAKE–TV AND RADIO, INC.

Memorandum Opinion and Order Clarifying Issues

In reapplications of Jaco, Inc., Wichita, Kans., docket No. 18515, file No. BPH–6430; KAKE–TV and Radio, Inc., Wichita, Kans., docket No. 18516, file No. BPH–6500; for construction permits.

1. This proceeding involves the applications of Jaco, Inc. (Jaco), and KAKE–TV and Radio, Inc. (KAKE), each requesting an authorization to construct a new FM broadcast station in Wichita, Kans. By Order, FCC 69–326, 34 F.R. 6403, released April 8, 1969, these mutually exclusive applications were designated for hearing under various issues, including a standard comparative issue. Presently before the Review Board is a petition to construe or enlarge issues, filed by Jaco on April 28, 1969, requesting the Board to construe or enlarge the hearing issues in order to assure consideration of comparative coverage evidence at the hearing.[1]

2. Petitioner first notes that it is uncertain as to whether the question of comparative coverage can be explored under the general comparative issue, or whether a petition to enlarge issues must be filed before such evidence may be adduced. Therefore, Jaco states, the instant petition is being filed as "a cautionary measure." With regard to the merits of its request, petitioner alleges (supported by an engineering affidavit) that its 1 mv/m contour encompasses an area of 7,150 square miles and 527,451 persons, whereas KAKE's 1 mv/m contour would cover 5,410 square miles and 513,300 persons. Jaco further alleges that its proposal would serve a white area embracing 1,175 square miles, whereas KAKE would provide service to a white area of only 335 square miles. These differences, petitioner contends, are substantial and therefore sufficient to permit consideration of comparative coverage evidence at the hearing.

3. The Broadcast Bureau, in its comments, supports Jaco's request. It contends, however, that in light of recent Review Board precedent, the appropriate procedure for obtaining an authorization to adduce comparative coverage evidence is unclear. Thus, the Bureau states, in a recent Decision, Athens Broadcasting, Inc., FCC 69R–191, 17 FCC 2d 452, the Review Board appears to have indicated that the Examiner can, upon a threshold showing, authorize the adduction of comparative coverage evidence. However, the Bureau asserts, in Atlantic Video Corp., FCC 69R–195, 17 FCC 2d 565, the Board granted a request to permit the adduction of such evidence. In light of this precedent, the Bureau seeks a clarification regarding the procedure to be utilized for such requests.

4. The Review Board is of the view that the difference in white area coverage alleged by the petitioner could be significant, and therefore will authorize the Examiner to adduce coverage evidence under the standard comparative issue. Cf. Roswell Television, FCC 69R–374, 3 RR 2d 569. As to the procedure to be used for such requests, the Board notes first that in the Policy Statement on Comparative Broadcast Hearings,[2] the Commission stated that where one of two or more competing applicants proposes an operation which, for engineering reasons, would be more efficient, this fact can and should be considered. The Commission did not, however, indicate the authority to which a prima facie showing of significant difference should be made.[3] In the Athens Broadcasting, Inc., case, supra, the Board indicated that, notwithstanding the fact that it had acted upon a number of requests for authorization to adduce coverage evidence, it would not preclude a Hearing Examiner from receiving such evidence where the Examiner is convinced by a threshold showing that a substantial difference between the applicants' coverage exists. This holding was based on our view that such requests and appropriate supporting showings could be made to the Examiner during prehearing conferences, thereby avoiding time-consuming pleadings, and expediting the hearing process. The only difficulty the Board perceives with this procedure stems from the fact that the Broadcast Bureau does not ordinarily participate in the comparative aspects of hearing cases. However, with reasonable notice, the Bureau's views regarding the merits of such showings could and should be obtained. Thus, in order to assure a clear and uniform procedure for future requests, the Board holds that Hearing Examiners have authority to rule on requests for permission to adduce comparative coverage evidence, and, in the future the Board will require that all such requests be directed to the Examiner in the first instance.

5. *Accordingly, it is ordered*, That the petition to construe or enlarge issues, filed on April 28, 1969, by Jaco, Inc., is granted, and that the Hearing Examiner is authorized to receive evidence of coverage under the standard comparative issue.

Adopted: July 18, 1969.

Released: July 23, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–8817; Filed, July 25, 1969; 8:49 a.m.]

[1] Also before the Board are the Broadcast Bureau's comments, filed on May 13, 1969 No responsive pleading has been filed by KAKE.

[2] 1 FCC 2d 393, 5 RR 2d 1901 (1965).

[3] Prior to the adoption of the Policy Statement, a separate issue was ordinarily specified under which comparative coverage evidence could be received. See, e.g., Roswell Television, supra. Subsequently, the Commission stated that it would specify no issue, but that, upon a proper showing, such evidence could be received under the general comparative issue. Harriscope, Inc., 2 FCC 2d 223 (1965).

[Dockets Nos. 18349–18353; FCC 69R–309]

RALPH J. SILKWOOD AND K. C. LAURANCE ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Ralph J. Silkwood and K. C. Laurance (Transferors), and W. H. Hansen (Transferee), for transfer of control of Medford Broadcasters, Inc. (KDOV), Medford, Oreg., Docket No. 18349, File No. BTC–4244; R. W. Hansen (KCNO), Alturas, Calif., Docket No. 18350, File No. BR–2641, for renewal of license; Medford Broadcasters, Inc. (KDOV), Medford, Oreg., Docket No. 18351, File No. BR–3775, for renewal of license; W. H. Hansen, Medford, Oreg., Docket No. 18352, File No. BPH–4424, for construction permit; Radio Medford, Inc., Medford, Oreg., Docket No. 18353, File No. BPH–5429, for construction permit.

1. This proceeding involves the mutually-exclusive applications of Radio Medford, Inc. (Radio), and W. H. Hansen for a new FM facility at Medford, Oreg.; the applications were consolidated for hearing with, inter alia, an application for transfer of control of the licensee of KDOV, Medford, to W. H. Hansen, and an application for renewal of the license of that facility (FCC 68–1013, released October 17, 1969). Now before the Board is a petition to enlarge issues, filed June 2, 1969, by Radio requesting addition of a Rule 1.65 issue against W. H. Hansen.[1]

2. Radio asserts that its request for enlargement, which is concededly untimely within the purview of Rule 1.229, is predicated on the following circumstances. The application for transfer of control of KDOV, as originally filed, contemplated that Hansen, who owns 25 percent of the KDOV stock, would obtain the balance of the outstanding stock of the licensee, 50 percent from Ralph J. Silkwood pursuant to a settlement agreement dated July 31, 1962, and 25 percent from K. C. Laurance. Due to earlier transactions in the stock of KDOV, the Commission specified the transfer and renewal applications for hearing on § 310(b) (unauthorized transfer of control) and Rule 1.613(b) (failure to file agreements) issues, noting that hearing was necessary "to untangle the chain" of the licensee's ownership. On April 28, 1969, Silkwood and Hansen filed a petition to dismiss that portion of the transfer application relating to the transfer of Silkwood's 50 percent interest in KDOV. This petition to dismiss, asserts Radio, disclosed for the first time the existence of a contract dated June 21, 1967, between Silkwood and W. H. Hansen whereby the parties agreed to nullify the stock transfer arrangements entered into in July 1962. The affidavits supporting the petition to dismiss, petitioner notes, further state that Silkwood and W. H. Hansen had "recently reached" an understanding to effectuate the June 1967 agreement but do not indicate when this understanding was arrived at. The June 1967 agreement, Radio asserts, and the "recently reached" understanding completely change the nature of the pending transfer application because execution of such agreements would result in Hansen's holding 50 percent (negative control) rather than 100 percent of KDOV's stock. Therefore, concludes Radio, since these agreements were but recently disclosed, "good cause" is shown for the late filing of its petition to enlarge; since the undisclosed agreements render the transfer application "no longer substantially accurate" such agreements should have been disclosed pursuant to Rule 1.65, and, consequently, a substantial question as to Hansen's compliance with such rule has been raised.[2] The Bureau supports the request for the issue. Hansen, "while not admitting that there was an intentional violation" of the rule, does not oppose a grant of the petition.

3. The Review Board is not satisfied that good cause for the late filing of the petition to enlarge has been shown: There is a 4-week lapse between the first disclosure of the June 1967 agreement, in the petition to dismiss filed April 28, 1969, and Radio's petition to enlarge, filed June 2, 1969. No adequate explanation of this lapse has been given. Nevertheless, the petition does raise a public interest question of substantial magnitude and enlargement of the issues will not unduly disrupt the proceedings. Thus, consistent with our practice, Dewitt Radio, FCC 69R–292, released July 7, 1969; WSTE–TV, Inc., 16 FCC 2d 625, 15 RR 2d 677 (1969); Edgefield-Saluda, 5 FCC 2d 148, 8 RR 2d 611 (1965), we have considered the petition on the merits and have concluded that the issue should be added. The June 1967 agreement and the "recently reached" understanding clearly effect substantial changes in the transfer applications. These changes are of particular significance here because the application was designated for hearing due to the uncertainty regarding the ownership and control of KDOV, circumstances to which the June 1967, and "recently reached" agreements directly relate. Hansen offers no cogent reason for his failure to keep the transfer application current. Nor does he attempt to explain the circumstances surrounding the recently reached understanding, and, least of all does he explain his claim that the failure to file the agreement was unintentional. A substantial question has been raised and the issue will be added. Finally, the absence of any explanation by Hansen makes it impossible to determine whether such issue should be considered only in the comparative context, and the issue will therefore be framed to encompass the applicant's basic and comparative qualifications. Ultravision Broadcasting, 3 FCC 2d 66, 7 RR 2d 554 (1966).

4. *Accordingly, it is ordered*, That the motion to enlarge issues, filed June 2, 1969, by Radio Medford, Inc., in all respects is granted; and

5. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether W. H. Hansen has failed to keep the pending transfer of control of KDOV application substantially accurate and complete in all significant respects as required by § 1.65 of the Commission's rules and regulations; and, if not, to determine the effect of such failure on the basic and comparative qualifications of W. H. Hansen to be a Commission licensee; and

6. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issue added herein will be upon Radio Medford, Inc., and the burden of proof will be on W. H. Hansen.

Adopted: July 18, 1969.

Released: July 23, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–8818; Filed, July 25, 1969; 8:49 a.m.]

[1] Related pleadings before the Board are: Statement regarding motion to enlarge issues, filed June 9, 1969, by W. H. Hansen; Broadcast Bureau comments, filed June 9, 1969.

[2] Radio asserts that nondisclosure of the agreements results in violation of Rule 1.613(b); however, since the Commission has already designated a broad issue under this rule, Radio contends that this aspect of nondisclosure is already provided for.

[Dockets Nos. 18349–18353; FCC 69R–310]

RALPH J. SILKWOOD AND K. C. LAURANCE ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Ralph J. Silkwood and K. C. Laurance (Transferors) and W. H. Hansen (Transferee), for transfer of control of Medford Broadcasters, Inc. (KDOV), Docket No. 18349, File No. BTC–4244; R. W. Hansen (KCNO), Alturas, Calif., Docket No. 18350, File No. BR–2641, for renewal of license; Medford Broadcasters, Inc. (KDOV), Medford, Oreg., Docket No. 18351, File No. BR–3775, for renewal of license; W. H. Hansen, Medford, Oreg., Docket No. 18352, File No. BPH–4424, for construction permit; Radio Medford, Inc., Medford, Oreg., Docket No. 18353, File No. BPH–5429, for construction permit.

1. This proceeding involves, inter alia, the applications of (a) R. W. Hansen for renewal of license of standard broadcast

Station KCNO, Alturas, Calif.; (b) Medford Broadcasters, Inc., for renewal of license of standard broadcast Station KDOV, Medford, Oreg., and (c) W. H. Hansen for transfer of control of Medford Broadcasters. The applications were consolidated and designated for hearing by Memorandum Opinion and Order, FCC 68-1013, released October 17, 1968, on several issues, which include unauthorized transfer of control, misrepresentation and undisclosed principals issues. Now before the Review Board is a petition to enlarge issues, filed May 26, 1969, by Ralph J. Silkwood, W. H. Hansen, R. W. Hansen, and Medford Broadcasters.[1]

2. The petitioners request the addition of an issue to determine whether the programing of Stations KCNO and KDOV has met significant needs and interests of the communities and areas they are licensed to serve. They argue that such evidence would be in mitigation of any adverse findings under the character qualifications issues specified by the Commission; and that addition of such an issue would be consistent with the action taken by the Review Board in Wagoner Radio Co., 12 FCC 2d 978, 13 RR 2d 114 (1968). The petitioners point out that some evidence concerning the programing of KCNO and KDOV has already been received by the Examiner; that the Examiner has further ruled that additional programing evidence may be received in affidavit form; but that the Examiner has also ruled that all such evidence shall be stricken unless the issues are appropriately enlarged. The petitioners conclude that because enlargement of issues will produce no delay in the conduct of the proceeding, will require no additional oral testimony, will cause no prejudice to any party and is supported by precedent, the request should be granted.

3. The Broadcast Bureau interposes no objection to the requested enlargement noting that, although the petition is untimely, the proceeding will not be delayed by the addition of the issue requested. The Bureau points out, however, that in Wagoner, supra, the Review Board imposed certain limitations upon the use of the evidence as to past program record in regard to mitigation of qualifications issues in renewal proceedings (Wagoner, supra, at 799, 13 RR 2d at 116). The Bureau urges that such limitations are applicable with equal force in the instant proceeding. Radio Medford, Inc.[2] urges that the petition is untimely and, good cause for the delay not having been shown, it should be denied; alternatively, Radio Medford argues that if the petition is granted, the use of the evidence should be limited in a manner consistent with the restrictions imposed in Wagoner, supra.

4. The Review Board is of the view that the petition is untimely and that good cause for the delay has not been shown. Nevertheless, because enlargement will not necessitate further oral testimony, will not unduly disrupt the proceeding, and will not prejudice any party—indeed, no claim of prejudice is made—the Board has considered the petition on its merits. The Commission has, in the past, permitted the adduction of evidence as to past program record of licensees in renewal proceedings involving character qualifications issues. Such evidence is allowed on the theory that a meritorious program record may mitigate the significance of adverse findings under those issues, see Wagoner, supra, Blue Grass Broadcasting, Inc., 14 FCC 2d 788, 14 RR 2d 448 (1968). Although the qualifications issues specified here are somewhat different than those involved in Wagoner, supra, and in Blue Grass, supra, a meritorious program record might mitigate adverse findings under the issues here. Thus, the rationale of those cases applies, in our view, and an appropriate issue will be added.[3] However, we agree with the Bureau and Radio Medford that the evidence as to past programing should be used in a manner consistent with the theory upon which its adduction is permitted; accordingly, we point out that allegedly meritorious programing instituted after the licensee has received notice that the Commission is contemplating action against it, is not relevant to the issue; and that the issue is added without prejudice to the parties to argue, subsequently, as to the weight to be given the evidence adduced under the issue and the extent to which such evidence mitigates any adverse findings under the qualifications issues. With these limitations, then, the petition to enlarge issues will be granted.

5. *Accordingly, it is ordered*, That the petition to enlarge issues, filed May 26, 1969, by Ralph J. Silkwood, W. H. Hanson, R. W. Hansen, and Medford Broadcasters, Inc., is granted, to the extent hereinafter indicated and is denied in all other respects; and

6. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether the programing of Stations KCNO and KDOV has been meritorious, particularly with regard to public service program;
and

7. *It is further ordered*, That the burden of proceeding with the introduction of evidence and burden of proof under the issue added herein will be upon the respective applicants who have requested the said issue.

Adopted: July 22, 1969.

Released: July 23, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8819; Filed, July 25, 1969; 8:49 a.m.]

[1] Related pleadings before the Board are: (a) Opposition, filed June 10, 1969, by Radio Medford, and (b) comments, filed June 2, 1969, by Broadcast Bureau.

[2] Radio Medford, Inc., is an applicant for a new FM facility at Medford, Oreg. Its application is mutually-exclusive with an application of W. H. Hansen for such facility; the FM applications were consolidated and designated for hearing with the renewal and transfer of control applications here in question.

[3] The petitioners ask that the issue be framed in terms of whether the licensees have "met the needs and interests" of the communities they serve. However, in cases such as Wagoner, supra, the issue has been cast in terms of whether the licensee's "programing * * * has been meritorious, particularly with regard to public-service programing." Because the formulation of the issue in Wagoner, supra, more nearly accords with the theory upon which the evidence is permitted, we will adhere to that approach.

FEDERAL MARITIME COMMISSION

LYKES BROS. STEAMSHIP CO., INC. AND THOS. & JAS. HARRISON, LTD. (HARRISON LINE)

Notice of Proposed Cancellation of Agreement

Notice is hereby given that the following Agreement will be canceled by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER.

Notice of Cancellation of Agreement filed by:

Mr. Edward S. Bagley, Terriberry, Carroll, Yancey & Parrell, 2141 International Trade Mart Building, 2 Canal Street, New Orleans, La. 70130.

Agreement No. 7616-4 between Lykes Bros. Steamship Co., Inc., and Thos. & Jas. Harrison, Ltd., to cancel Agreement No. 7616, as amended, was filed on July 14, 1969. The suspension of the operation of this agreement which provided for the spacings of sailings and the pooling and apportionment of revenue in the trade from U.S. Gulf ports to United Kingdom ports was approved by the Commission with effect from May 31, 1965.

In view of the continuing inability of Lykes Bros. Steamship Co., Inc., to carry its share of cargoes and failure to supply the required tonnage in the Pool trade, the parties agree to cancel and terminate Agreement No. 7616 in its entirety, such cancellation to become effective upon Commission approval thereof. Each party grants full release, remise and discharge to the other for any and all claims, indebtedness or obligations which might otherwise be claimed or due thereunder.

Dated: July 22, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8780; Filed, July 25, 1969; 8:46 a.m.]

SEA-LAND SERVICE, INC. AND PRUDENTIAL LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed by:

Mr. F. Hiljer, Commerce Manager, Sea-Land Service Inc., Corbin and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9808, between Sea-Land Service, Inc., and Prudential Lines, Inc., covers the transportation of general cargo under through bills of lading from ports in Puerto Rico to ports on the Mediterranean Sea, on the Sea of Marmara and the Black Sea, with transshipment at New York, N.Y.

By Order of the Federal Maritime Commission.

Dated: July 22, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8781; Filed, July 25, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI70-3 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 16, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-3	Atlantic Richfield Co., Post Office Box 521, Tulsa, Okla. 74102.	435	4	Natural Gas Pipeline Co. of America (Spearman Field, Hansford County, Tex.) (RR. District No. 10).	$135	6-17-69	[2] 7-18-69	12-18-69	[4] 17.5	[5] [6] 18.6	RI68-240.
RI70-4	Caroline Hunt Sands (Operator) et al., 1401 Elm St., Dallas, Tex. 75202.	12	4	Northern Natural Gas Co. (Weaber Unit, Beaver County Okla.) (Panhandle Area).	300	6-20-69	[3] 8-7-69	1-7-70	[4] 17.015	[6] [7] 18.015	RI68 88.
RI70-5	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla. 73102.	93	1	Northern Natural Gas Co. (Follet Field, Lipscomb County, Tex.) (RR. District No. 10).	702	6-20-69	[3] 8-1-69	1-1-70	[4] 17.0	[6] [7] 18.0	
RI70-6	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	168	4	Northern Natural Gas Co. (Northeast Dower Field, Beaver County, Okla. (Panhandle Area) and Lipscomb County, Tex.) (RR. District No. 10).	470	6-19-69	[3] 8-1-69	1-1-70	[8] [9] 17.015	[6] [7] [8] 18.015	RI68-43.
					720	----------	----------	-------	[8] [9] 17.0	[6] [7] [9] 18.0	
	Sun Oil Co., Post Office Box, Tulsa, Okla. 74101.	236	2	Cities Service Gas Co. (Richfield Area, Morton County, Kans.).	140	6-19-69	[3] 7-20-69	12-20-69	[4] 12.0	[6] [7] 13.0	
RI70-7	Howard H. Drew & Weldon H. Littell, Hugoton, Kans. 67951.	1	8	Colorado Interstate Gas Co. (Greenwood Field, Morton County, Kans.).	419	6-16-69	[3] 7-17-69	12-17-69	[10] 17.0	[6] [7] [10] 18.0	RI64-709.
RI70-8	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	48	3	Natural Gas Pipeline Co. of America (Southeast Boyd Field, Beaver County, Okla.) (Panhandle Area).	360	6-16-69	[3] 7-17-69	12-17-69	[8] [11] 17.015	[6] [7] [11] 18.015	RI68-500.
RI70-9	John V. Oxley et al., 800-A Enterprise Bldg., Tulsa, Okla. 74103.	1	[12] 11	Arkansas Louisiana Gas Co. (Arkoma Basin Area, Latimer and Pittsburg County, Okla.) (Oklahoma "Other" Area).	18,270	6-18-69	[3] 7-19-69	12-19-69	15.0	[6] [7] [11] 16.015	
RI70-10	do	3	[12] 6	Arkansas Louisiana Gas Co. (Arkoma Basin Area, Pittsburg County, Okla.) (Oklahoma "Other" Area).	8,660	6-18-69	[3] 7-19-69	12-19-69	15.0	[6] [7] [11] 16.015	
RI70-11	Graham-Michaelis Drilling Co., 211 North Broadway, Wichita, Kans. 67202.	62	[13] 4	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	----------	6-18-69	[3] 7-19-69	(Accepted)	----------	----------	
					1,055	6-18-69	[3] 7-19-69	12-19-69	[10] 17.684	[6] [10] [13] 18.683	RI64-707.
RI70-12	Secure Trusts, 1401 Elm St., Dallas, Tex. 79070.	7	1	Northern Natural Gas Co. (McKinney (Council Grove) Area, Mead County, Kans.).	80	6-20-69	[3] 8-17-69	1-17-70	[4] 16.0	[6] [7] 17.0	
RI70-13	Alma Oringderff, Post Office Box 926, Perryton, Tex. 79070.	1	3	Michigan Wisconsin Pipe Line Co. (Lovedale Field, Harper County, Okla.).	15,000	6-17-69	[3] 7-18-69	12-18-69	[10] 17.08	[6] [7] [10] 20.18	
	do	2	1	Northern Natural Gas Co. (Bradford Tonkawa and Bradford Cleveland Fields, Lipscomb County, Tex.) (RR. District No. 10).	2,920	6-17-69	[3] 7-18-69	12-18-69	[4] 17.0	[6] [7] 18.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R170-14...	William H. Allen et al., Post Office Box 926, Perryton, Tex. 79070.	2	1	Northern Natural Gas Co. (R.H.F. Morrow Field, Ochiltree County, Tex.) (RR. District No. 10).	$3,400	6-17-69	[3] 7-18-69	12-18-69	[5] 16.5	[6] [7] 17.5	
	do	3	2	Northern Natural Gas Co. (Ellis Ranch Cleveland Field, Ochiltree County, Tex.) (RR. District No. 10).	350	6-17-69	[3] 7-18-69	12-18-69	[5] 17.0	[6] [7] 18.0	
	do	4	2	Northern Natural Gas Co. (Kiowa Creek Field, Lipscomb County, Tex.) (RR. District No. 10).	1,200	6-17-69	[3] 7-18-69	12-18-69	[5] 17.0	[6] [7] 18.0	
R170-15...	Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	6	11	United Gas Pipe Line Co. (Slick Wilcox Field, De Witt and Goliad Counties, Tex.) (RR. District No. 2).	105	6-16-69	[3] 7-17-69	12-17-69	13.2002	[9] [10] 14.2156	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Filing from fractured rate to contractually due rate.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] The stated effective date is the effective date requested by Respondent.
[7] Periodic rate increase.
[8] Oklahoma production.
[9] Texas production.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Includes 0.015-cent tax reimbursement.
[12] Applicable to acreage added by Supplement No. 9 (Hughes Royalty Unit, Emma White Unit and Hughes Fuel Co. No. 1 Unit).
[13] Applicable to acreage added by Supplement No. 5 (portion of Hughes Royalty Unit).
[14] Contract Amendment dated Oct. 5, 1967, which deletes indefinite pricing provisions and provides for base rate of 17 cents for 5-year period beginning June 1, 1967 and 1-cent periodic increase for each 5-year period thereafter for remaining term of contract.
[15] Renegotiated rate increase.
[16] Includes base rate of 16 cents plus upward B.t.u. adjustment before increase (1,009 B.t.u. gas) and 17 cents plus upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[17] Includes 0.68-cent upward B.t.u. adjustment (1,068 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[18] Pressure base is 15.025 p.s.i.a.

Atlantic Richfield Co. requests waiver of the statutory notice to permit its proposed rate increase to become effective as of June 17, 1969. Howard H. Drew and Weldon H. Littell request a retroactive effective date of January 1, 1969, for their proposed rate increase. John C. Oxley et al., and John C. Oxley request an effective date of July 18, 1969, for their rate increases. Alma Oringderff and William H. Allen et al., request that their proposed rate increases be permitted to become effective "immediately". Forest Oil Corp. requests waiver of the statutory notice to permit an effective date of June 19, 1969, for its rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers rate filings and such requests are denied.

Concurrently with the filing of its rate increase, Graham-Michaelis Drilling Co. (Graham-Michaelis) submitted a contract amendment dated October 5, 1967, designated as Supplement No. 4 to Graham-Michaelis' FPS Gas Rate Schedule No. 62, which provides the basis for Graham-Michaelis' proposed rate increase. We believe that it would be in the public interest to accept for filing Graham-Michaelis' contract amendment to become effective as of July 19, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Graham-Michaelis' contract amendment dated October 5, 1967, designated as Supplement No. 4 to Graham-Michaelis' FPC Gas Rate Schedule No. 62, and for permitting such supplement to become effective as of July 19, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplements referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 4 to Graham-Michaelis' FPC Gas Rate Schedule No. 62 is accepted for filing and permitted to become effective as of July 19, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplement set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 137 (f)) on or before August 11, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-8681; Filed, July 25, 1969; 8:45 a.m.]

[Docket Nos. RI70-27 etc.]

KERR-McGEE CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 17, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 3, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R170-27...	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	8	16	Phillips Petroleum Co.[2] (Texas-Hugoton Field, Sherman County, Tex. (RR. District No. 10) and Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	$4,496	6-18-69	[3] 7-19-69	12-19-69	[6] [7] 10.41708	[6] [8] [7] 10.82472	RI61-163.
					501				[7] [9] 10.29332	[6] [7] [8] 10.71053	RI61-163.
					523				[7] [9] 9.74727	[6] [7] [8] 10.14766	RI61-163.
R170-28...	Phillips Petroleum Co. (Operator) Bartlesville, Okla. 74003.	4	26	Michigan Wisconsin Pipe Line Co. (Sherman Plant, Hugoton Field, Hansford County, Tex.) (RR. District No. 10).	843,232	6-30-69	[3] 8-1-69	1-1-70	[11] 15.42547	[5] [10] [11] 16.43897	RI65-526.

[2] Phillips gathers and processes the gas and resells the residue gas under its FPC Gas Rate Schedule No. 4.
[3] The stated effective date is the effective date requested by Respondent.
[4] The proposed rates reflect increases in Kerr-McGee's base rates from 4.24313 cents to 4.46645 cents for sweet gas and 3.79648 cents to 4.01981 cents for sour gas and percentage escalation adjustments based upon settlement rates of Michigan Wisconsin Pipe Line Co. approved by the Commission in Docket No. RP68-20 effective as of Dec. 1, 1968. Kerr-McGee's underlying base rate increases became contractually due on Apr. 5, 1969. The proposed increases also include proportionate increase in production tax reimbursement and increase in excise tax reimbursement from 0.015 cent to 0.03 cent for Oklahoma Production.
[5] Pressure base is 14.65 p.s.i.a.
[6] Sweet gas rate for Texas production.
[7] Subject to downward B.t.u. and supercompressibility adjustments.
[8] Sweet gas rate for Oklahoma production (filing indicates that there is no sour gas being delivered from Oklahoma production—rate would be subject to base rate deduction of 0.44665 cents at 14.65 p.s.i.a. if gas is sour).
[9] Sour gas rate for Texas production.
[10] Periodic rate increase.
[11] Rates shown include maximum tax reimbursement. Actual tax reimbursement will range from high of 0.20547 cent (before increase) and 0.21897 cent (after increase) for sweet gas produced in Texas to low of 0.015 cent for gas produced in Oklahoma. The weighted average tax reimbursement will fluctuate from month to month as the production of sweet and sour Texas gas and Oklahoma gas varies in relation to total.

Kerr-McGee Corp. (Kerr-McGee) proposes increases from 9.74727 cents to 10.14766 cents for sour gas and from 10.41708 cents to 10.82472 cents for sweet gas produced in Texas Railroad District No. 10 and from 10.29332 cents to 10.71053 cents for sweet gas produced in the Oklahoma Panhandle Area for sales to Phillips Petroleum Co. (Phillips). Phillips gathers and processes the gas through its Sherman Plant in Hansford County, Tex. (Railroad District No. 10), and resells the residue gas under its FPC Gas Rate Schedule No. 4 to Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin). Phillips proposes a periodic increase in base rate for such sale from 15.22 cents to 16.22 cents plus a proportional increase in tax reimbursement. The increased rate ceilings set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2 § 2.56) apply to sales to pipelines. The ceiling is thus applicable to the resale by Phillips to Michigan Wisconsin but not to the sales by Kerr-McGee to Phillips. Since Phillips' proposed rate exceeds the applicable increased rate ceiling of 11 cents per Mcf, we shall suspend it for 5 months from August 1, 1969, the proposed effective date. Consistent therewith, we shall also suspend Kerr-McGee's proposed rates which also exceed the increased rate ceilings for 5 months from July 19, 1969, the proposed effective date.

[F.R. Doc. 69-8684; Filed, July 25, 1969; 8:45 a.m.]

[Docket Nos. CI69-1065, etc.]

UNION TEXAS PETROLEUM ET AL.

Findings and Order After Statutory Hearing Permitting and Approving Abandonment of Service, Terminating Certificates, Amending Orders Issuing Certificates, and Accepting Supplements to FPC Gas Rate Schedules for Filing

JULY 18, 1969.

Union Texas Petroleum, a division of Allied Chemical Corp. and other Applicants listed herein.

Each of the Applicants listed herein has filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Cities Service Gas Co. (Cities) produced in the West Edmond Field, in various counties in Oklahoma, and processed in the Trindle Plant in Kingfisher County, Okla., all as more fully set forth in the tabulation herein and in the respective applications.

Applicants, including Sohio Petroleum Co., the plant operator, are owners of the Trindle Plant and state that the volume of natural gas available for processing has declined to the point where it is no longer economically feasible to continue operation of the plant. Applicants state further that the plant has been operating at a loss due to the declining volumes of natural gas available for processing and that it is anticipated that expenditures for plant maintenance and repairs will increase rapidly in the near future for which there will be no additional revenues.[1]

Applicants' contracts (all dated Sept. 12, 1949) also covered sales of gas from the Hunton Plant. However, this plant has been shut down and the remaining gas diverted through the nearby Edmond Plant. Cities purchases residue gas from the Edmond Plant from Phillips Petroleum Co. and Continental Oil Co., co-owners of said plant, under a 1945 contract. Phillips is the operator and is marketing gas attributable to Applicants' interests under its FPC Gas Rate Schedule No. 68.

Concurrently with the applications each Applicant submitted a notice of cancellation of its related FPC gas rate

[1] By letter dated Apr. 30, 1969, Cities advised all sellers from the plant that it concurred in the abandonment.

schedule. These will be accepted for filing to be effective on the date of this order or date of cessation of service, whichever is later.

In each case in which the sale proposed to be abandoned is the only sale authorized by a certificate, the certificate will be terminated. In each case in which other sales are also authorized by a certificate, the order issuing the certificate will be amended by deleting therefrom authorization to make the sale proposed to be abandoned.

After due notice, no petition to intervene, notice of intervention or protest to the granting of the applications has been received.

At a hearing held on July 17, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Applicants are engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and each Applicant is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described and as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(3) The proposed abandonments are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(4) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates for sales proposed to be abandoned in Dockets Nos. CI69–1122, CI69–1123, CI69–1187, and CI69–1196 should be amended by deleting therefrom authorization to make said sales and that the certificates authorizing all other sales herein proposed to be abandoned should be terminated.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the notices of cancellation of the FPC gas rate schedules for the sales herein proposed to be abandoned should be accepted for filing.

The Commission orders:

(A) Permission for and approval of the abandonments of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications and in the tabulation herein, are granted.

(B) The orders issuing certificates in Dockets Nos. G–3894, G–4579, G–6613, and G–7550 are amended by deleting therefrom authorization to make the sales herein proposed to be abandoned, and in all other respects said orders shall remain in full force and effect.

(C) The certificates heretofore issued in Dockets Nos. G–3360, G–3816, G–4362, G–4677, G–4910, G–5364, G–6046, G–6200, G–6261, G–6313, G–6957, G–7487, G–8328, G–9675, and G–12103 are terminated.

(D) The notices of cancellation of FPC gas rate schedules submitted by Applicants herein are accepted for filing as supplements to said rate schedules and are designated as shown in the tabulation herein to be effective on the date of this order or date of cessation of service, whichever is later.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69–1065 (G–8328) B 5–19–69	Union Texas Petroleum, a division of Allied Chemical Corp.	Cities Service Gas Co., Trindle Plant, West Edmond Field, Kingfisher County, Okla.	Notice of cancellation 5–16–69.	17	3
CI69–1103 (G–3360) B 5–26–69	Phillips Petroleum Co. (Operator) et al.	do	Notice of partial cancellation 4–9–68.[1]	60	4
			Notice of cancellation 5–21–69.	60	5
CI69–1104 (G–4362) B 5–26–69	Sohio Petroleum Co.	do	Notice of cancellation 5–7–69.	5	7
CI69–1105 (G–7487) B 5–27–69	Pan American Petroleum Corp.	do	Notice of cancellation 5–29–69.[2]	137	8
CI69–1111 (G–4677) B 5–26–69	Atlantic Richfield Co.	do	Notice of cancellation 5–13–69.	250	4
CI69–1116 (G–6046) B 5–26–69	Sun Oil Co. (DX Division).	do	Notice of cancellation 5–26–69.	60	5
CI69–1118 (G–3816) B 5–28–69	do	do	Notice of cancellation 5–26–69.	105	4
CI69–1119 (G–6261) B 5–28–69	Getty Oil Co.	do	Notice of cancellation 5–26–69.	60	3
CI69–1120 (G–12103) B 5–28–69	Mobile Oil Corp.	do	Notice of cancellation 5–26–69.	75	5
CI69–1121 (G–6957) B 5–28–69	Continental Oil Co.	do	Notice of cancellation 5–26–69.	101	2
CI69–1122 (G–6613)[3] B 5–27–69	Champlin Petroleum Co.	do	Notice of cancellation 5–26–69.	52	3
CI69–1123 (G–4579)[3] B 5–28–69	Cities Service Oil Co.	do	Notice of cancellation 5–26–69.	67	4
CI69–1135 (G–6200) B 6–4–69	Gulf Oil Corp.	do	Notice of cancellation 6–2–69.	331	8
CI69–1150 (G–4910) B 6–5–69	Humble Oil & Refining Co.	do	Notice of cancellation 6–2–69.	190	7
CI69–1181 (G–9675) B 6–13–69	Consolidated Oil & Gas, Inc.	do	Notice of cancellation 6–11–69.	30	2
CI69–1185 (G–6313) B 6–16–69	Amerada Petroleum Corp.	do	Notice of cancellation 6–12–69.	34	8
CI69–1186 (G–5364) B 6–16–69	Skelly Oil Co.	do	Notice of cancellation 6–11–69.	76	1
CI69–1187 (G–7550)[4] B 6–16–69	Rudco Oil & Gas Co.	do	Notice of cancellation 6–10–69.		2
CI69–1196 (G–3894)[4] B 5–27–69	Atlantic Richfield Co.	do	Notice of cancellation 5–26–69.	82	10

[1] Filed Apr. 11, 1968, to reflect abandonment of the Hunton Plant and diverting Hunton gas to the Edmond Plant.
[2] Date of May 29, 1969, appears on notice of cancellation; however, it was filed with the Commission on May 27, 1969.
[3] Other sales covered under the certificates, therefore, the orders issuing certificates in Docket Nos. G–6613 and G–4579 will be amended by deleting therefrom authorization to make the sale proposed to be abandoned.
[4] Other sales covered under the certificates, therefore, the orders issuing certificates in Docket Nos. G–7550 and G–3894 will be amended by deleting therefrom authorization to make the sale proposed to be abandoned.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[F.R. Doc. 69–8685; Filed, July 25, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORPORATION AND THE ATLANTIC NATIONAL BANK OF JACKSONVILLE

Order Approving Acquisition of Bank Stock by Bank Holding Companies

In the matter of the applications of Atlantic Bancorporation and The Atlantic National Bank of Jacksonville, both of Jacksonville, Fla., for approval of acquisition of 60 percent or more of the voting shares of Normandy Atlantic Bank, Jacksonville, Fla., a proposed new bank.

There have come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and section 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), applications by Atlantic Bancorporation, and The Atlantic National Bank of Jacksonville, both of which are registered bank holding companies located in Jacksonville, Fla., for the Board's prior approval of the acquisition of 60 percent or more of the voting shares of Normandy Atlantic Bank, Jacksonville, Fla., a proposed new bank.

Inasmuch as one of the Applicants is a national bank and the proposed bank is to be a State bank, pursuant to section 3(b) of the Act, written notices of the applications were given to, and views and recommendations requested of, the Comptroller of the Currency and the Commissioner of Banking of the State of Florida. Each recommended approval of the applications.

Notice of receipt of the applications was published in the FEDERAL REGISTER on April 5, 1969 (34 F.R. 6214), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of each of the applications was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said applications be and hereby are approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta, pursuant to delegated authority, and that Normandy Atlantic Bank shall be open for business not later than 6 months after the date of this order.

Dated at Washington, D.C., this 9th day of July, 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69–8771; Filed, July 25, 1969; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES PRODUCED OR MANUFACTURED IN ARGENTINE REPUBLIC

Entry or Withdrawal From Warehouse for Consumption

On July 18, 1969, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of the Argentine Republic that it was renewing for an additional 12-month period beginning July 19, 1969, and extending through July 18, 1970, the restraint on imports into the United States of cotton textiles in Category 9, produced or manufactured in Argentina. Pursuant to Annex B, paragraph 2, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to Category 9 for the preceding 12-month period. There is published below a letter of July 18, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles in Category 9, produced or manufactured in Argentina, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning July 19, 1969, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JULY 18, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Agreement Regarding International Trade in Cotton Textile done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Exectuive Order 11214 of April 7, 1965, you are directed to prohibit, effective **July 19, 1969**, and for the 12-month period extending through July 18, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 9, produced or manufactured in Argentina, in excess of a level of restraint for the period of 638,141 square yards.

In carrying out this directive, entries of cotton textiles in Category 9 produced or manufactured in Argentina, which have been exported to the United States from Argentina prior to July 19, 1969, shall, to the extent of any unfilled balance be charged against the level of restraint established for such goods during the period July 19, 1968 through July 18, 1969. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 9 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Argentine Republic and with respect to imports of cotton textiles and cotton textile products from Argentina have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69–8802; Filed, July 25, 1969; 8:47 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

KANSAS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g); notice is hereby given that on July 15, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Kansas adversely affected by tornadoes, severe storms and flooding beginning on or about June 21, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81–875. I, therefore, declare that such a major disaster exists in Kansas.

I do hereby determine the following areas in the State of Kansas to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 15, 1969:

The counties of:
Allen.
Anderson.
Bourbon.
Crawford.
Dickinson.
Douglas.
Ellsworth.
Franklin.
Leavenworth.
Linn.
Lyon.
McPherson.
Miami.
Morris.
Neosho.
Osage.
Saline.
Woodson.
Wyandotte.

Dated: July 19, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-8775; Filed, July 25, 1969; 8:45 a.m.]

KENTUCKY

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g); notice is hereby given that on July 15, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the Commonwealth of Kentucky adversely affected by severe storms and flooding beginning on or about June 22, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Kentucky.

I do hereby determine the following areas in the Commonwealth of Kentucky to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 15, 1969:

The counties of:

Allen.	Muhlenberg.
Butler.	Simpson.
Cumberland.	Todd.
Hopkins.	Warren.
Logan.	Webster.
Monroe.	

Dated: July 19, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-8776; Filed, July 25, 1969; 8:45 a.m.]

OHIO

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g); notice is hereby given that on July 15, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Ohio adversely affected by tornadoes, severe storms, and flooding beginning on or about July 4, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Ohio.

I do hereby determine the following areas in the State of Ohio to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 15, 1969:

The counties of:

Ashland.	Morgan.
Ashtabula.	Muskingum.
Coshocton.	Ottawa.
Cuyahoga.	Richland.
Erie.	Sandusky.
Harrison.	Seneca.
Holmes.	Stark.
Huron.	Trumbull.
Lake.	Tuscarawas.
Lorain.	Wayne.
Lucas.	Wood.
Medina.	

Dated: July 17, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-8777; Filed, July 25, 1969; 8:45 a.m.]

RENEGOTIATION BOARD

PERSONS HOLDING PRIME CONTRACTS OR SUBCONTRACTS FOR TRANSPORTATION BY WATER AS COMMON CARRIERS

Extension of Time for Filing Financial Statements

Every person who held a prime contract or subcontract for transportation by water as a common carrier at any time during the calendar year 1968 is hereby granted an extension of time until October 1, 1969, for filing a financial statement for such year pursuant to § 105(e)(1) of the Renegotiation Act of 1951, as amended.

Dated: July 23, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69-8823; Filed, July 25, 1969; 8:49 a.m.]

TARIFF COMMISSION

[AA1921-57]

PLASTIC MATTRESS HANDLES FROM CANADA

Notice of Investigation and Hearing

Having received advice from the Treasury Department on July 17, 1969, that plastic mattress handles manufactured by Fibre Conversion Co., Ltd., Toronto, Canada, are being, and are likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Street NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on September 4, 1969. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: July 22, 1969.

By order of the Commission.

DONN N. BENT,
Secretary.

[F.R. Doc. 69-8778; Filed, July 25, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 23, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41698—*Superphosphate from Florida producing points.* Filed by O. W. South, Jr., agent (No. A6116), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in bulk, in carloads, as described in the application, from specified points in Florida, to Stella, Nebr., King City, Lathrop, Lawson, Osborn, Plattsburg, and Weston, Mo., also Kansas City, Mo.-Kan.

Grounds for relief—Rail-barge-rail and rail-barge-truck competition.

Tariff—Supplement 10 to Southern Freight Association, agent, tariff ICC, S-847.

FSA No. 41699—*Superphosphate from Florida producing points.* Filed by O. W. South, Jr., agent (No. A6117), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in bulk, in box cars, in carloads, as described in the application, from specified producing points in Florida, to Prescott, Wis.

Grounds for relief—Rail-barge-rail competition.

Tariff—Supplement 10 to Southern Freight Association, agent, tariff ICC, S-847.

FSA No. 41700—*LCL class rates between points on the Seaboard Coast Line Railroad Co.* Filed by O. W. South, Jr., agent (No. A6115), for interested rail carriers. Rates on various LCL class rates, as described in the application, between points on the Seaboard Coast Line Railroad Co.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 120 to Southern Freight Association, agent, tariff ICC, S-100.

FSA No. 41701—*Fish meal from points in Canada to points in southern territory.* Filed by O. W. South, Jr., agent (No. A6118), for interested rail carriers. Rates on fish meal, in carloads, from points in provinces of New Brunswick, Nova Scotia, Prince Edward Island, and Quebec, Canada, to points in Southern Freight Association territory.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Canadian Freight Association, agent, tariff ICC 309.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-8808; Filed, July 25, 1969; 8:48 a.m.]

[Notice 872]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 22, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2934 (Sub-No. 15 TA), filed July 10, 1969. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., Post Office Box 107, Indianapolis, Ind. 46206. Applicant's representative: James L. Beattey, 130 East Washington Street, No. 1019, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; from between points in the continental United States and the State of Hawaii, for 180 days. Supporting shipper: No individual supporting shippers noted; however, applicant has submitted with the application a computerized list of transportation performed for various persons. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 32050 (Sub-No. 2 TA), filed July 15, 1969. Applicant: J. MITCHELL TRUCKING CO., INC., 1 Scout Avenue, Kearny, N.J. 07032. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, pineapples, and plantains* in straight or mixed shipments, from Wilmington, Del., to points in Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, and District of Columbia, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor W. J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 33953 (Sub-No. 7 TA), filed July 11, 1969. Applicant: RED LINE TRANSFER CO., INC., 2320 Monumental Road, Baltimore, Md. 21227. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, coconuts, and agricultural commodities*, otherwise exempt, from economic regulation under section 203(b)(6) of the Interstate Commerce Act when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Samuel Gordon, West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 76436 (Sub-No. 37 TA), filed July 10, 1969. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Louisville, Ky. 40216. Applicant's representative: Rudy Yessin, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the plantsite and warehouses of the George Koch Co., Inc., at Evansville, Ind., and Nashville, Tenn., with right to interline with other carriers at Nashville, Tenn., from Evansville over U.S. Highway 41 to Nashville and return over the same route serving no intermediate points, for 180 days. NOTE: Applicant intends to interline at Nashville, Tenn. Supporting shipper: George Koch Sons, Inc., Post Office Box 358, Evansville, Ind. 47704. Send protests to: Wayne L. Marlatt, District Supervisor, Bureau of Operations, interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 83885 (Sub-No. 11 TA), filed July 15, 1969. Applicant: UNITED STATES TRUCKING CORPORATION, 66 Murray Street, New York, N.Y. 10038. Applicant's representatives: Zelby and Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bars*, from Philadelphia, Pa., to New York, N.Y., having a subsequent movement by water, under a continuing contract with J. D. Smith Inter-Ocean, Inc., for 150 days. Supporting shipper: J. D. Smith Inter-Ocean, Inc., 50 Broadway, New York, N.Y. 10004. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 116077 (Sub-No. 268 TA), filed July 10, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J.C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in heater equipped tank vehicles, from Texaco, Inc., Refinery, Port Neches, Tex., to a Texaco Terminal Facility, Cleveland, Ohio, for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Texaco, Inc. (Mr. Harry E. Colwell, Traffic Manager), 1111 Rusk Avenue, Post Office Box 52332, Houston, Tex. 77052. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 116077 (Sub-No. 268 TA), filed July 10, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in heater equipped tank vehicles, from Texaco, Inc., Refinery, Port Neches, Tex., to a Texaco Terminal Facility, Cleveland, Ohio, for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Texaco, Inc. (Mr. Harry E. Colwell, Traffic Manager), 1111 Rusk Avenue, Post Office Box 52332, Houston, Tex. 77052. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 118776 (Sub-No. 11 TA), filed July 14, 1969. Applicant: C. L. CONNORS, INC., Post Office Box 712, Quincy, Ill. 62301. Applicant's representative: Mack Stephenson, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Moulding sand*, bonded, in sacks, from Aurora, Ill., to points in the United States (except Hawaii, Alaska, Washington, Oregon, California, Arizona, Utah, Idaho, Nevada, and Illinois); for 180 days. Supporting shipper: Aurora Metal Co., Faskure Division, Aurora, Ill. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 119829 (Sub-No. 31 TA), filed July 11, 1969. Applicant: F. J. EGNER & SON, INC., 3969 Congress Parkway, West Richfield, Ohio 44286. Applicant's representative: W. P. Fromm (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from Lorain, Ohio, to points in Ohio, Illinois, Michigan, Indiana, Wisconsin, Minnesota, Missouri, Oklahoma, Virginia, Georgia, North Carolina, Tennessee, New Jersey, Massachusetts, Rhode Island, New York, and California, for 180 days. Supporting shipper: Stein, Hall & Co., Inc., 605 Third Avenue, New York, N.Y. 10016. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 119880 (Sub-No. 33 TA), filed July 15, 1969. Applicant: DRUM TRANSPORT, INC., Post Office Box 2056, East Peoria, Ill. 61611. Applicant's representative: Bud N. Drum (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Buffalo and Niagara Falls, N.Y., to Louisville and Owensboro, Ky., for 180 days. Supporting shipper: Foreign Vintages, Inc., International Building, 45 Rockefeller Plaza, New York, N.Y. 10020. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1086 U.S. Courthouse and Federal Office Building, Chicago, Ill. 60604.

No. MC 124522 (Sub-No. 6 TA), filed July 15, 1969. Applicant: CARLO C. DROGO, Delaware Avenue, Landisville, N.J. 08326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, from Berlin, Millville (Cumberland County), Vineland and Williamstown Junction, N.J., to points in Massachusetts, for 180 days. Supporting shipper: Formigli Corp., Post Office Box F, Berlin, N.J. 08009. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 133807 (Sub-No. 1 TA), filed July 14, 1969. Applicant: MORGAN TRUCKING, INC., 520 South Walnut, Anaheim, Calif. 92802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard and related gypsum products*, from Long Beach, Santa Ana, and Pico Rivera, Calif., to job site location of a new family housing project at the Marine Corps Air Station near Yuma, Ariz., for 150 days. Supporting shipper: Kaiser Gypsum Co., Inc., Kaiser Center-200 Lakeside Drive, Oakland, Calif. 94604. Send protests to: District Supervisor R. G. Harrison, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-8809; Filed, July 25, 1969; 8:48 a.m.]

[Notice 873]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 23, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29886 (Sub-No. 250 TA), filed July 17, 1969. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's representative: Charles Pieroni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial driveaway service, from Scotia, N.Y., to New Cumberland Army Depot, Pa., for 150 days. Supporting shipper: Military Traffic Management Terminal Service (Mr. Leonard Hines), Washington, D.C. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 31564 (Sub-No. 6 TA), filed July 17, 1969. Applicant: FRANK CORSO, INC., 270 Woodin Street, Hamden, Conn. 06514. Applicant's representative: William J. Meuser, 101 River Street, Milford, Conn. 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Wilmington, Del., to points in Connecticut and Massachusetts, for 180 days. Supporting shippers: Mariano Cianciolo, 509 South Main Street, Torrington, Conn. 06790; Beck Bros., 101 Reserve Road, Hartford, Conn. 06114; John Martinelli, Inc., 105 Avocado Street, Springfield, Mass. 01104. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 107496 (Sub-No. 741 TA), filed July 15, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete (architectural wall panels and precast-prestressed structural concrete roof and floor members)*, on flatbed trailers, from Nebraska Prestressed Concrete Co., plantsite at Lincoln, Nebr., to points in Iowa, Kansas, Minnesota, and Missouri, for 150 days. Supporting shipper: Nebraska Pre-stressed Concrete Co., 6300 Cornhusker Highway, Lincoln, Nebr. 68507. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 113024 (Sub-No. 75 TA), filed July 14, 1969. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wet nitocellulose*, in containers, from the plantsite of Hercules, Inc., Parlin, N.J., to Radford Army Ammunition Plant, Radford, Va., for account of Hercules, Inc., for 150 days. Supporting shipper: Hercules, Inc., Wilmington, Del. 19899, D.B. Moore, Assistant Manager, Rate Division, Traffic Department. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 113524 (Sub-No. 26 TA), filed July 14, 1969. Applicant: JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3641 Pulaski Highway, Baltimore, Md. 21224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides and skins, inedible packinghouse offal and byproducts, animal food and tannery byproducts*, between points in Maryland, Pennsylvania, Delaware, Virginia, District of Columbia, North Carolina, Tennessee, West Virginia, Ohio, Illinois, Wisconsin, New York, New Jersey, Massachusetts, Maine, Vermont, and New Hampshire, for 180 days. Supporting shipper: Sands & Leckie, 226 Salem Street, Woburn, Mass. 01801; The Westminster Hide & Tallow Co., Inc., Westminster, Md.; Peter Cooper Corps., Gowanda, N.Y.; Quaker City Hide Co., Valley and Mill Roads, Philadelphia, Pa. 19126. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 113908 (Sub-No. 199 TA), filed July 17, 1969. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3180, 2105 East Dale Street, Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage base*, in bulk, in tank vehicles, from Cicero, Ill., to Chattanooga, Tenn., for 180 days. Supporting shipper: Wagner Industries, 1331 South 55th Court, Cicero, Ill. 60650. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114084 (Sub-No. 12 TA), filed July 14, 1969. Applicant: S AND S TRUCKING COMPANY, Post Office Box 1392, Statesville, N.C. 28687. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Buncombe, Burke, Cleveland, Haywood, Lincoln, and Wilkes Counties, N.C., to points in Maine, New Hampshire, and Vermont, for 150 days. Supporting shippers: American/Drew Furniture Cos., Post Office Drawer 458, North Wilkesboro, N.C. 28659; Drexel Furniture Co., Drexel, N.C. 28619; Unagusta Manufacturing Corp., 1002 Welch Street, Waynesville, N.C.; Burris Manufacturing Co., Post Office Box 698, Lincolnton, N.C. 28092; Cochrane Furniture Co., Inc., Lincolnton, N.C. 28092. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 114211 (Sub-No. 126 TA), filed July 10, 1969. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Robert J. Molinaro (same address above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment designed for use in conjunction with tractors, agricultural, industrial, and construction on machinery, and equipment, trailers designed for the transportation of the above described commodities* (except those for the transportation of the above described commodities, except those trailers designed to be drawn by passenger auotmobiles), *attachments* for the above described commodities, *internal combusion engines, and parts* of the above described commodities when moving in mixed loads with such commodities, from the plant and warehouse sites of Deere & Co. in Dodge County, Wis., to points in Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: Deere & Co., Moline, Ill. 61265. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 115826 (Sub-No. 194 TA), filed July 17, 1969. Applicant: W. J. DIGBY, INC., Post Office Box 5088, T.A., Denver, Colo. 80217. Applicant's representative: James F. Digby (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the *Report in the Description in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in North Carolina, Georgia, and Alabama, for 180 days. Supporting shipper: Glover Packing Co., Post Office Box 92, 100 Grand Street, Amarillo, Tex. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 133876 (Sub-No. 1 TA), filed July 14, 1969. Applicant: NORTHWESTERN TRADING COMPANY, INC., 1111 Casco, Milton-Freewater, Oreg. 97862. Applicant's representative: Paul E. Hochelle, 423 Terminal Sales Building, Portland, Oreg. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Frozen vegetables* in tote bins, from Milton-Freewater, Oreg., to Terminal Ice & Cold Storage Co., Walla Walla, Wash., over Washington State Highway No. 125, for 180 days. Supporting shipper: Lynden-Umatilla Division, Western Farmers Association, Post Office Box 26, Milton-Freewater, Oreg. 97862. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-8810; Filed, July 25, 1969; 8:48 a.m.]

[Notice 363]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 23, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71512. By order of July 14, 1969, the Motor Carrier Board approved the transfer to Rayburn Trucking, Inc., Elizabeth, N.J., of permit No. MC-76901 issued June 25, 1941, to Peter Brown, doing business as P. Brown Trucking, New York, N.Y., authorizing the transportation of: Groceries, from New York, N.Y., to Philadelphia, Pa., and points in New Jersey and Connecticut. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, practitioner for applicants.

No. MC-FC-71246. By order of July 15, 1969, the Motor Carrier Board approved the transfer to Grieser Trucking Co., a corporation, Archbold, Ohio, of the operating rights in certificates Nos. MC-116465 and MC-116465 (Sub-No. 2) issued September 6, 1957, and June 13, 1961, respectively, to Yoder & Frey, Inc., Archbold, Ohio, authorizing the transportation, over irregular routes, of agricultural machinery, implements, and parts, except those requiring the use of special equipment, between the site of the Yoder & Frey, Inc., auction yard located near Archbold, Ohio, on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, North Carolina, Tennessee, West Virginia, Illinois, Pennsylvania, and Wisconsin. Dual operations were authorized. Paul F.

Beery, 88 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-71494. By order of July 15, 1969, the Motor Carrier Board approved the transfer to Norton-Ramsey Motor Lines, Inc., Old Fort, N.C., of those portions of the operating rights in certificates Nos. MC-106074 (Sub-No. 2), MC-106074 (Sub-No. 12), MC-106074 (Sub-No. 13), and MC-106074 (Sub-No. 14) (corrected) issued July 9, 1958, January 19, 1962, January 18, 1965, and June 30, 1966, respectively, to B & P Motor Lines, Inc., Hazelwood, N.C., authorizing the transportation, over irregular routes, of furniture (and related items in some instances) from Hazelwood, N.C., to points in Arizona, California, Nevada, New Mexico, Oklahoma, and Texas, from Shelby and Forest City, N.C., and points in Catawba and Burke Counties, N.C., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Maine, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Vermont, Washington, and Wyoming, from points in Alexander, Burke, Caldwell, Catawba, Davidson, Iredell, and McDowell Counties, N.C., to points in Arizona, California, Nevada, New Mexico, Oklahoma, and Texas, and from points in Henry County, Va., to points in Arizona, Arkansas, California, Colorado, Idaho, Louisiana, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and new pianos from Granite Falls, N.C., to points in Arizona, California, Nevada, New Mexico, Oklahoma, and Texas, and from Marion, N.C., to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Kentucky (in part), Louisiana, Maryland, Michigan (in part), Mississippi, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia. James N. Golding, 4 South Pack Square, Asheville, N.C. 28802, attorney for applicants.

No. MC-FC-71513. By order of July 16, 1969, the Motor Carrier Board approved the transfer to Thompson Brothers Moving, Inc., North Hackensack, N.J., of the remaining portion of certificate No. MC-41688, issued March 27, 1943, to Robert E. Thompson and Charles C. Thompson, a partnership, doing business as Thompson Bros., North Hackensack, N.J., authorizing the transportation of: Household goods as defined by the Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, between points and places in Bergen, Passaic, Hudson, Union, Essex, and Morris Counties, N.J., on the one hand, and, on the other, points and places in New Jersey, New York, Pennsylvania, Connecticut, Massachusetts, Ohio, Maryland, and the District of Columbia, traversing Delaware, Rhode Island, and West Virginia for operating convenience only. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, registered practitioner for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8811; Filed, July 25, 1969; 8:48 a.m.]

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PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Confidential Secretary to the Assistant Secretary (Economic Policy) is excepted under Schedule C. The section is also amended to show the current title of the Assistant Secretary to whom two other positions excepted under Schedule C report. Effective on publication in the FEDERAL REGISTER, subparagraphs (37) and (38) of paragraph (a) of § 213.3305 are amended and subparagraph (39) is added as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* • • •

(37) One Confidential Secretary to the Assistant Secretary (Enforcement and Operations).

(38) One Confidential Assistant to the Assistant Secretary (Enforcement and Operations).

(39) One Confidential Secretary to the Assistant Secretary (Economic Policy).

• • • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8854; Filed, July 28, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Confidential Secretary to the Deputy Special Assistant to the Secretary (Public Affairs) is excepted under Schedule C for a period not extending beyond December 31, 1969. The section is also amended to reflect the current titles of the positions of the Staff Assistant to the Special Assistant to the Secretary (National Security Affairs) and of the Confidential Assistant to the Special Assistant to the Secretary (Public Affairs). Effective on publication in the FEDERAL REGISTER, subparagraphs (16) and (26) are amended and subparagraph (40) is added to paragraph (a) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* • • •

(16) One Staff Assistant to the Special Assistant to the Secretary (National Security Affairs).

• • • • • • •

(26) One Confidential Assistant to the Special Assistant to the Secretary (Public Affairs).

• • • • • • •

(40) Until December 31, 1969, one Confidential Secretary to the Deputy Special Assistant to the Secretary (Public Affairs).

• • • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8855; Filed, July 28, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Private Secretary and Confidential Assistant in support of the Department's interdepartmental activities is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (4) is added under paragraph (c) of § 213.3306 as set out below.

§ 213.3306 Department of Defense.

• • • • • • •

(c) *Interdepartmental Programs.* • • •

(4) One Private Secretary and Confidential Assistant.

• • • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8849; Filed, July 28, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3311 is amended to show that one position of Secretary (interdepartmental activities) in the Office of the Deputy Postmaster General is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (8) is added to paragraph (h) of § 213.3311 as set out below.

§ 213.3311 Post Office Department.

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(h) *Office of the Deputy Postmaster General.* • • •

(8) One Secretary (interdepartmental activities).

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8852; Filed, July 28, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Confidential Assistant to the Commissioner of Fish and Wildlife is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (c) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

• • • • • • •

(c) *U.S. Fish and Wildlife Service.* • • •

(2) One Confidential Assistant to the Commissioner of Fish and Wildlife.

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(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8851; Filed, July 28, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that one position of Congressional Liaison Assistant is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (p) is added under § 213.3332 as set out below.

§ 213.3332 Small Business Administration.

• • • • • • •

(p) One Congressional Liaison Assistant.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8853; Filed, July 28, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Special Assistant to the Director, Division of International Affairs, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (42) is added to paragraph (a) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(42) One Special Assistant to the Director, Division of International Affairs.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8850; Filed, July 28, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Cereal Leaf Beetle

Pursuant to sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 84 relating to the cereal leaf beetle and regulations supplemental to said quarantine (7 CFR 301.84, 301.84–1 et seq.) are hereby revised to read as follows:

QUARANTINE AND REGULATIONS

Sec.

301.84 Quarantine; restriction on interstate movement of specified regulated articles.
301.84–1 Definitions
301.84–2 Authorization to designate regulated areas and suppressive or generally infested areas; and articles which are exempt from certification, permit, or other requirements.
301.84–3 Conditions governing the interstate movement of regulated articles from quarantined States
301.84–4 Issuance and cancellation of certificates and permits.
301.84–5 Compliance agreements; and cancellation thereof
301.84–6 Assembly and inspection of regulated articles.
301.84–7 Attachment and disposition of certificates or permits.
301.84–8 Inspection and disposal of regulated articles and pests.
301.84–9 Movement of live cereal leaf beetles.
301.84–10 Nonliability of the Department.

AUTHORITY: The provisions of this subpart issued under secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 33 F.R. 15485.

§ 301.84 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee); the Secretary of Agriculture has determined, after public hearing, that it is necessary to quarantine the States of Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, Virginia, and West Virginia in order to prevent the spread of the cereal leaf beetle (Oulema melanopus (L.)), a dangerous insect injurious to cereal crops, not heretofore widely prevalent or distributed within and throughout the United States. Under the authority of said provisions, the Secretary hereby quarantines the States of Kentucky, Maryland, New York, Virginia, and West Virginia, and continues to quarantine the other specified States with respect to the interstate movement from the quarantined States of the articles described in paragraph (b) of this section, issues the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations.

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles (defined in § 301.84–1(m) as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) Small grains such as barley, oats, and wheat, except grain sorghum.

(2) Soybeans.

(3) Ear corn (shelled corn is not regulated).

(4) Straw and hay, including marsh hay, except pelletized hay.

(5) Grass sod.

(6) Grass and forage seed.

(7) Fodder and plant litter.

(8) Used harvesting machinery.

(9) Any other products, articles, or means of conveyance, of any character whatsoever, not covered by subparagraphs (1) through (8) of this paragraph, when it is determined by an inspector that they present a hazard of spread of cereal leaf beetle, and the person in possession thereof has been so notified.

§ 301.84–1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively to mean:

(a) *Cereal leaf beetle.* The insect known as the cereal leaf beetle (Oulema melanopus (L.)), in any stage of development.

(b) *Certificate.* A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to any destination.

(c) *Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Pest Control Division, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Division as applicable to the operations of such person.

(d) *Director.* The Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(e) *Generally infested area.* Any part of a regulated area not designated as a suppressive area in accordance with § 301.84–2.

(f) *Infestation.* The presence of the cereal leaf beetle or the existence of circumstances that make it reasonable to believe that cereal leaf beetle is present.

(g) *Inspector.* Any employee of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or other person authorized by the Director to enforce the provisions of the quarantine and regulations in this subpart.

(h) *Interstate.* From any State, Territory, or District into or through any other State, Territory, or District of the United States (including Puerto Rico).

(i) *Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of noncertifiable regulated articles to a specified destination for limited handling, utilization, or processing or for treatment.

(j) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

(k) *Person.* Any individual, corporation, company, society, or association or other organized group of any of the foregoing.

(l) *Regulated area.* Any quarantined State or any portion thereof listed as a regulated area in § 301.84–2a or otherwise designated by the Director in accordance with § 301.84–2(a).

(m) *Regulated articles.* Any articles described in § 301.84(b).

(n) *Restricted destination permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certifiable under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

(o) *Scientific permit.* A document issued by the Director to allow the interstate movement to a specified destination of regulated articles for scientific purposes.

(p) *Suppressive area.* That part of a regulated area where eradication of infestation is undertaken as an objective, as designated by the Director under § 301.84–2(a).

(q) *Treatment manual.* The provisions currently contained in the "Manual of Administratively Authorized Procedures To Be Used Under the Cereal Leaf Beetle Quarantine," the manual of "Procedures for Applying Soil, Surface, and Foliage Treatments for Regulatory Purposes," and the "Fumigation Procedures Manual," and any amendments thereto.[1]

§ 301.84–2 Authorization to designate regulated areas and suppressive or generally infested areas; and articles which are exempt from certification, permit, or other requirements.

(a) *Regulated areas and suppressive or generally infested areas.* (1) The Director shall list as regulated areas in a supplemental regulation designated as § 301.84–2a, the quarantined States, or portions thereof in which cereal leaf beetle has been found or in which there is reason to believe that cereal leaf beetle is present, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. The Director, in the supplemental regulation, may divide any regulated area into a suppressive area and a generally infested area in accordance with the definitions thereof in § 301.84–1. Less than an entire quarantined State will be designated as a regulated area only if the Director is of the opinion that:

(i) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(ii) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the cereal leaf beetle.

(2) The Director, or an authorized inspector, may temporarily designate any other premises in a quarantined State as a regulated area and a suppressive or generally infested area, in accordance with the criteria specified in subparagraph (1) of this paragraph for listing such areas, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of this designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the list in § 301.84–2a if a basis then exists for their designation.

(b) *Articles which are exempt from certification, permit, or other requirements.* The Director may, in a supplemental regulation designated as § 301.84–2b, list regulated articles which shall be exempt from the certification and permit or other requirements of this subpart under such conditions as he may prescribe, if he finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

§ 301.84–3 Conditions governing the interstate movement of regulated articles from quarantined States.[2]

Any regulated articles may be moved interstate from any quarantined State under the following conditions:

(a) From any regulated area, with certificate or permit issued and attached in accordance with §§ 301.84–4 and 301.84–7 if moved:

(1) From any regulated area into or through any point outside of the regulated areas; or

(2) From any generally infested area into or through any suppressive area; or

(3) Between any noncontiguous suppressive areas; or

(4) Between contiguous suppressive areas when it is determined by the inspector that the regulated articles present a hazard of the spread of the cereal leaf beetle and the person in possession thereof has been so notified; or

(b) From any regulated area, without certificate or permit if moved:

(1) Under the provisions of § 301.84–2b which exempts certain articles from certificate and permit requirements; or

(2) From a generally infested area to a contiguous generally infested area; or

(3) From a suppressive area to a contiguous generally infested area; or

(4) Between contiguous suppressive areas unless the person in possession of the articles has been notified by an inspector that a hazard of spread of the cereal leaf beetle exists; or

(5) Through or reshipped from any regulated area if the articles originated outside of any regulated area and if the point of origin of the articles is clearly indicated, their identity has been maintained and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector; or

(c) From any area outside the regulated areas, without a certificate or permit if the regulated articles are exempt under the provisions of § 301.84–2b or if the point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles, and if the movement is not made through any regulated area.

§ 301.84–4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Upon examination, have been found to be free of infestation; or

(3) Have been treated to destroy infestation in accordance with the treatment manual; or

(4) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles, not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when upon evaluation of circumstances involved in each specific case he determines that such movement will not result in the spread of the cereal leaf beetle and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits may be issued by the Director to allow the interstate movement of regulated articles for scientific purposes under such conditions as may be prescribed in each specific case by the Director.

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use by the latter for subsequent shipments provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may use the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has made appropriate determinations as specified in paragraph (a) of this section with respect to such articles. Any such person may use the limited permit forms, or reproductions of such forms, for interstate movement of regulated articles to specified destinations authorized by the inspector in accordance with paragraph (b) of this section. Any such person may use the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under

[1] Pamphlets containing such provisions are available, upon request from the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, or from an inspector.

[2] Requirements under all other applicable Federal domestic plant quarantines must also be met.

the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart.

§ 301.84–5 Compliance agreements; and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Director or an inspector.

(b) Any compliance agreement may be cancelled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement.

§ 301.84–6 Assembly and inspection of regulated articles.

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits, or reproductions thereof, under § 301.84–4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such a manner as the inspector designates to facilitate inspection.

§ 301.84–7 Attachment and disposition of certificates or permits.

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved, except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.84–8 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and cereal leaf beetles as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Plant Pest Act (7 U.S.C. 150dd), in accordance with instructions issued by the Director.

§ 301.84–9 Movement of live cereal leaf beetles.

Regulations requiring a permit for, and otherwise governing the movement of live cereal leaf beetles in interstate or foreign commerce are contained in the Federal Plant Pest Regulations in Part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Director.

§ 301.84–10 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

This revision shall become effective upon publication in the FEDERAL REGISTER when it shall supersede the notice of quarantine and regulations effective April 1, 1969.

Pursuant to a notice of hearing and rulemaking published in the FEDERAL REGISTER on June 4, 1969, and a supplemental notice published in the FEDERAL REGISTER on July 8, 1969, a public hearing was held in Louisville, Ky., regarding quarantining the States of Kentucky, Maryland, New York, Virginia, and West Virginia, on account of the cereal leaf beetle. After due consideration of all relevant material presented at the hearing and responses to the notice, it has been decided to add the States of Kentucky, Maryland, New York, Virginia, and West Virginia to the list of States quarantined because of the cereal leaf beetle.

This revision imposes restrictions that are necesary in order to prevent the dissemination of the cereal leaf beetle and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of July 1969.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69–8689; Filed, July 28, 1969; 8:49 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Cereal Leaf Beetle

REGULATED AREAS

Under the authority of § 301.84–2 of the Cereal Leaf Beetle Quarantine regulations (7 CFR 301.84–2, as amended, 34 F.R. 12373), a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.84–2a, as follows:

§ 301.84–2a Regulated areas.

The civil divisions, and parts of civil divisions, described below, are designated as cereal leaf beetle regulated areas within the meaning of the provisions in this subpart:

ILLINOIS

Champaign County. Secs. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, and 16, T. 20 N., R. 8 E.; secs. 25, 26, 27, 28, 33, 34, 35, and 36, T. 21 N., R. 8 E.; secs. 1, 2, 3, 10, 11, 12, 13, 14, and 15, T. 22 N., R. 8 E.; secs. 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 19 N., R. 9 E.; secs. 6, 7, and 18, T. 20 N., R. 9 E.; secs. 28, 29, 30, 31, 32, and 33, T. 21 N., R. 9 E.; secs. 1, 6, 7, 12, 13, 18, 24, 25, and 36, T. 22 N., R. 9 E.; secs. 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, T. 22 N., R. 10 E.; secs. 4, 5, 8, 9, 16, and 17, T. 20 N., R. 14 W.; and secs. 4 and 9, T. 22 N., R. 14 W.

Clark County. Sec. 19, T. 12 N., R. 12 W.; and secs. 22, 23, and 24, T. 12 N., R. 13 W.

Cook County. Secs. 34, 35, and 36, T. 37 N., R. 11 E.; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 36 N., R. 12 E.; secs. 31 and 32, T. 37 N., R. 12 E.; T. 35 N., R. 13 E.; T. 35 N., R. 14 E.; and secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32, T. 35 N., R. 15 E.

Douglas County. Secs. 28 and 33, T. 16 N., R. 14 W.

Edgar County. The entire county.

Ford County. Secs. 34, 35, and 36, T. 23 N., R. 8 E.; sec. 31, T. 23 N., R. 9 E.; secs. 6, 7, 18, and 19, T. 27 N., R. 9 E.; and secs. 28 and 33, T. 23 N., R. 14 W.

Grundy County. Secs. 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 34 N., R. 7 E.; and secs. 19, 30, and 31, T. 34 N., R. 8 E.

Iroquois County. Secs. 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, T. 24 N., R. 10 E.; secs. 6 and 7, T. 26 N., R. 10 W.; secs. 6, 7, 18, 19, 30, and 31, T. 27 N., R. 10 W.; secs. 6, 7, 18, 19, 30, and 31, T. 28 N., R. 10 W.; secs. 18, 19, 30, and 31, T. 29 N., R. 10 W.; secs. 6, 7, 18, 19, 30, and 31, T. 24 N., R. 11 E.; secs. 1, 2, 3, 4, 5, 6, 10, 11, and 12, T. 26 N., R. 11 W.; secs. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 27 N., R. 11 W.; secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 33, 34, 35, and 36, T. 28 N., R. 11 W.; secs. 13, 14, 15, 22, 23, 24, 25, 26, 27, 35, and 36, T. 29 N., R. 11 W.; secs. 30 and 31, T. 24 N., R. 12 W.; secs. 1 and 2, T. 26 N., R. 12 W.; secs. 13, 14, 23, 24, 25, 26, 35, and 36, T. 27 N., R. 12 W.; secs. 6, 7, 18, and 19, T. 28 N., R. 12 W.; sec. 31, T. 29 N., R. 12 W.; secs. 25, 26, 27, 34, 35, and 36, T. 24 N., R. 13 W.; secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, and 18, T. 27 N., R. 13 W.; secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, T. 28 N., R. 13 W.; secs. 31, 32, 33, 34, 35, and 36, T. 29 N., R. 13 W.; secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31, T. 24 N., R. 14 W.; secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, T. 28 N., R. 14 W.; and secs. 34, 35, and 36, T. 29 N., R. 14 W.

Kankakee County. The entire county.

Livingston County. Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, T. 27 N., R. 8 E.; and secs. 6, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, and 23, T. 28 N., R. 8 E.

Moultrie County. Secs. 2, 3, and 4, T. 13 N., R. 4 E.; secs. 21, 22, 23, 26, 27, 28, 33, 34, and 35, T. 14 N., R. 4 E.; sec. 11, T. 12 N., R. 5 E.; secs. 1, 2, 3, 10, 11, 12, 13, 14, and 15, T. 15 N., R. 5 E.; and secs. 6, 7, and 18, T. 15 N., R. 6 E.

Piatt County. Secs. 25, 26, 27, 34, 35, and 36, T. 16 N., R. 5 E.; secs. 12 and 13, T. 18 N., R. 5 E.; secs. 30 and 31, T. 16 N., R. 6 E.; and secs. 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, T. 18 N., R. 6 E.

Shelby County. Secs. 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 11 N., R. 4 E.; secs. 1, 2, 3, 10, 11, 12, 13, 14, and 15, T. 10 N., R. 5 E.; secs. 7, 8, 17, 18, 19, 20, 29, 30, 31, 32, 34, 35, and 36, T. 11 N., R. 5 E.; secs. 9, 10, 14, 15, 16, 21, 22, 23, 26, 27, and 28, T. 12 N., R. 5 E.; secs. 6, 7, and 18, T. 10 N., R. 6 E.; and sec. 31, T. 11 N., R. 6 E.

Vermilion County. The entire county.

Will County. Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, T. 36 N., R. 11 E.; T. 33 N., R. 12 E.; T. 34 N., R. 12 E.; T. 35 N., R. 12 E.; T. 33 N., R. 13 E.; T. 34 N., R. 13 E.; T. 33 N., R. 14 E.; T. 34 N., R. 14 E.; and secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32, T. 33 N., R. 15 E.; and secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32, T. 34 N., R. 15 E.

INDIANA

The entire State.

KENTUCKY

Anderson County. The entire county.
Bath County. The entire county.
Boone County. The entire county.
Bourbon County. The entire county.
Boyd County. The entire county.
Boyle County. The entire county.
Bracken County. The entire county.
Breathitt County. The entire county.
Bullitt County. The entire county.
Campbell County. The entire county.
Carroll County. The entire county.
Carter County. The entire county.
Casey County. The entire county.
Clark County. The entire county.
Clay County. The entire county.
Elliott County. The entire county.
Estill County. The entire county.
Fayette County. The entire county.
Fleming County. The entire county.
Floyd County. The entire county.
Franklin County. The entire county.
Gallatin County. The entire county.
Garrard County. The entire county.
Grant County. The entire county.
Green County. The entire county.
Greenup County. The entire county.
Hardin County. The entire county.
Harrison County. The entire county.
Hart County. The entire county.
Henry County. The entire county.
Jackson County. The entire county.
Jefferson County. The entire county.
Jessamine County. The entire county.
Johnson County. The entire county.
Kenton County. The entire county.
Larue County. The entire county.
Lawrence County. The entire county.
Lee County. The entire county.
Lewis County. The entire county.
Lincoln County. The entire county.
Madison County. The entire county.
Magoffin County. The entire county.
Marion County. The entire county.
Martin County. The entire county.
Mason County. The entire county.
Meade County. The entire county.
Menifee County. The entire county.
Mercer County. The entire county.
Montgomery County. The entire county.
Morgan County. The entire county.
Nelson County. The entire county.
Nicholas County. The entire county.
Oldham County. The entire county.
Owen County. The entire county.
Owsley County. The entire county.
Pendleton County. The entire county.
Powell County. The entire county.
Robertson County. The entire county.
Rockcastle County. The entire county.
Rowan County. The entire county.

KENTUCKY—Continued

Scott County. The entire county.
Shelby County. The entire county.
Spencer County. The entire county.
Taylor County. The entire county.
Trimble County. The entire county.
Washington County. The entire county.
Wolfe County. The entire county.
Woodford County. The entire county.

MARYLAND

Allegany County. The entire county.
Garrett County. The entire county.

MICHIGAN

Alcona County. The entire county.
Allegan County. The entire county.
Alpena County. The entire county.
Antrim County. The entire county.
Arenac County. The entire county.
Barry County. The entire county.
Bay County. The entire county.
Benzie County. The entire county.
Berrien County. That portion of the county lying outside the Benton Harbor Wholesale Fruit Market in Benton Harbor. The market is bounded by Territorial Road, Red Arrow Highway, and Crystal Avenue.
Branch County. The entire county.
Calhoun County. The entire county.
Cass County. The entire county.
Charlevoix County. The entire county.
Cheboygan County. The entire county.
Clare County. The entire county.
Clinton County. The entire county.
Crawford County. The entire county.
Eaton County. The entire county.
Emmet County. The entire county.
Genesee County. The entire county.
Gladwin County. The entire county.
Grand Traverse County. The entire county.
Gratiot County. The entire county.
Hillsdale County. The entire county.
Huron County. The entire county.
Ingham County. The entire county.
Ionia County. The entire county.
Iosco County. The entire county.
Isabella County. The entire county.
Jackson County. The entire county.
Kalamazoo County. The entire county.
Kalkaska County. The entire county.
Kent County. The entire county.
Lake County. The entire county.
Lapeer County. The entire county.
Leelanau County. The entire county.
Lenawee County. The entire county.
Livingston County. The entire county.
Macomb County. The entire county.
Manistee County. The entire county.
Mason County. The entire county.
Mecosta County. The entire county.
Midland County. The entire county.
Missaukee County. The entire county.
Monroe County. The entire county.
Montcalm County. The entire county.
Montgomery County. The entire county.
Muskegon County. The entire county.
Newaygo County. The entire county.
Oakland County. The entire county.
Oceana County. The entire county.
Ogemaw County. The entire county.
Osceola County. The entire county.
Oscoda County. The entire county.
Otsego County. The entire county.
Ottawa County. The entire county.
Presque Isle County. The entire county.
Roscommon County. The entire county.
Saginaw County. The entire county.
Sanilac County. The entire county.
Shiawassee County. The entire county.
St. Clair County. The entire county.
St. Joseph County. The entire county.
Tuscola County. The entire county.
Van Buren County. The entire county.
Washtenaw County. The entire county.
Wayne County. The entire county.
Wexford County. The entire county.

NEW YORK

The entire State.

OHIO

The entire State.

PENNSYLVANIA

The entire State.

VIRGINIA

Alleghany County. The entire county.
Highland County. The entire county.

WEST VIRGINIA

The entire State.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.84–2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER when it shall supersede 7 CFR 301.84–2a, effective April 1, 1969.

The Director has determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that in each case designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the cereal leaf beetle. This determination has not been made concerning Indiana, Ohio, New York, Pennsylvania, and West Virginia. Further, the Director of the Plant Pest Control Division has determined that infestations of the cereal leaf beetle exist or are likely to exist in the civil divisions and parts of civil divisions, in Illinois, Kentucky, Maryland, Michigan, and Virginia, listed above, or that it is necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Therefore, the States of Indiana, Ohio, New York, Pennsylvania, and West Virginia and the civil divisions and parts of civil divisions in the other States listed above, are designated as cereal leaf beetle regulated areas.

The purpose of this revision is to regulate portions of Kentucky, Maryland, and Virginia, and to regulate in their entirety New York and West Virginia, all of which were previously nonquarantined States.

In the previously quarantined States the revision extends the regulated area to the entire States of Indiana and Pennsylvania. Also, in Illinois the regulated area is extended to the entire counties of Edgar, Kankakee, and Vermilion, and to portions of Piatt County, all of which were previously nonregulated; in some previously regulated counties, additional areas were also added.

This document imposes restrictions that are necessary in order to prevent the spread of the cereal leaf beetle. Therefore, it should be made effective at the earliest practicable date in order to accomplish its purpose in the public interest. Accordingly, it is found under the

administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are unnecessary and impracticable, and good cause is found for making the regulation effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 24th day of July 1969.

[SEAL] D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 69-8891; Filed, July 28, 1969; 8:50 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Cereal Leaf Beetle

EXEMPTIONS

Under authority of § 301.84-2 of the Cereal Leaf Beetle Quarantine regulations (7 CFR 301.84-2, as amended, 34 F.R. 12373), a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.84-2b as set forth below. The Director of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.84-2b Exempted articles.

(a) The following articles are exempt[1] from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (3) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs:

(1) Small grains, except oats and barley, if cleaned to meet State seed sales requirements of the State of origin.

(2) Grass and forage seed, if cleaned to meet State seed sales requirements of the State of origin.

(3) Soybeans, if transported in covered vehicles and moved to designated plants;[2] or, if cleaned to meet State seed sales requirements of the State of origin.

(b) The following articles are exempt[1] from the certification, permit, and other requirements of this subpart under the applicable conditions prescribed in subparagraphs (1) through (5) of this paragraph:

(1) Small grains such as barley, oats, and wheat from December 1 of any year through the following May 31.

(2) Soybeans from March 16 of any year through the following August 31.

(3) Ear corn, other than sweet or fresh market corn, from April 1 of any year through the following July 31.

(4) Hay, except marsh hay, from January 16 of any year through the following May 31.

(5) Straw and marsh hay from March 1 of any year through the following June 30.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33, 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.84-2)

This list of exempted articles shall become effective upon publication in the FEDERAL REGISTER when it shall supersede the list of exempted articles in 7 CFR 301.84-2b, which became effective April 1, 1969.

The principal purpose of this document is to exempt soybeans, if cleaned to meet State seed sales requirements of the State of origin.

This document relieves certain restrictions which are not deemed necessary to prevent the interstate spread of the cereal leaf beetle and should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions being relieved. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this document are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 24th day of July 1969.

[SEAL] D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 69-8890; Filed, July 28, 1969; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 285, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829) regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provision in paragraph (b)(1) (i), (ii), and (iii) of § 908.585 (Valencia Orange Regulation 285, 34 F.R. 12016) are hereby amended to read as follows:

§ 908.585 Valencia Orange Regulation 285.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 227,000 cartons;
(ii) District 2: 345,000 cartons;
(iii) District 3: 78,000 cartons.

* * * * *

(Secs. 1-19, 49 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 23, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8859; Filed, July 28, 1969; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

The last sentence of subparagraph (1) *Without visas* of paragraph (c) *Transits* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended to read as follows: "The privilege of transit without a visa may be authorized only under the conditions that the carrier, without the prior consent of the Service, will not refund the ticket which was presented to the Service as evidence of the alien's confirmed and onward reservations, that the alien will not apply for extension of temporary stay or for adjustment of status under section 245 of the Act, and that at all times he is not aboard an aircraft which is in flight through the United States he shall be in the custody directed by the district director."

The listing of transportation lines under "At Montreal" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "Air France" and the listing of transportation lines under "At Toronto" of § 238.4 is amended by adding the following transportation lines in alphabetical sequence: "Air France," "British United Airways (Services) Ltd.," and "Standard Airways, Inc."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 214.2(c)(1) is clarifying in nature and relieves restrictions regarding custody and the amendment to § 238.4 adds transportation lines to the listings.

Dated: July 22, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69-8862; Filed, July 28, 1969; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1561]

PART 13—PROHIBITED TRADE PRACTICES

Berger-Teich, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Berger-Teich, Inc., et al., New York, N.Y., Docket C-1561, July 10, 1969]

In the Matter of Berger-Teich, Inc., a Corporation, and Manny Teich and Alfred S. Berger, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding, falsely invoicing and guaranteeing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Berger-Teich, Inc., a corporation, and its officers, and Manny Teich and Alfred S. Berger, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in the fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Berger-Teich, Inc., a corporation, and its officers, and Manny Teich and Alfred S. Berger, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 10, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-8880; Filed, July 28, 1969; 8:49 a.m.]

[Docket No. C-1560]

PART 13—PROHIBITED TRADE PRACTICES

Etowah Textiles, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements;* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Etowah Textiles, Inc., et al., Cartersville, Ga., Docket C-1560, July 10, 1969]

In the Matter of Etowah Textiles, Inc., a Corporation, and Jesse C. Akins, Individually and as an Officer of Said Corporation, and Samuel M. Timms, Individually and as a Former Officer of Said Corporation

Consent order requiring a Cartersville, Ga., manufacturer of carpets and other fabric products to cease misbranding and falsely guaranteeing its textile fiber products and failing to maintain required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Etowah Textiles, Inc., a corporation, and its officers, and Jesse C. Akins, individually and as an officer of said corporation, and Samuel M. Timms, individually and as a former officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

[2] Any plant is eligible for designation under this subpart if the operator thereof applies approved pesticides as outlined by an inspector, and enters a compliance agreement (as defined in § 301.84-1(c)). Information as to designated plants may be obtained from the inspector.

[3] See footnote 1 on page 1.

fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix a stamp, tag, label or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain and preserve proper records showing the fiber content of the textile fiber products manufactured by said respondents, as required by section 6 of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That respondents Etowah Textiles, Inc., a corporation, and its officers, and Jesse C. Akins, individually and as an officer of said corporation, and Samuel M. Timms, individually and as a former officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 10, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-8881; Filed, July 28, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Barban

A petition (PP 9F0782) was filed with the Food and Drug Administration by Gulf Oil Corp., Gulf Building, Pittsburgh, Pa. 15230, proposing the establishment of tolerances for negligible residues of the herbicide barban (4-chloro-2-butynyl *m*-chlorocarbanilate) in or on the raw agricultural commodities barley, flax, lentils, mustard seed, peas, safflower seed, soybeans, sugar beets, sunflower seed, and wheat at 0.1 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that:

1. The tolerances established by this order will protect the public health.

2. Tolerances are unnecessary regarding meat, milk, poultry, or eggs since the proposed usage is not reasonably expected to result in residues of the herbicide occurring in these commodities. The usage is classified in the category specified in § 120.6(a)(3).

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding a new section to Subpart C as follows:

§ 120.268 **Barban; tolerances for residues.**

A tolerance of 0.1 part per million is established for negligible residues of the herbicide barban (4-chloro-2-butynyl *m*-chlorocarbanilate) in or on the raw agricultural commodities barley, flax seed, lentils, mustard seed, peas, safflower seed, soybeans, sugar beets, sugar beet tops, sunflower seed, and wheat.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 22, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8835; Filed, July 28, 1969; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—AID TO FISHERIES

PART 250—FISHERIES LOAN FUND PROCEDURES

Change of Interest Rate

Public Law 89-85 amended section 4 of the Fish and Wildlife Act of 1956 by providing that any fishery loan shall "Bear an interest rate of not less than (a) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (b) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose." The average market yield of such outstanding obligations was 6⅝ percent as of June 30, 1969, up 1 percent from June 30, 1968. In order to comply with Public Law 89-85 and insure compliance in case of any further increases in the average market yield it is necessary to increase the interest rate charged on fisheries loans from 6½ percent to 7½ percent.

This amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003).

In view of the necessity for making the effective date as soon as possible, this amendment is hereby adopted and will become effective upon publication in the FEDERAL REGISTER.

Section 250.10 is amended by deleting "6½ percent" and substituting "7½ percent" therefor.

H. E. CROWTHER,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-8861; Filed, July 28, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 69-EA-86; Amdt. 39-807]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Fairchild Hiller FH-1100 type rotorcraft.

Recent failures of the engine to transmission drive shaft have occurred as a result of excessive axial end play on installation where excessive engine to transmission misalignment exists.

Since this is a condition which can exist or develop in rotorcraft of similar type design, an airworthiness directive is being issued which will require inspections of engine to transmission drive shafts on FH-1100 rotorcraft.

As a situation exists requiring expeditious adoption of the regulation, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

FAIRCHILD HILLER. Applies to all FH-1100 Type Rotorcraft certificated in all categories. Compliance required as follows:

1. Within the next ten (10) hours' time in service after the effective date of this A.D., unless already accomplished, inspect alignment of engine-to-transmission drive shaft, P/N 19E49-3B, to determine whether the alignment falls within the criteria established in tables 24-1-1A and 24-1-1B of Fairchild Hiller Service Manual No. 24-2 dated May 27, 1969. Where the criteria is exceeded, the engine-to-transmission drive shaft, P/N 19E49-3B, must be replaced and the misalignment corrected prior to further flight with a new or serviceable drive shaft of like part number.

2. The inspection in paragraph 1 of this A.D. must be repeated whenever a hard landing is made, or the engine or transmission or their support structure is replaced, or the drive shaft removed and reinstalled, and during the 100 hours' time in service inspection of the drive shaft axial end play as outlined in paragraph 3 of this A.D.

3. Within the next ten (10) hours' time in service, unless already accomplished, and every 100 hours' time in service thereafter except as indicated in paragraph (b) below, inspect the engine-to-transmission drive shaft for axial end play to determine whether the end play falls within the criteria established by paragraphs 24-21-5 A-3 and B-3, of the aforementioned Service Manual.

(a) Where the end play is 0.030 inch or more in the front end (transmission end) and 0.020 inch or more in the aft end (engine end), the drive shaft assembly must be replaced prior to further flight with a new or serviceable drive shaft of like part number.

(b) Where the end play is between 0.015 and 0.030 inch for the front end and between 0.010 and 0.020 inch for the aft end, the drive shaft assembly must be inspected every 25 hours' time in service after the initial inspection, provided the carbon socket P/N 2484222 is replaced before the end play exceeds the limits of paragraph 3(a).

4. The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Fairchild Hiller Corp., Aircraft Division, Showalter Road, Hagerstown, Md. 21740. These documents may also be examined at Engineering and Manufacturing Branch, Federal Aviation Administration, Eastern Region, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at its Eastern Region Headquarters. (Fairchild Hiller Service Bulletin SB FH-1100-24-4 covers the subject of this A.D.)

This amendment is effective August 1, 1969.

(Secs. 313(a), 601, 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on July 18, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-8837; Filed, July 28, 1969; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-SO-73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Jackson, Tenn., control zone.

The Jackson control zone is described in § 71.171 (34 F.R. 4557). In the description, an extension predicated on the McKellar VOR 208° radial has a designated width of 2 miles each side of the radial and a designated length of 8.5 miles from the VOR.

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with Government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace for the protection of these procedures was revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria and a revision to AL-5062 VOR RWY 2 instrument approach procedure to McKellar Field, it is necessary to alter the control zone description by increasing the width of the extension predicated on the McKellar VOR 208° radial from 2 to 2.5 miles each side of the radial and reducing the length from 8.5 to 6.5 miles southwest of the VOR.

In view of the foregoing, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Jackson, Tenn., control zone is amended as follows: "* * * within 2 miles each side of the McKellar VOR (latitude 35°36'12.5" N., longitude 88°54'37.4" W.) 208° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR * * *" is deleted and "* * * within 2.5 miles each side of the McKellar VOR 208° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the VOR * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on July 18, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-8838; Filed, July 28, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration, Extension, and Designation of Federal Airways

On June 3, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 8711) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would realign and extend Federal airway Nos. 72, 88, 175, 178, 179, 234, and 335, and designate a new airway from Maples, Mo., to Troy, Ill.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) the following changes are made:

1. In V-72 "Troy, Ill." is deleted and "Farmington, Mo.; Centralia, Ill.; Bible Grove, Ill.; INT Bible Grove 015° and Vandalia, Ill., 075° radials." is substituted therefor.

2. V-88 is amended to read: "From Tulsa, Okla., INT Tulsa 044° and Springfield, Mo., 261° radials; Springfield; Vichy, Mo.; INT Vichy 091° and St. Louis, Mo., 171° radials."

3. V-175 is amended to read: "From Malden, Mo.; Vichy, Mo.; Hallsville, Mo., including a west alternate via INT Vichy 321° and Hallsville 183° radials; Macon, Mo.; Kirksville, Mo.; Des Moines, Iowa; Sioux City, Iowa."

4. V-178 is amended to read: "From Vichy, Mo.; Farmington, Mo.; Paducah, Ky., including a south alternate; Central City, Ky.; New Hope, Ky.; Lexington, Ky.; Bluefield, W. Va."

5. V-179 is amended to read: "From Paducah, Ky.; Marion, Ill.; Centralia, Ill.; INT Centralia 010° and Vandalia, Ill., 162° radials; Vandalia; Capital, Ill."

6. V-234 is amended to read: "From Anton Chico, N. Mex.; INT Anton Chico 067° and Dalhart, Tex., 243° radials; Dalhart; Liberal, Kans.; 32 miles, 74 miles, 75 MSL, Hutchinson, Kans.; Emporia, Kans.; Butler, Mo.; Vichy, Mo.; INT Vichy 091° and Centralia, Ill., 253° radials; Centralia."

7. V-335 is amended to read: "From St. Louis, Mo.; INT St. Louis 171° and Marion, Ill., 290° radials; Marion."

8. V-134 is added:

V-134 From Maples, Mo.; Troy, Ill.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 22, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-8839; Filed, July 28, 1969; 8:46 a.m.]

[Airspace Docket No. 69-WE-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to extend VOR Federal airway No. 458 from Julian, Calif., westward via Oceanside, Calif., to Santa Catalina, Calif., via the alignment of VOR Federal airway No. 208 and to extend it eastward from Imperial, Calif., to Yuma, Ariz., via the alignment of VOR Federal airway No. 66. This action would improve flight planning and facilitate air traffic control procedures by providing a single numbered airway for air traffic operating between Santa Catalina and Yuma. This route is experiencing increasing air traffic as it is used to bypass the congested San Diego, Calif., Metropolitan Area.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Since this amendment is editorial in nature and neither assigns nor reassigns the navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to make the appropriate changes to aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 18, 1969, as hereinafter set forth:

In § 71.123 (34 F.R. 4509) V-458 is amended to read as follows:

V-458 From Santa Catalina, Calif., via Oceanside, Calif., Julian, Calif.; INT Julian 130° and Imperial Calif., 272° radials; Imperial; 13 miles, 24 miles, 25 MSL, Yuma, Ariz., excluding the airspace within R-2503 and below 2,000 feet MSL outside the United States. The portion outside the United States has no upper limit.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); Executive Order 10854 (24 F.R. 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Washington, D.C., on July 22, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-8840; Filed, July 28, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SW-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Revocation of Federal Airways

On May 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7976) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would realign segments of V-163 from Corpus Christi, Tex., via Three Rivers, Tex., to San Antonio, Tex., including a standard west alternate from Three Rivers to San Antonio; revoke V-68 from McAllen, Tex., to San Antonio and its east alternate from McAllen to Armstrong INT; and renumber the segment of V-68 from McAllen to Corpus Christi, Tex., and its east alternate from McAllen to Armstrong INT via Harlingen, Tex., as V-20.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, it was determined that the San Antonio radial of 167° T that defined the centerline of V-163 established a changeover point only 19 nautical miles from Three Rivers. This would induce a separation problem for aircraft operating on the Three Rivers radials of V-163 and V-163 west alternate north of Three Rivers. To alleviate this problem, it was determined that the 168° T radial of San Antonio would establish the changeover point on V-163 at approximately midpoint between Three Rivers and San Antonio. Accordingly, action is taken herein to describe V-163 via the San Antonio 168° T in lieu of the 167° T radial as stated in the NPRM.

Since the change in the San Antonio radial of 1° is minor in nature, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509, 6079) is amended as follows:

1. In V-20 "From Corpus Christi, Tex.," is deleted and "From McAllen, Tex., INT McAllen 039° and Corpus Christi, Tex., 181° radials; Corpus Christi, including a south alternate from McAllen to INT McAllen 039° and Corpus Christi 181° radials via Harlingen, Tex.;" is substituted therefor. The following is added at the end of the description "The airspace on the main airway above 14,000 feet MSL from McAllen to 49 miles northeast and the airspace within Mexico is excluded."

2. In V-68 all after "Junction 310° radials;" is deleted and "San Antonio, Tex." is substituted therefor.

3. In V-163 all between "via Harlingen, Tex.;" and "12 AGL INT San Antonio 002°" is deleted and "Three Rivers, Tex., including a west alternate via INT Corpus Christi 296° and Three Rivers 165° radials; INT Three Rivers 345° and San Antonio 168° radials; San Antonio, including a west alternate;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 22, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-8842; Filed, July 28, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SW-50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Nacogdoches, Tex., transition area.

On May 3, 1969, a final rule was published in the FEDERAL REGISTER (34 F.R. 7275) designating the Nacogdoches, Tex., transition area, effective 0901 G.m.t., June 26, 1969.

The northerly extension of the transition area was based on the 343° true bearing from the Nacogdoches RBN. This bearing was the proposed approach course of the NDB (ADF) instrument approach procedure which had been developed to serve the Del Rentzel Airport at Nacogdoches. The approach procedure was published effective June 26, 1969; however, the U.S. Coast and Geodetic Survey had refined the course/bearings and had changed the 335° magnetic (343° true) bearing to the 331° magnetic (339° true) bearing. Action is taken herein to correct the northerly extension designation.

Subsequent to issuance of the proposal to designate the Nacogdoches, Tex., transition area, the criteria for designation of terminal controlled airspace was changed. Accordingly, additional airspace is required to provide the controlled airspace protection which was intended. These areas are small and there are no airports of record therein. Further, no adverse comments were received in response to circularization of the proposal to designate this transition area. Action is taken herein to encompass the additional airspace.

Since this amendment is minor in nature and is required in the interest of safety, notice and public procedures hereon are not practical and the amendment may be made effective to coincide with the next charting date.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective September 18, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637, 7275) the Nacogdoches, Tex., transition area is amended to read:

NACOGDOCHES, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Del Rentzel Airport (latitude 31°34'35" N., longitude 94°42'25" W.), within 2.5 miles each side of the Lufkin VORTAC 001° radial extending from the 5-mile radius area to 17 miles north of the VORTAC, and within 3.5 miles each side of the 339° and 159° bearings from the Nacogdoches RBN (latitude 31°38'01" N., longitude 94°44'01" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on July 17, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-8843; Filed, July 28, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SW-34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Jonesboro, Ark., control zone and alter the Jonesboro and Paragould, Ark., transition areas.

On June 6, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9036) stating the Federal Aviation Administration proposed to alter controlled airspace in the Jonesboro, Ark., terminal area.

Interested persons were provided an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to issuance of the notice it was determined that the Jonesboro Flight Service Station, which provides the weather service necessary for the designation of a control zone, will operate on a part-time basis. The control zone must be designated accordingly. Additionally, the Paragould, Ark., transition area designation must be amended to exclude the Jonesboro, Ark., control zone. Action is taken herein to make these changes.

Since the amendment of the Paragould, Ark., transition area is editorial in nature and does not affect the extent of controlled airspace, notice and public procedures thereon are unnecessary and the amendment may be made effective to coincide with the designation of the Jonesboro, Ark., control zone.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

(1) In § 71.171 (34 F.R. 4557) the following control zone is added:

JONESBORO, ARK.

Within a 5-mile radius of Jonesboro Municipal Airport (lat. 35°49'50" N., long. 90°38'55" W.) and within 3 miles each side of the Jonesboro VOR 048° radial extending from the 5-mile radius zone to 8 miles northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4707) the Jonesboro, Ark., transition area is amended to read:

JONESBORO, ARK.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Jonesboro Municipal Airport (lat. 35°49'50" N., long. 90°38'55" W.) and within 3.5 miles each side of the Jonesboro VOR 048° radial extending from the 8.5-mile radius area to 11.5 miles northeast of the VOR excluding the portion within the Paragould, Ark., transition area.

(3) In § 71.181 (34 F.R. 4742) the Paragould, Ark., transition area is amended by deleting the period after "RBN" and adding "excluding the portion within the Jonesboro, Ark., control zone."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on July 17, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-8844; Filed, July 28, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SO-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On June 13, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9348), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Orangeburg, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 33°27'40" N., long. 80°51'30" W.) for Orangeburg Airport was obtained from Coast and Geodetic Survey. Additionally, the longitudinal ordinate for the Orangeburg RBN was shown as "(long. 80°52'41" N.)" in lieu of "(long. 80°52'41" W.)." It is necessary to alter the description by appropriately inserting the geographic coordinate for the airport and correcting the longitudinal ordinate for the Orangeburg RBN.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

ORANGEBURG, S.C.

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Orangeburg Airport (lat. 33°27'40" N., long. 80°51'30" W.); within 4 miles each side of the 226° bearing from the Orangeburg RBN (lat. 33°26'23" N., long. 80°52'41" W.), extending from the 7.5-mile radius area to 9.5 miles southwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on July 17, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-8845; Filed, July 28, 1969; 8:46 a.m.]

[Airspace Docket No. 69-WE-50]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to redefine the boundaries of the Naval Missile Facility, Point Arguello, Calif., Restricted Area R-2516.

The U.S. Air Force has stated that a portion of the restricted area is excess to Department of the Air Force requirements.

Since this amendment will restore airspace to the public use, notice and public procedure are unnecessary, and for this reason the amendment may be made effective without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER as hereinafter set forth.

Section 73.25 (34 F.R. 4814) is amended as follows:

R-2516 NAVAL MISSILE FACILITY, POINT ARGUELLO, CALIF.

Boundaries: Beginning at lat. 34°59'32" N., long. 120°41'50" W.; to lat. 34°53'30" N., long. 120°33'20" W.; to lat. 34°50'15" N., long. 120°31'30" W.; to lat. 34°46'15" N., long. 120°26'40" W.; to lat. 34°39'50" N., long. 120°31'15" W.; to lat. 34°35'00" N., long. 120°31'40" W.; to lat. 34°34'52" N., long. 120°42'37" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.

Designated altitudes: Surface to unlimited.
Time of designation: Continuous.
Using agency: Commander, Air Force Western Test Range, Vandenberg AFB, Calif.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 22, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-8841; Filed, July 28, 1969; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9713; Amdt. 659]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Owosso Int/DME Fix	10-mile DME Fix, R 283°	Direct	2600	T–dn	300–1	300–1	200–½
10-mile DME Fix, R 283°	2-mile DME Fix (final)	Direct	1281	C–dn	500–1	500–1	500–1½
R 172°, FNT VOR clockwise	R 283°, FNT VOR	Via 10-mile DME Arc.	2600	S–dn–9	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2
R 040°, FNT VOR counterclockwise	R 283°	Via 10-mile DME Arc.	2800	Minimums with DME:			
				C–dn	400–1	500–1	500–1½
				S–dn 9°	400–1	400–1	400–1

Procedure turn S side of crs, 283° Outbnd, 103° Inbnd, 2100′ within 10 miles of VOR.
Minimum altitude over 2-mile DME Fix on final approach crs, 1281′.
Crs and distance, breakoff point to Runway 9, 091°—0.50 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FNT VOR make left-climbing turn and proceed to Davis Int via FNT R 076° at 2400′ or when directed by ATC make climbing right turn and proceed direct to FN LOM at 2100′.
#400–¾ authorized, with operative high-intensity runway lights, except 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—2600′; 180°–270°—2200′; 270°–360°—2900′.

City, Flint; State, Mich.; Airport name, Bishop; Elev., 781′; Fac. Class., L-BVORTAC; Ident., FNT; Procedure No. VOR Runway 9, Amdt. 9; Eff. date, 14 Aug. 69; Sup. Amdt. No. 8; Dated, 11 Feb. 67

2. By amending § 97.17 of Subpart B to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Owosso Int	LOM (final)	Direct	3000	T–dn%	300–1	300–1	200–½
FNT VOR	LOM	Direct	2100	C–dn	400–1	500–1	500–1½
Russell Int	LOM	Direct	2700	S–dn–9°	400–¾	400–¾	400–¾
Fosters Int	LOM	Direct	2500	A–dn	800–2	800–2	800–2
St. Johns Int	Vernon Int	Via FNT, R 272°	2500				
Vernon Int	LOM (final)	Direct	2000				
Bancroft Int	LOM (final)	Via crs 045° and FNT ILS LOC.	2000				
R 172°, FNT VOR clockwise	10-mile DME Fix and FNT, R 272°	Via 10-mile DME Arc.	2700				
10-mile DME Fix and FNT, R 272°	LOM (final)	Direct	2000				
R 340°, FNT VOR counterclockwise	10-mile DME Fix and FNT, R 272°	Via 10-mile DME Arc.	2600				

Procedure turn S side of crs, 271° Outbnd, 091° Inbnd, 2100′ within 10 miles.
Minimum altitude over LOM, 2000′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left-climbing turn and proceed to Davis Int via FNT, R 078° at 2400′ or, when directed by ATC, make climbing right turn and proceed direct to FN LOM at 2100′.
%RVR 2400′ authorized Runway 9.
*RVR 4000′.

City, Flint; State, Mich.; Airport name, Bishop; Elev., 781′; Fac. Class., ILS; Ident., I-FNT; Procedure No. LOC Runway 9, Amdt. Orig.; Eff. date, 14 Aug. 69

3. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LDA

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T–dn	300–1	300–1	200–½
				C–dn	NA	NA	NA
				*LDIN–18	1100–2	1100–2	1100–2
				A–dn	1200–2	1200–2	1200–2
				#VGS inoperative minimums			
				*LDIN–18	1100–2	1100–2	1100–2

Radar required.
Radar vectors will be provided to intercept final approach crs NW of #VGS interception point.
Procedure turn not authorized.
Final approach crs, 146°.
Minimum altitude at #VGS interception Inbnd, 2500′.
Altitude of #VGS and distance to abeam approach end of runway at OM, 1822′—5.6 miles; at MM, 791′—2.4 miles.
If visual contact not established upon descent to DH or 2.2 miles after passing OM, make right-climbing turn direct to Washington RBn at 1800′. Hold S, 1 minute, left turns, 001° Inbnd.
#VGS unusable below 1115′ MSL.
#VGS (vertical guidance system). This guidance is provided by standard glide slope equipment and is paired in frequency with the localizer. No special tuning required.
*LDIN lights must be operational to execute this approach.
CAUTION: 596′ Washington Monument 1.7 miles N of airport.
Jet operations restricted between the hours of 2300 and 0700 local time. See AIM.
Inoperative components table does not apply to this procedure. Reductions for lighting aids not authorized.
Supplementary charting information: Start profile at 7.6 miles from end of runway at MEA 2500′.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15′; Facility, I–ASO; Procedure No. LDA Runway 18, Amdt. 1; Eff. date, 14 Aug. 69; Sup. Amdt. No. Orig.; Dated, 5 June 69

4. By amending § 97.17 of Subpart B to cancel instrument landing system (ILS) procedures as follows:

Flint, Mich.—Bishop, ILS Runway 9, Amdt. 10, 11 Feb. 1967, canceled, effective 14 Aug. 1969.
Washington, D.C.—Washington National, LDA Runway 15, Orig., 5 June 1969, canceled, effective 14 Aug. 1969.

5. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.6 miles after OCN VOR.
OCN R 301°, 5-mile DME	OCN VOR (NOPT)	Direct	2100	Climbing right turn to 2500′ direct to OCN VORTAC and hold.*
Pacific Int	OCN VOR (NOPT)	Direct	2100	Supplementary charting information: *Hold S, 1 minute, right turns, 325° Inbnd. Final approach crs to center of airport. Chart unlighted high-tension lines 2900′ E of airport, 170′. LRCO, 122.1R.

Procedure turn S side of crs, 264° Outbnd, 084° Inbnd, 2100′ within 10 miles of OCN VOR.
FAF, OCN VOR. Final approach crs, 097°. Distance FAF to MAP, 3.6 miles.
Minimum altitude over OCN VOR, 2100′.
MSA: 000°–090°—6800′; 090°–180°—4000′; 180°–270°—2100′; 270°–360°—6700′.
NOTES: (1) Radar vectoring. (2) Use NAS Miramar altimeter setting.
%IFR departure procedures: Runway 6, right turn after takeoff; climb direct to OCN VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	720	1	600	720	1	600	NA	NA
A	Not authorized.			T 2-eng. or less—Runway 6, 400–1; Runway 24, 300–1.%			T over 2-eng.—Runway 6, 400–1; Runway 24, 300–1.%	

City, Oceanside; State, Calif.; Airport name, Oceanside Municipal; Elev., 30′; Facility, OCN; Procedure No. VOR–1, Amdt. Orig.; Eff. date, 14 Aug. 69

6. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for on route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6 miles after passing Greenup Int.
ECB VOR	YRK VOR	Direct	3000	Climbing left turn to 3000' direct YRK VOR and hold; or, when directed by ATC, right-climbing turn to 2600' on crs 139° direct HT LOM. Hold W, 1 minute, right turns, 114° Inbnd.
HT LOM	YRK VOR	Direct	3000	
YRK VOR	Greenup Int (NOPT)	Direct	2000	

Procedure turn S side of crs, 288° Outbnd, 118° Inbnd, 3000' within 10 miles of YRK VOR.
FAF, Greenup Int. Final approach crs, 118°. Distance FAF to MAP, 6 miles.
Minimum altitude over YRK VOR, 3000'; over Greenup Int, 2000'.
MSA: 000°-090°—2400'; 090°-180°—2600'; 180°-270°—2500'; 270°-360°—2500'.

NOTE: Use Huntington altimeter setting.

CAUTION: Transmission line towers of varying heights to 1028' MSL within 2 miles NW of airport crossing final approach crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS
S-10	1340	1	794	1340	1¼	794	1340	1½	794		NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C	1340	1	794	1340	1¼	794	1380	1½	834		NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Ashland; State, Ky.; Airport name, Ashland-Boyd County; Elev., 548'; Facility, YRK; Procedure No. VOR Runway 10, Amdt. 2; Eff. date, 14 Aug. 69; Sup. Amdt. No. 1; Dated, 10 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BTL VORTAC.
AZO VOR	BTL VORTAC	Direct	2600	Climb to 3000' and proceed to Hickory Int via BTL VORTAC R 331°; or, when directed by ATC, make right-climbing turn to 2600' on BTL R-036°, then reverse crs to the left and return to BTL VORTAC.
LFD VORTAC	BTL VORTAC	Direct	2600	
Marshall Int	Clark Int (NOPT)	Direct	2000	
R 015°, BTL VORTAC CW	R 118°, BTL VORTAC	12-mile Arc	2600	
R 223°, BTL VORTAC CCW	R 118°, BTL VORTAC	12-mile Arc	2600	
12-mile DME Fix	Clark 4-mile DME Fix (NOPT)	R 118°, BTL VORTAC	2000	

Supplementary charting information:
Final approach crs intercepts runway centerline 2200' from end of runway.
Runway 31, TDZ elevation, 929'.

Procedure turn N side of crs, 118° Outbnd, 298° Inbnd, 2600' within 10 miles of BTL VORTAC.
Final approach crs, 298°.
Minimum altitude over Clark Int/4-mile DME Fix, *1420' (*2000' from 12-mile Arc).
MSA: 000°-180°—2700', 180°-270°—2300', 270°-360°—2900'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1420	1	491	1420	1	491	1420	1	491	1420	1	491
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1420	1	479	1420	1	479	1420	1½	479	1500	2	559
Dual VOR or VOR/DME Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1380	1	451	1380	1	451	1380	1	451	1380	1	451
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1380	1	439	1400	1	459	1400	1¼	459	1500	2	559
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional; Elev., 941'; Facility, BTL; Procedure No. VOR Runway 31, Amdt. 2; Eff. date, 14 Aug. 69; Sup. Amdt. No. 1; Dated, 5 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ECG VOR.
				Climb to 1500' right turn direct to ECG VOR and hold.

Supplementary charting information:
Hold SW, 2 minutes, right turns, 022° Inbnd.
REIL and VASI, Runways 10-28, HIRL Runways 10-28.
Restricted areas R-5301B, R-5301A, and R-5302 S of holding pattern.
TDZ elevation, 12'.

Procedure turn not authorized. Two-minute holding pattern S of ECG VOR, 022° Inbnd, right turns, 1200'.
Final approach crs, 022°.
MSA: 000°-090°—1400'; 090°-180°—1200'; 180°-270°—2000'; 270°-360°—1400'.
NOTE: Use Norfolk, Va., altimeter setting when control zone not effective, and increase circling and straight-in MDA 160' all categories.
#Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
B-1	480	1	468	480	1	468	480	1	468	480	1	468
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	468	480	1	468	480	1½	468	560	2	568
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Elizabeth City; State, N.C.; Airport name, Elizabeth City CGAS; Elev., 12'; Facility, ECG; Procedure No. VOR Runway 1, Amdt. 1; Eff. date, 14 Aug. 69; Sup. Amdt. No. Orig.; Dated, 3 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ECG VOR.
				Climb to 1500', right turn, direct to ECG VOR and hold.

Supplementary charting information:
Hold SW, 1 minute, right turns, 022° Inbnd.
Final approach crs lies 400' left of the extended runway centerline at a point 3000 from threshold.
HIRL, Runways 10-28.
REIL and VASI, Runways 10-28.
Restricted area R-5301B, R-5301A, and R-5302S of holding pattern.
TDZ elevation, 12'.

Procedure turn W side of crs, 004° Outbnd, 184° Inbnd, 1500' within 10 miles of ECG VOR.
Final approach crs, 184°.
MSA: 000°-090°—1400'; 090°-180°—1200'; 180°-270°—2000'; 270°-360°—1400'.
NOTE: Use Norfolk, Va., altimeter setting when control zone not effective, and increase circling and straight-in MDA 160' all categories.
#Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-19	480	1	468	480	1	468	480	1	468	480	1	468
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	468	480	1	468	480	1½	468	560	2	568
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Elizabeth City; State, N.C.; Airport name, Elizabeth City CGAS; Elev., 12'; Facility, ECG; Procedure No. VOR Runway 19, Amdt. 1; Eff. date, 14 Aug. 69; Sup. Amdt. No. Orig.; Dated, 3 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.5 miles after passing LAX VOR.
				Climbing left turn to intercept LAX R 076°, then via LAX R 076° to LaHabra Int at 3000'. Supplementary charting information: TDZ elevation, 60'.

Procedure turn S side of crs, 254° Outbnd, 074° Inbnd, 2000' within 10 miles of LAX VOR.
FAF, LAX VOR. Final approach crs, LAX R 083°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over LAX VOR, 1000' over Judy Int, 900'.
MSA: 345-075°—7200'; 075°-255°—2600'; 255°-345°—5100'.
NOTE: Radar vectoring.
*All circling S of airport due to traffic restrictions N.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-7	600	1	540	600	1	540	600	1	540		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C*	600	1	537	640	1	577	660	1½	597		NA	
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7	480	1	420	480	1	420	480	1	420		NA	
A	Standard.		T 2-eng. or less—Runways 7/25, 300-1.				T over 2-eng.—Runways 7/25, 300-1.					

City, Hawthorne; State, Calif.; Airport name, Hawthorne Municipal; Elev., 63'; Facility, LAX; Procedure No. VOR Runway 7, Amdt. 5; Eff. date, 14 Aug. 69; Sup. Amdt. No. 4; Dated, 24 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.7 miles after passing Orange Int. (9-mile DME).
Huguenot VOR	Orange Int (9-mile DME) (NOPT)	Direct	2500	Climb to 2000' on HUO VOR R 079°, left-climbing turn to 3200' direct to HUO VORTAC and hold. Supplementary charting information: Hold W, 1 minute, right turns, 079° Inbnd. Runway 8, TDZ elevation, 361'.

Procedure turn N side of crs, 259° Outbnd, 079° Inbnd, 3200' within 10 miles of Orange Int (9-mile DME).
FAF, Orange Int (9-mile DME). Final approach crs, 079°. Distance FAF to MAP, 6.7 miles.
Minimum altitude over Orange Int (9-mile DME), 2500'.
MSA: 000°-090°—3700'; 090°-180°—2900'; 180°-270°—3400'; 270°-360°—3500'.
NOTES: (1) Radar vectoring. (2) Use Stewart AFB altimeter setting.
*Night minimums not authorized Runways 8/26 and 11/29—no runway lights.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS
S-8*	1180	1	819	1180	1¼	819	1180	1¼	819		NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C*	1180	1	819	1180	1¼	819	1180	1¼	819		NA
A	Not authorized		T 2-eng. or less—400-1 all runways.				T over 2-eng.—400-1 all runways.				

City, Montgomery; State, N.Y.; Airport name, Orange County; Elev., 361'; Facility, HUO; Procedure No. VOR Runway 8, Amdt. 1; Eff date, 14 Aug. 69; Sup. Amdt. No. Orig.; Dated, 5 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing ILM VORTAC.
R 276°, ILM VORTAC CW	ILM, R 021°	8-mile DME Arc	1600	Climb to 1700' on R 201° within 15 miles of ILM VORTAC; or, when directed by ATC, left turn climb to 1700' direct to LOM and hold.
R 047°, ILM VORTAC CCW	ILS, R 021°	8-mile DME Arc	1600	
Rocky Int	ILM VORTAC (NOPT)	ILM, R 356°	1500	
Scott Int	ILM VORTAC (NOPT)	ILM, R 018°	1500	
Davis Int	ILM VORTAC (NOPT)	ILM, R 047°	1500	
8-mile Arc	ILM VORTAC (NOPT)	ILM, R 021°	1500	Supplementary charting information: Hold SE, 1 minute, right turns, 343° Inbnd. Final approach crs to center of airport. HIRLS Runways 16/34.

Procedure turn W side of crs, 021° Outbnd, 201° Inbnd, 1500' within 10 miles of ILM VORTAC.
FAF, ILM VORTAC. Final approach crs, 201°. Distance FAF to MAP, 5 miles.
Minimum altitude over ILM VORTAC, 1500'.
MSA: 000°-090°—1500'; 090°-180°—1700'; 180°-270°—2300'; 270°-360°—2100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	509	540	1	509	540	1½	509	600	2	569
A	Standard.		T 2-eng. or less—RVR 24', Runway 34; Standard all other runways.				T over 2-eng.—RVR 24', Runway 34; Standard all other runways.					

City, Wilmington; State, N.C.; Airport name, New Hanover County; Elev., 31'; Facility, ILM; Procedure No. VOR-1, Amdt. 5; Eff. date, 14 Aug. 69; Sup. Amdt. No. 4; Dated, 12 Sept. 68

7. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.7 miles after passing Wesley Int.
ILM VORTAC	Wesley Int	Direct	1600	Climb to 1700' on ILM LOC crs 163° to IL LOM and hold; or, if directed by ATC, make climbing right turn to heading 270° to 1700' intercept ILM R 237°, proceed to Swamp Int. Hold SW, 1 minute, right turns, 057° Inbnd.
IL LOM	Wesley Int	Direct	1600	
Currie Int	ILM LOC (BC)	R 311°, 8.2 miles	1600	
R 047°, ILM VORTAC CCW	ILM LOC (BC)	8-mile DME Arc ILM, R 337° lead radial.	1600	
8-mile Arc	Wesley Int (NOPT)	LOC (BC)	1500	Supplementary charting information: Hold SE, 1 minute, right turns, 343° Inbnd. Runway 16, TDZ elevation, 30'. HIRLS 16/34.

Procedure turn W side of crs, 343° Outbnd, 163° Inbnd, 1600' within 10 miles of Wesley Int.
FAF, Wesley Int. Final approach crs, 163°. Distance FAF to MAP, 4.7 miles.
Minimum altitude over Wesley Int, 1600'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16	460	¾	430	460	¾	430	460	¾	430	460	1	430
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	509	540	1	509	540	1¼	509	600	2	569
A	Standard.		T 2-eng. or less—RVR 24', Runway 34; Standard all other runways.				T over 2-eng.—RVR 24', Runway 34; Standard all other runways.					

City, Wilmington; State, N.C.; Airport name, New Hanover County; Elev., 31'; Facility, I-ILM; Procedure No. LOC (BC) Runway 16, Amdt. 2; Eff. date, 14 Aug. 69; Sup. Amdt. No. 1; Dated, 12 Sept. 68

8. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Dove Creek VOR	Blanding NDB	Direct	8500	MAP: 3.4 miles after passing BDG NDB. Climbing right turn to 7500' direct BDG NDB and hold.*

Supplementary charting information:
*Hold S, 1 minute, right turns, 353° Inbnd.
LRCO—DVC, 122.1.
Runway 35, TDZ elevation, 5815'.

Procedure turn E side of crs, 173° Outbnd, 353° Inbnd, 7500' within 10 miles of BDG NDB.
FAF, BDG NDB. Final approach crs, 353°. Distance FAF to MAP, 3.4 miles.
Minimum altitude over BDG NDB, 6500'.
MSA: 030°–210°—8000'; 210°–300°—10,100'; 300°–030°—12,400'.
NOTES: (1) Final approach from holding pattern not authorized; procedure turn required. (2) Use Monticello, Utah, altimeter setting, except operators with approved weather reporting service. (3) Approach not authorized when R–6410 is active, or Monticello, Utah, altimeter setting not available.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–35	6280	1	465	6280	1	465	6280	1	465	6280	1	465
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	6420	1	555	6440	1	575	6460	1½	595	6460	2	595
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Blanding; State, Utah; Airport name, Blanding Municipal; Elev., 5865'; Facility, BDG; Procedure No. NDB (ADF) Runway 35, Amdt. Orig.; Eff. date, 14 Aug. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Crawford Int	VBW NDB	Direct	5200	MAP: 6.9 miles after passing VBW NDB. Climbing right turn to 5200' direct VBW NDB and hold.
MOL VOR	VBW NDB	Direct	5200	

Supplementary charting information:
Hold SW, 1 minute, right turns, 035° Inbnd.
Chart Mountain Ridge SE of airport.

Procedure turn E side of crs, 360° Outbnd, 180° Inbnd, 5200' within 10 miles of VBW NDB.
FAF, VBW NDB. Final approach crs, 180°. Distance FAF to MAP, 6.9 miles.
Minimum altitude over VBW NDB, 4000'.
MSA: 000°–090°—5100'; 090°–180°—4000'; 180°–270°—5500'; 270°–360°—5600'.
NOTE: Use Charlottesville altimeter setting.
CAUTION: Precipitous terrain underlying this procedure. Turbulence of varying intensities may be encountered.
CAUTION: Mountain Ridge SE of airport.
%IFR departure procedure: Runway 4, left turn; Runway 22, right turn direct VBW NDB, climb in SW holding pattern to 4000' before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2360	1¾	1168	2360	2	1168	2360	2¼	1168	2360	2½	1168
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Staunton; State, Va.; Airport name, Shenandoah Valley; Elev., 1192'; Facility, VBW; Procedure No. NDB (ADF)–1, Amdt. Orig.; Eff. date, 14 Aug. 69

9. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Blythewood Int	CDN NDB	Direct	2000	MAP: CDN NDB. Climbing left turn to 2000' direct to CDN NDB and hold.
CTF VOR	CDN NDB	Direct	2000	
Lamar Int	CDN NDB	Direct	2000	

Supplementary charting information:
Hold NE, 1 minute, right turns, 222° Inbnd.

Procedure turn W side of crs, 042° Outbnd, 222° Inbnd, 2000' within 10 miles of CDN NDB.
Final approach crs, 222°.
MSA: 000°–090°—1900'; 090°–180°—1700'; 180°–270°—2000'; 270°–360°—2000'.
NOTES: (1) Use Shaw AFB altimeter setting. (2) Aircraft will cancel IFR flight plan with SSC APC or JAX ARTCC prior to landing or upon reaching VFR conditions.
*Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C		D	
	MDA	VIS	HAA	MDA	VIS	HAA	VIS		VIS	
C*	1020	1	713	1020	1	713	NA		NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.			

City, Camden; State, S.C.; Airport name, Woodward Field; Elev., 307'; Facility, CDN NDB; Procedure No. NDB (ADF) Runway 23, Amdt. 1; Eff. date, 14 Aug. 69; Sup. Amdt. No. Orig.; Dated, 29 Aug. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
ECG VOR	EKV NDB	Direct	1500	MAP: 2.7 miles after passing EKV NDB. Climb to 1500', left turn, direct to EKV NDB and hold.

Supplementary charting information:
Hold SE, 1 minute, right turns, 314° Inbnd.
REIL and VASI, Runways 10–28.
HIRL, Runways 10–28.
Restricted areas R–5301B, R–5301A, and R–5302 S of holding pattern.

Procedure turn N side of crs, 134° Outbnd, 314° Inbnd, 1500' within 10 miles of EKV RBN.
FAF, EKV NDB. Final approach crs, 323°. Distance FAF to MAP, 2.7 miles.
Minimum altitude over EKV NDB, 1000'.
MSA: 000°–090°—1400'; 090°–180°—1200'; 180°–270°—2000'; 270°–360°—1400'.
NOTE: Use Norfolk, Va., altimeter setting when control zone not effective, and increase circling MDA 160' all categories.
#Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	488	500	1	488	500	1½	488	580	2	568
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Elizabeth City; State, N.C.; Airport name, Elizabeth City CGAS; Elev., 12'; Facility, EKV; Procedure No. NDB (ADF)–1, Amdt. 2; Eff. date, 14 Aug. 69; Sup. Amdt. No. 1; Dated, 3 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4 miles after passing SIR NDB.
CKW VOR	SIR NDB	Direct	9000	Climbing left turn to 9000′ direct to SIR NDB and hold.*
Edson Fix	SIR NDB (NOPT)	Direct	8700	Supplementary charting information: *Hold E 9000′, 254° Inbnd, right turns, 1 minute. Chart crs and distance missed approach point to airport. Chart in profile. Missed approach 4 nautical miles after SIR NDB.

Procedure turn N side of crs, 074° Outbnd, 254° Inbnd, 9000′ within 10 miles of SIR NDB.
FAF, SIR NDB. Final approach crs, 254°. Distance FAF to MAP, 4 miles.
Minimum altitude over SIR NDB, 8700′.
MSA: 000°–180°—12,200′; 180°–270°—9600′; 270°–360°—11,100′.
%IFR departure procedures: Climb direct to SIR NDB, then climb on crs, eastbound V–6; westbound direct to CKW VOR.
#High unlighted terrain 7810′, 2.1 miles W of airport; circling W of airport not authorized for Category D aircraft.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	7400	1¼	616	7540	1¼	756	7740	1¾	956	7740	2	956
A	1200–2.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Rawlins; State, Wyo.; Airport name, Rawlins Municipal; Elev., 6784′; Facility, SIR; Procedure No. NDB (ADF)–1, Amdt. 3; Eff. date, 14 Aug. 69; Sup. Amdt. No. 2 Dated, 13 Mar. 69

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4.6 miles after passing LOM
Wilmington VORTAC	LOM	Direct	1700	Climb to 1700′ on crs 343° from IL LOM within 15 miles; or, when directed by ATC, make left turn to 270° climbing to 1700′ intercept ILM VORTAC R 237° and proceed to Swamp Int. Supplementary charting information: Runway 34, TDZ elevation, 30′. HIRLS 16/34.
Swamp Int	LOM	Direct	1700	
Currie Int	LOM	Direct	1700	
Carolina Beach NDB	LOM	Direct	1700	
Green Int	LOM	Direct	1700	
Wesley Int	LOM	Direct	1700	
Delco Int	LOM	Direct	2000	

Procedure turn W side of crs, 163° Outbnd, 343° Inbnd, 1700′ within 10 miles of LOM.
FAF, LOM. Final approach crs, 343°. Distance FAF to MAP, 4.6 miles.
Minimum altitude over LOM, 1500′.
MSA: 000°–090°—1500′; 090°–180°—1700′; 180°–270°—2300′; 270°–360°—2100′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–34	500	RVR 40	470	500	RVR 40	470	500	RVR 40	470	500	RVR 50	470
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	509	540	1	509	540	1½	509	600	2	569
A	Standard.		T 2-eng. or less—RVR 24′, Runway 34; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 34; Standard all other runways.					

City, Wilmington; State, N.C.; Airport name, New Hanover County; Elev., 31′; Facility, IL; Procedure No. NDB (ADF) Runway 34, Amdt. 8; Eff. date, 14 Aug. 69; Sup. Amdt. No. 7; Dated, 12 Sept. 68

10. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: ILS DH 789′. LOC 4.1 miles after passing IA LOM.
Wolcottsville Int	IA LOM (NOPT)	Direct	1800	Climb straight ahead to 2000′ within 10 miles, right turn direct IA LOM and hold.
Grand Island Int	IA LOM	Direct	2500	Supplementary charting information: Hold E of IA LOM 1-minute right turns 278° Inbnd. TDZ elevation, 589′. Numerous obstructions penetrating 40:1 all runways except 28R and 10L.
Buffalo VOR	IA LOM (NOPT)	BUF VOR R 360°, E crs ILS.	2000	

Procedure turn N side of crs, 098° Outbnd, 278° Inbnd, 1800′ within 10 miles of IA LOM.
FAF, IA LOM. Final approach crs, 278°. Distance FAF to MAP, 4.1 miles.
Minimum glide slope interception altitude, 1800′. Glide slope altitude at OM, 1755′; at MM, 805′.
MSA: 090°–150°—2600′; 150°–240°—3700′; 240°–330°—2600′; 330°–060°—1800′.
NOTES: (1) Radar vectoring. (2) Back crs unusable.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–28R	789	RVR 24	200	789	RVR 24	200	789	RVR 24	200	789	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–28R	960	RVR 24	371	960	RVR 24	371	960	RVR 24	371	960	RVR 40	371
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1080	1	490	1080	1	490	1080	1½	490	1140	2	550
A	Standard.		T 2-eng. or less—RVR 24′, Runway 28R, 1 mile required Runways 10R–28L. Standard all others.				T over 2-eng.—RVR 24′, Runway 28R, 1 mile required Runways 10R–28L. Standard all others.					

City, Niagara Falls; State, N.Y.; Airport name, Niagara Falls International; Elev., 590′; Facility, I–IAG; Procedure No. ILS Runway 28R, Amdt. 15; Eff. date, 14 Aug. 69; Sup. Amdt. No. 14; Dated, 19 June 69

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: DH 4698′; LOC 3.8 miles after passing PI LOM.
PIH VORTAC	PI LOM	Direct	7000	Climb direct to PIH VORTAC, continue climb to 7000′ on R 269° within 10 miles or when directed by ATC, climb to 7000′, right turn to PI LOM and hold.¢ Supplementary charting information: TDZ elevation, 4448′. ¢Hold NE, 1 minute, right turns, 208° Inbnd.
R 358°, PIH VORTAC CW	R 029°, PIH VORTAC	18-mile Arc PIH, R 023° lead radial.	7000	
R 029°, 18-mile DME Fix PIH VORTAC	PI LOM (NOPT)*	NE Crs PIH LOC	7000	
IDA VOR	PI LOM (NOPT)*	IDA VOR, R 189° and NE crs PIH LOC.	7400	

Procedure turn W side of crs, 028° Outbnd, 208° Inbnd, 7000′ within 10 miles of PI LOM.
FAF, PI LOM. Final approach crs, 208°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over PI LOM, 5700′.
Minimum glide slope interception altitude, 6500′. Glide slope altitude at OM, 5608′; at MM, 4663′.
Distance to runway threshold at OM, 3.8 miles; at MM, 0.6 mile.
MSA: 000°–180°—10,300′; 180°–270°—8300′; 270°–360°—6500′.
NOTE: Final approach from holding pattern not authorized. Procedure turn required.
*Procedure turn required when glide slope not operative; OM altitude, 5700′.
%IFR departure procedures: Climb direct to PIH VORTAC; southeastbound V21/V257 continue climb on R 235° PIH VORTAC within 10 miles so as to cross PIH VORTAC at or above 7300′; all maneuvering N of R 235°.
#Circling not authorized SE of Runways 3–21.
$Categories A, B, C, no penalty in DH for inoperative SALS.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–21$	4698	½	250	4698	½	250	4698	½	250	4698	¾	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–21	4720	½	272	4720	½	272	4720	½	272	4720	1	272
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	4800	1	352	4900	1	452	4900	1¼	452	5000	2	552
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Pocatello; State, Idaho; Airport name, Pocatello Municipal; Elev., 4448′; I–PIH; Procedure No. ILS Runway 21, Amdt. 12; Eff. date, 14 Aug. 69; Sup. Amdt. No. 11; Dated, 8 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: ILS DH 230; LOC 4.6 miles after passing LOM
Swamp Int	LOM	Direct	1700	Climb to 1700' on crs of 343° from LOM
Wilmington VORTAC	LOM	Direct	1700	within 15 miles or, when directed by
Currie Int	LOM	Direct	1700	ATC, make left turn to 270° climbing to
Carolina Beach NDB	LOM	Direct	1700	1700' intercept ILM VORTAC R 237°
Green Int	LOM	Direct	1700	and proceed to Swamp Int.
Wesley Int	LOM	Direct	1700	Supplementary charting information:
Delco Int	LOM	Direct	2000	Runway 34, TDZ elevation, 30' HIRLS 16/34.

Procedure turn W side of crs, 163° Outbnd, 343° Inbnd, 1700' within 10 miles of LOM.
FAF, LOM. Final approach crs, 343°. Distance FAF to MAP, 4.6 miles.
Minimum glide slope interception altitude, 1700'. Glide slope altitude at OM, 1410'; at MM, 242'.
Distance to runway threshold at OM, 4.6 miles; at MM, 0.6 mile.
MSA: 000°-090°—1300'; 090°-180°—1700'; 180°-270°—2300'; 270°-360°—2100'.

DAY AND NIGHT MINIMUMS

Cond	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
S-34	230	RVR 24	200	230	RVR 24	200	230	RVR 24	200	230	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34	380	RVR 24	350	380	RVR 24	350	380	RVR 24	350	380	RVR 40	350
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	509	540	1	509	540	1½	509	600	2	569
A	Standard.		T 2-eng. or less—RVR 24', Runway 34; Standard all other Runways.				T over 2-eng.—RVR 24', Runway 34; Standard all other Runways.					

City, Wilmington; State, N.C.; Airport name, New Hanover County; Elev., 31'; Facility, I-ILM; Procedure No. ILS Runway 34, Amdt. 12; Eff. date, 14 Aug. 69; Sup. Amdt. No. 11; Dated, 12 Sept. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on July 11, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-8420; Filed, July 28, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1009]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 22d day of July 1969.

It appearing, that there are acute shortages of freight cars throughout the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of agricultural, forest manufactured products, and other commodities; and that the existing car service rules, regulations, and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1009 Service Order No. 1009.

(a) *Railroad operating regulations for freight car movement.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Placing of cars.* (i) Loaded cars, which after placement will be subject to demurrage rules applicable to detention of cars awaiting unloading, shall be actually placed within 24 hours, exclusive of Sundays and holidays, following arrival at destination.

(ii) Actual placement means placing a car on industrial interchange tracks, on other-than-public-delivery tracks serving the consignee, or on public delivery tracks. Proper notice for cars placed on public delivery tracks shall be sent or given within 24 hours after placement, exclusive of Saturdays, Sundays, and holidays.

(iii) When delivery of a car, either empty or loaded, consigned or ordered to an industrial interchange track or to an other-than-public-delivery track cannot be made because of any condition attributable to the consignor or consignee, such car will be held at destination or, if it cannot reasonably be accommodated there, at an available hold point and constructive placement notice shall be sent or given the consignor or consignee within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or hold point.

(iv) Loaded cars held at destination for accessorial terminal services described in the applicable tariffs, such as holding for orders or inspection, shall be placed on unloading, hold, or inspection tracks, and proper notice given within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival at destination. On cars set off and held short of billed destination, or on cars held at destination and short of inspection tracks, a written notice shall be sent or given to consignee or other party entitled to receive such notice, within 24 hours of arrival, exclusive of Saturdays, Sundays, and holidays, at the hold point. Time and charges shall be computed following such notice and demurrage or detention charges assessed in accordance with provisions of governing tariffs.

(2) *Removal of cars.* (i) Empty cars must be removed from point of unloading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following unloading or release by consignee or shipper, unless such empty cars are ordered or appropriated by the shipper with approval of carrier for reloading within such 24-hour period. Empty foreign cars not ordered for loading at point where made empty must be forwarded, set aside for cleaning or repairs, or delivered to connecting lines within 24 hours, following removal of empty cars.

(ii) Outbound loaded freight cars must be removed from point of loading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following acceptance by carrier of the shipping instructions covering the cars. Such cars must be forwarded, set aside for repairs, or delivered to connecting lines within 24 hours, following release and removal.

(iii) Cars subject to subdivisions (i) and (ii) of this subparagraph not made accessible to the carrier shall be subject to demurrage until such time as they become, and remain, accessible to the carrier.

(3) *Forwarding of cars.* (i) Loaded cars and empty cars of system, foreign or private ownership, shall not be held in excess of 24 hours for any purpose, except as follows:

(ii) Loaded cars held subject to instructions of consignee, consignor, or other qualified owner of the freight contained therein.

(iii) Cars held for repairs or cleaning.

(iv) Cars held because no train or switch engine service is available between hold point and destination.

(v) Empty system cars when the holding line is not the beneficiary of car distribution directions or orders issued by this Commission applicable to the kind of car held.

(4) *Cars held for repairs or cleaning.* (i) Loaded cars of system, foreign or private ownership; empty cars of foreign or private ownership; and, when the holding line is the beneficiary of car distribution directions or orders issued by this Commission applicable to the kind of car held, empty system freight cars which are held for light repairs or cleaning shall be placed on repair or cleaning tracks not later than the first 7 a.m., exclusive of Sundays and holidays after time carded for repairs or cleaning, or after arrival at point where repairs or cleaning are performed. Light repairs or cleaning shall be accomplished on same calendar day, exclusive of Sundays and holidays, that cars are placed on repair or cleaning tracks; except that when necessary to order material from car owner to make the repairs to foreign or private cars, repairs to foreign or private cars held awaiting such material shall be completed prior to 11:59 p.m., of the calendar day which includes the first 7 a.m., inclusive of Sundays and holidays, after receipt of such material at the station at which the repair point is located.

(ii) Light repairs are defined as repairs requiring less than 20 man-hours by repair track forces to complete.

(5) *Railroad operating regulations for the movement of freight cars.* (i) No common carrier by railroad subject to the Interstate Commerce Act shall delay the movement of cars by holding such cars in yards, terminals, or sidings for the purpose of increasing the time in transit of such cars.

(ii) Cars shall not be set out between terminals except in cases of emergencies or sound operating practices.

(iii) Backhauling cars for the purpose of increasing the time in transit is prohibited.

(iv) Through cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such cars.

(v) The use by any common carrier by railroad for the movement of cars over its line, of any route other than its usual and customary fast freight route from point of receipt of the car from consignor, or connecting line, to point of delivery to consignee, or to next connecting line, except for the purpose of according a lawfully established transit privilege (not including a diversion or reconsignment privilege) is hereby prohibited.

(b) *Application.* (1) The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(2) Holidays shall be those listed in Item 25 of Agent B. B. Maurer's Tariff ICC H-36, naming Car Demurrage Rules and Charges, supplements thereto or successive issues thereof.

(c) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Effective date.* This order shall become effective at 12:01 a.m., July 25, 1969.

(e) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-8874; Filed, July 28, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

PEE DEE NATIONAL WILDLIFE REFUGE, N.C.

Fishing

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 33.4 by the addition of Pee Dee National Wildlife Refuge, N.C. to the list of areas open to fishing, as legislatively permitted.

It has been determined that regulated fishing may be permitted as designated on the Pee Dee National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 33.4 is amended by the following addition:

§ 33.4 List of open areas; fishing.

• • • • •

NORTH CAROLINA

• • • • •

Pee Dee National Wildlife Refuge.

• • • • •

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 23, 1969.

[F.R. Doc. 69-8882; Filed, July 28, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 138]

DRUGS

Proposed Additional Official Names

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 508, 76 Stat. 1789; 21 U.S.C. 358) and the administrative procedure provisions of 5 U.S.C. 552 (80 Stat. 383, as amended 81 Stat. 54) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that § 138.2 be amended by alphabetically inserting the following items as official names for drugs:

§ 138.2 Drugs; official names.

• • • • •

Official name	Chemical name or description	Molecular formula
Acedapsone	4',4'''-Sulfonylbis[acetanilide]	$C_{16}H_{16}N_2O_4S$
Acronine	3,12-Dihydro-6-methoxy-3,3,12-trimethyl-7*H*-pyrano[2,3-*c*]acridin-7-one.	$C_{19}H_{19}NO_3$
Adiphenine	2-(Diethylamino)ethyl diphenylacetate	$C_{20}H_{25}NO_2$
Amquinate	Methyl 7-(diethylamino)-4-hydroxy-6-propyl-3-quinolinecarboxylate.	$C_{18}H_{24}N_2O_3$
Apazone	5-(Dimethylamino)-9-methyl-2-propyl-1*H*-pyrazolo[1,2-*a*][1,2,4] benzotriazine-1,3(2*H*)-dione.	$C_{16}H_{20}N_4O_2$
Bromazepam	7-Bromo-1,3-dihydro-5-(2-pyridyl)-2*H*-1,4-benzodiazepin-2-one	$C_{14}H_{10}BrN_3O$
Carbomer	A polymer of acrylic acid crosslinked with allyl sucrose.	
Cephaloglycin	7-(D-2-Amino-2-phenylacetamido)-3-(hydroxymethyl)-8-oxo-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid, acetate	$C_{18}H_{19}N_3O_6S$
Cephalothin	3-(Hydroxymethyl)-8-oxo-7-[2-(2-thienyl)acetamido]-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid, acetate	$C_{16}H_{16}N_2O_6S_2$
Clintazone	2-Pentyl-5-phenyl-1*H*-pyrazolo[1,2-*a*]cinnoline-1,3(2*H*)-dione	$C_{22}H_{22}N_2O_2$
Clemastine	(+)-2-[2-[(p-Chloro-α-methyl-α-phenylbenzyl)oxy]ethyl]-1-methylpyrrolidine.	$C_{21}H_{26}ClNO$
Clindamycin	Methyl 7(*S*)-chloro-6,7,8-trideoxy-6-*trans*-(1-methyl-4-propyl-2-pyrrolidinecarboxamido)-1-thio-L-*threo*-α-D-*galacto*-octopyranoside, 7(*S*)-chloro-7-deoxylincomycin.	$C_{18}H_{33}ClN_2O_5S$
Clorterminе	2-Chloro-α,α-dimethylphenethylamine	$C_{10}H_{14}ClN$
Colestipol	Tetraethylenepentamine polymer with 1-chloro-2,3-epoxypropane	
Dexpanthenol	D(+)-2,4-Dihydroxy-*N*-(3-hydroxypropyl)-3,3-dimethylbutyramide	$C_9H_{19}NO_4$
Domiphen	Dodecyldimethyl(2-phenoxyethyl)ammonium	$C_{20}H_{36}NO$
Epimestrol	3-Methoxyestra-1,3,5(10)-triene-16α,17α-diol	$C_{19}H_{30}O_3$
Fetoxylate	2-Phenoxyethyl 1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipecotate.	$C_{40}H_{44}N_2O_3$
Fluoxytosine	5-Fluorocytosine	$C_4H_4FN_3O$
Fluocinolide	6α,9-Difluoro-11β,16α,17,21-tetrahydroxypregna-1,4-diene-3,20-dione, cyclic 16,17-acetal with acetone, 21-acetate	$C_{24}H_{28}F_2O_6$
Flutiazin	8-(Trifluoromethyl)phenothiazine-1-carboxylic acid	$C_{14}H_8F_3NO_2S$
Iocetamic acid	*N*-Acetyl-*N*-(3-amino-2,4,6-triiodophenyl)-2-methyl-β-alanine	$C_{12}H_{13}I_3N_2O_3$
Kethoxal	3-Ethoxy-1,1-dihydroxy-2-butanone	$C_6H_{12}O_4$
Larumycin	An antibiotic substance derived from *Streptomyces lilmiensis* var. *larumycinis*.	
Memotine	3,4-Dihydro-1-[(p-methoxyphenoxy)methyl]isoquinoline	$C_{17}H_{19}NO_2$
Methapine	2-Methyl-11-(4-methyl-1-piperazinyl)-dibenzo[*b*,*f*][1,4]thiazepine	$C_{19}H_{21}N_3S$
Mithramycin	From *Streptomyces argillaceus* n.sp. and *Streptomyces tanashiensis*.	
Morantel	(*E*)-1,4,5,6-Tetrahydro-1-methyl-2-[2-(3-methyl-2-thienyl)vinyl] pyrimidine.	$C_{12}H_{16}N_2S$
Orgotein	A pure, water-soluble, highly compact protein of fairly low molecular weight (about 34,000) with a predominantly alpha-helical configuration; the molecule is chelated with from two (2) to four (4) atoms of divalent metals, for example, Mg, Zn, and Cu, and it is presently produced from bovine liver in a multistep process.	
Ormetoprim	2,4-Diamino-5-(α-methylveratryl)pyrimidine	$C_{14}H_{18}N_4O_2$
Pemoline	2-Amino-5-phenyl-2-oxazolin-4-one	$C_9H_8N_2O_2$
Perhexiline	2-(2,2-Dicyclohexylethyl)piperidine	$C_{25}H_{45}N$
Polacrilin	A synthetic ion-exchange resin prepared through the polymerization of methacrylic acid and divinylbenzene and supplied in the hydrogen or free-acid form.	
Poligeenan	3,6-Anhydro-4-*o*-β-D-galactopyranosyl-α-D-galactopyranose 2,4'-bis-(potassium sodium sulfate)(1→3')-polysaccharide.	$[C_{12}H_{18}M_6O_{18}S_2]_n$ where M=Na or K
Prazosin	1-(4-Amino-6,7-dimethoxy-2-quinazolinyl)-4-(2-furoyl)piperazine	$C_{19}H_{21}N_5O_4$
Pyrantel	(*E*)-1,4,5,6-Tetrahydro-1-methyl-2-[2-(2-thienyl)vinyl]pyrimidine	$C_{11}H_{14}N_2S$
Ritodrine	*Erythro*-p-hydroxy-α-[1-[(p-hydroxyphenethyl)amino]ethyl]benzyl alcohol.	$C_{17}H_{21}NO_3$
Tramadol	(±)-*trans*-2-[(Dimethylamino)methyl]-1-(m-methoxyphenyl)cyclohexanol.	$C_{15}H_{23}NO_2$

Any interested person may, within 60 days after publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: July 16, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-8707; Filed, July 28, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 61, 67]

[Docket No. 7775; Notice 69-23A]

CARDIOVASCULAR STANDARDS; FIRST-CLASS MEDICAL CERTIFICATE FOR CERTAIN COMMERCIAL PILOTS; AND CHANGE IN DURATION OF FIRST-CLASS MEDICAL CERTIFICATES

Notice of Extension of Comment Period

The Federal Aviation Administration proposed in Notice 69-23, published in the FEDERAL REGISTER on May 30, 1969 (34 F.R. 8370), to amend Parts 61 and 67 of the Federal Aviation Regulations: (1) To require from each applicant for a first-class medical certificate an initial, baseline resting electrocardiographic examination, and double Master's exercise electrocardiograms initially, and when he is 35, 40, 45, and 50, and annually after he is 50 years of age; (2) to require a commercial pilot serving as a pilot of an aircraft operated under Part 121 or 127 to hold a first-class medical certificate; and (3) to extend the duration of first-class medical certificates to 12 months when the holder is less than 50 years of age upon issuance. The notice stated that consideration would be given to all comments received on or before July 28, 1969.

The American Heart Association, the American College of Cardiology, and the Air Line Pilots Association have each requested a 60-day extension of time for submission of comments. The petitioners state that a careful study is required to assess the impact of the proposed rules changes on the aviation industry, and that the original comment period is too short for adequate consideration of the effects of the proposed rules changes. Notice 69-23 contains proposals that are complex, and their impact may be widespread within the aviation industry. In view of this, I find that the petitioners have shown a substantive interest in the proposed rules changes, that good cause exists for the extension, and that the extension is consistent with the public interest.

Therefore, pursuant to the authority contained in sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), the time within which comments on Notice 69-23 will be received is hereby extended to September 28, 1969.

Issued in Washington, D.C., on July 25, 1969.

P. V. SIEGEL,
Federal Air Surgeon.

[F.R. Doc. 69-8928; Filed, July 28, 1969; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-AL-9]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the effective period of the Aniak, Alaska, control zone.

The Aniak control zone is effective from 0545 to 2145 local time daily. These times coincide with the hours of operation of the Aniak Flight Service Station because weather observations required to support the control zone designation are taken by the flight service station specialists. It is planned to reduce the hours of operation of the Aniak FSS from 16 hours daily to 8 hours Monday through Friday. Weather observation will be available only during the period when the FSS is in operation. Therefore, it will be necessary to reduce the effective period of the Aniak control zone to coincide with the Aniak FSS hours of operation.

During the times when the Aniak FSS is not in operation Aniak air/ground communications are remotely controlled by the Bethel FSS. Normal air traffic control and FSS services, except airport advisories, are provided continuously.

In order to allow for anticipated variation in times of designation, it is proposed to make the Aniak control zone effective during specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement. It is planned to reduce the effective period of the Aniak control zone from 16 hours daily to 8 hours Monday through Friday.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before final action is taken on this proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conference with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Anchorage, Alaska, on July 17, 1969.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 69-8846; Filed, July 28, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

PEARS FOR CANNING

Standards for Grades

Correction

In F.R. Doc. 69-8610 appearing at page 12181 of the issue for Wednesday, July 23, 1969, the second sentence of § 51.1346 should read "Unless otherwise specified, the pears shall not be further advanced than yellowish green.".

[7 CFR Part 948]

[Area No. 2]

IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Area Committee for Area No. 2 established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 948.260 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 2 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1970, will amount to $11,124.20.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.0022 per hundredweight of potatoes grown in Area No. 2 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1970, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July, 24, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer Marketing Service.

[F.R. Doc. 69-8892; Filed, July 28, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

LIST OF CATV REFERENCE POINTS

Notice of Proposed Rule Making

JULY 23, 1969.

In its further notice of proposed rule making in Docket No. 18397, released on May 16, 1969 (34 F.R. 7981), the Commission proposed to use the list of reference points complied by the National Cable Television Association (Further Notice, Appendix B). The Commission stated that reference points for communities with outstanding construction permits, and for any omitted communities of license, would be added to the NCTA list as promptly as possible (Further Notice, paragraph 8; see also paragraphs 6 and 6a).

The list of reference points set forth below rearranges the NCTA list in alphabetical order by States and communities within each State, and supplies reference points for communities missing on the NCTA list. The newly supplied reference points are for the main post office in the community or for the estimated center of the community where post office locations were not ascertainable on the maps available to the Commission's engineering staff. The list set forth below is incorporated in the rule making proposed by the further notice, and may be the subject of comment in the filings on the further notice.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

JUNE 1969

REFERENCE POINTS FOR COMMUNITIES WITH LICENSED TELEVISION BROADCAST STATIONS AND/OR CONSTRUCTION PERMITS

State	Community	Latitude °	′	″	Longitude °	′	″	Description
Alabama	Anniston	33	39	49	85	49	47	#
	Birmingham	33	31	01	86	48	36	*
	Decatur	34	36	35	86	58	45	A
	Demopolis	32	30	56	87	50	07	#
	Dothan	31	13	27	85	23	35	*
	Dozier	31	29	30	86	21	59	#
	Florence	34	48	05	87	40	31	*
	Huntsville	34	44	18	86	35	19	*
	Louisville	31	47	00	85	33	09	#
	Mobile	30	41	36	88	02	33	*
	Montgomery	32	22	33	86	18	31	*
	Mount Cheaha State Park	32	29	06	85	48	30	#
	Selma	24	24	26	87	01	15	A
	Tuscaloosa	33	12	05	87	33	44	B
Alaska	Anchorage	61	13	09	149	53	29	B
	Fairbanks	64	50	35	147	41	31	B
	Juneau	58	18	06	134	25	00	B
	Sitka	57	02	58	135	20	12	B
Arizona	Mesa	33	24	54	111	49	41	#
	Nogales	31	20	14	110	56	12	B
	Phoenix	33	27	12	112	04	28	*
	Tucson	32	13	15	110	58	08	*
	Yuma	32	43	16	114	37	01	A
Arkansas	El Dorado	33	12	39	92	39	40	B
	Fayetteville	36	03	41	94	09	38	*
	Fort Smith	35	23	10	94	25	36	*
	Jonesboro	35	50	14	90	42	11	*
	Little Rock	34	44	42	92	16	37	*
California	Bakersfield	35	22	31	119	01	16	*
	Chico	39	44	07	121	49	57	A
	Concord	37	58	46	122	01	51	
	Corona	33	52	35	117	33	56	
	El Centro	32	47	25	115	32	48	*
	Eureka	40	48	08	124	09	46	*
	Fontana	34	05	45	117	26	29	#
	Fresno	36	44	12	119	47	11	*
	Guasti	34	03	48	117	35	10	
	Hanford	36	19	51	119	38	48	A
	Los Angeles	34	03	15	118	14	28	*
	Modesto	37	38	36	120	59	44	*
	Monterey	36	35	44	121	53	39	*
	Oakland	37	48	03	122	15	54	*
	Palm Springs	33	49	22	116	32	46	*
	Redding	40	34	57	122	23	34	A
	Sacramento	38	34	57	121	29	41	*
	Salinas	36	40	24	121	39	25	A
	San Bernardino	34	06	30	117	17	26	*
	San Diego	32	42	53	117	09	21	*
	San Francisco	37	46	39	122	24	40	*
	San Jose	37	20	16	121	53	24	*
	San Luis Obispo	35	16	49	120	39	34	*
	San Mateo	37	34	08	122	19	16	
	Santa Barbara	34	25	18	119	41	55	*
	Santa Maria	34	57	02	120	26	10	
	Stockton	37	57	30	121	17	16	*
	Tulare	36	12	31	119	20	35	
	Ventura	34	16	47	119	17	22	
	Visalia	36	19	46	119	17	30	*
Colorado	Colorado Springs	38	50	07	104	49	16	*
	Denver	39	44	58	104	59	22	*
	Durango	37	16	29	107	52	25	*
	Grand Junction	39	04	05	108	33	54	*
	Montrose	38	28	44	107	52	31	*
	Pueblo	38	16	17	104	36	33	*
	Sterling	40	37	29	103	12	25	*
Connecticut	Bridgeport	41	10	49	73	11	22	*
	Hartford	41	46	12	72	40	40	*
	New Britain	41	40	02	72	47	08	A
	New Haven	41	18	25	72	55	30	*
	Norwich	41	31	36	72	04	31	#
	Waterbury	41	33	13	73	02	31	*
Delaware	Wilmington	39	44	46	75	32	51	*
District of Columbia	Washington	38	53	51	77	00	33	*
Florida	Clearwater	27	57	56	82	47	51	*
	Daytona Beach	29	12	44	81	01	10	*
	Fort Lauderdale	26	07	11	80	08	34	
	Fort Myers	26	38	42	81	52	06	*
	Fort Pierce	27	26	48	80	19	38	A
	Gainesville	29	38	56	82	19	19	*
	Jacksonville	30	19	44	81	39	42	*
	Largo	27	54	54	82	47	32	#
	Melbourne	28	04	41	80	36	29	#
	Miami	25	46	37	80	11	32	*
	Ocala	29	11	34	82	08	14	#
	Orlando	28	32	42	81	22	38	*
	Panama City	30	09	24	85	39	46	A
	Pensacola	30	24	51	87	12	56	*
	St. Petersburg	27	46	18	82	38	19	*
	Sarasota	27	20	05	82	32	20	*
	Tallahassee	30	28	30	84	16	56	*
	Tampa	27	56	58	82	27	25	*
	West Palm Beach	26	42	36	80	03	07	*

JUNE 1969

REFERENCE POINTS FOR COMMUNITIES WITH LICENSED TELEVISION BROADCAST STATIONS AND/OR CONSTRUCTION PERMITS—Continued

State	Community	Latitude °	′	″	Longitude °	′	″	Description
Georgia	Albany	31	34	36	84	09	22	*
	Athens	33	57	34	83	22	39	*
	Atlanta	33	45	10	84	23	37	*
	Augusta	33	28	20	81	58	00	*
	Chatsworth	34	46	08	84	46	10	#
	Cochran	32	23	18	83	21	18	#
	Columbus	32	28	07	84	59	24	*
	Dawson	31	46	33	84	26	20	#
	Macon	32	50	12	83	37	36	*
	Pelham	31	07	42	84	09	02	#
	Savannah	32	04	42	81	05	37	*
	Thomasville	30	50	25	83	58	59	B
	Waycross	31	12	19	82	21	47	*
	Wrens	33	12	21	82	23	23	#
Guam	Agana	13	28	23	144	45	00	#
Hawaii	Hilo	19	43	42	155	05	30	A
	Honolulu	21	18	36	157	51	48	A
	Wailuku	20	53	21	156	30	27	A
Idaho	Boise	43	37	07	116	11	58	*
	Idaho Falls	43	29	39	112	02	28	*
	Lewiston	46	25	05	117	01	10	*
	Moscow	46	43	58	116	59	54	
	Pocatello	42	51	38	112	27	01	*
	Twin Falls	42	33	25	114	28	21	A
Illinois	Aurora	41	45	22	88	18	56	#
	Bloomington	40	28	58	88	59	32	*
	Carbondale	37	43	38	89	13	00	#
	Champaign	40	07	05	88	14	48	*
	Chicago	41	52	28	87	38	22	*
	Decatur	39	50	37	88	57	01	A
	Elgin	42	02	14	88	16	53	#
	Freeport	42	17	57	89	37	07	B
	Harrisburg	37	44	20	88	32	25	A
	Jacksonville	39	44	03	90	13	44	#
	Joliet	41	31	37	88	04	52	
	La Salle	41	19	49	89	05	44	A
	Moline	41	30	31	90	30	49	*
	Olney	38	43	47	88	05	00	#
	Peoria	40	41	42	89	35	33	*
	Quincy	39	55	59	91	24	12	*
	Rockford	42	16	07	89	05	48	*
	Rock Island	41	30	40	90	34	24	A
	Springfield	39	47	58	89	38	51	*
	Urbana	40	06	41	88	13	13	#
Indiana	Bloomington	39	09	56	86	31	52	A
	Elkhart	41	40	56	85	58	15	A
	Evansville	37	58	20	87	34	21	*
	Fort Wayne	41	04	21	85	08	26	*
	Gary	41	35	59	87	20	07	
	Hammond	41	35	13	87	27	43	
	Indianapolis	39	46	07	86	09	46	*
	Lafayette	40	25	11	86	53	39	*
	Marion	40	33	17	85	39	49	*
	Muncie	40	11	28	85	23	16	*
	Richmond	39	49	49	86	53	26	
	Roanoke	40	57	50	85	22	30	#
	St. John	41	27	00	87	28	13	#
	South Bend	41	40	33	86	15	01	*
	Terre Haute	39	28	03	87	24	26	*
	Vincennes	38	40	52	87	31	12	#
Iowa	Ames	42	01	36	93	36	44	B
	Cedar Rapids	41	58	48	91	39	48	C
	Davenport	41	31	24	90	34	21	A
	Des Moines	41	35	14	93	37	00	*
	Dubuque	42	29	55	90	40	08	*
	Fort Dodge	42	30	12	94	11	05	B
	Mason City	43	09	15	93	12	00	*
	Sioux City	42	29	46	96	24	30	*
	Waterloo	42	29	40	92	20	20	*

JUNE 1969

REFERENCE POINTS FOR COMMUNITIES WITH LICENSED TELEVISION BROADCAST STATIONS AND/OR CONSTRUCTION PERMITS—Continued

State	Community	Latitude °	′	″	Longitude °	′	″	Description
Kansas	Ensign	37	38	48	100	14	00	C
	Garden City	37	57	54	100	52	20	*
	Goodland	39	20	53	101	42	35	A
	Great Bend	38	22	04	98	45	58	A
	Hays	38	52	16	99	19	57	A
	Hutchinson	38	03	11	97	55	20	*
	Pittsburg	37	24	50	97	42	11	A
	Salina	38	50	36	97	36	46	*
	Topeka	39	03	16	95	40	23	*
	Wichita	37	41	30	97	20	16	*
Kentucky	Ashland	38	28	36	82	38	23	*
	Bowling Green	36	59	41	86	26	33	*
	Covington	39	05	00	84	30	29	
	Elizabethtown	38	41	38	85	51	35	#
	Hazard	37	14	54	87	11	31	#
	Lexington	38	02	50	84	29	46	*
	Louisville	38	14	47	85	45	49	*
	Madisonville	37	19	45	87	29	54	
	Morehead	38	10	53	83	26	08	#
	Murray	36	36	35	88	18	39	#
	Newport	39	05	28	84	29	20	
	Owensboro	37	46	27	87	06	46	
	Owenton	38	32	11	84	50	16	#
	Paducah	37	05	13	88	35	56	*
	Pikesville	37	28	49	82	31	09	#
	Somerset	37	05	35	84	36	17	
Louisiana	Alexandria	31	18	33	92	26	47	*
	Baton Rouge	30	26	58	91	11	00	*
	Houma	29	35	34	90	43	09	#
	Lafayette	30	13	24	92	01	06	*
	Lake Charles	30	13	45	93	12	52	*
	Monroe	32	30	02	92	06	55	*
	New Orleans	29	56	53	90	04	10	*
	Shreveport	32	30	46	93	44	58	*
	West Monroe	32	30	51	92	08	13	#
Maine	Augusta	44	18	53	69	46	29	*
	Bangor	44	48	13	68	46	18	*
	Calais	45	11	04	67	16	43	#
	Orono	44	53	15	68	40	12	#
	Poland Spring	44	01	42	70	21	40	A
	Portland	43	39	33	70	15	19	*
	Presque Isle	46	40	57	68	00	52	*
Maryland	Baltimore	39	17	26	76	36	45	*
	Cumberland	39	39	01	78	45	45	
	Hagerstown	39	38	39	77	43	15	
	Salisbury	38	21	56	75	35	56	A
Massachusetts	Adams	42	37	30	73	07	05	#
	Boston	42	21	24	71	03	25	*
	Cambridge	42	21	58	71	06	24	
	Greenfield	42	35	15	72	35	54	A
	New Bedford	41	38	13	70	55	41	*
	Springfield	42	06	21	72	35	32	*
	Worcester	42	15	37	71	48	17	*
Michigan	Allen Park	42	15	12	83	12	57	#
	Battle Creek	42	18	58	85	10	48	*
	Bay City	43	36	04	83	53	15	*
	Cadillac	44	15	10	85	23	52	B
	Cheboygan	45	38	38	84	28	38	*
	Detroit	42	19	48	83	02	57	*
	Escanaba	45	44	45	87	03	18	*
	Flint	43	00	50	83	41	33	*
	Grand Rapids	42	58	03	85	40	13	*
	Jackson	42	14	43	84	24	22	*
	Kalamazoo	42	17	29	85	35	14	*
	Lansing	42	44	01	84	33	15	*
	Marquette	46	32	37	87	23	43	A
	Mount Pleasant	43	16	12	84	46	31	
	Muskegon	43	14	17	86	15	02	*

JUNE 1969

REFERENCE POINTS FOR COMMUNITIES WITH LICENSED TELEVISION BROADCAST STATIONS AND/OR CONSTRUCTION PERMITS—Continued

State	Community	Latitude ° ′ ″	Longitude ° ′ ″	Description
Michigan—continued	Onondaga	42 26 41	84 33 43	#
	Saginaw	43 25 52	83 56 05	*
	Sault St. Marie	46 29 58	84 20 37	*
	Traverse City	44 45 47	85 37 25	*
Minnesota	Alexandria	45 53 06	95 22 39	A
	Appleton	45 12 00	96 01 02	#
	Austin	43 39 57	92 58 20	B
	Duluth	46 46 56	92 06 24	*
	Hibbing	47 25 43	92 56 21	A
	Mankato	44 09 49	94 00 09	*
	Minneapolis	44 58 57	93 15 43	*
	Rochester	44 01 21	92 28 03	*
	St. Cloud	45 33 35	94 09 38	
	St. Paul	44 56 50	93 05 11	A
	Walker	47 05 57	94 35 12	C
Mississippi	Biloxi	30 23 43	88 53 08	A
	Columbus	33 29 40	88 25 33	*
	Greenwood	33 31 05	90 10 55	*
	Gulfport	30 22 04	89 05 36	*
	Jackson	32 17 56	90 11 09	*
	Laurel	31 41 40	89 07 48	A
	Meridian	32 21 57	88 42 02	*
	Tupelo	34 15 26	88 42 30	B
Missouri	Cape Girardeau	37 18 29	89 31 29	A
	Columbia	38 57 03	92 19 46	*
	Hannibal	39 42 24	91 22 45	A
	Jefferson City	38 34 40	92 10 54	A
	Joplin	37 05 20	94 30 50	*
	Kansas City	39 04 56	94 35 20	*
	Kirksville	40 11 37	92 34 58	*
	Poplar Bluff	36 45 20	90 23 38	A
	St. Joseph	39 45 57	94 51 02	*
	St. Louis	38 37 45	90 12 22	*
	Sedalia	38 42 08	93 13 26	#
	Springfield	37 13 03	93 17 32	*
Montana	Billings	45 47 00	108 30 04	*
	Butte	46 01 06	112 32 11	*
	Glendive	47 06 42	104 43 02	*
	Great Falls	47 29 33	111 18 23	*
	Helena	46 35 33	112 02 24	*
	Kalispell	48 11 45	114 18 44	*
	Miles City	46 24 36	105 50 10	*
	Missoula	46 52 23	113 59 29	*
Nebraska	Albion	41 41 23	97 59 53	A
	Alliance	42 06 04	102 52 08	#
	Bassett	42 35 00	99 32 10	#
	Grand Island	40 55 33	98 20 23	*
	Hastings	40 35 21	98 23 20	*
	Hayes Center	40 30 36	101 01 10	C
	Hay Springs	42 41 03	102 41 22	A
	Kearney	40 41 58	99 04 53	A
	Lexington	40 46 30	99 44 41	#
	Lincoln	40 48 59	96 42 15	*
	McCook	40 12 02	100 37 32	*
	Merriman	42 55 07	101 42 02	#
	Norfolk	42 01 56	97 24 42	*
	North Platte	41 08 14	100 45 43	*
	Omaha	41 15 42	95 56 14	*
	Scottsbluff	41 51 40	103 39 00	*
	Superior	40 01 12	98 04 00	C
Nevada	Elko	40 50 00	115 45 41	*
	Henderson	36 02 00	114 58 57	#
	Las Vegas	36 10 20	115 08 37	*
	Reno	39 31 27	119 48 40	*
New Hampshire	Berlin	44 28 20	71 10 44	#
	Durham	43 08 02	70 55 35	#
	Hanover	43 42 03	72 17 24	A
	Keene	42 56 02	72 16 44	#
	Lebanon	43 38 34	72 15 12	#
	Littleton	44 18 22	71 46 13	#
	Manchester	42 59 28	71 27 41	*

JUNE 1969

REFERENCE POINTS FOR COMMUNITIES WITH LICENSED TELEVISION BROADCAST STATIONS AND/OR CONSTRUCTION PERMITS—Continued

State	Community	Latitude ° ′ ″	Longitude ° ′ ″	Description
New Jersey	Atlantic City	39 21 32	74 25 53	*
	Burlington	40 04 21	74 51 47	#
	Glen Ridge	40 48 16	74 12 14	#
	Linden	40 37 57	74 15 22	
	Newark	40 44 14	74 10 19	*
	New Brunswick	40 29 38	74 26 49	A
	Paterson	40 54 51	74 09 51	#
	Vineland	39 29 13	75 01 17	#
	Wildwood	38 59 18	74 48 43	A
New Mexico	Albuquerque	35 05 01	106 39 05	*
	Carlsbad	32 25 09	104 13 47	*
	Clovis	34 24 11	103 12 08	B
	Portales	34 10 58	103 20 10	#
	Roswell	33 23 47	104 31 26	*
New York	Albany	42 39 01	73 45 01	*
	Binghamton	42 06 03	75 54 47	*
	Buffalo	42 52 52	78 52 21	*
	Carthage	43 58 50	75 36 26	A
	Elmira	42 05 26	76 48 22	*
	Garden City	40 43 26	73 38 03	
	Ithaca	42 26 33	76 29 42	#
	Jamestown	42 05 45	79 14 40	*
	New York	40 45 08	73 59 39	*
	North Pole	44 23 59	73 51 00	#
	Oneonta	42 27 21	75 03 42	
	Patchogue	40 45 56	73 00 42	
	Riverhead	40 55 06	72 39 51	
	Rochester	43 09 41	77 37 36	*
	Schenectady	42 48 52	73 56 24	A
	Syracuse	43 03 04	76 09 14	*
	Utica	43 06 12	75 13 33	*
North Carolina	Asheville	35 35 42	82 33 26	*
	Chapel Hill	35 54 51	79 03 11	#
	Charlotte	35 13 44	80 50 45	*
	Columbia	35 57 06	76 15 04	#
	Concord	35 24 29	80 34 45	
	Durham	35 59 48	78 54 00	B
	Fayetteville	35 03 12	78 52 54	
	Greensboro	36 04 17	79 47 25	*
	Greenville	35 36 49	77 22 22	B
	Hickory	35 43 54	81 20 30	*
	High Point	35 57 14	80 00 15	A
	Jacksonville	34 45 00	77 25 54	#
	Linville	36 04 06	81 52 16	#
	New Bern	35 06 33	77 02 23	A
	Raleigh	35 46 38	78 38 21	*
	Washington	35 32 35	77 03 16	A
	Wilmington	34 14 14	77 56 58	*
	Winston-Salem	36 05 52	80 14 42	*
North Dakota	Bismarck	46 48 23	100 47 17	*
	Devils Lake	48 06 42	98 51 29	*
	Dickinson	46 52 55	102 47 06	*
	Fargo	46 52 30	96 47 18	*
	Minot	48 14 09	101 17 38	*
	Pembina	48 58 00	97 14 37	B
	Valley City	46 55 31	98 00 04	A
	Williston	48 08 47	103 36 59	*
Ohio	Akron	41 05 00	81 30 44	*
	Athens	39 19 38	82 06 09	*
	Bowling Green	41 22 37	83 39 03	
	Canton	40 47 50	81 22 37	*
	Cincinnati	39 06 07	84 30 35	*
	Cleveland	41 23 51	81 41 00	*
	Columbus	39 57 47	83 00 17	*
	Dayton	39 45 32	84 11 43	*
	Kettering	39 41 22	84 10 07	#
	Lima	40 44 20	84 06 34	A
	Lorain	41 27 48	82 10 23	*
	Marion	40 35 14	83 07 36	#
	Newark	40 03 35	82 24 15	*

JUNE 1969

REFERENCE POINTS FOR COMMUNITIES WITH LICENSED TELEVISION BROADCAST STATIONS AND/OR CONSTRUCTION PERMITS—Continued

State	Community	Latitude ° ′ ″	Longitude ° ′ ″	Description
Ohio—continued	Oxford	39 30 28	84 44 26	#
	Springfield	39 55 38	83 48 29	*
	Steubenville	40 21 42	80 36 53	*
	Toledo	41 39 14	83 32 39	*
	Youngstown	41 05 57	80 39 02	*
	Zanesville	39 56 59	82 00 56	A
Oklahoma	Ada	34 46 24	96 40 36	A
	Ardmore	34 10 18	97 07 50	A
	Lawton	34 36 27	98 23 41	A
	Oklahoma City	35 28 26	97 31 04	*
	Sayre	35 17 34	99 38 23	
	Tulsa	36 09 12	95 59 34	*
Oregon	Coos Bay	43 22 02	124 13 09	#
	Corvallis	44 34 10	123 16 12	#
	Eugene	44 03 16	123 05 30	*
	Klamath Falls	42 13 32	121 46 32	*
	La Grande	45 19 47	118 05 45	*
	Medford	42 19 33	122 52 31	*
	Portland	45 31 06	122 40 35	*
	Roseburg	43 12 34	123 20 26	B
	Salem	44 56 21	123 01 59	*
Pennsylvania	Allentown	40 36 11	75 28 06	*
	Altoona	40 30 55	78 24 03	*
	Bethlehem	40 37 57	75 21 36	#
	Clearfield	41 01 20	78 26 10	*
	Erie	42 07 15	80 04 57	*
	Harrisburg	40 15 43	76 52 59	*
	Hershey	40 17 04	76 39 01	#
	Johnstown	40 19 35	78 55 03	*
	Lancaster	40 02 25	76 18 29	*
	Philadelphia	39 56 58	75 09 21	*
	Pittsburgh	40 26 19	80 00 00	*
	Reading	40 20 09	75 55 40	*
	Scranton	41 24 32	75 39 46	*
	Wilkes-Barre	41 14 32	75 53 17	*
	York	39 57 35	76 43 36	*
Puerto Rico	Aguadilla	18 25 53	67 09 18	#
	Arecibo	18 28 26	66 43 39	#
	Caguas	18 13 59	66 02 06	#
	Fajardo	18 19 35	65 39 21	#
	Mayaguez	18 12 16	67 08 36	#
	Ponce	18 00 51	66 36 58	#
	San Juan	18 26 55	66 03 55	#
Rhode Island	Providence	41 49 32	71 24 41	*
South Carolina	Allendale	33 00 30	81 18 26	#
	Anderson	34 30 06	82 38 54	B
	Charleston	32 46 35	79 55 53	*
	Columbia	34 00 02	81 02 00	*
	Florence	34 11 49	79 46 06	*
	Greenville	34 50 50	82 24 01	*
	Spartanburg	34 57 03	81 56 06	*
South Dakota	Aberdeen	45 27 31	98 29 03	*
	Brookings	44 18 38	96 47 53	
	Florence	45 03 14	97 19 35	#
	Lead	44 21 07	103 46 03	A
	Mitchell	43 42 48	98 01 36	A
	Rapid City	44 04 52	103 13 11	*
	Reliance	43 52 45	99 36 18	C
	Sioux Falls	43 32 35	96 43 35	*
	Vermillion	42 46 52	96 55 35	#
Tennessee	Chattanooga	35 02 41	85 18 32	*
	Jackson	35 36 48	88 49 15	*
	Johnson City	36 19 04	82 20 56	A
	Kingsport	36 32 57	82 33 44	
	Knoxville	35 57 39	83 55 07	*
	Lexington	35 38 58	88 23 31	#
	Memphis	35 08 46	90 03 13	*
	Nashville	36 09 33	86 46 55	*
	Sneedsville	36 31 46	83 13 04	#

JUNE 1969

REFERENCE POINTS FOR COMMUNITIES WITH LICENSED TELEVISION BROADCAST STATIONS AND/OR CONSTRUCTION PERMITS—Continued

State	Community	Latitude ° ′ ″	Longitude ° ′ ″	Description
Texas	Abilene	32 27 05	99 43 51	*
	Amarillo	35 12 27	101 50 04	*
	Austin	30 16 09	97 44 37	*
	Beaumont	30 05 20	94 06 09	*
	Belton	31 03 31	97 27 39	#
	Big Spring	32 15 03	101 28 38	*
	Bryan	30 38 48	96 21 31	A
	Corpus Christi	27 47 51	97 23 45	*
	Dallas	32 47 09	96 47 37	*
	El Paso	31 45 36	106 29 11	*
	Fort Worth	32 44 55	97 19 44	*
	Galveston	29 18 10	94 47 43	*/
	Harlingen	26 11 29	97 41 35	A
	Houston	29 45 26	95 21 37	*
	Laredo	27 30 22	99 30 30	*
	Longview	32 28 24	94 43 45	#
	Lubbock	33 35 05	101 50 33	*
	Lufkin	31 20 14	94 43 21	A
	Midland	31 59 54	102 04 31	*
	Monahans	31 35 16	102 53 26	#
	Nacogdoches	31 36 13	94 39 20	#
	Odessa	31 50 49	102 22 01	A
	Port Arthur	29 52 09	93 56 01	A
	Richardson	32 57 06	96 44 05	A
	Rosenberg	29 33 30	95 48 15	#
	San Angelo	31 27 39	100 26 03	*
	San Antonio	29 25 37	98 29 06	*
	Sweetwater	32 28 24	100 24 18	C
	Temple	31 06 02	97 20 22	A
	Texarkana	33 25 29	94 02 34	A
	Tyler	32 21 21	95 17 52	*
	Victoria	28 48 01	97 00 06	*
	Waco	31 33 12	97 08 00	*
	Weslaco	26 09 24	97 59 33	A
	Wichita Falls	33 54 34	98 29 28	*
Utah	Logan	41 44 03	111 50 11	A
	Ogden	41 13 31	111 58 21	*
	Provo	40 14 07	111 39 34	A
	Salt Lake City	40 45 23	111 53 26	*
Vermont	Burlington	44 28 34	73 12 46	*
	Rutland	43 36 29	72 58 56	
	St. Johnsbury	44 25 16	72 01 13	#
	Windsor	44 28 38	72 23 32	#
Virginia	Bristol	36 35 48	82 11 04	*
	Charlottesville	38 01 52	78 28 50	*
	Hampton	37 01 32	76 20 32	A
	Harrisonburg	38 27 01	78 52 07	A
	Lynchburg	37 24 51	79 08 37	*
	Norfolk	36 51 10	76 17 21	*
	Petersburg	37 13 40	77 24 15	A
	Portsmouth	36 50 12	76 17 54	A
	Richmond	37 32 15	77 26 09	*
	Roanoke	37 16 13	79 56 44	*
	Staunton	38 09 02	79 04 34	#
Virgin Island	Charlotte Amalie	18 20 36	64 55 53	
	Christiansted	17 44 44	64 42 21	#
Washington	Bellingham	48 45 02	122 28 36	*
	Kennewick	46 12 28	119 08 32	#
	Lakewood Center	47 07 37	122 31 15	#
	Pasco	46 13 50	119 05 27	A
	Pullman	46 43 42	117 10 46	
	Richland	46 16 36	119 16 21	B
	Seattle	47 38 32	122 20 12	*
	Spokane	47 39 32	117 25 33	*
	Tacoma	47 14 59	122 26 15	*
	Yakima	46 36 09	120 30 39	*

JUNE 1969

REFERENCE POINTS FOR COMMUNITIES WITH LICENSED TELEVISION BROADCAST STATIONS AND/OR CONSTRUCTION PERMITS—Continued

State	Community	Latitude			Longitude			Description
		°	′	″	°	′	″	
West Virginia	Bluefield	37	15	29	81	13	20	A
	Charleston	38	21	01	81	37	52	*
	Clarksburg	39	16	50	80	20	38	*
	Huntington	38	25	12	82	26	33	*
	Morgantown	39	37	41	79	57	28	*
	Oak Hill	37	58	31	81	08	45	B
	Parkersburg	39	15	57	81	33	46	*
	Weston	39	02	19	80	28	05	*
	Wheeling	40	04	03	80	43	20	*
Wisconsin	Eau Claire	44	48	31	91	29	49	*
	Fond Du Lac	43	46	35	88	26	52	*
	Green Bay	44	30	48	88	00	50	*
	Janesville	42	40	52	89	01	39	*
	La Crosse	43	48	48	91	15	02	A
	Madison	43	04	23	89	22	55	*
	Milwaukee	43	02	19	87	54	15	*
	Rhinelander	45	38	09	89	24	50	A
	Superior	46	43	14	92	06	07	*
	Wausau	44	57	30	89	37	40	*
Wyoming	Casper	42	51	00	106	19	22	*
	Cheyenne	41	08	09	104	49	07	*
	Rawlings	41	47	23	107	14	37	#
	Riverton	43	01	29	108	23	03	A

Explanation of Description:
A. Tolerance ±.01 seconds.
B. Tolerance ±.02 seconds.
C. Tolerance ±.10 seconds.

*All centers are references to main Post Office except where asterisk indicates U.S. Department of Commerce Special Publication No. 238 reference points, or a # indicates the estimated center of town.

Post Office locations are current as of June 30, 1967, except for coordinates from Publication No. 238.

[F.R. Doc. 69-8764; Filed, July 28, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

CATHERINE KUECKENS

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Catherine Kueckens, Lindenstrasse 17, Loxstedt Bez. Bremen, Germany; Claim No. 35515; Vesting Order No. 2081; $16,257.93 in the Treasury of the United States.

Executed at Washington, D.C., on July 23, 1969.

For the Attorney General.

WILLIAM D. RUCKELSHAUS,
Assistant Attorney General, Civil Division, Director, Office of Alien Property.

[F.R. Doc. 69-8863; Filed, July 28, 1969; 8:48 a.m.]

DEPARTMENT OF STATE

[Public Notice 311]

U.S. CITIZENS

Validation of Passports for Travel to, in, or Through Mainland China

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.73(c) (2) and (3), applications for special validation of passports for travel to, in, or through Mainland China will be determined to be in the national interest of the United States if the applicant falls within at least one of the following categories of persons:

(1) Members of the Congress of the United States;

(2) Journalists;

(3) Members of the teaching profession;

(4) Scholars with postgraduate degrees;

(5) Students currently enrolled in colleges and universities;

(6) Scientists;

(7) Medical doctors; or

(8) Representatives of the American Red Cross.

In accordance with 22 CFR 51.73(d), applications for special validation of passport under this Public Notice should be accompanied by documentary or other evidence sufficient to permit a determination that the applicant falls within at least one of the eight categories of persons listed above. Any application for such validation of a passport that is to be issued, or for such validation of a passport already issued for a period of validity that has not expired, may be made either to the Passport Office of the Department of State, Washington, D.C. 20524, to any Passport Agency in the United States, or to any U.S. diplomatic or consular post outside the United States.

This Public Notice remains in effect until revoked or amended by public notice.

Effective date. This Notice becomes effective on July 23, 1969.

[SEAL] ELLIOT L. RICHARDSON,
Acting Secretary of State.

JULY 23, 1969.

[F.R. Doc. 69-8931; Filed, July 25, 1969; 3:16 p.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ROBERT J. BOLFERT

Notice of Granting of Relief

Notice is hereby given that Robert J. Bolfert, 7311 West Dreyer Place, Apartment No. 3, West Allis, Wis., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 4, 1960, in the Municipal Court, City and County of Milwaukee, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Robert J. Bolfert, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction it would be unlawful for Mr. Bolfert, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered Robert J. Bolfert's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Robert J. Bolfert from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Robert J. Bolfert be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 23d day of July 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-8871; Filed, July 28, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

PAUMA INDIAN RESERVATION, CALIF.

Ordinance Legalizing Introduction, Sale, or Possession of Intoxicants

JULY 23, 1969.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Pauma Indian Reservation, Calif., was adopted on June 5, 1969, by the Pauma Band of Mission Indians, which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

Whereas, Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488, and 3618 of title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale, or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Pauma Band: *Provided*, That such introduction, sale, or possession is in conformity with the laws of California.

Be it further resolved that any tribal laws, resolutions, or ordinances heretofore enacted which prohibit the sale, introduction, or possession of intoxicating beverages are hereby repealed.

T. W. TAYLOR,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 69-8873; Filed, July 28, 1969; 8:48 a.m.]

Fish and Wildlife Service

CHAMISSO NATIONAL WILDLIFE REFUGE, ALASKA

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m., on November 13, 1969, in Room 509, Cordova Building, 555 Cordova Street, Anchorage, Third Judicial District, Alaska, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the proposed Chamisso Wilderness within the National Wilderness Preservation System. The proposal consists of approximately 455 acres within the Chamisso National Wildlife Refuge and is located in the Second Judicial District, State of Alaska.

A brochure containing a map and information about the Chamisso Wilderness proposal may be obtained from the Associate Supervisor, Bureau of Sport Fisheries and Wildlife, Post Office Box 280, Anchorage, Alaska 99501, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, Oreg. 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by December 29, 1969.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 24, 1969.

[F.R. Doc. 69-8867; Filed, July 28, 1969; 8:48 a.m.]

FARALLON NATIONAL WILDLIFE REFUGE, CALIF.

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m., on October 30, 1969, in the Ceremonial Courtroom, Federal Building, 450 Golden Gate Avenue, San Francisco, San Francisco County, Calif., on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the Farallon Wilderness proposal within the National Wilderness Preservation System. The proposal consists of approximately 141 acres within the Farallon National Wildlife Refuge and is located in San Francisco County, State of California.

A brochure containing a map and information about the Farallon Wilderness proposal may be obtained from the Refuge Manager, Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, Oreg. 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by December 14, 1969.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 24, 1969.

[F.R. Doc. 69-8868; Filed, July 28, 1969; 8:48 a.m.]

SIMEONOF NATIONAL WILDLIFE REFUGE, ALASKA

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 1:00 p.m. on November 13, 1969, in Room 509, Cordova Building, 555 Cordova Street, Anchorage, Third Judicial District, Alaska, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the proposed Simeonof Wilderness within the National Wilderness Preservation System. The proposal consists of approximately 24,931 acres within the Simeonof National Wildlife Refuge and is located in the Third Judicial District, State of Alaska.

A brochure containing a map and information about the Simeonof Wilderness proposal may be obtained from the Refuge Manager, Aleutian Islands National Wildlife Refuge, Cold Bay, Alaska 99571, or the Associate Supervisor, Bureau of Sport Fisheries and Wildlife, Post Office Box 280, Anchorage, Alaska 99501, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, Oreg. 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by December 29, 1969.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 24, 1969.

[F.R. Doc. 69-8869; Filed, July 28, 1969; 8:48 a.m.]

WEST SISTER ISLAND NATIONAL WILDLIFE REFUGE, OHIO

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m., on October 15, 1969, at the Municipal Building, Oregon, Lucas County, Ohio, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the West Sister Island Wilderness proposal within the National Wilderness Preservation System. The proposal consists of approximately 82 acres within the West Sister Island National Wildlife Refuge, and is located in Lucas County, State of Ohio.

A brochure containing a map and information about the West Sister Island Wilderness proposal may be obtained from the Refuge Manager, Ottawa National Wildlife Refuge, Route 3, Oak Harbor, Ohio 43449, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Twin Cities, Minn. 55111.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by November 30, 1969.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 24, 1969.

[F.R. Doc. 69-8870; Filed, July 28, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 395]

ROLAND WERKSTAETTEN G.m.b.H. AND HERBERT GREVE

Order Denying Export Privileges

In the matter of Roland Werkstaetten G.m.b.H., Mathildenstrasse 29, Bremen, Federal Republic of Germany, and Herbert Greve, Sechslingspforte 3, 2000 Hamburg 22, Federal Republic of Germany, Case No. 395; respondents.

The Director, Investigations Division, Office of Export Control, by charging letter dated February 26, 1969, brought charges against the above respondents for violations of the Export Regulations.[1] The charging letter was duly served and the respondents acknowledged receipt thereof but did not answer the charges or deny the allegations.

The charging letter alleges in substance that for the purpose of supporting an application for validated export licenses for certain machines, respondents represented in end-use statements to the Office of Export Control that the machines would be used in West Germany in the manufacture of miniature ball bearings; that respondents certified that they would not resell the machines outside of West Germany; that they would send a supplemental statement to the U.S. exporter disclosing any change of facts or intentions which occurred after the statements had been prepared and forwarded, and that unless authorized by the U.S. Export Regulations or by written approval of the U.S. Department of Commerce they would not reexport, resell or otherwise dispose of the machines to any country not approved for export as brought to their attention by any means, or to any person if there was reason to believe that it would result in disposition of the commodities contrary to the representations in the statement or contrary to the U.S. Export Regulations. It is further alleged that the machines were exported to respondent and that they sold the machines to a Swiss firm and that they were subsequently delivered to an unauthorized destination. Violations of § 381.5(c) of the Export Regulations are charged in that respondents failed to notify the U.S. exporter or Office of Export Control of change in material facts and intentions which were set forth in the end-use statements.

In accordance with the usual practice the case was referred to the Compliance Commissioner and he held an informal hearing on June 24, 1969 at which evidence in support of the charges was submitted.

The Compliance Commissioner considered the evidence and has reported the findings of fact and findings that violations have occurred and has recommended that the sanction hereinafter set forth be imposed.

After considering the record I confirm and adopt the findings of fact of the Compliance Commissioner which are as follows:

Findings of fact. 1. The firm Roland Werkstaetten G.m.b.H., respondent herein, is a limited liability company with an address in Bremen, West Germany. The company was organized in 1964 to trade in, design, and produce machinery and parts. The respondent Herbert Greve, a resident of Hamburg, West Germany, was the organizer of the company, and he was a director and the only active official. The transactions hereinafter described were carried out by Greve in the name of and on behalf of the company.

2. On April 20, 1965, Greve on behalf of Roland Werkstaetten G.m.b.H. (hereinafter Roland) executed two Single Transaction Statements (Form FC-842), sometimes called end-use statements, available from Office of Export Control. The said statements were executed for submission to the Office of Export Control and were so submitted in support of applications for validated export licenses by a U.S. supplier to export to Roland two grinding machines used in the manufacture of ball bearings.

3. In each of the end-use statements Greve represented that the machines would be used in West Germany in the production of miniature ball bearings and that the machines would not be sold for use outside of West Germany. He certified that he and his company would promptly send to the exporter a supplemental statement disclosing any change of facts or intentions set forth in the statement which would occur after the statement had been prepared and forwarded. Greve further certified that he and his company, except as specifically authorized by the U.S. Export Regulations or by prior written approval of the U.S. Department of Commerce, would not reexport, resell, or otherwise dispose of the machines in question: (1) To any country not approved for export as brought to their attention by any means; or (2) to any person if there was reason to believe that it would result, directly or indirectly, in disposition of the commodities contrary to the representations in the statement or contrary to the U.S. Export Regulations.

4. On the basis of the representations and certifications in the statements the Office of Export Control issued validated export licenses authorizing the U.S. supplier to export the machines in question to Roland in West Germany, as ultimate consignee. The machines, valued at approximately $34,000 each, were exported on January 28, 1966 by the U.S. supplier to Roland in West Germany in accordance with the terms of the export licenses.

5. On arrival of the machines in West Germany they were held in storage at the port of Bremen.

6. If respondents ever intended to use the machines for the manufacture of ball bearings in West Germany, they abandoned this intention and on June 14, 1966, sold the two machines to a Swiss firm without sending to the U.S. exporter or the Office of Export Control a supplemental statement disclosing any changes of facts or intentions. The Office of Export Control did not authorize the sale of the machines to the Swiss firm.

7. The machines were reexported from West Germany and were delivered to a destination which would not have been authorized by the Office of Export Control.

Based on the foregoing I have concluded that respondents violated § 381.5 (c) of the U.S. Export Regulations (now § 387.5(c) of the U.S. Export Control Regulations), in that they failed to notify the U.S. exporter or the Office of Export Control of a change of material facts or intentions which were set forth in end-use statements which they made in support of applications for validated export licenses.

Now, after considering the record in the case and the report and recommendation of the Compliance Commissioner and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in paragraph IV hereof, the respondents for the period of 7 years are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their successors, representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Four years after the effective date of this order the respondents may apply to have the effective denial of their export privileges held in abeyance while they remain on probation. Such applications as may be filed by said respondents shall be supported by evidence showing their compliance with the terms of this order and such disclosure of their import and export transactions as may be necessary to determine their compliance with

[1] On June 1, 1969 the title of the regulations under the Export Control Act was changed from Export Regulations to Export Control Regulations. There were also editorial changes in the regulations and changes in section numbers.

this order. Such applications will be considered on their merits and in the light of conditions and policies existing at that time. The respondents' export privileges may be restored under such terms and conditions as appear to be appropriate.

V. During the time when the respondents or other person within the scope of this order are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondents or other persons denied export privileges within the scope of this order, or whereby the respondents or such other persons may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondents or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on July 28, 1969.

Dated: July 22, 1969.

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 69-8872; Filed, July 28, 1969; 8:48 a.m.]

Business and Defense Services Administration

BALL STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00497-98-76500. Applicant: Ball State University, Muncie, Ind. 47306. Article: Spectrograph, Model GH 650/640. Manufacturer: Optische Werke, C. A. Steinheil Sohne G.m.b.H., West Germany. Intended use of article: The article will be used to study the following phenomena:

(a) Hyperfine structure studies of the three different types of forbidden atomic spectral lines.

(b) The study of interference between magnetic-dipole and electric-quadrupole radiation by using the Zeeman effect in mixed forbidden lines of even isotopes of Pb, Hg, Au, Te, and other selected metals.

(c) The study of interference between magnetic-dipole and electric-quadrupole radiation as seen in the hyperfine components of mixed forbidden lines of odd isotopes of elements such as Pb, Hg, Au, Sb, As, and Te.

Pb-Lead, Hg-Mercury, Au-Gold, Te-Tellurium, As-Arsenic, and Sb-Antimony. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is intended for purposes that require for their accomplishment the capability of distinguishing as separate lines those lying closely together in the region of 6,647 angstroms. In addition, the applicant's proposed studies require freedom of the image from astigmatism over a wide spectral range. The foreign article has these capabilities which are provided by means of a glass prism optical system. We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 18, 1969 that domestic spectrographs employing gratings cannot provide the necessary freedom from astigmatism and, further, that NBS knows of no other types of spectrographs being manufactured in the United States that are of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8824; Filed, July 28, 1969; 8:45 a.m.]

DUDLEY OBSERVATORY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00508-01-46040. Applicant: Dudley Observatory, 100 Fuller Road, Albany, N.Y. 12205. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of article: The article will be used in a program of research on micrometeorites. The particles are collected at high altitudes by use of sounding rocket borne sampling devices. The size of the particles which are collected by this technique ranges from less than 0.1 micron to a few microns in diameter. The program is designed to determine the chemical composition of micrometeorites. Chemical analysis of particles in this size range can be carried out by use of dispersive X-ray spectrometer attachment to an electron microscope. Decision: Application approved provided the X-ray spectrometer attachment accompanies the foreign article at the time of entry. Reasons: The foreign article can be equipped with a dispersive X-ray spectrometer attachment which the applicant states is necessary for conducting research on micrometeorites to determine their chemical composition. The most closely comparable domestic electron microscope to the foreign electron microscope is the Model EMU-4B manufactured by the Radio Corp. of America (RCA). For purposes that do not require a dispersive X-ray spectrometer attachment for their accomplishment, the RCA Model EMU-4B is considered of equivalent scientific value to the foreign article. The applicant has been informed by RCA that this firm does not manufacture a comparable attachment for the Model EMU-4-B. We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 10, 1969, that without the dispersive X-ray spectrometer attachment, the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for the purposes for which this article is intended to be used. Since the dispersive X-ray spectrometer attachment is necessary for the accomplishment of the purposes for which the foreign article is intended to be used, it is an accompanying accessory within the meaning of § 602.1(b)(4) of the cited regulations. In order to qualify for duty-free entry under the above section of the regulations, the accessory must accompany the foreign article in the same shipment. In this regard, we note that the applicant has indicated that the purchase of the foreign article is contingent on obtaining favorable action on the application.

We therefore find that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article provided the purchase order includes the X-ray spectrometer attachment and provided further such attachment accompanies the foreign article at the time of entry.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8825; Filed, July 28, 1969; 8:45 a.m.]

HEALTH RESEARCH, INC.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00376-33-46500. Applicant: Health Research, Inc., 84 Holland Avenue, Albany, N.Y. 12208. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies concerning the ultrastructure and cytochemistry of a number of parasitic helminths. The various cytochemical techniques have been evaluated using vertebrate tissue. One concern, therefore, is to study the reliability of these cytochemical techniques on tissues from invertebrate organisms. Further, it is anticipated that the results of studying the chemistry of certain organelles found in these parasitic worms will allow a better understanding of the relationship of these animals to their various hosts. Ultrathin sections are required in long series and equal thickness for electron microscopy of specimens concerning these studies. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such articles is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument is the Model MT-2 Ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 has a guaranteed minimum thickness capability of 100 angstroms. The better thin sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the electron microscope. (2) The foreign article has a thermal advance. For the purposes for which the foreign article is intended to be used, the applicant requires a long series of ultrathin sections. We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated April 3, 1969, that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required.

For the foregoing reasons, we find that the Sorvall Model T-2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8826; Filed, July 28, 1969; 8:45 a.m.]

MOUNT SINAI SCHOOL OF MEDICINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00391-33-46040. Applicant: Mount Sinai School of Medicine, Fifth Avenue and 100th Street, New York, N.Y. 10029. Article: Electron microscope, Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for studies in biomedical research involving the following problems:

1. Correlative studies of cellular ultrastructure with biochemical and immunologic studies of the immune response.

2. The use of tissue culture systems of lymphoid cells and fibroblasts will be employed in the study of the pathogenesis and genetics of certain human diseases (e.g.: agammaglobulinemia, infectious hepatitis). Cellular ultrastructure will be investigated in these systems.

3. Events during normal and abnormal immunologic responses will be studied by electron microscopic autoradiography.

4. Virus-like particles associated with several disease states will be studied by electron microscopy using negative staining techniques (i.e.: infectious mononucleosis, hepatitis).

5. Macromolecules, particularly antigen-antibody complement complexes will be investigated using the techniques of negative staining and shadow casting.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B, manufactured by the Radio Corp. of America (RCA), which provides a guaranteed resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability). We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 9, 1969, that for the purposes for which the applicant intends to use the foreign article, the difference between 5 and 3.5 angstroms is pertinent because the techniques employed in specimen preparation permits the highest attainable resolutions to be utilized. For this reason, we find that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8827; Filed, July 28, 1969; 8:45 a.m.]

NEW YORK STATE MUSEUM AND SCIENCE SERVICE—GEOLOGICAL SURVEY

Notice of Application for Duty-Free Entry of Scientific Article

The following notice of application published in Volume 34, No. 115 of the FEDERAL REGISTER (Tuesday, June 17, 1969), pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) is hereby amended to delete "and accessories" from the article.

Docket No. 69-00633-88-74000. Applicant: New York State Museum and Science Service—Geological Survey, Room 973, State Education Building Annex, Albany, N.Y. 12224. Article: Portable single-channel seismograph, Model FS-3. Manufacturer: Huntec Ltd., Canada. Intended use of article: The article will be used for a scientific study of the preglacial drainage patterns and glacial and postglacial surficial deposits of New York State to gain a better understanding of

the Pleistocene history. Application received by Commissioner of Customs: May 26, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8828; Filed, July 28, 1969; 8:45 a.m.]

RUTGERS STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 397) and the regulations issued thereunder (32 F.R. 2433 et seq.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00409-75-76595. Applicant: Rutgers, The State University, Department of Physics, New Brunswick, N.J. 08903. Article: Split-pole magnetic spectograph system, Type SP 90. Manufacturer: Scanditronix, Sweden. Intended use of article: The article will be used to pursue a wide variety of experimental studies in nuclear spectroscopy and related phenomena requiring very high energy resolution as good as 4 kilo-electronvolts (4 keV). Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is to be used for experimental studies in nuclear spectroscopy and reaction mechanisms. The applicant specified an instrument having a magnetic field of at least 16,000 gauss and that the field be uniform within one part in 2,000 at all points away from the fringe field. In addition, the applicant specified that the poles be constructed of carbon steel having a carbon content of not more than 0.02 percent and a nitrogen content of less than 0.01 percent. The most closely comparable domestic instrument was that offered by the Spectromatic Industries (Spectograph). The domestic manufacturer took exception to the applicant's specification for the steel of which the poles are to be constructed, offering instead to furnish poles made of 0.06 percent carbon with no quoted value for the minimum nitrogen content. More importantly, the domestic manufacturer guaranteed a uniformity of one part in 2,000 only at 7,000 gauss or, alternatively, to optimize the uniformity at any other field of the applicant's choosing. (See quotation No. 665-50, dated May 25, 1966, attached to letter from Spectograph dated June 6, 1966.) We are advised by the National Bureau of Standards (NBS) in its memorandum dated May 2, 1969, that for the applicant's intended purposes, the uniformity of one part in 2,000 at all fields between 7,000 to 16,000 gauss is a pertinent characteristic.

For this reason, we find that the instrument offered by Spectrograph is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8829; Filed, July 28, 1969; 8:45 a.m.]

STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00367-65-82600. Applicant: State University of New York at Stoney Brook, Stoney Brook, N.Y. 11790. Article: Thermoanalyzer, vacuum recording. Manufacturer: Mettler Instrument Corp., Switzerland. Intended use of article: The article will be used for regulating and studying properties of materials which require simultaneously high vacuum because of their sensitivity to oxidation and high temperature because of their high melting points. This equipment is for analyzing and conducting experiments in the extreme end of the spectrum of temperature and vacuum conditions. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a recording vacuum thermoanalyzer system which is capable of differential thermal analysis (DTA) and differential gravimetric analysis (TGA) simultaneously on the same sample in a controlled gas environment. There are comparable domestic instruments capable of either one or the other analysis on separate samples. We are advised by the National Bureau of Standards (NBS) in a memorandum dated March 24, 1969, that the simultaneous analysis by TGA and DTA on the same sample is pertinent to the purposes for which the foreign article is intended to be used. NBS further advises they know of no other domestic instrument or apparatus that can be used for the purposes for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8830; Filed, July 28, 1969; 8:45 a.m.]

TEMPLE UNIVERSITY MEDICAL SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00377-33-46040. Applicant: Temple University Medical School, 3400 North Broad Street, Philadelphia, Pa. 19140. Article: Electron Microscope, Elmiskop 101. Manufacturer: Siemens, West Germany. Intended use of article: The article will be used for the following investigations:

1. The study of the cross-linkages in the filaments of the pigment synthesizing organelle of the melanocyte;

2. The localization of isoproterenol to specific organelles in the cells of the salivary gland;

3. The identification of elemental copper in the enzyme tyrosinase.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope, manufactured by the Radio Corp. of America (RCA), which has a guaranteed resolution of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capabilities.) We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated April 7, 1969, that the difference in the guaranteed resolving capabilities is pertinent to the purposes for which the foreign article is intended to be used, because the difference, 1.5 angstroms, in the guaranteed resolving powers is very significant to the accomplishment of the intended purposes.

For this reason, we find that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8831; Filed, July 28, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00375-33-46040. Applicant: University of California, San Francisco Medical Center, San Francisco, Calif. 94122. Article: Electron microscope, Siemens Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for investigation of the ultrastructure of cells and macromolecules. The investigation will be directed toward several problems concerning mitochondrial membranes that remain unsolved at present. One problem concerns the relevance of the widely accepted Danielli model of cell membranes structure to the structural organization of the outer and inner membranes of mammalian heart mitochondria. Another problem of mammalian heart mitochondria concerns the functional role of the 85-90 angstrom particles seen after negative staining of submitochondrial vesicles. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B, manufactured by the Radio Corp. of America (RCA), which has a guaranteed resolution of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capabilities.) We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated April 7, 1969, that the difference in the guaranteed resolving capabilities is pertinent to the purposes for which the foreign article is intended to be used, because the difference, 1.5 angstroms, in the guaranteed resolving powers is very real and significant to the accomplishment of the intended purposes with the better resolving capabilities of the foreign article than with the lesser resolving capability of the comparable RCA Model EMU-4B.

For this reason, we find that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8832; Filed, July 28, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00380-91-46500. Applicant: University of California at Irvine, Irvine, Calif. 92664. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with the following research projects:

1. Determining planes of division and orientation of cells in plant tissue cultures;

2. Correlating living structures of plant culture cells with light and electron microscopic images in the material after fixation;

3. Understanding the three-dimensional organization of cuticle components in polychaete worms;

4. Reconstructing the process of secretion in plant hair-like tricomes.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The only known domestic ultramicrotome is the Model MT-2, manufactured by Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen section, the more is it possible to take advantage of the maximum resolving capabilities of the electron microscope for which the specimen is being prepared. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated May 8, 1969, that the research program of the applicant requires ultrathin sections of less than 100 angstroms. In addition, HEW advises that this program requires long series of ultrathin sections of uniform thickness and that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article is equipped with a thermal advance (feed) whereas the Sorvall Model MT-2 has a mechanical advance. For these reasons, we find that the Sorvall MT-2 ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8833; Filed, July 28, 1969; 8:45 a.m.]

UNIVERSITY OF MISSOURI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division,

Department of Commerce, Washington, D.C.

Docket No. 69-00370-91-46500. Applicant: University of Missouri, Department of Botany, 100 LeFevre Hall, Columbia, Mo. 65201. Article: Ultramicrotome, LKB 8800, Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in studies concerning chromosome ultrastructure in microsporocytes of Lilium. The cells are sectioned in both ultrathin section for electron microscopy and in thicker section for light microscopy. Different stages of meiosis will be prepared for study. The ultrathin sections needed must be prepared in long series and must be cut in equal thickness throughout. In order to correlate the ultrastructural observations with meiotic stage thicker sections adjacent to the thick sections must be cut for examination in the light microscope and it is therefore imperative that the operator be able to quickly and easily change the cutting thickness anywhere for 50 Å to 2 microns. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument is the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the specimen, the more it is possible to take advantage of the ultimate resolving capabilities of the electron microscope for which the sections are being prepared. The purpose of the experiment is to study the different stages of meiosis for which the best obtainable resolution should be available. For this reason, we find that the lower minimum thickness capability of the foreign article is pertinent to the purposes for which it is intended to be used. We corollarily find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-8834; Filed, July 28, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

SAN CARLOS AIR TRAFFIC CONTROL TOWER, SAN CARLOS, CALIF.

Notice of Commissioning

Notice is hereby given that on September 18, 1969, the Airport Traffic Control Tower at San Carlos, Calif., will be operationally commissioned. This information will be reflected in the FAA Organization Statement the next time it is reissued. Communications to the San Carlos Airport Traffic Control Tower should be addressed as follows:

San Carlos Airport Traffic Control Tower, Department of Transportation, Federal Aviation Administration, 779 Skyway, San Carlos, Calif 94070.

Issued in Los Angeles, Calif., on July 15, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69-8847; Filed, July 28, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21138]

CHINA AIRLINES, LTD.

Notice of Hearing

In the matter of the application of China Airlines, Ltd., for the issuance of a foreign air carrier permit authorizing the foreign air transportation of persons, property, and mail between a terminal point or points in Taiwan, Republic of China, via the intermediate points of Osaka and Tokyo, Japan, to the terminal point San Francisco, Calif.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 29, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

As agreed among the parties at the prehearing conference held on July 23, 1969, the basic issues in this proceeding are as follows:

1. Is the applicant fit, willing, and able properly to perform the air transportation proposed in its application and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board thereunder?

2. Will the air transportation proposed in the carrier's application be in the public interest?

3. Is the applicant substantially owned and effectively controlled by nationals of the Republic of China?

4. If the application is granted and the permit amended, what should be the duration of the new authority, and what terms, conditions, and limitations, if any, should be attached thereto?

For information concerning other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 23, 1969.

[SEAL] THOMAS P. SHEEHAN,
Hearing Examiner.

[F.R. Doc. 69-8876; Filed, July 28, 1969; 8:49 a.m.]

[Docket No. 21131]

NOVO INDUSTRIAL CORP. AND UNITED MOTOR FREIGHT, INC.

Notice of Proposed Approval

Application of Novo Industrial Corp. and United Motor Freight, Inc., for approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 21131.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 10 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 23, 1969.

[SEAL] A. M. ANDREWS,
Director, Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

By application filed June 27, 1969, Novo Industrial Corp. (Novo) and United Motor Freight, Inc. (United), request approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of Novo's acquisition of United.

Novo is a diversified company with manufacturing and service divisions and subsidiaries in the United States and Canada. In 1966 the Board approved Novo's control of Air Dispatch, Inc. (ADI), a domestic and international air freight forwarder.[1] Thereafter Novo acquired control of three other air freight forwarders who have surrendered or soon will surrender their operating authorizations pursuant to the Board's orders of approval.[2] In addition Novo controls three interstate motor common carriers.[3]

United is an ICC certificated motor carrier whose certificated authority is restricted to the carriage of traffic that has an immediately prior or immediately subsequent movement by air carriage. Its operating authority is limited to service between specific airports in the Detroit metropolitan area, on the one hand, and points in nearby Michigan counties, on the other; and between the Lansing, Mich., airport and other points in nearby Michigan counties.[4] Upon consummation of the acquisition, certain officers and directors of Novo and its affiliates will serve as officers and directors of United.[5]

No comments relative to the application have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that United is a common carrier and Novo's acquisition of United is subject to section 408 of the Act. However, it is further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships do not appear to present any new issues not heretofore considered by the Board,[6] particularly in view of United's limited operations in the State of Michigan. Consequently, it appears that approval of the control relationships would not be inconsistent with the public interest.

However, the Board believes that any further expansion of the surface rights of United may give rise to issues not now present. Consequently, the approval granted herein will be effective only so long as United's surface rights are not expanded beyond their present scope. The Board will also reserve jurisdiction generally over the control relationships subject to its approval.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act without hearing.

Accordingly, it is ordered:

1. That the acquisition of United by Novo be and it hereby is approved;

2. That the approval granted herein shall be effective only so long as United's surface rights are not expanded beyond their present scope; and

3. That jurisdiction in this proceeding be and it hereby is retained for the purpose of imposing from time to time such further terms and conditions as the Board may find to be just and reasonable.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8877; Filed, July 28, 1969; 8:49 a.m.]

[1] See Order E-24429, Nov. 21, 1966.

[2] See Trans-World Forwarding and Air Expediting Co., Order E-26863, June 3, 1968; Barnett Air Cargo, Inc., Order 68-10-181, Oct. 31, 1968; and Freeslate International Corp., Order 69-5-48, May 13, 1969.

[3] Viz., Fleet Carrier Corp., Order E-24429, Nov. 21, 1966; Boss-Linco Lines, Inc., Order 68-11-61, Nov. 14, 1968; and Hourly Messengers, Inc., Order 69-4-23, Apr. 3, 1969.

[4] The agreement of acquisition reveals that Novo intends to establish an air freight terminal within United's operating territory under a pending agreement with General Motors Corp. The acquisition therefore is conditioned upon GM's acceptance of the freight terminal proposal.

[5] Such interlocking relationships as may exist between Novo and its affiliates, on the one hand, and United, on the other, would appear to fall within the exemption and approval conferred by § 287.2 of the Board's economic regulations.

[6] See footnote 3 supra.

[Docket No. 20962]

TRANS MERIDIAN (LONDON), LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on August 12, 1969, at 10 a.m., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., July 24, 1969.

[SEAL] GREER M. MURPHY,
Hearing Examiner.

[F.R. Doc. 69-8878; Filed, July 28, 1969; 8:49 a.m.]

[Docket No. 20420; Order 69-7-119]

TWIN CITIES-DES MOINES-ST. LOUIS PROCEEDING

Order Consolidating and Setting Applications for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of July 1969.

On October 29, 1968, Ozark Air Lines, Inc. (Ozark), filed an application requesting nonstop authority between Minneapolis/St. Paul and Des Moines, between Des Moines and St. Louis, and between Minneapolis/St. Paul and St. Louis. By Order 68-12-38, dated December 6, 1968, the Board set the application for further proceedings in accordance with Rules 1306-1310 of the Board's procedural regulations.

Delta Air Lines, Inc. (Delta), has filed an answer in opposition to Ozark's application to the extent that Ozark requests Minneapolis/St. Paul-St. Louis nonstop authority. Braniff Airways, Inc. (Braniff), The Flying Tiger Line Inc. (FTL), and the city of Des Moines and the Greater Des Moines Chamber of Commerce (Des Moines parties) have filed answers in opposition to the application.[1] The Minneapolis/St. Paul Metropolitan Airports Commission has filed a reply. Ozark has filed a consolidated reply to the answers.

Delta has filed a motion to consolidate its application in Docket 20583 which requests nonstop authority between Minneapolis/St. Paul and St. Louis. Braniff has filed an answer in opposition to Delta's application to the extent Delta seeks to provide single-plane service beyond St. Louis to points such as Memphis and New Orleans. Ozark and FTL have filed answers in opposition to Delta's motion to consolidate. Delta has filed a consolidated reply in response to Braniff's and Ozark's answers.

The Des Moines parties have filed a motion to consolidate their application in Docket 20636 which requests new or additional authority in the Des Moines-Twin Cities/St. Louis/Kansas City markets. Northwest Airlines, Inc., has filed an answer in support of the Des Moines parties' motion to consolidate. Braniff and Ozark have filed answers in opposition to the Des Moines parties' motion to consolidate.

Upon consideration of the foregoing pleadings and all the relevant facts, the Board has determined that there is a sufficient basis for setting Ozark's application, Docket 20420, for hearing. We shall consolidate Delta's application, Docket 20583, and the Des Moines parties' application, Docket 20636, to the extent it conforms to the scope of the proceeding.[2]

Accordingly, it is ordered, That:

1. The application of Ozark Air Lines, Inc., Docket 20420, be and it hereby is set for hearing before an examiner of the Board at a time and place to be hereafter designated;

2. The application of Delta Air Lines, Inc., Docket 20583, is consolidated for hearing with Docket 20420;

3. The application of the city of Des Moines and the Greater Des Moines Chamber of Commerce, Docket 20636, is consolidated for hearing with Docket 20420, to the extent it seeks authorizations in the Twin Cities-Des Moines and St. Louis-Des Moines markets;

4. The application of the Des Moines parties be and it hereby is dismissed, to the extent not consolidated herein; and

5. The motion of North Central Airlines, Inc., for leave to file an unauthorized document be and it hereby is granted.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8879; Filed, July 28, 1969; 8:49 a.m.]

[1] On Mar. 18, 1969, North Central Airlines, Inc., requested leave to file an untimely answer. We will grant the motion. However, we are not persuaded that we should grant the relief requested by North Central, imposition of a pretrial two-stop restriction on Twin Cities-Kansas City operations by Ozark. North Central will be a party to this proceeding and thus will have the opportunity to argue that appropriate restrictions should be imposed in the final decision.

[2] We will not consolidate the Des Moines parties' application to the extent it seeks additional authorizations in the Des Moines-Kansas City market, which is beyond the scope of the proceeding. In this market Ozark was recently awarded nonstop authority in the Ozark Air Lines, Inc., Route Realignment Investigation, Docket 16606, et al.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18606; FCC 69-790]

AMERICAN BROADCASTING COMPANIES, INC. (ABC)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of American Broadcasting Companies, Inc. (ABC), Docket No. 18606, File No. BFP-381; for renewal of authority to deliver network radio and television programs to stations in Canada and Mexico.

1. The Commission has for consideration: (a) Petition to deny the above-captioned application filed November 8, 1968, on behalf of Western Telecasters, Inc., permittee of UHF Television Station KCST, San Diego, Calif. (KCST); (b) Petition to deny and for consolidation filed December 4, 1968, on behalf of Mission Cable TV, Inc., and Pacific Video Cable, Inc. (Mission); (c) opposition pleading filed December 13, 1968, on behalf of ABC; (d) opposition pleading filed December 16, 1968, on behalf of Radio-Television, S.A., and Bay City Television, Inc. (XETV); (e) Mission's reply brief of January 6, 1969; (f) reply brief of KCST, filed January 7, 1969; and (g) supplemental pleadings of XETV, filed January 17, 1969, and of KCST, filed January 30, 1969.

2. ABC, on October 4, 1968, filed the above-captioned application pursuant to section 325(b) of the Communications Act of 1934, as amended.[1] The petitions filed against this application relate solely to ABC's request for authority to deliver network television programs to Television Station XETV, Tijuana, Mexico, which station provides Grade A VHF television service to the San Diego market. Such authority was initially granted to ABC, without hearing, on November 23, 1955. American Broadcasting—Paramount Theatres, Inc., 13 RR 177 (1955). That grant was subsequently challenged by the CBS and NBC affiliates in San Diego. The matter was designated for hearing, and eventually culminated in Commission affirmation of the initial grant. American Broadcasting—Paramount Theatres, Inc., 13 RR 1248 (1956). The Commission found that the public interest would best be served by the wider program choice afforded by three television services, and, that absent a third television station in San Diego through which that choice could be realized, the ABC Tijuana outlet was justified. Id. at 1272. Appeal was taken to the Court of Appeals (D.C. Circuit) which set aside the grant and remanded the proceeding to the Commission, directing it to determine whether the foreign station's programing was objectionable by United States standards. *Wrather-Alvarez Broadcasting, Inc.* v. *FCC*, 248 F. 2d 646, 15 RR 2108 (1957). Upon remand, the Commission considered all aspects of XETV's programing, and again concluded that the public interest, convenience, and necessity would be served by the grant of a section 325(b) permit to ABC. American Broadcasting—Paramount Theatres, Inc., 17 RR 69 (1958). ABC has applied for renewals of the permit every year since 1958, and these have been granted routinely by the Chief, Broadcast Bureau, pursuant to authority delegated in § 0.281(d)(5) of the rules.

San Diego is the 50th television market in the United States. In addition to ABC-affiliated XETV (Channel 6), the area is currently served by KFMB-TV, Channel 8 (CBS), KOGO-TV, Channel 10 (NBC), KEBS-TV, Channel 15 (noncommercial educational), and KCST, Channel 39 (independent). A construction permit is outstanding for another independent commercial station, KJOG-TV on Channel 51. No other television channels are allocated to San Diego.

4. KCST is thus the only commercial UHF station presently operating in San Diego.[2] In its petition to deny, KCST alleges that it cannot compete with the three operating network affiliated VHF stations (KFMB-TV (CBS), KOGO-TV (NBC) and XETV (ABC)); that it sustained a loss of approximately $650,000 last year; that the local programing of XETV is blatantly defective; that ABC was initially permitted to deliver its programs to XETV only because a third television station was not then available in San Diego; that KCST is ready, able, and desirous of an ABC affiliation; and that the continued affiliation of ABC with XETV is not in the public interest. Mission Cable TV, Inc., and Pacific Video Cable, Inc. (Mission), in their petition to deny and for consolidation, allege that they hold franchises for CATV systems in the San Diego area; that they carry the programs of San Diego and Los Angeles television stations to about 33,000 San Diego subscribers; that in Midwest Television, Inc., et al., 13 FCC 2d 478 (1968), the Commission placed restrictions (with respect to the carriage of Los Angeles signals) on CATV expansion, so as to foster UHF development in the San Diego area; and that denial of the above-captioned application "might" compel ABC to affiliate with KCST, in which event the Commission "could" be persuaded to eliminate or modify the present CATV restrictions. In the alternative, Mission asks that the instant application be consolidated in hearing with the application (File No. BRCT-82) for renewal of license of Station KFMB-TV (CBS), so as to "pursue and develop ways and means of assuring and accelerating the growth and development of UHF in San Diego."[3]

5. In its opposition pleading, ABC asserts that denial of the instant application would not necessarily result in ABC's affiliation with KCST, in that ABC might seek secondary affiliations with the two VHF network affiliates; that such secondary affiliations or a primary affiliation with KCST would signaficantly aggravate ABC's competitive disadvantages vis-a-vis CBS and NBC both regionally and nationally; that XETV currently delivers a lesser audience than either the CBS or NBC affiliates; that an American Research Bureau (ARB) study found that XETV provides coverage to 86 percent of the television homes in San Diego County as compared to a 63 percent coverage for KCST; that a KCST-ABC affiliation would substantially raise the current percentage of homes not capable of receiving ABC network programs;[4] and that a transfer of the ABC affiliation to KCST would result in an estimated annual loss to ABC in excess of $1 million.

6. KCST replies that its Grade A and B contours encompass substantially greater areas than those of XETV; that the 63 percent KCST coverage figure is based upon the percentage of homes with all-channel receiver sets; that a KCST-ABC affiliation would accelerate the set conversion rate and attract advertisers to KCST; that since a UHF station (i.e., KCST) is now available for an ABC affiliation, the public interest no longer requires an extension of ABC's authority to deliver network programs via XETV; and that the denial of the instant application would enhance UHF development in San Diego.

7. In addition, KCST alleges that XETV's local programing is substandard when judged against the requirements imposed on U.S. stations. On the other hand, XETV maintains that the court in Wrather-Alverez, Inc. v. FCC, supra, merely instructed the Commission to determine whether XETV's local programs were objectionable by U.S. standards, and that the programing requirements applicable to comparative proceedings are not necessarily relevant to a section 325(b) permit determination; that XETV does, in fact, originate nonnetwork public service programing;[5] and that it voluntarily complies with Commission policies and rules, including sponsorship identification, equal opportunity for political candidates, and the Fairness Doctrine.

8. KCST has alleged that the competitive situation in San Diego renders impossible the successful operation of its UHF facility, and that it would thus incur direct and substantial economic injury from a renewal of the Mexican portion of the ABC application. We view these allegations as sufficient to confer standing. FCC v. Sanders Bros., 309 U.S. 470 (1940); NBC v. FCC, 132 F. 2d 545 (1942). Where direct competition exists between broadcast interests, allegations of competitive economic injury resulting from the grant of an application for renewal of license of one station confers standing as a party in interest on the other. WBBF, Inc., 10 RR 1032 (1954); see also, Richland, Inc., 13 RR 113 (1955). Since KCST's petition, in addition to alleging private economic injury, poses questions of serious import as regards the public interest, we find it necessary to designate the Mexican portion of ABC's proposal for hearing.

9. Unlike the situation confronting KCST, Mission has failed to show how the grant of ABC's renewal application would result in direct or substantial economic injury. Whatever our action on ABC's application, the CATV policies governing the San Diego market would remain the same (see Second Report and Order, 2 FCC 2d 725 (1966); memorandum Opinion and Order on Reconsideration, 6 FCC 2d 309 (1967); December 13, 1968, Notice of Proposed Rule Making, 15 FCC 2d 417 (1968)). Under these policies, San Diego, being the 50th market, with UHF assignments, would not be regarded as appropriate for continued, even more widespread CATV penetration with distant or Los Angeles signals.

10. Concerning XETV's programing, the court in Wrather-Alvarez, Inc., v. FCC, supra, observed that a foreign station is not bound by the laws and regulations of the United States. Obviously, we have no regulatory authority over XETV, whose programing, as relates to the needs and interests of the citizens of Mexico, is exclusively under Mexican jurisdiction. However, in the context of section 325(b) of the Act, we are required to determine the degree to which XETV's locally originated programing serves the needs and interests of persons residing within areas of the United States reached by XETV's signal.

11. As previously noted, our 1956 decision in this matter turned in large measure on the fact that there was no third television outlet in San Diego for the distribution of ABC's network programing. Since this essential fact was altered when KCST commenced operation in 1968, it is necessary, in light of KCST's current objections, that the matter be reexamined in the hearing process.

12. In view of the foregoing: *It is ordered*, That KCST's petition to deny is granted to the extent indicated above, and in all other respects is denied.

13. *It is further ordered*, That Mission's petition to deny and for consolidation is dismissed.

14. *It is further ordered*, That the above-captioned application is granted in part to the extent of authorizing the delivery of ABC network radio and television programs to stations operated or authorized by the government of Canada, as more fully described therein.

15. *It is further ordered*, That with respect to ABC's proposed delivery of programs to XETV and pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at a time and place to be specified by subsequent order, upon the following issues:

(1) To determine the areas and populations within the predicted Grade A and Grade B contours of KCST and XETV.

(2) To determine whether, or the extent to which, ABC network programs can be made available to the San Diego viewing public if the instant proposal is denied.

(3) To determine whether a San Diego ABC television affiliate would serve the needs and interests of the San Diego viewing public better than XETV.

(4) To determine whether a grant of the ABC proposal would adversely affect the competitive relationship between VHF and UHF television stations in the San Diego market.

(5) To determine whether, or the extent to which, denial of the ABC proposal would adversely affect the ability of ABC to provide a national television network program service in the public interest.

(6) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

16. *It is further ordered*, That Western Telecasters, Inc. (KCST) and Gross Broadcasting Co. (KJOG-TV) are made parties to this proceeding.

17. *It is further ordered*, That Radio-Television, S.A., licensee of XETV and/or Bay City Television, Inc., a California corporation serving as U.S. sales agent for XETV may, if desired, enter a written appearance in this proceeding and participate therein for the limited purpose of offering such information as may be helpful to the Commission in resolving the matters at issue.

18. *It is further ordered*, That with respect to Issues 2 and 5, the burden of proceeding with the introduction of evidence is placed on ABC.

19. *It is further ordered*, That with respect to Issues 1, 3, and 4, the burden of proceeding with the introduction of evidence is placed on KCST.

20. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicant and all parties herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

21. *It is further ordered*, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give public notice of the hearing in a San Diego daily newspaper, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 15, 1969.

Released: July 24, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8865; Filed, July 28, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[No. 69-19]

PACIFIC COAST EUROPEAN CONFERENCE

Rates, Practices, Rules, and Regulations Regarding Movement of Cargo in Containers; Order of Investigation

Respondents Fred. Olsen Line and Interocean Line have moved to amend Order of Investigation in this proceeding by the addition of three issues allegedly arising from actions taken at a meeting of the Pacific Coast European Conference on June 4, 1969. Hearing Counsel support the motion but suggest a rewording of one of the questions proposed. No other parties oppose the motion.

Good cause appears that these matters be resolved within this proceeding. Accordingly:

It is ordered, That the Order of Investigation served April 24, 1969, is amended to encompass resolution of the following questions:

1. Was the amendment to Conference Rule 1(K), made at Copenhagen on June 4, 1969, properly and lawfully enacted in compliance with conference administrative rules and procedures and with section 15 of the Shipping Act, 1916?

2. If the amendment was proper, does Rule 1(K) as so modified result in an unreasonable discrimination against unitized traffic, unitized shippers, or other persons under sections 14 Fourth,

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[1] Section 325(b) requires the issuance of a special permit to establish studios in the United States intended to feed programs to foreign broadcast stations whose signals are regularly received in the United States.

[2] Ownership of Television Station KAAR was transferred to Bass Brothers and the call letters changed to KCST on Dec. 5, 1967. On Dec. 6, 1967, the Commission granted consent to an assignment of the permit from Bass Brothers to Western Telecasters, Inc., a wholly owned subsidiary of Bass Brothers. KCST was granted program test authority on Jan. 19, 1968.

[3] By Commission action of May 14, 1969, a petition to deny filed by Mission against the application for renewal of license of Television Station KFMB-TV was dismissed for lack of standing and renewal of KFMB-TV's license was granted to Dec. 1, 1971.

[4] The percentage of television homes in San Diego County presently receiving ABC network programs is 93 percent (86 percent coverage provided by XETV and 7 percent coverage provided by KABC-TV, Los Angeles). If ABC were to affiliate with KCST, the combined coverage through KCST and KABC-TV would, according to the ARB study, be significantly less.

[5] XETV has submitted program data to support its contention that it originates local live public service programing and programs of interest to Mexican nationals within its service contours. KCST replies that most of these programs have not been aired within the past few years and that XETV currently broadcasts "pitifully few programs" of interest either to the Tijuana or San Diego communities.

[6] Chairman Hyde dissenting; Commissioners Bartley and Johnson concurring in the result; Commissioner Wadsworth absent.

15, 16 First, or 17 of the Shipping Act, 1916?

3. In the event that it is determined that the amendment to Rule 1(K) was enacted in violation of section 15, or is unreasonably discriminatory in violation of the Shipping Act, 1916, should the Commission order respondents to reinstitute Rule 1(K) as it existed prior to the Copenhagen meeting?

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69-8888; Filed, July 28, 1969; 8:49 a.m.]

PORT OF SEATTLE AND CARGILL, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. T. P. McCutchen, Manager, Property Management Department, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T-2161-1, between the Port of Seattle and Cargill, Inc. (Cargill), modifies the basic agreement which provides for the construction and lease of a grain elevator and terminal facilities at Seattle. The purpose of the modification is to clarify certain language in the basic agreement so as to satisfy the State of Washington that Cargill is not obligated to pay Business and Occupation Tax to the State.

Dated: July 23, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-8887; Filed, July 28, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2558]

A. J. BUTLER & CO.

Notice of Filing of Application for Order of Exemption

JULY 22, 1969.

Notice is hereby given that A. J. Butler & Co. ("Applicant"), 50 Broadway, New York, N.Y. 10004, prospective underwriter of a proposed offering of shares of The A. J. Butler Fund, Inc. ("Fund"), a registered closed-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), for an order exempting Applicant from section 30(f) of the Act to the extent that it adopts section 16(b) of the Securities Exchange Act of 1934 ("Exchange Act") in connection with its transactions incident to the distribution of Fund shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Fund shares are to be purchased by Applicant at a price of $9.15 per share, pursuant to an underwriting agreement to be entered into between Fund and Applicant. Upon the effective date of the Fund's registration statement under the Securities Act of 1933, the shares will be sold to the public at a maximum offering price of $10 per share, the underwriting commission thus being 85 cents per share. Sales to selected dealers may be made by Applicant at the offering price less a maximum concession of 75 cents per share. Certain of the officers and directors of Fund are partners or employees of Applicant.

Section 30(f) of the Act imposes the duties and liabilities of section 16 of the Exchange Act upon, among others, beneficial owners of more than 10 percent of any class of outstanding securities of, and directors of, a registered closed-end investment company. Section 16(b) of the Exchange Act contains provisions for accountability for profits from purchases and sales or sales and purchases within 6 months of any equity security of the related issuer by those persons covered thereby.

Under the agreement to be entered into between Fund and Applicant, Applicant will acquire more than 10 percent of the outstanding shares of Fund, if any are acquired (thereby becoming an "insider" subject to section 16(b) of the Exchange Act). Fund's pending Registration Statement covers 300,000 shares of Capital Stock, $1 par value.

Rule 16b-2 under the Exchange Act exempts certain underwriters from the operation of section 16(b) of the Exchange Act. Applicant states that the purpose of the purchase by Applicant is for resale in connection with the initial distribution of shares of the Fund. It will thus be a transaction effected in connection with the distribution of a substantial block of securities within the purpose and spirit of the Commission's Rule 16b-2.

Applicant, however, is not exempted from section 16(b) by operation of Rule 16b-2 because Applicant has agreed to purchase 100 percent of Fund's outstanding shares, if it purchases any of Fund's shares.

In addition to purchases from Fund and sales to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, and sales of shares purchased in stabilization.

Applicant states that it does not have any inside information, that there is no possibility of using inside information and, in fact, that there is no inside information in existence since Fund, prior to the initial distribution, will have virtually no assets or business of any sort.

Applicant represents that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further represents that the transactions sought to be exempted cannot lend themselves to the practices to which section 16(b) of the Exchange Act was enacted to apply.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and Rules promulgated thereunder if and to extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 6, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information in said application, unless

an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8883; Filed, July 28, 1969; 8:49 a.m.]

[File No. 1-3909]

BSF CO.

Order Suspending Trading

JULY 23, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 24, 1969, through August 2, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8884; Filed, July 28, 1969; 8:49 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

JULY 23, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 24, 1969, through August 2, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8885; Filed, July 28, 1969; 8:49 a.m.]

TELSTAR, INC.

Order Suspending Trading

JULY 23, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 24, 1969, through August 2, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8886; Filed, July 28, 1969; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

CREDITO INVESTMENT CO., INC.

Notice of Application for License as Small Business Investment Company

Notice is hereby given that Credito Investment Co., Inc. (Credito) has filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations governing Small Business Investment Companies (Regulations) (33 F.R. 326, 13 CFR Part 107), for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C., 661 et seq.).

Credito was incorporated on March 25, 1969, under the laws of the Commonwealth of Puerto Rico, with its principal office located at Recinto Sur and San Justo Streets, San Juan, P.R. 00905.

Credito's ownership will be composed as follows: Banco Credito y Ahorro Ponceno (Bank), together with its directors, officers, and 10 percent shareholders will acquire up to a combined maximum of 49.9 percent; the remaining capitalization, a minimum of 50.1 percent, will be raised by the sale of shares to stockholders of the Bank who are neither officers, directors, nor 10 percent stockholders of the Bank. The proposed initial capitalization will be $3 million.

Credito will only carry on business in the geographical area comprised by the Commonwealth of Puerto Rico. It will not concentrate its investments in any particular industrial category.

The officers and directors of Credito are as follows:

Esteban Anselmo Bird, No. 3 A Street, Villa Caparra, Bayamon, P.R., President and Director.

Angel Enrique Sanz, 10B, Garden Meadow Street, Bayamon, P.R., Executive Vice President and Director.

Carlos Julio Pou, 19 Atlantic Place, Ocean Park Condado, Santurce, P.R., Secretary and Director.

Jesus Dario Monllor, F17 Cleveland Street, Parkville, Guaynabo, P.R., Treasurer, Assistant Secretary and Director.

Arturo Carlos Gallardo, Ashford 876, Condado, Santurce, P.R., Director.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under such management, including adequate profitability and financial soundness, in accordance with the act and regulations.

Prior to final action being taken on the application, consideration will be given to any comments pertaining thereto which are submitted in writing to the Associate Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of 10 days from the date of publication of this notice.

A copy of this notice shall be published in a newspaper of general circulation in San Juan, P.R.

For SBA.

Dated: July 10, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69-8836; Filed, July 28, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3072 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JULY 18, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 14, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's general policy and interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3072 D 6-18-69	Humber Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Sun and North Sun Fields, Starr County, Tex.	(4)	.....
G-4588 E 6-20-69	MACPET (successor to Mendota Oil Co.), c/o Maxine Westbo, Attorney-in-fact, 3700 Greenway Plaza Dr., Houston, Tex. 77027.	El Paso Natural Gas Co., Jack Herbert Field, Upton County, Tex.	[2] 15.92	14.65
G-5247 E 6-20-69	Katherine B. Palmer (successor to C. T. Palmer), Post Office Box 245, Shamrock, Tex.	Panhandle Eastern Pipe Line Co., Hugoton Gas Field, Morton, Seward, and Stevens Counties, Kans.	[3] 12.79 [4] 12.0	14.65
G-7526 C 6-30-69	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Blanco and Flora Vista Fields, San Juan County, N. Mex.	13.0	15.025
G-10670 E 7-2-69	Sun Oil Co. (DX Division) (successor to Tenneco Oil Co.), Post Office Box 2039, Tulsa, Okla. 74102.	Cities Service Gas Co., Eureka Field, Grant and Alfalfa Counties, Okla.	[5] 14.0	14.65
G-14198 E 6-27-69	Triton Oil & Gas Corp. (successor to Landa Oil Co. et al.), 2626 Republic National Bank Tower, Dallas, Tex. 75201.	United Gas Pipe Line Co., North La Rosa Field, Refugio County, Tex.	13.1644	14.65
G-16495 E 6-19-69	MACPET (successor to Wm. L. McKnight d.b.a. La Goree Oil Co.).	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	14.5	14.65
CI62-305 E 6-23-69	Triton Oil & Gas Corp. (successor to Landa Oil Co.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Bayou Rambio Area, Terrebonne Parish, La.	[6] 21.25	15.025
CI62-710 E 6-27-69	Petrodynamics, Inc. (Operator), et al. (successor to Jas. F. Smith (Operator) et al.), Post Office Box 10006, Amarillo, Tex. 79106.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Gas Area, Beaver County, Okla.	17.0	14.65
CI62-1384 [7] E 6-27-69	do	do	17.0	14.65
CI63-234 D 6-27-69	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Red Oak Area, Latimer, et al., Counties, Okla.	(8)	.....
CI63-668 E 6-26-69	Petrodynamics, Inc. (Operator), et al. (successor to Jas. F. Smith (Operator) et al.).	Michigan Wisconsin Pipe Line Co., Mocane-Laverne Gas Area, Beaver County, Okla.	[9] 17.0	14.65
CI63-1131 E 6-23-69	Alamco Petroleum Co. (successor to Sword Co.), 1160 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	[10] 14.0	15.025
CI63-1174 E 6-23-69	do	do	[11] 14.0	15.025
CI63-1191 E 6-23-69	do	do	12.0	15.025
CI64-902 C 3-21-69	Delta Drilling Co. (Operator), et al.,[12] Post Office Box 2012, Tyler, Tex. 75701.	Northern Natural Gas Co., Ozona Area, Crockett County, Tex.	16.5	14.65
CI64-902 C 3-26-69	do [13]	do	16.97	14.65
CI65-515 [13] B 6-18-69	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Texas Eastern Transmission Corp., North Lansing Field, Harrison County, Tex.	Depleted	.....
CI65-536 C 6-27-69	Mobil Oil Corp.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, Tex.	13.0	15.025
CI65-1219 E 6-27-69	Petrodynamics, Inc. (successor to Jas. F. Smith).	Panhandle Eastern Pipe Line Co., Mocane-Laverne Gas Area, Beaver County, Okla.	[9] 17.0	14.65
CI66-132 E 6-27-69	do	do	[9] 17.0	14.65
CI66-470 C 7-2-69	Sun Oil Co. (DX Division) (Operator) et al.	Arkansas Louisiana Gas Co., Wilburton Field, Pittsburg County, Okla.	[14] 16.015	14.65
CI66-819 E 6-26-69	Petrodynamics, Inc. (Operator) et al. (successor to Jas. F. Smith (Operator) et al.).	Panhandle Eastern Pipe Line Co., Mocane-Laverne Gas Area, Beaver County, Okla.	17.0	14.65
CI66-888 C 6-23-69	Pan American Petroleum Corp.	Natural Gas Pipeline Co. of America, Putnam Field, Dewey County, Okla.	[15] 15.0	14.65
CI67-1650 6-10-69 [16]	Continental Oil Co., Post Office Box 2197, Houston Tex. 77001.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis and Roger Mills Counties, Okla.	[16] 17.85 [17] 18.75	14.65
CI68-492 D 6-19-69	Cabot Corp. (GLC), Post Office Box 1473, Charleston, W. Va. 25325 (partial abandonment).	Consolidated Gas Supply Corp., acreage in Calhoun County, W. Va.	(18)	.....
CI68-589 C 6-30-69 [19]	Jerome P. McHugh, et al., 930 Petroleum Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Ignacio Dakota Field, La Plata County, Colo.	[20] 14.05775	15.025
CI68-1452 [21] B 5-9-69	Pubco Petroleum Corp., Post Office Box 869, Albuquerque, N. Mex. 87103.	Southern Natural Gas Co., South Marrero Field, Jefferson Parish, La.	Depleted	.....
CI69-1077 [22] B 5-21-69	Rycade Oil Corp., c/o Midhurst Oil Corp., Butler, Binion, Rice, Cook & Knapp, 1100 Esperson Bldg., Houston, Tex. 77002.	United Gas Pipe Line Co., Iowa Field, Jefferson Davis Parish, La.	Depleted	.....
CI69-1209 A 6-30-69	David A. Paschkes, 613 Warren Ave., Flushing, Mich. 48433.	Equitable Gas Co., Skin Creek District, Lewis County, W. Va.	27.0	15.325

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-1235 A 6-30-69	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Texas Eastern Transmission Corp., Main Pass Block 6 Field, Offshore Louisiana.	21.25	15.025
CI69-1236 A 6-30-69	do	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	[1] 18.8	14.65
CI66-1237 (CI66-942) C 6-30-69	King Resources Co. (successor to Pan American Petroleum Corp.).	Northern Natural Gas Co., Fort Supply Field, Ellis County, Okla.	[1] 18.54	14.65
CI69-1238 B 6-27-69	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	Depleted	.....
CI69-1239 A 6-25-69	Edwin Adkins, Midkiff, W. Va.	United Fuel Gas Co., acreage in Lincoln County, W. Va.	18.0	15.325
CI69-1240 A 6-30-69	Shelby Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	Transcontinental Gas Pipe Line Corp., Block 6 Field, Main Pass Area, Offshore Louisiana.	21.25	15.025
CI69-1241 A 6-30-69	Yale Oil Association, c/o John S. Holy, attorney, Post Office Box 643, Weston, W. Va. 26452.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	27.0	15.325
CI69-1242 B 6-30-69	Coastal States Gas Producing Co.	Transcontinental Gas Pipe Line Corp., Valley Area, Victoria County, Tex.	Depleted	.....
CI69-1243 A 6-30-69	McMoRan Exploration Co., 1012 Pere Marquette Bldg., New Orleans, La. 70112.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Ship Shoal Block 67, Terrebonne Parish, La.	21.25	15.025
CI69-1244 (G-3894) F 6-26-69	Neil E. Hanson, et al. (successors to Atlantic Richfield Co.), Americana Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Sierra Vista Area, Live Oak Parish, La.	[23] 16.3733	14.65
CI69-1245 A 6-23-69	Eldon Hall, agent, c/o Opal Jarvis, Orapa, W. Va.	United Fuel Gas Co., acreage in Clay County, W. Va.	28.0	15.325
CI69-1247 (CI60-686) F (6-30-69)	Pan American Petroleum Corp. (successor to Depco, Inc., et al.[24]).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025

[1] Deletes the B. Garza and the S. G. Pena Leases. It is not economical to install gathering line necessary to make delivery to Tennessee under existing contract from remaining recoverable reserves attributable to these leases.
[2] High-pressure gas.
[3] Low-pressure gas.
[4] Rate in effect subject to refund in Docket No. R165-302.
[5] Rate in effect subject to refund in Dockets Nos. G-20607 and R165-453.
[6] Includes 1.75-cent tax reimbursement.
[7] Application amended to delete acreage under Docket No. CI62-417.
[8] Application withdrawn or was canceled.
[9] Subject to upward and downward B.t.u. adjustment.
[10] Rate in effect subject to refund in Docket No. R164-526. Includes 1 cent per Mcf minimum guarantee for liquids.
[11] Rate in effect subject to refund in Docket No. R164-462. Includes 1 cent per Mcf minimum guarantee for liquids.
[12] Applicant has agreed to accept permanent authorization for the additional acreage with Opinion No. 468 conditions as stipulated in the temporary certificate issued Apr. 24, 1969.
[13] No permanent certificate issued. Temporary authorization granted only.
[14] Subject to upward and downward B.t.u. adjustment.
[15] Applicant states its willingness to accept permanent authorization at 15 cents per Mcf.
[16] Production from Ellis County.
[17] Production from Roger Mills County.
[18] Amendment to certificate filed to include interest of nonoperator, Lone Star Producing Co.
[19] Facilities used in connection with Applicant's exchange of gas dedicated to Columbia Gas of Kentucky, Inc. leased to Mountain Gas Co. Applicant states that Columbia Gas of Kentucky, Inc. has agreed to continue to purchase gas under the exchange is involved.
[20] Applicant states it has contracted to sell gas from Northwest Production Corp., Docket No. G-10660.
[21] Rate in effect subject to refund in Docket No. R164-308.
[22] Filing submitted by Midhurst Oil Corp. Midhurst acquired all the stock of Rycade on Sept. 17, 1968, and on Sept. 18, 1968, Midhurst liquidated Rycade.
[23] Gas will no longer be sold in interstate commerce.
[24] Applicant states its willingness to accept certificate on the same terms as specified by the Commission's order issued Mar. 30, 1964, in Docket No. G-4620 et al. Application filed June 16, 1969, in Docket No. G-4620 et al. as an amendment to add acreage in Docket No. CI69-991. Application has been reassigned Docket No. CI69-1216 and will be processed as an initial service application.
[25] Application was previously noticed June 16, 1969, in Docket No. G-4620 et al. as an amendment to add acreage in Docket No. CI69-1407. Application has been reassigned Docket No. CI69-1217 and will be processed as an initial service application.
[26] Rate in effect subject to refund in Docket No. R169-306. Subject to upward B.t.u. adjustment.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI66-1210 B 6-19-69	Calvin N. Hall, agent for Clarence W. Meadows.	Cabot Corp., Poca District, Putnam County, W. Va.	(8)	.....
CI69-1211 B 6-19-69	Leonore B. Sample	do	(28)	.....
CI69-1212 B 6-19-69	do	Cabot Corp., Union District, Putnam County, W. Va.	(28)	.....
CI69-1213 [29] A 6-23-69	King Resources Co., 100 Park Avenue Bldg., Oklahoma City, Okla.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	[9] 17.0	14.65
CI69-1214 A 6-19-69	A. Williams, Jr., et al., c/o John W. Williams, 839 Bankers Mortgage Bldg., Houston, Tex. 77002.	Southern Natural Gas Co. West Barataria Field, Jefferson Parish, La.	Depleted	.....
CI69-1215 B 6-19-69	do	United Gas Pipe Line Co., Northwest Branch Field, Acadia Parish, La.	Depleted	.....
CI69-1216 [30] A 6-23-69	J. C. Baker & Son, Inc., Gassaway, W. Va. 26624.	Equitable Gas Co., Collins Settlement District, Lewis County, W. Va.	27.0	15.325
CI69-1217 A 6-2-69 [31]	do	Equitable Gas Co., Otter District, Braxton County, W. Va.	27.0	15.325
CI69-1218 (CI67-1687) F 6-17-69	Francis Oil & Gas, Inc., et al. (successor to Humble Oil & Refining Co.), c/o David L. Fist, attorney, 418 Thurston National Bldg., Tulsa, Okla. 74103.	Panhandle Eastern Pipe Line Co., Selling Field, Dewey County, Okla.	[9] 17.0	14.65
CI69-1220 A 6-20-69	Ruth I. Penton and D. N. Penton, DeQuincy, La.	United Gas Pipe Line Co., Gordon Area, Beauregard Parish, La.	21.25	15.025
CI69-1221 B 6-23-69	Coastal States Gas Producing Co., Post Office Box 521, Corpus Christi, Tex. 78403.	South Texas Natural Gas Gathering Co., Manchester Field, Calcasieu Parish, La.	(32)	.....
CI69-1222 A 6-23-69	Sohio Petroleum Co., 801 First National Bldg., Oklahoma City, Okla.	Natural Gas Pipeline Co. of America, Kinta Field, Haskell County, Okla.	15.0	14.65
CI69-1223 A 6-25-69 [33]	Mobil Oil Corp.	Transcontinental Gas Pipe Line Corp., Block 215 Field, Vermilion Area, Offshore Louisiana.	21.25	15.025
CI69-1224 A 6-24-69	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	Mississippi River Transmission Co., Bittlestone Field, Washakie County, Wyo.	14.0256	15.025
CI69-1225 A 6-24-69	do	Western Transmission Corp., Sugar Creek Unit, Carbon County, Wyo.	15.0	14.65
CI69-1226 B 6-25-69	Sun Oil Co. (DX Division)	Panhandle Eastern Pipe Line Co., Mocane-Laverne Gas Area, Beaver County, Okla.	Depleted	.....
CI69-1227 A 6-26-69	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Kansas-Nebraska Natural Gas Co., Inc., West Sidney Area, Cheyenne County, Nebr.	18.198	15.025
CI69-1228 B 6-27-69	Mobil Oil Corp.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Northwest Chalkley Field, Calcasieu Parish, La.	Depleted	.....
CI69-1229 (G-4590) F 6-26-69	Texas Gulf Sulphur Co. Operator (successor to Shell Oil Co.), c/o Jeron Stevens, attorney, 1600 Esperson Bldg., Houston, Tex. 77002.	United Fuel Gas Co., Orange Grove Area, Terrebonne Parish, La.	[34] 21.1	15.025
CI69-1230 A 6-20-69	Payne Gas Co., c/o Woodrow Dingess, partner, Route 2, Box 197, Branchland, W. Va. 25506.	United Fuel Gas Co., acreage in Lincoln County, W. Va.	20.0	15.325
CI69-1231 (CI67-6) F 6-26-69	Estate of Elizabeth R. Sharp, deceased (successor to Kermit Oil Co.), c/o Charles E. McGee, Esquire, 1145 19th St. NW., Washington, D.C. 20036.	El Paso Natural Gas Co., Red Hills Area, Lea County, N. Mex.	17.69	14.65
CI69-1232 A 6-26-69	Hurley Oil & Gas Co., 400 Petroleum Bldg., Shreveport, La. 71101.	Texas Eastern Transmission Corp., Extended Waskom Field, Caddo Parish, La.	17.4417	14.73
CI69-1233 A 6-30-69	Commonwealth Gas Corp., 801 Union Bldg., Charleston, W. Va. 25325.	Consolidated Gas Supply Corp., Ripley District, Jackson County, W. Va.	27.0	15.325
CI69-1234 A 6-30-69	Mallard Drilling Corp., Post Office Box 1627, Shreveport, La. 71102.	United Gas Pipe Line Co., North Holly Field, De Soto Parish, La.	18.5	15.025

See footnotes at end of table.

* Limited term of certificate has expired. Filed in compliance with paragraph (E) of the Commission's order issued Aug. 19, 1966, as amended, in Docket No. C166-539 et al.
[29] For sale and exchange of gas.
[30] Rate in effect subject to refund in Docket No. R165-475, subject to deduction for compression should Buyer compress gas.
[31] Rate in effect subject to refund in Docket No. R169-224. Subject to upward and downward B.t.u. adjustment.
[32] Contract provides for rate of 21.25 cents per Mcf; however, Applicant states its willingness to accept certificate at a rate of 20 cents per Mcf, as provided by Opinion No. 546.
[33] Rate in effect subject to refund in Dockets Nos. R163-272 and R168-309.

[F.R. Doc. 69-8683; Filed, July 28, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 384]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 24, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71408. By order of July 15, 1969, the Motor Carrier Board approved the transfer to Franklin Trucking Inc., Hartford City, Ind., of the permits in Nos. MC-16965 and MC-16965 (Sub-No. 1), each issued January 11, 1955, to Robert E. Franklin, doing business as Franklin Trucking Co., Hartford City, Ind., authorizing the transportation of numerous specified commodities from, to and between points and areas in Illinois, Michigan, Ohio, Pennsylvania, Kansas, Missouri, and New York. Henry A. Dillon, Post Office Box 2246, Muncie, Ind. 47303, representative for applicants.

No. MC-FC-71507. By order of July 16, 1969, the Motor Carrier Board approved the transfer to Merrill Transport Co., a corporation, Portland, Maine, of certificates Nos. MC-3252 (Sub-No. 4), MC-3252 (Sub-No. 5), MC-3252 (Sub-No. 6), MC-3252 (Sub-No. 12), MC-3252 (Sub-No. 14), MC-3252 (Sub-No. 16), MC-3252 (Sub-No. 18), MC-3252 (Sub-No. 23), MC-3252 (Sub-No. 24), MC-3252 (Sub-No. 28), MC-3252 (Sub-No. 30), MC-3252 (Sub-No. 34), MC-3252 (Sub-No. 35), MC-3252 (Sub-No. 36), MC-3252 (Sub-No. 37), MC-3252 (Sub-No. 38), MC-3252 (Sub-No. 39), MC-3252 (Sub-No. 40), MC-3252 (Sub-No. 41), MC-3252 (Sub-No. 43), MC-3252 (Sub-No. 46), MC-3252 (Sub-No. 49), MC-3252 (Sub-No. 50) and MC-3252 (Sub-No. 52) issued May 18, 1951, July 27, 1949, April 17, 1950, May 2, 1958, May 29, 1957, October 30, 1957, August 26, 1958, July 29, 1960, October 23, 1959, October 2, 1962, February 1, 1963, March 9, 1966, April 21, 1966, May 24, 1966, March 25, 1966, October 14, 1966, June 19, 1968, August 15, 1967, December 1, 1967, August 30, 1968, June 26, 1968, December 13, 1968, September 12, 1968, and December 27, 1968, respectively, in the name of Paul E. Merrill, doing business as Merrill Transport Co., Portland, Maine, authorizing the transportation of various specified commodities from, to, or between specified points in Maine, New Hampshire, Rhode Island, Massachusetts, New York, Vermont, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, North Carolina, Virginia, Indiana, Kentucky, Ohio, and Michigan. Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184, attorney for applicants.

No. MC-FC-71454. By order of July 15, 1969, the Motor Carrier Board approved the transfer to Keller-Weber Trucking, Inc., Mountainside, N.J., of the operating rights in permit No. MC-116561 (Sub-No. 1) issued January 18, 1960, to Walter Keller, Westfield, N.J., authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between specified points in New Jersey, Pennsylvania, and New York. Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102, attorney for applicants.

No. MC-FC-71519. By order of July 16, 1969, the Motor Carrier Board approved the transfer to Ed Dahlstrom and Gale Dahlstrom, a partnership doing business as Ed Dahlstrom & Son, Aberdeen, Wash., of certificate No. MC-129502 issued August 9, 1968, to Chas. H. Cyr, Inc., Hoquiam, Wash., authorizing the transportation of wood chips and wood residuals from points in Grays Harbor and Pacific Counties, Wash., to Aberdeen, Wash., on traffic having a subsequent movement by water. Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104, representative for applicants.

No. MC-FC-71521. By order of July 16, 1969, the Motor Carrier Board approved the transfer to American Cartage Co., a corporation, Cleveland, Ohio, of certificate No. MC-106914 and subs thereunder issued to Harold Fine, doing business as American Cartage Co., Cleveland, Ohio, authorizing the transportation of: General commodities, with the usual exceptions, and certain specified commodities, between points in Ohio, Michigan, Pennsylvania, and Wisconsin. Charles W. Vance, 1808 Superior Building, Cleveland, Ohio 44114, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-8675; Filed, July 28, 1969; 8:49 a.m.]

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(As of January 1, 1969)

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Title 19—Customs Duties (Revised) ---------- 2.75

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[*A Cumulative checklist of CFR issuances for 1969 appears in the first issue of the Federal Register each month under Title 1*]

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Special Assistant to the Assistant Secretary for Research and Technology is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (g) as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * * *

(g) *Office of the Assistant Secretary for Research and Technology.* * * *

(2) One Special Assistant to the Assistant Secretary.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8973; Filed, July 29, 1969; 8:50 a.m.]

PART 294—AVAILABILITY OF OFFICIAL INFORMATION

Miscellaneous Amendments

Part 294 is amended in several respects as follows: (1) § 294.105(a) is amended to supply the correct title of the Bureau of Retirement, Insurance, and Occupational Health; (2) a new § 294.109 is added to control the release of information relative to deceased employees; (3) § 294.702 is revised so that paragraph (a) makes clear that both past and present information is covered by the disclosure requirement, a new paragraph (d) is added to set out the controls on the release of information from the records of former employees, a new paragraph (e) is added to allow the release of information to State and local taxing authorities, and former paragraph (d) is redesignated as paragraph (f); (4) § 294.703 is amended to clarify an employee's right to allow the disclosure of his Official Personnel Folder and to clarify the handling of requests from outside the executive branch for loyalty or security information; and (5) a new Subpart K is added consisting of § 294.1101 which controls the disclosure of the leave records of employees. These amendments read as follows:

(1) Section 294.105(a) is amended as set out below:

§ 294.105 Places where information may be obtained.

(a) A request for information should be directed to the bureau or staff office of the Commission, 1900 E Street NW., Washington, D.C. 20415, which is responsible for the subject matter concerned as indicated in this paragraph:

Subject matter—	Bureau or staff office—
Policy and interpretations.	Bureau of Policies and Standards.
Medical information	Medical Division, Bureau of Retirement, Insurance, and Occupational Health.
Examinations and related subjects.	Bureau of Recruiting and Examining.
Investigations	Bureau of Personnel Investigations.
Official Personnel Folder.	Bureau of Policies and Standards.
Appeals	Bureau of Policies and Standards.
Retirement, health benefits, life insurance, and occupational health and safety.	Bureau of Retirement, Insurance, and Occupational Health.

The bureau or staff office concerned will advise where information that may be disclosed can be examined or copied or copies thereof obtained. A request for information on a subject matter not specifically referred to in this paragraph should be directed to the Office of Public Affairs, U.S. Civil Commission, 1900 E Street NW., Washington, D.C. 20415, which will assist the press and advise other inquirers where contact for the information should be made.

(2) New section 294.109 is set out below.

§ 294.109 Deceased employees.

A right under this part to the disclosure of, and to control the disclosure of, information personal to an employee, former employee, annuitant, or applicant passes on his death to the executor or administrator of his estate, or in the absence of an executor or administrator to his next of kin.

(3) Section 294.702 is revised as set out below.

§ 294.702 Availability of information.

(a) The name, present and past position titles, grades, salaries, and duty stations (which include room numbers, shop designations, or other identifying information regarding buildings or places of employment) of a Government employee is information available to the public, except when:

(1) The release of that information is prohibited under law or Executive order in the interest of national defense or foreign policy;

(2) The information is sought for the purpose of commercial or other solicitation; or

(3) There is reason to believe that the information is sought for political purposes or purposes which may violate the political activity prohibitions in subchapter III of chapter 73 of title 5, United States Code, or which may violate other law.

(b) In addition to the information that may be made available under paragraph (a) of this section, the following information may be made available to a prospective employer of a Government employee or former Government employee:

(1) Tenure of employment;

(2) Civil service status;

(3) Length of service in the agency and the Government; and

(4) When separated, the date and reason for separation shown on the Notification of Personnel Action, Standard Form 50.

(c) In addition to the information to be made available under paragraphs (a) and (b) of this section, the home address of an employee shall be made available to a police or court official on receipt of a proper request stating that an indictment has been returned against the employee or that a complaint, information, accusation, or other writ involving nonsupport or a criminal offense, has been filed against him and his address is needed for service of a summons, warrant, subpoena, or other legal process.

(d) The General Services Administration, National Archives and Records Service, may make information from the Official Personnel Folder of an employee separated from the service available to a person engaged in research for historical or educational purposes or for similar purposes when the person has a researcher's pass to the administrative records of the agency from which the employee was separated. Except as provided in § 294.703(a) of this part, information made available under this paragraph shall be in the form of an abstract of the former employee's service in the Government and, when he has been separated at least 5 years, an abstract of his educational and experience background as reflected in his application for employment with the Government. Information that is derogatory to the former employee shall not be made available under this paragraph.

(e) In addition to the information to be made available under paragraph (a) of this section, the social security number and place of actual residence shall be disclosed to a State or local taxing authority, or both, as provided in Bureau of the Budget Circular No. A-38, revised.

(f) Except as provided in paragraphs (a) through (e) of this section, information required to be included in an Official Personnel Folder by the instructions of the Commission is not available to the public.

(4) Section 294.703 is amended as set out below:

§ 294.703 Access to folder.

(a) The Official Personnel Folder of a Government employee or former Government employee shall be disclosed to him, or to his representative designated in writing, or to any other person who has the written consent of the employee or former employee or the written consent of the person who has this right under § 294.109, of this part. However, the disclosure must be in the presence of a representative of the agency having physical custody of the Folder, and before disclosure the following information shall be removed from the Folder:

(1) Medical information the disclosure of which is proscribed by § 294.401;

(2) Test material the disclosure of which is proscribed by § 294.501; and

(3) Investigative reports the disclosure of which is proscribed by § 294.601.

(b) On official request, an Official Personnel Folder shall be disclosed to a Member of Congress, a representative of a congressional committee or subcommittee, or an official of the legislative or judicial branch or of the government of the District of Columbia. However, before disclosure all material that relates to loyalty or security under Executive Order 9835 or 10450 or any other authority shall be removed from the folder. If a specific request for loyalty or security information is made by a congressional committee or subcommittee, or any source outside the executive branch, the request shall be forwarded to the General Counsel, U.S. Civil Service Commission, Washington, D.C. 20415, for consultation with the Department of Justice pursuant to the President's Memorandum of March 24, 1969.

(c) An Official Personnel Folder shall be disclosed to an official of the executive branch who has a need for the information in the performance of his official duties.

(5) New Subpart K is added as set out below:

Subpart K—Leave Records

AUTHORITY: (5 U.S.C. 6311)

§ 294.1101 Leave Records.

The annual and sick leave record of an employee, or information from these records, is not made available to the public by the Commission or other Government agency. However, the leave record, or information from it, shall be disclosed to the employee concerned or, with his written consent, to a representative of the employee or any other person that he authorizes to have the record.

(AUTHORITY: Amendments to § 294.105 through § 294.703 made under 5 U.S.C. 552, 1104)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8940; Filed, July 29, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER E—WAREHOUSE REGULATIONS

PART 102—GRAIN WAREHOUSES

Inspectors' and Weighers' Applications

On May 17, 1969, there was published in the FEDERAL REGISTER (34 F.R. 7868) a notice of proposed rule making regarding revision of § 102.61(b) of the Grain Warehouse Regulations (7 CFR 102.61 (b)), pursuant to the authority conferred by section 28 of the United States Warehouse Act (7 U.S.C. 268).

Interested persons were given 30 days in which to submit written data, views, or arguments concerning the proposed revision of the regulations. No such comments have been received. After due consideration of all relevant matters, and under the aforesaid authority, § 102.61 of the regulations is hereby amended by changing paragraph (b) to read:

§ 102.61 Inspectors' and weighers' applications.

* * * * *

(b) Each inspectors' application shall contain—

(1) Evidence that he can correctly grade grain in accordance with the official standards of the United States, or in the absence of such standards in accordance with any standards approved by the Administrator, and

(2) Satisfactory evidence that he will be provided with such means or facilities for inspecting and grading grain as may be deemed necessary, for use in the locality in which the applicant expects to perform services as a licensed inspector.

* * * * *

(Sec. 28, 39 Stat. 490, 7 U.S.C. 268; 29 F.R. 16210, as amended, 33 F.R. 10750)

The amendment revokes the requirement of the regulations that an applicant for an inspector's or weigher's license must have passed his 21st birthday, in order to bring the regulations under the United States Warehouse Act in line with requirements under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 et seq.). Since the amendment relieves a restriction, it may be made effective under the administrative procedure provisions in 5 U.S.C. 553 less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., July 25, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-8921; Filed, July 29, 1969; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Order Amending Order, as Amended, Regulating Handling

§ 905.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Lakeland, Fla., January 7, 1969, upon proposed amendment of the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area in the same manner as, and is applicable only to persons on the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The said order, as amended and as hereby further amended, is limited in application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area; and

(5) All handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as amended, Regulating the Handling of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida", upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the fruit covered by this order) who, during the period August 5, 1968, through May 4, 1969, handled not less than 50 percent of the volume of oranges (including Temple and Murcott Honey oranges), not less than 50 percent of the volume of grapefruit, not less than 50 percent of the volume of tangerines, and not less than 50 percent of the volume of tangelos covered by said amended order, as hereby further amended; and

(2) The issuance of this order, amending the aforesaid amended order, is favored or approved by at least two-thirds of the respective producers who participated in a referendum on the question of its approval and who, during the determined representative period (Aug. 5, 1968, through May 4, 1969), were engaged, within the production area specified in the aforesaid amended order, in the production for market of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, or tangelos; such producers having also produced for market at least two-thirds of the volume of each fruit represented in such referendum.

(c) *Additional findings.* It is hereby found, on the basis hereinafter indicated, that good cause exists for making the provisions of this amendatory order effective on July 31, 1969, and that it would be contrary to the public interest to postpone such effective time until 30 days after publication (5 U.S.C. 553). The provisions of the order permits the committee to carry over excess assessment funds, within the limits prescribed, as a reserve. There is likely to remain at the end of the current fiscal period assessment funds which will be in excess of expenses incurred. Since the current fiscal period ends on July 31, 1969, this amendment should be made effective on July 31, 1969, the last day of the current fiscal period, so that the committee may establish a reserve and transfer such excess funds into such reserve.

The order also provides for separate regulations for Navel oranges and provides for basing the amount of a specified minimum size or grade of a variety of citrus fruit a handler may ship during a week on the amount he handled during the last previous week, within the current fiscal period, in which he shipped such fruit. Prior to the imposition of regulations, it will be necessary for the Growers Administrative Committee, the agency charged with the administration of the program, to initiate various actions including the formulation of a marketing policy for the ensuing season and set up procedure for obtaining official shipping records made by handlers during the elapsed weeks of the current season. Also included is authorization for a "shipping holiday" of not to exceed 5 days during the week in which Thanksgiving Day occurs. The provisions of this order are well known to producers and handlers. The hearing in connection therewith was held at Lakeland, Fla., on January 7, 1969, and the recommended decision and Secretary's decision were published in the FEDERAL REGISTER on May 1, 1969 (34 F.R. 7168), and June 17, 1969 (34 F.R. 9454), respectively. Copies of the text of the amendatory order have been made available to all known producers and handlers; the provisions of this order do not impose any restrictions on handlers until regulations in accordance therewith are issued; and compliance with such provisions will not require advance preparation on the part of persons subject thereto which can not be completed prior to the effective time of such regulations.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order, as amended and as hereby further amended, as follows:

1. Section 905.5 *Variety* is revised to read as follows:

§ 905.5 Variety.

"Variety" or "varieties" means any one or more of the following classifications or groupings of fruit:

(a) Early and Midseason oranges and other types commonly called "round oranges," except Navel oranges and except Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type;

(b) Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type;

(c) Temple oranges;

(d) Marsh and other seedless grapefruit, excluding pink grapefruit;

(e) Duncan and other seeded grapefruit, excluding pink grapefruit;

(f) Pink seedless grapefruit;

(g) Pink seeded grapefruit;

(h) Tangelos;

(i) Dancy and similar tangerines, including Robinson;

(j) Murcott Honey oranges; and

(k) Navel oranges.

2. Paragraph (a) of § 905.42 *Handler's accounts* is deleted and a new paragraph (a) is substituted therefor:

§ 905.42 Handler's accounts.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed approximately one-half of one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

3. Paragraph (a) (1) and (3) of § 905.52, *Regulation by the Secretary* is revised to read as follows:

§ 905.52 Regulation by the Secretary.

(a) * * *

(1) Limit the shipments of any grade or size, or both, of any variety, in any manner as may be prescribed, and any such limitation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same varieties grown in Regulation Area I: *Provided,* That whenever any such grade or size limitation restricts the shipment of a portion of a specified grade or size of a variety the quantity of such grade or size that may be shipped by a handler during a particular week shall be established as a percentage of the total shipments of such variety by such handler during the last previous week, within the current fiscal period, in which he shipped such variety.

* * * * *

(3) Limit the shipment of the total quantity of any variety by prohibiting the shipment thereof: *Provided,* That no such prohibition shall apply to exports other than to Canada or Mexico or be effective during any fiscal period with respect to any variety other than for one period not exceeding 5 days during the week in which Thanksgiving Day occurs, and for not more than two periods not exceeding a total of 14 days during the period December 20 to January 20, both dates inclusive.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, July 25, 1969, to become effective July 31, 1969.

ELVIN A. ADAMSON,
Deputy Assistant Secretary.

[F.R. Doc. 69-8954; Filed, July 29, 1969; 8:49 a.m.]

[Lemon Reg. 383, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order

No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.683 (Lemon Reg. 383, 34 F.R. 12128) are hereby amended to read as follows:

§ 910.683 Lemon Regulation 383.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 344,100 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 24, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8922; Filed, July 29, 1969; 8:47 a.m.]

PART 913—GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Order Amending Order Regulating Handling

§ 913.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Lakeland, Fla., August 14–15, 1968, and January 8, 1969, upon a proposed amendment of the marketing agreement and Order No. 913 (7 CFR Part 913) regulating the handling of grapefruit grown in the Interior District in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as hereby amended, regulates the handling of grapefruit grown in the Interior District in Florida in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The order, as hereby amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Interior District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Interior District, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this amendatory order effective August 1, 1969, and that it would be contrary to the public interest to postpone such effective date until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553). The provisions of the order revise the basis for computation of the handler's prorate base so that such computation shall be based upon shipments made during the representative period—3 years plus the elapsed weeks of the current season. The order also extends the permissive regulatory periods from 10 to 14 weeks; liberalizes the overshipment provisions; and permits handlers, in addition to loaning allotment, to transfer such allotment. Shipments of grapefruit normally begin in September. Regulation may be imposed during any week when shipments are made. Prior to the imposition of regulations, it will be necessary for the Interior Grapefruit Marketing Committee, the agency charged with the administration of the program, to initiate various actions including the formulation of a marketing policy for the ensuing year and set up a procedure for obtaining shipping records for the ensuing weeks of the current season. The provisions of the order, as amended, are well known to handlers of Interior grapefruit since the public hearing held in connection with the order was completed January 8, 1969, and the recommended decision and the Secretary's decision were published in the FEDERAL REGISTER on April 19, 1969 (34 F.R. 6693), and May 23, 1969 (34 F.R. 8120), respectively. Copies of the regulatory provisions of this amended order were made available to all known interested parties; such provisions do not place any restrictions on handlers until regulations are issued thereunder and shipment of grapefruit takes place; and, therefore, compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant thereto.

(c) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement regulating the handling of grapefruit grown in the Interior District in Florida, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the grapefruit covered by this order) who, during the period August 1, 1968, through April 30, 1969, handled not less than 50 percent of the volume of grapefruit covered by this order; and

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (Aug. 1, 1968, through Apr. 30, 1969) were engaged, within the production area specified in this order, in the production of grapefruit for market; such producers having also produced for market at least two-thirds of the volume of grapefruit represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in the said Interior District shall be in conformity to, and in compliance with, the terms and conditions of this order, as hereby amended, as follows:

1. Section 913.25 *Procedure of committee* is revised to read as follows:

§ 913.25 Procedure of committee.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, a majority of the members shall constitute a quorum and any decision or action shall require concurrence by a majority of the committee.

(b) For any recommendation for regulations to be valid, not less than 60 percent of the committee shall concur, except as provided in paragraphs (c) and (d) of this section.

(c) Not less than 80 percent of the committee shall concur to make a recommendation for regulation for any week following 3 or more weeks of continuous regulations, except as provided in paragraph (d) of this section.

(d) Not less than 100 percent of the committee shall concur to make a recommendation for regulation for any week following 10 weeks of regulations during any fiscal period. The requirements of paragraph (c) of this section and this paragraph (d) shall not apply to recommendations to amend an existing regulation.

(e) The vote of each member cast for or against any recommendation made pursuant to this subpart, shall be duly recorded. Each member must vote in person.

(f) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate present who is not acting for any other member may be designated by the chairman of the committee to serve in the place and stead of the absent member.

(g) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

2. Paragraph (a) in § 913.41 *Recommendation for volume regulation* is revised to read as follows:

§ 913.41 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided,* That volume regulations shall not be recommended after such regulations have been effective for an aggregate of 14 weeks during any fiscal period

* * * * *

3. Section 913.42 *Issuance of volume regulation* is revised to read as follows:

§ 913.42 Issuance of volume regulation.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided,* That such regulation during each fiscal period shall not in the aggregate limit the volume of grapefruit shipments for more than 14 weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price of grapefruit specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

4. Section 913.43 *Prorate bases* is revised by revising paragraph (d) thereof to read as follows and by deleting paragraph (e) thereof:

§ 913.43 Prorate bases.

* * * * *

(d) Each week during the marketing season when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of grapefruit in the current season and his shipments in the immediately preceding seasons, if any, within the representative period, in which he shipped grapefruit and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 51 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped grapefruit. For purposes of this section "representative period" means the three preceding seasons together with the current season; the term "season" means the 51 week period beginning with the first full week in August of any year; and the term "current season" means the period beginning with the first full week in August of the current fiscal period through the fourth full week preceding the week of regulation: *Provided,* That when official shipping records are available to the committee the term "current season" shall extend through the third full week preceding the week of regulation.

(e) [Deleted]

5. Section 913.45 *Overshipments* is revised to read as follows:

§ 913.45 Overshipment.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him, an amount of grapefruit equivalent to 10 percent of such total allotment or 500 boxes, whichever is greater: *Provided,* That the Secretary, on the basis of a recommendation of the committee or other available information, may set such amount at any figure not less than 500 boxes and not more than 1,000 boxes. Handlers may overship (a) during such week the entire 500 boxes or other amount not in excess of 1,000 boxes as may be set by the Secretary, or (b) during two or more consecutive weekly periods when regulations are in effect, any portion of such 500 boxes or other amount set by the Secretary until the accumulated overshipments reach the applicable maximum number of boxes permitted to be overshipped. The quantity of grapefruit so overshipped when regulations are in effect shall be deducted from such person's allotment for the week following the one in which the total permitted overshipment is reached or for the week in which such person makes no shipments of grapefruit. If such person's allotment for such week is an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided,* That any time there is no volume regulaton in effect it shall be deemed to cancel all requirements to undership allotment because of previous overshipments pursuant to this part.

6. Section 913.47 *Allotment loans* is revised to read as follows:

§ 913.47 Allotment loans or transfers.

(a) A person to whom allotments have been issued may lend or transfer all or part of such allotment to another such person.

(1) In connection with a loan of allotment, each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and the date of repayment, and obtain the committee's approval of the agreement.

(2) In connection with a transfer of allotment, each party shall promptly notify the committee so that proper adjustment of records can be made.

(b) The committee may act on behalf of persons desiring to arrange allotment loans or participate in the transfer of allotment. In each case the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to notifying the committee and obtaining committee approval.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 25th day of July 1969 to become effective August 1, 1969.

ELVIN A. ADAMSON,
Deputy Assistant Secretary.

[F.R. Doc. 69-8955; Filed, July 29, 1969; 8:49 a.m.]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On July 12, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11552) regarding proposed expenses and the related rate of assessment for the period April 1, 1969, through March 31, 1970, pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all revelant matters presented, including the proposals set forth in such notice

which were submitted by the Washington Apricot Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 922.209 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during the period April 1, 1969, through March 31, 1970, will amount to $3,364.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 922.41, is fixed at $1.50 per ton of apricots.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of apricots grown in designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable apricots handled during the aforesaid period; and (3) such period began on April 1, 1969, and said rate of assessment will automatically apply to all such apricots beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 25, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8923; Filed, July 29, 1969; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Certain Officers' Checks as Deposits

1. Effective July 31, 1969, § 204.1(g) is amended to read as follows:

§ 204.1 Definitions.

• • • • •

(g) *Gross demand deposits.* The term "gross demand deposits" means the sum of all demand deposits, including demand deposits to the credit of other banks, the United States, States, counties, school districts, and other governmental subdivisions and municipalities, and all outstanding certified and officers' checks (including checks issued by the bank in payment of dividends and checks or drafts drawn by or on behalf of a foreign branch of a member bank on an account maintained by such a branch with a domestic office of the parent bank), and letters of credit and travelers' checks sold for cash.

• • • • •

2a. By notice of proposed rule making dated May 29, 1969 (FEDERAL REGISTER of June 7, 1969, 34 F.R. 9092), the Board of Governors proposed to amend § 204.1(h) and § 204.2(b) to disallow as a deduction from deposits in computing a member bank's reserve requirements any "cash item in process of collection" or "balance due from other bank" that is credited to any account with or in a foreign branch of such bank.

b. In view of the comments received, the Board has abandoned its proposal in favor of the amendment adopted. The amendment, like the proposal, is directed against checks reflecting transfers involving foreign branches of member banks being used to effect an unwarranted reduction in required reserves.

c. When a bank borrows in the Eurodollar market through its foreign branch with the result that a deposit in some other member bank's domestic office is shifted to that branch, the transfer of funds may be effected by the issuance of a check by the other member bank for the credit of the borrowing bank's foreign branch. During the time such a check is cleared, the receiving bank treats it as a "cash item in the process of collection" and deducts the amount of the check from its demand deposits subject to reserve requirements, thereby obtaining a benefit in the form of reduced required reserves for the one day the check is in the collection process. Rather than disallow this benefit and disregard the means of repayment of the borrowing, which was the approach of the proposal, the Board has decided that the better approach would be to assure that such benefit is canceled when the borrowing is repaid at maturity through the issuance of an officer's check (or a so-called "London check") by the borrowing bank. Under the amendment, any such check must be included by the bank as deposits in computing its reserve requirements.

d. Over the past few months, the Board has observed a growing tendency for member banks to account for certain transactions other than loan or deposit repayments in a way that will provide an unwarranted benefit in computing reserve requirements. Such transactions involve what have been described as "London checks", mainly because of their use in settling transactions between member bank branches in London. For example, if a London branch of one member bank borrows dollars from a London branch of another member bank, the lending branch may instruct its head office to make the transfer on its behalf to the head office of the borrowing branch for the account of the borrowing branch. The head office of the lending bank issues a "London check" on behalf of its branch, but the head office does not include such check as deposits in computing its reserve requirements. The head office of the borrowing branch takes the same cash-item deduction benefit described above. In repayment of the loan, the head office of the borrowing branch may issue a check that it describes as "bills payable" (or as a "London check"), which it excludes from deposits in computing its reserve requirements. The head office of the lending branch takes a cash-item deduction on the basis of such check, and credits the check to its foreign branch account. A consequence of these transactions is to free reserves for 1 day each for the borrowing and the lending bank, without any change in aggregate liabilities to foreign branches. Under the amendment, any such "London check" or "bills payable" check must be included by the respective issuing bank in its gross demand deposits subject to reserve requirements, just like any other "cashier's check" that it issues.

d. In connection with this amendment, the Board noted an early ruling (1928 Federal Reserve Bulletin 656) to the effect that a check issued by a member bank in repayment of Federal funds borrowed may be excluded from its deposit liabilities. The Board pointed out that that ruling, which is in effect an exemption from the provision of § 204.1(h) that requires all officers' checks issued by a bank to be included in its gross demand deposits, was intended to apply only to repayments in Federal funds transactions and does not apply to any other type of transactions.

3. The effective date of the amendment was deferred for less than the 30-day period referred to in section 553(d) of title 5, United States Code, because the Board found that the general credit situation and the public interest compelled it to make the action effective no later than the date adopted.

Approved July 24, 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-8943; Filed, July 29, 1969; 8:48 a.m.]

[Regs. D, Q]

PART 204—RESERVES OF MEMBER BANKS

PART 217—INTEREST ON DEPOSITS

Liability on Repurchase Agreements as Deposits

1. Effective July 25, 1969, § 204.1(f) and § 217.1(f) are amended to read as follows:

(f) *Deposits as including certain promissory notes and other obligations.* For the purposes of this part, the term "deposits" shall be deemed to include any promissory note, acknowledgment of advance, due bill, or similar instrument that is issued by a member bank principally as a means of obtaining funds to be used in its banking business, except any such instrument (1) that is issued to another bank, (2) that evidences an indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof (other than a part interest in such obligations) that the bank is obligated to repurchase, or (3) that has an original maturity of more than 2 years and states expressly that it is subordinated to the claims of depositors. This paragraph shall not, however, affect (i) any instrument issued before June 27, 1966, or (ii) any instrument that evidences an indebtedness arising from a transfer of assets under repurchase agreement issued before July 25, 1969, or (iii) until August 28, 1969, any instrument that evidences an indebtedness arising from a transfer of assets under repurchase agreement issued, renewed, or extended on or after July 25, 1969.

2a. The sole purpose of this amendment is to narrow the scope of the repurchase-agreement exemption from the category of funds regarded as deposits for the purposes of rules governing member bank reserves (Regulation D) and payment of interest on deposits (Regulation Q). This action has become necessary in view of the use by certain banks of repurchase agreements as devices for raising funds to be used in the ordinary course of their business that are inconsistent with the purposes and policies of the regulations and cannot be distinguished from deposit transactions, except on a formalistic basis.

b. Specifically, the amendment makes the following changes in what constitutes a deposit:

(1) Beginning August 28, 1969, every bank liability on an RP entered into on or after July 25, 1969, with a person other than a bank, involving any assets other than direct obligations of the United States or its agencies (and obligations fully guaranteed by them) will be a deposit liability subject to Regulations D and Q; and

(2) Beginning August 28, 1969, every bank liability on an RP entered into on or after July 25, 1969, with a person, other than a bank, with respect to a part interest in any obligation or obligations (including U.S. Government obligations) will be a deposit liability subject to Regulations D and Q.

c. Under the amendment, a member bank may continue to sell to any person its entire interest in an obligation of the United States or its agencies (including obligations guaranteed by them), agree to repurchase such obligation, and classify its liability under such agreement as a nondeposit borrowing. In the Board's judgment, such an exemption from Regulations D and Q continues to be justified in view of the practical limitations on the amount of securities of the types described that are available for use by banks in entering into such repurchase agreements and, more importantly, the responsibilities of the Board in assuring the orderly functioning of the market for such obligations.

d. Notice of proposed rule making with respect to this amendment was published in the FEDERAL REGISTER of October 1, 1968 (33 F.R. 14648). The amendment was adopted by the Board after consideration of all relevant material, including communications received from interested persons.

Adopted July 24, 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-8944; Filed, July 29, 1969; 8:48 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Revision 8; Amdt. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Bidding on Government Procurements for Laundry or Cleaning and Dyeing Services

On July 21, 1967, there was published in the FEDERAL REGISTER (32 F.R. 10753), a notice that the Administrator of the SBA proposed to increase the then effective $1 million average annual receipts size standard for the purpose of bidding on Government procurements for laundry or cleaning and dyeing services to $3 million average annual receipts for the preceding three (3) fiscal years. Interested persons were given 15 days in which to comment on the proposal.

No adverse comments were received with respect to the proposal and accordingly on November 30, 1968, there was published in the FEDERAL REGISTER (33 F.R. 17849) an amendment to Part 121 of Chapter I of Title 13 of the Code of Federal Regulations, establishing a new $3 million size standard as proposed.

Subsequently, several concerns complained that the size standard should not have been increased and that the currently effective $3 million standard includes concerns that should not be classified as small business.

Government data with respect to the size of concerns that compete or are potential competitors for Government procurements for laundry or cleaning and dyeing services are scarce. Therefore, it was determined that a hearing should be held with respect to the propriety of the currently effective $3 million average annual receipts size standard for these services.

The hearing was held at the National Office of the Small Business Administration on June 17, 1969 at 9:30 a.m., pursuant to a notice published in the FEDERAL REGISTER on May 7, 1969 (34 F.R. 7386). It was attended by officials of the Laundry—Dry Cleaning Association of Greater Washington, Washington, D.C., and by launderers located in Washington, D.C.; San Antonio, Tex.; Norfolk, Va.; Pawtucket, R.I.; Fort Pierce, Fla., and Matapan, Mass. In addition, written briefs and statements on the issues were filed by numerous other associations, laundries and dry cleaners.

It was not disputed that cleaning and dyeing concerns are much smaller than power laundries, linen supply houses, and industrial launderers, and that concerns in the former industry need not be as large as concerns in the latter fields of activity and accordingly that the currently effective $3 million size standard might be too high for the purpose of procurements for cleaning and dyeing services.

However, there were widely divergent points of view with respect to the propriety of the $3 million size standard for laundry services. Several concerns argued that, in their particular geographical area, all the concerns which compete for Government procurements for laundry services or cleaning and dyeing services have less than $3 million in average annual receipts, and therefore that utilization of the $3 million standard offers no protection to small business in such areas. Most of these companies strongly urged a return to the $1 million average annual receipts standard. On the other hand, several other concerns urged retention of the $3 million standard on the ground that contracts in their areas, as for example the Norfolk, Va., area, are very large, involve substantial peak loads and often exceed estimated requirements, all of which make necessary the use of large modern high speed equipment. Further, they argued that, in addition to being of such size, sales and receipts wise, as to be able to own and maintain the equipment necessary for these large contracts, such a concern also should (1) maintain a substantial commercial business to protect it in case of the loss of its Government business and (2) be able to diversify so as not to suffer from adverse changes such as the increase in utilization by the public of coin-operated laundry and dry cleaning devices.

Comment by officials of a generous sampling of Government procurement facilities, was substantially in favor of retention of the $3 million standard. Although some of them reported that most of their sources had fewer than $1 million in receipts, they favored $3 million as a size standard because many of the smaller concerns were reluctant to bid because the requirements of the Service Contractors Act of 1965 would increase their labor costs and make them noncompetitive in their commercial business. The view was that, under such circumstances, the higher standard was necessary to assure the reasonable amount of competition required for the continuation of small business set-asides.

One Association of Launderers and Dry Cleaners offered evidence that it has 23 members whose annual sales volume range from $500,000 to over $4 million; that 14 of such members have Government contracts and, that none of such 14 companies have annual receipts of less than $1 million. Such Association strongly supported retention of the $3 million standard. Another association of over 500 industrial laundries reported that 55 percent of its members gross over $1 million and urged that the $3 million

standard be retained. Two State associations of dry cleaners urged that the $3 million standard was too high in the case of dry cleaning.

On the basis of all available information, with respect to the size of concerns which bid or are potential bidders on Government procurements for cleaning and dyeing, it has been determined that the size standard for the purpose of such procurements should be reduced to $1 million average annual receipts for a concern's preceding 3 fiscal years.

As for the definition for the purpose of procurements of laundry services, including linen supply and industrial laundering, it is clear from the evidence offered in connection with the hearing that, in certain geographical areas of the United States, the currently effective $3 million size standard is so high that it includes as small business all laundry companies currently in business in such areas. On the other hand, it is equally true that, in many areas, if the size standard were re-established at $1 million, procurement facilities might be forced by reason of inadequate competition and/or unreasonably high prices, to eliminate set-asides for small business.

While in terms of economic theory the above circumstances might justify establishment of different size standards for different parts of the country, the problem of administering such a program would be so substantial and would represent such a burden on both bidders and officials of procuring agencies as to make its adoption impracticable. Therefore, the Small Business Administration has determined to make no change at this time in the currently effective $3 million size standard for the purpose of procurements for laundry services.

Accordingly, the amendments set forth below are hereby adopted:

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising § 121.3-8(e)(8) to read as follows:

§ 121.3-8 Definition of Small Business for Government Procurement.

* * * * *

(e) *Services.* * * *

(8) (i) Any concern bidding on a contract for laundry services including linen supply, diaper services, and industrial laundering, is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $3 million.

(ii) Any concern bidding on a contract for cleaning and dyeing including rug cleaning services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $1 million.

* * * * *

Effective Date: This amendment shall become effective 30 days after its publication in the FEDERAL REGISTER but shall apply only to procurements for which invitations for bids or requests for proposals are issued on and after such effective date.

Dated: July 18, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-8916; Filed, July 29, 1969; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-357; Order No. 385]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Sales Measuring Station and Related Minor Facilities; Budget-Type Abandonment Applications

JULY 23, 1969.

The Federal Power Commission, by notice issued March 5, 1969 (34 F.R. 182; Mar. 13, 1969), proposed to amend its regulations under the Natural Gas Act to permit the use by natural gas pipeline companies of budget-type abandonment applications authorizing the abandonment of minor sales and facilities, under section 7(b) of the Natural Gas Act.

In response to the invitation in the notice, comments were received from seven companies. The comments were in support of the proposed rulemaking; however, each suggested various modifications, several of which will be adopted.

We are of the opinion that the suggestion of raising the single customer volume limit should not be adopted. The proposed abandonment limit of 100,000 Mcf annually is the same as the direct sales limit under budget regulations (§ 157.7(iii)(2)).

We likewise are of the opinion that the proposal should not be expanded to include budget abandonment of sales for resale and miscellaneous transportation facilities. As distinguished from a direct sale, abandonment of a sale for resale to a distributor or abandonment of a transmission facility under a blanket budget authorization would affect service to a number of ultimate consumers who should be given the opportunity to protest.

We are broadening the rule to include written permission from the customer in addition to written requests, and in the event a written request or written permission cannot be obtained, a statement setting forth such facts may be filed (§ 157.7(e)(2)(ii)).

In order to clarify the intent of the regulation we are adding "direct" at the beginning of the title of § 157.7(e), and before "sales measuring * * *" in the first sentence under said title.

Upon consideration of the record in this proceeding, the Commission further finds:

(1) Adoption of these amendments to the Regulations under the Natural Gas Act are necessary and appropriate to the administration of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 7, 15, 16 thereof (52 Stat. 824, 829, 830; 56 Stat. 83, 84; 15 U.S.C. § 717f, 717n, 717o), orders:

(A) § 157.7, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding a paragraph (e) to read as follows:

§ 157-7 Abbreviated applications.

* * * * *

(e) *Direct sales measuring station and related minor facilities-budget-type abandonment application.* An abbreviated application requesting a budget-type authorization permitting the cessation of service and removal of direct sales measuring, regulating, and related minor facilities during a given 12-month period may be filed when:

(1) The deliveries to any one direct sale customer through any one of the sales measuring facilities to be abandoned have not exceeded 100,000 Mcf annually during the last year of service.

(2) The applicant will not abandon any service unless it has received a written request, or written permission, from the direct sale customer to terminate service. In the event such request or permission cannot be obtained, a statement certifying that the customer has no further need for the service must be filed.

(3) The applicant agrees to file with the Commission, within 60 days after expiration of the authorized abandonment period:

(i) A statement showing for each individual project a description of the facilities abandoned and the docket numbers of the prior proceedings in which the facilities or services abandoned were certificated.

(ii) A statement indicating in each case the reason why the service or facilities were abandoned, together with a copy of the written request or permission, or statement in lieu thereof, for termination of service. In the event a written request or permission cannot be obtained from the customer, applicant shall set forth in his statement a detailed explanation of how the abandonment is in the public interest.

(iii) A statement showing the effect of the abandonment upon any rate schedules or tariffs on file with this Commission.

(iv) A concise description of the changes of property, indicating the cost of property abandoned in place, the cost of property removed and salvaged together with the revelant information required by paragraph (f) of § 157.18.

(v) A geographic map or maps of suitable scale and detail showing the location of the facilities abandoned.

(B) The amendment herein adopted shall become effective 30 days from the date of issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8902; Filed, July 29, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-178]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation of Containers, etc., by Certain Vessels of Federal Republic of Germany

On the basis of information obtained and furnished by the Department of State, it is found that the Government of the Federal Republic of Germany extends to vessels of the United States in ports of the Federal Republic of Germany privileges reciprocal to those provided for in section 27 of the Merchant Marine Act of 1920, as further amended by Public Law 90-474 (82 Stat. 700). Therefore, vessels of the Federal Republic of Germany are permitted to transport coastwise equipment for use with vans and tanks, empty barges designed for carriage aboard a vessel, empty instruments of international traffic, and stevedoring equipment and material under the conditions specified in the applicable proviso to 46 U.S.C. 883.

Accordingly, § 4.93(b)(2), Customs Regulations, is amended by the insertion of "Federal Republic of Germany" in appropriate alphabetical order in the list of nations in that section.

(80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: July 16, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-8946; Filed July 29, 1969; 8:48 a.m.]

[T.D. 69-177]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Vessel Supplies and Equipment

To facilitate withdrawals of articles under section 309 or 317 of the Tariff Act of 1930, as amended, for use as supplies or equipment on qualified vessels, the Bureau has decided to permit the optional filing of a blanket withdrawal on customs Form 7506 for all or part of merchandise entered for warehouse which is intended for use on vessels. However, physical withdrawal from bond is to be deferred until supplemental withdrawals are filed from time to time with the customs warehouse officer as the merchandise is required for delivery. The procedure eliminates the need for a withdrawer to file a customs Form 7506 at the customhouse each time it is desired to withdraw such supplies or equipment from bond for delivery to a using vessel. The procedure for the blanket withdrawal of fuel oil is presently prescribed in § 10.62 of the Customs Regulations.

To prescribe regulations for the withdrawal of such supplies (other than fuel oil) and equipment Part 10 of the Customs Regulations is amended by adding a new section designated § 10.62a to read as follows:

§ 10.62a Blanket withdrawals for certain merchandise.

(a) Under this section, a blanket withdrawal on customs Form 7506 may be filed for all or part of any merchandise, except fuel oil, covered by a warehouse entry intended for withdrawal under section 309 or 317 of the Tariff Act of 1930, as amended, for use on qualified vessels. The withdrawal form shall bear in the top margin the wording Master Withdrawal for Vessel Supplies conspicuously stamped or printed but without the summary statement described in § 8.37(b) of this chapter.

(b) The blanket withdrawal shall be executed in quadruplicate or in quintuplicate if an additional copy is required for control purposes in local administration. The original shall be forwarded to the customs warehouse officer to serve as a permit to withdraw the merchandise covered thereby upon the filing of supplemental withdrawals as provided in paragraph (c) of this section. One copy shall be kept with the related entry. One copy shall be returned to the withdrawer for use in preparing the supplemental withdrawals. One copy (statistical) shall be forwarded to the Bureau of the Census.

(c) A supplemental withdrawal on customs Form 7506, in duplicate or in triplicate if an extra copy is needed for local control, shall be filed directly with the customs warehouse officer as merchandise covered by the blanket withdrawal is needed for delivery to a using vessel. The supplemental withdrawals shall be consecutively numbered by the withdrawer immediately after the serial number of the master withdrawal. Each supplemental withdrawal shall bear the summary statement described in § 8.37(b) of this chapter. The original of the supplemental withdrawal shall accompany the merchandise for delivery to the customs officer who will supervise the lading.

(Secs. 309, 317, 46 Stat. 690, as amended, 696, as amended; 19 U.S.C. 1309, 1317)

As above indicated, the procedure authorized is optional and is intended to make it easier to effect duty-free withdrawals of supplies and equipment for vessels. It is found, therefore, that the issuance of this amendment with notice and public procedure under 5 U.S.C. 553 or subject to the effective date provision of that section is unnecessary.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: July 16, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-8945; Filed, July 29, 1969; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

PART 614—UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN

Schedule of Remuneration

The issuance of Executive Order 11475, 34 F.R. 9609 (June 19, 1969), providing increased pay and allowances for members of the uniformed services pursuant to section 8 of Public Law 90-207, 81 Stat. 654, makes it necessary to amend § 614.19 of Title 20, Code of Federal Regulations, which contains the schedule of remuneration for each pay grade of ex-servicemen used in the administration of the program of unemployment compensation for ex-servicemen established by subchapter II of chapter 85 of title of the United States Code (5 U.S.C. 8521-8525).

Accordingly, pursuant to 5 U.S.C. 8508 and 8521(a)(2), 20 CFR 614.19 is amended in the manner indicated below. The following amendment shall become effective immediately.

This document reflects the notice published in the FEDERAL REGISTER on April 15, 1969 (34 F.R. 6502) that all authority delegated in Chapter V of Title 20, Code of Federal Regulations, to the Bureau of Employment Security has been redelegated to the Manpower Administration.

1. Section 614.19 of Title 20, Code of Federal Regulations, is revised to read:

§ 614.19 Schedule of remuneration.

(a) The schedule provided in this paragraph applies to first claims under the UCX program filed on or after September 1, 1969:

Pay grades	Monthly rate
1. Commissioned officer:	
O–10	$2,853
O–9	2,551
O–8	2,333
O–7	2,068
O–6	1,793
O–5	1,469
O–4	1,206
O–3	1,012
O–2	804
O–1	622
2. Warrant officer:	
W–4	1,193
W–3	991
W–2	856
W–1	711
3. Enlisted personnel:	
E–9	991
E–8	868
E–7	763
E–6	665
E–5	551
E–4	448
E–3	340
E–2	299
E–1	286

(b) The deletion from paragraph (a) of this section of schedules of remuneration applicable to periods of time prior to September 1, 1969, and heretofore published in 33 F.R. 10086; 33 F.R. 3635; 32 F.R. 20974; 30 F.R. 13120; 29 F.R. 13102; and 23 F.R. 8699, does not revoke such schedules.

Signed at Washington, D.C., this 22d day of July 1969.

MALCOLM R. LOVELL, JR.,
Manpower Administrator.

[F.R. Doc. 69–8957; Filed, July 29, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Related Pesticide Chemicals

Effective on date of publication hereof in the FEDERAL REGISTER, § 120.3 is republished in its entirety as follows for codification purposes. No substantive changes are made hereby.

§ 120.3 Tolerances for related pesticide chemicals.

(a) Pesticide chemicals that cause related pharmacological effects will be regarded, in the absence of evidence to the contrary, as having an additive deleterious action. (For example, many pesticide chemicals within each of the following groups have related pharmacological effects: Chlorinated organic pesticides, arsenic-containing chemicals, metallic dithiocarbamates, cholinesterase-inhibiting pesticides.)

(b) Tolerances established for such related pesticide chemicals may limit the amount of a common component (such as As_2O_3) that may be present, or may limit the amount of biological activity (such as cholinesterase inhibition) that may be present, or may limit the total amount of related pesticide chemicals (such as chlorinated organic pesticides) that may be present.

(c) (1) Where tolerances for inorganic bromide in or on the same raw agricultural commodity are set in two or more sections in this part, the overall quantity of inorganic bromide to be tolerated from use of two or more pesticide chemicals for which tolerances are established is the highest of the separate applicable tolerances. For example, where the bromide tolerance on lima beans from ethylene dibromide soil treatment is 5 parts per million and on lima beans from methyl bromide fumigation is 50 parts per million, the overall inorganic bromide tolerance for lima beans grown on ethylene dibromide treated soil and also fumigated with methyl bromide after harvest is 50 parts per million.

(2) Where tolerances are established in terms of inorganic bromide residues only from use of organic bromide fumigants on raw agricultural commodities, such tolerances are sufficient to protect the public health and no additional concurrent tolerances for the organic pesticide chemicals from such use are necessary. This conclusion is based on evidence of the dissipation of the organic pesticide or its conversion to inorganic bromide residues in the food when ready to eat.

(d) (1) Where tolerances are established for both calcium cyanide and hydrogen cyanide on the same raw agricultural commodity, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as hydrogen cyanide.

(2) Where tolerances are established for residues of both *O,O*-diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate and demeton (a mixture of *O,O*-diethyl *O*-(and *S*-)[2-(ethylthio)ethyl] phosphorothioates) on the same raw agricultural commodity, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as demeton.

(3) Where tolerances are established for both terpene polychlorinates (chlorinated mixture of camphene, pinene, and related terpenes, containing 65–66 percent chlorine) and toxaphene (chlorinated camphene containing 67–69 percent chlorine) on the same raw agricultural commodities, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as a chlorinated terpene of molecular weight 396.6 containing 67 percent chlorine.

(4) Where a tolerance is established for more than one pesticide containing arsenic found in or on a raw agricultural commodity, the total amount of such pesticides shall not yield more than 3.5 parts per million of As_2O_3 on the raw agricultural commodity to which applied.

(5) Where tolerances are established for more than one member of the class of dithiocarbamates listed in paragraph (e)(3) of this section on the same raw agricultural commodity, the total residue of such pesticides shall not exceed that permitted by the highest tolerance established for any one member of the class, calculated as zinc ethylenebisdithiocarbamate.

(e) Except as noted in subparagraphs (1) and (2) of this paragraph, where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity the tolerance for the total of such residues shall be the same as that for the chemical having the lowest numerical tolerance in this class, unless a higher tolerance level is specifically provided for the combined residues by a regulation in this part.

(1) Where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity and there are available methods that permit quantitative determination of each residue, the quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each residue present.

(ii) Divide the quantity of each residue by the tolerance that would apply if it occurred alone, and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iii) Add the percentages so obtained for all residues present.

(iv) The sum of the percentages shall not exceed 100 percent.

(2) Where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity and there are available methods that permit quantitative determinations of one or more, but not all, of the residues, the amounts of such residues as may be determinable shall be deducted from the total amount of residues present and the remainder shall have the same tolerance as that for the chemical having the lowest numerical tolerance in that class. The quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each determinable residue present.

(ii) Deduct the amounts of such residues from the total amount of residues present and consider the remainder to have the same tolerance as that for the chemical having the lowest numerical tolerance in that class.

(iii) Divide the quantity of each determinable residue by the tolerance that would apply if it occurred alone and the quantity of the remaining residue by the tolerance for the chemical having the lowest numerical tolerance in that class and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iv) Add the percentages so obtained for all residues present.

(v) The sum of the percentages shall not exceed 100 percent.

(3) The following pesticides are members of the class of dithiocarbamates:

A mixture of 5.2 parts by weight of ammoniates of [ethylenebis (dithiocarbamato)] zinc with 1 part by weight ethylenebis [dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides.
2-Chloroallyl diethyldithiocarbamate.
Coordination product of zinc ion and maneb containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate.
Ferbam.
Maneb.
Manganous dimethyldithiocarbamate.
Sodium dimethyldithiocarbamate.
Thiram.
Zineb.
Ziram.

(4) The following are members of the class of chlorinated organic pesticides:

Aldrin.
BHC (benzene hexachloride).
1,1 - Bis(*p*-chlorophenyl) - 2,2,2-trichloroethanol.
Chlorbenside (*p*-chlorobenzyl *p*-chlorophenyl sulfide).
Chlordane.
Chlorobenzilate (ethyl 4,4'-dichlorobenzilate).
p-Chlorophenoxyacetic acid.
p-Chlorophenyl-2,4,5-trichlorophenyl sulfide.
2,4-D (2,4-dichlorophenoxyacetic acid).
DDD (TDE).
DDT.
1,1 - Dichloro - 2,2 - bis(*p* - ethylphenyl ethane.
2,6-Dichloro-4-nitroaniline.
2,4-Dichlorophenyl *p*-nitrophenyl ether.
Dieldrin.
Dodecachlorooctahydro - 1,3,4 - metheno - 2*H*-cyclobuta[cd] pentalene.
Endosulfan (6,7,8,9,10,10-hexachloro-1,5,5a, 6,9,9a - hexahydro - 6,9 - methano - 2,4,3 - benzodioxathiepin-3-oxide).
Endosulfan sulfate (6,7,8,9,10,10-hexacloro-1,5,5a,6,9,9a - hexahydro - 6,9 - methano - 2, 4,3-benzodioxathiepin-3,3-dioxide).
Heptachlor (1,4,5,6,7,8-heptachloro-3a,4,7, 7a-tetrahydro-4,7-methanoindene).
Heptachlor epoxide (1,4,5,6,7,8,8-heptachloro - 2,3 - epoxy - 2,3,3a4,7,7a-hexahydro-4,7-methanoindene).
Isopropyl 4,4'-dichlorobenzilate.
Lindane.
Methoxychlor.
Ovex (*p*-chlorophenyl *p*-chlorobenzenesulfonate).
Sesone (sodium 2,4-dichlorophenoxyethyl sulfate, SES).
Sodium 2,4-dichlorophenoxyacetate.
Sulphenone (*p*-chlorophenyl phenyl sulfone).
Terpene polychlorinates (chlorinated mixture of camphene, pinene, and related terpenes 65–66 percent chlorine).
2,3,5,6-Tetrachloronitrobenzene.
Tetradifon (2,4,5,4'-tetrachlorodiphenyl sulfone).
Toxaphene (chlorinated camphene).

(5) The following are members of the class of cholinesterase-inhibiting pesticides:

Carbaryl (1-naphthyl *N*-methylcarbamate).
Carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl *N*-methylcarbamate).
Carbofuran metabolite (2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl *N*-methylcarbamate).
Carbophenothion (*S*-(*p*-chlorophenylthiomethyl) *O,O*-diethyl phosphorodithioate).
2-Chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate.
Coumaphos (*O,O*-diethyl *O*-3-chloro-4-methyl-2-oxo-2*H*-1-benzopyran-7-yl phosphorothioate).
Comaphos oxygen analog (*O,O*-diethyl *O*-3-chloro-4-methyl-2-oxo-2*H*-1-benzopyran-7-yl phosphate).
Demeton (a mixture of *O,O*-diethyl *O*-(and *S*-) [2-(ethylthio)ethyl] phosphorothioates).
2,2-Dichlorovinyl dimethyl phosphate.
O,O-Diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites.
O,O-Diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate.
O,O-Diethyl *O*-[*p*-(methylsulfinyl) phenyl] phosphorothioate and its cholinesterase-inhibiting metabolites.
Diethyl 2-pyrazinyl phosphate.
O,O-Diethyl *O*-2-pyrazinyl phosphorothioate.
S-(*O,O*-Diisopropyl phosphorodithioate) of *N*-(2-mercaptoethyl) benzenesulfonamide.
S-(*O,O*-Diisopropyl phosphorothioate) of *N*-(2-mercaptoethyl) benzenesulfonamide.
Dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorodithioate).
Dimethoate oxygen analog (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorothioate).
O,O-Dimethyl *O*-*p*-(dimethylsulfamoyl) phenyl phosphate.
O,O-Dimethyl *O*-*p*-(dimethylsulfamoyl) phenyl phosphorothioate.
O,O-Dimethyl *O*-[4-(methylthio)-*m*-tolyl] phosphorothioate and its cholinesterase-inhibiting metabolites.
O,O-Dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3-(4*H*)-ylmethyl] phosphorodithioate.
O,O-Dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate.
Dioxathion (2,3-*p*-dioxanedithiol *S,S*-bis (*O,O*-diethylphosphorodithioate)) containing approximately 70 percent *cis* and *trans* isomers and approximately 30 percent related compounds.
EPN.
Ethion.
Ethion oxygen analog (*S*-[[(diethoxyphosphinothioyl) thio] methyl] *O,O*-diethyl phosphorothioate).
O-Ethyl *S,S*-dipropylphosphorodithioate.
O-Ethyl *S*-phenyl ethylphosphonodithioate.
O-Ethyl *S*-phenyl ethylphosphonothioate.
m-(1-Ethylpropyl) phenyl methylcarbamate.
Malathion.
N-(Mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorodithioate).
N-(Mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorothioate).
Methomyl (*S*-methyl *N*-[(methylcarbamoyl) oxy] thioacetimidate).
1-Methoxycarbonyl-1-propen-2-yl dimethyl phosphate and its beta isomer.
m-(1-Ethylpropyl) phenyl methylcarbamate.
Methyl parathion.
Naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate).
Parathion.
Phorate (*O,O*-diethyl *S*-(ethylthio) methyl phosphorodithioate) and its cholinesterase-inhibiting metabolites.
Phosalone (*S*-(6-chloro-3-mercaptomethyl) - 2 - benzoxazolinone) *O,O* - diethyl phosphorodithioate).
Phosphamidon (2-chloro-2-diethylcarbamoyl-1-methylvinyl dimethyl phosphate) including all of its related cholinesterase-inhibiting compounds.
Ronnel.
Schradan (octamethylpyrophosphoramide).
Tributylphosphorotrithioite.

(6) The following compounds are members of the class of dinitro pesticides:

Dinitro-*o*-cyclohexylphenol.
Dicyclohexylamine salt of dinitro-*o*-cyclohexylphenol.

(Sec. 408, 68 Stat. 511; 21 U.S.C. 346a)

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–8799; Filed, July 29, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 138—DRUGS; OFFICIAL NAMES

New Names

In the FEDERAL REGISTER of January 14, 1969 (34 F.R. 516), a notice was published proposing that § 138.2 be amended by adding certain additional items to the list therein as official names for drugs.

Having considered the comments received in response to the proposal, and other relevant information, the Commissioner of Food and Drugs concludes that the proposal should be adopted with minor technical changes; however, the items "mestranol" and "methyldopa" that were in the proposal are not included in this order since they are already in § 138.2 (these two names were adopted by an order published in the FEDERAL REGISTER of April 20, 1967; 32 F.R. 6187).

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 508, 76 Stat. 1789; 21 U.S.C. 358) and the administrative procedure provisions of 5 U.S.C. 552 (80 Stat. 383, as amended 81 Stat. 54), and under authority delegated to the Commissioner (21 CFR 2.120), § 138.2 is amended by alphabetically inserting in the table the following new items as official names for drugs:

§ 138.2 Drugs; official names.

• • • • •

Official name	Chemical name or description	Molecular formula
• • •	• • •	• • •
Alatizide	1,1'-Hexamethylenebis[5-(2-ethylhexyl)biguanide]	$C_{28}H_{58}N_{10}$
• • •	• • •	• • •
Allaphitine	17-(Cyclobutylmethyl)-4,5α-epoxymorphinan-3,6α,14-triol	$C_{21}H_{27}NO_4$
• • •	• • •	• • •
Nacain	8,9,10,11,13a,13b-Hexahydro-5,13-dihydroxy-8*H*,16*H*-7a,15a-epithiono-7*H*,15*H*-dibenzo[*h*,*q*][4,8,14,18]tetraoxacyclooctadecin-7,15-dione 5-acetate	$C_{28}H_{34}N_2O_{10}S_2$
• • •	• • •	• • •
Nisobamate	Isopropylcarbamic acid ester with 2-(hydroxymethyl)-2,3-dimethylbutyl ethylcarbamate	$C_{14}H_{28}N_2O_4$
• • •	• • •	• • •
Norethindrone	17-Hydroxy-19-nor-17α-pregn-4-en-20-yn-3-one	$C_{20}H_{26}O_2$
• • •	• • •	• • •
Pipazil	Isobutyl 4-(6,7-dimethoxy-4-quinazolinyl)-1-piperazinecarboxylate	$C_{19}H_{28}N_4O_4$
Polacrilin potassium	The potassium salt of a synthetic ion-exchange resin derived through the copolymerization of methacrylic acid and divinylbenzene	
• • •	• • •	• • •
Sulfameter	*N*-(5-Methoxy-2-pyrimidinyl)sulfanilamide	$C_{11}H_{12}N_4O_3S$
Sulfamoxole	*N*-(4,5-Dimethyl-3-isoxazolyl)sulfanilamide	$C_{11}H_{13}N_3O_3S$
Sulfanitran	*N*-(4-Methyl-1-phenylpyrazol-5-yl)sulfanilamide	$C_{16}H_{16}N_4O_3S$
• • •	• • •	• • •
Timidazole	1-[2-Ethylsulfonylethyl]-2-methyl-5-nitroimidazole	$C_8H_{13}N_3O_5S$
• • •	• • •	• • •
Triflumizole	Ethyl *m*-isopropyl-*N*-(α,α,α-trifluoro-*m*-tolyl)sulfonylcarbanilate	$C_{20}H_{22}F_3NO_5S$
• • •	• • •	• • •

Effective date: This order shall become effective 30 days after its publication in the FEDERAL REGISTER.

(Sec. 508, 76 Stat. 1789; 21 U.S.C. 358)

Dated: July 18, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-8798; Filed, July 29, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69-74]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

GROTON, CONN.

1. The Commander, 3d Coast Guard District, New York, N.Y., by letter dated June 24, 1969, requested an expansion of the special anchorage area in the vicinity of Avery Point and Jupiter Point, Groton, Conn., and the designation of a new special anchorage area to the north of Pine Island, Groton, Conn. A public notice dated December 19, 1968, was issued by Commander, 3d Coast Guard District, New York, N.Y., describing the proposed changes. All known interested parties were notified and requested to comment on the proposal. Three letters of objections were received. However, these objections have been resolved by mutual agreement. Since the foregoing procedure afforded effective notice to all interested parties, publication of the notice of proposed rule making in the FEDERAL REGISTER is unnecessary. Therefore, the request to expand the special anchorage area in the vicinity of Avery Point and Jupiter Point, Groton, Conn., and to establish a special anchorage area north of Pine Island, Groton, Conn., is granted, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. This document effectuates this request by revising § 110.51 describing the limits of the two special anchorage areas. In these areas, vessels not more than 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights. The area is principally for vessels used for recreational purposes. Temporary floats or buoys for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited.

3. In Subpart A of Part 110, § 110.51 is revised to read as follows:

§ 110.51 Groton, Conn.

The waters between an unnamed cove and Pine Island.

(a) Beginning at a point on the shoreline of Avery Point at latitude 41°19'01", longitude 72°03'45"; thence to a point in the cove at latitude 41°19'02", longitude 72°03'38"; thence southerly to a point at latitude 41°18'56.6", longitude 72°03'36"; thence northeasterly to a point at latitude 41°19'03", longitude 72°03'21.4"; thence terminating at the tip of Jupiter Point at latitude 41°19'04", longitude 72°03'21.5".

(b) Beginning at a point on the shoreline of Pine Island at latitude 41°18'47", longitude 72°03'37"; thence to latitude 41°18'54.5", longitude 72°03'35.5"; thence northeasterly to a point at latitude 41°19'0.07", longitude 72°03'21"; thence terminating at a point at latitude 41°18'53.8", longitude 72°03'19".

NOTE: The areas designated by (a) and (b) of this section are principally for vessels used for recreational purposes. Vessels shall be anchored so that no part of the vessel obstructs the 75 yard wide channel. Temporary floats or buoys for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited.

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655(g)(1)(B); 49 CFR 1.4(a)(3)(ii))

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: July 23, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-8951; Filed, July 29, 1969; 8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

[Dept. Reg. 108.605]

PART 121—ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

Correction

In F.R. Doc. 69-8412 which begins on page 12029 of the issue of July 17, 1969, the following corrections should be made:

1. Section 121.12(c)(12) on page 12031 should read:

(12) Coast Guard tugs (WAT, WXT).

2. In the paragraph headed "Effective dates" beginning near the end of the third column on page 12040, the reference "§ 121.09(7)" should be changed to "§ 121.09(g)" and the reference "§ 121.09(9)(c)" should be changed to "§ 121.09(i)(3)".

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 67—CANAL ZONE POSTAL SERVICE

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, Part 67 of Title 35 of the Code of Federal Regulations is amended as follows:

1. Section 67.93 is revised to read as follows:

§ 67.93 Weight and size limits.

The provisions of 39 CFR, relating to weight and size limits of first class mail, are applicable to and within the Canal Zone.

2. Subparagraph (5) of paragraph (d) of § 67.441 is amended to read as follows:

§ 67.441 General provisions.

• • • • • • •

(d) *Declaration by sender.* • • •

(5) *Matter not having intrinsic value.* Articles not having any intrinsic value may be registered on payment of the minimum fee or any of the higher fees.

3. Subparagraphs (1) and (2) of paragraph (a) of § 67.442 are revised to read as follows:

§ 67.442 Fees and return receipts.

(a) *Registry fees (in addition to postage).*—(1) *Canal Zone and United States, its Territories and Possessions, and Commonwealth of Puerto Rico.*

Declared value	Fees	Postal liability
$0.00 to $100.00	$0.80	Without other insurance—declared value according to fee paid, $1,000 maximum. With other insurance—declared value according to fee paid or prorated, $1,000 maximum.
$100.01 to $200.00	$1.05	
$200.01 to $400.00	$1.30	
$400.01 to $600.00	$1.55	
$600.01 to $800.00	$1.80	
$800.01 to $1,000	$2.05	
$1,000.01 to $1,000,000.	$2.05, plus handling charge of 15 cents per $1,000 or fraction over $1,000.	$1,000 maximum.
$1,000,000.01 to $15,000,000.	$151.90 plus handling charge of 10 cents per $1,000 or fraction over first $1,000,000.	$1,000 maximum.
Over $15,000,000	Additional charges may be applied based on consideration of weight, space and value.	

For shipments valued in excess of $1,000,000 refer to Director of Posts before acceptance.

(2) *Determination of fee.* The fee is determined by the declared value. Articles having no intrinsic value may be registered on payment of the minimum fee or any of the higher fees. Shipments addressed for delivery in the Canal Zone or the United States valued in excess of $1,000 are subject to the handling charges based on that portion of the declared value which exceeds $1,000. See § 67.471 for shipments of unfit and mutilated currency and § 67.472 for shipment of savings bonds stubs and stock.

• • • • • • •

4. Paragraph (a) of § 67.471 is amended to read as follows:

§ 67.471 Unfit and mutilated currency shipments.

(a) *Fees, and surcharges or handling charges.* The minimum registry fee indicated in § 67.442 is applicable to each package mailed, and there are no applicable surcharges or handling charges.

• • • • • • •

5. Section 67.493 is revised to read as follows:

§ 67.493 Fees.

(a) Fees (in addition to postage). The provisions of 39 CFR, relating to the fees and limitations of liability for insured domestic mail, are applicable to and within the Canal Zone.

(b) The provisions of 39 CFR, relating to Restricted Delivery and Return Receipts, are applicable to and within the Canal Zone.

6. Paragraph (c) of § 67.494 is amended to read as follows:

§ 67.494 Mailing.

• • • • • • •

(c) *Endorsing and numbering.* Each package insured for the minimum fee shall not be numbered but shall be stamped with the elliptical insured stamp on the address side. Each package insured for more than the minimum fee shall be stamped on the address side with the "Insured No. ------" stamp, unless the package bears a reproduction of the stamp. The number appearing on the insurance receipt shall be conspicuously and legibly placed in the insured numbered stamp endorsement on the parcel.

7. Subparagraphs (1), (5), and (6) of paragraph (a) of § 67.701 are amended to read as follows:

§ 67.701 Domestic and domestic—international money orders.

(a) *Procedure for issuance.* • • •

(1) The provisions of 39 CFR, relating to fees for issuance of domestic and international money orders, are applicable to and within the Canal Zone.

• • • • • • •

(5) The issuing employee's initials shall be inserted in the space provided and a clear impression of the office dating stamp will be placed on the order, purchaser's receipt, post office stub, and accounting copy.

(6) The date affixed to the order, receipt, stub, and accounting copy by the

Official name	Chemical name or description	Molecular formula
• • •	• • •	• • •
Alatizide	1,1'-Hexamethylenebis[5-(2-ethylhexyl)biguanide]	$C_{28}H_{58}N_{10}$
• • •	• • •	• • •
Algestone	16α,17-Dihydroxypregn-4-ene-3,20-dione	$C_{21}H_{30}O_4$
• • •	• • •	• • •
Aranotin	5,5a,13,13a-Tetrahydro-5,13-dihydroxy-8*H*,16*H*-7a,15a-epithiono-7*H*,15*H*-dibenzo[*h*,*q*][4,8,14,18]tetraoxacyclooctadecin-7,15-dione 5-acetate	$C_{28}H_{34}N_2O_{10}S_2$
• • •	• • •	• • •
Bendazac	[(1-Benzyl-1*H*-indazol-3-yl)oxy]acetic acid	$C_{16}H_{14}N_2O_3$
• • •	• • •	• • •
Benzetimide	2-(1-Benzyl-4-piperidyl)-2-phenylglutarimide	$C_{24}H_{28}N_2O_2$
• • •	• • •	• • •
Bisobrin	1,1'-Tetramethylenebis[1,2,3,4-tetrahydro-6,7-dimethoxyisoquinoline]	$C_{28}H_{36}N_2O_4$
• • •	• • •	• • •
Bromazine	3,5-Dibromo-*N*α-cyclohexyl-*N*ε-methyltoluene-α,2-diamine	$C_{14}H_{20}Br_2N_2$
• • •	• • •	• • •
Carbamazepine	5*H* Dibenz[*b*,*f*]azepine-5-carboxamide	$C_{15}H_{12}N_2O$
• • •	• • •	• • •
Clonidine	2-(2,6-Dichloroanilino)-2-imidazoline	$C_9H_9Cl_2N_3$
Clorsulon	4-Chloro-2-[(4-chloro-2,5-dihydro-5-phenyl-1*H*-1,4-benzodiazepine-3-carboxyl]acetic acid	$C_{16}H_{12}Cl_2N_2O_4$
• • •	• • •	• • •
Cloxacillin	6-[3-(o-Chlorophenyl)-5-methyl-4-isoxazolecarboxamido]-3,3-dimethyl-7-oxo-4-thia-1-azabicyclo[3.2.0]heptane-2-carboxylic acid	$C_{19}H_{18}ClN_3O_5S$
• • •	• • •	• • •
Cyclguanil	4,6-Diamino-1-(*p*-chlorophenyl)-1,2-dihydro-2,2-dimethyl-s-triazine	$C_{11}H_{14}ClN_5$
• • •	• • •	• • •
Cyproquinate	Ethyl 6,7-bis(cyclopropylmethoxy)-4-hydroxy-3-quinolinecarboxylate	$C_{21}H_{25}NO_5$
• • •	• • •	• • •
Cytarabine	1-Arabinofuranosylcytosine	$C_9H_{13}N_3O_5$
• • •	• • •	• • •
Dicloxacillin	6-[3-(2,6-Dichlorophenyl)-5-methyl-4-isoxazolecarboxamido]-3,3-dimethyl-7-oxo-4-thia-1-azabicyclo[3.2.0]heptane-2-carboxylic acid	$C_{19}H_{17}Cl_2N_3O_5S$
• • •	• • •	• • •
Diflumidone	3'-Benzoyl-1,1-difluoromethanesulfonanilide	$C_{14}H_{11}F_2NO_3S$
Difluprednate	6α,9-Difluoro-11β,17,21-trihydroxy-16β-methylpregna-1,4-diene-3,20-dione 21-acetate 17-butyrate	$C_{31}H_{38}F_2O_7$
• • •	• • •	• • •
Doxapin	*N,N*-Dimethyldibenz[*b*,*f*]oxepin-Δ11(6*H*),γ-propylamine	$C_{19}H_{21}NO$
Droperidol	1-[1-[3-(*p*-Fluorobenzoyl)propyl]-1,2,3,6-tetrahydro-4-pyridyl]-2-benzimidazolinone	$C_{22}H_{22}FN_3O_2$
Dydrogesterone	9β,10α-Pregna-4,6-diene-3,20-dione	$C_{21}H_{28}O_2$
• • •	• • •	• • •
Fantridone	5-[3-(Dimethylamino)propyl]-6(5*H*)-phenanthridone	$C_{18}H_{20}N_2O$
• • •	• • •	• • •
Flunidazole	2-(*p*-Fluorophenyl)-5-nitroimidazole-1-ethanol	$C_{11}H_{10}FN_3O_3$
Fosfurate	Dimethyl 3,5,6-trichloro-2-pyridyl phosphate	$C_7H_7Cl_3NO_4P$
Hoquizil	2-Hydroxy-2-methylpropyl 4-(6,7-dimethoxy-4-quinazolinyl)-1-piperazinecarboxylate	$C_{18}H_{24}N_4O_6$
• • •	• • •	• • •
Ipronidazole	2-Isopropyl-1-methyl-5-nitroimidazole	$C_7H_{11}N_3O_2$
• • •	• • •	• • •
Levodopa	(-)-3-(3,4-Dihydroxyphenyl)-L-alanine	$C_9H_{11}NO_4$
• • •	• • •	• • •
Mesuprine	2'-Hydroxy-5'-[1-hydroxy-2-[(*p*-methoxyphenethyl)amino]propyl] methanesulfonanilide	$C_{18}H_{24}N_2O_5S$
• • •	• • •	• • •
Metformin	1,1-Dimethylbiguanide	$C_4H_{11}N_5$
• • •	• • •	• • •

issuing employee shall be the actual date of issue.

* * * * *

8. Subparagraphs (1) and (3) of paragraph (b) of § 67.703 are amended to read as follows:

§ 67.703 Spoiled or not issued money order forms.

* * * * *

(b) *Disposition.* * * *

(1) Stamp or write boldly "Not Issued" or "Spoiled" across the face of the money order, purchaser's receipt, and post office stub and cross out the amount. The corresponding accounting copy shall also be endorsed boldly "Not Issued" or "Spoiled."

* * * * *

(3) Submit "Not Issued" or "Spoiled" money orders, with purchaser's receipt attached, and the corresponding "Not Issued" or "Spoiled" accounting copy, with daily report of money orders issued. The words "Not Issued" or "Spoiled" shall be written in the blank space in the adding machine tape covering list of money orders issued that accompanies the daily report.

(2 C.Z.C. secs. 1131–1133, 76A Stat. 38–39)

Dated: July 16, 1969.

R. S. HARTLINE,
Acting Governor.

[F.R. Doc. 69-8895; Filed, July 29, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER H—TRAINING

[General Order 87, Rev., Amdt. 3]

PART 310—MERCHANT MARINE TRAINING

Subpart A—Regulations and Minimum Standards for State Maritime Academies and Colleges

FORM OF AGREEMENT

Effective upon the date of publication in the FEDERAL REGISTER, Subpart A of this part is amended as follows:

Amend § 310.12 *Form of agreement* by (a) changing Art. 7 thereof and (b) adding three new Articles to read as follows:

§ 310.12 Form of agreement.

* * * * *

ART. 7. *Officials not to benefit or be employed.* No member of or delegate to Congress, nor Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom except that this provision shall not apply to this Agreement if made with a corporation for its general benefit. (Act of June 25, 1948, 62 Stat. 702; 18 U.S.C. 431, 432 and 433.)

* * * * *

ART. 9. *Duration of Agreement.* This Agreement is effective as of the day and year hereinabove set forth and shall remain in full force and effect for a period of 1 year after said date, unless sooner terminated by either party as herein provided.

ART. 10. *Termination of Agreement.* This Agreement may be terminated by either party upon sixty (60) days' written notice to the other party hereto: *Provided however,* That notwithstanding any such termination the parties hereto shall continue to be responsible for the faithful performance of all of the terms and provisions of said Agreement up to the effective date of such termination. Termination or expiration of this Agreement shall neither affect nor relieve either party of any liability or obligation that may have arisen or accrued prior thereto.

ART. 11. *Renewal of Agreement.* Unless terminated on notice, as provided for herein, the rights and privileges granted to, and the obligations assumed by, the parties together with all other provisions of this Agreement shall continue in full force and effect and shall be renewed from year to year for an additional period of one (1) year from the expiration date herein, unless either party shall at least three (3) months prior to the date of expiration of an additional 1 year period notify the other party in writing that it does not desire the Agreement to be extended for such additional 1 year period. This Agreement as extended year by year, as aforesaid, may be amended, modified, or supplemented in writing at any time by the mutual consent of the parties hereto.

(Sec. 101, 49 Stat. 1985, 46 U.S.C. 1101; Public Law 85-672, 72 Stat. 622; 46 U.S.C. 1381)

Dated: July 24, 1969.

By order of the Maritime Administrator

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-8953; Filed, July 29, 1969; 8:49 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1, Amdt. 1-30]

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Secretarial Succession

The purpose of this amendment is to revise § 1.33 of Part 1 of the Regulations of the Office of the Secretary of Transportation to list the order in which certain officials shall act as Secretary of Transportation, in case of the absence or disability of the Secretary. The revised list reflects recent changes in the titles of several of the Assistant Secretaries.

Since this amendment relates to internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective July 22, 1969, § 1.33 of Part I of Title 49, Code of Federal Regulations, is amended to read as follows:

§ 1.33 Secretarial succession.

The following officials, in the order set forth, shall act as Secretary of Transportation in case of the absence or disability of the Secretary, until the absence or disability ceases or, in the event of a vacancy in the Office of the Secretary, until a successor is appointed:

(a) Under Secretary.

(b) Assistant Secretary for Policy and International Affairs.

(c) Assistant Secretary for Environment and Urban Systems.

(d) Assistant Secretary for Research and Technology.

(e) Assistant Secretary for Public Affairs.

(f) General Counsel.

(g) Assistant Secretary for Administration.

(Secs. 3, 9, Department of Transportation Act; 49 U.S.C. 1652, 1657)

Issued in Washington, D.C., on July 22, 1969.

JOHN A. VOLPE,
Secretary of Transportation.

[F.R. Doc. 69-8952; Filed, July 29, 1969; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

The Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 et seq.), authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER of May 14, 1969 (34 F.R. 7654–7655), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for migratory game birds for the 1969–70 hunting seasons.

Interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sports Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240, within 30 days following the date of publication of the notice.

Subsequently, after due consideration of migratory game bird survey data obtained through investigations conducted

by the Bureau of Sport Fisheries and Wildlife and State game departments, and from other sources, the several State game departments were informed concerning the shooting hours, season lengths, and daily bag and possession limits proposed to be prescribed for the 1969–70 seasons on rails, mourning and white-winged doves, band-tailed pigeons, woodcock, and common snipe (Wilson's), on waterfowl, coots, and little brown cranes in Alaska. The State game departments were invited to submit recommendations for hunting seasons to conform to the shooting hours, daily bag and possession limits, and season lengths within frameworks of opening and closing dates as established by this Department.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Part 10 shall be amedned as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. These amendments will permit taking of these species within specified periods of time beginning as early as September 1, as has been the case in past years. Since these amendments benefit the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER.

Section 10.41 is amended to read as follows:

§ 10.41 Seasons and limits on doves and wild pigeons.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species of doves and wild pigeons designated in this section are prescribed between the dates of September 1, 1969, and January 15, 1970, as follows:

(a) *Mourning doves—Eastern Management Unit.*

Daily bag limit 18
Possession limit 36
Shooting hours: 12 noon until sunset.

Seasons in:

Alabama [1]	Sept. 22–Nov. 10.
	Dec. 20–Jan. 8.
Connecticut	Closed season.
Delaware	Sept. 12–Oct. 16.
	Dec. 5–Jan. 8.
District of Columbia	Closed season.
Florida	Oct. 4–Nov. 2.
	Nov. 15–Nov. 30.
	Dec. 13–Jan. 5.
Georgia	Sept. 6–Oct. 4.
	Dec. 6–Jan. 15.
Illinois	Sept. 1–Nov. 9.
Indiana	Closed season.
Kentucky	Sept. 1–Oct. 31.
	Dec. 1–Dec. 9.
Louisiana	Sept. 1–Sept. 14.
	Oct. 11–Nov. 16.
	Dec. 17–Jan. 4.
Maine	Closed season.
Maryland	Sept. 15–Oct. 25.
	Dec. 13–Jan. 10.
Massachusetts	Closed season.
Michigan	Do.
Mississippi	Sept. 13–Oct. 5.
	Nov. 8–Nov. 30.
	Dec. 20–Jan. 12.
New Hampshire	Closed season.
New Jersey	Do.
New York	Do.
North Carolina	Sept. 1–Oct. 11.
	Dec. 18–Jan. 15.
Ohio	Closed season.
Pennsylvania [1]	Sept. 1–Nov. 8.
Rhode Island	Sept. 8–Oct. 5.
	Oct. 25–Dec. 5.
South Carolina	Sept. 13–Oct. 4.
	Nov. 17–Nov. 29.
	Dec. 12–Jan. 15.
Tennessee	Sept. 1–Sept. 30.
	Oct. 13–Nov. 11.
	Dec. 23–Jan. 1.
Vermont	Closed season.
Virginia	Sept. 7–Nov. 1.
	Dec. 15–Dec. 27.
West Virginia [1]	Sept. 1–Sept. 27.
	Oct. 11–Nov. 1.
	Dec. 26–Jan. 15.
Wisconsin	Closed season.

[1] In Alabama, the daily bag and possession limit is 18. In Pennsylvania and West Virginia, the daily bag limit is 12 and the possession limit is 24.

(b) *Mourning doves—Central Management Unit.*

Daily bag limit 10
Possession limit 20
Shooting hours: [1] One-half hour before sunrise until sunset.

Seasons in:

Arkansas	Sept. 1–Oct. 5.
	Dec. 15–Jan. 15.
Colorado	Sept. 1–Oct. 30.
Iowa	Closed season.
Kansas	Sept. 1–Oct. 30.
Minnesota	Closed season.
Missouri	Sept. 1–Oct. 30.
Montana	Closed season.
Nebraska	Do.
New Mexico [2]	Sept. 1–Sept. 30.
	Nov. 29–Dec. 28.
North Dakota	Closed season.
Oklahoma	Sept. 1–Oct. 30.
South Dakota	Sept. 1–Sept. 14
Texas [1] [3]	See footnote 2.
Wyoming	Closed season.

[1] In Texas, shooting hours are from 12 noon until sunset on all days in all counties.

[2] Texas: Mourning doves in Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof, Sept. 1–Oct. 30; in the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy, Sept. 6 and 7, and Sept. 20–Nov. 16; remainder of State, Sept. 20–Nov. 18.

[3] In New Mexico, the daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of both kinds.

(c) *Mourning doves—Western Management Unit.*

Daily bag limit 10
Possession limit 20
Shooting hours: One-half hour before sunrise until sunset.

Seasons in:

Arizona	Sept. 1–Sept. 28.
	Dec. 21–Jan. 11.
California [1] [2]	Sept. 1–Sept. 30.
	Nov. 29–Dec. 14.
Idaho	Sept. 1–Sept. 21.
Nevada [1]	Sept. 1–Oct. 20.
Oregon	Sept. 1–Sept. 30.
Utah	Do.
Washington	Do.

[1] In those counties of California and Nevada having an open season on white-winged doves, the daily bag limit is 10 and possession limit is 20 mourning and white-winged doves singly or in the aggregate of both kinds.

[2] Check State regulations for additional restrictions.

Notice: Hawaii: Subject to the applicable provisions of the preceding sections of this part, mourning doves may be taken in accordance with the State regulations.

(d) *White-winged doves.*

Daily bag and possession limits (See footnote 2).
Shooting hours: One-half hour before sunrise until sunset.[1]
Seasons in:

Arizona [2]	Sept. 1–Sept. 28.
	Dec. 21–Jan. 11.
California: [1] [2]	
Counties of Imperial, Riverside, and San Bernardino	Sept. 1–Sept. 30.
	Nov. 29–Dec. 14.
Nevada: [2]	
Clark and Nye Counties	Sept. 1–Oct. 20.
Remainder of State	Closed season.
New Mexico [2]	Sept. 1–Sept. 30.
	Nov. 29–Dec. 28.
Texas: [1] [2]	
Counties of Brewster, Brooks, Cameron, Culberson, Dimmit, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kenedy, Kinney, La Salle, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, and Zapata	Sept. 6 and 7.
Remainder of State	Closed season.

[1] In Texas, shooting hours are from 12 noon until sunset.

[2] In Arizona, the daily bag and possession limit is 25 white-winged doves. In California, Nevada, and New Mexico, the daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of both kinds. In Texas, the daily bag limit is 10 and the possession limit is 20 white-winged doves.

[3] Check State regulations for additional restrictions.

(e) *Band-tailed pigeons.*

Daily bag and possession limit 8
Shooting hours: One-half hour before sunrise until sunset.
Seasons in:

California:	
Counties of Butte, Del Norte, Glen, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity	Sept. 27–Oct. 26.
Remainder of State	Dec. 13–Jan. 11.
Oregon	Sept. 1–Sept. 30.
Washington	Do.

(f) *New Mexico and Arizona season for band-tailed pigeons.* An open season for

[4] New York: The season for common snipe (Wilson's) in the Southern Zone (except the southeastern zone and the Long Island area), is October 1–November 10; in the southeastern zone and the Long Island area (Long Island and that part of Westchester County, lying south of the Hutchinson River Parkway), the season is October 20–November 10.

[5] The season for snipe will open and run concurrently with the open season for ducks: *Provided*, That the open season shall not extend beyond the last day of the duck season or 50 consecutive days, whichever is the shorter period. Check State regulations for additional restrictions.

(b) *Mississippi Flyway States.*

	Rails (Sora and Virginia)	Woodcock	Common snipe (Wilson's)
Daily bag limit	25	5	8
Possession limit	25	10	16
Shooting hours	One-half hour before sunrise until sunset on all species.		
Seasons in:			
Alabama [1] [2] [4]	Nov. 7–Jan. 15	Nov. 28–Jan. 31	Dec. 13–Jan. 31.
Arkansas	Sept. 1–Nov. 9	Nov. 28–Jan. 31	Nov. 27–Jan. 15.
Illinois [4]	Closed season.	Oct. 1–Dec. 4	See footnote [4]
Indiana [4]	Sept. 1–Nov. 9	Sept. 30–Nov. 23	Sept. 30–Nov. 8.
Iowa [4]	Closed season.	Closed season.	Oct. 14–Nov. 22.
Kentucky	Nov. 20–Jan. 15	Nov. 20–Jan. 23	Nov. 20–Jan. 8.
Louisiana [1]	Nov. 1–Jan. 9	Nov. 27–Jan. 30	Dec. 13–Jan. 31.
Michigan [7]	Sept. 15–Nov. 23		Sept. 15–Nov. 3.
Zones 1 and 2		Sept. 15–Nov. 14	
Zone 3		Oct. 20–Nov. 14	
Minnesota	Sept. 6–Nov. 14	Sept. 6–Nov. 9	Sept. 20–Nov. 8.
Mississippi [1]	Nov. 1–Jan. 9	Nov. 28–Jan. 31	Dec. 13–Jan. 31.
Missouri	Sept. 1–Nov. 9	Oct. 1–Dec. 4	Oct. 1–Nov. 19.
Ohio	Sept. 1–Nov. 8	Sept. 19–Nov. 22	Oct. 4–Nov. 22.
Tennessee [4] [6]	See footnote [4]	Nov. 17–Jan. 20	See footnote [6]
Wisconsin [4] [6]	See footnote [4]	Sept. 13–Nov. 16	See footnote [6]

[1] In the States of Louisiana and Mississippi, the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate of these two species.

[2] In the State of Alabama, the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate of these two species.

[3] In the State of Alabama, the daily bag limit on woodcock is 5 and the possession limit is 10.

[4] In the States of Alabama, Illinois, Indiana, Iowa, Tennessee, and Wisconsin, the daily bag limit on rails, woodcock, and common snipe is 8 and the possession limit is 16 singly or in the aggregate of these species.

[5] The season on rail will open and run concurrently with the duck season: *Provided*, That the open season shall not extend beyond the last day of the duck season or 70 consecutive days, whichever is the shorter period.

[6] The season on snipe will open and run concurrently with the duck season: *Provided*, That the open season shall not extend beyond the last day of the duck season or 50 consecutive days, whichever is the shorter period.

[7] Check State regulations for additional restrictions.

(c) *Central Flyway States.*

	Rails (Sora and Virginia)	Woodcock	Common snipe (Wilson's)
Daily bag limit	25	5	8
Possession limit	25	10	16
Shooting hours:	One-half hour before sunrise until sunset on all species.		
Seasons in:			
Colorado	Sept. 1–Nov. 9	Closed season	Sept. 1–Oct. 20.
Kansas	Sept. 1–Nov. 9	Oct. 18–Dec. 21	Oct. 1–Nov. 19.
Montana [1]	Closed season	Closed season	See footnote [1].
Nebraska	Sept. 1–Nov. 9	Closed season	Oct. 4–Nov. 22.
New Mexico	Sept. 1–Sept. 30	Closed season	Sept. 1–Sept. 30.
North Dakota	Closed season	Closed season	Sept. 13–Nov. 1.
Oklahoma [2]	Sept. 1–Nov. 9	Closed season	Oct. 1–Nov. 19.
South Dakota	Closed season	Closed season	Sept. 10–Oct. 29.
Texas [3]	Sept. 1–Nov. 9	Nov. 22–Jan. 25	Nov. 22–Jan. 10.
Wyoming	Sept. 6–Nov. 14	Sept. 6–Nov. 9	Sept. 6–Oct. 25.

[1] In the State of Texas, the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate of these two species.

[2] In the State of Oklahoma, the season on rails is September 1–November 9; the season on woodcock in the Eastern Zone (except the southeastern zone and the Long Island area), is October 1–November 25; in the southeastern zone and the Long Island area (Long Island and that part of Westchester County, lying south of the Hutchinson River Parkway), the season is October 20–November 25.

band-tailed pigeons is continued for New Mexico and Arizona in accordance with the following conditions: Open season dates will be from October 11 through October 19; a daily bag limit of 5 and possession limit of 10; shooting hours are from ½ hour before sunrise to sunset daily: *Provided*, That every hunter must have been issued and carry on his person while hunting band-tailed pigeons a properly validated special band-tailed pigeon hunting permit issued by the game department of each respective State for the open season in that State. Such a special band-tailed pigeon hunting permit will be issued upon application to the State game department of the State in which hunting is to be done. Permits issued by either State will be valid in that State only: *Provided further*, That this season shall be open only in the area described, delineated, and designated as such by the States of New Mexico and Arizona in their respective hunting regulations.

Section 10.46 is amended to read as follows:

§ 10.46 Seasons and limits on rails, woodcock, and common snipe (Wilson's).

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1969, and January 31, 1970, as follows:

(a) *Atlantic Flyway States.*

	Rails [1]	Woodcock	Common snipe (Wilson's)
Daily bag limit	See footnotes [2] [4]	6	8
Possession limit	See footnotes [2] [4]	10	16
Shooting hours: [8]	One-half hour before sunrise until sunset on all species.		
Seasons in:			
Connecticut [3]	Sept. 1–Nov 8	Oct. 18–Dec. 20	Oct. 18–Dec 6.
Delaware [3]	Sept. 1–Nov. 8	Nov. 21–Jan. 24	Nov 1–Dec 20.
District of Columbia	Closed season	Closed season	Closed season.
Florida [4] [5]	Sept. 1–Nov. 9	Nov. 15–Jan. 18	See footnote [10]
Georgia [4]	Sept. 24–Nov 28	Nov. 24–Jan. 23	Dec. 13–Jan. 31
Maine	Sept. 1–Nov. 7	Sept. 24–Nov. 15	Sept. 24–Nov 12
Maryland [3]	Sept. 1–Nov. 1	Oct. 10–Dec 13	Oct. 10–Nov 28
Massachusetts	Sept 6–Nov. 14	Oct 10–Nov 30.	Sept. 26–Nov 14.
New Hampshire	Closed season	Oct 1–Dec. 1	Oct. 1–Nov 19.
New Jersey [11] [12]	Oct. 8–Nov 8	Oct 4–Dec. 6	See footnote [12]
New York [4] [13]	Sept. 1–Nov 9	Sept 22–Nov 25	Sept 22–Nov 10.
North Carolina [4]	Sept. 1–Nov 8	Nov 28–Jan 31	Dec. 13–Jan 31
Pennsylvania	Sept. 1–Nov 5	Oct 15–Dec 20	Oct. 1–Nov 19.
Rhode Island [3]	Sept. 8–Nov 16	Oct 25–Dec 5	Oct. 25–Dec. 5.
South Carolina [4]	Oct. 7–Dec 15	Nov 28–Jan. 31	Dec. 13–Jan. 31.
Vermont	Sept. 27–Dec 6.	Sept. 27–Nov 30	Sept 27–Nov 15.
Virginia [4]	Sept. 12–Nov 20	Nov 17–Jan 20	Nov. 17–Jan. 6.
West Virginia	Sept. 20–Nov. 28.	Sept 20–Sept 27	Sept. 20–Nov. 8
		Oct 11–Dec 6.	

[1] In all States in this Flyway having an open season on Virginia and sora rails, the daily bag and possession limit is 25 singly or in the aggregate of these two species.

[2] In the States of Connecticut, Delaware, Maryland, New York, and Rhode Island, the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate of these two species.

[3] In the States of Connecticut, Delaware, Maryland, New York, and Rhode Island, the daily bag limit on woodcock is 3 and the possession limit is 6.

[4] In the States of Florida, Georgia, North Carolina, South Carolina, and Virginia, the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate of these two species.

[5] The season on woodcock in the State of New Jersey will be closed on November 7 and will reopen at 9 a.m. on November 8.

[6] New York: In the Long Island area, shooting hours on woodcock will begin at sunrise and end at sunset daily.

[7] New York: In the Long Island area, the season on rails is September 8–November 9; in the remainder of Westchester County, lying south of the Hutchinson River Parkway), the season on rails is September 8–November 9.

[8] New York: The season for woodcock in the Southern Zone (except the southeastern zone and the Long Island area), is October 1–November 25; in the southeastern zone and the Long Island area (Long Island and that part of Westchester County, lying south of the Hutchinson River Parkway), the season is October 20–November 25.

Section 10.51 is amended to read as follows:

§ 10.51 Migratory game bird hunting seasons in Alaska.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1969, and January 26, 1970, as follows:

	Ducks	Geese	Coots	Brant	Common snipe (Wilson's)	Little brown cranes
Daily bag limit	6 [1]	6 [2]	15	4	8	2
Possession limit	18 [1]	12 [2]	15	8	16	4
Shooting hours:	One-half hour before sunrise to sunset.					
Season dates in:						
Pribilof, Kodiak (Game Management Unit 8), Aleutian Islands except Unimak Island.	Oct. 14–Jan. 26				Sept. 1–Oct. 31	Sept. 1–Oct. 15.
Rest of Alaska and Unimak Island	Sept. 1–Dec. 14				Sept. 1–Oct. 31	Sept. 1–Oct. 15.

[1] Ducks: In addition to the basic daily bag and possession limits prescribed above for ducks collectively, a daily bag limit of 15 and a possession limit of 30 is permitted singly or in the aggregate of the following species: scoter, eider, old-squaw, harlequin, and American and red-breasted mergansers.

[2] Geese: The daily bag and possession limits may not include more than 4 daily and 8 in possession, singly or in the aggregate of white-fronted and Canada geese. In addition to the daily bag and possession limits on other geese, the daily bag limit is 6 and the possession limit is 12 on Emperor geese.

Section 10.53 is amended as follows:

§ 10.53 Seasons and limits on waterfowl, coots, gallinules, and Wilson's snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) (1) An open season for taking scoter, eider, and old-squaw ducks is prescribed during the period between September 25, 1969, and January 10, 1970, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, Massachusetts, Rhode Island, New Hampshire, and Connecticut; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island; the States of New Jersey, Virginia, North Carolina, South Carolina, and Georgia may, upon their election, have such special season in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least one (1) mile of open water from any shore, island, and emergent vegetation; and the State of Maryland may, at its election, have such special season in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 1,200 yards of open water from any shore, island, and emergent vegetation: *Provided*, That any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States.

(2) Shooting hours are from ½ hour before sunrise until sunset. The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. In all other areas of these States and in all other States in the Atlantic Flyway, such ducks may be taken only during the open season for other ducks.

(3) Notwithstanding the provisions of § 10.3(b)(4), the shooting of crippled waterfowl from a motorboat under power will be permitted on those coastal water areas open to sea duck hunting during the special open season and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; in the State of Maryland in those areas described, delineated, and designated in its hunting regulations as being open to sea duck hunting; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island.

(b) Seasons and limits on teal: Subject to the applicable provisions of the preceding sections of this part, an open hunting season of not more than 9 consecutive days, between September 1, 1969, and September 21, 1969, for teal ducks (blue-winged, green-winged, and cinnamon teal) is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the following States:

Daily bag limit 4
Possession limit 8
Shooting hours: Sunrise to sunset daily.
Seasons in:

Mississippi Flyway States:	
Alabama	Sept. 12–Sept. 20.
Arkansas	Sept 6–Sept. 14.
Illinois	Do.
Indiana [1]	Do.
Iowa	Sept. 13–Sept. 21.
Kentucky	Closed season.
Louisiana	Sept. 13–Sept. 21.
Michigan	Closed season.
Minnesota	Sept. 13–Sept. 21.
Mississippi	Do.
Missouri	Do.
Ohio	Sept. 12–Sept. 20.
Tennessee	Closed season.
Wisconsin	Do.
Central Flyway States:	
Colorado [2] (east of the Continental Divide).	Sept. 1–Sept. 9.
Kansas [3]	Sept. 13–Sept. 21.
Montana [4]	Do.
Nebraska	Sept. 6–Sept. 14.
New Mexico [5]	Do.
North Dakota	Do.
Oklahoma	Sept. 1–Sept. 9.
South Dakota	Sept. 12–Sept. 14.
Texas	Sept. 13–Sept. 21.
Wyoming (east of the Continental Divide)	Sept. 6–Sept. 14.

[1] In those counties on e.d.s.t., shooting hours begin at 8 a.m. In all other counties, shooting hours begin at 7 a.m.

[2] Colorado: Consists of Jackson County and that portion of the State lying east of State Highway 71, U.S. Highway 350, and Interstate Highway 25.

[3] Kansas: The entire State of Kansas except the Marais des Cygnes Waterfowl Management Area in Linn County, Kans., and the Neosho Waterfowl Management Area in Neosho County, Kans.

[4] Montana Central Flyway area: Consists of the Montana counties of Blaine, Fergus, Judith Basin, Wheatland, Sweet Grass, Stillwater, Carbon, and all counties east thereof.

[5] New Mexico Central Flyway area: Consists of all that portion of New Mexico east of the Continental Divide and outside the boundaries of the Jicarilla Apache Indian Reservation.

(c) Gallinules:

Daily bag limit 15
Possession limit 30
Shooting hours: One-half hour before sunrise to sunset.
Seasons in:

Atlantic Flyway:	
Connecticut	Sept. 1–Nov. 9.
Delaware	Do.
Florida	Sept. 1–Nov. 9.
Georgia	Nov. 7–Jan. 15.
Maine	Sept. 1–Nov. 8.
Maryland [1]	See footnote 1.
Massachusetts	Sept. 6–Nov. 14.
New Hampshire	Closed season.
New Jersey	Sept. 1–Nov. 8.
New York [2]	Sept. 1–Nov. 9.
North Carolina	Sept. 1–Nov. 8.
Pennsylvania	Do.
Rhode Island	Sept. 8–Nov. 16.
South Carolina	Oct. 7–Dec. 15.
Vermont	Sept. 27–Dec. 5.
Virginia [1]	See footnote 1.
West Virginia	Oct. 11–Dec. 19.
Mississippi Flyway:	
Alabama	Nov. 7–Jan. 15.
Arkansas	Nov. 15–Jan. 15.
Illinois	Closed season.
Indiana	Sept. 1–Nov. 9.
Iowa	Closed season.
Kentucky	Nov. 20–Jan. 15.
Louisiana	Sept. 1–Nov. 9.
Michigan	See footnote 1.
Minnesota	Do.
Mississippi	Nov. 1–Jan. 9.
Missouri	See footnote 1.
Ohio	Sept. 1–Nov. 8.
Tennessee	See footnote 1.
Wisconsin	Do.

Central Flyway:	
Colorado	Closed season.
Kansas	Sept. 1–Nov. 9.
Montana	Closed season.
Nebraska	See footnote 1.
New Mexico	Do.
North Dakota	Closed season.
Oklahoma	Sept. 1–Nov. 9.
South Dakota	Closed season.
Texas	Sept. 1–Nov. 9.
Wyoming	Closed season
Pacific Flyway	See footnote 1.

[1] Some States establish their gallinule season at the time they select their duck season in August. Consult Regulatory Announcement 84 and State regulations for information concerning the gallinule season if the dates are not published in this table.

[2] New York: In the Long Island area (Long Island and that part of Westchester County, lying south of the Hutchinson River Parkway), the season on gallinule is Sept. 8–Nov. 9

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 23, 1969.

[F.R. Doc. 69-8783; Filed, July 29, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 31]

INDIANA DUNES NATIONAL LAKESHORE, IND.

Proposed Zoning Standards

Notice is hereby given that, pursuant to section 5 of the act of November 5, 1966 (80 Stat. 1309; 16 U.S.C. 460u), providing for the establishment of the Indiana Dunes National Lakeshore, it is proposed to amend Title 36, Code of Federal Regulations, by the addition of a new part specifying standards for zoning ordinances and amendments which must meet the approval of the Secretary of the Interior. The purpose of this proposed regulation is to establish general criteria or standards with which the zoning ordinances and amendments of the municipalities within the lakeshore must comply in order to exempt improved properties within the lakeshore from acquisition by condemnation.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons who wish to offer comments, suggestions, or recommendations with respect to the proposed regulations may submit written comments thereon to the Director, National Park Service, Washington, D.C. 20240, within 60 days after this notice is published in the FEDERAL REGISTER.

Part 31, reading as follows, is added to Chapter I, Title 36 CFR:

PART 31—INDIANA DUNES NATIONAL LAKESHORE: ZONING STANDARDS

Sec.
31.1 Introduction.
31.2 General provisions.
31.3 Lakeshore Use District.
31.4 Park Use District.
31.5 Variances, Exceptions.

AUTHORITY: The provisions of this Part 31 are issued under sec. 5, 80 Stat. 1309; 16 U.S.C. 460u and sec. 3, 39 Stat. 535; 16 U.S.C. 3.

§ 31.1 Introduction.

(a) In administering, preserving, and developing the Indiana Dunes National Lakeshore (hereinafter referred to as Lakeshore), the Secretary of the Interior (hereinafter referred to as the Secretary), is required to be guided by the provisions of the act of November 5, 1966 (80 Stat. 1309), and applicable provisions of the laws relating to the National Park System. The Secretary, further, may utilize other statutory authority available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of the said act.

(b) Development and management of the Indiana Dunes National Lakeshore to provide for public enjoyment, use, and understanding of its unique natural, historic, and scientific features will be undertaken and conducted in such manner as to assure preservation of the unique flora and fauna or the physiographic conditions prevailing in the area and preservation of historic sites and structures. This contemplates, where compatible with preservation purposes and the physical capabilities of the lakeshore, a broad range of activities including, but not limited to, hiking, boating, swimming, fishing, picnicking, nature study, water skiing, beachcombing, and winter sports.

(c) The Secretary may not acquire by condemnation any "improved property" defined in paragraph (d) of this section), within the boundaries of the lakeshore, during all times when the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning ordinance that is approved by the Secretary.

(d) As used herein, "improved property" means a detached one-family dwelling construction of which was begun prior to January 4, 1965, together with so much of the land on which the dwelling is situated and which is in the same ownership as the dwelling, as the Secretary considers reasonably necessary for enjoyment of the dwelling for noncommercial residential use, together with accessory structures on the same land. The amount of land so designated may not exceed 3 acres in area, and the Secretary may exclude from such "improved property" any beach or waters, which he deems necessary for public access thereto or public use thereof.

(e) Section 5 of the 1966 Act requires the Secretary to issue regulations specifying standards for approval by him of zoning ordinances adopted by the local entities within the lakeshore so that the improved properties within its boundaries may attain exemption-from-condemnation status. Such standards, and any contained in amended regulations, shall contribute to the effect of (1) prohibiting the commercial and industrial use, other than that which is permitted by the Secretary, of all property within the boundaries of the lakeshore; and (2) promoting the preservation and development, in accordance with the purposes of the aforesaid act, of the area within the lakeshore by means of acreage, frontage, and set back requirements and other provisions—consistent with the laws of the State of Indiana.

§ 31.2 General provisions.

(a) The regulations herein proposed are intended to establish the minimal standards with which local zoning ordinances must conform if improved property within the lakeshore which is covered by such zoning ordinances is to be exempt from acquisition by condemnation.

(b) Following final issuance of the regulations in this part, the municipalities having zoning jurisdiction within the lakeshore shall submit to the Secretary for his approval all zoning ordinances and amendments thereto which demonstrate conformity with the general and specific standards in the regulations in this part. These submissions shall include ordinances and amendments adopted specifically to implement the regulations in this part. The Secretary is required to approve any zoning ordinance or amendment submitted to him which conforms to the standards contained in the regulations in this part, but he may not approve a zoning ordinance or amendment which (1) contains any provision he considers adverse to preservation and development of the lakeshore, or (2) fails to provide that the Secretary shall receive notice of any variance granted under or exception made to the application of such ordinance or amendment. The Secretary will notify the municipality submitting the zoning ordinance or amendment, within 30 days after its receipt, of its approval or disapproval. If more than 30 days are required for the review, the municipality will be notified of the delay and of the additional time needed to reach a determination.

(c) Nothing contained in these regulations or in the zoning ordinance or amendments adopted for the lakeshore to implement the regulations in this part shall preclude the Secretary from exercising his power of condemnation at any time with respect to property other than "improved property" as defined above. Property within the boundaries of the lakeshore, except to the extent it is identified as a part of "improved property", will be acquired by the United States as rapidly as appropriated funds become available and before development occurs thereon. Any private property developed after January 4, 1965 is subject to acquisition by the Secretary by condemnation under the act of November 5, 1966, referred to above, even though such development is in accordance with zoning ordinances or amendments approved by him. The regulations in this part shall not preclude the Secretary from otherwise fulfilling the responsibilities vested in him by the act authorizing establishment of the lakeshore.

(d) No additional or increased commercial or industrial uses are permitted in the lakeshore except as provided for under the regulations applicable to the "Lakeshore Use District." Existing nonconforming commercial or industrial uses shall be discontinued within 15 years

from the effective date of the regulation in this part. The Secretary may permit such uses to be continued for an additional period of time to allow an owner a reasonable opportunity to amortize investments made on the property before January 4, 1965.

(e) The regulations in this part require, and local zoning ordinances or amendments to be approved by the Secretary shall require, that any uses, and the location, design and scope of any permitted developments (which are limited to areas not programed or planned for Federal development according to the master plan for the lakeshore), shall be harmonized with adjacent uses, developments and natural features within the lakeshore and shall be consistent with the current master plan proposed or adopted by the National Park Service for the lakeshore, so as to minimize disruption of the natural scene and to further the public recreational purposes of the area.

§ 31.3 Lakeshore Use District.

(a) Definition: This district shall comprise all those portions of the Indiana Dunes National Lakeshore delineated as "Lakeshore Use District" on a map bearing the identification "Indiana Dunes National Lakeshore Zoning" June 1968.

(b) Subject to the other provisions of the regulations in this part, the following uses or undertakings are permitted in the Lakeshore Use District, if the municipality having zoning jurisdiction over the property has issued a building or use permit in each case:

(1) Single-family residence, not including tent or trailer, but including servants quarters in the same structure or in an accessory building. Such residential use, unless the lot to be used was in separate ownership or included in a land subdivision of record before January 4, 1965, shall meet the following minimum requirements:

(i) Minimum lot size—1 acre.

(ii) Minimum lot width—150 feet.

(iii) Maximum building height—dwelling, 30 feet; accessory structures, 15 feet.

(iv) Minimum front yard setback—30 percent of average lot depth in block, subdivision, or area.

(v) Rear yard setback—20 percent of lot depth.

(vi) Side yard setback—10 percent of lot width on each side.

(vii) Maximum lot coverage by dwelling and accessory structures—20 percent.

(viii) Minimum ground floor area in dwelling unit—1,000 sq. ft.

(ix) Parking on site—2 vehicles.

In order to achieve more efficient land utilization for open space preservation, a subdivision plan may provide for single-family residences constructed as row or town houses, or they may be otherwise clustered at a density greater than one residence per acre and without regard to the other requirements listed above for residential construction (except the limitation on height of structures and the provision for parking); *Provided*, That 50 percent of all the land in the subdivision, excluding land in the streets, is donated to the United States for preservation in perpetuity as a part of the lakeshore.

(2) Alteration, improvement, or moving of existing residences or accessory structures, provided there is compliance with the area, frontage, setback, height, and other requirements prescribed for residential uses under subparagraph (1) of this paragraph: *And provided further*, That the existing residential structure remains an integral part of the altered or enlarged dwelling. The exterior appearance of any altered or enlarged dwelling shall conform to the style or type of architecture employed in the existing dwelling. The alteration, improvement, or moving may not alter the residential character of the premises and accessory structures, through alteration or enlargement, may not become the dominant structure or structures on the premises. Any alteration, improvement, or moving of structures which violates a local zoning ordinance or amendment containing these limitations and requirements would subject "improved property" on the premises to acquisition by condemnation, unless the Secretary has approved a variance or exception therefor in accordance with § 31.5.

(3) Community sponsored parks and recreation areas and recreational activities such as horseback riding, organizational and other camping, picnicking, swimming, horseshoe pitching, archery, croquet, tennis, softball, volleyball, and similar activities which are compatible with the purposes of the area, together with the physical improvements needed to accommodate such uses: *Provided*, That any facilities or structures so developed shall adhere to the acreage, frontage, height, setback, and other requirements imposed by the local zoning agency on such developments, after consultation with the Secretary.

(4) Limited agricultural uses such as greenhouses, plant nurseries, and truck gardens if these uses do not require the extensive cutting or clearing of wooded areas and are not otherwise destructive of natural or recreational values: *And provided*, They adhere to the acreage, frontage, height, setback, and other requirements which are imposed by the zoning agency, after consultation with the Secretary.

(5) Clearing and removal of trees, shrubbery, and other vegetation only to the extent necessary in order to permit the exercise of a use otherwise allowed within this district.

(6) Religious and educational uses, including kindergartens and day nurseries, and the necessary structures and facilities, subject to such acreage, frontage, height, setback, and other requirements as are imposed by the local zoning agency.

(7) Removal of gravel, sand and rock or other alteration of the landscape only to the minimum extent necessary to make possible the exercise of a use permitted in this district, including construction of a temporary access road.

(8) (i) Signs that are related to any permitted use, provided they do not exceed 1 square foot in area for residential occupancy and not to exceed 6 square feet for any other purpose, provided they are not illuminated by any neon or flashing device. Signs advertising a property for sale or rental may be placed only on the property being offered for sale or rental. For an event of short duration and public interest, as a civic affair or church event, informational signs not over 6 square feet in area may be used on the property on which the event will occur, and a limited number of directional signs, not larger than 1 square foot in area, may be used. Such signs may be displayed only within a 30-day period before the event being advertised and they shall be removed immediately thereafter.

(ii) Signs shall be subdued in appearance, harmonizing in design and color with the surroundings and shall not be attached to any tree or shrub. Nonconforming signs may continue such nonconformity until they are destroyed, moved, structurally altered or redesigned, but the period of such nonconformity may not exceed 3 years from the date a zoning ordinance containing this limitation is adopted by the local zoning entity.

(9) Accessory uses and structures, including fencing, which are appurtenant to any permitted use: *Provided*, There is compliance with the area, frontage, height, setback and other requirements prescribed for residential uses under subparagraph (1) of this paragraph.

(10) No commercial uses of property within this district, other than those listed above, will be permitted.

(11) There shall be in effect in this district limitations, requirements, or restrictions in regard to the burning of cover and trash and the dumping, storing, or piling of refuse, materials, equipment, or other unsightly objects which would detract from the natural scene or esthetic values of the lakeshore. Temporary storage of materials and equipment may be permitted, to the extent necessary to exercise a permitted use.

§ 31.4 Park Use District.

(a) Definition: This district shall comprise all those portions of the Indiana Dunes National Lakeshore delineated as "Park Use District" on a map bearing the identification "Indiana Dunes National Lakeshore Zoning" June 1968. In this district the predominant use of the land is for open space and outdoor recreational facilities.

(b) Subject to the other provisions of these regulations, the following uses or undertakings are permitted in the Park Use District, if the municipality having zoning jurisdiction over the property has issued a building or use permit in each case.

(1) Community outdoor recreation activities and facilities such as playgrounds, open spaces, parks, and athletic fields, if such facilities are developed and operated by a governmental agency and are consistent with the purposes of the lakeshore and provided such facilities adhere to the acreage, frontage, height, setback, and other requirements imposed by the zoning agency, after consultation with the Secretary.

(2) Religious and educational facilities and uses including kindergarten and day schools, whether developed and operated by a governmental agency or privately, if they are consistent with the purposes of the lakeshore, and adhere to the acreage, frontage, height, setback, and other requirements imposed by the local zoning agency, after consultation with the Secretary.

(3) Fencing not to exceed 5 feet in height in conjunction with the above permitted uses.

(4) Signs not to exceed 6 square feet in area are permitted to be erected on the premises on which a permitted use occurs, but they may not be illuminated by any neon or flashing device. A limited number of directional signs are permitted. Signs shall be subdued in appearance, harmonizing in design and color with the surroundings and shall not be attached to any tree or shrub. Nonconforming signs shall be discontinued and removed immediately.

(5) There shall be in effect in this district prohibitions in regard to the burning of cover and trash. The dumping, storing, or piling of refuse, materials, equipment and/or any other objects in this district shall be prohibited.

§ 31.5 Variances, exceptions, and use permits.

Zoning ordinances or amendments thereto, for the zoning districts comprising the lakeshore may provide for the granting of variances and exceptions, subject to the following:

(a) Under Section 5(d) of the act of November 5, 1966, the authority of the Secretary to acquire "improved property" by condemnation would be reinstated if such property is made the subject of a variance under or exception to the applicable zoning ordinance, or is subjected to any use, which variance, exception or use fails to conform to or is inconsistent with any applicable standard contained in the regulations in this part.

(b) The municipality having the responsibility and power to zone, or private owners of "improved property", may consult the Secretary as to whether any proposed variance or exception would terminate the suspension of his authority to acquire the affected property by condemnation and they may request the review of a proposed variance or exception by the Secretary. The Secretary within 60 days after the receipt of a request for review of a proposed variance or exception, shall advise the owner or the zoning entity whether or not the intended use will subject the property to acquisition by condemnation. If more than 30 days is required by the Secretary for such determination, he shall so notify the interested party, stating the additional time required and the reasons therefor.

(c) The Secretary shall be given written notice of any variance granted under, or exception made to the application of, a zoning ordinance or amendment previously approved by him. The Secretary shall be provided a copy of every building or use permit granted by municipalities which authorize any use or development of lands within the boundaries of the lakeshore.

LESLIE L. GLASGOW,
Assistant Secretary of the Interior.

JULY 23, 1969.

[F.R. Doc. 69-8908; Filed, July 29, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 919]

HANDLING OF PEACHES GROWN IN MESA COUNTY, COLO.

Expenses and Rate of Assessment for 1969–70 Fiscal Year

Consideration is being given to the following proposals submitted by the Administrative Committee, established under the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colo., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by the Administrative Committee during the period March 1, 1969, through February 28, 1970, will amount to $2,000.

(2) That there be fixed, at $0.004 per bushel basket, or equivalent quantity of peaches in other containers or in bulk, the rate of assessment payable by each handler in accordance with § 919.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 24, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8924; Filed, July 29, 1969; 8:47 a.m.]

[7 CFR Part 1138]

[Docket No. AO 355-A14]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Rio Grande Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Albuquerque, N. Mex., on June 24, 1969, pursuant to notice thereof which was issued June 10, 1969 (34 F.R. 9394).

The material issues on the record of the hearing relate to:

1. Whether credits for certain Class II uses of producer milk should be continued after August 1969.

2. Clarification of provisions specifying partial payments to producers.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Credits for certain Class II uses.* The temporary pricing provisions applicable to certain Class II uses of producer milk should be continued through August 1970. The expiration date for the special pricing, if not extended, is August 31, 1969.

The special pricing is provided in terms of credits allowed the handler in certain Class II uses of producer milk. These credits result in no charge for skim milk dumped or disposed of for animal feed. The credit allowed on condensed skim milk and milk or skim milk transferred or diverted out of the marketing area results in a charge of 40 cents per hundredweight for the skim milk content as compared to the regular Class II value of skim milk which was

$1.285 in May 1969. The quantity on which the credits apply is subject to an allocation of producer milk first to Class II uses not subject to these credits.

The continuation of the credits through August 1970 was proposed by Milk Producers, Inc., a cooperative which supplies about 65 percent of the milk in the market. The cooperative asserted that there is still need to transfer to distant manufacturing plants milk which handlers in the marketing area do not accept at their pool plants. The special pricing, the cooperative stated, is needed to compensate for the expense of transportation and handling incurred in this operation. Continuation also was urged of the credit for skim milk dumped or used for livestock feed to encourage pool handlers to use producer milk as a source of cream for ice cream.

A handler also supported continuation of the special pricing.

In prior decisions (31 F.R. 4732, 32 F.R. 3298, and 33 F.R. 12254) the reasons were given for the special pricing which began in April 1966. The credits are intended to promote the orderly handling of reserve milk above that for which handlers have use in pool plants. There is a need to continue these credits for a further temporary period. The conditions requiring this special pricing still exist although the quantity of milk which must be handled subject to such pricing is diminished.

In every fluid milk market a reserve of producer milk in excess of handlers' Class I use is needed to assure an adequate supply. This is because handlers' use of milk for Class I processing varies, particularly as to days of the week and seasonally. Seasonal changes in production also may result in milk produced in excess of immediate needs of handlers, but such seasonality is minimal in this market.

The problem peculiar to this market is that only very limited manufacturing facilities exist within the marketing area which is also the primary production area. Milk in excess of quantities accepted by pool handlers must therefore be transferred out of the marketing area. Nonpool manufacturing facilities, however, are available only at distant locations.

While some Class II use is made of producer milk in the ice cream and cottage cheese operations of pool handlers, these types of utilization are limited to marketing area demand for these products. The credit for dumping skim milk and for disposition in livestock feed encourages handlers with ice cream operations to use producer milk as a source of cream although such handlers may have no economic use for most of the skim milk. Producers are thus provided a return at pool plants for at least part of the milk which must go into Class II uses. In the January–May period of 1969, use in ice cream was about 18 percent of all Class II use of producer milk. This outlet would be largely eliminated without the credit since handlers would then turn to other sources for cream.

The relatively limited Class II operations in handlers' pool plants do not provide an outlet for all of marketing area production which is in excess of handlers' fluid needs. Transfer or diversion of milk to distant manufacturing plants is, therefore, the only method of obtaining an economic use of substantial quantities of milk originating from farms in the marketing area.

The magnitude of the problem of disposing of reserve milk is somewhat diminished, however, compared to a year ago. Skim milk dumped or disposed of for livestock feed in January through May of 1969 was 2,693,892 pounds, down from 4,198,919 in January–May 1968. The quantity transferred or diverted outside the marketing area was 11,804,406 in January–May 1969, down from 21,406,998 in the same months of 1968.

The decrease in quantities of Class II milk disposed of under these provisions results from a greater use by pool handlers of marketing area production and less use of out-of-area production. One large handler changed his supply to marketing area production beginning in December 1968. Prior to this he had relied on an out-of-area source. There was a decline of 14.6 million pounds in the quantity of out-of-area producer milk delivered in the January–May 1969 period compared to the same months a year before. This decrease was very close to the change in all producer milk delivered, from 152 million pounds in these months of 1968 to 137 million pounds in the same months of 1969.

Fluctuations in marketing area production have been minor and therefore have not been a reason for changes in quantities of reserve milk on the market. Monthly deliveries averaged 24.0 million pounds in 1967, 24.8 million pounds in 1968, and 24.3 million pounds in January–May 1969. Milk delivered from farms in the marketing area approximates 90 percent of all producer milk in the market.

Because of the limited uses pool handlers have for Class II milk, it is still necessary that some milk be moved to plants outside the marketing area to achieve an economic use. During the January–May 1969 period, an average of 2.4 million pounds monthly was so disposed of. This was 37 percent of all Class II producer milk.

As the primary agent in balancing milk supplies with handlers' needs, Milk Producers, Inc., necessarily incurs the main burden of handling the milk for which handlers have no immediate use. Its members provide 65 percent of the market supply. Most of this (95 percent) is produced in the marketing area.

The arrangement by the cooperative for transporting reserve milk out of the marketing area to nonpool manufacturing plants is primarily by movement through its plant at El Paso, Tex. This plant serves a dual market function: it assembles milk supplies to meet fluid requirements of pool plants in the marketing area and it ships excess milk to nonpool manufacturing plants outside the marketing area. The plant does no processing and contains only receiving and storage facilities.

From this plant the milk is moved to a manufacturing plant operated by the cooperative at Muenster, Tex., a distance of about 570 miles. The Muenster plant is the nearest manufacturing plant operated by the cooperative and capable of handling the milk from this market. Two plants at La Grange and Ballinger in Texas, previously used as outlets, have been closed. Another plant at Mangum, Okla., to which limited quantities were shipped in prior years, does not have sufficient capacity to handle the milk from this market.

Proponent cooperative stated that a 1-year extension of the special Class II price provisions which apply to milk moved out of the marketing area would be sufficient. The cooperative operates a base plan designed to adjust the production of producer members in line with the needs of handlers served by the cooperative. With another year of operation of the base plan, it was expected that the volume of reserve milk which needs to be handled in the manner described would be substantially reduced. With respect to the credit allowed for skim milk dumped or disposed of for animal feed, there was no prospect expressed by proponent of less need for this credit in future periods.

It is concluded that conditions in the market require continuation of the Class II credits for a further temporary period. A 1-year extension should be provided. There was no opposition to the proposal for extending the Class II credits for another year in the present form.

2. *Partial payments.* In the provisions for payments to producers, the term "partial payment" should be substituted for the term "advance payment."

The order requires each handler to pay each producer before the end of the month with respect to milk delivered during the first 15 days of the month at a rate which is the uniform price for the preceding month, less 30 cents for March receipts and plus 30 cents for July receipts. The order further provides that when the handler completes payment for all milk delivered during the month, he is given credit for the payment he made for milk delivered during the first 15 days of the month.

It should be made clear that the payment, although calculated from the quantity delivered in the first 15 days in the month, is in fact a partial payment for the entire quantity of milk delivered in the month. Also, the term "partial payment" is more descriptive of the type of payment to which reference is made and this term should be substituted for "advance payment" in § 1138.80 (a) and (b). The order specifies that these payments shall be made only to each producer who has not discontinued shipping to such handler before the 28th day of the month. Thus, the money calculated using the quantity of milk delivered during the first 15 days of the month would not in any case be as much as the handler's obligation for all milk the producer has delivered up to the time of the payment.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order, as amended, regulating the handling of milk in the Rio Grande Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1138.55, the introductory text preceding paragraph (a) is revised to read as follows:

§ 1138.55 Credit for specified Class II uses.

From the effective date hereof through August 1970, producer milk classified as Class II milk in the following utilizations shall be subject to a credit at the respective rates specified:

* * * * * *

2. In § 1138.80, paragraph (a) is revised to read as follows:

§ 1138.80 Payments to producers.

* * * * *

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 28th day of the month, a partial payment equal to the uniform price for the preceding month, less 30 cents for March receipts and plus 30 cents for July receipts, multiplied by the hundredweight of milk delivered during the first 15 days of the current month less authorized deductions;

* * * * *

3. In § 1138.80(e), subparagraphs (1) and (2) are revised to read as follows:

§ 1138.80 Payments to producers.

* * * * *

(e) * * *

(1) A partial payment in the amount specified in paragraph (a) of this section; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less the amount of partial payment made on such milk.

Signed at Washington, D.C., on July 25, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-8956; Filed, July 29, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 79]

REGISTRATION OF FUEL ADDITIVES

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Health, Education, and Welfare proposes to amend Title 42, Code of Federal Regulations, by adding a new Part 79, as set forth below, applicable to the registration of fuel additives pursuant to section 210 of the Clean Air Act (42 U.S.C. 1857f–6c).

The regulations will become effective upon republication.

Interested persons may submit written data, views or arguments in triplicate in regard to the proposed regulations to the Secretary of Health, Education, and Welfare, Attention: National Air Pollution Control Administration, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after publication of this notice will be considered.

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79.20 Withdrawal of registration: fuel manufacturer or processor.
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79.31 Motor gasolines.

Subpart A—General Provisions

§ 79.1 Applicability.

The regulations of this part apply to the registration of fuel additives contained in fuels designated by the Secretary, pursuant to section 210 of the Clean Air Act, as amended (42 U.S.C. 1857f–6c).

§ 79.2 Definitions.

As used in this part:

(a) "Act" means the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(b) "Secretary" means the Secretary of Health, Education, and Welfare.

(c) "Commissioner" means the Commissioner of the National Air Pollution Control Administration.

(d) "Fuel" means any material which is capable of releasing energy or power by combustion or other chemical or physical reaction.

(e) "Fuel manufacturer or processor" means any person who causes or directs the alteration of the chemical composition or the mixture of chemical compounds in a fuel designated in this part by adding to it an additive.

(f) "Additive" means any substance added to a fuel designated in this part which contains an element other than carbon and/or hydrogen, except:

(1) A catalyst used in manufacturing the fuel, but removed from the fuel before such fuel is sold, and

(2) A fuel designated in this part which contains only registered additives.

(g) "Additive manufacturer" means any person who produces or formulates an additive.

(h) "Range of concentration" means the highest weekly average concentration at any single processing or manufacturing plant, the lowest weekly average concentration at any single manufacturing or processing plant, and the average concentration at all manufacturing or processing plants.

(i) "Chemical composition" means the name and percentage by weight of any compound in an additive containing an element other than carbon or hydrogen and the name and percentage by weight of each element in the additive including carbon and hydrogen.

(j) "Chemical structure" means the molecular structure of any compound in an additive containing an element other than carbon or hydrogen.

§ 79.3 Confidentiality of information.

All information reported to or otherwise obtained by the Secretary or his representatives pursuant to this part, which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of such section 1905, except that such information may be disclosed to other officers or employees of the United States concerned with carrying out this Act or when relevant in any proceeding under Title II of the Act. Nothing in this part shall authorize the withholding of information by the Secretary or any officer or employee under his control from the duly authorized committees of the Congress.

§ 79.4 Requirement of registration.

No manufacturer or processor of any fuel designated under this part may, after the date prescribed for such fuel in this part, deliver such fuel for introduction into interstate commerce or to another person who, it can reasonably be expected, will deliver such fuel for such introduction unless:

(a) For any additive contained in the fuel which does not appear on the list of registered additives maintained by the Commissioner pursuant to § 79.16, such fuel manufacturer or processor has provided the information and assurances required under § 79.11 and has received notice of the registration of such additive, and

(b) For any additive contained in the fuel which appears on the list of registered additives maintained by the Commissioner pursuant to § 79.16, such fuel manufacturer or processor, prior to or promptly upon initial use of such additive, provides the Commissioner with an assurance that he will submit the information and assurances required under § 79.11 within 30 days of such initial use.

§ 79.5 Reports of additive usage.

Each fuel manufacturer or processor shall, on April 1 and October 1 of each year, submit to the Commissioner a report of additive usage for each of the two quarterly periods comprising the 6-month period ending 1 month prior to the submission of such report. Each report shall show the range of concentration for any additive used during that quarter. Reports shall be submitted on forms which shall be supplied by the Commissioner upon request of the fuel manufacturer or processor.

Subpart B—Registration Procedures

§ 79.10 Notification by fuel manufacturer or processor.

Any manufacturer or processor of a designated fuel who wishes to have an additive registered for use in such fuel shall, at least 120 days prior to (a) the date prescribed by the Secretary in Subpart D of this part, or (b) the date on which such fuel manufacturer or processor proposes to begin introducing a fuel containing such additive for delivery into interstate commerce or to another person who, it can reasonably be expected, will deliver such fuel for such introduction, whichever date is later, notify the Commissioner, National Air Pollution Control Administration, 411 West Chapel Hill Street, Durham, N.C. 27701, in accordance with § 79.11. Each notification shall be signed by the fuel manufacturer or processor or his agent, and shall be submitted on such forms as the Commissioner shall supply upon request.

§ 79.11 Information and assurances to be provided by the fuel manufacturer or processor.

Each notification submitted by the fuel manufacturer or processor shall include the following:

(a) The commercial identifying name of any additive to be used in a designated fuel subsequent to the date prescribed for such fuel in Subpart D of this part, and any other name used by the fuel manufacturer or processor to identify such additive;

(b) The name and address of the additive manufacturer of any additive named;

(c) The range of concentration of any additive named, as follows:

(1) In the case of an additive used in a designated fuel at any time during the period beginning with the date of designation of such fuel and ending with the submission date of notification under this subpart, the range of concentration for any two successive weeks within the period beginning with such date of designation and ending with such date of notification, and

(2) For any other additive, the expected range of concentration;

(d) The purpose in the use of any additive named, including:

(1) The function the additive is designed to perform, and

(2) Summaries of any information developed by or available to the fuel manufacturer or processor concerning the following:

(i) Mechanisms of reactions between the additive and the designated fuel,

(ii) The emissions which result directly from the use of the additive in the fuel and the effect of the additive on all other emissions, and

(iii) Toxicity or injurious effects of emission products resulting from the use of the additive in such fuel;

(e) Assurances that information of the type described in subdivisions (i) and (iii) of paragraph (d)(2) of this section which is developed by or becomes available to the fuel manufacturer or processor will be provided to the Commissioner on April 1 of each year;

(f) If complete information describing both the emissions which result directly from the use of the additive in the fuel and the effect of the additive on all other emissions is not included in the notification submitted for such additive pursuant to § 79.10, the fuel manufacturer or processor shall provide assurances that such information will be provided no later than 1 year from the date of such notification. Such information shall constitute a part of the fuel manufacturer's or processor's notification for such additive;

(g) Assurances that changes in information submitted pursuant to paragraphs (a), (b), and (d)(1) of this section will be provided to the Commissioner, within 30 days of such change. Forms for reporting changes will be provided by the Commissioner at the fuel manufacturer or processor's request;

(h) Assurances that the reports of additive usage required by § 79.5 will be provided to the Commissioner; and

(i) Assurances that the fuel manufacturer or processor will not represent, directly or indirectly, in any notice, circular, letter, or other written communication, or any written, oral, or pictorial notice or other announcement in any publication or by radio or television, that registration of an additive contained in a fuel constitutes endorsement, certification, or approval of the fuel or additive by any agency of the United States.

§ 79.12 Action by the Commissioner.

Following receipt of the notification submitted by the fuel manufacturer or processor pursuant to § 79.11, the Commissioner shall, in writing, advise the manufacturer of any unregistered additive named in such notification to provide the information and assurances required by § 79.14. The Commissioner shall provide notification forms for the additive manufacturer's use.

§ 79.13 Notification by the additive manufacturer.

(a) Any additive manufacturer who has been advised by the Commissioner pursuant to § 79.12, shall file with the Commissioner, National Air Pollution Control Administration, 411 West Chapel Hill Street, Durham, N.C. 27701, a notification in accordance with § 79.14. A separate notification shall be submitted for each additive. Each notification shall be signed by the additive manufacturer or his agent.

(b) If an additive manufacturer who has been advised by the Commissioner pursuant to § 79.12 has not notified the Commissioner within 30 days after being advised pursuant to this subpart, the Commissioner shall inform any fuel manufacturer or processor concerned that the additive manufacturer's failure to notify the Commissioner will prevent registration of the additive.

(c) Any manufacturer of an additive designed for use in a fuel designated by the Secretary under Subpart D of this part may file with the Commissioner, National Air Pollution Control Administration, 411 West Chapel Hill Street, Durham, N.C. 27701, a notification in accordance with § 79.14. A separate notification, signed by the additive manufacturer or his agent, shall be submitted for each such additive.

(d) If, in the opinion of the Commissioner, such additive manufacturer has complied with the provisions of this part requiring the submission of information and the giving of assurances for any such additive, he shall provide such additive manufacturer with a letter acknowledging that compliance, and stating that registration of such additive may be accomplished at such time as any fuel manufacturer or processor complies with the notification requirements of § 79.10.

§ 79.14 Information and assurances to be provided by the additive manufacturer.

Each notification submitted by the additive manufacturer shall include the following:

(a) The recommended range of concentration of the additive;

(b) The recommended purpose in the use of the additive, including:

(1) The function such additive is designed to perform,

(2) Summaries of any information developed by or available to the additive manufacturer concerning the following:

(i) Mechanisms of reactions between the additive and the designated fuel,

(ii) The emissions which result directly from the use of the additive in the fuel and the effect of the additive on all other emissions, and

(iii) Toxicity or injurious effects of emission products resulting from the use of the additive in such fuel;

(c) The chemical composition of the additive;

(d) The chemical structure of such additive to the extent such information is available;

(e) Assurances that information of the type described in subdivisions (i) and (iii) of paragraph (b)(2) of this section which is developed by or becomes available to the additive manufacturer will be provided to the Commissioner on April 1 of each year;

(f) If complete information describing both the emissions which result directly from the use of the additive in the fuel and the effect of the additive on all other emissions is not included in the notification submitted for such additive pursuant to § 79.13, the additive manufacturer shall provide assurances that such information will be provided no later than 1 year from the date of such notification. Such information shall constitute a part of the additive manufacturer's notification for such additive;

(g) Assurances that any change in information submitted pursuant to paragraphs (a), (b)(1), (c), and (d) of § 79.14 will be provided to the Commissioner within 30 days of such change. Forms for reporting changes will be provided by the Commissioner at the additive manufacturer's request; and

(h) Assurances that the additive manufacturer will not represent directly or indirectly, in any notice, circular, letter or other written communication or any written, oral, or pictorial notice or other announcement in any publication or by radio or television that registration of any additive produced or formulated by him constitutes endorsement, certification, or approval by any agency of the United States.

§ 79.15 Determination of noncompliance.

Whenever the Commissioner determines that there are deficiencies in a notification which constitute failure to comply with the regulations of this part, he shall inform the noncomplying fuel manufacturer or processor or noncomplying additive manufacturer of the reasons for such determination. In the case of a noncompliance by an additive manufacturer, the Commissioner shall also inform any fuel manufacturer or processor concerned of such determination.

§ 79.16 Registration.

(a) If, in the opinion of the Commissioner, the provisions of this part requiring the submission of information and the giving of assurances have been complied with for a particular additive, he shall register that additive and notify the additive manufacturer and each fuel manufacturer or processor concerned of such registration.

(b) The Commissioner shall maintain a list of registered additives, each identified by the name of the appropriate additive manufacturer, which he shall publish in the Code of Federal Regulations and keep current by publication in the FEDERAL REGISTER.

Subpart C—Withdrawal of Registration

§ 79.20 Withdrawal of registration: fuel manufacturer or processor.

If the Commissioner determines that a fuel manufacturer or processor is not in compliance with the regulations of this part with respect to a registered additive, he may, after informing such noncomplying fuel manufacturer or processor of the reasons for such determination, and providing such noncomplying fuel manufacturer or processor a reasonable time in which to comply and/or to present his views concerning such determination, withdraw the registration of such additive for use in any designated fuel of such noncomplying fuel manufacturer or processor.

§ 79.21 Withdrawal of registration: additive manufacturer.

If the Commissioner determines that an additive manufacturer is not in compliance with the regulations of this part with respect to a registered additive, he may withdraw the registration of such additive and remove it from the list of registered additives maintained pursuant to § 79.16. Prior to withdrawing registration, the Commissioner shall:

(a) Inform such noncomplying additive manufacturer and all affected fuel manufacturers and processors of the reasons for such determination;

(b) Provide such noncomplying additive manufacturer a reasonable time in which to comply and/or to present his views concerning such determination; and

(c) Publish in the FEDERAL REGISTER a notice that he intends to withdraw registration, allowing interested persons 30 days in which to comment upon the intended withdrawal.

Subpart D—Designation of Fuels

§ 79.30 Scope.

Fuels designated and dates prescribed by the Secretary for the registration of fuel additives, pursuant to section 210 of the Act, are listed in this subpart. Additional fuels may be designated and additional dates prescribed as the Secretary deems advisable.

§ 79.31 Motor gasolines.

All fuels commonly or commercially known or sold as motor gasoline, with the exception of aviation gasoline, are hereby designated. All additives contained in such fuels must be registered by ------ ------ (one hundred eighty (180) days following final publication of this notice).

Dated: July 24, 1969.

JOHN T. MIDDLETON,
Commissioner.

[F.R. Doc. 69-8866; Filed, July 29, 1969; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 422]

GASOLINE DISPENSING PUMPS

Posting of Research Octane Ratings

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has initiated a proceeding for the promulgation of a Trade Regulation Rule addressed to the subject of mandatory posting of research octane ratings, in a clear and conspicuous manner, on gasoline dispensing pumps by refiners and other marketers of gasoline products.

The Commission has initiated this proceeding having reason to believe that:

(1) Failure by refiners and other marketers of gasoline to identify the gasoline being dispensed through the pumps in terms of research octane ratings may constitute a deception, and an unfair trade practice in that it fails to provide the consumer with a criterion to which he can relate the gasoline with engine requirements of his automobile;

(2) The failure of refiners and other marketers to disclose the research octane ratings on the gasoline pumps is an unfair practice in that it does not afford to

the consumer information with any degree of preciseness as to the range of octane ratings available. In certain instances gasolines are being marketed by the descriptive grade name of "regular" which are in fact of a lower octane rating than the average acceptable range of "regular" brands normally marketed with resulting damage to the engines and in some instances the warranties on new cars are not being honored because the car owner unwittingly used a low octane gasoline which he assumed to be a "regular" blend;

(3) Refiners and other marketers of gasoline own and/or control the pumps through which gasoline is dispensed at the retail outlet;

(4) Many consumers are unaware that the engine requirements of their automobile may permit the use of a lower octane gasoline and are paying higher prices needlessly for gasolines of a higher octane rating; and, therefore,

(5) The practice of failing to disclose the research octane ratings of the gasoline being dispensed from the pump constitutes an unfair method of competition and an unfair or deceptive act or practice, in violation of section 5 of the Federal Trade Commission Act.

Accordingly, the Commission therefore proposes the following Trade Regulation Rule:

§ 422.1 The Rule.

In connection with the sale of motor gasoline for general automotive use, in commerce as "commerce" is defined in the Federal Trade Commission Act, it constitutes an unfair method of competition and an unfair or deceptive act or practice for the refiners or other marketers who own and/or control the pumps through which motor gasoline is dispensed at the retail outlet to fail to clearly and conspicuously disclose, in a permanent manner on the pumps, the research octane rating or ratings of the motor gasoline being dispensed.

NOTE: For purposes of this Rule, "research octane rating" shall mean the research octane rating as described in The American Society for Testing Materials (ASTM) "Specifications for Gasoline" (D 439–68T).

For the purpose of carrying out the provisions of the statutes administered by it, the Commission is empowered to promulgate rules and regulations applicable to unlawful trade practices. Such rules and regulations express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve the issue, provided that the respondent shall have been given a fair hearing on the applicability of the rule to the particular case.

Protection of the consuming public from false, misleading, deceptive, or unfair labeling or advertising of products is a prime duty of the Commission.

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the practices described herein with Joseph W. Shea, Secretary, Federal Trade Commission, Washington, D.C. 20580, not later than Tuesday, October 7, 1969. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested parties are also given notice of opportunity to orally present data, views, or arguments with respect to these practices and the proposed rule at a public hearing to be held at 10 a.m., e.d.t., on Tuesday, October 14, 1969, in Room 532 of the Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW., Washington, D.C.

Any person desiring to orally present his views at the hearing should so inform the Secretary not later than Wednesday, October 1, 1969, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Secretary of the Commission on or before Tuesday, October 7, 1969.

The data, views, or arguments presented with respect to the practices in question will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All persons, firms, corporations, or others engaged in the refining and marketing of motor gasoline in commerce, as "commerce" is defined in the Federal Trade Commission Act, will be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

All interested parties, including the consuming public, are urged to express their approval or disapproval of the proposed rule, or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Issued: July 25, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-8926; Filed, July 29, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 25]

[Docket No. 9611; Notice 69-30]

COMPARTMENT INTERIOR MATERIALS

Smoke Emission; Advance Notice

The Federal Aviation Administration is considering rule making to establish standards governing the smoke-emission characteristics of aircraft interior materials. The need for a smoke-emission standard for aircraft interior materials was discussed in Notice 66–26 (31 F.R. 10275, July 29, 1966). However, the FAA determined that it could not propose standards at that time because not enough was known about the smoke-emission characteristics of then-available materials to form a basis for rule making. The FAA now believes that the state-of-the-art may have developed to the point that smoke-emission standards can be established.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for early institution of public proceedings in actions related to rule making. An "advance" notice is issued when it is found that the resources of the FAA and reasonable inquiry outside the FAA do not yield a sufficient basis to identify and select tentative or alternate courses of action upon which a rule-making procedure might be undertaken, or when it would otherwise be helpful to invite early public participation in the identification and selection of such tentative or alternate courses of acton. The subject matter of this advance notice has been found to involve the situation contemplated by this policy.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number, and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. Communications should be received on or before October 28, 1969, to assure proper consideration. All comments submitted will be available in the Rules Docket, both before and after the closing date for comments, for examination by interested persons. If it is determined to proceed further, after consideration in the light of the available data and the comments received in response to this notice, a notice of proposed rule making will be issued.

Subsequent to the issuance of Notice 66–26, the FAA has conducted extensive research in an effort to determine the full extent to which available aircraft interior materials produce smoke when burning. In addition, as noted in the preamble to Amendment 25–15 (32 F.R. 13255, Sept. 20, 1967), industry development programs were established. The E. I. du Pont de Nemours & Co. (du Pont), in a petition for rule making dated June 26, 1968, stated that its research and evaluation of the smoke emission characteristics of currently-available materials established that certain of these materials, if used in aircraft interiors, would significantly advance aircraft crashworthiness. Du Pont recommended the adoption of a standard which would use the National Bureau of Standards nonflaming and flaming smoke generation tests (set forth in ASTM STP422, 1967: "Method for Measuring Smoke from Burning Materials," by D. Gross, J. J. Loftus, and A. F. Robertson) with a minmum of 2 minutes to reach the critical visibility level D_s=16.

Aircraft crashworthiness would be significantly upgraded if smoke emission from burning interior materials could be reduced in sufficient measure. The FAA recognizes that there are no industry-wide standards, test equipment, and test methods in common use by aircraft manufacturers, and that the current nonstandardized test practices may not yield consistent results. However, valuable technical information concerning the smoke emission characteristics of materials has been collected as a result of the FAA and industry research programs. The FAA believes that additional information may be available from other interested persons, and desires to review the entire technical situation prior to proposing the establishment of practical maximum smoke emission levels for aircraft interior materials, or the adoption of a test method or methods for evaluating the smoke emission characteristics of these materials. To this end, the FAA welcomes the participation of aircraft manufacturers, material producers, Government agencies and other interested persons and, by means of this advance notice of proposed rule making, solicits the views of all interested persons on the following questions:

1. Are there aircraft interior materials now available that, in like circumstances, emit appreciably less smoke than currently used materials, but that still meet the flame resistance standards prescribed in § 25.853 of the Federal Aviation Regulations?

2. Are there test methods that can correctly and consistently measure the smoke emission characteristics of aircraft interior materials?

3. Would it be feasible to standardize on one of these test methods to determine compliance with a specified smoke emission standard?

4. Using this standard test method, what level of smoke emission performance should be specified?

This advance notice of proposed rule making is issued under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 (a), 1421, and 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on July 23, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-8919; Filed, July 29, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-45]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration, Designation and Revocation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would realign numerous VOR Federal airways in the vicinity of Pittsburgh, Pa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace actions:

1. Realign V–8 segment from Briggs, Ohio, direct Bellaire, Ohio; intersection of Bellaire 108° T (112° M) and Grantsville, Md., 285° T (289° M) radials; Grantsville; direct Martinsburg, W. Va.

2. Extend V–8N from the Flint Stone intersection direct Grantsville, Md.

3. Extend V–10 from Youngstown, Ohio, to Revloc, Pa., via intersection of Youngstown 116° T (121° M) and Clarion, Pa., 222° T (228° M) radials.

4. Realign V–12 segment from Newcomerstown, Ohio, direct Bellaire, Ohio; intersection of Bellaire 108° T (112° M) and Indian Head, Pa., 254° T (260° M) radials; Indian Head; direct Johnstown, Pa.

5. Realign V–30 segment from Akron, Ohio, direct Clarion, Pa.

6. Designate a west alternate to V–35 between Johnstown, Pa., and Morgantown, W. Va., via the intersection of the Johnstown 260° T (266° M) and Morgantown 010° T (015° M) radials (Newton, Pa., intersection).

7. Realign V–37 segment from Morgantown, W. Va., direct Indian Head, Pa., direct Clarion, Pa., direct Franklin, Pa., direct Erie, Pa.

8. Realign V–40 segment from Briggs, Ohio, to the intersection of Briggs 082° T (086° M) and Youngstown, Ohio, 186° T (191° M) radials (Lisbon, Pa., intersection). The airway would terminate at the Lisbon intersection.

9. Realign V–41 segment from the intersection of Briggs, Ohio, 082° T (086° M) and Youngstown, Ohio, 186° T (191° M) radials (Lisbon, Pa., intersection); direct Youngstown.

10. Revoke V–58 segment from Revloc, Pa., to Tyrone, Pa.

11. Realign V–75 segment from Morgantown, W. Va., direct Bellaire, Ohio, direct Briggs, Ohio.

12. Realign V–92 segment from Briggs, Ohio, direct Bellaire, Ohio; intersection Bellaire 108° T (112° M) and Grantsville 285° T (289° M) radials; Grantsville.

13. Realign V–103 segment from Clarksburg, W. Va., direct Bellaire, Ohio; intersection Bellaire 327° T (331° M) and Akron, Ohio, 182° T (186° M) radials; Akron.

14. Realign V–115 segments from Parkersburg, W. Va., direct Newcomerstown, Ohio; intersection Newcomerstown 037° T (040° M) and Franklin, Pa., 239° T (245° M) radials; Franklin, direct Tidioute, Pa.

15. Designate V–117 from Parkersburg, W. Va., direct Bellaire, Ohio; to intersection Bellaire 044° T (048° M) and Newcomerstown, Ohio, 099° T (102° M) radials (Warwood, W. Va., intersection).

16. Realign V–119 segment from Parkersburg, W. Va.; intersection Parkersburg, W. Va.; intersection Parkersburg 067° T (070° M) and Indian Head, Pa., 254° T (260° M) radials; Indian Head, direct Clarion, Pa.

17. Realign V–210 segment from Tiverton, Ohio, direct Briggs, Ohio; intersection Briggs 044° T (048° M) and Akron, Ohio 088° T (092° M) radials; intersection Akron 088° T (092° M) and Youngstown, Ohio, 116° T (121° M) radials; intersection Youngstown 116° T (121° M) and Clarion, Pa., 222° T (228° M) radials; direct Revloc, Pa.

18. Realign V–214 segment from Bellaire, Ohio; intersection Bellaire 108° T (112° M) and Indian Head, Pa., 254° T (260° M) radials; Indian Head, direct Martinsburg, W. Va.

19. Realign V–226 segment from intersection of Franklin, Pa., 175° T (181° M) and Clarion, Pa., 222° T (228° M) radials (Graham, Pa., intersection), direct Clarion. The airway would start at the Graham intersection.

20. Realign V–276 segment from Clarion, Pa., direct Tyrone, Pa.

21. Realign V–297 segment from Johnstown, Pa.; intersection Johnstown 315° T (321° M) and Clarion, Pa., 222° T (228° M) radials; intersection Clarion 269° T (275° M) and Youngstown, Ohio, 116° T (121° M) radials, direct Akron, Ohio.

22. Realign V–309 segment from Charlestown, W. Va., direct Burton, W. Va., intersection, direct Bellaire, Ohio.

23. Extend V–337 segment from the intersection of Briggs, Ohio, 082° T (086° M) and Youngstown, Ohio, 186° T (191° M) radials (Lisbon, Pa., intersection), direct Akron, Ohio.

24. Realign V–443 segment from Newcomerstown, Ohio to the intersection of Newcomerstown 099° T (102° M) and Bellaire, Ohio, 044° T (048° M) radials (Warwood, W. Va., intersection). The airway would start at the Warwood intersection.

25. Realign V–474 segment from the intersection of Morgantown, W. Va., 010° T (015° M) and Johnstown, Pa., 260° T (266° M) radials (Newton, Pa., intersection), direct Indian Head, Pa. The airway would start at the Newton intersection.

26. The Power Point, Pa., compulsory low altitude reporting point would be revoked.

If the airspace actions proposed in this docket are adopted, control of the airspace within a 30-nautical-mile radius of the Greater Pittsburgh Airport extending up to and including 14,000 feet MSL would be delegated to Pittsburgh approach control. In addition, a rectangular area, extending up to and including 4,000 feet MSL, sufficient to protect instrument approach procedures at Wheeling, W. Va., Airport would be delegated to Pittsburgh Approach Control.

The realigned airway segments would provide ingress and egress for the terminal area. No additional controlled airspace would be required. Also, no relocation of navigational aids would be required. There would be no additional requirements on the part of any aircraft operator, either IFR or VFR.

The 30-mile radius area would be free of intervening airways. This would allow approach control to provide almost uninterrupted climbs and descents to and from the en route structure. The complete capability of the terminal radar system could be more fully utilized than is possible with the existing airway configuration.

If these proposals are adopted, the following benefits are expected:

1. Minimizing the length of time high performance IFR flights would occupy the critical altitude strata used so extensively by VFR aircraft thereby reducing the VFR/IFR collision possibility.

2. By allowing IFR jet aircraft arrivals to stay as high as possible, as long as possible, and allowing jet departures to reach the higher flight levels as soon as possible, fuel consumption for these aircraft would be reduced.

3. Coordination procedures between the air route traffic control center and approach control could be simplified and allow more time for vital control functions.

4. Realignment of the airways would reduce radar scope clutter and simplify radar target identification.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 25, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-8993; Filed, July 29, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 18397]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Order Extending Time for Filing Comments

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals, Docket No. 18397.

1. On July 17, 1969, the National Cable Television Association, Inc. (NCTA) filed a motion for a 45-day extension of the times for filing comments and reply comments on Part V of this proceeding. Such comments and reply comments were scheduled by the Commission's order released on July 4, 1969 (FCC 69-612) to be filed on August 1, 1969, and October 1, 1969, respectively. By order of July 15, 1969, the time for filing reply comments on Part V was extended to November 3, 1969, at the request of Electronic Industries Association in order to obtain the assistance of its proposed studies. The order stated that "the Commission is desirous of receiving initial comment on Part V at an early date and will adhere to the present August 1, 1969 deadline for comments on Part V."

2. Since the questions in Part V are pertinent to issues in Part III which are now pending before the Commission for decision, it does not appear that further substantial delay in the submission of comments on Part V would serve the public interest. However, in order to accommodate the national representative of the industry most directly affected and in view of the prior extension for reply comments, the time for filing initial comments on Part V will be extended through September 5, 1969. In its order of July 4, 1969, the Commission recognized that "this date comes at the end of the summer after the vacation period" and stated that "no further extension based on such factors is contemplated."

3. *Accordingly, it is ordered,* Pursuant to § 0.289(c)(4) of the Commission's rules and regulations, that the time for filing comments on Part V of Docket No. 18397 is extended through September 5, 1969, and reply comments on Part V remain due on or before November 3, 1969.

Adopted: July 24, 1969.

Released: July 24, 1969.

[SEAL] SOL SCHILDHAUSE,
Chief, CATV Task Force.

[F.R. Doc. 69-8929; Filed, July 29, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1002]

[Ex Parte No. 246]

REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED ACTIVITIES

Extension of Time

JULY 24, 1969.

At the request of the Motor Carrier Lawyers Association, an interested party, the time for filing written representations in the above-entitled proceeding has been extended from August 1, 1969, to September 2, 1969.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-8933; Filed, July 29, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

DIRECTOR, OFFICE OF CAPITAL DEVELOPMENT AND ENGINEERING ASSOCIATE DIRECTOR (CAPITAL DEVELOPMENT), OFFICE OF CAPITAL DEVELOPMENT AND ENGINEERING

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 5, dated December 29, 1961, as amended, I hereby redelegate to each of the individuals listed above, for the countries or areas within the responsibility of this Regional Bureau, authority to perform the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 in accordance with the terms of the authorization of such loans;

2. Authority to implement loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 and by the Board of Directors of the Corporate Development Loan Fund;

3. Authority to negotiate, execute, and implement agreements and other documents ancillary to loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 and by the Board of Directors of the Corporate Development Loan Fund; and

4. Authority to provide instructions to the Missions to India, Pakistan, and Turkey with respect to individual loan agreements limiting the authority of the Missions to negotiate and execute loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 and to implement loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 and by the Board of Directors of the Corporate Development Loan Fund: *Provided, however,* That the exercise of this authority shall be subject to instructions otherwise by me or my deputy.

The following authorities enumerated above may be redelegated by the individuals listed above to qualified loan officers within the Office of Capital Development and Engineering, Bureau for Near East and South Asia:

(a) Authority described above in paragraph 1;

(b) Authority described above in paragraph 2 to the following extent:

(1) Authority to review and approve documents and other evidence submitted by borrower in satisfaction of conditions precedent to financing under such loan agreements; and

(2) Authority to review and approve the terms of contracts, amendments, and modifications thereto and invitations for bids and proposals with respect to such contracts financed by funds made available under such loan agreements; and

(c) Authority to negotiate and implement agreements and other documents ancillary to such loan agreements.

The authority described above in paragraph 2 may be redelegated by the individuals listed above to the Chief of the Loan Operations Division within the Office of Capital Development and Engineering, Bureau for Near East and South Asia, to the following extent:

Authority to approve, negotiate, execute, and implement Program Assistance Agreement Abstracts, Commodity Procurement Instructions, Financing Requests, Direct Reimbursement Approvals and Procurement Authorization/Purchase Requisitions, and amendments thereto, related to such loan agreements.

Actions within the scope of this redelegation heretofore taken by the officials designated herein are hereby ratified and confirmed.

The Redelegation of Authority from the Assistant Administrator, Bureau for Near East and South Asia, to the Director, Office of Capital Development and Finance and others, dated April 26, 1968, is hereby rescinded.

This redelegation of authority is effective immediately.

Dated: July 16, 1969.

MAURICE J. WILLIAMS,
Assistant Administrator, Bureau for Near East and South Asia.

[F.R. Doc. 69-8917; Filed, July 29, 1969; 8:46 a.m.]

SENIOR LOAN OFFICERS, OFFICE OF CAPITAL DEVELOPMENT AND ENGINEERING, CHIEF, LOAN OPERATIONS DIVISION, OFFICE OF CAPITAL DEVELOPMENT AND ENGINEERING

Redelegation of Authority

1. Pursuant to the authority delegated to me by Redelegation of Authority dated July 16, 1969, I hereby redelegate to the Senior Loan Officers, for the countries or areas within their respective assignments, authority to exercise any of the functions herein redelegated:

Authority to review and approve the terms of contracts, amendments and modifications thereto and invitations for bids and proposals with respect to such contracts financed by funds made available under loans authorized under the Foreign Assistance Act of 1961 and by the Board of Directors of the Corporate Development Loan Fund.

2. Pursuant to the authority delegated to me by the same Redelegation of Authority, I hereby redelegate to the Chief of the Loan Operations Division of this Bureau, or anyone acting in that capacity, authority to perform the following functions with respect to Commodity Program Assistance Loans authorized under the Foreign Assistance Act of 1961, as amended, to the countries or areas within the responsibility of this Regional Bureau, retaining for myself concurrent authority to exercise any of the functions herein redelegated;

a. Authority to approve, execute, and implement Program Assistance Agreement Abstracts and amendments thereto;

b. Authority to approve, execute, and implement Commodity Procurement Instructions and amendments thereto;

c. Authority to approve, execute, and implement Financing Requests and amendments thereto;

d. Authority to approve, execute, and implement Direct Reimbursement Approvals and amendments thereto;

e. Authority to approve, negotiate, execute, and implement Procurement Authorization/Purchasing Requisitions and amendments thereto;

f. Authority to review and approve the terms of contracts, amendments, and modifications thereto and invitations for bids and proposals with respect to such contracts financed by funds made available under loans authorized under the Foreign Assistance Act of 1961 and by the Board of Directors of the Corporate Development Loan Fund.

3. Actions within the scope of this redelegation heretofore taken by the officials designated herein are hereby ratified and confirmed.

4. This redelegation of authority is effective immediately.

Dated: July 16, 1969.

THEODORE H. LUSTIG,
Director, Office of Capital Development and Engineering, Bureau for Near East and South Asia.

[F.R. Doc. 69-8918; Filed, July 29, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

CAST OR ROLLED GLASS FROM JAPAN

Antidumping Proceeding Notice

JULY 23, 1969.

On January 6, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27) indicating a possibility that cast or rolled glass from

Japan, is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a), et seq.).

The information was submitted by Lincoln and Stewart, Washington, D.C.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-8947; Filed, July 29, 1969; 8:49 a.m.]

SHEET GLASS FROM JAPAN

Antidumping Proceeding Notice

JULY 23, 1969.

On February 11, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27) indicating a possibility that sheet glass from Japan is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a), et seq.).

The information was submitted by Lincoln and Stewart, Washington, D.C.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to section 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-8948; Filed, July 29, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

LICENSED DEALERS UNDER LABORATORY ANIMAL WELFARE ACT

List of Persons

Pursuant to § 2.127 of the regulations (9 CFR 2.127) under the Act of August 24, 1966 (80 Stat. 350, 7 U.S.C. 2131 et seq.), commonly known as the Laboratory Animal Welfare Act, notice is hereby given that, as of July 1, 1969, the following persons were licensed as dealers under said Act and regulations as indicated below:

ALABAMA

G. R. Floyd and E. A. Marchand, partners, Route 1, Box 235D, McDonald Road, Irvington 36544.

ARKANSAS

George J. E. Holzwarth, doing business as George J. E. Holzwarth Co., Post Office Box 186, Fayetteville 72701.
Pel Freez Bio-Animals, Inc., Post Office Box 68, Rogers 72756.
Ray Robison, Route 1, Casa 72025.

CALIFORNIA

The Hine Laboratories, doing business as The Lazy H. Animal Ranch, 1195 Mee Lane, St. Helena 94574.
Henry K. Knudsen, doing business as Knudsen's Biological Supplies, J 12488 South Highway 50, Lathrop 95330.
Charles V. Means, Jr., doing business as California Caviary, 10830 Prairie Avenue, Inglewood 90303.

DISTRICT OF COLUMBIA

George Mazur Enterprises, Inc., 77 Eye Street, SE., Washington 20003.

FLORIDA

Dawson Research Corp., 114 West Grant Avenue, Orlando 32806.
Research Livestock Labs, Inc., 12934 Banyon Road, North Miami 33161.

IDAHO

Nez Perce Humane Society, Inc., Post Office Box 568, Lewiston 83501.

ILLINOIS

Oscar V. Calanca, doing business as Calanca's Beagles, Rural Route 1, Box 175, Grayslake 60030.
Don A. Carlson and Carl S. Carlson, partners, doing business as Viking Kennels, 238 Sanders Road, Deerfield 60015.
General Foods Corp., Rural Route 3, St. Anne 60964.
Robert R. Motsinger, Rural Route 2, St. Joseph 61873.
National Dairy Products Corp., 801 Waukegan Road, Glenview 60025.
Omis Corp., 504 North Parkside Avenue, Chicago 60644.
Bertha Peterson, 801 Greenwood, Waukegan 60085.
Dr. J. L. Prince, doing business as Conditioning Animal Center, 2348 Western Avenue, Park Forest 60466.
Research Industries Corp., Post Office Box 97, Route 1, Monee 60449.
Thompson Research Foundation, Route 1, Box 97, Monee 60449.
Lewis N. Warren, Box 125, Pana 62557.
Wedge's Creek Research Farm, 1810 Frontage Road, Northbrook 60062.

INDIANA

Robert A. Everett, doing business as Oakdale Farm & Kennel, Rural Route 5, Decatur 46733.
Robert Metcalf, Route 1, Box 88, Auburn 46706.
David W. Wilson, doing business as Wilson Small Animal Farm, Rural Route 3, Box 91, Vincennes 47591.
Alton S. Windsor, Sr., doing business as Windsor Biology Gardens, Box 1210, Bloomington 47401.
Harry K. Zook, doing business as Maple Hill Kennel, Box 354, Morgantown 46160.

IOWA

Dewey Adams, 514 North Kent Street, Knoxville 50138.
Wayne Edward Barber, Rural Route 2, Indianola 50125.
Henry F. Bockenstedt, Rural Free Delivery 1, Earlville 52041.
Coralea Hull, Rural Route 1, Weldon 50264.
Dave Irving, Route 1, Chariton 50049.
Robert R. Lauer, doing business as Lauer's Kennels, Route 1, Fredericksburg 50630.
Elmer B. Scherbring, doing business as Clearview Kennels, Route 2, Box 80, Earlville 52041.

KANSAS

Joseph Bloomer, Lebanon 66952.
Charles M. Brink, Route 2, Box 13, Paola 66071.
Robert W. Donaldson and Donald R. Borders, partners, doing business as BCD Animals, Route 1, Silver Lake 66539.
Omer and Catharine Hosler, partners, Rural Route 2, Valley Falls 66088.
National Laboratories, 1700 63d Street, Kansas City 66106.
Kenneth Phillips, Route 1, Edgerton 66021.
Dale Sappington, doing business as Sappington Research Animal Supply, 6021 Gibbs Road, Kansas City 66106.
Theracon, Inc., Box 1493, Topeka 66601.

KENTUCKY

Walter T. Baker, Route 2, Water Valley 42085.
Earl Feeback, doing business as Bourbon County Dog Pound, County Farm, Ruddles Mills Road, Route 3, Paris 40361.
William A. Newman, Star Route, Beech Creek 42321.
M. E. Northcutt, doing business as Goodwill Kennels, Rural Route 5, Cynthiana 41031.
J. W. Toombs, Route 1, Moreland 40454.

MAINE

The Jackson Laboratory, Otter Creek Road, Bar Harbor 04609.

MARYLAND

Animal Resources, Inc., Post Office Box 67, Woodsboro 21798.
Commando K-9 Detectives, Inc., 7501 Sheriff Road, Landover 20786.
W. L. Eckert, Harney Road, Taneytown 21787.
Flow Laboratories, Inc., 12601 Twinbrook Parkway, Rockville 20850.
Dr. C. D. Hobart, doing business as Pulaski Veterinary Clinic, 9707 Pulaski Highway, Baltimore 21220.
Paul Jackson, doing business as Lab-A-La-Cat & Co., Rural Free Delivery 2, Keymar 21757.
Edgar E. Walls, Sr., Route 1, Box 57A, Centreville 21617.

MASSACHUSETTS

Country Kennels, Inc., 107 Concord Street, Holliston 01746.
John Czepiel, 26 Paderewski Avenue, Chicopee 01013.
Dr. Orville H. Drumm, doing business as O'Malley Animal Hospital, 100 Boylston Street, Clinton 01510.
Alvin C. Finch, doing business as Pineland Farm Kennels, 93 Leonard Street, Raynham 02767.
Vincent R. Malone, 42 Oakland Street, Medway 02053.
Northeast Primates, Inc., Route 114, North Main Street, Middleton 01949.

MICHIGAN

Evelyn S. Armstrong, doing business as Oak Shadows Farm, 5933 South 9th Street, Kalamazoo 49001.
Heric Fehrenbach, doing business as H-Bar-B Research Beagles, 201 Main Street, Essexville 48732.
Grant Hodgins, doing business as Hodgins Kennel, 6110 Lange Road, Howell 48843.
Laboratory Research Enterprises, Inc., 5040 Meredith Road, Kalamazoo 49002.
Edward Radzilowski, doing business as Meadow Brook Farms & Co., 10533 Gratiot, Richmond 48062.
Tri-Co Research Projects, Inc., 5620 Texas Drive, Kalamazoo 49002.
Robert J. Woudenberg and Roberta L. Woudenberg, partners, doing business as R and R Research Breeders, Route 2, Howard City 49329.

MINNESOTA

Delores N. Beise, Route 4, Hastings 55033.
Melvin Beise, Route 1, Jordan 55352.
James Goebel, Janesville 56048.
Mrs. Earland Guetzkow, New Germany 55367.
Donald Hippert, Kasson 55944.
Ben M. Kruger, Hayfield 55940.
Allen W. LaFave, 402 Third Street, SE., East Grand Forks 56721.
Norman L. Larson, doing business as Wayside Kennels, Route 2, Box 449, Long Lake 55336.
Nick Reiland, Mazeppa 55956.
Bill Ryan, Millville 55957.
Math L. Serger, Route 2, Watkins 55389.
M. J. Wachlin, Sargeant 55973.

MISSISSIPPI

Dr. Joe Martin, 125 Martin Street, Ripley 38663.
Holley Vanlandingham, Post Office Box 133, Vardaman 38878.

MISSOURI

Robert E. Barnett, Route 6, Columbia 65201.
Wanda Barnfield, doing business as Bar-Wan Rabbitry & Kennel, Route 1, Box 60, Crocker 65452.
Larry W. Faulkner, Box 566, Platte City 64079.
William A. Gragg, doing business as Argyle Dog and Cat Supplier, Argyle 65001.
Wilbert Gruenefeld, Route 1, Jonesburg 63351.
Elmer G. Hines, doing business as Sho-Me Kennels, Rural Route 1, Grain Valley 64029.
Woodrow W. Huffstutler, Vienna 65582.
Ralston Purina Co., Purina Research Farm, Gray Summit 63039.
Charles J. Strader, doing business as Lone Star Kennels, Rural Route 1, Harrisonville 64701.
Wilburn B. Wilhelm, Route 4, Lamar 64579.

MONTANA

Earl M. Pruyn, doing business as Pruyn Veterinary Hospital, 1515 Livingston, Missoula 59801.

NEBRASKA

Harold and Viola Hansen, partners, Box 371, Wakefield 68784.
Richard L. Hellman, Box 407, Gretna 68028.
Mrs. Sylvia Meisinger, Rural Route 1, Ashland 68003.
Don and Donna Merten, partners, Albion 68620.
Mrs. William Packer, Route 2, Wood River 68883.
Mrs. Donald Scarlett, 904 West Harrison, Albion 68620.

NEW HAMPSHIRE

Henry and Roger Bickford, partners, Coose Pond Road, Lyme Center 03769.
Joseph A. Carberry, 15 Emerson Parkway, Salem 03079.
John B. Simpson, Pike 03780.

NEW JERSEY

AME, Inc., Post Office Box 57, Princeton 08540.
James Joseph Barton and Edward D., partners, doing business as Barton's West End Farms, Rural Delivery 1, Box 45, Hackettstown 07840.
Henry Christ, Box 217, Marlboro Road, Old Bridge 08857.
George Clauss, 18–19 Saddle River Road, Fairlawn 07410.
John W. Jaeger, doing business as John W. Jaeger Enterprises, Post Office Box 345, Rural Delivery 1, Sussex 07461.
K–G Farms, Inc., 3651 Hill Road, Parsippany 07054.
Ernest Parker and Walter Daniels, partners, doing business as West Jersey Kennels, Lindenwold 08021.
Price Research Laboratory, Inc., 2367 Lakewood Road, Toms River 08753.
Valley Farms, Post Office Box 585, West Paterson 07424.
Barbara A. Williams, doing business as Hilldale Farms, Box 728, Rural Delivery 1, Franklinville 08322.

NEW YORK

Ronald M. Barlow, doing business as Barlow Research Animals, Ridge Road, Pompey 13138.
Mrs. Eugenia K. Bean, Rural Delivery 3, Iowa Road, Moravia 13118.
Claude Benjamin, doing business as Lake Brook Kennel, Hobart 13788.
Cornell Dog Farm, 37 Sapsucker Woods Road, Ithaca 14850.
Edward G. Fabry, 267 Congers Road, New City 10956.
Dr. Thomas M. Flanagan, doing business as Grouse Ridge Kennels, Manley Road, Norwich 13815.
Food and Drug Research Laboratories, Inc., Maurice Avenue at 58th Street, Maspeth 11378.
Patrick Grella and Harry Grohsman, partners, doing business as New Windsor Farms, Forrester Road, Rock Tavern 12575.
George K. Holbert, Box 27, Sugar Loaf 10981.
Arthur F. Keicher, 948 South French Road, Cheektowaga 14225.
William H. Lasher, Rural Delivery 1, Catskill 12414.
Marshall Research Animals, Inc., North Rose 14516.
The Mary Imogene Bassett Hospital, Cooperstown 13326.
Steven Molnar, 231 Union Street, Box 182, Hudson 12534.
Clarence Morey, Rural Delivery 2, Waverly 14892.
Arthur Nersesian, doing business as Rock Mountain Valley Farm, Clove Valley Road, High Falls 12440.
J. J. Nowak, doing business as J. J. Nowak Kennels, 4347 Broadway, Depew 14043.
Michael Partisky, Route 52, Holmes 12531.
Arthur Phillips, Rural Delivery 2, Box 386, Warwick 10990.
Robert W. Steedman, North Road, Leroy 14482.
Donald L. Stumbo, doing business as Stumbo Farms, Reed Road, Lima 14485.
Eugene E. Wells, Box 174, Springfield Center 13468.
Warren H. Wilson, Rural Delivery 1, Naples 14512.

NORTH CAROLINA

Warren E. Bowes, Route 4, Box 20, Roxboro 27573.
Jack V. Hill, doing business as Aardvark Medical Research Utilities, Route 4, Box 332, Clinton 28328.

OHIO

A.F.R., Inc., Rural Route, Leetonia 44431.
Paul Anthony, doing business as Kiser Lake Kennels, Route 1, Trestle Road, St. Paris 43072.
Carrol Blue, doing business as Blue's Animal Farm, Route 1, Plain City 43064.
Romie C. Dudding, Route 1, Box 255C, Ironton 45638.
Romeo and Quintino Marchetti, partners, doing business as Roe-Quinn, Kennels, 16728 Route 700, Burton 44021.
Frank H. Maxfield, doing business as Maxfield Animal Supply, Box 44004, 3192 Little Dry Run Road, Cincinnati 45244.
Graydon E. Miller, Route 1, Box 301, South Point 45680.
A. W. Sterrett, doing business as A. W. Sterrett Laboratory Animals, 2223 Savoy Avenue, Akron 44305.

OKLAHOMA

Charles Alexander, doing business as Alexander's Kennels, Route 1, Wayne 73095.
John Isern, doing business as Jackson County Biological Supply Co., Route 1, Blair 73526.
Anthony Pitts, doing business as Lakeside Kennels, Route 2, Sallisaw 74955.

OREGON

James Dennis, 332 A Street, Vernonia 97064.
Robert Shoemake, doing business as R. G. Kennels, 17225 Southeast McLoughlin Boulevard, Milwaukee 97222.

PENNSYLVANIA

Glenn E. Blantz, Rural Delivery 1, Annville 17003.
The Buckshire Corp., Ridge Road, Motor Route 1, Perkasie 18944.
Circle S Animal Supply, Rural Delivery 1, Pen Argyl 18072.
Ora E. Clark, Star Route, Everett 15537.
Dierolf Farms, Inc., Post Office Box 26, Rural Delivery 2, Boyertown 19512.
Sam Esposito, Box 137, Rural Delivery 1, Quakertown 18951.
Betty Free, 1339 Richland Pike, Rural Delivery 4, Quakertown 18951.
Fletcher Funkhouser, Route 2, Jonestown 17038.
Haycock Kennels, Inc., Rural Delivery 4, Quakertown 18951.
Charles Hazzard, doing business as North Creek Breeding Colony, Rural Delivery 2, Honey Brook 19344.
Russell B. Hutton, St. Thomas 17252.
M. L. Kredovski, doing business as Lone Trail Kennels, Post Office Box 46, Friedensburg 17933.
J. Glen Longenecker & Shirley J. Longenecker, partners, doing, business as Pine Glen Farms, Rural Delivery 3, Columbia Cross Roads 16914.
George E. Miller, Rural Delivery 2, Palmyra 17078.
William R. Miller, doing business as Broken Arrow Kennels, Box 111, McConnellsburg 17233.
Janet Neamand, doing business as White Eagle Farms, 2015 Lower State Road, Rural Delivery 3, Doylestown 18901.

George F. Pierce, doing business as Pleasant View Kennel, Box 131, Rural Delivery 3, Hummelstown 17036.
Three Springs Kennels, Inc., 146 Bascom Street, Pittsburgh 15214.
Noah W. Wenger, Rural Delivery 3, Box 56, Manheim 17545.
Marlin U. Zartman, Rural Delivery 2, Douglassville 19518.

RHODE ISLAND

James Leo Burke, doing business as Shangri-La Kennels, 750 Greenville Avenue, Johnston 02919.

TENNESSEE

Barney, Inc., 4119 Hillsboro Road, Nashville 37215.
Dr. James Brick, doing business as Laboratory Animal Consulting Service and Supply, 1407 Fifth Street NE., Knoxville 37921.
Terrell B. Wampler, doing business as Rocky
William L. Hargrove, Jr., West Avenue, Medina 38355.
James B. Wampler, doing business as Rocky Mountain Kennels, Post Office Box 991, Cleveland 37311.

TEXAS

Baylor University College of Medicine, 1200 Moursund Avenue, Houston 77025.
Granville Dawson, Post Office Box 181, Caldwell 77836.
Dr. Lavell T. Davis, doing business as Davis Biotic Supply, 2500 West Morton, Denison 75020.
Dr. J. L. Markham, doing business as Markham Veterinary Clinic, 510 Hereford Highway, Canyon 79015.
Carmon Nichols, 103 Elm Street, Bonham 75418.
Dr. M. G. Scroggs, 300 North University Drive, Fort Worth 76106.
Dr. James E. Teague, doing business as Dublin Veterinary Clinic, Post Office Box 206, Dublin 76446.
Aubrey E. Wolf, Route 1, Box 488, Belton 76513.

UTAH

Thomas P. Imlay, doing business as Dogs for Research, 4996 South Redwood Road, Murray 84107.

VERMONT

Rosaire Paradis, Enosburg Falls 05450.

VIRGINIA

ANTEC Corp., Post Office Box 909, Leesburg 22075.
Gordon Barnette, Route 3, Box 42, Chase City 23924.
Tom R. Bright, Box 575, Coeburn 24230.
Sidney J. Edwards, 4401 Green Dell Road, Chesapeake 23321.
Hazleton Research Animals, Inc., Post Office Box 8, Midlothian 23113.
John Henry, Middletown 22645.
Leslie H. Judd and Ronnie Judd, partners, doing business as Rockey Lane Kennels, Route 1, Edinburg 22824.
Noel E. Leach, doing business as Leach Kennels, Route 3, Chase City 23924.
Jack T. Musick, 2333 Shakeville Road, Bristol 24201.
Earl Saunders, doing business as Myers Creek Kennel and Supply Co., Route 2, Box 666, Lancaster 22503.
John F. Thompson, Rural Free Delivery 2, Box 63, Saltville 24370.

WASHINGTON

H. D. Cowan, 18015 140th Avenue SE., Renton 98055.
Robert L. Dry and Margot F. Dry, partners, doing business as Berliner Zwinger Kennels, Route 1, Box 302, Colbert 99005.
Charles C. Kruger, D.V.M., doing business as Schaferhaus Kennels, 1043 South 140th Street, Seattle 98168.
Dr. Zane W. Roth, 1315 Rainier Avenue South, Seattle 98144.
Mrs. Janet R. Wilcox, doing business as Jareaux Kennels, 26607 Pacific Highway South, Kent 98031.

WEST VIRGINIA

Mrs. Ella Jane Custer, doing business as Custer's Boarding Kennels, Dallas Pike, Triadelphia 26059.
R. H. Kester, doing business as Ro-Lyn Kennels, Route 4, Box 249, Martinsburg 25401.

WISCONSIN

Wayne Anderson, Route 2, Box 160, Richland Center 53581.
Fred J. Barr, doing business as Barr Beagle Kennels, Route 2, Greenwood 54437.
John W. Evans, doing business as Merry Hill Kennel, Route 1, Box 177, Sun Prairie 53590.
Vilas E. Misner and Paul K. Anderson, partners, doing business as Northland Research Kennel, 240 North LaSalle Avenue, Barron 54812.
Walter Peuschel, 13101 North Wauwatosa Road, 76 West Mequon 53092.
Ridgian Farms, Inc., 301 West Main Street, Mount Horeb 53572.
Leonard Tauber, Route 1, Waldo 53093.

Done at Washington, D.C., this 22d day of July 1969.

E. E. SAULMAN,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-8920; Filed, July 29, 1969; 8:47 a.m.]

Packers and Stockyards Administration

[P. & S. Docket No. 402]

MARKET AGENCIES AT UNION STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on February 19, 1969 (28 A.D. 172), continuing in effect to and including February 28, 1971, an order issued on January 7, 1969 (28 A.D. 17), authorizing the respondents, Market Agencies at Union Stock Yards, Chicago, Ill., to assess the current temporary schedule of rates and charges.

On July 9, 1969, a petition was filed on behalf of the respondents requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requesting that the current schedule, as so modified, be continued in effect to and including February 28, 1971.

SECTION B—SELLING CHARGES

Sheep or goats	Present	Proposed
Consignments of one head and one head only.	$0.58	$0.63 per head.
Consignments of more than one head:		
First 10 head in each 250 head.	.43	.48 per head.
The next 50 head in each 250 head.	.36	.41 per head.
The next 60 head in each 250 head.	.33	.28 per head.
The next 130 head in each 250 head.	.18	.23 per head.

SECTION C—OPEN MARKET BUYING CHARGES

Cattle	Present	Proposed
Consignments of one head and one head only.	$1.70	$1.90 per head.
Consignments of more than one head:		
First 5 head in each consignment.	1.50	1.65 per head.
Next 10 head in each consignment.	1.45	1.60 per head.
Each head over 15 head in each consignment.	1.40	1.55 per head.

CATTLE, MAXIMUM CHARGE

PRESENT

In no instance shall the charge for buying a consignment of cattle exceed the aggregate of $48 for the first 24,400 pounds, plus 18 cents for each additional 100 pounds or fraction thereof, plus extra service provided in section E.

PROPOSED

In no instance shall the charge for buying a consignment of cattle exceed the aggregate of $53 for the first 24,400 pounds or less, plus 20 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in section E.

Calves	Present	Proposed
Consignments of one head and one head only.	$1.00	$1.10 per head.
Consignments of more than one head:		
First 5 head in each consignment.	.85	.95 per head.
Next 10 head in each consignment.	.70	.80 per head.
Each head over 115 head in each consignment.	.60	.70 per head.

CALVES, MAXIMUM CHARGE

PRESENT

In no instance shall the charge for buying a consignment of calves exceed the aggregate of $48 for the first 24,400 pounds, plus 18 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in section E.

PROPOSED

In no instance shall the charge for buying a consignment of calves exceed the aggregate of $53 for the first 24,400 pounds, plus 20 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in section E.

Bulls	Present	Proposed
Consignments of:		
One head and one head only weighing over 1,000 pounds.	$2.10	$2.30 per head.
One head and one head only weighing 700 to 1,000 pounds.	1.80	2.00 per head.
Consignments of more than one head:		
Each animal weighing 700 pounds and over.	1.80	2.00 per head.
All bulls weighing less than 700 pounds.	Apply cattle rate.	

SHEEP OR GOATS

PRESENT

The rates for buying sheep or goats shall be the same as the rates shown in section B for selling such livestock.

PROPOSED

Consignment of one head and one head only.	$0.63 per head.
Consignment of more than one head:	
First 10 head in each 250 head.	$0.48 per head.
The next 50 head in each 250 head.	$0.41 per head.
The next 60 head in each 250 head.	$0.28 per head.
The next 130 head in each 250 head.	$0.23 per head.

SHEEP OR GOATS—Continued

PROPOSED

The next 50 head in each 250 head.	$0.41 per head.
The next 60 head in each 250 head.	$0.28 per head.
The next 130 head in each 250 head.	$0.23 per head.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 10 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of July 1969.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

[F.R. Doc. 69-8925; Filed, July 29, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-166 (Reopened)]

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Notice of Cancellation of Prehearing Conference—Trade Route No. 5—7—8—9 Cargo Service With Containerships

Notice is hereby given that the prehearing conference in Docket No. S-166 (Reopened) which was scheduled to be held on August 5, 1969, in accordance with the notice appearing in the FEDERAL REGISTER issue of July 8, 1969 (34 F.R. 11321), is hereby canceled and will be rescheduled in the near future.

Dated: July 28, 1969.

By Order of the Maritime Sudsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 69-8999; Filed, July 29, 1969; 9:19 a.m.]

Office of the Secretary

[Department Order 134]

ASSISTANT SECRETARY FOR ADMINISTRATION

Designation and Authority

JULY 1, 1969.

The following order was issued by the Secretary of Commerce effective July 1, 1969. This material supersedes the material appearing at 32 F.R. 13678 of September 29, 1967.

SECTION 1. *Purpose.* .01 This order prescribes the scope of authority and the duties and responsibilities of the Assistant Secretary for Administration, and prescribes the organization structure of his office.

.02 This revision reorganizes the budget and financial management functions under the Assistant Secretary for Administration. The Assistant Secretary for Administration shall arrange, as he deems appropriate, for the transfer of personnel affected by this order to the new organization elements involved.

SEC. 2. *Administrative designation.* The position of Assistant Secretary of Commerce established by section 304 of Public Law 83-471 of July 2, 1954 (68 Stat. 430; 15 U.S.C. 1506), shall continue to be designated as the Assistant Secretary for Administration. The Assistant Secretary for Administration is appointed by the President by and with the advice and consent of the Senate.

SEC. 3. *Scope of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by law, and subject to such policies and directives as the Secretary may prescribe, the Assistant Secretary for Administration is hereby delegated the authority of the Secretary on administrative management matters of the Department. This delegation shall include the conduct of all administrative management functions required in the overall management of the Department as well as the provision of administrative management services directly to the Office of the Secretary and, as herein specified, to all or some operating units of the Department.

.02 The authority delegated to the Assistant Secretary for Administration in paragraph .01 above shall include authority to carry out the Secretary's responsibilities for fulfilling the objectives and effecting compliance throughout the Department with the requirements of Title VI of the Civil Rights Act of 1964, Executive Order 11246, Executive Orders 11247, and 11375, and any other statutes, Executive Orders and regulatory provisions relating to equal opportunity under which the Secretary or the Department may have responsibilities. For purposes of carrying out these responsibilities and as required by the applicable Executive Orders or implementing regulations of the Secretary of Labor or the Civil Service Commission, the Assistant Secretary for Administration is designated as the Contracts Compliance Officer and the Director of Equal Employment Opportunity for the Department and is authorized to (a) upon recommendations of the heads of operating units, and with the approval of the respective Program Secretarial Officers involved, designate Deputy Contracts Compliance and Equal Employment Opportunity Officers for the operating units; and (b) designate Deputy Contracts Compliance and Equal Employment Opportunity Officers for the Office of the Secretary.

.03 Subject to applicable laws and regulations, the Assistant Secretary for Administration may redelegate his authority to any officer or employee of the Department subject to such conditions in the exercise of the authority as he may prescribe; however, his authority to designate Deputy Contracts Compliance Officers and Equal Employment Opportunity Officers may not be redelegated.

SEC. 4. *Office of Assistant Secretary for Administration.* .01 The Office of the Assistant Secretary for Administration shall consist of:

a. Immediate Office of the Assistant Secretary:

(1) Deputy Assistant Secretary for Administration, who shall be the principal assistant of the Assistant Secretary for Administration and shall assume the latter's full duties during absences of the Assistant Secretary.

(2) Special Assistant for Equal Opportunity.

b. Departmental offices:
Office of Administrative Services.
Office of Audits.
Office of Budget.
Office of Emergency Readiness.
Office of Financial Management Services.
Office of Investigations and Security.
Office of Management and Organization.
Office of Personnel.
Office of Publications.

c. Financial Systems Staff.

d. Appeals Board.

.02 Except for the Appeals Board, which is assigned to the Office of the Assistant Secretary for Administration for administrative purposes only, the Assistant Secretary for Administration is authorized to issue Department Orders, supplemental to this order, redelegating authority to officials reporting to him, and prescribing the functions and internal structure of the organizational elements under him.

SEC. 5. *Duties and responsibilities.* .01 The Assistant Secretary for Administration shall serve as the principal adviser to the Secretary and as the chief officer of the Department on administrative management. As such, he shall be concerned with:

a. The recruitment, development, motivation, and compensation of personnel, including the effective use of human resources in carrying out the programs of the Department.

b. The improvement of management structures, systems, tools and practices towards achieving the highest practical degree of effectiveness, efficiency and economy in programs of the Department.

c. The planning, budgeting and management of financial resources so as to assume optimum utilization of funds in carrying out programs of the Department.

d. The efficient provision of common administrative and related support services required for the effective conduct of programs of the Department. These services shall include procurement, property, space, safety, motor vehicle, mail, communications, library, and related activities.

e. The audit of operations and contracts or other agreements of the Department to determine deficiencies that may exist, to recommend corrective action, to uncover opportunities for increased efficiency and economy, and to establish

a basis for settling contracts and claims.

f. The achievement by the Department of a high state of planning and readiness for responding to national emergencies and major disasters.

g. The conduct of investigations and related work as required to determine that prospective employees meet, and that present employees maintain, required standards of character, loyalty, honesty and conduct; and the conduct of operations required to assure physical security of the Department's property and records.

h. The provision of printing, design, graphics, editorial and related promotional, distribution and control services as will contribute to the effectiveness of the Department's publications and other printed materials, with due regard for reasonable costs.

i. The conduct of activities required to assure nondiscrimination in federally assisted programs and by contractors and subcontractors of the Department.

.02 In carrying out the above responsibilities, the American Secretary shall:

a. Develop and issue policies, standards and procedures for administrative management functions throughout the Department, and provide functional appraisal and supervision in the conduct of such functions by operating units.

b. Directly provide the administrative management services required by the Office of the Secretary, and, as determined by the Secretary or by agreement between the Assistant Secretary for Administration and the Program Secretarial Officer concerned, directly provide particular administrative management services to specified operating units of the Department.

c. Conduct a centralized audit function that shall extend to the activities of all organizations of the Departments, with such special exceptions as the Assistant Secretary for Administration may determine.

d. Conduct a centralized procurement function that shall serve the Office of the Secretary and various operating units as specified in Department Order 46.

e. Provide central publications, printing, and related services for organizations of the Department except as the Secretary may authorize particular organizations to provide some such services, as specified, for themselves.

.03 The Assistant Secretary shall be responsible for coordination and liaison with the Bureau of the Budget, the Civil Service Commission, the General Services Administration, and the General Accounting Office on all applicable matters of administrative management, provide central liaison for the Department with the Appropriations Committees, coordinate administrative management matters of the Department with other departments and agencies, and otherwise represent the Department on such matters with other public or private groups.

SEC. 6. *Savings provision.* The provisions of Department and Administrative Orders, circulars, or memoranda which are inconsistent or in conflict with the provisions of this order are hereby constructively amended or superseded accordingly.

MAURICE H. STANS,
Secretary of Commerce.

[F.R. Doc. 69-8896; Filed, July 29, 1969; 8:45 a.m.]

[Department Order 134-3]

DIRECTOR, OFFICE OF BUDGET

Delegation of Authority and Function

JULY 1, 1969.

This material supersedes the material appearing at 32 F.R. 10381 of July 14, 1967, and 33 F.R. 9840 of July 9, 1968.

SECTION 1. *Purpose.* This order delegates authority to the Director, Office of Budget and prescribes the organization and functions of the Office of Budget.

SEC. 2. *General.* The Office of Budget shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the latter's absence.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Order 134 and subject to the applicable provisions of law, regulation, and such policies and instructions as the Assistant Secretary for Administration may prescribe, the Director, Office of Budget is delegated the authority vested in the Assistant Secretary for Administration pertaining to budget planning and management for the Department.

.02 The Director, Office of Budget, may redelegate his authority to appropriate officials of the Office of Budget and to operating units of the Department subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *Organization and functions.* .01 The Office of Budget shall consist of:

a. Office of the Director.
b. Budget Coordination Division.
c. Budget Review and Analysis Staff.
d. Reports Coordination Division.

.02 The Director shall be the Budget Officer for the Department of Commerce, shall be the adviser to, and serve as the representative of, the Assistant Secretary for Administration in matters relating to budget formulation and execution, and shall serve as adviser to other Departmental officials with respect to these matters. He shall represent the Department on budgetary matters affecting the Department, and shall establish and maintain close working relationships with the Bureau of the Budget, with the Appropriations Committees, and with other Government agencies.

.03 The Budget Coordination Division shall establish standards and criteria for preparation of budget estimates and justifications; provide coordination of budget programs and activities which require consolidated action by the Department; disseminate and interpret Bureau of the Budget directives and circulars on budget matters; prepare instructions for submission of budget estimates and coordinate their preparation and review; maintain information on status and progress of Appropriations Committees activities and appropriations bills; prepare Department budget summaries and analyses; maintain Department's budget history; coordinate administration of interagency budget programs and estimates; provide technical assistance to examining groups and operating units as requested on technical budget matters; and maintain liaison with Bureau of the Budget staff and with staffs of Appropriations Committees on budget matters.

.04 The Budget Review and Analysis Staff shall within their assigned program areas examine all budget proposals for conformance to policies, for adequacy of justifications and appropriation language, for existence of statutory authorization, for feasibility and economy of the proposals, for accuracy and consistency of schedules, and for conformity with instructions governing submission of budget estimates; examine and clear apportionment requests; analyze program and financial plans and proposals for reprograming for conformance to Departmental policies and commitments; maintain a continuous review of the status of obligations, expenditures and program progress; provide staff assistance and advice to Secretarial Officers and other officials in the preparation of budgets and related materials, and in the solution of budgeting and financing problems; evaluate budgeting and financial policies and programs and make recommendations to appropriate officials when improvements are needed; and provide continuous liaison and point of contact between officials in assigned program areas and appropriate staff of the Office of the Secretary and Bureau of the Budget on budget and finance matters.

.05 The Reports Coordination Division shall establish reporting requirements and formats from operating units for information on fiscal plans and status, budget execution and program accomplishments as will best meet the needs of the Secretary and Secretarial Officers in the overall management of the Department; analyze, consolidate as appropriate, or otherwise treat the reports received in such a manner as will improve the utilization by the Secretary and the Secretarial Officers of the information contained therein; and prepare special reports or prepare briefings for the Secretary and Secretarial Officers on significant fiscal, budget and program execution problems that arise.

SEC. 5. *Department of Commerce Budget Council.* There shall be a Department of Commerce Budget Council, which shall consist of the Director, as Chairman, and the budget officers of the primary operating units. The Council will meet on call from the Chairman for the purpose of advising and assisting in the development of budget policies and programs necessary to achieve maximum effectiveness of such activities throughout the Department.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-8897; Filed, July 29, 1969; 8:45 a.m.]

[Department Order 134-10]

DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT SERVICES

Delegations of Authority

JULY 1, 1969.

SECTION 1. *Purpose.* This order delegates authority to the Director, Office of Financial Management Services, and prescribes the organization and functions of the Office of Financial Management Services.

SEC. 2. *General.* .01 The Office of Financial Management Services shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration.

.02 There is hereby transferred to the Office of Financial Management Services the Data Processing Division of the Office of Administrative Services.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Order 134 and subject to the applicable provisions of law, regulation, and such policies and instructions as the Assistant Secretary for Administration may prescribe, the Director, Office of Financial Management Services, is delegated authority vested in the Assistant Secretary for Administration to provide accounting and related financial services to the Office of the Secretary, and, as may be designated by the Secretary or as agreed by the Assistant Secretary for Administration and the Program Secretarial Officer involved, to particular operating units.

.02 The Director, Office of Financial Management Services, may redelegate his authority to appropriate officials of the Office of Financial Management Services, subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *Organization and functions.* .01 The Office of Financial Management Services shall consist of:

Office of the Director.
Working Capital Fund Division.
Central Accounting Division.
Data Processing Division.

.02 The Director shall be responsible for managing and supervising all functions of the Office of Financial Management Services assigned to the components of the office as provided in the subsequent paragraphs of this section.

.03 The Working Capital Fund Division shall perform the accounting for and manage the Working Capital Fund, and on a reimbursable basis through the Working Capital Fund, shall provide budgeting services for the Office of the Secretary, and, as agreed by the Assistant Secretary for Administration and the Program Secretarial Officer involved, for stated operating units. This division shall also be responsible for the consolidated billings of the Department and for the preparation of formal consolidated accounting statements for the Department.

.04 The Central Accounting Division shall, on a reimbursable basis through the Working Capital Fund, provide accounting, except for the Working Capital Fund, payrolling and related services for the Office of the Secretary, regional economic development commissions and the Alaska field committee, and, as agreed by the Assistant Secretary and the Program Secretarial Officer involved, for stated operating units.

.05 The Data Processing Division, on a reimbursable basis through the Working Capital Fund, shall provide computer and related data processing services for the central accounting functions, and shall provide such other ADP operating services for the Office of the Secretary as may be assigned by the Assistant Secretary for Administration.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-8898; Filed, July 29, 1969; 8:45 a.m.]

[Department Order 134-11]

FINANCIAL SYSTEMS STAFF

Organization and Function

JULY 1, 1969.

SECTION 1. *Purpose.* This order prescribes the functions of the Financial Systems Staff.

SEC. 2. *General.* The Financial Systems Staff shall be headed by the Chief, Financial Systems Staff, who shall report and be responsible to the Assistant Secretary for Administration.

SEC. 3. *Functions.* The Financial Systems Staff shall:

a. Formulate policies, standards and criteria for financial management accounting systems (including procedures for the administrative control of funds) within the Department;

b. Review accounting systems, proposals and modifications, and approve or recommend approval of system changes;

c. Review plans and schedules of accounting organizations for converting to approved systems or for effecting improvements or other changes required, and advise the Assistant Secretary for Administration on the adequacy of such plans of action;

d. Advise and consult with organizations of the Department, including the Office of Financial Management Services, on accounting systems and operating problems; conduct such analyses as may be required to outline approaches or solutions to such problems; and otherwise provide technical assistance to organizations of the Department toward the attainment of modern and efficient financial accounting; and

e. Provide liaison with the General Accounting Office, Treasury Department, and Bureau of the Budget on accounting system matters.

SEC. 4. *Department of Commerce Finance Council.* There shall be a Department of Commerce Finance Council, which shall consist of the Chief, Financial Systems Staff, as Chairman, and the chief finance or accounting officer of each primary operating unit. The Council will meet on call from the Chairman for the purpose of advising and assisting in the development of finance management accounting policies and programs necessary to achieve maximum effectiveness of such activities throughout the Department.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-8899; Filed, July 29, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-73]

GENERAL ELECTRIC CO.

Notice of Issuance of Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on July 3, 1969 (34 F.R. 11221), the Atomic Energy Commission has issued Amendment No. 9 to Facility License No. R-33. The amendment authorizes the General Electric Co. to operate its Nuclear Test Reactor located at the Vallecitos Nuclear Center at power levels up to a maximum of 100 kilowatts (thermal).

The amendment was issued in the form set forth in the notice of proposed action except for the incorporation of supplement dated May 28, 1969, to the application for amendment. This supplement submitted revised pages to the Safety Analysis Report but did not involve information not previously evaluated by the Commission.

Dated at Bethesda, Md., this 22d day of July 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-8893; Filed, July 29, 1969; 8:45 a.m.]

[Docket No. 27-46]

INTERNATIONAL CHEMICAL AND NUCLEAR CORP., TRACERLAB TECHNICAL PRODUCTS DIVISION

Notice of Issuance of Byproduct, Source, and Special Nuclear Material License

No request for a hearing or petition for leave to intervene having been filed following publication of the Notice of Proposed Issuance of Byproduct, Source, and Special Nuclear Material License, the Atomic Energy Commission has this date issued License No. 20-13235-02

authorizing International Chemical and Nuclear Corp., Tracerlab Technical Products Division, to receive and possess packaged waste byproduct, source, and special nuclear material in any State of the United States except in Agreement States, as defined in § 30.4(c), 10 CFR Part 30, to store the packages at its facility located at 1601 Trapelo Road, Waltham, Mass., and to dispose of the packaged waste byproduct, source, and special nuclear material by transfer to authorized land burial sites. The license is in the form set forth in the Notice of Proposed Issuance published in the FEDERAL REGISTER on July 4, 1969, 34 FR 11275.

Dated at Bethesda, Md., July 24, 1969.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 69-8894; Filed, July 29, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 450]

COMMON CARRIER SERVICES INFORMATION

Domestic Public Radio Services Applications Accepted for Filing[1]

JULY 28, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

180-C2-ML-70—New York Technical Institute of Cincinnati, Inc. (KQC877), Modification of license to change frequency from: 35.58 MHz to: 43.58 MHz at station located at 1014 Vine Street, Cincinnati, Ohio

181-C2-ML-70—Pocket Phone Broadcast Service, Inc. (KEA777), Modification of license to change frequency from: 35.58 MHz to: 43.58 MHz at station located at Rand Building, northwest corner of Broadway and Washington Streets, Buffalo, N.Y.

182-C2-ML-70—New York Technical Institute of Cincinnati, Inc. (KQC884), Modification of license to change frequency from: 35.58 MHz to: 43.58 MHz at location No. 1: 375 Midland Street, Highland Park, Mich. and location No. 2: Broderick Tower Building, 10 Witherell Street, Detroit, Mich.

183-C2-ML-70—New York Technical Institute of Cincinnati, Inc. (KAA893), Modification of license to change frequency from: 35.22 MHz to: 43.58 MHz at station located at Grand Boulevard and Olive Avenue, St. Louis, Mo.

186-C2-TC-70—Triangle Telephone Co. (KBM511), Consent to transfer of control from Triangle Telephone Co., Transferor, to: Allied Telephone Co., Transferee.

187-C2-AL-70—Answer Iowa, Inc., doing business as Answer-All of Grand Island (KLF552), Consent to assignment of license from: Answer Iowa, Inc., doing business as Answer-All of Grand Island, Assignor, to: Paul D. Jones, doing business as Answer-All of Grand Island, Assignee.

188-C2-P-(3)-70—Oregon Mobile Telephone Co. (New), C.P. for new 2-way station to be located at 6110 northeast Union Street, Mount Scott, Oreg., to operate on frequencies 454.025, 454.125, 454.225 MHz.

189-C2-P-70—Com-Nav, Inc. (New), C.P. for new 2-way station to be located at Copeland Hill, approximately 3 miles west of East Holden, Maine, to operate on frequency 152.03 MHz.

190-C2-P-70—The Chesapeake & Potomac Telephone Co. of Virginia (KIG852), C.P. to change antenna system and relocate facilities to: On Poore Mountain, approximately 2.5 miles west of Airpoint, Va., operating on frequency 152.63 MHz; replace transmitter for same. Also add base station to operate on frequency 152.81 MHz.

191-C2-P-70—William J. and Eleanor R. Curtin, doing business as Curtin-Call Communications (New), C.P. for new 1-way station to be located at 801 South 52d Street, Omaha, Nebr., to operate on frequency 158.70 MHz.

192-C2-P-70—Indiana Bell Telephone Co. (KSC366), C.P. to replace transmitter operating on base frequency 152.63 MHz at station located at Beach Hilltop Subdivision Road, 1346 feet northeast of Hillcrest Road, Vincennes, Ind.

215-C2-AL-(2)-70—ATS Mobile Telephone, Inc. (KBM512) (KBM513), Consent to assignment of license, pursuant to court order, from ATS Mobile Telephone, Inc., Assignor, to Edward Mullery as Receiver, Assignee.

216-C2-P-(3)-70—Page A Fone Corp. (KKG410), C.P. for additional facilities to operate on base frequencies 454.025, 454.075, 454.175 MHz at station located at 4905 Bridge Street, Fort Worth, Tex.

217-C2-P-70—AAA Anserphone, Inc., Jackson (New), C.P. for a new 2-way station to be located at Old Kingston Road, 4 miles south-southeast of Natchez, Miss., to operate on base frequency 152.12 MHz.

229-C2-P-70—Pocket Phone Broadcast Service, Inc. (KEA777), C.P. to replace transmitter operating on frequency 35.58 MHz at station located at northwest corner of Broadway and Washington Streets, Buffalo, N.Y., and change from AM to FM operation. Also correct coordinates to read: lat. 42°53'10" N., long. 78°52'25" W.

558-C2-R-70—Michigan Bell Telephone Co. (KQM40), Renewal of (Developmental) license expiring Sept. 20, 1969. Term: Sept. 20, 1969, to Sept. 20, 1970.

230-C2-P-70—Radio Relay Corp. (KSC645), C.P. to relocate facilities to: 1000 Lake Shore Drive, Chicago, Ill., operating on frequency 35.58 MHz; replace transmitter for same. Also delete existing standby transmitter. Change from AM to FM operation.

231-C2-P-70—Radio Relay Corp. (KAA893), C.P. to replace transmitter operating on frequency 35.22 MHz at station located at Grand Boulevard and Olive Avenue, St. Louis, Mo. Change from AM to FM operation.

232-C2-P-70—Radio Relay Corp. (KQC884), C.P. to replace transmitter operating on frequency 35.58 MHz at location No. 2: 10 Witherell Street, Detroit, Mich. Change from AM to FM operation.

233-C2-P-70—Radio Relay Corp. (KQC877), C.P. to replace transmitter operating on frequency 35.58 MHz at station located at 1014 Vine Street, Cincinnati, Ohio. Change from AM to FM operation.

197-C2-R-69—Const Mobiliphone Service (KMD348), Renewal of license expiring Apr. 1, 1969. Term: Apr. 1 1969, to Apr. 1, 1974.

249-C2-P-(3)-70—Houston Mobilfone, Inc. (KKA343), C.P. for additional channels to operate on frequencies 454.25, 454.30, 454.35 MHz at station located at 11918 Almeda Road, Houston, Tex.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

Corrections

129-C2-P-70—General Telephone Co. of Florida (KIY397), Correct to read: C.P. to add an additional channel to operate on 152.75 MHz at its station located 525 feet south of Proctor Road and 125 feet east of Honore Road, Bee Ridge, Fla. All other particulars same as reported on public notice dated July 22, 1969, Report No. 449.

36-C2-P-70—Andrew V. Dibrell (New), Correct to read: C.P. for new 1-way station to be located at 612 Allende Street, Laredo, Tex., to operate on frequency 152.24 MHz. All other particulars same as reported on public notice dated July 14, 1969, Report No. 448.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference.

New York:
Long Island Telephone Co. (KEJ885), 6929-C2-MP-(2)-69.
New Jersey:
Mobile Telephone Co. of New Jersey (New), 118-C2-P-70.

RURAL RADIO SERVICE

193-C1-P/L-70—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new fixed station to be located at Lee's Ferry, 4.7 miles northeast of Marble Canyon, Ariz., to operate on frequency 157.95 MHz.

250-C1-P-70—Nevada Telephone-Telegraph Co. (New), C.P. for a new fixed station to be located at Cloverdale Ranch, approximately 37 miles northwest of Tonopah, Nev., to operate on frequency 157.89 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

194-C1-P-70—Greenwood-United Telephone Co., Inc. (KIC29), C.P. to replace transmitters operating on frequencies 6219.5 and 6338.1 MHz toward Saluda, S.C. Station location: Saveall Street at Highway No. 22, Greenwood, S.C.

195-C1-P-70—Greenwood-United Telephone Co., Inc. (KJG36), C.P. to replace transmitters operating on frequencies 6026.8 and 6145.4 MHz toward Greenwood, S.C. Station location: West Butler and North Carolina Streets, Saluda, S.C.

196-C1-P-70—Southern Bell Telephone & Telegraph Co. (KIB70), C.P. to relocate fixed facilities to Cudjoe Key, approximately 5.2 miles northwest of Summerland Key Cove, Fla., operating on frequency 2178.4 MHz toward Sugarloaf Key, Fla.

197-C1-P-70—RCA Global Communications, Inc. (New), C.P. for a new fixed station to be located at ADA Plaza Center, Aspinal and West Saylor Streets, Agana (Guam), Marianna Islands. Frequency: 6645 MHz.

198-C1-P-70—RCA Global Communications, Inc. (New), C.P. for a new fixed station to be located at 2 miles northwest of Yona (Guam), Marianna Islands. Frequencies: 6605 and 6855 MHz.

199-C1-P-70—RCA Global Communications, Inc. New), C.P. for a new fixed station to be located at Finegayan, 9 miles northeast of Agana (Guam), Marianna Islands. Frequency: 6745 MHz.

218-C1-P-70—The Mountain States Telephone & Telegraph Co. (KPQ57), C.P. to add 2162.0 MHz toward Casper, Mountain, Wyo., and one transmitter for hot standby operations on same frequency. Station location: 103 North Durbin Street, Casper, Wyo.

219-C1-P-70—The Mountain States Telephone & Telegraph Co. (KPQ58), C.P. to add frequency 2112.0 MHz toward Casper, Wyo., and one transmitter for hot standby operation and add frequency 2118.4 MHz toward Shirley Basin, Wyo., via passive reflector for hot standby. Station location: 6 miles south-southwest of Casper, Wyo.

220-C1-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at the northwest corner of Second Avenue North and Atomic Boulevard North, Shirley Basin, Wyo.

Major Amendment—Correction

5964-C1-P-69—Lincoln Telephone & Telegraph Co. (KBC94), Correct frequencies to read from 6011.9 and 6130.5 MHz. All other particulars same as reported in public notice dated July 22, 1969, Report No. 449.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

6413-C1-ML-69—TelePrompter Transmission of New Mexico, Inc. (KKY43), Modification of license to provide, via audio subcarrier, the signals of station KOB-FM and KRST-FM of Albuquerque, N. Mex., to Farmington Cable TV in Farmington, N. Mex.

211-C1-P-70—New York Penn Microwave Corp. (KGO27), C.P. to add frequency 6241.7 MHz on azimuth 264°38'. Location: Elk Hill, 4.25 miles north of Dunaff, Pa., at lat. 41°42'54" N., long. 75°33'42" W.

212-C1-P-70—New York Penn Microwave Corp. (KGO28), C.P. to add frequency 6137.9 MHz on azimuth 323°01'. Location: Robwood Mountain, 7.5 miles south-southeast of Towanda, Pa., at lat. 41°39'07" N., long. 76°24'42" W.

213-C1-P-70—New York Penn Microwave Corp. (New), C.P. for a new station on Hawley Hill, 3 miles west-northwest of Elmira, N.Y., at lat. 42°06'20" N., long. 76°52'17" W. Frequency 6241.7 MHz on azimuth 109°53'. (Informative: Applicant proposes to provide the television signal of WABC-TV to WENY-TV in Elmira, N.Y.)

[F.R. Doc. 69-8930; Filed, July 29, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 21215; Order 69-7-99]

AIR TRANSPORT ASSOCIATION

Order Authorizing Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of July 1969.

By letter dated July 18, 1969 (Docket 21215), the Air Transport Association, on behalf of certain member carriers, requests authority from the Board for all air carriers serving Kennedy, La Guardia, Newark, Washington National, and O'Hara airports to engage in joint discussions for the purpose of considering, subject to Board approval, an agreement to reduce schedules at such airports for the purpose of preventing undue air traffic congestion, said agreement to take effect in the event there is a reduction in the capacity of air traffic control systems by reason of current personnel problems.

Upon consideration of the matters set forth in the above application, the Board finds that the public interest warrants a grant of the requested air carrier discussions, subject to the restrictions set forth below. Our approval herein is only for the holding of discussions and any multicarrier agreements resulting from the discussions may not be implemented until they have been filed with and approved by the Board, pursuant to section 412 of the Act. The discussions shall be limited to problems which may arise at Kennedy, La Guardia, Newark, Washington National, and O'Hara airports as a result of a reduction in the capacity of air traffic control systems. An observer or observers from the Board shall be in attendance at all meetings held pursuant to this order, and minutes of such meetings shall be filed with the Board.

Accordingly, it is ordered:

1. That all United States air carriers providing scheduled services to and from Kennedy, La Guardia, Newark, Washington National, O'Hare airports be and they hereby are authorized to hold discussions concerning joint arrangements to reduce schedules at such airports to alleviate air traffic congestion problems arising as a result of reduced capacity of air traffic control systems, subject to the following conditions:

a. The Director of the Bureau of Operating Rights shall be given notice of all meetings.

b. An observer or observers from the Board may be in attendance at all meetings.

c. All agreements resulting from such discussions shall be filed with Board and shall not be implemented until approved by the Board.

d. Complete and accurate minutes shall be kept of all discussions, and a true

copy thereof shall be filed with the Board not later than 10 days after the conclusion of each meeting.

2. The authorization granted herein shall expire 60 days from the date of issuance of this order and this order may be earlier revoked or amended at any time at the discretion of the Board.

3. A copy of this order shall be served upon all the United States certificated carriers, the Federal Aviation Administration, the Department of Justice, the Department of Transportation, the Port of New York Authority, the Department of Aviation of the city of Chicago, the Professional Air Traffic Controllers Organization, the Air Traffic Controllers Association and the National Association of Government Employees.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-8950; Filed, July 29, 1969; 8:49 a.m.]

[Docket No. 19956]

TRANSPORTES AEREOS NACIONALES, S.A.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter now to be resumed on July 30, 1969, is hereby postponed to September 11, 1969, at 10 a.m., d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 25, 1969.

[SEAL] EDWARD T. STODOLA, *Hearing Examiner.*

[F.R. Doc. 69-8959; Filed, July 29, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-17 etc.]

LAMAR HUNT ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 18, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 3, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-17	Lamar Hunt, 1401 Elm St., Dallas, Tex. 75202.	1	12	El Paso Natural Gas Co. (Tubb Field, Lea County, N. Mex.) (Permian Basin Area).	$204	6-19-69	[3] 8- 1-69	1- 1-70	[4] [5] 16.8156	[4] [6] 17.8347	
	do	5	8	El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.) (Permian Basin Area).	204	6-19-69	[3] 8- 1-69	1- 1-70	[4] [5] 16.8156	[4] [6] 17.8347	
RI70-18	Texaco, Inc., Post Office Box 2100, Denver, Colo. 80201.	321	4	Kansas-Nebraska Natural Gas Co., Inc. (Alkali Butte Unit, Fremont County, Wyo.)	1,000	6-18-69	[7] 9- 9-69	2- 9-70	[7] 16.0	[8] 17.0	
RI70-19	Texas Oil & Gas Corp., 1001 Americana Bldg., Houston, Tex. 77002.	29	12	El Paso Natural Gas Co. (Ignacio Field, La Plata County, Colo.).	6,400	6-19-69	[3] 7-20-69	12-20-69	{[9] 14.0 [9] 13.0}	{[9] [10] 15.0) [9] [10] 14.0}	RI64-517.
	do	31	2	do	1,400	6-19-69	[3] 7-20-69	12-20-69	13.0	[9] [10] 15.0	
	do	32	7	El Paso Natural Gas Co. (Martinez Unit, La Plata County, Colo.).	480	6-19-69	[3] 7-20-69	12-20-69	[12] 14.0	[9] [10] 15.0	
	do	33	6	do	200	6-19-69	[3] 7-20-69	12-20-69	14.0	[13] 15.0	RI64-720.
	do	36	5	El Paso Natural Gas Co. (Ignacio Field, La Plata County, Colo.).	750	6-19-69	[3] 7-20-69	12-20-69	[9] [10] 14.0	[9] [10] 15.0	
	do	38	5	do	300	6-16-69	[3] 7-20-69	12-20-69	14.0	[9] [10] 15.0	RI64-466.
	do	40	2	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	500	6-19-69	[3] 7-20-69	12-20-69	13.0	[9] [10] 14.0	
RI70-20	N. B. Hunt, 1401 Elm St., Dallas, Tex. 75202.	1	12	El Paso Natural Gas Co. (Tubb Field, Lea County, N. Mex.) (Permian Basin Area).	400	6-20-69	[14] 8- 1-69	1- 1-70	[4] [15] 16.8156	[4] [6] 17.8347	
	do	9	8	El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.) (Permian Basin Area).	408	6-20-69	[14] 8- 1-69	1- 1-70	[4] [15] 16.8156	[4] [6] 17.8347	
RI70-21	W. H. Hunt, 1401 Elm St., Dallas, Tex. 75202.	1	12	El Paso Natural Gas Co. (Tubb Field, Lea County, N. Mex.) (Permian Basin Area).	204	6-20-69	[14] 8- 1-69	1- 1-70	[4] [15] 16.8156	[4] [6] 17.8347	
	do	6	8	El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.) (Permian Basin Area).	204	6-20-69	[14] 8- 1-69	1- 1-70	[4] [15] 16.8156	[4] [6] 17.8347	
RI70-22	Caroline Hunt Sands et al., 1401 Elm St., Dallas, Tex. 75202.	16	9	El Paso Natural Gas Co. and Pecos Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7C) (Permian Basin Area).	41	6-20-69	[14] 8- 1-69	1- 1-70	[16] 15.2025	[4] 16.2160	
RI70-23	Secure Trusts, 1401 Elm St., Dallas, Tex. 75202.	3	11	do	10	6-20-69	[14] 8- 1-69	1- 1-70	[4] [15] 15.2025	[4] [6] 16.2160	
	do	4	11	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7C) (Permian Basin Area).	406 508	6-20-69	[14] 8- 1-69	1- 1-70	[16] [17] 16.7228 [16] 15.2025	[4] [18] 17.7363 [4] 16.2160	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-24	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	40	11	El Paso Natural Gas Co. (Tubb-Blinebry Field, Lea County, N. Mex.) (Permian Basin Area).	$1,012	6-19-69	[3] 9-14-69	2-14-70	[19] 16.6318	[4] [6] 17.6398	
	do	108	10	El Paso Natural Gas Co. (Benton Plant, Lea County, N. Mex.) (Permian Basin Area).	347	6-19-69	[3] 9-15-69	2-15-70	[20] 18.1438	[4] [6] 19.1518	
	do	134	17	El Paso Natural Gas Co. (University Block 9, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	13,446	6-19-69	[21] 9- 1-69	2- 1-70	[19] 13.5705	[4] [6] 14.662	
	do	142	15	El Paso Natural Gas Co. (Spraberry Trend Field, Reagan County, Tex.) (RR. District No. 7C) (Permian Basin Area).	231	6-19-69	[21] 9-15-69	2-15-70	[22] 18.243	[4] [6] 19.2565	
	do	251	[23] 12	Transwestern Pipeline Co. (Bell Lake Field, Lea County, N. Mex.) (Permian Basin Area).	7,014	6-19-69	[21] 9-18-69	2-18-70	[22] 18.0224	[4] [6] 20.4857	
	do	251	[23] 13	do	686	6-19-69	[21] 9-18-69	2-18-70	[22] 18.5724	[4] [6] 21.0057	
RI70-25	Shell Oil Co. (Operator) et al.	41	23	El Paso Natural Gas Co. (Tubb-Blinebry et al. Fields, Lea County N. Mex.) (Permian Basin Area).	33,129	6-19-69	[21] 9-11-69	2-11-70	[19] 16.6318	[4] [6] 17.6398	
RI70-26	Shell Oil Co (Operator)	315	5	El Paso Natural Gas Co. (Northwest Ozone Field, Crockett County, Tex.) (RR. District No. 7C) (Permian Basin Area).	[24] 35,134 [25] 1,413	6-19-69	[21] 9- 1-69	2- 1-70	[26] 18.1566	[4] [6] 19.1653	

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[6] Rate suspended in Docket No. RI69-544 until July 23, 1969. Motion has been filed to make rate effective on that date.
[7] Previously reported as 16.419 cents at 15.025 p.s.i.a. Rate effective subject to Refund in Docket No. RI66-329.
[8] Pressure base is 15.025 p.s.i.a.
[9] Includes 1 cent minimum guarantee for liquids.
[10] Initial rate for acreage added by Supplement Nos. 10 and 11 for which the 1-cent minimum guarantee for liquids was waived.
[11] Two-step periodic rate increase.
[12] Rate effective subject to refund in Docket No. RI64-680 with the exception of acreage added by Supplement Nos. 4 and 5 for which Respondent is receiving a clean 14-cent rate.
[13] Rate effective subject to refund in Docket No. RI64-466 with the exception of acreage added by Supplement No. 3 for which Respondent is receiving a clean 14-cent rate.
[14] Contractual due date.
[15] Rate suspended in Docket No. RI69-550 until July 23, 1969. Respondent has filed motion to make rate effective on that date.
[16] Rate suspended in Docket No. RI69-548 until July 23, 1969. Respondent has filed motion to make rate effective on that date.
[17] Rate suspended in Docket No. RI69-553 until July 23, 1969. Respondent has filed motion to make rate effective on that date.
[18] Low pressure gas.
[19] Rate suspended in Docket No. RI69-556 until July 23, 1969. Respondent has filed motion to make rate effective on that date.
[20] High pressure gas.
[21] One day after suspended rate becomes effective subject to refund.
[22] Rate suspended in Docket No. RI69-664 until Sept. 13, 1969. Respondent has filed motion to make rate effective on that date.
[23] Rate suspended in Docket No. RI69-675 until Sept. 14, 1969. Respondent has filed motion to make rate effective on that date.
[24] Rate suspended in Docket No. RI69-641 until Aug. 31, 1969. Respondent has filed motion to make rate effective on that date.
[25] Rate suspended in Docket No. RI69-675 until Sept. 14, 1969. Respondent has filed motion to make rate effective on that date.
[26] Applicable to gas from Devonian Formation.
[27] Rate suspended in Docket No. RI69-710 until Sept. 17, 1969. Respondent has filed motion to make rate effective on that date.
[28] Applicable to gas from Pennsylvania Formation.
[29] Rate suspended in Docket No. RI69-642 until Sept 10, 1969. Respondent has filed motion to make rate effective on that date.
[30] Applicable to residue gas not derived from new gas-well gas.
[31] Rate suspended in Docket No. RI69-659 until Aug. 31, 1969. Respondent has filed notice to make rate effective on that date.
[32] Applicable to residue gas derived from new gas-well gas.

Shell Oil Co. (Shell) requests that its presently filed rate increases, if suspended, be suspended for only 1 day, or if longer, the suspension periods terminate on January 1, 1970. Good cause has not been shown for granting Shell's request for limiting to 1 day the suspension periods with respect to its rate filings, or that the suspension periods for such rate filings terminate on January 1, 1970, and Shell's request is denied.

The proposed rate increases filed by Lamar Hunt, N. B. Hunt, and W. H. Hunt (all referred to herein as Hunt) reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file protests to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While the buyer concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein with respect to the rate filings containing such tax shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56), with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69-8800; Filed, July 29, 1969; 8:45 a.m.]

[Dockets Nos. RI69-320—RI69-323]

GULF OIL CORP.

Order Accepting Decreased Rate Filings Subject to Refund in Existing Rate Suspension Proceedings

JULY 18, 1969.

Gulf Oil Corp., Docket No. RI69-320; Gulf Oil Corp. (Operator) et al., Docket No. RI69-321; Warren Petroleum Corp. (Operator), Docket No. RI69-322; Warren Petroleum Corp., Docket No. RI69-323.

Gulf Oil Corp. and Gulf Oil Corp. (Operator) et al. (Gulf), and its affiliate, Warren Petroleum Corp. (Operator) and Warren Petroleum Corp. (Warren) have filed amendments to existing suspended rate increases to reflect the placing into effect of lower rates than those presently suspended in the above-designated rate suspension proceedings. The rates in question are for sales of natural gas to El Paso Natural Gas Co. and Transwestern Pipeline Co. in the Permian Basin Area and were previously suspended by the Commission's order issued December 20, 1968, in the aforementioned dockets. The proposed rate decreases are set forth in Appendix A hereof. In motions filed concurrently with the amended rate changes, Gulf and Warren propose to place into effect the reduced rates on July 20, 1969.[33]

Gulf and Warren's proposed rate decreases exceed the applicable area rates prescribed in Opinion No. 468, as amended, as did the previously suspended rates in said dockets. In view of the above, we believe that it would be in

[33] Both Gulf and Warren have filed acceptable general undertakings as provided in Order No. 377.

the public interest to accept for filing Gulf and Warren's proposed rate decreases effective as of July 20, 1969, subject to refund in the existing rates suspension proceedings in Dockets Nos. RI69–320, RI69–321, RI69–322, and RI69–323.

The Commission finds: Good cause exists for accepting for filing Gulf and Warren's proposed rate decreases, as set forth in Appendix A hereof, effective as of July 20, 1969, subject to refund in the existing rate suspension proceedings in Dockets Nos. RI69–320, RI69–321, RI69–322, and RI69–323.

The Commission orders: The proposed rate decreases contained in Appendix A hereof are accepted for filing and permitted to become effective as of July 20, 1969, subject to refund in the existing rate suspension proceedings in Dockets Nos. RI69–320, RI69–321, RI69–322, and RI69–323.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–320	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	194	[1] 1 to 11	Transwestern Pipeline Co. (Block 27, McKee Field, Crane County, Tex.) (R.R. District No. 8)	$27,140	6–23–69	[2] 7–20–69		[3] 14.40	[4] [5] 16.40	
do		197	[1] 1 to 13	Transwestern Pipeline Co. (Pucket Devonian Field, Pecos County, Tex.) (R.R. District No. 8)	104,100	6–23–69	[2] 7–20–69		[3] 14.37	[4] [5] 16.37	
do		213	[1] 1 to 8	Transwestern Pipeline Co. (Atoka Penn Gas Pool, Eddy County, N. Mex.)	7,800	6–23–69	[2] 7–20–69		[3] 14.72	[4] [5] 16.72	
do		215	[1] 1 to 8	Transwestern Pipeline Co. (White City Penn Gas Pool, Eddy County, N. Mex.)	23,800	6–23–69	[2] 7–20–69		14.88	[4] [5] 16.88	
do		342	[1] 1 to 11	Transwestern Pipeline Co. (Cramar and South Hemer Field, Crane, Pecos, and Ward Counties, Tex.) (R.R. District No. 8)	1,168 79,720	6–23–69	[2] 7–20–69		[6] 16.40 [7] 14.51	[4] [5] 18.00 [4] [5] 16.51	
RI69–321	Gulf Oil Corp. (Operator) et al.	192	[1] 1 to 12	Transwestern Pipeline Co. (Puckett-Ellenburger Field, Pecos County, Tex.) (R.R. District No. 8)	700,000	6–23–69	[2] 7–20–69		[8] 8.79	[4] [5] 10.79	
do		193	[1] 1 to 22	Transwestern Pipeline Co. (Waha and Worsham Fields, Reeves County, Tex.) (R.R. District No. 8)	23,800 118,860	6–23–69	[2] 7–20–69	[9] [10] ?	[9] [10] 14.50 [9] [11] 14.73	[4] [5] [10] 16.50 [4] [5] [11] 16.73	
RI69–322	Warren Petroleum Corp. (Operator).	28	[1] 1 to 10	El Paso Natural Gas Co. (Monument Gasoline Plant, Lea County, N. Mex.)	680 396,000	6–23–69	[2] 7–20–69		[12] [13] 15.16 [10] [13] 13.02	[4] [5] [13] 15.50 [4] [5] [10] 15.02	
do		30	[1] 1 to 11	El Paso Natural Gas Co. (Saunders Gasoline Plant, Lea County, N. Mex.)	2,150 180,000	6–23–69	[2] 7–20–69		[14] [15] 17.14 [10] [14] 14.92	[4] [5] [15] 18.00 [4] [5] [10] 16.92	
do		43	[1] 1 to 15	El Paso Natural Gas Co. (Waddell Gasoline Plant, Crane County, Tex.) (R.R. District No. 8)	1,230 641,237	6–23–69	[2] 7–20–69		[12] [15] 16.74 [10] [15] 14.71	[4] [5] [15] 18.1164 [4] [5] [15] 16.7070	
do		44	[1] 1 to 8	El Paso Natural Gas Co. (Eunice Gasoline Plant, Lea County, N. Mex.)	40 317,140	6–23–69	[2] 7–20–69		[12] [14] 16.66 [10] [14] 14.81	[4] [5] [15] 18.00 [4] [5] [10] 16.51	
do		50	[1] 1 to 6	Transwestern Pipeline Co. (Monument Gasoline Plant, Lea County, N. Mex.	[16]	6–23–69	[2] 7–20–69		[14] 16.56	[4] [5] 16.56	
do		54	[1] 1 to 6	El Paso Natural Gas Co. (Caliche Gasoline Plant, Lea County, N. Mex.).	30,000 400	6–23–69	[2] 7–20–69		[12] [14] 16.08 [10] [14] 14.79	[4] [5] [15] 18.00 [4] [5] [10] 16.79	
do		56	[1] 1 to 10	El Paso Natural Gas Co. (Tatum Gasoline Plant, Lea County, N. Mex.).	1,988 14,400	6–23–69 6–23–69	[2] 7–20–69 [2] 7–20–69		[12] [14] 16.58 [10] [14] 14.44	[4] [5] [15] 18.00 [4] [5] [10] 16.44	
RI69–323	Warren Petroleum Corp.	22	[1] 1 to 12	El Paso Natural Gas Co. (Slaughter Gasoline Plant, Hockley County, Tex.) (R.R. District No. 8)	12,567	6–23–69	[2] 7–20–69		[17] 14.5	[4] [5] 16.59	
do		42	[1] 1 to 14	El Paso Natural Gas Co. (South Fullerton Gasoline Plant, Andrews County, Tex.) (R.R. District No. 8)	316	6–23–69	[2] 7–20–69		[10] 15.19	[4] [5] 17.00	
do		45	[1] 1 to 5	El Paso Natural Gas Co. (Denton Gasoline Plant, Lea County, N. Mex.)	660	6–23–69	[2] 7–20–69		[10] 14.51	[4] [5] 16.51	
do		55	[1] 1 to 12	El Paso Natural Gas Co. (South Fullerton Gasoline Plant, Andrews County, Tex.) (R.R. District No. 8).	245	6–23–69	[2] 7–20–69		[10] 15.19	[4] [5] 17.09	

[1] Superseding rate change. Respondent proposes to put into effect a lower rate than now on file and has filed motion to do so.
[2] Date requested in motion to put rate into effect.
[3] "Fractured" rate increase. From applicable area rate to contractually provided rate.
[4] Pressure base is 14.65 p.s.i.a.
[5] Previously reported rate of 18 cents per Mcf suspended in Docket No. RI69–320 (suspension period expired on May 27, 1969).
[6] New gas-well gas.
[7] Old gas-well gas and/or casinghead gas.
[8] Previously reported rate of 14 cents per Mcf suspended in Docket No. RI69–321 (suspension period expired on May 27, 1969).
[9] Residue gas not derived from new gas-well gas.
[10] Old gas-well gas and or casinghead gas.
[11] Previously reported rate of 15.50 cents per Mcf suspended in Docket No. RI69–322 (suspension period expired on May 28, 1969).
[12] Residue gas derived from new gas-well gas.
[13] Previously reported rate of 18 cents per Mcf suspended in Docket No. RI69–322 (suspension period expired on May 28, 1969).
[14] Proposed increased rate of 18.1164 cents per Mcf was suspended in Docket No RI69–322 until May 28, 1969.
[15] No gas available for delivery to Transwestern as of June 19, 1969.
[16] Previously reported rate of 18.1040 cents per Mcf suspended in Docket No. RI69–323 (suspension period expired on May 28, 1969).
[17] Previously reported rate 18.0097 cents per Mcf suspended in Docket No. RI69–323 (suspension period expired on May 28, 1969).
[18] Proposed increased rate of 18 cents per Mcf was suspended in Docket No. RI69–323 until May 28, 1969.
[19] Previously reported rate of 18.0097 cents per Mcf suspended in Docket No. RI69–323 (suspension period expired on May 28, 1969).

[F.R. Doc. 69–8801; Filed, July 29, 1969; 8:45 a.m.]

[Dockets Nos. CP67–340, CP69–75]

CITIES SERVICE GAS CO. AND CITY OF PLATTSBURG, MO.

Order Approving Settlement Agreement, Granting Severance of Application and Authorizing the Construction and Operation of Facilities

JULY 23, 1969.

On September 18, 1968, the city of Plattsburg, Mo. (Plattsburg), filed an application pursuant to section 7(a) of the Natural Gas Act in Docket No. CP69–75 requesting the Commission to issue an order directing Cities Service Gas Co. (Cities Service) to establish physical connection of its transmission facilities with the distribution system of the city of Plattsburg. Plattsburg requested that Cities Service be ordered to construct a 24-mile sales lateral from a point on Cities Service's lines serving St. Joseph, Mo., eastward to Plattsburg, Mo., pursuant to Cities Service's sales lateral line contribution provision that was in effect when Plattsburg's application was filed.

On October 21, 1968, Cities Service filed its answer stating that prior to the filing of the Plattsburg application, Cities Service, on August 28, 1968, had filed a new lateral line provision (Fourth Revised Sheet No. 37) in compliance with the Commission's Order 365. Such new provision, which became effective on October 1, 1968, states that Cities Service will not build or contribute to the cost of building any sales laterals to resale customers.

On September 27, 1968, the Commission suspended the effectiveness of the aforementioned tariff sheet until September 29, 1968, and until such further time as it would be made effective in the manner prescribed by the Natural Gas Act.[1] The Commission ordered that the lateral line provision should be consolidated for purposes of hearing with the pending proceeding in Cities Service Gas Co., Docket No. CP67–340 et al., and it further provided that Plattsburg could participate as an intervenor in the consolidated proceeding for the limited purposes of the lateral line policy issue.

By letter order dated January 31, 1969, the Commission deferred hearing on the Plattsburg application pending resolution of the question of Cities Service's lateral line provision in the consolidated proceeding.

On February 27, 1969, Plattsburg filed a petition for rehearing of the above letter order and moved for consolidation of its application with the proceedings in Docket No. CP67–340 et al., alleging that an emergency situation exists because Plattsburg does not expect to be able to meet its needs from its existing supplies for the 1969–70 winter heating season under normal or severe weather conditions. In view of the foregoing allegation, the Commission, on March 31, 1969, consolidated the Plattsburg application with the proceeding in Docket No. CP67–340 et al., stating that the lateral line and pipeline design issues between Plattsburg and Cities Service should be resolved as quickly as possible.

During the course of the formal hearings conducted in conjunction with the above-noted consolidation, Plattsburg and Cities Service began to explore means whereby it would be possible to expedite the Plattsburg application so that service could be rendered to Plattsburg in time for the 1969–70 winter heating season. It became necessary to undertake such measures when it became obvious that the final determination of the consolidated proceedings could not be effectuated until sometime subsequent to the later time period. Cities Service and Plattsburg were able to agree to the following Settlement Agreement and filed such agreement on May 26, 1969, in Docket No. CP69–75 in order to expedite the construction of facilities to Plattsburg:

1. Cities Service agrees to construct and operate approximately 6.44 miles of 6-inch pipeline extending from a point on Cities Service's main lines serving St. Joseph, Mo., eastward toward Plattsburg, Mo. Plattsburg will construct and operate interconnecting pipeline facilities from the terminus of the 6.44-mile line to the Plattsburg distribution system. Cities will install measuring and regulating facilities at a convenient point near the terminus of the 6.44 miles of 6-inch pipeline. Cities Service will schedule its construction to complete the 6.44 miles of pipeline at approximately the same time that Plattsburg completes its portion of the facilities.

2. The estimated cost of the aforementioned pipeline facilities to be constructed by Cities Service, excluding the measuring and regulating facilities, is $150,000. In the event the Commission should conclude in Docket No. CP67–340 et al., that Cities Service should not have constructed the 6.44 miles of pipeline under its lateral line provision, then within 30 days after a final Commission order so holding, Plattsburg will pay Cities Service $150,000, plus 6 percent interest from the date such line was completed to the date of payment by Plattsburg as a contribution in aid of construction. Cities Service will retain title to the above facilities which it will construct and, therefore, will not relocate the measuring and regulating facilities, except by mutual agreement.

3. Within 15 days after the Commission's order approving this settlement agreement, Plattsburg will enter into a sales contract with Cities Service Gas Co. to purchase its entire natural gas requirements from Cities Service.

4. It is expressly understood that Cities Service has entered into this agreement due to the emergency circumstances alleged by Plattsburg and that this agreement will be without prejudice to Cities Service's or Plattsburg's position in the lateral line issue in Docket No. CP67–340 et al.

5. This settlement agreement shall not become effective unless the Commission has issued an order which is final and nonappealable accepting and approving the settlement agreement without modification or exception authorizing Cities Service to construct and operate the aforementioned 6.44 miles of pipeline facilities to serve Plattsburg, Mo., and further providing that this settlement agreement and the Commission's order approving it shall be without prejudice to the position of Cities Service or any other party on the lateral line issue which is consolidated in this proceeding in Docket No. CP67–340 et al.

The maximum day third year requirements for the city of Plattsburg are reflected in its application as being 1,075 Mcf per day. The maximum annual third year requirements for the city of Plattsburg are reflected in its application as being 140,000 Mcf. The Commission will, therefore, order that Cities Service interconnect its facilities with those of the city of Plattsburg, consistent with the other provision of this order, and to sell to the city of Plattsburg sufficient natural gas to enable it to meet its entire natural gas requirements.

The Commission is of the opinion that the settlement agreement offers an appropriate means to resolve the difficulties that have arisen with respect to the rendition of service to the city of Plattsburg during the course of the 1969–70 winter heating season.

The Commission finds:

(1) That the aforementioned settlement agreement between Cities Service Gas Co. and the city of Plattsburg is consistent with the public convenience and necessity.

(2) That the public convenience and necessity requires that the aforementioned settlement agreement and this order of the Commission approving it shall be without prejudice to the position of the Cities Service Gas Co. or any other party on the lateral line issue which is consolidated in these proceedings in Docket No. CP67–340, et al.

(3) That the public convenience and necessity requires that Cities Service Gas Co. be required to construct and operate the 6.44 miles of 6-inch pipe with appurtenant facilities to the point of connection specified in the settlement agreement with the facilities of the city of Plattsburg.

(4) That the public convenience and necessity requires that the Commission order Cities Service Gas Co. to sell and deliver to the city of Plattsburg its entire natural gas requirements.

(5) That the public convenience and necessity requires that the Commission sever the application of the city of Plattsburg in Docket No. CP69–75 from the proceedings in Docket No. CP67–340, et al., in accordance with the terms of the aforementioned settlement agreement filed on May 26, 1969.

The Commission orders:

(A) The settlement agreement between Cities Service Gas Co. and the city of

[1] As stated above, the new lateral line provision was permitted to become effective on Oct. 1, 1968, pursuant to Cities Service's motion.

Plattsburg, as set forth in this order, is approved by the Commission.

(B) The aforementioned settlement agreement and this order of the Commission approving it shall be without prejudice to the position of Cities Service Gas Co. or any other party on the lateral line issue which is consolidated in these proceedings in Docket No. CP67–340 et al.

(C) Cities Service Gas Co. is ordered to construct and operate 6.44 miles of 6-inch pipeline with appurtenant facilities, as described in the aforementioned settlement agreement, and to interconnect these facilities with the facilities of the city of Plattsburg in order to render natural gas service to the latter.

(D) Cities Service Gas Co. is ordered to sell and deliver to the city of Plattsburg its entire natural gas requirements.

(E) The application of the city of Plattsburg in CP69–75 is severed from the consolidated proceedings entitled Cities Service Gas Co. in Docket No. CP67–340 et al. with the exception of the ultimate disposition of the lateral payment issue.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–8904; Filed, July 29, 1969; 8:45 a.m.]

[Docket No. RP70–2]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Changes in Rates and Charges

JULY 23, 1969.

Take notice that Consolidated Gas Supply Corp. (Consolidated) on July 16, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2,[1] to become effective on August 31, 1969. The proposed rate changes would increase Consolidated's charges above those now in effect subject to refund in Docket No. RP69–19 by $11,512,934 for jurisdictional sales and by $793,557 for jurisdictional storage services, making a total annual increase of $12,306,491, based on volumes for the 12-month period ended March 31, 1969, as adjusted.

Consolidated states that its rate filing was required because of the incurrence of substantial increases in costs which were not included in its prior rate filing in Docket No. RP69–19. The increased costs cited by Consolidated are related to: (1) Wages and salaries, (2) materials and supplies, (3) local taxes, (4) purchased gas, and (5) cost of capital, producing an alleged need for a rate of return of 8.5 percent.

Consolidated specifically notes that $2,800,000 of its proposed increase results from the rate increase filed on June 27, 1969 by one of its suppliers, Texas Gas Transmission Corp., in Docket No. RP69–41. Consolidated requests that if its proposed rate changes are not permitted to become effective until after the time that the rates proposed by Texas Gas in Docket No. RP69–41 might go into effect, that the Commission allow Consolidated to file substitute revised tariff sheets to track the Texas Gas increase from the date that increase becomes effective.

Consolidated also proposed to add a purchased-gas adjustment provision to its tariff. The adjustment provision is not included in Consolidated's filing as a formal tariff change. However, Consolidated states that it will present testimony and argument in this proceeding in support of its request that it be allowed to include a purchased-gas adjustment provision in its tariff.

Copies of Consolidated's filing were served on its customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 11, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–8903; Filed, July 29, 1969; 8:45 a.m.]

[1] Second Revised Sheet No. 8–B; Third Revised Sheets Nos. 6, 9, 12–D, 13, 14, 16, 17, 19, 22, 24, 27, 35, and 36; and Fifth Revised Sheet No. 12 to its FPC GAS Tariff, Original Volume No. 1; and Second Revised Sheets Nos. 271 and 272 to its FPC Gas Tariff, Original Volume No. 2.

[Docket No. CP70–11]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 23, 1969.

Take notice that on July 15, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70–11 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain lateral loopline facilities on its Northwest Division System necessary to provide additional quantities of gas to existing customers in established market areas; namely, Washington Natural Gas Co. (Washington) for resale and distribution in the South Seattle area, Cascade Natural Gas Co. (Cascade) and the city of Ellensburg, Washington (Ellensburg) for resale and distribution in areas served by such distributors, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities for which authorization is sought consist of approximately 1.9 miles of 16-inch O.D. pipeline which will loop the terminal segment of El Paso's 10¾-inch O.D. South Seattle lateral, and approximately 13 miles of 12¾-inch O.D. pipeline which will loop the initial segment of Applicant's 10¾-inch O.D. Wenatchee lateral. The total estimated cost of the project proposed is $1,249,922. Applicant proposes to finance such cost initially through the use of working funds supplemented as necessary by short-term borrowings.

Applicant states that the proposed increase in facilities is designed to meet the rising anticipated peak day and hour requirements of the 1969–70, 1970–71, 1971–72 heating seasons.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–8905; Filed, July 29, 1969; 8:45 a.m.]

[Docket No. CP70–6]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Application

JULY 22, 1969.

Take notice that on July 14, 1969, Lawrenceburg Gas Transmission Corp. (Applicant), Post Office Box 960, Cincinnatti, Ohio 45201, filed in Docket No. CP70–6 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an increase of daily delivery volume to Lawrenceburg Gas Co., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to increase the daily delivery 500 Mcf per day, making the maximum daily delivery volume 12,530 Mcf. A portion of the increase will be delivered by Texas Gas Transmission Co. directly to the facilities of Lawrenceburg Gas Co. at the Rising Sun Sales Station and Bright Sales Station, and the rest will be delivered by Texas Gas Transmission Co. to the facilities of Applicant at Regulator Stations No. 1 and No. 2 for redelivery to Lawrenceburg Gas Co. The proposed increase is desired by Applicant to become effective on November 1, 1969, to coincide with a corresponding increase in delivery from Texas Gas Transmission Corp. to Applicant effective that date. The proposal is to increase volumes to meet present system load growth, but no change in facilities is required, and therefore no need of consequent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–8906; Filed, July 29, 1969; 8:45 a.m.]

[Docket No. RI70–29]

MOBIL OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JULY 22, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly §§ 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 5, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate Schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70–29	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	354	18	Montana-Dakota Utilities Co. (Worland Field, Washakie County, Wyo.).	$549	6–23–69	[2] 7–24–69	[3] 7–25–69	[4] 14.641	[4] [5] 14.744	RI69–202.

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to 1 day.
[3] Tax Reimbursement increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Subject to a compression charge by buyer of 0.2 cent for each 25 pounds or fraction thereof below 200 p.s.i.g.

Mobil Oil Corp. (Mobil) has filed a proposed increase from 14.641 cents to 14.714 cents per Mcf amounting to $549 annually for a sale of gas to Montana-Dakota Utilities Co. in Wyoming. The increase reflects reimbursement to Mobil of 50 percent of a Severance Tax enacted by the State of Wyoming and adopted in February 1969. The tax amounts to a net of 1 percent of the value of the gas produced in the preceding year and is payable once a year. Mobil's proposed rate exceeds the area increased rate ceiling of 13 cents per Mcf for Wyoming as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR, chapter I, Part 2, § 2.56). Consistent with prior Commission action on tax reimbursement increases that exceed the increased ceiling rate, Mobil's proposed increased rate is suspended for 1 day from July 24, 1969, the proposed effective date.

[F.R. Doc. 69-8900; Filed, July 29, 1969; 8:45 a.m.]

[Docket No. G-17371]

MONTANA POWER CO.

Notice of Petition To Amend

JULY 23, 1969.

Take notice that on July 14, 1969, Montana Power Co. (Petitioner), 40 East Broadway, Butte, Mont. 59701, filed in Docket No. G-17371 a petition to amend the order issued in the instant proceeding on August 5, 1960, by requesting authorization under section 3 of the Natural Gas Act to increase the volumes of natural gas imported from Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the additional volumes of natural gas are needed to enable Applicant to continue to meet the requirements of its customers.

Applicant has previously constructed and is now operating and maintaining the facilities necessary for the importation of natural gas pursuant to a Presidential Permit issued September 19, 1960, in Docket No. G-17370. Applicant proposes herein to import natural gas at an average rate of 10,000 Mcf per day commencing November 1, 1970, in addition to the average daily rate of 70,000 Mcf it is presently authorized to import under said orders in Docket No. G-17371. Applicant further states that no new facilities will be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8907; Filed, July 29, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4773]

GEORGIA POWER CO.

Notice of Proposed Issue and Sale of Commercial Paper Notes and Notes to Banks and Request for Exception From Competitive Bidding

JULY 24, 1969.

Notice is hereby given that Georgia Power Co. ("Georgia"), 270 Peachtree Street, Atlanta, Ga. 30303, an electric utility subsidiary company of The Southern Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Georgia requests that from the effective date of the Commission's order herein to December 31, 1970, the exemption from the provisions of section 6(a) of the Act afforded by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased from 5 percent of the principal amount and value of the other securities of Georgia at the time outstanding to approximately 10 percent thereof. Such increase will permit Georgia to issue the maximum aggregate principal amount of short-term notes permissible under its charter (without a vote of holders of its outstanding preferred stock). As at June 30, 1969, this amount was approximately $100 million, and such amount represents the maximum amount of notes presently to be authorized herein. Changes may be made in the maximum amount of notes to be outstanding and in the amounts to be borrowed from the various banks by the filing of a post-effective amendment and a further order of the Commission. Under the proposed exemption pursuant to section 6(b), Georgia proposes to issue and sell short-term notes to a group of banks and to issue and sell commercial paper from time to time prior to December 31, 1970, which together shall not exceed $100 million in aggregate principal amount at any one time outstanding, including currently outstanding bank loans and commercial paper aggregating $74,344,000 in principal amount which were issued pursuant to prior authorization of the Commission (Holding Company Act Release No. 16362 (May 5, 1969)).

The proposed notes to banks will be dated the date of the borrowing, will mature not more than 9 months after the date of issue, and will not exceed $68,944,000 outstanding at any one time. The group of banks to which notes are to be issued consists of four New York City banks (maximum of $36,725,000 to be borrowed) and 245 Georgia banks (maximum of $32,219,000 to be borrowed). Each bank note will bear interest at the prime rate in effect at the lending bank on the date of the borrowing, except that notes to The Chase Manhattan Bank (National Association) will bear interest at the rate in effect from time to time at that bank. Georgia may prepay the notes, in whole or in part, without penalty or premium.

The proposed commercial paper will be in the form of promissory notes with varying maturities not to exceed 270 days, will be issued in denominations of not less than $50,000 and not more than $5 million, and will not be prepayable prior to maturity. The commercial paper will be sold by Georgia directly to Goldman, Sachs & Co. at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for prime commercial paper of comparable quality of the particular maturity sold by issuers thereof to commercial paper dealers: *Provided, however*, That no commercial paper notes will be issued having a maturity more than 90 days at an effective interest cost which exceeds the effective interest cost at which the applicant company could borrow from banks. No commission or fee will be payable in connection with the issuance and sale of commercial paper. The dealer, as principal, will reoffer the commercial paper at a discount rate of one-eight of 1 percent per annum less than the prevailing discount rate to Georgia to not more than 100 customers of the dealer identified and designated in a nonpublic list prepared in advance by the dealer.

The proceeds from the notes and commercial paper will be used by Georgia to reimburse its treasury for part of the expenditures in connection with its construction program, to finance in part its future construction program, to pay at maturity from time to time outstanding notes and commercial paper, and for other lawful purposes. The total estimated construction expenditures of Georgia for 1969 and 1970 are $180,200,000 and $210,793,000, respectively. The application indicates that Georgia plans to use the proceeds of long-term financing scheduled for 1969 to reduce the amount of short-term notes outstanding; however, the amount of notes authorized herein will not be reduced by the amount of any long-term financing.

Georgia asserts that the issue and sale of commercial paper should be excepted from the competitive bidding requirements of Rule 50 because the commercial paper will have a maturity not in excess of 270 days, current rates for commercial paper for prime borrowers such as Georgia are published daily in financial publications, and it is not practical to invite invitations for bids for commercial paper. Georgia also requests authority to file certificates of notification under Rule 24 in respect of its commercial paper on a quarterly basis.

Georgia's fees and expenses to be incurred in connection with the proposed transactions are estimated at $1,550, including legal fees of $1,200. The application states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 15, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8909; Filed, July 29, 1969; 8:46 a.m.]

[70-4770]

GEORGIA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

JULY 24, 1969.

Notice is hereby given that Georgia Power Co. ("Georgia"), 270 Peachtree Street, Atlanta, Ga. 30303, an electric utility subsidiary company of The Southern Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Georgia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $65 million principal amount of First Mortgage Bonds, ____ percent Series. The bonds will be dated as of the second day of the calendar month within which they are issued and will bear a single maturity date within the range of 5 to 30 years, such date to be determined not less than 72 hours prior to the opening of the bids. The interest rate (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Georgia (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the provisions of the Indenture dated as of March 1, 1941, between Georgia and Chemical Bank, as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated September 1, 1969. The Supplemental Indenture will include a prohibition against redemption until September 1, 1974, if such redemption is for the purpose of refunding the bonds with funds borrowed at lower interest costs.

Georgia also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 150,000 shares of its authorized but unissued ____ percent Preferred Stock without par value. The dividend rate (which will be a multiple of 0.04 percent) and the price to be paid to Georgia (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding.

The net proceeds received from the issue and sale of the bonds and preferred stock together with excess cash on hand and the proceeds from the sale of 305,000 additional shares of common stock to its parent company already approved by this Commission (Holding Company Act Release No. 16285), will be used by Georgia (1) to finance its 1969 construction program estimated at $180 million, (2) to pay outstanding short-term bank notes and commercial paper notes incurred for construction purposes, and (3) for other corporate purposes.

It is stated that the Georgia Public Service Commission has authorized the proposed issue and sale of the bonds and preferred stock by Georgia, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than August 12, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Comission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8910; Filed, July 29, 1969; 8:46 a.m.]

[70-4774]

POTOMAC EDISON CO.

Notice of Proposed Increase in Short-Term Note Borrowing and Request for Exception From Competitive Bidding

JULY 24, 1969.

Notice is hereby given that Potomac Edison Co. ("Potomac"), Downsville Pike, Hagerstown, Md. 21740, a registered holding company and an electric utility subsidiary company of Allegheny Power System, Inc., also a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Potomac requests that from the date of the granting of this application to July 31, 1971, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased to the extent necessary to cover the issue and sale of notes to banks and to dealers in commercial paper up to the maximum amount allowable under Potomac's charter without preferred stockholder consent, which, as of April 30, 1969, amounted to $20,940,000. Potomac proposes, under the proposed exemption, to

issue and sell and to renew or extend from time to time its short-term notes to banks and to dealers in commercial paper prior to July 31, 1971: *Provided*, That none of such notes shall mature later than December 31, 1971 and: *Provided, further*, That $20,940,000 represents the maximum amount of notes to be outstanding at any one time. Changes may be made in the maximum amount of notes to be outstanding upon the filing of a post-effective amendment and additional authorization by the Commission. The proceeds from the sale of the notes will be used by Potomac to reimburse its treasury for past expenditures made in connection with its construction program and that of its subsidiary companies; to pay in part the cost of such future construction; and for other corporate purposes. Construction expenditures of Potomac and its subsidiary companies for the years 1969, 1970, and 1971 are estimated to total $143 million. The application states that, unless otherwise authorized by the Commission, any of Potomac's short-term debt outstanding after July 31, 1971, will be retired from internal cash resources, permanent debt or equity financing, or cash capital contributions.

Each note payable to a bank will be dated as of the date of issue and will mature not more than 270 days after the date of issue or renewal thereof. Each such note will bear interest at the prime rate of commercial banks at the time of issue and will be prepayable at any time without premium or penalty. Although no commitment or agreement for any of the proposed borrowings has been made, Potomac expects that borrowings will be effected from The First National City Bank of New York and The Chemical Bank, also of New York City and that the maximum to be borrowed and outstanding at any one time from such banks will be $20 million and $15 million, respectively.

The commercial paper notes will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5 million and will be of varying maturities with no maturity more than 270 days after the date of issue. None will be prepayable prior to maturity. The commercial paper notes will be sold directly to a dealer at a discount not in excess of the discount rate per annum prevailing at the time of issue for commercial paper of comparable quality and of the particular maturity sold by issuers to dealers in commercial paper. The dealer may reoffer the commercial paper at a discount rate of one-eighth of 1 percent per annum less than the discount rate then available to Potomac. No commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which Potomac could borrow from banks. The dealer will reoffer the commercial paper notes to not more than 100 of its customers identified and designated in a list (nonpublic) prepared in advance. It is expected that the commercial paper notes will be held by the dealer's customers to maturity, but if the customers wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others in its group of 100 customers.

Potomac requests an exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. Potomac states that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as Potomac are published daily in financial publications. Potomac also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this application on a quarterly basis.

The application states that fees and expenses related to the proposed transactions are estimated not to exceed $400 and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 15, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8911; Filed, July 29, 1969; 8:46 a.m.]

[811-1786]

ACTIVE RESOURCES CORP.

Notice of Filing of Application for Order of the Act Declaring That Company Has Ceased To Be an Investment Company

JULY 24, 1969.

Notice is hereby given that the Active Resources Corp. ("Active") 29 Broadway, New York, N.Y., a New York corporation registered as a closed-end nondiversified investment under The Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Active has ceased to be an investment company as defined in the Act. All interested persons are referred to the applications on file with the Commission for statements of the representations set forth therein which are summarized below.

The outstanding securities (other than short-term paper) of Active are beneficially owned by 21 persons. None of such beneficial owners is a company. Prior to June 18, 1969, Active proposed to make a public offering of its common stock. Active filed a registration statement on Form S-4 under the Securities Act of 1933 seeking registration of 125,000 shares of its common stock. On June 18, 1969, the Board of Directors of Active concluded that the proposed public offering was not feasible and resolved that Active does not presently propose to make a public offering of its securities and that the registration statement on Form S-4 be withdrawn. The Commission granted the request for withdrawal of the registration statement on Form S-4 on July 7, 1969.

Section 3(c)(1) of the Act states, inter alia, that any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Section 8(f) of the Act states, inter alia, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 15, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Active at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said applications, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8912; Filed, July 29, 1969; 8:46 a.m.]

[812-2547]

STATE STREET INVESTMENT CORP.

Notice of Filing of Application for an Order Exempting From Section 22(d) a Sale by an Open-End Company of Its Securities at Other Than the Public Offering Price

JULY 24, 1969.

Notice is hereby given that State Street Investment Corp. ("Applicant"), 225 Franklin Street, Boston, Mass. 02110, a Massachusetts corporation registered under the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all the assets of Rozier, Inc. ("Rozier"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Rozier, a Missouri corporation, is a personal holding company all of whose outstanding stock is owned by seven stockholders and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Applicant and Rozier, assets owned by Rozier with a value of approximately $1,623,000 on April 30, 1969, will be transferred to Applicant in exchange for shares of Applicant's stock.

The number of shares of Applicant to be issued to Rozier is to be determined by dividing the aggregate market value of the assets of Rozier (subject to certain adjustments set forth in the application) to be transferred to Applicant by the net asset value per share of Applicant (as defined in the agreement), both to be determined as of the valuation time. If the valuation in the agreement had taken place on April 30, 1969, Rozier would have received approximately 29,708 shares of Applicant's stock.

When received by Rozier, the shares of Applicant are to be distributed to the Rozier shareholders on the liquidation of Rozier. Applicant has been advised by the management of Rozier that the stockholders of Rozier do not have any present intention of distributing the shares of Applicant to be received on such liquidation following the sale of assets transaction or of redeeming any substantial number thereof. Applicant does presently intend to sell a portion of the securities acquired from Rozier subsequent to their acquisition as set out in the application.

Applicant represents that no affiliation exists between Rozier, or any director or stockholder thereof, and Applicant; and that the agreement was negotiated at arm's-length by the principals of both corporations.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with established practice of the Commission, is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 12, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8913; Filed, July 29, 1969; 8:46 a.m.]

[File No. 24C-2748]

SERVANCE CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 23, 1969.

I. Servance Corp. (issuer) 10436 College Avenue, Indianapolis, Ind., an Indiana corporation, incorporated February 17, 1966, with its principal office at 10436 College Avenue, Indianapolis, Ind., filed with the Commission on March 1, 1966, a notification on Form 1-A and an offering circular relating to an offering of 29,000 shares of no par value common capital stock at $10 per share for an aggregate offering price of $290,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in the following respect:

The provisions of Rule 260, adopted pursuant to section 3(b) of the Securities Act of 1933, as amended, have not been complied with in that no Report of Sales on Form 2-A has been made since December 12, 1966, although repeated notice was given the issuer, its attorney, its officers, directors, and promoters.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested, and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless, or until, it is modified or vacated by the Commission; and that notice of the time and place for such

hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8914; Filed, July 29, 1969; 8:46 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

JULY 24, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 25, 1969, through August 3, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8915; Filed, July 29, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FLOYD A. MECHLING

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (22 F.R. 996; 22 F.R. 6584; 23 F.R. 1062; 23 F.R. 6730; 24 F.R. 552; 24 F.R. 6251; 24 F.R. 9699; 25 F.R. 109; 26 F.R. 1693; 26 F.R. 6463; 27 F.R. 684; 27 F.R. 6409; 28 F.R. 1093; 28 F.R. 7060; 29 F.R. 1861; 29 F.R. 9813; 30 F.R. 769; 30 F.R. 8765; 31 F.R. 493; 31 F.R. 9432; 32 F.R. 769; 32 F.R. 10277; 33 F.R. 523; 33 F.R. 10545; and 34 F.R. 1346) for the period ended July 25, 1969.

No changes to report.

Dated: July 21, 1969.

F. A. MECHLING.

[F.R. Doc. 69-8934; Filed, July 29, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 59; Amdt. 1]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Upon further consideration of Car Distribution Direction No. 59, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 59 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., August 10, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 27, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 24, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-8935; Filed, July 29, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 58; Amdt. 2]

SOUTHERN RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 58, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 58 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., August 10, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 27, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 24, 1996.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-8936; Filed, July 29, 1969; 8:48 a.m.]

[S.O. 994; ICC Order No. 31-A]

CHICAGO AND NORTH WESTERN RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 31 (Chicago and North Western Railway Co.) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 31 be, and it is hereby, vacated and set aside.

(b) *Effective date.* This order shall become effective at 1 p.m., July 24, 1969.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 24, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-8937; Filed, July 29, 1969; 8:48 a.m.]

[Notice 561]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 25, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 C.F.R. 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 30899 (Deviation No. 1), JOHNSON MOTOR LINES CORPORATION, 2426 North Graham Street, Post Office Box 10877, Charlotte, N.C. 28201, filed July 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between New York, N.Y., and Albany, N.Y., over Interstate Highway 87, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between New York, N.Y., and Albany, N.Y., over U.S. Highway 9.

No. MC 30899 (Deviation No. 2), JOHNSON MOTOR LINES CORPORATION, 2426 North Graham Street, Post Office Box 10877, Charlotte, N.C. 28201, filed July 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Buffalo, N.Y., over Interstate Highway 90 to junction U.S. Highway 20 at or near State Line, Pa., and return over the same route, for operation convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Painted Post, N.Y., over New York Highway 17 to Jamestown, N.Y., thence over New York Highway 60 to Fredonia, N.Y., thence over U.S. Highway 20 to Erie, Pa., and (2) from Buffalo, N.Y., over New York Highway 5 to Dunkirk, N.Y., thence over New York Highway 60 to Fredonia, N.Y., and returned over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 526), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed July 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 13 and U.S. Highway (Business Route) B.R. 13 over U.S. Highway 13, bypassing Cheriton, Va., to junction U.S. B.R. Highway 13; (2) from junction U.S. Highway 13 and U.S. Highway (Business Route) B.R. 13 over U.S. Highway 13 bypassing Eastville, Va., to junction U.S. Highway B.R. 13; (3) from junction U.S. Highway 13 and U.S. Highway (Business Route) B.R. 13 over U.S. Highway 13 bypassing Exmore, Va., to junction U.S. B.R. Highway 13; (4) from junction U.S. Highway 13 and U.S. Highway (Business Route) B.R. 13 over U.S. Highway 13 bypassing Olney, Va., to junction U.S. B.R. Highway 13; and (5) from junction U.S. Highway 13 and U.S. Highway (Business Route) B.R. 13 over U.S. Highway 13 bypassing Accomac, Va., to junction U.S. B.R. Highway 13, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and same property, over a pertinent service route as follows: From Norfolk, Va., over U.S. Highway 460 to junction U.S. Highway 13, thence over U.S. Highway 13 to Little Creek, Va., thence over the Chesapeake Bay Bridge-Tunnel to Kiptopeke Beach, Va., thence over U.S. Highway 13 to Bayview, Va., thence over Virginia Highway 184 to Cape Charles, Va., thence return over Virginia Highway 184 to Bayview, Va., thence over U.S. Highway 13 to junction U.S. Highway (Business Route) B.R. 13 (formerly U.S. Highway 13), thence over U.S. B.R. Highway 13 via Cheriton, Va., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction U.S. B.R. Highway 13 (formerly U.S. Highway 13), thence over U.S. B.R. Highway 13 via Eastville, Va., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction U.S. B.R. Highway 13 (formerly U.S. Highway 13) via Exmore, Va., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction U.S. B.R. Highway 13 (formerly U.S. Highway 13), thence over U.S. B.R. Highway 13 via Olney, Va., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction U.S. B.R. Highway 13 (formerly U.S. Highway 13), thence over U.S. B.R. Highway 13 via Accomac, Va., to junction U.S. Highway 13, thence over U.S. Highway 13 to the Virginia-Maryland State line, and return over the same route.

No. MC 2866 (Deviation No. 10), EDWARDS MOTOR TRANSIT COMPANY, 56 East Third Street, Williamsport, Pa. 17701, filed July 16, 1969. Carrier's representative: Robert H. Griswold, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 22 and Pennsylvania Highway 286 (formerly Pennsylvania Highway 80) over U.S. Highway 22 to junction U.S. Highway 119, thence over U.S. Highway 119 to Indiana, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction U.S. Highway 22 and Pennsylvania Highway 286 (formerly Pennsylvania Highway 80) over Pennsylvania Highway 286 to junction Pennsylvania Highway 380, thence over Pennsylvania Highway 380 to junction Pennsylvania Highway 66, thence over Pennsylvania Highway 66 (portion formerly unnumbered) to junction Pennsylvania Highway 56, thence over Pennsylvania Highway 56 to Shady Plain, Pa., thence over Pennsylvania Highway 156 to Shelocta, Pa., thence over U.S. Highway 422 to Indiana, Pa., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-8938; Filed, July 29, 1969; 8:48 a.m.]

[Notice 1316]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 25, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 127774 (Sub-No. 1) (Republication), filed November 7, 1968, published in the FEDERAL REGISTER issue of November 28, 1968, and republished this issue. Applicant: HAINES TRANSPORT, INC., Post Office Box 207, Greenfield, Iowa 50849. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. By application filed November 7, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of anhydrous ammonia; (a) from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, and Oklahoma; (b) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska; (c) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming; and (d) from the terminals located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at the named origin points and destined to the named destination States.

By order dated February 7, 1969, and served February 13, 1969, it was ordered that this proceeding be handled under modified procedure. A report of the Commission, Review Board No. 1, decided July 7, 1969, and served July 16, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of anhydrous ammonia, in bulk, in tank vehicles; (1) from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, and Oklahoma; (2) from the terminal located on the ammonia pipeline of Mapco, Inc., located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska; (3) from the terminal located on the ammonia pipeline of Mapco, Inc., located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota and Wyoming; and (4) from the

terminals located on the ammonia pipeline of Mapco, Inc., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted in (1), (2), (3), and (4) above to traffic originating at the named origin points and destined to points in the named destination States, subject to the condition that any authority granted herein to the extent that it duplicates any existing authority shall be construed as conferring only a single operating right; that applicant is fit, willing, and able properly to perform such service, and to conform to the requirements of the Interstate Commerce Commission Act and the rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate pleading setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 130039 (Republication), filed May 26, 1967, published FEDERAL REGISTER issues of June 29, 1967 and August 17, 1967, and republished this issue. Applicant: WILLIAM NEZOWY, doing business as ASTRO TRAVEL SERVICE, 1411 Walnut Street, Philadelphia, Pa. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa. 19102. By application filed May 26, 1967, as corrected, applicant seeks a license authorizing operations, in interstate or foreign commerce, as a broker at Philadelphia, Pa., in arranging for transportation in interstate or foreign commerce of individual passengers and groups of passengers and their baggage in passenger motor vehicles, in special operations, in round trip tours, beginning and ending in points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and Gloucester, Camden, and Burlington Counties, N.J., and extending to points in the United States including ports of entry on the international boundary line between the United States and Canada. A decision and order of the Commission, Review Board No. 3, dated June 18, 1969, and served June 24, 1969, finds that operation by applicant, at Philadelphia, Pa., as a broker in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of passengers and their baggage, in charter operations, in round trip tours, beginning and ending at points in Philadelphia County, Pa., and extending to points in the United States, including Alaska and Hawaii, subject to: (1) The right of the Commission, which is hereby expressed reserved, to impose after final determination of the proceeding in Ex Parte No. MC-29 (Sub-No. 2), *Operations of Brokers of Passenger Transportation*, such terms and conditions, if any, as may be deemed necessary to insure that the transportation which applicant arranges is limited to bona fide service as a broker of transportation by motor vehicle of passengers and their baggage in charter operations; and (2) the requirement that a notice of the authority actually granted be published in the FEDERAL REGISTER and issuance of a license in this proceeding be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest, who may have relied upon the notice of the corrected application as published and would be prejudiced by the lack of proper notice of the authority actually granted herein, may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133447 (Republication), filed January 26, 1969, published in the FEDERAL REGISTER issue of February 20, 1969, and republished this issue. Applicant: BALLEW STORAGE COMPANY, INC., 175 West Woodrow Wilson Drive, Jackson, Miss. 39211. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Jackson, Miss. 39205. By application filed January 26, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *Household goods*, as defined by the Commission, between Jackson, Miss., on the one hand, and, on the other, points in Attala, Adams, Claiborne, Copiah, Hinds, Lauderdale, Lawrence, Leake, Lincoln, Madison, Rankin, Scott, Simpson, Smith, Warren, and Yazoo Counties, Miss., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders operating under the section 402(b)(2) exemption. An order of the Commission, dated April 3, 1969, and served April 11, 1969, ordered that this proceeding be handled under modified procedure. A report of the Commission, Review Board No. 1, decided July 10, 1969, and served July 23, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic between Jackson, Miss., on the one hand, and, on the other, points in Attala, Adams, Claiborne, Copiah, Hinds, Lauderdale, Lawrence, Leake, Lincoln, Madison, Rankin, Scott, Simpson, Smith, Warren, and Yazoo Counties, Miss.; that applicant is fit, willing, and able properly to perform the service herein authorized and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 42487 (Sub-No. 726), filed July 10, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Francis E. Barrett, 60 Adams Street, Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving all points in Massachusetts. NOTE: This application is a matter directly related to MC-F-10545, published in the FEDERAL REGISTER issue of July 16, 1969, wherein applicant seeks to convert the certificate of registration of Swan Transportation, Inc., under MC 120433 (Sub-No. 1) into a certificate of public convenience and necessity. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 76032 (Sub-No. 246), filed June 23, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representatives: Marshall G. Berol, 100 Bush Street, San Francisco, Calif. 94104, and William E. Kenworthy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except used household goods as defined by the Commission, automobiles, trucks, buses, livestock, commodities in bulk, logs, commodities of unusual size, weight, or shape which

for that reason require the use of special equipment or handling, and articles of unusual value). Regular routes: (1) Between Hayward and Stockton, Calif., over U.S. Highway 50; (2) between Richmond and Sacramento, Calif., over U.S. Highway 40; (3) between junction California Highway 12 and U.S. Highway 40 (near Fairfield) and Lodi, Calif., over California Highway 12; (4) between Oakland and Sacramento, Calif., from Oakland over California Highway 24 to junction California Highway 160, thence over California Highway 160 to Sacramento; (5) between junction California Highway 4 and U.S. Highway 40 (near Pinole) and Stockton, Calif., over California Highway 4;

(6) Between Fresno and Sacramento, Calif., over U.S. Highway 99; (7) between junction California Highway 120 and U.S. Highway 50 (near Lathrop) and Oakdale, Calif., over California Highway 120; (8) between junction California Highway 33 and U.S. Highway 50 (near Tracy) and Mendota, Calif., over California Highway 33; (9) between Mendota and Fresno, Calif., over California Highway 180; (10) between Los Banos and Califa, Calif., over California Highway 152; and (11) between Gustine and Merced, Calif., over California Highway 140, and return over the same routes, serving all intermediate points, and points within 25 miles of the regular routes as off-route points in connection with (1) through (11) above. Irregular routes: between points in the San Francisco Territory as hereinafter defined. *San Francisco Territory* includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including Industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard;

Northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive, and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to the point of beginning. NOTE: This application is directly related to MC-F-10426, published in FEDERAL REGISTER issue of April 3, 1969. The purpose of this application is to convert the certificate of registration of Arthur R. Faughn, doing business as Faughn's Transportation, under Docket No. MC 120842 (Sub-No. 1) into a certificate of public convenience and necessity. Common control may be involved. No duplicating authority is sought. Applicant states it will tack the irregular route authority in the San Francisco Territory, herein sought to the other authority herein sought and to applicant's existing authority, and will serve between points in the Territory and other points authorized to be served by applicant in MC 76032 or by General Expressways in MC 3560. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

TRANSFER APPLICATIONS UNDER SECTION 212(B) WHICH HAVE BEEN DESIGNATED FOR ORAL HEARING

No. MC-FC-71334. DIRECT AIRPORT SERVICE, INC., Huntington Station, N.Y., transferee, and WALTER GEORGE ELSEBOUGH, doing business as PORT JEFFERSON MOTOR TRANSPORTATION COMPANY, Port Jefferson, N.Y., transferor. Attorney for applicants: James McGarry, 535 Fifth Avenue, New York, N.Y. 10017. By application filed April 29, 1969, under section 206(a)(6) of the Act, the above-named transferee seeks to acquire a portion of the evidentiary rights in certificate of registration No. MC-85862 (Sub-No. 1) issued September 18, 1964, to transferor, evidencing a right to engage in the transportation of general commodities, between New York, N.Y., and all points in Suffolk County, N.Y., in interstate or foreign commerce, to the extent authorized in the corresponding intrastate certificate No. 2012, dated April 17, 1940, and issued by the New York Public Service Commission.

By order of the Commission, Division 3, entered in the subject proceeding June 5, 1969, the matter of the transfer No. MC-FC-71334 is assigned for hearing on a consolidated record with the proceeding in No. MC-125893 (Sub-No. 1), at a time and place to be hereafter designated, for the purpose of determining, among other things, whether transferee herein [applicant in the proceeding No. MC-125893 (Sub-No. 1)] is fit to acquire the portion of the evidentiary rights in the certificate of registration herein sought.

Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petioner wishes the hearing to be held, the number of witnesses it expects to present, and the estimated time required for presentation of its evidence.

No. MC-FC-71434. Authority sought by transferee, ALL CARGO TRANSPORT, INC., Newark, N.J., for transfer of the operating rights of transferor, CARDINALE TRUCKING CORPORATION, Secaucus, N.J. Attorney for applicants: Thomas E. Durkin, Jr., 24 Branford Place, Newark, N.J. 07102. The operating rights sought to be acquired are both common and contract carrier authorities set forth in permits Nos. MC-3582 and MC-3582 (Sub-No. 3), and certificates Nos. MC-17006 and MC-17006 (Sub-No. 1). The contract carrier permit authorizes the transportation of rags, skids, paper and paper products, machinery, materials and supplies used in the manufacture of paper and paper products, over irregular routes, between New York, N.Y., and specified points and areas in New Jersey, in radial and nonradial movements, and between the referred to New York and New Jersey points, on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Washington, D.C., Maryland, Massachusetts, Rhode Island, and Connecticut. The common carrier certificates in Nos. MC-i7006 and MC-17006 (Sub-No. 1), authorize the transportation of (a) General commodities, with the usual exceptions, and in addition thereto, the exclusion of the commodities named above authorized in the permits MC-3582 and (Sub-No. 3), between specified points and areas in New York, New Jersey, Pennsylvania, Maryland, Massachusetts, Rhode Island, Connecticut, Virginia, Delaware, and the District of Columbia, and (b) rock wool, from Dover, N.J., to Washington, D.C., and points in specified portions of Maryland and Virginia.

The above-entitled transfer application under section 212(b) of the Interstate Commerce Act is to be assigned for

hearing at a time and place to be hereafter designated for the purpose, among others, of determining whether transferee, under § 1132.3 of the Rules and Regulations Governing Transfers of Operating Rights (49 CFR 1132), is financially fit to acquire the rights proposed for transfer, and whether, under § 1132.5(b) of the said rules, the conduct of operations by transferor when operating without cargo insurance resulted in a cessation of lawful operations for a period or periods of time substantial enough to result in dormancy of the rights, and would preclude transfer of same under this rule.

Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses it expects to present, and the estimated time required for presentation of its evidence.

The Bureau of Enforcement has been directed to participate for the purpose of developing the record.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceeding with respect thereto. (49 CFR 1100.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-10344. (Correction) (KROBLIN REFRIGERATED XPRESS, INC.—Control—RITE-WAY TRUCKING CO., INC.), published in the January 3, 1969, issue of the FEDERAL REGISTER, on page 104. This notice to show the joining in of MILDRED KROBLIN, and LOYAL FRISCH, as additional parties in control of KROBLIN REFRIGERATED EXPRESS INC.

No. MC-F-10553. Authority sought for merger into JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. 19475, of the operating rights and property of ERIE TRUCKING COMPANY, Bridge Street and Schuylkill Road, Spring City, Pa. 19475, and for acquisition by MARINE MIDLAND GRACE TRUST COMPANY OF NEW YORK, VOTING TRUSTEE, 140 Broadway, New York, N.Y. 10015, of control of such rights and property through the transaction. Applicants' attorneys and representative: Roland Rice, 618 Perpetual Building, Washington, D.C. 20004, John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101, and Harry A. Hershey, Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Buffalo, N.Y., and Erie, Pa., serving no intermediate points, between Erie, Pa., and New York, N.Y., serving the intermediate point of Kane, Pa., and the off-route points in the New York City commercial zone, as defined by the Commission, Port Chester, N.Y., and points in New Jersey within 20 miles of Columbus Circle, N.Y.; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Erie, Pa., on the one hand, and, on the other, points in New York and Pennsylvania within 80 miles of Erie, except Bradford and Custer City, Pa., and Buffalo, N.Y., between Kane, Pa., on the one hand, and, on the other, points in Pennsylvania within 80 miles of Erie, Pa., except Bradford and Custer City, Pa.; *rough rolled glass*, from Sergeant, Pa., to certain specified points in New Jersey, Rochester, and Elmira, N.Y., and points in the New York, N.Y., commercial zone, as defined by the Commission, certain specified points in Ohio, and Baltimore, Md.; and *uncrated furniture*, from Kane, Pa., to Jamestown, N.Y. JONES MOTOR CO., INC., is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, Maryland, Vermont, Connecticut, Massachusetts, Rhode Island, Missouri, Michigan, Ohio, Illinois, Indiana, New Hampshire, West Virginia, Virginia, North Carolina, Delaware, Maine, South Carolina, Tennessee, Iowa, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: JONES MOTOR CO., INC., controls ERIE TRUCKING COMPANY, through ownership of capital stock, pursuant to authority granted February 1, 1968, as Supplemented March 14, 1968, by Review Board No. 5, in Docket No. MC-F-9952, and consummated March 31, 1968.

MC-4963 Sub-No. 31 is a matter directly related.

No. MC-F-10554. Authority sought for purchase by BUDIG TRUCKING CO., 1100 Gest Street, Cincinnati, Ohio 45203, of the operating rights and property of EARL T. MORRIS, FAY H. MORRIS and FONZIE MORRIS, doing business as A B & C MOTOR FREIGHT LINE, 510 East Fourth Street, Augusta, Ky. 41002, and for acquisition by OTTO M. BUDIG, OTTO M. BUDIG, JR., and GEORGE J. BUDIG, all of Cincinnati, Ohio, of control of such rights and property through the purchase. Applicants' attorneys: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202, and McChesney and Kinker, 711 McClure Building, Frankfort, Ky. 40601. Operating rights sought to be transferred: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Brooksville, Ky., and Mount Olivet, Ky., between Powersville, Ky., and Mount Olivet, Ky., serving all intermediate points and the off-route points in Bracken and Robertson Counties, Ky., within 5 miles of the above-described regular routes; *general commodities*, except dangerous explosives and other dangerous articles, and except silks, vehicles, commodities in bulk, between Augusta, Ky., and Cincinnati, Ohio, serving certain intermediate points; *general commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk requiring the use of tank vehicles and commodities requiring special equipment, between Cincinnati, Ohio, and Augusta, Ky., serving all intermediate points, and the off-route points in Kentucky within 3 miles of the above-specified route. Vendee is authorized to operate as a *common carrier* in Ohio, Kentucky, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10555. Authority sought for purchase by THE NATIONAL TRANSIT CORPORATION, 4401 Stecker Avenue, Dearborn, Mich. 48126, of the operating rights and property of OHIO FREIGHT LINES, INC., 500 Kilbourne Street, Columbus, Ohio, and for acquisition by MERCHANTS' FORWARDING COMPANY, also of Dearborn, Mich., of control of such rights and property through the purchase. Applicant's attorney: Rex Eames, Eames, Petrillo, Wilcox, and Nelson, 900 Guardian Building, Detroit, Mich. 48226. Operating rights sought to be transferred: *General commodities*, excepting among others, household goods, commodities in bulk, as a *common carrier* over regular routes, between Chillicothe, Ohio, and Columbus and Commercial Point, Ohio, serving all intermediate points and the off-route point of Williamsport, Ohio; between certain specified points in Ohio, with restrictions; serving all intermediate points except those specifically restricted above; Under a certificate of registration, in Docket No. MC-33469 Sub 8, covering the transportation of properties, as a common carrier, in intrastate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in Michigan, Kentucky, Ohio, and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10556. Authority sought for purchase by ANDREWS VAN LINES, INC., Seventh Street and Park Avenue, Norfolk, Nebr. 68701, of the operating rights of BRADLEY WHITE CO., INC., 3013 Second Avenue, South, Birmingham, Ala. 35233 and for acquisition by CLAYTON L. ANDREWS, also of Norfolk, Nebr., of control of such rights through the purchase. Applicants' attorney: Donald E. Leonard, Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Operating rights sought to be transferred: *Household goods* as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, as a *common carrier*, over irregular routes, between points in Alabama, on the one hand, and, on the other, points in Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, and Tennessee. Vendee is authorized to operate as a *common carrier* in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Wyoming, Delaware, Maryland, Montana, Idaho, Oregon, Utah, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: If a hearing is deemed necessary, it is requested that the hearing be set for Birmingham, Ala., or Washington, D.C.

No. MC-F-10557. Authority sought for purchase by P & G MOTOR FREIGHT, INCORPORATED, 450 Burnham Street, South Windsor, Conn., of the operating rights and certain property of STATE TRANSFER INC., 478 Roberts Street, East Hartford, Conn., and for acquisition by JACK I. EDELBERG, 33 Seneca Avenue, Rockaway, N.J., of control of such rights and property through the purchase. Applicants' attorney and representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., and Edwin A. Lassman, 111 Pearl Street, Hartford, Conn. Operating rights sought to be transferred: Under a certificate of registration, in No. MC-98616 Sub 1, covering the transportation of property, as a common carrier, in intrastate commerce within the State of Connecticut. Vendee is authorized to operate as a *common carrier* in Connecticut, New Jersey, Massachusetts, and New York. Application has been filed for temporary authority under section 210a(b). NOTE: MC-66512 Sub 7, is a matter directly related.

No. MC-F-10558. Authority sought for purchase by EASTERN BUS LINES, INC., 49 Brainard Place, Manchester, Conn. 06040 of a portion of the operating rights of the THE SHORT LINE OF CONNECTICUT, INCORPORATED, doing business as THE SHORT LINE, 667 Cromwell Avenue, Rocky Hill, Conn. 06067, and for acquisition by GEORGE A. NEGRO, 775 Vernon Street, Manchester, Conn., of control of such rights through the purchase. Applicants' attorneys: John E. Fay, 79 Lafayette Street, Hartford, Conn., and REUBIN KAMINSKY, 410 Asylum Street, Hartford, Conn. 06103. Operating rights sought to be transferred: Passengers and their baggage and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes between Hartford, Conn., and New London, Conn., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10559. Authority sought for purchase by HMIELESKI TRUCKING CORP., 108 New Era Drive, South Plainfield, N.J. 07080, of a portion of the operating rights of WARCO SERVICE, INC., Post Office Box 293, Dunellen, N.J., and for acquisition by EDMUND HMIELESKI, JR., 553 McKeon Street, Perth Amboy, N.J., and LILLIAN HMIELESKI, 555 McKeon Street, Perth Amboy, N.J., of control of such rights through the purchase. Applicants' attorneys: George Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, and Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment, as a *common carrier* over irregular routes, between Newark, N.J., on the one hand, and, on the other, points in Middlesex, Somerset, and Union Counties, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10560. Authority sought for purchase by KANE FREIGHT LINES, INC., 150 South Washington Avenue, Scranton, Pa. 18503, of the operating rights of ESCHENBACH & RODGERS, INC., 520 North Seventh Avenue, Scranton, Pa. 18503, and for acquisition by EUGENE J. KANE, 915 Poplar Street, Dunmore, Pa., of control of such rights through the purchase. Applicants' attorney: William F. King, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Operating rights sought to be purchased. *Such merchandise* as is dealt in by wholesale retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, as a *contract carrier* over irregular routes, between certain specified points in New York and Pennsylvania, between certain points in the above territory, on the one hand, and, on the other, New York, N.Y., and certain specified points in New Jersey and Philadelphia, Pa.; *fruits, vegetables, farm products, poultry, and sea food*, in the respective seasons of their production, from points in New York, New Jersey, Pennsylvania, and Delaware to points in the above-specified territory; *paper and paperboard boxes*, from Canton, Pa., to New York, N.Y., certain specified points in New Jersey; *wastepaper and wooden skids*, from Canton, Pa., to Ridgefield Park, N.J.; *paper, paperboard, cardboard, paperstock, and materials used in the manufacture of paper and paperboard boxes*, from Ridgefield Park, N.J., to Canton, Pa.; *used corrugated paper shipping containers*, from New York, N.Y., and certain specified points in New Jersey to Canton, Pa.; and *wastepaper*, from Kingston, Pa., to Ridgefield Park, N.J., serving no intermediate points. Vendee holds no authority from this Commission. However, its controlling stockholder is authorized to operate as a *common carrier* in Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10561. Authority sought for control by JONATHAN B. DETWILER, 609 Cherry Lane, Phoenixville, Pa. 19460, of KULP AND GORDON, INC., 365 Hall Street, Phoenixville, Pa. 19460. Applicants' attorney: Leonard Sugerman, 400 South Main Street, Phoenixville, Pa. 19460. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between certain specified points in Pennsylvania, serving all intermediate points, except those between Philadelphia and Oaks, Pa., and those between Philadelphia and Malvern, Pa., and the off-route points within 6 miles of Phoenixville and those within 6 miles of Coatesville; between Philadelphia, Pa., and West Chester, Pa., serving no intermediate points, with restriction; *hospital supplies and equipment*, from Perry Point, Md., to Baltimore, Md., and Coatesville, Pa.; *canned goods*, from Kennedyville and Perryman, Md., to Baltimore, Md., serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, from Camden, N.J., to points in Pennsylvania within 50 miles of Camden, from Philadelphia, Pa., to points in New Jersey within 50 miles of Philadelphia; *structural steel and iron, equipment, supplies, and materials*, used or useful in the installation or erection of such commodities, between Phoenixville and Coatesville, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, and Maryland, from Phoenixville, Pa., to points in the Washington, D.C., Commercial Zone, as defined in 3 M.C.C. 243;

Insulating materials, from Port Kennedy, Pa., to points within 150 miles of Port Kennedy in New Jersey (except those within 35 miles of New York, N.Y.), Maryland, Delaware, and the District of Columbia; *commissary supplies*, from Baltimore, Md., to Coatesville and Norristown, Pa.; *lumber*, from Baltimore, Md., to Fredericksburg, Va.; *paper*, from Modena, Pa., to Erving, Mass.; *scrap paper and wood pulp*, from Erving, Mass., to Modena, Pa.; *paper napkins*, from Erving, Mass., to North Wales, Pa.; *steel plates*, from Coatesville, Pa., to Providence, R.I., with restriction; *machinery parts and castings*, between Downingtown, Pa., on the one hand, and, on the other, points in New Jersey, those in New Castle County, Del., and those in Maryland within 15 miles of Baltimore, including Baltimore; *empty paint containers*, from Washington, D.C., Baltimore, Md., certain specified points in New Jersey, Tarrytown, N.Y., and points in the New York, N.Y., Commercial Zone, as defined by the Commission, to Philadelphia, Pa.; *machinery*, used or useful in the manufacture of furniture, *metal and wooden furniture, mattresses, springs, padding, paint, and advertising material*, pertaining to such commodities, between Elizabeth, N.J., and Long Island City, N.Y., on the one hand, and, on the other, Washington, D.C., Wilmington, Del., Baltimore, Md., Philadelphia, Pa., and points in Pennsylvania within 35 miles of Philadelphia, between Philadelphia, Pa., on the one hand, and, on the other, Washington, D.C., Baltimore, Md., and points in the New York, N.Y., Commercial Zone, as defined by the Commission;

Cotton, cotton batts, and tufts, padding, burlap, sisal, sisal and cotton waste, linters, and advertising material, pertaining to such commodities, between Philadelphia, Pa., on the one hand, and, on the other, Washington, D.C.,

Baltimore, Md., certain specified points in New Jersey, Tarrytown, N.Y., and points in New York, N.Y., Commercial Zone: *paper boxes, and advertising material*, pertaining to paper boxes, between Philadelphia, Pa., on the one hand, and, on the other, certain specified points in New Jersey; *paper boxes*, uncrated, from Croydon, Pa., to points in Pennsylvania and New Jersey, except those in the New York, N.Y., Commercial Zone, as defined in New York, N.Y., Commercial Zone, 1 M.C.C. 665, and except those in Gloucester, Mercer, Burlington, Ocean, Monmouth, Middlesex, and Somerset Counties, N.J., but not excluding service to Glassboro, Milltown, New Brunswick, Perth Amboy, Somerville, and Camden, N.J.; *metal furniture and metal furniture parts*, from Philadelphia, Pa., to points in Connecticut, New York, New Jersey, Delaware, Virginia, Maryland, and the District of Columbia; *iron and steel products*, from Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., points in New Jersey, those in New York within 75 miles of New York, N.Y., that part of Delaware on and north of a straight line beginning at the Delaware-Maryland State line near Burrsville, Md., and extending east through Milford, Del., to the Delaware Bay, certain specified points in Maryland, and those in the District of Columbia; *steel containers*, between Philadelphia, Pa., to points in Pennsylvania within 20 miles of Philadelphia, on the one hand, and, on the other, Camden, N.J., and points in New Jersey within 20 miles of Camden;

Materials, supplies, and equipment which are at the time intended to be used in the construction of bridges, from Phoenixville, Pa., to points in Connecticut, Massachusetts, Rhode Island, and Maine, with restriction; and *materials, equipment, and supplies* which have been used in the construction of steel bridges, from Washington, D.C., and points in Connecticut, Massachusetts, Rhode Island, and Maine, to Phoenixville, Pa., with restriction. JONATHAN B. DETWILER holds no authority from this Commission. However, he is a stockholder of P & D LUMBER HANDLING CO., Pothouse Road, Post Office Box 269, Phoenixville, Pa., which is authorized to operate as a *common carrier* in Delaware, New Jersey, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b). NOTE: Applicant includes a petition to dismiss Application for lack of jurisdiction.

No. MC-F-10562. Authority sought for purchase by PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, Oakland, Calif. 94604, of a portion of the operating rights of UNITED BUCKINGHAM FREIGHT LINES, INC., Post Office Box 192, Littleton, Colo. 80120. Applicants' attorney and representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101, and W. S. Pilling, also of Oakland, Calif. Operating rights sought to be controlled: *General commodities*, excepting among other household goods, and commodities in bulk, as a *common carrier* over regular routes, between Chicago, Ill., and Detroit, Mich., serving all intermediate points in Michigan, and certain off-route points in Illinois and points in the Chicago, Ill., Commercial Zone as defined by the Commission, between Lansing, Mich., and Battle Creek, Mich., serving the intermediate point of Charlotte, Mich., between Grand Rapids, Mich., and Kalamazoo, Mich., serving the intermediate point of Plainwell, Mich., between Grand Rapids, Mich., and Detroit, Mich., serving all intermediate points, between Coldwater, Mich., and junction U.S. Highways 127 and 12, near Somerset Center, Mich., serving no intermediate points, between Corunna, Ind., and Chicago, Ill., serving all intermediate points, and the off-route points within 2 miles of Kendallville, Ind., and those in the Chicago, Ill., Commercial Zone as defined by the Commission in 1 M.C.C. 673, between Corunna, Ind., and Fort Wayne, Ind., between Fort Wayne, Ind., and junction U.S. Highway 27 and Indiana Highway 327, at or near Garrett, Ind., between Tekonsha, Mich., and Jackson, Mich., between Marshall, Mich., and Jackson, Mich., serving all intermediate points; over numerous alternate routes for operating convenience only; *frozen fruits, frozen berries, and frozen vegetables*, over irregular routes, from Chicago, Ill., to Holland and Lake Odessa, Mich., with restriction. Vendee is authorized to operate as a *common carrier* in Colorado, Utah, Wyoming, Arizona, Montana, Texas, New Mexico, Michigan, Indiana, Ohio, Minnesota, North Dakota, Florida, Pennsylvania, Connecticut, Kentucky, Maryland, Massachusetts, New Jersey, New York, South Dakota, Rhode Island, California, Oregon, Washington, Nebraska, Iowa, Louisiana, Missouri, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-8939; Filed, July 29, 1969; 8:48 a.m.]

[Notice 874]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 25, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13308 (Sub-No. 2 TA), filed July 14, 1969. Applicant: POPLARVILLE TRUCK LINE, INC., 553 South Broadway, Greenville, Miss. 38701. Applicant's representative: Douglas C. Wynn, Post Office Box 1295, Greenville, Miss 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and/or frozen foods, and advertising promotional or display material traveling therewith*, from the plants, warehouses, and facilities of Delta Food Processing Corp. in Moorhead, Miss., to points in Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Ohio, Virginia, and Maryland; (2) *cans, boxes, cartons, and containers*, from Tampa, Fla.; Atlanta, Ga.; Birmingham, Ala.; New Orleans, La.; Dallas, Houston and Arlington, Tex.; Kansas City and St. Louis, Mo.; Chicago, Ill.; Austin, Ind.; Winchester, Va.; and Spartanburg, S.C., and their respective commercial zones as defined by the Commission, to Moorhead, Miss.; (3) *cardboard, fiberboard, paper, and composition containers*, from Memphis and Nashville, Tenn.; Birmingham, Ala.; Atlanta, Ga.; Monroe and New Orleans, La.; Dallas and Houston, Tex. and their respective commercial zones to Moorhead, Miss.; (4) *machinery, parts, accessories, equipment, supplies, implements, parts, appliances, and products*, usually or customarily used or useful in the processing, manufacture, packing, freezing, or canning of foodstuffs, from points in Arkansas, Louisiana, Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Ohio, Virginia, and Maryland to Moorhead, Miss., for 180 days. NOTE: Carrier does not intend to tack, but will interline with all qualified carriers at any authorized point of interchange. Supporting shipper: Delta Food Processing Corp., Moorhead, Miss. 38761. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 30887 (Sub-No. 160 TA), filed July 16, 1969. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Reisterstown, Md. 21136. Applicant's representative: W. Wilson Corroum (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, from Lorain, Ohio, to points in Ohio, Illinois, Michigan, Indiana, Wisconsin, Minnesota, Missouri, Oklahoma, Virginia, Georgia, North Carolina, Tennessee, New Jersey, Massachusetts, Rhode Island, New York, and California, for 180 days. Supporting shipper: Stein, Hall & Co., Inc., 605 Third Avenue, New York, N.Y. 10016. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 36974 (Sub-No. 6 TA), filed July 17, 1969. Applicant: HMIELESKI TRUCKING CORP., 108 New Era Drive, South Plainfield, N.J. 07080. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*, from Edison, N.J., to points in Fairfield County, Conn., for 180 days. Supporting shipper: Westinghouse Appliance Sales & Service Co., Division of Westinghouse Electric Corp., 1 Allegheny Square, Box 6755, Pittsburgh, Pa. 15212. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 113709 (Sub-No. 2 TA), filed July 16, 1969. Applicant: W. D. RUBRIGHT COMPANY, 100 East New Castle Street, Zelienople, Pa. 16063. Applicant's representative: Frederick L. Kiger, 7823 Mount Carmel Road, Verona, Pa. 15147. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, from Pittsburgh, Pa., to Beckley, W. Va., for 180 days. Supporting shipper: (1) Clinton Corn Processing Co. (Division of Standard Brands, Inc.), Clinton, Iowa 52732; (2) E. V. Gordy, 733 Washington Road, Pittsburgh, Pa. 15228. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 116254 (Sub-No. 98 TA), filed July 16, 1969. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. 35660. Applicant's representative: L. Winston Biggs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid*, in bulk, in tank vehicles, from Lavergne, Tenn., to Muscatine, Iowa, and St. Louis, Mo., for 150 days. Supporting shipper: Tennessee Farmers Chemical Co., Lavergne, Tenn., Attention: Mr. Allen Pogue, Manager of Distribution. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 118159 (Sub-No. 71 TA), filed July 16, 1969. Applicant: EVERETT LOWRANCE, INC., Post Office Box 10216, New Orleans, La. 70121. Applicant's representative: David P. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dough, prepared* other than frozen, from Denison, Tex., to points in Tennessee, for 180 days. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 4009 Federal Building, New Orleans, La. 70113.

No. MC 119619 (Sub-No. 14 TA), filed July 16, 1969. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43d Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and packinghouse products*, from Postville, Iowa, to points in Wisconsin, Illinois, Indiana, Ohio, and Michigan, for 180 days. NOTE: Applicant states that tacking, as well as interline, is possible. Supporting shipper: Hygrade Food Products Corp., 11801 Mack Avenue, Detroit, Mich. 48214. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 119726 (Sub-No. 19 TA), filed July 15, 1969. Applicant: N. A. B. TRUCKING CO., INC., 1007 East 27th Street, Indianapolis, Ind. 46205. Applicant's representative: Douglas C. Wynn, Post Office Box 1295, 364–365 May Building, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned food preparations and canned foodstuff and advertising, promotional and display materials* when moving therewith; from points in Sunflower County, Miss., to points in Oklahoma, Arkansas, Texas, Minnesota, Ohio, Missouri, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Georgia, Florida, Louisiana, Alabama, Iowa, and Tennessee, for 180 days. NOTE: Applicant does not intend to tack, but will interline with all qualified carriers at any authorized point of interchange. Supporting shipper: Delta Food Processing Corp., Moorhead, Sunflower County, Miss. 38761. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, 36 South Pennsylvania Street, 802 Century Building, Indianapolis, Ind. 46204.

No. MC 119880 (Sub-No. 34 TA), filed July 16, 1969. Applicant: DRUM TRANSPORT INC., Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Cincinnati, Ohio, to Los Angeles, Calif., for 180 days. Supporting shipper: National Distillers Products Co., 99 Park Avenue, New York, N.Y. 10016. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearbon Street, Chicago, Ill. 60604.

No. MC 124679 (Sub-No. 25 TA), filed July 16, 1969. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South Street, Salt Lake City, Utah 84101. Applicant's representative: Danial B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Seattle, Wash., to points in Utah and Idaho, for 180 days. Supporting shipper: Mrs. J's Food Products Co., 3119 Eastlake Avenue East, Seattle, Wash. 98102 (Frank E. Jakutis, President). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 125985 (Sub-No. 5 TA), filed July 16, 1969. Applicant: AUTO DRIVEAWAY COMPANY, 343 South Dearborn Street, Chicago, Ill. 60604. Applicant's representative: W. J. Zeiter (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses* in initial movement, in driveaway service, from points in Wayne County, Ind., to points in Maricopa County, Ariz., for 180 days. Supporting shipper: The Marston Supply Co., 3209 North Central Avenue, Phoenix, Ariz. 85001. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 127261 (Sub-No. 4 TA), filed July 16, 1969. Applicant: DIAZ MOTOR FREIGHT, INC., Post Office Box 8166, New Orleans, La. 70122. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reinforcing steel*, from New Orleans, La., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Tennessee, and East Texas, for 180 days. Supporting shipper: Armco Steel Corp., Post Office Box 26394, New Orleans, La. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 4009 Federal Building, New Orleans, La. 70113.

No. MC 127557 (Sub-No. 13 TA), filed July 16, 1969. Applicant: COMMERCIAL TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Du Bois, Pa., to points in South Carolina, for 150 days. Supporting shipper: Du Bois Brewing Co., Du Bois, Pa. 15801. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 133883 (Sub-No. 1 TA), filed July 15, 1969. Applicant: GERALD EVENSON, Box 328, Pelican Rapids, Minn. 56572. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden kitchen and bathroom cabinets and hardware and accessories* used in the installation thereof, from plantsite of Central States Industries, Inc., at Fergus Falls, Minn., to points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Indiana, Michigan, and Ohio; (2) *Materials and supplies* used in the manufacture of the above commodities, from points in Arkansas, Kentucky, and Tennessee, to the said plantsite at Fergus Falls, Minn., for 180 days. Supporting shipper: Central States Industries, Inc., 302 East Washington, Fergus Falls, Minn. 56537. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 133902 TA, filed July 17, 1969. Applicant: CEGO LEASING, INC., Post Office Box 114, Cerro Gordo, N.C. 28430. Applicant's representative: V. J. Benton, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baskets, basket materials, crates, crate material, and agricultural commodity containers, wooden boxes, box materials, pallets and pallet boxes, pallets and pallet material*, for 180 days. Supporting shipper: Berryville Basket Co., Inc., Berryville, Va. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-8940; Filed, July 29, 1969; 8:48 a.m.]

[Notice 385]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 25, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71022. By order of July 18, 1969, the Motor Carrier Board approved the transfer to New York-New Jersey Transp., Inc., Bloomfield, N.J.; of certificate in No. MC-116840, issued March 25, 1958, to Orient Express, Inc., Lyndhurst, N.J., authorizing the transportation of: General commodities with the usual exceptions, between points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, and Union Counties, N.J., on the one hand and on the other, New York, N.Y. Robert De Kroyft, 24 Branford Place, Newark, N.J.; 07102, attorney for applicants.

No. MC-FC-71365. By order of July 18, 1969, the Motor Carrier Board approved the transfer to William C. Bonner, Inc., Philadelphia, Pa., of the operating rights in certificates Nos. MC-72367 and MC-72367 (Sub-No. 1) issued November 8, 1966, and June 20, 1967, respectively, to Florence M. Bonsall, doing business as J. Colton Bonsall, Collingswood, N.J., authorizing the transportation of brick, from Reading, Pa., to Atlantic City, N.J., and points in Camden County, N.J.; concrete pipe, from Pottstown, Pa., to points in Camden County, N.J., and steel, from Philadelphia, Pa., to points in New Jersey, Delaware, and Maryland. Paul Ribner, 400 Penn Square Building, Philadelphia, Pa. 19107, attorney for applicants.

[SEAL] ANDREW ANTHONY, JR., *Acting Secretary.*

[F.R. Doc. 69-8941; Filed, July 29, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 25, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 245 (49 CFR 1100.245) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MT-3837, filed June 30, 1969. Applicant: SHERIDAN'S MOTOR EXPRESS, INC., Post Office Box 65, Homer, N.Y. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *General commodities*, as defined in Title 16 NYCRR 800.1, between Syracuse and Cortland via Interstate Highway 81 serving no intermediate points on said highway other than presently authorized in applicant's certificate No. 2573. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the New York Public Service Commission, 44 Holland Avenue, Albany, N.Y. 12208, and should not be directed to the Interstate Commerce Commission.

State Docket No. MT-4048, filed July 1, 1969. Applicant: MONK'S EXPRESS, INC., Phelps Street, Binghamton, N.Y. 13901. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities*, as defined in Title 16 NYCRR 800.1, between Binghamton and Cortland via Interstate Highway 81 serving no intermediate points on said highway other than presently authorized in applicant's Certificate No. 2312. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the New York Public Service Commission, 44 Holland Avenue, Albany, N.Y. 12208, and should not be directed to the Interstate Commerce Commission.

State Docket No. 16199, filed July 3, 1969. Applicant: JIMMY STEIN MOTOR LINES, INC., Post Office Box 4201, Mobile, Ala. 36604. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, Ala. 36401. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities* (except household goods, commodities in bulk and explosives), including coins, between Birmingham, Ala., and Thomasville, Ala., traveling over Alabama Highway 5 and U.S. Interstate 20-59. Applicant proposes to tack with all presently held authority but does not propose to operate between Birmingham, Ala., and Mobile, Ala. Applicant also desires to remove all present restrictions in its APSC certificate 2496. Both intrastate and interstate authority sought.

HEARING: Contact Alabama Public Service Commission for this information. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala. 36102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-8942; Filed, July 29, 1969; 8:48 a.m.]

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Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

The public hunting of prairie grouse and pheasants on the Valentine National Wildlife Refuge, Nebr., shall be permitted only on areas designated by signs as open to hunting. The open areas are delineated on maps available at refuge headquarters, Valentine, Nebr. 69201, and from the office of the Regional Director, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations governing the hunting of prairie grouse and pheasants subject to the following special conditions:

(1) The refuge will be closed to prairie grouse and pheasant hunting during the regular State duck hunting season.

(2) The open season for hunting prairie grouse on the refuge extends from September 20, 1969, through the closing date of the regular State prairie grouse season, or until the opening date of the regular State duck hunting season. In the event the State of Nebraska selects a split duck hunting season, the refuge will be closed to prairie grouse hunting during such split seasons and open otherwise within the regular State prairie grouse season. The open area shall include 40,765 acres or 57 percent of the refuge.

(3) The open season for hunting pheasants on the refuge extends from November 1, 1969, or the close of the regular State duck hunting season, whichever is later, to the close of the regular State pheasant hunting season. In the event the State of Nebraska selects a split duck hunting season the refuge will be closed to pheasant hunting during such split seasons and open otherwise within the regular State pheasant hunting season. The open areas shall include 70,085 acres or 98 percent of the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through the close of the regular State 1969–70 pheasant hunting season.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

JULY 24, 1969.

[F.R. Doc. 69-8988; Filed, July 30, 1969; 8:47 a.m.]

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Valentine National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 70,085 acres, is delineated on maps available at refuge headquarters, Valentine, Nebr., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable state regulations governing the hunting of deer subject to the following special regulations:

(1) The open season for hunting deer with firearms on the refuge will extend from November 8, 1969, through November 16, 1969.

(2) The hunting season for deer on the refuge with bow and arrow will extend from September 20, 1969 through December 31, 1969.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1969.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

JULY 24, 1969.

[F.R. Doc. 69-8987; Filed, July 30, 1969; 8:47 a.m.]

PART 33—SPORT FISHING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Valentine National Wildlife Refuge, Nebr., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 2,880 acres of water area on the refuge, are delineated on maps available at the refuge headquarters and from the Office of the Regional Director, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge during daylight hours only, from January 1, 1970, through December 31, 1970, in those waters posted as open, except that all fishing is prohibited during the regular State duck hunting season.

(2) Hook and line, bow and arrow, and hand spearing fishing only are permitted.

(3) Boats are permitted on lakes opened to sport fishing, but boats with motors are prohibited.

(4) The use or possession of minnows, fish, or parts thereof, for bait, or the possession of any seine or net for capturing minnows is prohibited.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1970.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

JULY 24, 1969.

[F.R. Doc. 69-8989; Filed, July 30, 1969; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 395—PLAN OF OPERATION DURING A NATIONAL EMERGENCY

Miscellaneous Amendments

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, as amended; 45 U.S.C. 228j), and section 12 of the act of June 25, 1938 (52 Stat. 1107, as amended; 45 U.S.C. 362), §§ 395.5(b)(2) and 395.6(b)(3) of Part 395 (20 CFR 395.5(b)(2) and 395.6(b)(3)) of the regulations under such acts are amended by Board Order 69-76, dated July 17, 1969, as follows:

§ 395.5 Organization and functions of the Board, delegations of authority, and lines of succession.

* * * * *

(b) * * *

(2) In the absence or incapacity of the chairman of the Board, the authority of the chairman to act for the Board shall pass to the available successor highest on the following list:

Management Member of the Board.
Labor Member of the Board.
Chief Executive Officer.
Director of Retirement Claims.
Director of Unemployment and Sickness Insurance.
Director of Data Processing and Accounts.
Director of Budget and Fiscal Operations.
Director of Management Control.
Chief Actuary and Director of Research.
The Regional Director highest on the following list:

Kansas City.	San Francisco.
Dallas.	New York.
Cleveland.	Chicago.
Atlanta.	

* * * * *

§ 395.6 Personnel, fiscal, and service functions.

* * * * *

(b) * * *

(3) In a national emergency, incumbents of the following positions are designated as emergency cashiers and are authorized to receive and disburse cash for emergency administrative needs of the Board:

Cashiers	*Alternates*
Chairman of the Board.	Washington Liaison Officer.
Management Member of the Board.	Labor Member of the Board. Director, Office of Budget and Fiscal Operations.
Chief Executive Officer.	None.
Regional Director:	
Atlanta	Deputy Regional Director and nearby official.
New York	Do.
Cleveland	Do.
Chicago	Do.
Dallas	Deputy Regional Director.
Kansas City	Deputy Regional Director and nearby official.
San Francisco	Do.
District Manager:	
Seattle	Occupant of Position No. 7751-26.

(i) Nearby official as used in this subparagraph (3) is that district manager or other field official who is located nearest to his regional director's emergency relocation site and who has been designated by his regional director to act for him in any emergency in which the regional director is prevented from reaching his emergency relocation site.

(ii) The incumbents of the positions listed in this subparagraph (3) are also designated as certifying officers for administrative expenses. They shall perform in the dual capacity of cashier and certifying officer only where circumstances make it impractical to use the services of another individual as certifying officer, and only when (*a*) all channels for making administrative payments through a regional disbursing office of the Department of the Treasury have been rendered inoperable, and (*b*) clearance has been obtained from the ranking official in line of succession as set forth in § 395.5(b) (1) and (2) if possible.

(iii) Cash disbursed under this authority shall be used in payment of payrolls, travel reimbursement vouchers, emergency travel advances and other necessary administrative expenses of the Board; cash shall not be used to pay benefits under the Railroad Retirement Act or the Railroad Unemployment Insurance Act.

* * * * *

Dated: July 24, 1969.

By authority of the Board.

[SEAL] LAWRENCE GARLAND,
Secretary of the Board.

[F.R. Doc. 69-8966; Filed, July 30, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Golden Nematode

On February 28, 1969, there was published in the FEDERAL REGISTER (34 F.R. 3630), a notice of hearing and proposed rule making concerning the issuance of a notice of quarantine relating to the golden nematode and regulations supplemental to said quarantine under the authority contained in sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), and section 106 of the Federal Plant Pest Act (7 U.S.C. 150ee). It was proposed that the States of Delaware and New York be quarantined. It was also proposed to regulate the movement therefrom of specified articles under certain conditions.

Interested persons were given an opportunity to submit written data, views, and arguments, and a public hearing was held to consider the above proposals.

After due consideration of all relevant matters presented at the hearing or otherwise pursuant to the notice, and under the aforesaid authorities, Notice of Quarantine No. 85 relating to the golden nematode and regulations supplemental to said quarantine to appear in 7 CFR 301.85, 301.85-1 et seq. are hereby issued to read as follows:

QUARANTINE AND REGULATIONS

Sec.
301.85 Quarantine; restriction on interstate movement of specified regulated articles.

Sec.
301.85-1 Definitions.
301.85-2 Authorization to designate regulated areas; and articles which are exempt from certification, permit, or other requirements.
301.85-3 Conditions governing the interstate movement of regulated articles from quarantined States.
301.85-4 Issuance and cancellation of certificates and permits.
301.85-5 Compliance agreements; and cancellation thereof.
301.85-6 Assembly and inspection of regulated articles.
301.85-7 Attachment and disposition of certificates or permits.
301.85-8 Inspection and disposal of regulated articles and pests.
301.85-9 Movement of live golden nematodes.
301.85-10 Nonliability of the Department.

AUTHORITY: The provisions of this subpart issued under secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 33 F.R. 15485.

§ 301.85 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Secretary of Agriculture has determined, after public hearing, that it is necessary to quarantine the States of Delaware and New York in order to prevent the spread of the golden nematode (Heterodera rostochiensis), a dangerous pest of potatoes and certain other plants, not heretofore widely prevalent or distributed within and throughout the United States. Therefore, under the authority of said provisions, the Secretary hereby quarantines the States of Delaware and New York, with respect to the interstate movement from the quarantined States of the articles described in paragraph (b) of this section, issues the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations.

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles) defined in § 301.85-1(o) as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) Soil, compost, humus, muck, peat, and decomposed manure, separately or with other things.

(2) Plants with roots, except soil-free aquatic plants.

(3) Grass sod.

(4) Plant crowns and roots for propagation.

(5) True bulbs, corms, rhizomes, and tubers, of ornamental plants.

(6) Irish potatoes and other root crops.

(7) Small grains and soybeans.

(8) Hay, straw, fodder, and plant litter, of any kind.

(9) Ear corn, except shucked ear corn.

(10) Used crates, boxes, and burlap bags, and other used farm products containers.

(11) Used farm tools.

(12) Used mechanized cultivating and used harvesting machinery.

(13) Used mechanized soil-moving equipment.

(14) Any other products, articles, or means of conveyance of any character whatsoever, not covered by subparagraphs (1) through (13) of this paragraph, when it is determined by an inspector that they present a hazard of spread of golden nematode, and the person in possession thereof has been so notified.

§ 301.85-1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

(a) *Certificate.* A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to any destination.

(b) *Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Pest Control Division, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Division as applicable to the operations of such person.

(c) *Director.* The Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(d) *Farm tools.* An instrument worked or used by hand, e.g., hoes, rakes, shovels, axes, hammers, and saws.

(e) *Golden nematode.* The nematode known as the golden nematode (Heterodera rostochiensis), in any stage of development.

(f) *Infestation.* The presence of the golden nematode or the existence of circumstances that make it reasonable to believe that golden nematode is present.

(g) *Inspector.* Any employee of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or other person authorized by the Director to enforce the provisions of the quarantine and regulations in this subpart.

(h) *Interstate.* From any State, Territory, or District into or through any other State, Territory, or District of the United States (including Puerto Rico).

(i) *Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of noncertified regulated articles to a specified destination for limited handling, utilization, or processing, or for treatment.

(j) *Mechanized cultivating equipment; and mechanized harvesting equipment.* Mechanized equipment used for soil tillage, including tillage attachments for farm tractors, e.g., tractors, disks, plows, harrows, planters, and subsoilers; mechanized equipment used for harvesting purposes, e.g., combines, potato conveyers and harvesters and hay balers.

(k) *Mechanized soil-moving equipment.* Equipment used for moving or transporting soil, e.g., draglines, bulldozers, dump trucks, road scrapers, etc.

(l) *Moved (Movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

(m) *Person.* Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(n) *Regulated area.* Any quarantined State, or any portion thereof, listed as a regulated area in § 301.85-2a or otherwise designated in accordance with § 301.85-2(a).

(o) *Regulated articles.* Any articles described in § 301.85(b).

(p) *Restricted destination permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certifiable under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

(q) *Scientific permit.* A document issued by the Director to allow the interstate movement to a specified destination or regulated articles for scientific purposes.

(r) *Soil.* That part of the upper layer of earth in which plants can grow.

(s) *Treatment manual.* The provisions currently contained in the "Manual of Administratively Authorized Procedures to be Used Under the Golden Nematode Quarantine" and the "Fumigation Procedures Manual" and any amendments thereto.[1]

§ 301.85-2 Authorization to designate regulated areas; and articles which are exempt from certification, permit, or other requirements.

(a) *Regulated areas.* (1) The Director shall list as regulated areas in a supplemental regulation designated as § 301.85-2a, the quarantined States, or portions thereof in which golden nematode has been found or in which there is reason to believe that golden nematode is present, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Less than an entire quarantined State will be designated as a regulated area only if the Director is of the opinion that:

(i) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(ii) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the golden nematode.

(2) The Director, or an authorized inspector, may temporarily designate any other premises in a quarantined State as a regulated area, in accordance with the criteria specified in subparagraph (1) of this paragraph for listing such areas, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of this designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the list in § 301.85-2a if a basis then exists for their designation.

(b) *Articles which are exempt from certification, permit, or other requirements.* The Director may, in a supplemental regulation designated as § 301.85-2b, list regulated articles which shall be exempt from the certification and permit or other requirements of this subpart under such conditions as he may prescribe, if he finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

§ 301.85-3 Conditions governing the interstate movement of regulated articles from quarantined States.[2]

Any regulated articles may be moved interstate from any quarantined State under the following conditions:

(a) From any regulated area, with certificate or permit issued and attached in accordance with §§ 301.85-4 and 301.85-7 if moved into or through any point outside of the regulated areas; or

(b) From any regulated area, without certificate or permit if moved:

(1) Under the provisions of § 301.85-2b which exempt certain articles from certificate and permit requirements; or

(2) From any regulated area in any quarantined State to any contiguous regulated area; or

(3) Through or reshipped from any regulated area if the articles originated outside of the regulated areas and if the point of origin of the articles is clearly indicated, their identity has been maintained, and they have been safeguarded

[1] Pamphlets containing such provisions are available, upon request from the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, or from an inspector.

[2] Requirements under all other applicable Federal domestic plant quarantines must also be met.

against infestation while in the regulated area in a manner satisfactory to the inspector; or

(c) From any area outside the regulated areas, without a certificate or permit if the regulated articles are exempt under the provisions of § 301.85–2b or if the point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles, and if the movement is not made through any regulated area.

§ 301.85–4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Have been treated to destroy infestation in accordance with the treatment manual; or

(3) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles, not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when upon evaluation of the circumstances involved in each specific case he determines that such movement will not result in the spread of the golden nematode and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits may be issued by the Director to allow the interstate movement of regulated articles for scientific purposes under such conditions as may be prescribed in each specific case by the Director.

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use by the latter for subsequent shipments provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may use the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has made appropriate determinations as specified in paragraph (a) of this section with respect to such articles. Any such person may use the limited permit forms, or reproductions of such forms, for interstate movement of regulated articles to specified destinations authorized by the inspector in accordance with paragraph (b) of this section. Any such person may use the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart.

§ 301.85–5 Compliance agreements: and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Director or an inspector.

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement.

§ 301.85–6 Assembly and inspection of regulated articles.

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits, or reproductions thereof, under § 301.85–4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such a manner as the inspector designates to facilitate inspection.

§ 301.85–7 Attachment and disposition of certificates and permits.

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved, except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.85–8 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and golden nematodes as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Plant Pest Act (7 U.S.C. 150dd), in accordance with instructions issued by the Director.

§ 301.85–9 Movement of live golden nematodes.

Regulations requiring a permit for, and otherwise governing the movement of live golden nematodes in interstate or foreign commerce are contained in the Federal Plant Pest Regulations in Part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Director.

§ 301.85–10 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

This document shall become effective upon publication in the FEDERAL REGISTER. It imposes restrictions that are necessary in order to prevent the dissemination of the golden nematode. Therefore, it should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, it is found under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to this document are unnecessary and impracticable, and good cause is found for making this document effective less than 30 days after its publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of July 1969.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69–8996; Filed, July 30, 1969; 8:48 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Golden Nematode

REGULATED AREAS

Under the authority of § 301.85–2 of the Golden Nematode Quarantine regulations (7 CFR 301.85–2, 34 F.R. 12491), a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.85–2a, as follows:

§ 301.85–2a Regulated areas.

The civil divisions, parts of civil divisions, and premises described below, and all highways abutting thereon, in the quarantined States, are designated as golden nematode regulated areas within the meaning of the provisions of this subpart:

DELAWARE

New Castle County. That property in Appoquinimink Hundred bounded by a line beginning at a point on State Highway 446, 0.6 mile southeast of the junction of State Highways 446 and 458, thence extending southeast 0.4 mile on State Highway 446, thence south along a projected line to the northwestern end of Wiggins Mill Dam, thence westerly along the north shore of Wiggins Mill Pond and the northwest fork of Jones Branch to the point where Jones Branch turns due west, thence from said point 0.3 mile along a projected line north to its junction with State Highway 458, thence northeast 3,000 feet along the south side of said highway, thence southeast 3,500 feet along a line projected to intersect the west tip of Wiggins Mill Pond, thence projected due east 800 feet to the woods edge, thence projected northeastward to the point of beginning.

That property in Appoquinimink Hundred bounded by a line beginning at the intersection of State Highways 458 and 446, thence extending along the north side of Highway 446 northeast 1,250 feet to a concrete boundary marker, thence northwest along a line projected to intersect with a stream known locally as Appoquinimink Creek, thence southwest along the south bank of said creek to its intersection with State Highway 446, thence southeast along the eastern side of said highway to the point of beginning.

NEW YORK

Nassau County. The entire county.
Steuben County. The towns of Prattsburg and Wheeler.
Suffolk County. The entire county.
Yates County. The town of Italy.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.85–2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER.

The Director of the Plant Pest Control Division has determined that infestations of the golden nematode exist or are likely to exist in the civil divisions, parts of civil divisions, and premises listed above, or that it is necessary to regulate such areas because of their proximity to golden nematode infestations or their inseparability for quarantine enforcement purposes from golden nematode infested localities. The Director has determined that each of the quarantined States is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the golden nematode. Accordingly, such civil divisions, parts of civil divisions, and premises listed above, are designated as golden nematode regulated areas.

This document imposes restrictions that are necessary in order to prevent the spread of the golden nematode. Therefore, it should be made effective at the earliest practicable date in order to accomplish its purpose in the public interest. Accordingly, it is found under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are unnecessary and impracticable, and good cause is found for making the regulation effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 25th day of July 1969.

D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 69–8994; Filed, July 30, 1969; 8:47 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Golden Nematode

EXEMPTIONS

Under authority of § 301.85–2 of the Golden Nematode Quarantine regulations (7 CFR 301.85–2, 34 F.R. 12491) a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.85–2b as set forth below. The Director of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.85–2b Exempted articles.[1]

(a) The following articles are exempt from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (3) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs:

(1) Small grains if harvested in bulk or directly into approved containers, and if the small grains and containers thereof have not come into contact with the soil; or, if they have been cleaned to meet State seed sales requirements.

(2) Soybeans (other than for seed), if harvested in bulk or directly into approved containers, and if the soybeans and containers thereof have not come into contact with the soil.

(3) Unshucked ear corn, if harvested in bulk or directly into approved containers, and if the corn and containers thereof have not come into contact with the soil.

(4) Used farm tools, if cleaned free of soil.

(b) The following articles are exempt from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (3) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs: *Provided,* That this exemption shall not apply to any class of regulated articles specified by an inspector in a written notification to the owner or person in possession of the premises that the movement of such articles from such premises under this exemption would involve a hazard of spread of the golden nematode:

(1) Irish potatoes (other than for seed), if graded at an approved grader or washed free of soil, and packaged in approved containers. *Provided; however,* Potatoes from noninfested fields may be shipped to Puerto Rico in new burlap bags.[2]

(2) Root crops (other than Irish potatoes and sugar beets), if moved in approved containers.

(3) Hay, straw, fodder, and plant litter, if moved in approved containers.

(c) The following articles are exempt from the certification and permit requirements of this subpart under the applicable conditions prescribed below:

Soil samples of any size if collected and shipped to any U.S. Army Corps of Engineers soil laboratory located within the conterminous United States, in accordance with a compliance agreement with the shipper pertaining to such consignments.

(d) Containers of the following types are approved for the purposes of this section:

(1) New paper bags; and consumer packages of any material except cloth or burlap.

(2) Crates, pallet boxes, trucks, and boxcars, if free of soil.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.85–2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER.

This document relieves certain restrictions which are not deemed necessary in order to prevent the interstate spread of the golden nematode. It should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions being relieved. Accordingly, it is found under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with respect to this document are unnecessary and impracticable and this document may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 25th day of July 1969.

[SEAL] D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 69–8995; Filed, July 30, 1969; 8:48 a.m.]

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines and other provisions of this subpart.

[2] Any grader is eligible for approval under this subpart if the operator thereof enters a compliance agreement (as defined in § 301.85–1(b)) and the grader is equipped with a suitable chain or perforated belt which, in the judgment of the inspector, will remove soil from the potatoes. Information as to approved graders may be obtained from an inspector.

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 287]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.587 Valencia Orange Regulation 287.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 29, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 1, 1969, through August 7, 1969, are hereby fixed as follows:

(i) District 1: 252,000 cartons;

(ii) District 2: 343,000 cartons;

(iii) District 3: 105,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 30, 1969.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9089; Filed, July 30, 1969, 11:36 a.m.]

[Prune Reg. 7]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 925 (7 CFR Part 925) regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg., under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh prunes, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee reflects its appraisal of the fresh prune crop and current and prospective market conditions. Shipments of Idaho-Oregon fresh prunes are expected to begin on or about August 4, 1969. The grade and size requirements provided herein are necessary to prevent the handling, on and after August 4, 1969, of prunes grading lower and being smaller in size than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 4, 1969. A reasonable determination as to the supply of, and the demand for, prunes must await the development of the crop and adequate information thereon was not available to the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee until July 22, 1969; recommendation as to the need for, and the extent of, regulation of shipments of such prunes was made at the meeting of said committee on July 22, 1969, after consideration of all available information relative to the supply and demand conditions for such prunes, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such prunes are expected to begin on or about the effective date hereof; and this regulation should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 925.308 Prune Regulation 7.

(a) *Order.* During the period August 4, 1969, through December 31, 1969, no handler shall handle any lot of prunes unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) Minimum grade and size requirements: Such prunes grade at least U.S. No. 1 and are a minimum size of 1⅛ inches in diameter: *Provided*, That prunes which are affected by healed hail marks may be shipped if they otherwise grade at least U.S. No. 1.

(2) Containers: The net weight of prunes in any container, other than the one-half (½) bushel basket shall be either (1) less than 20 pounds, or (2) more than 30 pounds.

(3) Notwithstanding any other provision of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 150 pounds net weight may be handled without regard to the restrictions specified in this paragraph (a) or in §§ 925.41 (Assessment) and 925.55 (Inspection and certification).

(4) The terms "U.S. No. 1," "diameter," and "hail marks" shall have the same meaning as when used in the U.S. Standards for Fresh Plums and Prunes (§§ 51.1520–51.1538 of this title); and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 28, 1969.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-8968; Filed, July 30, 1969; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4)

The following reissuance of Part 1488, Title 7, Code of Federal Regulations, is published to include all amendments to date of the regulations governing the CCC Export Credit Sales Program as published on October 9, 1968 (33 F.R. 15052–15061), and corrected on October 17, 1968 (33 F.R. 15408), to make certain changes to conform with organizational changes within the Department, and to delete the requirement relating to proof of importers' qualifications in connection with financing export credit sales of breeding cattle under Supplements I and II.

Sec.
1488.1 General statement.
1488.2 Definition of terms.
1488.3 Submission of applications for financing.
1488.4 Coverage of bank obligations.
1488.5 CCC drafts.
1488.6 Interest charges.
1488.7 Expiration of period for export.
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1488.11 Evidence of entry into country of destination.
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1488.13 Assignment.
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1488.15 Shipment of commodities on vessels calling at Cuban and North Vietnamese ports.
1488.16 Officials not to benefit.
1488.17 Exporter's records and accounts.
1488.18 Communications.
Supplement I—Beef Breeding Cattle.
Supplement II—Dairy Breeding Cattle.

AUTHORITY: The provisions of this Subpart A issued under sec. 5(f), 62 Stat. 1072, 15 U.S.C. 714c; sec. 407, 63 Stat. 1055, as amended, 7 U.S.C. 1427; sec. 4, 80 Stat. 1538, 7 U.S.C. 1707a.

§ 1488.1 General statement.

(a) Except as otherwise provided in this paragraph (a), the regulations contained in this Subpart A supersede Announcement GSM–3, Revision II, as amended, and set forth the terms and conditions governing the CCC Export Credit Sales Program (GSM–4). The maximum financing period shall be 3 years. GSM–3, Revision II, as amended, shall remain in effect for all transactions under credit approvals issued thereunder before April 27, 1967, the effective date of GSM–4.

(b) On approval by CCC of an application for financing under this program, an eligible exporter may, but will not be obligated to, make export sales of agricultural commodities from private stocks on a deferred payment basis in accordance with the applicable financing arrangement. After export and subject to the terms and conditions set forth in this subpart, CCC will purchase for cash the exporter's account receivable arising from such export sale.

(c) The provisions of Public Law 83–664 are not applicable to the exporter's shipments under this program.

(d) The regulations contained in this Subpart A may be supplemented by such additional terms and conditions, applicable to specified agricultural commodities, as may be set forth in supplements hereto, and, to the extent that they may be in conflict or inconsistent with any other provisions of this Subpart A, such additional terms and conditions shall prevail.

§ 1488.2 Definition of terms.

Terms used in this subpart are defined as follows:

(a) "Account receivable" means the contractual obligation of the foreign importer to the exporter for the portion of the port value of the commodity exported for which the exporter is extending credit to the importer. The account receivable shall be evidenced by a promissory note or accepted draft in form and substance satisfactory to CCC, except that it may be evidenced by other documents, in form and substance satisfactory to CCC, evidencing the contractual obligation of the foreign importer when the account receivable is assured by an obligation issued by a U.S. bank or when the Vice President, CCC, or his designee, determines under special circumstances that it is in the interest of CCC. All such notes, accepted drafts and other documents evidencing the account receivable shall provide for (1) payment in U.S. dollars in the United States, (2) interest in accordance with § 1488.6, and (3) acceleration of payment thereunder in accordance with the terms and conditions of GSM–4. As used in GSM–4, "instrument" means a promissory note or accepted draft.

(b) "Agency or branch bank" means a foreign agency or branch bank supervised by New York State banking authorities or the banking authorities of any other State providing similar supervision, as approved by the Vice President, CCC, or his designee.

(c) "ASCS office" means the New Orleans Commodity Office of the Agricultural Stabilization and Conservation Service U.S. Department of Agriculture.

(d) "Bank obligation" means an obligation, acceptable to CCC, of a U.S. bank, agency or branch bank, or foreign bank to pay to CCC in U.S. dollars the amount of the port value which is being financed by CCC, plus interest in accordance with § 1488.6. The bank obligation shall be in the form of an irrevocable letter of credit issued, confirmed or advised by a U.S. bank or an agency or branch bank. The bank obligation shall provide for payment under the terms and conditions of the financing agreement and shall be payable not later than the date of expiration of the financing period or of the bank obligation, whichever occurs first, if payment is not received from other sources.

(e) "CCC" means the Commodity Credit Corporation, U.S. Department of Agriculture.

(f) "Commercial risk" means risk of loss due to any cause other than a political risk.

(g) "Date of delivery" means the on-board date of the ocean bill of lading or, if exported by rail or truck, the date of entry shown on an authenticated landing certificate or similar document issued by an official of the government of the importing country.

(h) "EMS" means the Export Marketing Service, U.S. Department of Agriculture.

(i) "Eligible commodities" means those agricultural commodities, including eligible cotton, which are produced in the United States and which are designated as eligible for export under CCC's Export Credit Sales Program in either the CCC Monthly Sales List or other announcement by CCC in effect for the calendar month in which the financing approval is issued. Commodities which have been purchased from CCC are eligible for export as private stocks. Commodities shall not be eligible for financing under this program if they are exported under a barter contract or arrangement.

(j) "Eligible cotton" means (1) extra long staple cotton grown in the United States of Grade No. 9 or better under the Official Cotton Standards of the United States for Grades of American-Egyptian Cotton (§§ 28.501 et seq. of this title), or Grade No. 5 or better under the Official Cotton Standards of the United States for Grades of Sea Island Cotton (§§ 28.551 et seq. of this title), and having a staple length of 1⅜ inches or longer: *Provided, however*, That, all (i) reginned or repacked cotton, as defined in regulations of the Department of Agriculture under the U.S. Cotton Standards Act (§ 28.40 of this title), and (ii) cotton which the exporter has any reason to believe may be shorter in staple length than 1⅜ inches or below grade, shall be eligible for export hereunder only if a Form A certificate or other classification record acceptable to CCC issued by a board of cotton examiners of the U.S. Department of Agriculture covering each such bale shows that all such cotton exported was 1⅜ inches or longer in staple length and of Grade No. 9 or better for American-Egyptian Cotton or Grade No. 5 or better for Sea Island Cotton. CCC's determination as to the eligibility of cotton hereunder shall be final. (2) Upland cotton grown in the United States, of a grade named in the Universal Standards for American Upland Cotton (§§ 28.401 et seq. of this title), and having a staple length of 1 1/16-inch or longer: *Provided, however*, That, all (i) reginned or repacked cotton, as defined in regulations of the U.S. Department of Agriculture under the U.S. Cotton Standards Act (§ 28.40 of this title), and (ii) cotton which the exporter has any reason to believe may be shorter in staple length than 1 1/16-inch or below

grade, shall be eligible for export hereunder only if a Form A or Form M certificate or other classification record acceptable to CCC issued by a board of cotton examiners of the U.S. Department of Agriculture covering each such bale shows that all such cotton exported was $1^{3}/_{16}$-inch or longer in staple and of a grade named in the Universal Standards for American Upland Cotton. (Reginned or repacked cotton, unless proof of export includes an acceptable classification record, cotton shorter in staple length than $1^{3}/_{16}$-inch, below grade cotton, by-products of cotton such as cotton mill waste, motes, and linters, and any cotton that contains any byproduct of cotton are not eligible for export hereunder.) CCC's determination as to the eligibility of cotton hereunder shall be final.

(k) "Eligible exporter" or "exporter" means a person (1) who is regularly engaged in the business of buying or selling commodities and for this purpose maintains a bona fide business office in the United States, its territories or possessions, and has someone on whom service of judicial process may be had within the United States, (2) who is financially responsible, and (3) who is not suspended or debarred from contracting with or participating in any program financed by CCC on the date of issuance of his financing approval.

(l) "Eligible destination" means the country which is named in the financing approval and which meets the licensing requirements of the U.S. Department of Commerce.

(m) "Financing agreement" means the financing approval issued by either the Assistant Sales Manager for Export Credit, EMS, or the Director, ASCS office, and includes the terms and conditions of the regulations in this subpart and any amendments thereto in effect on the date of the issuance of the letter of credit.

(n) "Financing approval" means (1) the exporter's written application for financing as approved by the Assistant Sales Manager for Export Credit or by the Director, ASCS office, or (2) the written confirmation by the Director, ASCS office, of a telephonic application approved by the Director, ACSC office.

(o) "Financing period" means the number of months specified in the financing approval. Such period shall start on the date of delivery, or the weighted average delivery date, of the commodities to be exported under the financing agreement.

(p) "Foreign bank" means a bank which is neither a U.S. bank nor an agency or branch bank, and includes a foreign branch of a U.S. bank.

(q) "Foreign importer" or "importer" means the foreign buyer who purchases from the exporter the commodities exported under a financing agreement and who executes the instruments or other documents evidencing the account receivable assigned to CCC.

(r) "GSM–4" means the regulations contained in this Subpart A setting forth the terms and conditions governing the CCC Export Credit Sales Program.

(s) "Monthly Sales List" means the CCC Monthly Sales List which is published monthly in the FEDERAL REGISTER.

(t) "Political risk" means risk of loss due to (1) inability of the foreign bank through no fault of its own to convert foreign currency to dollars, or (2) nondelivery into the eligible destination of the commodity covered by a financing agreement through no fault of the foreign bank or importer or exporter because of the cancellation by the government of the eligible destination of previously issued valid authority to import such shipment into the eligible destination or because of the imposition of any law or of any order, decree, or regulation having the force of law which prevents the import of such shipment into the eligible destination, or (3) inability of the foreign bank to make payment due to war, hostilities, civil war, rebellion, revolution, insurrection, civil commotion, or other like disturbances occurring in the eligible destination, expropriation, confiscation, or other action by the government of the eligible destination.

(u) "Port value" means the net amount of the exporter's sales price of the commodity to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit or, if transshipped through Canada via the Great Lakes, at ports on the St. Lawrence River. The port value shall not include the ocean freight for a c. & f. sale or ocean freight and marine and war risk insurance for a c.i.f. sale. The net amount of the exporter's sales price means the contract price for the commodities less any payments made by the importer and less any discounts, credits, or allowances to the importer.

(v) "United States" means the 50 States, the District of Columbia, and Puerto Rico.

(w) "U.S. bank" means a bank organized under the laws of the United States, a State, or the District of Columbia.

(x) "Vice President, CCC" means the Vice President who is the General Sales Manager, Export Marketing Service.

§ 1488.3 Submission of applications for financing.

(a) An eligible exporter may submit an application for financing. Except as otherwise provided in this paragraph (a), all applications for financing shall be submitted to the Assistant Sales Manager for Export Credit, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. An application for financing export sales of cotton under which the financing period will not exceed 12 months, the amount of financing will not exceed $4 million, and the bank obligation will be issued by a U.S. bank, may be submitted to the Director, ASCS office, as provided in paragraph (e) of this section.

(b) CCC reserves the right to reject any and all applications.

(c) Applications submitted to the Assistant Sales Manager for Export Credit shall be in writing and shall refer to GSM–4, thereby incorporating by reference into the application all the terms and conditions of GSM–4. On approval, the Assistant Sales Manager for Export Credit shall assign a financing approval number and issue the financing approval. The following information shall be included in the exporter's application:

(1) The name of the commodity to be exported, the class, grade or quality, as applicable, and the quantity.

(2) The country of destination.

(3) The approximate port value of the commodity to be exported.

(4) The financing period.

(5) Justification for a financing period in excess of 12 months for cotton, tobacco, and vegetable oils and 6 months for all other eligible commodities.

(6) Whether the bank obligation assuring payment of the account receivable will be issued by a U.S. bank, an agency or branch bank, or a foreign bank, and if by a foreign bank or an agency or branch bank, its name and address.

(7) The name and address of the foreign importer.

(d) A financing period in excess of 12 months for cotton, tobacco, and vegetable oils and 6 months for all other eligible commodities, but not in excess of 36 months, may be approved by the Assistant Sales Manager for Export Credit when such longer period will achieve one or more of the following results:

(1) Permit U.S. exporters to meet credit terms offered by competitors from other Free World countries.

(2) Prevent a loss or decline in established U.S. commercial export sales caused by noncommercial factors.

(3) Permit U.S. exporters to establish or retain U.S. markets in the face of penetration by Communist suppliers.

(4) Substitute commercial dollar sales for sales for local currencies and sales on long term credits.

(5) Result in a new use of the imported agricultural commodities in the importing country.

(6) Permit expanded consumption of agricultural commodities in an importing country and thereby increase total commercial sales of agricultural commodities to the importing country by the United States and other exporting countries.

In considering applications involving export of commodities to countries in a good financial and balance of payments situation, principal reliance will be placed on subparagraphs (1), (2), and (3) of this paragraph (d).

(e) Applications submitted to the ASCS office shall designate that the commodity is cotton and shall specify the financing period, the country of destination, the approximate port value of the commodity, the name and address of the foreign importer, and, if the bank obligation assuring payment of the account receivable will be issued by an agency or branch bank, the name and address of such bank. Application may be made by phone or in writing. On approval of an application, the ASCS office shall assign a financing approval number and issue the financing approval which shall refer to GSM–4, thereby incorporating by reference into the approval all the terms and conditions of GSM–4, for financing approvals issued by the ASCS office, bank obligations must be irrevocable letters of credit issued by a U.S. or agency or branch bank. Confirmed or advised foreign bank obligations are not acceptable under this paragraph (e).

(f) If the Assistant Sales Manager for Export Credit or the ASCS office requires additional information, the applicant shall furnish it on request.

(g) The financing approval may contain such terms and conditions as the Assistant Sales Manager for Export Credit or the ASCS office deems in the interest of CCC not inconsistent with GSM–4.

(h) At any time before the issuance of the related bank obligations, the official who approved the financing application may, on written application of the exporter, amend the financing approval provided the provisions of such amendment are in conformity with the regulations in this Subpart A at the time of such amendment and are determined by such official to be in the interest of CCC. Such amendments may include an extension of the period for export required by § 1488.7(a) provided the exporter furnishes to CCC acceptable evidence of an export sale contract requiring deliveries during a longer period not in excess of 365 days from the date of the financing approval.

§ 1488.4 Coverage of bank obligations.

(a) U.S. banks and agency or branch banks shall be liable without regard to risks for payment of bank obligations issued by them.

(b) If the obligation is issued by a foreign bank, it must be confirmed and advised as provided in paragraphs (c), (d), and (e) of this section.

(c) A U.S. bank must confirm the full amount of an obligation issued by its foreign branch. CCC will look to the U.S. bank for payment without regard to risks.

(d) If an agency or branch bank confirms an obligation issued by a bank in the country in which the home office of the agency or branch bank is located, it must confirm the full amount thereof. CCC will look to the agency or branch bank for payment without regard to risks.

(e) Except as provided above in paragraphs (c) and (d) of this section, if a U.S. bank or an agency or branch bank confirms an obligation issued by a foreign bank, it must confirm at least 10 percent pro rata and must advise the remainder of the foreign bank obligation. For the confirmed amount, CCC will hold the U.S. bank or the agency or branch bank liable for commercial risks but not for political risks. For the advised amount, CCC will not hold the U.S. bank or the agency or branch bank liable for commercial or political risks. CCC will hold the foreign bank liable without regard to risks for all amounts not recovered from the U.S. bank or the agency or branch bank.

(f) Under special circumstances, on application in writing, the Vice President, CCC, may reduce or waive the requirement for 10 percent confirmation by a U.S. or agency or branch bank, but a bank will not be relieved from an obligation once it has been undertaken.

(g) Any bank obligation which provides for a bank acceptance of a time draft drawn by CCC (banker's acceptance) shall not be acceptable to CCC.

(h) CCC will consent to cancellation or reduction of a bank obligation to the extent that it receives payment from other sources of amounts otherwise payable under such bank obligation.

(i) Collection of accounts receivable purchased under this program will be effected through the issuance by CCC of sight drafts against the bank obligations, but this method of collection shall not be exclusive of any other collection procedures or rights available to CCC.

§ 1488.5 CCC drafts.

Under those bank obligations which are partially confirmed, CCC will draw separate drafts for the amounts confirmed and the amounts not confirmed, to which CCC will attach the related instruments evidencing the account receivable, endorsed to the U.S. bank or agency or branch bank. If a CCC draft is dishonored, the U.S. or agency or branch bank shall return the dishonored draft together with the related instrument and its statement of the reasons for nonpayment. For confirmed amounts, a U.S. or agency or branch bank may request refund from CCC of the amount paid if it certifies to CCC that it is unable to recover funds from the foreign bank due to a stipulated political risk which existed on the date payment was made to CCC under the draft. On approval by CCC of such request, the refund shall be promptly made, together with interest at the Federal Reserve Bank of New York discount rate from the date payment was originally made to CCC to but not including the date of refund by CCC, and the related instrument shall be returned to CCC. For unconfirmed amounts, remittance to CCC shall be considered final, and the U.S. bank or agency or branch bank shall not thereafter have recourse to CCC.

§ 1488.6 Interest charges.

The account receivable assigned to CCC and the related bank obligation(s) shall bear interest until paid. The Vice President, CCC, or his designee, shall from time to time establish rates of interest applicable to financing agreements, which shall be announced in the CCC Monthly Sales List. The interest rate applicable to a particular financing agreement shall be specified in the financing approval. The interest rate applicable to that portion of an account receivable, the payment of which is assured by a bank obligation issued by a U.S. bank or an agency or branch bank, or by a pro rata confirmation of a U.S. bank or an agency or branch bank, shall be 1 percent lower than the interest rate established for the remainder of the account receivable. The criteria to be used in determining the rate of interest will be those established in consultation with and after approval by the National Advisory Council on International Monetary and Financial Policies. Interest shall accrue on the account receivable and the related bank obligation(s) from the date of delivery, or the weighted average delivery date, of the agricultural commodities exported under the financing agreement to the date of payment to CCC of such account receivable or related bank obligation(s), and shall be payable as specified in the financing approval.

§ 1488.7 Expiration of period for export.

(a) Unless export is made within such export period as may be provided in the financing approval or in any amendment thereof, or under paragraph (b) of this section, or, if no such period is so provided, within a period of 90 days from the date of the financing approval, the financing approval will no longer be valid. The date of export shall be the date of delivery.

(b) If the Vice President, CCC, or his designee, determines that delay in export was due solely to causes without the fault or negligence of the exporter, the period of export may be extended by CCC to include the period of such delay.

§ 1488.8 Advance payment.

If, before expiration of the financing period, the exporter or the U.S. bank or the agency or branch bank accepts payment from or on behalf of the foreign importer of any part of the account receivable, it shall be remitted promptly to CCC. Such prepayment shall be applied first to interest on the unpaid balance of the account receivable to the date CCC receives such prepayment and then to the principal.

§ 14488.9 Documents required after export.

(a) Within 45 days after date of delivery of the commodities exported under the financing agreement, the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation, Washington, D.C. 20250, telephone number DU 8–4042:

(1) A written application for disbursement, showing the financing approval number and the port value of the commodity exported.

(2) An assignment of the account receivable arising from the export sale, in form and substance acceptable to CCC. When the account receivable is evidenced by documents other than instruments, in accordance with § 1488.2(a), such documents shall be submitted with the assignment.

(3) A copy of the sales invoice to the foreign importer.

(4) A copy of the document evidencing export as provided in § 1488.10, and, if the consignee is other than the foreign importer, such additional information as CCC may request to show that export was made in accordance with the instructions of, or the export sale contract with, the foreign importer.

(5) A certification by the exporter that the agricultural commodities of the grade, quality, and quantity called for in the exporter's sale to the foreign importer have been delivered and that the exporter knows of no defenses to the account receivable assigned to CCC.

(6) A bank obligation or obligations in accordance with § 1488.4, paragraphs (d) and (e) of this section, and § 1488.11, payable to CCC, in form and substance acceptable to CCC, covering the financing agreement and including interest in accordance with § 1488.6.

(7) When the account receivable is evidenced by instruments, in accordance with § 1488.2(a), two (2) separate instruments evidencing the account receivable, one for the confirmed amount and one for the unconfirmed amount. If installment payments under the bank obligation are required by the financing approval, there shall be furnished two (2) such separate instruments for each such installment. Each instrument evidencing all or a part of the account receivable shall provide that it is assignable free of defenses and that in event of default by the importer or of the bankruptcy, insolvency, or other inability of the importer to meet its obligations or to continue in business on an unrestricted basis, the account receivable shall become immediately due and payable.

(b) On timely receipt of the documents described in paragraph (a) (1) through (6) of this section, the Treasurer, CCC, will pay promptly to the exporter the port value of the commodity exported or 110 percent of the amount specified in the financing approval, whichever is the lesser.

(c) If an acceptable application for disbursement and the supporting documents described in paragraph (a) (1) through (6) of this section have not been received by CCC within 45 days from the date of delivery, or any extension thereof approved by the Vice President, CCC, or his designee, the financing agreement shall be void.

(d) If the instruments described in paragraph (a) (7) of this section are not received by CCC within 45 days after date of delivery, and payment has been made by CCC, the account receivable and the bank obligation assuring the account receivable shall at the option of CCC become due and payable. However, if the use of a weighted average delivery date has been approved for starting the financing period, the 45 days will begin with the date of the last delivery.

(e) If for any reason a draft drawn under a foreign bank obligation is dishonored or if the issuing bank is insolvent, is in bankruptcy, receivership, or liquidation, has made an assignment for the benefit of creditors, or for any other reason discontinues or suspends payments to depositors or creditors or otherwise ceases to operate on an unrestricted basis, the obligation issued by that bank to CCC shall become immediately due and payable, and any balance due on the account receivable assured by the obligation issued by such bank shall, at the option of CCC, become immediately due and payable. CCC may permit the substitution of another acceptable foreign bank obligation covering such balance due and confirmed in accordance with § 1488.4.

§ 1488.10 Evidence of export and warranty.

(a) If the commodity is exported by rail or truck, the exporter shall furnish a copy of the bill of lading, certified by the exporter as being a true copy, under which the commodity is exported, and an authenticated landing certificate or similar document issued by an official of the Government of the country to which the commodity is exported, showing the quantity, the place and date of entry, the gross landed weight of the commodity, and the name and address of both the exporter and the importer.

(b) If the commodity is exported by ocean carrier, the exporter shall furnish a nonnegotiable copy or photocopy or other type of copy of either (1) an on-board ocean bill of lading or (2) an ocean bill of lading with an on-board endorsement dated and signed or initialed on behalf of the carrier. The bill of lading must be certified by the exporter as being a true copy and must show the quantity, the date and place of loading the commodity, the name of the vessel, the destination of the commodity, and the name and address of both the exporter and the importer. If the exporter is unable to supply documentary evidence of export as specified in this paragraph (b) he shall submit such other documentary evidence as may be acceptable to CCC.

(c) By submitting documents evidencing export, the exporter represents and warrants that the commodity covered by such documents was not exported to, and has not been and will not be transshipped or caused to be transshipped by the exporter, to any country or area for which an export license is required under the regulations issued by the Bureau of International Commerce, U.S. Department of Commerce, unless a license for such export or transshipment thereto has been obtained from such Bureau.[1]

(d) For commodities transshipped through Canada via the Great Lakes, the exporter shall certify that the commodity transshipped was produced in the United States.

§ 1488.11 Evidence of entry into country of destination.

For a financing agreement under which the financing period is in excess of 12 months for cotton, tobacco, and vegetable oils, or is in excess of 6 months for all other eligible commodities, within 90 days, or such extension of time as may be granted by the Assistant Sales Manager for Export Credit in writing, following shipment from the United States of any agricultural commodity exported under the financing agreement, the exporter shall furnish to the Assistant Sales Manager for Export Credit documentary evidence satisfactory to the Assistant Sales Manager for Export Credit of customs entry of the commodity into the country of destination specified in the financing agreement. A certificate signed or authenticated by a customs official of the country of destination stationed in such country shall be satisfactory if it (a) identifies the agricultural commodity (or permits identification through supplementary documents which are furnished to the Assistant Sales Manager for Export Credit) as that exported under the financing agreement, (b) states the quantity of such commodity entered, and (c) states the date of entry. If the certificate is in other than the English language, the exporter shall also provide the Assistant Sales Manager for Export Credit with an English translation thereof. Within 10 days, or such extension of time as may be granted in writing by the Assistant Sales Manager for Export Credit, following shipment from the United States of any agricultural commodity exported under the financing agreement, the exporter shall also furnish to the Assistant Sales Manager for Export Credit nonnegotiable copies or photocopies or other types of copies of all applicable bills of lading properly identified with the financing approval number. If such evidence is not furnished within the time specified, the financing agreement may be terminated by the Assistant Sales Manager for Export Credit and on such termination, if payment under the bank obligation or account receivable has not yet been received, at the option of CCC the bank obligation and the account receivable shall become due and payable. The remedy herein provided shall not be exclusive of other rights available to the Federal Government as a result of the entry of a commodity, exported under a financing agreement, into a country other than that specified in the financing agreement.

§ 1488.12 Liability for payment.

If exportation is made within the coverage of the bank obligation(s) submitted in accordance with § 1488.9, CCC will look to the obligating bank or banks and the foreign importer, rather than to the exporter, for payment of all amounts due at maturity of the instruments or other documents evidencing the account receivable and of the bank obligation(s), but the exporter shall remain liable for any loss arising from breach of any certification or warranty made by him, any amounts not covered by the bank obligation which are owing to CCC, and any remittance or refund required by §§ 1488.8 and 1488.14, together with interest thereon at the face rate of the related instruments or other documents evidencing the account receivable. The liability of the bank and the importer under their respective obligations shall be several.

[1] Information to exporters: The Department of Commerce regulations prohibit exportation or reexportation by anyone, including a foreign exporter, of the commodity exported pursuant to the terms of these regulations, to prohibited countries and areas. The attention of the exporter is invited to the "Notice to Exporters" which accompanies these regulations.

§ 1488.13 Assignment.

The exporter shall not assign any claim or rights to any amounts payable under the financing agreement, in whole or in part, without written approval of the Vice President, CCC, or his designee.

§ 1488.14 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure the financing agreement on an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right, without limitation on any other rights it may have, to annul the financing agreement without liability to CCC. Should the financing agreement be annulled, CCC will promptly consent to the reduction or cancellation of related bank obligations except for amounts outstanding under a financing agreement. Such outstanding amounts shall, on demand, be refunded to CCC by the exporter.

§ 1488.15 Shipment of commodities on vessels calling at Cuban and North Vietnamese ports.

Any commodity exported under the CCC financing agreement shall not be shipped from the United States on a vessel which has called at a Cuban port on or after January 1, 1963, or at a North Vietnamese port on or after January 25, 1966.

§ 1488.16 Officials not to benefit.

No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the financing agreement or to any benefit that may arise therefrom, but this provision shall not be construed to extend to the financing agreement if made with a corporation for its general benefit.

§ 1488.17 Exporter's records and accounts.

The Vice President, CCC, and his designees, shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the exporter involving transactions related to contracts between the exporter and the importer until the expiration of 3 years after maturity of the related financing agreement.

§ 1488.18 Communications.

Unless otherwise provided, any written requests, notifications, or communications by the applicant pertaining to the financing agreement shall be addressed to the Assistant Sales Manager for Export Credit, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(The recordkeeping and reporting requirements of the regulations of this subpart have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942)

SUPPLEMENT I—BEEF BREEDING CATTLE

Paragraph:

A. Additional definitions.
B. Submission of applications for financing.
C. Additional documents required after export.
D. Miscellaneous.
E. Dual purpose breeds.

A. *Additional definitions.* 1. "Port value" means the net amount of the exporter's sales price for beef breeding cattle to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. points of flight if transported by air freight. The point of exportation for animals shall be designated by the Agricultural Research Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c. & f. sale or ocean freight and marine and war risk insurance for a c.i.f. sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) for registered bulls, $1,200 each or, with prior approval of the Assistant Sales Manager for Export Credit, $2,500 if performance has been superior to the performance records specified in Exhibit II to this supplement; (b) for registered females, $600 each or, with prior approval of the Assistant Sales Manager for Export Credit, $1,000 if performance has been superior to the performance records specified in Exhibit I to this supplement; (c) for nonregistered females, an average, for the sale, of $450 each or, with prior approval of the Assistant Sales Manager for Export Credit, $650 if performance has been superior to the performance records specified in said Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), or (c) of this paragraph A.1. and the contract price for the individual animal, if registered, or the average contract price for the individual animal, if nonregistered, shall not be included as part of the port value.

2. "Producer" means the person holding legal title to the animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

3. "Bred female" means either a bred heifer or bred cow as set forth in Exhibit I, Option B, which has been certified to as pregnant at the time of inspection.

4. "Breeder" means the person holding legal title to the female animal at the time she was served to qualify such animal hereunder as a bred female.

5. "Eligible animal" means an animal which meets all the following requirements:

(a) The animal must be the progeny of a nationally recognized beef cattle breed (Exhibits I and II);

(b) The animal must have been owned by a person who had continuous title to such animal for a period of at least 90 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal;

(c) The animal must, at the time of export, have an eartag attached by USDA testing authority; and

(d) The animal must qualify under the specifications of Exhibit I for females and Exhibit II for bulls.

6. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered or otherwise classified as a purebred animal of that breed. Such animal must be marked with a legible tattoo or brand which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association.

7. "Nonregistered animal" means an eligible animal, whether or not purebred, which is predominantly of the color characteristics and body conformation of the beef breed stated in the contract between the exporter and the importer. (See Exhibits I and II.)

B. *Submission of applications for financing.* 1. In addition to the information required by § 1488.3(c) (2) through (7), applications for financing export credit sales of beef breeding cattle shall include the following:

(a) A general description by breed of the animals to be exported, separately describing the animals under the following classes:

(1) Registered bulls;
(2) Registered bred females;
(3) Registered unbred females;
(4) Nonregistered bred females; and
(5) Nonregistered unbred females.

(b) A statement that such animals will conform to the general specification requirements set forth in Exhibits I or II, as applicable to the class of animals to be exported.

2. In addition to the justifications specified in § 1488.3(d), a financing period in excess of 6 months but not in excess of 36 months for beef breeding cattle may be justified when it will result in the use by the importer, or by purchasers from the importer, of the animals in the destination country under conditions which will promote expanded demand for additional breeding animals or feed stuffs from the United States.

C. *Additional documents required after export.* In addition to the documents specified in § 1488.9(a) (1), (2), (3), (4), (6), and (7), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. Separate animal tag lists for registered animals and for nonregistered animals, containing the following information:

(a) Eartag identification number.

(b) For each registered animal, shown separately opposite the identification number, the sales price as specified in the sales invoice to the foreign importer.

(c) For nonregistered animals, shown for each lot group by tag list, the average sales price per animal based on the sales invoice for such nonregistered animals.

2. Performance records for animals for which a higher maximum port value has been approved by the Assistant Sales Manager for Export Credit as provided in paragraph A.1.

3. A certification by the exporter that animals of the description in the exporter's sales contract with the foreign importer have been delivered, and that the exporter knows of no defenses to the account receivable assigned to CCC.

D. *Miscellaneous.* The following documents or certifications, as applicable, shall be furnished to the importer by the exporter:

1. The certificates issued by an agent of the Consumer and Marketing Service, U.S. Department of Agriculture, as to official registration of the animal(s) and listing the eartag number(s), corresponding registration certificate and tattoo numbers for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person

holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "bred females" showing the eartag numbers and stating that the service bull was a registered bull of the same beef cattle breed as the female to which bred. (See Exhibit I.)

3. The certificates issued or endorsed by the Animal Health Division, Agricultural Research Service, listing the eartag number(s) and showing that such animal has been inspected for compliance with "Health" requirements. (See Exhibit I or II.)

4. The certificates issued by the Consumer and Marketing Service listing the eartag number(s) for each animal showing for such animal compliance with breed, age, weight, and conformation grade, for the class, as shown in Exhibit I or II, as applicable.

5. Certificates issued by a veterinarian accredited by the Agricultural Research Service, showing that bred females, sold as such, were examined and found to be with calf at time of inspection.

6. A semen certification by a veterinarian accredited by the Agricultural Research Service, for bulls over 1 year of age.

E. *Dual purpose breeds.* When dual purpose breeds[1] are eligible for financing under the provisions of both Supplement I and Supplement II to GSM-4, as amended, the exporter has the option of qualifying such animals under the provisions of either supplement. Such option must be stated in the application filed pursuant to § 1488.3. In the event such dual purpose breeds are approved for export hereunder, the provisions of this supplement shall apply.

EXHIBIT I TO SUPPLEMENT I

USDA APPROVED BEEF BREEDING CATTLE EXPORT SPECIFICATIONS—FEMALES

Option A (to be specified by purchaser).

1. Registered.[1a]

Breed

a. Angus.
b. Hereford.
c. Polled Hereford.
d. Charolais.
e. Santa Gertrudis.
f. Shorthorn.
g. Polled Shorthorn.
h. Brahman.
i. Milking Shorthorn.[2]
j. Red Poll.[2]
k. Other beef cattle breeds described in Farmers' Bulletin No. 2228 entitled "Beef Cattle Breeds", issued January 1968.

2. Nonregistered.[3]

Predominent Breed

(Specify from breed above.)

Option B (to be specified by purchaser).

Age[4]

1. Calf—(7 to 12 months).
2. Yearling open—(12 to 18 months).
3. Bred heifer—(18 to 36 months).
4. Bred Cow—(24 to 48 months).
5. Mature Cow—(24 to 48 months).[5]

General requirements:

A. Health.[6]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.
2. Tested negative for brucellosis within 30 days of loading aboard export carrier, or is an official vaccinate under 30 months of age.
3. Certified from a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.
4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.
5. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks, and ringworm or freed from the same.

B. Minimum weight:[7]

1. Calf—(7 to 12 months) 400 pounds.
2. Yearling open—(12 to 18 months) 500 pounds.
3. Bred heifer—(18 to 24 months) 700 pounds; (24 to 36 months) 800 pounds.
4. Bred cow—(24 to 36 months) 800 pounds; (36 to 48 months) 950 pounds.
5. Mature cow—(24 to 36 months) 800 pounds; (36 to 48 months) 950 pounds.[8]

C. Minimum conformation—Choice.[7]

All nonregistered females must be dehorned or naturally polled unless otherwise specified in the application. Horn stubs in excess of 1 inch will not be acceptable on dehorned cattle.

D. Performance records[9] (optional, unless specified). (See attached Appendix I to Exhibits I and II.)

1. Minimum adjusted daily gain to weaning 1.6 pounds per day.
2. Minimum adjusted daily gain to weaning of offspring 1.6 pounds per day (if appropriate).

E. Statement of service or other requirement.

1. Bred females must have been bred to a registered bull of the same breed and the calf from a registered female must be eligible for registration.[9]
2. Bred females must be at least 2 months but no more than 6 months pregnant at time of inspection.[10]
3. Mature cows not qualifying as "bred cows" to be eligible for financing hereunder must be lactating and have her offspring not in excess of approximately 5 months of age at side at time of inspection by C&MS. Such calves, though not eligible for financing, may be supplied along with the parent cow if facilities for their care and safe transportation to destination point are adequate.

EXHIBIT II TO SUPPLEMENTAL I

USDA APPROVED BEEF BREEDING CATTLE EXPORT SPECIFICATION—BULLS

Option A (to be specified by purchaser).

Breed[1]

1. Angus.
2. Hereford.
3. Polled Hereford.
4. Charolais.
5. Santa Gertrudis.
6. Shorthorn.
7. Polled Shorthorn.
8. Brahman.
9. Milking Shorthorn.[2]
10. Red Poll.[2]
11. Other beef cattle breeds described in Farmers' Bulletin No. 2228 entitled "Beef Cattle Breeds", issued January 1968.

Option B (to be specified by purchaser).

Age[3]

1. Bull calf—(7 to 12 months).
2. Yearling bull—(12 to 18 months).
3. Bull—(18 to 24 months).
4. Mature bull—(24 to 48 months).

General Requirements:

A. Health.[4]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.
2. Tested negative for brucellosis within 30 days of loading aboard export carrier.
3. Certified from a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.
4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.
5. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks, and ringworm or freed from the same.

B. Minimum weight:[5]

1. 7 to 12 months, 470 pounds.
2. 12 to 18 months, 790 pounds.
3. 18 to 24 months, 1100 pounds.
4. Over 24 months, 1350 pounds.

C. Minimum conformation—Prime.[6]

D. Performance records[6] (optional, unless specified). (See attached Appendix I to Exhibits I and II.)

1. Minimum adjusted daily gain to weaning, 1.9 pounds per day.

E. A semen check indicating at least 60 percent sperm motility must be supplied for bulls over 1 year of age.[7]

APPENDIX I TO EXHIBITS I AND II

PERFORMANCE TESTING

Performance testing is known by several names in the United States, but practically all organizations evaluate similar characteristics in beef cattle. The principal factors used in evaluating performance are growth rate and conformation, but not necessarily both. Animals which are tested are weighed at birth and again at weaning. The weaning weight is adjusted to an equivalent of 205 days of age and is also adjusted depending on the age of the dam. This is done to make weights of calves from first-calf heifers comparable to weights of calves from older cows.

The adjusted daily gain from birth to weaning is indicative not only of inherited gaining ability also of the milking ability of the dam.

[1] Milking Shorthorn and Red Poll.

[1a] Animals must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

[2] Dual Purpose Breeds (see paragraph E, Supplement I or II).

[3] Nonregistered animals will be certified for breed by the C&MS agent.

[4] Certification by C&MS agent.

[5] See E3 of this Exhibit I.

[6] Certification or endorsement furnished by Animal Health Division, Agricultural Research Service, USDA.

[1] Certification furnished by Livestock Division, C&MS, USDA. Conformation grade to be based on official USDA Feeder Cattle Standards. (See Appendix II attached.)

[2] Official State records or National Breed Association records, or Performance Registry International records.

[3] Must be certified to by the breeder of the female at time of sale to exporter.

[4] Certification of pregnancy shall be issued by an accredited veterinarian.

[5] All animals for delivery under these specifications must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

[1] Dual Purpose Breeds (see paragraph E, Supplement I or II).

[2] Certification by C&MS agent.

[3] Certification or endorsement furnished by Animal Health Division, Agricultural Research Service, USDA.

[4] Certification furnished by Livestock Division, C&MS, USDA. Conformation grade based on official USDA Feeder Cattle Standards. (See Appendix II attached.)

[5] Official State records or National Breed Association records, or Performance Registry International records.

[6] Certification must be issued by an accredited veterinarian.

APPENDIX II TO EXHIBITS I AND II

SPECIFICATIONS FOR OFFICIAL U.S. STANDARDS FOR GRADES OF FEEDER CATTLE (STEERS, HEIFERS, AND COWS)[1]

Prime

Feeder cattle which possess typical minimum qualifications for the Prime grade are very thickly muscled throughout. They are wide through the chest with well sprung ribs and are moderately wide and thick through the crops, back, and loin. The rounds tend to be thick and the twist is moderately deep. They usually have straight top and bottom lines and usually are moderately deep in the fore and rear flanks. The legs tend to be short, are set wide apart, and usually are straight. The head is usually short and wide and the neck usually is short and thick. They have large, rugged frames with moderately large but refined bone. They have a high degree of symmetry and smoothness throughout.

Choice

Feeder cattle which possess typical minimum qualifications for the Choice grade are thickly muscled throughout. They are moderately wide through the chest with a moderate spring of ribs and are slightly wide and thick through the crops, back, and loin. The rounds are slightly thick and the twist is slightly deep. They usually have straight top lines and usually are moderately deep in the fore and rear flanks. The legs are slightly short, and are set moderately wide apart and usually are straight. The head usually is moderately short and wide and the neck usually is slightly short and thick. They have moderately large, rugged frames, and the bone usually is moderately large, but may be slightly fine or slightly large and coarse. They have a moderate degree of symmetry and smoothness throughout.

SUPPLEMENT II—DAIRY BREEDING CATTLE

Paragraph:

A. Additional definitions.
B. Submission of applications for financing.
C. Additional documents required after export.
D. Miscellaneous.
E. Dual purpose breeds.

A. *Additional definitions.* 1. "Port value" means the net amount of the exporter's sales price for dairy breeding cattle to be exported under the financing agreement, basis, f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. points of flight if transported by air freight. The point of exportation for animals shall be designated by the Agricultural Research Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c. & f. sale or ocean freight and marine and war risk insurance for a c.i.f. sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) $1,200 each for registered bulls which have an Acceptable performance index as set out in paragraph D.1., Exhibit II to this supplement, or, with prior approval of the Assistant Sales Manager for Export Credit, $2,500 if such animal has a Superior performance index as set out in paragraph D.2. of Exhibit II; (b) $750 each for registered females which have an Acceptable performance index as set out in paragraph D.1., Exhibit I to this supplement, or with prior approval of the Assistant Sales Manager for Export Credit, $1,200 if such animal has a Superior performance index as set out in paragraph D.2. of Exhibit I; (c) with prior approval of the Assistant Sales Manager for Export Credit, $1,200 each for registered mature cows which have a Superior performance index as set out in paragraph D.3. of Exhibit I; or (e) $600 average for the sale of nonregistered females, other than mature cows with a Superior performance index, if each such animal has an Acceptable performance index as set out in paragraph D.1. of Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), (c), (d), or (e) of this paragraph A.1. and the contract price for individual registered animals or nonregistered mature cows with a Superior performance index, or the average contract price for nonregistered females, other than mature cows with a Superior performance index, shall not be included as a part of the port value.

2. "Producer" means the person holding legal title to the animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

3. "Bred female" means either a bred heifer or bred cow as set forth in Exhibit I, Option B, which has been certified to as pregnant at the time of inspection.

4. "Breeder" means the person holding legal title to the female animal at the time she was served to qualify such animal hereunder as a bred female.

5. "Eligible animal" means an animal which meets all the following requirements:

(a) The animal must be the progeny of a nationally recognized dairy cattle breed (Exhibits I and II);

(b) The animal must have been owned by a person who had continuous title to such animal for a period of at least 90 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal;

(c) The animal must, at the time of export, have an eartag attached by USDA testing authority; and

(d) The animal must qualify under the specifications of Exhibit I for females and Exhibit II for bulls.

6. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered or otherwise classified as a purebred animal of that breed. Such animal must be marked with a legible tattoo or brand which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association.

7. "Nonregistered animal" means an eligible animal, whether or not purebred, which is predominantly of the color characteristics and body conformation of the dairy breed stated in the contract between the exporter and the importer. (See Exhibits I and II.)

B. *Submission of applications for financing.* 1. In addition to the information required by § 1488.3(c) (2) through (7), applications for financing export credit sales of dairy breeding cattle shall include the following:

(a) A general description by breed of the animals to be exported, separately describing the animals under the following classes:

(1) Registered bulls;
(2) Registered bred females;
(3) Registered unbred females;
(4) Nonregistered bred females; and
(5) Nonregistered unbred females.

(b) A statement that such animals will conform to the general specification requirements set forth in Exhibits I or II, as applicable to the class of animals to be exported.

2. In addition to the justifications specified in § 1488.3(d), a financing period in excess of 6 months but not in excess of 36 months for dairy breeding cattle may be justified when it will result in the use by the importer, or by purchasers from the importer, of the animals in the destination country under conditions which will promote expanded demand for additional breeding animals or feed stuffs from the United States.

C. *Additional documents required after export.* In addition to the documents specified in § 1488.9(a) (1), (2), (3), (4), (6), and (7), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. Separate tag lists for each group of animals described in paragraphs A.1. (a), (b), (c), (d), and (e) of this supplement, containing the following information:

(a) Eartag identification number;

(b) For each registered animal or nonregistered mature cow with a Superior performance index, shown separately opposite the identification number, the sales price as specified in the sales invoice to the foreign importer;

(c) For nonregistered females other than mature cows with a Superior performance index, shown for each lot group by tag list, the average sales price per animal based on the sales invoice to the foreign importer.

2. Production Performance Index records as follows:

(a) For registered bulls the applicable Acceptable or Superior performance index records of Sire and Dam as described in paragraph D.1. or D.2. of Exhibit II;

(b) For registered females if applicable, the Superior performance index records of Sire and Dam as described in paragraph D.2. of Exhibit I;

(c) For registered or nonregistered mature cows if applicable, the Superior performance index records of Sire and Dam as described in paragraph D.3. of Exhibit I.

3. A certification by the exporter that animals of the description in the exporter's sales contract with the foreign importer have been delivered, and that the exporter knows of no defenses to the account receivable assigned to CCC.

D. *Miscellaneous.* The following documents or certifications, as applicable, shall be furnished to the importer by the exporter:

1. The certificates issued by an agent of the Consumer and Marketing Service, U.S. Department of Agriculture, as to official registration of the animal(s) and listing the eartag number(s), corresponding registration certificate and tattoo numbers for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "bred females" showing the eartag numbers and stating that the service bull was a registered bull of the same dairy cattle breed as the female to which bred. (See Exhibit I.)

3. The certificates issued or endorsed by the Animal Health Division, Agricultural Research Service, listing the eartag number(s) and showing that such animal has

[1] Adapted from Service and Regulatory Announcement C&MS 183, issued March 1965. A copy of this publication and charts picturing the grades of feeder cattle may be obtained upon request from the Livestock Division, C&MS, USDA, Washington, D.C. 20250.

been inspected for compliance with "Health" requirements. (See Exhibit I or II.)

4. The certificates issued by the Consumer and Marketing Service listing the eartag number(s) for each animal showing for such animal compliance with breed, age, weight, and conformation specifications, for the class, as shown in Exhibit I or II, as applicable.

5. Certificates issued by a veterinarian accredited by the Agricultural Research Service, showing that bred females, sold as such, were examined and found to be with calf at time of inspection.

6. A semen certification by a veterinarian accredited by the Agricultural Research Service, for bulls over 1 year of age.

E. *Dual purpose breeds.* When dual purpose breeds [1] are eligible for financing under the provisions of both Supplement I and Supplement II to GSM-4, as amended, the exporter has the option of qualifying such animals under the provisions of either supplement. Such option must be stated in the application filed pursuant to § 1488.3. In the event such dual purpose breeds are approved for export hereunder, the provisions of this supplement shall apply with the exception that the Assistant Sales Manager for Export Credit is authorized, at the request of the applicant, to establish a minimum weight schedule and DHIR Milk Production Breed Average.

EXHIBIT I TO SUPPLEMENT II

USDA APPROVED DAIRY CATTLE EXPORT SPECIFICATIONS—FEMALES

Option A (to be specified by purchaser).

1. Registered.[1a]

Breed

a. Ayrshire.
b. Brown Swiss.
c. Guernsey.
d. Holstein.
e. Jersey.
f. Milking Shorthorn.[2]
g. Red Poll.[2]

2. Nonregistered.[3]

Predominant Breed

(Specify from breed above.)

Option B (to be specified by purchaser).

Age [4]

1. Calf—(6 to 12 months).
2. Yearling open—(12 to 18 months).
3. Heifer open—(18 to 30 months).
4. Bred heifer—(18 to 30 months).
5. Mature cow—(24 to 48 months).

General requirements:

A. Health.[5]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier, or is an official vaccinate under 30 months of age.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuro-pneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks, and ringworm or freed from the same.

6. Mature cows must be physically examined at time of inspection for the presence of mastitis by manipulating and stripping the udder and found not to have evidence of such infection. The exporter, at his option, may require the person from whom he purchases a mature cow to supply additional evidence of nonmastitis infection as he sees fit.

B. Minimum weight.[6]

1. *Registered animals.*

Age [7]	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6 months	360	295	260
b. 8 months	470	385	340
c. 10 months	565	455	410
d. 12 months	640	525	470
e. 14 months	710	585	520
f. 16 months	775	635	555
g. 18 months	835	685	600
h. 20 months	900	745	645
i. 22 months	970	790	695
j. 24 months	1,015	845	735
k. 26 months	1,045	870	760
l. 28 months	1,070	895	780
m. 30 months	1,090	910	790
n. 36 months and over	1,180	990	865

[7] Minimum weights for ages between the ages shown shall be determined proportionately.

2. *Non-registered animals.*

Class	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. Calf	360	295	260
b. Yearling open	640	525	470
c. Heifer open	835	685	600
d. Heifer bred	835	685	600
e. Mature cow	1,015	845	735

C. Minimum Conformation.[8]

All animals must meet the minimum body conformation specifications as described in appendix to this Exhibit I.

D. Production Performance Index.[9]

1. *Acceptable.* An Acceptable performance index for *Registered* or *Nonregistered Females* will be considered to exist if such animals meet the minimum conformation of item C above.

2. *Superior.* A Superior performance index for a *Registered Female* will be considered to exist if:

(a) *Sire* has a Plus (+) USDA Predicted Difference [9] equal to 2 percent of DHIR breed average as shown in item E below, and

(b) *Dam* has a DHIA or DHIR record [9] equal to the DHIR breed average as shown in item E below.

3. *Superior.* A Superior performance index for a *Registered* or *Nonregistered Mature Cow* will be considered to exist if such animal has a DHIA or DHIR production record [9] 15 percent above the DHIR breed average as shown in item E below.

E. DHIR Milk Production Breed Averages (Mature Equivalent)

The following breed averages are applicable to these specifications:

Breed	Breed average (pounds)	2 percent of breed average (pounds)	15 percent of breed average (pounds)
Ayrshire	12,556	251	1,883
Brown Swiss	13,187	264	1,978
Guernsey	10,483	210	1,572
Holstein	15,204	304	2,281
Jersey	9,465	189	1,420

F. Statement of service.

1. Bred females must have been bred to a registered bull of the same breed.[10]

2. Bred females must be at least 2 months pregnant but no more than 6 months pregnant at time of inspection.[11]

APPENDIX TO EXHIBIT I

MINIMUM BODY CONFORMATION SPECIFICATIONS FOR FEMALES

In addition to meeting the minimum weight for the breed as specified in Exhibit I, the animal shall possess femininity, normal breed conformation, quality and body capacity. She shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with the legs straight, strong and well set. The mammary system, if sufficiently developed, shall be strongly attached, well balanced and of fine texture. The teats shall be of acceptable size. There shall be no evidence of lameness or other serious body defects. She shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Females officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

EXHIBIT II TO SUPPLEMENT II

USDA APPROVED DAIRY CATTLE EXPORT SPECIFICATIONS—BULLS

Option A (to be specified by purchaser).

Breed [1]

a. Ayrshire.
b. Brown Swiss.
c. Guernsey.
d. Holstein.
e. Jersey.
f. Milking Shorthorn.[2]
g. Red Poll.[2]

Option B (to be specified by purchaser).

Age [3]

a. Calf—(6 to 12 months).
b. Yearling—(12 to 18 months).
c. Young bull—(18 to 24 months).
d. Mature bull—(24 to 48 months).

General requirements:

A. Health.[4]

1. Tested negative for tuberculosis and brucellosis within 30 days of loading aboard export carrier.

2. Animals come from farms that have not been under quarantine for any communicable disease during the past year.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto and free of mites, ticks, and ringworm or freed from the same.

B. Minimum weight.[5]

Age [1]	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6 months	450	370	315
b. 8 months	585	480	410
c. 10 months	710	555	490
d. 12 months	820	655	565
e. 14 months	930	755	645
f. 16 months	1,040	840	745
g. 18 months	1,155	930	815
h. 21 months	1,320	1,055	950
i. 24 months	1,455	1,210	1,050
j. 27 months	1,570	1,310	1,140
k. 30 months	1,670	1,395	1,215
l. 36 months and over	1,840	1,545	1,350

[1] Minimum weights for ages between the ages shown shall be determined proportionately.

C. Minimum conformation.[6]

All animals must meet the minimum body conformation as described in Appendix to Exhibit II.

D. Production Performance Index.[7]

1. *Acceptable.* An Acceptable performance index for a *Registered Bull* will be considered to exist if:

(a) *Sire* has a Plus (+) USDA Predicted Difference,[8] and

(b) *Dam* has a DHIA or DHIR record [9] 15 percent above the DHIR breed average as shown in item E below.

2. *Superior.* A Superior performance index for a *Registered Bull* will be considered to exist if:

(a) *Sire* has a Plus (+) USDA Predicted Difference [8] equal to 2 percent of DHIR breed average as shown in item E below, and

(b) *Dam* has a DHIA or DHIR record [9] 25 percent above the DHIR breed average as shown in item E below.

E. DHIR Milk Production Breed Averages (Mature Equivalent).

The following breed averages are applicable to these specifications:

Breed	Breed average (pounds)	2 percent of breed average (pounds)	15 percent of breed average (pounds)	25 percent of breed average (pounds)
Ayrshire	12,556	251	1,883	3,139
Brown Swiss	13,187	264	1,978	3,297
Guernsey	10,483	210	1,572	2,621
Holstein	15,204	304	2,281	3,801
Jersey	9,465	189	1,420	2,366

F. A semen check indicating at least 60 percent sperm motility must be supplied for bulls over 1 year of age.[9]

APPENDIX TO EXHIBIT II

MINIMUM BODY CONFORMATION SPECIFICATIONS FOR BULLS

In addition to meeting the minimum weight for the breed as specified in Exhibit II, the animal shall possess masculinity, normal breed conformation, quality, and body capacity. He shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with legs straight, strong, and well set. There shall be no evidence of lameness or other serious body defects. He shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Bulls officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

Effective date. This reissuance of regulations shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 23, 1969.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation, and General Sales Manager, Export Marketing Service.

NOTICE TO EXPORTERS

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

[F.R. Doc. 69-8860; Filed, July 30, 1969; 8:45 a.m.]

[1] Milking Shorthorn and Red Poll.

[1a] Animals must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

[2] Dual purpose breeds (see paragraph E, Supplement I or II).

[3] Nonregistered animals will be certified for breed by C&MS agent.

[4] Certification by C&MS agent.

[5] Certification or endorsement furnished by Animal Health Division, Agricultural Research Service.

[6] Certification or endorsement furnished by Livestock Division, C&MS, USDA. Conformation specifications to be based on standards as set out in appendix to Exhibit I attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

[7] DHIA or DHIR milk production records mature equivalent based on 305-day, two times day milking.

[8] Source: USDA-DHIA Sire Summary Records—Agricultural Research Service.

[9] Source: Breed Association, or Dairy Records Processing Center serving the DHIA Association where tested.

[10] Must be certified to by the breeder of the female at time of sale to exporter.

[11] The certification of pregnancy shall be by an accredited veterinarian.

[1] All animals for delivery under these specifications must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

[2] Dual purpose breeds (see paragraph E, Supplement I or II).

[3] Certified by C&MS agent.

[4] Certification or endorsement furnished by Animal Health Division, Agricultural Research Service, USDA.

[5] Certification or endorsement furnished by Livestock Division, C&MS, USDA. Conformation specifications to be based on standards as set out in appendix to Exhibit II attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

[6] DHIA or DHIR milk production records. Mature equivalent based on 305-day, two times day milking.

[7] Source: USDA-DHIA Sire Summary Records, Agricultural Research Service.

[8] Source: Breed Association or Dairy Records Processing Center serving the DHIA Association where tested.

[9] Certification must be issued by an accredited veterinarian.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-CE-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

Correction

In F.R. Doc. 69-8580 appearing at page 12160 in the issue of Wednesday, July 23, 1969, in the description of the Independence, Kans., transition area, third line from the bottom, the word "extending" should read "excluding".

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 602—LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Correction

In F.R. Doc. 69-8723 appearing at page 12281 of the issue for Friday, July 25, 1969, in the ninth line of the first paragraph of the amendatory language the phrase now reading "Industry Committee No. 85-C" should read "Industry Committee No. 83-C".

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

PART 55—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC OPEN PIT MINES

In Part II of the FEDERAL REGISTER of January 16, 1969 (34 F.R. 656), there was published a notice of proposed rulemaking setting forth proposed health and safety standards for metal and nonmetallic open pit mines which are covered by the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772, 30 U.S.C. 721-740, Supp. IV, 1965-1968). The standards, which had been developed in conjunction with an Open Pit Mining Advisory Committee, were set forth in proposed new Part 55 of Title 30, Code of Federal Regulations. Interested persons were afforded a period of 60 days after the date of publication in which to submit comments and to request a public hearing on any proposed health and

safety standard which was designated as a mandatory standard and which had not been recommended as a mandatory standard by the advisory committee. In the FEDERAL REGISTER of March 14, 1969 (34 F.R. 5258), there was published a notice extending to May 1, 1969, the time within which to submit comments. In the FEDERAL REGISTER of April 22, 1969 (34 F.R. 6737), there was published a notice that a review of the proposed standards as published on January 16, 1969, had disclosed errors of a substantive nature. The proposed Part 55 of Title 30, Code of Federal Regulations, was corrected and revised and interested persons were afforded a period of 30 days after the date of publication in which to submit comments respecting only the proposed standards affected by corrections.

Comments have been received with respect to many of the proposed standards. These standards, as well as certain proposed definitions respecting which there are questions, are being reviewed and analyzed preparatory to taking further action. Standards about which there were no comments or objections, or that did not include terms for which the definitions have been questioned, are now promulgated in Part 55 as Health and Safety Standards—Metal and Nonmetallic Open Pit Mines, which as set forth below, is hereby added to Chapter I of Title 30 of the Code of Federal Regulations. In the interest of clarity and accuracy, technical changes have been made in the definitions of the terms "detonating fuse," "detonator," and "safety switch." Pursuant to section 22 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721, note, Supp. IV), sections 8 and 9 (30 U.S.C. 727, 728, Supp. IV), and subsection (b) and paragraph (1) of subsection (a) of section 14 (30 U.S.C. 733, Supp. IV) of that Act will become effective with respect to the mandatory standards now promulgated 1 year after their publication in the FEDERAL REGISTER. Changes have been made in the numbering and the relative order of certain standards in this part to make them consistent, insofar as possible, with the numbering and relative order of the standards in Part 57, relating to metal and nonmetallic underground mines, as promulgated on this date. Consequently, standards that are identically stated in Parts 55, 56, and 57 now have identical numbers following the decimal. For example, the text of standard 55.4–2 is identical with that of 56.4–2 and with that of 57.4–2. These changes will assist mine operators to achieve uniform and efficient compliance with the health and safety standards applicable to their operations and they will similarly assist mine inspectors in the uniform and efficient inspection of mine conditions and mining operations to determine if there is compliance with those standards that are applicable. Moreover, the changes will greatly facilitate the analysis, by use of data processing or by other means, of the effects of compliance with those standards on injury experience in the mining industry.

WALTER J. HICKEL,
Secretary of the Interior.

Sec
55.1 Purpose and scope.
55.2 Definitions.
55.3 Ground control.
55.4 Fire prevention and control.
55.5 Air quality.
55.6 Explosives.
55.7 Drilling.
55.8 Rotary jet piercing.
55.9 Loading, hauling, dumping.
55.10 Aerial tramways.
55.11 Travelways.
55.12 Electricity.
55.13 Compressed air and boilers.
55.14 Use of equipment.
55.15 Personal protection.
55.16 Materials storage and handling.
55.17 Illumination.
55.18 Safety programs.
55.19 Man hoisting.
55.20 Miscellaneous.
55.22 Savings provision.

AUTHORITY: The provisions of this Part 55 issued under sec. 6, Federal Metal and Nonmetallic Mine Safety Act, 80 Stat. 774; 30 U.S.C. 725.

§ 55.1 Purpose and scope.

The regulations in this part are promulgated pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) and prescribe health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in open pit metal and nonmetallic mines which are subject to that Act. Each standard which is preceded by the word "Mandatory" is a mandatory standard. The violation of a mandatory standard will subject an operator to an order or notice under section 8 of the Act (30 U.S.C. 727).

§ 55.2 Definitions.

As used in this part:

"Approved" means tested and accepted for a specific purpose by a nationally recognized agency.

"Barricaded" means obstructed to prevent the passage of persons, vehicles, or flying materials.

"Blasting area" means the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury.

"Blasting cap" means a detonator containing a charge of detonating compound, which is ignited by electric current or the spark of a fuse. Used for detonating explosives.

"Blasting circuit" means electric circuits used to fire electric detonators or to ignite an igniter cord by means of an electric starter.

"Blasting switch" means a switch used to connect a power source to a blasting circuit.

"Capped fuse" means a length of safety fuse to which a detonator has been attached.

"Combustible" means capable of being ignited and consumed by fire.

"Company official" means a member of the company supervisory or technical staff.

"Competent person" means a person having abilities and experience that fully qualify him to perform the duty to which he is assigned.

"Detonating cord" or "detonating fuse" means a flexible cord containing a core of high explosives.

"Detonator" means a device containing a small detonating charge that is used for detonating an explosive, including, but not limited to, blasting caps, exploders, electric detonators, and delay electric blasting caps.

"Distribution box" means a portable apparatus with an enclosure through which an electric circuit is carried to one or more cables from a single incoming feed line, each cable circuit being connected through individual overcurrent protective devices.

"Electric blasting cap" means a blasting cap designed for and capable of being initiated by means of an electric current.

"Electrical grounding" means to connect with the ground to make the earth part of the circuit.

"Employee" means a person who works for wages or salary in the service of an employer.

"Employer" means a person or organization which hires one or more persons to work for wages or salary.

"Face or bank" means that part of any mine where excavating is progressing or was last done.

"Flammable" means capable of being easily ignited and of burning rapidly.

"Flash point" means the minimum temperature at which sufficient vapor is released by a liquid or solid to form a flammable vapor-air mixture at atmospheric pressure.

"Highway" means any public street, public alley, or public road.

"High potential" means more than 650 volts.

"Hoist" means a power driven windlass or drum used for raising ore, rock, or other material from a mine, and for lowering or raising men and material.

"Igniter cord" means a fuse, cordlike in appearance, which burns progressively along its length with an external flame at the zone of burning, and is used for lighting a series of safety fuses in the desired sequence.

"Lay" means the distance parallel to the axis of the rope in which a strand makes one complete turn about the axis of the rope.

"Low potential" means 650 volts or less.

"Major electrical installation" means an assemblage of stationary electrical equipment for the generation, transmission, distribution or conversion of electrical power.

"Man trip" means a trip on which men are transported to and from a work area.

"Mill" includes any ore mill, sampling works, concentrator, and any crushing, grinding, or screening plant used at, and in connection with, an excavation or mine.

"Misfire" means the complete or partial failure of a blasting charge to explode as planned.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a deposit of useful materials or ores that are to be mined.

"Permissible" means a machine, material, apparatus, or device which has been investigated, tested, and approved by the Bureau of Mines and maintained in permissible condition.

"Potable" means fit for drinking.

"Reverse-current protection" means a method or device used on direct-current circuits or equipment to prevent the flow of current in the reverse direction.

"Roll protection" means a framework safety canopy or similar protection for the operator when equipment overturns.

"Saftey can" means an approved container, of not more than 5 gallons capacity, having a spring-closing lid and spout cover.

"Safety fuse" means a train of powder enclosed in cotton, jute yarn, and waterproofing compounds, which burns at a uniform rate; used for firing a cap containing the detonating compound which in turn sets off the explosive charge.

"Safety switch" means a sectionalizing switch that also provides shunt protection in blasting circuits between the blasting switch and the shot area.

"Scaling" means removal of insecure material from a face or highwall.

"Secondary safety connection" means a second connection between a conveyance and rope, intended to prevent the conveyance from running away or falling in the event the primary connection fails.

"Shaft" means a vertical or inclined shaft; a slope, incline, or winze.

"Stray current" means that portion of a total electric current that flows through paths other than the intended circuit.

"Substantial construction" means construction of such strength, material, and workmanship that the object will withstand all reasonable shock, wear, and usage, to which it will be subjected.

"Suitable" means that which fits, and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstances.

"Travelway" means a passage, walk or way regularly used and designated for persons to go from one place to another.

"Trip light" means a light displayed on the opposite end of a train from the locomotive or engine.

"Wet drilling" means the continuous application of water through the central hole of hollow drill steel to the bottom of the drill hole.

"Working place" means any place in or about a mine where work is being performed.

§ 55.3 Ground control.

55.3–1 and 55.3–2 [Reserved]

55.3–3 *Mandatory.* To ensure safe operation, the width and height of benches shall be governed by the type of equipment to be used and the operation to be performed.

55.3–4 through 55.3–11 [Reserved]

55.3–12 *Mandatory.* Men shall not work between equipment and the pit wall or bank where the equipment may hinder escape from falls or slides of the bank.

55.3–13 through 55.3–19 [Reserved]

§ 55.4 Fire prevention and control.

55.4–1 [Reserved]

55.4–2 *Mandatory.* Signs warning against smoking and open flames shall be posted so they can be readily seen in areas or places where fire or explosion hazards exist.

55.4–3 Areas surrounding flammable-liquid-storage tanks and electric substations and transformers should be kept free from grass (dry), weeds, underbrush, and other combustible materials for at least 25 feet in all directions.

55.4–4 *Mandatory.* Flammable liquids shall be stored in accordance wih standards of the National Fire Protection Association or other recognized agencies approved by the Bureau of Mines. Small quantities of flammable liquids drawn from storage shall be kept in appropriately labeled safety cans.

55.4–5 Unburied flammable-liquid storage tanks should be mounted securely on firm foundations. Outlet piping should be provided with flexible connections or other special fittings to prevent adverse effects from tank settling.

55.4–6 Buildings or rooms in which oil, grease, flammable liquids, or similar flammable materials are stored should be of fire-resistant construction and well-ventilated.

55.4–7 Means should be provided to confine, remove, control, or drain away spilled or flowing flammable liquids.

55.4–8 *Mandatory.* Fuel lines shall be equipped with valves to cut off fuel at the source and shall be located and maintained to minimize fire hazards.

55.4–9 *Mandatory.* All heat sources, including lighting equipment, capable of producing combustion shall be insulated or isolated from combustible materials.

55.4–10 *Mandatory.* Power wires and cables shall be adequately insulated where they pass through doors or walls or where they present a fire hazard.

55.4–11 *Mandatory.* Abandoned electrical circuits shall be deenergized and isolated so that they cannot become energized inadvertently.

55.4–12 Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.

55.4–13 Materials such as oily waste and rags, which are subject to spontaneous combustion, should be placed in tightly covered metal containers until disposed of properly.

55.4–14 *Mandatory.* Solvents with flash points lower than 100° F. (38° C.) shall not be used for cleaning.

55.4–15 *Mandatory.* Solvents shall not be used near an open flame or other ignition source, or near any source of heat, or in an atmosphere that can elevate the temperature of the solvent above the flash point.

55.4–16 Drip pans should be provided to catch leakage or spillage when oil or flammable liquids are dispensed in a place or manner which may create a hazard.

55.4–17 Floors around drip pans should be covered with sand or other suitable noncombustible material and such sand or material should be replaced as necessary.

55.4–18 and 55.4–19 [Reserved]

55.4–20 *Mandatory.* Battery-charging stations shall be located in well-ventilated areas.

55.4–21 through 55.4–23 [Reserved]

55.4–24 Fire extinguishers should be:

(a) Of the appropriate type for the particular fire hazard involved;

(b) Adequate in number and size for the particular fire hazard involved;

(c) Replaced immediately with fully charged extinguishers after any discharge is made from the extinguisher;

(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations;

(e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Bureau of Mines.

55.4–25 through 55.4–28 [Reserved]

55.4–29 *Mandatory.* When welding or cutting near combustible materials, suitable precautions shall be taken to ensure that smoldering metal or sparks do not result in fire.

55.4–30 and 55.4–31 [Reserved]

55.4–32 All employees should be instructed on current escape and evacuation plans, fire-alarm signals, and applicable procedures to be followed in case of fire.

55.4–33 [Reserved]

55.4–34 Belt conveyors in locations where fire would create a hazard to personnel should be provided with safety switches to stop the drive pulley automatically in the event of excessive slippage.

55.4–35 through 55.4–49 [Reserved]

§ 55.5 Air quality.

55.5–1 [Reserved]

55.5–2 *Mandatory.* Dust, gas, mist, and fume surveys shall be conducted as frequently as necessary to determine the adequacy of control measures.

55.5–3 through 55.5–14 [Reserved]

§ 55.6 Explosives.

STORAGE

55.6–1 through 55.6–24 [Reserved]

TRANSPORTATION

55.6–40 through 55.6–56 [Reserved]

55.6–57 *Mandatory.* Nonconductive containers with tight-fitting covers shall be used to transport or carry capped fuses and electric detonators to blasting sites.

55.6–58 through 55.6–74 [Reserved]

USE

55.6–90 through 55.6–99 [Reserved]

55.6–100 *Mandatory.* Tamping poles shall be blunt and squared at one end and made of wood, nonsparking material, or of special plastic acceptable to the Bureau of Mines.

55.6–101 through 55.6–109 [Reserved]

55.6–110 *Mandatory.* Fuses shall be cut and capped in safe, dry locations posted with "No Smoking" signs.

55.6–111 *Mandatory.* Blasting caps shall be crimped to fuses only with implements designed for that specific purpose.

55.6–112 through 55.6–114 [Reserved]

55.6–115 A safe interval of time should be allowed to light a round and evacuate the blasting area.

55.6–116 and 55.6–117 [Reserved]

55.6–118 Timing should be such that the fuse in the last hole to fire is burning within the hole before the first hole fires.

55.6–119 and 55.6–120 [Reserved]

55.6–121 Completely wired rounds should be tested with a blasting galvanometer before connections are made to the blasting line.

55.6–122 *Mandatory.* Permanent blasting lines shall be properly supported, insulated, and kept in good repair.

55.6–123 and 55.6–124 [Reserved]

55.6–125 *Mandatory.* If branch circuits are used when blasts are fired from power circuits, safety switches located at safe distances from the blast areas shall be provided in addition to the main blasting switch.

55.6–126 [Reserved]

55.6–127 *Mandatory.* Blasting switches shall be locked in the open position, except when closed to fire and blast. Lead wires

shall not be connected to the blasting switch until the shot is ready to be fired.

55.6–128 [Reserved]

55.6–129 *Mandatory.* Electric circuits from the blasting switches to the blast area shall not be grounded.

55.6–130 At least a 5-foot air gap should be provided between the blasting circuit and the power circuit.

55.6–131 Power sources should be suitable for the number of electric detonators to be fired and for the type of circuits used.

55.6–132 through 55.6–165 [Reserved]

55.6–166 *Mandatory.* All detonating-cord knots shall be tight and all connections shall be kept at right angles to the trunklines.

55.6–167 through 55.6–174 [Reserved]

SENSITIZED AMMONIUM NITRATE BLASTING AGENTS

55.6–190 through 55.6–193 [Reserved]

55.6–194 *Mandatory.* Pneumatic loading equipment shall not be grounded to waterlines, air lines, rails, or the permanent electrical grounding systems.

55.6–195 through 55.6–197 [Reserved]

§ 55.7 Drilling.

55.7–1 and 55.7–2 [Reserved]

55.7–3 *Mandatory.* The drilling area shall be inspected for hazards before starting the drilling operations.

55.7–4 and 55.7–5 [Reserved]

55.7–6 Receptacles or racks should be provided for drill steel stored on drills.

55.7–7 Tools and other objects should not be left loose on the mast or drill platform.

55.7–8 [Reserved]

55.7–9 The drill helper, when used, should be in sight of the operator at all times while the drill is being moved to a new location.

55.7–10 *Mandatory.* In the event of power failure, drill controls shall be placed in the neutral position until power is restored.

55.7–11 *Mandatory.* The drill stem shall be resting on the bottom of the hole or on the platform with the stem secured to the mast before attempts are made to straighten a crossed cable on a reel.

55.7–12 *Mandatory.* While in operation, drills shall be attended at all times.

55.7–13 [Reserved]

55.7–14 Men operating or working near jackhammers or jackleg drills and other drilling machines should position themselves so that they will not be struck or lose their balance if the drill steel breaks or sticks.

55.7–15 Men should not drill from positions that hinder their access to the control levers, or from insecure footing or staging, or from atop equipment not designed for this purpose.

55.7–16 through 55.7–24 [Reserved]

§ 55.8 Rotary jet piercing.

55.8–1 Jet drills should be provided with:

(a) A system to pressurize operators cabs;

(b) A protective cover over the oxygen flow indicator.

55.8–2 *Mandatory.* Safety chains or other suitable locking devices shall be provided across connections to and between high pressure oxygen hose lines of 1-inch inside diameter or larger.

55.8–3 *Mandatory.* A suitable means of protection shall be provided for the employee when lighting the burner.

55.8–4 With equipment requiring refueling at locations other than fueling stations, a system for fueling from the ground without spill should be provided.

55.8–5 *Mandatory.* Men shall not smoke and open flames shall not be used in the vicinity of the oxygen storage and supply lines. Signs warning against smoking and open flames shall be posted in these areas.

§ 55.9 Loading, hauling, dumping.

55.9–1 and 55.9–2 [Reserved]

55.9–3 *Mandatory.* Powered mobile equipment shall be provided with adequate brakes.

55.9–4 Powered mobile haulage equipment should be provided with audible warning devices. Lights should be provided on both ends when required.

55.9–5 *Mandatory.* Operators shall be certain by signal or other means, that all persons are clear before starting or moving equipment.

55.9–6 and 55.9–7 [Reserved]

55.9–8 Adequate protection should be provided at dumping locations where men may be endangered by falling material.

55.9–9 *Mandatory.* Operators shall sound warning before starting trains, when trains approach crossings or other trains on adjacent tracks, and where vision is obscured.

55.9–10 Operators' cabs should be constructed to permit operators to see without straining and should be reasonably comfortable.

55.9–11 *Mandatory.* Cab windows shall be of safety glass or equivalent, in good condition and shall be kept clean.

55.9–12 *Mandatory.* Cabs of mobile equipment shall be kept free of extraneous materials.

55.9–13 *Mandatory.* Adequate backstops or brakes shall be installed on inclined-conveyor drive units to prevent conveyors from running in reverse if a hazard to personnel would be caused.

55.9–14 *Mandatory.* No person shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the belt is specifically designed for the transportation of persons.

55.9–15 [Reserved]

55.9–16 Roadbeds, rails, joints, switches, frogs, and other elements on railroads should be designed, installed, and maintained in a safe manner consistent with the speed and type of haulage.

55.9–17 Equipment operating speeds should be prudent and consistent with conditions of roadway, grades, clearance, visibility, traffic, and the type of equipment used.

55.9–18 Dust control measures should be taken where dust significantly reduces visibility of equipment operators.

55.9–19 and 55.9–20 [Reserved]

55.9–21 Vehicles should follow at a safe distance; passing should be limited to areas of adequate clearance and visibility.

55.9–22 [Reserved]

55.9–23 *Mandatory.* Trackless haulage equipment shall be operated under power control at all times.

55.9–24 *Mandatory.* Mobile equipment operators shall have full control of the equipment while it is in motion.

55.9–25 *Mandatory.* Dippers, buckets, loading booms, or heavy suspended loads shall not be swung over the cabs of haulage vehicles until the drivers are out of the cabs and in safe locations, unless the trucks are designed specifically to protect the drivers from falling material.

55.9–26 [Reserved]

55.9–27 *Mandatory.* When an operator is present, men shall notify him before getting on or off equipment.

55.9–28 *Mandatory.* Switch throws shall be installed so as to provide adequate clearance for switchmen.

55.9–29 Operators should sit facing the direction of travel while operating equipment with dual controls.

55.9–30 *Mandatory.* Men shall not work or pass under the buckets or booms of loaders in operation.

55.9–31 *Mandatory.* When traveling between work areas, the equipment shall be secured in the travel position.

55.9–32 *Mandatory.* Dippers, buckets, scraper blades, and similar movable parts shall be secured or lowered to the ground when not in use.

55.9–33 and 55.9–34 [Reserved]

55.9–35 Movements of two or more pieces of rail equipment operating independently on the same track should be regulated by an efficient signal block, telephone, or radio system; movements on complex haulage systems should be adequately controlled.

55.9–36 through 55.9–38 [Reserved]

55.9–39 *Mandatory.* Men shall not get on or off moving equipment, except that trainmen may get on or off of slowly moving trains.

55.9–40 *Mandatory.* Men shall not ride on top of loaded haulage equipment.

55.9–41 *Mandatory.* Only authorized persons shall be permitted to ride on trains or locomotives and they shall ride in a safe position.

55.9–42 Rocker-bottom or bottom-dump cars should be equipped with positive locking devices.

55.9–43 *Mandatory.* Men shall not ride outside the cabs and beds of mobile equipment.

55.9–44 [Reserved]

55.9–45 *Mandatory.* Equipment which is to be hauled shall be loaded and protected so as to prevent sliding or spillage.

55.9–46 [Reserved]

55.9–47 *Mandatory.* Parked railcars, unless held effectively by brakes shall be blocked securely.

55.9–48 [Reserved]

55.9–49 Long material should be transported by a method designed to prevent any overhang from creating a hazard.

55.9–50 *Mandatory.* Railcars shall not be left on side tracks unless ample clearance is provided for traffic on adjacent tracks.

55.9–51 *Mandatory.* Persons shall not go over, under, or between cars unless the train is stopped and the motorman has been notified and the notice acknowledged.

55.9–52 [Reserved]

55.9–53 Dumping locations and haulage roads should be kept reasonably free of water, debris, and spillage.

55.9–54 [Reserved]

55.9–55 Where the ground at a dumping place may fail to support the weight of a loaded dump truck, trucks should be dumped back from the edge of the bank.

55.9–56 Where necessary, bumper blocks or the equivalent should be provided at all track dead ends.

55.9–57 Grizzlies, grates, and other sizing devices at dump and transfer points should be anchored securely in place.

55.9–58 *Mandatory.* If truck spotters are used, they shall be well in the clear while trucks are backing into dumping positions and dumping; lights shall be used at night to direct trucks.

55.9–59 *Mandatory.* Public and permanent railroad crossings shall be posted with warning signs or signals, or shall be guarded when trains are passing and shall be planked or otherwise filled between the rails.

55.9–60 *Mandatory.* Where overhead clearance is restricted, warning devices shall be installed and the restricted area shall be conspicuously marked.

55.9–61 and 55.9–62 [Reserved]

55.9–63 Ramps and dumps should be of solid construction, of ample width, have ample side clearance and headroom, and be kept reasonably free of spillage.

55.9–64 through 55.9–66 [Reserved]

55.9–67 *Mandatory.* Facilities used to transport men to and from work areas shall not be overcrowded.

55.9–68 through 55.9–70 [Reserved]

55.9–71 Traffic rules, signals, and warning signs should be standardized at each mine and posted.

55.9–72 through 55.9–82 [Reserved]

55.9–83 *Mandatory.* Where possible at least 30 inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks; all places where it is not possible to provide 30-inch clearance shall be marked conspicuously.

55.9–84 and 55.9–85 [Reserved]

55.9–86 Any load extending more than 4 feet beyond the rear of the vehicle body should be marked clearly with a red flag by day and a red light at night.

55.9–87 through 55.9–94 [Reserved]

§ 55.10 Aerial tramways.

55.10–1 Buckets should not be overloaded, and feed should be regulated to prevent spillage.

55.10–2 Carriers, including loading and unloading mechanisms, should be inspected each shift; brakes should be inspected daily; ropes and supports should be inspected as recommended by the manufacturer or as physical conditions warrant. Records of rope maintenance and inspections should be kept.

55.10–3 *Mandatory.* Any hazardous defects shall be corrected before the equipment is used.

55.10–4 Positive-action-type brakes should be provided on aerial tramways.

55.10–5 Track cable connections should be designed to offer minimum obstruction to the passage of wheels.

55.10–6 Guards should be installed to prevent swaying buckets from hitting towers.

55.10–7 [Reserved]

55.10–8 *Mandatory.* Persons other than maintenance men shall not ride aerial tramways unless the following features are provided:

(a) Two independent brakes, each capable of holding the maximum load;

(b) Direct communication between terminals;

(c) Power drives with emergency power available in case of primary power failure;

(d) Buckets equipped with positive locks to prevent accidental tripping or dumping.

55.10–9 *Mandatory.* Men shall not ride loaded buckets.

55.10–10 *Mandatory.* Where possible, aerial tramways shall not be started until the operator has ascertained that everyone is in the clear.

§ 55.11 Travelways.

55.11–1 *Mandatory.* Safe means of access shall be provided and maintained to all working places.

55.11–2 *Mandatory.* Crossovers, elevated walkways, elevated ramps, and stairways shall be of substantial construction, provided with handrails, and maintained in good condition. Where necessary, toeboards shall be provided.

55.11–3 *Mandatory.* Ladders shall be of substantial construction and maintained in good condition.

55.11–4 Portable straight ladders should be provided with nonslip bases, should be placed against a safe backing, and set on secure footing.

55.11–5 *Mandatory.* Fixed ladders shall be anchored securely and installed to provide at least 3 inches of toe clearance.

55.11–6 *Mandatory.* Fixed ladders shall project at least 3 feet above landings, or substantial handholds shall be provided above the landings.

55.11–7 [Reserved]

55.11–8 Ladderways, stairways, walkways, and ramps should be kept free of loose rock and extraneous materials.

55.11–9 *Mandatory.* Railed walkways shall be provided wherever persons are regularly required to walk alongside conveyor belts. Inclined railed walkways shall be nonskid or provided with cleats.

55.11–10 [Reserved]

55.11–11 Men climbing or descending ladders should face the ladders and have both hands free for climbing.

55.11–12 *Mandatory.* Openings above, below, or near travelways through which men or materials may fall shall be protected by railings, barriers, or covers. Where it is impractical to install such protective devices, adequate warning signals shall be installed.

55.11–13 *Mandatory.* Crossovers shall be provided where it is necessary to cross conveyors.

55.11–14 *Mandatory.* Moving conveyors shall be crossed only at designated crossover points.

55.11–15 Slippery walkways should be provided with cleats and handrails and/or ropes.

55.11–16 *Mandatory.* Regularly used walkways and travelways shall be sanded, salted, or cleared of snow and ice as soon as practicable.

55.11–17 Fixed ladders should not incline backwards at any point unless provided with backguards.

55.11–18 through 55.11–24 [Reserved]

55.11–25 Fixed ladders should be offset and have substantial railed landings at least every 30 feet unless backguards are provided.

55.11–26 Steep fixed ladders (70° to 90° from the horizontal), 30 feet or more in length, should be provided with backguards, cages, or equivalent protection, starting at a point not more than 7 feet from the bottom of the ladder.

55.11–27 *Mandatory.* Scaffolds and working platforms shall be of substantial construction and provided with handrails and maintained in good condition. Floor boards shall be laid properly and the scaffolds and working platform shall not be overloaded. Working platforms shall be provided with toeboards when necessary.

55.11–28 through 55.11–34 [Reserved]

§ 55.12 Electricity.

55.12–1 through 55.12–3 [Reserved]

55.12–4 Power wires and cables should have adequate current-carrying capacity and should be protected from mechanical injury.

55.12–5 Neither crawler-mounted nor rubber-tired equipment should run over trailing cables, unless the cables are properly bridged or protected.

55.12–6 Distribution boxes should be provided with disconnect switches.

55.12–7 *Mandatory.* Trailing-cable and power-cable connections to junction boxes shall not be made or broken under load.

55.12–8 Power wires and cable should be insulated adequately where they pass into or out of electrical compartments.

55.12–9 [Reserved]

55.12–10 Telephone and low-potential electric signal wires should be protected from contacting energized powerlines.

55.12–11 *Mandatory.* High-potential transmission cables shall be covered, insulated, or placed according to acceptable electrical codes to prevent contact with low-potential circuits.

55.12–12 The potential on bare signal wires accessible to personal contact should not exceed 40 volts.

55.12–13 Splices in power cables, including ground conductors, where provided, should be:

(a) Mechanically strong with adequate electrical conductivity;

(b) Effectively insulated and sealed to exclude moisture;

(c) Provided with mechanical protection and electrical conductivity as near as possible to that of the original.

55.12–14 *Mandatory.* Shovel trailing cables shall not be moved with the shovel dipper unless cable slings or sleds are used.

55.12–15 through 55.12–17 [Reserved]

55.12–18 *Mandatory.* Principal power switches shall be labeled to show which units they control, unless identification can be made readily by location.

55.12–19 and 55.12–20 [Reserved]

55.12–21 *Mandatory.* Suitable danger signs shall be posted at all major electrical installations.

55.12–22 [Reserved]

55.12–23 *Mandatory.* Electrical connections and resistor grids that are difficult or impractical to insulate shall be guarded, unless protection is provided by location.

55.12–24 Reverse-current protection should be provided at storage-battery charging stations.

55.12–25 *Mandatory.* All metal enclosing or encasing electrical circuits shall be grounded or provided with equivalent protection. This requirement does not apply to battery-operated equipment.

55.12–26 *Mandatory.* Metal fencing and metal buildings enclosing transformers and switchgear shall be grounded.

55.12–27 *Mandatory.* Frame grounding or equivalent protection shall be provided for mobile equipment powered through trailing cables.

55.12–28 *Mandatory.* Continuity and resistance of grounding systems shall be tested immediately after installation.

55.12–29 Electric equipment and wiring should be inspected by a competent person as often as necessary to assure safe operating conditions.

55.12–30 *Mandatory.* When a potentially dangerous condition is found it shall be corrected before equipment or wiring is energized.

55.12–31 [Reserved]

55.12–32 Inspection and cover plates on electrical equipment should be kept in place at all times except during testing or repairs.

55.12–33 *Mandatory.* Hand-held electric tools shall not be operated at high potential voltages.

55.12–34 Portable extension lights and other lights that may present a shock or burn hazard should be guarded.

55.12–35 Lamp sockets exposed to the weather should be of a weather-proof type.

55.12–36 [Reserved]

55.12–37 *Mandatory.* Fuse tongs or hot line tools shall be used when fuses are removed or replaced in high-potential circuits.

55.12–38 Trailing cables should be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections.

55.12–39 Surplus trailing cables to shovels, cranes, and similar equipment should be stored in cable boats or on reels mounted on the equipment or otherwise protected from mechanical damage.

55.12–40 *Mandatory.* Operating controls shall be installed so that they can be operated without danger of contact with energized conductors.

55.12–41 *Mandatory.* Switches and starting boxes shall be of safe design and capacity.

55.12–42 and 55.12–43 [Reserved]

55.12–44 Lightning-arrester grounds should be connected to earth at least 10 feet from the track or mine return circuit.

55.12–45 *Mandatory.* Overhead high-potential powerlines shall be installed as specified by the National Electrical Code.

55.12–46 and 55.12–47 [Reserved]

55.12–48 *Mandatory.* Telegraph, telephone, or signal wires shall not be installed on the same crossarm with power conductors. When carried on poles supporting powerlines, they shall be installed as specified by the National Electrical Code.

55.12–49 Men should not stand on the ground in the vicinity of an electrically powered shovel or other similar heavy equipment during an electrical storm.

55.12–50 through 55.12–53 [Reserved]

55.12–54 Tools and supplies should be carried in the hands and not on the shoulders when men travel near bare power conductors.

55.12–55 through 55.12–64 [Reserved]

55.12–65 *Mandatory.* Powerlines, including trolley wires, and telephone circuits shall be protected against short circuits and lightning.

55.12–66 *Mandatory.* Where metallic tools or equipment can come in contact with trolley wires or bare powerlines, the lines shall be guarded or deenergized.

55.12–67 *Mandatory.* Transformers shall be totally enclosed, or shall be placed at least 8 feet above the ground, or installed in a transformer house, or surrounded by a substantial fence at least 6 feet high and at least 3 feet from any energized parts, casings, or wiring.

55.12–68 through 55.12–79 [Reserved]

§ 55.13 Compressed air and boilers.

General

55.13–1 *Mandatory.* All boilers and pressure vessels shall be constructed, installed, and maintained in accordance with the standards and specifications of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

55.13–2 through 55.13–9 [Reserved]

Compressed Air

55.13–10 Air compressors should be equipped with automatic temperature-activated shutoff mechanisms set for 400° F., or with fusible plugs installed in the compressor discharge lines as near the compressors as possible. Fusible plugs should melt at temperatures 50° less than the flash points of the lubricating oils.

55.13–11 Compressors and compressed-air receivers should be equipped with automatic pressure-release valves, pressure gauges, and drain valves.

55.13–12 Compressor air intakes should be installed to insure that only clean, uncontaminated air enters the compressors.

55.13–13 [Reserved]

55.13–14 Compressed-air receivers should have inspection openings which should be manholes when the tanks are over 36 inches in diameter.

55.13–15 [Reserved]

55.13–16 Compressors should be operated and lubricated in accordance with the manufacturer's recommendations.

55.13–17 Compressor discharge pipes should be cleaned periodically.

55.13–18 [Reserved]

55.13–19 *Mandatory.* Repairs involving the pressure system of compressors, receivers, or compressed-air-powered equipment shall not be attempted until the pressure has been bled off.

55.13–20 *Mandatory.* At no time shall compressed air be directed toward a person. When compressed air is used, all necessary precautions shall be taken to protect persons from injury.

55.13–21 through 55.13–29 [Reserved]

Boilers

55.13–30 Boilers should be equipped with guarded, well-maintained water gages and pressure gages placed so that they can be observed easily. Water gages and pipe passages to the gages should be kept clean and free of scale and rust.

55.13–31 [Reserved]

55.13–32 Boiler installations should be provided with safety devices, acceptable to the Bureau of Mines, to protect against hazards of flame-outs, fuel interruptions, and low water level.

55.13–33 Blowoff valves should be piped outside the building and should have outlets so located or protected that persons passing by, near, or under them will not be scalded.

55.13–34 Boilers should be inspected internally at least once a year by licensed inspectors; records of such inspections should be kept.

§ 55.14 Use of equipment.

Guards

55.14–1 through 55.14–3 [Reserved]

55.14–4 Openings where conveyors pass through walls or floors should be guarded.

55.14–5 Protruding set screws on revolving parts should be guarded.

55.14–6 *Mandatory.* Except when testing the machinery, guards shall be securely in place while machinery is being operated.

55.14–7 Guards should be sufficiently strong and maintained to provide the required protection.

55.14–8 *Mandatory.* Stationary grinding machines other than special bit grinders shall be equipped with:

(a) Peripheral hoods (less than 90° throat opening) capable of withstanding the force of a bursting wheel;

(b) Adjustable tool rests set as close as practical to the wheel;

(c) Safety washers.

55.14–9 *Mandatory.* Grinding wheels shall be operated within the specifications of the manufacturer of the wheel.

55.14–10 *Mandatory.* Hand-held power tools, other than rock drills; shall be equipped with controls requiring constant hand or finger pressure to operate the tools or shall be equipped with friction or other equivalent safety devices.

55.14–11 Guards or shields should be provided in areas where flying or falling materials present a hazard.

55.14–12 and 55.14–13 [Reserved]

55.14–14 *Mandatory.* Face shields or goggles, in good condition, shall be worn when operating a grinding wheel.

55.14–15 through 55.14–24 [Reserved]

Methods and Procedures

55.14–25 Machinery and equipment should be maintained properly.

55.14–26 and 55.14–27 [Reserved]

55.14–28 Adequate clearance should be provided at machine installations.

55.14–29 *Mandatory.* Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery-motion is necessary to make adjustments.

55.14–30 *Mandatory.* Men shall not work on or from a piece of mobile equipment in a raised position until it has been blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile-work-platforms.

55.14–31 *Mandatory.* Drive belts shall not be shifted while in motion unless the machines are provided with mechanical shifters.

55.14–32 *Mandatory.* Belts, chains, and ropes shall not be guided onto power-driven moving pulleys, sprockets, or drums with the hands except on slow-moving equipment especially designed for hand-feeding.

55.14–33 [Reserved]

55.14–34 *Mandatory.* Belt dressing shall not be applied manually while belts are in motion unless an aerosol-type dressing is used.

55.14–35 *Mandatory.* Machinery shall not be lubricated while in motion where a hazard exists, unless equipped with extended fittings or cups.

55.14–36 Tools and equipment should be used only for the purpose and within the capacity for which they were intended and designed.

55.14–37 through 55.14–54 [Reserved]

§ 55.15 Personal protection.

55.15–1 *Mandatory.* Adequate first-aid materials, including stretchers and blankets, shall be provided at places convenient to all working areas. Water or neutralizing agents shall be available where corrosive chemicals or other harmful substances are stored, handled, or used.

55.15–2 through 55.15–7 [Reserved]

55.15–8 Snug-fitting clothing should be worn around moving equipment and machinery.

55.15–9 Protective gloves should be worn by employees handling materials which may cause injury.

55.15–10 Gloves should not be worn where they could create a hazard by becoming entwined or caught in moving parts of machinery.

55.15–11 through 55.15–20 [Reserved]

§ 55.16 Materials storage and handling.

55.16–1 Materials should be stored and stacked in a manner which minimizes stumbling or fall-of-material hazards.

55.16–2 Men working on surge piles or storage piles should not walk or stand immediately above a reclaiming area during reclaiming.

55.16–3 *Mandatory.* Materials that can create hazards if accidentally liberated from their containers shall be stored in a manner that minimizes the dangers.

55.16–4 [Reserved]

55.16–5 *Mandatory.* Compressed and liquid gas cylinders shall be secured in a safe manner.

55.16–6 *Mandatory.* Valves on compressed gas cylinders shall be protected by covers when being transported or stored, and by a safe location when the cylinders are in use.

55.16–7 Hitches and slings used to hoist materials should be designed and used properly for the particular material handled.

55.16–8 [Reserved]

55.16–9 *Mandatory.* Men shall stay clear of suspended loads.

55.16–10 [Reserved]

55.16–11 *Mandatory.* Men shall not ride on loads being moved by cranes or derricks, nor shall they ride the hoisting hooks unless such method eliminates a greater hazard.

55.16–12 Substances that react violently or liberate dangerous fumes when mixed should be stored in such a manner that they cannot come in contact with each other.

55.16–13 Only men wearing protective equipment should stand near pots or ladles when molten material is being handled; warning should be given before a pour is made or the pot is moved.

55.16–14 *Mandatory.* Operator-carrying overhead cranes shall be provided with:

(a) Bumpers at each end of each rail;

(b) Automatic switches to halt uptravel of the blocks before they strike the hoist;

(c) Effective audible warning signals within easy reach of the operator;

(d) A means to lockout the disconnect switch.

55.16–15 [Reserved]

55.16–16 Forklift trucks should be moved with the load in a low position and should descend ramps with the load behind.

55.16–17 through 55.16–34 [Reserved]

§ 55.17 Illumination.

55.17–1 *Mandatory.* Illumination sufficient to provide safe working conditions shall be provided in and on all surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and work areas.

55.17–2 through 55.17–9 [Reserved]

§ 55.18 Safety programs.

55.18–1 The employer should establish a definite, effective, and continually functioning safety program and make every attempt to prevent accidents and increase safety. Employees should actively participate in the safety program.

55.18–2 and 55.18–3 [Reserved]

55.18–4 Company safety regulations pertinent to the various operations should be published or posted for employee information.

55.18–5 [Reserved]

55.18–6 *Mandatory.* New employees shall be indoctrinated in safety rules and safe work procedures.

55.18–7 [Reserved]

55.18–8 Each working place should be visited by a supervisor or a designated person at least once each shift and more frequently as necessary to insure that work is being done in a safe manner.

55.18–9 [Reserved]

55.18–10 Selected supervisors should be trained in first aid. First aid training should be made available to all employees.

55.18–11 [Reserved]

55.18–12 *Mandatory.* Emergency telephone numbers shall be posted at appropriate telephones.

55.18–13 Where telephone service is not available, emergency communications should be provided to the nearest point of assistance.

55.18–14 *Mandatory.* Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons.

55.18–15 through 55.18–24 [Reserved]

§ 55.19 Man hoisting.

The hoisting standards in this section apply to those hoists and appurtenances used for hoisting men. However, where men may be endangered by hoists and appurtenances used solely for handling ore, rock, and materials, the appropriate standards should be applied.

Hoists

55.19–1 *Mandatory.* Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used.

55.19–2 *Mandatory.* Hoists shall be anchored securely.

55.19–3 *Mandatory.* Belt, rope, or chains shall not be used to connect driving mechanisms to man hoists.

55.19–4 *Mandatory.* Any hoist used to hoist men shall be equipped with a brake or brakes which shall be capable of holding its fully loaded cage, skip, or bucket at any point in the shaft.

55.19–5 *Mandatory.* The operating mechanism of the clutch of every man-hoist drum shall be provided with a locking mechanism, or interlocked electrically or mechanically with the brake to prevent accidental withdrawal of the clutch.

55.19–6 *Mandatory.* Automatic hoists shall be provided with devices that automatically apply the brakes in the event of power failure.

55.19–7 *Mandatory.* Man hoists shall be provided with devices to prevent overtravel and overspeed.

55.19–8 Friction hoists should be provided with synchronizing mechanisms that recalibrate the overtravel devices and position indicators to correct for rope creep or stretch.

55.19–9 [Reserved]

55.19–10 *Mandatory.* Hoist controls shall be placed or housed so that the noise from machinery or other sources will not prevent hoistmen from hearing signals.

55.19–11 [Reserved]

55.19–12 Where grooved drums are used, the grooves should be of the proper size and pitch for the ropes used.

55.19–13 through 55.19–19 [Reserved]

Wire Rope

55.19–20 The United States of America Standards Institute specifications cited in "Wire Rope for Mines," M11.1—1960, or the latest revision thereof, should be used as a guide in the selection, installation, and maintenance of wire ropes used for hoisting, except in those instances where the recommendations cited herein are more stringent.

55.19–21 *Mandatory.* The following static-load safety factors shall be used for selecting ropes to be used for hoisting men and for determining when such ropes shall be removed from man hoists:

Length of rope in shaft (feet)	Minimum factor of safety (new rope)	Minimum factor of safety (remove)
500 or less	8	6.4
501–1,000	7	5.8
1,001–2,000	6	5.0
2,001–3,000	5	4.3
3,001 or more	4	3.6

55.19–22 At least three wraps of rope should be left on the drum when the conveyance is at the bottom of the hoistway. This provision does not apply to friction hoists.

55.19–23 and 55.19–24 [Reserved]

55.19–25 New ropes should be broken in, in accordance with the manufacturer's recommendations.

55.19–26 Corrosion of hoist ropes at the attachment of safety connections should be minimized by the design of the attachment devices and by lubrication.

55.19–27 Where possible, conveyances attached to single ropes used to hoist men should be provided with secondary safety connections.

55.19–28 through 55.19–34 [Reserved]

Headframes and Sheaves

55.19–35 Headframes should be designed and constructed to withstand pulls by the hoists greater than the breaking strengths of the hoist ropes.

55.19–36 [Reserved]

55.19–37 Fleet angles should not exceed 1½ degrees.

55.19–38 *Mandatory.* Platforms with toeboards and handrails shall be provided around elevated head sheaves.

55.19–39 Diameters of head sheaves and hoist drums should conform to the following specifications:

Rope construction	Diameter of sheave and drum	
	Recommended	Minimum
	Times rope diameter	*Times rope diameter*
6 x 7 classification	72	42
6 x 19	45	30
6 x 37	27	18
6 x 25 type B, flattened strand	45	30
6 x 27 type H, flattened strand	45	30
6 x 30 type G, flattened strand	45	30
18 x 7 classification	51	34

55.19–40 Head, idler, knuckle, and curve sheaves should have grooves that support the ropes properly. Before installing new ropes, the grooves should be inspected and where necessary machined to the proper contour and the proper groove diameter.

55.19–41 through 55.19–44 [Reserved]

Conveyances

55.19–45 *Mandatory.* Man cages and skips used for hoisting or lowering employees or other persons in any vertical shaft or any incline-shaft with an angle of inclination of forty-five (45) degrees from the horizontal, shall be covered with a metal bonnet.

55.19–46 through 55.19–48 [Reserved]

55.19–49 *Mandatory.* Buckets shall not be used to hoist men except during shaft sinking operations, inspection, maintenance, and repairs.

55.19–50 *Mandatory.* Buckets used to hoist men during shaft sinking operation shall have:

(a) Crossheads equipped with safety catches and protective bonnets when the shaft depth exceeds 50 feet.

(b) Devices to prevent accidental dumping.

(c) Sufficient depth to transport men safely in a standing position.

55.19–51 through 55.19–54 [Reserved]

Hoisting Procedures

55.19–55 *Mandatory.* When a manually operated hoist is used, a qualified hoistman shall remain within hearing of the telephone or signal device at all times while any person is underground.

55.19–56 [Reserved]

55.19–57 Hoistmen should be physically fit and should undergo yearly examinations to determine their continued fitness; certification to this effect should be available at the mine.

55.19–58 *Mandatory.* Only experienced hoistmen shall operate the hoist except in cases of emergency and in the training of new hoistmen.

55.19–59 [Reserved]

55.19–60 Hoistmen should use extreme caution when hoisting or lowering men.

55.19–61 through 55.19–64 [Reserved]

55.19–65 *Mandatory.* Conveyances shall not be lowered by the brakes alone except during emergencies.

55.19–66 Management should designate the maximum number of men permitted to ride on a trip at one time; this limit should be posted on each landing.

55.19–67 Authorized persons should be in charge of all man trips.

55.19–68 Men should enter, ride, and leave conveyances in an orderly manner.

55.19–69 *Mandatory.* Men shall not enter or leave conveyances which are in motion or after a signal to move the conveyance has been given to the hoistman.

55.19–70 *Mandatory.* Cage doors or gates shall be closed while men are being hoisted; they shall not be opened until the cage has come to a stop.

55.19–71 *Mandatory.* Men shall not ride in skips or buckets with muck, supplies, materials, or tools other than small hand tools.

55.19–72 When combinations of cages and skips are used, the skips should be empty while men are being transported.

55.19–73 *Mandatory.* Rock or supplies shall not be hoisted in the same shaft as men during shift changes, unless the compartments and dumping bins are partitioned to prevent spillage into the cage compartment.

55.19–74 Men should not ride the bail, rim, or bonnet of any shaft conveyance, except where necessary for the inspection and maintenance of the shaft and lining.

55.19–75 *Mandatory.* Open hooks shall not be used to hoist buckets or other conveyances.

55.19–76 When men are hoisted, bucket speeds should not exceed 500 feet a minute,

and should not exceed 200 feet a minute when within 100 feet of a landing.

55.19-77 *Mandatory.* Buckets shall be stopped about 15 feet from the shaft bottom to await a signal from one of the crew on the bottom for further lowering.

55.19-78 Buckets should be stopped after being raised 3 feet when men are hoisted from the bottom; a second hoisting signal should be given after the bucket has been stabilized. Hoisting should be at a minimum speed and the bellcord should be attended constantly until the crosshead has been engaged.

55.19-79 *Mandatory.* Where mine cars are hoisted by cage or skip, means for blocking cars shall be provided at all landings and also on the cage.

55.19-80 *Mandatory.* When tools, timbers, or other materials are being lowered or raised in a shaft by means of a bucket, skip, or cage, they shall be secured or so placed that they will not strike the sides of the shaft.

55.19-81 Conveyances not in use should be released and raised or lowered at least 10 feet from the floor of the landing.

55.19-82 through 55.19-89 [Reserved]

SIGNALING

55.19-90 *Mandatory.* There shall be at least two effective approved methods of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

55.19-91 Hoistmen should not accept hoisting instructions by telephone unless the regular signaling systems are out or order. During such an emergency one person should be designated to direct movement of the conveyance.

55.19-92 and 55.19-93 [Reserved]

55.19-94 *Mandatory.* A legible signal code shall be posted prominently in the hoist house within easy view of the hoistman, and at each place where signals are given or received.

55.19-95 Hoisting signal devices should be maintained within easy reach of men on the shaft bottom during sinking operation.

55.19-96 *Mandatory.* Any person responsible for receiving or giving signals for cages, skips, and man trips when men or materials are being transported shall be familiar with the posted signaling code.

55.19-97 through 55.19-99 [Reserved]

SHAFTS

55.19-100 *Mandatory.* Shaft landings shall be equipped with substantial safety gates so constructed that materials will not go through or under them; gates shall be closed except when loading or unloading shaft conveyances.

55.19-101 *Mandatory.* Positive stopblocks or a derail switch shall be installed on all tracks leading to a shaft collar or landing.

55.19-102 Guides should be provided in each hoisting compartment in shafts inclined more than 45° from the horizontal.

55.19-103 Dumping facilities should be so constructed as to minimize spillage into the shaft.

55.19-104 Adequate clearance should be maintained at shaft stations to allow men to pass safely and to allow materials to be handled safely.

55.19-105 *Mandatory.* A safe means of passage around open shaft compartments shall be provided on landings with more than one entrance to the shaft.

55.19-106 Shaft timbers should be kept clean of rocks and other loose material.

55.19-107 *Mandatory.* Hoistmen shall be informed when men are working in a compartment affected by that hoisting operation and a "Men Working in Shaft" sign shall be posted at the hoist.

55.19-108 and 55.19-109 [Reserved]

55.19-110 *Mandatory.* A substantial bulkhead or equivalent protection shall be provided above men at work deepening a shaft.

55.19-111 Substantial fixed ladders should be maintained as near the shaft bottom as practical during shaft-sinking operations. Chain, wire rope, or other extension ladders should be used from the fixed ladder to the shaft bottom.

55.19-112 through 55.19-119 [Reserved]

INSPECTION AND MAINTENANCE

55.19-120 [Reserved]

55.19-121 Complete records should be kept of installation, lubrication, inspection, tests, and maintenance of shafts and hoisting equipment.

55.19-122 Parts used to repair hoists should have properties equal to or better than the original parts; replacement parts should be designed to fit the original installation.

55.19-123 Ropes should be kept well lubricated from end to end as recommended by the manufacturer.

55.19-124 and 55.19-125 [Reserved]

55.19-126 Ropes should be calipered at regular intervals as necessary to effectively determine the rate of wear and damage. Caliper measurements should be taken:

(a) Immediately above the socket or clips and above the safety connection;

(b) Where the ropes rest on the sheaves;

(c) Where the ropes leave the drums when the conveyances are at the regular stopping points;

(d) Where a layer of rope begins to overlap another layer on the drum.

55.19-127 Electromagnetic or other nondestructive rope testing systems should be used only as supplements to and not as substitutes for recommended inspections and tests.

55.19-128 *Mandatory.* Ropes shall not be used for hoisting when they have:

(a) More than six broken wires in any lay;

(b) Crown wires worn to less than 65 percent of the original diameter;

(c) A marked amount of corrosion or distortion;

(d) A combination of similar factors individually less severe than those above but which in aggregate might create an unsafe condition.

55.19-129 [Reserved]

55.19-130 Empty conveyances should be operated up and down shafts at least one round trip before hoisting men after any shaft or equipment repairs and before regular man trips are hoisted or lowered.

55.19-131 Rope and conveyance-connections to conveyances should be inspected daily.

55.19-132 Safety catches should be inspected daily; drop tests should be made at the time of installation. Every 2 months the cage should be rested on chairs or proper blocking to check the operation or activation of the safety catches by allowing the rope to slacken suddenly.

55.19-133 [Reserved]

55.19-134 Sheaves should be inspected daily and kept properly lubricated.

55.19-135 Rollers used in inclined shafts should be lubricated, properly aligned, and kept in good repair.

§ 55.20 Miscellaneous.

55.20-1 [Reserved]

55.20-2 *Mandatory.* Potable water shall be available to all employees during working hours.

55.20-3 Good housekeeping should be practiced in and around a mine.

55.20-4 Men should not engage in horseplay.

55.20-5 *Mandatory.* Carbon tetrachloride shall not be used.

55.20-6 Protruding nails which may cause injury should be removed or completely bent over.

55.20-7 Employees should be constantly alert to the potential of accidents on their jobs.

55.20-8 [Reserved]

55.20-9 *Mandatory.* Dusts suspected of being explosive shall be tested for explosibility. If tests prove positive, appropriate control measures shall be taken.

55.20-10 *Mandatory.* If failure of a water or silt retaining dam will create a hazard, it shall be of substantial construction and inspected at regular intervals.

55.20-11 through 55.20-29 [Reserved]

§ 55.22 Savings provision.

55.22-1 through 55.22-3 [Reserved]

[F.R. Doc. 69-8970; Filed, July 30, 1969; 8:45 a.m.]

PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

In Part II of the FEDERAL REGISTER of January 16, 1969 (34 F.R. 666), there was published a notice of proposed rulemaking setting forth proposed health and safety standards for sand, gravel, and crushed stone operations which are covered by the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772, 30 U.S.C. 721–740, Supp. IV, 1965–1968). The standards, which had been developed in conjunction with a Sand, Gravel, and Crushed Stone Operations Advisory Committee, were set forth in proposed new Part 56 of Title 30, Code of Federal Regulations. Interested persons were afforded a period of 60 days after the date of publication in which to submit comments and to request a public hearing on any proposed health and safety standard which was designated as a mandatory standard and which had not been recommended as a mandatory standard by the advisory committee. In the FEDERAL REGISTER of March 14, 1969 (34 F.R. 5258), there was published a notice extending to May 1, 1969, the time within which to submit comments. In the FEDERAL REGISTER of April 22, 1969 (34 F.R. 6737), there was published a notice that a review of the proposed standards as published on January 16, 1969, had disclosed errors of a substantive nature. The proposed Part 56 of Title 30, Code of Federal Regulations, was corrected and revised and interested persons were afforded a period of 30 days after the date of publication in which to submit comments respecting only the proposed standards affected by corrections.

Comments have been received with respect to many of the proposed standards. These standards, as well as certain proposed definitions respecting which there are questions, are being reviewed and analyzed preparatory to taking further action. Standards about which there were no comments or objections, or that did not include terms for which the definitions have been questioned, are now promulgated in Part 56 as Health and Safety Standards—Sand, Gravel, and Crushed Stone Operations, which as set forth below, is hereby added to Chapter I of Title 30 of the Code of Federal Regulations. In the interest of clarity and accuracy, technical changes have been made in the definitions of the terms "detonating fuse," "detonator," and "safety switch." Pursuant to section 22 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721, note, Supp. IV), section 8 and 9 (30 U.S.C. 727, 728, Supp. IV), and subsection (b) and paragraph (1) of subsection (a) of section 14 (30 U.S.C. 733, Supp. IV) of that Act will become effective with respect to the mandatory standards now promulgated 1 year after their publication in the FEDERAL REGISTER. Changes have been made in the numbering and the relative order of certain standards in this part to make them consistent, insofar as possible, with the numbering and relative order of the standards in Part 57, relating to metal and nonmetallic underground mines, as promulgated on this date. Consequently, standards that are identically stated in Parts 55, 56, and 57 now have identical numbers following the decimal. For example, the text of standard 55.4-2 is identical with that of 56.4-2 and with that of 57.4-2. These changes will assist mine operators to achieve uniform and efficient compliance with the health and safety standards applicable to their operations and they will similarly assist mine inspectors in the uniform and efficient inspection of mine conditions and mining operations to determine if there is compliance with those standards that are applicable. Moreover, the changes will greatly facilitate analysis, by use of data processing or by other means, of the effects of compliance with those standards on injury experience in the mining industry.

WALTER J. HICKEL,
Secretary of the Interior.

Sec.
56.1 Purpose and scope.
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AUTHORITY: The provisions of this Part 56 issued under sec. 6, Federal Metal and Nonmetallic Mine Safety Act, 80 Stat. 774; 30 U.S.C. 725.

§ 56.1 Purpose and scope.

The regulations in this part are promulgated pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) and prescribe health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in sand (including industrial sands), gravel and crushed stone operations which are subject to that Act. Each standard which is preceded by the word "Mandatory" is a mandatory standard. The violation of a mandatory standard will subject an operator to an order or notice under section 8 of the Act (30 U.S.C. 727).

§ 56.2 Definitions.

As used in this part:

"Approved" means tested and accepted for a specific purpose by a nationally recognized agency.

"Barricaded" means obstructed to prevent the passage of persons, vehicles, or flying materials.

"Blasting area" means the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury.

"Blasting caps" means a detonator containing a charge of detonating compound, which is ignited by electric current or by the spark of a fuse. Used for detonating explosives.

"Blasting circuit" means electric circuits used to fire electric detonators or to ignite an igniter cord by means of an electric starter.

"Blasting switch" means a switch used to connect a power source to a blasting circuit.

"Capped fuse" means a length of safety fuse to which a detonator has been attached.

"Combustible" means capable of being ignited and consumed by fire.

"Company official" means a member of the company supervisory or technical staff.

"Competent person" means a person having abilities and experience that fully qualify him to perform the duty to which he is assigned.

"Detonating cord" or "detonating fuse" means a flexible cord containing a core of high explosives.

"Detonator" means a device containing a small detonating charge that is used for detonating an explosive, including, but not limited to, blasting caps, exploders, electric detonators, and delay electric blasting caps.

"Distribution box" means a portable apparatus with an enclosure through which an electric circuit is carried to one or more cables from a single incoming feed line, each cable circuit being connected through individual overcurrent protective devices.

"Electric blasting cap" means a blasting cap designed for and capable of being initiated by means of an electric current.

"Electrical grounding" means to connect with the ground to make the earth part of the circuit.

"Employee" means a person who works for wages or salary in the service of an employer.

"Employer" means a person or organization which hires one or more persons to work for wages or salary.

"Face or bank" means that part of any mine where excavating is progressing or was last done.

"Flammable" means capable of being easily ignited and of burning rapidly.

"Flash point" means the minimum temperature at which sufficient vapor is released by a liquid or solid to form a flammable vapor-air mixture at atmospheric pressure.

"Highway" means any public street, public alley, or public road.

"High potential" means more than 650 volts.

"Hoist" means a power driven windlass or drum used for raising ore, rock, or other material from a mine, and for lowering or raising men and material.

"Igniter cord" means a fuse, cordlike in appearance, which burns progressively along its length with an external flame at the zone of burning, and is used for lighting a series of safety fuses in the desired sequence.

"Lay" means the distance parallel to the axis of the rope in which a strand makes one complete turn about the axis of the rope.

"Low potential" means 650 volts or less.

"Major electrical installation" means an assemblage of stationary electrical equipment for the generation, transmission, distribution, or conversion of electrical power.

"Man trip" means a trip on which men are transported to and from a work area.

"Mill" includes any ore mill, sampling works, concentrator, and any crushing, grinding, or screening plant used at, and in connection with, an excavation or mine.

"Misfire" means the complete or partial failure of a blasting charge to explode as planned.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a deposit of useful materials or ores that are to be mined.

"Permissible" means a machine, material, apparatus, or device that has been investigated, tested, and approved by the Bureau of Mines and maintained in permissible condition.

"Potable" means fit for drinking.

"Reverse-current protection" means a method or device used on direct-current circuits or equipment to prevent the flow of current in the reverse direction.

"Roll protection" means a framework safety canopy or similar protection for the operator when equipment overturns.

"Safety can" means an approved container, of not over five gallons capacity, having a spring-closing lid and spout cover.

"Safety fuse" means a train of powder enclosed in cotton, jute yarn, and waterproofing compounds, which burns at a uniform rate; used for firing a cap containing the detonating compound which in turn sets off the explosive charge.

"Safety switch" means a sectionalizing switch that also provides shunt protection in blasting circuits between the blasting switch and the shot area.

"Scaling" means removal of insecure material from a face or high-wall.

"Secondary safety connection" means a second connection between a conveyance and rope, intended to prevent the conveyance from running away or falling in the event the primary connection fails.

"Shaft" means a vertical or inclined shaft; a slope, incline or winze.

"Stray current" means that portion of a total electric current that flows through paths other than the intended circuit.

"Substantial construction" means construction of such strength, material, and workmanship that the object will withstand all reasonable shock, wear, and usage, to which it will be subjected.

"Suitable" means that which fits, and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

"Travelway" means a passage, walk or way regularly used and designated for persons to go from one place to another.

"Trip light" means a light displayed on the opposite end of a train from the locomotive or engine.

"Wet drilling" means the continuous application of water through the central hole of hollow drill steel to the bottom of the drill hole.

"Working place" means any place in or about a mine where work is being performed.

§ 56.3 Ground control.

56.3-1 through 56.3-2 [Reserved]

56.3-3 *Mandatory.* To ensure safe operation, the width and height of benches shall be governed by the type of equipment to be used and the operation to be performed.

56.3-4 through 56.3-11 [Reserved]

56.3-12 *Mandatory.* Men shall not work between equipment and the pit wall or bank where the equipment may hinder escape from falls or slides of the bank.

56.3-13 through 56.3-19 [Reserved]

§ 56.4 Fire prevention and control.

56.4-1 [Reserved]

56.4-2 *Mandatory.* Signs warning against smoking and open flames shall be posted so they can be readily seen in areas or places where fire or explosion hazards exist.

56.4-3 Areas surrounding flammable-liquid-storage tanks and electric substations and transformers should be kept free from grass (dry), weeds, underbrush, and other combusible materials for at least 25 feet in all directions.

56.4-4 *Mandatory.* Flammable liquids shall be stored in accordance with standards of the National Fire Protection Association or other recognized agencies approved by the Bureau of Mines. Small quantities of flammable liquids drawn from storage shall be kept in appropriately labeled safety cans.

56.4-5 Unburied flammable-liquid storage tanks should be mounted securely on firm foundations. Outlet piping should be provided with flexible connections or other special fittings to prevent adverse effects from tank settling.

56.4-6 Buildings or rooms in which oil, grease, flammable liquids, or similar flammable materials are stored should be of fire-resistant construction and well-ventilated.

56.4-7 Means should be provided to confine, remove, control, or drain away spilled or flowing flammable liquids.

56.4-8 *Mandatory.* Fuel lines shall be equipped with valves to cut off fuel at the source and shall be located and maintained to minimize fire hazards.

56.4-9 *Mandatory.* All heat sources, including lighting equipment, capable of producing combustion shall be insulated or isolated from combustible materials.

56.4-10 *Mandatory.* Power wires and cables shall be adequately insulated where they pass through doors or walls or where they present a fire hazard.

56.4-11 *Mandatory.* Abandoned electrical circuits shall be deenergized and isolated so that they cannot become energized inadvertently.

56.4-12 Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.

56.4-13 Materials such as oily waste and rags, which are subject to spontaneous combustion, should be placed in tightly covered metal containers until disposed of properly.

56.4-14 *Mandatory.* Solvents with flash points lower than 100° F. (38° C.) shall not be used for cleaning.

56.4-15 *Mandatory.* Solvents shall not be used near an open flame or other ignition source, or near any source of heat, or in an atmosphere that can elevate the temperature of the solvent above the flash point.

56.4-16 Drip pans should be provided to catch leakage or spillage when oil or flammable liquids are dispensed in a place or manner which may create a hazard.

56.4-17 Floors around drip pans should be covered with sand or other suitable noncombustible material and such sand or material should be replaced as necessary.

56.4-18 and 56.4-19 [Reserved]

56.4-20 *Mandatory.* Battery-charging stations shall be located in well-ventilated areas.

56.4-21 through 56.4-23 [Reserved]

56.4-24 Fire extinguishers should be:

(a) Of the appropriate type for the particular fire hazard involved;

(b) Adequate in number and size for the particular fire hazard involved;

(c) Replaced immediately with fully charged extinguishers after any discharge is made from the extinguisher;

(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations;

(e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Bureau of Mines.

56.4-25 through 56.4-28 [Reserved]

56.4-29 *Mandatory.* When welding or cutting near combustible materials, suitable precautions shall be taken to ensure that smoldering metal or sparks do not result in a fire.

56.4-30 and 56.4-31 [Reserved]

56.4-32 All employees should be instructed on current escape and evacuation plans, fire-alarm signals, and applicable procedures to be followed in case of fire.

56.4-33 [Reserved]

56.4-34 Belt conveyors in locations where fire would create a hazard to personnel should be provided with safety switches to stop the drive pulley automatically in the event of excessive slippage.

56.4-35 through 56.4-49 [Reserved]

§ 56.5 Air quality.

56.5-1 [Reserved]

56.5-2 *Mandatory.* Dust, gas, mist, and fume surveys shall be conducted as frequently as necessary to determine the adequacy of control measures.

§ 56.6 Explosives.

STORAGE

56.6-1 through 56.6-24 [Reserved]

56.6-119 and 56.6-120 [Reserved]

56.6-121 Completely wired rounds should be tested with a blasting galvanometer before connections are made to the blasting line.

56.6-122 *Mandatory.* Permanent blasting lines shall be properly supported, insulated, and kept in good repair.

56.6-123 and 56.6-124 [Reserved]

56.6-125 *Mandatory.* If branch circuits are used when blasts are fired from power circuits, safety switches located at safe distances from the blast areas shall be provided in addition to the main blasting switch.

56.6-126 [Reserved]

56.6-127 *Mandatory.* Blasting switches shall be locked in the open position, except when closed to fire the blast. Lead wires shall not be connected to the blasting switch until the shot is ready to be fired.

56.6-128 [Reserved]

56.6-129 *Mandatory.* Electric circuits from the blasting switches to the blast area shall not be grounded.

56.6-130 At least a 5-foot air gap should be provided between the blasting circuit and the power circuit.

56.6-131 Power sources should be suitable for the number of electric detonators to be fired and for the type of circuits used.

56.6-132 through 56.6-165 [Reserved]

56.6-166 *Mandatory.* All detonating-cord knots shall be tight and all connections shall be kept at right angles to the trunklines.

56.6-167 through 56.6-174 [Reserved]

SENSITIZED AMMONIUM NITRATE BLASTING AGENTS

56.6-190 through 56.6-193 [Reserved]

56.6-194 *Mandatory.* Pneumatic loading equipment shall not be grounded to waterlines, air lines, rails, or the permanent electrical grounding systems.

56.6-195 through 56.6-197 [Reserved]

§ 56.7 Drilling.

56.7-1 and 56.7-2 [Reserved]

56.7-3 *Mandatory.* The drilling area shall be inspected for hazards before starting the drilling operations.

56.7-4 and 56.7-5 [Reserved]

56.7-6 Receptacles or racks should be provided for drill steel stored on drills.

56.7-7 Tools and other objects should not be left loose on the mast or drill platform.

56.7-8 [Reserved]

56.7-9 The drill helper, when used, should be in sight of the operator at all times while the drill is being moved to a new location.

56.7-10 *Mandatory.* In the event of power failure, drill controls shall be placed in the neutral position until power is restored.

56.7-11 *Mandatory.* The drill stem shall be resting on the bottom of the hole or on the platform with the stem secured to the mast before attempts are made to straighten a crossed cable on a reel.

56.7-12 *Mandatory.* While in operation, drills shall be attended at all times.

56.7-13 [Reserved]

56.7-14 Men operating or working near jackhammers or jackleg drills and other drilling machines should position themselves so that they will not be struck or lose their balance if the drill steel breaks or sticks.

56.7-15 Men should not drill from positions that hinder their access to the control levers, or from insecure footing or staging, or from atop equipment not designed for this purpose.

56.7-16 through 56.7-24 [Reserved]

§ 56.8 Rotary jet piercing.

56.8-1 Jet drill should be provided with:

(a) A system to pressurize operators cabs;

(b) A protective cover over the oxygen flow indicator.

56.8-2 *Mandatory.* Safety chains or other suitable locking devices shall be provided across connections to and between high pressure oxygen hose lines of 1-inch inside diameter or larger.

56.8-3 *Mandatory.* A suitable means of protection shall be provided for the employee when lighting the burner.

56.8-4 With equipment requiring refueling at locations other than fueling stations, a system for fueling from the ground without spill should be provided.

56.8-5 *Mandatory.* Men shall not smoke and open flames shall not be used in the vicinity of the oxygen storage and supply lines. Signs warning against smoking and open flames shall be posted in these areas.

§ 56.9 Loading, hauling, dumping.

56.9-1 and 56.9-2 [Reserved]

56.9-3 *Mandatory.* Powered mobile equipment shall be provided with adequate brakes.

56.9-4 Powered mobile haulage equipment should be provided with audible warning devices. Lights should be provided on both ends when required.

56.9-5 *Mandatory.* Operators shall be certain, by signal or other means, that all persons are clear before starting or moving equipment.

56.9-6 and 56.9-7 [Reserved]

56.9-8 Adequate protection should be provided at dumping locations where men may be endangered by falling material.

56.9-9 *Mandatory.* Operators shall sound warning before starting trains, when trains approach crossings or other trains on adjacent tracks, and where vision is obscured.

56.9-10 Operators' cabs should be constructed to permit operators to see without straining and should be reasonably comfortable.

56.9-11 *Mandatory.* Cab windows shall be of safety glass or equivalent, in good condition and shall be kept clean.

56.9-12 *Mandatory.* Cabs of mobile equipment shall be kept free of extraneous materials.

56.9-13 *Mandatory.* Adequate backstops or brakes shall be installed on inclined-conveyor drive units to prevent conveyors from running in reverse if a hazard to personnel would be caused.

56.9-14 *Mandatory.* No person shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the belt is specifically designed for the transportation of persons.

56.9-15 [Reserved]

56.9-16 Roadbeds, rails, joints, switches, frogs, and other elements on railroads should be designed, installed, and maintained in a safe manner consistent with the speed and type of haulage.

56.9-17 Equipment operating speeds should be prudent and consistent with conditions of roadway, grades, clearance, visibility traffic, and the type of equipment used.

56.9-18 Dust control measures should be taken where dust significantly reduces visibility of equipment operators.

56.9-19 and 56.9-20 [Reserved]

56.9-21 Vehicles should follow at a safe distance; passing should be limited to areas of adequate clearance and visibility.

56.9-22 [Reserved]

56.9-23 *Mandatory.* Trackless haulage equipment shall be operated under power control at all times.

56.9-24 *Mandatory.* Mobile equipment operators shall have full control of the equipment while it is in motion.

56.9-25 *Mandatory.* Dippers, buckets, loading booms, or heavy suspended loads shall not be swung over the cabs of haulage vehicles until the drivers are out of the cabs and in safe locations, unless the trucks are designed specifically to protect the drivers from falling material.

56.9-26 [Reserved]

56.9-27 *Mandatory.* When an operator is present, men shall notify him before getting on or off equipment.

56.9-28 *Mandatory.* Switch throws shall be installed so as to provide adequate clearance for switchmen.

56.9-29 Operators should sit facing the direction of travel while operating equipment with dual controls.

56.9-30 *Mandatory.* Men shall not work or pass under the buckets or booms of loaders in operation.

56.9-31 *Mandatory.* When traveling between work areas, the equipment shall be secured in the travel position.

56.9-32 *Mandatory.* Dippers, buckets, scraper blades, and similar movable parts shall be secured or lowered to the ground when not in use.

56.9-33 and 56.9-34 [Reserved]

56.9-35 Movements of two or more pieces of rail equipment operating independently on the same track should be regulated by an efficient signal block, telephone, or radio system; movements on complex haulage systems should be adequately controlled.

56.9-36 through 56.9-38 [Reserved]

56.9-39 *Mandatory.* Men shall not get on or off moving equipment, except that trainmen may get on or off of slowly moving trains.

56.9-40 *Mandatory.* Men shall not ride on top of loaded haulage equipment.

56.9-41 *Mandatory.* Only authorized persons shall be permitted to ride on trains or locomotives and they shall ride in a safe position.

56.9-42 Rocker-bottom or bottom-dump cars should be equipped with positive locking devices.

56.9-43 *Mandatory.* Men shall not ride outside the cabs and beds of mobile equipment.

56.9-44 [Reserved]

56.9-45 *Mandatory.* Equipment which is to be hauled shall be loaded and protected so as to prevent sliding or spillage.

56.9-46 [Reserved]

56.9-47 *Mandatory.* Parked railcars, unless held effectively by brakes shall be blocked securely.

56.9-48 [Reserved]

56.9-49 Long material should be transported by a method designed to prevent any overhang from creating a hazard.

56.9-50 *Mandatory.* Railcars shall not be left on side tracks unless ample clearance is provided for traffic on adjacent tracks.

56.9-51 *Mandatory.* Persons shall not go over, under, or between cars unless the train is stopped and the motorman has been notified and the notice acknowledged.

56.9-52 [Reserved]

56.9-53 Dumping locations and haulage roads should be kept reasonably free of water, debris, and spillage.

56.9-54 [Reserved]

56.9-55 Where the ground at a dumping place may fail to support the weight of a loaded dump truck, trucks should be dumped back from the edge of the bank.

56.9-56 Where necessary, bumper blocks or the equivalent should be provided at all track dead ends.

56.9-57 Grizzlies, grates, and other sizing devices at dump and transfer points should be anchored securely in place.

56.9-58 *Mandatory.* If truck spotters are used, they shall be well in the clear while trucks are backing into dumping positions and dumping; lights shall be used at night to direct trucks.

56.9-59 *Mandatory.* Public and permanent railroad crossings shall be posted with warning signs or signals, or shall be guarded when trains are passing and shall be planked or otherwise filled between the rails.

56.9-60 *Mandatory.* Where overhead clearance is restricted, warning devices shall be installed and the restricted area shall be conspicuously marked.

56.9-61 and 56.9-62 [Reserved]

56.9-63 Ramps and dumps should be of solid construction, of ample width, have ample side clearance and headroom, and be kept reasonably free of spillage.

56.9-64 through 56.9-66 [Reserved]

56.9-67 *Mandatory.* Facilities used to transport men to and from work areas shall not be overcrowded.

56.9-68 through 56.9-70 [Reserved]

56.9-71 Traffic rules, signals and warning signs should be standardized at each mine and posted.

56.9-72 through 56.9-82 [Reserved]

56.9-83 *Mandatory.* Where possible at least 30 inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks; all places where it is not possible to provide 30-inch clearance shall be marked conspicuously.

56.9-84 and 56.9-85 [Reserved]

56.9-86 Any load extending more than 4 feet beyond the rear of the vehicle body should be marked clearly with a red flag by day and a red light at night.

56.9-87 and 56.9-94 [Reserved]

§ 56.10 Aerial tramways.

56.10-1 Buckets should not be overloaded, and feed should be regulated to prevent spillage.

56.10-2 Carriers, including loading and unloading mechanisms, should be inspected each shift; brakes should be inspected daily; ropes and supports should be inspected as recommended by the manufacturer or as physical conditions warrant. Records of rope maintenance and inspections should be kept.

56.10-3 *Mandatory.* Any hazardous defects shall be corrected before the equipment is used.

56.10-4 Positive-action-type brakes should be provided on aerial tramways.

56.10-5 Track cable connections should be designed to offer minimum obstruction to the passage of wheels.

56.10-6 Guards should be installed to prevent swaying buckets from hitting towers.

56.10-7 [Reserved]

56.10-8 *Mandatory.* Persons other than maintenance men shall not ride aerial tramways unless the following features are provided:

(a) Two independent brakes, each capable of holding the maximum load;

(b) Direct communication between terminals;

(c) Power drives with emergency power available in case of primary power failure;

(d) Buckets equipped with positive locks to prevent accidental tripping or dumping.

56.10-9 *Mandatory.* Men shall not ride loaded buckets.

56.10-10 *Mandatory.* Where possible, aerial tramways shall not be started until the operator has ascertained that everyone is in the clear.

§ 56.11 Travelways.

56.11-1 *Mandatory.* Safe means of access shall be provided and maintained to all working places.

56.11-2 *Mandatory.* Crossovers, elevated walkways, elevated ramps, and stairways shall be of substantial construction provided with handrails, and maintained in good condition. Where necessary, toeboards shall be provided.

56.11-3 *Mandatory.* Ladders shall be of substantial construction and maintained in good condition.

56.11-4 Portable straight ladders should be provided with nonslip bases, should be placed against a safe backing, and set on secure footing.

56.11-5 *Mandatory.* Fixed ladders shall be anchored securely and installed to provide at least 3 inches of toe clearance.

56.11-6 *Mandatory.* Fixed ladders shall project at least 3 feet above landings, or substantial handholes shall be provided above the landings.

56.11-7 [Reserved]

56.11-8 Ladderways, stairways, walkways, and ramps should be kept free of loose rock and extraneous materials.

56.11-9 *Mandatory.* Railed walkways shall be provided wherever persons are regularly required to walk alongside conveyor belts. Inclined railed walkways shall be nonskid or provided with cleats.

56.11-10 [Reserved]

56.11-11 Men climbing or descending ladders should face the ladders and have both hands free for climbing.

56.11-12 *Mandatory.* Openings above, below, or near travelways through which men or materials may fall shall be protected by railings, barriers, or covers. Where it is impractical to install such protective devices, adequate warning signals shall be installed.

56.11-13 *Mandatory.* Crossovers shall be provided where it is necessary to cross conveyors.

56.11-14 *Mandatory.* Moving conveyors shall be crossed only at designated crossover points.

56.11-15 Slippery walkways should be provided with cleats and handrails and or ropes.

56.11-16 *Mandatory.* Regularly used walkways and travelways shall be sanded, salted, or cleared of snow and ice as soon as practicable.

56.11-17 Fixed ladders should not incline backwards at any point unless provided with backguards.

56.11-18 through 56.11-24 [Reserved]

56.11-25 Fixed ladders should be offset and have substantial railed landings at least every 30 feet unless backguards are provided.

56.11-26 Steep fixed ladders (70° to 90° from the horizontal) 30 feet or more in length should be provided with backguards, cages or equivalent protection, starting at a point not more than seven feet from the bottom of the ladder.

56.11-27 *Mandatory.* Scaffolds and working platforms shall be of substantial construction and provided with handrails and maintained in good condition. Floor boards shall be laid properly and the scaffolds and working platforms shall not be overloaded. Working platforms shall be provided with toeboards when necessary.

56.11-28 through 56.11-34 [Reserved]

§ 56.12 Electricity.

56.12-1 through 56.12-3 [Reserved]

56.12-4 Power wires and cables should have adequate current-carrying capacity and should be protected from mechanical injury.

56.12-5 Neither crawler-mounted nor rubber-tired equipment should run over trailing cables, unless cables are properly bridged or protected.

56.12-6 Distribution boxes should be provided with disconnect switches.

56.12-7 *Mandatory.* Trailing cables and power-cable connections to junction boxes shall not be made or broken under load.

56.12-8 Power wires and cable should be insulated adequately where they pass into or out of electrical compartments.

56.12-9 [Reserved]

56.12-10 Telephone and low-potential electric signal wires should be protected from contacting energized powerlines.

56.12-11 *Mandatory.* High-potential transmission cables shall be covered, insulated, or placed according to acceptable electrical codes to prevent contact with low-potential circuits.

56.12-12 The potential on bare signal wires accessible to personal contact should not exceed 40 volts.

56.12-13 Splices in power cables, including ground conductors, where provided, should be:

(a) Mechanically strong with adequate electrical conductivity;

(b) Effectively insulated and sealed to exclude moisture;

(c) Provided with mechanical protection and electrical conductivity as near as possible to that of the original.

56.12-14 *Mandatory.* Shovel trailing cables shall not be moved with the shovel dipper unless cable slings or sleds are used.

56.12-15 through 56.12-17 [Reserved]

56.12-18 *Mandatory.* Principal power switches shall be labeled to show which units they control, unless identification can be made readily by location.

56.12-19 and 56.12-20 [Reserved]

56.12-21 *Mandatory.* Suitable danger signs shall be posted at all major electrical installations.

56.12-22 [Reserved]

56.12-23 *Mandatory.* Electrical connections and resistor grids that are difficult or impractical to insulate shall be guarded, unless protection is provided by location.

56.12-24 Reverse-current protection should be provided at storage-battery charging stations.

56.12-25 *Mandatory.* All metal enclosing or encasing electrical circuits shall be grounded or provided with equivalent protection. This requirement does not apply to battery-operated equipment.

56.12-26 *Mandatory.* Metal fencing and metal buildings enclosing transformers and switchgear shall be grounded.

56.12-27 *Mandatory.* Frame grounding or equivalent protection shall be provided for mobile equipment powered through trailing cables.

56.12-28 *Mandatory.* Continuity and resistance of grounding systems shall be tested immediately after installation.

56.12-29 Electric equipment and wiring should be inspected by a competent person as often as necessary to assure safe operating conditions.

56.12-30 *Mandatory.* When a potentially dangerous condition is found it shall be corrected before equipment or wiring is energized.

56.12-31 [Reserved]

56.12-32 Inspection and cover plates on electrical equipment should be kept in place at all times except during testing or repairs.

56.12-33 *Mandatory.* Hand-held electric tools shall not be operated at high potential voltages.

56.12-34 Portable extension lights and other lights that may present a shock or burn hazard should be guarded.

56.12-35 Lamp sockets exposed to the weather should be of a weather-proof type.

56.12-36 [Reserved]

56.12-37 *Mandatory.* Fuse tongs or hot line tools shall be used when fuses are removed or replaced in high-potential circuits.

56.12-38 Trailing cables should be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections.

56.12-39 Surplus trailing cables to shovels, cranes, and similar equipment should be stored in cable boats or on reels mounted on the equipment or otherwise protected from mechanical damage.

56.12-40 *Mandatory.* Operating controls shall be installed so that they can be operated without danger of contact with energized conductors.

56.12-41 *Mandatory.* Switches and starting boxes shall be of safe design and capacity.

56.12-42 and 56.12-43 [Reserved]

56.12-44 Lightning-arrested grounds should be connected to earth at least 10 feet from the track or mine return circuit.

56.12-45 *Mandatory.* Overhead high-potential powerlines shall be installed as specified by the National Electrical Code.

56.12-46 and 56.12-47 [Reserved]

56.12-48 *Mandatory.* Telegraph, telephone, or signal wires shall not be installed on the same crossarm with power conductors. When carried on poles supporting powerlines, they shall be installed as specified by the National Electrical Code.

56.12-49 Men should not stand on the ground in the vicinity of an electrically powered shovel or other similar heavy equipment during an electrical storm.

56.12-50 through 56.12-53 [Reserved]

56.12-54 Tools and supplies should be carried in the hands and not on the shoulders when men travel near bare power conductors.

56.12-55 through 56.12-64 [Reserved]

56.12-65 *Mandatory.* Powerlines, including trolley wires, and telephone circuits shall be protected against short circuits and lightning.

56.12-66 *Mandatory.* Where metallic tools or equipment can come in contact with trolley wires or bare powerlines, the lines shall be guarded or deenergized.

56.12-67 *Mandatory.* Transformers shall be totally enclosed, or shall be placed at least 8 feet above the ground, or installed in a transformer house, or surrounded by a substantial fence at least 6 feet high and at least 3 feet from any energized parts, casings, or wirings.

56.12-68 through 56.12-79 [Reserved]

§ 56.13 Compressed air and boilers.

General

56.13-1 *Mandatory.* All boilers and pressure vessels shall be constructed, installed, and maintained in accordance with the standards and specifications of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

56.13-2 through 56.13-9 [Reserved]

Compressed Air

56.13-10 Air compressors should be equipped with automatic temperature-activated shutoff mechanisms set for 400° F., or with fusible plugs installed in the compressor discharge lines as near the compressors as possible. Fusible plugs should melt at temperatures 50° less than the flash point of the lubricating oils.

56.13-11 Compressors and compressed-air receivers should be equipped with automatic pressure-release valves, pressure gauges, and drain valves.

56.13-12 Compressor air intakes should be installed to insure that only clean, uncontaminated air enters the compressors.

56.13-13 [Reserved]

56.13-14 Compressed-air receivers should have inspection openings which should be manholes when the tanks are over 36 inches in diameter.

56.13-15 [Reserved]

56.13-16 Compressors should be operated and lubricated in accordance with the manufacturer's recommendations.

56.13-17 Compressor discharge pipes should be cleaned periodically.

56.13-18 [Reserved]

56.13-19 *Mandatory.* Repairs involving the pressure system of compressors, receivers, or compressed-air-powered equipment shall not be attempted until the pressure has been bled off.

56.13-20 *Mandatory.* At no time shall compressed air be directed toward a person. When compressed air is used, all necessary precautions shall be taken to protect persons from injury.

56.13-21 through 56.13-29 [Reserved]

Boilers

56.13-30 Boilers should be equipped with guarded, well-maintained water gages and pressure gages placed so that they can be observed easily. Water gages and pipe passages to the gages should be kept clean and free of scale and rust.

56.13-31 [Reserved]

56.13-32 Boiler installations should be provided with safety devices, acceptable to the Bureau of Mines, to protect against hazards of flame-outs, fuel interruptions, and low water level.

56.13-33 Blowoff valves should be piped outside the building and should have outlets so located or protected that persons passing by, near, or under them will not be scalded.

56.13-34 Boilers should be inspected internally at least once a year by licensed inspectors; records of such inspections should be kept.

§ 56.14 Use of equipment.

Guards

56.14-1 through 56.14-3 [Reserved]

56.14-4 Openings where conveyors pass through walls or floors should be guarded.

56.14-5 Protruding set screws on revolving parts should be guarded.

56.14-6 *Mandatory.* Except when testing the machinery, guards shall be securely in place while machinery is being operated.

56.14-7 Guards should be sufficiently strong and maintained to provide the required protection.

56.14-8 *Mandatory.* Stationary grinding machines other than special bit grinders shall be equipped with:

(a) Peripheral hoods (less than 90° throat openings) capable of withstanding the force of a bursting wheel;

(b) Adjustable tool rests set as close as practical to the wheel;

(c) Safety washers.

56.14-9 *Mandatory.* Grinding wheels shall be operated within the specifications of the manufacturer of the wheel.

56.14-10 *Mandatory.* Hand-held power tools, other than rock drills, shall be equipped with controls requiring constant hand or finger pressure to operate the tools or shall be equipped with friction or other equivalent safety devices.

56.14-11 Guards or shields should be provided in areas where flying or falling materials present a hazard.

56.14-12 and 56.14-13 [Reserved]

56.14-14 *Mandatory.* Face shields or goggles, in good condition, shall be worn when operating a grinding wheel.

56.14-15 through 56.14-24 [Reserved]

Methods and Procedures

56.14-25 Machinery and equipment should be maintained properly.

56.14-26 and 56.14-27 [Reserved]

56.14-28 Adequate clearance should be provided at machine installations.

56.14-29 *Mandatory.* Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery motion is necessary to make adjustments.

56.14-30 *Mandatory.* Men shall not work on or from a piece of mobile equipment in a raised position until it has been blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile work platforms.

56.14-31 *Mandatory.* Drive belts shall not be shifted while in motion unless the machines are provided with mechanical shifters.

56.14-32 *Mandatory.* Belts, chains, and ropes shall not be guided onto power-driven moving pulleys, sprockets, or drums with the hands except on slow moving equipment especially designed for hand feeding.

56.14-33 [Reserved]

56.14-34 *Mandatory.* Belt dressing shall not be applied manually while belts are in motion unless an aerosol-type dressing is used.

56.14-35 *Mandatory.* Machinery shall not be lubricated while in motion where a hazard exists, unless equipped with extended fittings or cups.

56.14-36 Tools and equipment should be used only for the purpose and within the capacity for which they were intended and designed.

56.14-37 through 56.14-54 [Reserved]

§ 56.15 Personal protection.

56.15-1 *Mandatory.* Adequate first-aid materials, including stretchers and blankets, shall be provided at places convenient to all working areas. Water or neutralizing agents shall be available where corrosive chemicals or other harmful substances are stored, handled, or used.

56.15-2 through 56.15-7 [Reserved]

56.15-8 Snug-fitting clothing should be worn around moving equipment and machinery.

56.15-9 Protective gloves should be worn by employees handling materials which may cause injury.

56.15-10 Gloves should not be worn where they could create a hazard by becoming entwined or caught in moving parts of machinery.

56.15-11 through 56.15-20 [Reserved]

§ 56.16 Materials storage and handling.

56.16-1 Materials should be stored and stacked in a manner which minimizes stumbling or fall-of-material hazards.

56.16-2 Men working on surge piles or storage piles should not walk or stand immediately above a reclaiming area during reclaiming.

56.16-3 *Mandatory.* Materials that can create hazards if accidentally liberated from their containers shall be stored in a manner that minimizes the dangers.

56.16-4 [Reserved]

56.16-5 *Mandatory.* Compressed and liquid gas cylinders shall be secured in a safe manner.

56.16-6 *Mandatory.* Valves on compressed gas cylinder shall be protected by covers when being transported or stored, and by a safe location when the cylinders are in use.

56.16-7 Hitches and slings used to hoist materials should be designed and used properly for the particular material handled.

56.16-8 [Reserved]

56.16-9 *Mandatory.* Men shall stay clear of suspended loads.

56.16-10 [Reserved]

56.16-11 *Mandatory.* Men shall not ride on loads being moved by cranes or derricks, nor shall they ride the hoisting hooks unless such method eliminates a greater hazard.

56.16-12 Substances that react violently or liberate dangerous fumes when mixed should be stored in such a manner that they cannot come in contact with each other.

56.16-13 Only men wearing protective equipment should stand near pots or ladles when molten material is being handled; warning should be given before a pour is made or the pot is moved.

56.16-14 *Mandatory.* Operator-carrying overhead cranes shall be provided with:

(a) Bumpers at each end of each rail;

(b) Automatic switches to halt uptravel of the blocks before they strike the hoist;

(c) Effective audible warning signals within easy reach of the operator;

(d) A means to lock out the disconnect switch.

56.16-15 [Reserved]

56.16-16 Forklift trucks should be moved with the load in a low position and should descend ramps with the load behind.

56.16-17 through 56.16-34 [Reserved]

§ 56.17 Illumination.

56.17-1 *Mandatory.* Illumination sufficient to provide safe working conditions shall be provided in and on all surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and work areas.

56.17-2 through 56.17-9 [Reserved]

§ 56.18 Safety programs.

56.18-1 The employer should establish a definite, effective, and continually functioning safety program and make every attempt to prevent accidents and increase safety. Employees should actively participate in the safety program.

56.18-2 and 56.18-3 [Reserved]

56.18-4 Company safety regulations pertinent to the various operations should be published or posted for employee information.

56.18-5 [Reserved]

56.18-6 *Mandatory.* New employees shall be indoctrinated in safety rules and safe work procedures.

56.18-7 [Reserved]

56.18-8 Each working place should be visited by a supervisor or a designated person at least once each shift and more frequently as necessary to insure that work is being done in a safe manner.

56.18-9 [Reserved]

56.18-10 Selected supervisors should be trained in first-aid. First-aid training should be made available to all employees.

56.18-11 [Reserved]

56.18-12 *Mandatory.* Emergency telephone numbers shall be posted at appropriate telephones.

56.18-13 Where telephone service is not available, emergency communications should be provided to the nearest point of assistance.

56.18-14 *Mandatory.* Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons.

56.18-15 through 56.18-24 [Reserved]

§ 56.19 Man hoisting.

The hoisting standards in this section apply to those hoists and appurtenances used for hoisting men. However, where men may be endangered by hoists and appurtenances used solely for handling ore, rock and materials, the appropriate standards should be applied.

Hoists

56.19-1 *Mandatory.* Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used.

56.19-2 *Mandatory.* Hoists shall be anchored securely.

56.19-3 *Mandatory.* Belt, rope, or chains shall not be used to connect driving mechanisms to man hoists.

56.19-4 *Mandatory.* Any hoist used to hoist men shall be equipped with a brake or brakes which shall be capable of holding its fully loaded cage, skip, or bucket at any point in the shaft.

56.19-5 *Mandatory.* The operating mechanism of the clutch of every man-hoist drum shall be provided with a locking mechanism, or interlocked electrically or mechanically with the brake to prevent accidental withdrawal of the clutch.

56.19-6 *Mandatory.* Automatic hoists shall be provided with devices that automatically apply the brakes in the event of power failure.

56.19-7 *Mandatory.* Man hoists shall be provided with devices to prevent overtravel and overspeed.

56.19-8 Friction hoists should be provided with synchronizing mechanisms that recalibrate the overtravel devices and position indicators to correct for rope creep or stretch.

56.19-9 [Reserved]

56.19-10 *Mandatory.* Hoist controls shall be placed or housed so that the noise from machinery or other sources will not prevent hoistmen from hearing signals.

56.19-11 [Reserved]

56.19-12 Where grooved drums are used, the grooves should be of the proper size and pitch for the ropes used.

56.19-13 through 56.19-19 [Reserved]

WIRE ROPE

56.19-20 The United States of America Standards Institute specifications cited in "Wire Rope for Mines," M11.1—1960, or the latest revision thereof, should be used as a guide in the selection, installation, and maintenance of wire ropes used for hoisting, except in those instances where the recommendations cited herein are more stringent.

56.19-21 *Mandatory.* The following static-load safety factors shall be used for selecting ropes to be used for hoisting men and for determining when such ropes shall be removed from man hoists:

Length of rope in shaft (feet)	Minimum factor of safety (new rope)	Minimum factor of safety (remove)
500 or less	8	6.4
501-1,000	7	5.8
1,001-2,000	6	5.0
2,001-3,000	5	4.3
3,001 or more	4	3.6

56.19-22 At least three wraps of rope should be left on the drum when the conveyance is at the bottom of the hoistway. This provision does not apply to friction hoists.

56.19-23 and 56.19-24 [Reserved]

56.19-25 New ropes should be broken in, in accordance with the manufacturer's recommendations.

56.19-26 Corrosion of hoist ropes at the attachment of safety connections should be minimized by the design of the attachment devices and by lubrication.

56.19-27 Where possible, conveyances attached to single ropes used to hoist men should be provided with secondary safety connections.

56.19-28 through 56.19-34 [Reserved]

HEADFRAMES AND SHEAVES

56.19-35 Headframes should be designed and constructed to withstand pulls by the hoists greater than the breaking strengths of the hoist ropes.

56.19-36 [Reserved]

56.19-37 Fleet angles should not exceed 1½ degrees.

56.19-38 *Mandatory.* Platforms with toeboards and handrails shall be provided around elevated head sheaves.

56.19-39 Diameters of head sheaves and hoist drums should conform to the following specifications:

Rope construction	Diameter of sheave and drum	
	Recommended	Minimum
	Times rope diameter	*Times rope diameter*
6 x 7 classification	72	42
6 x 19	45	30
6 x 37	27	18
6 x 25 type B, flattened strand	45	30
6 x 27 type H, flattened strand	45	30
6 x 30 type G, flattened strand	45	30
18 x 7 classification	51	34

56.19-40 Head, idler, knuckle, and curve sheaves should have grooves that support the ropes properly. Before installing new ropes, the grooves should be inspected and where necessary machined to the proper contour and the proper groove diameter.

56.19-41 through 56.19-44 [Reserved]

CONVEYANCES

56.19-45 *Mandatory.* Man cages and skips used for hoisting or lowering employees or other persons in any vertical shaft or any incline shaft with an angle of inclination of forty-five (45) degrees from the horizontal, shall be covered with a metal bonnet.

56.19-46 through 56.19-48 [Reserved]

56.19-49 *Mandatory.* Buckets shall not be used to hoist men except during shaft sinking operations, inspection, maintenance, and repairs.

56.19-50 *Mandatory.* Buckets used to hoist men during shaft sinking operation shall have:

(a) Crossheads equipped with safety catches and protective bonnets when the shaft depth exceeds 50 feet.

(b) Devices to prevent accidental dumping.

(c) Sufficient depth to transport men safely in a standing position.

56.19-51 through 56.19-54 [Reserved]

HOISTING PROCEDURES

56.19-55 *Mandatory.* When a manually operated hoist is used, a qualified hoistman shall remain within hearing of the telephone or signal device at all times while any person is underground.

56.19-56 [Reserved]

56.19-57 Hoistmen should be physically fit and should undergo yearly examinations to determine their continued fitness; certification to this effect should be available at the mine.

56.19-58 *Mandatory.* Only experienced hoistmen shall operate the hoist except in cases of emergency and in the training of new hoistmen.

56.19-59 [Reserved]

56.19-60 Hoistmen should use extreme caution when hoisting or lowering men.

56.19-61 through 56.19-64 [Reserved]

56.19-65 *Mandatory.* Conveyances shall not be lowered by the brakes alone except during emergencies.

56.19-66 Management should designate the maximum number of men permitted to ride on a trip at one time; this limit should be posted on each landing.

56.19-67 Authorized persons should be in charge of all man trips.

56.19-68 Men should enter, ride, and leave conveyances in an orderly manner.

56.19-69 *Mandatory.* Men shall not enter or leave conveyances which are in motion or after a signal to move the conveyance has been given to the hoistman.

56.19-70 *Mandatory.* Cage doors or gates shall be closed while men are being hoisted; they shall not be opened until the cage has come to a stop.

56.19-71 *Mandatory.* Men shall not ride in skips or buckets with muck, supplies, materials, or tools other than small hand tools.

56.19-72 When combinations of cages and skips are used, the skips should be empty while men are being transported.

56.19-73 *Mandatory.* Rock or supplies shall not be hoisted in the same shaft as men during shift changes, unless the compartments and dumping bins are partitioned to prevent spillage into the cage compartment.

56.19-74 Men should not ride the bail, rim, or bonnet of any shaft conveyance, except where necessary for the inspection and maintenance of the shaft and lining.

56.19-75 *Mandatory.* Open hooks shall not be used to hoist buckets or other conveyances.

56.19-76 When men are hoisted, bucket speeds should not exceed 500 feet a minute, and should not exceed 200 feet a minute when within 100 feet of a landing.

56.19-77 *Mandatory.* Buckets shall be stopped about 15 feet from the shaft bottom to await a signal from one of the crew on the bottom for further lowering.

56.19-78 Buckets should be stopped after being raised 3 feet when men are hoisted from the bottom; a second hoisting signal should be given after the bucket has been stabilized. Hoisting should be at a minimum speed and the bellcord should be attended constantly until the crosshead has been engaged.

56.19-79 *Mandatory.* Where mine cars are hoisted by cage or skip, means for blocking cars shall be provided at all landings and also on the cage.

56.19-80 *Mandatory.* When tools, timbers, or other materials are being lowered or raised in a shaft by means of a bucket, skip, or cage, they shall be secured or so placed that they will not strike the sides of the shaft.

56.19-81 Conveyances not in use should be released and raised or lowered at least 10 feet from the floor of the landing.

56.19-82 through 56.19-89 [Reserved]

SIGNALING

56.19-90 *Mandatory.* There shall be at least two effective approved methods of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

56.19-91 Hoistmen should not accept hoisting instructions by telephone unless the regular signaling systems are out of order. During such an emergency one person should be designated to direct movement of the conveyance.

56.19-92 and 56.19-93 [Reserved]

56.19-94 *Mandatory.* A legible signal code shall be posted prominently in the hoist house within easy view of the hoistman, and at each place where signals are given or received.

56.19-95 Hoisting signal devices should be maintained within easy reach of men on the shaft bottom during sinking operation.

56.19-96 *Mandatory.* Any person responsible for receiving or giving signals for cages, skips, and man trips when men or materials are being transported shall be familiar with the posted signaling code.

56.19-97 through 56.19-99 [Reserved]

SHAFTS

56.19-100 *Mandatory.* Shaft landings shall be equipped with substantial safety gates so constructed that materials will not go through or under them; gates shall be closed except when loading or unloading shaft conveyances.

56.19-101 *Mandatory.* Positive stopblocks or a derail switch shall be installed on all tracks leading to a shaft collar or landing.

56.19-102 Guides should be provided in each hoisting compartment in shafts inclined more than 45° from the horizontal.

56.19-103 Dumping facilities should be so constructed as to minimize spillage into the shaft.

56.19-104 Adequate clearance should be maintained at shaft stations to allow men to pass safely and to allow materials to be handled safely.

56.19-105 *Mandatory.* A safe means of passage around open shaft compartments shall be provided on landings with more than one entrance to the shaft.

56.19-106 Shaft timbers should be kept clean of rocks and other loose material.

56.19-107 *Mandatory.* Hoistmen shall be informed when men are working in a compartment affected by that hoisting operation and a "Men Working in Shaft" sign shall be posted at the hoist.

56.19-108 and 56.19-109 [Reserved]

56.19-110 *Mandatory.* A substantial bulkhead or equivalent protection shall be provided above men at work deepening a shaft.

56.19-111 Substantial fixed ladders should be maintained as near the shaft bottom as practical during shaft-sinking operations. Chain, wire rope, or other extension ladders should be used from the fixed ladder to the shaft bottom.

56.19-112 through 56.19-119 [Reserved]

INSPECTION AND MAINTENANCE

56.19-120 [Reserved]

56.19-121 Complete records should be kept of installation, lubrication, inspection, tests, and maintenance of shafts and hoisting equipment.

56.19-122 Parts used to repair hoists should have properties equal to or better than the original parts; replacement parts should be designed to fit the original installation.

56.19-123 Ropes should be kept well lubricated from end to end as recommended by the manufacturer.

56.19-124 and 56.19-125 [Reserved]

56.19-126 Ropes should be calipered at regular intervals as necessary to effectively determine the rate of wear and damage. Caliper measurements should be taken:

(a) Immediately above the socket or clips and above the safety connection;

(b) Where the ropes rest on the sheaves;

(c) Where the ropes leave the drums when the conveyances are at the regular stopping points;

(d) Where a layer of rope begins to overlap another layer on the drum.

56.19-127 Electromagnetic or other nondestructive rope testing systems should be used only as supplements to and not as substitutes for recommended inspections and tests.

56.19-128 *Mandatory.* Ropes shall not be used for hoisting when they have:

(a) More than six broken wires in any lay;

(b) Crown wires worn to less than 65 percent of the original diameter;

(c) A marked amount of corrosion or distortion;

(d) A combination of similar factors individually less severe than those above but which in aggregate might create an unsafe condition.

56.19-129 [Reserved]

56.19-130 Empty conveyances should be operated up and down shafts at least one round trip before hoisting men after any shaft or equipment repairs and before regular man trips are hoisted or lowered.

56.19-131 Rope and conveyance connections to conveyances should be inspected daily.

56.19-132 Safety catches should be inspected daily; drop tests should be made at the time of installation. Every 2 months the cage should be rested on chairs or proper blocking to check the operation or activation of the safety catches by allowing the rope to slacken suddenly.

56.19-133 [Reserved]

56.19-134 Sheaves should be inspected daily and kept properly lubricated.

56.19-135 Rollers used in inclined shafts should be lubricated, properly aligned, and kept in good repair.

§ 56.20 Miscellaneous.

56.20-1 [Reserved]

56.20-2 *Mandatory.* Potable water shall be available to all employees during working hours.

56.20-3 Good housekeeping should be practiced in and around a mine.

56.20-4 Men should not engage in horseplay.

56.20-5 *Mandatory.* Carbon tetrachloride shall not be used.

56.20-6 Protruding nails which may cause injury should be removed or completely bent over.

56.20-7 Employees should be constantly alert to the potential of accidents on their jobs.

56.20-8 [Reserved]

56.20-9 *Mandatory.* Dusts suspected of being explosive shall be tested for explosibility. If tests prove positive, appropriate control measures shall be taken.

56.20-10 *Mandatory.* If failure of a water or silt retaining dam will create a hazard, it shall be of substantial construction and inspected at regular intervals.

56.20-11 through 56.20-29 [Reserved]

§ 56.22 Savings provision.

56.22-1 through 56.22-3 [Reserved]

[F.R. Doc. 69-8971; Filed, July 30, 1969; 8:45 a.m.]

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC UNDERGROUND MINES

In Part II of the FEDERAL REGISTER of January 16, 1969 (34 F.R. 677), there was published a notice of proposed rulemaking setting forth proposed health and safety standards for metal and nonmetallic underground mines which are covered by the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772, 30 U.S.C. 721–740, Supp. IV, 1965–1968). The standards, which had been developed in conjunction with an Underground Mines Advisory Committee, were set forth in proposed new Part 57 of Title 30, Code of Federal Regulations. Interested persons were afforded a period of 60 days after the date of publication in which to submit comments and to request a public hearing on any proposed health and safety standard which was designated as a mandatory standard and which had not been recommended as a mandatory standard by the advisory committee. In the FEDERAL REGISTER of March 14, 1969 (34 F.R. 5258), there was published a notice extending to May 1, 1969, the time within which to submit comments. In the FEDERAL REGISTER of April 22, 1969 (34 F.R. 6737), there was published a notice that a review of the proposed standards as published on January 16, 1969, had disclosed errors of a substantive nature. The proposed Part 57 of Title 30, Code of Federal Regulations, was corrected and revised and interested persons were afforded a period of 30 days after the date of publication in which to submit comments respecting only the proposed standards affected by corrections.

Comments have been received with respect to many of the proposed standards. These standards, as well as certain proposed definitions respecting which there are questions, are being reviewed and analyzed preparatory to taking further action. Standards about which there were no comments or objections, or that did not include terms for which the definitions have been questioned, are now promulgated in Part 57 as Health and Safety Standards—Metal and Nonmetallic Underground Mines, which as set forth below, is hereby added to Chapter I of Title 30 of the Code of Federal Regulations. In the interest of clarity and accuracy, technical changes have been made in the definitions of the terms "detonating fuse," "detonator," and "safety switch." Pursuant to section 22 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721, note, Supp. IV), sections 8 and 9 (30 U.S.C. 727, 728, Supp. IV), and subsection (b) and paragraph (1) of subsection (a) of section 14 (30 U.S.C. 733, Supp. IV) of that Act will become effective with respect to the mandatory standards now promulgated 1 year after their publication in the FEDERAL REGISTER. Changes have been made in the numbering of sections and standards in Part 57 set forth below. Standards on air quality, ventilation, and radiation are combined as § 57.5 and standards on travelways and escapeways are combined as § 57.13. Other sections of this part have been renumbered to conform to those changes.

The changes provide that, insofar as practicable, sections which deal with a given subject will have identical decimal numbers in the three sets of regulations which deal with open pit mines, sand, gravel, and crushed stone operations, and underground mines. Thus, the standards on drilling in the three sets of regulations will appear in §§ 55.7, 56.7, and 57.7, respectively; and standards on materials handling and storage will appear in §§ 55.16, 56.16, and 57.16. These changes will assist mine operators to achieve uniform and efficient compliance with those health and safety standards applicable to their operations. The changes will similarly assist mine inspectors in the uniform and efficient inspection of mine conditions and operations to determine if there is compliance with applicable standards. Moreover, the changes will greatly facilitate analysis of effects of compliance with those standards on injury experience through use of data processing.

WALTER J. HICKEL,
Secretary of the Interior.

Sec.
57.1 Purpose and scope.
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AUTHORITY: The provisions of this Part 57 issued under sec. 6, Federal Metal and Nonmetallic Mine Safety Act, 80 Stat. 774; 30 U.S.C. 725.

§ 57.1 Purpose and scope.

The regulations in this part are promulgated pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) and prescribe health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in underground metal and nonmetallic mines which are subject to that Act. Each standard which is preceded by the word "Mandatory" is a mandatory standard. The violation of a mandatory standard will subject an operator to an order or notice under section 8 of the Act (30 U.S.C. 727). Those regulations in each subpart appearing under the heading "General—Surface and Underground" apply both to the underground and surface operations of underground mines; those appearing under the heading "Surface Only" apply only to the surface operations of underground mines; those appearing under the heading "Underground Only" apply only to the underground operations of underground mines.

§ 57.2 Definitions.

As used in this part:

"Abandoned mine" means all work has stopped on the mine premises and an office with a responsible person in charge is no longer maintained at the mine.

"Abandoned workings" means deserted mine areas in which further work is not intended.

"Active workings" means areas at, in, or around a mine or plant where men work or travel.

"Approved" means tested and accepted for a specific purpose by a nationally recognized agency.

"Auxiliary fan" means a fan used to deliver air to a working place off the main airstream; generally used with ventilation tubing.

"Barricaded" means obstructed to prevent the passage of persons, vehicles, or flying materials.

"Blasting area" means the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury.

"Blasting cap" means a detonator containing a charge of detonating compound, which is ignited by electric current, or the spark of a fuse. Used for detonating explosives.

"Blasting circuit" means electric circuits used to fire electric detonators or to ignite an igniter cord by means of an electric starter.

"Blasting switch" means a switch used to connect a power source to a blasting circuit.

"Booster fan" means a fan installed in the main airstream or a split of the main airstream to increase airflow through a section or sections of a mine.

"Capped fuse" means a length of safety fuse to which a detonator has been attached.

"Combustible" means capable of being ignited and consumed by fire.

"Company official" means a member of the company supervisory or technical staff.

"Competent person" means a person having abilities and experience that fully qualify him to perform the duty to which he is assigned.

"Detonating cord" or "detonating fuse" means a flexible cord containing a core of high explosive.

"Detonator" means a device containing a small detonating charge that is used for detonating an explosive, including, but not limited to blasting caps, exploders, electric detonators, and delay electric blasting caps.

"Distribution box" means a portable apparatus with an enclosure through which an electric circuit is carried to one or more cables from a single incoming feed line; each cable circuit being connected through individual overcurrent protective devices.

"Electric blasting cap" means a blasting cap designed for and capable of being initiated by means of an electric current.

"Electrical grounding" means to connect with the ground to make the earth part of the circuit.

"Employee" means a person who works for wages or salary in the service of an employer.

"Employer" means a person or organization which hires one or more persons to work for wages or salary.

"Escapeway" means a passageway by which persons may leave if the ordinary exit is obstructed.

"Face or bank" means that part of any mine where excavating is progressing or was last done.

"Flammable" means capable of being easily ignited and of burning rapidly.

"Flash point" means the minimum temperature at which sufficient vapor is released by a liquid or solid to form a flammable vapor-air mixture at atmospheric pressure.

"Highway" means any public street, public alley or public road.

"High potential" means more than 650 volts.

"Hoist" means a power-driven windlass or drum used for raising ore, rock, or other material from a mine, and for lowering or raising men and material.

"Igniter cord" means a fuse, cordlike in appearance, which burns progressively along its length with an external flame at the zone of burning, and is used for lighting a series of safety fuses in the desired sequence.

"Lay" means the distance parallel to the axis of the rope in which a strand makes one complete turn about the axis of the rope.

"Low potential" means 650 volts or less.

"Main fan" means a fan that controls the entire airflow of the mine, or the airflow of one of the major air circuits.

"Major electrical installation" means an assemblage of stationary electrical equipment for the generation, transmission, distribution, or conversion of electrical power.

"Man trip" means a trip on which men are transported to and from a work area.

"Mill" includes any ore mill, sampling works, concentrator, and any crushing, grinding, or screening plant used at, and in connection with, an excavation or mine.

"Mine opening" means any opening or entrance from the surface into a mine.

"Misfire" means the complete or partial failure of a blasting charge to explode as planned.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a deposit of useful materials or ores that are to be mined.

"Permissible" means a machine, material, apparatus, or device which has been investigated, tested, and approved by the Bureau of Mines, and is maintained in permissible condition.

"Potable" means fit for drinking.

"Reverse-current protection" means a method or device used on direct-current circuits or equipment to prevent the flow of current in a reverse direction.

"Roll protection" means a framework, safety canopy or similar protection for the operator when equipment overturns.

"Safety can" means an approved container, of not over 5 gallons capacity, having a spring-closing lid and spout cover.

"Safety fuse" means a train of powder enclosed in cotton, jute yarn, and waterproofing compounds, which burns at a uniform rate; used for firing a cap containing the detonating compound which in turn sets off the explosive charge.

"Safety switch" means a sectionalizing switch that also provides shunt protection in blasting circuits between the blasting switch and the shot area.

"Scaling" means removal of insecure material from a face or highwall.

"Secondary safety connection" means a second connection between a conveyance and rope, intended to prevent the conveyance from running away or falling in the event the primary connection fails.

"Shaft" means a vertical or inclined shaft; a slope, incline, or winze.

"Stray current" means that portion of a total electric current that flows through paths other than the intended circuit.

"Substantial construction" means construction of such strength, material, and workmanship that the object will withstand all reasonable shock, wear, and usage to which it will be subjected.

"Suitable" means that which fits, and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

"Travelway" means a passage, walk or way regularly used and designated for persons to go from one place to another.

"Trip light" means a light displayed on the opposite end of a train from the locomotive or engine.

"Wet drilling" means the continuous application of water through the central hole of hollow drill steel to the bottom of the drill hole.

"Working place" means any place in or about a mine where work is being performed.

§ 57.3 Ground control.

SURFACE ONLY

57.3–1 and 57.3–2 [Reserved]

57.3–3 *Mandatory.* To ensure safe operation, the width and height of benches shall be governed by the type of equipment to be used and the operation to be performed.

57.3–4 through 57.3–11 [Reserved]

57.3–12 *Mandatory.* Men shall not work between equipment and the pit wall or bank where the equipment may hinder escape from falls or slides of the bank.

57.3–13 through 57.3–19 [Reserved]

UNDERGROUND ONLY

57.3–20 *Mandatory.* Ground support shall be used if the operating experience of the mine, or any particular area of the mine, indicates that it is required. If it is required, support, including timbering, rock bolting, or other methods shall be consistent with the nature of the ground and the mining method used.

57.3–21 Men should be trained in the proper methods of testing for, taking down, and supporting loose ground.

57.3–22 and 57.3–23 [Reserved]

57.3–24 Picks or other short tools that would place the user in danger of falling rock should not be used for barring down.

57.3–25 Timbers should be blocked tightly.

57.3–26 Damaged or dislodged timbers which create a hazardous condition should be repaired or replaced promptly.

57.3–27 Temporary ground support should be installed as needed.

57.3–28 When necessary, permanent, or temporary ground support should be installed near enough to the bottom of the shaft during shaft sinking to prevent falls of rocks from the sides of the shaft.

57.3–29 Shaft pillars should have sufficient strength to protect operating shafts.

57.3–30 Rock-bolt installations should be installed in a manner to provide safe and effective ground support.

57.3–31 Rock-bolting materials should meet the applicable standards of the United States of America Standards Institute.

57.3–32 When needed, rock bolts should be installed as soon as possible after an area is exposed.

57.3–33 [Reserved]

§ 57.4 Fire prevention and control.

GENERAL—SURFACE AND UNDERGROUND

57.4–1 [Reserved]

57.4–2 *Mandatory.* Signs warning against smoking and open flames shall be posted so they can be readily seen in areas or places where fire or explosion hazards exist.

57.4–3 Areas surrounding flammable-liquid-storage tanks and electric substations and transformers should be kept free from grass (dry), weeds, underbrush, and other combustible materials for at least 25 feet in all directions.

57.4–4 *Mandatory.* Flammable liquids shall be stored in accordance with standards of the National Fire Protection Association or other recognized agencies approved by the Bureau of Mines. Small quantities of flammable liquids drawn from storage shall be kept in appropriately labeled safety cans.

57.4–5 Unburied flammable-liquid storage tanks should be mounted securely on firm foundations. Outlet piping should be provided with flexible connections or other special fittings to prevent adverse effects from tank settling.

57.4–6 Buildings or rooms in which oil, grease, flammable liquids, or similar flammable materials are stored should be of fire-resistant construction and well ventilated.

57.4–7 Means should be provided to confine, remove, control, or drain away spilled or flowing flammable liquids.

57.4–8 *Mandatory.* Fuel lines shall be equipped with valves to cut off fuel at the source and shall be located and maintained to minimize fire hazards.

57.4–9 *Mandatory.* All heat sources, including lighting equipment, capable of producing combustion shall be insulated or isolated from combustible materials.

57.4–10 *Mandatory.* Power wires and cables shall be adequately insulated where they pass through doors or walls or where they present a fire hazard.

57.4–11 *Mandatory.* Abandoned electrical circuits shall be deenergized and isolated so that they cannot become energized inadvertently.

57.4–12 Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.

57.4–13 Materials, such as oily waste and rags, which are subject to spontaneous combustion should be placed in tightly covered metal containers until disposed of properly.

57.4–14 *Mandatory.* Solvents with flash points lower than 100° F. (38° C.) shall not be used for cleaning.

57.4–15 *Mandatory.* Solvents shall not be used near an open flame or other ignition source, or near any source of heat, or in an atmosphere that can elevate the temperature of the solvent above the flash point.

57.4–16 Drip pans should be provided to catch leakage or spillage when oil or flammable liquids are dispensed in a place or manner which may create a hazard.

57.4–17 Floors around drip pans should be covered with sand or other suitable noncombustible material and such sand or material should be replaced as necessary.

57.4–18 and 57.4–19 [Reserved]

57.4–20 *Mandatory.* Battery-charging stations shall be located in well-ventilated areas.

57.4–21 through 57.4–23 [Reserved]

57.4–24 Fire extinguishers should be:

(a) Of the appropriate type for the particular fire hazard involved.

(b) Adequate in number and size for the particular fire hazard involved.

(c) Replaced immediately with fully charged extinguishers after any discharge is made from the extinguisher.

(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations.

(e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Bureau of Mines.

57.4–25 through 57.4–28 [Reserved]

57.4–29 *Mandatory.* When welding or cutting near combustible materials, suitable precautions shall be taken to ensure that smoldering metal or sparks do not result in a fire.

57.4–30 and 57.4–31 [Reserved]

57.4–32 All employees should be instructed on current escape and evacuation plans, fire alarm signals, and applicable procedures to be followed in case of fire.

57.4–33 [Reserved]

57.4–34 Belt-conveyors in locations where fire would create a hazard to personnel should be provided with safety switches to stop the drive pulley automatically in the event of excessive slippage.

57.4–35 through 57.4–39 [Reserved]

SURFACE ONLY

57.4–40 through 57.4–43 [Reserved]

57.4–44 Areas surrounding main fan installations and other mine openings should be kept free from grass, weeds, underbrush, and other combustible materials for a safe distance in all directions.

57.4–45 Blacksmith shops should be:

(a) A safe distance from mine openings and not in buildings or snowsheds adjoining mine openings.

(b) Of fire-resistant construction.

(c) Well ventilated and equipped with exhaust hoods over the forge and welding areas.

(d) Occupied when the forge fire is burning.

(e) Inspected carefully for smoldering fires at the end of the shift.

57.4–46 *Mandatory.* Gasoline, diesel fuel, liquefied petroleum gases, and other flammable liquids when not buried, shall not be stored within 100 feet of the following:

(a) Mine openings.

(b) Buildings or snowsheds connected to mine openings.

(c) Fan installations or housings.

(d) Hoist houses.

57.4–47 through 57.4–49 [Reserved]

UNDERGROUND ONLY

57.4–50 *Mandatory.* Specific escape and evacuation plans shall be established and kept current. Escape routes shall be marked plainly.

57.4–51 through 57.4–53 [Reserved]

57.4–54 *Mandatory.* Oil, grease, or diesel fuel stored underground shall be kept in suitable tightly sealed containers in fire-resistant areas, at safe distances from explosives' magazines, electrical installations, and shaft stations.

57.4–55 Transformer stations, pump rooms, compressor rooms, and similar installations should be in fire-resistant areas.

57.4–56 Oil or fuel storage areas should not be located in main ventilation airways.

57.4–57 Trailing cables should be fire-resistant.

57.4–58 *Mandatory.* Fires shall not be built underground; open-flame torches and candles shall not be left underground.

57.4–59 through 57.4–62 [Reserved]

57.4–63 Waterline outlets should be located so as to be accessible if a fire is at a station.

57.4–64 All air lines in timbered mines should be readily convertible into waterlines if a water supply is available, unless the air lines are paralleled by waterlines.

57.4–65 [Reserved]

57.4–66 Adequate fire extinguishers or equivalent fire protection should be provided at the head, tail, and drive pulleys of belt conveyors and at suitable intervals along the belt line.

57.4–67 [Reserved]

57.4–68 Mines at which individual mine rescue stations are not maintained should affiliate with central or cooperative mine rescue stations.

57.4–69 through 57.4–71 [Reserved]

57.4–72 Only trained mine rescue men should participate in firefighting operations in advance of the fresh air base.

§ 57.5 Air quality, ventilation, and radiation.

GENERAL—SURFACE AND UNDERGROUND

57.5–1 [Reserved]

57.5–2 *Mandatory.* Dust, gas, mist, and fume surveys shall be conducted as frequently as necessary to determine the adequacy of control measures.

57.5–3 through 57.5–9 [Reserved]

SURFACE ONLY

57.5–10 [Reserved]

57.5–11 through 57.5–14 [Reserved]

UNDERGROUND ONLY

57.5–15 Atmospheres in all active areas should contain at least 20 percent oxygen.
57.5–16 [Reserved]
57.5–17 through 57.5–19 [Reserved]

VENTILATION

UNDERGROUND ONLY

57.5–20 and 57.5–21 [Reserved]
57.5–22 *Mandatory.* Fan housings and air ducts connecting main fans to underground openings shall be fire-resistant.
57.5–23 and 57.5–24 [Reserved]
57.5–25 Main fans should be inspected and maintained properly.
57.5–26 Instruments should be provided to test the mine atmosphere quantitatively for carbon monoxide, nitrogen dioxide, and other gases that occur in the mine. Tests should be conducted as frequently as necessary to assure that the required quality of air is maintained.
57.5–27 Flame safety lamps or other suitable devices should be used to test for acute oxygen deficiency.
57.5–28 *Mandatory.* Unventilated areas shall be sealed, or barricaded and posted against entry.
57.5–29 through 57.5–36 [Reserved]

RADIATION

UNDERGROUND ONLY

57.5–37 through 57.5–43 [Reserved]

§ 57.6 Explosives.

STORAGE

GENERAL—SURFACE AND UNDERGROUND

57.6–1 through 57.6–19 [Reserved]

SURFACE ONLY

57.6–20 through 57.6–24 [Reserved]

UNDERGROUND ONLY

57.6–25 through 57.6–39 [Reserved]

TRANSPORTATION

GENERAL—SURFACE AND UNDERGROUND

57.6–40 through 57.6–56 [Reserved]
57.6–57 *Mandatory.* Nonconductive containers with tight-fitting covers shall be used to transport or carry capped fuses and electric detonators to blasting sites.
57.6–58 through 57.6–64 [Reserved]

SURFACE ONLY

57.6–65 through 57.6–74 [Reserved]

UNDERGROUND ONLY

57.6–75 through 57.6–89 [Reserved]

USE

GENERAL—SURFACE AND UNDERGROUND

57.6–90 through 57.6–99 [Reserved]
57.6–100 *Mandatory.* Tamping poles shall be blunt and squared at one end and made of wood, nonsparking material, or of special plastic acceptable to the Bureau of Mines.
57.6–101 through 57.6–109 [Reserved]
57.6–110 *Mandatory.* Fuses shall be cut and capped in safe, dry locations posted with "No Smoking" signs.
57.6–111 *Mandatory.* Blasting caps shall be crimped to fuses only with implements designed for that specific purpose.
57.6–112 through 57.6–114 [Reserved]
57.6–115 A safe interval of time should be allowed to light a round and evacuate the blasting area.
57.6–116 and 57.6–117 [Reserved]
57.6–118 Timing should be such that the fuse in the last hole to fire is burning within the hole before the first hole fires.
57.6–119 and 57.6–120 [Reserved]
57.6–121 Completely wired rounds should be tested wth a blasting galvanometer before connections are made to the blasting line.
57.6–122 *Mandatory.* Permanent blasting lines shall be properly supported, insulated, and kept in good repair.
57.6–123 and 57.6–124 [Reserved]
57.6–125 *Mandatory.* If branch circuits are used when blasts are fired from power circuits, safety switches located at safe distances from the blast areas shall be provided in addition to the main blasting switch.
57.6–126 [Reserved]
57.6–127 *Mandatory.* Blasting switches shall be locked in the open position, except when closed to fire the blast. Lead wires shall not be connected to the blasting switch until the shot is ready to be fired.
57.6–128 [Reserved]
57.6–129 *Mandatory.* Electric circuits from the blasting switches to the blast area shall not be grounded.
57.6–130 At least a 5-foot airgap should be provided between the blasting circuit and the power circuit.
57.6–131 Power sources should be suitable for the number of electrical detonators to be fired and for the type of circuits used.
57.6–132 through 57.6–159 [Reserved]

SURFACE ONLY

57.6–160 through 57.6–165 [Reserved]
57.6–166 *Mandatory.* All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunklines.
57.6–167 through 57.6–174 [Reserved]

UNDERGROUND ONLY

57.6–175 *Mandatory.* Ample warning shall be given before blasts are fired. All persons shall be cleared and removed from areas endangered by the blast. Clear access to exists shall be provided for personnel firing the rounds.
57.6–176 Blasting areas should not be reentered after firing until concentrations of smoke, dust, and fumes have been reduced to safe limits.
57.6–177 and 57.6–178 [Reserved]
57.6–179 Blastholes should be cleaned before charging is begun.
57.6–180 through 57.6–189 [Reserved]

SENSITIZED AMMONIUM NITRATE BLASTING AGENTS

GENERAL—SURFACE AND UNDERGROUND

57.6–190 through 57.6–193 [Reserved]
57.6–194 *Mandatory.* Pneumatic loading equipment shall not be grounded to waterlines, air lines, rails, or the permanent electrical grounding systems.
57.6–195 through 57.6–199 [Reserved]

§ 57.7 Drilling.

SURFACE ONLY

57.7–1 and 57.7–2 [Reserved]
57.7–3 *Mandatory.* The drilling area shall be inspected for hazards before starting the drilling operations.
57.7–4 and 57.7–5 [Reserved]
57.7–6 Receptacles or racks should be provided for drill steel stored on drills.
57.7–7 Tools and other objects should not be left loose on the mast or drill platform.
57.7–8 [Reserved]
57.7–9 The drill helper, when used, should be in sight of the operator at all times while the drill is being moved to a new location.
57.7–10 *Mandatory.* In the event of power failure, drill controls shall be placed in the neutral position until power is restored.
57.7–11 *Mandatory.* The drill stem shall be resting on the bottom of the hole or on the platform with the stem secured to the mast before attempts are made to straighten a crossed cable on a reel.
57.7–12 *Mandatory.* While in operation, drills shall be attended at all times.
57.7–13 [Reserved]
57.7–14 Men operating or working near jackhammers or jackleg drills and other drilling machines should position themselves so that they will not be struck or lose their balance if the drill steel breaks or sticks.
57.7–15 Men should not drill from positions that hinder their access to the control levers, or from insecure footing or staging, or from atop equipment not designed for this purpose.
57.7–16 through 57.7–24 [Reserved]

UNDERGROUND ONLY

57.7–25 Men operating or working near drilling machines should position themselves so that they will not be struck or lose their balance if the steel breaks or sticks.
57.7–26 Men should not attempt to operate drills from positions that hinder their access to the control levers.
57.7–27 Drilling should not be attempted from insecure footing or staging, or from atop equipment not designed for this purpose.
57.7–28 [Reserved]
57.7–29 Air should be turned off before moving portable drills from one face to another.
57.7–30 Receptacles or racks should be provided for drill steel stored on jumbos.
57.7–31 Before drilling cycle is started, warning should be given to men working below jumbo decks.
57.7–32 Drills on columns should be anchored firmly before drilling is started and should be retightened frequently thereafter.

§ 57.8 Rotary jet piercing.

SURFACE ONLY

57.8–1 Jet drills should be provided with:
(a) A system to pressurize operator's cabs.
(b) A protective cover over the oxygen flow indicator.
57.8–2 *Mandatory.* Safety chains or other suitable locking devices shall be provided across connections to and between high pressure oxygen hose lines of 1-inch inside diameter or larger.
57.8–3 *Mandatory.* A suitable means of protection shall be provided for the employee when lighting the burner.
57.8–4 With equipment requiring refueling at locations other than fueling stations, a system for fueling from the ground without spill should be provided.
57.8–5 *Mandatory.* Men shall not smoke and open flames shall not be used in the vicinity of the oxygen storage and supply lines. Signs warning against smoking and open flames shall be posted in these areas.

§ 57.9 Loading, hauling, dumping.

GENERAL—SURFACE AND UNDERGROUND

57.9–1 and 57.9–2 [Reserved]
57.9–3 *Mandatory.* Powered mobile equipment shall be provided with adequate brakes.
57.9–4 Powered mobile haulage equipment should be provided with audible warning devices. Lights should be provided on both ends when required.
57.9–5 *Mandatory.* Operators shall be certain, by signal or other means, that all persons are clear before starting or moving equipment.
57.9–6 and 57.9–7 [Reserved]
57.9–8 Adequate protection should be provided at dumping locations where men may be endangered by falling material.
57.9–9 *Mandatory.* Operators shall sound warning before starting trains, when trains approach crossings or other trains on adjacent tracks, and where vision is obscured.
57.9–10 Operators' cabs should be constructed to permit operators to see without straining and should be reasonably comfortable.

57.9–11 *Mandatory.* Cab windows shall be of safety glass or equivalent, in good condition and shall be kept clean.
57.9–12 *Mandatory.* Cabs of mobile equipment shall be kept free of extraneous materials.
57.9–13 *Mandatory.* Adequate backstops or brakes shall be installed on inclined-conveyor drive units to prevent conveyors from running in reverse if a hazard to personnel would be caused.
57.9–14 *Mandatory.* No person shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the belt is specifically designed for the transportation of persons.
57.9–15 [Reserved]
57.9–16 Roadbeds, rails, joints, switches, frogs, and other elements on railroads should be designed, installed, and maintained in a safe manner consistent with the speed and type of haulage.
57.9–17 Equipment operating speeds should be prudent and consistent with conditions of roadway, grades, clearance, visibility, traffic, and the type of equipment used.
57.9–18 Dust control measures should be taken where dust significantly reduces visibility of equipment operators.
57.9–19 and 57.9–20 [Reserved]
57.9–21 Vehicles should follow at a safe distance; passing should be limited to areas of adequate clearance and visibility.
57.9–22 [Reserved]
57.9–23 *Mandatory.* Trackless haulage equipment shall be operated under power control at all times.
57.9–24 *Mandatory.* Mobile equipment operators shall have full control of the equipment while it is in motion.
57.9–25 *Mandatory.* Dippers, buckets, loading booms, or heavy suspended loads shall not be swung over the cabs of haulage vehicles until the drivers are out of the cabs and in safe locations, unless the trucks are designed specifically to protect the drivers from falling material.
57.9–26 [Reserved]
57.9–27 *Mandatory.* When an operator is present, men shall notify him before getting on or off equipment.
57.9–28 *Mandatory.* Switch throws shall be installed so as to provide adequate clearance for switchmen.
57.9–29 Operators should sit facing the direction of travel while operating equipment with dual controls.
57.9–30 *Mandatory.* Men shall not work or pass under the buckets or booms of loaders in operation.
57.9–31 *Mandatory.* When traveling between work areas, the equipment shall be secured in the travel position.
57.9–32 *Mandatory.* Dippers, buckets, scraper blades, and similar movable parts shall be secured or lowered to the ground when not in use.
57.9–33 and 57.9–34 [Reserved]
57.9–35 Movements of two or more pieces of rail equipment operating independently on the same track should be regulated by an efficient signal block, telephone, or radio system; movements on complex haulage systems should be adequately controlled.
57.9–36 and 57.9–37 [Reserved]
57.9–38 When dumping cars by hand, the car dumps should be provided with tiedown chains or bumper blocks to prevent cars from overturning.
57.9–39 *Mandatory.* Men shall not get on or off moving equipment, except that trainmen may get on or off of slowly moving trains.
57.9–40 *Mandatory.* Men shall not ride on top of loaded haulage equipment.
57.9–41 *Mandatory.* Only authorized persons shall be permitted to ride on trains or locomotives and they shall ride in a safe position.
57.9–42 Rocker-bottom or bottom-dump cars should be equipped with positive locking devices.
57.9–43 *Mandatory.* Men shall not ride outside the cabs and beds of mobile equipment.
57.9–44 Men should not ride in conveyances equipped with unloading devices unless a positive means is provided to prevent accidental starting of the unloading mechanism.
57.9–45 *Mandatory.* Equipment which is to be hauled shall be loaded and protected so as to prevent sliding or spillage.
57.9–46 Backpoling of trolley poles should be avoided wherever possible; where backpoling is necessary, it should be done only at slow speeds.
57.9–47 *Mandatory.* Parked railcars, unless held effectively by brakes, shall be blocked securely.
57.9–48 [Reserved]
57.9–49 Long material should be transported by a method designed to prevent any overhang from creating a hazard.
57.9–50 *Mandatory.* Railcars shall not be left on side tracks unless ample clearance is provided for traffic on adjacent tracks.
57.9–51 *Mandatory.* Persons shall not go over, under, or between cars unless the train is stopped and the motorman has been notified and the notice acknowledged.
57.9–52 [Reserved]
57.9–53 Dumping locations and haulage roads should be kept reasonably free of water, debris, and spillage.
57.9–54 [Reserved]
57.9–55 Where the ground at a dumping place may fail to support the weight of a loaded dump truck, trucks should be dumped back from the edge of the bank.
57.9–56 Where necessary, bumper blocks or the equivalent should be provided at all track dead ends.
57.9–57 Grizzlies, grates, and other sizing devices at dump and transfer points should be anchored securely in place.
57.9–58 *Mandatory.* If truck spotters are used, they shall be well in the clear while trucks are backing into dumping position and dumping; lights shall be used at night to direct trucks.
57.9–59 *Mandatory.* Public and permanent railroad crossings shall be posted with warning signs or signals, or shall be guarded when trains are passing and shall be planked or otherwise filled between the rails.
57.9–60 *Mandatory.* Where overhead clearance is restricted, warning devices shall be installed and the restricted area shall be conspicuously marked.
57.9–61 and 57.9–62 [Reserved]
57.9–63 Ramps and dumps should be of solid construction, of ample width, have ample clearance and headroom, and be kept reasonably free of spillage.
57.9–64 and 57.9–65 [Reserved]
57.9–66 A locomotive on one track should not be used to move equipment on a different track unless a chain or drawbar is used.
57.9–67 *Mandatory.* Facilities used to transport men to and from work areas shall not be overcrowded.
57.9–68 through 57.9–80 [Reserved]

SURFACE ONLY

57.9–81 and 57.9–82 [Reserved]
57.9–83 *Mandatory.* Where possible at least 30 inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks; all places where it is not possible to provide 30-inch clearance shall be marked conspicuously.
57.9–84 Traffic rules, signals, and warning signs should be standardized at each mine and posted.
57.9–85 [Reserved]
57.9–86 Any load extending more than 4 feet beyond the rear of the vehicle body should be marked clearly with a red flag by day and a red light at night.
57.9–87 through 57.9–94 [Reserved]

UNDERGROUND ONLY

57.9–95 [Reserved]
57.9–96 Supplies, materials, or tools, except properly secured rerailing devices, should not be carried on top of locomotives.
57.9–97 *Mandatory.* Trains shall be brought to a complete stop, then moved very slowly when coupling or uncoupling cars manually.
57.9–98 *Mandatory.* Makeshift couplings shall not be used.
57.9–99 [Reserved]
57.9–100 Pneumatic-powered loading equipment should be provided with a valve to close the air line at the machine; this valve should be closed except when the machine is being operated.
57.9–101 [Reserved]
57.9–102 *Mandatory.* When a signalman is used during slushing operations he shall be positioned in a safe place.
57.9–103 *Mandatory.* Collars of open draw holes shall be kept free of muck and material.
57.9–104 Warning devices or conspicuous markings should be installed when chute lips create a hazard to personnel.
57.9–105 Empty chutes should be properly guarded prior to filling or sufficient material should be left in the chute bottom to prevent rock from flying out when broken material is dumped into the chute.
57.9–106 *Mandatory.* Ample warning shall be given to men who may be affected by the draw or otherwise exposed to danger from chute-pulling operations.
57.9–107 *Mandatory.* Men shall not stand on broken rock or ore over draw points if there is danger that the chute will be pulled. Suitable platforms or safety lines shall be provided when work must be done in such areas.
57.9–108 Men attempting to loosen hangups should work with extreme caution.
57.9–109 Men should not work or pass under hung draw openings unless the openings are blocked effectively.
57.9–110 and 57.9–111 [Reserved]
57.9–112 Trip lights or approved reflectors should be used on the rear of pulled trips and on the front of pushed trips.
57.9–113 *Mandatory.* Man trips shall be operated at speeds consistent with the condition of tracks and equipment used.
57.9–114 *Mandatory.* Where man trips are used, discharge and boarding points shall be designated. Men shall not board or leave moving man-trip cars.
57.9–115 [Reserved]
57.9–116 *Mandatory.* During shift changes the movement of rock or material trains shall be limited to areas where such trains could not preesnt a hazard to men coming on or going off shift.
57.9–117 *Mandatory.* Men shall not ride between cars or on top of loaded cars.

§ 57.10 Aerial tramways.

SURFACE ONLY

57.10–1 Buckets should not be overloaded, and feed should be regulated to prevent spillage.
57.10–2 Carriers, including loading and unloading mechanisms, should be inspected each shift; brakes should be inspected daily; ropes and supports should be inspected as recommended by the manufacturer or as physical conditions warrant. Records of rope maintenance and inspections should be kept.
57.10–3 *Mandatory.* Any hazardous defects shall be corrected before the equipment is used.

57.10–4 Positive-action type brakes should be provided on aerial tramways.

57.10–5 Track cable connections should be designed to offer minimum obstruction to the passage of wheels.

57.10–6 Guards should be installed to prevent swaying buckets from hitting towers.

57.10–7 [Reserved]

57.10–8 *Mandatory.* Persons other than maintenance men shall not ride aerial tramways unless the following features are provided:

(a) Two independent brakes, each capable of holding the maximum load.

(b) Direct communication between terminals.

(c) Power drives with emergency power available in case of primary power failure.

(d) Buckets equipped with positive locks to prevent accidental tripping or dumping.

57.10–9 *Mandatory.* Men shall not ride loaded buckets.

57.10–10 *Mandatory.* Where possible aerial tramways shall not be started until the operator has ascertained that everyone is in the clear.

§ 57.11 Travelways and escapeways.

Travelways

General—Surface and Underground

57.11–1 *Mandatory.* Safe means of access shall be provided and maintained to all working places.

57.11–2 *Mandatory.* Crossovers, elevated walkways, elevated ramps, and stairways shall be of substantial construction, provided with handrails, and maintained in good condition. Where necessary, toeboards shall be provided.

57.11–3 *Mandatory.* Ladders shall be of substantial construction and maintained in good condition.

57.11–4 Portable straight ladders should be provided with nonslip bases, should be placed against a safe backing, and set on secure footing.

57.11–5 *Mandatory.* Fixed ladders shall be anchored securely and installed to provide at least 3 inches of toe clearance.

57.11–6 *Mandatory.* Fixed ladders shall project at least 3 feet above landings, or substantial handholds shall be provided above the landings.

57.11–7 [Reserved]

57.11–8 Ladderways, stairways, walkways, and ramps should be kept free of loose rock and extraneous materials.

57.11–9 *Mandatory.* Railed walkways shall be provided wherever persons are regularly required to walk alongside conveyor belts. Inclined railed walkways shall be nonskid or provided with cleats.

57.11–10 [Reserved]

57.11–11 Men climbing or descending ladders should face the ladders and have both hands free for climbing.

57.11–12 *Mandatory.* Openings above, below, or near travelways through which men or materials may fall shall be protected by railings, barriers, or covers. Where it is impractical to install such protective devices, adequate warning signals shall be installed.

57.11–13 *Mandatory.* Crossovers shall be provided where it is necessary to cross conveyors.

57.11–14 *Mandatory.* Moving conveyors shall be crossed only at designated crossover points.

57.11–15 Slippery walkways should be provided with cleats and handrails and or ropes.

57.11–16 *Mandatory.* Regularly used walkways and travelways shall be sanded, salted, or cleared of snow and ice as soon as practicable.

57.11–17 Fixed ladders should not incline backwards at any point unless provided with backguards.

57.11–18 through 57.11–24 [Reserved]

Surface Only

57.11–25 Fixed ladders should be offset and have substantial railed landings at least every 30 feet unless backguards are provided.

57.11–26 Steep fixed ladders (70° to 90° from the horizontal) 30 feet or more in length, should be provided with backguards, cages, or equivalent protection, starting at a point not more than 7 feet from the bottom of the ladder.

57.11–27 *Mandatory.* Scaffolds and working platforms shall be of substantial construction and provided with handrails and maintained in good condition. Floorboards shall be laid properly and the scaffolds and working platform shall not be overloaded. Working platforms shall be provided with toeboards when necessary.

57.11–28 through 57.11–34 [Reserved]

Underground Only

57.11–35 Flexible ladders should be used only where rigid ladders may be impractical.

57.11–36 *Mandatory.* Trap doors or adequate guarding shall be provided in ladderways at each level. Doors shall be kept operable.

57.11–37 The minimum, unobstructed cross-sectional opening in ladderways should be 24 inches by 24 inches.

57.11–38 Warning should be given and acknowledged before entering a manway above or below where men are working.

57.11–39 and 57.11–40 [Reserved]

57.11–41 Ladders with an inclination of more than 70° off the horizontal should be offset and have landing gates, backguards or substantial landings at least every 30 feet.

57.11–42 through 57.11–49 [Reserved]

Escapeways

Underground Only

57.11–50 [Reserved]

57.11–51 *Mandatory.* Escape routes shall be:

(a) Inspected at regular intervals and maintained in safe, travelable condition.

(b) Marked with conspicuous and easily read direction signs that clearly indicate the ways of escape.

57.11–52 *Mandatory.* Refuge areas shall be:

(a) Of fire-resistant construction, preferably in untimbered areas of the mine.

(b) Large enough to accommodate readily the normal number of men in the particular area of the mine.

(c) Constructed so they can be made gastight.

(d) Provided with compressed air lines, waterlines, suitable handtools, and stopping materials.

57.11–53 [Reserved]

57.11–54 *Mandatory.* Telephone or other voice communication shall be provided between the surface and refuge chambers and such systems shall be independent of the mine power supply.

57.11–55 *Mandatory.* Designated escapeways inclined more than 30° from the horizontal shall be equipped with stairways, ladders, cleated walkways, or emergency hoisting facilities.

57.11–56 Emergency hoisting facilities should conform to the extent possible to safety requirements for other man hoists, should be adequate to remove the men from the mine with a minimum of delay, be maintained in ready condition, and be tested at least every 30 days; records should be kept of these tests.

§ 57.12 Electricity.

General—Surface and Underground

57.12–1 through 57.12–3 [Reserved]

57.12–4 Power wires and cables should have adequate current-carrying capacity and should be protected from mechanical injury.

57.12–5 Neither crawler-mounted nor rubber-tired equipment should run over trailing cables, unless the cables are properly bridged or protected.

57.12–6 Distribution boxes should be provided with disconnect switches.

57.12–7 *Mandatory.* Trailing cable and power-cable connections to junction boxes shall not be made or broken under load.

57.12–8 Power wires and cables should be insulated adequately where they pass into or out of electrical compartments.

57.12–9 [Reserved]

57.12–10 Telephone and low-potential electric signal wires should be protected from contacting energized powerlines.

57.12–11 *Mandatory.* High-potential transmission cables shall be covered, insulated, or placed according to acceptable electrical codes to prevent contact with low-potential circuits.

57.12–12 The potential on bare signal wires accessible to personal contact should not exceed 40 volts.

57.12–13 Splices in power cables, including ground conductor, where provided, should be:

(a) Mechanically strong with adequate electrical conductivity.

(b) Effectively insulated and sealed to exclude moisture.

(c) Provided with mechanical protection and electrical conductivity as near as possible to that of the original.

57.12–14 *Mandatory.* Shovel trailing cables shall not be moved with the shovel dipper unless cable slings or sleds are used.

57.12–15 through 57.12–17 [Reserved]

57.12–18 *Mandatory.* Principal power switches shall be labeled to show which units they control, unless identification can be made readily by location.

57.12–19 and 57.12–20 [Reserved]

57.12–21 *Mandatory.* Suitable danger signs shall be posted at all major electrical installations.

57.12–22 [Reserved]

57.12–23 *Mandatory.* Electrical connections and resistor grids that are difficult or impractical to insulate shall be guarded, unless protection is provided by location.

57.12–24 Reverse-current protection should be provided at storage-battery charging stations.

57.12–25 *Mandatory.* All metal enclosing or encasing electrical circuits shall be grounded or provided with equivalent protection. This requirement does not apply to battery-operated equipment.

57.12–26 *Mandatory.* Metal fencing and metal buildings enclosing transformers and switchgear shall be grounded.

57.12–27 *Mandatory.* Frame grounding or equivalent protection shall be provided for mobile equipment powered through trailing cables.

57.12–28 *Mandatory.* Continuity and resistance of grounding systems shall be tested immediately after installation.

57.12–29 Electric equipment and wiring should be inspected by a competent person as often as necessary to assure safe operating conditions.

57.12–30 *Mandatory.* When a potentially dangerous condition is found it shall be corrected before equipment or wiring is energized.

57.12–31 [Reserved]

57.12–32 Inspection and cover plates on electrical equipment should be kept in place at all times except during testing or repairs.

57.12–33 *Mandatory.* Hand-held electric tools shall not be operated at high potential voltages.

57.12–34 Portable extension lights and other lights that may present a shock or burn hazard should be guarded.

57.12–35 Lamp sockets exposed to the weather should be of a weatherproof type.

57.12–36 [Reserved]

57.12–37 *Mandatory.* Fuse tongs or hot-line tools shall be used when fuses are removed or replaced in high-potential circuits.

57.12–38 Trailing cables should be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections.

57.12–39 Surplus trailing cables to shovels, cranes, and similar equipment should be stored in cable boats or on reels mounted on the equipment or otherwise protected from mechanical damage.

57.12–40 *Mandatory.* Operating controls shall be installed so that they can be operated without danger of contact with energized conductors.

57.12–41 *Mandatory.* Switches and starting boxes shall be of safe design and capacity.

57.12–42 and 57.12–43 [Reserved]

57.12–44 Lightning arrester grounds should be connected to earth at least 10 feet from the track or mine return circuit.

57.12–45 *Mandatory.* Overhead high-potential powerlines shall be installed as specified by the National Electrical Code.

57.12–46 and 57.12–47 [Reserved]

57.12–48 *Mandatory.* Telegraph, telephone, or signal wires shall not be installed on the same crossarm with power conductors. When carried on poles supporting powerlines, they shall be installed as specified by the National Electrical Code.

57.12–49 Men should not stand on the ground in the vicinity of an electrically powered shovel or other similar heavy equipment during an electrical storm.

57.12–50 through 57.12–53 [Reserved]

57.12–54 Tools and supplies should be carried in the hands and not on the shoulders when men travel near bare power conductors.

57.12–55 through 57.12–64 [Reserved]

Surface Only

57.12–65 *Mandatory.* Powerlines, including trolley wires, and telephone circuits shall be protected against short circuits and lightning.

57.12–66 *Mandatory.* Where metallic tools or equipment can come in contact with trolley wires or bare powerlines, the lines shall be guarded or deenergized.

57.12–67 *Mandatory.* Transformers shall be totally enclosed, or shall be placed at least 8 feet above the ground, or installed in a transformer house, or surrounded by a substantial fence at least 6 feet high and at least 3 feet from any energized parts, casings, or wiring.

57.12–68 [Reserved]

57.12–69 Lightning arresters should be provided where telephone circuits enter a mine; mine telephone extensions in surface buildings should be provided with a lightning arrester for each circuit entering the building.

57.12–70 Each exposed power circuit that leads underground should be equipped with lightning arresters of an approved type at or near the point where the circuit enters the mine.

57.12–71 through 57.12–79 [Reserved]

Underground Only

57.12–80 [Reserved]

57.12–81 Metal pipelines 1,000 feet or more in length along haulage roads where grounded return circuits are used should be bonded to the return at the ends and at intervals not exceeding 500 feet.

57.12–82 *Mandatory.* Powerlines shall be well separated or insulated from waterlines, telephone lines, and air lines.

57.12–83 Power cables in shafts and boreholes should be fastened securely in such manner as to prevent undue strain on the sheath, insulation, or conductors.

57.12–84 Disconnecting switches that can be opened safely under load should be provided underground at all primary power circuits near shafts, levels, and boreholes.

57.12–85 [Reserved]

57.12–86 Trolley and trolley feeder wires should be installed opposite the clearance side of haulageways.

57.12–87 Not more than five splices should be made in any trailing cable unless they are vulcanized.

57.12–88 On machines not using cable reels, no splices should be present in the first 25 feet of trailing cable adjacent to the equipment.

57.12–89 *Mandatory.* The potential on trolley wires and bare feeder lines shall not exceed 650 volts.

§ 57.13 Compressed air and boilers.

General—Surface and Underground

57.13–1 *Mandatory.* All boilers and pressure vessels shall be constructed, installed, and maintained in accordance with the standards and specifications of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

57.13–2 through 57.13–9 [Reserved]

Compressed Air

57.13–10 Air compressors should be equipped with automatic temperature-activated shutoff mechanisms set for 400° F., or with fusible plugs installed in the compressor discharge lines as near the compressors as possible. Fusible plugs should melt at temperatures 50° less than the flash points of the lubricating oils.

57.13–11 Compressors and compressed-air receivers should be equipped with automatic pressure-release valves, pressure gages, and drain valves.

57.13–12 Compressor air intakes should be installed to insure that only clean, uncontaminated air enters the compressors.

57.13–13 [Reserved]

57.13–14 Compressed-air receivers should have inspection openings which should be manholes when the tanks are over 36 inches in diameter.

57.13–15 [Reserved]

57.13–16 Compressors should be operated and lubricated in accordance with the manufacturer's recommendations.

57.13–17 Compressor discharge pipes should be cleaned periodically.

57.13–18 [Reserved]

57.13–19 *Mandatory.* Repairs involving the pressure system of compressors, receivers, or compressed-air-powered equipment shall not be attempted until the pressure has been bled off.

57.13–20 *Mandatory.* At no time shall compressed air be directed toward a person. When compressed air is used, all necessary precautions shall be taken to protect persons from injury.

57.13–21 through 57.13–29 [Reserved]

Boilers

57.13–30 Boilers should be equipped with guarded, well-maintained water gages and pressure gages placed so that they can be observed easily. Water gages and pipe passages to the gages should be kept clean and free of scale and rust.

57.13–31 [Reserved]

57.13–32 Boiler installations should be provided with safety devices, acceptable to the Bureau of Mines, to protect against hazards of flame outs, fuel interruptions, and low-water level.

57.13–33 Blowoff valves should be piped outside the building and should have outlets so located or protected that persons passing by, near, or under them will not be scalded.

57–13–34 Boilers should be inspected internally at least once a year by licensed inspectors; records of such inspections should be kept.

§ 57.14 Use of equipment.

Guards

General—Surface and Underground

57.14–1 through 57.14–3 [Reserved]

57.14–4 Openings where conveyors pass through walls or floors should be guarded.

57.14–5 Protruding setscrews on revolving parts should be guarded.

57.14–6 *Mandatory.* Except when testing the machinery, guards shall be securely in place while machinery is being operated.

57.14–7 Guards should be sufficiently strong and maintained to provide the required protection.

57.14–8 *Mandatory.* Stationary grinding machines other than special bit grinders shall be equipped with:

(a) Peripheral hoods (less than 90° throat openings) capable of withstanding the force of a bursting wheel.

(b) Adjustable tool rests set as close as practical to the wheel.

(c) Safety washers.

57.14–9 *Mandatory.* Grinding wheels shall be operated within the specifications of the manufacturer of the wheel.

57.14–10 *Mandatory.* Hand-held power tools, other than rock drills, shall be equipped with controls requiring constant hand or finger pressure to operate the tools or shall be equipped with friction or other equivalent safety devices.

57.14–11 Guards or shields should be provided in areas where flying or falling materials present a hazard.

57.14–12 and 57.14–13 [Reserved]

57.14–14 *Mandatory.* Face shields or goggles, in good condition, shall be worn when operating a grinding wheel.

57.14–15 through 57.14–24 [Reserved]

Methods and Procedures

General—Surface and Underground

57.14–25 Machinery and equipment should be maintained properly.

57.14–26 and 57.14–27 [Reserved]

57.14–28 Adequate clearance should be provided at machine installations.

57.14–29 *Mandatory.* Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery motion is necessary to make adjustments.

57.14–30 *Mandatory.* Men shall not work on or from a piece of mobile equipment in a raised position until it has been blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile work platforms.

57.14–31 *Mandatory.* Drive belts shall not be shifted while in motion unless the machines are provided with mechanical shifters.

57.14–32 *Mandatory.* Belts, chains, and ropes shall not be guided onto power-driven moving pulleys, sprockets, or drums with the hands except on slow moving equipment especially designed for hand feeding.

57.14–33 [Reserved]

57.14–34 *Mandatory.* Belt dressing shall not be applied manually while belts are in motion unless an aerosol-type dressing is used.

57.14–35 *Mandatory.* Machinery shall not be lubricated while in motion where a hazard exists, unless equipped with extended fittings or cups.

57.14–36 Tools and equipment should be used only for the purpose and within the capacity for which they were intended and designed.

57.14–37 through 57.14–44 [Reserved]

SURFACE ONLY

57.14–45 through 57.14–54 [Reserved]

UNDERGROUND ONLY

57.14–55 Welding operations should be shielded and well ventilated.

§ 57.15 Personal protection.

GENERAL—SURFACE AND UNDERGROUND

57.15–1 *Mandatory.* Adequate first-aid materials, including stretchers and blankets, shall be provided at places convenient to all working areas. Water or neutralizing agents shall be available where corrosive chemicals or other harmful substances are stored, handled, or used.

57.15–2 through 57.15–7 [Reserved]

57.15–8 Snug-fitting clothing should be worn around moving equipment and machinery.

57.15–9 Protective gloves should be worn by employees handling materials which may cause injury.

57.15–10 Gloves should not be worn where they could create a hazard by becoming entwined or caught in moving parts of machinery.

57.15–11 through 57.15–19 [Reserved]

SURFACE ONLY

57.15–20 [Reserved]

§ 57.16 Materials storage and handling.

GENERAL—SURFACE AND UNDERGROUND

57.16–1 Materials should be stored and stacked in a manner which minimizes stumbling or fall-of-material hazards.

57.16–2 Men working on surge piles or storage piles should not walk or stand immediately above a reclaiming area during reclaiming.

57.16–3 *Mandatory.* Materials that can create hazards if accidentally liberated from their containers shall be stored in a manner that minimizes the dangers.

57.16–4 [Reserved]

57.16–5 *Mandatory.* Compressed and liquid gas cylinders shall be secured in a safe manner.

57.16–6 *Mandatory.* Valves on compressed gas cylinders shall be protected by covers when being transported or stored, and by a safe location when the cylinders are in use.

57.16–7 Hitches and slings used to hoist materials should be designed and use properly for the particular material handled.

57.16–8 [Reserved]

57.16–9 *Mandatory.* Men shall stay clear of suspended loads.

57.16–10 [Reserved]

57.16–11 *Mandatory.* Men shall not ride on loads being moved by cranes or derricks, nor shall they ride the hoisting hooks unless such method eliminates a greater hazard.

57.16–12 Substances that react violently or liberate dangerous fumes when mixed should be stored in such a manner that they cannot come in contact with each other.

57.16–13 Only men wearing protective equipment should stand near pots or ladles when molten material is being handled; warning should be given before a pour is made or the pot is moved.

57.16–14 *Mandatory.* Operator-carrying overhead cranes shall be provided with:

(a) Bumpers at each end of each rail.

(b) Automatic switches to halt uptravel of the blocks before they strike the hoist.

(c) Effective audible warning signals within easy reach of the operator.

(d) A means to lockout the disconnect switch.

57.16–15 [Reserved]

57.16–16 Forklift trucks should be moved with the load in a low position and should descend ramps with the load behind.

57.16–17 through 57.16–34 [Reserved]

UNDERGROUND ONLY

57.16–35 Chairs should be used to land shaft conveyances when heavy supplies or equipment are being handled.

§ 57.17 Illumination.

SURFACE ONLY

57.17–1 *Mandatory.* Illumination sufficient to provide safe working conditions shall be provided in and on all surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and working areas.

57.17–2 through 57.17–9 [Reserved]

UNDERGROUND ONLY

57.17–10 *Mandatory.* Individual electric lamps shall be carried for illumination by all persons underground.

§ 57.18 Safety programs.

GENERAL—SURFACE AND UNDERGROUND

57.18–1 The employer should establish a definite effective program and continually functioning safety program and make every attempt to prevent accidents and increase safety. Employees should actively participate in the safety program.

57.18–2 and 57.18–3 [Reserved]

57.18–4 Company safety regulations pertinent to the various operations should be published or posted for employee information.

57.18–5 [Reserved]

57.18–6 *Mandatory.* New employees shall be indoctrinated in safety rules and safe work procedures.

57.18–7 [Reserved]

57.18–8 Each working place should be visited by a supervisor or a designated person at least once each shift and more frequently as necessary to insure that work is being done in a safe manner.

57.18–9 [Reserved]

57.18–10 Selected supervisors should be trained in first aid. First-aid training should be made available to all employees.

57.18–11 [Reserved]

57.18–12 *Mandatory.* Emergency telephone numbers shall be posted at appropriate telephones.

57.18–13 Where telephone service is not available, emergency communications should be provided to the nearest point of assistance.

57.18–14 *Mandatory.* Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons.

57.18–15 through 57.18–19 [Reserved]

SURFACE ONLY

57.18–20 through 57.18–24 [Reserved]

UNDERGROUND ONLY

57.18–25 and 57.18–26 [Reserved]

57.18–27 *Mandatory.* An accurate record of the men going in and out of the mine shall be kept on the surface.

§ 57.19 Man hoisting.

The hoisting standards in this section apply to those hoists and appurtenances used for hoisting men. However, where men may be endangered by hoists and appurtenances used solely for handling ore, rock, and materials, the appropriate standards should be applied.

HOISTS

57.19–1 *Mandatory.* Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used.

57.19–2 *Mandatory.* Hoists shall be anchored securely.

57.19–3 *Mandatory.* Belt, rope, or chains shall not be used to connect driving mechanisms to man hoists.

57.19–4 *Mandatory.* Any hoist used to hoist men shall be equipped with a brake or brakes which shall be capable of holding its fully loaded cage, skip, or bucket at any point in the shaft.

57.19–5 *Mandatory.* The operating mechanism of the clutch of every man-hoist drum shall be provided with a locking mechanism, or interlocked electrically or mechanically with the brake to prevent accidental withdrawal of the clutch.

57.19–6 *Mandatory.* Automatic hoists shall be provided with devices that automatically apply the brakes in the event of power failure.

57.19–7 *Mandatory.* Man hoists shall be provided with devices to prevent overtravel and overspeed.

57.19–8 Friction hoists should be provided with synchronizing mechanisms that recalibrate the overtravel devices and position indicators to correct for rope creep or stretch.

57.19–9 [Reserved]

57.19–10 *Mandatory.* Hoist controls shall be placed or housed so that the noise from machinery or other sources will not prevent hoistmen from hearing signals.

57.19–11 [Reserved]

57.19–12 Where grooved drums are used, the grooves should be of the proper size and pitch for the ropes used.

57.19–13 through 57.19–19 [Reserved]

WIRE ROPE

57.19–20 The United States of America Standards Institute specifications cited in "Wire Ropes for Mines", M11.1–1960, or the latest revision thereof, should be used as a guide in the selection, installation, and maintenance of wire ropes used for hoisting, except in those instances where the recommendations cited herein are more stringent.

57.19–21 *Mandatory.* The following static-load safety factors shall be used for selecting ropes to be used for hoisting men and for determining when such ropes shall be removed from man hoists.

Length of rope in shaft (feet)	Minimum factor of safety (new rope)	Minimum factor of safety (remove)
500 or less	8	6.4
501–1,000	7	5.8
1,001–2,000	6	5.0
2,001–3,000	5	4.3
3,001 or more	4	3.6

57.19–22 At least three wraps of rope should be left on the drum when the conveyance is at the bottom of the hoistway. This provision does not apply to friction hoists.

57.19–23 and 57.19–24 [Reserved]

57.19–25 New ropes should be broken-in in accordance with the manufacturer's recommendations.

57.19–26 Corrosion of hoist ropes at the attachment of safety connections should be minimized by the design of the attachment devices and by lubrication.

57.19–27 Where possible, conveyances attached to single ropes used to hoist men should be provided with secondary safety connections.

57.19–28 through 57.19–34 [Reserved]

HEADFRAMES AND SHEAVES

57.19–35 Headframes should be designed and constructed to withstand pulls by the hoists greater than the breaking strengths of the hoist ropes.

57.19–36 [Reserved]

57.19–37 Fleet angles should not exceed 1½ degrees.

57.19–38 *Mandatory.* Platforms with toeboards and handrails shall be provided around elevated head sheaves.

57.19–39 Diameters of head sheaves and hoist drums should conform to the following specifications:

Rope construction	Diameter of sheave and drum	
	Recommended	Minimum
	Times rope diameter	*Times rope diameter*
6 x 7 classification	72	42
6 x 19	45	30
6 x 37	27	18
6 x 25 type B, flattened strand	45	30
6 x 27 type H, flattened strand	45	30
6 x 30 type G, flattened strand	45	30
18 x 7 classification	51	34

57.19–40 Head, idler, knuckle, and curve sheaves should have grooves that support the ropes properly. Before installing new ropes, the grooves should be inspected and where necessary machined to the proper contour and the proper groove diameter.

57.19–41 through 57.19–44 [Reserved]

CONVEYANCES

57.19–45 *Mandatory.* Man cages and skips used for hoisting or lowering employees or other persons in any vertical shaft or any incline shaft with an angle of inclination of forty-five (45) degrees from the horizontal, shall be covered with a metal bonnet.

57.19–46 through 57.19–48 [Reserved]

57.19–49 *Mandatory.* Buckets shall not be used to hoist men except during shaft sinking operations, inspection, maintenance, and repairs.

57.19–50 *Mandatory.* Buckets used to hoist men during shaft sinking operations shall have:

(a) Crossheads equipped with safety catches and protective bonnets when the shaft depth exceeds 50 feet.

(b) Devices to prevent accidental dumping.

(c) Sufficient depth to transport men safely in a standing position.

57.19–51 through 57.19–54 [Reserved]

HOISTING PROCEDURES

57.19–55 *Mandatory.* When a manually operated hoist is used, a qualified hoistman shall remain within hearing of the telephone or signal device at all times while any person is underground.

57.19–56 [Reserved]

57.19–57 Hoistmen should be physically fit and should undergo yearly examinations to determine their continued fitness; certification to this effect should be available at the mine.

57.19–58 *Mandatory.* Only experienced hoistmen shall operate the hoist except in cases of emergency and in the training of new hoistmen.

57.19–59 [Reserved]

57.19–60 Hoistmen should use extreme caution when hoisting or lowering men.

57.19–61 through 57.19–64 [Reserved]

57.19–65 *Mandatory.* Conveyances shall not be lowered by the brakes alone except during emergencies.

57.19–66 Management should designate the maximum number of men permitted to ride on a trip at one time; this limit should be posted on each landing.

57.19–67 Authorized persons should be in charge of all man trips.

57.19–68 Men should enter, ride, and leave conveyances in an orderly manner.

57.19–69 *Mandatory.* Men shall not enter or leave conveyances which are in motion or after a signal to move the conveyance has been given to the hoistman.

57.19–70 *Mandatory.* Cage doors or gates shall be closed while men are being hoisted; they shall not be opened until the cage has come to a stop.

57.19–71 *Mandatory.* Men shall not ride in skips or buckets with muck, supplies, materials, or tools other than small hand tools.

57.19–72 When combinations of cages and skips are used, the skips should be empty while men are being transported.

57.19–73 *Mandatory.* Rock or supplies shall not be hoisted in the same shaft as men during shift changes, unless the compartments and dumping bins are partitioned to prevent spillage into the cage compartment.

57.19–74 Men should not ride the ball, rim, or bonnet of any shaft conveyance, except where necessary for the inspection and maintenance of the shaft and lining.

57.19–75 *Mandatory.* Open hooks shall not be used to hoist buckets or other conveyances.

57.19–76 When men are hoisted, bucket speeds should not exceed 500 feet a minute, and should not exceed 200 feet a minute when within 100 feet of a landing.

57.19–77 *Mandatory.* Buckets shall be stopped about 15 feet from the shaft bottom to await a signal from one of the crew on the bottom for further lowering.

57.19–78 Buckets should be stopped after being raised 3 feet when men are hoisted from the bottom; a second hoisting signal should be given after the bucket has been stabilized. Hoisting should be at a minimum speed and the bellcord should be attended constantly until the crosshead has been engaged.

57.19–79 *Mandatory.* Where mine cars are hoisted by cage or skip, means for blocking cars shall be provided at all landings and also on the cage.

57.19–80 *Mandatory.* When tools, timbers, or other materials are being lowered or raised in a shaft by means of a bucket, skip, or cage, they shall be secured or so placed that they will not strike the sides of the shaft.

57.19–81 Conveyances not in use should be released and raised or lowered at least 10 feet from the floor of the landing.

57.19–82 through 57.19–89 [Reserved]

SIGNALING

57.19–90 *Mandatory.* There shall be at least two effective approved methods of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

57.19–91 Hoistmen should not accept hoisting instructions by telephone unless the regular signaling systems are out of order. During such an emergency one person should be designated to direct movement of the conveyance.

57.19–92 and 57.19–93 [Reserved]

57.19–94 *Mandatory.* A legible signal code shall be posted prominently in the hoist house within easy view of the hoistmen, and at each place where signals are given or received.

57.19–95 Hoisting signal devices should be maintained within easy reach of men on the shaft bottom during sinking operation.

57.19–96 *Mandatory.* Any person responsible for receiving or giving signals for cages, skips, and mantrips when men or materials are being transported shall be familiar with the posted signaling code.

57.19–97 through 57.19–99 [Reserved]

SHAFTS

57.19–100 *Mandatory.* Shaft landings shall be equipped with substantial safety gates so constructed that materials will not go through or under them; gates shall be closed except when loading or unloading shaft conveyances.

57.19–101 *Mandatory.* Positive stopblocks or a derail switch shall be installed on all tracks leading to a shaft collar or landing.

57.19–102 Guides should be provided in each hoisting compartment in shafts inclined more than 45° from the horizontal.

57.19–103 Dumping facilities should be so constructed as to minimize spillage into the shaft.

57.19–104 Adequate clearance should be maintained at shaft stations to allow men to pass safely and to allow materials to be handled safely.

57.19–105 *Mandatory.* A safe means of passage around open shaft compartments shall be provided on landings with more than one entrance to the shaft

57.19–106 Shaft timbers should be kept clean of rocks and other loose material.

57.19–107 *Mandatory.* Hoistmen shall be informed when men are working in a compartment affected by that hoisting operation and "Men Working in Shaft" sign shall be posted at the hoist.

57.19–108 and 57.19–109 [Reserved]

57.19–110 *Mandatory.* A substantial bulkhead or equivalent protection shall be provided above men at work deepening a shaft.

57.19–111 Substantial fixed ladders should be maintained as near the shaft bottom as practical during shaft-sinking operations. Chain, wire rope, or other extension ladders should be used from the fixed ladder to the shaft bottom.

57.19–112 through 57.19–119 [Reserved]

INSPECTION AND MAINTENANCE

57.19–120 [Reserved]

57.19–121 Complete records should be kept of installation, lubrication, inspection, tests, and maintenance of shafts and hoisting equipment.

57.19–122 Parts used to repair hoists should have properties equal to or better than the original parts; replacement parts should be designed to fit the original installation.

57.19–123 Ropes should be kept well lubricated from end to end as recommended by the manufacturer.

57.19–124 and 57.19–125 [Reserved]

57.19–126 Ropes should be calipered at regular intervals as necessary to effectively determine the rate of wear and damage. Caliper measurements should be taken:

(a) Immediately above the socket or clips and above the safety connection.

(b) Where the ropes rest on the sheaves.

(c) Where the ropes leave the drums when the conveyances are at the regular stopping points.

(d) Where a layer of rope begins to overlap another layer on the drum.

57.19–127 Electromagnetic or other nondestructive rope testing systems should be used only as supplements to and not as substitutes for recommended inspection and tests.

57.19–128 *Mandatory.* Ropes shall not be used for hoisting when they have:

(a) More than six broken wires in any lay.

(b) Crown wires worn to less than 65 percent of the original diameter.

(c) A marked amount of corrosion or distortion.

(d) A combination of similar factors individually less severe than those above but which in aggregate might create an unsafe condition.

57.19–129 [Reserved]

57.19–130 Empty conveyances should be operated up and down shafts at least one round trip before hoisting men after any shaft or equipment repairs and before regular man trips are hoisted or lowered.

57.19–131 Rope and conveyance connections to conveyances should be inspected daily.

57.19–132 Safety catches should be inspected daily; drop tests should be made at the time of installation. Every 2 months the cage should be rested on chairs or proper blocking to check the operation or activation of the safety catches by allowing the rope to slacken suddenly.

57.19–133 [Reserved]

57.19–134 Sheaves should be inspected daily and kept properly lubricated.

57.19–135 Rollers used in inclined shafts should be lubricated, properly aligned and kept in good repair.

§ 57.20 Miscellaneous.

57.20–1 [Reserved]

57.20–2 *Mandatory.* Potable water shall be available to all employees during working hours.

57.20–3 Good housekeeping should be practiced in and around a mine.

57.20–4 Men should not engage in horseplay.

57.20–5 *Mandatory.* Carbon tetrachloride shall not be used.

57.20–6 Protruding nails which may cause injury should be removed or completely bent over.

57.20–7 Employees should be constantly alert to the potential of accidents on their jobs.

57.20–8 [Reserved]

57.20–9 *Mandatory.* Dusts suspected of being explosive shall be tested for explosibility. If tests prove positive, appropriate control measures shall be taken.

57.20–10 *Mandatory.* If failure of a water or silt retaining dam will create a hazard it shall be of substantial construction and inspected at regular intervals.

57.20–11 through 57.20–19 [Reserved]

SURFACE ONLY

57.20–20 *Mandatory.* Access to unattended mine openings shall be restricted by gates or doors, or the openings shall be fenced and posted.

57.20–21 through 57.20–29 [Reserved]

UNDERGROUND ONLY

57.20–30 [Reserved]

57.20–31 *Mandatory.* In areas where dangerous accumulations of water, gas, mud, or fire atmosphere could be encountered, men shall be removed to safe places before blasting.

57.20–32 Telephone service or equivalent two-way communication facilities should be provided from underground working areas to the surface.

§ 57.21 Gassy mines.

Gassy mines shall be operated in accordance with all mandatory standards in this part. Such mines shall also be operated in accordance with the mandatory standards in this section. The standards in this section apply only to underground operations.

MINE CLASSIFICATION

57.21–1 *Mandatory.* A mine shall be deemed gassy, and thereafter operated as a gassy mine, if:

(a) The State in which the mine is located classifies the mine as gassy; or

(b) Flammable gas emanating from the orebody or the strata surrounding the orebody has been ignited in the mine; or

(c) A concentration of 0.25 percent or more, by air analysis, of flammable gas emanating only from the orebody or the strata surrounding the orebody has been detected not less than 12 inches from the back, face, or ribs in any open workings; or

(d) The mine is connected to a gassy mine.

57.21–2 *Mandatory.* Flammable gasses detected while unwatering mines and similar operations shall not be used to class a mine gassy.

57.21–3 through 57.21–9 [Reserved]

FIRE PREVENTION AND CONTROL

57.21–10 *Mandatory.* Men shall not smoke or carry smoking materials, matches, or lighters underground. The operator shall institute a reasonable program to ensure that persons entering the mine do not carry smoking materials, matches, or lighters.

57.21–11 *Mandatory.* Except when necessary for welding or cutting, open flames shall not be used in other than fresh air or in places where flammable gases are present or may enter the air current.

57.21–12 *Mandatory.* Welding or cutting with arc or flame underground in other than fresh air or in places where flammable gases are present or may enter the air current shall be under the direct supervision of a qualified person who shall test for flammable gases before and frequently during such operations.

57.21–13 *Mandatory.* Welding or cutting shall not be performed in atmospheres, containing more than 1.0 percent of flammable gases.

57.21–14 through 57.21–19 [Reserved]

VENTILATION

57.21–20 and 57.21–21 [Reserved]

57.21–22 The main intake and return air currents in mines should be in separate shafts, slopes, or drifts.

57.21–23 *Mandatory.* When single shafts are used for intake and return the curtain wall or partition shall be constructed of reinforced concrete or equivalent and provided with pressure relief devices.

57.21–24 [Reserved]

57.21–25 When there has been a failure of ventilation and ventilation has been restored in a reasonable time, all places where flammable gas may have accumulated should be examined by a qualified person and determined to be free of flammable gas before power is restored and work resumed.

57.21–26 [Reserved]

57.21–27 *Mandatory.* When the main fan or fans have been shut down with all men out of the mine, no person, other than those qualified to examine the mine, or other authorized persons, shall go underground until the fans have been started and the mine examined for gas and other hazards and declared safe.

57.21–28 through 57.21–32 [Reserved]

57.21–33 *Mandatory.* The volume and velocity of the current of air coursed through all active areas shall be sufficient to dilute and carry away flammable gases, smoke and fumes.

57.21–34 through 57.21–36 [Reserved]

57.21–37 Electrically operated pumps, compressors, and portable substations should be in intake air.

57.21–38 [Reserved]

57.21–39 *Mandatory.* If flammable gas in excess of 1.0 percent by volume is detected in the air not less than 12 inches from the back, face, and rib of an underground working place, or in air returning from a working place or places, adjustments shall be made in the ventilation immediately so that the concentration of flammable gas in such air is reduced to 1.0 percent or less.

57.21–40 *Mandatory.* If 1.5 percent or higher concentration of flammable gas is detected in air returning from an underground working place or places, the men shall be withdrawn and the power cut off to the portion of the mine endangered by such flammable gas until the concentration of such gas is reduced to 1.0 percent or less.

57.21–41 and 57.21–42 [Reserved]

57.21–43 *Mandatory.* Abandoned areas shall be sealed or ventilated; areas that are not sealed shall be barricaded and posted against unauthorized entry.

57.21–44 *Mandatory.* Seals shall be of substantial construction. Exposed surfaces shall be made of fire-resistant material or, if the commodity mined is combustible, seals shall be made of incombustible material.

57.21–45 *Mandatory.* One or more seals of every sealed area shall be fitted with a pipe and a valve or cap to permit sampling of the atmosphere and measurement of the pressure behind such seals.

57.21–46 *Mandatory.* Crosscuts shall be made at intervals not in excess of 100 feet between entries and between rooms.

57.21–47 Crosscuts should be closed where necessary to provide adequate face ventilation.

57.21–48 *Mandatory.* Line brattice or other suitable devices shall be installed from the last open crosscut to a point near the face to assure positive air flow to the face of every active underground working place, unless the Secretary or his authorized representative permits an exception to this requirement.

57.21–49 Brattice cloth should be of flame-resistant material.

57.21–50 *Mandatory.* Damaged brattices shall be repaired promptly.

57.21–51 Crosscuts should be provided, where practicable, at or near the faces of entries and rooms before they are abandoned.

57.21–52 *Mandatory.* Entries or rooms shall not be started off entries beyond the last open crosscuts, except that room necks and entries not to exceed 18 feet in depth may be turned off entries beyond the last open crosscuts if such room necks or entries are kept free of accumulations of flammable gas by use of line brattice or other adequate means.

57.21–53 Stoppings in crosscuts between intake and return airways, on entries other than room entries, should be built of solid, substantial material; exposed surfaces should be made of fire-resistant material or, if the material mined is combustible, stoppings should be made of incombustible material.

57.21–54 Stoppings should be reasonably airtight.

57.21–55 *Mandatory.* The main ventilation shall be so arranged by means of air locks, overcasts, or undercasts that the passage of trips or persons does not cause interruptions of air currents. Where air locks are impracticable, single doors may be used if they are attended constantly while the areas of the mine affected by the doors are being worked, unless they are operated mechanically or are self-closing.

57.21–56 *Mandatory.* Air locks shall be ventilated sufficiently to prevent accumulations of flammable gas inside the locks.

57.21–57 *Mandatory.* Doors shall be kept closed except when men or equipment are passing through the doorways.

57.21–58 Overcasts and undercasts should be:

(a) Constructed tightly of incombustible material.

(b) Of sufficient strength to withstand possible falls from the back.

(c) Kept clear of obstructions.

57.21–59 and 57.21–60 [Reserved]

57.21–61 *Mandatory.* Only qualified examiners and persons authorized to correct the dangerous conditions shall enter places or areas where danger signs are posted.

57.21–62 *Mandatory.* Danger signs shall not be removed until the dangerous conditions have been corrected.

57.21–63 through 57.21–74 [Reserved]

EQUIPMENT

57.21–75 [Reserved]

57.21–76 *Mandatory.* Diesel-powered equipment shall not be taken into or operated in places where flammable gas exceeds 1.0 percent at any point not less than 12 inches from the back, face, and rib.

57.21–77 *Mandatory.* Trolley wires and trolley feeder wires shall be on intake air and shall not extend beyond the last open crosscut or other ventilation opening. Such wires shall be kept at least 150 feet from pillar workings.

57.21–78 *Mandatory.* Only permissible equipment maintained in permissible condition shall be used beyond the last open crosscut or in places where dangerous quantities of flammable gases are present or may enter the air current.

57.21–79 *Mandatory.* Only permissible distribution boxes shall be used in working places and other places where dangerous quantities of flammable gas may be present or may enter the air current.

57.21–80 [Reserved]

57.21–81 *Mandatory.* No electric equipment shall be taken into or operated in places where flammable gas can be detected in the amount of 1.0 percent or more at any point not less than 12 inches from the back, face, and rib.

57.21–82 through 57.21–89 [Reserved]

ILLUMINATION

57.21–90 through 57.21–94 [Reserved]

EXPLOSIVES

57.21–95 through 57.21–98 [Reserved]

57.21–99 *Mandatory.* Examinations for gas shall be made immediately before and after firing each shot or round.

57.21–100 *Mandatory.* Shots or rounds shall not be fired in places where flammable gas can be detected with a permissible flame safety lamp, or where 1.0 percent or more of flammable gas can be detected by any other Bureau of Mines approved device or method, at a point not less than 12 inches from the back, face, and rib.

57.21–101 Shots and rounds should be fired by qualified persons.

§ 57.22 Savings provision.

57.22–1 through 57.22–3 [Reserved]

[F.R. Doc. 69–8972; Filed, July 30, 1969; 8:45 a.m.]

Proposed Rule Making

FEDERAL TRADE COMMISSION

[16 CFR Part 409]

DESIGN LIFE AND LUMEN OUTPUT OF LARGE HOUSEHOLD ELECTRIC INCANDESCENT LIGHT BULBS AND COST FACTORS THEREOF

Notice of Proposed Trade Regulation

Notice is hereby given that the Federal Trade Commission, after consideration of all relevant matters of fact, law, policy, and discretion, including all matters presented by interested parties during the course of the rulemaking proceeding concerning the feasibility of the establishment of the Trade Regulation Rule regarding incandescent electric light bulbs, announced in the FEDERAL REGISTER May 29, 1964, 29 F.R. 7131, and pursuant to the Federal Trade Commission Act as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart F of the Commission's procedures and rules of practice, 28 F.R. 7083–84 (July 11, 1963 [amended June 13, 1967, as Part 1, Subpart B, 32 F.R. 8444, 16 CFR 1.11, et seq.], proposes the Trade Regulation Rules hereinafter set forth.

On the basis of its initial conclusions, the Commission has taken this action having reason to believe:

1. Marketers of household electric incandescent light bulbs have offered for sale and sold in commerce, as "commerce" is defined in the Federal Trade Commission Act, light bulbs described by terms such as "standard," "long life," "standard service," "extended service," "soft white," and "brighter light" with only the wattage (electrical energy consumed) and voltage ratings marked thereon.

2. So-called "standard" light bulbs are marketed which emit more light than "long life" bulbs of the same wattage but which have a shorter design life than such "long life" bulbs.

3. So-called "long life" bulbs are marketed which are designed to last longer than "standard" bulbs but which emit less light than the same wattage "standard" bulbs.

4. As a bulb's design life for any given wattage is increased, that bulb's light output is decreased; conversely, as a bulb's designed light output for any given wattage is increased, its life is decreased.

5. Marketers do not disclose that certain bulbs emit more light because of shorter design life and that certain other bulbs have longer lives because of reduced designed light output, nor do they disclose the lumen and life ratings for such bulbs.

6. A substantial portion of the consuming public, not being aware of the above facts, ordinarily purchases light bulbs on the basis of wattage (electrical energy consumed) in the belief that bulbs of the same wattage emit the same amount of light and last approximately the same length of time; whereas some bulbs are available, where for any given wattage life ratings range from approximately 750 to 10,000 hours and rated light output decreases as the rated life increases.

7. A substantial portion of the purchasing public prefers bulbs for specific purposes such as reading and working, general lighting, convenience in the changing of bulbs or for hard to reach fixtures (due to the potential risk in changing such bulbs) and in a substantial number of cases purchasers would be willing to accept less light, or to pay more for light, or to accept shorter life to obtain more light, etc., for their various intended purposes.

8. The failure to disclose lumen and life ratings deprives consumers of material facts which if known to them would influence their decisions as to which type of bulb to purchase.

9. Marketers also represent that savings result from the use of certain light bulbs without disclosing the various material factors used in calculating and bearing on the savings such as initial cost of bulbs, cost of electricity, lumen ratings, life ratings, amount of light emitted per watt, exclusion, or inclusion of replacement costs, etc.

10. The failure to disclose the various cost factors tends to distort lighting cost data and results in half truths.

11. The above practices have the tendency and capacity to:

(a) Mislead purchasers as to the overall utility and performance of various light bulbs and into buying light bulbs which may not be appropriate for particular intended purposes, and to

(b) Divert business from competitors who appropriately advertise and label their products; and that, therefore,

12. These practices constitute unfair methods of competition and unfair or deceptive acts or practices in violation of section 5 of the Federal Trade Commission Act.

Accordingly, the Commission proposes consideration of two alternative proposed Trade Regulation Rules as follows:

In connection with the sale of large household incandescent electric light bulbs for general lighting purposes, in commerce, as "commerce" is defined in the Federal Trade Commission Act, it constitutes an unfair method of competition and an unfair or deceptive act or practice to:

(a) Fail to clearly and conspicuously disclose on the bulbs themselves and on the sleeves or paper containers in which they are packaged:

(1) The light output of such bulbs expressed in initial lumens;

(2) The life of such bulbs expressed in hours and by classification as follows:

General classification	*To be used on bulbs with rated hours of*
Standard life	Up to 1,500 hours.
Medium life	Over 1,500 hours, but less than 5,000 hours.
Long life	5,000 hours or more.

(3) The electrical energy consumed expressed in wattage.

(NOTE: The lumen and life disclosures required may be expressed as averages, i.e., "average" initial lumens and "average" life, as determined in accordance with Federal Specification W–L–101f or its most recent revision. Disclosures on the bulb itself may be abbreviated: *Provided*, They are readily visible and likely to be understood by consumers. For a period of one (1) year from the effective date of this rule, except on the bulb itself, wherever the term "lumens" is used, there shall be a brief explanation of the term such as "light output.")

(b) Represent in any manner that savings in the cost of light will result from the use of certain bulbs (e.g., "Save 00 dollars," "Outlasts 00 ordinary bulbs," etc.) unless in computing such savings all factors relative to lighting costs are taken into account and clearly disclosed. These factors would include, but are not limited to, initial bulb cost, electricity cost, replacement labor cost, if any, actual light output in terms of initial lumens, and design life in terms of hours of the bulbs being advertised and the bulbs with which they are being compared.

(c) Represent in any manner that certain bulbs will give brighter light or longer life without clearly and conspicuously disclosing the light output and life of the bulbs with which the comparison is being made and the light output and life of the bulbs being advertised, determined in the manner prescribed by paragraph (a).

Or in the alternative:

In connection with the sale of large household incandescent electric light bulbs for general lighting purposes, in commerce, as "commerce" is defined in the Federal Trade Commission Act, it constitutes an unfair method of competition and an unfair or deceptive act or practice to:

(a) Fail to clearly and conspicuously disclose on the bulbs themselves and on the sleeves or paper containers in which they are packaged the light output of such bulbs expressed in initial lumens, the life of such bulbs expressed in hours, and the electrical energy consumed expressed in wattage.

(NOTE: The lumen and life disclosures required may be expressed as averages, i.e., "average" initial lumens and "average" life, as determined in accordance with Federal Specification W–L–101f or its most recent revision. Disclosures on the bulb itself may be abbreviated: *Provided*, They are readily visible and likely to be understood by consumers. For a period of one (1) year from the effective date of this rule, except on the bulb itself, wherever the term "lumens" is used, there shall be a brief explanation of the term such as "light output.")

(b) Use the terms "Standard Life," "Medium Life," "Long Life" or any other terms of similar meaning or import to describe such bulbs unless the bulbs so described have rated lives as follows:

Term	*To be used only on bulbs with rated lives of*
Standard life	Up to 1,500 hours.
Medium life	Over 1,500 hours, but less than 5,000 hours.
Long life	5,000 hours or more.

(c) Represent in any manner that savings in the cost of light will result from the use of certain bulbs (e.g., "Save 00 dollars," "Outlasts 00 ordinary bulbs," etc.) unless in computing such savings all factors relative to lighting costs are taken into account and clearly disclosed. These factors would include, but are not limited to, initial bulb cost, electricity cost, replacement labor cost, if any, actual light output in terms of initial lumens, and design life in terms of hours of the bulbs being advertised and the bulbs with which they are being compared.

(d) Represent in any manner that certain bulbs will give brighter light or longer life without clearly and conspicuously disclosing the light output and life of the bulbs with which the comparison is being made and the light output and life of the bulbs being advertised, determined in the manner prescribed by paragraph (a).

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the proposed rules set forth above in this notice with Joseph W. Shea, Secretary, Federal Trade Commission, Pennsylvania Avenue at Sixth Street NW., Washington, D.C. 20580, not later than September 23, 1969. Such written data, views, or arguments should be filed in duplicate.

All interested parties are also given notice of opportunity to orally present data, views, or arguments with respect to the proposed rules at a hearing to be held at 10 a.m., e.d.t., on September 30, 1969, in Room 532 of the Federal Trade Commission Building, Washington, D.C.

Any person desiring to orally present his views at the hearing should so inform the Secretary not later than September 19, 1969, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Secretary of the Commission on or before September 23, 1969.

The data, views, or arguments presented with respect to the proposed rules will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission's Washington address given above, and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All persons, firms, corporations, or others engaged in the sale or distribution of incandescent electric light bulbs in commerce, as "commerce" is defined in the Federal Trade Commission Act, would be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue, provided that the respondent shall have been given a fair hearing on the applicability of the rule to the particular case.

Trade Regulation Rules express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice concerning the substantive requirements of the statutes which it administers.

The Commission has reason to believe that the practices which would be prohibited by the proposed rules are widespread in this industry. This proceeding is designed to inform all industry members of their obligations under the law and assure equitable treatment in complying therewith.

Manufacturers and other marketers of incandescent electric light bulbs and other interested parties, including the purchasing public are urged to express their approval or disapproval of the proposed rules, or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Issued: July 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–8927; Filed, July 30, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1030]

[Docket No. AO–361–A2]

MILK IN CHICAGO REGIONAL MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held with sessions at the Pick Congress Hotel, Congress Expressway at Michigan Avenue, Chicago, Ill., beginning at 10 a.m., local time, on August 20, 1969, and at the Pioneer Inn, 1000 Pioneer Drive, Oshkosh, Wis., begining at 10 a.m., local time, on August 25, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Chicago Regional marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, to the tentative marketing agreement and to the order, regulating the handling of milk in the Chicago Regional marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to a redefinition of the marketing area raise the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposal for regulation under a separate order of a portion of the territory included in the present marketing area raises the issues of:

(a) Whether the declared policy of the Act would tend to be effectuated by adoption of the proposed provisions, or appropriate modifications thereof, for such separate order, if they are applied to either a portion or all of the marketing area as proposed to be redefined; and

(b) The appropriate disposition of the producer-settlement funds, marketing funds, and administrative funds accumulated under the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Beatrice Foods Co.:

Proposal No. 1. Add to the marketing area the Illinois counties of Grundy, Kankakee, and La Salle.

Proposed by Wern Farms, Waukesha Milk Producers Cooperative, Golden Guernsey Dairy Cooperative, and Milwaukee Cooperative Milk producers:

Proposal No. 2. Delete from the marketing area all of the territory regulated under the order regulating the handling of milk in the Milwaukee, Wis., marketing area, Part 1039, as effective prior to the introduction of the Chicago regional order and reinstate all of the terms and provisions of such Part 1039 as were then in effect.

Proposed by Pure Milk Products Cooperative:

Proposal No. 3. Amend § 1030.6 to expand the Chicago Regional Order 30 marketing area to include all territory now a part of the marketing area plus all of the currently unregulated territory in the 11 Wisconsin counties of:

Marathon.	Adams.
Wood.	Marquette.
Clark.	Green Lake.
Jackson.	Waushara.
Eau Claire.	Menominee.
Chippewa.	

Proposal No. 4. a. Amend § 1030.11(b) to read:

(b) A supply plant from which the quantity of fluid milk products moved during the month in accordance with subparagraphs (1), (2), (3), and (4) of

this paragraph is not less than the percentages specified in subparagraphs (5) and (6) of this paragraph subject to subparagraphs (7), (8), and (9) of this paragraph, of the volume of Grade A milk received from dairy farmers at such plant, including producer milk diverted under § 1030.16.

(1) To pool plants pursuant to paragraph (a) of this section;

(2) To plants of producer-handlers;

(3) To partially regulated distributing plants and assigned to Class I milk disposed of in the marketing area from such plants pursuant to § 1030.44 (d)(3)(i);

(4) To other plants or routes as packaged fluid milk products, provided that the amount credited toward pool plant qualification under this subparagraph shall not exceed half of the percentages established according to subparagraph (5) of this paragraph;

b. Renumber § 1030.11(b) (4), (5), (6), (7), and (8), respectively, to read § 1030.11(b) (5), (6), (7), (8), and (9).

Proposal No. 5. Amend § 1030.16(a) to read:

(a) Received at one or more pool plants during the month (milk may be diverted during the month by a handler from a pool distributing plant to another pool plant(s) for not more days of production of producer milk than is physically received at the diverting pool plant); or

Proposal No. 6. Amend § 1030.16(d)(1) to read:

(1) Milk of a producer diverted for the account of the operator of the plant from which such milk is diverted in any of the months August through December which does not exceed the quantity of such producer's milk received at the pool plant, or the milk of a particular group of producers diverted for the account of the operator of the plant, which aggregate quantity shall not exceed 35 percent of the total quantity of Grade A milk received at or diverted from the plant.

Proposal No. 7. Amend § 1030.16(d)(2) to read:

(2) Milk of a producer diverted by a cooperative as a handler pursuant to § 1030.13(d) which does not in any of the months August through December exceed the quantity of such producer's milk received at the pool plant from which it was diverted, or the milk of a particular group of producers diverted by a cooperative as a handler pursuant to § 1030.13(d) which aggregate quantity shall not exceed 35 percent of the total quantity of Grade A milk received at or diverted from the plant. To the extent that milk diverted by a cooperative as a handler during any month would result in the plant failing to qualify as a pool plant under § 1030.11 such diverted milk shall not be producer milk; and

Proposed by Alto Cooperative Creamery Co., Antigo Milk Products Cooperative, Central Wisconsin Cooperative Dairies, Consolidated Badger Cooperative, Lake to Lake Dairy Cooperative, Outagamie Producers Cooperative, Pure Milk Association, and Wisconsin Dairies Cooperative, Inc.:

Proposal No. 8. Provide for a definition of a reload point to be "a building with adequate facilities for cleansing tank trucks and at which milk moved from the farm in a tank truck is commingled with other milk for reshipment to another plant" and make conforming changes in § 1030.11.

Proposal No. 9. a. Delete subparagraphs (1), (2), (3), (4), and (5) in § 1030.11(b) and substitute the following:

(1) Moved as bulk fluid products to and physically received in:

(i) Pool plants pursuant to paragraph (a) of this section;

(ii) Plants of producer-handlers;

(iii) Unregulated distributing plants and assigned to Class I milk; and

(iv) Other order plants except for fluid milk products which are classified as Class II per agreement.

(2) Moved as condensed skim milk to and physically received in pool plants pursuant to paragraph (a) of this paragraph; and

(3) Moved as packaged fluid milk products to other plants or disposed of on routes except the quantity to be included in computing the percentages pursuant to subparagraph (4) of this paragraph shall not exceed the combined quantities moved pursuant to subparagraphs (1) and (2) of this paragraph.

(4) Such percentages shall be not less than 40 percent in each of the months of September, October, and November and 30 percent in all other months, except that plant which is a pool plant pursuant to this paragraph during each of the months of August through December shall be a pool plant for each of the following months of January through July if it meets the following percentages:

	Percent
January, February, March, and July	20
April, May, and June	10

b. Renumber subparagraphs (6), (7), and (8) to (5), (6), and (7), respectively.

c. In the present subparagraph (6) delete "applicable during the months August–December."

Proposal No. 10. Revise § 1030.16 as follows:

a. In paragraphs (a) and (b) delete the words "Received at" and substitute "Physically received in."

b. Completely eliminate paragraph (d) or limit diversion by substituting the following language:

(d) Diverted for a handler's account from a pool distributing plant described in § 1030.11(a) by moving directly from the producer's farm to a nonpool plant for not more than 8 days' production subject to the following conditions:

(1) The pool distributing plant does not physically receive any fluid milk products from any source on that day;

(2) Milk diverted to another order plant shall be producer milk pursuant to this section only if it is not producer milk under such other order; and

(3) Diverted milk eligible to be pooled shall be considered as received at the pool distributing plant from which diverted in calculating the percentages specified in § 1030.11 and in applying location price differentials pursuant to § 1030.82.

Proposal No. 11. Amend § 1030.51(a) Class I milk price. The Class I milk price shall be the basic formula price for the preceding month plus $1.26.

Proposal No. 12. Amend § 1030.53 as follows:

(1) Zone 1—Adjustment rate—None. Zone 1 shall consist of the territory in the counties of Cook, Du Page, Will, Lake, and the townships of Dundee, Elgin, St. Charles, Geneva, Batavia, and Aurora in Kane County all in Illinois.

(2) Zone 2—Adjustment rate—Minus 2 cents per hundredweight of milk.

Zone 2 shall consist of the territory outside Zone 1 and within 55 miles of the City Hall in Chicago, Ill.

(3) For plants located beyond Zone 2 the minus adjustment rate shall be an additional 2 cents per hundredweight of milk for each 15 miles or fraction thereof over 55 miles. Each successive 15-mile area shall be an additional zone, except that Milwaukee County, Wis., and Winnebago County, Ill., shall be in Zone 4.

Proposal No. 13. Amend § 1030.82 to conform with any amendments to § 1030.53.

Proposed by Manitowoc Milk Producers Cooperative and Milwaukee Cooperative Milk Producers:

Proposal No. 14. Amend § 1030.11 by deleting subparagraph (7) of paragraph (b).

Proposal No. 15. If Proposal No. 14 is not adopted, it is proposed that § 1030.11 (b)(7) be amended by deleting subdivision (iii) thereof and revising subdivision (ii) to read:

(ii) The handler or cooperatives establishing a unit notify the market administrator in writing of the plants to be included therein prior to August 1 of each year and no additional plants shall be added to the unit prior to August 1 of the following year, and no plant shall be deleted from the unit prior to January 1 of the following year: *Provided*, An established unit may be dissolved in its entirety during any month following the month in which the handler of the unit notifies the market administrator in writing that such unit is to be dissolved, and provided further: If a unit established under subdivision (i) of this subparagraph is dissolved pursuant to this subdivision during any of the months of September, October, or November, the pool status of each unit plant for the months of January through July pursuant to subparagraph (4) of this paragraph shall be determined on the same basis as would be used if such plant(s) had not been a part of a unit.

Proposal No. 16. Amend § 1030.16 by redesignating paragraph (d) as paragraph (e) and add the following as a new paragraph (d).

(d) Diverted from a pool plant to another pool plant. Milk so diverted shall be considered received at the pool plant which diverted in applying location price differentials pursuant to § 1030.82, except that in any month in which diverted milk of a producer represents more than 10 days production the location price differential applicable to milk of such producer diverted in excess of the first 10 days production shall be based on the zone location of the pool plant(s) where such milk is actually received.

Proposal No. 17. Amend the order to provide for a three "Class I price zone" marketing area and a three basic price zone method for making payments to producers.

To accomplish the foregoing, it is proposed that the following changes be made in the present order. A. Delete the present language contained in § 1030.53 and substitute therefor the following.

Section 1030.53 for milk received from producers or from a cooperative association pursuant to § 1030.13(e) at a pool plant and which is classified as Class I milk after making the calculations set forth in paragraph (f) of this section or for other source milk to which a location adjustment is applicable, the price per hundredweight at pool plants should be as follows:

(a) In Zone 1, the price shall be that calculated pursuant to § 1030.51(a) plus 12 cents. Zone 1 shall consist of the territory within 100 miles of the city hall in Chicago.

(b) In Zone 2, the price shall be that calculated pursuant to § 1030.51(a) plus 8 cents. Zone 2 shall consist of that territory outside of Zone 1 but not to exceed 160 miles of the city hall in Chicago.

(c) In Zone 3, the price shall be that calculated pursuant to § 1030.51(a). Zone 3 shall consist of that territory outside of Zones 1 and 2 but not to exceed 220 miles of the city hall in Chicago.

(d) In all areas located more than 220 miles of the city hall in Chicago, the price shall be that calculated pursuant to § 1030.51(a) less 2 cents for each 15 miles or fraction thereof beyond 220 miles of the city hall in Chicago.

(e) For this paragraph in the amended order, use the language contained in paragraph (b) of this section in the present order.

(f) Transfers between plants located in different price zones. In calculating the amount of Class I milk to be priced pursuant to paragraph (a), (b), or (e) of this section in a transferee plant located in a price zone which is not the same as the transferor plant necessary order language will be needed to adjust for inventory of packaged fluid milk products at the beginning of the month, receipts from other order plants and nonpool plants assigned to Class I pursuant to § 1030.46 and a reasonable reserve to take care of daily fluctuations in receipts and Class I needs.

B. Amend § 1030.71 of the present order whereby the market administrator would calculate a uniform blend price for each of the zones.

Zone 3 blend price would be the market utilization at the class prices adjusted only for any minus location adjustments.

Zone 2 blend price shall be the blend price applicable at plants located in Zone 3 plus an amount obtained by dividing the total hundredweight of milk received from producers at plants located in Zone 2 during the month into the sum resulting from the multiplication of the total hundredweight of Class I milk at such plants during such month, adjusted pursuant to proposed amended section 1030.53(f), by 8 cents: *Provided*, That the resultant price per hundredweight shall not be in excess of 8 cents of the blend price for Zone 3.

Zone 1 blend price shall be the blend price applicable at plants located in Zone 3 plus an amount obtained by dividing the total hundredweight of milk received from producers at plants located in Zone 1 during the month into the sum resulting from the multiplication of the total hundredweight of Class I milk at such plants during such month, adjusted pursuant to proposed amended § 1030.53 (f), by 12 cents: *Provided*, That the resultant price per hundredweight shall not be in excess of 12 cents of the blend price for Zone 3.

C. Amend all other sections of the order which would be necessary to incorporate the location pricing principles set forth in parts A and B of this proposal.

Proposal No. 18. Amend paragraph (b) of § 1030.51 by deleting the present language contained therein and substituting therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month plus 10 cents.

Proposed by Blochowiak Dairy Co.:

Proposal No. 19. Amend § 1030.16 to allow diversion of Grade A milk from a pool plant to other pool plants or distributing plants when both operate under the same order, deeming such diverted milk to be diverted milk to be received by the diverting handler at the plant from which diverted.

Proposed by Gehl's Guernsey Farms, Inc.:

Proposal No. 20. Amend § 1030.16(d) to provide that: Grade "A" milk of producers of a handler or cooperative received directly at pool distributing plants of other handlers shall remain for reporting purposes the milk of the diverting handler and shall be included in determining the diverting handler's pool plant requirements.

Proposed by Associated Milk Dealers, Inc.:

Proposal No. 21. Delete § 1030.71 and substitute therefor the following:

§ 1030.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk, of 3.5 percent butterfat content at plants in Zone 1, as follows:

(a) Combine into one total the values computed pursuant to § 1030.71 for all handlers, except those of handlers who failed to make payments required pursuant to § 1030.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1030.81 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the minus location differentials computed pursuant to § 1030.82(a);

(d) Add an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1030.70(e);

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price", and except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract in the case of milk delivered during each of the months of March, April, May, and June an amount equal to 15 cents per hundredweight of producer milk specified in paragraph (e)(1) of this section;

(i) Add in the case of milk delivered during each of the months of September, October, and November one-third of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by total hundredweight of producer milk included in these computations; and

(k) Subtract not less than four (4) cents nor more than five (5) cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

Proposed by Sealtest Foods, Division, Kraftco Corp.

Proposal No. 22. Amend § 1030.71, Computation of Uniform Price, by adding to paragraph (g) the words: "The result shall be 'weighted average price' and, except for the months specified below, shall be the 'uniform price' for milk received from producers;"

Adding new paragraphs (h) through (l) as follows:

(h) For the months specified in paragraph (i) and (j) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (e) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (f)(2) by the weighted average price;

(i) Subtract in case of milk delivered during each of the months of April, May, and June an amount equal to 20 cents per hundredweight of producer milk

specified in paragraph (f)(1) of this section;

(j) Add in the case of milk delivered during each of the months of September, October, and November one-third of the total amount subtracted pursuant to paragraph (i) of this section;

(k) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(l) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 23. Amend § 1030.31(b) by inserting "(a)" between "§ 1030.13" and "(c)" and adding a new subparagraph to read as follows:

(4) Each handler pursuant to § 1030.13 (a) shall report for each load of milk diverted for his account the quantity of each producer's milk included therein the date(s) and times of pickup and delivery to the nonpool plant, the name and location of that plant, the signature of the person accepting the milk and the signature of the hauler.

Proposal No. 24. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Room 814, 72 West Adams Street, Chicago, Ill. 60603, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on July 25, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69–8969; Filed, July 30, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 378, 378a]

[Docket No. 21120; SPDR–16A]

BULK INCLUSIVE TOURS BY TOUR OPERATORS

Supplemental Notice of Proposed Rule Making

JULY 28, 1969.

The Board by circulation of SPDR–16, dated June 25, 1969 and by publication at 34 F.R. 10,000 gave notice that it had under consideration a new Part 378a. The regulation would establish the terms and conditions governing the furnishing of bulk-inclusive tours in foreign air transportation by tour operators and foreign tour operators. In addition, certain amendments to Part 378 were proposed. Interested persons were invited to participate in the proceeding through submission of seventeen (17) copies of written data, views, and arguments pertaining thereto to the Docket Section of the Board on or before July 18, 1969, and reply comments on or before July 30, 1969.

Counsel for Creative Tour Operators Association (CTOA) have filed a request for an extension of 1 week, from July 30 to August 6 for filing reply comments. The undersigned finds that good cause has been shown for the extension of time requested. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the undersigned hereby extends the time for submitting comments to August 6, 1969.

All relevant reply communications received on or before August 6, 1969, will be considered by the Board before taking action on the proposed rules. Copies of these communications will be available for examination in the Docket Section, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a), Federal Aviation Act of 1958 as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates Division.

[F.R. Doc. 69–9043; Filed, July 30, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

RULES OF PRACTICE IN PATENT CASES

Preexamination

Notice is hereby given that under the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), the Patent Office proposes to amend Part 1, Title 37, Code of Federal Regulations by adding thereto a new center heading reading "Preexamination" and a new § 1.98 relating to the submission of a patentability brief, as set forth below. This proposal would expedite the prosecution of applications and strengthen the presumption of validity of issued patents.

Parties who desire to present their views, objections, recommendations, or suggestions in connection with this proposal are invited to do so by letter addressed to the Commissioner of Patents, Washington, D.C. 20231, on or before October 23, 1969. Oral comments may be presented at a hearing to be held on Thursday, October 23, 1969, at 9 a.m., d.s.t., in Room 34–3D50, Building 34, 2011 Jefferson Davis Highway, Arlington, Va. All persons wishing to be heard orally are requested to notify the Commissioner of Patents of their intended appearance.

PREEXAMINATION

§ 1.98 Patentability brief.

(a) At the time of filing an application, or at such time as may be specified in an official notice, the applicant shall submit a patentability brief. The brief shall identify all relevant prior art that was specifically considered in the preparation of the application and shall further include an argument in support of patentability, explaining why the claims in such application are deemed patentable over the identified art. Copies of published prior art, other than patents of the United States, shall be submitted with the brief. The patentability brief shall not be construed as a representation that a search has been made or that no better art exists than that identified as having been specifically considered.

(b) If no prior art was considered in the preparation of the application, an express statement to that effect will be accepted in lieu of a patentability brief as specified in paragraph (a) of this section.

WILLIAM E. SCHUYLER, JR.,
Commissioner of Patents.

Approved: July 29, 1969.

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

[F.R. Doc. 69–9000; Filed, July 30, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1969 Rev., Supp. No. 1]

HIGHLANDS UNDERWRITERS INSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $177,000 has been established for the company.

Name of company, location of principal executive office, and state in which incorporated:

Highlands Underwriters Insurance Company
Houston, Texas
Texas

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: July 28, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69–8990; Filed, July 30, 1969; 8:47 a.m.]

Internal Revenue Service

WARREN JOSEPH EPPLE

Notice of Granting of Relief

Notice is hereby given that Warren Joseph Epple, 5617 Heather Lane, Edina, Minn., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 22, 1955, in the Hennepin County Court, Minneapolis, Minn., of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(a)(20). Unless relief is granted, it will be unlawful for Warren Joseph Epple, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under Chapter 44, title 18, United States Code, from obtaining a license under that Chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) it would be unlawful for Mr. Epple to receive, possess, or transport in commerce or affecting commerce a firearm. Notice is hereby further given that I have considered Warren Joseph Epple's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of Chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Warren Joseph Epple from disabilities incurred by reason of his conviction would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Warren Joseph Epple be, and he hereby is granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of the conviction hereinabove described. Signed at Washington, D.C., this 24th day of July 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69–8991; Filed, July 30, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[U–8184, U–8185]

UTAH

Order Providing for Opening of Public Lands

JULY 23, 1969.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269) as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 10 N., R. 5 W.,
Sec. 23, all;
Sec. 25, all.
T. 13 N., R. 11 W.,
Sec. 1, S½;
Sec. 11, all.

The areas described aggregate 2,240 acres.

2. The lands are located in Box Elder County. The topography ranges from nearly level to rolling, and the lands have value for watershed, grazing, wildlife, and recreation which can best be managed under principles of multiple use.

3. The United States did not acquire minerals in the lands described herein.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on August 27, 1969, be opened to application, petition and selection, with the exception that the lands in T. 13 N., R. 11 W., which are subject to the Box Elder County Classification are not open to application under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. 334), or public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m. on August 27, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[F.R. Doc. 69–8962; Filed, July 30, 1969; 8:45 a.m.]

Fish and Wildlife Service

BOAT OUINGONDY, INC.

[Docket No. Sub–B–17]

Notice of Hearing

JULY 28, 1969.

Boat Ouingondy, Inc., has applied for permission to transfer the operations of the 100-foot length overall fishing vessel "Ouingondy," constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for scallops, groundfish, flounder, and lobster to the fishery for lobster, scallops, groundfish, flounder, Dungeness crab, king crab, Tanner crab, shrimp, and herring.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (Public Law 88–498) and notice and hearing on subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on September 4, 1969, at 10 a.m., e.d.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69–8963; Filed, July 30, 1969; 8:45 a.m.]

[Docket No. Sub-B-18]

ELLINGSEN FISHING CORP.

Notice of Hearing

JULY 28, 1969.

Ellingsen Fishing Corp. has applied for permission to transfer the operations of the 94-foot length overall fishing vessel "Smaragd," constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for scallops, lobster, groundfish, flounder, and swordfish to the fishery for lobsters, scallops, groundfish, flounder, Dungeness crab, king crab, Tanner crab, shrimp, and herring.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (Public Law 88-498) and notice and hearing on subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on September 4, 1969, at 10 a.m., e.d.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

RUSSELL T. NORRIS,
Assistant Director
for Resource Development.

[F.R. Doc. 69-8964; Filed, July 30, 1969; 8:45 a.m.]

[Docket No. Sub-B-36]

MUSSEL, INC.

Notice of Hearing

JULY 28, 1969.

Mussel, Inc., has applied for permission to transfer the operations of the 88-foot length overall fishing vessel "Bountiful," structed with the aid of a fishing vessel construction-differential subsidy, from the fishery for groundfish, lobster, swordfish, flounder, and scallops to the fishery for lobster, scallops, groundfish, flounder, Dungeness crab, king crab, Tanner crab, shrimp, and herring.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (Public Law 88-498) and notice and hearings on subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on September 4, 1969, at 10 a.m., e.d.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

RUSSELL T. NORRIS,
Assistant Director
for Resource Development.

[F.R. Doc. 69-8965; Filed, July 30, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

GRAINS AND SIMILARLY HANDLED COMMODITIES

Notice of Final Date for Redemption of Warehouse-Storage Loans Made Under 1967 Crop Price Support Program

Unless demand is made earlier by CCC, (1) extended warehouse storage loans secured by 1967 crop corn are due and payable on the date indicated and (2) extended warehouse storage loans secured by 1967 crops of barley, grain sorghum, oats, soybeans, and wheat with respect to which producers, prior to the maturity dates stated below, have not given written notice to the ASCS county office through which they obtained such loans that they wish to have the maturity dates extended, are due and payable on the dates indicated.

Unless on or before the final date for repayment specified below, such loans are repaid, title to the unredeemed collateral shall immediately vest in CCC without a sale thereof on the date next succeeding the final date for repayment specified below: *Provided*, That CCC will not acquire title to any such commodity for which repayment has been mailed to the ASCS county office by letter postmarked (not patron postage meter date stamped) not later than the applicable maturity date indicated below. CCC shall have no obligation to pay for any market value which any unredeemed commodity may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of a pledged commodity may exceed the principal amount of the loan. The settlement value as used herein is the price support value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable support rate provided in the program regulations. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan or in settlement or deliveries under the loan, the producer shall remain personally liable for the amounts specified in the Warehouse Storage Note and Security Agreement and in the price support program regulations. Amounts due the producer will be paid by the appropriate ASCS county office.

	Maturity date 1969	Final date for repayment 1969
Barley:		
In Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.	May 31	June 2.
In all other States	April 30	April 30.
Corn:		
In all States	July 31	July 31.
Grain Sorghum:		
In Oklahoma and Texas	June 30	June 30.
In all other States	July 31	July 31.
Oats:		
In Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.	May 31	June 2.
In all other States	April 30	April 30.
Soybeans:		
In all States	July 31	July 31.
Wheat:		
In Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming.	May 31	June 2.
In all other States	April 30	April 30.

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 1441, 1447, 1421, 1425)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 25, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR. Doc. 69-8997; Filed, July 30, 1969; 8:48 a.m.]

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (34 F.R. 2330, 5084, 6125, 7251, and 8714) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to calves with respect to Maple Brook Packing House, establishment 5301, is deleted. The reference to calves with respect to J. G. Forte, Inc., establishment 5364, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of Establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
The Vans Packing Co.	11	(*)	(*)			(*)		
The Eckert Packing Co.	79-B	(*)				(*)		
Iowa Beef Packers, Inc.	245-D	(*)						
Bartlow Brothers, Inc.	2595	(*)				(*)		
Pasco Meat Packers, Inc.	6040	(*)	(*)	(*)		(*)		
Calihan & Co.	6775	(*)	(*)	(*)		(*)		
Sixty-Six Packing Co.	7023	(*)	(*)	(*)		(*)		
New establishments reported: 7.								
Swift & Co.	3F		(*)					
Beeville Packing Co.	377					(*)		
Virgin Islands Packing Plant	482		(*)					
Broadaway Packing Co., Inc.	2201					(*)		
Species added: 4.								

Done at Washington, D.C., on July 28, 1969.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 69-8998; Filed, July 30, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report 27]

LIST OF FOREIGN-FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JANUARY 25, 1966

SECTION 1. The President has approved a policy of denying the carriage of U.S. Government-financed cargoes shipped from the United States on foreign-flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate U.S. Government departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through July 23, 1969. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at U.S. ports.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total, all flags (55 ships)	370,829
Polish (32 ships)	243,514
Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,915
Emilia Plater	6,718
Energetyk	10,876
Florian Ceynowa	6,784
General Sikorski	6,785
Hanka Sawicka	6,944
Hanoi	6,914
Hugo Kollataj	3,755
Jan Matejko	6,748
Janek Krasicki	6,904
Jozef Conrad	8,730
Kapitan Kosko	6,629
Kochanowski	8,231
Konopnicka	9,690
Kraszewski	10,363
Polish—Continued	
Lelewel	7,817
Ludwik Solski	6,904
Marceli Nowotko	6,660
Mickiewicz	4,344
Moniuszko	9,247
Norwid	5,512
Nowowiejski	9,186
Pawel Finder	4,911
Phenian	6,923
Przyjazn Narodow	8,876
Stefan Okrzeja	6,620
Szymanowski	9,203
Transportowiec	10,854
Wieniawski	9,190
Wladyslaw Broniewski	6,919
British (16 ships)	93,638
Court Harwell	7,133
Fortune Glory	5,832
Golden Ocean	3,827
Greenford	2,964
*Inchstuart	7,043
Isabel Erica	7,105
Kingford	2,911
**Meadow Court (trip to North Vietnam as the Ardrossmore—British)	5,820
Rochford	3,324
**Rosetta Maud (trip to North Vietnam as the Ardtara—British)	5,795
Ruthy Ann	7,361
**Shun On (trip to North Vietnam as the Pundua—British)	7,295
Shun Wah (previous trip to North Vietnam as the Vercharmian—British)	7,265
Shun Wing	6,987
Taipieng (tanker)	5,676
Tetrarch (previous trips to North Vietnam as the Ardowan—British)	7,300
Cypriot (2 ships)	7,308
Amfithea	5,171
Marianthi	2,137
Somali (2 ships)	13,531
*Happy Dragon	4,534
Yvonne	8,997
Greek (1 ship)	6,724
**Leonis (trip to North Vietnam as the Shirley Christine—British)	6,724
Panamanian (1 ship)	1,889
**Salamanca (trip to North Vietnam as the Milford—British)	1,889
Singapore (1 ship)	4,225
Lucky Dragon	4,225

See footnotes at end of table.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the U.S. Government to discourage such trade and;

(b) That no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
a. Since last report: None.	
b. Previous reports:	
Flag of registry:	Number of ships
British	1
Italian	1

SEC. 3. The following number of vessels have been removed from this list since they have been broken up, sunk, or wrecked.

a. Since last report:	Gross tonnage
Acme (Cypriot)	7,713

b. Previous reports:	Broken up, sunk, or wrecked
Flag of registry:	
British	5
Cypriot	6
Greek	1
Lebanese	2
Maltese	1
Polish	1
Somali	1

*Added to Rept. No. 26, appearing in the FEDERAL REGISTER issue of Apr. 19, 1969.

**Ships appearing on the list which have made no trips to North Vietnam under the present registry.

Dated: July 24, 1969.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-8992; Filed, July 30, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-151]

UNIVERSITY OF ILLINOIS

Notice of Issuance of Facility License and Termination of Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on July 2, 1969 (34 F.R. 11158), the Atomic Energy Commission has issued Facility License No. R-115. The license authorizes The University of Illinois to operate an Advanced TRIGA nuclear reactor facility on its campus in Urbana, Ill.

The license was issued in the form set forth in the notice of proposed action except reference to a supplement dated March 26 should be corrected to read March 11 and for the inclusion of a supplement dated July 11, 1969, submitted by The University of Illinois to bring the original application up to date. This supplement describes (1) differences which have been noted between the measured values of the maximum flow rates of the forced circulation cooling system and the design values given in the Safety Analysis Report, and (2) the addition of a strainer to the inlet side of the secondary pump. The Commission has reviewed these changes to the facility and has determined that the reduction in flow and the addition of the strainer do not involve significant hazards considerations not previously evaluated, and that there is reasonable assurance that the health and safety of the public will not be endangered by operation of the Illinois Advanced TRIGA reactor at the licensed power level of 1500 kilowatts.

The Commission has also issued an order, as set forth below, terminating Facility License No. R-69 which authorized operation of the TRIGA Mark II nuclear reactor formerly installed on this site.

Dated at Bethesda, Md., this 22d day of July 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

TERMINATION OF FACILITY LICENSE

The Atomic Energy Commission has found that the TRIGA Mark II nuclear reactor formerly located on the campus of The University of Illinois in Urbana, Ill., has been dismantled and disposition made of the component parts pursuant to the Commission's order dated July 18, 1968, and in a manner not inimical to the common defense and security or to the health and safety of the public. Therefore, Facility License No. R-69 held by The University of Illinois is hereby terminated as of this date.

Date of Issuance: July 22, 1969.

For the Atomic Energy Commission.

ROGER S. BOYD,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 69-8958; Filed, July 30, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20826; Order 69-7-60]

ALASKA SERVICE INVESTIGATION

Order Regarding Major Route Patterns

Correction

In F.R. Doc. 69-8443 appearing at page 12053 in the issue of Thursday, July 17, 1969, the phrase "Order 69-3-69" appearing in the third column, third paragraph from the bottom, should read "Order 69-3-68".

[Docket No. 20826]

ALASKA SERVICE INVESTIGATION

Notice of Postponement of Prehearing Conference

By joint letter dated July 24, 1969, Western Air Lines, Inc., Wien Consolidated Airlines, Inc., and Alaska Airlines, Inc., ask postponement of the prehearing conference to the second or third week in September. They assert that this postponement will not delay later procedural steps and that requiring attendance at the conference in August would be an undue and unnecessary burden on the parties. The examiner has been advised by telephone that Northwest Airlines, Inc., Pan American World Airways, Inc., The Postmaster General, the Department of Transportation, the Washington Parties, and the Alaska Transportation Commission have no objection to the proposed postponement. Kodiak Airways, Inc., has filed objection.

On consideration of the request and the positions of the parties, the prehearing conference is hereby postponed to 10 a.m., September 4, 1969, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. In view of this postponement, the preconference filings required by the prehearing conference notice to be filed on July 28, 1969, shall be filed by Bureau Counsel on or before August 4, 1969, and by other parties on or before August 18, 1969.

Dated at Washington, D.C., July 25, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 69-8985; Filed, July 30, 1969; 8:47 a.m.]

[Docket No. 21110; Order 69-7-143]

PENINSULA AIRPORT COMMISSION

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of July 1969.

Application of the Peninsula Airport Commission for amendments of certificates of certain named air carriers so as to redesignate Newport News-Hampton as Newport News-Hampton-Williamsburg-Yorktown.

On June 23, 1969, the Peninsula Airport Commission (Commission), filed an application requesting an amendment of the certificates of public convenience and necessity of the following air carriers so as to redesignate Newport News or Newport News-Hampton, as the case may be, as a hyphenated point Newport News-Hampton-Williamsburg-Yorktown. The amendments requested are as follows:

Allegheny Airlines, Inc.:

Route 97, redesignate the coterminal point Newport News as the coterminal point Newport News-Hampton-Williamsburg-Yorktown.

National Airlines, Inc.:

Route 31, redesignate the intermediate point Newport News-Hampton as the intermediate point Newport News-Hampton-Williamsburg-Yorktown.

Piedmont Aviation, Inc.:

Route 87, redesignate the intermediate point Newport News-Hampton as the intermediate point Newport News-Hampton-Williamsburg-Yorktown.

United Air Lines, Inc.:

Route 14, redesignate the intermediate point Newport News-Hampton as the intermediate point Newport News-Hampton-Williamsburg-Yorktown.

Route 51, redesignate the coterminal point Newport News-Hampton as the coterminal point Newport News-Hampton-Williamsburg-Yorktown.

On the same day, the Commission filed a motion requesting the Board to issue an order to show cause why its application, Docket 21110, should not be granted.

No answers to the motion have been received.

Upon consideration of the pleadings and all the relevant facts, we have decided to issue an order to show cause proposing to amend the air carrier certificates as requested by the Commission. We tentatively find and conclude that the public convenience and necessity require the amendment of the certificates of Allegheny for Route 97, of National for Route 31, of Piedmont for Route 87, and of United for Routes 14 and 51, so as to redesignate Newport News or Newport News-Hampton as Newport News-Hampton-Williamsburg-Yorktown.

In support of our ultimate finding, we tentatively find and conclude as follows: That the cities of Williamsburg and Yorktown are today served by Patrick Henry Airport; that both cities are within 20 miles of that airport and closer to it than to any other commercial airport; that Williamsburg and Yorktown are two of the major tourist attractions of the East Coast, and many thousands of passengers visit them each year; that the designation of service to these cities as service to Newport News-Hampton results in confusion on the part of tourists who want to travel by air to Williamsburg and Yorktown, with consequent loss of traffic to these points; that redesignation requested by the Commission will reflect the major traffic flows presently generated by Patrick Henry Airport; and that air carriers will be able to add Williamsburg and Yorktown to their advertising and promotion and show them as part of their schedules.

Interested persons will be given twenty (20) days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objection should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, and unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order amending the certificates of public convenience and necessity of Allegheny Airlines, Inc., for Route 97, of National Airlines, Inc., for Route 31, of Piedmont Aviation, Inc., for Route 87, and of United Air Lines, Inc., for Routes 14 and 51, as follows:

Allegheny Airlines, Inc.:
Route 97, redesignate the coterminal point Newport News as the coterminal point Newport News-Hampton-Williamsburg-Yorktown;

National Airlines, Inc.:
Route 31, redesignate the intermediate point Newport News-Hampton as the intermediate point Newport News-Hampton-Williamsburg-Yorktown;

Piedmont Aviation, Inc.:
Route 87, redesignate the intermediate point Newport News-Hampton as the intermediate point Newport News-Hampton-Williamsburg-Yorktown;

United Air Lines, Inc.:
Route 14, redesignate the intermediate point Newport News-Hampton as the intermediate point Newport News-Hampton-Williamsburg-Yorktown;
Route 51, redesignate the coterminal point Newport News-Hampton as the coterminal point Newport News-Hampton-Williamsburg-Yorktown;

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within twenty (20) days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections, together with a summary of the testimony, statistical data, and other evidence expected to be relied on to support the stated objections.[1]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon Allegheny Airlines, Inc., National Airlines, Inc., Piedmont Aviation, Inc., United Air Lines, Inc., and the Peninsula Airport Commission.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8986; Filed, July 30, 1969; 8:47 a.m.]

[1] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of the Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on April 29, 1969.[1]

The information reviewed at this meeting suggests that expansion in real economic activity has moderated only slightly since the fourth quarter of 1968. At the same time, substantial upward pressures on prices and costs are persisting. Long-term interest rates have generally declined in recent weeks, but most short-term rates have risen somewhat. In the first quarter of the year bank credit changed little on average and the money supply grew at a sharply reduced rate. In early April both measures increased substantially, influenced in part by the large tax-date borrowing and deposit bulges around Easter. The outstanding volume of large-denomination CD's has continued to decline and there was a net outflow of consumer-type time and savings deposits from banks and other thrift institutions in the first half of April. A sizable deficit reemerged in the U.S. balance of payments on the liquidity basis in the first quarter but the balance on the official settlements basis remained in surplus as a result of large inflows of Eurodollars. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the reduction of inflationary pressures, with a view to encouraging a more sustainable rate of economic growth and attaining reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of the forthcoming Treasury refunding, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining the prevailing firm conditions in money and short-term credit markets: *Provided, however,* That operations shall be modified, to the extent permitted by the Treasury refunding, if bank credit appears to be deviating significantly from current projections.

Approved: July 24, 1969.

[1] The Record Policy Actions of the Committee for the meeting of Apr. 29, 1969, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 69-8960; Filed, July 30, 1969; 8:45 a.m.]

HEMPSTEAD BANK

Order Approving Merger of Banks

In the matter of the application of Hempstead Bank for approval of merger with Matinecock Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Hempstead Bank, Hempstead, N.Y., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Matinecock Bank, Locust Valley, N.Y., under the charter and name of Hempstead Bank. As an incident to the merger, the three offices of Matinecock Bank would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided,* That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

Dated at Washington, D.C., this 24th day of July 1969.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-8961; Filed, July 30, 1969; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[2] Voting for this action: Chairman Martin and Governors Robertson, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell.

SECURITIES AND EXCHANGE COMMISSION

RAJAC INDUSTRIES, INC.

Order Suspending Trading

JULY 25, 1969.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Rajac Industries, Inc. (a New York corporation), is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 26, 1969, through August 4, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8967; Filed, July 30, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1317]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JULY 25, 1969.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1263 (Sub-No. 15), filed June 26, 1969. Applicant: MC CARTY TRUCK LINE, INC., 17th and Harris, Trenton, Mo. 64683. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Trenton, Mo., and a 10-mile radius thereof, on the one hand, and, on the other, points in Illinois, Indiana, Wisconsin, Iowa, Nebraska, Kansas, Kentucky, Oklahoma, Arkansas and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 1351 (Sub-No. 12), filed May 12, 1969. Applicant: M. HASKELL, INC., 312 South Main Street, Palmer, Mass. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Egg cartons*, from the plantsites and warehousing facilities of Diamond National Corp. at Palmer, Ludlow, and Springfield, Mass., to points in Philadelphia, Delaware, Chester, Montgomery, and Bucks Counties, Pa.; (2) *waste paper*, from Philadelphia, Pa., to the plantsites and warehousing facilities of Diamond National Corp. at Palmer, Mass.; service to be performed in (1) and (2) above under a continuing contract or contracts with Diamond National Corp.; (3) *paperboard*, in rolls, or on skids, from New Haven, Conn., to points in Massachusetts, Rhode Island, New Jersey, and the New York, N.Y., commercial zone, as defined by the Commission, and Philadelphia, Pa.; (4) *paperboard cartons*, knocked down, in boxes or on skids, from New Haven, Conn., and Medford, Mass., to points in Connecticut, Massachusetts, New Jersey, Rhode Island, and New York, N.Y., commercial zone, as defined by the Commission, and Philadelphia, Pa.; and (5) *waste paper*, from the destination points named in (3) and (4) above, to New Haven, Conn., and Medford, Mass.; service sought to be performed in (3), (4), and (5) under continuing contract with Federal Paperboard Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Springfield, Mass.

No. MC 5470 (Sub-No. 56) (Amendment), filed June 24, 1969, published in the FEDERAL REGISTER issue of July 17, 1969, amended and republished this issue. Applicant: TAJON, INC., Rural Carrier No. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals* in dump vehicles, from Alloy, W. Va., to points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, Virginia, and Pennsylvania. NOTE: The purpose of this republication is to add Virginia to the destination territory description. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 7228 (Sub-No. 34) (Amendment), filed May 8, 1969, published in FEDERAL REGISTER issue of May 29, 1969, amended July 11, 1969, and republished as amended this issue. Applicant: HOME TRANSFER & STORAGE CO., a corporation, 1906 Southeast 10th Avenue, Portland, Oreg. 97214. Applicant's representative: Nick I. Goyak, 1408 Standard Plaza, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and commodities*, the transportation of which is partially exempt pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle at the same time with frozen foods, in vehicles equipped with mechanical refrigeration, from points in California to points in Oregon and Washington. NOTE: Applicant states that it presently has authority to transport frozen fruit, frozen berries, and frozen vegetables from points in Santa Clara and Santa Cruz Counties, Calif., to points in Washington under certificate MC 7228 Sub 23, and that if authority applied for herein is granted, it will submit its Sub 23 for reissue revoking duplicate portion of authority. Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to redescribe the commodity description. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 13134 (Sub-No. 23), filed June 30, 1969. Applicant: GRANT TRUCKING, INC., Box 256, Oak Hill, Ohio 45656. Applicant's representative: John P. McMahon, 100 East Broad Street, Room 1800, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Oak Hill, Ohio, to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 25798 (Sub-No. 191) (correction), filed June 5, 1969, published in the FEDERAL REGISTER issue of June 26, 1969, and republished as corrected this issue. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1187, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, (a) from points in Illinois to points in Georgia, Kentucky, Tennessee, Virginia, and West Virginia; (b) from Port Kentworth, Ga., to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin; (c) from Port Wentworth, Ga., to points in Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Tennessee, and the District of Columbia; and (d) from Charleston, S.C., to points in Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Tennessee, and the District of Columbia; (2) *frozen citrus products*, from points in Florida, to points in Georgia and South Carolina; and (3) *canned goods*, from Hopeton, Va., points in Delaware and points in Worcester, Wicomico, Somerset, Dorchester, Caroline, Talbot, and Queen Annes Counties, Md., to points in Georgia, Florida, North Carolina, and South Carolina. NOTE: Applicant states that the purpose of the instant application is to remove a gateway point in North Carolina in (1) and (2) above and remove a gateway point in Virginia in (3) above. Applicant also states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to more clearly set forth the territorial description in (3) above. If a hearing is deemed necessary, applicant requests it be held at Tampa, or Orlando, Fla.

No. MC 29120 (Sub-No. 107), filed June 18, 1969. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: E. J. Dwyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 30844 (Sub-No. 280), filed June 23, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 except commodities in bulk, in tank vehicles and except hides, from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Washington, D.C.

No. MC 72442 (Sub-No. 25), filed June 30, 1969. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Box 579, Gastonia, N.C. 28052. Applicant's representatives: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303, and Lennox O. Boyles, Post Office Box 579, Gastonia, N.C. 28052. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), serving Golden Valley, N.C., as an off-route point in connection with carrier's presently held regular-route operations. NOTE: Applicant states that Golden Valley is located on North Carolina Highway 226 approximately half way between Dysartsville and Polkville. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Charlotte, N.C., or Atlanta, Ga.

No. MC 76948 (Sub-No. 2) (Correction), filed June 2, 1969, published FEDERAL REGISTER issue of July 3, 1969, corrected and republished as corrected this issue. Applicant: LEON DUGAN, 427 East Monroe Street, Chrisman, Ill. 61924. Applicant's representative: W. L. Jordan, 205 Merchants Savings Building, Terre Haute, Ind. 47801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Fertilizer and fertilizer ingredients* in bulk in self-unloading vehicles, or in bags or containers, from plantsite of Agrico Chemical Co. near Danville, Ill., to points in Indiana south of a line beginning at Vincennes, Ind., and extending eastward along Indiana Highway 67 to Indianapolis and thence east along U.S. Highway 40 to Indiana-Ohio State line; and (b) *sand* (fertilizer ingredient) in bulk in self-unloading vehicles, from Montezuma, Ind., to the plantsite of Agrico Chemical Co. near Danville, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to reflect in paragraph (b) Danville, Ill., in lieu of Danville, Ind., as a destination point. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Indianapolis, Ind.

No. MC 80428 (Sub-No. 71), filed June 23, 1969. Applicant's McBRIDE TRANSPORTATION, INC., Main and Nelson Streets, Goshen, N.Y. 10924. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid sugar, invert sugar, flavoring, syrups, molasses, or blends and mixtures of corn syrup, liquid sugar, invert sugar*, in bulk, in tank vehicles and *dry sugar* from Philadelphia, Pa., to points in New York; (2) *liquid fatty acid esters* in bulk, in tank vehicles from Huguenot, N.Y., to Boston, Mass., Cranford, N.J., Cranbury, N.J., Momence, Ill., Cincinnati, Ohio, and Baltimore, Md.; (3) *liquid coconut oil, fatty acid ester* in bulk, in tank vehicles from Port Jervis, N.Y., to Huguenot, N.Y.; (4) *dry feed*, from Cayuga, N.Y., to points in Massachusetts, Connecticut, Maine, New Hampshire, Vermont, and Rhode Island; (5) *fertilizer, fertilizer materials, also agricultural insecticides, fungicides, and weed killing compounds*, in containers, when shipped with fertilizer or fertilizer materials in mixed

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

loads, from Albany, Batavia, Big Flats, Lyons, and Canastota, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (6) *fertilizer, fertilizer materials, also agricultural insecticides, fungicides, and weed killing compounds*, in containers, when shipped with fertilizer or fertilizer materials in mixed loads, from Wilmington, Del., Bridgeton, Camden, and Yardville, N.J., Philadelphia and York, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont; and (7) *Malt beverages*, in containers from Erie, Pa., to Hornell, N.Y. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 86913 (Sub-No. 28), filed June 20, 1969. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard*, from Conway, N.C., and points within 10 miles thereof, to points in that part of Maine north of a line beginning at the Maine-New Hampshire State line near Gilead, Maine, and extending along U.S. Highway 2 to Bangor, Maine; thence along Alternate U.S. Highway 1 to Ellsworth, Maine, and thence along Maine Highway 3 to Bar Harbor, Maine; New York, N.Y., and points in Nassau, Queens, Kings, and Suffolk Counties, N.Y., that part of Pennsylvania on, south, and east of a line beginning at the New Jersey-Pennsylvania State line near Easton, Pa., and extending along U.S. Highway 22 to Harrisburg, Pa., thence along Interstate Highway 83 (formerly U.S. Highway 111) to the Pennsylvania-Maryland State line near Maryland Line, Md., points in West Virginia south of U.S. Highway 50, and points in Tennessee east of U.S. Highway 25E, points in Virginia and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 92983 (Sub-No. 533), filed June 30, 1969. Applicant: ELDON MILLER, INC., Post Office Box 2508, Kansas City, Mo. 64142. Applicant's representative: Eldon Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals* in bulk, from Omaha, Nebr., to points in Bensenville and Georgetown, Ill. NOTE: Applicant states it presently holds authority to perform similar authority under MC 92983 Subs 328, 353, and 439, such transportation involves the tacking of authorities via the gateways of Kansas City and Olathe, Kans. Applicant further states this application is filed for the purpose of obtaining the elimination of the use of gateways Kansas City and Olathe, Kans., in order to facilitate the transportation requested by shipper. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 94201 (Sub-No. 71) (Amendment), filed June 5, 1969, published in FEDERAL REGISTER issue of June 26, 1969, amended July 17, 1969, and republished as amended this issue. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. 35903. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment serving the plantsite of U.S. Plywood-Champion Papers, Inc., located near Courtland, Ala., as an off-route point in conjunction with applicant's presently regular route authority between Cedartown, Ga., and Memphis, Tenn. (contained in MC 94201 (Sub-No. 59)), and with the right to tack. NOTE: The purpose of this republication is to redescribe the territorial authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Birmingham, Ala. SPECIAL NOTICE: The publication hereinabove set forth reflects the scope of the application as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the application here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 104523 (Sub-No. 43), filed June 26, 1969. Applicant: HUSTON TRUCK LINE, INC., Friend, Nebr. Applicant's representative: Earl H. Scudder, Jr., Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed, and dry mineral feed mixtures*, from the plantsite of Moorman Manufacturing Co. near Columbus, Nebr., to points in Oklahoma, Texas, and New Mexico, Atlanta and Marcus, Iowa; Sleepy Eye and Kasson, Minn.; (2) *dry animal and poultry feed, dry mineral feed mixtures, livestock and poultry feeders and equipment, insecticides*, from the plantsite of Moorman Manufacturing Co., Quincy, Ill., to points in N. Mex.; (3) *livestock and poultry feeders and equipment*, when moving in mixed shipments with animal and poultry feed, from the plantsite of Moorman Manufacturing Co., Quincy, Ill., to points in South Dakota, Nebraska, Oklahoma, and Texas; Cheyenne and Sherman Counties, Kans.; and (4) *dry animal and poultry feed, and dry mineral feed mixtures*, from the plantsite of Moorman Manufacturing Co. at Comanche, Tex., to points in Louisiana, New Mexico, and Oklahoma. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 103993 (Sub-No. 410) (Amendment), filed May 21, 1969, published in the FEDERAL REGISTER issue of June 12, 1969, amended and republished this issue. Applicant: MORGAN DRIVE-AWAY, INC., 3800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani (same address as above), and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, from points in Crawford County, Ark., to points in the United States (except Alaska and Hawaii); and (2) *buildings* in sections mounted on wheeled undercarriages, from points in Crawford County, Ark., to points in the United States (except Alaska, Hawaii, Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, West Virginia, and Wisconsin). NOTE: The purpose of this republication is to reflect Crawford County, Ark., in lieu of Sebastian County as the origin point. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 107678 (Sub-No. 40), filed June 26, 1969. Applicant: HILL & HILL TRUCK LINE, INC., 13025 Sarah Lane, Post Office Box 9698, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Buildings, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of their size or weight require the use of special equipment or special handling; and (2) *ammunition and explosives*, when moving on U.S. Government bills of lading; (a) between military installations or Defense Department establishments in the United States; and (b) between points in (a) above, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107743 (Sub-No. 11), filed June 30, 1969. Applicant: SYSTEM TRANSPORT, INC., East 6523 Broadway, Spokane, Wash. 99206. Applicant's representative: George LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix 5, group 3 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, from points in Utah County, Utah, to points in Montana on and west of U.S. Highway 89, points in Idaho in and north of Idaho County, points in Washington, and points in Oregon on and north of U.S. Highway 20. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Spokane or Seattle, Wash.

No. MC 108053 (Sub-No. 87), filed June 30, 1969. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, Nebr. 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as defined in appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles and except hides, from the plantsite and storage facilities of Swift & Co., Glenwood, Iowa, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, restricted to traffic originating at said plantsite. NOTE: Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 108393 (Sub-No. 17), filed June 20, 1969. Applicant: SIGNAL DELIVERY SERVICE, INC., 782 Industrial Drive, Elmhurst, Ill. 60126. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, and mail order houses, and *related advertising material*, between Buffalo, N.Y., and Erie, Pa., under continuing contract or contracts with Sears, Roebuck & Co. NOTE: Common control and dual operations may be involved. Applicant holds common carrier authority under Docket No. MC 118459, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108460 (Sub-No. 41), filed June 30, 1969. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 5104 West 14th Street, Post Office Box 762, Sioux Falls, S. Dak. 57101. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Fremont, Nebr., to points in Minnesota, South Dakota, and Nebraska. NOTE: Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 108676 (Sub-No. 32), filed June 30, 1969. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe;* (2) *plastic tubing;* (3) *materials, parts, and accessories* used in the installation of plastic pipe and plastic tubing, from Knoxville, Tenn., to points in the United States (except Alaska and Hawaii); and (4) *materials and supplies* used in the manufacture of plastic pipe and plastic tubing (except commodities in bulk and commodities which because of size or weight require the use of special equipment or handling), from Houston and Port Arthur, Tex., Baton Rouge, La., Cleveland and Avon Lake, Ohio, and Louisville, Ky., to Knoxville, Tenn. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 110098 (Sub-No. 102), filed June 19, 1969. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, Post Office Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by packinghouses* as described in sections A and C of appendix I to *Descriptions of Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Glenwood, Iowa, to points in Oklahoma, Louisiana, Texas, and New Mexico, restricted to traffic originating at the plantsite and/or storage facilities of Swift & Co. at or near Glenwood, Iowa, and destined to the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 110420 (Sub-No. 585) (Amendment), filed March 26, 1969, published in the FEDERAL REGISTER issues of April 24, 1969, and June 5, 1969, amended, and republished this issue. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils, and products* thereof, in bulk, from the plantsite of Central Soya Co., Inc., at or near Decatur, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Rhode Island, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and Maine (except Aroostook County); and (2) *vegetable oils and products thereof*, in bulk, from the plantsites of Central Soya Co., Inc., at or near Bellevue, Delphos, and Marion, Ohio; Chicago and Gibson City, Ill.; Chattanooga, Tenn.; and Belmond, Iowa, to Decatur, Ind. NOTE: The purpose of this republication is to amend the commodity description in (2) above. Applicant states it can tack at Chicago, Ill., and Cudahy, Wis., to serve additional destination States. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 111401 (Sub-No. 281), filed June 23, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, liquid or dry bulk, from the plantsite of E. I. du Pont de Nemours & Co. at Pineville (Rapides Parish), La., to points in Alabama, Georgia, Missouri, and Tennessee (except Kingsport, Tenn.). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 111401 (Sub-No. 283), filed June 30, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in Maine, Maryland, Massachusetts, New Hampshire, New York, Vermont, Connecticut, Delaware, New Jersey, Pennsylvania, Rhode Island, Texas, District of Columbia, Louisiana, Oklahoma, Michigan, Minnesota, Wisconsin, Illinois, Indiana, Ohio, and Mississippi; restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 112304 (Sub-No. 32), filed June 20, 1969. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street,

Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, aluminum and aluminum articles*, from points in Oakland and Wayne Counties, Mich., to points in Tennessee. NOTE: Applicant states that it would tack with its Sub 1 "size and weight" authority, whereas it is authorized to operate to points in Ohio, Indiana, Kentucky, West Virginia, Michigan, Pennsylvania, Illinois, Wisconsin, New York, and New Jersey. Applicant further states that no duplicating authority is sought and is willing to accept an appropriate restriction regarding same. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 113678 (Sub-No. 356), filed June 23, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and except hides), from the plantsite and/or storage facilities of Swift & Co. at Glenwood, Iowa, to points in Colorado, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Maine Maryland, Massachusetts, lower Michigan, Montana, New York, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wyoming, and the District of Columbia, restricted to named destination States. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113678 (Sub-No. 357), filed June 30, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh and meats fresh frozen*, from plantsite and and/or storage facilities utilized by Wilson & Co., Inc., at or near Hereford, Tex., to points in Connecticut, Delaware, Maryland, Maine, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above specified plantsite and/or cold storage facilities and destined to the above-specified destination points. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113828 (Sub-No. 161), filed June 30, 1969. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representatives: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006, and John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from the plantsite of the Sun Oil Co. at Marcus Hook, Pa., to points in Kentucky. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114890 (Sub-No. 42), filed June 25, 1969. Applicant: C. E. REYNOLDS TRANSPORT, INC., 2209 Range Line, Joplin, Mo. 64802. Applicant's representative: J. David Harden, Jr., 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, in tank vehicles, from the plantsite of the Cherokee Nitrogen Co., at or near Pryor, Okla., to points in Iowa, Missouri, and Nebraska. NOTE: Applicant states that it is not aware of any feasible tacking operations that would result from a grant herein, however, applicant opposes the imposition of a tacking restriction. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 116538 (Sub-No. 5), filed June 23, 1969. Applicant DeFOREST L. REED, 102 Champion Street, Carthage, N.Y. 13619. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (a) from Cortland, Lafayette, Richland, and Syracuse, N.Y., to Dover, Englewood, Hoboken, Jersey City, Kenilworth, Newark, and Paterson, N.J.; (b) from Lowville, N.Y. to New York, N.Y.; (c) from Bernhards Bay, N.Y., to New York, N.Y.; and (d) from Smyrna, Waterloo, Hannibal, Deer River, Lowville, Wolcott, Heuvelton, Croghan, Appalachin, Boonville, Bernhards Bay, Bleeker, North Creek, Little Falls, Central Square, Cato, Cassadaga, Delhi, East Branch, Ellington, Herkimer, Hartwick, Lyons, Locke, Marion, Margaretville, Medina, Poland, Stratford, Stamford, Wellesville, West Leyden, Warrensburg, Cohocton, Pine Plains, and Kingston, N.Y., to Gardner, Templeton, Boston, and Lawrence, Mass.; Branford, Ivoryton, and Stamford, Conn.; Hellam, Herndon, Kreamer, Lancaster, Union City, Lewisburg, Montrose, Philadelphia, Scranton, Simpson, Wilkes-Barre, Endeavor, Troy, Youngsville, Mifflenburg, and Port Allegany, Pa.; Hagerstown, Md.; ports of entry on the international boundary line between the United States and Canada located in New York; Washington, Old Bridge, Bayonne, Newark, Paterson, and Jersey City, N.J. NOTE: Appplicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Buffalo or Rochester, N.Y.

No. MC 116544 (Sub-No. 109), filed June 23, 1969. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Post Office Box 636, Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from Glenwood, Iowa, to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Tennessee, North Carolina, and South Carolina, restricted to traffic originating at the plantsite and storage facilities of Swift & Co., at Glenwood, Iowa, and destined to points in the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 116632 (Sub-No. 13), filed June 23, 1969. Applicant: RALPH E. CURTIS & SON, INC., 123 Mount Hope Avenue, Bangor, Maine 04401. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, Maine 04038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber;* (1) from the ports of entry on the international boundary line between the United States and Canada located at or near Fort Fairfield and Van Buren, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania; (2) from the port of entry on the United States and Canada located at or near Houlton, Maine, to points in Maine; and (3) from the port of entry on the international boundary line between the United States and Canada located at or near Calais, Maine, to points in Maine (except points in Washington and Hancock Counties). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Augusta or Portland, Maine.

No. MC 117883 (Sub-No. 126), filed June 26, 1969. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles),

from Glenwood, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite or storage facilities used by Swift & Co. at or near Glenwood, Iowa, and to the named destination States. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 119388 (Sub-No. 11), filed June 30, 1969. Applicant: GLEN R. ELLIS, INC., 3911 Jerome Avenue, Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Winston-Salem, N.C., to points in Georgia, points in Tennessee on and east of Tennessee Highway 13, and points in Kentucky on and east of U.S. Highway 41. NOTE: Applicant states this application would eliminate Chattanooga gateway to Georgia and provide direct service. No duplicate authority is sought. Applicant further states it presently holds authority in its MC 119388 which duplicates in part authority sought herein. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Nashville, or Knoxville, Tenn.

No. MC 119741 (Sub-No. 31), filed June 23, 1969. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as defined in sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and except hides), from the plantsite and storage facilities of Swift & Co. at or near Glenwood, Iowa, to points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, New York, New Jersey, Ohio, Pennsylvania, Missouri, Kansas, Minnesota, and Wisconsin, restricted to traffic originating at the named plantsite and storage facilities of Swift & Co. at Glenwood, Iowa, and destined to the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 120543 (Sub-No. 60), filed June 25, 1969. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Applicant's representative: L. D. Fay, Post Office Box 1086, 1205 Universal Marion Building, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from ports of entry on the international boundary line between the United States and Canada located on the Detroit and Niagara Rivers, to points in Florida, restricted to commodities originating in the Province of Ontario, Canada. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 123639 (Sub-No. 114), filed June 26, 1969. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: David Senseney, 3395 South Bannock, Englewood, Colo. 80110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from Glenwood, Iowa, and points within 5 miles of Glenwood, Iowa, to points in Illinois, Indiana, Ohio, Michigan, Pennsylvania, New York, Maryland, District of Columbia, Delaware, Rhode Island, Connecticut, Massachusetts, New Jersey, Vermont, and New Hampshire, except the Chicago, Ill., Commercial Zone. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133870, filed June 25, 1969. Applicant: JOHN P. WEYER AND CAROLINE WEYER, a partnership, doing business as WEYER TRUCK SERVICE, Rural Route 1, Brownsville, Wis. 53006. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Quicklime, hydrated lime, lime products, pallets, and pallet material*, from points in Dodge, Fond du Lac, and Brown Counties, Wis., to Minneapolis-St. Paul, Minn., and points within its Commercial Zone, Osseo, and Duluth, Minn., under a continuing contract or contracts with the Western Lime & Cement Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 124078 (Sub-No. 386) (Correction), filed June 6, 1969, published in FEDERAL REGISTER issue of July 3, 1969, corrected July 8, 1969, and republished as corrected this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquors, malt, ale, beer, beer tonic, porter, stout, and related matter*, from Pabst, Houston County, Ga., to points in Alabama, Florida, Mississippi, North Carolina, South Carolina, and those points in Tennessee on and east of Interstate Highway 65. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to correctly set forth the authority sought. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 124078 (Sub-No. 393), filed June 22, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, dry, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas and Mississippi. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 124078 (Sub-No. 394), filed June 23, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash cement blended product* (fly ash and cement mixed), in bulk, in tank or hopper type vehicles, from Indianapolis, Ind., to points in Illinois, Indiana, Kentucky, Michigan, and Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 124170 (Sub-No. 17), filed June 30, 1969. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, Mich. 48209. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, plantains, pineapples, and coconuts;* and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with (1) above, from Wilmington, Del., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Pennsylvania. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill., or Detroit, Mich.

No. MC 124679 (Sub-No. 24), filed June 18, 1969. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South, Salt Lake City, Utah 84101. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E

Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Philadelphia, Chester, and Montgomery Counties, Pa., and Pennsauken, Blackwood, Vineland, Bridgeton, and Blue Anchor, N.J., to points in Colorado, Wyoming, Utah, Idaho, Nevada, New Mexico, California, Arizona, Oregon, Washington, and Montana. NOTE: Applicant holds contract carrier authority under Docket No. MC 128813, therefore, dual operations may be involved. Applicant states there are no tacking possibilities, but objects to the imposition of a "no-tacking" restriction. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 124796 (Sub-No. 49), filed June 30, 1969. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Plastic film, sheeting, bags and trays, and material, supplies, and equipment* used in the manufacture and distribution of such products between the plantsites and warehouse facilities utilized by W. R. Grace & Co. at or near Simpsonville and Duncan, S.C., on the one hand, and, on the other, Cedar Rapids, Iowa, (b) *plastic film, sheeting, bags and trays* from the plantsite and warehouse facilities utilized by W. R. Grace & Co. at or near Simpsonville and Duncan, S.C. and Cedar Rapids, Iowa, to points in the United States west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundaries of Itasco and Koochiching Counties, Minn., to the international boundary line between the United States and Canada (except Alaska and Hawaii) and *returned shipments, materials, supplies and equipment* used in the manufacture and distribution of such products, on return, (2) *Food processing and packaging machinery and equipment, and component parts and accessories therefor* from the plantsite and warehouse facilities utilized by W. R. Grace & Co., at or near Woburn, Mass., to points in the United States (except Alaska, Hawaii, and Massachusetts), and *returned shipments, materials, equipment, and supplies* used in the manufacture and distribution of such products, on return, under contract with W. R. Grace & Co. Restriction: Both parts 1 and 2 restricted against the transportation of commodities in bulk or those which because of size or weight require special equipment or special handling. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Des Moines, Iowa.

No. MC 126039 (Sub-No. 11), filed June 12, 1969. Applicant: MORGAN TRANSPORTATION SYSTEM, INC., U.S. Highways 6 and 15, New Paris, Ind. 46553. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and supplies and materials* used in the manufacturing, processing, and distribution thereof, between Fort Wayne, Ind., and 5 miles thereof and points in Ohio, Illinois, Michigan, Kentucky, and Indiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 127042 (Sub-No. 40), filed June 20, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Swift & Co. at or near Glenwood, Iowa, to points in Illinois, Iowa, Nebraska, Kansas, Missouri, Minnesota, North Dakota, South Dakota, Wisconsin, and Wyoming, restricted to named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 127099 (Sub-No. 8), filed June 30, 1969. Applicant: ROBERT NEFF & SONS, INC., 132 Shawnee Avenue, South Zanesville, Ohio 43701. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, parts, materials, and supplies* used in the manufacturing, processing, sale, packaging, or distribution of windows, window frames, door frames, and hardware therefor from points in the United States on and east of U.S. Highway 85 to Malta, Ohio. NOTE: The proposed service will be performed under a continuing contract with Malta Manufacturing Co., a shipper which applicant is presently serving under permit No. MC 127099 in the transportation of windows, window frames, door frames, and hardware therefor from Malta, Ohio, to points in the United States on and east of U.S. Highway 85. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127902 (Sub-No. 2), filed July 1, 1969. Applicant: M. L. DIETZ, doing business as DIETZ MOTOR LINES, Post Office Box 757, Hickory, N.C. 28601. Applicant's representative: Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Buncombe, Caldwell, Catawba, Burke, Alexander, Iredell, Rutherfordton, and McDowell Counties, N.C., to points in Alabama, Mississippi, Louisiana, and Arkansas (except from Conover and Hickory, N.C.) to points in Alabama, and *damaged, rejected, and returned shipments of new furniture*, from the destinations specified to the origins specified. NOTE: Applicant states it presently holds authority under MC 127902 to transport subject commodity from Hickory and Conover, N.C., to points in Alabama. Hickory and Conover are located in Catawba County, N.C., on the above-sought origin points. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Charlotte or Raleigh, N.C.

No. MC 128909 (Sub-No. 11), filed June 25, 1969. Applicant: COMMODORE CONTRACT CARRIERS, INC., 8712 West Dodge Road, Suite 4000, Omaha, Nebr. 68114. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *House trailers* designed to be drawn by passenger automobiles, *buildings* in sections mounted on wheeled undercarriages with hitchball connectors, *pickup and tent campers, and motor homes*; (2) *unrelated parts, appliances, furniture, and accessories* when moving in the commodities described in (1) above; (a) between Compton and Bellflower, Calif., and Elkhart, Ind.; (b) between the points listed in part (a) above, on the one hand, and, on the other, Falls City and North Bend, Nebr.; Roseburg and Lebanon, Oreg.; Red Bay, Haleyville, Hamilton, and Carbon Hill, Ala.; Arlington, Tenn.; Danville, Va.; Thomasville, Ga.; Corsicana and Fort Worth, Tex.; and Bellefonte, Pa.; (c) between Elkhart, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (d) between Bellflower and Compton, Calif., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and (3) *Wheels, axles and hitches*, from points in the United States (except Alaska and Hawaii), to Compton and Bellflower, Calif.; Elkhart, Ind., Carbon Hill, Ala.; Corsicana and Fort Worth, Tex.; Thomasville, Ga.; Bellefonte, Pa.; and Lebanon, Oreg. Restrictions: (1) All service hereunder shall be limited to traffic originating or terminating at the plantsites of the Commodore Corp., its subsidiaries or divisions; and (2) all service shall be performed under continuing contracts with the Commodore Corp., its subsidiaries or divisions. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 129071 (Sub-No. 4), filed June 27, 1969. Applicant: WHITEHALL TRANSPORT, INC., Post Office Box 387, Whitehall, Wis. 54773. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* as described in section A, appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Milwaukee, Wis., to points in Maryland, Michigan, New Jersey, Ohio, Pennsylvania, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 129656 (Sub-No. 4), filed June 25, 1969. Applicant: TRI DELTA BUILDING AND MATERIALS CO., INC., 2245 East Jackson Street, Phoenix, Ariz. 85034. Applicant's representative: Richard E. Apple (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum plaster, and gypsum wallboard*, from Apex and Blue Diamond, Nev., to points in Los Angeles, Orange, Riverside, and San Bernardino Counties, Calif., and Benson, Coolidge, Casa Grande, Douglas, Eloy, Florence, Globe, Havasu City, Miami, Nogales, Parker, Superior, Tucson, and Yuma, Ariz. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., Las Vegas, Nev., or Los Angeles, Calif.

No. MC 133495 (Sub-No. 2), filed June 11, 1969. Applicant: JOHN M. AKIKI, Rural Route No. 1, Box 9, Imperial, Mo. 63052. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer* from the plantsites of Associated Brewing Co., at Chicago, Ill., and Evansville, Ind., to points in St. Louis, Mo., and Joplin, Mo.; and empty bottles on return, under contract with Peoples Liquor Inc., St. Louis, Mo. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 133698 (Sub-No. 2), filed June 30, 1969. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725–29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representatives: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006, and John M. Delaney, 2 Nevada Drive, Lake Success, N.Y. 11040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), on traffic having an immediately prior or subsequent movement by air, rail, or motor carrier, between Philadelphia, Pa., on the one hand, and, on the other, points in Adams, Bedford, Berks, Blair, Bucks, Cambria, Carbon, Centre Clearfield, Clinton, Cumberland, Dauphin, Franklin, Huntington, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Northampton, Snyder, Union, and York Counties, Pa.; (2) *business papers, reports and records, checks and audit and accounting media*, between Lancaster, Pa., on the one hand, and, on the other, points in Howard County, Md., and those in Spotsylvania and Frederick Counties, Va.; (3) *business papers, reports and records, and audit and accounting media*, between points in Baltimore County, Md., on the one hand, and, on the other, points in Dauphin, Bucks, and Blair Counties, Pa.; (4) *business papers, records, and audit and accounting media*, between Harrisburg, Pa., on the one hand, and, on the other, Washington, D.C.; and (5) *business papers, business records and audit and accounting media*, between Allentown, Pa., on the one hand, and, on the other, Washington, D.C. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 133761 (Sub-No. 1) (Correction), filed May 28, 1969, published in the FEDERAL REGISTER issue of June 26, 1969, and July 10, 1969, corrected and republished as corrected, this issue. Applicant: GEORGE A. LABAGH, 713 North Street, Middletown, N.Y. 10940. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11423. NOTE: The purpose of this partial republication is to reflect the correct address of applicant's representative as shown above, in lieu of 100–16 Jamaica Avenue. The rest of the application remains the same.

No. MC 133851, filed June 24, 1969. Applicant: MATS, INC., Post Office Box 2799, Baltimore, Md. 21225. Applicant's representative: Arthur R. Baker, 6237 Radcliff Road, Alexandria, Va. 22300. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from Baltimore, Md., to points in Delaware, Pennsylvania, Virginia, West Virginia, and the District of Columbia; under contract with E. Stewart Mitchell, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 133866, filed June 30, 1969. Applicant: Samuel E. Leonard, Norman E. Wilt, Floyd R. Mearkle, Richard E. Koontz, and Richard Riley, a partnership, doing business as EVERETT ASSOCIATES, Rural Delivery No. 3, Box 9, Everett, Pa. 15337. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Westmoreland, Bedford, Fayette, Somerset, Indiana, and Cambria Counties, Pa., to points in Maryland, Delaware, New Jersey, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 133869, EX, filed June 30, 1969. Applicant: BRUCE BROWN, 2119 Dublin Road, Oklahoma City, Okla. Applicant's representative: Glen Ham, 100 North Chickasaw, Pauls Valley, Okla. A certificate of exemption sought under section 204(a)(4a), Part II, of the Interstate Commerce Act, in the conduct of operations as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, wholly within the State of Oklahoma; between Waukomis, Bison, Hennessey, Dover, Kingfisher, Okarche, and Oklahoma City, Okla.

No. MC 133890, filed June 20, 1969. Applicant: SCHULZ, INCORPORATED, 310 Bluff Street, Red Wing, Minn. 55066. Applicant's representative: Donald B. Taylor, 1515 Lone Oak Road, St. Paul, Minn. 55111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, moving in shipper-owned trailers, and in bags, from the plantsite of the Red Wing Milling Co. at Red Wing, Minn., to points in Wisconsin, Illinois, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 133898, filed July 16, 1969. Applicant: EXPLOSIVES MOTOR EXPRESS, INC., 2701 South Prospect, Oklahoma City, Okla. 73129. Applicant's representatives: W. T. Brunson, 419 Northwest Sixth, Oklahoma City, Okla. 73102, and Everett Hutchinson, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammunition and explosives, including classes A, B, and C explosives* as defined by the Commission: (1) between Doyline, La., on the one hand, and, on the other, Oklahoma City and McAlester, Okla.; Denver, Pueblo, and Fort Carson, Colo.; Albuquerque, N. Mex.; Texarkana, Tex.; and Toelle and Hill AFB, Utah; (2) between Parsons, Kans., on the one hand, and, on the other, Denver, Colo., Hill AFB, Utah, and Albuquerque, N. Mex.; (3) between De Soto, Kans., on the one hand, and, on the other, McAlester, Okla., and Camden, Ark.; (4) between Grand Island, Nebr., on the one hand, and, on the other, Albuquerque, N. Mex., and Oklahoma City, Okla.; (5) between Crane, Ind., on the one hand, and, on the other, Denver, Colo., and Albuquerque, N. Mex.; (6) between McAlester, Okla., on the one hand, and, on the other, Denver, Colo., Amarillo, Tex.,

Albuquerque, N. Mex., and Toelle, Utah; and (7) between Baraboo, Wis., on the one hand, and, on the other, McAlester, Okla. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

MOTOR CARRIER OF PASSENGERS

No. MC 3649 (Sub-No. 416), filed June 30, 1969. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers*, in the same vehicle with passengers, between points in Branchburg Township, N.J.: from junction U.S. Highway 202 and Old York Road, near Centerville, Branchburg Township, N.J., thence over Old York Road, Dreahook Road, and Readington Road to junction U.S. Highway 22, near North Branch, Branchburg Township, N.J., and return over the same route; serving all intermediate points. NOTE: Applicant states it intends to tack the proposed route with its existing routes. If a hearing is deemed necessary, applicant requests it be held at Somerville or Newark, N.J.

No. MC 13300 (Sub-No. 84), filed June 23, 1969. Applicant: CAROLINA COACH COMPANY, a corporation, 1201 South Blount Street, Raleigh, N.C. 27602. Applicant's representatives: Bruce E. Mitchell, and James E. Wilson, 1735 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage, express, and newspapers* in the same vehicle with passengers, (1) Regular routes: (a) Between Tarboro and Aulander, N.C., from Tarboro over North Carolina Highway 44 to Oak City, N.C., thence over North Carolina Highway 11 to junction North Carolina Highway 305, and thence over North Carolina Highway 305 to Aulander, and return over the same route serving all intermediate points: and (b) between Scotland Neck, N.C., and junction North Carolina Highway 122 and U.S. Highway 258, from Scotland Neck over North Carolina Highway 305 to Hobgood, N.C., and thence over North Carolina Highway 122 to junction U.S. Highway 258, and return over the same route, serving all intermediate points. (2) Irregular routes: *Passengers and their baggage*, in charter operations, beginning at points named in (1) above and extending to points in the United States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh or Rocky Mount, N.C.

No. MC 123577 (Sub-No. 10), filed June 25, 1969. Applicant: WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC., JOSEPH THIEDERG, RECEIVER, 730 Madison Avenue, Paterson, N.J. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicles with passengers, between points in Wayne Township, N.J., from the junction of Valley Road and the Paterson and Hamburg Turnpike along Valley Road to the headquarters of Union Camp Corp., and return over the same route, serving all intermediate points. NOTE: Applicant states that it proposes to join the authority sought to its existing authority in Docket No. MC 123577 in order to provide service over its existing routes to and from New York, N.Y., and to and from Warwick, N.Y., over existing routes in Passaic County. Applicant has contract carrier authority in MC 129976 Sub 2, as a motor carrier of passengers. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

APPLICATION OF FREIGHT FORWARDER

No. FF – 379 SIERRA - PACIFIC FREIGHT FORWARDING, INC., Freight Forwarder Application, filed July 14, 1969. Applicant: SIERRA-PACIFIC FREIGHT FORWARDING, INC., 8 East Prater Way, Sparks, Nev. Applicant's representative: Robert L. La Vine, Suite 415, Hearst Building, San Francisco, Calif. 94103. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to institute operation as a *freight forwarder*, in interstate or foreign commerce, through the use of the facilities of common carriers by railroad, water, air, and motor vehicle in the transportation of, *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Reno and Sparks, Nev., and the terminal areas thereof, and points and places on the islands of Oahu, Maui, and Hawaii, in the State of Hawaii.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 130090, filed June 30, 1969. Applicant: NORTH LAND TOURS, INC., 539 Northeast Northgate Way, Seattle, Wash. 98125. Applicant's representative: John M. Stern, Jr., Post Office Box 1672, Anchorage, Alaska 99501. For a license (BMC–5) to engage in operation as a *broker* at Seattle, Wash., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage* in the same vehicle with passengers, both as individuals and in groups, between points in Washington and points in Alaska.

No. MC 130091, filed June 20, 1969. Applicant: JAMES S. PORTER, doing business as EDUCATORS AND BOARD TOURS/SEMINARS, Rural Delivery No. 2, Ford City, Pa. 16226. For a license (BMC–5) to engage in operation as a *broker* at Ford City, Pa., in arranging for the transportation in interstate or foreign commerce, of *passengers and their baggage*, in special and charter operations, between points in the United States. NOTE: Applicant states that the basic purpose of the tours is to observe exemplary school systems located anywhere in the United States and that the tours will be limited to board of education members, educators, and their guests (example, an architect or an engineer developing a building).

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 109126 (Sub-No. 12), filed May 5, 1969. Applicant: LA SALLE TRUCKING COMPANY, a corporation, 2286 Main Street, San Diego, Calif. 92113. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) *Petroleum products*, in bulk (except liquified petroleum gases and any other petroleum products requiring pressurized tanks and except liquid asphalt and hot road oils and any other petroleum products requiring insulated tanks), between the points hereinafter specified and upon and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of 50 miles of said routes: (1) U.S. Highway 101 and U.S. Highway 101 Bypass between Santa Barbara and the California-Mexico Line; (2) U.S. Highway 99 between Bakersfield and the Mexican Border; (3) U.S. Highway 395 between Lone Pine and Junction U.S. Highway 66; (4) U.S. Highway 66 between Los Angeles and Needles; (5) U.S. Highway 60 between Los Angeles and the California-Arizona State line; (6) U.S. Highways 91 and 466 between Barstow and Nevada-California State line; and

(7) California Highway 127 between Baker and Nevada-California State line; and (B) *general commodities* (except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and motor vehicles). (a) Between those points in the part of California on and within the boundaries set forth in Part II (Los Angeles Basin Territory) on the one hand, and, on the other; (1) those points in the part of California on and within the boundaries set forth in Part III (San Diego Drayage Area) over U.S. Highways 101 and 395, serving intermediate points and off-route points within 10 miles laterally of such highways; (2) Tecate, Calif.; (3) those points in the part of California on and within the boundaries set forth in Part IV (Imperial Valley Territory). (b) Between those points in the part of California on and within the boundaries set forth in Part III (San Diego Drayage Area) on the one hand, and, on the other; (1) Tecate, Calif.; (2) those points in the part of California on and within the boundaries set forth in Part IV (Imperial Valley Territory). Part II. Los Angeles Basin Territory includes that area embraced by the following boundary:

Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately 2 miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the city of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly, and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly, and northerly along said corporate boundary to the right-of-way to the Atchison, Topeka & Santa Fe Railway Co.; southwesterly along said right-of-way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning.

Part III. San Diego Drayage Area includes the area embraced by the following boundary: Beginning at the intersection of the international boundary and the shoreline of the Pacific Ocean; thence easterly along the international boundary to the eastern boundary line of sec. 5, T. 19 S., R. 1 W.; northerly along the eastern boundary line of sec. 5, T. 19 S., R. 1 W., and sec. 32, T. 18 S., R. 1 W., to the interesection of Otay Valley Road and Mesa Road; northerly and westerly along Otay Valley Road to the Otay River; westerly along the Otay River to the intersection of Beyer Way and Otay River in the community of Otay; northerly along Beyer Way and Third Avenue to Quintard Street; easterly along Quintard Street to First Avenue; northerly along First Avenue to Oxford Street; easterly along Oxford Street to Hill Top Drive; northerly along Hill Top Drive to Emerson Street; easterly along Emerson Street to Theresa Way; easterly along Theresa Way to Monserate Avenue; northerly along Monserate Avenue to L Street; westerly along L Street to Cuyamaca Avenue; northerly along Cuyamaca Avenue to San Miguel Drive; westerly along San Miguel Drive to Hill Top Drive; northerly along Hill Top Drive to J Street; easterly along J Street to Dennis Avenue; northerly along Dennis Avenue to Gretchen Road; easterly, northerly and westerly along Gretchen Road to Robert Avenue; northerly along Robert Avenue to I Street; westerly along I Street to Hill Top Drive; northerly along Hill Top Drive and its prolongation to Sweetwater Road; easterly along Sweetwater Road to Valley Road; easterly along Valley Road to Reo Drive; northerly along Reo Drive to Rancho Hills Drive; easterly along Rancho Hills Drive to Sea Breeze Drive; northerly along Sea Breeze Drive to Winchester Street; easterly along Winchester Street to Calle Serena; northerly along Calle Serena to Calle Pintoresco; easterly along Calle Pintoresco to Paradise Valley Road;

Northerly along a direct line to the intersection of a southerly prolongation of 69th Street and Skyline Drive; easterly and northerly along Skyline Drive to Jamacha Road; easterly along Jamacha Road to Helix Street; northerly along Helix Street to Lamar Street; easterly along Lamar Street and Upland Street to Kenora Drive; northerly along Kenora Drive to Dale Avenue; easterly along Dale Avenue to Bonita Street; southerly along Bonita Street to Buena Vista Drive; easterly along Buena Vista to Sweetwater Springs Boulevard; southerly along Sweetwater Springs Boulevard to Del Rio Road; easterly along Del Rio Road to Calavo Drive; northerly along Calavo Drive to Campo Road; northeasterly along Campo Road to Avocado Boulevard; northerly along Avocado Boulevard to Chase Avenue; easterly along Chase Avenue to Anza Street; northerly along Anza Street to Washington Avenue; easterly along Washington Avenue to Dorothy Street; northerly along Dorothy Street to Jamacha Road; northwesterly along Jamacha Road to Main Street (U.S. Highway No. 80); northeasterly along Main Street (U.S. Highway No. 80) to Greenfield Drive; northwesterly and westerly along Greenfield Drive to Magnolia Avenue; northerly along Magnolia Avenue, Mesa Avenue, and Cottonwood Avenue to the San Diego River; westerly and southerly along the San Diego River to Ward Road; northerly along Ward Road, Friars Road, and Murphy Canyon Road to Escondido Boulevard; northeasterly along Escondido Boulevard to Mission Road; northerly along Mission Road to U.S. Highway No. 395; northerly along U.S. Highway No. 395 to the boundary of the city of San Diego; westerly, southwesterly, northwesterly, and westerly along the boundary of the city of San Diego to its intersection with Border Avenue and via De La Valle northwesterly of the Del Mar Race Track; westerly along Border Avenue and its prolongation to the shoreline of the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to the point of beginning.

Part IV. Imperial Valley Territory includes that area embraced by the following boundaries: Beginning at a point on the international boundary line between the United States and the Republic of Mexico and the southwest corner of the Imperial County line; thence northerly along the Imperial/San Diego County line to California State Highway No. 78; thence easterly to U.S. Highway No. 99; thence northerly and easterly to the confluence of San Felipe Creek and the Salton Sea; thence southerly, easterly, and northerly along the shoreline of the Salton Sea to a point due west of Niland; thence easterly to Niland; thence southerly and easterly along an unnumbered road (Niland-Glamis Road) to Ogilly; thence southerly to U.S. Highway No. 80; then due south to the international boundary; thence easterly along the international boundary to the point of beginning. NOTE: Applicant states that the sole purpose of this application is to convert its registered authority to an independent interstate certificate. No new territory or commodity authorization is sought. Applicant's necessity for conversion of authority rests in its present and future operations into the Republic of Mexico.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-8932; Filed, July 30, 1969; 8:45 a.m.]

[S.O. 994; ICC Order 26, Amdt. 1]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Diversion or Rerouting of Traffic

Upon further consideration of ICC Order No. 26 (Atchison, Topeka and Santa Fe Railway Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 26 be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 28, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-8976; Filed, July 30, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 59-A]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., Chicago, Burlington & Quincy Railroad Co.

Upon further consideration of Car Distribution Direction No. 59, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 59 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., July 25, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-8977; Filed, July 30, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 61]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., and Chicago and North Western Railway Co.

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Seaboard Coast Line Railroad Co. shall deliver to the St. Louis-San Francisco Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The St. Louis-San Francisco Railway Co. shall deliver to the Chicago and North Western Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 a.m.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., July 26, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., August 24, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-8978; Filed, July 30, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 60]

SOUTHERN RAILWAY CO. AND CHICAGO AND NORTH WESTERN RAILWAY CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Southern Railway Co. shall deliver to the Chicago and North Western Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each seven days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carriers receiving the cars described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., July 26, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., August 24, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-8980; Filed, July 30, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 58-A]

SOUTHERN RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 58, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 58 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., July 25, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-8979; Filed, July 30, 1969; 8:46 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 28, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41702—*Liquid caustic soda from points in Louisiana.* Filed by O. W. South, Jr., agent (No. A6119), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, as described in the application, from Baton Rouge, North Baton Rouge, and Geismar, La., to Chickamauga, Tenn., and Thomaston, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 105 to Southern Freight Association, agent, tariff ICC S-699.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-8981; Filed, July 30, 1969; 8:46 a.m.]

[Notice 675]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 28, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of EX PARTE NO. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 94265 (Sub-No. 221 TA), filed July 14, 1969. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Applicant's representative: Harry G. Buckwalter (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas, plantians, coconuts, pineapples, and agricultural commodities,* exempt from economic regulations pursuant to section 203(b)(6) Interstate Commerce Act when transported at the same time in the same vehicle in mixed shipments with bananas, plantians, pineapples, and coconuts, from Wilmington, Del., to points in Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, West Virginia, Ohio, Michigan, Indiana, Illinois, Iowa, Wisconsin, Minnesota, Nebraska, Kansas, and Missouri, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 107515 (Sub-No. 666 TA), filed July 17, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 10799, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic material, liquid and film, on sheeting other than cellulose,* from Dallas, Tex., to Marietta, Ga., and Charleston, S.C., for 150 days. NOTE: Applicant does not intend to tack, but does intend to interline with Frozen Food Express, Inc., at origin of Dallas, Tex. Supporting shipper: Reliabond, Reliable Manufacturing, Inc., 1970 Placentia Avenue, Costa Mesa, Calif. 92627. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 667 TA), filed July 17, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 10799, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic material, liquid and film, on sheeting* other than cellulose, *and plastic moulding compound,* from Stamford, Conn., to Huntsville, Ala.; Orlando, Fla.; Marietta, Ga.; Wichita, Kans.; Baltimore and Hagerstown, Md.; Detroit, Mich.; Akron, Cincinnati, Columbus, Middletown, and Toledo, Ohio; Creighton, Pa.; Fort Worth, Tex.; Alexandria and Marion, Va., for 150 days. Supporting shipper: U.S. Polymeric, Inc., Canal and Ludlow Streets, Stamford, Conn. 06904. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 668 TA), filed July 17, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 10799, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas, plantians, coconuts, pineapples, and agricultural commodities,* exempt from economic regulations pursuant to section 203(b)(6) Interstate Commerce Act when transported at the same time in the same vehicle in mixed shipments with bananas, plantians, pineapples, and coconuts, from Wilmington, Del., to points in Tennessee, Florida, North Carolina, South Carolina, Georgia, Mississippi, Alabama, and Texas, for 150 days. Supporting shipper: Agfa-Gevaert, Inc., Photographic Products, 275 North Street, Teterboro, N.J. 07608. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 668 TA), filed July 17, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, SE., Post Office Box 10799, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Unexposed photographic paper, unexposed photographic film, and photographic chemicals,* from Atlanta, Ga., to

points in Tennessee, Florida, North Carolina, South Carolina, Georgia, Mississippi, Alabama, and Texas, for 150 days. Supporting shipper: Agfa-Gevaert, Inc., Photographic Products, 275 North Street, Teterboro, N.J. 07608. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 111812 (Sub-No. 386 TA), filed July 17, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles* distributed by packinghouses as described in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk and hides, from Buhl, Idaho, to points in Minnesota and Wisconsin (except Austin, St. Paul, and Minneapolis, Minn., and Milwaukee and Eau Claire, Wis.), for 180 days. Supporting shipper: Carter Packing Co., Inc., Post Office Box 4358, Buhl, Idaho, L. Gordon Carter, Vice President and General Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 123819 (Sub-No. 27 TA), filed July 14, 1969. Applicant: ACE FREIGHT LINE, INC., 261 East Webster Street, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned food preparations and canned foodstuffs and advertising promotional and display materials* when moving therewith, from the plantsite, warehouses, and the facilities of Delta Food Processing Corp., in Sunflower County, Miss., to points in Alabama, Arkansas, Oklahoma, Missouri, Kentucky, Tennessee, Mississippi, Florida, Texas, Louisiana, Illinois, Indiana, and Georgia, restricted to traffic originating at the origin points named; (2) *Cans, boxes, cartons, and containers*, from Tampa, Fla.; Atlanta, Ga.; Birmingham, Ala.; New Orleans, La.; Dallas, Houston, and Arlington, Tex.; Kansas City, and St. Louis, Mo.; Chicago, Ill.; Austin, Ind., and Spartanburg, S.C., and their respective commercial zones as defined by the Commission, to points in Sunflower County, Miss., and (3) *Cardboard, fiberboard, paper, and composition containers*, from Memphis and Nashville, Tenn.; Birmingham, Ala.; Atlanta, Ga.; Monroe and New Orleans, La.; Dallas and Houston, Tex., and their respective commercial zones, to points in Sunflower County, Miss., for 180 days. NOTE: Applicant does not intend to tack, but will interline with all qualified carriers at any authorized point of interchange. Supporting shipper: Delta Food Processing Corp., Moorhead, Sunflower County, Miss. 38761 (R. C. Hadley, Executive Vice-President and General Manager). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main, Memphis, Tenn. 38103.

No. MC 124988 (Sub-No. 3 TA), filed July 16, 1969. Applicant: H. H. HOCKER, doing business as TRUCK SERVICE COMPANY, 2111 Southwest Boulevard, Tulsa, Okla. 74107. Applicant's representative: H. H. Hocker (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, vermiculite*, other than crude, *wood chips* nor charred, *naptha* (distillate), *lighter fluid* in containers, *spices and sauces*, from Kingsford Co. plant and warehouse sites near Belle, Mo., and Ellis Spur, near Bland, Mo., to points in Arkansas (except Little Rock), New Mexico, Texas, and Oklahoma (except Oklahoma City and Tulsa), for 180 days. Supporting shippers: Kingsford Co., Levern N. Forseth, Traffic Manager, Post Office Box 1033, Louisville 1, Ky.; Rogers & Shirley Brokerage Co., Carl Rogers, General Manager, Post Office Box 4091, Tulsa, Okla. 74152. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla.

No. MC 127628 (Sub-No. 2 TA), filed July 24, 1969. Applicant: HUDSON TRANSFER & WAREHOUSE CO., doing business as FRONTIER FORWARDING SERVICE, 4600 North Santa Maria Road., Laredo, Tex. 78040. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Val Verde, Edwards, Brooks, La Salle, Kinney, Maverick, Duval, Zavalla, Dimmit, Uvalde, Webb, Zapata, Jim Wells, and Jim Hogg Counties, Tex., restricted to the transportation of traffic having a prior or subsequent movement in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Columbia Export Packers, Inc., 19000 South Vermont Avenue, Torrance, Calif. 90502; Four Winds Forwarding, Inc., 4600 Wheeler Avenue, Post Office Box 9056, Alexandria, Va. 22304; International Export Packers, Inc., 5360 Wheeler Avenue, Alexandria, Va. 22304. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 206, 301 Broadway, San Antonio, Tex. 78205.

No. MC 133564 (Sub-No. 1 TA), filed July 15, 1969. Applicant: CONRAD CYR, 198 St. Jean-Baptist Street, St. Guillaume, Province of Quebec, Canada. Applicant's representative: Adrien R. Paquette, 10ieme Etage, 200 St. Jacques Street, Montreal 126, Province of Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles*, from Montreal, Province of Quebec, Canada, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Iowa, Missouri, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Oklahoma, New Mexico, Colorado, Wyoming, Utah, Idaho, Montana, California, Oregon, Washington, and Alaska, for 180 days. Supporting shipper: Featherweight Corp., 9500 St. Lawrence Boulevard, Montreal, Province of Quebec, Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 133899 TA, filed July 16, 1969. Applicant: B. F. RODMAN, doing business as RODMAN TRUCK SERVICE, 11101 North Western Avenue, Oklahoma City, Okla. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, face and common, and *related products; architectural extruded concrete roofing tile; and multiple concrete conduit*, all palletized and moving on trucks equipped with special unloading devices, from points in Oklahoma to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, and Texas, for 180 days. Supporting shippers: W. R. Countil, Distributor, Council Construction Co., 3001 Kerry Lane, Oklahoma City, Okla. 73111; Max L. Dietrich, President, Heritage Tile, Inc., 1007 Northwest 69th Street, Oklahoma City, Okla. 73116; Mr. Marvin Ahlefeld, Oklahoma Brick Corp., 2642 Northwest 10th, Oklahoma City, Okla. 73107. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 133886 TA, filed July 15, 1969. Applicant: ADALID P. VERLARDE, doing business as NORTE Y CENTRO DEL PACIFICO, 307 Roanoke Street, San Francisco, Calif. 94131. Applicant's representative: E. H. Griffiths, 433 Turk Street, San Francisco, Calif. 94102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, between the ports of entry, located on the international boundary line, between California and Mexico and San Francisco, Calif., no local service will be provided in any of the three foreign countries traversed, or within the State of California, said passengers will be transported in through transportation in foreign commerce between San Salvador, El Salvador, C.A., and San Francisco, Calif., for 180 days. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-8982; Filed, July 30, 1969; 8:46 a.m.]

[Notice 386]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 28, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71505. By order of July 18, 1969, the Motor Carrier Board approved the transfer to Joseph T. Zoline, doing business as Telluride Transfer, Telluride, Colo., of the operating rights in certificate No. MC-79148 and the certificate of registration No. MC-79148 (Sub-No. 2), issued April 22, 1964 and February 3, 1965, respectively, to Jennie Belle Schuler and Robert F. Schuler, a partnership, doing business as Telluride Transfer, Telluride, Colo., the former authorizing the transportation of general commodities, with usual exceptions, between Grand Junction, Colo., and Telluride, Colo., and the latter evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Colorado, pursuant to Certificate of Public Convenience and Necessity No. PUC 60, issued by the Public Utilities Commission of the State of Colorado. Stockton and Lewis, The 1650 Grant Street Building, Denver, Colo. 80203, attorneys for applicants.

No. MC-FC-71515. By order of July 18, 1969, the Motor Carrier Board approved the transfer to Carl S. Tucker, Woodrow W. Tucker, Jesse C. Tucker, Harry E. Tucker, and Russell A. Tucker, a partnership, doing business as H. Tucker & Sons, Philadelphia, Pa., of the certificate in No. MC-519, issued September 13, 1949, to Emma J. Tucker, Emily P. Tucker, Jess C. Tucker, Russell A. Tucker, Carl C. Tucker, Harry E. Tucker, Lester W. Tucker, Woodrow W. Tucker, and Reba P. Tucker, a partnership, doing business as H. Tucker & Sons, Philadelphia, Pa., authorizing the transportation of household goods between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Maryland, and Delaware; and electrical equipment, between points in Philadelphia County, Pa.; and between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and Atlantic City, N.J. Wesley M. Keely, Suite 201, 6 Penn Center Plaza, Philadelphia, Pa. 19103, attorney for applicants.

No. MC-FC-71516. By order of July 18, 1969, the Motor Carrier Board approved the transfer to Wayne C. Holmes and Robert S. Holmes, a partnership, doing business as Holmes Brothers, 1105 West, Shenandoah, Iowa, 51601 of certificate No. MC-84684, issued April 7, 1954, to Adrian H. Looper, 318 East Grant, Shenandoah, Iowa, authorizing the transportation of: Feed and building materials, from Omaha, Nebr., to Shenandoah, Iowa, and points within 10 miles of Shenandoah; bricks, from Nebraska City, Nebr., to Shenandoah, Iowa; gravel and sand, from Plattsmouth, Nebr., and points within 5 miles of Plattsmouth, to Shenandoah, Iowa, and points within 10 miles of Shenandoah; insecticide and spraying equipment, paint, and store fixtures, from Shenandoah, Iowa, to Nebraska City, Norfolk, Waterloo, and Grand Island, Nebr.; and agricultural implements, agricultural implements parts, stoves, and radios, from Omaha, Nebr., to Shenandoah, Iowa.

No. MC-FC-71517. By order of July 18, 1969, the Motor Carrier Board approved the transfer to M.C.B. Co., Inc., doing business as M.C.B. Co., Inc., Marlboro, N.J., of the operating rights in permit No. MC-129211 (Sub-No. 2) issued on June 20, 1968 to Mariann Burn and Charles W. Burn, a partnership, doing business as M.C.B. Co., Marlboro, N.J., authorizing the transportation of: Dinnerware, tableware, and reproduced paintings, between Marlboro, N.J., on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa. Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr., *Secretary.*

[F.R. Doc. 69-8983; Filed, July 30, 1969; 8:46 a.m.]

[Notice 386-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 28, 1969.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-71561. By application filed July 25, 1969, THE REPUBLIC CORPORATION, 2314 Bissonnet, Houston, Tex. 77005, seeks authority to lease the operating rights of CARPENTER BROS. TRUCKING, INC., 2322 East 46th, Denver, Colo. 80216, under section 210a(b). The transfer to THE REPUBLIC CORPORATION, of the operating rights of CARPENTER BROS. TRUCKING, INC., is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-8984; Filed, July 30, 1969; 8:47 a.m.]

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22.601—22.603–24
Subpart F revoked 9280
22.701
Revised 9280
30.1
Amended 12024
30.9
Added 12024
41.6
(i) revised 7909
41.7
Introductory text of (d) revised 7909
Discontinued 837
48
Added 12092
52.3
(a) revised 12097
62.3
(c) revised 11300
62.5
(a)(4)(iv) added 11300
62.6
Revised 11300
65
Added 1649
79
Added 5293
80
Revised 7909
Revised 8352
Redesignated as Part 80a; revised 12097
80a
Redesignated from Part 80; revised 12097
86.3
Amended 436
91
Added 837
100
Revised 11356
101.3
(a) revised 7910
103
Revised 8202
104
Added 11966
111
Revised 8353
156.6
(c) revised 11544
169
Revised 8107
169a.1
(f) revised 8108
169a.2
(c) revised 8109
169a.4
(d) revised 8109
169a.6
(e) and (f) revised 8109, 8355
169a.10
(k), (q), (r), and (t) revised 8109
169a.11
Amended 8109
178
Added 2417
195a.4
(a) revised; (e)(2)(ii)(a) amended 5483
197
Added 3624
198
Added 5987
199
Added 5602
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Added 6375
201
Added 7377
230
Revised 12337
231
Revised 7963
278.3
Amended 11967
278.5
(a) revised 11966
278.6
(c)(4) and (5) amended 11967
278.7
Introductory text of (a)(1) revised 11966
Introductory text of (b)(2) and (c) amended 11967
278.8
Introductory text of (a) amended 11967
288.7
(b) revised 12340
288.9
(r) added 12340
288.10
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888.8 Amended 2048
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888.11 (e) added 2048
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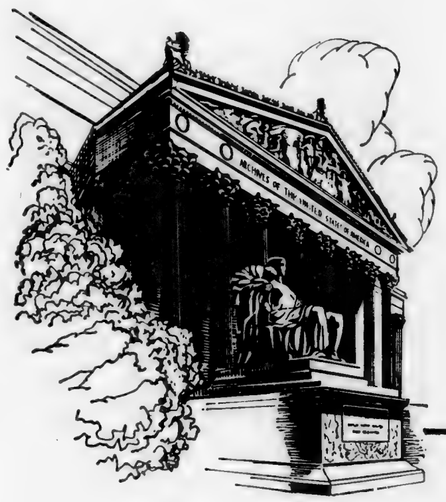
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Entries in this Index are carried primarily under the names of the issuing agencies, with the most significant subjects additionally carried in appropriate alphabetical position.

This Subject Index should be distinguished from the numerical codification guide (List of CFR Sections Affected) which is also published separately. The numerical guide is designed for quick checking in the *Code of Federal Regulations* numbering system of provisions whose numbers are already known or have been learned through use of the Subject Index.

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FEDERAL REGISTER

VOLUME 34 • NUMBER 146

Friday, August 1, 1969 • Washington, D.C.

Pages 12555–12617

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Atomic Energy Commission
Civil Aeronautics Board
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Defense Department
Farm Credit Administration
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Register Administrative Committee
Food and Drug Administration
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Treasury Department

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(As of January 1, 1969)

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1969 Issuances

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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Bartlett Pear Reg. 3]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Northwest Fresh Bartlett Pear Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh Bartlett pears, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Northwest Fresh Bartlett Pear Marketing Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of Bartlett pears from the production area are expected to begin on or about August 1, 1969. The grade and size requirements provided herein are necessary to prevent the handling on and after August 1, 1969, of any Bartlett pears of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop,

and (2) maximizing returns to the producers pursuant to the declared policy of the act. Each prescribed pack serves a purpose for an area of distribution and is well known by the industry and trade.

The exemption for individual shipments of 500 pounds or less of Bartlett pears sold for home use and not for resale and for pears in gift packages follows the custom and pattern of prior years. The quantity of pears so handled is relatively inconsequential when compared with the total quantity handled, and it would be administratively impractical to regulate the handling of such shipments due to the nearness to the source of supply.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 1, 1969. A reasonable determination as to the supply of, and the demand for, Bartlett pears must await the development of the crop and adequate information thereon was not available to the Northwest Fresh Bartlett Pear Marketing Committee until July 25, 1969; recommendation as to need for, and the extent of, regulation of shipments of such pears was made at the meeting of said committee on July 25, 1969, after consideration of all available information relative to the supply and demand conditions for such pears, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specifications of the provisions were not available until July 28, 1969; shipments of the current crop of such pears are expected to begin on or about the effective time hereof; and this regulation should be applicable, insofar as practicable, to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 931.303 Bartlett Pear Regulation 3.

(a) *Order.* During the period August 1, 1969, through June 30, 1970, no handler shall handle any lot of Bartlett pears unless such pears meet the following applicable requirements, or are handled in accordance with subparagraphs (4) or (5) of this paragraph.

(1) *Minimum grade requirement.* Such pears grade at least U.S. No. 2.

(2) *Minimum size requirements.* Such pears (i) when packed in the standard western pear box, or in the L.A. lugs or their carton equivalents, are of a size not smaller than the 165 size; or (ii) when packed in any other container, measure at least 2⅜ inches in diameter: *Provided,* That pears which measure at least 2⅛ inches may be handled if they are packed in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears.

(3) *Pack requirements.* Such pears are packed in L.A. lugs, in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears, or in containers having a capacity equal to, or greater than, the western lug.

(4) *Special purpose shipments.* Notwithstanding any other provision of this section, any shipment of pears in gift packages may be handled without regard to the provisions of this paragraph, of § 931.41 (Assessments), and of § 931.55 (Inspection and certification).

(5) Notwithstanding any other provision of this section, any individual shipment of pears which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 931.41 (Assessments), and of § 931.55 (Inspection and certification):

(i) The shipment consists of pears sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of pears; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(6) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; "U.S. No. 2", and "size" shall have the same meaning as when used in the United States Standards for Summer and Fall Pears (7 CFR 51.1260–51.1280); "165 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said U.S. Standards, 165 pears, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); the term "L.A. lug" shall mean a container with inside dimensions of 5¾ by 13½ by 16⅛ inches; and the term "western lug" shall mean a container with inside dimensions of 7 by 11½ by 18 inches.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 30, 1969.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9090; Filed, July 31, 1969; 8:51 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1969 Crop Supplement to Cotton Loan Program Regulations

SCHEDULE OF PREMIUMS AND DISCOUNTS FOR MICRONAIRE READINGS ON 1969 CROP UPLAND COTTON

Correction

In F.R. Doc. 69-8198 appearing at page 11584 in the issue of Tuesday, July 15, 1969, in § 1427.1524, the Points per pound entry for the Micronaire reading 3.3 through 3.4 which now reads "Premium of 45" should read "Discount of 45".

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 251—ARRIVAL MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Paragraph (b) of § 251.1 is amended to read as follows:

§ 251.1 Arrival manifests and lists.

* * * * *

(b) *Aircraft.* The captain or agent of every aircraft arriving in the United States from a foreign place or from an outlying possession of the United States, except an aircraft arriving in the United States directly from Canada on a flight originating in that country, shall present to the immigration officer at the port of first arrival a manifest on the Bureau of Customs Form 7507 or on the International Civil Aviation Organization's General Declaration of all the alien crewmen on board, including alien crewmen who are returning to the United States after taking an aircraft of the same line from the United States to a foreign place or alien crewmen who are entering the United States as passengers solely for the purpose of taking an aircraft of the same line from the United States to a foreign port. The surname, given name, and middle initial of each such alien crewman listed shall be shown. In addition, the captain or agent of the aircraft shall indicate in writing immediately below the name of the last alien listed on such form or declaration, the number of U.S. citizen crewmen on board, if any. If there are no alien crewmen aboard, the captain or agent shall indicate in writing on the form or declaration the number of U.S. citizen crewmen, followed by a statement that there are no alien crewmen.

* * * * *

2. Paragraph (a) of § 251.4 is amended to read as follows:

§ 251.4 Departure manifests and lists for aircraft.

(a) *Bureau of Customs Form 7507 or International Civil Aviation Organization's General Declaration.* The captian or agent of every aircraft departing from the United States for a foreign place or an outlying possession of the United States, except an aircraft departing from the United States directly to Canada on a flight terminating in that country, shall submit to the immigration officer at the port from which such aircraft is to depart on the Bureau of Customs Form 7507 or on the International Civil Aviation Organization's General Declaration a list of all alien crewmen on board, including alien crewmen who arrived in the United States as crewmen on an aircraft of the same line and who are departing as passengers. The surname, given name, and middle initial of each such alien crewman listed shall be shown. In addition, the captain or agent of the aircraft shall indicate in writing immediately below the name of the last alien listed on such form or declaration, the number of U.S. citizen crewmen on board, if any. If there are no alien crewmen aboard, the captain or agent shall indicate in writing on the form or declaration the number of U.S. citizen crewmen, followed by a statement that there are no alien crewmen.

* * * * *

(Sec 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of § 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order confer benefits upon persons affected thereby.

Dated: July 29, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69-9047; Filed, July 31, 1969; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 83—DUCK VIRUS ENTERITIS (DUCK PLAGUE)

Changes in Areas Quarantined

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 125, and 134b), § 83.2 of Part 83, Title 9, Code of Federal Regulations, designated "Duck Virus Enteritis (Duck Plague)" is hereby amended to read as follows:

§ 83.2 Notice relating to existence of the contagion of duck virus enteritis and notice of quarantine.

Notice is hereby given that the contagion of duck virus enteritis exists in Suffolk County in the State of New York and that live poultry in that county are affected with said disease. Therefore, Suffolk County is hereby quarantined.

(Secs. 1 and 2, 32 Stat. 791 and 792, as amended, secs. 4, 5, 6, and 7, 23 Stat. 32, as amended, secs. 1 and 3, 33 Stat. 1264 and 1265, as amended, sec. 3, 76 Stat. 130; 21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 125, 134b. 29 F.R. 16210, as amended; 33 F.R. 15485)

Effective date: The foregoing amendment shall become effective upon issuance.

The amendment releases from quarantine the premises of the Patuxent Wildlife Research Center, Laurel, Md., heretofore quarantined because of the contagion of duck virus enteritis (duck plague). Hereafter, the restrictions pertaining to the interstate movement of waterfowl from quarantined areas as contained in 9 CFR Part 83 will not apply to such premises. However, the restrictions pertaining to such movement from nonquarantined areas as contained in said Part 83 will apply thereto.

The amendment relieves certain restrictions presently imposed and should be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of July 1969.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 69-9071; Filed, July 31, 1969; 8:50 a.m.]

PART 83—DUCK VIRUS ENTERITIS (DUCK PLAGUE)

Interstate Movement; Correction

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, section 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 125, and 134b), there was published in the FEDERAL REGISTER at page 6573 of the issue for Thursday, April 17, 1969 (F.R. Doc. 69-4522), an amendment to the regulations appearing in Part 83, designated "Duck Virus Enteritis (Duck Plague)" in Title 9, Code of Federal Regulations. Subparagraph (3) of § 83.7(a) of said amendment is corrected to read as follows:

§ 83.7 Approval and maintenance of source flocks.

(a) * * *

(3) The flock is not known to have been exposed to duck virus enteritis.

* * * * * *

(Secs. 1 and 2, 32 Stat. 791 and 792, as amended, secs. 4, 5, 6, and 7, 23 Stat. 32, as amended, secs. 1 and 3, 33 Stat. 1264 and 1265, as amended, sec. 3, 76 Stat. 130; 21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 125, 134b. 29 F.R. 16210, as amended, 33 F.R. 15485)

Effective date: The foregoing document shall become effective upon issuance.

The document merely corrects a grammatical error and does not change the intent of the revised provisions of 9 CFR Part 83 as set forth in said amendment. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the document are unnecessary and good cause is found for making the document effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of July 1969.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 69-9072; Filed, July 31, 1969; 8:51 a.m.]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), November 1, 1966 (31 F.R. 13939), November 23, 1966 (31 F.R. 14826), February 14, 1967 (32 F.R. 20843), April 15, 1967 (32 F.R. 6021), August 26, 1967 (32 F.R. 12441), September 29, 1967 (32 F.R. 13650), February 9, 1968 (33 F.R. 2756), March 7, 1968 (33 F.R. 4248), July 13, 1968 (33 F.R. 10085), July 31, 1968 (33 F.R. 10839), August 15, 1968 (33 F.R. 11587), September 25, 1968 (33 F.R. 14399), November 8, 1968 (33 F.R. 16382), December 14, 1968 (33 F.R. 18573), February 1, 1969 (34 F.R. 1586), June 3, 1969 (34 F.R. 8697), and July 1, 1969 (34 F.R.

11081), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

WITHIN METROPOLITAN AREA

TWO HOURS

Add: St. Louis Lambert Airport, St. Louis, Mo. (served from National Stock Yards, Ill.).

OUTSIDE METROPOLITAN AREA

TEN HOURS

Delete: Homer, Alaska (served from Anchorage, Alaska).

FIVE HOURS

Add: Port of Homer, Alaska (served from Anchorage, Alaska).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

Effective date: This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 28th day of July 1969.

R. E. OMOHUNDRO,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-9042; Filed, July 31, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-CE-14-AD; Amdt. 39-811]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 99 and 99A Airplanes

An airworthiness directive was adopted on July 18, 1969, and made effective as to all known owners of Beech Models 99 and 99A airplanes. This airworthiness directive was issued because recent investigations have established that a potentially hazardous condition exists in the longitudinal control of these model airplanes. A malfunction or misuse of the trim system, flaps or application of power during cruise under turbulent or adverse weather conditions, takeoff or balked landing can result in unexpected abrupt changes in the control wheel forces which, if permitted to go unchecked, could cause an uncontrollable pitch up or pitch down. Until such time as the manufacturer can develop modifications to reduce this hazard, this condition can be improved by issuing an interim airworthiness directive which provides suitable airplane flight manual provisions, equipment checklist procedures and flap travel balance potentiometer protection. As a result of tests being conducted by the manufacturer, it may be necessary to issue additional airworthiness directives to further alleviate this problem.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to the owners of Beech Models 99 and 99A airplanes by individual telegrams dated July 18, 1969. This condition still exists and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BEECH. Applies to Models 99 and 99A (Serial Nos. U-1 through U-128) Airplanes.

Compliance: Required as indicated, unless already accomplished.

To reduce the likelihood of inadvertent high pitch control forces, accomplish the following:

A. Within 25 hours' time in service after the effective date of this airworthiness directive, insulate the terminals on the P/N CM36625A flap travel balance potentiometer located on the center section (left side) rear spar adjacent to the fuselage by protecting the open terminals with suitable potting compound such as General Electric GIPTAL, P/N 1201, or equivalent, applying not less than a 0.010 inch coating to all terminals.

B. Within 24 hours' time in service after the effective date of this airworthiness directive, temporarily insert the following information in the airplane flight manual until such time as the manufacturer provides permanent revisions to the airplane flight manual which have been approved by the FAA.

1. In section II, Normal Procedures, page 2-4, add the following note to Item 1 under the heading Before Take Off: "See page 2-10 for details".

2. In section II, Normal Procedures, add temporary page 2-10 containing the detailed procedures for checking both the primary and secondary pitch-trim systems as follows:

Pitch Trim Check Procedures—Before Takeoff.

1. Secondary pitch trim check (switches located on center pedestal).

A. Turn primary pitch trim master switch to "Off".

B. Turn secondary pitch trim master switch to "On".

C. Move both split actuator switches to nose up position for a sufficient length of time to assure operation. Check trim indicator for indication of motion.

D. Repeat C above for nose down position.

E. Operate the left split actuator switch both nose up and nose down. Then operate the right split actuator switch both nose up and nose down.

NOTE: A movement of the trim position indicator indicates a malfunctioning system and take off is prohibited.

2. Primary pitch-trim system check.

A. Turn secondary pitch-trim master switch "Off".

B. Turn primary pitch-trim master switch "On".

C. Pilot—Move both split actuator switches (located on control wheel) to nose up position. Check trim indicator for indication of motion. Depress trim "Release" button to determine deactivation of the system. Release button and allow trim to continue to full nose up travel. Check trim indicator for full travel indication.

D. Pilot—Repeat C above for nose down travel.

E. Pilot—Operate the left split actuator switch both nose up and nose down. Then operate the right split actuator switch both nose up and nose down.

NOTE: A movement of the trim position indicator indicates a malfunctioning system and take off is prohibited.

F. Copilot—Repeat C, D, and E above utilizing the switches on the copilot's control wheel, except travel to full extremes is not required.

G. Pilot—Return pitch-trim to proper take off setting

3. In section II, Normal Procedures, add temporary page 2-11 containing the following information:

(A) Flight Procedures in Turbulence: Use recommended maneuvering speed—169 knots; avoid overaction of power levers; severe gusts may cause large and rapid variations in indicated airspeed; do not chase airspeed; the penetration altitude should be an altitude which provides adequate maneuvering margins when severe turbulence is encountered; the auto pilot should be turned off and the aircraft hand flown; fly attitude—keep wings level and maintain desired pitch attitude; do not chase altitude; avoid use of trim.

(B) WARNING: Since the airplane must be loaded properly throughout the flight, the loading must be checked for fuel usage. When operating near the forward C.G. limit, check the loading at 110 gallons of fuel, as well as at takeoff and landing.

NOTE: Operation of this aircraft with only pilot and copilot aboard may exceed the forward C.G. limit. Check fuel usage as indicated above and add baggage and/or ballast in aft baggage compartment as required (up to allowable maximum).

4. In section I, Limitations, page 1-5, add the following after existing information: "See Warning Note on Page 2-11".

5. In section IV, FAR Part 135 Performance, page 4-31, under Minimum Equipment List, Subtitle Flight Controls, delete remarks in Column 2, after Item 2, Stabilizer Position Indicator.

NOTE: This airworthiness directive, or a duplication thereof, may be used as a temporary amendment to the airplane flight manual and carried in the aircraft as a part of the airplane flight manual until replaced by the permanent revisions to the airplane flight manual provided by the manufacturer and approved by the FAA.

This amendment becomes effective August 1, 1969, for all persons except those to whom it was made effective by telegram dated July 18, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on August 25, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9024; Filed, July 31, 1969; 8:47 a.m.]

[Airworthiness Docket No. 69-WE-16-AD; Amdt. 39-810]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Airplane Co. Model 727 Series

There is evidence that during incidents involving loss of all generators on Boeing 727 Series aircraft restoration of the electrical system may have been delayed by failure of the flight crew to disconnect large nonessential loads before attempting to restore generator power to the load busses.

Since this condition may occur in airplanes of the same type design, an airworthiness directive is being issued to require revision of the Airplane Flight Manual, Emergency Procedure Section, Loss of All Generators paragraph, to include procedures which would direct the flight crew to switch to the standby power system, insure that the battery switch is "on" and reduce loads.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 to the Federal Aviation Regulations is amended by adding the following airworthiness directive:

BOEING. Applies to Boeing Model 727, 727C, and 727-200 Series Airplanes.

Compliance required within 300 hours time in service after the effective date of this AD as indicated, unless already accomplished.

To provide the flight crew with more complete procedures to be followed if all generators are lost change the Airplane Flight Manual to read the following, or make an equivalent change approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(a) Boeing 727 series (except 727-31, -31C, and 231), Airplane Flight Manual, Emergency Procedures Section, Loss of All Generators paragraph, must be revised to read:

LOSS OF ALL GENERATORS

PHASE I

Essential power selector—Standby.
Battery switch—Check On.

PHASE II

Any generator field relay—Close.
Repeat if necessary until voltage and frequency of a generator are normal.
When voltage and frequency are normal switch essential power selector to operating generator.

NOTE: If a differential fault is indicated in any generator system, an automatic lockout feature prevents closing of the field relay. This lockout feature can be bypassed by momentarily moving the battery switch to "off", then back "on", or by manually tripping and resetting the associated generator d.c. control circuit breaker.

PHASE III

Restore system to normal if desired.
NOTE: Leave generator supplying essential power isolated until system integrity is verified.
Remove heavy electrical loads (galleys, air conditioning pack fans, etc.); or
Open bus tie breakers (if closed) before closing Generator Control Breakers.
For further information, see electrical systems operation, Normal Procedures—section III.

(b) Boeing 727 series 727-31-31C, and 231, Airplane Flight Manual, Emergency Procedures Section, Loss of All Generators paragraph, must be revised to read:

LOSS OF ALL GENERATORS

PHASE I

Emergency Power Switch—On.
Battery switch—Check On.

PHASE II

Any generator field relay—Close.
Repeat if necessary until voltage and frequency of a generator are normal.
When voltage and frequency are normal switch essential power selector to operating generator.

NOTE: If a differential fault is indicated in any generator system, an automatic lockout feature prevents closing of the field relay. This lockout feature can be bypassed by momentarily moving the battery switch to "off," then back "on," or by manually tripping and resetting the associated generator DC control circuit breaker.

PHASE III

Restore system to normal if desired.
NOTE: Leave generator supplying essential power isolated until system integrity is verified.
Remove heavy electrical loads (galleys, air conditioning pack fans, etc.); or
Open bus tie breakers (if closed) before closing Generator Control Breakers.
For further information, see electrical systems operation, Normal Procedures—section III.

This amendment becomes effective on August 1, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)))

Issued in Los Angeles, Calif., on July 23, 1969.

LEE E. WARREN,
Acting Director, FAA Western Region.

[F.R. Doc. 69-9025; Filed, July 31, 1969; 8:47 a.m.]

[Docket No. 69-EA-82; Amdt. 39-808]

PART 39—AIRWORTHINESS DIRECTIVES

Sensenich Propellers

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive amending AD 69-9-3 applicable to Sensenich Propellers.

AD 69-9-3 is intended to apply to all Sensenich type M76E and 76E model propellers. The applicability statement referenced a -0 at the end of the model designation which indicated a full diameter of 76 inches without deviation. However, some earlier propellers eliminated the -0 as being unnecessary and the number following the dash indicated the pitch.

As a result, industry has questioned the literal applicability of the AD to these earlier propellers. In view of the foregoing, the applicability statement will be amended to delete reference to the -0 and merely reflect the model designation.

Since the amendment is clarifying in nature and does not increase any burden, notice and procedure hereon is unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following:

Applies to Sensenich Type M76EMM, M76EMMS, 76EM8, and 76EM8S5 model propellers installed on Lycoming 0-360 Type engines, except the 0-360-A4A.

This amendment is effective August 7, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on July 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-9026; Filed, July 31, 1969; 8:47 a.m.]

[Docket No. 69-EA-87; Amdt. 39-809]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 66-22-5 applicable to Sikorsky helicopters.

In several instances, cracks had been detected in the spars of main rotor blades of Sikorsky S-61 helicopters and AD 66-22-5 was issued. The origin of these cracks has since been traced to the primer and bonding process used in the manufacture of blades prior to a certain date and serial number. The manufacturer has developed a revision to the service bulletin, that was published at the time that AD 66-22-5 was issued to require special inspection procedures for the blade spars. This service bulletin revision establishes a more stringent inspection of the BIM unit as well as a new

system of identifying blades that were manufactured with the suspect primer and bonding process. In addition, the airspeed limit Vne has been reduced to eliminate fatigue damage that can be sustained by unaltered blades.

Since this condition can exist or develop in helicopters of similar type design, this amending airworthiness directive is being issued to require inspection, alteration and reidentification of the subject blades. As a situation exists that requires expeditious adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 66-22-5 as follows:

1. In paragraphs (a) and (b) delete the references to (c) and insert in lieu thereof (d).

2. Delete paragraph (c) and add the following paragraphs:

(c) Within the next 50 hours' time in service after the effective date of this A.D., unless already accomplished, identify all subject blades in accordance with paragraph I-3 of section I of Sikorsky Service Bulletin No. 61-B15-6 amended. In helicopters with blades identified with white or yellow circles, install on the instrument panel a decal or marker stating "Vne=120 knots" and a decal or marker setting forth the information found under paragraph I-3(e) and entitled S-61L Adjusted Airspeed Placard or S-61N Adjusted Airspeed Placard.

(d) The service life limits specified in paragraphs (a) and (b) above may be extended to 7,000 hours total time in service for S6115-20501-3 and S6115-20501-5 main rotor blades; for S6115-20501-2 and S6115-20501-4 main rotor blades altered to S6115-20501-3 and S6115-20501-5 respectively; and S6115-20501-6 main rotor blades provided the blades have been altered, inspected and maintained in accordance with Sikorsky Service Bulletin No. 61B15-6 as amended, excluding section II.

(e) The speed restriction placard or decal required by paragraph (c) above may be removed when the blades have been altered or replaced by blades altered by Sikorsky and reidentified by No. S6115-20501-6.

(f) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Sikorsky Aircraft, Stratford, Conn. These documents may be examined at the Office of Regional Counsel, Federal Building, John F. Kennedy Airport, Jamaica, N.Y., and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at Eastern Region Headquarters, Jamaica, N.Y.

This amendment is effective August 7, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on July 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-9027; Filed, July 31, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segments

On May 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 8300) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would realign segments of VOR Federal airways Nos. 51, 159, 267, and 492.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509, 8966) is amended as follows:

1. In V-51 "12 AGL Pahokee, Fla.;" is deleted and "INT of Miami 343° and Pahokee, Fla., 169° radials; Pahokee;" is substituted therefor.

2. In V-159 "12 AGL INT Miami 346° and Palm Beach, Fla.; 222° radial; 12 AGL Palm Beach;" is deleted and "INT Miami 343° and Palm Beach, Fla., 222° radials; Palm Beach;" is substituted therefor.

3. In V-267 "12 AGL Pahokee, Fla.;" is deleted and "INT of Miami 343° and Pahokee, Fla., 169° radials; Pahokee;" is substituted therefor.

4. V-492 is amended to read:

V-492 From St. Petersburg, Fla., via La Belle, Fla.; Pahokee, Fla., to Palm Beach, Fla., including a south alternate from La Belle to Palm Beach via INT La Belle 113° and Palm Beach 252° radials, and also a north alternate from La Belle to Palm Beach via INT La Belle 043° and Palm Beach 298° radials.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 24, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9028; Filed, July 31, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On June 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9719), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Toccoa, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 34°35'40" N., long. 83°17'40" W.) for Toccoa Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Toccoa, Ga., transition area is amended to read:

TOCCOA, GA.

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Toccoa Airport (lat. 34°35'40" N., long. 83°17'40" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on July 25, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-9031; Filed, July 31, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway

On May 20, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7915) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke a segment of V-61 from Wichita Falls, Tex., to Lawton, Okla.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received was from the Air Transport Association of America, who offered no objection. However, they suggested that consideration be given to retaining the airway for VFR use. A Federal airway is an assignment of airspace designated to protect the movement of IFR air traffic. The movement of VFR air traffic does not require controlled airspace and therefore does not qualify for such airspace assignment.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V-61 is amended to read as follows:

V-61 From Bridgeport, Tex., INT Bridgeport 315° and Wichita Falls, Tex., 139° radials; Wichita Falls.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(a); Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 24, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9032; Filed, July 31, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone and transition area at Rochester, Minn.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Rochester, Minn., control zone and transition area. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 18, 1969, as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

ROCHESTER, MINN.

Within a 5-mile radius of Rochester, Municipal Airport (latitude 43°54'25" N., longitude 92°29'45" W.); within 2 miles each side of the Rochester ILS localizer southeast course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Rochester VOR 029° radial, extending from 1 mile northeast of the VOR to 15 miles northeast of the VOR.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

ROCHESTER, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rochester Municipal Airport (latitude 43°54'25" N., longitude 92°29'45" W.); within 2½ miles each side of the Rochester VOR 029° radial, extending from the VOR to 23 miles northeast of the VOR; within 3 miles each side of the Rochester ILS localizer northwest course, extending from the 7-mile radius area to 19 miles northwest of the OM; and within 4½ miles southwest and 9½ miles northeast of the Rochester ILS localizer southeast course, extending from 3 miles northwest to 18½ miles southeast of the OM; and that airspace extending upward from 1,200 feet above the surface within an 18½-mile radius of Rochester VOR; the airspace north and east of Rochester bounded on the west by the west edge of V-82, on the northwest by the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.), on the northeast by V-2 and on the south by V-82; within 5 miles west and 7 miles east of the Rochester VOR 173° radial, extending from the 18½-mile radius area to 38 miles south of the VOR; and within 5 miles south and 7 miles north of the Rochester VOR 104° radial, extending from the 18½-mile radius area to 45 miles east of the VOR, excluding the portions that overlie the Winona and Faribault-Owatonna, Minn., transition areas.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 17, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9052; Filed, July 31, 1969; 8:49 a.m.]

[Airspace Docket No. 69-CE-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 7974 and 7975 of the FEDERAL REGISTER dated May 21, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Bismarck, N. Dak.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 18, 1969.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on July 15, 1969.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

BISMARCK, N. DAK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Bismarck Municipal Airport (latitude 46°46'33" N., longitude 100°45'14" W.); within 8 miles northeast and 5 miles southwest of the Bismarck ILS southeast course, extending from the OM to 12 miles southeast of the OM; and within 8 miles north and 5 miles south of the Bismarck VOR 105° radial, extending from the VOR to 12 miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Bismarck VOR, extending from the Bismarck VOR 204° radial clockwise to the Bismarck VOR 082° radial; and within a 33-mile radius of the Bismarck VOR, extending from the Bismarck VOR 082° radial clockwise to the Bismarck VOR 204° radial.

[F.R. Doc. 69-9053; Filed, July 31, 1969; 8:49 a.m.]

[Airspace Docket No. 69-CE-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Page 7869 of the FEDERAL REGISTER dated May 17, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Bellaire, Mich.

Interested persons were given 45 days to submit written comments, suggestions or objections concerning the proposed amendment. Two comments were received. The Traverse City, Mich., Airport Manager, while not objecting to the designation of the airspace, commented on the conflicting approach procedures at Bellaire Antrim County Airport and Traverse City Airport and the plans for establishing the east-west runway at Traverse City as the main instrument runway. The Air Transport Association objected to the proposal for the reason that the approach to Bellaire from the south would conflict with the instrument approach on the east-west runway at Traverse City and that simultaneous approaches could not be conducted at these airports.

A review of the instrument approach procedure to Bellaire from a relocated navigational aid facility south of the Antrim County Airport, Bellaire, Mich., is in the same direction and does not conflict with the Traverse City operations any more than the previous approach from the old navigational aid located on the Antrim County Airport, Bellaire, Mich. The conflict is caused by the change in the Traverse City plans to develop the east-west runway and the Administration has concluded that the situation is such that it can be resolved by Air Traffic Control with little or no delays to aircraft at either airport. Consequently, the Federal Aviation Administration does not feel that there is any valid reason for honoring the above listed objection. However, it is necessary

to change the airport coordinates as set forth below.

In view of the foregoing, the proposed amendment is hereby adopted subject to the following change:

The Antrim County Airport coordinates recited in the Bellaire, Mich., transition area alteration as "latitude 49°59'10" N., longitude 85°11'55" W." are changed to read "latitude 44°59'15" N., longitude 85°12'00" W."

This amendment becomes effective 0901 G.m.t., September 18, 1969.

(Sec. 307(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1348, and of sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 17, 1969.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

BELLAIRE, MICH.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Antrim County Airport (latitude 44°59'15" N., longitude 85°12'00" W.); and within 3 miles each side of the 198° bearing from Antrim County Airport, extending from the 11-mile radius area to 14 miles south of the airport, excluding the portion which overlies the Traverse City, Mich., transition area; and that airspace extending upward from 1,200 feet above the surface within 9½ miles west and 4½ miles east of the 198° bearing from Antrim County Airport, extending from the airport to 25 miles south of the airport.

[F.R. Doc. 69-9054; Filed, July 31, 1969; 8:49 a.m.]

[Airspace Docket No. 69-CE-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 7870 of the FEDERAL REGISTER dated May 17, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Le Mars, Iowa.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 18, 1969.

(Sec. 307(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1348, and of sec. 6(c) of the Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 15, 1969.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

LE MARS, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Le Mars Municipal Airport (latitude 42°-46'40" N., longitude 96°11'40" W.); and within 3 miles each side of the 345° bearing from Le Mars Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 165° and 345° bearings from Le Mars Municipal Airport, extending from 4 miles south to 18½ miles north of the airport.

[F.R. Doc. 69-9055; Filed, July 31, 1969; 8:49 a.m.]

[Airspace Docket No. 69-CE-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Pages 7976 and 7977 of the FEDERAL REGISTER dated May 21, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ainsworth, Nebr.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Ainsworth Municipal Airport longitude coordinate recited in the Ainsworth, Nebr., transition area designation as "longitude 99°59'20" W.", is changed to read "longitude 99°59'15" W.".

This amendment shall be effective 090 G.m.t., September 18, 1969.

(Sec. 307(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1348, and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 15, 1969.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

AINSWORTH, NEBR.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ainsworth Municipal Airport (latitude 42°34'40" N., longitude 99°59'15" W.); and within 3 miles each side of the 344° bearing from Ainsworth Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 164° and 344° bearings from Ainsworth Municipal Airport, extending from 4 miles south to 18½ miles north of the airport.

[F.R. Doc. 69-9056; Filed, July 31, 1969; 8:49 a.m.]

[Airspace Docket No. 66-SW-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration of Federal Airways, Controlled Airspace, and Restricted Airspace

On January 24, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1170) stating that the Federal Aviation Administration is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations which would alter the Camp Claiborne, La., Restricted Area R-3801, VOR Federal airway Nos. 114 and 114N, and the Continental Control Area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

1. Section 71.123 (34 F.R. 4509) is amended as follows:

In V-114, all after "Gregg County 273° radials;" is deleted and "Alexandria, La., including a north alternate from Gregg County to Alexandria via Shreveport, La., and INT Shreveport 176° and Alexandria 302° radials; Baton Rouge, La.; New Orleans, La., including a north alternate from Alexandria to New Orleans via INT Alexandria 109° and New Orleans 312° radials, excluding R-3801D." is substituted therefor.

2. In § 71.151 (34 F.R. 4546) "R-3801 Camp Claiborne, La." is deleted and "R-3801 E Camp Claiborne, La." is substituted therefor.

3. In § 73.38 (34 F.R. 4829) the Camp Claiborne, La., Restricted Area R-3801 is amended and subdivided as follows:

R-3801A CAMP CLAIBORNE, LA.

Boundaries: Beginning at lat. 31°18'00" N., long. 92°46'30" W.; to lat. 31°13'55" N., long. 92°49'45" W.; to lat. 31°28'00" N., long. 93°15'00" W.; to lat. 31°32'30" N., long. 93°11'50" W.; to point of beginning.

Designated altitudes: 1,000 feet AGL to and including 5,000 feet MSL northwest of a line extending from lat. 31°20'50" N., long. 92°51'15" W.; to lat. 31°16'40" N., long. 92°54'30" W. 500 feet AGL to and including 5,000 feet MSL southeast of the line extending from lat. 31°20'50" N., long. 92°51'15" W.; to lat. 31°16'40" N., long. 92°54'30" W.

Time of designation: Continuous. R-3801A shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency: FAA, Houston ARTC Center.

Using agency: Commander, 9th Air Force, Shaw AFB, S.C.

R-3801B CAMP CLAIBORNE, LA.

Boundaries: Beginning at lat. 31°15'15" N., long. 92°41'45" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°13'55" N., long. 92°49'45" W.; to lat. 31°18'00" N., long. 92°46'30" W.; to point of beginning.

Designated altitudes: Surface to and including 14,000 feet MSL.

Time of designation: Continuous. R-3801B shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency: FAA, Houston ARTC Center

Using agency: Commander, 9th Air Force, Shaw AFB, S.C.

R-3801C CAMP CLAIBORNE, LA.

Boundaries: Beginning at lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°05'15" N., long. 92°34'50" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°15'15" N., long. 92°41'45" W.; to point of beginning.

Designated altitudes: Surface to and including 14,000 feet MSL.

Time of designation: Continuous. R-3801C shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency: FAA, Houston ARTC Center.

Using agency: Commander, 9th Air Force, Shaw AFB, S.C.

R-3801D CAMP CLAIBORNE, LA.

Boundaries: Beginning at lat. 31°11'45" N., long. 92°30'15" W.; to lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°15'15" N., long. 92°41'45" W.; to lat. 31°17'10" N., long. 92°40'10" W.; to point of beginning.

Designated altitudes: Surface to and including 14,000 feet MSL.

Time of designation: Continuous. R-3801D shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency: FAA, Houston ARTC Center.

Using agency: Commander, 9th Air Force, Shaw AFB, S.C.

R-3801E CAMP CLAIBORNE, LA.

Boundaries: Beginning at lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°05'15" N., long. 92°34'50" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°15'15" N., long. 92°41'45" W.; to point of beginning.

Designated altitudes: 14,000 feet MSL to but not including FL 240.

Time of designation: Continuous. R-3801E shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency: FAA, Houston ARTC Center.

Using agency: Commander, 9th Air Force, Shaw AFB, S.C.

(Sec 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 24, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9029; Filed, July 31, 1969; 8:47 a.m.]

[Airspace Docket No. 68-SO-100]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration and Designation of Control Zones, Alteration of Transition Area, and Alteration and Designation of Restricted Areas

On May 14, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7656) stating that the Federal Aviation Administration proposed amendments to Parts 71 and 73 of the Federal Aviation Regulations that would alter controlled airspace, amend and designate Restricted Areas in the vicinity of Eglin Air Force Base, Fla.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

1. Section 71.171 (34 F.R. 4557) is amended as follows:

a. Eglin AFB, Fla., control zone is amended to read:

EGLIN AFB, FLA.

Within a 5-mile radius of Eglin AFB (lat. 30°29'10" N., long. 86°31'50" W.); within 2 miles each side of the Eglin AFB TACAN 120° radial, extending from the 5-mile radius zone to 12 miles southeast of the TACAN; within 2 miles each side of the Eglin AFB ILS localizer southeast course, extending from the 5-mile radius zone to 12 miles southeast of the LMM; within 2 miles each side of the Eglin AFB TACAN 190° radial, extending from the 5-mile radius zone to 4 miles south of the TACAN; within a 3-mile radius of Destin-Fort Walton Beach Airport (lat. 30°23'55" N., long. 86°28'20" W.); within 2 miles each side of the extended centerline of the Destin-Fort Walton Beach Airport Runway 14/32, extending from the 3-mile radius zone to 4 miles southeast of the airport.

b. Add the following control zones:

EGLIN AF AUX NO. 9 (HURLBURT FIELD), FLA.

Within a 5-mile radius of Eglin AF Aux No. 9 (Hurlburt Field), (lat. 30°25'40" N., long. 86°41'20" W.); within 2 miles each side of the 287° bearing from the Destin (Eglin AFB) RBN extending from the 5-mile radius zone to 1 mile west of the RBN; and within 2 miles each side of the Eglin AFB TACAN 255° radial extending from the 5-mile radius zone to the Eglin AFB 5-mile radius zone. The portion which coincides with the Eglin AFB control zone is excluded.

EGLIN AF AUX NO. 3 (DUKE FIELD), FLA.

Within a 5-mile radius of Eglin AF Aux No. 3 (Duke Field); (lat. 30°39'00" N., long. 86°-31'21" W.). The portion within a 5-mile radius of Bob Sikes Airport (lat. 30°46'45" N., long. 86°31'10" W.) is excluded. This control zone is effective from 0700 to 1600 hours local time, Monday through Friday.

2. Section 71.181 (34 F.R. 4637, 6076, 8235) is amended as follows:

a. The Eglin AFB, Fla., transition area is amended to read:

EGLIN AFB, FLA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Eglin AFB (lat. 30°29'10" N., long. 86°31'-50" W.), within a 9-mile radius of Eglin AF Aux No. 9 (Hurlburt Field) (lat. 30°25'40" N., long. 86°41'20" W.) within an 8-mile radius of Eglin AF Aux No. 3 (Duke Field) (lat. 30°39'00" N., long 86°31'21" W.) within a 5-mile radius of Destin-Fort Walton Beach Airport (lat. 30°23'55" N., long. 86°-28'20" W.), excluding the airspace within R-2909 W-151, a 1.5-mile radius of the Fort Walton Beach Airport (lat. 30°24'20" N., long. 86°49'45" W.) and a 9-mile radius of Bob Sikes Airport (lat. 30°46'45" N., long. 86°31'10" W.).

b. In the Florida transition area, delete all between "lat. 30°11'10" N., long. 85°56'00" W.; and "that airspace south of Pensacola, Fla." and substitute "that airspace south of Eglin AFB bounded by a line 3 nautical miles from the shoreline and a line extending from lat. 30°15'00" N., long. 86° 06'15" W., to lat. 30°10'30" N., long. 86°07'30" W., to lat. 30°07'30" N., long. 86°13'00" W., to lat. 30°07'30" N., long. 86°24'00" W., to lat. 30°14'46" N., long. 86°28'40" W., to lat. 30°06'00" N., long. 86°29'50" W., to lat. 30°00'00" N., long. 86°34'00" W., to lat. 30°00'00" N., long. 86°44'00" W., to lat. 30°05'00" N., long. 86°47'58" W., to lat. 30°09'20" N., long. 86°47'58" W., to lat. 30°20'30" N., long. 86°41'00" W.;" therefor.

3. Section 73.29 (34 F.R. 4819) is amended as follows:

a. Restricted Area R-2914 Valparaiso, Fla., is amended to read:

R-2914 VALPARAISO, FLA.

Boundaries: Beginning at lat. 30°43'15" N., long. 86°25'00" W.; to lat. 30°43'45" N., long. 86°10'30" W.; to lat. 30°41'00" N, long. 86°05'10" W.; to lat. 30°24'00" N., long. 85°-56'00" W.; to lat. 30°11'00" N., long. 85°56'-00" W.; thence 3 nautical miles from and parallel to the shorelins to lat. 30°15'00" N., long. 86°06'15" W., to lat. 30°23'20" N., long. 86°08'10" W.; to lat. 30°30'45" N., long. 86°25'00" W.; to point of beginning, excluding that airspace 5,000 feet MSL and below within a circle with a 1¼-mile radius centered at lat. 30°34'19" N., long. 86°12'56" W.

Designated altitudes: Surface to FL 500.

Time of Designation: Continuous.

Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.

Using agency: Commander, Armament development and Test Center, Eglin AFB, Fla.

b. The following Restricted Areas are added:

R-2918 VALPARAISO, FLA.

Boundaries: Beginning at lat. 30°43'10" N., long. 86°27'37" W., to lat. 30°43'15" N., long. 86°25'00" W., to lat. 30°33'00" N., long. 86°25'00" W., to lat. 30°33'00" N., long. 86°25'30" W., to lat. 30°37'00" N., long. 86°25'30" W., to lat. 30°37'00" N., long. 86°27'37" W., to point of beginning.

Designated altitudes: Surface to FL 500.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.

Using agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

R-2919 VALPARAISO, FLA.

Boundaries: Beginning at lat. 30°30'45" N., long. 86°25'00" W.; to lat. 30°23'20" N., long. 86°08'10" W.; to lat. 30°15'00" N., long. 86°06'15" W.; thence 3 nautical miles from and parallel to the shoreline to lat. 30°19'45 ' N., long. 86°23'45" W.; to lat. 30°25'00" N., long. 86°22'26" W.; to lat. 30°25'00" N., long. 86°25'00" W.; to point of beginning.

Designated altitudes: Surface to FL 500.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.

Using agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); Executive Order 10854 (24 F.R. 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 24, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9030; Filed, July 31, 1969; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regulations No. 4, further amended]

PART 404—FEDERAL RETIREMENT, SURVIVORS, AND DISABILITY INSURANCE (1950—)

Subpart D—Old-Age, Disability, Dependents' and Survivors' Insurance Benefits; Period of Disability

MISCELLANEOUS AMENDMENTS

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended to read as follows:

1. Section 404.301 is amended to read as follows:

§ 404.301 Types of benefits payable; period of disability; general.

Title II of the Social Security Act provides, if certain conditions are met, for the payment of monthly benefits: to an insured individual retired because of disability or old age; to the wife, divorced wife, husband, and children of an individual entitled to disability or old-age insurance benefits; to the widow, surviving divorced wife, widower, children, and parents of a deceased insured individual. Title II of the Act also provides for the payment of a lump sum upon the death of an insured individual. There is also provision for the establishment, under certain conditions, of a period of disability for a disabled insured individual. Title II also provides for special payments, under certain conditions, for persons at age 72 who are not insured for benefits under the regular or transitional insured status requirements. The following sections of this subpart set out the conditions of eligibility for the various monthly benefits, for the lump-sum death payment, for a period of disability, and for a special payment at age 72, and also describe the events causing termination of entitlement to monthly benefits or a period of disability, and the effect of filing a waiver of benefits pursuant to section 1402(h) of the Internal Revenue Code of 1954 and being granted a tax exemption thereunder. See also Subpart E for regulations relating to deductions from benefits and lump-sum death payments, suspension of benefit payments, and reduction and increase of benefit amounts; Subpart N of this part for circumstances under which benefits may be terminated where entitlement is based upon military service and the individual becomes entitled to another Federal benefit based in whole or in part on such military service; and Subpart O of this part for the effect of entitlement to an annuity or lump sum under the Railroad Retirement Act on entitlement to a monthly benefit or a lump sum under title II of the Social Security Act.

2. Section 404.302 is amended to read as follows:

§ 404.302 Amount of benefit payments.

Ordinarily, a beneficiary is paid the monthly benefit or lump sum to which he is entitled in the amount indicated in the succeeding sections of this subpart. However, in some instances he may be paid more or less than such amount because of the provisions of Subparts E or F of this part. See those subparts for full explanation of the circumstances under which these changes occur. See Subpart E of this part also for conditions under which benefits will not be paid where the individual on whose earnings record benefits are claimed or based is deported, or where a claimant or beneficiary is an alien residing outside the United States or has been convicted of certain offenses. Also see § 404.377 of this subpart for reduction of special payments to persons at age 72 because of eligibility for governmental pension system benefits.

3. Section 404.303 is amended to read as follows:

§ 404.303 Old-age insurance benefits; conditions of entitlement.

An individual is entitled to an old-age insurance benefit if such individual:

(a) Is fully insured (as defined in §§ 404.108–404.113 or § 404.113a(a)); and

(b) Has attained age 62; and

(c) Has filed an application (see Subpart G of this part relating to filing of applications) for old-age insurance benefits, or was entitled to a disability insurance benefit for the month before the month in which the individual attained age 65.

4. Section 404.313 is amended to read as follows:

§ 404.313 Wife's insurance benefits; conditions of entitlement.

(a) *Conditions of entitlement after August 1965.* The wife (as defined in § 404.1103) and every divorced wife (as defined in § 404.1105(a)) of an individual entitled to old-age or disability insurance benefits is entitled to wife's insurance benefits if she—

(1) Has filed application for wife's insurance benefits (see Subpart G of this part); and

(2) Has attained age 62 or (in the case of a wife) has in her care (see §§ 404.342–404.349) individually or jointly with such individual at the time of filing such application a child, other than a child specified in paragraph (c) of this section, entitled to a child's insurance benefit on the basis of the earnings record of such individual; and

(3) In the case of a divorced wife:

(i) Is not married; and

(ii) At the time specified in paragraph (b) of this section, was receiving at least one-half of her support from such individual (see § 404.350), or was receiving substantial contributions from such individual pursuant to a written agreement (see § 404.351(a)), or there was in effect a court order for substantial contributions (see § 404.351(c)) to her support from such individual; and

(4) Is not entitled to old-age or disability insurance benefits based on a primary insurance amount which equals or exceeds one-half of the primary insurance amount of such individual.

(b) *Time when divorced wife must meet the requirement for support, contributions, or court order.* If the individual on whose account benefits are being claimed had a period of disability which did not end before the month in which he became entitled to old-age or disability insurance benefits, the requirement specified in paragraph (a)(3)(ii) of this section must be met

(1) At the beginning of such period of disability, or

(2) At the time he became entitled to disability insurance benefits, or

(3) At the time he became entitled to old-age insurance benefits.

If the individual did not have such a period of disability, the requirement specified in paragraph (a)(3)(ii) must be met at the time he became entitled to old-age insurance benefits.

(c) *Child over 18 is not disabled.* For the purposes of paragraph (a)(2) of this section and § 404.314(a)(5), a child age 18 or over who is entitled to child's insurance benefits for any month but is not under a disability (as defined in section 223(d) of the Act) which began before he attained age 18 is deemed not entitled to child's insurance benefits for such month, unless he was under such a disability in the third month before such month.

(d) *Conditions of entitlement before September 1965.* A woman is entitled to wife's insurance benefits if she:

(1) Is the wife (as defined in § 404.1103) of a man who is entitled to either old-age or disability insurance benefits; and

(2) Has filed an application (see Subpart G of this part) for wife's insurance benefits; and

(3) Has attained age 62 or, if she has not attained age 62 at the time of her application, has in her care (see §§ 404.342–404.349), individually or jointly with her husband, a child entitled to a child's insurance benefit (see § 404.320) based upon her husband's earnings record; and

(4) Is not entitled to old-age or disability insurance benefits based on a primary insurance amount which equals or exceeds one-half of the primary insurance amount of her husband.

(e) *Applicability of the provisions of this section.* The provisions of paragraphs (a) and (b) of this section apply in determining entitlement to wife's insurance benefits for any month after August 1965 but, in the case of an individual who did not meet the requirements specified in paragraph (d) of this section, only on the basis of an application filed after June 1965. The provisions of paragraph (d) of this section apply in determining entitlement to wife's insurance benefits for months prior to September 1965.

5. Section 404.314 is amended to read as follows:

§ 404.314 Wife's insurance benefits; duration of entitlement.

(a) *Duration of entitlement after August 1965.* A wife or a divorced wife of an individual entitled to old-age or disability insurance benefits is entitled to a wife's insurance benefit for each month beginning with the first month in which all of the applicable conditions of entitlement described in § 404.313(a) are satisfied. The last month for which she is entitled to such benefit is the month before the first month in which any of the following events occur:

(1) She dies;

(2) Such individual dies;

(3) In the case of a wife, her marriage was terminated by a final divorce and either:

(i) She has not attained age 62, or

(ii) She has attained age 62 but has not been married to such individual for a period of 20 years (as defined in § 404.1105(a)) immediately before the date the divorce became effective;

(4) In the case of a divorced wife, she marries a person other than such individual, except as otherwise provided in paragraph (b) of this section;

(5) In the case of a wife who has not attained age 62, no child of such individual is entitled to a child's insurance benefit (see § 404.313(c));

(6) She becomes entitled to an old-age or disability insurance benefit based on a primary insurance amount which is equal to or exceeds one-half of the primary insurance amount of such individual; or

(7) Such individual is not entitled to old-age or disability insurance benefits;

(8) In the case of a woman entitled to wife's insurance benefits based on a purported marriage (see § 404.1101(c)(2)) to the individual upon whose earnings record such benefit is based:

(i) She enters into a valid marriage with someone other than such individual; or

(ii) Another woman is certified for entitlement to wife's insurance benefits based on such individual's earnings record and such other woman is the wife (or is deemed to be the wife) of such individual under the provisions of section 216(h)(1)(A) of the Act.

(b) *Remarriage of a divorced wife.* If a divorced wife entitled to wife's insurance benefits marries an individual entitled to widower's or parent's insurance benefits, such divorced wife's entitlement to wife's insurance benefits is not terminated by reason of such marriage. If a divorced wife who is entitled to wife's insurance benefits marries an individual who has attained the age of 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act) which began before such child attained the age of 18 or had been under such a disability in the third month before the month in which such marriage occurred, such divorced wife's entitlement to wife's insurance benefits is not terminated by reason of such marriage; except that her entitlement to such benefits will end with the last month for which such individual is entitled to child's insurance benefits, provided his entitlement ends for a reason other than death.

(c) *Duration of entitlement before September 1965.* A woman is entitled to a wife's insurance benefit for each month beginning with the first month in which all of the applicable conditions in § 404.313(d) are satisfied. The last month for which she is entitled to such benefit is the month before the first month in which any of the events specified in paragraph (a) of this section occurs or her marriage is terminated.

(d) *Applicability of provisions of this section.* The provisions of paragraphs (a) and (b) of this section apply with respect to the duration of wife's insurance benefits for months after August 1965. The provisions of paragraph (c) of this section apply with respect to the duration of wife's insurance benefits for months prior to September 1965.

6. Section 404.315 is amended to read as follows:

§ 404.315 Wife's insurance benefits; rate of benefit.

The amount of a wife's insurance benefit for any month is equal to one-half of the husband's (or former husband's) primary insurance amount or $105, whichever is the smaller amount, except as provided in § 404.113a(b). However, such wife's insurance benefit may be reduced by a specified percentage, as provided in section 202(q) of the Act, for each month in which she is at least age 62 and under age 65.

7. Section 404.316 is amended to read as follows:

§ 404.316 Husband's insurance benefits; conditions of entitlement.

(a) *Conditions of entitlement after January 1968.* A husband (as defined in § 404.1106) of an individual entitled to old-age or disability insurance benefits is entitled to husband's insurance benefits if he—

(1) Has filed application for husband's insurance benefits (see Subpart G of this part relating to filing of applications); and

(2) Has attained age 62; and

(3) Was receiving (except as provided in paragraph (c) of this section) at least one-half of his support (as defined in § 404.350) from his wife at a time specified in § 404.319 and, within a 2-year period specified in § 404.319(c), submitted evidence that he was receiving such support; and

(4) Is not entitled to old-age or disability insurance benefits based on a primary insurance amount which equals or exceeds one-half of the primary insurance amount of such individual.

(b) *Conditions of entitlement before February 1968.* A husband (as defined in § 404.1106) of an individual entitled to old-age or disability insurance benefits is entitled to husband's insurance benefits if he meets all of the requirements specified in paragraph (a) of this section, as applicable, and such individual (except as provided in paragraph (c) of this section) is currently insured as defined in Subpart B of this part.

(c) *When the "currently insured" and "one-half support" conditions for entitlement do not apply.* The "currently insured" and "one-half support" requirements do not apply in determining whether a man is entitled to husband's insurance benefits if in the month before the month of his marriage to his wife, on whose earnings record he is claiming husband's insurance benefits, he (based on the earnings record of a third party):

(1) Was entitled to widower's or parent's insurance benefits or he met all the requirements for entitlement to widower's or parent's insurance benefits other than filing an application or attainment of age 62 (age 65 for months before August 1961); or

(2) Had attained age 18 and was entitled to child's insurance benefits (based on disability), or he met all the requirements for entitlement to child's insurance benefits (based on disability) other than filing an application; or

(3) Was entitled under the Railroad Retirement Act to a widower's, child's (after attainment of age 18), or parent's insurance annuity or he met all requirements for entitlement to such a benefit other than filing an application or attainment of the required age (if any). (This subparagraph (3) is effective for benefits for months after August 1965, but only on the basis of an application filed after June 1965.)

(d) *Applicability of the provisions of paragraph (a).* The provisions of paragraph (a) of this section apply in determining entitlement to husband's insurance benefits for any month after January 1968 but only on the basis of an application filed in or after January 1968.

8. Section 404.318 is amended to read as follows:

§ 404.318 Husband's insurance benefits; rate of benefit.

The amount of the husband's insurance benefit for any month is equal to one-half of his wife's primary insurance amount or $105, whichever is the smaller amount. However, such husband's insurance benefit may be reduced by a specified percentage, as provided in section 202(q) of the Act, for each month in which he is at least age 62 and under age 65.

9. Paragraph (c)(4) of § 404.319 is amended to read as follows:

§ 404.319 Husband's insurance benefits; time at which support requirement must be met; period within which evidence must be filed.

* * * * *

(c) *Period within which evidence must be filed establishing that requirement is*

met. For the purposes of entitlement to husband's insurance benefits, evidence establishing that the husband was receiving at least one-half his support from his wife must be filed within a specified 2-year period determined as follows:

* * * * * *

(4) Notwithstanding the provisions of subparagraphs (1), (2), and (3) of this paragraph:

(i) In any case in which there would not be entitlement to husband's insurance benefits except for enactment of the Social Security Amendments of 1960, and the time at which the support requirement was met (determined in accordance with paragraph (a) or (b) of this section) occurred before September 1960, evidence of such support may be filed within the 2 years after September 1960; and

(ii) In any case in which there would not be entitlement to husband's insurance benefits except for enactment of the Social Security Amendments of 1967, and the time at which the support requirement was met (determined in accordance with paragraph (a) or (b) of this section) occurred before January 1968, evidence of such support may be filed within the 2 years after February 1968.

10. Section 404.326 is amended to read as follows:

§ 404.326 Child's insurance benefits; dependency upon stepfather or stepmother.

(a) *General.* Except as provided in paragraphs (b) and (c) of this section, a child is deemed dependent upon his stepfather or stepmother at the time specified in § 404.323 if at such time the child was living with or receiving at least one-half his support from such stepparent.

(b) *Dependency upon stepmother before February 1968.* The provision of paragraph (a) of this section relating to dependency upon a stepmother applies to benefits for months after January 1968 but only on the basis of an application for child's insurance benefits filed in or after January 1968. For benefits for months after August 1958 and before February 1968, a child is deemed dependent upon his stepmother only if the test described in either § 404.327(b)(1) or (2) is met.

(c) *Dependency upon stepfather or stepmother before September 1958.* For benefits for months after December 1956 and before September 1958, based on an application filed after September 1956, a child age 18 or older and under a disability which began before age 18, is deemed dependent upon his stepfather or stepmother only if either of the tests described in § 404.325(c)(2) is met.

11. Section 404.327 is amended to read as follows:

§ 404.327 Child's insurance benefits; dependency upon mother or adopting mother.

(a) *Months after January 1968.* For benefits for months after January 1968, but only on the basis of an application filed in or after January 1968, a child is deemed dependent upon his mother or adopting mother if, at the time determined under the provisions of § 404.323(a):

(1) The parent was living with the child; or

(2) The parent was contributing to the support of the child; or

(3) The child is the legitimate or legally adopted child of such individual and has not been legally adopted by some other person. For purposes of this paragraph, a child who is deemed to be a child of an individual under the criteria in § 404.1101(c)(1), or under the criteria in § 404.1101(d), is deemed to be the legitimate child of such individual.

(b) *Months after August 1958 and before February 1968.* For benefits for months after August 1958 and before February 1968, a child is deemed dependent upon his mother or adopting mother at the time specified in § 404.323 if at such time such parent:

(1) Was contributing at least one-half of the child's support; or

(2) Was living with the child or contributing to the child's support and the child was neither living with nor receiving contributions toward his support from his father or adopting father; or

(3) Is the child's natural or legally adopting mother and is currently insured.

(c) *Months after December 1956 and before September 1958; child age 18 or over.* For benefits for months after December 1956 and before September 1958, based on application filed after September 1956, a child age 18 or older and under a disability which began before age 18 is deemed dependent upon his mother or adopting mother only if either of the tests described in § 404.325(c)(2) is met.

12. Section 404.328 is amended to read as follows:

§ 404.328 Widow's insurance benefits; conditions of entitlement.

(a) *Conditions of entitlement after August 1965.* The widow (as defined in § 404.1104) and every surviving divorced wife (as defined in § 404.1105(b)) of an individual who died fully insured is entitled to widow's insurance benefits if she:

(1) Is not married (except as provided in paragraph (d) of this section); and

(2) Has filed application for widow's insurance benefits (see Subpart G of this part), or was entitled, after having attained age 62, to a wife's insurance benefit on the basis of the earnings record of such individual for the month preceding the month in which he died, or was entitled to a mother's insurance benefit on the basis of such earnings record for the month preceding the month in which she attained age 62; and

(3) (i) Has attained age 60, or

(ii) For benefits for months after January 1968, but only on the basis of an application filed in or after January 1968, has attained age 50 but is under age 60 and (a) is under a disability as defined in section 223(d) of the Act which began during the period specified in paragraph (e)(1) of this section, and (b) has been under such disability throughout the waiting period as defined in paragraph (e)(2) of this section where such period is required; and

(4) Is not entitled to old-age insurance benefits or is entitled to an old-age insurance benefit which is less than 82½ percent of the primary insurance amount of such deceased individual; and

(5) In the case of a surviving divorced wife who was not entitled to a wife's insurance benefit on the basis of the earnings record of such individual for the month preceding the month in which he died, at the time specified in paragraph (b) of this section, (i) she was receiving at least one-half of her support from such individual (see § 404.350), or (ii) she was receiving substantial contributions from such individual pursuant to a written agreement (see § 404.351(a)), or (iii) there was in effect a court order for substantial contributions to her support from such individual (see § 404.351(c)).

(b) *Time when surviving divorced wife must meet the requirement for support, contributions, or court order.* The requirement specified in paragraph (a)(5) of this section for receipt of one-half support or substantial contributions or that there be in effect a court order for substantial contributions, whichever is appropriate, must be met:

(1) At the time of death of the insured individual, or

(2) At the time such individual became entitled to old-age insurance benefits, or

(3) At the time such individual became entitled to disability insurance benefits, or

(4) At the time a period of disability began provided that such period did not end before death or entitlement to disability or old-age insurance benefits.

(c) *Conditions of entitlement before September 1965.* A woman is entitled to widow's insurance benefits if she:

(1) Is the widow (see § 404.1104) of an individual who died fully insured (see §§ 404.108–404.113); and

(2) Has attained age 62; and

(3) Has not remarried since the individual's death (except as provided in paragraph (d) of this section); and

(4) Is not entitled to an old-age insurance benefit which equals or exceeds the amount of the widow's insurance benefit as determined in accordance with § 404.330(a); and

(5) Has filed application (see Subpart G of this part) for widow's insurance benefits, or was entitled on the same earnings record to a mother's insurance benefit for the month before the month in which she attained age 62, or was entitled after attainment of age 62 to a wife's insurance benefit for the month before the month in which the insured individual died.

(d) *When remarriage not bar to entitlement or reentitlement.* (1) For purposes of paragraph (a)(1) of this section, a remarriage is deemed not to have occurred if a widow remarries after attainment of age 60 (see § 404.330(c)).

(2) For purposes of paragraph (c)(3) of this section, a remarriage is deemed not to have occurred if such marriage is terminated by the husband's death within 1 year of the date of the marriage and he was not then fully insured at the time of death.

(3) A woman may reestablish entitlement to widow's insurance benefits after August 1965 if such entitlement was terminated because of her remarriage (see § 404.329(c)), if such remarriage occurred as described in subparagraph (1) of this paragraph or such remarriage terminated under the conditions described in subparagraph (2) of this paragraph and subsequently she again meets the conditions described in paragraphs (a) and (b) of this section, as applicable, for entitlement to widow's insurance benefits on her prior deceased husband's earnings.

(e) *Widow's entitlement based on disability—(1) When disability must begin.* For the purposes of paragraph (a)(3)(ii) of this section a widow or surviving divorced wife must be under age 60 and be under a disability as defined in section 223(d) of the Act which began before the month she attained age 60 or, if earlier, before the close of the 84th month following the latest of

(i) The month in which the wage earner died, or

(ii) The last month for which she was entitled to a mother's insurance benefit on the basis of the earnings of such individual, or

(iii) The month in which a previous entitlement to widow's insurance benefits on the basis of the earnings record of such individual terminated because her disability had ceased.

(2) *"Waiting period" defined.* The "waiting period," for purposes of entitlement of a widow or surviving divorced wife by virtue of a disability, is the earliest period of six full consecutive calendar months throughout which she was under a disability and which began no earlier than the later of—

(i) The first day of the 18th month before the month in which she files application for widow's insurance benefits, or

(ii) The first day of the sixth month before the month in which the period described in subparagraph (1) of this paragraph began.

Months in which a widow was disabled before the month of the wage earner's death, and such months before the month of termination of entitlement to mother's insurance benefits may be counted as months in the waiting period if they otherwise meet the requirements of subdivisions (i) and (ii) of this subparagraph as applicable. If the widow was previously entitled to a widow's insurance benefit based on disability, entitlement to which benefit terminated prior to the month in which she again becomes disabled, a waiting period is not required if she again becomes disable and meets all other requirements for entitlement. For purposes of this subparagraph, where the widow's disability begins on the first day of the month and continues through the last day of the month, such month is considered as a full calendar month.

(f) *Applicability of the provisions of this section.* The provisions of paragraphs (a) and (b) (except paragraph (a)(3)(ii)) of this section apply in determining entitlement to widow's insurance benefits for any month after August 1965 but, in the case of an individual who was not entitled to a widow's insurance benefit for August 1965 and did not meet the requirements of paragraph (c) of this section, only on the basis of an application filed after June 1965. The provisions of paragraphs (a)(3)(ii) and (e) of this section apply in determining entitlement to widow's insurance benefits for any month after January 1968 but only on the basis of an application filed in or after January 1968. The provisions of paragraph (c) of this section apply in determining entitlement to widow's insurance benefits for months prior to September 1965.

13. Section 404.329 is amended to read as follows:

§ 404.329 Widow's insurance benefits; duration of entitlement.

(a) *Duration of entitlement after August 1965.* A widow or surviving divorced wife is entitled to widow's insurance benefits beginning with the first month in which all the conditions of entitlement described in § 404.328(a) are satisfied and ending with the month before the first month in which any of the following events occurs:

(1) She dies; or

(2) She remarries (except as provided in paragraph (b) of this section); or

(3) She becomes entitled to an old-age insurance benefit which is equal to or exceeds the amount of the widow's insurance benefit as determined in accordance with § 404.330(a); or

(4) In the case of a woman entitled to widow's insurance benefits based on a purported marriage (see § 404.1101(c)(2)) to the deceased individual, another woman is certified for entitlement to widow's insurance benefits based on such deceased individual's earnings record and such other woman is the widow (or is deemed to be the widow) of the deceased individual under the provisions of section 216(h)(1)(A) of the Act; or

(5) If she is married to a person age 18 or over, under a disability, and entitled to child's insurance benefits, her husband's entitlement to such benefits (see paragraph (b) of this section) terminates for a reason other than his death; or

(6) In the case of a woman entitled to benefits prior to age 60, the third month after her disability ceases provided that she has not attained age 62 in such month.

(b) *Effect of remarriage on entitlement after August 1965.* (1) A widow or surviving divorced wife's entitlement to widow's insurance benefits is not terminated by reason of her remarriage to a man who is entitled to widower's or parent's insurance benefits, or to a man who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act) which began before such child attained the age of 18 or had been under such a disability in the third month before the month in which such marriage occurred.

(2) A widow's entitlement to widow's insurance benefits is not terminated by reason of her marriage after attainment of age 60. However, if the marriage is to a man not entitled to any of the benefits described in subparagraph (1) of this paragraph, beginning with the month in which such marriage occurs and each month thereafter prior to termination of such marriage, the amount of the widow's insurance benefits is determined in accordance with § 404.330(c).

(3) If a surviving divorced wife entitled to widow's insurance benefits marries a man not entitled to any of the benefits described in subparagraph (1) of this paragraph, her entitlement to that benefit is terminated effective with the month of the remarriage. Upon termination of the subsequent marriage she may become reentitled to widow's insurance benefits provided all other conditions of entitlement are satisfied (see § 404.328(a)).

(c) *Duration of entitlement before September 1965.* A woman is entitled to a widow's insurance benefit beginning with the first month all of the conditions in § 404.328(c) are satisfied. The last month for which she is entitled to such benefit is the month before the month any of the following events occur:

(1) She dies; or

(2) She remarries (except as provided in paragraph (d) of this section); or

(3) She becomes entitled to an old-age insurance benefit which is equal to or exceeds the widow's insurance benefit as determined in accordance with § 404.330(a); or

(4) In the case of a woman entitled to widow's insurance benefits based on a purported marriage (see § 404.1101(c)(2)) to the deceased individual, another woman is certified for entitlement to widow's insurance benefits based on such individual's earnings record and such other woman is the widow (or is deemed to be the widow) of the deceased individual under the provisions of section 216(h)(1)(A) of the Act; or

(5) If she is married to a person who is age 18 or over, under a disability which began before attainment of age 18, and who is entitled to child's insurance benefits, her husband's entitlement to such benefits (see paragraph (d) of this section) terminates for a reason other than his death.

(d) *When remarriage will not terminate entitlement before September 1965.* A woman's entitlement to widow's insurance benefits is not terminated by her remarriage if the man she marries:

(1) Is entitled to widower's or parent's insurance benefits; or

(2) Is age 18 or over, under a disability (as defined in section 223(d) of the Act) which began before age 18, and is entitled to child's insurance benefits.

(e) *Applicability of the provisions of this section.* The provisions of paragraphs (a) and (b) (except paragraph (a)(6)) of this section apply with respect to benefits after August 1965 provided that in the case of a widow or surviving divorced wife who did not meet the requirements of § 404.328(c) and was not entitled to a widow's insurance benefit for August 1965, an application for such benefit is filed after June 1965. The provision of paragraph (a)(6) of this section applies with respect to benefits after January 1968 provided that an application for such benefits is filed in or after January 1968. The provisions of paragraph (d) of this section apply with respect to widow's insurance benefits for months prior to September 1965, and with respect to such benefits for months after August 1965 where paragraphs (a) and (b) of this section do not apply.

14. Section 404.330 is amended to read as follows:

§ 404.330 Widow's insurance benefits; rate of benefit.

(a) *General.* Except as provided in paragraphs (b) and (c) of this section, the amount of the widow's insurance benefit for any month is equal to 82½ percent of the primary insurance amount of the deceased individual upon whose earnings record such benefit is based. (See § 404.113(c) for benefit rate under transitional insured status provision and § 404.352 for minimum survivor's insurance benefit rate.)

(b) *Entitlement before age 62 benefit rate.* If a woman becomes entitled to widow's insurance benefits for months before attainment of age 62, the amount of such benefit for each such month is equal to 82½ percent of the primary insurance amount of the deceased individual upon whose earnings record such benefit is based reduced in accordance with the provisions of section 202(q)(1) of the Act.

(c) *Benefit rate after remarriage.* If after entitlement on the deceased individual's earnings record, and after attaining age 60, a widow marries a man who is not entitled to widower's, parent's, or child's insurance benefits, the widow's insurance benefit is equal to one-half of the primary insurance amount of the deceased individual on whose earnings record her benefit is based or for benefits for months after January 1968, $105, whichever is the smaller amount. This paragraph is effective for benefits for months after August 1965.

15. Subparagraphs (1), (3), and (4) of paragraph (a) and paragraph (b) of § 404.331 are revised and paragraph (c) is added to read as follows:

§ 404.331 Widower's insurance benefits; conditions of entitlement.

(a) *Conditions of entitlement.* A man is entitled to widower's insurance benefits if:

(1) His wife was, at her death, fully insured (see §§ 404.108–404.113) and, for benefits for months before February 1968, was currently insured except as provided in paragraph (b) of this section; and

* * * * *

(3) (i) He has attained age 62, or

(ii) For benefits for months after January 1968, but only on the basis of an application filed in or after January 1968, has attained age 50 but is under age 62 and (*a*) is under a disability as defined in section 223(d) of the Act which began during the period specified in paragraph (c)(1) of this section, and (*b*) has been under such disability throughout the waiting period as defined in paragraph (c)(2) of this section where such period is required; and

(4) He has not remarried since the death of his wife, except that if he remarries after attaining age 62 the marriage is deemed not to have occurred for purposes of determining if he is entitled to widower's insurance benefits for months after August 1965 provided that he was entitled to such benefits for the month of August 1965 or an application for such benefits was filed after June 1965; and

* * * * *

(b) *Conditions under which "one-half support" and "currently insured" requirements do not apply.* The "one-half support" requirement and, for benefits for months before February 1968, the "currently insured" requirement do not apply in determining whether a man is entitled to widower's insurance benefits if in the month before the month of his marriage to his deceased wife on whose earnings record he is claiming such benefits he (based on the earnings record of a third party):

(1) Was entitled to widower's or parent's insurance benefits or met all requirements for entitlement to such benefits other than filing an application or attainment of age 62; or

(2) Had attained age 18 and was entitled to child's insurance benefits (based on disability), or met all requirements for entitlement to such benefits (based on disability) other than filing an application; or

(3) Was entitled under the Railroad Retirement Act to a widower's, child's (after attainment of age 18), or parent's insurance annuity or met all requirements for entitlement to such an annuity other than filing an application or attainment of the required age (if any). (This subparagraph is effective for benefits for months after August 1965, but only on the basis of an application filed after June 1965.)

(c) *Widower's entitlement based on disability.* (1) *When disability must begin.* For the purposes of paragraph (a)(3)(ii) of this section a widower must be under age 62 and under a disability as defined in section 223(d) of the Act which began before the month he attained age 62, or if earlier before the close of the 84th month following the latest of

(i) The month in which the wage earner died, or

(ii) The month in which a previous entitlement to widower's insurance benefits on the basis of the earnings record of such individual terminated because his disability had ceased.

(2) *"Waiting period" defined.* The "waiting period," for the purposes of entitlement of a widower by virtue of a disability, is the earliest period of six full consecutive calendar months throughout which he was under a disability and which began no earlier than the later of

(i) The first day of the 18th month before the month in which he files application for widower's insurance benefits, or

(ii) The first day of the sixth month before the month in which the period described in subparagraph (1) of this paragraph began.

Months in which a widower was disabled before the month of the wage earner's death may be counted as months in the waiting period if they otherwise meet the requirements of subdivision (i) or (ii) of this subparagraph, as applicable. If the widower was previously entitled to a widower's insurance benefit on disability, entitlement to which benefit terminated prior to the month in which he again becomes disabled, a waiting period is not required if he again becomes disabled and meets all other requirements for entitlement. For purposes of this subparagraph, where the widower's disability begins on the first day of the month and continues through the last day of the month, such month is considered a full calendar month.

16. Section 404.332 is amended to read as follows:

§ 404.332 Widower's insurance benefits; duration of entitlement.

(a) *General.* A man is entitled to widower's insurance benefits beginning with the first month in which all the conditions of entitlement described in § 404.331(a) are satisfied and ending with the month before the first month in which any of the following events occurs:

(1) He dies; or

(2) He remarries (except as provided in paragraph (b) of this section); or

(3) He becomes entitled to an old-age insurance benefit which is equal to or exceeds the amount of the widower's insurance benefit as determined in accordance with § 404.333(a); or

(4) In the case of a man entitled to widower's insurance benefits based on a purported marriage (see § 404.1101(c)(2)) to the deceased individual, another man is certified for entitlement to widower's insurance benefits based on such deceased individual's earnings record and such other man is the widower (or is deemed to be the widower) of the deceased individual under the provisions of section 216(h)(1)(A) of the Act; or

(5) In the case of a man entitled to widower's insurance benefits prior to age 62, the third month after his disability had ceased provided that he had not attained age 62 in such month.

(b) *Effect of remarriage on entitlement to benefits.* (1) A widower's entitlement to widower's insurance benefits

is not terminated by reason of his subsequent marriage to a woman entitled to wife's (after August 1965), widow's, mother's, or parent's insurance benefits, or who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act) which began before such child attained the age of 18 or had been under such a disability in the third month before the month in which such marriage occurred.

(2) A widower's entitlement to widower's insurance benefits is not terminated by reason of his remarriage after attainment of age 62 to a woman not entitled to any of the benefits described in subparagraph (1) of this paragraph. However, beginning with the month in which such marriage occurs and each month thereafter prior to termination of such marriage, the amount of the widower's benefit is determined in accordance with § 404.333(b). (This subparagraph is applicable to benefits for months after August 1965, but in the case of an individual who was not entitled to a widower's insurance benefit for August 1965, only on the basis of an application filed after June 1965.)

17. Section 404.333 is amended to read as follows:

§ 404.333 Widower's insurance benefits; rate of benefit.

(a) *General.* Except as provided in paragraphs (b) and (c) of this section the amount of the widower's insurance benefit for any month is equal to 82½ percent of the primary insurance amount of his deceased wife upon whose earnings record such benefit is based. (See § 404.352 for minimum survivor's insurance benefit rate.)

(b) *Entitlement before age 62 benefit rate.* If a man becomes entitled to widower's insurance benefits for months after he attains age 50 and before attainment of age 62, the amount of such benefit for each such month is equal to 82½ percent of the primary insurance amount of his deceased wife upon whose earnings record such benefit is based reduced in accordance with the provisions of section 202(q)(1) of the Act.

(c) *Remarriage after age 62.* If a widower, after attainment of age 62, marries a woman not entitled to wife's, widow's, mother's, or parent's insurance benefits or child's insurance benefits the amount of the widower's insurance benefit, for any month beginning with the month in which such marriage occurs and for each month thereafter through the month prior to the month the marriage is terminated, is equal to one-half of the primary insurance amount of the deceased wife upon whose earnings record the widower's insurance benefits is based or for benefits for months after January 1968, $105, whichever is the smaller amount. (This paragraph is applicable to benefits for months after August 1965, but in the case of an individual who was not entitled to a widower's insurance benefit for August 1965, only on the basis of an application filed after June 1965.)

18. Paragraph (c)(5) of § 404.334 is amended to read as follows:

§ 404.334 Widower's insurance benefits; time at which support requirement must be met; period within which evidence must be filed.

* * * * *

(c) *Period within which evidence of support must be filed.* For purposes of entitlement to widower's insurance benefits, evidence that the widower was receiving at least one-half his support from his deceased wife must be filed with the Administration within a specified 2-year period determined as follows:

* * * * *

(5) Notwithstanding the provisions of subparagraphs (1), (2), (3), and (4) of this paragraph:

(i) In any case in which there would not be entitlement to widower's insurance benefits except for enactment of the Social Security Amendments of 1960, and the time at which the support requirement was met occurred before September 1960, evidence of such support may be filed within the 2 years after September 1960; and

(ii) In any case in which there would not be entitlement to widower's insurance benefits except for enactment of the Social Security Amendments of 1961, and the time at which the support requirement was met occurred before September 1960, evidence of such support may be filed within the 2-year period beginning on August 1, 1961; and

(iii) In any case in which there would not be entitlement to widower's insurance benefits except for enactment of the Social Security Amendments of 1967, and the time at which the support requirement was met occurred before January 1968, evidence of such support may be filed within the 2 years after February 1968.

19. Section 404.335 is amended to read as follows:

§ 404.335 Mother's insurance benefits; conditions of entitlement.

(a) *Conditions of entitlement after August 1965.* The widow and every surviving divorced mother (as defined in § 404.1105(c)) of an individual who died fully or currently insured is entitled to mother's insurance benefits if she:

(1) Has filed application for mother's insurance benefits, or was entitled to wife's insurance benefits on the basis of the earnings record of such individual for the month preceding the month in which he died; and

(2) At the time of filing such application had in her care a child of such individual entitled to child's insurance benefits (see paragraph (b) of this section); and

(3) Is not married; and

(4) Is not entitled to a widow's insurance benefit; and

(5) Is not entitled to old-age insurance benefits, or is entitled to an old-age insurance benefit which is less than three-fourths of the primary insurance amount of such inidividual; and

(6) In the case of a surviving divorced mother—

(i) The child referred to in subparagraph (2) of this paragraph is her son, daughter, or legally adopted child, and

(ii) The benefits referred to in such subparagraph are payable on the basis of such individual's earnings record, and

(iii) She was receiving at least one-half of her support from such individual (see § 404.350), or was receiving substantial contributions from such individual pursuant to a written agreement (see § 404.351(a)), or there was in effect a court order for substantial contributions to her support from such individual (see § 404.351(c)) at the time of his death, or if he had a period of disability which did not end before the month in which he died, at the time such period began.

(b) *Child over 18 not disabled.* For the purposes of paragraph (a)(2) of this section a child age 18 or over who is entitled to child's insurance benefits for any month but is not under a disability (as defined in section 223(d) of the Act) which began before he attained age 18, shall be deemed not entitled to child's insurance benefits, unless he was under such a disability in the third month before such month.

(c) *Conditions of entitlement before September 1965.* A widow or former wife divorced of an individual who died fully or currently insured is entitled to mother's insurance benefits if she:

(1) Has filed application (see Subpart G of this part) for mother's insurance benefits or, in the month before the month in which such individual died, she was entitled to a wife's insurance benefit on the basis of the earnings record of such individual; and

(2) Has not remarried (except as provided in paragraph (d) of this section); and

(3) Is the widow or former wife divorced as defined in section 216(d) of the Act as in effect prior to the Social Security Amendments of 1965 (Public Law 89–97), of such individual; and

(4) Is not entitled to a widow's insurance benefit; and

(5) Is not entitled to an old-age insurance benefit which is equal to or exceeds 75 percent of the primary insurance amount of such individual; and

(6) In the case of a widow, she has in her care at the time of filing application for mother's insurance benefits, a child of such individual entitled to child's insurance benefits; and

(7) In the case of the former wife divorced—

(i) She has in her care at the time of filing, a child of such individual entitled to child's insurance benefits on the basis of such individual's earnings record and such child is her son, daughter, or legally adopted child; and

(ii) She was receiving at least one-half of her support pursuant to agreement or court order (see § 404.351 (b) and (d)) from such individual at the time of his death or if he had a period of disability established which did not end before the month in which he died, at the time such period began.

(d) *Effect of remarriage on entitlement or reentitlement.* (1) For the purposes of paragraph (c)(2) of this section, a remarriage is deemed not to have occurred if the subsequent marriage is terminated by the husband's death and the widow or former wife divorced is not or upon filing an application would not be entitled to a benefit for the month in which he dies on the basis of his earnings record.

(2) A widow or former wife divorced may become reentitled to mother's insurance benefits after such entitlement was terminated because of her remarriage (see § 404.336(a)(2)) if such remarriage terminates under the conditions described in subparagraph (1) of this paragraph and subsequent to such termination she again meets the conditions described in paragraph (c) of this section for entitlement to mother's insurance benefits on the deceased individual's earnings record, including the filing of an application for such benefits.

(3) Benefits are payable under the provisions of subparagraph (1) or (2) of this paragraph beginning with the month of termination of the subsequent marriage but not prior to 12 months before filing or refiling for mother's insurance benefits.

(e) *Applicability of the provisions of this section.* The provisions of paragraph (a) of this section apply in determining entitlement to mother's insurance benefits for months after August 1965, but, in the case of an individual who was not entitled to a mother's insurance benefit for August 1965 and who did not meet the requirements of paragraph (c) of this section, only on the basis of an application filed after June 1965. The provisions of paragraph (b) of this section, relating to a child over 18 and not disabled, apply only on the basis of an application filed after June 1965. The provisions of paragraphs (c) and (d) of this section apply in determining entitlement to mother's insurance benefits for months prior to September 1965 and, in the case of an individual who was not entitled to a mother's insurance benefit for August 1965, for months thereafter except where entitlement to such benefits is based on an application filed after June 1965.

20. Section 404.336 is amended to read as follows:

§ 404.336 Mother's insurance benefits; duration of entitlement.

(a) *Duration of entitlement after August 1965.* The widow or surviving divorced wife of a deceased individual is entitled to a mother's insurance benefit for each month beginning with the first month in which all the conditions of entitlement described in § 404.335(a) are satisfied. The last month for which she is entitled to such benefits is the month before the first month in which any one of the following events occurs:

(1) She dies; or

(2) She remarries (except as provided in paragraph (b) of this section); or

(3) She becomes entitled to an old-age insurance benefit which is equal to or exceeds the amount of the mother's insurance benefit as determined in accordance with § 404.337; or

(4) She becomes entitled to a widow's insurance benefit; or

(5) No child of the deceased individual is entitled to a child's insurance benefit (see paragraph (c) of this section); or

(6) In the case of a surviving divorced mother, no son, daughter, or legally adopted child of such surviving divorced mother is entitled to child's insurance benefits (see paragraph (c) of this section) based on the deceased individual's earnings record; or

(7) If she is married to a person age 18 or older who is under a disability (as defined in section 223(d) of the Act) and who is entitled to child's insurance benefits (see paragraphs (b) and (c) of this section), her husband's entitlement to such benefits terminates for a reason other than his death; or

(8) If she is married to a person entitled to disability insurance benefits (see paragraph (b) of this section), her husband's entitlement to such benefits terminates for a reason other than his death or his entitlement to old-age insurance benefits; or

(9) In the case of a woman entitled to mother's insurance benefits based on a purported marriage (see § 404.1101(c)(2)) to the deceased individual, another woman is certified for entitlement to mother's insurance benefits based on such deceased individual's earnings record and such other woman is the widow (or is deemed to be the widow) of the deceased individual under the provisions of section 216(h)(1)(A) of the Act.

(b) *Effect of remarriage after August 1965.* For purposes of paragraph (a)(2) of this section:

(1) A woman or surviving divorced mother's entitlement to mother's insurance benefits is not terminated by reason of her remarriage to a man entitled to old-age, widower's, parent's, or disability insurance benefits, or to a man who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act) which began before such child attained the age of 18 or had been under such a disability in the third month before the month in which such marriage occurred.

(2) If a widow or surviving divorced mother marries a man not entitled to any of the benefits enumerated in subparagraph (1) of this paragraph, and consequently her entitlement to mother's insurance benefits is terminated, she may become reentitled to such benefits upon termination of the later marriage for any reason, provided all other conditions of entitlement are satisfied.

(c) *Child over 18 not disabled.* For purposes of paragraph (a)(5) of this section, a child age 18 or over who is entitled to child's insurance benefits for any month but is not under a disability (as defined in section 223(d) of the Act) which began before he attained age 18, shall be deemed not entitled to child's insurance benefits, unless he was under such a disability in the third month before such month.

(d) *Duration of entitlement before September 1965.* A widow or former wife divorced is entitled to mother's insurance benefits beginning with the first month in which all of the conditions in § 404.335(c) are satisfied and ending with the month before the month in which any of the following events occurs:

(1) She dies, or

(2) She remarries (except as provided in paragraph (e) of this section); or

(3) She becomes entitled to a widow's insurance benefit; or

(4) She becomes entitled to an old-age insurance benefit which is equal to or exceeds the amount of the mother's insurance benefit; or

(5) No child of the deceased individual is entitled to a child's insurance benefit; or

(6) In the case of a former wife divorced, no child or legally adopted child of hers is entitled to a child's insurance benefit based on the earnings record of the deceased individual; or

(7) If she is married to a person age 18 or over who is under a disability as defined in section 223(d) of the Act and who is entitled to a child's insurance benefit (see paragraph (e) of this section), her husband's entitlement to such benefit terminates for a reason other than his death; or

(8) If she is married to a man entitled to disability insurance benefits (see paragraph (e) of this section), her husband's entitlement to such benefit terminates for a reason other than his death or entitlement to old-age insurance benefits; or

(9) In the case of a widow entitled to a mother's insurance benefit based on a purported marriage (see § 404.1101(c)(2)) to the deceased individual, another woman is certified for entitlement to mother's insurance benefits based on such deceased individual's earnings record and such other woman is the widow (or is deemed to be the widow) of the deceased individual under the provisions of section 216(h)(1)(A) of the Act.

(e) *Effect of remarriage before September 1965.* For purposes of paragraph (d)(2) of this section, a woman's entitlement to mother's insurance benefits is not terminated by her remarriage if the man she marries is entitled to old-age, disability, widower's, or parent's insurance benefits, or if he is age 18 or over and is under a disability (as defined in section 223 of the Act) and is entitled to child's insurance benefits. However, see subparagraphs (7) and (8) of paragraph (d) of this section for termination because of a subsequent occurrence.

(f) *Applicability of provisions of this section.* The provisions of paragraphs (a), (b), and (c) of this section apply with respect to mother's insurance benefits for months after August 1965 provided that in the case of an individual not entitled to mother's insurance benefits in August 1965, an application for such benefits is filed after June 1965. The provisions of paragraphs (d) and (e) of this section apply with respect to mother's insurance benefits for months prior to September 1965 and with respect to benefits for months after August 1965 if paragraphs (a), (b), and (c) of this section do not apply.

21. Section 404.338 is amended to read as follows:

§ 404.338 Parent's insurance benefits; conditions of entitlement.

A man or woman is entitled to parent's insurance benefits if such person:

(a) Is the parent (as defined in § 404.1110) of an individual who was fully insured (see §§ 404.108–404.113) at the time of death; and

(b) Has attained age 62; and

(c) Has not married since the insured individual's death (see § 404.339(b) relating to remarriage after entitlement); and

(d) Is not entitled to an old-age insurance benefit which equals or exceeds the amount of the parent's insurance benefit as determined in accordance with § 404.340; and

(e) Has filed application (see Subpart G of this part) for parent's insurance benefits; and

(f) Was receiving at least one-half support (see § 404.350) from the deceased insured individual at a time specified in § 404.341(a) and submitted proof of such support within a 2-year period specified in § 404.341(b).

22. Section 404.339 is amended to read as follows:

§ 404.339 Parent's insurance benefits; duration of entitlement.

(a) *General.* A parent is entitled to parent's insurance benefits beginning with the month all of the conditions of entitlement described in § 404.338 are met. The last month for which a parent is entitled to parent's insurance benefits is the month before the month in which any of the following events occurs:

(1) The parent dies; or

(2) The parent marries (except as provided in paragraph (b) of this section); or

(3) The parent becomes entitled to an old-age insurance benefit which equals or exceeds the amount of the parent's insurance benefit as determined in accordance with § 404.340; or

(4) In the case of a woman entitled to parent's insurance benefits who is married to a man age 18 or over and entitled to a child's insurance benefit (based on disability), her husband's entitlement to such benefit terminates for a reason other than his death.

(b) *Effect of remarriage on entitlement to benefits.* A parent's entitlement to parent's insurance benefits is not terminated by marriage to an individual entitled to wife's, widow's, widower's, mother's, or parent's insurance benefits, or to an individual who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act) which began before such child attained the age of 18 or had been under such a disability in the third month before the month in which such marriage occurred. The provision relating to marriage to an individual entitled to wife's insurance benefits applies with respect to parent's insurance benefits after August 1965 but, if the parent was not entitled to a parent's insurance benefit for August 1965, only on the basis of an application filed after June 1965.

23. Section 404.340 is amended to read as follows:

§ 404.340 Parent's insurance benefits; rate of benefit.

(a) *General.* The amount of the parent's insurance benefit for each month is an amount equal to:

(1) 82½ percent of the deceased individual's primary insurance amount if only one parent is entitled to parent's insurance benefits subject to the provisions of § 404.352; or

(2) 75 percent of the deceased individual's primary insurance amount if more than one person is entitled to parent's insurance benefits on the same earnings record.

(b) *Subsequent entitlement of another parent.* In any case in which:

(1) One person files application and is entitled to a parent's insurance benefit for a month; and

(2) Another person becomes entitled to a parent's insurance benefit for such month on the same earnings record but based on an application filed after such month and after the month in which the person referred to in subparagraph (1) of this paragraph filed application, the amount of the parent's insurance benefit of the person referred to in subparagraph (1) of this paragraph equals 82½ percent of the deceased individual's primary insurance amount and the amount of the parent's insurance benefit of the person referred to in subparagraph (2) of this paragraph for such month equals the difference between the benefit of the person referred to in subparagraph (1) of this paragraph (before the application of § 404.402(b)) and 150 percent of the primary insurance amount of the deceased individual.

24. Section 404.342 is amended to read as follows:

§ 404.342 In her care.

For purposes of §§ 404.313, 404.335, and of Subpart E, a mother (whether a wife, widow, or surviving divorced mother) has a child in her care if she exercises parental control and responsibility for the welfare and care of a child under age 18, or of a child age 18 or older who is mentally incompetent. If the child is age 18 or older and mentally competent, "in her care" means that the mother is performing personal services for the child.

25. Section 404.352 is amended to read as follows:

§ 404.352 Minimum monthly survivor's insurance benefit amount.

When only one individual is entitled to survivor's insurance benefits for any month, the amount of such monthly survivor's insurance benefit, before any reduction under § 404.353, shall be not less than:

(a) $55 for months beginning with February 1968;

(b) $44 for months after December 1965 and before February 1968;

(c) $40 for months after July 1961 and before January 1965.

26. Paragraph (a)(1) in § 404.370 is amended to read as follows:

§ 404.370 Transitional provisions for deemed entitlement of uninsured individuals to monthly benefits under section 202 of the Act.

(a) *Requirements.* Unless excluded under the provisions described in §§ 404.372 and 404.373, an individual who has attained age 65 will be deemed entitled to monthly insurance benefits under section 202 of the Act, solely for purposes of entitlement to hospital insurance benefits, if such individual:

(1) (i) Attained age 65 before 1968, or

(ii) Attained age 65 after 1967 and has not less than three quarters of coverage (as defined in Subpart B of Part 404 of this chapter or in section (5)(1) of the Railroad Retirement Act of 1937), whenever acquired for each calendar year after 1966 and before the year he attained age 65;

* * * * *

27. Section 404.376 is amended to read as follows:

§ 404.376 Special payments at age 72; amount of payment.

(a) *General.* The amount of the special payment to which an individual is entitled under the provisions of section 228 of the Act for any month (except as provided in paragraph (b) of this section) shall be as follows:

(1) $40 for months beginning with February 1968;

(2) $35 for months after September 1966 and before February 1968.

(b) *Husband and wife entitled.* If both husband and wife are simultaneously entitled (or upon application would be entitled) to special payments as provided under section 228 of the Act for any month, the amount of the special payment shall be as follows:

(1) For months after January 1968, (i) $40 for the husband, and (ii) $20 for the wife;

(2) For months after September 1966 and before February 1968, (i) $35 for the husband, and (ii) $17.50 for the wife.

For purposes of this paragraph, the determination of whether an individual has the relationship of husband or wife to another individual is made in accordance with the provisions of § 404.1101 without regard to the provisions of § 404.1103 or § 404.1106.

28. Paragraphs (b) and (c) of § 404.377 are amended to read as follows:

§ 404.377 Reduction of special payments under section 228 for governmental pension system benefits.

* * * * *

(b) *Husband or wife entitled.* In the case of a husband and wife, if one of such individuals, but not the other, is entitled to a special payment under section 228 for any month, the special payment,

after any reduction under paragraph (a) of this section, is further reduced (but not below zero) by the excess (if any) of (1) the total amount of any periodic benefits under governmental pension systems for which the entitled individual's spouse is eligible for such month, over (2) $20 for months after January 1968 or $17.50 for months before February 1968.

(c) *Husband and wife entitled.* In the case of a husband and wife both of whom are entitled to a special payment under section 228 for any month:

(1) The special payment of the wife, after any reduction under paragraph (a) of this section, is further reduced (but not below zero) by the excess (if any) of (i) the total amount of any periodic benefits under governmental pension systems for which the husband is eligible for such month, over (ii) $40 for months after January 1968 or $35 for months before February 1968, and

(2) The special payment of the husband, after any reduction under paragraph (a) of this section, is further reduced (but not below zero) by the excess (if any) of (i) the total amount of any periodic benefits under governmental pension systems for which the wife is eligible for such month, over (ii) $20 for months after January 1968 or $17.50 for months before February 1968.

29. Paragraph (a) of § 404.378 is amended to read as follows:

§ 404.378 Nonpayment of special payments under section 228 of the Act for months in which cash payments are made under public assistance.

(a) *General.* Except as provided in paragraph (b) of this section, no special payment under section 228 of the Act may be paid to an individual for any month if:

(1) Such individual receives aid or assistance in the form of money payments in such month under a State plan approved under titles I, X, XIV, or XVI, or part A of title IV of the Social Security Act (which titles relate to (i) old-age assistance and medical assistance for the aged, (ii) aid to the blind, (iii) aid to the permanently and totally disabled, (iv) aid to the aged, blind, or disabled, or for such aid and medical assistance for the aged, and (v) aid and services to needy families with children, respectively), or

(2) Such individual's husband or wife receives such aid or assistance in such month, and under the State plan the needs of such individual were taken into account in determining eligibility for (or amount of) such aid or assistance.

30. New § 404.381 is added after § 404.380 to read as follows:

§ 404.381 Waiver of benefits pursuant to section 1402(h) of the Internal Revenue Code of 1954.

When an individual has filed a waiver of benefits in connection with an exemption from self-employment taxes pursuant to section 1402(h) of the Internal Revenue Code of 1954 and been granted a tax exemption under that section, no benefits or other payments shall be payable to him or on his behalf under title II and Part A of title XVIII of the Act after the filing of such waiver on the basis of his earnings record or the earnings record of any other person or otherwise. No such benefits or payments on the basis of such individual's earnings record shall be made to any other person after the filing of such waiver. Such waiver of benefits also precludes the use of, at any time for any purpose under title II and Part A of title XVIII of the Act, the wages and earnings from self-employment of such individual earned, paid, or derived in any calendar year beginning before or during the period of tax exemption. If the tax exemption should thereafter cease to be effective, the waiver of benefits shall cease to be effective and benefits may become payable under title II and Part A of title XVIII of the Act, but only to the extent such benefits are based on the individual's earnings from self-employment for and after the first taxable year for which such tax exemption ceases to be effective and on his wages for and after the calendar year which begins in or with the beginning of such taxable year.

(Secs. 202, 205, 228, and 1102, 49 Stat. 623, as amended, 53 Stat. 1368, as amended, 80 Stat. 67, as amended, 49 Stat. 647, as amended, sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 402, 405, 426, and 1302)

31. Effective date: The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: June 24, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: July 28, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-9051; Filed, July 31, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

POSTPONEMENT OF CLOSING DATES OF PROVISIONAL LISTING

The color additive amendments of 1960 (Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note) authorize the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing of a color additive on his own initiative or upon the application of an interested person. Requests have been received to postpone the closing dates of provisional listings of a number of color additives because scientific investigations necessary for listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed.

The Commissioner of Food and Drugs finds that postponement of the closing dates of the provisionally listed color additives in this order is consistent with the protection of the public health. These extensions are granted on condition that, when applicable, progress reports be supplied on or before December 31, 1969.

Calcium silicate was deleted from the provisional list as of December 31, 1968, in the absence of information that investigations were underway preparatory to submission of a petition for permanent listing. The Toilet Goods Association, Inc., has informed the Commissioner that a petition will be submitted in the near future and requested restoration of calcium silicate to the provisional list pending action on the petition.

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note), delegated to the Commissioner (21 CFR 2.120), § 8.501 *Provisional lists of color additives* is amended as follows:

1. In paragraph (a) *Color additives previously and presently subject to certification and provisionally listed for food, drug, and cosmetic use*, the closing dates of all the color additives listed under "Food use" and "Drug and cosmetic use" are changed to December 31, 1969.

2. In paragraph (b) *Color additives previously and presently subject to certification and provisionally listed for drug and cosmetic use*, the closing dates of all color additives are changed to December 31, 1969.

3. In paragraph (c) *Color additives previously and presently subject to certification and provisionally listed for use in externally applied drugs and cosmetics*, the closing dates of all color additives are changed to December 31, 1969.

4. In paragraph (e) *Color additives provisionally listed for food use on the basis of prior commercial sale but which have not been nor are now subject to certification*, the closing dates of all color additives are changed to December 31, 1969.

5. In paragraph (f) *Color additives provisionally listed for drug use on the basis of prior commercial sale but which have not been nor are now subject to certification*, the closing dates of carbon black ("impingement" or "channel" process), chromium-cobalt-aluminum oxide, ferric ammonium citrate, and pyrogallol are changed to December 31, 1969.

6. In paragraph (g) *Color additives provisionally listed for cosmetic use on the basis of prior commercial sale but which have not been nor are now subject to certification*, a new item "Calcium silicate" is inserted alphabetically with a closing date of December 31, 1969, and the closing dates of all other color additives are changed to December 31, 1969.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since section 203(a)(2) of Public Law 86-618 provides for this issuance.

Effective date. This order is effective as of June 30, 1969.

(Sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note)

Dated: July 25, 1969.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 69-9012; Filed, July 31, 1969; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury.

PART 4—EMPLOYEES' PERSONAL PROPERTY CLAIMS

In accord with 5 U.S.C. 552(a) the Treasury Department finds it necessary to publish regulations in the FEDERAL REGISTER governing the filing and settlement of claims by employees for personal property loss incident to service, as permitted by the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 240-243. Prior regulations applying to members of the Coast Guard as well as Treasury civilian employees, issued with Administrative Circular No. 136, October 20, 1965, are revoked. The Department further finds that notice and public procedure are not necessary in the formulation of these regulations under the provisions of 5 U.S.C. 553, since these regulations relate to matters of agency management, procedure and personnel.

Accordingly, Subtitle A of Part 31 of the Code of Federal Regulations is amended by adding a new Part 4 to read as follows:

Sec.
4.1 General.
4.2 Proper claimants.
4.3 Allowable claims.
4.4 Claims not payable.
4.5 Factors to be considered in determining claims.
4.6 Evidence to be submitted by claimant.
4.7 Claims involving carrier and insurer.
4.8 Filing of claims.
4.9 Application to claims not previously adjusted.
4.10 Statute of Limitations.
4.11 Attorney's fees.
4.12 Bureau implementation.

AUTHORITY: The provisions of this Part 4 issued under section 3(b) of the Act of August 31, 1964, 78 Stat. 767, as amended, 31 U.S.C. 241(b).

SOURCE: The provisions of this part appear at 34 F.R. 12577, 1969, unless otherwise noted.

§ 4.1 General.

The Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 240-243, authorizes the Secretary of the Treasury to settle and pay (including replacement in kind) claims of officers or employees of the Department, amounting to not more than $6,500, for damage to, or loss of, personal property incident to their service, where possession of such property is determined to be reasonable, useful, or proper under the circumstances.

§ 4.2 Proper claimants.

(a) The following are proper claimants:

(1) Officers and employees of the Treasury Department.

(2) Former employees of the Treasury Department whose claims arose out of incidents occurring before their separation.

(3) The authorized agent or legal representative of persons in subparagraph (1) and (2) of this paragraph.

(4) Survivors of persons in subparagraph (1) and (2) of this paragraph, in the following order of precedence:

(i) Spouse.
(ii) Children.
(iii) Father or mother, or both.
(iv) Brothers or sisters, or both.

(b) A claim may not be presented by or for the benefit of a subrogee, assignee, conditional vendor, or other third party.

§ 4.3 Allowable claims.

The following claims are payable when the damage to or loss of the claimant's property occurs incident to his service under any of the following circumstances:

(a) *Losses in Government quarters.* Where personal property is damaged or lost by fire, flood, hurricane, or other serious occurrence while located at: (1) Quarters, wherever situated, which were assigned to claimant or otherwise provided in kind by the Government, including permanent or temporary housing units which are owned and maintained by the Government; (2) quarters outside the 50 States and the District of Columbia occupied by claimant which were not assigned to him or otherwise provided in kind by the Government, unless the claimant is a civilian employee who is a local inhabitant; and (3) any warehouse, office, hospital, baggage dump, or other place (except quarters) designated by superior authority for the reception of the property.

(b) *Transportation losses.* Where personal property, including baggage checked or in personal custody, and including household effects, is damaged or lost incident to transportation by a carrier, an agent or agency of the Government, or private conveyance.

(c) *House trailers.* Claims for loss of or damage to house trailers and their contents while in storage on Government property pursuant to shipment under orders are payable under paragraph (a)(3) of this section. Claims for loss of or damage to house trailers and their contents arising incident to shipment are payable under paragraph (b) of this section: *Provided*, That, when transported by other than the employee or an agent or agency of the Government, the carrier must have operating rights approved by the Interstate Commerce Commission in interstate commerce or under applicable State regulations when shipment is within a single State. Claims for structural damage to house trailers, other than that caused by collision, and damage to contents of house trailers resulting from such structural damage, must contain conclusive evidence that the damage was not caused by structural deficiency of the trailer and that the trailer was not overloaded. Claims for loss of or damage to tires mounted on trailers will not be entertained except in cases of collision, theft, or vandalism.

(d) *Marine disaster.* Where personal property is damaged, lost, destroyed, or abandoned in consequence of shipwreck, fire or other accident on board, collision, sinking, capsizing, stranding of a vessel, or perils of the sea.

(e) *Aircraft disaster.* Where personal property is damaged, lost, destroyed, or abandoned, in consequence of hazards as a result of an aircraft disaster or accident.

(f) *Enemy action.* Where property is lost, abandoned, damaged, or destroyed by: (1) Enemy action or threat of such action; (2) combat, or movement in the field which is part of a combat mission; (3) guerrilla, organized brigandage or other belligerent activities whether or not the United States is involved; or (4) unjust confiscation by a foreign power or its nationals.

(g) *Property subjected to extraordinary risks.* When property is damaged or lost as a direct result of extraordinary risks to which it has been subjected by the performance of official noncombat duties by the claimant, including but not limited to: (1) Performance of duties in connection with civil disturbances, public disorder, law enforcement activities, or public disaster; (2) efforts to save Government property or human life where the situation was such that the claimant could have saved his own property had he not so acted; and (3) abandonment or destruction of property by reason of military emergency or by order of superior authority.

(h) *Property used for benefit of the Government.* Where property is damaged or lost while being used, or held for use, for the benefit of the Government at the direction or request of superior authority or by reason of military necessity.

(i) *Money deposited for safekeeping.* Where personal funds which were accepted by responsible Government personnel with apparent authority to receive them for safekeeping, deposit, transmittal, or other authorized disposition, were neither applied as directed by the owner nor returned to him.

(j) *Motor vehicles.* Where automobiles and other motor facilities were damaged or lost in overseas shipments provided by the Government. "Shipments provided by the Government" means via Government vessels, charter of commercial vessels or by Government bills of lading on commercial vessels, and includes storage, unloading and off-loading incident thereto.

(k) *Clothing.* Where clothing and accessories worn on the person are damaged or lost:

(1) During the performance of official duties in an unusual or extraordinary risk situation;

(2) In cases involving emergency action required by natural disaster, such as fire, flood, hurricane; or enemy or other belligerant action;

(3) In cases involving faulty equipment or defective furniture maintained by the Government and used by the claimant as required by his job situation; or

(4) When using a motor vehicle incidential to service. Accessories would include eyeglasses, hearing aids, and dentures.

(l) *Borrowed property.* Where borrowed property has been damaged or lost.

§ 4.4 Claims not payable.

Claims otherwise within the scope of these regulations are nevertheless not payable when the damage or loss of personal property incident to service involves any of the following:

(a) *Money and currency.* Claims are not payable for money or currency except:

(1) When deposited with authorized personnel as contemplated by § 4.3(1).

(2) When lost incident to a marine or aircraft disaster.

(3) When lost by fire, flood, hurricane, or theft from quarters. In instances of theft from quarters, it must be conclusively shown that the money or currency was in a locked container and that the quarters themselves were locked.

(4) When stolen from the temporary quarters or possession of an employee who by reason of his assignment is required to carry money or currency. In instances of theft from temporary quarters, it must be conclusively shown that the money or currency was in a locked container and that the quarters themselves were locked.

Reimbursement for loss of money or currency will be limited to an amount determined to have been reasonable for the claimant to have had in his possession at the time of the incident.

(b) *Small items of substantial value.* Claims are not payable for small articles of substantial value and money when shipped with household goods or as unaccompanied baggage; or for articles easily pilfered which usually are worn or carried, including watches and expensive jewelry such as rings, pins, brooches, necklaces, and bracelets. These limitations do not apply to the articles described when the loss is cognizable under subparagraphs (1) and (2) of § 4.3(a).

(c) *Articles acquired for other persons.* Claims are not payable for articles intended directly or indirectly for persons other than the claimant or members of his immediate household. This prohibition includes articles acquired at the request of others, and articles for sale.

(d) *Articles of extraordinary value.* Claims are not payable for expensive articles of gold, silver, other precious metals, paintings, antiques other than bulky furnishings, relics, and other articles of extraordinary value when shipped with household effects by ordinary means, or as unaccompanied baggage at normal released valuation. Claims for such articles are payable when their loss is incident to shipment by expedited mode in accordance with current Joint Travel Regulations. This prohibition does not apply to baggage checked or in the personal custody of the claimant or his agent provided reasonable protection or security measures have been taken.

(e) *Intangible property.* Claims are not payable for intangible property such as bank books, checks, promissory notes, stock certificates, bonds, bills of lading, warehouse receipts, baggage checks, insurance policies, money orders, and traveler's checks.

(f) *Government property.* Claims are not payable for property owned by the United States, except where the claimant is responsible for the property to an agency of the Government other than the Treasury Department.

(g) *Motor vehicles.* Claims for motor vehicles, except as provided under § 4.3 (j), will ordinarily not be paid. However, meritorious claims for losses of motor vehicles may be recommended for consideration and approval for payment in exceptional cases.

(h) *Enemy property.* Claims are not payable for enemy property, including war trophies.

(i) *Losses at quarters.* Claims are not payable for losses (including theft) at quarters not assigned or otherwise provided in kind occupied by the claimant within the United States.

(j) *Losses recoverable from insurer.* Claims are not payable for losses or any portion thereof which have been recovered or are recoverable from an insurer, except as permitted under § 4.7.

(k) *Losses recoverable from carrier.* Claims are not payable for losses or any portion thereof which have been recovered or are recoverable from a carrier, except as permitted under § 4.7.

(l) *Losses recoverable from contractor.* Claims are not payable for losses, or any portion thereof, which have been recovered or are recoverable under contract, except as permitted under § 4.7.

(m) *Negligence of claimant.* Claims are not payable for loss of personal property caused in whole or in part by any negligence or wrongful act on the part of the claimant, or of his agent or employee.

(n) *Property used for business.* Claims are not payable for property normally used for business or profit.

(o) *Fees for estimates.* Claims are not normally payable for fees paid to obtain estimates of repair in conjunction with submitting a claim under this paragraph. However, where, in the opinion of the approving officer, the claimant could not obtain an estimate without paying a fee, such a claim may be considered in an amount reasonable in relation to the value and/or the cost of repairs of the articles involved, provided that the evidence furnished clearly indicates that the amount of the fee paid will not be deducted from the cost of repairs if the work is accomplished by the estimator.

(p) *Violation of directives.* Claims are not payable for property acquired, possessed, or transported, in violation of law or regulations of competent authority. This does not apply to limitations imposed on weight of shipments of household effects.

(q) *Items fraudulently claimed.* Claims are not payable for items fraudulently claimed. When investigation discloses that a claimant, his agent, or employee has intentionally misrepresented an item claimed, as to cost, condition, cost to repair, etc., the item will be disallowed in its entirety even though some actual damage has been sustained. However, if the remainder of the claim is proper it will be paid. This does not preclude appropriate disciplinary action if warranted.

(r) *Minimum claims.* Claims are not payable for damage to or loss of property in an amount less than $10.

§ 4.5 Factors to be considered in determining claims.

(a) Claims are payable only for such types, quantities, or amounts of tangible personal property (including money) as the approving authority shall determine to be reasonable, useful, or proper under the circumstances existing at the time and place of the loss. In determining what is reasonable, useful, or proper, the approving authority will consider the type and quantity of property involved, circumstances attending acquisition and use of the property, and whether possession or use by the claimant at the time of loss or damage was incident to his service. What is reasonable is a question of fact determined in the light of the officer's or employee's rating, together with his duty, job, and station assignment.

(b) The Government does not underwrite all personal property losses that a claimant may sustain and it does not underwrite individual tastes. While the Government does not attempt to limit possession of property by an individual, payment for loss or damage is made only to the extent that the possession of the property is determined to be reasonable, useful, or proper. If individuals possess excessive quantities of items and/or expensive items, they should have such property privately insured.

(c) Cost or value: The amount awarded on any item of property will not exceed the cost of the item (either the price paid in cash or property, or the value at the time of acquisition if not acquired by purchase or exchange). The amount payable will be determined by applying the principles of depreciation to the adjusted dollar value or other base price of property lost or damaged beyond economical repair; by allowing the cost of repairs when an item is economically repairable, provided the cost of repairs does not exceed the depreciated value of the item; and by deducting salvage value, if appropriate.

(d) Depreciation: Depreciation in value of an item is determined by considering the type of article involved, its cost, condition when lost or damaged beyond economical repair, the time elapsed between the time of acquisition and the date of accrual of the claim.

(e) Appreciation: There will be no allowance for appreciation in the value of the property except that the cost of the item will be adjusted to reflect changes in the purchasing power of the dollar before depreciation is computed. Appreciation will not be allowed solely because the loss occurs or the claimant now resides in an area remote from the place of purchase of the original article.

(f) Expensive articles: Allowance for expensive items (including heirlooms and antiques) or for items purchased at unreasonably high prices will be based on the fair and reasonable purchase price for substitute articles of a similar nature.

(g) Acquisition: Allowance for articles acquired by barter will not exceed the cost of the articles tendered in barter. No reimbursement will be made for articles acquired in black market or other prohibited activities.

§ 4.6 Evidence to be submitted by claimant.

The following types of claims require evidence in addition to the statement of facts and circumstances attending the loss:

(a) Claims for property loss in quarters or other authorized places should be accompanied by a statement indicating: (1) Geographical location; (2) whether quarters were assigned or provided in kind by the Government; (3) whether regularly occupied by the claimant; (4) name of authority, if any, who designated the place of storage of the property if other than quarters; (5) measures taken to protect the property; and (6) that the claimant is not a local inhabitant.

(b) Claims for property loss by theft should be accompanied by a statement indicating: (1) Geographical location; (2) facts and circumstances surrounding the loss, including evidence of larceny, burglary, or housebreaking such as breaking and entering, capture of the thief, recovery of part of the stolen goods, etc.; and (3) evidence that the claimant exercised due care in protecting his property prior to the loss including information as to the degree of care normally exercised in the locale of the loss due to any unusual risks involved.

(c) Claims for transportation losses should be accompanied by the following: (1) Copies of orders authorizing the travel, transportation, or shipment or certificate explaining the absence of orders, and stating their substance; (2) statement in cases where property was turned over to a shipping officer, supply officer, or contract packer indicating:

(i) Name (or designation) and address of shipping officer, supply officer, or contract packer.

(ii) Date property was turned over.

(iii) Inventoried condition when property was turned over.

(iv) When and where property was packed and by whom.

(v) Date of shipment.

(vi) Copies of all bills of lading, inventories, and other applicable shipping documents.

(vii) Date and place of delivery to claimant.

(viii) Date property was unpacked by carrier, claimant, or Government.

(ix) Statements of disinterested witnesses as to condition of property when received and delivered, or as to handling or storage.

(x) Whether the negligence of any Government employee acting within the scope of his employment caused the damage or loss.

(xi) Whether the last common carrier or local carrier was given a clear receipt, except for concealed damages.

(xii) Total gross, tare, and net weight of shipment.

(xiii) Insurance certificate or policy if losses are privately insured.

(xiv) Copy of the demand on carrier or insured, or both, when required, and the reply, if any.

(xv) Action taken by the claimant to locate missing baggage or household effects, including related correspondence.

(d) Claims for property losses due to marine or aircraft disaster should be accompanied by a copy of orders or other evidence to establish claimant's right to be, or to have his property, on board.

(e) Claims for property losses due to enemy action, public disaster, public service, or abandonment, should be accompanied by: (1) Copies of orders or other evidence establishing claimant's required presence in the area involved; and (2) a detailed statement of facts and circumstances showing an applicable case enumerated in paragraphs (f) and (g) of § 4.3.

(f) Claims for property losses when the property was used for benefit of the Government should be accompanied by (1) a statement from proper authority that the property claimed was required to be supplied by claimant in the performance of his official duty or occupation at the request or direction of superior authority or by reason of necessity; and (2) evidence that, if the property being used for the benefit of the Government was lost while not in use, that the loss occurred in an authorized storage area.

(g) Claims for loss of money deposited for safekeeping, transmittal, or other authorized disposition, should be accompanied by: (1) Name, grade, service number (if any), and address of the person or persons who received the money and any others involved; (2) name and designation of the authority who authorized such person or persons to accept personal funds, and the disposition requested; and (3) receipts and written sworn statements explaining the failure to account for funds or return them to the claimant.

(h) Claims for damage to motor vehicles in transit should be accompanied by a copy of orders or other available evidence to establish claimant's lawful right to have the property shipped, and evidence to establish damage in transit.

§ 4.7 Claims involving carrier and insurer.

(a) Claimant must comply with the following before presenting claims involving a carrier or insurer:

(1) Whenever property is damaged, lost, or destroyed while being shipped pursuant to authorized travel orders, the owner must file a written claim for reimbursement with the carrier according to the terms of its bill of lading or contract before submitting a concurrent claim against the Government. The claimant may present his claim to the Government immediately after he has made his demand on the carrier;

(2) Whenever property which is damaged, lost, or destroyed incident to the claimant's service, is insured in whole or in part, the claimant must make demand in writing against the insurer for reimbursement under the terms and conditions of the insurance coverage. Such demand should be made within the time limit provided in the policy and prior to the filing of a concurrent claim against the Government. The claimant may present his claims to the Government immediately after he has made his demand on the insurer.

(b) If the claimant fails to make required demand on the carrier or insurer or make reasonable efforts to collect the amount recoverable, the amount payable under the provisions of these regulations shall be reduced by the maximum amount recoverable. However, no deduction will be made if (1) the circumstances of the claimant's service were such as to preclude timely filing of the claim with the carrier or insurer; and (2) it is determined that a demand would have been impracticable or unavailing in any event.

(c) To expedite the settlement of claims for loss or damage of household effects, a claim may be presented to the Government concurrent with the demand on a carrier and/or insurer.

(d) When any claim is paid by the Department, the claimant will assign to the United States, to the extent of any payment on his claim accepted by him all his rights, title, and interest in any claim he may have against any carrier, insurer or other party arising out of the incident on which the claim against the United States is based. On request, he also will furnish such evidence as may be required to enable the United States to enforce the claim.

(e) After payment of his claim by the United States, if the claimant receives any payment from a carrier, contractor, insurer, or other third party, he will pay the proceeds to the United States to the extent of the payment received by him from the United States.

§ 4.8 Filing of claims.

A claimant should submit his claim in writing on form No. 3079, together with

the supporting information required by the form, to his immediate supervisor who shall be responsible for forwarding it to the claims officer or other person designated to handle claims. After the completion of action on the claim by the appropriate official of the bureau, office, service, or division out of whose activities the claim arose, the employee will be notified of the action taken on his claim.

§ 4.9 Application to claims not previously adjusted.

The provisions of these regulations in this part shall apply to all claims arising after August 31, 1964, otherwise within its scope, not heretofore adjusted.

§ 4.10 Statute of limitations.

(a) Claims must be presented in writing within 2 years after the claim accrues except that if the claim accrues in time of war or in time of armed conflict in which the Armed Forces of the United States are engaged, or if such a war or armed conflict intervenes within 2 years after it accrues, and if a good cause is shown, the claim may be presented not later than 2 years after that cause ceases to exist, or 2 years after the war or armed conflict is terminated, whichever is earlier. For the purpose of these sections, the dates of beginning and ending of an armed conflict are the dates established by concurrent resolution of Congress or by a determination of the President.

(b) Claims will be determined to have accrued at such time as the loss or damage is or should have been discovered or ascertained through exercise of due diligence by the claimant, even though such loss or damage may have happened at a prior time.

§ 4.11 Attorney's fees.

No more than 10 per centum of the amount paid in settlement of each individual claim submitted and settled under these regulations shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with that claim.

§ 4.12 Bureau implementation.

The head of each bureau, office, service or division of the Treasury Department may issue such further instructions as he shall deem necessary to implement these regulations in this part in the District of Columbia and in the field, including the designation of the persons to receive and process claims filed by employees.

Effective date. These regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: July 28, 1969.

[SEAL] A. E. WEATHERBEE,
Assistant Secretary for Administration.

[F.R. Doc. 69-9062; Filed, July 31, 1969; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL, MILITARY AND CIVILIAN

PART 43—PERSONAL COMMERCIAL AFFAIRS

The Deputy Secretary of Defense approved the following revision to Part 43:

Sec.
43.1 Purpose.
43.2 Applicability and scope.
43.3 Policy guidance.
43.4 Responsibilities.
43.5 Effective date and implementation.

AUTHORITY: The provisions of this Part 43 are issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 43.1 Purpose.

(a) This Part 43 incorporates certain provisions of Public Law 90-321; restates policies for private commercial solicitation on military installations; sets forth procedures for withdrawal or suspension of privileges; extends counseling capability through credit unions and nonprofit organization educational programs; and restates policies and procedures on investigative and enforcement actions.

(b) The purpose of this Part 43 is to safeguard and promote the welfare and interests of military personnel as consumers by outlining the general Department of Defense policies governing the conduct of personal commercial solicitations, including the sale of goods, services and commodities on military installations (world-wide) by dealers, tradesmen and their agents (hereinafter referred to collectively as "companies").

§ 43.2 Applicability and scope.

(a) The provisions of this Part 43 apply to all DoD components and to those companies desiring the privilege of conducting commercial transactions (including the specialized commercial enterprises listed below) with military personnel on DoD installations and in DoD-controlled housing areas.

(1) Life insurance companies and their agents (see Part 276 of Subchapter N).

(2) Automobile insurance companies and their agents (see Part 278 of Subchapter N).

(3) Credit unions (see Part 230 of Subchapter M).

(4) Commercial facilities authorized by the Army/Air Force or Navy/Marine Corps exchanges (see DoD Directive 1330.9 [1]).

(b) Its provisions do not encompass military installation services (such as deliveries of milk, laundry and related residence services) furnished by commercial companies when such services are authorized by the installation commander.

§ 43.3 Policy guidance.

The Secretaries of the Military Departments will issue implementing instructions, consistent with the provisions of this Part 43, governing the conduct of all commercial transactions outlined in § 43.2(a).

(a) *Personal commercial solicitation activities conducted on DoD installations.* (1) No person has authority to enter upon a military installation and transact personal commercial solicitation as a matter of right.

(2) Personal commercial solicitation will be permitted only if the following requirements are met:

(i) The solicitor is duly licensed under applicable Federal, State, or municipal laws and has complied with installation regulations (see § 43.3(b) below) regarding registration and pass control procedures.

(ii) Personal commercial solicitation is permitted by the local installation commander.

(iii) A specific appointment has been made with the individual concerned and conducted in his family quarters or in other areas designated by the installation commander.

(3) Those seeking to transact personal commercial solicitation on overseas installations will be required to observe, in addition to the above requirements, the applicable laws of the host country and, upon demand, present documentary evidence to the installation commander, or his designee, that the company and its agents meet the licensing requirements of the host country.

(4) Personal commercial solicitation in Armed Services Exchange Facilities will be approved as authorized by DoD Directive 1330.9.[1] As such contracts are developed or renewed, copies thereof will be submitted to the office of the Assistant Secretary of Defense (Manpower and Reserve Affairs) to insure that establishment of on-base solicitation requirements are incorporated therein.

(b) *Supervision of on-base commercial activities.* A conspicuous notice of pertinent installation implementing regulations shall be posted in such form and in such place as to give notice to all those conducting personal commercial solicitation activities of their provisions. In addition, insofar as is practicable as determined by the installation commander, a copy of the applicable installation regulations will be given to those conducting on-base commercial activities and they will be advised that any disregard of the regulations will result in the withdrawal of solicitation privileges.

(1) The solicitation of military personnel and their dependents will be conducted on an individual basis by appointment and in such locations and at such hours as the military commander may designate.

[1] Filed as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

(2) The following solicitation practices are prohibited:

(i) Solicitation of recruits, trainees and transient personnel in a "mass" or "captive" audience.

(ii) Making appointments with or soliciting military personnel who are in an "on-duty" status.

(iii) Soliciting without appointment in areas utilized for the housing or processing of transient personnel, or the solicitation in barracks areas used as quarters.

(iv) The use of official identification cards by retired or reserve members of the armed forces to gain access to military installations for the purpose of soliciting.

(v) Procuring, or attempting to procure, and/or supplying roster listings of DoD personnel.

(vi) The offering of unfair, improper and deceptive inducements to purchase or trade.

(vii) Practices involving rebates to facilitate transactions or to eliminate competition. (Credit union interest refunds to borrowers are not considered a prohibited rebate.)

(viii) The use of any manipulative, deceptive or fraudulent device, scheme or artifice, including misleading advertising and sales literature.

(ix) Any oral or written representations which suggest or give rise to the appearance that the Department of Defense sponsors or endorses the company, its agents, or the goods, services and commodities it sells.

(x) Commercial solicitation by active duty members of the armed forces when in violation of Part 40 of this subchapter.

(xi) The entry into any unauthorized or restricted area.

(c) *Denial and revocation of on-base solicitation.* The installation commander shall be required to deny or revoke permission to a company and its agents to conduct commercial activities on the military base if such action would not further the best interests of the command.

(1) The grounds for taking this action shall include, but not be limited to the following:

(i) Failure to meet the licensing and other regulatory requirements prescribed in § 43.3(a) (2) and (3).

(ii) Commission of any of the practices prohibited in § 43.3(b)(2).

(iii) Substantiated adverse complaints or reports regarding the quality of the goods, services and commodities and the manner in which they are offered for sale.

(iv) Knowing and willful violations of the Truth-in-Lending Act (Public Law 90-321) 82 Stat. 146; 15 U.S.C. 1601.

(v) Personal misconduct by a company's agent or representative while on the military installation.

(vi) The possession of or any attempt to obtain supplies of allotment forms prescribed by the Military Departments.

(vii) Failure to incorporate and abide by the Standards of Fairness policies (Part 43a of this subchapter).

(2) In withdrawing solicitation privileges, the commander shall determine whether to limit it to the agent alone or extend it to the company he represents. This decision shall be based on the circumstances of the particular case, including among others, the nature of the violations, their frequency, the extent to which other agents of the company have engaged in such practices, and any other matters tending to show the company's culpability.

(i) Upon withdrawing solicitation privileges, the commander will promptly inform the individual orally or in writing.

(ii) If the grounds for the action bear significantly on the eligibility of the agent or company to hold a state license or to meet other regulatory requirements, the appropriate authorities will be notified.

(iii) The military commander will afford the individual or company an opportunity to show cause why the action should not be taken. By "show cause" is meant an opportunity for the grieved party to present facts on his behalf on an informal basis for the consideration of the installation commander.

(iv) If warranted, the commander will make a recommendation to the military department concerned that the action be extended to additional military installations. If so approved, and when appropriate, the order may be extended to other military departments by the Assistant Secretary of Defense (Manpower and Reserve Affairs), following consultation with the military departments concerned.

(v) All denials or withdrawals of privileges will be for a set period of time, at the end of which the individual may reapply for permission to solicit through the military department originally imposing the restriction. Denial or withdrawal of soliciting privileges may be continued, where warranted.

(vi) When such denials or withdrawals are lifted, the office of the Assistant Secretary of Defense (Manpower and Reserve Affairs) will be notified for parallel action if the same denial or withdrawal has been extended to other military departments.

(vii) The commanding officer may, if circumstances dictate, make immediate suspensions of solicitation privileges for a period of 30 days while an investigation is conducted.

(d) *The Secretaries of the Military Departments.* Upon receipt of information outlined in § 43.3(c) may direct the Armed Forces Disciplinary Control Boards in all geographical areas in which the practices have occurred to consider the charges and take appropriate action.

(e) *Educational Programs and Advertising Policies.* The Department of Defense expects that commercial enterprises soliciting military personnel through advertisements appearing in unofficial military publications will voluntarily observe, or the publisher of the military publication will request the advertiser to observe, the highest business ethics in describing goods, services and commodities and the terms of the sale (including guarantees, warranties, and the like). The advertising of credit terms shall conform to the provisions of the Truth-in-Lending Act, as implemented by Regulation Z (see chapter 3 of Public Law 90-321 and section 226.10 of Regulation Z (12 CFR 226)). In addition:

(1) The Military Departments will develop and disseminate information and education programs for the purpose of providing members of the armed forces with information pertaining to the conduct of their personal commercial affairs (i.e., the protection and remedies offered consumers under the Truth-in-Lending Act, insurance, Government benefits, savings, and budgeting). The services of representatives of credit unions, banks, and those nonprofit military associations, approved by the Military Departments, may be used for this purpose provided their programs are entirely educational in nature. Under no circumstances will the service of commercial agents, including loan or finance companies and their associations, be used for this purpose. Educational materials prepared or presented by outside organizations expert in this field may be adapted or used provided such material is entirely educational in nature and does not contain application or contract forms.

(2) The Military Departments will also make qualified personnel and facilities available for individual counseling on loans and consumer credit transactions in order to encourage thrift and financial responsibility and promote a better understanding of the wise use of credit (see Part 43a of this subchapter and Part 230 of Subchapter M).

(3) The individual military member will be encouraged to seek advice from a legal assistance officer or his own lawyer before making substantial loan or credit commitments.

(4) Each Military Department will provide advice and guidance to military personnel who have a complaint under the "Truth-in-Lending Act" or who allege a criminal violation of its provisions (section 112), including referral to the appropriate regulatory agency for processing of the complaint.

§ 43.4 Responsibilities.

The Assistant Secretary of Defense (Manpower and Reserve Affairs) will be responsible for the administration of the provisions of this Part 43 and assure its effective implementation throughout the Department of Defense. In carrying out this responsibility, the ASD(M&RA) will:

(1) Assure that newly developed and renewed contracts for personal commercial solicitation in Armed Services Exchange Facilities contain the requirements of this Part 43.

(2) Extend the denial or revocation action taken by the installation commander under § 43.3(c)(2), to other Military Departments, following consultation with the Department concerned.

(3) Assist in the development and dissemination to the Military Departments

of information and education programs for the purpose of providing members of the armed forces with information pertinent to the conduct of their personal commercial affairs, as outlined in § 43.3(e).

§ 43.5 Effective date and implementation.

(a) This part shall become effective on July 1, 1969, and shall be published in the FEDERAL REGISTER.

(b) Within sixty (60) days of the date of this part, two (2) copies of implementing regulations published by the Military Departments shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs); such documents will be published in the FEDERAL REGISTER within the 60-day time period.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-9003; Filed, July 31, 1969; 8:45 a.m.]

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Common Carriers by Water

Section 1453.3(d)(2) *Fiscal years ending on or after December 31, 1953* is amended by deleting, in subdivision (1) thereof, the words "January 1, 1968", and inserting in lieu thereof the words "January 1, 1969".

(Sec. 109, 65 Stat. 22; 50 U.S.C.A. App. sec. 1219)

Dated: July 29, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69-9070; Filed, July 31, 1969; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 12B—Coast Guard, Department of Transportation

[CGFR 69-75]

PART 12B-3—PROCUREMENT BY NEGOTIATION

Subpart 12B-3.2—Circumstances Permitting Negotiation

PURCHASES NOT IN EXCESS OF $2,500

The purpose of this document is to amend the Coast Guard Procurement Regulations by deleting the requirement that management-engineering, miscellaneous personal or professional service contracts or purchases regardless of dollar amounts be negotiated under the authority of 10 U.S.C. 2304(a)(4) (see 41 CFR 12B-3.204). Since this amendment relates to agency management and contracts, notice and public procedures thereon are unnecessary under the provisions of the Administrative Procedures Act (5 U.S.C. 553).

1. Section 12B-3.203 is revised to read as follows:

§ 12B-3.203 Purchases not in excess of $2,500.

Section 2304(a)(3) of 10 U.S.C. is applicable for Coast Guard procurement under this section.

(Sec. 633, 63 Stat. 545, sec. 205(c), 63 Stat. 389, as amended, secs. 2301-2314 (Ch. 137), 70A Stat. 127-133, as amended, sec. 6(b), 80 Stat. 938; 14 U.S.C. 633, 40 U.S.C. 486(c), 10 U.S.C. 2301-2314, 49 U.S.C. 1655(b); 41 CFR 12-1.008)

Effective date. This amendment becomes effective on the date of publication in the FEDERAL REGISTER.

Dated: July 28, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-9069; Filed, July 31, 1969; 8:50 a.m.]

Chapter 109—Atomic Energy Commission

SUBCHAPTER F—TELECOMMUNICATIONS AND PUBLIC UTILITIES

PART 109-35—TELECOMMUNICATIONS

This part is being issued to set forth AEC implementation and supplementation of Federal Property Management Regulations, Part 101-35, Telecommunications.

Sec.
109-35.000 Scope of part.
109-35.000-50 Applicability to contractors.

Subpart 109-35.1—General Provisions

109-35.107 Surveys.
109-35.108 Agency payments to common carriers.

Subpart 109-35.2—Major Changes and New Installations

109-35.202 Definition of major changes.

Subpart 109-35.3—Utilization and Ordering of Telecommunication Services

109-35.304 Changes in telephone listing.
109-35.306 Forms for telegraph messages.

Subpart 109-35.4—Contracting, Negotiation, and Representation Involving Telecommunication Services

109-35.402 Contracting.
109-35.405 Submission of requests.

AUTHORITY: The provisions of this Part 109-35 issued under sec. 161, as amended, 68 Stat. 948, sec. 205, 63 Stat. 390, as amended; 42 U.S.C. 2201, 40 U.S.C. 486.

§ 109-35.000 Scope of part.

This part prescribes AEC regulations governing telecommunications activities, which regulations implement Federal Property Management Regulations.

§ 109-35.000-50 Applicability to contractors.

FPMR 101-35, Telecommunications, and AECPMR 109-35, Telecommunications, shall be applied to cost-type contractors' telecommunications activities as follows:

(a) In all respects to cost-type contractors employing telecommunications facilities and services which are wholly owned, leased, or cost reimbursed by the AEC.

(b) To all other cost-type contractors whose telecommunications costs are directly identifiable and chargeable to AEC, when such costs are considered significant and to the extent that application of AEC Manual Chapter 0270 and appendix handbook is practicable.

Subpart 109-35.1—General Provisions

§ 109-35.107 Surveys.

Surveys of AEC communications facilities requested by GSA will be coordinated through AEC headquarters.

§ 109-35.108 Agency payments to common carriers.

GSA will advise AEC Headquarters of its requests for common carrier bills rendered to AEC.

Subpart 109-35.2—Major Changes and New Installations

§ 109-35.202 Definition of major changes.

For the purpose of this Subpart 109-35.2, the following shall be deemed major changes or new installations of telecommunications facilities:

(a) *Local telephone service.* In connection with 101-35.202(a)(6), installation or removal of tielines between the gateway PBX and satellite PBX's on the same site shall not be deemed major changes or new installations requiring GSA review. Significant increases or decreases in the number of these lines or other information which could have an effect on the FTS traffic load will be reported to GSA.

(b) *Intercity telephone service.* Applies as written in § 101-35.202.

(c) *Data transmission service.* Installation or removal of local data transmission channels or equipment which are used exclusively for onsite transmission (i.e., in the sense that there can be no direct transmission by the channel or equipment off the site) shall not require GSA approval. This, however, does not preclude compliance with the requirement of Subpart 101-35.202a.(9).

(d) *Telegraph service.* Installation or removal of exclusively onsite (i.e., in the sense that there can be no direct transmission by the equipment off the site) teletype leased lines and associated equipment shall not be deemed major change or new installation.

(e) *Communications security service.* The GSA/AEC Agreement relating to communications security service provides information for GSA review in this area. No additional information need be provided by AEC with respect to facilities covered by that Agreement.

(f) *Radio service.* Notification to GSA may be made through the GSA member of the Interdepartment Radio Advisory Committee (IRAC). AEC need provide additional information with respect to matters reported to IRAC only if specifically requested by GSA. For purposes of radio service, calculation of the 20 regular working days referred to in FPMR 101-35.201 shall begin on the date the GSA member of IRAC is advised of the proposed AEC action. GSA will review applications filed for "Telephone Action" and will informally advise AEC of recommendations, if any, within 5 working days from the date of receipt of the application from IRAC.

(g) *Video and audio service.* The requirements of this paragraph shall not apply to exclusively onsite equipment (i.e., in the sense that there can be no direct transmission by the equipment or channels off the site).

Subpart 109-35.3—Utilization and Ordering of Telecommunications Services

§ 109-35.304 Changes in telephone listing.

AEC is required to use Standard Form 146 only in connection with joint use switchboards not operated by AEC or its contractors.

§ 109-35.306 Forms for telegraph messages.

AEC is required to use Standard Form 14 only in connection with AEC contractors' use of GSA-operated teletypewriter centers.

Subpart 109-35.4—Contracting, Negotiation, and Representation Involving Telecommunications Services

§ 109-35.402 Contracting.

Copies of existing AEC communications common carrier contracts shall be furnished to GSA for information and analysis.

§ 109-35.405 Submission of requests.

Field office requests for GSA assistance will be submitted through AEC Headquarters.

Effective date. This part will become effective 60 days after publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 26th day of June, 1969.

For the U.S. Atomic Energy Commission.

JOHN A. ERLEWINE,
Assistant General Manager for Operations.

[F.R. Doc. 69-9001; Filed, July 31, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter III—Coast Guard (Great Lakes Pilotage), Department of Transportation.

[CGFR 69-84]

PART 401—GREAT LAKES PILOTAGE REGULATIONS

Rates and Regulations

1. On June 4, 1969, a notice of proposed rulemaking regarding amendments to Part 401, Chapter III, Title 46, Code of Federal Regulations, was published in the FEDERAL REGISTER (34 F.R. 8923). In accordance with the notice a public hearing regarding the proposed amendments was held on June 19, 1969, in Cleveland, Ohio. Interested parties were given the opportunity of participating in the rulemaking by submitting written data, views, arguments, or comments regarding the proposed amendments in advance of the hearing date and by submitting this material orally or in writing at the public hearing. All the comments received from interested parties support the restructuring of the rates for pilotage services.

2. After the public hearing, the data, views, arguments, and comments submitted by interested parties regarding the proposed amendments were thoroughly considered by the representative of the Commandant. Thereafter the representatives of the United States entered into discussions with the representatives of Canada. As a result of these discussions a new Memorandum of Arrangements concerning Great Lakes Pilotage was executed by the Secretary of Transportation and the Minister of Transport. This Memorandum becomes effective August 1, 1969, and commits both parties to the development and implementation of a new rate structure.

3. Certain changes have been made in the amendments proposed in the notice. The proposal to charge detention in undesignated waters has been deferred. This issue will be further considered as a part of the study to restructure the rates. In § 401.400 the charge for some of the voyages on designated waters in District No. 1 has been decreased slightly from the proposed. Also, in § 401.410(a) the charge in the undesignated waters of Lake Ontario has been decreased slightly.

4. One of the comments received at the public hearing on June 19, 1969 indicated a misunderstanding as to the status of the mandatory pilot change points effected by the 1968 amendment to § 401.450. It is generally agreed that these change points should result in a decrease in detention and detention charges. The comment referred to was to the effect that the mandatory change point at Detroit was instituted only on a trial basis for a 60-day period. This is not a fact. To the contrary, all the mandatory change points set forth in § 401.451 have been established on a permanent basis.

5. Since these amendments involve a foreign affairs function of the United States, they can be made effective in less than 30 days.

6. Subpart B of Part 401 is amended by revising § 401.220(e) to read as follows:

§ 401.220 Registration of pilots.

* * * * *

(e) The Director may, when necessary to assure adequate and efficient pilotage service, issue a temporary certificate of registration for a period of less than 1 year to any person found qualified under this subpart regardless of age.

7. Subpart C of Part 401 is amended by revising § 401.400 to read as follows:

§ 401.400 Rates and charges on designated waters.

Except as provided under § 401.420, the following rates and charges shall be payable for all services and assignments performed by United States or Canadian Registered Pilots in the following areas of the United States waters of the Great Lakes described in § 401.300, pursuant to the Memorandum of Arrangements, Great Lakes Pilotage:

(a) District 1:

(1) Between Snell Lock and Cape Vincent or Kingston, whether or not undesignated waters are traversed—$282.

(2) Between Snell Lock and Cardinal, Prescott, or Ogdensburg—$141.

(3) Between Cardinal, Prescott, or Ogdensburg and Cape Vincent or Kingston, whether or not undesignated waters are traversed—$205.

(4) For pilotage commencing or terminating at any point above Snell Lock other than those named in items (1), (2), or (3), $2.80 per statute mile but with a minimum charge therefor of—$64.

(5) For a movage in any harbor—$78.

(b) District 2:

(1) Passage through the Welland Canal or any part thereof, $7.75, for each statute mile plus $23 for each lock transited but with a minimum charge of $78 and a maximum charge for a through trip of $310. When pilots are changed at Lock 7 on a through trip the charges are apportioned as follows:

(i) Between northerly limits and Lock 7—$155.

(ii) Between Lock 7 and southerly limits—$155.

(2) Between Southeast Shoal or any point on Lake Erie west thereof and any point on the St. Clair River or the approaches thereto as far as the northerly limit of the District—$234.

When pilots are changed at Detroit/Windsor on a through trip the charges are apportioned as follows:

(i) Between Southeast Shoal or any point on Lake Erie west thereof and Detroit/Windsor—$117.

(ii) Between Detroit/Windsor and the northerly limits—$117.

(3) Between Southeast Shoal and any point on Lake Erie west thereof or on the Detroit River—$148.

(4) Between any point on Lake Erie west of Southeast Shoal and any point on the Detroit River—$148.

(5) Between points on Lake Erie west of Southeast Shoal—$78.

(6) Between points on the Detroit River—$78.

(7) Between any point on the Detroit River and any point on the St. Clair River or its approaches as far as the northerly limit of the District—$148.

(8) Between points on the St. Clair River including the approaches thereto as far as the northerly limit of the District—$117.

(c) District 3:

(1) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corp. Wharf at Sault Ste. Marie, Ontario—$302.

(2) Between the southerly limit of the District and Sault Ste. Marie, Mich., or any point in Sault Ste. Marie, Ontario, other than the Algoma Steel Corp. Wharf—$260.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corp. Wharf, or Sault Ste. Marie, Mich.—$113.

(4) For a movage in any harbor—$78.

8. Section 401.410 is revised to read as follows:

§ 401.410 Rates and charges on undesignated waters.

(a) Subject to paragraph (b) of this section, the charges to be paid by a ship that has a registered pilot on board in the undesignated waters of Lake Ontario shall be $70 and in other undesignated waters shall be $78 for each 24-hour period or part thereof that the pilot is on board, plus—

(1) $39 for each time the pilot performs the docking or undocking of the ship on entering or leaving a harbor or performs a movage of the ship within a harbor; and

(2) The travel expenses reasonably incurred by a pilot in joining the ship and returning to his base.

(b) When a registered pilot is carried on a ship in a direct transit of the undesignated waters of Lake Erie between Southeast Shoal and Port Colborne, the charges referred to in paragraph (a) are not payable unless—

(1) The ship is required by law to have a registered pilot on board in those waters; or

(2) Services are performed by the pilot in those waters at the request of the Master.

9. Section 401.420 is revised to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) When the passage of a ship through a District is interrupted for the purpose of loading or discharging cargo or for any other reason and the sevices of the registered pilot are retained during such interruption, for the convenience of the ship, the ship shall pay an additional charge of $7.75 for each hour or part of an hour during which each interruption lasts, but with a maximum of $117 for each 24-hour period of such interruption. However, there is no charge for any interruption caused by ice, weather, or traffic, except during the period beginning the first day of December and ending on the eighth day of the following April.

(b) When the departure or the movage of a ship for which a registered pilot has been ordered is delayed for the convenience of the ship for more than 1 hour after the pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, or when a pilot is detained on board a ship for the convenience of the ship for more than 1 hour after the end of the assignment for which he was ordered, the ship shall pay an additional charge of $7.75 for each hour or part of an hour after the first hour of such delay; but the aggregate amount of such further charges shall not exceed $117 for any 24-hour period.

(c) When a registered pilot reports for duty as ordered and the order is canceled, the ship shall pay—

(1) A cancellation charge of $39;

(2) If the cancellation is more than 1 hour after the pilot was ordered for, a further charge of $7.75 for each hour or part of an hour after the first hour, except that the aggregate cancellation fee payable in any 24-hour period shall not exceed $117; and

(3) If the ship is in the undesignated waters, the travel expenses reasonably incurred by the pilot in joining the ship and returning to his base.

(Secs. 4 and 5, 74 Stat. 260, sec. 6(a)(4), 80 Stat. 937; 46 U.S.C. 216b, 216c, 49 U.S.C. 1655(a)(4); 49 CFR 1.4(a)(1))

Effective date. These amendments shall become effective on August 1, 1969.

Dated: July 29, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-9023; Filed, July 31, 1969; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18480; FCC 69-813]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Miscellaneous Amendments

Report and order. In the matter of amendment of Parts 81 and 83—to require, in the maritime mobile service band 156–162 Mc/s, that coast and/or ship stations using transmitters first installed after January 1, 1970, conform to the frequency tolerance, power limitations and low-pass filter requirements set forth in §§ 81.131, 81.142(i), 83.131(c), 83.134(f), and 83.137(g) as amended, Docket No. 18480.

1. A notice of proposed rule making in the above-captioned matter was released on March 13, 1969, and was published in the FEDERAL REGISTER on March 19, 1969, (FCC 69-221, 34 F.R. 5386). By order, released April 29, 1969, an extension of time was granted in which to file comments. In the Notice, the Commission proposed to amend its Rules governing stations in the Maritime Services to require, in the band 156–162 Mc/s, that coast and/or ship stations using transmitters first installed after January 1, 1970, conform to the frequency tolerance, power limitations and low-pass filter requirements set forth in §§ 81.131, 81.142(i), 83.131(c), 83.134(f), and 83.137(g) as amended.

2. Comments were filed by: Fisher Research Laboratory, Inc. (FRL), Konel Corp. (KONEL), Lake Carriers' Association (LCA), National Marine Electronics Association, Inc. (NMEA), and Northern Pacific Marine Radio Council, Inc. (NPMRC).

3. The comments of FRL and NMEA fully supported the Commission's proposal.

4. The comments of KONEL are limited to the matter of date after which new, replacement or additional transmitters installed at coast or ship stations shall conform to the frequency tolerance, low-pass filter requirements and power limitations set forth in §§ 81.131, 81.142(i), 83.131(c), 83.134(f), and 83.137(g) of the rules. KONEL recommended that the date proposed by the Commission, namely, January 1, 1970, be changed to January 1, 1971. In support of their recommendation, KONEL states they are committed to build substantial quantities of transmitters with an input power of 100 watts for the 1969 season, and have invested a substantial amount of money in parts, production, and equipment. KONEL states they have reduced their inventory of transmitters having input powers of 50 watts and 100 watts to less than 300 units, which will be moving onto their dealers shelves over the next several months. KONEL states, further, that sale of these units by their dealers to customers will occur over an extended period of time.

5. The Commission has noted that of the many manufacturers which supply equipment for operation in the band 156–162 Mc/s, only KONEL has recommended postponement, for 1 year, of the cutoff date. In their comments, KONEL does not state that their investment in parts, production and euqipment will be lost, or indicate the degree to which, if any, that investment will be depreciated if the proposed date of January 1, 1970, is adopted. Also, KONEL gives no indication of the magnitude of economic penalty which will be imposed upon them if the date of January 1, 1970, is adopted.

6. It is also noted that the NMEA, a national association of dealers selling and servicing marine communication and navigation equipment to commercial transport and recreational craft, supported the Commission's proposed date of January 1, 1970. Thus, it is reasonable to presume that many dealers, including those of KONEL equipment, would be cautious about over stocking new transmitters which do not conform to the Commission's narrow-band requirements.

7. With regard to KONEL's 100-watt and 50-watt (input power) transmitters, a comparison of the schematic diagrams indicates that, except for the output power amplifier stage and wiring of the power supplies, these two transmitters are identical. Upon discontinuance of the 100-watt (input power) transmitter after the cutoff date, except for components used in the power amplifier stage, KONEL could utilize the same components in their 50-watt (input power) transmitter. It would, of course, be necessary for KONEL, after January 1, 1970, to modify their 50-watt (input power) transmitter to bring it into accord with the Commission's narrow-band requirements.

8. To minimize impact upon the users, the Commission's narrow-band program provides for the continued use of shipboard transmitters type accepted before September 3, 1968,[1] which employ an output power in excess of that specified in § 83.134(f). In regard to transmitters in use aboard vessels, the Commission did not specify a cutoff date or require modification to conform to the provisions of § 83.134(f). It does not follow that transmitters yet to be authorized, which are not installed aboard a vessel, and which do not conform to the Commission's narrow-band requirements, should be given "grandfather" rights to permit their future or continued installation. To the contrary, the purpose of the instant proceeding is to bring to a halt the installation of transmitters which do not conform to the Commission's narrow-band requirements, or, if they are to be continued in service, to require they be modified on January 1, 1974, to comply with these narrow-band requirements.

9. On the basis of the foregoing, the Commission is not persuaded that the cutoff date should be extended for 1 year. Accordingly, the recommendation of KONEL that the cutoff date be extended to January 1, 1971, is rejected and the date of January 1, 1970, is adopted. Adoption of the date of January 1, 1970 will have no impact upon sale of these transmitters during the 1969 boating season.

10. The comments of LCA are directed toward an apparent disparity said to exist between new equipment having the required audio low-pass filter and equipment presently installed. It should be noted that nearly all of the presently installed VHF marine transmitters have had to meet the modulation limiting requirement of §§ 81.142(e) and 83.137(f). Most manufacturers in meeting this modulation limiting requirement have already incorporated an audio low-pass filter to reduce the level of high order harmonic products generated by the modulation limiter. These products generally appear as spurious emissions outside the bandwidth occupied and are required to be attenuated as specified by §§ 81.140 and 83.136. Thus, nearly all of the presently installed VHF marine transmitters already have an audio low-pass filter. However, the attenuation characteristics of most of these filters do not meet the new requirements of §§ 81.142(i) and 83.137(g). The difference in attenuation between the present audio low-pass filters and the required filter mainly affects the modulation products appearing outside the acceptance bandwidth of the receiver and serves only to reduce adjacent channel interference. The audio low-pass filter will not reduce the desired audio frequency range transmitted. LCA's contention that imposition of the audio filter requirement will "further complicate the intermixture problem" is, therefore, rejected. The Commission's proposal to require all new, replacement, or additional transmitters installed after January 1, 1970, to meet all of the new technical requirements was intended to prevent continued installation of nonconforming equipment.

11. LCA referred to an "intermixture problem", arising from the fact that stations aboard U.S. vessels would be required to meet new and tighter frequency deviation requirements while stations aboard Canadian and other foreign vessels would not have to meet such requirements for some time. It is noted that the LCA comment is dated April 18, 1969. On April 28, 1969, a hearing commenced in the U.S. District Court, Northern District of Ohio Eastern Division to determine the effect of intermixture on VHF communications on the Great Lakes (Lake Carrier's Association et al. v. United States and Federal Communications Commission, Case No. 19,488 in the U.S. Court of Appeals for the Sixth Circuit). The hearing terminated on May 16, 1969. Testimony was given by 19 witnesses and a number of tests were received in evidence. The transcript ran more than 1,000 pages. The court found, in effect, that there is a 9.6 db difference in loudness of transmission resulting from intermixture; however, this db difference in transmission has not caused, nor is it likely to cause, messages to be missed in the course of radio communication. Further, the 9.6 db difference in loudness of transmission received can probably be eliminated by feasible alterations to the receiver. The court concluded, based on all of the courts' actual findings, that the safety of navigation on the Great Lakes has not been "seriously jeopardized", as alleged by LCA; nor are the vessels of petitioners and their crews thereby "exposed to increased hazards of collision and injury."

12. The comments of the NPMRC request clarification in regard to "* * * some possible consequential aspects in the areas of replacements for maintenance purposes, transfers between vessels of a fleet and sales of vessels fitted with transmitters which were type accepted prior to March 1, 1969." Each of these subjects are discussed in the following paragraphs, under the headings of "Maintenance", "Plurality ship station licenses—transfer of VHF transmitters", and "Sale of vessels and VHF equipment."

13. *Maintenance.* The comments of NPMRC describe a situation where a faulty transmitter may be removed from a vessel for service; a replacement transmitter may be installed in its place; after repair, the original transmitter may be placed in a revolving pool of maintenance spares; and, at a later date, the original transmitter may be installed on another vessel. It was not the intent of the Commission in its notice to prevent or cause to be discontinued use of VHF transmitting equipment as described in the above situation. Utilization of VHF transmitting equipment in this way may be continued without change, subject to the schedule set forth in the appendix, where the number of VHF units is not increased. However, should there be a need to increase the number of VHF transmitters, the Commission will authorize the addition of VHF units only where those units have been type accepted as conforming to the narrow-band technical requirements. For example, if eight VHF units, type accepted prior to March 1, 1969,[2] are in use before January 1, 1970, and it is desired, after January 1, 1970, to increase the number of units to 10, the latter two units must be of a type which have been type accepted to the narrow-band technical requirements. Thus, on January 1, 1974, it will be necessay to bring only eight of the units into conformity with the narrow-band requirements.

14. *Plurality ship station license—transfer of VHF transmitters.* The comments of NPMRC describe a situation where a VHF transmitter may be moved from one vessel to another, on short notice, because of a change in communication need. For example, a (one or more) VHF equipped vessel of a fleet may be out of service, making it necessary to transfer the operational assignment of that vessel to another vessel, which is not VHF equipped. With this transfer of operational assignment, it is also desirable to move the VHF equipment to the vessel actually carrying out the assignment. In the case where this vessel is engaged on a voyage to a foreign country, § 83.39(b)(1) of the rules prohibit the operation of that ship station under a plurality ship station license. Although not precisely so stated, it appears that NPMRC is of the view and recommends that subdivision (1) of paragraph (b), § 83.39 be deleted. Deletion of this subdivision is not within the scope of this proceeding and, therefore, no action is taken on this recommendation.

15. With regard to intrafleet transfer of VHF transmitters, NPMRC recommends that the ultimate rules permit such transfers where the VHF transmitter was type accepted prior to March 1, 1969, and first installed prior to January 1, 1970. (NPMRC's recommendation is construed to mean: "* * * and first installed aboard any vessel of that fleet prior to January 1, 1970." With regard to NPMRC's recommendation, it was not

[1] Mar. 1, 1969, in the case of frequency tolerance and low-pass filter requirements.

[2] Sept. 3, 1968, in the case of output power.

the intent of the Commission to prohibit intrafleet transfer of VHF transmitters which were type accepted prior to March 1, 1969.[1] Accordingly, a fleet of vessels operated under a plurality ship station license, for maintenance of equipment or to meet changes in operational assignments, may continue to utilize, until January 1, 1974, VHF transmitters which were type accepted prior to March 1, 1969,[2] in the case where that transmitter(s) was first installed aboard any vessel of that fleet prior to January 1, 1970.

16. This interpretation is in full accord with the Commission's intent that new, replacement or additional VHF transmitters instaled after January 1, 1970, have the capability to meet all of the new technical requirements and is not viewed as permitting or encouraging continued installation of nonconforming equipment after January 1, 1970. In the case where, for example, there is an expansion in number of vessels operated and additional equipment is required, it is intended and presumed that the licensee will obtain VHF equipment which conforms to the Commission's narrow-band technical requirements.

17. *Sale of vessels and VHF equipment.* NPMRC requests clarification "* * * that VHF transmitters type accepted prior to March 1, 1969, may continue in use on board the same vessel until January 1, 1974, even though the vessel is sold." With regard to the sale of a boat, together with VHF equipment, where that VHF equipment had been type accepted prior to March 1, 1969,[2] but does not meet the technical standards released by the Commission on July 25, 1968 (Docket No. 17295), and had been installed aboard the vessel prior to January 1, 1970, it is the intent of the Commission that that VHF equipment could be sold with the boat and could continue to be licensed and used until January 1, 1974. On January 1, 1974, that VHF equipment would have to meet the frequency tolerance and low-pass filter requirements. Further, VHF equipment employing an output power in excess of 25 watts which was type accepted prior to September 3, 1968, would not need to be modified to reduce power to 25 watts, switchable to 1 watt.

18. With regard to sale of vessels and continued use of radio transmitters, there are two common or frequently posed questions, the first of which is treated in paragraph 18, above, and the second concerns the case where the owner removes the radio transmitter, concurrent with sale of the vessel, with the intention of installing the removed radio transmitter on a new or replacement boat. In the latter case, to install and operate the radio transmitter on a new or replacement boat, the Communications Act of 1934, as amended, requires that an appropriate station license be issued by the FCC. When the owner submits an application to use the transmitter on the new or replacement boat, it will be processed by the Commission as a new station. If that application is submitted after January 1, 1970, the transmitter(s) to be used under the license granted must be of a type which has been type accepted as conforming to the new frequency tolerance, audio low-pass filter requirements and power limitations.

19. Appendix II attached is a list of transmitters affected by this proceeding and by the report and order in Docket No. 17295, released July 25, 1968.

20. An application for modification submitted solely to comply with any rule amendment adopted as a result of this proceeding may be submitted without a fee.

21. In view of the foregoing: *It is ordered*, That, pursuant to the authority contained in sections 4(i) and 303 (e), (f), and (r) of the Communications Act of 1934, as amended, Parts 81 and 83 of the Commission's rules are amended effective September 2, 1969, as set forth below.

22. *It is further ordered*, That the proceeding in Docket No. 18480 is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 24, 1969.

Released: July 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 81, Stations on Land in the Maritime Services, is amended as follows:

1. In § 81.131, footnotes 1 following paragraphs (c)(2) and (d)(3) are amended to read as follows:

§ 81.131 Authorized frequency tolerance.

* * * * *

(c) * * *
(2) * * *

[1] With regard to a particular station, the tolerance shown in the table is applicable to: Transmitters for which type acceptance is granted after Mar. 1, 1969; transmitters placed in service after Jan. 1, 1970; and all transmitters after Jan. 1, 1974: *Provided, however*, That a tolerance of 20 parts in 10^6 is applicable until Jan. 1, 1974, to transmitters installed prior to Jan. 1, 1970, which were type accepted prior to Mar. 1, 1969.

(d) * * *
(3) * * *

[1] With regard to a particular station, the tolerance shown in the table is applicable to: Transmitters for which type acceptance is granted after Mar. 1, 1969; transmitters placed in service after Jan. 1, 1970; and all transmitters after Jan. 1, 1974: *Provided, however*, That a tolerance of 20 parts in 10^6 is applicable until Jan. 1, 1974, to transmitters installed prior to Jan. 1, 1970, which were type accepted prior to Mar. 1, 1969.

* * * * *

2. In § 81.142, footnote 2 to paragraph (i) is amended to read as follows:

§ 81.142 Modulation requirements.

* * * * *

(i) * * *

[2] The requirements of this paragraph are applicable as follows:
(a) To all transmitters type accepted after Mar. 1, 1969;
(b) To all transmitters first installed after Jan. 1, 1970; and
(c) To all transmitters after Jan. 1, 1971.

B. Part 83, Stations on Shipboard in the Maritime Services, is amended to read as follows:

1. In § 83.131, footnote 1 following paragraph (c)(2) is amended to read as follows:

§ 83.131 Authorized frequency tolerance.

* * * * *

(c) * * *
(2) * * *

[1] With regard to a particular station, the tolerance shown in the table is applicable to: transmitters after Jan. 1, 1974: *Provided*, granted after Mar. 1, 1969; transmitters placed in service after Jan. 1, 1970; and all transmitters after Jan. 1, 1974: *Provided, however*, That a tolerance of 20 parts in 10^6 is applicable until Jan. 1, 1974, to transmitters installed prior to Jan. 1, 1970, which were type accepted prior to Mar. 1, 1969.

* * * * *

2. In § 83.134, footnote 2 following paragraph (f) is amended to read as follows:

§ 83.134 Transmitter power.

* * * * *

(f) * * *

[2] Applicable to ship station transmitters for which type acceptance is granted after Sept. 3, 1968; and to all transmitters first installed aboard ship after Jan. 1, 1970.

3. In § 83.137, footnote 2 to paragraph (g) is amended to read as follows:

§ 83.137 Modulation requirements.

* * * * *

(g) * * *

[2] The requirements of this paragraph are applicable as follows:
(a) To all transmitters type accepted after Mar. 1, 1969;
(b) To all transmitters first installed after Jan. 1, 1970; and
(c) To all transmitters after Jan. 1, 1974.

APPENDIX II

The following transmitter types, except as otherwise noted, are not acceptable for:

Initial installation in coast and/or ship stations after January 1, 1970;

Use in coast stations after January 1, 1971;

Use in ship stations after January 1, 1974.

AERONAUTICAL ELECTRONICS, INC.

6OT1	6W15/SLT-EB
6AT15-M	6W3
6AT25-M	6W35/SLT
6T1	6W35/SLT-B
6W10	6W60
6W100	6W60/SLTA
6W100/SLTA	6W85
6W15	6W85/SLTA
6W15/SLT	6WB10
6W15/SLT-E	

[1] Sept. 3, 1968, in the case of output power.

[3] Commissioner Cox absent.

AIRCRAFT RADIO CORP.

7001UFMVZ-P	7020UFMVZ-T
7001UFXVZ-P	7020UFXVZ-D
7010UFMVZ-D	7020UFXVZ-T
7010UFMVZ-DL	7025UFMVZ-F
7010UFMVZ-MC	7025UFMVZ-T
7010UFMVZ-P	7025UFXVZ-F
7010UFMVZ-T	7025UFXVZ-T
7010UFXVZ-D	7060UFMVZ-F
7010UFXVZ-DL	7060UFXVZ-F
7010UFXVZ-MC	8207UFMVZ-T
7010UFXVZ-P	8207UFXVZ-T
7010UFXVZ-T	8306UFXNZ
7020UFMVZ-D	

APPLIED ELECTRONICS CO.

AF-35M	AF-36MB[2]
AF-35MA	

BENDIX CORP. OR BENDIX AVIATION CORP.

12TS-3	MT-142B-1
12TS-4	MT-142D-1
13TS-3	MT-142E-1
13TS-4	SKIPPER 925

CANADIAN GENERAL ELECTRIC CO., LTD.

ETC-21-A	ETC-48A

CANADIAN MARCONI CO.

165-475/17	189-611/17
189-520/6/7/10	DN30-TBM
189-520/6/7/10/29	DN30-TCM
189-520/6/8/10	DN32-TBM
189-520/6/8/10/29	DN32-TCM
189-610/17	

COMMMUNICATIONS CO., INC.

450-2T-FG	592-M
582-T	592-T
582-T-10	592-T-10

COMMUNICATIONS CO., INC.

626[1]	800
626-AC[1]	802[1]
649-RMT-M[1]	802-4
682-M	930W
682-T	937W

DU MONT DIVISION OF FAIRCHILD CAMERA AND INSTRUMENT CORP. OR DU MONT ALLEN B LABS, INC.

M-810-AC	M-875-A
M-810F	MCA-875-A

DU MONT DIVISION OF GONSET

HH300	M-876-A
M-875-A	

DU MONT DIVISION OF LING ALTEC INC.

HH300H	

ELECTROGARDE, INC.

TRP-12	

FARINON ELECTRIC CO.

MB150	MB150A-150W-1[2]
MB150-150W-1[2]	MB150A-250W-1[2]
MB150-250W-1[2]	MB150A-50W-1
MB150-36F3-150W[2]	MB150M-150W-1[2]
MB150-36F3-250W[2]	MB150M-250W-1[2]
MB150-36F3-50W	MB150M-50W-1
MB150-50W-1	

FISHER RESEARCH LABORATORIES INC.

F-150	F-150/12A

GENERAL ELECTRIC CO.

ES-12-C	ET-21-A
ES-20-A	ET-21-A-5
ES-25-C	ET-21-C
ES-25-C/GE-1	ET-26-A[2]
ET-1-C	ET-29-A
ET-1-E	ET-32-B
ET-1-E/LC-1	ET-32-D
ET-1-E/LC-2	ET-33-B
ET-20-A	ET-33-D
ET-20-A-5	ET-34-B

GENERAL ELECTRIC CO.—Continued

ET-34-D	ET-70-B
ET-37-B	ET-74-B
ET-37-D	ET-74-D
ET-42-A	ET-83-B[2]
ET-48-A	ET-87-B
ET-50-A	ET-9-A
ET-50-B	EU-1-A
ET-52-A	EU-1-A/EC-14-A
ET-52-B	EU-1-B
ET-57-B	EU-2-A
ET-58-B[2]	EU-2-B
ET-62-B	MS-54-A

HAMMARLUND MANUFACTURING CO., INC.

FM50AW	HFM-30 TM-1
HFM-30-1	HFM-30 TM-4
HFM-30-4	

HARTMAN MARINE ELECTRONICS CORP.

HURRICANE VHF	RM-1500
RB-1500	

INLAND COMMUNICATIONS, INC.

S12	S18
S12M	S18R
S12MM	S2MB
S12MM15	S2MB15
S12MM25	S2MB25
S12MR	S3-10
S12R	S3-10M
S1-5	

INTERNATIONAL TELEPHONE & TELEGRAPH CORP.

MT-600-06-00-WB	

JEFFERSON RAY DIVISION-JETRONIC IND.

6100	

KAAR ELECTRONICS CORP.—SEE KAAR ENGINEERING CO.

CLIPPER 1	DP-14
CLIPPER 2	DP15
DJ30WB	DP16
DJ95WB	DT34WB
DJ96WB	

KONEL PRODUCTS, KONEL CORP. OR KONIGSBERG ELECTRONICS, INC.

KR-23VB[2]	KR-53VA
KR-33V	KR-53VB[2]
KR-33VB[2]	KR-63V
KR-53V	KR-63VB[2]

MACKAY RADIO & TELEGRAPH CO.

219A	CCU9540
221A	

MOTOROLA AVIATION ELECTRONICS, MOTOROLA, INC.

CC3002	CC3035B
CC3003	CC3035C
CC3005[2]	CC3037
CC3006	CC3037C
CC3007	CC3038
CC3008	CC3038A
CC3009	CC3038B
CC301	CC3038C
CC3012	CC3039
CC3019	CC3039A
CC302	CC3039B
CC3020	CC3039C
CC3024	CC3040[2]
CC3025	CC3040A[2]
CC3026	CC3040B[2]
CC3027	CC3040C[2]
CC3028	CC3042[2]
CC3029B[2]	CC3042C[2]
CC303	CC3043
CC3032	CC3043C
CC3033	CC3044
CC3033A	CC3044B
CC3033B	CC3044C
CC3034[2]	CC3045
CC3034A[2]	CC3045C
CC3034B[2]	CC3046
CC3035	CC3046C

MOTOROLA AVIATION ELECTRONICS, MOTOROLA, INC.—Continued

CC3049	CC3077C[4]
CC3049C	CC3078
CC305[2]	CC3078C
CC3050	CC308
CC3050C	CC3085
CC3051	CC3086
CC3051C	CC3087
CC3052	CC3088[2]
CC3053	CC3089
CC3054[4]	CC3090
CC3054B[4]	CC3091
CC3054[4]	CC3092[2]
CC3056	CC3093[2]
CC3056C	CC3097[4]
CC3057	CC3097C[4]
CC3057C	CC3099[4]
CC305C	CC3099C[4]
CC308	CC311
CC3063	CC350
CC3063C	CC3500
CC3064[2]	CC3501
CC3064C[2]	CC3504
CC3065[2]	CC3508
CC3065C[2]	CC3509
CC3067	CC3510
CC3067C	CC3511
CC3068	CC3512
CC3068C	CC3513A[4]
CC3069	CC3513B[4]
CC307	CC3514[4]
CC3070	CC3514A
CC3071	CC3515
CC3072	CC3516[4]
CC3073	CC3517A
CC3073C	CC3520
CC3074[2]	CC3522[4]
CC3074A[2]	CC3523[4]
CC3074C[2]	CC3524[4]
CC3077[4]	

OUTERCOM ELECTRONICS CORP.

FM15B	MINI-MOD
FM50AW	

PEARCE-SIMPSON INC.

MRT-50	

PYE CORPORATION OF AMERICA

PTC-3832UN	PTC8202UN
PTC-8202U	PTC-8302UN

R. F. COMMUNICATIONS

RF-401-15[2]	

RADIO CORP. OF AMERICA

CMC-10A	CT-12A1
CMC-10A2	CT2-100BLM
CMC-10B H	CT2-2A
CPCJ1-1-TQA	CT2-30BL-M
CRM-P15A-100	CT2-30E
CRM-P15B-60	CT2-30G
CRM-P15C-40	CT2-30HM
CRM-P17A-100	CT2-30JM
CRM-P17B-60	CT2-30KM
CRM-P17C-40	CT2-350B[2]
CRM-P18A-100	CT2-350CM[2]
CRM-P18B-60	CT2-60B-M
CRM-P18C-40	CT2-60D
CRM-P19A-100	CT2-60F1
CRM-P19B-60	CT2-60GM
CRM-P19C-40	CT-5C-A
CRM-P20A-15	ET-3030
CSC-60A	ET-8054-M
CSC-60A1	ET-8058
CT-12A	ET-8058M

RADIO SPECIALTY MANUFACTURING CO.

1178-111-1	1178-111-2

RAYTHEON CO. OR RAYTHEON MANUFACTURING CO.

RAY-124ME28	RAY-40A
RAY-40	RAY-42VHFB[2]

REPCO INC.

BB-1001-1	BB-3004[4]
BB-3002	BB-3001[4]

SEATRON INC.

MARK 1	MARK 1A

SIMPSON ELECTRONICS

FM-25 [5]	VHF-50
FM-3 [5]	

STANDARD ELECTRIC A/S

CCU9540

SYMETRICS ENGINEERING CORP.

TCM225A	TPM225A
TCM230A	TPM230A
TCM235A	TPM235A
TPM220A	

WESTINGHOUSE ELECTRIC CORP.

FE	FE-1

[1] Not acceptable for initial installation in coast and/or ship stations after Jan. 1, 1970. Not acceptable for use in coast and/or ship stations after Jan. 1, 1974.

[2] Not acceptable for initial installation in coast and/or ship stations after Jan. 1, 1970. Not acceptable for use in coast stations after Jan. 1, 1974.

[3] Persons desiring to modify transmitters of this type for compliance with the new technical requirements adopted in Docket No. 17295 should note also that they are not equipped with instruments necessary to determine carrier power which will be required after Jan. 1, 1974 pursuant to section 81.110(b).

[4] Type acceptance is not being withdrawn; however, these transmitters are not acceptable for initial installation in ship stations after Jan. 1, 1970.

[5] Not acceptable for initial installation at coast stations after Jan. 1, 1970. Not acceptable for use in coast stations after Jan. 1, 1974.

[F.R. Doc. 69-8975; Filed, July 31, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-9; Amdts. 172-4, 173-11, 177-6, 178-5]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The purpose of these amendments is to make a number of miscellaneous changes in the Hazardous Materials Regulations of the Department of Transportation. These amendments are, for the most part, based on notice No. 68-7 (Docket No. HM-9) which was issued by the Hazardous Materials Regulations Board on November 13, 1968, and published in the FEDERAL REGISTER November 20, 1968 (33 F.R. 17189).

The significant comments and the changes (other than minor corrections and editorial changes) from the notice are discussed below:

1. In the notice, the reason for listing hydrazine in the commodity list in § 172.5(a) was to propose removing the phrase "containing 50 percent or less of water" from the shipping name. However, this phrase was not printed in italics, as was intended, and the change proposed was not evident. Therefore, this item will be included in another notice so that interested persons will have an opportunity to comment thereon. Since the whole question of informational cross references in the commodity list is now under study by the Board, the proposed cross reference for liquid caustic soda has not been included as proposed.

2. A commenter suggested that a new section be created to specify separately the packaging requirements for vanadium oxytrichloride and vanadium tetrachloride since there are distinct packaging requirements. A new § 173.247a is being added to provide packaging requirements for these two commodities. This commenter also questioned the transportation of these materials by passenger aircraft. As is presently authorized in 14 CFR 103.7 and § 173.244, small quantities of the material (not exceeding 1 pound or 16 ounces by volume in inside bottles enclosed in metal cans) will continue to be authorized for such transportation. It was not proposed in the notice to remove this exemption, and therefore, it would be beyond the scope of the notice to exclude these materials from passenger aircraft.

3. The title of § 173.8 is changed to more correctly reflect the scope of paragraph (b). The section is also amended to provide a correct reference to the Canadian Transport Commission. Paragraph (b) of this section is amended to clearly state that packagings marked as mentioned in this section are authorized for use in domestic service within the United States in the same manner as corresponding DOT specifications except for cylinders or spherical pressure vessels of foreign manufacture which are prohibited unless they meet the requirements of § 173.301(i). One commenter asked if it was intended to include air transport within the authorization of this section. The authorization for the air transportation of hazardous materials is provided in 14 CFR 103. Since Part 103 is for the most part tied to the regulations in 49 CFR Parts 170 through 179, this amendment to § 173.8 (b) would affect transportation by air if all other applicable requirements are met.

4. Several commenters pointed out that the language proposed for § 173.24 (c)(9) is too restrictive and unjustified since, if a long enough period of time elapses, polyethylene is to some extent permeable to most liquids and vapors. The proposed paragraph is therefore revised to reflect the intended result, that is, that polyethylene must not be permeable to the lading to an extent that a hazardous condition could be caused during transportation and handling.

5. The notice proposed to amend § 173.119(a)(16) which related to specification 17E drums to remove truckload and carload restrictions and prohibit transportation by rail express. Since subparagraph (a)(3) also relates to the specification 17E drum, subparagraph (a)(16) is being deleted and the amendment is being made to paragraph (a)(3) which presently applies to those drums with a capacity not exceeding 5 gallons. This will provide a complete packaging reference for specification 17E drums in one place.

6. Subsequent to the issuance of notice No. 68-7, information has come to the Board's attention which raises questions as to desirability of requiring bottom embossing on drums such as the proposed 17M. As a result, the Board has determined that further study is needed before final action is taken on this proposed specification. If it is determined that significant changes from the requirements proposed in the notice are necessary (such as a complete prohibition against embossing or against any embossment on the bottom head) a new notice of proposed rule making will be issued to provide all interested parties an opportunity to comment thereon.

7. Rather than stating that black paint is authorized, for clarification § 173.206 is amended to provide an exemption from the reflective surface requirements of § 178.245-1(c).

8. A commenter recommended that venting be authorized in § 173.221 to prevent excessive pressure buildup in a container. Although recommended for one container, it is appropriate that venting be authorized in this section when necessary to prevent excessive pressure buildup. Section 173.221 is amended accordingly.

9. In view of the comments received thereon, the proposed subparagraph § 173.221(a)(12) to authorize the use of specification 21P fiber drums for peroxides in quantities up to 15 gallons is not included in the amendment pending further study.

10. The provisions for acid-resistant plastic for inside receptacles in § 173.264(a)(2), (a)(4) and 173.265(d)(1) were unintentionally omitted in the notice and are continued as authorized in the present regulations. The proposed amendment to § 173.264(b)(6) pertaining to the shipment of hydrofluoric acid in certain tanks is not being adopted at this time but will be reconsidered in a separate rule making action that will cover other related provisions in the hazardous materials regulations.

11. A commenter requested that the Board make provisions in §§ 173.283, 173.284, and 173.285 for cylinders to be shipped in strong wooden boxes as an alternative to the use of valve protection caps. Although the notice was not addressed to this matter, the Board believes that the alternatives provisions provided in § 173.301(g) are appropriate for the types of corrosive liquids covered in these sections.

12. A commenter questioned the change in the minimum thickness for polyethylene in § 173.299(a)(1) from 0.050 to 0.030 inch. This change is made based on experience gained under a special permit issued by the Department. Many thousands of polyethylene packagings having a thickness of 0.030 inch have been shipped with no adverse experience reported.

13. A commenter suggested that the Board provide up to a 1 percent variation from the 0.015-inch minimum wall thickness specified in § 173.348 to take into account certain inherent variations in the manufacturing process. The commenter's proposal is not adopted because it is inconsistent with the intent of this regulation which is to express a minimum packaging criteria. To meet a minimum wall thickness requirement of 0.015 inch for each bottle manufactured for use under this authorization, it may be necessary for a manufacturer to use thicker material.

14. A commenter brought to the Board's attention that the method of test was not specified in the notice for determining the properties of polyethylene in § 178.24a-3(c). The Board has determined that it is appropriate to specify the test methods as is presently done in comparable requirements (see § 178.19-2). The proposed property requirements have been included as an Appendix B to Part 178. Table I specifies properties for polyethylene and also specifies the current American Society for Testing Materials test methods for determining such properties.

15. A commenter questioned the proposed marking requirements for the specification 2E polyethylene bottle in § 178.24a-6. The principal concerns were (1) the requirement for "raised figure" markings, (2) the one-fourth inch figure size, and (3) the requirement that minimum thickness be marked on each bottle. The Board believes that marking by "embossment" is a more appropriate way to state the marking requirement so that it is clear that marking which is "blown in" during manufacture is permitted. A change is made accordingly. However, the Board does not believe that other types of markings, such as those which are painted, indented, or stamped, should be permitted until more information concerning markings of these types is obtained and evaluated. Based on the comments received, the Board sees no sufficient reason to conclude that the one-fourth inch figure size is too large. If information is provided indicating that for smaller bottles a smaller figure size is warranted, this matter will be considered in future rule making. The requirement that the minimum wall thickness be marked on each bottle is necessary because, for certain commodities, Part 173 requires a wall thickness thicker than is specified as the minimum thickness for the specification 2E bottle in § 178.24a-3. Therefore, unless the wall thickness is indicated, a shipper will not be able to easily determine whether a particular bottle is authorized for certain commodities.

Interested persons were afforded an opportunity to participate in this rule making and due consideration has been given to all relevant matter presented.

In consideration of the foregoing and in order to allow adequate time for compliance with these amendments, 49 CFR Parts 172, 173, 177, and 178 are amended effective December 30, 1969. However, compliance with the regulations as amended herein is authorized immediately.

These amendments are made under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

PART 172—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 171-179 OF THIS CHAPTER

1. Part 172 is amended as follows:

(A) In § 172.5 paragraph (a) Commodity List is amended to read as follows:

§ 172.5 List of explosives and other dangerous articles.

(a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Add				
Vanadium oxytrichloride	Cor. L	173.244, 173.247a	White	25 pounds.
Vanadium tetrachloride	Cor. L	173.244, 173.247a	White	25 pounds.

PART 173—SHIPPERS

II. Part 173 is amended as follows:

(A) In the Table of Contents §§ 173.8, 173.221 are amended; § 173.247a is added to read as follows:

Sec.
173.8 Canadian shipments and packagings.
173.221 Liquid organic peroxides, n.o.s., and liquid organic peroxide solutions, n.o.s.
173.247a Vanadium oxytrichloride and vanadium tetrachloride.

(B) In § 173.8 the heading and paragraphs (a), (b) are amended; paragraph (a) Note 1 is canceled as follows:

§ 173.8 Canadian shipments and packagings.

(a) Shipments of hazardous materials which conform to the regulations of the Canadian Transport Commission (formerly the Board of Transport Commissioners for Canada), may be transported from the point of entry in the United States to their destination in the United States, or through the United States en route to a point in Canada.

NOTE 1: [Canceled]

(b) Except as specified in § 173.301(i), specification packagings made and maintained in full compliance with the corresponding specifications prescribed by the Railway Transport Committee of the Canadian Transport Commission (formerly the Board of Transport Commissioners for Canada) in its regulations for the Transportation of Dangerous Commodities by Rail, and marked in accordance therewith (e.g., BTC, RTC, etc.) may be used for the shipment of hazardous materials within the United States.

(C) In § 173.24 paragraph (c)(9) is added to read as follows:

§ 173.24 Standard requirements for all packages.

• • • • • •

(c) • • •

(9) Polyethylene used must be of a type compatible with the lading and must not be permeable to an extent that a hazardous condition could be caused during transportation and handling.

• • • • • •

(D) In § 173.34 paragraph (e) Table, subparagraphs (9), (10) Table, and (14) are amended to read as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

• • • • • •

(e) • • •

Specification under which cylinder was made	Minimum retest pressure (p.s.i.)	Retest period (years)
• • •	• • •	• • •
DOT-4B, 4BA, 4BW, 4B240ET	2 times service pressure, except noncorrosive service (see § 173.34 (e)(9) and (e)(10).	5.
• • •	• • •	• • •

• • • • • •

(9) Cylinders made in compliance with specifications DOT-4B, DOT-4BA, DOT-4BW, and ICC-26-300 [1] (§§ 178.50, 178.51, 178.61 of this chapter) which are used exclusively for anhydrous dimethylamine; anhydrous monomethylamine; anhydrous trimethylamine; methyl chloride; liquefied petroleum gas; or dichlorodifluoromethane, difluoroethane, difluoromonochloroethane, monochlorodifluoromethane, monochlorotetrafluoroethane, monochlorotrifluoroethylene, or mixture thereof, or mixtures of one or more with trichloromonofluoromethane; and which are commercially free from corroding components and protected externally by suitable corrosion resisting coatings (such as galvanizing, painting, etc.) may be retested decennially (see Note 2) instead of quinquennially, or, as an alternative such cylinders may be subjected to an internal hydrostatic pressure equal to at least two times the marked service pressure without determination of expansions (see Note 1), but this latter type of test must be repeated quinquennially

after expiration of the first 10-year period (see Note 2). When subjected to this latter test, cylinders must be carefully examined under the test pressure and removed from service if leaks or other harmful defects exist. All tests must be supplemented by a very careful examination of the cylinder at each filling, and cylinders must be rejected if evidence is found of bad dents, corroded areas, a leak, or other conditions that indicate possible weakness which would render the cylinder unfit for service.

[No change in Notes 1 and 2]

(10) * * *

Cylinders made in compliance with—	*Used exclusively for—*
DOT-3A480, DOT-3AA480, DOT-3A480X, DOT-3B, DOT-4B, DOT-4BA, DOT-4BW, ICC-26-240,[1] or ICC-26-300.[1]	Liquefied petroleum gas which is commercially free from corroding components.
DOT-4, DOT-3A480, DOT-3AA480, DOT-3A480X, DOT-4A480, DOT-4AA480.	Anhydrous ammonia of at least 99.95 percent purity.
DOT-3A480, DOT-3AA480, DOT-3A480X, DOT-4B300, DOT-4BA300, or DOT-4BW300.	Fluorinated hydrocarbons and mixtures thereof which are commercially free from corroding components.
DOT-3A480, DOT-3AA480, DOT-3A480X, DOT-3B, DOT-4B, DOT-4BA, DOT-4BW, ICC-26-240,[1] or ICC-26-300.[1]	Butadiene, inhibited, which is commercially free from corroding components.
DOT-3A480, DOT-3AA480, DOT-3A480X, DOT-3B, DOT-4B, DOT-4BA, DOT-4BW, ICC-26-240,[1] or ICC-26-300.[1]	Liquefied hydrocarbon gas which is commercially free from corroding components.

[1] Use of existing cylinders authorized, but new construction not authorized.

* * * * *

(14) Cylinders made in compliance with specifications DOT-3A, DOT-3AA, DOT-3B, DOT-4A, DOT-4BA, and DOT-4BW (§§ 178.36, 178.37, 178.38, 178.49, 178.51, 178.61 of this chapter) having service pressures up to and including 300 p.s.i. which are used exclusively for methyl bromide, liquid; mixtures of methyl bromide and ethylene dibromide, liquid; mixtures of methyl bromide and chlorpicrin, liquid; mixtures of methyl bromide and petroleum solvents, liquid; or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid; which are commercially free from corroding components, and which are protected externally by suitable corrosion resisting coatings (such as galvanizing, painting, etc.) and internally by a suitable corrosion resisting lining (galvanized, etc.) may be tested decennially instead of quinquennially. All tests must be supplemented by a visual internal and external examination of the cylinder quinquennially. Examination must be as specified in CGA Pamphlet C-6. All tests must be supplemented by a very careful examination of the cylinder at each filling, and the cylinder must be rejected if evidence is found of bad dents, corroded areas, a leak, or other conditions that indicate possible weakness which would render the cylinder unfit for service.

* * * * *

(E) In § 173.119 paragraphs (a)(3), (m)(6) are amended; (a)(16) and Note 1 are canceled as follows:

§ 173.119 Flammable liquids not specifically provided for.

(a) * * *

(3) Specification 17E (§ 178.116 of this chapter). Metal drums (single-trip) with openings not over 2.3 inches in diameter. Drums with a marked capacity of more than 5 gallons but not more than 30 gallons must be constructed of 19-gauge body and head sheets. Drums with a marked capacity in excess of 30 gallons must be constructed of 18-gauge body and head sheets. Drums with a marked capacity of more than 5 gallons are not authorized by rail express.

* * * * *

(16) [Canceled]

(m) * * *

(6) Specification 12B (§ 178.205 of this chapter). Fiberboard boxes with inside Specification 2E (§ 178.24a of this chapter) polyethylene bottles not over 1-gallon capacity each. Not more than four 1-gallon polyethylene bottles shall be packed in one outside fiberboard box. Authorized only for material which will not react dangerously with or be decomposed by contact with polyethylene.

* * * * *

(F) In § 173.123 paragraph (a)(7) is added, paragraph (b) is amended to read as follows:

§ 173.123 Ethyl chloride.

(a) * * *

(7) Specification 51 (§ 178.245 of this chapter) portable tanks.

(b) Outage for all containers except tank cars must be 7.5 percent or more at 70° F. Outage for tank cars must be 4.2 percent or more at 70° F.

(G) In § 173.124 paragraph (a)(2) is amended to read as follows:

§ 173.124 Ethylene oxide.

(a) * * *

(2) Cylinders as prescribed for any compressed gas, except acetylene, not exceeding 30 gallons nominal water capacity, which meet the following requirements. All cylinders must be seamless or steel welded. Cylinders must be equipped with safety devices of the fusible plug type with threaded straight bore orifice, with yield temperature of 157° to 170° F. having a minimum vent area of 0.0055 square inch per pound of water capacity of the container for containers not over 1-gallon capacity and 0.0012 square inch per pound of water capacity of the container for all containers over 1-gallon capacity. Each cylinder must be tested for leakage at a pressure of at least 15 p.s.i. gauge with an inert gas before each refilling. Filling must be such that the container will not be liquid full at 185° F. Pressurizing valves must be provided for all containers over 1-gallon capacity. Eductor tubes must be provided for all containers over 5-gallon capacity. Cylinders having a water capacity in excess of 1 gallon must be insulated with at least three coats of heat-retardant paint, of a type approved by the Bureau of Explosives, applied over suitable primer and finished with suitable waterproof paint; or with other equally efficient insulation approved by the Bureau of Explosives.

* * * * *

(H) In § 173.139 paragraph (a)(6) is added to read as follows:

§ 173.139 Ethylene imine, inhibited, and propylene imine, inhibited.

(a) * * *

(6) Specification 4BA240 or 4BW240 (§§ 178.51, 178.61 of this chapter). Cylinders of all welded construction. Authorized only for propylene imine, inhibited.

(I) In § 173.206 paragraph (c)(4) is added to read as follows:

§ 173.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, sodium aluminum hydride, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, and lithium aluminum hydride.

* * * * *

(c) * * *

(4) Specification 51 (§ 178.245 of this chapter). Portable tanks having a minimum design pressure of 150 p.s.i. Tanks must be equipped with safety valves having a start-to-discharge pressure of 150 p.s.i. Tanks used exclusively in this service are exempt from § 178.245-1(c). If a tank has exterior heating coils such coils must be welded to the tank and must be stress relieved. The material must be in molten condition when loaded and the tank must be held for sufficient time to allow the material to be completely solidified before being offered for transportation. Outage must be 5 percent or more at a sodium fusion temperature of 208° F.

* * * * *

(J) § 173.217 paragraph (a)(5) is added to read as follows:

§ 173.217 Calcium hypochlorite compounds, dry, lithium hypochlorite compounds, dry, dichloroisocyanuric acid, dry, potassium dichloroisocyanurate, dry, sodium dichloroisocyanurate, dry, and trichloroisocyanuric acid, dry.

(a) * * *

(5) Specification 21C (§ 178.224 of this chapter). Fiber drums with integral inner body ply having 0.010-inch minimum aluminum facing and bottom interior with 0.001-inch minimum aluminum facing. Cover of drum must be gasketed. Authorized net weight not over 400 pounds. Authorized only for calcium hypochlorite compounds, dry.

* * * * *

(K) In § 173.221 the Heading, the introductory text of paragraph (a) and paragraph (a)(3) are amended; paragraph (a)(11) is added to read as follows:

§ 173.221 Liquid organic peroxides, n.o.s., and liquid organic peroxide solutions, n.o.s.

(a) Liquid organic peroxides, n.o.s., and liquid organic peroxide solutions, n.o.s. must be packed in packagings which may be equipped with venting devices wherever necessary to prevent excessive pressure buildup, as follows:

* * * * *

(3) Specification 12B (§ 178.205 of this chapter). Fiberboard box with Specification 2E (§ 178.24a of this chapter) inside polyethylene bottles, or with glass or metal inside receptacles, not over 1 gallon each. Not more than six 1-gallon polyethylene bottles may be packed in one fiberboard box. Not more than one 1-gallon glass or metal inside receptacle, which must be cushioned with noncombustible packing material in sufficient quantity to absorb the contents of the inner receptacle, may be packed in one fiberboard box. Metal and polyethylene inside receptacles authorized only for material which will not react dangerously with or be decomposed by contact with metal or polyethylene.

* * * * *

(11) Specification 16A (§ 178.185 of this chapter). Wooden boxes with inside Specification 2U, 2S, or 2SL (§§ 178.24, 178.35, 178.35a of this chapter) polyethylene containers, not over 5-gallon capacity each. Specification 2U container must have a minimum wall thickness of 0.015 inch. The polyethylene container must be separated from the wooden box by a complete corrugated fiberboard liner, top pad, and bottom pad. Authorized only for materials which will not react dangerously with or be decomposed by contact with polyethylene.

(L) In § 173.247 the introductory text of paragraph (a) and paragraph (a)(7) are amended; paragraph (a)(17) is added to read as follows:

§ 173.247 Acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride, (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.

(a) Materials cited in the heading of this section must be packed in specification containers as follows:

* * * * *

(7) Specification 5, 5A, 5B, or 17C (§§ 178.80, 178.81, 178.82, 178.115 of this chapter). Metal barrels or drums with openings not exceeding 2.3 inches in diameter.

* * * * *

(17) Specification 4BA240 or 4BW240 (§§ 178.51, 178.61 of this chapter) cylinders authorized for titanium tetrachloride only.

(M) Section 173.247a is added to read as follows:

§ 173.247a Vanadium tetrachloride and vanadium oxytrichloride.

(a) Vanadium tetrachloride and vanadium oxytrichloride must be packed in specification packagings as follows:

(1) Specifications 4B240, 4BA240 and 4BW240 (§§ 178.50, 178.51, 178.61 of this chapter). Cylinders.

(2) Specification 51 (§ 178.245 of this chapter) portable tanks.

(N) In § 173.264 paragraphs (a)(2), and (a)(4) are amended to read as follows:

§ 173.264 Hydrofluoric acid.

(a) * * *

(2) Specification 12B (§ 178.205 of this chapter). Fiberboard boxes with Specification 2E (§ 178.24a of this chapter) inside polyethylene bottles or inside receptacles of not over 1 pound capacity each, made of natural rubber, lead, or other hydrofluoric resistant plastic. Authorized only for acid not over 70 percent in strength.

* * * * *

(4) Specification 12A or 12B (§§ 178.210, 178.205 of this chapter). Fiberboard boxes with not more than four Specification 2E (§ 178.24a of this chapter) inside polyethylene bottles, having a minimum thickness of 0.030 inch and not over 1 gallon (nominal) capacity each. Bottle closures must be made secure by sealing with pressure-sensitive plastic tape or other equally efficient means. Authorized for acid not over 70 percent strength. Authorized gross weight for Specification 12B fiberboard boxes not over 65 pounds; Specification 12A not over 80 pounds.

* * * * *

(O) In § 173.265 paragraph (d)(1) is amended; paragraph (d)(6) is added to read as follows:

§ 173.265 Hydrofluosilicic acid.

* * * * *

(d) * * *

(1) Specification 12B (§ 178.205 of this chapter). Fiberboard boxes with Specification 2E (§ 178.24a of this chapter) inside polyethylene bottles or other plastic material resistant to the lading, not over 1-quart capacity each, suitably cushioned to prevent movement within the box. Gross weight of complete package must not exceed 65 pounds.

* * * * *

(6) Specification 34 (§ 178.19 of this chapter). Polyethylene container without overpack, not over 30-gallon capacity.

(P) In § 173.266 paragraph (b)(5) is amended; paragraph (b)(8) is added to read as follows:

§ 173.266 Hydrogen peroxide solution in water.

* * * * *

(b) * * *

(5) Specification 12B (§ 178.205 of this chapter). Fiberboard boxes with Specification 2E (§ 178.24a of this chapter) inside polyethylene bottles having vented screw-cap closures not over 16-ounce capacity each. Each bottle must be completely contained in a securely closed polyethylene bag or tube constructed of material having minimum film thickness of 0.004 inch. Bottles must be separated from each other by use of fiberboard partitions or other suitable cushioning material. Not more than 12 bottles may be packaged in one box.

* * * * *

(8) Specification 34 (§ 178.19 of this chapter). Polyethylene container without overpack, not over 30-gallon capacity. A closure of each container must be vented to prevent accumulation of internal pressure and the head with the closure must be marked "Keep This End Up."

* * * * *

(Q) In § 173.283 paragraph (a)(1) is amended to read as follows:

§ 173.283 Bromine trifluoride.

(a) * * *

(1) Specification 3A150, 3AA150, 3B240, 4B240, 4BA240, 4BW240, or 3E1800 cylinders (§§ 178.36, 178.37, 178.38, 178.50, 178.51, 178.61, 178.42 of this chapter). Outlets of valves must be capped or plugged. Cylinder valves must be protected as specified for gases in § 173.301(g) except that spec. 3E1800 cylinder must be packed in strong wooden boxes.

* * * * *

(R) In § 173.284 paragraph (a)(1) is amended to read as follows:

§ 173.284 Bromine pentafluoride.

(a) * * *

(1) Specification 3A150, 3AA150, 3B240, 4B240, 4BA240, 4BW240, or 3E1800 cylinders (§§ 178.36, 178.37, 178.38, 178.50, 178.51, 178.61, 178.42 of this chapter). Outlets of valves must be capped or plugged. Cylinder valves must be protected as specified for gases in section 173.301(g) except that Specification 3E1800 cylinders must be packed in strong wooden boxes.

* * * * *

(S) In § 173.285 paragraph (a)(1) is amended to read as follows:

§ 173.285 Chlorine trifluoride.

(a) * * *

(1) Specification 3A150, 3AA150, 3B240, 4B240, 4BA240, 4BW240, or 3E1800 cylinders (§§ 178.36, 178.37, 178.38, 178.50, 178.51, 178.61, or 178.42 of this chapter). Outlets of valves must be capped or plugged. Cylinder valves must be protected as specified for gases in § 173.301(g) except that Specification 3E1800 cylinders must be packed in strong wooden boxes.

* * * * *

(T) In § 173.287 paragraph (a)(5) is amended to read as follows:

§ 173.287 Chromic acid solution.

(a) * * *

(5) Specification 12B (§ 178.205 of this chapter). Fiberboard boxes with Specification 2E (§ 178.24a of this chapter) inside polyethylene bottles having a minimum wall thickness of 0.015 inch

and so designed as to maintain their configuration when standing empty and open (see § 178.205–34 of this chapter). Not more than one bottle may be packed in one outside box.

(U) In § 173.288 paragraph (d) is added to read as follows:

§ 173.288 Allyl chloroformate, benzyl chloroformate, ethyl chloroformate, and methyl chloroformate.

* * * * * * *

(d) Specification 6D or 37M (§§ 178.102, 178.134 of this chapter). Cylindrical steel overpack with inside Specification 2S, 2SL, or 2T (§§ 178.35, 178.35a, 178.21 of this chapter) polyethylene container. Authorized for ethyl chloroformate and methyl chloroformate only.

(V) In § 173.299 paragraph (a)(1) is amended to read as follows:

§ 173.299 Etching acid liquid, n.o.s.

(a) * * *

(1) Specification 12A (§ 178.210 of this chapter). Fiberboard boxes with Specification 2E (§ 178.24a of this chapter) inside polyethylene bottles having a minimum wall thickness of 0.030 inch and screw-cap closures. Net weight per bottle may not be over 10 pounds each. The net weight per package may not be more than 40 pounds.

* * * * * * *

§ 173.301 [Amended]

(W) In § 173.301 paragraph (h) Table is amended by adding "DOT–4BW" in the second column of table as the 10th entry.

(X) In § 173.302 paragraph (a)(1) is amended to read as set forth below. Note 1 remains unchanged.

§ 173.302 Charging of cylinders with non-liquefied compressed gases.

(a) * * *

(1) Specification 3,[1] 3A, 3AA, 3B, 3C, 3D, 3E, 4, 4A, 4B, 4BA, 4BW, 4C, 7,[1] 25,[1] 26,[1] 33,[1] or 38[1] (§§ 178.36, 178.37, 178.38, 178.40, 178.41, 178.42, 178.48, 178.49, 178.50, 178.51, 178.61, 178.52 of this chapter). (See §§ 173.34 and 173.301(e).)

* * * * * * *

(Y) In § 173.304 paragraph (a)(2) the table is amended by adding "DOT–4BW" following each entry of "DOT–4BA" and using the same service pressure indicated for DOT–4BA entry; paragraph (a)(1) is amended to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) * * *

(1) Specification 3,[1] 3A, 3AA, 3B, 3BN, 3D, 3E, 4, 4A, 4B, 4BA, 4B–ET, 4BW, 9, 25,[1] 26,[1] 38,[1] 40, or 41 (§§ 178.36, 178.37, 178.38, 178.39, 178.41, 178.42, 178.48, 178.49, 178.50, 178.51, 178.55, 178.61, 178.63, 178.66, 178.67 of this chapter), except that Specifications 9, 40, and 41 containers must not be charged and shipped with mixtures containing pyrophoric liquids, n.o.s., carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin, or poisonous materials (class A, B, or C), unless specifically prescribed in this part. (See §§ 173.34 and 173.301(e).)

* * * * * * *

(Z) In § 173.329 paragraphs (b)(1) and (c)(1) are amended to read as follows:

§ 173.329 Bromacetone; chlorpicrin and methyl chloride mixtures; chlorpicrin and nonflammable, nonliquefied compressed gas mixtures.

* * * * * * *

(b) * * *

(1) Specification 3A, 3AA, 3B, 3C, 3E, 4A, 4B, 4BA, 4BW, or 4C (§§ 178.36, 178.37, 178.38, 178.40, 178.42, 178.49, 178.50, 178.51, 178.61, or 178.52 of this chapter) cylinders having not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected to prevent damage in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates (see § 173.25).

(c) * * *

(1) Specification 3A, 3AA, 3B, 3C, 3E, 4A, 4B, 4BA, 4BW, or 4C (§§ 178.36, 178.37, 178.38, 178.40, 178.42, 178.49, 178.50, 178.51, 178.61, or 178.52 of this chapter) cylinders having not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected to prevent damage in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates (see § 173.25).

(AA) In § 173.334 paragraph (a)(1) is amended to read as follows:

§ 173.334 Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, tetraethyl pyrophosphate, or other class B poison organic phosphate mixtures, n.o.s., mixed with compressed gas.

(a) * * *

(1) Specification 3A300, 3AA300, 3B300, 4A300, 4B240, 4BA240, or 4BW240 (§§ 178.36, 178.37, 178.38, 178.49, 178.50, 178.51, 178.61 of this chapter). Metal cylinders, charged with not more than 10 pounds of the mixture and to a maximum filling density of 80 percent of the water capacity. Cylinders must not be equipped with eduction tubes or fusible plugs. Valves must be of a type approved by the Bureau of Explosives.

* * * * * * *

(BB) In § 173.348 paragraph (a)(3) is amended to read as follows:

§ 173.348 Arsenic acid.

(a) * * *

(3) Specification 12A or 12B (§§ 178.210, 178.205 of this chapter). Fiberboard boxes with Specification 2E (§ 178.24a of this chapter) inside polyethylene bottles made of high-density (Type III) polyethylene having minimum wall thickness of 0.015 inch with screw-cap closures, not over 1-gallon capacity each. Specification 12A fiberboard boxes may have not more than four inside polyethylene bottles which must be packed to provide a snug fit. Specification 12B fiberboard boxes may not contain more than one inside polyethylene bottle and not more than four such boxes may be overpacked in a strong outside fiberboard box under provisions of § 173.25.

(CC) In § 173.353 paragraph (a)(3) is amended to read as follows:

§ 173.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

(a) * * *

(3) Specification 3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225, or 4BW225 (§§ 178.36, 178.37, 178.38, 178.42, 178.49, 178.50, 178.51, 178.61 of this chapter). Metal cylinders. Valves and other closing devices must be protected to prevent damage in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.08 inch must be packed in boxes or crates (see § 173.25).

* * * * * * *

§ 173.404 [Amended]

(DD) in § 173.404 paragraph (f) is canceled.

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

III Part 177 is amended as follows:

(A) In the Table of Contents § 177.820 is canceled.

(B) In § 177.817 paragraph (b) is amended to read as follows:

§ 177.817 Shipping papers.

* * * * * * *

(b) Where the regulations (except §§ 173.402 and 177.815 of this chapter) exempt the packages from labeling the exemption must be indicated by the words "No Label Required" immediately following the description on the shipping paper.

* * * * * * *

§ 177.820 [Canceled]

(C) Section 177.820 is canceled in its entirety.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

IV. Part 178 is amended as follows:

(A) Section 178.24a is added in the Table of Contents to read as follows:

Sec

178.24a	Specification 2E; inside polyethylene bottle
178.24a–1	General requirements.
178.24a–2	Rated capacity.
178.24a–3	Materials of construction.
178.24a–4	Closure.
178.24a–5	Tests.
178.24a–6	Marking.

(B) Section 178.24a is added to read as follows:

§ 178.24a Specification 2E; inside polyethylene bottle.

§ 178.24a–1 General requirements.

(a) Each bottle must meet the applicable requirements of § 173.24 of this chapter.

§ 178.24a–2 Rated capacity.

(a) Maximum capacity must be not more than 5 quarts (4.73 liters).

§ 178.24a–3 Materials of construction.

(a) Each bottle must be made of a blow-molding grade of polyethylene, constructed so that it will maintain its shape when standing empty and open.

(b) Wall thickness must not be less than 0.008 inch (0.2 millimeters).

(c) Polyethylene must have properties as specified in Table I of Appendix B to this part.

§ 178.24a–4 Closure.

(a) Closing devices must provide a tight seal. Vented closures are not authorized unless otherwise provided for in Part 173 of this chapter.

§ 178.24a–5 Tests.

(a) Each bottle must be capable of withstanding the prescribed tests without breaking or leaking.

(b) The test prescribed in paragraph (d)(1) of this section must be made on at least three random sample bottles for each 1,000 bottles produced by each blow-molding machine. The test must be performed at the start of initial production from each blow-molding machine and upon any change in type of polyethlene or process method.

(c) The test prescribed in paragraph (d)(2) of this section must be made at least once each month on a minimum of three random sample bottles produced and upon any change in type of polyethylene or process method.

(d) Prescribed tests:

(1) The bottle, filled to 98 percent of capacity with water, must be dropped from a height of 4 feet onto a solid unyielding surface so as to drop diagonally on the top edge or any other part which is weaker.

(2) The bottle, filled to 98 percent of capacity with a liquid which is compatible with polyethylene and which is liquid at 0° F., must be dropped from a height of 4 feet onto a solid unyielding surface, on any part of the bottle. Immediately prior to the test, the bottle and its contents must have been at a temperature of 0° F. or lower for at least 24 hours.

§ 178.24a–6 Marking.

(a) Marking must be as prescribed in § 173.24 of this chapter, except as follows:

(1) Marking must be by embossment in ¼-inch figures as follows: "DOT 2E", the minimum thickness of the polyethylene in thousandths of inches (mils), and the year of manufacture (e.g., DOT–2E 15–69).

(C) Preceding the Appendices following Part 178, the following heading is added:

APPENDICES TO PART 178

APPENDIX A—SPECIFICATIONS FOR STEEL

* * * * * * *

(D) Appendix B is added to read as follows:

APPENDIX B—SPECIFICATIONS FOR PLASTICS

TABLE I

Polyethylene must have the following properties, as determined by the American Society For Testing Materials (ASTM) methods designated. Tests must be performed on resin with additives included:

Property	Type I	Type II	Type III	ASTM method
Density, g/cc	0.910–<0.926	0.926–<0.941	0.941–0.965	D 1505–68.
Melt index (flow rate)	2.0 max	1.0 max	1.0 max	D 1238–65T.
Tensile strength	1,500 p.s.i min	1,800 p.s.i	3,000 p.s.i	D 638–68.
Elongation	400% min	400%	75%	D 638–68.

Other materials may be added to polyethylene resin provided they do not adversely affect the physical properties specified above.

Issued in Washington, D.C., on July 29, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

F. C. TURNER,
Administrator,
Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.

[F.R. Doc. 69–9068; Filed, July 31, 1969; 8:50 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Special Permission No. 70–275; Amdt. 1]

PART 1300—FREIGHT SCHEDULES; RAILROADS

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES AND CLASSIFICATIONS OF MOTOR CARRIERS

Tariffs Containing Joint Rates and Through Routes for Transportation of Property Between Points in United States and Points in Foreign Countries

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 28th day of July 1969.

Upon consideration of the order of the Commission, Division 2, dated July 15, 1969, revising § 1300.67 and § 1307.22 of Chapter X of Title 49 of the Code of Federal Regulations which was effective upon its publication on page 12343 of the July 26, 1969, issue of the FEDERAL REGISTER, and good cause appearing therefor:

It is ordered, That the effectiveness of the order of July 15, 1969, be stayed pending further order of the Commission.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–8974; Filed, July 31, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 69-WE-10-AD]

AIRWORTHINESS DIRECTIVE

Boeing Model 707, 720, 727, and 737 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 707, 720, 727, and 737 series airplanes. There have been instances in which Wood Electric Corp. three-phase circuit breakers (Boeing P/N BAC-C18L( )) were found to be improperly calibrated for overload currents, which may result in unsafe conditions. Since this condition is likely to exist in all airplanes using these circuit breakers, the proposed Airworthiness Directive would require replacement of all Wood Electric Corporation three-phase circuit breakers (Boeing P/N BAC-C18L( ) in Boeing 707, 720, 727, and 737 series aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, FAA Western Region, Attention: Region Counsel, Airworthiness Rules Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before September 3, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new Airworthiness Directive:

BOEING. Applies to Model 707, 720, 727, and 737 series airplanes.

Compliance required within the next 1,000 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent hazardous conditions resulting from electrical overloads of circuits using Wood Electric Corporation three-phase circuit breakers (Boeing P/N BAC-C18L( )) accomplish the following:

Replace all Wood Electric Corp. three-phase circuit breakers (Boeing P/N BAC-C18L( )) in accordance with Boeing Service Bulletin No. 2897, dated May 21, 1969, and No. 2898, dated May 1, 1969 (707 and 720 airplanes) or later FAA-approved revisions; Service Bulletin No. 24-48, dated May 21, 1969 (727 airplanes), or later FAA-approved revisions; and Service Bulletin No. 24-1011, dated May 21, 1969 (737 airplanes), or later FAA-approved revisions, or an equivalent replacement approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Issued in Los Angeles, Calif., on July 23, 1969.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 69-9034; Filed, July 31, 1969; 8:47 a.m.]

[14 CFR Part 39]

[Docket No. 69-CE-15-AD]

AIRWORTHINESS DIRECTIVE

Learjet Models 23 and 24 Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Learjet Models 23 and 24 airplanes. There have been instances of engine damage and engine flameout caused by engine ingestion of ice shed from the wing leading edges on these model airplanes which are not equipped with wing anti-icing provisions. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require on or before January 15, 1970, the installation of a wing leading edge anti-icing system on those airplanes which have not been certificated for flight into icing conditions. This installation is to be made in accordance with Lear-Jet Engineering Change Record No. 457D on Learjet Model 24 (Serial Nos. 140 through 155) airplanes and in accordance with Lear Modification Drawing 2481006 on Learjet Model 23 (Serial Nos. 003 through 099) airplanes and Learjet Model 24 (Serial Nos. 100 through 139) airplanes, or an equivalent approved by the Chief, Engineering & Manufacturing Branch, FAA, Central Region.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, view, or arguments as they may desire. Communications should identify the Docket Number and be submitted in duplicate to the Director, Central Region, Attention: Regional Counsel, Airworthiness Rules Docket, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of the notice in the FEDERAL REGISTER will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

LEARJET. Applies to Model 23 (Serial Nos. 003 through 099) and Model 24 (Serial Nos. 100 through 155) Airplanes which have not been certificated for flight into icing conditions.

Compliance: Unless already accomplished, on or before January 15, 1970, accomplish the following:

To prevent engine damage or engine flameout caused by the engine ingesting ice shed from the wings:

A. Install a wing leading edge anti-icing system in accordance with Lear-Jet Engineering Change Record No. 457D, or later FAA-approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, on Learjet Model 24 (Serial Nos. 140 through 155) airplanes.

B. Install a wing leading edge anti-icing system in accordance with Lear Modification Drawing 2481006, or later FAA-approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, on Learjet Model 23 (Serial Nos. 003 through 099) airplanes and Learjet Model 24 (Serial Nos. 100 through 139) airplanes.

Issued in Kansas City, Mo., on July 25, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9035; Filed, July 31, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-12]

FEDERAL AIRWAY

Notice of Proposed Alteration

The Federal Aviation Administration is considering a proposal, by the Air Transport Association of America, to amend Part 71 of the Federal Aviation Regulations, by removing the designated ceiling altitude of 9,000 feet MSL from the segment of VOR Federal Airway No. 17, between McAllen, Tex., and Laredo, Tex. This would accommodate the operation of scheduled air carrier, jet aircraft between these terminals.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 24, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9036; Filed, July 31, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-61]

TRANSITION AREA

Notice of Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Charles City, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Charles City, Iowa, transition area, the instrument approach procedure for Charles City Municipal Airport has been altered. In addition, the criteria for the designation of transition areas have changed. Accordingly, it is necessary to alter the Charles City transition area to adequately protect aircraft executing the altered approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

CHARLES CITY, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Charles City Municipal Airport (latitude 43°04'25" N., longitude 93°36'35" W.); and within 3 miles each side of the 311° bearing from Charles City Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 131° and 311° bearings from Charles City Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport excluding the portion which overlies the Waterloo, Iowa, transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 15, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9037; Filed, July 31, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-18]

TRANSITION AREA

Withdrawal of Notice of Proposed Alteration

On March 5, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 3851), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Raleigh, N.C., transition area.

Subsequent to publication of the notice, it was determined that it would be neither feasible nor practical to establish an instrument approach procedure to Durham Skyport, utilizing the Raleigh VORTAC, and action is required to withdraw the proposal which was to provide the required controlled airspace protection.

In consideration of the foregoing, notice is hereby given that the proposed amendment contained in Airspace Docket No. 69-SO-18 is hereby withdrawn.

This withdrawal is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on July 22, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-9038; Filed, July 31, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-62]

TRANSITION AREA

Notice of Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Knoxville, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Knoxville, Iowa, Municipal Airport, utilizing a city-owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Knoxville, Iowa. The new procedure will become effective concurrently with the designation of the transition area. IFR air traffic into and out of the Knoxville Municipal Airport

will be controlled through the Des Moines, Iowa, Flight Service Station.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

KNOXVILLE, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Knoxville Municipal Airport (latitude 41° 17'50" N., longitude 93°06'35" W.); and within 3 miles each side of the 342° bearing from Knoxville Municipal Airport extending from the 5-mile radius area to 8 miles north of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo. on July 16, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9039; Filed, July 31, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-79]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area over Rostraver Airport, Monongahela, Pa.

The VOR-1 instrument approach procedure authorized for Rostraver Airport, Monongahela, Pa., requires designation of a 700-foot floor transition area to provide airspace protection for aircraft executing the procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Monongahela, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Monongahela, Pa. Transition Area described as follows:

MONONGAHELA, PA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 40°12'40" N., 79°49'50" W., of Rostraver Airport, Monongahela, Pa., and within 2 miles each side of the Allegheny, Pa., VORTAC 113° radial extending from the 6.5-mile radius area to the VORTAC, excluding the portion which coincides with the Pittsburgh, Pa., transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-9040; Filed, July 31, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-81]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot transition area over Sullivan County International Airport, Monticello, N.Y.

A new NDB (ADF) Runway 33 instrument approach procedure has been developed for Sullivan County International Airport, Monticello, N.Y., predicated on a non-Federal radio beacon which will be located on the airport and will require designation of a Monticello, N.Y., 700-foot transition area to provide airspace protection for aircraft executing the procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Monticello, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Monticello, N.Y., 700-foot transition area described as follows:

MONTICELLO, N.Y.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 41°42'00" N., 74°47'50" W. of Sullivan County International Airport, Monticello, N.Y.; within 2 miles each side of the Sullivan County International Airport runway 15 centerline extended from the 8.5-mile radius area to 9 miles southeast of the end of the runway; within 2 miles each side of the Sullivan County International Airport runway 33 centerline extended from the 8.5-mile radius area to 12.5 miles northwest of the end of the runway; and within 3.5 miles each side of the 130° bearing from the White Lake RBN (latitude 41°41'51" N., longitude 74°47'48" W.) extending from the 8.5-mile radius area to 11.5 miles southeast of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-9041; Filed, July 31, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-58]

CONTROL AREA

Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area from Bozeman, Mont., direct to Livingston, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration proposes to designate the Bozeman, Mont., additional control area to extend from the Bozeman VOR with a 10,700 foot MSL floor direct to the Livingston VORTAC.

This proposed additional control area would provide controlled airspace for instrument type air traffic operating on a direct route between Bozeman and Livingston.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 24, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9059; Filed, July 31, 1969; 8:49 a.m.]

[14 CFR Part 71, Part 75]

[Airspace Docket No. 69-EA-84]

JET ROUTE AND REPORTING POINT

Notice of Proposed Alteration and Designation

The Federal Aviation Administration is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign and extend Jet Route No. 152 segment from Rosewood, Ohio, via the intersection of Rosewood 084° T (085° M) and Harrisburg, Pa., 277° T (285° M) radials; Harrisburg; to the intersection of Harrisburg 096° T (104° M) and Westminster, Md., 056° T (064° M) radials; and designate the Harrisburg VORTAC as a high altitude reporting point.

This realignment and extension of Jet Route No. 152 would provide an additional arrival route for high altitude air traffic landing within the Philadelphia terminal area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 24, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9058; Filed, July 31, 1969; 8:49 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 69-CE-57]

JET ADVISORY AREAS

Notice of Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 75 of the Federal Aviation Regulations that would alter the nonradar jet advisory areas associated with Jet Route Nos. 32, 36, 515, and 533.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The nonradar jet advisory areas associated with Jet Route Nos. 32, 36, 515, and 533 are presently designated as follows:

Jet Route Nos. 32 and 533—From the positive control area boundary northeast of Duluth, Minn., to the United States/Canadian border only from FL 370 to FL 390, inclusive.

Jet Route No. 36—From the intersection of J-36 and longitude 100°00'00" W., to the boundary of the positive control area southeast of Fargo from FL 270 to FL 310 and FL 370 to FL 410, inclusive.

Jet Route No. 515—From Fargo, N. Dak., to the United States/Canadian border from FL 270 to FL 310 and FL 370 to FL 410, inclusive.

The FAA proposes to change the altitudes of the nonradar jet advisory areas associated with Jet Route Nos. 32 and 553 from "FL 370 to FL 390" to "FL 330 to FL 370;" and the altitudes associated with Jet Route Nos. 36 and 515 from "FL 270 to FL 310 and FL 370 to FL 410" to "FL 240 to FL 280 and FL 370 to FL 410." Such action would provide altitudes needed for more efficient operation of the smaller air carrier jet aircraft over the specified routes.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 24, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9057; Filed, July 31, 1969; 8:49 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 69-CE-60]

JET ROUTE

Notice of Proposed Extension

The Federal Aviation Administration is considering an amendment to Part 75 of Federal Aviation Regulations that would extend Jet Route No. 131 from Greater Southwest, Tex., via Texarkana, Ark.; Little Rock, Ark.; to Evansville, Ind.

This jet route extension would be utilized by turbojet air traffic operating between these terminals and between Dallas, Tex., and Detroit, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules

Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 25, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9060; Filed, July 31, 1969; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR 103, 204, 242, 334, 341]

STATUTORY AND REGULATORY FEES

Notice of Proposed Rule Making

Pursuant to § 553 of title 5 of the United States Code (Public Law 89-554, 80 Stat. 383), notice is hereby given of the proposed issuance of the following rule pertaining to the revised fees to be adopted, effective September 1, 1969, pursuant to Title V of the Independent Offices Appropriations Act of 1952 (65 Stat. 290; 31 U.S.C. 483a) because of the enactment of Public Law 90-609 (82 Stat. 1199), effective October 21, 1968. In accordance with § 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C. 20536, written data, views, or arguments (in duplicate) relative to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

a. Section 103.7 is amended to read as follows:

§ 103.7 Fees.

(a) *Remittances.* Fees prescribed within the framework of 31 U.S.C. 483a shall be submitted with any formal application or petition prescribed in this chapter and shall be in the amount prescribed by law or regulation. When any discretionary relief in exclusion or deportation proceedings is granted absent an application and fee therefor, the district director having jurisdiction over the place where the original proceeding was conducted shall require the filing of the application and the payment of the fee. Every remittance shall be accepted subject to collection. A receipt issued by a Service officer for any such remittance shall not be binding if the remittance is found uncollectible. Fees in the form of postage stamps shall not be accepted. Remittances shall be made payable to the "Immigration and Naturalization Service, Department of Justice" except that in case of applicants residing in the Virgin Islands of the United States, the remittances shall be made payable to the "Commissioner of Finance of the Virgin Islands," and, in the case of applicants residing in Guam, the remittances shall be made payable to the "Treasurer, Guam."

(b) *Amounts of fees*—(1) *Nonstatutory fees.* The following nonstatutory fees and charges are prescribed:

For filing application for Alien Registration Receipt Card (Form I-151), in lieu of one lost, mutilated, or destroyed, or in a changed name	$10.00
For filing application for a U.S. Citizen Identification Card	10.00
For filing application for permission to reapply for an excluded or deported alien, an alien who has fallen into distress and has been removed as an alien enemy, or an alien who has been removed at Government expense in lieu of deportation	25.00
For filing application for passport or visa waiver prior to or at the time application is made for temporary admission to the United States	[1] 10.00
For filing application for visa waiver when application is made for admission as a returning resident	[1] 10.00
For filing application for passport waiver prior to or at the time application is made for permanent admission	[1] 10.00
For filing appeal from or motion to reopen or reconsider, any decision under the immigration laws, except an exclusion or deportation proceeding. (The minimum fee of $25 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)	25.00
For filing petition to classify nonimmigrant as temporary worker or trainee under section 214(c) of the Act	25.00
For filing petition to classify status of alien relative for issuance of immigrant visa under section 204(a) of the Act	10.00
For filing application for issuance of reentry permit	10.00
For filing application for extension of reentry permit	10.00
For filing application for extension of stay to a nonimmigrant, other than one described in section 101(a)(15)(F) or 101(a)(15)(J) of the Act, and, upon a basis of reciprocity, a nonimmigrant described in section 101(a)(15)(A)(iii) or 101(a)(15)(G)(v) of the Act	10.00
For filing petition to classify preference status of an alien on basis of profession or occupation under section 204(a) of the Act	25.00
For filing petition to classify orphan as an immediate relative for issuance of immigrant visa under section 204(a) of the Act. (When more than one petition is submitted by the same petitioner in behalf of orphans who are brothers or sisters, only one fee will be required.)	25.00
For filing application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a state or political subdivision thereof	25.00
For filing application for discretionary relief under section 212(c) of the Act	25.00
For filing application for discretionary relief under section 212(d)(3) of the Act, except in an emergency case, or the approval of the application is in the interest of the U.S. Government	25.00
For filing application for waiver of the foreign-residence requirement under section 212(e) of the Act	25.00
For filing application for waiver of ground of excludability under section 212(h) or (i) of the Act. (Only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those sections.)	25.00
For filing application for adjustment of status to that of a permanent resident under section 245 of the Act	25.00
For filing application for adjustment of status to that of a permanent resident under section 13 of the Act of September 11, 1957	25.00
For filing application for creation of record of admission for permanent residence under section 249 of the Act	25.00
For filing application for change of nonimmigrant classification under section 248 of the Act	25.00
For filing appeal from, or a motion to reopen or reconsider, a decision in and exclusion or deportation proceeding. No additional fees will be required for any applications under sections 243(h), 244, 245, or 249 of the Act, or under section 243.4 of this chapter, submitted concurrently with a motion to reopen or reconsider or made in direct and immediate consequence thereof. (The minimum fee of $50 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)	50.00
For filing application for stay of deportation under Part 243 of this chapter	25.00
For filing application for temporary withholding of deportation under section 243(h) of the Act	50.00
For filing application for suspension of deportation under section 244 of the Act	50.00
For filing application for transfer of petition for naturalization under section 335(i) of the Act, except when transfer is of a petition for naturalization filed under the Act of October 24, 1968, Public Law 90-633	5.00
For filing application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed; or for a certificate of citizenship in a changed name under section 343 (b) or (d) of the Act	5.00
For filing application for certificate of citizenship under section 309 (c) or section 341 of the Act	10.00

[1] Plus communication costs.

For filing application for a special certificate of naturalization to obtain recognition as a citizen of the United States by a foreign state under section 343(c) of the Act	$5.00
For filing application for a certificate of naturalization or repatriation under section 343(a) of the Immigration and Nationality Act or the 12th subdivision of section 4 of the Act of June 29, 1906	5.00
For filing application for section 316(b) or 317 of the Act benefits	10.00
For special statistical tabulations a charge will be made to cover the cost of the work involved	
For set of monthly, semiannual, or annual tables entitled "Passenger Travel Reports Via Sea and Air"	5.00
For annual subscription for "Passenger Travel Reports via Sea and Air"	75.00

Except as otherwise provided in § 3.3(b) of this chapter, any of the foregoing fees relating to applications, petitions, appeals, and motions may be waived when an alien or other party affected is unable to pay the prescribed fee if he files with the relating application, petition, appeal, or motion his affidavit stating the nature thereof, his belief that he is entitled to redress, and his inability to pay the required fee, and he requests permission to prosecute the application, petition, appeal, or motion without prepayment of such fee. When such an affidavit is filed with the officer of the Service having jurisdiction to render a decision on the application, petition, appeal, or motion, such officer may, in his discretion, authorize the prosecution of the relating application, petition, appeal, or motion without prepayment of fee.

(2) *5 U.S.C. 552 fees.* For the services expended in locating or making available records or copies thereof under 5 U.S.C. 552, the following user charges are deemed fair and equitable and shall be assessed against the person who requests that records be made available:

Each Form N-585 or Form I-550 shall be accompanied by payment of (This charge will be retained whether or not an identified record is located.)	$3.00
For each one quarter man-hour or fraction thereof spent in excess of the first quarter hour in searching for or producing a requested record	1.00
For each one quarter hour or fraction thereof spent in monitoring the requester's examination of materials	1.00
For copies of documents:	
Per page	.25
Minimum fee (Maximum number of copies furnished of any document—10.)	.50
For each certification of a true copy	$1.00
For each attestation under seal	3.00

(3) *8 U.S.C. 1455 fees.* For services performed under 8 U.S.C. 1455, the clerk of court shall charge, collect, and account for the following fees:

For receiving and filing a declaration of intention	$5.00
For making, filing, and docketing a petition for naturalization	25.00

b. The third sentence of paragraph (a) *Denials and appeals* of § 103.3 *Denials, appeals, and precedent decisions* is amended to read as follows: "When the applicant is entitled to appeal to another Service Officer, the notice shall advise him that he may appeal from the decision, and that such appeal may be taken within 15 days after the mailing of the notification of decision, accompanied by a supporting brief if desired and a fee of $25, by filing Notice of Appeal, Form I-290B, which shall be furnished with the written notice."

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT

c. 1. The first sentence of paragraph (b) *Orphan* of § 204.1 *Petition* is amended to read as follows: "A petition in behalf of a child defined in section 101(b)(1)(F) of the Act shall be filed by the United States citizen spouse in the office of the Service having jurisdiction over the place where the petitioner is residing on Form I-600, shall identify the child, and shall be accompanied by a fee of $25."

2. The second sentence of paragraph (c) *Member of the professions or an alien of exceptional ability in the sciences or arts* of § 204.1 *Petition* is amended to read as follows: "A separate Form I-140 executed under oath or affirmation and accompanied by Form ES-575A and a fee of $25 must be submitted for each beneficiary before the petition may be accepted by the Service and considered properly filed."

3. The second sentence of subparagraph (1) *Filing petition* of paragraph (d) *Petitions under section 203(a)(6) of the Act* of § 204.1 *Petition* is amended to read as follows: "A separate form must be submitted for each beneficiary, executed under oath or affirmation, accompanied by a fee of $25."

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

d. The third sentence of paragraph (d) *General* of § 242.17 *Ancillary matters, applications* is amended to read as follows: "The respondent shall not be required to pay a fee on more than one application within paragraphs (a) and (c) of this section, provided that the minimum fee imposed when more than one application is made shall be determined by the cost of the application with the highest fee."

PART 334—PETITION FOR NATURALIZATION

e. The last sentence of § 334.13 *Filing of petition for naturalization* is amended to read as follows: "The petitioner shall pay the clerk of the naturalization court, at the time the petition is filed, a fee of $25, unless the petitioner is exempt therefrom by section 344(h) of the Immigration and Nationality Act, or is exempt therefrom under section 3 of the Act of October 24, 1968."

PART 341—CERTIFICATES OF CITIZENSHIP

f. The first sentence of § 341.1 *Application* is amended to read as follows: "An application for a certificate of citizenship by or in behalf of a person who claims to have acquired United States citizenship under section 309(c) or to have acquired or derived United States citizenship as specified in section 341 of the Act shall be submitted on Form N-600 in accordance with the instructions thereon, accompanied by a fee of $10."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: July 28, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69-9046; Filed, July 31, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

PLATE AND FLOAT GLASS FROM JAPAN

Antidumping Proceeding Notice

JULY 28, 1969.

On May 16, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27) indicating a possibility that plate and float glass from Japan is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a), et seq.).

The information was submitted by Lincoln and Stewart, Washington, D.C.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that net, unpacked price for export to the United States is lower than the net, unpacked price to purchasers in the manufacturers home market in Japan.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F. R. Doc. 69-9061; Filed, July 31, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 4377]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

Correction

In F.R. Doc. 69-8328, appearing at page 11988 of the issue for Wednesday, July 16, 1969, the following change should be made:

On page 11989, in the land description following T. 1 S., R. 19 E., "secs. 17 and 26" should read "secs. 17 to 26".

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

JULY 22, 1969.

Notice of an application, serial number AA-2838, for withdrawal and reservation of lands for the Department of the Air Force was published as Federal Register Document No. 68-7081 on page 8782 of the issue for June 15, 1968. A portion of the land description therein is hereby corrected to read as follows:

KING SALMON, ALASKA

MAIN AREA (PARCEL 1)

T. 17 S., R. 45 W., S.M.,
Sec. 23: N½NW¼, SE¼NW¼, NE¼, N½SE¼.

Containing approximately 360 acres.

CURTIS V. MCVEE,
Acting State Director.

[F.R. Doc. 69-9045; Filed, July 31, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

O,O-DIETHYL O-3,5,6-TRICHLORO-2-PYRIDYL PHOSPHOROTHIOATE

Notice of Establishment of Temporary Tolerances

At the request of The Dow Chemical Co., Post Office Box 1706, Midland, Mich. 48640, temporary tolerances are established for negligible residues of the insecticide O,O-diethyl O-3,5,6-trichloro-2-pyridyl phosphorothioate in the raw agricultural commodities meat and fat of turkeys at 0.05 part per million. The Commissioner of Food and Drugs has determined that these temporary tolerances are safe and will protect the public health.

A condition under which these temporary tolerances are established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under The Dow Chemical Co. name.

These temporary tolerances expire July 25, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 25, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9013; Filed, July 31, 1969; 8:46 a.m.]

VELSICOL CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0849) has been filed by Velsicol Chemical Corp., 1725 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances (21 CFR 120.227) for combined residues of the herbicide dicamba (3,6-dichloro-o-anisic acid) and its metabolite 3,6-dichloro-5-hydroxy-o-anisic acid in or on the raw agricultural commodities sorghum grain and forage at 3 parts per million.

The analytical method proposed in the petition for determining residues of the herbicide and its metabolite is a modification of the method of M. Smith et al., published in the "Journal of the Association of Official Analytical Chemists," vol. 48, pp. 1164-69 (1965).

Dated: July 24, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9014; Filed, July 31, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-47]

ARMY MATERIALS AND MECHANICS RESEARCH CENTER

Notice of Proposed Issuance of Amended Facility License

The Atomic Energy Commission ("the Commission") is considering the issuance of Amendment No. 8, as set forth below, to Facility License No. R-65. The license authorizes the Army Materials and Mechanics Research Center, formerly U.S. Army Materials Research Agency (hereinafter, "AMMRC"), to possess, use and operate the pool-type nuclear reactor located at Watertown, Mass. The proposed amendment would reissue the license in its entirety to (1) authorize AMMRC to increase the steady-state operating power level of the reactor from the presently authorized two megawatts (thermal) to a maximum of five megawatts (thermal), (2) authorize an increase from 9.35 kilograms to 12 kilograms in the quantity of uranium-235 which AMMRC is permitted to receive, possess, and use in connection with operation of the reactor, and the receipt, possession, and use of a 5-curie sealed plutonium-beryllium neutron source, and (3) delete from the license the record keeping and reporting requirements which have been incorporated in the proposed Technical Specifications. The proposed amendment is in accordance with AMMRC's Application Amendment No. 12 dated March 21, 1967, and supplements thereto dated September 4, 1968, May 20, 1969, and June 20 and 27, 1969.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amended facility license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed amendment, see (1) the Application Amendment No. 12 dated March 21, 1967, and supplements thereto dated September 4, 1968, May 20, 1969, June 20, 1969, and June 27, 1969, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the proposed Technical Specifications, all of which are available for public inspection in the Commission's Public Document Room 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 21st day of July 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-65; Amdt. 8]

1. The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter, "the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. The reactor has been constructed in conformity with Construction Permit No. CPRR-16 and will operate in conformity with the application, the Act, and the rules and regulations of the Commission;

C. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

D. The Army Materials and Mechanics Research Center is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

E. The issuance of this license, as amended, for the possession, use and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

F. The Army Materials and Mechanics Research Center is a Federal Agency which does not have to furnish proof of financial protection and has executed an indemnity agreement which satisfies the requirements of 10 CFR Part 140.

2. Facility License No. R-65, as amended, is hereby amended in its entirety to read as follows:

A. This license applies to the light water-moderated and cooled pool-type nuclear reactor (hereinafter "reactor") owned by the Army Materials and Mechanics Research Center (hereinafter "AMMRC" or "the licensee") located in Watertown, Mass., as described in the licensee's application for license dated December 1, 1956, and subsequent amendments thereto including Amendment No. 12 dated March 21, 1967, and supplements thereto dated September 4, 1968, May 20, 1969, and June 20 and 27, 1969 (herein referred to as "the application").

B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the Army Materials and Mechanics Research Center (formerly U.S. Army Materials Research Agency): (1) Pursuant to section 104c of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities", to possess, use and operate the reactor in accordance with the procedures and limitations described in the application and in this license;

(2) Pursuant to the Act and 10 CFR Part 70, "Special Nuclear Material", to receive, possess and use (1) up to 12 kilograms of contained U^{235} and (2) a 5-curie plutonium-beryllium neutron source, both in connection with operation of the reactor; and

(3) Pursuant to the Act and 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

C. This license shall be deemed to contain and be subject to the conditions specified in Part 20, section 30.34 of Part 30, sections 50.54 and 50.59 of Part 50 and section 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) *Maximum Power Level*

The AMMRC may operate the reactor at steady-state power levels up to a maximum of five megawatts (thermal).

(2) *Technical Specifications*

The Technical Specifications contained in Appendix A[1] hereto are hereby incorporated in this license. The AMMRC shall operate the reactor in accordance with these Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in section 50.59 of 10 CFR Part 50.

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

D. This amended license is effective as of the date of issuance and shall expire at midnight, October 2, 1997.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-9002; Filed, July 31, 1969; 8:45 a.m.]

[Docket No. 50-243]

OREGON STATE UNIVERSITY

Notice of Proposed Issuance of Amendment to Operating License

The Atomic Energy Commission ("the Commission") is considering the issuance of an amendment to Operating License No. R-106 dated March 7, 1967, which presently authorizes Oregon State University to possess, use and operate the TRIGA Mark II nuclear reactor located at Corvallis, Oreg., at power levels up to 250 kilowatts (thermal). The amendment would authorize the licensee to operate the reactor at increased steady-state power levels up to a maximum of 1000 kilowatts (thermal).

The Commission has found that the application for the amendment, as supplemented, complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR, Chapter I.

The amendment will be issued after the Commission makes the findings relating to its review of the application which are set forth in the proposed amendment and concludes that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed amendment, see (1) the application for license amendment dated October 23, 1968, and supplement thereto; (2) the proposed amendment to operating license; and (3) a related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545,

Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 30th day of July 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-9128; Filed, July 31, 1969; 10:07 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21196]

COMPAGNIE NATIONALE AIR FRANCE

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on August 14, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Thomas P. Sheehan.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., July 28, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-9063; Filed, July 31, 1969; 8:50 a.m.]

[Docket No. 21159, 18381; Order 69-7-108]

GEORGIA AIR, INC. AND NONPRIORITY MAIL RATES

Order To Show Cause

JULY 22, 1969.

Georgia Air, Inc. (Georgia Air), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-6-176, June 30, 1969, the Board approved Agreement C.A.B. 20887 between Eastern Air Lines, Inc. (Eastern) and Georgia Air which contemplates that Georgia Air will discharge Eastern's certificate obligation to serve Rome, Ga., through the operation of small aircraft between Rome and Atlanta, Ga.

No service mail rate is currently in effect for this service by Georgia Air. By petition filed July 2, 1969, Georgia Air requested the establishment of service mail rates for the transportation of priority and nonpriority mail by air between Rome and Atlanta, Ga. Georgia Air requests that the multielement rates established in Orders E-25610 and E-17255, which provided for payments to Eastern, be made applicable to this route. On July 11, 1969, the Postmaster General filed an answer in support of Georgia Air's petition.[1]

The rate in Order E-25610, August 28, 1967, for the air transportation of priority mail was established by the Board in the Domestic Service Mail Rate Investigation. We propose to establish a service rate for the air transportation of priority mail by Georgia Air at the level established in Order E-25610, as amended, and the terms and provisions of that order also shall be applicable to Georgia Air in the same manner as they were applicable to Eastern in providing mail services between Rome and Atlanta, Ga.

An open-rate situation has existed for the air transportation of nonpriority mail since April 6, 1967, when the Post Office petitioned for new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Eastern) for the transportation of nonpriority mail, established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is equitable that Georgia Air receive the same compensation as Eastern for the same services, we propose to establish temporary service rates for nonpriority mail for Georgia Air at the level established in Order E-17255, as amended. We will also make Georgia Air a party to the proceedings in Docket 18381 so the temporary nonpriority mail rates established herein will be subject to any retroactive adjustment ordered in that proceeding.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Georgia Air, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Rome and Atlanta, Ga. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid on and after July 15, 1969, to Georgia Air, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Rome and Atlanta, Ga., shall be the rates established by the Board in Order E-25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid on and after July 15, 1969, to Georgia Air, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Rome and Atlanta, Ga., shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended, subject to any retroactive adjustment made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR Part 385.15(f).

It is ordered, That:

1. All interested persons and particularly Georgia Air, Inc., the Postmaster General, and Eastern Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Georgia Air, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302 and notice of any objection to the rates or to the other findings and conclusions proposed herein shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If no notice of objection is filed within 10 days after service of this order, or if notice is filed and no answer is filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final and temporary rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final and temporary rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Georgia Air, Inc., is hereby made a party in Docket 18381; and

6. This order shall be served upon Georgia Air, Inc., the Postmaster General, and Eastern Air Lines, Inc.

[1] The present rates are as follows:

Priority Mail by Air: 24 cents per ton-mile plus 9.36 cents per pound at Rome and 2.34 cents per pound at Atlanta.

Nonpriority Mail by Air: 15.115 cents per ton-mile plus 4.93 cents per pound at Rome and 1.66 cents per pound at Atlanta.

[2] As this order to show cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 385 (14 CFR Part 385). Those provisions will apply to any final action taken by the staff in this matter under authority delegated in § 385.14(g).

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9064; Filed, July 31, 1969; 8:50 a.m.]

[Dockets Nos. 20946 and 20978; Order 69-7-120]

HARLLEE BRANCH, JR., ET AL.

Order Setting Matter for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of July 1969.

Application for disclaimer of jurisdiction or approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By application filed in Docket 20946 on April 25, 1969, the United States Steel Corp. (USS), requests that the Board disclaim jurisdiction over or approve under section 408 of the Federal Aviation Act of 1958, as amended, a control relationship resulting from the acquisition by USS of Johnson Flying Service, Inc. (JFS), a supplemental air carrier.[1] By application filed in Docket 20978 on May 9, 1969, USS, Harllee Branch, Jr., and other various directors of USS request that the Board disclaim jurisdiction over or approve under section 409 of the Act certain interlocking relationships relating to the acquisition by USS of Johnson Flying Service, Inc. The applications state that USS wholly owns 13 common carriers by rail and four water carriers, set forth numerous interlocking relationships with surface common carriers and persons engaged in a phase of aeronautics, and indicate that it engages in the sale of manufactured metals used in aircraft and related items. The applicants move that the proceedings in Dockets 20946 and 20978 be consolidated.

In brief, USS proposes to acquire all of the outstanding capital stock of Johnson Flying Service, Inc. USS does not intend to abandon the forest firefighting activities of JFS, which now comprise that carrier's principal activity, but USS "does intend to breathe new life into the commercial charter plane service of JFS as a full-scale supplemental air carrier, and is prepared in due course to do everything reasonably necessary to make JFS an effective competitor in its field of authorized operations." The agreement is conditioned upon Board approval or disclaimer of jurisdiction.

Comments and answers requesting that the applications for disclaimer of jurisdiction be denied and a hearing held were filed by Capitol International Airways, The Flying Tiger Line, Overseas National Airways, Saturn Airways, Trans International Airlines, and World Airways. Petitions for leave to intervene were filed by these same carriers, and also by Purdue Airlines. No person opposes the motion of the applicants for consolidation of the proceeding, although Trans International and World have moved to strike certain portions of that motion, as containing irrelevant matter.

Section 408(a)(5) provides that approval by the Board is a requisite for "any air carrier or person controlling an air carrier, any other common carrier, or any person engaged in any other phase of aeronautics, to acquire control of any air carrier in any manner whatsoever." In considering whether to approve the acquisition of control of an air carrier by a person described in section 408(a)(5) the Board must measure the transaction according to the policy standards set forth in section 102 of the Act, and further must satisfy itself under section 408(b) that based upon all the facts and circumstances, the acquisition would not result in creating a monopoly or monopolies or restrain competition, and thereby jeopardize another air carrier.

Section 409(a) requires Board approval of interlocking relationships between representatives of air carriers and common carriers or persons engaged in a phase of aeronautics.

At the outset of our consideration of an acquisition of control of an air carrier, we must determine whether the acquiring person is one described in section 408(a)(5), and thus whether the Board has jurisdiction over the substance of the transaction. We have in previous cases styled this threshold question as "initial jurisdiction," and have stated that where necessary to accord with the legislative purpose behind sections 408 and 409 of the Act, we will disregard the separate corporate entities (i.e., "pierce the corporate veil") of the acquiring company to determine whether the transaction falls within our jurisdiction.[2]

We do not have enough information at this time to determine that a disclaimer of jurisdiction is warranted. Therefore, we shall set for hearing the entirety of USS' applications for disclaimer of jurisdiction or approval. On the question of disclaimer of jurisdiction, the hearing should elicit information which will enable us to determine under sections 408(a)(5) and 409(a) whether the manufacturing and sales activities of USS itself constitute it as a person engaged in a phase of aeronautics, or whether by virtue of its direct ownership of common carrier railroads and various water carriers, USS is a common carrier,[3] or whether it is affiliated with surface carriers within the meaning of section 408(b).[4]

We have decided to grant the various petitions for intervention and to grant the motion of USS for consolidation. With regard to the motions of Trans International and World to strike certain portions of the motion of USS for consolidation, the movants are correct in asserting that some of the argument in this motion is irrelevant to a motion to consolidate. However, in view of the action we have taken herein relating to the applications of USS, no prejudice to any party has ensued, and we shall dismiss the motion to strike.[5]

[1] JFS holds two supplemental air carrier certificates, issued pursuant to Orders E-23350 and E-24237, which authorize it to engage in supplemental air transportation (including inclusive tour charters) with respect to persons and property (1) between any point in any State of the United States or the District of Columbia, and any other point in any States of the United States or the District of Columbia, except intrastate within Alaska, effective May 13, 1966, the authorization to operate inclusive tour charters to terminate 5 years from the effective date, and (2) between any point in any State of the United States or the District of Columbia, on the one hand, and points in Canada, on the other hand, and in overseas and foreign air transportation, and in air transportation between places in the same territory or possession of the United States, pursuant to contracts with the Department of Defense, effective November 26, 1966, the authority to engage in supplemental air transportation to points in Canada to terminate 5 years from the effective date.

[2] Universal Consolidated Industries, Inc., et al., Order 68-12-86, Dec. 16, 1968; Universal Airlines, Inc., et al., Order 68-7-98, July 19, 1968; RKO General, Inc., Citadel Industries, Order E-24296, Oct. 17, 1966; Studebaker Corp. Disclaimer, 37 C.A.B. 738 (1962); Air Freight Forwarder Case, 9 C.A.B. 473 (1948).

[3] A critical question in this connection, involving as it does the "piercing" of the separate corporate veils of the USS owned carriers so as not to allow the corporate structure of the applicant to defeat the Act's purposes, is whether the common ownership by USS of surface carriers and JFS would create a conflict of interest which would act to the detriment of JFS, or which would create a monopoly or restrain competition and therefore jeopardize another air carrier.

[4] Under the second proviso to section 408(b) if the applicant is a carrier other than an air carrier, or a person controlled by a carrier other than an air carrier or affiliated therewith within the meaning of section 5(8) of the Interstate Commerce Act, such applicant shall for the purposes of section 408 be considered an air carrier, and the Board may not approve the acquisition unless it finds that the transaction proposed will promote the public interest by enabling such carrier other than an air carrier to use aircraft to public advantage in its operation and will not restrain competition.

[5] The answering parties raise for exploration the question of a possible relationship between USS and the Penn Central Railroad concerning the proposed acquisition by USS of JFS. The parties refer to the fact that in Docket 17657 the Railroad was found to have acquired control of Executive Jet Aviation, which in turn was attempting to purchase JFS. In an attempt to divest itself pursuant to the Board's finding, the Railroad proposed to transfer its interest in Executive Jet to USS and Burlington Industries. However, the latter withdrew from that proposed agreement; the application of USS was dismissed without prejudice; and the application of Executive Jet Aviation to acquire JFS was dismissed without prejudice. See Order 69-6-17, June 4, 1969. We therein determined to proceed further with the investigation of any control relationships as between EJA and the Railroad, on the one hand, and any other air carriers, foreign air carrier, or persons engaged in a phase of aeronautics, on the other hand, which might require approval under section 408 of the Act. However, we did note that the instant applications of USS would be treated separately. Obviously, therefore, we do not foreclose from determination in this proceeding any issue relevant to our determination on whether the proposed acquisition of JFS will be consistent with the public interest.

Accordingly, it is ordered, That:

1. The applicants' requests for disclaimer of jurisdiction over or approval of the acquisition and interlocking relationships be and they hereby are set for hearing before an examiner of the Board at a time and place to be hereafter designated;

2. The applicants' motion to consolidate the proceedings in Dockets 20946 and 20978 be and it hereby is granted;

3. The above-described petitions to intervene be and they hereby are granted;

4. The motions of Trans International Airlines and World Airways to strike portions of the motion to consolidate of USS be and they hereby are dismissed; and

5. To the extent not granted above, the outstanding applications and requests filed herein be and they hereby are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-9065; Filed, July 31, 1969; 8:50 a.m.]

[Docket No. 18650; Order 69-7-111]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

JULY 22, 1969.

Agreement adopted by Joint Conference 1-2-3 of the International Air Transport Association relating to specific commodity rates.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated June 30, 1969, names additional specific commodity rates, as set forth in the attachment[1] hereto, which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R-84 and R-85, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-9066; Filed, July 31, 1969; 8:50 a.m.]

[Docket No. 20267]

TWIN CITIES-MILWAUKEE SOUTHEAST POINTS INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on September 8, 1969, at 10 a.m., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on May 15, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 29, 1969.

[SEAL] GREER M. MURPHY, *Hearing Examiner.*

[F.R. Doc. 69-9067; Filed, July 31, 1969; 8:50 a.m.]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 729]

DEPUTY GOVERNOR ET AL.

Delegation of Authority To Act as Governor in Certain Circumstances

JULY 29, 1969.

Authority of officers of the Farm Credit Administration to act as Governor in the event that the Governor is absent or not able to perform the duties of his office for any other reason (revocation of FCA Order No. 727).

1. In the event that the Governor of the Farm Credit Administration is absent or is not able to perform the duties of his office for any other reason, the officer of the Farm Credit Administration who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

(1) Deputy Governor;
(2) Director, Land Bank Service;
(3) Director, Production Credit Service;
(4) Director, Cooperative Bank Service;
(5) General Counsel;
(6) Chief Examiner;
(7) Comptroller;
(8) Any other officer of the Farm Credit Administration designated by the Governor.

2. This order shall be effective July 29, 1969, and supersedes Farm Credit Administration Order No. 727, dated March 10, 1969 (34 F.R. 5268).

E. A. JAENKE, *Governor, Farm Credit Administration.*

[F.R. Doc. 69-9044; Filed, July 31, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

PACIFIC COAST COMMITTEE OF INWARD TRANS-PACIFIC STEAMSHIP LINES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. W. C. Galloway, Chairman, Pacific Coast Committee of Inward Trans-Pacific Steamship Lines, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement No. 7970-3 between the members of the Pacific Coast Committee of Inward Trans-Pacific Steamship Lines redefines the geographical trade area covered by the basic agreement, as amended, by the deletion of all reference to Canada presently appearing in paragraphs 1, 4, 10, and 11 therein.

By order of the Federal Maritime Commission.

Dated: July 28, 1969.

FRANCIS C. HURNEY, *Assistant Secretary.*

[F.R. Doc. 69-9073; Filed, July 31, 1969; 8:51 a.m.]

[1] Filed as part of the original document.

PHILIPPINES NORTH AMERICAN CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. E. H. Bosch, Secretary-Manager, Philippines North America Conference, Seventh Floor, Shurdut Building, Muralla/Gral. Luna Sts., Intramuros, Manila, D-406 Philippines.

Agreement No. 5600-28 between members of the Philippines North America Conference modifies the basic agreement, as amended, by the deletion of Amendment No. 2 (Agreement No. 5600-2), approved December 1, 1936. The deleted amendment concerned agency guidelines the parties were to adhere to in respect to shipments of copra from the Philippine Islands ports to the U.S. Pacific Coast ports.

Dated: July 28, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Assistant Secretary.*

[F.R. Doc. 69-9074; Filed, July 31, 1969; 8:51 a.m.]

[Independent Ocean Freight Forwarder License No. 55]

RAMON DE ARRIGUNAGA ET AL.

Revocation Order

The Federal Maritime Commission has been advised of the termination of operations of Raymond Shipping Co., Post Office Box 50029, New Orelans, La., due to the demise of Ramon De Arrigunaga.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders Commission Order No. 201.1, section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 55 of Ramon De Arrigunaga doing business as Raymond Shipping Co. be and is hereby revoked effective June 28, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Mr. Frans J. Labranche, Attorney at Law, Hibernia Bank Building, 812 Gravier Street, New Orleans, La. 70112.

LEROY F. FULLER, *Director, Bureau of Domestic Regulation.*

[F.R. Doc. 69-9075; Filed, July 31, 1969; 8:51 a.m.]

SEA-LAND SERVICE, INC., AND AZTA SHIPPING CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9505-1, between Sea-Land Service, Inc., and Azta Shipping Co., amends the basic transshipment agreement (No. 9505), which presently covers general cargo, to provide for the establishment of through rates on controlled temperature cargo from ports of call of Azta in Central America to ports of call of Sea-Land in California with transshipment at the port of Balboa, Canal Zone.

Dated: July 28, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Assistant Secretary.*

[F.R. Doc. 69-9076; Filed, July 31, 1969; 8:51 a.m.]

[Docket No. 1153]

TRUCK AND LIGHTER LOADING AND UNLOADING PRACTICES AT NEW YORK HARBOR

First Supplemental Order Regarding Detention Claims

By order of May 16, 1969, the Commission, as directed by the U.S. Court of Appeals for the District of Columbia Circuit, issued escrow rules to apply with respect to truck detention claims at New York Harbor. Public notice of the rules appeared in the FEDERAL REGISTER on May 21, 1969, at page 8002. The Commission, after reviewing the claims and actions taken with respect to such claims, is of the opinion that certain revisions and clarifications should be made in the rules. The rules are hereby amended as follows:

(1) At the end of the first sentence in section 6 add "Every claim shall include an identifying number."

(2) At the end of the second sentence in section 6 add "If a claim relates to pickup or delivery of a container handled as a single unit, the claim must so state."

(3) Before the last sentence in section 6 add "Copies of all claims submitted to the Commission must be full and complete duplicates of the claims filed with the terminal operators (including all required attachments)."

(4) Section 6 is also amended by the deletion of the phrase "* * * or a summary of claims for a weekly period arranged so as to show claims submitted to each terminal operator separately" which occurs in the penultimate sentence in that section.

(5) Section 7 is amended by the addition, after the first sentence, of the following: "The acknowledgment shall make reference to the claimant's claim number."

(6) A new section, 7a. Rejections, is added.

Sections 6 and 7, as amended, and the new section 7a will read as follows:

Sec. 6. *Claims for detention.* Any motor vehicle operator, or any importer or exporter on whose behalf the motor vehicle operator is acting, who wishes to claim fees for detention, as provided in sections 1-5 set forth above, shall file a written claim with the terminal operator against whom such claim is made. Every claim shall include an identifying number. The claim shall set forth the name of the terminal operator, location of the pier, truck identification or unit number, weight of shipment, date and time of arrival at the pier, free time, time of completion of documentation, time of completion of loading or unloading, and the amount of the detention charge claimed. If a claim relates to pickup or delivery of a container handled as a single unit, the claim must so state. Such claim shall be accompanied by a copy of the document time stamped by the terminal operator upon the completion of documentation as provided in section 2 and the time of completion of loading or unloading as provided in section 3. If the terminal operator has refused to tender a document showing the time of completion of documentation and/or the time of completion of loading and unloading, the motor vehicle operator shall submit a sworn statement that the terminal operator refused to tender an appropriate time stamped document and, in fact, documentation and/or loading or unloading was completed at a certain specified time. Claims for detention occurring between April 1, 1969, and May 14, 1969, shall be made on or

before June 13, 1969. Claims occurring after May 14, 1969, shall be filed within 30 calendar days of the date of the detention. A copy of such claim shall be mailed to the Chief, Division of Terminals and Freight Forwarders, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573. Copies of all claims submitted to the Commission must be full and complete duplicates of the claims filed with the terminal operators. Such claims shall be deemed to be made on the date of receipt of a copy of the claim by the Commission.

Sec. 7. *Acknowledgment of claims.* Upon receipt of a claim as set forth in section 6, a terminal operator, within seven (7) calendar days, shall acknowledge the receipt of the claim by letter to the motor vehicle operator submitting such claim. The acknowledgment shall make reference to the claimant's claim number. The acknowledgment shall include an account number serially assigned by the terminal operator to such claim and shall indicate whether such claim shall be contested by the terminal operator as not a proper claim under sections 1–5. A copy of such acknowledgment shall be mailed to the Chief, Division of Terminals and Freight Forwarders, Federal Maritime Commission.

7a. *Rejections.* No claim need be honored for detention accrued at a facility not covered by the applicable New York Terminal Conference Tariff.

No claim for detention need be honored, where the terminal operator, pursuant to the Conference tariff, makes no charge for the service performed, provided however, detention will be paid when the motor vehicle operator unloads his own truck in accordance with section 4(c).

No claim for detention need be honored where documentation is completed after 3 p.m.

Unless notified by the Commission that a claim is not filed within the time limits set forth in section 6, a terminal operator may not reject a claim because it is not timely filed.

Claims may be rejected by the terminal operator only upon failure of the claimant to provide the following data:

1. Name of terminal operator.
2. Location of pier.
3. Identification of vehicle.
4. Date of detention.
5. Weight of shipment.
6. Time documentation completed.
7. Time loading or unloading completed, or time vehicle is spotted if detention is sought pursuant to section 4(c).
8. Time stamped document or sworn statement.

A claim rejected for failure to include the above stated data, but filed within the time limits prescribed in section 6, shall be considered to be timely filed when additional data is submitted at a later date.

Disagreement as to the accuracy of items 1 through 8 shall not be grounds for rejection.

In rejecting a claim for reasons stated above, the terminal operator must specify to the claimant, with copy to the Commission, the reasons for the rejection.

Effective date. The rules set forth herein shall become effective August 4, 1969. In light of the direction of the court to establish and maintain effective rules in this matter, the Commission considers inapplicable the 30-day publication requirement contained in section 4(c) of the Administrative Procedure Act (5 U.S.C. 553).

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Assistant Secretary.*

[F.R. Doc. 69-9077; Filed, July 31, 1969; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4772]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Amendments of Debenture Indenture and Order Authorizing Solicitation of Consents

JULY 28, 1969.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia") 120 East 41st Street, New York, N.Y. 10017, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(e) thereof and Rules 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Columbia proposes to amend its Indenture dated as of June 1, 1950, between Columbia and Morgan Guaranty Trust Company of New York ("Trustee") so as to bring it into conformity with its Indenture dated June 1, 1961. This will require two changes in the definition of consolidated income available for interest and subsidiary preferred stock dividends ("consolidated income available"), a defined term used as the basis of an earnings test designed to limit the issue and sale of additional funded debt. The first proposed change would modify said definition so as to provide that income and excess or other profits taxes of subsidiary companies as well as of Columbia are excluded from deductible taxes in calculating "consolidated income available." The second change proposed in the definition is to provide for the inclusion of contingent earnings, if any, which arise from collected revenues from gas sales representing an increase in rates requested but not yet approved by the appropriate regulatory commission. Contingent earnings attributable to a requested increase in the allowed rate of return on capital, as contrasted with a rate increase which merely compensates for increased operating costs, will not be included in the computation.

Both changes will increase the amount of "consolidated income available" under the indenture, thus permitting an increase in the amount of consolidated debt and subsidiary company preferred stock (namely, total funded debt) which can be issued by Columbia or its subsidiary companies. The capitalization test of the indenture limiting outstanding funded debt to 60 percent of the net tangible assests would remain unchanged, as would the requirement that "consolidated income available" be 2½ times interest and subsidiary company preferred stock dividends.

The 14th supplemental indenture effecting the proposed amendments cannot be executed until Columbia delivers to the Trustee written consents of the holders of 66⅔ percent in aggregate principal amount of the debentures at the time outstanding under the indenture. Solicitation of such consents, it is proposed, will be undertaken solely by Columbia and its subsidiary service company, both by mail and by personal communication. Columbia has requested that the effectiveness of its declaration with respect to the solicitation of consents be accelerated as provided in Rule 62.

It is stated that the fees and expenses in connection with the proposed transactions are estimated at $102,000, including Trustee's charges and expenses of $32,000, financial advisory fee of $15,000, charges and disbursements of the system service company, at cost, of $22,500, and legal fees of $17,500. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 18, 1969, request in writing that a hearing be held with respect to the proposed amendments of the indenture, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that Columbia's declaration regarding the proposed solicitation of consents should be permitted to become effective forthwith pursuant to Rules 62 and 65:

It is ordered, That the declaration regarding the proposed solicitation of consents be, and it hereby is, permitted to become effective forthwith pursuant to Rules 62 and 65 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9015; Filed, July 31, 1969; 8:46 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

JULY 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 29, 1969, through August 7, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9016; Filed, July 31, 1969; 8:46 a.m.]

[File No. 24B-1506]

IPAC, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 28, 1969.

I. IPAC, Inc. ("issuer"), a Vermont corporation located at Fort Ethan Allen, Colchester, Vt., filed with the Commission on August 5, 1968, a notification on Form 1–A and an offering circular relating to a proposed offering of 250,000 shares of its $1 par value common stock at $1 per share with gross proceeds to the issuer of $250,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe on the basis of information reported to it by the staff that:

A. The issuer violated Rule 255 of the regulation in that sales of IPAC securities were made prior to and during the 10-day waiting period specified by the rule, and such period had not been shortened by the Commission.

B. The issuer violated Rule 256 in that securities of the issuer were sold and moneys accepted from investors prior to the delivery of an offering circular.

C. The issuer and certain of its officers and directors are subject to a permanent injunction enjoining further violations of sections 5(a) and 5(c) in connection with the sale of IPAC common stock.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9017; Filed, July 31, 1969; 8:46 a.m.]

LIBERTY EQUITIES CORP.

Order Suspending Trading

JULY 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Liberty Equities Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 28, 1969, 11:30 a.m., e.d.t., through August 6, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9018; Filed, July 31, 1969; 8:46 a.m.]

[812-2528]

STEIN ROE & FARNHAM STOCK FUND, INC.

Notice of Filing of an Application for an Order Exempting a Proposed Exchange of Shares

JULY 28, 1969.

Notice is hereby given that Stein Roe & Farnham Stock Fund, Inc. ("Stein Roe"), 135 South La Salle Street, Chicago, Ill. 60603, a Maryland corporation registered as an open-end diversified management investment company under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 6(c) of the Act for an order exempting from the provisions of sections 22(c) and 22(d) of the Act and Rule 22c-1 thereunder a proposed transaction in which Stein Roe's redeemable securities will be issued at a price other than the price based on the current net asset value of such securities which is next computed after receipt of the order to purchase such securities, and may be issued at other than the public offering price described in the prospectus, for substantially all of the assets of Royal Investment Corp. ("Royal"). All interested persons are referred to the application on file with the Commission for a complete statement of the representations therein which are summarized below.

Stein Roe represents that all of the stock of Royal, an Illinois corporation, is beneficially owned by two individuals and that Royal is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. The partnership of Stein Roe & Farmham, investment adviser to Stein Roe, has acted as investment adviser to Royal since June 1968.

Pursuant to the terms of an Agreement and Plan of Reorganization dated January 15, 1969 ("Agreement") Royal will transfer substantially all of its cash and securities, having a value of approximately $1,401,219 as of March 31, 1969, to Stein Roe in exchange for shares of Stein Roe stock. The number of shares that Royal will receive is to be determined by dividing the aggregate market value of Royal's assets to be exchanged by Stein Roe's net asset value per share subject to a certain adjustment, described in the application, which would reduce the number of Stein Roe shares that Royal would receive if Royal's ratio of unrealized net capital gains to assets is greater than Stein Roe's. The net asset value of Stein Roe's shares and the value of Royal's portfolio will be determined as of the preceding day's closing prices. If the transactions had been closed on June 26, 1969, no adjustment would have been required. Agreement

further provides that Royal will sell certain of its assets prior to the closing, or alternatively, for the purpose of the proposed exchange, the value of Royal's assets will be reduced by the estimated expenses of completing the liquidation of such assets. A similar reduction in the value of Royal's assets will be made as to any other securities in Royal's portfolio which are not the same as securities in Stein Roe's portfolio and which Stein Roe determines that it will not retain after the closing.

Royal has received a ruling from the Internal Revenue Service to the effect that the transfer will be a tax-free reorganization and that the tax basis to Stein Roe of Royal's assets will be their basis in the hands of Royal. Stein Roe further represents that no affiliation exists between Royal or its officers, directors, or stockholders and Stein Roe, its officers or directors, that agreement was negotiated at arm's length by the two companies, and has been approved by the Board of Directors of Stein Roe and by the Board of Directors and shareholders of Royal.

Section 22(c) of the Act and Rule 22c–1 thereunder inter alia prohibit registered investment companies from issuing their redeemable securities except at a price based on the current net asset value of such security which is next computed after receipt of an order to purchase the security. Section 22(d) of the Act provides that registered investment companies may sell their shares only at the current public offering price described in the prospectus. Stein Roe issues its shares to the public on a continuous basis at net asset value without a sales charge.

Section 6(c) permits the Commission, upon application, to exempt any transaction from any provision or provisions of the Act or of any rule or regulation thereunder if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 14, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Stein Roe at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–9019; Filed, July 31, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

CALIFORNIA GROWTH CAPITAL, INC.

Notice of Approval for Transfer of Control of Licensed Small Business Investment Company

On July 1, 1969, a notice of application for transfer of control was published in the FEDERAL REGISTER (34 F.R. 11112) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for transfer of control of California Growth Capital, Inc., 1615 Cordova Street, Los Angeles, Calif. 90007, a Federal licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), License No. 12–0023 to Jaser Development Co. (Jaser), Los Angeles, Calif. Jaser has acquired 50.8 percent of the issued and outstanding common stock of the licensee.

Interested persons were given 10 days to submit written comments to SBA. No unfavorable comments were received.

SBA, having considered the application and all other pertinent information with regard thereto, hereby approves the application for transfer of control.

Dated July 22, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69–9020; Filed July 31, 1969; 8:46 a.m.]

[Declaration of Disaster Loan Area 722]

INDIANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Johnson County, Ind.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 20, and July 21, 1969.

OFFICE

Small Business Administration Regional Office, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1970.

Dated: July 24, 1969.

HILARY SANDOVAL, Jr., *Administrator.*

[F.R. Doc. 69–9021; Filed, July 31, 1969; 8:46 a.m.]

[Declaration of Disaster Loan Area 721]

ILLINOIS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Whiteside, Rock Island, and Henry Counties, Ill.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 17, 1969.

OFFICE

Small Business Administration Regional Office, 219 South Dearborn Street, Chicago, Ill. 60604.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1970.

Dated: July 23, 1969.

HILARY SANDOVAL, Jr., *Administrator.*

[F.R. Doc. 69–9022; Filed, July 31, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 29, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41703—*Anhydrous ammonia to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B–59), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, as described in the application, from specified points in Illinois, also St. Louis, Mo., to points in southwestern territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 58 to Southwestern Freight Bureau, agent, tariff ICC 4780.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–9048; Filed, July 31, 1969; 8:49 a.m.]

[Notice 876]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 29, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22426 (Sub-No. 10 TA), filed July 16, 1969. Applicant: LONGVIEW MOTOR TRANSPORT, INC., 763 Seventh Avenue, Longview, Wash. 98632. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk and those requiring special equipment) (1) between Naselle, Wash., and all points on the Long Beach Peninsula, Wash., including but not limited to Ilwaco, Seaview, Long Beach, Klipsan Beach, Ocean Park, and Oysterville, Wash., from Naselle, Wash., over Washington State Highway 401 to junction U.S. Highway 101, thence over U.S. Highway 101 to Seaview, Wash., and thence over Washington Highway 103 to Long Beach Peninsula, Wash., points and return over the same route, also as an alternate route from Naselle, Wash., over Washington Highway 401 to junction Washington Highway 4 to junction U.S. Highway 101, thence over U.S. Highway 101 to Seaview, Wash., and thence over Washington Highway 193 to Long Beach Peninsula, Wash., points and return over the same route, serving all intermediate points on both routes; (2) between Naselle, Wash., and Astoria, Oreg., and points within 5 miles of Astoria, Oreg., serving all intermediate points; from Naselle, Wash., over Washington Highway 401 to junction U.S. Highway 101, thence over U.S. Highway 101 to Astoria, Oreg., and return over the same route, for 180 days. NOTE: Applicant does intend to tack above to existing authority. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 57315 (Sub-No. 17 TA), filed July 22, 1969. Applicant: TRI-STATE TRANSPORT, INC., 91 Heard Street, Chelsea, Mass. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts, and agricultural commodities*, otherwise exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Massachusetts, Rhode Island, Connecticut, and New Hampshire, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 109533 (Sub-No. 40 TA), filed July 16, 1969. Applicant: OVERNITE TRANSPORTATION CO., 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Clarence H. Swanson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by Commission, commodities in bulk, and those requiring special equipment), between Norton, Va., and Coeburn, Va., serving all intermediate points and the off-route points of Clintwood and North Fork Dam, Va., from Norton over U.S. Highway 23 to Pound, Va., thence over Virginia Highway 83 to junction Virginia Highway 72, thence over Virginia Highway 72 to Coeburn, return over same route, for 180 days. NOTE: Carrier intends to tack with its authority in MC 109533 Sub 22. Supporting shippers: There are at least 10 statements of support which may be examined at the Interstate Commerce Commission, Washington, D.C., or the copies thereof may be examined at the field office named below. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 110098 (Sub-No. 103 TA), filed July 22, 1969. Applicant: ZERO REFRIGERATED LINES, Post Office Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dough, prepared*, other than frozen, from the plantsite and warehouse facilities of The Pillsbury Co. at or near Denison, Tex., to points in Kansas, Missouri, Nebraska, and Oklahoma, for 180 days. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, Tex. 78205.

No. MC 117686 (Sub-No. 104 TA), filed July 22, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts and agricultural commodities* otherwise exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Illinois, Colorado, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kansas, and Missouri, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 123392 (Sub-No. 17 TA), filed July 22, 1969. Applicant: JACK B.

KELLEY, doing business as JACK B. KELLEY CO., 3801 Virginia, Amarillo, Tex. 79109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural gas*, in bulk, between points in the United States excluding Hawaii, for 180 days. Supporting shipper: Robert E. Petsinger, President, LNG Services, University Science Center, 3113 Forbes Avenue, Pittsburgh, Pa. 15213. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 127689 (Sub-No. 29 TA), filed July 14, 1969. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: Douglas C. Wynn, Post Office Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and/or frozen foods, and advertising promotional or display material traveling therewith*, from points in Sunflower County, Miss., to points within the States of Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Ohio, Virginia, Maryland, and the District of Columbia; (2) *cans, boxes, cartons, and containers*, from Tampa, Fla.; Atlanta, Ga.; Birmingham, Ala.; New Orleans, La.; Dallas, Houston, and Arlington, Tex.; Kansas City and St. Louis, Mo.; Chicago, Ill.; Austin, Ind.; Winchester, Va.; and Spartanburg, S.C., and their respective commercial zones as defined by the Commission, to points in Sunflower County, Miss.; (3) *cardboard, fiberboard, paper, and composition containers*, from Memphis and Nashville, Tenn.; Birmingham, Ala.; Atlanta, Ga.; Monroe and New Orleans, La.; Dallas and Houston, Tex., and their respective commercial zones to points in Sunflower County, Miss.; (4) *machinery, parts, accessories, equipment, supplies, implements, parts, appliances, and products* usually or customarily used or useful in the processing manufacture, packing, freezing, or canning or foodstuffs from points in Arkansas, Louisiana, Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Ohio, Virginia, Maryland, and the District of Columbia to points in Sunflower County, Miss., for 180 days. NOTE: Carrier does not intend to tack, but will interline with all qualified carriers at any authorized point of interchange. Supporting shipper: Delta Food Processing Corp., Moorhead, Miss. 38761. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 129361 (Sub-No. 3 TA), filed July 22, 1969. Applicant: CARPENTER TRANSFER, INC., Box 161, Mankato, Minn. 56001. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, fruit drinks and juices*, from North Mankato, Minn., to Fort Dodge, Iowa, and Sioux Falls, S. Dak., for 180 days. Supporting shipper: Marigold Dairies, Division of Margold Foods, Inc., North Mankato, Minn. 56001. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 133515 (Sub-No. 2 TA), filed July 22, 1969. Applicant: ART WILSON ENTERPRISES, INC., 3936 55th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit flavored drinks*, from Kansas City, Mo., to points in Iowa and South Dakota, for 150 days. Supporting shipper: Borden, Inc., 2341 Second Avenue, Des Moines, Iowa 50313. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133823 (Sub-No. 1 TA), filed July 22, 1969. Applicant: BETTY M. EVERETT, doing business as EVERETT TRUCKING, Rural Route 6, Ottumwa, Iowa 52501. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stainless steel vats and stainless steel conveyors*, from Ottumwa, Iowa, to points in Georgia, Illinois, Indiana, Kansas, Nebraska, Ohio, and Wisconsin, for 180 days. Supporting shipper: Winger Boss Co., 1200 East Main, Ottumwa, Iowa 52501. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133839 (Sub-No. 1 TA), filed July 22, 1969. Applicant: BOST TRUCK SERVICE, INC., 1134 North 11th Street, Murphysboro, Ill. 62966. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood charcoal* in bulk, from Murphysboro, Ill., to Attica, Ind., for 150 days. Supporting shipper: Murphysboro Charcoal Co., Murphysboro, Ill. Sent protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

MOTOR CARRIER OF PASSENGERS

No. MC 133885 (Sub-No. 1 TA), filed July 16, 1969. Applicant: PARKS AND RECREATION DEPARTMENT OF THE NAVAJO TRIBE OF INDIANS, Post Office Box 155, Window Rock, Ariz. 86515. Applicant's representative: Lynn Mitten, Legal Department Navajo Tribe, Window Rock, Ariz. 86515. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicles with passengers in special operations, in round-trip sightseeing tours, beginning and ending at Gallup, N. Mex., and extending to points in that portion of Apache, Coconino, and Navajo Counties, Ariz., on and north of U.S. Highway 66, also to points and places in Kane and San Juan Counties, Utah, and the point of Navajo, N. Mex., for 180 days. Supporting shippers: Justin's Thunderbird Lodge, Chinle, Ariz. 86503; The Navajo Tribe, Window Rock, Ariz. 86515; Wahweap Lodge and Marina, Page, Ariz. 86040; Goulding's Lodge, Monument Valley, Utah 84536; Monument Valley Inn, Kayenta, Ariz. 86033; National Park Service, Canyon de Chelly National Monument, Chinle, Ariz. 86503. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commision, Bureau of Operations, Room 3427, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-9049; Filed, July 31, 1969; 8:49 a.m.]

[Notice 387]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 29, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71309. By order of July 24, 1969, the Motor Carrier Board approved the transfer to Brown & Cole Bus Co., Inc., Atmore, Ala., of the operating rights in certificate No. MC-127493 issued October 26, 1965, to Charles H. Stacey, doing business as Stacey Bus Co., Frisco City, Ala., authorizing the transportation, over regular routes, of passengers and their baggage between Frisco City, Ala., and the plantsite of Chemstrand Corp., near Gonzalez, Fla., serving all intermediate points between Frisco City, Ala., and Atmore, Ala., but not including Atmore. J. R. Tucker, Box 755, Atmore, Ala. 36502, attorney for applicants.

No. MC-FC-71372. By order of July 29, 1969, the Motor Carrier Board approved the transfer to J & W Trucking, Inc., Houston, Tex., of certificates Nos. MC-80730 and MC-80730 (Sub-No. 4), issued July 17, 1953, and December 20, 1962, respectively, to Bailey Transportation Co., Inc., Houston, Tex., authorizing the transportation of machinery, equipment, materials, and supplies used in the petroleum and pipeline industries as defined in Mercer Extension—Oil Field Commodities, 74 M.C.C. 459, from Houston, Tex., to points in Texas; between points in Louisiana and points over specified routes to Gladwater, Tyler, Athens, Palestine, Crockett, Huntsville, Houston, Angleton, and Corpus Christi, Tex.; between points in Oklahoma; between points in Oklahoma, on the one hand, and, on the other, points in Texas; and between points in Louisiana, on the one hand, and, on the other, points in Oklahoma and those in that part of Texas north and west of a line beginning at the Louisiana-Texas State line over specified routes to Corpus Christi, Tex. Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-9050; Filed, July 31, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI70-32 etc.]

SHELL OIL CO. ET AL.

Order Accepting Supplements, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 23, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-32	Shell Oil Co., 50 West 50th St., New York N.Y. 10020.	17	20	El Paso Natural Gas Co. (Monahans Field, Ward and Winkler Counties, Tex.) (RR. District No. 8) (Permian Basin Area)	$7,953	6-19-69	[2] 9-1-69	2-1-70	[3] [8] 15.389	[3] [4] 16.453	
	do	18	15	El Paso Natural Gas Co. (Ratliff Bedford Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	3,653	6-19-69	[2] 9-15-69	2-15-70	[6] [7] 15.709	[3] [4] 16.723	
	do	19	18	El Paso Natural Gas Co. (TXL Plant, Ector County, Tex.) (RR. District No. 8) (Permian Basin Area).	123,342	6-19-69	[2] 8-17-69	1-17-70	[5] [6] 14.643	[3] [4] 15.702	
	do	20	21	El Paso Natural Gas Co. (Wasson Plant, Yoakum County, Tex.) (RR. District No. 8) (Permian Basin Area).	270,730	6-19-69	[2] 8-10-69	1-10-70	[5] [6] 13.753	[3] [4] 14.742	
	do	33	15	El Paso Natural Gas Co. (Langnot Field, Lea County, N. Mex.) (Permian Basin Area).	70	6-19-69	[2] 9-11-69	2-11-70	[6] [10] 16.022	[3] [4] 17.03	
	do	34	16	do	1,573	6-19-69	[2] 9-14-69	2-14-70	[6] [11] 16.172	[3] [4] 17.18	
RI70-33	H. L. Hunt et al., 1401 Elm St., Dallas, Tex. 75202.	21	7	El Paso Natural Gas Co. (Pecos Devonian Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	1,419	6-25-69	[12] 8-1-69	1-1-70	[13] 16.2160	[3] [4] 17.2295	
RI70-34	H. L. Hunt, 1401 Elm St., Dallas, Tex. 75202.	22	8	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7C) (Permian Basin Area).	20	6-25-69	[12] 8-1-69	1-1-70	[13] 15.2025	[3] [4] 16.2160	
	do	28	11	do	1,520	6-25-69	[12] 8-1-69	1-1-70	[13] 15.2025	[3] [4] 16.2160	
	do	16	11	do	608	6-25-69	[12] 8-1-69	1-1-70	[13] 15.2025	[3] [4] 16.2160	
	do	27	14	do	[14] 10	6-26-69	[12] 8-1-69	1-1-70	[13] [14] 15.2025	[3] [4] [14] 16.2160	
	do	6	12	El Paso Natural Gas Co. (Pecos Valley Devonian Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	[15] 81	6-25-69	[12] 8-1-69	1-1-70	[13] 16.7228	[3] [4] [15] 17.7363	
	do	15	11	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7C) (Permian Basin Area).	[14] 51	6-25-69	[12] 8-1-69	1-1-70	[14] 15.2025	[3] [4] [14] 16.2160	
					[13] 459				[13] [17] 16.7228	[3] [4] [15] 17.7363	
RI70-35	Hunt Petroleum Corp., 1401 Elm St., Dallas, Tex. 75202.	2	4	El Paso Natural Gas Co. (Lancaster Hill Field, Crockett County, Tex.) (RR. District No. 7C) (Permian Basin Area).	3,040	6-23-69	[12] 8-1-69	1-1-70	[13] 16.7228	[3] [4] 17.7363	
RI70-36	Hunt Industries, 1401 Elm St., Dallas, Tex. 75202.	3	11	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7C) (Permian Basin Area).	[18] 51	6-23-69	[12] 8-1-69	1-1-70	[13] [20] 15.2025	[3] [4] [19] 16.2160	
					[18] 469				[13] [20] 16.7228	[3] [4] [15] 17.7363	
	do	4	9	do	709	6-23-69	[12] 8-1-69	1-1-70	[20] 15.2025	[3] [4] 16.2160	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-37	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	10	12	El Paso Natural Gas Co. (Dollarhide Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	$1,359	6-26-69	[12] 8-1-69	1-1-70	18.1215	[3] [4] 19.1283	RI69-149.
	do	11	11	El Paso Natural Gas Co. (Weltmer-Clearford Field, Gaines County, Tex.) (RR. District No. 8-A) (Permian Basin Area).	2,524	6-26-69	[12] 8-1-69	1-1-70	16.6584	[3] [4] 17.6680	RI69-149.
	do	71	7	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.) (RR. District No. 8) (Permian Basin Area).	1,256	6-26-69	[12] 8-1-69	1-1-70	18.0	[3] [4] 19.2560	RI69-149.
	do	100	14	El Paso Natural Gas Co. (Clara Couch Field, Crockett County, Tex.) (RR. District No. 7C) (Permian Basin Area).	2,919	6-26-69	[12] 8-1-69	1-1-70	16.7228	[3] [4] 17.7295	RI69-149.
	do	108	15	El Paso Natural Gas Co. (Dollarhide Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	5,739	6-26-69	[12] 8-1-69	1-1-70	18.1215	[3] [4] 19.1283	RI69-149.
	do	109	9	El Paso Natural Gas Co. (Cooper-Jal Field, Lea County, N. Mex.) (Permian Basin Area).	1,893	6-26-69	[12] 8-1-69	1-1-70	[21] [22] 16.8793	[3] [4] [22] 17.9023	RI69-149.
	do	128	10	El Paso Natural Gas Co. (Crosby-Devonian Field, Lea County, N. Mex.) (Permian Basin Area).	818	6-26-69	[12] 8-1-69	1-1-70	[21] 16.8793	[3] [4] [21] 17.9023	RI69-149.
	do	129	9	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	5,473	6-26-69	[12] 8-1-69	1-1-70	15.2025	[3] [4] 16.2160	RI69-149.
	do	130	6	El Paso Natural Gas Co. (Levelland Field, Cochran County, Tex.) (RR. District No. 8A) (Permian Basin Area).	755	6-26-69	[12] 8-1-69	1-1-70	[22] 16.7228	[3] [4] [22] 17.7295	RI69-149.
	do	169	8	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	302,804	6-26-69	[12] 8-1-69	1-1-70	16.7229	[3] [4] 17.7363	RI68-332.
RI70-38	Union Oil Co. of California (Operator) et al.	72	[34]	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.) (RR. District No. 8) (Permian Basin Area).	942	6-26-69	[12] 8-1-69	1-1-70	18.0	[3] [4] 19.2655	RI69-150.
	do	73	30	do	754	6-26-69	[12] 8-1-69	1-1-70	18.0	[3] [4] 19.2560	RI69-150.
	do	131	7	El Paso Natural Gas Co. (Andrews Field, Andrews County, Tex.) (RR. District No. 8A) (Permian Basin Area).	405	6-26-69	[12] 8-1-69	1-1-70	15.2025	[3] [4] 16.2160	RI69-149.
RI70-39	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	1	16	El Paso Natural Gas Co. (Levelland Field, Hockley County, Tex.) (RR. District No. 8A) (Permian Basin Area).	1,208	6-19-69	[12] 8-1-69	1-1-70	18.1215	[3] [4] 19.1283	RI69-211.
	do	30	16	El Paso Natural Gas Co. (Payton-Devonian, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	405	6-19-69	[12] 8-1-69	1-1-70	16.7228	[3] [4] 17.7363	RI69-211.
	do	58	21	El Paso Natural Gas Co. (Jalmat et al., Fields, Lea County, N. Mex.) (Permian Basin Area).	4,556 151	6-19-69	[12] 8-1-69	1-1-70	16.6318 [23] 16.1815	[3] [4] 17.6398 [3] [4] [23] 17.1895	RI69-211. RI69-211.
	do	61	15	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	403	6-19-69	[12] 8-1-69	1-1-70	[23] 16.1815	[3] [4] [23] 17.1895	RI69-211.
	do	143	7	El Paso Natural Gas Co. (Millican Reef Field, Coke County, Tex.) (RR. District No. 7C) (Permian Basin Area).	3,355	6-19-69	[12] 8-1-69	1-1-70	18.2430	[3] [4] 19.2565	RI69-211.
	do	174	8	El Paso Natural Gas Co. (Coyanosa Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	121,629	6-19-69	[12] 8-1-69	1-1-70	18.2430	[3] [4] 19.2565	RI69-211.
RI70-40	Sun Oil Co. (Operator) et al.	80	[35] 18	El Paso Natural Gas Co. (Jameson Field, Coke County, Tex.) (RR. District No. 7C) (Permian Basin Area).	6,275	6-19-69	[12] 8-1-69	7-1-70	18.1080	[3] [4] 19.1539	RI69-212.
RI70-41	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	99	5	Michigan Wisconsin Pipe Line Co., (Laverne Field, Harper and Beaver Counties, Okla.) (Panhandle Area).	8,551	6-23-69	[35] 7-24-69	12-24-69	[27] 20.51	[3] [4] [27] [28] 23.025	RI65-177.
	do	81	17	Michigan Wisconsin Pipe Line Co. (West Chester Field, Woodward County, Okla.) (Panhandle Area).	2,630	6-23-69	[35] 7-24-69	12-24-69	[28] [29] 17.24	[4] [28] [29] 19.255	
RI70-42	Texaco, Inc., Post Office Box 2420, Tulsa, Okla. 74102.	18	6	Cities Service Gas Co. (Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	3,581	6-25-69	[35] 7-26-69	12-26-69	[31] 13.0	[4] [30] [31] 19.0	RI66-329.
	do	103	3	Lone Star Gas Co. (Doyle Field, Stevens County, Okla.) (Oklahoma "Other" Area).	1,558	6-25-69	[35] 7-26-69	12-26-69	16.5	[4] [33] 17.9	RI67-342.
		286	5	Transwestern Pipeline Co. (Dude Wilson Field, Ochiltree County, Tex.) (RR. District No. 10)	4,080	6-30-69	[35] 9-1-69	2-1-70	[34] [36] 17.0	[4] [35] [36] 19.0	
	do	215	16	Transwestern Pipeline Co. (North Stratford, Dude Wilson and Farnsworth Fields, Sherman and Ochiltree Counties, Tex.) (RR. District No. 10).	15,000	6-30-69	[35] 9-1-69	2-1-70	[34] [36] 17.0	[4] [35] [36] [37] 19.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-43	Ashland Oil & Refining Co. (Operator) et al., Post Office Box 18695, Oklahoma City, Okla. 73118.	4	[38] 8	Lone Star Gas Co. (Golden Trend Area, Garvin County, Okla.) (Oklahoma "Other" Area).		6-27-69	[37] 7-28-69	(Accepted)			
		4	9		$20	6-27-69	[37] 7-28-69	12-28-69	10.250	[4] [39] 13.175	
	do	68	[35] 5	do		6-27-69	[37] 7-28-69	(Accepted)			
	do	68	6		410	6-27-69	[37] 7-28-69	12-28-69	10.250	[4] [39] 13.175	
	do	70	[35] 5	do		6-27-69	[37] 7-28-69	(Accepted)			
	do	70	6		8	6-27-69	[37] 7-28-69	12-28-69	10.250	[4] [39] 13.175	
	do	161	1	Natural Gas Pipeline Co of America (Mutal Area, Woodward County, Okla.) (Panhandle Area).	122	6-27-69	[25] 8-1-69	1-1-70	[31] 17.0	[3] [4] [31] 18.015	
	do	195	1	Michigan Wisconsin Pipe Line Co. (North Freedom Field, Woods County, Okla.) (Oklahoma "Other" Area).	3,000	6-30-69	[26] 7-31-69	12-31-69	[41] 15.0	[4] [40] [41] 17.0	
RI70-44	do	71	[35] 3	Lone Star Gas Co. (Golden Trend Area, Garvin County, Okla.) (Oklahoma "Other" Area).		6-27-69	[37] 7-28-69	(Accepted)			
		71	4		819	6-27-69	[37] 7-28-69	12-28-69	10.250	[4] [39] 13.175	
RI70-45	Pan American Petroleum Corp. (Operator) et al., Post Office Box 3092, Houston, Tex. 77001.	391	1	Natural Gas Pipeline Co. of America (Willamar Field, Willacy County, Tex.) (RR. District No. 4).	28,583	6-25-69	[25] 7-26-69	12-26-69	[42] 16.0	[3] [4] 17.0	
RI70-46	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001, Attention: H. H. Beeson, Esq.	59	12	United Gas Pipe Line Co. (Carbera Creek Area, De Witt, Goliad, and Karnes Counties, Tex.) (RR. District No. 2).	1,042	6-25-69	[26] 7-24-69	12-24-69	14.0	[4] [43] 14.2156	RI69-811.

[2] The effective date is 1 day after suspended rate is made effective.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Rate suspended in Docket No. RI69-641 until Aug. 31, 1969.
[6] Motion has been filed to make rate effective upon expiration of suspension period.
[7] Rate suspended in Docket No. RI69-675 until Sept. 14, 1969.
[8] Rate suspended in Docket No. RI69-648 until Aug. 16, 1969.
[9] Rate suspended in Docket No. RI69-567 until Aug. 9, 1969.
[10] Rate suspended in Docket No. RI69-641 until Sept. 10, 1969.
[11] Rate suspended in Docket No. RI69-664 until Sept. 13, 1969.
[12] Contractually due effective date.
[13] Rate suspended in Docket No. RI69-546 until July 23, 1969. Respondent has filed motion to make rate effective on that date.
[14] Applicable to residue gas not derived from new gas-well gas.
[15] Applicable to old gas-well gas.
[16] No present deliveries.
[17] Rate suspended in Docket No. RI69-546 until July 23, 1969. Respondent has filed motion to make rate effective on that date.
[18] Rate suspended in Docket No. RI69-551 until July 23, 1969. Respondent has filed motion to make rate effective on that date.
[19] Applicable to residue gas not derived from new gas-well gas.
[20] Rate suspended in Docket No. RI69-545 until July 23, 1969. Respondent has filed motion to make rate effective on that date.
[21] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[22] Subject to 0.4467-cent deduction for low pressure gas.
[23] Low pressure gas includes 0.4467-cent deduction by buyer for compression.
[24] Not applicable to properties covered by Supplement No. 14 which are in Nolan County, Tex.
[25] The stated effective date is the effective date requested by Respondent.
[26] Includes 0.015-cent tax reimbursement.
[27] Rates include 1.01 cents-upward B.t.u. adjustment (1,101 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[28] "Fractured" rate increase plus tax reimbursement. Contractually due a base rate of 22 cents per Mcf.
[29] Rates include 0.24-cent upward B.t.u. adjustment (1,024 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[30] Unilateral Rate increase. Basic contract dated Nov. 20, 1953, expired on Sept. 21, 1969. Texaco gave 90 days notice to buyer on Sept. 21, 1959 of its intent to cancel contract.
[31] Subject to upward and downward B.t.u. adjustment.
[32] Unilateral rate increase. Contract dated Apr. 26, 1948, primary term expired Apr. 26, 1949. Gave notice to buyer on Feb. 7, 1967, that contract will be canceled on Aug. 15, 1967.
[33] Fractured rate increase. Respondent contractually due 26 cents per Mcf.
[34] Settlement rate as approved by Commission order issued Dec. 30, 1963, in Docket Nos. G-8959 et al. Moratorium on filing increased rates expired Mar. 1, 1966.
[35] "Fractured" rate increase. Respondent contractually due 26 cents per Mcf.
[36] Portion of gas subject to a 1-cent deduction by buyer for compression of gas.
[37] The stated effective date is the first day after expiration of the statutory notice.
[38] Supplement dated June 16, 1969, which provides basis for favored-nation increase.
[39] Favored-nation rate increase.
[40] Filing from initial certificated rate to initial contract rate.
[41] Subject to upward and downward B.t.u. adjustment.
[42] Initial rate.
[43] Tax reimbursement increase.

Shell Oil Co. (Shell); H. L. Hunt et al., H. L. Hunt, Hunt Petroleum Corp. and Hunt Industries (all referred to herein as Hunt) propose rate changes related to rate schedules under which rates are currently suspended. Shell and Hunt have submitted motions to place the suspended rates into effect. In the case of Shell, the expiration of the suspension period for existing suspended rates will be sometime after August 1, 1969. For the Hunt group the expiration date for the currently suspended rates is July 23, 1969. Hunt and Shell propose to make their rates effective as of 1 day after the expiration of the suspension period or the contractually effective date whichever is later. Shell also requests that its presently filed rate increases, if suspended, be suspended for only 1 day, or if longer, the suspension period terminate on January 1, 1970. Good cause has not been shown for limiting to 1 day the suspension period with respect to Shell's rate filings, or for permitting the suspension period to terminate on January 1, 1970, and such request is denied.

Supplements Nos. 9 and 10 to Union Oil Company of California's (Union Oil) FPC Gas Rate Schedules Nos. 109 and 128, respectively, reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While the buyer concedes that the New Mexico legislature effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein with respect to the rate filings containing such tax shall concern itself with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

Concurrently with the filing of their rate increases, Ashland Oil & Refining Co. (Operator) et al., and Ashland Oil & Refining Co. et al. (both referred to herein as Ashland), filed four supplements dated June 16, 1969, which provide the basis for their favored-nation rate increases.[44] We believe that it would be in the public interest to accept for filing Ashland's supplements to become effective on July 28, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56) with the exception of the rate

See footnote at end of document.

increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Ashland's four supplements dated June 16, 1969,[a] and for permitting such supplements to become effective on July 28, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplements referred to in paragraph (1) above).

The Commission orders:

(A) Supplements Nos. 8, 5, 5, and 3 to Ashland's FPC Gas Rate Schedules Nos. 4, 68, 70, and 71, respectively, are accepted for filing and permitted to become effective on July 28, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 5, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-8901; Filed, July 31, 1969; 8:45 a.m.]

[a] Designated as Supplements Nos. 8, 5, 5, and 3 to Ashland's FPC Gas Rate Schedules Nos. 4, 68, 70, and 71, respectively.

[Docket No. RI70-30 etc.]

ASHLAND OIL & REFINING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JULY 24, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 5, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

See footnote at end of document.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-30	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	163	6	Oklahoma Natural Gas Gathering Corp.[3] (Ringwood Area, Major County, Okla.) (Oklahoma "Other" Area).	$43	6-23-69	[4] 6-23-69	[5] 6-24-69	[6] 11.0	[7] [8] 12.0	
RI70-31	R. S. Baker (Operator) et al., 930 Bass Bldg., Enid, Okla. 73701.	[9] 1	1	Arkansas Louisiana Gas Co. (West Enid Field, Garfield County, Okla.) (Oklahoma "Other" Area).	723	6-27-69	[10] 7-28-69	[5] 7-29-69	13.5	[8] 14.5	

[3] Oklahoma Natural classed as a pipeline company in its certificate (CI61-1408) for resale of gas to Cities Service Gas Co. at an initial rate of 17 cents per Mcf. Oklahoma Natural's related increase to 18.5 cents has been approved. However, Oklahoma Natural must flow through any refunds of its suppliers.
[4] The stated effective date is the date of filing.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Applicable to acreage added by Supplement No. 5.
[9] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1 and proposed rate does not exceed the initial service ceiling rate of 15 cents per Mcf.
[10] The stated effective date is the first day after expiration of the statutory notice.

R. S. Baker (Operator), et al., (Baker), request that their proposed rate increase be permitted to become effective on November 1, 1968, the contractually provided effective date. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Baker's rate filing and such request is denied.

Ashland Oil & Refining Co. (Ashland) proposes a periodic rate increase from 11 cents to 12 cents per Mcf for a wellhead sale of gas to Oklahoma Natural Gas Gathering Corp. (ONG) from the Ringwood Area, Major County, Okla. (Oklahoma "Other" Area) with respect to acreage added by Supplement No. 5 to its FPC Gas Rate Schedule No. 163. The applicable area ceiling for increase rates is 11 cents per Mcf. Although Ashland was contractually due a rate of 12 cents at the time of the additional dedication, it was willing to accept a certificated rate of 11.0 cents[11] to be consistent with other certificate authorizations in the Ringwood Area. Ashland was issued a permanent certificate for the additional acreage in Docket No. CI64-1422 on June 11, 1969. Ashland requests an effective date of 30 days after date of filing. Consistent with prior Commission action taken on similar increases to ONG in the Ringwood Area, we believe that it would be in the public interest to waive the 30 days notice requirement provided in section 4(d) of the Natural Gas Act to permit an effective date of June 23, 1969, the date of filing, and to limit to 1 day the suspension period ordered herein for such filing.

The contract related to the rate filing of Baker was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed rate of 14.5 cents exceeds the area increased rate ceiling of 11 cents for the Oklahoma "Other" Area but does not exceed the service ceiling of 15 cents per Mcf established for the area involved. We believe, in this situation, Baker's proposed rate increase should be suspended for 1 day from July 28, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-9004; Filed, July 31, 1969; 8:45 a.m.]

[Docket No. CS69-90 etc.]

DAVID B. CHALMERS ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JULY 25, 1969.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[11] By order issued Nov. 3, 1966, in Docket No. RP66-19, an increase by ONG from 17 cents to 18.5 cents per Mcf designed to compensate only for an increase in the cost of purchased gas was accepted for filing and allowed to become effective June 1, 1966, without obligation to refund, except that ONG is required to flow through any refunds received from its producer-suppliers and to reduce its rate to reflect any rate reductions of such suppliers.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS69-90	6-19-69	David B. Chalmers, c/o James R. Luttrell, Consultant, Post Office Box 82, Midland, Tex. 79701.
CS69-91	6-19-69	A. A. Guffey, Post Office Box 1185, Houston, Tex. 77001.
CS69-92	6-25-69	Larry Stanley, 8629 Coronado, Scottsdale, Ariz. 82557.
CS69-93	6-25-69	Charles O. Semple, 2602 McClintic, Midland, Tex. 79701.
CS69-94	6-25-69	Jessica Grammer, Box 913, Midland, Tex. 79701.
CS69-95	6-25-69	A. P. Gates, Post Office Box 868, Houston, Tex. 77001.
CS69-96	6-25-69	Earl W. Smyth, 13407 Queensberry, Houston, Tex. 77024.
CS69-97	6-25-69	James F. O'Briant, 404 V & J Tower Bldg., Midland, Tex. 79701.
CS69-98	6-25-69	Hissom Drilling Co., Bank of the Southwest Bldg., Midland, Tex., 79701.
CS69-99	6-25-69	Dr. Rachad Pharaon, c/o J. W. Foster, Consultant & Liaison Officer, C-626, 2400 Virginia Ave. NW., Washington, D.C. 20037.
CS69-100	6-30-69	Risher M. Thornton III, Post Office Box 913, Midland, Tex. 79701.
CS69-101	6-30-69	Dr. J. Stewart Loftis, 3209 Blossom Lane, Odessa, Tex. 79760.

[F.R. Doc. 69-9005; Filed, July 31, 1969; 8:45 a.m.]

[Docket No. CP70-10]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 24, 1969.

Take notice that on July 15, 1969, El Paso Natural Gas Co. (Applicant), Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70-10 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain field compressor facilities required to continue the delivery of natural gas to Northern Natural Gas Co. for transportation and redelivery to Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that under an agreement dated October 7, 1953, as amended, Northern Natural Gas Co. transports for Applicant up to 211,000 Mcf per day of natural gas from a point of interconnection of existing facilities downstream of Northern Natural Gas Co.'s Spraberry Plant in Midland County, Tex., to Applicant's Plains Compressor Station in Yoakum County, Tex. Applicant further states that due to depleting gas sources in the Spraberry area, Applicant proposes to install one 1,068 horsepower compressor unit at its existing Sweetie Peck Station in Upton County which will enable it to operate its integrated field facilities in a manner necessary for the continued delivery of up to 211,000 Mcf per day from its existing Permian Basin sources of supply to Northern Natural Gas Co. at the Spraberry plant for transportation to Applicant's Plains Compressor Station. The total estimated cost of the proposed facilities is $300,500, including overhead, contingencies and required filing fees. Applicant proposes to finance such cost by use of working funds, supplemented as required by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on

this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-9006; Filed, July 31, 1969; 8:45 a.m.]

[Docket No. R170-70 etc.]

TEXAS GAS EXPLORATION CORP., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JULY 25, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 8, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf [3] Rate in effect	Cents per Mcf [3] Proposed increased rate
R170-70...	Texas Gas Exploration Corp.,[4] First City National Bank Bldg., Houston, Tex. 77002.	27	1	Texas Gas Transmission Corp. (Eugene Island Area, Offshore Louisiana)	$202,500	6-26-69	[5] 7-27-69	[6] 7-28-69	[7] [8] 18.5	[9] 20.0
R170-71...	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017, Attention: Mr. C. E. Smith.	198	2	Transcontinental Gas Pipe Line Corp. (Block 296 Field, Ship Shoal Area) (Offshore Louisiana).	99,720	6-4-69	[10]	[11]	[7] [12] 18.5	[9] 20.0

[3] Pressure base is 15.025 p.s.i.a.
[4] Texas Gas Exploration Corp. is a subsidiary of Texas Gas Transmission Corp.
[5] The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.
[6] Initial rate as conditioned by temporary certificate issued June 24, 1969, in Docket No. C169-792.
[7] Area base rate for gas-well gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.
[8] Subject to upward and downward B.t.u. adjustment.
[9] Rate increase filed pursuant to paragraph (A) of Opinion No. 546-A, issued Mar. 20, 1969.
[10] The proposed effective date is the date of initial delivery.
[11] The date suspended until is 1 day from date of initial delivery.
[12] Initial rate as conditioned by temporary certificate issued Apr. 24, 1969, in Docket No. C169-327.
[13] The subject rate is suspended until July 28, 1969, or 1 day from the date of initial delivery, whichever is later.

These two proposed increased rates, from 18.5 cents to 20 cents per Mcf (subject to upward and downward B.t.u. adjustment), involve sales of third vintage gas-well gas in Offshore Louisiana and were filed pursuant to ordering paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas-well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20 cents base rate established in Opinion No. 546 for onshore gas-well gas. The producers involved herein were issued conditioned temporary certificates in dockets as set forth above authorizing the collection of the third vintage prices established in Opinion No. 546 (18.5 cents for offshore gas-well gas and 17 cents for casinghead gas subject to quality adjustment). Deliveries of gas have not as yet commenced thereunder.

We conclude that these producers' proposed rate increases should be suspended for 1 day from the date shown in the "Effective Date Column" on Appendix "A" hereof, or for 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Act pending the outcome of the Area Rate Proceeding in Docket No. AR69-1.

[F.R. Doc. 69-9007; Filed, July 31, 1969; 8:45 a.m.]

[Docket No. OP69-283]

TOWN OF TISHOMINGO, MISS., AND ALABAMA-TENNESSEE NATURAL GAS CO.

Order Prescribing Procedures and Setting Date for Hearing

JULY 24, 1969.

The town of Tishomingo, Miss. (Applicant) filed an application on May 1, 1969, pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Alabama-Tennessee Natural Gas Co. (Respondent) to establish physical connection of its transmission facilities with the proposed facilities of Applicant and to sell and deliver natural gas to Applicant for resale in Tishomingo and Paden, Miss., and environs. Applicant states that it proposes to construct and operate transmission facilities consisting of 15.1 miles of 2-inch and 3-inch pipe and a distribution system consisting of 4.67 miles of 2-inch and 1.5-inch pipe at an estimated cost of $292,000 in order to deliver the estimated third year peak day and annual natural gas requirements of 427.9 Mcf and 48,086 Mcf, respectively.

Notice of the application, issued May 5, 1969, and published in the FEDERAL REGISTER on May 13, 1969 (34 F.R. 7623), set June 2, 1969, as the final date for filing protests or petitions to intervene.

On June 5, 1969, Alabama-Tennessee filed an answer objecting to the application on the grounds that the project's economic feasibility is highly questionable. Respondent notes the anticipated levels of customer saturation in the third year of operation appear to be overstated and optimistic. Also, they state the debt service coverage, while adequate in the first 5 years, falls below the minimum Commission standard in the sixth year at the time payments on the principal commence and that this coverage would be further reduced were more conservative customer saturation estimates utilized. Finally, they point out that, notwithstanding a letter of intent from an investment firm to purchase bonds at a negotiated price that is within Mississippi's legal rates, the project cost estimates are based upon the issuance of 6 percent revenue bonds and that, conditions of the market being what they are at the present time, it becomes highly questionable that 6 percent bonds could be marketed.

The Commission finds: The expeditious disposition of these proceedings will be effected by holding a hearing on September 17, 1969.

The Commission orders:

(A) Pursuant to the provisions of section 1.20(a) of the Commission's rules of practice and procedure, a hearing before a duly designated presiding examiner shall commence at 10 a.m., e.d.s.t., on September 17, 1969, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426.

(B) The applicant shall file with the Commission and serve on all parties and the Commission's staff the proposed evidence comprising its case in chief, including prepared testimony of witnesses and exhibits on or before September 10, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-9008; Filed, July 31, 1969; 8:45 a.m.]

[Docket No. CP69-159]

TRUNKLINE GAS CO.

Notice of Application To Amend

JULY 24, 1969.

Take notice that on July 22, 1969, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP69-159 an application pursuant to section 7(c) of the Natural Gas Act to amend the Commission's order issued in said docket on March 13, 1969, to provide for an increase in volumes of gas to be exchanged between it and Humble Oil & Refining Co. (Humble) subject to the jurisdiction of the Commission, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant has been exchanging up to 15,000 Mcf of natural gas per day with Humble by receiving gas at Humble's Kelsey Plant, Brooks County, Tex., and by delivering equivalent quantities of gas for the account of Humble to Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), at a point where Applicant's 20-inch line intersects Tennessee's 12-inch line in Hidalgo County, Tex. The parties have agreed to increase the maximum daily volumes of gas to be exchanged to 28,000 Mcf. Applicant states it has sufficient capacity to make the additional exchange deliveries without constructing facilities in addition to those already authorized in this docket by the Commission's order of March 13, 1969.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 22, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-9009; Filed, July 31, 1969; 8:45 a.m.]

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FEDERAL REGISTER

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Civil Service Commission
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Consumer and Marketing Service
Defense Department
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Advisory Commission on Parcel Distribution Services

Part 213 is amended to show that § 213.3163, having expired by its own terms, is revoked in its entirety.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9099; Filed, Aug. 1, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show the exception of one position of Staff Assistant to the Assistant Secretary for Water Quality and Research under Schedule C and to reflect the current title of the Assistant Secretary in the authority for the position of his Confidential Assistant. Effective on publication in the FEDERAL REGISTER, subparagraph (30) is amended and subparagraph (33) is added to paragraph (a) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(30) One Confidential Assistant to the Assistant Secretary for Water Quality and Research.

* * * * * *

(33) One Staff Assistant to the Assistant Secretary for Water Quality and Research.

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9100; Filed, Aug. 1, 1969; 8:46 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Flying, Participating in; Correction

Item (8) under Flying, participating in, in Appendix A table appearing in the FEDERAL REGISTER of July 1, 1969, on page 11083, should read as follows:

Irregular or intermittent duty	Rates of hazard duty differential	Effective date
* * *	* * *	* * *
Flying, participation in:		
* * *	* * *	* * *
(8) *Landing and taking-off in polar areas.* Landing in polar areas on unprepared snow or ice surfaces and/or taking off under the same conditions.	25%	First pay period beginning after July 1, 1969.
* * *	* * *	* * *

(5 U.S.C. 5595, E.O. 11257; 3 CFR 1964–1965 Comp., p. 357)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9098; Filed, Aug. 1, 1969; 8:46 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER B—PERSONNEL

[Dept. Reg. 108.606]

PART 11—APPOINTMENT OF FOREIGN SERVICE OFFICERS

Eligibility for Appointment as Foreign Service Officer

In § 11.1, paragraph (b) is redesignated as paragraph (c) and a new paragraph (b) is added to read as follows:

§ 11.1 Eligibility for appointment as Foreign Service Officer.

* * * * * *

(b) Notwithstanding the provisions of section 3320 of title 5 of the United States Code, the fact that any applicant is a veteran or disabled veteran, as defined in section 2108 (1) or (2) of such title, shall be taken into consideration as an affirmative factor in the selection of applicants for initial appointment as Foreign Service officers.

* * * * * *

(Sec. 4, 63 Stat. 111, as amended, secs. 302, 516, 517, 60 Stat. 1001, 1008, as amended, sec. 14, 82 Stat. 813; 22 U.S.C. 2658, 842, 911, 912, 1234, Executive Order No. 11264; 3 CFR 1966 Comp.)

Dated: July 28, 1969.

For the Secretary of State.

RALPH S. ROBERTS,
Acting Deputy Under Secretary for Administration.

[F.R. Doc. 69-9088; Filed, Aug. 1, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Appendix—Second Apportionment of the Special Food Service Program for Children Funds Pursuant to the National School Lunch Act, Fiscal Year 1969

Pursuant to section 13 of the National School Lunch Act, as amended, food assistance and nonfood assistance funds available for fiscal year 1969 and through September 30, 1969, are apportioned among the States as follows:

State	*Total Apportionment*
Alabama	$78,132
Alaska	600
Arizona	91,224
Arkansas	62,360
California	190,904
Colorado	302,000
Connecticut	63,770
Delaware	34,735
District of Columbia	1,000,000
Florida	101,156
Georgia	899,844
Hawaii	30,000
Idaho	20,578
Illinois	345,828
Indiana	60,566
Iowa	50,600
Kansas	144,462
Kentucky	77,277
Louisiana	225,890
Maine	15,987
Maryland	48,994
Massachusetts	183,773
Michigan	306,945
Minnesota	269,878
Mississippi	21,186
Missouri	167,740
Montana	7,796
Nebraska	165,521
Nevada	25,011
New Hampshire	41,341
New Jersey	121,562
New Mexico	19,600
New York	195,143
North Carolina	281,147
North Dakota	36,836
Ohio	345,059

State	Total Apportionment
Oklahoma	$78,638
Oregon	41,959
Pennsylvania	31,009
Rhode Island	58,569
South Carolina	119,465
South Dakota	24,500
Tennessee	340,064
Texas	386,910
Utah	21,410
Vermont	33,256
Virginia	189,529
Washington	95,915
West Virginia	240,323
Wisconsin	508,379
Wyoming	6,950
Guam	
Puerto Rico	106,364
Virgin Islands	
Samoa, American	
Trust Territories	5,502
Total	8,302,187

(Sec. 13, 82 Stat. 117; 42 U.S.C. 1761)

Dated: July 30, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-9091; Filed, Aug. 1, 1969; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 385]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.685 Lemon Regulation 385.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 29, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 3, 1969, through August 9, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 31, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9161; Filed, Aug. 1, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 5—Delegations and Designations

EXTRATERRESTRIAL EXPOSURE

New § 1204.510 is added, reading as follows:

§ 1204.510 Power and authority—to exercise authority with respect to extraterrestrial exposure.

(a) *Redelegation.* The Director of Space Medicine is redelegated authority pursuant to § 1204.509 to execute, within the assigned program responsibility of the Associate Administrator for Manned Space Flight, the administrative actions specified in § 1211.104(a) of this chapter, subject to the limitations prescribed in Part 1211 of this chapter.

(b) *Further redelegation.* Authority may be redelegated in writing to subordinate officials with the power of further redelegation.

(c) *Reporting.* The officials to whom authority is redelegated in this section shall ensure that feedback is provided to the Administrator through official channels to keep him fully and currently informed of significant actions, problems, or other matters of substance related to the exercise of the authority redelegated hereunder.

Effective date. The provisions of this § 1204.510 were effective July 23, 1969.

FRANK A. BOGART,
Acting Associate Administrator, Office of Manned Space Flight.

[F.R. Doc. 69-9170; Filed, Aug. 1, 1969; 10:59 a.m.]

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 5—Delegations and Designations

EXTRATERRESTRIAL EXPOSURE

New § 1204.511 is added, reading as follows:

§ 1204.511 Power and authority—to exercise authority with respect to extraterrestrial exposure.

(a) *Redelegations.* (1) The Director of the Manned Spacecraft Center is redelegated authority pursuant to § 1204.510 to execute the administrative actions specified in § 1211.104(a) (5), (6), and (9) of this chapter, subject to the following limitations:

(i) Actions taken under this authority shall be subject to review by the delegating authority.

(ii) The provisions of § 1211.104(a) (9) of this chapter apply to those authorities delegated.

(2) The Director of Medical Research and Operations, Manned Spacecraft Center is redelegated authority pursuant to § 1204.510 to execute the administrative actions specified in § 1211.104(a) (2), (3), (4), and (9) of this chapter, subject to the following limitations:

(i) Actions taken under this authority shall be subject to review by the delegating authority.

(ii) The provisions of § 1211.104(a) (9) of this chapter apply only to those authorities delegated.

(3) The authority to approve release of person, property, animal or other form of life or matter whatever is not redelegated.

(b) *Further redelegation.* The authorities granted in paragraph (a) of this section may be redelegated in writing to subordinate officials without power of further redelegation.

(c) *Reporting.* The officials to whom authority is redelegated in this section will take the necessary action to insure that the Office of Space Medicine, OMSF, NASA Headquarters, is fully and currently informed of significant problems, actions, and/or other matters of substance related to the exercise of authority redelegated hereunder. Copies of redelegations of authority will be provided to the Director of Space Medicine, NASA Headquarters.

Effective date. The provisions of § 1204.511 were effective July 24, 1969.

J. W. HUMPHREYS, Jr.,
Major General, U.S. Air Force, MC, Director, Space Medicine.

[F.R. Doc. 69-9171; Filed, Aug. 1, 1969; 10:59 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 0—STANDARDS OF CONDUCT

Miscellaneous Amendments

To provide that the Department Counselor shall receive and retain custody of all statements of employment and financial interests, to set forth the provisions of 18 U.S.C. 208, to modify the method of designating liaison representatives of the Department, and to make miscellaneous minor corrections and conforming amendments, Part 0 of Subtitle A of Title 24 of the Code of Federal Regulations (33 F.R. 15114, Oct. 10, 1968) is amended as follows:

1. Section 0.735–102(c) is revised by deleting "consecutive" from "130 consecutive days" and inserting "consecutive" between "365" and "days". As amended, paragraph (c) reads:

§ 0.735–102 Definitions.

* * * * *

(c) "Special Government employee" means an officer or employee of the Department appointed to serve with or without compensation, for not more than 130 days during any period of 365 consecutive days, on a full-time, part-time, or intermittent basis, and who is retained, designated, appointed, or employed as a special Government employee under the provisions of section 202 of title 18 of the United States Code.

* * * * *

2. Section 0.735–104(b) is revised by deleting the words "and other legal staff of the Department". As amended, paragraph (b) reads:

§ 0.735–104 Interpretation and advisory service.

* * * * *

(b) *Deputy counselors.* Such deputy counselors as may be required shall be designated by the Secretary or his designee from among the staff of the Office of the General Counsel to give authoritative advice and guidance to current and prospective employees and special Government employees who seek advice and guidance on questions of conflicts of interests and on other matters covered by this part.

3. Section 0.735–105(b) is revised to read:

§ 0.735–105 Reviewing statements and reporting conflicts of interests.

* * * * *

(b) When a statement submitted under Subpart D of this part and the appendix to this part or information from other sources indicates a conflict between the interests of an employee or special Government employee and the performance of his services for the Government and when the conflict or appearance of conflict is not resolved by the Department Counselor, he shall report the information concerning the conflict or appearance of conflict to the Secretary.

* * * * *

4. Section 0.735–205 is revised by redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b) to read:

§ 0.735–205 Financial interests.

* * * * *

(b) (1) No employee, including a special Government employee, may participate as such in any matter in which to his knowledge he, his spouse, minor child, organization in which he is serving as an officer, director, trustee, partner, or employee, or a partner has a financial interest. He must also not participate in any matter in which to his knowledge a person, business, or nonprofit organization with whom he is seeking, or has an arrangement for, employment has a financial interest (18 U.S.C. 208(a)).

(2) An exemption from subparagraph (1) of this paragraph may be made when the employee makes full disclosure of the outside financial interest to the Secretary and receives in advance a written determination by the Secretary that such interest is not so substantial as to affect the integrity of his services (18 U.S.C. 208(b)). Such disclosures and requests for exemption shall be forwarded through the Department Counselor.

* * * * *

5. Section 0.735–212(b) is revised in part to read:

§ 0.735–212 Membership in organizations.

* * * * *

(b) An employee may be designated in writing to serve as a liaison representative of the Department to a non-Federal or private organization when the Secretary, the Under Secretary, an Assistant Secretary, the General Counsel, or a Regional Administrator, as appropriate, has determined that such service would be beneficial to the Department and provided that:

* * * * *

6. Section 0.735–305(a) is revised by inserting a reference to the new § 0.735–205(b) to read:

§ 0.735–305 Applicability of other provisions.

(a) Each special Government employee is subject to the provisions of §§ 0.735–201, 0.735–205(b), 0.735–206 through 0.735–210, 0.735–212, 0.735–213, 0.735–214, and 0.735–411.

* * * * *

7. Section 0.735–403(a) is revised by inserting "Counselor" after "Department." As amended, paragraph (a) reads in part:

§ 0.735–403 Employees not required to submit statements.

(a) Employees in positions that meet the criteria in § 0.735–401(b) may be excluded from the reporting requirement when the Department Counselor determines that:

* * * * *

8. Section 0.735–404 is revised by deleting paragraphs (c) and (d) and substituting the following paragraph (c); paragraph (a) is amended to conform with this revision. As amended, §§ 0.735–404 (a) and (c) read:

§ 0.735–404 Time and place for submission of employees' statements.

(a) An employee required to submit a statement of employment and financial interests pursuant to § 0.735–401 and the appendix to this part shall submit that statement on Form HUD–844 (Revised) to the official designated in paragraph (c) of this section not later than:

(1) Ninety days after the effective date of this part if employed on or before that effective date; or

(2) Thirty days after his entrance on duty, but not earlier than 90 days after the effective date, if appointed after that effective date.

* * * * *

(c) All employees shall submit their statements directly to the General Counsel of the Department as Department Counselor for review and custody. Such statements shall be enclosed in sealed envelopes marked "Standards of Conduct—Department Counselor: Administratively Confidential". Statements previously submitted to other than the Department Counselor for review shall be transferred to the Department Counselor for custody.

(d) [Deleted]

9. Section 0.735–405(a) is revised by deleting from the first sentence the words "to the appropriate reviewing official as described in § 0.735–404" and

inserting "to the Department Counselor". As amended, § 0.735–405(a) reads:

§ 0.735–405 Supplementary statements.

(a) Changes in, or additions to, the information contained in an employee's statement shall be reported to the Department Counselor in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required.

* * * * *

10. Section 0.735–409(b) is revised to read:

§ 0.735–409 Confidentiality of employees' statements.

* * * * *

(b) For the purpose of carrying out the provisions of paragraph (a)(1) of this section, the Department Counselor shall review and retain employees' statements.

11. Section 0.735–411(a) is revised to read:

§ 0.735–411 Specific provisions for special Government employees.

(a) Except as provided in paragraph (c) of this section, each special Government employee shall submit to the Department Counselor for review and custody Form HUD–844–A (Revised), Statement of Employment and Financial Interests.

* * * * *

(18 U.S.C. 201 through 209; E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR 1965 Supp.; 5 CFR 735.104)

These amendments were approved by the Civil Service Commission on June 18, 1969, and are effective on publication in the FEDERAL REGISTER.

RICHARD C. VAN DUSEN,
Under Secretary of Housing and Urban Development.

APPENDIX—LIST OF POSITIONS SUBJECT TO SUBPART D

Officers and employees in the following positions are subject to the provisions of Subpart D of this part:

OFFICE OF THE SECRETARY

Special Assistants to the Secretary.
Federal Insurance Administrator.
Executive Assistant.
Administrative Officer to the Secretary.
Director, Office of Business Participation.

OFFICE OF THE UNDER SECRETARY

Under Secretary.
Deputy Under Secretary.
Special Assistants to the Under Secretary.

OFFICE OF THE GENERAL COUNSEL

General Counsel.
Deputy General Counsels.
Special Assistant to the General Counsel.
Associate General Counsels.
Assistant General Counsels.
Regional Counsels.

ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY

Assistant Secretary.
Deputy Assistant Secretary for Equal Opportunity.
Director, Office of Equal Housing Opportunity.

ASSISTANT SECRETARY FOR MORTGAGE CREDIT AND FEDERAL HOUSING COMMISSIONER

Assistant Secretary.
Executive Assistant Commissioner.
Assistant Commissioner for Field Operations.
Assistant Commissioner for Technical Standards.
Assistant Commissioner for Multifamily Housing.
Assistant Commissioner for Programs.
Assistant Commissioner for Home Mortgages.
Assistant Commissioner for Administration.
Assistant Commissioner for Property Disposition.
Assistant Commissioner for Property Improvement.
Assistant Commissioner-Comptroller.
Director, Low and Moderate Income Housing Division.
Administrator, Office of Interstate Land Sales Registration.
Deputy Administrator, Office of Interstate Land Sales Registration.
Director, Administrative Proceedings Division.
Director, Examination Division.
Deputy Assistant Commissioner for Technical Standards.
Deputy Assistant Commissioner for Programs.
Deputy Assistant Commissioner for Multifamily Housing.
Director, Project Mortgage Servicing Division.
Director, Project Mortgage Insurance Division.
Director, Architectural Division.
Director of Compliance Coordination.
Director, Management Division.
Supervisory Contract Specialist (Chief, Contracting Section).
Director, New York Multifamily Housing Insuring Office.
Director, Insuring Office.
Deputy Director, Insuring Office.
Assistant Director, Insuring Office.[1]
Assistant Director (Chief of Operations).[1]
Chief Underwriter.[1]
State Director (New York).
Assistant State Director.
Deputy Assistant Secretary for Mortgage Credit.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

President.
Executive Vice President.
Vice President (Fiscal Management).
Secretary-Treasurer.
Controller.

ASSISTANT SECRETARY FOR METROPOLITAN DEVELOPMENT

Assistant Secretary.
Deputy Assistant Secretary for Metropolitan Development.
Director, Office of Small Town Services.
Director, Office of Plans, Programs and Evaluation.
Director, Community Resources Development Administration.
Deputy Director, Community Resources Development Administration.
Deputy Director, Program Operations Division.
Director, Community Facilities Division.
Deputy Director, Community Facilities Division.
Director, Land Development Division.
Deputy Director, Land Development Division.
Director, New Communities Division.
Deputy Director, New Communities Division.
Director, Engineering Division.
Director, Water Resources Division.
Director, Finance Division.
Director, Office of Urban Transportation Development and Liaison.
Deputy Director, Office of Urban Transportation Development and Liaison.
Director, Systems Research and Development Division.
Director, Transportation Planning and Coordination Division.
Director, Office of Planning Standards.
Deputy Director, Office of Planning Standards.
Director, Planning Requirements Division.
Director, Planning Review Division.
Director, Metropolitan Area Analysis Division.
Director, Urban Management Assistance Administration.
Deputy Director, Urban Management Assistance Administration.
Director, Planning Assistance Division.
Deputy Director, Planning Assistance Division.
Director, Division of State and Local Relations.
Deputy Director, Division of State and Local Relations.
Director, Community Development Training Division.
Deputy Director, Community Development Training Division.
Director, Program Operations Division.
Director, Clearinghouse Services Division.

ASSISTANT SECRETARY FOR MODEL CITIES AND GOVERNMENTAL RELATIONS

Assistant Secretary.
Deputy Assistant Secretary for Model Cities and Governmental Relations.
Director, Federal Relations Staff.
Director, Defense Planning Staff.

Model Cities Administration

Director, Model Cities Administration.
Deputy Director, Model Cities Administration.
Director, Division of Program Development and Evaluation.
Director, Division of Program Operations and Technical Assistance.
Staff Director, Neighborhood Centers Staff.

ASSISTANT SECRETARY FOR RENEWAL AND HOUSING ASSISTANCE

Assistant Secretary.
Deputy Assistant Secretary for Renewal and Housing Assistance.
Assistant for Problems of the Elderly and Handicapped.
Deputy Assistant Secretary for Renewal and Housing Assistance.
Director, Office of Community Development.
Director, Relocation Staff.
Director, Plans, Programs and Evaluation Staff.
Director, Operational Services Division.
Chief, Project Financing Branch.
Deputy Chief, Project Financing Branch.

Renewal Assistance Administration

Deputy Assistant Secretary for Renewal Assistance.
General Deputy, Renewal Assistance.
Director, Neighborhood Programs Division.
Director, Redevelopment Division.
Director, Rehabilitation and Codes Division.
Director, Community Renewal Program Division.
Director, Program Development Division.
Director, Program Management Division.
Director, Surplus Land for Community Development Division.

Housing Assistance Administration

Deputy Assistant Secretary for Housing Assistance.
General Deputy, Housing Assistance.
Director, Program Development Division.
Director, Production Division.
Director, Tenant Services Division.
Supply Management Officer, Tenant Services Division.
Director, Technical Services Division.
Director, College Housing Loans Staff.

[1] See § 0.735–401(d).

ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY

Assistant Secretary.
Assistant Director for Research Planning and Coordination.
Administrative Officer.
Director, Utilities Technology.
Director, Building Technology.
Director, Low-Income Housing Demonstration Program.
Director, Urban Renewal Demonstration Program.
Director, Urban Planning Research and Demonstration Program.
Director, City and Regional Administration Research.
Director, Social Research.
Program Manager, "In-Cities" Project.

ASSISTANT SECRETARY FOR ADMINISTRATION

Assistant Secretary.
Deputy Assistant Secretary for Administration.
Director, Financial Systems and Services.
Director, Office of General Services.
Deputy Director, Office of General Services.
Director, Contracts and Agreement Division, Office of General Services.
Assistant Director, Contracts and Agreements Division, Office of General Services.
Director, Supply and Facilities Management Division, Office of General Services.
Assistant Director, Supply and Facilities Management Division, Office of General Services.
Director, Office of Audit.
Deputy Director, Office of Audit.
Regional Audit Managers, Office of Audit.
Director, Office of Investigation.
Deputy Director, Office of Investigation.
Investigation Field Directors.

REGIONAL OFFICES OF THE DEPARTMENT

Regional Administrator.
Deputy Regional Administrator.
Assistant Regional Administrator for Model Cities.
Director, Southwest Area Office, Los Angeles, California.

Program Coordination and Services Office

Assistant Regional Administrator for Program Coordination and Services.
Director, Planning Division.
Director, Economic and Market Analysis Division.
Director, Relocation Division.

Federal Housing Administration Office

Assistant Regional Administrator for FHA.
Director, Project Review Division.
Director, Low-Income Housing and Rent Supplement Division.
Director of Regional Advisory and Technical Services.

Metropolitan Development

Assistant Regional Administrator for Metropolitan Development.
Deputy Assistant Regional Administrator for Metropolitan Development.
Director, Program Field Service Division.
Chief, Engineering Branch.

Housing Assistance Office

Assistant Regional Administrator for Housing Assistance.
Deputy Assistant Regional Administrator for Housing Assistance.
Director, Production Division.
Director, Special Loans Division.
Chief, College Housing Loans Branch.
Chief, Elderly Housing Programs Branch.
Director, Tenant and Operations Services Division.
Director, Technical Services Division.

Renewal Assistance Office

Assistant Regional Administrator for Renewal Assistance.
Deputy Assistant Regional Administrator for Renewal Assistance.
Director, Field Services Division.
Director, Neighborhood Facilities Program.
Chief, Rehabilitation Loan and Grant Branch.
Chief, Acquisition Branch.
Chief, Land Marketing and Redevelopment Branch.
Chief, Project Planning and Engineering Branch.

Equal Opportunity Office

Assistant Regional Administrator for Equal Opportunity.
Deputy Assistant Regional Administrator for Equal Opportunity.
Director, Conciliation and Investigation Division.

Northwest Area Office, Seattle, Wash.

Director, Northwest Area Office.
Deputy Director, Northwest Area Office.
Director, Metropolitan Development Division.
Director, Housing Assistance Division.
Chief, Administration Branch.

[F.R. Doc. 69–9094; Filed, Aug. 1, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 43a—INDEBTEDNESS OF MILITARY PERSONNEL

The Deputy Secretary of Defense approved the following:

Sec.
43a.1 Purpose and applicability.
43a.2 Explanation of terms.
43a.3 Policy.
43a.4 Procedures.
43a.5 Debt processing requirements.
43a.6 Abuse of the processing privilege.
43a.7 Full disclosure and standards of fairness by creditors.
43a.8 Certificate of compliance.
43a.9 Standards of fairness.
43a.10 Effective date and implementation.

AUTHORITY: The provisions of this Part 43a issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 43a.1 Purpose and applicability.

This Part 43a incorporates provisions of Public Law 90–321 to establish Department of Defense guidelines to be followed by the Military Departments in handling and processing claims of delinquent indebtedness against military members of the Armed Forces. Its provisions do not cover claims for support of dependents, or claims by the Federal, State, or municipal government.

§ 43a.2 Explanation of terms.

(a) "Just financial obligations," refers to a legal debt acknowledged by the military member in which there is no reasonable dispute as to the facts of the law; or one reduced to judgment which conforms to the Soldiers' and Sailors' Civil Relief Act if applicable.

(b) "A proper and timely manner," means a manner, as determined by the Military Department concerned, which does not under the circumstances reflect discredit on the military service.

§ 43a.3 Policy.

(a) A member of the Armed Forces is expected to pay his just financial obligations in a proper and timely manner. However, the Military Departments have no legal authority to require a member to pay a private debt or to divert any part of his pay for its satisfaction, even though the indebtedness may have been reduced to judgment by a civil court. The enforcement of the private obligations of a military member is a matter for civil authorities.

(b) The processing of debt complaints will not be extended to those who have not made a bona fide effort to collect the debt directly from the military member, whose claims are patently false and misleading, or whose claims are obviously exorbitant. (Claimants desiring to contact a military member about his indebtedness may obtain the member's address by writing to the locator service of the Military Department concerned, and enclosing $1.50 as a fee for the service, as provided under Part 288 of Subchapter P of this chapter.)

§ 43a.4 Procedures.

(a) Indebtedness complaints which meet the requirements of this part will be processed by the Military Service concerned. "Processed" means such administrative procedures as will result in the following actions:

(1) A review of all available facts surrounding the transaction forming the basis of the complaint, the member's legal rights and obligations, and any defenses or counterclaims the member may have. It also includes a review of the member's overall financial situation throughout the life of the obligation on which the complaint is based.

(2) The member being advised as to what actions he should take to comply with the policy, and that he is expected to pay his just financial obligations in a proper and timely manner. Further, the member will be advised of the counselling services available under the Legal Assistance program.

(3) A response by the appropriate commander advising the claimant of the DoD policy as to private indebtedness, and that the member concerned has been advised accordingly. The commander's response will not undertake to arbitrate any disputed debt, or to admit or deny the validity of the claim. Under no circumstances will it indicate whether any action has been taken against the member as a result of the complaint.

(b) It is incumbent on those submitting indebtedness complaints to show that the disclosure requirements of Public Law 90–321 and Regulation Z have been met and that the Standards of Fairness (§ 43a.9) have been applied.

§ 43a.5 Debt processing requirements.

(a) Creditors subject to Regulation Z, and assignees claiming thereunder, shall submit with their request for debt processing assistance an executed copy of the Certificate of Compliance (§ 43a.8) and a true copy of the general and specific disclosures provided the military member as required by Public Law 90–321. Requests which do not meet these requirements will be returned without action to the claimant.

(b) A creditor not subject to Regulation Z, such as a public utility company (as set forth in § 226.3 of this chapter), shall submit with the request a certification that no interest, finance charge or other fee is in excess of that permitted by the law of the State in which the obligation was incurred.

(c) A foreign-owned company having debt complaints shall submit with their request a true copy of the terms of the debt (English translation) and shall certify that they have subscribed to the Standards of Fairness (§ 43a.9).

§ 43a.6 Abuse of the processing privilege.

The Military Departments may promulgate such policies and procedures as will deny to any claimant the processing of his claim where

(a) A claimant, having been notified of the requirements of this part, refuses or repeatedly fails to comply with them; or

(b) A claimant, no matter what the merits of his claim, has clearly shown that he is attempting to make unreasonable use of the processing privilege.

§ 43a.7 Full disclosure and standards of fairness by creditors.

(a) Public Law 90–321 prescribes the general disclosure requirements which must be met by those offering or extending consumer credit, and Regulation Z prescribes the specific disclosure requirements for both open-end and installment credit transactions. In lieu of Federal Government requirments, State regulations apply to credit transactions when the Federal Reserve Board has determined that the State regulations impose substantially similar requirements and provide adequate enforcement measures. Regulations of the Federal Reserve Board should be checked to determine whether Federal or State laws and regulations govern.

(b) Banks and credit unions operating on military installations shall conform to the Standards of Fairness (§ 43a.9) before executing the loan or credit agreement. (See Part 230 of Subchapter M of this chapter.) Should an on-base bank or credit union refer a prospective borrower to an off-base bank or credit union belonging to the same bank or credit union system, it shall advise the latter that the Department of Defense requires compliance with the Standards of Fairness before executing the loan or credit agreement.

(c) The following banks and credit unions will be denied debt processing assistance if they do not apply the Standards of Fairness (§ 43a.9) to the loan or credit agreement: (1) Credit unions chartered to serve DoD personnel but operating off the installation and (2) any banks, wherever located, which have branch banks operating on a military installation.

§ 43a.8 Certificate of compliance.[1]

I certify that the _____
(Name of Creditor)

upon extending credit to _____
(Name of Obligor)

_____ on _____ complied with the
(Date)

full disclosure requirements of the Truth-in-Lending Act and Regulation Z (or the laws and regulations of State of _____), and that the attached statement is a true copy of the general and specific disclosures provided the obligor as required by law.

I further certify that the Standards of Fairness set forth in § 43a.9 have been applied to the consumer credit transaction to which this form refers. (If the unpaid balance has been adjusted as a consequence, the specific adjustments in the finance charge and the annual percentage rate should be set forth below.)

_____
(Adjustments)

_____
(Date of Certification)

_____
(Signature of Creditor or Authorized Representative)

_____
(Street)

_____
(City, State and Zip Code)

§ 43a.9 Standards of fairness.[1]

(a) No finance charge contracted for, made, or received under any contract shall be in excess of the charge which could be made for such contract under the law of the place in which the contract is signed in the United States by the serviceman. In the event a contract is signed with a U.S. company in a foreign country, the lowest interest rate of the State or States in which the company is chartered or does business shall apply.

(b) No contract or loan agreement shall provide for an attorney's fee in the event of default unless suit is filed in which event the fee provided in the contract shall not exceed 20 percent of the obligation found due. No attorney fees shall be authorized if he is a salaried employee of the holder.

(c) In loan transactions, defenses which the debtor may have against the original lender or its agent shall be good against any subsequent holder of the obligation. In credit transactions, defenses against the seller or its agent shall be good against any subsequent holder of the obligation provided that the holder had actual knowledge of the defense or under condition where reasonable inquiry would have apprised him of this fact.

(d) The debtor shall have the right to remove any security for the obligation beyond state or national boundaries if he or his family moves beyond such boundaries under military orders and notifies the creditor, in advance of the removal, of the new address where the security will be located. Removal of the security shall not accelerate payment of the obligation.

(e) No late charge shall be made in excess of 5 percent of the late payment, or $5 whichever is the lesser amount. Only one late charge may be made for any tardy installment. Late charges will not be levied where an allotment has been timely filed, but payment of the allotment has been delayed.

(f) The obligation may be paid in full at any time or through accelerated payments of any amount. There shall be no penalty for prepayment and in the event of prepayment that portion of the finance charges which have inured to the benefit of the seller or creditor shall be prorated on the basis of the charges which would have been ratably payable had finance charges been calculated and payable as equal periodic payments over the terms of the contract and only the prorated amount to the date of prepayment shall be due. As an alternative the "Rule of 78" may be applied, in which case its operation shall be explained in the contract.

(g) No charge shall be made for an insurance premium or for finance charges for such premium unless satisfactory evidence of a policy, or insurance certificate where state insurance laws or regulations permit such certificates to be issued in lieu of a policy, reflecting such coverage has been delivered to the debtor within 30 days after the specified date of delivery of the item purchase or the signing of a cash loan agreement.

(h) If the loan or contract agreement provides for payments in installments, each payment, other than the down payment, shall be in equal or substantially equal amounts, and installments shall be successive and of equal or substantially equal duration.

(i) If the security for the debt is repossessed and sold in order to satisfy or reduce the debt, the repossession and resale will meet the following conditions: (1) The defaulting purchaser will be given advance written notice of the intention to repossess; (2) following repossession, the defaulting purchaser will be served a complete statement of his obligations and adequate advance notice of the sale; (3) he will be permitted to redeem the item by payment of the amount due before the sale, or in lieu thereof submit a bid at the sale; (4) there will be a solicitation for a minimum of three sealed bids unless sold at auction; (5) the party holding the security, and all agents thereof, are ineligible to bid; (6) the defaulting purchaser will be charged only those charges which are reasonably necessary for storage, reconditioning and resale and (7) he shall be provided a written detailed statement of his obligations, if any, following the resale and promptly refunded any credit balance due him, if any.

[1] This form may be reproduced locally.

(j) A contract for personal goods and services may be terminated at any time before delivery of the goods or services without charge to the purchaser. However, if goods made to the special order of the purchaser result in preproduction costs, or require preparation for delivery, such additional costs will be listed in the order form or contract. No termination charge will be made in excess of this amount. Contracts for delivery at future intervals may be terminated as to the undelivered portion, and the purchaser shall be chargeable only for that proportion of the total cost which the goods or services delivered bear to the total goods called for by the contract. (This is in addition to the right to rescind certain credit transactions involving a security interest in real estate provided by section 125 of Public Law 90–321 and § 226.9 of Regulation Z of this chapter.)

§ 43a.10 Effective date and implementation.

(a) This part is effective July 1, 1969, and will be published in the FEDERAL REGISTER. Claims based on obligations incurred on or after that date must be accompanied by an executed copy of § 43a.8. Claims based on obligations incurred before that date may be accepted if the requirements of Part 43 of this subchapter have been observed.

(b) Two copies of each Military Department regulation implementing this part will be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within sixty (60) days, and will be published in the FEDERAL REGISTER.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69–9081; Filed, Aug. 1, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 69–76]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Middle River, Calif.

1. The San Joaquin County Department of Public Works, by letter dated May 7, 1969, requested the Commander, 12th Coast Guard District to revise the operation regulations for their drawbridge across Middle River at mile 5.6 between Bacon Island and Lower Jones Tract near Stockton, Calif. A public notice dated May 21, 1969, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, 12th Coast Guard District and was made available to all persons known to have an interest in this subject.

2. After consideration of all comments submitted in response to this proposal the revision is accepted. Accordingly, § 117.714(c)(1) is revised to read as follows:

§ 117.714 San Joaquin River and its tributaries, Calif.

• • • • •

(c) *Middle River*—(1) *San Joaquin County highway bridge between Bacon Island and Lower Jones Tract.* From May 15 through September 15, the draw shall be opened promptly on signal from 9 a.m. to 5 p.m. From September 16 through May 14, the draw shall be opened promptly on signal from 9 a.m. to 5 p.m. from Thursday through Monday, at all other times at least 12 hours' advance notice is required to be given to the San Joaquin County Department of Public Works.

• • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.4(a)(3)(v))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: July 28, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69–9107; Filed, Aug. 1, 1969; 8:47 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Interference Practice

Notice of proposed rule making regarding changes in the rules of the Patent Office relating to interference practice was published in the FEDERAL REGISTER of December 28, 1968 (33 F.R. 19949). Interested persons were invited to submit written comments, suggestions, or objections, and to attend a hearing scheduled for April 1, 1969.

Full consideration has been given to the comments and testimony received and changes in the text of the original proposal have been effected where appropriate.

In consideration of the foregoing, and pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), Part 1 of Title 37, Code of Federal Regulations, is hereby amended as follows:

1. Paragraph (b) of § 1.55 is amended by deleting from the third sentence the words "when specified in §§ 1.216 and 1.224" and inserting in lieu thereof "(§ 1.224)". As thus amended, paragraph (b) reads as follows:

§ 1.55 Serial number and filing date of application.

• • • • •

(b) An applicant may claim the benefit of the filing date of a prior foreign application under the conditions specified in 35 U.S.C. 119. The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath as required by § 1.65. The claim for priority and the certified copy of the foreign application specified in the second paragraph of 35 U.S.C. 119 must be filed in the case of interference (§ 1.224); when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner; and in all other cases they must be filed not later than the date the final fee is paid. If the papers filed are not in the English language, a translation need not be filed except in the three particular instances specified in the preceding sentence, in which event a sworn translation or a translation certified as accurate by a sworn or official translator must be filed.

2. Paragraph (c) of § 1.204 is revised to read as follows:

§ 1.204 Interference with a patent; affidavit by junior applicant.

• • • • •

(c) When the effective filing date of an applicant is more than 3 months subsequent to the effective filing date of the patentee, the applicant, before the interference will be declared, shall file two copies of affidavits by himself, if possible, and by one or more corroborating witnesses, supported by documentary evidence if available, each setting out a factual description of acts and circumstances performed or observed by the affiant, which collectively would prima facie entitle him to an award of priority with respect to the effective filing date of the patent. This showing must be accompanied by an explanation of the basis on which he believes that the facts set forth would overcome the effective filing date of the patent. Failure to satisfy the provisions of this section may result in summary judgment against the applicant under § 1.228. Upon a showing of sufficient cause, an affidavit on information and belief as to the expected testimony of a witness whose testimony is necessary to overcome the filing date of the patent may be accepted in lieu of an affidavit by such witness. If the examiner finds the case to be otherwise in condition for the declaration of an interference he will consider this material only to the extent of determining whether a date prior to the effective filing date of the patent is alleged, and if so, the interference will be declared.

3. Paragraph (b) of § 1.215 is amended by deleting the words "including any" after "preliminary statement", second occurrence, and inserting in lieu thereof the words "and all". As thus amended, paragraph (b) reads as follows:

§ 1.215 Preliminary statement required.

* * * * *

(b) A party who files a preliminary statement shall at the same time notify all opposing parties of that fact and by the time set for that purpose he shall serve a copy of his preliminary statement and all attached documents on every opposing party from whom he has received notification of the filing of a statement.

* * * * *

4. Paragraph (a) of § 1.216 is amended by deleting from the second sentence "including a brief statement as to the specific nature of each of the respective acts alleged"; and paragraph (b) of § 1.216 is amended by adding at the end thereof the reference "(See § 1.223(c).)". As thus amended, the introductory text of paragraph (a) and paragraph (b) reads as follows:

§ 1.216 Contents of the preliminary statement.

(a) The preliminary statement must state that the party made the invention set forth by each count of the interference, and whether the invention was made in the United States or abroad. When the invention was made in the United States the preliminary statement must set forth as to the invention defined by each count the following facts:

* * * * *

(b) When an allegation as to the first drawing (paragraph (a)(1) of this section) and/or as to the first written description (paragraph (a)(2) of this section) is made, a copy of such drawing and/or written description must be attached to the statement. (See § 1.223 (c).)

* * * * *

5. Paragraph (a)(1) of § 1.217 is amended by striking the period at the end thereof, and adding "and documentary attachments if the allegations relate to a drawing or written description.". As thus amended, paragraph (a)(1) reads as follows:

§ 1.217 Contents of the preliminary statement; invention made abroad.

(a) * * *

(1) When the invention was introduced into this country by or on behalf of the party, giving the circumstances with the dates connected therewith which are relied upon to establish the fact and, when appropriate, including allegations of activity in this country of the nature of that represented by § 1.216(a) (1) to (6) and documentary attachments if the allegations relate to a drawing or written description.

* * * * *

6. Section 1.222 is revised to read as follows:

§ 1.222 Correction of statement on motion.

In case of material error arising through inadvertence or mistake, the statement or attachments may be corrected or omitted attachments may be supplied on motion (see § 1.243), upon a satisfactory showing that such action is essential to the ends of justice. The motion must be made, if possible, before the taking of any testimony, and as soon as practicable after the discovery of the error.

7. Paragraphs (a) and (c) of § 1.223 are revised to read as follows:

§ 1.223 Effect of statement.

(a) The preliminary statement should be carefully prepared, as a party will not be allowed to amend his statement in any way except by motion under § 1.222, and any doubts as to definiteness or sufficiency of any allegation or compliance with formal requirements will be resolved against the party concerned by restriction to his effective filing date or to the latest date of a period alleged as may be appropriate. Prior to final hearing a party will not be notified of any defect in his statement except that a junior party, subject to restriction resulting from such a defect and by virtue of that restriction being subject to judgment under § 1.225, will be notified of that defect and also notified that judgment on the record will be entered against him at the expiration of a time set, not less than 30 days, unless cause be shown why judgment should not be entered. Each of the parties by whom or on whose behalf a preliminary statement is made will be strictly held in his proofs to the dates set forth therein. This includes joint applicants or patentees; a new preliminary statement will not be received in the event the application is amended or the patent is corrected to remove the names of those not inventors, nor will a preliminary statement alleging different dates be received if an application is amended or a patent is corrected to include a joint inventor, except by motion under § 1.222.

* * * * *

(c) If a party to an interference fails to file a statement, testimony will not be received subsequently from him to prove that he made the invention at a date prior to his effective filing date. If a party alleges in his statement a date of first drawing or first written description but does not attach a copy of such drawing or written description as required by § 1.216(b), he will be restricted to his effective filing date as to that allegation unless such copy is admitted by motion under § 1.222.

* * * * *

8. Section 1.224 is revised to read as follows:

§ 1.224 Reliance on prior application.

A party will not be permitted to rely on any prior application to obtain the benefit of its filing date unless the prior application is specified in the notice of interference (see § 1.226) or its benefit is sought by a motion filed in accordance with § 1.231. In the latter case, complete copies of the contents of the application file the benefit of which is sought, except affidavits under §§ 1.131, 1.202, and 1.204, must be served on all opposing parties with the motion, and in the case of a foreign application the necessary papers to prove a date of priority under 35 U.S.C. 119 including a translation where required (§ 1.55), must be filed and copies served on all opposing parties with the motion except for such papers as were of record in the involved application when the interference was declared. In either case proof of service required by § 1.247 must include reference to the prior application as well as the motion or, in the case of the stated exception, note that the papers in question were of record when the interference was declared.

9. Section 1.228 is revised to read as follows:

§ 1.228 Summary judgment.

When an interference is declared on the basis of a showing under § 1.204(c), such showing will be examined by an Examiner of Interferences. If the Examiner considers that the facts set out in the showing provide sufficient basis for the interference to proceed, the interference will proceed in the normal manner as provided by the rules in this part; otherwise an order shall be entered concurrently with the notice of interference pointing out wherein the showing is insufficient and notifying the applicant making such showing that summary judgment will be rendered against him because of such insufficiency at the expiration of a period specified in the notice, not less than 30 days, unless cause be shown why such action should not be taken. In the absence of a showing of good and sufficient cause, judgment shall be so rendered. Any response made during the specified period will be considered by a Board of Patent Interferences without an oral hearing unless such hearing is requested by the applicant, but additional affidavits or exhibits will not be considered unless accompanied by a showing in excuse of their omission from the original showing. If the applicant files a response to the order to show cause, the patentee will be furnished with one copy of the showing under § 1.204(c) and will be allowed not less than 30 days from its mailing date within which to present his views with respect thereto. He shall also be entitled to be represented at any oral hearing on the matter. The Board will determine, on the basis of the original showing and the response made, whether the interference should be allowed to proceed or summary judgment should be entered against the junior applicant.

10. Paragraphs (a) and (d) of § 1.231 are revised to read as follows:

§ 1.231 Motions before the primary examiner.

(a) Within the period set in the notice of interference for filing motions any party to an interference may file a motion seeking:

(1) To dissolve as to one or more counts, except that such motion based on facts sought to be established by affidavits or evidence outside of official records and printed publications will not normally be considered, and when one of the parties to the interference is a patentee, no motion to dissolve on the ground that the subject matter of the count is unpatentable to all parties or is unpatentable to the patentee will be considered, except that a motion to dissolve as to the patentee may be brought which is limited to such matters as may be considered at final hearing (§ 1.258). Where a motion to dissolve is based on prior art, service on opposing parties must include copies of such prior art. A motion to dissolve on the ground that there is no interference in fact will not be considered unless the interference involves a design or plant patent or application or unless it relates to a count which differs from the corresponding claim of an involved patent or of one or more of the involved applications as provided in §§ 1.203(a) and 1.205(a).

(2) To amend the issue by addition or substitution of new counts. Each such motion must contain an explanation as to why a count proposed to be added is necessary or why a count proposed to be substituted is preferable to the original count, must demonstrate patentability of the count to all parties and must apply the proposed count to all involved applications except an application in which the proposed count originated.

(3) To substitute any other application owned by him as to the existing issue, or to declare an additional interference to include any other application owned by him as to any subject matter other than the existing issue but disclosed in his application or patent involved in the interference and in an opposing party's application or patent in the interference which should be made the basis of interference with such other party. Complete copies of the contents of such other application, except affidavits under §§ 1.131, 1.202, and 1.204, must be served on all other parties and the motion must be accompanied by proof of such service.

(4) To be accorded the benefit of an earlier application or to attack the benefit of an earlier application which has been accorded to an opposing party in the notice of declaration.

(5) To amend an involved application by adding or removing the names of one or more inventors as provided in § 1.45.

* * * * *

(d) All proper motions as specified in paragraph (a) of this section, or of a similar character, will be transmitted to and considered by the primary examiner without oral argument, except that consideration of a motion to dissolve will be deferred to final hearing before a Board of Patent Interferences where the motion urges unpatentability of a count to one or more parties which would be reviewable at final hearing under § 1.258 (a) and such unpatentability is urged against a patentee or has been ruled upon by the Board of Appeals or by a court in ex parte proceedings. Requests for reconsideration will not be entertained.

* * * * *

11. Section 1.238 is revised to read as follows:

§ 1.238 Addition of new party by examiner.

If during the pendency of an interference, another case appears, claiming substantially the subject matter in issue, the primary examiner should notify the Board of Patent Interferences and request addition of such case to the interference. Such addition will be done as a matter of course by a patent interference examiner, if no testimony has been taken. If, however, any testimony may have been taken, the patent interference examiner shall prepare and mail a notice for the proposed new party, disclosing the issue in interference and the names and addresses of the interferants and of their attorneys or agents, and notices for the interferants disclosing the name and address of the said party and his attorney or agent, to each of the parties, setting a time for stating any objections and at his discretion a time of hearing on the question of the admission of the new party. If the patent interference examiner be of the opinion that the new party should be added, he shall prescribe the conditions imposed upon the proceedings, including a suspension if appropriate.

12. Section 1.252 is amended by adding a new sentence at the end of the section. As thus amended, § 1.252 reads as follows:

§ 1.252 Failure of junior party to take testimony.

Upon the filing of a motion for judgment by any senior party to an interference stating that the time for taking testimony on behalf of any junior party has expired and that no testimony has been taken and no other evidence offered by said junior party, an order shall be entered that the junior party show cause within a time set therein, not less than 10 days, why judgment should not be rendered against him, and in the absence of a showing of good and sufficient cause, judgment shall be so rendered. In the absence of such a motion, if any junior party fails to file an evidentiary record by the date set as provided in § 1.253(d), a patent interference examiner shall enter the order to show cause.

13. Paragraph (a) of § 1.253 is amended by inserting after "(§§ 1.275 to 1.278)" the words "or executed copies of affidavits or stipulated testimony or facts (§ 1.272)", and the last sentence of paragraph (c) of § 1.253 is revised. As thus amended, paragraphs (a) and (c) read as follows:

§ 1.253 Copies of the testimony.

(a) In addition to the certified transcript of the testimony (§§ 1.275 to 1.278) or executed copies of affidavits or stipulated testimony or facts (§ 1.272), three true copies of the record of each party must be filed for the use of the Patent Office (a total of four copies), and one true copy of the record must be served upon each of the opposing parties.

* * * * *

(c) These records, whether printed or typewritten, must include the testimony presented by the party filing the same. A copy of the counts of the interference and the preliminary statement required by §§ 1.215 to 1.227 must be included. Each record must contain an index of the names of the witnesses, giving the pages where their examination and cross-examination begin, and an index of the exhibits, briefly describing their nature and giving the pages at which they are introduced and offered in evidence, and also the pages where copies of exhibits are shown when such exhibits are copies in the record. The pages must be serially numbered throughout the entire record and the names of the witnesses must appear at the top of the pages over their testimony.

* * * * *

14. Section 1.254 is revised to read as follows:

§ 1.254 Briefs at final hearing.

Briefs at final hearing before the Board of Patent Interferences shall be submitted in printed form, except that when not in excess of 50 legal-size double-spaced typewritten pages, or the equivalent thereof, and in any other case where satisfactory reason therefor is shown, they may be submitted in typewritten form. If submitted in printed form, they shall be the same in size and the same as to page and print as is specified for printed copies of testimony. Typewritten briefs shall conform to the requirements for typewritten copies of testimony, except that legal-size paper may be used and the binding and covers specified are not required. Every brief of more than 15 pages shall contain a subject index with page references, supplemented by a list of all authorities referred to, together with references to pages thereof. Each party should make a statement in his brief identifying those parts of his record upon which he relies. Three copies of each brief must be filed. The times for filing briefs will ordinarily be set in the order setting times for taking testimony. The brief for the junior party shall present a full and fair statement of the questions involved, including his position with respect to priority evidence on behalf of other parties, and a clear statement of the points of law or fact upon which he relies.

15. Paragraph (a) of § 1.256 is amended by adding a new sentence between the fifth and sixth sentences reading: "A junior party may reserve a portion of his time for rebuttal purposes, but a full and fair opening of his case must be made.". As thus amended, paragraph (a) reads as follows:

§ 1.256 Final hearing.

(a) Final hearings will be held by the Board of Patent Interferences on the day appointed at the designated time. If either party appears at the proper time, he will be heard. After the day of hearing, the case will not be taken up for oral argument except by consent of all parties. If the Board of Patent Interferences be prevented from hearing the case at the time specified, a new assignment will be made, or the case will be continued from day to day until heard. Unless it shall be otherwise ordered before the hearing begins, oral arguments will be limited to not more than 1 hour for each party. A junior party may reserve a portion of his time for rebuttal purposes, but a full and fair opening of his case must be made. After a contested case has been argued, nothing further relating thereto will be heard unless upon request of the Board of Patent Interferences.

* * * * *

16. Paragraphs (a) and (b) of § 1.258 are revised to read as follows:

§ 1.258 Matters considered in determining priority.

(a) In determining priority of invention, the Board of Patent Interferences will consider only priority of invention on the evidence submitted. Questions of patentability of a claim generally will not be considered in the decision on priority; and neither will the patentability of a claim to an opponent be considered, unless the nonpatentability of the claim to the opponent will necessarily result in the conclusion that the party raising the question is in fact the prior inventor on the evidence before the Office, or relates to matters which have been determined to be ancillary to priority and must be considered. A party shall not be entitled to raise such nonpatentability unless he has duly presented a motion for dissolution under § 1.231 upon such ground or shows good reason (e.g., that such nonpatentability became evident as a result of evidence extrinsic to an involved application) why such a motion was not presented; however, to prevent manifest injustice the Board of Patent Interferences may in its discretion consider a matter of this character even though it was not raised by motion under § 1.231.

(b) At final hearing a party shall not be entitled to urge consideration of a matter relating to the benefit of an earlier application of his own or of another party unless he has presented such matter in connection with a motion under § 1.231(a)(4), or shows good reason why it was not so presented.

* * * * *

17. Section 1.281 is revised to read as follows:

§ 1.281 Additional time for taking testimony.

If either party has proceeded with the taking of testimony on his behalf but is unable to complete his case because of inability to procure the testimony of a witness or witnesses within the time limited and said time has expired, and he desires additional time for such purpose, he must file a motion, accompanied by a statement under oath setting forth specifically the cause of such inability, the name or names of the witness or witnesses, the facts expected to be proved by such witness or witnesses, the steps which have been taken to procure such testimony, and the dates on which efforts have been made to procure it. (See § 1.245 for extensions of time in other situations.)

18. Section 1.283 is revised to read as follows:

§ 1.283 Testimony taken in another interference or action.

Upon motion, supported by a showing demonstrating its relevance and materiality to the issue, duly made and granted, testimony taken in another interference proceeding or action, between the same parties or those in interest, may be used in an interference proceeding, subject, however, to the right of any contesting party to recall or demand the recall of witnesses whose testimony has been taken and who are physically and mentally able to testify, and to take other testimony in rebuttal of the testimony.

19. Paragraph (b) of § 1.284 is amended by striking at the beginning of the section the words "It must appear" and inserting in lieu thereof "It must be demonstrated". As thus amended, paragraph (b) reads as follows:

§ 1.284 Testimony taken in foreign countries.

* * * * *

(b) It must be demonstrated that the testimony desired is material and competent, and that it cannot be taken in this country at all, or cannot be taken here without hardship and injury to the moving party greatly exceeding that to which the opposite party will be exposed by the taking of such testimony abroad.

* * * * *

Effective date. This revision shall become effective 30 days after publication in the FEDERAL REGISTER.

WILLIAM E. SCHUYLER, JR.,
Commissioner of Patents.

Approved: July 29, 1969.

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

[F.R. Doc. 69-9080; Filed, Aug. 1, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER H—TRAINING

[General Order 97, Rev., Amdt. 3]

PART 310—MERCHANT MARINE TRAINING

Subpart C—Admission and Training of Cadets at the United States Merchant Marine Academy

TRAINING ON SUBSIDIZED VESSELS

Effective July 1, 1969, § 310.58 of this subpart is amended by changing the first sentence of paragraph (c) thereof to read as follows:

§ 310.58 Training on subsidized vessels.

* * * * *

(c) *Pay.* Cadets, while attached to merchant vessels, shall receive pay at the rate of $193.20 per month from their steamship company employers. * * *

* * * * *

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: July 30, 1969.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.
Secretary.

[F.R. Doc. 69-9129; Filed, Aug. 1, 1969; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4674]

[Misc-1941468]

ALASKA

Amendment of Public Land Orders No. 1621 of April 18, 1958, and No. 3521 of January 5, 1965

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Paragraph 6 of Public Land Order No. 1621 of April 18, 1958, modifying Public Land Order No. 82 of January 22, 1943, and paragraph 1 of Public Land Order No. 3521 of January 5, 1965, are hereby amended to delete the sentence which reads as follows:

"Each of such leasing blocks will be deemed to be a legal subdivision, subject to the restriction on assignments of part of a legal subdivision as set forth in 43 CFR 192.140."

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 29, 1969.

[F.R. Doc. 69-9083; Filed, Aug. 1, 1969; 8:45 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 135]

CONDITIONS FOR MAILING 1,000 OR MORE PIECES IN SINGLE MAILING AT SPECIAL FOURTH-CLASS RATE OR AT LIBRARY RATE

Notice of Proposed Rule Making

Notice is hereby given that the Post Office Department is considering a proposal to revise paragraph (a)(6) of § 135.2 of Title 39, Code of Federal Regulations, issued pursuant to title 39, U.S.C. 4554(e) as revised by section 108(a) of Public Law 90-206 approved December 16, 1967. It would make changes in existing presorting requirements applicable to articles mailed in quantities of 1,000 or more pieces at the special fourth-class rate or at the library rate. The proposed revised paragraph (a)(6) would become effective on November 1, 1969. However, affected mailers would be given the option of following the revised requirements prior to that date.

The proposed revisions would have the following effects:

1. Mailers would not be required to presort or sack any nonidentical pieces regardless of number;

2. Nonidentical pieces will not be considered in determining whether a mailer mails 1,000 or more identical pieces in a single day;

3. 5,000 or more identical pieces mailed in a single day must be presorted by the mailer to the full five digit code and sacked;

4. 1,000 up to and including 4,999 identical pieces must be presorted by the mailer to the first three digit code and sacked.

Interested persons may submit written data, views, and arguments concerning the proposal to the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, it is proposed to revise paragraph (a)(6) of § 135.2 to read as follows:

§ 135.2 Classification.

(a) *Description.* * * *

(6) The address on each piece mailed at the rates provided by § 135.1 (c) and (d) must include the complete ZIP code. When 5,000 or more identical pieces are mailed at these rates during a single day, they must be presorted and placed in sacks in accordance with the instructions contained in § 134.4(c) (2) and (6) (i) (*b*), (ii) (*b*), (iii) (*b*), (iv) (*b*), and (v) (*b*) of this chapter. When 1,000 or more but less than 5,000 identical pieces are mailed at these rates during a single day, they must be presorted and placed in sacks in accordance with the instructions contained in § 134.4(c) (2) and (6) (ii) (*b*), (iii) (*b*), (iv) (*b*), and (v) (*b*) of this chapter.

* * * * *

NOTE: It is proposed that if the foregoing revision is adopted mailers would be immediately authorized at their options to observe its requirements in lieu of those of existing paragraph (a)(6), but the revision of paragraph (a)(6) would not otherwise become effective until November 1, 1969.

NOTE: The corresponding Postal Manual section is 135.216.

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-9084; Filed, Aug. 1, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Proposed Establishment of Criteria To Determine Major Marketing Promotion Program

Notice is hereby given of a proposal, unanimously recommended by the Date Administrative Committee, to establish criteria which would determine a major marketing promotion program. The authority for this action would be pursuant to § 987.33 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order (herein referred to collectively as the "order") are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Section 987.33 was revised when the order was amended September 8, 1967, to authorize the Date Administrative Committee, with the approval of the Secretary, to establish or provide for the establishment of paid advertising or marketing promotion programs of major or minor scope. Any major promotion program, and any paid advertising program, require an affirmative vote of one less than the full Committee for adoption. Other Committee actions, including any minor promotion program, may be adopted by a two-thirds vote. Establishment of criteria to determine a major promotion program would enable the Committee to decide which of these voting requirements to apply.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

Subpart—Market Development

§ 987.401 Criteria for determining a major marketing promotion program.

(a) A major marketing promotion program is any marketing promotion program requiring the expenditure of more than $500 (Five-hundred dollars) of Committee funds.

Dated: July 30, 1969.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9111; Filed, Aug. 1, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 85]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Labeling

On June 4, 1968, Part 85 was amended setting out regulations for the control of air pollution from new motor vehicles and new motor vehicle engines to become applicable beginning with the 1970 model year.

Notice is hereby given that it is now proposed to amend the regulations in this part to require manufacturers to label vehicles and engines for which a certificate of conformity is issued.

Part 85 as revised by the proposed amendments will become effective on republication and will be applicable to new motor vehicles and new motor vehicle engines beginning with 1970 model year.

Interested persons may submit written data, views, or arguments (in quadruplicate) in regard to the proposed regulations to the Commissioner, National Air Pollution Control Administration, Ballston Center Tower No. 2, 801 North Ran-

dolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Part 85 is amended by adding a new § 85.53, reading as follows:

§ 85.53 Labeling.

(a) The manufacturer of any gasoline powered light duty motor vehicle or engine shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided to all production models of such vehicles or engines available for sale to the public, and covered by a certificate of conformity under § 85.52.

(b) In the case of gasoline engines not chassis-mounted, a metal label shall be riveted or welded to the engine block.

(c) In the case of gasoline powered light duty motor vehicles, a plastic or metal label shall be welded, riveted, or otherwise permanently attached in a readily visible position in the engine compartment.

(d) The label shall be affixed by the manufacturer of such vehicle or engine who has been issued the certificate of conformity for such vehicle or engine in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any equipment which is easily detached from such vehicle or engine.

(e) The label shall contain the following information lettered in the English language in block letters and numerals not less than three thirty-seconds ($\frac{3}{32}$) of an inch, which shall be of a color that contrasts with the background of the label, in the order shown:

(1) The label heading: Vehicle (Engine) Emission Control Certification;

(2) Full corporate name and trademark of manufacturer;

(3) Make and model of vehicle (or engine);

(4) Vehicle identification number (in the case of engines, the engine block number);

(5) Engine size (in cubic inches);

(6) Exhaust control system name;

(7) Engine tune-up specifications and adjustments including recommended idle speed, ignition timing, and air-fuel mixture and/or idle carbon monoxide setting. These specifications should indicate the proper transmission position during tune-ups and what accessories (e.g., air-conditioner), if any, should be in operation.

(8) The Statement: This Vehicle (or Engine) Is in all Material Respects Substantially the Same Construction as Test Vehicles (or Engines) Certified by the U.S. Department of Health, Education, and Welfare as Conforming to Regulations Applicable to New Motor Vehicles Beginning With the (Insert Year) Model Year.

(f) The provisions of this section are not intended to prevent such manufacturer from also reciting on the label language to the effect that such vehicle (or engine) conforms to any applicable State emission standards for new motor vehicles or new motor vehicle engines.

(Sec. 301(a), sec. 2, Public Law 90-148; 81 Stat. 504; 42 U.S.C. 1857g(a))

Dated: July 29, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69-9082; Filed, Aug. 1, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 0, 1]

[Docket No. 18244]

NONDISCRIMINATION REQUIREMENT IN EMPLOYMENT PRACTICES OF BROADCAST LICENSEES

Order Extending Time for Filing Comments and Reply Comments

In the matter of petition for rule making to require broadcast licensees to show nondiscrimination in their employment practices; Docket No. 18244, RM-1144.

1. On June 6, 1969 the Commission issued a further notice of proposed rule making in this proceeding inviting interested persons to file comments on or before August 4, 1969, and reply comments on or before September 5, 1969. FCC 69-632, 34 F.R. 9288, June 12, 1969. On July 23, 1969, the National Association of Broadcasters (NAB) filed with the Commission a petition requesting that the time for filing comments be extended by 90 days (i.e., from Aug. 4, to Nov. 3, 1969).

2. In support of its request, NAB states that the proposed rules are detailed and contain many items calling for specific comments; that they will affect stations of different size and location in different ways; and that it is therefore desirable for the NAB to consult with as many diverse member stations as possible prior to the submission of comments. It states that such consultation involves matters of detail relating to the operation of particular stations, that such consultation is time-consuming, and that it is frequently delayed by the absence of station personnel on vacation during the summer months. It observes, finally, that the Commission has adopted rules barring discrimination in employment practices; that the rules presently under consideration relate to the mechanics rather than to the substance of this matter; and that an extension of time would not impede implementation of the Commission's basic policy of nondiscrimination in station employment. In view of these considerations, it states that a significant extension of time is warranted and is needed for thorough evaluation of the proposed regulations and for the preparation of comprehensive and meaningful comments.

3. Detailed comments by the NAB based on consultation with its member stations will be helpful to the Commission in this proceeding, and an extension of the filing date necessary for the preparation of such comments is warranted. It would appear, however, that 60 additional days should suffice for consultation with member stations and for preparation of comments based on such consultation. With this extension, interested persons will have had from June 6 through October 3, for this purpose. In terms of such a period, it would not appear that delays attributable to vacation schedules should be a material factor.

4. In view of the foregoing: *It is ordered*, That the time for filing comments in this proceeding is extended to October 3, 1969, and that the time for filing reply comments is extended to November 3, 1969.

5. This action is taken pursuant to section 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 155(d), and § 0.281(d)(8) of the rules and regulations, 47 CFR 0.281(d)(8).

Adopted: July 28, 1969.

Released: July 29, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-9101; Filed, Aug. 1, 1969; 8:46 a.m.]

[47 CFR Part 73]

[Docket No. 18574; RM-1394]

FM BROADCAST STATIONS

Table of Assignments, Lineville and Roanoke, Ala.; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202 *Table of Assignments*, FM Broadcast Stations. (Lineville and Roanoke, Ala.; Bloomington, Ind.; St. George, S.C.; Muskegon, Mich.; Paintsville and Jackson, Ky.; Exmore, Va.; Montour Falls, N.Y.; Catlettsburg, Ky.; Winona, Miss.; Braddock Heights or elsewhere in Maryland, Virginia, or West Virginia), Docket No. 18574, RM-1394, RM-1397, RM-1400, RM-1405, RM-1407, RM-1416, RM-1420, RM-1426, RM-1431, RM-1404.

1. On June 20, 1969, the Commission released a notice of proposed rule making in this proceeding (FCC 69-669) inviting comments on a number of proposals to amend the FM Table of Assignments, including the assignment of Channel 237A to Lineville, Ala., and the substitution of Channel 272A for 237A at Roanoke, Ala. The time for filing comments and reply comments was designated as July 28, and August 8, 1969, respectively.

2. On July 24, 1969, Roanoke Broadcasting Co., licensee of WELR-FM, Channel 272A, Roanoke, by its attorneys, filed a request for an extension to August 12, 1969, in which to file comments. Attorneys for Roanoke state that the principal counsel representing it is unable to prepare appropriate comments within the present time limit because of counsel's prolonged absence from the country. It is stated that said counsel will

complete preparation of comments upon his return to Washington so that they may be filed within the extended period requested.

3. We are of the view that the requested addition time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing comments is extended to and including August 12, 1969, and for the filing of reply comments to and including August 22, 1969.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission's rules.

Adopted: July 28, 1969.

Released: July 29, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-9102; Filed, Aug. 1, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

INTEREST EQUALIZATION TAX

Continuation of Current Procedures and Retroactive Effect

The Treasury Department will propose that, if the interest equalization tax is not extended before August 1, 1969, the pending legislation be amended to (1) make it clear that, regardless of when the legislation is enacted, the tax will apply to acquisitions on or after August 1, 1969, so as to assure uninterrupted applicability of the interest equalization tax, and (2) confirm that the rates, rules and procedures in effect on July 31, 1969, will continue in effect during the period August 1, 1969, and extending until the legislation is enacted, in all respects as if the tax had been extended prior to August 1, 1969, with the sole exception that the banks and trust companies which are participating custodians will not continue as such after August 8, 1969, unless the procedures described below are followed. The status of participating firms will continue as such unless terminated under current procedures.

Under current law, the interest equalization tax is not applicable to any acquisition of stock of a foreign issuer or debt obligation of a foreign obligor made after July 31, 1969. H.R. 13079 passed by the House of Representatives on July 28, 1969, would extend the tax to August 31, 1969, and H.R. 12829 reported favorably by the Committee on Ways and Means without amendment would extend the tax to March 31, 1971.

Some of the rules and procedures in effect on July 31, 1969, and which will continue in effect, are set forth below along with the special procedures for participating custodians.

1. *Participating firms and participating custodians.* Those broker-dealers having status as participating firms on July 31, 1969, will retain their status as such with respect to acquisitions after such date, unless their status is terminated and the termination announced under existing procedures. If any broker-dealer does not want to continue its status as a participating firm, it must follow such termination procedures.

Those banks (or trust companies) having status as participating custodians on July 31, 1969, will retain their status as such during the period August 1, 1969, through August 8, 1969. The status of each bank which is a participating custodian will be terminated as of the close of business Friday, August 8, 1969, unless the bank files with the Commissioner of Internal Revenue, Washington, D.C. 20224 (Attention: CP:A:O–JW), a letter indicating that such custodian agrees to comply, and is currently complying with the statutory requirements in effect on July 31, 1969, and the documentation, recordkeeping, reporting, and auditing requirements of the Internal Revenue Service in effect on such date, or subsequently established. To avoid termination of such status, the letter must be received not later than 5 p.m., Wednesday, August 6, 1969. A telegram stating that such a letter has been mailed will be accepted for 7 days in lieu of such letter. A list of those banks retaining their status as participating custodians will be published by the Internal Revenue Service on Thursday, August 7, 1969.

2. *Issuance of validation certificates.* Validation Certificates will continue to be issued by the Internal Revenue Service after July 31, 1969. The Internal Revenue Service will follow those procedures currently in force dealing with the issuance of Validation Certificates, and will require such proof of status as a U.S. person and compliance with the tax (on the assumption that the proposed legislation will be enacted) as is currently required.

3. *Payments in respect of tax.* During the interim period, the Internal Revenue Service will continue to receive returns and payments in respect of tax (on the assumption that the proposed legislation will be enacted) and make appropriate refunds. In the event that the tax is not extended, all payments in respect of tax on acquisitions made subsequent to the expiration date of the current law will be refunded on an expedited basis upon submission of an appropriate claim to the Internal Revenue Service.

4. *Participating firms purchasing and selling taxable securities for own account.* TIR 945 provides that a participating firm making a sale of taxable securities for its own account must pay the tax on or before the effective date of the sale (generally the settlement date) if it has issued a written comparison or broker-dealer confirmation indicating that the exemption for prior American ownership and compliance applies. In such cases the acquisition is currently reported on Form 3780A which accompanies the payment of tax. This procedure, including payments in respect of the tax, will remain in effect after July 31, 1969.

5. *Withholding procedures.* The withholding procedures currently provided under section 4918(e)(7) and Temporary Regulation § 147.5–2 will continue to apply.

6. *Information returns.* Reporting on information returns currently prescribed in connection with the interest equalization tax will continue in effect.

[SEAL] PAUL A. VOLCKER,
Under Secretary for Monetary Affairs.

JULY 31, 1969.

[F.R. Doc. 69–9169; Filed, Aug. 1, 1969; 9:09 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

LYKES BROS. STEAMSHIP CO., INC.

Notice of Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc., has applied for permission to make calls at Hawaiian ports through December 1969 to load cargo destined for ports in the United Kingdom and Continent. The service is to be provided by vessels operating on the company's existing subsidized services on Trade Route No. 22 (U.S. Gulf/Far East) and Trade Route No. 21 (U.S. Gulf/United Kingdom and Continent).

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should, by the close of business on August 8, 1969, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no requests for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: July 30, 1969.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69–9130; Filed, Aug. 1, 1969; 8:47 a.m.]

UNITED STATES LINES, INC.

Notice of Application

Notice is hereby given that United States Lines, Inc., has applied for approval, pursuant to section 613 of the Merchant Marine Act, 1936, as amended, of the following cruise by the "SS United States":

Sails New York	Returns New York	Itinerary
Jan. 21, 1970	Mar. 17, 1970	Cristobal, Panama Canal, Auckland, Wellington, Sydney, Hong Kong, Kobe, Yokohama, Honolulu, San Francisco, and Acapulco.

Any person, firm, or corporation having any interest, within the meaning of section 613 of the Merchant Marine Act, 1936 as amended, in the foregoing who desires to offer data, views, and arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by the close of business on August 15, 1969. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: July 30, 1969.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69–9109; Filed, Aug. 1, 1969; 8:47 a.m.]

[Report No. 98]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through July 24, 1969, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total, all flags (175 ships)	1,245,904
British (48 ships)	390,360
Antarctica	8,785
Arctic Ocean	8,791
Athelcrown (tanker)	11,149
Athellaird (tanker)	11,150
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
Changpaishan	8,929
Cheung Chau	8,566
Chiang Kiang	10,481
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
Hemisphere	8,718
Ho Fung	7,121
Huntaland	9,353
Huntsville	9,486
*Hwang Ho	9,457
Inchatuart	7,043
**Jeb Lee (trip to Cuba as the Garthdale—British)	7,542
Jolity	8,819
**Kelso (trip to Cuba as the Ardgem—British)	6,981
Kinross	5,388
Magister	2,239
**Meadow Court (trip to Cuba as the Ardrossmore—British)	5,820
Nancy Dee	6,597
Nebula	8,907
Newglade	7,368
Newheath	7,643
Newmoat	7,151
Oceantramp	6,185
Oceantravel	10,419
Peony	9,037
Red Sea (previous trip to Cuba as the Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba as the Arditara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Captain	7,385
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
Southgate (previous trips to Cuba as the Arlington Court—British)	9,662
**Tetrarch (trips to Cuba as the Ardrowan—British)	7,300
Venice	8,611
Vergmont	7,381
Yunglutaton	5,414
Cypriot (40 ships)	289,395
Aegis Hope (previous trips to Cuba as the Huntamore—British)	5,678
Akmeon (tanker)	11,105
Alda	7,292
Alice (previous trips to Cuba—Greek)	7,189
*Alma	6,585
Amfithea (previous trip to Cuba as the Antonia—Greek)	5,171
Angeliki	8,482
Anka	7,314
Apollonian	7,229
Areti (previous trips to Cuba—Lebanese)	7,176
*Arion	3,570
*Camelia	8,711
Claire (previous trips to Cuba—Lebanese)	5,411
Coolady	2,867
Degedo	9,000
Dolphin	3,550
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Free Navigator (previous trips to Cuba as the Newdene—British)	7,165
Free Trader (previous trips to Cuba—Lebanese)	7,061
Glee	7,237
Huntsfield (previous trips to Cuba—British)	9,483
Irena (previous trips to Cuba—Greek)	7,232
Johnny	9,689
Katerina (previous trips to Cuba—Lebanese)	9,357
Kounistra (previous trips to Cuba as the Nicolaos Frangistas and the Nicolaos F.—Greek)	7,199
Marika (previous trip to Cuba—Lebanese)	7,290
Mery (previous trips to Cuba—Greek)	7,258
Newforest (previous trips to Cuba—British)	7,189
Newgate (previous trips to Cuba—British)	6,743
**Newlane (trips to Cuba—British)	7,043
Newmoor (previous trips to Cuba—British)	7,168
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Protoklitos	6,154
Suerte	7,267
Sunrise (previous trips to Cuba as the Anatoli—Greek)	7,216
*Tegean	7,240
Tina (previous trips to Cuba—Greek)	7,362
Vassiliki (previous trips to Cuba—Lebanese)	7,192
Venturer	9,000
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Czlads	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Lebanese (10 ships)	70,113
Antonis	6,259
Astir	5,324
Giannis	5,270
Ilena	5,925
Marichristina	7,124
Mousse	9,307

See footnotes at end of document.

Flag of Registry and Name of Ship	Gross tonnage
Lebanese—Continued	
Noelle	7,251
Tony	7,176
Toula	6,426
Yanxilas	10,051
Greek (10 ships)	70,891
**Aegis Luck—(tanker) (trip to Cuba as the Captain Papalios—Cypriot)	11,676
**Aliartos (trip to Cuba as the Loradore—British)	8,078
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
Eftyhia	9,844
**Gold Land (trip to Cuba as the Amfred—Swedish)	2,838
**Lambros M. Fatsis (trips to Cuba as the La Hortensia—British)	9,486
**Paralos (trip to Cuba as the Agios Therapon—Greek)	7,205
Redestos	5,911
Sophia	7,030
Panamanian (5 ships)	36,774
**Ampuria (trips to Cuba as the Roula Maria—Greek)	10,608
**Avranchoise (trips to Cuba as the Avranches—French)	7,199
**Renown Trader (trips to Cuba as the Suva Breeze—British)	4,996
**Robertina (trips to Cuba as the Anacreon—Greek)	6,935
**Tynlee (trips to Cuba as the Ardenode—British)	7,036
Yugoslav (8 ships)	54,379
Agrum	2,449
Bar	8,776
Cetinje	8,229
Kolasin	7,217
Piva	7,519
Plod	3,657
Subicevac	9,033
Tara	7,499
French (6 ships)	19,316
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Poulaya	3,739
Mungo	4,820
Nelee	2,874
Penja	3,777
Somali (6 ships)	37,746
Aragon	7,248
Aria	5,059
**Atlas (trip to Cuba—Finnish)	3,916
Erato (previous trips to Cuba as the Eretria—Greek)	7,199
Stevo (previous trips to Cuba—Lebanese)	7,066
Thios Costas	7,258
Italian (4 ships)	33,275
Elia (tanker)	11,021
San Francesco	9,284
Santa Lucia	9,278
Somalia	3,692
Moroccan (4 ships)	32,746
Atlas	10,392
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Finnish (2 ships)	13,870
Ragni Paulin	6,823
Verna Paulin	7,047
Maltese (3 ships)	19,793
Ispahan	7,169
Socliyve (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Japanese (1 ship)	8,627
Chokyu Maru	8,627
Pakistani (1 ship)	8,708
**Maulabaksh (trip to Cuba as the Phoenician Dawn and East Breeze—British)	8,708
Singapore (1 ship)	6,854
**Rama Lesmana (trip to Cuba as the Glaisdale—British)	6,854

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry and Name of Ship
a. Since last report:
None.
b. Previous reports:

	Number of ships
Flag of registry (total)	124
British	44
Cypriot	3
Danish	1
Finnish	4
French	1
German (West)	1
Greek	30
Israeli	1
Italian	13
Japanese	1
Kuwaiti	1
Lebanese	9
Liberian	1
Norwegian	5
Somali	1
Spanish	6
Swedish	1
Yugoslav	1

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, or wrecked.

	Gross tonnage
a. Since last report:	
Augusta Paulin (Finnish)	7,096
Barbarino (Greek)	7,084
Giorgos Tsakiroglou (Lebanese)	7,240
Kali Elpis (British)	4,664
b. Previous reports:	

Flag of registry:	Broken up, sunk or wrecked
British	16
Cypriot	21
Finnish	2
French	1
Greek	13
Italian	4
Lebanese	32
Maltese	2
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	4
South African	2
Swedish	1
Yugoslav	6
Total	108

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through July 24, 1969.

Flag of registry	Number of trips												Total
	1963	1964	1965	1966	1967	1968	1969 Jan.	Feb.	Mar.	Apr.	May	June	
British	133	180	126	101	78	62	2	4	6	6	1	4	703
Lebanese	64	91	58	25	16	16			1	1	1		273
Greek	99	27	23	27	29	7							212
Cypriot		1	17	27	42	66	6	7	4	8	10	4	194
Italian	16	20	24	11	11	10	1	1		2			96
Yugoslav	12	11	15	10	14	9			1	1	1	1	75
French	8	9	9	10	10	4	1		1				52
Finnish	1	4	5	11	12	8			2				43
Spanish	8	17											25
Norwegian	14	10											24
Moroccan	9	13	1										23
Maltese		2	6	1	4	8					1		22
Somali					2	11	1	1		3		1	19
Netherlands		4	2										6
Swedish	3	3											6
Kuwaiti		2	1										3
Israeli			2										2
Japanese	1					1							2
Danish	1												1
German (West)	1												1
Haitian			1										1
Monaco				1									1
Subtotal	370	394	290	224	218	204	11	13	15	21	14	10	1,784
Polish	18	16	12	10	11	7							74
Grand total	388	410	302	234	229	211	11	13	15	21	14	10	1,858

NOTE: Trip totals in section 4 exceed ship totals in secs. 1 and 2 because some of the ships made more than 1 trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Rept. No. 97, appearing in the FEDERAL REGISTER issue of June 12, 1969.

**Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: July 28, 1969.

By order of the Maritime Administrator.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 69-9110; Filed, Aug. 1, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-81]

SAN FRANCISCO BAY

Security Zone

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), and 49 CFR 1.4(a)(2), I hereby affirm the order of Rear Admiral C. R. Bender, U.S. Coast Guard, Commander, 12th Coast Guard District, which reads as follows:

SPECIAL NOTICE, SAN FRANCISCO BAY

Pursuant to request of Commander, San Francisco Bay Naval Shipyard, U.S. Navy, and acting under authority of the Act of June 15, 1917 (40 Stat. 220) as amended, and the regulations in Part 6, Chapter I, Title 33, Code of Federal Regulations, I hereby order that the waters of Mare Island Strait, Napa River, Calif., between the Mare Island Causeway (38°06'44" N., 122°16'14.5" W. to 38°06'36" N., 122°16'32" W.) and a line extending in the direction 245° true from the end of the Naval Reserve Pier, Vallejo, Calif. (38°05'36.5" N., 122°15'22" W.) to the opposite shore of the Napa River (38°05'32" N., 122°15'35" W.) be closed to all persons and vessels on Saturday, August 16, 1969, from 1530 p.d.s.t. until after the "USS PINTADO" (SSN 672) takes the water and is alongside the seawall at San Francisco Bay Naval Shipyard, after the launching of said vessel. The southern line of demarcation is otherwise described as a line extending between the end of the Naval Reserve Pier, Vallejo, and the southernmost smokestack in the area of Mare Island generally opposite said pier. Limits of this area will be clearly posted by signs and by Coast Guard Patrol Boats.

All persons and vessels are directed to remain outside of the closed area. This order will be enforced by the Captain of the Port, San Francisco, Calif., and by U.S. Coast Guard vessels under his command. Personnel, facilities and equipment of other Federal, State, and municipal agencies may be utilized to assist in the enforcement of this order.

Penalties for violation of the above order: Section 2, Title II of the Act of June 15, 1917 as amended, 50 U.S.C. 192, provides as follows:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this Title, or obstructs or interferes with the exercise of any power conferred by this Title or if any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this Title, or knowingly obstructs or interferes with the exercise of any power conferred by this Title, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Dated: July 30, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-9093; Filed, Aug. 1, 1969; 8:46 a.m.]

[CGFR 69-83]

CHAMPLAIN—ROUSES POINT, N.Y., AND BURLINGTON, VT.

Proposed Revocation of Designations as Ports of Documentation

1. The Commandant, U.S. Coast Guard is considering a proposal to revoke the designations of Champlain—Rouses Point, N.Y., and Burlington, Vt., as ports of documentation and to conduct at and from the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, 313 Federal Building, Albany, N.Y., such documentation activities as have been performed heretofore at Champlain—Rouses Point and Burlington.

2. Accordingly, notice is given that under authority contained in sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2), it is proposed to:

(a) Revoke the designations of Champlain—Rouses Point, N.Y., and Burlington, Vt., as ports of documentation; and

(b) Transfer the documentation records at Champlain—Rouses Point and Burlington, to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, 313 Federal Building, Albany, N.Y.; and

(c) Make Albany the home port of all vessels now having Champlain—Rouses Point and Burlington as their home port.

3. Interested persons may submit such written data, views, or arguments as they may desire regarding the proposals set forth in this document. All communications should be submitted in duplicate to the Commandant (CMC), U.S. Coast Guard, Washington, D.C., as soon as possible. Each communication shall identify the subject to which it is directed, the reason or basis for views expressed, and the name, address, and business firm or organization (if any) of the submitter. Each communication received on or before September 15, 1969, by the Commandant (CMC) will be considered and evaluated before taking final actions on the proposals in this document. Copies of all written comments received by the Commandant (CMC) will be available for examination and reading by interested persons in Room 4211, Coast Guard Headquarters, Washington, D.C., both before and after the closing date (Sept. 15, 1969). The acknowledgment of the comments received or reasons why the suggested changes were or were not adopted cannot be furnished since personnel are not available to handle the necessary correspondence involved. The proposals contained in this document may be changed in the light of comments received.

4. At this time no hearing is contemplated on the proposals in this document, but arrangements may be made for informal conferences with cognizant Coast Guard officials by contacting the Executive Secretary, Merchant Marine

Council, Room 4211, Coast Guard Headquarters, Washington, D.C. Any data or views presented during such informal conferences must be submitted in writing to the Commandant (CMC) in accordance with this notice in order that they may become part of the record.

Dated: July 30, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-9108; Filed, Aug. 1, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-17]

INDUSTRIAL REACTOR LABORATORIES, INC.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued Amendment No. 18, as set forth below, to Facility License No. R-46 to Industrial Reactor Laboratories, Inc. (IRL), of Plainsboro, N.J. The license authorizes IRL to possess, use and operate the IRL reactor located in Plainsboro Township, Middlesex County, N.J. The amendment, effective as of the date of issuance, authorizes IRL to possess and store up to 200,000 curies of doubly encapsulated cesium-137 in the IRL reactor pool in accordance with the application dated May 28, 1969.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see IRL's request dated May 28, 1969, and a related Safety Evaluation by the Division of Reactor Licensing, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. A copy of the above Safety Evaluation may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 24th day of July 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

AMENDMENT TO FACILITY LICENSE

[License No. R-46; Amdt. 18]

1. The Atomic Energy Commission ("the Commission") has found that:

A. The application for license amendment dated May 28, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and

C. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

2. Accordingly, Facility License No. R-46, as amended, issued to Industrial Reactor Laboratories, Inc., is hereby amended to change subparagraph 2.C to read:

2.C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to (1) possess and store up to 200,000 curies of doubly encapsulated cesium-137 in the reactor pool, and (2) possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This amendment is effective as of the date of issuance.

Date of issuance: July 24, 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-9078; Filed, Aug. 1, 1969; 8:45 a.m.]

[Docket No. 50-197]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Issuance of Construction Permit

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on July 2, 1969 (34 F.R. 11159), the Atomic Energy Commission has issued, in the form set forth in that notice, Construction Permit No. CPCX-29 to the National Aeronautics and Space Administration (NASA) at Cleveland, Ohio.

The permit, which is effective as of the date of issuance, authorizes NASA to make alterations to its Zero Power Reactor II located on NASA's Lewis Research Center site in Cleveland.

Dated at Bethesda, Md., this 21st day of July 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-9079; Filed, Aug. 1, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18496]

CITY AND AIRPORT AUTHORITY OF LINCOLN, NEBR.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on August 26, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

Motions for consolidations, evidence requests, proposed issues, proposed stipulations, and proposed procedural dates shall be filed on or before August 19, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-9096; Filed, Aug. 1, 1969; 8:46 a.m.]

[Docket No. 20781; Order 69-7-149]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Philadelphia/Baltimore/Washington Transatlantic Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of July 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

By Order 69-4-138, the Board, among other things, conditioned its approval of the IATA transatlantic fare agreement which became effective May 1, 1969, so as to require that fares between Philadelphia/Baltimore/Washington and European points, and points beyond, be no greater on a per-mile basis than fares to/from New York. The application of this condition was subsequently deferred at the request of Pan American World Airways, Inc. (Pan American), and Trans World Airlines, Inc. (TWA), until August 1, 1969.

The subject agreement establishes new proportional fares to be applied in constructing transatlantic fares to the three cities, in an effort to comply with the Board's condition. While the agreement does not fully comport with the Board's requirement in that the disparity on a per-mile basis has not been entirely eliminated, the add-ons here proposed represent substantial reductions from those presently in use. By way of example, the reductions range from 16 percent to 43 percent in the case of peak-season economy-class fares and from an approximate 30 percent to 50 percent in the case of the 14-21-day excursion fares. In light of this significant improvement, and the fact that the resulting fares appear to be in reasonable relationship to the respective distances involved, the Board has concluded that the agreement warrants approval.

The Board, acting pursuant to the Federal Aviation Act of 1958, as amended and particularly sections 102, 204(a), and 412 thereof, does not find the following resolutions to be adverse to the public interest or in violation of the Act:

IATA RESOLUTIONS

JT12(Mail 703)015.
JT123(Mail 611)015.

Accordingly, it is ordered, That:

Agreement CAB 21168 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9097; Filed, Aug. 1, 1969; 8:46 a.m.]

[Docket No. 21214]

SHULMAN TRANSPORT ENTERPRISES, INC., AND DRAKE MOTOR LINES, INC.

Notice of Proposed Approval Regarding Control Relationships

Joint application of Shulman Transport Enterprises, Inc., and Drake Motor Lines, Inc., for approval of certain control relationships pursuant to section 408 of the Federal Aviation Act of 1958, Docket 21214.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 10 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 30, 1969.

A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Joint application of Shulman Transport Enterprises, Inc., and Drake Motor Lines, Inc., for approval of certain control relationships pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 21214.

By joint application filed July 18, 1969, and amended July 28, 1969, Shulman Transport Enterprises, Inc. (Transport), and Drake Motor Lines, Inc (Drake), request approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) of the acquisition by Transport of all of the outstanding shares of stock of Drake. Transport was incorporated in the State of Delaware on May 19, 1969, by individual members of the Shulman family, and is wholly owned by such individuals.[1] It is intended that Transport will be a nonoperating holding company wholly controlling Drake, a common carrier by motor vehicle, and through Drake, Shulman, Inc., doing business as Shulman Air Freight (Shulman, Inc.), a domestic and international air freight forwarder.

By Order E-20793, May 6, 1964, the Board, pursuant to section 408 of the Act approved, among other things, the control by the Shulman family of Drake and certain other companies. Specifically, Drake controlled (1) Orient-American Forwarding Co., a Japanese corporation engaged in forwarding shipments inbound to the United States, and (2) Shulman, Inc. of Massachusetts, a common carrier by motor vehicle (Shulman (Mass.)) which, in turn, controlled Shulman, Inc. (the domestic and international air freight forwarder).

Thereafter, by Order E-22705 of September 29, 1965, the Board approved, pursuant to section 408, the ownership by Martin and Harry Shulman of all the outstanding stock of Orient-American Forwarding Co. (HK) Ltd. (Orient), a Hong Kong corporation, while they control Shulman, Inc., i.e., through Drake and Shulman (Mass.); and the transfer of such stock interest in Orient to Drake. In both proceedings certain interlocking relationships involving various individuals were also approved under section 409 of the Act. Subsequently, by Order 68-9-111, September 24, 1968, the Board approved, inter alia, the acquisition by merger by Drake of the motor carrier certificate and operating rights held by Shulman (Mass.).

It is submitted that the sole change in the existing control relationships will consist of the interpolation of Transport as an additional corporation to act as a holding company in a chain of ownership between the Shulman family and Drake. The control by Drake of Shulman, Inc., and Shulman, Inc.'s existing operations as an air freight forwarder will remain undisturbed. The officers and directors of Transport will be the same as those of Drake and Shulman, Inc.

No comments relative to the application have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following the date of such publication both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that Shulman, Inc., is an air carrier while Drake is a common carrier within the scope of section 408 of the Act, and that the control by Transport of Drake, and through Drake of Shulman, Inc., may be subject to that section.[2] However, it is further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in the creation of a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not essentially present any new substantive issues not previously considered.[2] It therefore appears that approval of the control relationships herein would not be inconsistent with the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without hearing.

Accordingly, it is ordered:

That the acquisition of control by Transport of Drake, as above described, be and it hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof has been filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9095; Filed, Aug. 1, 1969; 8:46 a.m.]

[1] Harry, Martin, and Anna Shulman, and estate of Benjamin Shulman.

[2] In view of the fact that the applicants have submitted to the Board's jurisdiction, and the apparent need for expedited action on the application, we shall not go further into the question of jurisdiction.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18526, 18527; FCC 69R-322]

CLICK BROADCASTING CO. AND R-J CO.

Memorandum Opinion and Order Enlarging Issues

In re applications of Robert E. Thomas and Ferris A. Maloof, doing business as Click Broadcasting Co., Blue Ridge, Ga., Docket No. 18526, File No. BP-17409; Robert P. Joseph and Jacqueline A. Joseph doing business as R-J Co., Clarkesville, Ga., Docket No. 18527, File No. BP-17691; for construction permits.

1. This proceeding involves the mutually exclusive applications of Click Broadcasting Co. (Click) and R-J Co. (R-J) for construction permits to establish new standard broadcast stations at Blue Ridge and Clarkesville, Ga., respectively. By memorandum opinion and order, 17 FCC 2d 375, 16 RR 2d 1, released April 28, 1969, the applications were designated for hearing on various issues, including an areas and populations issue, a misrepresentation issue against Click, financial issues against both applicants, a Carroll issue as to the R-J proposal and a section 307(b) issue. Presently before the Review Board is a motion to enlarge issues, filed May 23, 1969, by R-J requesting the addition of a Suburban

[2] See Orders E-20793 and E-22705, dated May 6, 1964, and September 29, 1965, respectively, discussed herein.

issue with respect to the Click application to this proceeding.[1]

2. In support of its request, R–J contends generally that Click has failed to meet the requirements set forth by the Commission in Minshall Broadcasting Co., Inc., 11 FCC 2d 796, 12 RR 2d 502 (1968), and in its Public Notice on Broadcast Applicant's Ascertainment of Community Needs, FCC 68–847, 13 RR 2d 1903, issued on April 22, 1968. More specifically, petitioner notes that the Click application, which was filed on August 17, 1966, has not been amended and that, although Click listed 11 community leaders and members of organizations who have been contacted in response to Part I of section IV–A of the application form, the application does not contain an enumeration of the specific suggestions received from the community leaders, nor does it demonstrate how, or whether, Click analyzed and evaluated the comments of those contacted. The petitioner further alleges that Click's programing showing does not even indicate whether the persons contacted are identified with Blue Ridge or with one of the six other communities which the applicant proposes to serve; that the showing does not indicate how these contacts were made; and that, except for the statements of a County Agent and a County Coordinator of Federal Funds for Education, the applicant provides no evaluation of suggestions received. R–J states that information already available in the Commission's files[2] indicates that the contacts were brief, perfunctory, and uninformative and that there are abundant grounds for questioning the quality, duration, and scope of Click's contacts. The petitioner also questions whether the "advertising commitments" contained in Exhibit VI of Click's application qualify as inquiries into community needs as the applicant seems to imply in Exhibit VII; it is noted in this regard that affidavits attached to the petition to deny, filed by Copper Basin Broadcasting Co., suggest that nothing was discussed in the conversations with these merchants except the possibility of purchasing time on the proposed station. Finally, R–J argues that Minshall is now well-established doctrine; that, in the case of Click's programing showing, it appears that Minshall deficiencies were overlooked in the designation order which, R–J notes, dealt extensively with a number of disputed matters; and that, since the deficiencies noted are so blatant, an appropriate issue is required to determine the efforts made by Click to ascertain community needs and interests.

3. In its comments, the Broadcast Bureau supports the motion to enlarge issues. According to the Bureau, Click has not met the burden placed on it by the Commission to interview community leaders and list the suggestions received from them. The Bureau also makes the following points in regard to Click's programing showing: (1) The applicant has interviewed only 11 people in a community of 1,406, which, in and of itself, constitutes an inadequate survey; (2) Click cannot receive credit for its interviews with approximately 25 businessmen since the contacts were apparently made only to ascertain possible advertising sources; (3) although Click interviewed people who may be representative of the population as a whole, the applicant did not seek out community leaders who, by virtue of their positions, could speak for their groups;[3] (4) although Click intends to serve, in addition to its designated community, four communities in Georgia and two in Tennessee, the applicant has not shown that it has surveyed any of these other communities. In regard to this last point, the Bureau assumes that the applicant's listed contacts are all Blue Ridge residents in the absence of any contrary indication in the Click application and, on this basis, argues that the failure to survey these other communities warrants the addition of a Suburban issue, citing Christian Broadcasting Association, Inc., 18 FCC 2d 15, 16 RR 2d 401, released May 26, 1969. While the Bureau concedes that Exhibit VII of the Click application lists three community needs, it points out that the list of needs represents only a distillation from the suggestions received during the applicant's survey.[4]

4. In its oppositions to R–J's request, Click contends that the petitioner has raised no new matters that were not considered by the Commission at the time of designation. The applicant argues that the Commission's in-depth discussion of Click's programing proposals and the unlikelihood that a less than adequate program proposal would escape attention. Noting that its application was filed before Minshall and the Commission's public notice of August 22, 1968; Click, nevertheless, contends that its program survey complies with all of the requirements enunciated in those statements. As to the method used to determine community needs, Click states that it had discussions with a total of 36 area residents, civic leaders and the like, and that the names of at least 11 interviewees were set forth in the application along with their principal occupation or civic affiliation. The applicant claims that the persons and organizations contacted constitute a cross-section of Blue Ridge and the area. Click further notes that, while it did not quote each and every suggestion received from its contacts, it is evident from a reading of its Exhibit VII that suggestions were received and evaluated; that the needs found to exist are fully explained together with the means by which the applicant will meet the needs; and that the programs to be broadcast in response to the needs and interests of the area, as determined by the survey, are also listed. Click argues that the fact that there is a dispute as to whether or not certain contacts were made should not detract from the overall meaningfulness of its survey, especially since an appropriate issue has already been specified in this proceeding on the matter of the disputed contacts.

5. R–J replies that the matters raised in the designation order are not relevant to the instant motion since Copper Basin's petition to deny, filed prior to the release of the Minshall opinion, did not request an issue dealing with the adequacy of Click's efforts to ascertain community needs and of its plans to meet such needs. Rather, R–J notes that the matters raised in the petition to deny related solely to the questions of whether or not Click made misrepresentations to the Commission and of the applicant's financial and character qualifications. On the other hand, R–J points out that its motion relates entirely to whether or not the applicant has met the requirements of Minshall and the Commission's public notice, although the petitioner concedes that many facts may be relevant to both the Minshall question and the misrepresentation question. Finally, in rebuttal, the petitioner disputes the applicant's reliance on Andy Valley Broadcasting System, Inc., 12 FCC 2d 3, 12 RR 2d 691 (1968), pointing out that the applicant in that case, unlike Click here, not only listed the names and positions of the persons contacted but also reported on the suggestions received, its evaluation of those suggestions and its proposed programing in response to demonstrated needs.

6. The Review Board is of the opinion that a sufficient showing has been made to warrant the addition of a Suburban

[1] Also before the Review Board are: (a) Click's opposition, filed June 5, 1969; (b) Broadcast Bureau's comments, filed June 5, 1969; and (c) reply of R–J, filed June 18, 1969. R–J claims that good cause exists for the filing of the instant motion approximately 1 week late since its counsel was not retained until May 2, 1969, and was not familiar with the case prior to that time. R–J also points to its counsel's other commitments which allegedly interfered with the preparation and filing of the instant motion prior to May 16, 1969. By our Order, FCC 69R–224, released May 20, 1969, we denied R–J's request for an extension of time to file a motion to enlarge issues and suggested that the more appropriate procedure would be to allege good cause for any delay in filing in the motion to enlarge issues itself. On the basis of the showing noted above and in the absence of procedural objections, the Board will entertain the merits of R–J's motion.

[2] R–J refers to the petition to deny or designate application, filed on Mar. 30, 1967, by Copper Basin Broadcasting Co., Inc., and to the Commission's designation of an issue to determine the authenticity of a signature found on an advertising statement filed with the Click application.

[3] The Bureau also notes that, of those relied upon by Click as community leaders in Exhibit VII, only three would appear to qualify as such, i.e., Mr. Oscar Crabtree, principal; Mr. Emmett Jordan, Fannin County agent; and Mr. Powell Hoover, County Coordinator of Federal Funds for Education.

[4] The Bureau also notes R–J's allegation that Click has not shown that it has analyzed and evaluated the suggestions received. The Bureau points out that the Commission's recent opinion in Sioux Empire Broadcasting Co., 16 FCC 2d 995, 15 RR 2d 961 (1969), indicates that a specific showing of the applicant's evaluation of suggestions is not necessary, but that an applicant is expected to evaluate, at least subjectively, the suggestions received and to formulate programs to meet such needs as evaluated.

issue with respect to the Click proposal. Several deficiencies in Click's program statement effectively prevent a conclusion at this time that the applicant is aware of, and responsive to, the needs and interests of its proposed service area. For example, since Click has failed to identify the community or communities in which its interviewees reside, it cannot be determined whether its survey encompassed the entire proposed service area or was merely limited to the specified community or Blue Ridge. Since we cannot determine the extent of the applicant's survey in this regard and since we are unable to assume that an identity of interests exists throughout the entire proposed service area, the Board cannot conclude that the applicant has complied with the Commission's requirement to ascertain the programing needs and interests of its entire proposed service area, especially those communities other than Blue Ridge which the applicant, in Exhibit VII, has represented it will serve. See Minshall Broadcasting Co., supra; Public Notice on Broadcast Applicant's Ascertainment of Community Needs, supra; Christian Broadcasting Association, Inc., supra; Long Island Video, Inc., 12 FCC 2d 905, 13 RR 2d 88 (1968). Also, it appears that the survey conducted by the applicant is inadequate both in terms of the number of interviewees and the number of community leaders interviewed. Click, in its application, lists only 11 contacts with "community leaders and members of organizations" which, in a community of 1,406, can hardly be characterized as an adequate survey. Warren County Radio, FCC 69–279, 15 RR 2d 1105 (1969). Moreover, the sampling clearly does not include contacts with a representative cross-section of community leadership since only three (a principal, a county agent, and a county coordinator of Federal funds for education) would qualify as such and since the range of groups contacted by the applicant is severely limited. City of Camden, FCC 69–644, 16 RR 2d 555 (1969); Norristown Broadcasting Co., Inc., 18 FCC 2d 56, 16 RR 2d 421 (1969); Virginia Broadcasters, 15 FCC 2d 1004, 15 RR 2d 487 (1969). The applicant, as the Bureau and the petitioner correctly suggest, cannot be credited with the contacts with local merchants since the application does not disclose whether community needs and interests were discussed during such contacts or what suggestions, if any, were received. The only conclusion that can be drawn in this regard is that these statements reflect merely expressions of advertising support for the proposed station and nothing more. In addition to the apparent deficiencies in the applicant's survey technique, we note that the applicant has also failed to list the suggestions received from the limited contacts made and has failed to relate demonstrated needs and interests of its service area to proposed programing in any meaningful fashion. See Big Chief Broadcasting Company of Lawton, Inc., FCC 69–751, released July 14, 1969; Pleasant Broadcasting Co., FCC 69–739, released July 10, 1969; Almardon Incorporated of Florida, 16 FCC 2d 395, 15 RR 2d 600 (1969). In light of these deficiencies, therefore, it is evident that a Suburban issue is necessary and will be specified in this proceeding as petitioner requests.[5]

7. *Accordingly, it is ordered*, That the motion to enlarge issues, filed May 23, 1969, by Robert A. Joseph and Jacqueline A. Joseph, doing business as R–J Co., is granted, and the issues in this proceeding are enlarged by the addition of the following issue: To determine the efforts made by Click Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet such needs and interests.

8. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein will be on Click Broadcasting Co.

Adopted: July 29, 1969.

Released: July 30, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–9103; Filed, Aug. 1, 1969; 8:46 a.m.]

[Docket No. 18608; FCC 69–810]

SANTA FE TELEVISION, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Santa Fe Television, Inc., Santa Fe, N. Mex., Docket No. 18608, File No. BPCT–4182; for construction permit for new television broadcast station.

1. The Commission has before it for consideration (a) the above-captioned application filed by Santa Fe Television, Inc. (applicant), on January 8, 1969; (b) "Joint Petition to Deny", filed by New Mexico Broadcasting Co., Inc., licensee of Television Broadcast Station KGGM–TV, Channel 13, Albuquerque, N. Mex., and Hubbard Broadcasting, Inc., licensee of Television Broadcast Station KOB–TV, Channel 4, Albuquerque, N. Mex. (joint petitioners), on February 24, 1969; (c) "Opposition to the Joint Petition to Deny", filed by the applicant on March 18, 1969; (d) "Reply to the Opposition to the Petition to Deny", filed by the joint petitioners on April 15, 1969; and (e) a "Further Response", filed by the applicant on April 28, 1969.

2. The applicant is seeking a construction permit to establish a new commercial television broadcast station to operate on Channel 2, Santa Fe, N. Mex. The applicant proposes to operate with visual effective radiated power of 28 kw. with antenna height of 4,200 feet above average terrain. The location for the transmitter site is to be Sandia Crest, which is located in the Sandia Mountain range, approximately 43 miles southwest of Santa Fe and 14 miles northeast of Albuquerque. The population of Santa Fe is approximately 37,000 and the population of Albuquerque is approximately 225,000. From the proposed transmitter site, the applicant will provide a principal city contour over both Santa Fe and Albuquerque. However, the city signal in Albuquerque (96 dbu) will be of far greater intensity than the signal in Santa Fe (76 dbu).

3. The joint petitioners allege that the applicant, from the proposed transmitter site, will be able to place a high quality signal into their service area, resulting in an adverse impact upon their viewing audience, and that as a result, they will suffer economic injury and would otherwise be adversely affected. We find the joint petitioners have standing. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 693, 9 R.R. 2008 (1940).

4. The joint petitioners allege that a grant of the application would constitute a de facto reallocation of Channel 2 from Santa Fe to Albuquerque. In support of this contention, it is stated that the proposed transmitter site is only 14 miles from Albuquerque but 43 miles from Santa Fe; that Albuquerque is the larger city; that the transmitter site is located at the same site used by the Albuquerque television broadcast stations; and that a 96 dbu signal will be provided to Albuquerque as compared to a 76 dbu signal over the principal community. In response, the applicant contends that the specifications of Sandia Crest was dictated by the following considerations: That antennas in the State are oriented towards Sandia Crest; that because of height and location in almost the dead center of the State, television signals from Sandia Crest are available to almost all the homes in the State; and that locating the transmitter at other sites would cause the signal from the Santa Fe station to come either directly into the rear or into the side of the antennas in Santa Fe. The Commission is of the view that the factual circumstances raise a substantial question as to whether the proposal would effect a reallocation of the channel. Therefore, the application must be set for hearing on this question. See, WFRV, Inc., 13 FCC 2d 704, 13 R.R. 2d 610 (1968); WLVA, Incorporated, 15 FCC 2d 757, 15 R.R. 2d 105 (1968); St. Anthony Television Corp., 8 FCC 2d 294, 10 R.R. 2d 38 (1967).

[5] Click's contention that the petitioner has raised no new matters that were not considered by the Commission at the time of designation is without merit. The designation order, on the basis of Copper Basin's petition to deny, only discussed Click's program survey insofar as allegations of misrepresentation and fraud were concerned. There was no discussion of the adequacy of Click's efforts to ascertain community needs and interests and of its plans to meet such needs and interests. In regard to the applicant's efforts to meet the Suburban requirements, we note that Click, in its opposition to petitioner's request, indicates that it is conducting a further survey and that it will seek leave to amend its application to reflect the results thereof.

[6] Review Board Member Kessler absent.

5. The joint petitioners, in their argument concerning the de facto reallocation issue, appear to suggest that the applicant is not financially qualified because the amount of revenues available in the Santa Fe market is disputed by the parties. Where, however, an applicant demonstrates that it possesses the financial resources to operate for a year without income, the estimate of anticipated revenue has only limited significance. See Ultravision Broadcasting Company, 1 FCC 2d 544, 5 R.R. 2d 343 (1965). In this case, the applicant has demonstrated that it has available sufficient current and liquid assets, in excess of current liabilities, to construct and operate the station for a period of 1 year without revenue. Therefore, we find that the applicant is financially qualified.

6. The joint petitioners also contend that the applicant's proposal will not provide a fair, efficient and equitable allocation of television facilities in violation of section 307(b) of the Communications Act of 1934, as amended, in that a 6,265 square mile "white" area containing approximately 12,000 persons, located northeast of Santa Fe, will not be able to receive predicted coverage as a result of the applicants Sandia Crest transmitter site proposal. It is alleged further, that the existing "white" area would be able to receive its first regular television service if the applicant would specify a transmitter site with a closer proximity to Santa Fe. The joint petitioners state that there are other transmitter sites such as lower (South) Tesuque Peak, which are available and could be utilized by Santa Fe to provide a predicted service to the "white" area.

7. The applicant states that its transmitter site proposal will not result in any short-spacing or other technical violation of the Commission's rules. It is also stated that the alternate site proposed by the joint petitioners is not suitable because there is no access road or power facilities nearer than 1 mile from the peak, and that even if a road were built at a great cost, it would be inaccessible in the winter due to heavy snows. The applicant also states that the existing "white" area population is not economically oriented toward Santa Fe and that there are translators and CATV systems as well as limited off-the-air television reception in much of the "white" area.

8. We note that although there are auxiliary television facilities providing service to the "white" area population, we have held in our Report and Order on CATV Systems and Auxiliary Television Services, FCC 59-292, 18 R.R. 1573 (1959), that CATV, translators and boosters are not a substitute for regular direct television reception. Although it is disputed whether the "white" area is oriented toward Santa Fe, the people residing in this area cannot reasonably expect to receive regular television service except from a Santa Fe television station. Moreover, a transmitter site located in closer proximity to Santa Fe would ordinarily provide predicted coverage to the "white" area. Under these circumstances, we believe that a substantial question is raised as to whether the applicant's proposal will provide a fair, efficient and equitable allocation of television facilities, and that a hearing is necessary to resolve the important public interest question raised by the joint petitioners. In addition, although we will not ordinarily consider the availability of alternate sites where the applicant's proposal complies with the Commission's rules, see Selma Television, Incorporated, FCC 65-216, 4 R.R. 2d 714 (1965), under the circumstances of this case, where we also have a de facto reallocation issue and undisputed allegations[1] that there are available alternate sites from which coverage of Santa Fe could be obtained, we believe that evidence with respect to alternate sites can be admitted under the second issue specified below.

9. The joint petitioners also contend that a grant of the application will have an adverse impact on the development of UHF television broadcasting in Albuquerque. In support of this contention, it is stated that there are four television broadcast stations in Albuquerque, three commercial and one educational, and that although there are no operating UHF stations, a new VHF signal would be introduced into the market for the first time. Since the applicant expects to operate the station as an independent, it would directly compete with any UHF station for nonnetwork sources of programing and revenue in the Albuquerque market. The applicant states that a predicted signal will be provided over Albuquerque by any Santa Fe television station and that the Commission knew this when it assigned Channel 2 to Santa Fe. The applicant also states that the Commission has stated that it will not protect a UHF station from any and all fair competition. The Commission's concern with the development of UHF television broadcasting is too well known to require further discussion here.[2] We believe that the factual circumstances in this case raise a substantial question concerning an adverse impact on the development of UHF broadcasting in Albuquerque and that a hearing is necessary to resolve the issue. Consequently, an appropriate issue will be specified.

10. In regard to the applicant's programing proposal, we note that the survey taken to determine the communities needs, problems and issues, appears to be inadequate. We recently held in City of Camden, FCC 69-644, released June 13, 1969, that the applicant "should indicate, by cross-sectional survey, statistically reliable samplings, or other valid method, that the range of groups, leaders and individuals consulted is truly representative of the economic, social, political, cultural, and other elements of the community." The applicant lists only 23 community leaders which were consulted to ferret out the needs of the community which it proposes to serve.[3] We note that only one woman was among the community leaders, and that no representatives of students, teenagers or young people, labor groups or lower economic groups were consulted. In addition, although Santa Fe contains a large number of people of Spanish descent, it does not appear that any effort was made to consult with leaders of the Spanish community in Santa Fe. Before an applicant can make a valid evaluation and judgment concerning proposed programing to meet the needs and interests of the community, adequate information regarding the community's needs is required. We have held that sufficient material must be available to establish that a careful investigation of the community was made and that a meaningful result was obtained. We cannot determine, on the basis of the information presently before us, whether the applicant complied with our longstanding policy that an applicant seek out and be responsive to a community's needs and interests.[4] Therefore, a programing issue will be specified.

11. *Accordingly, it is ordered*, That, to the extent indicated above, the joint petition to deny filed by New Mexico Broadcasting Co., Inc., and Hubbard Broadcasting, Inc., is granted, and in all other respects is denied; and that the application of Santa Fe Television, Inc., is designated for hearing, at a time and place specified in a subsequent order, on the following issues:

(1) To determine whether a grant of the application would constitute a de facto reallocation of Channel 2 to Albuquerque, inconsistent with section 307(b) of The Communications Act of 1934, as amended, and § 73.606 of the Commission's rules.

(2) To determine whether a grant of the application would be consistent with section 307(b) of The Communications Act of 1934, as amended, with respect to whether the proposed operation would constitute a fair, efficient, and equitable use of the frequency.

(3) To determine whether a grant of the application would impair the ability of prospective UHF television broadcast stations in Albuquerque to compete effectively, or would jeopardize, in whole or in part, the establishment of UHF television service.

(4) To determine the efforts made by Santa Fe Television, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(5) To determine, in light of the evidence adduced pursuant to the above issues, whether a grant of the application would serve the public interest, convenience, and necessity.

12. *It is further ordered*, That, New Mexico Broadcasting Co., Inc., and Hubbard Broadcasting, Inc., are made parties to the proceeding.

13. *It is further ordered*, That, with respect to issues (1), (2), and (3), the burden of proceeding with the introduction of evidence is placed upon New Mexico Broadcasting Co., Inc., and Hubbard Broadcasting, Inc., and the burden of proof is placed upon Santa Fe Television, Inc.; that, with respect to issue (4), the burden of proceeding with the introduction of evidence and the burden of proof is placed upon Santa Fe Television, Inc.

14. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the parties herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the order.

15. *It is further ordered*, That, Santa Fe Television, Inc., pursuant to section 311(a)(1) of the Commission's rules, shall give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the Commission's rules.

Adopted: July 23, 1969.

Released: July 30, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-9104; Filed, Aug. 1, 1969; 8:47 a.m.]

[1] The joint petitioners allege that there are alternate transmitter sites available, located south of Santa Fe and well above average terrain, from which coverage of Santa Fe could be attained. The applicant, in its responsive pleadings, does not address itself to this contention except to say that other transmitter sites will result in a shielding of its signal in Albuquerque.

[2] Triangle Publications, Inc., 29 FFC 315, 17 R.R. 624 (1960), affirmed sub. nom. Triangle Publications, Inc. v. Federal Communications Commission 110 U.S. App. D.C. 214, 291 F. 2d 324, 21 R.R. 2039 (1961); Selma Television Incorporated supra; Louisiana Television Broadcasting Corporation, FCC 69-567, released May 27, 1969.

[3] The applicant also relies upon a telephone survey taken in Santa Fe to determine the needs of the community. However, it is obvious from the questionnaire used by the telephone interviewers, that the audience's current broadcast programing preferences and not the community's needs, problems, and issues were elicited.

[4] See Commission En Banc Programming Inquiry, FCC 60-970, 20 RR 1901 (1960); Minshall Broadcasting Co., 11 FCC 2d 796 (1968); Suburban Broadcasters, 30 FCC 1021 (1961).

[5] Commissioner Robert E. Lee concurring in the result; Commissioner Cox absent; Commissioner Wadsworth dissenting.

[Docket No. 18609; FCC 69-814]

JOHN DEE YOUNG

Order Designating Application for Hearing on Stated Issues

In re application of John Dee Young, in care of American Radio Association, 270 Madison Avenue, New York, N.Y. 10016, Docket No. 18609; for renewal of radiotelegraph second class operator license, T2-24-761.

1. The Commission has under consideration the above-captioned application submitted by John Dee Young whose address appears above.

2. From information coming before the Commission it appears that serious questions are raised concerning the qualifications of John Dee Young to carry out the responsibilities of a radio operator on ships required to be equipped with radio for safety purposes, and that this information and the questions concerning his qualifications should be fully explored in a hearing upon the issues hereinafter set forth.

3. *It is ordered*, Pursuant to section 303(l) of the Communications Act of 1934, as amended, and § 1.84 of the Commission's rules that the captioned application be designated for a hearing at a time and place to be specified in a subsequent order upon the following issues:

(a) To determine whether John Dee Young in the light of his past record of conduct while employed as a ship radio operator possesses the necessary qualifications to carry out the responsibilities of a radio operator on ships required under the Communications Act to be equipped with radio for safety purposes.

(b) To determine whether John Dee Young's character qualifications are such that he can be relied upon to carry out the responsibilities of a radio operator.

(c) To determine in the light of the evidence adduced under the foregoing issues whether it will be in the public interest to grant the application of John Dee Young for renewal of a Radiotelegraph Second Class Operator License.

4. *It is further ordered*, That the burden of proceeding with the introduction of evidence shall be upon the Chief, Field Engineering Bureau and the burden of proof shall be upon the applicant.

5. *It is further ordered*, That to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney shall within twenty (20) days of the mailing of this order file with the Commission in triplicate a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on the issues specified.

6. *It is further ordered*, That the Chief Field Engineering Bureau, shall within ten (10) days after release of this order, furnish a Bill of Particulars to the applicant herein.

Adopted: July 24, 1969.

Released: July 29, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-9105; Filed, Aug. 1, 1969; 8:47 a.m.]

[1] Commissioner Cox absent.

FEDERAL MARITIME COMMISSION

WILHELMSEN COMPANIES ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for aproval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Seymour H. Kligler, Esq., Herman Goldman, Attorneys and Counselors at Law, 120 Broadway, New York, N.Y. 10005

Agreement No. 9809, among the Wilhelmsen Companies, the Fearnley Companies, and the Klaveness Companies (as Owners) and Barber Lines A/S (as Charterer), provides for the establishment of a cooperative working arrangement by the parties between ports of the United States including Hawaii, and worldwide ports. The Charterer will engage in business as a common carrier in the specified trade utilizing vessels which it will charter from the Owners. The Charterer will operate such vessels for its own account under the trade name "Barber Lines", may file its own tariffs or make itself a party to tariffs of conference, rate or other agreements by becoming a party to such agreements, and shall issue its own bills of lading, and may appoint such agents and subagents, contract for such terminals and stevedores and engage all other persons required as a common carrier by water, under terms and conditions set forth in the agreement. The capital stock of the Charterer will be owned by one or more of the companies comprising the Wilhelmsen Companies, the Fearnley Companies, and the Klaveness Companies.

The subject agreement will, upon approval, cancel, and supersede Agreements Nos. 7589, 7653, 7668, 8512, and 9346, joint service arrangements between the Owners in trades between ports of the United States and worldwide ports.

Dated: July 30, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9106; Filed, Aug. 1, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3891 etc.]

D. B. McCONNELL ET AL.

Findings and Order

JULY 25, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, making successors co-respondents, redesignating proceedings, making rate change effective, accepting agreement and undertaking and surety bond for filing, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Sun Oil Co., Applicant in Docket No. G-16203, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Van-Grisso Oil Co. FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicant. On April 30, 1962, Van-Grisso filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 1. By order issued May 23, 1962, in Docket No. RI62-431 et al., the Commission suspended the operation of the proposed change in Docket No. RI62-442 until November 1, 1962, and thereafter until made effective. The change was designated as Supplement No. 2 to Van-Grisso's FPC Gas Rate Schedule No. 1. On April 21, 1969, Sun filed a motion to make the change in rate effective subject to refund, together with an agreement and undertaking to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Sun will be substituted in lieu of Van-Grisso as respondent in the proceeding pending in Docket No. RI62-442; the proceeding will be redesignated accordingly; the change in rate will be made effective subject to refund; and the agreement and undertaking will be accepted for filing.

Burk Gas Corp., Applicant in Dockets Nos. CI63-152 and CI63-153, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Whitestone Petroleum Corp. FPC Gas Rate Schedule Nos. 4 and 5, respectively. Said rate schedules will be redesignated as those of Applicant. The presently effective rate under Whitestone's FPC Gas Rate Schedule No. 4 is in effect subject to refund in Docket No. RI65-291. Whitestone filed a change in rate under its FPC Gas Rate Schedule No. 5, the operation of which change is suspended in Docket No. RI69-589. Therefore, Applicant will be made a co-respondent in the proceeding pending in Docket No. RI65-291 and will be substituted as respondent in the proceeding pending in Docket No. RI69-589; said proceedings will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in Docket No. RI65-291.

Jerome P. McHugh (Operator) et al., Applicant in Docket No. CI69-860, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-19516 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 38. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under Mobil's rate schedule is in effect subject to refund in Docket No. RI67-273. Mobil has filed an increased rate under its rate schedule which increase is suspended in Docket No. RI69-430. Applicant indicates in his certificate application that he will be responsible for the total refund from the time that the increased rate was made effective subject to refund in Docket No. RI67-273; however, he has filed a surety bond to assure refunds of only those amounts collected by him from March 26, 1969. Therefore, Applicant will be made a co-respondent in the proceedings pending in Dockets Nos. RI67-273 and RI69-430; the proceedings will be redesignated accordingly; and the surety bond filed in Docket No. RI67-273 will be accepted for filing.[1]

Shell Oil Co., Applicant in Docket No. CI69-945, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI61-516 to be made pursuant to Pan American Petroleum Corp. FPC Gas Rate Schedule No. 330. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. On November 29, 1968, Pan American filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 330. By orders of December 31, 1968, and February 4, 1969, in Dockets Nos. RI69-408 et al., and RI69-411 et al., respectively, the Commission suspended the operation of the proposed change until June 1, 1969, and thereafter until made effective. The change was designated as Supplement No. 36 to Pan American's FPC Gas Rate Schedule No. 330. On April 7, 1969, Shell filed a motion to make the change in rate effective subject to refund. Shell indicates in its certificate application that it will be responsible for the total refund from the time that the rate is made effective. Shell has heretofore filed a general agreement and undertaking to assure the refund of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act. Therefore, Shell will be made a co-respondent in the proceeding pending in Docket No. RI69-413; the proceeding will be redesignated accordingly; and the change in rate will be made effective subject to refund.

King Resources Co., Applicant in Docket No. CI69-972, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI65-1145 to be made pursuant to Pan American Petroleum Corp. FPC Gas Rate Schedule No. 419. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under Pan American's rate schedule is in effect subject to refund in Docket No. RI69-103. Therefore, Applicant will be made a co-respondent in the proceeding pending in Docket No. RI69-103; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each

[1] The surety bond has some references to the notice of the certificate application in Docket No. CI69-860 issued Mar. 26, 1969, in Docket No. G-8785 et al., rather than the notice of effectiveness of the proposed rate change in Docket No. RI67-273 issued July 20, 1967, in Docket No. RI67-286, et al. The bond will be construed as though references to the latter notice correctly appear.

action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER no petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on July 17, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates in Dockets Nos. G-3891, G-3992, G-16203, G-18726, G-19516, CI61-516, CI61-636, CI62-965, CI63-152, CI63-153, CI63-234, CI64-990, CI64-1405, CI64-1147, CI65-1145, CI68-261, CI68-274, CI68-677, and CI69-732 should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sun Oil Co. should be substituted in lieu of Van-Grisso Oil Co. as respondent in the proceeding pending in Docket No. RI62-442, that said proceeding should be redesignated accordingly, that the proposed change in rate suspended in said proceeding should be made effective subject to refund, and that the agreement and undertaking submitted by Sun should be accepted for filing.

(10) It is necessary and appropriate in carrying out the Natural Gas Act that Burk Gas Corp. should be made a co-respondent in the proceeding pending in Docket No. RI65-291 and substituted as respondent in the proceeding pending in Docket No. RI69-589, that said proceedings should be redesignated accordingly, and that Burk should be required to file an agreement and undertaking in Docket No. RI65-291.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Jerome P. McHugh (Operator) et al., should be made a co-respondent in the proceedings pending in Dockets Nos. RI67-273 and RI69-430, that said proceedings should be redesignated accordingly, and that the surety bond submitted by him in Docket No. RI67-273 should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Shell Oil Co. should be made a co-respondent in the proceeding pending in Docket No. RI69-413, that said proceeding should be redesignated accordingly, and that the proposed change in rate suspended in said proceeding should be made effective with respect to sales made by Shell from properties acquired from Pan American Petroleum Corp.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that King Resources Co. should be made a co-respondent in the proceeding pending in Docket No. RI69-103, that said proceeding should be redesignated accordingly, and that Applicant should be required to file an agreement and undertaking.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificate are subject to the following conditions:

(a) The initial rate for the sale authorized in Docket No. CI69-719 shall be the applicable area base rate (15.5 cents per Mcf at 14.65 p.s.i.a. plus applicable State and local taxes in effect on Sept. 1, 1965) as adjusted for quality, pursuant to ordering paragraph (B) of Opinion No. 468, as modified by Opinion No. 468-A, or the contract rate whichever is lower.

(b) If the quality of the gas delivered by Applicant in Docket No. CI69-719 deviates at any time from the quality

standards set forth in ordering paragraph (B) of Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however*, That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate.

(c) Within 45 days from the date of this order Applicant in Docket No. CI69–719 shall file three copies of a rate schedule quality statement as specified by ordering paragraph (F) of Opinion No. 468, as modified by Opinion No. 468–A, reflecting the rate determined in paragraph (a) above.

(d) The sale authorized in Docket No. CI63–234 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement.

(e) The certificates in Dockets Nos. CI69–865 and CI69–1039 are conditioned by limiting the buyers' daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves under the subject contracts.

(F) Applicant in Docket No. CI69–1052 shall file a billing statement reflecting the 15 cents rate as required by the regulations under the Natural Gas Act.

(G) Applicant in Docket No. G–3891 shall file a sample billing statement as required by the regulations under the Natural Gas Act.

(H) A certificate is issued herein in Docket No. CI69–719 authorizing Union Oil Company of California to continue the sale of natural gas previously covered by the certificate issued to Continental Oil Co. in Docket No. CI61–636.

(I) The order issuing a certificate in Docket No. CI61–363 is amended by deleting therefrom the interests of Union Oil Company of California.

(J) The orders issuing certificates in Dockets Nos. G–3891, G–18726, CI63–234, CI68–261, CI68–677, and CI69–732 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(K) The orders issuing certificates in Dockets Nos. G–19516, CI61–516, CI62–965, CI64–990, CI64–1405, CI65–1145, and CI68–274 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. CI69–860, CI69–945, CI69–942, CI69–1051, CI69–1052, CI69–972, and CI69–966, respectively.

(L) The orders issuing certificates in Dockets Nos. G–3992, G–16203, CI63–152, CI63–153, and CI64–1147 are amended by substituting the successors in interest as certificate holders.

(M) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(N) Permission for and approval of the abandonment in Docket No. CI69–1075 shall not be construed to relieve Applicant of any refund obligations in the related rate suspension proceedings pending in Dockets Nos. G–18104, RI60–192, RI61–397, RI62–366, RI63–370, RI64–611, RI65–508, and RI68–130.

(O) Permission for and approval of the abandonment in Docket No. CI69–1091 shall not be construed to relieve Applicant of any refund obligations incurred in the related rate suspension proceeding pending in Docket No. RI63–230.

(P) The certificate heretofore issued in Docket No. G–2999 is terminated only insofar as it pertains to Champlin Petroleum Co. FPC Gas Rate Schedule No. 14.

(Q) The certificates heretofore issued in Dockets Nos. G–3821, G–10241, G–10379, and G–14571 are terminated.

(R) Sun Oil Co. is substituted in lieu of Van-Grisso Oil Co. as respondent in the proceeding pending in Docket No. RI62–442, said proceeding is redesignated accordingly, and the agreement and undertaking submitted by Sun in said proceeding is accepted for filing. The rates, charges, and classifications set forth in Supplement No. 2 to Sun Oil Co. FPC Gas Rate Schedule No. 247 shall be effective subject to refund as of April 21, 1969. Said effective rates shall be charged and collected as of the effective date subject to any future orders of the Commission in Docket No. RI62–442.

(S) Sun Oil Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Sun in Docket No. RI62–442 shall remain in full force and effect until discharged by the Commission.

(T) Burk Gas Corp. is made a co-respondent in the proceeding pending in Docket No. RI65–291 and is substituted in lieu of Whitestone Petroleum Corp. as respondent in Docket No. RI69–589, and said proceedings are redesignated accordingly.

(U) Within 30 days from the date of this order Burk Gas Corp. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI65–291 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(V) Burk Gas Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by it in Docket No. RI65–291 shall remain in full force and effect until discharged by the Commission.

(W) Jerome P. McHugh (Operator), et al, is made a co-respondent in the proceedings pending in Dockets Nos. RI67–273 and RI69–430, said proceedings are redesignated accordingly and the surety bond submitted by him in Docket No. RI67–273 is accepted for filing.

(X) Jerome P. McHugh (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the surety bond filed by him in Docket No. RI67–273 shall remain in full force and effect until discharged by the Commission.

(Y) Shell Oil Co. is made a co-respondent in the proceeding pending in Docket No. RI69–413 and the proceeding is redesignated accordingly. The rates, charges, and classifications set forth in Supplement No. 36 to Pan American Petroleum Corp. FPC Gas Rate Schedule No. 330 shall be effective subject to refund as of June 1, 1969, with respect to sales made by Shell pursuant to its FPC Gas Rate Schedule No. 367 from properties heretofore dedicated to Pan American's FPC Gas Rate Schedule No. 330. Said effective rate shall be charged and collected by Shell as of the effective date subject to any future orders of the Commission in Docket No. RI69–413. Shell shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(Z) King Resources Co. is made a co-respondent in the proceeding pending in Docket No. RI69–103 and the proceeding is redesignated accordingly.

(AA) Within 30 days from the date of this order, King Resources Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in Docket No. RI69–103. Unless notified to the contrary within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(BB) King Resources Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by it shall remain in full force and effect until discharged by the Commission.

(CC) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69–860 (G–19516) F 3–10–69	Jerome P. McHugh (Operator) et al. (successor to Mobil Oil Corp.).	El Paso Natural Gas Co., San Juan Basin, Dakota and Gallup Fields, Rio Arriba County, N. Mex.	Contract 6–15–56 [13] Farmout agreement 2–10–69 [13]	4	1
CI69–865 A 3–14–69 [1]	Marathon Oil Co. [2]	Arkansas Louisiana Gas Co., Cedar Springs Field, Upshur County, Tex.	Contract 1–30–69 [13] Contract 1–2–69 [1]	106 106	1
CI69–942 (CI62–965) F 4–2–69	J. P. Owen (Operator) et al. (successor to Gulf Oil Corp.).	United Gas Pipe Line Co., Bethany Longstreet Field, St. Mary Parish, La.	Contract 1–11–62 [13] Letter agreement 2–4–69 Amendment 8–10–62 [13] Settlement 11–15–63 Sublease 6–15–56 [13] Sublease 6–15–56 [13]	18 18 18 18 18 235	1 2 3 4 10
CI69–945 (CI61–816) F 4–7–69	Shell Oil Co. (successor to Pan American Petroleum Corp.).	Michigan Wisconsin Pipe Line Co., Northwest Chester Field, Woodward County, Okla.	Effective date: 9–1–69 Contract 8–28–69 [13] Assignment 1–1–62 [13] Letter 4–18–69 [13]	367 367 367	1 2
CI69–966 (CI66–274) F 4–15–69	King Resources Co. (successor to Standard Oil Co. of Texas, a division of Chevron Oil Co.).	Michigan Wisconsin Pipe Line Co., Northeast Thorndike Field, Gray County, Tex.	Contract 9–7–67 [13] Farmout agreement 9–3–68 [13]	19 19	1
CI69–972 (CI65–1145) F 4–18–69	King Resources Co. (successor to Pan American Petroleum Corp.).	Arkansas Louisiana Gas Co., Willow Springs Gas Latimer County, Okla.	Letter agreement 9–12–68 [13] Contract 4–7–65 [13] Assignment 2–28–69 [13] Assignment 3–6–69 [13]	19 20 20 20	2 1 2
CI69–1039 A 5–14–69 [1]	Colorado Oil & Gas Corp. [3]	Kansas-Nebraska Natural Gas Co., Inc., Pony Creek Field, Fremont County, Wyo.	Contract 4–29–69 [1]	64	
CI69–1051 (CI64–990) F 4–4–69	A–L Ltd. (successor to Tenneco Oil Co.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	Contract 3–1–57 [13] Supplement Agreement 1–1–67 Supplemental Agreement 4–1–67 Amendment 5–1–67 Assignment 2–24–69 [13] Assignment 2–28–69 [13] Assignment 3–30–64 [13] Letter agreement 3–30–64 [13] Letter agreement 7–28–64 Letter agreement 1–2–68 Effective date: 8–1–68	1 1 1 1 1 1 1 1 1 1	1 2 3 4 5 6 1 2 3 4
CI69–1052 (CI64–1405) [3] F 4–4–69	Wittington Oil Co., Hutchinson Oil Co. et al. (successor to Sieve (use (Operator) et al.).	Arkansas Louisiana Gas Co., Haskell, Le Flore, Latimer, and Pittsburg Counties, Okla.	Contract 4–5–48 [13]	1	1
CI69–1053 A 5–12–69 [1] F 5–12–69	J. B. Jackson et al., d/b/a J. B. Jackson Drilling Co.	United Fuel Gas Co., Walton District, Roane County, W. Va.	Contract 11–25–58 [13]	3	
CI69–1054 A 5–14–69 [1]	Brooks F. McCabe	United Fuel Gas Co., Elk River Field, Kanawha County, W. Va.	Contract 4–3–48 [13]	1	
CI69–1063 A 5–19–69 [1]	Quaker State Oil Refining Corp.	Cabot Corp., Ripley District, Jackson County, W. Va.	Contract 4–24–69 [1]	30	
CI69–1064 (G–3821) B 5–19–69	R. Morgan Properties	Bob Lee Oil Co., Parenthold Field, Jim Wells and Nueces Counties, Tex.	Notice of cancellation 5–15–69 [14]	1	8
CI69–1066 A 5–19–69 [1]	Bert Fields, Jr. (Operator) et al.	United Gas Pipe Line Co., Bethany Longstreet Field, Bush County, Tex.	Contract 5–14–69	18	
CI69–1069 A 5–20–69 [1]	Shell Oil Co.	Northern Natural Gas Co., Gooch Field, Stevens County, Kans.	Contract 4–22–69 [14]	366	
CI69–1075 (G–14571) B 5–21–69	Edwin L. Cox (Operator) et al.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Notice of cancellation 5–20–69 [14]	19	9

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–3891 C 4–28–69 [1]	D. B. McConnell (Operator) et al.	Arkansas Louisiana Gas Co., Sligo Field, Bossier Parish, La.	Amendment 12–6–66 Amendment 5–25–69 [13]	4 4	7 8
G–3992 E 2–3–67	Belva H. Mullan, agent (successor to Marrowbone Gas Co.).	United Fuel Gas Co., Marrowbone Creek, Mingo County, W. Va.	Morrowbone Gas Co., FPC GRS No. 1, Supplement No. 1, Notice of change 10–10–66. Effective date: 3–6–67.	1	1
G–16203 E 4–21–69	Sun Oil Co. (successor to A. Van-Grisso Oil Co.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	Van-Grisso Oil Co., FPC GRS No. 1, Supplement Nos. 1–2. Notice of succession 4–14–69. Conveyance 9–1–66 Effective date: 9–1–66	1	1
G–18726 D 5–20–69	Mobil Oil Corp. (Operator) et al.	Transwestern Pipeline Co., acreage in Ellis County, Okla.	Letter agreement 2–7–69 [13]	1	1
CI63–152 E 5–26–69	Burk Gas Corp. (successor to Whitestone Petroleum Corp.).	Cities Service Gas Co., Northwest Quinlan Field, Woodward County, Okla.	Whitestone Petroleum Corp., FPC GRS No. 4, Supplement Nos. 1–2. Notice of succession 3–27–69. Assignment 3–14–69 [1] Assignment 3–24–69 [1] Effective date: 1–1–69	1	2
CI63–153 E 5–28–69	do [7]	Panhandle Eastern Pipe Line Co., Southwest Anadarko Basin Area, Beaver County, Okla.	Whitestone Petroleum Corp., FPC GRS No. 5, Supplement Nos. 1–2. Notice of succession 3–27–69. Assignment 3–14–69 [1] Assignment 3–24–69 [1] Effective date: 1–1–69	1	2
CI68–234 C 5–21–69 [1] [15]	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., Red Oak Area, Le Flore County, Okla.	Supplemental agreement 4–16–69 [1]	1	1
CI64–1147 E 5–28–69	Burk Gas Corp. (successor to Whitestone Petroleum Corp.).	Northern Natural Gas Co., acreage in Ochiltree County, Tex.	Whitestone Petroleum Corp., FPC GRS No. 6, Supplement Nos. 1–2. Notice of succession 3–27–69. Assignment 3–14–69 [1] Assignment 3–24–69 [1] Effective date: 1–1–69	1	2
CI68–261 C 5–21–69 [1]	Mallard Drilling Corp., and Central Oil Co.	Southern Natural Gas Co., Spider Field, De Soto Parish, La.	Amendment 5–12–69 [1]	3	
CI68–677 D 5–14–69	Mobil Oil Corp.	Arkansas Louisiana Gas Co., Cecil Field, Logan County, Ark.	Letter agreement 2–7–69 [13]	1	
CI69–719 A 1–27–69 [1] (CI61–636)	Union Oil Co. of California. [3]	Transwestern Pipeline Co., Bell Lake Unit, Lea County, N. Mex.	Ratified 3–1–61 Contract 10–12–60 [13] Letter agreement 3–27–62 [13] Letter agreement 10–21–63 [13] Letter agreement 12–15–65 [13] Letter agreement 4–5–66 [13] Agreement 5–14–69 [1]	1 1 1 1 1 1	1 2 3 4 5 6
CI69–732 C 5–19–69 [1]	Bowers Drilling Co., Inc.	Cities Service Gas Co., Etna Field, Barber County, Kans.			

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C169-1076 (G-2999) C 1-5-21-69	Champlin Petroleum Co.	United Gas Pipe Line Co., Carthage Field (Kyle Unit No. 1) Panola County, Tex.	Notice of cancellation 5-20-69 [4] [6]	14	8
C169-1085 A 5-22-69 [1]	Maynard Buck, et al., d/b/a Montlar Oil & Gas Company	United Fuel Gas Co., Elk and Union Districts, Kanawha County, W. Va.	Contract 5-12-69 [3] [6]	2	
C169-1089 (G-10241) B 5-22-69	Trice Production Co., (Operator) et al.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Notice of cancellation 5-19-69 [4] [6]	16	2
C169-1091 (G-10379) B 5-22-69	Forest Oil Corp.	Jernigan & Morgan Transmission Co., East Victor Field, Lincoln County, Okla.	Notice of cancellation 5-21-69 [4] [6]	19	3

[1] January 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[2] Eliminates Favored Nations Clause from the basic contract as amended.
[3] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[4] Conveys acreage from Van-Grisso Oil Co. to Applicant.
[5] Deletes acreage due to expiration or cancellation of nonproductive leases.
[6] Effective date: Date of this order.
[7] Predecessor in interest to Novo Oil, Inc.
[8] Assigns interest of Whitestone Petroleum Corp. to Novo Oil, Inc.
[9] Assigns interest of Novo Oil, Inc., to Applicant.
[10] Applicant filed for a rate of 15 cents per Mcf including tax reimbursement, although a rate of 16.015 cents per Mcf is in effect subject to refund for other acreage covered under this rate schedule.
[11] Applicant is requesting a certificate to cover its portion of a sale presently covered by Continental Oil Co. FPC GRS No. 180 and certificate in Docket No. C161-836.
[12] By letter dated May 16, 1969, as corrected by telegram of May 22, 1969, Applicant agreed to accept a permanent certificate conditioned to the area ceiling rate of 15.5 cents per Mcf at 14.65 p.s.i.a.
[13] On file as Continental's FPC GRS No. 180.
[14] Establishes the date of initial delivery as Aug. 16, 1961, for the sale under the Mar. 1, 1961, ratification.
[15] Ratifies a June 3, 1963, letter agreement, attached, which limits dedicated reserves and revised take-or-pay requirements.
[16] Revises daily contract quantity and establishes a schedule for payment of take-or-pay deficiency.
[17] Revises daily contract quantity, establishes dollar amount of take-or-pay deficiency and provides that buyer may makeup for prepaid gas by withholding one-third of the payment for gas purchased.
[18] On file as Mobil Oil Corp. FPC GRS No. 38.
[19] From Mobil to McHugh (limited to depths from the base of the Mesaverde Formation to the base of the Dakota Formation).
[20] By filing received Apr. 22, 1969, Applicant advised willingness to accept a permanent certificate with take-or-pay condition based on a 1 to 7,300 take-to-reserve ratio, provided it shall receive the benefit of a change in take obligation subsequently authorized by the Commission for any comparable sale of gas in the area to the extent permitted by its contract.
[21] Adopts terms of Jan. 2, 1969, contract between Texaco, Inc., and Arkansas Louisiana Gas Co.
[22] Between Gulf Oil Corp. and United Gas Pipe Line Co.; on file as Gulf Oil Corp. FPC GRS No. 235.
[23] Adds acreage from a depth of 15,926 feet to a depth of 18,920 feet.
[24] Assigns acreage from Gulf Oil Corp. to J. P. Owens (Operator) et al.
[25] No certificate filing made or necessary; only the related rate filing is being accepted for filing by this order.
[26] Currently on file as Pan American Petroleum Corp. FPC GRS No. 330.
[27] Assigns acreage from Pan American Petroleum Corp. to Applicant.
[28] Provides for a full percentage downward B.t.u. adjustment and for a 5-year makeup period for gas paid for but not taken.
[29] Currently on file as Standard Oil Company of Texas, a division of Chevron Oil Co. FPC GRS No. 45.
[30] From Standard Oil Co. to V. Ross Brown.
[31] V. Ross Brown assigns interest under Sept. 3, 1968, Farmout agreement to Applicant.
[32] Currently on file as Pan American Petroleum Corp. FPC GRS No. 419.
[33] From Pan American Petroleum Corp. to A. J. Mullikin.
[34] From A. J. Mullikin to Applicant.
[35] Applicant is willing to accept a permanent certificate on the condition that the buyer's daily take-or-pay obligation for each well during the first year shall not exceed 1 Mcf for each 7,300 Mcf of reserves.
[36] Currently on file as Tenneco Oil Co. (Operator) et al., FPC GRS No. 32.
[37] Assigns acreage from Tenneco Oil Co. to Aikman Bros. Corp.
[38] Assigns acreage from Aikman Bros. Corp. to Applicant.
[39] Part of the acreage was never covered by Gose's certificate, although Gose had commenced service therefrom.
[40] Between Steve Gose et al., and Arkansas Louisiana; also on file as Gose's FPC GRS No. 1.
[41] Pertains to contract quantities.
[42] Requires buyer to connect facilities to certain wells.
[43] Transfers certain interests from Steve Gose to Whittington Oil Co., Inc.
[44] Sale being rendered on June 7, 1964.
[45] Source of gas depleted.
[46] Acreage committed as to all depths between 3400' and 6740'.
[47] Other sales covered under Docket No. G-2966; therefore, the certificate in said docket will be terminated only insofar as it pertains to Applicant's FPC GRS No. 14.
[48] Gas produced from the Newburg Sand only.

Suggested General Undertaking in Accordance with Order No. 377:

For Applicant in Docket No. C169-972.

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent) (----------)

GENERAL UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF § 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees to comply with the refunding and reporting provisions of § 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to any present and future rate increases suspended under section 4(e) of the Natural Gas Act and collected subject to refund thereunder and has caused this undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ----------, 196---.

(Name of Respondent)

By ----------

Attest:

Suggested Agreement and Undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent) ----------

[Docket No. RI65-291]

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF § 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of § 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ----------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ----------, 196---.

(Name of Respondent)

By ----------

Attest:

[F.R. Doc. 69-9010; Filed, Aug. 1, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

JULY 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey, a New Jersey corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 30, 1969, through August 8, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9085; Filed, Aug. 1, 1969; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 723]

VIRGINIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the city of Alexandria, Va.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid city and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 22, 1969.

OFFICE

Small Business Administration Regional Office, 1405 Eye Street NW., Washington, D.C. 20417.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1970.

Dated: July 24, 1969.

HILARY SANDOVAL, JR., *Administrator.*

[F.R. Doc. 69-9086; Filed, Aug. 1, 1969; 8:45 a.m.]

[Delegation of Authority No. 30 (Revision 12), Amdt. 7]

AREA ADMINISTRATORS

Delegation of Authority To Conduct Program Activities in Field Offices

Delegation of Authority No. 30 (Revision 12) (32 F.R. 179), as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, 34 F.R. 5134, and 34 F.R. 11165) is hereby further amended by adding new Items I.B.7 and I.B.8, to read as follows:

* * * * * * *

I. *Area Administrators.* * * *

B. *Development company assistance program.* * * *

7. To enter into section 502 loan participation agreements with banks.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

* * * * * * *

Effective date: July 24, 1969.

HILARY SANDOVAL, JR., *Administrator.*

[F.R. Doc. 69-9087; Filed, Aug. 1, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 30, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41704—*Chlorine from Calvert, Ky.* Filed by O. W. South, Jr., agent (No. A6120), for and on behalf of the Illinois Central Railroad Co. Rates on chlorine, in tank carloads, as described in the application, from Calvert, Ky., to Alton, Federal, and Wood River, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 32 to Southern Freight Association, agent, tariff ICC S-800.

FSA No. 41705—*Tin or terne plate from Norrell Junction, Ala.* Filed by Southwestern Freight Bureau, agent (No. B-66), for interested rail carriers. Rates on plate, tin, or terne and tin mill black, in carloads, as described in the application, from Norrell Junction, Ala., to Fort Worth, Galveston, Houston, and Longview, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 116 to Southwestern Freight Bureau, agent, tariff ICC 4753.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9112; Filed, Aug. 1, 1969; 8:47 a.m.]

[Notice 388]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 30, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71568. By application filed July 28, 1969, GUY W. MANGUM, doing business as GUY MANGUM MASONRY WORKS, 201 Hathaway Drive, El Dorado, Ark. 71703, seeks temporary authority to lease the operating rights of JACK B. BIVENS, 729 South Washington, El Dorado, Ark. 71703, under section 210a(b). The transfer to GUY W. MANGUM, doing business as GUY MANGUM MASONRY WORKS, of the operating rights of JACK B. BIVENS, is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9113; Filed, Aug. 1, 1969; 8:47 a.m.]

FEDERAL REGISTER, VOL. 34, NO. 147—SATURDAY, AUGUST 2, 1969

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SOCIOLOGY & ECONOMICS

FEDERAL REGISTER

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[Amdt. 4]

PART 891—DOMESTIC BEET SUGAR AREA

Pursuant to the provisions of the Sugar Act of 1948, as amended, Part 891 (32 F.R. 7837, 8283; 33 F.R. 62, 402, 2503, 9331; 34 F.R. 809, 3737) is amended as follows:

1. Section 891.1 is amended by adding a new paragraph (s) to read as follows:

§ 891.1 Regulations, as effective, and definitions.

* * * * *

(s) "Accredited acreage" for any crop year means the acreage of sugar beets within farm proportionate shares, when applicable, but excluding any acreage for which credit may not be given pursuant to § 895.6 of this chapter, which was either harvested for the extraction of sugar or liquid sugar as determined by the county committee or was determined by a member of the county committee to be bona fide abandoned acreage to the extent of fulfilling at least the requirements for abandonment set forth in subparagraphs (1) through (5) of § 842.2(a) of this chapter as shown by the records of the ASCS county office. It also includes any prevented acreage approved for the farm or recorded for the allotment area pursuant to Part 849 of this chapter and for any year for which proportionate shares are determined, any proportionate share acreage released and approved for the farm pursuant to Part 895 of this chapter shall be included as accredited acreage for the farm and for the allotment area in which such farm is located.

2. Section 891.6 is amended to read as follows:

§ 891.6 Compliance with other conditions of payment.

(a) *Wage rates and prices paid for sugar beets.* All requirements of the Act and the regulations issued pursuant thereto with respect to wage rates and in case of a processor-producer, prices paid for sugar beets shall be met.

(b) *Compliance with farm share.* The acreage of sugar beets grown on the farm and marketed (or processed) and used for the production of sugar or liquid sugar shall not exceed the share determined for the farm in accordance with applicable regulations in Part 850 of this chapter, except as provided in § 891.16, and except that any sugar beets grown on acreage in excess of such share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed if the operator of the farm furnishes weight tickets to the county committee evidencing that such sugar beets were sold by him, or were processed by or for him, for the extraction of sugar or liquid sugar for livestock feed, or for the production of livestock feed, and if so sold, were purchased by the processor for such purpose. Notwithstanding the foregoing provisions of this paragraph, the farm shall be deemed to have met the requirements for payment with respect to marketings (or processings) within the share where sugar beets were marketed (or processed) for sugar from an acreage on the farm exceeding the share: *Provided*, That (1) such excess acreage is not more than the larger of four-tenths acre or 2 percent of the share but not in excess of 5 acres, (2) the county committee finds that the farm operator did not intentionally market (or process) sugar beets from an acreage in excess of the share for the farm and the State committee concurs in such findings, and (3) within 1 year from the date of the processing of such excess sugar beets, the farm operator has arranged for the raw value equivalent of sugar produced from sugar beets in the Domestic Beet Sugar Area which had not been marketed to fill a quota for such area as provided in Part 816 of this chapter to be made subject to a bond given pursuant to the provisions of such Part 816 of this chapter, which provides as a condition of such bond that the sugar shall be used for livestock feed or for the production of livestock feed. The Sugar Act payment in such case shall be limited to the amount of sugar commercially recoverable from the sugar beets marketed (or processed) from the acreage within such share.

3. Section 891.11 is revised to read as follows:

§ 891.11 Credit for planted sugar beet acreage, prevented acreage and approved released acreage.

(a) *Crediting production record of farms which are subdivided.* For the purpose of compiling sugar beet production records for use in establishing proportionate shares, when required, and for use in determining normal yields for abandonment and crop deficiency payments, as provided in Part 841 of this chapter, the production record for a subdivision of any farm which is divided shall be credited with its actual planted acreage, approved prevented acreage determined under Part 849 of this chapter and approved acreage eligible for release determined under Part 895 of this chapter if available from records in the ASCS county office. However, if such records are not available in such office, the production records of the subdivisions shall be credited with a pro rata share, respectively, of the planted acreage, approved prevented acreage and approved released acreage of the farm on the basis of the cropland suitable for the production of sugar beets in each subdivision.

(b) *Death, retirement, or incapacity.* In case of death, retirement, or incapacity of an operator having a personal sugar beet production record, such record shall accrue to the legal representative of his estate or to a member of his family if such legal representative or family member continues the customary sugar beet operations of the retired, deceased or incapacitated operator.

(c) *Corporations.* (1) In case of the merger or consolidation of two or more corporations in a personal history area, the accredited acreage record of any of the constituent corporations shall be credited to the surviving or consolidated corporation if the surviving or consolidated corporation operates land for the production of sugar beets.

(2) The personal sugar beet production records of individuals or of a partnership forming a corporation may only be credited to such corporation at the time it is formed, and only if the county committee determines and the State committee concurs that all of the outstanding shares of stock of the corporation are owned by members of the immediate family, of which one or more members has a personal accredited acreage record in the base period at the time the corporation is formed. Thereafter, such production records will be credited to such corporation, except that if at the time a proportionate share is established for the farm operated by the corporation, less than a majority of the outstanding shares of stock of the corporation are owned by members of such immediate family such production records will cease to be credited to such corporation.

(3) For the purpose of this section the term "immediate family" is limited to persons who have a relationship to the persons credited with the personal sugar beet production records of spouse, father, mother, brother, sister, children, and grandchildren, regardless of whether such persons reside in the same household.

(4) Upon the dissolution of a corporation, no personal history credits of the corporation shall be transferred to individuals, except, that in the case of the dissolution of a corporation of which a majority of the stock is owned by members of the immediate family that included members owning stock in the corporation when it was formed, the history credit of such corporations may be transferred to such individual members of the immediate family owning stock at the time of dissolution in the same ratio that the number of shares of stock owned

by each member of the immediate family in such corporation bears to the total shares of stock issued by such corporation.

(d) *Initiation of joint operation.* Where a person having a personal accredited acreage record in a personal history area and another person or persons initiate a joint operation of a farm for the production of sugar beets by a partnership or other form of joint enterprise, the farm base shall be established on the basis of acreage not exceeding the landowner's share of the sugar beet crops included in the farm's accredited acreage records; but a farm base may be established on a basis of acreage not limited to the landlord's share of such sugar beet crops where the county committee determines, and a representative of the State committee concurs, that such joint enterprise is conducted exclusively by the members of an immediate family, or that under such joint enterprise the person or persons having a personal production record during the base period are the operators of the farm as provided in § 891.1(j).

(c) *Dissolving of partnership.* If, in a personal history area, a partnership is dissolved, the accredited acreage record of the partnership shall be credited to the individuals who were members of the partnership, pro rata, on the basis of their respective contributions of sugar beet production history to such partnership at the time it was formed: *Provided, however,* That if such dissolved partnership was in existence for at least 3 years, the accredited acreage record of the partnership may be credited to each of the former partners in accordance with a written agreement signed by all of the former partners or their legal representatives.

4. Section 891.12 is revised to read as follows:

§ 891.12 List of prescribed forms.

Forms prescribed for the conditional payment program in the Domestic Beet Sugar Area, including those applicable when proportionate shares are in effect.

Form No. and Title

SU-100—Request for Sugar Beet Proportionate Share.
SU-102—Sugar Beet Farming Unit Report.
SU-103—Notice of Sugar Beet Farm Proportionate Share.
SU-103-A—Notice of History Credit for Released Share.
SU-104—Sugar Beet Record Card.
SU-104-1—Personal Sugar Beet Proportionate Share.
SU-105—Release of Sugar Beet Proportionate Share.
SU-107—Sugar Beet Marketing Report.
SU-109-A—Sugar Beet Normal Yield Worksheet.
SU-110—Application for Payment.
SU-112—List of Sugar Beet Producers.
SU-113—Farm Operator Check and Record Sheet.
SU-114—Summary of Applications for Payments.
SU-115—Child Labor and Wage Compliance Report.
SU-191—Claim Against Producer for Unpaid Wages.
SU-195—Sugar Act Payments Deductions.

5. New §§ 891.13 through 891.17 are added to read as follows:

§ 891.13 Eminent domain.

The share established for a crop designated by year for a farm which was removed from sugar beet production in its entirety or in part by acquisition within 3 years immediately preceding the year designating such crop by an agency or entity entitled to exercise the right of eminent domain, shall, upon application by the owner of the land so removed to the appropriate ASCS State office, be added to the share established for such crop for any land owned by the owner in the same State to the extent requested in the application, but the acreage added shall no exceed the difference between the share established for the farm from which production was removed and the share established for the part of such farm not lost by the acquisition. Where application is not made as provided in this section for the entire share or part thereof established for the farm, the share or part thereof not applied for shall be reserved by the State committee for 3 years after the date of acquisition or until application is made by the owner of the land removed, whichever is earlier: *Provided,* That such reserved share or part thereof shall be subject to any adjustments required to be made in establishing shares for old-producer farms under the regulations applicable during the period the share is reserved. The acreage of such reserved shares not applied for may not be reallocated to other old-producer farms.

§ 891.14 Notification of shares when shares are in effect.

Each person filing a request for a share shall be notified in writing on behalf of the State committee of the share established in response to his request (even if "none"), and of any subsequent adjustment or change made in such share, and of his right to appeal under § 891.7. The farm operator of each farm for which a share is redetermined shall be notified in writing on behalf of the State committee of the redetermined share and of the right to appeal therefrom as provided in Part 780 of this chapter. Where a tentative share is computed pursuant to a preliminary request for a share filed as provided in Part 850 of this chapter, the person filing such request shall be furnished a notice informing him that the acreage stated thereon is a tentative share, does not constitute the establishment of a farm share for the purpose of payment under the Act, and that a farm share for such purpose may be established only upon the filing of a fully completed request for a share within the time and in the manner as provided in Part 850 of this chapter.

§ 891.15 Notification of excess sugar beet acreage when shares are in effect.

If the county committee determines for any crop that the acreage of sugar beets on any farm is in excess of the acreage established as the share for such farm, written notice of such excess acreage and of the eligibility requirements for payment relating to the farm's proportionate share shall be mailed to the person who is listed on the ASCS county office records as the operator of the farm.

§ 891.16 Erroneous notice of share or of excess sugar beet acreage when shares are in effect.

If through error, an operator is officially notified of a share for his farm greater than the share properly established, or is furnished an incorrect notice of excess sugar beet acreage, or if the determined acreage of sugar beets is in excess of the share for the farm and notice thereof is not mailed to the operator, and it is found by the county committee that such operator, acting solely on the information contained in the erroneous notice or without a notice of excess sugar beet acreage being mailed to him, markets sugar beets from an acreage in excess of the share properly established, the farm will be deemed to be in compliance with the correct share unless sugar beets are marketed for sugar from an acreage in excess of the share stated in the erroneous notice, or unless it is determined by the county committee that the error in the share or notice was so gross, or that the excess acreage was so gross as to place the operator on notice regarding the error in the share or of the existence of the excess acreage. However, the Sugar Act payment with respect to the farm shall be limited to the amount of sugar determined by the county committee to be commercially recoverable from the sugar beets marketed (or processed) from the acreage within the properly established share.

§ 891.17 Certification of acreage.

If the operator of any farm, which is located in a county designated in Part 718 of this chapter, as a county in which farm operators' certification of acreage and land use may be accepted with respect to sugar beets in lieu of a farm inspection and measurement, fails to file a timely report as required under such Part 718 or files a timely report showing that the acreage of sugar beets is within the proportionate share for the farm and it is later determined by the county or State committee that such acreage is in excess of the share and was knowingly incorrectly reported by the farm operator, no payment shall be made with respect to such farm.

Statement of bases and considerations. Prior to the 1962 crop of sugar beets, some of the general provisions and requirements of the Act which must be complied with in order to be eligible for Sugar Act payments were contained in the annual proportionate share regulations. Since proportionate shares are not necessarily required each year, these provisions were incorporated into Part 891.

Suggestions have been received that additional provisions which have heretofore been included in the former proportionate share regulations and have remained unchanged from year to year also be incorporated into Part 891.

This action adds the definition of accredited acreage to Part 891. It also adds the provisions pertaining to crediting acreage history in the event of the death, retirement, or incapacity of an operator and in the formation and dissolving of corporations and joint operations. Section 891.12 is revised to include the forms which are applicable where proportionate shares are in effect. Other general provisions which, in the past, were included in the proportionate share regulations when shares were in effect but which have remained unchanged from year to year, are also added.

Accordingly, I hereby find and conclude that the foregoing regulations will effectuate the applicable provisions of the Act.

(Secs. 301, 302, 403, 61 Stat. 929, 930 as amended, 932; 7 U.S.C. 1131, 1132, 1153)

Effective date: Date of publication.

Signed at Washington, D.C., on July 30, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-9162; Filed, Aug. 4, 1969; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 286, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829) regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provision in paragraph (b)(1)(i), (ii), and (iii) of § 908.586 (Valencia Orange Reg. 286, 34 F.R. 12224) are hereby amended to read as follows:

(i) District 1: 252,000 cartons;
(ii) District 2: 343,000 cartons;
(iii) District 3: 105,000 cartons.

§ 908.58 Valencia Orange Regulation 286.

* * * * * * *
(a) * * *
(1) * * *
* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 31, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9164; Filed, Aug. 4, 1969; 8:48 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 36]

PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area (7 CFR Part 1036), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for the month of July 1969.

In § 1036.16(b), the provision:

(4) In any month of April through July, the quantity of milk of any producer diverted to nonpool plants that exceeds that physically received at pool plants shall be deemed to have been received by the diverting handler at the location of the nonpool plant to which diverted; and

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) Suspension of the aforesaid provision will result in all producer milk that is diverted from a pool plant to a nonpool plant during July 1969 being priced at the location of the pool plant from which diverted. Such provision now specifies that under certain conditions the diverted milk be priced at the location of the nonpool plant to which diverted.

This action was requested by Milk Producers Federation, a principal producer cooperative in the market, to accommodate the handling of reserve milk. The cooperative operates a pool plant at Orrville, Ohio, which is an outlet near the marketing area for milk not needed by handlers for Class I purposes. Because of an electrical power failure caused by severe storms, this plant was unable to operate during part of July. Producer milk normally received at such plant thus had to be diverted to distant nonpool plants where a lower price to producers applies under the order.

The suspension will avoid an undue reduction in returns to producers normally shipping to the Orrville plant but whose milk was temporarily diverted to other plants because of the unusual circumstances. Three other cooperatives in the market expressed support for this suspension action.

(4) Interested parties were afforded the opportunity to file written data, views, or arguments concerning this suspension (34 F.R. 12043). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for July 1969.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 30, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-9132; Filed, Aug. 4, 1969; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS AND POLICIES

PART 1407—SUSPENSION AND DEBARMENT

Part 1407 is revised to read as follows:

Sec.
1407.1 Purpose.
1407.2 Definitions.
1407.3 Scope of this part.
1407.4 Suspension.
1407.5 Causes for debarment.
1407.6 Suspension pending debarment, notice of proposed debarment, decision of authorized official and right to hearing.
1407.7 Period of debarment.
1407.8 Restrictions on suspended and debarred persons.
1407.9 Miscellaneous.

AUTHORITY: The provisions of this Part 1407 issued under sec. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714b.

§ 1407.1 Purpose.

This part prescribes the terms and conditions under which persons may be suspended and debarred from contracting with Commodity Credit Corporation and from otherwise participating in programs administered or financed by Commodity Credit Corporation.

§ 1407.2 Definitions.

(a) The term "Department" means the U.S. Department of Agriculture.

(b) The term "CCC" means Commodity Credit Corporation.

(c) The term "Executive Vice President" means the Executive Vice President of CCC.

(d) The term "Vice President" means a Vice President of CCC.

(e) The term "Deputy Vice President" means a Deputy Vice President of CCC.

(f) The term "person" means an individual or any form of business entity, e.g., a proprietorship, partnership, corporation, association, or cooperative.

(g) The term "authorized official" means the Executive Vice President of CCC, a Vice President of CCC, a Deputy Vice President of CCC, or any official of the Department authorized, as provided in this part, to suspend and debar persons.

(h) The term "suspend" or "suspension" means the withholding from a person temporarily of the privilege of contracting with or otherwise participating in programs financed or administered by CCC.

(i) The term "debar" or "debarment" means the final action of withholding the privilege of contracting with or otherwise participating in programs financed or administered by CCC.

(j) The term "Board of Contract Appeals" means the Board of Contract Appeals, Department of Agriculture.

§ 1407.3 Scope of this part.

(a) The provisions of this part shall apply to all suspensions and debarments: *Provided*, That the provisions of this part shall not apply to or otherwise affect the conditions under which:

(1) Price support or other benefits may be made available by CCC to a person in his capacity as a producer in accordance with applicable statutes and regulations.

(2) CCC may require persons to establish and maintain financial responsibility and other qualifications as conditions precedent to contracting with CCC or otherwise participating in programs administered or financed by CCC.

(3) CCC may cancel or terminate a contract under the provisions thereof or for failure of the contractor to comply therewith or may take administrative action to require a contractor or participant to correct deficiencies in the performance of contract or program provisions.

(4) Persons are debarred under the provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 37) and Davis-Bacon Act (40 U.S.C. 276a–2(a)).

(b) All suspension and debarments under the provisions of this part shall extend to and include any proprietorship, corporation, partnership, association, or other business entity, the policies or business practices of which are decided or materially influenced by the suspended or debarred person if such proprietorship, corporation, partnership, association, or other business entity is specifically named in the notice of suspension or debarment.

(c) The provisions of this part shall not be construed to require the suspension and debarment of any person but shall be deemed a statement of the terms and conditions under which suspension and debarment action may be taken by an authorized official when such action is deemed to be in the best interests of CCC.

§ 1407.4 Suspension.

(a) Suspension is a drastic action and, as such, shall not be based upon an unsupported accusation. In assessing whether adequate evidence exists for invoking a suspension, consideration should be given to the amount of credible evidence which is available, to the existence or absence of corroboration as to important allegations, as well as to the inferences which may properly be drawn from the existence or absence of affirmative facts. This assessment should include an examination of basic documents, such as contracts, investigation reports, if available, and correspondence. Suspension is for the purpose of protecting the interest of CCC and not for punishment. A suspension may be modified whenever it is determined to be in the interest of CCC to do so.

(b) An authorized official may, upon probable cause for belief that one or more of the causes for debarment specified in § 1407.5 exist, suspend any person on written notice and without hearing for periods not longer than those specified in this section. Such notice shall be sent to the suspended person and to all other individuals or business entities who are to be suspended because their policies or business practices are decided or materially influenced by the suspended person. The notice shall state the grounds for the suspension, without disclosing the evidence, and shall specify the suspension period.

(c) All suspensions shall be for a temporary period of not more than 1 year except as otherwise specified in this part. If civil or criminal action has not been initiated by the Department of Justice within 12 months from the date of the notice of suspension, the suspension shall be terminated unless the Attorney General, or his designee, requests continuance of the suspension. If such a request is received, the suspension may be continued for an additional 6 months. A suspension shall not continue beyond 18 months unless civil or criminal action involving the fact situation upon which the suspension action was taken has been initiated within that period. Whenever such legal action has been initiated, the suspension may continue until the legal proceedings are completed.

(d) The termination or extension of a suspension shall not prejudice any debarment action which may be or may have been taken.

§ 1407.5 Causes for debarment.

Any authorized official may debar a person whenever he determines, in the manner specified in this part, that one or more of the following causes for debarment exists:

(a) The person has been convicted of a criminal offense involving CCC or has been adjudged liable to the United States by a court of competent jurisdiction under the civil False Claims Statute (31 U.S.C. 231), or other Federal statute, in connection with a CCC program.

(b) The person has been debarred or otherwise forbidden from contracting with or participating in contracts or programs administered or financed by another agency of the U.S. Government.

(c) The person has failed to perform obligations or carry out representations or warranties to CCC, or has made misrepresentations to CCC, under circumstances considered to be of such a serious and compelling nature as to justify debarment.

(d) The person has committed other acts of misconduct, including but not limited to fraudulent activities, showing such a serious lack of business integrity or business honesty as to warrant debarment.

§ 1407.6 Suspension pending debarment, notice of proposed debarment, decision of authorized official and right to hearing.

(a) Debarment proceedings may be instituted by any authorized official without prior suspension action having been taken or while a period of suspension is in effect. In either event, the notice of proposed debarment may provide for a period of suspension or a continuation of any period of suspension which may be in effect. Any such suspension shall continue until completion of the debarment proceedings including such time as may be required for an appeal to the Board of Contract Appeals: *Provided, however*, That any such suspension shall not exceed a period of 120 days from the date of the notice of proposed debarment or 120 days after the expiration of any period of suspension imposed under the provisions of § 1407.4, whichever period expires last: *And provided further*, That any such period of suspension shall be increased by the period of any extension granted the appellant, on his request, for prosecution of his appeal.

(b) Debarment proceedings shall be instituted by any authorized official by sending a notice of proposed debarment to the person concerned and to all other individuals or business entities who are to be debarred because their policies or business practices are decided or materially influenced by him, at the last known address of each such person, by certified mail, return receipt requested. Such notice shall set forth:

(1) The name of the person debarred together with the names of all other individuals or business entities who are to be debarred because their policies are decided or materially influenced by him;

(2) One or more of the causes for debarment specified in this part;

(3) A brief statement of facts showing the basis for the belief that one or more of the causes for debarment specified in this part exist; and

(4) A statement that all persons included in the debarment may, within the period stated in the notice, present information for consideration in their behalf.

(c) If no response is received from any such persons within the time limit specified in the notice or any written extension thereof, the issue of debarment shall be determined by the authorized official upon the basis of such information as may be available to him bearing upon the causes for debarment specified in the notice. If such persons, in response to the notice of proposed debarment, submit information for consideration on their behalf, such information, together with such other data as may be available to the authorized official, shall be considered by him in making his determination on the issue of debarment.

(d) Each such person shall be notified of the decision of the authorized official, of the findings of fact on which it is based, and of any period of debarment, by certified mail, return receipt requested, addressed to his last known address. If such person is debarred, such notice shall also advise him that he may appeal the debarment action to the Board of Contract Appeals within 30 days after the date he receives the notice. Any such appeal shall be subject to the rules of the Board of Contract Appeals (Part 2400 of this title). If appealed the debarment shall be deferred pending decision of the Board of Contract Appeals, but such person may be suspended or continued in a suspended status until final decision, as provided in this § 1407.6. On determination of the appeal by the Board of Contract Appeals, the appellant shall be notified by certified mail, return receipt requested, addressed to his last known address, of the Board's decision and of any period of debarment determined by the Board. The decision of the Board on the issue and period of debarment shall be final and conclusive, unless determined by a court of competent jurisdiction to be fraudulent, arbitrary, capricious, or so grossly erroneous as to imply bad faith or not supported by substantial evidence. If no appeal is filed with the Board of Contract Appeals, the decision of the authorized official on the issue and period of debarment shall have a like degree of finality.

§ 1407.7 Period of debarment.

All debarments shall be for a period commensurate with the gravity of the cause therof. As a general rule, periods of debarment in excess of 3 years will not be imposed but such policy shall not preclude the impositions of longer periods of debarment in flagrant cases. If debarment is preceded by suspension, consideration may be given to such period of suspension in determining the period of debarment. At any time during the period of debarment, the debarment may be removed or otherwise modified if it is determined by the Executive Vice President, Vice President, or Deputy Vice President that such action is warranted. Nothing in this § 1407.7 shall preclude the institution of new debarment proceedings during the pendency of an existing debarment or following its termination: *Provided*, That such new debarment proceedings shall be based upon facts and circumstances other than those underlying the original debarment.

§ 1407.8 Restrictions on suspended and debarred persons.

Persons who are suspended or debarred under this part shall be subject to all of the following restrictions except to the extent that the notice of suspension or debarment otherwise specifically provides:

(a) No suspended or debarred person may contract with CCC or participate in any manner in any programs administered or financed by CCC: *Provided*, That current contracts with or other firm commitments of CCC to such persons shall be continued in effect notwithstanding the suspension or debarment unless such suspension or debarment specifies in writing that such contracts or commitments shall also be subject to such suspension and debarment action. However, any warehouse facilities operated by any suspended or debarred person may be removed from the lists maintained by CCC of warehouses approved for price support program purposes.

(b) No offers or proposals shall be solicited from suspended or debarred persons and if submitted by such persons shall not be considered in making awards.

(c) If a suspended or debarred person is proposed as a subcontractor, supplier, or agent the contracting officer shall decline to consent to the use of such person as a subcontractor, supplier, or agent. If CCC gives written notice to a person participating in a program administered or financed by CCC of the identity of a suspended or debarred person, such participant shall not use such suspended or debarred person as a subcontractor, supplier, agent, or employee in connection with such participant's performance under such program.

(d) Funds due or to become due any suspended or debarred person may be withheld in whole or in part in accordance with the Setoff, Withholding, and Stop Payment Policies of CCC (Part 1408 of this subchapter).

(e) Any or all of the restrictions for which provision is made under this § 1407.8 may be waived in whole or in part on written determination by the Executive Vice President, Vice President, or Deputy Vice President that such waiver of the restriction or restrictions involved is essential to carrying out the functions and responsibilities of CCC and is otherwise in the public interest. Any such waiver shall be effective only with respect to the transactions or categories of transactions specified therein.

§ 1407.9 Miscellaneous.

(a) The Executive Vice President, Vice President, or Deputy Vice President may delegate to such other employees of the Department, as he deems appropriate, authority to carry out the provisions of this part and all such persons to whom such authority has been delegated shall be deemed authorized officials within the meaning of this part.

(b) The issuance of this revised part shall not affect any suspensions and debarments imposed under the CCC suspension and debarment regulations heretofore in effect (29 F.R. 10495; 31 F.R. 4950).

Effective date: Date of publication.

Signed at Washington, D.C., on July 23, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

Approved: July 28, 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-9131; Filed, Aug. 4, 1969; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 23,077]

PART 545—OPERATIONS

PART 556—STATEMENTS OF POLICY

Amendments Relating to Applications for Branch Offices

JULY 25, 1969.

Resolved that, notice and public procedure having been duly afforded (34 F.R. 8973) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend §§ 545.14 and 556.5 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14, 556.5) for the purpose of permitting the consideration and processing of applications for the establishment of branch offices, without regard to the eligibility requirements contained in subparagraphs (2) and (4) of paragraph (b) of § 545.14, with respect to particular applications for branches to serve low income, innercity areas which are inadequately served by existing savings and loan facilities. Accordingly, said §§ 545.14 and 556.5 are hereby amended as follows, effective July 31, 1969:

1. Paragraph (b) of § 545.14 is amended by changing the period at the end of subparagraph (6) thereof to a semicolon and by adding immediately thereafter a new proviso, to read as follows:

§ 545.14 Branch Office.

* * * * *

(b) *Eligibility.* * * *

(c) * * * *Provided, however,* That the Board may, with respect to a particular application, determine to consider and process that application without regard to the eligibility requirements contained in subparagraphs (2) and (4) of this paragraph.

* * * * *

2. Section 556.5 is amended by adding a new paragraph (d) at the end thereof, to read as follows:

§ 556.5 Establishment of branch offices and mobile facilities.

* * * * *

(d) As a general policy under § 545.14 (b), the Board will not consider or process any application by a Federal association for permission to establish a branch office unless the applicant association meets all of the eligibility requirements contained in subparagraphs (1) through (6) of § 545.14(b). However, under the proviso to paragraph (b) of § 545.14, the Board may, in its discretion, permit the consideration and processing of particular branch applications even if the applicant association fails to meet the eligibility requirements contained in subparagraphs (2) and (4) of § 545.14 (b). It is the intention of the Board to permit this special treatment only in connection with applications for branches to serve low income, innercity areas which are inadequately served by existing savings and loan facilities.

Applicant associations wishing such special treatment with respect to a particular application must furnish the Supervisory Agent with detail information demonstrating that the application (or a prior branch application, if it is still pending or if less than 12 months have expired from the date of publication of notice thereof and the branch is not yet opened) is for a branch office (1) to be located within an area characterized by substandard family incomes, chronically high unemployment, a high percentage of welfare recipients, and substandard housing, and (2) to fulfill the objectives of facilitating the granting of loans in such area, particularly for construction or rehabilitation of housing, stimulating thrift and providing financial guidance among low-income residents of such area, and providing opportunities for employment or job training for residents of such area. If the Supervisory Agent is satisfied that the above criteria for special treatment of the application have been met, he may determine that the association is eligible under § 545.14(g), and the application may be processed as provided therein.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-9165; Filed, Aug. 4, 1969; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SULFAMETHAZINE; WITHDRAWAL TIME

No comments were received in response to the notice published in the FEDERAL REGISTER of June 5, 1969 (34 F.R. 8973), proposing that the food additive regulation providing for use of sulfamethazine in the treatment of food-producing animals be amended to change the withdrawal time for a sustained-release bolus from 15 to 21 days.

Accordingly, the Commissioner of Food and Drugs concludes that the proposed amendment should be adopted. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1786; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120):

Section 121.293 *Sulfamethazine* is amended in item 1 of the table by changing under "Limitations" the number "15" to "21" so that the statement reads "do not slaughter for food within 21 days of treatment;".

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: July 29, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9116; Filed, Aug. 4, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-EA-85]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Areas

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Portland, Maine, control zone (34 F.R. 4616) and transition area (34 F.R. 4748); Waterville, Maine (34 F.R. 4782), Newport, Vt. (34 F.R. 4735), and Red Hook, N.Y. (34 F.R. 4753) transition areas.

The alterations occur because of name changes of the airports upon which the zone or areas are predicated. Since these amendments are editorial in nature and impose no additional burden, notice and public procedure thereon are unnecessary and the amendments may be made effective in less than 30 days.

The Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of Portland, Maine, Waterville, Maine, Newport, Vt., and Red Hook, N.Y., the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Portland, Maine, control zone, the name "Portland Municipal Airport" and insert in lieu thereof "Portland International Jetport".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to:

(a) Delete in the description of the Portland, Maine, transition area the name "Portland Municipal Airport" and insert in lieu thereof the name "Portland International Jetport"; and

(b) Delete in the description of the Waterville, Maine, transition area, the name "Robert LaFleur Airport" and insert in lieu thereof "Waterville Robert LaFleur Airport"; and

(c) Delete in the description of the Newport, Vt., transition area the name "Newport Airport" and insert in lieu thereof "Newport State Airport"; and

(d) Delete in the description of the Red Hook, N.Y., transition area the name "Skypark Airport" and insert in lieu thereof "Stark-Tator Skypark".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655 (c))

Issued in Jamaica, N.Y., on July 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-9123; Filed, Aug. 4, 1969; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9722; Amdt. 660]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Lexington VOR	LE LOM	Direct	2600	T–dn	300–1	300–1	200–½
Richmond Int	LE LOM	Direct	2500	C–dn	400–1	500–1	500–1½
Keene Int	LE LOM (final)	Direct	2000	S–dn–4	400–1	400–1	400–1
McAfee Int	LE LOM	Direct	2500	A–dn	800–2	800–2	800–2
Chaplin Int	Keene Int	Via R 264°, LEX VOR.	2500				

Procedure turn W side of crs, 222° Outbnd, 042° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 042°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing LE LOM, climb to 2800′ on crs 042° to the Fayette Int., hold N, 1-minute right turns, 222° Inbnd, or when directed by ATC, climb to 2600′ via R 303° of LEX VORTAC to Bridgeport Int; hold W on R 060° LOU VORTAC, 1 minute, right turns, 060° Inbnd.
MSA within 25 miles of facility: 000°–180°—3000′; 180°–270°—2500′; 270°–360°—2300′.

City, Lexington; State, Ky.; Airport name, Blue Grass; Elev., 978′; Fac. Class., HW; Ident., LE; Procedure No. NDB (ADF) Runway 4, Amdt. 6; Eff. date, 21 Aug. 69; Sup. Amdt. No. 5; Dated, 15 Aug. 68

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Berlin, N.H.—Berlin Municipal, NDB (ADF)–1, Amdt. 5, 28 Jan. 1967 (established under Subpart C).
Evansville, Ind.—Dress Memorial, NDB (ADF) Runway 21, Amdt. 4, 24 Feb. 1968 (established under Subpart C).
Fargo, N. Dak.—Hector, NDB (ADF) Runway 17, Amdt. 3, 16 Sept. 1967 (established under Subpart C).
Fargo, N. Dak.—Hector, NDB (ADF) Runway 35, Amdt. 18, 12 Aug. 1967 (established under Subpart C).
Marshfield, Wis.—Marshfield Municipal, NDB (ADF) Runway 5, Amdt. 1, 20 May 1967 (established under Subpart C).
Spencer, Iowa—Spencer Municipal, ADF 1, Amdt. 1, 4 Dec. 1965 (established under Subpart C).
Berlin, N.H.—Berlin Municipal, VOR–1, Orig., 28 Jan. 1967 (established under Subpart C).
Dublin, Ga.—Dublin Municipal, VOR–1, Amdt. 1, 14 May 1966 (established under Subpart C).
Evansville, Ind.—Dress Memorial, VOR–1, Amdt. 3, 24 Feb. 1968 (established under Subpart C).
Fargo, N. Dak.—Hector, VOR Runway 35, Amdt. 3, 12 Aug. 1967 (established under Subpart C).
Greenville, Miss.—Municipal, VOR 1, Amdt. 1, 18 Aug. 1966 (established under Subpart C).
Lafayette, La.—Purdue University, VOR 1, Amdt. 11, 30 Jan. 1965 (established under Subpart C).
Shelbyville, Ind.—Shelbyville Municipal, VOR Runway 18, Orig., 29 Feb. 1968 (established under Subpart C).

3. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

West Lafayette, Ind.—Purdue University, ADF 2, Orig., effective 1 Aug. 1964, canceled, effective 21 Aug. 1969.
Auburn, Ala.—Auburn-Opelika, VOR 1, Amdt. 3, effective 6 Nov. 1965, canceled, effective 21 Aug. 1969.
Lafayette, Ind.—Purdue University, VOR 2, Amdt. 9, effective 24 July 1965, canceled, effective 21 Aug. 1969.

4. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Eufaula, Ala.—Weedon Field, TerVOR–18, Orig., 23 June 1966 (established under Subpart C).

5. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
LEX VOR	LE LOM	Direct	3500	T–dn	300–1	300–1	300–1½
McAfee Int	LE LOM	Direct	2500	C–dn	400–1	500–1	500–1½
Richmond Int	LE LOM	Direct	2600	S–dn–4	400–1	400–1	400–1
Chaplin Int	Keene Int	Via R 264°, LEX VOR.	2500	A–dn	800–2	800–2	800–2
Keene Int	LE LOM (final)	Direct	2000				

Procedure turn W side of crs, 222° Outbnd, 042° Inbnd, 3000′ within 10 miles.
Minimum altitude over LOM on final approach crs, 2000′.
Crs and distance, LOM to airport, 042°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2800′ on crs, 042° to the Fayette Int. Hold N, 1-minute right turns, 222° Inbnd or when directed by ATC climb to 2600′ via R 303° of LEX VORTAC to Bridgeport Int. Hold W on R 080° LOU VORTAC, 1 minute, right turns, 080° Inbnd.
*400–¾ (RVR 4000′) authorized with operative high-intensity runway lights except for 4-engine turbojet aircraft.
eRVR 2400′ authorized Runway 4.
MSA within 25 miles of LOM: 000°–180°—3000′; 180°–270°—2500′; 270°–360°—2300′.

City, Lexington; State, Ky.; Airport name, Blue Grass; Elev., 978′; Fac. Class., ILS; Ident., I-LEX; Procedure No. LOC Runway 4, Amdt. 8; Eff. date, 21 Aug. 69; Sup. Amdt. No. ILS Runway 4, Amdt. 7; Dated, 15 Aug. 68

6. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Evansville, Ind.—Dress Memorial, ILS Runway 21, Amdt. 12, 24 Feb. 1968 (established under Subpart C).

Fargo, N. Dak.—Hector, LOC (BC) Runway 17, Amdt. 2, 16 Sept. 1967 (established under Subpart C).

Fargo, N. Dak.—Hector, ILS Runway 35, Amdt. 19, 12 Aug. 1967 (established under Subpart C).

7. By amending § 97.17 of Subpart B to cancel instrument landing system (ILS) procedures as follows:

West Lafayette, Ind.—Purdue University, ILS–10, Orig., effective 1 Aug. 1964, canceled, effective 21 Aug. 1969.

8. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
CSG VOR	Mary Int	R 269°	2300	MAP: 5 miles after passing Frances Int. Climbing left turn to 2500′ proceed to CSG VOR via R 269° and hold. Supplementary charting information: Hold E, 1 minute, right turns, 265° Inbnd. Final approach crs to runway threshold. LRCO, 122.1 MGM radio.

Procedure turn not authorized. Approach crs (profile) starts at Mary Int.
FAF, Frances Int. Final approach crs, 269°. Distance FAF to MAP, 5 miles.
Minimum altitude over Mary Int, 2300′; over Frances Int, 2300′.
MSA: 000°–090°—3500′; 090°–180°—3300′; 180°–360°—2200′.
NOTES: (1) Use Columbus, Ga., altimeter setting. (2) No weather reporting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–28	1420	1	644	1420	1¼	644	1420	1½	644	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1420	1	644	1420	1¼	644	1420	1½	644	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Auburn; State, Ala.; Airport name, Auburn-Opelika; Elev., 776′; Facility, CSG; Procedure No. VOR Runway 28, Amdt. Orig.; Eff. date, 21 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Whitefield NDB	Berlin VOR	Direct	6500	MAP: 3.2 miles after passing BML VOR, or over BML NDB. Make right-climbing turn to BML VOR, cross VOR not less than 3000′ climbing to *5000′ in holding pattern. Supplementary charting information: Hold N of BML VOR, 1 minute, left turns, 192° Inbnd.

Procedure turn E side of crs, 012° Outbnd, 192° Inbnd, 4400′ within 10 miles of BML VOR.
FAF, BML VOR. Final approach crs, 192°. Distance FAF to MAP, 3.2 miles.
Minimum altitude over BML VOR, 3300′.
MSA: 000°–090°—4800′; 090°–180°—5200′; 180°–270°—7400′; 270°–360°—5200′.
NOTES: (1) Use Montpelier, Vt., altimeter setting. (2) Approach from a holding pattern not authorized. Procedure turn required. (3) IFR departure: Over airport on a southbound heading at 2200′ or above, make right-climbing turn to BML VOR, cross VOR not less than 3000′; climb in holding pattern to MSA or airway MEA.
*Minimum communications altitude, Boston ARTCC or Augusta FSS, 5000′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	2000	2¼	1742	2000	3	1742	2000	3	1472	NA
A	Not authorized.		T 2-eng. or less—1000–1¼.				T over 2-eng.—1000–1½.			

City, Berlin; State, N.H.; Airport name, Berlin Municipal; Elev., 1158′; Facility, BML; Procedure No. VOR Runway 18, Amdt. 1; Eff. date, 21 Aug. 69; Sup. Amdt. No. VOR–1, Orig.; Dated, 28 Jan. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
VNA VOR	DBN VOR (NOPT)	Direct	2500	MAP: 7.8 miles after passing DBN VOR. Climb to 2500′, turn left, proceed to DBN VOR via R 069° and hold. Supplementary charting information: Hold SW, 1 minute, right turns, 069° Inbnd. Final approach crs to center of landing area. 3200′ of lights available for night operations on Runways 1–19. Runway 1 threshold displaced 980′ N. Runway 19 threshold displaced 820′ S.

Procedure turn S side of crs, 249° Outbnd, 069° Inbnd, 2500′ within 10 miles of DBN VOR.
FAF, DBN VOR. Final approach crs, 069°. Distance FAF to MAP, 7.8 miles.
Minimum altitude over DBN VOR, 2500′.
MSA: 000°–090°—1900′; 090°–180°—1800′; 180°–360°—2600′.
NOTES: (1) Use Macon, Ga., APC altimeter setting. (2) No weather reporting. (3) Night operation not authorized on Runways 14–32/8–26.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	920	1	610	920	1	610	920	1¼	610	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Dublin; State, Ga.; Airport name, Dublin Municipal; Elev., 310′; Facility, DBN; Procedure No. VOR–1, Amdt. 2; Eff. date, 21 Aug. 69; Sup. Amdt. No. VOR 1, Amdt. 1 Dated, 14 May 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5.9 miles after passing TVE VOR.
				Climbing right turn to 3000', direct to TVE VORTAC and hold. Supplementary charting information: Hold S, 1 minute, right turns, inbnd crs 020°.

Procedure turn E side of crs, 200° Outbnd, 020° Inbnd, 3000' within 10 miles of TVE VORTAC.
FAF, TVE VORTAC. Final approach crs, 020°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over TVE VORTAC, 2300'; over Smithfield Int., 1880'.
MSA: 000°–270°—3100', 270°–360°—3500'.
NOTE: Use Allentown altimeter setting.
Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C VIS	D VIS
C#	1560	1¼	1082	1560	1¼	1082	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, East Stroudsburg; State, Pa.; Airport name, Stroudsburg Pocono; Elev., 478'; Facility, TVE; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 21 Aug. 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: EUF VOR.
				Climb to 2000', right turn, proceed to EUF VOR via R 256° and hold. Supplementary charting information: Hold W, 1 minute, right turns, 076° Inbnd. Final approach crs intercepts runway centerline 3000' from threshold. LRCO, 122.1–123.6.

Procedure turn W side of crs, 012° Outbnd, 192° Inbnd, 2000' within 10 miles of EUF VOR.
Final approach crs, 192°.
MSA: 000°–090°—2100', 090°–180°—1700', 180°–270°—2500', 270°–360°—1800'.
NOTES: (1) Use Lawson AAF altimeter setting. (2) No weather reporting.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C VIS	D VIS
S–18	1000	1	725	1000	1	725	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1000	1	725	1000	1	725	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Eufaula; State, Ala.; Airport name, Weedon Field; Elev., 275'; Facility, EUF; Procedure No. VOR Runway 18, Amdt. 1; Eff. date, 21 Aug. 69; Sup. Amdt. No. TerVOR-18, Orig.; Dated, 23 June 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 12.4 miles after passing EVV VORTAC.
R 141°, EVV VORTAC CW	R 237°, EVV VORTAC (NOPT)	8-mile Arc	2100	Right-climbing turn to 2500' and proceed direct to EVV VORTAC or when directed by ATC, climb to 2200' and proceed direct to EV LOM. Supplementary charting information: 619' water tank, 1.3 miles W of airport. 489' trees 1000' from Runway 21 threshold and 815' NW of runway centerline. 1471' tower, 7.5 miles E. Runway 3, TDZ elevation, 418'.
R 308°, EVV VORTAC CCW	R 237°, EVV VORTAC (NOPT)	8-mile Arc	2100	
Ridgeway Int	EVV VORTAC (NOPT)	Direct	2100	
Weston Int	EVV VORTAC (NOPT)	Direct	2100	

Procedure turn S side of crs, 237° Outbnd, 057° Inbnd, 2100' within 10 miles of EVV VORTAC.
FAF, EVV VORTAC. Final approach crs, 057°. Distance FAF to MAP, 12.4 miles.
Minimum altitude over EVV VORTAC, 2100'; over 10-mile DME Fix, 1520'.
MSA: 000°–180°—2500'; 180°–360°—1900'.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D MDA	D VIS	D HAA
C	1520	1	1102	1520	1	1102	1520	1½	1102	1520	2	1102
	VOR/DME Minimums:											
	MDA	VIS	HAA	MDA	VIS	HAA	MVA	VIS	HAA	MDA	VIS	HAA
C	920	1	502	920	1	502	920	1½	502	980	2	562
A	1500–2.		T 2-eng. or less—Runways 9, 27, 300–1; Standard all others.				T over 2-eng.—Runways 9, 27, 300–1; Standard all others.					

City, Evansville; State, Ind.; Airport name, Dress Memorial; Elev., 418'; Facility, EVV; Procedure No. VOR Runway 3, Amdt. 4; Eff. date, 21 Aug. 69; Sup. Amdt. No. VOR–1, Amdt. 3; Dated, 24 Feb. 68

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 9.4 miles after passing FAR VORTAC.
R 310°, FAR VORTAC CCW	R 180°, FAR VORTAC	7-mile Arc	2500	Climb to 2500' on R 360° within 10 miles; return to VORTAC. When directed by ATC, make left-climbing turn to 2800' on R 285° within 10 miles of VORTAC, return to VORTAC. Supplementary charting information: Runway 35, TDZ elevation, 897'.
R 030°, FAR VORTAC CW	R 180°, FAR VORTAC	7-mile Arc	2500	
7-mile Arc, R 180°	FAR VORTAC (NOPT)	FAR R 180°	2500	

Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2500' within 10 miles of FAR VORTAC.
FAF, FAR VORTAC. Final approach crs, 360°. Distance FAF to MAP, 9.4 miles.
Minimum altitude over FAR VORTAC, 2600'; over 6-mile DME Fix, 1600'.
MSA: 045°–135°—3000'; 135°–225°—2300'; 225°–045°—3200'.
NOTE: Inoperative component table does not apply to ALS or HIRL Runway 35 when using minimums without DME Fix.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S–35	1600	RVR 50	703	1600	RVR 50	703	1600	RVR 60	703	1600	1½	703
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1600	1	700	1600	1	700	1600	1½	700	1600	2	700
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–35	1340	RVR 24	443	1340	RVR 24	443	1340	RVR 24	443	1340	RVR 50	443
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1380	1	480	1380	1	480	1380	1½	480	1440	2	500
A	Standard.		T 2-eng. or less—RVR 24', Runway 35; Standard all other runways.				T over 2-eng.—RVR 24', Runway 35; Standard all other runways.					

City, Fargo; State, N. Dak.; Airport name, Hector; Elev., 900'; Facility, FAR; Procedure No. VOR Runway 35, Amdt. 4; Eff. date, 21 Aug. 69; Sup. Amdt. No. 3; Dated, 12 Aug. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 1.8 miles after passing GLH VOR.
				Climbing left turn to 1700' to GLH VOR and hold.
				Supplementary charting information: Hold N, 1 minute, right turns, 172° Inbnd.
				Chart airport beacon on tank, 282° on airport.
				LRCO, 122.1 R, 123.6 (GRW FSS).
				Runway 17L, TDZ elevation, 128'.

Procedure turn W side of crs, 352° Outbnd, 172° Inbnd, 1700' within 10 miles of GLH VOR.
FAF, GLH VOR. Final approach crs, 172°, Distance FAF to MAP, 1.8 miles.
Minimum altitude over GLH VOR, 800'.
MSA: 000°-090°—1600'; 090°-180°—2300'; 180°-270°—1600'; 270°-360°—1700'.
NOTE: Use Greenwood altimeter setting when control zone not effective and increase MDA 200' except operators with approved weather reporting service.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-17L	400	1	272	400	1	272	400	1	272	400	1	272
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	600	1	469	600	1	469	600	1¼	469	700	2	569
A	Standard.*			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Greenville; State, Miss.; Airport name, Municipal, Elev., 131'; Facility, GLH; Procedure No. VOR Runway 17L, Amdt. 2; Eff. date, 21 Aug. 69; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 18 Aug. 66

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 6.6 miles after passing Battle Int/7-mile DME Fix.
R 337°, LAF VORTAC CCW	R 323°, LAF VORTAC (NOPT)	7-mile Arc	2400	Right climbing turn to 2400' and proceed direct to LAF VORTAC.
R 312°, LAF VORTAC CW	R 323°, LAF VORTAC (NOPT)	7-mile Arc	2400	
West Point Int	LAF VORTAC	Direct	2400	Supplementary charting information:
LAF VORTAC	Battle Int/7-mile DME Fix	R 143°, LAF VORTAC	1700	1320' tower 2.8 miles ESE of airport.
				877' tower 1 mile NE of airport.
				933' tower 2 miles N of airport.
				754' tower 1.3 miles S of airport.
				920' tower 4.5 miles NW of airport.

Procedure turn W side of crs, 323° Outbnd, 143° Inbnd, 2400' within 10 miles of LAF VORTAC.
FAF, Battle Int/7-mile DME Fix. Final approach crs, 143°. Distance FAF to MAP, 3.6 miles.
Minimum altitude over LAF VORTAC, 2400', over Battle Int/7-mile DME Fix, 1700'.
MSA: 000°-360°—2300'; (090°-360°—2400'.
NOTE: VOR/DME or VOR/ADF receivers required.
%IFR departure procedures: Runway 10, eastbound, climb to 1800' on heading 140°. Runway 5 departures eastbound, climb to 1800' on runway heading before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1180	1	575	1180	1	575	1180	1¼	575	1240	2	635
A	Standard.			T 2-eng. or less—Runway 5, 300-1; Standard all other runways.%			T over 2-eng.—Runway 5, 300-1; Standard all other runways.%					

City, Lafayette; State, Ind.; Airport name, Purdue University; Elev., 605'; Facility, LAF; Procedure No. VOR-1, Amdt. 12; Eff. date, 21 Aug. 69; Sup. Amdt. No. VOR 1, Amdt. 11; Dated, 30 Jan. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5 miles after passing Diane Int.
TYS VORTAC	Lee Int/15-mile DME Fix (NOPT)	TYS R 058°	4000	Climbing right turn to 4000' proceed to Lee Int via TYS VORTAC, R 058° and hold.
TYS VORTAC, R 352° CW	TYS VORTAC, R 058°	15-mile DME Arc	4000	
TYS VORTAC, R 100° CCW	TYS VORTAC, R 058°	15-mile DME Arc	4000	
Lee Int/15-mile DME Fix	Diane Int/25-mile DME Fix (NOPT)	TYS, R 058°	3000	Supplementary charting information: Hold NE, 1 minute, right turns 238° Inbnd.
				Final approach crs to runway threshold.
				Runway 5, TDZ elevation, 1299'.

Procedure turn not authorized. Approach crs (profile) starts at Lee Int.
FAF, Diane Int. Final approach crs, 058°. Distance FAF to MAP, 5 miles.
Minimum altitude over Lee Int/15-mile DME Fix, 4000'; over Diane Int/25-mile DME Fix, 3000'.
MSA: 000°-090°—5700'; 090°-180°—8700'; 180°-270°—6100'; 270°-360°—5600'.
NOTES: (1) Radar vectoring. (2) Use Knoxville, Tenn., APC altimeter setting. (3) No weather reporting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-5	1960	1	661	1960	1¼	661	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	2120	1	821	2120	1¼	821	NA	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Not authorized.	

City, Morristown; State, Tenn.; Airport name, Moore-Murrell; Elev., 1299'; Facility, TYS; Procedure No. VOR Runway 5, Amdt. Orig.; Eff. date, 21 Aug. 69

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4.9 miles after passing AUW VORTAC.
AUW VORTAC, R 271° CW	AUW VORTAC, R 037°	7-mile Arc	3500	Climb to 3000' on R 217° within 10 miles, make left turn; return to VORTAC.
AUW VORTAC, R 171° CCW	AUW VORTAC, R 037°	7-mile Arc	3000	
7-mile Arc	AUW VORTAC (NOPT)	AUW VORTAC, R 037°	2700	Supplementary charting information: Final approach crs to airport reference point 44°46'38"/89°40'00".

Procedure turn E side of crs, 037° Outbnd, 217° Inbnd, 3000' within 10 miles of AUW VORTAC.
FAF, AUW VORTAC. Final approach crs, 217°. Distance FAF to MAP, 4.9 miles.
Minimum altitude over AUW VORTAC, 2700'.
MSA: 000°-090°—2600'; 090°-180°—2600'; 180°-360°—3600'.
NOTES: (1) Use Wausau altimeter setting except for operators with approved weather reporting service. (2) Operators with approved weather reporting service may reduce all MDA's by 20'.
*Standard alternate minimums for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1700	1	427	1760	1	487	1760	1¼	487	1860	2	587
A	Not authorized.*			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Mosinee; State, Wis.; Airport name, Central Wisconsin; Elev., 1273'; Facility, AUW; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 21 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing SHB VOR.
			Climbing right turn to 2400' direct to SHB VOR.
			Supplementary charting information: 1130' tower 1.7 miles SE of airport. Runway 18, TDZ elevation, 804'.

Procedure turn E side of crs, 339° Outbnd, 159° Inbnd, 2400' within 10 miles of SHB VOR.
FAF, SHB VOR. Final approach crs, 159°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over SHB VOR, 1900'.
MSA: 000°-180°—2400', 180°-360°—3100'.
NOTE: (1) Radar vectoring. (2) Use Indianapolis altimeter setting. (3) Final approach from holding pattern at VOR not authorized, procedure turn required.
CAUTION: 1130' tower 1.7 miles SE of airport.
%IFR departure procedures: Runways 9 and 18, maintain runway heading to 1600' before proceeding on crs.
*Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-18°	1240	1	436	1240	1	436	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C*	1300	1	496	1300	1	496	NA	NA
A	Not authorized.		T 2-eng. or less—300-1 all runways. %				T over 2-eng.—300-1 all runways. %	

City, Shelbyville; State, Ind.; Airport name, Shelbyville Municipal; Elev., 804'; Facility, SHB; Procedure No. VOR Runway 18, Amdt. 1; Eff. date, 21 Aug. 69; Sup. Amdt. No. Orig.; Dated, 29 Feb. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 13-mile DME Fix LEU VORTAC.
LEU VORTAC	9-mile DME Fix (NOPT)	Direct	2200	Make left-climbing turn to 2500' and return to LEU VORTAC.
				Supplementary charting information: Tower 1349', 6 miles SW LEU VORTAC.

Procedure turn not authorized. Approach crs (profile) starts at LEU VORTAC.
Final approach crs, 222°.
Minimum altitude over LEU VORTAC, 2200', over 9-mile DME Fix, 2200'.
NOTE: Use Terre Haute altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1020	1	479	1020	1	479	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Sullivan; State, Ind.; Airport name, Sullivan County; Elev., 541'; Facility, LEU; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 21 Aug. 69

9. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.6 miles after passing BTR VORTAC.
Tate DME Fix	BTR VORTAC (NOPT)	Direct	1600	Climb to 1600', left turn to Clinton Int via BTR R 041° or, when directed by ATC, climb to 1600', right turn to Walker Int via BTR R 080°.
				Supplementary charting information: Runway 4, TDZ elevation, 70'.

Procedure turn S side of crs, 245° Outbnd, 065° Inbnd, 1600' within 10 miles of BTR VORTAC.
FAF, BTR VORTAC. Final approach crs, 065°. Distance FAF to MAP, 7.6 miles.
Minimum altitude over BTR VORTAC, 1600'; over 5.8-mile DME Stepdown Fix, 740'.
MSA: 100°-190°—2800', 190°-100°—1600'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-04	740	1	670	740	1	670	740	1¼	670	740	1½	670
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	740	1	670	740	1	670	740	1½	670	740	2	670
	DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-04	520	1	450	520	1	450	520	1	450	520	1	450
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	490	560	1	490	560	1½	490	620	2	550
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Baton Rouge; State, La.; Airport name, Ryan; Elev., 70'; Facility, BTR; Procedure No. VOR Runway 4, Amdt. 9; Eff. date, 21 Aug. 69; Sup. Amdt. No. 8; Dated, 26 Sept. 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.3 miles after passing DDC VORTAC.
R 073°, DDC VORTAC CCW	R 330°, DDC VORTAC (NOPT)	7-mile Arc	4100	Make left turn, climb to 4100', return to DDC VORTAC.
R 266°, DDC VORTAC CW	R 330°, DDC VORTAC (NOPT)	7-mile Arc	4100	Supplementary charting information: Runway 14, TDZ elevation, 2583'.

Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 4100' within 10 miles of DDC VORTAC.
FAF, DDC VORTAC. Final approach crs, 150°. Distance FAF to MAP, 5.3 miles.
Minimum altitude over DDC VORTAC, 4100'.
MSA within 25 miles of facility: 000°-090°—3600'; 090°-180°—4000'; 180°-270°—4500'; 270°-360°—4100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-14	2860	1	277	2860	1	277	2860	1	277	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	3020	1	426	3060	1	466	3060	1¼	466	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Dodge City; State, Kans.; Airport name, Dodge City Municipal; Elev., 2594'; Facility, DDC; Procedure No. VOR Runway 14, Amdt. 11; Eff. date, 21 Aug. 69; Sup. Amdt. No. 10; Dated, 3 Oct. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LAX VOR.
R 170°, LAX VOR CW	R 251°, LAX VOR	10-mile Arc LAX, R 239° lead radial.	2000	Climb to 2000′ via LAX R 008° to Firestone Int.
R 046°, LAX VOR CCW	R 292°, LAX VOR	10-mile Arc	4200	Supplementary charting information.
R 292°, LAX VOR CCW	R 251°, LAX VOR	10-mile Arc LAX, R 263° lead radial.	2000	LAX VOR 4000′ W of runways. Runway 7L, TDZ elevation, 125′. Runway 7R, TDZ elevation, 124′.
LAX R 251°/10 DME Fix	Del Rey VHF/DME Fix (NOPT)	Direct	1300	
LAX VOR	Del Rey VHF/DME Fix	Direct	2000	Bearing and distance from LAX VOR to Runway 7L, 061°—0.66 mile; Runway 7R, 071°—0.66 mile.

Procedure turn S side of crs, 251° Outbnd, 071° Inbnd, 2000′ within 10 miles of Del Rey Int.
Final approach crs, 071°.
Minimum altitude over Del Rey VHF/DME Fix, 1300′.
MSA: 075°-255°—2600′; 255°-345°—5100′; 345°-075°—7200′.
NOTE: (1) ASR/PAR. (2) Sliding scale not authorized.
%IFR departure procedures: Northbound (280° CW through 060°) Published SID's must be used or be radar vectored.
$Runways 6R, 7L/R, RVR 50′; Runways 24L, RVR 40′; Runways 25L/R, RVR 24′.
$$Runways 6R, 7L/R, 24L, 25L/R, RVR 24′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7L	560	RVR 40	435	560	RVR 40	435	560	RVR 40	435	560	RVR 50	435
S-7R	560	RVR 40	436	560	RVR 40	436	560	RVR 40	436	560	RVR 50	436
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1¼	514	680	2	554
A	Standard.			T 2-eng. or less—Runways 8/26, Standard.%$			T over 2-eng.—Runways 8/26, Standard.%$$					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126′; Facility, LAX; Procedure No. VOR Runway 7L/R, Amdt. 2; Eff. date, 21 Aug. 69; Sup. Amdt. No. 1; Dated, 6 Feb. 69

Terminal Routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Runway 25L and 25R, 5 miles after passing Freeway Int.
LAX VOR	Firestone Int	Direct	2500	Climb to 2000′ direct to LAX VOR, then via LAX R 246° within 15 miles.
Seal Beach VOR	Firestone Int	Direct	3000	
R 323°, LAX FOR CW	R 046°, LAX VOR	15-mile Arc	4300	Supplementary charting information:
R 046°, LAX VOR CW	Firestone Int	15-mile Arc LAX, R 060° lead radial.	2000	Chart 2.5-mile DME, R 066° at MAP.
R 123°, LAX VOR CCW	Firestone Int	15-mile Arc LAX, R 077° lead radial.	2000	Chart Downey NDB though not used in procedure.
Firestone Int	Freeway Int (NOPT)	Direct	2000	Final approach crs 350′ right of Runway 25L centerline and 350′ left of Runway 25R centerline at 3000′.
Bassett Int	Firestone Int	Direct	2500	Runway 25L/R TDZ elevation, 100′.

Procedure turn S side of crs, 066° Outbnd, 246° Inbnd, 2500′ within 10 miles of Freeway Int.
FAF, Freeway Int. Final approach crs, 246°. Distance FAF, to Map, 5 miles.
Minimum altitude over Freeway Int., 2000′; over Noel Int, 620.
MSA: 075°-255°—2600′; 255°-345°—5100′; 345°-075°—7200′.
NOTE: ASR/PAR.
%IFR departure procedures: Northbound (280° CW through 060°) Published SID's must be used or be radar vectored.
$Runways 6R, 7L/R, RVR 50′; Runway 24L, RVR 40′; Runways 25L/R, RVR 24′.
$$Runways 6R, 7L/R, 24L, 25L/R, RVR 24.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25 L/R	520	RVR 24	320	520	RVR 24	320	520	RVR 24	320	520	RVR 50	320
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1¼	514	680	2	554
Dual VOR or VOR/DME Minimums:												
S-25 L/R	520	RVR 24	420	520	RVR 24	420	520	RVR 24	420	520	RVR 50	420
A	Standard.			T 2-eng. or less—Runway 8/26, Standard. %$			T over 2-eng.—Runway 8/26, Standard.%$$					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126′; Facility, LAX; Procedure No. VOR Runway 25L/R, Amdt. 3; Eff. date, 21 Aug. 69; Sup. Amdt. No. 2; Dated, 3 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.4 miles after passing MAF VOR TAC.
Tarzan Int	MAF VORTAC	Direct	4600	Climb to 4600′ on R 150° within 20 miles. Supplementary charting information: Runway 16R, TDZ elevation, 2870′.
R 235°, MAF VORTAC CW	R 001°, MAF VORTAC	12-mile ARC MAF, R 351° lead radial.	4600	
R 117°, MAF VORTAC CCW	R 001°, MAF VORTAC	12-mile ARC MAF, R 011°, lead radial.	4600	
12-mile DME Arc	MAF VORTAC (NOPT)	R 181°	3900	

Procedure turn E side of crs, 001° Outbnd, 181° Inbnd, 4600′ within 10 miles of MAF VORTAC.
FAF, MAF VORTAC. Final approach crs, 181°. Distance FAF to MAP, 3.4 miles.
Minimum altitude over MAF VORTAC, 3900′.
MSA: 000°-180°—4300′; 180°-360°—5100′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16R	3180	1	310	3180	1	310	3180	1	310	3180	1	310
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	3320	1	450	3320	1	450	3320	1¼	450	3420	2	550
A	Standard.			T 2-eng- or less—Standard.			T over 2 eng.—Standard.					

City, Midland; State, Tex.; Airport name, Midland-Odessa Regional Air Terminal; Elev., 2870′; Facility, MAF; Procedure No. VOR Runway 16R, Amdt. 16; Eff. date, 21 Aug. 69; Sup. Amdt. No. 15; Dated, 13 June 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.8 miles after passing ARG VOR-TAC.
				Left-turn climb to 2000′ on R 015° within 20 miles.

Procedure turn S side of crs, 239° Outbnd, 059° Inbnd, 2000′ within 10 miles of ARG VOR.
FAF, ARG VORTAC. Final approach crs, 059°. Distance FAF to MAP, 1.8 miles.
Minimum altitude over ARG VORTAC, 1000′.
MSA: 000°-270°—1800′; 270°-360°—2300′.
When control zone not effective, the following limitations apply except for operators with approved weather reporting service: (1) Use Jonesboro, Ark., FSS altimeter setting. (2) Circling MDA increased 185′. (3) Alternate minimums not authorized.
* Night landing minimums authorized runways 17/35 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*#	660	1	385	740	1	465	740	1½	465	NA
A	Standard. #			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Walnut Ridge; State, Ark.; Airport name, Walnut Ridge Municipal; Elev., 275′; Facility, ARG; Procedure No. VOR-1, Amdt. 5; Eff. date, 21 Aug. 69; Sup. Amdt. No. VOR Runway 4, Amdt. 4; Dated, 20 June 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5-mile DME Fix MAF VORTAC.
R 301°, MAF VORTAC CCW	R 175°, MAF VORTAC	17-mile ARC MAF, R 182° lead radial.	4900	Climb to 4000' on R 335°, within 15 m iles of VORTAC.
R 047°, MAF VORTAC CW	R 175°, MAF VORTAC	17-mile ARC MAF, R 168° lead radial.	4900	Supplementary charting information: Runway 34L, TDZ elevation, 2848'.
MAF VORTAC	Odle DME Fix	Direct	4600	
17-mile DME Fix, R 175°	Odle DME Fix (NOPT)	R 175°	4400	

Procedure turn E side of crs, 175° Otbnd, 355° Inbnd, 4600' within 10 miles of Odle DME Fix.
Final approach crs, 355°.
Minimum altitude over Odle 10-mile DME Fix, 4400'; over 5.5-mile DME Fix, 3180'.
MSA: 000°-180°—4300'; 180°-360°—5100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34L	3180	1	332	3180	1	332	3180	1	332	3180	1	332
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	3320	1	450	3320	1	460	3320	1¼	450	3420	2	550
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Midland; State, Tex.; Airport name, Midland-Odessa Regional Air Terminal; Elev., 2870'; Facility, MAF; Procedure No. VOR/DME Runway 34L, Amdt. 3; Eff. date 21 Aug. 69; Sup. Amdt. No. 2; Dated, 13 June 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.9-mile DME Fix.
R 015°, ARG VORTAC CW	R 051°, ARG VORTAC (NOPT)	14-mile Arc ARG, R 041° lead radial.	2000	Climb to 2000' on ARG VORTAC, R 230° within 20 miles.
R 140°, ARG VORTAC CCW	R 051°, ARG VORTAC (NOPT)	14-mile Arc ARG, R 051° lead radial.	2000	
14-mile DME Fix, R 051° ARG VORTAC	6-mile DME Fix (NOPT)	R 051°	1800	

Procedure turn N side of crs, 051° Outbnd, 231° Inbnd, 2000' within 10 miles of 6-mile DME (Kean Int).
Final approach crs, 231°.
Minimum altitude over 6-mile DME (Kean Int), 1800'.
MSA: 000°-270°—1800'; 270°-360°—2300'.
#When control zone not effective, the following limitations apply except for operators with approved weather reporting service: (1) Use Jonesboro, Ark., FSS altimeter setting. (2) Circling and straight-in MDA increased 185'. (3) Alternate minimums not authorized.
*Night landing minimums authorized Runways 17/35 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-22*#	640	1	365	640	1	365	640	1	365	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*#	680	1	365	740	1	465	740	1¼	465	NA
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Walnut Ridge; State, Ark.; Airport name, Walnut Ridge Municipal; Elev., 275'; Facility, ARG; Procedure No. VOR/DME Runway 22, Amdt. 1; Eff. date, 21 Aug. 69; Sup. Amdt. No. Orig.; Dated, 20 June 68

10. By amending § 97.25 of Subpart C to establishd localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.6 miles after passing FAR NDB.
FAR VORTAC	FAR NDB	Direct	2500	Climb to 2300' on S crs of ILS within 10 miles; return to NDB.
FA LOM	FAR NDB	Direct	2500	Supplementary charting information.
R 178°, FAR VORTAC CW	R 340°, FAR VORTAC	22-mile Arc	3200	REIL Runway 17.
R 340°, FAR VORTAC CW	FAR LOC	22-mile Arc, R 349° lead radial.	2500	FA LOM Runway 35 named Buffalo.
R 116°, FAR VORTAC CCW	R 040°, FAR VORTAC	25-mile Arc	3000	Runway 17, TDZ elevation, 898'.
R 040°, FAR VORTAC CCW	R 358°, FAR VORTAC	25-mile Arc	2500	
25-mile DME Fix, R 358° FAR VORTAC	FAR LOC	216° crs, 2 miles	2500	
D.R. position FAR LOC	FAR NDB (NOPT)	LOC crs	2200	
22-mile Arc	FAR NDB (NOPT)	LOC crs	2200	
Pearl Int	FAR NDB	Direct	2800	
Glyndon Int	FAR NDB	Direct	2500	
Chaffee Int	FAR NDB	Direct	2500	

Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 2500' within 10 miles of FAR NDB.
FAF, FAR NDB. Final approach crs, 171°. Distance FAF to MAP, 4.6 miles.
Minimum altitude over FAR NDB, 2200'.
MSA: 045°-135°—2700'; 135°-225°—2400'; 225°-315°—4200'; 315°-045°—4100'.
NOTE: Inoperative component table does not apply to REIL Runway 17.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-17	1220	¾	322	1220	¾	322	1220	¾	322	1220	1	322
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1380	1	480	1380	1	480	1380	1¼	480	1460	2	560
A	Standard.		T 2-eng. or less—RVR 24', Runway 35; Standard all other runways.				T over 2-eng.—RVR 24', Runway 35; Standard all other runways.					

City, Fargo; State, N. Dak.; Airport name, Hector; Elev., 900'; Facility, I-FAR; Procedure No. LOC (BC) Runway 17, Amdt. 3; Eff. date, 21 Aug. 69; Sup. Amdt. No. 2; Dated, 16 Sept. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.9 miles after passing LA LOM.
LAF VORTAC	LA LOM	Direct	2400	Climbing right turn to 2400' direct to LA LOM.
Rossville Int	LA LOM	Direct	2400	Supplementary charting information:
Boiler Int	LA LOM	Direct	2400	1320' tower 2.8 miles ESE of airport.
West Point Int	LA LOM	Direct	2400	877' tower 1 mile NE of airport.
Village Int	LA LOM (NOPT)	DR 150° and LOC crs 4.2 miles.	2100	933' tower 2 miles N of airport. 754' tower 1.3 miles S of airport. Runway 10, TDZ elevation, 600'.

Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 2400' within 10 miles of LA LOM.
FAF, LA LOM. Final approach crs, 098°. Distance FAF to MAP, 4.9 miles.
Minimum altitude over LA LOM, 2100'.
MSA: 045°-135°—2300'; 135°-225°—2200'; 225°-315°—2300'; 315°-045°—2100'.
%IFR departure procedures: Runway 10, eastbound, climb to 1800' on heading 140°; Runway 5 departures eastbound, climb to 1800' on runway heading before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10	980	1	380	980	1	380	980	1	380	980	1	380
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1180	1	575	1180	1	575	1180	1¼	575	1240	2	635
A	Standard.		T 2-eng. or less—Runway 5, 300-1; Standard all other runways.%				T over 2-eng.—Runway 5, 300-1; Standard all other runways.%					

City, Lafayette; State, Ind.; Airport name, Purdue University; Elev., 605'; Facility, I-LAF; Procedure No. LOC Runway 10, Amdt. Orig.; Eff. date, 21 Aug. 69

11. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.7 miles after passing Trout Int.
Schooner Int	Trout Int (NOPT)	Direct	1500	Climb to 3000' on E crs of LAX ILS to
Lima LOM (LA)	Trout Int	Direct	2000	Downey FM.
LAX VOR	Trout Int	Direct	2000	Supplementary charting information:
Westlake Int	Schooner Int	Direct	3000	Chart DME distance at MAP (1.8-mile DME).
				Runway L7, TDZ elevation, 125'. Runway 7R, TDZ elevation, 124'.

Procedure turn S side of crs, 248° Outbnd, 068° Inbnd, 2000' within 10 miles of Trout Int.
FAF, Trout Int. Final approach crs, 068°. Distance FAF to MAP, 4.7 miles.
Minimum altitude over Trout Int, 1500'.
NOTES: (1) ASR/PAR. (2) DME is located at Runway 25 glide slope site. (3) DME should not be used to determine aircraft position over runway threshold, or runway touchdown point.
%IFR departure procedures: Northbound (280° CW through 060°). Published SID's must be used or be radar vectored.
#Runways 6R, 7L R, RVR 50'. Runway 24L, RVR 40', Runways 25L R, RVR 24'.
##Runways 6R, 7L R, 24L, 25L R, RVR 24'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7L	460	RVR 40	335	460	RVR 40	335	460	RVR 40	335	460	RVR 50	335
S-7R	640	RVR 50	516	640	RVR 50	516	640	RVR 50	516	680	RVR 60	556
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1¼	514	680	2	554
A	Standard.		T 2-eng. or less—Runway 8/26, Standard.%#				T over 2-eng.—Runway 8/26, Standard.%##					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, I-LAX; Procedure No. LOC (BC) Runway 7L, Amdt. 2; Eff. date, 21 Aug. 69, Sup. Amdt. No. 1; Dated, 6 Feb. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.7 miles after passing Trout Int.
Schooner Int	Trout Int (NOPT)	Direct	1500	Climb to 3000' on E crs of LAX ILS to
LAX VOR	Trout Int	Direct	2000	Downey FM.
Lima LOM (LA)	Trout Int	Direct	2000	Supplementary charting information: Run-
Westlake Int	Schooner Int	Direct	3000	way 7R, TDZ elevation, 124'.
				Runway 7L, TDZ elevation, 125'.

Procedure turn S side of crs, 248° Outbnd, 068° Inbnd, 2000' within 10 miles of Trout Int.
FAF, Trout Int. Final approach crs, 068°. Distance FAF to MAP, 4.7 miles.
Minimum altitude over Trout Int, 1500'.
NOTES: (1) ASR/PAR. (2) DME should not be used to determine aircraft position over runways threshold, or runway touchdown point.
%IFR departure procedures: Northbound (280° CW through 060°). Published SID's must be used or be radar vectored.
#Runways 6R, 7L/R, RVR 50'; Runway 24L, RVR 40', Runways 25L/R, RVR 24'.
##Runways 6R, 7L/R, 24L, 25L R, RVR 24'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7R	500	RVR 40	376	500	RVR 40	376	500	RVR 40	376	500	RVR 50	376
S-7L	640	RVR 50	515	640	RVR 50	515	640	RVR 50	515	680	RVR 60	555
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1¼	514	680	2	554
A	Standard.		T 2-eng. or less— Runway 8/26, Standard.%#				T over 2-eng.—Runway 8/26, Standard.%##					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126' Facility, I-LAX; Procedure No. LOC (BC) Runway 7R, Amdt. 2; Eff. date, 21 Aug. 69; Sup. Amdt. No. 1; Dated, 6 Feb. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.6 miles after passing Octane Int.
MAF VORTAC	Octane Int	Direct	4600	Climb to 4600' on MAF ILS W crs within 20
MA LOM	Octane Int	Direct	4600	miles, or when directed by ATC, turn left,
By Pass Int	Derrick Int	Direct	4600	climb to 4600' on MAF VOR R 190° with-
Johnson Int	Derrick Int	Direct	4600	in 20 miles.
Derrick Int	Octane Int (NOPT)	Direct	4000	Supplementary charting information:
R 047° MAF VORTAC CW	MAF LOC (BC) (NOPT))	10-mile Arc MAF R 114° lead radial.	4600	Runway 28, TDZ elevation, 2853'.

Procedure turn N side of crs, 103° Outbnd, 283° Inbnd, 4600' within 10 miles of Octane Int.
FAF, Octane Int. Final approach crs, 283°. Distance FAF to MAP, 3.6 miles.
Minimum altitude over Octane Int, 4000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-28	3160	¾	307	3160	¾	307	3160	¾	307	3160	1	307
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	3320	1	450	3320	1	450	3320	1½	450	3420	2	550
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Midland; State, Tex.; Airport name, Midland-Odessa Regional Air Terminal; Elev., 2870'; Facility, I-MAF; Procedure No. LOC (BC) Runway 28, Amdt. 5; Eff. date, 21 Aug. 69; Sup. Amdt. No. 4; Dated, 29 Aug. 68

12. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP:
Gorham Int	Berlin NDB	Direct	5300	Climb on 192° bearing from BML NDB for
Whitefield NDB	Berlin NDB	Direct	6500	1 minute, then right-climbing turn to 4400', direct to BML NDB. Climb to *5000' in the holding pattern.
				Supplementary charting information: Hold N of BML NDB, 192° Inbnd, 1 minute, left turns.

Procedure turn E side of crs, 012° Outbnd, 192° Inbnd, 4400' within 10 miles of BML NDB.
Final approach crs, 192°.
MSA: 000°–090°—5200'; 090°–180°—5700'; 180°–270°—7400'; 270°–360°—5200'.
NOTES: (1) Use Montpelier, Vt., altimeter setting. (2) Approach from a holding pattern not authorized, procedure turn required. (3) IFR departure: Cross BML NDB at 2200' on 192° bearing for 1 minute, then right-climbing turn to 4400' direct to BML NDB. Climb in holding pattern to MEA on airway MEA.
*Minimum communications altitude, Boston ARTCC or Augusta FSS, 5000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	3220	3	2062	3220	3	2062	3220	3	2062	NA
A	Not authorized.		T 2-eng. or less—1000–1½ miles.				T over 2-eng.—1000–1½ miles.			

City, Berlin; State, N.H.; Airport name, Berlin Municipal; Elev., 1158'; Facility, BML; Procedure No. NDB (ADF) Runway 18, Amdt. 8; Eff. date, 21 Aug. 69; Sup. Amdt. No. NDB (ADF)–1, Amdt. 5; Dated, 28 Jan. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 6 miles after passing EV LOM.
Maunie Int	EV LOM	Direct	2200	Climbing left turn to 2200′ on 180° to EVV VORTAC, R 080° and proceed to EVV VORTAC, or when directed by ATC, right-climbing turn to 2200′ on 325° and proceed to Princeton Int.
EVV VORTAC	EV LOM	Direct	2200	
Princeton Int	EV LOM	Direct	2300	
Cairo Int	EV LOM	Direct	2400	
Holland Int	EV LOM	Direct	2200	
Booneville Int	EV LOM	Direct	2500	
Augusta Int	EV LOM (NOPT)	Direct	2300	

Supplementary charting information: 619′ water tank, 1.3 miles W of airport: 489′ trees, 1000′ from Runway 21 threshold and 815′ NW of runway centerline. 1471′ tower, 7.5 miles E. Runway 21, TDZ elevation, 418′.

Procedure turn W side of crs, 035° Outbnd, 215° Inbnd, 2300′ within 10 miles of EV LOM.
FAF, EV LOM. Final approach crs, 215°. Distance FAF to MAP, 6 miles.
Minimum altitude over EV LOM, 2200′.
MSA: 090°–270°—2500′, 270°–090°—2000′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–21	880	¾	462	880	¾	462	880	¾	462	880	1	462
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	880	1	462	920	1	502	920	1½	502	980	2	562
A	Standard.			T 2-eng. or less—Runways 9, 27, 300–1; Standard all others.			T over 2-eng.—Runways 9, 27, 300–1; Standard all others.					

City, Evansville; State, Ind.; Airport name, Dress Memorial; Elev., 418′; Facility, EV; Procedure No. NDB (ADF) Runway 21, Amdt. 5; Eff. date, 21 Aug. 69; Sup. Amdt. No. 4; Dated, 24 Feb. 68

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4.6 miles after passing FAR NDB.
FAR VORTAC	FAR NDB	Direct	2500	Climb to 2300′ on 171° bearing from NDB within 10 miles; return to NDB.
FA LOM	FAR NDB	Direct	2500	
Pearl Int	FAR NDB	Direct	2800	
Glyndon Int	FAR NDB	Direct	2500	
Chaffee Int	FAR NDB	Direct	2500	

Supplementary charting information: REIL Runway 17. FA LOM Runway 35 named Buffalo. Runway 17, TDZ elevation, 898′.

Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 2500′ within 10 miles of FAR NDB.
FAF, FAR NDB. Final approach crs, 171°. Distance FAF to MAP, 4.6 miles.
Minimum altitude over FAR NDB, 2200′.
MSA: 045°–135°—2700′; 135°–225°—2400′; 225–315°—4200′; 315°–045°—4100′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–17	1280	1	382	1280	1	382	1280	1	382	1280	1	382
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	480	1280	1	480	1280	1¼	480	1460	2	560
A	Standard.			T 2-eng. or less—RVR 24′, Runway 35; Standard all other runways.			T over 2-eng.—RVR 24′, Runway 35; Standard all other runways.					

City, Fargo; State, N. Dak.; Airport name, Hector; Elev., 900′; Facility, FAR; Procedure No. NDB (ADF) Runway 17, Amdt. 6; Eff. date, 21 Aug. 69; Sup. Amdt. No. 5; Dated, 16 Sept. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4.1 miles after passing FA LOM.
FAR VORTAC	FA LOM	Direct	2300	Climb to 2500′ on 351° bearing from LOM within 10 miles; return to LOM. When directed by ATC, make left-climbing turn to 2800′ on R 265°; return to VORTAC.
FAR NDB	FA LOM	Direct	2300	
Pearl Int	Rice Int	Direct	2800	
Rice Int	FA LOM (NOPT)	Direct	2300	
FAR VORTAC	Leslie Int	Direct	2300	
Leslie Int	FA LOM (NOPT)	Direct	2300	

Supplementary charting information: FA LOM named Buffalo. Tower 1137′, 43°53′31″/96°48′00″. Runway 35, TDZ elevation, 897′.

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2300′ within 10 miles of FA LOM.
FAF, FA LOM. Final approach crs, 351°. Distance FAF to MAP, 4.1 miles.
Minimum altitude over FA LOM, 2100′.
MSA: 045°–135°—3000′; 135°–225°—2300′; 225°–315°—3200′; 315°–045°—2400′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–35	1380	RVR 40	483	1380	RVR 40	483	1380	RVR 40	483	1380	RVR 50	483
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1380	1	480	1380	1	480	1380	1¼	480	1460	2	560
A	Standard.			T 2-eng. or less—RVR 24′, Runway 35; Standard all other runways.			T over 2-eng.—RVR 24′, Runway 35; Standard all other runways.					

City, Fargo; State, N. Dak.; Airport name, Hector; Elev., 900′; Facility, FA; Procedure No. NDB (ADF) Runway 35, Amdt. 19; Eff. date, 21 Aug. 69; Sup. Amdt. No., 1 Dated, 12 Aug. 67

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: FSK NDB.
BUM VORTAC	FSK NDB	Direct	2800	Climbing right turn to 2500′ within 10 miles; return to FSK NDB.
Walnut Int	FSK NDB	Direct	2800	
Nevada Int	FSK NDB	Direct	2800	

Supplementary charting information: Final approach crs intercepts runway centerline extended 3100′ from threshold.

Procedure turn W side of crs, 340° Outbnd, 160° Inbnd, 2500′ within 10 miles of FSK NDB.
Final approach crs, 160°.
MSA: 000°–360°—2500′.
NOTES: (1) Use Chanute, Kans., altimeter setting except operators with approved weather reporting service. (2) Operators with approved weather reporting service may reduce all MDA's by 140′.
°Standard alternate minimums authorized for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–[illegible]	1600	1	684	1600	1	684	1600	1¼	684	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1600	1	684	1600	1	684	1600	1½	684	NA
A	Not authorized.°			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Fort Scott; State, Kans.; Airport name, Municipal; Elev., 916′; Facility, FSK; Procedure No. NDB (ADF) Runway 17, Amdt. Orig.; Eff. date, 21 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.8 miles after passing FFY NDB.
Bridgeport Int	FFY NDB	Direct	2500	Climbing right turn to 2500', return to FFY NDB and hold.
Gratz Int	FFY NDB	Direct	2500	Supplementary charting information:
Georgetown Int	FFY NDB (NOPT)	Direct	1930	Hold NE, 1 minute, right turns, 242° Inbnd.
				Chart 1103' radio tower 38°11'08" N., 84°52'48" W.
				Runway 24, TDZ elevation, 786'.

Procedure turn N side of crs, 062° Outbnd, 242° Inbnd, 2500' within 10 miles of FFY NDB.
FAF, FFY NDB. Final approach crs, 242°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over FFY NDB, 1900'.
MSA: 000°-090°—2400'; 090°-180°—3000'; 180°-270°—2500'; 270°-360°—2500'.
NOTES: (1) Radar vectoring. (2) Use Lexington altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	1480	1	694	1480	1	694	1480	1¼	694		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1480	1	681	1480	1	681	1480	1¼	681		NA	
A	Not authorized.			T 2-eng. or less—300-1, Runway 6; Standard Runway 24.			T over 2-eng.—300-1 Runway 6; Standard Runway 24.					

City, Frankfort; State, Ky.; Airport name, Capital City; Elev., 799'; Facility, FFY; Procedure No. NDB (ADF) Runway 24, Amdt. Orig.; Eff. date, 21 Aug. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OSX NDB.
GRW VORTAC	OSX NDB	Direct	2000	Climbing left turn to 2000', direct to OSX NDB and hold.
Zama Int	OSX NDB	Direct	2000	Supplementary charting information:
				Hold NW, right turns, 1 minute, 125° Inbnd.

Procedure turn S side of crs, 305° Outbnd, 125° Inbnd, 2000' within 10 miles of OSX NDB.
Final approach crs, 125°.
MSA: 000°-270°—1900'; 270°-360°—1800'.
NOTES: (1) Night minimums not authorized. (2) Use Greenwood FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-14	1100	1	621	1100	1	621	1100	1	621	1100	1	621
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1100	1	621	1100	1	621	1100	1¼	621	1100	2	621
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Kosciusko; State, Miss.; Airport name, Kosciusko-Attala County; Elev., 479'; Facility, OSX; Procedure No. NDB (ADF) Runway 14, Amdt. Orig.; Eff. date, 21 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OSX NDB.
GRW VORTAC	OSX NDB	Direct	2000	Climbing right turn to 2000' direct to OSX NDB and hold.
Zama Int	OSX NDB	Direct	2000	Supplementary charting information:
				Hold SE, 1 minute, left turns, 317° Inbnd.

Procedure turn W side of crs, 137° Outbnd, 317° Inbnd, 2000' within 10 miles of OSX NDB.
Final approach crs, 317°.
MSA: 000°-270°—1900'; 270°-360°—1800'.
NOTES: (1) Night minimums not authorized. (2) Use Greenwood FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-32	1320	1	841	1320	1¼	841	1320	1½	841	1320	1¼	841
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1320	1	841	1320	1¼	841	1320	1½	841	1320	2	841
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Kosciusko; State, Miss.; Airport name, Kosciusko-Attala County; Elev., 479'; Facility, OSX; Procedure No. NDB (ADF) Runway 32, Amdt. Orig.; Eff. date, 21 Aug. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.9 miles after passing LA LOM.
LAF VORTAC	LA LOM	Direct	2400	Climbing right turn to 2400' direct to LA LOM.
Roesville Int	LA LOM	Direct	2400	Supplementary charting information:
Boiler Int	LA LOM	Direct	2400	1320' tower 2.8 miles ESE of airport.
West Point Int	LA LOM	Direct	2400	877' tower 1 mile NE of airport.
Village Int	LA LOM (NOPT)	Direct	2100	933' tower 2 miles N of airport.
				754' tower 1.3 miles S of airport.
				Runway 10, TDZ elevation, 600'.

Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 2400' within 10 miles of LA LOM.
FAF, LA LOM. Final approach crs, 098°. Distance FAF to MAP, 4.9 miles.
Minimum altitude over LA LOM, 2100'.
MSA: 045°-135°—2300'; 135°-225°—2200'; 225°-315°—2300'; 315°-045°—2100'.
%IFR departure procedures: Runway 10, eastbound, climb to 1800' on heading 140°; Runway 5 departures eastbound, climb to 1800' on runway heading before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10	1080	1	480	1080	1	480	1080	1	480	1080	1	480
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1180	1	575	1180	1	575	1180	1¼	575	1240	2	635
A	Standard.			T 2-eng. or less—Runway 5, 300-1; Standard all other runways. %			T over 2-eng.—Runway 5, 300-1; Standard all other runways. %					

City, Lafayette; State, Ind.; Airport name, Purdue University; Elev., 605'; Facility, LA; Procedure No. NDB (ADF) Runway 10, Amdt. Orig.; Eff. date, 21 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MFI NDB.
Chili Int	MFI NDB	Direct	3000	Climb to 2800′ on 033° bearing from NDB within 10 miles; return to NDB.
Junction City Int	MFI NDB	Direct	3000	Supplementary charting information: Final approach crs intercepts runway centerline 3700′ from threshold. 1378′ stack ½ mile N of airport. Runway 5, TDZ elevation, 1261′.

Procedure turn E side of crs, 213° Outbnd, 033° Inbnd, 2800′ within 10 miles of MFI NDB.
Final approach crs, 033°.
MSA: 000°–090°—3800′; 090°–270°—2800′; 270°–360°—2900′.
NOTE: Use Wausau altimeter setting.
% IFR departure procedures: Aircraft departing Runways 5 and 24, climb to 1900′ on runway heading before turning northbound.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–5	1780	1	519	1780	1	519	1780	1	519	1780	1¼	519
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1860	1	599	1860	1	599	1940	1¼	679	1940	2	679
A	Not authorized.			T 2-eng. or less—Standard .%					T over 2-eng.—Standard .%			

City, Marshfield; State, Wis.; Airport name, Marshfield Municipal; Elev., 1261′; Facility, MFI; Procedure No. NDB (ADF) Runway 5, Amdt. 2; Eff. date, 21 Aug. 69; Sup Amdt. No. 1; Dated, 20 May 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MFI NDB.
Chili Int	MFI NDB	Direct	3000	Climb to 2800′ on 142° bearing from NDB within 10 miles; return to NDB.
Junction City Int	MFI NDB	Direct	3000	Supplementary charting information: Final approach crs intercepts runway centerline 3000′ from threshold. 1378′ stack ½ mile N of airport. Runway 16, TDZ elevation, 1261′.

Procedure turn W side of crs, 322° Outbnd, 142° Inbnd, 2800′ within 10 miles of MFI NDB.
Final approach crs, 142°.
MSA: 000°–090°—3600′; 090°–270°—2600′; 270°–360°—2900′.
NOTES: (1) Use Wausau altimeter setting. (2) Inoperative table does not apply to REIL Runway 16.
% IFR departure procedures: Aircraft departing Runways 4 and 34, climb to 1900′ on runway heading before turning northbound.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–16	1860	1	599	1860	1	599	1860	1	599	1860	1¼	599
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1940	1	679	1940	1	679	1940	1¼	679	1940	2	679
A	Not authorized.			T 2-eng. or less—Standard. %					T over 2-eng.—Standard. %			

City, Marshfield; State, Wis.; Airport name, Marshfield Municipal; Elev., 1261′; Facility, MFI; Procedure No. NDB (ADF) Runway 16, Amdt. Orig.; Eff. date, 21 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ULM NDB.
Courtland Int	ULM NDB	Direct	2600	Climb to 2600′ on 120° bearing from NDB within 10 miles; return to NDB. Supplementary charting information: Final approach crs intercepts runway centerline 2200′ from threshold. 1399′ tower, 44°18′25″–94°28′00″. Runway 13, TDZ elevation, 1004′.

Procedure turn S side of crs, 300° Outbnd, 120° Inbnd, 2600′ within 10 miles of ULM NDB.
Final approach crs, 120°.
MSA: 000°–090°—2400′; 090°–180°—3200′; 180°–270°—2700′; 270°–360°—2500′.
NOTE: Use Redwood Falls altimeter setting.
CAUTION: TURF Runways 4/22 unlighted.
%IFR departure procedure: Takeoffs Runway 13, make immediate right-climbing turn to 1900′ on 220° bearing from ULM NDB before turning E. Restriction due to 1399′ tower 1.2 miles SE.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–13	1700	1	696	1700	1	696	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1820	1	815	1820	1¼	815	NA	NA
A	Not authorized.			T 2-eng. or less—400–1, Runway 13; Standard all other runways.%			T over 2-eng.—400–1, Runway 13; Standard all other runways.%	

City, New Ulm; State, Minn.; Airport name, New Ulm Municipal; Elev., 1005′; Facility, ULM; Procedure No. NDB (ADF) Runway 13, Amdt. Orig.; Eff. date, 21 Aug. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OUN NDB.
OKC VORTAC	OUN NDB	Direct	2600	Climbing left turn to 2600′ direct OUN NDB and hold.
Washington Int	OUN NDB	Direct	2600	Supplementary charting information: Hold S of OUN NDB on bearing 200°–020° Inbnd, left turns, 1 minute. Runway 3, TDZ elevation, 1176′.
Shawnee Int	OUN NDB	Direct	2600	

Procedure turn W side of crs, 200° Outbnd, 020° Inbnd, 2600′ within 10 miles of OUN NDB.
Final approach crs, 020°.
Minimum altitude over OUN NDB, 1700′.
MSA: 045°–225°—2600′; 225°–315°—2400′; 315°–045°—3600′.
NOTES: (1) Radar vectoring. (2) Use Will Rogers altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–3	1700	1	524	1700	1	524	1700	1	524	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1700	1	519	1700	1	519	1700	1¼	519	NA
A	Not authorized.			T 2-eng. or less—Standard.					T over 2-eng.—Standard.	

City, Norman; State, Okla.; Airport name, Max Westheimer; Elev., 1181′; Facility, OUN; Procedure No. NDB (ADF) Runway 3, Amdt. Orig.; Eff. date, 21 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	VIA	Minimum altitudes (feet)	Missed approach
				MAP: PRO NDB.
Grimes Int	PRO NDB	Direct	2800	Climb to 2600′ within 10 miles; return to PRO NDB.
DSM VORTAC	PRO NDB	Direct	2800	
Linden Int	PRO NDB	Direct	2800	Supplementary charting information:
FOD VORTAC	PRO NDB	Direct	2800	Final approach crs intercepts runway centerline extended 1640′ from threshold.

Procedure turn W side of crs, 140° Outbnd, 320° Inbnd, 2000′ within 10 miles of PRO NDB.
Final approach crs, 320°.
MSA: 000°–090°—2700′; 090–180°—3600′; 180–270°—2700′; 270°–360°—2500′.
NOTES: (1) Radar vectoring. (2) Use Des Moines, Iowa, altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S–31	1580	1	566	1580	1	566	1580	1	566	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1580	1	566	1580	1	566	1580	1½	566	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Perry; State, Iowa; Airport name, Municipal; Elev., 1014′; Facility, PRO; Procedure No. NDB (ADF) Runway 31, Amdt. Orig.; Eff. date, 21 Aug. 1969

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: SPW NDB.
Martie Int	SPW NDB	Direct	3000	Climb to 3000′ on 003° bearing from NDB
Everly Int	SPW NDB	Direct	3000	within 10 miles; return to NDB.

Procedure turn E side of crs, 183° Outbnd, 003° Inbnd, 3000′ within 10 miles of SPW NDB.
Final approach crs, 003°.
MSA: 180°–270°—2800′; 270°–180°—3000′.
NOTES: (1) Use Sioux Falls altimeter setting except for operators with approved weather reporting service. (2) Operators with approved weather reporting service may reduce all MDA's by 320′.
CAUTION: Runways 17/35 and 4/22 unlighted.
*Standard alternate minimums for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D VIS
C	2100	1	765	2120	1¼	785	2360	1¾	1025	NA
A	Not authorized.*		T 2-eng. or less—400–1, Runways 4 and 11; Standard all others.				T over 2-eng.—400–1, Runways 4 and 11; Standard all others.			

City, Spencer; State, Iowa; Airport name, Spencer Municipal; Elev., 1335′; Facility, SPW; Procedure No. NDB (ADF)–1, Amdt. 2; Eff. date, 21 Aug. 69; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 4 Dec. 66

13. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 3.8 miles from BT LOM.
Woodville Int	LOM	Direct	1600	Climb to 2000′ right turn direct BTR VOR,
BTR VOR	LOM	Direct	1600	Supplementary charting information:
Morganza Int	LOM	Direct	1600	TDZ elevation, 67′

Procedure turn S side of crs, 307° Outbnd, 127° Inbnd, 1600′ within 10 miles of BT LOM.
FAF, BT LOM. Final approach crs, 127°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over BT LOM, 1300′.
MSA: 130°–220°—2800′; 220°–130°—1600′.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S–13	560	1	493	560	1	493	560	1	493	560	1	493
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	490	560	1	490	560	1½	490	620	2	550
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Baton Rouge; State, La.; Airport name, Ryan; Elev., 70′; Facility BT; Procedure No. NDB (ADF) Runway 13, Amdt. 15; Eff. date, 21 Aug. 1969; Sup. Amdt. No. 14; Dated, 10 July 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 6.3 miles after passing Romeo LOM (OS).
Los Angeles VOR	Romeo LOM (OS)	Direct	3500	Climb to 2000′ on crs, 248° within 15 miles of
Royal Int	Downey NDB	Direct	3000	Romeo LOM (OS).
SLI VOR	Downey NDB	Direct	3000	Supplementary charting information:
Downey NDB	Romeo LOM (OS) (NOPT)	Direct	2200	Runway 24L, TDZ elevation, 120′.

Procedure turn S side of crs, 079° Outbnd, 259° Inbd, 2500′ within 10 miles of Romeo LOM (OS).
FAF, Romeo LOM (OS). Final approach crs, 248°. Distance FAF to MAP, 6.3 miles.
Minimum altitude over Romeo LOM (OS), 2200′.
MSA: 045–135°—4800′; 135–°225°—2600′; 225°–315°—4800′; 315°–045°—9100′.
NOTES: (1) ASR/PAR. (2) Inoperative component table not applicable to HIRL or SALS Runway 24L.
%IFR departure procedures: Northbound (260° CW through 060°): Published SID's must be used or be radar vectored.
ØRunways 6R, 7L/R, RVR 50′; Runway 24L, RVR 40′; Runways 25L/R, RVR 24.′
ØØRunways 6R, 7L/R, 24L, 25L/R, RVR 24′.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S–24L	720	RVR 50	600	720	RVR 50	600	720	RVR 50	600	720	RVR 60	600
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	720	1	594	720	1	594	720	1½	594	720	2	594
A	Standard.		T 2-eng. or less.—Runways 8/26, Standard.%Ø				T over 2-eng.—Runways 8/26, Standard.%ØØ					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126′; Facility, OS; Procedure No. NDB(ADF) Runway 24L, Amdt. 2; Eff. date, 21 Aug. 69; Sup. Amdt. No. 1; Dated, 3 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Runways 25L and 25R: 5.4 miles after passing Lima LOM.
LAX VOR	Lima LOM (LA)	Direct	3000	Climb to 2000' on crs 248° within 15 miles of Lima LOM.
Downey FM NDB	Lima LOM (LA) (NOPT)	Direct	2000	Supplementary charting information
SLI VOR	Downey FM NDB	Direct	3000	Runways 25L R, TDZ elevation, 100
				Final approach crs 350° right of Runway 25L centerline and 350° left of Runway 25R centerline at 3000'

Procedure turn S side of crs, 073° Outbnd, 253° Inbnd, 2500' within 10 miles of Lima LOM (LA)
FAF, Lima LOM (LA). Final approach crs, 248°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over Lima LOM (LA), 2000'
MSA: 045°–135°—4800'; 135°–225°—3000'; 225°–315°—4800'; 315°–045°—9100'.
NOTE: ASR PAR.
C/FR departure procedures: Northbound, 280° CW through 060°. Published SIDs must be used or be radar vectored.
*Runways 6R, 7L R, RVR 50'; Runway 24L, RVR 40'; Runways 25L R, RVR 24'
**Runways 6R, 7L R, 24L, 25L R, RVR 24'

DAY AND NIGHT MINIMUMS

Cond	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25 L R	660	RVR 40	500	660	RVR 40	500	660	RVR 40	500	660	RVR 50	500
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	660	1	534	660	1	534	660	1½	534	680	2	554
A	Standard.		T 2-eng. or less.—Runways 8-26, Standard.*				T over 2-eng.—Runways 8-26, Standard.**					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, LA; Procedure No. NDB (ADF) Runway 25L R, Amdt. 30; Eff. date, 21 Aug. 69; Sup. Amdt. No. 29; Dated, 6 Feb. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing MA LOM
MAF VORTAC	MA LOM	Direct	4600	Climb to 4600' on bearing of 103° within 20 miles.
Goldsmith Int	MA LOM (NOPT)	Direct	4600	Supplementary charting information:
Penwell Int	MA LOM	Direct	5000	TDZ elevation, 2867'.
Mustang Int	MA LOM	Direct	5000	
Pipeline Int	MA LOM	Direct	5000	

Procedure turn S side of crs, 283° Outbnd, 103° Inbnd, 4600' within 10 miles of MA LOM
FAF, MA LOM. Final approach crs, 103°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over MA LOM, 4600'.
MSA: 090°–180°—4400'; 180°–270°—5500'; 270°–090°—5100'

DAY AND NIGHT MINIMUMS

Cond	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10	3240	¾	373	3240	¾	373	3240	¾	373	3240	1	373
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	3320	1	450	3320	1	450	3320	1½	450	3420	2	550
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Midland; State, Tex.; Airport name, Midland-Odessa Regional Air Terminal; Elev., 2870'; Facility, MA; Procedure No. NDB (ADF) Runway 10, Amdt. 3; Eff. date, 21 Aug. 69; Sup. Amdt. No. 2; Dated, 13 June 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.4 miles after passing OR LOM.
ORL VORTAC	OR LOM	Direct	2000	Climbing left turn to 2000' on ORL R 069° within 15 miles; or when, directed by ATC, climb to 2500' on 067° bearing of the OR LOM within 20 miles.
				Supplementary charting information: TDZ elevation, 109'.

Procedure turn S side of crs, 247° Outbnd, 067° Inbnd, 2000' within 10 miles of OR LOM.
FAF, OR LOM. Final approach crs, 067°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over OR LOM, 2000'.
MSA: 045°–135°—2600'; 135°–225°—1800'; 225°–315°—2000'; 315°–045°—2100'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7	700	¾	591	700	¾	591	700	¾	591	700	1	591
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	700	1	587	700	1	587	700	1½	587	700	2	587
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Orlando; State, Fla.; Airport name, Herndon; Elev., 113'; Facility, OR; Procedure No. NDB (ADF) Runway 7, Amdt. 4; Eff. date, 21 Aug. 69; Sup. Amdt. No. 3; Dated 13 Mar. 69

14. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 618'. LOC, 6 miles after passing EV LOM.
Maunie Int	EV LOM	Direct	2200	Climbing left turn to 2200' on 180° to EVV VORTAC R 080° and proceed to EVV VORTAC, or when directed by ATC, right-climbing turn to 2200' on 325° and proceed to Princeton Int.
EVV VORTAC	EV LOM	Direct	2200	
Princeton Int	EV LOM	Direct	2200	
Cairo Int	EV LOM	Direct	2400	
Holland Int	Buckskin Int	8AM, R 112°	2200	
Booneville Int	EV LOM	Direct	2500	Supplementary charting information:
Augusta Int	Buckskin Int	Direct	2200	619' water tank, 1.3 miles W of airport.
R 358°, EVV VORTAC CW	EVV LOC	25-mile Arc EVV, R 041 lead radial.	2200	489' trees 1000' from Runway 21 threshold and 815' NW of runway centerline.
R 081°, EVV VORTAC CCW	EVV LOC	25-mile Arc EVV, R 050° lead radial.	2200	1471' tower, 7.5 miles E. Back crs unusable.
25-mile DME Arc	EV LOM (NOPT)	Direct	2200	Runway 21, TDZ elevation, 418'.
Buckskin Int	EV LOM (NOPT)	Direct	2200	

Procedure turn W side of crs, 035° Outbnd, 215° Inbnd, 2200' within 10 miles of EV LOM.
FAF, EV LOM. Final approach crs, 215°. Distance FAF to MAP, 6 miles.
Minimum glide slope interception altitude, 2200'. Glide slope altitude at OM, 2200'; over MM, 618'.
Distance to runway threshold at OM, 6 miles; at MM, 0.5 mile.
MSA: 090°–270°—2500'; 270°–090°—2000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-21	618	½	200	618	½	200	618	½	200	618	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-21	840	½	422	840	½	422	840	½	422	840	¾	422
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	880	1	462	920	1	502	920	1½	502	980	2	562
A	Standard.		T 2-eng. or less Runways 9, 27, 300–1; Standard all others.				T over 2-eng.—Runways 9, 27, 300–1; Standard all others.					

City, Evansville; State, Ind.; Airport name, Driss Memorial; Elev., 418'; Facility, I-EVV; Procedure No. ILS Runway 21, Amdt. 13; Eff. date, 21 Aug. 69; Sup. Amdt. No. 12; Dated, 24 Feb. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1097'; LOC 4.1 miles after passing FA LOM.
FAR VORTAC	FA LOM	Direct	2300	Climb to 2500' on N crs of FAR ILS within 10 miles; return to FA LOM. When directed by ATC, make left-climbing turn to 2800' on FAR VORTAC, R 285; return to VORTAC.
FAR NDB	FA LOM	Direct	2300	
Pearl Int	Rice Int	Direct	2800	
Rice Int	FA LOM (NOPT)	Direct	2300	
FAR VORTAC	Leslie Int	Direct	2300	
Leslie Int	FA LOM (NOPT)	LOC crs	2300	Supplementary charting information: FA LOM Runway 35 named Buffalo. Runway 35, TDZ elevation, 897'.

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2300' within 10 miles of FA LOM.
FAF, FA LOM. Final approach crs, 351°. Distance FAF to MAP, 4.1 miles.
Minimum glide slope interception altitude, 2100'. Glide slope altitude at OM, 2092'; at MM, 1105'.
Distance to runway threshold at OM, 4.1 miles; at MM, 0.6 mile.
MSA: 045°-135°—3000'; 135°-225°—2300'; 225°-315°—3200'; 315°-045°—2400'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-35	1097	RVR 24	200	1097	RVR 24	200	1097	RVR 24	200	1097	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35	1260	RVR 24	363	1260	RVR 24	363	1260	RVR 24	363	1260	RVR 40	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1380	1	480	1380	1	480	1380	1½	480	1460	2	560
A	Standard.			T 2-eng. or less—RVR 24'. Runway 35; Standard all other runways.			T over 2-eng.—RVR 24'. Runway 35; Standard all other runways.					

City, Fargo; State, N. Dak.; Airport name, Hector; Elev., 900'; Facility, I-FAR; Procedure No. ILS Runway 35, Amdt. 20; Eff. date, 21 Aug. 69; Sup. Amdt. No. 19; Dated, 12 Aug. 67

15. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 370'; LOC 6.3 miles after passing Romeo LOM Int.
LAX VOR	Romeo LOM Int	Direct	3500	Initiate immediate climb on localizer crs to 500', turn right, continue climb to 4000' via 265° heading and LAX R 276° to Topanga Int.
8LI VOR	Commerco Int	Direct	3000	
Royal Int	Commerce Int	Direct	3500	
Commerce Int	Romeo LOM Int (NOPT)	Direct	2500	Supplementary charting information: Runway 24L, TDZ elevation, 120'.

Procedure turn S side of crs, 068° Outbnd, 248° Inbnd, 2500' within 10 miles of Romeo LOM Int.
FAF, Romeo LOM Int. Final approach crs, 248°. Distance FAF to MAP, 6.3 miles.
Minimum altitude over Romeo LOM Int, 2500'; over Arbor Int, 620'.
Minimum glide slope interception altitude, **2500'. Glide slope altitude at OM, 2196'; at MM, 317'.
Distance to runway threshold at OM, 6.3 miles; at MM, 0.5 mile.
MSA: 045°-135°—4800'; 135°-225°—2600'; 225°-315°—4800'; 315°-045°—9100'.
NOTES: (1) ASR/PAR. (2) Components inoperative table does not apply to HIRL's or SALS Runway 24L. (3) During simultaneous approaches (LAX Runway 24L and HHR Runway 25), aircraft must be radar vectored to FAF (Romeo LOM Int.). (4) Back crs unusable. (5) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.
%IFR departure procedures: Northbound (250° CW through 060°). Published SID's must be used or be radar vectored.
#Runways 6R, 7L/R, RVR 50'; Runway 24L, RVR 40'; Runways 25L/R, RVR 24'.
##Runways 6R, 7L/R, 24L, 25L/R, RVR 24'.
**2200' when authorized by ATC.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-24L	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24L	620	RVR 50	500	620	RVR 50	500	620	RVR 50	500	620	RVR 50	500
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1½	514	680	2	554
	LOC/DME Minimums:											
S-24L	480	RVR 50	360	480	RVR 50	360	480	RVR 50	360	480	RVR 50	360
A	Standard.			T 2-eng. or less—Runways 8/26, Standard.%#					T over 2-eng.—Runways 8/26, Standard.%##			

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, I-OSS; Procedure No. ILS Runway 24L, Amdt. 3; Eff. date, 21 Aug. 69; Sup. Amdt. No. 2; Dated, 3 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 300'; LOC 5.4 miles after passing Lima LOM/Int.
Bassett Int	Downey FM/Int	Direct	3500	Initiate immediate climb on localizer crs to 500', turn left, continue climb to 3000' via 220° heading and LAX R 192° to Kingfish Int.
8LI VOR	Downey FM/Int	Direct	3500	
Downey FM/Int	Century Int	Direct	3500	
Century Int	Lima LOM/Int (NOPT)	Direct	1900	
LAX VOR	Century Int	Direct	3500	Supplementary charting information: Chart Downey NBD although not used in procedure. Runway 25L/R, TDZ elevation, 100'.

Procedure turn S side of crs, 068° Outbnd, 248° Inbnd, 3500' within 10 miles of Century Int.
FAF, Lima LOM/Int. Final approach crs, 248°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over Century Int, 3500'; over Lima LOM/Int, 1900'; over Whelan Int, 620'.
Minimum glide slope interception altitude, *3500'. Glide slope altitude at OM, 1886'; at MM, 324'.
Distance to runway threshold at OM, 5.4 miles; at MM, 0.5 mile.
MSA: 045°-135°—4800'; 135°-225°—2600'; 225°-315°—4800'; 315°-045°—9100'.
NOTES: (1) ASR/PAR. (2) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.
%IFR departure procedures: Northbound (250° CW through 060°) Published SID's must be used or be radar vectored.
*1900' when authorized by ATC.
#Runways 6R, 7L/R, RVR 50'; Runway 24L, RVR 40'; Runways 25L/R, RVR 24'.
##Runways 6R, 7L/R, 24L, 25L R, RVR 24'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-25L	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200
8-25R	640	RVR 50	540	640	RVR 50	540	640	RVR 50	540	680	RVR 60	580
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-25L	620	RVR 24	520	620	RVR 24	520	620	RVR 24	520	620	RVR 50	520
8-25R	640	RVR 50	540	640	RVR 50	540	640	RVR 50	540	680	RVR 60	580
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1½	514	680	2	554
	LOC/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-25L	460	RVR 24	360	460	RVR 24	360	460	RVR 24	360	460	RVR 40	360
8-25R	640	RVR 50	540	640	RVR 50	540	640	RVR 50	540	680	RVR 60	580
A	Standard.			T 2-eng. or less—Runways 8/26, Standard.%#					T over 2-eng.—Runways 8/26, Standard.%##			

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 120'; Facility, I-LAX; Procedure No. ILS Runway 25L, Amdt. 34; Eff. date, 21 Aug. 69; Sup. Amdt. No. 33; Dated, 3 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 300'; LOC 5.4 miles after passing Lima LOM Int.
Hazett Int	Downey FM Int	Direct	3500	Initiate immediate climb on localizer crs to 500', turn left, continue climb to 3000' via 220° heading and LAX R 192° to Kingfish Int.
SLI VOR	Downey FM Int	Direct	3500	
Century Int	Lima LOM Int (NOPT)	Direct	1900	
Downey FM Int	Century Int	Direct	3500	
LAX VOR	Century Int	Direct	3500	Supplementary charting information: Chart Downey NDB although not used in procedure. Runway 25R/L TDZ elevation, 100'.

Procedure turn S side of crs, 068° Outbnd, 248° Inbnd, 3500' within 10 miles of Century Int.
FAF, Lima LOM Int. Final approach crs, 248°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over Century Int, 3500'; over Lima LOM Int, 1900'; over Lake Int, 620'.
Minimum glide slope interception altitude, *3500'. Glide slope altitude at OM, 1886'; at MM, 324'.
Distance to runway threshold at OM, 5.4 miles; at MM, 0.5 mile.
MSA: 045°-135°—4800'; 135°-225°—2600'; 225°-315°—4800'; 315°-045°—9100'.
NOTES: (1) ASR/PAR. (2) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.
% IFR departure procedures: Northbound (250° CW through 060°). Published SID's must be used or be radar vectored.
*1400' when authorized by ATC.
#Runways 6R, 7L/R, RVR 50'; Runway 24L, RVR 40'; Runways 25L/R, RVR 24'.
##Runways 6R, 7L/R, 24L, 25L/R, RVR 24'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-25R	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200
S-25L	640	RVR 50	540	640	RVR 50	540	640	RVR 50	540	680	RVR 60	580
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25R	620	RVR 24	520	620	RVR 24	520	620	RVR 24	520	620	RVR 50	520
S-25L	640	RVR 50	540	640	RVR 50	540	640	RVR 50	540	680	RVR 60	580
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1½	514	680	2	554
	LOC/DME minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25R	460	RVR 24	360	460	RVR 24	360	460	RVR 24	360	460	RVR 40	360
S-25L	640	RVR 50	540	640	RVR 50	540	640	RVR 50	540	680	RVR 60	580
A	Standard.		T 2-eng. or less—Runways 8/26, Standard.%#				T over 2-eng.—Runways 8/26, Standard.%##					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, I-LAX; Procedure No. ILS Runway 25R, Amdt. 11; Eff. date, 21 Aug. 69; Sup. Amdt. No. 10; Dated, 3 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 370'; LOC 6.3 miles after passing Romeo LOM Int.
Runway 24L				Initiate immediate climb on localizer crs to 500', turn right, continue climb to 4000' via 265° heading and LAX R 276° to Topanga Int.
Runway 25L				Supplementary charting information: Runway 24L, TDZ elevation, 120'. MAP: ILS DH 300', LOC 5.4 miles after passing Lima LOM Int. Initiate immediate climb on localizer crs to 500', turn left, continue climb to 3000' via 220° heading and LAX R 192° to Kingfish Int. Supplementary charting information: Runway 25L, TDZ elevation, 100'.

Runway 24L:
Procedure turn not authorized. Approach crs (profile) starts at Romeo LOM Int.
FAF, Romeo LOM Int. Final approach crs, 248°. Distance FAF to MAP, 6.3 miles.
Minimum altitude over Romeo LOM Int., 2500'; over Arbor Int., 620'.
Minimum glide slope interception altitude, 2500'. Glide slope altitude at OM, 2196'; at MM, 317'.
Distance to runway threshold at OM, 6.3 miles; at MM, 0.5 mile.
Runway 25L:
Procedure turn not authorized. Approach crs (profile) starts at Century Int.
FAF, Lima LOM/Int. Final approach crs, 248°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over Century Int, 3500'; over Lima LOM Int, 1900'; over Whelan Int, 620'.
Minimum glide slope interception altitude, 3500'. Glide slope altitude at OM, 1886'; at MM, 324'.
Distance to runway threshold at OM, 5.4 miles; at MM, 0.5 mile.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

NOTES: (1) ASR/PAR. (2) Radar required. (3) Use of this procedure is mandatory when conducting a parallel ILS approach and is authorized only when airborne 75MC or ADF and localizer receivers are operating simultaneously. (4) When any required airborne receivers in note (3) are malfunctioning or a parallel approach is not desired, immediate notification of Los Angeles approach control is mandatory. (5) When advised that parallel operations are in progress, the pilot will be prepared to accept or reject an approach to either Runway 25L or Runway 24L. (6) Components inoperative table does not apply to HIRL or SALS Runway 24L. (7) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.
% IFR departure procedures: Northbound (250° CW through 060°). Published SID's must be used or be radar vectored.
#Runways 6R, 7L/R, RVR 50'; Runway 24L, RVR 40'; Runways 25L/R, RVR 24'.
##Runways 6R, 7L/R, 24L, 25L R, RVR 24.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
	Runway 24L:											
S-24L	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24L	620	RVR 50	500	620	RVR 50	500	620	RVR 50	500	620	RVR 50	500
	LOC/DME Minimums:											
S-24L	480	RVR 50	360	480	RVR 50	360	480	RVR 50	360	480	RVR 50	360
	Runway 25L:											
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-25L	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25L	620	RVR 24	520	620	RVR 24	520	620	RVR 24	520	620	RVR 50	520
	LOC/DME Minimums:											
S-25L	460	RVR 24	360	460	RVR 24	360	460	RVR 24	360	460	RVR 40	360
A	Standard.		T 2-eng. or less—Runways 8/26, Standard.%#				T over 2-eng.—Runways 8/26, Standard.%##					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, Runway 24L, I-OSS; Runway 25L, I-LAX; Procedure No. Parallel ILS Runways 25L 24L, Amdt. 3; Eff. date, 21 Aug. 69; Sup. Amdt. No. 2; Dated, 3 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 3067'. LOC, 6.1 miles after passing MA LOM.
MAF VORTAC	MA LOM	Direct	4600	Climb to 4600' on SE crs ILS within 20 miles or, turn right, climb to 4600' on MAF VORTAC, R 150° within 20 miles. Supplementary charting information: Runway 10, TDZ elevation, 2867'.
Pipeline Int	MA LOM	Direct	5000	
Goldsmith Int	MA LOM (NOPT)	Direct	4600	
Penwell Int	MA LOM	Direct	5000	
Mustang Int	MA LOM	Direct	5000	
INK VORTAC	MAF ILS (NOPT)	INK, R 065°	5500	
INK VORTAC, R 065° and MAF ILS front crs.	MA LOM (NOPT)	Direct	4600	
R 357°, MAF VORTAC CCW	MAF ILS (FC) (NOPT)	12-mile Arc MAF, R 275° lead radial.	4600	

Procedure turn S side of crs, 283° Outbnd, 103° Inbnd, 4600' within 10 miles of MA LOM.
FAF, MA LOM. Final approach crs, 103°. Distance FAF to MAP, 6.1 miles.
Minimum glide slope interception altitude, 4600'. Glide slope altitude at OM, 4533'; at MM, 3052'.
Distance to runway threshold at OM, 6.1 miles; at MM, 0.6 mile.
MSA 090°-180°—4400'; 180°-270°—5500'; 270°-090°—5100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-10	3067	½	200	3067	½	200	3067	½	200	3067	½	200
LOC	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-10	3180	½	313	3180	½	313	3180	½	313	3180	½	313
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	3320	1	450	3320	1	450	3320	1½	450	3420	2	550
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Midland; State, Tex.; Airport name, Midland-Odessa Regional Air Terminal; Elev., 2870'; Facility, I-MAF; Procedure No. ILS Runway 10, Amdt. 5; Eff. date, 21 Aug. 69; Sup. Amdt. No. 4; Dated, 29 Aug. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: DH, 309'; LOC 5.4 miles after passing OR LOM.
ORL VORTAC	OR LOM	Direct	3000	Climbing left turn to 2000' on ORL R 049° within 15 miles; or, when directed by ATC, climb to 2500' on localizer back crs within 15 miles.
R 309°, ORL VORTAC CCW	ORL LOC	9-mile Arc, R 260° lead radial	3000	
R 162°, ORL VORTAC CW	ORL LOC	9-mile Arc, R 234° lead radial	3000	
9-mile DME Arc	OR LOM (NOPT)	LOC crs	[5] 1900	Supplementary charting information: TDZ elevation, 109'.

Procedure turn S side of crs, 247° Outbnd, 067° Inbnd, 2000' within 10 miles of OR LOM.
FAF, OR LOM. Final approach crs, 067°. Distance FAF to MAP, 5.4 miles.
Minimum glide slope interception altitude, 1100'. Glide slope altitude at OM, 1855'; at MM, 328'.
Distance to runway threshold at OM, 5.4 miles; at MM, 0.6 mile.
MSA: 045°–135°—2600'; 135–225°—1800'; 225°–315°—2000'; 315°–045°—2100'.
NOTE: ASR.
*Increase visibility ¼ mile for inoperative ALS Runway 7.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-7	309	½	200	309	½	200	309	½	200	309	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7*	600	¾	491	600	¾	491	600	¾	491	600	¾	491
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	600	1	487	600	1	487	600	1¼	487	700	2	587
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Orlando; State, Fla.; Airport name, Herndon; Elev., 112'; Facility, I-ORL; Procedure No. ILS Runway 7, Amdt. 7; Eff. date, 21 Aug. 69; Sup. Amdt. No. 6; Dated, 13 Mar. 69

16. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
As established by Houston ASR minimum altitude vectoring charts.												Descend aircraft to MDA after FAF 5 miles from airport reference point.

Missed approach: Climbing right or left turn to 2500' on crs of 270° from AAP NDB within 10 miles.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	780	1	700	780	1	700	780	1¼	700	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Houston; State, Tex.; Airport name, Andrau Airpark; Elev., 80'; Facility, Houston Radar; Procedure No. Radar-1, Amdt. Orig.; Eff. date, 21 Aug. 69

17. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
As established by Los Angeles ASR minimum altitude vectoring charts.												1. Descend aircraft after passing FAF. 2. Runway 24L—FAF 6.3 miles from threshold. Minimum altitude over 2-mile Radar Fix, 760'. Runway 24L, TDZ elevation, 120'. 3. Runways 25L/R—FAF 5.4 miles from threshold. Minimum altitude over 1.9-mile Radar Fix 620'. Runways 25L/R, TDZ elevation, 100'. 4. Runways 7R/L—FAF 6 miles from threshold. Runway 7R, TDZ elevation, 124'. Runway 7L TDZ elevation, 125. 5. Runway 6R—FAF 6 miles from threshold. Runway 6R, TDZ elevation, 110'. %IFR departure procedures: Northbound (280° CW through 060°) published SID's must be used or be radar vectored. *PAR unusable W of ILS MM (DH 324') for aircraft below 12,500 pounds gross weight. #Runways 6R, 7L/R, RVR 50'; Runway 24L, RVR 40'; Runways 25L/R, RVR 24'. ##Runways 6R, 7L/R, 24L, 25L/R, RVR 24'.

Missed approach:
Runway 24L—Climb on heading 250° to intercept LAX R 276° to 2000' within 15 miles.
Runways 25L/R—Climb to 2000' direct to LAX VOR then via R 248° within 15 miles.
Runways 7R/L—Climb to 2000' direct to Downey NDB. Alternate missed approach: Climb to 2000' via LAX R 068° to Firestone Int.
Runway 6R—Climb to 2000' direct to Downey NDB. Alternate missed approach: Climb to 2000' via LAX R 068° to Firestone Int.
NOTE: Components inoperative table does not apply to HIRL's and SAL's Runway 24L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
PAR:												
S-25L	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200
S-25R	640	RVR 50	540	640	RVR 50	540	640	RVR 50	540	680	RVR 60	580
ASR:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25L/R	520	RVR 40	420	520	RVR 40	420	520	RVR 40	420	520	RVR 50	420
S-24L	560	RVR 50	440	560	RVR 50	440	560	RVR 50	440	560	RVR 50	440
S-7R	600	RVR 40	476	600	RVR 40	476	600	RVR 40	476	600	RVR 50	476
S-7L	600	RVR 40	475	600	RVR 40	475	600	RVR 40	475	600	RVR 50	475
S-6R	560	RVR 50	450	560	RVR 50	450	560	RVR 50	450	560	RVR 50	450
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1½	514	680	2	554
A	Standard.		T 2-eng. or less—Runways 8/26, Standard.%#				T over 2-eng.—Runways 8/26, Standard.%##					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, LAX Radar; Procedure No. Radar-1, Amdt. 24; Eff. date, 21 Aug. 69; Sup. Amdt. No. 23; Dated, 19 June 69

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
As established by Nashville ASR minimum altitude vectoring charts. Radar will provide 1000' vertical clearance within 3-mile radius of following towers: 9.5 miles NW 2049'; 9 miles W 2049'; 9 miles SW 2049'; 10 miles SSW 1490'.												1. Descend aircraft after passing final approach fix. 2. Runway 2L—FAF 5 miles from threshold (LOM). Minimum altitude over 3-mile Fix, 1500'. TDZ elevation, 597'. 3. Runway 20R—FAF 5 miles from threshold. Minimum altitude over 3-mile Fix, 1500'. Minimum altitude over 2-mile Fix, 1200'. TDZ elevation, 576'. 4. Runway 31—FAF 5 miles from threshold (BNA VORTAC). Minimum altitude over 2-mile Fix, 1200'. TDZ elevation, 574'. 5. Runway 13—FAF 5 miles from threshold. Minimum altitude over 3-mile Fix, 1500'. TDZ elevation, 572'. HIRL Runways 2L/20R; VASI Runway 20R. NOTE: MTI must be operating for surveillance approaches.

Missed approach:
Runway 2L—Climb to 2500' on N crs ILS or on crs 016° from BN NDB/LOM within 15 miles of airport.
Runway 20R—Climb to 2500' on S crs ILS or on crs 196° to BN NDB/LOM within 15 miles of airport.
Runway 31—Climbing right turn to 3000' on R 326° of BNA VORTAC within 15 miles.
Runway 13—Climb to 2500' direct to BNA VORTAC and hold SE on R 133° right turns, 1 minute, 313° Inbnd.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-2L	960	RVR 24	363	960	RVR 24	363	960	RVR 24	363	960	RVR 50	363
S-20R	980	¾	404	980	¾	404	980	¾	404	980	1	404
S-31	1000	1	426	1000	1	426	1000	1	426	1000	1	426
S-13	960	1	388	960	1	388	960	1	388	960	1	388
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
	1040	1	443	1060	1	463	1060	1¼	463	1160	2	563
A	Standard		T 2-eng. or less—RVR 24', Runway 2L; Standard all other runways.				T over 2-eng.—RVR 24', Runway 2L; Standard all other runways.					

City, Nashville; State, Tenn.; Airport name, Nashville Metropolitan; Elev., 597'; Facility, Nashville Radar; Procedure No. Radar 1, Amdt. 10; Eff. date, 21 Aug. 69; Sup. Amdt. No. 9; Dated, 24 Oct. 68

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude

Notes

As established by Orlando ASR minimum altitude vectoring chart dated 3 Dec 1968.

Descend aircraft to MDA after FAF. FAF 5 miles from threshold all runways.
Radar control will provide 1000' vertical clearance within 3-mile radius of antenna towers 940' 13.8 miles W, 1020', 24 miles N. and 1340', 13.4 miles E.
Supplementary charting information:
Hold SW of OR LOM, 1 minute, right turns, 067° inbnd.
TDZ elevation Runway 7, 109'.
TDZ elevation Runway 13, 105'.
TDZ elevation Runway 25, 113'.
TDZ elevation Runway 31, 111'.

Missed approach:
Runway 7—Climbing left turn to 2000' on O R L R 040° within 15 miles.
Runway 13—Climb to 2000' on O R L R 123° within 15 miles.
Runway 25—Climb to 2000' direct to O R LOM and hold.
Runway 31—Climb to 2000' on O R L R 309° within 15 miles.
*Increase visibility ¼ mile for inoperative ALS Runway 7.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
ASR:												
S-7*	640	¾	531	640	¾	531	640	¾	531	640	1	531
S-13	640	¾	535	640	¾	535	640	¾	535	640	1	535
S-25	520	¾	407	520	¾	407	520	¾	407	520	1	407
S-31	500	¾	389	500	¾	389	500	¾	389	500	1	389
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C 25-31	540	1	427	580	1	467	580	1¼	467	700	2	587
C 7-13	640	1	527	640	1	527	640	1¾	527	700	2	587
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Orlando; State, Fla.; Airport name, Herndon; Elev., 113'; Facility, Orlando ASR; Procedure No. Radar-1, Amdt. 9; Eff. date, 21 Aug. 69; Sup. Amdt. No. 8; Dated, 13 Mar. 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on July 16, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-8638; Filed, Aug. 4, 1969; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-5738]

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Certain Exemptions for Registered Separate Accounts Established by Insurance Companies Proposing To Engage in the Sale of Various Annuity Contracts, Defining the Term "Separate Account" and Establishing Certain Conditions for the Availability of These Exemptions

On January 24, 1969, the Securities and Exchange Commission published notice (Investment Company Act Release No. 5586) (34 F.R. 1910) that it had under consideration the adoption of the above proposed rules under the Investment Company Act of 1940 ("Act") and invited all interested persons to submit their views and comments upon the proposals. The Commission has considered all the comments and suggestions received, and has determined to adopt these rules in the form set forth below. The rules are promulgated pursuant to authority conferred by sections 6(c) and 38(a).

I. *Rule 14a-2 [17 CFR 270.14a-2].* Section 14(a) of the Act prohibits a registered investment company or its principal underwriter from publicly offering its securities for sale unless it has a net worth of $100,000 or has made provision in connection with registration of its securities under the Securities Act of 1933 insuring that before making a public offering it will have firm agreements with no more than 25 responsible persons to purchase its securities in an amount which, when added to the then net worth of the company, if any, will equal $100,000.

Many registered separate accounts are utilized only in connection with the sale of variable annuity contracts which meet the requirements of sections 401, 403(b) or 404(a)(2) of the Internal Revenue Code, as amended ("Code"). These sections provide the criteria for pension and profit sharing plans which receive special tax treatment under the Code.

Such variable annuity contracts contemplate relatively small periodic payments made by or on behalf of a large number of individual employees. The tax treatment afforded assets arising from these payments varies from payments made under other variable annuity contracts. A privately contributed $100,000 in such account therefore requires separate accounting, and problems could occur concerning investment objectives.

Rule 14a-2 (17 CFR 270.14a-2) exempts from the provisions of section 14(a) a registered separate account having assets from variable annuity contracts sold under plans or agreements meeting the requirements of sections 401, 403(b) or 404(a)(2) of the Code. The rule provides that a sponsoring insurance company is precluded from knowingly placing non-tax-benefited money in such account at any time in the future. The rule is available to such account only if, at the commencement of the offering, the establishing insurance company possesses a combined capital and surplus if a stock company, or unassigned surplus, if a mutual company, or $1 million.

Part 270 of Title 17 of the Code of Federal Regulations is amended by adding a new § 270.14a-2 reading as follows:

§ 270.14a-2 Exemption from section 14(a) of the Act for certain registered separate accounts and their principal underwriters.

(a) A registered separate account, and any principal underwriter for such account, shall be exempt from section 14(a) of the Act with respect to a public offering of tax-benefited variable annuity contracts participating in such account: (1) If at the commencement of such offering such insurance company shall have (i) a combined capital and surplus, if a stock company, or (ii) an unassigned surplus, if a mutual company, of not less than $1 million as set forth in the balance sheet of such insurance company contained in the registration statement or any amendment thereto relating to such variable annuity contracts filed pursuant to the Securities Act of 1933, as amended, and (2) if at no time thereafter such insurance company shall knowingly place payments from contracts which are not tax-benefited in such separate account. For the purpose of this section, the term "tax benefited variable annuity contracts" means variable annuity contracts which are purchased in connection with a plan which meets the requirements for qualification under section 401 of the Internal Revenue Code, as amended ("Code") or the requirements for deduction of the employer's contributions under section 404(a)(2) of the Code, or are contracts which meet the requirements of section 403(b) of the Code.

II. *Rules 15a-3, 16a-1, and 32a-2 (17 CFR 270.15a-3, 270.16a-1, 270.32a-2).* Sections 15(a), 16(a), and 32(a) of the Act require (1) shareholder approval of the initial investment advisory agreement, (2) the election of directors by shareholders, and (3) shareholder ratification of the selection of an independent public accountant. If a registered separate account receives an exemption under section 14(a) of the Act, there are normally no security holders eligible to vote on these matters. If such account receives an exemption from section 14(a) of the Act, Rules 15a-3, 16a-1, and 32a-2 (17 CFR 270.15a-3, 270.16a-1, 270.32a-2) permit the investment adviser, directors and independent public accountants to act as such until the first meeting of variable annuity contract owners. This meeting may not be later than 1 year after the effective date of the registration statement under the Securities Act of 1933, unless the Commission grants an extension upon written request showing good cause.

Part 270 of Title 17 of the Code of Federal Regulations is amended by adding new §§ 270.15a-3, 270.16a-1, and 270.32a-2, reading as follows:

§ 270.15a-3 Exemption for initial period of investment adviser of certain registered separate accounts from requirement of security holder approval of investment advisory contract.

(a) An investment adviser of a registered separate account shall be exempt from the requirement under section 15(a) of the Act that the initial written contract pursuant to which the investment adviser serves or acts shall have been approved by the vote of a majority of the outstanding voting securities of such registered separate account, subject to the following conditions:

(1) Such registered separate account qualifies for exemption from section 14(a) of the Act pursuant to § 270.14a-2, or is exempt therefrom by order of the Commission upon application; and

(2) Such written contract shall be submitted to a vote of variable annuity contract owners at their first meeting after the effective date of the registration statement under the Securities Act of 1933, as amended (15 U.S.C. 77a et seq.) relating to variable annuity contracts participating in such account: *Provided*, That such meeting shall take place within 1 year after such effective date, unless the time for the holding of such meeting shall be extended by the Commission upon written request showing good cause therefor.

§ 270.16a-1 Exemption for initial period of directors of certain registered separate accounts from requirement of election by security holders.

(a) Persons serving as the directors of a registered separate account shall, prior to the first meeting of such account's variable annuity contract owners, be exempt from the requirement of section 16(a) of the Act that such persons be elected by the holders of outstanding voting securities of such account at an annual or special meeting called for that purpose, subject to the following conditions:

(1) Such registered separate account qualifies for exemption from section 14(a) of the Act pursuant to § 270.14a-1 or is exempt therefrom by order of the Commission upon application; and

(2) Such persons have been appointed directors of such account by the establishing insurance company; and

(3) An election of directors for such account shall be held at the first meeting of variable annuity contract owners after the effective date of the registration statement under the Securities Act of 1933, as amended (15 U.S.C. 77a et seq.), relating to contracts participating in such account: *Provided*, That such meeting shall take place within 1 year after such effective date, unless the time for the holding of such meeting shall be extended by the Commission upon written request showing good cause therefor.

§ 270.32a–2 Exemption for initial period from vote of security holders on independent public accountant for certain registered separate accounts.

(a) A registered separate account shall be exempt from the requirement under paragraph (2) of section 32(a) of the Act that selection of an independent public accountant shall have been submitted for ratification or rejection at the next succeeding annual meeting of security owners, subject to the following conditions:

(1) Such registered separate account qualifies for exemption from section 14 (a) of the Act pursuant to § 270.14a–2, or is exempt therefrom by order of the Commission upon application; and

(2) The selection of such accountant shall be submitted for ratification or rejection to variable annuity contract owners at their first meeting after the effective date of the registration statement under the Securities Act of 1933, as amended (15 U.S.C. 77a et seq.), relating to contracts participating in such account: *Provided*, That such meeting shall take place within 1 year after such effective date, unless the time for the holding of such meeting shall be extended by the Commission upon written request showing good cause therefor.

III. *Rules 22e–1 and 27c–1 [17 CFR 270.22e–1, 270.27c–1]*. Section 27(c)(1) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless it is a "redeemable security." Section 22(e) of the Act provides that no registered investment company shall (a) suspend the right of redemption, or (b) postpone the date of payment on any redeemable security for more than 7 days after its tender for redemption, except in certain prescribed circumstances. Since variable annuity contracts are considered to be periodic payment plan certificates, these redemption provisions are applicable. Accordingly, it has been necessary for each registered separate account issuing or proposing to issue variable annuity contracts to obtain an exemption from the requirement of redemption during the annuity, or pay-out, period of such contracts, since the mortality tables employed to determine payments of variable amounts for life annuitants assume that all annuitants will continue in the group and receive the payments specified in the contract. To permit redemptions during the annuity period would undermine the actuarial basis of the contracts. During the pay-in period, of course, the variable annuity contracts are fully redeemable, in whole or in part.

Rule 22e–1 (17 CFR 270.22e–1) provides an exemption from section 22(e) during the period in which the variable annuity contract holder receives payments from the separate account. Rule 27c–1 (17 CFR 270.27c–1) provides an exemption from section 27(c)(1) from the requirement that a periodic payment plan certificate be a redeemable security. These exemptions are limited to variable annuity contracts under which payments are being made based upon life expectancies.

Part 270 of Title 17 of Code of Federal Regulations is amended by adding new § 270.22e–1 and § 270.27c–1 reading as follows:

§ 270.22e–1 Exemption from section 22(e) of the Act during annuity payment period of variable annuity contracts participating in certain registered separate accounts.

(a) A registered separate account, shall during the annuity payment period of variable annuity contracts participating in such account, be exempt from the provisions of section 22(e) of the Act prohibiting the suspension of the right of redemption or postponement of the date of payment or satisfaction upon redemption of any redeemable security, with respect to such contracts under which payments are being made based upon life contingencies.

§ 270.27c–1 Exemption from section 27(c)(1) of the Act during annuity payment period of variable annuity contracts participating in certain registered separate accounts.

(a) A registered separate account, and any depositor of or underwriter for such account, shall, during the annuity payment period of variable annuity contracts participating in such account, be exempt from the requirement of paragraph (1) of section 27(c) of the Act that a periodic payment plan certificate be a redeemable security with respect to such contracts under which payments are being made based upon life contingencies.

IV. *Rules 27a–1, 27a–2, and 27a–3 [17 CFR 270.27a–1, 270.27a–2, 270.27a–3]*. Section 27(a) of the Act provides that it shall be unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate except in compliance with the conditions set forth therein.

Section 27(a)(1) of the Act prohibits the sales load on such a certificate from exceeding 9 per centum of the total payments to be made thereon. Rule 27a–1 (17 CFR 270.27a–1) permits a variable annuity contract to provide for a sales load which will not exceed 9 per centum of the total payments to be made thereon as of a date not later than the end of the 12th year of such payments. If a contract should be issued for a shorter period, the 9 per centum limitation must be met for such shorter period. Since section 27(a)(1) [of the Act] does not expressly provide what the permissible period shall be for bringing the sales load within the 9 per centum limitation, the effect of the rule is to establish such a permissible period for a variable annuity contract.

Section 27(a)(3) of the Act prohibits the amount of sales load deducted from any one of the first 12 monthly payments on a periodic payment plan certificate from exceeding proportionately the amount deducted from any other such payment. It prohibits, as well, the amount of sales load deducted from any subsequent payment from exceeding proportionately the amount so deducted from any other subsequent payment. The effect of Rule 27a–2 (17 CFR 270.27a–2) is to permit more than one reduction in the sales load on a variable annuity contract and to permit the first reduction to take place later than the end of the first contract year. The rule prohibits an increase in the level of deduction during the term of the contract.

Section 27(a)(4) (of the Act) prohibits the first payment on a periodic payment plan certificate from being less than $20, or any subsequent payment from being less than $10. The effect of Rule 27a–3 (17 CFR 270.27a–3) is to exempt from such prohibitions payments under variable annuity contracts (a) issued in connection with plans meeting the requirements for qualification under section 401 or the requirements for deduction of the employer's contributions under section 404(a)(2) of the Internal Revenue Code or (b) which meet the requirements of section 403(b) of such Code. The rule also exempts from section 27(a)(4) (of the Act) variable annuity contracts which permit no sales load deduction from any payment in excess of 9 per centum of such payment.

Part 270 of Title 17 of the Code of Federal Regulations is amended by adding new §§ 270.27a–1, 270.27a–2, and 270.27a–3, reading as follows:

§ 270.27a–1 Conditions for compliance with section 27(a)(1) of the Act by certain registered separate accounts.

(a) A registered separate account, and any depositor of or underwriter for such account, shall, with respect to any variable annuity contract participating in such account, be deemed to satisfy the requirements of paragraph (1) of section 27(a) of the Act if such contract provides for a sales load which will not exceed 9 per centum of the total payments to be made thereon as of a date not later than the end of the 12th year of such payments: *Provided*, That if a contract be issued for any stipulated shorter payment period the sales load under such contract shall not exceed 9 per centum of the total payments thereunder for such period.

§ 270.27a–2 Exemption from paragraph (3) of section 27(a) of the Act for certain registered separate accounts.

(a) A registered separate account, and any depositor of or underwriter for such account, shall be exempt from paragraph (3) of section 27(a) of the Act provided that with respect to any variable annuity contract participating in such account the proportionate amount of sales load deducted from any payment during the contract period shall not exceed the proportionate amount deducted from any prior payment during the contract period.

§ 270.27a–3 Exemption from paragraph (4) of section 27(a) of the Act for certain registered separate accounts.

(a) A registered separate account and any depositor of or underwriter for such account, shall be exempt from paragraph (4) of section 27(a) of the Act as to payments under any variable annuity contract participating in such account which (1) is purchased in connection with a plan which meets the requirements for qualification under section 401 of the Internal Revenue Code, as amended ("Code") or the requirements for deduction of the employer's contributions under section 404(a)(2) of the Code, or (2) meets the requirements of section 403(b) of the Code, but such exemptions shall apply only to contributions or payments within the exclusion allowance for any employee under section 403(b) except as clause (3) hereof applies, or (3) permits no sales load deduction from any payment in excess of 9 per centum of such payment.

V. *Rule 0–1(e) (17 CFR 270.0–1(e))*. This rule defines the term "separate account" in the same language employed in the mutual fund bill, S. 2224, which was recently passed by the U.S. Senate and is now pending before the House of Representatives. Unlike the definition in proposed Rule 6e–1 (17 CFR 270.6e–1), § 270.0–1(e) (Rule 0–1(e)) includes separate accounts established by Canadian companies. The exemptions granted pursuant to these rules are, however, much less extensive than those granted by proposed Rule 6e–1 (17 CFR 270.6e–1). Further, in order for a Canadian insurance company to operate a separate account in the United States and to avail itself of these exemptions, it would first have to apply for and obtain an exemptive order from section 7(d) of the Investment Company Act of 1940.

Rule 0–1(e) (17 CFR 270.6e–1) also establishes certain conditions to the availability of these exemptive rules. These conditions include a requirement that the separate account be "legally segregated." The Commission is aware that State legislation varies in form and substance from State to State and that not all State statutes provide that the separate account is "legally segregated". It is contemplated, however, that in States where the statute does not so provide, a separate account may meet the condition through private arrangements which render the account inviolate.

Further conditions are imposed which require that the assets of the separate account be maintained at specified levels and that a specified portion of these assets shall not be chargeable with liabilities arising out of any other business which the insurance company may conduct.

Section 270.0–1 of Title 17 of the Code of Federal Regulations is amended by adding a new paragraph (e) to read as follows:

§ 270.0–1 Definition of terms used in this part.

* * * * *

(e) Definition of separate account and conditions for availability of exemption under §§ 270.14a–2, 270.15a–3, 270.16a–1, 270.22e–1, 270.27a–1, 270.27a–2, 270.27a–3, and 270.32a–3 of this chapter.

(1) As used in this part 270 unless otherwise specified or the context otherwise requires the term "separate account" shall mean an account established and maintained by an insurance company pursuant to the laws of any State or territory of the United States, or of Canada or any province thereof, under which income, gains, and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains or losses of the insurance company.

(2) As conditions to the availability of exemptions under §§ 270.14a–2, 270.15a–3, 270.16a–1, 270.22e–1, 270.27a–1, 270.27a–2, 270.27a–3, 270.27c–1, and 270.32a–2 of this chapter, the separate account shall be legally segregated, the assets of the separate account shall, at the time during the year that adjustments in the reserves are made, have a value at least equal to the reserves and other contract liabilities with respect to such account, and, at all other times, shall have a value approximately equal to or in excess of such reserves and liabilities; and that portion of such assets having a value equal to, or approximately equal to, such reserves and contract liabilities shall not be chargeable with liabilities arising out of any other business which the insurance company may conduct.

The Commission finds that the foregoing rules grant exemptions from certain provisions of the Act and may be made effective immediately, upon publication. Accordingly, the foregoing rules are declared effective July 10, 1969.

(Secs. 6, 38(a), 54 Stat. 800, 841, 15 U.S.C. 80a–6, 80a–37)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 10, 1969.

[F.R. Doc. 69–9146; Filed, Aug. 4, 1969; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101–26.1—General

JUSTIFICATION TO SUPPORT GSA NEGOTIATED PROCUREMENT

This amendment prescribes specific and detailed information to be submitted by agencies in support of requests to GSA for negotiated procurements, particularly when negotiation under § 1–3.210 (impracticable to secure competition by formal advertising) is applicable.

Section 101–26.105 is amended by revising the introductory text preceding paragraph (a) and revising all of paragraph (b) as follows:

§ 101–26.105 Justification to support negotiated procurement by GSA for other agencies.

Each purchase request submitted by an agency to GSA requiring negotiated procurement shall be accompanied by a justification or findings and determination, as applicable. Where such justification or findings and determination does not clearly and fully support the requested procurement, the requesting agency will be so notified and requested to furnish the information sufficient to satisfy the requirements of the applicable negotiation authority. The GSA contracting officer will suspend procurement action pending receipt of the requested information.

* * * * *

(b) When the purchase request is for a requirement to be procured by negotiation under § 1–3.208 (property purchased for authorized resale) or § 1–3.210 (impracticable to secure competition by formal advertising), the request must refer to and be accompanied by a statement containing information sufficient to justify use of the negotiating authority contemplated. With respect to circumstances permitting negotiation set forth in § 1–3.210, each purchase request (1) for a particular make, model, brand, or other similarly designated item or (2) which restricts procurement action to a limited number of competing commercially available products must be justified by a statement of facts establishing the minimum needs to be fulfilled and that such needs can be satisfied only by procurement of the designated item or any one of a limited number of competing commercially available products. (Personal preference and subjective evaluations are not acceptable as sufficient justification.) Specifically, the justification statement must include the following detailed information:

(i) The specific needs to be satisfied in terms of identified tasks or work processes;

(ii) The requirements that generate the specific needs;

(iii) The characteristics of the designated item that enable it to satisfy the specific needs; and

(iv) Identification of other items evaluated and, as to each, a statement of the characteristics (or lack thereof) which preclude them from satisfying the specific needs.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date: This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: July 29, 1969.

JOHN W. CHAPMAN, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 69–9115; Filed, Aug. 4, 1969; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4675]

[Colorado 2704]

COLORADO

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Public Land Order 2632 of March 13, 1962, withdrawing lands for the Savery-Pot Hook Project, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 12 N., R. 91 W.,
Sec. 22, lots 13 to 16, inclusive;
Sec. 23, lot 13;
Sec. 26, lots 3 to 7, inclusive, and lots 9 to 16, inclusive;
Sec. 27, lots 1 to 11, inclusive, and lots 13, 15, and 16;
Sec. 28;
Sec. 33;
Sec. 34, lots 1, 2, 4, 5, 7, 8, 9, 10, 12, 13, and 16;
Sec. 35, lots 1, 2, 7, and 8.

The areas described aggregate 3,189.95 acres in Moffat County.

The lands are located between Timberlake and Fourmile Creeks, 2 to 4 miles south of the Wyoming State line. The vegetative cover is principally sagebrush and mixed native grasses. Topography is gently rolling.

2. At 10 a.m., on September 4, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on September 4, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the U.S. mining laws at 10 a.m., on September 4, 1969. They have been open to applications and offers under the mineral leasing laws.

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Federal Building, Denver, Colo. 80202.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 30, 1969.

[F.R. Doc. 69-9120; Filed, Aug. 4, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-836]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments

In the matter of Amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Doniphan, Mo., Princeton, W. Va., Auburn, Nebr., Cayce, S.C., Sallisaw, Okla., Heber Springs, Ark., Preston, Minn., Barnstable, Nantucket, and Falmouth, Mass., Mineral Wells, Tex., Fayette, Hartselle, and Talladega, Ala., Marisposa, Calif., Greenville, Hartford, Cadiz, Elizabethtown, Burnside, and Greensburg, Ky., Flora, Ill.), Docket No. 18476, RM-1356, RM-1359, RM-1360, RM-1364, RM-1368, RM-1373, RM-1374, RM-1376, RM-1377, RM-1378, RM-1379, RM-1382, RM-1383, RM-1389, RM-1390, RM-1391, RM-1414.

1. The Commission has before it for consideration its notice of proposed rule making, FCC 69-207, issued in this proceeding on March 6, 1969, and published in the FEDERAL REGISTER on March 13, 1969 (34 F.R. 5120), proposing a number of changes in the FM Table of Assignments advanced by various interested parties. All comments filed pursuant to the notice were considered in making the following determinations. Except as noted, the proposals were unopposed and all population figures were obtained from the 1960 U.S. Census. This decision disposes of all the subject petitions, except RM-1368, 1376, 1378, 1390, and 1414, which will be included in a future order.

2. *RM-1356, Doniphan, Mo. (Jack G. Hunt); RM-1360, Princeton, W. Va. (Mountain Broadcasting Co.); RM-1374, Auburn, Nebr. (Stereo Broadcasting, Inc.); RM-1379, Sallisaw, Okla. (Big Basin Broadcasters, Inc.); RM-1383, Heber Springs, Ark. (Newport Broadcasting Co.); RM-1391, Preston, Minn. (Obed S. Borgen).* In the above cases, interested parties are seeking the assignment of a first Class A channel in a community without requiring any other changes in the table. All proposed assignments are alleged and appear to meet the minimum separation requirements of the rules. The communities range in size from 1,421 persons for Doniphan, Mo., to 8,393 for Princeton, W. Va. We are of the opinion that the named communities merit the requested assignments and that such assignments would serve the public interest. We are therefore assigning the proposed channels as follows:

City	Channel No.
Doniphan, Mo.	249A
Princeton, W. Va.	240A
Auburn, Nebr.	288A
Sallisaw, Okla.	240A
Heber Springs, Ark.	244A
Preston, Minn.	276A

3. *RM-1364, Mineral Wells, Tex.* On October 31, 1968, E. H. Hall, B. L. Hall, and R. E. Harbus filed a joint petition looking toward assignment of a first Class A channel to Mineral Wells, Tex. Mineral Wells has a population of 11,053 persons and is located about 45 miles west of Fort Worth. The only local aural outlet presently serving the community is a daytime-only AM station.

4. Petitioner initially proposed Channel 221A, which could be assigned without any other changes in the table, but acquiesced to a counter-proposal submitted by A. H. Belo Corp., licensee of TV Station WFAA-TV, Channel 8, Dallas, Tex., who opposed assignment of Channel 221A on the grounds that it offered potential second harmonic interference to reception of WFAA-TV in the Mineral Wells area. Belo proposed assignment of Channel 240A at Mineral Wells by the following means:

City	Channel No.	
	Present	Proposed
Abilene, Tex.	239	290 or 300
Mineral Wells, Tex.		240A

No comments or oppositions were filed in response to our invitation for comments in the notice on the above proposal.

5. We are of the opinion that assignment of a first Class A channel to Mineral Wells is warranted and would serve the public interest. Accordingly, we are assigning Channel 240A to Mineral Wells. Since no preference has been indicated for either of the alternate replacement channels for Channel 239 to be deleted at Abilene, we are assigning Channel 300 there since its preclusion impact on other possible assignments in the area would appear to be less than would be the case for Channel 290. This is not an area where possible assignments are scarce.

6. *RM-1373, Mariposa, Calif.* In a petition received October 21, 1968, and supplemented on November 27, 1968, Northern California Stereocasters, licensees of KVFS(FM), Vacaville, Calif., seeks assignment of Class B Channel 284 to Mariposa, Calif. Mariposa has a population of 550 persons (Rand McNally & Co., Commercial Atlas (1962)), and is the county seat of Mariposa County, which has a population of 5,064. There are presently no AM or FM assignments in Mariposa County. A large portion of the county lies within the boundaries of Yosemite National Park.

7. The petitioner submits that Mariposa has a current population of 1,750 persons, a 125 percent increase over the 1960 Census report. In support of the proposal for a Class B in lieu of a Class A channel, petitioner urges that a Class B facility is necessary in order to better penetrate and to provide FM service to a wide unserved area ("white area") in the rough and mountainous terrain common to the Mariposa-Yosemite National Park area. A showing is provided indicating that substantially greater "white" and "gray" areas, located generally to the east of Mariposa, would be served by an anticipated 25 kw. Class B operation over that obtainable from a maximum Class A facility. The showing is represented as being based upon assumed reasonable facilities for both unoccupied and operating FM assignments in the area. We do not agree with the petitioner's calculated contours used in making the "white area" showing; however, it does appear that a first FM service would become available to a significant area if based on 1 mv/m contours properly determined. In response to our request in the notice for this proceeding, petitioner states that it would file an application specifying a minimum of 25 kw. ERP with an antenna height of 660 feet above average terrain, if the proposed assignment is adopted.

8. The proposed assignment appears to satisfy the spacing requirements of the rules and a study is furnished from which petitioner concludes that assignment of Channel 284 to Mariposa would not adversely affect assignment of the proposed or six adjacent channels in the general area.

9. As we stated in the notice, ordinarily a small community the size of Mariposa is only considered for a Class A channel assignment. However, because of the relatively isolated location of the community in a sparsely populated mountainous area, the planned facilities to be applied for and the first FM service that would be provided thereby, we are of the opinion that assignment of a first Class B channel in lieu of a Class A is warranted in this case, and would, therefore, serve the public interest. For these reasons we are assigning Channel 284 to Mariposa, Calif. It is expected that any applications filed for the channel will be for facilities at least equivalent to what petitioner has represented it would apply for if the proposal were adopted.

10. *RM-1382, Flora, Ill.* On December 20, 1968, a petition was received from Thomas S. Land and Bryan Davidson, doing business as Salem Broadcasting Co., Salem, Ill., seeking amendment of the table to assign either Class A Channel 265A or 280A, or both, to Flora, Ill.

11. Petitioner is an applicant (BPH-6321) for a new FM station at Salem, specifying the sole Channel, 249A, assigned to Salem. Two other competitive applications are pending (BPH-6200 and BPH-6278) for use of the same channel at Flora. The latter applications were filed under the former "25-mile" rule (73.203(b)), since Flora and Salem are 25 miles apart. The three applications, being mutually exclusive, have been designated for hearing in a consolidated proceeding, Dockets 18288-90.

12. Flora has a population of 5,331 and is the largest community of Clay County, which has a population of 15,815. There are presently no AM or FM assignments in Clay County, although an application is pending for a new daytime AM station at Flora by one of the Flora FM applicants. Salem is a community of 6,165 persons and is the county seat of Marion County, population 39,349. The single AM station (daytime) at Salem is licensed to petitioner.

13. The petitioner submits that allocation of one or both of the channels available to Flora would meet the demands for service at Flora, as evidenced by two pending applications there, and that it would permit use of the channel originally assigned to Salem by the Salem applicant (petitioner). It is further urged that adoption of the proposal would simplify the pending hearing proceeding referred to above, and foster the purposes of 307(b) of the Act. The petition is supported by an engineering study demonstrating that Channels 265A and 280A will satisfy all spacing requirements at Flora.

14. We noted in the notice for this proposal that Salem and Flora are each of sufficient size to merit a first FM assignment, notwithstanding their current involvement in a competitive hearing proceeding. Because of the small size of Flora, we further stated that our consideration would be limited to assignment of one channel to that community, and in view of the lesser involvement of Channel 280A with regard to preclusion of assignments from other communities, that channel was preferred over Channel 265A. There were no oppositions filed in response to this proposal. In view of these considerations, we conclude that asssignment of Channel 280A to Flora, Ill., will serve the public interest, and we are hereby adopting such assignment.

15. By ordering clauses contained herein below, the application of Flora Broadcasting Co., BPH-6200, Docket 18288, and Doyle Ray Flurry, BPH-6278, Docket 18289, both specifying operation at Flora, Ill., may be amended in hearing to specify Channel 280A in lieu of Channel 249A and the application of Thomas S. Land and Bryan Davidson, doing business as Salem Broadcasting Co., BPH-6321, Docket No. 18290, specifying operation at Salem, Ill., on Channel 249A, will also be retained in hearing status.

16. *RM-1359, Barnstable and Nantucket, Mass.* On October 15, 1968, Cape Cod Broadcasting Co., prospective applicant for a new FM station at Barnstable, Mass., filed a petition requesting the assignment of Class B Channel 260 to Barnstable by deleting it from Nantucket, where it is neither occupied nor applied for, and substituting 228A or 284 therefor, as follows:

City	Channel No.	
	Present	Proposed
Barnstable, Mass.		260
Nantucket, Mass.	260	228A or 284

Barnstable, with a population of 13,465 persons, is located in Barnstable County on Cape Cod, Mass.[1] Barnstable County has a population of 70,286 and includes, essentially, all the land area generally referred to as Cape Cod. There are presently three aural facilities operating on Cape Cod (Barnstable County): WCOD, a Class B FM station at Hyannis (population 5,139), and WOCB(AM)-FM, a Class IV AM and Class B FM commonly owned combination at West Yarmouth (population 1,365). Construction of an AM daytime station is also authorized for Orleans in Barnstable County.

17. The engineering statement accompanying Cape Cod's petition states that no Class B channel is available to Barnstable meeting the spacing requirements without making changes in the table. The engineering states that shows that Channel 260, if shifted from Nantucket, will meet the spacing requirements in Barnstable. It is also shown that either Channel 228A or 284 could be used satisfactorily at Nantucket as a replacement. It is further shown that, because of existing assignments in the area, no preclusion impact would result to any community on any of the pertinent adjacent channels (257A through 263) if the proposed shift of Channel 260 were adopted, nor would any land area or additional communities be precluded from Channel 260 over that presently caused by its assignment at Nantucket. Regarding the choice of a replacement channel for Nantucket, petitioner points out that the community has a population of 2,804 persons, that the entire island has an area of only 46 square miles containing a total population of 3,484 persons, and that it has no AM or FM assignment, other than the unused Channel 260. Cape Cod suggests that, in view of Nantucket's limited area and population, a maximum Class A facility appropriately situated could provide a 1 mv/m contour over the entire island, and that, although a Class

[1] The place Barnstable referred to herein, unless otherwise indicated, is intended to mean the Town of Barnstable, a political and geographic subdivision of Barnstable County, which includes Hyannis, the village of Barnstable, and numerous other unincorporated places. The Cape Cod petition leading to this rule making listed 13 such places; according to the Post Office Department National Zip Code Guide (1966), 12 places in the town, including Hyannis and Barnstable (village) have separate post offices. The 1960 U.S. Census lists Hyannis (5,139) and Osterville (1,094) as among unincorporated communities in Massachusetts with populations of 1,000 or more. Barnstable (village) is not so included; the Rand McNally Road Atlas (1969 edition) shows it as the county seat of Barnstable County, with a population of 800.

B and several Class A channels are available for assignment to Nantucket, it is shown that Channel 228A could be assigned there without causing preclusion on Channel 225 through 231 to any other land area, thus providing the ultimate in allocation efficiency.

18. The petitioner submits numerous statistical data on population growth, employment, industry, social, religious, civic, and educational activities to support its contention that the Town of Barnstable is the geographic, political, social, and economic center of the entire Cape Cod area. It is urged that Barnstable's status as the major political subdivision and site of the county seat serves to support the community's need for its own local outlet. Cape Cod states that Barnstable's principal economic interests are based on its attraction as a summer residence and resort area. Special emphasis is placed on the past and projected growth in population for Barnstable Town and its county, as well as the seasonal variation. Petitioner notes that the permanent populations for the town and county practically doubled between 1940 and 1965; that between 1950 and 1960 it advanced 28.5 percent for the town and 50.2 percent for the county, the greatest increase during this period of any county in the State; and that the town population rose 16 percent between 1960–65. The 1965 population for Barnstable Town is reported as 15,609, and Barnstable County, 73,557. Barnstable Town is expected to rise to 22,000 by 1980. It is finally estimated that the town's summer residents will reach 31,000 by 1980, compared with 15,513 in 1960. By 1980, it is anticipated that the number of Cape Cod summer daytime visitors will approach 500,000 on weekends.[2]

19. Cape Cod asserted in its petition that "At present the Town of Barnstable has no local transmission service even though the need exists for one." Charter Broadcasting Corp. (Charter), licensee of WCOD(FM), Hyannis, vigorously disputes this assertion in comments opposing the proposed assignment. It contends that its operation, licensed and using a channel assigned to Hyannis, in Barnstable Town, serves as a local outlet for the town, with both its studio and transmitter being very close to the town offices and town police headquarters, and the village of Hyannis being the focal point of activities both for the town and for the entire Cape Cod area. In reply to Cape Cod's assertion that WCOD's program format is not adequate to meet growing needs, Charter calls attention to its program efforts in the brief period since it went on the air (June 1967), including stereo and various programs of local significance to the Cape Cod area. These efforts, it is asserted, are particularly noteworthy in view of the strong competition it faces, with a powerful AM–FM combination (affiliated with the Cape's daily newspaper) in nearby West Yarmouth, Plymouth AM–FM stations also being received and a considerable force in the market, and service from stations at New York, New Bedford, Providence, and elsewhere (no technical data supporting these claims of service is presented). It is claimed that actually Cape Cod seeks to serve the village of Barnstable; Charter points out that of 130 town officials for 1967 listed in Cape Cod's petition, only nine live in the village of Barnstable compared to 43 in Hyannis. It appears, however, that the village of Barnstable is the seat of the county government of Barnstable County.[3] Charter also asserts that the proposed Cape Cod transmitter location (Shootflying Hill) actually indicates a desire for wide-coverage rather than local service, and that actually the WCOD transmitter and studio are closer to the village of Barnstable than is that location. Cape Cod and Charter make other arguments pro and con, which need not be detailed here, concerning the character of WCOD's local service and the showing of need for an additional outlet. In conclusion Charter asks why the public interest would be served by assigning two powerful FM stations within a mile of each other, with a powerful AM–FM combination in the neighboring town (at West Yarmouth), service in the area (and competition) from the other stations mentioned above, and a newly authorized AM station at Orleans.

20. In reply[4] to Charter's opposition, petitioner asserts that it is not shown that its extensive showing of Barnstable's need for the proposed assignment is invalid, or that the numerous data provided in support of its claim that the Town of Barnstable is the "geographic, political, social, and economic center of the entire Cape Cod area" are in any way inaccurate. While acknowledging existence of the Hyannis FM operation, it is petitioner's position that there is a pressing need for the entire Town of Barnstable to be served in view of the area's rapidly expanding population and economy. As to the claim that the area is served by other stations, petitioner notes that the assertion is without engineering support, and contends that, regardless of other stations receivable in the area, the need of the Town of Barnstable for a local outlet has been amply demonstrated.

21. Cape and Islands Broadcasting Co., Inc., a petitioner in this combined proceeding for a Class B assignment at Falmouth, Mass. (RM–1377, paragraph 26, below), does not oppose assignment of a Class B channel to Barnstable, but submits a counterproposal which would assign Channel 284 to Barnstable—without making any changes in existing assignments. Cape and Islands points out that its proposal would eliminate the need to disturb the Nantucket assignment and urges that, since the area to which Channel 284 can be utilized is limited, greater flexibility would be achieved by retaining the more flexible Nantucket assignment for possible future use elsewhere in the area in the event it is not ultimately utilized on Nantucket.

22. Petitioner objects to Cape and Islands' counterproposal to assign Channel 284 to Barnstable in lieu of Channel 260. By an accompanying engineering statement, it is shown that use of Channel 284 would require a site in another community to the east, outside the town limits of Barnstable, in order to meet the minimum spacing requirements of the rules. It is submitted that no showing is made pursuant to 73.203(a)(4) that a suitable site for Channel 284 would be available satisfying the various requirements. By contrast, it is urged that its own proposal for assignment of Channel 260 would permit use of a site on elevated Shootflying Hill in the approximate center of Barnstable where, by virtue of an existing 345-foot (amsl) radio tower, aeronautical and zoning approval can be expected. It is concluded that assignment of Channel 260 would represent a superior choice over Channel 284, since it would permit a centrally located site within the principal community and area intended to be served. It is asserted that the Cape-Islands' suggestion is apparently an effort to preclude a Barnstable station from serving the Falmouth area, to the west, by forcing it to locate further east.

23. In connection with this matter and the arguments of Cape Cod and Charter, and also the matter of assignment(s) to Falmouth, Mass., covered below, it is appropriate to discuss briefly the concept of the "town", in Massachusetts and other New England States, as it relates to the Commission's channel assignment processes. In most of the country a "town" is a specific settled center of population; but the towns in Massachusetts and other New England States are, rather, geographic and political subdivisions of counties. The 1960 U.S. Census recognizes this distinction, and includes New England "towns" in its listing of communities in each State (Table 8 for each State) only if they meet certain standards of population (25,000) or more, or 1,500 persons or more per square mile) so as to be classified as "urban towns". A New England town may include a number of individual population centers, such as those in Barnstable Town (footnote 1, above). The town itself is incorporated and has some of the functions usually associated with local governments. The places within the town, such as Hyannis and the village of Barnstable, are often unincorporated even when they are of substantial size. In Massachusetts (and Maine and New Hampshire) individual places are not incorporated unless they have populations of 10,000 or more, unlike the practice in most of the country. The Commission's FM Table of Assignments contains assignments to both towns and individual communities within a town.[5]

24. We have carefully considered all the comments and data submitted by participating parties in this case and conclude that the public interest would be served by assigning Channel 260 to Barnstable and substituting Channel 228A in its place at Nantucket. Although, for allocation purposes, this might be construed as a second assignment for the Town of Barnstable because of the existing Hyannis assignment—which is contrary to petitioner's contention—we are persuaded by the showings in this proceeding that Barnstable and its importance to the Cape Cod area present sufficient unique circumstances in its favor to warrant the assignment. In reaching this decision we have taken into account a number of aspects, including the total lack of preclusion impact that would result from reassigning the channel from Nantucket to Barnstable; the same is true for the assignment of Channel 228A at Nantucket. Furthermore, because of Cape Cod's extension from the mainland and its corresponding isolation from mainland assignments, sufficient channels appear to be available to supply other reasonable needs for the Cape area in the foreseeable future. We believe that showings of population growth experienced in Barnstable, the high influx of summertime residents and tourism, and the significant growth projected over the next 10-year period distinguish the community from the more usual circumstances attending requests for additional FM assignments in communities of this size on the mainland. Aside from the tourist and summer resident influx, the population of Barnstable Town (over 13,000) is greater than that of some places which have been assigned two FM channels. As to Charter's position that the assignment should be denied because the area has available a number of FM services, it is recognized that the additional assignment will probably not add a first or second FM service to any land area; however, it will offer present and future residents of Barnstable a second choice of local FM programing, and will provide an additional Cape Cod-based facility to most of the remaining Cape area. With respect to the Cape and Islands counterproposal that Channel 284 be assigned to Barnstable instead, we do not believe that this proposal is preferable, in view of the fact that a station using it would have to be located some distance outside of the Town of Barnstable (some 5 miles from the village of Barnstable and more than 10 miles from the furthest point in the town), and in view of the absence of impact from a Channel 260 assignment.

25. With respect to assignment to the "Town" or "village" of Barnstable mentioned above, § 73.202(b) of our rules does not specify, in connection with New England assignments to towns and individual places of the same name, which is meant. This will be true in this case. However, while a Class B/C assignment to a place as small as the village of Barnstable (population 800) is not unprecedented, it would be unusual, and the assignment here is being made primarily on the basis of the showing as to the needs of the town rather than the village. Therefore, it is expected that the proposed facilities sought in applications will provide the signal required for principal city service in § 73.315(a) of the rules (70 dbu, 3.16 mv/m) to all of the Town of Barnstable.

26. We stated in the notice that, in absence of a convincing showing to the contrary, we proposed to assign Channel 228A to Nantucket as a replacement channel, in lieu of Class B Channel 284. Since no comments in opposition were directed specifically to this aspect of the matter we are adopting our proposal to assign Channel 228A. In view of the above discussions, we are assigning Channel 260 to Barnstable, Mass., and substituting Channel 228A for 260 at Nantucket, Mass.

27. *RM–1377 and RM–1389, Falmouth, Mass.* Separate petitions were received from two prospective FM applicants at Falmouth, Mass., each requesting rule making to assign a different FM channel to Falmouth. The first petition, filed November 22, 1968, by Paul A. Christo proposes assignment of Class B Channel 270. Christo later became the president of Cape and Islands Broadcasting Co., Inc., and filed comments herein as such. The second, filed December 31, 1968, by Falmouth Broadcasting Co., Inc., requests assignment of Class A Channel 240A. Falmouth, with a population of 13,037, is located in the extreme southwest area of Cape Cod in Barnstable County, the latter having a population of 70,286.[6] The community has neither FM Channels nor AM stations assigned. An application filed by the second petitioner, Falmouth Broadcasting, is pending for an AM daytime station at Falmouth.

28. In support of its petition, Christo (Cape and Islands) submits that the community and its county are increasing in population at a significant rate over and above increasing tourism in the area and that, although there are AM and FM stations operating at West Yarmouth and Hyannis, as well as a pending petition to assign an FM channel to Barnstable, allocated on Cape Cod, the Cape Cod area surrounding Falmouth still has a need for a locally oriented facility of the type its proposal would provide. The petitioner also claims that the assignment would permit a first local 70 dbu (3.16 mv/m) coverage to 95 percent of Martha's Vineyard, whose total 1960 population was 5,763. It is emphasized by Christo that, since the land area to which Channel 270 may be assigned is restricted to the immediate area of Falmouth, the channel would likely lie fallow if its proposed assignment is not adopted.

29. Both petitioners submit that their respective channel proposals will meet the spacing requirements of the rules. Christo's petition contains a preclusion study for Channel 270 and the pertinent adjacent channels, from which it appears that Channels 269A, 270, and 272A would involve preclusion areas, one or more of which contain Martha's Vineyard, Nantucket Island, or the eastern area of Cape Cod. However, none of the areas include an individual community without an FM assignment comparable in size, or for which it does not appear that other channels are available for assignment. A detailed preclusion study is not provided by Falmouth Broadcasting as to impact its proposal for assignment of Channel 240A would have. However, from our own analysis, it appears that Channel 240A would be totally precluded from future assignment on all of Cape Cod, Martha's Vineyard, and Nantucket, if the assignment were to be adopted. Adjacent Channel 242 would also be precluded from Nantucket. However, it appears that adequate channels are available in the impact areas to meet reasonable needs for assignments in the future in places where they do not already exist.

30. In the notice for this case, we stated that we were not of the opinion that Falmouth warranted assignment of two FM channels, based on information provided by petitioners at that time, particularly when it would result in a mixture of Class A and B channels in the same community. In response to the notice, Falmouth Broadcasting takes the position that a Class A FM channel is adequate to serve the diverse and special needs of the community of Falmouth, and that there would be adequate local economic and popular support without the need to seek regional coverage in competition with other regional stations operating either at Falmouth or the Cape Cod area. On the other hand, it suggests that refusing to provide for a Class A channel and making only a Class B channel available to Falmouth would diffuse the obligation of a future licensee to serve all of the additional service area, with a consequent dilution of service to the special needs of the local community.

[2] For its population analysis, petitioner cites as sources the U.S. Census and the Massachusetts Department of Commerce and Development. Projections are derived from a report, Cape Cod 1980, prepard by Blair Associates, Inc., for the State of Massachusetts and Barnstable County.

[3] Of the letters from local organizations submitted by Cape Cod in its reply comments, some show Hyannis and some Barnstable addresses, with more of the former.

[4] On Apr. 18, 1969, Cape Cod filed a request that the date for filing reply comments be extended from Apr. 24, 1969, to May 5, 1969. The request was granted; however, through inadvertence, the order extending the time was not issued. Thus, the reply comments filed by Cape Cod on May 5, 1969, are being considered in this proceeding.

[5] Of 26 listings for Massachusetts in the FM Table (§ 73.202(b) of the rules), 17 are incorporated cities (Boston, etc.); three are towns without any other communities within them (Brookline, Framingham, and North Attleboro, the first two being "urban towns" for Census purposes); four are both towns and unincorporated communities of the same name within the town (Greenfield, Nantucket, Plymouth, and Southbridge), and two are unincorporated places within towns of different names (Hyannis and West Yarmouth, both on Cape Cod). Of the places listed in the U.S. Census (Table 8) as Massachusetts communities, 39 are incorporated cities, 32 are "urban towns" (see above), and the remaining 120 are unincorporated places included in towns. See 1960 U.S. Census of Population, Vol. I, Part A, pp. XII, XXI–XXII and (for Massachusetts) pp. 23–11 to 23–14.

[6] The place Falmouth, as referred to herein, unless otherwise indicated, is intended to mean the Town of Falmouth, a political and geographical subdivision of Barnstable County, which includes the unincorporated places of East Falmouth (1,655) and Falmouth (3,308).

Christo advances its contention that circumstances prevail which warrant assignment of both a Class A and Class B channel to Falmouth. Noting that the Class A proponent is also an applicant for a daytime AM facility at Falmouth,[7] it is urged that the policy against intermixture of classes of stations in the same community need not be applied where the parties propose an independent Class B operation on the one hand and a daytime AM and Class A FM operation on the other. The existence of similar competitive operations throughout the country is cited in support of this position. Christo further sets forth the possibility of an alternative to assigning both channels to Falmouth—assigning the Class A channel to Bourne/Otis Air Force Base with the suggestion that such an arrangement would permit the actual use of the channel at a number of other nearby communities located within 10 miles. Falmouth Broadcasting discounts the alternate proposal on the grounds that no showing is made of needs or interests to justify a separate assignment.

31. We are faced here with essentially the same unique set of circumstances which prevail in an associated rule making for Barnstable, RM-1359, contained in the instant "package" proceeding, where we are assigning a second channel. The Towns of Falmouth and Barnstable are essentially equal in size and population, and both are attractive as summertime recreation and resort areas with an accompanying heavy influx of summer residents, visitors, and tourism. According to Falmouth Broadcasting, the summer population for the area increases from 2.5 to 4 times, augmented additionally by automobile and boat transients. Much of the statistical data cited in the Barnstable case are equally valid here; in fact, parts of the same data are cited by the Falmouth petitioners. We note the very limited land area in the immediate vicinity of Falmouth proper where the proposed Class B channel must be used to meet the spacing requirements of the rules, and for which, coincidentally, the preclusion impact is negligible, another distinct similarity to the Barnstable proposal. Indeed, the proposed channel appears to be the only Class B channel assignable to the Falmouth area of Cape Cod. Thus, if consideration is to be given to assignment of a second channel, it must be restricted to a Class A. As noted previously, Channel 240A at Falmouth would preclude its future assignment over the entire Cape Cod area, but sufficient Class A channels appear available in the area to provide any future needs determined to be in the public interest. Thus, the preclusion aspects are not a bar to favorably considering simultaneous assignments. With respect to the question of intermixing classes of stations in the same community, since only one Class B channel is available, there is no other alternative if two channels are to be assigned. Both petitioners support this arrangement by showing that their proposals would provide the means to attain their individual objectives as to service.

32. In view of the above, we conclude that assignment of Channels 240A and 270 to Falmouth, Mass., would serve the public interest. We are therefore adopting each of the proposed assignments. As in the case of the assignment to Barnstable mentioned above, it is expected that the applicants for the assignments at Falmouth will specify facilities providing a principal-city signal to the entire town.

33. Authority for the adoption of the amendments contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

34. In view of the above determinations: *It is ordered*, That effective September 9, 1969, § 73.202 of the Commission's rules and regulations is amended to read, insofar as the communities named are concerned, as follows:

City	Channel No.
Arkansas:	
Heber Springs	244A
California:	
Mariposa	284
Illinois:	
Flora	280A
Massachusetts:	
Barnstable	260
Falmouth	240A, 270
Nantucket	228A
Minnesota:	
Preston	276A
Missouri:	
Doniphan	249A
Nebraska:	
Auburn	288A
Oklahoma:	
Sallisaw	240A
Texas:	
Abilene	257A, 264, 286, 300
Mineral Wells	240A
West Virginia:	
Princeton	240A

35. *It is further ordered*, That the applications of Flora Broadcasting Co., File No. BPH-6200, Docket No. 18288, and Doyle Ray Furry, File No. BPH-6278, Docket No. 18289, both specifying operation at Flora, Ill., may be amended to specify Channel 280A in lieu of 249A and the amended applications will be retained in hearing status.

36. *It is further ordered*, That the application of Thomas S. Land and Bryan Davidson, doing business as Salem Broadcasting Co., File No. BPH-6321, specifying operation at Salem, Ill., on Channel 249A, will be retained in hearing status in Docket No. 18290.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: July 29, 1969.

Released: August 1, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[8]
BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-9149; Filed, Aug. 4, 1969; 8:47 a.m.]

[Docket No. 17562 etc.; FCC 69-844]

PART 73—RADIO BROADCAST SERVICES

Presunrise Operation

In the matter of "Pre-sunrise" operation by Class II stations under presunrise service authorization on U.S. I-A clear channels, Docket No. 17562; Amendment of section 73.99 of the Commission's rules (Presunrise Service Authority) to specify 6 a.m. "local time," Docket No. 18023; "Pre-sunrise" operation by Class II stations on U.S. Class I-A channels before 6 a.m., Docket No. 18036.

1. These proceedings are concerned with regularizing the sign-on practices of Class II (secondary) daytime and limited-time standard broadcast stations assigned to the U.S. I-A clear channels. The presunrise operating privileges of Class III (regional) stations, Class II stations assigned to I-B clear channels, and Class I-B clear channel stations were permanently adjusted after lengthy rule making proceedings in Docket No. 14419—Report and Order, 8 FCC 2d 698 (1967), aff'd in WBEN, Inc. v. United States, 396 F. 2d 601 (2d Cir.) (1968), cert. denied, 393 U.S. 914 (1968). Sections 73.87 and 73.99 of the rules, adopted in connection with that proceeding, forbid regular program transmission outside licensed hours by daytimers and limited-time stations on Class III and Class I-B channels except in accordance with a supplemental type of authorization called a Presunrise Service Authority (PSA). More than 1500 PSA's are currently outstanding.

2. At present, the early morning operating practices of Class II stations assigned to U.S. I-A clear channels are regulated by § 73.99(b)(1) of the rules and the note thereto, under which they may, if located west of the cochannel dominant station, commence operation either at 6:00 a.m. "standard" (nonadvanced) time or sunrise at the dominant station, whichever is later.[1] Full daytime or critical hours power is used, depending upon the licensed post-sunrise mode of operation. For Class II stations east of the cochannel dominant station, presunrise operation is flatly proscribed.

3. The interference protection status of the 25 U.S. I-A clear channel stations is unique, in that it derives mainly from their exclusivity of assignment within the North American Region, rather than from specific contour protection as is the case with other classes of standard broadcast stations.[2] The use of these channels by Class II daytime and limited-time stations during the early morning transitional hours is further complicated by the fact that our method for calculating cochannel interference presupposes a condition of total daylight or darkness along the entire transmission path. Where Class II sign-on times are keyed to sunrise at dominant stations to the east, as has historically been the case with Class II's operating on U.S. I-A clear channels, a changing situation exists in which a "shadow wall" is moving from east to west as the earth rotates eastward on its axis. Thus, even after sunrise at the dominant station, a substantial part of its normal service area is still in darkness and subject to "residual" skywave effects from cochannel operations to the west. The impact of this type of interference decays rapidly as the shadow wall progresses westward and the transmission path becomes more light than dark.

4. In Docket No. 14419, we dealt with the problem of Class II daytimers operating on the Class I-B clear channels by keying their operations to sunrise at the dominant station to the east, with power reduced to the extent necessary to protect I-B assignments (if any) to the west. (Because of the prevalence of Class I-B stations in the western United States, relatively few daytimers in this category qualify for the 500-watt PSA maximum.) The situation of Class II stations operating on I-A clear channels is not entirely analogous, in that Class I-A stations are licensed on an exclusive nighttime basis, except for specific exceptions mentioned in the rules and noted above. Moreover, they are geographically concentrated in the east. Finally, the relatively few Class II's assigned to Class I-A clear channels makes for lighter channel loading with correspondingly fewer "cumulative" interference problems. The presunrise accommodations reached on the I-B clear channels in Docket No. 14419 therefore do not provide a wholly satisfactory reference base for deciding the instant proceedings.

5. Simply stated, we are in these proceedings dealing with the presunrise operating status of 56 daytime and limited-time Class II stations assigned to the 25 U.S. I-A clear channels. With respect to the 30 such stations west of their I-A dominants, the issues revolve around starting times and powers. For the 26 stations east of their dominants, the issue is whether presunrise operation should be permitted at all.[3]

6. Because station ownership is subject to change, the temporary nature of programing decisions by individual licensees, and many other factors cited in our basic presunrise decision (Docket 14419, supra) and the Appendix hereto,[3a] we adhere to the view that presunrise operating privileges—including those involved in these proceedings—must be determined by relatively simple, easily administered engineering standards, resigned to provide for early morning services by secondary stations to the extent possible without jeopardizing the clear channel mission of Class I-A stations.

7. Of major importance to these proceedings is the recent United States-Mexican "Pre-sunrise" agreement ratified by the U.S. Senate June 19, 1969, and currently awaiting ratification by Mexico. Assuming completion of ratification and entry into force, approximately 50 Mexican Class II stations will become eligible for presunrise operation with their daytime facilities on U.S. I-A clear channels, on the basis of 6 a.m. local time and 0.5 mv/m (50 percent skywave) protection to cochannel U.S. I-A stations. Conversely, approximately 250 U.S. Class II stations assigned to Mexican I-A clear channels will, for the first time, be permitted to operate in like manner. The reciprocal benefits thus conferred are limited to 500 watts. This limitation agrees with the domestic PSA power ceiling of 500 watts—§ 73.99(b)—and was determined to be an appropriate international limitation, owing in part to the cumulative skywave effects of the many stations involved. Until ratification procedures are completed, U.S. Class II stations on Mexican I-A clear channels continue to be precluded from presunrise operation. Ratification of the agreement by Mexico may be completed at an early date.

8. In light of these considerations, and our detailed analysis of the comments in these proceedings, as set forth in the Appendix, we have concluded that the presunrise usage of U.S. I-A clear channels by secondary daytime and limited-time stations in the United States should be balanced in line with the following principles:

(a) Presunrise operation by the 26 Class II daytime and limited-time station east of their Class I-A cochannel assignments to be proscribed, as it has been at least since the 1967 "presunrise" decision (Docket No. 14419, supra).[4] See Par. 46, et seq. of the Appendix.

(b) Presunrise operation by the 30 Class II daytime and limited-time stations west of Class I-A cochannel assignments to be allowed to commence at 6 a.m. local time[5] or sunrise at the dominant station, whichever occurs later.

(c) Power levels for permissible PSA operations—Par. 8(b), supra—to be determined by the following protection requirements:

(1) 500 watts (or licensed starting power, if less than 500 watts), or such lesser power as may be necessary to provide full treaty protection to foreign Class II unlimited time stations (if any) assigned to the same channel.

(2) Foreign interference to be calculated in accordance with applicable treaties. Domestic interference effects resulting from PSA power levels of 500 watts or less to be disregarded, because the protected contour is in fact collapsing from the moment of sunrise at the dominant station.

(d) Daytime or critical hours antenna system to be employed, as appropriate.

(e) PSA requests (if any) by Class II-A stations, and by other Class II full-timers operating on U.S. I-A clear channels (KFMB, San Diego, and other stations in Hawaii, Alaska, and Puerto Rico), to be judged on a case-by-case basis in line with Par. 39 of the Appendix.

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[7] An application for a new AM station, tendered for filing on Dec. 19, 1969, by Falmouth Broadcasting, and accompanied by a request for waiver of the provisions of Note 2 to section 1.571 of the rules, which govern the acceptance of AM applications, has not yet been acted upon (see 13 FCC 2d 866).

[8] Commissioner Robert E. Lee absent, Commissioner Cox not participating on changes in Cape Cod area.

[1] This applies to presunrise operation only, it being understood that all stations may observe their licensed sign-on. During the late spring, summer months and early fall months this is often earlier than 6 a.m.

[2] As described in §§ 73.21(a) and 73.182(a) of the rules, Class I "clear channel" stations are divided into two groups, Class I-A and Class I-B. Class I-B stations are protected at night to their 0.5 mv/m 50 percent skywave contours, against cochannel interference. Under the rules as they existed prior to 1961, the 25 Class I-A stations were generally the only stations in the continental United States operating on their channels (the 25 Class I-A channels) at night. U.S. stations outside the continental United States were limited to a skywave signal of no more than 0.025 mv/m (10 percent) into the continental United States. The present rules contain the same general protection standards, except that on 12 channels one additional fulltime assignment is provided for the western part of the United States (11 II-A assignments specified in § 73.22, plus a station on 760 kc/s at San Diego), protecting the 0.5 mv/m 50 percent skywave contour of the I-A station at night. Stations in other North American countries must similarly protect U.S. I-A service at night, under pertinent international agreements. Under the 1957 United States/Mexican Agreement there can be no Mexican stations on U.S. I-A channels at night (and vice versa), with specified exceptions, and under the North American Regional Broadcasting Agreement (NARBA) any such stations must be more than 650 miles from the nearest U.S. boundary and also meet the radiation limitation mentioned above.

[3] These figures do not include Station KCTA, Corpus Christi, Tex., whose presunrise operation is not involved herein because KCTA is licensed to sign on at sunrise Boston, the I-A location. They likewise do not include eastern Class II stations WOI, Ames, Iowa, and WNYC, New York City, whose operations during other than daytime hours are the subject of adjudicatory proceedings (Dockets 11227 and 11290). Stations KUOM, Minneapolis, and WCAL, Northfield, Minn., which share time on 770 kc/s, are counted as one station.

[3a] Filed as part of the original document.

[4] With the possible exception of WHO, Akron, Ohio, in view of the cochannel protection which would be offered to Class I-A, KFI, Los Angeles. This possibility will be further evaluated after a decision is reached on WOI's application for special service authorization for presunrise operation at Ames, Iowa, on 640 kc/s (Docket No. 11290).

[5] In lieu of "standard" time, as now specified in the note to § 73.99(b)(1) of the rules. This adjustment is consistent with the 6 a.m. "local" PSA starting hour for Class III stations, and Class II stations on I-B clear channels, achieved in the first report and order in Docket No. 18023, 14 FCC 2d 393 (1968). The need for this adjustment has become increasingly apparent since the passage of the Uniform Time Act of 1966, under which a 1-hour April–October time advancement is generally observed throughout the nation.

(f) As in the case of other PSA's, authorizations issued under the Rules herein adopted to be subject to suspension, modification or withdrawal without prior notice or right to hearing, if necessary to resolve interference conflicts, to implement agreements with foreign governments, or in other circumstances warranting such action, including further developments with respect to 770 kc/s presently under consideration in Docket No. 6741.

9. Under the formula set forth in paragraph 8(c), above, daytime-only and limited-time Class II stations will be limited to 500 watts power, or 250 watts if that is their authorized daytime power. The 250-watt limit will apply to Stations KIKK, Pasadena, Tex. (650 kc/s), KSEO, Durant, Okla. (750 kc/s), KSPI, Stillwater, Okla. (780 kc/s), KJIM, Fort Worth, Tex. (870 kc/s), KCLE, Cleburne, Tex. (1120 kc/s) and WAVI, Dayton, Ohio Ohio (1210 kc/s).

10. In the notice of proposed rule making which initiated one of the above-captioned proceedings (Docket No. 17562, FCC 67-768), as well as in the report and order in Docket No. 14419, supra, we expressed the tentative view that Class II daytime and limited-time stations operating on U.S. I-A clear channels should be subject to the same power limitation (500 watts) as are PSA holders generally. The reasons underlying this view were that it is undesirable to permit one group of PSA holders to operate at higher power than others, and that a general limitation of 500 watts would effectively control early morning skywave interference on the U.S. I-A clear channels. For the reasons stated in the Appendix hereto, we feel that the general 500-watt PSA power ceiling has continuing validity, particularly in view of the fact that the United States-Mexican "Pre-sunrise" agreement, when it becomes effective, will make the 500-watt ceiling mandatory across the board. We note in passing that the settlement reached herein is more lenient than the international settlement reached in the Mexican negotiations, since Class II skywave effects at PSA power levels of 500 watts and less are ignored in evaluating domestic interference. On this basis, we do not believe that we are jeopardizing the integrity of the U.S. I-A clear channel services.

11. Further revision of § 73.99 of the rules will, of course, become necessary upon ratification of the United States-Mexican "Presunrise" agreement and its entry into force. In the meantime, the decisions reached in the above-captioned proceedings may be carried out simply by deleting of the present note to § 73.99(b)(1).

12. Authority for the adoption of this report and order is contained in sections 4(i), 303(c), 303(e), 303(r), and 307(b) of the Communications Act of 1934, as amended. The change concerning 6 a.m. local time is a relaxation of an existing restriction on presunrise operation, which otherwise would affect numerous stations starting August 1; therefore it is appropriate to make this change in the rules effective immediately (see 5 U.S.C. 553).

13. *Accordingly, it is ordered*, That effective August 1, 1969, the note to § 73.99(b)(1) of the rules is deleted.

14. *It is further ordered*, That notwithstanding the above effective date, operations currently conducted under said note may be continued through September 14, 1969, but with sign-on times adjusted to 6 a.m. local time (or sunrise at the dominant station, whichever is later). After September 14, 1969, presunrise operations shall be conducted only pursuant to a PSA.

15. *It is further ordered*, That to expedite the grant of PSA's to stations affected by these proceedings, the Commission will accept and act on letter requests by eligible Class II daytime and limited-time stations, specifying the power of 500 watts (or licensed facilities, if less) without the interference calculations otherwise required by § 73.99 of the rules. Such requests shall, however, contain a description of the method whereby any proposed power reduction will be achieved, and should be filed no later than September 1, 1969.

16. *It is further ordered*, That the waiver request filed August 31, 1967, by Radio Akron, Inc., licensee of Radio Station WHLO, Akron, Ohio, is dismissed without prejudice to possible resubmission upon conclusion of proceedings in Dockets Nos. 11290 and 16298.

17. *It is further ordered*, That the petition for review and final action filed June 30, 1965, the request for immediate action on pending complaint or alternative relief filed October 26, 1967, and all supplementary and related complaints and pleadings filed by Columbia Broadcasting System, Inc. (WCBS, New York), in connection with the presunrise operations of Radio Station WRFD, Worthington-Columbus, Ohio, are dismissed as moot.

18. *It is further ordered*, That motions filed by Storer Broadcasting Co. (KGBS), Frances Maye Barnett et al. (KSWS), Cornell University (WHCU), and Loyola University (WWL) for acceptance of late or additional comments in Dockets Nos. 17562 and 18036, are granted; and the motion to strike filed February 27, 1968, by Plough Broadcasting Co. (WJJD) is denied to the extent that additional comments filed on behalf of Radio Station KSL have been considered, and in all other respects is granted.

19. *It is further ordered*, That proceedings in Dockets Nos. 17562, 18023, and 18036 are terminated.

(Secs. 4, 303, 307, 48 Stat. as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-9150; Filed, Aug. 4, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Waubay National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

WAUBAY NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Waubay National Wildlife Refuge, S. Dak., is permitted from November 29, 1969, through December 7, 1969, only on the area designated by signs as open to hunting. This area, comprising 4,591 acres, is delineated on a map available at refuge headquarters, Waubay, S. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 7, 1969.

ROBERT R. JOHNSON,
Refuge Manager, Waubay National Wildlife Refuge, Waubay, S. Dak.

JULY 29, 1969.

[F.R. Doc. 69-9121; Filed, Aug. 4, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 32, 33]

HUNTING AND FISHING ON CERTAIN REFUGES

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.11, 32.21, 32.31, and 33.4 by the addition of Browns Park National Wildlife Refuge, Colo., to the list of areas open to the hunting of migratory game birds; Browns Park National Wildlife Refuge, Colo., and UL Bend National Wildlife Refuge, Mont., to the list of areas open to the hunting of upland game; Holla Bend National Wildlife Refuge, Ark., Bitter Lake National Wildlife Refuge, N. Mex., and UL Bend National Wildlife Refuge, Mont., to the list of areas open to the hunting of big game; and UL Bend National Wildlife Refuge, Mont., to the list of areas open to sport fishing.

It has been determined that the regulated hunting of upland game, big game, and migratory game birds, and sport fishing may be permitted as designated on the above refuges without detriment to the objectives for which the areas were established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.11 is amended by the following addition:

§ 32.11 List of open areas; migratory game birds.

* * * * *

COLORADO

Browns Park National Wildlife Refuge.

* * * * *

2. Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

COLORADO

Browns Park National Wildlife Refuge.

* * * * *

MONTANA

UL Bend National Wildlife Refuge.

* * * * *

3. Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

* * * * *

ARKANSAS

Holla Bend National Wildlife Refuge.

* * * * *

MONTANA

UL Bend National Wildlife Refuge.

* * * * *

NEW MEXICO

Bitter Lake National Wildlife Refuge.

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4. Section 33.4 is amended by the following addition:

§ 33.4 List of open areas; sport fishing.

* * * * *

MONTANA

UL Bend National Wildlife Refuge.

* * * * *

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 30, 1969.

[F.R. Doc. 69-9144; Filed, Aug. 4, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1001, 1002, 1003, 1004, 1015, 1016]

[Docket Nos. AO-14-A46 et al.]

MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE AND CERTAIN OTHER MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	Docket No.
1001	Massachusetts-Rhode Island-New Hampshire.	AO-14-A46.
1002	New York-New Jersey	AO-71-A58.
1003	Washington, D.C.	AO-293-A22.
1004	Delaware Valley	AO-160-A42.
1015	Connecticut	AO-305-A23.
1016	Upper Chesapeake Bay	AO-312-A19.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in each of the marketing areas heretofore specified.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

Preliminary Statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, as amended, were formulated, was conducted at New York, N.Y., on June 16-17, 1969, pursuant to notice thereof which was issued on May 28 and June 4, 1969 (34 F.R. 8709; 9035).

The material issues on the record of the hearing relate to:

1. Modification of the specified Class I price under each of the respective orders to continue the existing interregional price alignment;

2. Modification of the butterfat differentials under the respective orders; and

3. An increase in the maximum allowable rate of payment for expense of administration under the New York-New Jersey order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Modification of the specified Class I price under each order.* The Class I pricing provisions under the Massachusetts-Rhode Island-New Hampshire, New York-New Jersey, Delaware Valley, and Connecticut orders should be modified to provide that the Class I price for the month shall be the specified price under each such order plus any amount by which the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the preceding month, on a 3.5 percent butterfat basis, exceeds $4.33. In addition, all of the language of the inactivated economic formula under each such order should be deleted.

Because the Class I price under both the Upper Chesapeake Bay and Washington, D.C., orders is established by a specified adjustment of the Delaware Valley Class I price, no change is needed in these two orders to accomplish the end here determined appropriate.

The New York-New England Cooperative Coordinating Committee, representing 18 of the principal cooperatives with membership among producers supplying the New York-New Jersey and/or New England Federal order markets, proposed that the Class I price under each of the six northeastern Federal orders be "floored" in its relationship with the effective Class I price under the Chicago Regional order. The proposal had as its purpose to continue the precise interregional Class I price alignment established by the Department in general price actions taken under all orders on January 1 this year and during the previous 3 years in an effort to halt declining milk production nationally. Pennmarva Dairymen's Cooperative Federation, Inc., the member cooperatives of which represent producers primarily associated with the Delaware Valley, Upper Chesapeake Bay and Washington, D.C., markets, proposed further that, for such markets only, the intent of the Coordinating Committee's proposal be implemented through a bracketing scheme whereby the presently specified Class I prices would be adjusted in 20-cent increments to reflect increases in the Minnesota-Wisconsin pay price above $4.33 (3.5 percent butterfat basis).

Milk production has been declining throughout the country since early 1965. In an effort to stabilize production, the Department in the interim period has taken a number of price actions on a national basis both under the Federal order and price support programs. The most recent of such actions with respect to Federal orders were taken September 15, 1968, and January 1, 1969.

Official notice is taken of the decision of the Acting Secretary issued on September 6, 1968 (33 F.R. 12849) increasing the specified Class I prices under the northeastern orders by 24 cents. It was there found "* * * Such action is necessary to effect price increases to producers under the northeastern orders comparable with price increases effected under orders in the North Central region generally on July 1 and thus restore the interregional price alignment which has been maintained through the several emergency Class I price actions which have been initiated on a national basis during the past several years in an effort to stem the decline in milk production nationally.

"Federal milk orders outside the Northeast employ manufacturing milk values as a basic price to which a specified differential is added to arrive at the Class I price. The differential varies as between markets to the end that the variation in price as between markets generally reflects the difference in transportation costs in moving milk from the Minnesota-Wisconsin alternative supply area. The northeastern orders, on the other hand, have over an extended period of years employed economic type pricing formulas for the purpose of establishing Class I prices.

"Milk production in the United States has been declining since 1965. This decline in production has reflected an accelerated decline in the number of dairy farmers and dairy cattle and is attributable to factors such as high prices for cull cattle, better returns from alternative farm enterprises, more attractive off-farm opportunities for labor, increased costs of farm labor and equipment, and increased taxes and interest rates.

"In an effort to stem the downward trend in milk production, the Department has taken a series of price actions during the period 1966, 1967, and 1968, under both the dairy price support program and the Federal milk order program. However, the changes in price support levels, flooring of the basic (manufacturing milk) price and/or specified changes in the differentials over the basic price, which procedures have been employed to raise Class I prices generally under Federal orders outside the Northeast, have not been applicable under the northeastern orders. In an effort to extend identical price adjustments to the northeastern markets, the Department initially "floored" certain of the factors in the respective formulas above their then current levels and in subsequent acts inactivated the formulas entirely in favor of specified prices * * *."

Official notice is also taken of the termination order issued by the Under Secretary on December 26, 1968, removing the "April 1969" termination date of the applicable Class I pricing provisions in all Federal orders.

It was there found with respect to each of the orders that "The termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area. Dairy farmers need assurance now that their income will be maintained so that they can plan their dairy operations. These actions also will assure an adequate [milk] supply for consumers.

"The termination order will continue indefinitely certain Class I pricing provisions now due to expire April 30, 1969."

Official notice is taken of the publication "Milk Production" issued by the U.S. Department of Agriculture, Statistical Reporting Service, for the months of May and June 1969. Milk production nationally in the first 6 months of 1969 declined 1.2 billion pounds and was 1.9 percent below the corresponding period of 1968. This compares with a production decline of 1.1 billion pounds for the year 1967 and 1.5 billion pounds for the year 1968, 1 and 1.3 percent, respectively.

For the first 6 months of 1969, milk production in the 12 northeastern States from Maine through Virginia, which constitute the milkshed for the six northeastern markets, totaled 13.2 billion pounds, about one-half percent below production of the same period of 1968. Milk production in these States in 1967 was 1.4 percent below that of 1966, and in 1968 was 2.2 percent below that of 1967.

While the decline in milk production in the Northeast appears to have slowed in relation to the rate of decline in production nationally, it is still too early to conclude that the critical production situation in this area has been abated. The Northeast is a most important area of milk production. More than 32 percent of all the milk marketed under Federal orders is associated with the six markets here under consideration. Similarly, almost 34 percent of all producers whose milk is priced under Federal regulation are associated with these markets.

Under the existing fixed prices, producers in the northeastern markets have received none of the Class I price increase which producers in all regulated markets outside of the Northeast have realized by virtue of the recent advancement of the Minnesota-Wisconsin pay price above the $4.33 floor. The increases in purchase prices for butter and Cheddar cheese under the price support program made effective April 1 and 2, 1969, to return the price for milkfat in farm-separated cream to the required 75 percent level, while not changing the general level of the support price for manufacturing grade milk, have been a factor in the increases in manufactured milk pay prices as reflected in the Minnesota-Wisconsin pay price series.

In April, the Minnesota-Wisconsin pay price (3.5 percent butterfat basis) increased to $4.34, 1 cent above the $4.33 floor specified in the basic formula price provided in all Federal orders outside the Northeast. This resulted in a 1 cent increase in the May Class I price for all markets outside the Northeast. Similarly, a further increase of 3 cents in the Minnesota-Wisconsin pay price in the month of May increased the June Class I price in all markets outside the Northeast by 4 cents in their relationship with northeastern prices. Official notice is taken of the $4.39 June Minnesota-Wisconsin pay price as announced by the Department (6 cents above the $4.33 floor). This increased price has further deteriorated the previously established interregional price relationship with the markets outside the northeast.

It is not clear at this time what further increases in the Minnesota-Wisconsin pay price may occur through the remainder of the marketing year. It is not necessary, however, for purposes of this decision, to know precisely what level the Minnesota-Wisconsin pay price might ultimately reach. Similar price increases to those being experienced by producers in Federal order markets outside the Northeast for the months of May, June, and July would have enhanced producers' returns in the six markets by almost a million dollars. Even if there were no further increases in manufacturing milk values, the total loss of income to northeastern producers for the remainder of the marketing year, for any lack of action on the basis of this record, would be extremely high.

If the general level of milk production is to be maintained, it is essential that dairy farmers in the Northeast continue to have assurance that their price will be increased to the same extent as that of dairy farmers outside the Northeast. The continuing spiral in production costs, the critical labor situation, and the attractive alternative job opportunities available to northeastern dairy farmers make the proposed price increase appropriate at this time to maintain the confidence of northeastern dairymen in dairying.

To accomplish this, the orders should be amended to provide that the specified Class I prices in each order be increased each month by any amount by which the Minnesota-Wisconsin pay price, as reported by the Department on a 3.5 percent butterfat basis, for the preceding month, exceeded $4.33.

While Pennmarva Federation proposed that any price increases be accomplished through a bracketing scheme, such a procedure cannot accommodate the end here sought. The level of the Minnesota-Wisconsin pay price cannot at this time be reliably forecast either with respect to its ultimate level or on a month-to-month basis. We know of no method of bracketing which could achieve the objective of providing the same increase each month in the Northeast as applies in other markets.

The order prices in all markets outside the Northeast adjust each month to reflect the precise change in the Minnesota-Wisconsin pay price above $4.33. If interregional price alignment is to be maintained, the same procedure appropriately must apply under the northeastern orders. The purpose of the price change in northeastern markets is not different from that in other regulated markets over the nation. It is intended that producers in all markets receive similar treatment in consideration of the overall objective and the method adopted is best designed to achieve this objective. The proposal for the adoption of a bracketing scheme at this time therefore is denied.

The structure of the Class I pricing provisions as contained in the Massachusetts-Rhode Island-New Hampshire and Connecticut orders is such that one not intimately familiar with the details of the order is required to read through and assimilate very lengthy provisions only to find at the end that the several provisions of the pricing formula have no current application and that the effective price is, in fact, a specified price. It is desirable to simplify such provisions for better public understanding.

In this regard also attention is called to the June 25, 1968, decision of the Under Secretary denying a New York-New England Cooperative Coordinating Committee request for the adoption of a common Class I economic formula and providing for a 10-cent upward adjustment of the specified New York-New Jersey Class I price to provide more appropriate alignment with the Class I price in the New England Federal order markets. Among other things, the Under Secretary concluded in such decision, official notice of which is taken: "Clearly a return to formula pricing at this time could not serve the interest of either producers or consumers to the degree that the present fixed prices afford * * *

"* * * Contrary to proponents' position, the present basis of fixed pricing is the best way of implementing market stability in this period of great uncertainty with respect to future production and consumption trends. Appropriately, the matter of a pricing formula should be reconsidered at a future hearing after marketing conditions have stabilized sufficient to permit a longer range decision than is now possible." Such formulas could not appropriately be reactivated in existing form.

While such decision related to the Massachusetts-Rhode Island-New Hampshire, Connecticut, and New York-New Jersey markets in particular, the obvious need for maintaining price alignment throughout the Northeast would dictate reconsideration of the Delaware Valley formula in the event any revised formula were developed for the former markets. Consequently, the Delaware Valley economic formula is not necessary at this time.

In light of the above, the present provisions setting forth the details of a pricing formula in the respective orders serve no useful purpose and, in fact, impede clear understanding of the present pricing scheme. Accordingly, the now obsolete language of the respective inactivated pricing formulas should be deleted.

2. *Modification of Butterfat Differentials.* The provisions of the six northeastern orders should be modified to provide producer and handler (where applicable) butterfat differentials computed on the basis of the average daily wholesale selling price of butter in the New York City market, as reported by the Department for the period from the 16th day of the preceding month through the 15th day of the current month, multiplied by 0.115, and rounded to the nearest even one-tenth cent.

The two New England orders and the New York-New Jersey order each provide only a producer butterfat differential. Under these orders, differential butterfat in Class I or Class II has identical value and, hence, it is unnecessary to equalize the value of differential butterfat through the pool. Handlers account to the pool for each hundredweight of milk received in accordance with its use as either Class I or Class II at the announced class prices without adjustment for butterfat content. In making payment to each producer, the applicable blended price is adjusted by the butterfat differential to reflect the value of milk at the test received from such producer. Under each of these orders, the butterfat differential is based on the identical butter price herein proposed for use under each of the six orders. Such price, however, currently is multiplied by 0.120 and rounded to the nearest even one-tenth cent under Order 2, and to the nearest one-tenth cent under Orders 1 and 15.

Thus, while the three orders employ the same butter price for computing a butterfat differential, the procedure of rounding the resulting price can and does result at times in different butterfat differentials and, hence, a different cost to handlers as between the markets for skim milk and butterfat, respectively.

Because the other three orders (Delaware Valley, Upper Chesapeake Bay and Washington, D.C.) provide different butterfat values for Class I milk as compared to Class II milk, the value of differential butterfat must be equalized through the pool. Each order provides for the computation of a Class I butterfat differential based on the Philadelphia cream price with provision that the resulting value be not less than the Class II differential (computed in an identical manner as the producer butterfat differential under Orders 1 and 15). The procedure for such computation varies, however, to the end that there can be a difference of more than one-half cent in the differential as between Delaware Valley and Upper Chesapeake Bay or Washington, D.C.

With respect to the producer butterfat differential, both Upper Chesapeake Bay and Washington, D.C., provide for a weighted average of the Class I and Class II differentials rounded to the nearest cent, while Delaware Valley uses the Class I differential rounded to the nearest cent.

Proponents pointed out that the varying differentials as among the orders create a variety of values for skim milk and butterfat among the markets despite the fact that class prices are generally aligned for milk of 3.5 percent test. Hence, handler costs as between orders are different despite the fact that the basic prices are essentially the same. They held that true price alignment could be achieved only if the butterfat differential as between the orders were the same.

Proponents further suggested that the increased mobility of milk and dairy products makes it necessary that price alignment be maintained not only as between markets in the Northeast but also with markets in other regions. To this end, they proposed the use of the Chicago butter price as a basis of computing butterfat differentials, pointing out that most other markets under regulation use this price in computing their butterfat differentials.

In further support of their proposal, proponents pointed out that under the present differentials, handler costs for butterfat are, in fact, greater than the value of the resulting butter which can be produced. A lowering of the butterfat differential in the manner proposed would result in a more equitable pricing for both butterfat and skim milk.

Notwithstanding proponents' general position, it is not possible to fully achieve the end they seek. In most regulated markets the Class I butterfat differentials are based on the preceding month's butter values and the Class II differentials are based on the current month's butter values. This procedure reflects handlers' desire to know as early as possible in the month their cost for Class I milk, on the one hand, and the need to have Class II milk priced in relation to the current milk product values, on the other. Because Orders 1, 2, and 15 do not equalize differential butterfat through the pool, it is not possible to fully achieve this end.

Although proponents generally agreed on the overall proposal, the Order 1 members of the Coordinating Committee were quite positive in their view that the applicable butterfat differential under

Order 1 must be known by the 26th day of the month in order that advance payment to producers can be completed on schedule. To accommodate this end, it was proposed that, for Order 1 only, the butterfat differential be computed on the basis of daily butter prices from the 26th day of the preceding month through the 25th day of the current month.

Pennmarva Federation also asked for a modification of the Coordinating Committee's proposal in that they supported a rounding of the producer butterfat differential to the nearest even one-tenth cent. This, they held, was necessary in order to accommodate payment through their present computer equipment.

At the present time, the Chicago butter price is reported by the Department on a monthly basis. The New York butter price, on the other hand, is reported for the period from the 16th day of the preceding month to the 15th day of the current month. Because butter prices normally approximate the announced support purchase prices, it does not appear necessary at this time to develop a new reporting series to accommodate the calculation of a butterfat differential under Order 1. The end proponents seek can be achieved in large measure by the use of the same butter value now used in the computation of the present differentials under Orders 1, 2, and 15. A lowering of the factor from 120 to 115 will provide more appropriate butterfat and skim milk values. In addition, the rounding of the differential to the nearest even one-tenth cent will accommodate the problems of checkwriting under Orders, 3, 4 and 16. With these modifications, proponents' proposal should be adopted as a means of providing better price alignment as among the orders here under consideration and with order prices in other regions.

3. *Expense of Administration.* The maximum allowable rate of expense of administration under Order 2 should be increased to 4 cents. Such payment should continue to be applicable to the total quantity of pool milk received by the handler from dairy farmers at plants or from farms in a unit operated by the handler directly or at the instance of a cooperative association of producers.

The Act requires that handlers shall pay the cost of operating an order through an assessment on milk handled. The present maximum allowable rate of payment of 2 cents per hundredweight has not provided sufficient funds in the last several years to cover the administrative expenses necessarily incurred by the market administrator and, in addition, to maintain a reasonable operating reserve.

Experience in the operation of Federal orders generally has shown the need for maintaining an operating balance in the administrative fund sufficient to cover about 9 months' normal expenses. This reflects 6 months' operating costs which is the approximate time which would be required to complete audits and close out the office in the event the order should be withdrawn or terminated. The remainder of the balance in such circumstances would be needed for severance pay for the employees involved.

For each of the years between 1961 and 1967, the operating balance at the beginning of the year was equivalent to between 8.9 and 9.8 months' average expenditure during the year. In 1968 the operating balance at the beginning of the year provided less than 8 months' cost of operation for the year and at this time is below 6 months' estimated cost.

Beginning in 1966, actual expenditures have exceeded income each year. The estimated expenditures for the current year exceed estimated income by $545,000. This is more than double the amount by which expenses exceeded income in 1968.

While handlers expressed concern at the proposal to double the allowable rate of payment, it must be recognized that the rate here being established is a maximum rate only. The actual rate will be set at such lesser rate as is estimated necessary to cover expenses and maintain the reserve to an estimated 9 months' operating cost. It is the policy of the Department to expend only those funds prudently necessary to properly administer the order. If at any time the reserve fund should exceed that deemed necessary, the effective rate would, of course, be reduced.

Other order changes not specifically discussed in this decision remove obsolete language or are conforming changes necessary to accommodate the announcement by the market administrator of prices in accordance with the conclusions hereinbefore set forth.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were carefully considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties were inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Orders

The following order amending the orders as amended regulating the handling of milk in the specified marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

PART 1001—MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE MARKETING AREA

1. In § 1001.32, paragraph (j) is revised to read as follows:

§ 1001.32 Duties.

* * * * *

(j) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) By the 5th day of the month:

(i) The Class I price for the current month;

(ii) The Class II price for the preceding month, as computed under § 1001.61;

(2) By the 13th day of each month, the zone blended prices resulting from the adjustment of the basic blended price for the preceding month, as computed under § 1001.65, by the zone differentials contained in § 1001.62(d);

(3) By the 25th day of each month the butterfat differential computed pursuant to § 1001.71(b); and

(4) Whenever required for purpose of assigning receipts from other Federal order plants under § 1001.56(b), his estimate of the utilization (to the nearest whole percentage) in each class during the month of butterfat and skim milk, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

2. Section 1001.60 is revised to read as follows:

§ 1001.60 Class I price.

The Class I price per hundredweight of milk containing 3.5 percent butterfat, for the month, at plants located in zone 21, shall be $6.91 plus any amount by which the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month, on a 3.5 percent butterfat basis, exceeds $4.33.

3. Section 1001.66 is revised to read as follows:

§ 1001.66 Factors used in formulas.

If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use one determined by the Secretary to be equivalent to the price which is specified.

4. In § 1001.71, paragraph (b) is revised to read as follows:

§ 1001.71 Butterfat differential.

* * * * *

(b) Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. In § 1002.22, paragraph (m) is revised to read as follows:

§ 1002.22 Duties.

* * * * *

(m) On or before the date specified, or the next succeeding work day in any month in which such date is a Sunday or holiday, publicly announce the following:

(1) The 5th day of each month:

(i) The Class I price for the current month and the Class II price for the preceding month computed pursuant to § 1002.50, both as applicable at the 201–210-mile zone and at the 1–10-mile zone;

(ii) The butterfat differential for the preceding month computed pursuant to § 1002.81;

(iii) The simple average of the daily wholesale selling price per pound (using the midpoint of any price range as one price) reported by the U.S. Department of Agriculture for Grade A or 92-score bulk creamery butter in New York City for the period between the 16th day of the second preceding month and the 15th day inclusive of the preceding month;

(iv) The average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month;

(v) The simple average of the daily wholesale selling prices (using the midpoint of any price range as one price of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S. Department of Agriculture for the preceding month.

(vi) The weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published by the U.S. Department of Agriculture for the period from the 26th day of the second preceding month through the 25th day of the preceding month.

(2) The 15th day of each month, the uniform price for the preceding month pursuant to § 1002.71 applicable at the 201–210-mile zone and at the 1–10-mile zone pursuant to § 1002.82.

2. In § 1002.50, paragraph (b) is revoked and the designation "(b)" is reserved for future assignment; paragraph (a) is revised; and the remaining paragraphs are unchanged. Section 1002.50, as revised, reads as follows:

§ 1002.50 Class prices.

* * * * *

(a) For Class I–A milk the price each month shall be $6.73 plus any amount by which the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month, on a 3.5 percent butterfat basis, exceeds $4.33.

(b) [Reserved]

* * * * *

§ 1002.81 [Amended]

3. The provision "0.120" as it appears in § 1002.81 is revoked and the provision "0.115" is substituted thereat.

§ 1002.90 [Amended]

4. The provision "2 cents" as it appears in § 1002.90 is revoked and the provision "4 cents" is substituted thereat.

PART 1003—MILK IN WASHINGTON, D.C., MARKETING AREA

1. Section 1003.51 is revised to read as follows:

§ 1003.51 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the applicable class price pursuant to § 1003.50 shall be increased or decreased, respectively, for each one-tenth of 1 percent butterfat by a butterfat differential computed as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

2. Section 1003.81 is revised to read as follows:

§ 1003.81 Producer butterfat differential.

In making payments pursuant to § 1003.80 (a) or (b) the uniform price shall be adjusted for each one-tenth of 1 percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential as computed pursuant to § 1003.51.

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

1. In § 1004.22, paragraph (j) is revised to read as follows:

§ 1004.22 Duties.

* * * * *

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 5th day of each month:

(i) The Class I price for the current month computed pursuant to § 1004.50 (a);

(ii) The Class II price computed pursuant to § 1004.50(b) and the handler butterfat differential computed pursuant to § 1004.51, both for the preceding month;

(2) The 13th day of each month, the uniform price(s) computed pursuant to §§ 1004.71 and 1004.72 and the butterfat differential to producers computed pursuant to § 1004.81, both for the preceding month.

2. In § 1004.50, paragraph (a) is revised to read as follows:

§ 1004.50 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight of Class I milk shall be $7.17 plus any amount by which the average price per hundredweight for manufacturing Grade A milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the preceding month on a 3.5 percent butterfat basis, exceeds $4.33.

3. Section 1004.51 is revised to read as follows:

§ 1004.51 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the applicable class price pursuant to § 1004.50 shall be increased or decreased, respectively, for each one-tenth of a percent butterfat by a butterfat differential computed as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling price per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for

Grade A (92-score) bulk creamery butter in the New York City market.

4. Section 1004.81 is revised to read as follows:

§ 1004.81 Butterfat differential to producers.

The uniform price to each producer shall be increased or decreased for each one-tenth of 1 percent by which the average butterfat content of his milk is above or below 3.5 percent, respectively, by the butterfat differential computed pursuant to § 1004.51.

PART 1015—MILK IN CONNECTICUT MARKETING AREA

1. In § 1015.32, paragraph (g) is revised to read as follows:

§ 1015.32 Duties.

* * * * *

(g) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) By the 5th day of the month:

(i) The Class I price for the current month;

(ii) The Class II price and butterfat differential for the preceding month, as computed under §§ 1015.61 and 1015.71, respectively;

(2) By the 14th day of each month the basic uniform price for the preceding month computed under § 1015.64 and the zone uniform prices resulting from the adjustment of the basic uniform price by the zone price differentials under § 1015.62; and

(3) Whenever required for purpose of assigning receipts from other Federal order plants pursuant to § 1015.55(c)(2), his estimate of the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

2. Section 1015.60 is revised to read as follows:

§ 1015.60 Class I price.

The Class I price per hundredweight of milk containing 3.5 percent butterfat, for the month, at plants located in the nearby plant zone under § 1015.62, shall be $7.31 plus any amount by which the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month on a 3.5 percent butterfat basis, exceeds $4.33.

3. Section 1015.65 is revised to read as follows:

§ 1015.65 Factors used in formulas.

If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use one determined by the Secretary to be equivalent to the price which is specified.

4. Section 1015.71 is revised to read as follows:

§ 1015.71 Butterfat differential.

In making the payments to producers and cooperative associations required under § 1015.70 or for overages under § 1015.63(d), each handler shall add or subtract for each one-tenth of 1 percent that the average butterfat content of milk received from producers or the overage is above or below 3.5 percent, respectively, an amount per hundredweight which shall be computed by the market administrator as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

PART 1016—MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

1. Section 1016.51 is revised to read as follows:

§ 1016.51 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the applicable class prices pursuant to § 1016.50 shall be increased or decreased, respectively, for each one-tenth of 1 percent butterfat by a butterfat differential computed as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling price per pound (using the midpoint of any price range as one price), reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

2. Section 1016.81 is revised to read as follows:

§ 1016.81 Producer butterfat differential.

In making payments pursuant to § 1016.80 (a) or (b) the uniform prices shall be adjusted for each one-tenth of 1 percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential as computed pursuant to § 1016.51.

Signed at Washington, D.C., on August 1, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-9200; Filed, Aug. 4, 1969; 8:49 a.m.]

[7 CFR Part 1103]

[Docket No. AO-346-A10]

MILK IN THE MISSISSIPPI MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Mississippi marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Jackson, Miss., on March 25 and 26, 1969, pursuant to notice thereof which was issued March 5, 1969 (34 F.R. 5020).

The material issues on the record of the hearing relate to:

1. Whether the Mississippi counties of George, Greene, Hancock, Harrison, Jackson, Pearl River, and Stone should be included in the marketing area.

2. What location adjustments should apply to class prices and uniform prices at plants in the counties proposed to be added to the marketing area.

3. What conditions should apply for diversion of a producer's milk in the months of December through August.

4. Conforming changes in order provisions.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* The Mississippi counties of George, Greene, Hancock, Harrison, Jackson, Pearl River, and Stone should be added to the regulated area.

The seven Mississippi counties proposed for regulation comprise the area from the Gulf Coast northward to the main portion of the area now regulated. On the Gulf Coast the regulation now applies only to Keesler Air Force Base in Harrison County.

The proposal for the new area was made by Dairymen, Inc., a cooperative whose members comprise about 85 percent of the producers supplying handlers in the present Mississippi market. Proponent cooperative contended that the area is closely linked to the present marketing area in that it depends on essentially the same suppliers. The claimed relationship was based mainly on two grounds: (1) That the majority of the milk sold in the seven counties is Mississippi order milk, and (2) non-Federal order handlers with plants located in Alabama who sell in the proposed area rely significantly on Order No. 103 milk for supplemental supplies. It was alleged that lack of Federal order regulation on some handlers selling in the area threatens marketing stability for producer milk.

Order No. 103 handlers' route sales represent about 56 percent of all milk consumed in the proposed area (other than Keesler Air Force Base, which is already under the regulation). The Borden Co. plant at Biloxi and the Bush Dairy Co. at Laurel are the two Mississippi order plants with significant sales in the area. The remainder is supplied largely by two non-Federal order plants located at Prichard and Mobile, Ala., which together account for 42 percent of the total. Two percent of the sales in the proposed area is from New Orleans order plants.

Estimated milk consumption in the area proposed is computed to be 4.2 million pounds monthly, based on a per capita consumption of 185 pounds annually and 1968 population approximating 273,000 persons. Handlers not regulated by Federal orders indicated monthly route sales of 1.75 million pounds in the seven counties. This quantity is the 42 percent of total sales previously described as made by non-Federal order handlers.

The percentage of sales in each county by Order No. 103 handlers was estimated by the proponent cooperative to be from 51 to 95 percent based on a recent sales survey. The average of these percentages, weighted by population in each county, is 57.5 percent. The two estimates of sales by Order No. 103 handlers agree closely. If shipments of Mississippi order milk made to one of the non-Federal order handlers selling in the seven counties are included the proportion increases to 67 percent. The latter quantity, about 400,000 pounds monthly, shipped to the Barber Pure Milk Co. at Mobile, approximates the quantity of fluid sales from the plant into the Mississippi counties at issue here.

The extension of regulation is needed to assure that the returns of producers determined under the order's provisions will not be adversely affected by the presence of milk not subject to the order in an area where such producers, and the handlers to whom they deliver, are the majority suppliers. Order No. 103 handlers have the majority of sales in each of the counties proposed to be added, but there are large volumes of milk sold throughout the proposed counties by handlers not regulated by any Federal order. There is, therefore, extensive competition throughout the area of milk federally regulated and milk not so regulated.

In these circumstances the integrity of the uniform price plan of the order and its objective of maintaining orderly marketing for producers cannot be adequately assured unless the order is made applicable to all milk sold in these counties. Without inclusion of the seven counties only Order No. 103 handlers would be subject to the order's classified pricing and accounting system while competing handlers would remain free to obtain their supplies on a substantially different pricing basis with significant advantage in competing for the market.

The two Alabama plants involved in the subject counties are affected by a pricing regulation of the State of Alabama. The State regulation lacks, however, features contained in the Federal order which are necessary to assure the needed uniformity of pricing among handlers competing in such counties.

The Alabama regulation is necessarily limited in scope because its authority applies only within the State. The regulation cannot require specific prices to be paid on milk supplies procured from dairy farmers or plants beyond the State's boundaries. Its main concern is with the prices required to be paid by Alabama handlers to producers in Alabama. After such milk is accounted for at State order prices and classification, the handler is free to purchase other milk or milk products for Class I use without minimum price requirement. Prices computed for out-of-State producers are simply recommended or suggested prices. Consequently, such regulation does not require complete accountability and pricing for all milk and milk products handled from whatever source. Further, the Alabama regulation provides special prices for sales to military bases or schools which are lower than the regular Class I prices.

By contrast, the Federal order provides, among other things: (1) Complete accounting for all receipts and disposition by each handler; (2) a single minimum Class I price for fluid disposition to all outlets, whether civilian or military; (3) a specific limit on the quantity of shrinkage which a handler may claim at the surplus price; and (4) payments by the handler on any use of other source (nonproducer) milk for Class I disposition.

The Prichard and Mobile plants in particular do not receive their supplies entirely from Alabama producers. One receives milk from 40 producers in Mississippi. Other supplies are at times procured by both plants from other plant sources outside the State. No minimum prices are required under the regulatory authority for out-of-State purchases. Further, it is not required that all of the plant utilization of milk and milk products be accounted for. Under these circumstances, there can be no assurance that these non-Federal order distributors will not have a purchase advantage in the seven counties over handlers fully regulated by the Mississippi order who sell there.

Representatives of the Prichard and Mobile plants opposed the area extension. Specifically, they objected that by imposing the regulation on the 20 percent of their sales in the proposed area, the other 80 percent not in Federal order territory also would be regulated. This circumstance, they said, would complicate their procurement of dairy farm supplies in Alabama which is an area of relatively short production. They were particularly concerned that their dairy farmers would receive lower returns if such plant were fully regulated and consequently would seek other plant outlets.

The area extension also was opposed by a cooperative which has members shipping to one of the Alabama handlers. The reason given was that lower blend prices for members would be expected under the order than are now received from the Alabama handler. The latter farmers now receive payments under a voluntary arrangement negotiated between the cooperative and such handler.

Under the present terms of the Mississippi order the two plants at Prichard and Mobile would become fully regulated by virtue of the extent of their sales in the seven counties. One of these handlers has disposition in the area of 400,000 pounds monthly and the other 1.35 million pounds, in each case well in excess of the minimum in-area sales standard of 7,000 pounds daily for pooling.

An alternative standard in the order for pooling distributing plants is that at least 20 percent of the handler's route disposition must be in the marketing area. The two Alabama handlers would not have qualified for full regulation in all months on this standard although their disposition in the seven counties may have reached such percentage level in some months.

Official notice is taken of the decision of March 11, 1965, concerning the issuance of the Mississippi Federal milk order No. 103 (30 F.R. 3470) in which it was found that it is necessary that a plant fully regulated be required to pay class prices for all milk handled whether disposed of inside or outside the marketing area. The findings and conclusions of that decision with respect to the Class I disposition both inside and outside the marketing area are applicable to the situation here considered and are adopted as if set forth in full herein.

It was provided further in such decision that handlers with some sales in the marketing area, but less than the amount required for pooling, should be subject to partial regulation. Such provisions as they apply currently are set forth in § 1103.62 and specify alternatives for computing the order obligation of a handler operating a partially regulated distributing plant.

The obligation to the pool of a partially regulated plant applies only with respect to his Class I disposition in the marketing area. The handler also has the alternative of making payment to his producers at not less than the use value of his milk computed at the order's minimum class prices. Under either of these options, the handler pays the administrative expense on his Class I sales in the marketing area. The handler has also a further alternative of purchasing Federal order Class I milk in a quantity to cover his Class I disposition in the marketing area, as is currently the case with the handler at Mobile. Under the latter option the handler has no money obligation under the order.

The marketing area definition and pooling standards work jointly in establishing the scope of the regulation on plant operations. As previously indicated, while each of the Alabama plants has well in excess of the minimum 7,000 pounds daily of Class I route disposition in the marketing area as proposed to be extended, its area route sales approximate the level of 20 percent of monthly route sales in the marketing area, which is the other minimum standard for pooling.

By removing the first pooling standard, i.e., 7,000 pounds daily, from the order, both such handlers would be in a position, with only small adjustments in sales levels in the seven counties, either to meet or to not meet the 20 percent standard.

Thus, without substantial change in operations, either of the handlers not now under regulation could meet the conditions for a partially regulated handler while, at the same time, a principal sales area for fully regulated handlers would be placed under the uniform price plan. Under present circumstances, their partial regulation would be sufficient to assure stable marketing conditions within the revised marketing area. At the same time the effect of regulation on the procurement and sales of these handlers for their Alabama markets would be minimized. The latter sales, which represent 80 percent of their fluid disposition and a volume equal to more than one-fourth of the Class I milk now in the Mississippi order pool, are made outside the customary market for the Mississippi producers who are under the order.

It is not expected that the modified pooling provision would change the status of any plant which is now fully regulated.

Concerning the objection of the cooperative which opposed the proposed area extension, it may be pointed out that the voluntary arrangement for producer payment higher than the minimum order requires could continue whether or not its members' milk becomes fully or partially regulated under the Mississippi order.

2. *Location differential.* The seven counties to be added to the marketing area should comprise a pricing zone in which the Class I price should be the same as now applies at Gulf Coast locations.

Under the present order provisions, the basing points for Class I prices are Gulfport and Pascagoula, Miss. At locations outside the marketing area and 60 miles but not more than 100 miles from the courthouse in Gulfport or Pascagoula, Miss., whichever is nearer, there is a deduction of 10 cents per hundredweight and an additional deduction of 1½ cents for each 10 miles or fraction thereof the distance is more than 100 miles. In the marketing area, the Class I price at the Keesler Air Force Base in Harrison County is the same as at Gulfport and Pascagoula, and in the remainder of the marketing area is 16 cents per hundredweight less.

The 60-mile distance as measured from Gulfport or Pascagoula covers all locations in the seven counties except part of Greene County. The price zone as here proposed, therefore, essentially continues the present Class I price for any regulated plant located in the seven counties. The pool plant at Biloxi has been paying the same Class I price as would apply in the counties. There is no milk plant in Greene County.

The plants at Mobile and Prichard, Ala., are within the 60 mile distance from Pascagoula. This decision makes no change in the Class I price level applicable at these locations. In view of the similarity of location and in production conditions it is appropriate that the same price level should apply as at locations on the Gulf Coast in Mississippi.

Producer uniform prices are subject to the same location differential pricing as applied to Class I prices.

3. *Diversion.* For the months of December through August it should be provided that a producer's milk may be diverted to a nonpool plant subject only to the limitation that the producer's production for 10 days is delivered during the month to pool plants.

Dairymen, Inc., proposed that the diversion of a producer's milk be freed from the present order limitations which require that the producer's milk either be delivered to pool plants for 10 days of production during each of the 2 preceding months, or that the producer have producer status during the entire 2 preceding months. These restrictions, they held, interfere with the economical handling of milk by the cooperative for the Mississippi market. Since membership of Dairymen, Inc., comprises about 85 percent of the producers on the market, a very large share of the milk of the market is handled in their operations.

Dairymen, Inc., also has producer members in the New Orleans Federal order market. The association's handling of milk for both markets in a most efficient manner at times involves shifting of dairy farmers between the two markets. Present order provisions applicable to the December–August period (previously described) prevent diversion of a producer's milk during the first 2 months he is brought back on the market after a shift (even for 1 month) of his deliveries to another market. Under present circumstances this provision prevents the cooperative from realizing some of the economies otherwise possible in handling milk for both markets.

The proposed revision would base the diversion privilege in each month of the December–August period on the number of days of production of the producer delivered to pool plants during the month. This will enable a cooperative association to divert the milk of a producer during the first month in which he is brought on the market even if in the prior month his deliveries had been outside the market. This change will facilitate the efficient handling of supplies for the market.

4. *Conforming changes.* It is desirable that insofar as possible the terms used in the order conform with standard terminology of Federal orders. For this reason the term "advance payment" appearing in § 1103.90(b) of the order should be changed to "partial payment" which is the commonly used term. The term "partial payment" is more descriptive of the type of payment to which reference is made.

In this provision it should be made clear that the payment is part of the handler's obligation for the quantity of milk delivered during the entire month although the payment is calculated by multiplying the hundredweight of milk delivered in the first 15 days by the Class II price of the preceding month.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The following order amending the order, as amended, regulating the handling of milk in the Mississippi marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order as hereby proposed to be amended:

1. Revise § 1103.6 to read as follows:

§ 1103.6 Mississippi marketing area.

The "Mississippi marketing area" hereinafter called the "marketing area", means all of the territory geographically within the places listed below, all waterfront facilities connected therewith and all territory wholly or partially therein occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments all in the State of Mississippi:

Counties

Adams.	Lowndes.
Attala.	Madison.
Bolivar.	Marion.
Calhoun (Beats 1 and 4 only).	Montgomery.
Carroll.	Neshoba.
Choctaw.	Newton.
Claiborne.	Noxubee.
Clarke.	Oktibbeha.
Coahoma (Beats 4 and 5 only).	Pearl River.
Copiah.	Perry.
Covington.	Quitman (Beats 2, 3, 4, and 5 and the village of Crowder including that portion in Panola County).
Forrest.	Rankin.
Franklin.	Scott.
George.	Sharkey.
Greene.	Simpson.
Grenada.	Smith.
Hancock.	Stone.
Harrison.	Sunflower.
Hinds.	Tallahatchie.
Holmes.	Walthall.
Humphreys.	Warren.
Jackson.	Washington.
Jasper.	Wayne.
Jefferson.	Webster (except Beat 5).
Jefferson Davis.	Winston.
Jones.	Yazoo.
Lamar.	Yalobusha (Beats 1, 4, and 5 only).
Lauderdale.	
Lawrence.	
Leake.	
Leflore.	
Lincoln.	

2. In § 1103.11 Pool plant, revise paragraphs (a) and (b) to read as follows:

§ 1103.11 Pool plant.

* * * * *

(a) A distributing plant, other than that of a producer-handler or one described in § 1103.61, from which during the month route disposition of fluid milk products is not less than 50 percent of its total receipts of Grade A milk and the volume so disposed of in the marketing area is at least 20 percent of the total route disposition of fluid milk products;

(b) A supply plant from which a volume of fluid milk products not less than 50 percent of the Grade A milk received at such plant from dairy farmers is transferred during the month to a distributing plant(s) from which a volume of Class I milk not less than 50 percent of its receipts of Grade A milk from dairy farmers and from other plants is disposed of as route disposition during the month and the volume so disposed of in the marketing area is at least 20 percent of its total Class I route disposition: *Provided,* That any plant which was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet the shipping requirements unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for the remaining months through August;

* * * * *

3. In § 1103.15 Producer, revise paragraph (b) to read as follows:

§ 1103.15 Producer.

* * * * *

(b) Diverted to a nonpool plant(s) by the operator of a pool plant or by a cooperative association as a handler pursuant to § 1103.13(c) during any of the months of December through August: *Provided,* That this diversion privilege shall be applicable only to the milk of a producer whose milk is delivered for 10 days of production to pool plants during the month and that diversion to an other order plant shall be limited to Class II use.

* * * * *

4. In § 1103.53(a) subparagraph (1) is revised to read as follows:

§ 1103.53 Location differential to handlers.

(a) * * *

(1) For milk received at a pool plant located in the Mississippi marketing area except that part in George, Greene, Hancock, Harrison, Jackson, Pearl River, and Stone Counties..... 16.0

* * * * *

5. In § 1103.90 paragraph (b) is revised to read as follows:

§ 1103.90 Time and method of payment.

* * * * *

(b) On or before the last day of each month to each producer (1) for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, and (2) who had not discontinued shipping milk to such handler before the 18th day of the month, a partial payment equal to the Class II price for the preceding month for milk testing 3.5 percent butterfat multiplied by the hundredweight of milk received from such producer during the first 15 days of the current month.

* * * * *

Signed at Washington, D.C., on July 30, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-9133; Filed, Aug. 4, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 61, 63, 91, 121, 123, 127, 135]

[Docket No. 9741; Notice 69-32]

CARRIAGE OF NARCOTIC DRUGS, MARIHUANA, AND DEPRESSANT AND STIMULANT DRUGS BY AIRCRAFT

Notice of Proposed Rule Making

In order to prevent the hazardous operation of aircraft that can result from the aerial carriage of narcotic drugs, marihuana, and depressant and stimulant drugs under certain conditions, the Federal Aviation Administration is considering amending the Federal Aviation Regulations to prohibit the use of aircraft to carry narcotic drugs, marihuana, and depressant and stimulant drugs under those limited conditions. Because of the unusually severe safety considerations involved, violation of this prohibition would, under these proposals, be prescribed as the basis for denying applications for certain airman certificates. In addition, these safety considerations and equally severe public interest considerations would be the basis for suspending or revoking these airman certificates and also for suspending or revoking certificates issued under Part 121 (Air Carriers and Commercial Operators of Large Aircraft), Part 123 (Air Travel Clubs Using Large Airplanes), Part 127 (Scheduled Air Carriers with Helicopters), and Part 135 (Air Taxi Operators and Commercial Operators of Small Aircraft). Denial, suspension, and revocation of certain airman certificates is also proposed for conviction of violation of specified statutory provisions concerning narcotic drugs, marihuana, and depressant and stimulant drugs. Finally, flight plan, position reporting, and related requirements are proposed to assist in the prevention of the carriage of these items under conditions that are expected to

become increasingly hazardous to air commerce.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 18, 1969, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The President, as stated in his message dated July 14, 1969, to the Congress concerning the Control of Narcotics and Dangerous Drugs, has directed the initiation of a major new effort to guard the Nation's borders and ports against the growing volume of narcotics from abroad. A major portion of this illegal traffic has, for some time, been accomplished by aircraft flying from Mexico to the United States. As a result, necessary State, local, and Federal enforcement pressures have been increasing against such aircraft operators. While the Federal Aviation Administration does not enforce the antismuggling and related statutes, it has become aware of the growth of hazards to air commerce arising in connection with the increasing use of aircraft to escape detection at the Mexican border. These hazards have increased along with the increasing demand for narcotic drugs, marihuana, and depressant or stimulant drugs in the United States because this increased demand, despite actions by governments on both sides of the border, has increased the number of pilots who are willing to risk the carriage of these illegal goods under severe enforcement pressures. As suggested above, these pressures may be expected to increase drastically under the new Federal enforcement efforts, as indeed they must if the importation of narcotic drugs, marihuana, and depressant or stimulant drugs is to be controlled in the public interest.

The means for the detection of aircraft at the Mexican border now include low altitude radar, pursuit aircraft, and advanced police techniques, and are being supplemented. Any pilot committed to escaping these devices in order to avoid severe penalties may be expected to engage in extremely dangerous flight techniques such as violent maneuvering to avoid pursuit aircraft; very low flight to avoid radar; landing and taking off from unprepared landing areas; and operation in weather conditions beyond the capability of the aircraft or pilot. The pressures on the pilot in such an environment are far more severe than, for example, the fatigue factors that the FAA has recognized for years in prescribing flight time limitations for pilots.

In short, although other agencies are responsible for controlling the traffic in narcotic drugs, marihuana, and depressant or stimulant drugs, and although the mere carriage of these items under normal conditions is not dangerous, nevertheless the factors of necessarily increased enforcement efforts and increased demand for these items have combined to pose a direct threat to air commerce, at least with respect to the aerial smuggling of those items from Mexico into the United States.

In order to meet this threat directly, new § 91.12(a) would provide that, unless otherwise authorized by the Administrator, no person may operate a civil aircraft, on a flight between Mexico and the United States, while carrying narcotic drugs, marihuana, and depressant or stimulant drugs.

Because of the large volume of air traffic between Mexico and the United States, effective enforcement of proposed § 91.12(a) will be extremely difficult, and in some cases impossible, unless adequate flight plan and position reporting requirements are also prescribed, so that radar and other detection devices may be used to identify possible violators of proposed § 91.12(a). Experience has indicated that the provisions of Subpart A of Part 99 provide a necessary basis for early identification and flight-following of aircraft entering the United States.

While safety in air commerce, rather than national security, is the basis for proposed § 91.12(a), it is believed that the flight plan, position reporting, and related provisions of Part 99 would assist in detecting possible violators of § 91.12(a). It is therefore proposed, for the same safety reasons that support proposed § 91.12(a), to incorporate Subpart A of Part 99 directly into Part 91 to cover flights between Mexico and the United States. However, since § 99.1(b)(1) excepts certain operations at a true airspeed of less than 180 knots, and § 99.1(b)(3) excepts outbound operations through the Southern Border ADIZ, it is necessary to eliminate these exceptions if all potential violators of proposed § 91.12(a) are to be covered. Therefore, proposed § 91.12(b), based on safety in air commerce (not national security), would incorporate the substantive flight plan, position reporting, and related requirements of Subpart A of Part 99, and apply these provisions to all operations of civil aircraft, between Mexico and the United States, "notwithstanding the exceptions in § 99.1(b) (1) and (3) of Part 99." An additional problem exists if two-way radio is not available, since the position reporting provisions of Part 99 could not be applied. However, it is not deemed reasonable to prevent all operations without two-way radio. Therefore, proposed § 91.12(b) would require each person operating an aircraft without two-way radio to land at the designated airport of entry nearest the point of entry into the United States, and to file an arrival or completion notice.

In addition to the above, the willingness of a person to engage in the smuggling of narcotic drugs, marihuana, and depressant or stimulant drugs or to use aircraft under the conditions mentioned above, raises serious questions of character and qualification, directly related to safety, that must be regarded as rendering that person ineligible for certain airman certificates. It is not believed necessary to extend the broad "good moral character" provision of § 61.141(b) to all airmen at this time. Rather, it is believed adequate to prescribe specific statutory violations, and actions, the commission of which is directly related to the safety considerations mentioned above and indicates character defects, related to attitudes necessary for safety, so severe as to require the FAA to determine that any applicant who has committed those violations or actions does not possess proper qualifications for certain certificates.

More specifically, the FAA believes that a demonstrated willingness to violate any one of 11 listed statutory provisions concerning the illegal trafficking in narcotic drugs, marihuana, and depressant or stimulant drugs, or a demonstrated willingness to violate § 91.12(a) clearly demonstrates a tendency to act without inhibition in an unstable manner and without regard to the rights of others. Such conduct also clearly demonstrates that the applicant would not be compliance-minded regarding the many requirements necessary for safety in air commerce or air transportation. For these reasons, new §§ 61.2 and 63.2, paragraphs (a) and (b), would provide that conviction of violation of specified statutory provisions and violation of proposed § 91.12(a) render an applicant ineligible for certificates issued under those Parts 61 and 63. Because of the applicant's right to review by the National Transportation Safety Board 1 year after denial, the proposed rules would limit the ineligibility to 1 year. As proposed, this ineligibility would be limited to certificates granting airman privileges that directly involve the flight of aircraft and that would therefore be directly and immediately vulnerable to the applicant's demonstrated propensity to place himself in an environment where he may have to choose between safety and severe statutory penalties. These certificates include those issued to pilots and flight instructors (Part 61) and those issued to flight crewmembers other than pilots (Part 63).

The FAA further believes that the same safety considerations that should disqualify an applicant for these airman certificates are also of sufficient importance to justify the conclusion that safety in air commerce or air transportation requires revocation or suspension of these airman certificates. Such revocation or suspension is proposed in paragraph (c) of proposed §§ 61.2 and 63.2.

Because of similar safety considerations, suspension or revocation is also proposed in the case of operating certificates issued under Parts 121, 123, 127, and 135. The privileges inherent in these operating certificates can directly support, or even be essential to, the use of expensive modern aircraft to smuggle narcotic drugs, marihuana, and depressant or stimulant drugs in the unsafe conditions along the Mexican border. This is true regardless of whether the aircraft is being operated under the certificate at the time, since the corporate financial and management strength necessary to operate such aircraft largely flows from the operating privileges granted under these operating certificates. Thus, like the airman certificates, operating certificates can have the effect of providing a condition necessary to the use of the aircraft, by any person, in the hazardous business of smuggling. In addition, for reasons identical to those that support actions against airman certificates, the risk-taking willingness of the corporate or individual management of the holders of these operating certificates would clearly negate their ability to adhere to the conditions necessary for safety in air commerce or air transportation. This is true regardless of whether that risk-taking occurs by leasing the aircraft to other persons who smuggle the illegal items or by operating the aircraft themselves in that business.

In addition to the above mentioned reasons for concluding that safety in air commerce or air transportation requires the suspension or revocation of these airman certificates and operating certificates, there are also equally severe public interest factors that are directly opposed to the continued use of those certificates to support the aerial smuggling of narcotic drugs, marihuana, and depressant or stimulant drugs. A clear and recent definition of that public interest is expressed as follows in the President's July 14, 1969, message to the Congress:

> Within the last decade, the abuse of drugs has grown from essentially a local police problem into a serious national threat to the personal health and safety of millions of Americans * * *. However far the addict himself may fall, his offenses against himself and society do not compare with the inhumanity of those who make a living exploiting the weakness and desperation of their fellow men. Society has few judgments too severe, few penalties too harsh for the men who make their livelihood in the narcotics traffic * * *. Most of the illicit narcotics and high-potency marihuana consumed in the United States is produced abroad and clandestinely imported.

In summary, the Federal Aviation Administration believes that there are urgent public interest factors, in addition to safety factors, that require the suspension or revocation of any airman certificate or operating certificate that in any way assists in the importation of narcotic drugs, marihuana, and depressant or stimulant drugs, by aircraft, from Mexico.

In consideration of the foregoing, it is proposed to amend subchapters D, F, and G of Chapter I of Title 14 of the Code of Federal Regulations as hereinafter set forth:

A. Parts 61 and 63 would be amended by adding, respectively, new §§ 61.2 and 63.2, to read as follows:

§ _____.2 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs.

(a) No person who is convicted of violating any of the following statutory provisions is eligible for any certificate issued under this part for a period of one year after the date of conviction:

(1) 21 U.S.C. 174
(2) 21 U.S.C. 176a.
(3) 21 U.S.C. 184a.
(4) 21 U.S.C. 331.
(5) 21 U.S.C. 360a.
(6) 26 U.S.C. 4704.
(7) 26 U.S.C. 4705.
(8) 26 U.S.C. 4742.
(9) 26 U.S.C. 4744.
(10) 26 U.S.C. 4755.
(11) 18 U.S.C. 545, where the conviction involves the smuggling of any "depressant or stimulant drug" as defined in 21 U.S.C. 321(v).

(b) No person who commits an act prohibited by § 91.12(a) of this chapter is eligible for any certificate issued under this part for a period of one year after the date of that act.

(c) Convictions specified in paragraph (a) of this section, and the commission of the act specified in paragraph (b) of this section, are grounds for suspending or revoking any certificate issued under this part.

B. Part 91 would be amended by adding the following new § 91.12:

§ 91.12 Flights between Mexico and the United States.

(a) Unless authorized by the Administrator, no person may operate a civil aircraft, on a flight between Mexico and the United States, while carrying any of the following:

(1) "Narcotic drugs" as defined in 26 U.S.C. 4731(a).

(2) "Marihuana" as defined in 26 U.S.C. 4761(2).

(3) "Depressant or stimulant drug" as defined in 21 U.S.C. 321(v).

(b) In addition to the other applicable regulations of this part, and notwithstanding § 99.1(b) (1) and (3) of this chapter, each person operating a civil aircraft, on a flight between Mexico and the United States, shall comply with the requirements of Subpart A of Part 99 of this chapter. If operation without two-way radio is involved, that person shall, in addition to complying with § 99.1(c), land at the designated airport of entry nearest the point of entry into the United States, and file an arrival or completion notice.

C. Parts 121, 123, 127, and 135 would be amended by adding new §§ 121.2, 123.2, 127.2, and 135.2, to read as follows:

§ _____.2 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs.

If any aircraft, that is owned or leased by the holder of a certificate issued under this part, is operated in violation of § 91.12(a) of this chapter by any person, such operation is a basis for suspending or revoking that certificate, whether or not the operation is conducted under that certificate.

These amendments are proposed under the authority of sections 307(c), 313(a), 601, 602, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422, 1423, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), and § 1.4 (b)(2) of Part 1 of the regulations of the Office of the Secretary of Transportation.

Issued in Washington, D.C., on August 1, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-9198; Filed, Aug. 4, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-51]

TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Monticello, Ark., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

(1) In § 71.181 (34 F.R. 4637), the following transition area is added:

MONTICELLO, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monticello Municipal Airport (lat. 33°38'10" N., long. 91°45'10" W.), and within 2 miles each side of the Monticello VOR TAC 336° radial extending from the 5-mile radius area to the VORTAC.

(2) In § 71.181 (34 F.R. 4670), the Crossett, Ark., transition area 1,200-foot portion is amended in part by deleting "* * * lat. 33°33'43" N., long. 91°42'56"

W. * * *" and substituting "* * * lat. 33°37'00" N., long. 91°34'00" W. * * *" therefor.

A new public use instrument approach procedure has been developed for the Monticello, Ark., Municipal Airport using the Monticello VORTAC as the navigational aid. Accordingly, it is necessary to designate the Monticello, Ark., transition area and alter the Crossett, Ark., transition area 1,200-foot portion to provide controlled airspace protection for aircraft executing instrument approach/departure procedures proposed at the Monticello Municipal Airport. The proposed designation and alteration would provide this airspace.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on July 28, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-9124; Filed, Aug. 4, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-52]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Vivian, La.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

VIVIAN, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Vivian Municipal Airport (lat. 32°51'55" N., long. 94°00'30" W.), and within 2 miles each side of the Shreveport VORTAC 299° radial extending from the 5-mile radius area to 5.5 miles northwest of the VORTAC.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at Vivian Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on July 28, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-9125; Filed, Aug. 4, 1969; 8:45 a.m.]

[14 CFR Part 127]

[Docket No. 9545; Notice 69-31]

ELIMINATION OF REQUIREMENT FOR PERFORMING ONE-ENGINE INOPERATIVE PROFICIENCY LANDINGS AT 90-DAY INTERVALS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 127 of the Federal Aviation Regulations to eliminate the requirement that helicopter air carrier pilots make two one-engine inoperative proficiency landings in each 90-day period, and to provide that the autorotative proficiency landings be made in the type helicopter in which each pilot is to serve.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before October 6, 1969, will be considered by the Administrator before taking on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

When multiengine helicopters were introduced into air carrier service over 6 years ago, the FAA placed a requirement on those air carriers to give their pilots training in one-engine-inoperative approaches at 90-day intervals. Prior to that time, only single-engine helicopters had been in use, and practice in autorotative approaches was considered imperative because of the unfavorable flight characteristics with the engine inoperative.

The FAA felt that the one-engine-inoperative practice approaches in multiengine helicopters would serve as safety training in view of the limited experience of the carriers with multiengine helicopters, and the seriousness of single-engine-inoperative experience.

However, multiengine experience has been good. Occurrences of one engine becoming inoperative have been very few, and the dangers from one engine out have been shown to be negligible. Emergency procedures with one engine inoperative are not difficult, and there is little or no change in controllability or flight characteristics. The "stay-up" capability, even when the helicopter is fully loaded, is excellent.

After more than 6 years experience in the operation of multiengine helicopters in air carrier service, we believe the requirement unnecessary for proficiency demonstrations of one-engine-inoperative approaches at 90-day intervals. This maneuver is required during the pilot's 6-month proficiency check, and we believe this to be sufficient.

In addition, it is proposed to amend § 127.175 to require that an air carrier pilot engaged in scheduled air transportation make his proficiency takeoffs and landings in each type of helicopter in which he is to serve. There is sufficient variety in the emergency procedures for each type that proficiency and specific safety techniques is essential. General proficiency may be attained in a variety of ways, but the public interest is best served by having each pilot proficient and current as to the safety techniques applicable to the particular type helicopter in which he regularly serves the public.

In consideration of the foregoing, it is proposed to amend § 127.175 of Part 127 of the Federal Aviation Regulations to read as follows:

§ 127.175 Pilot Qualification: recent experience.

No air carrier may use a pilot in scheduled air transportation unless, within the preceding 90 days, he has made at least three takeoffs and three landings in each type of helicopter in which he is to serve. At least two of the landings must have been from an approach in autorotation in each type single engine helicopter in which he is to serve. In addition, if the pilot is scheduled to serve in air transportation at night, at least one of the autorotative landings must have been made at night.

This amendment is proposed under the authority of sections 313(a) and 601(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421(a), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 30, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-9126; Filed, Aug. 4, 1969; 8:46 a.m.]

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 2-9]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Withdrawal of ANPRM Glazing Materials—Trailers

On October 14, 1967, the Federal Highway Administration published in the FEDERAL REGISTER (32 F.R. 14278) an advance notice of proposed rule making (Notice 67-5) announcing 47 separate items which were being considered as amendments to the Federal Motor Vehicle Safety Standards and requesting comments on these items.

Among the items considered for future rulemaking was a proposal to extend the applicability of the Glazing Material Standard (No. 205) to trailers. This proposal was designated Docket No. 2-9—Glazing Materials—Trailers.

Based on an evaluation of the comments received, a technical meeting with interested persons held on May 1, 1968, and research performed by the National Highway Safety Bureau, no further rulemaking action is contemplated at this time, and that portion of the advance notice of proposed rule making designated as Docket No. 2-9 Glazing Material—Trailers is withdrawn. This does not preclude the Federal Highway Administration from issuing another notice in the future on the same or a similar subject should conditions warrant such action.

This action is taken under the authority of sections 103 and 112 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1497) and the delegation of authority contained in section 1.4(c) of Part I of the regulations of the Office of the Secretary (49 CFR 1.4(c)).

Issued on July 31, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-9167; Filed, Aug. 4, 1969; 8:48 a.m.]

[49 CFR Part 371]

[Docket No. 69-5; Notice 3]

MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 205; Glazing Materials; Notice of Extension of Time To File Comments

On April 22, 1969, the Federal Highway Administration published in the FEDERAL REGISTER (34 F.R. 6739) a notice of extension of time to file comments in response to the proposed amendment to Standard No. 205 dealing with forward facing windows of campers, pickup caps, pickup covers and pickup canopies (34 F.R. 3699). Three glazing manufacturers have asked for an additional extension of time to file comments beyond the August 1, 1969, date so that they can conclude a series of tests pertaining to the safety of acrylics which were unavoidably delayed due to problems in obtaining test equipment and in perfecting testing techniques.

In view of the foregoing, additional time to file comments in response to the notice of proposed rule making which would amend Standard No. 205 is being allowed, and the time to file comments in response to the proposed amendment is extended from August 1, 1969, until October 1, 1969.

This notice of extension of time to file comments is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority contained in § 1.4 (c) of Part 1 of the regulations of the Office of the Secretary (49 CFR 1.4(c)).

Issued on: July 31, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-9168; Filed, Aug. 4, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

QUANTITY OF CONTENTS DECLARATIONS ON MULTIUNIT CONTAINERS

Extension of Time for Filing Comments

In the matter of amending the regulations for the enforcement of the Fair Packaging and Labeling Act (21 CFR Part 1) to require a declaration of quantity of contents on multiunit containers in terms of the number of individual units, the quantity of each individual unit, and the total quantity of the contents of the multiunit package:

The notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of June 26, 1969 (34 F.R. 9874), provided that comments could be filed regarding the proposal within 30 days following its date of publication.

The Commissioner of Food and Drugs has received requests for an extension of time for filing comments and, good reason therefor appearing, the time for filing comments in this matter is extended to August 25, 1969.

This action is taken pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 28, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9119; Filed, Aug. 4, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 43]

[Docket No. 18611; FCC 69-822]

TELEPHONE COMPANIES

Annual Report Form M and Monthly Report Form 901

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. On June 18, 1969, the Commission, in Docket No. 18477, amended Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the rules and regulations by revising the income accounts in order to reflect therein extraordinary and nonrecurring items of the companies which were previously included in the surplus accounts. That amendment also provided for charging to separate accounts the Federal income taxes relating to operating income, "below-the-line" income, extraordinary and delayed income and retained earnings entries. These amendments will become effective January 1, 1970.

3. In view of the foregoing, it is believed necessary to amend certain schedules in Annual Report Form M and also to revise certain data reported in Monthly Report Form 901 to bring the 1970 report forms in accord with the accounting to be effective in 1970. It is also believed appropriate to add two new schedules in Form M to obtain data with respect to the revised accounting that will then become effective.

4. Because of the allocation of income taxes among several accounts as prescribed in Docket No. 18477, it is necessary to revise the presently prescribed schedule in Annual Report Form M for operating taxes. It is proposed to delete data with respect to Federal income taxes from Schedule 36A, Operating Taxes, change the title of that schedule to "Other Operating Taxes" and to prescribe a new schedule to be designated as Schedule 36C, Federal Income Taxes, for reporting the Federal income taxes that are charged, and the income tax effect of entries that are credited, to the various accounts. At the same time, it is proposed to rearrange the order of the other tax schedules because of space considerations in the Report Form, by redesignating Schedule 36B, Excise Taxes Collected from Users of Respondent's Services, as Schedule 36D and to redesignate Schedule 36C, Prepaid Taxes and Tax Accruals (Accounts 130 and 166), as Schedule 36B.

5. The other new schedule proposed to be included in Annual Report Form M is Schedule 45, Analysis of Extraordinary and Delayed Items (Accounts 360, 365, 370, 375 and 380). This schedule is designed to obtain details with respect to the items included in the newly prescribed extraordinary and delayed items accounts. At the same time, it is proposed to change the title of Schedule 44, Delayed Items, to read "Nondistortive Delayed Items" in order to be more descriptive of the contents.

6. An existing schedule in Form M that is proposed for substantial revision is Schedule 11, Income and Earned Surplus Statement. It is proposed to amend the title to read "Income and Retained Earnings Statement" and to provide therein for the revised income and retained earnings accounts adopted in Docket No. 18477 together with appropriate revisions in the group and total captions in the schedule.

7. Minor changes in captions, accounts and references are also proposed in certain other schedules in accordance with the revised accounting prescribed in Docket No. 18477.

8. Two minor unrelated changes are also proposed in Form M. These proposals relate to the General Instructions appearing on page 1 for completing the report form. Instruction 4 is proposed to be revised to permit indicating negative amounts by the use of a minus symbol following the amount in lieu of enclosing such amounts in parentheses. This is to provide for schedules which are prepared with the use of computers. General Instruction 6 currently permits reference to a full page of data submitted in the 1961 or 1971 Report Forms in lieu of completing an exact duplicate of such data as the reply to a single query in subsequent years. Due to limitations in filing space, the Commission now retains report forms on its premises for only 5 years and then sends them to Archives. Furthermore, it has been determined that the only significant use that is being made of this permissive provision is with respect to maps of respondents' territories required by query 3 of Schedule 7. It is therefore proposed to delete the permission from the General Instructions and to include the provision in query 3 of Schedule 7 as permission to refer to the last previous year ending in zero or five with respect to furnishing maps only.

9. Minor changes are also proposed in Form 901, Monthly Report of Revenues, Expenses, and Other Items—Telephone Companies, to coordinate that report form with accounting changes made in Docket No. 18477.

10. If the foregoing proposals are adopted, the Table of Contents and the Index for Annual Report Form M will be amended accordingly.

11. Since the amendments proposed herein pertain to accounting effective January 1, 1970, it is proposed that any amendments made as a result of this proceeding will be effective in the Annual Report Form M for the year 1970, and in Monthly Report 901 for January 1970.

12. In view of the foregoing, it is proposed to amend Annual Report Form M and Form 901, Monthly Report of Revenues, Expenses, and Other Items—Telephone Companies, as set forth in the attached Appendix.[1]

13. This notice of proposed rule making is issued under authority of sections 4(i) and 219 of the Communications Act of 1934, as amended.

[1] Filed as part of original document.

14. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 2, 1969, and reply comments on or before September 16, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commssion may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

15. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements or briefs shall be furnished to the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-9151; Filed, Aug. 4, 1969; 8:47 a.m.]

[47 CFR Part 63]

[Docket No. 18509]

TELEPHONE COMPANIES

Certificates for Channel Facilities Furnished to Affiliated Community Antenna Television Systems

1. The Commission has before it a motion filed by G.T. & E. Service Corp. on July 29, 1969, requesting that the time for filing reply comments in the above-captioned matter be extended to September 2, 1969. Reply comments are presently due on August 1, 1969.

2. In support, it is stated that extensive initial comments of the U.S. Department of Justice filed on July 18, 1969, were accepted by our order herein released on July 23, 1969. (Mimeo No. 35676 C). In said order, we stated that the Department's suggestion that all interested parties be afforded additional time to file replies was moot since the time for filing replies had previously been extended for all parties to August 1, 1969. G.T. & E. Service Corp. states that the additional time previously granted is not sufficient to permit the preparation of an adequate reply to the comments of the Justice Department in addition to those of the other parties filing comments herein; that it had no knowledge of the existence of the Justice Department filing until after the release of our order on July 23, 1969; that the actual text of the Justice Department comments was not available to its counsel until late afternoon of July 24, 1969; that such comments included serious charges affecting the telephone industry in general, and the General System in particular, and included recommendations beyond anything heretofore contemplated.

3. We have previously stated our desire to conclude this matter as quickly as possible because of the important public interest issues involved. However, we believe that full consideration should be given to the recommendations of the Justice Department. We believe that the public interest will be served by affording all interested parties additional time until August 19, 1969 to file reply comments herein.

4. In view of the foregoing, GT&E Service Corp.'s request for an extension of the filing date for reply comments to September 2, 1969, will be denied to the extent that it requests an extension beyond August 19, 1969.

5. *Accordingly, it is ordered*, Pursuant to authority delegated by § 0.303(c) of the Commission's rules, that the time for filing reply comments in the above-captioned proceedings is hereby extended to and including August 19, 1969; and that GT&E Service Corp.'s motion is hereby denied insofar as it requests an extension beyond August 19, 1969.

Adopted: July 30, 1969.

Released: July 30, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BERNARD STRASSBURG,
Chief,
Common Carrier Bureau.

[F.R. Doc. 69-9152; Filed, Aug. 4, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 4]

[Docket No. R-365]

PROTECTION AND ENHANCEMENT OF NATURAL, HISTORIC, AND SCENIC VALUES IN THE DESIGN, LOCATION, CONSTRUCTION, AND OPERATION OF PROJECT WORKS

Notice of Proposed Rule Making

JULY 29, 1969.

1. Notice is given pursuant to section 553 of the Administrative Procedure Act (5 U.S.C. 553) that the Commission is proposing to include a new § 2.12 of the rules of practice and procedure and amend Part 4 of the regulations under the Federal Power Act relating to the implementation of procedures for the preservation of aesthetic and related values in the design, location, construction, and operation of project works.

2. There has been an ever increasing concern in the preservation and enhancement of the Nation's natural, historic, and scenic values. The court in Scenic Hudson Preservation Conf. v. F.P.C., 354 F. 2d 608 (C.A. 2 1965), cert. den., sub nom. Consolidated Edison v. Scenic, 384 U.S. 941, interpreted the Commission's power to condition a license pursuant to section 10(a) of the Federal Power Act (41 Stat. 1068, 16 U.S.C. 803) as encompassing "the conservation of natural resources, the maintenance of natural beauty and the preservation of historic sites." Following the passage of the National Historic Preservation Act of 1966 (80 Stat. 915) the Commission has included articles in permits and licenses designed to affect the policies of that Act. On May 2, 1969, by Executive Order No. 11472, President Nixon established the Environmental Quality Council and the Citizens Advisory Committee on Environmental Quality to assist in the preservation and enhancement of scenic, natural, and recreational values.

The design, location, construction, and operation of a project can affect aesthetic, recreational, and other beneficial public considerations in determining whether the project is best adapted to a comprehensive plan for improving or developing a waterway.

The form and appearance of project works can be improved if creatively designed and constructed. Rights-of-way can be planned to utilize the features of the landscape in order to make transmission lines less conspicuous and minimize their effect on the Nation's natural environment. The Commission, by the proposed rulemaking, intends that future applications for licenses and certain applications for amendments to licenses contain exhibits showing the efforts taken toward the preservation and enhancement of aesthetics in the project plans.

3. The Commission proposes to amend Part 2, general policy and interpretations, by adding a new § 2.12 to include a policy statement with the provision that the Commission will neither authorize the disposition of any interest in project lands, nor agree to the amendment of any license, for the construction of any facilities without a showing that the facilities will be constructed to preserve aesthetics values.

4. The Commission proposes to amend § 4.41 to prescribe a new Exhibit V for inclusion in applications for license. This exhibit, the text of which is hereinafter set forth, provides for a showing by the applicant of its efforts to preserve and enhance aesthetic values in its plans for the project.

5. The Commission proposes to amend § 4.50 to prescribe a new Exhibit V for inclusion in applications for license for constructed projects. This exhibit, the text which is hereinafter set forth, consists of a map showing the location of transmission facilities and other project works in relation to recreational areas.

6. The Commission proposes to amend § 4.71 Exhibits J and K by deleting the next to last sentence thereof which will then require the applicant to submit a detailed Exhibit K covering the entire transmission line.

7. The Commission proposes to amend § 4.71 to prescribe a new Exhibit V for inclusion in applications for license. This exhibit is to be the same as Exhibit V of § 4.41.

8. The Commission proposes to amend § 4.82 Exhibit H with reference to an application for a preliminary permit by changing the wording of lines 10 and 11 to include rather than exclude transmission lines.

9. Concurrently with the issuance of any rule the Commission intends to issue a report entitled "Guidelines for the Protection of Natural, Historic, Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities." This report contains the guidelines developed by the Working Committee on Utilities of the President's Council on Recreation and Natural Beauty.

10. These amendments to the Commission's general policy and interpretations and to the regulations under the Federal Power Act are proposed to be issued under the authority granted to the Federal Power Commission by the Federal Power Act, as amended, particularly sections 4(e), 6, 9, 10, and 309 thereof (41 Stat. 1065, 1067, 1068; 49 Stat. 858; 16 U.S.C. 797(e), 799, 802, 803, 825h). Accordingly, it is proposed to amend:

(1) Part 2, Subchapter (A), Chapter I, Title 18, Code of Federal Regulations by adding a new § 2.12 to read as follows:

§ 2.12 Aesthetic design and construction.

The Commission has issued a report entitled "Guidelines for the Protection of Natural, Historic, Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities." It is contemplated that licensee will make maximum utilization of these guidelines in planning transmission facilites as to enhance those values or minimize the adverse effect upon them. Similar consideration should be given to the preservation and enhancement of these environmental values in the planning of other project works. In furtherance of this policy the Commission will not (1) permit the amendment of any license for the purpose of construction of additional facilities or (2) authorize the disposition of any interest in project lands for construction of any type, unless a showing is made that the construction will be designed to avoid conflict with the aesthetics of the area.

(2) Part 4, Subchapter (B), Chapter I, Title 18, of the Code of Federal Regulations by adding Exhibit V to § 4.41 as follows:

§ 4.41 Required Exhibits.

* * * * *

Exhibit V. A map, together with text, photographs, or drawings as may be needed to describe the location of, and architectural design, landscaping, and other reasonable treatment to be given to project works, including transmission lines, in the interest of protecting and developing the natural, historic, and scenic values and resources of the project area. The exhibit shall include measures to be taken during construction and operation of the project works including temporary facilities such as roads, borrow and fill areas, and clearing of the reservoir area to prevent damage to the environment and to preserve and enhance the project's scenic values, together with estimated costs of such treatments, location, and design. Applicant shall prepare this exhibit on the basis of studies made after consultation with Federal, State, and local agencies or organizations and individuals having an interest in the natural, historic, and scenic values of the project area, and shall set forth herein the nature and extent of this consultation. To the extent that these requirements have been fulfilled in other exhibits, a specific reference to the applicable parts of those exhibits will suffice.

(3) Part 4, Subchapter B, Chapter I, Title 18 of the Code of Federal Regulations by adding Exhibit V to § 4.50 as follows:

§ 4.50 Contents.

* * * * *

Exhibit V. A map showing the location of the project's transmission lines, in relation to natural, historic, scenic, and recreational areas, and areas set aside for future recreational development. Appropriate details should be shown to allow for an adequate assessment of the effect of the lines on the areas of public interest. If the information desired herein can be shown with sufficient detail on Exhibit K or R this exhibit may be omitted.

(4) Part 4, Subchapter B, Chapter I, Title 18 of the Code of Federal Regulations by revising Exhibits J and K and adding Exhibit V to § 4.71 as follows:

§ 4.71 Required Exhibits.

* * * * *

Exhibits J and K. Maps conforming to the requirements of §§ 4.40 to 4.42, inclusive, for applications for proposed major projects insofar as said requirements are applicable to transmission lines. If the application covers only part of a transmission system, Exhibit J shall show the connection to the nearest substations or main transmission lines through which the project line obtains and delivers its energy and either the general map or a small key map shall show the relation of the project to the main transmission system of the applicant in that region and to any previously licensed portions of said system. For short lines Exhibits J and K may be combined in one map.

* * * * *

Exhibit V. As prescribed by §§ 4.40 to 4.42 inclusive for applications for proposed major projects insofar as said requirements are applicable to transmission lines.

(6) Part 4, Subchapter B, Chapter I, Title 18 of the Code of Federal Regulations by amending Exhibit H of § 4.82 to read as follows:

§ 4.82 Contents of application.

* * * * *

Exhibit H. A general map showing the nature of the proposed project, its principal features and their location, and the location of the project as a whole with reference to some well-known town or stream. On this map shall be placed a line indicating the approximate project boundary of the area to be occupied by the principal project works, such as, dams, reservoirs, forebays, waterways, powerhouses, and transmission lines, and where necessary in order to determine the location of such structures on the ground, there shall be shown on the map

their relative positions with respect to permanent monuments or objects that can be readily recognized from descriptions thereof noted on the map. (See specifications for drawings, § 4.42.)

10. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, on or before September 15, 1969, data, views, and comments in writing concerning the amendments proposed herein. An original and fourteen (14) copies of any such submittals should be filed. The Commission will consider any such submittals before acting on the proposed amendments.

By direction of the Commission. Commissioner Carver not participating.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-9135; Filed, Aug. 4, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ELBERT L. BROWN

Notice of Granting of Relief

Notice is hereby given that Elbert L. Brown, 710 Missouri, Muskogee, Okla., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 29, 1940, in the U.S. District Court for the Eastern District of Oklahoma, of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 925(a)(20). Unless relief is granted, it will be unlawful for Elbert L. Brown, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that Chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C. Appendix) it would be unlawful for Mr. Brown to receive, possess, or transport in commerce or affecting commerce a firearm. Notice is hereby further given that I have considered Elbert L. Brown's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Elbert L. Brown from disabilities incurred by reason of his conviction would not be contrary to the public interest.

It is ordered, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code, and delegated to me by the regulations in title 26, Part 178, Code of Federal Regulations, that Elbert L. Brown be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of July, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-9159; Filed, Aug. 4, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[No. 18]

WYOMING

Phosphate Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

NONPHOSPHATE LANDS

T. 40 N., R. 93 W.,
Sec. 32, NE¼SW¼, S½SE¼.
T. 41 N., R. 93 W.,
Sec. 4, lot 3;
Sec. 5, lots 1 to 4, inclusive;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, NW¼SE¼;
Sec. 7, lot 1, NE¼NW¼.
T. 42 N., R. 93 W.,
Sec. 28, W½SW¼;
Sec. 29, S½SE¼;
Sec. 31, lot 4, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 32, NE¼, E½NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 33, NW¼NW¼, S½NW¼, SW¼, N½SE¼.
T. 41 N., R. 94 W.,
Sec. 1, lots 1, 3, and 4, S½N½, S½;
Sec. 2, SW¼NW¼, SW¼, NE¼SE¼, S½SE¼;
Sec. 3;
Sec. 9, lots 1 to 4, inclusive, NE¼, E½NW¼, SE¼SW¼;
Sec. 10, N½NE¼, SW¼NE¼, NW¼, E½SW¼, SE¼;
Sec. 11, NE¼, E½W½, N½SE¼, SE¼SE¼;
Sec. 12, N½NE¼, NE¼NW¼, SW¼NW¼, N½SW¼;
Sec. 14, N½NW¼, SW¼NW¼,
Sec. 15, N½, SW¼, NW¼SE¼;
Sec. 16, lots 1 and 2, NE¼, NE¼NW¼, N½SE¼, SE¼SE¼.
T. 42 N., R. 94 W.,
Sec. 20, lot 4;
Sec. 21, lot 4;
Sec. 27, NW¼SW¼;
Sec. 28, lots 1, 2, and 3, SW¼NE¼, SE¼NW¼, NE¼SW¼, N½SE¼.
Sec. 29, lots 1, 3, 4, and 5;
Sec. 33, lots 1, 2, and 3, W½NE¼, E½NW¼, NE¼SW¼;
Sec. 34, SE¼NE¼, E½SW¼, E½SE¼;
Sec. 36, W½SW¼.
T. 42 N., R. 94 W.,
Sec. 19, lots 2, 3, and 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 20, SW¼NW¼, S½;
Sec. 21, S½;
Sec. 22, S½SW¼, SW¼SE¼;
Sec. 25;
Sec. 26, lots 1 to 5, inclusive, NW¼NW¼;
Secs. 27 to 30, inclusive.
T. 43 N., R. 95 W.,
Sec. 18, lots 2 and 3, E½SW¼;
Sec. 20, SE¼NE¼, E½SE¼;
Sec. 21, S½N½, S½;
Sec. 22, SW¼NW¼, SW¼, SW¼SE¼;
Sec. 26, W½SW¼;
Sec. 27, NW¼NE¼, S½NE¼, NW¼, N½S½, SE¼SE¼;
Sec. 28, NE¼, N½NW¼;
Sec. 35, N½N½;
Sec. 36, NW¼NW¼.
T. 42 N., R. 96 W.,
Sec. 13, SW¼, SW¼SE¼;
Sec. 14, SE¼SE¼;
Sec. 23, NE¼, E½SW¼, SE¼;
Secs. 24 and 25;
Sec. 26, lots 4 and 5, N½NE¼, NE¼NW¼.
T. 43 N., R. 96 W.,
Sec. 2, S½SE¼;
Sec. 11, NE¼, NE¼SE¼;
Sec. 12, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 13, NE¼, NE¼NW¼, NE¼SE¼.
T. 43 N., R. 100 W.,
Sec. 19, lot 1, SE¼SE¼;
Sec. 23, NE¼SW¼, S½SW¼, W½SE¼;
Sec. 25, lots 2, 3, and 4;
Sec. 26, lots 1, 2, and 3, N½N½;
Sec. 28, lots 3 and 4, SW¼NW¼;
Sec. 29, lot 1, N½NW¼, NW¼SE¼;
Sec. 30, NE¼.
T. 42 N., R. 101 W.,
Sec. 2, SW¼SW¼;
Sec. 3, S½.
T. 43 N., R. 101 W.,
Sec. 13, S½SW¼, SW¼SE¼;
Sec. 16, NW¼NW¼;
Sec. 17, N½NE¼, N½SE¼;
Sec. 24, N½NE¼, SE¼NE¼, NE¼NW¼.

WIND RIVER MERIDIAN, WYOMING

T. 6 N., R. 1 E.,
Sec. 1, lots 1 to 4, inclusive, SW¼NE¼, SE¼NW¼;
Sec. 2, lot 1.
T. 7 N., R. 1 E.,
Sec. 14, SW¼SE¼;
Sec. 19, lots 1 and 2, SE¼NW¼, NE¼SW¼;
Sec. 20, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 23, NW¼NE¼, S½NE¼, NE¼NW¼, SE¼;
Sec. 24, SW¼SW¼;
Sec. 25, W½, NW¼SE¼, S½SE¼;
Sec. 26, NE¼, NE¼SE¼;
Sec. 27, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 28, SW¼NE¼, NW¼NW¼, S½NW¼, NE¼SW¼, N½SE¼;
Sec. 29, NE¼NE¼;
Sec. 34, N½NE¼;
Sec. 35, NW¼NW¼, S½NW¼, NE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 36, E½NE¼, SE¼.
T. 8 N., R. 1 E.,
Sec. 12, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 13, N½NE¼;
Sec. 19, lots 1 to 4, inclusive, W½NE¼, E½W½, SE¼;
Sec. 22, SE¼SE¼;

Sec. 23, S½S½;
Sec. 24, S½S½;
Sec. 27, N½N½;
Sec. 28, N½;
Sec. 29, N½N½;
Sec. 30, lot 1, N½NE¼, NE¼NW¼.
T. 6 N., R. 2 E.,
Sec. 3, S½NE¼, S½;
Sec. 4, NW¼SW¼, S½S½;
Sec. 5, lots 2 and 3, S½NE¼, NE¼SE¼;
Sec. 6, lots 2, 3, and 4;
Sec. 9, N½NE¼;
Sec. 10, NW¼NW¼.
T. 7 N., R. 2 E.,
Sec. 2, lot 4, SW¼NW¼, NW¼SW¼;
Sec. 3, lots 1 and 2;
Sec. 30, lot 4;
Sec. 31, lots 1 to 4, inclusive, E½W½, SW¼SE¼;
Sec. 32, NW¼SW¼, S½SW¼.
T. 8 N., R. 2 E.,
Sec. 7, lots 1 to 4, inclusive, E½NW¼, SE¼SE¼;
Sec. 8, NE¼SW¼, S½SW¼, NW¼SE¼, S½SE¼;
Sec. 9, SW¼SW¼;
Sec. 15, SW¼, NW¼SE¼, S½SE¼;
Sec. 16, SW¼NE¼, W½, SE¼;
Sec. 17, NE¼, N½NW¼, SE¼NW¼, E½SW¼SE¼;
Sec. 18, NE¼NE¼;
Sec. 19, lot 4, SE¼SW¼;
Sec. 21, N½NE¼;
Sec. 22, N½N½;
Sec. 23, NW¼NE¼, S½NE¼, N½NW¼, SW¼NW¼, N½SW¼, SE¼;
Sec. 26, NE¼, NE¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 29, SW¼NW¼, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 30, NW¼NE¼, S½NE¼, NE¼NW¼;
Sec. 32, NE¼NE¼;
Sec. 33, NW¼NE¼, S½NE¼, N½NW¼, NE¼SE¼;
Sec. 34, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 35, NW¼, N½SW¼.
T. 5 N., R. 3 E.,
Sec. 3, lots 2, 3, and 4;
Sec. 4, lots 1 and 2.
T. 6 N., R. 3 E.,
Sec. 2, NW¼SW¼, S½SW¼;
Sec. 3, lot 2, S½NE¼, E½SE¼;
Sec. 11, NW¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, E½SE¼;
Sec. 12, NW¼SW¼, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 13, NE¼, N½NW¼, N½SE¼;
Sec. 20, E½SE¼;
Sec. 21, SW¼SW¼;
Sec. 25, S½SW¼; NE¼SE¼, S½SE¼;
Sec. 26, SE¼SE¼;
Sec. 28, NW¼NW¼, S½NW¼, N½SW¼; SE¼SW¼, SW¼SE¼;
Sec. 33, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 34, S½N½, N½S½;
Sec. 35, N½NE¼, SW¼NE¼, NE¼NW¼, S½NW¼;
Sec. 36, N½NW¼.
T. 7 N., R. 3 E.,
Sec. 28, SE¼SE¼;
Sec. 33, E½NE¼;
Sec. 34, SW¼NW¼, N½SW¼, SE¼SW¼.
T. 6 N., R. 4 E.,
Secs. 1 to 5, inclusive;
Sec. 6, lot 7, S½NE¼, E½SW¼, SE¼;
Secs. 7 to 12, inclusive;
Sec. 13, N½, N½SW¼, SW¼SW¼, N½SE¼, SE¼SE¼;
Secs. 14 to 17, inclusive;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, E½SE¼;
Sec. 19, NE¼NE¼, N½SE¼, SE¼SE¼;
Sec. 20, N½, NE¼SE¼;
Sec. 21;
Sec. 22, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 23, NW¼NE¼, N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 24, E½NE¼;
Sec. 28, S½NE¼, E½SE¼;
Sec. 30, lots 2 and 3, NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.
T. 7 N., R. 4 E.,
Sec. 13, lots 3 and 4;
Sec. 24, N½NE¼, SE¼NE¼, NE¼SE¼.
T. 6 N., R. 5 E.,
Secs. 1 to 12, inclusive;
Sec. 13, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 14 to 17, inclusive;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, N½SE¼, SW¼SE¼;
Sec. 19, lots 1 and 2, NW¼NE¼, NE¼NW¼;
Sec. 20, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 21, NE¼, N½NW¼, N½SE¼, SE¼SE¼;
Sec. 22, N½, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 23, W½NE¼, W½, SE¼;
Sec. 24, W½NE¼, NW¼;
Sec. 25, NW¼SW¼;
Sec. 26, NW¼NE¼, NE¼NW¼, NE¼SE¼;
Sec. 28, NE¼NE¼.
T. 7 N., R. 5 E.,
Secs. 13 to 18, inclusive;
Sec. 19, lots 1, 2, and 3, E½, E½W½;
Secs. 20 to 29, inclusive;
Sec. 30, E½, NE¼NW¼;
Sec. 32, N½NE¼, SE¼NE¼, NE¼SE¼;
Secs. 33 to 36, inclusive.
T. 5 N., R. 6 E.,
Sec. 21, NE¼NE¼;
Sec. 22, lot 1.
T. 6 N., R. 6 E.,
Sec. 3, lots 1, 2, and 3;
Sec. 4, N½NE¼, SE¼NE¼, NE¼NW¼, E½SE¼, in part unsurveyed;
Sec. 5, W½NE¼, NW¼, N½SW¼, SW¼SW¼, NW¼SE¼, unsurveyed;
Sec. 6;
Sec. 7, lots 1 to 4, inclusive, N½NE¼, SW¼NE¼, E½NW¼, NE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 17, E½NE¼;
Sec. 18, lots 1 to 4, inclusive, NW¼NE¼, S½NE¼, E½W½, W½SE¼;
Sec. 19, lots 1 and 2, E½NW¼.
T. 7 N., R. 6 E.,
Secs. 15 to 22, inclusive;
Secs. 27 and 28;
Sec. 29, N½, N½SE¼, SE¼SE¼;
Sec. 30, lot 2, that part lying in the W½, lots 3, 4, 6, 8, and 9, NE¼NE¼, SE¼NW¼, E½SW¼, SW¼SE¼;
Sec. 31, lots 1 to 4, inclusive, NW¼NE¼, S½NE¼, E½W½, SE¼;
Sec. 32, NW¼NW¼, S½NW¼, SW¼, W½SE¼;
Sec. 33, NE¼, E½NW¼, NE¼SW¼, SE¼;
Sec. 34.
T. 7 N., R. 1 W.,
Sec. 5, SW¼NW¼, SW¼, S½SE¼;
Sec. 6, lots 4 and 5, S½NE, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 7, lot 4, E½NE¼, SE¼SW¼, NE¼SE¼;
Sec. 8, N½NE¼, W½, NW¼SE¼;
Sec. 9, SW¼NE¼, NW¼NW¼, S½NW¼, NE¼SW¼, SE¼;
Sec. 10, SW¼NE¼, S½NW, S½;
Sec. 11, NE¼, SE¼NW¼, S½;
Sec. 12, NW¼SW¼, S½SW¼;
Sec. 13, NW¼NE¼, S½NE¼, NE¼NW¼, E½SE¼;
Sec. 14, N½NW¼;
Sec. 15, NE¼NE¼;
Sec. 18, lot 1, NW¼NE¼, S½NE¼, NE¼NW¼.
T. 8 N., R. 1 W.,
Sec. 13, lots 1 and 2;
Sec. 15, lot 2;
Sec. 21, lot 1, E½SE¼;
Sec. 22, lot 1, NE¼NW¼, SW¼NW¼, W½SW¼;
Sec. 24, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 25, N½N½;
Sec. 26, NE¼NE¼, NW¼NW¼;
Sec. 27, NE¼NE¼, N½NW¼.
T. 7 N., R. 2 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, NW¼SW¼, S½SW¼;
Sec. 2, lots 1 to 4, inclusive, S½N½, NE¼SW¼, SE¼;
Sec. 3, lots 1 to 4, inclusive, SE¼NE¼, S½NW¼;
Sec. 4, lots 1 and 2, S½NE¼, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 5, SE¼;
Sec. 6, lot 7, SE¼SW¼;
Sec. 7, lot 1, NW¼NE¼, S½NE¼, E½NW¼, SE¼;
Sec. 8, NE¼, E½NW¼, S½;
Sec. 9, S½;
Sec. 11, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 12, SW¼NE¼, W½, SE¼;
Sec. 13, N½NE¼;
Sec. 14, S½SW¼;
Sec. 15, S½S½;
Sec. 16, NE¼NE¼, W½SW¼;
Sec. 17, N½NE¼, SE¼NE¼, E½SE¼;
Sec. 19, lots 3 and 4, E½SW¼, SE¼;
Sec. 20, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 21, N½, SW¼ N½SE¼;
Sec. 22, N½, N½S½;
Sec. 23, N½, NW¼SW¼, N½SE¼;
Sec. 24, NW¼NW¼, S½NW¼, SW¼, W½SE¼;
Sec. 25, NE¼, NE¼NW¼.
T. 8 N., R. 2 W.,
Sec. 34, lots 1, 2, and 3;
Sec. 35, lots 1, 3, and 4, S½SE¼;
Sec. 36, lot 4, S½SW¼, SW¼SE¼.

The area described aggregates 90,063 acres, more or less, all of which are classified as nonphosphate lands.

Dated: July 29, 1969.

ARTHUR A. BAKER,
Acting Director.

[F.R. Doc. 69-9145; Filed, Aug. 4, 1969; 8:47 a.m.]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

By notice in the FEDERAL REGISTER of February 25, 1969, at page 2582, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by notices in the FEDERAL REGISTER on April 2 (pp. 6018–19), May 6 (p. 7338), June 3 (pp. 8713–14), and June 28 (pp. 10007–8).

Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added to the National Register since June 28, 1969:

GEORGIA

Muscogee County

Columbus, *Columbus Historic District*, Bounded by Ninth Street on the north, Fourth Street on the south, Fourth Avenue on the east, and the Chattahoochee River on the west.

Columbus, *Columbus Iron Works*, 901 Front Avenue.

Columbus, *Goetchius-Wellborn House*, 406 Broadway.

Columbus, *Joseph House*, 828 Broadway.

Columbus, *Octagon House*, 527 First Avenue.

Columbus, *Walker–Peters–Langdon House*, 716 Broadway.

Columbus, *Wells–Bagley House*, 22 Sixth Street.

KENTUCKY

Fayette County

Lexington, *West High Street Historic District*, North side of the 100, 200, and 300 blocks of West High Street.

MISSOURI

Chariton County

Keytesville, *Hill Homestead*, 100 West North Street.

Gasconade County

Bem vicinity, *Peenie Archeological Petroglyph Site*, Center NE¼, SE¼, sec. 36, T. 41 N, R. 5 W.

Mississippi County

Wolf Island vicinity, *Beckwith's Fort Archeological Site*, SE¼, sec. 29, T. 24, N, R. 17 E.

Moniteau County

Sandy Hook vicinity, *Geiger Archeological Site* NW¼, sec. 11, T. 46 N, R. 14 W.

Montgomery County

Big Spring vicinity, *Pinnacle Lake Rockshelter*, NE¼, SE¼, sec. 24, T. 47 N, R. 5 W.

New Madrid County

New Madrid vicinity, *Lilbourn Fortified Village Archeological Site*, SE¼, Survey 28, W¼, Survey 712, SW¼, SW¼, Survey 711, T. 22 N, R. 14 E.

Pemiscot County

Steele vicinity, *Denton Mound and Village Archeological Site*, SW¼, sec. 20, T. 17 N, R. 11 E.

Phelps County

Yancy Mills vicinity, *Gourd Creek Cave Archeological Site*, SE¼, NW¼, sec. 19, T. 36 N., R 8 W.

St. Charles County

St. Charles, *Stone Row*, 314–330 South Main Street.

Ste. Genevieve County

Ste. Genevieve vicinity, *Common Field Archeological Site*, N½, SW¼, sec. 35, T. 38 N., R. 9. E.

Warren County

Marthasville vicinity, *Callaway (Flanders) House*, 1 mile south of Marthasville on Mo. 94.

NEW YORK

Suffolk County

Montauk vicinity, *Montauk Point Lighthouse*.

RHODE ISLAND

Newport County

Newport, *Miantonomi Memorial Park*, Bounded on the south by Admiral Kalbfuss Road, on the west by Girard Avenue, on the north by property of the Newport Housing Authority, and on the east by Hillside Avenue.

SOUTH CAROLINA

Charleston County

Charleston, *Fireproof Building*, 100 Meeting Street.

Clarendon County

Summerton vicinity, *Santee Indian Mound and Fort Watson*, south of Summerton off U.S. 301.

Kershaw County

Camden, *Fort Camden*, southern area of Camden, De Kalb Township.

VIRGINIA

Loudoun County

Leesburg vicinity, *Waterford Historic District*, Va. 665, 7 miles northwest of Leesburg. A pentagonal-shaped area following topographical features; measuring, from the intersection of Main Street and Second Street, 0.9 mile to the northeast, 1.4 miles to the southeast, 1.2 miles to the southwest, 1.2 miles to the west, and 0.9 mile to the northwest.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology and Historic Preservation.

[F.R. Doc. 69-9122; Filed, Aug. 4, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

August 1969 CCC Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

1. The U.S. Department of Agriculture announced the minimum prices at which Commodity Credit Corporation (CCC) commodity holdings are available for sale, beginning at 3 p.m., e.d.t., on July 31, 1969, and, subject to amendment, continuing until superseded by the September Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, flaxseed, rye, rice, grain sorghum, peanuts, tung oil, cottonseed meal, butter, and nonfat dry milk.

With the 1969 crop marketing year beginning August 1 for rice and cotton, the August list includes formula minimum pricing for these commodities based on 1969 price-support loan rates.

Information on the availability of commodities stored in CCC bin sites may be obtained from Agricultural Stabilization and Conservation Service State offices shown at the end of the sales list; and for commodities stored at other locations, the information may be attained from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

2. In the following listing of Commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM–4) for August 1969 are 6⅜ percent for U.S. bank obligations and 7⅜ percent for foreign bank obligations. Commodities now eligible for financing under the Export Credit Sales Program include oats, wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, milled and brown rice, tobacco, cottonseed oil, raisins, soybean oil, dairy products, tallow, lard, breeding cattle, rye, and cottonseed meal. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM–4.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

4. The following commodities are currently available for new and existing barter contracts: Upland cotton and tobacco. In addition, private stocks of corn, grain sorghum, barley (other than malting barley), oats, wheat, and wheat flour, and milled and brown rice, under Announcement PS–1, as amended; tobacco under Announcement PS–3; cottonseed oil and soybean oil under Announcement PS–2; and upland and extra long staple cotton under Announcement PS–4; and inedible tallow and grease under Announcement PS–5; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter

13 percent protein or higher, Hard Red Spring 14 percent protein or higher, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of the Assistant Sales Manager, Barter, Export Marketing Service, USDA, Washington, D.C. 20250.

5. The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. The New Orleans ASCS Commodity Office has withdrawn Announcement NO–C–32 (Sale of Upland Cotton for Unrestricted Use). Upland Cotton is available for sale for unrestricted use under other CCC announcements.

6. Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

7. On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions, will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated under the Export Control Act of 1949. These restrictions also apply to any commodities purchased from the Commodity Credit Corporation whether sold for restricted or unrestricted use. Countries and commodities are specifically listed in the U.S. Department of Commerce Comprehensive Export Schedule. Additional information is available from the Bureau of International Commerce or from the field offices of the Department of Commerce.

Sales Price or Method of Sale

WHEAT, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1969 price-support loan rate[1] for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markups and examples (dollars per bushel in-store).*[1]

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.05½	$0.03	Minneapolis—No. 1 DNS ($1.57) 115 percent +$0.03; $1.84. Portland—No. 1 SW ($1.45) 115 percent +$0.03; $1.70. Kansas City—No. 1 HRW ($1.45) 115 percent +$0.03; $1.70. Chicago—No. 1 RW ($1.46) 115 percent +$0.03; $1.71.

Export.

A. CCC will sell limited quantities of Hard Red Winter, Durum, and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR–345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the payment or certificate acceptance number) as required by exporters who wish to receive an export payment under GR–345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to ports on the west coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1969 loan rate plus 5 percent, plus 13 cents per hundredweight, basis in-store.

Available. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate[1] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate[2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

Markup in-store	Examples
$0.17½	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.09+$0.02½) 115 percent +$0.17½; $1.46½. Agricultural Act of 1949; statutory minimums: McLean County, Ill. ($1.09+$0.02½ +$0.19); 105 percent +$0.17½; $1.54½.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS grain offices.

GRAIN SORGHUM, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate[1] for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate[2] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.29½	$0.25½	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.63) 115 percent +$0.29½; $2.17½. Kansas City, Mo. ($1.81) 115 percent +$0.25½; $2.34½. Agricultural Act of 1949; statutory minimums: Hale County, Tex. ($1.63+$0.34); 105 percent +$0.29½; $2.36½. Kansas City, Mo. ($1.81+$0.34); 105 percent +$0.25½; $2.51½.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1969 price-support loan rate[1] for the class, grade, and quality of the barley plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1969 price-support rate[2] (published loan rate plus 13 cents per bushel) for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.06½	$0.03	Feed grain program domestic PIK certificate minimums: Cass County, N. Dak. ($0.78) 115 percent +$0.05½; $0.95½. Minneapolis, Minn. ($1.04) 115 percent +$0.03; $1.23. Agricultural Act of 1949 statutory minimums: Cass County, N. Dak ($0.78+$0.13); 105 percent +$0.06½; $1.01½. Minneapolis, Minn. ($1.04 + $0.13); 105 percent +$0.03; $1.26.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

OATS, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1969 price-support rates[2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markup and example (dollars per bushel in-store[1] Basis No. 2 XHWO).*

Markup in-store	Example
$0.05½	Redwood County, Minn. ($0.60+$0.08 quality differential); 115 percent +$0.05½; $0.78½.

C. *Nonstorable.* At not less than the market price as determined by CCC.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent[2] of the applicable 1969 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.05½	$0.03	Agriculture Act of 1949; statutory minimums: Rollete County, N. Dak. ($0.86); 115 percent +$0.05½; $1.04½. Minneapolis, Minn. ($1.22) 115 percent +$0.03; $1.44.

C. *Nonstorable.* At not less than market price as determined by CCC.

Available. Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

COTTON, UPLAND

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–31 (Revised), (Disposition of Upland Cotton—In Liquidation of Rights in a Certificate Pool, Against the "Shortfall," and Under Barter Transactions). Cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) a minimum price determined by CCC which will be based on 110 percent of the price support loan rate for Middling 1 inch cotton at average location at the time of delivery, plus reasonable carrying charges for the month in which the sale is made. Carrying charges for August are 90 points per pound. In no event will the price for any cotton be less than 120 points (1.2 cents) per pound above the loan rate for such cotton at the time of delivery.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export Under the Barter Program) and NO–C–31, as amended, at the prices described in the preceding paragraph B.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–6 (Revision 2) and Announcement NO–C–10 (Revised). Under these announcements extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current loan rate for such cotton plus reasonable carrying charges, or (b) the market price as determined by CCC. Notwithstanding the foregoing, if and when a "shortfall" for extra long staple cotton is announced by CCC, cotton will be available under Announcements NO–C–6 and NO–C–10 in an amount not to exceed the shortfall at the market price, as determined by CCC.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

COTTONSEED MEAL, BULK

Unrestricted use.

Competitive offers for meal located in Texas and Oklahoma under the terms and conditions of Announcement NO–CS–8. Delivery periods will commence in September.

Small quantities may be sold on competitive offers in any area if necessary to avoid deterioration or if storage cannot be obtained on a basis satisfactory to CCC.

Export:

Competitive offers, but not less than $45 per ton f.o.b. origin location under the terms and conditions of Announcement NO–CS–7. Sales will be made only for export to Far East countries having ports on the Pacific Ocean or on a sea tributary thereto (including Australia and New Zealand).

Available. New Orleans ASCS Commodity Office.

PEANUTS, SHELLED OR FARMERS STOCK

Restricted use sales.

When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga.
Peanut Growers Cooperative Marketing Association, Franklin, Va.
Southwestern Peanut Growers' Association, Gorman, Tex.

Terms and conditions of sale are set forth in Announcement PR–1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically.

Sales are made on the basis of competitive bids each Wednesday by the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitations to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM–PR–4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Oilseed and Special Crops Division, ASCS, Telephone Washington, D.C., area code 202, DU 8-3901.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 105 percent of the applicable 1969 price-support rate[1] for the grade and quality of the flaxseed plus the applicable markup.

B. *Markups and example (dollars per bushel in-store No. 1, 9.1–9.5 percent moisture).*

Markup per bushel received by—		Example of minimum prices—terminal and price
Truck	Rail or barge	
$0.07½	$0.03¼	Minneapolis, Minn. ($3.01); 105 percent + $0.03¼; $3.19¼.

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Branch Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP-14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

Export.

Announced prices, under MP-23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price and the period of time such price will be in effect.

BUTTER

Unrestricted use.

Announced prices, under MP-14: 75.25 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 74.5 cents per pound—Washington, Oregon, and California. All other States 74.25 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for bin-site sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1-0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only). Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353-6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 725-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226-3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 725-3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527-7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264-8439, 8440, 8441.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525-4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633-8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284-4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9-3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372-1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442-3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 725-7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587-4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475-3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237-5205.

Ohio, Room 116, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469-6814.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352-8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254-4441, Ext. 7535.

AUTHORITY: Issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note).

Signed at Washington, D.C., on July 30, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-9163; Filed, Aug. 4, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CIBA PHARMACEUTICAL CO.

Notice of Withdrawal of Petition for Food Additive Metoserpate Hydrochloride

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), E. R. Squibb & Sons, Inc., Three Bridges, N.J. 08887, has withdrawn its petition (32-738V), notice of which was published in the FEDERAL REGISTER of March 6, 1969 (34 F.R. 4898), proposing that § 121.324 *Metoserpate hydrochloride* (21 CFR 121.324) be amended to provide for the safe use of metoserpate hydrochloride at a level of 0.03 percent in the drinking water of replacement chickens with the limitation that treated birds not be slaughtered within 96 hours of treatment.

The petition was filed by the Gland-O-Lac Co., Division of CIBA Corp., Omaha, Nebr. 68101, and the rights to the petition were subsequently transferred to E. R. Squibb & Sons, Inc.

Dated: July 29, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 69-9117; Filed, Aug. 4, 1969; 8:45 a.m.]

MERCK AND CO., INC.

Notice of Withdrawal of Petition for Food Additives Thiabendazole, Penicillin, and Streptomycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Merck Sharp and Dohme Research Laboratories, Division of Merck and Co., Inc., Rahway, N.J. 07065, has withdrawn its petition (PC 38-222V), notice of which was published in the FEDERAL REGISTER of December 21, 1967 (32 F.R. 20670), proposing that

§ 121.260 *Thiabendazole* be amended to provide for the safe use in swine feed of thiabendazole in combination with penicillin and streptomycin added for growth promotion and feed efficiency.

Dated: July 29, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 69-9118; Filed, Aug. 4, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FLIGHT STANDARDS DISTRICT OFFICE AT HARRISBURG-YORK STATE AIRPORT, NEW CUMBERLAND, PA.

Notice of Redesignation

Notice is hereby given that the General Aviation District Office at the Harrisburg-York State Airport, New Cumberland, Pa., has been redesignated as a Flight Standards District Office on July 1, 1969. While continuing to provide services to general aviation, this office, in addition, has assumed responsibilities for services to air carriers. Communications to the Flight Standards District Office should be addressed as follows:

Flight Standards District Office No. 61, Department of Transportation, Federal Aviation Administration, Harrisburg-York State Airport, Administration Building, New Cumberland, Pa. 17070.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in New York, N.Y., on July 25, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-9127; Filed, Aug. 4, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

CESIUM-137

Pricing

On June 5, 1968, the Commission published in the FEDERAL REGISTER for public comment, notice of intent to increase its prices for cesium-137. The present and proposed prices were as follows:

Present	*Proposed*
0–10,000 curies—$0.50/Ci	0–50,000 curies—$3.00/Ci
10,001–50,000—0.45	50,001–200,000—2.00
50,001–200,000—0.35	Over 200,000—0.85
Over 200,000—0.125	

The Commission has now completed its review of the public comment received. Also, as a result of certain process improvements and efficiencies which have been developed and adopted, current AEC full costs for cesium-137 production and distribution have been reduced substantially from the costs which underlay the proposed increased price in the June 5, 1968, FEDERAL REGISTER notice. Based on the foregoing considerations, as well as, current investments and efforts of industry to develop sizable markets for cesium-137, as evidenced by a rapidly increasing market demand, and the fact that the cesium-137 production capacity achievable in existing AEC facilities could result in costs approaching the present price, the Commission has now determined to retain its present cesium-137 prices as set forth above, subject to reexamination in about 2 years.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 30th day of July 1969.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 69-9134; Filed, Aug. 4, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 69-7-124]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority July 24, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated July 10, 1969, names additional specific commodity rates, as set forth in the attachment hereto, which reflect significant reductions from the general cargo rates. In addition, rates for a new commodity description, "Incense and/or Incense Products," have been specified.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745,[1] R-86 through R-88, be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9160; Filed, Aug. 4, 1969; 8:48 a.m.]

[1] Filed as part of original document.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18414; FCC 69-823]

RICHARD JOHNSON AND SOUTHWESTERN BELL TELEPHONE CO.

Memorandum Opinion and Order Instituting a Hearing

1. The Commission has before it a formal complaint filed December 30, 1968, by Richard Johnson (complainant) pursuant to section 208 of the Communications Act of 1934, as amended, against the Southwestern Bell Telephone Co. (Southwestern) requesting compensatory and punitive damages in the amount of $5,000 for alleged violations of sections 201(a) and 202(a) of the Act. It is alleged that Southwestern failed to furnish telephone service to complainant upon reasonable request therefor and illegally terminated complainant's telephone service. We also have before us an answer to the complaint and a motion to dismiss filed by Southwestern on February 3, 1969, and a number of written statements submitted by both complainant and Southwestern subsequent to February 3, 1969, in response to letters from the Commission.

2. The pertinent facts appear to be about as follows: On October 25, 1967, Southwestern, at complainant's request, installed telephone service at complainant's residence, in Pittsburg, Kans. Complainant wanted the service in contemplation that it would be used for both interstate and intrastate calls. At this time a deposit was not requested of complainant. Southwestern's records indicated that complainant was a single, employed male. A short time after this installation Southwestern learned that complainant was a minor, living with his mother, Mrs. Ruth Johnson Cooper. Mrs. Cooper had been a former subscriber with whom Southwestern alleges that it had had credit and payment problems.[1] On October 27, 1967, Southwestern orally notified complainant that the company would require a deposit in an

[1] Mrs. Cooper's past indebtedness for services rendered by Southwestern was allegedly in an amount in excess of $100 and Southwestern states that it could not collect this amount despite repeated attempts to do so. It appears that these services were provided more than 3 years ago, and any action for the amount owed to the telephone company apparently was barred by the Kansas Statute of Limitations.

amount of $100 as a condition to the continuation of telephone service. Southwestern states that "it was these subsequently acquired facts which precipitated the deposit request". On the same day, October 27, 1967, complainant was orally notified by Southwestern that the telephone service would be terminated if such a deposit was not made. No written notice of intent to terminate was given to complainant by Southwestern. Southwestern states that it arrived at the figure of $100 as the amount of deposit to demand of complainant by allocating $11.30 plus taxes to telephone exchange service and the rest of the $100 to estimated toll charges. No attempt was made to distinguish between estimated interstate tolls and estimated intrastate tolls. Upon complainant's inability or refusal to make the $100 deposit the telephone service was terminated on November 3, 1967. Thereafter complainant filed informal complaints with us which were not satisfied by Southwestern and the formal complaint herein followed on December 30, 1968. After the filing of the formal complaint Southwestern installed service for complainant's mother, Mrs. Cooper, without a deposit on February 28, 1969, and, by letter dated March 27, 1969, Southwestern states that it will "consider" reestablishing complainant's service without a deposit if requested. Complainant states by letter of April 14, 1969, that he will request it.

3. Southwestern contends that (a) the complaint fails to allege that the matters complained of involve interstate service, but rather shows on its face that it is intrastate telephone exchange service over which this Commission has no jurisdiction; (b) documents filed with the District Court of Crawford County, Kans., relative to a complaint brought by complainant against Southwestern demonstrates that the complainant is an unemancipated minor who has no standing to pursue this complaint in his own name without benefit of Next Friend or Guardian; and (c) that the Commission has no power to grant the requested punitive damages and, as to compensatory damages, the allegations of damages are not stated with the certainty required by section 1.723 of the Commission's rules. Accordingly, Southwestern moves the Commission to dismiss the complaint pursuant to § 1.731(a) of the rules.

4. We shall first rule on Southwestern's contention that we lack jurisdiction over the subject matter of this complaint. We agree that, insofar as complainant was denied "telephone exchange service," we have no jurisdiction. (See section 221 (b) of the Act.) However, we believe that more than "telephone exchange service" is involved here. Complainant was denied facilities that would enable him to make and receive interstate toll calls. He was not denied merely "telephone exchange service." During the period pertinent to the complaint Southwestern offered interstate telephone toll service through Tariff FCC No. 263 of American Telephone and Telegraph Co. This was a service offering of interstate telephone service whereby the telephone furnished for "telephone exchange service" was also furnished for interstate toll service. We think it beyond dispute that complainant desired facilities that could be used for both interstate toll service and telephone exchange service and that he was denied such interstate service by Southwestern. Southwestern as much as concedes this when it states that an unspecified portion of the $100 deposit request was to cover anticipated interstate toll usage by complainant. We therefore conclude that we have jurisdiction over the subject matter of this complaint to the extent that it involves the denial of interstate telephone toll service.

5. We turn next to Southwestern's contention that the complaint must be dismissed because complainant is an unemancipated minor. This argument is untenable. Section 208 of the Act permits "any person" to file a complaint. Section 3(l) states that the word "person" includes "an individual," among others. We find no support for the position that complainant is not a "person" within the meaning of the Communications Act. In any event, if any damages were to be awarded to complainant for violation of the Act, the Commission has ample authority to condition any such order, if necessary, upon payment to a duly appointed Guardian or Next Friend.

6. Southwestern's contention that the Commission has no power to grant punitive damages for violation of the Act raises a novel question. Section 206 of the Act states that when a carrier violates any provision of the Act "such common carrier shall be liable to the person or person injured thereby for the full amount of damages sustained in consequence of any such violation." There appears to be no provision in the Act that prohibits us from awarding punitive damages where justified by the evidence unless the above-quoted language in section 206 is to be so construed. Punitive damages are generally recognizable under common law and section 414 of the Act provides that "nothing in this Act shall in any way abridge or alter the remedies now existing at common law." Moreover, punitive damages have been awarded by a Federal trial court upon a finding that a railroad had violated section 3(1) of the Interstate Commerce Act, which prohibits undue prejudice, by refusing to furnish certain passenger transportation to plaintiffs because of their race or color, Wright v. Chicago, B. & Q.R., D.C. Ill. 223 F. Supp. 660 (1963). Section 202(a) of our Act outlawing undue discrimination is based upon the aforementioned section 3(1) of the Interstate Commerce Act and the above-cited case, which was not appealed, appears to be a precedent on the question before us. Section 207 of our Act provides that an aggrieved person may file a complaint for damages for violation of the Act by a carrier before either the Commission or a Federal court. It would thus appear that the Commission has the same powers as the courts have in awarding damages for violation of the Communications Act. For the foregoing reasons, we are not prepared to rule at this time that we cannot award punitive damages in cases where such award may be warranted by the facts. We believe that we should defer ruling on this question until after completion of the evidentiary record in this case and submission of briefs thereon by the parties.

7. Finally, we believe that the complaint is not legally defective for failure to be more specific as to the compensatory damages claimed. Under § 1.731(b) of our rules, Southwestern could have filed a motion that the allegations in the complaint be made more definite and certain as to the claim for damages. Southwestern elected not to do so. Moreover, complainant has the burden of proof as to damages and if Southwestern can make a proper showing that it is entitled to greater specificity as to complainant's damages claim in advance of the hearing, our prehearing procedures are available for this purpose.

8. In view of the foregoing, the Commission believes that an evidentiary hearing is warranted to determine whether Southwestern has failed or refused to furnish interstate communication service to complainant upon reasonable request therefor, or has subjected complainant to any undue or unreasonable prejudice or disadvantage, or both, and if so, what damages, if any, should be awarded to complainant. Also, the undisputed facts reveal a violation of AT&T's Tariff FCC No. 263 in that paragraph 2.4.3 of that tariff obligated Southwestern to give complainant a notice in writing before terminating his service. This was not done and Southwestern's failure to comply with the tariff constituted a violation of section 203(c) of the Act. Complainant does not raise this point, but we believe that we should do so on our own motion. Accordingly, the issues herein will include the question of what action, if any, should be taken regarding this violation of the Act.

9. *Accordingly, it is ordered*, That pursuant to sections 201, 202, 203, 206, 207, 208, and 403 of the Communications Act of 1934, as amended, a hearing shall be held in this proceeding at the Commission's Offices in Washington, D.C., at a time to be specified, and that an examiner to be designated to preside at the hearing shall upon the closing of the record prepare an initial decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282.

10. *It is further ordered*, That without in anyway limiting the scope of the proceeding, it shall include inquiry into the following:

(1) Whether the refusal by Southwestern to continue to provide interstate communications service to complainant except on the condition that the latter furnish the telephone company a $100 deposit to cover, in part, interstate tolls was a violation of section 201(a) or 202(a) of the Act or both;

(2) Whether complainant is entitled to any compensatory or punitive damages as a result of any violation of section 201(a) or 202(a) of the Act that may be found under the foregoing issue; and, if so, the amounts thereof.

(3) What action, if any, should be taken by the Commission for Southwestern's failure to provide complainant with written notice of termination of service in violation of the company's applicable tariff and section 203(c) of the Act?

11. *It is further ordered*, That Southwestern's motion to dismiss is denied, without prejudice.

12. *It is further ordered*, That Richard Johnson, Southwestern Bell Telephone Co., and the Chief, Common Carrier Bureau, are made parties to the proceeding.

13. *It is further ordered*, That the Secretary of the Commission shall send copies of this order by certified mail, return receipt requested, to Richard Johnson and Southwestern Bell Telephone Co., and shall cause a copy to be published in the FEDERAL REGISTER.

Adopted: July 29, 1969.

Released: July 31, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-9153; Filed, Aug. 4, 1969; 8:47 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H. C. #30]

IMPERIAL CORPORATION OF AMERICA

Notice of Receipt of Application for Approval of Acquisition of Control of Summit Savings and Loan Association

JULY 31, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Imperial Corporation of America, San Diego, Calif., for approval of acquisition of control of the Summit Savings and Loan Association, Santa Rosa, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies be effected by the exchange of at least 80 percent of the guarantee stock of Summit Savings and Loan Association for stock of Imperial Corporation of America. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-9166; Filed, Aug. 4, 1969; 8:48 a.m.]

[1] Commissioner Robert E. Lee absent.

FEDERAL RESERVE SYSTEM

DOMINION BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)), by Dominion Bankshares Corp., which is a bank holding company located in Roanoke, Va., for the prior approval of the Board of the acquisition by Applicant of more than 80 percent of the voting shares of Southampton County Bank, Courtland, Va.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

Dated at Washington, D.C., this 29th day of July 1969.

By order of the Board of Governors.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-9141; Filed, Aug. 4, 1969; 8:47 a.m.]

HAWKEYE BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)), by Hawkeye Bancorporation, which is a bank holding company located in Red Oak, Iowa, for the prior approval of the Board of the acquisition by Applicant of 87.6 percent of the voting shares of Mills County State Bank, Glenwood, Iowa.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Dated at Washington, D.C., this 29th day of July 1969.

By order of the Board of Governors.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-9142; Filed, Aug. 4, 1969; 8:47 a.m.]

MAIN STATE BANK OF CHICAGO

Order Approving Acquisition of Bank's Assets

In the matter of the application of Main State Bank of Chicago for approval of acquisition of assets of Main State Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Main State Bank of Chicago, Chicago, Ill., which is to be a State member bank of the Federal Reserve System, for the Board's prior approval of its acquisition of assets and assumption of deposit liabilities of Main State Bank, Chicago, Ill.

Notice of the proposed acquisition of assets and asumption of deposit liabilities, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed transaction,

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that said acquisition of assets and assumption of deposit liabilities shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

Dated at Washington, D.C., this 30th day of July 1969.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 69-9143; Filed, Aug. 4, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 30, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 31, 1969, through August 9, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9147; Filed, Aug. 4, 1969; 8:47 a.m.]

[812-2571]

INVESTORS COUNSEL, INC., AND CAPITAL SPONSORS, INC.

Notice of Filing and Order for Hearing of the Act, and Order of Temporary Exemption

JULY 28, 1969.

Notice is hereby given that Investors Counsel, Inc. ("Counsel") and Capital Sponsors, Inc. ("Sponsors"), 2727 Allen Parkway, Houston, Tex., the investment adviser and underwriter respectively of Capital Shares Inc., Capital Investors Growth Fund Inc., and Capital Income Fund Inc., all open-end investment companies registered under the Investment Company Act of 1940 (the "Act") (collectively the "Funds") have filed an application under sections 6(c) and 9(b) of the Act for an order exempting Counsel and Sponsors ("applicants") from the application of section 9(a) of the Act insofar as that section may be applicable to preclude Counsel from serving as investment adviser, and Sponsors from serving as underwriter of the Funds, by reason of the fact that International Systems and Controls Corp. ("ISC"), which owns all the voting securities, and 43 percent of the equity of Counsel, which, in turn, owns all the voting securities of Sponsors, has been convicted of four counts of an indictment relating to violations of Regulation T under section 7 of the Securities Exchange Act of 1934. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

On July 23, 1969, an indictment was returned in the U.S. District Court for the Southern District of New York charging violations of Regulation T by ISC and by First Hanover Corp. ("First Hanover") (a member of the New York Stock Exchange), its president, Alfred Lerner, and American Securities Co. ("Amsec") of Uruguay, and its president, Horacio Raggio. Two directors of ISC, Austin Wilson and J. T. Kenneally, were named as coconspirators but not as defendants. It was charged that, in 1966, ISC loaned money to Amsec with which it purchased shares of Holly Sugar Corp. ("Holly Sugar") through First Hanover on credit terms available to a foreign customer that were more liberal than would have been available to ISC as a domestic customer under Regulation T. Applicants state that the theory of the indictment was that Amsec was acting as agent for ISC (then known as Houston Oil Field Materials Corp.) in acquiring the Holly Sugar shares and that the arrangement was a device to avoid the requirements of Regulation T. ISC pleaded guilty to four out of nine counts of the indictment and the balance were dismissed as to it. Applicants state that the transactions forming the basis of the indictment occurred in 1966, prior to the acquisition of control by ISC of Counsel and of Sponsors; that no individual holding any office in or serving as a director of or employed by Counsel or by Sponsors or by ISC was indicted and that the two directors of ISC who were named as coconspirators hold no office in and are not involved in the operations of Counsel or Sponsors or the Funds; that ISC acted on advice of counsel in the transaction and that the case marked the first time that an alleged customer had been charged with a violation of Regulation T. ISC was convicted on July 24, 1969, and fined $10,000.

Section 9(a)(3) of the Act provides that any company affiliated with a person who has been convicted of a felony or misdemeanor involving the purchase or sale of any security is ineligible to serve or act in various capacities including that of investment adviser or underwriter of a registered open-end investment company. Accordingly section 9(a) prohibits Counsel and Sponsors from serving the funds as investment adviser or underwriter respectively. Applicants do not concede such section is applicable to this situation.

Section 9(b) of the Act provides that the Commission shall by order grant an exemption from the provisions of subsection (a) either unconditionally or on an appropriate temporary or other conditional basis if it is established that the prohibitions of subsection (a) are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant the exemption.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants request: (1) A determination that section 9(a) does not apply to the circumstances of this case; (2) if (1) is not granted that, after notice and an opportunity for hearing, a final order be entered exempting applicants from the provisions of section 9(a); and (3) that an order be entered forthwith temporarily exempting applicants from the provisions of section 9(a) until the final determination of the application.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Martin and Governor Daane.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40(a) of the Act, that a public hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held at a time and place to be fixed and before a hearing examiner to be designated by further order as provided by Rule 7 of the Commission's rules of practice (17 CFR 201.6). Any person desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 29th day of August 1969, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or be heard will receive notice of the date and place of the hearing.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters are presented for consideration without prejudice to its specifying additional matters upon further examination:

(1) Whether, under the circumstances of this matter, the provisions of section 9(a) of the Act prohibit Counsel and Sponsors from serving or acting as investment adviser and underwriter respectively for the Funds.

(2) If the Commission determines (1) in the affirmative, whether an order exempting Counsel and Sponsors from the prohibitions of section 9(a) should be entered conditionally or unconditionally.

(3) Whether the requested exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is further ordered, That at said hearing attention be given to the foregoing matters.

The Commission having considered the matter, and deeming it consistent with the public interest and the interest of investors to grant an interim and temporary exemption;

It is further ordered, That Counsel and Sponsors, be and they hereby are exempted forthwith, pursuant to section 9(b) of the Act, from the provisions of section 9(a) of the Act to the extent that such section may preclude them from serving or acting as investment adviser and underwriter respectively of Capital Shares, Inc., Capital Investors Growth Fund, Inc., and Capital Income Fund, Inc., open-end investment companies registered under the Act until the final determination of this application and any review thereof concluding the same: *Provided*, That this interim and temporary exemption is subject to the following conditions and limitations to which applicants have consented:

1. The right of Counsel and Sponsors so to serve and act for the Funds during such interim period shall be subject to the approval of the boards of directors (including a majority of the directors who have no affiliation with the Funds other than as directors) of the Funds respectively.

2. Any addition, as determined upon independent audit, by Counsel and Sponsors to their retained earnings during the period of effectiveness of the interim order shall be retained by Counsel and Sponsors as a surplus reserve until the final determination of this proceeding. If, upon such final determination, an exemption is denied and it is determined that the prohibition of section 9(a) of the Act applies to Counsel and Sponsors, then the question of how much, if any, of said reserve is to be retained by Counsel and Sponsors respectively and how much is to be paid to each Fund, in proportion to the contribution of each Fund to the reserve, shall be determined by the directors (including a majority of the unaffiliated directors) of the Funds respectively, subject to the approval of the shareholders of the Funds at the next annual or special meeting of shareholders of each of the Funds, which approval shall be forthcoming prior to the making of any such payment to the respective Funds. For the purpose of the reserve no effect is to be given to expenses of Counsel and Sponsors in excess of their average monthly expenses during the 12-month period ending June 30, 1969, except by reason of payments by Counsel to any of the Funds on account of its guaranty of expense limits to the Funds.

3. Neither Counsel nor Sponsors will make any distribution of funds to ISC except as reimbursement for future advances which might be made by ISC to Counsel or Sponsors for the purpose of either operating the Funds, or maintaining required capital ratios or minimums, or reimbursement of any Fund to meet Counsel's expense guaranty to the Funds.

It is further ordered, That jurisdiction is hereby reserved to make any further order that the Commission may deem appropriate concerning any of the issues herein at any time before the final determination of this proceeding.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by publication of this order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9148; Filed, Aug. 4, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI70-47 etc.]

TEXACO, INC., ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

JULY 24, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-47..	Texaco, Inc., Post Office Box 2100, Denver, Colo. 80201.	153	[3] 11	El Paso Natural Gas Co. (Aneth Field, San Juan County, Utah).	$77,400	6-23-69	[3] 7-27-69	12-27-69	17.7	[4] [5] 22.0	
	Texaco, Inc., Post Office Box 2420, Tulsa, Okla. 74102.	126	[6] 8	Colorado Interstate Gas Co. (Greenwood Field, Morton County, Kans.).		6-30-69	[7] 7-31-69	(Accepted)			
	do	126	9		13,740	6-30-69	[7] 7-31-69	12-31-69	[10] [11] 15.0	[6] [9] [10] 17.0	
	do	125	[6] 11	Colorado Interstate Gas Co. (Keyes Field, Cimarron and Texas Counties, Okla.) (Panhandle Area).		6-30-69	[7] 7-31-69	(Accepted)			
		125	12		3,243	6-30-69	[7] 7-31-69	7-31-69	[10] [11] [12] [13] 15.0	[6] [9] [10] [13] 17.0	
					2,313				[10] [11] [13] 16.0	[6] [9] [10] [13] 17.0	
RI70-48..	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator), Post Office Box 2120, Houston, Tex. 77001.	12	12	El Paso Natural Gas Co. (Perkins Plant, Coke County, Tex.) (RR. District No. 7C) (Permian Basin Area).	110,978	7-1-69	[3] 8-1-69	1-1-70	18.2430	[4] [9] 19.2565	R69-185.
RI69-49..	Union Texas Petroleum, a division of Allied Chemical Corp. et al.	13	18	El Paso Natural Gas Co. (Jack Herbert Field, Upton County, Tex.) (RR. District No. 7C) (Permian Basin Area).	803	7-1-69	[3] 8-1-69	1-1-70	16.6584	[4] [9] 17.6680	RI69-487.
	do	39	11	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	2,906	7-1-69	[3] 8-1-69	1-1-70	[14] 16.8805	[4] [9] [14] 17.9036	RI69-487.
RI70-50..	Union Texas Petroleum, a division of Allied Chemical Corp.	41	13	El Paso Natural Gas Co. (Jack Herbert and Amacher Tippett Fields, Upton County, Tex.) (RR. District No. 7C) (Permian Basin Area).	821	7-1-69	[3] 8-1-69	1-1-70	15.2025	[4] [9] 16.2160	RI69-488.
	do	54	19	El Paso Natural Gas Co. (Benedum Plant, Upton County, Tex.) (RR. District No. 7C) (Permian Basin Area).	73,986	7-1-69	[3] 8-1-69	1-1-70	18.2430	[4] [9] 19.2565	RI69-186.
	do	95	2	Transwestern Pipeline Co. (Hamon Ellenburger Field, Reeves County, Tex.) (RR. District No. 8) (Permian Basin Area).	42,773	6-24-69	[3] 7-25-69	12-25-69	13.48	[9] [15] 17.5	
	do	96	2	do	14,441	6-24-69	[3] 7-25-69	12-25-69	13.24	[9] [15] 17.5	
RI70-51..	Alvin C. Hope (Operator) et al., 1032 Milam Bldg., San Antonio, Tex. 78205.	1	7	West Lake Natural Gasoline Co. (Lake Trammell Canyon Field, Nolan County, Tex.) (RR. District No. 7B).	75	7-2-69	[17] 8-1-69	1-1-70	9.0	[9] [15] 9.5	RI65-351 and RI68-547.
	Alvin C. Hope (Operator) et al.	2	5	do	5	7-2-69	[17] 8-1-69	1-1-70	9.0	[9] [15] 9.5	RI65-351.
RI70-52..	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	100	10	West Lake Natural Gasoline Co. [16] (South Lake Trammell and North Nena Lucia Fields, Nolan County, Tex.) (RR. District No. 7B).	1,000	7-2-69	[17] 8-1-69	1-1-70	9.0	[9] [15] 9.5	RI65-165.
RI70-53..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	173	6	West Lake Natural Gasoline Co. [16] (West Lake Trammell Field, Nolan County, Tex.) (RR. District No. 7B).	23	7-3-69	[17] 8-1-69	1-1-70	9.0	[9] [15] 9.5	RI65-31.
RI70-54..	West Lake Natural Gasoline Co., El Paso Natural Gas Bldg., El Paso, Tex. 79999.	1	7	El Paso Natural Gas Co. (West Lake Plant, Nolan County, Tex.) (RR. District No. 7B).	40,525	6-30-69	[3] 8-1-69	1-1-70	18.0	[4] [9] 19.0	RI65-29.
RI70-55..	Humble Oil & Refining Co., P.O. Box 2180, Houston, Tex. 77001.	141	7	West Lake Natural Gasoline Co. [16] (Nena Lucia Field, Nolan County, Tex.) (RR. District No. 7B).	5,834	6-30-69	[3] 8-1-69	1-1-70	9.0	[9] [15] 9.5	RI65-122.
	do	455	3	Transwestern Pipeline Co. (Mendota Field, Hemphill County, Tex.) (RR. District No. 10).	180	7-3-69	[7] 8-3-69	1-3-70	[18] 17.0	[4] [9] [18] 19.5	
RI70-56..	Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	20	6	West Lake Natural Gasoline Co. [16] (Nena Lucia Field, Nolan County, Tex.) (RR. District No. 7B).	264	6-25-69	[3] 8-1-69	1-1-70	9.0	[9] [15] 9.5	RI65-30.
RI70-57..	Lamar Hunt Trust Estate, 1401 Elm St., Dallas, Tex. 75202.	7	5	West Lake Natural Gasoline Co. [16] (Vena Madre Field, Nolan County, Tex.) (RR. District No. 7B).	35	6-27-69	[3] 8-1-69	1-1-70	9.0	[9] [15] 9.5	RI67-302.
RI70-58..	N. B. Hunt, 1401 Elm St., Dallas, Tex. 75202.	11	4	do [16]	60	6-27-69	[3] 8-1-69	1-1-70	9.0	[9] [15] 9.5	RI65-166.
RI70-59..	Thornton Oil Co., 1100 Philtower Bldg., Tulsa, Okla. 74103.	1	6	West Lake Natural Gasoline Co. [16] (Nena Lucia Field, Nolan County, Tex.) (RR. District No. 7B).	252	6-30-69	[3] 8-1-69	1-1-70	9.0	[9] [15] 9.5	RI65-435.
RI70-60..	Pecos County et al., [19] El Paso Natural Gas Co., El Paso, Tex. 79999.	1	12	El Paso Natural Gas Co. (Benedum Field Gasoline Plant, Upton County, Tex.) (Permian Basin Area).	7,860	6-30-69	[20] 9-18-69	2-18-70	[20] 18.243	[4] [9] 19.2565	
RI70-61..	Pecos Co. (Operator). [19]	2	14	El Paso Natural Gas Co. (Midkiff Gasoline Plant, Midland County, Tex.) (Permian Basin Area).	7,860	6-30-69	[21] 9-18-69	2-18-70	[20] 16.2160	[4] [9] 17.2295	
	do [19]	4	11	El Paso Natural Gas Co. (Wilshire Gasoline Plant, Upton County, Tex.) (Permian Basin Area).	18,262	6-30-69	[21] 9-18-69	2-18-70	[20] 18.2430	[4] [9] 19.2565	
	do [19]	7	4	El Paso Natural Gas Co. (Wilshire Devonian Gasoline Plant, Upton County, Tex.) (Permian Basin Area).	985	6-30-69	[21] 9-18-69	2-18-70	[20] 23.940	[4] [9] [24] 25.270	
RI70-62..	Northwest Production Corp. (Operator), [19] Post Office Box 1796, El Paso, Tex. 79949.	2	12	El Paso Natural Gas Co. (Barhart Gasoline Plant, Regan County, Tex.) (Permian Basin Area).	7,466	6-30-69	[21] 9-18-69	2-18-70	[20] 18.2430	[4] [9] 19.2565	
RI70-63..	Northwest Production Corp. [19]	3	1	El Paso Natural Gas Co. (South Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	281	6-30-69	[3] 8-1-69	1-1-70	13.5	[4] [9] 14.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-64..	Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75202.	7	18	El Paso Natural Gas Co. (Dollarhide Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	$202	6-25-69	[3] 8-1-69	1-1-70	[27] [28] 18.243	[4] [9] 19.256	
	do	48	6	El Paso Natural Gas Co. (Wemac Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	[29]	6-25-69	[3] 8-1-69	1-1-70	12.81	[9] [30] 16.216	
RI70-65..	Hunt Oil Co. (Operator) et al.	33	19	El Paso Natural Gas Co. and Pecos Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7C) (Permian Basin Area).	51	6-25-69	[3] 8-1-69	1-1-70	[27] [31] 15.202	[4] [9] 16.216	
					2,027				[27] [31] 16.723	[4] [9] 17.736	
	do	34	17	do	4,561	6-25-69	[3] 8-1-69	1-1-70	[27] [31] 15.202	[4] [9] 16.216	
RI70-66..	Ashland Oil & Refining Co. (Operator) et al., Post Office Box 18695, Oklahoma City, Okla. 73118.	44	5	El Paso Natural Gas Co. (Spraberry Field, Glasscock, Reagan, and Sutton Counties, Tex.) (RR. District Nos. 8 and 7C) (Permian Basin Area).	230	6-23-69	[3] 8-1-69	1-1-70	18.0	[4] [9] 19.0	RI69-94.
RI70-67..	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	18	14	El Paso Natural Gas Co. (Justis Field, Lea County, N. Mex.) (Permian Basin Area).	31	6-30-69	[3] 8-1-69	1-1-70	[31] [32] 16.819	[4] [9] [14] [32] 17.902	RI69-171.
	do	26	13	El Paso Natural Gas Co. (Slaughter Field, Hockley, Cochran, and Terry Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	4,430	6-30-69	[3] 8-1-69	1-1-70	18.105	[4] [9] 19.111	RI69-184.
	do	28	35	El Paso Natural Gas Co. (Spraberry Field, Midland, Glasscock, Upton, and Regan Counties, Tex.) (RR. District Nos. 8 and 7C) (Permian Basin Area).	7,348	6-30-69	[3] 8-1-69	1-1-70	18.243	[4] [9] 19.256	RI69-184, RI68-407.
	do	29	15	El Paso Natural Gas Co. (Payton-Devonian Field, Ward and Pecos Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	405	6-30-69	[3] 8-1-69	1-1-70	[33] 16.723	[4] [9] [33] 17.736	RI69-214.
	do	19	12	El Paso Natural Gas Co. (Langlie Mattix Field, Lea County, N. Mex.) (Permian Basin Area).	358	6-30-69	[3] 8-1-69	1-1-70	[31] [32] 16.879	[4] [9] [14] [32] 17.902	RI69-171.
	do	208	9	El Paso Natural Gas Co. (Headlee Field, Ector County, Tex.) (RR. District No. 8) (Permian Basin Area).	[34]	6-30-69	[3] 8-1-69	1-1-70	18.122	[4] [9] 19.128	RI69-184.
	do	243	[35] 16	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	[34]	6-30-69	[3] 8-1-69	1-1-70	[31] [32] [33] 16.879	[4] [9] [14] [32] [33] 17.902	RI68-184.
	do	245	9	El Paso Natural Gas Co., (Drinkard Field, Lea County, N. Mex.) (Permian Basin Area).	409	6-30-69	[3] 8-1-69	1-1-70	[31] [32] 16.879	[4] [9] [14] [32] 17.902	RI69-184.
	do	11	[35] 13	El Paso Natural Gas Co. (Langlie-Mattix Field, Lea County, N. Mex.) (Permian Basin Area).	256	6-30-69	[3] 8-1-69	1-1-70	[31] [32] [36] 16.879	[4] [9] [14] [32] [36] 17.902	RI69-171.
	do	15	13	El Paso Natural Gas Co. (Langlie Field, Lea County, N. Mex.) (Permian Basin Area).	256	6-30-69	[3] 8-1-69	1-1-70	[31] [32] 16.879	[4] [9] [14] [32] 17.902	RI69-171.
	do	17	12	El Paso Natural Gas Co. (South Eunice Field, Lea County, N. Mex.) (Permian Basin Area).	665	6-30-69	[3] 8-1-69	1-1-70	[31] [32] 16.879	[4] [9] [14] [32] 17.902	
	do	363	14	El Paso Natural Gas Co. (Langlie-Mattix Field, Lea County, N. Mex.) (Permian Basin Area).	3,466	6-26-69	[3] 8-1-69	1-1-70	[31] [37] 16.832	[4] [9] [14] [37] 17.852	RI68-520.
					339				[14] [38] 16.376	[4] [9] [14] [38] 17.396	RI68-520.
	do	368	10	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	312	6-26-69	[3] 8-1-69	1-1-70	[31] 16.879	[4] [9] [14] 17.902	RI68-530.
	do	377	10	El Paso Natural Gas Co. (Emma Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	1,773	6-26-69	[3] 8-1-69	1-1-70	[39] 15.202	[4] [9] [39] 16.216	RI68-520.
					1,273				[40] 15.177	[4] [9] [40] 16.189	RI68-520.
	do	439	8	Transwestern Pipeline Co. (Crawar Field, Crane and Ward Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	10,805	6-26-69	[3] 7-27-69	12-27-69	17.0	[4] [9] 18.0	RI68-520.
	do	140	12	El Paso Natural Gas Co. (Block 9 Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	9,227	6-30-69	[3] 8-1-69	1-1-70	15.202	[4] [9] 16.216	RI69-184.
	do	240	8	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (RR. District No. 7C) (Permian Basin Area).	25	6-30-69	[3] 8-1-69	1-1-70	18.243	[4] [9] 19.256	RI69-184.
	do	275	6	El Paso Natural Gas Co. (West Jal Field, Lea County, N. Mex.) (Permian Basin Area).	205	6-30-69	[3] 8-1-69	1-1-70	[14] 16.879	[9] [14] 17.902	RI69-184.
	do	336	20	El Paso Natural Gas Co. (Spraberry Field, Glasscock, Midland, Reagan, and Upton Counties, Tex.) (RR. District Nos. 7C and 8) (Permian Basin Area).	10,461	6-26-69	[3] 8-1-69	1-1-70	[39] 18.243	[4] [9] [39] 19.256	RI68-502.
					128				[40] 18.213	[4] [9] [40] 19.224	RI68-502.
	do	337	25	El Paso Natural Gas Co. (Lea County, N. Mex.) (Permian Basin Area).	6,437				[14] [37] [38] 16.879	[4] [9] [14] [37] [38] 17.902	RI68-502.
					8,719				[14] [39] [40] 16.422	[4] [9] [14] [39] [40] 17.445	RI68-502.
					915				[14] [37] [40] 16.832	[4] [9] [14] [37] [40] 17.852	RI68-502.
					5,179				[14] [39] [40] 16.376	[4] [9] [14] [39] [40] 17.396	RI68-502.
	do	344	9	El Paso Natural Gas Co. (Denton Plant, Lea County, N. Mex.) (Permian Basin Area).	401	6-26-69	[3] 8-1-69	1-1-70	18.0	[4] [9] 19.0	RI68-530.

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-68 ..	Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. 79065.	40	7	Northern Natural Gas Co. (Various Fields, Beaver County, Okla.) (Panhandle Area) and Ochiltree and Hansford Counties, Tex.) (RR. District No. 10).	$1,430	6-30-69	[7] 7-31-69	12-31-69	[20] 17.5	[4] [20] 18.5	R164-152.
RI70-69 .	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al.	49	15	El Paso Natural Gas Co. (Crosby Devonian Field, Lea County, N. Mex.) (Permian Basin Area).	3,652	7- 1-69	[3] 8- 1-69	1- 1-70	[14] 16.8805	[4] [14] 17.9036	R169-489.
..	...do.....	52	12	El Paso Natural Gas Co. (Blinebry Gas Field, Lea County, N. Mex.)	266	7- 1-69	[3] 8- 1-69	1- 1-70	[14] 16.8805	[4] [14] 17.9036	R169-489.
	Union Texas Petroleum, a division of Allied Chemical Corp. et al.	22	12	El Paso Natural Gas Co. (Langlie Mattix Field, Lea County, N. Mex.) (Permian Basin Area).	15	7- 1-69	[3] 8- 1-69	1- 1-70	[14] 16.8805	[4] [14] 17.9036	R169-487.
..	...do	25	18	El Paso Natural Gas Co. (Spraberry Trend Area, Reagan and Glasscock Counties, Tex.) (RR. District Nos. 7C and 8) (Permian Basin Area).	1,216	7- 1-69	[3] 8- 1-69	1- 1-70	18.2430	[4] 19.2665	R169-487.

[1] Does not apply to acreage added by Supplement No. 7.
[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Amendment dated June 6, 1969, provides for 17-cent rate from Jan. 1, 1969 through Dec. 31, 1973.
[6] The stated effective date is the first day after expiration of the statutory notice.
[7] Renegotiated rate increase.
[8] Pressure base is 14.65 p.s.i.a.
[9] Subject to upward and downward B.t.u. adjustment.
[10] Settlement rate as approved by Commission order issued Dec. 30, 1963, in Docket Nos. 8969 et al. Moratorium on filing increased rates expired on Mar. 1, 1966.
[11] Base acreage only.
[12] Additional acreage only.
[13] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[14] Increase from applicable area ceiling rate to contract rate.
[15] West Lake resells the gas to El Paso Natural Gas Co. under its FPC Gas Rate Schedule No. 1.
[16] The stated effective date is the effective date of the buyer's proposed increased rate.
[17] Revenue-sharing rate increase. For the period from Jan. 1, 1969 to Jan. 1, 1973, the contract price is 50 percent of buyer's resale price but not less than 80 percent of 13 cents.
[18] A subsidiary of El Paso Natural Gas Co.
[19] Subject to a downward B.t.u. adjustment.
[20] The stated effective date is 1 day after suspended rate becomes effective subject to refund.
[21] Rate suspended in Docket No. RI69-687 until Sept. 17, 1969. Respondent has filed motion to make rate effective on that date.
[22] Rate suspended in Docket No. RI69-688 until Sept. 17, 1969. Respondent has filed motion to make rate effective on that date.
[23] Includes upward B.t.u. adjustment of 6.270 cents for gas containing 1,330 B.t.u. per cubic foot (19-cent base rate).
[24] Rate suspended in Docket No. RI69-702 until Sept. 17, 1969. Respondent has filed motion to make rate effective on that date.
[25] Rate suspended in Docket No. RI69-703 until Sept. 17, 1969. Respondent has filed motion to make rate effective on that date.
[26] Motion has been filed to make rate effective upon expiration of suspension period.
[27] Rate suspended in Docket No. RI69-577 until July 21, 1969.
[28] No present deliveries—estimate unavailable.
[29] Filing from applicable area ceiling rate to contractual rate.
[30] Rate suspended in Docket No. RI69-549 until July 21, 1969.
[31] Subject to 0.4467 cent per Mcf compression charge where applicable.
[32] Subject to 0.50 cent per Mcf compression charge where applicable.
[33] No sales anticipated—cycling.
[34] Does not apply to the Lanehart No. 1 Jalmat Gas Well which has effective rate of 10 cents per Mcf.
[35] Does not apply to acreage covered by Supplement No. 11.
[36] High pressure gas.
[37] Low pressure gas.
[38] Regular leases.
[39] University leases.

Texaco, Inc. (Texaco) requests an effective date of June 30, 1969, for its proposed contract amendments and related rate increases. Cabot Corp. (SW) (Cabot) requests that its proposed rate increase be permitted to become effective on July 23, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Texaco and Cabot's rate filings and such requests are denied.

Humble Oil & Refining Co. (Humble) requests a July 1, 1969, effective date for Supplement No. 3 to its FPC Gas Rate Schedule No. 455 and should the Commission suspend such rate filing, that the suspension period be shorted to 1 day, or as short a period as possible. Good cause has not been shown for permitting an earlier effective date for Humble's rate filing, or for limiting to 1 day the suspension period with respect thereto and such request is denied.

Texaco's proposed increased rate of 22 cents per Mcf is for a sale of gas to El Paso Natural Gas Co. (Supplement No. 11 to Texaco's FPC Gas Rate Schedule No. 183) in the Aneth Area of Utah and was certificated in Opinion No. 335 issued February 23, 1960. No formal guideline prices have been announced by the Commission for the Aneth Area. Since the proposed rate exceeds the 21 cents per Mcf rate for a similar sale in the Aneth Area which was suspended and is presently in effect subject to refund, we conclude that Texaco's proposed rate should be suspended for 5 months from July 27, 1969, the proposed effective date.

The proposed rate increases filed by Alvin C. Hope (Operator) et al., Sun Oil Co., Shell Oil Co., Humble (Supplement No. 7 to Humble's FPC Gas Rate Schedule No. 141), Forest Oil Corp. et al., Lamar Hunt Trust Estate, N. B. Hunt and Thornton Oil Co. are revenue-sharing increases from 9 cents to 9.5 cents per Mcf for sales of gas to West Lake Natural Gasoline Co. (West Lake) in Nolan County, Tex. The proposed increases the 50 percent of West Lake's proposed increase to 19 cents per Mcf for its resale of the gas to El Paso Natural Gas Co. West Lake's proposed increase exceeds the increased ceiling rate of 11.5 cents and is suspended herein for 5 months from August 1, 1969, the proposed effective date. Although the producers' proposed increases for sales to West Lake are below the increased rate ceiling they are a percentage portion of a suspended rate and are suspended, with the suspension period to terminate on the same date as West Lake's suspension period (Jan. 1, 1970). Pecos Co. et al., Pecos Co. (Operator), Northwest Production Corp. (Operator), Hunt Oil Co. (Supplement No. 18 to Hunt's FPC Gas Rate Schedule No. 7) and Hunt Oil Co. (Operator) et al., relate to rate schedules for which rates are currently suspended. The producers involved have submitted the required motions to place the suspended rates into effect and propose to make the instant rate changes effective as of 1 day after the expiration of the suspension period.

Nineteen of the proposed rate increases herein reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file protests to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While the buyer concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein with respect to the rate filings containing such tax shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

Concurrently with the filing of its rate increases (Supplements Nos. 9 and 12 to Texaco's FPC Gas Rate Schedules Nos. 126 and 125, respectively), Texaco filed two contract amendments dated June 6, 1969, designated as Supplements Nos. 8 and 11 to the aforementioned rate schedules, which provide for its proposed rate increases. We believe that it would be in the public interest to accept for filing Texaco's contract amendments to become effective on July 31, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56) with the exceptions of the rate increases filed by the producers relating to sales in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, and the rate increase filed by Texaco in the Aneth Area for which there is no announced formal ceiling for the area involved, but which is the highest filed rate in the Aneth Area, and the revenue sharing increases relating to sales to West Lake.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Texaco's two contract amendments dated June 6, 1969, designated as Supplements Nos. 8 and 11 to Texaco's FPC Gas Rate Schedule Nos. 126 and 125, respectively, and for permitting such supplements to become effective as of July 31, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplements referred to in paragraph (1) above).

The Commission orders:

(A) Supplements Nos. 8 and 11 to Texaco's FPC Gas Rate Schedules Nos. 126 and 125, respectively, are accepted for filing and permitted to become effective on July 31, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before September 10, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-9011; Filed, Aug. 4, 1969; 8:45 a.m.]

GULF OIL CORP. ET AL.

Order on Petitions for Special Relief

JULY 28, 1969.

Gulf Oil Corp., Docket No. RI70-75; Humble Oil & Refining Co., Docket No. RI70-76; The California Co., Docket No. RI70-77; Phillips Petroleum Co., Docket No. RI70-78; Texaco, Inc., Docket No. RI70-79.

Each of the above-named petitioners has filed for special relief pursuant to ordering paragraph (C) of Opinion No. 546-A, issued March 20, 1969, in Area Rate Proceeding, Docket Nos. AR61-2 et al., 41 FPC ------, with respect to natural gas produced offshore South Louisiana and transported to onshore points by them for sale and delivery to their respective pipeline purchasers.[1]

Ordering paragraph (C) of Opinion No. 546-A provides that a producer may, by reason of the fact that it is transporting or paying for the transportation of gas produced in the Federal Domain to a point onshore, file a rate reflecting the applicable onshore base area rate by petitioning for special relief setting forth the facts regarding each case. It further provides that the difference between the onshore and offshore rate shall be subject to refund as to all or any part thereof to which the producer ultimately is found not to be entitled. The applicable offshore and onshore area rates for the subject sales were established by the Commission in its Opinion No. 546, issued September 25, 1968, 40 FPC 530. (Section 154.105(c)(1), Regulations Under the Natural Gas Act.)

Because of the stays issued by the court and the Commission of Opinion Nos. 546 and 546-A, Petitioners have in most instances collected since October 1, 1968 (the effective date of the South Louisiana decision) and will continue to collect rates which are at or in excess of the onshore area rate for Federal Domain gas transported onshore.[2] Absent the stay, under paragraph (C) of Opinion No. 546-A, Petitioners would be allowed to continue collection of the onshore area rate as of October 1, 1968, subject to refund.[3]

If the Commission's stay is dissolved, each of the Petitioners will reduce its rates to the applicable onshore rate, and all monies collected since October 1, 1968, in excess of the onshore area rate will be subject to refund under ordering paragraph (C) of Opinion No. 546. However, the question of refunds with respect to the difference between the applicable onshore and offshore rates collected since October 1, 1968 (including any such amounts collected after the dissolution of the stay), will await final action of the Commission on Petitioners' petitions for special relief in the above-entitled proceedings.

The Commission orders:

(A) Petitioners' petitions for special relief with respect to the sales listed in the attached appendix will be disposed of in the above-entitled proceedings.

(B) Notices of intervention, or petitions to intervene in the above-entitled proceedings may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 and 1.37(f)) on or before August 26, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Petitioners' rate schedules under which the subject sales are made and the pipeline purchasers are set forth in the appendix thereto.

[2] In a few situations Petitioners are collecting rates which are not as high as the applicable onshore area rate. In these circumstances it will be necessary for Petitioners to file notices of change in rate before they may collect higher rates in accordance with paragraph (C) of Opinion No. 546-A.

[3] The Fifth Circuit Court of Appeals on May 13, 1969, granted a stay of the orders issued in said opinions until appeals are heard but not beyond July 1, 1969. Thereafter, at the Court's request, the Commission by order issued May 29, 1969, stayed the rate reduction provisions of Opinion Nos. 546 and 546-A to and including October 13, 1969. As a result of the Commission's action, the Court dissolved its stay on May 29, 1969.

APPENDIX

Petitioner	FPC gas rate schedule No.	Purchaser
Gulf Oil Corp.	86	Tennessee Gas Pipeline Co.
	Supplement 5 to 86	Do.
	277	Southern Natural Gas Co.
	278	Texas Eastern Transmission Corp.
	391	Do.
Humble Oil & Refining Co.	357	United Fuel Gas Co.
The California Co.	36	Natural Gas Pipe Line Company of America.
Phillips Petroleum Co.	442	United Gas Pipe Line Co.
Texaco, Inc.	343	Texas Gas Transmission Corp.
	362	Do.
	374	Southern Natural Gas Co.
	383	Natural Gas Pipe Line Company of America.

[F.R. Doc. 69-9136; Filed, Aug. 4, 1969; 8:46 a.m.]

[Docket No. G 3072 etc.]

HUMBLE OIL & REFINING CO. ET AL.

JULY 29, 1969.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued July 18, 1969, and published in the FEDERAL REGISTER July 29, 1969, 34 F.R. 12413, page 5, column 3, Docket No. CI65-536: Change location to read "Basin Dakota Field, San Juan County, New Mexico" in lieu of "Basin Dakota Field, San Juan County, Texas."

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9137; Filed, Aug. 4, 1969; 8:46 a.m.]

[Docket No. CP70-5]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Application

JULY 29, 1969.

Take notice that on July 14, 1969, Midwestern Gas Transmission Co. (Applicant), 231 South La Salle Street, Chicago, Ill. 60690, filed in Docket No. CP 70-5 and application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to increase total peak day sales to five existing customers on its Northern System, all as more fully described in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to increase its peak day sales of 3,118 Mcf commencing November 1, 1969, in order to render requested increase in-service to the five existing customers. Applicant's present unallocated natural gas supply and the proposed amendment providing for additional natural gas will result in 3,253 Mcf available to Applicant's Northern System.

No additional facilities will be necessary to render the increased natural gas service and the additional volumes of gas will be sold under the terms of Applicant's presently effective FPC Gas Tariff.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9138; Filed, Aug. 4, 1969; 8:46 a.m.]

[Docket No. RP70-1]

MISSISSIPPI RIVER TRANSMISSION CORP.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

JULY 29, 1969.

Mississippi River Transmission Corp. (Mississippi) on July 1, 1969, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1.[1] The proposed changes would increase jurisdictional revenues by an estimated $8,117,059 based on sales for the 12-month period ending March 31, 1969, as adjusted. The changes are proposed to become effective August 1, 1969.

Mississippi states that the proposed changes are required by (1) increased purchased gas costs due principally to the decline in productivity of certain reserves, new purchases at generally higher prices and changes in purchase patterns; (2) increased operating costs due to wage and salary increases as well as increases in the costs of materials and services; (3) increased taxes—both Federal and State; and (4) increased financing costs. The proposed rates include a claimed rate of return of 9 percent.

A review of the filing indicates that certain issues are raised therein which require development in an evidentiary proceeding. Those issues include, but are not limited to: the rate of return and associated taxes; rate base; rate design and cost allocation; level of increases in operating and maintenance expenses; purchase gas costs; Federal and State taxes; and sales volumes.

The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5-month suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

Mississippi on July 17, 1969, filed a motion requesting that its proposed rate increases not be suspended for the full statutory period, but if suspended, the period be shortened to 4 months, i.e., December 1, 1969. In support of its motion Mississippi notes that a pending rate increase filed by Natural Gas Pipeline Company of America (Natural), one of its suppliers, will become effective on December 1, 1969. Mississippi will not be able to charge its customers to reflect the increased gas purchase costs until January 1, 1970, if its filing is suspended for 5 months.

The 1 month increase in purchase gas costs to Mississippi resulting from Natural's proposed rate increase amounts to only a small portion of Mississippi's total rate increase. Accordingly, we find that good cause has not been shown for granting Mississippi's request for a shortened suspension period with respect to the total rate increase requested. Therefore, we will deny Mississippi's motion. However, this action is not intended to preclude Mississippi from filing for increased rates to track the Natural rate increase for the 1 month during which Natural's increase can be made effective while Mississippi's rate increase is under suspension.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Mississippi's FPC Gas Tariff, as proposed to be amended, and that the proposed tariff sheets listed above be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, ch. I), a public hearing shall be held commencing August 5, 1969, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Mississippi's FPC Gas Tariff, as proposed to be amended.

(B) Pending such hearing and decision thereon, Mississippi's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until January 1, 1970, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on August 5, 1969, Mississippi's prepared testimony (Statement P) filed and served July 16, 1969, together with its entire rate filing as submitted and served on July 1, 1969, shall be admitted to the record as Mississippi's complete case-in-chief as provided in the Commission's regulations, § 154.63(e)(1), and Order No. 254, 28 FPC 495, 496, without prejudice to any motions by the parties with respect thereto.

(D) Following admission of Mississippi's complete case-in-chief the parties shall present their views and the Presiding Examiner in the exercse of his discretion, shall determine whether there shall be an initial phase and, if so, which issues shall be heard therein. If he determines that there shall be an initial phase hearing, he shall fix dates for service of staff's and interveners' evidence and Mississippi's rebuttal evidence on such issues; fix date for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible.

(E) Presiding Examiner, Allen C. Lande, or any other designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided; and shall control this proceeding in accordance with policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) The motion for a shortened suspension period filed by Mississippi on July 17, 1969, is denied.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Proposed revised Tariff Sheets: Fourth Revised Sheet No. 4, First Revised Sheet No. 6, Third Revised Sheet Nos. 7A and 7B, First Revised Sheet No. 7E, Fourth Revised Sheet No. 26, and Second Revised Sheet No. 5.

[Docket No. CP70-12]

TRUNKLINE GAS CO.

Notice of Application

JULY 29, 1969.

Take notice that on July 18, 1969, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP70-12 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and for an increase in sales to Panhandle Pipe Line Co. (Panhandle) for its resale to The Ohio Fuel Gas Co. (Ohio Fuel), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Ohio Fuel consulted with Applicant as to the most expeditious manner in which new reserves could be made available to Ohio Fuel's markets, and decided to assign its gas purchase contract to Applicant, with Panhandle making additional deliveries to Ohio Fuel. To this end Applicant proposes to construct, in two phases and at a cost of $22,900,000, the necessary facilities to connect the Block 172 Field to its marine system, with the necessary mainline looping and compression to make additional deliveries to Panhandle at Tuscola, Ill., of 70,000 Mcf per day commencing November 1, 1970, and 30,000 Mcf per day commencing either November 1, 1972, or not later than November 1, 1973. Panhandle will increase its deliveries to Ohio Fuel by equivalent amounts at the same times.

Applicant proposes to construct the additional facilities in two phases and will include the following: 18.4 miles of 18-inch marine pipeline from South Timbalier Block 172 Field to Applicant's offshore platform T-25 in Block 139 Ship Shoal Area; 16.8 miles of 36-inch mainline loop between Johnsonville and Tuscola stations in Illinois; a total of 45,100 horsepower compressor addition divided among Applicant's Epps, Independence, Joppa, Centerville, and Shaw compressor stations, plus necessary miscellaneous additional station yard piping and relocation of piping and communication facilities at Independence station.

Applicant proposes to finance this project initially by short-term bank loans with permanent financing subsequently to be accomplished through issuance of mortgage bonds or other securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 22, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9140; Filed, Aug. 4, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 31, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41706—*Cotton to specified points in Arkansas and Oklahoma.* Filed by Southwestern Freight Bureau, agent (No. B-55), for interested rail carriers. Rates on cotton, as described in the application, in carloads, from points in southwestern territory, also Kansas and Missouri, to specified points in Arkansas and Oklahoma.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 123 to Southwestern Freight Bureau, agent, tariff ICC 4576.

FSA No. 41707—*Baler or binder twine from North Atlantic ports.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2952), for interested rail carriers. Rates on baler or binder twine, as described in the application, in carloads, from Auburn, Albany, and New York, N.Y., Baltimore, Md., Boston, Mass., Philadelphia, Pa., and Norfolk and Richmond, Va., and points grouped therewith, to points in western trunkline territory, including Extended Zone "C" territory in Wisconsin.

Grounds for relief—Market competition and port relationship.

Tariffs—Supplement 12 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C–737, and Traffic Executive Association-Eastern Railroads, agent, tariff ICC C–773.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9155; Filed, Aug. 4, 1969; 8:48 a.m.]

[No. MC–59583 (Sub. No. 121)]

MASON & DIXON LINES, INC.

Extension—Four Alternate Routes

At a session of the Interstate Commerce Commission, Review Board No. 2, held at its office in Washington, D.C., on the 28th day of July 1969.

Investigation of the matters and things involved in this proceeding having been made, and said review board, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof:

It is ordered, That said application, except to the extent granted in said report, be, and it is hereby, denied.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act within 90 days after the date of service hereof, or within such additional time as may be authorized by the Commission, the grant of authority made in said report shall be considered as null and void and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board No. 2.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9154; Filed, Aug. 4, 1969; 8:48 a.m.]

[Notice 877]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 30, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 36556 (Sub-No. 18 TA), filed July 22, 1969. Applicant: HOWARD E. BLACKMON, doing business as HOWARD BLACKMON TRUCK SERVICE, Post Office Box 186, Somers, Wis. 53171. Applicant's representative: Howard E. Blackmon (same addess as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, between the plantsites and storage facilities of Badger By-Products Co. and Protein, Inc., Milwaukee, Wis., on the one hand, and, on the other, points in the lower Peninsula of Michigan, Indiana, Illinois, and Iowa, for 180 days. Supporting shipper: Badger By-Products Co. and its subsidiary, Protein, Inc., 511 East Menomonee Street, Milwaukee, Wis. 53202 (Benjamin Free, President). Send protests to: District Supervisor Lyel D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 51146 (Sub-No. 141 TA), filed July 22, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container ends and accessories*, from Chicago, Ill., to points in the Minneapolis-St. Paul commercial zone, Minn., for 180 days. Supporting shipper: National Can Corp., Midway Center, 5959 South Cicero Avenue, Chicago, Ill. 60638 (Roger F. Hermann, Central Area Traffic Manager). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 87717 (Sub-No. 5 TA) (Correction), filed June 27, 1969, published FEDERAL REGISTER, issue of July 9, 1969, and republished as corrected this issue. Applicant: FANELLI BROTHERS TRUCKING COMPANY, Centre and Nichols Streets, Pottsville, Pa. 17901. Applicant's representative: S. Berne Smith, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caps for beverage containers*, from the plantsite of Zapata Industries, Inc., in West Mahanoy Township, Schuylkill County, Pa., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. NOTE: The purpose of this republication is to include Missouri as a destination State, which was inadvertently omitted in previous publication. Supporting shipper: Zapata Industries, Post Office Box 2, Franckville, Pa. 17931. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 94265 (Sub-No. 223 TA), filed July 24, 1969. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Applicant's representative: Harry G. Buckwalter (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dessert preparations, potato salad, cole slaw, macaroni salad, gelatine desserts*, from Brentwood, Md., to Chicago, Ill., and Detroit, Mich., for 180 days. Supporting shipper: Ida Mae Salads Inc., 4308 Penwood Road, Brentwood, Md. 20722. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 106398 (Sub-No. 409 TA), filed July 23, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from plantsite of Modular Designs, Inc., Mansfield, La., to points in Mississippi, Alabama, Florida, Tennessee, Texas, Oklahoma, Arkansas, Missouri, New Mexico, and Colorado, for 180 days. Supporting shipper: Sam C. Pool, General Manager, Modular Designs, Inc., Post Office Box 795, Natchitoches, La. 71457. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 112617 (Sub–No. 261 TA), filed July 22, 1969. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, Ky. 40221. Applicant's representative: James S. Holloway (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, in bulk, in pneumatic tank vehicles, from Louisville, Ky., to Henderson, Ky., for 180 days. Supporting shipper: D. M. Gallagher, Supervisor, Distribution Analysis, Allied Chemical Corp., Post Office Box 365, Morristown, N.J. 07960. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 114533 (Sub–No. 195 TA), filed July 22, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60032. Applicant's representative: Stanley Komosa, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Ogden, Utah, on the one hand, and, on the other, points in the Cassia, Minidoka, Jerome, Twin Falls, Gooding, Elmore, Owyhee, Ada, Canyon, Washington, Gem, and Payette Counties, Idaho, and Malheur Counties, Oreg., for 180 days. Supporting shipper: The Amalgamated Sugar Co., First Security Bank Building, Box 1520, Ogden, Utah 84402. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 115311 (Sub-No. 103 TA), filed July 24, 1969. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Bill R. Davis, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn starch*, in bulk, in pneumatic trailers, from Atlanta, Ga., to New Orleans, La., for 150 days. Supporting shipper: CPC International, Inc., International Plaza, Englewood Cliffs, N.J. 07632. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 117991 (Sub-No. 1 TA), filed July 22, 1969. Applicant: ZAVITS BROTHERS, LTD., Rural Delivery 1, Wainfleet, Ontario, Canada. Applicant's representative: Robert D. Gunderman, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Bananas*, from Wilmington, Del., to ports of entry on the United States-Canada boundary line in the State of New York, for 180 days. Supporting shippers: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101; Chiovitti Banana Co., Ltd., 10 Magnificent Road, Toronto, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 118270 (Sub-No. 2 TA), filed July 22, 1969. Applicant: RODUCE TRANSPORT SERVICE, INC., 181 West Ramapo Avenue, Mahwah, N.J. 07430. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and cocoanuts* in boxes, cartons, or crates, in straight or mixed shipments, from Wilmington, Del., to points in Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, and Rhode Island, for 150 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 126222 (Sub-No. 5 TA), filed July 22, 1969. Applicant: JOSEPH A. SIEFERT & JOSEPH J. SIEFERT, doing business as SIEFERT BROS. TRUCKING CO., Post Office Box 310, Du Quoin, Ill. 62832. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass tubing*, for the account of Wheaton Glass Co., from the plantsite and warehouse facilities of Corning Glass Works, Parkersburg, W. Va., to Wheaton Glass Co., at or near Wamac, Ill., for 180 days. Supporting shipper: Wheaton Glass Co., Millville, N.J. 08332. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 Adams Street, Springfield, Ill. 62704.

No. MC 129307 (Sub-No. 19 TA), filed July 22, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Jack H. Banshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts, and agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Act when moving in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del. to points in Indiana, Illinois, Iowa, Wisconsin, Minnesota, Missouri, Nebraska, and Michigan, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 129403 (Sub-No. 3 TA), filed July 23, 1969. Applicant: A.N.R. TRUCKING CO., INC., 518 West 29th Street, New York, N.Y. 10001. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys*, stuffed and unstuffed, and *music boxes*, from points in the New York, N.Y., commercial zone as defined by the Commission in 53 M.C.C. 45, and from Port Newark and Port Elizabeth, N.J., to Middlesex, N.J., restricted to shipments having a prior movement by water, for 180 days. Supporting shipper: Knickerbocker Toy Co., Inc., 207 Pond Avenue, Middlesex, N.J. 08846. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133438 (Sub-No. 1 TA), filed July 22, 1969. Applicant: ROBERT T. LETLOW, doing business as TAHOE TRUCKING, 480 National Avenue, Tahoe Vista, Calif. 95732. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregate, sand, and gravel* between points in Washoe, Ormsby, and Douglas Counties, Nev., on the one hand, and, on the other hand, points in El Dorado, Placer, and Nevada Counties, Calif., for 180 days. Supporting shipper: William R. Reynolds, doing business as North Tahoe Transit Mix Co., National Avenue, Tahoe Vista, Calif. 95732. Send protests to: Daniel Augustine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 East Washington Street, Carson City, Nev. 89701.

No. MC 133908 TA, filed July 24, 1969. Applicant: JERRY RANDALL, doing business as J & R TRUCKING, Wahpeton, N. Dak. 58075. Applicant's representative: Colin A. Bailey, 412 Dakota Avenue, Wahpeton, N. Dak. 58075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green-salted* cattle hides, from Wahpeton, N. Dak., to Chicago, Ill., Milwaukee, Wis.; Lebanon, N.H.; and Galveston, Tex., for 180 days. Supporting shipper: Phillips Fur and Wool Co., Wahpeton, N. Dak. 58075. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9156; Filed, Aug. 4, 1969; 8:48 a.m.]

[Notice 878]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 31, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Sub-No. 730 TA), filed July 24, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's representative: Robert M. Bowden, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Healdsburg, St. Helena, and Ukiah, Calif., to Denver, Colo., for 150 days. Supporting shipper: Ivancie Winery, 400 South Lipan Street, Denver, Colo. 80223. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 109326 (Sub-No. 100 TA), filed July 24, 1969. Applicant: C & D TRANSPORTATION CO., INC., 962 Bay Bridge Road, Prichard, Ala. 36610. Applicant's representative: Robert E. Keene (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts*, from Wilmington, Del., to points in Maryland, Virginia, West Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas, Missouri, Illinois, Indiana, and Kentucky, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 113325 (Sub-No. 132 TA), filed July 22, 1969. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acids and chemicals* in bulk, in tank vehicles (except liquid nitrogen, liquid hydrogen, and liquid oxygen), from points in the United States (except Kingsport, Tenn., and points in Alaska and Hawaii), to St. Louis, Mo., restricted to the transportation of traffic destined to points in the St. Louis, Mo.-E. St. Louis, Ill., commercial zone, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 114273 (Sub-No. 46 TA), filed July 24, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prokuski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Postville, Iowa, to points in Illinois, Indiana, Ohio, Michigan, and Wisconsin, for 180 days. Supporting shipper: Hygrade Food Products Corp., 11801 Mack Avenue, Detroit, Mich. 48214. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 115162 (Sub-No. 176 TA), filed July 24, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, from points in Lee County, Ala., to points in Erie County, N.Y., Pulaski County, Ky.; Obion County, Tenn., and Wayne County, Mich., for 180 days. Supporting shipper: Opelika Welding, Machine & Supply, Inc., Post Office Box 2209, Opelika, Ala. 36801. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 116077 (Sub-No. 269 TA), filed July 22, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: W. E. Weeks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, in bulk, in tank vehicle, from Beaumont, Tex., and Baton Rouge, La., to the plant facility of Bromet Co. near Magnolia, Ark., for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Ethyl Corp. (Mr. Doss H. Berry, Jr., Traffic Attorney), Ethyl Tower, 451 Florida, Baton Rouge, La. 70801. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 118904 (Sub-No. 9 TA), filed July 24, 1969. Applicant: MOBILE HOME EXPRESS, LTD., 1915 F Avenue, Lawton, Okla. 73501. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Mayes County, Okla., to points in Texas, New Mexico, Kansas, Nebraska, Missouri, Louisiana, Colorado, Arkansas, and Illinois, for 180 days. Supporting shipper: Cherokee Manufacturing Co., Pryor, Okla. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 124359 (Sub-No. 10 TA), filed July 25, 1969. Applicant: WIL-HELEN, INC., 1409 16th Avenue, Greeley, Colo. 80631. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and materials and supplies* used in the installation thereof, from Morris, Ill., to points in Colorado and Cheyenne, Wyo., restricted to service performed under a continuing contract with The Western Corp., Denver, Colo., for 150 days. Supporting shipper: The Western Corp., 201 South Cherokee, Denver, Colo. 80223. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 127717 (Sub-No. 1 TA), filed July 24, 1969. Applicant: Y. HIGA ENTERPRISES, LTD., Post Office Box 137, 2150 Nimitz Highway, Honolulu, Hawaii 96810. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint through motor-water-motor rates under section 216(c) of the Act. Supporting shippers: Dillingham Corp., Box 3468, Honolulu, Hawaii 96801; Hawaiian Telephone Co., Post Office Box 2200, Honolulu, Hawaii 96805. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 26004, San Francisco, Calif. 94102.

No. MC 127964 (Sub-No. 5 TA), filed July 24, 1969. Applicant: JOHN H. OSBORNE, doing business as OSBORNE TRUCKING, 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poly-vinyl chloride pipe*, from Austin, Minn., to points in Wyoming, Colorado, Nebraska, South Dakota, Montana, Idaho, and Utah, for 180 days. Supporting shipper: Riverton Concrete Products, Division of the Cretex Companies Inc., Post Office Box 452, Riverton, Wyo. 82501. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 304 Lierd Building, 259 South Center Street, Casper, Wyo. 82601.

No. MC 133909 TA, filed July 24, 1969. Applicant: M. DYER & SONS, INC., 2760 Kilihau Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint through motor-water-motor rates under section 216(c) of the Act. Supporting shippers: Island Federal, 1856 Kalakaua Avenue, Post Office Box 2521, Honolulu, Hawaii 96804; Door to Door International, Inc., State of Washington, County of King. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 140 TA), filed July 24, 1969. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: Bart Cook, 371 Market Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, in special operations only, from Milwaukee, Wis., to Aurora Downs Race Track, North Aurora, Ill., and return, serving no intermediate points, for 180 days. NOTE: Applicant requests to tack to its existing authority. Supporting shippers: Verified statements of 14 prospective patrons are available for inspection at Field Office, Bureau of Operations, Chicago, Ill. 60604. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9157; Filed, Aug. 4, 1969; 8:48 a.m.]

[Notice 389]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 31, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71199. By order of July 24, 1969, the Motor Carrier Board approved the transfer to James R. Farkas, Johnstown, Pa., of the permit in No. MC-88254, issued January 9, 1940, to Everett Slagle, Johnstown, Pa., authorizing the transportation of such merchandise as is dealt in by wholesale and retail grocery and food business houses and equipment, materials and supplies used in the conduct of such business between points in a described area in Pennsylvania, Maryland, Virginia and West Virginia. Edward J. Harkins, 1101 First National Bank Building, Johnstown, Pa. 15901, attorney for applicants.

No. MC-FC-71384. By order of July 24, 1969, the Motor Carrier Board approved the transfer to James J. Campo, doing business as Campo's Express, Moscow, Pa., of permit No. MC-60060 issued August 12, 1953, to Kelly Motor Freight, Inc., Drexel Hill, Pa., authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points within central and southern New Jersey, and eastern Pennsylvania, and fruits, vegetables, farm products, poultry, and sea food, in the respective seasons of their productions from points in New Jersey, Pennsylvania, and Delaware to points within central and southern New Jersey and eastern Pennsylvania. Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504, and Samuel Mazess, 1505 Race Street, Philadelphia, Pa. 19102, representatives for applicants.

No. MC-FC-71393. By order of July 24, 1969, the Motor Carrier Board approved the transfer to Reliable Transfer Company of Petersburg, Inc., Petersburg, Alaska, of certificates Nos. MC-124514 (Sub-No. 1) and MC-124514 (Sub-No. 2) issued June 25, 1964 and July 10, 1968, respectively, to Clifford T. Roundtree, doing business as Reliable Transfer, Box 930, Petersburg, Alaska 99801, authorizing the transportation of: General commodities, with the usual exceptions, between specified points in Alaska. Thomas E. Schulz, 319 Seward Street, Juneau, Alaska 99801, attorney for transferee.

No. MC-FC-71433. By order of July 24, 1969, the Motor Carrier Board approved the transfer to Russell Transfer Co., Inc., 157 Rosedale Street, Jackson, Tenn. 38301, of certificate No. MC-38646 issued February 25, 1942, to J. M. Lankford and Mrs. Mai Russell Lankford, a partnership, doing business as Russel Transfer Co., 157 Rosedale Street, Jackson, Tenn. 38301, authorizing the transportation of household goods, between Jackson, Tenn., on the one hand, and, on the other, specified points in Mississippi.

No. MC-FC-71460. By order of July 24, 1969, the Motor Carrier Board approved the transfer to Albert Ring, Andrew Ring, Ronald Ring, and Bernard Ring, a partnership, doing business as Frank Richard Ring, Neola, Iowa 51559, of certificate No. MC-62601 issued March 29, 1954, to Rowena M. Ring, doing business as Frank Richard Ring, Neola, Iowa 51559, authorizing the transportation of: Agricultural implements, feed and salt, between Neola, Iowa, and points within 10 miles, and Omaha, Nebr.

No. MC-FC-71487. By order of July 24, 1969, the Motor Carrier Board approved the transfer to Alfred Root, Jr., and Shirley Root Pisaneschi, 351 Wyoming Avenue, Wyoming, Pa., 18644, of the operating rights in certificate No. MC-51460 issued September 9, 1940, to Alfred Root, doing business as Root's Transfer, 351 Wyoming Avenue, Wyoming, Pa. 18644, authorizing the transportation, over irregular routes, of household goods between Wyoming, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in Pennsylvania, Virginia, West Virginia, North Carolina, Ohio, Rhode Island, Minnesota, New Jersey, New York, Massachusetts, Michigan, Illinois, Indiana, Maryland, Connecticut, Delaware, Florida, and the District of Columbia.

No. MC-FC-71518. By order of July 24, 1969, the Motor Carrier Board approved the transfer to La Barge Trucking Co., Inc., La Barge, Wyo., of certificate No. MC-123651, issued August 29, 1961, to Guy C. Decker, doing business as La Barge Service, La Barge, Wyo., authorizing the transportation of: Crude oil between points in Wyoming. Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9158; Filed, Aug. 4, 1969; 8:48 a.m.]

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PART II

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

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Milk in Oregon-Washington Marketing Area

Recommended Decision



No. 148—Pt. II——1

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1124]

[Docket No. AO–368]

MILK IN OREGON-WASHINGTON MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed marketing agreement and order regulating the handling of milk in the Oregon-Washington marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Portland, Oreg., on December 3–7, 1968, pursuant to notice thereof which was issued November 12, 1968 (33 F.R. 16588).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Character of commerce.* The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs, and affects interstate commerce in milk and its products.

The marketing area specified in the proposed order and designated as "the Oregon-Washington marketing area" includes all the territory within 35 contiguous counties and portions of two others. Twenty-six of these counties are in Oregon and the remainder are in Washington.

Of 1,045 producers supplying the proposed market, 865 reside in Oregon, 174 reside in Washington, and six reside in California.

Milk of many of these producers moves in interstate commerce from farm to plant of receipt. The milk of the six California producers is received and processed at a plant located in Klamath Falls, Oreg. Many of the Washington producers ship their milk to plants located in Oregon mainly in and around the city of Portland. Milk of Oregon producers is regularly received by plants located in the State of Washington.

During the season of short production and to a lesser extent throughout the entire year, milk is received from sources in Idaho at plants located in both Oregon and Washington which would be regulated under the order.

Approximately 68 million pounds of milk per month were priced and pooled under the Oregon Milk Audit and Stabilization Law during the period January–October 1968. Of this amount, approximately 18 percent originated on farms located outside the State of Oregon, primarily in the State of Washington.

During the same period an average of about 7 million additional pounds of milk per month were received from out of State sources by plants in Oregon. This milk was not priced or pooled under the Oregon statute.

Substantial quantities of fluid milk products processed and packaged in Oregon plants are distributed on routes in the State of Washington on a regular basis. Likewise, milk processed and packaged in Washington is regularly distributed on routes in those portions of Oregon within the area to be regulated.

At least one Oregon plant to be regulated regularly distributes fluid milk in California, and a California plant has regular route disposition in southern Oregon within the defined marketing area.

There is a plant at Moses Lake, Wash., which, although it is located outside the boundaries of the proposed marketing area, has route disposition within the marketing area. This plant ships substantial quantities of milk to Alaska on a regular basis.

In addition to the regular and substantial flow of fluid milk across State lines in both bulk and packaged form by plants to be regulated, there is a regular movement of manufactured dairy products. Much of the reserve supply of the proposed Oregon-Washington market is manufactured into such products as butter, nonfat dry milk and cheese. These products are produced for sale on the national market where they compete with similar products produced throughout the United States.

2. *The structure of the market and the need for an order.* There are seven dairy farmers' organizations seeking Federal order regulation for the Oregon-Washington marketing area.

The Mayflower Farms, Inc., a cooperative association of dairy farmers, is the largest single supplier of Grade A milk to handlers on the Oregon-Washington market. Its 430 Grade A producer members represent about 40 percent of the approximately 1,100 Grade A producers presently regulated under the Oregon law (excluding producer-distributors). Milk of these Grade A producer-members is pooled and priced under the Oregon State order.

Three hundred of these member producers are located in Oregon and the remaining 130 reside in Washington, generally within the confines of the marketing area.

The association membership also includes 400 dairy farmers engaged in the production of manufacturing grade milk and 170 who supply manufacturing plants with farm-separated cream.

The association operates fluid milk plants located at Portland, Astoria, Coos Bay, Medford, and Hermiston, Oreg., and at Yakima, Wash., all within the marketing area.

For the 12-month period of November 1967 through October 1968, this association marketed 280 million pounds of Grade A milk (23.3 million pounds, monthly). About 55 percent was disposed of as fluid milk products, 12 percent as cottage cheese, ice cream and related products and the remaining 33 percent was manufactured into Cheddar cheese, butter, and nonfat dry milk.

The association receives Grade A milk in bulk at its six plants and, in addition, delivers to three State institutions and 16 distributing plants located throughout the Oregon-Washington marketing area.

The Tillamook County Creamery Association located at Tillamook, Oreg., represents 320 dairy farmers, 130 of whom are engaged in the production of Grade A milk and 190 of whom produce manufacturing grade milk. Its plant supplies Grade A fluid milk to processing plants in Portland and is engaged in the distribution of Grade A fluid milk and milk products obtained in consumer packages from Portland plants. It does no bottling of its own. Excess Grade A milk and manufacturing grade milk are manufactured at the association's plant into Cheddar cheese and butter.

The Farmers Cooperative Creamery at McMinnville, Oreg., is a cooperative association of dairy framers, 116 of whom are engaged in the production of Grade A milk and 366 engaged in the production of manufacturing grade milk or farm-separated cream. This plant does not bottle but distributes Grade A fluid milk products and ice cream packaged by other handlers whose plants are located at Eugene and McMinnville, Oreg.

The association supplies bulk Grade A milk to distributing plants located in Portland and in other cities located throughout the Willamette River valley area.

The association's plant at McMinnville also provides an outlet for excess Grade A milk not needed for bottling use by other milk processors in the market. Excess Grade A milk and milk of manufacturing grade are processed at this plant into butter, nonfat dry milk, dry whole milk, dry ice cream mix, and ice milk mix.

The Eugene Farmers Creamery is a cooperative association of dairy farmers of whom 72 are engaged in Grade A milk production and 100 engaged in the production of manufacturing grade milk. The association processes and distributes Grade A fluid milk products at its plant in Eugene, Oreg. In addition, it supplies bulk Grade A milk to milk distributing plants located in Eugene, Springfield, Bend, and Redmond, Oreg.

This cooperative's plant supplies the packaged fluid milk and ice cream needs of the Farmers Cooperative Creamery at McMinnville and also delivers to the McMinnville plant its excess Grade A and manufacturing grade skim milk.

The Mount Angel Cooperative Creamery, Mount Angel, Oreg., is a cooperative association of dairy farmers, 24 of whom are engaged in the production of Grade A milk and 252 of whom deliver manufacturing grade milk or farm-separated cream. The Grade A milk is delivered to a Portland bottling plant and to some extent to other bottling plants located elsewhere. Grade A milk in excess of these requirements is received at the association's manufacturing plant, which is equipped to make butter, Cheddar cheese, and roller-process nonfat dry milk.

The remaining two proponent associations of dairy farmers, the Portland Independent Milk Producers Association, Portland, Oreg., and the Southern Oregon Farm Tanks, Grants Pass, Oreg., are nonprocessing associations of dairy farmers representing 48 and eight Grade A milk producers, respectively. The former association is also the marketing agent for the Oregon Guernsey Milk Producers Association which has as members 11 dairy farmers engaged in the production of Grade A milk. Milk from producer members of these associations is delivered to distributing plants in the market, a number of which are located in Portland. Excess Grade A not utilized by such distributors is diverted to the Farmers Cooperative Creamery at McMinnville.

The seven proponent associations market approximately 75 percent of all the Grade A milk received at plants regulated under the State of Oregon milk marketing program. They also have placed under the Oregon regulation the Grade A milk of member producers that is produced and marketed in Washington.

There are about 70 bottling plants in the area which receive milk from producers or cooperative associations. In addition, there are a large number of persons operating plants who are classified by the State of Oregon as producer-handlers and who also distribute milk in the area. The distribution of the individual producer-handlers varies from a few thousand pounds to as much as a million pounds of milk per month.

There is general agreement among producer interests in the market that marketing conditions in the area are such that an overall system of classification and pricing of milk should be adopted to restore stability and that for such a system to be effective it must be created under Federal authority.

As already noted, the State of Oregon presently administers a milk order program with purposes similar to those which the proponents seek in a Federal milk marketing order.

The State, however, may not enforce minimum prices with respect to milk produced outside Oregon. The Oregon milk marketing program's full effectiveness in recent years has been curtailed because of the inability of enforcement with respect to milk produced outside Oregon. Recognizing this fact, the Milk Audit and Stabilization Division of the Oregon Department of Agriculture supported the proponent cooperatives in seeking Federal regulation.

As noted earlier, there is substantial interchange of milk between the States of Oregon and Washington. Also, certain handlers on the Oregon-Washington market obtain supplemental supplies of Grade A milk from farms located in Idaho.

The distributing handlers doing a major portion of their business in the Oregon-Washington market and receiving all their milk from sources not regulated by the State of Oregon are the Arden Farms and Foremost Foods plants located at Portland, Oreg., and the Standard Dairy with plants located at Portland, Oreg., and Longview, Wash. The Alpenrose Dairy, Portland, Oreg., and the Sunshine Dairy, McMinnville, Oreg., receive a portion of their total Grade A milk supply from unregulated sources.

The prices paid by unregulated distributors for Grade A milk are not directly related to its use. While certain handlers on the Oregon-Washington market obtain milk from Washington and Idaho for fluid use at prices less than the Class I price established by the State of Oregon, others, including the proponent associations, pay classified prices for their milk. Thus, the actual cost of Class I milk to the unregulated handlers is often substantially below the Class I price paid by handlers regulated under the State order with whom they compete and reflects the particular bargaining position of the individual producers or groups of producers from whom they buy. Such unregulated handlers pay their farmers prices which are only slightly higher than the uniform prices paid by closely competing handlers who are regulated under the State order. Inevitably, a heterogeneous cost structure results, leading to price cutting and other disorderly marketing conditions at the expense of the dairy farmers regularly associated with the market.

Milk not regulated under Oregon statute which is purchased by these and other unregulated handlers doing business mainly in the Washington segment of the proposed market consequently is not purchased under a classified price plan designed to insure uniform pricing for all persons similarly situated.

A representative for one of the unregulated handlers located at Portland, Oreg., which does substantial business in the Oregon-Washington market, stated that for October 1968 the plant pay-price to three of its Washington resident producers, supplying 1.9 million pounds of Grade A milk for the month, was $5.41 per hundredweight (3.5 test). The prices (f.o.b. plant) are negotiated, determined on the basis of the prevailing competition among handlers for supply.

The average price of all milk pooled under the Oregon order for October 1968 was $5.45 and the Class I price was $6.10 per hundredweight for milk of the same butterfat test.

The Chief of the Milk Stabilization Division of the Oregon State Department of Agriculture, in his analysis of marketing problems in the area, testified that certain unregulated handlers on the Oregon-Washington market are able to purchase Class I milk at a price generally about 1 cent per quart (approximately 46.5 cents per hundredweight) less than the Oregon pool Class I price.

This witness pointed out that only handlers with a very high Class I utilization ratio can completely supply their plants with out-of-State nonpool milk. With respect to a plant handler having a high percentage of Grade A milk utilized in the manufacturing use category, his blend price would be lower if all such receipts were pooled under the Oregon order. This is because, under the Oregon Milk Stabilization regulation, an Oregon handler who uses both Oregon pool milk and nonpool milk must purchase his pool milk in proportion to his total plant utilization. This basis of allocating pool and nonpool receipts of a handler under the Oregon statute for classification purposes is commonly referred to as the "equal allocation" regulation.

Several witnesses referred to a study of marketings in the area of milk not pooled under the Oregon statute, made public by the Division of Milk Audit and Stabilization of the Oregon Department of Agriculture. According to this report, unregulated handlers competing with Oregon handlers have a buying advantage of as much as 50 to 60 cents per hundredweight on Class I milk. Such witnesses also contended that a Federal milk marketing agreement or order, therefore, is needed as the only means of assuring stable marketing conditions for dairy farmers, handlers, and the consuming public throughout the defined marketing area.

In view of the above circumstances, adoption of a marketing agreement or order for the Oregon-Washington marketing area will contribute to the improvement of marketing conditions and will tend to effectuate the declared policy

of the Act. Price stability and orderly marketing throughout the entire Oregon-Washington marketing area depend upon the adoption of a classified pricing plan based upon audited utilization of all Grade A milk purchased by handlers from producers and an equitable division among all such producers of the proceeds from the sale of their milk. This is the principal purpose of a Federal order.

In addition, the procedures required by the Act would afford all interested persons opportunity to take part in determining, through public hearing, what the various provisions of the order should be to insure the orderly marketing of milk on a continuing basis.

3. *Order provisions—A. Scope of regulation.* It is necessary to designate clearly what milk and which persons would be subject to the various provisions of the order. This is accomplished by providing specific definitions to describe the marketing area involved, and to specify the persons, plants and milk products to which the applicable provisions of the order relate.

(1) *Marketing area.* The Oregon-Washington marketing area should include all the territory geographically within the 26 Oregon counties, nine Washington counties and those portions of Lewis and Pacific Counties, Wash., listed below:

OREGON COUNTIES

Benton.	Lane.
Clackamas.	Lincoln.
Clatsop.	Linn.
Columbia.	Marion.
Coos.	Marrow.
Deschutes.	Multnomah.
Douglas.	Polk.
Gilliam.	Sherman.
Hood River.	Tillamook.
Jackson.	Umatilla.
Jefferson.	Wasco.
Josephine.	Washington.
Klamath.	Yamhill.

WASHINGTON COUNTIES

Benton.	Skamania.
Clark.	Wahkiakum.
Cowlitz.	Walla Walla.
Franklin.	Yakima.
Klickitat.	

In Lewis County, the town of Vader. In Pacific County, that portion not included in the defined area of Order 125 (Puget Sound, Wash.).

Further, the marketing area should include all piers, docks, and wharves connected therewith and all territory that now, or in the future, is occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments, if any part of such territory is within the designated geographical limits of the marketing area.

The northern sector of the marketing area is bisected by the Columbia River which, for the most part, marks the boundary between Oregon and Washington. This sector of the marketing area includes the tier of Washington and Oregon counties adjacent to the north and south shores of the river, respectively, and extends from the Pacific Ocean to and including the counties of Walla Walla and Umatilla in eastern Washington and Oregon, respectively.

Oregon is divided into two dissimilar sections by the Cascade Mountains which cross the State north to south about 120 miles from the ocean. West of the Cascades and parallel with the seashore is the coast range of mountains.

The two-thirds of the State lying to the east of the Cascade Range, particularly in the central and southern regions is generally sparsely populated. These eastern Oregon regions are not incorporated in the defined marketing area. On the other hand, all the Oregon counties lying astride and west of the Cascade Range are in the defined area, with the exception of Curry County, at the southwestern tip of the State.

Portland, Oreg., the largest population center in the marketing area (372,676 persons),[1] is situated at the confluence of the Columbia and the Willamette rivers. The entire valley area lying between the Cascade and coastal range of mountains, the northern part of which consists of the Willamette River Basin, is an area of intensive farming, including dairy farming. Most of the principal population centers of the State are located in this region, ranging geographically from Portland on the north through Salem, Corvallis, Albany, Eugene, Roseburg, Grants Pass, Medford, and Klamath Falls at the southern extremity of the State.

Located in the coastal area of the marketing area, north to south, are the cities of Astoria, Tillamook, Newport, North Bend, Coos Bay, and Bandon.

The Oregon-Washington marketing area is continguous to the Puget Sound Federal order market on the northwest and has the Inland Empire Federal order market at its extreme northeastern tip. Portland, the market's largest city is located 172 miles (by State highway distance) directly south of Seattle and 354 miles southwest of Spokane, the principal population centers of the respective nearby Federal order markets.

The population of the proposed marketing area is approximately 2.1 million. About 651,685 persons, or 31 percent of this total, reside in the urbanized area of Portland (Multnomah County), Oreg. This urbanized area includes most of the population of Multnomah County, and portions of Clackamas and Washington Counties, Oreg., and Clark County, Wash.

The urbanized area of Eugene (Lane County), Oreg., constitutes the next largest population center in the market: About 95,686 persons reside in the city and in contiguous divisions and subdivisions of Lane County.

Much of the marketing area is rural in nature, in large part due to the mountainous terrain. Of the 37 counties (or portions thereof) included in the area, 19 are classified by the census of population as less than 50 percent urban.

Because of a significant portion of sales of fluid milk products by handlers who would be regulated is in rural areas, and because of the relative density of population immediately surrounding the several cities, the marketing area should be defined, to the extent possible, on the basis of county boundaries.

Grade A milk products sold for fluid consumption throughout the proposed marketing area must be approved by health authorities who are governed by health ordinances, practices, and procedures patterned after the U.S. Public Health Service Grade A recommended milk ordinance. Also, the States of Oregon, Washington, and Idaho have reciprocal agreements with respect to the interstate movement of milk from handler facilities which are approved and rated under the U.S. Public Health Service Interstate Milk Shippers Code. Because of such reciprocal approval of responsible health authorities, there generally is free and unrestricted movement of Grade A milk both in bulk and packaged form among various locations in the market.

The Carnation Milk Co. has two bottling plants located within the proposed marketing area, one at Sunnyside (Yakima County), Wash., and the other at Portland (Multnomah County), Oreg. Both distribute Grade A fluid milk in the proposed marketing area.

Representatives of the Carnation Co. objected to the inclusion of the defined marketing area of the Washington counties of Yakima, Benton, Walla Walla, Franklin, and Klickitat, which they indicated cover, in large part, the primary sales area of its Sunnyside plant. These five counties (referred to throughout this discussion as the "five-county area") are located in Washington east of the Cascade Range.

This handler proposed that in the event the five-county Washington area should be regulated, then an additional six counties where they do business (three in Washington and three in Oregon) also should be included as a part of the defined marketing area. These counties are Asotin, Columbia, and Garfield in Washington, and Baker, Union, and Wallowa in Oregon (i.e., located in the southeastern and northeastern corners of the two States, respectively). Thus, it is the position of Carnation Co. that either all or none of this 11-county area should be regulated.

Controversy over the defined limits of the marketing area centered chiefly on the proponent associations' proposal to include in the marketing area the five-county area, and Carnation's proposal with respect to regulation of the contiguous Washington counties of Asotin, Columbia, and Garfield, and the Oregon counties of Baker, Union, and Wallowa.

A witness testifying on behalf of the Carnation Co. stated that Klickitat County is served from its Portland, Oreg., plant. Sales in the counties of Benton, Franklin, Walla Walla, Columbia, and Garfield account for almost half of the Sunnyside plant's total Class I distribution. Milk sold by Carnation in the remainder of the 11-county area originates at the Sunnyside plant. Asotin County, Wash., and Wallowa County, Oreg., are not currently being served by Carnation although it was doing business in the two counties until recently.

[1] Population data shown throughout these findings are based upon the 1960 Census of Population unless otherwise stated.

There are seven other known bottling handlers whose plants are located in the five-county area whose business is more than local in character. There are no indicated bottling plants located in the three Washington and three Oregon counties conditionally proposed by Carnation to be regulated.

In addition to Carnation's Sunnyside (Yakima County) plant, there is the Tomlinson Dairy, Walla Walla; the Yakima City Creamery; a Mayflower Farms plant located at Yakima (Yakima County), Washington; the Reesman's Dairy, Toppenish (Yakima County); Twin City Creamery Co., Kennewick (Benton County); College Dairy, College Place (Walla Walla County); and Hulburt Dairy, a producer-distributor type operation located at Kennewick, Wash. The latter four handlers were not represented at the hearing. Their sales areas, however, range from several to all of the five counties of Yakima, Klickitat, Benton, Franklin, and Walla Walla.

The Tomlinson Dairy, located at Walla Walla (Walla Walla County), Wash., is a proprietary bottling operation. This handler receives his Grade A milk supply (about 70 percent) from nine producers, and supplementary milk (about 30 percent), for the most part during the school year, from a cooperative located at Meridian, Idaho. About 97 percent of the plant utilization is Class I.

The regular sales area of this plant includes the Washington counties of Benton, Columbia, Franklin, and Walla Walla. He expressed the necessity of regulating Asotin and Garfield counties as well as the area where he does business, or leaving it entirely unregulated if his operations are not to be unduly disadvantaged.

From 40 to 50 percent of Tomlinson's Grade A milk is distributed in Benton and Franklin Counties, Wash. This handler, however, is not currently selling milk in either Asotin or Garfield Counties although he has had sales in both counties in the past. Occasional sales are made in Yakima County, Wash., and Umatilla, Union, and Baker Counties, Oreg.

The Yakima City Creamery is a proprietary bottling and manufacturing plant located at Yakima, Wash. This handler receives his Grade A milk supply from 23 producers and distributes fluid milk products in Yakima and Benton Counties and, through a vendor, in Klickitat County. This handler stated that he neither supports nor opposes Federal regulation for his area.

Certain other handlers and producer groups offered testimony with respect to this northeastern segment of the proposed area under discussion.

A witness for Arden Farms contended that the Washington counties of Yakima, Benton, and Walla Walla are not an integral part of the Oregon-Washington marketing area and their regulation would pose the threat of encouraging greater Grade A milk production solely for use in manufacture-valued milk products.

The Arden Farms plant, located at Moses Lake (Grant County), Wash., is a bottling and manufacturing operation from which some Class I distribution (about 17 percent) is made in a portion of the marketing area proposed by the order proponents and as here adopted.

Of the total receipts at this plant, approximately 27 percent is milk which is pooled under the Inland Empire Federal order.

The proportion of total Class I sales in the Washington counties of Garfield, Columbia, Benton, Franklin, Yakima, and Walla Walla estimated to originate at the Moses Lake plant range from a low of 3 percent in Walla Walla County to highs of 20 and 30 percent in Columbia and Garfield Counties, respectively.

The Central Washington Jersey Milk Pool, Sunnyside, Wash., supplies some Grade A milk to the Moses Lake plant. This association also is opposed to regulation of the five-county area and the Washington counties of Grant, Asotin, Garfield, and Columbia. This producer group, and the Portland Independent Milk Producers Association (one of the order proponent associations), expressed concern that regulation of this area could result in the pooling of increased Grade A milk for manufacturing use.

It is concluded that the Washington counties of Yakima, Klickitat, Benton, Franklin, and Walla Walla are an integral part of the Oregon-Washington market and should be included in the defined marketing area.

As noted earlier, the distribution from plants closely associated with the Oregon-Washington market and regulated under Oregon law covers a wide geographic area and there is substantial overlapping of handler sales areas. The distribution routes from plants located in and near Portland, Oreg., for example, extend into the proposed Washington counties which are situated both to the west and east of the Cascades. Such routes overlap with sales routes of plants located within the controverted five-county area.

Similarly, there is an intertwining of route distribution of plants located in the five-county area with those of distributors located in contiguous Oregon counties to the south, now a part of the Oregon State regulated market and proposed herewith to be included in the Oregon-Washington marketing area.

Mayflower Farms distributes fluid milk products on routes in the five-county area from its plants located at Portland and Hermiston, Oreg. Fluid milk products are distributed also from its Yakima plant generally throughout the five-county area as well as in contiguous Oregon counties to the south. There is also a regular exchange of milk between the Mayflower Farms plant at Portland and its plants at Hermiston and Yakima. The association's branch distribution facilities located at Hermiston, Oreg., and at Kennewick, Walla Walla, Grandview, and Yakima, Wash., account for about 20 percent of the association's total Class I distribution under the State of Oregon order.

Distributing handlers regulated under Oregon law or under one of the nearby Federal milk orders (Puget Sound or Inland Empire) account for about 80 percent of the volume of fluid milk products sold in Klickitat County. About 30 percent originates from Carnation's Portland plant and 40 percent from the three plants of Mayflower Farms located at Portland and Hermiston, Oreg., and Yakima, Wash. Most of the remaining distribution is made by other handlers who would be subject to regulation under the proposed order.

The Mayflower Portland and Yakima plants together with a handler regulated under the Puget Sound order share about 40 percent of the total sales in Yakima County. About 20 percent of the total sales volume in this county is distributed by the Yakima City Creamery, the only other large bottling plant located in the city of Yakima. Other persons who would be subject to regulation if the order were issued account for the remaining sales in Yakima County.

Distribution of fluid milk products in Benton, Franklin, and Walla Walla Counties by Mayflower Farms, the Carnation's plant at Sunnyside, the Yakima City Creamery and to some extent from a Seattle regulated plant, is intertwined with distribution by Tomlinson Dairy Farms, the Twin City Creamery, Hulburt Dairies, and College Dairy, the latter four plants being located in this three-county area.

The only other distributor located outside the five-county area and having significant sales therein is the Arden's plant at Moses Lake (Grant County), Wash. Of the eight plants located within the five-county area (listed earlier in this discussion) the Carnation's Sunnyside plant and Tomlinson's at Walla Walla are known to distribute fluid milk products outside the marketing area here defined. Such distribution is limited generally to the Washington counties of Garfield and Columbia, and to the Oregon counties of Union, Baker, and Wallowa. It was not shown that such sales are substantial with respect to either plant.

It was not established that the inclusion of Asotin, Columbia, and Garfield Counties is necessary to insure orderly marketing. There are no plants located in these counties which are very sparsely populated. The only communities with population in excess of 2,000 people are Dayton (2,913) which is a few miles from the proposed boundary and Clarkston (6,209) which is on the west bank of the Snake River at a point where it forms the border between Washington and Idaho.

If any Idaho milk is disposed of in these counties at the present time, it is confined to the area in Asotin County adjacent to the city of Clarkston. The remainder of the sales in these counties are made by handlers who will be fully regulated under the proposed order, and

by plants regulated under the Inland Empire order. In view of the sparse population and the insignificant volume of milk involved, it is concluded that the Washington counties of Asotin, Columbia, and Garfield should not be included in the marketing area.

Proponents of a proposal to include Grant County, Wash., in the defined marketing area offered no testimony or evidence in its support. Testimony of other producer and handler witnesses generally was opposed to its regulation. Its inclusion in the area does not warrant further consideration at this time.

The three Oregon counties of Baker, Union, and Wallowa are each very sparsely populated. They are primarily the sales area of handlers associated with other (Idaho) markets.

The Meadow Gold Dairy, a fluid milk plant located at Boise, Idaho (a division of Beatrice Foods Co.), is estimated to bottle and distribute (directly and through vendors) 80 percent of the total volume of milk sold in Wallowa, 56–60 percent in Baker, and 50–55 percent in Union County. This handler testified in opposition to regulation of the three Oregon counties.

The Carnation Co., proponent of regulation for the three eastern Oregon counties, is shown to distribute from its Sunnyside plant an estimated 25 to 35 percent of the total sales volume in Baker County, and 15 percent in Union. Its sales in Wallowa County ceased within the last year.

It is concluded, therefore, that the Oregon counties of Baker, Union, and Wallowa should not be included in the marketing area. Total sales in the these counties are insignificant and in none of them do handlers, who would otherwise be regulated, dispose of as much as half of the fluid milk products sold therein. Their inclusion would result in at least partial, and perhaps full, regulation of the Boise plant whose primary sales area is in Idaho and whose only competition with handlers who would be regulated by the order occurs in these counties.

A witness testifying on behalf of both a fluid milk plant located at Klamath Falls (Klamath County), Oreg., and a cooperative association of 18 Grade A producers supplying milk thereto supported the inclusion of Klamath County in the marketing area. A substantial majority of the fluid milk sales in Klamath County are made by the plant at Klamath Falls and by other handlers who would be regulated by the order. The remaining disposition originates at a plant located at Weed (Siskiyou County), Calif.

It was the testimony of this witness that the Klamath Falls plant would be placed at a serious disadvantage in competing with the Weed plant if Klamath County were not included in the marketing area, thus insuring at least partial regulation of the Weed plant. It is possible that the volume of milk sold in Klamath County by the Weed plant is sufficient to bring it under full regulation by the order. Since its principal competitor in California is the plant at Klamath Falls, full regulation would not materially affect the competitive situation of the Weed plant with respect to its California sales.

It is concluded that Klamath County is an integral part of the Oregon-Washington market and should be included therein. No one expressed opposition to its inclusion.

The hearing notice contained a handler proposal to include also the county of Curry in Oregon. Curry County is located at the southwestern tip of the State and is sparsely populated. The city of Brookings with a population of 2,637 is its largest consuming center. Proponent handler was not represented at the hearing and there was no support on the record for its inclusion in the regulated area. Testimony related to this area was generally in opposition to its regulation. There is insufficient evidence on which to include it at this time.

A question could arise in the operation of the order as to whether piers, docks, wharves, and any territory occupied by Government (municipal, State, or Federal) reservations, installations, institutions or similar establishments located within the marketing area shall be considered as a part thereof. Such facilities constitute regular outlets for milk of handlers who would be regulated. So there will be no doubt as to the point of delivery of products disposed of to such an installation which may straddle a county boundary, the entire area encompassed by such a facility is made a part of the marketing area.

Although some of the route disposition of handlers to be regulated will extend beyond the boundaries of the counties proposed for regulation, it is neither practical nor reasonable to stretch the regulated area to cover all areas where a handler has or might develop some route disposition. Nor is it necessary to do so to accomplish effective regulation under the order. The marketing area herein proposed is a practicable one in that it will encompass the great bulk of the fluid milk sales of handlers to be regulated.

Nevertheless, all producer milk received at regulated plants must be classified and priced under the order regardless of whether it is disposed of inside or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing, and pooling, such a handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area.

Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective minimum price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chose, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Limited quantities (as provided) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it has been concluded that the application of "partial" regulation to plants having less association than required for market pooling would not jeopardize marketing conditions within the regulated marketing area. Official notice was taken at the hearing of the June 19, 1964, decision (29 F.R. 9213) supporting amendments to several orders, including orders effective in the Western States. The conclusions of this decision are adopted herein as applicable to marketing conditions in the Oregon-Washington marketing area.

The operator of the partially regulated plant is afforded the options of (1) paying an amount equal to the difference between the Class I price and the uniform price with respect to all Class I sales made in the marketing area; (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his limited disposition within the marketing area; or (3) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk.

(2) *Milk to be priced and pooled.* The milk which is eligible for pooling under the order should be that which is produced in compliance with the Grade A inspection requirements of a duly constituted health authority and which is regularly received at plants substantially engaged in serving the fluid needs of the order market.

It is concluded elsewhere in this decision that a marketwide system of pooling proceeds for Grade A milk received from dairy farmers at pool plants is essential for the promotion of efficient and orderly marketing of milk in the marketing area.

It is also concluded that delivery performance should be the measure of whether a plant is sufficiently identified with the market to be fully subject to the pricing and pooling provisions of the order. It must necessarily apply uniformly to all plants.

The standards for pool participation are discussed below in connection with the definition of a pool plant.

Any plant regardless of its location should have equal opportunity to comply with the standards of regulation and have its producers share in the available Class I sales. Whether the plants and producers choose to supply the market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs and alternative outlets.

The specific standards of performance which may be used to determine which plants and what milk constitute the regular sources of supply, and therefore should be fully subject to regulation, may be identified by appropriate definition of the terms "route," "distributing plant," "supply plant," "pool plant," "nonpool plant," "handler," "producer," "producer-handler," "producer milk," and "other source milk."

Plant definitions. Definitions of the various types of plants to be regulated are needed to assist in identifying the particular operations which are to be subject to regulation and to simplify the drafting of the other order provisions. Under each of the plant definitions herein provided, all the operations conducted on the premises of an establishment operated as a single unit for the purpose of receiving milk for assembly and transfer, or for processing and packaging milk and milk products, are considered as operations of a plant. A facility or establishment functioning only as a transfer point for transferring milk from one tank truck to another tank truck, or as a distribution depot for storage of packaged fluid milk products in transit for route disposition, should not be considered to constitute a plant.

Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards are provided. A "distributing plant" under the order would include both a plant that is approved by an appropriate health authority for the processing or packaging of Grade A fluid milk products and has route disposition in the marketing area during the month, and a plant which has route disposition of filled milk within the marketing area during the month. The term supply plant would include both plants approved by an appropriate health authority which supply Grade A milk to distributing plants and plants which supply filled milk to distributing plants.

Route definition. To assist in the identification of those plants which are to be subject to full regulation a definition of "route disposition" is provided.

"Route disposition" means the delivery of any fluid milk product classified under the order as Class I to retail or wholesale outlets other than a delivery to another plant or to a distribution point.

Fluid milk products may be moved from a milk plant to a facility such as a warehouse, loading station, storage plant or other transfer point on the way to a wholesale or retail outlet. The distribution from such latter point would be considered as a route from the milk plant. To do otherwise would be inappropriate because it would consider the disposition of fluid milk products to have been made at the temporary storage facility instead of at the location at which such products are received by retail and wholesale purchasers.

Disposition by a vendor is treated as route disposition of the plant at which the milk was processed and packaged.

The order should make it clear that packaged products which are classified as Class I when transferred from a distributing plant to a pool distributing plant shall be considered route disposition from the transferor plant, rather than from the transferee plant. In other words, the second plant would be considered to be operating as a vendor for the plant of origin with respect to such disposition. There is a substantial exchange of bottled milk among plants, particularly the cooperative association plants. Since some of these plants dispose of a large percentage of their bottled milk to other cooperative associations which distribute it, this provision will assist to insure the continued pool plant status of the plants in which the milk is bottled.

Pool plant definitions. A distributing plant would qualify as a pool plant under this order in any month in which (1) at least 30 percent of the total receipts of Grade A milk at such plant (exclusive of receipts of packaged fluid milk products from other distributing pool plants and milk received by diversion from other pool plants or from other order plants) are route disposition, and (2) at least 15 percent of the total Grade A receipts at the plant is route disposition in the marketing area. These requirements are designed to exclude from the pool those plants which have only an incidental association with the market. Any plant with 15 percent of its Grade A milk as route disposition in the marketing area would have an effect on this market warranting full pooling.

In applying the pool plant provisions, if a portion of the plant does not have Grade A approval for receiving, processing, or packaging fluid milk products and is physically separated from the Grade A portion of the plant, such portion should not be considered a part of the pool plant. A number of the plants which will be pool plants receive milk of manufacturing grade from dairy farmers. Only the Grade A receipts would be considered as received from producers under the order.

The performance standards set forth above will permit the inclusion in the market pool of the regular supply of producer milk for fluid use in the defined marketing area. Many of these plants are located in a region of heavy milk production relative to population. Hence, the opportunity for making fluid sales locally is limited. Only about 60 percent of the producer milk which would be regulated is now used in Class I on an annual average. There are variations in the percentages of Class I use among plants and month-to-month differences in the same plants. Hence, the minimum percentage of Class I use which each distributing plant must maintain to be pooled should be fixed low enough to accommodate the operation of all those plants which are the regular source of supply for the market.

In the case of a handler operating more than one distributing plant, it should be provided that the combined receipts and Class I disposition of all such plants may be used as the basis for meeting the minimum 30-percent requirement. This was requested to permit more efficient utilization of plant facilities. To prevent inclusion in the marketwide pool of a plant whose primary association is with another market, however, it is necessary that each plant in such a system continue to meet the requirement that at least 15 percent of its total Grade A receipts be route disposition within the marketing area during the month.

The definitions of "producer" and "pool plant" are needed to identify and qualify for pooling the milk approved for fluid use and regularly supplied for such purpose. The record is not clear that similar health regulations have been established for the sources of filled milk. The order provisions should not result in pooling milk from unapproved and intermittent sources with milk of farmers regularly supplying milk approved for the fluid market. Therefore, the determination of whether a plant is qualified for pooling should not depend in any way on its disposition of filled milk in the marketing area. Hence, receipts and disposition of filled milk are excluded in the determination as to whether a plant qualifies for pooling.

Any plant which has route disposition of less than an average of 300 pounds per day in the marketing area during the month should be exempt from regulation except for the filing of reports. A plant with such limited distribution is not likely to have a significant disturbing influence in the market. The administrative expense involved in verifying the receipts and utilization and testing the butterfat content of the receipts and disposition of such a small operation would far outweigh any benefits accruing from its regulation.

A distributing plant meeting the pooling requirements of more than one order should in general be regulated under the order covering the area in which it has the greater proportion of its distribution. However, recognition should be given to the adverse effects of any temporary shifting to and from another market from month to month by a plant regularly associated with the Oregon-Washington market. A handler operating a pool distributing plant which has been subject to regulation under this order,

and which continues to meet the pool plant standards provided herein, generally should not become subject to another order unless it has more route disposition in such other marketing area than in the Oregon-Washington marketing area for 3 consecutive months. This will afford the handler reasonable notice as to the time when regulation of his plant may shift from one order to another and will afford him the opportunity to make adjustments in his business if he desires to do so.

If, nevertheless, the provisions of the other order require such plant to be pooled thereunder, the plant should be exempt from regulation under this order to pr vent duplicate regulation. In order that the market administrator may be fully apprised of the status of such a plant, however, the operator thereof should be required to make reports of the total receipts and utilization or disposition of skim milk and butterfat at the plant to the market administrator at such time and in such manner as the market administrator may require and he must allow verification of such reports by the market administrator.

Provision should also be made to exempt from regulation under this order a distributing plant under another order which, for 1 or 2 months, may have greater route disposition in this marketing area than in the area of the order to which it has been subject to regulation if such other order would continue to regulate.

A supply plant would qualify as a pool plant under this order in any month during which 30 percent or more of its receipts of Grade A milk from dairy farmers is shipped as fluid milk products to a pool distributing plant.

The performance standards for pool supply plants recognize the dual function of the supply plants in the market which is to ship milk to distributing plants when it is needed for fluid use and to manufacture the excess when it is not needed by distributing plants.

These shipping requirements will make it possible for those supply plants which have been a regular source of supply for the distributing plants in the market to achieve pool status. They will exclude from pooling specialized manufacturing plants which might make token shipments to pool distributing plants. Higher standards could result in requiring plants which have had a long association with the fluid market to engage in unnecessary and uneconomical transfers of milk to meet such higher standards.

Demand for milk from supply plants is usually greatest during the season of low production. During the months of flush production the direct farm supply of milk received at a pool distributing plant may be sufficient to supply its Class I outlets. During this part of the year it would be more economical to leave the milk received at supply plants in the country for manufacture into dairy products at such plants and use the milk received directly at distributing plants for Class I use.

The performance provisions should not force milk to be transported to distributing plants in the months of seasonally high production in order to maintain the eligibility of supply plants to pool.

Any supply plant, therefore, which meets the 30 percent shipping requirement as described for each of the months of August through February would be granted pool status during the following months of March through July without specified shipments. Such pool status would be automatic unless the operator of such plant notifies the market administrator in writing before the first day of any such month that he desires to withdraw his supply plant from pooling. The plant thereafter would be a nonpool plant until it again met the shipping requirement set forth above.

The standards adopted herein for the pooling of distributing and supply plants are deemed to provide a reasonable and appropriate measure as to whether a plant is sufficiently identified with the market without, at the same time, excluding from pool participation handlers whose plants have been a regular and dependable source of fluid milk supply for the market.

If, in any month, a supply plant meets the requirements for pool status under more than one order, it is necessary to specify under which order the plant is to be regulated. Accordingly, if a supply plant meets the pooling requirements of this order and another Federal order, it will not be a pool plant under this order unless the volume of its Grade A receipts disposed of to pool distributing plants regulated by this order is greater than the volume disposed of to distributing plants pooled under such other order and it is not regulated under the other order.

In some markets reload points under the bulk handling method serve a function similar to that of a supply plant. The extent to which truck reloading facilities are now employed in moving bulk milk to this market is not clear from the record. In the absence of specific marketing data concerning reload points, it is concluded that a definition of reload point should not be included in the order. Such a definition and its application to pricing, l cation differentials, and performance requirements may be considered at some future time if it appears that such a provision would facilitate the orderly marketing of milk under the order.

Nonpool plants. A plant which supplies fluid milk to the market but in a lesser volume than that required to qualify as a pool plant under the standards set forth herein would be a nonpool plant. The term nonpool plant is further broken down to define some categories, such as "other order plant," "producer-handler plant," "exempt plant," "partially regulated distributing plant," and "unregulated supply plant." These terms are self-explanatory.

Handler definition. The main impact of regulation under an order is on handlers. As herein provided, the "handler" definition includes (a) any person (including a cooperative association) in his capacity as the operator of one or more pool plants; (b) a person operating a partially regulated distributing plant; (c) a cooperative association with respect to producer milk diverted from a pool distributing plant to a nonpool plant for its account; (d) a cooperative association with respect to its member producers' milk delivered in a tank truck owned, operated by, or under contract to the association from the farm to a pool plant of another handler; (e) a person in his capacity as the operator of an other order plant; (f) a producer handler; and (g) any person in his capacity as the operator of an exempt plant.

Designating as handlers the operators of the various types of plants that may be associated with the market is necessary so that the market administrator may require of them the reports to determine the regulatory status of the plants and the extent of their obligations to the producer-settlement fund.

The record is not clear whether there is any governmental agency or institution (Federal, State, county, or municipal) which disposes of fluid milk products solely for use on its own premises or to its own facilities. Any such institution should be exempt from regulation except for the filing of reports when requested to do so by the market administrator.

While such an exempt institution would have no obligation to report regularly to the market administrator, the order should provide that if milk is purchased from a pool plant by such an institution, such sales by the pool plant will be classified as Class I. Any disposition of milk by such an institution to pool plants should be classified as Class III.

Milk which would be surplus to the fluid requirements of such institutions would not be a source of supply which could be depended upon to fulfill the regular requirements of the market. It would bear the same relationship to the marketwide pool as does the surplus of producer-handlers, and it should be allocated in the same manner as a receipt from a producer-handler. Accordingly, milk received from such institutions should receive a Class III classification.

Cooperative associations whose members are suppliers of milk for the market here under consideration generally assume the responsibility of balancing their buying handlers' supplies with such handlers' needs for fluid milk. Much milk not needed for fluid uses generally can be most economically handled by diversion directly to manufacturing plants. To facilitate such handling, a cooperative is accorded handler status for milk which it causes to be diverted to nonpool plants for its account.

When milk is picked up at the farm in a tank truck owned, operated by, or under contract to a cooperative association, and milk of several farmers is commingled in one load, it is the cooperative association that verifies the weight and butterfat content of the milk of each producer. Handlers who receive the milk have no control over and generally take no part in checking the weights and butterfat tests of milk at the farm. In some instances, handlers may not even know the identity of the producers from whom their milk is received. The cooperative association, therefore, should be required to report to the market administrator the quantity of milk received from each producer. The association should be responsible for obtaining farm samples of the milk of each producer and for the testing of such samples.

A cooperative association which assumes the responsibility for the collection of milk at the farm in tank trucks and for the delivery of such milk to pool plants should be defined as the handler of such milk for the purpose of reporting the farm weights and tests of the milk received from producers and the quantities delivered to pool plants. In addition, the association should be accountable to the producer-settlement fund for any difference in the quantities of milk received from producers, based on farm measurements, and the quantities of milk which purchasing handlers report as received at their plants from the association. This is necessary to assure that cooperative associations, like all other handlers, account for all milk received from producers. The association would also account to the producer-settlement fund and pay the administrative assessment on any quantity of milk resulting from a difference between milk received from farms and that delivered to pool plants.

The milk received by a pool plant from the cooperative association as a bulk tank handler would be considered as a receipt of producer milk by the operator of the pool plant. The pool plant operator's obligation for such milk to the producer-settlement fund, to the administrative fund and to the cooperative would be the same as for producer milk received directly from the farm of an individual non-member producer.

Producer, diverted milk, and producer milk definitions. The term "producer" should include dairy farmers who regularly deliver Grade A milk to plants which are supplying fluid milk to the marketing area in the proportions specified in the pool plant standards adopted herein. Accordingly, the term "producer" distinguishes between farmers who meet the sanitary requirements for the production of Grade A milk and other dairy farmers whose milk may be qualified only for use in the manufacture of dairy products.

The term "producer" should not include a person with respect to milk diverted to a pool plant from another order plant if the operator of both the diverting plant and the pool plant of receipt report such milk as diverted and have requested Class III classification in the reports of receipts and utilization filed with their respective market administrators. This will facilitate the handling of reserve supplies of all order markets in the Northwest without burdening one market with the surplus production of another.

"Producer milk" should be defined to include all skim milk and butterfat in Grade A milk received at a pool plant directly from a dairy farmer or from a cooperative association in its capacity as a handler. Producer milk would also include milk diverted under certain conditions from a pool plant to a nonpool plant by either a handler operating a pool plant or by a cooperative in its capacity as a handler diverting milk for its account. This definition will facilitate application of the various order provisions by specifying that milk for which each handler shall be responsible for paying the class prices established by the order according to his use of milk.

Although a producer establishes his affiliation with the market through delivery of milk to a pool plant, his milk occasionally may not be needed at pool plants. This is due to the day-to-day and seasonal variation in both production and sales. The variation in day-to-day sales is influenced in large part by the fact that most bottling operations are not conducted on a 7-day-a-week basis. Such milk can sometimes be used efficiently by diverting it directly from the farm to a nonpool manufacturing plant. In such cases the movement of such milk to a nonpool plant should be facilitated.

The order should provide that a dairy farmer may retain producer status under certain conditions with respect to his Grade A milk diverted to a nonpool plant for the account of a handler. For the months of March through July when production is heaviest, handlers should be permitted to divert to nonpool plants without limit the milk normally received from producers who are not members of a cooperative association which is diverting member milk in the same month. In all other months the amount which may be diverted should be limited to a quantity not greater than that received at pool plants.

Likewise, a cooperative association should be permitted to divert to nonpool plants member producer milk without limit during the months of March through July, and in other months up to an amount equal to the volume of member producer milk physically received at pool plants. However, producer status with respect to a dairy farmer whose milk is so diverted during the months of August through February would be contingent also upon the receipt of his milk at a pool plant on at least 3 days during the month. This will assure that the individual producer continues to make his milk available to the fluid milk market.

The percentage basis for computing limits on milk diversions will provide the flexibility needed by cooperatives and pool handlers to serve the market efficiently. It will not affect the pool adversely.

Should milk receipts from dairy farmers be diverted in excess of the limit set forth herein, the diverting handler must specify the dairy farmers whose milk was overdiverted and all of the milk of such dairy farmers not actually received at a pool plant during the month shall not be producer milk in such month.

Should the diverting handler fail or refuse to designate which producers' milk was overdiverted, all milk diverted by the handler during the month shall not be producer milk in such month.

Milk diverted to a nonpool plant will be considered as received by the diverting handler at the location of the plant to which diverted, for purposes of pricing such milk.

In order to preclude duplicate regulation of milk, provisions should be made for excluding as producers, persons whose milk is diverted to a plant at which such milk is subject to the price and payment provisions of any other order.

Under no circumstances would a delivery of producer milk from the farm to the plant of a producer-handler or an exempt plant be considered as "diverted milk".

To facilitate administration of the order and reduce bookkeeping, it is provided that milk which is caused by a handler (either cooperative or proprietary) to be delivered from the farm to the pool plant of another handler for Class III use may be treated as diverted milk if it is so reported by both handlers. This will permit the diverting handler to maintain all the milk of the producers involved on his producer payroll for the month and the transaction would be handled as though it were an interhandler transfer. Otherwise, each handler would be accountable to the pool for that portion of the producer's milk which was received at his plant.

Producer-handler definition. The term "producer-handler" should apply to any person who both produces milk on his own farm and operates a plant from which fluid milk products are distributed in the marketing area.

The producer-handler maintains control of his own milk from its source at the farm until its ultimate disposition. When an individual operates a dairy farm and a fluid milk business in such manner, it has not been necessary to require him to account for milk produced on his own farm at a particular minimum price. The producer-handler assumes the burden of maintaining the necessary reserve supply of milk associated with his fluid milk operations and of disposing of any daily or seasonal surpluses he may produce.

The extent of competition of producer-handlers with regulated handlers in this market makes it appropriate that exemption from pooling and pricing be contingent upon his meeting certain requirements. Such requirements are necessary to assure that his sales of milk will not have a disruptive effect on the orderly marketing of milk in the regulated market.

The definition of a producer-handler under this order varies from that of the present Oregon regulation. Under the latter such a person is permitted to purchase virtually unlimited quantities of milk from Oregon regulated plants or directly from the farms of dairy farmers who are members of a cooperative association without loding his status as a producer-handler. Such purchases are classified and priced as Class I under the Oregon law and the selling handler is required to account to the Oregon pool for such sales as Class I milk. Since the

producer-handler has a sales quota under Oregon law which he cannot exceed without reimbursing the Oregon pool, he is not in a position to use such milk to secure Class I sales which would otherwise accrue to the dairy farmers in the marketwide pool.

Another feature of the Oregon regulation which differs from a Federal order is that which permits a producer-handler to bottle within certain limits, the milk of other producer-handlers.

The Oregon law, moreover, completely exempts from regulation any producer-handler who has less than 26 cows and who purchases no milk in either bulk or packaged form.

Under the order contained herein a producer-handler is not permitted to receive fluid milk products in bulk from any source except his own farm production. Since there are no sales quotas under the Federal order, to permit a producer-handler to supplement his own production with unlimited receipts from other producers whenever his Class I sales exceed his own production would result in the pool producers bearing the entire burden of the surplus associated with such milk.

Neither is a producer-handler permitted to bottle milk for another producer-handler. Were this to happen both producer-handlers automatically would lose such status and would become fully regulated handlers and pool producers. The receipt of milk at the bottling plant would be considered a receipt from a producer and the milk packaged and sold would be considered as sold by a handler.

As long as he retains his exempt status, the only obligation imposed on a producer-handler by the order is to file periodic reports with the market administrator and permit the verification of same. The purpose of these reports is to permit the market administrator to verify that the operation continues to be a bona fide producer-handler. Such reports are necessary regardless of the size of the producer-handler.

Under the order contained herein, a producer-handler is not permitted to receive fluid milk products in bulk from any source except his own farm production. He is permitted to purchase fluid milk products (other than whole milk) in consumer packages from pool plants during the month in an amount that does not exceed a daily average of 100 pounds.

Some orders permit producer-handlers to receive small quantities of milk in bulk from pool plants to take care of emergencies that may arise. The testimony of several producer-handlers who testified at the hearing was that such an allowance probably was not necessary and that a person to enjoy producer-handler status should rely entirely on milk of his own production. At least one of the persons who so testified (a producer-handler as defined under the Oregon statute) purchases, however, substantial quantities of milk at the present time to augment his own production.

Although not permitted to purchase fluid milk products in bulk, producer-handlers should be enabled to purchase a limited quantity of fluid milk products (other than whole milk) in packaged form from pool plants. There are a great many small producer-handlers in the Oregon-Washington marketing area. Because of their small volumes of milk, it might not be feasible for many of them to process fluid milk products other than bottled milk. Permitting them to purchase from pool plants in packaged form up to 100 pounds per day of such items as flavored milk and milk drinks, buttermilk, creams of varying tests, etc., should be sufficient to accommodate their needs in this respect. The limit of 100 pounds per day will assure that the producer-handler does not rely on such packaged products to balance the variation in his own production.

These provisions do not preclude a producer-handler from receiving and distributing nonfluid milk products such as butter, cheese, ice cream etc., which may be purchased from other sources. They would, however, prevent him from receiving nonfat milk solids for reconstitution for use as skim milk in beverages of any sort, including filled milk.

Receipts of milk at a pool plant from producer-handlers should be considered as receipts of other source milk. Otherwise, producer-handlers who do not share their own Class I sales by pooling would share in the Class I sales accruing to producers in the market. At the same time the producer-handler would not be bearing his proper share of the reserve supplies associated with his Class I sales.

The definition of producer-handler should accommodate a situation peculiar to this market. One person who is a producer-handler under the Oregon statute and who expects to qualify as a producer-handler under any Federal order has for some time been a vendor for one of the large handlers in the market. At the same time he has furnished certain packaged fluid milk products to this handler for distribution by the latter.

To the extent that the sales of producer milk by the producer-handler, for which he acts as a vendor, do not exceed his packaged disposition to the pool handler, such sales do not burden the marketwide pool. With respect to sales of packaged Class I milk by a producer-handler to a pool handler for distribution, such sales definitely do replace pool sales to whatever extent they may exceed receipts of packaged Class I milk by the producer-handler from the pool plant.

Accordingly, it is concluded that if a producer-handler disposes of Class I milk in consumer packaes to a pool handler, 98 percent of such sales may be subtracted from the Class I utilization of the receiving handler to the extent that Class I milk in consumer packages has been transferred to the producer-handler. The remaining 2 percent will be treated as "shrinkage" to cover leakers, route returns, etc. and will be classified as Class III milk. If receipts from the producer-handler exceed disposition to the producer-handler, any excess shall be allocated to Class III use in the plant of the pool handler, just as would a receipt of bulk milk from the producer-handler. Otherwise, the producer-handler would be in a position to dispose of his surplus production for Class I use to the detriment of other producers on the market. If receipts of packaged fluid milk products by the producer-handler should exceed his transfers to the pool plant, the producer-handler would lose his exemption and become the operator of a pool plant.

Various business arrangements, involving superficial association with the milk production operation, may be used to acquire an appearance of true producer-handler operation. To preclude the use of such devices the order should provide that a producer-handler furnish proof satisfaotory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person. A producer-handler would be required to make such reports of his receipts and utilization as the market administrator deems necessary to verify the status of such person's operation and to facilitate verification of transactions with other handlers.

Other source milk definition. A definition of "other source milk" is necessary to facilitate the application of the order to the various categories of receipts at a regulated plant.

Other source milk should include all skim milk and butterfat contained in or represented by (a) fluid milk products utilized by the handler in his operation (except producer milk, fluid milk products received from pool plants, and fluid milk products in inventory at the beginning of the month), (b) all manufactured dairy products from any source (including those produced at the plant) which are reprocessed or converted into another product during the month, and (c) any disappearance of products other than fluid milk products which are not otherwise accounted for under the order.

In order to verify the actual utilization of milk received from producers, it is necessary that the market administrator be in a position to reconcile all receipts of milk and dairy products with the handler's disposition records. If such records cannot be reconciled, the handler must be held responsible for the shrinkage or the overrun which occurs as a result of the discrepancy between records of receipts and disposition. Otherwise, the handler with improper or incomplete records would be in a position to gain an advantage over his competitors who properly account for all milk and dairy products received. It is equally necessary that the handler be required to account for all nonfluid dairy products. Otherwise, a handler by failing to keep records of receipts of nonfat dry milk and similar products that can be reconstituted into skim milk or other

fluid milk products could gain a competitive advantage over other handlers in the market.

b. *Classification and allocation of milk.* A classified use plan should be established to insure that all milk and milk products handled by handlers fully or partially regulated under the order are fully accounted for according to the various uses in such handlers' plants. Milk is disposed of in the market in a wide variety of forms, representing different proportions of butterfat and skim milk components of milk. These proportions may be greatly changed from the proportions of butterfat and skim milk in the milk as first received. Accounting for milk and milk products on a skim milk and butterfat basis is the most appropriate means of securing complete accounting on all milk and milk products involved in the market transactions.

This accounting system, common in Federal orders, will insure uniformity in application of the classification and pricing provisions of the order to handlers.

Fluid milk product. A definition of "fluid milk product" is provided in the order.

"Fluid milk product" means the skim milk and butterfat contained in milk, skim milk, buttermilk, flavored milk and milk drinks, cream (sweet or sour), mixtures of cream and milk such as "half and half," concentrated milk and filled milk. Except as specifically noted below, the term includes these products in either fluid or frozen form and regardless of whether additional nonfat milk solids have been added.

(b) *Classification of milk.* Milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat were used or disposed of, as Class I, Class II, or Class III milk.

Milk is received by handlers directly from dairy farmers, from other handlers, and from other sources. Milk from all these sources may be commingled in the handler's plant. It is also necessary, therefore, to have a plan for allocating the uses of milk to each source of supply in order to afford a means to establish the classification of producer milk and to apply class prices thereto.

The Class I classification adopted herein is virtually identical to that contained in the present Oregon statute. The products included in Class I are those fluid milk products for which handlers require a regular and dependable supply of high quality milk. They are bulky, highly perishable and must be processed on a day to day basis.

Accordingly, Class I milk should include all skim milk and butterfat disposed of in the form of a fluid milk product as defined herein. Further, any product not specified in Class II or Class III milk and any milk that cannot be accounted for by the handler (other than shrinkage within the limits permitted in Class III) would be classified as Class I. Class I, however, should not include sterilized cream (including mixtures of cream and milk or skim milk) aseptically packaged or any of the above products which are sterilized and in hermetically sealed all-metal containers.

Proponent cooperatives urged the inclusion in Class I of yogurt and eggnog. Handlers opposed such classification. Under the present Oregon regulations, yogurt and eggnog are classified as Class II milk. Neither product is classified as Class I in the adjoining Federal order markets, being classified as Class II in the Puget Sound marketing area and as Class III in the Inland Empire marketing area. In the absence of any substantial evidence in the record to support a Class I classification, these items should not be classified as Class I under the order at this time.

Producers specifically proposed that filled milk be classified as a Class I item. At the present time, this product is classified and priced as Class I milk in the State of Oregon but may not be distributed in the Washington portion of the marketing area.

A hearing held at Memphis, Tenn., in February, April, and May 1968 (33 F.R. 2785) dealt with the appropriate classification treatment in all Federal order markets of filled milk and certain other products containing milk or milk derivatives which are disposed of in fluid form. Evidence was received as to the need for a coordinated program of classifying such proucts in all Federal order markets. A recommended decision based on the Memphis hearing was issued on June 17, 1969. The findings and conclusions adopted therein are similar to the findings and conclusions of this decision with respect to the classification of filled milk.

Skim milk disposed of for fluid consumption in "filled milk" should be classified as Class I milk.

The product marketed as "filled milk" is a combination of skim milk and vegetable fat or oil in about the same proportions as the skim milk and butterfat in whole milk. Hence, well over 90 percent of the product is skim milk. In filled milk the skim milk portion may be either fresh fluid skim milk as separated from whole milk or reconstituted fluid skim milk prepared from a concentrated product such as nonfat dry milk. Whether made from vegetable fat and fresh or reconstituted skim milk, or any combination thereof, the resulting product resembles whole milk in appearance.

Filled milk is distributed by milk handlers in the course of their regular business through the same outlets and in the same types of containers as whole milk.

As noted above, the skim milk in the product is now classified and priced as Class I milk under the Oregon regulations. Likewise it is classified and priced as Class I milk in most Federal order markets. Skim milk is the principal milk product involved in the classification since the residual butterfat in the skim milk would be minimal.

The evidence in the present hearing record supports the classification of skim milk and butterfat utilized in filled milk as Class I disposition.

The Act specifically provides that each order shall contain terms "• • • classifying milk in accordance with the form in which or the purpose for which it is used • • •". In applying the language of the Act we must consider the form and the purpose of use of both the filled milk and its milk ingredient content.

The form of filled milk and the purpose for which it is used are the same in form and purpose of use as whole milk. Filled milk is disposed of in fluid form in semblance of whole milk. Handlers market it in the same types of packages and in the same trade channels as the whole milk they sell. It is primarily intended as a beverage substitute for whole milk.

Similarly, the fluid skim milk content of the filled milk is in the same form as the skim milk in whole milk and serves the same purpose, providing in each case the main body of the product thereby making it a milk beverage. The addition of nonmilk ingredients, principally vegetable fat or oil and stabilizers, does not alter the basis for Class I classification.

This classification of the product recognizes further that the Class I price level serves to assure an adequate but not excessive milk supply. Hence, the skim milk (or butterfat) in both products, and in other fluid milk products, should make proportionate contributions to this objective and returns to dairy farmers for the corresponding milk components of the two products should be the same.

The product "filled milk" therefore should be classified, for the purpose of pricing under the order, in the same manner as whole milk. As in the case of other fluid milk products containing some nonmilk ingredients, the classification should apply only to the milk ingredients in the product.

Some handlers opposed Class I classification on the ground that the product can be reconstituted from nonfluid ingredients and hence should be classified as other than Class I. In view of the preceding, the handlers' proposal is not adopted.

Producers proposed to exclude from Class I only those sterilized fluid milk products that are packed in hermetically sealed metal containers. Producers contended that the product when sold in the foil-lined paper carton should be classified and priced as Class I the same as any other fluid cream in a paper carton. They claimed that its alleged asepsis and 6-week shelf life do not sufficiently distinguish it from ordinary pasteurized cream to warrant a different classification. They further stated that even should a distinction be made, the product should be classified and priced as Class I since its sales replace those of fluid cream which otherwise would accrue to the benefit of pool producers.

A witness appeared for the Avoset Co., a California concern which packages sterilized cream in glass and foil-lined paper cartons. It is the position of the

Avoset Co. that its product should be classified as Class III. It is claimed that the foil-lined carton, though it permits the passage of air into and out of the container, does prevent rapid microbial spoilage. It is further claimed that the product is completely aseptic, has a long shelf life and therefore should be classified the same as sterilized products in all-metal containers.

At the present time, the product is classified and priced as Class I under many Federal orders which exclude from Class I only those sterilized products which are packaged in hermetically sealed metal or glass containers. In other orders, its classification depends on whether the foil-lined carton is considered to be hermetically sealed.

Under the present Oregon regulation the product is not classified as Class I.

On the present record the product should be classified as Class II. Its distribution in the market is very limited at the present time. It is not made in any plant which would be subject to regulation. Handlers merely act as jobbers for the product which is processed in California. Since it also provided that the product be deducted from Class II in the allocation procedure, handlers will not incur any obligation to the pool as a result of handling it.

Should the product be manufactured in a pool plant, the handler would desire a dependable supply of high quality milk as he does for cottage cheese, ice cream, and other products classified as Class II. It should be classified in the same class. Other cream products such as half and half which are sterilized and aseptically packaged should also be classified as Class II.

Under some circumstances, nonfat milk solids may be used to increase the normal nonfat milk solids content in the preparation of fluid milk products distributed in the marketing area. For the purposes of accounting for the skim milk required to produce such products, the added nonfat milk solids should include the normal quantity of water originally associated therewith. The volume of the fluid milk product to which nonfat milk solids had been added, to be classified in Class I, would be the quantity equivalent to the volume of the same product made without the addition of nonfat milk solids. The remaining volume of the product, which represents the skim milk equivalent of added nonfat milk solids, should be classified as Class III.

In the case of products which are wholly or partially reconstituted from nonfat milk solids, such products would be accounted for by adding to the nonfat milk solids the normal quantity of water originally associated with the solids and the entire volume would be accounted for as Class I.

Inventories of fluid milk products at the end of each month enter into the accounting for a handler's receipts and utilization. To facilitate the accounting procedure, the month-end inventories of bulk fluid milk products should be classified in Class III. In the following month, they would be subtracted under the allocation procedure first from any available Class III milk and then, in sequence, from Class II and Class I. The higher use value of any such skim milk and butterfat allocated to Class I or Class II in the following month would be reflected in returns to producers.

Fluid milk products on hand in packaged form at the end of the month should be classified as Class I milk. This classification conforms with the ultimate utilization of most of the packaged fluid milk products in inventory. This results in fewer adjustments in classification and handlers' obligations than if classified in Class III as in the case of bulk milk.

To insure that all handlers pay the current month's Class I milk price for Class I dispositions during the month, it is provided that if the Class I milk price increases over the previous month, the handler will be charged the difference between the Class I milk price for the current month and the Class I milk price for the preceding month on the quantity of ending inventory assigned to Class I milk in the preceding month. Likewise, if the Class I milk price decreases, the handler will receive a corresponding credit.

Inventories would include only the skim milk and butterfat in bulk and packaged fluid milk products on hand at the end of the month. Since the disposition of skim milk and butterfat in nonfluid milk products has been accounted for when used to manufacture a milk product (and classified as Class II or Class III) such skim milk and butterfat would not be included in inventories.

Inventories of fluid milk products at the beginning of the first month in which this order becomes effective or during any month in which a plant becomes regulated for the first time should be allocated to any available Class III utilization of the plant during the month. This procedure will preserve the priority of assignment to current receipts of producer milk of the current Class I utilization of the plant.

Class II should include all skim milk and butterfat (including that in frozen cream, plastic cream and condensed milk and condensed skim milk, either plain or sweetened) which is used to produce ice cream, ice cream mix, frozen desserts and mixes therefor, eggnog, yogurt, cottage cheese, sour cream mixtures to which other ingredients have been added (commonly referred to as "dips") aerated cream products, and sterilized cream (including "half and half" and similar cream mixtures) which are aseptically packaged.

The items specified in Class II constitute a substantial and continuing outlet for reserve supplies of producer milk. The ice cream and cottage cheese market is a year-round market requiring a regular supply of high quality milk. Although there is no general requirement throughout the area that Grade A milk must be used in the manufacture of ice cream, ice cream mix and cottage cheese, there is a demand by handlers for Grade A milk for these uses. This has been recognized by the State of Oregon which has established a separate classification for these items priced higher than the price of milk used in butter, hard cheese, nonfat dry milk, evaporated milk, etc. Condensed milk and frozen and plastic cream are used in the manufacture of ice cream and when so used should be classified in the same class as ice cream.

A Class III classification should be established for milk used in the manufacture of other dairy products such as butter, cheese (other than cottage cheese) nonfat dry milk, dry whole milk, sterilized products in hermetically sealed all-metal containers, bulk evaporated milk, and condensed milk or skim milk reused in the production of a Class III product in a pool plant or in a nonpool plant located in the marketing area. These items are generally in concentrated form, are storable and compete on the national market with like products produced anywhere in the United States.

For convenience and economy of administration, it is necessary to distinguish between the use of condensed milk and condensed skim milk in Class II and in Class III. These condensed products when used in the manufacture of any other product here defined as Class II should also be classified as Class II. The Class III classification of these condensed products should be confined to that which is reused in the manufacture of a product such as evaporated milk or nonfat dry milk solids and that used in the fortification of a Class I product. The Class III classification will apply only when such reuse occurs in a pool plant or in a nonpool plant located within the marketing area.

The principal use of condensed milk and condensed skim milk is in the manufacture of ice cream, a Class II utilization. It is seldom hauled long distances for further processing into Class III products.

Condensed milk and skim milk, however, are frequently shipped to distant points for use in ice cream. The cost to the market administrator of verifying the actual use of such condensed products would be prohibitive. Hence, any condensed milk or condensed skim milk which is disposed of outside the marketing area, other than to a pool plant should be classified as Class II milk. This will obviate the necessity of the market administrator's being required to travel long distances to determine by audit the ultimate use of such product.

Class III should also include milk sold to bakeries, candy factories, soup companies, and similar outlets where nondairy foods are processed commercially. Manufacturers of such products are unwilling to pay a premium for Grade A milk for use in such items. There are supplies of manufacturing grade milk available to which such processors can turn if producer milk is priced higher than the going price of manufacturing milk.

Class III also would include inventories of fluid milk products not processed or packaged. It would include the skim milk equivalent of that portion of any nonfat milk solids which were added to a fluid milk product but were not classified as Class I.

Skim milk and butterfat in fluid milk products dumped or disposed of by a handler for livestock feed should be classified as Class III milk. Such outlets often represent the most efficient means of disposing of surplus skim milk. Transportation and handling costs are such that it is uneconomical to ship relatively small, sporadic quantities of unneeded skim milk to trade outlets for surplus disposal. In the case of route returns of such products as homogenized milk and chocolate milk, it is difficult or impracticable to salvage the butterfat for further use. Such butterfat which is not salvageable should be classified as Class III when dumped or disposed of for livestock feed.

It would not be practicable to permit the unlimited dumping of skim milk and butterfat by pool plant handlers. Neither would it be appropriate to classify such skim milk and butterfat (for which no better outlet is available) as other than Class III. Accordingly, a Class III classification is appropriate for the skim milk and butterfat in fluid milk products dumped, provided that the market administrator is notified in advance and afforded the opportunity to verify the dumping.

Waste and loss of skim milk and butterfat experienced in plant operations are referred to as "shrinkage." Since shrinkage represents disappearance of milk for which the handler must account, but for which no direct return is realized, it should be considered as Class III milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

The maximum shrinkage allowance in Class III at each pool plant should be 2 percent of producer milk (except that diverted to a nonpool plant); plus 1.5 percent of producer milk from a cooperative as a handler and bulk fluid milk products from pool plants of other handlers; and less 1.5 percent of bulk fluid milk products transferred to other plants (except pool plants of the same handler). A 1.5 percent shrinkage allowance would be allowed on bulk fluid milk products received from other order plants and unregulated supply plants (exclusive of the quantity for which Class II or Class III utilization is requested by the handler).

As provided elsewhere in this decision, a cooperative would be the handler for milk delivered from producers' farms to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative. When a cooperative is a handler under such conditions, the operator of a pool plant receiving this bulk tank milk directly from the farm would settle with the pool and the cooperative for such milk in the same manner as a receipt from producers. However, the full 2 percent allowance for shrinkage would be permitted the handler only if he is purchasing the milk on the basis of farm weights and has so notified the market administrator. Otherwise, the maximum shrinkage in Class III allowed the handler on such milk would be 1.5 percent, and the cooperative would be responsible for any difference between the gross weight of producer milk received in the tank truck at the farms and that delivered to pool plants. This procedure is followed in a number of other Federal orders and provides a reasonable basis for the allocation of the shrinkage allowance in those instances wherein the cooperative is the responsible handler with respect to milk picked up at producers' farms in bulk tank trucks.

In those instances in which a pool plant operator is not purchasing farm tank milk (from a cooperative as a handler) on the basis of farm weights, any difference between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant should be considered a receipt of producer milk by the cooperative at the location of the pool plant. The cooperative would report such differences, which may reasonably be expected to be within 0.5 percent of the quantity of producer milk determined on the basis of farm weights during the month, to the market administrator for inclusion in the monthly pool computation. Up to 0.5 percent of the total producer farm tank milk involved would be reported and pooled as Class III, and any such difference in excess of the maximum allowable Class III shrinkage of 0.5 percent would be Class I.

The cooperative would be responsible for settling with the producer-settlement fund for the total quantity of shrinkage it reported. If the quantity of bulk tank milk physically received at a pool plant from a cooperative during the month is the same as or greater than the sum of the farm weights, the cooperative would have no settlement to make with the producer-settlement fund on such milk. However, in those instances wherein the quantities of milk physically received at pool plants are greater than the farm weights, the pool plant operator's obligation to the producer-settlement fund would be on the basis of the weights ascertained at his plant.

Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to strengthen the classified pricing plan and to encourage maintenance of adequate records and efficient handling of milk.

It is appropriate to limit the volume of unregulated supply plant milk and other order milk that may be classified in Class III as shrinkage since these types of receipts are allocated pro rata to class uses along with the quantities received from pool plants and producers. Under the allocation system provided, such other source milk will share with producer milk in any shrinkage allocated to Class I when the specified Class III shrinkage limitations are exceeded. No specific shrinkage limit is necessary on unregulated or other order milk that does not share a pro rata assignment and thus is allocated first to Class III uses, since the allocation procedure insures assignment of such milk to Class III in an amount at least equal to the shrinkage that may be associated therewith.

To insure an equitable assignment of total shrinkage to the two categories of receipts (i.e., receipts for which there is a percentage limitation for Class III shrinkage assignment and receipts for which there is no such limitation), the total shrinkage should be prorated to these two categories.

Transfers. Fluid milk products may be disposed of to other plants for processing. It is necessary, therefore, to provide specific rules so that the classification of such transfers may be determined under this order.

Fluid milk products transferred from a pool plant to the pool plant of another handler should be Class I unless both plant operators claim a Class II or Class III classification on their monthly reports to the market administrator and sufficient Class II or Class III utilization is available at the transferee plant after the allocation of its receipts of other source milk. If other source milk (e.g., nonfat dry milk) to which a surplus value applies is received at the shipping plant during the month, the skim milk or butterfat in fluid milk products involved in such transfer should be classified so as to allocate the least possible Class I utilization to such other source milk. If the shipping handler receives other source milk from an unregulated supply plant or an other order plant, the transferred quantities, up to the total of such receipts, should not be Class I to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

The above provisions governing transfers between pool plants will contribute to obtaining the best possible utilization of producer milk. Such provisions will tend to insure that producer milk used in Class I will not be classified in a lower class when interplant shipments involve a pool plant with receipts of other source milk. Unless such safeguards are provided, a high-utilization plant could be used as a conduit for assigning milk obtained from nonpool sources for manufacturing purposes to a higher utilization (at the expense of producer milk) than it would receive by direct delivery to the plant at which it is actually utilized.

Fluid milk products transferred or diverted to a nonpool plant (other than transfers to the plant of a producer-handler, an exempt distributing plant, or an other order plant) should be classified as Class I milk unless a lower classification is requested and the operator of the nonpool plant makes his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk and milk products in the nonpool plant. Such transfers to the nonpool plant should be assigned first to its Class I disposition in regulated areas and thereafter to other Class I usage after receipts from dairy

farmers who regularly supply the nonpool plant, and the remainder to the other uses of the plant. Provision should also be made for sharing the Class I utilization of the nonpool plant when transfers to the plant are made from other regulated plants.

The method herein provided for classifying transfers and diversions to nonpool plants accords equitable treatment to order handlers and also gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving highest use priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer provisions of the order by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

Fluid milk products transferred to other order plants would be classified according to the utilization assigned them at such other order plants.

Allocation. Because the value of producer milk is based on its classification, the order must prescribe an assignment of receipts from all sources during the month to establish such classification.

The system of allocating handlers' receipts to the various classes should be basically the same as that adopted in the decision issued June 19, 1964, for 76 milk orders integrating into each order's regulatory plan, milk which is not subject to classified pricing under any order and receipts at pool plants from other order plants. Official notice was taken of that decision (29 F.R. 9110) at the hearing. Such decision provides a procedure for allocating over a handler's total utilization his receipts from all nonpool sources, and for making payment into the producer-settlement fund on unregulated milk allocated to Class I.

Producers testified that the method adopted as a result of the June 19, 1964 decision, is appropriate in this area and is needed to coordinate this regulation in the treatment of unregulated milk and other order milk with other Federal orders.

The aforesaid decision sets forth also the standards for dealing with unregulated milk under Federal orders and the system of allocation included in all orders. It describes the appropriate treatment of other order milk received at pool plants so as to coordinate the applicable regulations on all movements of milk between Federal order markets. No testimony was offered in opposition to the incorporation of the same provisions in this order.

The findings and conclusions of the aforesaid decision are equally applicable in the proposed marketing area under current conditions and, accordingly, are adopted in their entirety as if set forth in full herein, subject to the modifications set forth below.

The allocation provisions specifically provide for treating filled milk which has been reconstituted from nonfat dry milk in the same manner as any other fluid milk product which has been so reconstituted.

The problems of proper classification and charge for use of nonfat dry milk to produce products for Class I disposition was specifically dealt with in the decision of June 19, 1964, referred to above. The method of treating reconstituted products described in that decision is appropriately applicable to reconstituted skim milk used in filled milk.

Skim milk and butterfat received in the form of Class II products should be allocated directly to Class II products disposed of from the plant even though they may be reprocessed as in the case of creaming cottage cheese curd or freezing ice cream. Such products are already in processed form when received and are intended only for use in the same category of products.

The allocation provisions should specify that receipts of fluid milk products received from a producer-handler in consumer packages may be subtracted from the Class I utilization of the receiving handler in an amount not in excess of the fluid milk products received in consumer packages by the producer-handler from the same pool handler. Any receipts in excess of the amount transferred to the producer-handler would be allocated to Class III. The reasons for this provision are discussed above in conjunction with the definition of producer-handler.

c. *Class prices.* In order to promote and maintain orderly marketing conditions, minimum class prices for producer milk must be established at levels that will reflect economic conditions affecting the market supply and demand for milk, and tend to maintain a supply of milk sufficient to meet the fluid needs of the market plus a reserve to care for daily fluctuations in demand.

It is estimated that slightly less than one billion pounds of Grade A milk will be received annually by handlers in the market who are expected to become fully regulated. Of this amount, approximately two-thirds is expected to be utilized in Class I products. Therefore, there is no indication that supplies are presently inadequate or in danger of becoming so.

The Class I price must not be so high as to attract unneeded supplies to the market. Such over attraction of milk would tend to result in uneconomic and unnecessary surpluses which would depress the uniform prices to producers. On the other hand, the price must be sufficiently high to encourage the production of the quantity of high quality milk required for the fluid needs of the market plus an adequate reserve.

The Class II price should be high enough above the manufacturing price to compensate producers for at least part of the cost of delivering sufficient Grade A milk to meet the needs of handlers for cottage cheese, ice cream, and related items for which handlers indicate a need to use Grade A milk. Conversely, the price cannot be so high that handlers will shift manufacturing grade milk or manufactured milk products for such uses.

The Class III price must be fixed at a level which will insure a market for milk produced in excess of the Class I and Class II requirements of the market, but high enough to discourage association with the pool of additional Grade A milk simply for use in manufactured dairy products.

Class prices, as well as uniform prices, to producers should be computed and announced on a 3.5 percent butterfat content basis. This will conform to prevailing practice in the market.

Class I price. For an 18-month period beginning with the effective date of the order, the Class I price for milk of 3.5 percent butterfat content should be established at an annual level of $1.95 ($1.75 plus 20 cents) per hundredweight above the basic formula price which would be the average price paid for manufacturing grade milk in Minnesota and Wisconsin during the preceding month. For the purpose of computing Class I prices, however, the basic formula price should not be less than $4.33. This will insure that the present basic formula price "floor" price in other Federal order markets will be the same in this market.

The method of adding a differential to such basic formula price in determining the price for Class I milk gives appropriate consideration to the economic factors underlying the general level of prices for milk and manufactured dairy products. Prices for milk used for fluid purposes in the proposed marketing area have a direct relationship to the prices paid for milk used for manufacturing purposes.

A differential over manufacturing milk prices is necessary to cover the extra costs of meeting quality requirements in the production of milk for fluid uses and in transporting the milk to market. Moreover, it is a necessary incentive for dairy farmers to produce and deliver an adequate supply of quality milk to meet the demand for fluid milk.

Producers proposed that the Class I price be computed by adding a specified differential to a basic formula price. As the basic formula price, they proposed the Minnesota-Wisconsin manufacturing milk price series. This series is based on prices paid at a large number of manufacturing plants in each of the two States. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content and the total dollars paid to dairy farmers for such milk, f.o.b. plant. These prices are reported on a current month basis and the announced Minnesota-Wisconsin price is available on or before the 5th day of the following month. The Minnesota-Wisconsin price series is the basic formula price in most Federal order markets, including the Puget Sound and Inland Empire markets which abut the Oregon-Washington marketing area.

This price series reflects a manufacturing price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. Further, it reflects the supply and demand of such products within a highly coordinated marketing system which is national in scale. The series is appropriate for use in establishing milk prices under this order.

Since the Class I price for the current month would be announced by the 5th day of the month, the basic formula price used in computing the Class I price should be that reflecting the Minnesota-Wisconsin price for the preceding month. This procedure is commonly used in other Federal orders.

While the Class I differential proposed by producers was $2.10, the Class I price provided herein, together with Class II and Class III prices, should result in returns to producers sufficient to maintain an adequate, but not excessive, supply of quality milk for the fluid market. It also will result in appropriate alignment of the Class I price in this market with those in the Puget Sound and Inland Empire markets. In parts of southern Washington there is competition between handlers who would be regulated under this order and handlers regulated under the two existing Federal orders both in procurement of milk and in its distribution.

The Puget Sound order provides for a Class I differential $1.85 over the basic formula price. The Inland Empire order has a differential of $2.10. Under the present provisions, however, the latter may fluctuate as much as 50 cents in either direction as the relationship of supply to demand varies.

Until the middle of 1968, Oregon Class I prices averaged higher than the Puget Sound Class I price and about equal to the Inland Empire Class I price. The Oregon Class I price averaged $5.61 in 1966, $6.02 in 1967, and $6.13 in 1968. The Puget Sound Class I price averaged $5.55 in 1966, $5.88 in 1967, and $6.09 in 1968. The Class I price in the Inland Empire order was $5.71 in 1966, $5.97 in 1967, and $6.19 in 1968.

The Class I price provided herein would have been $6.28 per hundredweight in April 1969. This compares to a Class I price of $6.18 in the Puget Sound marketing area. For April the Class I price in the Inland Empire order was $6.28.

The Class I price fixed by the State of Oregon remained at $6.10 from June 1967 through October 1968; was increased to $6.25 on November 1, 1968, and to $6.40 on March 1, 1969. Official notice is taken of "The Stabilizer" vol. 5, No. 11, for February 1969, a publication of the Oregon State Department of Agriculture, Salem, Oreg.

The Class I price adopted herein, in April would have been 12 cents below the Class I price fixed by the State of Oregon. A differential of more than 10 cents over the Puget Sound Class I price, however, could result in a dislocation of supplies and induce Puget Sound producers, particularly those who do not hold a Class I base under that order, to shift from the Puget Sound to the Oregon-Washington market. A higher Class I price likewise could result in shifts of producers in the Columbia Basin area without an offsetting need for their milk in this market.

One handler proposed a special classification for fluid milk which is shipped to Alaska for Class I use. He proposed a price 30 cents over the uniform price for such milk.

He stated that the high cost of handling, particularly transportation and the wide fluctuation in the monthly requirements of their plant at Anchorage, Alaska, precludes payment of the Class I price for such milk.

There is no basis, when establishing the appropriate Class I milk price for this market, to distinguish between milk sold inside and milk sold outside the marketing area, whether it be in areas immediately adjacent to the market or at distant points such as Alaska. The milk sold outside the area by regulated handlers is produced under the same conditions as milk sold in the marketing area and is processed in the same plants. Thus, the milk moving through the handler's plant is involved in the same supply and demand considerations upon which the determinations concerning the appropriate Class I price level must be made.

If a lower Class I price were permitted on sales outside the area, it would be necessary to increase the price of Class I milk sold within the area to maintain the level of returns to producers needed for an adequate supply. To whatever extent a higher Class I price inside the marketing area would be reflected in higher prices to consumers within the marketing area, such consumers would be subsidizing those outside the marketing area where the lower Class I price prevails.

Neither should the regulation be constructed to encourage the use of outside markets as a dumping ground for milk in excess of the market's needs. A lower Class I price for milk sold outside the marketing area could have a depressing effect on prices paid to farmers by unregulated handlers in the outside market.

Class II price. The Class II price should be fixed at the Class III price plus 25 cents. This will result in a Class II price identical to that provided in the Puget Sound order. It will be approximately 2 cents per hundredweight higher than the Class II price which prevailed in the Oregon market during the year 1968.

This price will return to producers a differential over the price of manufacturing grade milk for milk used in those products which handlers normally make from Grade A milk to compensate producers for the delivery of milk for such uses. From experience in the Puget Sound and Inland Empire markets a differential of 25 cents over the Class III price will not discourage the continued use of Grade A producer milk in products such as cottage cheese and ice cream.

Class III price. The Class III price should be the basic formula price, but should not exceed the price resulting from a butter-nonfat dry milk solids formula.

Large quantities of the reserve milk of the market are utilized in the manufacture of butter, nonfat dry milk, hard cheeses, and other dairy products which are disposed of on the national market. Some milk utilized for Class I purposes in the market is handled at plants with limited manufacturing facilities. However, a number of plants which would be pool plants under the orders maintain substantial manufacturing operations. Throughout the year, particularly in the spring months of heavy production, producer milk not needed for fluid uses is moved to manufacturing plants by the handler who regularly receives the milk or by the cooperative association responsible for marketing such producer milk.

Prices paid by manufacturing plants may differ because of changes in the relative market prices of the manufactured products and because of variations in the quantities of milk available for manufacturing purposes. Handlers often will dispose of excess milk to those plants which are paying the highest price at the time of such disposal. Because of the relatively small volumes and lack of opportunity for high efficiency in handling, it is possible that some handlers may at times incur losses in handling their necessary reserve supplies of milk. The handling of such reserve milk is incidental, however, to the handling of fluid milk.

The price for manufacturing milk should be at a level which will provide the highest possible returns to producers in the market and at the same time encourage the orderly marketing of such milk. A Class III price based on the basic formula, which is the average Minnesota-Wisconsin manufacturing milk price, should adequately meet these pricing objectives. A competitive pay price is used because, in the highly competitive dairy industry, the average of prices paid in the areas where there is substantial competition for manufacturing milk provides a good measure of its value.

The Minnesota-Wisconsin price series is representative of prices paid to farmers for about one-half the manufacturing grade milk sold in the United States. In Minnesota about 84 percent of the milk sold off farms is of manufacturing grade and in Wisconsin about 58 percent. There are many plants in these States which compete for such milk supplies. This price series reflects a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products.

A particular segment of the manufactured milk industry may be temporarily influenced by marketing conditions which do not affect the remainder of the industry to the same degree. Such conditions may not be fully reflected in the Minnesota-Wisconsin price series. Because of the importance of butter and nonfat dry milk solids as an outlet in this market, it is desirable that the Class III price not exceed a price level based on a butter-nonfat dry milk formula.

Use of this formula as a "ceiling" will insure that the Class III prices will continue to reflect the values of butter and nonfat dry milk in the event of a temporary divergence in the relationship between such values and the Minnesota-Wisconsin price which also reflects the values of other manufactured dairy products such as cheese and evaporated milk. It will prevent the Class III price from exceeding butter-nonfat dry milk values to the point that the cooperative association plants, which handle most of the reserve supplies of the market, will find it difficult to market the reserve supplies.

A similar alternate formula based on butter and nonfat dry milk values is used in a number of Federal order markets (including Puget Sound) in conjunction with the use of the Minnesota-Wisconsin price as a basis for pricing milk in manufacturing uses. The price is computed by using product yields and market prices for butter and nonfat dry milk and a "make allowance" (48 cents) in general acceptance. This formula will provide an upper limit on the minimum Class III price fixed by the order which is identical to that contained in the Puget Sound order and is appropriate to the similar conditions prevailing in this market.

Proponent cooperatives suggested a "make allowance" of 65 cents instead of the 48 cents adopted herein. It was their contention that conditions in the Oregon-Washington market were not as favorable as those in the Puget Sound market for the manufacture of dairy products. They pointed to the daily and seasonal fluctuations in the supplies of milk available to the manufacturing plants and the costs involved in assembling and transporting excess supplies to such plants. These conditions, however, are not significantly different from those encountered in handling the reserve supplies of any fluid milk market of this size with a significant manufacturing volume. Processors of manufactured products in this area have competed with processors in the Puget Sound market for many years and continue to do so. It would not be reasonable to provide the requested difference in prices under regulation in this market.

Butterfat differentials. Because of variations in the butterfat content of milk delivered by individual producers and in milk and milk products sold by different handlers, it is necessary to provide "butterfat differentials" to insure equitable payments reflecting such variations in butterfat.

The Class I butterfat differential should be 0.12 times the Chicago butter price for the preceding month, and the Class II and Class III differentials should both be 0.115 times the Chicago butter price for the current month.

The Class I butterfat differential is less than that provided in either the Puget Sound order (0.125 times the Chicago butter price) or the Inland Empire order (0.123 times the Chicago butter price). It is also less than the Class I butterfat differential effective under the present Oregon regulation.

In recent years nondairy cream substitutes, priced substantially lower than cream, have taken away a large part of the market for butterfat. If cream from producer milk is to maintain even its present share of the market, it must be priced more nearly competitively with cream substitutes. The Class I butterfat differential of 0.12 times the Chicago butter price will help to achieve that objective.

The Class II and Class III butterfat differentials at 0.115 times the Chicago butter price are at a level frequently used in milk orders, including Inland Empire, for pricing the butterfat in milk used in manufactured dairy products. It is identical to the level which has prevailed under the State regulation in Oregon.

The butterfat differential used in making payments to producers should be calculated at the average of the return actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I, Class II, and Class III butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the average value of their butterfat in the use classes provided in this order. The producer butterfat differential does not affect a handler's obligation and its sole purpose is to prorate returns among producers to the extent their milk differs from the basic 3.5 percent butterfat test.

Location differentials. Location differentials should be incorporated in the order to provide appropriate adjustment in the Class I price and uniform price based upon the location of the plant at which the milk is received.

Class I milk because of its bulky and perishable nature incurs relatively high transportation costs when moved. Milk delivered directly by farmers to handlers' plants located close to the area where such milk is distributed to consumers is therefore more valuable to the handler than milk obtained from a plant many miles from the market since the handler incurs the cost of moving the milk from the plant of receipt to the market.

No location differential should apply to milk received at plants located in the Oregon portion of the marketing area (except Umatilla County), or in California. In Lewis and Pacific Counties, Wash., the location differential should be 20 cents per hundredweight. At any other location more than 100 highway miles from the Multnomah County Courthouse in Portland, Oreg., the Class I price should be reduced 15 cents per hundredweight, plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles.

Except for Umatilla County, the Oregon portion of the marketing area generally lies between the crest of the Cascades and the Pacific Ocean. Both the population and the milk production are concentrated between the Cascade and Coast Ranges along U.S. Interstate Highway 5. Population centers are spaced along this highway from Portland at the northern border of the State to Grant's Pass and Medford which are located close to the California border in the south. There are very few communities of any size in western Oregon which are not located close to Interstate 5.

The city of Portland and its environs constitute the major population center. Nevertheless, substantial quantities of milk are processed and distributed by plants located along Interstate 5 all the way to the California border. These plants located in the major communities to the south depend generally on milk supplies produced relatively nearby. While local plants compete with each other for these local supplies, the competition with Portland plants at the procurement level lessens in the direction of the California border. Production in southern Oregon is generally in balance with the bottling requirements of the plants located there. Thus, there is no need for location differentials in southern Oregon to cover the cost of moving milk to Portland. Historically, uniform prices have prevailed throughout this area. The absence of location differentials under the Oregon regulation has not resulted in any dislocation of supply.

It is possible that one California plant will become subject to regulation under the order. This plant, located at Weed, Calif., has some distribution in the marketing area around Klamath Falls, Oreg. Currently, the State of California establishes the prices paid by the plant at Weed. These prices are in close alignment to the prices established herein for the Oregon portion of the market. Weed is approximately 350 miles from Portland. The location differential adopted for plants outside Oregon and Lewis and Pacific Counties, Wash., would be approximately 51 cents if effective at Weed. Such a price would give the Weed plant a substantial competitive edge on the Oregon plants with which it competes should it be freed of California regulation. Eliminating any location differential in California will place the Weed plant on virtually the same basis as its Oregon competitors.

In Lewis and Pacific Counties, the location differential should be 20 cents per hundredweight. There are plants in Lewis and Pacific Counties which are regulated under the Puget Sound order. The Class I price applicable under the Puget Sound order at such plants is 10 cents less than the Class I price for such locations proposed herein for the Oregon-Washington order. To maintain proper price relationships and prevent a dislocation of supplies, the difference in Class I prices in these counties under the two orders should not exceed 10 cents per hundredweight.

Except for the plants in Lewis and Pacific Counties there are no Puget Sound regulated plants which would compete to any degree with plants which would be regulated under the Oregon-Washington marketing area.

At a plant outside Lewis and Pacific counties and the territory where no location differentials are provided, a location differential should apply if the plant is located more than 100 miles from the Multnomah County Courthouse in Portland, Oreg. Within the 100-mile radius there is no need for a location differential either to cause milk to be moved to Portland or to prevent a dislocation of supply between the Oregon-Washington market and other nearby markets. Beyond the 100-mile radius the location differential should be 15 cents, plus an additional 1.5 cents for each additional 10 miles or fraction thereof that the plant is distant from the Multnomah County Courthouse in Portland.

These rates are similar to the rates originally proposed by the proponents and included in the notice of hearing, but are somewhat less than those in the revised proposal of proponent cooperatives.

The rate of 1.5 cents per hundredweight for each 10 road miles reasonably reflects the approximate cost of moving milk to city markets. It is the rate generally used in Federal orders and is recognized as an appropriate and representative rate.

Uniform prices (except for excess milk) paid to producers supplying plants at which location differentials apply should be adjusted to reflect the value of milk f.o.b. the plant to which delivered. All producers who share in the Class I proceeds in the pool must be in position to move their milk to the market for Class I use. If a producer chooses to move his milk directly from the farm to a plant with no location differential, he pays the full transportation cost in delivering the milk. Thus, it is appropriate that differences in prices to producers delivering their milk to other plants where location differentials apply reflect a value for the milk at these locations adjusted for the cost of moving milk from these points to the market for Class I use.

No adjustment should be made in the Class III price or in the uniform price of excess milk because of the location of the plant to which the milk is delivered. (It may reasonably be expected that the uniform price for excess milk under this order will approximate the Class III price.) There is little difference in the value of milk for Class III uses associated with the location of the plant receiving the milk. This is because of the relatively low cost per hundredweight of milk involved in transporting manufactured or concentrated products which may be used for Class III purposes.

To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that, for the purpose of calculating such credit, fluid milk products received from pool plants of other handlers shall be assigned to any Class I milk at the plant(s) of the transferee handler that is in excess of the sum of producer milk receipts at plant(s) and receipts from other order plants and unregulated supply plants which are assigned to Class I. Such assignment would be made first to receipts from plants at which no location adjustment is applicable and then in sequence beginning with receipts from the plant with the lowest location adjustment. This sequential assignment of milk will tend to discourage the unnecessary moving of milk between pool plants for other than Class I purposes at the expense of producers and will provide an equitable basis for facilitating the movement of milk between pool plants for Class I purposes.

Use of equivalent prices. If for any reason a price quotation required by the order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such provision in the order will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and thereby will prevent any unnecessary interruption in the operations of the order.

(d) *Distribution of the proceeds to producers.* A marketwide equalization pool should be included in the proposed order as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure a producer supplying the order market a return based on his pro rata share of the total Class I sales of such market. The price that a producer receives for each month's deliveries will be one based on the overall utilization of all producer milk received at the pool plants of all regulated handlers during such month.

A marketwide pool permits a handler either to maintain some manufacturing operations in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes only, without affecting the prices payable to his producers as compared to other producers in the market.

The facilities in the various plants in the area for handling producer milk in excess of that needed for Class I purposes vary considerably. While a number of plants in the market are exclusively Class I operations and handle little or no surplus milk, others utilize varying proportions of their supplies for Class II items or manufacturing purposes. Under these conditions, a marketwide pool will facilitate the marketing of producer milk. A marketwide pool will make it possible for producer associations to assist in diverting seasonal reserve milk and thus keep producers on the market who are needed to fulfill the year-round requirements of the market. It will assist also in apportioning among all producers the lower returns from reserve milk when otherwise this burden would be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the maintenance of an adequate and dependable supply of producer milk.

A witness appearing on behalf of the Oregon Golden Guernsey Association, the Oregon All-Jersey Association, and the Washington State Jersey Cattle Club proposed that the order provide individual-handler pools rather than a marketwide pool, or, in the alternative, a separate pool for "breed" milks sold under a breed label.

As pointed out above, the nature of the Oregon-Washington market and the concentration of the reserve supplies in the plants of a few handlers require the adoption of a marketwide pool. An individual-handler pool would not meet the needs of the market and would tend to further disrupt rather than restore orderly marketing conditions.

There is no basis for treating "breed" milks differently than other milk of producers. It was the contention of the witness that the production of Jersey or Guernsey milk is more costly than the production of other milks, that it has a higher consumer preference (because of its alleged greater solids content), and that it is produced more closely in line with the Class I demands of consumers than is market milk generally. Thus, he felt that a separate pool for breed milk would return to its producers a higher price than the market average.

None of the allegations as to quality and consumer preference are supported by the record. If, in fact, certain consumers prefer Golden Guernsey or All Jersey milk to the point where they are willing to pay a higher price than for other milk, there is nothing in the order which would prevent producers of such milk from receiving a premium over the order price for their milk. No premiums are paid in the market at this time for breed milk and the retail price of such milk to consumers is the same as the price for regular milk.

Moreover, the establishment of separate pools for breed milk would place the producers remaining in the marketwide pool at a disadvantage. A handler of special breed milk could shift the burden of his surplus to the marketwide pool by dropping individual producers when production exceeds sales of the special breed milk. These producers could enter a plant in the marketwide pool and share in its Class I sales. When milk was needed again at the plant handling special breed milk, the producers could return to the latter plant. Such practice would result in the marketwide pooling of the plant surplus without enabling other producers in the pool to share in any Class I returns from the sale of the special breed milk.

The proposals for individual-handler pools and separate pooling for "breed" milks are denied.

Base and excess plan. A "base and excess" plan of distributing producer returns should be incorporated in the order and producers paid uniform base and excess prices in each month. Base and excess plans have been widely used in the market for a number of years.

Most of the producers residing in the State of Oregon, and some producers residing outside the State of Oregon, have

been paid for their milk in accordance with the Oregon base or "quota" plan operated by the State of Oregon Department of Agriculture. Some other producers have been paid in accordance with base and excess plans operated by the respective handlers to whom they deliver their milk.

The original proposal of the proponent cooperative associations did not provide for a base and excess plan of payment to producers who were not paid in accordance with the terms of the Oregon plan. It was their proposal that for producers residing in Oregon and delivering their milk to Oregon plants, the monies otherwise due them for their milk would be paid them in accordance with the terms of the Oregon plan unless they, or the cooperative association of which they are members, specifically requested otherwise.

With respect to producers residing outside Oregon whose milk is delivered to Oregon plants or to plants operated by cooperative associations participating in the Oregon plan, it was proposed that they likewise be afforded the option of participating in the Oregon plan if they, or the cooperative association of which they are members, so notify the market administrator in writing of intention to participate. Producers not participating in the Oregon plan would be paid a straight blend price for all milk.

At the hearing, however, most of the proponent cooperatives proposed and supported a base and excess plan as a means of distributing returns to those producers not participating in the Oregon plan. They testified that, in view of the long history of bases in the market, producers already had adopted their individual production patterns to the needs of the market for Class I milk. Abandonment of the base and excess plan, they stated, might result in a deterioration of the overall seasonal production pattern for the market.

At the hearing, some of the proponents suggested further that participation in the Oregon plan be made mandatory for all producers residing in Oregon whose milk is received at Oregon plants. This position was supported by an official of the Milk Audit and Stabilization Division of the Oregon Department of Agriculture who appeared as a witness to explain the Oregon plan. It was his position that if participation in the plan were left optional, increasing numbers of producers would elect to be paid at the uniform price, or the base and excess prices otherwise payable, rather than to continue to participate in the Oregon plan.

Bases under the Oregon plan are directly related to Class I sales of handlers subject to the Oregon Milk Audit and Stabilization Law. Thus, a producer can not increase his base except as Class I sales of such handlers increase. However, his base could be reduced if Class I sales of such handlers decline.

Under a base-excess plan, bases are determined from deliveries during a representative period without adjustment to the Class I sales level. They are also subject to annual revision. Such plan, as adopted herein, is explained further below.

Except for the "Class I base plans" (not at issue here) expressly provided for by the amendments to the Agricultural Marketing Agreement Act by Public Law 89–321 (Food and Agriculture Act of 1965), the Agricultural Marketing Agreement Act expressly provides for uniform prices to all producers subject to certain adjustments including one "equitably, to apportion the total value of the milk purchased by any handler, or by all handlers, among producers and associations of producers, on the basis of their marketings of milk during a representative period of time."

Thus, the Act precludes the Secretary from establishing different uniform prices to producers depending on whether they reside in or ship milk to plants in Oregon. Likewise, he is precluded from establishing a quota plan similar to the Oregon plan. This plan is similar in some respects to both a Class I base plan and a base and excess plan. Bases are related to both handlers' Class I sales and the producer's marketings as under a Class I base plan. Bases are subject to revision annually as under a base and excess plan and provision is made for the assignment of bases to new producers under certain conditions.

The Act, however, does not prohibit the Secretary from permitting producers, who desire to do so, to assign to the State of Oregon the returns otherwise due them for their milk in order that the State may redistribute such returns in accordance with the terms of the Oregon plan. Accordingly, it is concluded that those producers who desire to continue to have the returns for their milk distributed to them in accordance with the terms of the Oregon plan may continue to do so. For all other producers, returns would be distributed in accordance with the terms of the base and excess plan described below.

The primary purpose of the base-excess plan adopted is to encourage producers to maintain even production throughout the year. Without some such incentive to producers, production normally tends to fluctuate more during the year than handlers' Class I requirements. The various base plans which have been operated in the market have resulted in production being closely correlated with the fluid milk needs of the market. As under these plans, the base-excess plan proposed herein would tend to assure that excess production on the part of some producers would not affect adversely the returns to all other producers on the market.

The base and excess plan herein would establish a daily base for each producer by dividing his total deliveries to pool plants in the preceding August through December period by the number of days in the 5 months. The base would be computed in this manner only for those producers who delivered to pool plants on at least 120 days in the 5 months. For the purpose of computing the total effective base milk of a producer, the number of days of milk delivery would be the number of days of production represented by his deliveries. A single delivery by a producer on an every-other-day delivery basis, for example, would be considered as 2 days' production for the purpose of computing base milk.

Producers would establish new bases each year. They would be computed by the market administrator to be effective from February through January of the following year. Before February of each year, the market administrator would notify each producer, the handler receiving his milk, and the cooperative association of which he is a member, of the producer's base.

"Base milk" would mean producer milk received during the month which is not in excess of the producer's base milk multiplied by the number of days' production received at pool plants during the month. "Excess milk" would mean producer milk received during the month which is in excess of base milk for the same month.

Class I disposition in the market would be assigned to base milk first. If the aggregate Class I disposition were more than the base milk received from producers in any month, such additional Class I milk would be allocated to excess milk and the excess milk price increased accordingly.

As provided in this decision, location adjustments would be applied to the price paid producers for base milk. Since excess milk will represent principally producer milk classified in Class III to which no location adjustment is applicable, the producer price for excess milk should not be subject to the location adjustment provisions of the order. The producer butterfat differential applicable to the uniform price should be used to adjust the uniform prices for base milk and excess milk.

A producer from whom no milk was received at pool plants in the August–December period, or who made such deliveries on less than 120 days during such months, would be assigned a base equal to a percentage of his daily average deliveries of producer milk for each month. In addition, a producer who had been assigned a base on deliveries to a pool plant for more than 120 days during the preceding August–December period should be permitted to relinquish his base and receive a new base in the same manner as a new producer, or a person who shipped to a pool plant on less than 120 days during the August–December period.

The base of a new producer would be computed by multiplying his deliveries to a pool plant during the month by the following percentages:

January	70	July	55
February	70	August	60
March	65	September	60
April	55	October	65
May	45	November	70
June	50	December	70

These percentages are identical to those contained in the base and excess plan for the Puget Sound market prior to the adoption of the Class I base plan for that market.

These percentages are adjusted seasonally to reflect the supply situation

in the market. The lower rates in the flush production months should not encourage new producers to come on the market at a time when their production is not needed for Class I use. Neither are the stated percentages low enough to discourage entry into the market of a producer who intends to become permanently associated with the market.

It is likewise appropriate that a producer who has earned a base during the August–December period be permitted to relinquish that base and receive an assigned base in the same way as a new producer.

If a plant that was a nonpool plant in the preceding August–December period became a pool plant, the dairy farmers supplying that plant should be assigned bases in the same manner as if they had been producers during such period. Their bases would be calculated from their deliveries to that plant in the preceding August–December base-making period, such information on deliveries to be made available to the market administrator by the plant operator. Such a provision is commonly provided in Federal order base plans designed to achieve a more regular seasonal delivery of milk by each producer.

Likewise, a producer-handler who ceases to operate as a producer-handler and becomes a producer shipping milk to another handler should have a base computed on the basis of his operation during the preceding August–December period.

The order should provide appropriate rules for the handling of base transfers and for other conditions that arise in connection with the administration of the base and excess plan.

The base earned by a producer by delivering to pool plants on not less than 120 days in the preceding August–December period should be transferable under certain circumstances.

The base may be transferred to another producer only by a producer who earned the base on his deliveries during the August–December period. The transferring producer must sell, lease or otherwise convey his herd to the producer acquiring the base. The transferred base shall apply only to deliveries of milk by the transferee producer from the same farm. Exceptions to the rule would apply only (1) with respect to a transfer to a member of the immediate family, in which case a base received by transfer could be transferred to a member of the immediate family, or (2) in the case of a baseholder's death when the base might be transferred to a person not a member of the immediate family.

The first base-making period under the order is expected to be August 1969 through December 1970. Complete data to compute bases will be available at the end of that period. It is appropriate, therefore, that the application of the base and excess pricing provisions of the order be delayed until February 1, 1970. For months prior to that date a market-wide uniform price for all milk should be computed.

Some proponents of the base plan urged that the base-making period be the 4 lowest months of production of the individual producer rather than the months of generally lowest production for the total market. They felt that this would tend to reduce the increase in bases from year to year which might occur when the producer is aware of the base-making period.

As stated previously, the purpose of the base plan is to adjust the production of all producers seasonally to best meet the requirements of the total market. To accomplish this most effectively, bases should be computed on the production during those months when total supplies of the market are least relative to sales, rather than on the performance of the individual producer throughout the year.

Payments for milk. All handlers should be required to make payments to the market administrator of the total value of their milk according to its classification. This should simplify payments by handlers by virtue of the participation of some of their producers in the Oregon base plan.

The market administrator then would pay producers who did not participate in the Oregon plan at the appropriate blend, or base and excess, prices. In the case of producers who were members of cooperative associations not participating in the Oregon plan but which had authority to collect payments from their members and requested to do so, the market administrator would pay the individual cooperative association an amount equal to the total payments otherwise due its member producers.

With respect to producers participating in the Oregon plan, thus authorizing the State to collect for them, the market administrator would pay to the proper State official the total amount otherwise due to the participating producers. The State, in turn, would settle with participating producers and cooperative associations in accordance with the terms of the Oregon plan.

Such a method of payment will relieve handlers participating in the Oregon plan of the necessity of reconciling the required minimum payments to producers under the two payment plans. Thus, the entire producer payment procedure would be more complicated and burdensome than under the plan adopted.

Without such an arrangement, handlers would be required to make payments to the producer-settlement fund under the Federal order, if their utilization value exceeded the total money due producers as computed at the base and excess prices, or receive money from the producer-settlement fund if their utilization value was less than the value of their producer milk. They then would incur a further obligation to "equalize" further under the Oregon plan if the monies due producers under the Oregon plan varied from the amount that would be due such producers at the uniform prices computed under the order.

Provision should be made for a cooperative to receive payment for producers' milk which it causes to be delivered to a pool plant. Receiving payment for the milk of members and the blending of proceeds from the sale of such milk will tend to promote orderly marketing and will assist the several cooperatives in discharging their responsibilities to members and to the market.

The Act provides for the payment to cooperatives for milk delivered by them to handlers and permits the blending of all sales from members' milk. The contracts with their members authorize the principal cooperatives in the market to collect for producer deliveries. Therefore, the market administrator, or the appropriate official of the State of Oregon in the case of producers participating in the Oregon plan, if requested by an authorized cooperative, would pay it an amount equal to the sum of the individual payments otherwise payable to the producers for whom it markets. Such payments should be made to cooperatives on or before the day prior to the date payments are due individual producers. This will enable the cooperatives to pay their members by the same time other producers receive their payments.

Producer-settlement fund. The market administrator should maintain a producer-settlement fund in which are deposited all funds paid by handlers and out of which are paid all monies due producers for their milk. Provision for the establishment and maintenance of a producer-settlement fund is common to Federal orders with marketwide pools.

For efficient functioning of the producer-settlement fund, a reasonable reserve should be set aside at the end of each month. This is necessary to provide for such contingencies as the failure of a handler to make payment of his monthly billing to the fund, or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than four nor more than five cents per hundredweight of producer milk in the pool for the month.

Any payments on partially regulated milk received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby be distributed to all producers on the market.

Interest payments on overdue accounts. Provision is made for the payment of interest at a monthly rate of one-half of 1 percent on amounts due the market administrator under each of the funds established by the order.

Prompt payment of amounts due the several funds is essential to the operation of the order provisions. Handlers who do not make prompt payment of their obligations, in effect, are borrowing for their own business purposes, money which is properly a part of the funds in the custody of the market administrator. Were the handlers to borrow money from the banks, they would be required to pay interest on such

money. They, likewise, should be required to pay interest on money which, in effect, has been borrowed from the funds in the custody of the market administrator.

The rate prescribed herein, one-half of 1 percent per month (6 percent on an annual basis) compounded monthly, is reasonable.

Marketing services. Provisions should be made in the order for furnishing marketing services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. Any cooperative association, if approved for such activity by the Secretary, may perform such services for its member-producers and if it is doing so, the service will not be furnished to such producers by the market administrator.

Milk produced on a handler's own farm should be exempt from marketing service deductions, even though it is subject to the other provisions of the order. There are no payments to other persons to verify on such milk and, therefore, no need to provide the same marketing services as are provided other producers.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers, on a uniform basis, that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producer deliveries reported by the handler are accurate.

An additional phase of the marketing service program is to furnish all producers with market information. Efficiency in the production, utilization, and marketing of milk will be promoted by providing for the dissemination of timely market information on a market-wide basis to producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 6 cents per hundredweight with respect to receipts of milk from producers for whom he renders such marketing services. From comparison as to the number of producers involved and the expected volume of milk with other markets, a 6-cent rate is reasonable and should provide the funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

Expense of administration. Each handler should be required to pay to the market administrator, as his proportionate share of the cost of administering the order, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, on producer milk (including milk of such handler's own production) and on other source milk allocated to Class I (except milk so assessed under another Federal order).

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that such cost of administration shall be financed through an assessment on handlers. A principal function of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment on the basis of milk received from dairy farmers and on other source milk allocated to Class I milk.

The proposed order provides that a cooperative shall be the handler for its members' milk which it delivers in tank trucks from the farms to pool plants of other handlers. The cooperative is the handler for such milk basically for the purpose of making payments to its individual producers. The milk, however, would be considered as producer milk at the plant of the receiving handler for all accounting purposes, and consequently would be treated the same as any other direct receipts from producers. The market administrator must verify by audit the receipts and utilization at pool plants, whether the plant operator buys his milk directly from producers or through a cooperative as a bulk tank handler. No plant of the cooperative is involved in this particular circumstance. Such cooperative's function as a handler is primarily one of recordkeeping. It is appropriate, therefore, that the pool plant operator receiving such milk pay the administrative assessment on it on the same basis that he pays such assessment for all other producer milk received at his plant. The cooperative, however, would be liable for the administrative assessment on any amount by which the farm weights of the producer milk exceeded the aggregate weight on which the plant operator purchases the milk from the cooperative.

The order specifies minimum performance standards that must be met to obtain regulated status. The operator of a plant not meeting such standards (i.e., a partially regulated distributing plant) is required to either (1) make specified payments (discussed elsewhere in this decision) into the producer-settlement fund on route disposition in the marketing area in excess of offsetting purchases of Federal order Class I milk, or (2) otherwise pay into such fund and/or to dairy farmers an amount not less than the classified use value of his receipts from dairy farmers computed as though such plant were a fully regulated plant.

The market administrator, in administering an order as it applies to such nonpool route distributor, must incur expenses in essentially the same manner as in applying the order to pool handlers. However, the order is not applicable to such distributor to the same extent as to regulated handlers. Hence, payment of the administrative assessment on his in-area sales would reasonably constitute his pro rata share of the administrative expense.

In the case of unregulated milk which enters the market through a regulated plant for Class I use, it is the regulated handler who utilizes the unregulated milk and who must report to the market administrator the receipt and use of such milk. Also, the receipts and utilization of all milk at his plant are subject to verification by the market administrator. Hence, it is appropriate that the regulated handler be responsible for payment of the administrative assessment on such unregulated milk.

The order is designed so that the cost of administration is shared equitably among handlers distributing milk in the proposed marketing area. However, to prevent duplication, an assessment should not be made on other source milk on which an assessment was made under another Federal order.

Provision should be made so that the Secretary may reduce the amount of the administrative assessment without the necessity of amending the order. The rate can thus be reduced when experience indicates a lower rate will be sufficient to provide adequate funds for the administration of the order.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

(a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order

The following order regulating the handling of milk in the Oregon-Washington marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

Definitions

§ 1124.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1124.2 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this order.

§ 1124.3 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States authorized to exercise the powers, and to perform the duties of the Secretary of Agriculture.

§ 1124.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1124.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines;

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 1124.6 Oregon-Washington marketing area.

"Oregon-Washington marketing area" hereinafter called the "marketing area", means all territories within the perimetric boundaries of the counties listed below, including all territory as is now occupied and as may be occupied in the future by Government (municipal, State, or Federal) reservations, installations, institutions or other similar establishments. Where such an establishment is partly within and partly without the designated boundaries, the marketing area shall include the entire area encompassed by such establishment.

Oregon Counties

Benton.	Lane.
Clackamas.	Lincoln.
Clatsop.	Linn.
Columbia.	Marion.
Coos.	Morrow.
Deschutes.	Multnomah.
Douglas.	Polk.
Gilliam.	Sherman.
Hood River.	Tillamook.
Jackson.	Umatilla.
Jefferson.	Wasco.
Josephine.	Washington.
Klamath.	Yamhill.

Washington Counties

Benton.	Pacific.[1]
Clark.	Skamania.
Cowlitz.	Wahkiakum.
Franklin.	Walla Walla.
Klickitat.	Yakima.
Lewis (the town of Vader only).	

§ 1124.7 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) A cooperative association with respect to milk of its member producers which is diverted from a pool distributing plant to a nonpool plant for the account of such cooperative association;

(d) A cooperative association with respect to milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association;

(e) A producer-handler; or

(f) Any person who operates an other order plant described in § 1124.61.

§ 1124.8 Plants.

(a) "Distributing plant" means a plant:

(1) That is approved by a duly constituted health authority for the processing or packaging of Grade A milk and which has route disposition in the marketing area during the month; or

(2) That processes or packages filled milk and has route disposition of filled milk in the marketing area during the month;

(b) "Supply plant" means a plant from which filled milk or a fluid milk product which has been approved by a duly constituted health authority for fluid consumption is shipped during the month to a distributing plant.

§ 1124.9 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except the plant of a handler exempt pursuant to § 1124.60 or § 1124.61: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section:

(a) A distributing plant which during the month:

(1) Has route disposition except filled milk in the marketing area of 15 percent or more of its total receipts of Grade A milk except packaged fluid milk products from other plants qualified under this paragraph, filled milk and receipts of diverted milk from other pool plants and from other order plants;

(2) Has total route disposition, except as filled milk, both inside and outside the marketing area, of 30 percent or more of such receipts: *Provided*, That all distributing plants operated by a handler may be considered as one plant for the purpose of meeting the percentage requirements of this subparagraph if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested; and

(b) Any supply plant from which 30 percent of its dairy farm supply of Grade A milk is moved, except as filled milk, during the month to a plant(s) qualified under paragraph (a) of this section. Any plant which has qualified under this paragraph in each of the months of August through February (or would have so qualified had the order been in effect) shall qualify under this paragraph in each of the following months of March through July unless written request for nonpool status for any such month(s) is furnished in advance to the market administrator. A plant withdrawn from supply pool plant status may not be reinstated for any subsequent month of March through July unless it fulfills the shipping requirements of this paragraph for such month.

§ 1124.10 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The term includes, but is not limited to the following categories of plants:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this order) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not an exempt plant, an other order plant, or a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant which is neither an other order plant nor a producer-handler plant and from which fluid milk products are moved during the month to a pool plant qualified pursuant to § 1124.8.

(e) "Exempt plant" means a plant described in § 1124.60.

[1] All territory south of T. 11 N. and Long Island and the North Beach Peninsula only.

§ 1124.11 Producer.

"Producer" means any person (other than a producer-handler as defined in any Federal order, including this order) who produces milk approved by a duly constituted health authority for fluid consumption which milk is received at a pool plant or diverted to a nonpool plant within the limits set forth in paragraphs (a) and (b) of this section and subject to paragraphs (c), (d), (e), and (f). The term shall not include such person with respect to milk received at a pool plant from an other order plant by diversion if both buyer and seller have requested Class III milk classification in the reports of receipts and utilization filed with the respective market administrators:

(a) During March through July a cooperative association may divert for its account to a nonpool plant without limit the milk of any producer. During the months of August through February such cooperative association may divert on other days the milk of any producer from whom at least three deliveries are received at a pool distributing plant during the month, except that the aggregate quantity diverted may not exceed the aggregate quantity received during the month from all such producers at pool distributing plants. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed such a request in writing with the market administrator on or before the 1st day of the month such agreement is effective. This request shall specify the basis for assigning any overdiverted milk to the producer members of each cooperative association according to a method approved by the market administrator.

(b) A handler in his capacity as the operator of a pool distributing plant may divert during any month of March through July for his account to a nonpool plant, without limit, the milk of any producer other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section during the month. During the months of August through February such handler may divert on other days the milk of any producer from whom at least three deliveries are received during the month at his pool distributing plant(s) and who is not a member of a cooperative association which is diverting milk pursuant to paragraph (a) of this section during the month, except that the aggregate quantity diverted may not exceed the aggregate quantity received during the month from all such producers at his pool distributing plant(s).

(c) In the event milk receipts from dairy farmers are diverted in excess of the applicable percentages pursuant to paragraphs (a) and (b) of this section, the diverting handler shall designate the dairy farmers whose milk was overdiverted and such overdiversions shall not be considered producer milk. If the handler fails to make such designation, only the milk of the dairy farmers which is physically received at a pool plant(s) by the diverting handler shall be producer milk for such month.

(d) For the purposes of the requirements of § 1124.9, milk diverted for the account of the operator of a pool distributing plant, except an operator which is also a cooperative association diverting milk in the same month pursuant to paragraph (a) of this section, shall be included in the receipts of the pool plant from which diverted.

(e) For the purposes of location adjustments pursuant to §§ 1124.52 and 1124.83, any milk diverted to a nonpool plant shall be considered to have been received at the location of the nonpool plant to which diverted.

(f) Milk moved from producers' farms to a nonpool plant may be diverted producer milk only if it is not fully subject to the pricing and pooling provisions of the other order and if both the diverting handler and the operator of the other order plant request Class III (or Class II) classification.

§ 1124.12 Producer-handler.

(a) "Producer-handler" means any person who operates a dairy farm and a milk processing plant from which there is route disposition in the marketing area during the month, and who receives no skim milk (including nonfat dry milk or condensed skim milk or skim milk recombined from nonfat dry milk or condensed skim milk) or butterfat from any source for use in fluid milk products during the month: *Except* that such person may purchase from other pool plants packaged fluid milk products, other than whole milk, in an amount not in excess of an average of 100 pounds per day during the month. Such person may also operate as a vendor of fluid milk products processed and packaged by a pool distributing plant in an amount not in excess of the quantity of packaged fluid milk products disposed of by the producer-handler to such pool distributing plant.

(b) Such person must provide proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of such person.

§ 1124.13 Producer milk.

"Producer milk" means the skim milk and butterfat handled by a pool plant operator or a cooperative association handler pursuant to § 1124.7 (c) and (d) as follows:

(a) Producer milk of a handler operating a pool plant is skim milk and butterfat in milk:

(1) Received at such pool plant directly from producers and cooperative association handlers pursuant to § 1124.7 (d), except receipts of diverted producer milk of another pool plant operator or diverted milk from an other order plant if diversion is claimed by the diverting handler and if both handlers have requested Class III classification of such diverted milk in their reports filed pursuant to § 1124.30;

(2) Diverted by the operator of such pool plant for his account to a nonpool plant subject to the limits prescribed in § 1124.11;

(3) Diverted by the operator of such pool plant to another pool plant if he claims such diversion and if operators of both plants have requested Class III classification of such diverted milk in their report filed pursuant to § 1124.30;

(b) Producer milk of a cooperative association pursuant to § 1124.7(c) is skim milk and butterfat in milk received by such cooperative association from producers' farms and diverted for its account to a nonpool plant, subject to the limits prescribed in § 1124.11.

(c) Producer milk of a cooperative association handler pursuant to § 1124.7(d) is skim milk and butterfat in milk received by such cooperative association from producers' farms in excess of the quantity delivered to pool plants. Such milk shall be priced at the location of the pool plant to which most of the milk in the tank truck was delivered during the month.

§ 1124.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products from any source except producer milk and fluid milk products received from pool plants; and

(b) Products (except Class II milk products received from pool plants) other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of nonfluid milk products not otherwise accounted for pursuant to § 1124.33.

§ 1124.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, plain or flavored milk and milk drinks (unmodified or with added nonfat milk solids) including "dietary milk products," reconstituted milk or skim milk, filled milk, concentrated milk not in hermetically sealed all-metal containers, cream (sweet or sour), and mixtures of cream and milk or skim milk, but not including the following: aerated cream products, frozen cream, sterilized cream (including "half and half" and similar mixtures of cream and milk or skim milk) aseptically packaged, sour cream mixtures to which other ingredients are added (commonly referred to as "dips"), eggnog, yogurt, ice cream, and frozen dessert mixes, evaporated or condensed milk, and sterilized fluid milk products in hermetically sealed all-metal containers.

§ 1124.16 Route disposition.

"Route disposition" means delivery to retail or wholesale outlets (including a delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or a nonpool plant: *Provided*, That packaged fluid milk products that are transferred to a pool distributing plant from another distributing plant, and which are classified as Class I under § 1124.44(a), shall be considered as a route disposition from the transferor plant, rather than from the transferee plant, for the single purpose of qualifying it as a pool distributing plant under § 1124.9(a) and the transferor plant shall be assigned in-area sales to the extent of such transfer but not in excess of the in-area sales of the transferee.

§ 1124.17 Oregon Base Plan.

"Oregon Base Plan" means the applicable provisions of Oregon Revised Statutes, Chapter 583.510 (1) and (2); 583.512; 583.515; 583.516; 583.525(2); 583.530(1)(c), and related provisions of Oregon Administrative Rules, Chapter 603–65–035; 65–040; 65–045; 65–050; 65–055; 65–060; 65–070; 65–075; 65–080; and 65–085.

§ 1124.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains not more than 6 percent nonmilk fat (or oil).

MARKET ADMINISTRATOR

§ 1124.20 Designation.

The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1124.21 Powers.

The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1124.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties; in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such person as may be necessary to enable him to administer the terms and provisions of this order;

(c) Obtain a bond in a reasonable amount and with satisfactory surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received by § 1124.87, the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 1124.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this order, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office, and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1124.30 and 1124.31; or (2) payments pursuant to §§ 1124.80 through 1124.87;

(i) Publicly announce by posting in a conspicuous place in his office, and by such other means as he deems appropriate, and mail to each handler at his last known address, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the Class I milk price and Class I butterfat differential for the month, computed pursuant to §§ 1124.51(a) and 1124.53(a), respectively;

(2) On or before the 5th day of each month, the Class II and Class III milk prices, and the Class II and Class III butterfat differentials, for the preceding month, computed pursuant to §§ 1124.51 (b) and (c), and 1124.53 (b) and (c), respectively; and

(3) On or before the 14th day of each month, the uniform prices for all producer milk computed pursuant to § 1124.71, and the butterfat differential computed pursuant to § 1124.84, for the preceding month;

(j) On or before the 14th day after the end of each month:

(1) Notify each handler of his net pool obligation computed pursuant to §§ 1124.62 and 1124.70 and of any adjustments pursuant to § 1124.85; and

(2) Report to each cooperative association which so requests the amount and class utilization of producer milk delivered from members of such association to each proprietary handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(k) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this order, and which do not reveal confidential information;

(l) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1124.46(a)(10), and the corresponding step of § 1124.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month, of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimates shall be based upon the most current available data and shall be final for such purposes;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1124.46, pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1124.30 Reports of receipts and utilization.

On or before the ninth day after the end of each month, the following handlers shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) Each handler who operates a pool plant(s) shall report for each such plant:

(1) The pounds of producer milk and the butterfat contained therein:

(i) Received directly from producers;

(ii) Received from a cooperative association handler pursuant to § 1124.7(d);

(iii) Diverted to a nonpool plant within the limits prescribed in § 1124.11; and

(iv) Diverted to a pool plant within the limits prescribed in § 1124.13(a)(3).

(2) The quantities of skim milk and butterfat contained in receipts from other pool plants;

(i) In the form of fluid milk products;
(ii) In the form of Class II milk products; and
(iii) As diverted from another pool plant.

(3) The quantities of skim milk and butterfat contained in receipts of other source milk;

(4) The pounds of skim milk and butterfat contained in all fluid milk products on hand, separately in bulk and in packages, at the beginning and at the end of the month;

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement showing separately the in-area and outside area route disposition of filled milk and other Class I milk;

(6) In the case of diversions to nonpool plants, the following additional information:

(i) The name of the plant to which diverted;

(ii) The name of the individual dairy farmer whose milk was so diverted;

(iii) The pounds of skim milk and butterfat contained in his milk so diverted;

(iv) The number of days his milk was received at a pool plant; and

(7) Such other information with respect to such receipts and utilization as the market administrator may prescribe; and

(b) Each cooperative association shall report separately with respect to milk for which it is a handler pursuant to § 1124.7 (c) and (d) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat diverted to nonpool plants;

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler; and

(4) In the case of diversions to nonpool plants, the following additional information:

(i) The name of the plant to which diverted;

(ii) The name of the individual dairy farmer so diverted;

(iii) The pounds of skim milk and butterfat contained in his milk so diverted; and

(iv) The number of days his milk was received at a pool plant;

(c) Each handler operating a partially regulated distributing plant shall report the information required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts from producers. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat in Class I milk disposed of in the marketing area on routes and the quantity of reconstituted skim milk in such disposition.

§ 1124.31 Payroll reports.

On or before the 20th day of each month, the following handlers shall report to the market administrator, as follows:

(a) Each handler who operates a pool plant(s) shall submit to the market administrator his individual account for milk received from producers at each of his pool plants, including milk diverted as producer milk for his account from such plant during the preceding month which shall show:

(1) The name and the days of delivery of each producer from whom milk was received during the month with the address of any producer for whom such information was not furnished previously other than one who is a member of a cooperative association which is a handler pursuant to § 1124.7(d);

(2) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer reported in subparagraph (1) of this paragraph, identifying separately those producers for which a cooperative association is authorized to collect payments pursuant to § 1124.80(b); and

(3) The nature and amount of any deductions or charges involved in such payments.

(b) Each handler who operates a partially regulated distributing plant and elects to make payments pursuant to § 1124.62(a), shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts from producers; and

(c) Each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1124.7 (c) and (d) the name and the number of days of delivery, with the address of any producers not previously reported, the total pounds of milk and the average butterfat content thereof which was received from each producer.

§ 1124.32 Other reports.

Each producer-handler, each handler operating an exempt plant pursuant to § 1124.60 (a) and (b) or an other order plant pursuant to § 1124.61, and each handler making payments pursuant to § 1124.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1124.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and the disbursement of money so deducted.

§ 1124.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

Classification

§ 1124.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to § 1124.30 shall be classified by the market administrator pursuant to the provisions of §§ 1124.41 through 1124.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat dry milk solids contained in such product, plus all the water originally associated with such solids.

§ 1124.41 Classes of utilization.

Subject to the conditions set forth in §§ 1124.42 through 1124.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraphs (c) (2) and (3) of this section;

(2) In packaged fluid milk products in inventory at the end of the month; and

(3) Not accounted for as Class II milk or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce cottage cheese, frozen cream, plastic cream, ice cream, ice cream mix, frozen desserts, frozen dessert mixes, sour cream mixes to which other ingredients have been added (commonly referred to as "dips"), sterilized cream (including "half and half" and similar mixtures of cream and milk or skim milk) aseptically packaged eggnog, yogurt, and condensed milk or condensed skim milk (either plain or sweetened) utilized for any purpose other than those specified in paragraph (c)(1) of this section.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce aerated cream products, butter, butteroil, anhydrous butterfat, condensed milk or condensed skim milk (either plain or flavored) used to produce another Class III product in a pool plant or in a nonpool plant located within the marketing area, condensed buttermilk, cheese, except cottage cheese, sterilized products in hermetically sealed all-metal containers, nonfat dry milk, dried whole milk, dried buttermilk, dried whey, blends of dried milk products and products which contain 6 percent or more nonmilk fat (or oil);

(2) Disposed of to commercial manufacturers of bakery products, candy, meat products, animal feed, prepared foods in hermetically sealed metal containers, and prepared foods in dried or nonfluid form;

(3) Dumped after prior notification to and opportunity for verification by the market administrator;

(4) Used to increase the nonfat solids content of fluid milk products in excess of the pounds of milk so classified pursuant to paragraph (a)(1) of this section;

(5) In inventory of bulk fluid milk products on hand at the end of the month; and

(6) In shrinkage at each pool plant allocated pursuant to § 1124.42(b)(1) not to exceed the following:

(i) Two percent of receipts directly from producers and receipts of diverted producer milk from another pool plant if the diversion is accounted for on the basis of farm weights; plus

(ii) One and one-half percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1124.7(d), except that if the handler operating the pool plant files with the market administrator notice that he is receiving such milk on the basis of farm weights (determined from farm bulk tank calibrations and samples), the applicable percentage shall be two percent; plus

(iii) One and one-half percent of receipts of fluid milk products in bulk from other pool plants including diverted milk unless the rate of 2 percent is applicable under subdivision (i) of this subparagraph; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II or Class III utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class III utilization was requested by the handler; less

(vi) One and one-half percent of disposition in bulk to other milk plants either by transfers or diversions; and

(7) In shrinkage allocated pursuant to § 1124.42(b)(2); and

(8) In shrinkage resulting from milk for which a cooperative association is the handler pursuant to § 1124.7 (c) or (d) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of such receipts exclusive of those for which farm weights and tests are used as the basis of receipt at the plant to which delivered.

§ 1124.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler at each of his plants; and

(b) If the pool plant has receipts of other source milk, shrinkage shall be prorated between;

(1) A quantity equal to 50 times the maximum that may be computed pursuant to § 1124.41(c)(6); and

(2) Skim milk and butterfat in other source milk in the form of fluid milk products exclusive of those specified in § 1124.41(c)(5).

§ 1124.43 Responsibility of handlers and reclassification of milk.

(a) Except as provided in paragraphs (b) and (c) of this section, all skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) For the purposes of §§ 1124.41 through 1124.46, §§ 1124.50 through 1124.54, and §§ 1124.70 through 1124.71, milk delivered by a cooperative association in its capacity as a handler pursuant to § 1124.7(d), shall be classified and allocated as producer milk according to the use or disposition by the receiving handler and the value thereof at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1124.70;

(c) In the case of milk received from producers by a cooperative association handler pursuant to § 1124.7(d), the cooperative association shall be responsible for proving that skim milk and butterfat in such milk which was not received at a pool plant should be classified other than as Class I milk and the operator of a pool plant receiving skim milk and butterfat from a cooperative association handler pursuant to § 1124.7 (d) shall be responsible for proving that such skim milk and butterfat shall be classified other than as Class I milk; and

(d) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1124.44 Transfers.

Skim milk and butterfat disposed of in the form of a fluid milk product (or a Class II milk product moved between pool plants) by a handler, including a handler pursuant to § 1124.7(c), shall be classified as follows:

(a) At the utilization indicated by the operator of both plants, otherwise as Class I milk, if transferred or diverted from a pool plant to another pool plant, subject to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1124.46(a)(10) and the corresponding step of § 1124.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1124.46(a)(5), and the corresponding step of § 1124.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I milk utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1124.46(a) (9) or (10) and the corresponding steps of § 1124.46(b), the skim milk and butterfat so transferred shall be classified so as to assign to producer milk the greatest possible Class I utilization at both plants.

(b) As Class I milk, if transferred or diverted in bulk to a nonpool plant which is not an other order plant, a producer-handler plant or an exempt plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph, except that cream so transferred may be classified as Class III if the handler claims classification of such cream in Class III in his report pursuant to § 1124.30, the handler tags the container of such cream as for manufacturing purposes, and the handler gives the market administrator sufficient notice to allow him to verify the shipment:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1124.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I milk utilization disposed in the marketing area on routes shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(ii) Any Class I milk utilization disposed of in the marketing area of another order on routes issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by

such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I milk utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I milk utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I milk utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk to the extent of such uses at the plant and then as Class III milk; and

(v) If any skim milk or butterfat is transferred to a second plant under this paragraph, the same conditions of audit, classification, and allocation shall apply;

(c) If transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred or diverted in bulk form, classification shall be in Class I milk, if allocated as a fluid milk product under the other order to Class I milk; in Class II milk, if allocated to Class II milk under an order which provides three classes; or in Class III milk, if allocated to Class III milk under the other order or if allocated to Class II milk under an order which provides only two classes (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class III milk to the extent of the Class III milk utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I milk subject to adjustment when such information is available;

(5) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1124.41.

(d) As Class I, if transferred as a fluid milk product to a producer-handler or to an exempt plant under § 1124.60 (a) or (b).

§ 1124.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1124.30 and shall compute the skim milk and butterfat in each class at all pool plants of such handler and the pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1124.7 (c) and (d) and was not received at a pool plant. Producer milk for which a cooperative association is the responsible handler pursuant to § 1124.7 (c) or (d) shall be treated separately from the operations of any pool plant(s) operated by such cooperative association for the purpose of allocation pursuant to § 1124.46, and computation of obligation pursuant to § 1124.70.

§ 1124.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1124.45, the market administrator shall determine each month the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk classified as Class III milk pursuant to § 1124.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from a producer-handler as follows:

(i) From Class III milk the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk the remainder of such receipts but not in excess of 98 percent of the packaged fluid milk products disposed of to such producer-handler by the handler;

(4) Except for the first month this order is effective, or the first month in which a plant becomes a pool plant, subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(5) Subtract in the order specified below the pounds of skim milk in each of the following:

(i) From Class II, other source milk received in the form of a Class II product;

(ii) From the remaining pounds of skim milk in each class in series beginning with Class III:

(a) Other source milk in a form other than that of a fluid milk product or a Class II product;

(b) Receipts of fluid milk products except filled milk for which Grade A certification is not established, or which are from unidentified sources; and

(c) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order in excess of the amount subtracted pursuant to subparagraph (3) of this paragraph;

(d) Receipts of fluid milk products from an exempt plant; and

(e) Receipts of reconstituted skim milk in filled milk from unregulated supply plants.

(6) Subtract, in sequence beginning with Class III milk in the order specified below, from the pounds of skim milk remaining in Class III milk and Class II milk:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class III milk utilization, but not in excess of the pounds of skim milk remaining in Class III milk and Class II milk;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subdivision (5)(ii)(e) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk by 1.25; and

(b) Subtract from the result the sum of the pounds of skim milk in producer milk, in receipts from pool plants of other handlers and in receipts in bulk from other order plants;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from another order plant in excess of similar transfers or diversions to such plant, but not in excess of the pounds of skim milk remaining in Class III milk (and Class II milk), if Class III milk utilization was requested by the transferee handler and the operator of the transferor plant requests the lowest class utilization under the other order;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of bulk fluid milk products (and, for the first month the order is effective or the first month in which a plant becomes a pool plant, the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subdivision (5)(ii)(e) or subparagraph (6)(i) or (ii) of this paragraph.

(10) Subtract, beginning with Class III milk, from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case, of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (6)(iii) of this paragraph pursuant to the following procedure:

(i) Such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class III milk and Class II milk combined;

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1124.22(1); or

(b) The pounds of skim milk remaining in each class at a pool plant(s) of the handler;

(11) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from pool plants of other handlers by transfer or diversion according to the classification assigned pursuant to § 1124.44(a); and

(12) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in milk received from producers, from pool plants operated by cooperative associations, and from cooperative associations pursuant to § 1124.7(d), subtract such excess from the remaining pounds of skim milk in series beginning with Class III milk. Any amount so subtracted shall be known as overage.

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

Minimum Prices

§ 1124.50 Basic Formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the butter price. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

§ 1124.51 Class prices.

Subject to the provisions of §§ 1124.52 and 1124.53, the class prices per hundredweight for the month shall be computed as follows:

(a) *Class I milk.* For the first 18 months from the effective date of this section, the Class I price shall be the basic formula price for the preceding month plus $1.75, plus an additional 20 cents;

(b) *Class II milk.* The Class II price shall be the Class III price for the month plus 25 cents; and

(c) *Class III milk.* The Class III price shall be the basic formula price for the month, but not to exceed an amount computed as follows:

(1) Multiply by 4.2 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter at Chicago as reported by the Department for the month;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents, and round to the nearest cent.

§ 1124.52 Location adjustment to handlers.

(a) For producer milk and other source milk (for which a location adjustment is applicable) at a plant not located in the Oregon portion of the marketing area (except Umatilla County), or in the State of California which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the Class I price computed pursuant to § 1124.51 (a) shall be reduced by the following amounts:

(1) For any plant located in Lewis and Pacific Counties, Wash., 20 cents;

(2) For any plant (other than as specified in subparagraph (1) of this paragraph) which is more than 100 miles from the Multnomah County Courthouse in Portland, Oreg., by shortest hard-surfaced highway distance as determined by the market administrator, such price shall be reduced by 15 cents, plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 100 miles; and

(b) For purposes of calculating such adjustment, fluid milk products received at a pool distributing plant from another pool plant shall be assigned to Class I milk at the transferee plant in that amount which is in excess of the sum of receipts from producers and cooperative associations pursuant to § 1124.7(d) and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1124.53 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1124.51 shall be increased or decreased, respectively, for each one-tenth of 1 percent of butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply by 0.12 the butter price described in subparagraph (c)(1) of § 1124.51 for the preceding month;

(b) *Class II milk.* Multiply by 0.115 the butter price described in subparagraph (c)(1) of § 1124.51; and

(c) *Class III milk.* Multiply by 0.115 the butter price described in subparagraph (c)(1) of § 1124.51.

§ 1124.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or from other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price required.

Application for Provisions

§ 1124.60 Exemptions.

Sections 1124.40 through 1124.46, 1124.50 through 1124.54, 1124.70 through 1124.72, and 1124.80 through 1124.87 shall not apply to a producer-handler or an exempt plant described in paragraph (a) or (b) of this section:

(a) A distributing plant operated by a Government agency; and

(b) Any distributing plant from which less than an average of 300 pounds of Class I milk per day is disposed of in the marketing area on routes during the month.

§ 1124.61 Other order plants.

The provisions of this order shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may request and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1124.9(a) which also meets the pool plant requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk was disposed of during the month in such other Federal order marketing area on routes than was disposed of in this marketing area on routes, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of its Class I milk disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1124.9(a) which also meets the pool plant requirements of another Federal order on the basis of route distribution in such other marketing area, and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month in this marketing area on routes than is so disposed of in such other marketing area, but which plant maintains pooling status for the month under such other Federal order;

(c) A plant meeting the requirements of § 1124.9(b) which also meets the pool

plant requirements of another Federal order and from which greater shipments are made during the month to plants regulated under such other order than are made to plants regulated under this order.

§ 1124.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1124.30 and 1124.31(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section.

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1124.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk should be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1124.70(e) and a credit in the amount specified in § 1124.81(b) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph;

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1124.30 and 1124.31(b) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1124.8(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant;

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing areas;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class III price), subtract its value at the uniform price applicable at such location (not to be less than the Class III price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant (not to be less than the Class III price) less the value of such skim milk at the Class III price.

§ 1124.68 Payments to producers under the Oregon base plan.

Notification shall be given by the market administrator to producers and cooperative associations of intent to make payment of producer returns attributable to producers who participate in the Oregon Base Plan in accordance with § 1124.82(c)(2). Producers who participate in the Oregon Base Plan shall be identified as follows:

(a) Any producer whose farm is located in Oregon and whose milk is received at a plant located in Oregon unless such producer notifies the market administrator in writing before the first day of any month for which he first elects to receive payment at the applicable uniform price(s);

(b) Any producer member of any cooperative association operating in Oregon unless such cooperative association notifies the market administrator in writing before the first day of any month for which it first elects to receive payment for its members' milk at the applicable uniform price(s); and

(c) Any producer whose farm is located outside Oregon but whose milk is received at a plant located in Oregon if such producer notifies the market administrator in writing before the first day of any month for which he first elects to receive payment pursuant to such base plan rather than at the applicable uniform price(s).

DETERMINATION OF UNIFORM PRICES

§ 1124.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler pursuant to § 1124.7 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1124.46(c), by the applicable class prices (adjusted pursuant to §§ 1124.52 and 1124.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1124.46(a)(12) and the corresponding step of § 1124.46(b), by the applicable class prices;

(c) Add the amounts computed under subparagraphs (1), (2), and (3) of this paragraph;

(1) Multiply the difference between the appropriate Class III price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1124.46(a)(7) and the corresponding step of § 1124.46(b), for the current month;

(2) Multiply the difference between the appropriate Class III price for the preceding month and the appropriate Class II price for the current month by the hundredweight of skim milk and butterfat subtracted from Class II milk pursuant to § 1124.46(a)(7) and the corresponding step of § 1124.46(b), for the current month, or the hundredweight of skim milk and butterfat remaining in Class III milk after the calculation pursuant to § 1124.46(a)(10) and the corresponding step of § 1124.46(b), for the preceding month, less the hundredweight used in the computation pursuant to subparagraph (1) of this paragraph, whichever is less; and

(3) Multiply the difference between the appropriate Class I price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1124.46(a)(4) and the corresponding step of § 1124.46(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount.

(d) Add an amount equal to the difference between the value at the Class I price applicable to the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I milk pursuant to § 1124.46(a)(5) and the corresponding step of § 1124.46(b); and

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received

(but the adjusted price not to be less than the Class III price), with respect to skim milk and butterfat subtracted from Class I milk pursuant to § 1124.46(a)(9) and the corresponding step of § 1124.46(b).

§ 1124.71 Computation of uniform and weighted average prices.

For each month the market administrator shall compute the uniform and weighted average prices per hundredweight of milk as follows:

(a) (1) Combine into one total the values computed pursuant to § 1124.70 for all handlers who filed the reports prescribed by § 1124.30 for the month and who made the payments pursuant to § 1124.81 for the preceding month;

(2) Add an amount equal to the total value of the location differentials computed pursuant to § 1124.83;

(3) Subtract, if the average butterfat content of the milk specified in paragraph (1) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1124.84 and multiplying the result by the total hundredweight of such milk;

(4) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(5) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total hundredweight of producer milk; and

(ii) The total hundredweight for which a value is computed pursuant to § 1124.70(e); and

(6) Subtract not less than 4 cents nor more than 5 cents. The result shall be the "weighted average price." The result shall also be the "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants at which no location differential is applicable.

PAYMENTS FOR MILK

§ 1124.80 Producer-settlement fund.

(a) The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund."

(b) All payments made by handlers pursuant to § 1124.62 (a) and (b) and § 1124.81 shall be deposited in the fund and all payments made pursuant to § 1124.82 shall be made out of such fund.

§ 1124.81 Payments to the producer-settlement fund.

On or before the 16th day after the end of each month, each handler shall pay to the market administrator his net pool obligation computed pursuant to § 1124.70, less:

(a) The amount of the deductions and payments authorized by individual producers or cooperative association which are itemized on the handler's producer payroll; and

(b) (1) The value at the weighted average price computed pursuant to § 1124.71(a) applicable at the location of the plant(s) from which received (not to be less than the Class III price) with respect to other source milk for which values are computed pursuant to § 1124.70(e).

(2) In the calculation of the total amount of the deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than the total value of the milk received from such producer.

§ 1124.82 Payments from the producer-settlement fund.

(a) The market administrator shall compute the payment due each producer for milk received during the month from such producer by a handler(s) who made the payments for such month pursuant to § 1124.81 by multiplying the hundredweight of such milk by the appropriate uniform price(s) computed pursuant to § 1124.71 (a) or (b), whichever is applicable, adjusted by the location differential pursuant to § 1124.83 and the butterfat differential pursuant to § 1124.84, and less any charges or deductions made pursuant to § 1124.81(a).

(b) On or before the 20th day after the end of each month the market administrator shall pay direct to each producer who has not authorized a cooperative association to receive payment for such producer or for milk not subject to the Oregon Base Plan pursuant to § 1124.68, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section subject to the provisions of § 1124.86.

(c) On or before the 18th day after the end of each month, the market administrator, subject to the provisions of § 1124.86, shall pay:

(1) To each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, and which is not subject to the Oregon Base Plan pursuant to § 1124.68, an amount equal to the aggregate of the payments calculated pursuant to paragraph (a) of this section for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments; and

(2) To the Director, Milk Audit and Stabilization Division, Oregon State Department of Agriculture, for each producer and cooperative association for milk subject to the Oregon Base Plan pursuant to § 1124.68, the aggregate of the payments otherwise due such individual producers and cooperative associations pursuant to paragraph (b) and subparagraph (c)(1) of this section.

§ 1124.83 Location differentials to producers and on nonpool milk.

In making payments pursuant to § 1124.82, the market administrator shall reduce the uniform price computed pursuant to § 1124.71(a) by the location differential applicable at the location of the plant at which such milk was first physically received from producers and the uniform price of producer milk diverted to a nonpool plant according to the location of the nonpool plant, each at the rates set forth in § 1124.52; and

(b) For the purpose of computation pursuant to § 1124.81(b) the prices shall be adjusted at the rates set forth in § 1124.52 applicable at the location of the nonpool plant from which the mflk was received.

§ 1124.84 Butterfat differential to producers.

In making payments pursuant to § 1124.82 the applicable prices shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of the producer's milk is above or below 3.5 percent, respectively at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1124.46 by the butterfat differential for such class, dividing the sum of such values by the pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

§ 1124.85 Adjustment of accounts.

(a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in moneys due a producer, a cooperative association or the market administrator from such handler or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

(b) Any unpaid obligation of a handler pursuant to §§ 1124.81, 1124.86, and 1124.87 or paragraph (a) of this section including obligation incurred under this paragraph, shall be increased one-half of 1 percent on the 1st day of the month next following the due date of such obligation and at a similar rate on the 1st day of each month thereafter until such obligation is paid.

§ 1124.86 Marketing services.

(a) In making payments to producers pursuant to § 1124.82, the market administrator shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, with respect to the milk of producers (except the own production of a handler) for whom the marketing services set forth in paragraph (b) are not being performed by a cooperative association.

(b) The monies retained by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information and for the verification of weights, samples and tests of milk of producers for whom a cooperative association is not performing the same services on a comparable basis as determined by the Secretary.

§ 1124.87 Expense of administration.

As his pro rata share of the expense of administration of the order each handler shall pay to the market administrator on or before the 16th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk including a handler's own production;

(b) Other source milk allocated to Class I milk pursuant to § 1124.46(a)(5) and (9) and the corresponding steps of § 1124.46(b); and

(c) Class I milk disposed of from a partially regulated distributing plant in the marketing area on routes that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1124.88 Termination of obligation.

The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the 1st day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud, or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1124.90 Effective time.

The provisions of this order or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1124.91 Suspension or termination.

The Secretary shall, whenever he finds that this order or any provision of this order obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend this order or such provision of this order. This order shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1124.92 Continuing obligations.

If upon the suspension or termination of any or all provisions of this order, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1124.93 Liquidation.

(a) Upon the suspension or termination of any or all provisions of this order, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition; and

(b) If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1124.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this order.

§ 1124.101 Separability of provisions.

If any provision of this order or its application to any person or circumstances, is held invalid, the application of such provisions, and of the remaining provisions of this order, to other persons or circumstances shall not be affected thereby.

Base and excess plan. The following provisions are necessary to effectuate a base and excess plan in the order. If approved by producers voting individually in a separate referendum, they will be added to the preceding order provisions, or substituted for such order provisions, as specified below:

1. Section 1124.19 is added and reads as follows:

§ 1124.19 Base, base milk, and excess milk.

(a) "Base" means a quantity of milk expressed in pounds per day or per month, computed pursuant to § 1124.65 (a) and (b), respectively.

(b) "Base milk" means milk delivered by a producer during the month which is not in excess of:

(1) His daily base computed pursuant to § 1124.65(a) multiplied by the number of days of delivery in such month; or

(2) His monthly base computed pursuant to § 1124.65(b): *Provided*, That with respect to any producer with "every-other-day" delivery the days of nondelivery shall be considered as days of delivery for the purposes of this section and of § 1124.65(a).

(c) "Excess milk" means any delivery by a producer in excess of base milk.

2. In § 1124.30(a), the text of subparagraph (1) which precedes subdivision (i) is revised to read as follows:

§ 1124.30 Reports of receipts and utilization.

* * * * * * *

(a) * * *

(1) The receipts of milk and the pounds of butterfat contained therein including the total quantities of base milk and excess milk.

* * * * * * *

3. In § 1124.31(a), subparagraph (4) is added to read as follows:

§ 1124.31 Payroll reports.

* * * * * * *

(a) * * *

(4) The pounds of base milk and the pounds of excess milk for each producer.

4. The following centerhead is added after § 1124.62 and §§ 1124.65, 1124.66, and 1124.67 are added and read as follows:

DETERMINATION OF BASE

§ 1124.65 Computation of producer bases.

Subject to the rules set forth in § 1124.66, the market administrator shall determine bases for producers in the manner provided in paragraphs (a) and (b) of this section:

(a) The daily base of each producer whose milk was received at a pool plant(s) or diverted as producer milk from a pool plant on not less than one hundred twenty (120) days during the months of August through December, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered in such 5-month period by the number of days from the date of his first delivery to the end of such 5-month period. The base so computed, which shall be recomputed each year, shall become effective on the first day of February next following and shall remain in effect through the month of January of the next succeeding year: *Provided*, That for any dairy farmer for whom information concerning deliveries during the base-earning period is available to the market administrator and who becomes a producer as a result of (1) the plant to which his milk was delivered during the base-earning period subsequently being qualified as a pool plant, or (2) cancellation of a producer-handler's designation as such, a daily base shall be computed pursuant to this paragraph.

(b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have a monthly base computed by multiplying his deliveries to a pool plant(s) during the month by the appropriate monthly percentage in the following table:

January	70	July	55
February	70	August	60
March	65	September	60
April	55	October	65
May	45	November	70
June	50	December	70

§ 1124.66 Base rules.

The following rules shall be observed in the determination of bases:

(a) A base may be transferred upon written notice to the market administrator on or before the last day of the month of transfer, but under the following circumstances only: If a producer who earned a base pursuant to § 1124.65(a) sells, leases, or otherwise conveys his herd to another producer, the latter may receive the transferor's base, pursuant to the conveyance, and utilize such base for the remainder of the period for which such base is effective pursuant to § 1124.65(a), subject to the following conditions:

(1) Such base shall apply to deliveries of milk by the transferee producer from the same farm only;

(2) If such conveyance takes place subsequent to August 1 of any year, all milk delivered to a pool plant(s) between August 1 and the last day of the base-earning period as specified in § 1124.65 (a), inclusive, from the same farm (whether by the transferor or transferee producer) shall be utilized in computing the base of the transferee producer pursuant to § 1124.65(a);

(3) It is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this order; and

(4) Notwithstanding subparagraphs (1) and (2) of this paragraph, but in compliance with subparagraph (3) of this paragraph:

(i) A base, whether earned pursuant to § 1124.65(a) or received by transfer, may be transferred to a member of a baseholder's immediate family; and

(ii) In the case of a baseholder's death, a base earned pursuant to § 1124.65(a) by the baseholder or by a member of his immediate family may be further transferred to an outside party: *Provided*, That for purposes of this subparagraph a transfer to an estate shall not be considered as a transfer to an outside party.

(b) A producer who ceases deliveries to a pool plant for more than 45 days shall lose his base if computed pursuant to § 1124.65(a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 1124.65 (b) until he can establish a new base in the manner provided in § 1124.65(a).

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 1124.65 (a) may relinquish such base by cancellation. Such producer's base shall be computed in the manner provided by § 1124.65(b) and shall be effective from the first day of the month in which notice is received by the market administrator until the close of the period, pursuant to § 1124.65(a), for which such base was computed.

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 1124.10 may establish or earn a base pursuant to the provisions of § 1124.65, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated.

§ 1124.67 Announcement of established bases.

On or before February 5 of each year the market administrator shall notify each producer, the handler receiving his milk and the cooperative association of which he is a member of the producer's base computed pursuant to § 1124.65. Such base shall be effective from February 1 of each year through January of the following year.

5. In § 1124.71, paragraph (a)(6) is revised and a new paragraph (b) is added to read as follows:

§ 1124.71 Computation of uniform and weighted average prices.

* * * * * * *

(a) * * *

(6) Subtract not less than 4 cents nor more than 5 cents. The result shall be the "weighted average price." For all months prior to February 1970, the result shall also be the "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants at which no location differential is applicable.

(b) For February 1970 and all subsequent months the market administrator shall compute "uniform prices" for base and excess milk as follows:

(1) From the net amount computed pursuant to paragraph (a) (1) through (4) of this section, subtract the following:

(i) The amount computed by multiplying the hundredweight of milk specified in paragraph (a)(5)(ii) of this section by the weighted average price; and

(ii) The total value of the excess milk computed by assigning such milk in series beginning with Class III to the hundredweight of producer milk in each class, multiplying the quantities of milk so assigned to each class by the respective class prices for milk containing 3.5 percent butterfat content and adding together the resulting amounts;

(2) Divide the net amount obtained in subparagraph (1) of this paragraph by the total hundredweight of base milk and subtract not less than 4 cents nor more than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 3.5 percent butterfat content; and

(3) Divide the amount obtained in subparagraph (1)(ii) of this paragraph by the total hundredweight of excess milk and subtract any fractional part of 1 cent. This result shall be known as the uniform price per hundredweight of excess milk of 3.5 percent butterfat content.

6. In § 1124.83, the following language is substituted for paragraph (a):

§ 1124.83 Location differentials to producers and on nonpool milk.

(a) In making payments pursuant to § 1124.82 the market administrator shall reduce the uniform price computed pursuant to § 1124.71(a) and the uniform price for base milk computed pursuant to § 1124.71(b)(2) by the location differential applicable at the plant where such milk was first physically received from producers, and the uniform prices of producer milk diverted to a nonpool plant according to the location of the nonpool plant, each at the rates set forth in § 1124.52; and

Signed at Washington, D.C., on July 30, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-9092; Filed, Aug. 4, 1969; 8:45 a.m.]

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Civil Service Commission
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Economic Opportunity Office
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Federal Maritime Commission
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Correction

In F.R. Doc. 69–8949 appearing at page 12425 in the issue of Wednesday, July 30, 1969, in § 294.105(a), fifth line from the bottom, the phrase "U.S. Civil Commission" should read "U.S. Civil Service Commission".

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[§ 958.314]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, effective under the Agriculture Marketing Agreement Act of 1937, as amended 7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) The recommendations of the Committee reflect its appraisal of the composition of the 1969 crop of Idaho-Eastern Oregon onions and of the marketing prospects for this season. Harvesting of early transplant onions has already begun and harvesting of the regular late summer onion crop planted from seed is expected to begin on or about August 18.

The grade, size and maturity requirements provided herein are necessary to prevent immature onions, or those that are of poor quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality onions consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The regulations with respect to special purpose shipments for other than fresh market use are designed to meet the different requirements for such outlets.

(c) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1969 crop onions grown in the production area have already begun, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) the time intervening between the date of the committee's recommendation and the date when this section must become effective in order to effectuate the policy of the act is insufficient, (4) compliance with this section will not require any special preparation by handlers which cannot be completed by the effective date, and (5) information regarding the committee's recommendations relating to the marketing policy and proposed regulations was made available to producers and handlers in the production area.

§ 958.314 Limitation of shipments.

During the period August 8, 1969, through June 15, 1970, no person may handle any lot of yellow or white varieties of onions unless such onions are at least "moderately cured" as defined in paragraph (e) of this section or unless such onions are handled in accordance with paragraphs (b) and (c), or paragraph (d), of this section, and beginning August 18, 1969, no persons may handle any lot of such onions unless they meet the requirements of paragraph (a) of this section, or unless such onions are handled in accordance with paragraphs (b) and (c), or paragraph (d), of this section.

(a) *Grade, size and pack requirements*—(1) *Yellow varieties.* U.S. No. 1, 2 inches minimum diameter; or U.S. No. 2, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, 2 inches minimum diameter.

(2) *White varieties.* U.S. No. 1, 1½ inches minimum diameter; or U.S. No. 2, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, 1½ inches minimum diameter; or U.S. No. 2, or better, grade, 1 inch minimum to 2 inches maximum diameter if packed separately.

(b) *Special purpose shipments.* The minimum grade, size and quality requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting;
(2) Livestock feed;
(3) Charity;
(4) Dehydration;
(5) Canning; and
(6) Freezing.

(c) *Safeguards.* Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (b) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (b) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office, and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(d) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 1 ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, and quality requirements of this section. This exception shall not apply to any portion of a shipment that exceeds 1 ton of onions.

(e) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Grades of Onions (§§ 51.2830—51.2854 of this title). The term "moderately cured" means the onions are mature and are definitely fairly well cured but they need not be completely dry. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 1, 1969, to become effective August 8, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–9219; Filed, Aug. 5, 1969; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Movement of Swine and Swine Products

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962, cited below, the regulations relating to hog cholera and other communicable swine diseases (9 CFR Part 76) are hereby amended in the following respects:

1. Section 76.11 is amended to read as follows:

§ 76.11 Movement of swine and swine products from or through a quarantined area.

Swine and swine products may be moved interstate from or through a quarantined area only in accordance with the provisions of this section and §§ 76.1–76.6 and 76.13–76.33.

(a) *Movement of swine from a quarantined area.* Swine, except those subject to § 76.5 or § 76.6, may be moved interstate under this part from a farm of origin in a quarantined area directly to a federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) if:

(1) A permit is obtained from the Livestock Sanitary official of the State of destination for the movement of such swine into that State for immediate slaughter,[1]

(2) All swine on the premises of origin including the swine to be moved interstate are inspected on the premises of origin by a State or Federal veterinarian or an accredited veterinarian within 24 hours prior to the time the interstate movement is to begin and all swine on the premises are found to be free from symptoms of hog cholera and other contagious and infectious diseases of swine, except as provided in § 71.3(d)(1)–(4) of this chapter, and from known exposure to such diseases.

(3) The swine so moved are accompanied by a certificate issued by the inspecting veterinarian showing:

(i) That all swine in the herd of origin, including those covered by the certificate were inspected by him as prescribed in subparagraph (2) of this paragraph and found to be free from symptoms of hog cholera and other contagious and infectious diseases of swine, except as provided in § 71.3(d)(1)–(4) of this chapter, and from known exposure to such diseases.

(ii) The Consignee.

(iii) The Consignor.

(iv) The number of swine covered by the certificate.

(v) The individual eartag identification number of each animal covered by the certificate, and

(vi) A statement to the effect that swine covered by the certificate must be moved directly to a federally inspected slaughtering establishment for immediate slaughter without contact with other swine; shall not be unloaded en route; and shall not be diverted for any purpose; and

(4) All vehicles and equipment used in transporting the swine from the quarantined area are cleaned and disinfected in accordance with §§ 76.30, 76.31, and 76.33 under State or Federal supervision immediately following unloading.

(b) *Movement of swine products from a quarantined area.* Swine products, not derived from swine affected with or exposed to hog cholera, may be moved interstate from a quarantined area if they were produced in a federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

(c) *Movement of swine and swine products through a quarantined area.* Swine or swine products which are moved interstate in transit between points in nonquarantined areas through any quarantined area will be subject to all the requirements of this section for movement from a quarantined area if they are unloaded in the quarantined area unless all facilities[2] to be used therein in connection with the unloading have been approved for such purpose by an inspector of the Division as having been cleaned and disinfected before such use as prescribed in §§ 76.31—76.33 under the supervision of a person authorized for the purpose by an inspector.

(d) *Approval of stockyards and livestock markets in a quarantined area.* The approved status of all stockyards and livestock markets approved for the purposes of the regulations in this part under § 76.16 which are located in an area placed under quarantine because of hog cholera, shall be suspended (only for purposes of this part) when such area is placed under quarantine and shall be restored when such area is released from quarantine only upon compliance with all provisions of § 76.16: *Provided*, That such stockyards and livestock markets which qualify under § 76.1(w) may operate as clean stockyards[3] for the purpose of receiving interstate shipments of slaughter swine from a nonquarantined area.

(e) *Public stockyards.* No public stockyard located in an area quarantined because of hog cholera may handle interstate shipments of swine for any purpose: *Provided*, That such a stockyard may operate as a clean stockyard for the purpose of receiving interstate shipments of slaughter swine from a nonquarantined area.

(f) *Quarantine of swine or detention of swine products moving interstate from quarantined area.* The Director of Division may order the quarantine of swine or the detention of swine products found to be moving interstate from a quarantined area in violation of regulations contained in this part. Release from quarantine or other disposition of such quarantined swine or release of swine products so detained to prevent the spread of disease will be subject to requirement of special processing under § 76.14 or any other conditions which may be specified by the Director as necessary to prevent the spread of hog cholera or other communicable diseases of livestock. Except for supervision, no expense incurred in quarantining or otherwise disposing of quarantined swine or in detaining or disposing of detained swine products will be borne by the Department of Agriculture.

§ 76.12 [Deleted]

2. Section 76.12 is deleted.

The foregoing amendments provide a practical means by which swine and swine products not known to be and not suspected of being exposed to hog cholera may be moved interstate from and through an area under Federal quarantine because of hog cholera by easing the restrictions as previously set forth in §§ 76.11 and 76.12 of this part. Experience has shown that the previous restrictions were unnecessarily restrictive, and could be relieved as provided herein without incurring risk of spread of hog cholera.

The amendments must be made effective immediately in order to be of maximum benefit to affected persons. Accordingly under the administrative procedure provisions in 5 U.S.C. 553, it is found on good cause that notice and public procedure on the amendments are impracticable and unnecessary and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134–134h; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

Done at Washington, D.C., this 31st day of July 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-9218; Filed, Aug. 5, 1969; 8:48 a.m.]

[1] In each instance, the regulations of the State of destination should be consulted before interstate shipments are made.

[2] Information as to currently approved facilities and clean stockyards may be obtained from the Veterinarian in Charge, ARS, in the State in which they are located.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-SW-54; Amdt. 39-812]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A Helicopters

There has been one failure of the spool valve wire drive of a hydraulic actuator in the cyclic control system of the Bell 206A helicopters that resulted in a high force input to the control system. Since this condition is extremely hazardous and is likely to exist in other helicopters of the same type design, an airworthiness directive is being issued to require the replacement of the cyclic, collective and directional actuators with actuators that have a wire drive with improved design.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to all Bell Model 206A helicopters with wire drive P/N 30000649 installed in control system hydraulic actuators P/N 41103750, P/N 41103750-2 or P/N 41103650-005.

Compliance required as follows after the effective date of this AD unless already accomplished:

1. For helicopters with 850 hours or more of hydraulic actuator time, compliance is required within the next 25 hours of flight time.

2. For helicopters with less than 850 hours of hydraulic actuator operating time, compliance is required when 875 hours of hydraulic actuator time has been attained.

To prevent hazardous forces in the control system resulting from failure of the spool valve wire drive, accomplish the following:

Remove all cyclic, collective and directional hydraulic actuators P/N 41103750, 41103750-2, and 41103650-005 and replace with Hydraulic Research and Manufacturing hydraulic actuators P/N 41103750-003 (cyclic and collective) and 41103650-007 (directional).

(Bell Helicopter Co. Service Bulletin No. 206A-12 dated 7-25-69 pertains to this matter.)

This amendment becomes effective on August 6, 1969.

Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on July 25, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-9209; Filed, Aug. 5, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WA-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Transition Area, and Additional Control Areas; Correction

On July 3, 1969, F.R. Doc. 69-7862 was published in the FEDERAL REGISTER (34 F.R. 11182) which amends Part 71 of the Federal Aviation Regulations, effective 0901 G.m.t., July 24, 1969. Paragraph number "1" of that document contains an incorrect FEDERAL REGISTER citation number "(34 F.R. 5449)," which should read "(34 F.R. 4549)."

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, F.R. Doc. 69-7862 is amended, effective immediately, as follows:

In paragraph number "1," "Section 71.163 (34 F.R. 5449)" is deleted and "Section 71.163 (34 F.R. 4549)" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 1, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9210; Filed, Aug. 5, 1969; 8:47 a.m.]

[Regulatory Docket No. 9031]

[Special Federal Aviation Reg. 19A]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Secret Service Agents; Admission to Flight Deck

The purpose of this Special Federal Aviation Regulation is to continue the authorization of Secret Service Agents to be admitted to, and occupy a seat on, the flight deck of an aircraft carrying any person whose protection is a responsibility of the U.S. Secret Service under the laws of the United States.

The U.S. Secret Service is given protective responsibilities for the President of the United States, the Vice President, and other specified persons (18 U.S.C. section 3056). In addition, by a Joint Resolution of the Congress, the U.S. Secret Service has been given responsibility for furnishing protection to persons determined to be major presidential or vice presidential candidates (Public Law 90-331; 90th Cong., H. J. Res. 1292). The Joint Resolution directs Federal departments and agencies to assist the Secret Service, when requested by the Director thereof, in the performance of its protective duties under the Code and the Joint Resolution.

The Director of the Secret Service has requested an indefinite extension of Special Federal Aviation Regulation No. 19, issued on July 24, 1968, which authorizes a Secret Service Agent to ride in the flight deck area of an aircraft in the performance of his protective responsibilities when a person the agent protects is aboard an aircraft. The Secret Service is of the opinion that the authorization contained in the regulation is an important security measure.

Since the Secret Service has requested indefinite authorization, the FAA will initiate rule-making action to incorporate this authorization into Part 121 of the Federal Aviation Regulations. However, considering the urgent nature of this recent request for extension and the limited time remaining before termination of the present authorization on July 31, 1969, notice and public procedure would be impracticable. Therefore, the FAA has determined that under the circumstances the authorization should be further extended by means of a Special Federal Aviation Regulation for a period of 1 year.

This Special Federal Aviation Regulation authorizes agents of the Secret Service to enter the flight deck of an aircraft operated by an air carrier or commercial operator and to occupy an observer seat on that aircraft. It does not provide for free or reduced rates of transportation for those agents not otherwise authorized by law.

For the foregoing reasons, I find that notice and public rule-making procedures are impracticable at this time and that good cause exists for making this Special Federal Aviation Regulation effective on less than 30 days notice.

In consideration of the foregoing, the following Special Federal Aviation Regulation is hereby adopted to become effective July 31, 1969.

Contrary provisions of the Federal Aviation Regulations notwithstanding, whenever an Agent of the Secret Service who is assigned the duty of protecting a person aboard an aircraft operated by an air carrier or commercial operator considers it necessary in the performance of his duty to ride on the flight deck of that aircraft, he shall upon request and presentation of his Secret Service credentials to the pilot in command of the aircraft, be admitted to the flight deck and permitted to occupy an observer seat thereon.

This Special Federal Aviation Regulation shall terminate on July 31, 1970, unless sooner superseded or revoked by the Administrator.

(Secs. 313(a), 601, Federal Aviation Act of 1958, 72 Stat. 752, 755; 49 U.S.C. 1354(a), 1421; Public Law 90-331, 90th Cong., H.J. Res. 1292, June 6, 1968)

Issued in Washington, D.C., on July 31, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-9217; Filed, Aug. 5, 1969; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Related Pesticide Chemicals

Correction

In F.R. Doc. 69-8799 appearing at page 12434 in the issue of Wednesday, July 30, 1969, in § 120.3(e)(5), the first entry in the third column on page 12435 should read:

m-(1-Methylbutyl)phenyl methylcarbamate.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8–1—GENERAL

1. In § 8–1.305–6, paragraph (e) is amended and paragraphs (f), (g), and (h) are added so that the amended and added material reads as follows:

§ 8–1.305–6 Military and departmental specifications.

* * * * *

(e) In the absence of mandatory documents, specifications or purchase descriptions of other agencies may be used by the various marketing divisions when appropriate. These specifications or purchase descriptions may be modified to meet the needs of the Veterans Administration. However, if repeated use of these specifications or purchase descriptions is required, the Assistant Director, Supply Service for Marketing, will consider converting them to a Veterans Administration specification.

(f) A field station may use a specification or purchase description of another agency without prior approval when the specification or description will, without modification, satisfy its needs. If, however, the specification or description must be modified to meet the station's needs, a request setting forth the extent of such modification will be submitted to the Director, Supply Service, for approval prior to purchase.

(g) The Director, Publications Service is responsible for developing, publishing, and distributing Veterans Administration specifications covering printing and binding.

(h) Veterans Administration specifications, as they are revised, are placed in stock in the Forms and Publications Depot. Station requirements of these specifications will be requisitioned from that source.

2. Section 8–1.305–50 is revised to read as follows:

§ 8–1.305–50 Government paper specification standards.

Invitations for bids, requests for proposals, purchase orders, or other procurement instruments covering the purchase of paper stocks to be used in duplicating or printing, or which specify the paper stocks to be used in buying printing, binding, or duplicating will require that such paper stocks be in accordance with the Government Paper Specification Standards issued by the Joint Committee on Printing of Congress.

PART 8–3—PROCUREMENT BY NEGOTIATION

3. In § 8–3.207, paragraph (a) is amended to read as follows:

§ 8–3.207 Medicines or medical supplies.

(a) *General.* (1) Except as provided in this § 8–3.207 or when specific prior approval has been granted by the Director, Supply Service to a field station contracting officer, no Veterans Administration contracting officer shall enter into a contract by negotiation under authority of FPR 1–3.207, when the estimated cost of the item(s) required, singly or collectively, is in excess of $2,500 for a single transaction.

(2) When an individual is designated to act in the capacity of one of the positions specified in this § 8–3.207, that individual is authorized to consummate contracts in the same manner, and in the same amount, as the incumbent of the position.

* * * * *

4. In § 8–3.209, paragraph (a) is amended to read as follows:

§ 8–3.209 Subsistence supplies.

(a) (1) Except as provided in this § 8–3.209 or when specific prior approval has been granted by the Director, Supply Service to a field station contracting officer, no Veterans Administration contracting officer shall enter into a contract by negotiation under authority of FPR 1–3.209 when the estimated cost of the item(s) required, singly or collectively, is in excess of $2,500 for a single transaction.

(2) When an individual is designated to act in the capacity of one of the positions specified in this § 8–3.209, that individual is authorized to consummate contracts in the same manner, and in the same amount, as the incumbent of the position.

* * * * *

PART 8–7—CONTRACT CLAUSES

5. Section 8–7.150–22 is revised to read as follows:

§ 8–7.150–22 Services provided eligible beneficiaries.

The following clause will be included in all contracts covering services provided to eligible beneficiaries:

NONDISCRIMINATION IN SERVICES PROVIDED BENEFICIARIES

The contractor agrees to provide all services specified in this contract for any person determined eligible by the Chief Medical Director, or his designee, regardless of the race, color, religion, sex, or national origin of the person for whom such services are ordered. The contractor further warrants that he will not resort to subcontracting as a means of circumventing this provision.

PART 8–12—LABOR

6. Section 8–12.901 is added to read as follows:

§ 8–12.901 Statutory requirements.

With respect to any contract entered into under the authority of 38 U.S.C. 620 to provide nursing home care of veterans, the payment of wages not less than those specified in section 6(b) of the Fair Labor Standards Act of 1938, as amended, shall be deemed to constitute compliance with the provisions of section 2(b)(1) of the Service Contract Act of 1965. (38 U.S.C. 620(c))

7. Section 8–12.905–3 is revoked.

§ 8–12.905–3 Notice of intention to make a service contract. [Revoked]

8. Section 8–12.905–4 is added to read as follows:

§ 8–12.905–4 Use of minimum wage determinations and fringe benefit specifications.

When a contracting officer is unable to file the notice of intention required by FPR 1–12.905–3 within the time limit prescribed by paragraph (b) thereof, and a valid wage determination covering the mechanics or laborers who will be involved in the performance of the contract is not available, the invitation for bids or request for proposals will include one of the following:

(a) The wage determination covering this will, if received in sufficient time from the Department of Labor, be incorporated herein by amendment. This amendment must be acknowledged by the offeror; or

(b) The wage determination covering this proposed contract is not and will not be available prior to award. Therefore, the successful offeror certifies that the salaries paid workers involved in the performance of this contract (list mechanics, laborers, truck drivers or others utilized) are equal to or greater than those specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended (section 2(b) of the Service Contract Act of 1965). If the wage determination when received shows salaries greater than those certified by the contractor as being paid to the mechanics and/or laborers performing this contract, a change order covering the difference will be executed.

PART 8–16—PROCUREMENT FORMS

9. Subpart 8–16.4 is revised to read as follows:

Subpart 8–16.4—Forms for Advertised Construction Contracts

Sec.
8–16.401 Forms prescribed.
8–16.402 Required use.
8–16.402–2 Contracts estimated to exceed $2,000 but not to exceed $10,000.

AUTHORITY: The provisions of this Subpart 8–16.4 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

Subpart 8–16.4—Forms for Advertised Construction Contracts

§ 8–16.401 Forms prescribed.

(a) In contracting for repairs to homes acquired by the Veterans Administration through the operation of the Loan Guaranty Program, VA Form 26–6724, Invitation, Bid and/or Acceptance or Authorization, will be used.

(b) Contracts authorized to be made by management brokers in amounts of $200 or less will be made as prescribed by the Chief Benefits Director.

§ 8–16.402 Required use.

§ 8–16.402–2 Contracts estimated to exceed $2,000 but not to exceed $10,000.

Standard Form 22, Instructions to Bidders, will be used in all advertised construction contracts, other than those specified in § 8–16.401, which are estimated to cost in excess of $2,000 but not more than $10,000.

These regulations are effective immediately.

Approved: July 29, 1969.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69-9178; Filed, Aug. 5, 1969; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–42—PROPERTY REHABILITATION SERVICES AND FACILITIES

Reclamation of Precious Metals and Critical Materials

This amendment adds new Subpart 101–42.3 which outlines responsibilities with respect to the reclamation of precious metals and critical materials. It provides guidelines for the reclamation of silver and requires reports on such reclamation. New Subpart 101–42.49 is also added to illustrate suggested formats for recording agency surveys and for reporting to GSA on the recovery of silver.

Part 101–42 is amended by the addition of new Subpart 101.42.3 and new Subpart 101–42.49, as follows:

Subpart 101–42.3—Reclamation of Precious Metals and Critical Materials

Sec.
101–42.300 Scope of subpart.
101–42.301 Reclamation determinations.
101–42.301–1 GSA responsibilities.
101–42.302 Recovery of silver from used photographic fixing solution and scrap film.
101–42.302–1 Agency surveys.
101–42.302–2 Reporting to GSA.
101–42.302–3 General guidelines for the recovery of silver from used photographic fixing solution.
101–42.302–4 Agencies' responsibility.
101–42.302–5 General guidelines for the recovery of silver from scrap film.
101–42.302–6 Detailed guidelines for recovery of silver from used photographic fixing solution and scrap film.

Subpart 101–42.4—101–42.48 [Reserved]

Subpart 101–42.49—Illustrations

101–42.4900 Scope of subpart.
101–42.4901 Survey format to evaluate the recovery potential of an activity of a Federal agency
101–42.4902 Format for semiannual reporting to GSA on the recovery of silver from used hypo solution and scrap film.

AUTHORITY: The provisions of Subpart 101–42.3 and Subpart 101–42.49 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101–42.3—Reclamation of Precious Metals and Critical Materials

§ 101–42.300 Scope of subpart.

This subpart prescribes the policy and procedures for reclamation of precious metals and critical materials from articles of excess personal property.

§ 101–42.301 Reclamation determinations.

Situations will occur where, in terms of economy and efficiency, it is in the best interest of the Government to reclaim precious metals and critical materials from articles of excess personal property in lieu of other methods of disposal. GSA will determine when reclamation is appropriate, based on the supply-demand factor, the price of the commodity, and the cost of reclaiming the precious metal or critical material, each given proper weight. Precious metals that may be designated for recovery are gold, silver, and metals in the platinum group. Examples of silver-bearing scrap and waste include spent photographic hypo solution, photograpic and X-ray film, silver alloy film, dental scrap, etc. Strategic and critical materials, lists of which may be issued from time to time as provided in § 101–14.106, may also be designated for reclamation.

§ 101–42.301–1 GSA responsibilities.

GSA has the responsibility for the initation of Government-wide precious metals and critical materials reclamation programs, when it is determined to be in the best interest of the Government, and for the issuance and administration of applicable contracts, except those issued and administered by the Department of Defense for silver recovery and refinement operations.

§ 101–42.302 Recovery of silver from used photographic fixing solution and scrap film.

Heads of executive agencies shall be responsible for establishing, maintaining, and pursuing a program for silver recovery from used photographic fixing (hypo) solution and scrap film.

§ 101–42.302–1 Agency surveys.

Agencies having activities that generate used photographic fixing solution and scrap film and that do not have a recovery program shall survey each such activity to evaluate recovery potential and implement recovery procedures when economically feasible. Such surveys shall be made a matter of record and annually updated. A copy of each original or updated survey shall be made available upon request to the General Services Administration, Property Management and Disposal Service, Office of Personal Property Disposal—DP, Washington, D.C. 20405. Section 101–42.4901 illustrates a suggested format for recording survey data.

§ 101–42.302–2 Reporting to GSA.

Executive agencies generating used photographic fixing solution and scrap film shall report to the General Services Administration, Property Management and Disposal Service, Office of Personal Property Disposal—DP, Washington, D.C. 20405, on a semiannual basis, the number of activities recovering silver from hypo solution, the amount of silver recovered in terms of troy ounces, the method of recovery, the amount of silver recovered from scrap film, the method of recovery or disposal of scrap film, and the agency's estimate of savings for the period. Section 101–42.4902 illustrates a suggested format for the report. Reports shall cover the first 6 months and the last 6 months of each calendar year, and will be submitted within 30 days following the end of the reporting period.

§ 101–42.302–3 General guidelines for the recovery of silver from used photographic fixing solution.

The basic factors that determine the potential quantity of recoverable silver are: (a) The amount of used fixing solution generated; (b) the amount and type of film processed; and (c) the physical layout of the photographic facility. Since these factors may vary for each activity, no single method of recovery can be prescribed. Excess photographic fixing solutions will be processed so as to recover the maximum amount of silver from that present in the solution, consistent with overall economic feasibility. Recovery can be effected either by Government-owned equipment or by commercial recovery contractors. Chemical precipitation, metallic replacement, or electrolytic methods may be used. Various types of recovery equipment are available which permit economic silver recovery from both large and small quantities of used fixing solution.

§ 101–42.302–4 Agencies' responsibility.

Agencies should consider the possibility of installing a silver recovery unit regardless of the quantity of hypo solution generated. There are many types of units available which will permit economical recovery from large or small quantities of solution. Where an activity generates small quantities and tests show that there is a minimal amount of silver per gallon of solution, arrangements should be made with another agency in the area, which is using a recovery unit, to receive and process its hypo solution to the extent feasible. When consolidation with other agencies is not practicable, and information and assistance with regard to recovery techniques are required, the GSA regional office serving the area should be contacted. If the silver cannot be economically recovered by Government-owned equipment, or by a commercial recovery contractor, the solution should be disposed of in accordance with Part 101–45.

§ 101–42.302–5 General guidelines for the recovery of silver from scrap film.

Scrap film, the silver content of which varies according to the type of film and degree of exposure, is a source for reclamation. The easiest method of reclaiming silver from scrap film is to burn it. The destruction of scrap film by burning and reducing it to ash can provide economy through savings in transportation costs as well as the conservation of the silver. This must be done by controlled burning without an open flue. Recovery on site by this method should only be accomplished at those agencies or installations where adequate facilities exist and the local code on burning permits it. An indirect method of recovery is disposal by sale. In this method, film should be accumulated and periodically disposed of by sale in accordance with Part 101–45.

§ 101–42.302–6 Detailed guidelines for recovery of silver from used photographic fixing solution and scrap film.

Detailed guidelines and economic criteria for evaluating silver recovery potential and establishing recovery programs are contained in the GSA pamphlet, "Guide for the Recovery of Silver from Used Fixing Solution and Scrap Film" (FPMR 101–42), copies of which may be obtained from regional Property Management and Disposal offices of the General Services Administration, or from a Federal agency's GSA publications liaison officer.

Subpart 101–42.4—101–42.48 [Reserved]

Subpart 101–42.49—Illustrations

§ 101–42.4900 Scope of subpart.

This subpart illustrates suggested formats for recording and reporting as prescribed in this Part 101–42. Due to the limited requirement for this information, printed forms are not provided.

§ 101–42.4901 Survey format to evaluate the recovery potential of an activity of a Federal agency.

Agency _____ Date _____
Activity _____ Supervisor _____
Address _____ Telephone No. _____

1. How many gallons of exhausted fixing solution are generated per month at your activity? _____ gallons.
2. Average silver content per gallon. _____ Troy ounces.
3. Estimated monthly accumulation. _____ Troy ounces.
4. Number of locations at your activity where a silver recovery program is established. _____
5. Method of recovery.
6. Estimated monthly generation of scrap film. _____ pounds.
7. Type of scrap film generated: X-ray _____ Motion Picture _____ Other _____
8. Amount of silver recovered from scrap film monthly. _____ Troy ounces.
9. Method of recovery.
10. If your activity does not now have a silver recovery program, does it anticipate establishing such a program? Yes __ No __

§ 101–42.4902 Format for semiannual reporting to GSA on the recovery of silver from used hypo solution and scrap film.

Agency _____ Date _____
Address _____ Report prepared by _____
Period Covered _____ Telephone No. _____

1. Number of activities included in report _____
2. Number of activities recovering silver from hypo solution _____
3. Number of activities not recovering _____
4. Amount of silver recovered _____ troy ounces.
5. Method of recovery
6. Amount of silver recovered from scrap film _____ troy ounces.
7. Amount of scrap film disposed _____ pounds.
8. Method of recovery or disposal.
9. What disposition is made of recovered silver?
10. What is your estimate of savings for the period? Describe the formula used to compute the savings.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: July 29, 1969.

JOHN W. CHAPMAN, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 69–9187; Filed, Aug. 5, 1969; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT

Subpart—Allowability of Costs Incurred To Borrow Funds

Chapter X, Part 1068 of Title 45 of the Code of Federal Regulations is amended by adding a new subpart, reading as follows:

Subpart—Allowability of Costs Incurred To Borrow Funds

Sec.
1068.4–1 Applicability of this subpart.
1068.4–2 Policy.
1068.4–3 Funding delays.
1068.4–4 Processing procedure.
1068.4–5 Accounting.
1068.4–6 Record of requests.
1068.4–7 Delegate agency borrowing.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

§ 1068.4–1 Applicability of this subpart.

This subpart applies to all programs financially assisted under Titles I, II, and III–B of the Economic Opportunity Act of 1964, as amended. If the assistance is administered by OEO.

§ 1068.4–2 Policy.

(a) Normally agencies (CAAs and other grantees) receiving grants from OEO are prohibited from using grant funds to pay interest or other charges incurred to borrow funds. This prohibition does not apply to the use of grant funds to defray interest costs incurred in approved business investment programs under Title I–D and other economic development grants. Grantees that run short of funds as a result of a delay in receiving a refunding grant are expected to, where possible, take the following steps to obtain temporary relief:

(1) Use their unexpended and carry-over balances;

(2) Use other available OEO funds on a temporary basis;

(3) Arrange for temporary use of any other funds they may have;

(4) Postpone payment of all but fixed expenses, such as salaries;

(5) Obtain an interest free loan, if possible, or pay the loan cost from non-grant funds.

(b) If a grantee must obtain a loan to continue an approved program, and if the loan will accrue interest or incur other charges to be paid from grant funds, the grantee must obtain written permission from the appropriate OEO granting office to make such payments from grant funds. However, OEO normally will not give permission to use grant funds for this purpose if the:

(1) Time for which the grantee will have to borrow funds is less than ten (10) days; or

(2) Delay in the timely refunding of the grant is the fault of a grantee; or

(3) Grantee receives more than 50 percent of its funds from sources other than the Federal government.

(c) Permission to charge costs to a grant shall not be given to a grantee until the:

(1) Refunding grant has been signed by OEO and accepted by the grantee;

(2) Approvals required by section 232 (d) and 242 of the Economic Opportunity Act have been obtained, when required; and

(3) Grantee has been notified that costs may be incurred against the grant.

(d) Grantees shall not be given permission to charge to their OEO grant

interest and costs incurred to borrow funds to begin a new program.

§ 1068.4–3 Funding delays.

Field representatives must be aware of the refunding status of all grants they are responsible for. When it appears that there will be delay in releasing funds for a refunding grant through no fault of a grantee and the conditions of § 1068.4–2 (b) and (c) have been met, field representatives shall advise the grantee of the approximate time that may elapse before the funds are released. If a grantee finds it necessary to request authorization to charge borrowing costs to its grant as a result of this notification, a written request should be submitted to the processing unit to which the signed acceptance copy of the grant was returned.

§ 1068.4–4 Processing procedure.

(a) The following procedure is suggested for the use of OEO granting offices when processing requests for authorization to incur borrowing costs.

(b) When a processing unit receives a request to charge the cost of borrowing funds to a grant, it must verify that the conditions of § 1068.4–2 (b) and (c) have been met. For regional grants, the Regional Office will estimate the number of days that may elapse between the effective date of the refunding grant and the date when funds will be released. Consideration should then be given to the amount of carry-over funds (if any) the grantee estimated it would have before deciding whether to approve the request.

(c) For Headquarter's administered grants, the program analyst, program director and chief of the processing unit will be responsible for determining whether to recommend approval of borrowing requests.

(d) When a decision to recommend approval of a borrowing request is made, the granting office involved should estimate the maximum amount of funds that the grantee will need and which he may be authorized to borrow. The estimate should be based on: (1) knowledge of the grantees usual level of fixed monthly expenditures, and (2) discussions with the grantee. Generally, the estimate should only include funds needed for payment of fixed expenses such as salaries which cannot be deferred for a short period.

(e) A memorandum recommending approval of the request should be prepared and forwarded for the approval of the regional or headquarters official that authorized the grant (Regional Director for grants administered by the regions and Director of the Community Action Program for all other grants.)

(f) Grantees should be notified in writing or by telegram of the action taken on the request. The notification should include the following, if the request is approved:

(1) The maximum amount of funds that may be borrowed;

(2) The length of time for which interest or other charges may be incurred;

(3) The earliest date that interest charges may be incurred (prior interest is not chargeable to a grant);

(4) A statement that the interest rate may not exceed the current prime interest rate for commercial loans in the area where the grantee is situated;

(5) A statement that the CAA must have in its record a certification that no other funds are available for temporary transfer nor were interest-free loans available.

§ 1068.4–5 Accounting.

Authorized interest payments on loans and other expenses incident to borrowing will be charged as an item under "Other Expenditures" in grantee's financial record. Allowable costs connected with obtaining loans, such as travel expenses, should be charged to the usual accounts used to record these expenditures. Interest charges that are paid from other sources may not be credited as a non-Federal share contribution.

§ 1068.4–6 Record of requests.

Regional Offices and Headquarters Program Offices shall maintain a list of the grantees that request authorization to charge interest on loans to their grants. The list should be annotated to show the following information:

(a) Grantee name and grant number;

(b) Effective date of new program year and date grant action signed;

(c) Date grantee informed that costs could be incurred under the grant;

(d) Earliest date interest charges could be incurred and for how long;

(e) Maximum amount of loan;

(f) Whether it was necessary to extend the authorization for a longer period;

(g) Reason for the delay in releasing funds.

§ 1068.4–7 Delegate agency borrowing.

Interest payments on loans and other expenses incident to borrowing incurred by delegate agencies of grantees will not be allowed as charges against an OEO grant.

Effective date. This subpart shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

THEODORE M. BERRY,
Director, Community Action Program.

[F.R. Doc. 69–9179; Filed, Aug. 5, 1969; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds; Correction

The document amending Part 10 of Chapter I of Title 50 of the Code of Federal Regulations published in the FEDERAL REGISTER on Wednesday, July 30, 1969, at 34 F.R. 12436, is corrected by changing the dates of the mourning dove season in Arkansas from "Dec. 15–Jan. 15" to "Dec. 16–Jan. 11" in § 10.41 (b) of the table of seasons.

(40 Stat. 755; 16 U.S.C. 703 et seq.)

Effective date. This correction becomes effective upon publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 1, 1969.

[F.R. Doc. 69–9173; Filed, Aug. 5, 1969; 8:45 a.m.]

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Birds

Correction

In F.R. Doc. 69–8783, appearing at page 12438 in the issue of Wednesday, July 30, 1969, the following corrections are made:

1. In paragraph (a) of § 10.41, the opening date for Virginia is corrected to read "Sept. 6".

2. In paragraph (c) of § 10.53, the closing date for Connecticut is corrected to read "Nov. 8" and the closing date for Maine is corrected to read "Nov. 9".

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

The Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 et seq.), authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER of May 14, 1969 (34 F.R. 7654–7655), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for migratory game birds for the 1969–70 hunting seasons.

Interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sports Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240, within 30 days following the date of publication of the notice.

Subsequently, after due consideration of migratory game bird survey data, obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife and State game departments, and from other sources, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. Since this amendment benefits the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER.

Section 10.53(d) is revised to read as follows:

§ 10.53 Seasons and limits on waterfowl, gallinules, coots, and Wilson's snipe.

* * * * *

(d) (1) In Wisconsin, during the 1969–70 waterfowl season, the kill of Canada geese will be limited to not more than 25,000 birds; 17,000 of which may be taken in the area designated as the Horicon Zone and 8,000 in the remainder of the State.

Horicon Zone: The Horicon Zone includes portions of Columbia, Dodge, Fond du Lac, Green Lake, Marquette, Waushara, Washington, and Winnebago Counties, bounded on the north by State Highway 21, on the east by U.S. Highway 45 from Oshkosh to Fond du Lac and then State Highways 175 and 83, on the south by State Highway 60, and on the west by State Highway 73.

CANADA GEESE

	Horicon zone	Remainder of State
Daily bag limit	1	1
Possession limit	1	2

Shooting hours: One-half hour before sunrise until sunset daily.

Seasons in:
Horicon Zone..... Oct. 18–Nov. 3.
Remainder of State.. To be selected.

(2) Seasons and tag validity: In the Horicon Zone, the hunting periods and numbers of valid permits and tags issued in each period will be as follows:

Period No.	Valid dates (inclusive)	Number of permits and tags issued	Days valid
1	Oct. 18–31	10,500	14
2	Oct. 20–Nov. 2	10,500	14

In the remainder of Wisconsin, excluding the Horicon Zone permits will be valid for the full length of the Canada goose season.

(i) (a) Each person must have been issued in his name and must carry on his person while hunting Canada geese a valid State hunting license, Migratory Bird Hunting Stamp, and a valid Canada goose permit and report card, to hunt Canada geese in Wisconsin during the 1969 season.

(b) In addition, each person must have been issued in his name and must carry on his person while hunting Canada geese in the Horicon Zone, a Canada goose tag attached to the Canada Goose Permit and report card. Licensed hunters less than 16 years of age are not required to have a Migratory Bird Hunting Stamp. The required permits and tags are non-transferable.

(ii) (a) In the Horicon Zone to be valid, the tag must remain attached to the permit and report card until a Canada goose is reduced to possession. Then the tag must be removed from the permit and report card, and the permittee must immediately attach the tag securely around one leg of the Canada goose by compressing the adhesive surfaces together.

(b) The goose cannot be carried or transported in any manner without the tag being attached. The tag must remain on the goose until it reaches the abode of the permit holder. The tag may not be reused.

(iii) (a) It is mandatory that each person hunting in the Horicon Zone, report on tag use or nonuse, using the card provided.

(b) Outside the Horicon Zone, each permit holder must report the number of Canada geese he killed using the card provided. The report must be placed in the mail within 12 hours following the close of the period for which the permit was valid. Unused tags issued for the Horicon Zone must be returned attached to the corresponding report card.

(3) Application procedure:

(i) Applications will be made available to the public about the last week of August and must be mailed no later than September 13, 1969. All applications postmarked after September 13, 1969, will be disqualified, excepting applications from persons in the military service on duty outside the State during the regular application period. Such persons may apply anytime after September 14, 1969. Such applications must be accompanied by a notarized statement attesting such duty. Applications will be disqualified because of incompleteness, illegibility, tardiness in receipt, or duplication. A duplicate application will disqualify all applications by an individual.

(ii) In the Horicon Zone, each successful applicant will receive one permit, tag, and report card. In the event that the number of applicants exceeds the number of permits and tags available, successful applicants will be randomly selected by electronic data processing (EDP) equipment. Nonresident applicants will not be discriminated against.

(iii) In the remainder of Wisconsin, outside the Horicon Zone, a permit and report card will be issued to each applicant. Applicants unsuccessful in receiving a permit, tag, and report card valid for the Horicon Zone will receive a permit and report card valid in the remainder of the State. Individual applicants may receive a permit, tag, and report card valid in the Horicon Zone or a permit and report card valid in the remainder of the State, but may not receive them for both zones.

(iv) Tags and permits will be issued in the name of individuals, and will be nontransferable. Applications must be signed by the person(s) requesting tags and permits.

(v) Application forms will be available from county clerks, State hunting and fishing license depots, and from Wisconsin conservation department offices in Spooner, Woodruff, Black River Falls, Oshkosh, and Madison.

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 1, 1969.

[F.R. Doc. 69-9175; Filed, Aug. 5, 1969; 8:45 a.m.]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of deer with firearms on the Flint Hills National Wildlife Refuge, Kans., is permitted from December 6 through December 10, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

(1) Vehicle access shall be restricted to designated parking areas and existing roads.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 10, 1969.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kans.

JULY 18, 1969.

[F.R. Doc. 69-9188; Filed, Aug. 5, 1969; 8:46 a.m.]

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrows on the Flint Hills National Wildlife Refuge, Kans., is permitted from

October 1 through November 30, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

(1) Vehicle access shall be restricted to designated parking areas and existing roads.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1969.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kans.

JULY 18, 1969.

[F.R. Doc. 69-9189; Filed, Aug. 5, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

St. Vincent National Wildlife Refuge, Fla.

The following special regulations are issued and are effective upon publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

FLORIDA

ST. VINCENT NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Vincent National Wildlife Refuge, Franklin County, Apalachicola, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 360 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations.

(1) The sport fishing season extends from date of this announcement through October 30, 1969.

(2) Fishermen are permitted on the refuge from 1 hour before sunrise to 1 hour after sunset.

(3) No motors of any type may be used.

(4) Users must follow designated routes of travel from the beach to the open fishing area.

(5) Boats may be left on the island at designated points during the open season provided they are identified with their owner's name and address. Boats must be removed from the refuge no later than October 30, 1969.

(6) Use of live minnows as bait is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 30, 1969.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 28, 1969.

[F.R. Doc. 69-9174; Filed, Aug. 5, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Sport fishing, including the taking of frogs, on the Flint Hills National Wildlife Refuge, Kans., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,500 acres of reservoir waters and approximately 28 miles of river and stream channel, are delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing, including the taking of frogs, extends from March 15 through September 9, 1970, inclusive, although during the period September 10, 1969 through March 14, 1970, inclusive, Eagle Creek and the Neosho River only are open to fishing, except that the Neosho River oxbow northeast of Strawn is closed as marked by buoys, and fishing in the refuge portion of John Redmond Reservoir below the mouth of the Neosho River is permitted in the river channel as marked by buoys.

(2) Vehicle access shall be confined to existing roads and trails not otherwise marked as closed to vehicle use.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 9, 1970.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kans.

JULY 17, 1969.

[F.R. Doc. 69-9190; Filed, Aug. 5, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1132]

[Docket No. AO-262-A19]

MILK IN TEXAS PANHANDLE MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Texas Panhandle marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Amarillo, Tex., on July 15, 1969, pursuant to notice thereof which was issued June 26, 1969 (33 F.R. 11099).

The material issues on the record of the hearing relate to:

1. Responsibilities of cooperative association handlers of milk in bulk tank trucks and of other handlers receiving milk from such cooperative associations.
2. Dates on which payments should be made to cooperative associations.
3. Whether an emergency exists with respect to issues 1 and 2.
4. Division of 2 percent shrinkage allowance.
5. Classification of sour cream and sour cream dips.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Responsibilities of handlers.* A cooperative association which acts as a handler on milk received from member producers' farms in a tank truck owned or operated by such association or under control of such association, by contract or otherwise, should be responsible for reporting and accounting for such receipts and the disposition of such receipts to pool and nonpool plants. Handlers receiving milk at pool plants from such a cooperative association handler should be responsible for reporting and accounting for the utilization of such receipts in their pool plants.

Under present order provisions the cooperative is responsible for reporting the utilization of milk it delivers to pool plants. In practice, however, the pool plant operators report their utilization of milk to the market administrator and the market administrator provides the necessary information to the cooperative for its report.

The cooperative association which controls the hauling of milk from its members' farms to plants assumes responsibility for determining the weight and butterfat test of milk picked up from individual farms. It should also account for the aggregate quantity and butterfat content of milk received from all member producers' farms.

The cooperative should also account for the quantities of such receipts delivered to pool and nonpool plants. In the case of deliveries to nonpool plants, the cooperative should ascertain the classification of such deliveries and report such utilization to the market administrator. The cooperative should also report as its producer milk any excess of milk or butterfat receipts from farms which was not delivered to plants.

Operators of pool plants should report receipts from such cooperative association handlers as a receipt of producer milk. The pool plant operator should report and account to the producer-settlement fund according to his utilization of such producer milk.

This assignment of responsibility fits the actual circumstances and functions of handling controlled by the cooperative and the pool plant operator, respectively.

When milk is delivered from farms to a plant in a bulk tank truck, the hauler determines the weight of milk picked up at individual farms and takes samples of each lot for butterfat tests. After the milk is commingled with milk of other producers in a tank truck, there is no further opportunity to measure, sample, or reject the milk of an individual producer. Therefore, when weighing and testing are conducted under the direct supervision and control of a cooperative association, the cooperative should be the handler responsible for reporting receipts of milk from member producers and its disposition to plants, for pooling any such milk not disposed of to pool plants and for payments to individual member producers.

Although the cooperative association is responsible for accounting to the pool for the weight and tests of milk determined at the farm, handlers may purchase milk at such weights and tests instead of the scale weight and butterfat test of the bulk tank truckload. One handler was purchasing milk from the cooperative association on this basis at the time of the hearing. If a pool plant operator purchases on this basis, the entire quantity as measured at the farm becomes producer milk receipts of the pool plant operator.

The operator of the pool plant to which a cooperative association delivers milk picked up at the farm is the handler in control of the utilization of milk so received. He therefore should be responsible for reporting its utilization and for its value at the class prices applicable to such utilization. This can be accomplished by treating such milk the same as other producer milk at the pool plant.

The pool plant operator would be responsible to the producer-settlement fund and for administrative expense assessment on milk it received from the cooperative. The pool plant operator would be charged the class prices based on his utilization of milk he received at his plant from the cooperative association and would pay the cooperative handler the minimum uniform price for such milk, the same as for milk received from an individual producer. This assignment of responsibility for producer milk was proposed by the cooperative association which represents all producers supplying the market. This cooperative acts as a handler on milk delivered from member farms to plants in trucks it controls. There was no opposition to the proposal.

2. *Payment dates.* The order should specify dates on which a handler operating a pool plant shall pay a cooperative association handler for producer milk received from such cooperative association. The dates for partial and final payments should be at least 2 days earlier than the dates on which individual producers must be paid. This will permit the cooperative association to pay its members at the same time individual producers receive payment.

Also, the order should be corrected to require payments to cooperative associations acting as collecting agents (not handlers) as follows: partial payment on or before the 26th day of the month of delivery, final payment on or before the 13th day of the month following the month of delivery. Since the cooperative in this market acts as the handler on all deliveries to pool plant operators, this provision is not applicable to current transactions. However, if the marketing practice changes and a cooperative acts only as a collecting agent, the payment

dates should be the same as those applicable to receipts of producer milk on which the cooperative association acts as the handler.

3. *Emergency with respect to issues one and two.* Although the changes in order provisions as discussed under issues one and two should be made effective as soon as possible, they are not so urgent as to necessitate the omission of a recommended decision.

The proponent of the amendments to require a pool plant operator to account for milk received from a cooperative association handler as producer milk and to pay the cooperative at the uniform price on specified dates urged the omission of a recommended decision on these issues. The cooperative witness claimed one handler is delaying payments with the excuse that the order does not require earlier payment.

Since about the first of this year, payments by this handler have been about 2 weeks late, the partial payment being made on or before the 13th day of the following month and the final payment being made on or before the 26th day of the following month.

The order should be amended promptly to specify the responsibility and payment dates as proposed herein. However, the amendments to carry out this and other purposes dealt with in this decision are extensive and they deserve consideration in a recommended decision.

4. *Division of shrinkage.* The shrinkage allowance of 2 percent of receipts of producer milk which may be classified in Class II should apply when a pool plant operator purchases producer milk from a cooperative association handler on the basis of farm weights and tests.

The order now provides the plant operator a maximum Class II shrinkage allowance of 1½ percent of receipts from a cooperative association acting as a handler on bulk tank milk. The allowance applies whether the handler buys on the basis of farm weights and tests or on the weight and test of the truckload.

The order also allows shrinkage of one-half percent of the aggregate weight of milk at the farms for the cooperative handler even though the pool plant operator buys on the basis of farm weights and tests. Obviously, when the handler purchases from the cooperative on the basis of farm weights and tests, there is no loss sustained by the cooperative handler. To the extent there is some shrinkage in the farm to plant transfer, such shrinkage is sustained by the pool plant operator when he accounts for the receipt at the full amount measured at the farm.

5. *Classification.* Sour cream and sour cream products not labeled Grade A should be classified as Class II.

The handler who proposed Class II classification for such products pointed out that sour cream and sour cream products not labeled Grade A are classified as Class II in several orders regulating areas adjacent to or near the Texas Panhandle area. This handler competes for sales of sour cream and sour cream products with handlers regulated under these other orders.

The Texas State health authority has recently issued a regulation requiring sour cream to be labeled Grade A. Sour cream "dips" which contain nondairy foods and flavorings may be sold in Texas without the Grade A label. Sour cream products not labeled Grade A are classified in a class other than Class I in the orders regulating the handling of milk in the Eastern Colorado, Wichita, Rio Grande Valley, Red River Valley, and Lubbock-Plainview areas. Under the North Texas order, such products are Class II regardless of the labeling. Under the Oklahoma Metropolitan order, all sour cream and sour cream products are Class I.

Although it is not possible on this record to coordinate the pricing of such products under all of these orders, it is possible to achieve better price alignment by amending the Texas Panhandle order to conform to the most common classification in orders of this region. This is accomplished by excepting from the fluid milk product definition sour cream and sour cream products not labeled Grade A.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended, regulating the handling of milk in the Texas Panhandle marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1132.7 is revised as follows:

§ 1132.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant as producer milk.

2. Section 1132.10 is revised as follows:

§ 1132.10 Pool plant.

"Pool plant" means a plant described in paragraph (a) or (b) of this section, subject to paragraph (c) of this section.

(a) A distributing plant from which a volume of Class I milk:

(1) Not less than 50 percent of the Grade A milk received at such plant from dairy farmers, from cooperative association handlers pursuant to § 1132.12(c), and from other plants, is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants); and

(2) Not less than 15 percent of such receipts, or an average of not less than 10,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from cooperative association handlers pursuant to § 1132.12(c) during such month: *Provided*, That if such shipments are not less than 75 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year.

(c) If a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a plant qualified pursuant to this section.

3. Section 1132.12(c) is revised as follows:

§ 1132.12 Handler.

* * * * *

(c) Any cooperative association with respect to milk of its member producers picked up at the farm for delivery to the pool plant of another handler in a tank truck owned or operated by such association or under control of such association, by contract or otherwise, in such a way that the association supervises and controls the determination of farm weights and tests of the milk of each of such member producers.

4. Section 1132.14 is revised as follows:

§ 1132.14 Producer milk.

"Producer milk" means the skim milk and butterfat handled by a pool plant operator or a cooperative association handler pursuant to § 1132.12 (b) and (c) as follows:

(a) Producer milk of a handler operating a pool plant is skim milk and butterfat in milk:

(1) Diverted by the operator of such pool plant for his account to a nonpool plant subject to the limits prescribed in paragraph (d) of this section; and

(2) Received at such pool plant directly from producers and from a cooperative association handler pursuant to § 1132.12(c). If the handler receiving milk from a cooperative association handler pursuant to § 1132.12(c) accounts for such receipt on the basis of farm weights and butterfat tests, the entire truckload shall be considered a receipt of producer milk at the first plant of delivery.

(b) Producer milk of a cooperative association handler pursuant to § 1132.12 (b) is skim milk and butterfat in milk received by such cooperative association from producers' farms and diverted by such association for its account to a nonpool plant, subject to the limits prescribed in paragraph (d) of this section.

(c) Producer milk of a cooperative association handler pursuant to § 1132.12 (c) is skim milk and butterfat in milk received by such cooperative association from producers' farms in excess of the quantity delivered to pool plants. Such milks shall be priced to the cooperative association at the location of the pool plant to which most of the milk in the tank truck was delivered during the month.

(d) Diverted milk is producer milk in any month only to the extent it meets conditions set forth in this paragraph:

(1) It is claimed as producer milk by the diverting handler in his report filed pursuant to § 1132.30;

(2) It is milk received from a dairy farmer who had producer status immediately prior to such diversion;

(3) It is not in excess of 15 days' production of each producer during any of the months July through February; and

(4) Such diverted producer milk shall be priced at the location of the pool plant where the producer's milk was last physically received.

5. Section 1132.15 is revised as follows:

§ 1132.15 Fluid milk product.

"Fluid milk product" means milk (including concentrated milk), skim milk (including reconstituted skim milk), buttermilk, milk drinks (plain or flavored), cream (sweet or sour), or any fluid mixture of cream and milk or skim milk (except storage cream, aerated cream products, sour cream and sour cream products not labeled Grade A, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers): *Provided*, That when any such product is modified by the addition of nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

6. Section 1132.30 is revised as follows:

§ 1132.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler in his capacity as the operator of a pool plant(s) and each cooperative association with respect to milk for which it is a handler pursuant to § 1132.12 (b) or (c) shall report for such month to the market administrator in detail and on forms prescribed by the market administrator:

(a) Each handler in his capacity as the operator of a pool plant(s) shall report:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk;

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 1132.14;

(5) Inventories of fluid milk products on hand at the beginning and end of the month; and

(6) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

(b) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1132.12 (b) and (c):

(1) Skim milk and butterfat in milk received by such cooperative association from producers' farms;

(2) The quantities of such skim milk and butterfat delivered to each pool plant and each nonpool plant; and

(3) The utilization of skim milk and butterfat delivered to a nonpool plant.

7. Section 1132.41(b)(5) is revised as follows:

§ 1132.41 Classes of utilization.

* * * * *

(b) * * *

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1132.42(b)(1) but not to exceed the following:

(i) 2 percent of milk received directly from producers (not including diverted producer milk), and receipts of fluid milk products in bulk from other order plants and from unregulated supply plants (exclusive of the quantity for which Class II utilization was requested by the handler);

(ii) 1.5 percent of receipts from a cooperative association handler pursuant to § 1132.12(c), except that if the handler operating the pool plant files notice with the market administrator that he is accounting for such milk on the basis of farm weights and tests determined by the cooperative association, the applicable percentage shall be 2 percent; and

(iii) 0.5 percent of milk received at the farm by a cooperative association handler pursuant to § 1132.12(c), exclusive of receipts for which farm weights and tests are used as the basis of receipt at the plant to which delivered; and

* * * * *

8. Section 1132.43 is revised as follows:

§ 1132.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified otherwise. With respect to milk received for delivery to a pool plant by a cooperative association handler pursuant to § 1132.12(c), the operator of the pool plant shall have the burden of proving the classification of the skim milk and butterfat defined in § 1132.14(a)(2);

(b) Milk received by a handler operating a pool plant from a cooperative association handler pursuant to § 1132.12 (c) shall be classified according to use or disposition at the receiving plant and the value thereof at class prices shall be included in the receiving handler's net obligation pursuant to § 1132.70; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administration discloses that the original classification was incorrect.

9. Section 1132.45 is revised as follows:

§ 1132.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and for each handler pursuant to § 1132.12 (b) and (c) and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk. Producer milk for which a cooperative association is the handler pursuant to § 1132.12 (b) and (c) shall be allocated separately from the allocation of receipts at any pool plant operated by such cooperative association.

10. Section 1132.80(c)(1) is revised and subparagraph (4) is added as follows:

§ 1132.80 Time and method of payment for producer milk.

* * * * *

(c) * * *

(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 26th and 13th days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

* * * * *

(4) For producer milk received from a cooperative association handler pursuant to § 1132.12(c), each handler shall make payments as follows:

(i) On or before the 26th day of the month, a partial payment for milk received during the first 15 days of such month at not less than the amount specified in paragraph (a) of this section; and

(ii) On or before the 13th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, less the amount of payment made pursuant to subdivision (i) of this subparagraph.

11. The introductory text of § 1132.80 (d) is corrected as follows:

§ 1132.80 Time and method of payment for producer milk.

* * * * *

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show:

* * * * *

Signed at Washington, D.C., on August 1, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-9220; Filed, Aug. 5, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 69-WE-56]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a joint-use restricted area in the vicinity of Platteville, Colo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007 Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the designation of a restricted area described as follows:

R-2603 PLATTEVILLE, COLO.

Boundaries. A circle with a 2,000-foot radius centered at lat. 40°10'48" N., long. 104°43'30" W.

Designated altitudes. Surface to 6,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Denver, Colo., Approach Control.

Using agency. Environmental Science Services Administration (ESSA) Research Laboratories, Boulder, Colo.

The purpose of the proposed restricted area is to encompass transmitters used for the conduct of radiation experiments in the field of ionospheric research dealing with the composition of the ionosphere. The FAA has concluded that a potential hazard could exist to personnel if they approached the transmitter site, and that the hazardous conditions could be confined to the proposed restricted airspace.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 1, 1969.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 69-9211; Filed, Aug. 5, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

RADIO AND TELEVISION ANTENNA TOWERS FROM CANADA

Determination of Sales At Not Less Than Fair Value

JULY 28, 1969.

On June 11, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that radio and television antenna towers manufactured by Delhi Metal Products Limited, Delhi, Ontario, Canada, are not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until July 11, 1969, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that radio and television antenna towers manufactured by Delhi Metal Products Limited, Delhi, Ontario, Canada, are not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-9199; Filed, Aug. 5, 1969; 8:47 a.m.]

[Dept. Circular, Public Debt Series No. 5-69]

7¾ PERCENT TREASURY NOTES OF SERIES D-1971

Offering of Notes

JULY 31, 1969.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 7¾ percent Treasury Notes of Series D-1971, at 99.90 percent of their face value, in exchange for 6 percent Treasury Notes of Series C-1969, maturing August 15, 1969. Cash payments due subscribers will be made as set forth in section IV hereof. The amount of this offering will be limited to the amount of eligible notes tendered in exchange. The books will be open only on August 4 through August 6, 1969, for the receipt of subscriptions.

II. *Description of notes.* 1. The notes will be dated August 15, 1969, and will bear interest from that date at the rate of 7¾ percent per annum, payable semi-annually on February 15 and August 15, 1970, and on February 15, 1971. They will mature February 15, 1971, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before August 15, 1969, or on later allotment, and may be made only in a like face amount of 6 percent Treasury Notes of Series C-1969, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. A cash payment of $1 per $1,000 will be made to subscribers on account of the issue price of the new notes. The payment will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District, following acceptance of the maturing notes. In the case of registered notes, the payment will be made in accordance with the assignments on the notes surrendered. When payment is made with notes in bearer form, coupons dated August 15, 1969, should be detached and cashed when due. When payment is made with registered notes, the final interest due on August 15, 1969, will be paid by issue of interest checks in regular course to holders of record on July 15, 1969, the date the transfer books closed.

V. *Assignment of registered notes.* 1. Treasury notes of Series C-1969 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 7¾ percent Treasury Notes of Series D-1971"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 7¾ percent Treasury Notes of Series D-1971 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 7¾ percent Treasury Notes of Series D-1971 in coupon form to be delivered to _____"

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DAVID M. KENNEDY,
Secretary of the Treasury.

[F.R. Doc. 69-9288; Filed, Aug. 4, 1969; 4:20 p.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-2566]

NEVADA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

JULY 30, 1969.

1. The following public lands are hereby classified for transfer out of Federal ownership by exchange under the Lake Mead National Recreation Area Act of October 8, 1964 (16 U.S.C. 460n),

MOUNT DIABLO MERIDIAN

NYE COUNTY

T. 5 N., R. 41 E.,
Sec. 1, all;
Sec. 2, Lot 1, SE¼NE¼, E½SE¼;
Sec. 11, E½E½;
Sec. 12, all;
Sec. 13, N½;
Sec. 14, E½NE¼.
T. 6 N., R. 41 E.,
Sec. 25, S½S½;
Sec. 26, SE¼SE¼;
Sec. 35, E½E½;
Sec. 36, all.
T. 5 N., R. 42 E., unsurveyed;
Sec. 6, W½, SW¼SE¼ except land included in mineral surveys;
Sec. 7, all except land included in mineral surveys;
Sec. 18, N½.
T. 6 N., R. 42 E.,
Sec. 30, S½S½, unsurveyed;
Sec. 31, Lots 3, 4, E½SW¼;
Sec. 31, N½, W½SE¼, unsurveyed;
Sec. 32, W½NW¼, unsurveyed.

The public lands described above aggregate approximately 4,900 acres. (Notice of Proposed Classification incorrectly cited 5,300 acres.)

2. Publication of the notice of proposed classification (34 F.R. 5748) segregated the affected lands from all forms of disposal under the public land laws, including the mining laws, except the form of disposal for which the lands are classified. The publication did not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

3. All applications for exchange must be accompanied by a statement from the Chief, Office of Land and Water Rights, National Park Service, San Francisco, Calif., that the proposal is feasible in accordance with 43 CFR 2244.1-2(b)(1).

4. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240. (43 CFR 2411.1-2(d).)

GERALD H. BROWN,
Acting State Director, Nevada.

[F.R. Doc. 69-9191; Filed, Aug. 5, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, has withdrawn its petition (35-262V), notice of which was published in the FEDERAL REGISTER of January 15, 1969 (34 F.R. 566), proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use in complete dog food of:

1. Styrylpyridinium chloride as an aid in the control of hookworms in dogs.

2. A combination of styrylpyridinium chloride and diethylcarbamazine as an aid in the control of hookworms, elimination and prevention of large round worms, and for prevention of heart worms in dogs.

Dated: July 30, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9172; Filed, Aug. 5, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21186; Order 69-7-164]

CAPE & ISLANDS FLIGHT SERVICE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority, July 31, 1969.

The Postmaster General filed a notice of intent July 10, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 8 cents per pound enplaned for the transportation of mail by aircraft between Boston, Martha's Vineyard, Hyannis and Nantucket, Mass.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech Model D-18, aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and usedful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Cape & Islands Flight Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 8 cents per pound enplaned between Boston, Martha's Vineyard, Hyannis, and Nantucket, Mass.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Cape & Islands Flight Service, Inc., the Postmaster General, Northeast Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above as the fair and reasonable rate of compensation to be paid to Cape & Islands Flight Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed

[1] As this order to show cause is not a final action but merely provides for interested persons to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Cape & Islands Flight Service, Inc., the Postmaster General, and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9222; Filed, Aug. 5, 1969; 8:48 a.m.]

[Docket Nos. 21151, 18381; Order 69-7-165]

CAPE & ISLANDS FLIGHT SERVICE, INC., AND WINNIPESAUKEE AVIATION, INC.

Order To Show Cause Regarding Final and Temporary and Nonpriority Mail Rates

Issued under delegated authority July 31, 1969.

Cape & Islands Flight Service, Inc., (Cape) and Winnipesaukee Aviation, Inc. (Winnipesaukee), are air taxi operators providing services pursuant to Part 298 of the Board's Economic Regulations. By Order 69-6-51, June 11, 1969, the Board approved Agreement C.A.B. 20965 between Northeast Airlines, Inc. (Northeast), and Cape and/or Winnipesaukee which contemplates that Cape and/or Winnipesaukee will discharge Northeast's obligation to serve Laconia and Berlin, N.H., through the operation of small aircraft between Boston, Mass. and both Laconia and Berlin, N.H.

No service mail rate is currently in effect for this service by Cape and or Winnipesaukee. By petition filed July 2, 1969, Cape and Winnipesaukee jointly requested the establishment of service mail rates for the transportation of priority and nonpriority mail by air between Boston and both Laconia and Berlin. They request that the multi-element rates established in Orders E-25610 and E-17255, which provided for payments to Northeast, be made applicable to this route. On July 17, 1969, the Postmaster General was permitted to file a late answer in support of this petition.[1]

The rate in Order E-25610, August 28, 1967, for the air transportation of priority mail was established by the Board in the Domestic Service Mail Rate Investigation. We propose to establish a service rate for the air transportation of priority mail by Cape and or Winnipesaukee at the level established in Order E-25610, as amended, and the terms and provisions of that order also shall be applicable to Cape and or Winnipesaukee in the same manner as they were applicable to Northeast in providing mail services between Boston and both Laconia and Berlin.

An open-rate situation has existed for the air transportation of nonpriority mail since April 6, 1967, when the Post Office petitioned for new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Northeast) for the transportation of nonpriority mail, established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is equitable that Cape and or Winnipesaukee receive the same compensation as Northeast for the same services, we propose to establish temporary service rates for nonpriority mail for Cape and or Winnipesaukee at the level established in Order E-17255, as amended. We will also make both Cape and Winnipesaukee parties to the proceedings in Docket 18381 so the temporary nonpriority mail rates established herein will be subject to any retroactive adjustment ordered in that proceeding.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Cape & Islands Flight Service, Inc., and or Winnipesaukee Aviation, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Boston, Mass. and both Laconia and Berlin, N.H. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid on and after June 15, 1969, to Cape & Islands Flight Service, Inc., and/or Winnipesaukee Aviation, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Boston, Mass., and both Laconia and Berlin, N.H., shall be the rates established by the Board in Order E-25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid on and after June 15, 1969, to Cape & Islands Flight Service, Inc., and/or Winnipesaukee Aviation, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Boston, Mass., and both Laconia and Berlin, N.H., shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended, subject to any retroactive adjustment made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302 and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Cape & Islands Flight Service, Inc., Winnipesaukee Aviation, Inc., the Postmaster General, and Northeast Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Cape & Islands Flight Service, Inc., and or Winnipesaukee Aviation, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302 and notice of any objection to the rates or to the other findings and conclusions proposed herein shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If no notice of objection is filed within 10 days after service of this order, or if notice is filed and no answer is filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final and temporary rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final and temporary rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Cape & Islands Flight Service, Inc., and Winnipesaukee Aviation, Inc., are hereby made parties in Docket 18381; and

6. This order shall be served upon Cape & Islands Flight Service, Inc., Winnipesaukee Aviation, Inc., the Postmaster General and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9223; Filed, Aug. 5, 1969; 8:48 a.m.]

[1] The present rates are as follows:
Priority Mail by Air: 24 cents per ton-mile plus 9.36 cents per pound at Laconia and Berlin and 2.34 cents per pound at Boston.
Nonpriority Mail by Air: 15.115 cents per ton-mile plus 4.98 cents per pound at Laconia, 16.605 cents per pound at Berlin and 1.66 cents per pound at Boston.

[2] As this order to show cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 385 (14 CFR Part 385). Those provisions will apply to any final action taken by the staff in this matter under authority delegated in § 385.14(g).

[Docket No. 20291; Order 69-8-6]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of August 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which was adopted at a special meeting of Traffic Conference 1 held in Nassau, has been assigned the above-designated CAB agreement number.

The agreement, in addition to making procedural and technical revisions to existing resolutions, basically readopts the present Western Hemisphere one-way normal fares and long-haul promotional fares, and eliminates the round-trip discount where it still applies. The agreement additionally revises a number of United States-Caribbean excursion fares so as to differentiate between midweek and weekend fare levels.

The Board will herein approve the agreement. The elimination of the round-trip discount does not appear to be unwarranted in light of the carriers' marginal earnings within the Western Hemisphere. While the proposed weekend economy excursion fares reflect a 10 percent increase over the present fares, we note that midweek fares will remain unchanged and that the validity of both midweek and weekend fares is being extended from 17 days to 21 days. Further, the Board has historically allowed the carriers flexibility to experiment with promotional fares, and the proposed revision appears to be an attempt by the carriers to level out weekend peaking.

Among other things, the agreement amends the resolution governing passenger expenses en route to the extent that it would prohibit the payment by carriers of passenger overnight expenses on connecting trips within the Caribbean. It would appear that passengers are purposely being scheduled so as to miss the last connection, thereby achieving an additional stop without expense to themselves. In approving the amendment, we note that the wording appears so broad as to prohibit the absorption of passenger expenses under any circumstances. Therefore, we will condition our approval so as to permit the absorption of passenger expenses when onward connections are missed because of the delayed arrival of a flight at the connecting point.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board does not find that the following resolution, incorporated in the agreement indicated, affects air transportation within the meaning of the Act:

Agreement CAB 21137	IATA No.	Title
R-17	006d(072g)	"B" Fares—South America Amending.

2. The Board does not find the following resolutions, incorporated in the agreement indicated, to be adverse to the public interest or in violation of the Act:

Agreement CAB 21137	IATA No.	Title
R-1	001b	TC-1—Special Effectiveness Resolution.
R-2	001f	TC-1 Escape for Boeing 747.
R-3	002	Standard Revalidation.
R-4	003	Rescission Resolution—Expedited.
R-5	014a	Construction Rule for Passenger Fares—Revalidating and Amending.
R-6	023a	Rounding-off Passenger Fares—Amending.
R-7	050	First Class Conditions of Service.
R-8	051	TC-1 First Class Fares.
R-9	060	Economy Class Conditions of Service.
R-10	061	TC-1 Economy Class Fares—Expedited Amending.
R-11	061	TC-1 Economy Class Fares.
R-12	070(080)	TC-1 Excursion Fares—Expedited Amending.
R-13	070(080)	TC-1 Excursion Fares.
R-14	072(084)	TC-1 Creative Fares—Revalidating and Amending.
R-15	084e(087h)	Long-Haul North-South American Group Inclusive Tour Fares—Revalidating and Amending.
R-16	091	Family Fares—Revalidating and Amending.
R-19	150a	Fares for Round Trip.
R-20	151a	Fares for Circle Trips—Revalidating and Amending.
R-21	281	Sale of Air Transportation/Inclusive Tours under Installment Plans in Currencies of South American Countries Marked with an Asterisk in Resolution 021b—Except Argentina, Brazil, Chile, Paraguay, Peru, Uruguay.
R-22	281d	Sale of Air Transportation/Inclusive Tours Under Installment Plans in Local Currency in Argentina.
R-23	281d	Sale of Air Transportation/Inclusive Tours Under Installment Plans in Local Currency in Paraguay.
R-24	281e	Sale of Air Transportation/Inclusive Tours Under Installment Plans in Local Currency in Peru.
R-25	281f	Sale of Air Transportation Under Installment Plans in Local Currency in Uruguay.
R-26	283	Sale of Air Transportation/Inclusive Tours Under Installment Plans in United States/Canadian Dollars in South America.
R-27	283a	Sale of Air Transportation/Inclusive Tours Under Installment Plans in United States/Canadian Dollars in Peru.
R-28	310	Free Baggage Allowance—Amending.

3. The Board does not find the following resolution, incorporated in the agreement indicated, to be adverse to the public interest or in violation of the Act, provided that approval shall be subject to the condition stated below:

Agreement CAB 21137	IATA No.	Title
R-18	102	Passenger Expenses en Route—Amending.

Provided that the prohibition against the absorption of passengers' connecting expenses at any island within the Caribbean, the Bahamas, and/or Bermuda with respect to travel to/from the United States shall not be applicable when onward connections are missed because of the delayed arrival of a flight at the connecting points.

Accordingly, it is ordered, That:

1. Jurisdiction is disclaimed with respect to that portion of Agreement CAB 21137 as set forth in finding paragraph 1;

2. Those portions of Agreement CAB 21137 described in finding paragraph 2 be and hereby are approved; and

3. Agreement CAB 21137, R-18, described in finding paragraph 3 be and hereby is approved, subject to the condition stated therein.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order submit statements in writing containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statement should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9224; Filed, Aug. 5, 1969; 8:48 a.m.]

[Docket No. 21275; Order 69-8-3]

TRANS CARIBBEAN AIRWAYS, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of August 1969.

By tariff revisions marked to become effective August 4, 1969,[1] Trans Caribbean Airways, Inc. (TCA), proposes round-trip group inclusive tour excursion fares of $87 and $77[2] per passenger, for groups of 125 or more passengers, between New York and San Juan, Puerto Rico. All passengers must travel in connection with a fully prepaid advertised air tour costing a minimum of $50. The minimum stay requirement is 7 days

[1] Revisions to Trans Caribbean Airways, Inc., Tariff C.A.B. No. 26, filed on June 26, 1969, and July 8, 1969.

[2] The $87 fare is applicable during the periods Aug. 4, 1969, through Aug. 31, 1969, and Jan. 5, 1970, through Mar. 20, 1970. The $77 fare is applicable during the periods Sept. 1, 1969, through Dec. 12, 1969, and Apr. 6, 1970, through June 19, 1970.

(maximum of 30 days) and passengers may return individually from San Juan or from St. Thomas or St. Croix, V.I., provided the fare for the trip from San Juan to St. Croix/St. Thomas is in addition to the group tour excursion fare. The fares apply only on flights scheduled to depart from New York for San Juan between the hours of 3 a.m. Monday and 2 p.m. Friday.

Eastern Air Lines, Inc. (Eastern) and Pan American World Airways, Inc. (Pan American), have filed complaints against TCA's proposal requesting its suspension and investigation. In substance, the complaints allege that the proposed group fares are uneconomic; that they constitute an unfair and destructive competitive practice; and that the fares are discriminatory. The complaints state that the proposed group tour basing fares are too low, since they will not cover breakeven need, and that the proposal is so far below the existing regular fares and so free of restrictions that it will break the present fare level in the market. Eastern asserts that the proposed fares would be diversionary rather than creative; that they are designed to give TCA a temporary competitive advantage in capturing individual travel; and that such action will lead to a destructive price-cutting struggle that no carrier in this market can afford.

In support of its proposal, and in answer to the complaints, TCA submits that the proposed fares will stimulate tourist travel to San Juan and improve its load factors. The carrier contends that there has been a diversion of tourist travel from the Caribbean area as evidenced by declining load factors and lower hotel occupancy rates recently experienced in the San Juan area. TCA believes the proposed group excursion fares will attract vacationers and tourists who might otherwise choose Europe as a travel destination in the late summer or early fall. TCA estimates that, on an added cost basis, the expenses attributable to the carriage of the groups will be $5.90 per passenger. The carrier further asserts that the additional revenues it anticipates will more than offset the added costs, and that the net financial impact on TCA will be beneficial. In its answer, TCA asserts that its proposal is consistent with the standards applied by the examiner in the Group Inclusive Tour Basing Fares to Hawaii Case, Docket 20580. It further claims that the incremental costs related to the additional group fare traffic will be 2.13 cents per revenue passenger mile.

Upon consideration of the tariff proposal, the complaints, and other relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the tariff in question should be suspended pending investigation.

Available data indicate that the proposed group fares may be unreasonably low. The proposed fares produce very low yields; 2.71 cents per mile for the $87 fare, and 2.40 cents for the $77 fare. The regular weekday round-trip thrift fare in this market is $132 and yields 4.11 cents per mile. We do not feel it is reasonable to cost this fare proposal, as TCA has done, on essentially an added cost basis. TCA currently provides most of its weekday New York-San Juan service with aircraft having a capacity ranging between 140 and 172 seats. Consequently, a group of 125 or more passengers will represent the majority of passengers on board, and on occasion more than likely require the scheduling of extra section flights.[2] Another factor which has a bearing on cost is the fact that members of the group may return individually and therefore the opportunity for savings inherent in group travel is available in one direction only.

It does not appear that the proposed fares will generate sufficient additional traffic to offset their low level and possible diversionary impact. TCA does not indicate how much, if any, new traffic it expects the proposed fares to generate, nor the amount of self-diversion and diversion from Eastern or Pan American which might occur as a result of the proposal. We are concerned that the proposal will, in fact, divert a significant amount of regular fare traffic and result in a net revenue decrease for all carriers. Finally, we are not convinced that the proposed air fares are the key in this market to increased tourist travel, since the market currently enjoys regular fares which are among the lowest per mile in the world and the air fare represents a relatively small part of the total cost of a typical vacation trip to Puerto Rico.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto,[1] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A[1] hereto are suspended and their use deferred to and including November 1, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of Eastern Air Lines, Inc., in Docket 21203 and Pan American World Airways, Inc., in Docket 21205, are hereby dismissed;

4. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon Eastern Air Lines, Inc., Pan American World Airways, Inc., and Trans Caribbean Airways, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9225; Filed, Aug. 5, 1969; 8:49 a.m.]

[Docket No. 19956]

TRANSPORTES AEREOS NACIONALES, S.A.

Reassignment of Place of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter to be resumed on September 11, 1969, at 10 a.m., d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., is now reassigned to be held on the same date in Room 805 of said building, before the undersigned examiner.

Dated at Washington, D.C., July 31, 1969.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 69-9221; Filed, Aug. 5, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

ALOHA NAVIGATION CO., LTD., ET AL.

Inactive Tariffs; Notice of Cancellation

By notice published in the FEDERAL REGISTER on June 27, 1969, the Commission notified the carriers named therein of its intent to cancel certain tariffs 30 days thereafter in the absence of a showing of good cause why such tariffs should not be canceled. The following carriers failed to respond to the notice:

Aloha Navigation Co., Ltd., 1401 Middle Harbor Road, Oakland, Calif.
Berger Transportation Co., Ames Terminal, Seattle 6, Wash.
Hawaiian Pacific Line, Inc., 149 California Street, San Francisco, Calif.
Knudsen Fast Freight, Anchorage, Alaska.
Puerto Rico Transfer, 760 North Ogden Avenue, Chicago 22, Ill.
Skipper's Freight Forwarding Service Co., 218 Washington Avenue, Carlstadt, N.J.
Trans Ocean Van Service, 1143 Caspian Avenue, Long Beach, Calif.

Accordingly, pursuant to section 6.10 of Commission Order 201.1, Amendment 5, effective May 5, 1969, the tariffs of the above named carriers were canceled on July 28, 1969.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-9212; Filed, Aug. 5, 1969; 8:48 a.m.]

SCANDINAVIA BALTIC U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. M. J. Kelly, Vice President, Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.

Agreement No. 9364-4 between the member lines of the Scandinavia Baltic U.S. North Atlantic Westbound Freight Conference amends Article (4) of the basic agreement to provide that changes in the level of freight rates on specific commodities may be effected by the affirmative vote of a simple majority of the Conference members entitled to vote. Unanimous vote of all members is required to amend the basic agreement, and all other matters require the unanimous vote of all members entitled to vote.

The Conference Secretary is authorized to conduct telephone polls of the membership in the event that emergency action is required with respect to rates and/or other matters. All such telephone calls, the subject matter thereof and the action taken pursuant thereto are to be reported in the Minutes of the next regular Conference meeting.

Dated: August 1, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9213; Filed, Aug. 5, 1969; 8:48 a.m.]

W. R. GRACE & CO. AND PRUDENTIAL LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and copy the agreement and Exhibits A to T, and V, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement and the aforesaid exhibits at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

David Simon, Esq., Barrett Knapp Smith & Schapiro, 26 Broadway, New York, N.Y. 10004.

Agreement No. 9810, a stock purchase agreement between W. R. Grace & Co. and Prudential Lines, Inc., covers the proposed acquisition by Prudential of all of the capital stock of Grace Line, Inc., from the present owner W. R. Grace & Co.

Immediately after the closing of the stock purchase agreement and upon the approval by the Maritime Administration and the Maritime Subsidy Board of all matters necessary to implement the transaction, Prudential is to sell and transfer to Grace Line, Inc. all of its vessels, vessel contracts, barge contracts, subsidy rights and obligations and all of its other assets and obligations as outlined in Exhibit A to the stock purchase agreement.

The stock purchase agreement and Exhibits A through V (except Exhibit U which relates to pending litigation) are attached to the stock purchase agreement.

Dated: July 31, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9214; Filed, Aug. 5, 1969; 8:48 a.m.]

[Docket No. 69-36; Independent Ocean Freight Forwarder License No. 990]

CIRCLE FORWARDERS, INC.

Order of Investigation and Hearing

Circle Forwarders, Inc., was licensed to operate as an independent ocean freight forwarder by the Federal Maritime Commission on December 10, 1963. Subsequent to licensing Circle Forwarders, Inc., established Express Parts Service, Inc., an export distributorship, which purchases parts from Chrysler Corp. for sale and, in most cases, expedited air shipment to overseas distributors, dealers, and other purchasers. Both corporations are said to maintain separate records, books, and personnel.

A small number of the Express Parts Service, Inc., shipments are of such size and weight that air shipment is uneconomical to the overseas buyers. In those instances, Express Parts Service, Inc., employs oceangoing common carriers. Consequently, there now exists a corporate relationship between Express Parts Service, Inc., and Circle Forwarders, Inc., involving, on the one hand, a shipper of goods to foreign countries via oceangoing common carriers and, on the other, a licensed independent ocean freight forwarder.

In a number of prior decisions the Federal Maritime Commission has held that under the definition of an independent ocean freight forwarder contained in section 1 of the Shipping Act, 1916, a freight forwarder who has a direct or indirect control relationship with a shipper cannot be licensed, even though, as in this case, the forwarder would not handle shipments for the related shipper. Application for Freight Forwarding License—Louis Applebaum, 8 FMC 306 (1964); Application for Freight Forwarding License—Wm. V. Cady, 8 FMC 352 (1964); Application for Freight Forwarding License—Del Mar Shipping Corp., 8 FMC 493 (1965); and Application for Freight Forwarding License—York Shipping Corp., 9 FMC 72 (1965).

Because of the corporate relationship now existing between Circle Forwarders, Inc., and Express Parts Service, Inc., the Commission intends to institute a proceeding to determine whether Circle Forwarders, Inc., continues to qualify for a license as an independent ocean freight forwarder, and whether its license should remain in effect or be revoked.

Therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841b) that a proceeding is hereby instituted to determine whether Circle Forwarders, Inc., continues to qualify for a license and whether its license should be continued in effect or be revoked pursuant to sections 1 and 44 of the Shipping Act, 1916 (46 U.S.C. 801, 841b).

It is further ordered, That Circle Forwarders, Inc., be made respondent in this proceeding and that the matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Presiding Examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served upon respondent, Circle Forwarders, Inc.

It is further ordered, That any persons, other than respondent, who desire to become a party to this proceeding and to participate therein shall file a petition to intervene with the Secretary, Federal

[2] The tariff provides that when unavailability of seating accommodations makes it impossible for the group passengers to travel together on the same flight, members of the group may be accommodated on any flights on which space is available.

[1] Appendix A filed as part of the original document.

Maritime Commission, Washington, D.C. 20573, with a copy to respondent, on or before August 11, 1969; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing, or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Assistant Secretary.*

[F.R. Doc. 69-9215; Filed, Aug. 5, 1969; 8:48 a.m.]

[Docket No. 69-37]

MOVERS' & WAREHOUSEMEN'S ASSOCIATION OF AMERICA, INC., AND HOUSEHOLD GOODS FORWARDERS ASSOCIATION OF AMERICA, INC.

Order To Show Cause

Movers' & Warehousemen's Association of America, Inc. (Movers), operates in foreign commerce under Agreement No. 8530. Although this agreement does not apply to the U.S. Virgin Islands the foreign tariff, FMC-1, filed pursuant to this agreement contains U.S. Virgin Islands domestic off-shore rates. This tariff is on file with the Commission's Bureau of Compliance.

Movers operates in domestic commerce under Agreement No. 8540. This agreement does not include the U.S. Virgin Islands. Movers domestic tariff FMC-F No. 2, naming domestic rates between U.S. ports and ports in Alaska, Guam, Hawaii, and Puerto Rico, is properly on file with the Commission's Bureau of Domestic Regulation pursuant to its approved agreement.

The Household Goods Forwarders Association of America, Inc., operates in foreign commerce under Agreement FMC No. 9510. Although this agreement does not apply to the U.S. Virgin Islands, the foreign tariff, FMC No. 1, filed pursuant to this agreement cotnains U.S. Virgin Islands domestic off-shore rates. This association has no approved agreement for domestic Virgin Islands transportation and has no tariff on file with the Commission's Bureau of Domestic Regulation.

The collective fixing of rates for the domestic U.S. Virgin Islands trade is unauthorized by approved agreements and therefore unlawful under section 15 of the Shipping Act, 1916. Further, the filing of such rates in an otherwise foreign tariff, rather than a domestic tariff, appears to be in violation of section 18(a), Shipping Act, 1916 and/or section 2, Intercoastal Shipping Act, 1933, and the rules promulgated pursuant thereto in Domestic Tariff Circular No. 3, in the sense that such rates are not properly "on file with the Commission" within the meaning of these provisions.

Now, therefore it is ordered, That pursuant to sections 15, 18(a), 21, and 22 of the Shipping Act, 1916 and section 2 of the Intercoastal Shipping Act, 1933, the parties to Agreements No. 8530 and 9510 as shown in the attached Appendix, show cause why the Commission should not find them in violation of the aforesaid sections by reason of their failure and/or refusal to properly amend their section 15 agreements, as requested by the Commission's staff, to include the domestic U.S. Virgin Islands; and for failure and/or refusal to publish the rates for such service with the Commission's Bureau of Domestic Regulation;

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact, memoranda of law, replies and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before August 25, 1969. Affidavits of fact and memoranda of law shall be filed by the respondents, unless otherwise ordered by the Commission, no later than close of business August 25, 1969. Replies thereto shall be filed by Hearing Counsel and intervenors, if any, no later than the close of business September 8, 1969. An original and 15 copies of affidavits of fact, memoranda of law, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Time and date of oral argument will be announced at a later date;

It is further ordered, That the parties to Agreement No. 8530 and the parties to Agreement No. 9510, as shown in the attached Appendix, be, and they are hereby made respondents in this proceeding;

It is further ordered, That this order be published in the FEDERAL REGISTER and served upon Carroll S. Genovese, Executive Secretary, Movers' & Warehousemen's Association of America, Inc., and Calvin W. Stein, Executive Director, Household Goods Forwarders Association of America, Inc.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure no later than August 15, 1969.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Assistant Secretary.*

HOUSEHOLD GOODS FORWARDERS ASSOCIATION OF AMERICA, INC.

American Ensign Van Service, Inc., Wilmington, Calif.
Asiatic Forwarders, Inc., San Francisco, Calif.
Astron Forwarding Co., Oakland, Calif.
Bekins Wide World Van Service, Inc., Wilmington, Calif.

HOUSEHOLD GOODS FORWARDERS ASSOCIATION OF AMERICA, INC.—Continued

Burnham World Forwarders, Inc., Columbus, Ga.
Columbia Export Packers, Inc., Torrance, Calif.
Container Transport International, Inc., New York, N.Y.
Continental Forwarders, Inc., Seattle, Wash.
Convan Corp., New York, N.Y.
Davidson Forwarding Co., Inc., Washington, D.C.
Delcher Intercontinental Moving Service Jacksonville, Fla.
DeWitt Freight Forwarding, Inc., Los Angeles, Calif.
Door To Door International, Inc., Seatle, Wash.
Express Forwarding and Storage Co., Inc., New York, N.Y.
Four Winds Forwarding, Inc., Alexandria, Va.
Garrett Forwarding Co., Pocatello, Idaho
Getz Bros. & Co., Inc., San Francisco, Calif.
HC&D Moving and Storage, Inc., Honolulu, Hawaii
Higa Fast Pac, Inc., San Francisco, Calif
Home-Pack Transport, Inc., Maspeth, N.Y
Imperial Household Shipping Co., Inc., Torrance, Calif.
International Sea Van, Inc., Evansville, Ind.
Interstate Motor Freight System, Grand Rapids, Mich.
Jet Forwarding, Inc., Torrance, Calif.
Karevan, Inc., Seattle, Wash.
Kingpack, Inc., Wichita, Kans.
Lyon Household Shipping Division, Los Angeles, Calif.
Mollerup Freight Forwarding Co., Inc., Seattle, Wash.
Northwest Consolidators, Inc., Seattle, Wash.
Perfect Pak Company, Seattle, Wash.
Routed Thru-Pac, Inc., New York, N.Y.
RX Consolidators, Inc., San Francisco, Calif.
Smyth Worldwide Movers, Inc., Seattle, Wash.
Sunpak Movers, Inc., Seattle, Wash.
Swift Home-Wrap, Inc., Kansas City, Mo.
Trans-American World Transit, Inc., Chicago, Ill.
Vanpac Carriers, Inc., Richmond, Calif.

MOVERS' & WAREHOUSEMEN'S ASSOCIATION OF AMERICA, INC.

Airline Vans, Inc., Dallas, Tex.
Allstates Van Lines Corp., Corona, N.Y.
Andrews Van Lines, Inc., Norfolk, Nebr.
Arpin Van Lines, Inc., Paul, Providence, R.I.
Atlas Van-Lines, Inc., Evansville, Ind.
Bentley's Inc., Berkeley, Calif.
City Van & Storage, Long Beach, Calif.
Dean Van Lines, Inc., Long Beach, Calif.
Delcher Brothers' Storage Co., Jacksonville, Fla.
Dewitt Transfer and Storage Co., Los Angeles, Calif.
Empire Household Shipping Co. of New York, Inc., New York, N.Y.
Engel Brothers, Inc., Elizabeth, N.J.
Fogarty Bros. Transfer, Inc., Tampa, Fla.
King Van Lines, Inc., Wichita, Kans.
Kings Van & Storage, Inc., Oklahoma City, Okla.
Major Van Lines, Inc., Jersey City, N.J.
Pyramid Van Lines, Inc., South San Francisco, Calif.
Republic Van and Storage Co., Inc., Baltimore, Md.
Richardson Transfer and Storage Co., Inc., Salina, Kans.
Security Van Lines, Inc., Kenner, La.
Trans-American Van Service, Inc., Chicago, Ill.
Trans Country Van Lines, Inc., Bohemia, N.Y.
U.S. Van Lines, Inc., South Bend, Ind.
Universal Van Lines, Inc., Norfolk, Va.
Von Der Ahe Van Lines, Inc., Fenton, Mo.

[F.R. Doc. 69-9216; Filed, Aug. 5, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-120]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Notice of Petition To Amend

JULY 30, 1969.

Take notice that on July 25, 1969, Columbia Gulf Transmission Co. (Applicant Gulf), 3805 West Alabama Avenue, Houston, Tex. 77027, Consolidated Gas Supply Corp. (Applicant Consolidated), 445 West Main Street, Clarksburg, W. Va. 23601, and Texas Gas Transmission Corp. (Applicant Texas), 3800 Frederica Street, Owensboro, Ky. 12301, filed in docket No. CP69-120 an amendment to the certificate of public convenience and necessity issued in the order of June 24, 1969, authorizing Applicant Gulf and Applicant Texas to construct and operate facilities to connect gas reserves at the Block 272 and Block 292 Field. Authorization is now sought for lateral facilities to connect the Vermillion Block 255 Field reserves, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Applicants seek the authorization to construct and operate the following natural gas facilities: approximately 3.6 miles of 12¾-inch O.D. pipeline and a measuring station to connect gas reserves at Vermillion Block 255 to the 30-inch offshore pipeline of Tennessee Gas Pipeline Co. which was authorized at docket No. CP69-50. Applicants would transport through these facilities between 15,300 to 30,600 Mcf per day. Applicants estimate the total cost of the proposed facilities to be $945,000, which will be financed by cash from operations and/or short-term debt and permanently financed from long-term debt or issuance of capital stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-9180; Filed, Aug. 5, 1969; 8:45 a.m.]

[Docket No. CP70-14]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 30, 1969.

Take notice that on July 22, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in docket No. CP70-14 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the the construction and operation of certain facilities and the sale and delivery of natural gas to the Washington Water Power Co. (Water Power), for resale and distribution in the community of Genesee, Idaho, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 0.34 mile of 2⅜-inch O.D. pipeline extending from a point of connection with its existing 12¾-inch O.D. Lewiston lateral, in Whitman County, Wash., northeasterly to a point of connection with Water Power's proposed 3-inch feeder line at the boundary between the States of Washington and Idaho. The measuring and regulating station will be located at the beginning of Applicant's proposed 2⅜-inch O.D. line and the point of delivery will be at the said State boundary. The total estimated cost of Applicant's proposed facilities is $21,783 and is to be financed initially through use of working funds supplemented by short-term borrowings.

To provide service to Genesee, Water Power proposes to construct and operate a feeder line, distribution mains, odorizer station, regulating station, services and meters at an estimated cost, for the first 3 full years of $213,600. The estimated peak day and annual gas requirements of Water Power during the third full year of the proposed service are 242 Mcf and 21,080 Mcf, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 22, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or by represented at the hearing.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-9181; Filed, Aug. 5, 1969; 8:45 a.m.]

[Docket No. CP70-18]

INDIANA GAS CO., INC., AND PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JULY 30, 1969.

Take notice that on July 25, 1969, Indiana Gas Co., Inc. (Applicant), 1630 North Meridian Street, Indianapolis, Ind. 46202, filed in docket No. CP70-18 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Respondent), to establish an additional facilities connection with Applicant and to provide service of natural gas to Applicant for the local distribution and sale in and adjacent to Ladoga, Ind., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct a local gas distribution system and related facilities, and a 4-inch supply line extending westerly from such facilities to a proposed physical connection with the existing facilities of Respondent in Montgomery County, Ind., approximately 1.32 miles west of Ladoga.

Applicant states that Respondent's transmission facilities carry an adequate volume of natural gas to enable Respondent to provide the additional gas service required by Applicant. Applicant further states that the establishment of the physical connection of Respondent's existing transmission facilities with Applicant's proposed facilities will enable Applicant to introduce the local distribution of natural gas service to Ladoga.

Applicant estimates the peak day and annual requirements for the first 3 years of operation to be as follows:

Proposed operation year	Estimated requirements	
	Day	Annual
First	235 Mcf	29,841 Mcf
Second	371 Mcf	45,063 Mcf
Third	531 Mcf	64,986 Mcf

Applicant estimates the total cost of the proposed facilities to be $124,429, which is to be financed by funds in its treasury, short-term bank loans and noncash charges to operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9182; Filed, Aug. 5, 1969; 8:45 a.m.]

[Docket No. CP70-13]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JULY 30, 1969.

Take notice that on July 18, 1969, Panhandle Eastern Pipe Line Co. (Applicant), 3000 Bissonnet, Houston, Tex., and 3444 Broadway, Kansas City, Mo., filed in docket No. CP70-13 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks to increase the contract demand of the Ohio Fuel Gas Co., under the LS-1 Rate Schedule by 70,000 Mcf per day in 1970 and by an additional 30,000 Mcf per day in 1972. The gas supply for such increases will be obtained from concurrent increases in Applicant's contracted volumes from Trunkline Gas Co.

Facilities proposed by Applicant consist of 10,000 compressor horsepower to be installed at Applicant's existing Zionsville Compressor Station; and approximately 8.6 miles of 30-inch pipe downstream of Panhandle's Edgerton Compressor Station to be installed prior to commencement of delivery of the 30,000 Mcf per day increment noted above.

Applicant states that the increased volumes will enable the Ohio Fuel Gas Co., to meet its growing requirements from gas reserves made available to Applicant and Trunkline Gas Co., for this purpose.

Estimated cost of the proposed facilities is $4,829,000, which will be financed initially by short-term bank loans with permanent financing to be later accomplished through the issuance of debentures or other securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 22, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9183; Filed, Aug. 5, 1969; 8:45 a.m.]

[Docket No. CP70-15]

SEA ROBIN PIPELINE CO.

Notice of Application

JULY 30, 1969.

Take notice that on July 23, 1969, Sea Robin Pipeline Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP70-15 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to connect leases in Blocks 27, 30, and 41 South Marsh Island Area, and Block 190, Vermilion Parish, La., to take into its pipeline system additional supplies of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the total cost of the facilities will be approximately $3,346,200. The facilities will be utilized to enable Sea Robin to attach to its system approximately a quarter of a trillion cubic feet of gas reserves under contracts with Shell Oil Co., and Chevron Oil Co. Financing will be initially by short-term borrowings, with permanent financing to be arranged at a later date.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9184; Filed, Aug. 5, 1969; 8:45 a.m.]

[Docket No. CP70-16]

SEA ROBIN PIPELINE CO.

Notice of Application

JULY 30, 1969.

Take notice that on July 23, 1969, Sea Robin Pipeline Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP70-16 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which it will purchase from

producers in the general area of its existing transmission system from time to time during the 12-month period beginning September 1, 1969, at a total cost of not in excess of $5 million with the total cost of any single project not to exceed $1 million, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of gas in producing areas generally coextensive with its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rule.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9185; Filed, Aug. 5, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

HAWKEYE BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Hawkeye Bancorporation, which is a bank holding company located in Red Oak, Iowa, for the prior approval of the Board of the acquisition by Applicant of 87.6 percent of the voting shares of Mills County State Bank, Glenwood, Iowa.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Dated at Washington, D.C., this 15th day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-9186; Filed, Aug. 5, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

FIRST TEXAS CAPITAL CORP.

Notice of Approval for Transfer of Control of Small Business Investment Company

On June 26, 1969, a notice of approval for transfer of control was published in the FEDERAL REGISTER (34 F.R. 9904) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for the transfer of control of First Texas Investment Co., 120 Jefferson Street, Sulphur Springs, Tex. 75482, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), license No. 10/10-0013. George Leavesley, James C. Leavesley and John E. Leavesley will purchase all of the licensee's outstanding stock.

Interested persons were given 10 days to submit written comments to SBA. No unfavorable comments were received.

SBA, having considered the application and all other pertinent information with regard thereto, hereby approves the application for transfer of control.

For SBA (pursuant to delegated authority).

Dated: July 29, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-9195; Filed, Aug. 5, 1969; 8:46 a.m.]

PIONEER CAPITAL CORP.

Application for License

Notice hereby is given pursuant to § 107.103 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) that the parties listed below have applied to the Small Business Administration for a license to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.). The proposed licensee is Pioneer Capital Corp., having the address of Room 1967, 1440 Broadway, New York, N.Y. 10018. It proposes to operate principally in the city of New York, N.Y.

The Company is to commence operation with $250,000 in private capital. The Company's stated purpose is to furnish equity capital and long-term loan funds to qualified small business concerns in economically depressed ghetto areas of New York City, or in other areas where the venture is likely to have an economically beneficial effect on the target areas by creating jobs and ownership opportunities.

The Officers, Directors, and owner of the proposed licensee's common stock are:

Neil A. McConnell, 1 Wall Street, New York, N.Y. 10005.	Director and Chairman of the Board of Directors.
L. William Bergesch, 1440 Broadway, New York, N.Y. 10018.	Director and President.
Edmund J. Blake, Jr., 1440 Broadway, New York, N.Y. 10018.	Director and Secretary-Treasurer.

Sole stockholder (100 percent): Pioneer Properties Co., a partnership, 767 Fifth Avenue, New York, N.Y. 10022.

Messrs. McConnell, Louis Marx, Jr. (c/o Deerfield Oil Corp., 445 Park Avenue, New York, N.Y. 10005), Dan W. Lufkin (140 Broadway, New York, N.Y. 10005), and Frederick A. Melhado (1 Wall Street, New York, N.Y. 10005), are all of the partners of Pioneer Properties Co.

Prior to final action on the application, consideration will be given to any comments pertaining thereto which are submitted in writing, to the Associate

Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of fifteen (15) days of the date of publication of this notice.

A copy of this notice shall be published in a newspaper of general circulation in the city of New York, N.Y.

Dated: July 29, 1969.

ARTHUR H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-9196; Filed, Aug. 5, 1969; 8:46 a.m.]

[Declaration of Disaster Loan Area 724]

MAINE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969 because of the effects of certain disasters, damage resulted to residences and business property located in the town of Old Orchard Beach, Maine;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid town, suffered damage or destruction resulting from fire occurring on July 19, 1969.

OFFICE

Small Business Administration Regional Office, 40 Western Avenue, Augusta, Maine 04330.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1970.

Dated: July 30, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-9197; Filed, Aug. 5, 1969; 8:47 a.m.]

TARIFF COMMISSION

[TEA-I-EX-5]

CERTAIN FLOOR COVERINGS

Investigation of Probable Effect of Termination of Increased Tariff; Postponement of Hearing Date

On July 3, 1969, the Tariff Commission, upon petition filed on behalf of the domestic industry concerned, instituted an investigation and ordered a hearing to begin on August 27, 1969 (34 F.R. 11397) in connection with the preparation of advice to the President, pursuant to section 351(d)(3) of the Trade Expansion Act of 1962, with respect to Wilton (including brussels) and velvet (including tapestry) floor coverings, and floor coverings of like character or description, of the kinds described in item 922.50 in part 2A of the Appendix to the Tariff Schedules of the United States.

In view of a request from counsel for certain interested importers, who has conflicting commitments, and for other reasons, notice is hereby given of the postponement of the hearing in this investigation so that it will begin on October 22, 1969, at 10 a.m., e.d.s.t., in the Hearing Room of the Tariff Commission Building, 8th and E Streets NW., Washington, D.C., rather than on August 27, 1969, as originally ordered. Appearances at the postponed hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Issued: July 31, 1969.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 69-9176; Filed, Aug. 5, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 2-12873, 2-13949]

ATLANTIC RICHFIELD CO.

Notice of Application and Opportunity for Hearing

JULY 31, 1969.

Notice is hereby given that Atlantic Richfield Co. (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the trusteeship of First National City Bank (the "City Bank") under an indenture dated April 15, 1958 ("Richfield Indenture"), which was qualified under the Act, and the trusteeship of City Bank under an indenture dated December 1, 1956 ("Sinclair Indenture"), which was also qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify City Bank from acting as Trustee under both indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such section), it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that:

(1) Under the Richfield Indenture the former Richfield Oil Corp. issued $50 million aggregate principal amount of its 4⅜ percent Convertible Subordinated Debentures Due April 15, 1983 with City Bank Farmers Trust Co., as Trustee of which $689,000 principal amount of debentures were outstanding as of March 31, 1969. City Bank was substituted as trustee under the Richfield Indenture by instrument dated June 14, 1961, and is presently serving thereunder. In connection with the merger of Richfield Oil Corp. into the Company, the Company and City Bank entered into a First Supplemental Indenture dated as of January 3, 1966 providing (a) for the assumption by the Company of payment of the principal and premium, if any, and interest on the Richfield Debentures outstanding and the performance and observance of the covenants and conditions of the Richfield Indenture to be performed by Richfield Oil Corp.

(2) Under the Sinclair Indenture the former Sinclair Oil Corp. issued $167,247,600 aggregate principal amount of its 4⅜ percent Convertible Subordinated Debentures Due December 1, 1986, with City Bank Farmers Trust Co., as Trustee of which $85,807,000 amount of debentures were outstanding as of March 31, 1969. City Bank, by merger, succeeded as Trustee. In connection with the merger of Sinclair Oil Corp. into the Company, the Company and City Bank entered into a First Supplemental Indenture dated as of March 4, 1969, providing (a) for the assumption by the Company of payment of the principal of and interest on the Sinclair Oil Corp. Debentures outstanding and the performance of the covenants and conditions of the Sinclair Indenture to be performed by Sinclair Oil Corp.

(3) The Richfield Oil Corp. Debentures were registered pursuant to the Securities Act of 1933, and the Richfield Indenture was qualified under the Trust Indenture Act of 1939 (File No. 2-13949, effective Mar. 25, 1958); the Sinclair Oil Corp. Debentures were registered pursuant to the Securities Act of 1933, and the Sinclair Indenture was qualified under the Trust Indenture Act of 1939 (File No. 2-12873, effective Nov. 15, 1956).

(4) Section 7.08 of the Sinclair Indenture is a "negative pledge" convenant to the effect that Atlantic Richfield will not mortgage or pledge property (with exceptions) without equally securing outstanding Sinclair Debentures. The Richfield Indenture does not contain a comparable provision. Under section 9.01 of the Sinclair Indenture, failure to observe the covenant contained in section 7.08 would constitute an event of default. Therefore, a default might arise under the Sinclair Indenture without arising under the Richfield Indenture. Furthermore, by virtue of the "negative pledge" covenant of section 7.08, the Sinclair Debentures could become secured and the Richfield Debentures remain unsecured. Either event might create a conflicting interest of City Bank requiring elimination of the conflict or resignation as Trustee under one of the Indentures. However, unless and until a conflicting interest as outlined above arises, the differences between the Sinclair Indenture and Richfield Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify City Bank from acting as Trustee under either Indenture.

The Company has waived notice of hearing, hearing, and any and all rights to specify procedures under the rules of practice of the Commission with respect to this application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the office of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than August 22, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9192; Filed, Aug. 5, 1969; 8:46 a.m.]

[File No. 2-27593]

KOMATSU MANUFACTURING CO., LTD.

Notice of Application and Opportunity for Hearing

JULY 31, 1969.

Notice is hereby given that Komatsu Manufacturing Co., Ltd. (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of First National City Bank ("First National") under an indenture heretofore qualified under the Act, and a second indenture not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National City Bank from acting as Trustee under any such indenture.

Section 310(b) of the Act provides in part that, if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that:

(1) It has issued $15 million principal amount of its 7¼ percent Convertible Debentures due December 31, 1982 under an Indenture dated as of December 1, 1967, which has been qualified under the Act (The "1967 Indenture") between the Company and First National as Trustee. At May 31, 1969, $6,562,000 aggregate principal amount of such Debentures were outstanding.

(2) The Company has issued $20 million principal amount of its 6¼ percent Convertible Sinking Fund Debentures due June 30, 1984 (the "New Debentures"), pursuant to an indenture made between the Company and First National dated June 1 (the "1969 Indenture"). Inasmuch as the New Debentures are being offered and sold outside the United States of America, its territories and possessions to persons who are not nationals or residents thereof, the New Debentures are not registered under the Securities Act of 1933, and the 1969 Indenture is not qualified under the Act.

(3) The 1967 Indenture and the 1969 Indenture are wholly unsecured. The Debentures issued under the 1967 Indenture and the 1969 Indenture are general obligations of the Company and rank parri passu, without any priority of preference of either one over the other. Aside from differences between the two Indentures as to amounts, dates, interest rates, conversion prices, and certain other figures, the provisions of said indenture are, with certain exceptions, substantially identical.

(4) In the opinion of the Company, such differences as exist between the 1967 Indenture and the 1969 Indenture are not likely to cause any conflict of interest between the respective trusteeships of First National under said indentures. The Company has waived notice of hearing, the hearing, and any and all rights to specify Procedures under the rules of practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of the fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than August 21, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9193; Filed, Aug. 5, 1969; 8:46 a.m.]

[File No. 24NY-6572]

ORIGINAL ELECTRIC HEATER CORP.

Order Permanently Suspending Exemption

JULY 31, 1969.

I. Original Electric Heater Corp. (Original), 23 West Mall, Plainview, N.Y., incorporated in Delaware on February 27, 1968, filed a notification and offering circular on August 29, 1968, covering a proposed offering of 100,000 shares of its common stock (5 cents par value) at $3 per share for an aggregate offering price of $300,000, for an exemption from the registration requirements of the Securities Act of 1933 pursuant to section 3(b) and Regulation A promulgated thereunder. G. K. Scott & Co., Inc., was named as the underwriter on an all-or-none best efforts basis. Continental Diversified Industries, Inc., is one of the promoters of Original. The offering circular states that the company intends to develop and sell electronic water heaters

and to engage in research and development of electronic and electrical devices.

II. The Commission, on December 26, 1968, temporarily suspended the Regulation A exemption of Original, stating it had reason to believe on the basis of information reported to it by its staff, that:

A. The terms and conditions of Regulation A were not complied with in that:

1. The issuer failed to disclose in the notification and offering circular that Alfred Dallago, a promoter and principal security holder, was indicted on March 21, 1966, and convicted on May 9, 1967, for filing a false and misleading amendment to a registration statement with the Commission relating to a public offering of securities of Lancer Industries and for filing a false and misleading annual report pursuant to the Securities Exchange Act of 1934.

2. The Regulation A exemption was not available for the issuer under the provisions of Rule 252(d)(1) in that Alfred Dallago, the principal stockholder and a promoter of Original, was indicted and subsequently convicted of a crime involving the purchase or sale of a security.

B. The notification and offering circular contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The offering circular was materially false and misleading in failing to disclose the degree of control exercised and to be exercised by Alfred Dallago over the affairs of Original; his degree of participation in the formation of Original; and his interests in Original's business activities.

2. The offering circular failed to disclose the background of Alfred Dallago, one of Original's promoters and its controlling stockholder.

C. The offering, if made, would be in violation of the antifraud provisions of section 17 of the Securities Act of 1933, as amended.

III. No hearing having been requested by the issuer within 30 days after entry by the Commission of an order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors to permanently suspend the exemption of the issuer under Regulation A.

It is ordered, Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9194; Filed, Aug. 5, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-321]

GEORGIA POWER CO.

Notice of Hearing on Application for Provisional Construction Permit

In the matter of Georgia Power Co. (Edwin I. Hatch Nuclear Power Plant, Unit No. 1); docket No. 50-321.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act) and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10 a.m., local time, on September 15, 1969, in the Appling County Courthouse, 110 North Main Street, Baxley, Ga. 31513, to consider the application filed under section 104 b. of the Act by Georgia Power Co. (the applicant), for a provisional construction permit for a boiling water nuclear reactor designed to operate initially at 2436 megawatts (thermal) located on the applicant's approximately 2100-acre site on the south side of the Altamaha River in the northwestern sector of Appling County, Ga. 31513, approximately 98 miles southeast of Macon and 73 miles northwest of Brunswick.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Dr. A. Dixon Callihan, Oak Ridge, Tennessee; Mr. Hood Worthington, Wilmington, Del.; and J. D. Bond, Esq., Chairman, Washington, D.C. Dr. Clark D. Goodman, Houston, Tex., has been designated as a technically qualified alternate, and Mr. James R. Yore, Washington, D.C., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the Board at 2 p.m., local time, on August 28, 1969, in Room 5101 of the Federal Office Building No. 7, 17th and H Streets, Washington, D.C., to consider matters provided for consideration by § 2.752 of 10 CFR Part 2 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on items Nos. 1–3 and a negative finding on item 4 specified below as the basis for the issuance of a provisional construction permit to the applicant substantially in the form proposed in Appendix "A" hereto.

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest dates stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's rules of practice, 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Numbers 1 through 4 above as the basis for determining whether a provisional construction permit should be issued to the applicant.

As they become available, the application, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the ACRS report, the applicant's summary of the application and the regulatory staff's Safety Evaluation will also be available at the office of the Clerk of the County Commissioners, Appling County Courthouse, Baxley, Ga. 31513, for inspection by members of the public each weekday during the regular business hours. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice. Limited Appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by August 22, 1969.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than August 22, 1969, or in the event of postponement of the prehearing conference, at such time as the Board may specify. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice, must be filed by the applicant on or before August 22, 1969.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

Dated at Germantown, Md., this 31st day of July 1969.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. MCCOOL,
Secretary.

APPENDIX A

PROVISIONAL CONSTRUCTION PERMIT

[Construction Permit No. ---------]

1. Pursuant to § 104 of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Georgia Power Co. (the applicant), for a utilization facility (the facility), designed to operate at 2436 megawatts (thermal) described in the application and amendments thereto (the application) filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as the Edwin I. Hatch Nuclear Power Plant, Unit No. 1, will be located at the applicant's approximately 2100-acre site on the south side of the Altamaha River in the northwestern sector of Appling County, Ga., 31513 approximately 98 miles southeast of Macon and 73 miles northwest of Brunswick.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is July 1, 1972, and the latest date for completion of the facility is July 1, 1973.

B. The facility shall be constructed and located at the site as described in the application in the northwestern sector of Appling County, Ga.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 69-9290; Filed, Aug. 5, 1969; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 52, Amdt. 4]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 52, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 52 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., August 24, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 3, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 1, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-9202; Filed, Aug. 5, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 50, Amdt. 4]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., Norfolk and Western Railway, and Chicago, Burlington & Quincy Railroad Co.

Upon further consideration of Car Distribution Direction No. 50, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 50 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., August 24, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 3, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent

of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 1, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-9203; Filed, Aug. 5, 1969; 8:47 a.m.]

[Notice 562]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 1, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1(c)(8)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 112), ROADWAY EXPRESS, INC., Post Office Box 471, 1077 Gorge Boulevard, Akron, Ohio 44309, filed July 23, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Owensboro, Ky., over U.S. Highway 231 to junction Indiana Highway 66, thence over Indiana Highway 66 to junction unnumbered highway approximately 4 miles west of Rockport, Ind., and (2) from Owensboro, Ky., over U.S. Highway 431 to Central City, Ky., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Owensboro, Ky., over unnumbered highway to Wilson Ferry, Ky., thence via ferry to Wilson Ferry, Ind., thence over unnumbered highway to junction Indiana Highway 66, and (2) from Owensboro, Ky., over Kentucky Highway 81 to Central City, Ky., and return over the same routes.

No. MC 9115 (Deviation No. 1), O.N.C. MOTOR FREIGHT SYSTEM, 2800 West Bayshore Road, Palo Alto, Calif. 94303, filed July 18, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: From Mission San Jose, Calif., over Interstate Highway 680 to junction California Highway 21, thence over California Highway 21 to Cordelia, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route, as follows: From Mission San Jose, Calif., over California Highway 238 (formerly California Highway 9) to junction California Highways 17 and 9, at or near San Leandro, Calif., thence over California Highway 17 to Oakland, Calif., thence over Interstate Highway 80 (formerly U.S. Highway 40) to Cordelia, Calif., and return over the same route.

No. MC 29120 (Deviation No. 9), ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak. 57104, filed July 24, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, Ky., over U.S. Highway 150 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 29, thence over Interstate Highway 29 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 275, thence over U.S. Highway 275 to Omaha, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 41 to Kentland, Ind., thence over U.S. Highway 52 via Indianapolis, Ind., to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Alternate U.S. Highway 31 via Seymour, Ind., to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31E to Louisville, Ky., (2) from Chicago, Ill., over Alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway, thence over unnumbered highway via Montour, Iowa, to junction U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway southeast of Marshalltown, Iowa, thence over unnumbered highway to Marshalltown, Iowa, thence over Iowa Highway 330 to junction U.S. Highway 30, thence over U.S. Highway 30 to Denison, Iowa, (3) from Missouri Valley, Iowa, over U.S. Highway 30, to Denison, Iowa, and (4) from Missouri Valley, Iowa, over U.S. Highway 75 to Omaha, Nebr., and return over the same routes.

No. MC 59120 (Deviation No. 12), EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201, filed July 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: Between Charlestown, W. Va., and Princeton, W. Va., over Interstate Highway 77, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Charleston, W. Va., over U.S. Highway 119 to junction West Virginia Highway 3, thence over West Virginia Highway 3 to Beckley, W. Va., thence over U.S. Highway 21 to Princeton, W. Va., and (2) from Charleston, W. Va., over U.S. Highway 21 to junction West Virginia Highway 61, thence over West Virginia Highway 61 to junction U.S. Highway 21, thence over U.S. Highway 21 to Princeton, W. Va., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 527), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed July 25, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 13 and Maryland Highway 366 over U.S. Highway 13 bypassing Pocomoke City, Md., to junction Maryland Highway 366, and (2) from junction U.S. Highway 13 and Maryland Highway 675 over U.S. Highway 13 bypassing Princess Anne, Md., to junction Maryland Highway 675, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Darby, Pa., over U.S. Highway 13 via Dover, Del., to junction Alternate U.S. Highway 13 (formerly U.S. Highway 13), thence over Alternate U.S. Highway 13 via Camden, Del., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Alternate U.S. Highway 13 (formerly U.S. Highway 13), thence over Alternate U.S. Highway 13 via Bridgeville, Del., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Alternate U.S. Highway 13 (formerly U.S. Highway 13), thence over Alternate U.S. Highway 13 (formerly U.S. Highway 13), thence over Alternate U.S. Highway 13 via Seaford, Blades, Laurel, and Delmer, Del., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Maryland Highway 675 (formerly U.S. Highway 13), thence over Maryland Highway 675 via Princess Anne, Md., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Maryland Highway 366 (formerly U.S. Highway 13), thence over Maryland Highway 366 via Pocomoke City, Md., to junction U.S. Highway 13, thence over U.S. Highway 13 to the Maryland-Virginia State line, and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-9204; Filed, Aug. 5, 1969; 8:47 a.m.]

[Notice 1318]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 1, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 106580 (Sub-No. 3) (Republication), filed December 16, 1968, published in the FEDERAL REGISTER issue of January 16, 1969, and republished this issue. Applicant: M. F. BUTLER, JR., and M. F. BUTLER, SR., doing business as OSWEGO LIME DELIVERY CO., Post Office Box 174, Lake Oswego, Oreg. 97034. Applicant's representative: M. F. Butler (same address as above). By application filed December 16, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of ground limestone in bulk or sacks, from Lake Oswego, Oreg., to points in Mason, Thurston, Pierce, Lewis, King, and Klickitat Counties, Wash., restricted to agricultural use. An order of the Commission, Operating Rights Board, dated June 20, 1969, and served July 22, 1969, finds that the present and future public convenience and necessity require operation by applicants, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *ground limestone*, from Lake Oswego, Oreg., to points in Mason, Thurston, Pierce, Lewis, King, and Klickitat Counties, Wash.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124796 (Sub-No. 41) (Republication), filed November 29, 1968, published in the FEDERAL REGISTER issues of December 19, 1968, and January 3, 1969, and republished this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. By application filed November 29, 1968, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of air conditioning equipment, furnaces, water heaters, and component parts and accessories for such items; (a) from Syracuse, N.Y., to Indianapolis, Ind., Collierville and Morrison, Tenn., and points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, and Washington, (b) from Morrison, Tenn., to points in the United States (except Alaska and Hawaii), (c) from Indianapolis, Ind., to Collierville and Morrison, Tenn., and points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, (d) from Industry, Calif., to points in Louisiana, Minnesota, Mississippi, Nebraska, and Tennessee, and (e) from Collierville, Tenn., to points in the United States (except Alaska and Hawaii), and returned shipments, equipment and supplies used in the manufacture and distribution of air conditioning equipment, furnaces, and water heaters, on return in (a) through (e) above and from points in Arizona, Arkansas, Indiana, Illinois, Iowa, Kansas, Michigan, Missouri, New Mexico, New York, Ohio, Oklahoma, Texas, and Wisconsin, to City of Industry, Calif.; restricted to traffic originating or terminating at the plantsites or warehouse facilities utilized by Carrier Corp., and restricted against the transportation of commodities in bulk and those commodities which, by reason of size or weight, require the use of special equipment, under contract with Carrier Corp. An order of the Commission, Operating Rights Board, dated June 30, 1969, and served July 24, 1969, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of:

(1) Air conditioning equipment, furnaces, and water heaters, and parts and accessories for air conditioning equipment, furnaces, and water heaters, (a) from City of Industry, Calif., to points in Louisiana, Minnesota, Mississippi, Nebraska, and Tennessee, (b) from Indianapolis, Ind., to Collierville, and Morrison, Tenn., and to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, (c) from Syracuse, N.Y., to Indianapolis, Ind., and Collierville and Morrison, Tenn., and to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, and Washington, and (d) from Collierville and Morrison, Tenn., to points in the United States (except Alaska and Hawaii); (2) returned shipments of the above-described commodities, (a) from the destination points to the respective origin points specified in (1)(a) through (1)(d) above, and (b) from points in Arizona, Arkansas, Indiana, Illinois, Iowa, Kansas, Michigan, Missouri, New Mexico, New York, Ohio, Oklahoma, Texas, and Wisconsin, to City of Industry, Calif.; and (3) equipment, materials, and supplies used in the manufacture of air conditioning equipment, furnaces, and water heaters, from the destination points to the respective origin points specified in (1)(a) through (1)(d) above; restricted to the transportation of traffic originating at or destined to the plantsites and storage facilities utilized by Carrier Corp., and restricted against the transportation of commodities in bulk and those commodities which, by reason of size or weight, require the use of special equipment; under a continuing contract with Carrier Corp., of Syracuse, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 130078 (Republication), filed January 14, 1969, published FEDERAL REGISTER issue of February 6, 1969, and republished, this issue. Applicant: HISTORICAL TIMES, INC., 302 York Street, Gettysburg, Pa. 17325. Applicant's representative: Harold E. Mesirow, 1001 Connecticut Avenue NW., Washington, D.C. 20036. By application filed January 14, 1969, as amended, applicant seeks a license authorizing operation in interstate or foreign commerce, as a broker at Gettysburg, Pa., arranging for transportation by motor vehicle in interstate or foreign commerce of individual passengers and groups of passengers and their baggage on all-inclusive round trip historical site tours (except meals) operated during the months of April through October, beginning and ending at Gettysburg, Pa., and extending to points in Maryland, Virginia, and West Virginia, or beginning and ending at Nashville, Tenn., and extending to points in Alabama, Georgia, and Mississippi. An order of the Commission, Operating Rights Board, dated June 30, 1969, and served July 24, 1969, finds that operation by applicant at Gettysburg, Pa., as a *broker* in arranging for transportation

by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in special and charter operations, in round-trip-all-expense tours operated during the months of April through October, beginning and ending at (1) Gettysburg, Pa., and extending to points in Maryland, Virginia, and West Virginia; and (2) Nashville, Tenn., and extending to points in Alabama, Georgia, and Mississippi, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a license in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133075 (Sub-No. 1) (Republication), filed February 26, 1969, published in the FEDERAL REGISTER issue of April 4, 1969, and republished, this issue. Applicant: BREMERTON TRANSFER AND STORAGE CO., INC., 221 Bruenn Avenue, Bremerton, Wash. 98310. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104. By application filed February 26, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods, between points in Kitsap, Mason, Pierce, Jefferson, and Grays Harbor Counties, Wash. Restriction: The service sought herein is restricted to the transportation of shipments both (1) moving on the through bill of lading of a freight forwarder operating under the exemption provisions of section 402(b)(2) of the Interstate Commerce Act, as amended, and (2) having an immediately prior or subsequent out-of-state line-haul movement by rail, motor, water, or air. An order of the Commission, Operating Rights Board, dated July 16, 1969, and served July 28, 1969, finds that the present and future public and convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Kitsap, Mason, Pierce, Jefferson, and Grays Harbor Counties, Wash.; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 107496 (Sub-No. 83) (Notice of Filing of Petition for Modification of Tacking Restriction), filed June 27, 1969. Petitioner: RUAN TRANSPORTATION CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Petitioner's representative: H. L. Fabritz (same address as above). Petitioner states it holds authority in No. MC 107496 (Sub-No. 83), to conduct operations as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicle, between points in Illinois and Indiana within 125 miles of Chicago, Ill., including Chicago. From Lockport and Lemont, Ill., and East Chicago, Ind., to points in Illinois north of a line beginning at the Indiana-Illinois State line, and extending along U.S. Highway 50 to Lawrenceville, Ill., thence along Alternate U.S. Highway 50 (formerly U.S. Highway 50) via Sumner, Ill., to junction U.S. Highway 50, and thence along U.S. Highway 50 to the Illinois-Missouri State line, other than Chicago, Ill., and points within 125 miles of Chicago; points in Iowa east of U.S. Highway 69; points in Indiana north of a line beginning at Vincennes, and extending along Indiana Highway 67 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 45, thence along Indiana Highway 45 to Bloomington, Ind., and thence along Indiana Highway 46 to the Indiana-Ohio State line, other than points in Indiana within 125 miles of Chicago, Ill., points in Michigan south and west of a line beginning at Lake Michigan, and extending along an unnumbered highway via North Muskegon, Mich., to junction U.S. Highway 31 to Muskegon, Mich., thence along Michigan Highway 46 to St. Louis, Mich., thence along U.S. Highway 27 to Lansing, Mich., thence along U.S. Highway 127 to junction unnumbered highway (formerly U.S. Highway 127) near Mason, Mich.

Thence along unnumbered highway via Mason to junction U.S. Highway 127, thence along U.S. Highway 127 to Jackson, Mich., thence along unnumbered highway (formerly U.S. Highway 127) via Liberty, Mich., to junction U.S. Highway 112 (formerly U.S. Highway 127), thence along Highway 112 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 223, and thence along U.S. Highway 223 to the Michigan-Ohio State line; and points in Wisconsin (including Lamartine, Wis.), east and south of a line beginning at the Wisconsin-Illinois State line, and extending along Wisconsin Highway 69 to junction U.S. Highway 151, thence along U.S. Highway 151 through Madison to Fond du Lac, Wis., and thence along Wisconsin Highway 23 to Sheboygan, Wis., including points on the indicated portions of the highways specified, with no transportation for compensation on return except as otherwise authorized. From points in Illinois in the Chicago, Ill., commercial zone, as defined by the Commission to points in that part of Wisconsin (including Lamartine, Wis.) located on, east and south of a line beginning at the Wisconsin-Illinois State line, and extending along Wisconsin Highway 69 to junction U.S. Highway 151, thence along U.S. Highway 151 through Madison, Wis., to Fond du Lac, Wis., and on and south of Wisconsin Highway 23, with no transportation for compensation on return except as otherwise authorized.

From Lockport, Ill., to Sevens Point, Wis., with no transportation for compensation on return except as otherwise authorized. From Niles, Mich., and points within 5 miles thereof, to points in Indiana on and north of a line commencing at the junction of the Illinois-Indiana State line and U.S. Highway 24, and extending along U.S. Highway 24 through Logansport, Peru, and Wabash, Ind., to Huntington, Ind., and thence along U.S. Highway 224 through Decatur, Ind., to the Indiana-Ohio State line, with no transportation for compensation on return except as otherwise authorized. *Liquid petroleum asphalt*, in bulk, in tank vehicles, from Lockport, Ill., to points in Lafayette, Iowa, Richland, Sauk, Juneau, Adams, Marquette, Waushara, Green Lake, Calumet, Winnebago, Manitowoc, Wood, Brown, Portage, Waupaca, Outagamie, Kewaunee, Marathon, Shawano, Oconto, and Door Counties, Wis., and points in that part of Green, Dane, Columbia, Dodge, Fond du Lac, and Sheboygan Counties, Wis. (including Lamartine, Wis.), west and north of a line beginning at the Wisconsin-Illinois State line, and extending along Wisconsin Highway 69 to junction U.S. Highway 151, thence along U.S. Highway 151 through Madison, Wis., to Fond du Lac, Wis., and thence along Wisconsin Highway 23 to Sheboygan, Wis., with no transportation for compensation on return except as otherwise authorized, subject to the condition that the carrier shall not light or keep lighted open-flame burners attached to any vehicle used in such transportation except, and only when, such vehicle is at rest and off the highway.

Restriction: The authority herein granted shall not be tacked or combined with any authority otherwise held by the carrier for the purpose of performing

single-line through service. Any repetition in the statement of the authority granted herein shall not be construed as conferring more than one operating right. By the instant petition petitioner seeks the removal of the above restriction "The authority herein granted shall not be tacked or combined with any authority otherwise held by the carrier for the purpose of performing single-line through service." Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER. It is planned to handle the instant petition with the application in No. MC-F-10524, Ruan Transport Corp.—Control and Merger—Illinois-Ruan Transport Corp., noticed in the July 9, 1969, issue of the FEDERAL REGISTER, at page 11400.

No. MC 116164 (Sub-No. 2) Notice of Filing of Petition for Modification and To Add Shipper, filed June 27, 1969. Petitioner: ARROW TRANSPORTATION, a corporation, Des Moines, Iowa. Petitioner's representative: William L. Fairbanks, 610 Hubbell Building, Des Moines, Iowa 50309. Petitioner states it holds permit MC 116164 (Sub.-No. 2) which authorizes the transportation by motor contract carrier: *Brick, building tile, and agricultural or drain tile*, from Adel, Iowa, to points in Missouri; points in that part of Nebraska on and east of U.S. Highway 281; points in that part of South Dakota on, east, and south of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 281 to Aberdeen, S. Dak., thence along U.S. Highway 12 to the South Dakota-Minnesota State line; points in that part of Minnesota on and south of a line beginning at the South Dakota-Minnesota State line and extending along U.S. Highway 12 to St. Paul, Minn., and thence along U.S. Highway 10 to the Minnesota-Wisconsin State line; points in that part of Wisconsin on and south of U.S. Highway 10; and points in that part of Illinois on and north of U.S. Highway 50; with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized above are limited to a transportation service to be performed under a continuing contract, or contracts, with United Brick and Tile Co., Adel, Iowa. From Oskaloosa, Iowa, to points in Missouri; points in that part of Nebraska on and east of U.S. Highway 281; points in that part of South Dakota on, east, and south of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 281 to Aberdeen, S. Dak., thence along U.S. Highway 12 to the South Dakota-Minnesota State line; points in that part of Minnesota on and south of a line beginning at the South Dakota-Minnesota State line and extending along U.S. Highway 12 to St. Paul, Minn., and thence along U.S. Highway 10 to the Minnesota-Wisconsin State line; points in that part of Wisconsin on and south of U.S. Highway 10; and points in that part of Illinois on and north of U.S. Highway 50; with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized immediately above are limited to a transportation service to be performed under a continuing contract, or contracts, with Oskaloosa Clay Products Co., Oskaloosa, Iowa. From Ottumwa, Iowa, to points in Missouri; points in that part of Nebraska on and east of U.S. Highway 281; points in that part of South Dakota on, east, and south of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 281 to Aberdeen, S. Dak., thence along U.S. Highway 12 to South Dakota-Minnesota State line; points in that part of Minnesota on and south of a line beginning at the South Dakota-Minnesota State line and extending along U.S. Highway 12 to St. Paul, Minn., and thence along U.S. Highway 10 to the Minnesota-Wisconsin State line; points in that part of Wisconsin on and south of U.S. Highway 10; and points in that part of Illinois on and north of U.S. Highway 50; with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized immediately above are limited to a transportation service to be performed under a continuing contract, or contracts, with Ottumwa Brick and Tile Co., Ottumwa, Iowa. From Fort Dodge (or nearby Kalo), Iowa, to points in that part of Nebraska on and east of U.S. Highway 281; points in that part of South Dakota on, east, and south of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 281 to Aberdeen, S. Dak., thence along U.S. Highway 12 to the South Dakota-Minnesota State line; points in that part of Minnesota on and south of a line beginning at the South Dakota-Minnesota State line and extending along U.S. Highway 12 to St. Paul, Minn., and thence along U.S. Highway 10 to the Minnesota-Wisconsin State line; points in that part of Wisconsin on and south of U.S. Highway 10; and points in that part of Illinois on and north of U.S. Highway 50; with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized immediately above are limited to a transportation service to be performed under a continuing contract, or contracts, with Johnston Corp. and its subsidiary, Fort Dodge Brick and Tile Co., and Kalo Brick & Tile Co., of Fort Dodge, Iowa. From Centerville, Iowa, to points in that part of Nebraska on and east of U.S. Highway 281; points in that part of South Dakota on, east, and south of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 281 to Aberdeen, S. Dak., thence along U.S. Highway 12 to the South Dakota-Minnesota State line; points in that part of Minnesota on and south of a line beginning at the South Dakota-Minnesota State line and extending along U.S. Highway 12 to St. Paul, Minn., and thence along U.S. Highway 10 to the Minnesota-Wisconsin State line; points in that part of Wisconsin on and south of U.S. Highway 10; and points in that part of Illinois on and north of U.S. Highway 50; with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized immediately above are limited to a transportation service to be performed under a continuing contract, or contracts, with Iowa Clay Products Co., Centerville, Iowa. From Des Moines, Iowa, to points in Missouri, with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized immediately above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Des Moines Clay Products Co., Des Moines, Iowa. From Redfield and Centerville, Iowa, to points in Missouri, with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized immediately above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Adel Clay Products Co., Redfield and Centerville, Iowa. From Redfield, Iowa, to points in Missouri, with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized immediately above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Redfield Brick and Tile Co., Redfield, Iowa. From Kalo, Iowa, to points in Missouri, with no transportation for compensation on return except as otherwise authorized.

Restrictions: The operations authorized immediately above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Johnston Corp. and its subsidiary, Fort Dodge Brick and Tile Co., and Kalo Brick & Tile Co., of Fort Dodge, Iowa. Petition states that with the exception of United Brick and Tile Co. and Kalo Brick & Tile Co., all of the above-named companies are actually plant locations of Goodwin Cos., a subsidiary of Can-Tex Division of Harsco Corp., and these plant locations are not individual companies. Petition also states that Goodwin Cos. no longer operate a plant at Centerville, Iowa, and requests that the portion of the permit applicable to Centerville be deleted. In addition to requesting that the permit be modified, petitioner also requests that Vincent Clay Products be added as a contracting shipper in that portion of the permit which authorizes transportation from Fort Dodge. Any person or persons desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of the publication in the FEDERAL REGISTER.

No. MC 118831 (Sub-Nos. 34 and 36), Notice of Filing of Petition To Amend Certificate, filed July 22, 1969. Petitioner: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, High Point, N.C. Petitioner's representative: Richard E. Shaw (same address as above). Petitioner states it is presently authorized under its Sub-No. 34, dated September

16, 1965, to transport cement, in bags, from Spencer, N.C., to points in North Carolina, South Carolina, Georgia, and points in Virginia within 200 miles of Spencer, N.C., with no transportation for compensation on return except as otherwise authorized. Under its Sub-No. 36, the part here pertinent, dated July 18, 1967, it is authorized to transport cement, in bulk, from Spencer, N.C., to points in North Carolina with no transportation for compensation on return except as otherwise authorized, restricted to shipments having prior movement by rail. By the instant petition, petitioner requests permission to add to the origins now reading Spencer, N.C., application also from points within 10 miles thereof. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 126512 (Sub-No. 5) (Notice of Filing of Petition To Add Additional Contract), filed July 22, 1969. Petitioner: BROAD TOP SALES AND SERVICE, INC., Greencastle, Pa. Petitioner's representative: C. Kenneth Crotsley (same address as above). Petitioner states that it has been granted contract carrier authority by motor vehicle, to transport, over irregular routes, coal, from points in Somerset and Westmoreland Counties, Pa., to Baltimore, Hagerstown, Lime Kiln, and Williamsport, Md., under a continuing contract with Robert H. Glessner, Jr., doing business as Glessner Mines, and C. W. Brown, doing business as C. W. Brown Coal Co. By the instant petition, it seeks to add an additional contracting shipper, C. M. & W. Coal Co., Inc., Greencastle, Pa. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of or against the addition of said contracting shipper within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 73866 (Sub-No. 5), filed July 3, 1969. Applicant: LOUIS J. GARDELLA, INC., 111 Harbor Avenue, Norwalk, Conn. 06852. Applicant's representative: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. 06510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in New Haven, Conn., on the one hand, and, on the other, points in Connecticut. NOTE: Common control may be involved. Applicant states it will tack at New Haven, Conn. and points in New Haven County, Conn. authorized in MC 73866, to serve points in Connecticut. Applicant seeks to convert the certificate of registration of the Davis Storage Co. (MC 48554 Sub 2) to a certificate of public convenience and necessity. This application is directly related to MC-F 10533, published in the FEDERAL REGISTER issue of July 24, 1969. If a hearing is deemed necessary, applicant requests it be held at New Haven or Hartford, Conn.

No. MC 111398 (Sub-No. 13), filed July 9, 1969. Applicant: FISCHBACH TRUCKING CO., a corporation, 921 Sherman Street, Akron, Ohio 44311. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Akron, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states it would join the requested authority with its existing authority at Akron, Ohio, on service between points in Ohio, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Tennessee, Illinois, Indiana, and other authorized points. This is a matter directly related to MC-F-10542, published in the FEDERAL REGISTER issue of July 16, 1969, wherein applicant seeks to convert the certificate of registration of Peck Movers, Inc., MC 120311 Sub 1 into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111625 (Sub-No. 15), filed July 16, 1969. Applicant: BERMAN'S MOTOR EXPRESS, INC., Box 1566, Binghamton, N.Y. 13902. Applicant's representatives: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and commodities injurious or contaminating to other lading), between Binghamton and Norwich, N.Y., over New York Highway 12, serving all intermediate points and the following off-route points: Towns of Binghamton, Conklin, Dickinson, Fenton, Kirkwood, Norwich, Union, and Vestal, N.Y. NOTE: This application is a matter directly related to MC-F 10551, published in the FEDERAL REGISTER issue of July 23, 1969, wherein applicant seeks to convert the certificate of registration of Norwich Express, Inc., under MC 99820 (Sub.-No. 2) into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Binghamton or New York, N.Y.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10563. Authority sought for control by MERLIN J. NORTON (INDIVIDUAL), 1891 West 2100 South Street, Salt Lake City, Utah 84119, of UTAH PACIFIC TRANSPORT CO., 15628 Southeast Old Carver Road, Post Office Box 235, Clackamas, Oreg. 97015. Applicants' attorney: Duane W. Acklie, Post Office Box 806, Lincoln, Nebr. 68501. Operating rights sought to be controlled: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Columbia and Clatsop Counties, Oreg., on the one hand, and, on the other, Seattle, Wash., and certain specified points in Washington; *forest products*, between points in Clatsop and Columbia Counties, Oreg., *lumber*, between points in Clatsop and Columbia Counties, Oreg., on the one hand, and, on the other, Seattle and Aberdeen, Wash., and certain specified points in Washington, from points in Oregon, to points in Arizona, Colorado, Idaho, Montana, Utah, and Wyoming; *machinery*, between points within 1 mile of U.S. Highway 30 and 101 in Clatsop and Columbia Counties, Oreg., on the one hand, and, on the other, Seattle and Aberdeen, Wash., and certain specified points in Washington, between points in Clatsop and Columbia Counties, Oreg., except points within 1 mile of the above-specified highways, on the one hand, and, on the other, certain specified points in Washington; *boats and boat equipment*, between points in Columbia and Clatsop Counties, Oreg., on the one hand, and, on the other, certain specified points in Washington; *cedar floats*, from points in the Oregon counties specified above, to points in Washington counties; *salt and salt products*, from Flux and Saltair, Utah, to points in Oregon and Washington; *brick and building tile*, from Denver, Colo., to points in Oregon and Washington. MERLIN J. NORTON holds no authority from this Commission. However, he is controlling stockholder of F-B TRUCK LINE COMPANY, 1891 West 2100 South Street, Salt Lake City, Utah, which is authorized to operate as a *common carrier* in Idaho, Utah, Montana, and California. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10564. Authority sought for purchase by THE CLEVELAND, COLUMBUS & CINCINNATI HIGHWAY, INC., 215 Euclid Avenue, Cleveland, Ohio 44114, of a portion of the operating rights of MOTOR EXPRESS, INC., 410 Lincoln Building, Cleveland, Ohio 44114, and for acquisition by U.S. TRUCK LINES, INC., of DELAWARE, 1602 Union Commerce Building, Cleveland, Ohio 44115, of control of such rights through the purchase. Applicants' representative: James E. Wesner, Suite 300, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Operating rights sought to be purchased: *General commodities*, except liquids in bulk, in tank truck, household goods as defined by the Commission, classes A and B explosives, green hides, livestock, money, valuable documents and papers, postage stamps, letters, precious stones, and other articles of extraordinary value, articles inherently injurious to other freight and carrier equipment, and commodities not suitable to motor transportation by reason of weight limitations or otherwise, as a *common carrier*, over regular routes, between Wheeling, W. Va., and Erie, Pa. Vendee is authorized to operate as a *common carrier*, in Ohio Michigan, Indiana, Kentucky, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10565. Authority sought for purchase by NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360, of the operating rights of JOSEPH LIBERMAN, doing business as LIEBERMAN & SONS (Internal Revenue Service, Successor in Interest), 26 Federal Plaza, New York, N.Y. 10007 and for acquisition by BERNARD A. BROWN, also of Vineland, N.J., of control of such rights through the purchase. Applicants' attorney and representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019 and District Director of Internal Revenue, Post Office Box 911, General Post Office, Brooklyn, N.Y. 11202. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, between New York, N.Y., on the one hand, and, on the other, points in Virginia, between New York, N.Y., on the one hand, and, on the other, points in Illinois, Michigan, Ohio, and West Virginia, between New York, N.Y., on the one hand, and, on the other, points in North Carolina, South Carolina, and Georgia, between New York, N.Y., and points in Westchester County, N.Y., on the one hand, and, on the other, points in Florida. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, Maine, Connecticut, Massachusetts, Rhode Island, Delaware, Maryland, New Hampshire, Florida, Ohio, Vermont, Virginia, West Virginia, Wisconsin, Minnesota, Missouri, South Carolina, North Carolina, Nebraska, Louisiana, Alabama, Mississippi, Georgia, Illinois, Michigan, Kentucky, Indiana, Tennessee, Arkansas, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10566. Authority sought for purchase by BELLEVUE TRUCKING COMPANY, Room 1835, Land Title Building, Philadelphia, Pa. 19110, of a portion of the operating rights of PETER J. PETRIZZO & SON, INC., 317 Midland Avenue, Garfield, N.J. 07026, and for acquisition by Jack A. Rodgers, Post Office Box 6055, 2155 Ridgewood R., Akron, Ohio 44312, of control of such rights through the purchase. Applicants' attorneys: A. David Millner, 744 Broad Street, Newark, N.J. 07102, and John M. Zachara, Post Office Box Z, Paterson, N.J. 07509. Operating rights sought to be transferred: *Structural steel, steel plates, machinery, hot water heaters and boilers, and safes*, as a common carrier over irregular routes, between points in New Jersey, New York, and Pennsylvania, within 200 miles of Newark, N.J., *heavy machinery* requiring special equipment between Newark, N.J., and points in Connecticut, Rhode Island, Massachusetts, Delaware, and Maryland, within 200 miles of Newark, N.J. BELLEVUE TRUCKING COMPANY, holds no authority from this Commission. However, its controlling stockholder controls MILLER TRANSFER AND RIGGING CO., who is authorized to operate as a *common carrier* in Pennsylvania, Maryland, Ohio, West Virginia, New York, Illinois, Indiana, Ohio, California, Massachusetts, Minnesota, Connecticut, and the District of Columbia, and as a *contract carrier* in all States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10567. Authority sought for controlled and merger into H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. 17201, of the operating rights and property of J AND L LINES, INC., Rural Delivery No. 3, Chambersburg, Pa. 17201, and for acquisition by HAROLD C. GABLER, also of Chambersburg, Pa., of control of such rights and property through the transaction. Applicants' attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Operating rights sought to be controlled and merged: General commodities, with certain specified exceptions, and numerous other specified commodities, as a common carrier over regular and irregular routes, from, to and between specified points in the States of North Carolina, Ohio, West Virginia, Virginia, Delaware, Maryland, Pennsylvania, New Jersey, New York, South Carolina, and the District of Columbia, with certain restrictions, serving various intermediate and off-route points, numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC-116777 Sub. 1 and Sub-Nos. 3, 4, and 6. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. H. C. GABLER, INC., is authorized to operate as a *common carrier* in Pennsylvania, Maryland, Virginia, West Virginia, New Jersey, Iowa, Kentucky, Massachusetts, Michigan, Missouri, New Hampshire, Rhode Island, Vermont, Maine, Connecticut, Delaware, Ohio, Indiana, Illinois, North Carolina, Alabama, Mississippi, Louisiana, Tennessee, Wisconsin, Florida, Georgia, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10568. Authority sought for control by U.S. INDUSTRIES, INC., 250 Park Avenue, New York City, N.Y. 10017, of the operating rights of CONNECTICUT LIMOUSINE SERVICE, INC., 1060 State Street, New Haven, Conn. 06511. Applicants' attorney: Palmer S. McGee, Jr., 1 Constitution Plaza, Hartford, Conn. 06103. Operating rights sought to be controlled: Passengers and their baggage, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, as a *common carrier*, over regular routes, between New Haven, Conn., and La Guardia Field Airport, New York, N.Y., and New York International Airport, Idlewild, N.Y., serving the intermediate points of Fairfield and Stratford, Conn., between Waterbury, Conn., and La Guardia Field Airport, New York, N.Y., and New York International Airport, Idlewild, N.Y., serving the intermediate points of Derby, Stratford, and Bridgeport, Conn., between Shelton, Conn., and Stratford, Conn., over one alternate route for operating convenience only; between Stamford, Conn., and New York International Airport (Idlewild) and La Guardia Airport, New York, N.Y., serving no intermediate points, between New Haven, Conn., and Newark Airport, Newark, N.J., serving the intermediate points of Stratford, Bridgeport, Fairfield, Norwalk, Darien, and Stamford, Conn., with restriction; between Bridgeport, Conn., and the Kennedy International Airport and La Guardia Airport at New York, N.Y., serving no intermediate points; between North Haven, Conn., and Kennedy International Airport and La Guardia Airport, New York City, N.Y., serving the intermediate point of Hamden, Conn., between Milford, Conn., and La Guardia and Kennedy International Airports, New York, N.Y., serving the intermediate points of Westport, Darien, Stamford, and Greenwich, Conn., between New Canaan, Conn., and junction Connecticut Highway 29 and Interstate Highway 95, serving no intermediate points, and serving the termini for purposes of joinder only with the route described above, with restrictions; between Danbury, Conn., and La Guardia Airport, New York, N.Y., and John F. Kennedy International Airport, Idlewild, N.Y., serving the intermediate points of Ridgefield, Wilton, and Norwalk, Conn. U.S. INDUSTRIES, INC., holds no authority from this Commission. However, it is controlling stockholder of B & P Motor Express, Inc., 720 Gross Street, Pittsburgh, Pa., who is authorized to operate as a *common carrier* in Wisconsin, Ohio, Illinois, Kentucky, Michigan, Maryland, Virginia, Pennsylvania, Indiana, Delaware, West Virginia, New York, New Jersey, and the District of Columbia, and C. I. WHITTEN TRANSFER COMPANY, Post Office Box 1833, Huntington, W. Va., who is authorized to operate as a *common carrier* in West Virginia, Pennsylvania, Kentucky, Ohio, Virginia, New Jersey, Alabama, Connecticut, Delaware, Massachusetts, Vermont, Maryland, Maine, New York, Tennessee, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-9205; Filed, Aug. 5, 1969; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 1, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 245 (49 CFR 1100.245) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State docket No. (not given), filed (unknown). Applicant: LEMARS TRANSFER COMPANY, INC., 31 Plymouth Street NW., Le Mars, Iowa 51031. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities*, between Le Mars, Merrill, Hinton, and Sioux City, Iowa, and return of freight over the same route. Both Intrastate and Interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Iowa State Commerce Commission, State Capitol, Des Moines, Iowa 50319, and should not be directed to the Interstate Commerce Commission.

State docket No. 69327–CCB, filed July 16, 1969. Applicant: IMPERIAL INTER-URBAN, INC., 730 Mirror, Lakeland, Fla. 33802. Applicant's representative: M. Craig Massey, 202 East Walnut Street, Post Office Drawer J, Lakeland, Fla. 33802. Certificate of public convenience and necessity sought to operate a passenger service as follows: *Passengers and their baggage* having an immediately prior or subsequent movement by air in motor vehicles of not more than 28 passenger capacity, including the driver, between all F.A.A. regulated airports within the described geographical area on the one hand, and all points within the described geographical area on the other hand, bordered on the south by a line commencing at the Atlantic Ocean at Ft. Pierce, Fla., thence over Florida State Road 70 to Okeechobee, Fla., thence along the western shore of Lake Okeechobee to the point said western shore of Lake Okeechobee intersects the eastern boundary of Hendry County, thence south along the eastern boundary of Hendry County and Collier County, thence west along the southern boundary of Collier County to the Gulf of Mexico; bordered on the west by the Gulf of Mexico; bordered on the north by a line commencing on the Gulf of Mexico at Yankeetown, Fla., thence via Florida State Road 40 through Dunnellon and Ocala, to its common points with U.S. Highway 92 to Daytona Beach, Fla.; and bordered on the east by the Atlantic Ocean. Service is restricted against transportation between an airport located within a municipality and the municipality in which such airport is located; between an airport located immediately adjacent to a municipality or within 5 miles of municipality and such municipality; and between an airport and any unincorporated area within 5 miles of such airport. Service is further restricted against charter transportation. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9208; Filed, Aug. 5, 1969; 8:47 a.m.]

[Notice 879]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 1, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and 6 copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 27754 (Sub-No. 13 TA) (Amendment), filed July 8, 1969, published FEDERAL REGISTER, issue of July 17, 1969 and republished as amended this issue. Applicant: FRANK J. KUBLY TRANSFER, INC., 1202 18th Street, Monroe, Wis. 53566. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Monroe, Wis., to Minneapolis-St. Paul, Rochester, and Medford, Minn., and Fargo, N. Dak., and return movement of *used empty malt beverage containers*, from Minneapolis-St. Paul, Rochester, and Medford, Minn., and Fargo, N. Dak., to Monroe, Wis., for 180 days. NOTE: The purpose of this republication is to include "used" before empty malt beverage containers. Supporting shipper: Joseph Huber Brewing Co., Monroe, Wis. 53566. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 111594 (Sub-No. 43 TA), filed July 25, 1969. Applicant: C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, Wis. 54494. Applicant's representative: G. R. Richmond (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Baraboo, Wis., to Chicago Heights, Ill., for 180 days. Supporting shipper: International Minerals & Chemical Corp., Chicago Heights, Ill. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 116254 (Sub-No. 102 TA), filed July 25, 1969. Applicant: CHEM-HAMULERS, INC., Post Office Box 245, Sheffield, Ala. 35660. Applicant's representative: L. Winston Biggs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke and coke dust*, in bulk, from Birmingham, Ala., to Mt. Pleasant, Tenn., points in Charleston County, S.C., and Polk County, Fla.; and on return, *coke dust*, from Mt. Pleasant, Tenn., points in Charleston County, S.C., and Polk County, Fla., to Birmingham, Ala., for 180 days. Supporting shipper: Mobil Chemical Co., a division of Mobil Oil Corp., 401 East Main Street, Richmond, Va. 23208; Attention: Beverly C. Davis, Assistant Traffic Manager. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814–2121 Building, Birmingham, Ala. 35203.

No. MC 128659 (Sub-No. 1 TA), filed July 25, 1969. Applicant: ORBITAL TRANSPORT, INC., 2647 Karen Street, Bellmore, N.Y. 11710. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from Orangeburg, N.Y., North Bergen, Cliffwood and Freehold, N.J., to Glen Cove, N.Y., for 180 days. Supporting shipper: Glen Cove Bottle Co. Inc., Glen Cove, N.Y. Send protests to: Anthony Chuisano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133082 (Sub-No. 1 TA), filed July 25, 1969. Applicant: JAMES E. MOORE, doing business as MOORE's HAULING, Broad Street and Sumneytown Pike, Lansdale, Pa. 19446. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted to shipments having an immediate prior or subsequent movement by aircraft, between the Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, points in Bucks and Montgomery Counties, Pa., for 180 days. Supporting shippers: There are approximately (14) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Peter R. Guman, District Supervisor, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133466 (Sub-No. 1 TA), filed July 15, 1969. Applicant: WILKINSON TRANSPORTATION CO., 13th and Madison Street, Fort Calhoun, Nebr. Applicant's representative: Charles J. Kimball, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate at a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil containers*, from Fort Calhoun, Nebr., to points in Arkansas, Arizona, California, Florida, Georgia, Indiana, Illinois, Kansas, Maryland, Michigan, Missouri, New York, Ohio, Oklahoma, Pennsylvania, Texas, Tennessee, Vermont, and Virginia; (2) *Aluminum sheet foil*, from points in Jackson County, Ark.; Scott County, Iowa; Lebanon County Pa.; Jackson County, W. Va.; Los Angeles and Orange Counties, Calif.; Madison and Carroll Counties, Tenn.; Jefferson County, Ky.; Forsyth County, N.C.; and Henrico County, Va.; to Fort Calhoun, Nebr.; (3) *Parts for explosive devices and mortars, screw machine parts, and steel filters;* from points in Los Angeles and Orange Counties, Calif.; St. Louis County, Mo.; Lancaster, West Moreland; and Schuylkill Counties, Pa.; Nassau County, N.Y.; Cook County, Ill.; and Hertford County, N.C., to Fort Calhoun, Nebr.; (4) *Parts for explosive devices and mortars, screw machine parts, and steel filters*, from Fort Calhoun, Nebr., to points in Harrison and Bowie Counties, Tex.; Bigxon County, Tenn.; Etowah County, Ala.; and Labette County, Kans., for 180 days. Supporting shipper: Wilkinson Manufacturing Co., Post Office Box 12127, Omaha, Nebr. 68112. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133910 TA, filed July 24, 1969. Applicant: GILMORE MOVING & STORAGE, INC., 900 New Warrington Road, Pensacola, Fla. 32506. Applicant's representative: Alan F. Wohlsteeter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Escambia, Walton, Santa Rosa, and Okaloosa Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, Calif. 94801. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 133911 TA, filed July 24, 1969. Applicant: CLIFTON D. TURNER, doing business as C. D. TURNER TRANSFER, 307 Third Avenue, Radford, Va. 24141. Applicant's representative: James C. Turk, First and Merchants National Bank Building, Radford, Va. 24141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Loaded trailers, freight-all-kinds*, with prior or subsequent movement by rail, between Radford, Va., and Montgomery, Pulaski, Wythe, Giles, and Carroll Counties, Va., and the city of Galax, Va., for 180 days. Supporting shippers: Hercules, Inc., Pulaski-Hiwassee Plants, Pulaski, Va. 24301; Pulaski Furniture Corp., Pulaski, Va. 24301; Lucerne Textiles, Inc., 226 West 37th Street, New York, N.Y. 10018; Vaughan-Bassett Furniture Co., Galax, Va. 24333. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

MOTOR CARRIER OF PASSENGERS

No. MC 109736 (Sub-No. 32 TA), filed July 24, 1969. Applicant: CAPITOL BUS COMPANY, 1061 South Cameron Street, Harrisburg, Pa. 17105. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Baltimore, Md., and Washington, D.C., over the Baltimore-Washington Expressway, restricted against local service between Baltimore, Md., and Washington, D.C., for 150 days. NOTE: Applicant does intend to tack at Baltimore MC 109736 and interline at Washington, D.C. Supporting shipper: Applicant's own statement. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9206; Filed, Aug. 5, 1969; 8:47 a.m.]

[Notice 390]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 1, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71019. By order of July 24, 1969, the Motor Carrier Board, on reconsideration, approved the transfer to Matson Truck Lines, Inc., Albert Lea, Minn., of certificates Nos. MC–115787 (Sub-No. 1) and MC–115787 (Sub-No. 3) issued October 22, 1956, and May 24, 1961, respectively, to Matson Truck Lines of Indiana, Inc., authorizing the transportation of: Laminated wood products and hardware and accessories therefor, from specified points in Indiana to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Pennsylvania. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, practitioner for applicants.

No. MC–FC–71456. By order of July 24, 1969, the Motor Carrier Board approved the transfer to Paul LaBuda, Hazleton, Pa., of the operating rights in certificate No. MC–6859 issued June 9, 1941, to Clarence Hoffa, Hazleton, Pa., authorizing the transportation of household goods, between Ashland, Pa., and points in Pennsylvania within 20 miles thereof, on the one hand, and, on the other, points in New York and New Jersey. Bartel E. Ecker, 605 Citizens Bank Building, Hazleton, Pa. 18201, attorney for applicants.

No. MC–FC–71428. By order of July 28, 1969, the Motor Carrier Board approved the transfer to Oswego Lime Delivery Co. Inc., Post Office Box 174, Lake Oswego, Oreg. 97034, of certificate No. MC–106580 (Sub-No. 1), issued June 19, 1961, to M. F. Butler, Jr., and M. F. Butler, Sr., a partnership, doing business as Lime Delivery Co., Post Office Box 174, Lake Oswego, Oreg. 97034, authorizing the transportation of: Ground limestone, from Lake Oswego, Oreg., to points in specified counties in Washington.

No. MC–FC–71247. By order of July 29, 1969, the Motor Carrier Board approved the transfer to Curtman E. Wilkinson, doing business as North American Moving & Storage, Jacksonville, Ill., of the operating rights in certificate No. MC–9686 issued February 12, 1953, to Thomas W. Eades, doing business as Eades Transfer & Storage, Jacksonville, Ill., authorizing the transportation, over irregular routes, of household goods, between points in Morgan County, Ill., on the one hand, and, on the other, points in Missouri, Iowa, and Indiana. Mack Stephenson, 301 North Second Street, Springfield, Ill. 62702, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9207; Filed, Aug. 5, 1969; 8:47 a.m.]

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FIRE PREVENTION WEEK, 1969

By the President of the United States of America

A Proclamation

In an era when technological advancement has brought to our Nation an almost unbelievable array of conveniences and comforts, we still are plagued by the hazard of man's oldest implement for self-preservation—fire. The potential dangers associated with fire still present a real threat to human life and property.

The present level of our annual fire losses—more than 12,000 lives and over $2 billion in property—is a measure of our failure to heed fire hazards and to correct them. It is essential that every citizen recognize that such losses can be avoided, but only by personal involvement, determination, and a realization that fires need not occur.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning October 5, 1969, as Fire Prevention Week.

I urge that we, as a Nation and as individual citizens, assume a positive approach to fire prevention through the support of community fire departments, State and local governments, the National Fire Protection Association, business and civic groups, and public organizations that are trying to combat the senseless waste of human life and national resources.

I also urge Federal agencies, through the Federal Fire Council, to initiate and carry on effective fire prevention programs not only for the protection of Government employees and property but also for the betterment of all segments of our society.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of August, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 69-9362; Filed, Aug. 5, 1969; 2:52 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 288]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.588 Valencia Orange Regulation 288.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 5, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 8, 1969, through August 14, 1969, are hereby fixed as follows:

(i) District 1: 301,000 cartons;

(ii) District 2: 371,000 cartons;

(iii) District 3: 28,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 6, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9422; Filed, Aug. 6, 1969; 11:51 a.m.]

[Pear Reg. 8]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON AND CALIFORNIA

Regulation by Grades, Quality, and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Control Committee reflect its appraisal of the winter pear crop and the current and prospective market conditions. Shipments of winter pears are expected to begin on or about August 11, 1969. Grade and size requirements provided herein are necessary to prevent the handling, on and after August 11, 1969, of any of the listed varieties of winter pears (Beurre D'Anjou, Beurre Bosc, Doyenne du Comice, and Winter Nelis) of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 11, 1969. A reasonable determination as to the composition of the available supplies of such pears, and therefore the extent of grade and size regulation warranted, must await the development of the crop; recommendation as to the need for, and the extent of, regulation of shipments of such pears were made by said committee on July 24, 1969, after consideration of all information then available relative to the supply and demand conditions for such pears, at which time such recommendations and supporting information were submitted to the Department on July 25, 1969, with supplemental information received on July 29, 1969, and notice thereof given to handlers and growers; shipments of the current crop of such pears are expected to begin on or about the effective time hereof, and this regulation should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 927.308 Pear Regulation 8.

(a) *Order.* (1) During the period August 11, 1969, through June 30, 1970, no handler shall ship any pears which do not meet the following requirements for the variety specified:

(i) Beurre D'Anjou pears shall grade not less than U.S. No. 2 and shall be of a size not smaller than the 165 size: *Provided*, That pears of such variety of a size not smaller than the 180 size may be shipped if they grade at least U.S. No. 1, and: *Provided further*, That pears of such variety which bear unhealed broken skin punctures measuring not to exceed three-sixteenths (3/16) of an inch in diameter or in depth, as the case may be, may be shipped if such pears otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size;

(ii) Beurre D'Anjou pears shipped from the Medford, Hood River-White Salmon-Underwood, Wenatchee, or Yakima Districts prior to October 15, 1969, shall have an appropriate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to at least 35° Fahrenheit;

(iii) Beurre Bosc pears shall grade not less than U.S. No. 2 and shall be of a size not smaller than 180 size: *Provided*, That pears of such variety of a size not smaller than the 195 size may be shipped if they grade at least U.S. No. 1;

(iv) Doyenne du Comice pears shall grade at least U.S. No. 2 and shall be of a size not smaller than 165 size;

(v) Winter Nelis pears shall grade at least U.S. No. 2 and shall be of a size not smaller than 210 size.

(2) Each handler may ship on any one conveyance up to, but not to exceed, 200 standard western pear boxes of pears, or an equivalent quantity of pears in other containers computed by weight to the nearest 5 pounds, without regard to the inspection requirements of § 972.60(b), under the following conditions:

(i) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee on forms furnished by the committee for permission to make such shipments.

The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination; and

(ii) On the basis of such individual reports, the committee shall request spot check inspection of such shipments.

(3) When used herein, "U.S. No. 1", "U.S. No. 2", shall have the same meaning as when used in the U.S. Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other Similar Varieties (7 CFR 51.1300–51.1323); "135 size", "165 size", "180 size", "195 size", and "210 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said U.S. Standards, 135, 165, 180, 195, or 210 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 4, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9295; Filed, Aug. 6, 1969; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1966 and Subsequent Crops Soybean Supp., Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966 and Subsequent Crops Soybean Loan and Purchase Program

The regulations issued by the Commodity Credit Corporation (31 F.R. 6013), and any amendments thereto, applicable to price support loan and purchase operations for 1966 and subsequent crops of soybeans are amended as follows:

1. The introductory statement in § 1421.2955 is revised to include a provision that when the quantity of 1969 and subsequent crop soybeans is determined by weight, a bushel shall be 60 pounds of soybeans free of foreign material in excess of 1 percent. The revised introductory statement reads as follows:

§ 1421.2955 Determination of quantity.

When the quantity of soybeans of the 1966 through 1968 crops is determined by weight, a bushel shall be 60 pounds of soybeans. When the quantity of soybeans of the 1969 and subsequent crops is determined by weight, a bushel shall be 60 pounds of soybeans free of foreign material in excess of 1 percent; the weight of foreign material in excess of 1 percent shall be deducted from the gross weight in the determination of the net number of bushels of soybeans.

* * * * *

2. Paragraph (b) of § 1421.2956 is revised to require additional entries on warehouse receipts for 1969 and subsequent crop soybeans. The revised paragraph (b) reads as follows:

§ 1421.2956 Warehouse receipts.

* * * * *

(b) *Entries.* (1) *1966 through 1968 crops.* Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show all of the following: (i) Gross weight and bushels, (ii) class, (iii) grade, (iv) test weight, (v) moisture, (vi) percentage of foreign material, (vii) any other grading factor(s) when such factor(s), and not test weight or moisture, determine the grade, (viii) for soybeans grading No. 3 or No. 4, the percentage of splits, total damage and heat damage and (ix) the date the soybeans were received or deposited in the warehouse.

(2) *1969 and subsequent crops.* Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show all of the following: (i) Gross weight and net bushels, (ii) class, (iii) grade, (iv) test weight, (v) moisture, (vi) percentage of foreign material, (vii) any other grading factors(s) when such factor(s), and not test weight or moisture, determine the grade, (viii) for soybeans grading No. 2, 3, or 4, the percentage of total damage, (ix) for soybeans grading No. 3 or No. 4, the percentage of splits, and heat damage and (x) the date the soybeans were received or deposited in the warehouse.

* * * * *

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 203, 301, 401, 63 Stat. 1054; 7 U.S.C. 1446(d), 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 1, 1969.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-9258; Filed, Aug. 6, 1969; 8:47 a.m.]

Chapter XVI—Consumer and Marketing Service (Food Stamp Program), Department of Agriculture

PART 1601—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Methods of Distributing, Issuing and Accounting for Coupons and Receipts

The regulations for the operation of the Food Stamp Program are hereby amended to require that the frequency of coupon issuance to eligible households be offered at least semimonthly. Paragraph (d) of § 1601.6, therefore, is amended to read as follows:

§ 1601.6 Methods of distributing, issuing and accounting for coupons and receipts.

* * * * *

(d) The State agency shall arrange for the issuance of coupons to eligible household and for the collection of sums required from eligible households as payment therefor. Such issuance may be made through the facilities of the U.S. mail. However, when the State agency desires to have C&MS accept the risk of loss of nondelivery of coupons to eligible households after deposit of such coupons in the mail, the State agency shall issue coupons through the mail in accordance with instructions provided by C&MS. State agencies are responsible for insuring that eligible households are positively offered the frequency of coupon issuance that is best geared to the frequency of their receipt of income: *Provided, however*, That at a minimum, all project areas shall make provision for a monthly and semimonthly schedule of issuance. The coupon allotment to be issued to any household, and the payments therefor, shall be in the amounts determined in accordance with § 1601.5.

* * * * *

Effective date. This amendment shall become effective September 1, 1969.

CLIFFORD M. HARDIN,
Secretary.

AUGUST 2, 1969.

[F.R. Doc. 69-9259; Filed, Aug. 6, 1969; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Changes in Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (f) is amended by adding the States of Delaware and Maryland to the list of States set forth therein.

2. In § 76.2, paragraph (e) is amended to read as follows:

(e) There are no areas presently quarantined under the regulations in this part because of hog cholera or other contagious, infectious, or communicable disease of swine.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134h; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments release from quarantine portions of the States of Delaware, Maryland, and Virginia which comprise the Delmarva Peninsula, heretofore quarantined because of the existence of hog cholera and add the States of Delaware and Maryland to the list of eradication States in 9 CFR 76.2(f). The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to such portions of those States. However, the restrictions pertaining to such movement from other areas as specified in said Part 76, as amended, will apply thereto.

The amendments relieve certain restrictions presently imposed, and should be made effective immediately to be of maximum benefit to persons subject to the restrictions which are being relieved. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of August 1969.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 69-9257; Filed, Aug. 6, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1562]

PART 13—PROHIBITED TRADE PRACTICES

David H. Lee, Inc., and David H. Lee

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, David H. Lee, Inc., et al., New York, N.Y., Docket C-1562, July 10, 1969.]

In the Matter of David H. Lee, Inc., a Corporation, and David H. Lee, Individually and as an Officer of Said Corporation.

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing and guaranteeing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents David H. Lee, Inc., a corporation, and its officers, and David H. Lee, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in the fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents David H. Lee, Inc., a corporation, and its officers, and David H. Lee, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail

the manner and form in which they have complied with this order.

Issued: July 10, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-9240; Filed, Aug. 6, 1969; 8:46 a.m.]

[Docket C-1563]

PART 13—PROHIBITED TRADE PRACTICES

Lippin-Golden, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin:* 13.1325-70 Place: 13.1325-70(a) Domestic product as imported. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* 13.1900-40 Fur Products Labeling Act: 13.1900-40(a) Maker or seller.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Lippin-Golden, Inc., et al., New York, N.Y., Docket C-1563, July 15, 1969]

In the Matter of Lippin-Golden, Inc., a Corporation, and Elliot Lippin and Murray Golden, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing and guaranteeing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Lippin-Golden, Inc., a corporation, and its officers, and Elliot Lippin and Murray Golden, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Falsely or deceptively labeling or otherwise falsely and deceptively identifying such fur product as to the country of origin of furs contained in such fur product.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Misrepresenting in any manner, on an invoice directly or by implication, the country of origin of fur contained in such fur product.

It is further ordererd, That respondents Lippin-Golden, Inc., a corporation, and its officers, and Elliott Lippin and Murray Golden, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 15, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-9241; Filed, Aug. 6, 1969; 8:46 a.m.]

[Docket C-1564]

PART 13—PROHIBITED TRADE PRACTICES

Jose Angel Sendra et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-125 Individual or private business being: 13.15-125(m) Educational or research institution. 13.15-125(u) Nonprofit organization: § 13.75 *Free Goods or services:* § 13.115 *Jobs and employment service.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Jose Angel Sendra trading as American Professional Agency, etc., Miami, Florida, Docket C-1564, July 16, 1969.]

In the Matter of Jose Angel Sendra, an Individual Trading and Doing Business as American Professional Agency, as Miami Popular Schools, and as First National Academy

Consent order requiring a Miami, Fla., distributor of correspondence courses in English, photography, electronics, and other subjects to cease misrepresenting the nature of his instructional staff and facilities, that he provides scholarships, that instructional material or equipment is free, and that students will be offered salaried employment.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Jose Angel Sendra, an individual trading as American Professional Agency, as Miami Popular Schools, and as First National Academy, or under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of courses of study and instruction in the English language, photography, electronics or any other subject, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Respondent's business is other than that of a private commercial venture engaged in the sale of correspondence courses for profit; or misrepresenting, in any manner, the nature of respondent's business.

2. Respondent has a staff of professors or other academic personnel; or misrepresenting, in any manner, the nature or extent of the instructional facilities, personnel or equipment possessed by respondent.

3. Respondent provides scholarships.

4. The instructional material or equipment provided as a part of respondent's courses is free; or misrepresenting, in any manner, the cost or nature of respondent's courses.

5. Respondent offers salaried employment to students; or misrepresenting, in any manner, the opportunity for students to earn money while studying respondent's course.

It is further ordered, That respondent shall forthwith distribute a copy of this order to each of his employees directly involved in the advertising and sale of his courses.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: July 16, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-9242; Filed, Aug. 6, 1969; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Use of Descriptive Phrase To Describe Furniture

§ 15.360 Use of descriptive phrase to describe furniture.

(a) The Commission issued an advisory opinion with respect to the use of a descriptive phrase such as "[Trade Name] furniture combines modern production methods with hand-carving and finishing" to refer to certain furniture.

(b) The manufacturing procedure for the furniture calls for a prototype to be completely constructed and carved by hand. Then, the prototype becomes a pattern for an intricate machine which "rough cuts" the carvings on subsequent pieces for assembly production. Each piece so manufactured then has intricate hand detailing, carving, and finishing, to the extent that each piece is, in fact, different in artistic detail from the one which follows it. Each piece is numbered and signed by the craftsman who completes it.

(c) The Commission expressed the view that using a descriptive phrase such as "[Trade Name] furniture combines modern production methods with hand-carving and finishing" to refer to furniture manufactured in the manner described probably would not violate the Federal Trade Commission Act, section 5.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: August 6, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-9280; Filed, Aug. 6, 1969; 8:49 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-345; Order 386]

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

PART 50—FILING OF COMPANY PROCUREMENT POLICIES AND PRACTICES

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

PART 160—FILING OF COMPANY PROCUREMENT POLICIES AND PRACTICES

JULY 31, 1969.

This proceeding was instituted by notice of proposed rule making issued September 13, 1968 (18 CFR Parts 50 and 160). By notice of December 5, 1968, the Commission extended the time for filing comments until March 17, 1969. Numerous comments and responses were filed by individuals, public utilities, licensees, natural gas pipeline companies, agencies of the Federal Government, and State regulatory bodies. On April 21, 1969, the Commission gave notice of oral argument, which was held on May 26, 1969.

In the light of the responses to the notice of proposed rule making, we do not promulgate a rule as detailed as that set out in our notice. The responses to the notice in this proceeding make it plain that the companies which would be affected by our proposed rule utilized varied procedures in their procurement, and we are not prepared to say that procurement procedures not in conformity with any specific regulation, whether as proposed or as it might be modified, should necessarily be altered or abandoned.

We do not, however, believe that the matter should end here. For, as we noted in our notice of proposed rule making, the adoption and utilization of appropriate procurement and construction practices by the licensees, public utilities and natural gas pipelines subject to our regulatory authority is of great import to the public interest responsibilities of this agency. Such policies directly affect the prices paid for supplies and services, and where they are inadequate can result in unnecessarily high costs which, as a practical matter, will normally be passed on to the public through higher rates. Although we do not prescribe any specific procurement standards, we do believe that each licensee, public utility and natural gas pipeline should be required to reduce to writing, file with the Commission, and make available to any member of the public upon request, a detailed statement of the procurement policy and procedures the company in fact follows, together with any amendments thereto. A number of companies have already found that making statements of their procurement policies and procedures available to potential suppliers is a helpful adjunct to their operations. We are convinced that requiring all licensees, public utilities and natural gas pipelines to detail their practices in this area, while leaving the companies free to adopt such specific plans as they may believe are most appropriate to their particular situation, will enhance the ability of all companies to perform their procurement functions in an optimum manner and stimulate competition among eligible prospective suppliers.

The comments and oral argument to the portion of the proposed rule looking towards the reduction to writing and filing with the Commission of procurement policies and procedures, dealt primarily with the understanding of the respondents that paragraph (j) of the proposed rule would have required them to divulge to the general public their internal controls over procurement, which would lose all value if publicized. We have substantially revised this paragraph (§§ 160.12(j), 50.12(j) as noticed) to eliminate those elements which drew objection. Other minor changes have been made in the noticed section dealing with procurement practices and procedures, either in order to conform with suggestions made in the comments, or for clarity.

On various occasions throughout the course of the proceedings, various parties have moved for the production of certain documents, primarily those assumed to have resulted from the staff "study" referred to on page 3 of our notice of proposed rule making. Some such motions, notably that of INGAA, also sought the "materials, documents and data upon which the study was based", "any reports and recommendations made to the Commission therein", and all other material relied upon by the Commission in issuing the notice.

As was announced at the time of oral argument, we deny these motions to produce. We have no doubt that the materials sought are not public documents but instead constitute numerous intra-agency memoranda of the type expressly excluded by § 1.36(c)(14)(v) of our rules and by section e(5) of the Freedom of Information Act, 5 U.S.C. 552(b)(5). International Paper Co., 38 FPC 825. The real question is whether under the circumstances presented here it would be consistent with the public interest to make them public.

Whatever the desirability of making available these materials (the information in which was collected on a confidential basis) might have been had we promulgated the rule as originally noticed, we see no purpose in making them public now.

Certainly no such disclosures were required to afford any of the parties a full opportunity to present their views on the pending proposal.

The Commission finds: The amendment of the Commission regulations under the Federal Power Act and the Natural Gas Act set forth in Title 18 of the Code of Federal Regulations, prescribed herein, is necessary and appropriate for the administration of the Federal Power Act and the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 304 and 309 thereof (49 Stat. 855, 858, 16 U.S.C. 825c, 825h) and the Natural Gas Act, particularly section 16 (52 Stat. 830, 15 U.S.C. 717o), orders:

(A) Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations, shall be amended by adding a new Part 50 to read as follows:

§ 50.1 Filing of company procurement policies and practices.

Not later than January 1, 1970, each licensee, permittee, and public utility shall be required to reduce to writing, file with the Commission in triplicate and make available to any member of the public upon request a comprehensive statement of its procurement policies and procedures. Amendments thereto shall likewise be filed and made available to the public, upon specific request, within 30 days of their effective dates. Statements of procurement policies and procedures shall include, but not be limited to, the following:

(a) The objectives of the company in its procurement function.

(b) Policies governing the choice of procurement method (sealed-bid formal advertising, competitive negotiation, noncompetitive contract awards, etc.) with specific reference to the following categories:

(1) Equipment.
(2) Materials and supplies.
(3) Construction.
(4) Repair, maintenance and management services.
(5) Research and development.

(c) Extent and nature of public notice of proposed procurements, and of direct notice to prospective suppliers.

(d) The extent of the competition required. This should include any limitations to or preferences for suppliers in the utility service areas.

(e) The method of qualifying the suppliers.

(f) The policy adopted by the utility of putting names on their bidders list and also under what circumstances names would be removed from the bidders list.

(g) The company personnel that vendors should contact.

(h) Procedures governing the opening of sealed bids and proposals, negotiations with bidders or offerors, and criteria for contract award thereunder.

(i) Policies and procedures with respect to types of contracts (cost-plus, incentive type, fixed price, etc.).

(j) The circumstances under which negotiations are made without competition such as for emergencies, repair parts, accessory and supplemental equipment, matching existing equipment or architectural design.

(k) Any special procurement policies or restrictions such as those relating to regional, state or local suppliers, small business suppliers, procurement from corporate affiliates, and union or nonunion suppliers.

(l) Any "Buy American" policy that the company may adopt.

(m) Policies and procedures, if any, with respect to approval or control of subcontracts and subcontractors.

(n) Any applicable Federal and state laws and agreements with employee organizations which might affect the procurement policy.

(Secs. 304, 309, Federal Power Act, as amended (49 Stat. 855, 858, 16 U.S.C. 825c, 825h); sec. 16, Natural Gas Act (52 Stat. 830, 15 U.S.C. 717o))

(B) Subchapter E, Chapter I of Title 18 of the Code of Federal Regulations, shall be amended by adding a new Part 160 to read as follows:

§ 160.1 Filing of company procurement policies and practices.

Not later than January 1, 1970, each natural gas pipeline company shall be required to reduce to writing, file with the Commission in triplicate and make available to any member of the public upon request a comprehensive statement of its procurement policies and procedures. Amendments thereto shall likewise be filed and made available to the public, upon specific request, within 30 days of their effective dates. Statements of Procurement Policies and Procedures shall include, but not be limited to, the following:

(a) The objectives of the company in its procurement function.

(b) Policies governing the choice of procurement method (sealed-bid formal advertising, competitive negotiation, noncompetitive contract awards, etc.) with specific reference to the following categories:
(1) Equipment.
(2) Materials and supplies.
(3) Construction.
(4) Repair, maintenance and management services.
(5) Research and development.

(c) Extent and nature of public notice of proposed procurements, and of direct notice to prospective suppliers.

(d) The extent of the competition required. This should include any limitations to or preferences for suppliers in the utility service areas.

(e) The method of qualifying the suppliers.

(f) The policy adopted by the utility of putting names on their bidders list and also under what circumstances names would be removed from the bidders list.

(g) The company personnel that vendors should contact.

(h) Procedures governing the opening of sealed bids and proposals, negotiations with bidders or offerors, and criteria for contract award thereunder.

(i) Policies and procedures with respect to types of contracts (cost-plus, incentive type, fixed price, etc.).

(j) The circumstances under which negotiations are made without competition such as for emergencies, repair parts, accessory and supplemental equipment, matching existing equipment or architectural design.

(k) Any special procurement policies or restrictions such as those relating to regional, State or local suppliers, small business suppliers, procurement from corporate affiliates, and union or nonunion suppliers.

(l) Any "Buy American" policy that the company may adopt.

(m) Policies and procedures, if any, with respect to approval or control of subcontracts and subcontractors.

(n) Any applicable Federal and State laws and agreements with employee organizations which might affect the procurement policy.

(Secs. 304, 309, Federal Power Act, as amended (49 Stat. 855, 858, 16 U.S.C. 825c, 825h); sec. 16, Natural Gas Act (52 Stat. 830, 15 U.S.C. 717o))

(C) These amendments shall become effective 60 days after the date of issuance of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[1]

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-9233; Filed, Aug. 6, 1969; 8:45 a.m.]

[1] Concurring statement of Chairman White and joint dissenting statement of Commissioners Carver and Brooke filed as part of original document.

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 602—LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

PART 603—FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO

PART 687—HOSIERY INDUSTRY IN PUERTO RICO

Correction

On July 25, 1969, I published in the FEDERAL REGISTER (34 F.R. 12281, 12282) wage orders amending certain wage rates in §§ 602.2, 603.2 and 689.2 of Title 29 of the Code of Federal Regulations. The effective date of the respective amendments was inadvertently stated in each case as August 9, 1969, instead of August 10, 1969.

The effective date of the respective amendments is hereby corrected to read August 10, 1969.

Signed at Washington, D.C., this 1st day of August 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor.

NOTE: In F.R. Doc. 69-8721, the heading "§ 605.2 Wage rates" appearing at the top of the first column on p. 12282 of the issue dated Friday, July 25, 1969, should be corrected to read "§ 603.2 Wage rates."

[F.R. Doc. 69-9273; Filed, Aug. 6, 1969; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 69-77]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Hillsborough River, Fla.

1. The City of Tampa, Fla. by letter dated 23 April 1969, requested the Commander, 7th Coast Guard District to revise the operation regulations for their drawbridges across the Hillsborough River at Platt Street, Brorein Street, Kennedy Boulevard, and West Columbus Drive. A public notice dated 7 May 1969, setting forth the proposed revision of the regulations governing these drawbridges was issued by the Commander, 7th Coast Guard District and was made available to all persons known to have an interest in this subject. The Florida State Road Department drawbridge at West Hillsborough Avenue is directly related to these drawbridges and it was determined that this bridge should operate under the same special regulations as the West Columbus Drive drawbridge.

2. After consideration of all comments submitted in response to this proposal the revision is accepted. Accordingly, § 117.465 is revised to read as follows:

§ 117.465 Hillsborough River, Tampa, Florida.

(a) *City of Tampa highway bridges at Platt Street, Brorein Street and Kennedy Boulevard.* From 7:30 a.m. to 9 a.m. and 4 p.m. to 6:15 p.m., Monday through Saturday, the draws of these bridges need not be opened for the passage of vessels. At all other times the draws shall be opened promptly on signal.

(b) *City of Tampa and Florida State Road Department highway bridges at West Columbus Drive and West Hillsborough Avenue.* At least 1 hour's advance notice is required from 6 p.m. to 8 a.m. At all other times the draws shall be opened promptly on signal.

(c) All other drawbridges across the Hillsborough River shall be opened promptly on signal.

(d) *Public vessels and vessels in distress.* Public vessels of the United States or vessels of foreign States, not engaged in commerce, or vessels owned or operated by State, county, or local governments in use for public safety purposes, or any vessel in an emergency caused by rough weather or otherwise to an extent sufficient to endanger life or property, shall be passed through the draw with the least possible delay even though special operation regulations may be in effect that do not require the draw to open at that time. The opening signal is four or more short blasts.

(e) *Posting of special operation regulations.* The owners of or agencies controlling the drawbridge shall keep conspicuously posted both upstream and downstream of the drawbridge, on the bridge or elsewhere, in such a manner that they can easily be read at any time, from an approaching vessel a brief statement of the special operation regulations pertaining to that bridge unless specifically exempted from this requirement. When applicable, information as to whom notice should be given when passage through the draw is desired and how such persons may be reached by telephone or otherwise shall be included.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.4(a)(3)(v))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: July 31, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-9293; Filed, Aug. 6, 1969; 8:50 a.m.]

[CGFR 69-78]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Puyallup River, Wash.

1. The Chicago, Milwaukee, St. Paul and Pacific Railroad by letter dated October 14, 1968 requested the Commander, 13th Coast Guard District to revise the operation regulations for their drawbridge at mile 0.9, Puyallup River. A public notice dated October 22, 1968, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, 13th Coast Guard District and was made available to all persons known to have an interest in this subject.

2. After consideration of all comments submitted in response to this proposal the revision is accepted. Accordingly, § 117.810(f)(1) is revised to read as follows:

§ 117.810 Navigable waters in the State of Washington; bridges where constant attendance of draw tenders is not required.

• • • • • •

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

(1) Puyallup Waterway and River, Tacoma, Harbor; State of Washington Department of Highways bridge at East 11th Street and the Chicago, Milwaukee, St. Paul and Pacific Railroad bridge need not be opened for the passage of vessels, and paragraphs (b) to (e) of this section shall not apply to these bridges. These bridges shall be returned to an operable condition within 6 months after notification by the Commandant to take such action.

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.4(a)(3)(v))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: July 31, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-9294; Filed, Aug. 6, 1969; 8:50 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 221—TIMBER

Export Restrictions

Part 221 of Title 36, Code of Federal Regulations, as amended in the FEDERAL REGISTER, Vol. 34, No. 12, Page 743, dated January 17, 1969, is further amended as follows:

The last sentence of paragraph (b) of § 221.25 is amended to read as follows:

§ 221.25 Timber export restrictions, requirements for domestic processing.

• • • • • •

(b) • • •

The regulations in this section shall apply to timber settlements made pursuant to § 221.29 and to timber sales, including those set aside under the Small Business Act, but shall not apply to any sales or settlements made prior to January 1, 1969, except when extended upon application of purchasers.

(30 Stat. 34, 35, as amended, 16 U.S.C. 475, 476, 551; 44 Stat. 242, 82 Stat. 966, 16 U.S.C. 616)

Effective date. This amendment shall become effective when published in the FEDERAL REGISTER.

J. PHIL CAMPBELL,
Acting Secretary of Agriculture.

AUGUST 4, 1969.

[F.R. Doc. 69-9298; Filed, Aug. 6, 1969; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

Miscellaneous Amendments

1. In Part 6, § 6.48 is revised to read as follows:

§ 6.48 To a policy at a lower rate of premium as of original effective date.

A U.S. Government life insurance policy other than the special endowment at age 96 plan policy may be exchanged within 5 years from the effective date for a policy of the same amount, bearing the same date and based on the same age, on any plan of insurance issued by the Veterans Administration at a lower rate of premium, except the 5-year level premium term policy and the special endowment at age 96 plan policy. If the exchange is made within 1 year from the effective date or, in instances where less than 90 days of such year remain after the promulgation of this section (Aug. 1, 1969), within 90 days of such promulgation, the applicant must be in as good health on the date of application as he was on the effective date. If the exchange is made after 1 year of the effective date, the applicant must be in good health and furnish satisfactory evidence of such. The old insurance must

be in force under premium-paying conditions and must be surrendered with all rights and claims thereunder. The difference between the reserve on the old policy and the reserve on the new policy, less any indebtedness, may be used to cover payment of future premiums or withdrawn in cash at the option of the insured. If the old policy has been in force for less than 12 months, the difference in reserve may be used only for the purpose of paying future premiums on the insurance and such premiums shall not be subject to withdrawal by the insured.

2. In Part 8, § 8.36 is revised to read as follows:

§ 8.36 Exchange to a policy bearing the same effective date and having a lower reserve value.

National Service life insurance may be exchanged for insurance of the same amount, bearing the same date, and based on the same age, on any plan of National Service life insurance having a lower reserve value, except to the 5-year level premium term or limited convertible 5-year level premium term plan. Exchange of insurance to a modified life plan must be made before the insured attains the insurance age of 61 years. The policies exchanged will have the same reserve basis, except that a participating policy exchanged for a modified life plan shall be exchanged for insurance issued pursuant to § 8.112b(a). If the insurance being exchanged was issued under 38 U.S.C. 725(c) the premium for the new policy will be calculated on the same basis as the premium for the old policy except for the difference due to the change of plan. If the exchange is made within 1 year from the effective date or, in instances where less than 90 days of such year remain after the promulgation of this section (Aug. 1, 1969), within 90 days of such promulgation the applicant must be in as good health on the date of application as he was on the effective date. If the exchange is made after 1 year of the effective date, the applicant must be in good health and furnish satisfactory evidence of such. The old insurance must be in force under premium-paying conditions and must be surrendered with all rights and claims thereunder. The difference between the reserve on the old policy and the reserve on the new policy, less any indebtedness, may be used to cover payment of future premiums or withdrawn in cash at the option of the insured. If the old policy has been in force for less than 12 months, the difference in reserve may be used only for the purpose of paying future premiums on the insurance, and such premiums shall not be subject to withdrawal by the insured prior to the expiration of the first policy year.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: August 1, 1969.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69-9278; Filed, Aug. 6, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

STANDARDS FOR DESIGN, CONSTRUCTION, AND ALTERATION OF BUILDINGS TO ACCOMMODATE THE PHYSICALLY HANDICAPPED

Subchapter D is amended to (1) add a reference to Public Law 90-480, (2) indicate that the definition of the "United States" applies only to the use of the term in a geographical sense, and (3) add a new Subpart 101-17.7 to prescribe standards for design, construction, and alteration of buildings to accommodate the physically handicapped.

Part 101-17—Construction and Alteration of Public Buildings

1. Section 101-17.001 is revised to read as follows:

§ 101-17.001 Authority.

This Part 101-17 implements the applicable provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended; the Public Buildings Act of 1959 (40 U.S.C. 601-615); and Public Law 90-480, approved August 12, 1968, 82 Stat. 718.

Subpart 101-17.1—General

2. Section 101-17.101-7 is revised to read as follows:

§ 101-17.101-7 United States.

"United States," when used in a geographical sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

3. A new Subpart 101-17.7 is added to prescribe standards for design, construction, and alteration of buildings to accommodate the physically handicapped, as follows:

Subpart 101-17.7—Accommodations for the Physically Handicapped

Sec.
101-17.700 Scope.
101-17.701 Authority and applicability.
101-17.702 Definition of "building."
101-17.703 Standards.
101-17.704 Exceptions.
101-17.705 Waiver or modification of standards.
101-17.706 Recordkeeping.

AUTHORITY: The provisions of this Subpart 101-17.7 issued under sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)); Public Law 90-480.

Subpart 101-17.7—Accommodations for the Physically Handicapped

§ 101-17.700 Scope.

This subpart prescribes standards for the design, construction, and alteration of buildings to ensure that physically handicapped persons will have ready access to, and use of, such buildings; and recordkeeping requirements related thereto.

§ 101-17.701 Authority and applicability.

This subpart implements Public Law 90-480, approved August 12, 1968. The standards prescribed apply to all Federal agencies and instrumentalities to the extent provided in the Act.

§ 101-17.702 Definition of "building."

As used in this subpart, the term "building" means any building or facility (other than (a) residential structures and (b) buildings, structures, and facilities of the Department of Defense) the intended use for which either will require that such building or facility be accessible to the public, or may result in the employment therein of physically handicapped persons, which is to be:

(a) Constructed or altered by or on behalf of the United States;

(b) Leased in whole or in part by the United States after August 12, 1968, if constructed or altered in accordance with plans and specifications of the United States; or

(c) Financed in whole or in part by a grant or a loan made by the United States after August 12, 1968, if such building or facility is subject to standards for design, construction, or alteration issued under authority of the law authorizing such grant or loan.

§ 101-17.703 Standards.

Except as otherwise provided in § 101-17.704, every building designed, constructed, or altered after September 2, 1969, shall be designed, constructed, or altered in accordance with the minimum standards contained in the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, Number A117.1-1961," approved by the American Standards Association, Inc. (subsequently changed to United States of America Standards Institute).

§ 101-17.704 Exceptions.

The standards established in § 101-17.703 shall not apply to:

(a) The design, construction, or alteration of any portion of a building which need not, because of its intended use, be made accessible to, or usable by, the public or by physically handicapped persons;

(b) The alteration of an existing building if the alteration does not involve the installation of, or work on, existing stairs, doors, elevators, toilets, entrances, drinking fountains, floors, telephone locations, curbs, parking areas, or any other facilities susceptible of installation or improvements to accommodate the physically handicapped;

(c) The alteration of an existing building, or of such portions thereof, to which application of the standards is not structurally possible; and

(d) The construction or alteration of a building for which bids have already been solicited or plans and specifications have been completed or substantially completed on or before September 2, 1969.

§ 101-17.705 Waiver or modification of standards.

The applicability of the standards set forth in this subpart may be modified or waived on a case-by-case basis, upon application to GSA made by the head of the department, agency, or instrumentality of the United States concerned, only if the Administrator of General Services determines that such waiver or modification is clearly necessary.

§ 101-17.706 Recordkeeping.

The administering agency's file on each contract or grant for the design, construction, or alteration of a building as defined in § 101-17.702 shall be documented with a statement either: (a) that the standards are applicable to and have been or will be incorporated in the design, the construction, or the alteration, as the case may be; (b) that the grant has been or will be made subject to a requirement that the standards will be incorporated in the design, the construction, or the alteration, as the case may be; (c) that the standards have been waived by the Administrator of General Services (in which event the justification for waiver shall be stated); (d) that the project is within one of the exceptions set out in § 101-17.704 (the specific exception being identified); or (e) such other statements as may be appropriate with respect to application of the standards to the contract or grant. The head of each agency shall be responsible for implementing the file documentation requirement by regulation or other appropriate means. The documentation shall be made available to the Administrator of General Services upon request.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); and Public Law 90-480)

Effective date. These regulations are effective September 2, 1969, but may be observed earlier.

Dated: July 28, 1969.

JOHN W. CHAPMAN, Jr.,
Acting Administrator of General Services.

[F.R. Doc 69-9299; Filed, Aug 6, 1969; 8:50 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 173—FINANCIAL ASSISTANCE FOR COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

Miscellaneous Amendments

The following amendments to Part 173 (45 CFR Part 411), which covers the administration of federally assisted programs under Title I of the Higher Education Act of 1965 (Public Law 89-329, as amended, 20 U.S.C. 1001), are made for the purpose of (1) implementing certain amendments to such Act contained in the "Higher Education Amendments of 1968" (Public Law 90-575, 82 Stat. 1014); (2) improving and making more flexible the administration of the Act; and (3) conforming the regulations to existing Departmental policy. The amendments numbered 6, 8, and 9 shall become effective 30 days after their publication in the FEDERAL REGISTER.

1. In § 173.1, paragraph (a) is revised.

2. In § 173.1, paragraph (f) is revised.

Revised paragraphs (a) and (f) of § 173.1 read as follows:

§ 173.1 Definitions.

* * * * *

(a) "Act" means the Higher Education Act of 1965, as amended (20 U.S.C. 1001). (20 U.S.C. 1001 Note.)

* * * * *

(f) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association as determined by the Commissioner or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of subparagraphs (1), (2), (4), and (5) of this paragraph. (20 U.S.C. 1141.)

* * * * *

§ 173.2 Program outline.

The program described in this part shall be administered by the State agency or institution pursuant to a State plan developed and submitted through the State agency or institution and approved by the Commissioner. The State plan shall set forth a comprehensive, coordinated, and statewide system of community service programs designed to assist in the solution of community problems in rural, urban, or suburban areas (with particular emphasis on urban and suburban problems), such as, but not limited to, housing, poverty, government, recreation, employment, youth opportunities, transportation, health, and land use, by utilizing the resources of institutions of higher education: *Provided, however,* That, if a comprehensive, coordinated, and statewide system of community service programs cannot be effectively carried out by reason of insufficient funds, the State plan may set forth one or more proposals for community service programs in lieu of a comprehensive, coordinated, and statewide system of such programs. The State plan and necessary amendments thereof, once approved by the Commissioner, shall constitute the basis on which Federal payments will be made as well as the basis for determining the propriety of expenditures by the State and participating institutions in which there is Federal participation. (20 U.S.C. 1005.)

4. In § 173.4, paragraph (a) is revised to read as follows:

§ 173.4 Submission of State plan and annual amendments.

(a) A State plan shall be submitted by the duly authorized officer of the State agency or institution for approval by the Commissioner. The State plan shall be amended annually, on or before such date as the Commissioner may designate, in order that the State plan will contain the information required by § 173.12. The amendment shall be signed and certified in the same manner as the original plan submitted and shall become effective upon approval by the Commissioner. (For procedure on other amendments, see § 173.5.) (20 U.S.C. 1005.)

* * * * *

5. In § 173.12, paragraph (b) is revised to read as follows:

§ 173.12 Annual program plan.

* * * * *

(b) The annual program plan submission shall contain a statement describing the specific aspects of the comprehensive, coordinated, and statewide system of community service programs or, if it is determined that a comprehensive, coordinated, and statewide system of community service programs cannot be effectively carried out by reason of insufficient funds, a brief summary of the basis of this determination, a description of the community service programs proposed in lieu thereof for which financial

assistance is requested, and the basis for the selection thereof. The description of the method followed by the State agency in determining the community problem(s) or aspects thereof to be solved shall indicate that, and the degree to which:

(1) The State agency has consulted with representative community leaders, associations, and organizations, and with representatives of institutions of higher education;

(2) Due consideration has been given to the existence of other federally financed programs dealing with similar and other community problems in the State and coordination with those programs, particularly in determining priorities of problems;

(3) Due consideration has been given to the resources of institutions of higher education especially relevant or adaptable to develop and carry out community service programs related to the community problems selected;

(4) Due consideration has been given to the relationship of the aspect of the community problem(s) selected for solution to other significant community problems in the State; and

(5) Other criteria have been used in selecting community service problems to be included under the program. (20 U.S.C. 1005.)

* * * * *

6. In § 173.20, paragraph (d) is revised to read as follows:

§ 173.20 Reports.

* * * * *

(d) A report prepared upon the termination of a participating institution's community service program containing data on each completed program, including an evaluation thereon, total expenditures incurred therein, the contribution the program made to the overall community service programs in which the participating institution is involved as well as to the people or communities it served, and the State agency's comments, if any, to be submitted within 90 days after the program termination date of the approved institution's programs. (20 U.S.C. 1005.)

* * * * *

7. In § 173.21, paragraph (a) is revised to read as follows:

§ 173.21 Federal financial participation—general.

(a) The Federal Government will pay from each State's allotment an amount equal to 75 percent for the fiscal years ending June 30, 1966, and June 30, 1967, 50 percent for the fiscal year ending June 30, 1968, and $66\frac{2}{3}$ percent for fiscal years ending on or after June 30, 1969, of the total amount expended (on eligible costs as defined in § 173.27) by the State agency and the institutions participating under the State plan, except that, in calculating such total amount, there shall be excluded any amounts received for the same purpose under any other Federal program and the matching funds required therefor. Where fees, if any, exceed the non-Federal share of the cost of the program, as determined above, the Federal share shall be reduced by the amount of this excess. (20 U.S.C. 1006.)

* * * * *

8. In § 173.27, paragraph (b) is revised to read as follows:

§ 173.27 Eligible costs.

* * * * *

(b) *Participating institutions of higher education—(1) Direct costs.* To the extent directly attributable to the carrying out of a community service program, a participating institution of higher education may treat as direct costs:

(i) Personnel costs, both professional and clerical, regular staff and consultants, including all amounts deducted, withheld, or contributed to retirement, health, or other welfare benefit funds maintained for employees of the participating institutions;

(ii) Material costs, where materials are directly consumed or expended in carrying out the program, including the cost of supplies, mailing, and printing, local and long distance telephone calls, telegrams, and radiograms;

(iii) Travel expenses of institutional personnel and consultants, in accordance with institutional regulations or policies. Maintenance costs, including transportation, meals and or lodging of participants when necessary for the conduct of a program and prior approval has been granted by the State agency;

(iv) Rental of, or, where economically justified, purchase of specialized program equipment which is not otherwise available at the institution; and

(2) *Indirect costs.* A participating institution may treat as indirect costs an amount which is computed on the basis of the principles for indirect cost determination set forth in Bureau of the Budget Circular A-21, as amended. (20 U.S.C. 1006)

9. In § 173.29, paragraph (a) is revised to read as follows:

§ 173.29 Retention of records.

(a) *General rule.* The State agency shall provide for keeping accessible and intact all records supporting claims for Federal grants, or relating to the accountability of the State agency or participating institutions of higher education for expenditure of such grants or to the expenditure of matching funds (1) for 5 years after the close of the fiscal year in which the expenditure was made by the State agency or participating institution of higher education, or (2) until the State agency is notified of the completion of the Federal audit, whichever is earlier. (20 U.S.C. 1005)

* * * * *

§ 173.36 [Deleted]

10. Section 173.36 is deleted. (42 U.S.C. 4213)

(Sec. 1203(a), 79 Stat. 1270, as amended)

JAMES E. ALLEN, Jr.,
U.S. Commissioner of Education.

Approved: July 31, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-9283; Filed, Aug. 6, 1969; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Certain National Wildlife Refuges

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Flint Hills National Wildlife Refuge, Kans., is permitted from September 13 through September 21, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

(2) Blinds—Only temporary blinds, constructed above ground of natural vegetation are permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 21, 1969.

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Kirwin National Wildlife Refuge, Kans., is permitted from September 13 through September 21, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks subject to the following special condition:

(1) Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 21, 1969.

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Quivira National Wildlife Refuge, Kans., is permitted from September 13 through September 21, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 7,030 acres, is delineated on maps available at refuge headquarters, Stafford, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 21, 1969.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted from September 6 through September 14, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,000 acres in Hunting Areas B, C, and D, is delineated on maps available at refuge headquarters, Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 14, 1969.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Tishomingo National Wildlife Refuge, Okla., is permitted from September 1 through September 9, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 9, 1969.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Pathfinder National Wildlife Refuge, Wyo., is permitted from September 6 through September 14, 1969, inclusive, but only on the areas designated by signs as open to hunting. This open area, comprising 3,760 acres, is delineated on maps available at refuge headquarters, Walden, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks subject to the following special condition:

(1) Blinds—The construction of permanent blinds or pits is not permitted. Portable blinds may be used but not left on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 14, 1969.

WILLIAM T. KRUMMES,
Regional Director,
Albuquerque, N. Mex.

AUGUST 1, 1969.

[F.R. Doc. 69-9245; Filed, Aug. 6, 1969; 8:46 a.m.]

PART 32—HUNTING

Havasu Lake National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail, and jackrabbits on the Havasu Lake National Wildlife Refuge, Ariz. and Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 24,200 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—Quail, October 1, 1969 through January 31, 1970, inclusive; cottontail and jackrabbits, September 1, 1969, through January 31, 1970, inclusive. California—Quail, October 25, 1969, through January 11, 1970, inclusive; cottontail and jackrabbits, September 1, 1969, through January 11, 1970, inclusive. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail, cottontail, and jackrabbits subject to the following special conditions:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(2) Weapons—Shotguns only, not larger than 10 gauge and incapable of holding more than three shells.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1970.

BLAYNE D. GRAVES,
Refuge Manager, Havasu Lake National Wildlife Refuge, Needles, Calif.

JULY 23, 1969.

[F.R. Doc. 69-9244; Filed, Aug. 6, 1969; 8:46 a.m.]

PART 32—HUNTING

Hatchie National Wildlife Refuge, Tenn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

TENNESSEE

HATCHIE NATIONAL WILDLIFE REFUGE

The public hunting of squirrels and raccoons on the Hatchie National Wildlife Refuge is permitted on the area designated by signs as open to hunting. This open area comprising 8,336 acres is delineated on a map available at Refuge headquarters, Brownsville, Tenn. 38012, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323.

Hunting shall be in accordance with all State and Federal seasons and regulations subject to the following conditions:

Squirrels. (1) Only .22 caliber rifles or shotguns incapable of holding more than three shells are permitted.

(2) Dogs are prohibited.

(3) The hunting of crows, gray foxes, bobcats, and feral hogs is permitted during this hunt.

Raccoons. (1) Hunting hours shall be from 7 p.m. to midnight.

(2) Axes, saws, or other cutting implements are prohibited.

The provisions of this special regulation supplement the regulations which

govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 31, 1969.

[F.R. Doc. 69-9271; Filed, Aug. 6, 1969; 8:48 a.m.]

PART 32—HUNTING

Havasu Lake National Wildlife Refuge, Ariz.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Public hunting of bighorn sheep on the Havasu Lake National Wildlife Refuge, Ariz., is permitted from December 6 through December 21, 1969, inclusive, but only in the Arizona portion designated as open to hunting. This open area, comprising 18,600 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of bighorn sheep subject to the following special condition:

(1) Hunting is prohibited within one-fourth mile of an occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 21, 1969.

BLAYNE D. GRAVES,
Refuge Manager, Havasu Lake National Wildlife Refuge, Needles, Calif.

JULY 23, 1969.

[F.R. Doc. 69-9243; Filed, Aug. 6, 1969; 8:46 a.m.]

PART 32—HUNTING

Pathfinder National Wildlife Refuge, Wyo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Pathfinder National Wildlife Refuge, Wyo., is permitted on the entire refuge in accordance with dates and areas designated in the Wyoming 1969 Orders regulating deer hunting. Portions of the refuge lying in Area No. 11 will be open October 1 through October 14, 1969. Portions of the refuge lying within Area No. 14 will be open September 15 through September 25, 1969. Portions of the refuge lying within Area No. 14A will be open September 15 through September 25, 1969 and October 15 through October 25, 1969. This open area, comprising 16,807 acres, is composed of four separate units and is delineated on maps available at refuge headquarters in Walden, Colo., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 25, 1969.

V. CARROL DONNER,
Refuge Manager, Pathfinder National Wildlife Refuge, Walden, Colo.

JULY 25, 1969.

[F.R. Doc. 69-9246; Filed, Aug. 6, 1969; 8:46 a.m.]

PART 32—HUNTING

Pathfinder National Wildlife Refuge, Wyo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of antelope on the Pathfinder National Wildlife Refuge, Wyo., is permitted on the entire refuge in accordance with dates and areas designated in the Wyoming 1969 Orders regulating antelope hunting. Portions of the refuge lying in Area No. 23 will be open from September 15 through September 25, 1969. Portions of the refuge lying in Area No. 22 will be open from September 25 through October 15, 1969. This open area, comprising 16,807 acres, is composed of four separate units and is delineated on maps available at refuge headquarters in Walden, Colo., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of antelope.

The provisions of this regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1969.

V. CARROL DONNER,
Refuge Manager, Pathfinder National Wildlife Refuge, Walden, Colo.

JULY 25, 1969.

[F.R. Doc. 69-9247; Filed, Aug. 6, 1969; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that one position of Staff Assistant to the Associate Administrator for Procurement and Management Assistance is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (q) is added to § 213.3332 as set out below.

§ 213.3332 Small Business Administration.

* * * * *

(q) One Staff Assistant to the Associate Administrator for Procurement and Management Assistance.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9401; Filed, Aug. 6, 1969; 10:38 a.m.]

PART 213—EXCEPTED SERVICE

President's Committee on Consumer Interests

Section 213.3371 is amended to show that one position of Confidential Assistant to the Special Assistant to the President for Consumer Affairs is excepted under Schedule C in lieu of a position of Confidential Assistant to the Executive Director of the President's Committee on Consumer Interests. Effective on publication in the FEDERAL REGISTER, paragraph (a) of § 213.3371 is amended as set out below.

§ 213.3371 President's Committee on Consumer Interests.

(a) One Confidential Assistant to the Special Assistant to the President for Consumer Affairs.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9403; Filed, Aug. 6, 1969; 10:38 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

AMISTAD RECREATION AREA, TEXAS

Boat Sanitary Equipment

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), 245 DM-I (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southwest Regional Order No. 4 (31 F.R. 8134), as amended, it is proposed to amend § 7.79 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to establish boat sanitation equipment requirements to insure conformity with § 3.17 of Title 36, Code of Federal Regulations, which deals with water sanitation.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Amistad Recreation Area, Post Office Box 1463, Del Rio, Tex. 78840, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Paragraph (c) of § 7.79 is amended to read as follows:

§ 7.79 Amistad Recreation Area.

* * * * *

(c) *Water sanitation.* All vessels with marine toilets so constructed as to permit wastes to be discharged directly into the water shall have such facility sealed to prevent discharge. Chemical or other type marine toilets with approved holding tanks or storage containers shall be permitted but will be discharged or emptied only at designated sanitary pumping stations.

COLEMAN C. NEWMAN,
Superintendent, Amistad Recreation Area.

[F.R. Doc. 69-9249; Filed, Aug. 6, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 908]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Notice of Extension of Time for Filing of Written Data, Views, or Arguments

Pursuant to the provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), a notice of proposed rule making was published in the July 23, 1969, issue of the FEDERAL REGISTER (34 F.R. 12182) regarding amendments to the rules and regulations (Subpart—Rules and Regulations; §§ 908.100–908.142; 33 F.R. 3167). Interested persons were afforded the opportunity to submit written data, views, or arguments not later than August 4, 1969.

A request for extension of time for submitting such comments has been made by the Valencia Orange Administrative Committee to afford interested persons additional time to consider the proposal.

Notice is hereby given that the time for submitting written data, views, or arguments on the proposal is extended until August 25, 1969.

Dated: August 4, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 69-9297; Filed, Aug. 6, 1969; 8:50 a.m.]

[7 CFR Part 923]

SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for the 1969–70 Fiscal Period

Consideration is being given to the following proposals submitted by the Washington Cherry Marketing Committee, established under the marketing agreement and Order No. 923 (7 CFR Part 923) regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by said committee, during the period April 1, 1969, through March 31, 1970, will amount to $12,180.

(2) That there be fixed, at $0.90 per ton of sweet cherries, the rate of assessment payable by each handler in accordance with § 923.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 4, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9296; Filed, Aug. 6, 1969; 8:50 a.m.]

[7 CFR Part 948]

[Area No. 1]

IRISH POTATOES GROWN IN COLORADO

Proposed Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation for Area No. 1 Colorado, hereinafter set forth, which was recommended by the Area No. 1 Committee, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in the State of Colorado. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice is based on the recommendation and information submitted by the Colorado Area No. 1 Potato Committee, established pursuant to said marketing agreement and order and other available information. The recommendation of the committee reflects its appraisal of the composition of the 1969 crop in Area No. 1 and of the marketing prospects for this season.

The grade, size, and quality requirements as provided herein are necessary to prevent potatoes of undesirable sizes or below grade from being distributed into fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to the producers for the preferred quality and sizes.

The regulations, with respect to special purpose shipments for other than fresh market use, are designed to meet the different requirements for such outlets.

All persons who desire to submit data, views, or arguments in connection with this proposal may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 10 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 948.361 Limitation of shipments.

During the period August 15, 1969, through June 30, 1970, no person may handle any lot of potatoes grown in Area No. 1 unless such potatoes meet the requirements of paragraph (a) of this section, or unless such potatoes are handled in accordance with the provisions of paragraphs (b), (c), and (d) of this section.

(a) *Minimum grade and size requirements.*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1 or better grade.

(b) *Special purpose shipments.* (1) The quality requirements set forth in paragraph (a) of this section and the inspection and assessment requirements of this part shall not be applicable to potatoes handled for livestock feed.

(2) Potatoes may be handled for chipping or shoestrings if such potatoes meet the grade and size requirements of paragraph (a) except for scab.

(3) The quality requirements of paragraph (a) shall not be applicable to the handling of potatoes for seed as defined in § 948.6 of this part but any lot of potatoes handled for seed shall be subject to assessments.

(c) *Safeguards.* (1) Each handler of potatoes which do not meet the quality requirements of paragraph (a) and which are handled pursuant to paragraph (b) for any of the special purposes set forth therein shall, prior to handling, apply for and obtain a certificate of privilege from the committee, which shall require among other things, the handler to furnish such reports and documents as the committee may require showing that the potatoes so handled were utilized for the purpose specified in the certificate of privilege.

(d) *Exception to regulations.* The requirements of this part shall not apply to the handling of potatoes grown in the counties of Dolores, La Plata, and Montezuma during the effective period of this section.

(e) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "scab" and "Size B" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 1, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9260; Filed, Aug. 6, 1969; 8:47 a.m.]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Proposed Salable and Reserve Percentages and Handler Reserve Obligation for the 1969–70 Crop Year

Notice is hereby given of a proposal to establish for the 1969–70 crop year, salable and reserve percentages for California dried prunes of 80 and 20 percent, respectively, and, in connection therewith, the required composition of each handler's reserve obligation. The proposal would be established in accordance with provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 15, 1969. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed percentages are based on the following estimates:

Item	Tons of dried prunes: Natural condition weight	Tons of dried prunes: Processed weight
1. Domestic trade demand		110,000
2. Export trade demand		35,000
3. Desirable carryout—July 31, 1970		30,000
4. Total estimated trade requirements		175,000
5. Estimated carryout—July 31, 1969		61,078
6. Less USDA commitment		1,773
7. Estimated available carryout—July 31, 1968 (Item 4—Item 6)		59,305
8. Adjusted trade demand for 1969 crop (Item 4—Item 7)	113,199	116,595
9. Estimated 1969 production	130,000	
10. Salable percentage (Item 8÷Item 9)	87	
11. Reserve percentage (100 percent—Item 10)	13	
12. Adjustment for error in estimation of supply:		
(a) Salable percentage (87 percent−7 percent)	80	
(b) Reserve percentage (13 percent+7 percent)	20	

Therefore, the salable and reserve percentages for prunes and handler reserve obligation for the 1969–70 crop year shall be as follows:

§ 993.205 Salable and reserve percentages for prunes and handler reserve obligation for the 1969–70 crop year.

The salable and reserve percentages for the 1969–70 crop year shall be 80 percent and 20 percent, respectively, or such increased salable percentage and decreased reserve percentage as may be established upon delivery of the 1969 crop to provide a supply of salable prunes adequate to meet the estimated trade demand and a desirable carryover. The reserve obligation of each handler shall be a weight of natural condition prunes, by variety and standard or substandard grade, equal to the sum of the results of applying the reserve percentage to the natural condition weight of each lot of prunes received by him from producers and dehydrators, excluding the weight obligation of § 993.49(c). Such obligation as to standard prunes and as to substandard prunes, of each variety, shall be consistent with the receipt by field pricing size categories, and the obligation shall be the weighted average count per pound of all such lots within each such category, as computed from inspection analysis. The field pricing size categories, by variety and grade, expressed in minimum and maximum numbers of prunes per pound for each, are as follows:

Standard French prunes—33 or less, 34/50, 51/60, 61/70, 71/81, 82/101, 102/111, 112/121, and 122 or more;

Substandard French prunes—70 or less, 71/101, and 102 or more.

Standard Non-French prunes (except Robe de Sargent)—24 or less, 25/29, 30/33, 34/50, and 51 or more.

Substandard Non-French prunes (except Robe de Sargent)—51 or less and 52 or more.

Standard Robe de Sargent—33 or less, 34/50, 51/60, and 61 or more.

Substandard Robe de Sargent—61 or less and 62 or more.

Dated: August 1, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[F.R. Doc. 69-9261; Filed, Aug. 6, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 1–11; Notice 4]

MOTOR VEHICLE SAFETY STANDARDS

Rear Underride Protection; Extension of Time To File Comments

On March 19, 1969, the Federal Highway Administration published in the FEDERAL REGISTER (34 F.R. 5383) a notice of a proposed motor vehicle safety standard on Rear Underride Protection. By notice of June 3, 1969 (34 F.R. 8711), the original closing date for comments of June 2, 1969, was extended to August 1, 1969.

Several interested industry associations have petitioned for a further extension of time to file comments, in order to permit completion of tests and surveys of field operations that will form a basis for detailed comments on the proposed standard. In view of the importance of the proposed standard to various aspects of current industry practices, the petitions have been determined to have merit, and the time to file comments on the Docket 1–11 notice of proposed rule making is hereby extended to December 1, 1969.

This notice of extension of time to file comments is issued under the authority of section 103 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1407), and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR § 1.4(c).

Issued on August 1, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-9277; Filed, Aug. 6, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 528]

[Docket No. 69–38]

MANDATORY PROVISIONS TO BE INCLUDED IN SELF-POLICING SYSTEMS UNDER GENERAL ORDER 7

Notice of Proposed Rule-Making

On August 22, 1963, the Federal Maritime Commission published in the FEDERAL REGISTER (28 FR 9257) its rules and regulations (General Order 7) implementing the provisions of the Shipping Act, 1916, as amended by Public Law 87–346 (75 Stat. 763–4), which require disapproval of any section 15 agreement on a finding of inadequate policing of the obligations under it.

While the final rules covering self-policing systems adopted under General Order 7 required that provision for self-policing be made by the parties to all conference and other rate-fixing agreements, the general order did not require the adoption of any particular system or set of procedures.

In its report of January 30, 1967, the Federal Maritime Commission held that "* * * adequate procedures must be set forth in the basic conference agreement whereby the machinery for self-policing is established." Modification of Agreement No. 5700–4, 10 F.M.C. 261, 272.

The U.S. Court of Appeals for the District of Columbia Circuit was even more explicit with respect to the adequacy of self-policing systems in States Marine Lines, Inc. v. Federal Maritime Commission, 376 F. 2d 230, 236, when it decided on March 8, 1967 "* * * the principle becomes obvious that this kind of self-regulatory process must provide specific, realistic guarantees against arbitrary and injurious action." The Court further stated that "* * * given the special characteristics of the shipping industry and the conference system, the broad discretion granted a Neutral Body must be subject to some form of continuing internal review. That review must provide reasonable assurance that a member will be penalized only on the basis of evidence it has an adequate opportunity to rebut or explain—in other words, that the accused will in fact be treated fairly."

In order to conform the self-policing systems presently contained in approved conference and rate-fixing agreements and to establish requirements for future agreements, it is necessary that each self-policing system contain specific provisions which comport with the decision of the Court in the States Marine case, supra.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, and 841(a)), notice is hereby given that the Commission proposes to revise Part 528 of Title 46 CFR. As proposed to be revised, current sections 528.1, 528.3, and 528.4 are restated without change, except that the latter two sections are redesignated sections 528.4 and 528.5, respectively. As proposed to be revised, Part 528 would read as follows:

PART 528—SELF-POLICING SYSTEMS

Sec.
528.1 Scope and purpose.
528.2 General requirements: section 15 agreements.
528.3 Self-policing provisions—specific requirements.
528.4 Reporting requirements.
528.5 Two party rate-fixing agreements.

AUTHORITY: Part 528 issued under secs. 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, and 841(a)).

§ 528.1 Scope and purpose.

Section 15 of the Shipping Act, 1916, as amended by Public Law 87–346 (75 Stat. 763–4) provides that the Commission shall disapprove an agreement thereunder if, after notice and hearing, it finds inadequate policing of the obligations of the agreement. This amendment makes it necessary that provision for self-policing be included in certain section 15 agreements in that the Commission be informed of the manner in which such provision is being carried out. The requirements set forth below are to aid the Commission in determining the existence and adequacy of self-policing systems, in accordance with the statutory objective.

§ 528.2 General requirements: section 15 agreements.

(a) Conference agreements and other rate-fixing agreements between common carriers by water in the foreign and domestic offshore commerce of the United States, whether or not previously approved, shall contain agreement provisions describing the method or system used by the parties in policing the obligations under the agreement, including the procedure for handling complaints and the function and authority of every person having responsibility for administering the system.

(b) In the case of agreements previously approved under section 15 which do not meet these requirements, the parties shall file for approval an amendment which complies with the requirements. Such amendments shall be filed with the Commission within sixty (60) days from the effective date of these rules.

§ 528.3 Self-policing provisions: specific requirements.

Every self-policing system required under § 528.2 of this part shall, as a minimum, contain specific provisions as follows:

(a) *Definition of offenses.* A statement defining with reasonable clarity those acts, practices or omissions which shall be deemed to constitute an offense, malpractice or breach of the agreement, the tariff or the rules and regulations thereunder, and which may be the subject of self-policing sanctions;

(b) *Permissible penalties.* A statement specifying the maximum penalty or range of penalties which may be imposed upon a determination by the person or body vested with the ultimate authority to assess penalties when an offense has occurred;

(c) *Impartial adjudication.* A statement designating (or which describes the manner of designating) a totally disinterested person or body, unaffiliated with the conference or rate-making agreement or any member thereof, and vesting such person or body with the final authority to adjudicate disputes and assess penalties within the scope of the agreement. Depending upon the type of self-policing system used by the conference, this person or body may be the tribunal before which self-policing disputes are adjudicated in the first instance, or in the alternative, it may be limited to the function of reviewing any preliminary or initial determination of guilt or assessment of penalty made by the conference itself or by any other person or body designated by it to so act. In such event the person or body required under this section shall have full authority to affirm, modify or set aside de novo any finding of fact, conclusion of law or level of penalty assessed, and shall not be bound by the results of any prior or preliminary determination.

(d) *Procedural guarantees to accused member.* A statement incorporating the the following elements of procedural due process to an accused member:

(1) A member accused of an offense, malpractice or breach shall be charged in writing and such charges shall fairly apprise the accused member of the nature of the charges so as to permit it to frame an adequate defense;

(2) The accused member shall be furnished in advance with any and all adverse material or evidence which is to be furnished to the adjudicatory body required under paragraph (c) of this section in support of the charges.

(3) The accused member shall be given a full and fair opportunity to rebut or explain any such adverse evidence or material and to present evidence of mitigating or extenuating circumstances; and

(4) The adjudicatory body required under paragraph (c) of this section may consider only such evidence and material properly furnished to it pursuant to this section in reaching its decision and assessing penalties.

§ 528.4 Reporting requirements.

Twice each year, once during the month of January and once during the month of July, there shall be filed with the Commission by the conferences and carriers subject to these rules, or by any person to whom they have delegated the self-policing authority, a report showing the nature of each complaint received during the preceding 6-month period; the action taken on the complaint or on the volition of any person responsible for policing; and with respect to violations found, the nature thereof and the penalty or other sanction imposed. The names of the parties involved in complaints or in action taken on the volition of the person responsible for policing may be omitted from these reports. In the event that no complaints were received during the 6-month period, or no actions were taken on complaints received in the previous 6-month period, a negative report so stating must be filed.

§ 528.5 Two party rate-fixing agreements.

Any group with rate-fixing authority under an approved agreement which has no more than two signatory parties to the agreement shall be excepted from all requirements of this part.

Interested persons may participate in this rule-making proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 30 days of the publication of this notice in the FEDERAL REGISTER, an original and 15 copies of their views or arguments pertaining to the proposed amended rules. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change, and should be supported by statements and arguments relating the proposed changes to the purposes of section 15, Shipping Act, 1916 (46 U.S.C. 814).

The Federal Maritime Commission, Bureau of Hearing Counsel, shall participate in the proceeding and shall file Reply to Comments on or before September 29, 1969, by serving an original and 15 copies on the Federal Maritime Commission, and one copy to each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before October 10, 1969.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Assistant Secretary.*

[F.R. Doc. 69-9291; Filed, Aug. 6, 1969; 8:50 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 245]

GUIDES FOR THE WATCH INDUSTRY

Disclosure of Foreign Origin of Watch Movements

NOTICE OF OPPORTUNITY TO PRESENT WRITTEN VIEWS, SUGGESTIONS, OBJECTIONS, OR PERTINENT INFORMATION

A proposed revision of Guide 10, Disclosure of Foreign Origin of Watch Movements, of the Guides for the Watch Industry, is hereinafter set forth and is today made public by the Commission for consideration by industry members and other interested or affected parties pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et seq., and the provisions of Part 1, Subpart A, of the Commission's procedures and rules of practice, 16 CFR 1.5, 1.6.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the Guides for the Watch Industry, to present to the Commission their views concerning the proposed revision of Guide 10, including such pertinent information, suggestions, or objections as they may desire to submit. For this purpose, copies of the proposed Guide, which is advisory in nature as to the applicability of legal requirements, may be obtained upon request to the Commission. Data, views, information, objections, and suggestions may be submitted by letter, memorandum, brief, or other written communication not later than September 8, 1969, to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580. Written comments received in the proceeding will be available for examination by interested parties at the Commission's Washington address and will be fully considered by the Commission.

NOTE: This guide has not been approved by the Federal Trade Commission. It is a draft of a proposed guide which is made available to all interested or affected parties for consideration and for submission of such views, suggestions, objections, or other pertinent information as they may care to present, due consideration to which will be given by the Commission before proceeding to final action on the proposed guide.

Text of the proposed guide follows:

The proposed guide, if and when finally approved and adopted by the Commission, will be designed to provide detailed guidance respecting the disclosure of the foreign origin of watch movements and movement parts with specific provisions applicable to watch movements assembled in the Virgin Islands and other insular possessions of the United States, with parts obtained from foreign countries such as West Germany, Japan, the U.S.S.R., and France.

§ 245.10 Disclosure of foreign origin of watch movements, movement parts, and related matters.

(a) Watches having movements of foreign origin or movements which contain parts of foreign origin should not be offered for sale or sold unless they are accompanied by a clear and conspicuous disclosure of the country of origin of the movement or of such movement parts.

(b) The country of origin of a watch movement is that country in which its parts have been both manufactured and assembled. If a watch movement is assembled in the customs territory of the United States [1] and contains parts of foreign origin, the presence and source of such parts should be disclosed, e.g., "Assembled in the United States with Japanese parts," or "Movement parts from the U.S.S.R.," or "West German movement parts." If all of the movement parts of a watch have not in fact been manufactured and assembled in the same country, it is improper to use the name of either the country where they were manufactured or the country in which they were assembled in a manner which conveys the impression that the movement was manufactured in either country, nor should the watch otherwise be represented as a product of either country. (But see (f) of this section.)

(c) If a watch movement has been assembled in an insular possession of the United States with individual parts or subassemblies of such parts manufactured in a foreign country or countries, the foreign country or countries of origin of its parts should be disclosed. Thus, if a watch movement is assembled in the Virgin Islands with a subassembly and individual parts from the U.S.S.R. and a mainspring from France, appropriate forms of disclosure would include the following:

(1) "Movement assembled in the Virgin Islands with parts from the U.S.S.R. and France."

(2) "Movement parts from the U.S.S.R. and France."

(d) In making the disclosures under the circumstances set forth in (c) of this section, care should be exercised to insure that the form selected does not imply directly or indirectly that the movement has been made or assembled in the United States, or that it is a product of the country from which its significant parts were obtained, or that it is a product of the possession in which the movement was assembled. Thus the hypothetical movement used in the example in paragraph (c) of this section should not be described as "American Made" or as "Made in the U.S.S.R.," or as a "Product of the Virgin Islands."

[1] The term "customs territory of the United States" includes only the States, the District of Columbia, and Puerto Rico.

(e) If a watch movement has been assembled in one foreign country with individual parts or subassemblies of such parts manufactured in another foreign country or countries, the place of assembly and the origin of the movement parts should be disclosed, e.g., "Assembled in Hong Kong with parts from the U.S.S.R." In accord with the principles expressed in paragraphs (b) and (d) of this section, such a movement should not be represented directly or indirectly as a product of either country.

(f) While this part does not provide for the disclosure of the foreign origin of a watchcase, if the country of origin of a case is not the same as that of the movement it would not be proper to use only the name of the country of origin of the movement to describe the watch. For example, if a watch has a movement consisting wholly of parts which have been manufactured and assembled in the United States with a case of foreign origin, the watch should not unqualifiedly be described or designated as "Made in U.S.A." or with a term of similar import. Similarly, if a watch movement consisting wholly of parts which have been manufactured and assembled in Switzerland is encased in a watchcase manufactured in Hong Kong, the dial of the watch should not bear the legend "Swiss" or one of similar import, unless the watch is accompanied by a clear and conspicuous disclosure of the country of origin of the case. But a disclosure such as "Swiss Movement" would not require a disclosure of the foreign origin of the case.

(g) The disclosures provided for in this section should be permanently marked on an exposed surface of the watch or on a label or tag affixed thereto which has such a degree of permanency as to remain thereon until consummation of the consumer sale of the watch and be of such size and conspicuousness that they will be readily apparent to purchasers or prospective purchasers making a casual inspection of the watch.

Issued: August 6, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-9281; Filed, Aug. 6, 1969; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Rev. 8]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for SIC Industry 3537 for the Purposes of Bidding on Government Procurements and Obtaining Financial Assistance

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by revising the existing size standards for SIC Industry 3537, industrial trucks, tractors, trailers and stackers for both the purposes of bidding on Government procurements and receiving financial assistance. SIC Industry 3537 does not include motor vehicles and motor vehicle type trailers which are classified in Industry 371; farm type wheel tractors which are classified in SIC Industry 3522, farm machinery and equipment; wheel tractor shovel loaders and tracklaying tractors which are classified in SIC Industry 3531, construction machinery and equipment; and wood pallets and skids which are classified in SIC Industry 2499, wood products, not elsewhere classified.

The currently effective size standard for SIC 3537, for the purpose of bidding on Government procurements is that a concern, including its affiliates, have average employment of 500 or less for the preceding four (4) quarters. The currently effective size standard for SIC 3537, for the purpose of obtaining financial assistance, is average employment of 250 employees or less for the preceding four (4) quarters.

Under the proposed amendment the size standard for SIC 3537 industrial trucks, tractors, trailers, and stackers, for both the purposes of bidding on Government procurement and receiving financial assistance, will be average employment of 750 employees for the preceeding four (4) quarters.

It has come to the attention of the SBA that according to the latest available statistics, SIC Industry 3537 has grown rapidly during the last several years. Fifty-four percent (54%) of the total value of shipments for the industry were accounted for by the four largest concerns and firms with over 1,000 employees accounted for more than 60 percent of the total value added by manufacture. Also, manufacturers in SIC 3537 making industrial trucks and tractors compete with firms in SIC Industries 3717, Motor Vehicles and Parts and 3531, Construction Machinery. The size standard for SIC 3717 is 1,000 employees for both the purposes of bidding on Government procurements and for obtaining financial assistance while the size standard for SIC Industry 3531 is 750 employees for both programs.

It has further been brought to our attention that in the case of fork trucks, an important item in SIC Industry 3537, many fork trucks are carried as mobilization planned items by the Government with corresponding planned producers. The result is that in many cases there are few planned producers and of these few, none qualify as small business. This results in larger concerns obtaining the "lion's share" of the Government procurement for these items.

The available data show that there are relatively few concerns between 250 and 750 employees in SIC 3537 and no single concern in this size range has a great share of the market.

Accordingly, it is proposed to raise the employment size standard for SIC 3537, industrial trucks, tractors, trailers and stackers for the purpose of bidding on Government procurement from 500 employees to 750 and for financial assistance from 250 employees to 750 employees.

Interested person may file with the Small Business Administration within 30 days after publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the proposal.

All correspondence shall be addressed to:

Associate Administrator, Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, Attention: Size Standards Staff.

It is proposed to amend the regulation as follows:

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby further amended by:

1. Adding to Schedule B of § 121.3–8 the following industry size standard:

Census classification code	Industry	Employment size standard (number of employees)
3537	Industrial trucks, tractors, trailers, and stackers.	750

2. Revising the size standard in Schedule A of § 121.3–10 for Industry 3537 as follows:

Census classification code	Industry	Employment size standard (number of employees)
3537	Industrial trucks, tractors, trailers and stackers.	750

Dated: July 29, 1969.

HILARY SANDOVAL, Jr., *Administrator.*

[F.R. Doc. 69-9256; Filed, Aug. 6, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1300, 1307]

[Ex Parte No. 261]

[Special Permission No. 70-275]

TARIFFS CONTAINING JOINT RATES AND THROUGH ROUTES FOR TRANSPORTATION OF PROPERTY BETWEEN POINTS IN THE UNITED STATES AND POINTS IN FOREIGN COUNTRIES

Notice of Proposed Rulemaking

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 31st day of July, 1969.

It appearing, that the Interstate Commerce Commission, Division 2, by order entered July 15, 1969, promulgated a

change in Rule 67 of Tariff Circular No. 20, 47 C.F.R. 1300.67, and that by order entered July 28, 1969, it stayed the effectiveness of that order pending further order of the Commission;

And it further appearing, that the Commission would be aided in having the representations of interested persons as to the revision; and good cause appearing therefor:

It is ordered, That a rule-making proceeding be, and it is hereby, instituted under the Interstate Commerce Act and the Administrative Procedure Act looking toward the revision of Rule 67 of Tariff Circular No. 20, 47 C.F.R. 1300.67, so as to read as follows:

§ 1300.67 Export and import traffic, ocean carriers.

(a) *Through routes and joint rates.* When a common carrier by water enters into an arrangement with a common carrier subject to the Interstate Commerce Act for joint rates and through routes covering the transportation of property subject to the Act between points in the United States and points in foreign countries, tariffs naming such joint rates and through routes must be filed with this Commission, and must be published, filed and posted in conformity with the provisions of the Act and the rules of this tariff circular. Filing of tariffs naming such joint rates and through routes does not give the Commission jurisdiction over the ocean carriers participating therein.

(b) *Port combination basis.* When the carriers do not enter into joint rate and through route arrangements as provided in paragraph (a) of this section but desire to handle traffic on basis of combinations of rates to and from the ports, the rates of ocean carriers are not required to be filed with the Interstate Commerce Commission. In these circumstances, the following will apply:

(1) *Export and import tariffs.* (i) The carriers subject to the Interstate Commerce Act transporting property exported or imported from a foreign country by water must file their rates to the ports and from the ports, and such rates must be the same for all, regardless of what ocean carrier may be designated by the shipper except as otherwise provided by section 28 of the Merchant Marine Act (41 Stat. 999; 46 U.S.C. 884).

(ii) When rates are published to apply on export or import traffic, the tariffs containing such rates shall specify by inclusion or exclusion the countries to or from which traffic subject to such rates shall move, whether such countries are, or are not, adjacent to the United States.

(iii) In the interest of clarity the tariffs should also specify whether or not property destined to or coming from Cuba, the Philippine Islands, Puerto Rico, the Hawaiian Islands, or the Canal Zone are included. For convenience, and without regard to the political status and relation of the Philippines, Puerto Rico, the Hawaiian Islands, and the Canal Zone to the United States, they together with Cuba, are for these purposes, to be classed with foreign countries, and in the absence of statement in tariffs limiting the application of export and import rates, export and import rates will apply on traffic destined to or coming from the above-named territories.

(2) *Steamship charges may be shown.* As a matter of convenience to the public, said carriers *may* also publish as information in their tariffs in connection with the rate as above provided, the steamship charges to or from foreign destinations. When this is done, such steamship charges may be changed without notice, but the rates of the Interstate Commerce Commission regulated carriers to (or from) ports are subject to all provisions of the Interstate Commerce Act and of the Commission's rules with respect to notice and form of publication. Tariffs filed with the Interstate Commerce Commission containing such steamship charges may not be concurred in by the ocean carriers.

(c) *Through Export and Import Billing.* Export and import shipments may be forwarded under through billing, but through bills of lading must clearly separate the liability of the carrier included therein were different, and must show: (1) the tariff rate of the carrier or carriers subject to the Act to or from the port, or (2) joint rates or charges when such rates are established and are named in tariffs on file with the Commission as provided in paragraph (a) of this section.

It is further ordered, That § 1307.22 of chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, proposed to read as follows:

§ 1307.22 Application of regulations.

(a) The regulations in Subpart B will also apply to tariffs containing joint rates of common carriers of property by motor vehicle and common carriers by water, other than railroad-owned or railroad-controlled water carriers, and except as provided in paragraph (c) of this section.

(b) The regulations in Subpart B will not apply to tariffs containing joint rates between motor carriers and common carriers by rail or by water when such water carriers are railroad-owned or railroad-controlled and operate under the provisions of section 5(16) of the Interstate Commerce Act or to tariffs containing joint motor-rail-water rates whether or not the water carrier is railroad-owned or controlled.

(c) The regulations in Subpart B will not apply to tariffs containing joint rates and through routes between common carriers by water and common carriers by motor vehicle for the transportation of property between points in the United States and points in foreign countries. For regulations to apply see Rule 67 of Tariff Circular No. 20 (§ 1300.67 of this chapter).

It is further ordered, That any interested persons may submit for consideration written statements of facts, views and arguments, such representations to be filed with the Commission on or before September 15, 1969;

And it is further ordered, That a copy of this order be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and that another copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-9285; Filed, Aug. 6, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah 8778]

UTAH

Notice of Offering of Land for Sale

JULY 31, 1969.

Notice is hereby given that, under the provisions of the Act of September 19, 1964 (78 Stat. 988) and pursuant to an application from Tooele County, Utah, the Secretary of the Interior intends to offer the following lands for sale:

SALT LAKE MERIDIAN

T. 2 N., R. 8 W.,
Sec. 3, all;
Sec. 10, W½E½, W½;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 24, all.

The lands described aggregate 2,526.57 acres.

The lands have been classified as suitable for transfer from Federal ownership to facilitate industrial development and use. The tract has been zoned to permit industrial development. The lands are located about 30 miles northwest of Grantsville, Utah, and are near the west side of the Great Salt Lake.

It is the intention of the Secretary of the Interior to enter into an agreement with authorized county officials to permit Tooele County to purchase the land at the appraised market value.

Any patent resulting from the sale of this land will be issued under the Act of September 19, 1964, supra, and shall contain a reservation to the United States of rights-of-way for ditches and canals under the Act of August 30, 1890 (43 U.S.C. Sec. 945), and of all mineral deposits which shall thereupon be withdrawn from appropriation under the public land laws, including the mining and mineral leasing laws. The land will be sold subject to all valid existing rights and reservations for rights-of-way.

R. D. NIELSON,
State Director.

[F.R. Doc. 69-9272; Filed, Aug. 6, 1969; 8:48 a.m.]

Fish and Wildlife Service

[Docket No. B-467]

ROBERT F. BROWN

Notice of Loan Application

Robert F. Brown, Route 1, Box 76B, Hayes, Va. 23072, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 45-foot length overall wood vessel to engage in the fishery for oysters, spot, croakers, bluefish, shad, striped bass, and sea trout.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-9248; Filed, Aug. 6, 1969; 8:46 a.m.]

[Docket No. B-466]

ALTON L. RAYNES AND BERNARD E. RAYNES

Notice of Loan Application

Alton L. Raynes and Bernard E. Raynes, Owls Head, Maine 04854, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 69-foot length overall wood vessel to engage in the fishery for groundfish, shrimp, scallops, and whiting.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-9300; Filed, Aug. 6, 1969; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

HODGES STOCK YARDS OF ALABAMA, HURTSBORO, ALA. ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
Hodges Hurtsboro Stock Yards, Hurtsboro, Oct. 1, 1959.	Hodges Stock Yards of Alabama, July 1, 1969.
Hodges' Capitol Stock Yards, Montgomery, Sept. 30, 1946.	Hodges Stock Yards of Alabama, July 1, 1969.
Hodges Selma Stock Yards, Selma, Jan. 14, 1936.	Hodges Stock Yards of Alabama, July 1, 1969.
ARIZONA	
Wentz Brothers Livestock Auction, Inc., Tucson, Dec. 5, 1964.	Tucson Livestock Exchange, Jan. 2, 1969.
ARKANSAS	
Magnolia Livestock Auction, Magnolia, Sept. 11, 1959.	Allen Brothers Magnolia Livestock Auction, Apr. 20, 1969.
CALIFORNIA	
Salinas Livestock Auction Yard, Salinas, Oct. 3, 1959.	Salinas Livestock Auction Yard, Inc., Jan. 1, 1969.
Roseville Livestock Auction Yard, Roseville, Nov. 6, 1959.	Western States Livestock Marketing Center, Inc., July 1, 1968.

ILLINOIS

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
Charleston Livestock Auction, Inc., Charleston, Nov. 20, 1959.	Charleston Livestock Auction, May 10, 1969.
Art Feller Livestock Auction, El Paso, Nov. 20, 1959.	Heinold Cattle Market, May 1, 1969.

Done at Washington, D.C., this 30th day of July, 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch Livestock Marketing Division.

[F.R. Doc. 69-9262; Filed, Aug. 6, 1969; 8:48 a.m.]

ROCKY MOUNTAIN LIVESTOCK MARKETS, INC., SALIDA, COLO. ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

COLORADO

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
Salida Livestock Commission Company, Salida, Mar. 11, 1957.	Rocky Mountain Livestock Markets, Inc., July 1, 1969.

TEXAS

Eads & Cole Commission Company, Brownwood, Feb. 28, 1957.	Cole Livestock Auction, Mar. 1, 1969.
Dalhart Auction Company, Dalhart, Nov. 6, 1956.	Dalhart Auction Co., June 25, 1969.
Ennis Livestock Commission, Ennis, Jan. 9, 1957.	Ennis Auction Co., Inc., Feb. 15, 1969.
Lometa Commission Company, Lometa, Feb. 27, 1957.	Lometa Commission Co., June 27, 1969.
Collin County Commission Company, McKinney, Jan. 19, 1959.	McKinney Livestock Commission, Apr. 29, 1969.

UTAH

Uinta Sales Barn, Roosevelt Jan. 29, 1955.	Uinta Sales Barn, Inc., Jan. 12, 1969.

VIRGINIA

Victoria Livestock Market, Inc., Victoria, Mar. 9, 1959.	Victoria Stockyards, Inc., May 19, 1967.

WASHINGTON

Lateral A Community Sale, Wapato, Sept. 26, 1959.	Lateral A Community Sales, May 21, 1969.

WISCONSIN

Granton Livestock Auction Market, Inc., Granton, Dec. 20, 1962.	Midwest Livestock Producers Cooperative, May 1, 1969.

Done at Washington, D.C., this 31st day of July, 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch Livestock Marketing Division.

[F.R. Doc. 69-9263; Filed, Aug. 6, 1969; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

BETA-OXY-NAPHTHOIC ACID (BON) FROM WEST GERMANY

Determination of Sales At Not Less Than Fair Value

JULY 30, 1969.

On August 31, 1968, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that Beta-oxy-Naphthoic acid manufactured by Farbwerke Hoechst A.G., Frankfurt, Germany, is not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)), (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until September 30, 1968, to make written submissions, or requests for an opportunity to present views in connection with the tentative determination.

An opportunity was afforded to the attorney for the Pfister Chemical Co. to present oral views and all interested parties on record were notified. No such views, however, were presented.

After consideration of all written submissions and oral arguments, I hereby determine that Beta-oxy-Naphthoic acid manufactured by Farbwerke Hoechst A.G., Frankfurt, Germany, is not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-9289; Filed, Aug. 6, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Order 177]

ASSISTANT SECRETARY FOR SCIENCE AND TECHNOLOGY

Authority and Duties

The following order was issued by the Secretary of Commerce effective July 25, 1969. This material supersedes the material appearing at 33 F.R. 15562 of October 19, 1968.

SECTION 1. *Purpose.* This order prescribes the scope of authority and the duties and responsibilities of the Assistant Secretary for Science and Technology.

SEC. 2. *Administrative designation.* The position of Assistant Secretary of Commerce, established by the Act of February 16, 1962 (Public Law 87-405; 15 U.S.C. 1507), shall continue to be designated as the Assistant Secretary for Science and Technology. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

SEC. 3. *Scope of authority.* .01 The Assistant Secretary for Science and Technology shall exercise policy direction and general supervision over the Environmental Science Services Administration, the National Bureau of Standards, the Patent Office, and the Office of State Technical Services. He shall exercise direct supervision over the Office of Telecommunications and the Office of Product Standards.

.02 Pursuant to the authority vested in the Secretary of Commerce by law, the following authorities of the Secretary are hereby delegated to the Assistant Secretary for Science and Technology:

a. To approve regulations established by the Commissioner of Patents for the conduct of proceedings in the Patent Office (35 U.S.C. 6);

b. To issue procedural regulations necessary for the development and promulgation of flammability standards and regulations (including labeling); and amendments thereto, pursuant to chapter 25 of title 15, United States Code, as amended, and for the prescribing and publication of standards for household refrigerator safety devices, pursuant to chapter 26 of title 15, United States Code;

c. To make determinations as to the possible need for, and to institute the proceedings for the determination of, a new or amended flammability standard or other regulation, including labeling pursuant to 15 U.S.C. 1193(a), as amended;

d. To issue procedural regulations providing for the development and publication of voluntary product standards by the Department of Commerce, pursuant to chapter 7 of title 15, United States Code;

e. To issue regulations necessary to implement the provisions of sections 5(d) and 5(e) of the Fair Packaging and Labeling Act (15 U.S.C. 1454 (d-e)), and to make determinations under these sections (1) as to whether the reasonable ability of consumers to make value comparisons has been impaired by undue proliferation of the weights, measures, or quantities in which retail commodities are packaged, (2) as to whether a standard will not be published, and (3) as to the nonobservance of a published standard;

f. To certify that an invention, for which a patent is being applied, is used or likely to be used in the public interest (35 U.S.C. 266);

g. To approve and issue royalty-free licenses for the use of patents owned or controlled by the Department; and

h. To provide guidance to contracting officers on patent right clauses to be used in research and development contracts, to allocate rights in inventions made under contracts having a deferred patents rights clause, and to determine whether and to what extent contractors shall be required to grant licenses under inventions made in the performance of contracts with the Department.

SEC. 4. *Duties and responsibilities.* .01 The Assistant Secretary for Science and Technology shall serve as the principal adviser to the Secretary on all scientific and technological matters related to the physical and natural sciences which are of concern to the Department. In this capacity, he shall serve as adviser to all other Commerce officials with respect to matters involving the physical and natural sciences and related technology, and shall maintain cognizance over all scientific and technological research and development activities in such areas conducted or supported by all organization units of the Department.

.02 In the discharge of his responsibilities, the Assistant Secretary shall:

a. Coordinate and evaluate existing scientific and technological programs of the Department relating to the physical and natural sciences;

b. Facilitate the expansion of such programs which are considered essential to meeting national needs;

c. Develop and assist in the initiation and implementation of new research and development programs in furtherance of the Department's objectives;

d. Represent the Department on the Federal Council for Science and Technology; and

e. Coordinate the Department's scientific and technological programs in the physical and natural sciences, and its related research and development activities, with programs of other agencies of the Federal Government and, as appropriate, with the activities of State and local governments, universities, nonprofit institutions, and private industry.

SEC. 5. *Deputy Assistant Secretaries For Science and Technology.* .01 The Assistant Secretary shall be assisted by Deputy Assistant Secretaries as follows:

a. The Deputy Assistant Secretary for Science and Technology shall be the principal assistant to the Assistant Secretary for Science and Technology and shall assume full responsibilities for carrying out the functions of the Assistant Secretary during the latter's absence.

b. The Deputy Assistant Secretary for Science and Technology Planning is a principal assistant to the Assistant Secretary for Science and Technology. His responsibilities include: policy analysis and strategic planning for Commerce science and technology programs; program management of PPBS categories above the level of a single or lead bureau, e.g., technology transfer; serve as a focal point for PPBS activities involving science and technology programs of the Department; and provide leadership and coordination in specifically assigned areas, e.g., marine affairs, environmental quality.

c. The Deputy Assistant Secretary for Telecommunications is the Director of the Office of Telecommunications (see DO 14).

d. The Deputy Assistant Secretary for Product Standards is the Director of the Office of Product Standards (see DO 16).

.02 The Assistant Secretary may delegate his authorities, except for the authority to issue or approve regulations, to the Deputy Assistant Secretaries.

Effective date: July 25, 1969.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-9227; Filed, Aug. 6, 1969; 8:45 a.m.]

[Department Order 16]

OFFICE OF PRODUCT STANDARDS

Organization and Functions

The following order was issued by the Secretary of Commerce effective July 25, 1969. This material supersedes the material appearing at 33 F.R. 15565 of October 19, 1968.

SECTION 1. *Purpose.* This order prescribes the organizational status and functions of the Office of Product Standards.

SEC. 2. *General.* .01 The Office of Standards Policy is hereby renamed the Office of Product Standards and is continued as a constituent operating unit of the Department of Commerce. The Office shall be headed by the Director of the Office of Products Standards, who shall report and be responsible to the Assistant Secretary for Science and Technology (the "Assistant Secretary"). The Director shall also have the rank and title of Deputy Assistant Secretary for Product Standards, under the Assistant Secretary. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the latter's absence.

.02 In the exercise of his supervisory responsibility over the Office of Product Standards, the Assistant Secretary shall ensure that matters handled by the Office for his action or that of the Secretary are fully coordinated with the Assistant Secretary for Domestic and International Business and other Secretarial Officers to the extent their areas of responsibility and interest are involved, and he shall otherwise ensure that the Director of Product Standards directly coordinates the work of the Office of Products Standards with Secretarial Officers and operating unit heads whose responsibilities are involved.

.03 The Office of Product Standards exists to strengthen the ability of the Department to contribute to the solution of national and Federal policy issues concerning:

a. The types of industrial or consumer product standards to be established;

b. The responsibilities of the Federal Government and its various agencies in developing or aiding in the development of standards;

c. The forms of participation in standards-setting activities by Government, industry, the scientific community, and the general public;

d. The means of participation by the United States in international standards activities;

e. The legal, economic, and other aspects of assuring adherence to or compliance with standards; and

f. Other problems relating to the development and use of standards.

SEC. 3. *Functions.* .01 The Office of Product Standards shall provide staff assistance to the Assistant Secretary for Science and Technology in the following areas:

a. Developing, or advising on, all procedural regulations pursuant to chapters 6, 7, 25, 26, and 39 of title 15, United States Code, which are issued by the Assistant Secretary and which deal with the development, adoption, or publication of voluntary product standards or of mandatory standards;

b. Advising on the issuance of all mandatory product standards or any other standards which are to be adopted or published, or reviewed prior to publication, by the Secretary or the Assistant Secretary; and

c. Providing analyses and recommendations to the Assistant Secretary with respect to all determinations he is required to make under sections 5 (d) and (e) of the Fair Packaging and Labeling Act (15 U.S.C. 1454 (d) and (e)), and assisting in the development of any report and recommendations to the Congress resulting therefrom

.02 The Office shall provide staff assistance and advice to the Assistant Secretary in the formulation of policies dealing with standards activities, and the coordination of Commerce standards programs and policies with those of other Federal departments and agencies, trade and professional associations, and individuals, including:

a. Provision of secretariat services and assistance to the Interagency Committee on Standards Policy, and other inter- or intra-Departmental or public or industry advisory committees dealing with standards policies;

b. Participation by the U.S. Government in the activities of international organizations or conferences concerned with the formulation or adoption of international standards; and

c. Cooperation with the Executive Office of the President and with other

Federal agencies to assure that their interests, and the interests of groups for which they are responsible, are given proper consideration.

.03 In performing the above functions, the Office shall obtain, where applicable, the findings and views of the National Bureau of Standards, the Business and Defense Services Administration, other Commerce units, other Federal agencies, the affected industry, and the general public, so as to identify and analyze interrelated technical, economic, social, and legal factors bearing on standards policies or other matters at issue.

SEC. 4. *Definitions.* As used in this order, the term "standards" includes formal stipulations as to the qualities of processes, products, goods, or commodities (including raw or semi-finished material) with respect to their purity, performance, or other objective characteristics. The term includes specifications of the means of measurement or other observation to determine the extent to which a substance conforms to a standard. The term excludes, however, quantifications of the laws or facts of nature, such as the nuclear characteristics of pure elements, or the speed of light.

SEC. 5. *Administrative Services.* The Office of Product Standards will obtain necessary personnel, financial, and administrative services from the Office of the Assistant Secretary for Administration.

Effective date: July 25, 1969.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-9228; Filed, Aug. 6, 1969; 8:45 a.m.]

[Department Order 14]

OFFICE OF TELECOMMUNICATIONS

Organization and Functions

The following order was issued by the Secretary of Commerce effective July 25, 1969. This material supersedes the material appearing at 32 F.R. 17632 of December 9, 1967.

SECTION 1. *Purpose.* This order prescribes the organizational status and functions of the Office of Telecommunications.

SEC. 2. *General.* .01 The Office of Telecommunications is continued as a constituent operating unit of the Department of Commerce. The Office shall be headed by the Director of the Office of Telecommunications, who shall report and be responsible to the Assistant Secretary for Science and Technology (the "Assistant Secretary"). The Director shall also have the rank and title of Deputy Assistant Secretary for Telecommunications, under the Assistant Secretary.

.02 In the exercise of his supervisory responsibility over the Office of Telecommunications, the Assistant Secretary for Science and Technology shall assure that matters handled by the Office for his action or that of the Secretary are fully coordinated with the Assistant Secretary for Domestic and International Business and other Secretarial Officers to the extent their areas of responsibility and interest are involved, and he shall otherwise assure that the Director of Telecommunications directly coordinates the work of the Office of Telecommunications with Secretarial Officers and operating unit heads whose responsibilities are involved.

.03 The Office of Telecommunications exists to strengthen the ability of the Department to contribute to the solution of national policy problems raised by expanding uses of telecommunications and far reaching technological developments in that field.

.04 As used in this order, the term "telecommunications" refers to the acquisition and transmission of information by electromagnetic means, including radio, wire, optical, and infrared methods.

SEC. 3. *Functions.* The Office of Telecommunications shall:

.01 Keep abreast of current developments in the field of telecommunications, particularly those which have interrelated economic, scientific, technological, industrial, international and legal aspects.

.02 Provide the heads and appropriate staff of the National Bureau of Standards, Environmental Science Services Administration, and Business and Defense Services Administration with briefs that analyze diverse, interrelated telecommunications developments, with particular emphasis on public policy implications; and consult with and advise such officials in scheduling and undertaking relevant program work as will enable Commerce to make a maximum contribution in the resolution of public policy issues.

.03 In consultation with appropriate Secretarial Officers or operating unit heads, develop position papers, proposals, testimony, and related material requiring Departmental-level action on broad issues and questions concerning telecommunications developments; arrange with Secretarial Officers or operating unit heads, as appropriate, for drawing on the relevant expertise and resources of the Department in developing the above materials and coordinate prepared materials with responsible officials of the Department and, as appropriate, with other agencies. As may be needed in connection with the development of the Department's position on major policy questions, arrange with the Business and Defense Services Administration or other qualified organizations for the conduct of economic impact studies of proposed policies and policy alternatives.

.04 Provide analyses and advice to appropriate Secretarial Officers on plans and budgets of primary operating units involving telecommunications as may be appropriate to assure optimum coordination of Commerce activities in the telecommunications field.

.05 As designated, represent the Department on telecommunications matters, in interagency committees, in appearances before or other formal associations with Federal agencies and in official contacts with private organizations; attend national or international meetings in a representative capacity; and, as appropriate for coordination of the Department's efforts, consult with and advise other designated representatives of the Department to outside telecommunications groups.

.06 As requested by Secretarial Officers or operating unit heads, conduct special analyses of alternative approaches and policies for carrying out the telecommunications programs.

.07 Examine requests from operating units for radio frequencies; submit justified requests to the Director of Telecommunications Management, Executive Office of the President for assignment of frequencies; appraise use of assigned frequencies to assure proper utilization; advise and assist operating units on technical and management problems associated with their use of assigned frequencies; issue standards and guides; and otherwise promote optimum utilization of radio frequencies assigned the Department.

.08 Perform such related work as will provide leadership and assure optimum coordination of Commerce programs in telecommunications.

SEC. 4. *Administrative Services.* The Office of Telecommunications will obtain necessary personnel, financial, and administrative services from the Office of the Assistant Secretary for Administration.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-9229; Filed, Aug. 6, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

REGIONAL COUNSEL AND ASSOCIATE REGIONAL COUNSEL FOR GENERAL PROGRAM SERVICES, REGION III (ATLANTA)

Redelegation of Authority To Execute Requisition Agreements Securing Preliminary Loan Notes

SECTION A. *Authority redelegated with respect to Slum Clearance and Urban Renewal Program.* The Regional Counsel and Associate Regional Counsel for General Program Services, Region III (Atlanta), each is hereby authorized to execute requisition agreements under section 102(c) of the Housing Act of 1949, as amended (42 U.S.C. 1452(c)), securing the payment of the principal of and interest on preliminary loan notes each of which provides that it shall not be valid until the paying agent has executed an agreement appearing on the note to act as paying agent, and under which requisition agreement the United States, among other things:

1. Pledges the full faith and credit of the United States to the aforesaid payment and agrees under section 102(c) of the Act that the payment agreement set forth under paragraph 2 of this section A shall be construed separate and apart from the pertinent loan contract and shall be incontestable in the hands of a bearer; and

2. Agrees to evidence its promise to pay or cause to be paid each such note by a payment agreement executed on behalf of the United States by a facsimile signature of the Secretary of Housing and Urban Development holding office on the date of sale by the local public agency of the particular notes, in substantially the following form:

PAYMENT AGREEMENT

Pursuant to section 102(c) of the Housing Act of 1949, as amended (42 U.S.C. 1452(c)), the United States hereby unconditionally agrees that on the Maturity Date of the within Preliminary Loan Note it will pay or cause to be paid to the bearer thereof the principal of and interest thereon, upon the presentation and surrender of such Note to the Paying Agent designated therein, and the full faith and credit of the United States is pledged to such payment. Under Section 102(c) of the Act, this Agreement shall be construed separate and apart from the loan contract referred to in the within Note and shall be incontestable in the hands of a bearer.

In witness whereof, this Agreement has been executed on behalf of the United States by the duly authorized facsimile signature of the Secretary of Housing and Urban Development, as of the Date of Issue of the within Note.

UNITED STATES OF AMERICA.
By ----------
Secretary of Housing and Urban Development.

(Redelegation of authority by Assistant Secretary for Renewal and Housing Assistance effective May 15, 1968, 33 F.R. 7175, May 15, 1968)

Effective date: This redelegation of authority shall be effective as of October 1, 1968.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 69-9263; Filed, Aug. 6, 1969; 8:49 a.m.]

REGIONAL COUNSEL AND ASSOCIATE REGIONAL COUNSEL FOR GENERAL PROGRAM SERVICES, REGION III (ATLANTA)

Redelegation of Authority To Execute Requisition Agreements Securing Bonds

SECTION A. *Authority redelegated with respect to Slum Clearance and Urban Renewal Program.* The Regional Counsel and Associate Regional Counsel for General Program Services, Region III (Atlanta), each is hereby authorized to execute requisition agreements under section 102(c) of the Housing Act of 1949, as amended (42 U.S.C. 1452(c)), securing the payment of the principal of and interest on bonds evidencing a definitive loan under section 102(a) of said Act, and, as an incident to the security and marketability of such bonds, securing the payment of premiums and the cost of the redemption of bonds and the fees and charges of paying agents, each of which bonds provides that it shall not be valid until the paying agent has executed an agreement appearing on the bond to act as paying agent, and under which requisition agreement the United States, among other things:

1. Pledges the full faith and credit of the United States to the payment of the principal of and interest on such bonds, and agrees under section 102(c) of the Act that the payment agreement set forth under paragraph 2 of this section A shall be construed separate and apart from the pertinent loan contract, including the specific loan payment contract under such requisition agreement, and shall be incontestable in the hands of a bearer; and

2. Agrees, as an incident to the security and marketability of such bonds, to pay or cause to be paid the premiums and cost of the redemption of the bonds and the fees and charges of paying agents, and also agrees to evidence its promise to pay or cause to be paid each such bond, including the interest thereon, by a payment agreement executed on behalf of the United States by the facsimile signature of the Secretary of Housing and Urban Development holding office on the date of sale by the local public agency of the particular bonds, in substantially the following form:

PAYMENT AGREEMENT

Pursuant to section 102(c) of the Housing Act of 1949, as amended (42 U.S.C. 1452(c)), the United States hereby unconditionally agrees that on the maturity of the within Bond, and on the respective dates established for the payment of the interest thereon, it will pay or cause to be paid to the bearer or registered owner of either or both said Bond or interest thereon, as the case may be, the principal of and interest on such Bond, upon the presentation and surrender of such Bond or the uncanceled interest coupons appertaining thereto, if any, as the case may be, to the Paying Agent or the alternate Paying Agent identified therein; and the full faith and credit of the United States is pledged to such payment. Under section 102(c) of the Act, this Agreement shall be construed separate and apart from the loan contract and the specific loan payment contract evidenced by the Requisition Agreement referred to in the within Bond, and shall be incontestable in the hands of a bearer.

In witness whereof, this Agreement has been executed on behalf of the United States by the duly authorized facsimile signature of the Secretary of Housing and Urban Development, as of the date of the within Bond.

UNITED STATES OF AMERICA.
By ----------
Secretary of Housing and Urban Development.

(Redelegation of authority by Assistant Secretary for Renewal and Housing Assistance effective May 15, 1968, 33 F.R. 7176, May 15, 1968)

Effective date: This redelegation of authority shall be effective as of October 1, 1968.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 69-9264; Filed, Aug. 6, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-38]

MARTIN-MARIETTA CORP.

Termination of Facility License

The Atomic Energy Commission has found that the Martin-Marietta Critical Experiment Facility located near Middle River in Baltimore County, Md., has been dismantled, decontaminated and disposition made of component parts in accordance with the regulations of the Commission, 10 CFR Ch. I, and in a manner not inimical to the common defense and security or to the health and safety of the public. Therefore, pursuant to the June 11, 1969, request by the licensee, Facility License No. CX-7 held by the Martin-Marietta Corp. is hereby terminated as of June 30, 1969.

Date of Issuance: July 30, 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-9226; Filed, Aug. 6, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 69-7-133]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

JULY 24, 1969.

Agreement adopted by Joint Conference 1-2-3 of the International Air Transport Association relating to specific commodity rates.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated July 17, 1969, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R-89:

Commodity Item 4701—Machinery, Electrical Apparatus and Tools, N.E.S., 135 cents per kg., minimum weight 100 kgs., Auckland to West Coast.

R-90:

Commodity Item 5858—Synthetic Stones, Glass Stones, Glass Pearls, Plastic Pearls, Unset, Unmounted, Unstrung, Imitation Jewelry Made of Glass, Synthetic Stones, Metal, Plastic or Wood, and Ornamental Articles Made of Plastic, 321 cents per kg., minimum weight 300 kgs., New York to Sydney.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on agreement CAB 20745, R–89 and R–90, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–9279; Filed, Aug. 6, 1969; 8:49 a.m.]

CIVIL SERVICE COMMISSION

ENGINEERING TECHNICIAN

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on July 11, 1969, for the single position of Engineering Technician, GS–802–11, Plasma Physics Section of the Standards Physics Division, National Bureau of Standards, Boulder, Colo. The finding is self-canceling when filled.

Assuming other legal requirements are met, the appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioner.

[F.R. Doc. 69–9264; Filed, Aug. 6, 1969; 8:48 a.m.]

CERTAIN POSITIONS, PEARL HARBOR NAVAL SHIPYARD, HAWAII

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on June 27, 1969, for positions of apprentice blacksmith, boatbuilder, boilermaker, electrician, electronics mechanic, joiner, machinist (inside), machinist (marine), machinist (maintenance), molder, painter, patternmaker, pipecoverer and insulator, pipefitter, refrigeration and air conditioning mechanic, rigger, sheetmetal worker, shipfitter, shipwright, and welder, Pearl Harbor Naval Shipyard, Hawaii.

Assuming other legal requirements are met, appointees to these positions may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–9265; Filed, Aug. 6, 1969; 8:48 a.m.]

INSTRUCTOR, ASSISTANT PROFESSOR, ASSOCIATE PROFESSOR AND PROFESSOR

Manpower Shortage

Under provisions of 5 U.S.C. 5723, the Civil Service Commission found on July 28 that there is a manpower shortage for positions of Instructor, Assistant Professor, Associate Professor and Professor, D.C. Teachers College, Washington, D.C.

Assuming other legal requirements are met, appointees to these positions may be paid for the expenses of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–9266; Filed, Aug. 6, 1969; 8:48 a.m.]

FOREIGN LANGUAGE BROADCASTER, RUMANIAN SERVICE

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has determined that there is a manpower shortage for the position of Foreign Language Broadcaster GS–1048–7, Rumanian Service, Voice of America, U.S. Information Agency, Washington, D.C. This manpower shortage finding will terminate automatically when the position in filled.

The agency may pay the travel and transportation expenses of the appointee to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioner.

[F.R. Doc. 69–9267; Filed, Aug. 6, 1969; 8:48 a.m.]

COMPUTER SYSTEMS ADMINISTRATOR

Manpower Shortage

Under provisions of 5 U.S.C. 5723, the Civil Service Commission found on July 18, 1969 that there is a manpower shortage for the single position of Computer Systems Administrator, GS–330–14, Office of the Assistant Director for Administration, Agency for International Development, Department of State, Washington, D.C. This finding will terminate when the position is filled.

Assuming other legal requirements are met the appointee to this position may be paid for the expenses of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–9268; Filed, Aug. 6, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

COMMON CARRIER SERVICES INFORMATION [1]

[Report No. 451]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 4, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File number, applicant, call sign, nature of application

281–C2–P–70—Vernon Hull doing business as Delta Communications Service (New), C.P. for a new 2-way station to be located at 505 Tallahatchie Street, Greenwood, Miss., to operate on frequency 152.09 MHz.

282–C2–P–(3)–70—Southern Bell Telephone & Telegraph Co. (KIG847), C.P. to change antenna system for base frequencies 152.63 and 152.75 MHz, at its station located at 0.5 mile southwest of Westover, N.C. Also add frequency 152.60 MHz. Add Auxiliary Test frequency 157.86 MHz at existing location 121 West Morgan Street, Raleigh, N.C.

283–C2–P–(9)–70—Pacific Northwest Bell Telephone Co. (KON911), C.P. for additional base channel to operate on frequency 158.10 MHz at locations: Location No. 1: 1325 Sixth Avenue, Seattle, Wash., Location No. 2: Nob Hill North, and West Galer Street, Seattle, Wash., Location No. 3: 96th Avenue Northeast, and Northeast 22d Street, Clyde Hill, Wash., Location No. 4: 325 9th Avenue, Seattle, Wash., Location No. 5: 24th Avenue South, and South 190th Street, Seattle, Wash., Location No. 6: Northeast 91st Street and Roosevelt Way Northeast, Seattle, Wash., Location No. 7: 85th Avenue South and South 130th Street, Seattle, Wash., Location No. 8: South Austin Street and Beacon Avenue South, Seattle, Wash., Location No. 9: 3520 Southwest Othello Street, Seattle, Wash.

284–C2–P–(4)–70—The Pacific Telephone & Telegraph Co. (KMA615), C.P. to add four base channels at a new site identified as location No. 4: 3 miles north of Oildale, Calif., to operate on frequencies 152.63, 152.69, 152.78, 152.81 MHz. These facilities will replace service at location No. 2: 1520 20th Street, Bakersfield, Calif., frequency 152.63 MHz and location No. 3: Mount Adelaide, 16 miles east-northeast of Bakersfield, Calif., frequencies 152.69, 152.81 MHz. Add Auxiliary Test frequency 158.04 MHz at its existing station 1520 20th Street, Bakersfield, Calif.

285–C2–MP–70—Blue Circle Radio Pocket Paging Corp. (KEK287), Modification C.P. to add frequency 454.175 MHz at location No. 2: 277 Park Avenue, New York, N.Y.

286–C2–TC–70—Mid-Texas Telephone Co. (KLB616), Consent to Transfer of Control from: Stockholders of Mid-Texas Telephone Systems, Inc., Transferor, to: Mid-Texas Communications Systems, Inc., Transferee.

301–C2–P/L–70—E. Smola Co., Inc. (New), C.P. and license for new 2-way station to be located at 2405 Kimball Terrace, Norfolk, Va., to operate on frequency 152.03 MHz. (Reinstate station KIA334).

302–C2–P–70—Robert E. Franklin (KKE965), C.P. for additional base channel to operate on frequency 454.325 MHz at station located at 1010 Milam Street, Houston, Tex.

303–C2–TC–70—North Florida Telephone Co. (KIK577), Consent to Transfer of Control from: North Florida Telephone Co., Transferor, to: Mid-Continent Telephone Corp., Transferee.

305–C2–P–(2)–70—Southern Bell Telephone & Telegraph Co. (KIA959), C.P. to make antenna changes and reduce transmitter power on frequencies 152.51, 152.60 MHz at location No. 1: 51 Ivy Street, Northeast, Atlanta, Ga.

408–C2–P–70—General Telephone Co. of California (KLF497), C.P. to replace transmitter operating on frequency 454.60 MHz at station located at 11810 Washington Avenue, Cortland, Calif. Also change control point location.

409–C2–P–(2)–70—Jack Loperena (KMA267), C.P. to change control frequency at location No. 2: 238 North Fresno Street, Fresno, Calif., from: 75.42 MHz to: 75.92 MHz. Also change repeater frequency at location No. 3: 3 miles East of Auberry, Calif., from: 72.30 MHz to: 72.34 MHz.

432–C2–P–70—The Mountain States Telephone & Telegraph Co. (KAD517), C.P. to replace two defective coaxial transmission lines for base station located at 8 miles west-northwest of Rangely, Colo., operating on frequency 152.75 MHz.

434–C2–P–(3)–70—Kidd's Communications, Inc. (KMA257), C.P. to add control frequency 459.325 MHz at a new site identified as location No. 9: 2242 Third Street, Wasco, Calif. Also add control frequency 459.325 MHz at location No. 2: 216 East 18th Street, Bakersfield, Calif. Add base frequency 454.325 MHz at location No. 5: Granite Station Hill, Calif.

436–C2–P–70—Radiofone Corp. of America (New), C.P. for new 2-way station to be located at Telegraph Hill, Holmdel, N.J., to operate on frequency 454.05 MHz.

437–C2–P–70—Leonard A. Voyles, doing business as General Communications (KFQ940), C.P. to change transmission line on 454.25 MHz at station located at 200 South Brentwood Boulevard, Clayton, Mo.

438–C2–P–69—Radio Dispatch Co. (KEC927), C.P. to add a new site described as location No. 2: Southeast Tower, Benjamin Franklin Bridge, Camden, N.J., to operate on frequency 152.18 MHz.

439–C2–P–(2)–70—Radio Broadcasting Co. (KGB874), C.P. to add a second channel on the frequency 152.03 MHz at existing location No. 1: Southeast Corner 18th and Walnut Streets, Philadelphia, Pa., and location No. 2: WFIL–FM Tower, Culp Street, Philadelphia, Pa.

Major amendments

5068–C2–P–69—Credit Bureau of Decatur, Inc. (New), Amend to read: C.P. to operate on frequency 152.24 MHz. All other particulars remain the same as reported on public notice dated March 10, 1969, No. 430.

7357–C2–P–69—Upper Peninsula Telephone Co. (New). Application amended to change base and mobile frequencies from 152.63 MHz and 157.80 MHz to 152.57 MHz and 157.83 MHz respectively. All other particulars to remain the same as reported on public notice dated June 9, 1969, Report No. 443.

6357–C2–P–69—Raco, Inc. (New), Amend to read: C.P. to operate on frequency 152.06 MHz. All other particulars remain the same as reported on public notice dated May 5, 1969, Report No. 438.

RURAL RADIO SERVICE

298–C1–P/L–70—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new fixed station to be located 12.8 miles north-northeast of Wellington, Utah, to operate on frequency 168.01 MHz.

299–C1–P/L–70—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new fixed station to be located at Hay Lake Ranch, 26.6 miles northeast of Pine, Ariz., to operate frequency 158.01 MHz.

300–C1–P/ML–70—The Mountain States Telephone & Telegraph Co. (KYC75), C.P. and modification license to change transmission line at station located at 57.1 miles southwest of Farmington, N. Mex. operating on frequency 158.01 MHz.

410–C1–P–70—The Midland Telephone Co. (New), C.P. for new fixed station to be located 53 miles northwest of Mexican Hat, Bullfrog Mesa, Utah, to operate on frequency 459.40 MHz.

411–C1–P–70—The Midland Telephone Co. (New), C.P. for a new fixed station to be located at 12.6 miles east-southeast of Moab, Bald Mesa, Utah, to operate on frequency 454.40 MHz.

435–C1–P/L–70—Southwestern Bell Telephone Co. (New), C.P. and license for a new fixed station to be located 26 miles south-southwest of Freer, Tex., to operate on frequency 157.86 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

286–C1–P–70—The Ohio Bell Telephone Co. (KQL27), C.P. to add frequencies 6071.2 and 6130.5 MHz toward Brunswick, Ohio, and change the antenna system located at 750 Huron Road, Cleveland, Ohio.

287–C1–P–70—The Ohio Bell Telephone Co. (KQL28), C.P. to change frequency from 6071.2 MHz to 6308.4 MHz toward Medina, Ohio; add frequencies 6323.3 and 6382.6 MHz toward Cleveland, Ohio, and change the antenna system located at Grafton Road, Brunswick, Ohio.

288–C1–P–70—The Ohio Bell Telephone Co. (KQO85), C.P. to change frequency from 6308.4 MHz to 6086.4 MHz toward Brunswick, Ohio. Station location: 140 West Washington Street, Medina, Ohio.

304–C1–TC–(10)–70—North Florida Telephone Co., Consent to transfer of control from North Florida Telephone Co., Transferor, to: Mid-Continent Telephone Corp., Transferee Stations: KCG67 Hilliard, Fla., KIP62 Live Oak, Fla., KIP63 Branford, Fla., KIP64 Jasper, Fla., KIP65 White Springs, Fla., KIP66 Mayo, Fla., KIX67, Perry, Fla., KJH77 Alachua, Fla., KJH78 Lake Butler, Fla., KVH43 Orange Lake, Fla.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

412–C1–P–70—General Telephone Co. of Michigan (KQN59), C.P. to replace transmitters operating on frequencies 6189.8 and 6308.4 MHz toward Gaylord, Mich.; 6219.5 and 6338.1 MHz toward Lachine, Mich., and 6286.2 and 6404.8 MHz toward Grayling, Mich., and change the antenna system located on Buttles Road, 5.1 miles north of Lewiston, Mich.

413–C1–P–70—General Telephone Co. of Michigan (KQN60), C.P. to replace transmitters operating on frequencies 5967.4 and 6086.4 MHz toward Lewiston, Mich., and 5952.6 and 6071.2 MHz toward Alpena, Mich., and change the antenna system located on Manning Hill Road, 0.8 mile south of Lachine, Mich.

414–C1–P–70—General Telephone Co. of Michigan (KQN61), C.P. to replace transmitters operating on frequencies 6204.7 and 6323.3 MHz toward Lachine, Mich., and change the antenna system located at 223 Lockwood Street, Alpena, Mich.

415–C1–P–70—General Telephone Co. of the Midwest (KAK40), C.P. to add frequency 6271.4 MHz toward Columbia, Mo. Station location: 3 miles west-southwest of Prairie Home, Mo.

416–C1–P–70—General Telephone Co. of the Midwest (KYR99), C.P. to add frequency 6019.3 MHz toward Prairie Home, Mo. Station location: 625 East Cherry Street, Columbia, Mo.

Major amendment

6270–C1–P–69—General Telephone Co. of the Northwest, Inc. (New), Geographic coordinates of passive reflector at Preacher Mountain, Mont., corrected thereby changing radio path (Troy to passive) azimuth back to originally specified value—224°17'. Station location: Second and Kootenai Streets, Troy, Mont.

6271–C1–P–69—General Telephone Co. of the Northwest, Inc. (New), Same as above. Azimuth passive to Troy corrected back to 44°17'. Station location: 114 East Fourth Street, Libby, Mont. (All other particulars same as reported on PN dated 4–28–69 and 6–30–69 Report Nos. 437 and 446).

7474–C1–P–69—Illinois Bell Telephone Co. (KZA71), Change frequency 5937.8 MHz to 5997.1 MHz. All other particulars same as PN dated 6–16–69 Report No. 444.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

290–C1–TC–(5)–70—Telephone Utilities Services Corp., Consent to transfer of control from Mid-Texas Telephone Systems, Inc., Transferor, to: Mid-Texas Communications Systems, Inc., Transferee, Stations: KLV63 Jonesboro, Tex., KLV64 Cooperas Cove, Tex., KLV–65 Walnut Springs, Tex., KRW84 Nix, Tex., Belton, Tex.

Major amendment

2403–C1–P–66—Newhouse Alabama Microwave, Inc. (New), Amended to change frequencies 5945.2, 5974.9, 6063.8, 6093.5, and 6152.8 MHz to 5945.2, 5974.8, 6034.2, 6093.5, and 6152.8 MHz toward Bald Rock Mountain, Ala., on azimuth of 268°19'; change antenna system and transmitters, and increase transmitter output power to 1.5 watts. Transmitter location: Oak Mountain, Ala.

2404–C1–P–66—Newhouse Alabama Microwave, Inc. (New), Amended to change frequencies 6197.2, 6226.9, 6315.8, 6345.5, and 6404.8 MHz to 6197.2, 6226.9, 6286.2, 6345.5, and 6404.8 MHz toward Red Mountain, Ala., on azimuth of 250°10'; change antenna system and transmitters; and increase transmitter output power to 1.5 watts. Transmitter location: Bald Rock Mountain, Ala. (All other particulars same as reported in public notice dated 11–1–65, pages 14 and 15.)

[F.R. Doc. 69–9274; Filed, Aug. 6, 1969; 8:48 a.m.]

[Dockets Nos. 18614, 18615; FCC 69–831]

KING AND KING BROADCASTERS AND WIRELESS OF INDIANA

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Z. Denzel King and Virginia A. King doing business as King & King Broadcasters, Paoli, Ind., docket No. 18614, file No. BPH–6242; Requests: 95.3 mcs, No. 237; 3 kw(H); 3 kw(V); 300 feet; Charles N. Cutler and Warren Ventress doing business as Wireless of Indiana, Jeffersonville, Ind., docket No. 18615, file No. BPH–6492; Requests: 95.7 mcs, No. 239; 50 kw(H); 50 kw(V); 320 feet; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would conflict with the minimum mileage separation requirements of § 73.207 of the Commission's rules. Because of the sites chosen by the applicants, the spacing is only 35.7 miles instead of the 40-mile minimum specified for these second adjacent channels.

2. The respective proposals, which are for different communities, would serve substantially different areas and populations. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), our public notice of August 22, 1968 (FCC 68–847), and The McLendon Corporation (WCAM) 18 FCC 2d _____ (1969), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Wireless of Indiana does not appear to have made an adequate survey nor has it adequately listed the suggestions received, or the programing proposed to meet those needs as evaluated. King and King does not appear to have made an adequate survey and it has not adequately listed the suggestions it received or the programing proposed to meet these needs as evaluated. Thus, we are unable at this time to determine whether either of the applicants is aware of and responsive to the needs of their areas. Accordingly Suburban issues are required.

4. Except as indicated below, each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make a statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

5. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the efforts made by King and King to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

2. To determine the efforts made by Wireless of Indiana to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

3. To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals and the availability of other primary aural service in such areas.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

6. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 29, 1969.

Released: August 4, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–9275; Filed, Aug. 6, 1969; 8:48 a.m.]

[Docket No. 18616; FCC 69–839]

TRANS AMERICA BROADCASTING CORP.

Order Designating Applications for Hearing on Stated Issues

In re applications of Trans America Broadcasting Corp., docket No. 18616, file No. BR–3611, file No. BRH–968; for renewal of licenses of Radio Stations KTYM and KTYM–FM, Inglewood, Calif.

1. The Commission has before it for consideration (a) the captioned applications; and (b) the Commission's field inquiry into the operation of Stations KTYM and KTYM–FM.

2. Information before the Commission raises a number of serious questions bearing upon whether the captioned applicant possesses the qualifications to be or to remain a licensee of the Commission. In view of these questions, the Commission is unable to find that grant of the captioned applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.

3. Accordingly, *It is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the captioned applications are designated for hearing at Inglewood, Calif., at a time to be specified in a subsequent order, upon the following issues:

(1) To determine whether the applicant submitted to the Commission the original or exact copies of the program logs for the subject radio stations as an attachment to section IV–A, Part II of the captioned applications, as required by section 308(b) of the Communications Act and § 1.514 of the Commission's rules and regulations.

(2) To determine whether, in the captioned applications, the applicant misrepresented or sought to conceal information concerning the programing and commercial practices of the subject radio stations.

(3) To determine whether the applicant made misrepresentations to, or sought to conceal information from, members of the Commission's staff during an investigation of the subject radio stations or in written statements made in connection with that investigation.

(4) To determine whether the applicant sold broadcast time on the subject radio stations to time brokers for resale.

(5) To determine whether the applicant's rates for advertising by or in support of opposing candidates for public office, carried on the subject radio stations, were discriminatory, in violation of the Fairness Doctrine.

(6) To determine whether the applicant maintained adequate control over its foreign language broadcasts.

(7) To determine whether the applicant violated sections 315 and 317(a)(1) and (c) of the Communications Act and §§ 1.526(a)(4), 1.613(c), 73.119, 73.120 (c) and (d), 73.287 and 73.289 of the Commission's rules.

(8) To determine whether the applicant filed with the Commission true, complete and accurate Political Broadcasting Reports (FCC Form 322) for the primary and general election campaigns of 1968.

(9) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the applicant possesses the requisite qualifications to be and to remain a licensee of the Commission.

(10) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether grant of the applications for renewal of the licenses for radio Stations KTYM and KTYM–FM would serve the public interest, convenience and necessity.

4. *It is further ordered*, That the Chief, Broadcast Bureau, is directed to serve upon the applicant within 20 days of the release of this order, a bill of particulars setting forth the basis for adoption of the above hearing issues.

5. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to Issues (1) through (8), and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its applications would serve the public interest, convenience and necessity.

6. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall file with the Commission, within twenty (20) days of the mailing of this order, a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicant herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594 of the rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–9276; Filed, Aug. 6, 1969; 8:48 a.m.]

[1] Commissioner Robert E. Lee absent.

FEDERAL MARITIME COMMISSION

INDEPENDENT OCEAN FREIGHT FORWARDER AGREEMENTS

Correction of Federal Maritime Commission Agreement Numbers

Notices concerning the filing for approval of the following agreements were published in the FEDERAL REGISTER under the dates indicated:

Agreement No. FF–3 between Robbins Forwarding Co., and Everett W. Fleisig Co., Vol. 34, No. 101, May 27, 1969.

Agreement No. FF–4 between Jet Air Freight and Copeland Shipping, Inc., Vol. 34, No. 133, July 12, 1969.

Agreement No. FF–5 between Novo Corp., and Barnett International Forwarders, Inc., of California, Vol. 34, No. 133, July 12, 1969.

It is ordered, That the above agreement numbers be and hereby are corrected to read FF 69–3, FF 69–4, and FF 69–5, respectively.

It is Further ordered, That copies of this order be served on all parties to the aforesaid agreements.

Dated: August 4, 1969.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69–9292; Filed, Aug. 6, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70–100]

COLONIAL OIL AND GAS CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JULY 31, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date

shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] If an acceptable general undertaking, as provided in order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-100	Colonial Oil & Gas Corp., 1000 Times Square Bldg., Rochester, N.Y. 14614.	[2]	[3]1	Equitable Gas Co. (Henry District, Clay County, W. Va.).	$24	[3]7-2-69	[4]8-3-69	[5]8-4-69	25.096	[6][7]27.104	

[2] Contract dated Aug. 27, 1968, and the proposed rate does not exceed the initial service ceiling rate of 28 cents per Mcf.
[3] Includes letter from buyer agreeing to increased rate.
[4] The stated effective date is the first day after expiration of the statutory notice.
[5] The suspension period is limited to 1 day.
[6] Renegotiated rate increase.
[7] Pressure base is 15.325 p.s.i.a.
[8] Converted from a filed rate of 27 cents at 62° F. to 60° F.
[9] Corrected by filing of July 15, 1969.

APPENDIX "A"

Colonial Oil and Gas Corp. (Colonial), requests a retroactive effective date of February 1, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Colonial's rate filing and such request is denied.

The contract related to Colonial's rate filing was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed 27.104 cents per Mcf rate exceeds the area increased rate ceiling of 25 cents per Mcf for West Virginia, but does not exceed the initial service ceiling of 28 cents per Mcf for the area involved. We believe, in this situation, Colonial's proposed rate increase should be suspended for 1 day from August 3, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-9231; Filed, Aug. 6, 1969; 8:45 a.m.]

TEXACO INC.

[Docket No. RI70-101]

Order Providing for Hearing on and Suspension of Proposed Change in Rate

JULY 31, 1969.

On June 23, 1969, Texaco Inc. (Texaco),[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

Description: Notice of Change, dated June 9, 1969.

Purchaser and Producing Area: El Paso Natural Gas Co. (Aneth Field, San Juan County, Utah).

Rate Schedule Designation: Supplement No. 6 to Texaco's FPC Gas Rate Schedule No. 298.

Effective Date: August 1, 1969.[2]
Amount of Annual Increase: $86
Effective Rate: 17.7 cents per Mcf.[3]
Proposed Rate: 22 cents per Mcf.[4]
Pressure Base: 15.025 p.s.i.a.

Texaco's proposed increased rate of 22 cents per Mcf is for a sale of gas to El Paso Natural Gas Co., in the Aneth Area of Utah. Although no formal guideline prices have been announced by the Commission for the Aneth Area, the Commission suspended for 5 months a recently filed rate increase by Texaco to 22 cents per Mcf in the Aneth Area. In such circumstances we conclude that Texaco's instant filing should be suspended for 5 months from August 1, 1969, the proposed effective date.

The proposed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 6 to Texaco's FPC Gas Rate Schedule No. 298 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Texaco's FPC Gas Rate Schedule No. 298.

(B) Pending such hearing and decision thereon, Supplement No. 6 to Texaco's FPC Gas Rate Schedule No. 298 is hereby suspended and the use thereof deferred until January 1, 1970, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 15, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-9234; Filed, Aug. 6, 1969; 8:45 a.m.]

[1] Address is: Post Office Box 2100, Denver, Colo. 80201.

[2] The stated effective date is the effective date requested by Respondent.

[3] Rate provided by Commission order issued Dec. 30, 1963, in docket Nos. G-8069, et al., approving Texaco's settlement proposal.

[4] Increase from settlement rate to contract rate.

[Docket Nos. CS70-1, etc.]

M. P. APPLEBY, JR. ET AL.

Notice of Applications for "Small Producer" Certificates[1]

JULY 31, 1969.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any persons desiring to be heard or to make any protest with reference to said applications should on or before August 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Acting Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS70-1	7- 7-69	M. P. Appleby, Jr., 211 North Erwy Bldg., Suite 1804, Dallas, Tex. 75201.
CS70-2	7- 7-69	Jack J. Stoneham, Post Office Box 1410, Dallas, Tex. 75201.
CS70-3	7- 7-69	J. S. Anderson, Jr., 3206 Liberty Bank Bldg., Oklahoma City, Okla. 73102.
CS70-4	7- 7-69	French Peterson, 83 Hibury Drive, Houston, Tex. 77024.
CS70-5	7- 9-69	Iris Goldston and W. J. Goldston, Successor Trustee for Walter L. Goldston Trust et al., 1015 Houston Bank & Trust Tower, Houston, Tex. 77002.
CS70-6	7-14-69	Mrs. Melba Jean Davis Greenlee, Independent Executrix and Trustee of the Estate of Geraldine Tyson Davis, Deceased, 4441 Belfort, Dallas, Tex. 75205.
CS70-7	7-17-69	Rebecca Davis, 2 Warwick Place, Midland, Tex. 79701.
CS70-8	7-22-69	W. H. Echols, 14803 Interurban, Apt. No. 8, Tukwila, Wash. 98168.
CS70-9	7-22-69	Gruy Management Service Co., Agent for Cador Petroleum Corp. et al., 2501 Cedar Springs Road, Dallas, Tex. 75201.

[F.R. Doc. 69-9235; Filed, Aug. 6, 1969; 8:45 a.m.]

[Docket No. E-7497]

GULF STATES UTILITIES CO.

Notice of Application

JULY 31, 1969.

Take notice that on July 28, 1969, Gulf States Utilities Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $25 million principal amount of First Mortgage Bonds.

Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Tex., and is engaged in the electric utility business in portions of Louisiana and Texas.

The Applicant proposes to sell the new bonds at competitive bidding in accordance with the Commission's regulations under the Federal Power Act. The Applicant proposes to invite bids on or about September 18, 1969, for the purchase of the new bonds.

The proceeds from the sale of the new bonds will be used to pay off part of the Company's outstanding short-term notes with commercial banks and unsecured promissory notes in the form of commercial paper, authorized by the Commission in its order issued August 23, 1968 (docket No. E-7430), and supplemental order issued July 1, 1969. It is expected that bank loans and commercial paper outstanding as of the date of issuance of the new bonds will total approximately $58 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-9236; Filed, Aug. 6, 1969; 8:45 a.m.]

[Docket No. CP70-17]

INDIANA GAS CO., INC., AND PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JULY 31, 1969.

Take notice that on July 25, 1969, Indiana Gas Co., Inc. (Applicant), 1630 North Meridian Street, Indianapolis, Ind. 46202, filed in docket No. CP70-17 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Respondent), to establish an additional facilities connection with Applicant and to provide service of natural gas to Applicant for the distribution and sale thereof by it in and adjacent to Newport, Ind., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Respondent's transmission facilities carry an adequate volume of natural gas to enable Respondent to provide the additional gas service required by Applicant. Applicant further states that the establishment of the physical connection of Respondent's existing transmission facilities with Applicant's proposed facilities will enable Applicant to introduce the local distribution of natural gas service to Newport. The proposal is for a local gas distribution system and a 6-inch supply line extending southerly from such facilities to the existing facilities of Respondent in Vermillion County, Ind., approximately 3.78 miles south of Newport.

Applicant estimates the maximum day and annual requirements for the first 3 years of proposed operations as follows:

Proposed operation year	Estimated requirements: Day	Estimated requirements: Annual
First	124 Mcf	14,004 Mcf
Second	230 Mcf	26,237 Mcf
Third	362 Mcf	40,331 Mcf

Applicant estimates the total cost of the proposed facilities to be $153,391, which is to be financed by funds in its treasury, short-term bank loans and non-cash charges to operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9237; Filed, Aug. 6, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

NORTHEASTERN BANKSHARE ASSOCIATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)), by Northeastern Bankshare Association, which is a bank holding company located in Lewiston, Maine, for the prior approval of the Board of the acquisition by Applicant of at least 51 percent of the voting shares of First-Manufacturers National Bank of Lewiston and Auburn, Lewiston, Maine.

Section 3(c) of the Act provides that the Board shall not approve: (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Dated at Washington, D.C., this 31st day of July 1969.

By order of the Board of Governors.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-9238; Filed, Aug. 6, 1969; 8:45 a.m.]

VALLEY BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Valley Bancorporation, which is a bank holding company located in Appleton, Wis., for the prior approval of the Board of the acquisition by Applicant of 80 precent or more of the voting shares of The New American Bank of Oshkosh, Oshkosh, Wis.

Section 3(c) of the Act provides that the Board shall not approve; (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

Dated at Washington, D.C., this 31st day of July 1969.

By order of the Board of Governors.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-9239; Filed, Aug. 6, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 1-3909]

BSF CO.

Order Suspending Trading

AUGUST 1, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co., being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 3, 1969, through August 12, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9251; Filed, Aug. 6, 1969; 8:47 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

AUGUST 1, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corporation is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 3, 1969, through August 12, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9252; Filed, Aug. 6, 1969; 8:47 a.m.]

[File 1-4563]

COMMONWEALTH UNITED CORP.

Order Suspending Trading

AUGUST 1, 1969.

The common stock, $1 par value, and the 6 percent convertible subordinated debentures due 1983, of Commonwealth United Corp., a California corporation, being listed and registered on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange, the warrants for $1 par common stock and the $1.05 convertible preferred stock being listed and registered on the American Stock Exchange, pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities of Commonwealth United Corp., being traded otherwise than on national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period 10:30 a.m. (e.d.t.) August 1, 1969, through August 10, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9253; Filed, Aug. 6, 1969; 8:47 a.m.]

[70-4771]

NORTHEAST UTILITIES

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

AUGUST 1, 1969.

Notice is hereby given that Northeast Utilites ("Northeast"), 174 Brush Hill Avenue, West Springfield, Mass. 01089, a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Northeast requests authorization to issue and sell or to renew or extend, from time to time prior to July 1, 1971, unsecured promissory notes to banks in an aggregate principal amount not in excess of $35 million at any one time outstanding. Northeast presently has outstanding $1,100,000 principal amount of unsecured promissory notes issued to banks pursuant to the 5 percent exemptive provision of the first sentence of section 6(b) of the Act and, according to the declaration, prior to the issue of any notes under the authorization now requested, such indebtedness may be increased to $2,600,000. Northeast proposes to renew or extend the outstanding notes exempt under section 6(b) or to refund them with similar notes issued to other banks and as its capital requirements make necessary to issue and sell, and to renew or extend from time to time the additional $32,400,000 principal amount of short-term notes. All the notes will mature not later than 9 months from the respective dates of issue and may be prepaid at any time without premium. The interest rate on the notes will be the prime rate (presently 8½ percent) in effect at the lending bank on the date of issue.

Although no formal commitments for the proposed bank borrowings have been made, northeast expects that the borrowings will be effected from time to time from the banks listed below not in excess of the specified maximum aggregate amounts to be outstanding at any one time:

Bankers Trust Co., New York, N.Y.	$11,400,000
The Connecticut Bank and Trust Co., Hartford, Conn.	6,000,000
First National Bank of Boston, Mass.	5,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	4,000,000
Morgan Guarantee Trust Co., New York, N.Y.	4,000,000
New England Merchants National Bank, Boston, Mass.	4,000,000
Irving Trust Co., New York, N.Y.	2,000,000

The proceeds from the sale of the notes will be used by Northeast to pay its presently outstanding $15 million principal amount of 2.8 percent secured notes due September 1, 1969, and to make loans and capital contributions to its subsidiary companies as authorized by the Commission. Northeast expects to retire the proposed notes prior to July 1, 1971, from the proceeds of the sale of additional common stock and from the repayment of loans by its subsidiary companies. Northeast states that if any shares of common stock are issued prior to the maturity of all the notes proposed to be issued or renewed, the net proceeds thereof will be applied in reduction of or in total payment of such notes and the maximum amount of notes authorized to be outstanding under this declaration will be reduced by the amount of such proceeds.

It is stated that the expenses for incidental services in connection with the proposed transactions will be approximately $500 and will be performed, at cost, by Northeast Utilities Service Co., an affiliated service company. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 21, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9250; Filed, Aug. 6, 1969; 8:46 a.m.]

TELSTAR, INC.

Order Suspending Trading

AUGUST 1, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 3, 1969, through August 12, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9254; Filed, Aug. 6, 1969; 8:47 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

AUGUST 1, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 4, 1969, through August 13, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9255; Filed, Aug. 6, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1319]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

AUGUST 1, 1969.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 409 (Sub-No. 40), filed July 8, 1969. Applicant: O. E. POULSON, INC., Post Office Box 295, Elm Creek, Nebr. 68836. Applicant's representative: Robert D. Poulson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and corn products*, in bulk, in tank vehicles, from Lincoln, Nebr., to points in Arkansas, Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Oregon, North Dakota, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 1548 (Sub-No. 2), filed June 27, 1969. Applicant: MERCER MOTOR FREIGHT INC., 411 Clinton Avenue, Trenton, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic wall tile, carpet cushioning, under carpet sponge rubber, mechanical rubber goods, plastic articles* (other than bulk), *cooling rooms, cooling boxes or refrigerators* (other than household type, or parts), *cooling or freezing machines and parts thereof*, between Trenton, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2002 (Sub-No. 8), filed July 8, 1969. Applicant: PHILIPP TRANSIT LINES, INC., Highway 100 East, Washington, Mo. 63090. Applicant's representative: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and industrial tract of Zero Manufacturing Co. located north of Missouri Highway 100 approximately 1½ miles west of Berger, in Franklin County, Mo., as an off-route point in connection with carrier's presently authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson City, Mo.

No. MC 2860 (Sub-No. 59), filed July 2, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper articles, and woodpulp*, from points in McMinn County, Tenn., to points in Connecticut, Delaware, Florida, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia; (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above, from the above-named destinations to points in McMinn County, Tenn.; and (3) *paper, paper articles, and woodpulp*, from Alexandria, Va., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 4405 (Sub-No. 474), filed July 7, 1969. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers and/or fluid coolers, parts thereof and materials and supplies* used or useful in the construction and/or installation of the above-described articles, from points in Johnson County, Kans., to points in the United States (except Alaska, Hawaii, and Kansas). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 10761 (Sub-No. 241), filed July 7, 1969. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representatives: L. G. Naidow (same address as applicant), and A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carriers Certificates* 61 M.C.C. 209 and 766, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Hereford, Tex., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia restricted to traffic originating at plantsite and/or cold storage facilities of Wilson & Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 11207 (Sub-No. 287), filed July 7, 1969. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plant and warehouses of U.S. Plywood-Champion Papers, Inc., at or near Holden, La., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 16502 (Sub-No. 14), filed July 2, 1969. Applicant: WILLIAM A. ROBISON, KENNETH D. ROBINSON, HENRY CLAY ROBINSON, JR., RICHARD RAY ROBINSON, and FRANK TAYLOR ROBINSON, a partnership, doing business as ROBINSON TRUCK LINES, West Main Street, West Point, Miss. 39773. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, Miss. 39201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Scooba and Electric Mills, Miss., from Scooba, Miss., over U.S. Highway 45 to Electric Mills, Miss., and return over the same route serving all intermediate points. NOTE: The above authority will be joined with and used in conjunction with applicant's present authority extending between Memphis, Tenn., on the one hand, and, on the other, various points in Mississippi, including Scooba, Miss. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 17609 (Sub-No. 2), filed July 10, 1969. Applicant: ABCORE WORLD VAN SERVICE, INC., 9565 Southwest 168th Street, Miami, Fla. 33157. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Dade, Collier, and Broward Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 18088 (Sub-No. 51), filed July 14, 1969. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. 35149. Applicant's representative: William J. Kenney, 2000 L Street NW., Suite 815, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, high explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Vincent, Ala., the plantsite of Vulcan Binder & Cover, Division of EBSCO Industries, Inc., on the one hand, and, on the other, points in Alabama, Georgia, South Carolina, and Tennessee. NOTE: Applicant states that it intends to tack with points common to its certified authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Birmingham, Ala.

No. MC 22426 (Sub-No. 9), filed June 30, 1969. Applicant: LONGVIEW MOTOR TRANSPORT, INC., 1320 Baltimore Street, Longview, Wash. 98632. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment); (1) between Naselle, Wash., and points on the Long Beach Peninsula, Wash., including but not limited to Ilwaco, Seaview, Long Beach, Klipsan Beach, Ocean Park, and Oysterville, Wash., from Naselle, Wash., over Washington State Highway 401 to junction U.S. Highway 101, thence over U.S. Highway 101 to Seaview, Wash., and thence over Washington State Highway 103 to Long Beach Peninsula, Wash., points, and return over the same route (also as an alternate route from Naselle, Wash., over Washington State Highway 401 to junction Washington State Highway 4 to junction U.S. Highway 101, thence over U.S. Highway 101 to Seaview, Wash., and thence over Washington State Highway 103 to Long Beach Peninsula, Wash., points), and return over the same routes serving all intermediate points on both routes; and (2) between Naselle, Wash., and Astoria, Oreg., and points within 5 miles of Astoria, Oreg., serving all intermediate points; from Naselle, Wash., over Washington State Highway 401 to junction with U.S. Highway 101, thence over U.S. Highway 101 to Astoria, Oreg., and return over the same route. NOTE: Applicant states it could tack with its presently held regular route authority in its Sub-No. 7 wherein applicant is serving Naselle, Wash. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 24136 (Sub-No. 10), filed June 24, 1969. Applicant: HARRISON-SHIELDS TRANSPORTATION LINES, INC., Penn Avenue and Dahlem Street, Pittsburgh, Pa. 15206. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between points in Chartiers Township, Pa., on the one hand, and on the other, points in that part of Pennsylvania south and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction Pennsylvania Highway 259, thence along Pennsylvania Highway 259 to Brush Valley, thence along Pennsylvania Highway 56 to Seward, thence along Pennsylvania Highway 711 to Normalville, and thence along Pennsylvania Highway 381 to the Pennsylvania-West Virginia State line, including points on the indicated portions of the Highways specified; and (2) between points in Chartiers Township, Pa., on the one hand, and on the other, points in Allegheny County, Pa. NOTE:

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Applicant states it intends to tack with all existing authority wherever possible. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25518 (Sub-No. 19), filed June 30, 1969. Applicant: JOHN BUNNING TRANSFER COMPANY, INC., Post Office Box 128, Rock Springs, Wyo. 82901. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized household goods*, between points within 25 miles of Rock Springs, Wyo., on the one hand, and, on the other, points in Wyoming, Colorado, and Utah within 200 miles of Rock Springs, Wyo., restricted (1) to shipments having a prior or subsequent movement beyond said points, in containers; and (2) to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo., or Denver, Colo.

No. MC 25798 (Sub-No. 193), filed June 25, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and/or storage facilities utilized by Swift & Co. at or near Glenwood, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 25798 (Sub-No. 195), filed June 30, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representatives: Tony G. Russell (same address as above) and Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats* fresh and *meats* fresh frozen, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., located at or near Hereford, Tex., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee (except Memphis, Tenn.), restricted to the transportation of traffic originating at the above named origin and destined to the above named destinations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 25798 (Sub-No. 196), filed July 7, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, plantains, pineapples, and coconuts* and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act when transported in mixed shipments with commodities in (1) above, from Wilmington, Del., to points in Indiana, Illinois, Iowa, Wisconsin, Minnesota, Missouri, Kansas, Nebraska, North Dakota, South Dakota, Arkansas, Michigan, Ohio, and Oklahoma. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 27356 (Sub-No. 2), filed July 8, 1969. Applicant: M–F EXPRESS, INC., 553 South Broadway, Post Office Box 972, Greenville, Miss. 38701. Applicant's representative: Douglas C. Wynn, 618 Washington Avenue, Post Office Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and articles which because of size, weight, or value require special equipment), between York, Ala., and Hattiesburg, Miss., over U.S. Highway 11 and Interstate Highway 59, and return over the same route, serving all intermediate points and the off-route points of Naheola, Ala., and Stonewall and Quitman, Miss. NOTE: Applicant states that it will interline with its wholly owned subsidiary, Poplarville Truck Line, Inc., at Poplarville, Miss., for service to all its authorized points under Docket No. MC 13308 and subs thereunder. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Meridian, Jackson, or Hattiesburg, Miss.

No. MC 30844 (Sub-No. 281), filed June 26, 1969. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Bananas, plantains, pineapples, and coconuts and agricultural commodities* otherwise exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed shipments at the same time and in the same vehicle with bananas, plantains, pineapples and coconuts, from Wilmington, Del., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Common control may be involved. Applicant states it could tack with its presently held authority to provide service in the transportation of canned goods between points in Iowa, on the one hand, and, on the other, points in Colorado, Oklahoma, and Texas. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 282), filed July 3, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commondities in bulk, in tank vehicles, and hides), from the plantsite and facilities of Coffeyville Packing Co. located at or near Coffeyville, Kans., to points in Ohio, Michigan, Pennsylvania, New York, New Jersey, Delaware, Maryland, the District of Columbia, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Illinois, Wisconsin, Minnesota, and Covington, Ky. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 30844 (Sub-No. 283), filed July 8, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Waterloo, Iowa, to points in Virginia. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 30844 (Sub-No. 284), filed July 11, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients and agricultural chemicals*, from Columbus, Ohio, to points in Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Missouri, and Kansas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 30844 (Sub-No. 110), filed June 24, 1969. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny, 100 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving points in Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction Pennsylvania Highway 66 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virgina State line, thence along the Pennsylvania-West Virginia State line to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to the point of beginning, including points on the indicated portions of the highways specified, as off-route points in connection with applicant's presently authorized regular-route operations to and from Pittsburgh, Pa. NOTE: Applicant states it presently holds authority in Sub-No. 95 to serve points in Lawrence and Butler Counties, Pa., on or south of U.S. Highway 422 and those in Beaver and Allegheny Counties, Pa., as intermediate and off-route points in connection with the regular routes specified therein. Applicant also holds, by virtue of a conversion proceeding under the Special Rules of Procedure Governing Conversion of Irregular-Route to Regular-Route Motor Carrier Operations, 49 CFR 2a in Docket MC–C–4366, authority to serve as intermediate or off-route points the identical area sought herein, subject to limitation that traffic move via Wheeling or Weirton, W. Va. Applicant further states it also holds authority in MC–31389 Route 234 to serve all intermediate points on U.S. Highway 22 in Washington County, Pa., and the off-route points of Ford City, New Kensington, Arnold, and Trafford, Pa., and those in Allegheny and Beaver Counties, Pa.; applicant also holds authority in MC 31389 Route 221 to serve all intermediate points on Pennsylvania Highway 51 between Uniontown and Pittsburgh, Pa. The principal purpose of the application is to eliminate the necessity of observing Wheeling and Weirton, W. Va., on certain existing operations. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31617 (Sub-No. 8), filed July 7, 1969. Applicant: W. G. THALMANN, doing business as JONES TRUCK LINE, R.F.D. No. 6, Hopkinsville, Ky. 42240. Applicant's representative: Harold Seligman, 1704 Parkway Towers, 404 James Robertson Parkway, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, crossarms, and finished railroad ties* (except those which, because of size or weight, require the use of pole trailers or other special equipment), (1) from the plantsite of Koppers Co., Inc., at or near Guthrie, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia; and (2) from the plantsites of Koppers Co., Inc., at or near Montgomery and Sumiton, Ala.; Grenada and Jackson, Miss.; Caddo Gap, Ark.; Carbondale, Ill.; and Finney, Ohio, to the plantsite of Koppers Co., Inc., at or near Guthrie, Ky., restricted to traffic originating at and destined to the points hereinabove named in paragraphs (1) and (2). NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Hopkinsville, Ky.

No. MC 31809 (Sub-No. 8), filed July 16, 1969. Applicant: CLAY'S TRANSFER COMPANY, INC., Post Office Box 1131, Rocky Mount, N.C. 27801. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel bars, shapes, sheers, and plates*, from Richmond, Va., to points in Georgia, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant states no duplicating authority is being sought. If this instant application is granted, applicant is willing to have its MC 39167 Sub 2 authority canceled. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 33953 (Sub-No. 6), filed June 20, 1969. Applicant: RED LINE TRANSFER CO., INC., 2320 Monumental Road, Baltimore, Md. 21227. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples and coconuts, and agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Act when transported in mixed shipments at the same time and in the same vehicle with bananas, plantains, pineapples, and coconuts from Wilmington, Del., to points in Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 39167 (Sub-No. 9), filed July 2, 1969. Applicant: CHARLES J. ROGERS TRANSPORTATION COMPANY, a corporation, 2947 Greenfield Road, Melvindale, Mich. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and materials and supplies* used in the manufacture, installation, or distribution thereof, between the plantsite and facilities of the United States Gypsum Co. at River Rouge, Mich., on the one hand, and, on the other, points in Indiana and Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant states no duplicating authority is being sought. If this instant application is granted, applicant is willing to have its MC 39167 Sub 2 authority canceled. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 39961 (Sub–No. 6), filed July 7, 1969. Applicant: MID–CITY FREIGHT LINES, INC., Atherton, Mo. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, farm machinery, farm equipment, and agricultural implement parts and attachments, farm machinery parts and attachments, farm equipment parts and attachments*, except commodities in bulk, from Atherton, Mo., to points in the United States (except Alaska and Hawaii), and (2) *rejected and damaged shipments and materials, supplies and equipment*, used in the manufacture, processing, sale, and distribution of agricultural implements, farm machinery and farm equipment, from

points in the United States (except Alaska and Hawaii), to Atherton, Mo. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 42343 (Sub-No. 18), filed July 7, 1969. Applicant: MACHISE EXPRESS COMPANY, INC., 500 Egg Harbor Road, Hammonton, N.J. 08037. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* manufactured, warehoused by and shipped between the facilities of Inmont Corp. at Winslow, N.J., on the one hand, and, on the other, New York, N.Y., points in Nassau, Suffolk, Orange, Rockland, and Westchester Counties, N.Y.; points in Connecticut and points in Pennsylvania east of the Susquehanna River, Delaware, and Maryland. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 42487 (Sub-No. 728), filed July 9, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and chemical products*, in bulk, in tank vehicles, from Fort Lupton, Colo., to points in Wyoming, Nebraska, Montana, Kansas, Utah, and New Mexico. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 46737 (Sub-No. 46), filed July 9, 1969. Applicant: GEO. F. ALGER COMPANY, a corporation, 3050 Lonyo Road, Detroit, Mich. 48209. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and materials and supplies* used in the manufacture, installation, or distribution thereof, between the plantsite and facilities of the United States Gypsum Co. at River Rouge, Mich., and points in Indiana and Ohio. NOTE: Applicant states it presently holds duplicating authority under its MC 46737 Sub No. 37, restricted to part of Indiana and Ohio. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 48213 (Sub-No. 29), filed July 14, 1969. Applicant: C. E. LIZZA, INC., Rural Delivery No. 6, Lincoln Highway West, Greensburg, Pa. 15601. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Classes A and B explosives, blasting agents, and supplies and equipment* incidental thereto, from the plantsites or other facilities of Hercules, Inc., at or near Carthage, Mo., McAdory, Ala., and Kenvil, N.J., to points in Alabama, Arkansas, Arizona, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, under a continuing contract or contracts with American Cyanamid Co., Wayne, N.J. NOTE: Common control and dual operations may be involved. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 49304 (Sub-No. 24), filed July 17, 1969. Applicant: BOWMAN TRUCKING COMPANY, INC., Post Office Box 6, Stephens City, Va. 22655. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soft drinks*, from Winchester, Va., to points in Maryland, West Virginia, Pennsylvania, District of Columbia, New Jersey, Delaware, North Carolina, and the New York, N.Y., commercial zone and the return of empty bottles and shipping containers to Winchester, Va.; (2) *silica sand*, from points in Frederick County, Va., to points in Kentucky, Tennessee, North Carolina, Georgia, Alabama, Connecticut, Massachusetts, and Michigan; and (3) *stone*, from Baltimore, Md., to Gore, Va. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 139), filed July 1, 1969. Applicant: SCHENEIDER TRANSPORT & STORAGE, INC., 617 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant), and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, products produced or distributed by manufacturers or converters of paper and paper products, from Franklin, Dayton, and Urbana, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *equipment, materials, and supplies* used in manufacture and distribution of paper and paper products, on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 57315 (Sub-No. 18), filed July 16, 1969. Applicant: TRI-STATE TRANSPORT, INC., 91 Heard Street, Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, plantains, pineapples, and coconuts;* (2) *agricultural commodities*, in mixed shipments, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act when transported at the same time with (1) above, from Wilmington, Del., to points in Massachusetts, Rhode Island, Connecticut, and New Hampshire; and (3) *dairy products;* (a) from Greenwich, Conn., to points in Massachusetts and New Hampshire; and (b) from Stratford, Conn., to points in Massachusetts and Jersey City, N.J. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Boston, Mass.

No. MC 59952 (Sub-No. 8), filed July 2, 1969. Applicant: THE J. M. BARBE CO., a corporation, Post Office Box 767, Warren, Ohio 44483. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers*, (2) *container ends*, and (3) *parts and accessories* for the commodities described in (1) and (2) above; (1) between Petroleum, Ohio, on the one hand, and, on the other, points in New York, West Virginia, Pennsylvania, Kentucky, and Michigan; and (2) between Warren, Ohio, on the one hand, and, on the other, points in Delaware, Indiana, Kentucky, Maryland, Michigan, New York, Pennsylvania, and West Virginia. Restriction: To the extent the foregoing authority duplicates any authority presently held by applicant, then all such authority shall be construed to be only a single operating right. NOTE: Applicant states it holds authority in its MC 59952 (Sub-No. 6) which duplicates in part authority sought herein. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 60012 (Sub-No. 83), filed July 2, 1969. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. 80221. Applicant's representatives: Ernest Porter and Warren D. Braucher, 604 Rio Grande Building, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), serving the point of Climax, Colo., located on Colorado Highway 91 between Wheeler Junction and Leadville, as an off-route point in connection with applicant's regular route operations, with service to Climax, Colo., restricted against the transportation of shipments originating at, destined to, or moving through the point of Denver, Colo. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 61592 (Sub-No. 142), filed July 10, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles, snow blowers, lawnmowers, yard or garden tractors, and accessories, attachments, and parts* for snowmobiles, snow blowers, lawnmowers, and yard or garden tractors, from the plantsite and warehouse facilities of Wheel Horse Products, Inc., at or near Des Moines, Iowa, to points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 61592 (Sub-No. 143), filed July 9, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam articles* from Belvidere, Ill., to points in Alabama, Connecticut, Delaware, Georgia, Indiana, Kentucky, Maine, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 76032 (Sub-No. 247), filed July 7, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: William E. Kenworthy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, explosives, livestock, fresh fish, coal, ore, sand, gravel, those requiring special equipment, and those injurious or contaminating to other lading, and household goods as defined by the Commission), between Limon and Colorado Springs, Colo., over U.S. Highway 24, as an alternate route in connection with applicant's regular route authority, serving no intermediate points, restricted to traffic originating at or destined to Kansas City, Mo., or points east thereof. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 94265 (Sub-No. 222), filed July 16, 1969. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's representative: Harry C. Ames, Jr., 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, plantains, coconuts, and pineapples;* and (2) *agricultural commodities*, in mixed shipments, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles at the same time with (1) above, from Wilmington, Del., to points in Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, West Virginia, Ohio, Michigan, Indiana, Illinois, Iowa, Wisconsin, Minnesota, Nebraska, Kansas, and Missouri. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94350 (Sub-No. 226), filed July 14, 1969. Applicant: TRANSIT HOMES, INC., Haywood Road at Transit Drive, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houseboats*, transported on removable undercarriages, equipped with hitch ball connectors, from points in McNairy County, Tenn., to points in Illinois, Kentucky, Arkansas, Tennessee, South Carolina, Florida, Georgia, Mississippi, Alabama, Texas, and Louisiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 95540 (Sub-No. 753), filed June 30, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Swift & Co., Inc., at or near Glenwood, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to traffic originating at and destined to the above-named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 95540 (Sub-No. 755), filed July 7, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same as address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet supplies*, from the plantsites of Sternco Industries located at Bloomfield, Harrison, Jersey City, Bayonne, Kearny, and Secaucus, N.J., to points in Alabama, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, California, Louisiana, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Texas. NOTE: Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 95540 (Sub-No. 756), filed July 7, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and toilet preparations* in vehicles equipped with mechanical refrigeration, from Jacksonville, Fla., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Texas, and Wisconsin. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 95540 (Sub-No. 758), filed July 7, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay* (cat litter), in bags or boxes, from Wren, Ga., to points in Maine, New Hampshire, and Vermont. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 95540 (Sub-No. 759), filed July 14, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh and meats, fresh frozen*, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Hereford, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee (except Memphis), Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at and destined to the above-specified points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 97009 (Sub-No. 20), filed June 27, 1969. Applicant: VINCENT J. HERZOG, 200 Delaware Street, Honesdale, Pa. 18431. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobile equipment, accessories, and supplies*, between Milford, Pa., on the one hand, and, on the other, Scranton, Pa., and Binghamton, N.Y.; (2) *furniture, fiber glass articles, and commodities* used on useful in the manufacture of furniture and fiber glass articles between Milford and Twin Lakes, Pa., on the one hand, and, on the other, Scranton, Pa., and Binghamton, N.Y. NOTE: Applicant states (1) the above authorizes carrier to interline at Scranton, Pa.; and (2) the above authority is not restricted against interlining at Binghamton, N.Y.; and (3) *toilet preparations, cosmetics and such equipment, materials, and supplies*, used or useful in the manufacture and sale of toilet preparations and cosmetics, between Milford and Matamoras, Pa., and Port Jarvis, N.Y., on the one hand, and, on the other, Mountaintop, Wilkes-Barre, and Kingston, Pa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 97699 (Sub-No. 30), filed June 30, 1969. Applicant: BARBER TRANSPORTATION CO., a corporation, 321 Sixth Street, Rapid City, S. Dak. 57701. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Sioux City, Iowa, and Murdo, S. Dak.; (1) from Sioux City over Interstate Highway 29 to Sioux Falls, S. Dak., thence over Interstate Highway 90 and U.S. Highway 16 to Murdo, and return over the same route, serving no intermediate points; (2) from Sioux City over Interstate Highway 29 to junction South Dakota Highway 50, thence over South Dakota Highway 50 to junction South Dakota Highway 46 at Wagner, S. Dak., thence over South Dakota Highway 46 to junction U.S. Highways 18 and 281, thence over U.S. Highway 18 to junction U.S. Highway 183, thence over U.S. Highway 183 to junction U.S. Highway 16, thence over U.S. Highway 16 to Murdo, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only; (3) from Sioux City over U.S. Highway 20 to junction U.S. Highway 83, thence over U.S. Highway 83 to Murdo, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; and (4) from Sioux City over U.S. Highway 20 to junction U.S. Highway 281, thence over U.S. Highway 281 to junction U.S. Highway 18, thence over U.S. Highway 18 to junction U.S. Highway 183, thence over U.S. Highway 183 to junction U.S. Highway 16, thence over U.S. Highway 16 to Murdo, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: No duplicating authority is intended. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak.

No. MC 100666 (Sub-No. 141) (Correction), filed June 2, 1969, published in FEDERAL REGISTER issue of June 26, 1969, corrected July 16, 1969, and republished as corrected this issue. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112, and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing, and insulating materials, and gypsum and gypsum products* (except in bulk) from Fort Dodge, Iowa, to points in Arkansas, Kentucky, Oklahoma, and Tennessee. NOTE: Applicant states it would tack with its Sub 67 at Duke, Okla., for service to Texas and New Mexico. The purpose of this republication is to show building in the commodity description in lieu of buildings as previously published. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Oklahoma City, Okla.

No. MC 100666 (Sub-No. 143), filed July 7, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Iron and steel articles*, from Canton, Ohio, to points in Oklahoma, Arkansas, Texas, Louisiana, Missouri, Tennessee, and Kentucky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 103051 (Sub-No. 229), filed July 3, 1969. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Clayton County, Ga., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant states it will tack the sought authority with its present authority wherein it is authorized to conduct operations in points in Georgia, Alabama, Florida, Mississippi, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 103993 (Sub-No. 426), filed June 25, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Clairborne Parish, La., to points in the United States (except Alaska and Hawaii); and (2) *Buildings*, in sections, mounted on their own or removable undercarriages, from points in Clairborne Parish, La., to points in the United States (except Alaska, Hawaii, Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, West Virginia, and Wisconsin). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 103993 (Sub-No. 435), filed July 2, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movement from points in Edgecombe County, N.C., to points in the United States excluding Alaska and Hawaii. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is

deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 103993 (Sub-No. 436), filed July 2, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Williams and Washington Counties, Ohio, to points in the United States (except Alaska and Hawaii), and (2) *truck campers and camp coaches*, from points in Williams and Washington Counties, Maryland, to points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 103993 (Sub-No. 437), July 2, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in California, to points in the United States, except Alaska, Hawaii, Arizona, Idaho, Nevada, Oregon, Utah, and Washington, (2) *buildings* in sections, mounted on wheeled undercarriages, from points in California to points in the United States except Hawaii, Alaska, Arizona, Idaho, Nevada, Oregon, Utah, and Washington, and (3) *truck campers and camp coaches* from points in California to points in the United States except, Arizonia, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 103993 (Sub-No. 438), filed July 3, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel building* and (2) *building sections, panels, materials, parts and accessories*, from the Davenport, Iowa-Rock Island and Moline, Ill., commercial zone, as defined by the Commission, to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 439), filed July 3, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind., 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel*, namely bars, structural, pipe, beams, plate, sheets, plain, galvanized or painted, rods and wire, from Chicago, Ill., commercial zone as defined by the Commission and Burns Harbor, Ind., to Cuckler Steel Span, Monticello, Iowa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 440), filed July 3, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Cleveland County, N.C., to points in the United States excluding Alaska and Hawaii. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 103993 (Sub-No. 441), filed July 3, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Nash County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 103993 (Sub-No. 442), filed July 7, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Todd County, Ky., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Bowling Green, Ky.

No. MC 103993 (Sub-No. 443), filed July 7, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, from points in New Haven County, Conn., to points in Massachusetts, Rhode Island, New Hampshire, Maine, New York, New Jersey, Vermont, and Pennsylvania. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Waterbury, Conn.

No. MC 103993 (Sub-No. 444), filed July 14, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in New Hanover County, N.C., to points in the United States east of the Mississippi River, including all points in Minnesota and Louisiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 106775 (Sub-No. 24), filed July 7, 1969. Applicant: ATLAS TRUCK LINE, INC., Post Office Box 9848, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier, by* motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of their size or weight require the use of special equipment or special handling; and (2) *ammunition and explosives*, when moving on U.S. Government bills of lading (a) between military installations or Defense Department establishments in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Montana, North Dakota, New Mexico, Oklahoma, Tennessee, Texas, Utah, South Dakota, and Wyoming; and (b) between points in (a) above on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Montana, North Dakota, New Mexico, Oklahoma, Tennessee, Texas, Utah, South Dakota, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states that no duplicating authority sought. If a hearing is deemed necessary, applicant requests it

be held at Washington, D.C., or Houston, Tex.

No. MC 107002 (Sub-No. 373), filed June 27, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as applicant) and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed, liquid animal feed supplements, and molasses*, in bulk, in tank vehicles, from McComb, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas. NOTE: Applicant states that while tacking is not contemplated, the authority sought on feed supplements could be combined with chemical authorities held by it under MC 107002 and subs thereto to perform through service from points in Alabama, Florida, and Georgia. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 107107 (Sub-No. 399), filed July 7, 1969. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Pord W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, and pineapples and coconuts* when moving with bananas and/or plantains, from Wilmington, Del., to points in North Carolina, South Carolina, Georgia, Tennessee, Kentucky, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, South Dakota, Nebraska, Kansas, and Missouri. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 107107 (Sub-No. 400), filed July 7, 1969. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in the Pennsylvania but not Philadelphia or points in the Philadelphia commercial zone, to points in Florida. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 107295 (Sub-No. 202), filed July 10, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, ducts, race-ways, tubing, and their fittings, connections, and accessories*, from Niles, Ohio; Aliquippa, New Kensington, and Oil City, Pa.; to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico (except Niles, Ohio, to points in Ohio, and from Pennsylvania origins to points in Pennsylvania). NOTE: Applicant states it intends to tack with MC 107295 when feasible. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 107295 (Sub-No. 203), filed July 14, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard and plywood, faced with vinyl film*, from Chicago, Ill.; Elkhart, Ind.; and Jacksonville, Tex., to points in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas. Restriction: Chicago, Ill., origin restriction to traffic originating at the plantsite or storage facilities of Prestile Manufacturing Co. NOTE: Applicant states it intends to tack the sought authority with MC 107295 where feasible. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 204), filed July 14, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard and wallboard, and floor and roof decking and accessories* therewith, when moving as part of the same shipment with the described commodities, from Ewing Township, Mercer County, N.J., to points in the United States (except Washington, Oregon, Idaho, Utah, Nevada, California, Arizona, Alaska, and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 107496 (Sub-No. 737), filed July 2, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oil and oil foots* in bulk, from Des Moines-West Des Moines, Iowa, to points in Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, North Dakota, Texas, Washington, and Wisconsin; (2) *fertilizer materials*, in bulk, from Des Moines, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin; and (3) *coal tar pitch emulsion and apshalt pavement surface sealer, coal tar base*, in bulk, from St. Louis, Mo., to points in Illinois, Wisconsin, Oklahoma, Iowa, Arkansas, Kansas, and Nebraska. NOTE: Applicant asserts there is a possibility of tacking, but there is no present intention to tack. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 738), filed July 3, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, from the storage terminal of American Oil Co. at or near Huntington, Ind., to points in Indiana, Illinois, Michigan (lower), and Ohio; and (2) *petroleum products*, in bulk, from Huntington, Ind., to points in Ohio. NOTE: Applicant asserts that while it is possible to tack, there is no present intention to tack. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 739), filed July 3, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, dry and in bulk, from Memphis, Tenn., to points in Arkansas and Mississippi. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 740), filed July 3, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual oil, road oil, asphalt, and asphalt emulsion*, in bulk, from Superior, Wis., to points in the Upper Peninsula of Michigan and Minnesota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Des Moines, Iowa.

No. MC 107515 (Sub-No. 665), filed July 11, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road, SE., Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts* and *agricultural commodities* otherwise exempt from economic regulation under section 202(b)(6) of the Act when transported with mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Alabama, Florida, Georgia, Tennessee, Kentucky, North Carolina, and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Miami, Fla.

No. MC 108461 (Sub-No. 114), filed July 14, 1969. Applicant: WHITFIELD TRANSPORTATION, INC., Post Office Drawer 9897, 300–316 North Clark Road, El Paso, Tex. 79989. Applicant's representatives: O. Russell Jones, Post Office Box 2228, Santa Fe, N. Mex. 87501, and J. P. Rose, Post Office Drawer 9897, El Paso, Tex. 79989. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Phoenix and Tucson, Ariz., over Interstate Highway 10, serving no intermediate points and no local service sought between these termini; and (2) between Lordsburg and Deming, N. Mex., from Lordsburg over New Mexico Highway 90 to Silver City, and thence over U.S. Highway 180 to Deming, and return over the same route, serving all intermediate points, including the off-route points of Hanover, Santa Rita, and Tyrone, N. Mex., and the Phelps Dodge Mine site near Tyrone, N. Mex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., and El Paso, Tex., with continued hearings at Deming and Silver City, N. Mex.

No. MC 109397 (Sub-No. 173), filed June 12, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Business I–44, Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear and byproduct materials, radioactive materials, and related equipment, component parts and associated materials, and radioactive material handling containers*, between points in Grundy County, Ill., on the one hand, and, on the other, points in the United States. NOTE: Applicant states it is possible to tack Sub 141 between points in Illinois, and in turn to tack Sub 150 between DuPage County, Ill., and named points in Sub 150; however, possibility not foreseen. Applicant has contract carrier authority pending in MC 128814 and Subs thereunder, therefore, dual operations may be involved. Common control also may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Kansas City, Mo., or Washington, D.C.

No. MC 109397 (Sub-No. 174), filed June 13, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Business I–44, Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, and byproduct materials, radioactive materials, reactor equipment, component parts, and associated materials*, between points in the United States, restricted to traffic having a prior or a subsequent movement by rail, water, or air. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states it is not foreseen that any significant duplications will result. Applicant states it is recognized however, that under certain presently held authorities, minor segments of the requested service might be performed. Applicant has contract carrier authority pending in MC 128814 and Subs thereunder, therefore, dual operations may be involved. Common control also may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Kansas City, Mo., or Denver, Colo.

No. MC 109397 (Sub-No. 175), filed June 30, 1969. Applicant: TRI–STATE MOTOR TRANSIT CO., a corporation, business I–44, Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives*, between the Honeywell Ordnance, Twin City Army Ammunition Plant at or near New Brighton, Minn., on the one hand, and, on the other, Camp McCoy, Wis. NOTE: Applicant states it is unaware of any feasible tacking operations which could be performed with presently held authority on a grant herein, but opposes the imposition of a restriction against tacking. Applicant also has contract authority pending under its MC 128814 and Subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 109397 (Sub-No. 176), filed July 3, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Business I–44, Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, byproduct radioactive materials, component parts, and containers* therefore, between Dickerson, Md., on the one hand, and, on the other, Charlevoix, Mich., the Industrial Research Lab Reactor at Plainsboro, N.J., and Santa Susanna, Calif. NOTE: Applicant has pending contract carrier applications under Docket No. MC 128814 Sub 4 et al. Applicant states that no tacking possibilities are foreseen, however, it opposes the imposition of a restriction against tacking on a grant of the instant authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110098 (Sub-No. 99) (Amendment), filed May 26, 1969, published FEDERAL REGISTER issue of June 19, 1969, amended July 17, 1969, and republished as amended, this issue. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, Post Office Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, from the plantsite and warehouse facilities of the Pillsbury Co. at or near Denison, Tex., to points in Colorado, Nebraska, Kansas, Missouri, Oklahoma, and South Dakota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to include South Dakota as a destination State. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 110525 (Sub-No. 922), filed July 7, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum wax*, in bulk, in tank vehicles, from Baton Rouge, La., to points in Texas. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 110525 (Sub-No. 925), filed July 15, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Garyville, La., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary,

applicant requests it be held at Washington, D.C.

No. MC 111170 (Sub-No. 130), filed July 11, 1969. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Applicant's representative: Thomas Harper, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, vegetable oil blends, and vegetable oil products*, from Helena and Stuttgart, Ark., to points in the United States (except points in Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111383 (Sub-No. 29), filed July 13, 1969. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., Post Office Box 3989, 3925 Singleton Boulevard, Dallas, Tex. 75208. Applicant's representative: Lawrence A. Winkle (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of Geigy Chemical Corp. at or near St. Gabriel, La., as an off-route point in connection with carriers presently authorized authority under MC 111383 and subs thereunder, between Baton Rouge and New Orleans, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La., or Dallas, Tex.

No. MC 111401 (Sub-No. 284), filed July 3, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Garyville, La., to points in Louisiana, Texas, Oklahoma, Arkansas, Mississippi, Alabama, Georgia, Florida, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Houston, Tex.

No. MC 111434 (Sub-No. 78) (Correction), filed June 18, 1969, published in the FEDERAL REGISTER issue of July 17, 1969, corrected and republished this issue. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. 80216. Applicant's representative: Peter J. Crouse, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone and limestone products*, from the plantsite of Colorado Lien Co., approximately 19 miles north of Fort Collins, Colo., on U.S. Highway 287, to points in Wyoming, points in Nebraska and Kansas on and west of U.S. Highway 281, points in Texas and New Mexico north of Interstate Highway 40, and points in Cimarron, Tex., and Beaver Counties, Okla. NOTE: The purpose of this republication is to include Wyoming in the destination territory, which was erroneously omitted from previous publication. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 111543 (Sub-No. 1), filed July 2, 1969. Applicant: JOLIET DELIVERY SERVICE, INC., 1232 North Broadway Street, Joliet, Ill. 60435. Applicant's representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by such persons engaged in the wholesale distribution of building materials, exclusive of manufacturers of roofing, siding, and insulating materials, from Joliet, Ill., to Cuba City, Wis., under contract with Alexander Warehouse & Sales Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111545 (Sub-No. 122), filed July 2, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight require the use of special equipment or special handling, (2) *commodities* which do not require the use of special equipment or handling when moving with commodities the transportation of which because of size or weight require the use of special equipment as part of the same shipment on the same bill of lading and on the same vehicle, and (3) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies moving in connection therewith*, (a) between points in North Carolina and South Carolina and (b) between points in North Carolina, South Carolina, and Georgia, on the one hand, and, on the other, points in that part of the United States on and east of the western boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states it will tack at overlapping points in Georgia, South Carolina, and North Carolina with its present authority in Subs, 54, 75, 101 and paragraph 12 of its lead certificate, enabling service to and from the additional States of Florida, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, and Texas. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 111545 (Sub-No. 123), filed July 3, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and buildings, complete or in sections, mounted on wheeled undercarriages, from points in Henry County, Tenn., and Harnett County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it would tack at points in Henry County, Tenn., and Harnett County, N.C., to enable service in paragraph 12 of the lead certificate to enable service to Alabama, Florida, Georgia, Louisiana Mississippi, and South Carolina. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112553 (Sub-No. 4), filed July 3, 1969. Applicant: VAN'S TRANSPORTATION, INC., Post Office Box 367, Middletown, Ohio 45042. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe* (except iron or steel); and (2) *accessories, connections, couplings, and fittings* for the commodity described in (1) above, between Summit, Ky., on the one hand, and, on the other, points in the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pensylvania, Tennessee, Virginia, West Virginia, and Wisconsin; under a continuing contract with Armco Steel Corp., Middletown, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112595 (Sub-No. 37), filed July 8, 1969. Applicant: FORD BROTHERS, INC., Post Office Box 727, Coal Grove, Ironton, Ohio 44638. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the plantsite of Phillips Petroleum Co. at or near North Bend, Ohio, to points in Illinois, Indiana, and Michigan. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 119), filed June 19, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular *routes*, transporting: *Flour*, with or without additives or blends; *corn meal; bran; wheat germ, and bird feed*, (1) from Belleville, Ill., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, and (2) from Kansas City and North Kansas City, Mo., to points in

Arizona, Arkansas, Alabama, Colorado, Georgia, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Kentucky, Tennessee, Texas, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Kansas City, Mo.

No. MC 112854 (Sub-No. 26), filed July 11, 1969. Applicant: HOLLEBRAND TRUCKING, INC., Post Office Box 164, Ontario Center, N.Y. 14520. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: (1) *Bananas, plantains, pineapples and coconuts*, and (2) *agricultural commodities* in mixed shipments, the transportation of which is partially exempt under the provisions of section 203(b)6 of the Interstate Commerce Act if transported in vehicles at the same time with (1) above, from Wilmington, Del., to points in New York. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 112882 (Sub-No. 122), filed June 30, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh and meats, frozen*, from the plantsite and/or cold storage facilities of Wilson & Co., Inc., at or near Hereford, Tex., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at the above specified plantsite and/or cold storage facilities and destined to the above specified destination points. NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 113035 (Sub-No. 4), filed July 3, 1969. Applicant: WILBUR LOWDERMILK, Addison, Pa. 15411. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in dump vehicles, from points in Clearfield County, Pa., to Jennings, Md.; under continuing contract with Harbison-Walker Refractories Co., Division of Dresser Industries, Inc., of Jennings, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 113362 (Sub-No. 164), filed July 7, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Houston, Tex., to points in Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113843 (Sub-No. 151), filed July 9, 1969. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02110. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and warehouse facilities of Swift & Co. at or near Glenwood, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Virginia, West Virginia, Delaware, Maryland, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 113843 (Sub-No. 152), filed July 7, 1969. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representatives: Lawrence T. Sheils (same address as applicant), also William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, cocoanuts, and other tropical fruits*, from Wilmington, Del., to points in Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 113855 (Sub-No. 202), filed July 2, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marine rope handling equipment, cable handling equipment, and equipment used in the construction and maintenance of utility lines, and parts and attachments* for such commodities, from Sunnyvale, Calif., to points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 113855 (Sub-No. 203), filed July 2, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Special purpose vehicles, special purpose trailers, equipment* used for construction, maintenance, and dismantling of utility lines (except automobiles, trucks, and trailers equipped with fifth wheel couplers) and *attachments and parts* for such equipment, vehicles, and trailers, from San Leandro, Calif., to points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 113855 (Sub-No. 204), filed July 11, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minnesota 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes and hoists, accessories, attachments, and parts of cranes and hoists*, from Fort Dodge, Iowa, to points in Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, Virginia, Pennsylvania, New York, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Delaware, New Jersey, Maryland, and the District of Columbia. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113974 (Sub-No. 34), filed June 24, 1969. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Post Office Box 67, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building*

metahoork, from the plantsite of Schector Bros. Co., Philadelphia, Pa., to points in Illinois and Michigan. NOTE: Applicant states it intends to tack with its present authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 328), filed July 7, 1969. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh*, and *meats, fresh frozen*, from the plantsite and/or cold storage facilities utilized by Wilson & Co. at or near Hereford, Tex., to points in Alabama, Florida, Georgia, Indiana, Kentucky, Maine, Michigan, North Carolina, Ohio, South Carolina, Tennessee (except Memphis), and Wisconsin, restricted to shipments originating at the above-specified plantsite and/or cold storage facilities and destined to the above-named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114115 (Sub-No. 17), filed July 8, 1969. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. Applicant's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Akron and Rittman, Ohio, to Covington, Louisville, and Newport, Ky.; points in New Jersey located in the Philadelphia, Pa., and New York, N.Y., commercial zones as defined by the Commission, and points in Illinois, Indiana, Michigan, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, restricted to services to be performed under a continuing contract, or contracts with Diamond Crystal Salt Co. and Morton Salt Co., Division of Morton International, Inc. NOTE: Applicant states that its present Sub 3 authority duplicates, in part, this request. However, applicant is seeking no duplicating authority, and all such duplicating authority shall be eliminated. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 114211 (Sub-No. 127), filed July 7, 1969. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, tractor attachments including but not confined to backhoe loaders, front-end loaders, ditchers, forklifts, buckets, and parts of the above-named commodities, between Topeka, Kans., on the one hand, and, on the other, points in the United States. NOTE: Applicant states no duplicating authority is being sought. Applicant further states it does not intepd to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 114284 (Sub-No. 40), filed July 8, 1969. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, Post Office Box 82307, Stockyards Station, Oklahoma City, Okla. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat fresh and meats fresh frozen*, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Hereford, Tex., to points in Arkansas, Kansas, Oklahoma, and Texas, restricted to the transportation of traffic originating at the above specified plantsite and/or cold storage facilities and destined to the above-specified destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Oklahoma City, Okla.

No. MC 114284 (Sub-No. 42), filed July 8, 1969. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, Post Office Box 82307, Stockyards Station, Oklahoma City, Okla. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fremont, Nebr., to points in Bowie, Red River, Lamar, Fannin, Grayson, Cooke, Montague, Clay, Wichita, Wilbarger, Hardeman, Childress, Cottle, King, Knox, Baylor, Archer, Young, Throckmorton, Haskell, Stonewall, Jones, Shackelford, Stephens, Eastland, Callahan, Taylor, Nolan, Mitchell, Howard, Martin, Ector, Ward, Crane, Midland, Upton, Glassock, Regan, Sterling, Coke, Runnels, Coleman, Brown, McCulloch, Concho, Tom Green, Irion, Crockett, Schleicher, and Menard Counties, Tex., restricted to traffic originating at the plant and warehouse facilities of Geo. A. Hormel & Co., at Fremont, Nebr. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 114533 (Sub-No. 193), filed June 20, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representatives: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606, and Arnold Burke, 2220 Brunswick Building, 69 West Washington Boulevard, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Impressions, models and bites, articulators, dentures, and products relating to restorative dentistry*, between Salt Lake City, Utah, on the one hand, and, on the other, points in Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Caribou, Bear Lake, Oneida, Franklin, Power, Minidoka, Cassia, Twin Falls, Jerome, Gooding, Lincoln, Elmore, Teton, and Ada Counties, Idaho, (2) *Eyeglasses, frames, lenses, and camera, optical, and hearing aid supplies and parts*, between Salt Lake City, Utah, on the one hand, and, on the other, points in Fremont, Madison, Jefferson, Bonneville, except Idaho Falls, Bingham, Bannock, Caribou, Bear Lake, Oneida, Franklin, Power, Minidoka, Cassia, Twin Falls, Jerome, Gooding, Lincoln, Elmore, Teton, and Ada Counties, Idaho, and (3) *audit media and other business records*, between Salt Lake City and Ogden, Utah, on the one hand, and, on the other, points in Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Caribou, Bear Lake, Oneida, Franklin, Power, Minidoka, Cassia, Twin Falls, Jerome, Gooding, Lincoln, Elmore, Teton, and Ada Counties, Idaho. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds pending contract authority under MC 128616. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Boise, Idaho, or Denver, Colo.

No. MC 114552 (Sub-No. 39), filed June 23, 1969. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, S.C. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition wood and composition wood products*, from the plant and warehouse sites of Weyerhaeuser Co. at Adel, Ga., to points in Delaware, Illinois, Indiana, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, the District of Columbia, and Louisiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Chicago, Ill., or Washington, D.C.

No. MC 114969 (Sub-No. 30), filed May 26, 1969. Applicant: PROPANE TRANSPORT, INC., 27 Water Street, Milford, Ohio. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Crawford County, Ill., to points in that part of Indiana south and west of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to Kentland, Ind., thence along U.S. Highway 52 to Lafayette, Ind., thence along Indiana Highway 26 to Rossville, Ind., thence along Indiana Highway 39 to Frankfort, Ind., thence along Indiana

Highway 28 to junction U.S. Highway 31, thence along U.S. Highway 31 to Sellersburg, Ind., and thence along U.S. Highway 31E to Jeffersonville, Ind., including points on the indicated portions of the highways specified. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 115523 (Sub-No. 153), filed June 26, 1969. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 North Beck Street, Salt Lake City, Utah 84116. Applicant's representative: Halard E. Barker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road oil, asphalt, and fuel oil* in bulk, (a) between points in Iron, Beaver, Millard, Juab, and Tooele Counties, Utah, and points in Nevada and Arizona; and (b) from Grand Junction, Colo., and 10 miles thereof, to points in Utah, Arizona, California, Colorado, Nevada, Idaho, Oregon, Washington, Wyoming, Montana, and New Mexico. NOTE: Applicant states it intends to tack the sought authority under MC–115523, Subs 19, 20, 27, 60, wherein it is authorized to serve points in Oregon, Idaho, Utah, and Wyoming. Applicant further states no duplicating authority sought herein. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Grand Junction, Colo.

No. MC 115840 (Sub-No. 41), filed July 14, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1252 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as above); also E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, fresh and *meats*, fresh frozen, from the plantsite and/or cold storage facilities utilized by Wilson and Co., at or near Hereford, Tex., to points in Alabama, Connecticut, Delaware, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee (except Memphis), Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and/or cold storage facilities utilized by Wilson & Co., at or near Hereford, Tex., and destined to the above specified destination points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116085 (Sub-No. 4), filed June 25, 1969. Applicant: FRISKNEY AND HARDING TRUCKING, INC., Post Office Box 3, Kendallville, Ind. 46755. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mixed metallic powders*, in containers, *metal bearings*, and *machinery parts* used in the manufacture of metal bearings, between the plantsites of Boundbrook Bearing Corporation of America at Auburn, Pa., and Middlesex, N.J., on the one hand, and, on the other, the plantsite of Boundbrook Bearing Corporation of America at or near Brownsville, Tenn., (2) *mixed metallic powders*, in containers, from the plantsite of Alcan Metal Powders at Elizabeth, N.J., to the plantsite of Boundbrook Bearing Corporation of America at or near Brownsville, Tenn., and *returned shipments*, on return, and (3) *metal bearings and metal machinery parts*, from the plantsite of Boundbrook Bearing Corporation of America at or near Brownsville, Tenn., to Clyde, Ohio, under contract with Boundbrook Bearing Corporation of America. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 116325 (Sub-No. 64), filed July 3, 1969. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 8, Lutesville, Mo. 63762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, (1) from Webb City, Mo., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Ohio, Oklahoma, and Texas, and (2) from points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Ohio, Oklahoma, and Texas, to Webb City, Mo. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 117119 (Sub-No. 416), filed July 10, 1969. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of the Pillsbury Co. at or near Denison, Tex., to points in the States of Idaho, Nebraska, South Dakota, Tennessee, and Utah. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 117119 (Sub-No. 417), filed July 7, 1969. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, not cold pack or frozen, from the plantsites and storage facilities of Comstock-Greenwood Foods, Borden, Inc., at Waterloo, Egypt, Rushville, Penn Yan, Newark, Lyons, Syracuse, Fairport, and Red Creek, N.Y., and West Chester, Pa., to points in New Mexico, Arizona, Colorado, Utah, Nevada, California, Idaho, Montana, Oregon, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 117119 (Sub-No. 418), filed July 7, 1969. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, fresh and *meats*, fresh frozen, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Hereford, Tex., to points in Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the above specified plantsite and/or cold storage facilities and destined to the above specified destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117574 (Sub-No. 177) (amendment), filed December 16, 1968, published in the FEDERAL REGISTER issue of January 9, 1969, amended and republished this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, Pa. 17013. Applicant's representative: D. E. Lutz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight require the use of special equipment or special handling; and (2) *ammunition and explosives*, (a) between Military Installations or Defense Department establishment located in Minnesota, Iowa, Missouri, Arkansas, Louisiana, and all States east thereof; and (b) between points in (a) above on the one hand, and, on the other, points in the continental United States. NOTE: Applicant states if application is granted in its entirety, no tacking will be done. If it is granted only in part, it will be applicant's intention to tack at any common point with all presently outstanding certificates under MC–117574 and all subs. The purpose of this republication is to reflect a change in the scope of authority sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 117574 (Sub-No. 183), filed July 17, 1969. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: (1) *Tractors* (except truck tractors) and *tractor parts* when moving in mixed loads with tractors from Detroit, Mich., commercial zone, and Romeo, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, on and east of U.S. Highway 219 from the New York-Pennsylvania State line to its junction with U.S. Highway 62 at Hamburg, N.Y., and on and east of U.S. Highway 62 from said junction to and including Niagara Falls, N.Y., North Carolina, Pennsylvania, on and east of U.S. Highway 219, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, on and east of U.S. Highway 219, and the District of Columbia; (2) (a) *agricultural implements and farm machinery* (except farm tractors), (b) *attachments for tractors and commodities* described in (2) (a); and (c) *parts* of the commodities described in (2 (a) and (b)) when moving in mixed loads with such commodities from the Detroit, Mich., commercial zone and Romeo, Mich., to points in the United States (except Alaska and Hawaii). Restriction: Restricted to shipments originating at the plant and warehouse sites of Ford Motor Co. at said origins, and restricted against tacking with other authorities issued by this Commission. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 117815 (Sub-No. 148), filed July 18, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 South East 20th Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and facilities of Swift & Co. at Marshalltown, Iowa, to points in Minnesota and Nebraska, restricted to traffic originating at Marshalltown, Iowa, and destined to points in Minnesota and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 117823 (Sub-No. 37) (Correction), filed May 26, 1969, published in FEDERAL REGISTER issue of June 26, 1969, corrected July 9, 1969, and republished, as corrected this issue. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 240 West California Avenue, Salt Lake City, Utah 84120. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California to Elko, Ely, Sparks, and Winnemucca, Nev., and Jordan Valley, Oreg. NOTE: Applicant states that it is presently authorized and it is presently serving all points of origin and all destination through the tacking of existing authority and the purpose of this instant application is to eliminate gateways. Applicant further states that it would tack with its presently held authority. The purpose of this republication is to show the destination point of Jordan Valley, Oreg., in lieu of Jordan, Oreg., which was erroneously shown in prior publication. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 117883 (Sub-No. 127), filed June 27, 1969. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Post Office Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and plantains, cocoanuts, and pineapples*, when moving in mixed shipments with bananas, from Wilmington, Del., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant did not specify location.

No. MC 118159 (Sub-No. 72), filed July 16, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh and meats, fresh frozen*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Hereford, Tex., to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee, restricted to the transportation of traffic originating at the plantsite and/or storage facilities utilized by Wilson & Co., Inc., and restricted to traffic destined to the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.; Oklahoma City, Okla., or Washington, D.C.

No. MC 118180 (Sub-No. 5), filed July 14, 1969. Applicant: GOVAN EXPRESS, INC., Post Office Box 1545, Fort Worth, Tex. 76101. Applicant's representative: Christopher G. Ware (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, other than frozen*, (2) *foodstuffs, frozen*, and (3) *laundry products*, when transported in mixed shipments, from Dallas and Fort Worth, Tex., to points in Texas, Oklahoma, and that portion of Louisiana west of the Mississippi River. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 118180 (Sub-No. 6), filed July 14, 1969. Applicant: GOVAN EXPRESS, INC., Post Office Box 1545, Fort Worth, Tex. 76101. Applicant's representative: Christopher G. Ware (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh, and meats, fresh frozen*, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Hereford, Tex., to points in Oklahoma and Texas, restricted to the transportation of traffic originating at the above-specified plantsite and cold storage facilities and destined to the above-specified destination points. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 118182 (Sub-No. 3), filed July 7, 1969. Applicant: EDWARD MILLER, 5417 Vine Street, Philadelphia, Pa. 19139. Applicant's representative: G. Donald Bullock, 128 Greenwood Avenue, Wyncote, Pa. 19095. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Wilmington, Del., and Port Newark, N.J., to points in Delaware, Maryland, on and east of U.S. Highway 15, New Jersey, New York, Pennsylvania, on and east of U.S. Highway 15, and the District of Columbia. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 118959 (Sub-No. 47), filed July 10, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and plastic products* (except commodities in bulk); (1) from McPherson, Kans., to points in the United States (except Alaska and Hawaii); and (2) from Waco, Tex., to points in Arizona, California, Colorado, Nevada, Oklahoma, Arkansas, Louisiana, Alabama, Georgia, Florida, Kansas, and Mississippi. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 125664, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or St. Louis, Mo.

No. MC 119654 (Sub-No. 13), filed July 7, 1969. Applicant: HI-WAY DISPATCH, INC., 26th Street and Bypass, Marion, Ind. 46952. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Fort Wayne, Ind., to points in Illinois, Kentucky, Michigan, and Ohio; and (2) *materials, equipment, and supplies* used in the manufacturing, sale, and distribution of paper and paper products, from points in Illinois, Kentucky, Michigan, and Ohio, to Fort Wayne, Ind. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119777 (Sub-No. 154), filed June 30, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 40601. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberboard, pulpboard, chipboard, flakeboard, and particle board*; (2) the *commodities* described in (1) above faced or finished with decorative or protective material; and (3) *materials accessories, and supplies* used in the installation of the commodities described in (1) and (2) above, from points in Saline and Pulaski Counties, Ark., to points in Arkansas, Colorado, and Missouri. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 126970 Sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Jackson, Miss.

No. MC 119777 (Sub-No. 155), filed July 16, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles* (except size or weight), from points in Hopkins County, Ky., to points in Alabama. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant has contract carrier authority under MC 126970 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant did not specify a location.

No. MC 121427 (Sub-No. 7), filed July 2, 1969. Applicant: MISSISSIPPI FREIGHT LINES, INC., 210 Beatty Street, Box 8802, Jackson, Miss. 39202. Applicant's representative: Shelby F. Bryant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Louisville and Houston, Miss., over Mississippi Highway 15, serving all intermediate points; (2) between Ackerman and Eupora, Miss., over Mississippi Highway 9, serving all intermediate points; (3) between Eupora and Columbus, Miss., over U.S. Highway 82, serving all intermediate points (4) between Columbus and Aberdeen, Miss., over U.S. Highway 45, serving no intermediate points, but serving only the plantsite of Conoco Plastics at Aberdeen, Miss.; (5) between Kosciusko and Starkville, Miss., over Mississippi Highway 12, serving all intermediate points; (6) between Louisville and Starkville, Miss., over Mississippi Highway 25, serving all intermediate points; (7) between Meridian and Columbus, Miss., from Meridian over U.S. Highway 45 to junction U.S. Highway 82, thence over U.S. Highway 82 to Columbus, and return over the same route, serving all intermediate points; (8) between Brookville, Miss., and the junction of Alternate U.S. Highway 45 and U.S. Highway 82, over Alternate U.S Highway 45, serving all intermediate points; and (9) between Louisville and Macon, Miss., over Mississippi Highway 14, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Jackson, Miss.

No. MC 124078 (Sub-No. 389), filed June 25, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plantsite of United States Steel Corp. at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 391), filed July 7, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, cement products, and lime*, from points in Muscogee County, Ga., to points in Alabama, Florida, and Georgia. NOTE: Applicant states that tacking is possible, but not intended, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124078 (Sub-No. 392), filed July 7, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in tank vehicles, from Chesapeake, Va., to points in Delaware, Maryland, and North Carolina. NOTE: Applicant states that it could possibly tack with its Sub 285, but tacking is not intended; and applicant is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 396), filed July 3, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile grout, mortar, and tile adhesive*, from Lithonia, Ga., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124078 (Sub-No. 397), filed July 7, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Clayton County, Ga., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant intends to tack at points in Clayton County, Ga., to serve points in Alabama, Florida, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; or tacking at Chattanooga or Lyles, Tenn., to serve points in Illinois, Indiana, Kentucky, Ohio, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124111 (Sub-No. 23), filed July 7, 1969. Applicant: OHIO EASTERN EXPRESS, INC., 300 West Perkins Avenue, Post Office Box 2297, Sandusky, Ohio 44870. Applicant's representative: Earl J. Thomas, Thomas Buildings, 5844–5868 North High Street, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)

Bananas, and (2) *pineapples and coconuts* when in mixed loads with bananas, from Wilmington, Del., to points in Delaware, Kentucky, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, St. Louis, Mo., and the District of Columbia. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Philadelphia, Pa., or Washington, D.C.

No. MC 124579 (Sub-No. 6), filed June 30, 1969. Applicant: EDWARD G. WIKEL, doing business as WIKEL MILK CARTAGE, Route 1, Huron, Ohio 44839. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete and masonry plasticizer admixtures*, in bulk, in tank vehicles, from South Russell, Ohio, to points in Virginia, West Virginia, Pennsylvania, New York, Michigan, Indiana, Kentucky, Illinois, Wisconsin, Tennessee, North Carolina, and South Carolina; and (2) *lignon pitch*, in bulk, in tank vehicles, from points in Wisconsin, and ports of entry at the New York-Quebec border to South Russell, Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant has contract carrier authority under MC 114377 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124656 (Sub-No. 1), filed July 3, 1969. Applicant: JOHN LONG TRUCKING INC., 1030 East Denton Street, Sapulpa, Okla. 74066. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from Sapulpa, Okla., to points in Nevada, Idaho, Oregon, Washington, Montana, Utah, and Wyoming, limited to transportation service to be performed under a continuing contract or contracts with Liberty Glass Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 124796 (Sub-No. 50), filed July 11, 1969. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *materials and supplies* (except commodities in bulk) used in the manufacture and distribution of toilet preparations, toilet articles, germicides; buffing, polishing, cleaning, scouring and washing compounds, solvents, starch, sponges; sweetening compounds, drugs, and janitorial supplies from the plantsites and warehouse facilities utilized by Alberto-Culver Co. at Carpentersville, Chicago, and Carol Stream, Ill., to the plantsites and warehouse facilities of Alberto-Culver Co. at Sparks, Nev.; and (2) *toilet preparations, toilet articles, germicides; buffing, polishing, cleaning, scouring and washing compounds, solvents, starch, sponges; sweetening compounds, drugs and janitorial supplies* (except commodities in bulk), from the plantsite and warehouse facilities utilized by Alberto-Culver Co. at Sparks, Nev., to points in Washington, Oregon, California, Arizona, Utah, and Idaho, under contract with Alberto-Culver Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125951 (Sub-No. 12), filed June 23, 1969. Applicant: SILVEY & COMPANY, a corporation, South Omaha Bridge Road, Council Bluffs, Iowa 51501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the plantsite and storage facilities of Swift & Co. at Glenwood, Iowa, to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, restricted to traffic originating at the named plantsite and storage facilities of Swift & Co. at Glenwood, Iowa, and destined to the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 126128 (Sub-No. 6) (Correction), filed June 16, 1969, published FEDERAL REGISTER issue of July 10, 1969, corrected July 24, 1969, and republished as corrected, this issue. Applicant: DEAN W. HOBBENSIEFKEN, doing business as D. H. TRUCKING, Route 1, Box 241, Lyons, Oreg. 97358. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Polk, Marion, Benton, Lane, Linn, Yamhill, and Multnomah Counties, Oreg., on the one hand, and, on the other, points in Multnomah, Clatsop, and Lincoln Counties, Oreg., and Points in Clark, Cowlitz, Lewis, Skamania, Klickitat, Skagit, Snohomish, King, and Pierce Counties, Wash. NOTE: Applicant states that to some degree the instant application is duplicative, but applicant intends the authority sought be considered a single authority only. Applicant further states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to reflect the correct spelling of applicant's name. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 126291 (Sub-No. 10), filed June 23, 1969. Applicant: QUIRION TRANSPORT, INC., La Guadeloupe, Frontenac County, Quebec, Canada. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snowmobiles and parts thereof*, from ports of entry on the international boundary line between the United States and Canada at or near Jackman and Coburn Gore, Maine; Derby Line, Norton Mills, and Highgate Springs, Vt.; and Rouses Point, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania; *returned, rejected, and damaged shipments of the above-described commodities*, from the above-described destination points, to the above-described origin points; (2) *switches and cables*, from Worcester, Mass., to the ports of entry on the international boundary line between the United States and Canada located at or near Jackman and Coburn Gore, Maine; and (3) *springs*, from Bristol, Conn., to the ports of entry on the international boundary line between the United States and Canada located at or near Jackman and Coburn Gore, Maine, restricted to the transportation of traffic originating at or destined to points in Frontenac County, Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 127304 (Sub-No. 4) (Correction), filed May 28, 1969, published FEDERAL REGISTER issues of June 19, 1969, and July 25, 1969, corrected and republished as corrected this issue. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 North West Street, Valley Center, Kans. 67147. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dichlorodifluoromethane and monochlorodifluoromethane*, in containers and cylinders, and *plastic and plastic articles*, from Colwich, Kans., to points in the United States (except Alaska and Hawaii), and (2) *empty containers and cylinders*, from Philadelphia, Pa., and Columbus, Ohio, to Colwich, Kans., under contract with International Plastics, Inc. NOTE: The purpose of this republication is to show contract carrier in lieu of common carrier as previously published. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 127505 (Sub-No. 27), filed July 11, 1969. Applicant: RALPH H. BOELK, doing business as BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. 61342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam articles*, from Belvidere, Ill., to points in Texas, Oklahoma, Kansas, Nebraska, Iowa, Minnesota, and all points west thereof (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127602 (Sub-No. 5), filed July 2, 1969. Applicant: DENVER-MIDWEST MOTOR FREIGHT, INC., 3434 Walnut Street, Denver, Colo. 80205. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bar and restaurant material, equipment and supplies* (except foodstuffs), between points in Denver and Boulder Counties, Colo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction again tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 128017 (Sub-No. 3), filed July 7, 1969. Applicant: ERVIN L. CRIDER, JR., Bergton, Va. 22811. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from New Market, Va., to points in Grant, Hampshire, Hardy, Mineral, and Pendleton Counties, W. Va. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128195 (Sub-No. 1), filed July 14, 1969. Applicant: CHIEFTAIN EXPRESS, INC., 2440 Old Logan Road SE., Route 4, Lancaster, Ohio. Applicant's representative: Earl Holiday (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay sewer pipe, drain tile, flue liners, chimney tops, wall coping, hollow building blocks, brick, and stovepipe fittings, and materials, equipment and supplies* used in the installation of the above-named commodities when moving in the same vehicle with such commodities, from Logan and New Straitsville, Ohio, to points in Indiana, West Virginia, the Lower Peninsula of Michigan, that part of Illinois on and east of U.S. Highway 15, and that part of Pennsylvania on and west of U.S. Highway 15 and Interstate Highway 83. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant also states that it holds a portion of the authority sought in its lead docket, however, no duplicating authority is being sought. All such duplicating authority shall be eliminated. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128213 (Sub-No. 3), filed July 9, 1969. Applicant: T. LINDSAY MOVING & STORAGE, INC., 74 Illinois Avenue, Paterson, N.J. 07503. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, trunks, and duffle bags*, between Milford, and Lake Como, Pa. NOTE: Applicant states it will tack at Milford, Pa., with its MC 128213 to enable service to points in New Jersey. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 128273 (Sub-No. 49), filed July 10, 1969. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *paper and paper products, including disposable diapers and or related premiums, and advertising materials; materials and supplies* used in the manufacture and distribution thereof, *returned or rejected shipments and paper, pulp and paper converting machinery*, between points in Marin, Los Angeles, Ventura, Orange, and Shasta Counties, Calif., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; and (2) *paper and paper products, materials and supplies* used in the manufacture and distribution of paper and paper products; between points in Marinette County, Wis., on the one hand, and, on the other points in California, Nevada, Utah, and Wyoming. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant has pending contract carrier authority in MC 133791, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128383 (Sub-No. 6), filed July 3, 1969. Applicant: PINTO TRUCKING SERVICE, INC., 1219 Morris Street, Philadelphia, Pa. 19109. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, between John F. Kennedy Airport, New York, N.Y.; Newark Airport, Newark, N.J.; Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, and Salem Counties, N.J.; and points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 128646 (Sub-No. 2), filed July 7, 1969. Applicant: ISREAL TRANSFER COMPANY, a corporation, 1918 Locust, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated boxes*, from Kansas City, Mo., to points in Iowa, Nebraska, Kansas, Oklahoma, Arkansas, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128839 (Sub-No. 6), filed July 14, 1969. Applicant: L M TRANSFER, INC., 46-81 Metropolitan Avenue, Brooklyn, N.Y. Applicant's representative: M. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Department store merchandise*, between New York, N.Y., and Long Island City, N.Y., on the one hand, and on the other, New Haven, Conn., for the account of Macy's New York Division of R. H. Macy & Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128857 (Sub-No. 3), filed July 9, 1969. Applicant: G. L. GIBBONS, doing business as G. L. GIBBONS TRUCKING SERVICE, Post Office Box 5861, Tucson, Ariz. 85703. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* in bulk, from points in Clark County, Nev., and Arizona, to points in Arizona and New Mexico. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Phoenix or Tucson, Ariz.

No. MC 129326 (Sub-No. 13), filed July 14, 1969. Applicant: WHITNEY TANK LINES, INC., 5201 Causeway Boulevard, Post Office Box 1091, Tampa, Fla. 33601. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, between points in Hillsborough County, Fla., on the one hand, and, on the other, points in Florida, Georgia, and Alabama. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 133761 (Sub-No. 1) (Correction), filed May 28, 1969, published FEDERAL REGISTER issues of June 26, and

July 10, 1969, corrected and republished in part, as corrected, this issue. Applicant: GEORGE A. LABAGH, 713 North Street, Middletown, N.Y. 10940. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. NOTE: The purpose of this partial republication is to reflect the correct address of applicant's representative as shown above, in lieu of 100–16 Jamaica Avenue, which was inadvertently shown in previous publication. The rest of the application remains the same.

No. MC 133842 (Sub-No. 1), filed July 3, 1969. Applicant: GRAHAM TRANSFER & STORAGE COMPANY, a corporation, 2108 A Street, Meridian, Miss. 39301. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Pickens, Greene, Hale, Sumter, Marengo, Choctaw, Clarke, and Washington Counties, Ala.; Oktibbeha, Lowndes, Noxubee, Winston, Attala, Scott, Kemper, Neshoba, Leake, Newton, Rankin, Jones, Jasper, Smith, Lauderdale, Covington, Wayne, Forrest, Clarke Counties, Miss., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Meridian or Jackson, Miss.

No. MC 133844, filed June 22, 1969. Applicant: LIBCO AIR FREIGHT, INC., Central Avenue, East Farmingdale, N.Y. 11735. Applicant's representative: Andrew P. Goldstein, 1730 Rhode Island Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Suffolk County Air Force Base (located in Suffolk County, N.Y.), on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., LaGuardia Airport (N.Y.), John F. Kennedy Airport (N.Y.), and Newark Airport (N.J.), restricted to shipments having a prior or subsequent movement by air. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133852, filed June 25, 1969. Applicant: DUNLOP TRANSPORT LIMITED, a corporation, Post Office Box 359, Petrolia, Ontario, Canada. Applicant's representative: Robert D. Schuler, 1 Woodward Avenue, Suite 1700, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty steel drums* (1) from ports of entry on the international boundary line between the United States and Canada on the St. Clair and Detroit rivers to points in Michigan, under a continuing contract with National Steel Drum Ltd., and restricted to shipments originating at the plantsite of National Steel Drum Ltd., in Petrolia, Ontario, Canada; and (2) from ports of entry on the international boundary line between the United States and Canada on the Niagara and St. Lawrence Rivers, to points in New York under a continuing contract with National Containers (Central) Ltd., restricted to shipments originating at the plantsites of National Containers (Central) Ltd., in Ontario, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Lansing, Mich.

No. MC 133864, filed June 27, 1969. Applicant: DeGROSA TRUCKING INCORPORATED, 51 Grove Street, South Hackensack, N.J. 07606. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber articles*, (a) from the plantsite of Delford Industries, Inc., at or near Middletown, N.Y., to points in Montgomery and Bucks Counties, Pa., points in Middlesex, Mercer, Morris, Sussex, Somerset, Gloucester, Camden, and Burlington Counties, N.J., and points in Nassau, Suffolk, and Westchester Counties, N.Y.; (b) from the plantsite of Minisink Rubber Co., Inc., in Unionville, N.Y., to points in Montgomery and Bucks Counties, Pa., points in Middlesex, Mercer, Morris, Sussex, Somerset, Camden, Gloucester, and Burlington Counties, N.J., and points in Nassau, Suffolk, and Westchester Counties, N.Y.; and (c) from the site of the plant of the Delford Industries, Inc., at or near Middletown, N.Y., to Trenton and Flemington, N.J., points in Hudson, Bergen, Passaic, Essex, and Union Counties, N.J., Bristol, Philadelphia, and Allentown, Pa., and New York, N.Y.; (2) *commodities* used in the manufacture of rubber articles (except commodities in bulk), (a) from the above-specified destination points in (1)(a), to the Delford Industries, Inc., plantsite at or near Middletown, N.Y.; and (b) from the destination points specified in (1)(b) above, to the Minisink Rubber Co., Inc., plantsite in Unionville, N.Y.; (3) *commodities* used in the manufacture of rubber articles (except liquid chemicals, in bulk, in tank vehicles), from Trenton and Flemington, N.J., points in Hudson, Bergen, Passaic, Essex, and Union Counties, N.J., Bristol, Philadelphia, and Allentown, Pa., and New York, N.Y., to the site of the plant of the Delford Industries, Inc., at or near Middletown, N.Y.; (4) *rubber articles* (except in bulk, in tank vehicles), from Unionville, N.Y., to Trenton and Flemington, N.J., points in Hudson, Bergen, Passaic, Essex, and Union Counties, N.J., Bristol, Philadelphia, and Allentown, Pa., and New York, N.Y.; and (5) *commodities* used in the manufacture of rubber articles (except in bulk, in tank vehicles), from Trenton and Flemington, N.J., points in Hudson, Bergen, Passaic, Essex, and Union Counties, N.J., Bristol, Philadelphia, and Allentown, Pa., and New York, N.Y., to Unionville, N.Y. NOTE: Applicant states it seeks above authority as common carrier to replace same authority now held as contract carrier in MC 115217 (Subs 1 and 3 which will be surrendered upon grant of applied for authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133867, filed June 27, 1969. Applicant: STARLING TRANSPORT LINES, INC., State Farmers Market, 3724 U.S. Highway 1, Fort Pierce, Fla. Applicant's representative: Bernard C. Pestcoe, 708 City National Bank Building, Miami, Fla. 33130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products and supplies*, from Clifton, N.J., to points in Georgia, Alabama, Florida, Tennessee, North Carolina, South Carolina, Arkansas, and Texas, and (2) *frozen poultry dinners, frozen beef dinners and frozen seafood dinners* and the above items when moving in mixed loads with exempt commodities, from Red Hook and Highland, N.Y., and Newark, N.J., to Michigan, Ohio, and Florida, under contract with Globe Preserves, Inc., and Food Ways, Inc., for (1) and (2) above respectively. NOTE: Applicant has indicated that on return movements in (1) and (2) above, it proposes to transport commodities exempt from economic regulation pursuant to section 203(b)(6) of the Act. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Miami, Fla.

No. MC 133868, filed July 2, 1969. Applicant: E & E RIGGING & MACHINERY CO., INC., 275 Trumbull Street, Elizabeth, N.J. 07206. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plain and fabricated iron and steel building supplies, machines, parts, and hoisting equipment*, between Newark, N.J., on the one hand, and, on the other, New York, N.Y., and points in Dutchess, Columbia, Orange, Putnam, Rockland, Ulster, and Westchester Counties, N.Y. NOTE: Applicant presently operates as a contract carrier under MC 66565, and states that if the authority sought is granted it will surrender its contract carrier permit. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 133877, filed July 7, 1969. Applicant: CONRAD L. HABERMANN AND FRANK J. ERIKSON, a partnership, doing business as FRACON TRUCKING CO., 1052 Park Lane North, Franklin Square, Long Island, N.Y. 11010. Applicant's representative: John L. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by a wholesale drug company, from shipper's warehouse at Jamaica, N.Y., to points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J., and (2) *returned shipments* of the above-described commodities, from points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J., to shipper's warehouse at Jamaica, N.Y., under contract with Rogers Wholesalers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133878, filed July 1, 1969. Applicant: A. E. TRUCKS, INC., Weston, Pa. 18256. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and machine parts, and filters*, from Hazleton, Pa., to points in the New York, N.Y., commercial zone, those in New York on, south and east of New York Highway 30, those in New Jersey, Delaware, Pennsylvania on and east of U.S. Highway 15, District of Columbia, and those in Maryland on and east of U.S. Highway 11 (Interstate Highway 81). NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg or Philadelphia, Pa., or Washington, D.C.

No. MC 133884, filed July 7, 1969. Applicant: BRUCE FULLER, 1710 Main Street, Buhl, Idaho 83316. Applicant's representative: Charles J. Kimball, 605 South 14th, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, lumber products, plywood, particle board, and laminated wood beams*, from points in Oregon, Washington, and California to points in Idaho, under continuing contract with Beall Lumber Co.; and (2) *feed and feed ingredients*, (a) from the plantsites and storage facilities of Rangen, Inc., at or near Buhl and Hagerman, Idaho, to points in Washington, Oregon, Montana, Wyoming, Colorado, Utah, Nevada, California, Arizona, New Mexico, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, and Michigan; and (b) from points in the destination States in (2)(a) and points in Kansas to the plantsites and storage facilities utilized by Rangen, Inc., at or near Buhl and Hagerman, Idaho, under continuing contract with Rangen, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 133892, filed July 7, 1969. Applicant: B & W SERVICE, INC., 26 Itasca Street (Boston), Mattapan, Mass. 02126. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail stores engaged in the selling of games, toys, bicycles, cribs, children's furniture, recreational equipment and apparatus, and in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business, (1) between Boston, Mass., and Avon, Mass.; and (2) between Avon and Dedham, Mass., on the one hand, and, on the other, Milford, Conn.; Portland, Maine; Nashua, N.H.; and Providence, R.I.; restricted to a transportation service to be performed under a continuing contract or contracts with Child World, Inc., of Dedham, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 133893, filed July 7, 1969. Applicant: MASPETH TRUCKING SERVICE, INC., 48–98 Maspeth Avenue, Maspeth, N.Y. 11378. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yarn; knitted and woven cloth; cotton, wool, and synthetic waste; and wearing apparel*, between New York, N.Y., and points in Bergen, Hudson, and Essex Counties, N.J., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., and New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133894, filed July 11, 1969. Applicant: REDSTONE HAULING AND EQUIPMENT CO., a corporation, Rural Delivery No. 2, Box 1090, Uniontown, Pa. 15401. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road building, excavating, and mining machinery and equipment, and generating equipment*, from Newlonsburg (Franklin Township, Westmoreland County), Pa., to points in Ohio and West Virginia; and (2) *returned shipments* on return, under contract with Beckwith Machinery Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 133895, filed July 7, 1969. Applicant: SLOAN TRANSFER COMPANY, INC., 506 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Ralph H. Dolson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by department stores and retail mail-order houses (except commodities in bulk, classes A and B explosives and household goods as defined by the Commission), between points in the Kansas City, Mo., commercial zone, on the one hand, and, on the other, points in the Olathe, Kans. commercial zone; under contract with Sears, Roebuck & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 133896, filed July 11, 1969. Applicant: J. J. HOULIHAN, 668 Delaware Avenue, Ridgewood, N.J. 07450. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum foil*, in rolls, from the plantsite of Stranhan Foil Co., Inc., at South Hackensack, N.J., to New York, N.Y., and points in Nassau, Suffolk, and Rockland Counties, N.Y., restricted to a transportation service to be performed under a contract with Stranhan Foil Co., Inc., South Hackensack, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 133897, file July 11, 1969. Applicant: MILLVILLE TRUCKING COMPANY, INC., Orange Street, Millville, N.J. 08332. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand, gravel, and clay*, from Maurice River Township, Cumberland County, N.J., to points in Connecticut, Delaware, Maryland, New York, and Pennsylvania (except in dump vehicles, to points in Bucks, Berks, Carbon, Chester, Deale, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, and Schuylkill Counties, Pa.); limited to a transportation service to be performed under a continuing contract or contracts with New Jersey Silica Sand Co., Millville, N.J. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133902 (Sub-No. 1), filed July 15, 1969. Applicant: CEGO LEASING, INC., Post Office Box 114, Cerro Gordon, N.C. 28430. Applicant's representative: Gene O. Hill, Post Office Box 2, Cerro Gordo, N.C. 28430. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baskets, basket materials, crates, crate material and agricultural commodity containers, wooden boxes, box materials, pallets and pallet boxes, pallets and pallet material*, from points in Clarke County, Va., to points in North Carolina, South Carolina, Georgia, and Florida. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Raleigh or Whiteville, N.C.

MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub-No. 417), filed July 7, 1969. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, on round trip sightseeing and pleasure tours, beginning and ending at Bayonne, N.J., and extending to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina,

Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 60325 (Sub-No. 9), filed July 10, 1969. Applicant: JEFFERSON LINES, INC., 1114 Currie Avenue, Minneapolis, Minn. 55403. Applicant's representative: J. G. Dail, Jr., 1111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers* in the same vehicle with passengers; (1) between the junction of U.S. Highway 71 and Missouri Highway 59, at or near Anderson, Mo., and the junction of U.S. Highway 71 and former U.S. Highway 71, at or near the Missouri-Arkansas State line, over U.S. Highway 71, serving all intermediate points; and (2) between junction U.S. Highway 65 and Missouri Highway 52 and Warsaw, Mo., over U.S. Highway 65, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130092, filed July 10, 1969. Applicant: GREEN MOUNTAIN TOURS, INC., 19 West Pleasant Avenue, Maywood, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. For a license (BMC 5) to engage in operations as a *broker* at Maywood, N.J., in arranging for the transportation in interstate or foreign commerce, of *passengers and their baggage*, in all-expense ski tours, beginning and ending at points in Bergen, Passaic, and Hudson Counties, N.J., and New York, N.Y., and extending to points in Vermont and New York.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 121377 (Sub-No. 2), filed July 16, 1969. Applicant: L.D.S. TRUCK LINES, a corporation, 1075 Bryant Street, San Francisco, Calif. 94103. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, automobiles, household goods as defined by the Commission, and commodities in bulk); (1) between San Francisco, Calif., and points in its commercial zone, on the one hand, and, on the other, points in San Francisco, San Joaquin, Sacramento, Sonoma, Stanislaus, Monterey, and Santa Cruz Counties, Calif.; and (2) from San Francisco, Calif., and points in its commercial zone, to Napa, Gilroy, Morgan Hill, and Fairfield, Calif. Restriction: The above-sought authority is to be restricted to traffic having a prior or subsequent interstate movement by railroad. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states that no duplicating authority is sought.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-9201; Filed, Aug. 6, 1969; 8:45 a.m.]

[Notice 880]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 4, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5429 (Sub-No. 21 TA), filed July 28, 1969. Applicant: LYON VAN LINES, INC., 3416 South La Cienega Boulevard, Los Angeles, Calif. 90016. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Hawaii, for 180 days. Supporting shipper: Lyon Van Lines' previous operations. Send protests to: District Supervisor Robert G. Harrison, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 106400 (Sub-No. 75 TA), filed July 27, 1969. Applicant: KAW TRANSPORT COMPANY, Post Office Box 8525, Sugar Creek, Mo. 64054. Applicant's representative: H. D. Holwick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, flakes, NOI, granulars, lumps, pellets, powder or solid mass*, in bulk, in tank vehicles, from Kansas City and Randolph, Mo., to Omaha, Nebr., for 180 days. Supporting shipper: Gulf Oil Co.—U.S., Chemicals Department, Dwight Building, Kansas City, Mo. 64105. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 107002 (Sub-No. 375 TA), filed July 28, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth, Post Office Box 1123, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Lynn Park, Ala., to points in Kentucky, for 180 days. Supporting shipper: Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa. 19103. Send protests to: District Supervisor Alan C. Tarrant, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107002 (Sub-No. 376 TA), filed July 28, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and grain products*, from West Memphis, Ark., to points in Alabama, Georgia, Kentucky, Mississippi, and Tennessee, for 180 days. Supporting shippers: Chicago, Rock Island and Pacific Railroad Co., Suite 260, Union Station, Kansas City, Mo. 64108; Burrus Mills, Inc., 330 Mercantile Securities Building, Post Office Box 448, Dallas, Tex. 75221; Archer Daniels Midland Co., Suite 201, 3435 Broadway, Box 5277 Plaza Station, Kansas City, Mo. 64112. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107515 (Sub-No. 669 TA), filed July 25, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesive impregnated broad goods materials*, from Dallas, Tex., to Marietta, Ga.; Charleston, S.C.; Orlando, Fla.; Middletown, Ohio; Hagerstown, Md.; and Bethpage, Long Island, N.Y., for 180 days. NOTE: Applicant intends to interchange traffic at Dallas, Tex., with Frozen Food Express is proposed. Supporting shipper: Whittaker Corp., Narmco Materials Division, 600 Victoria Street, Costa Mesa, Calif. 92627. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 114045 (Sub-No. 329 TA), filed July 22, 1969. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables, frozen fruits, frozen berries, frozen purees, frozen citrus juice concentrates, and shrimp products*, from Monte Alto, Brownsville, Corpus Christi, and Weslaco, Tex., and Hammond, La., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, Washington, West Virginia, and District of Columbia, for 180 days. NOTE: Applicant does not intend to tack with other authority. Supporting shippers: United Foods, Inc., Post Office Box 1752, Brownsville, Tex. 78520; Vahising, Inc., Post Office Box 248, Elsa, Tex. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 125045 (Sub-No. 5 TA), filed July 28, 1969. Applicant: SHERMAN MOLDE, doing business as MOLDE TRUCKING COMPANY, 955 11¼ Street SW., Rochester, Minn. 55901. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream* from Rochester, Minn., to Sioux Falls and Watertown, S. Dak., for 180 days. Supporting shipper: Marigold Foods, Inc., 2929 University Avenue SE., Minneapolis, Minn. 55414. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 126739 (Sub-No. 6 TA), filed July 25, 1969. Applicant: MAHNENSMITH TRUCKING SERVICE, INC., Post Office Box 341, Ossian, Ind. 46777. Applicant's representative: Richard P. Lintner, Post Office Box 341, Ossian, Ind. 46777. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds, animal health aids, and sanitation products*, from Fort Wayne, Ind., to points in Ohio west of Interstate 71 and west of Ohio 13 running from Cincinnati to Sandusky; and points in Michigan south Michigan 21, for 150 days. Supporting shipper: Allied Mills, Inc., 110 North Wacker Drive, Chicago, Ill. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 128247 (Sub-No. 10 TA), filed July 24, 1969. Applicant: BURSAL TRANSPORT, INC., Rural Route No. 1, Bunker Hill, Ind. 46914. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured and processed clay*, in bags, packages, and containers, from Paris, Tenn.; Olmstead, Ill.; and Ripley, Miss.; to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, South Carolina, Virginia, West Virginia, Wisconsin, and District of Columbia for 180 days. Supporting shippers: Southern Clay, Inc. (subsidiary), Lowes, Inc., North Edward Street, Cassopolis, Mich. 49031; Oil-Dri Corp. of America, 520 North Michigan Avenue, Chicago, Ill. 60611. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 133856 (Sub-No. 1 TA), filed July 25, 1969. Applicant: HALL'S TRANSPORT LIMITED, Box 1606, Regina, Saskatchewan, Canada. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, knocked down or in sections, *including all component parts, equipment, materials and supplies* incidental to the erection and completion of such buildings, on shipper owned trailers, for the account of Muttart Industries, Ltd., Regina, Saskatchewan, Canada, from port of entry at or near Portal, N. Dak., to points in Oliver and Ward Counties, N. Dak., for 180 days. Supporting shipper: Muttart Industries (Saskatchewan) Ltd., 2636 Fourth Avenue, Regina, Saskatchewan, Canada. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 133902 TA (Correction), filed July 17, 1969, published FEDERAL REGISTER, issue of July 30, 1969, and republished as corrected this issue. Applicant: CEGO LEASING, INC., Post Office Box 114, Cerro Gordo, N.C. 28430. Applicant's representative: V. J. Benton, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baskets, basket materials, crates, crate material, and agricultural commodity containers, wooden boxes, box materials, pallets and pallet boxes, pallets and pallet material*, from points in Clarke County, Va., to points in North Carolina, South Carolina, Georgia, and Florida, for 180 days. NOTE: The purposes of this republication is to insert territorial description, which was inadvertently omitted in previous REGISTER. Supporting shipper: Berryville Basket Co., Inc., Berryville, Va. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 133912 TA, filed July 24, 1969. Applicant: WRIGHT TRANSFER CO., INC., 53 East Fairfield Drive, Pensacola, Fla. 32501. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square S., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Escambia, Santa Rosa, and Okaloosa Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Dean International, Ltd., Post Office Box 923, Long Beach, Calif. 90801; Kingpak, Inc., Post Office Box 18298, Wichita, Kans. 67218; Four Winds Forwarding, Inc., 4600 Wheeler Avenue, Post Office Box 9056, Alexandria, Va. 22304. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 133918 TA, filed July 28, 1969. Applicant: D. F. MILLER, Box 45, McKeansburg, Pa. 17960. Applicant's representative: S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from facilities of Reading Anthracite Coal Co., in Mt. Carmel and Zerbe Townships (Northumberland County), Pa., and New Castle and Norwegian Townships (Schuylkill County), Pa., to points in Virginia, for 180 days. Supporting shipper: Reading Anthracite Coal Co., 200 Mahantongo Street, Post Office Box 360, Pottsville, Pa. 17901. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 133919 TA, filed July 28, 1969. Applicant: JOHN ROSSETTI, 638 Pine Street, Burlington, Vt. 05401. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese products, wet cheese and wet curd*, from Alburg, Milton, and Richmond, Vt., to Brooklyn, N.Y., for 180 days. Supporting shipper: Falcone Dairy Products, Inc., 2418 West Third Street, Brooklyn, N.Y. 11223. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-9206; Filed, Aug. 6, 1969; 8:49 a.m.]

[Notice 391]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 4, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71373. By order of July 28, 1969, the Motor Carrier Board approved the transfer to Gordon Fast Freight, Inc.; Puyallup, Wash.; of certificate in No. MC-64798 (Sub-No. 6), issued August 22, 1968, to Tacoma Hauling Co., Inc., Tacoma, Wash.; authorizing the transportation of: Malt beverages, from Tacoma, Wash.; to Olympia, Seattle, Bellingham, Longview, and Vancouver, Wash., and points in Oregon. Joseph C. Earp, 607 Third Avenue, Seattle, Wash. 98104, representing applicants.

No. MC-FC-71405. By order of July 28, 1969, the Motor Carrier Board approved the transfer to Lawrence J. Simms, doing business as Larry's Body Shop, 114 Indiana Avenue, Coeur d'Alene, Idaho 83814, of the certificate in No. MC-116888, issued June 4, 1958, to Wallace Forest, doing business as Forest Brothers Auto Wrecking, 1524 North Ninth Street, Coeur d'Alene, Idaho 83814, authorizing the transportation of automobiles, trucks, tractors, and commercial trailers, wrecked, abandoned, damaged, stalled, and/or repossessed, between specified counties in Washington, on the one hand, and, on the other, specified counties in Idaho and Montana; and between specified counties in Idaho, on the one hand, and, on the other, specified counties in Montana.

No. MC-FC-71443. By order of July 29, 1969, the Motor Carrier Board approved the transfer to Sears Truck Line, Inc.; Jasper, Tex.; of permit in No. MC-119604 (Sub-No. 2), issued December 9, 1963, to Willis E. Sears, Jasper, Tex.; authorizing the transportation of: Lumber, between points in Louisiana and Texas. Richard P. Kissinger, Post Office Box 1148, Austin, Tex. 78767, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9287; Filed, Aug. 6, 1969; 8:49 a.m.]

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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT OF FLORIDA

Order Amending Order, as Amended, Regulating Handling of Grapefruit Grown in Indian River District in Florida

§ 912.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Vero Beach, Fla., February 25, 1969, upon proposed amendment of the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended and as hereby further amended, regulates the handling of grapefruit grown in the Indian River District in Florida in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The order, as amended and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Indian River District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Indian River District, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement regulating the handling of grapefruit grown in the Indian River District in Florida, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the grapefruit covered by this order) who, during the period August 5, 1968, through May 4, 1969, handled not less than 50 percent of the volume of grapefruit covered by the said order as hereby amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (Aug. 5, 1968, through May 4, 1969) were engaged, within the production area, in the production of grapefruit for market; such producers having also produced for market at least two-thirds of the volume of grapefruit represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order, as amended and as hereby further amended, as follows:

§ 912.46 [Amended]

1. The word "calendar" is deleted wherever it appears in § 912.46.

§ 912.47 [Amended]

2. The word "calendar" is deleted wherever it appears in § 912.47.

3. Section 912.48 *Prorate bases* is revised by revising paragraph (d) thereof to read as follows and by deleting paragraph (e) thereof:

§ 912.48 Prorate bases.

* * * * *

(d) Each week during the marketing season when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of grapefruit in the current season and his shipments in the immediately preceding seasons, if any, within the representative period, in which he shipped grapefruit and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 51 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped grapefruit. For purposes of this section "representative period" means the three preceding seasons together with the current season; the term "season" means the 51-week period beginning with the first full week in August of any year; and the term "current season" means the period beginning with the first full week in August of the current fiscal period through the fourth full week preceding the week of regulation: *Provided*, That when official shipping records are available to the committee the said "current season" shall extend through the third full week preceding the week of regulation.

(e) [Deleted]

4. Section 912.50 *Overshipments* is revised to read as follows:

§ 912.50 Overshipments.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him, an amount of grapefruit equivalent to 10 percent of such total allotment or 500 boxes, whichever is greater: *Provided*, That the Secretary, on the basis of a recommendation of the committee or other available information, may set such amount at any figure not less than 500 boxes and not more than 1,000 boxes. Handlers may overship (a) during such week the entire 500 boxes or other amount not in excess of 1,000 boxes as may be set by the Secretary, or (b) during two or more consecutive weekly periods when regulations are in effect, any portion of such 500 boxes or any other amount set by the Secretary until the accumulated overshipments reach the applicable maximum number of boxes permitted to be overshipped. The quantity of grapefruit so overshipped when regulations are in effect shall be deducted from such person's allotment for the week following the one in which the total permitted overshipment is reached or for the week in which such person makes no shipments of grapefruit. If such person's allotment for such week is an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That any time there is no volume regulation in effect it shall be deemed to

cancel all requirements to undership allotment because of previous overshipments pursuant to this part.

5. Section 912.52 *Allotment loans* is revised to read as follows:

§ 912.52 Allotment loans or transfers.

(a) A person to whom allotments have been issued may lend or transfer all or part of such allotment to another such person.

(1) In connection with a loan of allotment, each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and the date of repayment, and obtain the committee's approval of the agreement.

(2) In connection with the transfer of allotment, each party shall promptly notify the committee so that proper adjustments of records can be made.

(b) The committee may act on behalf of persons desiring to arrange allotment loans or participate in the transfer of allotment. In each case the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to notifying the committee and obtaining committee approval.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 4th day of August 1969 to become effective 30 days after publication in the FEDERAL REGISTER.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-9341; Filed, Aug. 7, 1969; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION SYSTEM

PART 534—PAY UNDER OTHER SYSTEMS

Student Laboratory Assistants, Department of the Navy

Section 511.201(b) is amended to show exclusion from Part 511 and from classification under the General Schedule of Student Laboratory Assistants, Department of the Navy. Section 534.202(b) is amended to add maximum stipends prescribed for these Student Laboratory Assistants.

1. Effective August 8, 1969, the following item is added to paragraph (b) of § 511.201:

§ 511.201 Coverage of and exclusions from the classification system.

* * * * *

(b) *Exclusions.* * * *

Student Laboratory Assistants, approved training after 2 years of high school level training, Department of the Navy.

* * * * *

(5 U.S.C. 5102)

2. Effective August 8, 1969, the following item is added to paragraph (b) of § 534.202:

§ 534.202 Maximum stipends.

* * * * *

(b) * * *

Student laboratory assistants, Department of the Navy: Approved training after two years of high school level training	L–A

(5 U.S.C. 5102, 5351, 5352, 5541)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9439; Filed, Aug. 7, 1969; 9:41 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-PC-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

On June 17, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9457) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations which would designate a part-time control zone at Kamuela, Hawaii, and alter the Kamuela, Hawaii, transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

1. In § 71.171 (34 F.R. 4557) the following control zone is added:

KAMUELA, HAWAII

Within a 5-mile radius of the Kamuela Airport (lat. 20°00'17" N., long. 155°40'16" W.), and within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius zone to 9 miles northeast of the Kamuela VOR. This control zone is effective during times established in advance by a Notice to Airmen. The effective times will thereafter be continuously published in the Pacific Chart Supplement.

2. In § 71.181 (34 F.R. 4637) the Kamuela, Hawaii, transition area is redesignated as:

KAMUELA, HAWAII

The airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kamuela Airport (lat. 20°00'17" N., long 155°40'16" W.); within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius area to 11.5 miles northeast of the Kamuela VOR; and that airspace extending upward from 1,200 feet above the surface bound on the north by V–16, on the west by V–11 and on the southeast by V–3 and the Kamuela control zone.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Honolulu, Hawaii, on July 30, 1969.

PHILLIP M. SWATEK,
Director, Pacific Region.

[F.R. Doc. 69-9355; Filed, Aug. 7, 1969; 8:48 a.m.]

[Docket No. 9742; Amdt. 91-65]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Use of Parachutes in Acrobatic Flight

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to clarify existing regulations which relate to the use of parachutes during acrobatic flight, and relate to the definition of acrobatic flight.

Section 91.71(a) prohibits acrobatic flight in certain airspace, and for purposes of that paragraph defines acrobatic flight as an intentional maneuver involving an abrupt change of the attitude of the aircraft, an abnormal attitude, or abnormal acceleration, not necessary for normal flight.

Paragraph (b) of that section requires that parachutes be worn by each person (other than a crewmember) in the aircraft when any maneuver intentionally performed exceeds 60° of bank, or 30° of nose position relative to the horizon. The definition given in paragraph (b) was intended only to define the circumstances under which parachutes must be worn, and not to modify the definition of acrobatic flight for any other purpose in the Federal Aviation Regulations. Paragraph (c) of § 91.71 sets out certain exceptions to paragraph (b).

To avoid any possible misunderstanding because of the location of paragraph (b) in proximity to the restrictions on acrobatic maneuvers in certain airspace, we consider it appropriate to transfer paragaphs (b) and (c) without any substantive change to § 91.15, which deals only with parachutes and parachuting.

Since this amendment merely clarifies existing regulations regarding the use of parachutes, and imposes no additional burden on any person, I find that notice and public procedure are unnecessary, and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended, effective August 8, 1969, as follows:

§ 91.71 [Amended]

1. In § 91.71, delete paragraphs (b) and (c).

2. In the flush sentence at the end of § 91.71(a) delete the word "paragraph" and insert the word "section."

3. In § 91.15, add paragraphs (c) and (d) to read as follows:

§ 91.15 Parachutes and parachuting.

* * * * *

(c) Unless each occupant of the aircraft is wearing an approved parachute, no pilot of a civil aircraft, carrying any person (other than a crewmember) may execute any intentional maneuver that exceeds—

(1) A bank of 60° relative to the horizon; or

(2) A nose-up or nose-down attitude of 30° relative to the horizon.

(d) Paragraph (c) of this section does not apply to—

(1) Flight tests for pilot certification or rating; or

(2) Spins and other flight maneuvers required by the regulations for any certificate or rating when given by—

(i) A certificated flight instructor; or

(ii) An airline transport pilot instructing in accordance with § 61.163 of this chapter.

(Secs. 313(a), 601, 607, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1427); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 31, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-9356; Filed, Aug. 7, 1969; 8:48 a.m.]

[Docket No. 9575; Amdt. 151-34]

PART 151—FEDERAL AID TO AIRPORTS

Miscellaneous Amendments

The purpose of this amendment to Part 151 of the Federal Aviation Regulations is to provide for the appraisal of project costs in certain cases after a Federal Aid to Airports grant agreement is executed, and a downward adjustment of the U.S. share thereof when appropriate. Additionally, paragraph (a)(3) of § 151.67 is deleted since it is now superfluous.

The amendment was proposed in Notice 69-20 that was published in the FEDERAL REGISTER on May 8, 1969 (34 F.R. 7455). The comments received in response to the notice either supported or expressed no objection to the amendment proposed.

As proposed in the notice this amendment provides a specific appraisal procedure (similar to that in § 151.27) for use after a grant agreement is entered into but before final payment is made, when any part of the estimated project costs consists of the value of donated land, labor, materials, or equipment, or of the value of a property interest in land acquired at a cost that (as represented by the sponsor) is not the actual cost or the amount of an award in eminent domain proceedings, and the sponsor, through inadvertence or lack of knowledge at the time of filing did not state these facts in the project application.

Under this amendment the sponsor has the right to request reconsideration, as it has under the § 151.27 procedure, thus safeguarding its interest. No increase in the U.S. share would be made in these circumstances since any adjustment in the U.S. share of project costs upward would require an amendment to the grant agreement.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

Additionally, amendment 151–32 to Part 151, published in the FEDERAL REGISTER on June 19, 1969 (34 F.R. 9616), removed all references to Form FAA 1624.1 from §§ 151.21 and 151.67(a)(3), and substituted FAA Form 1624 in place thereof. Form FAA 1624.1, an airport project application for additional projects, has been discontinued, and project application FAA Form 1624 is now used for the original and all subsequent or additional projects at an airport. Section 151.67(a)(3) has prescribed the use of the discontinued Form FAA 1624.1 and distinguished it from FAA Form 1624. Since Form FAA 1624.1 has been discontinued, § 151.67(a)(3) no longer has relevance or legal significance, and it is therefore deleted. Since this amendment relates to public grants and benefits, notice and public procedure thereon are not required.

In consideration of the foregoing, Part 151 of the Federal Aviation Regulations is amended, effective September 7, 1969, as follows:

§ 151.23 [Amended]

1. By striking out the third sentence of § 151.23.

2. By inserting a new § 151.24 following § 151.23 to read as follows:

§ 151.24 Procedures: Application; information on estimated project costs.

(a) If any part of the estimated project costs consists of the value of donated land, labor, materials, or equipment, or of the value of a property interest in land acquired at a cost that (as represented by the sponsor) is not the actual cost or the amount of an award in eminent domain proceedings, the sponsor must so state in the application, indicating the nature of the donation or other transaction and the value it places on it.

(b) If, after the grant agreement is executed and before the final payment of the allowable project costs is made under § 151.63, it appears that the sponsor inadvertently or unknowingly failed to comply with paragraph (a) of this section as to any item, the Administrator—

(1) Makes or obtains an appraisal of the item, and if the appraised value is less than the value placed on the item in the project application, notifies the sponsor that it may, within a stated time, ask in writing for reconsideration of the appraisal and submit statements of pertinent facts and opinion; and

(2) Adjusts the U.S. share of the project costs to reflect any decrease in value of the item below that stated in the project application.

§ 151.67 [Amended]

3. By striking out paragraph (a)(3) of § 151.67.

(Secs. 1–15, 17–20, Federal Airport Act (49 U.S.C. 1101–1114, 1116–1119); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 1.4(b)(1), regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on July 31, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-9357; Filed, Aug. 7, 1969; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[12th Gen. Rev. of Export Regs., Amdt. 2]

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

PART 377—SHORT SUPPLY CONTROLS

Miscellaneous Amendments

Parts 370 and 377 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: August 7, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

1. In § 377.3, paragraph (b)(2) is deleted.

2. Subdivision (i) of § 377.3(b)(4) and paragraph (d)(2) are amended to read as follows:

§ 377.3 Copper and copper products.

* * * * *

(b) *Copper and copper-base alloy waste and certain nickel alloy.* * * *

(4) *Other shipments*—(i) *General.* Commodities described in subparagraph (1) of this paragraph that cannot be licensed under subparagraph (2) of this paragraph will be considered for licensing under the Past Participation in Exports method (see § 377.2). To qualify as a historical exporter, an exporter shall submit a statement setting forth the quantity (in copper content pounds) and

total dollar value, by country of ultimate destination, that he exported:

(*a*) To all destinations except Canada during calendar year 1964 and during each of the first three quarters of calendar year 1965, as well as the grand total for this period January 1, 1964, through September 30, 1965; and

(*b*) To Canada during each of the last two quarters of calendar year 1966 and the first two quarters of calendar year 1967, as well as the grand total for this period July 1, 1966, through June 30, 1967.

However the statement shall not include either the types of shipments covered by § 377.2(c)(2), or those not commercially processable in the United States as explained above. An export license application for commodities covered by this paragraph (b) shall be submitted in accordance with subdivision (ii), (iii), or (iv) of this subparagraph.

* * * * *

(d) *Copper-base alloy ingots.* * * *

(2) *Licensing method.* Copper-base alloys ingots will be licensed for export under the Past Participation in Exports method (see § 377.2). To qualify as a historical exporter, an exporter shall submit a statement setting forth the quantity (in copper content pounds) and total dollar value exported by the applicant during the base period January 1, 1963, through June 30, 1965. Each license application shall: (i) Identify the foreign consumer in the manner set forth in paragraph (a)(2)(iii) of this section; and (ii) for an export to the Republic of Vietnam, regardless of value, be supported by a Single Transaction Statement (Form FC–842) endorsed by the designated representative of the U.S. AID Mission, Saigon, as set forth in paragragh (a)(2)(iv) of this section.

* * * * *

3. Supplement No. 1 to Part 377 is amended in the following respects:

Supplement No. 1—Commodities Subject to Short Supply Quota Controls

Export control commodity No.	Commodity description	Export control regulations reference	Submission dates for license applications (no later than date shown below)	
			Nonhistorical applicants	Historical applicants
28401	Copper metalliferous ash and residues	377.3(b)	Aug. 22, 1969	Dec. 1, 1969
28402	Copper or copper-base alloy waste and scrap, including copper alloy waste and scrap of less than 40 percent copper content where copper is the component of chief weight.	377.3(b)	do	Do.
28403	Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.	377.3(b)	do	Do.
68212	Refined copper of domestic origin, including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars and other crude forms.	377.3(c)	do	Do.
68212	Copper-base alloy ingots composed essentially of copper with one or more other metals, for example: beryllium copper ingots, davarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc.	377.3(c)	do	Do.

4. Footnote 1 following Supplement No. 1 to Part 377 is deleted.

5. Supplement No. 1 to Part 370 is amended by adding Peru to the list of western area South America countries classified under Country Group T.

[F.R. Doc. 69–9359; Filed, Aug. 7, 1969; 8:49 a.m.]

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Transfers Between Affiliated Foreign Nationals

Notice is hereby given that the Office of Foreign Direct Investments hereby amends § 1000.505 of the Foreign Direct Investment Regulations. The purpose of the amendment is to make clear that a time charter of a vessel by any affiliated foreign national to another affiliated foreign national will not constitute a transfer of capital from the disponent affiliated foreign national to the direct investor and from the direct investor to the charterer affiliated foreign national. Sections 1000.505(a)(3) and 1000.312(a)(8) will apply, however, to voyage charters and bareboat charters of ships.

The amendment to § 1000.505 is published in final form without prior publication in proposed form, because the sole effect of the amendment is to create an exemption from application of § 1000.505.

The text of the amendment is as follows:

1. Subparagraph (3) of paragraph (a) of § 1000.505 is revised to read as follows:

§ 1000.505 Transfers between affiliated foreign nationals.

(a) * * *

(3) For purposes of §§ 1000.312 (a) and (b) and 1000.313(a), if funds or other property are transferred (or deemed under subparagraph (1) of this paragraph to have been transferred) by an incorporated affiliated foreign national of a direct investor to another incorporated affiliated foreign national of such direct investor, the transfer shall be treated as a transfer of capital by the transferor affiliated foreign national to the direct investor (in an amount equal to the full amount or value of the funds or property so transferred) and as a further transfer of capital in an equivalent amount by the direct investor to the transferee affiliated foreign national: *Provided*, That the affiliated foreign national actually transferring the funds or other property or the affiliated foreign national actually receiving such funds or other property is an affiliate of the direct investor as defined in § 1000.903(a) and that the transfer, if actually made by the direct investor, would have constituted a transfer of capital under § 1000.312(a): *And provided further*, That a time charter of a vessel by an incorporated affiliated foreign national of such direct investor shall not be subject to this subparagraph.

* * * * *

2. The amendment hereby adopted shall be effective as of the date of publication in the FEDERAL REGISTER and shall apply to all relevant direct investment transactions occurring during the year 1969 and succeeding years.

RICHARD P. URFER,
Director, Office of Foreign Direct Investments.

AUGUST 4, 1969.

[F.R. Doc. 69–9342; Filed, Aug. 7, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Veterinary Prescription Drugs; Directions for Use

In the FEDERAL REGISTER of May 14, 1969 (34 F.R. 7655), the Commissioner of Food and Drugs proposed that § 1.106(c)(2)(i) of the general regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act be amended to provide for a revision of the prescription legend applying to drugs for veterinary use to further insure their safe and effective use under the supervision of a licensed veterinarian.

Twelve responses were received to the proposal—six in support, four in opposition, and two neutral.

Those opposed expressed concern over the lack of availability of a veterinarian under certain circumstances. The proposed change will in no way affect the availability of prescription drugs and is not related to the availability of a licensed veterinarian. Drugs approved for sale solely under the prescription legend are those for which adequate directions for lay use cannot be written or which possess a potential for misuse or harmful effect. It was and is the policy of the Food and Drug Administration that veterinary prescription drugs should be used, prescribed, or sold by a veterinarian only when he has a firsthand knowledge of the disease conditions for which the drugs are to be used. Therefore, the Commissioner concludes that the amendment should be adopted as proposed.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(f), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(f), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 1.106(c)(2)(i) is amended to read as follows:

§ 1.106 Drugs and devices; directions for use.

* * * * *

(c) * * *

(2) * * *

(i) The statement "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian;" and

* * * * *

Effective date. This order shall become effective 180 days after its publication in the FEDERAL REGISTER to provide adequate time for label changes.

(Secs. 502(f), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(f), 371(a))

Dated: July 31, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–9338; Filed, Aug. 7, 1969; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

TRISODIUM NITRILOTRIACETATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6A1850) filed by Hampshire Chemical Division of W. R. Grace & Co., Poisson Avenue, Nashua, N.H. 03060, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of trisodium nitrilotriacetate as a boiler water additive in the preparation of steam that will contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1088(d) is amended by alphabetically inserting in the list a new item, as follows:

§ 121.1088 Boiler water additives.

* * * * *

(d) Substances used alone or in combination with substances in paragraph (c) of this section:

Substances	Limitations
* * *	* * *
Trisodium nitrilotriacetate.	Not to exceed 5 parts per million in boiler water; not to be used where steam will be in contact with milk and milk products.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 1, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–9345; Filed, Aug. 7, 1969; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ALIPHATIC ACID MIXTURE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2329) filed by Wyandotte Chemicals Corp., 1609 Biddle Avenue, Wyandotte, Mich. 48192, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of an aliphatic acid mixture consisting of valeric, caproic, enanthic, capyrylic, and pelargonic acids to assist in the lye peeling of fruits and vegetables. Therefore, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1091 is amended by revising the section heading and the introductory text and by alphabetically inserting in the list of substances in paragraph (a)(2) a new item, as follows:

§ 121.1091 Chemicals used in washing or to assist in the lye peeling of fruits and vegetables.

Chemicals may be safely used to wash or to assist in the lye peeling of fruits and vegetables in accordance with the following conditions:

(a) * * *

(2) * * *

Substances	Limitations
Aliphatic acid mixture consisting of valeric, caproic, enanthic, caprylic, and pelargonic acids.	May be used at a level not to exceed 1 percent in lye peeling solution to assist in the lye peeling of fruits and vegetables.
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 1, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–9343; Filed, Aug. 7, 1969; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2391) filed by Monsanto Co., Hydrocarbons and Polymers Division, 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, and other relevant material, concludes that § 121.2566 should be amended as set forth below to provide for additional safe use of the hydrogenated 4,4'-isopropylidenediphenol-phosphite ester resins (identified in that section) as antioxidants and/or stabilizers in rigid polyvinyl chloride bottles intended for contact with foods of types VIII and IX as described in table 1 of § 121.2526(c). The Commissioner further concludes that the present limitation for the subject item with respect to extracted organophosphates should be revised as set forth below to remove ambiguous references to method sensitivity and to specify a limit for such extracted organophosphates of no more than 0.0001 milligram per square inch of food-contact surface.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by revising the limitations for the subject item to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

• • • • • •

(b) • • •

	Limitations
• • •	• • •
Hydrogenated 4,4'-isopropylidenediphenol-phosphite ester resins produced by the condensation of 1 mole of triphenyl phosphite and 1.5 moles of hydrogenated 4,4'-isopropylidenediphenol such that the finished resins have a molecular weight in the range of 2,400–3,000, a phosphorous content of 6.5–6.9 percent, and contain no more than 2.2 percent by weight of residual free phenol.	For use only at levels not to exceed 0.55 percent by weight of polyvinyl chloride resins used in the manufacture of rigid polyvinyl chloride bottles intended for contact with edible oils (including edible oil in simple mixture or emulsion form), all types of dressings for salads, and food of types VIII and IX described in table 1 of § 121.2526(c). The finished food-contact article containing this stabilizer, when extracted with distilled water at 135° F. for 1 week (168 hours), using a volume-to-surface ratio of 5 milliliters per square inch of surface tested, shall yield extracted phenol not to exceed 0.008 milligram per square inch of food-contact surface and shall yield extracted organophosphates (total phosphates minus inorganic phosphates) not to exceed 0.0001 milligram per square inch of food-contact surface.
• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 31, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9344; Filed, Aug. 7, 1969; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

In § 201.1 paragraph (k) is amended to read as follows:

§ 201.1 **Definitions.**

• • • • • •

(k) "Class 1(b) loan" means a loan is made for the purpose of financing the alteration, repair, improvement, or conversion of an existing structure used or to be used as an apartment house or a dwelling for two or more families which structure is not owned by a corporation.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 207.33 paragraphs (b) and (c) are amended to read as follows:

§ 207.33 **Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.**

• • • • • •

(b) A mortgage on a trailer court or park may involve a principal obligation in an amount to be determined as follows:

(1) An amount not exceeding the lesser of $500,000, $1,800 per space (as defined by the Commissioner), or 90 percent of the estimated value of the property after the improvements are completed.

(2) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 45 percent the $500,000 and $1,800 limitations set forth in subparagraph (1) of this paragraph.

(c) A mortgage on a trailer court or park is not subject to the provisions of § 207.4, except that the provisions of § 207.4(e) (relating to a reduction in mortgage amount where the mortgage is on a leasehold estate) and the provisions of § 207.4(f) (relating to loans to cover 2-year operating losses) shall be applicable.

Subpart B—Contract Rights and Obligations

In § 207.258 paragraphs (b)(1) and (c)(5) are amended to read as follows:

§ 207.258 **Insurance claim requirements.**

• • • • • •

(b) *Assignment of mortgage to Commissioner.* • • •

(1) *Notice of assignment.* On the date the assignment of the mortgage is filed for record, the mortgagee shall notify the Commissioner on a form prescribed by him of such assignment, and shall also notify the FHA Assistant Commissioner-Comptroller by telegram of such recordation.

• • • • • •

(c) *Conveyance of title to Commissioner.* • • •

(5) *Transfer by mortgagee.* After acquiring title to and possession of the property, the mortgagee shall (within 30 days of such acquisition) transfer title and possession of the property to the Commissioner. The transfer shall be made in such manner as the Commissioner may require. On the date the deed is filed for record, the mortgagee shall notify the Commissioner on a form prescribed by him of the filing of such conveyance, and shall also notify the FHA Assistant Commissioner-Comptroller by telegram of such recordation.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

In Part 221, Subpart B, in the Table of Contents § 221.330 is deleted and a new § 221.280 is added as follows:

Sec.
221.280 Waived title objections.

Subpart B—Contract Rights and Obligations—Low Cost Homes

Section 221.251(a) is amended by adding § 203.389 to the listed exceptions as follows:

§ 221.251 **Incorporation by reference.**

(a) • • •

Sec.
203.389 Waived title objections.

In Part 221, Subpart B a new § 221.280 is added to read as follows:

§ 221.280 **Waived title objections.**

(a) *General provisions.* All of the provisions of § 203.389 of this chapter (relating to the waiver by the Commissioner of objections to title) shall apply to mortgages insured under this subpart, with the exception of mortgages involving condominium units.

(b) *Provisions applicable to condominium units.* Where the mortgage involves a condominium unit, the Commissioner shall not object to title by reason of the following matters:

(1) Violations of a restriction based on race, color, or creed, even where such restriction provides for a penalty of reversion or forfeiture of title or a lien for liquidated damage.

(2) Easements for public utilities along one or more of the property lines, provided the exercise of the rights thereunder do not interfere with any of the buildings or improvements located on the subject property.

(3) Encroachments on the subject property by improvements on adjoining property, provided such encroachments do not interfere with the use of any improvements on the subject property.

(4) Variations between the length of the subject property lines as shown on the application for insurance and as shown by the record or possession lines, provided such variations do not interfere with the use of any of the improvements on the subject property.

(5) Customary buildings or use restrictions for breach of which there is no reversion and which have not been violated to a material extent.

§ 221.330 [Deleted]

In Part 221, Subpart B, § 221.330 is deleted.

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.514 paragraph (a)(4) is amended to read as follows:

§ 221.514 **Maximum mortgage amounts.**

(a) *Principal obligation.* • • •

(4) *Purchase from local public agency.* If the mortgage involves the financing of the purchase of property which has been rehabilitated by a local public agency with federal assistance pursuant to section 110(c)(8) of the Housing Act of 1949, the mortgage shall not exceed the following amounts:

(i) Where the purchaser is a mortgagor other than a general or limited distribution mortgagor, the appraised value of the property, as of the date the mortgage is accepted for insurance, or the actual cost of acquisition, which ever amount is the lesser.

(ii) Where the purchaser is a general or limited distribution mortgagor, 90 percent of the appraised value of the property, as of the date the mortgage is accepted for insurance, or 90 percent of the actual cost of acquisition as approved by the Commissioner, whichever amount is the lesser.

• • • • • •

Section 221.547 is amended by adding a new paragraph (c) to read as follows:

§ 221.547 **Certification of cost requirements.**

• • • • • •

(c) The provisions of paragraph (a) of this section shall not be applicable to a project involving a rehabilitation sales mortgagor.

Section 221.549 is amended by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 221.549 **Certificate as to subcontracts.**

• • • • • •

(b) The provisions of paragraph (a) of this section shall not be applicable to a project involving a rehabilitation sales mortgagor.

Section 221.550 as amended by adding a new paragraph (d) to read as follows:

§ 221.550 **Certificate of actual cost—contents in general.**

• • • • • •

(d) *Nonapplicability to rehabilitation sales mortgagors.* The provisions of paragraphs (a) through (c) of this section shall not be applicable to a project involving a rehabilitation sales mortgagor.

Section 221.551 is amended by adding a new paragraph (c) to read as follows:

§ 221.551 **Contractor's certification.**

• • • • • •

(c) The provisions of paragraphs (a) and (b) of this section shall not be applicable to a project involving a rehabilitation sales mortgagor.

Section 221.552 is amended by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 221.552 **Records.**

• • • • • •

(b) The provisions of paragraph (a) of this section shall not be applicable to a project involving a rehabilitation sales mortgagor.

In § 221.553 paragraph (b) is amended to read as follows:

§ 221.553 **Certificate of public accountant.**

• • • • • •

(b) The provisions of paragraph (a) of this section shall not be applicable to a project involving 40 or less living units or to a project involving a rehabilitation sales mortgagor.

Section 221.554 is amended by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 221.554 **Value of land.**

• • • • • •

(b) The provisions of paragraph (a) of this section shall not be applicable to a project involving a rehabilitation sales mortgagor.

Section 221.555 is amended by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 221.555 **Reduction in mortgage amount—new construction.**

• • • • • •

(b) The provisions of paragraph (a) of this section shall not be applicable to a project involving a rehabilitation sales mortgagor.

Section 221.556 is amended by adding a new paragraph (d) to read as follows:

§ 221.556 **Reduction in mortgage amount—rehabilitation.**

• • • • • •

(d) *Nonapplicability to rehabilitation sales mortgagors.* The provisions of paragraphs (a) through (c) of this section shall not be applicable to a project involving a rehabilitation sales mortgagor.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER H—MORTGAGE INSURANCE FOR SERVICEMEN

PART 222—SERVICEMEN'S MORTGAGE INSURANCE

In Part 222, Subpart B in the Table of Contents a new § 222.260 is added and new §§ 222.265, 222.270, 222.275, 222.280, 222.285, and 222.290, together with a new center heading preceding such sections are added as follows:

Sec.
222.260 Waived title objections.

SPECIAL PROVISIONS APPLICABLE ONLY TO MORTGAGES INVOLVING CONDOMINIUM UNITS

222.265 Changes in the plan of apartment ownership.
222.270 Condition of the multifamily structure.
222.275 Assessment of taxes.
222.280 Certificate of tax assessment.
222.285 Certificate or statement of condition.
222.290 Cancellation of hazard insurance.

Subpart A—Eligibility Requirements

Section 222.50 is amended to read as follows:

§ 222.50 **Transfer of insurance.**

The insurance of a mortgage pursuant to §§ 203.1 et seq. (Part 203, Subpart A); §§ 213.501 et seq. (Part 213, Subpart C); §§ 220.1 et seq. (Part 220, Subpart A); §§ 221.1 et seq. (Part 221, Subpart A); §§ 234.1 et seq. (Part 234, Subpart A); §§ 235.1 et seq. (Part 235, Subpart A); §§ 237.1 et seq. (Part 237, Subpart A); §§ 809.1 et seq. (Part 809, Subpart A); or §§ 810.1 et seq. (Part 810, Subpart C), all of this chapter, covering a single-family dwelling or a family unit in a condominium project may, with the approval of the Commissioner and upon the request by the mortgagee, be transferred for insurance under this subpart,

if the mortgage indebtedness has been assumed by a serviceman who holds a certificate of eligibility issued by the Secretary and who becomes the owner of the property and either occupies the property or certifies that his failure to do so is the result of his military assignment, or, in the case of the Coast Guard, other assignment.

Subpart B—Contract Rights and Obligations

Section 222.251(a) is amended by adding § 203.389 to the listed exceptions as follows:

§ 222.251 Incorporation by reference.

(a) • • •

Sec.
203.389 Waived title objections.

In Part 222, Subpart B a new § 222.260 is added to read as follows:

§ 222.260 Waived title objections.

(a) *General provisions.* All of the provisions of § 203.389 of this chapter (relating to the waiver by the Commissioner of objections to title) shall apply to mortgages insured under this subpart, with the exception of mortgages involving condominium units.

(b) *Provisions applicable to condominium units.* Where the mortgage involves a condominium unit, the Commissioner shall not object to title by reason of the following matters:

(1) Violations of a restriction based on race, color or creed, even where such restriction provides for a penalty of reversion or forfeiture of title or a lien for liquidated damage.

(2) Easements for public utilities along one or more of the property lines, provided the exercise of the rights thereunder do not interfere with any of the buildings or improvements located on the subject property.

(3) Encroachments on the subject property by improvements on adjoining property, provided such encroachments do not interfere with the use of any improvements on the subject property.

(4) Variations between the length of the subject property lines as shown on the application for insurance and as shown by the record or possession lines, provided such variations do not interfere with the use of any of the improvements on the subject property.

(5) Customary buildings or use restrictions for breach of which there is no reversion and which have not been violated to a material extent.

In Part 222, Subpart B, new §§ 222.265 through 222.290 preceded by a new center heading are added to read as follows:

SPECIAL PROVISIONS APPLICABLE ONLY TO MORTGAGES INVOLVING CONDOMINIUM UNITS

§ 222.265 Changes in the plan of apartment ownership.

The mortgagee shall notify the Commissioner of any changes in the plan of apartment ownership and in the administration of the property. Such notification shall be given either at the time of the conveyance of the property or at the time of the assignment of the mortgage. Any changes in such plan shall require approval by the Commissioner.

§ 222.270 Condition of the multifamily structure.

(a) When a family unit is conveyed or a mortgage is assigned to the Commissioner, the family unit and the common areas and facilities (including restricted common areas and facilities) designated for the particular unit shall be undamaged by fire, earthquake, tornado, or boiler explosion, except if the property has been damaged, either of the following actions shall be taken:

(1) The property may be repaired prior to its conveyance or prior to the assignment of the mortgage to the Commissioner.

(2) With the prior approval of the Commissioner, the property may be conveyed or the mortgage assigned to the Commissioner without repairing the damage. In such instances, the Commissioner shall deduct from the insurance benefits either his estimate of the decrease in value of the family unit or the amount of any insurance recovery received by the mortgagee, whichever is is the greater.

(b) If the property has been damaged by fire and such property was not covered by fire insurance at the time of the damage, the mortgagee may convey the property or assign the mortgage to the Commissioner without deduction from the insurance benefits for any loss occasioned by such fire if the following conditions are met:

(1) The property shall have been covered by fire insurance at the time the mortgage was insured.

(2) The fire insurance shall have been later canceled or renewal shall have been refused by the insuring company.

(3) The mortgagee shall have notified the Commissioner within 30 days (or within such further time as the Commissioner may approve) of the cancellation of the fire insurance or of the refusal of the insuring company to renew the fire insurance. This notification shall have been accompanied by a certification of the mortgagee that diligent efforts were made, but it was unable to obtain fire insurance coverage at reasonably competitive rates and that it will continue its efforts to obtain adequate fire insurance coverage at competitive rates.

§ 222.275 Assessment of taxes.

When a family unit is conveyed to the Commissioner or a mortgage is assigned to the Commissioner, the unit shall be assessed and subject to assessment for taxes pertaining only to that unit.

§ 222.280 Certificate of tax assessment.

The mortgagee shall certify, as of the date of filing for record of the deed or assignment of the mortgage to the Commissioner, that the family unit is assessed and subject to assessment for taxes pertaining to that unit.

§ 222.285 Certificate or statement of condition.

(a) At the time of the assignment of the mortgage or conveyance of the property to the Commissioner, the mortgagee shall, as of the date of the filing for record of the deed or assignments, either:

(1) Certify that the conditions of § 222.270(a) have been met; or

(2) Submit a statement describing any such damage that may still exist.

(b) In the absence of evidence to the contrary, the mortgagee's certificate or its statement as to damage shall be accepted by the Commissioner as establishing the condition of the family unit and the common areas and facilities including restricted common areas and facilities designated for the particular unit.

§ 222.290 Cancellation of hazard insurance.

The provisions of § 203.382 of this chapter are incorporated by reference and shall apply to hazard insurance policies carried solely for the family unit.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 222, 68 Stat. 603; 12 U.S.C. 1715m)

SUBCHAPTER M—HOMES FOR LOWER INCOME FAMILIES

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart A—Eligibility Requirements—Homes for Lower Income Families

In § 235.22 paragraph (b) is amended to read as follows:

§ 235.22 Mortgage provisions.

• • • • • •

(b) *Mortgage multiples.* The mortgage shall involve a principal obligation in an amount of $100 or multiples thereof. A mortgage having a principal obligation not in excess of $15,000 and an amortization period of either 20, 25, 30, or 35 years may be in an amount of $50 or multiples thereof.

In Part 235, Subpart B in the Table of Contents § 235.255 is deleted and a new § 235.221 is added as follows:

Sec
235.221 Waived title objections.

Subpart B—Contract Rights and Obligations—Homes for Lower Income Families

In Part 235, Subpart B a new § 235.221 is added to read as follows:

§ 235.221 Waived title objections.

(a) *General provisions.* All of the provisions of § 203.389 of this chapter (relating to the waiver by the Commissioner of objections to title) shall apply to mortgages insured under this subpart, with the exception of mortgages involving condominium units.

(b) *Provisions applicable to condominiums.* Where the mortgage involves a condominium unit, the Commissioner shall not object to title by reason of the following matters:

(1) Violations of a restriction based on race, color or creed, even where such restriction provides for a penalty of reversion or forfeiture of title or a lien for liquidated damage.

(2) Easements for public utilities along one or more of the property lines, provided the exercise of the rights thereunder do not interfere with any of the buildings or improvements located on the subject property.

(3) Encroachments on the subject property by improvements on adjoining property, provided such encroachments do not interfere with the use of any of the improvements on the subject property.

(4) Variations between the length of the subject property lines as shown on the application for insurance and as shown by the record or possession lines, provided such variations do not interfere with the use of any of the improvements on the subject property.

(5) Customary buildings or use restrictions for breach of which there is no reversion and which have not been violated to a material extent.

§ 235.255 [Deleted]

In Part 235, Subpart B, § 235.255 is deleted.

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

§ 235.501 [Amended]

In § 235.501(a) the references in the listed exceptions to §§ 221.550a, 221.554, and 221.555 are deleted.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 235, 82 Stat. 477; 12 U.S.C. 1715z)

SUBCHAPTER N—PROJECTS FOR LOWER INCOME FAMILIES

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS

Subpart A—Eligibility Requirements for Mortgage Insurance

Section 236.30(a)(1) is amended to read as follows:

§ 236.30 Prepayment privileges.

(a) *Prepayment in full—(1) Without prior Commissioner consent.* A mortgage indebtedness may be prepaid in full and the Commissioner's controls terminated without the prior consent of the Commissioner where the mortgagor is a limited distribution type and either of the following conditions is met:

(i) If the prepayment occurs after the expiration of 20 years from the date of final insurance endorsement of the mortgage, provided the mortgagor is not receiving payments from the Commissioner under a rent supplement contract executed pursuant to the provisions of §§ 5.1 et seq. of this title.

(ii) If the prepayment occurs as a result of the sale of the project to a cooperative or private nonprofit corporation or association, provided the sale is financed with a mortgage insured pursuant to § 236.40(d).

• • • • • •

In § 236.40 paragraphs (b) and (c) are redesignated as paragraphs (c) and (d), a new paragraph (b) is added, and the heading to redesignated paragraph (c) is amended to read as follows:

§ 236.40 Eligibility of miscellaneous mortgages.

• • • • • •

(b) *Refinancing—in general.* A mortgage given to refinance an existing mortgage insured under the Act may be insured under this subpart pursuant to section 223(a)(7) of the Act. The new mortgage shall be limited in amount and in term as follows:

(1) The principal of the new mortgage shall not exceed the lowest of these amounts:

(i) The original principal amount of the existing insured mortgage.

(ii) The unpaid principal amount of the existing insured mortgage, to which may be added—

(a) The outstanding indebtedness incurred in connection with capital improvements made to the property which are acceptable to the Commissioner.

(b) The costs, as determined by the Commissioner, of improvements, upgrading or additions required to be made to the property.

(c) Loan closing charges.

(iii) The Commissioner's estimate of the value of the property after completion of the repairs, improvements or additions to the property, except for general or limited distribution mortgagors when the amount shall not exceed 90 percent of the Commissioner's estimate of the value of the property after completion of the repairs, improvements or additions to the property.

(2) The term of the new mortgage shall not exceed the unexpired term of the existing mortgage, except that it may have a term of not more than 12 years in excess of the unexpired term of the existing mortgage in any case in which the Commissioner determined that the insurance of the mortgage for an additional term will inure to the benefit of the applicable insurance fund, taking into consideration the outstanding insurance liability under the existing insured mortgage.

(c) *Refinancing—existing project under section 202 of the Housing Act of 1959.* • • •

• • • • • •

In Part 236, Subpart B in the Table of Contents a new § 236.270 is added as follows:

Sec.
236.270 Adjusted premium charge.

Subpart B—Contract Rights and Obligations

Section 236.251 is amended by adding § 207.253 to the listed exceptions as follows:

§ 236.251 Incorporation by reference.

• • • • • •

Sec.
207.253 Adjusted premium and termination charges.

In Part 236, Subpart B a new § 236.270 is added to read as follows:

§ 236.270 Adjusted premium charge.

All of the provisions of § 207.253 of this chapter shall apply to mortgages insured under this part, except that no adjusted premium charge or termination charge shall be due when the prepayment of the mortgage or the voluntary termination of the mortgage insurance occurs in connection with the sale of all of the housing units in the project and their release from the project mortgage.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 236, 82 Stat 498; 12 U.S.C. 1715z-1)

SUBCHAPTER O—CREDIT ASSISTANCE

PART 237—SPECIAL MORTGAGE INSURANCE FOR LOW AND MODERATE INCOME FAMILIES

In Part 237, Subpart B, in the Table of Contents a new § 237.260 is added as follows:

Sec.
237.260 Method of paying insurance benefits.

Subpart B—Contract Rights and Obligations

In Part 237, Subpart B, a new § 237.260 is added to read as follows:

§ 237.260 Method of paying insurance benefits.

If the application for insurance benefits is acceptable to the Commissioner, the insurance claim shall be paid in cash, unless the mortgagee files a written request with the application for payment in debentures. If such a request is made, the claim shall be paid in debentures issued in multiples of $50, with any balance less than $50 to be paid in cash.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 237, 82 Stat. 485; 12 U.S.C. 1715z-2)

SUBCHAPTER Q—SUPPLEMENTAL PROJECT LOAN INSURANCE

PART 241—SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

Subpart A—Eligibility Requirements

Section 241.35 is amended to read as follows:

§ 241.35 Charges by lender.

(a) The lender may collect from the borrower the amount of the fees provided for by this subpart.

(b) The lender may also collect from the borrower an initial service charge, as reimbursement for the cost of closing the transaction, in an amount not to exceed the following:

(1) Two percent of the original principal amount of the loan in all cases except where the loan proceeds are to be used only for the purchase of equipment for a nursing home or group practice facility.

(2) One-half of 1 percent of the original principal amount of the loan where the loan proceeds are to be used only for the purchase of equipment for a nursing home or group practice facility.

(c) Any charges to be collected by the lender in addition to those prescribed in paragraphs (a) and (b) of this section, shall be subject to the prior approval of the Commissioner.

Section 241.125 is amended to read as follows:

§ 241.125 Use of loan proceeds.

The proceeds of the loan shall be used only to finance improvements or additions to a multifamily project or group practice facility which is subject to a mortgage insured under any section or title of the Act. The proceeds of a loan involving a nursing home covered by a mortgage insured under section 232 of the Act or a group practice facility covered by a mortgage insured under title XI of the Act may also be used to purchase equipment to be used in the operation of such nursing home or facility.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 241, 82 Stat. 508; 12 U.S.C. 1715z–6)

Issued at Washington, D.C., August 4, 1969.

[SEAL] WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69–9361; Filed, Aug. 7, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 24]

CHARGES TO AIRLINES FOR REIMBURSABLE COST OF PRECLEARANCE OPERATIONS

Notice of Proposed Rule Making

At the request and for the benefit of airlines, customs officers have been stationed at certain foreign airports to provide tentative clearance for air passengers bound to the United States on direct flights. Under this preclearance program Customs performs certain of its baggage examination, inspection, and other functions at the place of boarding. However, residual functions remain to be performed after the aircraft reach the United States. The cost to the Bureau of Customs of maintaining installations in foreign countries for the performance of preclearance functions is greater than would be the cost of performing such functions entirely in the United States due, in part, to extra benefits and allowances paid Customs personnel stationed at a foreign installation and the additional cost of supervising personnel. It has been determined that this service is the kind for which reimbursement of the excess cost by the parties-in-interest is required.

Notice is hereby given that under the authority of section 501 of the Independent Offices Appropriation Act of 1952, 63 Stat. 290 (31 U.S.C. 483a), it is proposed to amend Part 24 of the Customs Regulations (19 CFR Part 24) to prescribe a charge to airlines for the excess cost of providing preclearance in a foreign country; the manner in which this cost will be determined; and, the procedures for recovering such cost. The proposed amendment is set forth in tentative form below:

Part 24 is amended by adding a new § 24.18 reading as follows:

§ 24.18 Preclearance of air travelers in a foreign country; reimbursable cost.

(a) Preclearance is the tentative examination and inspection of air travelers and their baggage at foreign places where United States customs personnel are stationed for that purpose.

(b) At the request of an airline, travelers on a direct flight to the United States from a foreign place described in paragraph (a) of this section may be precleared prior to departure from such place. A charge based on the excess cost to Customs of providing preclearance services as defined in paragraph (c) of this section shall be made to the airline.

(c) The reimbursable excess cost is the difference between (1) the cost of examining and inspecting air travelers and their baggage upon arrival in the United States assuming no preclearance was provided, and (2) the cost of providing preclearance for air travelers at the place of departure. Such excess cost shall include all items attributable to the preclearance operation. This does not include the salary of personnel regularly assigned to a preclearance station other than approved salary differentials related to the foreign assignment and the salary of relief details made necessary by reason of the nature of the operation. In addition, such cost shall include the following allowances and expenses.

(i) Housing allowances;

(ii) Post of duty allowances;

(iii) Education allowances;

(iv) Transportation costs incident to the assignment to the foreign station and return, including transportation of family and household effects;

(v) Home leave and associated transportation costs; and

(vi) Equipment, supplies, and administrative costs including costs of supervising the preclearance installation.

(d) The reimbursable excess cost described in pargarpah (c) of this section shall be determined for each preclearance installation. On the basis of the excess cost figures for each installation and the number of officers assigned, the average excess cost of maintaining an officer at such installation (hereinafter referred to as "average per officer cost") shall be determined. A schedule of the average per officer cost for each installation shall be published in the FEDERAL REGISTER. The average per officer cost in effect at an installation at the time the charge is made shall be used in calculating the prorated charge for preclearance service for each airline in accordance with paragraph (e) of this section. Whenever changes in the excess cost figures for any installation result in a change in the average per officer cost a revised schedule shall be published in the FEDERAL REGISTER.

(e) The charge to each airline for preclearance service shall be its prorated share of the applicable excess cost determined in accordance with paragraph (f) of this section. The applicable excess cost shall be the product of the average per officer cost multiplied by the number of officers serving at an installation during the billing period involved.

(f) The applicable excess cost of providing service at a preclearance installation shall be prorated to the aircraft receiving such services during the billing period on the following basis:

(1) Five percent shall be distributed equally among the airlines serviced.

(2) Ten percent shall be distributed proportionately as the number of clearances serviced bears to the total number of clearances.

(3) Eighty-five percent shall be distributed proportionately as the number of passengers and/or crew serviced for each airline bears to the total number of passengers and/or crew serviced.

(g) Customs services for which overtime compensation is provided for by section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 267) and the expenses recovered thereunder are governed by § 24.15 and are in no way affected by this section.

Prior to final action on the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 60 days after the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 1, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69–9423; Filed, Aug. 7, 1969; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Handling

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108—932.161) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment to the said rules and regulations was proposed by the Olive Administrative Committee, established under the said marketing agreement and order as the agency to administer the terms and provisions thereof.

The amendment would provide a definition of "canned ripe olives of the tree ripened type." Currently lots of natural condition olives for use in canned ripe olives of the tree ripened type and packaged olives of such type are exempt from incoming and outgoing regulation under the order if such olives are handled in

accordance with the procedures specified by the order. However, there currently is no U.S. Standard for canned ripe olives of the tree ripened type, and the order does not contain a definition for olives of such type. In view of this, the committee reports that it is possible for handlers to market olives of the regulated canned ripe types which fail to meet the applicable regulatory requirements as canned ripe olives of the tree ripened type, and the provision of a definition as proposed together with a random check of lots of olives which handlers have identified as canned ripe olives of the tree ripened type is needed to provide a means whereby the committee can assure that the exemption is not abused. The amendment would also establish a procedure under which small lots of olives may be combined prior to size grading to facilitate the efficient handling and inspection of such lots at the processing plant. Under this proposed procedure the combined lot would be weighed, size-graded and inspected as one lot. Some plants receive numerous small lots mainly from yard trees in subdivisions. Some consist of only one 40 pound picking box. It is impractical and inefficient to weigh, size-grade and inspect such lots individually.

The proposed amendment is as follows:

1. Add a new section as follows:

§ 932.109 Canned ripe olives of the tree ripened type.

Canned ripe olives of the tree ripened type means packaged olives which are not oxidized in processing and are prepared from olives of advanced maturity and which:

(a) Range in color tan, bronze or brown, and may have a slight greenish cast;

(b) May be widely variegated within the normal range of these colors, and may have a mottled appearance;

(c) May have not more than 30 percent by count of olives that are definitely green and/or off color, provided not more than 15 percent by count may be off color. (Off color includes but is not limited to excessive dull gray cast or excessively dark brown approaching black color.)

2. Add a new paragraph (f) in § 932.151 as follows:

§ 932.151 Incoming regulations.

* * * * *

(f) *Partially exempted lots.* (1) Pursuant to § 932.55, any handler may process any lot of natural condition olives for use in the production of packaged olives which has not first been weighed and size-graded as an individual lot as required by § 932.51(a) (1) and (2), but was combined with any other lot or lots of natural condition olives, only if (i) all the olives in the combined lot are delivered to the handler in the same day, (ii) the total net weight of the olives delivered to the handler by any person in such day does not exceed 500 pounds, (iii) each such person had authorized combination of his lot with other lots, and (iv) the combined lot of the natural condition olives is weighed and size-graded as required by § 932.51(a) (1) and (2) prior to processing the olives.

(2) Whenever the natural condition olives in partially exempt individual lots are combined with other such olives as provided in subparagraph (1) of this paragraph, the provision of the section applicable on individual lots shall apply instead to a combined lot.

(3) Each such handler shall file with the Committee a weekly report showing for each day of the week the respective quantity in combined lots together with each person's authorization for combining lots. The report shall be filed upon a form supplied by the Committee.

3. Add a new paragraph (e) in § 932.152 as follows:

§ 932.152 Outgoing regulations.

* * * * *

(e) *Examination of tree ripened type olives for compliance.* Canned ripe olives of the tree ripened type shall be subject to examination by the committee or its designee on a representative lot inspection basis to assure that such olives comply with the specifications of § 932.109: *Provided,* That no such examination shall be made of such olives which previously have been inspected and certified as meeting such specifications pursuant to paragraphs (b) and (c) of this section. Any such olives which fail to meet such specifications shall be subject to the provisions of §§ 932.51 and 932.52.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 20th day after publication of the notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours. (7 CFR 1.27(b))

Dated: August 4, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9340; Filed, Aug. 7, 1969; 8:47 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1500]

EMPLOYMENT OF MINORS BETWEEN 14 AND 16 YEARS OF AGE

Approved Experimental School Work-Experience and Career Exploration Programs

The concept of school and work experience programs for 14- and 15-year-old youths has been growing for more than a decade among educators and community organizations. Recent Federal vocational education legislation has emphasized the need to implement career-oriented programs for students in this age group. Research indicates that the inclusion in the educational program of a carefully supervised work experience and of exposure to meaningful jobs allows many youths to find more relevance in their education. But further empirical study is necessary to determine the effect of part-time work experience on the educational development and general well-being of 14- and 15-year-olds. To provide a basis for such further study, it appears desirable to permit a deviation until August 31, 1971, from the restrictions on employment of minors between 14 and 16 years of age for programs of school supervised and administered work-experience approved by the Bureau of Labor Standards.

Therefore, pursuant to the authority in section 3(l) of the Fair Labor Standards Act of 1938 (52 Stat. 1061, as amended; 29 U.S.C. 203) and Reorganization Plan No. 2 of 1946 (3 CFR 1943-48 Comp. p. 1064), I propose to add a new section to Subpart C of Part 1500 of Title 29 of the Code of Federal Regulations to be designated as § 1500.39 and to read as set forth below.

Interested persons may submit written data, views, or arguments regarding this proposal by mailing them to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, within 15 days after this notice is published in the FEDERAL REGISTER.

The proposed new section reads as follows:

§ 1500.39 Work-experience and career exploration programs.

(a) This section has application to 14- and 15-year-old students engaged in an experimental school work-experience and career exploration program which receives the approval of the Director of the Bureau of Labor Standards. The Bureau's criteria for such a program are set forth in paragraph (b) of this section. An application for approval of such a program may be filed by a State Education agency with the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212. The application shall be in writing, shall give a brief description of the program, and shall certify that the agency will comply with the criteria.

(b) The criteria are as follows:

(1) Admission: Any student aged 14 or 15 whom local school personnel identify as being able to benefit from the program shall be eligible to participate.

(2) Credits: Participants shall receive school credits for both in-school related instruction and on-the-job work experience.

(3) Size: Each program unit shall contain a minimum of 12 and a maximum of 20 students per teacher-coordinator.

(4) Time schedule: Except as otherwise authorized by the Director of the Bureau of Labor Standards to accommodate to State law requirements, on each school day there shall be (i) a minimum of two class periods devoted to job-related and to employability skill instruction, and (ii) a minimum of two classroom-instruction periods devoted to regular required subjects or elective subjects which meet State standards for graduation.

(5) Teacher-coordinator: Each program unit shall be under the supervision of a school official known as a teacher-coordinator, who shall supervise the program and more particularly shall perform the following duties:

(i) Select and place students.

(ii) Choose work stations for the participants.

(iii) Coordinate the work and educational aspects of the program.

(iv) Maintain records and prepare reports.

(v) Conduct in-school related class instruction.

(6) Physical facilities: The school will furnish adequate classroom facilities and supplies for the teacher-coordinator.

(7) Written training agreement; administration: No student shall participate in the program until there has been a written training agreement, on a form prescribed by the Bureau of Labor Standards, approved by the teacher-coordinator, the employer, the student, and the student's parent or guardian. All program units, and the records and reports with respect thereto, shall be open to inspection by the Bureau of Labor Standards.

(8) No students shall be assigned to work in an occupation other than those permitted under this Subpart C until their employment in such occupation has been approved by the Director of the Bureau of Labor Standards.

(c) Students engaged in a program approved pursuant to this section may work not more than 28 hours in any week when school is in session and not more than 4 hours in any 1 day when school is in session, any portion of which may be during school hours. In addition to those occupations approved for minors 14 and 15 years of age by this Subpart C, such students may obtain their work experience under the program in any occupation, approved for that purpose by the Director of the Bureau of Labor Standards, except mining and manufacturing and those occupations declared to be hazardous for minors between 16 and 17 years of age in Subpart E of this Part 1500.

(d) This section shall not be effective after August 31, 1971.

(Sec. 3, 52 Stat. 1061, as amended; 29 U.S.C. 203)

Signed at Washington, D.C., this 5th day of August 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-9430; Filed, Aug. 7, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 6741]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

Order Extending Time for Filing Comments and Reply Comments

1. On April 25, 1969, the Commission released a notice of proposed rule making reopening the "clear channel" proceeding for the purpose of seeking a solution to the long-standing "KOB problem". The date for the filing of comments and reply comments are presently designated as August 8, 1969, and September 8, 1969, respectively.

2. On July 30, 1969, Hubbard Broadcasting, Inc. (Hubbard), through its counsel, requested the Commission to extend the dates for filing comments to August 25, 1969, and for reply comments to September 25, 1969. It states that its engineering consultant has recently been under a doctor's care which has resulted in an inability to complete the comprehensive and complex engineering showing to be presented by Hubbard. It further states that the engineer's office is in the process of being moved to a new location and this has resulted in a further delay in completion of the studies.

3. We are of the view that the requested additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing comments is extended to and including August 25, 1969, and for the filing of reply comments to and including September 25, 1969.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission's rules.

Adopted: July 31, 1969.

Released: August 4, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-9372; Filed, Aug. 7, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

GOODMAN LIVESTOCK AUCTION ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
MISSOURI	
Goodman Auction Market, Goodman, May 11, 1959.	Goodman Livestock Auction, June 7, 1969.
Olean Sales Co., Olean, May 22, 1959.	Olean Sales Company, May 16, 1969.
MONTANA	
Bozeman Livestock Auction Company, Bozeman, June 11, 1940.	Bozeman Livestock Market Center, June 1, 1969.
NORTH CAROLINA	
Watauga Livestock Market, Inc., Boone, Feb. 9, 1968.	Watauga Co. Livestock Market, Inc., June 20, 1969.
Statesville Livestock Market, Statesville, Apr. 8, 1959.	Iredell Livestock Company, Apr. 1, 1969.
OKLAHOMA	
Perry Livestock Exchange, Inc., Perry, Nov. 20, 1950.	Perry Livestock, Inc., June 27, 1969.
SOUTH DAKOTA	
Bowdle Livestock Commission Company, Bowdle, Apr. 20, 1967.	Bowdle Livestock Sales Company, June 1, 1969.

Done at Washington, D.C., this 31st day of July 1969.

G. H. HOPPER, *Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.*

[F.R. Doc. 69-9381; Filed, Aug. 7, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DIMETHOATE AND ITS OXYGEN ANALOG

Notice of Establishment of Temporary Tolerances

Notice is given that at the request of the American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, temporary tolerances have been established for total residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorodithioate) including its oxygen analog (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorothioate) in or on the raw agricultural commodities sorghum forage at 0.2 part per million and sorghum grain at 0.1 part per million (negligible residue). The Commissioner of Food and Drugs has determined that these temporary tolerances will protect the public health.

A condition under which these temporary tolerances are established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture.

These temporary tolerances expire July 31, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j) 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 31, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69-9346; Filed, Aug. 7, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Issuance of Amendment to Provisional Operating License

On April 9, 1969, the Atomic Energy Commission (the Commission) issued Provisional Operating License No. DPR-16 to Jersey Central Power & Light Co. (Jersey Central), authorizing the licensee to possess, use, and operate the Oyster Creek Nuclear Power Plant Unit No. 1, a single cycle, forced circulation, boiling water nuclear reactor (the reactor) on Jersey Central's site in Lacey Township, Ocean County, N.J. A notice of proposed issuance of a provisional operating license was published on December 27, 1968.

The reactor is designed to operate at approximately 1,600 megawatts thermal, but initial operation was limited to 5 megawatts thermal and without the reactor head in place to permit initial fuel loading and testing pending (1) modification of the standby gas treatment system, (2) additional review of the quality of certain piping in the facility, and (3) evaluation of preoperational testing of containment isolation valves. Jersey Central subsequently filed application Amendment No. 53, dated June 12, 1969, containing information concerning these matters.

The Commission has reviewed the information provided in the amendment and has conducted a final inspection of the facility. The Commission has determined that the items in question have been satisfactorily resolved and the facility has been constructed in accordance with the application, as amended, and the provisions of Construction Permit No. CPPR-15.

The Commission has accordingly issued, effective as of the date of issuance, Amendment No. 1 to Provisional Operating License No. DPR-16 authorizing Jersey Central to operate the reactor at power levels not to exceed 1,600 megawatts thermal. The amendment incorporates as Attachment A thereto Amendment No. 1 to the Technical Specifications adding (1) a reporting requirement concerning the nondestructive testing program, (2) a limit on the leakage from any isolation valve, and (3) specification of filter train flow rate based on modification of the standby gas treatment system.

The Commission has found that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR, Chapter I. The Commission has made the findings which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

For further details with respect to this amendment, see (1) application Amendment No. 53 dated June 12, 1969, (2) Amendment No. 1 to License No. DPR-16 with attached Amendment No. 1 to the Technical Specifications, and (3) a related addendum to the safety evaluation prepared by the Division of Reactor Licensing, copies of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 1st day of August 1969.

For the Atomic Energy Commission.

PETER A. MORRIS, *Director, Division of Reactor Licensing.*

[F.R. Doc. 69-9301; Filed, Aug. 7, 1969; 8:45 a.m.]

CIVIL SERVICE COMMISSION

CERTAIN MEDICAL-RELATED OCCUPATIONS IN VARIOUS LOCATIONS

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has determined that the minimum rates and rate ranges for certain positions for which special rates are currently established will be adjusted as set forth in the attachment to this letter. The new rate ranges, either special or regular as appropriate, will be effective the first day of the first pay period on or after July 1, 1969.

If there is no special rate range shown for a grade or grades which previously had a special range, the regular rates apply.

The pay of employees on the rolls will be converted to the new special or regular rate ranges in accordance with § 530.307(b) of the Commission's regulations. The applicable part of the section reads as follows:

(b) When an employee was receiving a special rate immediately before the effective date of a statutory pay increase, he shall receive on that effective date the rate of basic pay for: (1) The numerical rank in the new special rate range for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date; or (2) if there is no new special rate range, the numerical rank in the new statutory pay schedule for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date.

To illustrate the effect of § 530.307(b)(1), the rate adjustment for Medical Technologist in Milwaukee is used: An employee in the third step rate of the superseded GS-7 special rate range immediately before the effective date, will remain in the third step rate of the new special rate range on the effective date and his salary will be increased from $8,146 to $8,914.

To illustrate the effect of § 530.307(b)(2), the rate of adjustment for Medical Technologist in Baltimore is used: An employee in the third step rate of the superseded GS-7 special rate range immediately before the effective date, will be placed in the third step rate of the new regular rate range on the effective date, and his salary will be increased from $7,913 to $8,149.

GS-644 MEDICAL TECHNOLOGIST SERIES

Geographic coverage: State of California.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472	$9,678	$9,884
GS-6	8,485	8,714	8,943	9,172	9,401	9,630	9,859	10,088	10,317	10,546
GS-7	9,169	9,424	9,679	9,934	10,189	10,444	10,699	10,954	11,209	11,464
GS-8	9,577	9,859	10,141	10,423	10,705	10,987	11,269	11,551	11,833	12,115
GS-9	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119	12,430	12,741
GS-10	10,594	10,936	11,278	11,620	11,962	12,304	12,646	12,988	13,330	13,672

[1] Corresponding statutory rates: GS-5—tenth; GS-6—eighth; GS-7—seventh; GS-8—fifth; GS-9—third; GS-10—second.

GS-644 MEDICAL TECHNOLOGIST SERIES

Geographic coverage: Baltimore, Md., SMSA.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,206	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060
GS-6	7,340	7,569	7,798	8,027	8,256	8,485	8,714	8,943	9,172	9,401

[1] Corresponding statutory rates: GS-5—sixth; GS-6—third.

GS-644 MEDICAL TECHNOLOGIST SERIES

Geographic coverage: Milwaukee, Wis.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472
GS-6	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859	10,088
GS-7	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189	10,444	10,699
GS-8	9,013	9,295	9,577	9,859	10,141	10,423	10,705	10,987	11,269	11,551
GS-9	9,631	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119	12,430

[1] Corresponding statutory rates: GS-5—eighth; GS-6—sixth; GS-7—fourth; GS-8—third; GS-9—second.

GS-644 MEDICAL TECHNOLOGIST SERIES

Geographic coverage: New Orleans, La.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,000	$7,206	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854

[1] Corresponding statutory rate: GS-5—fifth.

GS-660 PHARMACIST

Geographic coverage: State of California.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-9	$11,186	$11,497	$11,808	$12,119	$12,430	$12,741	$13,052	$13,363	$13,674	$13,985
GS-10	11,962	12,304	12,646	12,988	13,330	13,672	14,014	14,356	14,698	15,040
GS-11	12,729	13,103	13,477	13,851	14,225	14,599	14,973	15,347	15,721	16,095
GS-12	13,835	14,281	14,727	15,173	15,619	16,065	16,511	16,957	17,403	17,849

[1] Corresponding statutory rates: GS-9—seventh; GS-10—sixth; GS-11—fifth; GS-12—second.

NURSES

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has determined that the minimum rates and rate ranges for certain nurses positions for which special rates are currently established will be adjusted as set forth below. The new rate ranges, either special or regular as appropriate, will be effective the first day of the first pay period on or after July 1, 1969.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH NURSE SERIES
PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: Washington, D.C., SMSA including the D.C. Government's Children's Center, Laurel, Md., and the U.S. Marine Corps Base, Quantico, Va.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10	11	12
GS-4		$6,810	$6,994	$7,178	$7,362	$7,546	$7,730	$7,914	$8,098	$8,282	$8,466	
GS-5		7,412	7,618	7,824	8,030	8,236	8,442	8,648	8,854	9,060	9,266	
GS-6		7,569	7,798	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630	
GS-7		7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189	
PFS-6	$7,344	7,567	7,790	8,013	8,236	8,459	8,682	8,905	$9,128	$9,351	$9,574	$9,797
PFS-7	7,569	7,809	8,049	8,289	8,529	8,769	9,009	9,249	9,489	9,729	9,969	10,209
PFS-8	8,582	8,842	9,102	9,362	9,622	9,882	10,142	10,402	10,662	10,922	11,182	

[1] Corresponding statutory rates: GS-4—eighth; GS-5—seventh; GS-6—fourth; GS-7—second.

[1] Corresponding statutory rates: PFS-6—fourth; PFS-7—fourth; PFS-8—fourth.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH SERVICE NURSE
PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: State of Nevada; State of California (excluding San Diego County and Division of Indian Health Nurses).
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10	11	12
GS-4		$6,810	$6,994	$7,178	$7,362	$7,546	$7,730	$7,914	$8,098	$8,282	$8,466	
GS-5		7,200	7,412	7,618	7,824	8,030	8,236	8,442	8,648	8,854	9,060	
GS-6		7,569	7,798	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630	
GS-7		7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189	
PFS-6	$7,344	7,567	7,790	8,013	8,236	8,459	8,682	8,905	$9,128	$9,351	$9,574	$9,797
PFS-7	7,569	7,809	8,049	8,289	8,529	8,769	9,009	9,249	9,489	9,729	9,969	10,209
PFS-8	8,582	8,842	9,102	9,362	9,622	9,882	10,142	10,402	10,662	10,922	11,182	

[1] Corresponding statutory rates: GS-4—eighth; GS-5—sixth; GS-6—fourth; GS-7—second.

GS-668 PODIATRIST

Geographic coverage: Washington, D.C., SMSA.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-8		$7,200	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060
GS-9		7,706	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859
GS-10		8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189	10,444	10,699
GS-11		9,013	9,295	9,577	9,859	10,141	10,423	10,705	10,987	11,269	11,551
GS-12		9,631	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119	12,430

[1] Corresponding statutory rate: GS-9—second.

GS-647 MEDICAL RADIOLOGY TECHNICIAN

Geographic coverage: San Francisco, Calif., and Federal installations within a 35-mile radius.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5		$7,200	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060
GS-6		7,706	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859
GS-7		8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189	10,444	10,699
GS-8		9,013	9,295	9,577	9,859	10,141	10,423	10,705	10,987	11,269	11,551
GS-9		9,631	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119	12,430

[1] Corresponding statutory rates: GS-5—sixth; GS-6—fifth; GS-7—fourth; GS-8—third; GS-9—second.

GS-668 PODIATRIST

Geographic coverage: Washington, D.C., SMSA.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-9		$11,186	$11,497	$11,808	$12,119	$12,430	$12,741	$13,052	$13,363	$13,674	$13,985
GS-10		12,004	12,366	12,728	13,090	13,452	13,814	14,176	14,538	14,900	15,262
GS-11		13,477	13,851	14,225	14,599	14,973	15,347	15,721	16,095	16,469	16,843

[1] Corresponding statutory rates: GS-9—seventh; GS-10—seventh; GS-11—seventh.

GS-681 OCCUPATIONAL THERAPISTS
GS-633 PHYSICAL THERAPISTS

Geographic coverage: Washington, D.C., SMSA.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5		$7,200	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060
GS-6		7,706	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859
GS-7		8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189	10,444	10,699
GS-8		9,013	9,295	9,577	9,859	10,141	10,423	10,705	10,987	11,269	11,551
GS-9		9,631	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119	12,430

[1] Corresponding statutory rates: GS-6—fifth; GS-7—fourth; GS-8—third; GS-9—second.

GS-668 PODIATRIST

Geographic coverage: Washington, D.C., SMSA.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-6		$7,340	$7,569	$7,798	$8,027	$8,256	$8,485	$8,714	$8,943	$9,172	$9,401
GS-7		7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189

[1] Corresponding statutory rates: GS-6—third; GS-7—second.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9269; Filed, Aug. 7, 1969; 8:45 a.m.]

If there is no special rate range shown for a grade or grades which previously had a special range, or if a location for which special rates were authorized previously is not listed in the attachment, the regular rates apply.

The pay of employees on the rolls will be converted to the new special or regular rate ranges in accordance with the following instructions:

a. *Where the new special or regular minimum rate is higher in dollar amount than the superseded special minimum rate.* Employees affected by this situation will be converted to the new special or regular rate range in accordance with § 530.307(b) of the Commission's regulations. The applicable part of the section reads as follows:

(b) When an employee was receiving a special rate immediately before the effective date of a statutory pay increase, he shall receive on that effective date the rate of basic pay for:

(1) The numerical rank in the new special rate range for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date; or

(2) If there is no new special rate range, the numerical rank in the new statutory pay schedule for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date.

To illustrate the effect of § 530.307(b)(1), one of the Washington, D.C., rate adjustments is used: A nurse in the third step rate of the superseded GS–5 special rate range immediately before the effective date, will remain in the third step rate of the new special rate range on the the effective date, and her salary will be increased from $7,456 to $7,824.

To illustrate the effect of § 530.307(b)(2), another of the Washington, D.C., rate adjustments is used: A nurse in the fifth step rate of the superseded GS–9 special rate range immediately before the effective date, will be placed in the fifth step rate of the regular GS–9 range on the effective date, and her salary will be increased from $10,436 to $10,564.

b. *Where the new special or regular minimum rate is lower in dollar amount than the superseded special minimum rate.* Employees in this situation will be converted to the new special or regular rate range under the provisions of section 303 of Executive Order 11073, and in line with the rules contained in § 530.306 of the Commission's regulations. These provisions assure that no employee shall have his pay reduced because of the downward adjustment or discontinuation of special salary rates.

To illustrate the effect of these provisions, two more of the Washington, D.C., rate adjustments are used:

(NOTE: The new special minimum (first step) for grade GS–7 of $7,894 is lower than the superseded GS–7 special minimum of $8,146.)

A nurse in the first step rate of the superseded GS–7 special rate range immediately before the effective date, will have her salary adjusted on the effective date from $8,146 to $8,149, the second step rate of the new special rate range.

A nurse in the tenth step rate of the GS–7 special rate range at $10,243 immediately before the effective date, will be placed in a "saved pay" status on the effective date. This is because the new maximum rate, the tenth step rate for GS–7 $10,189 is less than the superseded maximum rate for this grade, and no employee's salary may be reduced because of special rate adjustments.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9270; Filed, Aug. 7, 1969; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. 31]

GIBRALTAR FINANCIAL CORPORATION OF CALIFORNIA

Notice of Receipt of Application for Permission To Acquire Control of Shasta Savings and Loan Association

AUGUST 5, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Gibraltar Financial Corporation of California, Beverly Hills, Calif., for approval of acquisition of control of the Shasta Savings and Loan Association, Redding, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies said acquisition to be effected by the exchange of at least 96.5 percent of the guarantee stock of Shasta Savings and Loan Association for stock of Gibraltar Financial Corporation of California. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-9375; Filed, Aug. 7, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4537 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Findings and Order

JULY 31, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceedings, making successors co-respondents, substituting respondents, redesignating proceedings, making rate change effective, requiring filing of agreements and undertakings, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Mineral Mining Co., Applicant in Dockets Nos. CI63–775 and CI63–955, and Mineral Mining Co. (Operator) et al., Applicant in Docket No. CI64–456, propose to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Davidor & Davidor, Inc., FPC Gas Rate Schedules Nos. 5 and 6 and Davidor & Davidor, Inc., FPC Gas Rate Schedule No. 7, respectively. Said rate schedules will be redesignated as those of Applicant. The presently effective rates under Davidor's FPC Gas Rate Schedules Nos. 5 and 6 are in effect subject to refund in Docket No. RI67–47 and under Davidor's FPC Gas Rate Schedule No. 7 in Docket No. RI67–48. Therefore, Applicant will be made a co-respondent in each of said proceedings; the proceedings will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking in each of said proceedings to assure the refunds of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings.

Herbert H. Champlin et al., Applicants in Docket No. CI66–917, propose to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Joe N. Champlin, Trustee, FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicants. The presently effective rate under the predecessor's rate schedule is in effect subject to refund in Docket No. RI66–428. On November 20, 1967, the predecessor filed with the Commission a notice of change in rate under his FPC

Gas Rate Schedule No. 1. By order issued December 20, 1967, in Docket No. RI68–276 et al., the Commission suspended the proposed change in Docket No. RI68–285 until May 21, 1968, and thereafter, until made effective. The change was designated as Supplement No. 5 to his FPC Gas Rate Schedule No. 1. On May 16, 1969, Applicants filed a motion to make the change in rate effective subject to refund, together with an agreement and undertaking to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicants will be substituted as respondents in the proceedings pending in Dockets Nos. RI66–428 and RI68–285; the proceedings will be redesignated accordingly; the agreement and undertaking submitted by Applicants in Docket No. RI68–285 will be accepted for filing; and Applicants will be required to file an agreement and undertaking in Docket No. RI66–428 to assure the refund of all amounts collected in excess of the amount determined to be just and reasonable in said proceeding.

Tenneco Oil Co., Applicant in Docket No. CI69–1018, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI62–1184 to be made pursuant to Atlantic Richfield Co. (Operator) et al., FPC Gas Rate Schedule No. 481. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under Atlantic Richfield's rate schedule is in effect subject to refund in Docket No. RI69–20. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a notice of intervention by The Public Utilities Commission of the State of California, a joint petition to intervene by Southern California Gas Co. and Southern Counties Gas Company of California and a petition to intervene by El Paso Natural Gas Co. were filed in Docket No. G–4537, in the matter of the application filed on September 3, 1965, in said docket. The notice of intervention and the petitions to intervene have been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held in July 24, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record:

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates in Dockets Nos. G–4537, G–6614, G–8949, G–8958, G–10083, G–16146, G–17548, G–17967, G–18332, G–18933, G–20333, CI60–153, CI60–159, CI62–1184, CI63–775, CI63–955, CI64–300, CI64–456, CI64–1481, CI65–229, CI65–256, CI66–917, CI67–79, CI67–286, CI67–751, CI68–650, CI69–197, and CI69–315 should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding pending in Docket No. RI68–13 should be terminated.

(10) The revenues received for sales at the increased rate under Marathon Oil Co. FPC Gas Rate Schedule No. 35 which were collected subject to refund in Docket No. RI66–33 are de minimis; and, therefore, the proceeding pending in Docket No. RI66–33 should be terminated only with respect to FPC Gas Rate Schedule No. 35, and Marathon Oil Co. should be relieved from any refund obligation with respect to such sales.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Mineral Mining Co. should be made a co-respondent in the proceeding pending in Docket No. RI67–47 and that Mineral Mining Co. (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI67–48; that said proceedings should be redesignated accordingly; and that Mineral Mining Co. and Mineral Mining Co. (Operator) et al., should be required to file agreements and undertakings.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Herbert H. Champlin et al., should be made co-respondents in the proceedings pending in Dockets Nos. RI66–428 and RI68–285; that the proceedings should be redesignated accordingly; that the proposed change in rate suspended in Docket No. RI68–285 should be made effective subject to refund; that the agreement and undertaking submitted by Herbert H. Champlin et al., in Docket No. RI68–285 should be accepted for filing; and that they should be required to file an agreement and undertaking in Docket No. RI66–428.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Tenneco Oil Co. should be made a co-respondent in the proceeding pending in Docket No. RI69–20; that said proceeding should be redesignated accordingly; and that Tenneco should be required to file an agreement and undertaking.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rate for the sale authorized in Docket No. G–4537 shall be 14 cents per Mcf at 14.65 p.s.i.a.

(b) The initial rate for the sale authorized in Docket No. CI69–1070 shall be 14.5 cents per Mcf at 14.65 p.s.i.a., the applicable area rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as shown in the concurrently filed rate schedule quality statement.

(c) If the quality of the gas delivered by Applicants in Dockets Nos. G–4537 and CI69–1070 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(d) Within 90 days from the date of initial delivery Applicant in Docket No. G–4537 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(e) Sales authorized in Dockets Nos. CI67–79 and CI69–1049 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61–1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas, Applicants thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(f) The initial rate for the sale authorized in Docket No. CI69–1107 shall be 17 cents per Mcf at 14.65 p.s.i.a. plus B.t.u. adjustment.

(g) The authorizations granted in Docket Nos. CI67–79, CI69–315, and CI69–1049 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(h) The certificate in Docket No. CI69–930 is conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.

(i) The certificate in Docket No. CI69–1034 is conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 3,650 ratio of takes to reserves for the first two contract years and to a 1 to 7,300 ratio of takes to reserves thereafter.

(F) Within 30 days from the date of this order Applicant in Docket No. CI69–1041 shall file two copies of an estimated billing statement as required by the regulations under the Natural Gas Act.

(G) The orders issuing certificates in Dockets Nos. G–4537, G–16146, G–17548, G–17967, CI64–1481, CI65–229, CI67–79, CI67–286, CI67–751, CI68–650, CI69–197, and CI69–315 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(H) The orders issuing certificates in Dockets Nos. G–8949, G–8958, G–20333, CI63–775, CI63–955, CI64–456, CI65–256, and CI66–917 are amended by substituting the successors in interest as certificate holders.

(I) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate*
G–6614	CI69–1070
G–10083	CI69–1109
G–18332	CI69–1074
G–18933[1]	CI69–1107
CI60–153	CI69–1078
CI60–159	CI69–1078
CI62–1184	CI69–1018
CI64–300	CI69–1050

[1] Temporary certificate.

(J) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(K) Permission for and approval of the abandonment in Docket No. CI69–1100 shall not be construed to relieve Applicant of any refund obligations incurred in the related rate suspension proceeding pending in Docket No. G–13743.

(L) The certificates heretobefore issued in Dockets Nos. G–12111, G–13005, G–14613, G–15239, G–20384, CI61–334, CI61–821, and CI64–606 are terminated.

(M) The rate suspension proceeding pending in Docket No. RI68–13 is terminated.

(N) The rate suspension proceeding pending in Docket No. RI66–33 is terminated only with respect to Marathon Oil Co. FPC Gas Rate Schedule No. 35 and Marathon is relieved of any refund obligation in said docket.

(O) Mineral Mining Co. is made a co-respondent in the proceeding pending in Docket No. RI67–47; Mineral Mining Co. (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI67–48; and said proceedings are redesignated accordingly.

(P) Within 30 days from the date of this order, Mineral Mining Co. and Mineral Mining Co. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking to assure the refunds of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in Dockets Nos. RI67–47 and RI67–48. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. Mineral Mining Co. and Mineral Mining Co. (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(Q) Herbert H. Champlin et al., are substituted in lieu of Joe N. Champlin, Trustee, as respondents in the proceedings pending in Dockets Nos. RI66–428 and RI68–285; said proceedings are redesignated accordingly; and the agreement and undertaking submitted by them in Docket No. RI68–285 is accepted for filing. The rates, charges, and classifications set forth in Supplement No. 5 to their FPC Gas Rate Schedule No. 3 shall be effective subject to refund as of May 16, 1969, and shall be charged and collected as of the effective date subject to any future orders of the Commission in Docket No. RI68–285.

(R) Within 30 days from the date of this order, Herbert H. Champlin, et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission and acceptable agreement and undertaking to assure the refund of all amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and responsible in Docket No. DI66–428. Unless notified to the contrary by the Secretary of the

Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. Herbert H. Champlin, et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(S) Tenneco Oil Co. is made a co-respondent in the proceeding pending in Docket No. RI69–20, and the proceeding is redesignated accordingly.

(T) Within 30 days from the date of this order, Tenneco Oil Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in Docket No. RI69–20. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. Tenneco Oil Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(U) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–4537 ..... C 9-3-65	Atlantic Richfield Co. et al.[1]	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	Supplemental agreement 2-4-65.[2]	492	16
G–6949[3] G–8958[4] E 5-9-69	R. P. Isaacs (successor to Clark Curry, agent for Eustace Gas Co. et al.)	Pennzoil United, Inc., Sheridan District, Lincoln County, W. Va.	Clark Curry, agent for Eustace Gas Co. et al., FPC GRS No. 7.	2	.....
			Supplement Nos. 1–2	2	1–2
			Notice of succession	.....	.....
			Assignment 11-25-66[5]	2	3
			Assignment 11-25-66[6]	2	4
			Effective date: 11-25-66	.....	.....
G–16146 ..... D 5-23-69	MAPCO Production Co. (Operator) et al. (partial abandonment).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Hugoton Field, Haskell County, Kans.	Release agreement 5-9-69[7]	7	12
G–17548 ..... C 5-13-69[8]	Skelly Oil Co.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	Supplemental agreement 11-8-66.[9]	144	11
			Supplemental agreement 11-8-66.[10]	136	7
G–17967 ..... C 2-13-69[8][10]	Southwestern Development Co.	Consolidated Gas Supply Corp., Burning Springs District, Wirt County, W. Va.	Letter agreement 4-25-69.[9]	4	2
G–20333 ..... E 5-23-69	Texas Oil & Gas Corp. (successor to Cities Service Oil Co.).	United Gas Pipe Line Co., North La Ward Field, Jackson County, Tex.	Cities Service Oil Co., FPC GRS No. 136.	54	.....
			Supplement Nos. 1–2	54	1–2
			Notice of succession 5-21-69.	.....	.....
			Assignment 11-1-68[11]	54	3
			Effective date: 11-1-68	.....	.....
CI69–197 ..... C 5-12-69[8]	Ashland Oil & Refining Co.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Supplement 4-11-69.	193	3
			Supplement 4-24-69.[9]	193	4
CI69–315 ..... C 5-7-69[8]	Midwest Oil Corp.	Arkansas Louisiana Gas Co., acreage in Le Flore County, Okla.	Amendment 4-3-69	51	3
			Compliance 6-4-69[12][13]	51	4
CI69–329 (CI61–821) B 9-26-69	RAF Natural Gas Corp.	Arkansas Louisiana Gas Co., Longwood Field, Caddo Parish, La.	Notice of cancellation 9-24-68.[9]	1	2

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI68–775 ..... E 4-14-69	Mineral Mining Co. (successor to Davidor & Davidor, Inc.).	Cities Service Gas Co., Northwest Doby Springs Field, Harper County, Okla.	Davidor & Davidor, Inc., FPC GRS No. 5.	4	.....
			Supplement No. 1	4	1
			Notice of succession (undated).	.....	.....
			Assignment 3-5-69[14]	4	2
			Effective date: 2-1-69	.....	.....
CI68–955 ..... E 4-14-69	do	Cities Service Gas Co., Northwest Wilming Field, Grant County, Okla.	Davidor & Davidor, Inc., FPC GRS No. 6.	5	.....
			Supplement No. 1	5	1
			Notice of succession (undated).	.....	.....
			Assignment 3-5-69[14]	5	2
			Effective date: 2-1-69	.....	.....
CI64–456 ..... E 4-14-69	Mineral Mining Co. (Operator) et al. (successor to Davidor & Davidor, Inc. (Operator), et al.).	Cities Service Gas Co., Northeast Selman Pool, Harper County, Okla.	Davidor & Davidor, Inc. (Operator) et al., FPC GRS No. 4.	6	.....
			Supplement No. 1	6	1
			Notice of succession (undated).	.....	.....
			Assignment 3-5-69[14]	6	2
			Effective date: 2-1-69	.....	.....
CI64–1481 ..... D 5-26-69	Atlantic Richfield Co. (partial abandonment).	Cities Service Gas Co., Groendyke Area, Barber County, Kans.	Notice of partial cancellation 5-22-69.[9][7]	539	1
CI65–229 ..... D 5-5-69	Horizon Oil & Gas Co. of Texas (Operator) et al. (Partial Abandonment).	Baca Gas Gathering System, Inc., Plank et al Fields, Baca County, Colo.	Notice of partial cancellation 5-1-69.[9][7]	2	1
CI65–256 ..... E 3-27-69	Atlantic Richfield Co. (successor to Irwin Miller).	Consolidated Gas Supply Corp., South Bosco Field, Lafayette and Acadia Parishes, La.	Irwin Miller, FPC GRS No. 3.	327	.....
			Notice of succession 3-25-69.	.....	.....
			Assignment 12-1-68	327	1
			Effective date: 12-1-68	.....	.....
CI68–917 ..... E 1-30-69	Herbert H. Champlin et al. (successor to Joe N. Champlin, trustee).	Michigan Wisconsin Pipe Line Co. Woodward Area, Dewey County, Okla.	Joe N. Champlin, Trustee, FPC GRS No. 1.	3	.....
			Supplement Nos. 1–3	3	1–3
			Notice of succession (undated).	.....	.....
			Effective date: 3-5-68	.....	.....
CI67–79 ..... C 3-29-68[8]	Tenneco Oil Co.[15]	Panhandle Eastern Pipe Line Co., South Peek Field, Roger Mills County, Okla.	Amendment 3-6-68	207	3
CI67–286 ..... C 5-23-69[8]	Monsanto Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg County, Okla.	Amendment 4-28-69[9]	85	6
CI67–286 ..... C 5-26-69[8]	do	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	Supplemental agreement 5-8-69.[9]	85	7
CI67–751 ..... C 5-27-69[8]	Ashland Oil & Refining Co. (Operator) et al.	Northern Natural Gas Co., Southwest Fort Supply Field, Woodward County, Okla.	Agreement 5-26-69[9][16]	182	2
CI68–630 ..... D 5-26-69	Texas Oil & Gas Corp. (Operator) et al.	Cities Service Gas Co., Mocane Laverne Area, Beaver County, Okla.	Amendatory agreement 5-19-69.[9][17]	52	2
CI69–197 ..... C 5-12-69[8]	Ashland Oil & Refining Co.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Supplement 4-11-69.	193	3
			Supplement 4-24-69.[9]	193	4
CI69–315 ..... C 5-7-69[8]	Midwest Oil Corp.	Arkansas Louisiana Gas Co., acreage in Le Flore County, Okla.	Amendment 4-3-69	51	3
			Compliance 6-4-69[12][13]	51	4
CI69–329 (CI61–821) B 9-26-69	RAF Natural Gas Corp.	Arkansas Louisiana Gas Co., Longwood Field, Caddo Parish, La.	Notice of cancellation 9-24-68.[9][7]	1	2

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69–643 ..... (CI64–606) B 1-16-69	Claud B. Hamill	Texas Eastern Transmission Corp., West Weeastche Field, Goliad County, Tex.	Notice of cancellation 6-10-69.[9][7]	11	1
CI69–686 ..... A 1-23-69[8]	Ted G. Becker	Valley Gas Transmission, Inc., Oroomes 8200 Field, Duval County, Tex.	Contract 1-14-69	1	.....
			Amendment 5-21-69[2][17]	1	1
CI69–930 ..... A 4-1-69[8]	Anadarko Production Co. (Operator) et al.[18]	Lone Star Gas Co., West Palacine Field, Stephens County, Okla.	Contract 10-17-68.[3]	140	.....
CI69–974 ..... A 4-21-69	Roy Proffitt (Operator) et al.	The Ohio Fuel Gas Co., Groundhog Field, Lebanon Township, Meigs County, Ohio.	Contract 4-2-69	1	.....
CI69–984 ..... (G–20384) B 4-11-69	Fred Whitaker (Operator).	South Texas Natural Gas Gathering Co., La-Copita Field, Starr County, Tex.	Notice of cancellation 6-3-69.[9][7]	11	1
CI69–1018 ..... (CI62–1184) F 4-28-69	Tenneco Oil Co. (successor to Atlantic Richfield Co.).	Arkansas Louisiana Gas Co., Kinta Field, Le-Flore County, Okla.	Contract 3-15-62[19]	252	.....
			Agreement 3-6-63	252	1
			Assignment 9-19-68[2][20]	252	2
CI69–1034 ..... A 5-7-69[8]	Crown Petroleum, Inc.	Natural Gas Pipeline Co. of America, West Panhandle Field, Carson County, Tex.	Contract 3-24-69	4	.....
			Compliance 6-6-69[2][21]	4	1
CI69–1041 ..... A 5-14-69	Quaker State Oil Refining Corp.	Pennsylvania Gas Co., Sheffield Township, Warren County, Pa.	Contract 4-23-69[2]	31	.....
CI69–1049 ..... A 5-16-69[8]	Cities Service Oil Co.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	Contract 5-8-69	309	.....
			Compliance 6-5-69[2][22]	309	1
CI69–1050 ..... (CI64–300) F 5-1-69	Sun Oil Co. (DX Division) (successor to Lawrence Oil, Inc. (Operator) et al.).	Texas Eastern Transmission Corp., Fort Barre-Naka Field, St. Landry Parish, La.	Ratified 4-15-69[23]	299	.....
			Contract 6-28-63[24]	299	1
			Letter agreement 6-24-63	299	2
			Amendatory agreement 9-24-64.[25]	299	3
			Letter agreement 9-24-64	299	4
CI69–1070 ..... (G–6614) F 5-20-69	Mobil Oil Corp. (Operator) et al. (successor to Union Texas Petroleum, a division of Allied Chemical Corp.).	El Paso Natural Gas Co., Spraberry Field, Midland County, Tex.	Contract 1-13-53[26]	453	.....
			Supplemental agreement 10-26-59.	453	1
			Supplemental agreement 8-31-62.	453	2
			Compliance 2-17-66.[27]	453	3
			Quality Statement 8-25-67.[28]	453	4
			Assignment 5-1-69.[29]	453	5
			Effective date: 5-1-69	.....	.....
CI69–1074 ..... (G–18332) F 5-19-69	G. L. Gallaspy (successor to Charles C. Peppers).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 1-24-69	1	.....
			Assignment 2-19-69[30]	1	1
			Supplement 6-4-69	1	2
			Effective date: 3-1-69	.....	.....
CI69–1078 ..... (CI60–158) (CI60–159) F 5-21-69[31]	Wilmar Oil, Inc. (Operator) et al. (successor to Cabot Corp. and Gulf Oil Corp.).	Cities Service Gas Co., Priefert Gas Unit, Seward County, Kans.	Ratified agreement 2-12-69.	1	.....
			Contract 8-12-59[32]	1	1
			Amendment 7-7-67	1	2
			Assignment 12-30-68[33]	1	3
			Assignment 3-6-69[2][34]	1	4
CI69–1000 ..... (CI61–334) B 5-22-69	Atlantic Richfield Co. (Operator) et al.	Florida Gas Transmission Co., Palacios Field, Matagorda County, Tex.	Notice of cancellation 5-20-69.[9][7]	31 440	5
CI69–1100 ..... (G–12111) B 5-26-69	Edwin L. Cox	Kansas-Nebraska Natural Gas Co., Inc., acreage in Texas County, Okla.	Notice of cancellation 5-20-69.[9][7]	12	2
CI69–1107 ..... (G–18633) F 5-26-69	Texas Oil & Gas Corp.[35] (Operator) et al. (successor to Apache Corp.).	Michigan Wisconsin Pipe Line Co., Mocane Field, Beaver County, Okla.	Contract 6-4-59[37]	55	.....
			Amendatory agreement 7-1-65.	55	1
			Amendatory agreement 6-13-68.	55	2
			Assignment 9-10-68[38]	55	3
			Assignment 2-9-68[39]	55	4
			Assignment 2-9-68[2][40]	55	5

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69–1108 ..... A 5-26-69[8]	James S. Ray et al., d.b.a. Deephole Gas Co.	United Fuel Gas Co., Stonewall District, Wayne County, W. Va.	Contract 3-1-68[2][41]	10	.....
CI69–1109 ..... (G–10083) F 5-26-69	Herman George Kaiser (successor to Texaco, Inc.).	Northern Natural Gas Co., Hugoton Field, Finney County, Kans.	Contract 2-9-56[42]	11	.....
			Agreement 8-22-58	11	1
			Letter agreement 3-14-67	11	2
			Assignment 2-9-69[43]	11	3
CI69–1112 ..... (G–14613) B 5-26-69	Marathon Oil Co.	Natural Gas Pipeline Co. of America, Camrick Southeast Gas Pool, Beaver County, Okla.	Notice of cancellation 5-23-69.[9][7]	44 35	6
CI69–1114 ..... A 5-27-69[8]	Paul F. Barnhart et al.	Natural Gas Pipeline Co. of America, Frost Field, Cass County, Tex.	Contract 4-1-69[2]	17	.....
CI69–1126 ..... A 6-2-69[8]	Brad's Petroleum Co.	El Paso Natural Gas Co., acreage in Beaver County, Okla.	Contract 5-19-69[2][44]	1	.....
CI69–1129 ..... (G–13005) B 6-2-69	Jake L. Hamon (Operator) et al.	Texas Eastern Transmission Corp., North Riverside Field, San Patricio County, Tex.	Notice of cancellation 5-29-69.[9][7]	13	8
CI69–1131 ..... (G–15239) B 6-3-69	General American Oil Co. of Texas.	Texas Eastern Transmission Corp., North Mission Valley Field, De Witt County, Tex.	Notice of cancellation 5-22-69.[9][7]	26	5

[1] By letter filed Mar. 18, 1969, Applicant agreed to accept permanent authorization for the additional acreage at an initial rate of 14 cents, the applicable area rate for the old gas-well gas presently being sold under the subject rate schedule in lieu of the present contract rate of 16.5 cents plus tax reimbursement.

[2] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).

[3] Eustace Gas Co. Lease.

[4] Wiley Gas Co. Lease.

[5] Instrument whereby R. P. Isaacs acquired ownership of the properties.

[6] Source of gas depleted.

[7] Effective date: Date of this order.

[8] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61–1, as amended.

[9] Commits Fruitland Formation acreage to contract comprising FPC GRS No. 144 but adopts pricing provisions of contract comprising FPC GRS No. 136 (Docket No. G–16546). Settlement for liquids will be under contract comprising FPC GRS No. 144.

[10] Applicant erroneously filed its application in Docket No. G–18487, but by amendment filed June 16, 1969, Applicant filed to change Docket No. G–18487 to read Docket No. G–17967 and change its FPC GRS No. 5 to read FPC GRS No. 4.

[11] Assigns acreage from Cities Service Oil Co. to Texas Oil & Gas Corp.

[12] Assigns interest of Davidor & Davidor, Inc., to Mineral Mining Co.

[13] By letter dated June 9, 1969 (filed June 11, 1969), Applicant expressed willingness to accept permanent authorization for the additional acreage at a total initial rate of 15 cents per Mcf subject to B.t.u. adjustment and subject to the ultimate disposition of the proceedings in Docket No. R–338.

[14] Acreage committed is limited to all depths shallower than the base of the Mississippian System.

[15] Deletes acreage inadvertently included in the Amendatory Agreement dated Jan. 24, 1969 (Supp. No. 1 to Applicant's FPC GRS No. 52); correct dedication is under Applicant's FPC GRS No. 55, Docket No. CI69–1107.

[16] Complies with temporary certificate issued June 2, 1969. Applicant states willingness to accept permanent authorization for the additional acreage conditioned to the ultimate disposition of the proceeding in Docket No. R–338.

[17] Provides for 5-year makeup period.

[18] By letter filed June 13, 1969 (dated June 11, 1969), Applicant indicated willingness to accept a permanent certificate limiting the buyer's take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.

[19] Currently on file as Atlantic Richfield Co. (Operator) et al., FPC GRS No. 481.

[20] Assignment from Sinclair Oil Corp. (Atlantic Richfield's predecessor) to Tenneco Oil Co.

[21] Accepts conditioned temporary certificate issued June 2, 1969 (filed June 9, 1969). Applicant states willingness to accept a permanent certificate conditioned to limit buyer's take-or-pay obligation to a 1 to 3,650 ratio of takes to reserves for the first two contract years and to a 1 to 7,300 ratio thereafter.

[22] Complies with temporary certificate dated June 2, 1969. Applicant is willing to accept a permanent certificate at 15 cents including tax reimbursement, subject to B.t.u. adjustment and subject to the ultimate disposition of the proceeding in Docket No. R–338.

[23] Ratification and adoption by Sun Oil Co. (DX Division) of gas purchase contract dated June 28, 1963, as amended between Lawrence Oil, Inc., and Texas Eastern Transmission Corp.

[24] Presently on file as Lawrence Oil, Inc. (Operator) et al., FPC GRS No. 1.

[25] Adds acreage and amends provisions of basic contract with respect to quantity and quality of gas involved.

[26] Presently on file as Union Texas Petroleum, a division of Allied Chemical Corp. FPC GRS No. 25.

[27] Filed by Union Texas pursuant to Opinion No. 468 to show a reduction in rate from 18.3430 cents to 14.5 cents.

[28] Copy of the quality statement filed by Union Texas, shows an applicable area rate of 14.5 cents.

[29] Partial assignment of acreage from Union Texas to Mobil Oil Corp.

[30] Conveys acreage to Gallaspy from Charles C. Peepers and covered by Charles C. Peepers FPC GRS No. 1.

[31] This filing covers 640 acres (400 previously not dedicated, 240 acquired by assignments from Cabot Corp., and Gulf Oil Corp.). Jan. 1, 1970, moratorium applicable to the newly dedicated acreage only.

[22] Currently on file as Cabot Corp. FPC GRS No. 48 (Docket No. C160-153) and Gulf Oil Corp. FPC GRS No. 283 (Docket No. C160-158).
[23] Assigns acreage from Gulf Oil Corp. to Applicant.
[24] Assigns acreage from Cabot Corp. to Applicant.
[25] A rate of 19.5 cents is suspended in Docket No. R168-13 and has never been placed into effect; therefore, the rate suspension proceeding pending in Docket No. R168-13 will be terminated.
[26] Basic contract provides for 19.5 cents per Mcf; however, by letter filed June 10, 1969, Applicant advised willingness to accept a permanent certificate conditioned to a rate of 17 cents per Mcf plus B.t.u. adjustment.
[27] On file as Apache Corp. FPC GRS No. 12, subject to acreage covered by temporary certificate conditioned to 17 cents per Mcf plus B.t.u. adjustment.
[28] Conveys acreage from Apache to Terry L. Brown.
[29] Conveys acreage from Terry L. Brown to Applicant (pertains to S½NE¼, SE¼SW¼, and SE¼ sec. 24, 5 N., 27 E.C.M.).
[30] Conveys acreage from Terry L. Brown to Applicant (pertains to N½NE¼ sec. 24, 5 N., 27 E.C.M.).
[31] Sale being rendered without prior Commission authorization.
[32] Currently on file as Texaco, Inc., FPC GRS No. 147.
[33] Assigns acreage from Texaco, Inc., to Herman George Kaiser.
[34] Rate of 17.8 cents in effect subject to refund in Docket No. R166-33. Last clean rate was 16.4 cents. Applicant requests termination of the proceeding in Docket No. R166-33 with respect to FPC GRS No. 35 due to de minimis amounts collected ($86.00).
[35] Acreage dedication limited to depths above the base of the Mississippian Formation.

Suggested general undertaking in accordance with Order No. 377.

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent) ----------

GENERAL UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to any present and future rate increases suspended under section 4(e) of the Natural Gas Act and collected subject to refund thereunder and has caused this undertaking to be executed and sealed in its name by a duly authorized officer this _____ day of _____, 196__.

(Name of Respondent)

By ----------

Attest:

[F.R. Doc. 69-9230; Filed, Aug. 7, 1969; 8:45 a.m.]

[Docket No. CP70-3]

ARKANSAS-LOUISIANA GAS CO.

Notice of Application

AUGUST 5, 1969.

Take notice that on July 9, 1969, Arkansas-Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP70-3 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a tap and delivery facilities to effect a direct sale and delivery of gas to Olinkraft, Inc., for industrial consumption at its plywood plant and sawmill in south Arkansas.

The estimated annual and peak day requirements of Olinkraft, Inc., for the first 3 years are:

	Annual volume (Mcf)	Peak day volume (Mcf)
First year	280,800	1,080
Second year	718,800	2,280
Third year	822,800	3,000

Total estimated cost of the proposed facilities is $153,400. Financing will be provided from cash on hand and short term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 22, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9382; Filed, Aug. 7, 1969; 8:50 a.m.]

[Docket No. RP70-3]

BLUEFIELD GAS CO.

Notice of Proposed Change in Rate and Charge

AUGUST 5, 1969.

Notice is hereby given that Bluefield Gas Co. (Bluefield) in July 30, 1969, filed a proposed change in its FPC Gas Tariff Original Volume No. 1, to be effective as of September 1, 1969. The proposed filing would change the general service rate to a cost-of-service formula rate and is proposed to be made applicable to all gas sold to its wholly owned subsidiary, Commonwealth Public Service Corp.

The proposed monthly rate would be computed to reflect necessary and reasonable operating expenses allocable to transmission, one twelfth of annual depreciation expenses at an annual rate of 2 percent, allocable taxes to transmission operation, and a return of 0.5833 percent per month on net investment rate base. Adjustments will be made at the end of each year to reflect the actual current year's operations.

Any person desiring to be heard or to make protest with reference to said tender should on or before August 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing herein must file applications to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9383; Filed, Aug. 7, 1969; 8:50 a.m.]

[Docket No. CP66-299]

COLORADO INTERSTATE GAS CO.

Notice of Petition To Amend

AUGUST 1, 1969.

Take notice that on July 28, 1969, Colorado Interstate Gas Co. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, a division of Colorado Interstate Corp., filed in Docket No. CP66-299 a petition to amend the certificate of public convenience and necessity to authorize the installation of 0.7 mile of pipeline and connection of 3 wells. An additional new well would be drilled in the Northern reservoir and two existing wells would be converted for injection and withdrawal purposes, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the new facilities to meet the peak day and heating season requirements for storage service for the 1969–70 season. Applicant states that these facilities must be ready for service prior to the beginning of the withdrawal season commencing November 1, 1969, and therefore requests temporary authority to commence the construction and operation of the facilities described herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 29, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9335; Filed, Aug. 7, 1969; 8:47 a.m.]

[Dockets Nos. CP70-19, CP70-20]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Application

AUGUST 1, 1969.

Take notice that on July 28, 1969, Great Lakes Gas Transmission Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP70-19 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing additional sales of natural gas in interstate commerce, the construction and operation of facilities necessary therefor, and an exchange of natural gas in interstate commerce, and in Docket No. CP70-20 an application pursuant to section 3 of the Natural Gas Act for authorization to import an additional 190,800 Mcf per day of natural gas from Canada, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Specifically, in Docket No. CP70-19, Applicant seeks authorization: (1) To transport and sell in interstate commerce 155,000 Mcf of natural gas per day to Natural Gas Pipeline Company of America, 13,000 Mcf per day to Michigan Wisconsin Pipe Line Co., and 13,000 Mcf per day to Inter-City Gas Ltd.; (2) to construct and operate the facilities required to make such sales; and (3) to enter into an exchange agreement with Michigan Wisconsin Pipe Line Co. providing for the exchange of natural gas on any day during the months of November, December, January, February, and March of up to 200,000 Mcf per day commencing November 1, 1970, up to 250,000 Mcf per day commencing November 1, 1971, and up to 300,000 Mcf per day commencing November 1, 1972.

The total estimated cost of the proposed facilities is $10,034,000.

In Docket No. CP70-20 Applicant seeks authorization to import from Trans-Canada Pipe Lines Ltd. at an existing point of interconnection on the international boundary near Emerson, Manitoba, an additional contract quantity of 190,800 Mcf of natural gas per day to enable Applicant to render the additional sales for which authorization is sought in Docket No. CP70-19. No change in Applicant's border facilities is required to permit reception of the imported gas from Canada.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9336; Filed, Aug. 7, 1969; 8:47 a.m.]

[Dockets Nos. CP70-21, CP70-22]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

AUGUST 1, 1969.

Take notice that on July 28, 1969, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP70-21 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition, construction, and operation of certain natural gas facilities to enable it to meet the increased requirements of its existing customers commencing September 1, 1970, to render transportation and storage services for Natural Gas Pipeline Company of America (Natural), and to exchange gas with Great Lakes Gas Transmission Co. (Great Lakes), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the peak day requirements of its customers will increase from 2,887, 827 Mcf to 3,102,183 Mcf commencing in the fall of 1970. Applicant further states that it has agreed to (a) transport 155,000 Mcf per day for Natural; (b) store annually for Natural 9,000,000 Mcf which Applicant will redeliver to Natural during the period from November 1, to the next succeeding March 1, in volumes of up to 90,000 Mcf per day; and (c) exchange natural gas with Great Lakes during the months of November through March in volumes of up to 200,000 Mcf per day commencing November 1, 1970, up to 250,000 Mcf per day commencing November 1, 1971, and up to 300,000 Mcf per day commencing November 1, 1972.

To meet the increased requirements of its customers and to perform the transportation, storage, and exchange services proposed, Applicant seeks authorization to:

(1) Expand the capacity of its main line system extending to the Gulf Coast area of Louisiana by approximately 83,000 Mcf per day through additional compression;

(2) Purchase 50,000 Mcf per day from Trans-Canada Pipe Lines Ltd. (Trans-Canada);

(3) Purchase 13,000 Mcf per day from Great Lakes;

(4) Acquire by purchase from Michigan Consolidated Gas Company and develop three underground storage fields located in west central Michigan having an initial working storage capacity of 9,000,000 Mcf and an ultimate working storage capacity of 21,000,000 Mcf;

(5) Construct a 30-inch tie line approximately 134 miles in length from a point on Great Lake's line adjacent to its compressor station No. 8 near Crystal Falls, Mich., to a point of interconnection with Applicant's existing system near Appleton, Wis.; and

(6) Install miscellaneous facilities, consisting primarily of compression, new delivery points, and related facilities, and measurement facilities.

The total estimated first year cost of the proposed facilities is $61,712,000, with a total ultimate estimated cost of $70,-901,000, to be financed with treasury funds and retained earnings, together with borrowings from banks under short-term lines of credit.

Also take notice that on July 28, 1969, Applicant filed in Docket No. CP70-22 an application pursuant to section 3 of the

Natural Gas Act for authorization to import natural gas from Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to import 50,000 Mcf per day which Applicant will purchase from Trans-Canada and cause to be delivered to Midwestern Gas Transmission Co. (Midwestern) at an existing point of interconnection of the system of Trans-Canada and Midwestern on the international boundary near Emerson, Manitoba, for transportation by Midwestern and delivery to Applicant at the existing Marshfield, Wis., delivery point. No additional facilities are deemed required by the importation through existing facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9337; Filed, Aug. 7, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

AMERICAN MEDICAL ASSOCIATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00426-33-46500. Applicant: American Medical Association, Education, and Research Foundation, 535 North Dearborn Street, Chicago, Ill. 60610. Article: Ultramicrotome, LKB 8800, Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary uses are for nervous tissue. In the nervous tissue, the primary study is synaptology. Because the continuity between nervous tissue elements is of primary concern, there is a need for extremely thin sections to determine the specific relationship between these synapsing structures. Therefore it is mandatory that we cut long series of equal thickness serial section. These sections should be easily varied by the operator between the values of 50Å to 2 microns and it should be possible to easily and rapidly change the serial sectioning thickness. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The only known comparable domestic ultramicrotome is the Model MT-2, manufactured by Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen section, the more is it possible to take advantage of the ultimate resolving capabilities of the electron microscope for which the specimen is being prepared. We have been advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 3, 1969, that the applicant's research program requires sections of less than 100 angstroms and, therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic.

For this reason, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9302; Filed, Aug. 7, 1969; 8:45 a.m.]

AMERICAN SOCIETY FOR TESTING AND MATERIALS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00556-01-07730. Applicant: American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103. Article: X-ray diffraction guinier camera, Model XDC-700. Manufacturer: Incentive Research and Development AB, Sweden. Intended use of article: The article will be used for the identification of crystalline powders, and for research developing the methods of analyses by X-ray diffraction. The inherent features of the article make it possible to measure crystal lattice constants to a very high precision and to detect the presence of very small amounts of a particular crystal phase. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a crystal monochromator, vacuum path and precise placement of the sample on the focusing circle, which provide a degree of resolution of lines of diffraction and/or contrast of weak lines against the background. These characteristics are pertinent to the purposes for which the foreign article is intended to be used, because they permit the measurement of crystal lattice constants to a very high degree of precision and the detection of small amounts of a particular crystal phase.

The Department of Commerce knows of no instrument or apparatus being manufactured in the United States which is of equivalent scientific value to the foreign article for the purposes for which this article is intended to be used in the measurement and identification of lattice constants of crystal powders.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9303; Filed, Aug. 7, 1969; 8:45 a.m.]

CASE WESTERN RESERVE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00462-33-46040. Applicant: Case Western Reserve University, Institute of Pathology, 2085 Adelbert Road, Cleveland, Ohio 44106. Article: Electron microscope, Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for specific projects concerning the following:

1. An investigation of the morphological effects of several antimalarial drugs on malarial parasites.

2. A study of hepatic nuclear membranes in malignancy.

3. A study of pathogenesis of arteriosclerosis.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope, manufactured by the Radio Corp. of America (RCA), which provides a guaranteed resolution of 5 angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolution.) The applicant has described techniques which will be employed to take advantage of the higher resolving capability of the foreign article. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of June 3, 1969, that the difference between 3.5 and 5 angstroms in resolving capability is of very real significance since the achievement of the applicant's research objectives requires the highest available resolution. For this reason, we find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration

[F.R. Doc. 69-9304; Filed, Aug. 7, 1969; 8:45 a.m.]

COLORADO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00418-33-46040. Applicant: Colorado State University, Purchasing Department, Fort Collins, Colo. 80521. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for instruction and research training of graduate students and faculty. The following projects are currently under study:

1. Pathogenesis of high mountain disease in cattle lungs.
2. Effects of viper venoms on skeletal muscle.
3. Virus diseases of potatoes.
4. Morphogenesis of Hamster heart muscle.
5. Morphogenesis of Hamster adrenals.
6. Virus diseases of trout pancreas.
7. Formation of ice crystal nuclei.
8. Thin metallic films.
9. Diffraction of single crystals.
10. Differentiation of bacteria.
11. Nematode parasites.
12. Chifton of Acarines.
13. Contractile vacuoles of amoebae.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United State. Reasons: The foreign article is an intermediate electron microscope which, in terms of sophistication and capabilities, lies between the simple, portable electron microscope and the highly complex research types. The applicant intends to use the foreign article in its electron microscope training laboratories for training students in electron microscope techniques and, for this purpose, requires a transitional instrument for bridging the gap between light microscopy and the research types of electron microscopes. In addition to its being relatively simple to operate, the foreign article has three viewing windows to permit several trainees to analyze the image simultaneously. The most closely comparable domestic instrument is the Model EMU-4B, manufactured by the Radio Corp. of America (RCA), which is a highly sophisticated and relatively complex research elecrton microscope with only one viewing window. The foreign article provides a magnification range from 1,000X which is well within the upper range of light microscopy, to 100,000X which is within the lower range of electron microscopy. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of June 3, 1969, that in addition to instruction on operational techniques, a course in electron microscopy involves the teaching of specimen preparation, identification of suitable specimens under an electron microscope, taking proper micrographs, and interpreting the results of electron microscopy. HEW further advises that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for the training program in electron microscopy in which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9305; Filed, Aug. 7, 1969; 8:45 a.m.]

GEOPHYSICAL INSTITUTE, UNIVERSITY OF ALASKA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00597-00-43000. Applicant: Geophysical Institute, University of Alaska, College, Alaska 99701. Article: Magnetometer accessory. Manufacturer: Sokkisha, Ltd., Japan. Intended use of article: The portable waterproof turn

induction coil will be used as sensor (vertical) for an existing three-component induction magnetometer. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a component of a magnetometer that had been previously imported for the use of applicant institution. This component is being supplied by the Manufacturer of the equipment with which the article will be used.

The Department of Commerce knows of no similar components being manufactured in the United States which are interchangeable with the foreign article or can be readily adapted to the equipment with which the article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9306; Filed, Aug. 7, 1969; 8:45 a.m.]

HOSPITAL OF THE GOOD SAMARITAN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00429-33-46500. Applicant: The Hospital of the Good Samaritan, Medical Center, 1212 Shatto Street, Los Angeles, Calif. 90017. Article: Ultramicrotome, LKB 8800A Ultrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for sectioning human biopsy material from virtually all organs including lung, kidney, breast, liver, stomach, intestine, pancreas, and bone for diagnostic evaluation in the electron microscope. In this application, sections are needed from 50 Å to 2 microns thick for alternate evaluation in light and electron microscope. For the detection of small intracellular changes due to pathologic conditions, the thinnest possible sections must be cut. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The only known comparable domestic ultramicrotome is the Model MT-2 manufactured by the Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen section, the more it is possible to take advantage of the ultimate resolving capabilities of the electron microscope with which the specimen is to be used. We are advised by the Department of Health, Education, and Welfare in its memorandum dated June 2, 1969, that the applicant's research program requires sections of less than 100 angstroms and, therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. For this reason, we find that the Sorvall MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9307; Filed, Aug. 7, 1969; 8:45 a.m.]

JOHNS MANVILLE FUND, INC.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00434-33-46500. Applicant: Johns Manville Fund Inc., 22 East 40th Street, New York, NY. 10016. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for high resolution electron microscopy and electron microprobe analysis. Prepared sections must be cut uniformly thick to allow for comparative histologic and particle examination. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The only known comparable domestic ultramicrotome is the Model MT-2 manufactured by the Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen section, the more it is possible to take advantage of the ultimate resolving capabilities of the electron microscope with which the specimen is to be used. We are advised by the Department of Health, Education, and Welfare in its memorandum dated June 2, 1969, that the applicant's research program requires sections of less than 100 angstroms and, therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. For this reason, we find that the Sorvall MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9308; Filed, Aug. 7, 1969; 8:45 a.m.]

LOYOLA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00522-99-46040. Applicant: Loyola University, 6525 North Sheridan Road, Chicago, Ill. 60626. Article: Electron microscope, Model JEM-50. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used by selected students from courses in microbiology, histology, and embryology. A highly sophisticated electron microscope presently on hand is not suitable for initial training of undergraduate students. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a relatively simple, compact and mobile nonscanning electron microscope with a single (50 kilovolt) accelerating voltage, a resolution of 50 angstroms and magnifications of 2,000X, 3,000X, and 4,000X which are well within the magnification range of a light microscope. The applicant intends to use the foreign article in a program designed to provide undergraduate students of biology, histology, and embryology with initial training in the application of electron microscopy in research. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 19, 1969, that "the compactness and portability of the (foreign) instrument places it in a class distinct from the domestic instrument." It is noted that the domestic instrument referred to by HEW in the cited memorandum is the Model EMU-4B electron microscope manufactured by the Radio Corp. of America (RCA), which is the only nonscanning electron microscope being manufactured in the United States. The RCA Model EMU-4B is a highly sophisticated research electron microscope with five available accelerating voltages, a magnification range up to 200,000X and a resolution of 5 angstroms (the lower the numerical rating in terms of angstrom units, the better the resolution). The RCA Model EMU-4B requires a fixed installation and a circulating water system for cooling. In addition, preliminary training in electron microscope techniques is necessary to the effective operation of the RCA Model EMU-4B.

For the foregoing reasons, we find that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9309; Filed, Aug. 7, 1969; 8:45 a.m.]

METHODIST HOSPITAL OF BROOKLYN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00476-33-46500. Applicant: Methodist Hospital of Brooklyn, 506 Sixth Street, Brooklyn, N.Y. 11215. Article: Ultramicrotome, Reichert Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for serial sectioning tissue in uniform thickness of about 50 angstroms for study under the electron microscope. The research concerned is a study of the fine structure of tumors produced in lungs of mice exposed to air polluted by ozone, as well as a study to compare the changes in cells of bladder tumors of patients as compared to those produced in animals by chemical means. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The only known comparable domestic ultramicrotome is the Model MT-2, manufactured by Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen section, the more is it possible to take advantage of the ultimate resolving capabilities of the electron microscope for which the specimen is being prepared. We have been advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 3, 1969, that the applicant's research program requires sections of less than 100 angstroms and, therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. For this reason, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9310; Filed, Aug. 7, 1969; 8:45 a.m.]

MINNEAPOLIS VETERANS ADMINISTRATION HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00398-33-46500. Applicant: Minneapolis Veterans Administration Hospital, 54th Street and 48th Avenue South, Minneapolis, Minn. 55417. Article: Ultramicrotome, Model LKB 8800A, Ultrotome III and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies concerning the ultrastructure and cytochemistry of a number of tissues, such as human blood, leukemia, cancer of the prostate, skin, and comparative developmental biology. To perform these studies, ultrathin sections are required in long series and must be cut in equal thickness throughout for electron microscopy. Because the exact thickness varies with the different tissues concerned, it is important that the operator be able to quickly and easily change cutting thickness from the range of 50-60 Å up to 2 microns. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The only known comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen section, the more it is possible to take advantage of the ultimate resolving capabilities of the electron microscope with which the specimen is to be used. We are advised by the Department of Health, Education, and Welfare in its memorandum dated June 2, 1969, that the applicant's research program requires sections of less than 100 angstroms and, therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. For this reason, we find that the Sorvall MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9311; Filed, Aug. 7, 1969; 8:45 a.m.]

NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00487–85–54050. Applicant: New York State, Department of Motor Vehicles, 800 North Pearl Street, Albany, N.Y. 12206. Article: Recording nyctometer with recording forms, No. 60–0–049. Manufacturer: Carl Zeiss Jena, West Germany. Intended use of article: The article will be used for research in night vision characteristics. The night vision characteristics are measured and recorded with a minimum of operator skill, which is essential to accurate research done on a mass-study basis. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a commercially standard device for testing the capability of persons to see at night or in a dim light. One domestic manufacturer, American Optical Co., did at one time produce similar instruments, but discontinued production thereof due to a very limited demand for such instruments. Another domestic manufacturer, Airborne Instruments Laboratories (AIL), submitted a bid (see AIL Proposal J–4525) to custom-make an apparatus for simulating conditions of night driving and to test night vision characteristics, after performing the necessary basic research and development leading to the establishment of test specifications for measuring night vision characteristics. The total cost of research, development and design, fabrication and installation ($68,615) was to be borne by the applicant. Section 602.1(f) of above-cited regulations provides:

Domestic manufacture. An instrument, apparatus or accessory shall be considered as being manufactured in the United States:

(1) If it is actually produced within the United States and is on sale and available from a stock in the United States, or

(2) With respect to instruments, apparatus or accessories which are generally custom-made (made to purchasers' specifications) by a domestic manufacturer of such articles or articles of the same general type, if a U.S. manufacturer is able and willing to produce the instrument, apparatus, or accessory within the United States and have it available promptly so that it may be obtained by the applicant without unreasonable delay.

In determining whether a U.S. manufacturer is able and willing so to produce such a domestic article and have it so available, the Administrator shall take into account the normal commercial practice applicable to the production and distribution of instruments or apparatus of the same general type, as well as such other factors which in his judgment are reasonable to take into account under the circumstances of a particular proceeding.

The normal commercial practice concerning instruments of the same general type as the foreign article, is to have in stock the components and subassemblies that enter into the production of the instrument and assemble them on order from a customer, making such adjustments during assembly as are necessary to meet the specific needs of the purchaser. Delivery of 60 to 90 days quoted by the foreign manufacturer (see memorandum to the record dated June 13, 1969) and the quoted price of $2,820 is considered normal for instruments of this type. On the other hand, it is apparent from the following which make up the proposal of AIL, that this domestic manufacturer did not produce a commercially standard item:

(1) Perform a preliminary study, which will require 3 months to complete;

(2) Design, fabricate and test a "laboratory breadboard instrument," which would be ready for delivery in 10 months; and

(3) Installation of the instrument within 30 days after fabrication thereof has been completed.

In summary, AIL offered to perform (at the applicant's expense) those research and development functions which an established manufacturer of nyctometers had already completed prior to entering into the production of such instruments. Moreover, AIL's proposal relates to an elaborate apparatus for simulating road conditions at night and for testing the night driving capabilities of individuals, whereas the applicant requires only a relatively simple instrument for testing nyctalopia (night blindness). It is noted that according to § 602.1(b)(7) of above-cited regulations, cost differences are not considered pertinent to the evaluation of scientific equivalency within the context of § 602.1(e). In this application, however, the issue is whether there is being manufactured in the United States a nyctometer that is comparable to the foreign article, within the purview of § 602.1(f). In this context, it is considered reasonable to take into account the fact that AIL Proposal J–4525 relates to an instrument that will cost the applicant approximately 25 times the price of the foreign article; that this instrument is an elaborate custom-made device in contrast to the commercially standard foreign article; and that this article may be obtained as a matter of normal commercial practice within 60 to 90 days after receipt of order, whereas the delivery time quoted by AIL is between 10 and 12 months. These factors are collateral evidence supporting a finding that AIL was not able to produce an instrument of the same general type as the foreign article and have it available without unreasonable delay, taking into account the normal commercial practice applicable to the production and distribution of instruments or apparatus of the same general type.

The Department of Commerce knows of no other instrument or apparatus being manufactured in the United States, which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69–9312; Filed, Aug. 7, 1969; 8:45 a.m.]

OHIO UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00592–00–46040. Applicant: Ohio University, Purchasing Department, Athens, Ohio 45701. Article: Electromagnetic shutter/timer and projector tube base, Models 171–048 and 171–460a. Manufacturer: Siemens AG, West Germany. Intended use of article: The accessories will be used on an existing electron microscope for measurement of exact exposure times. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope previously imported for use of applicant institution. This accessory is being supplied by the manufacturer of the instrument with which it is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article, or can be readily adapted to the instrument with which the article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69–9313; Filed, Aug. 7, 1969; 8:46 a.m.]

QUAKERTOWN COMMUNITY SCHOOL DISTRICT, PA.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00600–00–61800. Applicant: Quakertown Community School District, 600 Park Avenue, Quakertown, Pa. 18951. Article: Projection orrery accessory. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The article is an attachment designed specifically for use on the existing Goto planetarium. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an attachment for a planetarium system previously imported for use of applicant institution. The attachment is being supplied by the manufacturer of the system with which it is intended to be used.

The Department of Commerce knows of no similar attachment being manufactured in the United States which is interchangeable with the foreign article, or can be readily adapted to the system with which the article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69–9314; Filed, Aug. 7, 1969; 8:46 a.m.]

SAN JOSE STATE COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00477–33–46040. Applicant: San Jose State College, 125 South Seventh Street, San Jose, Calif. 95114. Article: Electron microscope, Model JEM–T7 and accessories. Manufacturer: Japan Electron Optics Laboratory, Co., Japan. Intended use of article: The article will be used for teaching purposes and graduate student research projects. Projects presently underway include the investigation and study of ultrastructure of frog skin and other epithelial type ion pumping organs. Also, studies will be undertaken on immuno chemistry work using rat kidney tissue. The program involves studies of the ultrastructure of various biological specimens with particular emphasis on histochemical and immuno chemical properties of these specimens. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant institution placed the order for the foreign article (January 1967). Reasons: Subject application is a resubmission of Docket No. 69–00060–33–46040. The invitation to bid was issued on December 15, 1967, at which time the most closely comparable domestic instrument was the Model EMU–4 which was manufactured by the Radio Corp. of America (RCA). This domestic instrument provided accelerating voltages of 50 and 100 kilovolts. The foreign article provides an accelerating voltage of 25 kilovolts. It has been experimentally established that the lower accelerating voltage affords optimum contrast for ultrathin unstained specimens. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 3, 1969, that the lower accelerating voltage is necessary for accomplishing experiments in histochemistry with unstained specimens.

For this reason, we find that the RCA Model EMU–4 was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus being manufactured in the United States at the time the applicant placed the order for the foreign article, which was of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69–9316; Filed, Aug. 7, 1969; 8:46 a.m.]

STATE UNIVERSITY OF NEW YORK, STONY BROOK, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00666–65–07795. Applicant: State University of New York, Stony Brook, N.Y. 11790. Article: Periphery Camera, Model RE. Manufacturer: Research Engineers Ltd., U.K. Intended use of article: The article will be used to study the overall stress and strain distributions in shell structures ranging from everyday machinery to spacecraft. Application received by Commissioner of Customs: June 12, 1969.

Docket No. 69–00667–00–46040. Applicant: National Bureau of Standards, Route 70S and Quince Orchard Road, Washington, D.C. 20234. Article: Large specimen chamber for Siemens Elmiskop I electron microscope. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used to modify an existing electron microscope used for materials research. Application received by Commissioner of Customs: June 12, 1969.

Docket No. 69–00668–33–46040. Applicant: University of California School of Medicine at Davis, Davis, Calif. 95616. Article: Electron microscope, Model AEI EM6B. Manufacturer: GEC–AEI Electronics, Ltd., U.K. Intended use of article: The article will be used for biological research which includes the following areas:

a. Changes in the nervous system and liver in response to toxic and physical agents.

b. Mitochondrial membrane changes as related to biochemical enzyme function.

c. Examination of macromolecules to characterize the size and shape and to compare the differences after isolation under diverse metabolic states.

d. Virus isolates and their effects in producing congenital deformities in marmosa monkeys, and rats.

e. Changes in the adrenal cortex of rats under various physiologic states and in the human fetal adrenals at various ages of gestation and in normal and diseased muscle of human, monkey, guinea pig, mouse, rat, and chicken.

f. Three dimentional reconstruction to study relationships and interconnections of cellular organelles in the adrenal cortex of rats and frogs requiring magnifications of × 30,000–× 70,000 on the microscope screen.

Application received by Commissioner of Customs: June 12, 1969.

Docket No. 69–00670–00–41200. Applicant: Health Research, Inc., 666 Elm Street, Buffalo, N.Y. 14203 Article: Klystron tube, Type VC 104. Manufacturer: Varian Associates, Inc., Canada. Intended use of article: The article will be used as a component to an existing instrument for the study of radiation damage. Application received by Commissioner of Customs: June 16, 1969.

Docket No. 69–00671–33–77040. Applicant: University of California at San Diego, Purchasing Department, Post Office Box 109, La Jolla, Calif. 92037. Article: Respiratory air mass spectrometer, Model 473–601. Manufacturer: Varian MAT, West Germany. Intended use of article: The article will be used for analyzing expired gas in men who have been inhaling various gas mixtures. Four gases will be monitored simultaneously in order to measure the change in gas exchange ratio and the distribution of ventilation. The concentration of exhaled water vapor will also be monitored in order to make appropriate corrections for the other gases. This analysis will reveal the function of the lungs. Application received by Commissioner of Customs: June 16, 1969.

Docket No. 69–00672–33–46040. Applicant: University of Cincinnati Medical Center, Department of Pathology, Eden and Bethesda Avenue, Cincinnati, Ohio 45229. Article: Electron microscope Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for the following studies:

a. The correlation of defective muscle membrane with structure abnormality in myotonic animals.

b. The correlation of chemical and antigenic alterations with the fine structure morphology of the plasma membranes in both isolated fragments and intact cells.

c. The study of early fine structure changes in accelerated rejection of transplanted dog kidneys.

Application received by Commissioner of Customs: June 16, 1969.

Docket No. 69–00674–33–46500. Applicant: Louisiana State University Medical Center, Department of Anatomy, 1542 Tulane Avenue, New Orleans, La. 70112. Article: Ultramicrotome, Reichert Model "Om U2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used to section tissues of about 50 angstroms for a variety of studies which include: (a) viewing connections between cells during organogenesis, (b) the study of crystalline materials in hard tissues in normal and abnormal cartilage, and (c) to obtain maximum resolution of isotopically labeled material within subcellular organelle. Application received by Commissioner of Customs: June 18, 1969.

Docket No. 69–00675–33–46040. Applicant: Creighton University Medical School, 627 North 27th Street, Omaha, Nebr. 68131. Article: Electron microscope, Model EM–9S and spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of articles: The article will be used for the teaching and training medical students, residents, Ph. D. candidates, trainees, and visiting fellows as well as for research on the structure, function and disease processes in general and special pathology. Various aspects of general morphology are being investigated as well as comparative studies of the normal structure and physiology of animals and humans. Application received by Commissioner of Customs: June 18, 1969.

Docket No. 69–00676–99–80045. Applicant: Bridgeport Board of Education, 45 Lyon Terrace, Bridgeport, Conn. 06604. Article: Telescope, Model 303 and accessories. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The article will be used by students, under supervision, for general observation, solar observation, cometary exploration, spectral analysis, learning stellar coordinates, and celestial photography. It will also be used for instruction of astronomy and for scientific study of the stars and other celestial elements. Application received by Commissioner of Customs: June 18, 1969.

Docket No. 69–00677–00–46040. Applicant: University of California, College of Engineering, Department of Electrical Engineering, Davis, Calif. 95616. Article: 1 each ABD–2 high resolution dark field accessory, 1 each AD–2 high resolution diffraction accessory, 1 each AR–3 reflection accessory, 1 each AC–3 transmission cold stage, 1 each AS power control box, 1 each AHT–3 transmission hot stage, 1 each ASM control unit for ALG–1 goniometer stage. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The articles will be used on an existing electron microscope, Model JEM–7A, for graduate level instruction and research in the College of Engineering. Application received by Commissioner of Customs: June 19, 1969.

Docket No. 69–00678–33–46040. Applicant: The University of Michigan Dental Research Institute, Laboratory of Cell Biology, 1011 North University, Ann Arbor, Mich. 48104. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for advanced research and research training programs. Research will consist of two major projects which include experimental studies to establish the immunologic specificity of molecular interaction between small protein antigens and thoracic duct lymphocytes in vitro and in vivo, as well as studies concerned with the isolation of various subcellular structures such as polyribosomes and mitochondrial subfractions. The educational use will be for the advanced research training of postdoctoral fellows who have had some exposure to biological electron microscopy and are in need of advanced training in high resolution electron microscopy. Application received by Commissioner of Customs: June 19, 1969.

Docket No. 69–00680–65–46070. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Scanning electron microscope, Model Mark IIA, video presentation unit, multipurpose specimen Stage C, additional visual system and specimen current amplifier manufacturer: Cambridge Instrument Co., Ltd., U.K. Intended use of article: The article will be used for fracture studies of alloys and composites, the precision location of heterojunctions in solid-state ultraviolet radiation detectors, and studies of human bone and tissues. In addition to these applications, the article will also be used to expand research capabilities in the area of microcrystallographic orientation analysis. Application received by Commissioner of Customs: June 19, 1969.

Docket No. 69–00681–65–46070. Applicant: University of Florida, Department of Metallurgical Materials Engineering, College of Engineering, Gainesville, Fla. 32601. Article: Scanning Electron Microscope, Model Mark IIA. Manufacturer: Cambridge Instruments Company, Ltd., U.K. Intended use of article: The article will be used for a wide spectrum of research programs as indicated below:

a. The study of fracture surfaces of metals, ceramics, composite structures and fibers.

b. The study of the mechanisms of corrosion reactions based on evolution and morphology of reaction product films and interfaces.

c. Electrical behavior of semiconducting metals and glasses.

d. Characterization of surfaces and surface reactions.

e. The study of materials for surgical implantation.

Application received by Commissioner of Customs: June 19, 1969.

Docket No. 69–00682–33–46500. Applicant: Harvard University, Holyoke Center, Cambridge, Mass. 02138. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The studies deal with fine structure of endothelia and epithelia in a variety of organs under normal and pathologic conditions. A primary aim is the study of intracellular contacts. Therefore, it is necessary to cut equal thickness serial sections, and that the operator should be able to easily vary these sections between 100 angstroms and 2 microns. Application received by Commissioner of Customs: June 23, 1969.

Docket No. 69–00683–33–46500. Applicant: Medical College of Ohio at Toledo, Post Office Box 6190, Toledo, Ohio 43614. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used by medical students, residents, and faculty in the preparation of sections, ranging in thickness from 50 angstroms to 2 microns, of biological material for examination in a high resolution microscope as well as in interference microscope. The materials will vary considerably from spermatozoa and uterine muscle to nerves and adrenal tissue. Application received by Commissioner of Customs: June 23, 1969.

Docket No. 69–00684–01–77030. Applicant: University of Illinois at Chicago Circle, 601 South Morgan Street, Chicago, Ill. 60607. Article: Nuclear Induction Spectrometer, Model HX5/5. Manufacturer: Bruker Physik, West Germany. Intended use of article: The article will be used in an experimental program concerned with a variety of nuclear magnetic resonance studies of "Low Sensitivity" nuclei. The low sensitivity of the nuclei in question is a result of some or all of the following: Low natural abundance, small magnetic moment, low solubility, and long relaxation times. Experimental techniques developed over the past few years, in addition to advanced instrumentation, now make such studies feasible, thus making available two whole new areas of inorganic chemistry the richness of nuclear magnetic resonance experiments. Application received by Commissioner of Customs: June 23, 1969.

Docket No. 69–00685–01–77030. Applicant: Eastern Michigan University, Ypsilanti, Mich. 48197. Article: Nuclear magnetic resonance spectrometer, Model JNM–C–60HL. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for the following:

a. Instructional use in connection with the following courses: Introductory and advanced organic chemistry, inorganic chemistry, instrumental analysis and physical chemistry.

b. Structure determination of organophosphorus and organoborane compounds and boron hydrides. Study of Lewis acid and base strength of above compounds.

c. Structure determination of bridged polycyclic hydrocarbons.

d. Study of electron density and bonding changes viewed from chemical shift data.

e. Structural determination of perfluoroarene sandwich compounds and perfluoroaromatics.

f. Study of pi-complexed olefins bonded to platinum.

g. Characterization of novel monomers.

h. Study of stereochemistry of thermally stable condensation polymers.

i. Structure determination of imides, epoxides and related compounds.

j. Study of enzyme—inhibitor kinetics.

k. Solvation studies of proton transfer complexes at varying temperatures.

l. Study of degradation of estrogens in strong acids.

Applications received by Commissioner of Customs: June 23, 1969.

EDWARD G. SMITH,
Director for Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69–9315; Filed, Aug. 7, 1969; 8:46 a.m.]

TAMAQUA AREA SCHOOL DISTRICT, PA.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00607–00–61800. Applicant: Tamaqua Area School District, Box 112, Tamaqua, Pa. 18252. Article: Planetarium accessory. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The geocentric earth accessory is an attachment designed specifically for use on the existing planetarium. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an attachment for a planetarium system previously imported for use of applicant institution. The attachment is being supplied by the manufacturer of the system with which it is intended to be used.

The Department of Commerce knows of no similar attachment being manufactured in the United States which is interchangeable with the foreign article, or can be readily adapted to the system with which the article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69–9316; Filed, Aug. 7, 1969; 8:46 a.m.]

TAMAQUA AREA SCHOOL DISTRICT, PA.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00603–00–61800. Applicant: Tamaqua Area School District, Box 112, Tamaqua, Pa. 18252. Article: Planetarium accessory. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The solar-lunar eclipse projector is an attachment designed for use on the existing planetarium. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an attachment for a planetarium system previously imported for use of applicant institution. The attachment is being supplied by the manufacturer of the system with which it is intended to be used.

The Department of Commerce knows of no similar attachment being manufactured in the United States which is interchangeable with the foreign article, or can be readily adapted to the system with which the article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69–9318; Filed, Aug. 7, 1969; 8:46 a.m.]

TAMAQUA AREA SCHOOL DISTRICT, PA.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00604–00–61800. Applicant: Tamaqua Area School District, Box 112, Tamaqua, Pa. 18252. Article: Planetarium accessory. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The projection

orrery is an attachment designed for use on the existing planetarium. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an attachment for a planetarium system previously imported for use of applicant institution. The attachment is being supplied by the manufacturer of the system with which it is intended to be used.

The Department of Commerce knows of no similar attachment being manufactured in the United States which is interchangeable with the foreign article, or can be readily adapted to the system with which the article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9319; Filed, Aug. 7, 1969; 8:46 a.m.]

TEXAS TECHNOLOGICAL COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00436-33-46040. Applicant: Texas Technological College, Lubbock, Tex. 79409. Article: Electron Microscope, Model HU-11E-1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in a training and research program to investigate cell fine structure. A variety of biological materials will be studied, for example, individual protein and polysaccharide molecules and cells of fungi and higher organisms. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B, manufactured by the Radio Corp. of America (RCA), which provides a guaranteed resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) The applicant has described techniques to be employed in conducting experiments in which the foreign article is intended to be used, which permit taking advantage of the maximum available resolution. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 2, 1969, that with respect to resolving capability, the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for the purposes for which the article will be used. Since resolving capability is pertinent to the purposes for which the foreign article is intended to be used, we find that the RCA Model EMU-4B is not of equivalent scientific value for such purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9320; Filed, Aug. 7, 1969; 8:46 a.m.]

TEXAS TECHNOLOGICAL COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00475-33-46500. Applicant: Texas Technological College, Lubbock, Tex. 79409. Article: Ultramicrotome, Model LKB 8800A, Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in teaching and research programs to produce ultrathin sections of biological materials for electron microscopy. The major research program concerns a study of the host-parasite complex consisting of a higher plant and its fungal parasite. In teaching, it will be necessary to use a wide variety of embedding media in order to match the hardness of the specimen. It is well known that harder blocks require slow cutting speeds and that softer plastics are best sectioned at higher cutting speeds. Thus a wide range of cutting speeds is required in order to produce thin section suitable for electron microscopic examination. Comments: No comments have been received with respect to this application. Decision: Application approved.

No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The only known comparable domestic ultramicrotome is the Model MT-2, manufactured by Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen section, the more it is possible to take advantage of the ultimate resolving capabilities of the electron microscope for which the specimen is being prepared. We have been advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 3, 1969, that the applicant's research program requires sections of less than 100 angstroms and, therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. For this reason, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9321; Filed, Aug. 7, 1969; 8:46 a.m.]

UNIVERSITY OF ALASKA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00464-89-44630. Applicant: University of Alaska, Geophysical Institute, College, Alaska 99701. Article: Meteorological apparatus. Manufacturer: Rauchfuss Instruments & Staff Pty., Ltd., Australia. Intended use of article: The article will be used to record meteorological parameters on a year-around basis. The long-period stripchart recorders are the only meteorological instruments available which have the capability of unattended operation for up to 12 months. This requirement is essential for the project intended, since access to the field site in the Brooks Range in Northern Alaska is restricted to a few weeks in summer only. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is to be used for measuring and recording meteorological phenomena in northern Alaska. Access to this area may be obtained only during a few weeks in the summer. Since, the meteorological data must be collected on a 12-month basis, the instrument used for this purpose must be capable of automatic operation without attendance for this period. The foreign article has this characteristic. We are advised by the National Bureau of Standards (NBS) in its memorandum dated May 27, 1969, that it knows of no instrument or apparatus being manufactured in the United States which is capable of fulfilling the applicant's purposes for which the foreign article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9322; Filed, Aug. 7, 1969; 8:46 a.m.]

UNIVERSITY OF ARIZONA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00594-00-46040. Applicant: University of Arizona, Department of Metallurgy, Tucson, Ariz. 85721. Article: Electron miscroscope accessories (Tilting stage, pole piece, specimen holder, protect cylinder and specimen stage). Manufacturer: Hitachi, Ltd., Japan. Intended use of article: These articles will be used in conjunction with the existing Hitachi electron microscope, Model HU-200E, for research and teaching in the field of metallurgy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope previously imported for use of applicant institution.

This accessory is being supplied by the manufacturer of the instrument with which it is intended to be used. The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article, or can be readily adapted to the instrument with which the article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9323; Filed, Aug. 7, 1969; 8:46 a.m.]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00550-00-46040. Applicant: University of Chicago, Department of Medicine, 950 East 59th Street, Chicago, Ill. 60637. Article: Specimen airlock with electromagnetic beam deflection for Elmiskop 1A electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing Elmiskop 1A electron microscope used for research on heart muscle. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accesssory for an electron microscope which had been previously imported for the use of the applicant institution. The accessory is being furnished by the manufacturer of the foreign electron microscope.

The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article or which can be readily adapted to the foreign electron microscope with which the foreign article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9324; Filed, Aug. 7, 1969; 8:46 a.m.]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00413-33-46040. Applicant: University of Chicago, 5801 South Ellis Avenue, Chicago, Ill. 60637. Article: Electron miscroscope, Model HU 200-E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to enhance and extend a research program on molecular organization of cell membranes and derivatives, as well as in space molecular biology. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a maximum accelerating voltage of 200 kilovolts. The most closely comparable domestic instrument is the Model EMU-4B electron microscope, manufactured by the Radio Corp. of America (RCA), which provides a maximum accelerating voltage of 100 kilovolts.

The higher the accelerating voltage, the greater is the penetrating power and, concomitantly, the more is it possible to attain the ultimate resolving power of the electron microscope which is limited by the thickness of the specimen. The applicant intends to use the foreign article in experiments on materials such as extra-terrestrial particles which, in their natural state, are obtainable only in varying thicknesses. Therefore, the higher accelerating voltage of the foreign article is pertinent to the purposes for which it is intended to be used. For this reason, we find that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9325; Filed, Aug. 7, 1969; 8:46 a.m.]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00461–33–46040. Applicant: The University of Chicago, 5801 South Ellis Avenue, Chicago, Ill. 60637. Article: Electron microscope, Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to enhance and extend a research program on molecular organization of cell membranes and derivatives, as well as in space molecular biology. The article will also be used for combined electron microscopy and microchemical studies. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a guaranteed resolving capability of 3.5 angstroms.

The most closely comparable domestic instrument is the Model EMU–4B electron microscope, manufactured by the Radio Corp. of America (RCA), which provides a guaranteed resolution of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolution.) The applicant has described techniques which will be employed to take advantage of the higher resolving capability of the foreign article. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of June 3, 1969, that the difference between 3.5 and 5 angstroms in resolving capability is of very real significance since the achievement of the applicant's research objectives requires the highest available resolution. For this reason, we find that the RCA Model EMU–4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69–9326; Filed, Aug. 7, 1969; 8:46 a.m.]

UNIVERSITY OF COLORADO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00453–85–43000. Applicant: University of Colorado, Regent Hall, Room 122, Boulder, Colo. 80302. Article: Portable nuclear precision magnetometer, Model GM–102. Manufacturer: Barringer Research, Canada. Intended use of article: The article will be used as part of a program to equip an undergraduate teaching laboratory in geophysics. The Department of Geological Sciences requires a field magnetometer of the nuclear precession type for student field use to demonstrate the principles of nuclear precession. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The applicant intends to use the foreign article for teaching geological students in the principles of nuclear precession as applied to field measurements.

Comparable instruments being manufactured in the United States employ the flux gate principle, balance principle and other principles except the principle of nuclear precession. We are advised by the National Bureau of Standards (NBS) in its memorandum dated May 13, 1969, that it knows of no portable nuclear precession magnetometer being manufactured in the United States and, further, that any other type of magnetometer would not serve the purposes for which the foreign article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69–9327; Filed, Aug. 7, 1969; 8:46 a.m.]

UNIVERSITY OF IOWA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00484–33–46040. Applicant: University of Iowa, Department of Anatomy, Medical Research Center, Iowa City, Iowa 52240. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for biological research projects in progress as indicated below:

A. Computerization of electron densitometric data obtained from screen of electron microscope in quantitative and three dimensional studies of the nervous system.

B. Comparative quantitative studies between light microscopy and low magnification electron microscopic technics, specifically with regard to nerve fiber size spectra.

C. High resolution electron microscopy of nerve twig myelin and axoplasm with different functions.

D. Three-dimensional reconstructions of mm-long mammalian muscle spindles.

E. High resolution negative staining technic in characterization of proteinpolysaccaride-complexes of unknown size and composition in embryonic connective tissue from mice.

F. High resolution electron microscopy of ferritin-tagged antibodies against glucagon and insulin in pancretic in-vitro systems and of antibodies against pituitary hormones.

G. Ultrastructural radioautography with I^{125} and H^3 on frog muscle spindles and the immunology of human lymphocytes.

H. Ultrastructural cytochemistry of muscle spindles, in implantation studies of fertilized hamster ova, gingival reactions to steroid hormones, periodontal disease and cytology of rat pituitaries.

I. Aerosol particle counts and measurements in conjunction with dental drilling.

J. Training of students in three dimensional ultrastructure, high resolution electron microscopy and maintenance of different makes of a modern electron microscope.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4B electron microscope, manufactured by the Radio Corp. of America (RCA), which provides a guaranteed resolution of 5 angstroms. (The lower the numerical rating in terms of angstroms units, the better the resolution.) The applicant has described techniques which will be employed to take

advantage of the higher resolving capability of the foreign article. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of June 3, 1969, that the difference between 3.5 and 5 angstroms in resolving capability is of very real significance since the achievement of the applicant's research objectives requires the highest available resolution.

For this reason, we find that the RCA Model EMU–4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69–9328; Filed, Aug. 7, 1969; 8:47 a.m.]

UNIVERSITY OF MINNESOTA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00488–33–46500. Applicant: University of Minnesota, Department of Zoology, Minneapolis, Minn. 55455. Article: Ultramicrotome, Reichert "OmU2". Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article will be used for both research and teaching. For research, one project is the comparative study of the deoxyriboncleic acid (DNA) molecules in the kinetoplasts of trypanosomatid protozoa. In the second project the ultramicrotome will be employed to section Epon-embedded mouse hepatoma for the examination of cell junctions. A third project involves Epon-embedded spider cardiac muscle. In teaching, an advanced cytology course "Fine Structure of Animal Cells, Zoology 5165" is offered for advanced undergraduate and graduate students. Comments: No comments have been received with respect to this application. Decision: Application approved.

No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The only known comparable domestic ultramicrotome is the Model MT–2, manufactured by Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen section, the more is it possible to take advantage of the ultimate resolving capabilities of the electron microscope for which the specimen is being prepared. We have been advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 3, 1969, that the applicant's reseach program requires sections of less than 100 angstroms and, therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. For this reason, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69–9329; Filed, Aug. 7, 1969; 8:47 a.m.]

UNIVERSITY OF PENNSYLVANIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00421–00–46040. Applicant: University of Pennsylvania, Department of Pathology, 36th and Spruce Streets, Philadelphia, Pa. 19106. Article: Electronic shutter with exposure meter for elmiskop IA electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used on an existing electron microscope to measure the exact exposure time. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope which had been previously imported for the use of the applicant institution. The accessory is being furnished by the manufacturer of the foreign electron microscope.

The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article or which can be readily adapted to the foreign electron microscope with which the foreign article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69–9330; Filed, Aug. 7, 1969; 8:47 a.m.]

UNIVERSITY OF PENNSYLVANIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00447–33–46500. Applicant: University of Pennsylvania, Department of Neurology, 3400 Spruce Street, Philadelphia, Pa. 19104. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with studies concerning the ultrastructure and cytochemistry of large numbers of muscle biopsies from patients with human muscle disease. These studies are necessary to gain a better understanding of the etiology and pathogenesis of these disorders. To perform these studies, specimens must be prepared for electron microscopy, which requires ultrathin sections in long series for dimensional reconstruction of structure. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The only known comparable domestic ultramicrotome is the Model MT–2, manufactured by Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen section, the more is it possible to take advantage of the ultimate resolving capabilities of the electron microscope for which the specimen is being prepared. We have

been advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 3, 1969, that the applicant's research program requires sections of less than 100 angstroms and, therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. For this reason, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9331; Filed, Aug. 7, 1969; 8:47 a.m.]

UNIVERSITY OF TEXAS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00470-33-33300. Applicant: The University of Texas M. D. Anderson Hospital and Tumor Institute, 6723 Bertner, Houston, Tex. 77025. Article: Fibergastroscope; "Machida Type B". Manufacturer: Shoei Industries Co., Ltd., Japan. Intended use of article: The article will be used for clinical cancer research. A unique specification of the article is that of direct vision biopsy of the stomach by which gastric cancer can frequently be diagnosed without surgery in the living human. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is designed to permit direct visual biopsy of the intestinal tract. This allows, for example, gastric cancer to be frequently diagnosed without resorting to surgery. The foreign article will be used for both research and training in visual biopsy. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of June 3, 1969, that the direct visual biopsy characteristic of the foreign article is pertinent to such purposes and, further, that HEW knows of no instrument or apparatus being manufactured in the United States which has this characteristic.

Neither does the Department of Commerce know of any instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9332; Filed, Aug. 7, 1969; 8:47 a.m.]

UNIVERSITY OF VIRGINIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00554-00-46040. Applicant: University of Virginia, Department of Materials Science, Thornton Hall, Charlottesville, Va. 22901. Article: Double-tilt heating stage for a Siemens electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing electron microscope for research in metals. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope which had been previously imported for the use of the applicant institution. The accessory is being furnished by the manufacturer of the foreign electron microscope.

The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article or which can be readily adapted to the foreign electron microscope with which the foreign article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9333; Filed, Aug. 7, 1969; 8:47 a.m.]

VETERANS ADMINISTRATION HOSPITAL, BUFFALO, N.Y.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00460-33-79300. Applicant: Veterans Administration Hospital, 3495 Bailey Avenue, Buffalo, N.Y. 14215. Article: Multichannel stethoscope, Type 16100. Manufacturer: Amplivox Exports Ltd., U.K. Intended use of article: The article will be used in group teaching of third and fourth year medical students specializing in cardiology. The objective is to teach the students to recognize and differentiate between the various heart sounds, using their personal stethoscopes through the artificial chests which are simulated by rubber diaphragms incorporated in the multichannel stethoscope. The multichannel stethoscope is actually an artificial chest. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is designed to simulate variations in the sounds in the human chest which are heard through a physician's stethoscope, each sound indicating a particular physiological condition of the chest. The applicant intends to use the foreign article for training medical students to differentiate between various sounds of the heart and chest. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 3, 1969, that it knows of no similar instrument or apparatus being manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9334; Filed, Aug. 7, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21146; Order 69-8-11]

AIR SOUTH, INC.

Order To Show Cause

Issued under delegated authority August 4, 1969.

Air South, Inc. (Air South), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-8-10, August 4, 1969, the Board approved Agreement CAB 20964 between Eastern Air Lines, Inc. (Eastern), and Air South. This agreement contemplates that Air South will discharge Eastern's certificate obligation to serve Bowling Green, Ky., through the operation of small aircraft between Bowling Green and both Louisville, Ky., and Nashville, Tenn.

No service mail rate is currently in effect for this service by Air South. By petition filed July 1, 1969, Air South requested the establishment of final service mail rates for the transportation of priority and nonpriority mail by air between Bowling Green and both Louisville, Ky., and Nashville, Tenn. Air South requests that the multielement rates established in Orders E-25610 and E-17255, which provided for payments to Eastern, be made applicable to this route. On July 11, 1969, the Postmaster General filed an answer in support of Air South's petition.[1]

The rate in Order E-25610, August 28, 1967, for the air transportation of priority mail requested by Air South was established by the Board in the Domestic Service Mail Rate Investigation. We propose to establish a service rate for the air transportation of priority mail by Air South at the level established in Order E-25610, as amended, and the terms and provisions of that order also shall be applicable to Air South in the same manner as they were applicable to Eastern in providing mail services between Bowling Green and both Louisville, Ky., and Nashville, Tenn.

An open-rate situation has existed for the air transportation of nonpriority mail since April 6, 1967, when the Post Office petitioned for new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Eastern) for the transportation of nonpriority mail, established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is equitable that Air South receive the same compensation as Eastern for the same services, we propose to establish a temporary service rate for nonpriority mail for Air South at the level established in Order E-17255, as amended. By Order 69-6-171, issued June 30, 1969 in Docket 21117, Air South has already been made a party to the proceedings in Docket 18381 and the temporary nonpriority mail rate established herein shall be subject to such retroactive adjustment as may be ordered in that proceeding.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Air South, Inc., by the Postmaster General for the air transportation of mail, the facilities used and useful therefor, and the services connected therewith, between Bowling Green and both Louisville, Ky., and Nashville, Tenn. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid on and after August 4, 1969, to Air South, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Bowling Green and both Louisville, Ky., and Nashville, Tenn., shall be the rates established by the Board in Order E-25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid on and after August 4, 1969, to Air South, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Bowling Green and both Louisville, Ky., and Nashville, Tenn., shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Air South, Inc., the Postmaster General, and Eastern Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Air South, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rates or to the other findings and conclusions proposed herein shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If no notice of objection is filed within 10 days after service of this order, or if notice is filed and no answer is filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final and temporary rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final and temporary rates shall be limited to those specifically raised by answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. This order shall be served upon Air South, Inc., the Postmaster General, and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9363; Filed, Aug. 7, 1969; 8:49 a.m.]

[Docket No. 19973; Order 69-8-17]

CONTINENTAL AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of August 1969.

By Orders E-26466 and E-26687, Continental Air Lines, Inc. (Continental), was granted exemption authority to engage in the transportation of persons, property, and mail pursuant to the terms of a Franchise Agreement entered into with the Government of the Trust Territory of the Pacific Islands. Under those orders and subject to the restrictions stated therein, Continental was authorized to provide services between points in the Trust Territory and between Honolulu, Johnston Island, the Trust Territory, Guam, and Okinawa.

On June 21, 1968, Continental filed a petition requesting that service mail

[1] The present rates are as follows:
Priority mail by air: 24 cents per ton-mile plus 9.36 cents per pound at Bowling Green and 2.34 cents per pound at both Louisville and Nashville. Nonpriority mail by air: 15.115 cents per ton-mile plus 4.98 cents per pound at Bowling Green and 1.66 cents per pound at both Louisville and Nashville.

[2] As this order to show cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 385 (14 CFR Part 385). Those provisions for Board review will be applicable to any final action in this matter taken by the staff under authority delegated in § 385.14(g).

rates be set for these Pacific services. Continental and the Post Office Department (POD) were in agreement that the transpacific rates established by Orders 68–9–8 and 68–9–9 should be made applicable for the transportation of mail between Honolulu, Guam, and Okinawa. Mail rates for service to these points were so established by Order 68–10–167, October 29, 1968. However, with respect to services involving Johnston Island and points in the Trust Territory, Continental and POD had widely divergent views as to the level of the rates. Continental initially requested a rate of $1.99 per ton-mile. POD opposed the rate on the ground the carrier had not supplied any economic data to justify the rate and alternatively proposed that the domestic service multielement rate be made applicable to Continental's Trust Territory operations.

On June 6, 1969, Continental amended its original petition and now seeks to be compensated at a rate of $1.07 per ton-mile for the period May 16, 1968, through December 31, 1968,[1] and $1 per ton-mile on and after January 1, 1969. Continental states that the changes in the requested rate level came about because the original petition was filed at a time when it had just recently inaugurated the service and the operating costs were forecast without the benefit of any postoperating experience. Operations under the Franchise Agreement have now been in effect for over a year, and the rates now requested are based on experienced data. Continental submits that on the basis of actual experience it feels the requested rates are fair and reasonable and understands that the Post Office Department also considers them to be so. The Post Office Department has not responded to the amended petition filed by Continental.

In connection with the Trust Territory operations, Continental utilizes a B–727, a DC–6B, and two SA–16 Grumman Albatross flying boats which are 20 years old. The DC–6B and SA–16's are needed to serve points where the jet cannot operate because of airport limitations or the primitive facilities that exist on some of the more remote islands. There are no night operations, and on many flights the crew includes a maintenance superintendent who carries along a maintenance kit which includes spare parts.

The cost data submitted by Continental indicate a mail cost of $1.18 per ton-mile for the May 16 to December 31, 1968, with a forecast cost of $1.07 for future operations.[2] While the experienced and forecast costs computed by Continental are somewhat higher than the rates requested, the Board recognizes that the rates appear to be acceptable to the parties. Also, it is our judgment that the rate is well within the zone of reasonableness on the basis of all the considerations involved. As we have previously noted, costing the mail does not lend itself to mathematical precision, and this would be especially true in the instant case in view of the limited services involved and the unique conditions under which the carrier is operating.

The rates proposed are to be computed on the basis of standard mileages to be tabulated by POD and Continental. These mileages will be submitted to the Board at a future time and will be effectuated by means of a supplemental order.

Under the foregoing circumstances the Board has determined to grant Continental's petition as amended. Therefore, the Board proposes to issue an order to include the following findings and conclusions:

(1) The fair and reasonable rates of compensation to be paid Continental Air Lines, Inc., for transportation of mail by aircraft between Honolulu, Guam, and Okinawa, on the one hand, and Johnston Island and the Trust Territory, on the other hand, and between Johnston Island and the Trust Territory, and within the Trust Territory, the facilities used and useful therefor, and the services connected therewith, are as follows:

(a) For the period May 16, 1968, through December 31, 1968, a rate of $1.07 per ton-mile, which rate shall be applied in accordance with the terms and conditions set forth below:

(b) For the period on and after January 1, 1969, a rate of $1 per ton-mile, which rate shall be applied in accordance with the terms and conditions set forth below:

Mail ton-miles. The mail ton-miles for each shipment of mail shall be based upon the standard mileage established herein for service between the points of origin and destination of each shipment.[3]

Standard mileage. The standard mileage for each pair of points shall be as set forth in the appendix to this order.[4]

Changes in standard mileage. The standard mileages set forth in the appendix to this order shall remain in effect throughout the period this rate order is is in effect, provided, however, that at any time the Board may institute a proceeding, and Continental Air Lines, Inc., and/or the Postmaster General, may make application to the Board for establishment of standard mileages to a new point: *And provided further, however,* That once each fiscal year the Board may institute a proceeding and Continental Air Lines, Inc., and/or the Postmaster General may make application to the Board for revision of any standard mileage effective July 1 of such fiscal year. Such applications will not be regarded as reopening the rate. Applications provided for above shall be clearly entitled "Application for (New) (Revised) Standard Mileage", shall contain a clear and concise statement of the requested standard mileage or standard mileage revision and the facts upon which such request is based, and shall in all other respects conform to the applicable requirements of the rules of practice.

In establishing standard mileages to a new point, the Board will consider the routings of flights to such point and the number of flights required by the postal service. In establishing revised standard mileages, the Board will consider the effect of changes in airport location, mail flow, and flight routings reflected in the carrier's general schedules during the first 7 days of the month immediately preceding the July 1 effective date of such revision.

Origin and destination of mail shipments. As used herein "point of origin" means the point at which the carrier first enplanes the mail shipment after receipt thereof from a Postal Administration or its representatives, from another ratemaking division of the same carrier, the operations of which division are not encompassed herein, or from another carrier; and "point of destination" means the point at which the carrier deplanes the mail shipment for delivery to a Postal Administration or its representatives, to a separate ratemaking division of the same carrier, the operations of which division are not encompassed herein, or to another carrier.

(2) The final service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to the regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons and particularly Continental Air Lines, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and, if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days after the date of service of this order, and if notice is filed, written answer and supporting documents shall be filed within 30 days after date of service of this order.

3. If notice of objection is not filed within 10 days, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein.

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

[1] This date appears in the amendment as Dec. 13, 1968, but the carrier has informally advised the Board that this was due to a typographical error.

[2] Adjusting for certain nonrevenue Trust Territory operations reduces these mail costs by approximately 1 cent per revenue ton-mile.

[3] No tabulation of standard mileages is being attached to this order when initially issued. An appendix establishing standard mileages will be published in a supplemental order.

[4] See footnote 3 supra.

5. This order shall be served upon Continental Air Lines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69–9364; Filed, Aug. 7, 1969; 8:49 a.m.]

[Docket No. 21109; Order 69–8–18]

DELTA AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of August 1969.

On June 23, 1969, Delta Air Lines, Inc. (Delta), filed an application, Docket 21108, for an amendment of its certificate of public convenience and necessity for route 54 so as to remove condition (4)[1] therefrom. Simultaneously, Delta filed a petition, Docket 21109, for the issuance of an order to show cause why Delta's certificate should not be amended as requested, or in the alternative that the Board issue an order pursuant to section 416 of the Act, exempting Delta from the requirements of section 401 and condition (4) of Delta's certificate for route 54, pending decision on permanent removal of the condition. Answers supporting Delta's application were filed by the city of Knoxville, the Greater Knoxville Chamber of Commerce, and the Greater Chattanooga Chamber of Commerce.

Upon consideration of the pleadings and all the relevant facts, we have decided to grant Delta's request for an order to show cause, and we tentatively find and conclude that the public convenience and necessity require the deletion of condition (4) from the certificate of Delta Air Lines, Inc.

In support of our ultimate finding, we tentatively find and conclude as follows: That Delta presently routes aircraft between Chattanooga and Knoxville; that condition (4) prohibits Delta from carrying local Chattanooga-Knoxville traffic on these flights; that the deletion of condition (4) should provide appreciable benefits for the traveling public by enabling local Chattanooga-Knoxville traffic to utilize all flights between the two cities; and that these benefits are obtainable without subjecting other carriers to a significant amount of revenue diversion.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Delta Air Lines' certificate of public convenience and necessity for route 54 by deleting condition (4) thereof;

2. Any interested person having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein, shall, within 20 days after service of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. All motions and/or petitions for reconsideration shall be filed within the period for filing objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. That except to the extent otherwise granted herein, Delta's application in Docket 21109, be and it hereby is denied.

6. A copy of this order shall be served upon the city of Knoxville, Tenn., the city of Chattanooga, Tenn., Delta Air Lines, Inc., Southern Airways, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69–9366; Filed, Aug. 7, 1969; 8:49 a.m.]

[Docket No. 21141; Order 69–8–19]

EASTERN AIR LINES, INC.

Order Providing for Further Proceedings in Accordance With Expedited Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of August 1969.

On June 30, 1969, Eastern Air Lines, Inc., (Eastern), filed an application, pursuant to Subpart N of Part 302 of the Board's procedural regulations, for amendment of its certificate of public convenience and necessity for Syracuse-Atlanta/Tampa/Miami nonstop authority. No requests for dismissal have been filed.

Upon consideration of the foregoing, we do not find that Eastern's application is not in compliance with, or is inappropriate for processing under, the provisions of Subpart N. Accordingly, we order further proceedings pursuant to the provisions of Subpart N, §§ 302.1406–302.1410, with respect to Eastern's application

Accordingly, it is ordered, That:

1. The application of Eastern Air Lines, Inc., Docket 21141, be and it hereby is set for further proceedings pursuant to Rules 1406–1410 of the Board's procedural regulations; and

2. This order shall be served upon all parties served by Eastern Air Lines, Inc., in its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69–9365; Filed, Aug. 7, 1969; 8:49 a.m.]

[Docket No. 20781]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Notice of Hearing

IATA agreements relating to transatlantic fares.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on September 3, 1969, at 10:00 a.m., e.d.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 4, 1969.

[SEAL] ARTHUR S. PRESENT, *Hearing Examiner.*

[F.R. Doc. 69–9367; Filed Aug. 7, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18610; FCC 69–821]

MANATEE CABLEVISION, INC., ET AL.

Memorandum Opinion and Order and Order To Show Cause Designating Matter for Hearing

In the matter of petition by Manatee Cablevision, Inc., to stay construction

[1] Condition (4) prohibits Delta from engaging in local air transportation between Chattanooga and Knoxville, Tenn.

and operation of CATV distribution facilities in Manatee County, Fla., by General Telephone System, General Telephone Company of Florida, and GT&E Communications, Inc.; Docket No. 18610.

1. Manatee Cablevision, Inc. (Manatee Cablevision), holder of a nonexclusive franchise to provide CATV service in Manatee County, Fla., has petitioned the Commission to take any necessary action to enforce compliance by the General Telephone System (General) and particularly General Telephone Company of Florida (General of Florida) with our partial stay order in Docket No. 17333.[1] It is alleged that General and its affiliates, including GT&E Communications, Inc. (GTEC), in constructing and rapidly expanding construction of CATV distribution facilities in Manatee County, have engaged in anticompetitive practices, acted to circumvent section 214 of the Communications Act, and violated our partial stay order in Docket No. 17333. Manatee Cablevision requests the immediate issuance of an order which would prohibit General of Florida and GTEC from constructing or placing into operation any CATV distribution facilities in Manatee County and which would direct them to show cause why they should not cease and desist from construction, operation and offering of CATV facilities to Manatee County.

2. General argues, in its opposition, filed April 16, 1969, that our cease and desist order in Docket No. 17333 did not apply to General of Florida because it was not a respondent to the proceeding at the time. General alleges that General of Florida has not constructed any CATV facilities requiring section 214 certification, has not received any requests for CATV service under its Wide Spectrum Service Tariff FCC No. 1, and does not own and has not constructed any CATV facilities in its operating territories. GTEC contends that section 214 applies only to construction by a carrier, that it is only incidentally an affiliate of General of Florida, and that General of Florida has no control, directly or indirectly, over the construction, operations or management of GTEC.

3. In our letter of June 18, 1969, we requested certain information of General and General of Florida relating to GTEC's CATV activities in Manatee County. In its response, General and General of Florida stated that on January 8, 1969, GTEC acquired substantially all of the assets of Sarasota Cablevision, Inc., an operating CATV system in Bradenton, Fla., and in a portion of the county of Manatee, and holder of a nonexclusive franchise for Manatee County. On June 3, 1969, GTEC commenced furnishing CATV service to Cosa Loma Trailer Park in Manatee County. GTEC states that it operates in Manatee County as assignee of rights granted under pole attachment agreements by General of Florida and Florida Power and Light Co. to Sarasota Cablevision, Inc., and to its predecessor, Bradenton Cablevision.

4. Manatee Cablevision states that it:

> has repeatedly but unsuccessfully sought a pole attachment agreement with Florida Power and Light and was promised such an agreement by General of Florida but was rebuffed when it sought to finalize the agreement (after GTEC had purchased the rival CATV system) * * * [and] that General has used the monopoly power of General of Florida to foster a second monopoly for GTEC and to achieve this end has engaged in a subterfuge designed to escape the certification requirements of sec. 214 of the Communications Act.[2]

Manatee Cablevision further alleges that General and Florida Power and Light Co. jointly use the local utility poles, that both have granted pole attachment rights to GTEC, that both have refused to entertain Manatee Cablevision's prior and continuing request for pole attachment, and that "the parallel discriminatory actions" of these local utilities raise "a strong inference of serious misconduct."[3]

5. By letter dated July 7, 1969, and signed by its Chief of the Common Carrier Bureau, the Commission advised the attorneys for General and General of Florida that this matter was under active consideration and directed their attention to our orders in Docket No. 18538 in which General's operating telephone company in Illinois and GTEC were ordered to refrain from placing into operation any CATV distribution facilities in Bloomington or Normal, Ill., pending resolution of the issues raised therein, which are similar, if not substantially the same, as those raised by Manatee Cablevision here. General of Florida and GTEC were specifically placed on notice and cautioned that any construction of CATV distribution facilities which either of them undertook would be at the risk of later Commission action on the pleadings herein.

6. Our decision in General Telephone Company of California, et al., 13 FCC 2d 448 (1968) held that section 214 of the Communications Act is applicable to the construction and operation of CATV chahnel distribution facilities by a common carrier. Such section 214 certification is required prior to construction and operation of such facilities even though the carrier had been previously classified as a connecting carrier pursuant to section 2(b)(2) of the Act (13 FCC 2d at 460–461). All carriers are bound by such holding whether or not they were a respondent in the proceeding in Docket No. 17333. See Ashtabula Cable TV, Inc., et al., 17 FCC 2d 113. Under the Commission's published interim procedures applicable to applications for certification of public convenience and necessity under section 214 of CATV distribution facilities,[4] a carrier must obtain such certification before constructing such facilities. We find no merit in General's argument that General of Florida is not bound by our Decision in Docket No. 17333.

7. The pleadings before us raise substantial questions of fact and law concerning the actions of a carrier which is holding itself out to provide service that is subject to section 214 of the Act and the actions of an affiliated CATV company. A question is raised whether our decision in Docket No. 17333 is being undermined by the construction of CATV channel distribution facilities without prior certification pursuant to section 214 of the Act. As we stated in TeleCable Corp., 17 FCC 2d 517 (1969), a further question is raised by the alleged actions of a local telephone company, under the mantle of its exclusive franchise, attempting to deny entry into the CATV field by refusing to make pole attachment agreements with independent operators while at the same time permitting a wholly owned subsidiary of its parent corporation to enter the CATV field through pole attachment agreements with a local utility which jointly uses such poles with the local telephone company. Just as there, a substantial question is here raised whether the primary thrust of the local telephone company's actions is to retain to itself complete ownership and control of CATV distribution facilities within the community and to reject, directly or indirectly, attempts by independent CATV operators to own, construct, or operate their own distribution facilities through appropriate pole attachment arrangements. We have already said that, if demonstrated, such activities "would substantially lessen competition or restrain commerce or unlawfully create a monopoly" (17 FCC 2d at 518).

8. Also of concern is the charge of possible conspiracy or unlawful parallel discriminatory actions by the local telephone company and the local power and light company, and whether any such unlawful actions were the result of agreement or conscious parallelism.

9. In view of the foregoing, the Commission is of the view that this matter should be designated for hearing on issues as specified below. We find that due and timely execution of our functions imperatively and unavoidably require that the record in this matter be certified immediately to the Commission for final decision. Expedition also requires that the parties file their proposed findings and conclusions and any accompanying briefs within 20 calendar days after the date the record is closed, and that any reply findings be filed within 15 calendar days thereafter.

10. Further, it appears that General and GTEC are presently constructing additional CATV facilities in Manatee County and that there is a reasonable likelihood that CATV service will be commenced before a decision is issued in this case unless we grant Manatee Cablevision's request for a stay order. We see no reason to await that eventuality but are convinced that the public interest requires the issuance of an order prohibiting GTEC from commencing CATV operations until the issues designated in this proceeding are resolved or until further order of the Commission.

11. *Accordingly, it is ordered,* That pursuant to sections 4 (i) and (j), 208, 214, 218, 312 (b) and (c), 403, 409(a), and 411(a) of the Communications Act of 1934, as amended, the above captioned matter is hereby designated for hearing at the Commission's offices in Washington, D.C., on a date and before an Examiner to be specified in a subsequent order on the following issues:

(a) To determine all the facts and circumstances surrounding:

(1) The negotiations and discussions for pole attachment agreements by and between Manatee Cablevision on the one hand and General of Florida and Florida Power and Light Co. on the other hand;

(2) The negotiations and discussions for pole attachment agreements by and between GTEC and its predecessors on the one hand and General of Florida and Florida Power and Light Co. on the other hand;

(3) The policies and practices of General of Florida and Florida Power and Light Co., including any agreement, arrangement or understanding express or implied between them, relating to the use of utility poles by CATV system;

(4) The relationship among General Telephone and Electronics Corp., General of Florida, GTEC, and Florida Power and Light Co.;

(5) The present and proposed plans or actions of GTEC and/or General of Florida with respect to the construction and operation of CATV distribution facilities in Manatee County, Fla.;

(6) The acquisition of CATV systems in Manatee County by GTEC;

(b) To determine whether in view of the relationship among General Telephone and Electronics Corp., General of Florida, and GTEC and the Florida Power and Light Co., and the evidence adduced pursuant to issue (a) above, the proposed actions by GTEC and General of Florida are such as to require prior certification by the Commission under section 214(a) of the Communications Act;

(c) To determine whether the actions of General of Florida, GTEC, and General Telephone and Electronics Corp. acting alone or in concert with others vis-a-vis Manatee Cablevision are anticompetitive and monopolistic in nature, in contravention of the Communications Act or otherwise contrary to the public interest; and

(d) To determine whether in light of the foregoing any other action should be taken by the Commission and the nature thereof.

12. *It is further ordered,* That General Telephone and Electronics Corp., General Telephone Company of Florida, GT&E Communications, Inc., Manatee Cablevision, Inc., Florida Power and Light Co., the Chief, Common Carrier Bureau, and the Chief, CATV Task Force, are made parties to the proceeding.

13. *It is further ordered,* That the burden of proof on issues (a)(1), (b), and (c) is on Manatee Cablevision, Inc.; the burden of proof on issues (a) (2) and (3) is on General Telephone Company of Florida and Florida Power and Light Co.; and the burden of proof on issues (a) (4), (5) and (6) is on General Telephone and Electronics Corp., General Telephone Company of Florida, and GT&E Communications, Inc.

14. *It is further ordered,* That General Telephone and Electronics Corp., General Telephone Company of Florida, and GT&E Communications, Inc. (Respondents) are directed to show cause why they jointly or separately should not be ordered to cease and desist from the further construction of any facilities for the purpose of providing channel service to CATV systems in Manatee County, Fla., until an application for a certificate of public convenience and necessity for such construction has been filed and approval thereof is obtained from the Commission.

15. *It is further ordered,* That Respondents are directed to show cause why they jointly or separately should not be ordered to cease and desist from the operation of any CATV channel distribution facilities in Manatee County which were not completed and in operation on June 26, 1968.

16. *It is further ordered,* That Respondents are prohibited from placing into operation any CATV distribution facilities in Manatee County pending resolution of the issues designated for hearing hearin, or until the public convenience and necessity for such facilities is certified by the Commission, whichever first occurs.

17. *It is further ordered,* That Respondents are directed to appear and give evidence with respect to the matters described herein at the hearing ordered herein, unless the hearing is waived, in which event a written statement may be submitted within 30 days of the release of this order.

18. *It is further ordered,* That upon closing of the record, it shall be certified immediately to the Commission for final decision, and that the parties hereto shall file proposed findings of fact and conclusions and any accompanying briefs within 20 calendar days after the record is closed, and that any reply findings be filed within 15 calendar days thereafter.

19. *It is further ordered,* That the petitions filed herein by Manatee Cablevision, Inc., are granted to the extent reflected herein, and otherwise are denied.

20. *It is further ordered,* That the Secretary of the Commission shall send copies of this order by certified mail, return receipt requested, to Respondents.

21. *It is further ordered,* That to avail themselves of the opportunity for hearing herein provided, Respondents shall file their appearance in accordance with § 1.91(c) of the Commission's rules.

Adopted: July 29, 1969.

Released: August 4, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-9373; Filed, Aug. 7, 1969; 8:49 a.m.]

[Supp. 15]

CANADIAN-U.S.A. VHF TELEVISION BROADCAST STATIONS

Allocation of Stations

AUGUST 4, 1969.

Amendment of Table A of the 1961 Working Arrangement for Allocation of VHF Television Broadcast Stations under the Canadian-U.S.A. Television Agreement of 1952.

Pursuant to an exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, Table A, Annex 1 of the Television Working Arrangement under the Canadian-U.S.A. Television Agreement has been amended as follows:

City	Channel No. Delete	Channel No. Add
Moncton, New Brunswick		7
New Glasgow, Nova Scotia	7	12(L)*
Yarmouth, Nova Scotia		3-(L)**

*Limitation to protect CBFCT-1, Magdalen Islands, Quebec.
**Limitation to protect CBHT, Halifax, Nova Scotia.

Further amendments to Table A will be issued as public notices in the form of numbered supplements.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-9374; Filed, Aug. 7, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 934]

BENNETT FORWARDING CO.

Order of Revocation

By letter dated July 23, 1969, Mr. J. E. Bennett advised the Federal Maritime

[1] The Commission has under consideration its decision and partial stay order in Docket No. 17333, General Telephone Company of California et al., 13 FCC 2d 448 (1968) and 14 FCC 2d 170 (1968), respectively; "Petition for Enforcement of Cease and Desist Order" filed by Manatee Cablevision on Apr. 2, 1969; an opposition thereto filed by General on Apr. 16, 1969; a reply filed by Manatee Cablevision on Apr. 28, 1969; our letter of June 18, 1969, to General and General of Florida; a "Petition for Immediate Issuance, Ex Parte of Stay Order" filed by Manatee Cablevision on June 24, 1969; an opposition thereto by GTEC on June 30, 1969; a response to our letter of June 18, 1969, filed by General and General of Florida on July 3, 1969; a letter dated July 7, 1969, to General and General of Florida signed by the Chief of the Commission's Common Carrier Bureau; and "Comments on Letter Response of General Telephone System and General Telephone of Florida and Supplement to Petition for Immediate Issuance, Ex Parte, of Stay Order" filed by Manatee Cablevision on July 9, 1969.

[2] Comments on letter response of General filed July 9, 1969.

[3] 33 F.R. 11559.

[4] Commissioner Robert E. Lee absent.

Commission that the independent ocean freight forwarding business of Bennett Forwarding Co., Houston, Tex., was terminated November 1, 1968, and that its surety bond was allowed to expire effective July 16, 1969.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 934 of J. E. Bennett, doing business as Bennett Forwarding Co. be and is hereby revoked effective July 16, 1969, and that said license be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the licensee.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulations.

[F.R. Doc. 69-9376; Filed, Aug. 7, 1969; 8:50 a.m.]

CALIFORNIA/JAPAN COTTON POOL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. W. C. Galloway, Chairman, California Japan Cotton Pool, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement No. 8882-5 is an arrangement between the American and Japanese flag carriers of the Pacific Westbound Conference which pools and apportions the cotton carried by those lines in the trade from California to Japan according to the terms and conditions therein.

The subject modification would change the annual "pool" or accounting period from the present July 1 through June 30 of the following year to August 1 through July 31 of the following year.

The modification also reflects that the States Marine Lines joint service of Global Bulk Transport Inc., States Marine Lines, Inc., and Isthmian Lines, Inc., is entitled to participate in this arrangement as "one member only".

Dated: August 5, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9377; Filed, Aug. 7, 1969; 8:50 a.m.]

CENTRAL GULF STEAMSHIP CORP. AND GENERAL MARITIME CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Ronald A. Capone, Esquire, Kirlin, Campbell and Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement No. 9620-2, between Central Gulf Steamship Corp. and General Maritime Corp. provides for modification of the basic agreement, which is a cooperative working arrangement and rate agreement, by the deletion therefrom of (1) language in Article 3, pertaining to the filing of reports with the Commission relating to matters considered resulting in final action, and (2) Article 6, paragraph (e), in its entirety, pertaining to the filing of semiannual self-policing reports. The Commission's General Order 18, Amendment 4, and General Order 7, Amendment 3, effective June 7, 1969, relieve two party rate-fixing agreements from these filing requirements.

Dated: August 5, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9378; Filed, Aug. 7, 1969; 8:50 a.m.]

LORETZ & CO. AND LORETZ & CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Ronald J. Offenkrantz, Spitzer and Feldman, 595 Madison Avenue, New York, N.Y. 10022.

Agreement No. FF 69-6 between Loretz & Co., a California corporation, and Loretz & Co., Inc., a Delaware corporation, provides for the acquisition of Loretz & Co. by Loretz & Co., Inc., through the merger of Loretz & Co. into Loretz & Co., Inc., as the surviving corporation. The identity, existence, purposes, powers, franchise, rights, and immunities of Loretz & Co. as the terminating corporation, would be fully vested and continue unaffected in Loretz & Co., Inc., under the laws of the State of Delaware.

Loretz & Co. holds Federal Maritime Commission License No. 213 to operate as an independent ocean freight forwarder. Loretz & Co., Inc., is a wholly owned subsidiary of Trans-Air Freight System, Inc., a New York corporation, which holds Federal Maritime Commission License No. 907. Trans-Air Freight System, Inc., also is sole owner of Wolf & Gerber, Inc., a New York corporation, holder of Federal Maritime Commission License No. 513.

To effectuate the merger of Loretz & Co. into Loretz & Co., Inc., each shareholder of Loretz & Co. would receive, in exchange for his holding in that corporation, the amount of cash and/or shares of common stock of Trans-Air Freight System, Inc., set forth in the agreement. All Loretz & Co. shares of stock would be canceled by the surviving corporation.

Dated: August 5, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9379; Filed, Aug. 7, 1969; 8:50 a.m.]

PORT OF SEATTLE AND JAPAN LINE, LTD., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW, Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. T. P. McCutchan, Manager, Property Management Department, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T-2323 between the Port of Seattle (Port) and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Showa Shipping Co., Ltd., and Yamashita-Shinnihon Steamship Co., Ltd. (Carriers), is a 3-year preferential use agreement, with extension options, of terminal facilities on Harbor Island, Seattle, Wash. The premises and facilities will be used primarily for the handling of container vessels and cargo. During the period required by the Port for construction of improvements and berth facilities, the Carriers will have the temporary preferential right to use other berths and property as described and at rental terms set forth in the agreement. In addition to the leased area, the agreement provides options for the preferential use and occupancy of other acreage as described. The Carriers are also granted the first right of refusal for preferential occupancy and use of all or any portion of the leased area, including the option areas. Subject to agreement and penalty charges the Carriers may cancel the agreement at any time following the end of the first year. As compensation for use of the facility the Carriers will pay the Port $200,000 for the first year of operation under the agreement; thereafter the rental will be a fixed annual sum of $225,000 or, if the Carriers so elect, payment of all applicable tariff charges with a minimum payment of $185,000 and a maximum payment of $240,000 per year. Should the Carriers exercise their option to preferentially occupy and use any additional property covered by the agreement, or should additional facilities be furnished, rental will be adjusted accordingly. In computing the minimum and maximum compensation, the Carriers will be entitled to a credit each month in the amount of all revenue received by the Port from vessels and/or cargo handled by or on behalf of secondary users of the facility, as well as from any ships owned, operated, or chartered by any of the individual Carriers. Whenever any of the Carriers assess wharfage or other terminal charges against cargo, such assessed charges shall be the same as those provided for in the Port's applicable terminal tariff. If there is no applicable Port terminal tariff covering such charges, the Carriers may assess such charges pursuant to their own tariff, and may retain any amount collected against cargo. In the event the Carriers shall cease to engage in containerized cargo operations in all ports in Washington and Oregon, they have the right to cancel the agreement upon proper notification to the Port. Any use of the premises prior to the effective date of the agreement shall be subject to all applicable provisions of the Port's terminal tariff.

Dated: August 5, 1969.

By order of the Federal Maritime Commission:

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9380; Filed, Aug. 7, 1969; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2553]

AGASSIZ MINES, LTD.

Notice of Filing of Application for Order Exempting Transaction

AUGUST 4, 1969.

Notice is hereby given that Agassiz Mines, Ltd. ("Agassiz"), a Canadian corporation, 159 Bay Street, Suite 715, Toronto 116, Canada, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act a sale of its securities to Value Line Special Situations Fund, Inc. ("Value Line"), a registered open-end, diversified, management investment company under the Act, and a company of which Agassiz is an affiliated person as that term is defined in section 2(a)(3) of the Act. All interested persons are referred to the application on file with the Commission for a statement of Agassiz's representations which are summarized below.

On August 19, 1968, pursuant to an agreement of sale, Value Line acquired 400,000 shares of Agassiz's common stock, constituting approximately 10 percent of the total of Agassiz's stock then issued and outstanding. By virtue of said transaction Agassiz and Value Line became "affiliated persons" of each other as that term is defined in section 2(a)(3) of the Act.

Value Line was also given a preemptive right to acquire additional shares of Agassiz to the extent required to maintain its proportionate ownership in Agassiz's equity capital in the event that further authorized but then unissued shares of Agassiz were sold. In addition to defining the rights involved, including, by reference, the right to registration under the Securities Act of 1933, the agreement of sale also set forth the mechanics for subsequent purchases and formulas for determining the purchase price of such additional shares. The agreement also provided that if Value Line were to purchase additional shares of Agassiz pursuant to a share allotment request, Agassiz would apply to the Commission for exemption from section 17(a) of the Act with respect to such purchases.

On or about April 28, 1969, Agassiz notified Value Line of the issuance of an additional 150,000 shares of its common stock which would bring the total number of shares of its common stock outstanding to 4,716,667. Said notice also requested that Value Line exercise its rights under the agreement to purchase additional shares.

Thereafter, on May 8, 1969, Value Line notified Agassiz of its share allotment request for an additional 79,500 shares of Agassiz's common stock, subject to the granting of the exemption herein applied for, at the price determined in accordance with the applicable formula. The formula in the agreement provided that Value Line would be able to purchase the additional shares at a 25 percent discount from the closing price of Agassiz shares on the day prior to the share allotment request, i.e., May 7, 1969. In accordance with this formula Value Line will pay Can. $0.6525 for each additional share. The total price to be paid for the shares by Value Line is Can. $51,873.75. Upon the issuance of said shares in accordance with the share allotment request, there will be a total of 4,796,167 shares of Agassiz's common stock issued and outstanding of which Value Line will be the owner of 479,500 shares, or 9.998 percent of the total of issued and outstanding stock.

With certain exceptions, section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to, or purchasing from, such company any security or other property, unless the Commission finds, upon application under section 17(b) of the Act, that the terms of the proposed transaction are reasonable and fair and do not involve overreaching and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Agassiz contends that its application for an exemption should be granted because the formula for computing the purchase price was the subject of arms-length bargaining at a time when there was no affiliate relationship between Value Line and Agassiz, and that the discount at which Value Line is purchasing the shares is justified since if Agassiz tried to raise this money by borrowing or selling such a large block of shares on the stock exchange, the net amount realized by it would probably be less than the amount it will receive from Value

Line. Moreover, the application states that by purchasing the additional Agassiz shares, Value Line will preserve its percentage ownership in Agassiz and Agassiz will use the additional capital to advance its development program.

Notice is further given that any interested person may, not later than August 26, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–9347; Filed, Aug. 7, 1969; 8:48 a.m.]

[File No. 7–3162, etc.]

ATLANTIC RICHFIELD CO. AND AIRLIFT INTERNATIONAL, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 4, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the preferred stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Atlantic Richfield Co., $2.80 cumulative convertible preference stock, $1 par value	7–3162
Airlift International, Inc., 6½ percent debentures, due 1986	7–3164
Airlift International, Inc., 5¾ percent debentures, due 1987	7–3165

Upon receipt of a request, on or before August 19, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–9348; Filed, Aug. 7, 1969; 8:48 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

AUGUST 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Rajac Industries, Inc., a New York corporation, is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange is summarily suspended, this order to be effective for the period August 5, 1969, through August 14, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–9349; Filed, Aug. 7, 1969; 8:48 a.m.]

[File No. 7–3158]

RAPID-AMERICAN CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 4, 1969.

In the matter of application of the Pacific Coast Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Rapid-American Corp., common stock purchase warrants, File No. 7–3168.

Upon receipt of a request, on or before August 19, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–9350; Filed, Aug. 7, 1969; 8:48 a.m.]

[File No. 7–3159]

RAPID-AMERICAN CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 4, 1969.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Rapid-American Corp., File No. 7–3159.

Upon receipt of a request, on or before August 19, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–9351; Filed, Aug. 7, 1969; 8:48 a.m.]

[File No. 7–3160]

RAPID-AMERICAN CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 4, 1969.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Rapid-American Corp., common stock purchase warrants, File No. 7–3160.

Upon receipt of a request, on or before August 19, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–9352; Filed, Aug. 7, 1969; 8:48 a.m.]

[File Nos. 7–3161, 7–3163]

SWIFT & CO. AND INTERNATIONAL INDUSTRIES, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 4, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Swift & Co. (Delaware)	7–3161
International Industries, Inc. (Delaware)	7–3163

Upon receipt of a request, on or before August 19, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–9353; Filed, Aug. 7, 1969; 8:48 a.m.]

[File Nos. 7–3166; 7–3167]

SWIFT & CO. AND RAPID-AMERICAN CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 4, 1969.

In the matter of applications of the Pacific Coast Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Swift & Co. (Delaware)	7–3166
Rapid-American Corp	7–3167

Upon receipt of a request, on or before August 19, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–9354; Filed, Aug. 7, 1969; 8:48 a.m.]

TARIFF COMMISSION

[AA1921–56]

CONCORD GRAPES FROM CANADA

Determination of No Injury or Likelihood Thereof

AUGUST 5, 1969.

On May 5, 1969, the Tariff Commission was advised by the Assistant Secretary of the Treasury that Concord grapes imported from Canada are being, and are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921–56 to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on June 24 and 25, 1969. Notice of the investigation and hearing was published in the FEDERAL REGISTER (34 F.R. 7594).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, all testimony adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission[1] has determined that an industry in the United States is not being,

[1] Commissioner Newsom did not participate in the investigation since, while he served as Master of the National Grange, that organization took a position concerning the importation of Concord grapes from Canada.

and is not likely to be, injured, or prevented from being established, by reason of the importation of Concord grapes from Canada sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS

Views of Chairman Sutton and Commissioner Thunberg. Canadian Concord grapes have been marketed for many years under a system which maintains relatively high price levels for that portion of the crop sold to licensed processors in Canada. The remainder of the Canadian crop is sold domestically or exported at prices which are generally lower. For many years grape processors in the United States have encouraged the Canadian growers to export Concord grapes to them for use as supplemental supplies, particularly in years of short crops. Traditionally, the grape growers in Canada and the United States have worked together and cooperated in the advancement of their horticultural and marketing practices in connection with Concord grapes. Only in the last few years have the U.S. crops reached a volume threatening to exceed normal requirements. In the key year under consideration, 1967, imports of Concord grapes from Canada equaled 2.3 percent of U.S. production of such grapes.

In 1967 the United States had the largest crop of Concord grapes in history. Concurrent with the start of the harvest of the crop, the complainant requested this dumping proceeding. As an outgrowth of that complaint, the Treasury Department advised the Tariff Commission on May 5, 1969, that Canadian Concord grapes sold at less than fair value (LTFV) were being, and were likely to be, imported into the United States. Treasury files furnished to the Commission show that a large portion (but not all) of the 1967 imports were sold at LTFV. The amounts of the price differentials between fair value and export prices were variable, some being minor in relation to the price obtained in the United States for such grapes. No imports during 1968 were reported sold at LTFV. In the circumstances, we deemed 1967 as the year for which the question of injury was most relevant and focused our study on the impact of LTFV imports in 1967 to determine whether injury occurred within the meaning of the Antidumping Act, 1921, as amended.

Virtually all imported Concord grapes enter the United States at Buffalo, N.Y., and Detroit and Port Huron, Mich. The major Concord grape growing centers are located near the Great Lakes in the United States and Canada and in the State of Washington.

Concord grapes are virtually all consumed by wineries or by processors who make juice. A brief discussion of the systems by which each of these two categories of grape users secure grapes and of the competitive conditions under which the domestic and imported grapes were sold is pertinent to an evaluation of the effect of imports in this case.

About 7 percent of all Concord grapes are processed by wineries directly into wine. The wineries traditionally buy Concord grapes for cash from growers in the vicinity of the wineries at premium prices designed to reward the growers for planting other varieties of grapes which are commercially more essential to the wine industry. These premium prices generally exceed the average cash prices paid for Concord grapes by processors of grape juice. In 1967 these wineries obtained only 1 percent of their supplies of Concord grapes from Canada. They paid premium prices for domestic Concords to maintain assurances of their suppliers' delivery or other grapes, but paid a much lower price for the imports. However, the price for these imports was still about $5 per ton higher than the average "cash market" price paid by juice processors for domestic Concords.[2] As the imports sold to wineries merely supplemented supplies without adversely affecting prices of domestic Concords, no injury can be identified in connection with the sale of such imported grapes.

About 92 percent of all Concord grapes are consumed by processors who make grape juice, some of which is later made into wine, jelly, and so forth. These processors procure their grapes by one or more of the three methods described below.

Of the Concord grapes consumed by such processors, 65 percent are delivered to five cooperatives. The grapes are not "purchased" by the cooperatives. Rather, as income is realized for a particular crop, it is paid out to the grape-grower members in several incremental payments (cash and/or certificates). Several years may elapse before the last payment is made. The payments to growers are made on a pro rata basis depending on the tonnage and quality of grapes furnished. The growers' returns per ton of delivered grapes are, in effect, payments for fresh grapes plus net profits from the processing and sales operations of the cooperatives. Of the five cooperatives, two had a Canadian member from whom they accepted grapes in 1967, as in past years, on the same basis as they accepted domestic grapes. The two Canadian farmers received the same payments as the U.S. members. The imports from the Canadian farmers accounted for 3 percent of the total grapes processed for the two cooperatives. We could perceive no measurable effect on the financial returns of such cooperatives by reason of the imports in question.

Twenty-seven percent of the Concord grapes used for juice are processed by independent firms who purchase on an annual contract basis. The contracting farmers agree to accept payment in installments in a total amount equal to the market value for such grapes. Payments are made during a specified period, usually from October through December of the crop year. We were unable to establish a precise formula for determining such market value. Nevertheless, growers selling their crops under these circumstances generally realize a price higher than the price for grapes sold in the cash market. No Canadian grapes were sold to processors under these conditions.

Eight percent of the Concord grapes used by juice processors are purchased in the cash market. It is estimated that half of these grapes are rejected or distress grapes. These are grapes that have been refused by the processor for whom they were intended for one or more reasons. Their brix count may be too low; they may be deteriorated in quality; or they may be in excellent condition but delivered to the plant off schedule when it is overloaded and cannot accommodate them. In any event, such grapes must be sold immediately to any processor who is willing and able to handle them. The other grapes sold on the cash market are either under contract for a known price or are crops the disposal of which farmers have not committed in advance of harvesting. In years of acute shortages uncommitted crops command good prices, but in normal years they generally bring the lowest prices. Few growers run the risk of this type of speculation. It was in this cash market that the remainder of the Canadian Concord grapes were sold in 1967. About one-third of these imports were shipped 400 miles to Michigan processors who had a short supply. The grapes were delivered about 3 days after harvesting. Their average condition was not on a par with most of the domestic grapes delivered in that cash market. The remaining two-thirds of these imports were sold in New York State, principally in the vicinity of Buffalo.

The record shows that in 1967 the Canadians first held out for a delivered price of $90 per ton, a price not generally achieved by domestic growers. Despite the generally lower quality of the Canadian grapes, they were sold in the Eastern (Michigan and New York) cash market at an average price of $85.98 per ton, whereas the domestic grapes averaged $85.66 in the same market. In the circumstances we find no deleterious effect occasioned by such sales as would constitute injury attributable to dumping within the meaning of the Antidumping Act.

Due to substantially higher returns received by Welch growers, the average price received by growers for all Concord grapes sold for juice is higher than the average price of imported grapes each year. There is, however, no measurable effect of imports on the average price received by all growers. Both domestic production and imports increased substantially between 1966 and 1967 but a noticeable reduction in average prices and aggregate returns to growers did not occur. Because the average price remained about the same in the face of substantially larger supplies in 1967, returns to growers increased significantly in that year. We, therefore, conclude that not only is there no evidence of injury from LTFV imports in the components of the U.S. market for Concord grapes, but there is no evidence of injury to the aggregate. Canadian authorities, moreover, have demonstrated a successful, cooperative attitude toward avoiding disruptions in the U.S. Concord grape market. Canadian processors are gradually increasing their consumption of Concord grapes while Canadian growers are merely maintaining present production levels. Accordingly, we have no reason for expecting Canadian exports of Concord grapes to pose the likelihood of injury to a domestic industry.

Views of Commissioner Clubb. Although this appears to be a classic dumping situation, I am unable to find that the complaining domestic producers are either presently being injured or are likely to be injured in the future. Since this case is unique, a short comment about it appears to be in order.

In an economic sense, both the United States and the Canadian growers of Concord grapes engage in price discrimination. Ninety-five percent or more of the U.S. crop is committed under contract to particular processing plants before harvest and 5 percent is uncommitted. The price determinations for nearly all of the committed grapes are made after processing, while the price for a small part of such grapes and for all of the uncommitted grapes (which constitute the cash market) is determined before processing. (The great bulk of the Canadian imports are sold as uncommitted grapes.) Prices for the uncommitted grapes are generally lower and fluctuate more widely from year to year than the prices for grapes committed under contract before harvest.

In Canada almost the same thing is done. Pursuant to the Farm Products Marketing Act, representatives of the Canadian growers negotiate a price for the more than half the crop which is sold to processors licensed to process food for resale, and the remainder of the crop is sold in the fresh market for house use. Prices paid by the licensed processors are more stable and higher, sometimes as much as twice as high, as prices in the cash market. In a typical year licensed processors take about 65 percent of the Canadian crop, 15 percent is sold in the fresh market in Canada, and 20 percent is exported to the cash market in the United States.

It is the 20 percent of Canadian Concord production exported to the United States that has raised the problem presented by this case. In 1967 the average price of Concords sold in Canada to licensed processors was $97 (U.S. currency), while the grapes exported to the United States were sold at an average price of $51. The Treasury Department has found that these latter sales were made at less than fair value, and, accordingly, the Tariff Commission must now determine whether, as a result of such sales, a domestic industry "is being or is likely to be injured."

The domestic industry contends that the availability of Canadian grapes at less than fair value in the bumper crop year 1967 depressed prices which they received for their grapes to the extent that they were "injured" within the meaning of the Antidumping Act. Since the grapes exported from Canada accounted for almost 50 percent of all the grapes sold for cash to the eastern U.S. juice processors in that year, the contention must be conceded to have some merit. Cast Iron Soil Pipe from Poland, AA1921–50, TC Publication 214; Titanium Sponge from the U.S.S.R., AA1921–51, TC Publication 255.

But the test that must be applied by the Commission under the Antidumping Act is whether a U.S. industry "is being injured" or "is likely to be injured" by the LTFV imports. I do not see how we can find in 1969 that the domestic producers of an annual crop are presently being injured by imports which took place almost 2 years ago. The crop year 1967 is already ancient history as far as the cash market is concerned. Especially is this true since everyone concedes there were no LTFV imports in the following year, 1968.

We have been instructed by our reviewing court that the Dumping Act is not a penal measure,[3] and, accordingly, it must follow that it is not designed to punish past wrongs. Rather, it is designed to stop present violations and to prevent them in the future. Of course, time must be allowed for the normal processes of industry to produce a complaint and to process it through the Treasury Department so that the present tense term "is being injured" cannot be applied in a strictly technical sense. Judgment must always be made on past events. But if the Antidumping Act is to be remedial, rather than punitive, the judgment which we make must bear some reasonable relationship to what is presently going on in the marketplace. Where an annual crop is involved, a finding of injury almost 2 years after the LTFV sales took place would merely punish the wrongdoer for past misdeeds, a function which we are not authorized to perform under the Antidumping Act.

This may seem a harsh result to the complainants, especially since they filed their complaint promptly in September 1967 and none of the delay appears to be attributable to them. Why it took the Treasury Department 20 months, from September 1967 to April 1969, to process the complaint is not made clear by the record, but whatever the reason, it has removed our consideration of the matter so far in time from the LTFV sales, that a finding of present injury is no longer possible.

There remains the question of whether the domestic industry is "likely to be injured" in the future, for this, too, can trigger dumping duties. On the one hand, it is argued that the Canadian producers have always sold their excess production in the United States, and that in years of abundance these sales historically have been at less than fair value. Accordingly, it is urged that the Commission should presume that the Canadian producers will continue this process and it is only a matter of time until their LTFV sales injure the domestic industry, unless they are restrained by dumping duties. On the other hand, it is argued that the Ontario Marketing Board is discouraging the planting of Concords in favor of other varieties, and that Canadian production has leveled off. Since an increasing amount of Concords is being absorbed by Canadian processors, exports to the United States have declined in recent years. Moreover, the Canadian producers have at all times shown a great sensitivity to the problems of the U.S. producers, and, despite the experience of 1967, have gone to considerable lengths to avoid disrupting the U.S. market. Under such circumstances, the possibility that injury will be done in the future cannot be ruled out, but it does not appear to be sufficiently likely to justify a dumping finding.

Views of Commissioner Leonard. I concur with the negative determination of the other Commissioners but find myself unable to subscribe wholly to their statements of reasons for their determination. The significant points of difference are explained below.

The statement of Chairman Sutton and Commissioner Thunberg satisfies me for the most part with respect to the analytical treatment of the economic data involved in the negative determination. However, the statement fails to treat specifically with all of the pertinent terms of the Antidumping Act of 1921, as amended, and therefore is unclear in applying that data against the benchmarks of the statute.

Under the Act, the Commission must determine whether "an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such [dumped] merchandise into the United States."

The "industry in the United States" in this investigation is the Concord-grape-growing operations of the U.S. growers. Although other industries in the United States are affected one way or another by imports of fresh Concord grapes, such adverse impact as there may be from imports of such grapes would be experienced in greatest degree by the aforementioned U.S.-Concord-grape-growing industry.

The U.S. growers of Concord grapes are concentrated primarily in four separate and distinct geographical areas of the United States: (1) A portion of the State of Washington, (2) a portion of the

[2] For purposes of this statement, "cash market" refers to that market in which the final purchase price of Concord grapes is fixed or known prior to, or at the time of, delivery of the grapes. Actual payment is made on such grapes at the time of delivery, or within about 30 days.

[3] In C. J. Tower & Sons v. United States, 71 F. 2d 438 (CCPA 1934), the Secretary of the Treasury had imposed a special dumping duty under the Antidumping Act of 1922, and the importer protested claiming that the Act was unconstitutional because it authorized the Secretary to impose a penalty or fine by an administrative order, thus depriving the importer of property without due process of law. The Court held, however, that the special dumping duty was a tax, not a penalty, and, therefore, it could properly be imposed by administrative order. In arriving at this conclusion the Court laid great stress on the fact that the special dumping duty was designed merely "to equalize the competitive conditions between the exporter and the American industries affected." 71 F. 2d 438, 445.

State of Michigan, (3) contiguous portions of the States of New York, Pennsylvania, and Ohio, and (4) the Finger Lakes area of the State of New York. Due to the perishability of fresh Concord grapes and the need for prompt delivery, the wineries and processors have located their receiving plants in these growing areas. The geographical separation of the four major U.S. growth-distribution areas for fresh Concord grapes and their virtual economic isolation from each other provide a basis for regarding the fresh Concord grape operations of the U.S. growers in each of these areas as separable segments of a national industry for the purposes of the Antidumping Act.

Concord grapes are also grown in the Erie-Ontario grape-growing belt of Canada. This belt is close to, and its exported fresh Concord grapes are sold almost exclusively to, users who are also served by the U.S. growers in the aforementioned areas of Michigan, of New York, Pennsylvania, and Ohio, and of the New York Finger Lakes. The impact of imports of fresh Concord grapes—whether or not dumped—is exerted primarily and most directly on the U.S. growers of such grapes in these three growth-distribution areas, the impact on the growers in the Washington area being nil.

In my view, the facts obtained by the Commission—as largely reflected in the statements of the other Commissioners—clearly show that such adverse impact as the dumped Concord grape imports are having, or are likely to have, on any of the growth-distribution segments or areas of the U.S.-Concord-grape-growing industry is insignificant or immaterial. In addition, there is no evidence whatever before the Commission indicating that any industry in the United States is prevented from being established by reason of the dumped imports in question.

There is another aspect of this case which needs further attention and clarification. The statute, when referring to injury, speaks in terms of both the present and the future. The question is whether an industry "is being" or "is likely to be" injured by dumped imports. The case before the Commission presents a peculiar problem which apparently has not been present in earlier cases considered by the Commission. The growth and the disposition of fresh Concord grapes are seasonal matters. Not until shortly before harvesting and during the very short period of harvesting and disposition is it possible with any certainty for the growers and users to appraise fully the conditions of trade. There are no grape inventories from season to season and continuity of production is subject to variations from year to year which cannot be wholly planned for by the growers and users. In seasons when bumper crops are grown, as in 1967, the evidence before the Commission indicates that it has been the practice of Canadian exporters to sell in the U.S. markets at dumping prices.

Although it cannot be determined in advance which seasons will bring bumper crops, the past growing and pricing practices of the Canadian exporters indicate the likelihood of continued dumping in U.S. markets when bumper crops do occur. With this apparent continuity of dumping practices by the Canadian exporters, I would have no difficulty finding that the U.S.-Concord-grape-growing industry "is being or is likely to be injured" by such dumped imports if, despite the absence of dumped imports in the most recent crop year (1968), the growing and pricing practices of the Canadian exporters had already produced injury within the meaning of the Antidumping Act or were likely to do so in connection with subsequent bumper crop years. I have no alternative but to make a negative determination in this case, however, having already concluded that for the recent period—including 1967 when one of the greatest volumes of dumped imports was received—the adverse impact, if any, on each segment of the U.S.-Concord-grape-growing industry is not significant or material and, for the reasons explained in the statement of Chairman Sutton and Commissioner Thunberg, is not likely to be significant or material.

Accordingly, for the reasons indicated, I have concluded that no industry in the United States is being or is likely to be injured, or is prevented from being established.

By direction of the Commission.

[SEAL] WILLARD W. KANE, *Acting Secretary.*

[F.R. Doc. 69-9339; Filed, Aug. 7, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 5, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41708—*Iron or steel skelp to Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-61), for interested rail carriers. Rates on skelp, iron or steel, in carloads, as described in the application, from Ashland, Ky., to Houston, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 118 to Southwestern Freight Bureau, agent, tariff ICC 4753.

FSA No. 41709—*Clay, kaolin, or Pyrophyllite from Letohatchie and Montgomery, Ala.* Filed by O. W. South, Jr., agent (No. A6121), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, as described in the application, from Letohatchie and Montgomery, Ala., to various points in Wisconsin.

Grounds for relief—Rate relationship.

Tariff—Supplement 58 to Southern Freight Association, agent, tariff ICC S-751.

FSA No. 41710—*Rubber and rubber compounds from Chaison, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-64), for interested rail carriers. Rates on rubber, artificial, neoprene or synthetic, crude, and rubber compounds, noibn, loose or in packages, in carloads, from Chaison, Tex., to points in southern, southwestern, western trunkline, and official (including Illinois) territories.

Grounds for relief—Rate relationship.

Tariff—Supplement 10 to Southwestern Freight Bureau, agent, tariff ICC 4849.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9368; Filed, Aug. 7, 1969; 8:49 a.m.]

[Notice 881]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 5, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 142 TA), filed July 28, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonal Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C

of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite and facilities of Hygrade Food Products Corp. at Postville, Iowa, to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, for 180 days. Supporting shipper: Hygrade Food Products Corp., 11801 Mack Avenue, Detroit, Mich. 48214 (S. H. Lloyd, Assistant Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 67866 (Sub-No. 27 TA), filed July 30, 1969. Applicant: FILM TRANSIT, INC., 291 Hernando Street, Memphis, Tenn. 38126. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined in practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and livestock), between Memphis, Tenn., and points in its commercial zone (except that part in Mississippi) on the one hand, and on the other, points in that part of Mississippi south of U.S. Highway 82 and on and north of U.S. Highway 80; restricted against the transportation of shipments in excess of 100 pounds per day from one consignor at one location to one consignee at one location on any 1 day; and against the transportation of any package or article weighing in excess of 70 pounds or any package or article exceeding 108 inches in length and girth combined, for 180 days. NOTE: Applicant does intend to interline with other carriers at Memphis, Tenn. Supporting shippers: There are approximately 151 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 107295 (Sub-No. 207 TA), filed July 28, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring and lumber products*, from Laona, Wis., to points in Minnesota, Missouri, New York, and Pennsylvania, for 180 days. Supporting shipper: Connor Forest Industries, 131 Thomas Street, Wausau, Wis. 54401. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107818 (Sub-No. 48 TA), filed July 28, 1969. Applicant: GREENSTEIN TRUCKING COMPANY, 280 Northwest 12th Avenue, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts and agricultural commodities* otherwise exempt from economic regulations under section 203(b)6 of the Act when transported in mixed shipments with bananas, plantains, pineapples and coconuts from Wilmington, Del., to points in Florida, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, Virginia, Ohio, Michigan, Indiana, Wisconsin, Illinois, Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota, and North Dakota, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla.

No. MC 110420 (Sub-No. 595 TA), filed July 28, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate and chocolate coating*, in bulk, from Elizabethtown, Pa., to St. Paul, Minn., for 180 days. Supporting shipper: Pearson Candy Co., 2140 West Seventh Street, St. Paul, Minn. 55116 (Roy Brzaeau, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 116091 (Sub-No. 4 TA), filed July 28, 1969. Applicant: STANLEY LEMONS AND CLAUDE LEMONS, doing business as LEMONS BROTHERS, Post Office Box 295, Cynthiana, Ky. 41031. Applicant's representative: Robert H. Kinker, Post Office Box 464, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles* distributed by meat packinghouses, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 209 and 766, in mechanically refrigerated trailers furnished by shipper or carrier, from Lexington, Ky., and the plantsite of Webber Farms, Inc., near Cynthiana, Ky., to Orlando, Fla., for 180 days. Supporting shipper: Webber Farms, Inc., Post Office Box 327, Cynthiana, Ky. 41031, Earl C. McNabb, Vice President, Sales and Marketing. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 117765 (Sub-No. 86 TA), filed July 28, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan, 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, materials, supplies and accessories* used in installation or distribution thereof, from Greenville, Miss., to points in Kansas, Oklahoma and Texas, for 180 days. Supporting shipper: United States Gypsum Co., 101 South Wacker Drive, Chicago, Ill. 60606. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 118159 (Sub-No. 69 TA) (Correction), filed June 20, 1969, published FEDERAL REGISTER, issue of July 2, 1969, and republished as corrected this issue. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petro-chemicals, petroleum, petroleum products and waxes*, in packages and containers, from Enid, Okla., to points in Delaware, Maryland, Ohio, New York, and Pennsylvania, for 180 days. NOTE: The purpose of this republication is to include "petroleum", which was inadvertently omitted in previous publication. Supporting shipper: Champlin Petroleum Co., Post Office Box 552, Enid, Okla. 73701. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009, Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 128201 (Sub-No. 2 TA), filed July 16, 1969. Applicant: SCHUSTER GRAIN COMPANY, INC., 7th Avenue SE., Le Mars, Iowa 51031. Applicant's representative: Charles J. Kimball, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feeds and animal health products* (except liquids in bulk), (a) from the plantsite and warehouse facilities of Nixon & Co., a division of Nebraska Consolidated Milling Co., at Sioux City, Iowa, to points in Minnesota, Nebraska, and South Dakota; and (b) from the plantsite and warehouse facilities of Nixon & Co., a division of Nebraska Consolidated Milling Co., at Omaha, Nebr., to the plantsite and warehouse facilities of Nixon & Co., a division of Nebraska Consolidated Milling Co., at Sioux City, Iowa; (2) *Animal and poultry feed ingredients*, except liquids in bulk, from points in Minnesota, Nebraska, and South Dakota, to the plantsite and warehouse facilities of Nixon & Co., a division of Nebraska Consolidated Milling Co., at Sioux City, Iowa. Under continuing contract with Nixon & Co., a division of Nebraska Consolidated Milling Co., Sioux City, Iowa, for 180 days. Supporting

shipper: Nixon & Co., 901 Dace Avenue, Sioux City, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 133240 (Sub-No. 4 TA), filed July 28, 1969. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, N.J. 07306. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, in cartons, for the account of Holly Stores, Inc., between Secaucus, N.J., on the one hand, and, on the other, Port Huron, Grand Rapids, Flint, Battle Creek, Saginaw, Bay City, Jackson, Benton Harbor, and Livonia, Mich., Elkhart, Mishawaka, and South Bend, Ind., Raleigh, High Point, Ashville, Charlotte, Greensboro, Kannapolis, Fayetteville, and Burlington, N.C., Greenville, West Columbia, Columbia, Spartanburg, Anderson, and Florence, S.C., Fredericksburg, Lynchburg, Charlottesville, Danville, Roanoke, and Norfolk, Va., for 180 days. Supporting shipper: Holly Stores, Inc., 550 West 59th Street, New York, N.Y. 10019, Robert J. Booth, Traffic Manager. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J.

No. MC 133601 (Sub-No. 2 TA), filed July 24, 1969. Applicant: SAMUEL LOWY, doing business as RAILROAD AUTO TRANSPORT, 152 West 42d Street, New York, N.Y. Applicant's representative: Arthur Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles, with or without baggage and personal effects*, between points in Broward, Dade, and Palm Beach Counties, Fla., on the one hand, and on the other, points in New York City, Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and Union, Hudson, Bergen, Essex, Passaic, Middlesex, Monmouth, Somerset, and Morris Counties, N.J., for 150 days. NOTE: Applicant intends to use railroad substituted service between railroad trailer-on-flat car ramps in Miami, Fla., and railroad trailer-on-flat car ramps in New York and New Jersey. Supporting shippers: Samuel Lowy, Railroad Auto Transport, 152 West 42d Street, New York, N.Y. 10036; Joseph M. Siegel, 45 Willow Lane, Roselle, N.J. 07203; Joseph M. Spielberg, M.D., 6801 19th Avenue, Brooklyn, N.Y. 11204; William Tisdale, 8223 Bay Parkway, Brooklyn, N.Y. 11214; Solomon S. Holland, 39 Rock Spring Avenue, West Orange, N.J.; Eric O. Lowry, 200 East 16th Street, New York City, N.Y.; Newton's Homewood Inn, 15 Interlaken Avenue, Lake Placid, N.Y. 12946. Send protests to: District Supervisor Stephen P. Tomany, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, N.Y. 10007.

No. MC 133880 (Sub-No. 1 TA), filed July 28, 1969. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, Post Office Box 3122, Davenport, Iowa 52808. Applicant's representative: John Lavender (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and supplies* used in the preparation of scrap metals, when moving in mixed loads with bulk scrap, and *scrap iron and steel, and scrap metal*, in bulk, between Minneapolis and St. Paul, Minn., La Crosse, Wis., Waterloo, Davenport, Council Bluffs, Iowa, Omaha, Nebr., Moline, Rock Island, Quincy, Ill., and La Grange, Mo., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Alter Co., 2333 Rockingham Road, Davenport, Iowa. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9369; Filed, Aug. 7, 1969; 8:49 a.m.]

[Notice 392]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 5, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order, in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71370. By order of July 29, 1969, the Motor Carrier Board on reconsideration approved the transfer to P. L. Duncan & Sons, Inc., Columbia, Va., of certificates Nos. MC-123927 (Sub-No. 1), and MC-123927 (Sub-No. 3) issued September 17, 1962, and October 6, 1964, respectively, to John F. Kirksey, doing business as Kirksey Trucking, Richmond, Va., authorizing the transportation of barrel staves and headings, in bundles, from the plantsites of Powhatan Cooperage Co., at Moseley, Va., to Chicago, Danville, and Joliet, Ill.; Baltimore, Md.; Birmingham, Mich.; St. Paul, Minn.; St. Louis, Mo.; Jersey City, Phillipsburg, Rahway, and Trenton, N.J.; New York and Port Chester, N.Y.; Beaver Falls, Lebanon, Philadelphia, and Pittsburgh, Pa.; and Cudahy and Milwaukee, Wis.; and truck refuse bodies, refuse containers, and repair parts therefor, from Buffalo, N.Y., to Richmond, Va. Dual operations were authorized. Jno. C. Goddin, 200 West Grace Street, Richmond, Va. 23220, attorney for applicants.

No. MC-FC-71479. By order of July 31, 1969, the Motor Carrier Board approved the transfer to Kennedy Van & Storage Co., Inc., 3511 Old Post Road, Fairfax, Va. 22030, of certificate No. MC-20337 issued March 21, 1967, to Eureka Van & Storage Co., Inc., 2926 Prosperity Avenue, Falls Church, Va. 22046, authorizing the transportation of household goods, as defined by the Commission (with exceptions), between Washington, D.C., on the one hand, and, on the other, points in Maryland and Virginia, and between Washington, D.C., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Maryland, Pennsylvania, Delaware, New Jersey, and New York.

No. MC-FC-71491. By order of July 29, 1969, the Motor Carrier Board, approved the transfer to Albert A. J. Smith, doing business as Eagle Bus Line, Brewton, Ala., of certificate No. MC-117411 (Sub-No. 3), issued June 27, 1961, to Lawrence Langham and Burns Langham, a partnership, doing business as Langham Bus Line, Brewton, Ala., authorizing the transportation of: Passengers and their baggage, and newspapers and express in the same vehicle with passengers, over specified regular routes, between Brewton, Ala., and the Chemstrand Corp., near Gonzales, Fla., serving the intermediate points of Pollard and Flomaton, Ala., unrestricted, and other intermediate points for the transportation of newspapers and express only; between Brewton, Ala., and the St. Regis Paper Co., at or near Contonment, Fla.; between Brewton, Ala., and the Chemstrand Corp. near Gonzalez, Fla., and the St. Regis Paper Co. at Contonment, Fla., over specified routes; and from and to Brewton, Ala., over a circular route specified. J. Douglas Harris, 409–412 Bell Building, Montgomery, Ala. 36104, attorney for applicants.

No. MC-FC-71497. By order of July 29, 1969, the Motor Carrier Board approved the transfer to Bob Utgard, doing business as Utgard Trucking, New Richmond, Wis., of the operating rights in certificate No. MC-124194 issued August 2, 1962, to Leonard J. Krantz, Eau Claire, Wis., authorizing the transportation, over irregular routes, of livestock from points in Marathon County, Wis., to South St. Paul and Newport, Minn., feed, fertilizer, tankage, and farm machinery from South St. Paul, Newport, St. Paul, and Minneapolis, Minn., to points in Marathon County, Wis., and animal and poultry feed and feed concentrates from Minneapolis and St. Paul, Minn., to points in Wisconsin. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC-FC-71508. By order of July 29, 1969, the Motor Carrier Board, approved the transfer to L. G. Ogle, Harrison, Ark., of certificate No. MC-125529, issued March 4, 1964, to Bert Jones, Harrison, Ark., authorizing the transportation of: Feed, in bags, from Springfield, Mo., to points in Boone, Searcy, Marion, and Newton Counties, Ark. Joseph R. Nacy, 117 West High Street, Post Office Box No. 352, Jefferson City, Mo. 65105, attorney for applicants.

No. MC-FC-71547. By order of July 31, 1969, the Motor Carrier Board approved the transfer to Glen Johnson and Robert H. Johnson, a partnership, doing business as Johnson's Freight Line, Quitman, Tex., of certificate No. MC-65774, issued February 18, 1965, to Glen Johnson, doing business as Johnson's Freight Line, Quitman, Tex., authorizing the transportation of: General commodities, with usual exceptions, and except household goods, and commodities in bulk, over regular routes, between Tyler, Tex., and Winnsboro, Tex., serving all intermediate points. Robert H. Johnson, 6324 Genoa Road, Fort Worth, Tex. 76116, for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9370; Filed, Aug. 7, 1969; 8:49 a.m.]

[Notice 392A]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 5, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71041. By order of July 25, 1969, Division 3, acting as an Appellate Division, approved the transfer to Seminole Transport Lines, Inc., 1335 Northwest 23d Street, Miami, Fla. 33142 of certificate No. MC-117890, issued April 20, 1965, to Jenkins Trucking, Inc., 1335 Northwest 23d Street, Miami, Fla. 33142, authorizing the transportation of: Bananas, from Miami and Tampa, Fla., to points in Florida, Alabama, Georgia, South Carolina, Tennessee, Kentucky, Indiana, and Ohio.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9371; Filed, Aug. 7, 1969; 8:49 a.m.]

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Title 3—THE PRESIDENT

Executive Order 11477

AUTHORIZING THE ATOMIC ENERGY COMMISSION TO MAKE CERTAIN AWARDS WITHOUT THE APPROVAL OF THE PRESIDENT

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

The Atomic Energy Commission is hereby designated and empowered, without approval, ratification, or other action by the President, to grant by the unanimous affirmative vote of all of its members not more than five awards in any calendar year, not exceeding the sum of $5,000 each, pursuant to the last sentence of section 157b(3) of the Atomic Energy Act of 1954 (42 U.S.C. 2187(b)(3)) which authorizes the Commission to grant awards for especially meritorious contributions to the development, use, or control of atomic energy.

Richard Nixon

THE WHITE HOUSE,
August 7, 1969.

[F.R. Doc. 69-9508; Filed, Aug. 8, 1969; 11:58 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 371—CONDUCT ON NATIONAL ARBORETUM PROPERTY

Chapter III of Title 7 of the Code of Federal Regulations is amended by adding a new Part 371, reading as follows:

Sec.
371.1 General.
371.2 Recording presence.
371.3 Preservation of property.
371.4 Conformity with signs and emergency directions.
371.5 Nuisances.
371.6 Gambling.
371.7 Intoxicating beverages and narcotics.
371.8 Soliciting, vending, debt collection, and distribution of handbills.
371.9 Photographs for news, advertising, or commercial purposes.
371.10 Pets.
371.11 Vehicular and pedestrian traffic.
371.12 Weapons and explosives.
371.13 Nondiscrimination.
371.14 Exceptions.
371.15 Penalties and other law.

AUTHORITY: The provisions of this Part 371 issued under secs. 2, 4, 62 Stat. 281; 40 U.S.C. 318 (a), (c); sec. 103, 63 Stat. 380; 40 U.S.C. 753; sec. 205(d), 63 Stat. 389; 40 U.S.C. 486(d); 34 F.R. 6406; 34 F.R. 7389.

§ 371.1 General.

The rules and regulations in this part apply to the buildings and grounds of the National Arboretum, Washington, D.C., and to all persons entering in or on such property. The Administrator, General Services Administration, has delegated to the Secretary of Agriculture, with authority to redelegate, the authority to make all the needful rules and regulations for the protection of the buildings and grounds of the National Arboretum (34 F.R. 6406). The Secretary of Agriculture has in turn delegated such authority to the Administrator, Agricultural Research Service (34 F.R. 7389). The rules and regulations in this part are issued pursuant to such delegations.

§ 371.2 Recording presence.

Admission to the National Arboretum during periods when it is closed to the public will be limited to authorized individuals who may be required to sign the register and/or display identification documents when requested by the guard, watchman, or other authorized individuals.

§ 371.3 Preservation of property.

It is unlawful to willfully destroy, damage, or remove property or any part thereof.

§ 371.4 Conformity with signs and emergency directions.

Persons in and on property of the National Arboretum shall comply with official signs of a prohibitory or directory nature, and, with the directions of authorized individuals.

§ 371.5 Nuisances.

The use of loud, abusive, or otherwise improper language, unwarranted loitering, sleeping, or assembly, the creation of any hazard to persons or things, improper disposal of rubbish, spitting, prurient prying, the commission of any obscene or indecent act, or any other unseemly or disorderly conduct, throwing articles of any kind from a building, and climbing upon any part of a building, is prohibited.

§ 371.6 Gambling.

Participating in games for money or other personal property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on National Arboretum property, is prohibited.

§ 371.7 Intoxicating beverages and narcotics.

Entering National Arboretum property or the operating of a motor vehicle thereon, by a person under the influence of intoxicating beverages or narcotic drug, or the consumption of such beverages or the use of such drug in or on National Arboretum property, is prohibited.

§ 371.8 Soliciting, vending, debt collection, and distribution of handbills.

The soliciting of alms and contributions, commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, or the collecting of private debts, in or on National Arboretum property, is prohibited. This section does not apply to national or local drives for funds for welfare, health, and other purposes sponsored or approved by the Agricultural Research Service, concessions, or personal notices posted by employees on authorized bulletin boards. Distribution of material such as pamphlets, handbills, and flyers is prohibited without prior approval of the Director, National Arboretum.

§ 371.9 Photographs for news, advertising, or commercial purposes.

Photographs for news purposes may be taken at the National Arboretum without prior permission. Photographs for advertising and commercial purposes may be taken at the National Arboretum only with the prior written approval of the Director, National Arboretum.

§ 371.10 Pets.

Pets brought upon National Arboretum property must be kept on leash.

§ 371.11 Vehicular and pedestrian traffic.

(a) Drivers of all vehicles in or on National Arboretum property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of guards and all posted traffic signs;

(b) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants in or on National Arboretum property is prohibited;

(c) Except in emergencies, parking in or on National Arboretum property in other than designated areas is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or contrary to the direction of posted signs is prohibited. This section may be supplemented from time to time, by the issuance and posting of specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part hereof.

§ 371.12 Weapons and explosives.

No person while in or on National Arboretum property shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except for official purposes.

§ 371.13 Nondiscrimination.

There shall be no discrimination by segregation or otherwise against any person or persons because of race, religion, color, or national origin, in furnishing, or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on National Arboretum property.

§ 371.14 Exceptions.

The Administrator, Agricultural Research Service, may in individual cases make prior, written exceptions to the rules and regulations in this part if he determines it to be not adverse to the public interest.

§ 371.15 Penalties and other law.

Whoever shall be found guilty of violating the rules and regulations in this part is subject to fine of not more than $50 or imprisonment of not more than 30 days, or both (see 40 U.S.C. 318c). Nothing contained in the rules and regulations in this part shall be construed as abrogating or authorizing the abrogation of any other regulations or any Federal law or any laws and regulations of the District of Columbia which may be applicable.

Effective date: This part shall become effective on the date of its publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of August 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

Approved: T. M. BALDAUF,
Acting Director, Office of
Plant and Operations.

Approved: EDWARD M. SHULMAN,
General Counsel.

[F.R. Doc. 69-9424; Filed, Aug. 8, 1969; 8:47 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 717—HOLDING OF REFERENDA

Definition of Referendum Community and Reporting of Referenda Results

On page 9562 of the FEDERAL REGISTER of June 18, 1969 (34 F.R. 9562) was published a notice of proposed rule making to amend the regulations governing the holding of referenda.

Interested persons were given 30 days after publication of the notice in which to submit written data, views, or recommendations with respect to the proposed amendment.

No data, views, or recommendations were received and the proposed amendment is adopted with certain additions as set forth below:

1. A basis and purpose paragraph is added at the beginning of the amendment.

2. References to certain divisions are changed to reflect the current division designations.

3. An authority clause is added.

4. An effective date provision is added immediately following the authority clause.

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended.

The purpose of this amendment is to (1) amend the definition of referendum community in § 717.1(c) to include the rule expressed in § 717.4 that the entire county shall be the referendum community for purposes of referenda held by mail ballot. In addition, for purposes of referenda held at polling places, the entire county would be established as the referendum community in cases where there are less than 100 farms on which there are eligible producers unless the county committee determined that more than one referendum community was needed. Presently the county committee is required to take action to reach this result and (2) revise § 717.22 to add the procedure for State reporting of referenda results to the Deputy Administrator in case of mail ballot referenda in a manner similar to that prescribed in § 717.17 for referenda held at polling places.

Part 717—Holding of Referenda (33 F.R. 18345) is amended as follows:

1. The Table of Contents would be amended by changing the heading of § 717.22 to read as follows:

Sec.
717.22 Reporting and record of result of the referendum.

2. Paragraph (c) of § 717.1 would be revised to read as follows:

§ 717.1 Definitions.

* * * * *

(c) *Referendum community.* For referenda conducted by mail ballot, the entire county shall be the referendum community. For referenda conducted at polling places, the referendum community shall conform with the community established by the State committee for purposes of elective areas under the regulations in the subpart—Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees in Part 7, Subtitle A, of this Title (§ 7.7, 33 F.R. 12955), as amended from time to time: *Provided,* That a referendum community may be composed of an area differing from the community so established in the following cases:

(1) A referendum community may be established by the county committee, with the approval of a representative of the State committee, to conform to a political township, a local voting precinct for purposes of general elections, or a combination of such townships or precincts;

(2) A referendum community may be established by the county committee, if it determines eligible producers will be given a convenient place to vote, which consists of a combination of a community with less than 25 farms on which there are producers eligible to vote, with one or more communities; and

(3) The entire county shall be the referendum community in counties with less than 100 farms on which there are producers eligible to vote unless the county committee, with the approval of the State committee, determines that more than one referendum community is needed in the county.

The county committee shall maintain in the county office, and make available for public inspection, a descriptive list of the referendum communities established for the county for referenda conducted at polling places.

3. The word "Farmer" where it appears in the first sentence of § 717.9(c) and in the second sentence of § 717.18 is changed to the word "Commodity".

4. Section 717.17 is amended by changing the fourth sentence to read as follows:

§ 717.17 State committee's reporting and record of result of the referendum.

* * * * *

The original and one copy of the State summary shall be forwarded to the Director of the ASCS Division having the responsibility for the commodity for which the referendum was held.

5. Section 717.22 is revised to read as follows:

§ 717.22 Reporting and record of result of the referendum.

(a) *County committee.* The county committee shall notify the State committee by telephone, telegraph, or messenger (who may be a member of the county committee), as to the preliminary count of the votes on each question and the number of challenged ballots as soon as possible. The county committee shall, as soon as may be reasonably possible, but in no event later than 4 calendar days after canvassing of the ballots, have prepared and certified the county summary of ballots. Such summary shall be prepared and certified in triplicate, one copy of which shall be sent to the State committee, one copy posted for 30 calendar days in a conspicuous place accessible to the public in or near the office of the county committee, and one copy filed in the office of the county committee and kept available for public inspection.

(b) *State committee.* The State committee for each State shall notify the Deputy Administrator by telephone or telegraph as to the preliminary count of the votes in the State as soon as the preliminary results of the referendum are made known to the State committee. The county summaries of ballots shall be summarized on the State summary of ballots as soon as possible, but in no event later than 7 calendar days after canvassing of the ballots, unless there is a dispute or challenge regarding the correctness of the summary for any county, in which case the State committee shall complete its investigation thereof, decide the dispute or challenge, and prepare the State summary accordingly within 14 calendar days after canvassing of the ballots. The State summary shall be prepared in triplicate and certified to by the State executive director. The original and one copy of the State summary shall be forwarded to the Director of the ASCS Division having the responsibility for the commodity for which the referendum was held. One copy of the State summary shall be filed for a period of 5 years in the office of State committee available for public inspection.

(Secs. 312(c), 317 (c) and (d), 336, 343, 344a (b)(ii), 354(b), 358(b), 375(b), 52 Stat. 46, as amended, 79 Stat. 66, 52 Stat. 55, as amended, 56, as amended, 79 Stat. 1197, 52 Stat. 61, as amended, 55 Stat. 38, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1312(c), 1314c (c) and (d), 1336, 1343, 1344b(b)(ii), 1354(b), 1358(b), 1375(b))

Effective date: Thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 5, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-9434; Filed, Aug. 8, 1969; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 287, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829) regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provision in paragraph (b)(1) (i), (ii), and (iii) of § 908.587 (Valencia Orange Reg. 287, 34 F.R. 12494) are hereby amended to read as follows:

§ 908.587 Valencia Orange Regulation 287.

* * * * *

(b) * * *

(1) * * *

(i) District 1: 288,000 cartons;

(ii) District 2: 392,000 cartons;

(iii) District 3: 120,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 6, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9435; Filed, Aug. 8, 1969; 8:48 a.m.]

[Lemon Reg. 386]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.686 Lemon Regulation 386.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 5, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 10, 1969, through August 16, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 265,050 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 6, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9470; Filed, Aug. 8, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-WE-8-AD; Amdt. 39-813]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Airplane Co. Models 707/720 and 727; Takeoff Aural Warning System

Amendment 39-776, 34 F.R. 9027, AD 69-12-2, required modifications to the takeoff aural warning system and incorporation of new material or revision of existing language, as appropriate, in the FAA Airplane Flight Manuals. The AD was effective July 6, 1969. The FEDERAL REGISTER publication invited interested persons to submit their views or comments for consideration.

Comments have been received from the manufacturer and the airlines and these have been considered. The manufacturer recommended that the AD be withdrawn on the basis that the flight crew checklists provided by the air carriers are adequate to assure proper setting of the flaps, stabilizer, and spoilers before takeoff, and that the takeoff warning system was not intended as a substitute for compliance with checklist procedures. The Administrator does not agree that this comment justifies withdrawal of the AD. As discussed in the preamble to the AD as published in the FEDERAL

REGISTER, the takeoff warning system was installed in most transport airplane models as a supplement to checklist procedures to warn the crew of their failure through oversight to accomplish any of the checklist items connected with the warning system.

With respect to the AD as published, the manufacturer recommended certain editorial changes involving the Airplane Flight Manuals with which the Administrator is in substantial agreement. These changes have been adopted. For clarity in incorporating these changes, the AD, as amended, is republished in its full text. In addition, the effectivity date of the AD is amended to give operators more time to accomplish these changes.

Comments received from the Air Transport Association indicated that one airline may be unable to meet the established compliance time for all of the airplanes in their fleet without interruption of operating schedules. In such case, the Director is empowered to grant a reasonable extension for compliance when such request appears justified.

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and this amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–776, 34 F.R. 9027, AD 69–12–2, is amended as follows:

BOEING 707/720 and 727 series airplanes. Applies to all Boeing 707/720 and 727 series airplanes, as appropriate.

Compliance required within 1,000 hours time in service after the effective date of this AD, unless previously accomplished.

To provide for (1) arming of the takeoff warning system at about 25° of thrust lever advancement from the idle position, and (2) to advise flight crews of the characteristics of the system, accomplish the following:

A. For 707/720 series airplanes listed in Boeing S.B. No. 2384, dated January 31, 1967, or later FAA-approved revisions, modify the takeoff warning actuating switch installation in accordance with Boeing Service Bulletin No. 2384, dated January 31, 1967, or later FAA-approved revision, or by an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

B. For 727 series airplanes listed in Boeing S.B. 27–102, Revision 1, dated July 7, 1967, or later FAA-approved revisions, modify the takeoff warning actuating switch installation in accordance with Boeing Service Bulletin No. 27–102, Revision 1, dated July 7, 1967, or later FAA-approved revision, or by an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

NOTE: Some operators have modified the throttle control system to incorporate automatic throttle controls using equipment not designed by Boeing. In such installations, the modification kits available from Boeing for compliance with Service Bulletin No. 27–102 may not be applicable, and operators should submit their modification for FAA approval.

C. For all 707/720 and 727 airplanes listed in this paragraph, incorporate revisions in the FAA Approved Airplane Flight Manual as follows:

1. For Models 707–100/ –200/ –400/ –100B (except –123B and –138B)/ –300B/ –300B (ADV)/ –300C, Revise Section III, existing paragraph headed "Warning Horn," to read:

WARNING HORN

LANDING

The warning horn will sound when any thrust lever is retarded or the flap control lever is in the 40° or 50° detent with the landing gear in the "unsafe to land position."

NOTE: (Applicable only for airplanes incorporating Boeing Service Bulletin 1891) when the landing gear warning horn circuit modification is installed, landing gear warning horn will not function with outboard flaps in the fully retracted position. However, landing gear warning lights will function when thrust levers are retarded to idle power.

TAKEOFF

Sounding of the warning horn, when the No. 3 thrust lever is advanced to takeoff thrust indicates one or more of the following:

(a) Speed brakes handle is not in the zero degree detent.

(b) Stabilizer trim is not within the green band range used for takeoffs.

(c) Wing flaps are not in the takeoff position.

CAUTION: The warning horn will not:

1. Be armed for sounding at the lower ambient temperatures due to No. 3 thrust lever takeoff positioning not actuating the thrust lever quadrant switch, or

2. Indicate stabilizer trim is in the improper takeoff position specified for actual center of gravity location.

CABIN PRESSURIZATION

The warning horn will sound intermittently whenever the cabin altitude exceeds 10,000 feet.

2. For Models 707–300/720/720B/707–123B and –138B, Revise Section III, existing paragraph headed "Warning Horn," to read:

WARNING HORN

LANDING

The warning horn will sound when any thrust lever is retarded or the flap control lever is in the 40° or 50° detent with the landing gear in the "unsafe to land position."

NOTE: (Applicable only for airplanes incorporating Service Bulletin No. 1891.) When the landing gear warning horn circuit modification is installed, landing gear warning horn will not function with outboard flaps in the fully retracted position. However, landing gear warning lights will function when thrust levers are retarded to idle power.

TAKEOFF

Sounding of the warning horn when the No. 3 thrust lever is advanced to takeoff thrust indicates one or more of the following:

(a) Speed brakes handle is not in the zero degree detent.

(b) Stabilizer trim is not within the green band range used for takeoffs.

(c) Wing flaps are not in one of the approved takeoff flap setting positions.

(d) An essential A–C power failure has occurred during takeoff. (Applicable only for Models 707–123B/–138B/720–023B airplanes.)

CAUTION: The warning horn will not:

1. Be armed for sounding at the lower ambient temperatures due to No. 3 thrust lever takeoff positioning not actuating the thrust lever quadrant switch, or

2. Indicate stabilizer trim is in the improper takeoff position specified for actual center of gravity location.

3. Indicate wing flaps are in the improper takeoff position specified for actual takeoff speeds and performance limits.

CABIN PRESSURIZATION

The warning horn will sound intermittently whenever the cabin altitude exceeds 10,000 feet.

3. For Models 727/727C/727–200 add new paragraph heading "Warning Horn" in section 3, to read:

WARNING HORN

LANDING

The warning horn will sound when any thrust lever is retarded or the flap control lever is in the 30° or 40° detent with the landing gear in an "unsafe to land position."

TAKEOFF

Sounding of the warning horn, when No. 3 thrust lever is advanced to takeoff thrust, indicates one or more of the following:

(a) Speed brakes handle is not in the zero degree detent.

(b) Stabilizer trim is not within the green band range used for takeoffs.

(c) Wing flaps are not in one of the approved takeoff flap setting positions.

(d) Auxiliary power unit door is not latched. (If APU installed.)

CAUTION: The warning horn will not:

1. Be armed for sounding at the lower ambient temperatures due to No. 3 thrust lever takeoff positioning not actuating the thrust lever quadrant switch, or

2. Indicate stabilizer trim is in the improper takeoff position specified for actual center of gravity location.

3. Indicate wing flaps are in the improper takeoff position specified for actual takeoff speeds and performance limits.

CABIN PRESSURIZATION

The warning horn will sound intermittently whenever the cabin altitude exceeds 10,000 feet.

NOTE: Due to modifications accomplished by Supplemental Type Certificate or by other FAA approvals, the AFM material may not, in all cases, apply. Notify the Chief, Aircraft Engineering Division, FAA Western Region, when changes in equipment indicate possible nonapplicability.

This amendment becomes effective September 9, 1969.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on July 30, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69–9410; Filed, Aug. 8, 1969; 8:46 a.m.]

[Docket No. 69–EA–42; Amdt. 39–814]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

On Page 9124 of the FEDERAL REGISTER for June 10, 1969, the Federal Aviation Administration published a proposed regulation which would require a modification of the main landing gear door and trolley lever on the Fairchild Hiller F–27 and FH–227 type airplanes.

Interested parties were given 30 days after publication in which to submit written data or views.

Eastex Inc. of Silshee, Tex., by R. Goodwin of the aviation division objected to the AD on the ground that his personal experience did not support the need for the AD. It was opined that proper maintenance would eliminate the deficiency. Agency experience, however, has indicated that maintenance was not a factor in the deficiency. The critical factor appeared to be the vulnerability of the gear door to wind buffet with resultant deformation of affected parts. Thus, the initial basis for the airworthiness directive still requires the promulgation of the proposed airworthiness directive.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89, 31 F.R. 13697, section 39.13 of Part 39 of the Federal Aviation Regulations is hereby amended by adopting the rule as proposed.

This amendment is effective September 1, 1969.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423, and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y. on August 1, 1969.

GEORGE M. GARY,
Director, Eastern Region.

FAIRCHILD. Applies to F–27 airplanes Serial Nos. 1 through 128 and FH–227 airplanes Serial Nos. 501 through 518 and 520 through 578, certificated in all categories.

To prevent hazards associated with the spring loading of the main landing gear door trolley mechanism, and to prevent overtravel of the main landing gear doors during retraction, accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, modify the door trolley locking lever as described in Fairchild Hiller F–27 Service Bulletin 32–73 dated February 25, 1969, for F–27 aircraft, and Fairchild Hiller FH–227 Service Bulletin 32–15 dated February 25, 1969, for FH–227 aircraft or equivalent modifications approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(b) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, modify the main landing gear doors as described in Fairchild Hiller F–27 Service Bulletin 32–74 dated April 10, 1969, for F–27 aircraft and Fairchild Hiller FH–227 Service Bulletin 32–17 dated April 10, 1969, for FH–227 aircraft or equivalent modifications approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(c) The compliance times may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, upon receipt of substantiating data submitted through an FAA maintenance inspector.

[F.R. Doc. 69–9411; Filed, Aug. 8, 1969; 8:47 a.m.]

[Airspace Docket No. 69–SO–40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On June 6, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9036) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a 1,200-foot AGL south alternate to VOR Federal airway No. 56 from Augusta, Ga., to Columbia, S.C.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V–56 is amended by deleting "Columbia, S.C.;" and substituting "Columbia, S.C., including a south alternate via INT of Augusta 097° and Columbia 236° radials;" therefor.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 4, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–9412; Filed, Aug. 8, 1969; 8:47 a.m.]

[Airspace Docket No. 69–CE–66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segments

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to make minor alterations to lower the airway floors on segments of VOR Federal airways Nos. 132, 234, and 244.

The segments of V–132 between Goodland, Kans., and Hutchinson, Kans.; V–234 between Liberal, Kans., and Hutchinson; and V–244 between Lamar, Colo., and Hays, Kans., have their floors designated at high altitudes due to the minimum en route altitudes designated along these airway segments. Radar coverage along these airway segments from the Kansas City Air Route Traffic Control Center will now permit the airway floors to be lowered and will provide better service to air traffic operating along these segments of V–132, V–234, and V–244. Accordingly, action is taken herein to lower the airway floors along these airway segments.

Since this action is minor in nature, notice and public procedure hereon is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 is amended effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 1721, 4509) is amended as follows:

a. In V–132 "97 miles 92 MSL" is deleted and "97 miles 65 MSL" is substituted therefor.

b. In V–234 "74 miles 75 MSL" is deleted and "74 miles 65 MSL" is substituted therefor.

c. In V–244 "56 miles 65 MSL, 60 miles 85 MSL" is deleted and "116 miles 65 MSL" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348, and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 4, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–9413; Filed, Aug. 8, 1969; 8:47 a.m.]

[Airspace Docket No. 69–SW–37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the 700-foot transition area at Midland, Tex.

On June 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9719) stating the Federal Aviation Administration proposed to alter controlled airspace in the Midland, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America (ATA) stated opposition to establishment of the instrument approach procedure proposed to serve the Ector County Airport at Odessa, Tex., "because of its conflicts with established IFR procedures serving Midland-Odessa Regional Air Terminal." ATA commented that their reply to the previous nonrule-making circular opposed establishment of the proposed procedure and they again recommended that a change from VFR to IFR use at Ector County Airport be only on the basis of independent IFR procedures.

The agency is aware that aircraft executing the proposed approach procedure to Ector County Airport could cause delays or restrictions to operations to/from Midland-Odessa Regional Air Terminal; however, at the present time, IFR aircraft destined for Ector County Airport execute an approach to Midland-Odessa Regional Air Terminal and then proceed VFR or in accordance with special VFR flight clearance procedures to Ector County Airport. This, too, delays traffic and is otherwise undesirable. An approach procedure to serve Ector County Airport would improve this situation by eliminating possible conflicts between IFR and marginal VFR aircraft thereby

increasing the level of safety in the terminal area.

It is not possible at this time to develop an approach procedure for Ector County Airport which would be entirely compatible with all IFR operations to/from Midland-Odessa Regional Air Terminal. The proposed procedure, however, is the most practical and the one which would have the least impact on the air traffic flow in the Midland terminal area. Further, aircraft conducting IFR operations to/from Ector County Airport will be under the control jurisdiction of the same approach control facility as aircraft conducting IFR operations to/from Midland-Odessa Regional Air Terminal.

In view of the foregoing, the agency cannot foresee any added adverse effect on IFR operations at Midland-Odessa Regional Air Terminal by the addition of the proposed instrument approach procedure to serve Ector County Airport.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4726) the Midland, Tex., transition area 700-foot portion is amended to read:

MIDLAND, TEX.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Midland-Odessa Regional Air Terminal (lat. 31°56'25" N., long. 102°12'10" W.) excluding the portion within a 1.5-mile radius of Midland Airpark (lat. 32°02'00" N., long. 102°05'55" W.), within a 5-mile radius of Ector County Airport (lat. 31°55'00" N., long. 102°23'00" W.), within 3.5 miles each side of the Midland VORTAC 011° radial extending from the 8-mile radius area to 11.5 miles north of the VORTAC excluding the portion within a 1.5-mile radius of Midland Airpark, and within 2 miles each side of the Midland ILS localizer southeast course extending from the 8-mile radius area to the INT of the Midland VORTAC 128° and the Big Spring VORTAC 212° radials.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on July 31, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-9414; Filed, Aug. 8, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation, Revocation of Transition Area

On page 9719 of the FEDERAL REGISTER for June 21, 1969, the Federal Aviation Administration published proposed regulations which would designate a 1,200-foot Connecticut transition area for the State of Connecticut.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., October 16, 1969.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 25, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations by:

(a) Deleting in the Hartford, Conn., transition area description the second paragraph describing the 1,200-foot transition area.

(b) Designating a Connecticut transition area described as follows:

CONNECTICUT

That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the State of Connecticut.

[F.R. Doc. 69-9415; Filed, Aug. 8, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Burnet, Tex., transition area.

On June 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9720) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Burnet, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as herein set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

BURNET, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Burnet Municipal-Kate Craddock Field (lat. 30°44'34" N., long. 98°14'24" W.), and within 3.5 miles each side of the 191° bearing from the Burnet RBN (lat. 30°44'35" N, long. 98°14'38" W.) extending from the 5-mile radius area to 10 miles south of the RBN.

(Sec 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Forth Worth, Tex., on July 31, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-9416; Filed, Aug. 8, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER B—RULES, REGULATIONS, STATEMENT OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

Effective Date

The Federal Trade Commission published in the FEDERAL REGISTER of July 1, 1969 (34 F.R. 11089) a notice that the July 1, 1969 effective date, which was specified in section 500.25(c)(2) of regulations pertaining to the Fair Packaging and Labeling Act, was postponed until further order of the Commission. The further order was to provide at least thirty (30) days advance notice of the new effective date.

The July 1, 1969 notice was issued to provide a short period of time to afford possible resolution of the problems involved respecting the implementation of the Fair Packaging and Labeling Act by the Federal Trade Commission. The Commission has resolved the problems involved and has determined that its regulations, which were previously published in the FEDERAL REGISTER of March 19, 1968 (33 F.R. 4718), pertaining to the Fair Packaging and Labeling Act should become effective as soon as possible.

Therefore, notice is hereby given that the new effective date is September 10, 1969.

Issued: August 5, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-9385; Filed, Aug. 8, 1969; 8:45 a.m.]

PART 503—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Miscellaneous Amendments

The Federal Trade Commission has previously published several policy statements in the FEDERAL REGISTER with respect to coverage and the status of specific items under the Fair Packaging and Labeling Act. These policy statements were identified as § 503.1—*Matters pertaining to coverage under the Fair Packaging and Labeling Act*, 33 F.R. 4723 (Mar. 19, 1968) and as § 503.2—*Status of Specific items under the Fair Packaging and Labeling Act*, 33 F.R. 8773 (June 15, 1968). Additionally, related policy statements were issued that confirmed § 503.2 as originally published, 34 F.R. 8941 (June 4, 1969) and amended and alphabetically rearranged § 503.2, 34 F.R. 9210-9211 (June 11, 1969).

The Commission has determined in view of the express language and the legislative history of section 10(a) of the Act, which defines "consumer commodity," and the entire Act that the opinions expressed in the above-mentioned policy statements set forth an interpretation of "consumer commodity" that is unduly comprehensive. Moreover, the above-mentioned policy statements are incomplete because they did not define adequately the boundaries of product coverage under the definition. The Commission has also determined in view of the Act and its history that all actions taken under Part 501 of the regulations are invalid as they were based upon an interpretation of "consumer commodity" that is unduly comprehensive. The foregoing determinations of the Commission were based upon a memorandum from the Commission's General Counsel with attachments, which included a digest of the Act's legislative history. Copies of these documents are available to members of the public upon request to the Commission's Division of Legal and Public Records.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4, 6, 10, 80 Stat. 1297, 1299, 1300, 1301; 15 U.S.C. 1453, 1455, 1459), Part 503 is amended as follows:

Sections 503.1 and 503.2 are repealed and a new § 503.5 is added, as follows:

§ 503.5 Interpretation of the definition of "consumer commodity" as contained in section 10(a) of the Fair Packaging and Labeling Act.

(a) Section 10(a) of the Fair Packaging and Labeling Act defines the term "consumer commodity" in four classifications. These are:

(1) Any food, drug, device, or cosmetic;

(2) And any other article, product, or commodity of any kind or class which is customarily produced or distributed for sale through retail sales agencies or instrumentalities.

(i) For consumption by individuals and which usually is consumed or expended in the course of such consumption.

(ii) For use by individuals for purposes of personal care and which usually is consumed or expended in the course of such use.

(iii) For use by individuals in the performance of services ordinarily rendered within the household and which usually is consumed or expended in the course of such use.

(b) Section 10(a) then expressly excludes (1) meats, poultry, and tobacco, (2) economic poisons and biologics for animals, (3) prescription drugs, (4) alcoholic beverages, and (5) agricultural and vegetable seeds.

(c) Pursuant to sections 5 and 7 of the Fair Packaging and Labeling Act, the authority to promulgate regulations and to enforce the Act as to any food, drug, device, or cosmetic has been delegated to the Secretary of Health, Education, and Welfare and as to any other "consumer commodity" to the Federal Trade Commission.

(d) As to these articles, products, or commodities subject to regulation by the Federal Trade Commission, the legislative history of the Act demonstrates the intent of Congress, for the reasons stated therein, to place the following categories outside the scope of the definition of "consumer commodity":

(1) Durable articles or commodities;

(2) Textiles or items of apparel;

(3) Any household appliance, equipment, or furnishing, including feather and down-filled products, synthetic-filled bed pillows, mattress pads and patchwork quilts, comforters and decorative curtains;

(4) Bottled gas for heating or cooking purposes;

(5) Paints and kindred products;

(6) Flowers, fertilizer, and fertilizer materials, plants or shrubs, garden and lawn supplies;

(7) Pet care supplies;

(8) Stationery and writing supplies, gift wraps, fountain pens, mechanical pencils, and kindred products.

(e) The articles, products, or commodities that are within the terms of section 10(a) of the Act and subject to regulation by the Federal Trade Commission are either expendable commodities for consumption by individuals, expendable commodities used for personal care, or expendable commodities used for household services. The primary terms in section 10(a) for defining these categories are:

(1) Consumption by individuals;

(2) Use by individuals;

(3) Personal care by individuals;

(4) Performances of services ordinarily rendered within the household by individuals;

(5) Consumed or expended.

(f) These terms are defined as follows:

(1) *Consumption by individuals.* This term as it is used in section 10(a) means the using up of an article, product, or commodity by an individual.

(2) *Use by individuals.* This term as it is used in section 10(a) means the employment or application of an article, product, or commodity by an individual.

(3) *Personal care by individuals.* This term as it is used in section 10(a) means that activity of an individual which is concerned with protecting, enhancing, and providing for the general cleanliness, health, or appearance of the individual.

(4) *Performance of services ordinarily rendered within the household by individuals.* These terms as they are used in section 10(a) mean: The term "household" refers to the interior and exterior of dwellings or residences occupied by individuals, including the surrounding premises. The term "performance of services ordinarily rendered within the household" means the doing of any activity by an individual within the above-described area which is normally done in connection with the maintenance and occupation of the above-described area as a habitation for individuals.

(5) *Consumed or expended.* These terms as they are used in section 10(a) mean (1) the immediate destruction or extinction of an article, product, or commodity, or of the part used; or (2) the substantial diminution in the quantity, quality or utility of an article, product, or commodity which results from usage upon one or several occasions over a comparatively short period of time.

(g) The foregoing definition serves to amplify the definition of "consumer commodity" supplied by Congress in section 10(a) of the Act. As questions arise as to whether specific articles, products, or commodities are included in the above definition, the Commission will consider, among other things, the Congressional policy declared in section 2 of the Act, namely, that packages and labels should enable consumers to obtain accurate information as to the quantity of contents and should facilitate value comparisons. That is, in making its determinations of inclusions and exclusions under this definition, the Commission will consider the requirements of both the Act and the pertinent regulations and in that connection will regard as one criterion the extent to which the disclosures required on "consumer commodities" are material to a consumer's selection of a particular article, product, or commodity. Interpretative rulings in such instances will be made public, and can be expected to further contribute to the development of clearer delineation of the scope of the term "consumer commodity".

(h) With respect to articles, products, or commodities included within the definition of "consumer comoddities", the Commission will consider requests for exemptions in accordance with section 5 (b) of the Act and § 500.3(e) of this chapter, and will make public its rulings on all such requests.

Issued: August 5, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-9384; Filed, Aug. 8, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-185]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Liberia allows vessels of the United States in ports of Liberia privileges reciprocal to those provided for in section 27 of the Merchant Marine Act of 1920, as further amended by Public Law 90-474 (82 Stat. 700). Therefore, vessels of Liberia are permitted to transport coastwise equipment for use with vans and tanks, empty barges designed for carriage aboard a vessel, empty instruments of international traffic, and stevedoring

equipment and material under the conditions specified in the applicable proviso to 46 U.S.C. 883.

Accordingly, subparagraph (1) and (2) of § 4.93(b), Customs Regulations, are amended by the insertion of "Liberia" in appropriate alphabetical order in the list of nations under each of the above subparagraphs.

(80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883)

Effective date: This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 1, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-9429; Filed, Aug. 8, 1969; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 602—LEATHER, LEATHER GOODS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Rates

On July 25, 1969, I published in the FEDERAL REGISTER (34 F.R. 12281) a wage order amending § 602.2 of Title 29, Code of Federal Regulations, to reflect the recommendations of Industry Committee No. 83-C for the leather, leather goods and related products industry in Puerto Rico. The amendment of § 602.2 as set forth in said document inadvertently omitted the current provisions in the regulation covering the hide curing classification, which was not under review by the Committee since the minimum wage rate established for this classification had already reached the minimum rate of $1.60 per hour in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, and was intended to continue in effect.

Accordingly, the amendment of § 602.2 set forth in the order published in the FEDERAL REGISTER on July 25, 1969, is hereby corrected to read as follows:

§ 602.2 Wage rates.

* * * * *

(a) *Pre-1961 Coverage Classifications.* The classifications in this paragraph (a) apply to all activities of employees in the industry to which section 6 of the Fair Labor Standards Act would have applied prior to the Fair Labor Standards Amendments of 1961.

(1) *Belt classifications.* (i) The minimum wage for this classification is $1.55 an hour.

(ii) This classification is defined as the manufacture of apparel belts made of leather, artificial leather, plastics, paper or paperboard, or similar materials (except fabric).

(2) *Baseball and Softball classification.* (i) The minimum wage for this classification is $1.25 an hour.

(ii) This classification is defined as the manufacture of baseballs and softballs covered with leather, artificial leather, fabric, plastics, or similar materials.

(3) *Sporting and Athletic goods classification.* (i) The minimum wage for this classification is $1.30 an hour.

(ii) This classification is defined as the manufacture of sporting and athletic goods other than baseballs and softballs.

(4) *Hide curing classification.* (i) The minimum wage for this classification is $1.60 an hour.

(ii) This classification is defined as the salting and other curing of hides and skins and operations incidental thereto, except when such operations are performed as an integral and continuous part of leather tanning.

(5) *General classification.* (i) The minimum wage for this classification is $1.225.

(ii) This classification is defined as the manufacture of all products and activities not included in any other pre-1961 coverage classification in the industry.

(b) *1961 Coverage classification.* (1) The minimum wage for this classification is $1.225 an hour.

(2) This classification is defined as all activities in the industry which were brought within the purview of section 6 of the Fair Labor Standards Act solely by reason of the Fair Labor Standards Amendments of 1961.

* * * * *

Signed at Washington, D.C., this 6th day of August 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 69-9431; Filed, Aug. 8, 1969; 8:48 a.m.]

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart E—Occupations Particularly Hazardous for the Employment of Minors Between 16 and 18 Years of Age or Detrimental to Their Health or Well-Being

SCHOOL BUS DRIVERS

On May 6, 1969, a proposal was published in the FEDERAL REGISTER (34 F.R. 7333) inviting written data, views, or arguments on a proposed amendment identifying the factors which will be considered by the Secretary of Labor in evaluating the application of a State for an exemption for school bus drivers under section 1500.52(b)(2) of Title 29, Code of Federal Regulations. After consideration of all matter presented by interested persons, 29 CFR 1500.52(b) is amended by adding a new subparagraph (3) as set out below. As the amendment relieves present restrictions, delay in its effective date is excused by 5 U.S.C. 553(d)(1). As it further appears that no good purpose would be served by such delay, this amendment is effective immediately.

The new subparagraph (3) is as follows:

§ 1500.52 Motor-vehicle driver and outside helper (Order No. 2)

* * * * *

(b) * * *

(3) *Evaluation of application for exemption for school bus driving.* In evaluating the application of a State for an exemption for school bus driving under subparagraph (2) above the Secretary will consider the following:

(i) Whether the accident experience of school bus drivers under 18 years of age in the State, if any are employed, compares favorably with that of adult school bus drivers.

(ii) Whether school bus drivers are selected by the school principal and approved by the county superintendent or an official of equivalent responsibility.

(iii) Whether school bus drivers are required to have completed a State approved driver education course, or a special school bus driver training course prior to being allowed to transport passengers.

(iv) Whether training and testing of school bus drivers includes classroom and behind-the-wheel training and is this done by qualified officials.

(v) Whether school bus drivers are required to pass a physical examination.

(vi) Whether the operation of school buses is supervised by the school principal, the transportation or other equivalent officer, and State, county, or city police.

(vii) Whether school buses are thoroughly inspected a minimum of four times a year at a State, district, or county inspection station and receive maintenance and repairs at regular intervals to ascertain and insure their safe operating conditions on a continuous basis, and that all inspections, maintenance, and repairs are performed by qualified inspectors and mechanics.

(viii) Whether school bus drivers are provided with and required to use seat belts.

(ix) Whether adequate measures are taken by State and local officials to control the speed of school buses in order to insure that the buses are not driven at a speed greater than is reasonable and prudent.

(x) Whether adult chaperones, approved by local school authorities, accompany school bus drivers on special activity trips sponsored by the school.

(xi) Whether the school buses conform substantially to the Minimum Standards for School Buses, 1964 Revised Edition, recommended by the National Conference on School Transportation and published by the National Education Association.

(xii) Any other factors which the Secretary may find relevant in evaluating the application for exemption.

* * * * *

(Sec. 3, 52 Stat. 1061, as amended; 29 U.S.C. 203)

Signed at Washington, D.C., this 5th day of August 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-9432; Filed, Aug. 8, 1969; 8:48 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

Correction

In F.R. Doc. 69-8971, appearing at page 12510 of the issue for Thursday, July 31, 1969, the following text should be inserted below the line reading "56.6-1 through 56.6-24 [Reserved]" on page 12512:

TRANSPORTATION

56.6-40 through 56.6-56 [Reserved]

56.6-57 *Mandatory.* Nonconductive containers with tight-fitting covers shall be used to transport or carry capped fuses and electric detonators to blasting sites.

56.6-58 through 56.6-74 [Reserved]

USE

56.6-90 through 56.6-99 [Reserved]

56.6-100 *Mandatory.* Tamping poles shall be blunt and squared at one end and made of wood, nonsparking material, or of special plastic acceptable to the Bureau of Mines.

56.6-101 through 56.6-109 [Reserved]

56.6-110 *Mandatory.* Fuses shall be cut and capped in safe, dry locations posted with "No Smoking" signs.

56.6-111 *Mandatory.* Blasting caps shall be crimped to fuses only with implements designed for that specific purpose.

56.6-112 through 56.6-114 [Reserved]

56.6-115 A safe interval of time should be allowed to light a round and evacuate the blasting area.

56.6-116 and 56.6-117 [Reserved]

56.6-118 Timing should be such that the fuse in the last hole to fire is burning within the hole before the first hole fires.

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC UNDERGROUND MINES

Correction

In F.R. Doc. 69-8972, appearing at page 12517 of the issue for Thursday, July 31, 1969, the following change should be made:

In 57.6-175, on page 12520, the word "exists" should read "exits."

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 132]

WHAT MAY BE MAILED AS SECOND-CLASS MAIL—ENCLOSURES, ADVERTISING, AND NOVELTY PAGES

Withdrawal of Notice of Proposed Rule Making

The Department published a notice of proposed rule making in the daily issue of the FEDERAL REGISTER of March 8, 1969 (34 F.R. 5013). That notice announced a proposal to amend subparagraph (1) of § 132.4(g) for the purpose of restricting enclosures of receipts and orders for subscriptions to the publications with which they are enclosed. It further proposed amendments to subparagraph (3) of § 132.4(g) and to § 132.4(h) to require that novelty pages and advertising pages in publications mailed at second-class postage rates be no less than the size of the regular pages of the copy, part, section, or supplement in which they are carried, and to clarify the requirements for printed illustrations attached to pages as well as the requirements for coupons, applications or order forms which occupy a part of a page.

The time for interested persons to file written data, views, and arguments was subsequently extended to July 8, 1969 by a notice published in the daily issue of the FEDERAL REGISTER of April 2, 1969 (34 F.R. 5989).

After giving careful consideration to the data, views, and arguments concerning the proposed amendments, the Department has determined not to adopt the proposed amendments to its regulations. Accordingly, the notice of proposed rule making referred to above is hereby withdrawn.

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

AUGUST 7, 1969.

[F.R. Doc. 69-9473; Filed, Aug. 8, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 70]

GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND U.S. CLASSES, STANDARDS AND GRADES WITH RESPECT THERETO

Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and U.S. Classes, Standards, and Grades With Respect Thereto, under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

Statement of considerations. The regulations, as presently written for the grading of poultry parts, require that the ready-to-cook whole carcass of poultry be graded for fleshing, fat covering, and class prior to disjointing or cutting up. The other factors of quality, i.e., cuts, tears, discolorations, etc., can be determined after cutting.

The proposed amendments would allow complete grading of a poultry part after disjointing, provided that the part is properly cut, is not misshappen, or has nearly the same appearance as prior to cutting from the ready-to-cook carcass.

A study was conducted by the Department to determine if parts could be graded on an individual-part basis and what quality factors could be important in determining the grade for each part. The ready-to-cook whole carcass and the resulting parts were graded using only the fleshing quality factor since the other quality factors such as conformation, fat covering, defeathering, defects, etc., would be readily discernible to an experienced grader whether grading a whole carcass or an individual part.

To gather further information, tentative standards were developed to serve as a guideline, and the Department permitted limited experimental grading on both turkey and chicken parts, based on these standards. Grading individual parts has been shown to be practical as well as achieving a uniform product.

The proposal would also make slight changes in the standards for B and C quality poultry. Tentative B and C quality standards were developed to permit a small degree of trimming of the backs at the base of the tail. This portion of the part or carcass has less value because of the relatively small portion of meat involved, and its absence detracts little from the appearance of the part or carcass. Acceptance of the trimmed parts or carcasses was satisfactory.

Requests were received by the Department to grade-identify ready-to-cook, boneless poultry breasts and thighs. Tentative standards for A quality boneless breasts and thighs were developed to determine the feasibility and acceptability of grades for such products. Acceptance and use of the tentative standard was satisfactory. The proposed amendments would establish grade standards for boneless breasts and thighs.

The U.S. Procurement grades for poultry are designed primarily to reflect meat yield and to serve as a basis for determining carcass value for further processing. In an effort to make the U.S. Procurement Grade I more meaningful and realistic as a further processing grade, tolerances would be added for skin and flesh discolorations and missing parts as follows:

(1) Skin and flesh discoloration, up to the amount permitted for B quality, would be allowed.

(2) One or both drumsticks may be removed.

Other minor changes are made for the sake of clarity.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in triplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 15, 1969.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

1. Section 70.60 would be revised to read:

§ 70.60 Denial of service.

The acts or practices set forth in §§ 70.61 to 70.66 or the causing thereof are violations and may be deemed sufficient cause for the debarment, by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the act for a specified period. The "rules of practice governing withdrawal of inspection and grading services," set forth in Part 50 of this chapter, shall be applicable to such a debarment action.

1a. Paragraph (b) of § 70.183 would be revised to read:

§ 70.183 Ready-to-cook poultry and specified poultry food products.

* * * * *

(b) Only when ready-to-cook poultry carcasses or parts, including those used in the fabrication of poultry food products, have been graded on an individual basis by a grader or by a person authorized to perform limited grading services pursuant to § 70.30(d) and thereafter checkgraded by a grader, and when fabrication of the poultry food products has been done under the supervision of a grader, may the container or the individual carcass or part or poultry food product be identified with the appropriate official letter grade mark. Checkgrading will be accomplished in accordance with a statistical sampling plan prescribed by the Administrator. Grading with respect to quality factors for freezing defects and appearance of the finished products may be done on a sample basis in accordance with a plan prescribed by the Administrator.

2. In § 70.350, paragraph (d) would be revised and a sentence would be added to the introductory text of paragraph (e) to read:

§ 70.350 General.

* * * * *

(d) A ready-to-cook carcass which has a defect may be graded after the defective portion has been removed. The fact that a portion has been removed, will not be considered in determining the quality of the balance of the carcass, if the remaining portion of the carcass is to be disjointed and packed as parts or used in the fabrication of poultry food products. Poultry parts which have been properly cut as described in paragraph (e) of this section may be graded after they have been cut from the carcass, if the class is known and the parts are not misshapen or have nearly the same appearance as prior to cutting from the carcass.

(e) * * * Parts cut in a manner other than described in subparagraphs (1) through (10) of this paragraph may be grade identified only when approved by the Administrator.

* * * * *

3. Paragraph (b) of § 70.353 would be revised to read:

§ 70.353 A Quality.

* * * * *

(b) *Fleshing.* The carcass has a well-developed covering of flesh considering the kind, class, and part.

(1) The breast is moderately long and deep and has sufficient flesh to give it a rounded appearance with the flesh carrying well up to the crest of the breastbone along its entire length.

(2) The leg is well fleshed and moderately thick and wide at the knee and hip joint area and has a well-rounded, plump appearance with the flesh carrying well down toward the hock and upward to the hip joint area.

(3) The drumstick is well fleshed and moderately thick and wide at the knee joint and has a plump-rounded appearance with the flesh carrying well down toward the hock.

(4) The thigh is well to moderately fleshed.

(5) The wing is well to moderately fleshed.

* * * * *

4. In § 70.354, paragraph (b) would be revised and a sentence added to paragraph (f) to read:

§ 70.354 B Quality.

* * * * *

(b) *Fleshing.* The carcass has a moderate covering of flesh considering the kind, class, and part.

(1) The breast has a substantial covering of flesh with the flesh carrying up to the crest of the breastbone sufficiently to prevent a thin appareance.

(2) The leg is fairly thick and wide at the knee and hip joint area and has sufficient flesh to prevent a thin appearance

(3) The drumstick has a sufficient amount of flesh to prevent a thin appearance with the flesh carrying fairly well down toward the hock.

(4) The thigh has a sufficient amount of flesh to prevent a thin appearance.

(5) The wing has a sufficient amount of flesh to prevent a thin appearance.

* * * * *

(f) * * * The back may be trimmed in an area not wider than the base of the tail and extending to the area half way between the base of the tail and the hip joints.

* * * * *

5. Paragraph (b) in § 70.355 would be amended by adding a sentence at the end of the paragraph to read:

§ 70.355 C Quality.

* * * * *

(b) * * * The back may be trimmed in an area not wider than the base of the tail and extending to the area between the hip joints.

* * * * *

6. A new § 70.357 would be added to read:

§ 70.357 Boneless poultry breast and thigh—A quality.

The standards of quality contained in this section are applicable to raw poultry products labeled as ready-to-cook boneless poultry breasts and thighs or poultry breasts fillets or thigh fillets or words of similar import.

(a) The breast or thigh shall be cut as specified in § 70.350(e), (1) or (5).

(b) Prior to deboning, the breast or thigh shall meet the A quality requirements for ready-to-cook poultry parts as specified in § 70.353 (a), (b), (c), (d), (e), and (g).

(c) The bone or bones shall be removed in a neat manner without undue mutilation of adjacent muscle.

7. A sentence would be added to § 70.360(e) to read:

§ 70.360 General.

* * * * *

(e) * * * Such ready-to-cook poultry carcasses or parts may be graded in a frozen or unfrozen state.

8. In § 70.367(a), subparagraph (3) would be revised and new subparagraphs (4), (5), and (6) would be added to read:

§ 70.367 U.S. Procurement Grade I.

* * * * *

(a) * * *

(3) Discoloration of the skin and flesh may be as described in this subpart for B quality.

(4) One or both drumsticks may be removed if the part is severed at the joint.

(5) The back may be trimmed in an area not wider than the base of the tail and extending to the area between the hip joints.

(6) The wings or parts of wings may be removed if severed at a joint.

* * * * *

Signed at Washington, D.C., this 6th day of August 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-9436; Filed, Aug. 8, 1969; 8:48 a.m.]

[7 CFR Part 921]

FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for the 1969–70 Fiscal Period

Consideration is being given to the following proposals submitted by the Washington Fresh Peach Marketing Committee, established under the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by said committee, during the period April 1, 1969, through March 31, 1970, will amount to $6,170.

(2) That there be fixed, at $1.50 per ton of fresh peaches, the rate of assessment payable by each first handler in accordance with § 921.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 5, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9435; Filed, Aug. 8, 1969; 8:47 a.m.]

[7 CFR Part 924]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for the 1969–70 Fiscal Period

Consideration is being given to the following proposals submitted by the Washington-Oregon Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by said committee, during the period April 1, 1969, through March 31, 1970, will amount to $11,575.

(2) That there be fixed, at $0.70 per ton of fresh prunes, the rate of assessment payable by each handler in accordance with § 924.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 5, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9426; Filed, Aug. 8, 1969; 8:47 a.m.]

[7 CFR Part 980]

ONIONS

Proposed Import Regulation

Notice is hereby given of proposed grade, size, quality, maturity and inspection requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would be based on, and comply with, regulations to be made effective under the Federal marketing order for onions grown in certain designated counties in Idaho, and Malheur County, Oreg.

All persons who desire to submit written data, views, or argument in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 5th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 980.108 **Onion import regulation.**

Except as otherwise provided, during the period August 18, 1969, through June 15, 1970, no person may import dry onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Yellow varieties—Grade.* U.S. No. 2 or better grade. *Size.* 2 inches minimum diameter.

(2) *White varieties—Grade.* U.S. No. 2 or better grade. *Size.* 1-inch minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions of onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality, and maturity of onions that are imported into the United States under the provisions of section 8e–1 of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the U.S. import requirements for onions under section 8e–1 (7 U.S.C. 608e), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, Post Office Box 310, Austin, Tex. 78767 (Phone—512–476–4789).	1 day.
All Arizona points.	B. O. Morgan, Post Office Box 1614, Nogales, Ariz. 85621 (Phone—602–Atwater 7-2902).	Do.
All California points.	D. P. Thompson, 294 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, Calif. 90021 (Phone—213–622–8756).	3 days.
All Hawaii points.	Stevenson Ching, 1428 South King St., Honolulu, Hawaii 96814 (Phone—941–3071 Ext. 146).	1 day.
New York City.	Edward J. Beller, Room 28A, Hunts Point Market, Bronx, N.Y. 10474 (Phone—212–991–7669–7668).	Do.
New Orleans...	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone—504–527–6741–6742).	Do.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, Washington, D.C. 20250 (Phone—202–Dudley 8–5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets U.S. Import requirements under section 8e–1 of the Agricultural Marketing Agreement Act.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 2" shall have the same meaning as set forth in the U.S. Standards for Grades of Onions (Other than Bermuda-Granex-Grano Types), §§ 51.2830–51.2854 of this title. Tolerances for size shall be those in the U.S. Standards. Onions meeting the requirements of Canada No. 2 grade shall be deemed to comply with the requirements of U.S. No. 2 grade. "Importation" means release from custody of the U.S. Bureau of Customs.

Dated: August 5, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9427; Filed, Aug. 8, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 69–WE–17–AD]

AIRWORTHINESS DIRECTIVES

Boeing Airplane Co. Model 727 Series

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 727 series airplanes. There is evidence that on some Boeing 727 series aircraft, electrical interference may be present to a sufficient extent that under an overloaded condition the generator control panel may disable the generator before opening the bus tie circuit breaker. Under this condition the overload would remain on the surviving electrical system and total loss of electrical generating power could result if load shedding is not accomplished. Boeing issued Service Bulletin No. 24–47 March 3, 1969, recommending installation of a capacitor to filter out the interference.

Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require the installation of a capacitor in accordance with the Boeing Service Bulletin.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, FAA Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before September 9, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

GRUMMAN. Applies to all Grumman G–159 aircraft.

Compliance required within the next 200 hours' time in service after the effective date of this airworthiness directive.

To prevent fuel filter blockage due to ice and possible engine flame out, accomplish the following:

a. Install a fuel temperature indicator on each engine fuel system in accordance with Grumman Gulfstream Service Change No. 114, or equivalent approved by Chief, Engineering and Manufacturing Branch, FAA Southern Region.

b. Mark gage with red radial lines at +5° and +54° C. and a green arc from +5° to +54° C.

c. Install placard adjacent to fuel temperature indicator which reads as follows: "Use manual heat when temperature is 5° C. or below."

The compliance time may be adjusted up to a maximum of 15 hours to coincide with the aircraft annual or 100-hour scheduled inspection.

Issued in East Point, Ga., on August 1, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-9419; Filed, Aug. 8, 1969; 8:47 a.m.]

[14 CFR Part 39]

[Docket No. 69–SO–47]

AIRWORTHINESS DIRECTIVES

Grumman G–159 Aircraft

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Grumman G–159 aircraft. There have been engine flame outs due to fuel icing which could result in a safety hazard. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require installation of a fuel temperature indicating system on the Grumman G–159 aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of the notice in the FEDERAL REGISTER will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of the Regional Counsel for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING. Applies to Boeing Model 727, 727C and 727–200 Series Airplanes.

Compliance required as indicated unless already accomplished.

To prevent malfunction of the generator control circuit caused by induced electrical interference, accomplish the following or an equivalent modification procedure and parts installation approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Within 1,500 hours' time in service after the effective date of this AD, unless already accomplished, modify the generator control panels in accordance with section II, Boeing Service Bulletin No. 24–47, dated March 3, 1969, or later FAA approved revisions.

Issued in Los Angeles, Calif., on August 1, 1969.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[F.R. Doc. 69-9418; Filed, Aug. 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–77]

TRANSITION AREA

Proposed Alteration; Supplemental Notice

On July 23, 1969, F.R. Doc. No. 69–8588 was published in the FEDERAL REGISTER (34 F.R. 12186), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Hilton Head Island, S.C., transition area.

Subsequent to publication of the notice, it was determined that the proviso "excluding the portion outside the continental limits of the United States" was inadvertently omitted from the description.

In consideration of the foregoing, effective immediately, the proposed description of the Hilton Head Island, S.C., transition area published in F.R. Doc. No. 69-8588 is amended to read:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Hilton Head Airport, excluding the portion outside the continental limits of the United States.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on July 31, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-9420; Filed, Aug. 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-80]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Burlington, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before any action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangments for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Burlington transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Burlington Municipal Airport; within 3 miles each side of the Greensboro VORTAC 090° radial, extending from the 6.5-mile radius area to 17 miles east of the VORTAC.

The proposed transition area is required for the protection of IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Burlington Municipal Airport, utilizing the Greensboro VORTAC is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on July 31, 1969.

JAMES C. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-9421; Filed, Aug. 8, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR—Parts 81, 83, and 85]

[Docket Nos. 18576, 18577]

MF RADIOTELEGRAPH SHIPS, ETC.

Order Extending Time for Filing Comments

In the matter of amendments of Parts 83 and, consequently, 85 to provide a program and schedule of dates for increasing the required output power of transmitters where vertical antenna(s) are employed aboard compulsorily fitted MF radiotelegraph ships; Docket No. 18576 and in the matter of amendment of Parts 81, 83, and 85 to provide a uniform program and schedule of dates for type acceptance of radiotelegraph transmitters aboard ship, in the band 535-27500 kc/s, and at coast stations, in the bands below 27.5 Mc/s; Docket No. 18577:

1. The above-captioned notices of proposed rule making (FCC-69 688-689) were released in the respective proceedings on June 26, 1969. They both provided for the filing of comments by August 4, 1969, and reply comments by August 14, 1969. ITT Mackay Marine and The American Institute of Merchant Shipping (AIMS) filed requests for an extension of time in which to file comments.

2. ITT requests a 60-day extension on the grounds that summer vacation schedules do not allow sufficient time to prepare comments on Dockets 18576 and 18577 by the August 4, 1969, filing deadline. AIMS has requested a deferral of 90 days for the filing of comments in Docket No. 18576 on the grounds that they are faced with the pressure of other matters and cannot cope with the problem of responding to both of these major maritime regulatory proceedings at the same time and they also cite the summer vacation schedules as a problem.

3. The Commission is not unmindful of the problems associated with preparing comments during the summer vacation period especially where, as in this case, the individual notices cover complex technical proposals for the maritime industry. Some additional time appears warranted and it will not have an adverse effect on these proceedings. Sufficient justification has not been submitted for the lengthy periods requested. In view of the foregoing: *It is ordered*, That the time for filing comments and reply comments in both of these proceedings is extended to September 4, 1969, and September 15, 1969, respectively. *It is further ordered*, That the requests for extension of time for filing comments set forth in this order are granted to the extent indicated herein and are otherwise denied.

4. This action is taken pursuant to authority contained in section 4(i) and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.331(b)(4) of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
IRVING BROWNSTEIN,
Acting Chief, Safety and Special Radio Services Bureau.

[F.R. Doc. 69-9433; Filed, Aug. 8, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-8661]

AUTOMATED TRADING INFORMATION SYSTEMS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 15c2-10 (17 CFR 240.15c2-10) under the Securities Exchange Act of 1934 ("Act").

Advances in electronic data processing during the last few years have made possible the development of automated trading information systems for securities. These systems generally involve the use of time-shared computers to transmit, among persons having access to them, indications of interest and, in some cases, firm offers and acceptances to purchase or sell securities. Consequently, such systems can be programmed to facilitate various steps in the process of trading securities, up to and including the actual execution of transactions. The Commission is presently aware of at least four such systems, and its staff has consulted with their sponsors on the subject of their regulatory status under the Act.

The Commission has already had occasion to deal with the Automated Quotations System of the National Association of Securities Dealers, Inc. ("NASDAQ"). This system would allow market-maker subscribers to insert bid and ask quotations for securities and to receive the quotations inserted by other subscribers. The quotation information would also be transmitted by the system to other subscribers. Since NASDAQ is sponsored by a national securities association that is already registered with the Commission under section 15A of the Act, the Commission decided that it would not be appropriate to assign any separate statutory classification to the system itself. It has, however, promulgated Rule 15Aj-2 (17 CFR 240.15Aj-2) dealing specifically with Commission oversight of certain of the NASD's self-regulatory functions in this area (Securities Exchange Act Release No. 8470 which appeared in the FEDERAL REGISTER for Dec. 24, 1968 (33 F.R. 19167)), effective February 3, 1969. It is not expected that the system will go into operation before the end of 1970.

An automated trading system that performs functions beyond furnishing market information is presently being proposed by Institutional Networks Corp. ("Instinet"). Instinet proposes to provide facilities for its subscribers to communicate anonymously among each other indications of interest to purchase and sell large blocks of securities, make formal offers to each other, engage in negotiations and execute actual purchases and sales. Instinet expects its subscribers to consist primarily of institutions such as banks, insurance companies and mutual funds but would accept other qualified persons. This system has not yet commenced operations.

Another automated trading information system is sponsored by AutEx Service Corp. ("AutEx"). The AutEx system would be available only to institutions and broker-dealers. It would allow the anonymous communication of indications of interest to buy or sell blocks of 1,000 or more shares, which could be entered only by broker-dealer subscribers and received only by institutional subscribers. Institutional subscribers could, however, enter general buying or selling preferences for particular securities. These would be received only by broker-dealer subscribers. Unlike the Instinet system, the AutEx system as presently planned would not be programed to allow actual negotiation or execution of transactions. Negotiations would be handled by broker-dealers (including the broker-dealer designated by the recipient institutional subscriber). Executions would be effected either on a national securities exchange or over-the-counter without reference to the system. AutEx's system has not yet commenced operations.

The New York Stock Exchange also plans to sponsor an automated trading information system, called the Block Automation System ("BAS"). Member firms would be able to enter indications of interest in the BAS. An institutional subscriber could also enter an indication of interest, and in this latter respect BAS appears to be similar to Instinet. The institution would not, however, communicate directly with another institution and must designate a member of the New York Stock Exchange to act as its broker in any subsequent negotiations. As in the AutEx system, the planned BAS program would not allow negotiation or execution. Negotiations would have to take place between the two member brokers designated by the institutions, and executions would be subject to rules requiring exchange members' transactions to be effected on an exchange. The BAS is expected to be operational in 1970.

The Act envisions that all persons regularly engaging in the securities business shall be classified as brokers, dealers, securities exchanges, or national securities associations and (unless expressly exempted) shall register with the Commission as such and be subject to the pertinent regulatory provisions. But the technology that has led to the development of automated trading information systems was not envisioned when Congress passed the Act. Consequently, the applicability or adaptability of the existing statutory classifications to them is not entirely clear.

Persons regularly engaged in the securities business have long used certain traditional communications devices, such as the mails, telephone and teletype, to facilitate securities transactions. The Commission has never sought and does not now seek to assert regulatory jurisdiction over these traditional forms of communication. They were in existence when the Act was passed, and Congress obviously did not consider them to be broker-dealers or securities exchanges. Automated trading information systems, however, differ from these traditional communications devices in a number of significant respects, among others: (1) They can be used solely in securities transactions and not for general purposes, (2) there are varying limitations as to the users of the system facilities, (3) their internal programing imposes a high degree of restriction on the content of the messages that may be sent over them, (4) the identity of persons sending messages over the systems is always known to those systems, but depending on the system, may never be known to the recipients of the messages, and (5) the systems themselves can be programed to determine when a transaction has been executed.

In addition to these differences between automated trading information systems and traditional communications methods, it is apparent that such systems have special capabilities for widespread dissemination of current trading interests among subscribers. These create a special need for preventing this new technology from being used to facilitate fictitious or misleading quotations or for other manipulative or deceptive purposes. Such systems may also have a potential in the opposite direction, for improved monitoring and recording of trading information.

Automated trading information systems have no trading floor and do not necessarily have a number of other characteristics, such as ownership and control by members, that have historically been associated with securities exchanges. Nor do such systems exercise discretion on their own part in imparting indications of interest or effecting transactions such as is customarily associated with the role of a broker, and clearly they do not perform the dealer function of putting capital at risk in a particular transaction. Yet some of these systems could be viewed in certain circumstances as falling within the definition in the Securities Exchange Act of either an exchange (section 3(a)(1)) or a broker-dealer (section 3(a)(4) and (5)).[1] Most systems proposed, in any case, appear to require participation by broker-dealers.

Although it appears that automated trading information systems should be regulated under the Act in some form, the form of regulation remains to be decided. The Commission therefore specifically invites comments both on the appropriate regulatory status of the various automated trading information systems and on the specific terms of the proposed Rule 15c2-10 (17 CFR 240.15c2-10).

The proposed rule would provide a regulatory framework for systems not within the existing scope of regulation of exchanges and national securities associations. It would require that no broker or dealer shall operate or participate in such an automated trading information system unless a plan describing the system, detailing specific rules of operation designed to prevent abuse of the system and providing for adequate recordkeeping, has been submitted to and declared effective by the Commission. In declaring effective any such plan or amendment to such plan the Commission may impose appropriate terms and conditions covering such matters as procedures for amending or supplementing the plan or for suspending or terminating its effectiveness. The new rule would thus permit operators of the systems to develop flexible plans consistent with their own particular technologies and at the same time permit the Commission to make certain that such plans are consistent with the regulatory responsibilities of the Commission.

Any system for transmitting, among participants, subscribers or customers, indications of interest or offers to purchase or sell securities through the use of a computer would be covered by the rule, unless specifically exempted. As already indicated, the proposed rule would specifically exempt the BAS on the basis of the New York Stock Exchange's initial responsibility for self-regulations subject to Commission supervision. The same basis with respect to the National Association of Securities Dealers would provide for the exemption of NASDAQ. Communications systems regulated by the Federal Communications Commission that are used only in the traditional way that the telephone and telegraph systems have been used

[1] On July 22, 1969, Instinet filed an application with the Commission for registration as a broker-dealer. It takes the position that it is not a securities exchange. This application, which contains more detailed information about the contemplated operation of Instinet, is on file at the Commission's Public Reference Room, 500 North Capitol Street, Washington, D.C. 20549.

are not intended to be covered by the rule.

Automated trading information systems that would be subject to the rule and are already in operation on its effective date would be given an appropriate grace period within which to file a plan with the Commission and to obtain effectiveness of it.

The text of proposed Rule 15c2–10 (17 CFR 240.15c2–10) is as follows:

§ 240.15c2–10 Automated trading information systems.

(a) No broker or dealer shall operate or participate in an automated trading information system as defined in paragraph (b) of this section unless a plan fulfilling the requirements described in paragraph (c) of this section has been submitted to and declared effective by the Commission. No such plan or amendment thereto shall become effective unless the Commission, having due regard for the public interest, for the protection of investors, and for the execution of the Commission's functions under the Act, declares the plan or amendment thereto to be effective. The Commission, in declaring any such plan or amendment thereto effective, or subsequently, may impose such terms and conditions as, in the opinion of the Commission, appear to be necessary or appropriate in the public interest, for the protection of investors or to carry out the Commission's functions under the Act.

(b) For the purposes of this section, the term "automated trading information system" shall mean any automated system for transmitting, among participants, subscribers, or customers, indications of interest to purchase or sell securities or offers to purchase or sell securities through the use of a computer or similar device, but does not include any such system sponsored, operated, and regulated by a registered national securities exchange or a registered national securities association.

(c) The plan shall include:

(1) Rules of operation for the system designed to prevent fictitious or misleading quotations or other fictitious or misleading information from being transmitted and to prevent manipulative, deceptive, and fraudulent use of the system;

(2) A description of the hardware and software of the systems and precautions protecting the security of the system and information therein from unauthorized access and technical malfunction; and

(3) Provisions for preserving and retrieving records of information resident in the system including timed and identified entries into the system, and provisions for adequate Commission access to such information on a real time basis and otherwise.

(d) The Commission, upon written application by the operator of an automated trading information system, or on its own motion, may exempt an automated trading information system, either unconditionally or on specified terms and conditions, from any or all of the provisions of this rule, if, in the opinion of the Commission, it is not necessary or appropriate in the public interest or for the protection of investors to require compliance therewith.

(Secs. 15(c)(2) and 23(a), 52 Stat. 1075 and 48 Stat. 901, as amended, 49 Stat. 1379, 15 U.S.C. 78o and 78w)

All interested persons may submit their views and comments on the above proposal in writing to the Securities and Exchange Commission, Washington, D.C. 20459, on or before August 26, 1969. All such communications will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 4, 1969.

[F.R. Doc. 69-9407; Filed, Aug. 8, 1969; 8:46 a.m.]

DEPARTMENT OF LABOR

Manpower Administration

[20 CFR Part 602]

FOREIGN AGRICULTURAL LABOR

Minimum Wage Rates

Pursuant to section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as implemented by 8 CFR 214.2 (h), it is hereby proposed to amend subparagraph (1) of paragraph (a) of § 602.10b as set forth below.

Any person interested in this proposal may file written data, views, or argument regarding it with the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210, within 15 days after this notice is published in the FEDERAL REGISTER.

As amended, subparagraph (1) of paragraph (a) in 20 CFR 602.10b would read as follows:

§ 602.10b Wage rates.

(a)(1) Except as otherwise provided in this section the following hourly wage rates (which have been found to be the rates necessary to prevent adverse effect upon U.S. workers) shall be offered to agricultural industry workers in accordance with § 602.10a(j):

State	*Rate*
Alabama	$1.68
Arizona	1.60
Arkansas	1.67
California	1.76
Colorado	1.72
Connecticut	1.75
Delaware	1.58
Florida	1.64
Georgia	1.70
Idaho	1.76
Illinois	1.72
Indiana	1.68
Iowa	1.79
Kansas	1.77
Kentucky	1.71
Louisiana	1.67
Maine	1.72
Maryland	1.65
Massachusetts	1.69
Michigan	1.67
Minnesota	1.85
Mississippi	1.55
Missouri	1.69
Montana	1.78
Nebraska	1.84
Nevada	1.86
New Hampshire	1.76
New Jersey	1.71
New Mexico	1.56
New York	1.74
North Carolina	1.64
North Dakota	1.80
Ohio	1.64
Oklahoma	1.63
Oregon	1.68
Pennsylvania	1.73
Rhode Island	1.67
South Carolina	1.55
South Dakota	1.78
Tennessee	1.72
Texas	1.59
Utah	1.73
Vermont	1.75
Virginia	1.55
Washington	1.80
West Virginia	1.55
Wisconsin	1.77
Wyoming	1.60

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(8 CFR 214.2(h))

Signed at Washington, D.C., this 1st day of August 1969.

GEORGE P. SHULTZ, *Secretary of Labor.*

[F.R. Doc. 69-9408; Filed, Aug. 8, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

ASSISTANT OPERATION AND MAINTENANCE MANAGER, ET AL.

Redelegations of Authority

Redelegations of Authority published in the FEDERAL REGISTER July 6, 1968 (33 F.R. 9784), amended on September 13, 1968 (33 F.R. 12974), and February 21, 1969 (34 F.R. 36) are further amended by revising section 10.16 to read as follows:

10.16 Claims.

a. • • •

b. (1) The Assistant Operation and Maintenance Manager and the Chief, Branch of Land (for their respective divisions), may exercise the authority of the Administrator under section 12(a) of the Bonneville Project Act, as amended, with respect to determining, settling, compromising, and paying claims against the Bonneville Power Administration.

(2) Area Managers, designated Field Contact Officers, and the Division of Engineering and Construction Tort Claims Officer each may exercise the authority described in subparagraph b(1) of this section when the amount allowed does not exceed $200.

Approved: July 22, 1969.

JOHN F. BALDINO, *Acting Administrator.*

[F.R. Doc. 69-9399; Filed, Aug. 8, 1969; 8:46 a.m.]

Bureau of Land Management

[Montana 13273]

MONTANA

Order Providing for the Opening of Public Lands

AUGUST 1, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 25 N., R. 43 E.,
Sec. 3, lots 1, 2, S½NE¼.
T. 23 N., R. 44 E.,
Sec. 1, N½SE¼.

The area described contains 256.89 acres.

2. The lands comprise two parcels of rough grazing land situated in northwestern McCone County, Mont. The topography varies from rolling to steeply rolling.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby opened to application, petition, location, and selection. All valid applications received at or prior to 10 a.m., on September 4, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands are not affected by this order.

5. Inquiries concerning the lands should be addressed to the Land Office Manager, Bureau of Land Management, Billings, Mont.

EUGENE H. NEWELL, *Land Office Manager.*

[F.R. Doc. 69-9400; Filed, Aug. 8, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Order 2–B]

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Organization and Function

JULY 29, 1969.

This material supersedes the material appearing at 33 F.R. 4277 of March 7, 1968; 33 F.R. 4894 of March 22, 1968; 34 F.R. 2275 of February 15, 1969; and 34 F.R. 8934 of June 4, 1969.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the Environmental Science Services Administration (ESSA).

SEC. 2. *Organization structure.* The organization structure and line of authority of ESSA shall be as depicted in the attached organization chart (Exhibit 1). (A copy of the organization chart is on file with original of this document with the Office of the Federal Register.)

SEC. 3. *Administrator of the Environmental Science Services Administration.*

.01 The Administrator develops the objectives of the Administration, formulates policies and programs for achieving those objectives and directs execution of these programs.

.02 The Deputy Administrator assists the Administrator in formulating policies and programs and in administering these programs.

.03 The Associate Administrator assists the Administrator and the Deputy Administrator in formulating policies and programs and in administering the programs; synthesizes and evaluates ESSA marine operations and related charting services; and, within policy, exercises direction and management of the ESSA Commissioned Officer Corps.

.04 Liaison activities with Congress are centered in the Office of the Administrator.

SEC. 4. *Assistant Administrator for Administration and Technical Services.* The Office of the Assistant Administrator for Administration and Technical Services shall provide a full range of administrative and technical services throughout the Administration; exercise functional supervision over such services performed elsewhere in ESSA; and provide advice and guidance to the Administrator on the allocation of ESSA resources to insure the effective and economic conduct of ESSA programs. The Assistant Administrator's office shall be comprised of the following organizational components.

.01 The Administrative Operations Division shall provide services throughout the Administration consisting of property, procurement and supply management; paperwork management systems including ESSA directives; space and facilities management; travel and transportation services; mail and messenger services, and related office services; graphics services; safety; security; and tort claims.

.02 The Budget Division shall analyze and aggregate ESSA's budgetary requirements, prepare and coordinate formal budget documents for consideration by appropriate elements of the executive and legislative branches; and develop, apply, and review fiscal plans to insure that appropriations and other available funds are used properly and economically, and reflect those reviews by providing input to ESSA's management information systems.

.03 The Finance Division shall provide central accounting support for ESSA, review needs of ESSA and its operating units for accounting data and develop systems of financial reporting to insure a sound accounting and management of ESSA's financial resources; and maintain and process accounts and other records to reflect fund status, obligations, cost, and program expenditures.

.04 The Management Systems Division shall conduct studies and provide other analytical assistance towards developing or improving the organization structure and other management systems required in the direction and control of ESSA's operations, including systems for measuring production and performance; develop and operate a central system for collecting, presenting and disseminating information to managers on program status and performance; and perform ADP systems analysis and programing for the staff units serving ESSA as a whole.

.05 The Personnel Division shall provide personnel management services throughout the Administration by conducting recruitment, employment, classification and compensation, employee relations, labor relations, incentive awards, and career development activities for civil service and commissioned personnel.

.06 The Computer Division shall provide a data processing service facility, staff support, ADP management, and

technical advice for all ESSA components; review and participate in the acquisition of ADP equipment to insure conformance with external and internal regulations; and serve as the single focal point for dealing with the Office of Management and Organization, Office of the Secretary, on matters involving data processing equipment.

.07 The Scientific Information and Documentation Division shall develop and conduct a comprehensive program of scientific information and documentation, including library and editing services, to serve all elements of ESSA and to convey the results and progress of ESSA's programs to the scientific community and other appropriate interests.

SEC. 5. *Assistant Administrator for Plans and Programs.* The Office of the Assistant Administrator for Plans and Programs shall provide ESSA with a focal point for the development, implementation and maintenance of an effective planning and programing system throughout ESSA and for the development of plans for meeting approved ESSA objectives; in close collaboration with line and staff organizations develop realistic 5-year program and compatible financial plans from which ESSA budgets can be formulated, and conduct a continuing evaluation of ESSA programs and accomplishments, provide advice and guidance to the Administrator on the program aspects of resource allocations, retrenchments and reprograming; and consider the availability and utilization of all pertinent ESSA resources in the accomplishment of these functions.

.01 The following four program oriented divisions shall support the Assistant Administrator in providing advice and assistance to the Administrator:

Marine Science Services Division.
Earth Science Services Division.
Atmospheric Science Services Division.
Telecommunications and Space Science Services Division.

The functions of these divisions shall be similar within their respective areas of programs responsibility. They shall maintain cognizance over the acquisition, communication, analysis, processing, publication, dissemination, archiving, and retrieval phases of information in all of its forms; and research, development, test, and evaluation in support of these activities. The divisions shall obtain and evaluate requirements of users, insure development of adequate plans for meeting these requirements, establish and maintain current projections of resources required to implement approved plans and make recommendations regarding programs in progress and those to be considered for budgetary consideration. The divisions, on a continuing basis, shall evaluate the on-going programs under their purview in terms of their quality and responsiveness to user needs, and, recommend to the Administrator program curtailments, redirections, expansions, and new program initiatives.

.02 The Office of Special Studies shall provide guidance and direction for ESSA's major program areas with regard to long range goals and plans, applying such planning factors as forecasts of technological advances, technological assessment, user needs and ESSA resource capacity and availability. The Office shall conduct benefit-cost analyses and other basic studies required in planning and carrying out programs of ESSA.

SEC. 6. *Assistant Administrator for Environmental Systems.* The Office of the Assistant Administrator for Environmental Systems shall be the ESSA focus for environmental systems analysis and design, for international and interagency coordination and planning, and for cooperative field experiments. With regard to these functions, the Office shall conduct systems studies, develop plans for ESSA's portion of the World Weather Program; provide advice and guidance to the Administrator in his role as Federal Coordinator for Meteorological Service and Supporting Research; provide advice and guidance to the Associate Administrator in his role as Federal Coordinator for Geodetic Surveys; and provide planning and management for field test and experiments involving other agencies, countries, or scientific groups.

.01 The Federal Plans and Coordination Division shall provide leadership and coordination in the development of plans for the efficient utilization of Federal meteorological services and supporting research and for U.S. participation in the cooperative World Weather Program as well as for other similar multiagency Federal efforts; in close collaboration with line and staff organizations, develop a 5-year program and compatible financial plans for the ESSA portion of the World Weather Program from which ESSA budgets can be formulated; and provide ESSA personnel for the Marine Environmental Prediction Staff.

.02 The Systems Division shall conduct systems studies for improvement of activities relating to ESSA's total environmental involvement; analyze alternative methods for achieving future national environmental science goals; and conduct studies related to the design and analysis of interagency and international programs, such as the World Weather Program.

.03 The Field Research Projects Division shall conduct the engineering and operational planning, coordination, and implementation of experiments or tests requiring the joint participation of agencies, countries, or scientific groups including the arrangement of logistic support.

SEC. 7. *Special Staff Offices.*

.01 The Office of International Affairs shall formulate and coordinate policies, plans and procedures for U.S. participation in international activities in the environmental sciences; manage and coordinate ESSA's international training program; and advise on special programs for bilateral cooperation with foreign countries in the environmental sciences, including U.S. AID programs and Public Law 480 programs.

.02 The Office of Public Information shall plan and conduct an information program for the Administration which presents ESSA accomplishments and activities to the public, Congress, environmental data user groups, and Administration employees; coordinate public information activities within the Administration; and maintain close contact with communications media.

.03 The Office of Aviation Affairs shall establish objectives and recommend policies for aviation service; serve as aviation services adviser to the Administrator and his senior line managers; act as senior ESSA official in liaison with FAA and advise FAA top officials on interrelated aviation program service matters. This Office shall provide top level representation to other Government agencies, the aviation industry, and international interests on ESSA's aviation services.

SEC. 8. *Environmental Data Service.*[1] The Environmental Data Service shall collect, process, archive, publish, disseminate, and recall worldwide environmental data for use by commerce, industry, the scientific and engineering community, and the general public; guide research activities pertinent to the improvement of such services; and coordinate international activities in climatological and geophysical data problems with the world scientific organizations. In support of the above objectives, the Environmental Data Service shall maintain environmental data centers such as the National Weather Records Center (Asheville, N.C.), the Aeronomy and Space Data Center and the geophysical data centers.

.01 The Office of the Director shall include the Director, Deputy, Deputy for Climatology, and other immediate staff as may be required.

.02 The Office of Environmental Data Systems shall process, store, and retrieve environmental data; develop new techniques of summarization and presentation of data in order to provide service to the user; provide ready access to environmental data and aids in their application to numerous fields of endeavor; and provide facilities for the world data centers under international auspices.

.03 The Office of Field Services shall exercise functional management over field staffs in the acquisition of climatological data to meet international, national, State, and municipal requirements; and ensure field outlets for the dissemination of environmental data and appropriate cooperation with local authorities.

.04 The Office of Data Information shall insure proper dissemination of environmental data information to the user public and scientific community from centralized data information sources.

.05 The Laboratory for Environmental Data Research shall develop the analysis, processing, and interpretation of geophysical and climatological data

See footnote at end of document.

through research activities; and anticipate needs for climatological and geophysical data for design and risk assessment and stimulate original work to meet these needs.

SEC. 9. *Weather Bureau.*[1] The Weather Bureau shall provide the national weather service, observing and reporting the weather of the United States and its possessions and issuing forecasts and warnings of weather and flood conditions that affect the Nation's safety, welfare, and economy; develop the National Meteorological Service System; participate in international meteorological and hydrological activities, including exchanges of meterological data and forecasts; provide forecasts for domestic and international aviation and for shipping on the high seas; and provide and manage and/or coordinate an overall ESSA Operation Telecommunications System (EOTS). In support of the above objectives the Weather Bureau shall operate through its Regions a national network of field offices and forecast centers.

.01 The Office of the Director shall include the Director and other immediate staff as may be required.

.02 The Office of Meteorological Operations shall observe, prepare, and distribute forecasts of weather conditions and warnings of severe storms and other adverse weather conditions for protection of life and property; establish policies and develop plans and procedures for operation of meteorological services and shall be the primary channel for coordination of all Weather Bureau field services operations; and manage and/or coordinate the ESSA Operational Telecommunications System (EOTS).

.03 The Office of Hydrology shall provide the Nation with river and flood forecasts and warnings and water supply forecasts; conduct the necessary research to improve river and flood forecasts and warnings; and analyze and process hydrometeorological data for broad application to water resource planning, design, and operational problems.

.04 The Office of Systems Development shall manage, plan, design, and develop a system to meet all meteorological service requirements; develop, test, and evaluate techniques and equipment; translate research results into operational practices; and conduct studies associated with the design of the World Weather Watch.

.05 The National Meterological Center shall provide analyses of current weather conditions over the globe and depict the current and anticipated state of the atmosphere for general national and international uses; conduct development programs in numerical weather prediction; and lead in the extension and application of advanced techniques.

.06 The Executive and Technical Services Staff shall provide executive assistance to the Director and technical services, e.g., facilities, maintenance, etc., in support of programs throughout the Weather Bureau.

.07 The Field Structure shall consist of six regions as shown in Exhibit 2. A region shall provide weather service within its prescribed geographical area by issuing forecasts and warnings of weather and flood conditions; manage all operational and scientific meteorological and hydrological programs assigned to it; and conduct technical and administrative support functions. (A copy of Exhibit 2, which is an outline map, is on file with original of this document with the Office of the Federal Register.)

a. A region shall consist of a regional office managed by a Regional Director, and contain field offices and forecast centers reporting to the Regional Director.

b. Regional offices shall provide adminstrative and technical support for all Weather Bureau components in their geographic area of responsibility. Where feasible and practical this support will be extended to include other ESSA components.

SEC. 10. *Research Laboratories.*[1] The Research Laboratories shall conduct an integrated program of research and services relating to the oceans and inland waters, the lower and upper atmosphere, the space environment, and the solid earth to increase understanding of man's geophysical environment in order to provide the scientific basis for improved services. The Research Laboratories shall also serve as the central Federal agency for the conduct of research and services directed toward improving national utilization of radio, infrared, and optical waves for telecommunications. The Research Laboratories shall consist of the Office of the Director, located at Boulder, Colo., and other major components located at Boulder and elsewhere, as described below. Each of the other major components shall be a separate management unit, consisting of one or more laboratories or other groups.

.01 The Office of the Director shall include:

a. The Director, Deputy Director, other immediate staff as may be required, and the following units.

b. The Office of Programs shall serve as focal point for policy and management advice to the Director, Research Laboratories on research and service programs; lead and coordinate program planning activities, including PPBS requirements; conduct program liaison; coordinate Research Laboratories activities in the framework of national and international scientific programs; review and evaluate current programs and plans; advise on resource allocation and reallocation; develop a management information system; conduct public information functions; and provide staff assistance to the Director and his immediate staff.

c. The Office of Administrative and Technical Services shall provide administrative and technical services to all Research Laboratories components located at Boulder, Colo., and to its field locations except as otherwise specified.

.02 The Earth Sciences Laboratories shall conduct research in geomagnetism, seismology, geodesy, and related earth sciences, seeking fundamental knowledge of earthquake processes, of internal structure and accurate figure of the earth, and the distribution of its mass.

.03 The Atlantic Oceanographic and Meteorological Laboratories shall conduct research toward a fuller understanding of the ocean basins and borders, of oceanic processes, ocean-atmosphere interactions, and the origin, structure and motion of hurricanes and other tropical phenomena.

.04 The Pacific Oceanographic Laboratories shall conduct oceanographic research toward fuller understanding of the ocean basins and borders, of oceanic processes, sea-air and land-sea interactions as required to improve the marine scientific services and operations of ESSA.

.05 The Atmospheric Physics and Chemistry Laboratory shall perform research on processes of cloud physics and precipitation and the chemical composition and nuclearing substance in the lower atmosphere. The laboratory is ESSA's major focus for design and conduct of laboratory and field experiments toward developing feasible methods of practical, beneficial weather modification.

.06 The Air Resources Laboratories shall conduct research on the diffusion, transport, and dissipation of atmospheric contaminants, using laboratory and field experiments to develop methods for prediction and control of atmospheric pollution.

.07 The Geophysical Fluid Dynamics Laboratory shall conduct investigations of the dynamics and physics of geophysical fluid systems to develop a theoretical basis, by mathematical modeling and computer simulation, for the behavior and properties of the atmosphere and the oceans.

.08 The National Severe Storms Laboratory shall conduct studies of tornadoes, squall lines, thunderstorms, and other severe local convective phenomena in order to achieve improved methods of forecasting, detecting, and providing advance warning of their occurrence and severity.

.09 The Space Disturbances Laboratory shall conduct research on the nature of space disturbances and provide forecasts of these disturbances. Studies shall be made of the behavior of these disturbances, the mechanisms producing them, and their consequences to man's activities. Also included is the development of techniques and their use to continuously monitor those characteristics of the space environment necessary for the early detection and reporting of important disturbances.

.10 The Aeronomy Laboratory shall study the nature of and the physical and chemical processes controlling the ionosphere and exosphere of the earth and other planets. The program includes theoretical, laboratory, ground-based, rocket and satellite studies.

.11 The Wave Propagation Laboratory shall act as a focal point for the development of new methods for remote sensing of man's geophysical environment. Special emphasis will be given to the propagation of sound waves and electromagnetic waves at millimeter, infrared and optical frequencies.

See footnote at end of document.

.12 The Institute for Telecommunication Sciences shall serve as the central Federal agency for the conduct of research and services on the propagation of radio waves, on radio properties of the earth and its atmosphere, on the nature of radio noise and interference, on information transmission and antennas, and on methods for the more effective use of the radio spectrum for telecommunication purposes.

.13 The Research Flight Facility shall meet the requirements of ESSA and other interests for atmospheric and other environmental measurements from aircraft, and for outfitting and operating aircraft specially instrumented for research.

SEC. 11. *Coast and Geodetic Survey.*[1] The Coast and Geodetic Survey shall provide charts for the safety of marine and air navigation; provide a basic network of geodetic control; provide basic data for engineering, scientific, commerical, industrial, and defense needs; and support the quest for more fundamental knowledge of our geophysical environment. In performance of these functions it shall conduct surveys, investigations, analyses, and research; and disseminate data in the following fields: Hydrography, oceanography, geodesy, cartography, photogrammetry, geomagnetism, seismology, gravity, and astronomy.

.01 The Office of the Director shall include the Director and other immediate staff as may be required.

.02 The Office of Geodesy and Photogrammetry will fulfill national requirements for a system of basic geodetic control and for precise gravimetric, and global configuration and mensuration data. In accomplishment of this it shall establish and maintain a geodetic control network throughout the United States and a worldwide geometric network based on satellite observations; plan and direct geodetic, gravity, astronomic, earth movement, and photogrammetric surveys; and conduct related research in support of ESSA programs.

.03 The Office of Seismology and Geomagnetism will support the quest for a better understanding of seismic and geomagnetic phenomena and their relation to the state and structure of the earth; and fulfill national requirements for standardized seismic and geomagnetic data. In the accomplishment of this it shall collect, analyze, and compile data on a national and worldwide basis; maintain liaison with geophysicists throughout the world; and conduct related research in support of ESSA programs.

.04 The Office of Hydrography and Oceanography will contribute to the safety of marine navigation through nautical charting; and support the quest for more knowledge about the states and processes of the ocean. In the accomplishment of this it shall plan and direct hydrographic and oceanographic surveys (including current surveys) and operate a network of tide stations; process, analyze, and compile the survey data including the compilation of nautical charts for end use and dissemination; and conduct related research in support of ESSA programs.

.05 The Office of Aeronautical Charting and Cartography will contribute to the safe navigation of air commerce and provide nautical and aeronautical charts for widespread use. To accomplish this it shall collect and evaluate air navigation information and compile aeronautical chart manuscripts; print and distribute nautical and aeronautical charts; maintain liaison with interests concerned with navigation regulations and information; and conduct research in support of these programs. This office also shall print and distribute weather charts and related documents and provide printing, reproduction and distribution services to ESSA.

.06 The Office of Systems Development shall plan, design, and develop systems for the description, mapping, and charting of the earth and for hydrographic and oceanographic service requirements where such systems cut across major Coast and Geodetic program boundaries, or when they are designated by the Director, Coast and Geodetic Survey for special attention and support; develop, test, and evaluate systems and system components, including instrumentation, equipment, and related manning and operational doctrines; and translate research results into Coast and Geodetic operational systems.

.07 The Executive and Technical Services Staff shall provide executive assistance to the Director and technical services in support of programs throughout the Coast and Geodetic Survey.

.08a The Field Structure shall consist of the various organizational elements, as enumerated below:

1. The Atlantic and Pacific Marine Centers, the heads of which shall report to the Director, Coast and Geodetic Survey;

2. The Mid-Continent Field Director who shall report to the Director, Coast and Geodetic Survey, and be responsible for managing mobile field parties; and

3. Observatories, a seismology center, and a geomagnetic center which shall report to the appropriate program components at the headquarters of the Coast and Geodetic Survey.

b. The Atlantic and Pacific Marine Centers shall provide their own administrative support, including that required by vessels under their respective jurisdictions and, where feasible and practical, extend this support to other ESSA field units. The Mid-Continent Field Director shall obtain administrative support from the Weather Bureau region in the same city. Activities listed in subparagraph .08a(3) above shall receive administrative support from ESSA Headquarters. The locations of the principal field elements are shown in Exhibit 2.

SEC. 12. *National Environmental Satellite Center.*[1] The National Environmental Satellite Center shall provide observations of the environment by means of satellites; increase the utilization of satellite data in the environmental sciences; establish and operate a national environmental satellite system; manage and coordinate all operational satellite programs with ESSA and certain research-oriented satellite programs; conduct satellite systems engineering and research; and coordinate satellite activities with NASA and DoD. The National Environmental Satellite Center shall operate certain field installations such as Command and Data Acquisition Stations at locations required by the satellite system.

.01 The Office of the Director shall include the Director, Deputy, Chief Space Scientist, and other immediate staff as may be required.

.02 The Office of Operations shall provide data from environmental satellites and increase the value and the use of these data; operate the environmental satellite systems; collect, process, and analyze data from operational and specified research and development satellites; develop new and improved applications of satellite data; and maintain close relations with prime users of satellite data within ESSA and externally with NASA and DoD.

.03 The Office of System Engineering shall provide the planning, design, and engineering necessary to fulfill ESSA's requirements for environmental satellite systems; conduct systems design and analysis; explore possible multipurpose uses of environmental satellite systems; perform the engineering required to implement new or modified satellite systems; and maintain close relations with NASA and DoD.

.04 The Office of Research shall improve understanding of the environment through satellite data and provide new and improved satellite measurement techniques and applications; and maintain close relations within ESSA, particularly with the Institutes for Environmental Research.

JOHN W. TOWNSEND, Jr.,
Acting Administrator, Environmental Science Services Administration.

[F.R. Doc. 69-9386; Filed, Aug. 8, 1969; 8:45 a.m.]

See footnote at end of document.

[1] Constitutes a principal constituent organizational entity of the Administration within the meaning of Reorganization Plan No 2 of 1965.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NOVOBIOCIN-TETRACYCLINE COMBINATION DRUGS; CALCIUM NOVOBIOCIN - SULFAMETHIZOLE TABLETS

Order Ruling on Upjohn's Objections and Request for a Hearing

On May 15, 1969, the Commissioner published, 34 F.R. 7687, an order repealing the regulations, 21 CFR §§ 141c.234, 141c.238, 141c.239, 141c.261, 146c.234, 146c.238, 146c.239, 146c.261, and 148i.4. These regulations have provided for the certification of batches of antibiotic drugs composed of fixed combinations of tetracycline-novobiocin and novobiocin-sulfamethizole, marketed by the Upjohn Co. as Panalba capsules, Panalba half-strength capsules, Panalba KM flavored granules for suspension, Panalba KM drops, Albamycin-T capsules, Albamycin-T flavored granules for suspension, and Albamycin G.U. tablets.

The order was based upon a review of the scientific literature and the conclusion that there is a lack of substantial evidence that the fixed combination drugs will have the effectiveness they purport and are represented to have, and more particularly, that each ingredient in the combination contributes to the professed and claimed clinical effectiveness of the drugs. The order also revoked the certificates of safety and effectiveness theretofore issued for the combination drugs because of the unwarranted hazards in their use.

The order provided a 30-day period in which persons adversely affected by the removal of the combination drugs from the market could file objections, stating reasonable grounds and requesting a public hearing on the objections. The order required that the statement of reasonable grounds identify the claimed errors in the NAS-NRC evaluations of the efficacy of the combination drugs, copies of which had been supplied to the Upjohn Co., and identify any adequate and well-controlled investigations on the basis of which it could reasonably be concluded by experts that the combination drugs would have the effectiveness claimed and would be safe for their intended uses.

On June 16, the Upjohn Co. filed objections to the order, a statement of its grounds for its objections, and a request for a hearing on the objections.

The objectives were—

1. The Commissioner erroneously relied upon the reports of the NAS–NRC panels, the members of which were not identified to him or to the Upjohn Co.;

2. The NAS–NRC panel reports were in error when they stated (a) that it has not been shown that each active ingredient contributes to the claimed effect of the combination; (b) that the usefulness of novobiocin is limited by the rapid emergence of resistant strains; (c) that use of the products exposes the patient to potential hazards; (d) that the usefulness of novobiocin is limited by the great frequency with which adverse reactions (in particular, skin rashes and hepatic dysfunction) occur; (e) that there is an inadequate amount of novobiocin present; (f) that the recommended dosages of the ingredients of Albamycin G.U. seem somewhat low; and (g) that novobiocin has a narrow antibacterial spectrum that does not significantly enhance the effectiveness spectrum of the tetracycline or sulfamethizole component of the products;

3. The reports of the NAS–NRC panels are further objected to on the grounds that they (a) evaluate as "Possibly Effective" the statement made by Upjohn that in vitro studies show that Albamycin (novobiocin) is particularly active against Stephylococcus aureus; (b) grossly exaggerate the possible risks of sensitization; (c) state that "it is impossible to assess the results of Albamycin-T therapy in acute purulent or catarrhal otitis, tonsillitis, pharyngitis, laryngitis or vestibulitis, most of which respond satisfactorily to judicious neglect"; and (d) that they ignore the realities of medical practice;

4. Upjohn stated that there is, and that the company can present at a hearing, substantial evidence that each of the specified combination drugs has the effectiveness it purports and is represented to have, and more particularly that each ingredient in each of the combination products contributes to its claimed clinical effectiveness, and that none of the drugs present an unwarranted hazard;

5. Upjohn states that reports from the scientific and medical literature, listed on pages 16 and following of the objections, provide substantial evidence of effectiveness for the combination drugs;

6. Finally, Upjohn objects to the order on the grounds that the Commissioner is not legally authorized (a) to withdraw the combination drug products from the market on the sole basis of an evaluation of the comparative efficacy of the prods ucts; (b) to repeal regulations for the certification of any marketed antibiotic drug product in the absence of new information to support a change of position as to the safety and efficacy of the product; and (c) to revoke previously issued certifications of safety and efficacy for batches of antibiotics meeting current regulations.

The Upjohn Co.'s objections did not offer a factual analysis of the list of published data on which the company relies for evidence of effectiveness. All of their data have been studied. The Commissioner finds as follows:

I. *Composition of the drugs*—(a) *Tetracycline-novobiocin combination.* Albamycin-T capsules contain 125 mg. tetracycline hydrochloride and sodium novobiocin equivalent to 125 mg. of novobiocin.

Panalba capsules contain tetracycline hydrochloride 250 mg. and sodium novobiocin equivalent to 125 mg. of novobiocin or tetracycline phosphate complex equivalent to 250 mg. of tetracycline hydrochlorise and sodium novobiocin equivalent to 125 mg. novobiocin.

Panalba capsules half-strength contain 125 mg. of teracycline hydrochloride and sodium novobiocin equivalent to 62.5 mg. of novobiocin or tetracycline phosphate complex equivalent to 125 mg. tetracycline hydrochloride and sodium novobiocin equivalent to 62.5 mg. of novobiocin.

Albamycin-T granules when prepared as an oral suspension provide tetracycline base equivalent to 62.5 mg. tetracycline hydrochloride, calcium novobiocin equivalent to 62.5 mg. of novobiocin, and 100 mg. potassium metaphosphate in each 5 cc. teaspoonful.

Panalba KM flavored granules and drops when prepared as an oral suspension provide tetracycline base equivalent to 125 mg. of tetracycline hydrochloride, calcium novobiocin equivalent to 62.5 mg. of novobiocin and 100 mg. of potassium metaphosphate in each 5 cc. teaspoonful.

(b) *Novobiocin-sulfamethizole combination.* Albamycin G.U. tablets contain 125 mg. of calcium novobiocin and 250 mg. of sulfamethizole.

II. *Rationale and claims.* The claimed rationale for the combination drugs is that they broaden and improve the spectrum of therapeutic usefulness over that obtained from tetracycline alone or from novobiocin alone or from sulfamethizole alone.

(a) *Advertising claims.* A typical advertisement for Panalba capsules,[1] JAMA February 27, 1969,[2] back page, stated: Where Spectrum Counts "In bacterial pneumonia and bronchitis, Panalba provides tetracycline plus novobiocin to give your therapy wide-range effectiveness: Breadth of antibacterial spectrum plus depth of coverage against susceptible microbial strains resistant to certain other antibiotics. As with all antibiotics, sensitivity studies should be performed to determine whether a more specific antibiotic is indicated."

(b) *Labeling claims.* The PDR for 1969 states, with respect to Panalba KM granules, "these granules combine the broad spectrum antibiotic tetracycline with novobiocin and potassium metaphosphate; Albamycin (novobiocin) to extend and reinforce the antibacterial effect of Panmycin (tetracycline) particularly against the resistant-prone Micrococcus and potassium metaphosphate to enhance the absorption of tetracycline". The same source states that a synergistic effect with a combination of novobiocin and tetracycline was noted in vitro against cultures of E histolytica. It is further claimed that clinical studies have shown the combination effect against a variety of staph. and strep. infections.

This emphasis on the asserted broadening of the antibacterial spectrum to enhance the effectiveness of the combined ingredients is shown by the official brochure for Panalba and Panalba Half-Strength Capsules which gives the following indications:

Panalba (tetracycline phosphate complex with novobiocin) is indicated in the treatment of infections due to organisms that are resistant to other antibiotics but susceptible to Albamycin (novobiocin) and Panmycin (tetracycline) or strongly susceptible to one of these antibiotics and at least moderately sensitive to the other. If sensitivity tests show the causative organism is susceptible to only one of these antibiotics, that particular antibotic should be used alone in full doses. Panalba is useful also in patients in whom other effective agents, such as penicillin, are not well tolerated.

[1] Albamycin-T and Albamycin G.U. are not sold in the United States so they are not advertised here and are not described in the PDR.

[2] More recent ads have been reminder ads featuring the name of the drug without any claims of effectiveness. 21 CFR 1.105(e)(2)(i).

NOTE: A number of strains of staphylococci and streptococci have shown resistance to the tetracyclines.

The official brochures for Panalba KM Drops, Panalba KM Flavored Granules, and Albamycin-T Flavored Granules contain representations under the heading, "Indications", which are essentially identical to those for Panalba, with the exception of minor changes in phraseology.

The indications given in the official brochure for the remaining tetracycline-novobiocin combination product, Albamycin-T capsules, are similarly for:

Mixed infections. Infections in which the invading microorganisms are more susceptible to the combination than to either antibiotic singly.

Initiating therapy in infections in which the causative organism is not yet determined.

Prophylaxis. Prevention of bacterial infections secondary to viral and other infections (e.g., influenza, primary atypical pneumonia, measles), and in connection with surgery or diagnostic instrumentation.

The novobiocin-sulfamethizole combination product, Albamycin G.U. Tablets, is stated in the official brochure as indicated as follows:

Albamycin G.U. (novobiocin with sulfamethizole) is indicated in acute and chronic single and mixed bacterial infections of the urinary tract such as pyelonephritis, cystitis, prostatitis, and urethritis due to organisms more susceptible to this combination of drugs than to therapeutic doses of either antimicrobial alone. It may also be employed following diagnostic instrumentation or genitourinary surgery.

III. *NAS–NRC Panel evaluations.* Two panels studied these combination drugs and concluded that they are ineffective as fixed combinations for all the indications.

Upjohn was supplied the panel reports and given an extended period of time to comment upon them and to offer any pertinent medical or other data in rebuttal.

The company conceded that it did not have the kind of adequate and well-controlled clinical data that NAS-NRC Panels and FDA considered necessary to support the claimed superiority of the combination products over tetracycline or novobiocin alone, but it offered to conduct clinical trials to establish the point if afforded enough time to do so.

IV. *Upjohn's objections*—(a) *Objections to the NAS–NRC Panel Reports.* Upjohn's objections challenge several of the panel's conclusions.

(1) Upjohn objects that the statement in the panel reports that the usefulness of novobiocin is limited by the rapid emergence of resistant strains is not valid, as applied to novobiocin in these combination products, because clinical and in vitro evidence demonstrates that the use of the combination prevents or slows the development of resistant bacteria. Upjohn does not identify the evidence to which it refers.

The Commissioner finds that there is in vitro evidence of a delay in the development of resistance in some, but not all, bacteria exposed to novobiocin and tetracycline together: *Provided*, That the bacterial strains are sensitive to both antibiotics. There is no way to extrapolate the test-tube advantage of novobiocin with tetracycline to human, clinical use, and there is no clinical evidence to establish that the use of novobiocin in these fixed combinations will delay the development of resistant bacteria. The Commissioner also finds that rationally employed combined antibiotic therapy, when indicated, requires the use of two or more antibiotic drug products each in dosages tailored to the patient's condition. Combination therapy has been effective in the treatment of tuberculosis where emergence of resistant strains is a problem. (B.D. Davis et al.: Microbiology, New York, 1967, p. 666.) But this does not include the use of novobiocin in combination, and the Commissioner has been presented no substantial evidence, as defined in the Act, to support the claims of delayed resistance made for these products. Accordingly, the Commissioner concludes that there is no adequate evidence to establish that the addition of novobiocin in these fixed combinations will prevent or slow the development of resistant bacteria in the clinical situation.

(2) Upjohn objects to the statement in the panel report that 125 mg. is an inadequate amount of novobiocin, on the basis that the novobiocin blood levels produced by the combination products exceed the minimum inhibitory concentration and demonstrate that the novobiocin dose is adequate.

The usual minimum inhibitory concentration (M.I.C.) needed for novobiocin to inhibit Staphylococcus aureus in vitro is between 0.1 and 2 mcg./ml. (Barber and Garrod, Antibiotic and Chemotherapy, Baltimore, 1963, p. 157.) The laboratory M.I.C. level is not considered to be the same as the therapeutic blood level, nor is it used by clinicians as a measure of how high blood levels should be for effective therapy. In addition, the fraction of a given antibiotic drug bound to protein is devoid of antibacterial activity; novobiocin in the blood serum is approximately 90 percent bound to protein. (Busch and Lane, Chemotherapy, Chicago, 1967, pp. 39, 92.) A 10-fold higher blood level for novobiocin in terms of the M.I.C. would be 1–20 mcg./ml. 250 mg. doses of novobiocin produce average blood levels of approximately 3.6–11 mcg./ml. after 2 hours and 5.7–12.5 mcg./ml. after 4 hours. (Barber and Garrod, Antibiotic and Chemotherapy, Baltimore, 1963, p. 150; Corbin and Prigot, Novobiocin: Absorption, Diffusion and Excretion Studies Antibiotic Annual, 1956–7, p. 394.) The usual adult dose of novobiocin is 250 mg. every 6 hours (New Drugs, 1965 Ed., p. 45). Actual blood level data, including data obtained from Upjohn's files, indicate that the combination results in depressed blood levels of both novobiocin and tetracycline; no blood level studies for Albamycin G.U. have been presented or found in the literature. There is no adequate and well-controlled study based on clinical experience in man to support the assertion that the novobiocin dose in these products is adequate for therapy.

(3) The Commissioner finds that Upjohn's objection to the panel statement that the recommended dosages of the ingredients in Albamycin G.U. "seem somewhat low" is basically well taken. Assuming that the recommended dosages for the product result in a daily dosage of 1 gram of novobiocin and 2 grams of sulfamethizole, this would be an amount of each ingredient within the range usually recommended when each ingredient is administered alone. However, the Commissioner is unable to draw any therapeutic conclusion as to the clinical effects of the combination from these facts, and the objection is irrelevant to the question whether there is substantial evidence, within the meaning of the Act, to support the claims of effectiveness made for Albamycin G.U.

(4) Upjohn objects to the statement in the panel reports that novobiocin has a narrow antibacterial spectrum that does not significantly enhance the effectiveness spectrum of the tetracycline or sulfamethizole components of the products. The "spectrum" of an antibiotic drug relates to its effect upon gram positive and gram negative staining organisms; a broad-spectrum antibiotic is one which suppresses various organisms both of the gram positive and of the gram negative classification. Laboratory experiments have shown that tetracycline and/or sulfamethizole are as effective against most strains of organisms listed in the objections as is novobiocin. Novobiocin does not increase the range of effectiveness of tetracycline and/or sulfamethizole against those individual organisms; this is especially true of the broad-spectrum component, tetracycline. Novobiocin is not effective in infections due to gram-negative organisms, other than some types of Proteus. (1969 Physicians' Desk Reference monograph for Albamycin.) Laboratory experiments have shown novobiocin to be effective against some strains resistant to tetracycline and/or sulfamethizole, but these tests have not been correlated with clinical experience. The current approved labeling for novobiocin restricts its clinical indications to susceptible Proteus in urinary infections, and the gram positive organism, Staphylococcus aureus. (34 F.R. 7252, May 2, 1969, 34 F.R. 11992, July 16, 1969.) Thus, the Commissioner finds that, while it is literally true that the limited bacteria against which novobiocin is effective includes both gram-positive and gram-negative organisms, this encompasses an extremely small group; and, while novobiocin itself may be effective against strains resistant to the other components in these products, there is no clinical evidence that this occurs when the combined product is used. The facts compel the conclusion that the panel is correct in stating that

novobiocin has a narrow bacterial spectrum and does not significantly enhance the effectiveness spectrum of the other components.

(5) Upjohn objects to the statement in panel report on Albamycin-T that it is impossible to assess the results of therapy with the drug in "acute purulent or catarrhal otitis, tonsillitis, pharyngitis, laryngitis, or vestibulitis, most of which responds satisfactorily to judicious neglect" on the grounds that these conditions, when caused by bacteria, should be treated with antibiotics to avoid complications. The Commissioner finds that except for acute purulent infections these[1] and other respiratory infections are usually viral in origin, self-limited, and do not ordinarily or routinely require antibiotic treatment. Nearly all acute infections of the nose and nasopharynx in children are caused by viruses. (W. E. Nelson: Textbook of Pediatrics, 8th Ed., Phil., 1964, p. 803.) Goodman & Gilman, The Pharmacological Basis of Therapeutics, p. 1187, states that at least 90 percent of infections of the upper respiratory tract will not respond to antibiotics because they are due to viruses. Treatment of these conditions, when of viral origin, with antibiotics is irrational and unwarranted. If such a viral condition improves, it is not because of the antibiotic therapy. There is no definitive way to determine whether the condition is viral or bacterial in origin other than by stains or cultures. There is no evidence to show whether these disease conditions treated with Albamycin-T were of bacterial or viral origin. On the basis of these facts, the Commissioner concludes that the panel was correct in stating that it is impossible to assess the results of therapy with Albamycin-T in these conditions, except for acute purulent infections, for which well-controlled clinical studies have not been done to demonstrate clinical effectivness of the combination.

(6) Upjohn asserts the panel reports are objectionable in that they evaluate as "Possibly Effective" the statement that in vitro studies show that novobiocin is particularly active against Staphylococcus aureus. The Commissioner finds that the Upjohn Co. is correct in its assertion that there has been no appreciable decrease in the percentage of strains sensitive to novobiocin. But, there is no evidence to support Upjohn's presumption that this is because it has been "predominantly used with tetracycline"; and, finds that it is as valid a presumption that the low incidence of acquired bacterial resistance is as a result of the infrequent use of novobiocin as an antistaphylococcal agent in hospitals during recent years as more effective and less toxic antistaphylococcal agents have become available. The current approved labeling for novobiocin restricts its indications for use in the treatment of serious infections due to Staphylococcal aureus when the patient is sensitive to other effective antibiotics. (34 F.R. 7252, May 2, 1969; 34 F.R. 11992, July 16, 1969.) The Commissioner finds this is in accordance with most authorities who consider novobiocin to be an effective antistaphylococcal agent, some of whom suggest that novobiocin be kept in reserve for that purpose (e.g., Barber and Garrod, Antibiotic and Chemotherapy, Baltimore, 1963, p. 163). The Commissioner finds that, even though novobiocin is an effective antistaphylococcal agent, there is no evidence that the use of the drug in these fixed combination products increases this activity of novobiocin. The Commissioner concludes that, even though the company's objection that novobiocin is an effective antistaphylococcal agent is correct, there is no substantial evidence that the antistaphylococcal activity of novobiocin as a single entity increases the antistaphylococcal activity of the other components in the fixed combination drugs, and the recognized hazards in its use as highlighted in the box warning now required in its labeling preclude its use in any combination product.

(7) Upjohn's final objection to the panel reports is "that they ignore completely the realities of medical practice" in which cultures are not prepared and sensitivity testing is not done, and in which antibiotics are routinely prescribed, thus necessitating the use of a broad-spectrum antibiotic such as these fixed combination products.

When a patient is so ill that antibiotic therapy must be begun before cultures are prepared and sensitivity testing is completed, parenteral administration of the antibiotic is indicated. This ordinarily precludes the use of oral medication. The use of antibiotics routinely, without sensitivity testing, to treat infections of unknown etiology is irrational.

The Commissioner interprets the pertinent provisions of the statute as requiring adequate and well-controlled studies in man to support claims of effectiveness made for these products, and finds that no such studies exist. The Commissioner therefore concurs in the panels' evaluation of these products as ineffective as fixed combinations, and concludes that the conditions of medical practice as set forth by the Company, even if true, do not change the requirements of the law that claims of effectiveness be supported by substantial evidence, as defined in the Act.

(b) *Objections which assert that adequate and well-controlled investigations reported in the medical literature support the claims of effectiveness.* Upjohn has failed to identify any adequate and well-controlled clinical investigations that will support its claims of effectiveness. It has, however, provided a bibliography to the scientific and medical literature.[2] Because no factual analysis, summary or other evaluation was offered, it was necessary to study all of the papers cited.

The studies may be broken down into two major categories: (a) Studies not directly evaluating clinical responses of diseased patients to therapy with the combinations, including in vitro studies of bacterial sensitivity, animal studies of experimentally induced disease in animals, and some human studies of blood levels of the combination or its components achieved in man following ingestion of the drug or drugs, and (b) studies purporting to evaluate the clinical responses of diseased patients to therapy with the combinations, either uncontrolled in nature, or inadequately controlled to provide a basis for firm conclusions. The studies will be summarized and evaluated in order by these two major categories.

(1) *Studies not evaluating clinical response in man*—(a) *Blood level studies.* No adequate studies were offered by Upjohn to show the blood serum levels of antibiotic activity that can be achieved from administration of the combination drugs, as compared to the blood serum level achieved from use of the individual components. Nor did the Company offer blood serum inhibition tests.

Records of such studies in Upjohn's possession were obtained by the Food and Drug Inspector Roy D. Sanberg in March 1969. The blood serum assay tests obtained showed that blood levels resulting from the administration of Panalba, when compared to levels resulting from the use of novobiocin and tetracycline alone, were depressed from low to nondetectable for both novobiocin and tetracycline (Foltz cross over studies dated May 18, and 23, July 21, and Aug. 17, 1960; report dated Nov. 14, 1960; report dated May 13, 1960; report dated Feb. 15, 1957, by William I. Metgzer, Ph. D.; report dated Feb. 17, 1969).

A blood serum inhibition test conducted by Bennett W. Billow, M.D., for Upjohn showed no appreciable differences in in vitro serum activity against five bacterial species between serum from patients treated with tetracycline alone and those treated with the combination of tetracycline and novobiocin.

The indication from these blood serum studies that the addition of novobiocin to tetracycline adds no therapeutic benefit to the patient is borne out by the double-blind clinical study of pneumonia by Dr. Billow, also obtained from Upjohn by Inspector Sanberg, which showed no difference in therapeutic response between tetracycline and the Panalba combination.

The published literature contains three blood serum studies that are relevant.

In one study, the blood serum antistaphylococcal activity of tetracycline alone was greater than that from the same dose of tetracycline plus novobiocin in Panalba (Creer, James E. and Hitselberger, James F.: Antimicrobial Agents Annual, 1960, New York, pp. 129–134). In two other studies, the blood serum antistaphylococcal activity of novobiocin was greater than that from the same dose of novobiocin plus tetracycline in Panalba (Hirsch and Finland: New England

[1] "Acute purulent otitis" is bacterial and not viral—although it may start with a viral infection.

[2] Two unpublished studies, No. 21 and 38, were reported by Upjohn.

J. Med. 262:209 (1960)), and novobiocin alone produced higher blood serum levels than when administered in the same dose in Panalba (Foltz and Graves: Antimicrobial Agents Annual, 1960, New York, pp. 135–144).

From these studies, it is reasonable to conclude that use of the combination of tetracycline and novobiocin in Panalba may result in depressed blood levels of both tetracycline and novobiocin.

(b) *Microbiological studies.* The investigations numbered 4, 9, 11, 16, 19, 21, 22, 25, 27, 31, 38, 40–42, 44, and 51 are in vitro studies of the sensitivity of various strains of bacteria to a number of antibiotics and, in one instance, an antibiotic and a sulfonamide. The combination of tetracycline and novobiocin in equal amounts, as in Albamycin-T, was involved in eight of the 16 studies (11, 16, 21, 22, 38, 40, 41, and 42). Since the drug is not marketed in the United States, it is understandable that five of the studies involved bacterial infections encountered in South America (11), England (21), France (22), Canada (38), and Peru (40). The combination of novobiocin and sulfamethizole, as in Albamycin GU, was involved in one study (51). The seven remaining studies (4, 9, 19, 25, 27, 31, and 44) were a survey article in which no conclusions were drawn (31), and studies of susceptibility of disease organisms obtained in Mexico (4), Turkey (9), Italy (25), France (27), and Canada (44).

The microbiological studies can be summarized as follows:

4. *Ariza Reyes, H., Otorrheas and Antibiotics, Semana Medica de Mexico 30:408–10 (October 1961).* This is an in vitro study of the effect of nine antibiotic agents on bacteria found in cases of otitis media. The authors point out that the value of such tests is "relative".

9. *Cetin, E. T., Phage Typing of Staphylococcus pyogenes var. aureus Strains and Their Resistance to Antibiotics. Antibiotics and Chemotherapy 12:377–386 (June 1962).* This paper reports on an in vitro study "on the relation between phage type and antibiotic susceptibility of 247 strains of Staph. pyogenes var. aureus that have been studied at the Institute of Microbiology and Contagious Diseases in Istanbul". Antibiotic combinations were not included.

11. *da Costa, S. O. P., and de Souza, N. P., Resistance to Antibiotics II Observations on the Behavior of Pathogenic Staphylococci, An Fac. Med. Univ. Parana 5:147–52 (1962).* This is an in vitro study of the frequency of resistance of staphylococci to 16 antibiotics. The number of strains utilized varied from 37 to 216. The investigators found a small number, 1.2 percent, of bacteria resistant to the novobiocin-tetracycline combinations.

16. *De Vries, J. A., Survey of in vitro Sensitivity of Routine Hospital Pathogenic Organisms to a Group of Broad-Spectrum Antibiotics, Applied Therapeutic 3:356–358 (May 1961).* This report presents the results of a survey of in vitro sensitivity tests performed on various strains of bacteria. The author found the novobiocin-tetracycline combination was more effective than each of three other antibiotics tested, and states that the combination is justified since novobiocin is particularly noted for the rapidity with which resistant strains develop when it is used alone.

19. *Furesz, S. et al. The Effect of Fixed Combinations of Antibiotics on Staphylococci in vitro. Antibiotics and Chemotherapy 8:571–575 (November 1958).* This is an in vitro sensitivity study purporting to show the superiority of fixed combinations over single antibiotics.

21. *Middleton Hospital, Ilkley, England. Pathology Laboratory Sensitivities, Mar. 18–Oct. 16, 1968. Unpublished data.* This is a list of 14 bacteria, followed by a number which apparently indicates numbers of strains which are either sensitive (+) or resistant (—) to ampicillin alone and to Albamycin-T. No information is provided on how the sensitivities were done. The totals indicate that 376 strains were sensitive to Albamycin-T and resistant to ampicillin, whereas only 116 strains were resistant to Albamycin-T and sensitive to ampicillin.

22. *Monnier, J., and Bourse, R., Etude Bacteriologique d'une Association a Parties Egales de tetracycline et de Novobiocin. (Bacteriologic Study of a Combination of Equal Parts of Tetracycline and Novobiocin) Toulose Med. 65:827–844 (June 1964).* This is an in vitro study. The authors summary and conclusions are: (1) the antibacterial spectrum is enlarged by the combination; (2) there is the possibility of bacteriostatic synergism; (3) there is the possible slowing of development of resistance. The author states: "Only therapeutic utilization will permit judgment to what extent this combination (of novobiocin and tetracycline), which is interesting bacteriologically, represents a real progress in clinical practice in the treatment of bacteriologic infections."

25. *Pecori, V., et al. Results in vitro of combining novobiocin with new antibiotics on 100 strains of coagulase-positive Staphylococcus. Boll. Soc. Ital. Biol. Sperim. 34:531–534 (1958).* This is an in vitro experiment using novobiocin in combination with nine different antibiotics, against strains of staphylococcus. Methods are not given.

27. *Recoules, A., Determination de la Sensibilite in vitro des Germes Urinaires (Cent antibiogrammes en pratique medicale courante), Cahiers Medicaux Lyonnais, 44:145–148 (January 1968).* This is an in vitro study of the sensitivity of microorganisms isolated from 100 urinary tract infections against nine antibiotics. In his conclusion, the author states that it is not possible to compare the in vitro activity of an antibiotic to its action in vivo, particularly in urinary tract infections.

31. *Schneierson, S. S. Antibiotic Susceptibility of Pathogenic Microorganisms Isolated in 1963. New York State Journal of Medicine 65:543–547 (Feb. 15, 1965).* This is a report of in vitro tests on organisms isolated from different body sources in 1963 by The Mount Sinai Hospital, New York City. These strains were tested against 15 antimicrobial agents, using tube dilution methods. The susceptibilities are recorded, and for six common organisms, are also reproduced in graph form. Since this is a survey, the author draws no conclusion. Fixed combinations are not discussed in this study.

38. *Upjohn Co. Survey of Antibiotic Sensitivities Reported from 17 General Hospitals across Canada. 1960–61. Unpublished data.* This consists of a group of charts from Canadian hospitals, reporting laboratory sensitivities to five drugs: Albamycin-T, Chloramphenicol, Erythromycin, Tetracycline, and Novobiocin. The bacterial strains are not individually identified or counted, so there is no way of knowing whether they were pathogens. Between 4.8 thousand and 7.4 thousand strains were tested against each drug. 85.6 percent of the strains were reported to be sensitive to Albamycin-T; 75.3 percent, the next highest figure, to Erythromycin.

40. *van Oordt, A., Pruebas de Sensibilidad a los Antibioticos en los Cultivos para Germenes en Analisis de Orina, Esputoy Secreciones de Heridas, Revista del Cuerpo Medico, 6:325–329 (September 1967).* This is a report of results of in vitro sensitivity tests with antibiotic sensitivity disks carried out in the Bacteriological Laboratory of the Hospital Obrero de Lima. A total of 733 strains of unclassified bacteria isolated from urine, sputum, and "secretions" were subjected to 490 sensitivity tests with seven different antibiotics. The highest number were reported to be sensitive to Albamycin-T.

41. *Vavra, J. J., Development of Resistance to Novobiocin, Tetracycline, and a Novobiocin-Tetracycline Combination in Staphylococcus Aureus Populations, Journal of Bacteriology, 93:801–805 (March 1967).* Despite its title, this is an in vitro study of a single strain of Staphylococcus aureus, which was sensitive to both novobiocin and tetracycline. Using serial subcultures, the author demonstrated inhibition of development of resistance to the combination of novobiocin and tetracycline. This in vitro study of one strain of Staphylococcus cannot be extrapolated to predict the sensitivity of many strains of Staphylococcus causing clinical infections.

42. *Vavra, James J., Mechanism of Suppression of Resistance Development by an Antibiotic Combination. 1968 in press; Antimicrobial Agents and Chemotherapy.* This is an in vitro study of a single strain of hemolytic streptococcus, which was sensitive to both tetracycline and novobiocin. The author demonstrated delayed emergence of resistance of this particular strain to the novobiocin-tetracycline combination after the organism became resistant to the individual antibiotics in concentration ratio approximately that present in the combination itself.

44. *Whitaker, L., In Vitro Sensitivity of Routine Hospital Pathogenic Bacteria to a Group of Commonly Used Antibiotics. Canadian M.A.J., 84:1022–1023 (May 1961).* This is an in vitro study of bacterial sensitivities during a 6-month period. All organisms were not tested against each antibiotic, nor were antibiotics tested against organisms to which they were known to be resistant.

51. *Johnson, F. T., et al. Effect of a Novobiocin-Sulfonamide Combination on Organisms Generally Associated with Urinary Tract Infections, Antibiotics Annual 1957–58:27–30.* This paper reports a bacteriologic study on the in vitro activity of novobiocin, sulfamethizole, and the combination, on four strains of gram negative bacteria. Each of these strains was then made resistant to each of the antimicrobial agents. In vitro studies were then done, showing the effect of each agent alone and in combination. As expected, growth occurred in media containing the drug to which the bacteria had been made resistant, but not in media containing the drug to which the organism was still susceptible. In these situations, growth did not occur when the combination was employed. This result is to be expected, since the drug to which the bacteria remained susceptible was capable of inhibiting growth rather than the combination.

These in vitro studies are not clinical data, are not correlated with clinical data, and may not be extrapolated to the clinical situation involved in treating infectious disease in the United States. The data submitted are inadequate in many details, as has been noted, and permit no conclusions to be drawn because of the deficiencies noted. All that the data could reasonably be taken to show is that some infectious organisms encountered in disease situations are susceptible in vitro to equal amounts of novobiocin and tetracycline. But whether the tetracycline or the novobiocin was responsible is not established.

(c) *Animal study.* A single study of the use of the combination of novobiocin and tetracycline to treat an experimental infection in the mouse was submitted by the firm.

16. *Pecori, V., et al., Preliminary results on the efficiency of the association of novobiocin-tetracycline in staphylococcal infection in the mouse. Boll. Soc. Ital. Biol. Sperim. 34:534–536 (1958).* This is a poorly designed experimental study using groups of white mice innoculated with stephylococci. It is not possible to extrapolate the results of this study in mice to the therapeutic situation in man.

(2) *Studies evaluating clinical response in man*—(A) *Uncontrolled studies of the Tetracycline-Novobiocin Combinations.* The Commissioner has considered and reviewed the remaining investigations listed by Upjohn, and finds as follows:

2. *Abbott, M. I. and Riley, H. D., Jr., Treatment of Staphylococcal Infections in the Young Infant with Tetracyclins and Novobiocin in Combination. Antibiotic Medicine and Clinical Therapy, 8:23–28 (January 1961).* This is a report of treatment with Panalba KM Granules (pediatric) of 28 infants, aged 1 day to 5 weeks, 25 of whom had staphylococcal infections verified by culture, and two of whom had streptococcal infections. Two infections showed no response. Doses given varied widely. This study was not controlled. Only the combination product was used. The study presents no evidence that the combination product is better than either drug alone. In vitro susceptibility study showed that all staphylococcal strains isolated from the patients and subjected to susceptibility studies were susceptible to novobiocin alone.

3. *Anderson, Jack R. and Rubin, Wallace, Clinical Experience with Combined Tetracycline Novobiocin Therapy in Common Ear, Nose and Throat Infections. The Eye, Nose and Throat Monthly 38:638–641, 1959.* 95 patients, adults and children, with ear, nose, and throat infections were treated with Panalba capsules or liquid, administered four times daily for 4–10 days. Sinusitis cases were additionally treated with local novobiocin instillation and 62 of the patients received concomitant antihistamine therapy. It is impossible to tell what if any improvement is attributable to novobiocin instillation and/or antihistamine therapy.

Cultures were taken from some of the patients. The only result reported was that 47 of the first 50 cultures taken revealed the organisms to be sensitive to the tetracycline-novobiocin combination. Sensitivities to tetracycline or to novobiocin alone are not reported. This study is poorly designed and not controlled. It presents no evidence that the combination product is effective or that it is more effective than either drug alone.

5. *Atkins, J. L., Novobiocin-Tetracycline in the Treatment of Ear, Nose and Throat Infections. Canadian M.A.J. 83:909–911 (Oct. 22, 1960).* This report involved Albamycin-T (tetracycline-novobiocin in equal parts) using two preparations, tablets and granules for suspension. The author, citing data from a personal communication, reports an in vitro test of four organisms (two strains of M. aureus, one of P. rettgeri, one of S. fecalis), said to show "enhancement of antimicrobial activity when tetracycline and novobiocin are combined in the ratio of 10 parts of novobiocin to 1 part of tetracycline." This is a laboratory exercise having no clinical applicability. Moreover, no such 10:1 combination has ever been marketed, and the dosage cannot be achieved by using the combination.

In addition, the author presents the following clinical report: 80 patients with ear, nose, and throat infections were treated with a dose of 1 gm. of the combined antibiotics per day for the adults, and "at least 15 mg. of the combined antibiotics per kg. body weight per day" for children. 82 percent of the infections were streptococcal in origin. No sensitivity tests or follow-up cultures were done. Duration of treatment is not stated. There were two adverse reactions of the type known to be associated with novobiocin. Novobiocin is not indicated in streptococcal infections. This report states that most of the patients responded to the combination, but no controls were used. There is no evidence to show that the combination is effective or that it was better than that which might be expected from tetracycline alone.

6. *Baadj, A. G., Loperfido, F. J. and Prigor, A., Treatment of Soft-Tissue Infections in Children with an Antibiotic Combination, Tetracycline and Novobiocin with Metaphosphate. Antibiotic Med., 5:664–668 (November 1958).* This is a report of 50 cases of soft-tissue infections in children, treated with "Panalba flavored granules" (125 mg. of tetracycline and 62.5 of novobiocin in 5 ml. of suspension). There is a list of strains of microorganisms isolated from the lesions "whenever pus or exudates were recoverable". These cultures are not related to specific cases. The therapeutic results were said to be good, but there were no controls and no evidence to indicate that the combination was better than what would be expected from either of the antibiotics had they been used alone. In addition, the infections were of such a nature that improvement might been been expected without antibiotic therapy.

8. *Boissier, A. et al., Efficacite de L'Association Novobiocine-Tetracycline Dans le Traitement et al Prevention des Surinfections de la Bronchite Chronique. La Vie Medicale Actualite, Dec. 1966; 29–20.* Forty-five patients with respiratory insufficiency resulting from chronic bronchitis were treated with "Albacycline," in a total daily dose of 500 mg. each of tetracycline and novobiocin for from 6 to 47 days; the average was 16 days. Sixteen of the cases were concomitantly treated with corticosteroids. Good results were achieved in 23 patients, 12 fair, and 10 negative. No cultures were made, and there were no controls. The study is not related to Upjohn's claims.

10. *Chesrow, E. J., et al., Clinical Evaluation of Tetracycline-Novobiocin on 100 cases of Acute Infection Due to Staphylococci and Other Bacteria. Antibiotic Med. 7:490–494 (August 1960).* One hundred patients with various infections were selected at random. Panalba was the product used, one capsule being given every 8 hours. Diagnoses listed were: Carbuncles, abscesses with cellulitis, pneumonia, tonsillitis, cystitis, otitis. Organisms cultured were: Staph. aureus (80 cases), betahemolytic Streptococcus (3 cases), Proteus mirabilis (5 cases), Escherichis coli (5 cases), Hemophilus influenzae (2 cases), Pseudomonas (3 cases), and gammahemolytic Streptococcus (2 cases). Susceptibility tests were done to several antibiotics, but the study does not report them. Eighty-five patients responded with favorable results, of which 80 cases were of staphylococcal origin which might have responded to either component alone. The diseases studied are often self-limited. Incision and drainage may frequently be the only treatment needed, an incision and drainage was performed where indicated. There were no controls.

12. *David, N. A., and Day, W. R., Use of a New Tetracycline-Novobiocin Combination in the Treatment of Various Types of Infections. Antibiotic Med. and*

Clinical Therapy, 5: 128–134 (February 1958). Sixty adults and 66 children were given Panalba for "mild or moderately severe" infections. Bacteriologic studies were done for "most of the adults" and for "only a few" of the children. No controls were used, although four different tetracycline-novobiocin products were tested. The authors state that no conclusion of a synergistic effect can be reached from the data. Most bacteria found present are equally susceptible to either tetracycline or novobiocin, as shown by the sensitivity results. There is no evidence that the combination gave results superior to what might have been expected from either drug alone.

13. *de la Cruz, et al., Tetracycline and Novobiocin* (Albamycin T) in the Treatment of Amoebic Dysentery in Children. J. Phillipine Med. Assn. 37:161–69 (March 1961).* This is a study of 52 cases of amoebic dysentery in children ranging in age from 1 to 12 years. The treatment was Albamycin-T at a dose of 30 mg./kg. per day each of tetracycline and novobiocin. All had marked clinical response between the first and fifth day of treatment, 90.3 percent during the first 3 days. Two patients had generalized urticarial rashes. There were no controls. No evidence is presented that the combination is better than the ingredients alone. The tetracycline alone is acknowledged by the authors to be effective against intestinal amebae.

14. *Delgado Martinez, C. La Asociacion Novobiocina-Tetracycline en el Tratamiento de la Osteomielitis. Semana Medica de Mexico 28: 331–335, March 1961.* Twenty children with osteomyelitis in a Venezuelan hospital were treated with Albamycin-T, some every 4 hours, some four times daily, dose unstated, for 3–5 months. Three case histories are recorded in detail. It is stated that cultures and sensitivities were done "routinely", but the results are not stated in the article. All but three of the children were operated upon. The author reports excellent results in two cases, 15 more discharged home improved and under observation, and three improved but still with small fistulas. This is an uncontrolled study. There is no evidence that the combination, rather than surgery, was responsible for the results, and no evidence that the combination is better than the ingredients.

15. *de Vries, J. A., et al. Adjunctive Use of Tetracycline-Novobiocin in Endodontics. Journal of the Canadian Dental Association 32:291–295 (May 1966).* One hundred patients with infected root canals were treated at the McGill Dental Clinic of Montreal General Hospital; 50 were treated in the standard manner without any antibiotic and 50 were given the standard treatment plus 250 mg. of the mixture of tetracycline-novobiocin four times a day following initial treatment. The "Results" are given: "Of the two original groups, 25 faithfully cooperative patients from each group were ultimately selected for final evaluation." In the bacteriology reports, there were no "mixed cultures". The majority of strains isolated were streptococci. Novobiocin is not indicated for streptococci. All of the organisms isolated may be considered as "normal flora" of the mouth. The experimental design of this study is poor, because 100 subjects entered, and only 50 were evaluated, with 25 cases being entered into two groups with the criteria for selection not given. Although this study would initially appear to be controlled in nature, the selection of only half of each group introduces a bias that removes it from consideration as a controlled study. It is impossible to conclude that the combination drug is more effective than tetracycline or novobiocin alone, or that any antibiotic was needed.

17. *Didier R. and Vialatte, C., Clinical Study of a combination of Tetracycline and Novobiocin in Babies. La Vie Medicale 1–8, February 1966.* This reports on a study "done exclusively with babies"—50 patients of a pediatric ward and 70 private-practice patients. The dosage for the hospital patients varied between 250–500 mg. per day, both orally and intramuscularly, for varying periods of from 4–45 days. Twenty-three received no other antibiotic therapy; 20 received additional hormonal and other unspecified medication. The 70 private patients received from 250–373 mg. per 24 hours, for from 4–10 days. There were no controls, and the design is poor. The authors report no failures in the therapy and claimed the medicine was administered to 120 babies without the least manifestation of toxic effect. One child received 375 mg. per day for 3 weeks "without adverse effect," but died on the 21st day. There is no substantial evidence that the combination gave results superior to what might have been expected with tetracycline alone.

18. *Felix, A. J. et al. A Clinical Evaluation of Tetracycline Phosphate Complex Combined with Novobiocin in the Treatment of Soft-Tissue Infections. Antibiotic Med. 4: 128–824 (December 1957).* One hundred twenty-eight patients with soft-tissue infections were treated with two dosage schedules of Panalba. One schedule called for four capsules per day and the other three capsules. Incision and drainage were used as indicated. The average course of treatment was 6 days. There were no cultures for most cases, and there were no controls. These conditions were self-limited or surgically cured diseases and operation was performed when required. Results were reported as "excellent." The report is not evidence for the effectiveness of the combination over either of the components alone, or for any drug.

20. *James, A. P. R., Clinical Evaluation of Combination of Tetracycline Phosphate Complex and Novobiocin. Antibiotic Medicine and Clinical Therapy 4: 797–799 (December 1957).* This paper reports on 61 cases of skin infection treated with Panalba. No cultures were taken, and there were no controls. Excellent response was said to occur in 75 percent of patients. There is an addendum which presents 50 more cases but no results except to state that there have been no further side effects. There is no evidence of the effectiveness of the combination or that the results were superior to that which might have been expected from no treatment or from tetracycline or novobiocin alone.

23. *Ossipovski, B., L'Albacycline (*) Les Affections Cutanees. (*Laboratories Upjohn) Gaz. Med. France, 72:1244–1245 (Mar. 2, 1965).* This is a report of treatment of 50 cases of different skin infections with Albacycline, a combination of 125 mg. each of tetracycline, and novobiocin. The treatment was from 500–1,000 mg. daily, for unspecified periods of time. Cultures and sensitivity tests are stated to have been made in the majority of cases, but the author does not report the results. It is stated that the Albamycin maintained its blood level for 12 hours, but there is no indication of actual studies. There are no controls.

26. *Porge, J. F. and Durant, J., Interet d'une association d'antibiotiques dans les infections urinaires. Cahiers Medicaux de France, 41:236–244 (June 1964).* Thirty patients with urinary infections, 19 with renal insufficiency, were treated with Albacycline, in a total dose of 750 mg. per day each for tetracycline and novobiocin, for 4–10 days, followed by intermittent treatment of 6 days per month, or 6 days every 3 weeks. The authors report 14 "apparently" complete cures, 12 partial cures and four failures. These results are reported as "particularly remarkable." Two side effects, including a morbilliform rash, a known novobiocin side effect, are reported. There are no controls. No conclusion can be reached respecting the merits of the combination.

28. *Salas Guerra, A. Tratamiento de Mastitis en al Asociacion Novobiocina-Tetraciclina. Semana Medica de Mexico 17:471–472, Jan. 1961.* This is a report of 20 cases of mammary abscesses treated with Albamycin T. Some cases also received surgical treatment. The result of the therapy is said to be "powerful." No bacteriological data is provided. There were no controls.

29. *Sales Sales, E. Algunas Observaciones el Tratamiento con la Asociacion Novobiocina-Tetraciclina en Panientes Infecciosos Considerados como "Casos Problema" Semana Medica de Mexico 23:199–121, 1959.* This is a report of the treatment of 12 patients with unspecified disease conditions who were treated with a tetracycline-novobiocin combination, after being treated with other unspecified antibiotics or sulfonamides. The authors report cure in all cases on the basis of "simple clinical observations without a comparative study" and state they "do not pretend to reach a final conclusion about the real value of the treatment." There were no controls.

32. *Seddon, J. C. et al., Tetracycline versus a Tetracycline-novobiocin Mixture in the Treatment of Bronchitis The British Journal of Clinical Practice, 18:273–278 (May 1964).* Three general practitioners in an urban area in England used Albamycin-T and tetracycline, in a dose of 1.0 gram daily. Three groups of patients were used: (1) Those with established bronchitis; (2) those with only a few attacks of bronchitis in recent years; (3) those with their first attack of bronchitis. No bacteriologic studies were done.

While a number of parameters were studied, only in the failure rate was there evidence of superiority of the combination product, significant at the 5 percent level. This might have occurred by chance 4–5 times in a hundred. This observed difference might have been due to bias on the part of the observer as the study was not "double-blind."

Novobiocin alone was not tested, so the efficacy of this drug alone cannot be excluded.

The study does not show that the combination of tetracycline-novobiocin is superior to either the tetracycline or the novobiocin alone. Of 104 successfully treated cases, there were no differences in the rate of response to therapy. Speed of recovery and convalescence were also comparable. Side effects were equal in both groups. The authors state: "It is claimed that the combination promotes a quicker response, and the patient would get back to work sooner. We did not find this. Both groups of patients who responded to the respective agents did so with equal speed, and completed their convalescence within similar times * * *"

33. *Seneca, H., Tetracycline, Nystatin and Novobiocin Combination in Amebiasis, Antibiotics Annual, 1956–57: pp. 175–179.* This is a study of the effect of double and triple combinations of tetracycline, nystatin and novobiocin on E. histolytica cultures in vitro, and on intestinal amebiasis in viov. The in vitro study cannot be extrapolated to clinical use.

In the clinical trials, 24 patients with intestinal amebiasis were treated with tetracycline concurrenlty with novobiocin; 13 were treated with tetracycline plus nystatin; and 13 were treated with tetracycline plus novobiocin plus nystatin. All the antibiotics were given as separate entities, not in fixed combination. No patients were treated with tetracycline alone. All patients were stated to be improved symptomatically and apparently free of infection within 2–4 months. The nature of the patient material, the type of amebiasis, and the number of followup examinations for persistent infection are not described. There were no controls.

34. *Stern, F. H., Erysipoloid of Rosenbach, Treatment with a Combination of Tetracycline and Novobiocin. American Practitioner, 11:699–700 (August 1960).*

This is a description of a single case of a hand infection, diagnosed clinically to be due to Erysipelothrix rhusiopathiae. No bacteriologic or serologic studies were done. Penicillin was administered; then Panalba. The patient improved. This single case provides no evidence that this improvement was due to both components of the combination products.

35. *Temple, A. D., et al., Long-Term Antibiotic Therapy in Chronic Chest Disease, Medical Services Journal, Canada, 19: 473 (July–August 1963).* This is a report of 13 male patients with chronic respiratory disease, in whom the incidence of pneumonia was reduced from the previous year when a combination of tetracycline-novobiocin was given "prophylactically," 3 weeks of each month for a period of 7 months. There are no controls. There is no evidence that the results were better than those that might have occurred if the components of the drug had been given alone. The results of the sensitivity tests reported are not valid since different strengths of both antibiotics were present in the single discs and the combination, and since only a single disc was used for the combination as opposed to two discs, a high and low, for the separate antibiotics.

Comparisons of pneumonia rates from one year to the next are invalid, because natural variations occur commonly. This small and uncontrolled study does not support a claim for the prophylaxis of pneumonia.

36. *Thiers, H., et al., Interet d'une Association De Novobiocine-Tetracycline (Albacycline) En Dermatologie, Lyon Medical, 213: 807–815 (Mar. 14, 1965).* Eighty-one patients with various dermatologic conditions, not all of which represent infections, by U.S. standards, were treated with Albacycline. Seventy-seven improved. Cultures and sensitivities were done on 19 patients. Some of these showed the organisms to be insensitive, yet the patients were said to have improved as a result of the medication. No controls were used. Some patients apparently received other antibiotics concomitantly.

37. *Tranchard, M., et al., Essai Therapeutique d'un Complex Antibiotique-Utisable per Os In Pediatrie, Picardie Medicale 1 (4) (1966).* This is a report of 51 hospitalized children, aged 2 months to 15 years, with a variety of diseases and infections, treated with a tetracycline-novobiocin combination. Treatment was from 4–51 days. Some patients were given other antibiotics. Results are given as 14 "excellent", 32 "good", three "moderate", and two "doubtful". There are no controls.

39. *Cooperative study sponsored by Upjohn and conducted by 21 investigators on 496 children in 1967.* In response to the request of the Food and Drug Administration for information as to what this listed investigation referred to, the company provided a document entitled, "Protocol Efficacy Study Panalba KM Granules and Panalba Half-Strength Capsules" and a list of 21 investigators. The protocol states that children with upper respiratory infections, pneumonias, or urinary tract infections are to be treated with either Panalba KM or Panalba Half-Strength Capsules to compare the response to the two products. Blood levels are to be obtained on the third day, and clinical response is to be "correlated" with bacteriologic disc sensitivity. The protocol states that "[n]o controls will be needed." No details or results of the study were provided.

The annual report submitted to the Food and Drug Administration pursuant to 21 CFR 146.14, for Capsules Panalba and Panalba Half-Strength, dated August 23, 1968, contains several interoffice memoranda with attachments respecting a clinical study of efficacy in 496 children. It is assumed that this is the same study. Some of the data referred to in the interoffice memoranda are not included with the data submitted in the annual report. But the data which was submitted establishes that, as stated in the protocol, this was not a controlled study; all patients received some form of Panalba. Bacteriologic tests were not made on all the patients. On those that were made, sensitivities were determined for only five antibiotics, and these did not include penicillinase-resistant penicillins. Patient improvement does not appear to be correlated with bacteriologic improvement, indicating that some of the illnesses treated were viral in origin. The interoffice memorandum states that 14 of the 15 children treated for urinary infections with liquid Panalba had "undesirable side effects". Fifteen of the children developed positive cultures for pneumococcus after treatment began, and 13 of the 75 positive cultures for beta hemolytic streptococcus were still positive after treatment.

43. *Warembourg, H. and Bertrand, M., Etude Clinique d'une Association Tetracycline-Novobiocine (*) (*) Albacycline, Laboratories Upjohn, Lille Medical, 9: 587–592 (1964).* This is a report of treatment of 35 patients with various infections, with various doses of Albacycline, and some with other antibiotics, for periods of time from less than 1 week to 2 months. Four "complete failures were observed". Bacteriologic studies were done only "as far as possible". There are no controls. No evidence is presented to support the efficacy of the combination as compared to its components.

45. *Zegarra Araujo, Enfermidades Infecciosas y su Tratamiento con Novobiocina Tetraciclina. N. Semana Medica de Mexico 8:267–269, December 1958.* Albamycin T was used in varying doses to treat 10 patients with a variety of infectious diseases, some of which were cultured. No sensitivities were reported. Some patients had had previous penicillin therapy. All recovered. This study was uncontrolled.

46. *Zeleer, I., Novobiocin Associated with Tetracycline in the Treatment of Pyogenic Skin Infections, Semana Medica de Mexico 17:118–120, May 1958.* Forty patients with a variety of skin infections presumed due to staphylococcus and cultured when circumstances permitted, were treated with Albamycin T every 6 hours. Satisfactory results were obtained, according to the author. There were no sensitivity tests reported, and there were no controls. Two side effects, one a morbilliform erruption, were noted.

49. *Herrold, R. D., The Rationale and Current Status of Drugs in Combination for Urinary Infections, The Journal of Urology 79:1010–1013 (June 1958).* This is a general discussion in favor of the use of drugs in combination, including tetracycline and novobiocin which the author apparently considers harmless. No data is provided on the use of tetracycline-novobiocin combinations. The author favors the use of single antibiotics in combination, not fixed combinations.

2. *Uncontrolled Studies of the Novobiocin-Sulfamethizole Combination.*

47. *Blanco-Castillo, S., La Asociacion Novobiocin-Sulfametizol en las Infecciones del Tractus Urinario, Revista de Urologia, 17:119–122 (May–June 1959).* This report concerns 35 patients with various infections of the urinary tract. Various etiologic organisms are listed, but they are not related to specific cases. The author reports very satisfactory results and excellent tolerance. No controls were used. This does not show evidence to indicate that the combination is better than either of the drugs alone.

48. *Carter, C. H., Clinical Evaluation of a Novobiocin-Sulfonamide Combination in Treatment of Common Infections, Antibiotic Medicine and Clinical Therapy, 5:517–520 (August 1958).* This was a study using "Cathosulfas", a Merck product containing novobiocin and sulfamethazine, sulfamerazine and sulfadiazine. The drug used is not one of the products which is the subject of this order, and has a different composition entirely.

Upjohn has previously been informed that Dr. Carter is not a qualified investigator, is ineligible to receive investigational new drugs, and that his studies cannot be used to support claims for safety and efficacy.

50. *Lamela, M. and Rognoni, M., La Associacion Novobiocin-Sulfametizol en la Piuria Cronica del Anciano, Pren. Med. Mex. 25:367 (1960).* This is a report of the treatment for 5 days using Albamycin G.U. of five elderly patients with pyuria, which is defined as more than 30 white cells per field in a centrifuged urine specimen. In all cases, the pyuria disappeared after treatment, but in one patient, pus cells recurred 5 days after treatment. No bacteriological cultures were done, so there is no way of judging whether the organisms were susceptible to one or the other component of Albamycin G.U.

52. *Costa, J. M. and Stella, M., Combination of Novobiocin and Sulfamethizole in the Treatment of Genito-Urinary Infections (Albamicina G U), O Hospital, 55: 877–81 (1959).* This study reports on the treatment of 82 patients with genito-urinary infections, 62 medical cases and 20 surgical cases. Treatment was with Albamycin G.U. for varying periods of from 8–28 days. Seventy-five cases are reported to have responded well. There were no controls to show that the combination was more effective than the components.

53. *Glokner, J., Contribution al Estudio de las Uretritis no Gonococcicas, Semana Medica de Mexico, 29: 99–102 (May 1961).* Following a lengthly discourse on non-gonerrheal urethritis, the author summarizes four cases which were treated with Albamycin G.U. In at least three cases, previous antibiotics (not always specified) had been used. Bacterial etiology of the infection is poorly defined; in one case, the author describes a "visible virus", which is highly questionable. He concludes that Albamycin G.U. was effective in all cases, because it contains a "strong antibiotic which acts on the virus and a sulfa which acts on the common microbes * * *" Novobiocin has no known antiviral effect.

This is an uncontrolled study in the nature of a testimonial-type report on four cases, and is of no scientific merit.

54. *Carlook, A. H., Tratamiento de la Blenorragia con la Associacion Novobiocina-Sulfametizol (Albamycin G-U Upjohn), Pren. Med. Mex. 25: 484–485 (1960).* Fifty cases of gonorrhea confirmed by urethral smear were treated with Albamycin G.U. The text states that the cases were of both sexes, but "urethral smear" applies to males only. Dose was two tablets every 4 hours for 3 days, followed by two tablets three times a day for 3 days. For the first 3 days the total daily dose should have been 12 tablets, and the total dosage should have been 54 tablets, whereas the author states that the total dose was 48 to 50 tablets. Results were satisfactory. In at least one case, treatment was repeated. The author does not give any rationale for the dosage schedule, and the study was not controlled. The drug is described as "100% safe", although in at least one instance there was nausea and vomiting. The rationale for using a combination of drugs for treating gonorrhea is described only as "reinforcement". In the summary the author states that all patients were clinically and bacteriologically cured in approximately 1 week; this contradicts the previously described case in which one patient was not clinically cured, and the treatment was reinstituted. Novobiocin "is not indicated in the treatment of gonorrhea". PDR 1969.

The Commissioner finds that none of these studies constitute adequate well-controlled studies as defined by the law and for this reason finds that none of these studies are admissible as scientific support for the claimed efficacy of the combination.

(b) *Inadequately controlled studies—Tetracycline-Novobiocin combinations.* Two studies which purported to be controlled were submitted by the firm.

30. *Savin, R. C. and Turner, M. C., Antibiotics and the Placebo Reaction in Acne, JAMA 196:365–367 (Apr. 25, 1966).* Forty-two outpatients with papulopustular and cystic acne were studied in a short-term, double-blind study, using a tetracycline-novobiocin combination and a placebo. The thrust of the study is to evaluate the use of tetracycline to treat acne and "to delineate the percentage of placebo reactions" in the disease. No explanation is offered as to why novobiocin was included in such a study. No evidence is presented to show that the combination is better than tetracycline alone, or for that matter better than placebo.

7. *Birkett, F. J. et al., Antibiotic Combinations (letter to the Editor). Lancet 1:838, Apr. 18, 1959.* Ten general practitioners in Bradford, England, presented the preliminary findings of a clinical trial, comparing Albamycin-T (125 mg. tetracycline and 125 mg. of novobiocin per tablet) to novobiocin 250 mg. per tablet and to tetracycline 250 mg. per tablet. The patients had unspecified soft-tissue, ear, nose, and throat, and intrathoracic infections. The dosage was based on the adult dose of 1 gm. of novobiocin, 1 gm. of tetracycline, or 1 gm. of the combination. Five investigators compared novobiocin with the combination and five compared tetracycline with the combination. A total of 122 patients received the combination; only 83 received tetracycline alone and 76 received novobiocin alone. It is stated that all of the observations were clinical, and that there was no bacteriological control. This study provides no substantial evidence, because the actual type of infection is not specified, and the procedure by which patients were placed into particular groups is not provided.

Of the 54 references cited in Upjohn's objections, this is one of two studies which has any controls. Even though not double-blinded nor randomized, it does show an attempt to compare the fixed combination with its components singly. As it is, no conclusions can be drawn concerning any superiority of the combination over either of the antibiotics used alone. The report states the study is being continued and will be reported in full later. A final report has never appeared in the medical literature.

(c) *Data in the original submission for approval of combination drugs.* Upjohn states that it submitted adequate and well-controlled studies with the material on which the FDA issued the certification regulations. The Commissioner finds that, other than data relating to manufacturing controls, the material to which Upjohn refers consists of nontherapeutic blood serum assay studies to determine whether the component drugs are available in the blood sera after administration of various doses of the product, in vitro studies, animal in vivo studies, and reprints from the literature.

With respect to the blood serum assay studies, the Commissioner finds that tetracycline and novobiocin were present, and that novobiocin blood level concentrations were usually lower after administration of the combination that would be expected to be obtained after administration of the same dose of novobiocin alone. These studies cannot be extrapolated to clinical, therapeutic use because they were not done in the context of a clinical investigation. Bacterologic in vitro studies and animal in vivo studies are not capable of extrapolation to human clinical use.

The Commissioner finds that the clinical studies included in this material consisted of individual case reports, some in the form of testimonial letters, frequently without laboratory cultures, without protocol, or uniform dosage, and did not employ either separate patient groups, or compare the combination product and the component drug of known results.

The reprints from the literature which have been submitted also report on individual case studies in like manner. The Commissioner concludes that the material on the basis on which the certification regulations were issued does not consist of adequate and well-controlled clinical investigations and, therefore, does not constitute substantial evidence within the meaning of the statute, to support the safety and efficacy of Upjohn's combination products.

(d) *The objections to the finding that these combination drugs subject patients to unwarranted hazards.* Upjohn objects to the repeal of the regulations on the ground that no unwarranted hazard is presented by any of the products, asserting that the patient is not unnecessarily subjected to potential hazards, but that the hazards presented by these products are well within acceptable limits for antibiotics.

The known side effects attributable to these products reported to the Food and Drug Administration include:

Blood dyscrasias	19	(8 fatal)
Gastrointestional disturbances	20	
Skin reactions (rashes, etc.)	12	
Oral (including tooth discoloration)	12	
Liver disturbances	4	(1 fatal)
Miscellaneous (including sensitization reactions)	43	(2 fatal)
Total	110	(11 fatal)

Blood dyscrasias are a well-recognized toxic effect of novobiocin. (1965 Edition of New Drugs, Evaluation by the AMA Council on Drugs, p. 45.) These include aplastic anemia, thrombocytopenia purpura, agranulocytosis, and hemolytic anemia. The blood dyscrasia cases constitute over 70 percent of the known fatalities attributable or probably attributable to these products; the fatalities make up 10 percent of the total adverse reactions reported to the Food and Drug Administration for these drugs.

The sensitivity reactions to these products include large numbers of morbilliform and urticarial skin rashes, as well as a fatal case of Stevens-Johnson Syndrome, known to have occurred as a result of novobiocin.

Known oral reactions to these products include stomatitis, glossitis, and tooth discoloration, a known side effect of tetracyclines. Liver abnormalities include jaundice and hepatic necrosis. The 1969 monograph for Panalba capsules in the Physicians' Desk Reference points out that novobiocin is known to cause jaundice due to hyperbilirubinemia in infants and administration to premature, newborn, and young infants should be avoided; the monograph also reports on jaundice in older individuals.

The miscellaneous adverse reactions include central nervous system excitation, vomiting, bulging anterior fontanelle, headaches, drowsiness, convulsions, thrush, vaginitis, pruritis ani, and oliguria.

Some of these side effects, such as dental staining, are dose-related and require prolonged or frequent administration of the drug in order for the effect to be produced. Others, like allergic or hypersensitivity reactions such as Stevens-Johnson Syndrome, are not dose-related. Small amounts of novobiocin, insufficient to produce therapeutic effect, can produce sensitivity of either the immediate or delayed type.

Whether or not the hazards or risks associated with use of these products are warranted does not depend on so-called "acceptable limits" for hazards from antibiotics, but on whether the hazards and risks are warranted in the light of the benefit expected to be obtained from these products. The addition of the novobiocin to the combination products results in a known diminution of both tetracycline and novobiocin levels. The hazards from the use of novobiocin in these fixed combination products, in which the drug supplies no proven therapeutic benefit, are unjustified. The side effects attributable to novobiocin can only be justified when novobiocin is being utilized against an organism sensitive to the drug which is causing a serious, i.e., life-threatening disease, because then the disease being treated, if left to run its course untreated or if treated with an ineffective drug, would be more life-threatening than the possible side effects of novobiocin. In any such serious illness, the dose of novobiocin must be tailored to the patient. Upjohn recently was required to revise the labeling for novobiocin to limit its use to staph infections in which less toxic antibiotics were not indicated or were contraindicated because of sensitization or other causes. A box warning about the nature, the seriousness, and the incidence of adverse reactions was required. The drug is to be used in special and limited circumstances. This precludes its use as a component of a tetracycline combination drug or of a sulfonamide combination. In view of these facts, the Commissioner reaffirms his conclusions that the addition of novobiocin in these combination products subjects the patient to an unwarranted hazard.

(e) *Upjohn's legal objections.* Upjohn's objections to the repeal of the regulations are basically legal. It contends (1) that the Commissioner may not repeal the regulations on findings that there is no evidence to show that the fixed combination drugs are more effective than one or both of their components; (2) that the Commissioner may not repeal the regulations without new information on which to base a change of his position with respect to the combination drugs that have been certified safe and effective for several years past, and (3) that the Commissioner may not cancel the certificates of safety and effectiveness for batches of drugs that complied with the regulations when they were certified.

The resolution of these legal issues does not require an evidentiary hearing.

1. *Comparative efficacy.* The basis for the repeal of the regulations is that there is a lack of substantial evidence to establish that the fixed combination drugs will have the effectiveness they purport to possess and that they are represented to possess.

As noted in the discussion of the rationale and the claims, novobiocin has been added to tetracycline and to sulfamethizole to expand and to improve the spectrum of therapeutic effectiveness of the antibacterial agents. There is no substantial evidence to show that novobiocin does this. And there is no substantial evidence to establish that there is any significant patient population that suffers from infections susceptible to the particular fixed combinations provided by the Upjohn drugs. Since the combination drugs purport to be and are represented as more effective than tetracycline alone or sulfamethizole alone, Upjohn has the burden to produce the substantial evidence to show that this is so. This burden has not been met by the data presented.

2. *New information.* The new information on which the Commissioner is acting is the bringing together in an organized fashion all the relevant data reported in the literature about the combination drugs. A reevaluation of the data presented at the time the certification regulations were originally promulgated, the clinical experience with the combination drugs over the years, important developments in antibiotic therapy such as the discovery of a number of antibiotics that were not available when the regulations were promulgated, and the more rigorous requirements applicable to proof of drug effectiveness prescribed by the Drug Amendments of 1962, all combine to form the basis for the repeal of the certification regulations applicable to novobiocin-tetracycline and novobiocin-sulfamethizole combination drugs. See Bell v. Goddard, 366 F. 2d 177 (C.A. 7, 1966).

Upjohn contends that "adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of [the combination drugs], on the basis of which it could fairly and responsibly be concluded by such experts" that the drugs will have the effectiveness they purport and are represented to have, are not necessary, or, if they are necessary, the reported clinical experience satisfies the legal requirements.

The Commissioner rejects this view. Clinical experience with the combination drugs is pertinent, and it has been examined. No adequate investigations in terms of numbers of patients, parameters of observations, and well-documented results have been found. The reports in the literature on which the company relies are not well-controlled investigations conducted by competent and qualified investigators which have yielded results from which it can fairly and responsibly be concluded that the fixed combination drugs will have the effectiveness they purport and are claimed to possess. To the contrary, taking the results as reported in the literature, it is obvious to experts qualified by training and experience in antibiotic therapy that there is no substantial evidence that these fixed combination drugs offer the therapeutic benefits claimed for them, and that the presence of novobiocin makes these fixed combinations irrational and hazardous.

3. *Cancellation of certificates.* Certified Color Industry Committee v. Flemming, 283 F. 2d 622 (C.A. 2, 1960), makes clear

that the Commissioner has authority to revoke his certification of safety and efficacy on any batch of antibiotics that he has certified when facts or reassessment of the facts become known which establish that the certification that the antibiotic is safe and effective for use is no longer factual, but on the contrary, that there is a lack of substantial evidence to support the certification that the antibiotic is safe and effective for use.

Accordingly, the Commissioner concludes that no substantial evidence of effectiveness of these drugs as fixed combinations exists and that Upjohn has failed to show reasonable grounds for an evidentiary hearing.

Upjohn will be given an opportunity to make an oral presentation to the Commissioner in which it can offer its analysis of the reported literature on which it relies and explain its theory as to why it believes the reported clinical experience can and should be accepted as adequate medical support for its claims of effectiveness.

This will be held in Room 804, Crystal Plaza 6, beginning at 10 a.m., e.d.t. on Wednesday, August 13, 1969.

The request for an evidentiary hearing to cross-examine members of the NAS-NRC Panels and for cross-examination of employees of the Food and Drug Administration about any inferences to be drawn from the reported literature is denied. Such a hearing would serve no purpose other than delay.

Dated: August 5, 1969.

HERBERT L. LEY, JR.,
Commissioner.

[F.R. Doc. 69-9405; Filed, Aug. 8, 1969; 8:45 a.m.]

B. F. GOODRICH CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2435) has been filed by The B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44318, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of 1,3-butylene glycol as an antioxidant and/or stabilizer in polymers used in the manufacture of articles intended for food-contact use.

Dated: August 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9388; Filed, Aug. 8, 1969; 8:45 a.m.]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9M2421) has been filed by E. I. du Pont de Nemours and Co., 1007 Market Street, Wilmington, Del. 19898, proposing an amendment of § 121.2570 *Ethylene-vinyl acetate copolymers* (21 CFR 121.2570) to provide for the safe use of ethylene-vinyl acetate copolymers cross-linked by irradiation in food-contact surfaces.

Dated: August 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9389; Filed, Aug. 8, 1969; 8:45 a.m.]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0845) has been filed by FMC Corp., Niagara Chemical Divison, 100 Niagara Street, Middleport, N.Y. 14105, proposing the establishment of a tolerance (21 CFR 120.182) of 2.5 parts per million for residues of the insecticide endosulfan (6,7,8,9,10,10 - hexachloro - 1,5,5a,6,9,9a-hexahydro - 6,9 - methano - 2,4,3 - benzodioxathiepin-3-oxide) and its metabolite endosulfan sulfate (6,7,8,9,10,10-hexachloro - 1,5,5a,6,9,9a - hexahydro - 6,9-methano - 2,4,3 - benzodioxathiepin - 3,3-dioxide) in or on the raw agricultural commodity sweet corn forage.

The analytical method proposed in the petition for determining residues of endosulfane and its metabolite is a microcoulometric-gas chromatographic procedure.

Dated: August 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9390; Filed, Aug. 8, 1969; 8:45 a.m.]

GEIGY CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP OF0855) has been filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances (21 CFR 120.213) for residues of the herbicide simazine (2-chloro-4,6-bis-(ethylamino)-*s*-triazine) in or on the raw agricultural commodities pineapple fodder and forage at 10 parts per million; pineapples at 3 parts per million; and sugarcane and sugarcane fodder and forage at 1 part per million.

The analytical method proposed in the petition for determining residues of simazine is that of conversion of simazine to its hydroxy analog which is then measured spectrophotometrically.

Dated: August 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9391; Filed, Aug. 8, 1969; 8:45 a.m.]

I C I AMERICA, INC.

Notice of Filing of Petitions for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (FAP OB2437 and OB2438) have been filed by I C I America, Inc., 151 South Street, Stamford, Conn. 06904, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of tris-(2-methyl-4-hydroxy-5-tertiary-butyl-phenyl)-butane as an antioxidant and/or stabilizer (1) in styrene polymers identified in § 121.2510 and (2) in acrylonitrile-butadiene-styrene copolymers used in contact with food containing no more than 8 percent of alcohol.

Dated: August 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9392; Filed, Aug. 8, 1969; 8:45 a.m.]

MERCK & CO., INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetics Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065, has withdrawn its petition (37-283V), notice of which was published in the FEDERAL REGISTER of June 8, 1968 (33 F.R. 8513), proposing that the food additive regulations be amended to provide for the safe use in chicken feed of a combination of amprolium (0.0125 percent), ethopabate (0.004 percent), and 3-nitro-4-hydroxyphenylarsonic acid (0.005 percent) plus penicillin (2.4–50 grams per ton of feed) to aid in preventing outbreaks of coccidiosis, in stimulating growth, improving feed efficiency, and improving pigmentation in broiler chickens or in replacement chickens intended for use as caged layers only.

Dated: August 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9393; Filed, Aug. 8, 1969; 8:45 a.m.]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP OF0854) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of tolerances (21 CFR 120.211) for residues of the herbicide 2-chloro-*N*-isopropylacetanilide and its metabolites (calculated as 2-chloro-*N*-isopropylacetanilide) in or on the raw agricultural commodities pea forage at 1.5 parts per million and peas (shelled) at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the herbicide and its metabolites is gas-liqiud chromatography.

Dated: August 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9394; Filed, Aug. 8, 1969; 8:45 a.m.]

SALSBURY LABORATORIES

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (42-249V) has been filed by Salsbury Laboratories, Charles City, Iowa, 50616, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of nifursol (3,5-dinitrosalicylic acid [5-nitrofurfurylidene] hydrazide) in the feed of turkeys as an aid in blackhead prevention and for accelerating growth rate.

Dated: August 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9395; Filed, Aug. 8, 1969; 8:46 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9 F0835) has been filed by Shell Chemical Co., a Division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances (21 CFR 120.252) for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate in fat of meat from poultry at 0.75 part per million and in eggs, meat, and meat byproducts of poultry at 0.1 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a phosphorus-sensitive thermionic emission detector.

Dated: August 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9396; Filed, Aug. 8, 1969; 8:46 a.m.]

RAIMUND W. VOGEL

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

A petition (FAP 7A2079) was filed by Raimund W. Vogel, Lierstrass 25, D 8000 Munich 19, Federal Republic of Germany, notice of which was published in the FEDERAL REGISTER of May 17, 1968 (33 F.R. 7333), proposing an amendment to § 121.1202 *Whole fish protein concentrate* to provide for the safe use of fish protein concentrate prepared from whole hake and hakelike species of fish by ethanol-alkali extraction, followed by acid treatment.

Subsequently, the Commissioner of Food and Drugs on July 16, 1968, requested the petitioner to submit certain additional information. A substantial amount of the requested information has not been received; therefore, in accordance with § 121.51(j) of the procedural food additive regulations (21 CFR 121.51(j)), the subject petition is considered withdrawn without prejudice to a future filing.

Dated: August 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9397; Filed, Aug. 8, 1969; 8:46 a.m.]

WARNER-JENKINSON MANUFACTURING CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Warner-Jenkinson Manufacturing Co., 2526 Baldwin Street, St. Louis, Mo. 63106, has withdrawn its petition (FAP 9A2400), notice of which was published in the FEDERAL REGISTER of May 23, 1969 (34 F.R. 8127), proposing that § 121.1056 *Disodium EDTA* (21 CFR 121.1056) be amended in paragraph (b)(1) to provide for the safe use of disodium EDTA in nonstandardized, noncarbonated juice drinks to promote color retention.

Dated: August 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9398; Filed, Aug. 8, 1969; 8:46 a.m.]

Social and Rehabilitation Service

PUBLIC INFORMATION

Fee Schedule

Notice is hereby given of the establishment of the fee schedule set forth below for searching for records maintained in the Social and Rehabilitation Service and for reproduction, certification, or authentication, and forwarding thereof:

1. *General policy.* The Social and Rehabilitation Service routinely provides information at no charge in response to requests and public inquiries. However, if a request for information involves significant staff time or duplicating services, fees may be charged in such amounts as to permit recovery by the Government of the costs for providing such services.

2. *Charges for services.* Charges at the rates specified below will be made at the discretion of the Assistant Administrator for Public Affairs for the following services:

(a) For mechanical copying, the charge is 25 cents per page. A page is considered to be one side of a single sheet.

(b) For searches and collating of materials arising from requests for information, charges are at the rate of $5 an hour. Fractional costs of an hour are levied on a quarter-hour basis.

(c) For official certification and authentication of records, the charge is $5.

(d) For postage, insurance, or other costs relating to shipment of information materials, charges are made on an actual cost basis. This applies only to shipment of bulk materials; individual items of the type normally sent by first class mail will be sent through the mails at no charge to the addressee.

The foregoing schedule of charges is not intended to inhibit the regular flow of information from the Social and Rehabilitation Service to the general public. The intent is solely to protect the Government from incurring unusual costs arising from requests which significantly affect the workload or which involve unusual duplicating or shipping costs.

3. *Method of payment.* Payments may be made by either check or money order. Checks and money orders should be made payable to the Social and Rehabilitation Service, and mailed to the Department of Health, Education, and Welfare, Finance Division, Room 1219

South Building, 330 C Street SW., Washington, D.C. 20201.

Effective date. Effective upon publication in the FEDERAL REGISTER.

Dated: August 5, 1969.

MARY E. SWITZER,
Administrator.

[F.R. Doc. 69-9428; Filed, Aug. 8, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-208]

TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK

Order Changing Date of Hearing

In a notice of hearing which was caused to be published by the Atomic Energy Commission in the June 28, 1969, issue of the FEDERAL REGISTER, Volume 34, page 10011, a hearing was scheduled to consider the issuance of an operating license to the Trustees of Columbia University in the city of New York in the captioned proceedings. The date of the hearing as set out in the notice was August 19, 1969.

At the prehearing conference held in New York City on July 31, 1969, the Board, upon consideration of the application for a postponement by Riverside Democrats, Inc., an intervening party, and the views with respect thereto of the other parties in the proceeding, decided to reschedule the hearing for September 23, 1969. In confirmation of the Board's announcement at the prehearing conference of the rescheduled hearing date: *It is hereby ordered*, That the hearing will be held on September 23, 1969, at 10 a.m., local time, in Room 261, U.S. Customs Court, 1 Federal Plaza, New York, N.Y.

Issued: August 7, 1969, Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD
VALENTINE B. DEALE,
Chairman.

[F.R. Doc. 69-9507; Filed, Aug. 8, 1969; 9:54 a.m.]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL CHARTER CORP.

Order Approving Application To Become a Bank Holding Company

In the matter of the application of First National Charter Corp., Kansas City, Mo., for the approval of action to become a bank holding company through the acquisition of voting shares of The First National Bank of Kansas City, and Leawood National Bank of Kansas City, both of Kansas City, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and section 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First National Charter Corp., Kansas City, Mo., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of at least 80 percent of the voting shares of The First National Bank of Kansas City, and at least 51 percent of the voting shares of Leawood National Bank of Kansas City, both of Kansas City, Mo.

As required by Section 3(b) of the Act, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. He recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 20, 1969 (34 F.R. 7935), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time shall be extended by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 4th day of August 1969.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-9387; Filed, Aug. 8, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4696]

EASTERN UTILITIES ASSOCIATES ET AL.

Notice of Filing of Posteffective Amendment Proposing an Additional Issue and Sale of Notes by Holding Company and Subsidiary Companies to Banks

AUGUST 5, 1969.

In the matter of Eastern Utilities Associates, Post Office Box 2333, Boston, Mass. 02107; Blackstone Valley Electric Co., Post Office Box 1111, Lincoln, R.I. 02865; Brockton Edison Co., 36 Main Street, Brockton, Mass. 02403; Fall River Electric Light Co., 85 North Main Street, Fall River, Mass. 02772; Montaup Electric Co., Post Office Box 391, Fall River, Mass. 02772; (70-4696).

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, and its four electric utility subsidiary companies, Blackstone Valley Electric Co. ("Blackstone"), Brockton Edison Co. ("Brockton"), Fall River Electric Light Co. ("Fall River"), and Montaup Electric Co. ("Montaup"), have filed with this Commission a posteffective amendment to an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"). The application-declaration designates section 6(a)(1), 7, 12(b), 12(c), and 12(f) of the Act and Rules 42(b)(2), 45(a), and 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the posteffective amendment, which is summarized below, for a complete statement of the proposed transactions.

By order dated December 19, 1968 (Holding Company Act Release No. 16248), this Commission granted and permitted to become effective the application-declaration now being amended, which order authorized the issue and sale to banks of short-term unsecured promissory notes by EUA, Blackstone, Brockton, Fall River, and Montaup and certain open-account advances by EUA in the respective maximum amounts to be outstanding at any one time as set forth therein. EUA, Blackstone, Brockton, Fall River, and Montaup now seek authorization for further borrowings from banks in addition to the maximum amounts heretofore authorized, in the aggregate amount of $5,525,000, such borrowings to be represented by short-term, unsecured promissory notes. The maximum amounts proposed to be outstanding at any time will be increased from $5,200,000 to $5,300,000 in the case of EUA, from $5,850,000 to $6,300,000 in the case of Blackstone, from $6,900,000 to $8,475,000 in the case of Brockton, from $2,400,000 to $2,900,000 in the case of Fall River, and from $5,800,000 to $8,700,000 in the case of Montaup. In all other respects, the transactions as heretofore authorized and approved by order of the Commission remain unchanged. It is stated that the aggregate construction expenditures for 1969 for these companies are estimated at $16 million.

Notice is further given that any interested person may, not later than August 26, 1969, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the posteffective amendment which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the posteffective amendment, as filed or as it may be amended, may be granted and permitted to become effective, as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9408; Filed, Aug. 8, 1969; 8:46 a.m.]

[1] Filed as part of the original document. Copies are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[2] Voting for this action: Chairman Martin and Governors Robertson, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell.

[70-4776]

OHIO EDISON CO.

Notice of Proposed Issue and Sale of Bonds at Competitive Bidding and Issue of Bonds for Sinking Fund Purposes

AUGUST 5, 1969.

Notice is hereby given that Ohio Edison Co. ("Ohio Edison"), 47 North Main Street, Akron, Ohio 44308, a registered holding company and a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $40 million principal amount of First Mortgage Bonds ____ percent Series of 1969 due 1999. The interest rate of the bonds (which will be a multiple of one-eighth of one percent) and the price, exclusive of accrued interest, to be paid to Ohio Edison (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under Ohio Edison's Indenture dated as of August 1, 1930, between Ohio Edison and Bankers Trust Co., Trustee, as heretofore amended and supplemented and as to be further amended and supplemented by a 17th Supplemental Indenture to be dated as of the first day of the calendar month in which the bonds are issued. The Indenture, as supplemented, includes a prohibition until September 1, 1974, against refunding the issue with funds borrowed at a lower annual cost of money.

The proceeds from the sale of the new bonds will be used for the acquisition of property, the construction, completion, extension, renewal, or improvement of Ohio Edison's facilities or for the improvement of its services, or for the discharge of its obligations, or for the reimbursement of its treasury for expenditures made for such purposes. Ohio Edison's construction expenditures for the year 1969 are estimated at $65,949,000.

Ohio Edison also proposes, from time to time prior to January 1, 1971, to issue an additional $889,000 principal amount of its First Mortgage Bonds 3¼% Series of 1955 due 1985, under the provisions of its 12th Supplemental Indenture dated as of May 1, 1955, and to surrender such bonds to the Trustee in accordance with the sinking fund provisions. The bonds are to be identical with those authorized by the Commission on July 7, 1966 (Holding Company Act Release No. 15520) and are to be issued on the basis of property additions. Ohio Edison estimates that, after the proposed issue of the new bonds and the sinking fund bonds, unfunded net property additions will amount to approximately $236 million as of December 31, 1968.

It is stated that the issuance of the new bonds and the sinking fund bonds is subject to the jurisdiction of the Public Utilities Commission of Ohio and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be paid in connection with the sinking fund bonds are estimated at $600. The fees and expenses in connection with the new bonds are to be filed by amendment.

Notice is further given that any interested person may, not later than August 29, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9409; Filed, Aug. 8, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-80 etc.]

GETTY OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

JULY 31, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until the date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the Rules of Practice and Procedure (18 CFR 1.8 and 1.37(f)) on or before September 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-80	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	116	3	Northern Natural Gas Co. (Yates Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area)	$169	7- 3-69	[2] 8- 3-69	1- 3-70	14.50	[4] 15.0	
	do	79	5	West Texas Gathering Co. (Emperor-Ellenburger Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	8,712	7- 3-69	[2] 8- 3-69	1- 3-70	14.39	[4] 18.0	
	do	17	19	El Paso Natural Gas Co. (Spraberry Trend Area, Glasscock, Reagan, Midland, and Upton Counties, Tex.) (RR. District Nos. 7C and 8) (Permian Basin Area).	14,383	7- 7-69	[2] 8- 7-69	1- 7-70	14.5	[4] 19.2565	
	do	67	5	Northern Natural Gas Co. (Emperor Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area)	5,330	7- 7-69	[2] 8- 7-69	1- 7-70	14.36	[4] 18.0	
	do	80	14	El Paso Natural Gas Co. (Headlee Field, Midland and Ector County, Tex.) (RR. District No. 8) (Permian Basin Area)	(8)	7- 7-69	[2] 8- 7-69	1- 7-70	15.74	[4] 19.128	
	do	151	11	El Paso Natural Gas Co. (Dollarhide Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area)	1,546	7- 7-69	[2] 8- 7-69	1- 1-70	14.50	[4] 19.128	
	do	4	14	El Paso Natural Gas Co. (Levelland Field, Hockley County, Tex.) (RR. District No. 8) (Permian Basin Area).	10,472	7- 7-69	[2] 8- 7-69	1- 7-70	14.21	[4] 18.838	
	do	80	19	El Paso Natural Gas Co. (Langmat-Christmas Field, Lea County, N. Mex.) (Permian Basin Area).	2,099	7- 7-69	[2] 8- 7-69	1- 7-70	14.12	[4] [5] [10] 17.837	
RI70-81	Getty Oil Co. (Operator) et al.	105	8	Transwestern Pipeline Co. (Kermit Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	11,304	7- 7-69	[2] 8- 7-69	1- 7-70	[7] 14.86 [9] 16.92	[4] [7] 19.25 [4] [9] 19.25	
	do	43	24	El Paso Natural Gas Co. (Blinebry et al., Fields, Lea County, N. Mex.) (Permian Basin Area).	67,283	7- 7-69	[2] 8- 7-69	1- 7-70	[9] 14.55	[4] [9] 17.837	
	do	38	18	El Paso Natural Gas Co. (Langmat-King Field, Lea County, N. Mex.) (Permian Basin Area).	3,345	7- 7-69	[2] 8- 7-69	1- 7-70	[9] 14.18	[4] [5] [10] 17.837	
RI70-82	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	133	9	El Paso Natural Gas Co. (Justis Field, Lea County, N. Mex.) (Permian Basin Area).	1,329	6-30-69	[2] 8- 1-69	1- 1-70	[9] 16.83188	[4] [11] 17.90228	RI69-208.
	do	149	13	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.) (Permian Basin Area).	457	6-30-69	[2] 8- 1-69	1- 1-70	[9] 16.8793	[4] [11] 17.9023	RI69-208.
	do	4	17	El Paso Natural Gas Co. (Spraberry Field, Reagan and Upton Counties, Tex.) (Permian Basin Area).	1,876	6-30-69	[2] 8- 1-69	1- 1-70	18.1728	[4] 19.1824	RI69-208.
	do	27	12	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.) (Permian Basin Area).	457	6-30-69	[2] 8- 1-69	1- 1-70	[9] 16.87929	[4] [11] 17.90228	RI69-208.
	do	55	11	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	750	6-30-69	[2] 8- 1-69	1- 1-70	[9] 16.87929	[4] [11] 17.90228	RI69-208.
	do	56	16	do	750	6-30-69	[2] 8- 1-69	1- 1-70	[9] 16.87929	[4] [11] 17.90228	RI69-208.
	do	62	15	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.) (Permian Basin Area).	2,130	6-30-69	[2] 8- 1-69	1- 1-70	[9] 16.87929	[4] [11] 17.90228	RI69-208.
	do	124	9	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (Permian Basin Area).	148	6-30-69	[2] 8- 1-69	1- 1-70	18.2430	[4] 19.2565	RI69-208.
	do	1	29	El Paso Natural Gas Co. (Eumont, Jalmat, and various other Fields, Lea County, N. Mex.) (Permian Basin Area).	2,304 12,236	6-30-69	[2] 8- 1-69	1- 1-70	[13] 16.87929 [9] [12] 16.42233	[4] [11] [13] 17.90228 [4] [11] [13] 17.44528	RI69-208. RI69-208.
	do	31	14	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	3	6-30-69	[2] 8- 1-69	1- 1-70	[9] 16.42233	[4] [11] 17.44528	RI69-208.
	do	57	13	do	1,301	6-30-69	[2] 8- 1-69	1- 1-70	[9] 16.42233	[4] [11] 17.44528	RI69-209.
	do	101	6	El Paso Natural Gas Co. (Jameson Field, Mitchell and Nolan Counties, Tex.) (RR. District Nos. 8 and 7B) (Permian Basin Area).	686	6-30-69	[2] 8- 1-69	1- 1-70	16.7228	[4] [11] [14] 17.7363	
	do	125	3	El Paso Natural Gas Co. (Justis Field, Lea County, N. Mex.) (Permian Basin Area).	283	6-30-69	[2] 8- 1-69	1- 1-70	[10] 16.5	[4] [11] [15] 17.5	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-82	Amerada Petroleum—Con.	132	7	El Paso Natural Gas—Con.	$443	6-30-69	[2] 8- 1-69	1- 1-70	[9] [16] 16.83188	[4] [9] [11] [16] 17.90228	RI69-208.
RI70-83	Okmar Oil Co., Post Office Box 548, Marietta, Ohio 45750.	1	10	Consolidated Gas Supply Corp. (Sheridan and Center Districts, Calhoun County, W. Va.).	5,000	7- 7-69	[16] 8- 7-69	1- 7-70	25.0	[17] [18] 27.0	
RI70-84	Midhurst Oil Corp. (Operator) et al., 1030 Bank of the Southwest Bldg., Houston, Tex. 77002.	11	6	El Paso Natural Gas Co. (Pecos Valley South Field, Pecos County, Tex.) (Permian Basin Area).	1,946	7- 7-69	[16] 8- 7-69	1- 7-70	16.72275	[4] [11] 17.73625	RI65-[illegible]
RI70-85	Phillips Petroleum Co. (Operator) et al., Bartlesville, Okla. 74003.	65	16	El Paso Natural Gas Co. (Jal Field, Lea County, N. Mex.).	8,696	7- 1-69	[2] 8- 1-69	1- 1-70	[9] 16.8792	[4] [9] [11] 17.9023	RI68-527.
	do	32	30	El Paso Natural Gas Co. (Goldsmith, Fullerton Plants, Ector and Andrews Counties, Tex.) (RR. District No. 8) and Eumont Plant, Lea County, N. Mex.).	350,628 109,154	7- 1-69	[2] 8- 1-69	1- 1-70	15.1290 [9] 15.2195	[4] [11] 16.1380 [4] [9] [11] 16.2349	RI69-527. RI69-527.
	do	33	17	do	[19] 289,936 (19)	7- 1-69	[2] 8- 1-69	1- 1-70	15.1290 [9] 15.2195	[4] [11] 16.1380 [4] [9] [11] 16.2349	RI69-527. RI69-527.
RI70-86	Phillips Petroleum Co.	151	11	El Paso Natural Gas Co. (Jal Field, Lea County, N. Mex.).	1,739	7- 1-69	[2] 8- 1-69	1- 1-70	[9] 16.8792	[4] [9] [11] 17.9023	RI68-528.
	do	404	7	El Paso Natural Gas Co. (Gomez Area, Pecos County, Tex.). (RR. District No. 8).	22,905	7- 1-69	[2] 8- 1-69	1- 1-70	16.7228	[4] [11] 17.7363	RI68-528.
	do	397	5	El Paso Natural Gas Co. (Lancaster Hills Area, Crockett County, Tex.) (RR. District No. 7C).	7,804	7- 1-69	[2] 8- 1-69	1- 1-70	16.7228	[4] [11] 17.7363	RI68-528.
	do	64	16	El Paso Natural Gas Co. (Eunice Plant, Lea County, N. Mex.).	138,235	7- 1-69	[3] 8- 1-69	1- 1-70	[9] 15.2195	[4] [9] [11] 16.2349	RI68-528.
	do	66	11	El Paso Natural Gas Co. (Denton Plant, Lea County, N. Mex.).	294	7- 1-69	[3] 8- 1-69	1- 1-70	[9] 18.2529	[4] [9] [11] 19.2664	RI68-528.
	do	7	13	El Paso Natural Gas Co. (Goldsmith Plant, Ector County, Tex.) (RR. District No. 8).	156,395	7- 1-69	[2] 8- 1-69	1- 1-70	15.1290	[4] [11] 16.1380	RI68-528.
	do	10	19	El Paso Natural Gas Co. (Keystone Plant, Winkler County, Tex.) (RR. District No. 8).	13,908	7- 1-69	[2] 8- 1-69	1- 1-70	[20] 18.1332	[4] [11] [20] 19.1411	RI68-528.
RI70-87	Standard Oil Co. of Texas, a division of Chevron Oil Co., Post Office Box 1249, Houston, Tex. 77001.	15	5	West Lake Natural Gasoline Co.[21] (Nena Lucie Field, Nolan County, Tex.) (RR. District No. 7B).	325	7- 9-69	[16] 8- 9-69	[23] 1- 1-70	9.0	[4] [22] 9.5	RI65-324.
	do	36	1	Natural Gas Pipeline Co. of America (Willamar Field, Willacy County, Tex.) (RR. District No. 4).	23,800	7- 7-69	[16] 8- 7-69	1- 7-70	[24] [25] 16.0	[4] [11] [24] 17.0	
RI70-88	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, Tex. 76107.	79	7	West Lake Natural Gasoline Co.[21] (Nena Lucia Field, Nolan County, Tex.) (RR. District No. 7B).	497	7- 1-69	[16] 8- 1-69	[23] 1- 1-70	9.0	[4] [22] 9.5	RI65-121.
RI70-89	Jake L. Hamon (Operator) et al., Post Office Box 663, Dallas, Tex. 75221.	25	9	West Lake Natural Gasoline Co.[21] (Lake Trammel Area, Nolan County, Tex.) (RR. District No. 7B).	2,050	7- 1-69	[16] 8- 1-69	[23] 1- 1-70	[26] [27] 8.5	[4] [22] 9.5	
RI70-90	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	318	11	West Lake Natural Gasoline Co. & Atlantic Richfield Co.[21] (Lake Trammel and Nena Lucia Fields, Nolan County, Tex.) (RR. District No. 7B).	845	7- 2-69	[16] 8- 2-69	[23] 1- 1-70	9.0	[4] [22] 9.5	RI65-249.
RI70-91	Sohio Petroleum Co. et al., 970 First National Annex, Oklahoma City, Okla. 73102.	98	9	West Lake Natural Gasoline Co.[21] (Nena Lucia Field, Nolan County, Tex.) (RR. District No. 7B).	641	7- 7-69	[16] 8- 7-69	[23] 1- 1-70	8.5	[4] [22] 9.5	RI63-410.
	do	99	6	do[21]	6	7- 7-69	[16] 8- 7-69	[23] 1- 1-70	8.5	[4] [22] 9.5	RI63-410.
RI70-92	Texaco, Inc., Post Office Box 3109, Midland, Tex. 79701.	277	5	West Lake Natural Gasoline Co.[21] (South Lake Trammel Field, Nolan County, Tex.) (RR. District No. 7B).	1,440	7- 7-69	[16] 8- 7-69	[23] 1- 1-70	8.5	[4] [22] 9.5	RI60-445.
	do	17	16	El Paso Natural Gas Co. (Slaughter Gasoline Plant, Hockley County, Tex.) (RR. District No. 8-A) (Permian Basin Area).	24,163	6-30-69	[2] 8- 1-69	1- 1-70	18.1215	[4] [11] 19.1283	RI68-457.
	do	18	15	El Paso Natural Gas Co. (South Fullerton Gasoline Plant, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	22,150	6-30-69	[2] 8- 1-69	1- 1-70	18.1215	[4] [11] 19.1283	RI68-457.
	do	19	13	El Paso Natural Gas Co. (Levelland Gasoline Plant, Hockley County, Tex.) (RR. District No. 8-A) (Permian Basin Area).	170	6-30-69	[2] 8- 1-69	1- 1-70	18.1215	[4] [11] 19.1283	RI68-457.
	do	21	18	El Paso Natural Gas Co. (TXL Gasoline Plant, Ector County, Tex.) (RR. District No. 8) (Permian Basin Area).	41,369	6-30-69	[2] 8- 1-69	1- 1-70	15.633	[4] [11] 16.642	RI68-457.
	do	24	18	El Paso Natural Gas Co. (Jack Herbert Field, Upton County, Tex.) (RR. District No. 7C) (Permian Basin Area).	[28] 739 [28] 122	6-30-69	[2] 8- 1-69	1- 1-70	[28] 16.7228 [28] 15.2025	[4] [11] [28] 17.7363 [4] [11] [28] 16.2160	RI68-457. RI68-457.
	do	28	12	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	613	6-30-69	[2] 8- 1-69	1- 1-70	[9] 16.8793	[4] [9] [11] 17.9023	RI68-457.
	do	29	12	do	481	6-30-69	[2] 8- 1-69	1- 1-70	[9] 16.8793	[4] [9] [11] 17.9023	RI68-457.

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-92	Texaco, Inc.—Con.	30	14	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	$4,644	6-30-69	[3] 8-1-69	1-1-70	[4] 16.8798	[5] [6] [11] 17.9023	RI68-457.
	do	31	12	El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.) (Permian Basin Area).	2,906	6-30-69	[3] 8-1-69	1-1-70	[4] 16.8793	[5] [6] [11] 17.9023	RI68-457.
	do	168	15	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	3,306	6-30-69	[3] 8-1-69	1-1-70	15.1772	[6] [11] 16.1888	RI68-457.
	do	169	12	El Paso Natural Gas Co. (Todd Northwest Field, Crockett County, Tex.) (RR. District No. 7C) (Permian Basin Area).	1,266	6-30-69	[3] 8-1-69	1-1-70	16.7228	[6] [11] 17.7363	RI68-457.
	do	246	7	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	30	6-30-69	[3] 8-1-69	1-1-70	[4] 16.4223	[5] [11] 17.4453	RI68-457.
	do	254	7	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	1,167	6-30-69	[3] 8-1-69	1-1-70	[4] 16.4223	[5] [11] 17.4453	RI68-457.
	do	271	10	El Paso Natural Gas Co. (Headlee Field, Ector County, Tex.) (RR. District No. 8) (Permian Basin Area).	[21]	6-30-69	[3] 8-1-69	1-1-70	18.1215	[6] [11] 19.1263	RI68-457.
	do	25	15	El Paso Natural Gas Co. (Bedford Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	1,851	6-30-69	[3] 8-1-69	1-1-70	15.58	[24] 16.7228	
RI70-93	Phillips Petroleum Co. (Operator), Bartlesville, Okla. 74003.	343	21	El Paso Natural Gas Co. (Hobbs Plant, Lea County, N. Mex. and Lee Plant, Lee County, N. Mex.).	75,139 165,510	7-1-69	[3] 8-1-69	1-1-70	[4] 15.2195 [4] 15.7272	[5] [11] 16.2340 [5] [11] 16.7426	RI68-529. RI68-529.
	do	359	19	El Paso Natural Gas Co. (Winkler Plant, Winkler County, Tex.) (RR. District No. 8).	25,254	7-1-69	[3] 8-1-69	1-1-70	18.1823	[6] [11] 19.1924	RI68-529.
	do	363	16	El Paso Natural Gas Co. (Tunstill Plant, Reeves County, Tex.) (RR. District No. 8).	25,844	7-1-69	[3] 8-1-69	1-1-70	16.2160	[6] [11] 17.2295	RI68-529.
	do	406	7	El Paso Natural Gas Co. (Wilson Plant, Lee County, N. Mex.).	73,500	7-1-69	[3] 8-1-69	1-1-70	18.0	[6] [11] 19.0	RI68-529.
	do	410	6	El Paso Natural Gas Co. (Ector Plant, Ector County, Tex.) (RR. District No. 8).	100,000	7-1-69	[3] 8-1-69	1-1-70	18.0	[6] [11] 19.0	RI68-529.
	do	9	20	El Paso Natural Gas Co. (Crane Plant, Crane County, Tex.) (RR. District No. 8).	95,855	7-1-69	[3] 8-1-69	1-1-70	14.8767	[6] [11] 15.8857	RI69-529.
RI70-94	Atlantic Richfield Co.	20	[25] 24	El Paso Natural Gas Co. (NMFU Field, Lea County, N. Mex.) (Permian Basin Area).	34,475	6-30-69	[3] 8-1-69	1-1-70	[12] [13] 16.879	[6] [11] [23] [26] 17.902	RI69-861.
	do	20	[25] 25	do	2,046	6-30-69	[3] 8-1-69	1-1-70	[14] 15.345	[6] [11] [26] 16.366	RI68-861.
	do	10	11	El Paso Natural Gas Co. (Denton Field, Lea County, N. Mex.) (Permian Basin Area).	563	6-30-69	[3] 8-1-69	1-1-70	[4] 18.414	[6] [11] 19.437	RI69-183.
RI70-95	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	154	8	El Paso Natural Gas Co. (Red Hills Field, Lea County, N. Mex.) (Permian Basin Area).	30,240	6-30-69	[3] 8-1-69	1-1-70	[28] 18.48	[6] [11] [26] 19.60	RI69-149.
RI70-96	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	452	1	Arkansas Louisiana Gas Co. (Kinta Field, Pittsburg County, Okla.) (Oklahoma "Other" Area).	25,200	7-3-69	[3] 8-3-69	1-3-70	15.0	[6] [26] 16.0	
	do	343	2	Northern Natural Gas Co. (Hansford and North Follett Fields, Hansford and Hutchinson Counties, Tex.) (RR. District No. 10).	900	7-11-69	[3] 8-11-69	1-11-70	[29] 17.0	[6] [11] [26] 18.0	
RI70-97	Global Oil, Inc., 2010 Republic National Bank Bldg., Dallas, Tex. 75201.	8	3	Panhandle Eastern Pipe Line Co. (Valley Center West Field, Dewey County, Okla.) (Oklahoma "Other" Area).	7,445	7-14-69	[16] 8-14-69	1-14-70	[29] [30] 17.325	[6] [11] [27] [28] 18.359	
RI70-98	Bright & Schiff (Operator) et al., 2355 Stemmons Bldg., Dallas, Tex. 75207.	5	2	South Texas Natural Gas Gathering Co. (Whitted Field, Hidalgo County, Tex.) (RR. District No. 4).	600	7-2-69	[17] 9-1-69	2-1-70	[29] 14.5	[6] [11] [26] 15.5	RI65-155.
RI70-99	Midhurst Oil Corp., 1030 Bank of the Southwest Bldg., Houston, Tex. 77002.	17	2	Natural Gas Pipeline Co. of America (Witte Field, Victoria County, Tex.) (RR. District No. 2).	1,440	7-11-69	[18] 8-11-69	1-11-70	14.0	[6] [11] 15.0	

[3] The stated effective date is the effective date proposed by Respondent.
[4] Increase from applicable area ceiling rate to contract rate.
[5] Pressure base is 14.65 p.s.i.a.
[6] No volumes sold—gas currently recycled.
[7] "Fractured" rate increase. Respondent contractually entitled to 20.5 cents per Mcf as of Sept. 1, 1968.
[8] For gas produced from Devonian and Fusselman Formations.
[9] For gas produced from Ellenberger and Clear Fork Formations.
[10] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[11] Subject to 0.4467-cent-per-Mcf compression charge where applicable.
[12] Periodic rate increase.
[13] High-pressure gas.
[14] Low-pressure gas.
[15] Suspended as to that part of the sale in Nolan County and accepted as to that part located in Mitchell County.
[16] Subject to 0.4467-cent reduction for gas delivered at less than 600 p.s.i.g.
[17] The stated effective date is the first day after expiration of the statutory notice.
[18] Favored-nation rate increase.
[19] Pressure base is 13.325 p.s.i.a.
[20] No sales are being made from the Fullerton and Eunice Plants under Rate Schedule No. 33.
[21] Subject to 1-cent-per-Mcf deduction for quality.
[22] West Lake resells gas to El Paso Natural Gas Co. under its FPC Gas Rate Schedule No. 1.
[23] Revenue-sharing rate increase. Contract price for 5-year period beginning on Jan. 1, 1968, is 80 percent of 13 cents.
[24] Suspended until Jan. 1, 1970, the end of the suspension period for West Lake's related increase.
[25] Subject to a downward B.t.u. adjustment.
[26] Initial rate.

[27] Rate collected under temporary certificate in Docket No. CI61-256 conditioned to a refund floor at 5.5 cents.
[28] Rate of 9-cents per Mcf suspended in Docket No. RI65-323 but not mae effective.
[29] Volumes purchased by West Lake are resold to El Paso Natural Gas Co. under buyer's FPC Gas Rate Schedule No. 1.
[30] Applicable to old gas-well gas. (High-pressure gas).
[31] Applicable to residue gas not derived from new gas-well gas. (Low-pressure gas.)
[32] No present gas deliveries.
[33] Old gas-well gas.
[34] Subject to 0.4467-cent-per-Mcf compression charge where applicable.
[35] Residue not derived from new gas well gas (gas lift gas).
[36] Includes upward B.t.u. adjustment.
[37] Filing from initial certificate rate to initial contract rate.
[38] Includes 0.015-cent tax reimbursement.
[39] Base rate subject to upward and downward B.t.u. adjustment.
[40] Base rate subject to upward and downward B.t.u. adjustment.
[41] Includes base rate of 17 cents plus 0.325-cent upward B.t.u. adjustment before increase and base rate of 18 cents plus 0.344-cent upward B.t.u. adjustment (1,019.1 B.t.u. gas) plus tax reimbursement after increase.
[42] The stated effective date is the contractual effective date.

Okmar Oil Co. requests waivers of the statutory notice to permit a retroactive effective date of January 28, 1969, for its proposed rate increase. Midhurst Oil Corp. (Operator) et al., requests an effective date of August 1, 1969, for its proposed rate increase, and Global Oil, Inc., requests that its proposed rate filing be permitted to become effective on June 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Midhurst Oil Corp. (Midhurst) requests waiver of the statutory notice to permit an effective date of July 11, 1969, for its proposed rate increase, and should the Commission suspended its rate filing that the suspension period with respect thereto be limited to 1 day. Good cause has not been shown for granting Midhurst's request for an earlier effective date or for limiting to 1 day the suspension period with respect to its rate filing and such request is denied.

The proposed rate increase contained in Supplement No. 6 to Amerada Petroleum Corp.'s (Amerada) FPC Gas Rate Schedule No. 101 is for a sale of gas to El Paso Natural Gas Co. in Nolan and Mitchell Counties, Tex. (Railroad Districts Nos. 7B and 8), respectively. The proposed rate of 17.7363 cents at 14.65 p.s.i.a. is below the applicable area ceiling rate of 18.60 cents established by the related quality statement for sales in Mitchell County, Tex. (Railroad District No. 8), which is in the Permian Basin Area, but exceeds the increased rate ceiling of 11.50 cents for sales in Nolan County, Tex. (Railroad District 7B). In this situation, we conclude that Amerada's proposed rate increase should be suspended for 5 months from August 1, 1969, the expiration date of the statutory notice, insofar as it applies to gas produced in Nolan County, Tex. (Railroad District No. 7B), and accepted for filing to become effective on August 1, 1969, insofar as it applies to production in Mitchell County, Tex. (Railroad District No. 8).

The proposed rate increases filed by Standard Oil Company of Texas, a division of Chevron Oil Co. (Standard) (Supplement No. 5 to Standard's FPC Gas Rate Schedule No. 15); Champlin Petroleum Co.; Jake L. Hamon (Operator) et al., Pan American Petroleum Corp.; Sohio Petroleum Co. et al., and Texaco, Inc. (Texaco), Supplement No. 5 to Texaco's FPC Gas Rate Schedule No. 277), are revenue-sharing increases to 9.5 cents at 14.65 p.s.i.a. for sales of gas to West Lake Natural Gasoline Co. (West Lake) and are 50 percent of West Lake's proposed increase to 19 cents for its resale of the gas to El Paso Natural Gas Co. West Lake's proposed increase exceeds the 11.5-cent increased rate ceiling and is suspended for 5 months from August 1, 1969, until January 1, 1970. Since the aforementioned producers' proposed increases are a percentage portion of the buyer's suspended rate, we conclude that they should be suspended until January 1, 1970, the expiration date of the suspension period for West Lake's related rate increase.

Thirty-one of the proposed rate increases herein reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file protests to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While the buyer concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein with respect to the rate filings containing such tax shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Ch. I, Pt. 2, § 2.56), with the exceptions of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended; the seven producers whose proposed rates are related to the buyer's suspended resale rate, and that part of Amerada's rate for sales in Mitchell County Tex. (Railroad District No. 8) which is below the applicable ceiling rate established by the related quality statement and is accepted.

[F.R. Doc. 69-9232; Filed, Aug. 8, 1969; 8:45 a.m.]

LICENSES ISSUED PURSUANT TO THE FEDERAL POWER ACT

Notice of Expiration

JULY 30, 1969.

So that the Congress may have an adequate opportunity to decide whether upon the expiration of the licenses for takeover the projects under section 14 of the Federal Power Act as amended and that the licensees for the projects and others may have adequate notice and opportunity to file timely applications for new licenses under section 15 of the Act as amended (16 U.S.C. 808), public notice is hereby given that the licenses issued for the designated and described projects on the appended list will expire on the dates specified.

GORDON M. GRANT,
Secretary.

LICENSES FOR PROJECTS WHICH WILL EXPIRE BETWEEN JULY 1, 1969 & JUNE 30, 1975, WHICH ARE SUBJECT TO TAKEOVER[1]

License expiration date	Licensee	Project No.	State	County or town	Stream	Installation (kilowatts)	Facilities under license	Period of license (years)
Dec. 31, 1969	Margaret P. Dawson	1890	California	Mono	Milner Creek	250	Diversion dam, pipeline, powerhouse, transmission line.	25
Do	Interconstal Packing Co	2026	Alaska	On Kodiak Island	Crater and Ash Creeks	150	2 diversion dams, ditch, flumes, pipeline, powerhouse.	25
Do	The Montana Power Co	2301	Montana	Stillwater	West Rosebud Creek	10,000	Storage dam, tunnel, pipeline, penstock, powerhouse, transmission line.	7½
Apr. 12, 1970	The Western Colorado Power Co	733	Colorado	Ouray	Uncompahgre River	432	Storage dam, conduit, penstock, powerhouse	10
June 15, 1970	Southern California Edison Co	372	California	Tulare	Tule River	2,000	2 diversion dams, conduits, regulating reservoir, penstock, powerhouse, transmission line.	28½
June 30, 1970	The Western Colorado Power Co	400	Colorado	La Plata, San Juan, San Miguel, Ouray.	Animas and South Fork, San Miguel Rivers.	11,600	4 dams, 3 reservoirs, 3 conduits, 2 powerhouses, 5 transmission lines.	35
Do	Utah Power & Light Co	472	Idaho	Franklin	Bear River	30,000	Storage dam, steel pipe, penstocks, powerhouse, transmission line.	43½
Do	do	486	Utah	Cache	Logan River	2,000	Diversion dam, wooden flume, 2 penstocks, powerhouse, transmission line.	43½
Do	Idaho Power Co	503	Idaho	Ada and Owyhee	Snake River	10,300	Storage dam and powerhouse	42½
Do	Utah Power & Light Co	507	Utah	Salt Lake	Big Cottonwood Creek	1,000	Diversion dam, channel, steel pipe, powerhouse, transmission line.	43½
Do	do	[2] 665	do	Utah	Santaquin or Summit Creek.	880	Diversion dam, conduit, steel pipe, powerhouse, transmission line.	43½
Do	do	696	do	do	American Fork Creek	950	Diversion dam, conduit, penstock, powerhouse, transmission line.	43½
Do	do	703	Idaho	Bear Lake	Paris Creek	650	Diversion dam, canal, forebay, penstock, powerhouse, transmission line.	43½
Do	do	[2] 713	Utah	Salt Lake	Mill Creek	300	Diversion dam, conduit, penstock, powerhouse, transmission line.	43½
Do	do	1744	do	David, Morgan, Weber	Weber River	2,500	Dam, conduit, powerhouse, 2 transmission lines	32½
Do	Wisconsin Michigan Power Co	1759	Wisconsin	Iron	Michigamme and Menominee Rivers.	22,500	3 dams, 3 reservoirs, tunnel, conduits, 3 powerhouses, 2 transmission lines.	32½
Do	New England Power Co	1855	Vermont, New Hampshire.	Windham, Windsor, Vt., Cheshire, Sullivan, New Hampshire.	Connecticut River	40,800	Dam canal, powerhouse, 4 transmission lines	32½
Do	Pennsylvania Power & Light Co	1881	Pennsylvania	York and Lancaster	Susquehanna River	109,800	Dam and integral powerhouse	32½
Do	Metropolitan Edison Co	1888	do	Dauphin, Lancaster, York.	do	19,600	2 dams, headrace, powerhouse	32½
Do	Western Massachusetts Electric Co	1889	Vermont, Massachusetts, New Hampshire.	Windham, Vt.; Franklin, Mass; Cheshire, N.H.	Connecticut River	55,800	2 dams, canals, 2 powerhouses, transmission line.	32½
Do	New England Power Co	1892	Vermont, New Hampshire.	Orange, Windsor, Vt.; Cheshire, Grafton, Sullivan, N.H.	do	32,400	Dam, integral powerhouse, 4 transmission lines	32½
Do	Public Service Company of New Hampshire.	1893	New Hampshire	Hillsboro, Merrimack	Merrimack River	16,000	Dam, powerhouse, transmission line.	32½
Do	South Carolina Electric & Gas Co	1894	South Carolina	Fairfield	Broad River	14,900	Dam and integral powerhouse	32½
Do	do	1895	do	Richland	do	10,600	Dam, canal, powerhouse	32½
Do	Pennsylvania Electric Co	[3] 1899	Pennsylvania	Susquehanna	North Branch Susquehanna.	600	Dam and integral powerhouse	32½
Do	New England Power Co	1904	Massachusetts, Vermont, New Hampshire.	Franklin, Worcester, Mass.; Windham, Vt.; Cheshire, N.H.	Connecticut River	24,400	Dam, integral powerhouse, 2 transmission lines.	32½
Do	Public Service Company of New Hampshire.	1913	New Hampshire	Merrimack	Merrimack River	1,600	Dam and powerhouse	32½
Do	Wisconsin Public Service Corp	1957	Wisconsin	Vilas	Wisconsin River	750	Dam and integral powerhouse	32½
Do	Whiting Plover Paper Co	[3] 1967	do	Portage	do	600	2 dams and part of factory building	32½
June 30, 1970	Wisconsin Public Service Corp	1968	do	Oneida	do	1,440	Dam and 2 integral powerhouses	32½
Do	do	1969	do	Lincoln	do	840	Dam, headrace, powerhouse	32½
Do	do	1969	do	Marathon	do	5,400	Dam, integral powerhouse, guard locks, 2 transmission lines.	32½
Do	International Paper Co	2095	Pennsylvania	York	Susquehanna River	2,800	Headrace, powerhouse, parts of 2 factory buildings.	32½

Do	Consolidated Water Power Co	2110	Wisconsin	Portage	Wisconsin River	3,800	Dam, integral powerhouse, transmission line	32½
Do	St. Regis Paper Co	2161	do	Oneida	do	2,120	Dam, canal, powerhouse	32½
Do	Consolidated Water Power Co	[2] 2192	do	Wood and Portage	do	3,300	Dam, integral powerhouse, integral grinder building.	32½
Mar. 2, 1971	Niagara Mohawk Power Corp	13	New York	Albany, Saratoga, Rensselaer.	Hudson River	3,280	Powerhouse	50
Do	Southern California Edison Co	67	California	Fresno	Tributaries of San Joaquin River.	138,500	2 storage reservoirs, diversion dams, conduits, 2 powerhouses, transmission lines.	50
Mar. 3, 1971	do	120	do	Fresno, Kern, Madera, Los Angeles, Tulare.	San Joaquin River	110,000	Diversion dam, tunnel, penstock, powerhouse, transmission lines.	48¾
June 26, 1971	Alabama Power Co	82	Alabama	Coosa and Chilton	Coosa River	72,500	Dam, reservoir, powerhouse	50
Aug. 8, 1971	Northern States Power Co	106	Wisconsin	Sawyer	Chippewa River		Dam and reservoir	50
Sept. 16, 1971	Georgia Power Co	1218	Georgia	Dougherty and Lee	Flint River	5,400	2 dams, 2 reservoirs, powerhouse	38¾
Dec. 31, 1971	Leonard Lundgren	1097	Oregon	Jefferson	Jack Creek	90	Diversion dam, canal, penstock, powerhouse, transmission line.	20
Feb. 22, 1972	Pacific Gas & Electric Co	184	California	Alpine, Amador, and Eldorado.	South Fork, American River.	20,000	4 storage reservoirs, conduit, powerhouse, transmission line.	50
Apr. 14, 1972	do	77	do	Mendocino	Eel and Russian Rivers	8,800	Storage reservoir, diversion dam, forebay, pressure conduit, 2 powerhouses, discharge canal.	50
July 27, 1972	do	175	do	Fresno	North Fork, Kings River.	128,200	Diversion dam, afterbay dam, conduit, powerhouse, transmission line.	50
Sept. 26, 1972	Portland General Electric Co	135	Oregon	Clackamas	Clackamas River and Oak Grove River.	51,000	Storage reservoir, diversion dam, forebay reservoir, conduit, powerhouse, and transmission line.	50
Oct. 12, 1972	Pennsylvania Electric Co	309	Pennsylvania	Clarion	Clarion River	28,800	Dam and powerhouse	50
Oct. 31, 1972	Jesse I. Smith	719	Washington	Chelan	James & Phelps Creeks	318	2 diversion dams, 2 conduits and a powerhouse	20
Dec. 1, 1972	Pacific Gas & Electric Co	96	California	Madera and Fresno	San Joaquin River	34,100	Dam, conduit, powerhouse, transmission lines	50
Feb. 6, 1973	Arkansas Power & Light Co	271	Arkansas	Montgomery, Garland, Hot Springs.	Ouachita River	65,300	2 dams, 2 reservoirs, 2 powerhouses	50
Apr. 26, 1973	Southern California Edison Co	344	California	Riverside and San Bernardino.	San Gorgonio River	2,300	2 diversion dams, 2 canals, 2 forebay tanks, 2 penstocks, 2 powerhouses, and transmission line.	50
June 6, 1973	Ford Motor Co	362	Minnesota	Hennepin and Ramsey	Mississippi River	14,400	Powerhouse	50
June 8, 1973	Alabama Power Co	349	Alabama	Elmore, Tallapoosa and Coosa.	Tallapoosa River	154,200	Dam, reservoir, powerhouse	50
June 30, 1973	Owens-Illinois Glass Co	2180	Wisconsin	Lincoln	Wisconsin River	3,000	Dam, integral powerhouse, transmission line	35½
July 4, 1973	Utah Power & Light Co	20	Idaho	Bannock and Caribou	Bear River	14,000	Dam and integral powerhouse, reservoir	50
Aug. 24, 1973	Minnesota Power & Light Co	346	Minnesota	Morrison	Mississippi River	12,000	Dam and integral powerhouse	50
Sept. 18, 1973	Michigan Gas & Electric Co	401	Michigan	St. Joseph	St. Joseph River	1,700	do	50
Oct. 23, 1973	Pacific Gas & Electric Co	233	California	Shasta	Pit River	292,250	3 dams, 3 powerhouses, 3 reservoirs, penstocks, pressure tunnels, surge tanks, transmission lines.	50
Oct. 26, 1973	Minnesota Power & Light Co	469	Minnesota	St. Louis and Lake	Kawishiwi River	4,000	Dam, reservoir, penstocks, powerhouse, and transmission line.	49½
Apr. 10, 1974	North Counties Hydro-Electric Co	287	Illinois	La Salle	Fox	3,680	Dam, reservoir, headrace and powerplant	50
June 24, 1974	Escondido Mutual Water Co	176	California	San Diego	San Luis Rey	760	Diversion dam, conduit, dam, reservoir, 2 power plants and transmission lines.	50
June 26, 1974	Pacific Power and Light Co	308	Oregon	Wallowa	East Fork Wallowa River and Royal Purple Creek.	800	2 diversion dam, 2 pipe conduits and powerhouse.	50
June 30, 1974	Wisconsin Public Service Corp	1979	Wisconsin	Lincoln	Wisconsin	4,200	Dam, reservoir and powerhouse	36½
June 30, 1974	Wisconsin Michigan Power Co	2131	Wisconsin and Michigan	Florence, Wis, and Dickinson, Mich.	Menominee	7,200	Dam, reservoir, powerhouse and transmission line.	36½
Sept. 28, 1974	Pennsylvania Power & Light Co	487	Pennsylvania	Wayne and Pike	Wallenpaupack	40,000	Dam, dike, reservoir, conduits and powerhouse	50
Dec. 14, 1974	Georgia Power Co	485	Alabama and Georgia	Chambers and Lee, Ala.; Harris, Ga.	Chattahoochee	65,000	Dam, reservoir, powerhouse and transmission line.	50
Dec. 31, 1974	Mosinee Paper Mills Co	2207	Wisconsin	Mosinee	Wisconsin	3,050	Dam, reservoir, two powerhouses and two transmission lines.	37
Feb. 27, 1975	Southern California Edison Co	382	California	Kern	Kern	9,200	Diversion dam, conduit, powerhouse and transmission line.	50
Apr. 29, 1975	Pacific Gas & Electric Co	178	California	Kern	Kern	8,500	Diversion dam, conduit, powerhouse and transmission line.	50

[1] Sec. 14 of the Federal Power Act (16 U.S.C. 807) as amended by Public Law 90-451, 82 Stat. 617, reserves the right to the United States to take over the project works upon expiration of each license listed in this table at a price to be determined under that section.

[2] Application for surrender of license filed.

[3] This project produces both mechanical and electrical power. The mechanical power is represented in this figure by an equivalent number of kilowatts of each electric power.

[F.R. Doc. 69-9114; Filed, Aug. 8, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 6, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41711—*Iron or steel articles from Wayne, Mich.* Filed by Southwestern Freight Bureau, agent (No. B–57), for interested rail carriers. Rates on iron or steel articles, as described in the application, in carloads, from Wayne, Mich., to points in Louisiana and Texas.

Grounds for relief—Carrier competition.

Tariff—Supplement 188 to Southwestern Freight Bureau, agent, tariff ICC 4753

FSA No. 41712—*Tin mill black plate from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B–60), for interested rail carriers. Rates on plate, tin mill black, chrome coated, lithographed, in packages or on platforms, in carloads, as described in the application, from points in Oklahoma and Texas, also Kansas City, Mo.-Kans., to West Memphis, Ark., also from points in Alabama, Illinois, Indiana, and Missouri, to points in Texas, on the other.

Grounds for relief—Rate relationship.

Tariff—Supplement 118 to Southwestern Freight Bureau, agent, tariff ICC 4753.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–9360; Filed, Aug. 8, 1969; 8:45 a.m.]

[Notice 881]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 6, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 10345 (Sub-No. 89 TA), filed July 29, 1969. Applicant: C & J COMMERCIAL DRIVEWAY, INC., 1905 West Mount Hope Avenue, Lansing, Mich. 48903. Applicant's representative: Douglas F. Bettis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, assembled in Canada for the Pontiac Division, General Motors Corp., in truckaway service, in secondary movements, restricted to automobiles which have had an immediately prior movement by rail, from Pitcairn, Pa., to points in Pennsylvania, Ohio, and West Virginia, and to Frostburg and Cumberland, Md., for 180 days. NOTE: No proposal to tack this authority with any now held by applicant. Supporting shipper: Pontiac Motor Division, General Motors Corp., Pontiac, Mich. 48053. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 30844 (Sub-No. 285 TA), filed July 30, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, packinghouse products*, as defined in section A of Appendix I of the Report of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Postville, Iowa, to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, for 180 days. Supporting shipper: Hygrade Food Products Corp., 11801 Mack Avenue, Detroit, Mich. 48214. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa, 52801.

No. MC 31600 (Sub-No. 644 TA), filed July 29, 1969. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonia nitrate prills*, dry, in bulk, tank vehicles, from Ogdensburg, N.Y., to Bethel, Vt., for 180 days. Supporting shipper: Hercules, Inc., Wilmington, Del. 19899. Send protests to: A. M. Gallagher, Rate Agent, J. F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 64994 (Sub-No. 108 TA), filed July 29, 1969. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cream, or liquid cream substitute*, sterilized, plain, sweetened or flavored, in hermetically sealed containers, and *sauces, dressing, salad*, other than dry, from Washington Court House, Ohio, to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Avoset Co., 5131 Shattuck Avenue, Oakland, Calif. 94609. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 82492 (Sub-No. 28 TA), filed July 29, 1969. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 693 Plymouth Road NE., Grand Rapids, Mich. 49505. Applicant's representative: William C. Harris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except canned goods), as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Postville, Iowa, to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, for 180 days. Supporting shipper: Hygrade Food Products Corp., 11801 Mack Avenue, Detroit, Mich. 48214. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 108207 (Sub-No. 265 TA), filed July 29, 1969. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pizza and frozen pizza rolls; frozen and nonfrozen bakery goods, icings, and cake mixes*, from St. Louis, Mo., to points in Indiana and Ohio, and to Louisville, Ky., for 150 days. NOTE: Applicant does not intend to tack. Supporting shippers: All-American Systems, Inc., 6619 Clayton Road, Suite 4A, St. Louis, Mo. 63117; Petrofsky's Bakery & Delicatessen, 7649 Delmar Boulevard., St. Louis, Mo. 63130. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 111401 (Sub-No. 285 TA), filed July 30, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cleaning solvent* (naphtha) in bulk, in tank vehicles, from Cleveland, Okla., to Fort Benning, Ga., for 180 days. Supporting shipper: Ray P. Fischer, Traffic Manager, Kerr-McGee Corp., Kerr-McGee Building, Oklahoma City, Okla. 73102. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 115242 (Sub-No. 7 TA), filed July 30, 1969. Applicant: DONALD MOORE, 603 Buchanan Street, Prairie du Chien, Wis. 53821. Applicant's representative: Philip H. Porter, 16 North Carroll Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Dodgeville, Wis., to Dubuque, Iowa, for 150 days. Supporting shippers: Farmer Stave Co., Dodgeville, Wis. 53533; The Celotex Corp., Dubuque, Iowa 52001. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Madison, Wis. 53703.

No. MC 126198 (Sub-No. 6 TA), filed July 30, 1969. Applicant: EARL MICHAUD, 133 Birch Street, Kingsford, Mich. 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, namely beer and ale*, from Columbus, Ohio, to Calumet, Mich., and from Fort Wayne and South Bend, Ind., to Munising, Mich., for 180 days. Supporting shippers: Ferdinand Peterlin, Partner, Peterlin Brothers, 814 Portland Street, Calumet, Mich. 49913; John H. T. Gatiss Distributing Agency, 209 Maple Street, Munising, Mich. 49862. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 133820 (Sub-No. 1 TA), filed July 30, 1969. Applicant: CLYDE W. PLUNKARD, Route 2, Hagerstown, Md. 21713. Applicant's representative: Charles D. Gillan, 113 Montrose Avenue, Baltimore, Md. 21228. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, fresh in packages, including *cottage cheese and sour cream*, from Hagerstown, Md., to Washington, D.C., also transporting *empty shipping packages* for dairy products on return, for 180 days. Supporting shipper: Breakstone Foods, Division National Dairy Products Corp., 500 McDowell Avenue, Hagerstown, Md. 21740. Send protests to: Robert Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 2210, Washington, D.C. 20423.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–9437; Filed, Aug. 8, 1969; 8:48 a.m.]

[Notice 393]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 6, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71527. By order of July 31, 1969, the Motor Carrier Board approved the transfer to H. W. Jones & Son, Inc., Marengo, Ohio, of the certificate in No. MC–24499, issued October 31, 1955, to Gene Rastetter, Inc., Wooster, Ohio, authorizing the transportation of machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Ohio and West Virginia. Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215, attorney for applicants.

No. MC–FC–71526. By order of July 31, 1969, the Motor Carrier Board approved the transfer to John E. Gates, doing business as Gates Transport, Perry, N.Y., of the certificate in No. MC–30801 and the certificate of registration in No. MC–30801 (Sub-No. 2), issued May 21, 1941, and March 25, 1964, respectively, to Walsh Motor Express, Inc., Warsaw, N.Y., authorizing the transportation of general commodities with exceptions between Buffalo, N.Y., on the one hand, and, on the other, named points in the State of New York; and general commodities between named points and described areas in the State of New York. Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580, representative for applicants.

No. MC–FC–71462. By order of July 31, 1969, the Motor Carrier Board approved the transfer to Lakeland Bus Lines, Inc., North Chicago, Ill., of certificate No. MC–114093 issued April 21, 1954, to W. Graff Bus Lines, Inc., Gages Lake, Ill., authorizing the transportation of passengers and their baggage in round-trip charter operations, beginning and ending at points in Lake and McHenry Counties, Ill., and extending to points in Wisconsin and Indiana subject to certain restrictions. Robert F. Munsell, Room 888, 516 West Jackson, Boulevard, Chicago, Ill. 60606, attorney for applicants.

No. MC–FC–71546. By order of July 31, 1969, the Motor Carrier Board approved the transfer to Sands Elevator, Inc., Swan Creek, Ill., of permit No. MC–125571 (Sub-No. 1), issued February 1, 1965, to Henry Dale Sands, doing business as Sands Elevator, Swan Creek, Ill., authorizing the transportation of: Steel bins and parts thereof, knocked down, from Kansas City, Mo., to points in Knox, Warren, Fulton, Henderson, and McDonough Counties, Ill., limited to service to be performed between April 15 and November 4 of each year, both dates inclusive, and under a contract with Allen Sales & Service, of Galesburg, Ill. Melvin N. Routman, 308 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–9438; Filed, Aug. 8, 1969; 8:48 a.m.]

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VOLUME 34 • NUMBER 153
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Pages 12981–13071

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Business and Defense Services Administration
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Federal Aviation Administration
Federal Communications Commission
Federal Housing Administration
Federal Maritime Commission
Federal Power Commission
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Fish and Wildlife Service
Food and Drug Administration
Indian Affairs Bureau
Interstate Commerce Commission
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Securities and Exchange Commission
Small Business Administration
Social Security Administration

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Executive Order 11478

EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

It has long been the policy of the United States Government to provide equal opportunity in Federal employment on the basis of merit and fitness and without discrimination because of race, color, religion, sex, or national origin. All recent Presidents have fully supported this policy, and have directed department and agency heads to adopt measures to make it a reality.

As a result, much has been accomplished through positive agency programs to assure equality of opportunity. Additional steps, however, are called for in order to strengthen and assure fully equal employment opportunity in the Federal Government.

NOW, THEREFORE, under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

SECTION 1. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a continuing affirmative program in each executive department and agency. This policy of equal opportunity applies to and must be an integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of civilian employees of the Federal Government.

SEC. 2. The head of each executive department and agency shall establish and maintain an affirmative program of equal employment opportunity for all civilian employees and applicants for employment within his jurisdiction in accordance with the policy set forth in section 1. It is the responsibility of each department and agency head, to the maximum extent possible, to provide sufficient resources to administer such a program in a positive and effective manner; assure that recruitment activities reach all sources of job candidates; utilize to the fullest extent the present skills of each employee; provide the maximum feasible opportunity to employees to enhance their skills so they may perform at their highest potential and advance in accordance with their abilities; provide training and advice to managers and supervisors to assure their understanding and implementation of the policy expressed in this Order; assure participation at the local level with other employers, schools, and public or private groups in cooperative efforts to improve community conditions which affect employability; and provide for a system within the department or agency for periodically evaluating the effectiveness with which the policy of this Order is being carried out.

SEC. 3. The Civil Service Commission shall provide leadership and guidance to departments and agencies in the conduct of equal employment opportunity programs for the civilian employees of and applicants for employment within the executive departments and agencies in order to assure that personnel operations in Government departments and agencies carry out the objective of equal opportunity for all persons. The Commission shall review and evaluate agency program operations periodically, obtain such reports from departments and agencies as it deems necessary, and report to the President as appropriate on overall progress. The Commission will consult from time to time with such individuals, groups, or organizations as may be of assistance in improving the Federal program and realizing the objectives of this Order.

SEC. 4. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment on the basis of race, color, religion, sex, or national origin. Agency systems shall provide access to counseling for employees who feel aggrieved and shall encourage the resolution of employee problems on an informal basis. Procedures for the consideration of complaints shall include at least one impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission.

SEC. 5. The Civil Service Commission shall issue such regulations, orders, and instructions as it deems necessary and appropriate to carry out this Order and assure that the executive branch of the Government leads the way as an equal opportunity employer, and the head of each executive department and agency shall comply with the regulations, orders, and instructions issued by the Commission under this Order.

SEC. 6. This Order applies (a) to military departments as defined in section 102 of title 5, United States Code, and executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code, and to the employees thereof (including employees paid from nonappropriated funds), and (b) to those portions of the legislative and judicial branches of the Federal Government and of the Government of the District of Columbia having positions in the competitive service and to the employees in those positions. This Order does not apply to aliens employed outside the limits of the United States.

SEC. 7. Part I of Executive Order No. 11246 of September 24, 1965, and those parts of Executive Order No. 11375 of October 13, 1967, which apply to Federal employment, are hereby superseded.

Richard Nixon

THE WHITE HOUSE,
August 8, 1969.

[F.R. Doc. 69-9556; Filed, Aug. 8, 1969; 4:24 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that three positions of Congressional Liaison Officer in the Office of the Assistant Secretary for Public Affairs are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (19) is added to paragraph (a) as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(19) Three Congressional Liaison Officers, Office of the Assistant Secretary for Public Affairs.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9541; Filed, Aug. 11, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1443—OILSEEDS

Subpart—Cottonseed Oil and Meal Purchase Program Regulations (1969)

Part 1443 is supplemented by revising §§ 1443.58–1443.71 to read as follows, effective as to the 1969 Cottonseed Oil and Meal Purchase Program. The material previously appearing in these sections remains in full force and effect as to the 1968 Cottonseed Oil and Meal Purchase Program to which it was applicable.

Sec.
1443.58 General statement.
1443.59 Administration.
1443.60 Crusher's participation in program.
1443.61 Purchases of cottonseed by crusher.
1443.62 Cooperative mills.
1443.63 Tenders.
1443.64 Purchase by CCC.
1443.65 Information release.
1443.66 Movement of cottonseed oil or meal.
1443.67 Books and records.
1443.68 Certification of independent price determination.
1443.69 Parent company.
1443.70 Benefits and contingent fees.
1443.71 Nondiscrimination in employment.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended, secs. 301, 401, 63 Stat. 1051, as amended, sec. 601, 70 Stat. 212, 15 U.S.C. 714b and 714c, and 7 U.S.C. 1447, 1421, 1446d.

Subpart—Cottonseed Oil and Meal Purchase Program Regulations (1969)

§ 1443.58 General statement.

As a part of the 1969 Cottonseed Price Support Program formulated by Commodity Credit Corporation (referred to in this subpart as "CCC") and the Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS"), CCC will purchase cottonseed oil and, at its option and on a limited basis only, cottonseed meal from cottonseed crushers participating in the program upon the terms and conditions stated in this subpart. No purchases of cottonseed meal will be made unless CCC subsequently announces that it will consider tenders of meal under circumstances specified in § 1443.63(c). No purchases will be made by CCC from crushers who do not participate in the program.

§ 1443.59 Administration.

The program will be carried out by ASCS under the general supervision and direction of the Executive Vice President, CCC. Except as specifically provided otherwise, operations under this subpart will be administered by the New Orleans ASCS Commodity Office located at Wirth Building, 120 Marais Street, New Orleans, La. 70112 (referred to in this subpart as "the New Orleans office"). CCC contracting officers in the New Orleans office will execute contract documents on behalf of CCC. Officials in the New Orleans office do not have authority to waive or modify any provisions of this subpart. The forms referred to in this subpart may be obtained from the New Orleans office.

§ 1443.60 Crusher's participation in program.

(a) *Eligible crusher.* Any crusher who completes and forwards to the New Orleans office a signed original and copy of the 1969 Cottonseed Price Support Program Crusher Acceptance (Form CCC 912) not later than September 1, 1969, and complies with the other provisions of this subpart (such crusher is hereinafter referred to as a "participating crusher") will be eligible to make tenders hereunder to CCC, except that (1) no purchases will be made by CCC from any crusher debarred or suspended from contracting with CCC or from participating in programs financed by CCC, and (2) subject to approval of CCC, a crusher may file such acceptance form subsequent to September 1, 1969, but in such event he may tender only the cottonseed oil or meal equivalent of seed purchased subsequent to the date of filing the acceptance form. If a crusher operates more than one cottonseed crushing mill, he must file an acceptance form for each mill which he desires to have participate in the program, and each such mill shall be treated as a separate unit for the purpose of determining the rights and obligations of the crusher with respect to cottonseed purchased by and cottonseed oil and meal delivered from each such mill. A participating crusher may withdraw from the program at any time upon written notice to the New Orleans office and will not be obligated to pay the applicable minimum prices determined in accordance with § 1443.61(a) for cottonseed purchased after withdrawal. CCC will not accept any tender submitted by a crusher after his withdrawal, and cottonseed purchased after his withdrawal will not be eligible cottonseed as defined in § 1443.63 (e).

(b) *Assurance.* The acceptance form will contain an assurance by the crusher that his participation in the program will be conducted, and his facilities operated, in compliance with all of the requirements imposed by, or pursuant to, the regulations governing nondiscrimination in federally assisted programs of the Department of Agriculture, Part 15 of this title, which effectuate title VI of the Civil Rights Act of 1964.

§ 1443.61 Purchases of cottonseed by crusher.

(a) *Price.* Except as otherwise provided in this paragraph, a participating crusher must pay for all 1969 crop cottonseed purchased from ginners not less than $41 per ton, net weight, basis grade (100), f.o.b. conveyance or carrier at the gin, and from producers not less than a season's weighted average price of $37 per ton, gross weight, basis grade (100), and, in the case of purchases from both gins and producers, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than the basis grade (100). For the purposes of this subpart, the term "season's weighted average price" means the weighted average of the prices paid for cottonseed by the crusher between the date on which he executes the 1969 Cottonseed Price Support Crusher Acceptance submitted to CCC under § 1443.60 (a) and the earlier of (1) the date he executes a notice of withdrawal from the program which is submitted to CCC under § 1443.60(a), or (2) the date of

his final purchase of 1969 crop cottonseed. Cottonseed which is "below grade" or "off quality," as defined in C&MS Service and Regulatory Announcement No. 179, as amended, "Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States" (hereinafter referred to as "the Cottonseed Standards"), §§ 61.101–61.104 of this title, may be purchased at a price mutually agreeable to the crusher and the seller.

(b) *Grades.* Except as provided in subparagraphs (1), (2), and (3) of this paragraph, all 1969 crop cottonseed purchased by the crusher shall be graded by federally licensed cottonseed chemists in accordance with the Cottonseed Standards on the basis of samples drawn from the cottonseed by federally licensed cottonseed samplers or such other persons as are approved by CCC. The cost of sampling and grading cottonseed shall be borne by the crusher.

(1) Any crusher located in North Carolina, South Carolina, Georgia, the south Alabama counties of Montgomery, Dallas, Houston, and Barbour, or the San Joaquin Valley of California, may exclude the linters factor in determining the grade if such crusher did not have cottonseed from the 1968 crop graded in accordance with the Cottonseed Standards because of the linters factor.

(2) The grade of cottonseed acquired by the crusher in the San Joaquin Valley of California may be determined on the basis of composite samples of such cottonseed. Individual samples drawn from at least the first three shipments of cottonseed received by the crusher each day shall be mixed together to form a composite sample, except that if a crusher receives less than 35 tons of cottonseed on any day, individual samples may be retained and mixed to form a composite sample when the individual samples represent an accumulation of approximately 35 tons of cottonseed: *Provided*, That no composite sample shall be made from individual samples which have been retained for more than 3 days.

(3) The crusher shall not be obligated to grade 1969 crop cottonseed in accordance with the Cottonseed Standards until the 20th business day following the date of publication of this subpart in the FEDERAL REGISTER.

(c) *Weight.* Purchases of cottonseed from ginners by crushers under this subpart shall be based upon weight at the crusher's mill after deduction of the weight of all foreign material in excess of 1 percent. Purchases of cottonseed from producers by crushers under this subpart shall be based upon the gross weight of the cottonseed as customarily determined by the crusher when making purchases of cottonseed from producers. The cost of weighing shall be borne by the crusher.

(d) *Receipts from certain gins.* Where a gin and crusher are under common control, direction, or management, cottonseed received by the crusher from such gin shall not have been purchased from producers at less than a season's weighted average price of $37 per ton, gross weight, basis grade (100), with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than the basis grade (100).

§ 1443.62 Cooperative mills.

If the crusher is a cooperative oil mill, and if the marketing agreements between the crusher and its members provide for advances, the crusher may advance a part of the applicable minimum purchase price determined in accordance with the provisions of § 1443.61 at the time each lot of cottonseed is purchased and pay the balance of the minimum price after completion of crushing of the 1969 crop cottonseed, but not later than December 31, 1970. Such balance shall be paid in cash unless the Executive Vice President, CCC, has approved deferred payment thereof by issuance of revolving fund certificates or by other methods of retention of funds for capital purposes. The Executive Vice President will approve deferred payment only by crushers (a) which are organized under applicable State or Federal laws as an association of persons who are engaged in the production of agricultural commodities, or as an association of other associations of such persons, and (b) which he determines are operating on a financially sound basis. Any such crusher desiring approval to make deferred payment shall submit its application for approval to the Director, Oilseeds and Special Crops Division, ASCS, Washington, D.C. 20250, not later than the date of submission of its acceptance form, or such later date as CCC may for good cause approve. The application shall include a certified statement that the crusher meets the requirements of paragraph (a) of this section, and a complete and accurate statement of its current financial condition. The crusher shall also submit to CCC such other information regarding its financial condition as CCC may request.

§ 1443.63 Tenders.

(a) *Tenders of oil by crusher.* A participating crusher may tender to CCC only cottonseed oil produced at his mill. A participating crusher who produces only crude oil or only once-refined oil may tender only crude oil or once-refined oil, respectively. A participating crusher who produces both crude and once-refined oil may tender only once-refined oil, except that (1) the crusher may, at his request and with the prior approval of CCC, tender crude oil, and (2) the crusher may tender only crude oil if CCC notifies him that it will, with respect to specific tender periods, receive tenders of crude oil only. The price in any tender shall be the price as proposed by the crusher, except that, if a maximum price for the crusher's area is announced by CCC under paragraph (b) of this section, the price for oil as proposed by the crusher in any tender shall not exceed the price so announced.

(b) *Announcement of purchase price of oil by CCC.* CCC may, at its option, at any time prior to 2 p.m., c.s.t., or e.d.t., whichever is in effect, on any Monday of any given week, announce that it will purchase cottonseed oil at not more than specified prices within areas designated by CCC. Such prices will be determined by CCC after giving consideration to the criteria specified in § 1443.64(b).

(c) *Tenders of meal.* CCC will not consider tenders of any cottonseed meal unless it exercises an option to do so by announcing that it will consider such tenders from crushers located within localities designated by CCC in order to continue, insofar as practicable, the normal movement of both oil and meal into commercial channels. A participating crusher may tender to CCC only meal produced at his mill. The price stated in all tenders of meal shall be the price as proposed by the crusher and shall be on the basis of bulk 41 percent protein meal.

(d) *Submission of tenders.* Each tender shall be submitted to the New Orleans office. The tender may be made by letter transmitting a completed 1969 Cottonseed Price Support Program Crusher Tender Form (CCC Form 913) or by wire. If a tender is made by wire, a completed Crusher Tender Form shall promptly be mailed to the New Orleans office in confirmation. Each tender must be signed by the crusher, by an employee of the crusher having authority to sign tenders for the crusher, or by a broker designated in writing to the New Orleans office by the crusher. The designation of a broker shall authorize the broker, as an agent of the crusher, to submit such tenders on behalf of the crusher (see § 1443.70(c)). Each tender shall state the tender date on which it is to be considered; the prices at which the crusher tenders oil or meal to CCC; the quantity of oil or meal tendered; whether the crusher is tendering basis prime crude or prime bleachable summer yellow cottonseed oil; and the proposed delivery schedule meeting the requirements of § 1443.64, except that a tender of cottonseed meal may, unless and until CCC notifies participating crushers to the contrary, be submitted without a proposed delivery schedule; if a contract results from a tender submitted without a proposed delivery schedule, CCC may request the crusher to submit such a schedule for the purposes of § 1443.64(e)(3). A supplementary explanation and justification must accompany any tender contemplating delivery after August 31, 1970.

(e) *Time of tenders.* All tenders, including tenders made pursuant to an announcement by CCC under paragraph (b) of this section, shall be received at the New Orleans office not later than 3 p.m. (c.s.t. or c.d.t. whichever is in effect), on each Wednesday (or on the next working day if Wednesday is a holiday). No tender, or modification or withdrawal thereof will be considered if received after the specified time on a particular tender date, unless received before acceptance is made of tenders received before such time and CCC determines that (1) such tender, modification, or withdrawal was delayed in transmission by mail through no fault of the crusher, or (2) the modification is

made for the purpose of correcting an error apparent on the face of the original tender or for the purpose of clarifying an ambiguity or supplying an omission therein, or (3) the modification is beneficial to CCC and not prejudicial to any other crusher. No tenders shall be made later than July 31, 1970.

(f) *Limitation on tenders.* Tenders of oil by any crusher shall be made only against eligible cottonseed, which for the purposes of this subpart, is 1969 crop cottonseed produced in the United States and purchased by the crusher under the provisions of this subpart, other than below grade or off quality cottonseed and cottonseed purchased by the crusher prior to the date of receipt of his acceptance form by CCC if such date is after September 1, 1969. The quantity of oil or meal which the crusher tenders and CCC accepts shall not exceed the quantity thereof which could be produced from eligible cottonseed, based upon the 1968 crop outturn per ton of cottonseed in the crusher's area, as determined by CCC. Whenever CCC accepts a tender of either oil or meal, the cottonseed equivalent of either the oil or the meal covered by the tender (determined on the basis of the outturn, as provided above) shall be deducted from the quantity of eligible cottonseed against which the crusher may make future tenders. Whenever CCC accepts tenders of both oil and meal made on the same tender date, the cottonseed equivalent of the product which represents the greater quantity of cottonseed (determined on the basis of the outturn, as provided above) shall be deducted from the quantity of eligible cottonseed against which the crusher may make future tenders. Notwithstanding any other provisions of this paragraph, the crusher shall not tender any cottonseed oil or meal which, if accepted by CCC, would cause the total quantity of oil or meal tendered to and accepted by CCC and not yet delivered to CCC to exceed the smallest of (1) the quantities of oil or meal which have been or can be produced from eligible cottonseed acquired by the crusher up to the time of the tender, or (2) the capacity of the mill to produce during a 60-day period of normal operation if such tender is made prior to December 31, 1969, or during a 45-day period of normal operation if such tender is made thereafter, or (3) the quantity of oil or meal which can be produced from the uncrushed eligible cottonseed which he has on hand as of the date of tender: *Provided*, That the crusher may make one or more tenders of oil or meal in excess of the quantity limits stipulated in subparagraph (2) or (3) of this paragraph, but in such event CCC will not accept a total quantity of oil or meal covered by such tender(s) which is in excess of the capacity of the mill to produce during a 15-day period of normal operation.

§ 1443.64 Purchases by CCC.

(a) *Consideration of tenders.* As soon as possible after the final time for submission of tenders on each tender date, CCC will consider all tenders which are submitted by participating crushers and are in accordance with the provisions of this subpart. If CCC determines (1) that the prices stated in a tender are acceptable, and (2) that the tender is otherwise acceptable under this subpart, CCC will accept the tender. If any tender is not acceptable, CCC may, at its option, make a counteroffer. CCC will notify the crusher of acceptance or rejection of any tender, or make any counteroffer, by a wire filed not later than 4 p.m. (c.s.t. or c.d.t., whichever is in effect), on the next working day following the tender date. The crusher's acceptance of the counteroffer by CCC must be received by the New Orleans office within 1 business day after the date of filing of the wire containing CCC's counteroffer.

(b) *Price consideration.* The price stated in a tender, other than a tender in response to an announcement by CCC under § 1443.63(b), will be acceptable to CCC if CCC determines that such price is not in excess of that price necessary to enable crushers within the crusher's generally competitive area to recover, as a group average, the minimum price which participating crushers are required to pay to ginners for cottonseed under this subpart plus such margin above such minimum price as CCC deems to be reasonable. In making such determination, and in determining the price at which CCC counteroffers, due consideration will be given to current market prices for cottonseed products (oil, meal, linters, and hulls), and the average product outturns within said area. The crusher shall cooperate with the Consumer and Marketing Service, USDA, in furnishing prices at which he sells cottonseed products in bulk on the wholesale market, and the prices so furnished shall, in accordance with § 900.513(d) of the C&MS Regulations governing public information, Part 900 of this title, be exempt from public disclosure.

(c) *Contract of sale.* (1) Each (i) tender by the crusher and acceptance by CCC, or (ii) counteroffer by CCC and acceptance by the crusher, as the case may be, shall result in a separate contract for the sale of cottonseed oil or meal. Each contract of sale shall consist of, in addition to the documents specified in subdivision (i) or (ii) of this subparagraph, the terms and conditions of this subpart, and the Rules of the National Cottonseed Products Association, Inc. (hereinafter referred to as "NCPA"), in effect on the date as of which the tender is made, except to the extent such rules are inconsistent with the other provisions of this subpart, and except such of those rules which pertain to arbitration and the time for presentation of claims.

(2) The crusher may request, by writing to the New Orleans office, that the quantity of cottonseed meal covered by any executory contract(s) of sale be reduced. The crusher's request will be approved by CCC except to the extent that meal covered by the request (i) has been contracted for sale by CCC, (ii) has been offered for sale by CCC, or (iii) has been ordered delivered by CCC; however, such request may be approved by CCC even to the extent that the meal covered thereby falls within the provisions of subdivisions (ii) and (iii) of this subparagraph if CCC determines that such approval will not adversely affect the orderly handling or disposition of cottonseed meal. CCC will apply the quantity of meal for which its approval is granted against the quantity of meal covered by executory contracts of sale with the crusher which are subject to this subparagraph in the same chronological order in which such contracts were entered into.

(d) *Rules of NCPA—incorporation by reference.* The rules of NCPA referred to in paragraph (c) of this section, except to the extent such rules are inconsistent with the other provisions of this subpart, and except such of those rules which pertain to arbitration and the time for presentation of claims, are hereby adopted and incorporated by reference into this subpart. Copies of the rules of NCPA may be obtained from NCPA, 2400 Poplar Avenue, Memphis, Tenn. 38112. An official historic file of the rules of NCPA which are incorporated by reference into this subpart will be maintained by the Oilseeds and Special Crops Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. Such rules will be available for examination in the offices of that Division.

(e) *Delivery.* (1) Each lot of cottonseed oil or meal purchased by CCC shall be delivered by the crusher f.o.b. cars or trucks (CCC's option) made available without cost to the crusher at crusher's mill. Crusher shall deliver cottonseed oil or meal, as the case may be, crushed from 1969 crop cottonseed produced in the United States. Delivery shall be in car or truck lots in accordance with shipping instructions issued by the New Orleans office. No delivery of oil or meal shall be made after August 31, 1970, unless the New Orleans office and the crusher mutually agree upon a later date for delivery. Title to the cottonseed oil or meal shall pass to CCC upon delivery.

(2) CCC shall not be obligated to accept the initial delivery of oil under any contract of sale prior to 15 business days after the date of CCC's acceptance of the tender or the crusher's acceptance of the counteroffer (the date of whichever of such acceptances results in a contract is called in this subpart "the date of sale"). At least 10 percent of the contract quantity of oil shall be delivered within 30 days after the date of sale, at least 30 percent within 60 days after the date of sale, at least 60 percent within 90 days after the date of sale, and in any event the total contract quantity of oil shall be delivered not later than 120 days after the date of sale. In delivering oil under any contract of sale, a variation of one-half of 1 percent above or below the contract quantity will be accepted as a good delivery as to weight.

(3) CCC shall not be obligated to accept the initial delivery of meal under any contract of sale prior to 30 days after the date of sale. Meal shall be delivered in bulk, or if requested by CCC, in new or used bags at such adjustment in the sale price to reflect the increased cost of delivery in bags as may be mutually agreed upon by the crusher and the New Orleans office. Upon CCC's request and agreement of the crusher, the crusher shall deliver under his contract(s) with CCC cottonseed meal meeting the requirements of paragraph (g) of this section but with a designated fat content, or, in lieu of cottonseed meal, cottonseed cake, flakes or pellets. The cottonseed cake, flakes, or pellets delivered pursuant to such agreement (i) shall have 41 percent protein content and, in the case of cake, shall be prime quality as defined in the rules of NCPA, or in the case of flakes or pellets, shall meet the quality requirements of Rule 248 of such rules, unless CCC and the crusher mutually agree to the delivery of cake, flakes or pellets which do not meet such requirements, and (ii) shall for purposes of this subpart other than the quality requirements set forth in this sentence, be considered to be cottonseed meal. In delivering meal under any contract of sale, a variation of 5 percent above or below the contract quantity will be accepted as good delivery as to weight but the variation shall not exceed 2½ tons. If a tender of meal resulting in a contract of sale is made without a delivery schedule in accordance with § 1443.63 (d), either the crusher or CCC may request of the other in writing that delivery be made; delivery of the meal shall then be made in accordance with the delivery schedule mutually agreed to by the parties. CCC will apply the quantity of meal delivered to it under contract(s) of sale with the crusher resulting from tenders made without a delivery schedule against such contract(s) in the same chronological order in which they are entered into.

(f) *Grade of oil.* The cottonseed oil delivered by the crusher shall be basis prime crude cottonseed oil or prime bleachable summer yellow cottonseed oil (whichever is specified in the contract) as defined in the rules of the NCPA: *Provided*, That if, on the basis of sampling and chemical analysis of cottonseed being crushed by the mill at the time for delivery, or because of other conditions inherent in the cottonseed which are not reflected in sampling and chemical analysis, it is shown to the satisfaction of the New Orleans office that basis prime crude cottonseed oil or prime bleachable summer yellow cottonseed oil cannot be produced, the crusher may deliver crude cottonseed oil of less than prime grade at the agreed sales price, or may deliver once-refined cottonseed oil of prime summer yellow or summer yellow grade at a price mutually agreed upon by the crusher and CCC. The agreed sale price of crude oil shall be adjusted in accordance with the crude oil settlement provisions of the rules of the NCPA.

(g) *Grade of meal and protein content.* The cottonseed meal delivered by the crusher shall be 41 percent protein cottonseed meal, prime quality, as defined in the rules of NCPA, except that (1) less than prime quality meal may be delivered at the agreed sales price less discounts determined in accordance with the rules of the NCPA if, on the basis of sampling and chemical analysis of cottonseed being crushed at the mill at the time for delivery, or because of other conditions inherent in the cottonseed which are not reflected in sampling and chemical analysis, it is shown to the satisfaction of the New Orleans office that prime quality meal cannot be produced, and (2) meal having less than 41 percent protein content may be delivered at market discounts agreed upon by the crusher and CCC, as applied against the sales price for 41 percent protein meal. Meal having in excess of 41 percent protein content may be delivered to CCC at no premium. Notwithstanding any other provision of this subpart, CCC may reject to the crusher any meal which is condemned or disqualified for use as animal feed by the Food and Drug Administration, U.S. Department of Health, Education, and Welfare, or subject to such condemnation or disqualification.

(h) *Provisional payment.* When oil or meal is delivered to CCC, the crusher may present to CCC for provisional payment, an invoice, with shipping documents acceptable to CCC attached, for the value of the oil or meal based on origin weights and the agreed sales price.

(i) *Final settlement.* Final settlement for oil or meal delivered to CCC will be made upon the basis of the official analysis and the certified destination weight of the oil or meal determined in accordance with the NCPA rules. The analysis and weighing of oil or meal delivered will be arranged for by CCC at its expense.

§ 1443.65 Information release.

CCC will issue press releases announcing the names, quantities, locations, and prices and such other information as it deems advisable with respect to all contracts entered into under this subpart and transactions developing therefrom.

§ 1443.66 Movement of cottonseed oil or meal.

CCC shall not be responsible for any loss or injury caused the crusher by failure of CCC to move cottonseed oil or meal promptly, and the crusher shall not be responsible for any failure to deliver or delay in delivery, where such failure or delay on the part of CCC or the crusher is due to any cause without such party's fault or negligence including, but not restricted to, acts of God or the public enemy, storms, floods, conflagrations, strikes, blockades, riots, embargoes, or priority, allocation, service, or other orders or directives issued by the Government, or difficulty in obtaining cars or trucks. Notwithstanding the foregoing provisions, if CCC fails for any reason to issue shipping instructions in accordance with the delivery schedule specified in the tender (or any modification mutually agreed to by the New Orleans office and the crusher), the crusher may have an official analysis or quality determination made of the quantity of oil or meal involved and shall not, after giving timely written notice to CCC accompanied by a copy of such official analysis or quality determination, be responsible for any loss or deterioration in quality subsequent to the date of such official analysis or quality determination, except for any loss, deterioration, or damage due to the fault or negligence of the crusher.

§ 1443.67 Books and records.

Each crusher filing an acceptance form under this subpart shall keep accurate books, records, and accounts with respect to all purchases of cottonseed (including the name of seller, date of receipt, weight, and grade of each lot of cottonseed purchased) and all other transactions under this subpart for a period of at least 3 years from the last date any cottonseed oil or meal is delivered by the crusher under this subpart, and shall furnish CCC such information and reports relating thereto as CCC may from time to time request, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. The crusher shall permit authorized employees of the U.S. Department of Agriculture, and the General Accounting Office, at any time during customary business hours, to inspect, examine, audit, and make copies of such books, records, and accounts.

§ 1443.68 Certification of independent price determination.

(a) *Certification of crusher.* By submission of a tender under this subpart, the crusher certifies that:

(1) The prices in his tender have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other crusher or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in his tender have not been knowingly disclosed by the crusher and will not knowingly be disclosed by the crusher prior to acceptance, in the case of a tender, directly or indirectly, to any other crusher or to any competitor; and

(3) No attempt has been made or will be made by the crusher to induce any other crusher to submit or not to submit a tender for the purpose of restricting competition.

(b) *Certification of person signing.* Each person signing the tender certifies that:

(1) He is the person in the crusher's organization responsible within that organization for the decision as to the prices being offered and that he has not participated, and will not participate, in any action contrary to paragraph (a) (1) through (3) of this section; or

(2) (i) He is not the person in the crusher's organization responsible within that organization for the decision as to the prices being offered but that he has been authorized in writing to act as agent for the persons responsible to such decision in certifying that such persons have not participated, and will not participate, in any action contrary to paragraph (a) (1) through (3) of this section, and as their agent does hereby so certify; and (ii) he has not participated, and will not participate, in any action contrary to paragraph (a) (1) through (3) of this section.

(c) *Deleting or modification.* A tender will not be considered where paragraph (a) (1), (a) (3), or (b) of this section has been deleted or modified. Where paragraph (a) (2) of this section has been deleted or modified, the tender will not be considered unless the crusher furnishes with the tender a signed statement which sets forth in detail the circumstances of the disclosure and CCC determines that such disclosure was not made for the purpose of restricting competition.

§ 1443.69 Parent company.

Each crusher submitting a tender under this subpart shall state whether the crusher is owned or controlled by a parent company, and if so, shall state the name and principal office address of the parent company in the spaces provided on the tender form. The crusher shall also insert in the space provided the Employer's Identification Number (E.I. number) (Federal Social Security number used on Employee's Quarterly Federal Tax Return, U.S. Treasury Department Form 941) of the crusher and the parent company (if any). For the purposes of this subpart, a parent company is defined as one which either owns or controls the activities and basic business policies of the participating crusher. To own another company means the parent company must own at least a majority (more than 50 percent) of the voting rights in that company. To control another company, such ownership is not required; if another company is able to formulate, determine, or veto basic business policy decisions of the participating crusher, such other company is considered the parent company of the crusher. This control may be exercised through the use of dominant minority voting rights, use of proxy voting, contractual arrangements, or otherwise.

§ 1443.70 Benefits and contingent fees.

(a) *Officials not to benefit.* No Member of or Delegate to the Congress of the United States, or Resident Commissioner, shall be admitted to any share or part of any contract resulting from tenders of cottonseed oil or meal under this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such a contract if made with a corporation for its general benefit, and shall not extend to any benefits that may accrue from such contract to a Member of or Delegate to the Congress or a Resident Commissioner in his capacity as a producer of cottonseed.

(b) *Contingent fees.* By submitting a tender under this subpart, the crusher warrants that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the crusher for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right to annul the contract without liability, or in its discretion to deduct from the contract price of the cottonseed oil or meal, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.

(c) *Price information.* By submitting a tender under this subpart, the crusher further warrants that he has not employed or utilized any person, firm, or organization which (1) furnished any information or service which might tend to prevent, limit, or restrict competition in the submission of tenders under this subpart, or (2) furnished any assistance to the crusher in the calculation of prices if such person, firm, or organization has assisted or is assisting other persons submitting tenders under this subpart in the calculation of prices (other than prices specified in tenders made pursuant to CCC's offer to purchase oil under § 1443.63(b)).

§ 1443.71 Nondiscrimination in employment.

(a) *Applicability.* The provisions of this section are applicable to any contract of sale which is entered into under this subpart and which is subject to the Equal Opportunity clause of Executive Order 11246 of September 24, 1965, as amended (hereinafter referred to in this section as the "Executive order").

(b) *Equal opportunity clause.* During the performance of any contract of sale entered into under this subpart, the crusher agrees as follows:

(1) The crusher will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The crusher will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The crusher agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(2) The crusher will, in all solicitations or advertisements for employees placed by or on behalf of the crusher, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The crusher will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the labor union or workers' representative of the crusher's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The crusher will comply with all provisions of the Executive order, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The crusher will furnish all information and reports required by the Executive order, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by CCC and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the crusher's noncompliance with the Equal Opportunity clause of this contract, or with any of such rules, regulations, or orders, the contract may be canceled, terminated, or suspended in whole or in part and the crusher may be declared ineligible for further Government contracts in accordance with procedures authorized in the Executive order, and such other sanctions may be imposed and remedies invoked as provided in the Executive order, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The crusher will include the provisions of subparagraphs (1) through (7) of this paragraph in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of the Executive order, so that such provisions will be binding upon each subcontractor or vendor. The crusher will take such action with respect to any subcontract or purchase order as CCC may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, That in the event the crusher becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by CCC, the crusher may request the United States to enter into such litigation to protect the interests of the United States.

(c) *Certification of nonsegregated facilities.* (Applicable to contracts and subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause.) By the submission of a tender under this subpart, the crusher certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does

not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location under his control, where segregated facilities are maintained. The crusher agrees that a breach of this certification is a violation of the Equal Opportunity clause in the contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods).

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES

A Certification of Nonsegregated Facilities, as required by the May 9, 1967, order (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

NOTE: The penalty for making false statements in tenders is prescribed in 18 U.S.C. 1001, 15 U.S.C. 714m(a).

The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 6, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

Incorporation by reference provisions approved by the Director of the Federal Register on August 11, 1969.

[F.R. Doc. 69-9471; Filed, Aug. 11, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

Miscellaneous Amendments

The Commission announces the following changes in Part 2 of Chapter I of Title 16, published June 13, 1967 (32 F.R. 8444, 8446-8449). These changes shall become effective on the date of their publication in the FEDERAL REGISTER.

1. Section 2.7 of Subpart A of Part 2 is amended to read as follows:

§ 2.7 Subpoenas in investigations.

The Commission or any member thereof may issue a subpoena, directing the person named therein to appear before a designated representative at a designated time and place to testify or to produce documentary evidence, or both, relating to any matter under investigation by the Commission. The Directors and Assistant Directors of the Bureaus of Deceptive Practices, Restraint of Trade, Textiles and Furs, Industry Guidance, and Economics, pursuant to delegation of authority by the Commission, without power of redelegation, also may issue investigational subpoenas, and, for good cause shown, may extend the time prescribed for compliance with subpoenas issued during the investigation of any matter. Any motion to limit or quash any such subpoena shall be filed with the Secretary of the Commission within ten (10) days after service of the subpoena, or, if the return date is less than ten (10) days after service of the subpoena, within such other time as the Commission may allow. All such motions shall be ruled upon by the Commission, but the Director or Assistant Director who issues any subpoena under this section is authorized to negotiate and approve the terms of satisfactory compliance therewith.

2. Section 2.14(a) of Subpart A of Part 2 is amended to read as follows:

§ 2.14 Disposition.

(a) When a matter is not subject to informal nonadjudicative disposition pursuant to § 2.21 and investigation indicates that corrective action is warranted, further proceedings may be instituted pursuant to the provisions of Subpart C of this part and the provisions of Part 3 of this chapter: *Provided, however,* That any individual, partnership, or corporation being investigated may be afforded an opportunity to submit through the operating Bureau having responsibility in the matter a proposal for disposition of the matter in the form of an executed consent order agreement complying with the requirements of § 2.33, for consideration by the Commission in connection with a proposed complaint submitted simultaneously by the Commission's staff.

* * * * *

3. Section 2.34 of Subpart C of Part 2 is amended to read as follows:

§ 2.34 Disposition.

(a) Within thirty (30) days after the filing of an affirmative reply under § 2.32, an executed agreement conforming with the requirements of § 2.33 may be submitted to the Commission through the operating Bureau in which the matter is then pending.

(b) Upon receiving such an agreement, the Commission may: (1) Accept it; (2) reject it and issue its complaint and set the matter down for adjudication in regular course; or (3) take such other action as it may deem appropriate. If an agreement is accepted, the Commission will place the order contained therein on the public record for a period of thirty (30) days, during which it will receive and consider any comments or views concerning the order that may be filed by any interested persons. Within ten (10) days thereafter, the Commission may either withdraw its acceptance of the agreement and so notify the other party, in which event it will take such other action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances require), and decision, in disposition of the proceeding.

(c) If an agreement is not so submitted, or if at any time it appears to the operating Bureau in which the matter is then pending that the execution of a satisfactory agreement is unlikely, such Bureau, after notification to the proposed respondents of its intention to do so, shall submit the matter to the Commission, together with any written offers of settlement which the proposed respondents desire to have the Commission consider. The Commission will thereupon take such action as may be appropriate.

(d) After a complaint has been issued, the consent order procedure described in this part will not be available. However, in exceptional and unusual circumstances, the Commission may, upon request and for good cause shown, withdraw a matter from adjudication for the purpose of negotiating a settlement by the entry of a consent order. In such event, the Commission will treat the matter as being in a nonadjudicative status and may consult with and receive advice from its staff members and others. This rule will not preclude the settlement of the case by regular adjudicatory process through the filing of an admission answer or submission of the case to the hearing examiner on a stipulation of facts and an agreed order.

Issued: August 7, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-9494; Filed, Aug. 11, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9733; Amdt. 661]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Manchester VOR	Nashua NDB	Direct	3300	T-dn	300-1	300-1	NA
				C-dn*	600-1	600-1	NA
				A-dn	NA	NA	NA

Procedure turn N side of crs, 317° Outbnd, 137° Inbnd, 3300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 137°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing AMH RBn, climb to 1500′ on 137° bearing from AMH RBn within 5 miles, then right-climbing turn to 3300′ direct AMH RBn and hold. Hold NW of AMH RBn, 137° Inbnd. 1 minute, left turns.
NOTE: (1) *Use Manchester altimeter setting. 700-1 required when Manchester control zone not effective and/or altimeter setting obtained from Concord FSS. (2) Facility must be monitored aurally during approach. (3) Approach from a holding pattern not authorized, procedure turn required.
MSA within 25 miles of facility: 000°-090°—2600′; 090°-180°—1900′; 180°-270°—3100′; 270°-360°—4200′.

City, Nashua; State, N.H.; Airport name, Boire Field; Elev., 199′; Fac. Class., MHW; Ident., AMH; Procedure No. NDB (ADF) Runway 14, Amdt. 5; Eff. date, 28 Aug. 69; Sup. Amdt. No. 4; Dated, 3 July 69.

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Crossville, Tenn.—Crossville Memorial, ADF 1, Orig., 2 Oct. 1965 established under Subpart C).
Garden City, Kans.—Municipal, ADF 1, Amdt. 3, 28 May 1966 (established under Subpart C).
Hyannis, Mass.—Barnstable Municipal, NDB (ADF) Runway 24, Amdt. 3, 6 May 1967 (established under Subpart C).
Knoxville, Tenn.—McGhee Tyson, ADF 1, Amdt. 22, 23 Apr. 1966 (established under Subpart C).
Kotzebue, Alaska—Ralph Wien Municipal, ADF 1, Amdt. 7, 6 Feb. 1965 (established under Subpart C).
La Crosse, Wis.—La Crosse Municipal, NDB (ADF) Runway 13, Amdt. 4, 28 Oct. 1967 (established under Subpart C).
Omak, Wash.—Omak, NDB (ADF)-1, Amdt. 2, 4 Apr. 1968 (established under Subpart C).
Bowling Green, Ky.—Bowling Green-Warren County, VOR 1, Amdt. 4, 31 July 1965 (established under Subpart C).
Cross City, Fla.—Cross City, VOR Runway 31, Amdt. 11, 9 Dec. 1967 (established under Subpart C).
Crossville, Tenn.—Crossville Memorial, VOR 1, Amdt. 1, 2 Oct. 1965 (established under Subpart C).
Fort Stockton, Tex.—Pecos County, VOR 1, Orig., 9 Apr. 1966 (established under Subpart C).
Hobbs, N. Mex.—Lea County (Hobbs), VOR 1, Amdt. 11, 31 July 1965 (established under Subpart C).
Hyannis, Mass.—Barnstable Municipal, VOR Runway 24, Amdt. 4, 6 May 1967 (established under Subpart C).
Kaanapali, Maui, Hawaii—Kaanapali, VOR-1, Orig., 12 Oct. 1967 (established under Subpart C).
Knoxville, Tenn.—McGhee Tyson, VOR Runway 22R, Amdt. 11, 25 April 1968 (established under Subpart C).
Kotzebue, Alaska—Ralph Wien Memorial, VOR 2, Orig., 13 Nov. 1965 (established under Subpart C).
Kotzebue, Alaska—Ralph Wien Memorial, VOR 1, Orig., 13 Nov. 1965 (established under Subpart C).
La Crosse, Wis.—La Crosse Municipal, VOR Runway 13, Amdt. 10, 28 Oct. 1967 (established under Subpart C).
La Crosse, Wis.—La Crosse Municipal, VOR Runway 36, Amdt. 12, 28 Oct. 1967 (established under Subpart C).
Rehoboth Beach, Del.—Rehoboth Aircrafters, VOR-1, Amdt. 2, 13 June 1968 (established under Subpart C).
Toccoa, Ga.—Toccoa, VOR 1, Orig., 16 Jan. 1965 (established under Subpart C).
Valdosta, Ga.—Valdosta Municipal, VOR Runway 35, Amdt. 16, 17 June 1967 (established under Subpart C).
Wurtsboro, N.Y.—Wurtsboro-Sullivan County, VOR Runway 5, Amdt. 1, 11 Feb. 1967 (established under Subpart C).

3. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Knoxville, Tenn.—McGhee Tyson, ADF 2, Amdt. 1, effective 30 July 1966, canceled, effective 28 Aug. 1969.

4. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Garden City, Kans.—Municipal, TerVOR-17, Amdt. 4, 28 May 1966 (established under Subpart C).
Garden City, Kans.—Municipal, TerVOR-35, Orig., 28 May 1966 (established under Subpart C).
Laurel, Miss.—Laurel Municipal, TerVOR-13, Amdt. 3, 6 Oct. 1966 (established under Subpart C).

5. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Lisbon Int	FND RBn	Direct	2600	T–dn	300–1	300–1	200–½
Towson Int	FND RBn	Direct	2600	C–dn	500–1	500–1	500–1½
BAL VORTAC	FND RBn	Direct	2600	S–dn–15	200–½	200–½	200–½
EMI VORTAC	FND RBn (NOPT)	Direct	2600	A–dn	600–2	600–2	600–2
				With glide slope inoperative:			
				*S–dn–15	500–¾	500–¾	500–¾

Procedure turn W side of crs, 332° Outbnd, 152° Inbnd, 2600′ within 10 miles of Ellicott RBn.
Minimum altitude of glide slope over Ellicott RBn, 2510′ MSL.
Crs and distance, Ellicott RBn to airport, 152°—7.5 nautical miles.
Minimum altitude at glide slope intercept Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 1366′—3.8 nautical miles; at MM, 351′—0.5 nautical mile.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 3.8 miles after passing OM, climb to 2000′ on BAL VOR R 105° to Bodkin Int. Hold E, 1 minute, left turns, 285° Inbnd.
NOTE: ASR.
Glide slope unusable below 290′ MSL.
*With glide inoperative maintain 1400′ until passing OM.
MSA within 25 miles of LOM: 000°–090°—2400′; 090°–180°—2400′; 180°–270°—2100′, 270°–360°—2400′.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146′; Fac. Class., ILS; Ident., I–FND; Procedure No. ILS Runway 15, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. Orig.; Dated 1 May 69

T–dn	300–1	300–1	200–½
C–dn	500–1	500–1	500–1½
S–dn–27	500–1	500–1	500–1
A–dn	800–2	800–2	800–2

Radar required.
Procedure turn not authorized.
Minimum altitude over Whitman BCM final approach crs, 2000′; Camden Int, 1700′.
Crs and distance, Camden Int to airport 265°—4.7 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing Whitman BCM, or, within 4.7 miles after passing Camden Int, climb to 1000′ on crs 265°, then left-climbing turn direct to Woodstown VOR at 2000′. Hold SW R 211°, 031° Inbnd, 1 minute, left turns.
MSA within 25 miles of PD BCM: 000°–090°—2000′; 090°–180°—2100′; 180°–270°—2100′, 270°–360°—2400′.

City, Philadelphia; State, Pa.; Airport name, Philadelphia International; Elev., 14′; Fac. Class., ILS; Ident., I–PHL; Procedure No. LOC (BC) Runway 27, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. ILS–27 (BC), Orig.; Dated, 9 Apr. 66

Greensburg Int	McKeesport RBn (final)	Direct	3000	T–dn*	300–1	300–1	200–½
Scottdale Int	McKeesport RBn	Direct	3000	C–dn	500–1	500–1	500–1½
Allegheny VOR	McKeesport RBn	Direct	3000	S–dn–27**	300–½	300–½	300–½
GP LOM	McKeesport RBn	Direct	3000	A–dn	600–2	600–2	600–2
McKeesport RBn	ILS OM (final)	Direct	2700	When glide slope not utilized:			
Imperial VOR	McKeesport RBn	IRL, R 117°	3000	S–dn–27%	400–¾	400–¾	400–¾
McKeesport RBn	Jeannette Int	Direct	3000				
Jeannette Int	McKeesport RBn (final)	Direct	3000				

Radar available.
Procedure turn S side of crs, 096° Outbnd, 276° Inbnd, 3000′ within 10 miles of MKP RBn.
Minimum altitude at glide slope interception inbnd, 2700′. Glide slope may be intercepted at 3000′ over MKP–RBn or 2700′ between MKP–RBn and the ILS–OM.
Altitude of glide slope and distance to approach end of runway at OM, 2615–4.2 miles; at MM, 1480—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ proceeding to AGC RBn. Hold W, right turns, 1-minute, 082° Inbnd.
NOTE: Back crs unusable.
Supplementary charting information: LOC crs crosses runway centerline extended 2740′ prior to runway threshold.
*RVR 2400′ authorized Runway 27.
**RVR 2400′. Descent below 1552′ not authorized unless approach lights are visible.
%400–½ authorized with operative ALS except for 4-engine turbojet aircraft.
MSA within 25 miles of facility: 000°–090°—3300′; 090°–180°—4000′; 180°–270°—3100′; 270°–360°—3100′.

City, Pittsburgh; State, Pa.; Airport name, Allegheny County; Elev., 1252′; Fac. Class., ILS; Ident., I–AGC; Procedure No. ILS Runway 27, Amdt. 17; Eff. date, 28 Aug. 69; Sup. Amdt. No. 16; Dated, 4 Feb. 67

6. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Hyannis, Mass.—Barnstable Municipal, LOC Runway 24, Amdt. 8, 3 June 1967 (established under Subpart C).
Knoxville, Tenn.—McGhee Tyson, ILS–4L, Amdt. 25, 12 Mar. 1966 (established under Subpart C).

7. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Knoxville, Tenn.—McGhee Tyson, Radar–1, Amdt. 11, 25 Apr. 1968 (established under Subpart C).
West Memphis, Ark.—West Memphis Municipal, Radar 1, Amdt. 1, 6 Jan. 1966 (established under Subpart C).

8. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.1 miles after passing BWG VORTAC.
R 150°, BWG VORTAC CW	R 204°, BWG VORTAC	10-mile Arc BWG, R 192° lead radial.	2500	Climb to 2500′, right turn direct BWG VORTAC and hold.
10-mile DME Arc	BWG VORTAC (NOPT)	BWG, R 204°	1300	Supplementary charting information:
10-mile DME Arc	BWG VORTAC (NOPT)	R 215°, BWG VORTAC	1300	Hold SW, 1 minute, right turns, 024° Inbnd. Final approach crs to Runway 3 threshold. Runway 3, TDZ elevation, 539′.

Procedure turn E side of crs, 204° Outbnd, 024° Inbnd, 2500′ within 10 miles of BWG VORTAC.
FAF, BWG VORTAC. Final approach crs, 024°. Distance FAF to MAP, 2.1 miles.
Minimum altitude over BWG VORTAC, 1300′.
MSA: 000°–090°—2300′, 090°–180°—2500′; 180°–270°—2500′; 270°–360°—2500′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–3	900	1	361	900	1	361	900	1	361	900	1	361
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	960	1	421	1060	1	541	1100	1¼	561	1100	2	561
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Bowling Green; State, Ky.; Airport name, Bowling Green-Warren County; Elev., 539′; Facility, BWG; Procedure No. VOR Runway 3, Amdt. 5; Eff. date, 28 Aug. 69; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 31 July 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.2 miles after passing CTY VORTAC.
CTY VORTAC, R 001° CW	CTY VORTAC, R 120°	7-mile Arc	1700	Right-climbing turn to 1700′ direct to CTY VORTAC and hold.
CTY VORTAC, R 200° CCW	CTY VORTAC, R 120°	7-mile Arc	1700	
7-mile Arc	CTY VORTAC (NOPT)	R 120°	800	Supplementary charting information: Hold SE, 1 minute, right turns, 300° Inbnd. LRCO, 122.1R. Runway 31, TDZ elevation, 42′.

Procedure turn N side of crs, 120° Outbnd, 300° Inbnd, 1700′ within 10 miles of CTY VORTAC.
FAF, CTY VORTAC. Final approach crs, 300°. Distance FAF to MAP, 3.2 miles.
Minimum altitude over CTY VORTAC, 800′.
MSA: 000°–090°—1600′; 090°–180°—1400′; 180°–270°—1300′; 270°–360°—1400′.
NOTE: Use Gainesville, Fla., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–31	620	1	578	620	1	578	620	1	578	620	1¼	578
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	660	1	618	680	1	638	720	1¼	678	720	2	678
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Cross City; State, Fla; Airport name, Cross City; Elev., 42′; Facility, CTY; Procedure No. VOR Runway 31, Amdt. 12; Eff. date, 28 Aug. 69; Sup. Amdt. No. 11; Dated 9 Dec. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: 3.8 miles after passing FST VORTAC.
PEQ VOR	FST VORTAC	Direct	5000	Turn left, climb to 8000' on FST R 086° within 20 miles.
INK VORTAC	FST VORTAC	Direct	5000	Supplementary charting information:
MAF VORTAC	FST VORTAC	Direct	5000	LRCO 122.1.

Procedure turn S side of crs, 296° Outbnd, 116° Inbnd, 4500' within 10 miles of FST VORTAC.
FAF, FST VORTAC. Final approach crs, 116°. Distance FAF to MAF, 3.8 miles.
Minimum altitude over FST VORTAC, 4000'.
MSA: 000°–090°—5400'; 090°–180°—6000'; 180°–270°—6500'; 270°–360°—5100'.
NOTE: Use Wink FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-11R	3580	1	570	3580	1	570	3580	1	570		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	3660	1	650	3660	1	650	3660	1½	650		NA	
A	Not authorized.			T 2-eng. or less—Standard.					T over 2-Eng.—Standard.			

City, Fort Stockton; State, Tex.; Airport name, Pecos County; Elev., 3010'; Facility, FST; Procedure No. VOR Runway 11R, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. VOR 1, Orig.; Dated, 9 Apr. 66

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: GCK VORTAC.
R 270°, GCK VORTAC CW	R 353°, GCK VORTAC (NOPT)	9-mile Arc	4300	Climbing left turn to 4300' within 10 miles;
R 086°, GCK VORTAC CCW	R 353°, GCK VORTAC (NOPT)	9-mile Arc	4300	return to GCK VORTAC.
GCK NDB	GCK VORTAC	Direct	4300	Supplementary charting information:
9-mile DME Arc	4-mile DME Fix (NOPT)	GCK, R 353°	4000	Final approach crs intercepts runway centerline extended 3600' from threshold. Runway 17, TDZ elevation, 2885'.

Procedure turn W side of crs, 353° Outbnd, 173° Inbnd, 4300' within 10 miles of GCK VORTAC.
Final approach crs, 173°.
Minimum altitude over 4-mile DME Fix, *3300' (*4000' from 9-mile DME Arc).
MSA: 045°–135°—4500'; 135°–315°—4800'; 315°–045°—4200'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-17	3300	1	415	3300	1	415	3300	1	415	3300	1	415
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	3300	1	405	3360	1	465	3360	1½	465	3460	2	565
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-17	3240	1	355	3240	1	355	3240	1	355	3240	1	355
A	Standard.			T 2-eng. or less—Standard.					T over 2-eng.—Standard.			

City, Garden City; State, Kans.; Airport name, Municipal; Elev., 2895'; Facility, GCK; Procedure No. VOR Runway 17, Amdt. 5; Eff. date, 28 Aug. 69; Sup. Amdt. No. Ter VOR-17, Amdt. 4; Dated, 28 May 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: GCK VORTAC.
R 086°, GCK VORTAC CW	R 160°, GCK VORTAC (NOPT)	9-mile Arc	4700	Climbing right turn to 4700' within 10
R 270°, GCK VORTAC CCW	R 160°, GCK VORTAC (NOPT)	9-mile Arc	4700	miles; return to GCK VORTAC.
GCK NDB	GCK VORTAC	Direct	4700	Supplementary charting information:
9-mile DME Arc	4-mile DME Fix (NOPT)	GCK R 160°	4000	Final approach crs intercepts runway centerline extended 3600' from threshold. Runway 35, TDZ elevation, 2876'.

Procedure turn E side of crs, 160° Outbnd, 340° Inbnd, 4700' within 10 miles of GCK VORTAC.
Final approach crs, 340°.
Minimum altitude over 4-mile DME Fix, *3400' (*4000' from 9-mile DME Arc).
MSA: 045°–135°—4500'; 135°–315°—4800'; 315°–045°—4200'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35	3400	1	524	3400	1	524	3400	1	524	3400	1¼	524
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	3400	1	505	3400	1	505	3400	1½	505	3460	2	565
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35	3240	1	364	3240	1	364	3240	1	364	3240	1	364
A	Standard.			T 2-eng. or less—Standard.					T over 2-eng.—Standard.			

City, Garden City; State, Kans.; Airport name, Municipal; Elev. 2895'; Facility, GCK; Procedure No. VOR Runway 35, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. Ter VOR-35, Orig.; Dated, 28 May 66

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: ITO VOR.
ITO VOR	Bayview Int	Direct	1600	Climbing right turn to 2000' on R 002°. Reverse crs, return to ITO VOR on R 002° and hold.
				Supplementary charting information:
				Hold E, 1 minute, left turns, 259° Inbnd, MHA 3000'.
				Radio tower, 19°44'11" N/155°02'07" W., 184'.
				Runway 26, TDZ elevation, 37'.

Procedure turn S side of crs, 079° Outbnd, 259° Inbnd, 1600' within 10 miles of ITO VOR.
Final approach crs, 259°.
Minimum altitude over Bayview Int., 1600'.
MSA: 090°–120°—12000'; 120°–210°—7500'; 210°–300°—15,800'; 300°–030°—8000'.
⅞400-1 required Runway 26 with right turn after takeoff.
*When circling N of Runways 8/26 MDA is 700', HAA 663'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-26	440	1	403	440	1	403	440	1	403	440	1	403
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	463	540	1	503	600	1¼	563	*820	2	783
	Category E:											
	MDA	VIS	HAT									
8-26	440	1	403									
	MDA	VIS	HAA									
C	1420	3	1383									
A	Standard.			T 2-eng. or less—Standard. %					T over 2-eng.—Standard. %			

City, Hilo; State, Hawaii; Airport name, General Lyman Field; Elev., 37'; Facility, ITO; Procedure No. VOR Runway 26, Amdt. Orig.; Eff. date, 28 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.3 miles after passing HOB VOR.
			Climb to 5400' on HOB R 036° within 20 miles.

Procedure turn S side of crs, 211° Outbnd, 031° Inbnd, 5200' within 10 miles of HOB VOR.
FAF, HOB VOR. Final approach crs, 031°. Distance FAF to MAP, 3.3 miles.
Minimum altitude over HOB VOR, 4500'.
MSA: 000°–090°—5400'; 090°–180°—5100'; 180°–270°—5400'; 270°–360°—5800'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	4000	¾	341	4000	¾	341	4000	¾	341	4000	1	341
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	4040	1	381	4120	1	461	4120	1½	461	4220	2	561
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng. —Standard.					

City, Hobbs; State, N. Mex.; Airport name, Lea County (Hobbs); Elev., 3650'; Facility, HOB; Procedure No. VOR Runway 3, Amdt. 12; Eff. date, 28 Aug. 69; Sup. Amdt. No. VOR 1, Amdt. 11; Dated, 31 July 65

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.2 miles after passing HYA VOR.
			Make left-climbing turn to 1700' direct HYA VOR and hold. Supplementary charting information: Hold NE of HYA VOR, 1 minute, left turns, 241° Inbnd. CAUTION: Obstructions to 82' from 1000' to approach end Runway 24, left side of centerline. 170' antenna 3400' S approach end Runway 6. Runway 24, TDZ elevation, 43'.

Procedure turn S side of crs, 061° Outbnd, 241° Inbnd, 1700' within 10 miles of HYA VOR.
FAF, HYA VOR. Final approach crs, 241°. Distance FAF to MAP, 3.2 miles.
Minimum altitude over HYA VOR, 1300'.
MSA: 000°–090°—1400'; 090°–180°—1400'; 180°–270°—1400'; 270°–360°—1600'.
NOTES: (1) Radar vectoring. (2) Use Otis approach altimeter setting. (3) Inoperative components table does not apply to HIRLS or ALS Runway 24. (4) Approach from a holding pattern not authorized; procedure turn required.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	520	1	477	520	1	477	520	1	477			
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	560	1	508	560	1	508	560	1¼	508			
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Hyannis; State, Mass.; Airport name, Barnstable Municipal; Elev., 52'; Facility, HYA; Procedure No. VOR Runway 24, Amdt. 5; Eff. date, 28 Aug. 69; Sup. Amdt. No. 4; Dated, 6 May 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing Channel Int.
MKK VOR	Channel Int (NOPT)	Direct	2000	Climbing left turn to 2000' on MKK R 115°. Return to Channel Int and hold. Supplementary charting information: Hold NW on MKK R 115, right turns, 115° Inbnd. Depict visual flight path symbol, MAP to airport 076°—9.9 miles. UNICOM 122.8 MHz.

Procedure turn not authorized. Approach crs (profile) starts at Channel Int.
FAF, Channel Int. Final approach crs, 115°. Distance FAF to MAP, 4 miles.
Minimum altitude over Channel Int, 2000'.
MSA: 045°–135°—7000'; 135°–225°—5400'; 225°–045°—3400'.
NOTES: (1) Dual VOR required. (2) Private airport; prior approval required for landing.
*Night minimums not authorized.
% Departures climb on heading 250° to intercept and proceed via MKK R 115° to Channel Int at 4000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	1000	2	990	1000	2	990	NA	NA
A	Not authorized.		T 2-eng. or less—Standard. %				T over 2-eng.—Standard. %	

City, Kaanapali; Island, Maui; State, Hawaii; Airport name, Kaanapali; Elev., 10'; Facility, MKK; Procedure No. VOR-1, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. Orig.; Dated, 12 Oct. 67

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.6 miles after passing TYS VORTAC
TYS VORTAC, R 263° CW	TYS VORTAC, R 042°	7-mile DME Arc	3500	Climb to 3000' on TYS VORTAC, R 229° to Greenback Int and hold.
TYS VORTAC, R 109° CCW	TYS VORTAC, R 042°	7-mile DME Arc	3500	Supplementary charting information:
7-mile DME Arc	TYS VORTAC (NOPT)	TYS, R 042°	3000	Hold SW, 1 minute, right turns, 049° Inbnd.
				HIRL Runway 4L/22R.
				Final approach crs to runway threshold.
				Runway 22R, TDZ elevation, 981'.

Procedure turn E side of crs, 042° Outbnd, 222° Inbnd, 3500' within 10 miles of TYS VORTAC.
FAF, TYS VORTAC. Final approach crs, 222°. Distance FAF to MAP, 6.6 miles.
Minimum altitude over TYS VORTAC, 3000'.
MSA: 000°–090°—5700'; 090°–180°—8700'; 180°–270°—6100'; 270°–360°—5600'.
NOTES: (1) ASR. (2) Inoperative component table does not apply to HIRL Runway 22R.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22R	1500	1	519	1500	1	519	1500	1	519	1500	1¼	519
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1540	1	551	1540	1	551	1540	1¼	551	1540	2	551
A	Standard.		T 2-eng. or less—RVR 24', Runway 4L; Standard all other runways.				T over 2-eng.—RVR 24', Runway 4L; Standard all other runways.					

City, Knoxville; State, Tenn.; Airport name, McGhee; Elev., 989'; Facility, TYS; Procedure No. VOR Runway 22R, Amdt. 12; Eff. date, 28 Aug. 69; Sup. Amdt. No. 11; Dated, 25 Apr. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OTZ VOR.
OTZ NDB	OTZ VOR	Direct	1500	Climb to 1500′ on OTZ VOR, R 079° within 15 miles. Supplementary charting information: 120′ hill 3000′ E of Runway 8. 163′ radio tower 0.9 mile N of airport.

Procedure turn S side of crs, 259° Outbnd, 079° Inbnd, 1500′ within 10 miles of OTZ VOR.
Final approach crs, 079°.
MSA: 000°–090°—3500′; 090°–180°—1400′; 180°–270°—1200′; 270°–360°—3100′.
NOTE: Inoperative components table does not apply to HIRL Runway 8.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–8	480	1	470	480	1	470	480	1	470	480	1	470
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	470	480	1	470	480	1½	470	560	2	550
A	Standard.		T 2-eng. or less—200–1, Runway 8; Standard all other runways.			T over 2-eng.—200–1, Runway 8; Standard all other runways.						

City, Kotzebue; State, Alaska; Airport name, Ralph Wien Memorial; Elev., 10′; Facility, OTZ; Procedure No. VOR Runway 8, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt No. VOR 2, Orig.; Dated, 13 Nov. 65

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OTZ VOR.
OTZ NDB	OTZ VOR	Direct	1500	Climb to 1500′ on R 251° within 15 miles. Supplementary charting information: 120′ hill 3000′ E of Runway 8. Radio towers 163′, 0.9 mile N of airport.

Procedure turn N side of crs, 071° Outbnd, 251° Inbnd, 1500′ within 10 miles of OTZ VOR.
Final approach crs, 251°.
MSA: 000°–090°—3500′; 090°–180°—1400′; 180°–270°—1200′; 270°–360°—3100′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	610	620	1	610	620	1½	610	620	2	610
A	Standard.		T 2-eng. or less—200–1, Runway 8; Standard all other runways.			T over 2-eng.—200–1, Runway 8; Standard all other runways.						

City, Kotzebue; State, Alaska; Airport name, Ralph Wien Memorial; Elev., 10′; Facility, OTZ; Procedure No. VOR Runway 26, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. VOR 1, Orig.; Dated, 13 Nov. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LSE VOR.
LSE VOR	Midway Int	Direct	2900	Make immediate right-climbing turn to 2900′ on R 318° within 10 miles; return to VOR.
ONA VOR	Holman Int	Direct	2900	
ODI VOR	Midway Int	Direct	2900	
Holman Int	Midway Int (NOPT)	LSE, R–318°	2100	Supplementary charting information: Final approach crs intercepts runway centerline 3600′ from threshold. 1840′ tower 5.6 miles SW at 43°48′23″/91°22′04″ (MSP–OE–67–232). 1050′ terrain 1.7 miles NE. 1380′ terrain 3.5 miles NE. Runway 13, TDZ elevation, 652′.

Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2900′ within 10 miles of Midway Int.
Final approach crs, 138°.
Minimum altitude over Midway Int, 2100′.
MSA: 090°–270°—2900′; 270°–090°—3500′.
NOTES: (1) Dual VOR receivers required. (2) Inoperative table does not apply to REIL Runway 13. (3) Final approach from holding pattern at Midway Int not authorized; % IFR departure procedures: When weather is below 1200–2, departures on Runways 31 and 36, climb to 2300′ on runway heading before proceeding on crs; Runways 21, 18, and 13, climb to 2300′ on LSE R 180° before turning eastbound or westbound. After takeoff Runway 13 immediate right-climbing turn, Runway 21 immediate left-climbing turn.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–13	1040	¾	388	1040	¾	388	1040	¾	388	1040	1	388
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1140	1	487	1140	1	487	1360	1½	707	1360	2	707
A	Standard.		T 2-eng. or less—600–1. Runway 3; Standard all other runways. %			T over 2-eng.—600–1, Runway 3; Standard all other runways. %						

City, La Crosse; State, Wis.; Airport name, La Crosse Municipal; Elev., 653′; Facility, LSE; Procedure No. VOR Runway 13, Amdt. 11; Eff. date, 28 Aug. 69; Sup. Amdt. No. 10; Dated, 28 Oct. 67

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LSE VOR.
ODI VOR	LSE VOR	Direct	2800	Make left-climbing turn to 2900′ on R 318° within 10 miles; return to VOR.
Westby Int	LSE VOR	Direct	2800	
LSE VOR	Ronnie Int	LSE, R 181°	2800	Supplementary charting information: Final approach crs intercepts runway centerline 3300′ from threshold. 1840′ tower 5.6 miles SW at 43°48′23″/91°22′04″ (MSP–OE–67–232). 1050′ terrain 1.7 miles NE. 1380′ terrain 3.5 miles NE. Runway 36, TDZ elevation, 652′.

Procedure turn E side of crs, 151° Outbnd, 001° Inbnd, 2800′ within 10 miles of Ronnie Int.
Final approach crs, 001°.
Minimum altitude over Ronnie Int, 2500′.
MSA: 045°–315°—2900′; 315°–045°—3500′.
NOTES: (1) Dual VOR receivers required. (2) Inoperative table does not apply to HIRL Runway 36.
% IFR departure procedures: When weather is below 1200–2, departures on Runways 31 and 36, climb to 2300′ on runway heading before proceeding on crs: Runways 21, 18, and 13, climb to 2300′ on LSE R 180° before turning eastbound or westbound. After takeoff Runway 13 immediate right-climbing turn, Runway 21 immediate left-climbing turn.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–36	1080	1	428	1080	1	428	1080	1	428	1080	1	428
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1140	1	487	1140	1	487	1360	1½	707	1360	2	707
A	Standard.		T 2-eng. or less—600–1, Runway 3; Standard all other runways. %			T over 2-eng.—600–1, Runway 3; Standard all other runways. %						

City, La Crosse; State, Wis.; Airport name, La Crosse Municipal; Elev., 653′; Facility, LSE; Procedure No. VOR Runway 36, Amdt. 13; Eff. date, 28 Aug. 69; Sup. Amdt. No. 12; Dated, 28 Oct. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LUL VOR.
HBG VOR	LUL VOR	Direct	2000	Climbing right turn to 1700' to LUL VOR and hold. Supplementary charting information: Hold NW, 1 minute, right turns, 145° Inbnd. LRCO 122.1R, 122.6R (MEI FSS). Runway 13, TDZ elevation, 23b'.

Procedure turn W side of crs, 325° Outbnd, 145° Inbnd, 1700' within 10 miles of LUL VOR.
Final approach crs, 145°.
Minimum altitude over Soso Int, 960'.
MSA: 000°–360°—1800'.
NOTES: (1) Operators with approved weather reporting service decrease MDA 200' and visibility ¼-mile, Categories C and D straight-in Runway 13 and decrease MDA 260' and visibility ¼-mile Category C and ½-mile Category D straight-in Runway 13 for dual VOR equipped aircraft. (2) Use MEI FSS altimeter setting.
*Alternate minimums not authorized except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–13	960	1	722	960	1	722	960	1¼	722	960	1½	722
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	960	1	722	960	1	722	960	1½	722	960	2	722
	Dual VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–13	900	1	662	900	1	662	900	1¼	662	900	1½	662
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	900	1	662	900	1	662	900	1½	662	900	2	662
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Laurel; State, Miss.; Airport name, Laurel Municipal; Elev., 238'; Facility, LUL; Procedure No. VOR Runway 13, Amdt. 4; Eff. date, 28 Aug. 69; Sup. Amdt. No. TerVOR-13, Amdt. 3; Dated, 8 Oct. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.4 miles after passing ATR VOR TAC.
Hobbs Int	ATR VORTAC	Direct	1600	Climb to 1600', right turn direct to ATR VOR and hold.
SIE VORTAC	ATR VORTAC	Direct	1600	Supplementary charting information: Hold N on R 360°, 1 minute, left turns, 180° inbnd. 322' tower 153°—4.2 miles. 103' silo NW edge of airport.

Procedure turn not authorized. One-minute holding pattern N of ATR VORTAC, 180° Inbnd, left turns, 1600' in lieu of procedure turn.
FAF, ATR VORTAC. Final approach crs, 153°. Distance FAF to MAP, 6.4 miles.
Minimum altitude over ATR VORTAC, 1600'; over 5-mile DME Fix, 760'.
MSA: 000°–090°—1700'; 090°–180°—1400'; 180°–270°—1700', 270°–360°—1600'.
NOTE: Use Salisbury, Md., altimeter setting.
*Night operations authorized Runways 12/30 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	760	1	732	760	1	732	NA	NA
	VOR/DME MINIMUMS:							
	MDA	VIS	HAA	MDA	VIS	HAA		
C*	540	1	512	540	1	512	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Rehoboth Beach; State, Del.; Airport name, Rehoboth Aircrafters; Elev., 28'; Facility, ATR; Procedure No. VOR-1, Amdt. 3; Eff. date, 28 Aug. 69; Sup. Amdt. No. 2 Dated, 13 June 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.9 miles after passing TOC VOR.
Dillard Int	TOC VOR	Direct	6200	Climbing left turn to 5000', proceed to TOC VOR via R 180° and hold.
Clemson Int	TOC VOR	Direct	5200	Supplementary charting information:
Homer Int	TOC VOR	Direct	5200	Hold NE, 1 minute, right turns, 230° Inbnd. Final approach crs to runway threshold. LRCO 122.1R.

Procedure turn E side of crs, 020° Outbnd, 200° Inbnd, 5000' within 10 miles of TOC VOR.
FAF, TOC VOR. Final approach crs, 180°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over TOC VOR, 3200'.
MSA: 000°–090°—6700'; 090°–180°—3600'; 180°–270°—4700'; 270°–360°—7000'.
NOTES: (1) Use Anderson, S.C., altimeter setting. (2) No weather reporting.
CAUTION: Abrupt changes in terrain elevations adjacent to procedure areas.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–20	1080	2	996	1080	2	996	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1080	2	996	1080	2	996	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2 eng.—Not authorized.	

City, Toccoa; State, Ga.; Airport name, Toccoa; Elev., 984'; Facility, TOC; Procedure No. VOR Runway 20, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. VOR 1, Orig.; Dated, 16 Jan. 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing VLD VOR.
Lee Int	VLD VOR (NOPT)	VLD, R 181°	1800	Turn left, climb to 1900' on R 346° within 15 miles. Supplementary charting information: Hold S, 1 minute, left turns, 006° Inbnd. Runway 35, TDZ elevation, 196'.

Procedure turn E side of crs, 186° Outbnd, 006° Inbnd, 1800' within 10 miles of VLD VOR.
FAF, VLD VOR. Final approach crs, 006°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over VLD VOR, 1700'.
MSA: 000°–090°—1600'; 090°–180°—1500'; 180°–360°—1600'.
NOTES: (1) Radar vectoring. (2) No lights Runways 12/30.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–35	640	1	442	640	1	442	640	1	442	640	1	442
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	456	660	1	456	660	1½	456	760	2	556
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Valdosta; State, Ga.; Airport name, Valdosta Municipal; Elev., 204'; Facility, VLD; Procedure No. VOR Runway 35, Amdt. 17; Eff. date, 28 Aug. 69; Sup. Amdt. No. 16; Dated, 17 June 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Huguenot VOR	Ottisville Int (NOPT)	HUO R 039°	2000	MAP: 4.5 miles after passing Ottisville Int. Left-climbing turn to 3300′ direct to HUO VOR and hold. Supplementary charting information: Hold SW, 1 minute, right turns, 039° Inbnd 1412′ terrain 0.7 mile E of airport. 1660′ terrain 1.9 miles NE of airport. 1292′ terrain 1.2 miles NNW of airport. 1289′ terrain 1.3 miles NW of airport.

Procedure turn W side of crs, 219° Outbnd, 039° Inbnd, 3300′ within 10 miles of Ottisville Int.
FAF, Ottisville Int (8-mile DME). Final approach crs, 039°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over Ottisville Int (8-mile DME), 2000′.
MSA: 000°–090°—3700′; 090°–180°—2900′; 180°–270°—3400′; 270°–360°—3300′.
NOTE: Use Stewart AFB altimeter setting.
CAUTION: High terrain surrounding airport.
*Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	1840	1¼	1280	1800	2	1300	NA	NA
A	Not authorized.			T 2-eng. or less—1600–2 all runways.			T over 2-eng.—not authorized.	

City, Wurtsboro; State, N.Y.; Airport name, Wurtsboro-Sullivan County; Elev., 560′; Facility, HUO; Procedure No. VOR Runway 5, Amdt. 2; Eff. date, 28 Aug. 69; Sup. Amdt. No. 1; Dated, 11 Feb. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
CSV VORTAC, R 080° CW	CSV VORTAC, R 153°	7-mile DME Arc	5000	MAP: 5 miles after passing Donnelly Int. Climb to 4000′, right-climbing turns to 5000′ to Pomona Int via CSV VORTAC R 348° and hold. Supplementary charting information: Hold N, 1 minute, right turns, 168° Inbnd. Final approach crs to center of landing area.
CSV VORTAC, R 262° CCW	CSV VORTAC, R 153°	7-mile DME Arc	5000	
7-mile DME Fix	CSV VORTAC (NOPT)	CSV, R 153°	4500	

Procedure turn E side of crs, 153° Outbnd, 333° Inbnd, 5000′ within 10 miles of CSV VORTAC.
Final approach crs, 333°.
Minimum altitude over CSV VORTAC, 4500′; over Donnelly Int or 6.4-mile DME Fix, 3600′.
MSA: 000°–090°—6400′; 090°–360°—5100′.
NOTE: Operating VOR/DME or ADF receivers required for this approach.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	2340	1	459	2340	1	459	2340	1¼	459	NA
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Crossville; State, Tenn.; Airport name, Crossville Memorial; Elev., 1881′; Facility, CSV; Procedure No. VOR/DME-1, Amdt. 2; Eff. date, 28 Aug. 69; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 2 Oct. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VORTAC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
R 360°, AWK VORTAC CW	R 105°, AWK VORTAC	12-mile Arc	1500	MAP: 4.1-mile DME Fix, R 105°. Climb to 1500′ on R 285° within 20 miles. Supplementary charting information: Depict 136′ tower Peale Island. Runway 28, TDZ elevation, 12°.
R 180°, AWK VORTAC CCW	R 105°, AWK VORTAC	12-mile Arc	1500	
AWK VORTAC	8-mile DME Fix, R 105°	AWK, R 105°	1500	
12-mile Arc	8-mile DME Fix, R 105° (NOPT)	AWK, R 105°	1000	

Procedure turn N side of crs, 105° Outbnd, 285° Inbnd, 1500′ within 10 miles of 8-mile DME Fix, R 105°.
Final approach crs, 285°.
Minimum altitude over 8-mile DME Fix, R 105°, 1000′.
MSA: 000°–360°—1500′.
*Also applies to Category E aircraft.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA*	VIS	HAT*
S-28	320	1	308	320	1	308	320	1	308	320	1	308
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	420	1	406	480	1	466	480	1¼	466	580	2	566
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

Island, Wake Island; Airport name, Wake Island; Elev., 14′; Facility, AWK; Procedure No. VORTAC Runway 28, Amdt. Orig.; Eff. date, 28 Aug. 69

9. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
AZO VOR	BTL VORTAC	Direct	2600	MAP: BTL VORTAC. Climb to 3000′ and proceed to Hickory Int. via BTL VORTAC R 331°; or, when directed by ATC, make right-climbing turn to 2600′ on BTL R 036° then reverse crs to the left and return to BTL VORTAC. Supplementary charting information: Final approach crs intercepts runway centerline 2200′ from end of runway. Runway 31, TDZ elevation, 929′.
LFD VORTAC	BTL VORTAC	Direct	2600	
Marshall Int	Clark Int (NOPT)	Direct	2000	
R 015°, BTL VORTAC CW	R 118°, BTL VORTAC	12-mile Arc	2600	
R 223°, BTL VORTAC CCW	R 118°, BTL VORTAC	12-mile Arc	2600	
12-mile DME Fix	Clark 4-mile DME Fix (NOPT)	R 118°, BTL VORTAC	2000	

Procedure turn N side of crs, 118° Outbnd, 298° Inbnd, 2600′ within 10 miles of BTL VORTAC.
Final approach crs, 298°.
Minimum altitude over Clark Int/4-mile DME Fix, 1500′* (*2000′ from 12-mile Arc).
MSA: 000°–180°—2700′; 180°–270°—2300′; 270°–360°—2900′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1500	1	571	1500	1	571	1500	1	571	1500	1	571
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	559	1500	1	559	1500	1¼	559	1500	2	559
	Dual VOR or VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1460	1	531	1460	1	531	1460	1	531	1460	1	531
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	519	1460	1	519	1460	1¼	519	1500	2	559
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional; Elev., 941′; Facility, BTL; Procedure No. VOR Runway 31, Amdt. 3; Eff. date, 28 Aug. 69; Sup. Amdt. No. 2; Dated, 14 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach: MAP: 18-mile DME Fix or 3.8 miles after passing Cedar Creek Int.
JEF VOR	Stephens Int	Direct	2800	Climbing left turn to 2400', return to Stephens Int and hold.*
CBI VOR	Stephens Int	Direct	2400	Supplementary charting information:
Shaw Int	Stephens Int	Direct	2400	Chart holding at Stephens Int.
HLV VORTAC	Stephens Int (NOPT)	Direct	2400	Runway 20, TDZ elevation, 888'. *Hold N, left turn, 187° Inbnd. Chart Stephens and Cedar Creek Ints for Dual VOR and DME.

Procedure turn E side of crs, 007° Outbnd, 187° Inbnd, 2400' within 10 miles of Stephens Int.
FAF Cedar Creek Int. Final approach crs, 187°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over Stephens Int (9-mile DME), 2400'; over Cedar Creek Int (14.2-mile DME), 2000'.
MSA: 000°–090°—2300'; 090°–180°—2800'; 180°–270°—2800'; 270°–360°—2400'.
NOTES: (1) Use Columbia, Mo., altimeter setting, except operators with approved weather reporting service. (2) Inoperative components table does not apply to HIRL. (3) Operators with approved weather reporting service may reduce straight-in MDA's 20'.
$Dual VOR or VOR/DME required.
*Standard alternate minimums authorized for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-20$	1200	1	312	1200	1	312	1200	1¼	312	1200	1½	312
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C$	1240	1	352	1340	1	452	1340	1½	452	1440	2	552
A*	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Columbia; State, Mo.; Airport name, Columbia Regional; Elev., 888'; Facility, HLV; Procedure No. VOR Runway 20, Amdt. 2; Eff. date, 28 Aug. 69; Sup. Amdt. No. 1; Dated, 26 June 69

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach: MAP: MGR VOR.
Hartsfield Int	MGR VOR	Direct	1800	Climb to 1800' R 049° MGR VOR within 10 miles or, when directed by ATC, climb to 1800' right turn direct MGR VOR, hold SW 049° Inbnd, right turns, 1 minute. Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold. Advance notice required for operation of runway lights after control zone hours. TDZ elevation, 289'. LRCO 122.1R.

Procedure turn S side of crs, 229° Outbnd, 049° Inbnd, 1800' within 10 miles of MGR VOR.
Final approach crs, R 049°
Minimum altitude over MGR VOR, 680'.
MSA: 000°–090°—2400'; 090°–180°—1800'; 180°–360°—2800'.
NOTES: (1) Radar vectoring. (2) Local weather available during control zone hours.
CAUTION: Trees approach end of Runways 16 and 34.
%Takeoff minimums Runways 34, 10, 28, 500–1.
#Use Valdosta altimeter setting when control zone not effective and increase straight-in and circling MDA 140'.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S-4#	680	1	391	680	1	391	680	1	391	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C#	720	1	426	760	1	466	760	1¼	466	NA
A*	Standard.*		T 2-eng. or less—Standard Runways 16, 4, 22.%				T over 2-eng.—Standard Runways 16, 4, 22.%			

City, Moultrie; State, Ga.; Airport name, Moultrie-Thomasville; Elev., 294'; Facility, MGR; Procedure No. VOR Runway 4, Amdt. 5; Eff. date, 28 Aug. 69; Sup. Amdt. No. 4; Dated, 30 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach: MAP: MGR VOR.
Hartsfield Int	MGR VOR	Direct	1800	Climb to 1800', R 180° MGR VOR within 10 miles or, when directed by ATC, climb to 1800' left turn direct MGR VOR hold NE, 210° Inbnd, 1 minute, right turns. Supplementary charting information: Final approach crs intercepts runway centerline 3000' from runway threshold. Advance notice required for operation of runway lights after control zone hours. TDZ elevation, 294'. LRCO 122.1R.

Procedure turn W side of crs, 030° Outbnd, 210° Inbnd, 1800' within 10 miles of MGR VOR.
Final approach crs, R 210°.
Minimum altitude over MGR VOR, 920'.
MSA: 000°–090°—2400'; 090°–180°—1800'; 180°–360°—2600'.
NOTES: (1) Radar vectoring. (2) Local weather available during control zone hours.
CAUTION: Trees approach end of Runway 16 and 34.
%Takeoff minimums Runways 34, 10, 28, 500–1.
#Use Valdosta altimeter setting when control zone not effective and increase straight-in and circling MDA 140'.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S-22#	920	1	626	920	1	626	920	1¼	626	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C#	920	1	626	920	1	626	920	1½	626	NA
A	Standard.*		T 2-eng. or less—Standard Runways 16, 4, 22.%				T over 2-eng.—Standard Runways 16, 4, 22.%			

City, Moultrie; State, Ga.; Airport name, Moultrie-Thomasville; Elev., 294'; Facility, MGR; Procedure No. VOR Runway 22, Amdt. 4; Eff. date, 28 Aug. 69; Sup. Amdt. No. 3; Dated, 30 May 68

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach: MAP: CRE VORTAC.
R 300°, CRE VORTAC (CCW) 7-mile DME Arc	R 223°, CRE VORTAC 7-mile DME Arc	7-mile DME Arc	1600	Climb to 1600' on R 067° of CRE VORTAC within 15 miles. Supplementary charting information: Final approach crs intercepts runway centerline extended 2600' from threshold. LRCO 122.1R, 123.6R. TDZ elevation, 23'.
	Paul Int or 4-mile DME Fix (NOPT).	CRE, R 223°	640	

Procedure turn W side of crs, 223° Outbnd, 043° Inbnd, 1600' within 10 miles of CRE VORTAC.
Final approach crs, 043°.
Minimum altitude over Paul Int or 4-mile DME Fix, 640'.
MSA: 000°–180°—1200'; 180°–360°—1600'.
NOTES: (1) Radar vectoring. (2) When control zone not effective use Myrtle Beach AFB altimeter setting, and straight-in/circling MDA increased 40'.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S-5	640	1	607	640	1	607	640	1	607	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	640	1	607	640	1	607	640	1¼	607	NA
	VOR/DME/NDB Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-5	420	1	387	420	1	387	420	1	387	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	480	1	447	500	1	467	500	1¼	467	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, North Myrtle Beach; State, S.C.; Airport name, Myrtle Beach; Elev., 23'; Facility, CRE; Procedure No. VOR Runway 5, Amdt. 8; Eff. date, 28 Aug. 69; Sup. Amdt. No. 2; Dated, 27 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CRE VORTAC.
R 357°, CRE VORTAC (CW)	R 067°, CRE VORTAC	7-mile DME Arc	1600	Climb to 1600′ on R 223° of CRE VORTAC within 15 miles.
7-mile DME Arc	CRE VORTAC (NOPT)	CRE, R 067°	420	Supplementary charting information: Final approach crs intercepts runway centerline extended 2000′ from threshold. LRCS 122.1R, 123.6R. TDZ elevation, 33′.

Procedure turn N side of crs, 067° Outbnd, 237° Inbnd, 1600′ within 10 miles of CRE VORTAC.
Final approach crs, 237°.
MSA: 000°-180°—1200′; 180°-360°—1600′.
NOTES: (1) Radar vectoring. (2) When control zone not effective use Mrytle Beach AFB altimeter setting, and straight-in/circling MDA increased 40′.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-23	420	1	387	420	1	387	420	1	387		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	480	1	447	500	1	467	500	1½	467		NA	
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, North Myrtle Beach; State, S.C.; Airport name, Myrtle Beach; Elev., 33′; Facility, CRE; Procedure No. VOR Runway 23, Amdt. 3; Eff. date, 28 Aug. 69; Sup. Amdt. No. 2; Dated, 27 Mar. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.5 miles after passing Redondo Int.
SMO VOR	LAX VOR (NOPT)	Direct	2800	Climbing left turn to 2500′ via SLI R 269° to Redondo Int and hold.*
LAX VOR	Redondo Int	Direct	1100	Supplementary charting information: *Hold E, 1 minute, left turns, 269° Inbnd. Final approach crs intercepts runway centerline at displaced threshold. Chart 8.2-mile DME at MAP. Runway 11L, TDZ elevation, 91′.

Procedure turn not authorized. Approach crs (profile) starts at Redondo Int.
FAF, Redondo Int. Final approach crs, 135°. Distance FAF to MAP, 2.5 miles.
Minimum altitude over Redondo Int, 1100′.
MSA: 075°-255°—2600′; 255°-345°—5100′; 345°-075°—7200′.
NOTES: (1) Radar vectoring. (2) Use Los Angeles altimeter when control zone not effective. (3) Dual VOR, VOR/DME, VOR/ADF, or radar required.
#Circling and straight-in MDA raised 20′ and alternate minimums not authorized when control zone not effective, except operators with approved weather reporting service.
@Circling SW of Runways 11R/29L extended centerline not authorized.
%IFR departure procedures: Runways 29L/R turn right; Runways 11L/R turn left to heading 315°. Proceed to Tuna Int, via SLI R 266° and LAX R 205°.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11L#	840	1	749	840	1	749	860	1¼	769	880	1¼	789
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	840	1	739	840	1	739	860	1½	759	880	2	779
A	Standard.#		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Torrance; State, Calif.; Airport name, Torrance Municipal; Elev., 101′; Facility, LAX; Procedure No. VOR Runway 11L, Amdt. 7; Eff. date, 28 Aug. 69; Sup. Amdt. No. 6; Dated, 13 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AWK VOR.
				Climb to 1500′ on R 285° within 20 miles; return to VOR and hold. Supplementary charting information: Hold NW, 1 minute, right turns, 120° Inbnd, MHA 1500′. Depict 136′ tower Peale Island. Runway 28, TDZ elevation, 12′.

Procedure turn N side of crs, 105° Outbnd, 285° Inbnd, 1500′ within 12 miles of AWK VOR.
Final approach crs, 285°.
Minimum altitude over AWK VOR, 420′.
MSA: 000°-360°—1500′.
*Also applies to Category E aircraft.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA*	VIS	HAT*
S-28	420	1	408	420	1	408	420	1	408	420	1	408
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	420	1	406	480	1	466	480	1½	466	580	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

Island, Wake Island: Airport name, Wake Island; Elev., 14′; Facility, AWK; Procedure No. VOR Runway 28, Amdt. 3; Eff. date, 28 Aug. 1969; Sup. Amdt. No. 2; Dated 25 July 1968

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VORTAC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1-mile DME Fix R 259°.
R 311°, ITO VORTAC CW	R 345°, ITO VORTAC	11-mile Arc	4000	Climbing right turn to 3000′ on R 079°; proceed to Bayview DME and hold. Supplementary charting information: Hold E, 4-mile leg, left turns, 259° Inbnd. Radio tower 19°44′11″ N./155°02′07″ W., 184′. Runway 26, TDZ elevation, 37′.
R 345°, ITO VORTAC CW	R 079°, ITO VORTAC (NOPT)	11-mile Arc	1600	
11-mile DME ITO, R 079°	Bayview DME/Int	Direct	1600	

Procedure turn S side of crs, 079° Outbnd, 259° Inbnd, 1600′ within 10 miles of ITO VORTAC.
Final approach crs, 259°.
Minimum altitude over Bayview DME/Int, 1600′.
MSA: 030°-120°—13000′; 120°-210°—7500′; 210°-300°—15,800′; 300°-030°—8000′.
%400-1 required Runway 26, with right turn after takeoff.
*When circling N of Runways 8/26 MDA is 700′, HAA 663′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-26	440	1	403	440	1	403	440	1	403	440	1	403
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	463	540	1	503	600	1½	563	*820	2	783
	Category E:											
	MDA	VIS	HAT									
S-26	440	1	403									
	MDA	VIS	HAA									
C	1420	3	1383									
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Hilo; State, Hawaii; Airport name, General Lyman Field; Elev., 37′; Facility, ITO; Procedure No. VORTAC Runway 26, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. Orig.; Dated, 31 July 69

10. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Pomona Int	CMA NDB	Direct	4000	Climb to 4000', right-climbing turn to 5000' direct to CMA NDB and hold. Supplementary charting information: Hold NE, 1 minute, right turns, 242° inbnd. Final approach crs to runway threshold.

MAP: 4.1 miles after passing CMA NDB.

Procedure turn N side of crs, 062° Outbnd, 242° Inbnd, 4000' within 10 miles of CMA NDB.
FAF, CMA NDB. Final approach crs, 256°. Distance FAF to MAP, 4.1 miles.
Minimum altitude over CMA NDB, 3000'.
MSA: 000°–180°—5400'; 180°–270°—5100'; 270°–360°—4300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-26	2340	1	459	2340	1	459	2340	1	459	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	2340	1	459	2340	1	459	2340	1¼	459	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Crossville; State, Tenn.; Airport name, Crossville Memorial; Elev., 1881'; Facility, CMA; Procedure No. NDB (ADF) Runway 25, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. ADF 1, Orig.; Dated, 2 Oct. 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
GCK VORTAC	GCK NDB	Direct	4500	Climbing left turn to 4500' within 10 miles; return to GCK NDB. Supplementary charting information: Runway 12, TDZ elevation, 2888'.

MAP: 6.8 miles after passing GCK NDB.

Procedure turn S side of crs, 313° Outbnd, 133° Inbnd, 4500' within 10 miles of GCK NDB.
FAF, GCK NDB. Final approach crs, 133°. Distance FAF to MAP, 6.8 miles.
Minimum altitude over GCK NDB, 4500'.
MSA: 000°–090°—4200'; 090°–270°—4800'; 270°–360°—4400'.
*Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-12*	3400	1	512	3400	1	512	3400	1	512	3400	1¼	512
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	3400	1	505	3400	1	505	3400	1¼	505	3460	2	565
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Garden City; State, Kans.; Airport name, Municipal; Elev., 2895'; Facility, GCK; Procedure No. NDB (ADF) Runway 12, Amdt. 4; Eff. date, 28 Aug. 69; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 28 May 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Hyannis VORTAC	HY LOM	Direct	1700	Make left-climbing turn to 1700' direct HY LOM and hold. Supplementary charting information: Hold NE of HY LOM, 1 minute, left turns, 245° Inbnd. CAUTION: Obstructions to 82' from 1000' to approach end Runway 24, left side of centerline. 170' antenna 3400' S approach end of Runway 6. Runway 24, TDZ elevation, 43'.

MAP: 3.8 miles after passing HY LOM.

Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 1700' within 10 miles of HY LOM.
FAF, HY LOM. Final approach crs, 245°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over HY LOM, 1400'.
MSA: 000°–090°—1400'; 090°–180°—1400'; 180°–270°—1400'; 270°–360°—1600'.

NOTES: (1) Radar vectoring. (2) Use Otis approach altimeter setting. (3) Inoperative components table does not apply to HIRL's or ALS Runway 24.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-24	560	1	517	560	1	517	560	1	517	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	560	1	508	560	1	508	560	1½	508	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Hyannis; State, Mass.; Airport name, Barnstable Municipal; Elev., 52'; Facility, HY; Procedure No. NDB (ADF) Runway 24, Amdt. 4; Eff. date, 28 Aug. 69; Sup. Amdt. No. 3; Dated, 6 May 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Sweetwater Int	Brenda Int	CSV, R 099°	3000	Climb to 3000', left turn to TY LOM at 3500' and hold.
Brenda Int	TY LOM (NOPT)	Direct	2500	
Howard Int	TY LOM	Direct	4200	Supplementary charting information:
Tallassee Int	TY LOM	Direct	3000	Hold SW, 1 minute, right turns, 045° Inbnd.
TYS VORTAC	TY LOM	Direct	3000	HIRL Runways 4L/22R.
Greenback Int	TY LOM (NOPT)	Direct	2500	Runway 4L, TDZ elevation, 955'.
Swanson Int	TY LOM	Direct	3000	

MAP: 5.3 miles after passing TY LOM.

Procedure turn N side of crs, 225° Outbnd, 045° Inbnd, 2500' within 10 miles of TY LOM.
FAF, TY LOM. Final approach crs, 045°. Distance FAF to MAP 5.3 miles.
Minimum altitude over TY LOM, 2500'.
MSA: 000°–090°—6100'; 090°–180°—7600'; 180°–270°—7500'; 270°–360°—5600'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4L	1400	RVR 40	445	1400	RVR 40	445	1400	RVR 40	445	1400	RVR 50	445
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1520	1	531	1520	1	531	1520	1½	531	1540	2	551
A	Standard.		T 2-eng. or less—RVR 24', Runway 4L; Standard all other runways.				T over 2-eng.—RVR 24', Runway 4L; Standard all other runways.					

City, Knoxville; State, Tenn.; Airport name, McGhee Tyson; Elev., 989'; Facility, TY; Procedure No. NDB (ADF) Runway 4L, Amdt. 23; Eff. date, 28 Aug 69.; Sup. Amdt. No. ADF 1, Amdt. 22; Dated, 23 Apr. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
OTZ VOR	OTZ NDB	Direct	1500	MAP: 1.1 miles after passing OTZ, NDB. Climb to 1500′ on 205° bearing from OTZ NDB within 15 miles. Supplementary charting information: 120′ hill 3000′ E of Runway 8. Radio towers 163′, 0.9 mile N of airport.

Procedure turn W side of crs, 029° Outbnd, 209° Inbnd, 1500′ within 10 miles of OTZ NDB.
FAF, OTZ NDB. Final approach crs, 209°. Distance FAF to MAP, 1.1 miles.
Minimum altitude over OTZ NDB, 700′.
MSA: 000°–090°—3500′; 090°–180°—1400′; 180°–270°—1200′; 270°–360°—3100′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	470	480	1	470	480	1¼	470	480	2	550
A	Standard.		T 2-eng. or less—200-1. Runway 8; standard all other runways.				T over 2-eng.—200-1. Runway 8; Standard all other runways.					

City, Kotzebue; State, Alaska; Airport name, Ralph Wien Memorial; Elev., 10′; Facility, OTZ; Procedure No. NDB (ADF)-1, Amdt. 3; Eff. date, 28 Aug. 69; Sup. Amdt. No. ADF 1, Amdt. 7; Dated, 6 Feb. 65

From—	To—	Via	Minimum altitudes (feet)	Missed approach
ODI VOR	LSE NDB	Direct	2800	MAP: 4.3 miles after passing LSE NDB. Make immediate right-climbing turn to NDB, continue climb to 2800′ on 301° bearing from NDB within 10 miles; return to NDB. Supplementary charting information: 1840′ tower 5.6 miles SW at 43°48′23″/ 91°22′04″ (MSP-OE-67-232). 1050′ terrain 1.7 miles NE. 1380′ terrain 3.5 miles NE. Runway 13, TDZ elevation, 652′.

Procedure turn S side of crs, 301° Outbnd, 121° Inbnd, 2800′ within 10 miles of LSE NDB.
FAF, LSE NDB. Final approach crs, 142°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over LSE NDB, 1900′.
MSA: 090°–270°—2900′; 270°–090°—3500′.
NOTE: Final approach from holding pattern at LSE NDB not authorized; procedure turn required.
% IFR departure procedures: When weather is below 1200–2, departure on Runways 31 and 36, climb to 2300′ on runway heading before proceeding on crs; Runways 21, 18, and 13, climb to 2300′ on LSE R 180° before turning eastbound or westbound. After takeoff runway 13 immediate right-climbing turn, runway 21 immediate left-climbing turn.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	1060	1	428	1060	1	428	1060	1	428	1060	1	428
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1140	1	487	1140	1	487	1360	1¼	707	1360	2	707
A	Standard.		T 2-eng. or less—600-1, runways. %		Runway 3; Standard all other		T over 2-eng.—600-1, runways. %		Runway 3; Standard all other			

City, La Crosse; State, Wis.; Airport name, La Crosse Municipal; Elev., 663′; Facility, LSE; Procedure No. NDB ADF) Runway 13, Amdt. 5; Eff. date, 28 Aug. 69; Sup. Amdt. No. 4; Dated, 28 Oct. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
Rowlands Int	MSV NDB	Direct	3300	MAP: MSV NDB. Climb on crs 321° to 2800′ within 5 miles, climbing left turn to 3300′ direct to MSV NDB and hold. Supplementary charting information: Hold SE., 1 minute, left turns, 330° Inbnd. Runway 33, TDZ elevation, 1392′.
Monticello Int	MSV NDB	Direct	3300	
Loomis Int	MSV NDB	Direct	3700	

Procedure turn W side of crs, 141° Outbnd, 321° Inbnd, 3300′ within 10 miles of MSV NDB.
Final approach crs, 321°.
MSA: 000°–090°—5300′; 090°–180°—3300′; 180°–270°—3400′; 270°–360°—4000′.
NOTE: Use Stewart AFB altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33	2240	1	848	2240	1¼	848	2240	1¼	848	2240	1¼	848
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2240	1	837	2240	1¼	837	2240	1½	837	2240	2	837
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Monticello; State, N.Y.; Airport name, Sullivan County International; Elev., 1403′; Facility, MSV; Procedure No. NDB (ADF) Runway 33, Amdt. Orig.; Eff. date, 28 Aug. 69

From—	To—	Via	Minimum altitudes (feet)	Missed approach
EPH VOR	OMK NDB	Direct	6800	MAP: OMK NDB. Climbing left turn to 5000′ in holding pattern.$ Supplementary charting information: $Hold SE. 1 minute, left turns, 335° Inbnd. LRCO 122.6. 122.2.

Procedure turn W side of crs, 155° Outbnd, 335° Inbnd, 5000′ within 10 miles of OMK NDB.
Final approach crs, 335°.
Minimum altitude over OMK NDB, 3540′.*
MSA: 000°–090°—8300′; 090°–180°—7800′; 180°–270°—8000′; 270°–360°—8300′.
NOTE: Final approach from holding pattern at OMK NDB not authorized; procedure turn required.
*When Omak altimeter setting not available, use Wenatchee altimeter setting; MDA becomes 3860′, visibility 3 miles. Alternate minimums not authorized except operators with approved weather reporting service.
*Night visibility minimum 3 miles all categories.
%Climb visually over the airport to 3500′, then 156° bearing to en route altitude.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	3540	2	2239	3540	2	2239	3540	2	2239	3540	2	2239
A	4000–5.*		T 2-eng. or less—2200–2.%				T over 2-eng.—2200–2.%					

City, Omak; State, Wash.; Airport name, Omak; Elev., 1301′; Facility, OMK; Procedure No. NDB (ADF)-1, Amdt. 3; Eff. date, 28 Aug. 1960; Sup. Amdt. No. 2; Dated, 4 Apr. 1968

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.7 miles after passing UKT NDB.
Green Lane Int	UKT NDB	Direct	2000	Climbing left turn to 2000′ direct to UKT NDB and hold.
Dublin Int	UKT NDB	Direct	2000	
Coopersburg Int	UKT NDB	Direct	2500	Supplementary charting information:
Pottstown VORTAC	UKT NDB	Direct	2000	Hold E, 1 minute, right turns, 289° Inbnd. Runway 29, TDZ elevation, 526′.

Procedure turn S side of crs. 109° Outbnd, 289° Inbnd, 2000′ within 10 miles of UKT NDB.
FAF, UKT NDB. Final approach crs, 289°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over UKT NDB, 1300′.
MSA: 000°–090°—3100′, 090°–270°—2400′, 270°–360°—2700′.
NOTE: Use ABE altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–29	1060	1	534	1060	1	534	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1060	1	534	1060	1	534	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Quakertown; State, Pa.; Airport name, Upper Bucks County; Elev., 526′; Facility, UKT; Procedure No. NDB (ADF) Runway 29, Amdt. Orig.; Eff. date, 28 Aug. 1969

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.8 miles after passing RS LOM.
Gardner VORTAC	RS LOM	Direct	3000	Make right-climbing turn to 2900′ direct
Millbury Int	RS LOM	Direct	3000	RS LOM and hold.
Templeton Int	Spencer Int	Direct	3000	Supplementary charting information:
Eagle Int	Spencer Int	Direct	3000	Hold W of RS LOM, 1 minute, left turns,
Spencer Int	RS LOM (NOPT)	Direct	2900	108° Inbnd.
Dover Int	RS LOM	Direct	2900	1663′ antenna 2.1 miles N of airport.
BE NDB/LOM	RS LOM	Direct	3000	Runway 11, TDZ elevation, 980′.

Procedure turn N side of crs. 288° Outbnd, 108° Inbnd, 2900′ within 10 miles of RS LOM.
FAF, RS LOM. Final approach crs, 108°. Distance FAF to MAP, 5.8 miles.
Minimum altitude over RS LOM, 2900′.
MSA: 000°–090°—3100′, 090°–180°—2700′, 180°–270°—2400′, 270°–360°—2800′.
Departure procedures: Runway 33, climb on heading 290° to 2000′ before proceeding northeastbound; Runway 2, climb on heading 060° to 2000′ before proceeding westbound.
*Category D, 1000-2.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–11	1560	¾	580	1560	¾	580	1560	¾	580	1560	1	580
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1560	1	551	1560	1	551	1620	1¼	611	2000	2	991
A	Standard.*		T 2-eng. or less—300–1, Runways 29 and 33; Standard all others.				T over 2-eng.—300–1, Runways 29 and 33; Standard all others.					

City, Worcester; State, Mass.; Airport name, Worcester Municipal; Elev., 1000′; Facility, RS; Procedure No. NDB (ADF) Runway 11, Amdt. Orig.; Eff. date, 28 Aug. 69

11. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.7 miles after passing CQN NDB.
Bale Creek Int	CQN NDB (NOPT)	Direct	3000	Climb to 4000′ on 196° bearing from CQN
Palmer Int	CQN NDB	Direct	4000	NDB within 15 miles, or when directed
Whitewell Int	CQN NDB	Direct	4000	by ATC, climb to 4000′, left turn, direct
Haletown Int	CQN NDB	Direct	4000	to CHA VORTAC and hold.
Bridgeport Int	CQN NDB	Direct	4000	Hold SE, one minute, right turns, 331°
Chickamauga Int	CQN NDB	Direct	4000	Inbnd.
CHA VORTAC	CQN NDB	Direct	3000	Supplementary charting information:
Crandall Int	CQN NDB	Direct	3000	VASI, Runway 2.
Georgetown Int	CQN NDB	Direct	3000	HIRL, Runways 2/20.
Riceville Int	CQN NDB	Direct	3000	ALS, Runway 20.
				Final approach crs to runway threshold. Runway 20, TDZ elevation, 673′.

Procedure turn E side of crs. 016° Outbnd, 196° Inbnd, 3000′ within 10 miles of CQN NDB.
FAF, CQN NDB. Final approach crs, 196°. Distance FAF to MAP, 7.7 miles.
Minimum altitude over CQN NDB, 3000′; over OM, 1560′.
MSA: 000°–180°—4200′; 180°–360°—4100′.
NOTE: ASR.
#Inoperative components table does not apply to ALS Runway 20.
*Standard minimums for NDB/FM equipped aircraft. For NDB only aircraft all category 1000–2.
CAUTION: Due to high terrain and towers, aircraft with limited climb capability departing on routes W through N, should request clearance to climb on a track of 016° or 196° from CHA LMM to 3000′ before continuing climb on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–20#	1560	1¼	887	1560	1½	887	1560	1¼	887	1560	2	887
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1560	1¼	878	1560	1½	878	1560	1¼	878	1560	2	878
	NDB/FM:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–20#	1260	RVR 50	587	1260	RVR 50	587	1260	RVR 50	587	1200	RVR 60	567
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1560	1¼	878	1560	1½	878	1560	1¾	878	1560	2	878
A	Standard.*		T 2-eng. or less—RVR 24′, Runway 20; Standard all others.				T over 2-eng.—RVR 24′, Runway 20; Standard all others.					

City, Chattanooga; State, Tenn.; Airport name, Lovell Field; Elev., 682′; Facility, CQN; Procedure No. NDB (ADF) Runway 20, Amdt. 19; Eff. date, 28 Aug. 69; Sup. Amdt. No. 18; Dated, 26 June 69

12. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Hyannis VORTAC	HY LOM	Direct	1700	MAP: 3.8 miles after passing HY LOM. Make left-climbing turn to 1700′ direct HY LOM and hold. Supplementary charting information: Hold NE of HY LOM, 1 minute, left turns, 245° Inbnd. CAUTION: Obstructions to 82′ from 1000′ to approach end Runway 24, left side of centerline. 170′ antenna 3400′ S approach end Runway 6. Runway, 24, TDZ elevation, 43′.

Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 1700′ within 10 miles of HY LOM.
FAF, HY LOM. Final approach crs, 245°. Distance FAF to MAP, 3.8 miles.
Minimum glide slope interception altitude, 1400′. Glide slope altitude at OM, 1312′; at MM, 266′.
Distance to runway threshold at OM, 3.8 miles; at MM, 0.6 mile.
MSA: 000°–090°—1400′; 090°–180°—1400′; 180°–270°—1400′; 270°–360°—1600′.
NOTES: (1) Radar vectoring. (2) Use Otis approach altimeter setting. (3) Inoperative components table does not apply to HIRL or ALS Runway 24. (4) Back crs unusable.
*Increase straight-in minimums 50′ when ALS not available.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-24*	323	1	280	323	1	280	323	1	280		NA	
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT			
S-24	440	1	397	440	1	397	440	1	397		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	560	1	508	560	1	508	560	1½	508		NA	
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Hyannis; State, Mass.; Airport name, Barnstable Municipal; Elev., 52′; Facility, I-HYA; Procedure No. ILS Runway 24, Amdt. 9; Eff. date, 28 Aug. 69; Sup. Amdt. No. LOC Runway 24, Amdt. 8; Dated, 3 June 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Sweetwater Int	Brenda Int	CSV, R 090°	3000	MAP: ILS DH, 1155′; LOC 5.3 miles after passing TY LOM. Climb to 4000′ direct to TYS VORTAC and hold.
Brenda Int	TY LOM (NOPT)	TYS LOC	2500	
Howard Int	TY LOM	Direct	4200	Supplementary charting information:
Tallassee Int	TY LOM	Direct	3000	Hold NE, 1 minute, right turns, 231° Inbnd
TYS VORTAC	TY LOM	Direct	3000	HIRL Runways 4L/22R.
Greenback Int	TY LOM (NOPT)	Direct	2500	Runway 4L, TDZ elevation, 955′.
Swanson Int	TY LOM	Direct	3000	

Procedure turn N side of crs, 225° Outbnd, 045° Inbnd, 2500′ within 10 miles of TY LOM.
FAF, TY LOM. Final approach crs, 045°. Distance FAF to MAP, 5.3 miles.
Minimum glide slope interception altitude, 2500′. Glide slope altitude at OM, 2485′; at MM, 1150′.
Distance to runway threshold at OM, 5.3 miles; at MM, 0.6 mile.
MSA: 000°–090°—6100′; 090°–180°—7600′; 180°–270°—7500′; 270°–360°—5600′.
NOTES: (1) ASR. (2) Localizer back crs unusable.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-4L	1155	RVR 24	200	1155	RVR 24	200	1155	RVR 24	200	1155	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4L	1360	RVR 24	405	1360	RVR 24	405	1360	RVR 24	405	1360	RVR 24	405
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1520	1	531	1520	1	531	1520	1¼	531	1540	2	551
A	Standard.		T 2-eng. or less—RVR 24′, Runway 4L; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 4L; Standard all other runways.					

City, Knoxville; State, Tenn.; Airport name, McGhee Tyson; Elev., 989′; Facility, I-TYS; Procedure No. ILS Runway 4L, Amdt. 26; Eff. date, 28 Aug. 69; Sup. Amdt. No. ILS-4L, Amdt. 25; Dated, 12 Mar. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Gardner VORTAC	RS LOM	Direct	3000	MAP: ILS DH, 1339′; LOC 5.8 miles after passing RS LOM. Make right-climbing turn to 2900′ direct RS LOM and hold; or, when directed by ATC, climb straight ahead on LOC BC to 2500′ direct Dover Int. Hold E of Dover Int, 1 minute, left turns, 288° Inbnd. Supplementary charting information: Hold W of RS LOM, 1 minute, left turns, 108° Inbnd. 1663′ antenna 2.1 miles N of airport. Runway 11, TDZ elevation, 980′.
Millbury Int	RS LOM	Direct	3000	
Templeton Int	Spencer Int	Direct	3000	
Eagle Int	Spencer Int	Direct	2900	
Spencer Int	RS LOM (NOPT)	Direct	2900	
Dover Int	RS LOM	Direct	3000	
BE NDB/LOM	RS LOM			

Procedure turn N side of crs, 288° Outbnd, 108° Inbnd, 2900′ within 10 miles of RS LOM.
FAF, RS LOM. Final approach crs, 108°. Distance FAF to MAP, 5.8 miles.
Minimum glide slope interception altitude, 2900′. Glide slope altitude at OM, 2892′; at MM, 1212′.
Distance to runway threshold at OM, 5.8 miles; at MM, 0.6 mile.
MSA: 000°–090°—3100′; 090°–180°—2700′; 180°–270°—2400′; 270°–360°—2800′.
Departure procedures: Runway 33, climb on heading 290° to 2000′ before proceeding northeastbound; Runway 2, climb on heading 050° to 2900′ before proceeding westbound.
*Category C, 700–2; Category D, 1000–2.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-11	1339	¾	359	1339	¾	359	1339	¾	359	1339	1	359
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11	1440	¾	460	1440	¾	460	1440	¾	460	1440	1	460
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	451	1540	1	531	1620	1½	611	2000	2	991
A	Standard.*		T 2-eng. or less—300–1, Runways 29 and 33; Standard all others.				T over 2-eng.—300–1, Runways 29 and 33; Standard all others.					

City, Worcester; State, Mass.; Airport name, Worcester Municipal; Elev., 1009′; Facility, I-RSR; Procedure No. ILS Runway 11, Amdt. Orig.; Eff. date, 28 Aug. 69

13. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Knoxville, Tenn., ASR minimum altitude vectoring charts. All bearings and distances are from Radar Site on McGhee Tyson Airport with sectors azimuths progressing clockwise.												Descend aircraft after passing FAF. 1. Runway 4L, FAF—5 miles from threshold. TDZ elevation, 955′. 2. Runway 22R, FAF—4 miles from threshold. TDZ elevation, 951′. HIRL Runways 4L/22R. Inoperative component table does not apply to HIRL Runway 22R.

Missed approach:
Runway 4L—Climb to 4000′ direct to TYS VORTAC and hold. Hold NE, 1 minute, right turns, 231° Inbnd.
Runway 22R—Climb to 3000′ direct to TY LOM and hold. Hold SW, 1 minute, right turns, 045° Inbnd.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4L	1360	RVR 24	405	1360	RVR 24	405	1360	RVR 24	405	1360	RVR 50	405
S-22R	1460	1	479	1460	1	479	1460	1	479	1460	1	479
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1520	1	531	1520	1	531	1520	1¼	531	1540	2	551
A	Standard.		T 2-eng. or less—RVR 24′, Runway 4L; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 4L; Standard all other runways.					

City, Knoxville; State, Tenn.; Airport name, McGhee Tyson; Elev., 989′; Facility, Knoxville Radar; Procedure No. Radar-1, Amdt. 12; Eff. date, 28 Aug. 69; Sup. Amdt. No. 11; Dated, 26 Apr. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by MEM ASR minimum altitude vectoring chart.										1. Approach crs from 000° CW to 360°. 2. Descend aircraft to MDA after FAF 5 miles from airport. 3. Missed approach point over airport.

Missed approach: Climb to 2000' direct Bruins NDB and hold W on the 257° bearing—077° Inbnd, right turns, 1 minute.
Use Memphis approach Control altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		VIS	
C	700	1	488	700	1	488	700	1	488		NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, West Memphis; State, Ark.; Airport name, West Memphis Municipal; Elev., 212'; Facility, MEM ASR; Procedure No. ASR-1, Amdt. 2; Eff. date, 28 Aug. 69; Sup. Amdt. No. Radar 1, Amdt. 1; Dated, 6 Jan. 66

14. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by AUS ASR minimum altitude vectoring chart.										1. Descend aircraft after passing FAF. 2. Runway 30L—FAF AU LOM 4.8 miles from threshold. 3. Runway 12R—FAF Burnet Int 2.5 miles from threshold. Minimum altitude over Burnet Int 1400'. 4. Runway 16R—FAF 2.2 miles from threshold. Minimum altitude over FAF 1300'. 5. Runway 34L—FAF 5 miles from threshold. Radar antenna located at BSM AFB. TDZ elevation 30L, 611'. TDZ elevation 12R, 632'.

Missed approach:
Runway 30L—Climb to 3000' straight ahead on AUS LOC crs 306° within 15 miles, or climb to 3000' right turn direct to AUS VORTAC and hold N, right turns, 1 minute, 187° Inbnd.
Runway 12R—Climb to 3000' direct to AU LOM and hold SE, right turns, 1 minute, 306° Inbnd.
Runway 16R—Climb to 3000' direct to AU LOM and hold SE, right turns, 1 minute, 306° Inbnd.
Runway 34L—Climb to 3000' direct to AUS VORTAC and hold N, right turns, 1 minute, 187° Inbnd

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-30L	900	RVR 24	289	900	RVR 24	289	900	RVR 24	289	900	RVR 50	289
S-12R	1060	¾	428	1060	¾	428	1060	¾	428	1060	1	428
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1100	1	468	1100	1	468	1100	1⅓	468	1220	2	588
A	Standard.		T 2-eng. or less—RVR 24', Runway 30L; Standard all other runways.				T over 2-eng.—RVR 24, Runway 30L; Standard all other runways.					

City, Austin; State, Tex.; Airport name, Robert Mueller Municipal; Elev., 632'; Facility, Austin Radar; Procedure No. Radar-1, Amdt. 8; Eff. date, 28 Aug. 69; Sup. Amdt No. 7; Dated, 3 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by DAL ASR minimum altitude vectoring chart.										ASR Runways 31L and 31R: Intermediate approach fix 5 miles from threshold 2000'. Descent aircraft to MDA after FAF. ASR Runways 31L and 31R, FAF 3 miles from threshold 1500'. Minimum altitude over 1.3-mile Radar Fix on final approach crs, 1000'. TDZ elevation: Runway 31L—475'; Runway 31R—485'.

Missed approach: Climb to 2200' on runway heading within 10 miles or climb to 2000', right turn, direct to DAL VORTAC.
NOTE: Facilities inoperative components table does not apply.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31R	880	1	395	880	1	395	880	1	395	880	1	395
S-31L	880	RVR 40	405	880	RVR 40	405	880	RVR 40	405	880	RVR 40	405
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	435	1000	1	515	1000	1¼	515	1080	2	595
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485'; Facility, DAL ASR; Procedure No. ASR-1, Amdt. 14; Eff. date, 28 Aug. 69; Sup. Amdt. No. 13; Dated, 26 June 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on July 24, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-9033; Filed, Aug. 11, 1969; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. IC-5741, 33-4986]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 270—RULES AND REGULATION, INVESTMENT COMPANY ACT OF 1940

Certain Separate Accounts of Insurance Companies

Certain separate accounts of insurance companies in which employer or employee contributions under qualified pension and profit-sharing plans are held and invested and transactions involving such separate accounts.

On March 6, 1969, the Securities and Exchange Commission published notice (Investment Company Act Release No. 5628; Securities Act Release No. 4954) (34 F.R. 5027) that it had under consideration the adoption of Rule 6e-1 (17 CFR 270.6e-1) under the Investment Company Act of 1940 ("Investment Company Act") and the amendment of Rule 156 (17 CFR 230.156) under the Securities Act of 1933 ("Securities Act") and invited all interested persons to submit their views and comments upon the proposals. The Commission has considered all the comments and suggestions received and has determined to adopt Rule 6e-1 (17 CFR 270.6e-1) under the Investment Company Act and an amended Rule 156 under the Securities Act in the form set forth below. The Commission has also adopted temporary Form N-6E-1(T) (17 CFR 274.6e-1) which is referred to in Rule 6e-1 (17 CFR 270.6e-1) and which is necessary to implement that rule.

Section 6(c) of the Investment Company Act provides that the Commission by rule, regulations, or order may conditionally or unconditionally exempt any person, security, or transaction, or any class of persons, securities, or transactions from any provision or provisions of the Investment Company Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Investment Company Act. Section 6(e) of the Investment Company Act provides that if, in connection with any rule, regulation, or order under section 6 (of the Act) exempting any investment company from any provision of section 7, the Commission deems it necessary or appropriate in the public interest or necessary for the protection of investors that certain specified provisions of the Investment Company Act shall be applicable in respect of such company, the provisions so specified shall apply to such company and to other persons in their transactions and relations with such company, as though such company were a registered investment company. Section 38(a) of the Investment Company Act authorizes the Commission to issue rules necessary or appropriate to the exercise of the powers conferred upon the Commission in the Investment Company Act Rule 6e-1 (17 CFR 270.6e-1).

Rule 6e-1 under the Investment Company Act exempts from the registration requirements of the Investment Company Act certain separate accounts established by life insurance companies upon the condition that such accounts comply with all but certain designated provisions of the Investment Company Act and meet other requirements set forth in the rule. Rule 6e-1 (§ 270.6e-1) is applicable to separate accounts which hold assets attributable only to pension and profit-sharing plans which meet the requirements for qualification under either section 401 or 404(a)(2) of the Internal Revenue Code. These are commonly referred to as "qualified plans." They include plans established for self-employed persons pursuant to the provisions of the Self-Employed Individuals Tax Retirement Act of 1962 ("Smathers-Keogh plans"), since those plans also meet the requirements of section 401 or 404(a)(2). Unlike Rule 3c-3 (17 CFR 270.3c-3) under the Investment Company Act, Rule 6e-1 (§ 270.6e-1) does not condition the exemption by requiring a prohibition against the allocation of employee contributions to the separate account. Thus, separate accounts which meet the more restrictive conditions for exemption under Rule 3c-3 (§ 270.3c-3) will continue to enjoy the much more

extensive exemption from the Investment Company Act provided by that rule while on the other hand, a wider variety of pension and profit-sharing plans will be able to be funded through contracts participating in separate accounts which qualify for the narrower exemption under Rule 6e–1.

Rule 6e–1 (§ 270.6e–1) provides that certain separate accounts are exempt from section 7 (of the Act), which effectively prohibits an unregistered investment company from operating, and section 8 (of the Act), which provides for the method of registration and the content of the registration statement. In place of the notification of registration provided by section 8(a) (of the Act), an insurance company may file a notification of claim of exemption under Rule 6e–1 (§ 270.6e–1) on Form N–6E–1(T), (§ 274.6e–1) which the Commission herein adopts as a temporary form to be used until such time as the Commission adopts a permanent form. In place of the registration statement required by section 8(b) (of the Act), the insurance company will file a report on Form N–6E–2 (§ 274.6e–2) to be promulgated.

Rule 6e–1 (§ 270.6e–1) also provides that such separate accounts must comply with every provision of the Investment Company Act as if they were registered open-end investment companies, except for a number of specified sections of the Investment Company Act. In addition to sections 7 and 8 (of the Act), exemption is granted from section 18(i) (of the Act) so that persons who hold participating interests in the separate account will not be required to be given any voting rights. In consequence, and since such separate accounts will not have a separate board of directors, exemption is also granted from the other provisions of the Act which, broadly speaking, provide the opportunity for shareholder participation in the management of registered investment companies. These provisions include sections 10 (other than subsection (f) thereof), 15, 16, 20 (a) and (b), and 32 (a) and (b) (of the Act). A conditional exemption is granted from section 13(a) which requires majority shareholder approval of any change in the fundamental investment policy of a registered investment company. Instead, the Commission must be notified in writing at least 60 days prior to any proposed change in the investment policy of a separate account. The change may then be made unless the Commission, within 30 days of the receipt of such notice, conditions or limits the exemption provided by the rule.

A partial exemption from section 9 (of the Act) makes the restrictions of that section applicable only to officers and directors of the insurance company and to other employees who participate either in the administration of the separate account or in the sale of participating contracts.

A limited exemption from the provisions of section 14(a) (of the Act) is provided in order to afford separate accounts claiming exemptions from the provisions of the Investment Company Act under Rule 6e–1 with the same treatment which the Commission has proposed in Investment Company Act Release No. 5586 (34 F.R. 1910) (Jan. 24, 1969) for registered separate accounts having assets derived solely from pension and profit-sharing plans meeting the requirements of section 401, 403(b), or 404(a) of the Internal Revenue Code. That is, exemption from the minimum capital requirements of section 14(a) (of the Act) is afforded by Rule 6e–1 where the insurance company has a combined capital and surplus or an unassigned surplus of at least $1 million.

A narrow exemption from section 17(d) (of the Act) is granted. Most life insurance companies currently invest some portion of their general funds in common stocks and it is anticipated that many companies will establish more than one separate account that will qualify for exemption under Rule 3c–3 or Rule 6e–1. While the investment policies of these separate accounts may differ, there will be times when an insurance company will wish simultaneously to purchase the same security or sell the same security, on behalf of its general accounts and one or more of its separate accounts Rule 6e–1 grants exemption from section 17(d) (of the Act) to permit contemporaneous purchases or contemporaneous sales of the same class or series of securities of the same issuer on behalf of separate accounts and the general account of the insurance company. Except to the extent provided by this exemption, section 17(d) (of the Act) will be applicable to transactions of separate accounts claiming exemption under this rule exactly as if such accounts were registered investment companies.

The rule grants an exemption from section 17(f) (of the Act) to allow securities held in a separate account claiming exemption under the rule to be held in the custody of the insurance company. Exemption from section 19 (of the Act) is granted since separate accounts do not pay dividends in the sense in which the term is used in this section.

Because of the manner in which insurance companies negotiate and sell contracts respecting interests in separate accounts for funding pension and profit-sharing plans, the Commission believes that it is not necessary to impose all the requirements of section 22 (of the Act) on such separate accounts. Thus exemptions from section 22 (d), (e), and (f) are provided. No exemption is provided, however, from section 22 (a), (b), and (c) (of the Act), so that the Commission and, in effect, the National Association of Securities Dealers ("NASD"), with respect to its members, will retain jurisdiction to prescribe means of pricing of interests in such accounts and prevent the imposition of unconscionable or grossly excessive sales loads. The rule as proposed would not have subjected such accounts to section 22 (a) and (b) (of the Act). The result of that would have been that the NASD would have been prevented from regulating some insurance companies which are its members. No exemption from section 22(g) (of the Act) is provided, since the Commission believes there is no reason why separate accounts should not observe the prohibitions of this section.

Since most contracts that participate in a separate account meeting the conditions of Rule 6e–1 will be exempt from the registration requirements of the Securities Act, under the amendment to Rule 156 that is simultaneously being adopted, the provisions of section 24 of the Investment Company Act, other than subsection (b), would not be meaningful as applied to such accounts. However, exemption from the entire section is provided, including section 24(b) (of the Act), since Rule 6e–1, in paragraph (b), imposes separate specific filing requirements with respect to literature prepared by the insurance companies that relate to the operations of such separate accounts. These requirements are discussed below. Similarly, exemption is granted from sections 30 and 31(a) (of the Act), which require periodic reporting to the Commission and to stockholders and the keeping of prescribed records. In place of these requirements the Rule requires reports and records in a form which takes into account the nature of the contracts issued through such separate accounts and the manner in which such accounts are administered.

An exemption from section 27(c) is granted in recognition of the fact that annuity contracts with life contingencies are necessarily nonredeemable during the payout period.

Paragraph (b) of Rule 6e–1 sets forth the several report and record-keeping requirements that have already been mentioned. Subparagraphs (1) and (2) require the filing of initial reports which correspond to the notification of registration and the registration statement filed by investment companies. Subparagraph (3) requires the filing of such annual and other reports and the maintenance of such records with respect to separate accounts as the Commission shall prescribe as appropriate.

Paragraph (b)(4) (§ 270.6e–1(b)(4)) requires the insurance company to furnish a written statement to every employer to which a contract participating in the separate account has been issued, if the retirement plan provides for benefits which vary to reflect the investment results of the separate account. That statement must explain, to the extent applicable to the particular employer's retirement plan, that the benefits to be received by employees will not be paid in any fixed dollar amount but will vary to reflect the investment experience of the separate account, and that the assets held in the account will include common stocks and other equity investments. In addition, the statement must describe how the insurance company will determine the dollar amount of each periodic payment to be made to the covered employees pursuant to the plan. A copy of the statement must be filed with the Commission within 10 days after it is delivered to any employer. While the rule as proposed did not require it, the rule adopted requires the insurance company to make sufficient copies of the statement available to each employer for all covered employees.

The insurance company must recommend to the employer that this statement should be transmitted to each covered employee. While it appears desirable that each employee be given a copy of such a statement, it is the employer, rather than the funding agency, that controls what communications are delivered to its employees. Accordingly, it would not be feasible to impose such an obligation upon the insurance company. Although this section is not intended to impose any duty upon employers to transmit copies of this required statement to their employees, responsible employers will, of course, wish to be certain that their employees are given the information set forth in this required statement.

Paragraph (b)(5) (§ 270.6e–1(b)(5)) also imposes upon insurance companies claiming exemption under the rule the requirement to file certain other documents with the Commission. Virtually every employer that establishes a pension or profit-sharing plan will provide its covered employees with a booklet or brochure describing the principal features of the plan. Sometimes a copy of the plan itself is distributed. In some cases this description is prepared entirely by the employer. In many cases the funding agency will participate in its preparation, supplying information for part of the brochure. In other cases the funding agency will be entirely responsible for the preparation and printing of this descriptive material. This paragraph does not require any participation by the insurance company in the preparation of this explanatory literature. It does require, if the funding agency does furnish the employer with all or some portion of a document that is transmitted to employees, or if it provides the employer with material that may reasonably be expected to be transmitted to employees, that a copy of what has been furnished the employer, if it relates in any way to the separate account, be filed with the Commission within 10 days after it is first delivered to an employer.

Paragraph (c) (§ 270.6e–1(c)) of the rule sets forth two conditions that must be met by a separate account in order to be exempt under the rule. The first is that the separate account be legally segregated and not subject to claims which arise out of any other business of the insurance company. Because the value of the assets held in separate accounts will be related not only to investment performance but also to the longevity of covered employees, formulation of this condition has required the use of insurance terminology. The reserve and other contract liabilities under all contracts that participate in a separate account, which is the equivalent of the value of all present and future payments that the insurance company is obligated to make under the contracts, can be determined only by actuarial computations. This amount, moreover, will vary from time to time to take into account the deaths of persons who were entitled to payment of benefits under the contracts. To the extent that the market value of the assets in a separate account exceeds the reserve and other contract liabilities of the account, the excess is part of the surplus of the insurance company. Paragraph (c)(1) (§ 270.6e–1(c)(1)) of the rule recognizes that this portion of the assets held in a separate account must be subject to claims arising out of other business of the insurance company. The subparagraph also provides that the value of the assets of the account must not be less than the reserve and other contract liabilities of the account. Thus the insurance company is free to transfer any or all of the excess from a separate account to its general funds. If, however, the value of the assets should fall below the amount of the reserve and other contract liabilities, the insurance company is required to eliminate the deficiency by transferring funds to the account. The rule as proposed required that the assets in the account have at all times a value at least equal to the reserves and other contract liabilities with respect to such account. A less rigid provision, thought to be more in keeping with actuarial practice, is in the rule adopted. It requires that the assets be at least equal to such reserves and other liabilities at any time during the year that adjustments in the reserves are made and that at all other times such assets shall have a value approximately equal to or in excess of such reserves and other liabilities.

Under the laws of many of the States which authorize the establishment of separate accounts by life insurance companies, such accounts will either be legally segregated to the extent required by this subparagraph or can readily be made segregated through the addition of appropriate provisions in the participating contracts. Some States require legal segregation but other States do not require nor permit such segregation. This condition will be satisfied if an arrangement is made which will ensure, in the event of insolvency of the insurance company, that claims of creditors that arise out of other business of the insurance company will not be satisfied out of assets held to meet the separate account contract obligations. This might be accomplished, for example, through some form of insurance with a different insurance company, or by provision of a superior lien under applicable State law. Because insurance companies in some States may find it difficult to make the necessary arrangements to comply with this condition, it is provided that the condition need not be satisfied until 6 months after the effective date of the rule.

The second condition is that every contract which participates in a separate account claiming exemption under the rule must authorize the contract holder to direct that an amount equal to the value of the contract holder's interest (rather than "assets" as the proposed rule specified) be withdrawn or transferred. This will enable a contract holder, if he chooses, to utilize a different funding agency for the investments of the funds supporting his plan. This withdrawal or transfer privilege would not, however, apply to funds allocated to provide benefits to individual employees who have retired, since the insurance company would in such cases have assumed direct contractual obligations to pay those benefits. In some cases these benefits might be payable to persons other than employees, as in the case of a plan which provides for the payment of an annuity to an employee and his spouse so long as either shall live. Amounts held to provide for the payment of benefits to the spouse of a deceased employee under such an arrangement would also not be required to be made subject to this withdrawal or transfer provision.

Many existing contracts already contain such a provision. These usually provide for a limitation upon the amount that may be withdrawn or transferred in any 1 month. This is to protect against a large drain upon the assets of the account, causing a forced liquidation of some of the securities, to the possible disadvantage both to the withdrawing or transferring contract holder and to other contract holders. Such a limitation is authorized under the rule, provided that the contract must permit the withdrawal or transfer of at least $1 million in any one month, or, where the value of the contract holder's interest in the separate account at the time the request for withdrawal or transfer is made is in excess of $20 million, at least 5 percent of the value of that interest.

The rule also provides that no surrender charge in excess of 2 percent may be made in connection with any such withdrawal or transfer. Many contracts employed for the purpose of funding pension and profit-sharing plans impose no sales load at all in connection with purchase payments but do impose what would be the equivalent of a sales load in connection with withdrawals or the payment of benefits. In order to accommodate these arrangements, paragraph (c)(2) permits a surrender charge in excess of 2 percent but only if the sales load and the surrender charge under the contract in the aggregate do not exceed 6 percent.

Rule 156 (17 CFR 230.156). In connection with its Rule 6e–1(§ 270.6e–1) the Commission also adopted an amendment of Rule 156 (§ 230.156) under the Securities Act pursuant to the authority conferred upon the Commission by section 19(a) of the Securities Act. Paragraph (a) now covers transactions involving contracts which relate to separate accounts claiming exemption either under Rules 3c–3 (§ 270.3c–3) or 6e–1 (§ 270.6e–1) under the Investment Company Act, instead of only under Rule 3c–3, and defines them as "transactions by an issuer not involving any public offering" in section 4(2) of the Securities Act provided that certain additional conditions are met. This paragraph continues to cover only transactions with employers and has no applicability to any transaction whereby an employee acquires an interest in a separate account.

Rule 156 had been applicable only to contracts which are negotiated with an

employer for the benefit of at least 25 employees because this is one of the conditions for exemption under Rule 3c–3. Since Rule 6e–1 would not have any such condition, such a requirement is an explicit condition in paragraph (a)(1) of the amended Rule 156.

The term "employer" is defined, as it was in the earlier version of Rule 156, to mean "an employer, employers or persons acting on their behalf." This would include within the definition of transactions not involving any public offering, the sale of group contracts to trustees or associations representing several employers in a single industry. In several industries, pension and profit-sharing plans are established in connection with collective bargaining between industry-wide management representatives and unions, and these plans permit covered employees to change from one employer to another while remaining eligible for benefits under the plan. A group annuity contract issued for the purpose of funding such a plan would not, under the amended rule, as it did not under the earlier version of the rule, have to be registered under the Securities Act, if the other conditions of the rule are met.

A different test would apply, however, to contracts issued for the purpose of funding Smathers-Keogh plans. Where a contract is to cover a sole proprietorship or a partnership involving 25 or more employees, the transaction would be regarded under the rule as a transaction not involving a public offering. But where a contract is issued covering the employees of several separate enterprises, as would be the case with a contract issued to a bar or medical association permitting participation thereunder by members of the association, this would be regarded as constituting a public offering if any member of the association employed less than 25 persons. As a practical matter it would therefore appear that virtually all Smathers-Keogh contracts would be subject to the registration requirements of the Securities Act.

Paragraph (b) of the amendment to Rule 156 is new. Since Rule 3c–3 provides an exemption from the Investment Company Act only for transactions involving contracts which prohibit the allocation of employee contributions to a separate account, paragraph (b) would be applicable only where allocations of employee contributions are made to a separate account which is entitled to exemption under Rule 6e–1, as part of a transaction that is regarded as not involving a public offering under Rule 156(a).

Paragraph (b) provides that no sale or offer shall be deemed to be involved where employee contributions are allocated to a separate account under the foregoing circumstances if two conditions are met. First, there must not be any individual solicitation of employees either to participate in the plan or to elect to participate in the portion that utilizes the separate account rather than other aspects of the plan. Second, the employer must make a "substantial contribution" to the overall pension and profit-sharing program of which the contract participating in the separate account is a part. Each of these conditions is described more fully below.

The first condition is set forth in paragraphs (b)(1) and (b)(2). It is recognized, of course, that employees who are offered an opportunity to make contributions under a retirement program must be told about the plan and about the terms and nature of their participation. Booklets describing the plan may be distributed by the employer or the insurance company. Regular employees of the employer, in its labor relations, personnel, or comparable divisions may meet with employees either in groups or singly, to discuss and explain the plan and to make whatever recommendations are thought appropriate. Where a pension consultant has been retained by the employer, he may participate in this activity.

It is common practice, when a retirement plan is first established or a significant change made, or new features added, to provide oral explanations to groups of employees at meetings arranged for that purpose. Representatives of the insurance company or, where an independent broker has participated in the sale of the contract, representatives of the broker, may appear at and participate in such meetings. If the provisions of paragraph (b) are to be available, these representatives must be salaried employees and may not receive commissions or other incentive compensation based upon the extent of participation under the separate account contract. Such representatives may not, however, engage in discussions with individual employees for the purpose of inducing participation in or explaining the plan. Nor may the employer engage anyone for the purpose of inducing participation.

The "substantial contribution" condition is set forth in paragraph (b)(3). The employer must make a contribution under the program, of which the plan funded by the separate account contract is a part, that can be expected, over the life of the plan, to be at least one-half that made by the employees. Because employers enjoy considerable flexibility in determining the amount and timing of their contributions under qualified pension and profit-sharing plans, demonstration of satisfaction of this condition presents certain difficulties. For this reason the test set forth in paragraph (b)(3) has been included.

It should be noted that the amended rule continues to provide an exemption only from section 5 of the Securities Act and would not, therefore, afford any exemption from the antifraud sections of the Securities Act.

Findings and conclusions. After consideration of the comments and suggestions received from interested persons, the Commission has determined to adopt Rule 6e–1 (17 CFR 270.6e–1) under the Investment Company Act and an amended Rule 156 (17 CFR 230.156) under the Securities Act, effective July 15, 1969, as well as Form N–6E–1(T) (17 CFR 274.6e–1).

The Commission finds that the adoption of Form N–6E–1(T) (17 CFR 274.6e–1) is appropriate in the public interest and is consistent with the protection of investors and that notice and procedures pursuant to the Administrative Procedure Act is not necessary. Accordingly, Form N–6E–1(T) (17 CFR 274.6e–1) whose text follows, shall become effective July 15, 1969.

The Commission intends to follow closely the operation of Rule 6e–1 and amended Rule 156 in actual practice in order to determine whether any hardships or abuses occur that warrant adjustment in the rules consistent with the protection of investors.

Commission action. I. Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding a new § 270.6e–1 reading as follows:

§ 270.6e–1 Exemption for certain separate accounts of insurance companies.

(a) A separate account which issues only interests or participations in a fund of securities, pursuant to contracts made in connection with pension or profit-sharing plans which meet the requirements either for qualification under section 401 of the Internal Revenue Code or for deduction of the employer's contributions under section 404(a)(2) of said Code, shall, except for the following sections (of the Act), be subject to all provisions of the Act as though such separate account were a registered open-end investment company:

(1) Section 7 (of the Act);

(2) Section 8 (of the Act) except to the extent made applicable by paragraph (b) of this section;

(3) Section 9 (of the Act) but only to the extent that a company shall not be subject to the restrictions of section 9(a)(3) (of the Act) by virtue of the status of persons who do not participate in any way in the operations of or sales of interests in the separate account;

(4) Section 10 (of the Act) but not paragraph (f) thereof;

(5) Section 13(a) (of the Act) provided that the Commission is notified in writing at least 60 days prior to any proposed change in investment policy, and the Commission does not in its discretion within 30 days of receipt of such notice condition or limit, in respect of the proposed change in investment policy, the exemption otherwise provided by this section;

(6) Section 14(a) (of the Act) provided the insurance company of which the separate account is a part shall have (i) a combined capital and surplus, if a stock company, or (ii) an unassigned surplus, if a mutual company, of not less than $1 million at the time of the filing of the notification provided for by paragraph (b)(1) of this section;

(7) Section 15 (of the Act);

(8) Section 16 (of the Act);

(9) Section 17(d) (of the Act), to the extent necessary to permit contemporaneous purchases or contemporaneous sales on behalf of the separate account and other separate accounts and the general account of the insurance company of the same class or series of securities of the same issuer;

(10) Section 17(f) (of the Act);

(11) Section 18(i) (of the Act);

(12) Section 19 (of the Act);

(13) Section 20 (a) and (b) (of the Act);

(14) Section 22 (of the Act) other than paragraphs (a), (b), (c), and (g) thereof;

(15) Section 24 (of the Act);

(16) Section 27(c) (of the Act);

(17) Sections 30 and 31(a) (of the Act) except as provided by paragraph (b) of this section; and

(18) Sections 32 (a) and (b) (of the Act).

(b) Any insurance company which maintains or proposes to maintain a separate account with respect to which exemption from registration under this section is claimed shall:

(1) File with the Commission, within 30 days after the effective date of this section or within 30 days after the establishment of such separate account, whichever is later, a notification on Form N–6E–1 (§ 274.6e–1(T) of this chapter) which identifies such separate account;

(2) File with the Commission, a report on Form N–6E–2 (§ 274.6e–2 of this chapter) within 3 months after filing the notification referred to above: *Provided*, That, if the fiscal year of the separate account ends within this 3-month period, the Form N–6E–2 (§ 274.6e–2 of this chapter) report may be filed within 3 months after the end of such fiscal year;

(3) File with the Commission, such annual and other reports, and shall maintain such records with respect to such separate account as the Commission shall prescribe by rules pursuant to sections 30 and 31 of the Act as appropriate in view of the character of the separate account and its operations and as necessary or appropriate in the public interest or for the protection of investors: *Provided*, That, except as may otherwise be provided in either such rules or in this section 270.6e–1 or in the forms for reports prescribed by the Commission, the provisions of Regulation 8B under the Act (§§ 270.8b–1 through 270.8b–32) shall be applicable. Records required to be maintained pursuant to such rules shall be subject to the requirements of section 31(b) of the Act;

(4) In the case of a contract that provides for the allocation of contributions to the separate account in connection with a pension or profit-sharing plan that provides for employee benefits which may vary to reflect the investment results of the separate account, such insurance company shall deliver to every employer to which such a contract has been issued a copy of a statement in writing setting forth, to the extent applicable, (i) that the benefits to be received by the employees will not be paid in any fixed dollar amount, and will vary to reflect the investment experience of the separate account; (ii) that the investments held in the separate account will include common stocks and other equity investments which may be changed from time to time; and (iii) the essential features of the procedure to be followed by the insurance company in determining the dollar amount of such variable benefits. The insurance company shall make sufficient copies of the statement available to each employer for all covered employees, recommend to the employer that such statement should be transmitted to such employees, and file such statement with the Commission within 10 days after delivery to any employer; and

(5) File with the Commission, within 10 days after delivery to an employer, a copy of every document, or portion thereof, relating to the separate account or the interests or participations therein, that has been furnished by the insurance company to an employer for transmission or which may reasonably be expected to be transmitted to employees.

(c) A separate account shall be entitled to the exemptions provided by paragraph (a) of this section of:

(1) The separate account is a legally segregated asset account, the assets of which, at the time during the year that adjustments in the reserves are made, have a value at least equal to the reserves and other contract liabilities with respect to such account, and at all other times shall have a value approximately equal to or in excess of such reserves and liabilities; and that portion of such assets, which has a value equal to, or approximately equal to such reserves and other contract liabilities of such account, is not chargeable with liabilities arising out of any other business which the insurance company may conduct: *Provided*, That this condition need not be satisfied until 6 months after the effective date of this section.

(2) Any contract which provides for allocation of contributions to the separate account, authorizes the contract holder to direct that an amount equal to the value of the contract holder's interest in the separate account (other than amounts which, pursuant to the contract, have been allocated to provide retirement benefits to individual employees) be withdrawn or transferred, although such contract may (i) limit the amount that may be withdrawn or transferred in any one month to the greater of (a) $1 million or (b) 5 percent of the value of the contract holder's interest in the separate account at the time the original request for withdrawal or transfer is made and (ii) impose a surrender charge not to exceed 2 percent of the amount withdrawn or transferred: *Provided*, That a surrender charge in excess of 2 percent of the amount withdrawn or transferred may be imposed if the sales load and surrender charge, in the aggregate, do not exceed 6 percent.

(d) "Separate account," as used in this section shall mean a fund established and maintained by an insurance company pursuant to the law of any State or territory of the United States or the District of Columbia, under which income, gains, and losses, whether or not realized, from assets allocated to such fund, are, in accordance with the applicable contract, credited to or charged against such fund without regard to other income, gains, or losses of the insurance company.

(e) "Insurance company," as used in this section shall have the same meaning as that prescribed in section 2(a)(17) of the Act.

II. Section 230.156 of Chapter II of Title 17 of the Code of Federal Regulations is amended to read as follows:

§230.156 Definition of "transactions by an issuer not involving any public offering" in section 4(2) of the Act, and of "sale", "offer", "offer to sell", and "offer for sale" for purposes of section 5 of the Act, in connection with separate accounts exempted by § 270.3c–3 or § 270.6e–1 of this chapter.

(a) The phrase "transactions by an issuer not involving any public offering" in section 4(2) of the (Securities Act of 1933) shall include any transaction with an employer, employers, or persons acting on their behalf (herein called the "employer") whereby an insurance company offers, pursuant to a contract, interests or participations in a separate account, which meets the conditions and limitations set forth in § 270.3c–3 or § 270.6e–1 of this chapter: *Provided*, That:

(1) Such contract is negotiated with such employer for the benefit of at least 25 employees: *Provided further*, That, in the case of a contract which covers self-employed individuals and owner-employees some or all of whom are employees within the meaning of section 401(c) of the Internal Revenue Code, each partnership or sole proprietor employs at least 25 employees including such self-employed individuals and owner-employees; and

(2) Such contract is not advertised in any written communication which, insofar as it relates to interests or participations in a separate account, does more than identify the insurance company, state that it is engaged in the business of writing such contracts, sets forth a brief description of the nature of the separate account and of the basic provisions of the contract, and invites inquiries in regard thereto. The limitations of this subparagraph shall not apply to disclosure made in the course of direct discussion or negotiation of such contract.

(b) For purposes only of section 5 of the Act, no "sale," "offer," "offer to sell," or "offer for sale" shall be deemed to be involved so far as an employee is concerned (whether or not there is a public offering to the employer), where allocations of employee contributions are made to a separate account entitled to the exemptions provided by § 270.6e–1 of this chapter pursuant to a contract which meets the conditions and limitations set forth in subparagraph (1) of paragraph (a) of this section: *Provided*, That:

(1) The employer does not engage any person for the purpose of inducing employees to participate under such contract or in a plan based on such contract or of inducing any elections on the part of employees under such contract or in such plan; and

(2) Any solicitation of individual employees by or on behalf of the insurance company is limited to discussions with the employer and to furnishing the employer with explanatory documents as required or contemplated by § 270.6e–1 of this chapter, or giving oral explanations, including answering of questions, at meetings of groups of employees arranged by the employer, and no commissions or other incentive compensation are paid to the persons responsible for drafting the explanatory documents or for inducing any election on the part of the employee; and

(3) The employer makes a substantial contribution to the overall pension and profit-sharing program of which the contract is a part. An employer's contribution shall be deemed "substantial," as used in this section if the overall pension and profit-sharing program applicable to the employees covered by the program can be reasonably expected to provide for a contribution by the employer, over a period for which the program may be reasonably be expected to be in operation, which in the aggregate is at least half as much as the contributions made by the employees. The foregoing requirement shall be deemed to have been satisfied if the employer has in the preceding 5 fiscal years, or since the inception of the program, if less than such 5 years, contributed in the aggregate at least half as much under such program as have the employees and the basis for determining contributions has not been changed since such past contributions were made to reduce the employer's anticipated contributions. At the inception of a program and at any time thereafter, notwithstanding that the aggregate contributions by the employer during such 5-year (or shorter) period do not amount to at least half as much under such program as was contributed by the employees, or that the basis for determining contributions has changed, a written certificate by a member of the American Academy of Actuaries, prepared in accordance with generally accepted actuarial standards, stating that the employer's contribution can reasonably be expected to be at least half as much as contributions to be made by the employees over a period for which the plan may reasonably be expected to be in operation and stating the basis thereof, shall be prima facie evidence of satisfaction of the requirement of this subparagraph at that time and for the ensuing year. A copy of each such certificate shall be filed with the Commission as an exhibit to the notification or report next following such certificate, filed pursuant to paragraph (b) of § 270.6e–1 of this chapter.

§ 274.6e–1 Form N–6E–1 (T).

This form shall be filed as the Notification of Claim of Exemption pursuant to § 270.6e–1 of this chapter by each insurance company claiming exemption thereunder which has separate accounts in which are held assets attributable only to pension and profit-sharing plans meeting the requirements for qualification under either section 401 or 404(a)(2) of the U.S. Internal Revenue Code.

(Secs. 4, 19, 48 Stat. 77, 85, as amended 15 U.S.C. 77d, 77s; secs. 6, 38(a), 54 Stat. 800, 15 U.S.C. 80a–6, 80a–37)

By the Commission.[1]

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 15, 1969.

Incorporation by reference approved by the Director of the Federal Register on August 11, 1969.

[F.R. Doc. 69–9458; Filed, Aug. 11, 1969; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–297; Order 387]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 14—REPORTING NET INVESTMENT IN LICENSED PROJECTS TO THE COMMISSION

Hydroelectric Project Licenses; Calculation of "Net Investment"; Statement of Policy

AUGUST 4, 1969.

Introduction. Rulemaking proceeding R–297 was instituted by notice of proposed rule making issued January 20, 1966 (31 F.R. 1079). Numerous comments and responses were filed, including those by the Secretary of the Interior, electric utilities, state public service commissions, and other interested persons and groups. By notice of November 2, 1966 (31 F.R. 14884), the Commission permitted further filings and responses to initial comments and supplemental comments. On September 21, 1967, the Commission gave notice of oral argument and set forth certain proposed revisions and modifications to the previously proposed rule (32 F.R. 13596).

On October 12, 1967, Great Northern Paper Co. and six other companies moved to sever certain issues with respect to industrial licensees and their affiliates. On November 7, 1967, the Commission deferred action on this motion until after the oral argument (32 F.R. 15714).

After oral argument, held December 18, 1967, the motion of Great Northern Paper Co. et al., was granted to the extent of severing the issues concerning licensed projects owned directly or indirectly by industrial corporations, and which do not sell power on a regular basis to customers other than their corporate affiliates or parents, by Order No. 370, issued September 27, 1968 (33 F.R. 14943).

Following the issuance of said order 33 applications for rehearing or modification were filed with the Commission. On November 22, 1968, by Order No. 370–A (33 F.R. 17901), we granted rehearing for the purpose of allowing us an opportunity to give full and adequate consideration to the views of the applicants, and extended the time for compliance with certain filing requirements. A further extension of time was granted by our order issued June 6, 1969 (34 F.R. 9332).

We have reconsidered Order No. 370 and have concluded that it should be set aside. In lieu thereof, we have determined to issue a new order, intending that it should be treated as an initial order stating a general policy. Petitions for reconsideration will be entertained if filed within 90 days and otherwise in accordance with the Commission's rules of practice and procedure.

The notice of proposed rule making of January 20, 1966. We deem it advisable first to direct comments to the notice of proposed rule making in Docket No. R–297, issued January 20, 1966, so that the Commission's findings and conclusions with respect to the subjects upon which views were at that time tentatively or inferentially expressed may be stated and explained.

In paragraph 1 of that notice the Commission's stated purpose was to set forth "a method for determining the 'net investment in a project', as the phrase is defined in section 3(13) of the Federal Power Act." Paragraph 4 of the notice of January 20, 1966, paraphrases section 3(13) of the Federal Power Act. It states three questions which, as many of the comments to the notice point out, assume the proposition in issue, namely, that section 3(13) is a regulatory section to be read separately and independently of section 10(d) and other sections of the Act.

In this reconsideration our conclusion is that section 3(13) should not be so read. Section 10(d), in pari materia with the other operative provisions of the Act, shows that the qualifying limitation (i.e., "as the phrase is defined in section 3(13)") of the notice is misleading. In short, the notice of rulemaking initiating that proceeding adopted as a legal premise the proposition in issue.

For this reason we are vacating our prior order, Order No. 370. We undertake in this order to carry out the proper legal purpose of the Commission in initiating the rulemaking proceeding. That purpose, as the history of the proceeding amply discloses, is to devise regulations, if any are found needed, to carry out Commission duties under the Federal Power Act with particular reference to the provisions of sections 14 and 15, wherein the Congress treated with

[1] Copies of this form have been filed with the Office of the Federal Register and may be obtained from the headquarters and regional offices of the Securities and Exchange Commission.

rights and duties of licensees and others when license terms expire. Comments on the earlier notice of rulemaking accordingly are limited and pertain only to those points which contribute to a correct understanding of the action now taken.

The language of the statute itself must be looked to as a reference point governing the scope of these proceedings. Since the date of the notice of rulemaking in Docket No. R–297, the Congress has said that "[F] or any new license issued under section 15, the amortization reserves [under subsection 10(d)] shall be maintained." In this connection, Public Law 90–451, August 3, 1968, 82 Stat. 616, et seq., amends both of the referenced sections, as well as section 10(d), of the Federal Power Act. Our present consideration takes this amendment into account, naturally. Paragraph two of the notice of January 20, 1966, paraphrased sections 14 and 15 of the Power Act as they were then worded.

We have determined not to issue new regulations, but rather to issue this as a statement of general policy. This statement is consistent with our Uniform System of Accounts Prescribed for Public Utilities and Licensees, and prior decisions and precedents of the Commission. We will estimate for Congress the "net investment" component of a takeover price as equal to the project original cost, less the amount accumulated in the project depreciation reserve, subject to a maximum potential further deduction of the balance accumulated in the project section 10(d) amortization reserve account, Account 264, Amortization Reserve-Federal, and as reported in FPC Form No. 9, Licensed Project Annual Report.[1]

We contemplate that a final determination of "net investment" may be made only after opportunity has been given for a hearing as provided in section 14 of the Federal Power Act.

Consistent with our prior administration of the provisions of section 10(d), our general policy will be to require that licensees subject to the provisions of section 10(d) establish and maintain amortization reserve accounts upon a current basis, consonant with the terms of their licenses, of which there are two general types, one issued prior to 1935, and one subsequent thereto. Accordingly, we deem it important to reflect herein the general principles which have heretofore governed the Commission's section 10(d) determinations, and we will set forth so far as is possible in a general statement, the method of attributing a portion of licensee's overall earnings to the project.

Continuing on with the January 20, 1966 notice, paragraph three is speculative in tone. It emphasizes the interest of Congress and of potential applicants for a new license in price or compensation to an existing licensee. It speculates also that "it may * * * be necessary to determine whether the net investment in the project exceeds its fair value."

As a matter of general legal intent the interrelationship between "net investment" and "fair value" is governed by the provisions of section 14 of the Federal Power Act. Factually, the subject raises a host of general considerations affecting the Nation's economy as a whole. We think that generally the necessity to determine whether the "net investment" in a project exceeds its "fair value" will not arise in the foreseeable future, given the inflation which has persisted for so many years. But whatever the ultimate outcome, our present concerns are, and should be, to reach a determination of the meaning of the statute taken as a whole (particularly that section 10(d) must be read in pari materia with the operative provisions of the Act), so as to insure that the licensee's operating data is properly recorded and that these data, with other full information are furnished to the Congress in any takeover proceeding and are a part of a complete record in any proceeding for the issuance of a new license by this Commission.

Paragraph five of the notice, although speaking to "fair return", does so in terms of a "fair rate of return"—a different matter. Section 3(13) of the Act does not refer to a rate of return, in contrast to section 10(d), which does.

Believing the distinction to have been purposeful, we can turn to other sections of the Act to conclude that Congress intended to permit participation by the Federal Government (or by a new licensee) in favorable earnings of a licensee whose rates and charges are regulated by a State commission or this Commission only to the extent of the proportion of its earnings that are accumulated in the section 10(d) reserve in accordance with the terms of the license.

The base upon which the license-specified rate of return should be applied is, of course, a remaining question. The second paragraph of the section numbered five in the notice of proposed rulemaking grapples with the problem of accommodating the literal accounting language embodied in section 3(13) to "modern accounting practice". To the extent that outstanding licenses issued by this Commission prior to 1935 project similar questions into the area of section 10(d) reserve balances they will be dealt with on an ad hoc basis as interpretations of Commission ordered provisions. In our judgment this will best facilitate the purposes of the Power Act. Experience has shown that speculative analysis of whether the Congress comprehended the difference between return on capital and return of capital,[2] and similar accounting questions are not particularly helpful in correctly synthesizing the legislative purposes of the Power Act.

Paragraphs six and seven specify two alternatives for allocation between project and system or nonproject earnings. A third alternative was later specified for consideration.

In view of the findings and conclusions of this statement and order we return to an allocation method not specified in the proposed order, or any supplemental order, but which has been consistently followed by the Commission in its section 10(d) cases. It was referred to in the course of the proceedings in Docket No. R–297 as the "old staff method".

Paragraph eight of the notice dealt with the determination of the calculation of excess earnings for industrial licensees. We severed that issue from the proceedings in Docket No. R–297 by Order No. 370 and that result will stand.

Paragraph nine, on the deductibility of project excess earnings, presents a problem whose scope is sharply reduced in the light of our determination that section 3(13) is not a regulatory section. As a section 10(d) matter the policy question becomes one with regard to the deduction of section 10(d) balances in reduction of project "net investment". It should be stated as a part of this order. We will not make such deductions prior to the expiration of the license.

Paragraph 10 announces an intention to add a new Part 14 to the Commission's regulations under the Federal Power Act for licensee reporting of "current net investment". The accounts required by section 10(d) are already in existence as is the Commission report form. A new Part 14 for a separate "net investment" calculation is not necessary. Rather, what is required is an implementation of those provisions associated with section 10(d) which are now extant.

Legislative history. The Federal Water Power Act of 1920 was in a gestation process from about 1908 until its enactment. This was the period when public utility regulation was developing, and when accounting and ratemaking concepts were taking form and shape. In the history of the bill which was finally enacted, we see that section 10(d) as we now have it was added as an amendment, and the circumstances of this amendment have to be understood in the light of the understanding of the regulatory issues then prevailing.

As Mr. O. C. Merrill, Chief Engineer of the Forest Service and an adviser to the Secretary of Agriculture on the subject of the pending bill, pointed out (Hearings before House Committee on Water Power, 65th Cong., second sess., p. 47), the only way to reach excessive earnings on a licensed project was by an annual charge or through rate regulation. Thereafter, Mr. Merrill's principal, Secretary of Agriculture Houston, recommended that a provision be made for the setting up of an amortization reserve out of part of the earnings in excess of a specified rate of return. He pointed out that the original bill did not require the setting up of amortization reserves, and, that if reserves were not required to be set up, all of the earnings could be distributed by the licensee (Hearings,

[1] It appears that a license might be appropriately conditioned for compliance with the statute, even though the precise amount of the section 10(d) reserves might be in dispute, awaiting hearing and Commission or ultimate judicial determination.

[2] Whether depreciation is an expense rather than an element of return.

supra, pp. 657–659). The purpose of the recommended new section 10(d) was to compel a reservation of a portion of the earnings and to remove them from being available for distribution of dividends.

The amendment to add section 10(d) was further refined after it was reported by the Committee. H. Rept. No. 715, 65th Cong., second sess., p. 6, shows that the section 10(d) amendment, as approved by the Committee, provided for setting up of amortization reserves out of part of excess earnings during the entire period of the license. Before enactment, the bill was changed to provide that the reserve would be created only after the first 20 years of operation.

In the final conference on the bills passed by the House and Senate, a change in section 10(e) was inserted, providing for expropriation of unregulated excessive profits until the period of amortization under section 10(d) was reached. H. Rept. No. 910, 66th Cong., second sess., pp. 3, 9.

Congress did not provide that all excess earnings, as determined by the Commission, be expropriated at the end of the license period.

For purposes of the matter here before us it should be noted that the language of section 10(e) is distinct from that of section 10(d). The latter section requires the setting aside of a proportion of surplus earnings in excess of a "specified reasonable rate of return" which is to be set forth in the license. And this specified rate of return is contrasted with "fair return" as mentioned in section 3(13). Additionally, it must be remembered that even when the current interplay of all of these distinctions are taken into account the legislative history shows that Congress considered and rejected a scheme to require, inflexibly, the amortization of the investment of the licensee during the term of the license.

Inherent in the Act is the premise that rates charged by public service licensees of hydroelectric sites subject to Federal license would be regulated by State agencies, with only contingent authority in the Federal Power Commission, sections 19 and 20. For purposes of rate controls we conclude that Congress did not intend any retroactive review of the fairness of the return achieved under such State regulation. On the contrary, the Act specified that State rate regulation be accepted, and Secretary of the Interior Lane answered Congressman Taylor's question on this subject most categorically:

> Mr. TAYLOR: We should preserve the principle of absolutely holding this property and having a clean right of recapture at the end of 50 years. When we do that and reserve absolutely beyond any question the right of the various public utility commissions to regulate the rates and the service, it seems to me that everything else is a minor detail, is it not?
>
> Secretary LANE: Yes; I should say those were the two outstanding things, that those were the pillars upon which the whole proposition rests. (Hearings, supra, p. 463.)

We conclude that the legislative history of the Federal Water Power Act supports the view that a main purpose of the Act was to stop the wasting of a natural resource and achieve development of hydroelectric power sites through encouraging private investment; that if a licensed project is taken over at the end of a license period, the licensee would receive the capital invested, if the "fair value" were not less, plus severance damages, if any; that necessary amortization of the cost of the project over the term of the license was rejected as not in the public interest; that returns earned by a licensee from a project would be under rates regulated by states or the Federal Power Commission, both of which were provided for in the Act; and that in view of those various controls, including section 10(d), it was not contemplated that there would be any excessive earnings in unappropriated surplus at the end of the license period, since there are no other provisions for the retention of any part of surplus earnings.

By way of a final general comment on the economic history of the period of The Federal Water Power Act, it should be recalled that the hearings and debates on the 1918 Water Power bill took place against a background of wartime inflation, but with a difference. Then the conventional wisdom was that inflation was a cyclical and temporary matter, to be followed inexorably by depression. Congress provided, for example, that if the safety of the United States demands Federal takeover for war purposes, "just and fair compensation for the use of said property [shall be] fixed by the commission upon the basis of a reasonable profit in time of peace * * *", section 16, The Federal Water Power Act, 41 Stat. 1063, 1072.

In such a context, it may be seen that the conflict between the proponents of "net investment" and those of "fair value" were ideologically reversed from the situation prevailing today, with the "net investment" concept being urged by those who would protect the utility investment from being eroded by deflation—explaining the duty referred to the Commission, and alluded to in the notice of proposed rulemaking, to determine whether "fair value" is less than "net investment". The idea is curious, in today's context, but it does cast light upon the attitude of Congress.

Administrative interpretations. Immediately upon its creation by the Congress, the Federal Power Commission instituted service-life depreciation accounting, to protect "the integrity of properties in which the United States has the interest of a potential ownership" (1 FPC Ann. Rep., 57–58 (1921)). Depreciation reserves were not required to be funded, and the priority which the Commission from the very start gave to depreciation as against return resulted in excluding from unappropriated surplus any return of capital element, and established the original-cost-less-depreciation concept which is the bedrock of our regulation.[3]

[3] Unfortunately, actual administrative follow-through on individual licensed project accounts was sporadic prior to 1935 due principally to budgetary and personnel limitations.

It then established a graduated scale under which the Federal Government might share in favorable earnings of a licensee pursuant to section 10(d)—Regulation 17—explaining to Congress and to the public its interpretation of the intent of Congress with respect to takeover price:

> If the properties are taken away, the licensee must be paid his "net investment" in the properties, an amount equal to the actual investment plus severance damages and less such sums in depreciation and amortization reserves as have been accumulated during the period of the license after having received a fair return upon the investment. (1 FPC Ann. Rep., 50–51 (1921))

These concepts then were reflected in the System of Accounts Prescribed for Licensees adopted in 1922, and remain in the present Uniform System of Accounts Prescribed for Public Utilities and Licensees.

Prior to the 1935 revisions of the Federal Water Power Act, the Commission recommended to the Congress the need to clarify the amortization reserves provision of section 10(d) with particular reference to the phrase "actual, legitimate investment". After Congress substituted the term "net investment" for "actual, legitimate investment", the Commission employed "net investment" as the earnings base phrase in section 10(d) cases. Licenses issued since 1935 have reflected this change.

Rates fixed by this Commission have uniformly been fixed upon original cost less depreciation, which has been characterized as "net investment rate base." (Working capital allowances have been included within the term.)

In 1947 the Commission dismissed a general rulemaking proceeding in Docket No. R–105 involving section 3(13) of the Federal Power Act (12 F.R. 6980).

In Niagara Falls Power Co., 9 FPC 228 (1950), the Commission decided that amortization reserves should be established and maintained on a cumulative rather than an annual basis. Although the Commission discussed section 3(13), it did not reach the question of how amortization reserves should be used to reduce "net investment".

Further administration. To facilitate the processing of the pending work associated with the Commission's administration of section 10(d) of the Act and the related Commission accounts and report forms, Commission staff personnel will be available to consult with representatives of licensees. A substantial workload exists in this area. It consists primarily of those matters which were deferred pending Commission consideration of the issues raised in Docket No. R–297. We contemplate that through conferences and other informal procedures most licensees' questions which involve underlying factual and legal issues may be resolved. We recognize that in the administration of section 10(d) it is almost always necessary to allocate the earnings of a utility between project and nonproject plant operations, because the electric energy is intermingled and distributed in a system that includes energy produced by other hydroelectric plants, both licensed and unlicensed, and

steam production plants. Furthermore, power is purchased from other suppliers. A process of averaging and allocation is necessary. Prior Commission actions have evolved one practical approach to the problem, all as set forth hereafter. Other approaches are possible and a showing of the appropriateness thereof on an ad hoc basis is contemplated by this statement.

As the Uniform System of Accounts Prescribed for Public Utilities and Licensees is bottomed on cost concepts as well as functional accounting and is related to the ratemaking process, the practical approach to the problem is to allocate the operating income of the electric department on the basis of the relationship between the licensed project plant in service, less the accumulated provision for depreciation, and the electric plant in service, less the accumulated provision for depreciation, of all other electric plants, the latter including an allowance for working capital. More specifically, the method of allocation requires an annual determination of a net plant in service base, as described above for the electric department as a whole, and the development of related operating income. These data permit a calculation of annual earnings percentages for the entire electric department, which percentages are then applied, by years, to the licensed project plant in service, less depreciation, in ascertaining the earnings deemed applicable to project property. Claimed increases and decreases in the "actual legitimate original cost" and accumulated provision for depreciation for both project and nonproject electric plant, operating income, and pertinent balance sheet accounts and records of operating income for each year, shall be used to determine the excess project earnings.

For licenses issued before 1935, under Regulation 17, the amount of excess earnings to be recorded in Account 264 is at differing percentages, depending upon circumstances which require a determination of whether the accumulated earnings of the licensee, including the first 20 years of operation under license, have yielded a "fair return" upon the "actual, legitimate investment" in the project under license. If they have not, the amount to be paid into amortization reserves is ten percent of the surplus earnings until the accumulated earnings represent, in the judgment of the Commission, a "fair return" upon the investment for the period of operation.

For all other licenses (not subject to Regulation 17), the information by which the correctness of the amortization reserve, Account No. 264, shall be measured shall relate to the years beginning with the 21st year of project operation under license to the end of the period under examination.[4] The rate of return specified in the license (6 percent per annum) is applied to the project investment base to determine the project specified return. The excess, if any, of the actual project earnings over the project specified return constitutes the excess project earnings, a proportion of which as set forth in the license (one-half) shall be credited to Account No. 264.

The Commission further finds:

(1) It is necessary and appropriate for the purposes of the Commission's administration of the Federal Power Act and its regulations thereunder, including the Commission's Uniform System of Accounts Prescribed For Public Utilities and Licensees (18 CFR Part I, eq seq.):

(a) That the rulemaking proceeding instituted by the Commission in Docket No. R–297 on January 20, 1966 "for the purpose of setting forth a method for determining the 'net investment in a project', as * * * defined in section 3 (13) of the Federal Power Act", be terminated;

(b) That Order Nos. 370 and 370A and Order Granting Motion For Extension Of Time For Compliance, issued September 27, 1968, November 22, 1968, and June 6, 1969, respectively, in Docket No. R–297 be vacated; and

(c) That all licensees which are subject to the provisions of section 10(d) of the Federal Power Act establish and maintain their respective amortization reserve accounts upon a current basis and in accord with their statutory and administrative obligations as licensees.

(2) Section 10(d) of the Federal Power Act, as amended, provides:

> * * * after the first 20 years of operation, out of surplus earned thereafter, if any, accumulated in excess of a specified reasonable rate of return upon the net investment of a licensee in any project or projects under license, the licensee shall establish and maintain amortization reserves, which reserves shall, in the discretion of the Commission, be held until the termination of the license or be applied from time to time in reduction of the net investment. Such specified rate of return and the proportion of such surplus earnings to be paid into and held in such reserves shall be set forth in the license. For any new license issued under section 15, the amortization reserves under this subsection shall be maintained on and after the effective date of such new license.

(3) Account 264, Amortization Reserve—Federal, of the Commission's Uniform System of Accounts Prescribed For Public Utilities and Licenses directs in part as follows:

> This account shall be credited with such amounts as are appropriated or set aside by a licensee from earnings for amortization purposes in accordance with the requirements of a license * * *

(4) The Amortization Reserve—Federal Schedule, page 13, of the Commission's Licensed Project Annual Report, FPC Form No. 9, requires that each licensee which is subject to section 10(d) of the Act:

> Report * * * the amount of the amortization reserve for each licensed project * * * the balance at the beginning of the year, increase during the year, and balance at the end of the year * * * tabulations showing the computation of the annual project earnings and the effect on the project amortization reserve.

(5) Two general forms of license articles have been promulgated by the Commission, one of which is included in each license subject to the provisions of section 10(d) of the Act:

(a) After the first 20 years of operation of said project under this license, out of surplus earnings thereafter, if any, accumulated in excess of a specified reasonable rate of return upon the actual, legitimate investment of the Licensee in said project, all as defined in and determined by the provisions of Regulation 17 of said rules and regulations of the Commission (First Revised Issue, effective June 6, 1921), the Licensee shall establish and maintain amortization reserves, which reserves shall, in the discretion of the Commission, be held until the termination of the license or be applied from time to time in reduction of the net investment. Such specified rate of return shall be times the weighted average annual interest rate payable on the par value of the bona fide interest-bearing debt of the Licensee actually outstanding, in whole or in part, on account of the project property at the beginning of the period of amortization and of each calendar year thereafter; such weighted average annual interest rate being determined as provided in paragraphs B and C of section 3 (of Regulation 17):

Provided, That, if at the beginning of the period of amortization or of any calendar year thereafter, the outstanding interest-bearing debt of the Licensee on account of the project or projects under license together with any other works or property operated in connection therewith is less than 25 percent of the actual, legitimate investment of the Licensee in said project, then, and in such event for the calendar year next following, the specified rate of return shall be two times the legal rate of interest in the State of ----------

Subject to the provisions of section 6 of said regulation (Regulation 17), the following proportions of such surplus earnings shall be paid into and held in such amortization reserves: Of all surplus earnings up to and including 2 percent of the actual, legitimate investment, 30 percent thereof shall be so paid; of all surplus earnings in excess of 2 percent and not in excess of 4 percent upon such investment, 50 percent thereof shall be so paid; and of all such surplus earnings in excess of 4 percent, 70 percent thereof shall be so paid, and of all such surplus earnings in excess of 6 percent, 90 percent thereof shall be so paid: *Provided*, That, if at the end of any calendar year of the amortization period the Commission shall find that the accumulated earnings of the Licensee during the period of operation, including the first 20 years thereof, have not yielded a fair return upon the actual, legitimate investment in the project or projects under license, the proportion of such surplus earnings for such calendar year and for succeeding calendar years to be paid into such amortization reserves shall

[4] For any new license issued in accordance with Public Law 90–451, the amortization reserves are to be maintained on and after the effective date of such license.

be 10 percent thereof until such time as the accumulated earnings of the Licensee represent, in the judgment of the Licensee represent, in the judgment of the Commission, a fair return upon such investment for such period of operation.

(b) After the first 20 years of operation of the project under the license, 6 percent per annum shall be the specified rate of return on the net investment in the project for determining surplus earnings of the project for the establishment and maintenance of amortization reserves, pursuant to section 10(d) of the Act; one-half of the project surplus earnings, if any, accumulated after the first 20 years of operation under the license, in excess of 6 percent per annum on the net investment, shall be set aside in a project amortization reserve account as of the end of each fiscal year: *Provided*, That, if and to the extent that there is a deficiency of project earnings below 6 percent per annum for any fiscal year or years after the first 20 years of operation under the license, the amount of such deficiency shall be deducted from the amount of any surplus earnings accumulated thereafter until absorbed, and one-half of the remaining surplus earnings, if any thus cumulatively computed, shall be set aside in the project amortization reserve account; and the amounts thus established in the project amortization reserve account shall be maintained therein until further order of the Commission.

(6) Currently the amortization reserves balances on various dates have been determined by the Commission for 25 hydroelectric projects licensed by the Commission under Part I of the Federal Power Act, including the determinations made in Florida Power Corporation, 22 FPC 740 (1959), Kentucky Utilities Company, 23 FPC 4 (1960), Idaho Power Company, 27 FPC 349 (1962), Minnesota Power & Light Company, 27 FPC 354 (1962), Southern California Edison Company, 27 FPC 360 (1962), California Electric Power Company, 27 FPC 658 (1962), and Utah Power & Light Company, 30 FPC 63 (1963). By Commission order issued January 20, 1966, 35 FPC 124, rehearing denied March 15, 1966, 35 FPC 391, the Commission deferred further proceedings relative to the determination of the amortization reserves of Alabama Power Co.'s Project No. 82.

(7) Of the 25 projects referred to above, the respective licenses for 11 will terminate within 2 years from the date hereof, four will terminate within 5 years hereof, and three will terminate within 10 years hereof. The Commission has accepted the surrender of the licenses for two projects. The licenses for the remaining five projects will terminate on or before November 30, 1986. The 23 projects now under license are among 295 projects for which licenses have been issued to various licensees currently subject to the Commission accounting and reporting requirements as referred to above.

(8) Proper administration of the Federal Power Act and the Commission's regulations thereunder, requires that immediate consideration be given to the matter of the amortization reserves of all licensees subject to section 10(d) requirements. Pending Commission deliberation in this proceeding, Docket No. R-297, administrative work on section 10(d) calculations was deferred. The FPC Form No. 9, Amortization Reserve-Federal Schedule, page 13, reports of numerous licensees which would otherwise have been filed upon timely or complete basis have not been so filed and are required to be filed or supplemented hereafter. Upon termination of this proceeding it is contemplated that the Commission's staff will commence the processing of all such pending matters in consultation with representatives of the affected systems to insure that the respective amortization reserve accounts, Account 264, Amortization Reserve-Federal, of Commission licensees reflect the proper balances upon current basis.

(9) To facilitate that work we are summarizing for the benefit of all licensees the general principles which have governed the Commission's section 10(d) determinations to date.

(a) The hydroelectric projects, for which the amortization reserves were determined by the Commission in the concluded proceedings referred to in Finding (6) above, are operated by licensees as integral parts of licensees' hydro, thermal, and internal combustion electric generating resources and networks of electric transmission and distribution facilities supplying licensees' interconnected electric utility systems, thereby resulting in power and energy generated by licensed projects being transmitted and distributed in licensees' systems with power and energy from other sources of supply, including power and energy received by licensees through purchase, interchange and pooling arrangements with other utility systems, and losing its identity as to source and revenues therefrom.

(b) Under the circumstances described in Finding (a) above, it was necessary to determine earnings of the licensed projects referrred to in Finding (6) above by means of specific allocation procedures.

(c) In the concluded proceedings referred to in Finding (6) above, the allocations to the licensed projects involved therein of certain portions of the earnings of licensees' electric departments and the amortization reserves for the projects were generally determined in the following manner:

(i) Impute to each project during the given fiscal period the particular earned rate of return which the licensee derived from its electric department utility operations as a whole during that period when computed in accordance with applicable precedents of this Commission;

(ii) In the given fiscal period, determine the dollar excess, if any, of the project earnings, computed by applying the particular imputed earned rate of return to the average project net investment during the same period, over the project specified return, computed by applying the reasonable rate of return specified in the license to the average project net investment for the same period, such dollar excess to be considered as the surplus earnings of the project during the particular period, except that in the case of licenses subject to the provisions of Regulation 17 of the Commission's rules and regulations the rate of return specified in the license shall be applied to the project net investment as of the beginning of the given fiscal period;

(iii) Set aside in the project amortization reserves at the end of the particular fiscal period during which the project surplus earnings were accumulated, that proportion of those earnings which the license requires to be credited to the project amortization reserve account; and

(iv) In computing the licensee's earned rate of return for its entire electric department utility operations for a given fiscal period, such as 1 year, include in the earnings base of the electric department the average of the beginning and end-of-year balances of electric plant in service (original cost) less the related accumulated provision for depreciation and contributions in aid of construction similarly averaged, plus an allowance for working capital, omit the construction work in progress balance, and omit the electric plant acquisition adjustments balance unless a showing of consumer benefits is made, all as required by applicable Commission precedents, including the relevant provisions of the Commission's Uniform System of Accounts.

(10) Overall these determinations reflect the original cost and cost functionalization concepts of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees. Accordingly, the supporting schedules of individual entities whose section 10(d) computations are required to be reported on an annual basis pursuant to the requirements of FPC Form No. 9 must necessarily give consideration to inter alia increases and decreases in the original cost of utility plant, including licensed project plant, accumulated provisions for depreciation of utility plant in service and amortization of limited term electric plant in service, electric plant acquisition and other electric plant adjustments, materials and supplies, prepayments, contributions in aid of construction, capitalization, operation and maintenance expenses, and allowances for depreciation and amortization, return and taxes. Moreover, depending upon the particular governing license provision fixing the manner in which the section 10(d) computations are to be concluded the supporting schedules for a project vary in the period of time covered. Variously, they may include computations for each year extending from the commencement of operation under license, from the beginning of the 21st year of operation under license, or from and after the effective date of a new license as referred to in Public Law 90-451, section 4.

The Commission orders:

(A) The proceedings in Docket No. R-297 are hereby terminated.

(B) Commission Orders Nos. 370 and 370A and Order Granting Motion For Extension Of Time For Compliance in Docket No. R-297 are hereby vacated.

(C) The Commission staff shall commence immediately to audit the respective account balances of all licensees subject to Federal Power Act section 10(d) requirements to insure the establishment and maintenance of amortization reserve balances upon current basis.

(D) All licensees as referred to in paragraph (C) above shall commence forthwith the preparation of all necessary computations and supporting schedules showing their respective annual project earnings and the effect on project amortization reserves as required by FPC Form No. 9, Amortization Reserve-Federal Schedule, page 13; and shall cooperate with the Commission's Secretary in arranging a time schedule for the completion and filing of such FPC Form No. 9 reports as are currently due, but presently unreported, and for supplementing those reports which have been filed heretofore but do not comport with applicable Commission precedents. These licensees shall submit their respective suggested time schedules to the Secretary with a period of 180 days from the date hereof.

(E) Any licensee as referred to in paragraph (C) above which seeks any further deferral in the administrative processing of its section 10(d) computations or to complete its computations in a manner other than in accordance with prior Commission determinations shall submit to the Commission a full statement in support of its reasons and the factual or legal basis for departing from what would otherwise be deemed the controlling requirements of the Commission as reflected in the Commission's regulations under the Federal Power Act, including the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees, and the computation and allocation techniques as referred to in the findings above. Those statements shall be filed within the time period specified in paragraph (D) above. The Commission will consider such statements in determining the manner in which further administrative work will be undertaken as respects the Account 264, Amortization Reserve-Federal, balances of those licensees.

(F) The Secretary shall entertain petitions for reconsideration of this policy statement if filed within 90 days hereafter and in the form and style as provided in the Commission's rules of practice and procedure, § 1.7.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[5]

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-9442; Filed, Aug. 11, 1969; 8:45 a.m.]

[5] Joint concurring and dissenting statement of Chairman White and Commissioner O'Connor filed as part of the original document. (This order was adopted before Chairman White left the Commission.)

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In Part 200 in the Table of Contents §§ 200.61a, 200.61c, and 200.84 are deleted, §§ 200.58d, 200.61b, and 200.109 are amended, and new §§ 200.61e and 200.61f are added to read as follows:

Sec.
200.58d Chief of the Nursing Homes, Medical Facilities, and Nonprofit Hospitals Branch.
200.61b Chief of the Nonprofit Sponsor and Management Assistance Branch.
200.61e Chief of the Elderly Housing Assistance Branch.
200.61f Chief of the Multifamily Housing Assistance Branch.
200.109 HUD Regional Administrators and Assistant Regional Administrators for FHA.

In § 200.57 paragraph (h) is amended and a new paragraph (k) is added to read as follows:

§ 200.57 Assistant Commissioner for Multifamily Housing and Deputy.

* * * * *

(h) To be responsible for administration of the rent supplement program, the homeownership assistance, and rental housing assistance programs, the credit assistance program under section 237; and for the administration of the direct loan program for housing for the elderly or handicapped under section 202 of the Housing Act of 1959, and for conversion of section 202 projects to insured private financing with interest assistance under section 236 of the National Housing Act.

* * * * *

(k) To act for the Commissioner in approving or directing approval of loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959, including full authority to make contracts, sign and execute documents and take any action incident thereto.

In § 200.58 paragraph (a) is amended to read as follows:

§ 200.58 Director of the Project Mortgage Insurance Division and Deputy.

* * * * *

(a) To develop and recommend policies and establish operating plans for the insurance of multifamily housing mortgages, exclusive of sections 221(d)(3), 221(h), 231, and 236; nursing home mortgages; equity investments in multifamily housing; and for mortgages for the construction and equipment of facilities for the group practice of medicine.

In Part 200, § 200.58d is amended to read as follows:

§ 200.58d Chief of the Nursing Homes, Medical Facilities, and Nonprofit Hospitals Branch.

To the position of Chief of the Nursing Homes, Medical Facilities, and Nonprofit Hospitals Branch there is delegated the following basic authority and functions:

(a) To develop and recommend policies, procedures, requirements, and methods of operation for insurance of mortgages for nursing homes, and for the construction and equipment of facilities for the group practice of medicine.

(b) To be responsible for the administration of FHA's responsibility with respect to the nonprofit hospital mortgage insurance program and for coordination with the Department of Health, Education, and Welfare on the program.

In Part 200, § 200.61 is amended to read as follows:

§ 200.61 Director of the Low and Moderate Income Housing Division and Deputy.

To the position of the Director of the Low and Moderate Income Housing Division and under his general supervision to the position of Deputy Director of the Low and Moderate Income Housing Division there is delegated the authority to develop and recommend policies and establish operating plans and procedures for the insurance of multifamily housing mortgages under section 231 and section 221(d)(3), exclusive of prescribing forms and procedures for cooperatives and condominiums; for insurance of mortgages under section 221(h); for insurance of mortgages under the homeownership assistance program, the rental housing assistance program, and the credit assistance program; for technical and loan assistance to nonprofit sponsors of low and moderate income housing and for administration of the direct loan program for housing for the elderly or handicapped under section 202 of the Housing Act of 1959; for administration

of the rent supplement program, the homeownership assistance program, the rental housing assistance program, and the credit assistance programs; to act for the Commissioner in approving applications for financial assistance and in approving the waiver of repayment of loans made under section 106 of the Housing and Urban Development Act of 1968 and section 207 of the Appalachian Regional Development Act of 1965, as amended, and in approving the waiver of interest on such loans made to nonprofit organizations under the Appalachian Regional Development Act of 1965; and to approve or direct the approval of loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959, including full authority to make contracts, sign and execute documents, and take any action incident thereto, and to be responsible for conversion of section 202 projects to insured private financing with interest assistance under section 236 of the National Housing Act.

In Part 200 § 200.61a is revoked as follows:

§ 200.61a Chief of the Moderate Income Assistance Branch. [Revoked]

In Part 200 § 200.61b is amended to read as follows:

§ 200.61b Chief of the Nonprofit Sponsor and Management Assistance Branch.

To the position of Chief of the Nonprofit Sponsor and Management Assistance Branch there is delegated authority to develop and recommend policies and establish operating plans for technical and loan assistance to nonprofit sponsors of low and moderate income housing and assistance to project management to meet the needs of families of low and moderate income.

In Part 200 § 200.61c is revoked as follows:

§ 200.61c Chief of the Rent Supplement Branch. [Revoked]

In Part 200 § 200.61d is amended to read as follows:

§ 200.61d Chief of the Homeownership Assistance Branch.

To the position of Chief of the Homeownership Assistance Branch there is delegated authority to develop and recommend policies and establish operating plans and procedures for the insurance of mortgages under sections 221(h), 235(i), 235(j), and 237, and for administration of the homeownership assistance program and the credit assistance program.

In Part 200 a new § 200.61e is added to read as follows:

§ 200.61e Chief of the Elderly Housing Assistance Branch.

To the position of Chief of the Elderly Housing Assistance Branch there is delegated authority to develop and recommend policies and establish operating plans and procedures for approval of loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959 and for conversion of the section 202 projects to insured private financing with interest assistance under the section 236 program; for insurance of mortgages for the elderly under sections 231 and 236 and under the rent supplement program; and for advice, guidance, and assistance to nonprofit mortgagors in the management and operation of housing projects for the elderly and handicapped.

In Part 200 a new § 200.61f is added to read as follows:

§ 200.61f Chief of the Multifamily Housing Assistance Branch.

To the position of Chief of the Multifamily Housing Assistance Branch there is delegated authority to develop and recommend policies and establish operating procedures for the insurance of mortgages under section 221(d)(3) at below market interest rate, under section 236 and the rent supplement program, except as they are utilized for elderly housing projects.

In Part 200 § 200.84 is revoked as follows:

§ 200.84 Director of Congressional Liaison. [Revoked]

In § 200.95 a new paragraph (cc) is added to read as follows:

§ 200.95 Field Office Chiefs of Operations and Assistants to the Directors.

* * * * *

(cc) To make contracts for interest assistance payments under sections 235 and 236 of the National Housing Act and to approve change in amount, change in term, or any other modification in such contracts.

In § 200.96 a new paragraph (c) is added to read as follows:

§ 200.96 Field Office Directors, Deputy Directors, and Assistant Directors; and Director, Multifamily Housing Insuring Office (New York).

* * * * *

(c) To make reservations of contract authority for interest assistance under section 235 of the National Housing Act and to modify or cancel such reservations of contract authority.

In § 200.109 paragraph (a) is amended and a new paragraph (e) is added to read as follows:

§ 200.109 HUD Regional Administrators (except Regional Administrator, Region VII) and Assistant Regional Administrators for FHA.

* * * * *

(a) To allocate below market interest rate funds to eligible section 221(d)(3) projects and to make reservations of contract authority for rent supplements and for interest assistance under section 236 of the National Housing Act and to modify or cancel such allocations and reservations.

* * * * *

(e) To approve or disapprove loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959 and to make contracts and execute documents in connection therewith and, with respect to project applications filed under section 202 of the Housing Act of 1959 and converted to applications for mortgage insurance under section 236 of the National Housing Act, to determine feasibility under section 236, issue commitments for mortgage insurance under section 236, and insure such mortgages pursuant to such commitments, including approval of insured advances during construction.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., effective July 31, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-9474; Filed, Aug. 11, 1969; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 257—PAYMENT ON ACCOUNT OF DEPOSITS IN POSTAL SAVINGS SYSTEM

Applications by States

The Treasury Department has recently been informed by the Offices of the Attorneys General of the States of Connecticut and New York that their laws governing the escheat of abandoned private property have been amended to provide for judicial proceedings to determine the escheat of private funds in the hands of Federal officials, including unclaimed postal savings deposits held by the Secretary of the Treasury in a trust fund for payment to rightful owners under the Act of March 28, 1966, 39 U.S.C. 5225–5229. The Treasury Department accordingly finds that it is necessary to promulgate regulations providing for the fair and orderly consideration and disposition of the claims by these and other States based on succession to the right and title to unclaimed postal savings deposits of depositors whose last known addresses were in such State, established by a judgment of escheat.

The Treasury Department further finds that appropriate regulations may be promulgated based upon the proposed regulations on this subject published for comment in the FEDERAL REGISTER for August 20, 1968, 33 F.R. 11779, as § 257.3 of this part, and withheld from promulgation in the publication of the remainder of this part in the FEDERAL REGISTER of October 1, 1968, 33 F.R. 14644. Section 257.3 was then reserved

to allow for a hearing of representatives of States which claimed a right to hold unclaimed funds in custody for rightful owners under their abandoned property laws. Such a hearing was held November 15, 1968. The Department has fully considered such claims for custody and determined that it has no authority, power, or obligation to transfer the funds it holds under Federal statute in trust for rightful owners to a State trustee, custodian, or administrator of abandoned property for liquidation by him.

Further, the Department finds, in accord with 5 U.S.C. 553, that publication of these regulations for additional comment would serve no useful purpose and would delay the effective date of regulations needed immediately.

Accordingly, § 257.3, heretofore reserved, is hereby promulgated to read as follows:

§ 257.3 Applications by States.

(a) *Entitlement.* The Treasury Department will recognize and pay a claim by a State for unclaimed postal savings accounts, made in conformity with these regulations, where the State has obtained a State court judgment of escheat transferring to the State the right and title, as owner, to unclaimed deposits of persons whose last known addresses were in that State, under a State escheat law applicable to private funds held by Federal officials for their rightful owners.

(b) *Accounts considered unclaimed.* (1) The Treasury Department has determined that accounts transferred by the Post Office Department under 39 U.S.C. 5228 as inactive accounts, being at the time of transfer 20 or more years without activity, and not since paid, nor pending payment, nor held by the Treasury on the request of the depositor, are now unclaimed in the hands of the Treasury.

(2) The accounts transferred by the Post Office Department as active accounts and remaining unpaid or unclaimed as of May 1, 1971, being 5 years subsequent to the closing date of the Postal Savings System, will be deemed on that date to be unclaimed in the hands of the Treasury Department.

(c) *Information and records on inactive accounts.* The Bureau of Accounts will provide, without charge, to the appropriate State official designated by the State's Attorney General:

(1) A list of depositors by post offices in that State, produced from magnetic tapes prepared by the Post Office Department, which shows the account number, the post office of deposit, the depositor's name, and the unpaid principal for unclaimed inactive accounts with principal balances of $3 or more.

(2) The individual account cards of depositors at post offices in that State, which show addresses and account transactions, covered by the list, when notified by the State's Attorney General that these cards are needed to initiate judicial proceedings for the escheat of unclaimed accounts of depositors whose last known addresses were in that State, and upon written agreement by the State's representative to return to the Bureau of Accounts promptly all account cards showing last addresses in another State.

(3) The Bureau of Accounts will permit access by State representatives, at the Bureau, to the account cards of depositors at that State's post offices, with principal balances of $1 or $2 for compiling lists when the State intends to seek escheat of these accounts.

(d) *Information and records on active accounts.* On or after May 1, 1971, the Bureau of Accounts will furnish, without charge, to the designated State representative:

(1) A list of depositors at post offices in that State, produced from magnetic tapes received from the Post Office Department, which shows the account number, the post office of deposit, the depositor's name, and the unpaid principal for unclaimed active accounts, regardless of amount.

(2) The individual account cards of depositors at post offices in that State, which show addresses and account transactions, covered by the list, when notified by the State's Attorney General that these cards are needed to initiate judicial proceedings for the escheat of unclaimed accounts of depositors whose last known addresses were in that State, and upon written agreement by the State's representative to return to the Bureau of Accounts promptly all account cards showing last addresses in another State.

(e) *Payment of claims by Bureau.* The Bureau of Accounts will continue to process and pay claims for deposits, the records for which have been transferred to a State, until the date of a judicial decree escheating title to unclaimed accounts to the State. For this purpose the State's representative accepting the account cards shall return to the Bureau such account cards as may be needed.

(f) *Principal payment.* The amount paid to a State will be the amount which represents the total of the principal balances shown on the lists of those accounts covered by an escheat decree, but the total amount of the principal for active accounts will be reduced by a small, uniform percentage reflecting the margin of error in the records between the total of principal balances shown on the lists of active accounts provided by the Post Office Department and the lesser, and more accurate, total amount for such accounts shown by the books of the Board of Trustees of the Postal Savings System and transferred to the Secretary of the Treasury.

(g) *Interest payment.* The interest accrued on the principal balances of the escheated accounts will be computed on the total principal to be paid and will be calculated by a uniform formula for inactive accounts and another for active accounts, designed to provide an equitable percentage payment of interest, based on the Bureau's experience as to the percentage of interest, to principal, paid on inactive and active accounts liquidated.

(h) *Payment terms—indemnity commitment.* Payment of principal and interest, in accordance with the foregoing provisions, will be made to a State upon receipt of a copy of a final judgment of escheat of title to the accounts listed in the judgement, in accordance with the State's law, and upon receipt of a commitment by the State to indemnify the United States for any loss suffered as a result of the escheat of the unclaimed accounts.

(5 U.S.C. 301; 31 U.S.C. 725p)

Effective date. These regulations will become effective upon publication in the FEDERAL REGISTER.

Dated: August 6, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-9479; Filed, Aug. 11, 1969; 8:47 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11A, Revised Schedule A of Aug. 12, 1969]

M-11A—COPPER AND COPPER-BASE ALLOYS

Schedule A—Set-Aside Percentages

This amendment of Schedule A to BDSA Order M-11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment changes Revised Schedule A of May 8, 1969, to BDSA Order M-11A, as amended October 28, 1966, by increasing the set-aside percentages on unalloyed plate, sheet, strip, and rolls, and on unalloyed rod, bar, shapes, and wire from 5 percent to 6 percent; by decreasing the set-aside percentages on alloyed plate, sheet, strip, and wire from 10 percent to 7 percent and on alloyed rod, bar, shapes, and wire from 16 percent to 7 percent; and by increasing the set-aside percentages on copper wire mill products from 3 percent to 4 percent, including shipboard cable which previously had no reserve space provided.

This amendment applies to authorized controlled material orders calling for delivery after September 30, 1969.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 90-370, 82 Stat. 279)

Schedule A to BDSA Order M-11A is hereby amended to read as follows:

SCHEDULE A TO BDSA ORDER M-11A

SET-ASIDE PERCENTAGES

(See Sec. 6(f) of BDSA Order M-11A)

BASE PERIOD—JULY–DECEMBER 1968

(See Sec. 2(o) of BDSA Order M-11A)

Product	*Percentage for orders calling for delivery after Sept. 30, 1969* [1]
Brass Mill Products:	
Unalloyed:	
Plate, sheet, strip, and rolls	6
Rod, bar, shapes, and wire	6
Seamless tube and pipe	2
Alloyed:	
Plate, sheet, strip, and rolls	7
Rod, bar, shapes, and wire	7
Seamless tube and pipe	[2]
Military ammunition cups	[2]
Copper Wire Mill Products:	
Copper Wire and Cable:	
Bare and tinned	4
Weatherproof	4
Magnet wire	4
Insulated building wire	4
Paper and lead power cable	4
Paper and lead telephone cable	4
Asbestos cable	4
Portable and flexible cord	4
Communications wire and cable	4
Shipboard cable	4
Automotive and aircraft wire and cable	4
Insulated power cable	4
Signal and control cable	4
Coaxial cable	4
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	4
Copper foundry products	4
Unalloyed copper powder mill products	[2]
Copper-base alloy powder mill products	[2]

[1] Schedule A revised as of May 8, 1969, to BDSA Order M-11A, as amended Oct. 28, 1966, applies to orders calling for delivery prior to Oct. 1, 1969.

[2] No reserve space required. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of DMS Regulation No. 1 and this order. However, section 6(f) of Order M-11A does not apply to such authorized controlled material orders.

This revised schedule shall take effect August 12, 1969.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
FORREST D. HOCKERSMITH,
Acting Administrator.

[F.R. Doc. 69-9477; Filed, Aug. 11, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of deer with firearms on the Lacreek National Wildlife Refuge, S. Dak., is permitted from November 8 through November 16, 1969, and November 28 through December 2, 1969, but only on the area designated by signs as open to hunting. This open area comprising 310 acres is delineated on a map available at the refuge headquarters, Martin, S. Dak. 57551, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the State regulations covering the hunting hunting of deer.

The provisions of this regulation supplement the regulations which govern hunting on wildlife refuges areas generally which set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through December 2, 1969.

JOHN W. ELLIS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.

JULY 28, 1969.

[F.R. Doc. 69-9469; Filed, Aug. 11, 1969; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT, AND SCHOLARSHIPS

Subpart F—Grants To Improve Quality of Schools of Medicine, Dentistry, Osteopathy, Optometry, Podiatry, Pharmacy, and Veterinary Medicine

Notice of proposed rule making, public rule making procedures, and postponement of effective date have been omitted in the issuance of the following revised Subpart F—Grants to Improve Quality of Schools of Medicine, Dentistry, Osteopathy, Optometry, Podiatry, Pharmacy, and Veterinary Medicine, which relates solely to grants. The purpose of the revision of Subpart F is to implement the amendments made to Part E of Title VII of the Public Health Service Act by Public Law 90-490 (82 Stat. 779), which extended the programs of basic improvement and special improvement grants (renamed "institutional" and "special project" grants, respectively) with significant modifications, and extended eligibility for such grants to schools of pharmacy and veterinary medicine.

The following revised Subpart F shall become effective upon the date of publication in the FEDERAL REGISTER, but only with respect to appropriations from fiscal years ending after June 30, 1969.

Subpart F is revised to read as follows:

Subpart F—Grants To Improve Quality of Schools of Medicine, Dentistry, Osteopathy, Optometry, Podiatry, Pharmacy, and Veterinary Medicine

Sec.
57.501 Definitions.
57.502 Eligibility.
57.503 Application.
57.504 Assurances required.
57.505 Determination of number of students and number of graduates.
57.506 Grant awards.
57.507 Amount of grants.
57.508 Expenditure of grant funds.
57.509 Nondiscrimination.
57.510 Payments.
57.511 Records, reports, inspection.
57.512 Termination of grants or withholding of payments.

AUTHORITY: The provisions of this Subpart F issued under secs. 215, 771(c)(1), Public Health Service Act as amended, 58 Stat. 690, 82 Stat. 776; 42 U.S.C. 216, 295f-1(c)(1).

§ 57.501 Definitions.

As used in this subpart, the following terms shall have the following meanings:

(a) *Act.* The Public Health Service Act, as amended.

(b) *Secretary.* The Secretary of Health, Education, and Welfare or any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(c) *School.* A public or other nonprofit school of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, or veterinary medicine which provides a course of study or a portion thereof which leads respectively to a degree of doctor of medicine, doctor of dental surgery or an equivalent degree, doctor of osteopathy, doctor of optometry or an equivalent degree, doctor of podiatry or an equivalent degree, bachelor of science in pharmacy or an equivalent degree, or doctor of veterinary medicine or an equivalent degree and which is accredited as provided in section 773(b)(2) of the Act.

(d) *Full-time student.* A student who is enrolled in a school and pursuing a course of study which constitutes a full-time academic workload, as determined by the school, leading to a degree specified in paragraph (c) of this section.

(e) *Council.* The National Advisory Council on Health Professions Educational Assistance (established by section 774 of the Act).

(f) *Construction.* (1) The construction of new buildings or the expansion of existing buildings (including related costs such as architects' fees, acquisition of land, off-site improvements, and the initial equipping of such buildings); and (2) the remodeling, alteration, and repair of existing buildings.

(g) *Fiscal year.* The Federal fiscal year beginning July 1 and ending on the following June 30.

(h) *Budget year.* The 12-month period from July 1 to June 30 specified in the grant award document.

(i) *Project period.* The time for which support for a special project has been approved, as specified in the grant award document.

§ 57.502 Eligibility.

To be eligible for an institutional or special project grant under the Act, the applicant shall:

(a) Meet the applicable requirements of section 773(b) of the Act;

(b) File an application as required by § 57.503; and

(c) Be located in a State, the District of Columbia, Puerto Rico, or the Virgin Islands.

§ 57.503 Application.

Each school desiring an institutional or special project grant shall submit an application in such form and at such time as the Secretary may require. Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

(a) *Institutional grants.* An application for an institutional grant shall include a description of the manner and method by which all funds granted will be utilized by the applicant.

(b) *Special project grants.* An application for a special project grant shall specify the purposes for which the application is made, in accordance with the provisions of section 772 of the Act, and shall include a plan describing the manner and method by which all funds granted will be utilized to carry out the specified purposes.

§ 57.504 Assurances required.

(a) In connection with applications for both institutional and special project grants, with respect to the assurance required by section 773(d)(2) of the Act (relating to the continued expenditure of non-Federal funds), the determination of the amount of non-Federal funds expended during the fiscal year in which the grant is made shall exclude costs of construction as defined in § 57.501(f), and the determination of the amount of non-Federal funds expended during the 3 fiscal years immediately preceding such fiscal year shall exclude all expenditures of a nonrecurring nature, including costs of construction as so defined.

(b) In connection with applications for institutional grants only, with respect to the assurance required by section 771(b)(1) of the Act (relating to increased enrollment), the school shall, except as otherwise provided in this paragraph, furnish such reasonable assurances as the Secretary may require that for the first school year beginning after the fiscal year in which a grant is made and each school year thereafter during which such a grant is made the first-year enrollment of full-time students in such school will exceed the average of the first-year enrollments of such students in such school for the 2 school years having the highest such enrollment during the 5 school years during the period July 1, 1963, through June 30, 1968, by at least 2½ per centum of such highest first-year enrollment, or by five students, whichever is greater. Where the applicant has given assurance under section 721(c)(2)(D) of the Act with respect to a construction grant application, this increase shall be in addition to the increase of 5 per centum or five students required thereunder. Where any school desires that the Secretary shall waive, in whole or in part (in accordance with the last sentence of section 771(b)(1) of the Act), the assurance of increased enrollment, it shall so indicate in its application and shall in its application state the reasons why the required increase in first-year enrollment of full-time students in such school cannot, because of limitations of physical facilities available to the school for training, be accomplished without lowering the quality of training for such students.

(c) The Secretary may in individual cases require additional assurances where he finds that such additions are necessary to carry out the purposes of the Act.

§ 57.505 Determination of number of students and number of graduates.

(a) For purposes of this subpart, the number of full-time students enrolled in a school, or the number of full-time first-year students enrolled in a school, as the case may be, for any year, shall be the number which the Secretary, on the basis of information relating to the school's past and anticipated enrollment, determines to be the number of such students enrolled or to be enrolled, as the case may be, in such school on October 15 of such year.

(b) For purposes of determining the relative number of graduates under section 771(a)(1)(B) of the Act, the number of graduates of any school for the fiscal year in which any such grant is made shall be the number which the Secretary, on the basis of information relating to such school's enrollment and expected rate of attrition, determines to be the number of students to whom such school will, during such year, award degrees specified in § 57.501(d).

(c) For purposes of determining the relative increase in enrollment of full-time students under section 771(a)(1)(A)(ii) of the Act:

(1) Where a school had an enrollment of full-time students during all of the 5 school years preceding the year in which the grant is made, the increase in enrollment of full-time students shall be the number by which the school's enrollment for the year in which the grant is made exceeds the average enrollment of the school for the 5 preceding school years.

(2) Where a school had an enrollment of full-time students during at least one but not all of the 5 school years preceding the year in which the grant is made, the increase in enrollment of full-time students shall be the number by which the school's enrollment for the year in which the grant is made exceeds the average enrollment of the school for such of the 5 preceding school years as it had an enrollment.

(3) Where a school had no enrollment of full-time students during any of the 5 school years preceding the year in which the grant is made, the increase in enrollment of full-time students shall equal the number of full-time students enrolled in the school in the year in which the grant is made.

(d) For purposes of the assurance required by section 771(b)(1) of the Act relating to increased first-year enrollment:

(1) Where a school had a first-year class in at least two of the 5 school years during the period July 1, 1963, through June 30, 1968, the increase in enrollment of full-time first-year students shall be the number by which the school's first-year enrollment for the first school year beginning after the year in which the grant is made exceeds the average of the first-year enrollments in such school for the 2 school years having the highest such enrollment during such period.

(2) Where a school had a first-year class in only one of the 5 school years during such period, the increase in enrollment of full-time first-year students shall be the number by which the school's first-year enrollment for the first school year beginning after the year in which the grant is made exceeds the first-year enrollment in such school for such single year.

(3) Where a school had no first-year class in any of the 5 school years during such period, the increase in enrollment of full-time first-year students shall equal the school's first-year enrollment for the first school year beginning after the year in which the grant is made.

(e) The classification of a full-time student as a first-year student or as a student in a particular year-class in a school shall be in accordance with the policies of the particular school, except that any student who is required to repeat one or more first-year courses after having been enrolled as a full-time student during a previous school year shall not be considered a first-year student.

§ 57.506 Grant awards.

(a) *Institutional grants.* After consultation with the Council, the Secretary shall award an institutional grant to each applicant whose application is found by the Secretary to meet the applicable requirements of the Act and of this subpart.

(b) *Special project grants.* The Secretary may award a special project grant to any applicant where the Secretary determines, after consultation with the Council, that such grant will be utilized by the applicant in accordance with one or more of the purposes specified in section 772 of the Act. In determining priority of special project grants, the Secretary shall give consideration to the following factors:

(1) The extent to which the project will increase enrollment of full-time students receiving the training for which such grants are authorized;

(2) The relative need of the applicant for financial assistance to maintain or

provide for accreditation or to avoid curtailing enrollment or reduction in the quality of training provided; and

(3) The extent to which the project may result in curriculum improvement or improved methods of training or will help to reduce the period of required training without adversely affecting the quality thereof.

§ 57.507 Amount of grants.

(a) *Institutional grants.* The amount of each institutional grant shall be an amount computed in accordance with section 771 of the Act.

(b) *Special project grants.* Within the limits of available funds, the amount of each special project grant shall be an amount which the Secretary deems to be reasonably necessary to carry out the applicant's approved special project.

§ 57.508 Expenditure of grant funds.

(a) Institutional grants: Institutional grant funds may be obligated by the school at any time before the end of the 12-month period following the budget year for any purpose related to the educational program of the school, but may not be expended for the purposes listed in paragraph (c) of this section. Any funds not so obligated must be refunded to the Public Health Service.

(b) Special project grants: Special project grant funds may be expended only to carry out the purposes of the special project plan set forth in the school's application as approved by the Secretary after consultation with the Council, but may not be expended for the purposes listed in paragraph (c) of this section. Any unobligated special project funds remaining in the grant account at the close of a budget year will be carried forward and will be available for obligation during subsequent budget years of the project period. The amount of the subsequent award will take into consideration the amount remaining in the grant account. At the end of the last budget year of the project period any unobligated special project funds remaining in the grant account must be refunded to the Public Health Service.

(c) Institutional and special project grant funds may not be expended for the following purposes:

(1) Construction (as defined in § 57.501(f)): *Provided, however,* That the recipient of any such grant may expend grant funds not in excess of $50,000 during a budget year for remodeling, alteration, and repair of existing buildings: *And, provided further,* That the Secretary may in particular cases approve the expenditure of institutional or special project grant funds for remodeling, alteration, and repair of existing buildings in excess of $50,000 for a budget year where he finds that such expenditure is necessary in order to accomplish the purposes of the Act.

(2) Research (except for research regarding the educational process as it relates to the various health professionals);

(3) Research training;

(4) Student assistance;

(5) Patient care; or

(6) Operation of teaching or other hospitals.

§ 57.509 Nondiscrimination.

(a) Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which is applicable to grants made under this subpart, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

(b) Each grant for remodeling, alterations, or repairs shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246 (Sept. 24, 1965), relating to nondiscrimination in construction contract employment, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 57.510 Payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement.

§ 57.511 Records, reports, inspection.

(a) *Records and reports.* Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee shall maintain such progress and fiscal records, and file with the Secretary such progress and fiscal reports relating to the use of grant funds, as the Secretary may find necessary to carry out the purposes of the Act and regulations. All records shall be maintained for a period of 5 years, or until audit by representatives of the Department of Health, Education, and Welfare has been completed and any questions arising therefrom have been resolved, whichever is sooner.

(b) *Inspection and audit.* Any application for a grant award under this subpart shall constitute the consent of the applicant to inspections at reasonable times by persons designated by the Secretary of the facilities, equipment and other resources of the applicant and to interviews with the principal staff members to the extent that such resources and personnel will be, or are, involved in the project. In addition, the acceptance of any grant award under this subpart shall constitute the consent of the grantee to inspections and fiscal audit by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 57.512 Termination of grants or withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act or the regulations of this subpart he may, on reasonable notice to the grantee, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations. In such case no further expenditures shall be made from the grant until the Secretary determines that there is no longer any such failure of compliance.

Dated: May 19, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: August 6, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-9473; Filed, Aug. 11, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 81]

POULTRY AND POULTRY PRODUCTS

Inspection

Notice is hereby given that the Consumer and Marketing Service of the U.S. Department of Agriculture is considering amending, as indicated below, the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81) pursuant to authority contained in section 14 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 et seq. and 82 Stat. 791).

Statement of considerations. The Poultry Products Inspection Act requires that all poultry products subject to the Act bear specified label information and such other information as may be required by regulation to prevent false or misleading labeling. When a significant part or parts of a carcass are omitted from the package containing the remainder of the carcass, there is reason to believe that the consumer should be advised as to what is missing.

All persons who desire to submit written data, views, or comments in connection with the proposal, shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 60 days after publication hereof in the FEDERAL REGISTER. Any person who desires to present his views orally shall so inform Dr. W. J. Minor, Chief, Labels, Standards and Packaging Branch, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements can be made for such presentation.

The proposed amendment is as follows:

Section 81.130(a)(1) would be amended by adding after the first sentence: "When a whole or cut-up carcass of poultry is packaged and a significant part of the carcass, or the giblets, is omitted, the label on the immediate container shall bear wording, prominently displayed in conjunction with the name of the product, clearly identifying the part or parts missing. A significant part means a drumstick, thigh, back, whole wing, whole leg, neck, or major portion of the breast or giblets. Any one giblet (liver, gizzard, heart) or major portion (one-half) of liver, gizzard or heart is considered a significant part of the giblets. Minor trimmings, including removal of breast blisters, or some minor skin abrasions, or removal of a portion of the wing at the junction of the humerus with the radius and ulna shall not be considered removal of significant parts."

All written submissions made pursuant to this notice shall be made available for public inspection in a manner convenient to the public business at the office of the Hearing Clerk during normal business hours (9 a.m. to 5:30 p.m. Mondays through Fridays, excepting holidays). (7 CFR 1.27(b))

Done at Washington, D.C., on August 7, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-9491; Filed, Aug. 11, 1969; 8:48 a.m.]

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Salable and Surplus Percentages for 1969–70 Crop Year

Notice is hereby given of a proposal to establish, for the 1969–70 crop year, which began July 1, 1969, salable and surplus percentages of 65 and 35 percent, respectively, applicable to California almonds. The proposed percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Almond Control Board.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed percentages are based upon the following estimates (kernel weight basis) for the crop year beginning July 1, 1969:

(1) Production of 119 million pounds;

(2) Trade demand for domestic almonds of 70 million pounds (which is based on a total demand of 70.5 million pounds less 500,000 pounds of imported almonds);

(3) Handler carryover of 18.1 million pounds on July 1, 1969;

(4) Desirable handler carryover of 25.4 million pounds on June 30, 1970;

(5) Trade demand and desirable handler carryover requirements for 1969 crop almonds of 77.3 million pounds (items 2 plus 4 minus 3); and

(6) 41.7 million pounds of surplus almonds (item 1 minus item 5).

On the basis of the foregoing estimates, salable and surplus percentages of 65 percent and 35 percent, respectively, appear to be appropriate for the 1969–70 season.

The proposal is as follows:

§ 981.219 Salable and surplus percentages for almonds during the crop year beginning July 1, 1969.

The salable and surplus percentages during the crop year beginning July 1, 1969, shall be 65 percent and 35 percent, respectively.

Dated: August 7, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9492; Filed, Aug. 11, 1969; 8:48 a.m.]

[7 CFR Part 991]

HOPS OF DOMESTIC PRODUCTION

Expenses of Hop Administrative Committee and Rate of Assessment for 1969–70 Marketing Year

Notice is hereby given of a proposal regarding expenses of the Hop Administrative Committee for the 1969–70 marketing year and rate of assessment for that marketing year, pursuant to §§ 991.55 and 991.56 of Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Hop Administrative Committee has unanimously recommended for the 1969–70 marketing year beginning August 1, 1969, a budget of expenses in the total amount of $135,000 and a rate of assessment of 0.225 cent per pound of salable hops. Expenses in that amount and the rate of assessment are specified in the proposal hereinafter set forth.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 8th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 991.304 Expenses of the Hop Administrative Committee and rate of assessment for the 1969–70 marketing year.

(a) *Expenses.* Expenses in the amount of $135,000 are reasonable and likely to be incurred by the Hop Administrative Committee during the marketing year beginning August 1, 1969, for its maintenance and functioning and for purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said marketing year, payable by each handler in accordance with § 991.56, is fixed at 0.225 cent per pound of salable hops.

Dated: August 7, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9403; Filed, Aug. 11, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 25, 37, 121]

[Docket No. 9806; Notice 69-33]

TRANSPORT CATEGORY AIRPLANES; CRASHWORTHINESS AND PASSENGER EVACUATION

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending the emergency evacuation requirements and operating procedures for transport category airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before October 13, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In Amendment 25-15, adopted on September 15, 1967, which established detailed emergency evacuation equipment and operating requirements for transport category airplanes, the FAA advised that it would consider additional revisions to the regulations as advances in the state-of-the-art allowed in order to further increase the probability of occupant survival in an airplane accident. To this end, Government and industry development programs were established to find ways to increase passenger and crew survivability through improvements in interior materials, fire suppression systems, emergency lighting and exit awareness, and evacuation systems.

This notice reflects the recommendations of the Aerospace Industries Association (AIA) as set forth in their Petition for Rulemaking filed April 30, 1969, and the recommendation of the National Electrical Manufacturers' Association (NEMA) as set forth in their Petition for Rulemaking filed July 25, 1968. It also contains various additional proposals which the FAA considers appropriate. The following discussion concerns the more significant proposals presented in this notice. For convenience the matters will be considered in the order of their appearance in the Federal Aviation Regulations.

Part 25. It is proposed to increase the ultimate inertia forces currently prescribed in § 25.561(b)(3) for upward and sideward loads, and to specify an ultimate inertia force for aft loads, for transport category airplanes. The FAA has found that seats and seat attachments in airplanes designed to the current standards generally meet the higher ultimate inertia forces proposed herein. It is proposed to amend the regulations accordingly.

The FAA proposes to add a new § 25.562 that is designed to reduce the occurrence of fuel fires in and around an airplane following the initial crash impact. The FAA is particularly concerned with crash landings in which one or more landing gear legs do not remain extended and the airplane consequently slides to a stop. However, the FAA is also concerned with those crash landings that are the result of an excessive sink rate at impact, even though the landing gear remain properly extended. It is therefore proposed to require that the airplane be designed so that it can be landing under these conditions without sustaining a structural component failure that would result in the spillage of enough fuel to constitute a fire hazard, or that would cause serious injury to any occupant.

Current § 25.721 is designed to insure that if the landing gear fails, no part of the fuel system in the fuselage of the airplane will be punctured. It is proposed to extend this protection to the entire fuel system of the airplane. However, since not all punctures of the fuel system would result in a fire hazard, the proposal would protect against those punctures only that would result in the spillage of enough fuel to cause a fire.

The purpose of the proposed change to paragraph (c) of § 25.785 is to make it clear that the applicant for a type certificate may select any one of the three methods prescribed in providing protection for an occupant of other than a sideward facing seat.

It is proposed to amend § 25.787 to make it applicable to all stowage compartments. In addition to cargo and baggage, the regulation would specifically refer to the stowage of carry-on baggage and the stowage of equipment, such as life rafts. It is also proposed to require that each stowage compartment in the passenger cabin, except for underseat and overhead compartments for passenger convenience, be completely enclosed.

A new § 25.789 is proposed, containing substantially the same requirements as are now contained in §§ 25.561(c) and 25.787(c). The purpose of this change is to make the requirement applicable to all items of mass in the airplane (in passenger, crew, and cargo compartments) whether attached to the structure or not.

Section 121.317 of Part 121 requires passenger information signs to notify passengers and cabin attendants when smoking is prohibited and when safety belts should be fastened. These signs are often installed in transport category airplanes at the time of manufacture. However, there are at present no standards for such signs in Part 25 and it is proposed to add a new § 25.791 containing passenger information requirements consistent with Part 121.

The current regulations require that the escape route from each overwing emergency exit must be marked but do not provide a standard for the marking. In its petition, the AIA proposed that the escape route have a reflectance of 80 percent, that the escape route surface be defined by marking with a route surface-to-marking contrast ratio of at least 5:1, and that those markings be extended over the normal flap area or escape assist means or descent route. The FAA agrees with these recommendations. However, the FAA also considers that the size of the escape route marking should be specified and it is proposed to require that the surface of the escape route be at least 4 feet wide at Type A exits and at least 2 feet wide at all other overwing passenger emergency exits.

Under the current regulations a Type III exit must, in addition to other things, be located over the wing. Since the regulations also require that all emergency exits be distributed as uniformly as practicable, there is an advantage in allowing flexibility in the location of the Type III exits and it is proposed to delete the requirements that the Type III exit be located over the wing. It should be noted, however, that any Type III exit not over a wing and more than 6 feet from the ground with the landing gear extended must meet additional requirements not applicable to such exits when located over the wing.

It appears to the FAA that because of the relatively little difference in size between the Type III and Type IV exits and the significant improvement in egress rate afforded by the Type III exit, there is very little justification for continuing to provide for the Type IV exit. It is, therefore, proposed to amend the regulations to delete the requirement providing for Type IV exits and to require Type III exits instead. This change would not result in a reduction in the number of required emergency exits.

Section 25.807(c)(3) currently permits an increase in the passenger/emergency exit relationship if slides meeting the requirements of § 25.809(f)(1) are installed. Since all slides, when prescribed, must now meet the requirements of § 25.809(f)(1) requiring automatic deployment and erection concurrent with the opening of the exit, there appears to be no rational basis for the current rule. It is, therefore, proposed to improve the exit-to-occupant ratio of the current regulations by striking out paragraph (c)(3) of § 25.807.

With the advent of the large capacity aircraft and the large, heavy Type A size emergency exit, the means of opening the emergency exit by a cabin attendent or passenger in an emergency takes on added importance. To insure that these and other emergency exits do not incorporate design features that might adversely affect their operational performance and reliability, it is proposed to require that each emergency exit must be designed so that it can be opened within 10 seconds with the airplane in each of the attitudes corresponding to a collapse of one or more of the landing gear legs. If a power-boost or power-operated system is used to operate the exit, an alternate means must be available for opening the exit in the event of failure of the primary system.

In accordance with the recommendation made by the AIA, it is proposed to change § 25.809(f)(1) to require that the assisting means for each passenger emergency exit be automatically erected within 10 seconds after its deployment is begun. In addition, the FAA agrees with AIA's recommendation that the regulation should be further amended to require that passenger entrance doors and service doors be provided with means to prevent deployment of the assisting means when there is no emergency and the door is opened for normal use.

In the area of emergency exit markings, various changes are proposed in line with the recommendations of the AIA. At the present time, the regulations require that signs be above the aisle near each over-the-wing exit and that signs be placed next to each floor level exit. To provide for a more uniform application of the requirement, it is proposed to require that there must be a passenger emergency exit locator sign above the aisle near each emergency exit and that there must also be an emergency exit marking sign next to each such exit. However, the proposal would permit one sign to serve more than one exit if each exit can be readily seen from the sign. In addition, the current rules do not provide adequate illumination for the operating handles on Type III exits. To this end the proposal would require that the operating handle on Type III exits be self-illuminated with initial brightness of at least 160 microlamberts.

Various changes have been proposed to § 25.812 dealing with emergency lighting. In this connection, detailed changes to the requirements governing the exit locator and marking signs have been proposed substantially along the lines recommended by the AIA. The exceptions being that while the AIA recommended that the lettering be 1 inch high, the proposal requires lettering of 1½ inches. The FAA believes that this increase in size is necessary to make the signs sufficiently conspicuous. In addition, the AIA recommended that the bulkhead and divider signs be exempt from the emergency lighting requirement of § 25.812. However, the FAA considers that while these signs need not have the same level of illumination as the other signs, a minimum level of illumination should be specified.

Since the regulations will no longer provide for nonautomatic assisting means in meeting the emergency evacuation requirements, the AIA's recommendation for emergency lighting requirements for such means has not been incorporated into this proposal.

The AIA recommended that § 25.812(k) be amended to provide that not more than 25 percent of all required electrically illuminated locator and marking signs may be rendered inoperative during any single vertical separation of the fuselage during crash landing. While the regulations currently permit an emergency lighting system in which 25 percent of the exit locator signs may be rendered inoperative during any single vertical separation of the fuselage, the rule presently requires that all required exit marking signs must remain operative. The FAA does not consider that it would be in the interest of safety to require an emergency lighting system in which 25 percent of the exits would not remain identified by exit markings in the event of an emergency and AIA's proposal has not been incorporated into this notice.

At the present time, § 25.813, prohibits the obstruction of the projected emergency exit opening by outboard seat backs in any position but allows obstruction of the projected opening by other objects (such as arm rests) if they do not reduce the effectiveness of the exit. The FAA now considers that it is necessary in the interest of safety to apply this prohibition to any form of obstruction, not just seat backs. This would leave the projected exit opening completely clear for at least the width of a passenger seat.

As indicated in the petition for rule making filed by the AIA, materials suitable for use in passenger and crew compartments are now available which resist fire more effectively. In accordance with the recommendation made by the AIA and based on its findings under its development program, it is proposed to amend § 25.853 to require, among other things, that specified materials used in passenger and crew compartments be self-extinguishing when tested vertically, meet a more severe burn length requirement, and have an average flame time after removal of the flame source not to exceed 15 seconds. A companion change would be made to Appendix F of Part 25 to establish an acceptable test procedure for these new requirements. Among other things, the new procedure would require a minimum flame temperature of 1,550° F. in all tests and would contain a new 45° test for cargo compartment liners.

In response to the petition from NEMA, the notice proposes to add a new requirement in § 25.1359 setting forth improved flammability standards for wire and cable insulation. In addition, new test procedures for electrical wire and cable substantially as recommended by the NEMA are set forth in the proposed change to Appendix F. The NEMA recommendations concerning smoke emission from electrical wire and cable have not been incorporated in this notice since the smoke emission issue, in broad aspect, is the subject of a separate rule-making action. (Notice 69-30, Docket No. 9611.)

The requirements for cargo and baggage compartments in § 25.855 would be changed to now require that the liners and the thermal and acoustic insulation used in such compartments must meet the fire protection requirements of § 25.853. In addition, it would require that all liners be separate from the airplane structure even though it permits the liner to be attached to the structure.

As has been the case in the previous crashworthiness and passenger evacuation rule-making actions, it is proposed to make certain of the new requirements applicable to airplanes for which type certificates are issued after the effective date of these proposed amendments. However, unlike the previous rule-making actions, it is not proposed to make these new requirements applicable to all applicants for supplemental type certificates or amendments to type certificates; only to those applicants for STC's or amendments related to the type certificates issued after the effective date of these proposed amendments. To this end a new § 25.3 is proposed containing the special retroactive requirements of this notice.

Part 37. In addition to the foregoing, appropriate changes are proposed to the Technical Standard Order (TSOs) covering Safety Belts, Aircraft Seats and Berths, and Individual Flotation Devices, consistent with the improved fire protection requirements for compartment interiors.

Part 121. With the exception of the requirement for ash trays in compartments where smoking is to be allowed, all the other fire protection requirements currently contained in § 121.215 concerning cabin interiors are now covered under other provisions in Part 121. It is, therefore, proposed to amend § 121.215 to cover only the requirement for ash trays and to require placarding when smoking is not allowed.

It is proposed to amend § 121.285 to strike out the term flame resistant as it relates to materials in cargo bins in passenger compartments and to require that such materials at least meet the existing requirements of § 25.853(b). It is not proposed to require that materials in cargo bins in passenger compartments meet the changes to the requirements of § 25.853(b) proposed in this notice.

Section 121.310(a)(2) now requires that after September 30, 1969, the assist means for a floor level emergency exit on passenger-carrying landplanes must meet the requirements of § 25.809(f)(1). Section 25.809(f)(1) is being amended in this rule-making action to require that each passenger entrance and service door must be provided with a means to prevent deployment of the assisting means when it is opened under nonemergency conditions. This new requirement would present a prohibitive installation problem for aircraft already certificated and the FAA considers that for those airplanes the current requirement is adequate. It is therefore proposed to amend § 121.310(a)(2) to require that only airplanes type certificated after September 30, 1969, need meet this new requirement.

Paragraph (b) of § 121.310 now requires that each passenger emergency exit marking and each locating sign must, among other things, be manufactured to meet the requirement of § 25.812(b). Section 25.812(b) is being amended in this rule-making action and the FAA does not consider it necessary to require existing airplanes to comply with this new requirement. It is therefore proposed to amend § 121.310(b) to require that only airplanes type certificated after the effective date of the amended § 25.812(b) proposed herein need meet the new requirement.

Consistent with the change proposed for Part 25, it is proposed to amend paragraph (c) of § 121.310 to provide that sources of general cabin illumination need not be independent of the main lighting system if the emergency power supply for general cabin illumination is independent of the power supply for the main lighting system.

It is proposed to add a new subparagraph (3) to paragraph (d) of § 121.310 to require that a flight crew warning light be installed that illuminates whenever electric power is on in the airplane and the emergency system is not armed or turned on. This is consistent with the change proposed in § 25.812(e)(2).

It is further proposed to amend paragraph (e) of § 121.310 to make it clear that on airplanes type certificated after the effective date of this amendment, the location of each passenger emergency exit operating handle and the instructions for opening the exit must continue to be provided in accordance with the applicable requirements of Part 25 proposed in this notice.

Paragraphs (f) and (h) of § 121.310, and § 121.312 contain references to requirements of Part 25 that are being changed in this proposal. It is therefore proposed to amend §§ 121.310 and 121.312 to make it clear that the older airplanes need not comply with the amendments to the Part 25 requirements proposed in this notice. No other changes to these regulations are proposed.

It is proposed to amend § 121.311 to require that occupants of seats equipped with a shoulder harness must fasten that shoulder harness during takeoff and landing. An exception would be made for crewmembers who cannot perform their duties with the harness fastened.

Paragraph (a) of § 121.317 would be amended consistent with the new proposal in Part 25 to require that passenger information signs regarding smoking and seat belts must be legible to all persons seated in the passenger cabin under all conditions of cabin illumination.

Paragraph (c) of § 121.391 presently contains a reference to paragraph (b) that is no longer necessary or appropriate. In addition to making this correction, it is proposed to make it clear that the number of flight attendants approved under either paragraph (a) or (b) of § 121.391 are set forth in the certificate holder's operations specifications.

It is proposed to amend § 121.571 to require that each certificate holder make an announcement, when the seat belt sign is first turned off after takeoff, that all passengers should, for their safety, keep their seat belts loosely or comfortably fastened while seated. This requirement recognizes the possibility that turbulence may be encountered unexpectedly. The seat belt sign would be turned on when turbulence is expected or when landing is imminent and would notify the passengers that the fastening of seat belts is mandatory. The passenger information requirement of § 121.317(a) would be amended to implement this proposal.

A new § 121.576 is proposed to require that a means be provided to prevent galley equipment, serving carts and crew baggage from becoming a hazard by shifting under specified load conditions. Operators would be given 2 years in which to meet this requirement.

Section 121.589 would be amended to require that the certificate holder ensure that all carry-on baggage has been stowed before each takoff and each landing. In addition, it would require each passenger to comply with instructions given by any crewmember concerning the stowage of carry-on baggage.

The FAA believes that it is essential for the safety of passengers in a crash situation to require that no food, beverage, tableware, or trays be in position in front of passengers during takeoff or landing. Impact with trays, dishes, cups, glasses, and silverware can cause serious head and face injuries. Furthermore, in the event of an emergency evacuation, the trays, food, and tableware could obstruct and slow movement to the exits and the slippery food litter could cause needless injury. It should also be noted that the cabin attendants, who prepare and serve food and beverages, are responsible for many duties connected with passenger safety which must be performed before takeoff and landing. The preparation and serving of food and beverages before takeoff can interfere with the crewmember's performance of these duties. It is, therefore, proposed to add a new § 121.577 prohibiting a certificate holder from taking off or landing an airplane (1) when any food, beverage, or tableware furnished by the certificate holder is located at any passenger seat, and (2) unless each passenger's food and beverage tray and each serving cart is in the stowed position. Each passenger would be required to comply with instructions given by a crewmember concerning the foregoing requirements.

In consideration of the foregoing, it is proposed to amend Parts 21, 25, 37, and 121 as follows:

PART 21

§ 21.17 [Amended]

1. By amending § 21.17(a) by striking out the reference to "§ 25.2" and inserting the reference to "§§ 25.2 and 25.3" in place thereof.

PART 25

1. By adding a new § 25.3 to read as follows:

§ 25.3 Additional special retroactive requirements.

(a) Notwithstanding §§ 21.17 and 21.101 of this chapter and § 25.2, and irrespective of the date of application—

(1) Each applicant for a type certificate must show after (the effective date of this amendment), that the airplane concerned meets the requirements listed in paragraph (b) of this section in effect on (the date of this amendment); and

(2) Each applicant for a Supplemental Type Certificate (or an amendment to the type certificate) for an airplane type certificated on or after (the effective date of this amendment) must show that the airplane concerned meets the requirements listed in paragraph (b) of this section in effect on (the effective date of this amendment).

(b) Sections 25.561(b), 25.562(a), 25.721(d), 25.785(c), 25.787(a), 25.789, 25.803(e), 25.807 (a), (c), and (d), 25.809 (b), (f), (g), (h), and (i), 25.811 (d), (e), and (g), 25.812 (a), b), (c), (d), (e), (f), (g), and (k), 25.813(c), 25.853, 25.855, 25.1359(d), 25.1557(a), and Appendix F of this part.

2. By amending § 25.561 by striking out paragraph (c) and by amending subparagraph (3) of paragraph (b) to read as follows:

§ 25.561 General.

* * * * * * *

(b) * * *

(3) The occupant experiences the following ultimate inertia forces relative to the surrounding structure:

(i) Upward—4.5 *g*.
(ii) Forward—9.0 *g*.
(iii) Sideward—3.0 *g*.
(iv) Downward—4.5 *g*. or any lesser force that will not be exceeded when the airplane absorbs the landing loads resulting from impact with an ultimate descent velocity of 5 f.p.s. at design landing weight.
(v) Aft—1.5 *g*.

(c) [Deleted]

3. By adding a new § 25.562 to read as follows:

§ 25.562 Fuel containment.

(a) The airplane must be designed so that it can be landed on a paved runway, with any one or more landing gear legs not extended, without sustaining a structural component failure that would result in the spillage of enough fuel to constitute a fire hazard, or that would result in serious injury to any occupant, under the following conditions:

(1) Airplane weight=design landing weight;
(2) Touchdown velocity=1.05 V_{s_0};
(3) Rate of sink=3 f.p.s.; and
(4) Coefficient of friction (μ)=0.4

(b) The airplane must be designed so that it can be landed on a paved runway, with the airplane in the normal landing configuration, without sustaining a structural component failure that would result in the spillage of enough fuel to constitute a fire hazard, or that would result in serious injury to any occupant, under the following conditions:

(1) Airplane weight=design landing weight;
(2) Rate of sink=24 f.p.s.; and
(3) Airplane pitch attitude=7° above and below, the pitch attitude for a normal landing.

4. By amending paragraph (d) of § 25.721 to read as follows:

§ 25.721 General.

* * * * * * *

(d) The main landing gear system must be designed so that if it fails due to overloads during takeoff and landing (assuming the overloads are in the vertical plane parallel to the longitudinal axis of the airplane), the failure mode is not likely to cause the spillage of enough fuel from any part of the fuel system to constitute a fire hazard. This may be shown by analysis or test, or both.

5. By amending § 25.785(c) by amending the second sentence of the lead-in paragraph and subparagraphs (1), (2), and (3) as follows:

§ 25.785 Seats, berths, safety belts, and harnesses.

* * * * * * *

(c) * * * Each occupant of any other seat must be protected from head injury by a safety belt and, as appropriate to the type, location, and angle of facing of each seat, by one or more of the following:

(1) A shoulder harness that will prevent the head from contacting any injurious object.

(2) The elimination of any injurious object within striking radius of the head.

(3) An energy absorbing rest that will support the arms, shoulders, head, and spine.

* * * * * * *

6. By amending § 25.787 by striking out paragraph (c) and by changing the title of the section and amending paragraph (a) as follows:

§ 25.787 Stowage compartments.

(a) Each compartment for the stowage of cargo, baggage, carry-on articles, and equipment (such as life rafts), and any other stowage compartment must be designed for its placarded maximum weight of contents and for the critical load distributions at the appropriate maximum load factors corresponding to the specified flight and ground load conditions, and to the emergency landing conditions of § 25.561(b), except that the forces specified in the emergency landing conditions need not be applied to compartments located below, or forward, of all occupants in the airplane. Each stowage compartment in the passenger cabin except for underseat and overhead compartments for passenger convenience must be completely enclosed.

* * * * * * *

(c) [Deleted]

7. By adding new § 25.789 to read as follows:

§ 25.789 Retention of items of mass in passenger and crew compartments.

Means must be provided to prevent each item of mass in a passenger or crew compartment from becoming a hazard by shifting under the appropriate maximum load factors corresponding to the specified flight and ground load conditions, and to the emergency landing conditions of § 25.561(b).

8. By adding a new § 25.791 to read as follows:

§ 25.791 Passenger information signs.

When installed, passenger information signs must be legible to all persons seated in the passenger cabin under all conditions of cabin illumination. Signs which notify when seat belts should be fastened and when smoking is prohibited must be so constructed that the crew can turn them on and off.

9. By amending paragraph (e) of § 25.803 to read as follows:

§ 25.803 Emergency evacuation.

* * * * * * *

(e) An escape route must be established from each overwing emergency exit, and (except for flap surfaces suitable as slides) covered with a slip resistant surface. The escape route surface must have a reflectance of at least 80 percent, must be defined by markings with a surface-to-marking contrast ratio of at least 5:1, must be at least 4 feet wide at Type A passenger emergency exits, and must be at least 2 feet wide at all other passenger emergency exits.

§ 25.807 [Amended]

10. By amending § 25.807 *Passenger emergency exits* as follows:

A. By amending paragraph (a)(3) to read as follows:

(3) *Type III.* This type must have a rectangular opening of not less than 20 inches wide by 36 inches high, with corner radii not greater than one-third the width of the exit, and with a step-up inside the airplane of not more than 20 inches. If the exit is located over the wing the step-down outside the airplane must not exceed 27 inches.

B. By striking out paragraph (a)(4).

C. By amending paragraphs (c) and (d) to read as follows:

(c) *Passenger emergency exits.* The prescribed exits need not be diametrically opposite each other nor identical in size and location on both sides. They must be distributed as uniformly as practicable taking into account passenger distribution. If only one floor level exit per side is prescribed, and the airplane does not have a tail cone or ventral emergency exit, the floor level exits must be in the rearward part of the passenger compartment, unless another location affords a more effective means of passenger evacuation. Where more than one floor level exit per side is prescribed, at least one floor level exit per side must be located near each end of the cabin, except that this provision does not apply to combination cargo/passenger configurations. Exits must be provided as follows:

(1) Except as provided in subparagraphs (2) through (5) of this paragraph, the number and type of passenger emergency exits must be in accordance with the following table:

Passenger seating capacity (cabin attendants not included)	Emergency exits for each side of the fuselage		
	Type I	Type II	Type III
1 through 19			1
20 through 39		1	1
40 through 79	1		1
80 through 109	1		2
110 through 139	2		1
140 through 179	2		2

(2) An increase in passenger seating capacity above the maximum permitted under subparagraph (1) of this paragraph but not to exceed a total of 299 may be allowed in accordance with the following table for each additional pair of emergency exits in excess of the minimum number prescribed in subparagraph (1) of this paragraph for 179 passengers:

Additional emergency exits (each side of fuselage)	*Increase in passenger seating capacity allowed*
Type A	100
Type I	45
Type II	40
Type III	35

(3) For passenger capacities in excess of 299, each emergency exit in the side of the fuselage must be either a Type A or Type I. A passenger seating capacity of 100 is allowed for each pair of Type A exits and a passenger seating capacity of 45 is allowed for each pair of Type I exits.

(4) If a passenger ventral or tail cone exit is installed and can be shown to allow a rate of egress at least equivalent to that of a Type III exit with the airplane in the most adverse exit opening condition because of the collapse of one or more legs of the landing gear, an increase in passenger seating capacity beyond the limits specified in subparagraph (1), (2), or (3) of this paragraph may be allowed as follows:

(i) For a ventral exit, 12 additional passengers.

(ii) For a tail cone exit incorporating a floor level opening of not less than 20 inches wide by 60 inches high, with corner radii not greater than one-third

the width of the exit, in the pressure shell and incorporating an approved assist means in accordance with § 25.809(f)(1), 25 additional passengers.

(iii) For a tail cone exit incorporating an opening in the pressure shell which is at least equivalent to a Type III emergency exit with respect to dimensions, step-up and step-down distance, and with the top of the opening not less than 56 inches from the passenger compartment floor, 15 additional passengers.

(5) Each emergency exit in the passenger compartment in excess of the minimum number of required emergency exits must meet the applicable requirements of §§ 25.809 through 25.812, and must be readily accessible.

(d) *Ditching emergency exits for passengers.* If the emergency exits required by paragraph (c) of this section do not meet subparagraph (1) of this paragraph, exits must be added to meet them:

(1) One exit above the waterline in a side of the airplane, meeting at least the dimensions of a Type III exit, for each unit (or part of a unit) of 35 passengers, but no less than two such exits in the passenger cabin with one on each side of the airplane. However, where it has been shown through analysis, ditching demonstrations, or any other tests found necessary by the Administrator, that the evacuation capability of the airplane during ditching is improved by the use of larger exits or by other means, the passenger/exit ratio may be increased.

(2) If side exits cannot be above the waterline, the side exits must be replaced by an equal number of readily accessible overhead hatches of not less than the dimensions of a Type III exit except that, for airplanes with a passenger capacity of 35 or less, the two required Type III side exits need be replaced by only one overhead hatch.

§ 25.809 [Amended]

11. By amending § 25.809 as follows:

A. By amending paragraph (b) by adding the following at the end thereof:

(b) * * * Each exit must be capable of being opened—

(1) With the airplane in each of the attitude corresponding to collapse of one or more legs of the landing gear; and

(2) Within 10 seconds measured from the time when the opening means is actuated to the time when the exit is fully opened.

B. By amending paragraph (f)(1) to read as follows:

(1) The assisting means for each passenger emergency exit must be a self-supporting slide or equivalent, and must be designed to meet the following requirements:

(i) It must be automatically deployed concurrent with the opening of the exit from the inside of the airplane. However, each passenger emergency exit which is also a passenger entrance door or a service door must be provided with means to prevent deployment of the assisting means when it is opened from either the inside or the outside under nonemergency conditions for normal use.

(ii) It must be automatically erected within 10 seconds after deployment is begun.

(iii) It must be of such length that the lower end is self supporting on the ground after collapse of one or more legs of the landing gear.

C. By amending paragraph (g) to read as follows:

(g) Each emergency exit must be shown by tests to meet the requirements of paragraphs (b) and (c) of this section.

D. By striking out present paragraph (h) and by adding new paragraphs (h) and (i) to read as follows:

(h) If the place on the airplane structure at which the escape route required in § 25.803(e) terminates is more than 6 feet from the ground with the airplane on the ground and the landing gear extended, means must be provided to assist evacuees (who have used the overwing exits) to reach the ground. If the escape route is over a flap, the height of the terminal edge must be measured with the flap in the takeoff or landing position, whichever is higher from the ground. The assisting means must be of such length that the lower end is self-supporting on the ground after collapse of any one or more landing gear legs.

(i) If a power-boost or power-operated system is the primary system for operating the exit, the exit must be capable of meeting paragraph (b)(1) of this section in the event of failure of the primary system. Manual operation of the exit (after failure of the primary system is acceptable. If a secondary power-boost or power-operated system is provided to operate the exit in the event of failure of the primary system, it must be independent of the airplane's main systems and main energy sources.

§ 25.811 [Amended]

12. By amending § 25.811 as follows:

A. By amending paragraph (d) to read as follows:

(d) The location of each passenger emergency exit must be indicated by a sign visible to occupants approaching along the main passenger aisle (or aisles). There must be—

(1) A passenger emergency exit locator sign above the aisle (or aisles) near each passenger emergency exit, or at another overhead location if it is more practical because of low headroom, except that one sign may serve more than one exit if each exit can be seen readily from the sign;

(2) A passenger emergency exit marking sign next to each passenger emergency exit, except that one sign may serve two such exits if they both can be seen readily from the sign; and

(3) A sign on each bulkhead or divider that prevents fore and aft vision along the passenger cabin to indicate emergency exits beyond and obscured by the bulkhead or divider, except that if this is not possible the sign may be placed at another appropriate location.

B. By amending subparagraph (1) of paragraph (e) to read as follows:

(e) The location of the operating handle and instructions for opening the exit must be shown as follows:

(1) For each passenger emergency exit, by a marking on or near the exit that is readable from a distance of 30 inches. In addition, the operating handle for each Type III passenger emergency exit must be self-illuminated with an initial brightness of at least 160 microlamberts. If the operating handle is covered, self-illuminated cover removal instructions having an initial brightness of at least 160 microlamberts must also be provided.

C. By amending subparagraph (2) of paragraph (e) by inserting the words "Type A" between the word "each" and the word "Type I."

D. By amending paragraph (g) to read as follows:

(g) Each sign required by paragraph (d) of this section may use the word "exit" in its legend in place of the term "emergency exit."

§ 25.812 [Amended]

13. By amending § 25.812 *Emergency lighting* as follows:

A. By amending the lead-in statement of paragraph (a) to read as follows:

(a) An emergency lighting system, independent of the main lighting system, must be installed except that sources of general cabin illumination need not be independent of the main lighting system if the emergency power supply for general cabin illumination is independent of the power supply for the main lighting system. The emergency lighting system must include:

B. By amending paragraphs (b), (c), (d), (e), (f), and (g) to read as follows:

(b) Emergency exit signs must meet the following requirements:

(1) Each passenger emergency exit locator sign required by § 25.811(d)(1) and each passenger emergency exit marking sign required by § 25.811(d)(2) must have red letters at least 1½ inches high on an illuminated white background, and must have an area of at least 21 square inches excluding the letters. The lighted background-to-letter contrast must be at least 10:1. The stroke height-to-width ratio must be 7:1. These signs must be internally electrically illuminated with a background brightness of at least 25 foot-lamberts and a high-to-low background contrast no greater than 3:1.

(2) Each passenger emergency exit sign required by § 25.811(d)(3) must have red letters at least 1½ inches high on a white background having an area of at least 21 square inches excluding the letters. These signs must be internally electrically illuminated or self-illuminated by other than electrical means and must have an initial brightness of at least 400 microlamberts. The colors may be reversed in the case of a self-illuminated sign if this will make the sign more conspicuous.

(c) General illumination in the passenger cabin must be provided so that when measured along the centerline of main passenger aisle(s), and cross aisle(s) between main aisles, at seat armrest height and at 40-inch intervals, the average illumination is not less than 0.05 foot-candle and the illumination at each 40-inch interval is not less than 0.01 foot-candle. A main passenger aisle(s) is considered to extend along the fuselage from the most forward passenger emergency exit or cabin occupant seat, whichever is farther forward, to the most rearward passenger emergency exit or cabin occupant seat, whichever is farther aft.

(d) The floor of the passageway leading to each floor-level passenger emergency exit, between the main aisles and the exit openings, must be provided with illumination that is not less than 0.02 foot-candle measured along a line that is within 6 inches of and parallel to the floor and is centered on the passenger evacuation path.

(e) The emergency lighting system must be designed as follows:

(1) The lights must be operable manually from the flight crew station and (if required by the operating rules of this chapter) from a point in the passenger compartment that is readily accessible to a normal flight attendant seat.

(2) There must be a flight crew warning light which illuminates when power is on in the airplane and the emergency lighting control device is not armed or turned on.

(3) When armed or turned on, the lights must remain lighted or become lighted upon interruption (except an interruption caused by a transverse vertical separation of the fuselage during crash landing) of the airplane's normal electric power. There must be means to safeguard against inadvertent operation of the control device from the "armed" on "on" position.

(f) Exterior emergency lighting must be provided as follows:

(1) At each overwing emergency exit the illumination must be—

(i) Not less than 0.03 foot-candle (measured normal to the direction of the incident light) on a 2-square-foot area where an evacuee is likely to make his first step outside the cabin;

(ii) Not less than 0.05 foot-candle (measured normal to the direction of the incident light) for a minimum width of 4 feet for a Type A overwing emergency exit and 2 feet for all other overwing emergency exits along the 30 percent of the slip-resistant portion of the escape route required in § 25.803(e) that is farthest from the exit; and

(iii) Not less than 0.03 foot-candle on the ground surface with the landing gear extended (measure normal to the direction of the incident light) where an evacuee using the established escape route would normally make first contact with the ground.

(2) At each nonoverwing emergency exit not required by § 25.809(f) to have descent assist means the illumination must be not less than 0.03 foot-candle (measured normal to the direction of the incident light) on the ground surface with the landing gear extended where an evacuee is likely to make his first contact with the ground outside the cabin.

(g) The means required in § 25.809 (f)(1) and (h) to assist the occupants in descending to the ground must be illuminated so that the deployed assist means is visible from the airplane.

(1) If the assist means is illuminated by exterior emergency lighting, it must provide illumination of not less than 0.03 foot-candle (measured normal to the direction of the incident light) at the ground end of the deployed assist means where an evacuee using the established escape route would normally make first contact with the ground, with the airplane in each of the attitudes corresponding to the collapse of one or more legs of the landing gear.

(2) If the assist means is self-illuminated, the lighting provisions—

(i) May not be adversely affected by stowage; and

(ii) Must provide illumination of not less than 0.03 foot-candle (measured normal to the direction of incident light) at the ground end of the deployed assist means where an evacuee would normally make first contact with the ground, with the airplane in each of the attitudes corresponding to the collapse of one or more legs of the landing gear.

C. By amending paragraph (k) by inserting the word "transverse" between the words "single" and "vertical" in the lead-in statement and by striking out the word "exit" in subparagraph (3).

14. By amending § 25.813(c) to read as follows:

§ 25.813 Emergency exit access.

* * * * *

(c) There must be access from each aisle to each Type III exit. For airplanes having a maximum seating capacity of 20 or more, the projected opening of the exit provided must not be obstructed by seats, berths, or other protrusions (including seatbacks in any position) for a distance from that exit not less than the width of the narrowest passenger seat installed in the airplane.

* * * * *

15. By amending § 25.853 by redesignating present paragraphs (c) through (f) as paragraphs (e) through (h), respectively, and by amending the lead-in statement and paragraphs (a) and (b) and by adding new paragraphs (c) and (d) to read as follows:

§ 25.853 Compartment interiors.

Materials, including finishes or decorative surfaces applied to the materials, used in each compartment occupied by the crew or passengers must meet the following test criteria, as applicable:

(a) Interior ceiling panels, interior wall panels, partitions, galley structure, large cabinet walls, structural flooring, and materials used in the construction of stowage compartments (other than underseat) must be self-extinguishing when tested vertically in accordance with the applicable portions of Appendix F of this part, or other approved equivalent methods. The average burn length may not exceed 6 inches and the average flame time after removal of the flame source may not exceed 15 seconds. Drippings from the test specimen may not continue to flame for more than 3 seconds after falling.

(b) Floor covering, textiles (including draperies, upholstery, and the covering of upholstery), seat cushions, padding, decorative and nondecorative coated fabrics, leather, trays and galley furnishings, transparencies not covered in paragraph (c) of this section, electrical conduit, molded and thermoformed parts, thermal and acoustical insulation and insulation covering, air ducting, joint and edge covering, trim strips (decorative and chafing), cargo compartment liners, insulation blankets, and cargo covers, must be self-extinguishing when tested vertically in accordance with the applicable portions of Appendix F of this part, or other approved equivalent methods. The average burn length may not exceed 8 inches and the average flame time after removal of the flame source may not exceed 15 seconds. Drippings from the test specimen may not continue to flame for more than 5 seconds after falling.

(c) Acrylic windows, edge lighted instrument assemblies, seat belts, shoulder harnesses, and cargo and baggage tiedown equipment including containers, bins, pallets, etc., used in passenger or crew compartments, may not have a burn rate greater than 2.5 inches per minute when tested horizontally in accordance with the applicable portions of Appendix F of this part, or other approved equivalent methods.

(d) Except for electrical wire and cable insulation, materials in items not specified in paragraph (a), (b), or (c) of this section may not have a burn rate greater than 4 inches per minute when tested horizontally in accordance with the applicable portions of Appendix F of this part or other approved equivalent methods.

* * * * *

16. By amending § 25.855 by amending paragraph (a), by redesignating present paragraphs (b) through (e) as paragraphs (c) through (f) and by adding new paragraph (b) to read as follows:

§ 25.855 Cargo and baggage compartments.

(a) Liners and thermal and acoustic insulation used in each cargo and baggage compartment, including convertible passenger-cargo compartments, must be constructed of materials that at least meet the requirements set forth in § 25.853(b). In addition, the liners must be separate from (but may be attached to) the airplane structure and must be tested at a 45° angle in accordance with the applicable portions of Appendix F of this part or other approved equivalent methods. The flame may not cause a hole to appear in the material during application of the flame or subsequent to its removal. The average flame time after removal of the flame source may not exceed 15 seconds and the average glow time may not exceed 10 seconds.

(b) Insulation blankets and covering used to protect cargo must be constructed of materials that at least meet the requirements of § 25.853(b) and tiedown equipment must be constructed of materials that at least meet the requirements set forth in § 25.853(c).

• • • • •

§ 25.857 [Amended]

17. By amending § 25.857 by striking out subparagraph (4) of paragraph (b), and subparagraph (5) of paragraph (c), subparagraph (4) of paragraph (d), and subparagraph (1) of paragraph (e).

18. By amending § 25.1359 by adding a new paragraph (d) to read as follows:

§ 25.1359 Electrical system fire and smoke protection.

• • • • •

(d) Electrical wire and cable insulation installed in any area of the fuselage must be self-extinguishing when tested in accordance with the applicable portions of Appendix F of this part, or other approved equivalent methods. The average flame time after removal of the flame source may not exceed 30 seconds. Drippings from the test specimen may not continue to flame for more than 3 seconds after falling.

§ 25.1411 [Amended]

19. By amending § 25.1411(c) by striking out the reference to "§ 25.807(c)(4)" and inserting reference to "§ 25.809(f)" in place thereof.

20. By amending paragraph (a) of § 25.1557 to read as follows:

§ 25.1557 Miscellaneous markings and placards.

(a) *Stowage compartments and ballast location.* Each stowage compartment and each ballast location must have a placard stating any limitations on contents, including weight, that are necessary under the loading requirements.

• • • • •

21. By amending Appendix F to read as follows:

Appendix F

AN ACCEPTABLE TEST PROCEDURE FOR SHOWING COMPLIANCE WITH §§ 25.853, 25.855, AND 25.1359

(a) *Conditioning.* Specimens must be conditioned at 70° F., plus or minus 5° and at 50 percent plus or minus 5 percent relative humidity until moisture equilibrium is reached. Only one specimen at a time may be removed from the conditional environment immediately before subjecting it to the flame.

(b) *Specimen configuration.* Except as provided for materials used in electrical wire and cable insulation and in small items, materials must be tested either as a section cut from a fabricated part as installed in the airplane or as a specimen simulating a cut section, such as: A specimen cut from a flat sheet of the material or a model of the fabricated part. The specimen may be cut from any location in a fabricated part; however, fabricated units, such as sandwich panels, may not be separated for test. The specimen thickness must be no thicker than the minimum thickness to be qualified for use in the airplane, except that: (1) Thick foam parts, such as seat cushions, must be tested in ½-inch thickness; (2) when showing compliance with § 25.853(d) for materials used in small items the materials must be tested in no more than ⅛-inch thickness; (3) when showing compliance with § 25.1359 (d) for materials used in electrical wire and cable insulation the wire and cable specimens must be the same size as used in the airplane. In the case of fabrics, both the warp and fill direction of the weave must be tested to determine the most critical flammability conditions. When performing the tests prescribed in paragraphs (d) through (e) of this appendix, the specimen must be mounted in a metal frame so that (1) in the vertical tests of paragraphs (d) and (e) the two long edges are held securely, (2) in the horizontal test of paragraph (f) the two long edges and one end are held securely, (3) the exposed area of the specimen is at least 2 inches wide and 12 inches long, and (4) the edge to which the burner flame is applied must not consist of the finished or protected edge of the specimen but must be representative of the actual cross-section of the material or part installed in the airplane. When performing the test prescribed in paragraph (f) of this appendix, the specimen must be mounted in a metal frame so that all four edges are held securely and the exposed area of the specimen is at least 8 inches by 8 inches.

(c) *Apparatus.* Except as provided in paragraph (h) of this appendix, tests must be conducted in a draft-free cabinet in accordance with Federal Specification CCC–T–191b Method 5903T (revised Method 5902) for the vertical test, or Method 5906 for the horizontal test (available from the General Services Administration, Business Service Center, Region 3, Seventh and D Streets SW., Washington, D.C. 20407) or other approved equivalent methods. Specimens which are too large for the cabinet must be tested in similar draft-free conditions.

(d) *Vertical test, in compliance with § 25.853 (a) and (b).* A minimum of three specimens must be tested and the results averaged. For fabrics, the direction of weave corresponding to the most critical flammability conditions must be parallel to the longest dimension. Each specimen must be supported vertically. The specimen must be exposed to a Bunsen or Tirril burner with a nominal ⅜-inch I.D. tube adjusted to give a flame of 1½ inches in height. The minimum flame temperature measured by a calibrated thermocouple pyrometer in the center of the flame must be 1,550° F. The lower edge of the specimen must be three-fourths inch above the top edge of the burner. The flame must be applied to the centerline of the lower edge of the specimen. For materials covered by § 25.853(a), the flame must be applied for 60 seconds and then removed. For materials covered by § 25.853(b), the flame must be applied for 12 seconds and then removed. Flame time, burn length, and flaming time of drippings, if any, must be recorded. The burn length determined in accordance with paragraph (g) of this appendix must be measured to the nearest one-tenth inch.

(e) *Horizontal test in compliance with § 25.853 (c) and (d).* A minimum of three specimens must be tested and the results averaged. Each specimen must be supported horizontally. The exposed surface when installed in the aircraft must be face down for the test. The specimen must be exposed to a Bunsen burner or Tirrill burner with a nominal ⅜-inch I.D. tube adjusted to give a flame of 1½ inches in height. The minimum flame temperature measured by a calibrated thermocouple pyrometer in the center of the flame must be 1,550° F. The specimen must be positioned so that the edge being tested is three-fourths of an inch above the top of, and on the center line of the burner. The flame must be applied for 15 seconds and then removed. A minimum of 10 inches of the specimen must be used for timing purposes, approximately 1½ inches must burn before the burning front reaches the timing zone, and the average burn rate must be recorded.

(f) *Forty-five degree test, in compliance with § 25.855(a).* A minimum of three specimens must be tested and the results averaged. The specimens must be supported at an angle of 45° to a horizontal surface. The exposed surface when installed in the aircraft must be face down for the test. The specimens must be exposed to a Bunsen or Tirrill burner with a nominal ⅜-inch I.D. tube adjusted to give a flame of 1½ inches in height. The minimum flame temperature measured by a calibrated thermocouple pyrometer in the center of the flame must be 1,550° F. Suitable precautions must be taken to avoid drafts. One-third of the flame must be applied for 30 seconds and then removed. Flame time, glow time, and whether a hole appears through the specimen must be recorded.

(g) *Burn length.* Burn length is the distance from the original edge to the farthest evidence of damage to the test specimen due to flame impingement, including areas of partial or complete consumption, charring, or embrittlement, but not including areas sooted, stained, warped, or discolored, nor areas where material has shrunk away from the heat source.

(h) *Sixty degree test in compliance with § 25.1359.* The specimen of wire or cable (including insulation) must be placed at an angle of 60° with the horizontal within a chamber approximately 2 feet high x 1 foot x 1 foot, open at the top and at one vertical side (front), and which allows sufficient flow of air for complete combustion, but which is free from drafts. The specimen must be parallel to and approximately 6 inches from the front of the chamber. The lower end of the specimen must be held rigidly clamped. The upper end of the specimen must pass over a pulley and must have an appropriate weight attached to it so that the specimen is held tautly throughout the flammability test. The test specimen span between lower clamp and upper pulley must be 24 inches and must be marked 8 inches from the lower end to indicate the central point for flame application. A flame from a Bunsen burner must be applied for 30 seconds at the test mark. The Bunsen burner must be mounted underneath the test mark on the specimen, and at an angle of 30° to the vertical plane of the specimen. The Bunsen burner must have a ¼-inch inlet, a nominal bore of three-eighths inch, and a length of approximately 4 inches from top to primary inlets. The burner must be adjusted to produce a 3-inch high flame with an inner cone approximately one-third of the flame height. The temperature of the hottest portion of the flame, as measured with a calibrated thermocouple pyrometer, may not be less than 954° C. (1,750° F.). The burner must be positioned so that the hottest portion of the flame is applied to the test mark on the wire. The distance of flame travel upward along the wire from the test mark and the time of burning after removal of the flame must be recorded. The time of burning of any dripping particles must be recorded. Breaking of the wire specimens is not considered a failure. The results of this compliance testing must indicate that, based on a statistical determination, not less than 80 percent of the wire of each specification installed in the airplane must equal or exceed the requirements of § 25.1359(d).

PART 37

§§ 37.132, 37.136 [Amended]

22. By amending § 37.132 *Safety belts, TSO–C22e* to require that new models of such equipment must meet the test criteria set forth in proposed § 25.853(c) and by amending § 37.136 *Aircraft seats and berths, TSO–C39,* to require that new models of such equipment must meet the test criteria set forth in proposed § 25.853(b).

§ 37.178 [Amended]

23. By amending § 37.178 *Individual flotation devices, TSO–C72a,* by amending paragraphs 4.0.4 and 7.0.3 of the FAA Standard to read as follows:

4.0.4 *Fire protection.* If the device is not used as part of a seat or berth, materials used in the device, including any covering, must meet paragraph 6.0.2 of this standard. If the device is to be used as part of a seat or berth, all materials used in the device must meet paragraph 7.0.3 of this standard.

• • • • •

7.0.3 *Test for fire protection of materials.* Materials used in flotation devices that are to be used as part of an aircraft seat or berth must comply with the self-extinguishing fire protection provisions of § 25.853(b) of Part 25 of this chapter. In all other applications, the materials in the flotation devices must be tested in accordance with paragraph 6.0.2 of this standard to substantiate adequate flame resistant properties.

PART 121

24. By amending § 121.215 to read as follows:

§ 121.215 Compartments where smoking is allowed.

Each compartment used by the crew or passenger where smoking is allowed must be equipped with self-contained ash trays that are completely removable. Other compartments used by the crew or passengers must be placarded against smoking.

25. By amending § 121.285 by amending paragraph (b)(6) to read as follows:

§ 121.285 Carriage of cargo in passenger compartments.

• • • • •

(b) • • •

(6) The bin must be fully enclosed and made of materials that at least meet § 25.853(b) of this chapter in effect on (the day prior to the effective date of this amendment).

• • • • •

§ 121.310 [Amended]

26. By amending paragraph (a) of § 121.310 by amending the first sentence of subparagraph (2) to read as follows:

(2) After September 30, 1969, it must meet the requirements of § 25.809(f)(1) of this chapter in effect on that date, except that, on any airplane type certificated after September 30, 1969, it must meet the assist means requirements under which the airplane was type certificated. • • •

27. By amending paragraph (b)(2) of § 121.310 to read as follows:

(2) Each passenger emergency exit marking and each locating sign must have white letters 1 inch high on a red background 2 inches high, be self or electrically illuminated, and must meet the following:

(i) For airplanes type certificated prior to (the effective date of this amendment) each passenger emergency exit marking and each locating sign must be manufactured to meet the requirements of § 25.812(b) of this chapter in effect on (the day prior to the effective date of this amendment). On these airplanes, no sign may continue to be used if its luminescence (brightness) decreases to below 100 microlamberts.

(ii) For airplanes type certificated after (the effective date of this amendment) each passenger emergency exit marking and each locating sign must be manufactured to meet the interior emergency exit marking requirements under which the airplane was type certificated. On these airplanes, no sign may continue to be used if its luminescence (brightness) decreases to below 250 microlamberts.

(iii) The colors may be reversed if it increases the emergency illumination of the passenger compartment. However, the Administrator may authorize deviation from the 2-inch background requirements if he finds that special circumstances exist that make compliance impractical and that the proposed deviation provides an equivalent level of safety.

28. By amending paragraph (c) of § 121.310 to read as follows:

(c) *Lighting for interior emergency exit markings.* Each passenger-carrying airplane must have an emergency lighting system, independent of the main lighting system, except that sources of general cabin illumination need not be independent of the main lighting system if the emergency power supply for general cabin illumination is independent of the power supply for the main lighting system. The emergency lighting system must—

(1) Illuminate each passenger exit marking and location sign; and

(2) Provide enough general lighting in the passenger cabin so that the average illumination, when measured at 40-inch intervals at seat armrest height, on the centerline of the main passenger aisle, is at least 0.05 foot-candles.

29. By amending paragraph (d) of § 121.310 by amending the flush paragraph at the end by inserting the word "transverse" between the word "a" and the word "vertical," by amending subparagraph (2)(iii) and by adding a new subparagraph (3) to read as follows:

(d) *Emergency light operation.* • • •

(2) • • •

(iii) When armed or turned on at either station, remain lighted or become lighted upon interruption of the airplane's normal electric power and provide the required level of illumination for at least 10 minutes at the critical ambient conditions after emergency landing.

(3) After (2 years after the effective date of this amendment) a flight crew warning light must be provided which illuminates when electric power is on in the airplane and the flight crew manual control device used to meet subparagraph (2) of this paragraph is not armed or turned on.

30. By amending paragraph (e) of § 121.310 to read as follows:

(e) *Emergency exit operating handles.* (1) For passenger-carrying airplanes type certificated prior to (the effective date of this amendment), the location of each passenger emergency exit operating handle, and instructions for opening the exit, must be shown by a marking on or near the exit that is readable from a distance of 30 inches. In addition, for each Type I and Type II emergency exit with a locking mechanism released by rotary motion of the handle, the instructions for opening must be shown by—

(i) A red arrow with a shaft at least ¾-inch wide and a head twice the width of the shaft, extending along at least 70° of arc at a radius approximately equal to three-fourths of the handle length; and

(ii) The word "open" in red letters 1 inch high, placed horizontally near the head of the arrow.

(2) For passenger-carrying airplanes type certificated on or after (the effective date of this amendment), the location of each passenger emergency exit operating handle and instructions for opening the exit must be shown in accordance with § 25.811(e) of this chapter. On these airplanes, no operating handle or operating-handle cover may continue to be used if its luminescence (brightness) decreases to below 100 microlamberts.

31. By amending paragraph (f) of § 121.310 by amending the last sentence of subparagraphs (3) and (6) to read as follows:

(f) *Emergency exit access.* • • •

(3) • • • In addition—

(i) For airplanes type certificated prior to (the effective date of this amendment), the access must meet the requirements of § 25.813(c) of this chapter in effect on (the day prior to the effective date of this amendment); and

(ii) For airplanes type certificated after (the effective date of this amendment), the access must meet the emergency exit access requirements under which the airplane was type certificated.

• • • • •

(6) • • • The latching means must be able to withstand the loads imposed upon it when the door is subjected to the ultimate inertia forces, relative to the surrounding structure, listed—

(i) For airplanes type certificated prior to (the effective date of this amendment), in § 25.561(b) of this chapter in effect on (the day prior to the effective date of this amendment); and

(ii) For airplanes type certificated after (the effective date of this amendment), in the emergency landing conditions regulations under which the airplane was type certificated.

32. By amending paragraph (h) of § 121.310 by amending subparagraph

(1) and the first sentence of subparagraph (2) to read as follows:

(h) *Exterior emergency lighting and escape route.* (1) After June 30, 1971, each passenger-carrying airplane must be equipped with exterior lighting that meets the following requirements:

(i) For airplanes type certificated prior to September 30, 1969, the requirements of § 25.812 (f) and (g) of this chapter in effect on that date; and

(ii) For airplanes type certificated on or after September 30, 1969, the exterior emergency lighting requirements under which the airplane was type certificated.

(2) After September 30, 1969, each passenger-carrying airplane type certificated on or before that date must be equipped with a slip-resistant escape route that meets the requirements of § 25.803(e) of this chapter in effect on September 30, 1969, and each passenger-carrying airplane type certificated after September 30, 1969, must have a slip-resistant escape route that meets the requirements under which the airplane was type certificated. • • •

33. By amending § 121.311 by adding a new paragraph (e) to read as follows:

§ 121.311 Seat and safety belts.

• • • • •

(e) Each occupant of a seat equipped with a shoulder harness must fasten the shoulder harness during takeoff and landing, except that, in the case of crewmembers, the shoulder harness need not be fastened if the crewmember cannot perform his required duties with the shoulder harness fastened.

34. By amending § 121.312 to read as follows:

§ 121.312 Materials for compartment interiors.

After October 24, 1968, upon the first major overhaul of an aircraft cabin or refurbishing of the cabin interior all materials in each compartment used by the crew or passengers that do not meet the following requirements must be replaced with materials that meet these requirements:

(a) For airplanes type certificated prior to (the effective date of this amendment), § 25.853 of this chapter in effect on (the day prior to the effective date of this amendment); and

(b) For airplanes type certificated after (the effective date of this amendment) § 25.853 of this chapter in effect on (the effective date of this amendment).

35. By amending the first sentence of § 121.317(a) to read as follows:

§ 121.317 Passenger information.

(a) No person may operate an airplane unless it is equipped with signs that are legible under all conditions of cabin illumination to all persons seated in the passenger cabin to notify them when smoking is prohibited and when safety belts must be fastened. • • •

• • • • •

36. By amending paragraph (c) of § 121.391 to read as follows:

§ 121.391 Flight attendants.

• • • • •

(c) The number of flight attendants approved under paragraphs (a) and (b) of this section are set forth in the certificate holder's operations specifications.

• • • • •

37. By amending paragraph (a) of § 121.571 to read as follows:

§ 121.571 Briefing passengers before takeoff.

(a) Before each takeoff, each certificate holder operating a passenger-carrying airplane shall ensure that all passengers are orally briefed by the appropriate crewmember on each of the following:

(1) Smoking.

(2) The location of emergency exits.

(3) The use of seat belts. This briefing must include an announcement that even when the seat belt sign is off, passengers should keep their seat belts loosely or comfortably fastened while seated.

• • • • •

38. By adding a new § 121.576 to read as follows:

§ 121.576 Retention of items of mass in passenger and crew compartments.

After (2 years after the effective date of this amendment), means must be provided to prevent each item of galley equipment and each serving cart, when not in use, and each item of crew baggage, which is carried in a passenger or crew compartment from becoming a hazard by shifting under the appropriate load factors corresponding to the emergency landing conditions under which the airplane was type certificated.

39. By adding the following new § 121.577 preceding § 121.579:

§ 121.577 Food and beverage service equipment during takeoff and landing.

(a) No certificate holder may take off or land an airplane when any food, beverage, or tableware, furnished by the certificate holder is located at any passenger seat.

(b) No certificate holder may take off or land an airplane unless each passenger's food and beverage tray is in the stowed position or removed from the passenger's seat and stowed.

(c) Each passenger shall comply with instructions given by a crewmember in compliance with this section.

40. By amending § 121.589 to read as follows:

§ 121.589 Carry-on baggage.

(a) No certificate holder may permit an airplane to take off or land unless each article of baggage carried aboard by passengers is stowed—

(1) In a suitable baggage or cargo stowage compartment;

(2) As provided in paragraph (c) of § 121.285; or

(3) Under a passenger seat.

(b) Each passenger shall comply with instructions given by crewmembers regarding compliance with paragraph (a) of this section.

(c) After August 24, 1969, each passenger seat shall be fitted with a means to prevent articles of baggage stowed under it from sliding forward under crash impacts severe enough to induce the ultimate inertia forces specified in § 25.561(b)(3) of this chapter or in the emergency landing condition regulations under which the aircraft was type certificated. A certificate holder may obtain an additional extension of the compliance date, but not beyond October 24, 1969, from the air carrier district office charged with the overall supervision of its operation by showing that good cause exists for the extension.

These amendments are proposed under the authority of sections 313(a) 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) 1421, 1423, and 1424, and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 6, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-9468; Filed, Aug. 11, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[363.2]

METAL ANGLES, SHAPES, AND SECTIONS

Notice of Tentative Ruling Regarding Country of Origin Marking

AUGUST 6, 1969.

The Bureau of Customs has caused an investigation to be made regarding the country of origin marking of imported metal angles, shapes, and sections.

The investigation disclosed that these articles are frequently not marked in a manner which will adequately indicate the country of origin to the ultimate purchaser in the United States. In some cases marking is accomplished by means of tags attached to several bundles in a shipment of angles, shapes, or sections. However, these tags are frequently broken off, destroyed, or otherwise removed during transfer of the articles from the vessel to the pier, from the pier to the importer's warehouse, or during handling at the importer's warehouse prior to shipment to the ultimate purchaser. In some cases, marking has been by means of a paint stencil or similar marking on one end of a few pieces in a shipment. Marking has also been made in some cases by die stamping in small letters on the end of the angle or other article. Such marking may soon become illegible through corrosion or may be removed by cutting off a portion of the article. The Bureau is of the opinion that the above-described forms of marking do not meet the requirements of section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304).

Accordingly, the Bureau is tentatively of the opinion that imported angles, shapes, and sections should be individually marked to indicate the country of origin by a legible and conspicuous marking which will be sufficiently permanent as to be expected to remain on the articles in normal handling until they reach the ultimate purchaser in the United States. Acceptable methods of marking would include rolling or die stamping the name of the country of origin into the articles, stenciling or stamping the name of the country of origin on the articles with paint or ink which can be easily read, or securely affixing a tag or other label to each article which legibly and conspicuously identifies the country of origin. In all cases the marking should be applied or affixed to a flat surface of the article, not on the end, and so located on the article away from the end as reasonably to insure that it will not be removed in the course of ordinary handling.

Notice is hereby given that the Bureau has under consideration the issuance of a ruling providing for the marking of angles, shapes, and sections as described above which will be published in the FEDERAL REGISTER. Prior to the issuance of such ruling, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[F.R. Doc. 69-9478; Filed, Aug. 11, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ASSISTANT AREA DIRECTOR (ADMINISTRATION), ET AL., SEATTLE LIAISON OFFICE

Redelegation of Authority

1. The Assistant Area Director (Administration), Area Property and Supply Officer, and Administrative Officer and Special Representative at Seattle Liaison Office, are hereby authorized to exercise the authority of the Area Director, Juneau Area Office, as authorized contracting officer for this Area under the "Buy Indian Act," 25 U.S.C. 47.

2. Delegation of authority included herein is not construed as depriving the Area Director of the authority conferred upon him by the Commissioner of Indian Affairs

3. The effective date of this delegation will be the date of signature by the Area Director.

Dated: July 22, 1969.

CHARLES A. RICHMOND,
Area Director, Bureau of Indian Affairs, Juneau Area Office, Juneau, Alaska.

Approved: August 6, 1969.

T. W. TAYLOR,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 69-9452; Filed, Aug. 11, 1969; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. G-447]

DON L. HOFFMAN

Notice of Loan Application

AUGUST 5, 1969.

Don L. Hoffman, Star Route, Box 5, Brownsville, Tex. 78520, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 65.9-foot registered length wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-9475; Filed, Aug. 11, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OH2436) has been filed by American Cyanamid Co., Wayne, N.J. 07470, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of the antimicrobial agents dodecylguanidine acetate and dodecylguanidine hydrochloride in paper and paperboard for use in contact with aqueous and fatty foods.

Dated: August 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9453; Filed, Aug. 11, 1969; 8:45 a.m.]

CHAS. PFIZER AND CO., INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Chas. Pfizer and Co., Inc., Medical Research Laboratories, Groton, Conn. 06340, has withdrawn its petition (41-061V), notice of which was published in the FEDERAL REGISTER of February 6, 1969 (34 F.R. 1784), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of carbadox (methyl 3-(2-quinoxalinylmethylene) carbazate-N^1, N^4,-dioxide) in swine feed as follows: 0.0011–0.0055 percent (10–50 grams per ton of feed) for improvement of weight gains and feed efficiency in the presence of subclinical stress; and 0.0055 percent (50 grams per ton of feed) for prevention and control of swine dysentery (so-called vibrionic dysentery, bloody scours, or hemorrhagic dysentery) and prevention of bacterial swine enteritis (salmonellosis or nectrotic enteritis caused by *Salmonella choleraesuis*).

Dated: August 5, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9457; Filed, Aug. 11, 1969; 8:46 a.m.]

CHEMICAL INDUSTRIES, INC.

Notice of Withdrawal of Petition for Food Additive Disodium EDTA

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Chemical Industries, Inc., Box 70, 2104 Maury, Des Moines, Iowa 50301, has withdrawn its petition (MF 3379-V), notice of which was published in the FEDERAL REGISTER of April 4, 1968 (33 F.R. 5377), proposing the issuance of a food additive regulation to provide for the safe use of disodium EDTA as a preservative for nutrients and color in processed animal feeds including hay, silage, and feed grains.

Dated: August 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9454; Filed, Aug. 11, 1969; 8:46 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP OF0856) has been filed by The Dow Chemical Co., Post Office Box 512, Midland, Mich. 48640, proposing the establishment of tolerances (21 CFR 120.197) for residues of inorganic bromides (calculated as Br) in or on the raw agricultural commodities almond hulls at 75 parts per million; almond nut meats at 50 parts per million; and cherries and plums (prunes) at 15 parts per million. The residues result from application of the nematocide 1,2-dibromo-3-chloropropane to the soil.

The analytical method proposed in the petition for determining residues of the inorganic bromides is the method of S. A. Shrader et al., "Industrial and Engineering Chemistry," Analytical Edition, volume 14, pages 1–4 (1942).

Dated: August 5, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9455; Filed, Aug. 11, 1969; 8:46 a.m.]

[Docket No. FDC-D-111; NDA No. 14-241]

UNIMED, INC.

Serc Tablets: Notice of Rescheduling of Hearing

Pursuant to notice published in the FEDERAL REGISTER of June 26, 1969 (34 F.R. 9895), a prehearing conference was held in this matter on July 17, 1969. On this date, Unimed, Inc., filed a motion to suspend the hearing in this matter then scheduled to commence on July 29, 1969. The filing of this motion necessitated a postponement of the commencement of the evidentiary hearing in order to allow time for the submission of briefs on the questions raised. On July 29, 1969, in lieu of beginning the evidentiary hearing, oral argument on Unimed's motion was heard. This motion has been denied.

Therefore, it is hereby ordered that the hearing in the matter of the proposal of the Commissioner of Food and Drugs to withdraw the approval of new-drug application No. 14-241 for marketing the drug Serc Tablets, will begin at 10 a.m., August 19, 1969, in Room 5131, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201.

Dated: August 4, 1969.

WILLIAM E. BRENNAN,
Hearing Examiner.

[F.R. Doc. 69-9456; Filed, Aug. 11, 1969; 8:46 a.m.]

Social Security Administration

ASSISTANT BUREAU DIRECTOR, OPERATIONS, ET AL.

Delegation of Authority To Certify True Copies and Affix Department Seal

The Assistant Secretary for Administration has delegated authority to the Commissioner of Social Security to certify true copies of any books, records, papers, or other documents on file within the Social Security Administration, or extracts from such, or to certify the nonexistence of records on file within the Social Security Administration, and to cause the Seal of the Department to be affixed to such certifications (32 F.R. 17866). The Commissioner of Social Security has redelegated this authority to officials of the Social Security Administration, as set forth in 33 F.R. 2613.

Notice is given that the redelegations of authority to the Director and Deputy Director, Division of Accounts and Adjustments, Bureau of Data Processing and Accounts, and to the Director and Deputy Director, Division of Registration, Bureau of Data Processing and Accounts, as set forth in 33 F.R. 2613, are hereby revoked.

Notice is given further that authority to certify true copies of any books, records, papers, or other documents on file, or extracts from such, or to certify the nonexistence of records on file, and to cause the Seal of the Department to be affixed to such certifications, is hereby redelegated as follows:

1. With respect to books, records, papers, or other documents on file in the Divisions of Adjustments Operations, Claims Operations, Earnings Operations, Health Insurance Operations, and Registration Operations, Bureau of Data Processing and Accounts:

a. Assistant Bureau Director, Operations;

b. Deputy Assistant Bureau Director, Operations.

2. With respect to books, records, papers, or other documents on file in the Division of Adjustments Operations, Bureau of Data Processing and Accounts:

a. Director, Division of Adjustments Operations;

b. Deputy Director, Division of Adjustments Operations.

3. With respect to books, records, papers, or other documents on file in the Division of Claims Operations, Bureau of Data Processing and Accounts:

a. Director, Division of Claims Operations;

b. Deputy Director, Division of Claims Operations;

4. With respect to books, records, papers, or other documents on file in the Division of Earnings Operations, Bureau of Data Processing and Accounts:

a. Director, Division of Earnings Operations;

b. Deputy Director, Division of Earnings Operations.

5. With respect to books, records, papers, or other documents on file in the Division of Health Insurance Operations, Bureau of Data Processing and Accounts:

a. Director, Division of Health Insurance Operations;

b. Deputy Director, Division of Health Insurance Operations.

6. With respect to books, records, papers, or other documents on file in the Division of Registration Operations, Bureau of Data Processing and Accounts:

a. Director, Division of Registration Operations;

b. Deputy Director, Division of Registration Operations.

Authority herein delegated may not be redelegated.

These delegations of authority shall be effective upon publication in the FEDERAL REGISTER.

Dated: August 1, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

[F.R. Doc. 69-9466; Filed, Aug. 11, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21031]

ALITALIA-LINEE AEREE ITALIANE-S.p.A. AND TRANSPORTES AEREOS PORTUGUESES, S.A.R.L.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 10, 1969, at 10 a.m., d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., August 6, 1969.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[F.R. Doc. 69-9480; Filed, Aug. 11, 1969; 8:47 a.m.]

[Docket No. 21237]

CESKOSLOVENSKE AEROLINIE

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on August 21, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner John E. Faulk.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., August 6, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-9481; Filed, Aug. 11, 1969; 8:48 a.m.]

[Docket No. 21017; Order 69-8-39]

EASTERN AIR LINES, INC.

Order Providing for Further Proceedings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of August 1969.

Application of Eastern Air Lines, Inc., for amendment of its certificate of public convenience and necessity.

On May 16, 1969, Eastern Air Lines, Inc. (Eastern), filed an application, pursuant to Subpart N of Part 302 of the Board's procedural regulations, for amendment of its certificate of public convenience and necessity so as to add new segments: (a) Between the terminal point St. Louis, Mo., and the terminal point Charlotte, N.C.; (b) between the terminal point St. Louis, Mo., and the terminal point Greensboro-High Point-Winston-Salem, N.C.; (c) between the terminal point St. Louis, Mo., and the terminal point Raleigh-Durham, N.C., and (d) between the terminal point St. Louis, Mo., and the terminal point Richmond, Va. The carrier serves these cities on various segments of its routes 5, 6, and 10.

Piedmont Aviation, Inc., filed a statement opposing the processing of Eastern's application under Subpart N. The Raleigh-Durham Airport Authority filed a motion for leave to file an otherwise unauthorized document, namely a response to Piedmont's statement.[1] Airlift International, Inc. (Airlift), filed a letter on May 28, 1969, stating that it did not have the opportunity to file a request for dismissal within the 10-day period and requesting that the letter be received and considered.[2]

Upon consideration of the foregoing, we do not find that Eastern's application is not in compliance with, or is inappropriate for processing under, the provisions of Subpart N. Accordingly, we order further proceedings pursuant to the provisions of Subpart N, §§ 302.1406–302.1410, with respect to Eastern's application.

Accordingly, it is ordered:

1. That the motions of the Raleigh-Durham Airport Authority and Airlift International, Inc., to file unauthorized documents be and they hereby are granted;

2. That Airlift's motion to dismiss be and it hereby is denied;

3. That the application of Eastern Air Lines, Inc., Docket 21017, be and it hereby is set for further proceedings pursuant to Rules 1406–1410 of the Board's procedural regulations; and

4. That this order shall be served upon all parties served by Eastern Air Lines.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9483; Filed, Aug. 11, 1969; 8:48 a.m.]

[1] We shall grant the motion of the Raleigh-Durham Airport Authority to file an unauthorised document.

[2] We shall treat this as a motion to file an unauthorised document, which we shall grant, and a motion to dismiss.

[Docket No. 20291; Order 69-8-15]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

AUGUST 4, 1969.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to fare matters.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail votes. The agreements have been assigned the above-designated agreement numbers.

The agreements (1) establish an air surface fare between London and Paris, (2) amend add-ons for points within Norway to reflect recent increases in domestic fares, (3) specify fares for Bratislava for Mid and South Atlantic travel at the same level as the Vienna fares, (4) amend the application of affinity group size so as to clarify that for the purpose of computing the number of passengers, two half-fare passengers (children aged 2 to 12) shall be counted as one member of the group, and (5) decrease certain add-on fares for Antwerp to the level of the Brussels fares.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which are incorporated in the agreement indicated, affect air transportation within the meaning of the Act:

Agreements CAB	*IATA resolutions*
21158, R-2	200(Mail 908)072b.
21170, R-2	JT12(Mail 609)070v.
21171, R-3	JT12(Mail 700)076f.
21171, R-6	200(Mail 911)076k.
21171, R-7	JT123(Mail) 610)076o.
21182, R-2	JT12(Mail 602)070v.

2. It is not found that the following resolutions, which are incorporated in the agreements indicated, and which do not directly affect air transportation, are adverse to the public interest or in violation of the Act:

Agreements CAB	*IATA resolutions*
21138	200(Mail 896)154a.
21158, R-1	200(Mail 908) 052.
	200(Mail 908)062.
21158, R-4	JT12(Mail 606)054c.
	JT12(Mail 606)064c.
21170, R-1	JT12(Mail 609)054c.
	JT12(Mail 609)064c.
21182, R-1	JT12(Mail 602)054c.
	JT12(Mail 602)064c.

3. It is not found, on a tentative basis, that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreements CAB	*IATA resolutions*
21158, R–4	JT12 (Mail 605) 054a.
	JT12 (Mail 605) 064b.
	JT12 (Mail 605) 070d.
	JT12 (Mail 605) 076e.
	JT12 (Mail 605) 083a.
	JT12 (Mail 606) 064a.
	JT12 (Mail 605) 064b.
	JT12 (Mail 605) 070f.
	JT12 (Mail 606) 076p.
	JT12 (Mail 606) 084a.
21158, R–5	JT23 (Mail 217) 055.
	JT23 (Mail 217) 065.
21158, R–6	JT23 (Mail 217) 058.
	JT23 (Mail 217) 068.
	JT123 (Mail 605) 058.
	JT123 (Mail 605) 068.
21170, R–1	JT12 (Mail 609) 054b.
	JT12 (Mail 609) 064b.
	JT12 (Mail 609) 070f.
21171, R–1	JT23 (Mail 218) 076d.
21171, R–2	JT12 (Mail 700) 076e.
21171, R–3	JT123 (Mail 610) 076g.
21171, R–5	JT123 (Mail 610) 076i.
21171, R–8	JT12 (Mail 700) 076p.
	JT123 (Mail 610) 076p.
21182, R–3	JT12 (Mail 602) 079a.
21182, R–4	JT123 (Mail 602) 057.
	JT123 (Mail 602) 067.

Accordingly, it is ordered, That:

1. Jurisdiction is disclaimed with respect to those portions of Agreements CAB 21158, 21170, 21171, and 21182 as set forth in finding paragraph 1;

2. Those portions of Agreements CAB 21138, 21158, 21170, and 21182 as set forth in finding paragraph 2 be and are hereby approved; and

3. Action on those portions of Agreements CAB 21158, 21170, 21171, and 21182 as set forth in finding paragraph 3 is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–9484; Filed, Aug. 11, 1969; 8:48 a.m.]

[Docket No. 20932]

NORDAIR LTEE–NORDAIR LTD.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 3, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., August 5, 1969

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 69–9482; Filed, Aug. 11, 1969; 8:48 a.m.]

[Docket No. 18078; Order 69–8–27]

TRANSATLANTIC AND TRANSPACIFIC PRIORITY MAIL

Order To Show Cause Regarding Service Mail Rates

AUGUST 5, 1969.

By petition filed July 22, 1969, Northwest Airlines, Inc. (Northwest), requests that the Board issue an order amending Order 68–9–9, dated September 4, 1968, as amended by Order 69–7–11, dated July 2, 1969, to the extent of adopting additional standard mileages, as proposed by Northwest and attached to its petition, for computation of mail payments for Pacific routes which Northwest has been newly authorized to serve through amendment of its certificate for Route 129.

In support of its application, Northwest points out that it has by amendment of its certificate for Route 129 effective May 28, 1969 (Order 69–4–90, as approved by the President Apr. 23, 1969), been authorized to provide new transpacific service and that it plans to inaugurate at least a portion of the newly authorized service on August 1, 1969; that no standard mileages are provided in Order 68–9–9, as amended by Order 69–7–11, for the routings newly authorized for Northwest by its amended certificate for Route 129; and that it is necessary that such standard mileages be established in order that Northwest may be properly compensated for its carriage of mail under the new route authority which it has been granted.

The Postmaster General, in answer to Northwest's position, agrees that the mileages proposed by Northwest and appended to its petition have been correctly computed and joins Northwest in requesting that such mileages be fixed as standard.

Upon consideration of Northwest's petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order adopting the standard mileages proposed by Northwest and agreed to by the Postmaster General.[1]

The Board tentatively finds and concludes that, effective August 1, 1969, Order 68–9–9, as amended by Order 69–7–11, should be amended by adding to page 11 of Appendix A of Order 69–7–11 the standard mileages for Northwest which are appended to this order to show cause.[2]

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, the Board's procedural regulations, 14 CFR Part 302, and the authority duly delegated by the Board in its organization regulations, 14 CFR 385.14(f).

It is ordered, That:

1. All interested persons are directed to show cause why the Board should not adopt the foregoing findings and conclusions.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of objection to the findings and conclusions proposed herein shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order.

3. If no notice of objection is filed within 10 days after service of this order, or if notice is filed and no answer is filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein.

4. If answer is filed presenting issues for hearing, the issues involved shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

5. This order shall be served on the Postmaster General, Northwest Airlines, Inc., American Airlines, Inc., The Flying Tiger Line Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–9485; Filed, Aug. 11, 1969; 8:48 a.m.]

[1] As this order to show cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 385 (14 CFR Part 385). Those provisions will apply to any final action taken by the staff in this matter under authority delegated in § 385.14(g).

[2] Filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 69–856]

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

AUGUST 7, 1969.

The following dates will constitute the composite week for use in the preparation of program log analyses submitted with applications for AM, FM, and TV station licenses which have termination dates in 1970.

Sunday, January 26, 1969.
Monday, July 7, 1969.
Tuesday, March 18, 1969
Wednesday, November 13, 1968.
Thursday, May 8, 1969.
Friday, December 13, 1968.
Saturday, February 8, 1969.

Action by the Commission August 6, 1969.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–9488; Filed, Aug. 11, 1969; 8:48 a.m.]

[1] Commissioner Bartley (Acting Chairman), Robert E. Lee, Cox, and H. Rex Lee.

[Docket No. 16258, etc.; FCC 69–842]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Regarding Phase 1–B

In the matter of American Telephone and Telegraph Co., and the Associated Bell System Companies, charges for interstate and foreign communication service, Docket No. 16258; in the matter of American Telephone and Telegraph Co., charges, practices, classifications, and regulations for and in connection with teletypewriter exchange service, Docket No. 15011; in the matter of American Telephone and Telegraph Co., long lines department, revisions of Tariff FCC No. 260, private line services Series 5000 (TELPAK), Docket No. 18128.

1. The Commission has before it for consideration a Statement of Rate-Making Principles and Factors in Docket No. 16258, Phase 1–B. This statement embodies a stipulation of the parties to the proceeding and of the Common Carrier Bureau (Staff), reached on May 28, 1969 (Tr. 179—pp. 22329–22341), as well as certain procedures recommended to the Commission. It is further specified in the statement that if the Commission should direct procedures other than those proposed (except with respect to the reopening of the record in the TELPAK Sharing Case, Docket No. 17457), then the Respondents and other parties would not be bound by the stipulations set forth therein. The statement of rate-making principles which is attached hereto as Appendix A, was entered into following a series of off-the-record conferences, open to the parties, as provided by the order of the Telephone Committee released February 18, 1969 (FCC 69M–197). The Telephone Committee has reviewed this matter and has forwarded the statement to the Commission with a recommendation that the procedures set forth therein, with the exception noted below (see paragraph 13), be approved.

2. The issues in this proceeding were specified in our original order of investigation of October 27, 1965 (2 FCC 2d 871), and a two-phase procedure was provided by the order released December 23, 1965 (2 FCC 2d 142). We have previously dealt with certain of the Phase 1 issues, such as rate of return, certain rate base items, and jurisdictional separations procedures. (Memorandum opinions and orders, July 5, 1967, 9 FCC 2d 30; Sept. 13, 1967, 9 FCC 2d 960.) The issue of the appropriate rate-making principles and factors which should govern the relationship among the rate levels for each of Respondents' principal services was, however, deferred for later consideration. (Memorandum opinion and order, Dec. 9, 1966, 5 FCC 2d 844.) This remainder of Phase 1 has been described as Phase 1–B.

3. Hearings in Phase 1–B began October 9, 1967, and required approximately 100 days of hearing and 12,000 pages of testimony by February 14, 1969, when the present series of hearings ended. All direct testimony has been offered. Cross-examination has been conducted on all testimony except certain fully distributed cost studies (FCC Staff Exs. 1 through 8, 37, and 48, and certain explanatory statements relating thereto, FCC Staff Exs. 53 through 55). The Bell System Respondents have not yet had opportunity to present rebuttal testimony.

4. Pursuant to the off-the-record conferences previously noted, the present statement was reached. It deals with both substance and procedure. In effect, the statement sets forth a set of principles and accompanying procedures which would be applied and tested in conjunction with the consideration of specific rate-making issues, such as those now involved in the pending Docket 18128, which embraces all private line services, including Telpak service.

5. We have reviewed the statement solely for the purpose of determining whether the implementation of the suggested procedures might facilitate the determination of appropriate rate-making principles for the interstate services of the Bell System Respondents, and, hence, permit a more definitive and timely disposition of the issues involved in Phase 1–B of this docket. Accordingly, we express no opinion on the merits of the various positions advocated on the record. A review of the salient issues and the general nature of the evidence thus far adduced, however, is necessary background to our considerations.

6. A primary predicate of our initial order of investigation herein was the results of the fully distributed cost study made by Bell in the Domestic Telegraph Investigation, Docket 14650, which revealed a wide disparity in the levels of earnings among the various classes of interstate service. It was then, and still remains, our concern that the basic Message Toll Telephone Service (MTT), for which there is no directly competitive service, and which accounts for about 80 percent of the interstate services, should not be burdened by, or required to subsidize, the so-called competitive services. It was, and remains, our concern that, whatever methods are employed to price MTT and other services, they should also accord with sound rate-making practice and statutory requirements. Traditionally, interstate revenue requirements for the Bell System have been determined on the basis of its net historical investment for the totality of interstate services. In addition, we also regarded an allocation of net historical investment as a principal, if not controlling, basis upon which to determine revenue requirements and rate levels for a particular class of service, with relative use being the significant measure of such allocation.

7. We have accumulated, in Phase 1–B, a massive record in which the economics of pricing has been explored in detail. In this regard, the record has been benefitted by testimony from a number of eminent economists, including Drs. James C. Bonbright, William J. Baumol, J. Rhoads Foster, Paul Davidson, William Vickrey, R. B. Johnson, John W. Coughlan, Harold Wein, and William H. Melody. Bell's basic presentation consisted of an attack on fully distributed costs (FDC) for rate-making purposes, and an advocacy of full additional costs, which were, according to Bell, developed in accordance with the long-run incremental cost (LRIC) principles of theoretical economics. A variety of views have been expressed as to whether or not a burden on MTT Service has occurred, or would occur, on the basis of the principles advocated by Bell. The practical difficulties of accurately measuring incremental costs in a system as complex as the telephone industry have been recognized even by advocates of incremental costs as a floor for pricing. Criticisms, likewise, have been directed to the use of fully distributed costs for pricing purposes. Moreover, some witnesses have advocated that public interest considerations could justify rate levels lower than might be supported by cost considerations alone, and one of the principles set forth in the stipulation (paragraph 12), provides for such a contingency.

8. The specific statement of principles now proposed, in our judgment, properly recognizes the relevance of both fully distributed and incremental costs in considering appropriate rate levels of specific classes of service.[1] We make this observation without reaching any conclusion, at this time, as to the weight, if any, that should be accorded to either or both of these factors in fixing rates for a specific service. We note, in this connection, that the statement contemplates the submission of both fully distributed and incremental cost studies, based on methodologies to be developed. It is the thrust of the statement that effective testing of the complex economic theories of costing and pricing which have been advanced in this record, and the reconciliation of opposing, or at least partially conflicting, views of expert witnesses, can best be accomplished by relating the principles advocated to specific rate proposals. Bell has agreed that implementing studies called for by the statement, and any related rate adjustments based thereon, can be filed by October 1, 1969 (Tr. 22342). Moreover, Respondents indicate that, if the plan is adopted, they will waive their right to present rebuttal testimony in Phase 1–B. Cross-examination on the fully distributed cost studies would likewise be unnecessary in this proceeding. We note that paragraph 11 of the statement provides for LRIC and FDC studies at regular predetermined intervals. We expect that such studies will be at least on an annual basis and that initially they will cover the totality of interstate services.

9. The record developed in Docket 16258 provides an examination of pricing principles which we believe is of unprecedented scope in regulatory proceedings. It affords a sound basis upon which to determine theoretical rate-making principles which can then be

[1] We note, of course, that each party to the agreement has reserved the right to assert the relevance of FDC, LRIC, or any other method of cost determination.

tested and applied in the context of rate-making proceedings dealing with Respondents' rate structure and the prices to be charged for their specific services. It is readily apparent that the techniques or methodology for developing the data needed to test and apply long-run incremental cost principles require formulation. Implementation of the stipulation and development of such needed data will substantially benefit from the extensive testimony and cross-examination which occurred in Docket 16258, and will permit us to proceed to the testing of specific rate-making principles in the light of the issues in the Telpak-Private Line case (Docket 18128), the new Program Transmission rates, and such additional issues that may arise. Thus, if we follow the procedures recommended, the full benefits of the record so far developed will not be lost or minimized. Moreover, we believe that the procedures will enable us to reach these rate issues with greater dispatch and effectiveness than if further extended hearings were held in Docket 16258. Accordingly, it is our judgment that the proposed procedures will provide a better and more timely method of reaching a final conclusion on these important matters and will best conduce to the proper exercise of our statutory authority and promote the ends of justice. We, therefore, note the stipulation (without necessarily approving it) and approve the procedures, except as stated in paragraph 13 below.

10. In taking this action, we will incorporate the record of Phase 1–B (Vols. 77–179 of the Transcript and related exhibits, including Staff Exs. 1 through 8 and 37) into Docket 18128, in order that we may then have the full benefit of the extensive and informative record already developed and to prevent any duplication or repetition thereof in the consideration of the specific rate issue involved in that docket. In the course of the hearing in Docket 18128, it is expected that appropriate disposition will be made of any related matters still pending in Docket 16258, such as the receipt into evidence of certain exhibits (FCC Staff Exs. 48, 53 through 55) and corrections to Networks Exs. 6 and 6A (Tr. 21176). There would also be incorporated with Docket 18128, the record of Docket 14251, the Telpak case which was previously incorporated herein.

11. Other matters presently pending in Phase 1–B, such as the TWX proceeding, Docket 15011, which was consolidated herein (Order of July 22, 1966, FCC 66–675); issues relating to the restructuring of interexchange channel rates in connection with the elimination of Telpak A and B; and increases in charges for private line teletypewriter station equipment which went into effect August 1, 1968, are awaiting the outcome of Phase 1–B (Order Aug. 1, 1967, FCC 67–895), but in view of our action herein, will be separately treated. Accordingly, in view of the events which have transpired since the consolidation, we shall treat the TWX issue by separating Docket 15011 and disposing of it on the record in that docket. The teletypewriter station equipment rates and related issues are already included in Docket 18128 (Order of July 16, 1968, FCC 68–711), and, since any remaining questions as to those rates may be resolved in the latter proceeding, there is no need for any further action in Docket 16258 with respect to such rates.

12. When we brought the private line services within the scope of Docket 18128 by our July 16, 1968 Order, we excluded the program and video transmission services (Series 6000 and 7000 services). New rates for such services are to be filed on September 1, 1969, to be effective October 1, 1969, partly as a result of the proceeding in the Sports Network case, Docket 16043. The same rate-making principles that will be further considered in Docket 18128 will be involved in connection with the new program transmission rates. When those new rates are filed in tariffs, we will make appropriate provision for their consideration in the light of the same rate-making principles.

13. Paragraph 5(D) of the related procedures proposed in the statement is a recommendation, joined in by all the parties (but not by the Staff of the Common Carrier Bureau), that the record in the Telpak Sharing Case, Docket 17457, be reopened and consolidated with Docket 18128. For the reasons set forth in our recent denial of petitions seeking this same result (Memorandum Opinion and Order, adopted June 11, 1969, FCC 69–646), we do not adopt this recommendation.

In view of the foregoing: *It is ordered*, That:

1. Further proceedings in Docket 16258 will be subject to further order.

2. The record of Phase 1–B of Docket 16258, consisting of Volumes 77 through 179 of the Transcript, and related exhibits, including Staff Exs. 1 through 8, and 37, together with the entire record of Docket 14251, is incorporated by reference into Docket 18128. Any required rulings with respect to such exhibits, as noted in paragraph 10 above, shall be made in Docket 18128.

3. Docket 15011, the Teletypewriter Exchange Service case, previously consolidated herewith by our order of July 22, 1966, is hereby separated from Docket 16258 for final disposition on the record of that docket.

Adopted: July 29, 1969.

Released: August 7, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-9489; Filed, Aug. 11, 1969; 8:48 a.m.]

[1] Commissioner Johnson's dissenting statement filed as part of the original document; Commissioner H. Rex Lee abstaining from voting.

[Docket No. 17441, etc.; FCC 69-819]

BETTER T.V., INC., OF DUTCHESS COUNTY, N.Y., AND NEW YORK TELEPHONE CO. ET AL.

Memorandum Opinion and Order and Certificate Designating Applications for Consolidated Hearing and Modifying Issues

In the matter of Better T.V., Inc., of Dutchess County, N.Y., Complainant v. New York Telephone Co., Defendant, Docket No. 17441; In regard applications of New York Telephone Co., for certificates of public convenience and necessity for construction and/or operation of CATV channel distribution facilities to provide service to:

U.S. Cablevision Corp., in the general vicinity of Hyde Park, N.Y., Docket No. 18525, File No. P–C–7271; Hudson Valley Cablevision Corp., in the general vicinity of Titusville, Poughkeepsie, and La Grange, N.Y., Docket No. 18617, File No. P–C–7114; Dimension Cable TV, Inc., in the general vicinity of Plattsburgh, N.Y., File No. P–C–7116; Hightower of Poughkeepsie, Inc., in the general vicinity of Arlington, Poughkeepsie, and La Grange, N.Y., Docket No. 18618, File No. P–C–7117; Catskill Cablevision Corp., in the general vicinity of Catskill, N.Y., Docket No. 18619, File No. P–C–7118; Comtel, Inc., in the Borough of Manhattan, New York City, N.Y., Docket No. 18620, File No. P–C–7226; WEOK Cablevision, Inc., in the general vicinity of Poughkeepsie and La Grange, N.Y., Docket No. 18621, File No. P–C–7247; WEOK Cablevision, Inc.,[1] in the general vicinity of Poughkeepsie, La Grange and Pleasant Valley, N.Y., Docket No. 18622, File No. P–C–7248; Broadway Maintenance CATV Corp., in the general vicinity of Brookhaven, N.Y., Docket No. 18623, File No. P–C–7255; Manhattan Cable Television, in the Borough of Manhattan, New York City, N.Y., Docket No. 18624, File No. P–C–7282.

1. By a memorandum opinion and order, 17 FCC 2d 367, released April 29, 1969, in Docket Nos. 17441 and 18525, the Commission designated for a consolidated hearing a complaint by Better T.V., Inc., of Dutchess County, N.Y., against New York Telephone Co. (Telco) and the application of the said telephone company for a certificate of public convenience and necessity pursuant to section 214 of the Communications Act. Both the complaint and the section 214 certification application relate to the construction of CATV channel distribution facilities in Hyde Park, N.Y.

2. The designated issues contemplate exploration into the Telco policies and practices underlying the grant of some and denial of other pole-line attachment arrangements; whether undue or unreasonable preference or prejudice or advantage or disadvantage resulted from such policies and practices; whether certification of the proposed construction and operation is warranted; and, if so, whether a grant of the certification application should be made subject to any conditions. Since it appeared that similar applications for certification had been filed by Telco for CATV facilities in other communities within the State, and that such applications might be designated for hearing in a consolidated proceeding, leave to intervene was granted to certain specified persons and entities which were involved in the other applications.

[1] Cablevision Enterprises, Inc., named in the application as the CATV customer, has been acquired by WEOK Cablevision, Inc., and the former corporation was dissolved.

3. Now before the Commission are the following: (a) A petition filed May 15, 1969, by Telco for reconsideration of the designation order, to confine the evidentiary hearing to the Hyde Park application (File No. P–C–7271), and to withdraw the permission for leave to intervene from any person or entity not concerned with that application;[2] and (b) a motion for consolidated hearing filed jointly by the Common Carrier Bureau and the CATV Task Force on May 29, 1969; together with the responsive pleadings directed to the said petition and motion.[3] On June 9, 1969, Dimension Cable TV, Inc., filed a pleading in response to the joint motion for consolidation which contained comments in partial opposition thereto and, in addition, a request for a grant without hearing of the certification application in File No. P–C–7116.

4. In the designation order in Dockets Nos. 17441 and 18525, we noted that a number of applications by Telco for CATV facilities in communities in New York State were pending and that a consolidated hearing for at least some of them might be appropriate. Processing of such applications has been completed and a determination must now be made as to whether any should be designated for hearing and, if so, whether the pleadings raise issues which are sufficiently similar to warrant hearing in a consolidated proceeding.

5. Dimension Cable TV, Inc., a CATV operator and the proposed customer of Telco at Plattsburgh, N.Y., opposes consolidation of the certification application for additional facilities in that community (File No. P–C–7116) with other certification applications. It asserts that over $275,000 has been invested in the system which has been operating at a loss since service was commenced in July 1967, and that completion of the system is essential to a viable operation. Dimension Cable points out that the only protest was filed by Vermont New York Television, Inc., permittee of station WVNY–TV on Channel 22 at Burlington, Vt., which television permittee does not oppose certification but "merely requests that any certificate should contain an appropriate condition with respect to nonduplication protection. * * *" In a letter dated June 18, 1969, WVNY–TV asserted that it also opposes consolidation on the ground that "as a struggling new UHF station in an intermixed market" it does not desire to become involved in a long, complicated hearing on issues irrelevant to the station's interests. Therefore, WVNY–TV would interpose no objection to a grant of the Plattsburgh application provided an appropriate condition is included concerning nonduplication protection.[4]

6. The joint reply filed by the Bureau and the Task Force does not dispute Dimension Cable's or WVNY–TV's assertions but, in opposition, alleges only that consolidation should be ordered because "the application involves the same applicant and the same basic issues as the other applications * * *" Unquestionably, the same applicant is involved, but the pleading is devoid of any factual allegations to support the contention that the basic issues are the same. The local authorities in the areas of the existing and contemplated facilities have not protested certification. No person or entity has come forward with any claim that there is a likelihood of wasteful duplication by Telco in Plattsburgh, or any charges that Telco has shown undue discrimination against or preferential treatment for certain CATV operators, or engaged in unlawful anticompetitive practices or other improper conduct having to do with pole-line attachment agreements or CATV channel distribution facilities in that community. These are the situations, however, and they are the charges to which reference is made in the designation order (paragraph 12) and out of which the "basic issues" arose. In our view, the mere facts that the same applicant is involved and that the application is for facilities in the State of New York provide no sufficient justification for consolidating the Plattsburgh application in this hearing; and nothing more is indicated by the pleadings before us. Since no substantial and material questions of fact necessitating a hearing have been raised, we shall deny the request to designate the application for certification of facilities in Plattsburgh (File No. P–C–7116) for hearing in a consolidated proceeding. We find that the public convenience and necessity requires the construction and operation for which certification is requested in the said application, and that a grant subject to an appropriate condition which will insure compliance by the CATV customer with the rules and any outstanding or subsequently issued orders of the Commission concerning nonduplication protection for the local television stations is in the public interest.

7. We do find, however, that the remaining eight applications must be designated for hearing in a consolidated proceeding. The pleadings filed in connection with these applications raise issues with respect to the actions, policies and practices of Telco which are similar to those involved in the April 29, 1969, designation order. Thus, it is likely that much of the evidence introduced in connection with one application will be critical to a determination of several, if not all, of the aforesaid Telco applications. By conducting the inquiry in a consolidated proceeding needless duplication will be avoided and the parties and the Commission will be spared the time, effort, and expense of separate hearings. Moreover, we believe that a pattern of Telco's actions, policies and practices with respect to pole-line attachment agreements and its tariff offerings can be developed more effectively in a consolidated hearing with all interested parties participating than by considering the application for each community in isolation.

8. In the joint motion for consolidated hearing, request is made for issues in addition to those designated in the Dockets Nos. 17441 and 18525 proceeding. Thus, it is asserted that issues should be included to determine whether the proposed CATV customers are in compliance with the Commission's rules or the interim processing procedures promulgated in Docket No. 18397; whether there has been an abuse of the Commission's processes; and whether statements made to the Commission reflect a lack of candor or are misrepresentations. We do not deem it advisable to pass on such matters. Our determination to hold a consolidated hearing is predicated upon the similarity of the issues which have been raised by the pleadings directed against Telco's applications. In our view, the more orderly procedure is to confine the consolidated hearing to matters considered in our initial designation order and to make only such changes in the designated issues as are necessary to accomplish this purpose. Those matters raised for the first time in the motion to consolidate and which do not appear directly to involve the disposition of the Telco applications we shall leave for determination either at a later stage of this proceeding in the manner set forth below upon a showing that resolution of

[2] Telco also requests that the complaint in Docket No. 17441 be dismissed, but the request is so completely without merit as to require no extended discussion. The Commission did not hold, as Telco erroneously asserts, that the allegations of the complaint can best be resolved in the consolidated proceeding in Docket No. 16928 et al. The Commission's reference to the consolidated proceeding as an adequate forum in which to ascertain the relevant facts was expressly limited to Better T.V.'s request "that a general investigation and hearing be instituted" concerning alleged unlawful anticompetitive pole-line attachment practices and antitrust violations of Telco and American Telephone and Telegraph Co.

[3] Oppositions to the petition for reconsideration were filed on May 28, 1969, by the Chief, Common Carrier Bureau, by the Chief, CATV Task Force, and by Better T.V., Inc. With respect to the joint motion for consolidated hearing, Telco and American Telephone and Telegraph Co. each filed an opposition on June 10, 1969; and, as set forth above, Dimension Cable filed comments in partial opposition to the joint motion. On June 23, 1969, a reply pleading was filed jointly by the Bureau and the CATV Task Force. WEOK Cablevision, Inc., filed a pleading on June 11, 1969, which combines a response to the joint motion for consolidation with a request for enlargement of issues addressed to the Review Board. Since such a combined pleading violates § 1.44 of the rules, it has been given no consideration in the disposition of this matter.

[4] The television station is concerned primarily with protection against duplication of programs of domestic networks prereleased over Canadian stations carried on the CATV system.

the issue herein is essential or in a separate but more appropriate proceeding.

9. Our refusal to include the additional issues requested in the joint motion is, of course, without prejudice to a motion to the Review Board for enlargement of issues in accordance with the provisions of § 1.229 of the rules.[6] While we do not mean to express an opinion concerning the merits of any such motion, if made, we do deem a word of caution to be advisable. In connection with any request for enlargement of issues, the moving party should demonstrate that resolution of the requested issue is essential to a decision in this proceeding. Thus, if an issue is requested concerning compliance by CATV operators with the Commission's rules, the pleadings should indicate the necessity for the issue in order to pass on Telco's applications, and should show that the matters raised cannot adequately be treated by a separate proceeding directed to the CATV operation or by conditioning the certificate of public convenience and necessity upon a showing of compliance with the Commission's rules and directives by the CATV operator (see New England Telephone & Telegraph Co., 17 FCC 2d 33, 37–38). We must not lose sight of the fact that the primary purpose of this consolidated proceeding is to explore Telco's actions, policies and practices in order to determine whether it has engaged in conduct which is inconsistent with the public interest and which would preclude the issuance of certificates of public convenience and necessity pursuant to section 214, and not to determine whether the CATV operator has met its responsibility under the rules in each and every detail.[7] If issues are included which have only an incidental relationship to the primary objective of this hearing and the resolution of which are not essential to a decision on Telco's applications, this proceeding may become so unwieldy as to make exceedingly difficult a concentration on the development of the essential facts and to delay unduly the issuance of a decision on the important policy matters under consideration.[7]

10. As too frequently occurs in our administrative proceedings, a plethora of pleadings have been filed which have no sanction in the rules, followed by motions and petitions directed to the unauthorized pleadings and these, in turn, have induced a host of responsive pleadings. Whether the numerous filings were justified, or if unjustified, whether they were due to willful misconduct, negligence, or ineptitude, we need not at this time decide. Our determination that certain of the applications under consideration should be designated for a consolidated hearing is based upon the applications and the pleadings authorized by the rules and by the published interim procedures (FCC 68–816, released Aug. 9, 1968) which govern section 214 applications to furnish CATV channel distribution facilities. Appropriate disposition of the motions and petitions pending before us will be made in the ordering clauses of this memorandum in the light of the views herein expressed.[8]

11. It is also suggested in the joint motion for consolidation that an issue be included to determine whether there has been an abuse of the Commission's processes by the filing of unauthorized pleadings for the purpose of delay and obstructionism. Again we must emphasize that this proceeding should not be encumbered with collateral issues which will not affect the outcome of the case. Thus, an abuse of the Commission's processes by one of the protestants to the grant of a Telco certification application would hardly be a relevant consideration in deciding whether a grant is in the public interest. The issue will therefore not be included. However, our action here is without prejudice to such other and further action as the Review Board may deem necessary and appropriate upon pleadings asserting that inclusion of this or a similar issue is essential to the disposition of a Telco application. In addition, we direct the staff to conduct a thorough investigation into the charges of abuse of the Commission's processes for the purpose of ascertaining whether action against a party, either by the commencement of a separate proceeding or the inclusion of an issue in a pending proceeding, is warranted; or whether the institution of disciplinary proceedings against the attorneys for the parties herein or any of them pursuant to section 1.24 of the rules is called for. The Commission has a tremendous workload, and we cannot tolerate conduct by a party, or any participation by an attorney in conduct, which serves to interfere with the orderly and expeditious disposition of the important matters that are pending before us.

12. In view of the restrictions that we have placed upon the matters to be considered in this proceeding, there is no basis for Telco's contention that, in a consolidated proceeding, factual situations would be intermingled and the orderly consideration of individual applications would be virtually impossible. The issues designated for hearing in the case of each application are similar in nature so that a substantial amount of the evidence adduced will be applicable to several or all of the applications. Where appropriate, circumstances peculiar to an individual application certainly may be introduced. The Hearing Examiner has considerable latitude in the conduct of the hearing, and we have no doubt that it is well within his competence to make clear whether the evidence adduced pertains only to one application or to several applications. Moreover, in writing our decision we shall take into consideration, and give appropriate weight to the facts and circumstances relating to an individual application.

13. American Telephone and Telegraph Co.'s objection to being made a party to this proceeding must be rejected. Section 411(a) of the Communications Act provides in pertinent part that "it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the charge, regulation, or practice under consideration * * *" In this proceeding the policies and practices of Telco with respect to the grant or denial of pole-line attachment agreements and relative to its tariff offerings for CATV channel distribution service will be explored in order to determine whether a grant of its pending applications is in the public interest. Whether such policies and practices are dictated by A.T. & T. cannot be determined from the pleadings before us but by reason of its control of the voting stock of Telco, A.T. & T. manifestly is in a position to do so. In any event, A.T. & T. will be "interested in or affected by" the decision and orders issued in this proceeding, and we conclude that it should be made a party to it.

[6] Technically, the request in the joint motion is not for an enlargement of issues since the eight applications under consideration are only now being designated for hearing.

[7] Although not directly applicable, we call attention to a statement in the report and order in Docket No. 18383 (FCC 69–355, 15 RR 2d 1595, 1596, released Apr. 11, 1969), concerning the amendment of Part 2 of the rules. Therein we stated:

"We do not expect the carrier to insure that the CATV system has correctly complied with all provisions of the CATV rules. However, we do expect the carrier to require the CATV system to submit to it copies of all letters of notification (for purposes of inclusion in the application), to ascertain that such letters contain reference to the intended microwave filing, and to require the CATV system to identify any other Commission application or request that may be necessary for carriage of the imported signals. Beyond this the carrier will have no other responsibility with respect to the CATV rules. It will be the responsibility of the CATV system to make correct notification pursuant to § 74.1105 and to ascertain whether any other Commission authorization is needed to enable it to operate as proposed. To eliminate any misunderstanding in this aspect, we will eliminate the term 'certification' from § 21.713 and substitute other language which more accurately reflects the carrier's limited responsibility in this matter."

[8] Certainly, no issue should be added in the absence of a showing that the matter requires a hearing for resolution. We do not perceive, for example, why a discrepancy between the signals listed in the § 74.1105 notice and in a companion microwave application can be resolved only by an evidentiary hearing. Other information in the CATV file may indicate that a hearing is necessary, but on the basis of the brief comment in the joint motion, it would appear that a letter of inquiry should suffice. However, since we have not undertaken an examination of all of the CATV files mentioned in the joint motion, our comments should not be taken as an expression of our views on the merits of the request.

[9] Good cause having been shown, however, we shall grant the motion filed Feb. 4, 1969, by the city of New York for acceptance of its late-filed comments in File No. P–C–7282. With respect to the motions to dismiss Hudson Valley Cablevision's opposition filed Dec. 2, 1968, in File P–C–7117, we conclude that the public interest requires consideration of the pleading whether late filed or not, and the motions to dismiss will be denied.

14. In its petition for reconsideration, Telco seeks substantially the same relief as it does in its opposition to the joint motion for consolidation. It requests that the Hyde Park application (File No. P–C–7271) be considered separately and that the invitation to intervene extended to the persons and entities interested in the section 214 applications for facilities in other communities and to serve other CATV systems be withdrawn. The petition must be denied for essentially the same reasons that we have concluded that a consolidated hearing should be held. Evidence concerning Telco's conduct in all of the communities where its applications have been protested is material and relevant in determining the carrier's practices and policies relative to requests for pole-line attachment agreements or for CATV channel distribution facilities. Consequently, the participation of all interested parties is essential to the development of a full and complete record, and a consolidated proceeding is essential in order to avoid a multiplicity of hearings at which substantially the same evidence would be introduced.

15. The Supreme Court decision in National Labor Relations Board v. Wyman-Gordon Company (37 U.S.L.W. 4370), upon which Telco relies, is inapposite. There is no attempt here to hold Telco to new rules promulgated in adjudicatory proceedings rather than in accordance with the requirements of the Administrative Procedure Act. The matter at issue in this case is the disposition to be made of Telco's applications in the light of the evidence adduced in the adjudicatory hearing. Other contentions advanced by Telco have been considered but we find them to be without merit. Its petition for reconsideration will therefore be denied.

16. *Accordingly, it is ordered*, That, pursuant to sections 214(a) and 403 of the Communications Act of 1934, as amended, the applications of New York Telephone Co. in Files Nos. P–C–7114, P–C–7117, P–C–7118, P–C–7226, P–C–7247, P–C–7248, P–C–7255, and P–C–7282 are hereby designated for consolidated hearing with the proceeding in Dockets Nos. 17441 and 18525; that the issues previously specified are modified and the issues for this consolidated proceeding are restated as followed:

(a) To determine the facts with respect to the grant and denial by New York Telephone Co. of duct space and pole-line attachment agreements or arrangements with CATV operators in or near any of the communities proposed to be served by the facilities for which certification is being requested in the applications under consideration; and the policies and practices underlying such actions;

(b) To determine whether said actions, policies, and practices, relative to New York Telephone Co.'s tariff offerings, subjected any person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage, or extended any undue or unreasonable preference or advantage to any person, class of persons, or locality;

(c) To determine whether the present or future public convenience and necessity requires or will require all or any of the construction and operation for which certification is requested in the subject applications;

(d) To determine, in the event of an affirmative finding under issue (c) above, what conditions, if any, should attach to a grant of any or all of the subject applications;

(e) To determine, in light of the evidence adduced under the foregoing issues, what further action, if any, the Commission should take.

17. *It is further ordered*, That, in addition to the persons named as parties in Dockets Nos. 17441 and 18525, the American Telephone and Telegraph Co., Broadway Maintenance CATV Corp., Catskill Cablevision Corp., the city of New York, Comtel, Inc., Hightower of Poughkeepsie, Inc., Hudson Valley Cablevision Corp., Listfax Cablevision, Manhattan Cable Television, Mid-Hudson Cablevision, Inc., Sterling Information Services, Ltd., Suffolk Cable Corp., TelePrompTer Manhattan CATV Corp., and WEOK Cablevision, Inc., are made parties to the proceeding.

18. *It is further ordered*, That the petition for reconsideration filed on May 15, 1969, by New York Telephone Co. is denied.

19. It is hereby certified, that the public convenience and necessity require the construction and operation of the CATV channel distribution facilities specifically described in application File No. P–C–7116: *And it is ordered*, That authority is hereby granted for the construction and operation of the said facilities: *Provided, however*, That no service other than the CATV channel service described in the said application shall be furnished over the facilities authorized herein without prior authorization by the Commission; that this authorization is issued without prejudice to any Commission action which may hereafter be indicated as the result of the proceedings in Dockets Nos. 16928, 16943, and 17098; that this authorization is further conditioned upon New York Telephone Co. obtaining from and filing with the Commission, within fifteen (15) days after the release of this memorandum opinion and order and certificate, a statement from Dimension Cable TV, Inc., that it will comply with Part 74, Subpart K, of the rules, the requirements of the interim procedures set forth in Docket No. 18397 and any rules that may be promulgated by the Commission in Docket No. 18397, and with any outstanding or subsequently issued orders of the Commission concerning nonduplication protection for local domestic television stations including, if ordered, nonduplication protection with respect to Canadian prerelease of network programs.

20. *It is further ordered*, That the motion filed February 4, 1969, by the city of New York in File No. P–C–7282 for acceptance of its late filed comments is granted, and the said comments are accepted for filing.

21. *It is further ordered*, That the petition for acceptance of a supplemental pleading filed January 13, 1969, by WEOK Cablevision, Inc., and Cablevision Enterprises, Inc., in connection with Files Nos. P–C–7114, P–C–7117, P–C–7247, and P–C–7248 is denied; the petition filed December 13, 1968, jointly by Hightower of Poughkeepsie, Inc., and Listfax Cablevision with a motion for leave to file the said petition, and the motion filed on December 16, 1968, by New York Telephone Co. to dismiss the opposition filed December 2, 1968, by Hudson Valley Cablevision Corp. to the certification application in File No. P–C–7117 are denied; the motions to dismiss filed by New York Telephone Co. on January 13, 1969, in File No. P–C–7114, on January 13, 1969, in File No. P–C–7116, and on January 21, 1969, in File No. P–C–7118 are dismissed as moot; and other relief requested in petitions and motions filed by the parties is granted on to the extent consistent with the determinations made in this memorandum opinion and order and certificate but in all other respects the requested relief is denied.

22. *It is further ordered*, That the joint motion for consolidation, filed May 29, 1969, by the Chief, Common Carrier Bureau, and the Chief, CATV Task Force is granted to the extent reflected herein and in all other respects is denied.

23. *It is further ordered*, That the burden of proceeding and the burden of proof upon issues (a) and (c) shall be upon New York Telephone Co.; that the burden of proof upon issue (b) shall be upon the party, or parties, urging that New York Telephone Co.'s actions, policies, and practices have, or had, the effect set forth therein; and that the burden of proof upon issues (d) and (e) shall be upon the party, or parties, urging conditions or actions, respectively.

24. *It is further ordered*, That the petition filed July 7, 1969, by New York Telephone Co. for authority to file an additional statement is dismissed as moot.

25. *It is further ordered*, That the Secretary of the Commission shall send a copy of this memorandum opinion and order and certificate to Dimension Cable TV, Inc.

26. *It is further ordered*, That the parties desiring to participate herein shall file their appearance in accordance with § 1.221 of the Commission's rules.

Adopted: July 29, 1969.

Released: August 7, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[9]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–9490; Filed, Aug. 11, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

FAR EAST CONFERENCE AND PACIFIC WESTBOUND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

[9] Commissioner Bartley concurring in the result; Commissioner Robert E. Lee absent.

amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Elkan Turk, Jr., Esq., Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, N.Y. 10004.

Under date of October 16, 1968 in Federal Maritime Commission Docket No. 68–24 the Commission issued its order granting continued approval of Agreement No. 8200 for the period of 1 year from the date of the order, and granted approval of Agreements No. 8200–1 and 8200–2, also for the period of 1 year from the date of the order. By letters dated June 12 and July 25, 1969 the two conferences have petitioned the Commission that approval of these arrangements be extended for a period of 18 months. The petition has been assigned Federal Maritime Commission Agreement No. 8200–3.

Generally speaking, Agreement No. 8200 and 8200–2 are arrangements which permit the two conferences to discuss and agree upon rates assessed by steamship companies in all trades to the Far East (Japan to Viet Nam, including the Philippines) from all U.S. coasts excluding the Great Lakes.

Agreement No. 8200–1 stipulates that any carrier becoming a member of either conference shall become a party to Agreement No. 8200.

Dated: August 7, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69–9486; Filed, Aug. 11, 1969; 8:48 a.m.]

[Docket No. 69–12, etc.]

SOUTH ATLANTIC & CARIBBEAN LINE, INC., ET AL.

Consolidation of Hearings

South Atlantic & Caribbean Line, Inc., general increase in rates in the U.S. Atlantic/Puerto Rico trade, Docket No. 69–12; Lykes Bros. Steamship Co., Inc., general increases in rates in the U.S. Gulf/Puerto Rico trade, Docket No. 69–13; Gulf-Puerto Rico Lines, Inc., general increases in rates in the U.S. Gulf/Puerto Rico trade, Docket No. 69–23; Seatrain Lines, Inc., general increases in rates in the U.S. Atlantic/Puerto Rico trade, Docket No. 69–24; Transamerican Trailer Transport, Inc., temporary strike surcharge in the U.S. North Atlantic/Puerto Rico trade, Docket No. 69–25; Sea-Land Service, Inc., general increases in rates in the U.S. Atlantic/Puerto Rico trade, Docket No. 69–26.

In an order issued this date we have denied Transamerican Trailer Transport, Inc.'s, petition for reconsideration of our July 23, 1969, order denying their appealed motion to consolidate the above-styled proceedings and denying their alternative petition to intervene in Dockets 69–24 and 69–26.

While denying TTT's petition for reconsideration we have determined, on our own initiative, to effect a partial consolidation of the proceedings for hearing on the basis of trade areas served by the carriers. We are taking this action because we believe that such a format will facilitate the development of a more meaningful record with respect to each of the particular trade areas which are served by the carriers whose revenue levels are under investigation.

Dockets 69–13 and 69–23, involving Lykes Bros. Steamship Co., Inc., and Gulf-Puerto Rico Lines, Inc. (carriers in the Gulf/Puerto Rico trade), will be consolidated for hearing.

Dockets 69–24, 69–25, and 69–26, involving Seatrain Lines, Inc., Transamerican Trailer Transport, Inc., and Sea-Land Service, Inc. (carriers in the North Atlantic/Puerto Rico trade), will likewise be consolidated for hearing. Gulf-Puerto Rico Lines shall remain a party to this consolidated proceeding for the purpose of investigating the questions of whether the financial and operating relationships between Sea-Land Service, Inc., and Gulf-Puerto Rico Lines, Inc., are proper under the shipping acts, and whether they shall be treated in the future as a single entity for regulatory purposes.

Docket 69–12 involving South Atlantic & Caribbean Line, Inc. (the single carrier under investigation serving the South Atlantic/Puerto Rico trade), will be heard separately.

Therefore, it is ordered, That Docket No. 69–13 (Lykes Bros. Steamship Co. Inc.—General Increases in Rates in the U.S. Gulf/Puerto Rico Trade) be consolidated for hearing with Docket 69–23 (Gulf-Puerto Rico Lines, Inc.—General Increases in Rates in the U.S. Gulf/Puerto Trade).

It is further ordered, That Docket 69–24 (Seatrain Lines, Inc.—General Increases in Rates in the U.S. Atlantic/Puerto Rico Trade), Docket 69–25 (Transamerican Trailer Transport, Inc. Temporary Strike Surcharge in the U.S. North Atlantic/Puerto Rico Trade), and Docket 69–26 (Sea-Land Service, Inc.—General Increases in Rates in the U.S. Atlantic/Puerto Rico Trade) be consolidated for hearing.

It is further ordered, That Gulf-Puerto Rico Lines, Inc., shall remain a party to the consolidated proceeding involving Sea-Land Service, Inc., for the purpose of investigating the questions of whether the financial and operating relationships between Sea-Land Service, Inc., and Gulf-Puerto Rico Lines, Inc., are proper under the shipping acts, and whether they shall be treated in the future as a single party for regulatory purposes.

It is further ordered, That a copy of this order shall be served on all parties to these proceedings, that said parties be duly notified of the time and place of the hearings, and this order be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69–9487; Filed, Aug. 11, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Charter New York Corp., New York, N.Y., for approval of acquisition of voting shares of the successor by merger to The Fulton County National Bank and Trust Co. of Gloversville, Gloversville, N.Y.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Charter New York Corp., New York, N.Y., for the Board's prior approval of the acquisition of all of the outstanding voting shares (less directors' qualifying shares) of the successor by merger to The Fulton County National Bank and Trust Co. of Gloversville, Gloversville, N.Y.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 20, 1969 (34 F.R. 7935), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

Dated at Washington, D.C., this 5th day of August 1969.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69–9451; Filed, Aug. 11, 1969; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[2] Voting for this action: Chairman Martin and Governors Robertson, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell.

FEDERAL POWER COMMISSION

[Docket No G–3264, etc.]

ATLANTIC RICHFIELD CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

AUGUST 4, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56 of the Commission's general policy and interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–3264 D 7–14–69	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221 (Partial abandonment).	Northern Natural Gas Co., Brunson Field, Lea County, N. Mex.	Uneconomical	.....
G–3498 D 7–11–69	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Crowley Field, Acadia Parish, La.	Uneconomical	.....
G–4714 (G–2712) C 7–7–69[1]	Roberts and Murphy, Inc., c/o H.Y. Rowe, Attorney, 200 Jefferson Ave., El Dorado, Ark. 71730.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	11.86	14.65
G–12273 C 7–7–69	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Pictured Cliffs et al. Fields, San Juan and Rio Arriba Counties, N. Mex.	[3] 13.0	15.025
G–13103 D 7–11–69	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	Southern Union Gathering Co., acreage in San Juan County, N. Mex.	(4)	.....
G–16271 E 7–8–69	Triton Oil & Gas Corp. (successor to Landa Oil Co.), 2626 Republic National Bank Tower, Dallas, Tex. 75201.	Mississippi River Corp., Caddo Lake Field, Harrison County, Tex.	[5] 14.0	14.65
G–16748 E 7–11–69	General Crude Oil Co. (successor to Magna Oil Corp.), Bank of the Southwest Bldg., Houston, Tex. 77002.	Northern Natural Gas Co., E. C. Greene Unit, Hansford County, Tex.	17.5	14.65
G–19299 E 5–27–69	Beacon Gasoline Co. (successor to Blackburn Gasoline Plant).[3]	Webster, Claiborne, and Bossier Parishes, North Louisiana.[6]	[7] 1.5 [8] 1.0	15.025
C161–222 E 7–3–69	Clinton Oil Co. (successor to H. F. Sears), 217 North Water St., Wichita, Kans. 67202.	El Paso Natural Gas Co., Perryton Lower Morrow 8700' Field, Ochiltree County, Tex.	17.0	14.65
C161–1622 E 7–2–69	Mack R. Worl and George W. Marthens (successors to Thomas J. Blaho, Jr., agent et al.), 5021 Baltan Road, Washington, D.C. 20016.	Equitable Gas Co., Troy District, Gilmer County, W. Va.	25.0	15.325
C162–1334 E 7–3–69	Clinton Oil Co. (successor to H. F. Sears).	Panhandle Producing Co., West Panhandle (Red Cave) Field, Hutchinson County, Tex.	[9] 12.0	14.65
C163–26 E 7–2–69	Mack R. Worl and George W. Marthens (successors to Henry Breck).[10]	Equitable Gas Co., Troy District, Gilmer County, W. Va.	25.0	15.325
C163–234 C 7–15–69	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Red Oak Area, Le Flore County, Okla.	[11] 15.0	14.65
C163–1060 E 7–3–69	Clinton Oil Co. (successor to H. F. Sears).	Panhandle Producing Co., West Panhandle (Red Cave) Field, Hutchinson County, Tex.	11.0	14.65
C164–580[12] E 7–7–69	Triton Oil & Gas Corp. (successor to Landa Oil Co).	Panhandle Eastern Pipe Line Co., Valley Center West Field, Dewey County, Okla.	[13] 15.0	14.65
C164–1007 C 6–19–69	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	[14] 13.0	15.025
C165–603 (C165–586) C 7–7–69[15]	Marathon Oil Co. (Operator) et al., 539 South Main St., Findlay, Ohio 45840.	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	[16] 16.659	14.65
C167–190 C 7–7–69	Imperial Drilling Co. (Operator and Agent) et al., 216 Cravens Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Follett Field, Lipscomb County, Tex.	[17] 17.0	14.65
C167–248 E 5–27–69	Beacon Gasoline Co. (successor to Blackburn Gasoline Plant).	Webster, Claiborne, and Bossier Parishes, North Louisiana.[18]	[7] 1.5 [8] 1.0	15.025
C168–703 C 6–9–69[19]	Banquete Gas Co., a division of Crestmont Oil & Gas Co., 2622 Mission St., San Marino, Calif. 91108.	United Gas Pipe Line Co., Odem (8850') Field, San Patricio County, Tex.	16.0	14.65
C169–219 C 7–2–69	Colorado Oil & Gas Corp., Box 749, Denver, Colo. 80201.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Keyes Field, Cimarron County, Okla.	[3] 17.0	14.65
C169–368 E 7–3–6	Clinton Oil Co. (successor to H. F. Sears).	Phillips Petroleum Co., West Panhandle (Red Cave) Field, Hutchinson County, Tex.	[20] 14.0	14.65
C169–382 E 7–3–69	do	do	[20] 13.0	14.65
C169–384 E 7–3–69	Clinton Oil Co. (successor to H. F. Sears et al.).	do	[20] 14.0696	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C169-400 ..... E 7-3-69	Clinton Oil Co. (successor to H. F. Sears).	Phillips Petroleum Co., West Panhandle Field, Hutchinson County, Tex.	[20] 14.0896	14.65
C169-1021 ..... C 7-15-69	Mobil Oil Corp	Arkansas Louisiana Gas Co., Kinta Field, Le Flore County, Okla.	[11] 15.0	14.65
C170-1 ..... A 7-2-69	Union Pacific Railroad Co., c/o Bradford Ross, Esq., Ross, Marsh & Foster, 725 15th St. NW., Washington, D.C. 20005.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., East Rock Springs Area Field, Sweetwater County, Wyo.	[17] 15.0	14.65
C170-2 ..... (C164-1406) F 7-2-69 [21]	Southwest Oil Industries, Inc. (successor to Steve Goss (Operator) et al.), 801 First National Bldg., Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., Kinta Field, Haskell County, Okla.	[11] 15.0	14.65
C170-4 ..... A 7-3-69	Sesco Production Co. (Operator) et al., 207 Pine Tree Road, Longview, Tex. 75601.	United Gas Pipe Line Co., Henderson East Field, Rusk County, Tex.	15.0	14.65
C170-5 ..... A 7-3-69	Mobil Oil Corp	Marathon Oil Co., Doran Farms Field, Cheyenne County, Nebr.	12.5	15.025
C170-6 ..... A 7-7-69	Appalachian Exploration & Development, Inc., Post Office Box 1473, Charleston, W. Va. 25325.	Mountain Gas Co., Union District, Kanawha County, W. Va.	27.0	15.325
C170-8 ..... A 7-7-69	Woods Petroleum Corp., [22] 4900 North Santa Fe, Oklahoma City, Okla. 73118.	Panhandle Eastern Pipe Line Co., Southeast Arnett Field, Ellis County, Okla.	[17] 17.0	14.65
C170-9 ..... A 7-7-69	Graham-Michaelis Drilling Co., 302 Graham Bldg., 211 North Broadway, Wichita, Kans. 67202.	Michigan Wisconsin Pipe Line Co., Southwest Cedardale Field, Woodward County, Okla.	[17] 19.5	14.65
C170-10 ..... (G-10090) F 7-2-69	Sun Oil Co. (DX Division) (successor to Viersen & Cochran), Post Office Box 2039, Tulsa, Okla. 74102.	Cities Service Gas Co., Eureka District, Grant and Alfalfa Counties, Okla.	[23] 14.0	14.65
C170-11 ..... (C161-1281) F 6-23-69	Shell Oil Co. (successor to Mobil Oil Corp. (Operator) et al.), 50 West 50th St., New York, N.Y. 10020.	Michigan Wisconsin Pipe Line Co., Cedardale Field, Woodward County, Okla.	[24] 17.015	14.65
C170-12 ..... B 7-3-69	Texas Gas Exploration Corp. (Operator) et al., 1111 First City National Bank Bldg., Houston, Tex. 77052.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	[25]	.....
C170-13 ..... B 7-3-69	Texas Gas Exploration Corp	do	[25]	.....
C170-14 ..... B 7-3-69	do	do	[25]	.....
C170-15 ..... B 7-3-69	do	do	[25]	.....
C170-16 ..... B 7-3-69	Texas Gas Exploration Corp. (Operator) et al.	do	[25]	.....
C170-17 ..... B 7-3-69	Texas Gas Exploration Corp	do	[25]	.....
C170-18 ..... B 7-3-69	do	do	[26]	.....
C170-19 ..... B 7-3-69	Texas Gas Exploration Corp. (Operator) et al.	do	[26]	.....
C170-20 ..... A 7-10-69	The Rodman Corp., [26] Post Office Box 3826, Odessa, Tex. 79760.	Northern Natural Gas Co., VIP Clearfork Field, Crockett County, Tex.	[17] 16.5	14.65
C170-21 ..... (C167-220) F 7-7-69	B. J. Brown (Operator) (successor to Lone Star Producing Co.), 701 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Arkansas Louisiana Gas Co., Northeast Spiro Field, Le Flore County, Okla.	15.0	14.65
C170-22 ..... (C166-1093) F 7-8-69	Hassie Hunt Trust (successor to G. H. Vaughn, Jr. and Jack C. Vaughn (Operators) et al.), 1401 Elm St., Dallas, Tex. 75202.	Texas Gas Transmission Corp., Northeast Lisbon Field, Claiborne Parish, La.	18.25	15.025
C170-23 ..... A 7-3-69	Pennzoil United, Inc., c/o Kenneth R. Huddleston, Division Manager, Post Office Box 1588, Parkersburg, W. Va. 26101.	United Fuel Gas Co., Henry District, Clay County, W. Va.	[26a] 24.0	15.325
C170-24 ..... A 7-10-69	Davis Oil Co., 1230 Denver Club Bldg., Denver, Colo. 80202.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Bitter Creek Field, Sweetwater County, Wyo.	[17] 15.0	14.65

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C170-25 ..... A 7-10-69	Davidor & Davidor, Inc., [13] 4515 North Santa Fe, Oklahoma City, Okla. 73112.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Weld County, Colo.	[27] 14.6	14.65
C170-26 ..... A 7-11-69	King Resources Co., [28] Security Life Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Kant Area, Lea County, N. Mex.	10.0	14.65
C170-27 ..... B 7-11-69	Trice Production Co. et al., Post Office Drawer 2232, Longview, Tex. 75601.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Rock Island Field, Colorado County, Tex.	Depleted	.....
C170-28 ..... A 7-11-69	Caroline Hunt Sands and Loyd B. Sands, 1401 Elm St., Dallas, Tex. 75202.	Arkansas Louisiana Gas Co., Southeast Pritchett Area, Upshur County, Tex.	[29] 12.47 [30] 11.97	14.65
C170-29 ..... A 7-11-69	William M. Shepperd (Operator) et 77002 al., 2635 Main St., Houston, Tex.	Trunkline Gas Co., East Cypress Creek, Newton County, Tex.	17.0	14.65
C170-30 ..... B 7-2-69	Thomas J. Blaho, Jr. et al.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Uneconomical	.....
C170-31 ..... (G-4507) F 7-3-69	Clinton Oil Co. (successor to H. F. Sears).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., West Panhandle (Red Cave) Field, Hutchinson County, Tex.	[31] 12.0	14.65
C170-32 ..... (G-2640) F 7-3-69	do	Phillips Petroleum Co., West Panhandle (Red Cave) Field, Moore County, Tex.	[32] 11.0	14.65
C170-33 ..... (G-2800) F 7-3-69	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., West Panhandle (Red Cave) Field, Moore and Hutchinson Counties, Tex.	[32] 11.0	14.65
C170-34 ..... (G-3949) F 7-3-69	do	Panhandle Producing Co., West Panhandle (Red Cave) Field, Hutchinson County, Tex.	11.0	14.65
C170-35 ..... (G-2724) F 7-3-69	do	do	11.0	14.65
C170-36 ..... A 7-14-69 [33]	Dorchester Gas Producing Co., Post Office Box 750, Amarillo, Tex. 79105.	Natural Gas Pipeline Co. of America, Harrington Field, Texas County, Okla.	1.0	14.65
C170-37 ..... A 7-14-69	Subsurface Reserve Corp., 16th Floor, Milam Bldg., San Antonio, Tex. 78205.	Texas Eastern Transmission Corp., Salt Creek Field, Live Oak County, Tex.	16.0	14.65
C170-38 ..... A 7-14-69	Jake L. Hamon, 3900 Republic National Bank Tower, Post Office Box 993, Dallas Tex. 75221.	Natural Gas Pipeline Co. of America, Buffalo Wallow [Field, Hemphill County, Tex.	[17] 19.0	14.65
C170-40 ..... A 7-14-69	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., South Peek Field, Roger Mills and Ellis Counties, Okla.	15.0 [34] 17.0	14.65
C170-41 ..... A 7-14-69	Gulf Oil Corp.	Transcontinental Gas Pipe Line Corp., Bayou Couba Field, St. Charles Parish, La.	[35] 21.25	15.025
C170-42 ..... B 7-14-69	Salmon Corp., Suite 230, 823 South Detroit Ave., Tulsa, Okla. 74120.	Texas Eastern Transmission Corp., Bomba Field, Goliad County, Tex.	Depleted	.....
C170-43 ..... (G14369) F 7-7-69	J. Gregory Merrion et al. (successor to Humble Oil & Refining Co.), Box 1541, Farmington, N. Mex. 87401.	El Paso Natural Gas Co., Bluff Field, San Juan County, Utah.	17.7	15.025
C170-44 ..... (C165-562) (C165-844) F 7-7-69	J. Gregory Merrion et al. (successor to Humble Oil & Refining Co. and Featherstone Farms, Ltd.).	Montana-Dakota Utilities Co., Polson Creek Unit, Fremont County, Wyo.	15.364	15.025
C170-45 ..... (G-15714) F 7-10-69	Cotton Petroleum Co. (successor to Humble Oil & Refining Co. (Operator) et al.), Parkland Plaza Bldg., 2121 South Columbia, Tulsa, Okla. 74114.	Transwestern Pipeline Co., acreage in Lipscomb County, Tex.	[17] 17.0	14.65
C170-46 ..... (G-2978) F 7-11-69	Texaco, Inc. (successor to Sun Oil Co. (DX Division), Post Office Box 52332, Houston, Tex. 77052.	El Paso Natural Gas Co., Spraberry Trend Field, Midland County, Tex.	14.5	14.65
C170-47 ..... (C169-189) F 7-11-69	Petroleum, Inc. (successor to Westhoma Oil Co.), 300 West Douglas, Wichita, Kans. 67202.	Northern Natural Gas Co., acreage in Texas County, Okla.	[17] 17.0	14.65

[1] Adds acreage acquired from Cities Service Co. (Operator) et al., Docket No. G-2712.
[2] Applicant agrees to accept authorization for the additional acreage conditioned to 13 cents per Mcf.
[3] There is no available low-pressure line facility for gas produced from the Pictured Cliffs formation. Only available lines serve intrastate markets.
[4] Includes compression and dehydration charges.
[5] Formerly W. C. Feazel et al.
[6] Gas to be delivered after processing to various buyers.
[7] Gathering charge to be reduced to ¼ cent per Mcf after cost of gathering facilities has been recovered or 5 years has elapsed from date of initial delivery, whichever occurs first.
[8] Compression charge.
[9] Includes 5 cents per Mcf for gathering and compression.
[10] Successor in interest to Thomas J. Blaho, Jr., doing business as Blaho Oil & Gas Co. Breck never made certificate filing covering subject acreage.
[11] Subject to deduction for compression should Buyer compress gas.
[12] Pending—no permanent authorization granted; only temporary certificate issued.
[13] Plus B.t.u. adjustment.
[14] By letter filed July 2, 1969, Applicant amended its application to reflect a total initial rate of 13 cents per Mcf in lieu of 12.2339 cents. Application was previously noticed July 2, 1969, in Dockets Nos. G-3912 et al. at 12.2339 cents per Mcf.
[15] Adds acreage acquired from Hanagan Petroleum Corp. et al., Docket No. CI65-586.
[16] As limited by rate established by Opinions Nos. 468 and 468-A.
[17] Subject to upward and downward B.t.u. adjustment.
[18] Gas to be delivered after processing to various buyers under FPC Gas Rate Schedules of producers already on file.
[19] Requests authorization to resell gas purchased from Gulf Coast Natural Gas Co.
[20] Less 0.4466 cent per Mcf for sour gas.
[21] Partially succeeds Steve Goss (Operator et al., FPC GRS No. 1. Applicant is succeeding the interests of Skelly Oil Co., Oil Participations, Inc., and Austral Oil Co., Inc., Texota Oil Co. and Amex Petroleum Corp.
[22] Applicant states its willingness to accept permanent certificate on the same terms as specified by the Commission's order issued Mar. 30, 1964 in Docket No. G-19416 et al.
[23] Rate in effect subject to refund in Dockets Nos. G-20427 and RI65-339.
[24] Includes 0.015-cent tax reimbursement. Rate in effect subject to refund in Dockets Nos. RI68-565 and RI69-476.
[25] Converted to underground gas storage field.
[26] By letter filed July 18, 1969, Applicant agreed to accept certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[26a] Includes 2 cents per Mcf for gathering and delivering gas.
[27] Buyer to deduct 5 cents per Mcf from purchase price of gas delivered until it has recovered its expenses over $10,000 for the cost of constructing pipeline to connect with Applicant's production.
[28] By letter filed July 17, 1969, Applicant agreed to accept certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[29] Sweet gas.
[30] Sour gas.
[31] An increase in rate to 13 cents per Mcf was suspended in Docket No. RI64-794 but not made effective.
[32] Rate in effect subject to refund in Docket No. G-10494.
[33] An increase in rate to 13 cents per Mcf was suspended in Docket No. RI65-96 but not made effective.
[34] Applicant seeks authorization to gather gas.
[35] Contract provides for rate of 18 cents per Mcf, subject to B.t.u. adjustment; however, Applicant states its willingness to accept certificate with an initial price of 15 cents per Mcf, subject to B.t.u. adjustment, for acreage in Roger Mills County and 17 cents per Mcf, subject to B.t.u. adjustment, for acreage in Ellis County.
[36] Applicant states its willingness to accept certificate in conformance with provisions of Opinion Nos. 546 and 546-A.
[37] Applicant states its willingness to accept certificate at 17 cents per Mcf at 14.65 p.s.i.a.
[38] Rate in effect subject to refund in Docket No. RI67-299.
[39] Application previously noticed July 18, 1969 in Dockets Nos. G-3072 et al., as a complete succession in Docket No. G-10670. Further review of the application reveals that acreage involved is only partial succession and the application has been reassigned Docket No. CI70-60.
[40] Rate in effect subject to refund in Dockets Nos. G-20607 and RI65-453.

[F.R. Doc. 69-9441; Filed, Aug. 11, 1969; 8:45 a.m.]

[Docket No. RI70-102]

MARATHON OIL CO.

Order Providing for Hearing on and Suspension of Changes in Rates Involving Wyoming Severance Tax, and Allowing Rate Changes To Become Effective Subject to Refund

AUGUST 1, 1969.

Marathon Oil Co. (Marathon) has tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate
R170-103	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	87	4	Colorado Interstate Gas Co. (Wamsutter Unit Area, Sweetwater County, Wyo.).	$604	7-3-69	[1] 7-31-69	8-1-69	[2] [3] 16.0	[3] 16.12
	do	93	[2]	Montana-Dakota Utilities Co. (Elk Basin Field, Park County, Wyo., and Carbon County, Mont.).	111	7-3-69	[1] 7-31-69	8-1-69	[4] 13.0	[4] 13.065

[1] The effective date is July 31, 1969, by permitting waiver of part of the 30-day notice requirements.
[2] Rate in effect subject to refund in Docket No. R168-335.
[3] Pressure base is 14.65 p.s.i.a.
[4] Pertains to gas produced only in Wyoming.
[5] Pressure base is 15.025.

Marathon has filed increased rate proposals, as set forth above, which reflect reimbursement of the recently enacted Wyoming Severance Tax. The Wyoming Severance Tax (Wyoming Session Laws of 1969, Ch. 193 sections 1–12, approved Mar. 6, 1969) provides, in effect, for a tax of a net 1 percent of the value of gas, among other extracted minerals, produced from within the State during the calender year 1968 which is payable on July 1, 1969, and thereafter payable each July 1 for the preceding calender year production. Marathon proposes unit rate increases under its subject rate schedules effective as of August 1, 1969, for reimbursement of that portion of the tax payable on gas produced on and after August 1, 1969. Marathon also proposes to collect for each of the subject sales two lump sum payments relating to tax reimbursement, one for the tax related to gas produced in 1968 for which payment was due July 1, 1969, and the other for the tax related to gas produced from January 1, 1969, through July 31, 1969, for which payment is due July 1, 1970.

Marathon requested an effective date of August 1, 1969, for the proposed unit increased rates, which constitute a request for waiver of the statutory notice period. Under the circumstances involved here, we conclude that it would be in the public interest to waive, to the extent necessary, the 30-day notice requirement provided in section 4(e) so as to permit Marathon to collect the aforementioned unit rate increases effective as of August 1, 1969, subject to refund in this proceeding. However, the lump sum payments proposed by Marathon as part of the notices of change involved here are rejected at this time. In addition to its refund obligation if the proposed rates are determined to be in excess of the just and reasonable rates for such sales, Marathon will also be required to refund any reimbursement relating to the Wyoming severance tax collected in this section 4(e) proceeding in the event the tax is for any reason held invalid upon judicial review.

The increased rates and charges involved in this proceeding may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. The proposed rates also exceed the applicable increased rate ceiling set forth in the Commission statement of general policy No. 61–1, as amended.

The Commission further finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed unit increased rates, and that the above designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Marathon's proposed lump sum payments tendered as part of the notices of change in rate involved here are rejected.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed unit increased rates and charges contained in Supplements Nos. 4 and 2 to Marathon's FPC Gas Rate Schedules Nos. 87 and 93, respectively.

(C) Pending such hearing and decision thereon, Supplement Nos. 4 and 2 to Marathon's FPC Gas Rate Schedule Nos. 87 and 93, respectively, are hereby suspended and the use thereof deferred until August 1, 1969, at which time they may be collected subject to refund in this proceeding under Marathon's general undertaking filed on May 12, 1969, which has been accepted.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 22, 1969.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-9440; Filed, Aug. 11, 1969; 8:45 a.m.]

[Docket No. R-360]

RIGHTS-OF-WAY ROUTES AND ABOVE-GROUND FACILITIES OF NATURAL GAS COMPANIES

Selection, Clearing, Construction, and Maintenance; Notice of Further Extension of Time

AUGUST 6, 1969.

Upon consideration of the request filed by the Independent Natural Gas Association of America, on July 24, 1969, in the above-designated proceeding:

Notice is hereby given that the time is further extended to and including September 16, 1969, within which any interested person may submit data, views, and comments in writing in the above-designated proceeding.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-9449; Filed, Aug. 11, 1969; 8:45 a.m.]

[Docket No. CP69-181, etc.]

CENTRAL FLORIDA GAS CORP. AND FLORIDA GAS TRANSMISSION CO.

Order Granting Interventions and Motion To Consolidate Proceedings and Denying Motion To Sever

AUGUST 5, 1969.

Central Florida Gas Corp., Applicant, Docket No. CP69-181; Florida Gas Transmission Co., Respondent, Docket No. CP69-117; Florida Gas Transmission Co., Docket No. CP69-280.

Florida Gas Transmission Co. (Florida Gas), filed an application in Docket No. CP69-280, on April 28, 1969, pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations thereunder for a budget-type certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline facilities and authorizing the transportation and sale of natural gas to existing distributor customers for resale and to existing direct customers outside the franchise area of local distributors. The certificate would also cover miscellaneous rearrangements of Florida Gas' facilities without changing any service rendered by means of such facilities.

The facilities are to be constructed, as required, during the twelve month period commencing July 1, 1969. No single sale to be made by such facilities will exceed 100,000 Mcf annually per customer, and none of the gas will be used for boiler fuel purposes. The total estimated cost of the proposed facilities will not exceed $300,000 and will be financed with internally generated funds.

Notice of the application was issued by this Commission May 2, 1969, and published in the FEDERAL REGISTER May 9, 1969 (34 F.R. 7557). It set June 2, 1969, as the date by which petitions to intervene or protests were to be filed. Timely petitions to intervene were filed by Central Florida Gas Corp. (Central Florida) on May 29, 1969, and the city of Gainesville, Fla., and Gainesville Utilities Department, jointly, on June 2, 1969.

Central Florida purchases its entire requirement of natural gas from Florida Gas and alleges that it is in competition with Florida Gas for certain industrial sales. It therefore asserts that it has an interest in the terms and conditions by which Florida Gas may, under a budget certificate, make additional sales for industrial use. The city of Gainesville asserts that it is interested in these proceedings because, as a distributor of electricity using natural gas acquired from Florida Gas as boiler fuel, any order issued herein can affect the availability and cost of Gainesville's gas supply. Both petitioners raise the issue of whether Florida Gas should be permitted to provide service to its direct sales customers on a basis more liberal than that on which it provides gas to its resale customers for resale to their industrial customers under its lateral line policy. The city of Gainesville also argues that the cost allocation and construction policies of Florida Gas with respect to its direct sales laterals are discriminatory and applied nonuniformly.

In its petition to intervene, Central Florida also moves to consolidate this proceeding with Docket No. CP69-117, involving a budget-type application, wherein Florida Gas is seeking a certificate for the period December 13, 1968 to July 1, 1969. That proceeding was consolidated by order of the Commission, issued April 25, 1969, with Docket No. CP69-181 which is an application by Central Florida, pursuant to section 7(a) of the Natural Gas Act, for an order directing Florida Gas to provide, at its expense, a delivery point, near West Lake Wales, Fla., to sell and deliver gas to Central Florida for resale. The order of that date more fully details the history of those proceedings which are presently set for hearing due to commence on September 3, 1969.

Florida Gas' answer, filed June 2, 1969, in opposition to petitioners' interventions and Central Florida's motion to consolidate, points out that Florida Gas has specifically stated it will not make sales in the franchise or service area of any distributor without its consent. Assuming this to be true it would not meet Central Florida's contentions with respect to area outside the franchise areas of either company in which they may compete for direct sales nor would it avoid any undue discrimination affecting competition between the two to induce industrial customers to locate within their respective franchise areas.

Florida Gas further contends that the above mentioned consolidated proceeding already presents an adequate forum in which Central Florida may present its position on discrimination.

But in view of the fact that the budget type certificate involved in Docket CP69-181, which was set for hearing on petition for rehearing but not stayed, involves a period which has already expired, we believe that consolidation of the new application to consider what is allegedly a continuing issue is appropriate, even assuming arguendo that the issues as they relate to Docket CP69-181 are not mooted by the passage of time.

Florida Gas also asserts in its answer that Central Florida incorrectly states it has been permitted to intervene in Docket No. CP69-117 and that in fact Central Florida's application for rehearing of the Commission's order denying intervention has been granted by our order of March 18, 1969, and no more. We agree that this is technically the situation despite the clear implication that the subsequent consolidation order of April 25, 1969, that Central Florida would be permitted, as of course it must, to intervene in the docket in which the Commission had consolidated with its own section 7(a) application. We shall accordingly grant such intervention herein.

By motion filed June 13, 1969, Central Florida moved to sever the proceedings in Docket No. CP69-181 from Docket No. CP69-117 and to set Docket No. CP69-181 for an early hearing. Central Florida says that the only question involved in Docket No. CP69-181 is whether the distribution system at West Lake Wales, Fla., is economically feasible, and that this issue is unrelated to those it has raised in opposition to Florida Gas' budget certificate applications. This is not correct. Florida Gas in its answer to Central Florida's section 7(a) application filed February 3, 1969, claimed Central Florida fails to qualify for service under its tariff provisions, in part, because new delivery points will be furnished a customer only if it is to be connected to a distribution system. This is the same tariff provision which is under consideration because of its allegedly discriminatory effects in the budget applications. We therefore find it inappropriate to sever Docket No. CP69-181 from Docket No. CP69-117.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the motion of Central Florida Gas Corp. to consolidate this proceeding with the proceedings consolidated by the Commission's order issued April 25, 1969, in Docket No. CP69-117 and Docket No. CP69-181 be granted and that a public hearing be held on the issues involved therein.

(2) The above named petitioners should be permitted to intervene in this consolidated proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the motion of Central Florida Gas Corp. to sever the proceeding in Docket No. CP69-181 from the proceeding in Docket No. CP69-117 and to set the proceeding in Docket No. CP 69-181 for early hearing be denied.

The Commission orders:

(A) The motion of Central Florida Gas Corp. to consolidate this proceeding with the proceedings consolidated by the Commission's order issued April 25, 1969, in Docket No. CP69-117 and Docket No. CP69-181 is granted.

(B) The above named petitioners are permitted to intervene in this consolidated proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the provision of § 262(c) of the Commission's rules of practice and procedure, the Applicant in Docket CP69-280 shall serve copies of its filings upon all interveners promptly, unless such service has already been effected pursuant to Part 157 of the regulations of the Natural Gas Act.

(D) The motion of Central Florida Gas Corp. to sever the proceedings in Docket No. CP69-181 from the proceeding in Docket No. CP 69-117 and to set the proceeding in Docket No. CP69-181 for early hearing is denied.

(E) A public hearing on the issues in the consolidated proceeding will be held in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., e.d.s.t., on September 3, 1969.

(F) Florida Gas Transmission Co., in Docket No. CP69-280, shall file with the Commission and serve on all parties and the Commission's staff the proposed evidence comprising its case-in-chief, and including prepared testimony of witnesses and exhibits on or before August 15, 1969. Rebuttal evidence in Docket No. CP69-280 shall be filed and served on or before August 29, 1969.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-9443; Filed, Aug. 11, 1969; 8:45 a.m.]

[Docket No. E-7498]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

AUGUST 6, 1969.

Take notice that on July 29, 1969, Community Public Service Co. (Community), filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to issue $10 million principal amount of first mortgage bonds.

Community is incorporated in the State of Texas and is domesticated in

[1] This order was adopted before Chairman White left the Commission.

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the State of New Mexico with its principal place of business at Fort Worth, Tex. Community is engaged primarily in the generation, purchase, distribution, and sale of electric energy and the purchase, distribution, and sale of natural gas. It provides electricity and natural gas service to a total of 116 communities in Texas and New Mexico.

Community proposes to issue $10 million principal amount of ------ percent first mortgage bonds, Series J, which will be secured by Community's Indenture of mortgage and deed of trust dated as of November 1, 1944, with Continental Illinois National Bank and Trust Co. of Chicago, trustee, as supplemented and to be supplemented by an 11th supplemental indenture following the issuance of the proposed bonds. Community proposes to issue the bonds in accordance with the competitive bidding requirements of the Commission's regulation under the Federal Power Act and expects to invite bids on or about September 23, 1969. Community indicates that the bonds will bear an issuance date of October 1, 1969, and that the date of maturity will be October 1, 1999. The interest rate of the bonds will be determined by competitive bidding.

Community states that it proposes to use the proceeds from the sale of the first mortgage bonds, Series J, for payment of additions and improvements to its properties, including the repayment of short-term bank loans obtained for such purposes, in the aggregate principal amount of $8 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 22, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9444; Filed, Aug. 11, 1969; 8:45 a.m.]

[Dockets Nos. CP70-24, CP70-25]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Application

AUGUST 5, 1969.

Take notice that on July 29, 1969, Midwestern Gas Transmission Co. (Applicant), Post Office Box 774, Chicago, Ill. 60690, filed in Docket No. CP70-24 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the transportation of natural gas from a point on the international boundary near Emerson, Manitoba, to Marshfield, Wis., for the account of Michigan Wisconsin Pipe Line Co. (Mich Wis), and for the sale of increased volumes of natural gas to certain existing customers on Applicant's northern system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for the account of Mich Wis a contract quantity of 50,000 Mcf of natural gas per day from a point on the international boundary near Emerson to the presently existing facilities near Marshfield. This transportation service is to be rendered pursuant to the terms of a gas transportation contract to be entered into by Applicant and Mich Wis. Applicant further proposes to increase its peak day sales to seven existing customers on its northern system in the total amount of 3,059 Mcf per day. Applicant states that in order to render the proposed service and to make increased sales it is necessary to construct and operate one new compressor station and to install additional compressor horsepower at three existing stations. A total of 11,965 horsepower is proposed at an estimated cost of $6,663,000, which will be financed initially either from cash on hand, the sale of temporary investments, advances from an affiliated company, or some combination thereof.

Simultaneously, Applicant filed in Docket No. CP70-25 an application pursuant to section 3 of the Natural Gas Act for authorization to import from Canada 7,200 Mcf per day of natural gas. Such gas will provide a gas supply for the proposed increased sales and will provide additional fuel required by Applicant. The gas is to be purchased by Applicant from Trans-Canada Pipe Lines, Ltd.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion, believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9445; Filed, Aug. 11, 1969; 8:45 a.m.]

[Docket No. CP70-23]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

AUGUST 4, 1969.

Take notice that on July 29, 1969, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP70-23 an application pursuant to section 7(b) of the Natural Gas Act for an order of the Commission permitting and approving the abandonment of deliveries to Northern Illinois Gas Co. (N.I.G.C.) at one point of delivery and the abandonment of the lateral lines and measuring station used for the sale and delivery of natural gas to N.I.G.C. at that point, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon its Mendota measuring station and approximately 10.5 miles each of 2-inch and 4-inch parallel lateral lines located between the Mendota measuring station and a point on Applicant's main Amarillo transmission pipeline, all in La Salle County, Ill. Applicant proposes to sell approximately 9.5 miles each of the 2-inch and 4-inch lines and certain of the measuring station facilities to N.I.G.C., the only customer being served by said facilities, for the original cost thereof less depreciation and a contribution in aid of construction. The application states that the sale price is $68,115.41. The portion of the lateral lines not sold to N.I.G.C. will be abandoned in place. Measuring station facilities not sold will be reclaimed by Applicant. The sales now being made through these facilities henceforth will be made through Applicant's other existing delivery points to N.I.G.C.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9446; Filed, Aug. 11, 1969; 8:45 a.m.]

[Project No. 1904]

NEW ENGLAND POWER CO.

Notice of Application for Approval for Granting Easements Over Project Lands

AUGUST 4, 1969.

Public notice is hereby given that application for Commission approval for the granting of various easements over project lands to use project reservoir has been filed by New England Power Co. (correspondence to: Mr. Richard B. Dunn, General Counsel, New England Power Co., 441 Stuart Street, Boston, Mass. 02116) for constructed Project No. 1904, known as Vernon Project located on the Connecticut River in Cheshire County, N.H., Windham County, Vt., and in Franklin and Worcester Counties, Mass., in the vicinity of Keene, N.H., Greenfield, Mass., Vernon and Brattleboro, Vt.

The application seeks approval of the granting of easements over project lands to use project reservoir of Vernon Project No. 1904 by Vermont Yankee Nuclear Power Corp. in connection with the 514,000 kw. (electric output) Vermont Yankee Plant being constructed in Vernon, Vt., on the westerly bank of the Connecticut River about 6,000 feet upstream from the Vernon Dam. The nuclear plant would withdraw from 49 c.f.s. to 807 c.f.s. of water for the plant's service water system and cooling system from the Vernon Reservoir all of which would be returned except for minor losses.

The proposed easements would be subject to specified limitations to provide assurance of continued use of the Vernon Reservoir by Vermont Yankee following the termination of New England Power Co.'s license for the Vernon Project on June 30, 1970.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9447; Filed, Aug. 11, 1969; 8:45 a.m.]

[Docket No. CP68-193 (Phase II), etc.]

NORTHERN NATURAL GAS CO. ET AL.

Order Consolidating Proceedings, Granting Interventions, Granting and Denying Withdrawal of Applications, Denying Reconsideration, Denying Cancellation of Proceedings, Modifying Order To Show Cause, and Modifying Procedure

JULY 25, 1969.

Northern Natural Gas Co., Docket No. CP68-193 (Phase II); Midwest Natural Gas, Inc., Applicant, Northern Natural Gas Co., Respondent, Docket No. CP68-339; American Gas Company of Wisconsin, Inc., Applicant, Northern Natural Gas Co., Respondent, Docket No. CP69-32; Iowa Electric Light and Power Co., Applicant, Docket No. CP69-131; Northern Natural Gas Co., Respondent; Northern Natural Gas Co., Docket No. CP69-267; Wisconsin Gas Co., Applicant, Northern Natural Gas Co., Respondent, Docket No. CP69-272; Northern Natural Gas Co., Docket No. CP69-204; Midwest Natural Gas Co., Applicant, Northern Natural Gas Co., Respondent, Docket No. CP69-316; Iowa Public Service Co., Applicant, Docket No. CP69-324; Northern Natural Gas Co., Respondent.

On May 23, 1969, Midwest Natural Gas Co. (Midwest Co.) filed an application in Docket No. CP69-316 pursuant to section 7(a) of the Natural Gas Act (Act) seeking an order of the Commission requiring Northern Natural Gas Co. (Northern) to establish a physical connection with its proposed facilities and to deliver and sell up to 6,521 Mcf per day (third year volume) of natural gas for sale and distribution to 14 communities in North and South Dakota. On June 26, 1969, Northern filed its answer opposing the requested order. Requests to intervene were timely filed by Iowa Public Service Co., Minneapolis Gas Co., Minnesota Natural Gas Co., Metropolitan Utilities District of Omaha, Iowa Power and Light Co., and Northwestern Public Service Co. The petitioners appear to have sufficient interest to warrant intervention.

On May 28, 1969, Iowa Public Service Co. (Iowa Public) filed an application in Docket No. CP69-324 pursuant to section 7(a) of the Act seeking an order of the Commission requiring Northern to establish a physical connection with its proposed facilities and to deliver and sell up to 492 Mcf per day (third year volume) of natural gas for resale and distribution in the towns of Battlecreek and Danbury, Iowa. On June 26, 1969, Northern filed its answer opposing the requested order. Minnesota Natural Gas Co., Northwestern Public Service Co., and Metropolitan Utilities District of Omaha filed petitions to intervene. The latter's petition was not timely filed, however, no one has opposed the petition and the petitioners allege sufficient interest to warrant intervention.

Midwest Co. and Iowa Public both request consolidation of their applications with these proceedings; no opposition has been filed and the proposals appear sufficiently related to warrant consolidation.

Northern, by its application in Docket No. CP69-204, as amended on June 4, 1969, proposes to provide Winter Period Service (WPS) in the total amount of 92,449 Mcf per day from its Redfield Storage Field. For the 1969-70 winter service period Northern proposes to utilize 25,000 Mcf of the presently authorized unallocated mainline capacity to substitute for the 25,600 Mcf of contract demand service now being supplied from Redfield. Thereafter, Northern maintains the Redfield Storage Field will be relied upon to serve both the contract demand and the WPS volumes.

On July 9, 1969, in Docket No. CP68-193 (Phase II) et al., Northern Illinois Gas Co. (Northern Illinois) filed a motion to consolidate Docket No. CP69-204 with the consolidated proceedings. Michigan Power Co. (Michigan Power) filed a timely petition to intervene in Docket No. CP69-204 pursuant to the notice of amendment to application issued therein on June 11, 1969, together with a motion for consolidation of this matter with the consolidated proceedings in Docket No. CP68-193 (Phase II) et al. Since Northern's application in CP69-204 involves the disposition of unallocated capacity on Northern's system, which unallocated capacity is also involved in these consolidated proceedings, they submit that the proceedings should be consolidated for hearing, since the public convenience and necessity as it pertains to the utilization of the unallocated capacity on Northern's system cannot realistically be determined without consideration of all the requests for unallocated capacity at one and the same time. More importantly, since Northern now alleges that its gas supply situation is such that it cannot meet all the requests for gas in

the consolidated proceedings, the question of the allocation of the available supply, as well as capacity, among customers and classes of service should be considered in one proceeding. This is especially so when we realize, first, that the 60 towns involved in Docket No. CP68–193 have been waiting for service since January 1968; second, that mainline capacity was certificated in anticipation of service to these towns and Northern now wants to withdraw its proposal to serve them because of an alleged insufficient gas supply—even though the WPS proposal was filed a year later and involves at least 2,000,000 Mcf more annual volumes and 75,000 Mcf more peak day volumes. These are matters which should be heard on a consolidated record.

Minnesota Natural Gas Co. (Minnesota Natural) filed a letter opposing Michigan Power's motion to consolidate because of an alleged urgent need for the WPS service. However, without a record it is impossible to make a proper determination as to the priority of service. Certainly, those without natural gas service believe their space heat requirements outweigh someone else's need for gas to replace peak shaving or reduce curtailment to interruptibles. These issues should not be prejudged but in fairness to all concerned should be considered in the same hearing. Northern also filed answers in opposition to the requests to consolidate Docket No. CP69–204 with the consolidated proceedings and in substance argues that the proposed use of the unallocated capacity for one year, since it is clear that the consolidated proceedings will not be decided until after the 1969–70 heating season, cannot prejudice Michigan Power or Northern Illinois. However, as pointed out above, in view of Northern's alleged gas supply shortage consideration must be given to whether the gas volumes to be utilized for the WPS could be better used to serve the 60 towns or the other requests for service consolidated in these proceedings. Each request for service should be heard before any decision is made as to which service warrants first call upon the alleged limited supply.

In addition to Michigan Power timely petitions to intervene in Docket No. CP69–204 were filed by the following:

Northern States Power Co. (Minnesota).
Northern States Power Co. (Wisconsin).
Minnesota Natural Gas Co.
Iowa Public Service Co.
North Central Public Service Co.
Iowa Power and Light Co.
Minneapolis Gas Co.
Metropolitan Utilities District of Omaha.
Lake Superior District Power Co.
Wisconsin Gas Co.

Each petitioner appears to have a sufficient interest in the proceeding to warrant intervention.

In Docket No. CP69–267 in these consolidated proceedings timely requests to intervene were filed by the following:

Northern Illinois Gas Co.
Minneapolis Gas Co.
Northwestern Public Service Co.
Minnesota Natural Gas Co.
Iowa Public Service Co.
Wisconsin Power and Light Co.
Lake Superior District Power Co.
Central Telephone and Utilities Corp.
Wisconsin Gas Co.
Iowa Power and Light Co.
Metropolitan Utilities District.
Iowa Southern Utilities Co.
Iowa State Commerce Commission.
Midwest Natural Gas Co.
Michigan Power Co.

Each petitioner appears to have a sufficient interest in the proceedings to warrant intervention. Iowa-Illinois Gas and Electric Co. filed a late petition to intervene in the proceedings in Docket No. CP69–267. The petitioner will be permitted to intervene since a sufficient interest has been shown and no party has filed an answer in opposition to the granting of the requested intervention.

Michigan Power and Midwest Co. filed petitions to intervene in the consolidated proceedings in CP69–193 (Phase II) et al. as well as in CP69–267 which was consolidated therein. Michigan Power by its petition also requests an order pursuant to section 7(a) of the Act directing Northern Natural to deliver and sell an additional contract demand of 8,455 Mcf per day, all as more fully set forth in the petition. Of the requested additional volumes, 7,600 Mcf per day would be used to meet the increased requirements of the White Pine Copper Co. The remainder would be used to initiate gas service to Ontonagon, Green City, and Silver City, Mich. The total cost of the project is estimated to be $810,000. The request is filed pursuant to § 1.8 of the Commission's rules of practice and procedure and Part 156 of the regulations under the Natural Gas Act for consideration in these consolidated proceedings. Northern filed an answer in opposition to the requested allocation and Minnesota Natural filed petitions in opposition to the interventions and requested allocations of gas by Michigan Power and Midwest Co. and their consolidation with these proceedings. We believe Michigan Power and Midwest Co. have demonstrated a sufficient interest in the proceedings, especially in light of the unallocated capacity available on Northern's system, to warrant intervention and that their requests for gas should be considered in these consolidated proceedings.

Midwest Natural Gas Corp. on July 9, 1969 (Midwest Corp.), filed a late petition to intervene in the consolidated proceedings, however, good cause has been shown for the late filing and sufficient interest exists to warrant the intervention. Midwest Corp. by its petition also requests an order pursuant to section 7(a) of the Act directing Northern to establish physical connection of its transportation facilities with the facilities which Midwest Corp. proposes to construct and to sell and deliver to Midwest Corp. 682 Mcf per day (third year volume) to initiate service to Ontonagon, Mich., all as more fully set forth in the petition.

On June 13, 1969, Northern filed with the Commission a notice of withdrawal of its application for a certificate of public convenience and necessity in Docket No. CP69–267 for authorization to transport and sell an additional 35,000 Mcf of contract demand to Northern Illinois Gas Co. (Northern Illinois). Northern contends that, because of the situation presently existing in its traditional gas supply area relating to the discoveries of new supplies, it is not presently in a position to support further increases in contract demand on its system from these sources. It is Northern's position that the application in Docket No. CP69–267 should not be further prosecuted and indeed could not be successfully prosecuted before the Commission at this time. It does not appear that the underlying contract between Northern and Northern Illinois was terminated.

On June 20, 1969, Northern filed an answer to the Commission's order to show cause and a motion for reconsideration of our order of May 16, 1969, which, inter alia, denied Northern's request to withdraw its proposal to serve 60 communities in Iowa, Wisconsin, and Minnesota. In view of its filing to withdraw the proposal to serve an additional 35,000 Mcf of contract demand to Northern Illinois, Northern maintains that the basis for the show cause order is vitiated since there is no longer a question as to whether other parties should be served in lieu of the full 35,000 Mcf for Northern Illinois. In addition, Northern contends that its present gas supply situation is such that none of the services proposed or requested in these proceedings for contract demand volumes, which includes the 60 towns and the section 7(a) requests as well as Northern Illinois, should now be prosecuted or otherwise authorized by the Commission. In light of the foregoing, Northern urges the Commission to reconsider the denial of the withdrawal of the application in Docket No. CP68–193 (Phase II) to serve the 60 towns, permit withdrawal of the application in Docket No. CP69–267 to serve Northern Illinois and cancel the proceedings with respect to these two dockets; postpone the prehearing conference and any hearing to be held on all of the section 7(a) requests until further notice of the Commission and consider the show cause order answered.

Michigan Power, Lake Superior, and Northern Illinois filed timely responses in opposition to Northern's pleadings. It is significant that Northern Illinois urges the Commission, in view of the many requests and proposals for gas service from Northern in these proceedings, to hold hearings on these matters to determine whether Northern can substantiate its statements that it is unable to fulfill any of the proposals and requests for contract demand service. In view of this and the indications by several of the distributors involved in the proposed service to the 60 towns that they want Northern to prosecute their requests for service, the requests by Northern to withdraw the applications in Dockets Nos. CP68–193 (Phase II) and CP69–267 and cancellation of the proceedings cannot be permitted.

Obviously, with the withdrawal of the proposal to serve Northern Illinois denied, the order to show cause has not been satisfactorily answered simply because Northern now asserts that "it has become increasingly clear" that the situation in its traditional gas supply area will not support the proposed 35,000 Mcf for Northern Illinois—2 months after it reached that same conclusion with respect to the 17,500 Mcf for the 60 towns. As pointed out above, Northern's assertions that it is unable to provide contract demand service must be substantiated, consequently, the order to show cause will be modified to require Northern to show cause why the service requested by the section 7(a) applicants and interveners, the proposed new town service and the service to Northern Illinois cannot be rendered. In short, Northern will be required as part of its direct case to substantiate both the claim that it does not have a sufficient gas supply to support these requests for service as well as other assertions set forth in its pleadings.[1] Apart from the show cause order Northern will also be required to submit branchline feasibility studies with respect to the section 7(a) requests herein clearly setting forth the details of the calculations, together with the facilities Northern will construct with the cost thereof and all of the underlying assumptions, for each branchline involved. In addition Northern will be required to submit all the data necessary to support the requests of all the distributors and the 60 towns for natural gas service and to prosecute the application in Docket No. CP68–193 regardless of its desire to withdraw the proposal so that the application can be evaluated.

Since the show cause order has not been answered and in view of the evidence required of Northern as a result of the additional section 7(a) requests for service and the modification of the show cause order, which will probably require a system gas reserve and deliverability study, the prehearing conference set for August 5, 1969, must be canceled and the procedure modified as hereinafter provided.

American Gas Company of Wisconsin should be permitted to withdraw its application in Docket No. CP69–32 since it failed to obtain the requisite State authorization, as set forth in its notice of withdrawal filed June 23, 1969, in these proceedings.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provision of the Natural Gas Act that the matters in Dockets Nos. CP69–204, CP69–316, and CP69–324 be consolidated with the above-captioned proceedings for hearing and decision.

(2) It is desirable and in the public interest to allow the above named petitioners to intervene in these consolidated proceedings as requested in order that the petitioners may establish the facts and the law from which the nature and validity of their alleged rights and interest may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) For the foregoing reasons Northern's requests to withdraw its application in Docket No. CP69–267; for reconsideration of the Commission's order of May 16, 1969, in these proceedings and to cancel the proceedings in Dockets Nos. CP68–193 (Phase II), and CP69–267 should be denied.

(4) American Gas Co.'s notice of withdrawal of its application in Docket No. CP69–32 should be permitted.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the order to show cause initiated by the Commission's order of May 16, 1969, be modified.

The Commission orders:

(A) The application in Dockets Nos. CP69–204, CP69–316, and CP69–324 are hereby consolidated with the above-captioned proceedings for hearing and decision.

(B) The above-named petitioners are hereby permitted to intervene in these consolidated proceedings as requested subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Northern's requests to withdraw its application in Docket No. CP69–267; for reconsideration of the Commission's order of May 16, 1969, in these proceedings and to cancel the proceedings in Dockets Nos. CP68–193 and CP69–267 are hereby denied.

(D) American Gas Co.'s notice of withdrawal of its application in Docket No. CP69–32 is hereby permitted.

(E) The order to show cause is hereby modified to require Northern on or before August 15, 1969, to show cause why the service requested by the section 7(a) applicants and intervener, the proposed service to the 60 towns and Northern Illinois cannot be rendered by Northern. Pursuant to this order Northern is directed to substantiate all the reasons it claims as to why it cannot perform these services, including but not limited to the claim that it does not have sufficient gas supply to support these requests as well as the other assertions set forth in Northern's pleadings herein.

(F) The applicant, Northern Natural Gas Co., shall file with the Commission and serve on all parties and the examiner on or before August 15, 1969, its direct presentation, which shall include, but is not limited thereto, branchline feasibility studies with respect to the section 7(a) requests for natural gas service in these proceedings as more fully set forth above. Northern is also hereby required to submit as part of its direct case all the data necessary to evaluate the requests of all the distributors and the 60 towns for natural gas service from Northern so that the proposed service in Docket No. CP68–193 (Phase II) can be evaluated.

(G) The prehearing conference scheduled for August 5, 1969, in these proceedings is hereby canceled and is rescheduled for August 25, 1969. Such conference will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., e.d.s.t.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–9448; Filed, Aug. 11, 1969; 8:45 a.m.]

[1] See Northern's notice of withdrawal of application in Docket No. CP68–193 (Phase II), filed April 14, 1969; Northern's notice of withdrawal of application in Docket No. CP69–267 filed herein on June 13, 1969, and Northern's answers to the section 7(a) requests in this proceeding.

[Docket No. RI69–858, etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

JULY 31, 1969.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued June 30, 1969, and published in the FEDERAL REGISTER July 10, 1969 (34 F.R. 11443), on page 3, Docket No. RI69–858, opposite Rate Schedule No. 197; change Suplement No. "1" to read Supplement No. "2". On page 3, footnote 7; change pressure base from "14.65 p.s.i.a." to "15.025 p.s.i.a."

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69–9450; Filed, Aug. 11, 1969; 8:45 a.m.]

FEDERAL TRADE COMMISSION

DIRECTOR, BUREAU OF RESTRAINT OF TRADE ET AL.

Delegation of Authority

Pursuant to the authority provided by Reorganization Plan No. 4 of 1961, the Federal Trade Commission on July 3, 1969, amended its delegation of authority of January 17, 1962, "In re: Extensions of time prescribed for compliance with demands for access, subpoenas, or orders issued during investigation of any matter," 27 F.R. 481, and made the following delegation of authority:

In re: The issuance of investigational subpoenas and extensions of time prescribed for compliance with demands for access, subpoenas, or orders issued during the investigation of any matter. The Commission delegates to the Director and Assistant Director, Bureau of Restraint

of Trade: the Director and Assistant Director, Bureau of Deceptive Practices; the Director and Assistant Director, Bureau of Textiles and Furs; the Director and Assistant Director, Bureau of Industry Guidance; and the Director and Assistant Director, Bureau of Economics, severally and without power of redelegation, the authority to issue investigational subpoenas and the authority, for good cause shown, to extend the time prescribed for compliance with investigational subpoenas, demands for access, or orders issued during the investigation of any matter.

By the direction of the Commission.

Issued: August 7, 1969.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-9495; Filed, Aug. 11, 1969; 8:49 a.m.]

OFFICE OF THE GENERAL COUNSEL ET AL.

Statement of Organization

The Federal Trade Commission hereby issues the following revised statement of organization as it relates to the Office of the General Counsel, the Bureau of Deceptive Practices, and the Bureau of Restraint of Trade, published June 13, 1967 (32 F.R. 8442–8443), and corrected on June 17, 1967 (32 F.R. 8739).

SEC. 13. *Office of the General Counsel.* The General Counsel is the Commission's chief law officer and adviser. In addition to rendering the necessary legal services to the Commission and representing the Commission in the Federal courts, this office is also responsible for coordinating the Commission's program of Federal-State relations. The office functions through the following organizational units, each of which is under the immediate supervision of an Assistant General Counsel:

(a) *Division of Litigation.* This division is the Commission's representative in matters before the Federal courts and litigates or actively assists in the litigation of such matters. It also provides liaison with the Department of Justice and cooperates with that agency as required by the demands of the Commission.

(b) *Division of Legal Services.* The primary function of this division is to provide day-to-day legal services, both general and special, to the Commission. In so doing, the division prepares memoranda, opinions, and reports on questions of law and policy referred to the General Counsel; analyzes court and other agency decisions having relevant impact upon the Commission's policies and procedures; handles nonadjudicatory requests for Commission documents and information; and otherwise aids the Commission in coping with its overall legal responsibilities.

(c) *Division of Legislation and Federal-State Cooperation.* This division has the combined function of advising the Commission on national legislative matters and implementing the Commission's policy of fostering Federal-State cooperation. The division prepares for the Commission's consideration drafts of and reports on proposed legislation and maintains a close working relationship with State agencies in furtherance of a common goal to develop effective programs seeking the elimination of local and national trade restraints and deceptive practices.

* * * * *

SEC. 15. *Bureau of Deceptive Practices.* This bureau is responsible for the investigation and trial of all cases involving acts or practices alleged to be deceptive and for obtaining and maintaining compliance with orders to cease and desist issued in such cases. It is also responsible for the development of evidence as a basis for certain industrywide procedures. Additionally, the bureau has responsibility for proceedings for the cancellation of trademarks under the Trade-Mark Act of 1946. The bureau functions through the following divisions:

(a) *Division of Food and Drug Advertising.* This division handles all cases involving allegedly deceptive practices in connection with the offering for sale and sale of food, drugs, devices, cosmetics, and related matters affecting health. It also monitors radio, television, and other advertising.

(b) *Division of General Practices.* The responsibility of this division is the processing of cases involving allegedly deceptive practices in connection with the sale of all products subject to the jurisdiction of the Commission other than food, drugs, devices, cosmetics, and related products.

(c) *Division of Consumer Credit.* This division is responsible for the handling of all cases involving allegedly unfair or deceptive credit practices within the purview of the Federal Trade Commission Act and for the enforcement of the Truth in Lending Act and the implementing regulations promulgated thereunder.

(d) *Division of Special Projects.* This division makes studies and carries out other broad assignments in special consumer protection areas.

(e) *Division of Compliance.* Obtaining and maintaining, and the processing of requests for opinions respecting, compliance with orders to cease and desist issued in deceptive practice cases is the duty of this division.

(f) *Division of Scientific Opinions.* This division furnishes advice, information, and assistance to the various bureaus of the Commission with respect to the composition, nature, effectiveness, and safety of food, drugs, devices, cosmetics, and related commodities, and maintains liaison with other Federal agencies, private institutions, laboratories, and hospitals in connection with these matters.

* * * * *

SEC. 19. *Bureau of Restraint of Trade.* This bureau investigates, litigates, and secures compliance with orders to cease and desist in all cases arising under the Clayton Act and in all restraint of trade cases arising under section 5 of the Federal Trade Commission Act. It is also responsible for the administration of the Export Trade Act. The bureau functions through the following divisions:

(a) *Division of Mergers.* All cases involving corporate mergers or consolidations and interlocking corporate directorates are processed in this division.

(b) *Division of General Trade Restraints.* This division handles cases involving methods, acts, or practices which have a dangerous tendency unduly to hinder competition, such as price fixing, allocation of markets or customers, boycotts, tie-in selling, and full-line forcing.

(c) *Division of Discriminatory Practices.* Within the jurisdiction of this division are cases alleging unlawful price discrimination, brokerage payments, discrimination in the payment for and in the furnishing of promotional services and facilities, and other discriminatory practices prohibited by law.

(d) *Division of Compliance.* This division acts to obtain and maintain, and to process requests for advisory opinions respecting, compliance with orders to cease and desist in restraint of trade cases.

(e) *Division of Accounting.* This division performs accounting services in connection with the investigation and trial of cases and with general economic investigations.

Issued: August 7, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-9496; Filed, Aug. 11, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4310]

FEDERATED PURCHASER, INC.

Order Suspending Trading

AUGUST 6, 1969.

The common stock, 10 cents par value, of Federated Purchaser, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Federated Purchaser, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 6, 1969, 10:30 a.m., e.d.t., through August 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9460; Filed, Aug. 11, 1969; 8:46 a.m.]

[70-4775]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issue and Sale of Shares of Common Stock Pursuant to Rights Offering

AUGUST 6, 1969.

Notice is hereby given that General Public Utilities Corp. ("GPU"), 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes to offer up to 1,340,000 authorized but unissued shares of its common stock ("additional common stock") for subscription by the holders of its outstanding shares of common stock on the basis of one share of the additional common stock for each twenty (20) shares of common stock held on the record date. The record date will be September 10, 1969, or such later date as GPU's registration statement under the Securities Act of 1933 may become effective. The subscription price, to be determined by GPU's board of directors, will be not more than the closing price of GPU common stock on the New York Stock Exchange on the day prior to the record date and not less than 85 percent thereof. The subscription period will expire October 3, 1969, unless the record date should be later than September 10, 1969, in which event the expiration date will be specified by amendment.

Rights to subscribe to the additional common stock will be evidenced by transferable subscription warrants which will be issued to all record holders of GPU common stock as promptly as practicable after the record date. No fractional shares will be issued; however, any holder with more than 20 shares, but not in multiples thereof, may purchase, at the subscription price, one extra share of additional common stock. A stockholder with less than 20 shares of common stock will be entitled to purchase, at the subscription price, one full share of additional common stock. In this connection, upon the request of initial record holders of warrants, GPU will purchase such number of rights represented thereby as such holders do not desire to exercise, at a price per right equal to one-twentieth of the excess of the market price of GPU stock over the subscription price. GPU will utilize a commercial bank as subscription agent in connection with the rights offering.

No warrants will be mailed to stockholders with registered addresses outside the United States, Bermuda, Canada, and Mexico. Such stockholders will be informed in advance by GPU of their rights. Any rights as to which no instructions have been received before the close of business on the second business day preceding the expiration date of the rights will be purchased on that date by GPU for cash, and the pro rata portions of such purchase price will be delivered to, or held for 2 years for the account of, such stockholders, after which such proceeds will become the property of GPU.

The rights offering will not be underwritten, but GPU will utilize the services of securities dealers to solicit the exercise of rights by the initial holders thereof and will pay these dealers a soliciting fee of not less than 30¢ nor more than 40¢ per share for each successful solicitation, subject to a maximum payment of $250 for each subscription by an initial warrant holder.

During the rights subscription period and for not more than 30 business days thereafter, GPU may sell to participating dealers and others any shares of GPU stock not subscribed for or otherwise available to GPU under the terms of the rights offering ("released shares"). The price at which any released shares will be sold to the public will be determined by GPU, but no such price will be (a) less than (i) the subscription price or (ii) 90 percent of the last previous sale price for shares of GPU common stock on the New York Stock Exchange, nor (b) more than the sum of 25 cents plus the higher of (i) the last previous sale price or (ii) the current quoted asked price for shares of GPU common stock on the New York Stock Exchange. Dealers through whom released shares are sold will receive a sales commission to be specified by amendment by GPU, which will be within the range of 60 cents to 90 cents a share.

In connection with the rights offering, GPU may effect stabilization transactions in its common stock or rights up to a maximum net long position equivalent to 130,401 shares.

GPU proposed to use the net proceeds from the sale of the additional common stock to make additional investments in its subsidiary companies; provided, however, that GPU may use the proceeds temporarily to reduce its promissory notes then outstanding.

The fees and expenses (other than dealers' fees) to be incurred by GPU will be supplied by amendment. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

GPU requests that the Commission grant an exception from the competitive bidding requirements of Rule 50 promulgated under the Act to the extent such rule may be applicable to the proposed sale of released shares.

Notice is further given that any interested person may, not later than August 29, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9459; Filed, Aug. 11, 1969; 8:46 a.m.]

LIBERTY EQUITIES CORP.

Order Suspending Trading

AUGUST 6, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Liberty Equities Corp. (a District of Columbia corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 7, 1969, through August 16, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9461; Filed, Aug. 11, 1969; 8:46 a.m.]

[812-2674]

OCCIDENTAL LIFE INSURANCE COMPANY OF CALIFORNIA AND OCCIDENTAL'S SEPARATE ACCOUNT FUND B

Notice of Application for Exemptions

AUGUST 6, 1969.

Notice is hereby given that Occidental Life Insurance Company of California ("Occidental"), and Occidental's Separate Account Fund B (the "Fund") Hill and Olive Streets at 12th Street, Los Angeles, Calif. (herein collectively called "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a–1 et seq. ("Act"), for an order exempting Applicants from the provisions of sections 17(f), 22(d), and 27(c)(2) of the Act, and Rule 17f–2 thereunder. Occidental established the Fund pursuant to California law on June 26, 1968, as a separate account to offer individual or group variable annuity contracts in connection with pension or profit-sharing plans meeting the requirements of section 401(a) of the Internal Revenue Code of 1954, as amended (the "Code"), including plans established by persons entitled to the benefits of the Self-Employed Individuals Tax Retirement Act of 1962, as amended, and annuity purchase plans adopted by public school systems and certain tax-exempt organizations pursuant to section 403(b) of the Code. The Fund is an open-end diversified management company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Section 17(f) provides, in pertinent part, that a registered management investment company may maintain its securities and investments in its own custody in accordance with the rules, regulations, and orders adopted by the Commission in the interest of investors. Rule 17f–2 requires, in pertinent part, that such assets be placed in a bank subject to the other requirements of the rule, one of which limits the persons who shall have access to such assets to only certain specified individuals. Applicants request an exemption to permit Occidental to be the custodian of the securities and other similar investments of the Fund instead of a bank and, to the extent necessary, to permit representatives of the California Commission of Insurance and authorized representatives of other authorized State insurance authorities to have access to the vault and securities therein.

Occidental is a substantial insurance company subject to extensive and detailed supervision and regulation by the California Commissioner of Insurance, as well as the insurance authorities of all other States of the United States (except New York). The application states that the vault maintained by Occidental is comparable to the vaults in most banks and that Occidental keeps therein securities and other investments of a value in excess of $1 billion. Access to the securities of the Fund may be had only by two or more officers or responsible employees of Occidental acting jointly, one from a group of 10 officers and employees and the other from another group of seven officers and employees. Occidental's financial records and affairs are audited annually by independent certified public accountants, and the assets of the Fund will be physically checked and verified at least annually by independent certified public accountants representing the Fund. Access to such securities and investments by authorized representatives of the California Commissioner of Insurance and authorized representatives of other State insurance authorities will facilitate the regulatory functions of such authorities and will provide an additional protection for variable annuity contract owners.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price prescribed in the prospectus.

Applicants propose initially to offer individual tax deferred retirement plans based on the Fund. These contracts provide that the proceeds from (1) other variable annuity contracts registered under the Act, (2) proceeds from variable and fixed annuity contracts of Occidental not registered under the Act, and (3) maturity and cash surrender values of Occidental insurance policies can be invested in the Fund without sales load.

Applicants request exemption from section 22(d) so as to permit, (1) the transfer of funds as provided in the contract from all variable and fixed accumulation accounts of Occidental, whether or not they are registered under the Act, to the Fund without the imposition of an additional sales charge, and (2) the transfer of funds received on the maturity of Occidental insurance policies to the Fund without the imposition of any additional sales charge.

Applicants assert that from the point of view of equitable treatment of contract owners, no unfair discrimination would exist under the proposed elimination of such charges. In all cases a sales charge on the premiums under Occidental insurance contracts and on the contributions to annuity contracts of Occidental not registered under the Act will have been paid. The purpose of eliminating the sales charges on such transactions is to avoid cumulating such sales charges.

Applicants also assert that such elimination of charges is in the interest of investors and the public; that no unfair discrimination between contract owners participating in the Fund would result therefrom; and that such elimination of charges would be consistent with the policies of the Act.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust and places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

The equity investment fund contracts which provide for deferred variable annuities may be deemed to be periodic payment plan certificates under the Act.

Applicants request an exemption from these requirements on the grounds that Occidental's status as a regulated insurance company, and its obligations as an insurance company to its equity investment fund contract owners provide substantially the protection contemplated by these requirements.

Applicants have consented to the requested exemption being subject to the conditions that the charges under the contracts for administrative services referred to in section 26(a) shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose and that the payment of sums and charges out of the assets of the Fund shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the consent of Applicants to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services. Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than August 29, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and

the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–9462; Filed, Aug. 11, 1969; 8:46 a.m.]

[File No. 24 SF–3412]

OMEGA COMPUTER CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 6, 1969.

I. Omega Computer Corp. (issuer), 2140 West Olympic Boulevard, Los Angeles, Calif., incorporated in Nevada on January 10, 1969, filed in the San Francisco regional office on January 31, 1969 a notification and offering circular under Regulation A, the conditional exemption from the registration requirements of the Securities Act of 1933 pursuant to section 3(b) thereof, covering a proposed offering of 30,000 shares of its 10-cent par value common stock at $10 per share for an aggregate offering price of $300,000. Dollan & Co., Inc. of Seattle, Wash., was named as underwriter on a best-efforts basis. The offering circular states that the company proposes to design, develop, and market "systems" for high speed digital computers, with initial orientation to computer systems designed to serve the mutual fund industry.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification and offering circular are materially false and misleading by omitting to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, in that:

1. The offering circular fails to disclose a plan or scheme, involving Charles A. Cordial, president and principal security holder of the issuer, Delta Corp. and its controlling persons, David E. Meeks, Leo Paul Murphy, Willis S. Johnson, and James A. Westbrook, and Dollan & Co., Inc. and its president, Robert Goughnour, whereby the issuer will be acquired by Delta Corp.

2. The offering circular fails to disclose that the issuer is in fact controlled by Delta Corp. and David E. Meeks, Leo Paul Murphy and Willis S. Johnson.

3. The notification fails to disclose that Delta Corp. and its affiliated corporations including Data Management Systems, and the control persons of Delta Corp., including David E. Meeks, Leo Paul Murphy, Willis S. Johnson, and James A. Westbrook are affiliates of the issuer.

4. The notification fails to disclose the securities to be issued to the issuer's security holders in connection with the issuer's acquisition by Delta Corp.

5. The notification fails to disclose the sale of unregistered securities issued during the past year by Data Management Systems, an affiliate issuer.

B. The offering, if made, would operate as a fraud and deceit upon purchasers in violation of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a), subparagraphs (1) and (2) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–9463; Filed, Aug. 11, 1969; 8:46 a.m.]

[File No. 24SF–3434]

WESTERN TIN MINING EXPLORATION CORP.

Order Permanently Suspending Exemption

AUGUST 6, 1969.

I. Western Tin Mining Exploration Corp. ("Western"), 108 West Telegraph Street, Carson City, Nev., incorporated in Nevada on February 17, 1969, filed a notification and offering circular on March 24, 1969, covering a proposed offering of 300,000 of its 10-cent par value common stock at $1 per share for an aggregate offering price of $300,000, for an exemption from the registration requirements of the Securities Act of 1933 pursuant to section 3(b) and Regulation A promulgated thereunder. E. M. C. Securities, Inc., was named as the underwriter on an all-or-nothing, best-efforts basis. The offering circular states that the company intends to explore six unpatented lode mining claims in Death Valley Monument, Calif.

II. The Commission, on April 9, 1969, temporarily suspended the Regulation A exemption of Western, stating it had reason to believe on the basis of information reported to it by the staff, that:

A. The terms and conditions of Regulation A were not complied with in that:

1. The issuer failed to disclose in the notification and offering circular that Lewis A. Ray, its president, director, promoter, and controlling security holder, was subject to a judgement entered on March 24, 1964, in the U.S. District Court for the Southern District of California, permanently enjoining him from engaging in acts and practices in connection with the purchase or sale of securities and had been found by the Commission to be a cause of an order entered on February 28, 1964, pursuant to section 15(b) of the Securities Exchange Act of 1934, which is still in effect.

2. The Regulation A exemption was not available for the issuer under the provisions of Rule 252(d)(2) and (3) in that Lewis A. Ray, president, director, promoter, and controlling stockholder of Western, was subject to a judgment permanently enjoining him from engaging in acts and practices in connection with the purchase or sale of any security and had been found by the Commission to be a cause of an order entered pursuant to section 15(b) of the Securities Exchange Act of 1934, which was still in effect.

B. The notification and offering circular contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The notification was materially false and misleading in failing to disclose the facts with respect to Lewis A. Ray as to the injunction and Commission order referred to above.

2. The offering circular failed to disclose accurately and adequately the background of Lewis A. Ray, Western's president, director, promoter, and controlling stockholder.

C. The offering, if made, would violate the antifraud provisions of section 17 of the Securities Act of 1933, as amended.

III. No hearing having been requested by the issuer within 30 days after the entry by the Commission of an order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors to permanently suspend the exemption of the issuer under Regulation A.

It is ordered, Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9464; Filed, Aug. 11, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 725]

NEW YORK

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969 because of the effects of certain disasters, damage resulted to residences and business property located in Sullivan County, N.Y.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, suffered damage or destruction resulting from floods occurring on July 28 and July 29, 1969.

OFFICE

Small Business Administration Regional Office, 26 Federal Plaza, Room 3108, New York, N.Y. 10007.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1970.

Dated: August 1, 1969.

RICHARD B. BLANKENSHIP, *Acting Administrator.*

[F.R. Doc. 69-9467; Filed, Aug. 11, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 883]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 7, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 40978 (Sub-No. 15 TA), filed July 30, 1969. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 Highway 141 South, Sheboygan, Wis. 53081. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from Sheboygan, Wis., to points in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, Kentucky, Ohio, Michigan, Missouri, Oklahoma, Texas, Kansas, Nebraska, Colorado, and West Virginia; Restricted to shipments originating at the plantsite of Nemschoff Chairs, Inc., located in the city of Sheboygan, Sheboygan County, Wis., for 180 days. Supporting shipper: Nemschoff Chairs, Inc., 2218 West Water Street, Sheboygan, Wis. 53081 (Leonard Nemschoff). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 108207 (Sub-No. 267 TA), filed July 30, 1969. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz, Post Office Box 5888, Dallas, Tex. 75222. Applicant's represetative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin impregnated broadgoods, rovings, adhesive films, adhesive liquids, synthetic resins, activators, and/or compounds*, from Chatworth, Costa Mesa, Culver City, Downey, Huntington Park, Los Angeles, and San Diego, Calif., and Minneapolis, Minn., to Albuquerque, N. Mex., for 150 days. NOTE: Carrier does not intend to tack its authority. Supporting shipper: General Electric Co., Post Office Box 2068, Albuquerque, N. Mex. 87103. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 113678 (Sub-No. 359 TA), filed July 30, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples and coconuts, and agricultural commodities*, otherwise, exempt from economic regulations under section 203(b)6 of the act when transported in mixed shipments with bananas, plantains, pineapples and coconuts, from Wilmington, Del., to points in Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Kentucky, Nebraska, and Wisconsin, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 117815 (Sub-No. 149 TA), filed July 28, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except Commodities in bulk, in tank vehicles and except hides), from the plantsite and facilities of Hygrade Food Products Corp. at Postville, Iowa, to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, for 150 days. Supporting shipper: Hygrade Food Products Corp., 1801 Mack Avenue, Detroit, Mich. 48214, S. H. Lloyd, A. T. M. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 119598 (Sub-No. 1 TA), filed July 30, 1969. Applicant: LANDIS, INC., Building 26007, Greater Wilmington Airport, New Castle, Del. 19720. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 28005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples and coconuts*, from Wilmington, Del., to points in Maryland, Pennsylvania, Delaware, New Jersey, New York, Massachusetts, District of Columbia, Connecticut, Ohio, Virginia, and West Virginia, for account of West Indies Fruit Co., for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101, Samuel Gordon, Vice President. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 128375 (Sub-No. 32 TA), filed July 22, 1969. Applicant: CRETE CARRIER CORPORATION, Crete, Nebr. 68333. Applicant's representative: Duane W. Acklie, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Exhaust pipe, exhaust pots, mufflers, tail pipes, suspension parts, steering gear, fifth wheel and plates, cam shaft, axle parts, wheel clamps, rim attachments, brake linings, brake shoes, brake equipment, shock absorbers, and related fittings, parts, tools, materials, accessories, and advertising matter and display*, from (a) Paulding, Ohio, Loudon, Tenn., and Pulaski, Tenn., and their commercial zones to Nashville, Tenn., and its commercial zone; (b) from Pulaski, Loudon, Knoxville, and Nashville, Tenn., to points in the United States on and west of the Mississippi River, and points in Wisconsin, Illinois, Indiana, Michigan, and Mississippi; (c) from Haleyville, Ala., and 10 miles thereof to Loudon, Tenn., and its commercial zone, and Harvey, Ill.; (d) between Harvey, Ill., Loudon, Knoxville, and Nashville, Tenn., and their commercial zones; (e) Montgomery, Ala., and its commercial zones, to Paulding, Ohio, and Nashville, Tenn., and their commercial zones; Restricted to traffic either originating at or destined to plantsites, storage warehouse, or distribution facilities used by the Maremont Corp. (B) *Used brake shoe cores*, from Detroit, Mich., and Buffalo, N.Y., and their commercial zones to Paulding, Ohio, and its commercial zone, for 180 days. Supporting shipper: Maremont Corp., 168 North Michigan, Chicago, Ill. Send protests to: District Supervisor Johnston, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133787 (Sub-No. 1 TA) (Correction), filed June 19, 1969, published FEDERAL REGISTER, issue of July 1, 1969, and republished as corrected this issue. Applicant: D & O FAIRCHILD, INC., 19 West Washington Avenue, Yakima, Wash. 98902. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. NOTE: The purpose of this republication is to reassign Docket No. MC 133787 (Sub-No. 1 TA) in lieu of MC 123766 (Sub-No. 9 TA).

No. MC 133796 (Sub-No. 1 TA), filed July 30, 1969. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Skis and paraphernalia* used in connection with skiing, from Schaghticoke, N.Y., to Toledo, Ohio, Oconomowoc, Wis., and Tacoma, Wash.; (2) from Tacoma, Wash., to Oconomowoc, Wis., Toledo, Ohio, and Schaghticoke, N.Y., for 180 days. Supporting shipper: Krystal Skis, Inc., Post Office Box 908, Tacoma, Wash. 98401. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 133921 TA, filed July 29, 1969. Applicant: FREDERICK COMMUTER, AIR FREIGHT, INC., Route No. 6, Frederick, Md. 21701. Applicant's representative: Herschel F. Gibbs, Route 6, Frederick, Md. 21701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Frederick County, Md., and Washington National Airport, and Dulles International Airport, Va.; Friendship International Airport, Md., restricted to transportation having a prior or subsequent movement by air, for 180 days. Supporting shipper: There are approximately (10) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Robert Caldwell, Interstate Commerce Commission, Bureau of Operations, Room 2210, Washington, D.C. 20423.

No. MC 133922 TA, filed July 29, 1969. Applicant: WILLIAM H. NAGEL, doing business as JENKINS AND NAGEL TRUCKING CO., Post Office Box 98, Wolcott, Ind. 47995. Applicant's representative: Alki E. Scopelitis, 816 Merchants Bank Building, 11 South Meridan Street, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soya flour*, from the plant and warehouse sites of Griffith Food Products (subsidiary, Griffith Laboratories, Inc.) at or near Remington, Ind., to points in Alabama, Illinois, Iowa, Michigan, New Jersey, Ohio, and Pennsylvania; (2) *Foodstuffs, and materials, equipment, and supplies* used in the manufacture and distribution of foodstuffs, from the plant and warehouse sites of Griffith Laboratories, Inc., at Chicago, Ill., to Birmingham, Ala.; Remington, Ind.; Detroit, Mich.; Union, N.J.; Columbus, Ohio; Philadelphia and Shiremanstown, Pa., for 180 days. Supporting shipper: Griffith Laboratories, Inc., 1415 West 37th Street, Chicago, Ill. 60609. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9476; Filed, Aug. 11, 1969; 8:47 a.m.]

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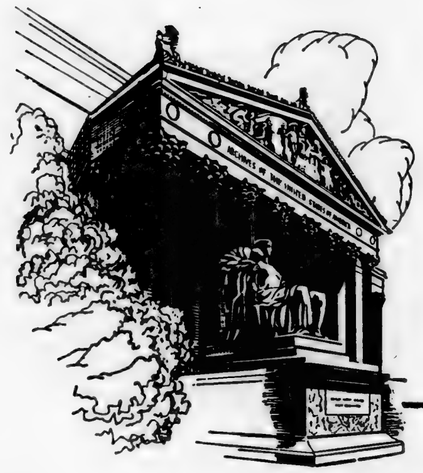
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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Air Force

Section 213.3309 is amended to show that the Schedule C authorities for the following positions have been revoked: One Special Assistant to the Secretary, the Under Secretary, and each of the four Assistant Secretaries. In addition, one authority to appoint under Schedule C six Private Secretaries to key officials has been replaced by authorities covering seven positions of Private Secretaries to key officials. The section is further amended to show that the position of one Administrative Assistant and two Private Secretaries in the Office of the Military Aide to the Vice President and the positions of one Administrative Assistant and five additional Private Secretaries for interdepartmental activities are also excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (a) of § 213.3309 is revoked, subparagraph (2) is amended and subparagraphs (7) through (10) are added as set out below.

§ 213.3309 Department of the Air Force.

(a) *Office of the Secretary.* (1) [Revoked]

(2) One Private Secretary to the Secretary to the Under Secretary, and to each Assistant Secretary of the Air Force.

• • • • • •

(7) One Private Secretary to the Special Assistant for Economic Utilization and Analysis.

(8) Six Private Secretaries engaged in the interdepartmental activities of the Department.

(9) One Administrative Assistant engaged in the interdepartmental activities of the Department.

(10) One Administrative Assistant and two Private Secretaries in the Office of the Military Aide to the Vice President.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–9542; Filed, Aug. 12, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3311 is amended to show that three positions of Special Assistant (interdepartmental activities) in the Office of the Deputy Postmaster General are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (9) is added to paragraph (h) of § 213.3311 as set out below.

§ 213.3311 Post Office Department.

• • • • • •

(h) *Office of the Deputy Postmaster General.* • • •

(9) Three Special Assistants (interdepartmental activities).

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–9545; Filed, Aug. 12, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior; Correction

In F.R. Doc. 69–9100 appearing at page 12623 in the issue of Saturday, August 2, 1969, the new subparagraph added to paragraph (a) of § 213.3312 is shown as "(33)", it should be "(34)", as follows:

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(34) One Staff Assistant to the Assistant Secretary for Water Quality and Research.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–9544; Filed, Aug. 12, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Director, Land and Facilities Development Administration is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (13) of paragraph (d) of § 213.3384 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–9543; Filed, Aug. 12, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Reseal Loan Regs., 1965 and Subsequent Storage Periods, Amdt. 3]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Farm Storage Reseal Loan Program

EARLY DELIVERY

The regulations issued by Commodity Credit Corporation and published at 33 F.R. 5201, 9464 and 34 F.R. 1229, which contain the regulations governing farm storage reseal loan programs for 1965 and subsequent storage periods, are hereby amended as follows:

§ 1421.3482 [Amended]

1. Section 1421.3482 is amended to delete therefrom the reference to paragraph (d) of § 1421.69 of the General Regulations Governing Price Support for 1964 and Subsequent Crops (Rev. 1) (31 F.R. 5941), as amended.

2. Paragraph (b) of § 1421.3484 is amended to change the requirements for early delivery of commodities under reseal. The requirement that the commodity be under reseal for 4 months is deleted. The amended paragraph reads as follows:

§ 1421.3484 Redemption and delivery of commodity and conversions to extended warehouse storage loans.

• • • • • •

(b) *Voluntary early delivery.* A county committee may authorize a producer to make delivery to CCC of a resealed commodity prior to the end of a storage period under the following conditions: (1) Storage space is available at either local or transit points which are normally used for storing the commodity; and (2) delivery of the commodity will not unduly interfere with the completion of other current program functions. The quantity eligible for storage payment and the length of the storage period shall be determined as provided in § 1421.3483(c). The rate of payment shall be as specified in the applicable annual supplement to this subpart.

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(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 (b), (c); 7 U.S.C. 1441, 1447, 1421, 1425)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 6, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-9509; Filed, Aug. 12, 1969; 8:45 a.m.]

[CCC Grain Price Support Regs. 1969 Crop Grain Sorghum Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Grain Sorghum Loan and Purchase Program

SUPPORT RATES AND DISCOUNTS

Correction

In F.R. Doc. 69-8477 appearing at page 12081 in the issue of Friday, July 18, 1969, § 1421.2579(b), certain of the counties are misstated with regard to the applicability of the footnote 1 found at the end of the table. The following counties should be shown without the footnote marking:

Wyandotte County, Kans.
Cameron County, Tex.
Falls County, Tex.
Galveston County, Tex.
Kerr County, Tex.
Terrell County, Tex.

and the following counties are to have the footnote indication inserted:

Callahan County, Tex.
Erath County, Tex.
Gaines County, Tex.
Kent County, Tex.
Ochiltree County, Tex.

PART 1479—CERTIFICATES OF INTEREST IN COMMODITY CREDIT CORPORATION PRICE-SUPPORT LOANS

Subpart B—Participation of Financial Institutions in a Pool of Price-Support Loans

FINAL DATE FOR APPLICATIONS

Notice is hereby given of the deactivation of the program to permit financial institutions to participate in the financing of CCC price-support loans by the purchase of an interest in a continuing pool of such loans evidenced by CCC Certificates of Interest under Subpart B of this Part 1479. August 29, 1969, will be the last day on which CCC will accept and approve applications for such participation pursuant to 7 CFR 1479.22 and will permit the purchase of Certificates under any unused approvals pursuant to 7 CFR 1479.23, unless and until further notice is published in the FEDERAL REGISTER that the program will be reactivated.

Certificates of Interest issued to financial institutions on or before August 29, 1969, may be held until maturity on August 1, 1970, unless called in by CCC for payment before that date in accordance with 7 CFR 1479.28(c).

Further information may be obtained by calling the Treasurer, CCC, at Washington, D.C., Code 202—388-3770.

(Secs. 4 and 5, 62 Stat. 1070-1072, as amended; 15 U.S.C. 714b, 714c)

Signed at Washington, D.C., on August 8, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-9605; Filed, Aug. 12, 1969; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 8, Amdt. 5]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Concerns in Trucking, Warehousing, Packing and Crating and/or Freight Forwarding Industries for Purposes of Government Procurement and SBA Loans

On July 21, 1967, there was published in the FEDERAL REGISTER (32 F.R 10754), a notice that the Administrator of the Small Business Administration proposed to amend the Small Business Size Standards Regulation by establishing a new definition of a small business concern in trucking, warehousing, packing, and crating and/or freight forwarding for the purposes of Government procurement and SBA loans.

For the purpose of both Government procurement and SBA loans, the size standard presently applicable to trucking, warehousing, packing, and crating and/or freight forwarding is annual receipts of not more than $3 million for the concern's preceding fiscal year. A study conducted by the Small Business Administration indicates that there has been an upward trend in transportation costs and revenues. Further, the number of Interstate Commerce Commission regulated motor carriers of property increased by six percent (6%) during 1959 and 1964, while the relative number of such carriers with revenues within the $3 million annual receipts size standards remained virtually unchanged.

In view of the above, it was proposed for the purpose of Government procurement and SBA loans, to increase the annual receipts size standard applicable to trucking, warehousing, packing and crating and/or freight forwarding to $5 million.

SBA has updated its study and has found that there has been no significant changes with regard to trucking, warehousing, packing and crating and/or freight forwarding since the issuance of the aforementioned notice of proposal.

Interested persons were given 15 days in which to file with the Small Business Administration written statements of facts, opinions or arguments concerning the proposal. After consideration of all relevant matters regarding the proposal, the amendment set forth below is hereby adopted.

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by:

1. Revising subparagraph (3) of § 121.3-8(f) to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

* * * * *

(f) *Transportation.* Any concern bidding on a contract for passenger or freight transportation, not elsewhere defined in this section, is classified:

* * * * *

(3) As small if it is bidding on a contract for either trucking (local and long-distance), warehousing, packing, and crating and/or freight forwarding and its annual receipts do not exceed $5 million.

* * * * *

2. Revising subparagraph (4) of § 121.3-10(f) to read as follows:

§ 121.3-10 Definition of small business for SBA loans.

* * * * *

(f) *Transportation and warehousing.* Any concern primarily engaged in passenger and freight transportation or warehousing is classified:

* * * * *

(4) As small if it is primarily engaged in trucking, warehousing, packing, and crating and/or freight forwarding and its annual receipts do not exceed $5 million.

* * * * *

Effective date. This amendment shall become effective 60 days after publication in the FEDERAL REGISTER.

Dated: August 1, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-9506; Filed, Aug. 12, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8083; Amdt. No. 23-7]

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

Small Airplane Type Certification Requirements

The purpose of these amendments is to improve the airworthiness requirements applicable to the type certification of small airplanes.

These amendments are based on, and reflect comments received in response to the notice of proposed rule making published in the FEDERAL REGISTER (32 F.R. 5791) on April 11, 1967, and circulated as Notice 67-14.

Numerous comments were received in response to Notice 67-14. Based upon these comments and upon review within the FAA, a number of changes have been made to the proposed rules. These changes and the FAA's disposition of the public comments are discussed hereinafter. In addition, a number of the proposals have been withdrawn for further study. Editorial revisions have also been made to a number of the proposals for the purpose of clarification. Insofar as these changes are concerned, no substantive change to the proposals is intended. Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matters presented. Except as modified by the following discussions, the reasons for these amendments are those contained in the notice.

A number of comments requested clarification of the term "standard fuel capacity" as used in the proposed change to § 23.25(b)(4) concerning minimum weight for turbojet powered airplanes. By standard fuel capacity, the FAA means the total fuel capacity of the particular tank arrangement under investigation, and the proposal has been revised accordingly.

The notice proposed to amend the requirement in § 23.75(a) for determining landing distances by changing the calibrated airspeed for the steady gliding approach from "at least 1.5 V_{s_1}" to "at least 1.4 V_{s_1}." One commentator opposed the change on the grounds that so long as all manufacturers base landing performance on the same approach speed, the use of the present conservative landing distance will not create a problem. However, the present regulations do not require that the same approach speed be used by all applicants, and the proposal would only change the minimum value. Other comments supported the proposal, and several commentators suggested that an airspeed as low as 1.3 V_{s_1} should be permitted. Prior to September 1, 1959, the rule permitted approach speeds of 1.3 V_{s_1}. This was raised to the present 1.5 V_{s_1} by Amendment 3-5 in recognition of the corresponding increases in other requirements covering trim and controllability and the fact that power is used during the approach phase in the normal operation of airplanes. In view of the service experience since Amendment 3-5 and considering the comments received in response to Notice 67-14, the FAA has determined that any approach speed down to 1.3 V_{s_1} may be selected by the applicant, provided the requirement that the landing be safely demonstrated and duplicated is met, and the selected speed is great enough to allow a safe transition to the balked landing conditions from the conditions established for the 50-foot height. The proposed amendment has been revised accordingly. In addition, proposed new subparagraph (5) to § 23.75(a) has been deleted since that requirement is already covered in § 23.1501(c).

It was proposed to add a new § 23.149(a)(5) concerning the position of the propeller of the inoperative engine for the determination of the minimum control speed. In response to a comment received, the proposed amendment has been revised to remove any reference to reliability of the feathering function. Such a reference is unnecessary in view of the certification requirements applicable to propellers under Part 35.

The notice proposed to amend the longitudinal trim requirements of § 23.161(c). In response to comments received and to make this requirement consistent with the amendment to § 23.75(a), the provisions of proposed § 23.161(c) have been changed to allow some flexibility in the selection of the approach speed. Thus, the amendment will permit a speed between 1.3 V_{s_1} and 1.5 V_{s_1} rather than requiring the use of an approach speed of 1.4 V_{s_1} in all cases, and will require for airplanes of more than 6,000 pounds that longitudinal trim be demonstrated at the approach speed used in showing compliance with § 23.75(a). In addition, the controllability requirements of § 23.145 are amended to require compliance with that section at a speed determined in accordance with § 23.161(c). Sections 23.75(a), 23.145, and 23.161(c) are interrelated and in the present regulations the requirements of these sections are based on a speed of 1.5 V_{s_1}. Under the amendments to §§ 23.75(a) and 23.161(c), an applicant could elect to use approach and trim speeds lower than 1.5 V_{s_1}, but would be required to show compliance with § 23.145 (controllability) at 1.5 V_{s_1}. In such a case, the possibility of inadequate controllability at the lower approach and trim speeds would not be covered by the regulations. In view of this potential unsafe condition and since this amendment to § 23.145 will not increase the severety or burden of compliance because the selection of approach and trim speeds below 1.5 V_{s_1} is at the option of the applicant, further notice and public procedures are unnecessary. Therefore, § 23.145 is amended to make it consistent with the amendments to §§ 23.75(a) and 23.161(c).

One commentator noted a difference between Notices 67-11 and 67-14 regarding a 10-lb. residual stick force with respect to longitudinal trim in Notice 67-11. This proposal was based on a requirement to trim at speed of 1.4 V_{s_1}. However, the requirement concerning longitudinal trim has been changed from that proposed in Notice 67-14 so that it now permits trim at a speed as high as 1.5 V_{s_1}. Therefore, there is no need to provide for a residual stick force at 1.4 V_{s_1}.

The notice proposed to amend the static longitudinal stability requirement of § 23.175. Upon further consideration of the proposal and in the light of the comments received, a number of changes have been made. The trim requirement in proposed paragraph (a)(4) has been revised to require the airplane to be "trimmed at V_y, except that the speed need not be less than 1.4 V_{s_1}". This change provides a trim speed representative of typical operations in lieu of the present requirement that the trim speed must always be 1.4 V_{s_1}. For an airplane where V_y (best rate-of-climb speed) is greater than 1.4 V_{s_1}, it should be easier to meet the stability requirement at this higher speed. When V_y is less than 1.4 V_{s_1}, the applicant may elect to comply with the less severe condition. The proposed option which would have permitted trimming the airplane for the climb speed recommended by the applicant has not been adopted since it would have permitted selection of a speed which could be inconsistent with the speeds at which the airplane complies with the climb performance requirements. Several commentators stated that compliance with the proposed cruise requirements may not be possible at low cruise speed. The FAA agrees. The proposal inadvertently omitted the overall limits on the speed range over which stability must be demonstrated. The proposal has been revised, consistent with the present overall limits for cruise stability speed range, to provide that cruise stability need not be demonstrated below 1.3 V_{s_1}, or above the maximum allowable airspeed. The maximum allowable speed for the high speed conditions under the present rule is V_{FC} as established under § 23.1505(a) and explained in § 23.1545(b). In view of the alternative V_{mo}/M_{mo} concept in proposed new § 23.1505(c) which eliminates V_{FC}, the proposal has also been revised to make the high speed cruise stability condition appropriate for airplanes certificated in accordance with new § 23.1505(c). With respect to the proposed low speed cruise condition, several comments pointed out that determining the power setting for maximum range would unnecessarily complicate the stability requirements. Accordingly, the power setting for the low speed condition is now specified as that required for level flight at a speed midway between 1.3 V_{s_1} and the trim speed obtained in the high speed condition. In addition the landing gear extended condition has been limited to airplanes having retractable gear since the high and low speed cruise conditions for fixed gear airplanes are sufficient to cover the operational needs of fixed gear airplanes. The proposed approach and landing stability condition has also been revised, consistent with the revisions to the proposed trim requirements in § 23.161(c)(4) and (5), to only require trim capability at a speed between 1.3 V_{s_1} and 1.5 V_{s_1}, for airplanes of 6,000 pounds or less maximum weight, and at the speed used in the landing determination for heavier airplanes. One comment objected to the proposed cruise condition, stating that it would permit the use of less than 75 percent of maximum continuous power for turbine engine powered airplanes, and that marginal airplanes might be operated in an unstable flight regime. The FAA does not agree. The power or thrust is specified

as the maximum power or thrust selected by the applicant as an operating limitation for use during climb, and operations at this power or thrust should not result in an unstable flight regime. Another comment questioned the term "free return speed range" used in the proposal. The intent of the proposal is that the stability speed range extend beyond the friction range by the amount prescribed in the rule.

There was an objection to the speed margin restriction in the proposal to amend the stall warning requirements of § 23.207. It was stated that the proposal effectively nullifies the greater flexibility that would be permitted by expanding the magnitude of the allowable margin and would permit a return to a less safe stall speed warning range. The FAA agrees, and proposed new paragraph (c)(1) has not been adopted. In addition, the proposal to permit the stall warning to be activated at speeds up to 15 knots above stall speed has not been adopted since this change would increase the probability of warning activation during landing approaches. However, it has been determined that activation of the stall warning at speeds not greater than 10 knots or 15 percent above stall speed would reduce the probability of activation during landing approaches and at the same time provide more flexibility than the current requirement. The proposal has been changed accordingly.

The notice proposed to amend § 23.221 (a) and § 23.221(c) to add a 3-second minimum time for spin development for normal and acrobatic category airplanes. Comments were received recommending that the 3-second requirement be deleted. The FAA does not agree. The 3-second value corresponds to the 3-second delay established as a reasonable value in applying corrective action after recognition of an autopilot malfunction. The amendment is adopted as proposed.

The notice proposed to amend the current design airspeed requirements of §§ 23.253, 23.335, 23.1505, and 23.1545 to provide a more rational basis for selecting design speeds for high performance airplanes, and to include provisions for design speeds limited by compressibility. One comment asserted that the proposed new § 23.253(a) does not require demonstration of speed margin and maneuverability during trim system runaway, and suggested the addition of such a requirement. The proposed change to § 23.253 (a) is confined to inadvertent speed increases and examples of the conditions leading to such increases are set forth in the proposal. Malfunctions and runaways of pitch trimming systems come within the general statement of the conditions and examples set forth in the proposal and the FAA does not believe that it is necessary to specifically refer to these conditions. There were objections to the proposed design airspeed requirement insofar as it deleted the reference to $V_{c\,min}$ in present § 23.335(b). The notice proposed in part that V_c be not less than 1.4 V_c where V_c is the selected design cruise speed. The present requirement merely requires a V_c not less than 1.4 $V_{c\,min}$ where $V_{c\,min}$ is specified in a formula, and in many cases the applicant selects a higher V_c to accommodate the performance of the airplane without a restrictive operating limitation under § 23.1505. In view of comments received, the FAA has determined that the proposal is unnecessarily severe and the present factors based on $V_{c\,min}$ are being retained. However, to make the design speed provisions in § 23.335 consistent with the operating limitations in § 23.1505 (a) and (b), a provision has been added to § 23.335(b)(1) specifying that V^D/M^D may not be less than 1.25 V^C/M^C. However, as an alternative, the applicant may use the "rational" speed margin in paragraph (b)(4). In addition, the proposed lead-in sentence of § 23.335 has been editorially revised to reflect the fact that speed and Mach margins are not the same, and subdivision (b)(4)(ii) has been changed to make it clear that the cutoff is only intended for the Mach margin. Proposed new § 23.1505(c) has also been changed to exclude turbine airplanes from the requirements of present § 23.1505 (a) and (b) and thus to require those airplanes to comply with § 23.1505(c). This change is necessary in order to accommodate the changes to the proposal necessary because of the retention of $V_{c\,min}$ in § 23.335 (b). These changes to the proposal accomplish the intent set forth in the notice for high performance aircraft without affecting the current design airspeed requirements for applicants who wish to comply with them.

The notice proposed to amend §§ 23.333, 23.341, 23.345, 23.425, 23.443, and Appendix A23.3 to require investigation of gust loads based on airplane mass parameter concepts rather than the present wing loading concept. Comments were received objecting to the proposed alteration of the gust load criteria in current § 23.341 because the new gust formula raises the load factors, thereby placing an undue burden on design and the mass parameter method results in unnecessary increased loads and load factors. However, the FAA considers that the use of the proposed gust formulae is essential in order to more realistically reflect the effects of higher speeds and higher altitudes on gust loadings. Transport airplane data was used in deriving the new formulae since the gust intensities involved are equally applicable to any airplanes designed to operate in the same speed and altitude ranges as present transport category airplanes. At the same time, the new formulae do not impose an undue burden on the design of slow, low altitude airplanes because their designs are usually maneuver critical. For purposes of clarity the format of the proposal has been changed to follow the current format of Part 23, and the solid line representing the limit combined envelope in the gust envelope diagram in § 23.333(d) has been revised to correctly reflect the formulae for determining the gust envelope.

It was proposed to add a new § 23.367 to require substantiation of turbopropeller airplanes for the vertical tail loads resulting from unsymmetrical power conditions due to engine failure in combination with windmilling propeller drag loads. In response to comments received, the introductory statement to paragraph (a) has been changed to make it clear that the requirement applies to turbopropeller airplanes rather than all airplanes. One comment stated that the rule should allow a conservative alternative load if time-history test data is not available. The Commentator suggested, as a conservative alternative to the proposed rational analysis of loads build-up after failure of the critical engine and subsequent to pilot corrective action, that the loads may be considered as a static yaw condition based on the maximum windmilling drag of the critical engine. The FAA does not agree that this is a conservative alternative. For example, there is no multiplying factor to account conservatively for likely dynamic airplane overswing yaw which can be expected after sudden engine failure. Further study of the suggested allowance of an alternative load is necessary and it will be considered in connection with future rule-making action.

The notice proposed to amend §§ 23.25, 23.473, and 23.1583 to permit a design landing weight equal to the design maximum weight less the weight of 25 percent of the total fuel capacity. In addition, the proposal would make it clear that the design maximum weight is the weight to be used in investigating ground loads unless the design landing weight option is chosen by the applicant, and that the design landing weight option applies only to the conditions actually representing landing loads. Comments were received suggesting that an applicant should be permitted to use a design landing weight determined either in accordance with the proposal or the current requirements. The FAA agrees. Experience with airplanes that have been type certificated under the current rule with a design landing weight as low as 95 percent of design maximum weight indicates that the present provisions can be retained as an alternative. In this connection, the amendment now permits the design landing weight to be as low as 95 percent of the maximum weight if the minimum fuel capacity is enough for at least one-half hour of operation at maximum continuous power plus a capacity equal to a fuel weight which is the difference between the design maximum weight and the design landing weight or as low as the design maximum weight less the weight of 25 percent of the total fuel capacity. In addition, the current reference to § 25.1001 in § 23.473 (c) has been changed to § 23.1001. Section 25.1001 was amended subsequent to the issuance of Notice 67–14 containing these proposals and does not now reflect the appropriate requirement for Part 23. Therefore, the appropriate provisions of § 25.1001 in effect on the date that Notice 67–14 was issued have been incorporated into a new § 23.1001.

The notice proposed to amend § 23.571 to require an effective fatigue evaluation of the wing and associated structures. Inasmuch as the title of current

§ 23.571 might be misleading insofar as these requirements are concerned, the proposal has been adopted as new § 23.572. Numerous comments were received objecting to this proposal. In this connection, it was stated that (1) the current strength requirements and design practices are conservative and adequate to prevent serious fatigue problems; (2) corrosion, prior abuse, and special purpose operations cause fatigue failure, rather than lack of design fatigue strength; (3) fatigue substantiation will not eliminate cracks, and a better maintenance program would be more effective; and (4) sufficient data is not available to establish load spectra for fatigue substantiation. The FAA does not agree. Service experience and discussions with industry of designs which have sustained fatigue failures indicate that present design practices do not adequately account for fatigue. Corrosion, prior abuse, and special purpose operations may contribute to fatigue failure, but the primary reason for such failures is lack of strength. Since fatigue failures are time-dependent, a higher failure rate among older airplanes is to be expected; however, fatigue problems have arisen in airplanes certificated in recent years. Neither fatigue substantiation nor better maintenance programs will eliminate all cracks. The purpose of the proposed rule is to prevent catastrophic failures. Furthermore, Part 23 airplanes are not designed on a redundant-structure, fail-safe basis, for which maintenance alone would be sufficient. Both fatigue substantiation and a good maintenance program are needed. Reasonable load spectra can and have been established from the extensive gust data which is available, and reasonable and acceptable methods of compliance have been established and widely publicized. However, while it has been determined that fatigue substantiation is necessary, the FAA does not agree with one comment which suggested that the proposed requirement should be expanded to a full limit load fail-safe requirement with a design objective of at least 10,000 hours and a test life of 30,000 flights. Such a requirement would be more severe than that required for transport category airplanes and cannot be justified on the basis of service experience. The amendment is adopted as proposed, except that it is adopted as new § 23.572.

The notice proposed to amend § 23.607 to permit the use of self-locking nuts on bolts subject to rotation in operation if additional locking means were provided. Subsequent to the issuance of the notice, Amendments 27–4 and 29–5 have been adopted which permit self-locking nuts to be used on rotorcraft only if the additional locking means is a nonfriction locking device. Those amendments also added requirements for removable bolts, screws, nuts, pins, and other fasteners whose loss could jeopardize the safe operation of the rotorcraft. Similar requirements have been proposed for transport category airplanes in Notice 68–18. In view of comments received in connection with Amendments 27–4 and 29–5 and the proposal in Notice 68–18, the proposed amendment to § 23.607 is withdrawn pending further study.

The notice proposed to amend § 23.611 to require that accessibility to parts be adequate for the repair and replacement aspects of necessary maintenance. Comments objecting to the proposal stated that the proposal is unnecessary, that documenting compliance is a superfluous burden, and that adequate access for maintenance, inspection, and lubrication will be provided during flight test program. The FAA does not agree. Service experience has shown that adequate access means are not always provided, and Airworthiness Directives have been issued in which modifications to provide access were required. The proposed amendment has been changed to more clearly state the intent of the proposal as explained in the notice, that accessibility must be provided for the purpose of making a repair or replacement found necessary by the inspections, as well as for servicing, lubrication, and adjustments.

It was proposed to amend § 23.619 to eliminate certain redundancies and to conform the section to the equivalent requirements in other airworthiness parts. One comment objected to the proposal and also suggested that present § 23.619 (a) and (b) be deleted on the grounds that the general and specific requirements covering Design and Construction in Subpart D completely cover the requirements of both the present and proposed sections. The FAA does not agree. Section 23.619 specifies a special factor of safety for use in particular cases, that are not covered in other sections. Except for editorial revisions, the amendment is adopted as proposed.

The notice proposed to amend §§ 23.625, 23.785, and 23.1413 to consolidate seat, berth, and belt attachment factors in one section, and to require the installation of effective upper body restraints (harnesses), or the airplane interior to be designed to either eliminate injurious objects within striking radius of the head or to provide energy absorbing support for the upper torso. The statements of commentators that shoulder harnesses are available as optional equipment and that they may not be used by some occupants does not negate the need for the rule. Shoulder harness generally will be used if available, and the FAA has an educational program, Advisory Circular 00–21 and Report AM 66–33, to encourage their use. One comment suggested that the term "injurious object" be defined. The FAA believes the term is clear, and its use in the corresponding requirement in Part 25 has not created a problem. It is applicable to any object within striking radius of the head. Such objects would be evaluated for their injury-producing potential, and an object which could produce an abrasion or laceration is an injurious object.

The notice proposed to amend § 23.629 (a) to eliminate redundancies and to insure an adequate speed margin for flutter when a more rational speed spread between V_c and V_D is selected in place of the current arbitrary speed spread of § 23.335(b)(1). One comment suggested that the flutter margin should be defined in terms of all of the flutter parameters rather than airspeed alone. However, since speed is the parameter which is used in establishing the operating limitations of the airplane, it is considered appropriate to express the required flutter margin in terms of speed. The FAA has determined that the proposed freedom from flutter speed for some designs could be unnecessarily severe. Therefore, the proposed amendment has been changed to provide for those cases where V_c is the minimum value specified in current § 23.335(a)(1) where V_c is related to V_D under § 23.335(b)(2). This change also provides an adequate margin between V_c and the flutter-proof speeds in those cases where intermediate values of V_c are selected by the applicant. In response to another comment, a new paragraph (b) has been added to provide for a smaller speed margin when adequate damping is shown at V_D. The notice also proposed to include in a new § 23.629(d) additional flutter requirements applicable to turbopropeller powered airplanes. One comment suggested that the amendment should also apply to reciprocating engine installations, and that the "pivot turn ground case" should be accounted for. The FAA does not agree. The service experience of reciprocating engine installations does not show a safety need for the suggested applicability. The consideration of gyroscopic couple under the ground taxi turn is not a critical design case and is not needed, since the load proposed in the notice combines the gyroscopic couple with propeller thrust and limit maneuver flight loads.

The notice proposed to amend § 23.677 to make it clear that operation of the trim system may not be dependent upon the primary control system and that failures of the primary control system may not prevent safe flight and landing. Comments were received objecting to the proposal on the ground that it exceeded the Part 25 requirements for transport category airplanes, and that it would improperly and undesirably change trim response and make compliance tests extremely hazardous. The FAA does not agree. The trim requirement is merely one of a number of control system requirements that must be considered as a total requirement. There is, therefore, no comparison between individual provisions in Parts 23 and 25. Service experience with existing airplanes does not indicate that the proposal will improperly and undesirably change trim response or that compliance testing will be hazardous. Furthermore, trim response equal to primary flight control response will not necessarily be needed to comply with the proposal. All that is required is that there be adequate control for safe flight and landing. The amendment is therefore adopted as proposed.

It was proposed to add a new § 23.726 to provide applicants who desire to use the dynamic methods of landing gear

strength substantiation allowed under § 23.305(b) with a safe alternative to the preparation of complex and expensive stress analysis and static test programs. One comment objected to landing gear substantiation by drop test alone. However, while stress analysis and static test programs are not precluded by the proposal, experience has shown that dynamic drop tests are a reliable method of showing compliance with the ground load requirements. Another comment questioned the value of the proposed 2.25 multiplying factor for the drop height prescribed in § 23.725(a)(1). This factor was determined by applying a factor of safety of 1.5 to the limit descent velocity, to achieve the ultimate descent velocity. This height factor also represents the drop height which would produce ultimate load for a fully linear spring gear. The use of the proposed factor results in an ultimate drop height energy absorption which is equivalent to that obtained at the corresponding height developed under proposal paragraph (a)(2) for the same airplane, and is particularly convenient for use with spring gears since it avoids the possibility of fuselage contact with the drop surface. Except for editorial changes, this amendment is, therefore, adopted as proposed.

The notice proposed to amend § 23.729 to specifically require yaw substantiation of retractable landing gear and an aural warning device that would function, regardless of throttle setting, when more than a determined amount of flap is used. One comment stated that emergency conditions should not be considered in this requirement and that the proposal should be changed to require only substantiation for all "normal" yawing maneuvers. The FAA does not agree. Contrary to this comment, the proposal does not refer to "emergency conditions" but covers the flightloads that are critical for retractable landing gear and includes all yawing maneuvers that are prescribed for the substantiation of the landing gear. These are prescribed for all speeds up to V_{LE} in § 23.351 and the proposal has been amended to make this clear. One comment interpreted the proposal as permitting the throttle switch circuits to be either in series or in parallel. The FAA agrees. Either method is acceptable if the warning device functions when one or more throttles are closed. Commentator also suggested that the word "closed" be changed to "retarded to or beyond the position for a normal landing approach." The FAA does not agree. The proposal on this point is the same as the current rule and no change is warranted. It is consistent in this respect with the corresponding Part 25 rule and no difficulty has been experienced in requiring warning actuation only at the point of throttle closure. Another comment suggested that the proposal to require the warning device to function continuously when the wing flaps are extended beyond the takeoff or the approach wing flap position could make the proposal meaningless in cases where the wing flaps are not extended beyond the approach position for landing. The FAA agrees and the proposal has been changed to require a continuous warning when the wing flaps are extended to or beyond the approach flap position. Furthermore, it was not intended that the proposed prohibition against a manual shutoff for the flap warning device in paragraph (f)(2) would apply to the throttle warning device and the proposed amendment has been changed to permit a manual shutoff if it is installed so that reopening the throttle will reset the warning device.

The notice proposed to add a new § 23.775(e) imposing a fail-safe requirement for windshields, window panels, and canopies of airplanes certificated for operation above 25,000 feet. One comment objected, stating that the proposed requirement is unnecessary and an arbitrary dictation of design; that windshields should not be singled out over control systems or other components, and that transport category airplane decompression experience does not apply to Part 23 airplanes because the differential pressures are not the same. Commentator also suggested that if the proposal is adopted, the prescribed load should be the ultimate load. The FAA does not agree. Windshield strength cannot be controlled to the same degree of precision as is achieved with other materials, consequently redundancy is particularly important. Part 23 airplanes operate at the same altitudes as transport airplanes, where windshields have been lost and where windshield failure can be extremely hazardous. There is no justification for Part 23 design standards for windshields to be lower than those required in Part 25. The prescribed loading cannot be considered the ultimate load because a partially failed windshield would have essentially no factor of safety. Another comment objected to the proposal because paragraph (e) would require a fail-safe determination for all canopies of pressurized airplanes operated above 25,000 feet in addition to the testing already required under present paragraph (c). The intent of the proposal is to require airplanes certificated for operations above 25,000 feet to comply with the requirements of proposed paragraph (e) instead of the requirements of current paragraph (c), and paragraph (c) is amended to limit its applicability to pressurized airplanes that do not comply with the fail-safe requirements of paragraph (e). Except for this change the amendment is adopted as proposed.

The proposed amendment to § 23.995 to add a new paragraph (c)(3) to insure accessibility of the fuel feed selector controls to the pilot has been adopted as new § 23.777(f). Section 23.777 contains the corresponding requirements concerning other cockpit controls.

Under current § 23.807, any airplane with a seating capacity of five or less occupants is exempt from emergency exit requirements of that section. The notice proposed to amend § 23.807(a)(1) to limit that exemption to airplanes with one or more engines mounted on the approximate centerline of the fuselage and with a seating capacity of five or less occupants. Comments were received, stating that the main exits on some multiengine powered airplanes are clear of engine installation fire paths, and that service experience has not shown that emergency evacuation has been impaired in airplanes with wing-mounted engines. The FAA does not agree. Fire paths cannot be predicted for airplanes with wing mounted engines and the purpose of the proposal is to ensure that an exit will be available in the event the main door is blocked by engine fire. This amendment is therefore adopted as proposed.

The notice proposed to amend § 23.841(f) to describe the pressure warning devices that are acceptable for use in pressurized cabins. One commentator stated that there was no need for an extra cabin warning device because of the presence of automatic cabin pressure dump valve for overpressure safety. Under the proposal an extra cabin warning device is not required. The proposed requirement permits the use of markings on the presently required pressure differential indicator as the warning indicator.

The notice proposed to add a new § 23.581 to require lightning protection of the airplane structures. The designation of that amendment has been changed to new § 23.867 since it is a design and construction requirement and should be included in Subpart D of Part 23. One comment objected to the proposal, citing a report regarding a particular airplane which indicated that the recorded lightning strikes on that airplane had not been catastrophic. The report does not, however, cover the numerous other small airplanes and does not establish that lightning strikes would not be catastrophic for small airplanes. Another commentator suggested that the requirement be applied only to all-weather airplanes. While the term "all-weather" is not defined, service experience has established that lightning strikes occur most frequently along frontal patterns and squall lines in VFR conditions. A third comment stated that the proposal was a satisfactory general statement but that it should be supported by guidance material. General information about lightning and its effect on aircraft is available (Advisory Circular No. AC 20-53). The FAA believes that the proposal is clear and that no change is warranted. Except for the change in section number, the amendment is adopted as proposed.

The notice proposed to add a new § 23.909 concerning design standards for turbosuperchargers installations. One comment suggested that the requirement for a showing that control system malfunctions, vibrations, and abnormal speeds expected in service will not damage the turbosupercharger compressor or turbine should apply only if the turbosupercharger is not approved under the engine type certificate. This comment assumes that there are certification requirements in Part 33 that are equivalent to the requirements of this proposal. This is not the case, however. There are no requirements currently in Part 33 that are the same as the requirements of this proposal. Therefore, the turbosupercharger must be shown to meet the requirements of this proposal even though the turbosupercharger is an integral part of the engine and was approved under the engine type certificate. Upon further consideration of proposed paragraph (d) it appears that turbosupercharger installations present no special fire hazards, and that insofar as the proposal applies to the exhaust system, it is already covered by present § 23.1121(b). Proposed paragraph (d) is therefore withdrawn. Except for the withdrawal of proposed paragraph (d), the amendment is adopted as proposed.

The notice proposed to add a new § 23.933 covering reversing systems. The proposal would have required at paragraph (c) a showing of compliance with the section by failure analysis and testing. Upon further consideration, however, it has been determined that an applicant should be allowed to show compliance by any method he selects. Proposed paragraph (c) has therefore been withdrawn. The FAA does not agree with the statement of one commentator that testing should be required in every case. The proposal is the same as the corresponding requirements in Part 25 which have been applied successfully on the basis of analysis alone. The amendment is adopted as proposed except that proposed paragraph (d) has been redesignated as paragraph (c).

The notice proposed to add a new § 23.937 covering turbopropeller-drag limiting systems. The FAA does not agree with the suggestion of commentators that this requirement should be included in Part 33 rather than Part 23. The proposal is directed to the installation of the propeller on the airplane. Even though the engine may be involved in compliance with the requirement, the installation is not a direct function of basic engine design. One comment suggested that a provision should be added to require that the airplane be designed according to the effect of engine operation on propeller drag. However, such a requirement is inherent in the proposal. A properly functioning drag limiting system responds to drag whatever its source, and the proposal covers the consequence of a failure or malfunction of the system. The amendment is adopted as proposed.

The notice proposed to add a new § 23.939 covering turbine engine powerplant operating characteristics. Comments objected to the proposed negative acceleration loads requirement and one comment suggested that the requirement should refer to the acceleration loads established under Part 33. Part 33 does not require such loads to be established, however, upon further consideration of the proposal it appears that the requirement could be administered to require that the airplane be flown continuously to the negative limits of the maneuvering and gust envelopes for the airplane, whereas lesser negative acceleration loads may in fact be more critical from a fuel flow standpoint and unnecessarily extended periods of negative acceleration may result in deterioration in performance. These results were not intended and the proposal has been changed to refer to "negative acceleration * * * that is most critical from a fuel flow standpoint for the greatest duration expected for that acceleration." Comments also objected to the proposed requirement that compliance be shown by flight tests and stated that analysis should be permitted. The FAA does not agree. The proposal covers conditions that cannot be evaluated without confirming flight investigation, and compliance with the requirements of each of the proposed paragraphs requires flight investigation.

The notice proposed to add a new § 23.1003 to require fuel systems lightning protection. One comment objected, stating that the proposal is too general, that it is of no help as a specification and would require a special research and development program in each case, and suggested that a specific set of requirements be developed which could be uniformly applied in all cases. The FAA does not agree. As stated by another commentator, the proposal is a satisfactory general statement, and while the FAA recognizes that any general regulation requires that certain details be supplied by administration, it is believed that such flexibility is necessary and desirable in this case. The current state of knowledge concerning the protection of aircraft from lightning is expanding rapidly. Further, the need for lightning protection is too widely established to be treated only by special conditions in individual cases. The FAA therefore believes that the best course of action is to prescribe the basic design objectives contained in the notice and to administer these design objectives to reflect current progress in lightning protection techniques. The proposed amendment has been changed to make it clear that the lightning strike hazard with which the requirement is concerned is the ignition of fuel vapor within the fuel system and that, for direct lightning strikes, the areas of concern are those having a high probability of stroke attachment. The amendment is adopted as § 23.954 to correspond to the identical requirement in Part 25.

The notice proposed to amend § 23.955 to require measurement of excess fuel flow on the basis of percent of takeoff fuel consumption; to include the fuel flow requirements of § 23.959(e); and to include turbine engine fuel systems requirements in § 23.955. Commentators noted that the proposal does not make it clear that turbine engine fuel systems are not required to meet the 125 percent take off fuel flow requirements in proposed paragraph (c). The FAA agrees and the amendment to paragraph (c) has been changed to limit the 125 percent requirement to reciprocating engines.

The notice proposed to amend § 23.959 by deleting the minimum usable fuel requirements and by substituting a general requirement for establishing the unusable fuel supply in place of the present detailed requirement. One comment objected, stating the belief that the present detailed requirements serve a useful purpose and that any specific problem should be considered for additions to the list of conditions set forth in current § 23.959. The FAA does not agree. The proposed general requirement explicitly states the objective of the requirement and has been successfully applied in Parts 25, 27, and 29. The amendment is adopted as proposed.

The notice proposed to amend § 23.961 to add a requirement that freedom from vapor lock must be shown for reciprocating engines. Upon further consideration of the proposal and in view of the comments received, it appears that the proposal does not include the full range of factors that should be considered and that a substantive revision of the basic hot weather operation requirements is needed. The proposal is therefore withdrawn for further study.

The notice proposed to add a new § 23.967(a)(6) to require the assumption that the filler will be left open in evaluating the tendency of the tank to collapse or lose fuel under all operating conditions. Comments stated that the proposal is unrealistic because it would not permit the loss of any fuel and this would present a very difficult design problem. Another comment questioned the need for the requirement. The objective of the proposal is the prevention of fuel loss, and associated fuel quantity measuring inaccuracies in collapsed bladder cells due to filler openings being left uncovered. It is realistic because fuel loss can be prevented either by proper location of the filler opening or use of a cap which is designed so that it may not be left off or improperly attached. Service experience discloses that syphoning of fuel and collapse of bladder cells do occur and forced landings have resulted. One of the problems which the proposal is intended to correct is the location of the filler at a low pressure area on the airplane (in flight) allowing a pressure differential to occur between the tank interior and the filler opening, if the cap is not installed properly. It was not intended that the proposal be interpreted to cover minor spillage, but drawing any fuel from the tank should not occur. It appears that the objective of the proposal becomes misdirected in the construction of the proposed rule and the proposed amendment has been changed to more clearly state the requirements.

One comment suggested the adoption of the fuel pump requirements proposed in Notice 67-11 in lieu of the proposed amendment to § 23.991. However, the proposed requirement in Notice 67-11 was limited to turbo-propeller powered airplanes. Insofar as the comment may be concerned with the reliability of the second power source rather than the fuel pump requirement, it goes beyond the scope of the notice. The amendment is adopted as proposed.

The notice proposed to add a new § 23.994 requiring protection of fuel system components from damage during wheels-up landings. The proposal was written in terms of "minimizing the

probability" of fuel being released during a wheels-up landing. There were comments indicating that this requirement was ambiguous and that the terms of the proposal could dictate design. This was not the FAR's intent, and the proposal has been redrafted, without substantive change, to clarify the requirement.

The notice proposed to add a new § 23.997(d), applicable to turbine engine fuel systems, to require means to automatically maintain the fuel flow if ice-clogging of the filter occurs, unless there are means in the fuel system to prevent the accumulation of ice on the filter. A commentator requested that the proposal be changed to specifically exclude systems with a filter bypass from the requirement. An automatic bypass is a recognized means of maintaining fuel flow if ice clogging of the filter occurs. The FAA does not consider that the regulation should specify filter bypass or any other particular means of compliance. The proposal is the same as the corresponding requirement in Part 25 and no difficulty has been experienced in its application. The amendment is adopted as proposed.

The notice proposed to amend §§ 23.1043, 23.1045, 23.1047, and 23.1583 to add cooling test requirements for turbine and turbo-supercharger engines. The FAA agrees with commentators that the wording of the proposed amendment to § 23.1043 would require the cooling test to be conducted at 100° F. This restriction was not intended and the amendment to § 23.1043 has been changed to permit the applicant to show compliance by using a corrected hot-day temperature of not less than 100° F.

The notice proposed to amend § 23.1093(a) to substitute a general induction system icing protection requirement for the present detailed temperature rise requirements. In view of comments received and upon further consideration, it has been determined that the objective of the proposal is misdirected, that the present rules covering impact icing are adequate, and that heat rise requirements for carburetor engines should be retained. The proposed amendment to § 23.1093(a) is therefore withdrawn. However, the present rule is being changed to limit its applicability to reciprocating engines in keeping with the proposal to add a new § 23.1093(b) covering icing protection for turbine engine induction systems. One comment objected to the proposed requirements for turbine engines on the basis that it penalizes small airplanes with fewer than 10 occupants, and suggested the alternative of placing warnings in the owner's or operator's manual. Such warnings published as information only is not a substitute for ice protection capability of the system. Such capability has always been required of all engines, appropriate to the characteristics involved, and is necessary because an engine might be quickly overcome by ice before action could be taken to evade an icing encounter and before the airplane was otherwise critically affected. Another comment recommended the addition of provisions which explicitly set forth the procedures for substantiating compliance. The proposal is based on the premise that the powerplant must be protected from ice at all times, whether or not the airplane is certificated for flight into known icing conditions. Compliance with the requirement is a matter of evaluation of the particular airplane. In the first analysis, thermodynamic exercises and dry air tests alone are not usually adequate, and actual icing encounters or ice tunnel testing are necessary. A proven system, when modified, or one having obviously large margins, may be confirmed by analysis and dry testing. The proposal is identical to the corresponding requirement in Part 25, and explicit procedures for substantiating compliance are neither necessary nor desirable. Present paragraph (a) is amended to limits its applicability to reciprocating engines; present paragraphs (b), (c), (d), and (e) are redesignated as paragraphs (a) (1), (2), (3), and (4), respectively; and proposed new paragraph (b) is adopted as proposed.

The notice proposed to add a new § 23.1103(c) concerning turbine engine bleed air systems. The proposal required, in part, that if bleed air systems are used for direct cabin pressurization, no failure of the engine lubrication system may result in contamination of cabin air systems. One comment objected to this part of the proposal, stating that the airplane manufacturer cannot control this design feature, and that it should be the responsibility of the engine manufacturer to ensure freedom from contamination. The FAA does not agree. The airplane manufacturer is not required to use the engine bleed air system for this cabin pressurization. However, if he elects to do so; he should be required to show that no failure of the engine lubrication system results in contamination of the cabin air system. A matter that is a design choice of the airplane manufacturer should not be a design requirement for the engine manufacturer. The amendment is adopted as proposed, except that it has been redesignated as new § 23.1111 in order to separate the turbine engine bleed air system requirement from the general induction system ducts requirement under § 23.1103.

The notice proposed to add a new § 23.1141(e) to require that the need for system redundancy, alternate devices and duplication of functions be determined in the design of turbine powerplant control systems. One comment objected, stating that the redundancy concept is not consistent with present Part 23, that the proposal emphasizes powerplant controls over primary flight controls, and that Part 25 requirements should not be applied to small airplanes. The FAA does not agree. Powerplant controls are not emphasized over primary controls. The proposed powerplant requirements are necessary since the detailed strength and test requirements specified for primary flight controls are not required for powerplant controls. The proposal is similar to the requirement for Part 25 airplanes since the problem is common to all turbine engine powered airplanes. Another comment objected, stating that reliability requirements for turbine engines should not be greater than that required for reciprocating engines, and that there is no history of engine control systems failures in small airplanes. The FAA does not agree. Turbine powerplant control systems are inherently more complex than those for reciprocating engines. The requirements have not been proposed for reciprocating engine powerplant control systems because of their historical simplicity and service experience. However, the proposed requirement that compliance be shown by fault analysis, component tests, and simulated environmental tests has been withdrawn. The present practice of showing compliance by fault analysis, unless tests are necessary to substantiate the validity of a particular analytical result, has proven satisfactory.

The notice proposed to amend § 23.1143 to extend the present requirement to all power controls (including power, thrust, and supercharger controls) and the term "power control" was used in the proposal. Upon further consideration, it appears that rather than using the term "power control" to cover all controls, it would be more appropriate to specifically refer to "engine power, thrust and supercharger" controls, and the proposed amendment has been revised accordingly.

The notice proposed to amend § 23.1157 to make it clear that carburetor air temperature controls must be protected against icing. Upon further consideration and in light of the comments received, the proposal has been withdrawn. It has been determined that the present rules adequately provides the icing protection with which the proposal was concerned.

The notice proposed to amend present § 23.1189 to clarify the present requirement, and to exclude turbine engine installations from the requirement for an engine oil system shutoff if specified conditions were met. One comment recommended that engine manufacturers be required to furnish a fireproof oil system which would eliminate the need for an engine oil system shutoff. The proposal already provides that if the engine-supplied oil system components are fireproof, a shutoff is not required. Since the provision of an engine oil system shutoff is equivalent to the fireproofing of the oil system, there is not sufficient justification for requiring the engine manufacturer to furnish a fireproof oil system. These amendments are adopted as proposed.

The notice proposed a new § 23.1203 to require fire-detectors in the engine compartment of any powerplant that cannot be readily observed from the cockpit in flight. Upon further consideration, the FAA has determined that the proposal does not provide an adequate fire detector system. This proposal and the related proposal for § 23.1305 are therefore withdrawn for further study.

It was proposed to amend § 23.1301(a) to remove the unnecessary distinction

between radio and other equipment that exists in the present rule insofar as function and installation requirements are concerned and to extend the requirements to all equipment. In response to a comment received, the proposal has been revised to make it clear that labeling of equipment is required only if labeling is appropriate for the particular item involved, and that it is not necessary to label every piece of equipment on the aircraft. Except for this change, the amendment is adopted as proposed.

The notice proposed to amend § 23.1305 to require specified powerplant instruments for turbine engine powered aircraft. One comment objected to the requirement for a propeller blade angle sensor. However, the FAA considers that the reliability of direct sensing is essential, considering the critical nature of an unwanted travel of the blade below the flight low pitch position. In response to another comment, the FAA has withdrawn the proposed requirement for a reverse-blade angle sensor. The FAA is aware that such a sensor is not currently practical. The proposed requirement for firewarning indicator is also withdrawn consistent with the withdrawal of proposed new § 23.1203. The notice also proposed to add a new § 23.1307(c) to require, for turbosupercharger installations, specific instruments to allow monitoring of these installations. In response to a comment received, the proposed amendment has been changed to require these instruments only if limitations are established for either carburetor air inlet temperature or exhaust gas temperature and those limitations can be exceeded in operation, and the amendment has been adopted as § 23.1305(p). In addition, the cylinder head temperature indicator requirements of present § 23.1337(e) are transferred to new § 23.1305(f) inasmuch as it is a required instrument and should properly be included with the other required powerplant instruments. No substantive change is intended. In addition, the proposal concerning thrust indicators has been changed to specify the equivalent means, and the reference to an equivalent to a torque indicator has been deleted since there is no equivalent, and the purpose of the tachometer for turbine engines has been specified. Finally, the format of present § 23.1305 has been changed to simply list the required instruments inasmuch as the requirement for each instrument is now set forth as to each instrument.

The notice proposed to add a new § 23.1322 to standardize the color of warning, caution, and advisory lights. In view of comments received, and the difference between the present standardization requirements in the corresponding provisions of Parts 27 and 29, and those proposed in Notice 68–18 for Part 25 airplanes, this proposal is withdrawn for further study.

The notice proposed to amend § 23.1351(b) to change the electrical system function requirements and to add requirements concerning alternators. One comment objected, stating that the proposal would permit the loss of a battery to result in the loss of all generator power. The premise of the proposal is that the advantages of a battery connection for field excitation or stabilization outweigh the effects of battery failure. The present rules require only one generator, and the consequence of a battery failure is no worse than the intrinsic failure of the generator. Another commentator interpreted the proposal to mean that a single generator-battery switch is permitted, and that while this might be acceptable for VFR operations it would not be acceptable for IFR operations. The proposal explicitly states that the alternator controls need not break the connection between the alternator and its battery. If failure to isolate the battery or alternator results in closing down sources of electrical supply, this condition is no worse than intrinsic failure of the one alternator that is required by the present rules. This amendment is therefore adopted as proposed.

The notice proposed to amend § 23.1501(c) and to add new §§ 23.1527 and 23.1583(k) to require the establishment of the highest substantiated altitude as an operating limitation for turbine engine and turbosupercharger engine powered airplanes. One comment objected on the basis that service experience does not justify the change or the need for additional design parameters; that operating rules cover special qualifications and equipment for operation above certain specified altitudes, and that an airplane can be flown to its service ceiling without special equipment by a pilot who is not instrument qualified. If an airplane can be operated safely at any altitude, without special equipment, then its maximum altitude limitation is its ultimate altitude capability. On the other hand, if a flight, structural, powerplane, functional, or equipment characteristic could cause an unsafe condition beyond a particular operating altitude, that altitude should be established as an operating limitation. The proposal does not require any additional design parameter, unless any applicant desires to raise the altitude operating limitation above that which would otherwise be established because of an unsafe condition. The proposal simply accounts for the probability that an unsafe condition could result from the significant increase in altitude capability made possible by engines presently being used on airplanes. These amendments, except for editorial changes, are therefore adopted as proposed.

The notice proposed to add a new § 23.1545(d) to provide a more rational basis for selecting design speeds for high performance aircraft and to provide for design speeds limited by compressibility. The proposal would require, for airplanes for which V_{MO}/M_{MO} is established under § 23.1505(c), that there must either be an indication showing the variation of V_{MO}/M_{MO} with altitude (e.g., a maximum allowable airspeed indicator with moving limit pointer), or a red radial line marking on the indicator at V_{MO}/M_{MO} with a green arc at lower speeds down to V_{S_1}. For consistency with §§ 23.1505(c) and 23.1527, the proposal has been changed to make it clear that if an applicant elects to use a fixed red radical mark and the value of V_{MO} varies with altitude, the red line on the airspeed indicator must be placed at the lowest value of V_{MO}/M_{MO} established within the maximum certificated altitude range of the airplane. Where there is a significant variation in V_{MO}/M_{MO} over the altitude range, and the applicant desires to exploit the higher indicated airspeeds available at the lower altitudes, the amendment will give him the alternative of providing an indicator showing the variation of V_{MO}/M_{MO} with altitude. In addition, the proposal to require a green arc for the normal operating range when V_{MO}/M_{MO} is marked by a red line has been deleted. The proposal does not require the green arc marking when an indicator is used that shows the variation of V_{MO}/M_{MO} with altitude, and no safety purpose is served by requiring such a marking when V_{MO}/M_{MO} is marked by a red line.

The notice proposed to add a new § 23.1569 to require a placard in clear view of the pilot that specifies all limitations established for the operation of turbosuperchargers. This proposal has been withdrawn, upon further consideration, since the requirements to which the proposal was directed are covered in present §§ 23.1501(b) and 23.1549, and the amendment to § 23.1305, supra.

A new § 23.1585(d) was proposed to cover inflight restart requirements for turbine engine powered airplanes. Upon further consideration of the proposal and in view of the comments received on this proposal, the FAA has determined that it should be withdrawn for further study.

The notice proposed to add a new § 23.1587(c)(3) requiring performance information concerning the effect on the steady rate of climb with one engine inoperative of variations in altitude and temperature. One comment suggested that the effects of temperature, wind, and runway surface effect on takeoff distances and landing distances, and, for single-engine airplanes, the engine failed glide performance should be included in the required information. While there are many aspects of performance that could be considered in addition to those in the notice, the proposal is concerned only with the rate of climb with one engine inoperative. The factors of altitude and temperature are specified merely to establish a defined baseline from which performance information may be calculated. However, the proposed amendment to subparagraph (c)(3) has been changed to require the calculation only at sea level and the maximum altitude of concern, i.e., 8,000 feet and in the cruise configuration. Another comment objected to the proposal on the grounds that it would add cost without benefit, that the owner's manual contains this information, and that the proposed information could be presented simply as service ceiling versus outside air temperature at various

weights. The FAA does not agree. The regulations are not written in terms of service ceilings, and the owner's manual is neither required or approved by the FAA. However, if it contains the information sought under the proposal, the cost of providing the information as proposed should not be significant.

The proposed new § 23.1591 has been withdrawn. It appears upon further consideration, that the present rules adequately cover the matters proposed.

The notice proposed to change all references to "miles" and "miles per hour" to "nautical miles" and "knots", respectively, wherever the former are used in Part 23. One comment recommended that the proposed change be deferred until the aviation community can adapt to the change, and another comment objected, stating that the change would result in increases in design parameters and would cause confusion. The FAA does not agree with these comments. Changing the references from statute to nautical units has been accomplished in all aircraft airworthiness parts except Part 23, and more confusion could result from not changing the relatively few references in Part 23. Any changes in design parameters are of no practical significance. If a manufacturer chooses to design his airplane using statute units, he would only be required to make a few verifications to determine that the airplane, designed in statute miles, complies with the rules expressed in nautical miles. The amendments are therefore adopted as proposed, using the following criteria: (1) Conversions from miles per hour to knots are rounded off to whole units to avoid fractions of a knot unless a more accurate measurement is necessary under the present rule, and (2) current requirements expressing extremely low airspeeds such as 5 or 10 miles per hour, are not changed numerically (such as to 4 or 9 knots, respectively) since the substantive difference in these cases is approximately 1 mile per hour and is not practically significant. In addition to the conversion of the equations in Appendix A, Figure A3, from miles per hour to knots, the graph has been removed since it is merely a chart solution to the listed equations and is superfluous to the rule.

In consideration of the foregoing, Part 23 of the Federal Aviation Regulations is amended, effective September 14, 1969, as hereinafter set forth.

1. Section 23.25 is amended as follows:

The introductory text and subparagraph (1) of paragraph (a) and subparagraph (4) of paragraph (b) are amended to read as follows:

§ 23.25 Weight limits.

(a) *Maximum weight.* The maximum weight is the highest weight at which compliance with each applicable requirement of this part (other than those complied with at the design landing weight) is shown. The maximum weight must be established so that it is—

(1) Not more than—

(i) The highest weight selected by the applicant;

(ii) The design maximum weight, which is the highest weight at which compliance with each applicable structural loading condition of this part (other than those complied with at the design landing weight) is shown; or

(iii) The highest weight at which compliance with each applicable flight requirement is shown, except for airplanes equipped with standby power rocket engines, in which case it is the highest weight established in accordance with Appendix E of this part; or

* * * * * * *

(b) *Minimum weight.* * * *

(4) The weight of—

(i) For turbojet powered airplanes, 5 percent of the total fuel capacity of that particular fuel tank arrangement under investigation, and

(ii) For other airplanes, the fuel necessary for one-half hour of operation at maximum continuous power.

§ 23.49 [Amended]

2. Section 23.49 is amended by—

(a) Striking out the words "miles per hour" in paragraphs (a) and (c) and inserting the word "knots" in place thereof; and

(b) Striking out the words "70 miles per hour" in paragraph (b) and inserting the words "61 knots" in place thereof.

§ 23.51 [Amended]

3. Section 23.51 is amended by—

(a) Striking out the words "5 miles per hour" in subparagraph (a)(2)(ii) and inserting the words "4 knots" in place thereof; and

(b) Striking out the words "miles per hour" in subparagraph (a)(3) and inserting the word "knots" in place thereof.

§ 23.65 [Amended]

4. Section 23.65(b) is amended by—

(a) Striking out the figure "10 V_{s_1}" and inserting the figure "11.5 V_{s_1}" in place thereof; and

(b) Striking out the words "miles per hour by 10" and inserting the words "knots by 11.5" in place thereof.

§ 23.67 [Amended]

5. Section 23.67 is amended as follows:

(a) Paragraph (a) is amended by—

(1) Striking out the figure "0.02 V_{s_0}" and inserting the figure "0.027 V_{s_0}" in place thereof; and

(2) Striking out the words "miles per hour by 0.02" and inserting the words "knots by 0.027" in place thereof.

(b) Amending paragraph (b)(1) is amended by—

(1) Striking out the words "70 miles per hour" and inserting the words "61 knots" in place thereof;

(2) Striking out the figure 0.02 V_{s_0}" and inserting the figure "0.027 V_{s_0}" in place thereof; and

(3) Striking out the words "miles per hour by 0.02" and inserting the words "knots by 0.027" in place thereof.

(c) Paragraph (b)(2) is amended by striking out the words "70 miles per hour" and inserting the words "61 knots" in place thereof.

6. Section 23.75(a) is amended by—

(a) Striking out the words "three miles per hour" and inserting the words "3 knots" in place thereof;

(b) Striking out the figure "1.5" in subparagraph (1) and inserting the figure "1.3" in place thereof; and

(c) Adding a new subparagraph (4) to read as follows:

§ 23.75 Landing.

(a) * * *

(4) It must be shown that a safe transition to the balked landing conditions of § 23.77 can be made from the conditions that exist at the 50-foot height.

* * * * * * *

§ 23.77 [Amended]

7. Section 23.77(b) is amended by—

(a) Striking out the figure "5 V_{s_0}" and inserting the figure "5.75 V_{s_0}" in place thereof; and

(b) Striking out the words "miles per hour by five" and inserting the words "knots by 5.75" in place thereof.

8. Section 23.141 is amended to read as follows:

§ 23.141 General.

The airplane must meet the requirements of §§ 23.143 through 23.221 at the normally expected operating altitudes.

§ 23.145 [Amended]

8a. Section 23.145 is amended by amending paragraphs (a)(2), (b)(1), (4), (6), and the lead-in sentence of paragraph (d) by striking out the figure "1.5 V_{s_1}" and inserting the words "a speed determined in accordance with § 23.161(c)(3), (4), or (5), as appropriate," in place thereof.

9. Section 23.149(a) is amended by adding a new subparagraph (5) to read as follows:

§ 23.149 Minimum control speed.

(a) * * *

(5) The propeller of the inoperative engine—

(i) Windmilling, with the propeller speed or pitch control in the takeoff position; or

(ii) Feathered, if the airplane has an automatic feathering device.

* * * * * * *

10. Section 23.161(c) is amended by amending subparagraphs (3), (4), and (5) to read as follows:

§ 23.161 Trim.

* * * * * * *

(c) *Longitudinal trim.* * * *

(3) A power approach with a 3° angle of descent, the landing gear extended, flaps retracted and—

(i) A speed between 1.3 V_{s_1} and 1.5 V_{s_1}, for airplanes of 6,000 pounds or less maximum weight; or

(ii) The speed used under § 23.75(a), for airplanes of more than 6,000 pounds maximum weight;

(4) A power approach with a 3° angle of descent, the landing gear extended, the most forward center of gravity approved for the maximum weight, and—

(i) A speed between 1.3 V_{s_1} and 1.5 V_{s_1}, with flaps extended, for airplanes of 6,000 pounds or less maximum weight; or

(ii) The speed and flap position used under § 23.75(a), for airplanes of more than 6,000 pounds maximum weight; and

(5) A power approach with a 3° angle of descent, the landing gear extended, the most forward center of gravity approved for any weight, and—

(i) A speed between 1.3 V_{s_1} and 1.5 V_{s_1}, with flaps extended, for airplanes of 6,000 pounds or less maximum weight; or

(ii) The speed and flap position used under § 23.75(a) for airplanes of more than 6,000 pounds maximum weight.

* * * * * * *

11. Section 23.175 is amended to read as follows:

§ 23.175 Demonstration of static longitudinal stability.

Static longitudinal stability must be shown as follows:

(a) *Climb.* The stick force curve must have a stable slope, at speeds between 85 and 115 percent of the trim speed, with—

(1) Flaps in the climb position;

(2) Landing gear retracted;

(3) 75 percent of maximum continuous power for reciprocating engines or the maximum power or thrust selected by the applicant as an operating limitation for use during a climb for turbine engines; and

(4) The airplane trimmed for V_y, except that the speed need not be less than 1.4 V_{s_1}.

(b) *Cruise—Landing gear retracted (or fixed gear).* (1) For the cruise conditions specified in subparagraphs (2) and (3) of this paragraph, the following apply:

(i) The speed need not be less than 1.3 V_{s_1}.

(ii) For airplanes with V_{NE} established under § 23.1505(a), the speed need not be greater than V_{NE}.

(iii) For airplanes with V_{MO}/M_{MO} established under § 23.1505(c), the speed need not be greater than a speed midway between V_{MO}/M_{MO} and the lesser of V_D/M_D or the speed demonstrated under § 23.251, except that for altitudes where Mach number in the limiting factor, the speed need not exceed that corresponding to the Mach number at which effective speed warning occurs.

(2) *High speed cruise.* The stick force curve must have a stable slope at all speeds within a range that is the greater of 15 percent of the trim speed plus the resulting free return speed range, or 40 knots plus the resulting free return speed range, above and below the trim speed (except that the speed range need not include speeds that require a stick force of more than 40 pounds), with—

(i) Flaps retracted.

(ii) Seventy-five percent of maximum continuous power for reciprocating engines or, for turbine engines, the maximum cruising power or thrust selected by the applicant as an operating limitation, except that the power need not exceed that required at V_{NE} for airplanes with V_{NE} established under § 23.1505(a), or that required at V_{MO}/M_{MO} for airplanes with V_{MO}/M_{MO} established under § 23.1505(c).

(iii) The airplane trimmed for level flight.

(3) *Low speed cruise.* The stick force curve must have a stable slope under all the conditions prescribed in subparagraph (2) of this paragraph, except that the power is that required for level flight at a speed midway between 1.3 V_{s_1} and the trim speed obtained in the high speed cruise condition under subparagraph (2) of this paragraph.

(c) *Landing gear extended (airplanes with retractable gear).* The stick force curve must have a stable slope at all speeds within a range from 15 percent of the trim speed plus the resulting free return speed range below the trim speed, to the trim speed (except that the speed range need not include speeds less than 1.4 V_{s_1} nor speeds greater than V_{LE}, nor speeds that require a stick force of more than 40 pounds), with—

(1) Landing gear extended;

(2) Flaps retracted;

(3) Power required for level flight at the trim speed; and

(4) The airplane trimmed for level flight.

(d) *Approach and landing.* The stick force curve must have a stable slope and the stick force may not exceed 40 pounds at speeds between 1.1 V_{s_1} and 1.8 V_{s_1} with—

(1) Wing flaps in the landing position;

(2) Landing gear extended;

(3) The airplane trimmed at a speed in compliance with § 23.161(c)(4) and (5).

(4) Enough power to maintain a 3° angle of descent.

§ 23.201 [Amended]

12. Section 23.201 is amended by striking out the words "mile per hour" and inserting the word "knot" in place thereof.

13. Section 23.207 is amended to read as follows:

§ 23.207 Stall warning.

(a) There must be a clear and distinctive stall warning, with the flaps and landing gear in any normal position, in straight and turning flight.

(b) The stall warning may be furnished either through the inherent aerodynamic qualities of the airplane or by a device that will give clearly distinguishable indications under expected conditions of flight. However, a visual stall warning device that requires the attention of the crew within the cockpit is not acceptable by itself.

(c) The stall warning must begin at a speed exceeding the stalling speed by a margin of not less than 5 knots, but not more than the greater of 10 knots or 15 percent of the stalling speed, and must continue until the stall occurs.

14. Section 23.221(a) is amended by inserting the words "or a 3-second spin, whichever takes longer" between the words "one-turn spin" and the words "in not more than".

15. Section 23.221(c) is amended by amending the introductory text and subparagraph (1) to read as follows:

§ 23.221 Spinning.

* * * * * * *

(c) *Acrobatic category.* An acrobatic category airplane must meet the following requirements:

(1) The airplane must recover from any point in a spin, in not more than one and one-half additional turns after normal recovery application of the controls. Prior to normal recovery application of the controls, the spin test must proceed for six turns or 3 seconds, whichever takes longer, with flaps retracted, and one turn or 3 seconds, whichever takes longer, with flaps extended. However, beyond 3 seconds, the spin may be discontinued when spiral characteristics appear with flaps retracted.

* * * * * * *

16. A new § 23.253 is added to read as follows:

§ 23.253 High speed characteristics.

If a maximum operating speed V_{MO}/M_{MO} is established under § 23.1505(c), the following speed increase and recovery characteristics must be met:

(a) Operating conditions and characteristics likely to cause inadvertent speed increases (including upsets in pitch and roll) must be simulated with the airplane trimmed at any likely cruise speed up to V_{MO}/M_{MO}. These conditions and characteristics include gust upsets, inadvertent control movements, low stick force gradient in relation to control friction, passenger movement, leveling off from climb, and descent from Mach to airspeed limit altitude.

(b) Allowing for pilot reaction time after effective inherent or artificial speed warning occurs, it must be shown that the airplane can be recovered to a normal attitude and its speed reduced to V_{MO}/M_{MO}, without—

(1) Exceptional piloting strength or skill;

(2) Exceeding V_D/M_D, the maximum speed shown under § 23.251, or the structural limitations; or

(3) Buffeting that would cause structural damage.

(c) There may be no control reversal about any axis at any speed up to the maximum speed shown under § 23.251. Any reversal of elevator control force or tendency of the airplane to pitch, roll, or yaw must be mild and readily controllable, using normal piloting techniques.

17. Section 23.333 is amended by amending paragraphs (c) and (d) to read as follows:

§ 23.333 Flight envelope.

* * * * * * *

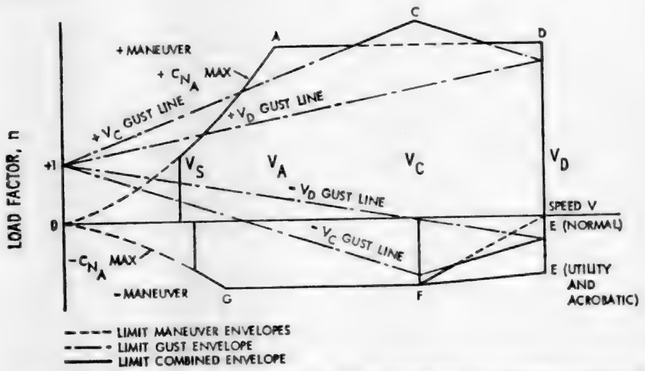
(c) *Gust envelope.* (1) The airplane is assumed to be subjected to symmetrical vertical gusts in level flight. The resulting limit load factors must correspond to the conditions determined as follows:

(i) Positive (up) and negative (down) gusts of 50 f.p.s. at V_C must be considered

at altitudes between sea level and 20,000 feet. The gust velocity may be reduced linearly from 50 f.p.s. at 20,000 feet to 25 f.p.s. at 50,000 feet.

(ii) Positive and negative gusts of 25 f.p.s. at V_D must be considered at altitudes between sea level and 20,000 feet. The gust velocity may be reduced linearly from 25 f.p.s. at 20,000 feet to 12.5 f.p.s. at 50,000 feet.

(2) The following assumptions must be made:



NOTE: Point G need not be investigated when the supplementary condition specified in § 23.369 is investigated.

18. Section 23.335 is amended by amending the lead-in sentence and paragraphs (a) and (b) to read as follows:

§ 23.335 Design airspeeds.

Except as provided in paragraph (a)(4) of this section, the selected design airspeeds are equivalent airspeeds (EAS).

(a) *Design cruising speed, V_C.* For V_C the following apply:

(1) V_C (in knots) may not be less than—

(i) $33\sqrt{W/S}$ (for normal and utility category airplanes); and

(ii) $36\sqrt{W/S}$ (for acrobatic category airplanes).

(2) For values of W/S more than 20, the multiplying factors may be decreased linearly with W/S to a value of 28.6 where $W/S=100$.

(3) V_C need not be more than 0.9 V_H at sea level.

(4) At altitudes where an M_D is established, a cruising speed M_C limited by compressibility may be selected.

(b) *Design dive speed V_D.* For V_D, the following apply:

(1) V_D/M_D may not be less than 1.25 V_C/M_C; and

(2) With $V_{C\ min}$ the required minimum design cruising speed, V_D (in knots) may not be less than—

(i) 1.40 $V_{C\ min}$ (for normal category airplanes);

(ii) 1.50 $V_{C\ min}$ (for utility category airplanes); and

(iii) 1.55 $V_{C\ min}$ (for acrobatic category airplanes).

(3) For values of W/S more than 20, the multiplying factors in subparagraph (2) of this paragraph may be decreased linearly with W/S to a value of 1.35 where $W/S=100$.

(4) Compliance with subparagraphs (1) and (2) of this paragraph need not be shown if V_D/M_D is selected so that the minimum speed margin between V_C/M_C and V_D/M_D is the greater of the following:

(i) The speed increase resulting when, from the initial condition of stabilized flight at V_C/M_C, the airplane is assumed to be upset, flown for 20 seconds along a flight path 7.5° below the initial path, and then pulled up with a load factor of 1.5 (0.5 g. acceleration increment). At least 75 percent maximum continuous power for reciprocating engines, and maximum cruising power for turbines, or, if less, the power required for V_C/M_C for both kinds of engines, must be assumed until the pullup is initiated, at which point power reduction and pilot-controlled drag devices may be used.

(ii) Mach 0.05 (at altitudes where an M_D is established).

* * * * *

§ 23.337 [Amended]

19. Section 23.337 is amended by amending paragraph (a) by striking out the words "nor may it be less than 2.5" following the number "3.8" in subparagraph (1).

20. Section 23.341 is amended to read as follows:

§ 23.341 Gust loads factors.

In the absence of a more rational analysis, the gust load factors must be computed as follows:

$$n=1+\frac{K_g U_{de} V a}{498\ (W/S)}$$

where—

$K_g=\frac{0.88\mu_g}{5.3+\mu_g}$ = gust alleviation factor;

$\mu_g=\frac{2(W/S)}{\rho C a g}$ = airplane mass ratio;

U_{de} = Derived gust velocities referred to in § 23.333(c) (f.p.s.);

ρ = Density of air (slugs/cu. ft.);

W/S = Wing loading (p.s.f.);

$\bar{C}$ = Mean geometric chord (ft.);

g = Acceleration due to gravity (ft./sec.^{2})

V = Airplane equivalent speed (knots); and

a = Slope of the airplane normal force coefficient curve C_{N_A} per radian if the gust loads are applied to the wings and horizontal tail surfaces simultaneously by a rational method. The wing lift curve slope C_L per radian may be used when the gust load is applied to the wings only and the horizontal tail gust loads are treated as a separate condition.

21. Section 23.345 is amended by amending paragraphs (a)(2) and (e) to read as follows:

§ 23.345 High lift devices.

(a) * * *

(2) Positive and negative gust of 25 feet per second acting normal to the flight path in level flight.

* * * * *

(e) The requirements of § 23.457, and this section may be complied with separately or in combination.

§ 23.349 [Amended]

22. Section 23.349 is amended by amending paragraph (a) by striking out the words "wing airload" in subparagraphs (1) and (2) and by inserting the words "semispan wing airload" in place thereof.

23. Section 23.361 is amended by amending paragraphs (a) and (b) to read as follows:

§ 23.361 Engine torque.

(a) Each engine mount and its supporting structure must be designed for the effects of—

(1) The limit torque corresponding to takeoff power and propeller speed acting simultaneously with 75 percent of the limit loads from flight condition A of § 23.333(d);

(2) The limit torque corresponding to the maximum continuous power and propeller speed, acting simultaneously with the limit loads from flight condition A of § 23.333(d); and

(3) For turbopropeller installations, in addition to the condition specified in subparagraphs (1) and (2) of this paragraph, the limit engine torque corresponding to takeoff power and propeller speed, multiplied by a factor accounting for propeller control system malfunction, including quick feathering, acting simultaneously with 1g. level flight loads. In the absence of a rational analysis, a factor of 1.6 must be used.

(b) The limit torque is obtained by multiplying the mean torque by a factor of—

(1) 1.25 for turbopropeller installations;

(2) 1.33 for engines with five or more cylinders; and

(3) Two, three, or four, for engines with four, three, or two cylinders, respectively.

* * * * *

24. A new § 23.367 is added to read as follows:

§ 23.367 Unsymmetrical loads due to engine failure.

(a) Turbopropeller airplanes must be designed for the unsymmetrical loads resulting from the failure of the critical engine including the following conditions in combination with a single malfunction of the propeller drag limiting system, considering the probable pilot corrective action on the flight controls:

(1) At speeds between V_{MC} and V_D, the loads resulting from power failure because of fuel flow interruption are considered to be limit loads.

(2) At speeds between V_{MC} and V_C, the loads resulting from the disconnection of the engine compressor from the turbine or from loss of the turbine blades are considered to be ultimate loads.

(3) The time history of the thrust decay and drag buildup occurring as a result of the prescribed engine failures must be substantiated by test or other data applicable to the particular engine-propeller combination.

(4) The timing and magnitude of the probable pilot corrective action must be conservatively estimated, considering the characteristics of the particular engine-propeller-airplane combination.

(b) Pilot corrective action may be assumed to be initiated at the time maximum yawing velocity is reached, but not earlier than 2 seconds after the engine failure. The magnitude of the corrective action may be based on the limit pilot forces specified in § 23.397 except that lower forces may be assumed where it is shown by analysis or test that these forces can control the yaw and roll resulting from the prescribed engine failure conditions.

§ 23.369 [Amended]

25. Section 23.369(a) is amended by striking out the formula

"$V=10\sqrt{W/S}+10$ (m.p.h.)"

and inserting in place thereof the formula "$V=8.7\sqrt{W/S}=8.7$ knots".

26. A new § 23.371 is added to read as follows:

§ 23.371 Gyroscopic loads.

For turbopropeller powered airplanes, each engine mount and its supporting structure must be designed for the gyroscopic loads that result, with the engines at maximum continuous r.p.m., under either of the following conditions:

(a) The conditions prescribed in §§ 23.351 and 23.423.

(b) All possible combinations of the following:

(1) A yaw velocity of 2.5 radians per second.

(2) A pitch velocity of 1 radian per second.

(3) A normal load factor of 2.5.

(4) Maximum continuous thrust.

27. A new § 23.373 is added to read as follows:

§ 23.373 Speed control devices.

If speed control devices (such as spoilers and drag flaps) are incorporated for use in enroute conditions—

(a) The airplane must be designed for the symmetrical maneuvers and gusts prescribed in §§ 23.333, 23.337, and 23.341, and the yawing maneuvers and lateral gusts in §§ 23.441 and 23.443, with the device extended at speeds up to the placard device extended speed; and

(b) If the device has automatic operating or load limiting features, the airplane must be designed for the maneuver and gust conditions prescribed in paragraph (a) of this section at the speeds and corresponding device positions that the mechanism allows.

28. Section 23.395 is amended by amending the title and adding a new sentence at the end of subparagraphs (1) and (2) of paragraph (a), and amending paragraph (c), to read as follows:

§ 23.395 Control system loads.

(a) * * *

(1) * * *. Pilot forces used for design need not exceed the maximum forces prescribed in § 23.397(b).

(2) * * *. Compliance with this subparagraph may be shown by designing for loads resulting from application of the minimum forces prescribed in § 23.397(b).

* * * * *

(c) Pilot forces used for design are assumed to act at the appropriate control grips or pads as they would in flight, and to react at the attachments of the control system to the control surface horns.

§ 23.397 [Amended]

29. Section 23.397 is amended by changing the title to read "Limit pilot forces", by deleting the title of paragraph (a), and by amending paragraph (b) as follows:

(1) The title "Limit pilot forces" is deleted.

(2) The table is amended by striking out the words "53 D in-pounds" in the second column and the words "40 D in-pounds" in the third column and inserting in place thereof the words "50 pounds" and the words "40 pounds", respectively.

(3) Footnote 4 is amended to read as follows:

[4] The force must be applied simultaneously to opposite sides of the wheel and in opposite directions.

30. Section 23.415(a)(2) is amended by amending the definition of "q" to read as follows:

§ 23.415 Ground gust conditions.

(a) * * *

(2) * * *

q = Dynamic pressure (p.s.f.) based on a design speed not less than $14.6\sqrt{W/S}+14.6$ (f.p.s.) except that the design speed need not exceed 88 (f.p.s.); and

* * * * *

§ 23.421 [Amended]

31. Section 23.421 is amended by amending paragraph (b) by striking out the number "6" in the reference to figure 6 and inserting in place thereof the number "B6".

§ 23.423 [Amended]

32. Section 23.423 is amended as follows:

(a) Paragraph (a) is amended by striking out the number "7" in the reference to figure 7 and inserting in place thereof the number "B7".

(b) Paragraph (b) is amended by—

(1) Striking out the numbers "2", "7", and "8" in the reference to figures 2, 7, and 8 and inserting in place thereof the numbers "B2", "B7", and "B8", respectively; and

(2) Striking out the number "45" wherever it appears in the table and inserting in place thereof the number "39".

(3) Striking out the words "miles per hour" in the definition of V and inserting in place thereof the word "knots".

33. Section 23.425 is amended by amending subparagraphs (1) and (2) of paragraph (a) and paragraphs (b) and (d) to read as follows:

§ 23.425 Gust loads.

(a) * * *

(1) Gust velocities specified in § 23.333(c) with flaps retracted; and

(2) Positive and negative gusts of 25 f.p.s. nominal intensity at V_F corresponding to the flight conditions specified in § 23.345(a)(2).

* * * * *

(b) The average loadings in figures B3 and B4 of Appendix B and the distribution in figure B8 of Appendix B may be used instead of the requirements of paragraph (a)(1) of this section.

* * * * *

(d) In the absence of a more rational analysis, the incremental tail load due to the gust must be computed as follows:

$$\Delta L_{ht}=\frac{K_g U_{de} V a_{ht} S_{ht}}{498}\left(1-\frac{d\epsilon}{d\alpha}\right)$$

where—

ΔL_{ht} = Incremental horizontal tail load (lbs.);

K_g = Gust alleviation factor defined in section 23.341;

U_{de} = Derived gust velocity (f.p.s.);

V = Airplane equivalent speed (knots);

a_{ht} = Slope of horizontal tail lift curve (per radian);

S_{ht} = Area of horizontal tail (ft.^{2}); and

$\left(1-\frac{d\epsilon}{d\alpha}\right)$ = Downwash factor.

§ 23.441 [Amended]

34. Section 23.441 is amended by amending paragraph (b) by striking out the numbers "1", "6", "7", and "8" in the references to figures 1, 6, 7, and 8, and inserting in place thereof the numbers "B1", "B6", "B7", and "B8", respectively.

35. Section 23.443 is amended to read as follows:

§ 23.443 Gust loads.

(a) Vertical tail surfaces must be designed to withstand, in unaccelerated flight at speed V_c, lateral gusts of the values prescribed for V_c in § 23.333(c).

(b) In the absence of a more rational analysis, the gust load must be computed as follows:

$$L_{vt} = \frac{K_{gt} U_{de} V a_{vt} S_{vt}}{498}$$

where—

L_{vt} = Vertical tail load (lbs.);

$K_{gt} = \frac{0.88 \mu_{gt}}{5.3 + \mu_{gt}}$ = gust alleviation factor;

$\mu_{gt} = \frac{2W}{\rho \bar{C}_t g a_{vt} S_{vt}} \left(\frac{K}{l_t}\right)^2$ = lateral mass ratio;

U_{de} = Derived gust velocity (f.p.s.);

ρ = Air density (slugs/cu. ft.);

W = Airplane weight (lbs.);

S_{vt} = Area of vertical tail (ft.²);

$\bar{C}_t$ = Mean geometric chord of vertical surface (ft.);

a_{vt} = Lift curve slope of vertical tail (per radian);

K = Radius of gyration in yaw (ft.);

l_t = Distance from airplane c.g. to lift center of vertical surface (ft.);

g = Acceleration due to gravity (ft./sec.²); and

V = Airplane equivalent speed (knots).

(c) The average loading in figure B5 and the distribution in figure B8 of Appendix B may be used.

36. Section 23.455 is amended by amending paragraph (b) to read as follows:

§ 23.455 Ailerons.

* * * * *

(b) The average loading in § B23.11 and figure B1 of Appendix B and the distribution in figure B9 of Appendix B may be used.

37. Section 23.473 is amended by amending paragraphs (a), (b), (c), and (g) to read as follows:

§ 23.473 Ground load conditions and assumptions.

(a) The ground load requirements of this subpart must be complied with at the design maximum weight except that §§ 23.479, 23.481, and 23.483 may be complied with at a design landing weight (the highest weight for landing conditions at the maximum descent velocity) allowed under paragraphs (b) and (c) of this section.

(b) The design landing weight may be as low as—

(1) 95 percent of the maximum weight if the minimum fuel capacity is enough for at least one-half hour of operation at maximum continuous power plus a capacity equal to a fuel weight which is the difference between the design maximum weight and the design landing weight; or

(2) The design maximum weight less the weight of 25 percent of the total fuel capacity.

(c) The design landing weight of a multiengine airplane may be less than that allowed under paragraph (b) of this section if—

(1) The airplane meets the one-engine-inoperative climb requirements of § 23.67 (a) or (b)(1); and

(2) Compliance is shown with the fuel jettisoning system requirements of § 23.1001.

* * * * *

(g) No inertia load factor used for design purposes may be less than 2.67, nor may the limit ground reaction load factor be less than 2.0 at design maximum weight, unless these lower values will not be exceeded in taxiing at speeds up to takeoff speed over terrain as rough as that expected in service.

38. Section 23.505 is amended to read as follows:

§ 23.505 Supplementary conditions for skiplanes.

In determining ground loads for skiplanes, and assuming that the airplane is resting on the ground with one main ski frozen at rest and the other skis free to slide, a limit side force equal to 0.036 times the design maximum weight must be applied near the tail assembly, with a factor of safety of 1.

39. A new § 23.511 is added to read as follows:

§ 23.511 Ground load; unsymmetrical loads on multiple-wheel units.

(a) *Pivoting loads.* The airplane is assumed to pivot about on side of the main gear with—

(1) The brakes on the pivoting unit locked; and

(2) Loads corresponding to a limit vertical load factor of 1, and coefficient of friction of 0.8, applied to the main gear and its supporting structure.

(b) *Unequal tire loads.* The loads established under §§ 23.471 through 23.483 must be applied in turn, in a 60/40 percent distribution, to the dual wheels and tires in each dual wheel landing gear unit.

(c) *Deflated tire loads.* For the deflated tire condition—

(1) 60 percent of the loads established under §§ 23.471 through 23.483 must be applied in turn to each wheel in a landing gear unit; and

(2) 60 percent of the limit drag and side loads, and 100 percent of the limit vertical load established under §§ 23.485 and 23.493 or lesser vertical load obtained under subparagraph (1) of this paragraph, must be applied in turn to each wheel in the dual wheel landing gear unit.

40. Section 23.561 is amended by amending paragraph (c)(3) and the introductory text of paragraph (d) to read as follows:

§ 23.561 General.

* * * * *

(c) * * *

(3) Assuming, in the absence of a more rational analysis—

(i) A downward ultimate inertia force of $3g$; and

(ii) A coefficient of friction of 0.5 at the ground.

(d) If a turnover is reasonably probable, the structure must be designed to protect the occupants in a complete turnover, assuming, in the absence of a more rational analysis—

* * * * *

41. A new § 23.572 is added to read as follows:

§ 23.572 Wing and associated structure.

(a) The strength, detail design, and fabrication of those parts of the wing, wing carrythrough, and attaching structure whose failure would be catastrophic must be evaluated under either of the following unless it is shown that the structure, operating stress level, materials, and expected use are comparable, from a fatigue standpoint, to a similar design that has had extensive satisfactory service experience:

(1) A fatigue strength investigation, in which the structure is shown by analysis, tests, or both, to be able to withstand the repeated loads of variable magnitude expected in service.

(2) A fail safe strength investigation in which it is shown by analysis, tests, or both, that catastrophic failure of the structure is not probable after fatigue failure, or obvious partial failure, of a principal structural element, and that the remaining structure is able to withstand a static ultimate load factor of 75 percent of the critical limit load factor at V_c. These loads must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered.

* * * * *

42. Section 23.611 is amended to read as follows:

§ 23.611 Accessibility.

Means must be provided to allow inspection (including inspection of principal structural elements and control systems), close examination, repair, and replacement of each part requiring maintenance, adjustments for proper alignment and function, lubrication or servicing.

43. Section 23.615 is amended by amending subparagraphs (1) and (2) of paragraph (a) to read as follows:

§ 23.615 Design properties.

(a) * * *

(1) Where applied loads are eventually distributed through a single member within an assembly, the failure of which would result in the loss of the structural integrity of the component involved, the guaranteed minimum design mechanical properties ("A" values) when listed in MIL-HDBK-5 must be met.

(2) Redundant structures in which the partial failure of individual elements would result in applied loads being safely distributed to other load carrying members may be designed on the basis of the "90 percent probability" ("B" values) when listed in MIL-HDBK-5. Examples

of these items are sheet-stiffener combinations and multirivet or multiple-bolt connections.

* * * * *

44. Section 23.617 is deleted.

45. Section 23.619 is amended to read as follows:

§ 23.619 Special factors.

The factor of safety prescribed in § 23.303 must be multiplied by the highest pertinent special factors of safety prescribed in §§ 23.621 through 23.625 for each part of the structure whose strength is—

(1) Uncertain;

(2) Likely to deteriorate in service before normal replacement; or

(3) Subject to appreciable variability because of uncertainties in manufacturing processes or inspection methods.

46. Section 23.623 is amended to read as follows:

§ 23.623 Bearing factors.

(a) Each part that has clearance (free fit), and that is subject to pounding or vibration, must have a bearing factor large enough to provide for the effects of normal relative motion.

(b) For control surface hinges and control system joints, compliance with the factors prescribed in §§ 23.657 and 23.693, respectively, meets paragraph (a) of this section.

47. Section 23.625 is amended by adding a new paragraph (d) to read as follows:

§ 23.625 Fitting factors.

* * * * *

(d) For each seat, berth, safety belt, and harness, its attachment to the structure must be shown, by analysis, tests, or both, to be able to withstand the inertia forces prescribed in § 23.561 multiplied by a fitting factor of 1.33.

48. Section 23.629 is amended by redesignating paragraphs (b) and (c) as paragraphs (c) and (d) and by amending paragraph (a) and by adding new paragraphs (b) and (e) to read as follows:

§ 23.629 Flutter.

(a) The wings, tail, and control surfaces must be free from flutter, airfoil divergence, and control reversal from lack of rigidity for any condition of operation within the limit V-n envelope, including all speeds up to the lesser of 1.4 V_c and 1.2 V_D, but not less than V_D, except as provided in paragraph (b). In addition—

(1) Adequate wing torsional rigidity must be shown by tests or other approved methods;

(2) The mass balance of surfaces must be designed to prevent flutter; and

(3) The natural frequencies of main structural components must be determined by vibration tests or other approved methods.

(b) A smaller margin above V_D than that permitted in paragraph (a) of this section may be used if flight flutter tests demonstrate that—

(1) A proper margin of damping exists at V_D; and

(2) There is no large and rapid reduction in damping as V_D is approached.

* * * * *

(e) For multiengine turbopropeller powered airplanes, the dynamic evaluation must include—

(1) The significant elastic, inertia, and aerodynamic forces associated with the rotations and displacements of the plane of the propeller; and

(2) Engine-propeller-nacelle stiffness and damping variations appropriate to the particular configuration.

§ 23.643 [Deleted]

49. Section 23.643 is deleted.

50. Section 23.677 is amended by amending the introductory text of paragraph (b) to read as follows:

§ 23.677 Trim systems.

* * * * *

(b) Trimming devices must be designed so that, when any one connecting or transmitting element in the primary flight control system fails, adequate control for safe flight and landing is available with—

* * * * *

51. Section 23.683 is amended by amending paragraph (b)(1) to read as follows:

§ 23.683 Operation tests.

* * * * *

(b) * * *

(1) For the entire system, loads corresponding to the limit airloads on the appropriate surface, or the limit pilot forces in § 23.397(b), whichever are less; and

* * * * *

52. Section 23.689 is amended by amending paragraph (b) to reads as follows:

§ 23.689 Cable systems.

* * * * *

(b) Each kind and size of pulley must correspond to the cable with which it is used. Each pulley must have closely fitted guards to prevent the cables from being misplaced or fouled, even when slack. Each pulley must lie in the plane passing through the cable so that the cable does not rub against the pulley flange.

* * * * *

§ 23.721 [Deleted]

53. Section 23.721 is deleted.

54. Section 23.725 is amended by amending the introductory text in paragraph (b) and by amending paragraph (c) to read as follows:

§ 23.725 Limit drop tests.

* * * * *

(b) If the effect of wing lift is provided for in free drop tests, the landing gear must be dropped with an effective weight equal to * * *

(c) The limit inertia load factor must be determined in a rational or conservative manner, during the drop test, using a landing gear unit attitude, and applied drag loads, that represent the landing conditions.

* * * * *

55. A new § 23.726 is added to read as follows:

§ 23.726 Ground load dynamic tests.

(a) If compliance with the ground load requirements of §§ 23.479 through 23.483 is shown dynamically by drop test, one drop test must be conducted that meets § 23.725 except that the drop height must be—

(1) 2.25 times the drop height prescribed in § 23.725(a); or

(2) Sufficient to develop 1.5 times the limit load factor.

(b) The critical landing condition for each of the design conditions specified in §§ 23.479 through 23.483 must be used for proof of strength.

56. Section 23.727 is amended by amending paragraph (b) to read as follows:

§ 23.727 Reserve energy absorption drop tests.

* * * * *

(b) If the effect of wing lift is provided for, the units must be dropped with an effective mass equal to $W_e = W\left(\frac{h}{h+d}\right)$, when the symbols and other details are the same as in § 23.725.

57. Section 23.729 is amended by amending paragraphs (a)(2) and (e) and by adding a new paragraph (f) to read as follows:

§ 23.729 Retracting mechanism.

(a) * * *

(2) The landing gear and retracting mechanism, including the wheel well doors, must withstand flight loads, including loads resulting from all yawing conditions specified in § 23.351, with the landing gear extended at any speed up to at least 1.6 V_{s_1} with the flaps retracted.

* * * * *

(e) *Landing gear position.* There must be means to indicate to the pilot when the wheels are secured in the extreme positions.

(f) *Landing gear warning.* For landplanes, the following aural or equally effective landing gear warning devices must be provided:

(1) A device that functions continuously when one or more throttles are closed if the landing gear is not fully extended and locked. A throttle stop may not be used in place of an aural device. If there is a manual shutoff for the warning device, it must be installed so that reopening the throttle will reset the warning device.

(2) A device that functions continuously when the wing flaps are extended to or beyond the approach flap position, using a normal landing procedure, if the landing gear is not fully extended and locked. There may not be a manual shutoff for this warning device. The flap position sensing unit may be installed at any suitable location. The system for this

device may use any part of the system (including the aural warning device) for the device required in subparagraph (1) of this paragraph.

58. Section 23.733(a) is amended to read as follows:

§ 23.733 Tires.

(a) Each landing gear wheel must have a tire whose tire rating (assigned by the Tire and Rim Association or the Administrator) is not exceeded—

(1) By a load on each main wheel tire equal to the corresponding static ground reaction under the design maximum weight and critical center of gravity; and

(2) By a load on nose wheel tires (to be compared with the dynamic rating established for such tires) equal to the reaction obtained at the nose wheel, assuming the mass of the airplane to be concentrated at the most critical center of gravity and exerting a force of $1.0W$ downward and $0.31W$ forward (where W is the design maximum weight), with the reactions distributed to the nose and main wheels by the principles of statics, and with the drag reaction at the ground applied only at wheels with brakes.

* * * * *

59. Section 23.735 is amended to read as follows:

§ 23.735 Brakes.

(a) Brakes must be provided so that the brake kinetic energy capacity rating of each main wheel brake assembly is not less than the kinetic energy absorption requirements determined under either of the following methods:

(1) The brake kinetic energy absorption requirements must be based on a conservative rational analysis of the sequence of events expected during landing at the design landing weight.

(2) Instead of a rational analysis, the kinetic energy absorption requirements for each main wheel brake assembly may be derived from the following formula:

$$KE = \frac{0.0444WV_{s_0}^{\ 2}}{N}$$

where—

KE = Kinetic energy per wheel (ft.-lb.);
W = Design landing weight (lb.);
V_{s_0} = Poweroff stalling speed in knots, of the airplane at sea level, at the design landing weight, and in the landing configuration; and
N = Number of main wheels.

(b) Brakes must be able to prevent the wheels from rolling on a paved runway with takeoff power on the critical engine, but need not prevent movement of the airplane with wheels locked.

60. Section 23.775 is amended by amending paragraph (c), and by adding a new paragraph (e), to read as follows:

§ 23.775 Windshields and windows.

* * * * *

(c) On pressurized airplanes that do not comply with the fail-safe requirements of paragraph (e) of this section, an enclosure canopy including a representative part of the installation must be subjected to special tests to account for the combined effects of continuous and cyclic pressurization loadings and flight loads.

* * * * *

(e) If certification for operation above 25,000 feet is requested, the windshields, window panels, and canopies must be strong enough to withstand the maximum cabin pressure differential loads combined with critical aerodynamic pressure and temperature effects, after failure of any load-carrying element of the windshield, window panel, or canopy.

61. Section 23.777 is amended by adding a new paragraph (f) to read as follows:

§ 23.777 Cockpit controls.

* * * * *

(f) Each fuel feed selector control must be located and arranged so that the pilot can see and reach it without moving any seat or primary flight control when his seat is at any position in which it can be placed.

62. Section 23.785 is amended by deleting the flush paragraph following paragraph (f)(3) and by adding a new paragraph (g) to read as follows:

§ 23.785 Seats and berths.

* * * * *

(g) Each occupant must be protected from head injury by—

(1) A safety belt and shoulder harness that will prevent the head from contacting any injurious object;

(2) A safety belt plus the elimination of any injurious object within striking radius of the head; or

(3) A safety belt plus an energy absorbing rest that will support the arms, shoulders, head and spine.

63. Section 23.807 is amended by amending paragraph (a)(1) to read as follows:

§ 23.807 Emergency exits.

(a) *Number and location.* * * *

(1) For an airplane with engines mounted on the wings or on the side of the fuselage and that has a seating capacity of less than 16, and for an airplane with one or more engines mounted on the approximate centerline of the fuselage and that has a seating capacity of more than five, but less than 16, at least one emergency exit on the opposite side of the cabin from the main door specified in § 23.783.

* * * * *

64. Section 23.841 is amended by amending paragraph (f) to read as follows:

§ 23.841 Pressurized cabins.

* * * * *

(f) Warning indicators at the pilot station to indicate when the safe or preset pressure differential and absolute cabin pressure limits are exceeded. Appropriate warning markings on the cabin pressure differential indicator meet the warning requirement for pressure differential limits and an aural or visual signal (in addition to cabin altitude indicating means) meets the warning requirement for absolute cabin pressure limits.

* * * * *

65. A new center heading entitled "Lightning Evaluation" is added following § 23.859 and a new § 23.867 is added following that heading to read as follows:

§ 23.867 Lightning protection of structure.

(a) The airplane must be protected against catastrophic effects from lightning.

(b) For metallic components, compliance with paragraph (a) of this section may be shown by—

(1) Bonding the components properly to the airframe; or

(2) Designing the components so that a strike will not endanger the airplane.

(c) For nonmetallic components, compliance with paragraph (a) of this section may be shown by—

(1) Designing the components to minimize the effect of a strike; or

(2) Incorporating acceptable means of diverting the resulting electrical current so as not to endanger the airplane.

66. Section 23.871 is amended to read as follows:

§ 23.871 Leveling means.

There must be means for determining when the airplane is in a level position on the ground.

67. Section 23.901 is amended by amending paragraph (b)(1) to read as follows:

§ 23.901 Installation.

* * * * *

(b) Each powerplant must be constructed, arranged, and installed to—

(1) Insure safe operation to the maximum altitude for which approval is requested.

* * * * *

68. A new § 23.909 is added to read as follows:

§ 23.909 Turbosuperchargers.

(a) Each turbosupercharger must be approved under the engine type certificate or it must be shown that the turbosupercharger system—

(1) Can withstand, without defect, an endurance test of 150 hours that meets the applicable requirements of § 33.49 of this subchapter; and

(2) Will have no adverse effect upon the engine.

(b) Control system malfunctions, vibrations, and abnormal speeds and temperatures expected in service may not damage the turbosupercharger compressor or turbine.

(c) Each turbosupercharger case must be able to contain fragments of a compressor or turbine that fails at the highest speed that is obtainable with normal speed control devices inoperative.

69. A new § 23.933 is added to read as follows:

§ 23.933 Reversing systems.

(a) Reversing systems intended for ground operation only must be designed so that no single failure or malfunction of the system will result in unwanted reverse thrust under any expected operating condition. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(b) Turbojet reversing systems intended for inflight use must be designed so that no unsafe condition will result during normal operation of the system, or from any failure (or reasonably likely combination of failures) of the reversing system, under any anticipated condition of operation of the airplane. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(c) Each turbojet reversing system must have means to prevent the engine from producing more than idle forward thrust when the reversing system malfunctions, except that it may produce any greater forward thrust that is shown to allow directional control to be maintained, with aerodynamic means alone, under the most critical reversing condition expected in operation.

70. A new § 23.937 is added to read as follows:

§ 23.937 Turbopropeller-drag limiting systems.

Turbopropeller-powered airplane propeller-drag limiting systems must be designed so that no single failure or malfunction of any of the systems during normal or emergency operation results in propeller drag in excess of that for which the airplane was designed under the structural requirements of this part. Failure of structural elements of the drag limiting systems need not be considered if the probability of this kind of failure is extremely remote.

71. A new § 23.939 is added to read as follows:

§ 23.939 Turbine engine powerplant operating characteristics.

(a) Turbine engine powerplant operating characteristics must be investigated in flight to determine that no adverse characteristics (such as stall, surge, or flameout) are present, to a hazardous degree, during normal and emergency operation within the range of operating limitations of the airplane and of the engine.

(b) No hazardous malfunction of the turbine engine may occur when the airplane is flown at the negative acceleration, within the flight envelope prescribed in § 23.333, that is most critical from a fuel flow standpoint. This must be shown for the greatest duration expected for that acceleration.

(c) The vibration characteristics of turbine engine components whose failure could be catastrophic may not be adversely affected during normal operation.

72. Section 23.953 is amended by amending paragraph (c)(1) to read as follows:

§ 23.953 Fuel system independence.

* * * * *

(b) * * *

(1) Independent tank outlets for each engine, each incorporating a shutoff valve at the tank. This shutoff valve may also serve as the fire wall shutoff valve required if the line between the valve and the engine compartment does not contain more than one quart of fuel (or any greater amount shown to be safe) that can drain into the engine compartment.

* * * * *

73. A new § 23.954 is added to read as follows:

§ 23.954 Fuel system lightning protection.

The fuel system must be designed and arranged to prevent the ignition of fuel vapor within the system by—

(a) Direct lightning strikes to areas having a high probability of stroke attachment;

(b) Swept lightning strokes on areas where swept strokes are highly probable; and

(c) Corona or streamering at fuel vent outlets.

74. Section 23.955 is amended by amending paragraph (c), the lead-in sentence of paragraph (d), and adding new paragraphs (e) and (f) to read as follows:

§ 23.955 Fuel flow.

* * * * *

(c) *Pump systems.* The fuel flow rate for each pump system (main and reserve supply) for each reciprocating engine, must be 125 percent of the takeoff fuel flow of the engine at the maximum power approved for takeoff under Part 33 of this chapter or lesser power selected and approved for takeoff under this part.

* * * * *

(d) *Auxiliary fuel systems and fuel transfer systems.* Paragraphs (b), (c), and (f) of this section apply to each auxiliary and transfer system, except that—

* * * * *

(e) *Multiple fuel tanks.* If a reciprocating engine can be supplied with fuel from more than one tank, it must be possible, in level flight, to regain full power and fuel pressure to that engine in not more than 10 seconds (for single-engine airplanes) or 20 seconds (for multiengine airplanes) after switching to any full tank after engine malfunctioning due to fuel depletion becomes apparent while the engine is being supplied from any other tank.

(f) *Turbine engine fuel systems.* Each turbine engine fuel system must provide at least 100 percent of the fuel flow required by the engine under each intended operation condition and maneuver. This conditions may be simulated in a suitable mockup. This flow must—

(1) Be shown with the airplane in the most adverse fuel feed condition (with respect to altitudes, attitudes, and other conditions) that is expected in operation; and

(2) Be automatically uninterrupted with respect to any engine until all fuel scheduled for use by the engine has been consumed.

75. Section 23.959 is amended to read as follows:

§ 23.959 Unusable fuel supply.

The unusable fuel supply for each tank must be established as not less than that quantity at which the first evidence of malfunctioning occurs under the most adverse fuel feed condition occurring under each intended operation and flight maneuver involving that tank.

76. Section 23.967 is amended by adding a new paragraph (a)(6) to read as follows:

§ 23.967 Fuel tank installation.

(a) * * *

(6) Syphoning of fuel (other than minor spillage) or collapse of bladder fuel cells may not result from improper securing or loss of the fuel filler cap.

* * * * *

77. Section 23.991 is amended by amending paragraphs (a) and (b) to read as follows:

§ 23.991 Fuel pumps.

(a) *Main pumps.* For main pumps, the following apply:

(1) For reciprocating engine installations having fuel pumps to supply fuel to the engine, at least one pump for each engine must be directly driven by the engine and must meet § 23.955. This pump is a main pump.

(2) For turbine engine installations, each fuel pump required for proper engine operation, or required to meet the fuel system requirements of this subpart (other than those in paragraph (b) of this section), is a main pump. In addition—

(i) There must be at least one main pump for each turbine engine;

(ii) The power supply for the main pump for each engine must be independent of the power supply for each main pump for any other engine; and

(iii) For each main pump, provision must be made to allow the bypass of each positive displacement fuel pump other than a fuel injection pump approved as part of the engine.

(b) *Emergency pumps.* There must be an emergency pump immediately available to supply fuel to the engine if any main pump (other than a fuel injection pump approved as part of an engine) fails. The power supply for each emergency pump must be independent of the power supply for each corresponding main pump.

* * * * *

78. A new § 23.994 is added to read as follows:

§ 23.994 Fuel system components.

Fuel system components in an engine nacelle or in the fuselage must be protected from damage which could cause the release of fuel as a result of a wheels-up landing.

79. Section 23.997 is amended by adding a new paragraph (d) to read as follows:

§ 23.997 Fuel strainer or filter.

* * * * *

(d) For turbine engine fuel systems, unless there are means in the fuel system to prevent the accumulation of ice on the

filter, there must be means to automatically maintain the fuel flow if ice-clogging of the filter occurs.

80. A new § 23.1001 is added to read as follows:

§ 23.1001 Fuel jettisoning system.

(a) If the design landing weight is less than that permitted under the requirements of § 23.473(b), the airplane must have a fuel jettisoning system installed that is able to jettison enough fuel to bring the maximum weight down to the design landing weight. The average rate of fuel jettisoning must be at least 1 percent of the maximum weight per minute, except that the time required to jettison the fuel need not be less than 10 minutes.

(b) Fuel jettisoning must be demonstrated at maximum weight with flaps and landing gear up and in—

(1) A power-off glide at 1.4 V_{S_1};

(2) A climb at the one-engine-inoperative best rate-of-climb speed, with the critical engine inoperative and the remaining engines at maximum continuous power; and

(3) Level flight at 1.4 V_{S_1}, if the results of the tests in the conditions specified in subparagraphs (1) and (2) of this paragraph show that this condition could be critical.

(c) During the flight tests prescribed in paragraph (b) of this section, it must be shown that—

(1) The fuel jettisoning system and its operation are free from fire hazard;

(2) The fuel discharges clear of any part of the airplane;

(3) Fuel or fumes do not enter any parts of the airplane; and

(4) The jettisoning operation does not adversely affect the controllability of the airplane.

(d) For reciprocating engine powered airplanes, the jettisoning system must be designed so that it is not possible to jettison the fuel in the tanks used for takeoff and landing below the level allowing 45 minutes flight at 75 percent maximum continuous power. However, if there is an auxiliary control independent of the main jettisoning control, the system may be designed to jettison all the fuel.

(e) For turbine engine powered airplanes, the jettisoning system must be designed so that it is not possible to jettison fuel in the tanks used for takeoff and landing below the level allowing climb from sea level to 10,000 feet and thereafter allowing 45 minutes cruise at a speed for maximum range.

(f) The fuel jettisoning valve must be designed to allow flight personnel to close the valve during any part of the jettisoning operation.

(g) Unless it is shown that using any means (including flaps, slots, and slats) for changing the airflow across or around the wings does not adversely affect fuel jettisoning, there must be a placard, adjacent to the jettisoning control, to warn flight crewmembers against jettisoning fuel while the means that change the airflow are being used.

(h) The fuel jettisoning system must be designed so that any reasonably probable single malfunction in the system will not result in a hazardous condition due to unsymmetrical jettisoning of, or inability to jettison, fuel.

81. Section 23.1017 is amended by amending paragraph (a) to read as follows:

§ 23.1017 Oil lines and fittings.

(a) *Oil lines.* Oil lines must meet § 23.993 and must accommodate a flow of oil at a rate and pressure adequate for proper engine functioning under any normal operating condition.

* * * * *

82. Section 23.1041 is amended to read as follows:

§ 23.1041 General.

The powerplant cooling provisions must be able to maintain the temperatures of powerplant components and engine fluids, within the temperature limit established during ground and flight operation to the maximum altitude for which approval is requested.

83. Section 23.1043 is amended by deleting paragraph (a)(4) and by amending the lead-in sentence of paragraph (a) and paragraphs (b) and (c) to read as follows:

§ 23.1043 Cooling tests.

(a) *General.* Compliance with § 23.1041 must be shown under critical ground, water, and flight operating conditions to the maximum altitude for which approval is requested. For turbosupercharged engines, each turbosupercharger must be operated through that part of the climb profile for which operation with the turbosupercharger is requested and in a manner consistent with its intended operation. For these tests, the following apply:

* * * * *

(b) *Maximum anticipated air temperature.*

(1) For cooling tests of reciprocating engines the maximum anticipated temperature (hot-day condition) is 100° F. at sea level, decreasing from this value at the rate of 3.6° F. per thousand feet of altitude above sea level up to the altitude at which a temperature of −69.7° F. is reached, above which altitude the temperature is constant at −69.7° F. However, cooling test results for winterization installations may be corrected to any desired temperature.

(2) For cooling tests of turbine engine installations, the applicant must show that the airplane has the cooling capability prescribed in § 23.1041, at a corrected hot-day temperature of not less than 100° F. at sea level, decreasing with altitude as prescribed in subparagraph (1) of this paragraph.

(c) *Correction factor (except cylinder barrels).* Unless a more rational correction applies, temperatures of engine fluids and powerplant components (except cylinder barrels) for which temperature limits are established, must be corrected by adding to them the difference between the maximum ambient atmospheric temperature and the temperature of the ambient air at the time of the first occurrence of the maximum component or fluid temperature recorded during the cooling test.

84. Section 23.1045 is amended to read as follows:

§ 23.1045 Cooling test procedures for turbine engine powered airplanes.

(a) Compliance with § 23.1041 must be shown for the takeoff, climb, en route, and landing stages of flight that correspond to the applicable performance requirements. The cooling tests must be conducted with the airplane in the configuration, and operating under the conditions, that are critical relative to cooling during each stage of flight. For the cooling tests, a temperature is "stabilized" when its rate of change is less than 2° F. per minute.

(b) Temperatures must be stabilized under the conditions from which entry is made into each stage of flight being investigated, unless the entry condition normally is not one during which component and engine fluid temperatures would stabilize (in which case, operation through the full entry condition must be conducted before entry into the stage of flight being investigated in order to allow temperatures to reach their natural levels at the time of entry). The takeoff cooling test must be preceded by a period during which the powerplant component and engine fluid temperatures are stabilized with the engines at ground idle.

(c) Cooling tests for each stage of flight must be continued until—

(1) The component and engine fluid temperatures stabilize;

(2) The stage of flight is completed; or

(3) An operating limitation is reached.

85. Section 23.1047 is amended to read as follows:

§ 23.1047 Cooling test procedures for reciprocating engine powered airplanes.

(a) For each single-engine airplance powered with a reciprocating engine, engine cooling tests must be conducted as follows:

(1) Engine temperatures must be stabilized in flight with the engines at not less than 75 percent of maximum continuous power.

(2) After temperatures have stabilized, a climb must be begun at the lowest practicable altitude and continued for 1 minute with the engine at takeoff power.

(3) At the end of 1 minute, the climb must be continued at maximum continuous power for at least 5 minutes after the occurrence of the highest temperature recorded.

(b) The climb required in paragraph (a) of this section must be conducted at a speed not more than the best rate-of-climb speed with maximum continuous power unless—

(1) The slope of the flight path at the speed chosen for the cooling test is equal to or greater than the minimum required angle of climb determined under § 23.65(a)(1); and

(2) The airplane has a cylinder head temperature indicator as specified in § 23.1337(e).

(c) The stabilizing and climb parts of the test must be conducted with cowl flap settings selected by the applicant.

(d) For each multiengine airplane powered with reciprocating engines, that meets the minimum one-engine-inoperative climb performance specified in § 23.67(a) or § 23.67(b)(1), engine cooling tests must be conducted as follows:

(1) The airplane must be in the configuration specified in § 23.67(a) or § 23.67(b)(1), except that, when above the critical altitude, the operating engines must be at maximum continuous power or at full throttle.

(2) The stabilizing and climb parts of the tests must be conducted with cowl flap settings selected by the applicant.

(3) The temperatures of the operating engines must be stabilized in flight, with the engines at not less than 75 percent of the maximum continuous power.

(4) After engine temperatures have stabilized, a climb must be—

(i) Begun from 1,000 feet below the critical altitude (or, if this is impracticable, at the lowest altitude that the terrain will allow) or 1,000 feet below the altitude at which the single-engine-inoperative rate of climb is 0.02 $V_{S_0}^2$ whichever is lower; and

(ii) Continued for at least 5 minutes after the highest temperature has been recorded.

(5) The climb must be conducted at a speed not more than the highest speed at which compliance with the climb requirement of § 23.67(a) or § 23.67(b)(1) can be shown. If the speed used exceeds the speed for best rate of climb with one engine inoperative, the airplane must have a cylinder head temperature indicator as specified in § 23.1337(e).

(e) For each multiengine airplane powered with reciprocating engines that cannot meet the minimum one-engine-inoperative climb performance specified in § 23.67(a) or § 23.67(b)(1), engine cooling tests must be conducted as prescribed in paragraph (d) of this section, except that, after stabilizing temperatures in flight, the climb (or descent, for airplanes with zero or negative one-engine-inoperative rates of climb) must be—

(1) Begun as close to sea level as is practicable; and

(2) Conducted at the best rate-of-climb speed (or the speed of minimum rate of descent, for airplanes with zero or negative one-engine-inoperative rates of climb).

86. Section 23.1091 is amended by deleting paragraphs (d) and (e), and by amending paragraphs (b) and (c) to read as follows:

§ 23.1091 Air induction.

* * * * *

(b) Each reciprocating engine installation must have at least two separate air intake sources and must meet the following:

(1) Primary air intakes may open within the cowling if that part of the cowling is isolated from the engine accessory section by a fire-resistant diaphragm or if there are means to prevent the emergence of backfire flames.

(2) Each alternate air intake must be located in a sheltered position and may not open within the cowling if the emergence of backfire flames will result in a hazard.

(3) The supplying of air to the engine through the alternate air intake system may not result in a loss of excessive power in addition to the power loss due to the rise in air temperature.

(c) For turbine engine powered airplanes—

(1) There must be means to prevent hazardous quantities of fuel leakage or overflow from drains, vents, or other components of flammable fluid systems from entering the engine intake system; and

(2) The air inlet ducts must be located or protected so as to minimize the ingestion of foreign matter during takeoff, landing, and taxiing.

87. Section 23.1093 is amended to read as follows:

§ 23.1093 Induction system icing protection.

(a) Each reciprocating engine air induction system must have means to prevent and eliminate icing. Unless this is done by other means, it must be shown that, in air free of visible moisture at a temperature of 30° F.—

(1) Each airplane with sea level engines using conventional venturi carburetors has a preheater that can provide a heat rise of 90° F. with the engines at 75 percent of maximum continuous power;

(2) Each airplane with altitude engines using conventional venturi carburetors has a preheater that can provide a heat rise of 120° F. with the engines at 75 percent of maximum continuous power;

(3) Each airplane with altitude engines using carburetors tending to prevent icing has a preheater that, with the engines at 60 percent of maximum continuous power, can provide a heat rise of—

(i) 100° F.; or

(ii) 40° F., if a fluid deicing system meeting the requirements of §§ 23.1095 through 23.1099 is installed;

(4) Each single-engine airplane with a sea level engine using a carburetor tending to prevent icing has a sheltered alternate source of air with a preheat of not less than that provided by the engine cooling air down-stream of the cylinders; and

(5) Each multiengine airplane with sea level engines using a carburetor tending to prevent icing has a perheater that can provide a heat rise of 90° F. with the engines at 75 percent of maximum continuous power.

(b) Each turbine engine must be able to operate throughout its flight power range without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C of Part 25 of this chapter. In addition, there must be means to indicate to appropriate flight crewmembers the functioning of the powerplant ice protection system.

88. Section 23.1103 is amended by amending paragraph (a) to read as follows:

§ 23.1103 Induction system ducts.

(a) Each induction system duct must have a drain to prevent the accumulation of fuel or moisture in the normal ground and flight attitudes. No drain may discharge where it will cause a fire hazard.

* * * * *

89. A new § 23.1111 is added to read as follows:

§ 23.1111 Turbine engine bleed air system.

For turbine engine bleed air systems, the following apply:

(a) No hazard may result if duct rupture or failure occurs anywhere between the engine port and the airplane unit served by the bleed air.

(b) The effect on airplane and engine performance of using maximum bleed air must be established.

(c) For bleed air systems used for direct cabin pressurization, no failure of the engine lubrication system may result in contamination of cabin air systems.

90. Section 23.1121 is amended by adding a new paragraph (g) to read as follows:

§ 23.1121 General.

* * * * *

(g) If significant traps exists, each turbine engine exhaust system must have drains discharging clear of the airplane, in any normal ground and flight attitude, to prevent fuel accumulation after the failure of an attempted engine start.

91. Section 23.1141 is amended by adding a new paragraph (e) to read as follows:

§ 23.1141 Powerplant controls: general.

* * * * *

(e) For turbine engine powered airplanes, no single failure or malfunction, or probable combination thereof, in any powerplant control system may cause the failure of any powerplant function necessary for safety.

92. Section 23.1143 is amended to read as follows:

§ 23.1143 Engine power and thrust, and supercharger controls.

(a) There must be a separate power or thrust control for each engine and a separate control for each supercharger that requires a control.

(b) Power, thrust, and supercharger controls must be arranged to allow—

(1) Separate control of each engine and each supercharger; and

(2) Simultaneous control of all engines and all superchargers.

(c) Each power, thrust, or supercharger control must give a positive and immediate responsive means of controlling its engine or supercharger.

(d) The power, thrust, or supercharger controls for each engine or supercharger must be independent of those for every other engine or supercharger.

93. The introductory text of § 23.1147 is amended to read as follows:

§ 23.1147 Mixture controls.

If there are mixture controls, each engine must have a separate control, and each mixture control must have guards or must be shaped or arranged to prevent confusion by feel with other controls. The controls must be grouped and arranged to allow—

* * * * *

94. A new § 23.1155 is added to read as follows:

§ 23.1155 Turbine engine reverse thrust and propeller pitch settings below the flight regime.

For turbine engine installations, each control for reverse thrust and for propeller pitch settings below the flight regime must have means to prevent its inadvertent operation. The means must have a positive lock or stop at the flight idle position and must require a separate and distinct operation by the crew to displace the control from the flight regime (forward thrust regime for turbojet powered airplanes).

95. Section 23.1189 is amended by designating the introductory text as paragraph (a), by redesignating present paragraphs (a) through (f) as subparagraphs (1) through (6) of paragraph (a), by amending redesignated paragraph (a)(2), and by adding a new paragraph (b), to read as follows:

§ 23.1189 Shutoff means.

* * * * *

(a) * * *

(2) The closing of the fuel shutoff valve for any engine may not make any fuel unavailable to the remaining engines that would be available to those engines with that valve open.

* * * * *

(b) Turbine engine installations need not have an engine oil system shutoff if—

(1) The oil tank is integral with, or mounted on, the engine; and

(2) All oil system components external to the engine are fireproof.

96. Section 23.1301 is amended by amending paragraph (a) to read as follows:

§ 23.1301 Function and installation.

(a) Each item of installed equipment essential for safe operation must—

(1) Be of a kind and design appropriate to its intended function;

(2) If appropriate, be labeled as to its identification, function, or operating limitations, or any applicable combination of these factors;

(3) Be installed according to limitations prescribed for that equipment and in compliance with § 23.1431; and

(4) Function properly when installed.

* * * * *

97. Section 23.1305 is amended to read as follows:

§ 23.1305 Powerplant instruments.

The following are required powerplant instruments:

(a) A fuel quantity indicator for each fuel tank.

(b) An oil pressure indicator for each engine and for each turbosupercharger oil system that is separate from other oil systems.

(c) An oil temperature indicator for each engine and for each turbosupercharger oil system that is separate from other oil systems.

(d) A tachometer for each reciprocating engine.

(e) A tachometer (to indicate the speed of the rotors with established limiting speeds) for each turbine engine.

(f) A cylinder head temperature indicator for each air cooled engine with cowl flaps, and for each airplane for which compliance with § 23.1041 is shown at a speed higher than V_F.

(g) A fuel pressure indicator for pump-fed engines.

(h) A manifold pressure indicator for each altitude engine.

(i) An oil quantity indicator for each oil tank.

(j) A gas temperature indicator for each turbine engine.

(k) A fuel flowmeter for each turbine engine or fuel tank, if pilot action is required to maintain fuel flow within limits.

(l) An indicator to indicate engine thrust or to indicate a gas stream pressure that can be related to thrust, for each turbojet engine, including a free air temperature indicator if needed for this purpose.

(m) A torque indicator for each turbopropeller engine.

(n) A position indicating means to indicate to the flight crew when the propeller blade angle is below the flight low pitch position, for each turbopropeller engine propeller. The source of indication must directly sense the blade position.

(o) A position indicating means to indicate to the flight crew when the thrust reverser is in the reverse thrust position for each turbojet engine.

(p) For turbosupercharger installations, if limitations are established for either carburetor air inlet temperature or exhaust gas temperature, indicators must be furnished for each temperature for which the limitation is established unless it is shown that the limitation will not be exceeded in all intended operations.

§ 23.1323 [Amended]

98. Section 23.1323(a) is amended by striking out the words "miles per hour" and inserting in place thereof the word "knots".

§ 23.1337 [Amended]

99. Section 23.1337(e) is deleted.

100. Section 23.1351 is amended by amending paragraph (b) to read as follows:

§ 23.1351 General.

* * * * *

(b) *Functions.* * * *

(2) Electric power sources must function properly when connected in combination or independently, except that alternators may depend on a battery for initial excitation or for stabilization.

(3) No failure or malfunction of any electric power source may impair the ability of any remaining source to supply load circuits essential for safe operation, except that the operation of an alternator that depends on a battery for initial excitation or for stabilization may be stopped by failure of that battery.

(4) Each electric power source control must allow the independent operation of each source, except that controls associated with alternators that depend on a battery for initial excitation or for stabilization need not break the connection between the alternator and its battery.

101. Section 23.1413 is amended by deleting paragraph (b), by redesignating paragraph (c) as paragraph (b), and by amending the title and paragraph (a) to read as follows:

§ 23.1413 Safety belts and harnesses.

(a) The rated strength of safety belts and harnesses may not be less than that corresponding with the ultimate load factors specified in § 23.561(b), considering the dimensional characteristics of the belt and harness installation for the specific seat or berth arrangement.

* * * * *

102. Section 23.1435 is amended by amending paragraph (c) to read as follows:

§ 23.1435 Hydraulic systems.

* * * * *

(c) *Accumulators.* No hydraulic accumulator or pressurized reservoir may be installed on the engine side of any firewall, unless it is an integral part of an engine or propeller.

§ 23.1501 [Amended]

103. Section 23.1501 is amended by amending paragraph (c) by striking out the reference "§ 23.1525" and inserting the reference "§ 23.1527" in place thereof.

104. Section 23.1505 is amended by adding a new paragraph (c) to read as follows:

§ 23.1505 Airspeed limitations.

* * * * *

(c) Paragraphs (a) and (b) of this section do not apply to turbine airplanes or to airplanes for which a design diving speed V_D/M_D is established under § 23.335(b)(4). For those airplanes, a maximum operating limit speed (V_{MO}/M_{MO} airspeed or Mach number, whichever is critical at a particular altitude) must be established as a speed that may not be deliberately exceeded in any regime of flight (climb, cruise, or descent) unless a higher speed is authorized for flight test or pilot training operations. V_{MO}/M_{MO} must be established so that it is not greater than the design cruising speed V_S/M_S and so that it is sufficiently below V_D/M_D and the maximum speed shown under § 23.251 to make it highly improbable that the latter speeds will be inadvertently exceeded in operations. The speed margin between V_{MO}/M_{MO} and V_D/M_D or the maximum speed shown under § 23.251 may not be less than the speed margin established between V_C/M_C and V_D/M_D under § 23.335(b), or the speed margin found necessary in the flight tests conducted under § 23.253.

105. A new § 23.1527 is added to read as follows:

§ 23.1527 Maximum operating altitude.

(a) A maximum operating altitude limitation of not more than 25,000 feet must be established for pressurized airplanes, unless compliance with § 23.775(e) is shown.

(b) For turbine engine powered airplanes and turbosupercharged airplanes, the maximum altitude up to which operation is allowed, as limited by flight, structural, powerplant, functional, or equipment characteristics must be established.

106. Section 23.1545 is amended by adding a new paragraph (d) to read as follows:

§ 23.1545 Airspeed indicator.

* * * * *

(d) Subparagraphs (1) through (3) of paragraph (b) and paragraph (c) of this section do not apply to aircraft for which a maximum operating speed V_{MO}/M_{MO} is established under § 23.1505(c). For those aircraft there must either be a maximum allowable airspeed indication showing the variation of V_{MO}/M_{MO} with altitude or compressibility limitations (as appropriate), or a radial red line marking for V_{MO}/M_{MO} must be made at lowest value of V_{MO}/M_{MO} established for any altitude up to the maximum operating altitude for the airplane.

107. Section 23.1557 is amended by amending paragraph (c)(1) to read as follows:

§ 23.1557 Miscellaneous markings and placards.

* * * * *

(c) *Fuel and oil filler openings.* * * *

(1) The word "fuel" and the minimum fuel grade or designation for the engines.

* * * * *

108. Section 23.1563 is amended to read as follows:

§ 23.1563 Airspeed placards.

There must be an airspeed placard in clear view of the pilot and as close as practicable to the airspeed indicator. This placard must list—

(a) The design maneuvering speed V_A; and

(b) The maximum landing gear operating speed V_{LO}.

109. Section 23.1583 (a), (c), and (d) are amended and new paragraphs (j) and (k) are added, to read as follows:

§ 23.1583 Operating limitations.

(a) *Airspeed limitations.* The following information must be furnished:

(1) Information necessary for the marking of the airspeed limits on the indicator as required in § 23.1545, and the significance of each of those limits and of the color coding used on the indicator.

(2) The speeds V_A, V_{LE}, and V_{LO} and their significance.

* * * * *

(c) *Weight.* The airplane flight manual must include—

(1) The maximum weight; and

(2) The maximum landing weight, if the design landing weight selected by the applicant is less than the maximum weight.

(d) *Center of gravity.* The established center of gravity limits must be furnished.

* * * * *

(j) *Climb conditions.* For turbine engines, the temperatures and corresponding altitudes used in the climb test prescribed in § 23.1043(b)(2) must be furnished.

(k) *Maximum operating altitude.* The maximum altitude established under § 23.1527 must be furnished.

110. Section 23.1585 is amended by adding the words "including the demonstrated crosswind velocity and procedures and information pertinent to operation of the airplane in crosswinds" at the end of paragraph (a), and by amending paragraph (b), to read as follows:

§ 23.1585 Operating procedures.

* * * * *

(b) For airplanes of more than 6,000 pounds maximum weight, the airspeeds, procedures, and information pertinent to the use of the following airspeeds must be furnished:

(1) The recommended climb speed;

(2) V_S; and

(3) The approach speeds, including speeds for transition to the balked landing condition.

* * * * *

111. Section 23.1587 is amended by adding a new subparagraph (3) to paragraph (c) to read as follows:

§ 23.1587 Performance information.

* * * * *

(c) *Multiengine airplanes.* * * *

(3) The calculated approximate effect, on the steady rate of climb determined under § 23.67(b), of variations in—

(i) Altitude at sea level and at 6,000 feet in a standard atmosphere and cruise configuration; and

(ii) Temperature, at those altitudes, from 60° F. below standard to 40° F. above standard.

112. Appendix A of Part 23 is amended as follows:

(a) Section A23.1(a) is amended to read as follows:

A23.1 *General.*

(a) The design load criteria in this appendix are an approved equivalent of those in §§ 23.321 through 23.459 of this subchapter for the certification of conventional, single-engine airplanes of 6,000 pounds or less maximum weight.

* * * * *

(b) Section A23.3 is amended by striking out the term "30 fps" in the definitions of "n_e" and "n_c".

(c) Table 2 is amended by striking out the reference "W" wherever it appears in the column headed "Chordwise Distribution", and by inserting the reference "W" in place thereof, and by adding a footnote to read as follows:

TABLE 2—AVERAGE LIMIT LOAD SURFACE LOADING

* * * * *

NOTE: The surface loadings I, II, III, and V above, are based on speeds $V_{A\,min}$ and $V_{C\,min}$. The loading of IV is based on $V_{F\,min}$. If values of speeds *greater than* these minimums are selected for design, the appropriate surface loadings must be multiplied by the ratio $\left[\frac{V_{selected}}{V_{minimum}}\right]^2$. For conditions I, II, III and V the multiplying factor used must be the higher of

$$\left[\frac{V_{A\,sel.}}{V_{A\,min.}}\right] \text{ or } \left[\frac{V_{C\,sel.}}{V_{C\,min.}}\right]$$

(d) Figures 1, 2, 4, 5, and 6 redesignated as figures A1, A2, A4, A5, and A6, respectively.

(e) Figure 3 is deleted and the following new Figure A3 is inserted in place thereof:

FIGURE A3—DETERMINATION OF MINIMUM DESIGN SPEEDS—EQUATIONS

$$V_{D\,min} = 24.0\sqrt{n_1 \frac{W}{S}} \text{ but need not exceed } 1.4\sqrt{n_1 \frac{W}{3.8}}\, V_{C\,min};$$

$$V_{C\,min} = 17.0\sqrt{n_1 \frac{W}{S}} \text{ but need not exceed } 0.9\, V_H;$$

$$V_{A\,min} = 15.0\sqrt{n_1 \frac{W}{S}} \text{ but need not exceed } V_e \text{ used in design.}$$

$$V_{F\,min} = 11.0\sqrt{n_1 \frac{W}{S}}$$

113. Appendix B of Part 23 is amended as follows:

(a) Section B23.1 is amended by changing the references to "figure 1" to read "figure B1".

(b) Section B23.1(b) is redesignated as § B23.1(c), and a new § B23.1(b) is added to read as follows:

§ B23.1 *General.*

* * * * *

(b) In the control surface loading conditions of § B23.11, the airloads on the movable surfaces need not exceed those that could be obtained in flight by using the maximum limit pilot forces prescribed in § 23.397(b). If the surface loads are limited by these maximum limit pilot forces, the tabs must be deflected—

(1) To their maximum travel in the direction that would assist the pilot; or

(2) In an amount corresponding to the greatest degree of out-of-trim expected at the speed for the condition being considered.

* * * * *

(c) Paragraph (a) of § B23.11 is amended by changing the references to "figure 1" and "figure 7" to read "figure

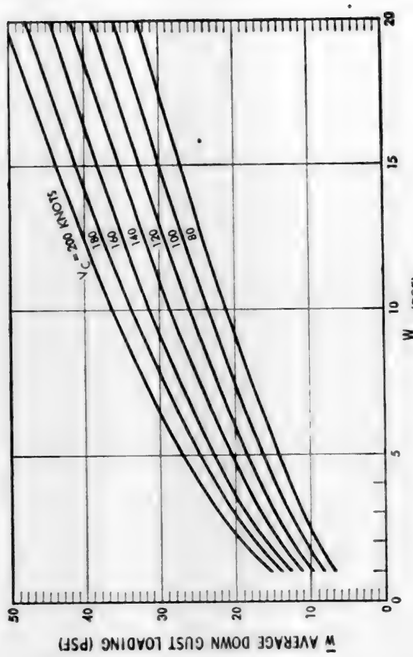


FIGURE B3—DOWN GUST LOADING ON HORIZONTAL TAIL SURFACE.

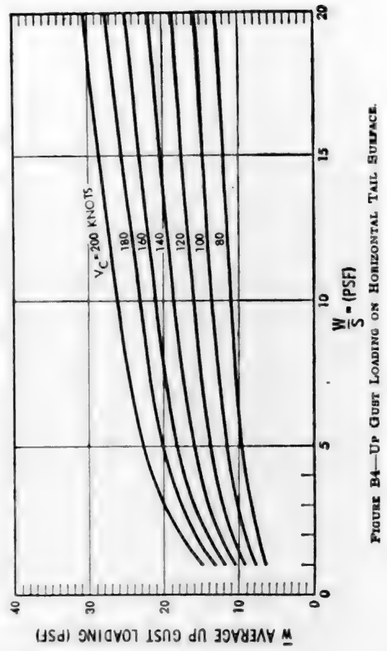


FIGURE B4—UP GUST LOADING ON HORIZONTAL TAIL SURFACE.

B1" and "figure B7", respectively, and by changing the reference to "§ 23.423(a)" to read "§ 23.423(a)(1)", and by changing the reference to "§ 23.423(b)" to read "§ 23.423(a)(2)".

(d) Paragraph (b) of § B23.11 is amended by changing the references to "figure 6", "figure 8", and "figure 9" to read "figure B6", "figure B8", and "figure B9", respectively.

(e) The figures 1, 6, 7, 8, and 9 are redesignated as figures B1, B6, B7, B8, and B9, respectively.

(f) Figures 2, 3, 4, and 5 are deleted and the following new figures B2, B3, B4, and B5 are inserted in place thereof.

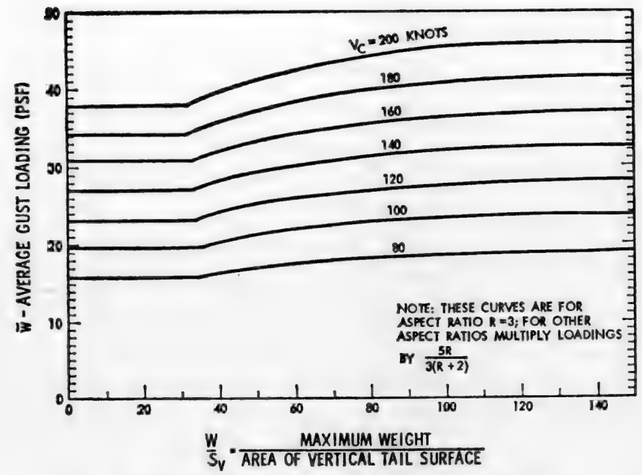


FIGURE B5—GUST LOADING ON VERTICAL TAIL SURFACE.

(g) A new note (c) is added to figure B6 to read as follows:

FIGURE B6—TAIL SURFACE LOAD DISTRIBUTION.

• • • • • •

NOTES: • • •

(c) The load on the fixed surface must be:

(1) 140 percent of the net balancing load for the flaps retracted case of note (a);

(2) 100 percent of the net balancing load for the flaps deflected case of note (a); and

(3) 120 percent of the net balancing load for the case in note (b).

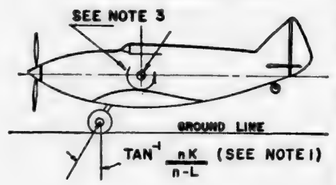
114. Section C23.1 of appendix C is amended by adding a new note (5), and by amending the figure "Tail Wheel Type" to indicate that the resultant ground load acts through the wheel axle, as follows:

C23.1 *Basic landing conditions.*

• • • • •

NOTE (5). n is the limit inertia load factor, at the c.g. of the airplane, selected under § 23.473 (d), (f), and (g).

TAIL WHEEL TYPE



LEVEL LANDING

• • • • •

This Amendment No. 23-7 is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 1, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-9417; Filed, Aug. 12, 1969; 8:45 a.m.]

[Docket No. 69-CE-16-AD; Amdt. 39-816]

PART 39—AIRWORTHINESS DIRECTIVES

Allison Model 250-C18 Engines

An airworthiness directive was adopted on August 1, 1969, and made effective as to all known owners of Bell Model 206A helicopters in which are installed Allison Model 250-C18 engines. This airworthiness directive was issued because there have been failures of the main engine bearings on these model engines which have resulted in complete loss of power during flight. This airworthiness directive requires inspections of the lower gear box and the oil outlet magnetic plugs on a daily basis as described in Allison Commercial Service Letter 250 CSL No. 6, dated January 12, 1967. The inspections shall be performed at time intervals not to exceed 5 hours' time in service. The airworthiness directive also requires on or before November 3, 1969, unless already accomplished, the installation of a visual indicator which will indicate to the pilot metal particle accumulation on the magnetic drain plugs having a resistance of 20,000 ohms or less. Upon installation of the visual indicator, the inspections required by the airworthiness directive may be discontinued.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to the owners of Bell Model 206A helicopters in which are installed Allison Model 250-C18 engines by individual air mail letters dated August 1, 1969. This condition still exists and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ALLISON. Applies to Model 250-C18 engines installed in Bell Model 206A Helicopters.
Compliance: Required as indicated.

To detect incipient engine failure, accomplish the following:

(A) Effective immediately upon receipt of this airworthiness directive, inspect the lower gear box and the oil outlet magnetic plugs on a daily basis as described in Allison Commercial Service Letter 250 CSL No. 6, dated January 12, 1967. This inspection shall be performed at time intervals not to exceed five (5) hours' time in service.

(B) On or before November 3, 1969, install a visual indicator which will indicate to the pilot metal particle accumulation on the magnetic drain plugs having a resistance of 20,000 ohms or less.

(C) When the installation described in paragraph B of this airworthiness directive has been accomplished, the inspections required by paragraph A of this airworthiness directive will no longer be required.

This amendment becomes effective August 13, 1969, for all persons except those to whom it was made effective by air mail letter dated August 1, 1969.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on August 5, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9523; Filed, Aug. 12, 1969; 8:47 a.m.]

[Docket No. 69-CE-17-AD; Amdt. 39-818]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 99 and 99A Airplanes

There has been a failure of the elevator hinge fitting assembly on the horizontal stabilizer of a Beech Model 99 airplane which can result in loss of elevator control.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued requiring within 10 hours' time-in-service after the effective date of this airworthiness directive, a one-time visual inspection of the elevator hinge fitting assemblies on Beech Models 99 and 99A airplanes for evidence of nicks either under or through the paint. If nicks are discovered, the airworthiness directive will require, prior to further

flight, repair or replacement of the elevator hinge fitting assemblies in accordance with Beechcraft Service Instruction No. 0247–132 or any other method approved as an equivalent by the Chief, Engineering & Manufacturing Branch, Federal Aviation Administration, Central Region.

Since immediate action is required in the interest of safety, compliance with the notice and public procedures provision of the Administrative Procedure Act is impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BEECH. Applies to Models 99 and 99A (Serial Nos. U–3 through U–10, U–12 through U–35, U–37 through U–60, U–62 through U–77, U–79 through U–95, U–97 through U–103, U–106 through U–111, U–114 through U–118, U–124, and U–125) Airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent possible loss of elevator control, accomplish the following:

Within 10 hours' time-in-service after the effective date of this airworthiness directive, visually inspect both P/N 115–620021–1 (outboard) and both P/N 115–620021–3 (middle) hinge fitting assemblies located on the horizontal stabilizer for nicks either under or through the paint. Move the elevator up and down and with the aid of a light examine all visible surfaces of the fittings from above and below. If nicks are found, repair or replace affected fittings prior to further flight in accordance with either Beechcraft Service Instruction No. 0247–132 or any other method approved as an equivalent by the Chief, Engineering & Manufacturing Branch, Federal Aviation Administration, Central Region.

This amendment becomes effective August 13, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Kansas City, Mo., on August 5, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69–9524; Filed, Aug. 12, 1969; 8:47 a.m.]

[Airworthiness Docket No. 69–SW–22; Amdt. 39–815]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A Helicopters

Amendment 39–795 (34 F.R. 12026), AD 69–15–2, which becomes effective on August 16, 1969, requires inspection of magnesium cyclic bellcrank support assemblies until replaced with aluminum assemblies on Bell Model 206A helicopters. After issuing Amendment 39–795, the agency determined that an improper installation of the aluminum support assemblies could occur due to normal variation of cabin roof thickness.

Bell Helicopter Co. Service Bulletin No. 206A–11 dated May 9, 1969, was revised to provide for the reinspection of the attachment bolts for proper torque and to permit the use of additional washers or shorter length bolts for a proper installation of the aluminum support assemblies. Therefore, the AD is being amended to require the installation of the aluminum support assemblies in accordance with Revision A of the Service Bulletin.

Since this amendment is clarifying in nature and provides revised procedures for installing the aluminum support assemblies, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–795 (34 F.R. 12026), AD 69–15–2 is amended by striking out the words "dated May 9, 1969," from paragraphs (a)(2) and (c) and inserting the words "Revision A, dated July 23, 1969," in place thereof.

This amendment becomes effective August 16, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on August 1, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69–9525; Filed, Aug. 12, 1969; 8:47 a.m.]

[Airworthiness Docket No. 69–WE–19–AD; Amdt. 39–817]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC–8–62, DC–8–62F, DC–8–63, and DC–8–63F Airplanes

There have been three inflight fatigue failures of the engine pod access door latch eyebolts with the resultant loss of the access doors on McDonnell Douglas Model DC–8–63 airplanes. In one case, the access door struck and pierced the fuselage which permitted some loss of cabin pressure. A contributing factor to the fatigue failure of the engine pod access door latch eyebolt appears to be excessive engine vibration.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of eyebolts, Hartwell P/N 105666–1, and a modification of the engine pod access door forward and center latch eyebolt assemblies, Douglas P/N 3757548–1, to minimize the probability of future loss of doors in flight.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCDONNELL DOUGLAS. Applies to Models DC–8–62, DC–8–62F, DC–8–63, and DC–8–63F airplanes with Serial No. 46088 and below.

Compliance required within the next 300 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent unlocking and loss of the engine pod accessory doors in the event of a fatigue failure of the engine pod access door forward or center latch eyebolt, Hartwell P/N 105666–1, accomplish the following:

(a) Inspect eyebolt, Hartwell P/N 105666–1, in engine pod access door forward and center eyebolt latch assembly, Douglas P/N 3757548–1, for cracks by means of a dye penetrant or magnetic particle inspection process. Replace any eyebolts found cracked with uncracked eyebolts of the same part number before further flight.

(b) Modify the forward and center engine accessory door eyebolt latch assemblies, Douglas P/N 3757548–1, in accordance with McDonnell Douglas Service Bulletin No. 71–51, dated May 7, 1969, or later FAA-approved revisions, or by an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective August 14, 1969.

(Secs. 313(a), 601, 303, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on August 5, 1969.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

[F.R. Doc. 69–9526; Filed, Aug. 12, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2422) filed by CPC International Inc., International Plaza Englewood Cliffs, N.J. 07632, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of calcium disodium EDTA in pickled cabbage to promote color, flavor, and texture retention. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1017(b)(1) is amended by alphabetically inserting in the table a new item, as follows:

§ 121.1017 Calcium disodium EDTA.

* * * * * *

(b) * * *

(1) * * *

Food	Limitation (parts per million)	Use
Cabbage, pickled....	220	Promote color, flavor, and texture retention.
* * *	* * *	* * *

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 6, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc 69–9512; Filed, Aug. 12, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE AND INDUSTRIES WITH MARKED SEASONAL PEAKS OF OPERATION

Peat Materials Production Industry, Northern Branch

On June 11, 1969, a notice was published in the FEDERAL REGISTER (34 F.R. 9213) proposing to supplement the finding that the production of peat materials in the northern parts of the United States and in higher altitudes as defined in 5 F.R. 4816, December 3, 1940, is of a seasonal nature within the meaning and under authority of section 7(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(c)) as amended by the Fair Labor Standards Amendments of 1966 Public Law 89–601). In this notice it was proposed to expand the definition of the industry to include the production of peat materials in Modoc County, Calif.

Interested persons were given 30 days in which to present written data, views, and argument. No comments were received. Pursuant to section 7(c) of the Fair Labor Standards Act of 1938, 29 U.S.C. 207(c), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), Secretary's Order No. 19–67 (32 F.R. 12980), and the procedures set forth in 29 CFR Part, 526, the supplementary finding is hereby made.

As this amendment grants an exception, no delay in its effective date is required by 5 U.S.C. 553(d), nor would such delay serve any useful purpose. This amendment shall be effective immediately.

Accordingly, 29 CFR 526.10 is amended by adding to footnote 2 of the table contained therein, "Modoc County, Calif." As amended footnote 2 of the table in § 526.10 reads as follows:

§ 526.10 Industries of a seasonal nature.

* * * * * *

[2] The northern branch includes Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Michigan, Wisconsin, Minnesota, Illinois, Iowa, Indiana, North Dakota, South Dakota, Colorado, Utah, Nevada, Montana, Idaho, Oregon, Washington, and Modoc County, Calif.

Signed at Washington, D.C., this 7th day of August 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 69–9560; Filed, Aug. 12, 1969; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 155—CITY DELIVERY

Apartment House Mailboxes

In the daily issue of Wednesday, December 18, 1968 (33 F.R. 18704) the Department published a notice of proposed rule making consisting of proposed revisions to § 155.6 of Title 39, Code of Federal Regulations. The proposed revisions were designed to implement security requirements and engineering tests for apartment house mail receptacles.

Interested persons were given 30 days within which to submit comments on the proposed regulations. After consideration of all comments received it has been determined to adopt the regulations proposed in the notice of proposed rule making, with modifications. For the most part the modifications relate to effective dates.

Section 155.6(f)(2)(iii) requires that, effective July 1, 1970, individual doors will resist a force of not less than 35 pounds per inch necessary to deflect the unsupported corner outward by 1 inch. The door must withstand 0.4 inch of deflection at that point without serious permanent deformation of more than 0.015 inch.

Section 155.6(f)(2)(iv) requires that, effective July 1, 1970, a minimum of 8 foot-pounds of force shall be necessary to punch out the lock. If the lock is slowly pushed inward, a minimum of 70 pounds of force shall be required.

Section 155.6(f)(2)(v) requires that, effective July 1, 1970, the minimum stiffness for the master door when pulled outward at the unsupported corner shall be 50 pounds per inch. The master door frame and assembly must withstand 0.4 inch of deflection at the corner without permanent deformation of more than 0.015 inch.

Accordingly, the following amendments to Title 39, Code of Federal Regulations, are hereby made, to be effective unless otherwise stated on the 30th day after the date of this publication in the FEDERAL REGISTER.

Part 155—City Delivery

§ 155.6 [Amended]

In § 155.6 *Apartment house receptacles*, make the following changes:

1. Amend paragraph (b) to read as follows:

* * * * * *

(b) *Scope and classification*—(1) *Scope.* This standard establishes the procedures for testing and accepting apartment house mail receptacles. The use of this standard is mandatory and boxes submitted which do not conform in all respects to this standard will not be considered for approval by the Postmaster General.

(2) *Classification.* This standard covers apartment house mail receptacles of the following types, as specified:

(i) *Type I. Vertical.* A minimum three-gang unit complete with individual door locks and provisions for an Arrow lock in the master door. The maximum number of boxes which may be installed under one Arrow lock is 10; the minimum number is three.

(ii) *Type II. Horizontal.* A front or rear loading, four-gang unit (two over two) with individual door locks. The front loading units shall have provisions for an Arrow lock in the master door.

2. Paragraphs (c), (d), (e), and (f) are redesignated as paragraphs (h), (i), (j), and (k), respectively, and new paragraphs (c), (d), (e), (f), and (g) are inserted, reading as follows:

* * * * * *

(c) *Applicable documents*—(1) *Specifications and standards.* The following documents of the latest issue form a part of this standard:

(i) *Specifications.*

Military:

MIL–T–704—Treatment and Painting of Material.

(ii) *Standards.*

Federal:

Federal Test Method Standard 141, Method 6191.

Federal Test Method Standard 406, Method 2021.

(Activities outside the Federal Government may obtain copies of Federal Specifications, Standards, and Handbooks as outlined under General Information in the Index of Federal Specification, Standards, and Handbooks and

at the prices indicated in the Index. The Index which includes cumulative monthly supplements as issued, is for sale on a subscription basis by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Single copies are available without charge at the General Services Administration regional offices in Boston, New York, Atlanta, Chicago, Kansas City, Mo., Dallas, Denver, San Francisco, Los Angeles, Seattle, and Washington, D.C.)

(2) *Other publications.* The following publications of the latest issue form a part of this standard:

AMERICAN WELDING SOCIETY

Recommended Practice C1.1. Recommended Practice for Resistance Welding.

(Copies of American Welding Society publications may be obtained from the Society at 345 East 47th Street, New York, N.Y. 10118.)

(d) *Requirements*—(1) *Materials.* Latitude will be allowed in the material used. Materials must be compatible with each other; nontoxic and nonirritating to humans. Dissimilar metals shall be protected against galvanic corrosion. The material used in the fabrication of this equipment shall be new, suitable for the purpose used, free of all defects and the best commercial quality for this type of equipment.

(2) *Receptacle doors.* (i) The doors shall be designed to operate freely without binding or excessive play. The doors shall, once opened, remain in the opened position until the patron pushes it in the closed position. The doors of vertical type receptacles shall have a 90° flanged edge of a minimum one-quarter inch on the side, slightly less on top and bottom. If extruded aluminum doors are used, they shall provide strength and stiffness on the edge opposite the hinge side equivalent to the sectional modules of a quarter-inch bar. The fitting of the door into its frame shall be of such tolerances to preclude prying with thin instruments. The surface of the doors shall be unbroken with the exceptions as described in subparagraph (5) of this paragraph.

(ii) The dimensions of the clear opening of the door frame of each horizontal type receptacle shall be identical to the cross-section measurements of the receptacle itself.

(3) *Master door.* (i) The master door and frame shall be designed to operate freely without binding or excessive play. When the master door is in a minimum 90° open position, all individual boxes of front loading receptacles shall be accessible for deposit of mail by the carrier. All horizontal-type front loading receptacles shall have solid backs. The master door for both vertical-type and front loading horizontal-type receptacles shall remain in the open position while the carrier is depositing mail. The master door shall be formed to accommodate an inside Arrow lock furnished by the local postmaster for use by letter carriers. The key shall be in custody of postal employees. The master door shall be accurately assembled using jigs or fixtures to assure flatness and proper alignment for operation. The door shall be rigid, square, and true.

(ii) The master door frame for vertical-type receptacles shall be attached to the cabinet with either permanently affixed and side-mounted pivots, a suitable bottom-mounted full-length hinge or any other means which will preclude either cabinet from being easily removed from the master frame and which will pass the tests to be conducted by the Postal Engineering Test Laboratory.

(iii) The master door frame for horizontal-type receptacles shall be attached to the cabinet with full-length side-mounted hinge or any other device which offers equal or better security. The master door shall not be wider than 30 inches.

(4) *Locking provisions.* (i) Each receptacle door shall be secured by a five-pin tumbler cylinder lock with a minimum of 250 key changes. The locks must be securely fastened to the door. If locks are mounted on a backing plate, the plates shall be constructed of hardened steel of proper design and thickness to preclude punching out of locks. If the lock extends more than five-eighths inch on the inside of a vertical type box, a deflector shall be provided over the lock barrel for the easy deposit of mail.

(ii) Each lock shall be clearly numbered on the back. The lock number shall also be clearly shown on the inside of the master door directly above the individual box to which it is attached.

(iii) The master lock shall be attached to the master door by the postmaster's representative.

(5) *Numbers and name cards.* (i) Vertical-type receptacles shall be numbered or lettered in numerical or alphabetical sequence from left to right. Horizontal-type receptacles shall be numbered or lettered in sequence from top to bottom.

(ii) Each receptacle shall be equipped with a clasp or holder to accommodate a name card for identifying the patron or patrons using that box. The holder or clasp shall be located on the frame above each receptacle or inside at the rear of the box where the patron's name will be easily visible to the carrier when the master door is open. The holder shall be of sufficient size to hold a name card of a minimum ¾ x 2½ inches in vertical-type installation and in horizontal-type installation, as large as space permits. The use of permanent type pressure sensitive labels is permissible.

(6) *Capacity.* Both horizontal- and vertical-type receptacles must be of sufficient capacity to receive long-letter mail 4½ inches in width and certain large and bulky magazines, unrolled as well as rolled, and must be so constructed and of such height or length and capacity that magazines 14½ inches in length and 3½ inches in diameter, if rolled, may be deposited and removed with facility.

(7) *Color.* Color of the receptacles is, in general, optional with the manufacturer. Colors and color schemes shall, however, be aesthetically pleasing, dignified and shall reflect good taste.

(8) *Finish.* (i) Treatment and Painting of Material shall comply with MIL-T-704. Choice of materials for coating the interior and exterior of the receptacles is optional, provided all requirements of this standard are met. Finishes shall be compatible with the box materials. All metal parts not inherently corrosion resistant or otherwise treated to be corrosion resistant shall be cleaned, treated, and painted.

(ii) All parts to be painted shall be first buffed or sanded, if rust and other encrustation are present. The parts to be painted shall be thoroughly cleaned. Primer and enamel used shall be applied in such a manner as to provide a surface of high quality appearance free from runs, sags, cracks, flaking, peeling, blushing, orange peel effects, or other defects which may affect the drying characteristics, durability, and appearance of the painted surfaces.

(iii) Unless otherwise specified, primer and enamel may be applied by brushing, spraying, or dipping. Each application of primer and enamel shall be permitted to dry thoroughly before applying the succeeding coat.

(9) *Marking.* Marking of the boxes is optional. Manufacturers are authorized to place on each installation of apartment house mail receptacles the words "U.S. Mail" and a warning notice of the U.S. Penal Code's provisions of law. When the items submitted for approval have been approved by the Post Office Department, manufacturers are authorized to place inconspicuously on each installation their name and words "Approved by the Postmaster General".

(e) *Installation provisions.* All apartment house mail receptacle units shall be provided with the means for convenient installation.

(1) *Instructions.* A complete set of instructions for assembling and mounting the receptacles shall be provided with each unit of receptacles. The instruction sheet shall carry a notice that the receptacles meet all requirements of the Post Office Department.

(2) *Workmanship.* Workmanship shall be of the highest quality throughout in accordance with the best commercial practice for this type of equipment.

(i) *Metal fabrications.* The metal used in the fabrication of the equipment shall be free from kinks and sharp bends. The straightening of metal shall be done by methods that will not cause injury to the material. Shearing or cutting shall be done neatly and accurately. Corners shall be square and true. All bends of a major character shall be made with metal dies or fixtures, in order to assure uniformity of size and shape. Precautions shall be taken to avoid overheating and heated metal shall be allowed to cool slowly. Burrs, sharp corners and sharp edges shall be removed. All joints shall be smoothly made and all exposed corners and edges shall be rounded.

(ii) *Bolted connections.* Bolted connections shall be accurately punched or drilled and shall have the burrs removed. Washers, lockwashers, self-locking nuts shall be used as specified on the applicable drawings. All bolts, nuts, and screws shall be tight. Sheet metal screws shall not be used. Machine bolts may be used where access to nuts would not be possible and where unbolting may be required in which case a sufficient thickness of metal shall be utilized to assure that several bolt threads are engaged. Machine bolts shall be securely held in place by proper lock washers.

(iii) *Riveted connections.* Rivet holes shall be accurately punched or drilled and shall have the burrs removed. Rivets shall be driven with pressure tools and shall completely fill the holes. Rivet heads shall be full, neatly made, concentric with the rivet holes, and in full contact with the surface of the member. Hollow-type rivets are not acceptable.

(iv) *Welding.* Welding shall be performed in accordance with applicable American Welding Society recommended practices and by a welder qualified under the referenced welding code. The surfaces of parts to be welded shall be free from rust, scale, paint, grease, and other foreign matter. Welds shall develop full strength in the parts connected. Welds shall be free from skips, blow-through holes, burred areas, excess metal, slag, incomplete fusion, cracks, gas pockets, residual stresses, incomplete penetration, undercutting, flash and spatter metal, electrode skids, excessive indentation, melted base metal, and undersized nuggets. Spotwelding shall be done in close-centers to ensure maximum strength and rigidity and to prevent buckling.

(v) *Fabrication and assembly.* All components and parts shall be fabricated and assembled to be permanently square, true, and rigid to preclude binding, warping, or misalignment which may reduce or prevent proper equipment operation or maintenance or may result in premature failure of any part or component.

(f) *Quality assurance provisions*—(1) *Requirements for approval.* (i) Manufacturers of vertical-type receptacles shall submit two ten-gang units. Manufacturers of horizontal-type receptacles shall submit two four-gang units of each type: front loading and rear loading. Each unit shall be made of the exact materials, construction, coatings, paint, etc., to be identical in every way with the boxes intended to be marketed. One of the boxes will be subjected to destructive testing. All parts of the boxes shall be identified by material, alloy, heat treatment, and (for nonmetallic parts) physical properties. The complete composition, formula, trade name, and designation of all paints and nonmetallics shall be specified.

(ii) The manufacturer shall also submit a copy of the instructions required by paragraph (e)(1) of this section and color samples showing all color schemes expected to be used. Receptacles must be submitted in the packaging proposed for shipping them.

(iii) Written notification of approval or disapproval, including reasons for disapproval, will be issued. All boxes submitted will be returned, including those damaged during testing.

(2) *Test methods.* The units shall be tested as specified herein. All units which fail to pass all tests shall be rejected.

(i) *Capacity requirements.* Conformance to paragraph (d)(6) of this section shall be tested by inserting a metal cylinder, 3½ inch diameter by 14½ inches long. The cylinder must be easily inserted and removed. The individual receptacle which has provisions for an Arrow lock shall be taken as an exception.

(ii) *Operational requirements.* Receptacle doors and master doors shall be capable of operating 10,000 normal operating cycles without breakage of parts and without failure to operate correctly and positively.

(iii) *Doors.* The doors shall be tested with a Tinius-Olsen tensile/compression testing machine. Resistance to prying shall be such that a force of not less than 35 pounds is required to deflect the unsupported corner of the door outward by 1 inch. The door shall be capable of withstanding 0.4 inch of deflection at that point without serious permanent deformation of more than 0.015 inch. (Effective July 1, 1970.)

(iv) *Locks.* A minimum of 8 foot-pounds of force shall be required to punch out the lock. (Two pound weight dropped 4 feet.) If the lock is slowly pushed inward, a minimum of 70 pounds of force shall be required. (Effective July 1, 1970.)

(v) *Master door.* Master doors shall be tested with a Tinius-Olsen tensile/compression testing machine. A minimum stiffness for the master door when pulled outward to simulate the effects of prying at an unsupported corner shall be 50 pounds per inch. The master door frame and assembly shall be able to withstand 0.4 inch of deflection at the corner without permanent deformation of more than 0.015 inch. (Effective July 1, 1970.)

(vi) *Impact requirements.* The boxes and any coatings applied to them shall not be cracked, chipped, broken, dented (more than one-sixteenth inch in depth), or visibly permanently deformed by a hard steel 2-pound ball with a ½-inch spherical radius dropped 2 feet onto any part of the top and sides of the door.

(vii) *Coating abrasion resistance.* The coating of all boxes formed from ferrous metal or other material subject to corrosion[1] shall meet the abrasive sand test specified herein. Boxes formed from corrosion-resistant alloys of aluminum, stainless steel, and other corrosion-resistant materials which are not painted or otherwise coated with a material subject to corrosion are exempt from this test. The test shall be conducted in accordance with Federal Test Method Standard 141, Method 6191.

(viii) *Flammability.* All boxes shall conform to local building codes. A flammability test shall be conducted on all plastic parts of all boxes. The test shall be conducted in accordance with Method 2021 of Federal Test Method Standard 406. The boxes shall be nonburning or self-extinguishing by this test.

(ix) *Ambient conditions.* The boxes shall operate properly under the following ambient conditions: Temperatures of 32° to 110° F.

(g) *Preparation for delivery*—(1) *Packaging.* The packaged unit and accessories shall be adequately packaged to withstand normal commercial shipping without damage to the unit. Sufficient wrapping, padding, blocking, and bracing shall be used to prevent damage to the box during shipment. The packaged unit and accessories must be capable of being dropped from a height of 3 feet six times (striking once on each of the six faces of the carton) without damage to the box or accessories.

[1] "Corrosion," as used in this Standard, means any form of property change due to ambient conditions which seriously detracts from the appearance of the boxes, such as rust, obvious color changes, perforation, accelerated erosion, and disintegration.

NOTE: The corresponding Postal Manual sections are 155.62–155.67.

(5 U.S.C. 301, 39 U.S.C. 501)

August 7, 1969.

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-9521; Filed, Aug. 12, 1969; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–3—PROCUREMENT BY NEGOTIATION

Subpart 9–3.8—Price Negotiation Policies and Techniques

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

MISCELLANEOUS AMENDMENTS

The purpose of these amendments to the AEC Procurement Regulations is to make them consistent with amendments to FPR 1–3.8 published in the FEDERAL REGISTER on February 27, 1969, and effective April 15, 1969.

1. In § 9–3.807–3, *Requirements for cost or pricing data*, paragraph (c) is deleted.

2. Sections 9–3.807–3(g), *Initial awards below $100,000*, and 9–3.807–50, *Justification and documentation of procurement actions, are deleted.*

3. Section 9–3.807–53, *Development of special items*, is revised to read as follows:

§ 9–3.807–53 Development of special items.

If a negotiated fixed-price or cost-type contract or subcontract involves the development of special items and may reasonably be expected to lead to subsequent production orders, the initial contract or subcontract shall include a provision whereby the vendor agrees to accept, when requested, subsequent

production orders under either a cost-plus-a-fixed-fee contract or subcontract with AEC cost-reimbursement principles and fee limitations or a fixed-price contract providing for price redetermination. In addition, the initial contract or subcontract shall include a provision whereby the Commission or its authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records related to the contract or subcontract for the purpose of determining actual cost experience under the initial contract or subcontract.

4. Section 9–3.809, *Audit as a pricing aid*, is revised to read as follows:

§ 9–3.809 Contract audit as a pricing aid.

The waiver of preaward audit review provided for in FPR 1–3.809 may be made only by the Manager of the Field Office.

5. Section 9–3.814–2, *Audit and records*, is revised to read as follows:

§ 9–3.814–2 Audit and records.

The clause in § 9–7.5006–1 shall be used for the types of contracts listed in FPR 1–3.814–2(c).

6. Section 9–3.814–50, *Subcontractor cost or pricing data clause*, is revised to read as follows:

§ 9–3.814–50 Subcontractor cost or pricing data clause.

(a) The following clause shall be inserted in all subcontracts under the prime contracts referred to in § 9–3.807–3(b), where such subcontracts are over $100,000, and in all modifications over $100,000 to such subcontracts even though the original amount of the subcontract is $100,000 or less:

CERTIFIED COST OR PRICING DATA

(a) (1) The subcontractor shall require under the situations described in (2) below, unless exempted under the exceptions set forth in (3) below, each sub-subcontractor under this subcontract to submit cost or pricing data and to certify that, to the best of his knowledge and belief, such cost or pricing data are accurate, complete, and current.

(2) Except as provided in (3) below, certified cost or pricing data shall be submitted prior to (i) the award of each sub-subcontract, the price of which is expected to exceed $100,000, and (ii) the negotiation of the price of each change or modification to a sub-subcontract under this subcontract for which the price adjustment is expected to exceed $100,000.

(3) Certified cost or pricing data need not be furnished pursuant to this paragraph (a) where (i) the subcontractor has not been required to furnish cost or pricing data; or (ii) the price or price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or the prices are set by law or regulation; and the subcontractor states in writing the basis for applying this exception.

(4) In submitting the cost or pricing data, the sub-subcontractor shall use the form of certificate set forth in paragraph (b) below and shall certify that the data are accurate, complete, and current. Such certificate and data (actual or identified, as provided in the certificate prescribed below) shall be submitted by sub-subcontractors to the next higher-tier sub-subcontractor, or the subcontractor, as applicable, for retention.

(b) The certificates required by this clause shall be in the form set forth below.

SUBCONTRACTOR'S CERTIFICATE OF CURRENT COST OR PRICING DATA

This is to certify that, to the best of my knowledge and belief, cost or pricing data [1] submitted in writing, or specifically identified in writing if actual submission of the data is impracticable (see FPR 1–3.807–3(h)(2)), to the prime contractor in support of _____[2] are accurate, complete, and current as of _____[3]

(date)

Firm_____

Name_____

Title_____

_____[4]

(Date of execution)

[1] For definition of "cost or pricing data," see FPR 1–3.807–3.

[2] Describe the proposal, quotation, request for price adjustments, or other submission involved, giving appropriate identifying number (e.g., RFP No. _____).

[3] This date shall be the date when the price negotiations were concluded and the subcontract price was agreed to. The responsibility of the subcontractor is not limited by the personal knowledge of the subcontractor's negotiator if the subcontractor had information reasonably available (see FPR 1–3.807–5(a)) at the time of agreement, showing that the negotiated price is not based on accurate, complete, and current data.

[4] This date should be as close as practicable to the date when the price negotiations were concluded and the subcontract price was agreed upon.

(c) For purposes of verifying that certified cost or pricing data submitted in conjunction with the negotiation of this subcontract or any subcontract change or other modification involving an amount in excess of $100,000 were accurate, complete, and current, the Commission or any of its authorized representatives shall, until the expiration of three years from the date of final payment under this subcontract, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this subcontract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(d) Whenever the price of any change or other modification to this subcontract is expected to exceed $100,000, the subcontractor agrees to furnish the Contractor certified cost or pricing data, using the certificate set forth in paragraph (b) above, unless the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(e) The requirement for submission of certified cost or pricing data with respect to any change or other modification does not apply to any sub-subcontract change or other modification, at any tier, where the subcontract is firm fixed-price or fixed-price with escalation unless such change or other modification results from a change or other modification to the subcontract, nor does it apply to a sub-subcontract change or modification, at any tier, where the subcontract is not firm fixed-price or fixed-price with escalation, unless the price of such change or other modification becomes reimbursable under the subcontract.

(f) The subcontractor agrees to insert paragraph (c) without change [5] and the substance of paragraphs (a), (b), (d), (e), and (f) of this clause in each sub-subcontract hereunder in excess of $100,000 and in each sub-subcontract of $100,000 or less at the time of making a change or other modification thereto in excess of $100,000.

(g) If the prime contractor determines that any price, including profit or fee, negotiated in connection with this subcontractor any cost reimbursable under this subcontract was increased by any significant sums because the subcontractor, or any sub-subcontractor pursuant to this clause or any sub-subcontract clause herein required, furnished incomplete or inaccurate cost or pricing data or data not current as certified in the subcontractor's Certificate of Current Cost or Pricing Data, then such price or cost shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

(h) Failure of the contractor and the subcontractor to agree on any of the matters in paragraph (g) above shall be a dispute concerning a question of fact within the meaning of the Disputes clause of this subcontract.

NOTE: Since the subcontract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain sub-subcontracts, it is expected that the subcontractor may wish to include a clause in each such sub-subcontract requiring the sub-subcontractor to appropriately indemnify the subcontractor. It is also expected that any sub-subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower-tier sub-subcontractors.

(b) This clause may also be used for subcontracts of $100,000 or less for which a certificate of cost or pricing data is obtained in accordance with FPR 1–3.807–3(g); and, if so used, the $100,000 amount stated in the clause should be appropriately modified.

7. § 9–7.5005–19, *Audit and records—fixed-price supply and fixed-price construction contracts*, is revised to read as follows:

§ 9–7.5005–19 Audit and records—fixed-price supply and fixed-price construction contracts.

See FPR 1–3.814–2 (a) and (b).

8. In § 9–7.5006–1, *Accounts, records and inspection (CPFF)*, the Note under paragraph (g) is revised to read as follows:

§ 9–7.5006–1 Accounts, records and inspection (CPFF).

* * * * *

(g) *Subcontracts.* * * *

NOTE: If the prime contract contains a "defective cost or pricing data" clause, this paragraph (g) shall be modified by adding the following:

[The contractor further agrees to include:

[(1) In each firm fixed-price subcontract in excess of $100,000 (except firm fixed-price subcontracts under the circumstances prescribed in (2) below) an audit clause, the substance of which is the audit clause under paragraph (d)(2) of FPR 1–3.814–2(c).

[(2) In each firm fixed-price subcontract in excess of $100,000, where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public or prices set by law or regulation, an audit clause, the substance of which is the "Audit-Price Adjustments" clause under paragraph (d)(3) of FPR 1–3.814–2(c).]

* * * * *

[5] The words "subcontractor" and "sub-subcontractor" may, however, be changed to describe the contractual relationship in lower-tier subcontracts.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date: These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 6th day of August 1969.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 69–9497; Filed, Aug. 12, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 92, Rev.]

PART 375—EXCHANGE OF VESSELS

The text of Part 375 of this title and chapter, exclusive of the Statement of Policy appended thereto (33 F.R. 14545), is hereby revised to read as follows:

Sec.
375.1 Purpose.
375.2 Definitions.
375.3 General provisions.
375.4 Application for exchange.

AUTHORITY: The provisions of this Part 375 issued under sec. 204, 49 Stat. 1987, as amended, 46 U.S.C. 1114; Public Law 86–575, 74 Stat. 312, as amended by Public Law 89–254, 79 Stat. 980.

§ 375.1 Purpose.

This part prescribes the procedures to be followed with respect to the exchange of vessels pursuant to section 510(i) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160(i)), herein referred to as the "Act."

§ 375.2 Definitions.

(a) "Exchange Ship" means an acceptable vessel of 1,500 gross tons or over, constructed or contracted for by the U.S. shipyards before September 3, 1945, owned by a citizen or citizens of the United States, documented under the laws of the United States, and which has not been operated with operating-differential subsidy under title VI of the Act, by the applicant or any affiliate of the applicant, for at least 3 years immediately prior to the date of the exchange.

(b) "Transfer Ship" means an oceangoing, war-built vessel of 1,500 gross tons or over which was constructed or contracted for by the U.S. shipyards during the period beginning September 3, 1939, and ending September 2, 1945, and owned by the United States.

§ 375.3 General provisions.

(a) Authority to exchange vessels pursuant to the Act expires July 5, 1970.

(b) An applicant acquiring a Transfer Ship shall enter into a contract in form prescribed by the Maritime Administration.

(c) No payments shall be made by the United States to the owner of an Exchange Ship in connection with any exchange under the Act.

(d) Except where traded-out for use exclusively in trade and commerce on the Great Lakes, including the St. Lawrence River and Gulf, tanker vessels may be traded-out only for major conversions into dry cargo carriers or liquid bulk carriers, including natural gas carriers, but excluding bulk petroleum carriers.

(e) Neither section 510(e) of the Act, nor the nontaxable exchange provisions of the Internal Revenue Code, shall apply to the exchange of ships under the Act.

(f) Any repairs or reconversion necessary at the time of the exchange to place the transfer ship in class and prepare it for commercial operation shall be performed in a shipyard within the continental United States.

(g) Title to the transfer and exchange ships shall pass simultaneously on the date specified in the contract.

(h) The applicant may with the consent of the Maritime Administration use the Exchange Ship until completion of preparation of the Transfer Ship for normal operation in commercial service under terms and conditions of a Use Agreement in form prescribed by the Maritime Administration.

(i) The Secretary of Commerce shall consult with and obtain the approval of the Defense Department before any vessel of a military type is exchanged under the provisions of the Act.

§ 375.4 Application for exchange.

(a) Applications for exchange of ships pursuant to the Act shall be filed with the Chief, Office of Ship Operations, Maritime Administration, Department of Commerce, Washington, D.C. 20235, on forms obtained from that office.

(b) Applications are considered as officially filed when a qualified applicant:

(1) Submits fifteen (15) completely filled in copies of Form MA–182 (Application for Exchange of Ships);

(2) Executes and files in triplicate an Affidavit of U.S. Citizenship in the form prescribed by the Maritime Administration (32A CFR AGE–2);

(3) Submits financial data as required by the Maritime Administration;

(4) Furnishes, if a corporation, a statement in duplicate showing the names, residence addresses, dates and places of birth, and citizenship of the officers, directors, and stockholders of record owning five percent (5%) or more of the issued and outstanding stock of the applicant, as well as other ship owning companies in which any such officer, director, or stockholder has a financial interest.

(c) When alternate Transfer Ships are included in one application, consideration will be given to the first listed Transfer Ship which is available. To the extent feasible, as determined by the Maritime Administration, priority will be established based upon the date of filing of the application and such priority shall be maintained as long as the applicant proceeds promptly to effect the exchange of ships. Applications for a Transfer Ship previously applied for by another applicant will not be processed until such Transfer Ship has been rejected by the first applicant or otherwise becomes available for reassignment.

(d) Each applicant will be notified of actions taken on his application.

(e) The Office of Ship Operations coordinates ship exchange activities of the Maritime Administration and approves and administers the provisions of the ship exchange contracts.

Dated: April 22, 1969.

By Order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69–9562; Filed, Aug. 12, 1969; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[RM–1211; FCC 69–852]

PART 87—AVIATION SERVICES

Frequencies Available

In the matter of amendment of Part 87 of the rules to provide additional frequencies to the Civil Air Patrol (CAP) for single sideband (SSB) operations in presently allocated CAP frequency space.

1. The Civil Air Patrol (CAP), a civilian auxiliary of the U.S. Air Force, has requested rule changes which would, in effect, double the number of SSB frequencies available for CAP use below 25 MHz.

2. The CAP asserts that the requested changes will result in numerous operational advantages to them and alleviate interference now present due to frequency congestion and other conditions.

3. The requested rule changes constitute, in effect, "channel splitting" and will double the number of their SSB frequencies. This will be done without using any more of the radio spectrum than is now available for CAP exclusive use. The method of achieving this in SSB operations, by transmitting the sideband on the higher frequency side of the carrier frequency, will be the same as used elsewhere generally in the radio community and, for the Aviation Services, is provided for in § 87.73(e) of our rules. By providing an additional SSB frequency 3 kc/s below each presently assigned CAP carrier frequency as contained in the attached appendix, the number of available SSB channels is doubled within the frequency space now allocated for CAP use. At present the CAP is authorized to use either a 3 kc/s SSB emission above the carrier frequency or a double sideband (DSB) emission in the 6 kc/s CAP channels. As the CAP converts primarily to SSB operations, the use of the lower half of the channels steadily diminishes and in time will be mostly, or completely, unused. The rule changes will permit the CAP

to more fully utilize their assigned frequency space.

4. The requested amendments pertain to the use of frequencies used only by the CAP and its parent agency the U.S. Air Force, and do not affect users of other frequencies hence, compliance with the prior notice, procedure, and effective date provisions of 5 U.S.C. 553 would serve no useful purpose and therefore is unnecessary.

5. In addition to the use of A3A and A3J emissions, the CAP requested in their petition, permission to use an A3H, full carrier emission on the SSB frequency 3 kc/s below each presently assigned CAP carrier frequency. We have not concurred in this request and have not provided for the use of a A3H emission in the lower half channel. The use of a SSB full carrier on the lower-half channel would appreciably increase interference potential to the next lower channel as well as to CAP stations using a carrier on the upper half of the channel. Additionally, the practice would conflict with the concept being implemented elsewhere in the radio community such as the maritime services. Resolution MAR 4 of the World Administrative Radio Conference (WARC), Geneva, 1967, expressly provides (page 242) that "* * * class A3H emissions shall not be used on single sideband channels in the lower part of previous double sideband channels."

6. In view of the foregoing, we find that the rule changes requested by CAP are reasonable and desirable and would serve the public interest and should be granted.

7. *According, it is ordered*, That pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 87 of the Commission's rules is amended, effective August 15, 1969, as set for below.

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 6, 1969.

Released: August 8, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

In § 87.513, the introductory text and paragraphs (a), (b), (c), (d), (e), and (f) are amended to read:

§ 87.513 Frequencies available.

The following frequencies are available for assignment to Civil Air Patrol land and mobile stations within the United States, its territories and possessions, except as otherwise provided in this section:

(a) (1) 2374 kc/s, A1, A2, A3 emission, 400 watts maximum power.

(2) 2375.5 kc/s (2374.0 kc/s carrier frequency), A3A, A3H, A3J emission, 1,600 watts maximum power.

(3) 2372.5 kc/s (2371 kc/s carrier frequency), A3A, A3J emission, 1,600 watts maximum power.

(b) (1) 4467.5 kc/s, A1, A2, A3 emission, 400 watts maximum power.

(2) 4469 kc/s (4467.5 kc/s carrier frequency), A3A, A3H, A3J emission, 1,600 watts maximum power.

(3) 4466 kc/s (4464.5 kc/s carrier frequency), A3A, A3J emission, 1,600 watts maximum power.

(4) Assignment of the frequencies 4467.5 kc/s, 4469 kc/s, and 4466 kc/s is limited to stations in the District of Columbia and the following States:

Alabama.	New Jersey.
Connecticut.	New York.
Delaware.	North Carolina.
Florida.	Pennsylvania.
Georgia.	Rhode Island.
Maine.	South Carolina.
Maryland.	Tennessee.
Massachusetts.	Vermont.
Mississippi.	Virginia.
New Hampshire.	West Virginia.

(c) (1) 4507.5 kc/s, A1, A2, A3 emission, 400 watts maximum power.

(2) 4509 kc/s (4507.5 kc/s carrier frequency), A3A, A3H, A3J emission, 1,600 watts maximum power.

(3) 4506 kc/s (4504.5 kc/s carrier frequency), A3A, A3J emission, 1,600 watts maximum power.

(4) Assignment of the frequencies 4507.5 kc/s, 4509 kc/s, and 4506 kc/s is limited to stations in the following States:

Arizona.	Montana.
Arkansas.	Nebraska.
California.	Nevada.
Colorado.	New Mexico.
Idaho.	North Dakota.
Illinois.	Ohio.
Indiana.	Oklahoma.
Iowa.	Oregon.
Kansas.	South Dakota.
Kentucky.	Texas.
Louisiana.	Utah.
Michigan.	Washington.
Minnesota.	Wisconsin.
Missouri.	Wyoming.

(d) (1) 4585 kc/s, A1, A2, A3 emission, 400 watts maximum power.

(2) 4586.5 kc/s (4585 kc/s carrier frequency), A3A, A3H, A3J emission, 1,600 watts maximum power.

(3) 4583.5 kc/s (4582 kc/s carrier frequency), A3A, A3J emission, 1,600 watts maximum power.

(e) (1) 4602.5 kc/s, A1, F1, A3 emission, 400 watts maximum power.

(2) 4604 kc/s (4602.5 kc/s carrier frequency), A3A, A3H, A3J emission, 1,600 watts maximum power.

(3) 4601 kc/s (4599.5 kc/s carrier frequency), A3A, A3J emission, 1,600 watts maximum power.

(4) Assignment of the frequencies 4602.5 kc/s, 4604.0 kc/s, and 4601.0 kc/s is limited to stations in the following States:

Colorado.	Montana.
Idaho.	Ohio.
Illinois.	Utah.
Indiana.	Wisconsin.
Kentucky.	Wyoming.
Michigan.	

(f) (1) 4630 kc/s, A1, F1, A3 emission, 400 watts maximum power.

(2) 4631.5 kc/s (4630 kc/s carrier frequency) A3A, A3H, A3J emission, 1,600 watts maximum power.

(3) 4628.6 kc/s (4627 kc/s carrier frequency) A3A, A3J emission, 1,600 watts maximum power.

(4) Assignment of the frequencies 4630 kc/s, 4631.5 kc/s, and 4628.5 kc/s is limited to stations in the following states:

Arizona.	New Mexico.
Arkansas.	Oklahoma.
Louisiana.	Texas.

[F.R. Doc. 69-9547; Filed, Aug. 12, 1969; 8:49 a.m.]

[1] Commissioners Hyde, chairman, Wadsworth and Johnson absent.

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 23; Amdt. No. 71-4]

PART 71—STANDARD TIME ZONE BOUNDARIES

Boundary Line Between Mountain and Pacific Zones

The purpose of this amendment to Part 71 of Title 49 of the Code of Federal Regulations is to change the existing boundary line between the mountain time zone and the Pacific time zone as it applies to the State of Oregon.

On May 13, 1969, the Department of Transportation published in the FEDERAL REGISTER a notice of proposed rule making (34 F.R. 7616) requesting comments on a proposal based, for the most part, on a petition received from the Governor of Oregon. The petition requested that the Department place the northern three-fourths of Malheur County, Oreg., in the mountain time zone. The petition stated that the area concerned had historically followed mountain time and that the general public, business, and social activities of the area were oriented to those of the Idaho communities in the mountain time zone, immediately to the east.

It was pointed out in the notice that the existing time zone boundary, set by a decision of the Interstate Commerce Commission in 1923, was based primarily on the lines of the Oregon Short Line Railroad (now part of the Union Pacific system) and that a portion of the railroad line in Baker County, Oreg., had been abandoned. The Department therefore supplemented the Governor's proposed change in Malheur County with a proposal to "substitute a geographic description that encompasses the territory covered by the abandoned railroad line" with respect to Baker County.

Interested persons were given a 48-day period within which to comment on the proposed changes. No adverse comment on the proposed changes was received. With respect to the Malheur County part of the proposal, the Governor, the county judge of Malheur County, and the mayors of the three principal communities in Malheur County (Ontario, Vale, and Nyssa) have each indicated their support for the change. The county judge of Malheur County has also indicated that, based on public hearings held by him in Ontario and Jordan Valley, Oreg., the proposed Malheur County change "has been approved by citizens of Malheur County and appears to be in the interest of Malheur County." The southern one-fourth of Malheur County which, under the proposal, would remain in the Pacific time zone, encompasses the school district served by the community of McDermitt located on the Nevada-Oregon State border. This southern portion of Malheur County is as oriented to Nevada communities, and Pacific time, as the northern portion of the county is to Idaho and mountain time.

Investigation by the Department during the period allowed for public comment has revealed that the abandoned line of railroad in Baker County, Oreg., upon which a portion of the mountain-Pacific time zone boundary is now based, followed the west bank of the Snake River (the Idaho-Oregon State border) from Huntington, Oreg., to Homestead, Oreg. The 1923 decision of the Interstate Commerce Commission used the railroad line rather than the Snake River as the basis for the time zone boundary in order to permit that line of railroad to operate on mountain time within an area that was otherwise on Pacific time. Obviously the need for gerrymandering the time zone boundary in Baker County lapsed with the abandonment of the line of railroad.

All information available to the Department indicates that Pacific time is being observed throughout Baker County. The Baker County Commissioners have orally advised the Department that it would be appropriate and desirable that the mountain-Pacific time zone boundary be located so as to place all of Baker County in the Pacific time zone.

It is therefore the opinion of the Department that the clear preference of those concerned is for mountain time in the northern three-fourths of Malheur County and for Pacific time in the southern one-fourth of Malheur County and all of Baker County.

The Department also stated in the notice its intention to make a technical language change in the Idaho-Oregon portion of the mountain-Pacific time zone boundary description so as to make it conform to the description of that boundary as it affects Nevada and Utah. This technical change does not affect the territory covered by the description to be changed.

The Union Pacific Railroad has requested, contingent upon the relocation of the time zone boundary, that the Department modify the operating exceptions granted for the Union Pacific now contained in § 71.8(d)(2) of Title 49 of the Code of Federal Regulations by deleting the exception "from Vale, Oreg., to Jamieson, Oreg.," and by amending the exception "from Ontario, Oreg., to Burns, Oreg." to read "from western boundary of Malheur County, Oreg., to Burns, Oreg."

In consideration of the foregoing, paragraphs (a), (d)(2), and (e) of § 71.8 of Title 49 of the Code of Federal Regulations are amended, effective at 2 a.m. on Sunday, September 7, 1969, to read as follows:

§ 71.8 Boundary line between mountain and Pacific zones.

(a) *Montana-Idaho-Oregon.* Beginning at the intersection of the boundary between the United States and Canada with the boundary between the States of Idaho and Montana; thence southerly along the boundary between the States of Idaho and Montana to its intersection with the boundary between Idaho County, Idaho, and Lemhi County, Idaho; thence southwesterly along the boundary between those two counties to the main channel of the Salmon River; thence westerly along the main channel of the Salmon River to the western boundary of Idaho; thence southerly along the western boundary of Idaho to its intersection with the boundary between Baker County, Oreg., and Malheur County, Oreg.; thence westerly along the northern boundary of Malheur County to the northwest corner of Malheur County; thence southerly along the western boundary of Malheur County to the southwest corner of T. 35 S., R. 37 E.; thence east to the boundary between the States of Oregon and Idaho; thence south along the boundary between Oregon and Idaho to the southwest corner of the State of Idaho; thence easterly along the southern boundary of the State of Idaho to its intersection with the western boundary of the State of Utah.

* * * * * *

(d) *Operating exceptions.*

(1) * * *

(2) *Lines west of boundary included in mountain zone:* Those portions of the following lines of railroad located west of the zone boundary line described in this section, are, for operating purposes only, excepted from the U.S. standard Pacific time zone and shall be included in the U.S. standard mountain time zone:

Railroad	From—	To—
Atchison, Topeka, & Santa Fe.	Colorado River.	Southern limits of Needles, Calif.
Chicago, Milwaukee, St. Paul, & Pacific.	Montana-Idaho State line.	Avery, Idaho.
Union Pacific	Idaho-Nevada State line, near Idavada, Idaho.	Wells, Nev.
Do	West line of Malheur County, Oreg.	Burns, Oreg.

(e) *Points on boundary line.* All municipalities located upon the zone boundary line described in this section shall be considered as within the U.S. standard mountain time zone.

This amendment does not concern adherence to or exemption from advanced (daylight saving) time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from the last Sunday in April to the last Sunday in October, but permits any State to exempt itself, by law, from observing advanced time within that State. The Department has no administrative authority with respect to this requirement.

(15 U.S.C. 260-267, sec. 6(e)(5), Department of Transportation Act; 49 U.S.C. 1655(e)(5))

Issued in Washington, D.C., on August 7, 1969.

JOHN A. VOLPE,
Secretary of Transportation.

[F.R. Doc. 69-9528; Filed, Aug. 12, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Mingo National Wildlife Refuge, Mo.

The following special regulations is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations: big game; for individual wildlife refuge areas.

MISSOURI

MINGO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Mingo National Wildlife Refuge, Puxico, Mo., is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,000 acres, is delineated on maps available at refuge headquarters, Puxico, Mo., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions.

(1) Hunting with bows and arrows only is permitted.

(2) The open season for hunting deer on refuge is from October 1 through December 15, 1969, inclusive.

(3) A Federal permit is required to enter the public hunting area. It may be obtained by mail by writing the Refuge Manager, Mingo National Wildlife Refuge, Puxico, Mo., or by applying in person at refuge headquarters, Puxico, Mo., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday between August 25 through September 25, inclusive. No permits will be issued after September 25. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 15, 1969.

JOHN E. TOLL,
Refuge Manager, Mingo National Wildlife Refuge, Puxico, Mo.

AUGUST 1, 1969.

[F.R. Doc. 69-9498; Filed, Aug. 12, 1969; 8:45 a.m.]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted from August 29 through November 2 and November 17 through December 14, 1969, only on the area designated by signs as open to hunting. This open area, comprising 31,542 acres, is delineated on a map available at the refuge headquarters, Upham, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer with bow and arrow, subject to the following conditions:

Hunters are requested to obtain a registration card which will be issued by asking for them, either in person or by mail, from the Refuge Headquarters, Upham, N. Dak. 58789.

Hunting is by foot only. Vehicles are to remain on established refuge roads only.

All hunters must exhibit their hunting licenses, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1969.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak.

AUGUST 5, 1969.

[F.R. Doc. 69-9469; Filed, Aug. 12, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 141, 146]

ANTIBIOTIC DRUGS

Proposal Regarding Sterility as Certification Requirement

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that the antibiotic drug regulations be amended as follows to establish sterility as a certification requirement for all diluents and droppers packaged in combination with sterile antibiotic drugs. Accordingly, it is proposed that Parts 141 and 146 be amended:

1. By adding two new paragraphs to § 141.1, as follows:

§ 141.1 Definitions and interpretations applicable to Part 141.

• • • • •

(c) *Sterility tests; diluents packaged in combination with sterile antibiotic drugs.* If a sterile antibiotic drug is packaged in combination with an immediate container of a diluent, the immediate container of diluent shall be sterile when tested by the method prescribed in § 141.2(e)(1).

(d) *Sterility tests; droppers packaged in combination with sterile antibiotic drugs.* If a sterile antibiotic drug is packaged in combination with a dropper, such dropper shall be sterile when tested by the method prescribed in § 141.2(e)(1).

2. By revising § 141.2(e)(1) to read as follows:

§ 141.2 Sterility test methods and procedures.

• • • • •

(e) *Conduct of test*—(1) *Bacterial membrane filter method*—(i) *Sample preparation*—(a) *Antibiotic drug.* From each of 20 immediate containers, aseptically transfer approximately 300 milligrams of solids if it is not a liquid drug, or 1 milliliter by volume if it is a liquid drug, or the entire contents if the container contains less than these amounts; except that if it is a liquid drug containing penicillin in a concentration greater than 300,000 units per milliliter, use the volume that contains 300,000 units, into a sterile 500-milliliter Erlenmeyer flask containing approximately 200 milliliters of diluting fluid A. (If it is a composite sample packaged in one immediate container in accordance with the requirements of § 141.1(b), transfer the entire contents, or approximately 6 grams, into the Erlenmeyer flask.) Stopper the flask and swirl to dissolve the drug. As soon as the sample has completely dissolved, proceed as directed in subdivision (ii) of this subparagraph. If the pooled portions from 20 containers will not dissolve completely in 200 milliliters of diluting fluid or will not filter rapidly, 400 milliliters of diluting fluid may be used or two separate tests may be performed using a pool of 10 containers for each test.

(b) *Diluent packaged in combination with a sterile drug.* From each of 20 immediate containers, aseptically transfer approximately 1 milliliter by volume into a sterile 500-milliliter Erlenmeyer flask containing approximately 200 milliliters of diluting fluid A. Stopper the flask and proceed as directed in subdivision (ii) of this subparagraph.

(c) *Sterile droppers packaged in combination with a sterile drug.* Prepare 20 clean, empty containers of approximately the same size as those in which the sterile antibiotic drug is packaged. To each container add diluting fluid A in a volume approximately the same as that of the sterile drug when it is prepared for dispensing. Cap the containers, sterilize by autoclaving at 121° C. for 20 minutes, and then allow to cool to room temperature. Aseptically open each dropper package and remove each dropper in turn. Use each aseptically to remove 1 milliliter of the fluid from a separate sterile container prepared as described above. Aseptically transfer the fluid to a 500-milliliter Erlenmeyer flask containing approximately 200 milliliters of diluting fluid A. Stopper the flask and proceed as directed in subdivision (ii) of this subparagraph.

(ii) *Test procedure.* Aseptically filter the solution through a bacteriological membrane filter. All air entering the filtering system is filtered through air filters capable of removing micro-organisms. Filter three 100-milliliter quantities of diluting fluid A through the membrane. By means of a sterile circular blade, paper punch, or any other suitable sterile device, cut a circular portion (approximately 17.5 millimeters in diameter) from the center of the filtering area. Transfer the cut center area to a sterile 38 millimeter by 200 millimeter (outside dimensions) test tube containing 90 ±10 milliliters of sterile medium A. Incubate the tube for 7 days at 30° C.–32° C. Using sterile forceps, transfer the remaining outer portion of the membrane into a second similar tube containing 90 ±10 milliliters of medium E. Incubate the second tube for 7 days at 22° C.–25° C.

By adding to § 146.2(c), new subparagraphs (8)(iv) and (11), as follows:

§ 146.2 Requests for certification, check tests and assays, and working standards; information and samples required.

• • • • •

(c) • • •

(8) • • •

(iv) In the case of a sterile drug packaged in combination with containers of a sterile diluent, the sample shall be collected by taking 20 immediate containers of the diluent collected at regular intervals throughout each filling operation, except that if the diluent is sterilized after filling into containers, the representative sample shall consist of 20 immediate containers collected from each sterilizer load and each container shall be taken from a different part of each such sterilizer load. In the case of sterile drugs packaged in combination with sterile droppers, the sample shall be collected by taking 20 droppers from each sterilizer load and each dropper shall be taken from a different part of such sterilizer load.

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(11) If such batch or any part thereof is to be packaged with a sterile diluent or sterile dropper, such request shall also be accompanied by a statement that such diluent or dropper is sterile and conforms to the requirements prescribed therefor by specific regulations.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9513; Filed, Aug. 12, 1969; 8:46 a.m.]

Public Health Service

[42 CFR Part 81]

STEUBENVILLE-WEIRTON-WHEELING INTERSTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and of Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Steubenville-Weirton-Wheeling Interstate Air Quality Control Region (Ohio—West Virginia) as set forth in the following new § 81.33 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is pro-

posed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Ohio and West Virginia and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Federal Courtroom, U.S. Post Office and Courthouse, Washington and North Fourth Streets, Steubenville, Ohio, beginning at 10 a.m., August 27, 1969.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.33 is proposed to be added to read as follows:

§ 81.33 Steubenville-Weirton-Wheeling Interstate Air Quality Control Region.

The Steubenville-Weirton-Wheeling Interstate Air Quality Control Region (Ohio-West Virginia) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio:
Belmont County. Jefferson County.

In the State of West Virginia:
Brooke County. Marshall County.
Hancock County. Ohio County.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: August 4, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69-9465; Filed, Aug. 12, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 101]

COTTON WAREHOUSES

Proposed Amendment of Warehouse Charges

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service, pursuant to the authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C. 268) is considering amending warehouse regulations appearing in Part 101 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations as follows:

Section 101.29 would be amended to read:

§ 101.29 Warehouse charges.

A licensed warehouseman shall not make any unreasonable, exorbitant, or discriminatory charge for services rendered. Before a license to conduct a warehouse is granted under the act, the warehouseman shall file with the Department a copy of his rules, if any, and a schedule of the charges to be made by him if licensed. Effective at the beginning of any cotton season, a licensed warehouseman may change his rate of charges for storage and other services, and the new rates may apply to all cotton then in storage as well as cotton received thereafter. At or before the beginning of each season every licensed warehouseman shall file with the Department a copy of his rules, if any, and of his schedule of charges for the ensuing season. Should a licensed warehouseman wish to make changes in his rates to become effective at any time other than at the beginning of a season, he shall file with the Department an amended schedule showing the contemplated changes, accompanied by a statement setting forth the reasons therefor. No increase in the storage rate shown in such an amended schedule shall apply to cotton in storage at the time the changes become effective. Each schedule of charges filed under this section shall specify the terms and conditions under which charges for storage shall cease after the owner of the cotton makes demand for delivery in accordance with section 21 of the act. A licensed warehouseman may demand payment of all accrued charges at the close of each cotton season. If, upon demand, the owner of the cotton refuses to pay such charges at the end of a season, the warehouseman may take such action to enforce collection of his charges as is permitted by the laws of the State in which the warehouse is located. Each licensed warehouseman shall keep a copy of his current rules and schedule of charges exposed conspicuously in the place prescribed by § 101.6 and at such other place accessible to the public as the Secretary or his designated representative may from time to time designate. For the purposes of this section the cotton season shall commence, with respect to each warehouse, at such time not later than September 15 of each year, as the operator of the warehouse shall select, and he shall notify the Department in writing not less than 5 days next preceding the date selected.

Warehouse receipts issued for cotton are normally negotiable and of the type referred to by the trade as Bearer. Much cotton is bought and sold on the basis of transfer of these warehouse receipts. For receipts to serve this purpose, the purchaser must be in a position at time of purchase, first to know what warehouse charges have accrued against the cotton represented by the receipt and second, to be able to determine the additional cost to him to effect delivery of the cotton. The first is now provided for in the Act and regulations. In order to adequately provide for the second, it is proposed to amend the regulations to require that each licensed warehouseman specify in his schedule of charges the terms and conditions under which charges for storage shall cease after the owner of the cotton makes demand for delivery in accordance with section 21 of the United States Warehouse Act. This is accomplished by adding a new sentence after the sixth sentence of § 101.29. The section is otherwise unchanged.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Transportation and Warehouse Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., August 8, 1969.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-9555; Filed, Aug. 12, 1969; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[24 CFR Part 1665]

GUARANTY OF MORTGAGE-BACKED SECURITIES (PASS-THROUGH)

Government National Mortgage Association

Notice is hereby given that the Government National Mortgage Association, under the authority contained in section 309 of the National Housing Act (12 U.S.C. 1723a), is considering the addition of a new Part 1665 to Title 24 of the Code of Federal Regulations. The proposed new Part 1665 would describe the implementation of the Association's authority to guarantee certain securities under section 306(g) of the National Housing Act.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Association at its office at 451 Seventh Street SW., Washington, D.C. 20414, within 30 days of the publication of this notice in the FEDERAL REGISTER.

The proposed regulations are as follows:

Part 1665—Guaranty of Mortgage-Backed Securities (Pass-Through)

Sec.
1665.1 General.
1665.3 Eligible issuers of securities.
1665.5 Securities.
1665.7 Mortgages.
1665.9 Pool administration.
1665.11 Excess collateral.
1665.13 Guaranty.
1665.15 Fees.
1665.17 Audits and reports.
1665.19 Applications.

AUTHORITY: The provisions of this Part 1665 issued under sec. 309, National Housing Act; 12 U.S.C. 1723a.

§ 1665.1 General.

The Association is authorized by section 306(g) of the National Housing Act to guarantee the timely payment of principal and interest on securities which are based on or backed by a trust or pool composed of mortgages or loans insured by the Federal Housing Administration or the Farmers' Home Administration, or insured or guaranteed by the Veterans' Administration. The Association's guaranty of mortgage-backed securities is backed by the full faith and credit of the United States. This part is limited to securities of the "pass-through" type.

§ 1665.3 Eligible issuers of securities.

Any mortgagee which has been approved by the Federal Housing Administration and which has adequate experience and facilities to issue mortgage-backed securities may be approved for a guaranty by the Association, except that a State or local governmental instrumentality shall not become an approved issuer. No issue of securities will be approved for guaranty unless the issuer has a net worth in assets, acceptable to the Association, of not less than 3 percent of the amount of guaranteed securities to be outstanding after such issue.

§ 1665.5 Securities.

(a) *Instrument.* Pass-through securities provide for the payment by the issuer to the holders of a proportionate share of the proceeds of principal, interest and other receipts as collected on account of a pool of mortgages, less servicing fees and other specified costs approved by the Association. The securities must specify the accounting period for the collection of such proceeds and the date on which these proceeds are payable to the holders of the securities. The securities must also specify a date on which the entire principal to be collected will have been paid or will be payable.

(b) *Issue amount.* Each issue of guaranteed securities must be in a minimum face amount of $5 million. The total face amount of any issue of securities cannot exceed the lesser of the aggregate unpaid principal balances of the mortgages in the pool or the total purchase price to the issuer of the mortgages in the pool.

(c) *Face amount of securities.* The initial face amount of any security cannot be less than $100,000.

(d) *Transferability.* Securities are transferable, but the proportionate share of the proceeds collected on account of the pool of mortgages may not be payable to more than one holder with respect to any security.

(e) *Disclosure.* The issuer must disclose the average price and total cost to the issuer of the mortgages in the pool and the average price at which the mortgages were originated.

§ 1665.7 Mortgages.

Each issue of guaranteed securities must be backed by a separate pool of mortgages which:

(a) Are insured under the National Housing Act or title V of the Housing Act of 1949, or insured or guaranteed under the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code;

(b) Cover residential property;

(c) Have been insured or guaranteed no longer than 6 months prior to the date on which the Association enters into a commitment to guarantee the securities;

(d) Will be replaced by the issuer if found defective by the Association at any time prior to 4 months after the date on which the Association enters into a commitment to guarantee the securities; and

(e) Meet such other standards of acceptability as may be prescribed by the Association.

§ 1665.9 Pool administration.

The Association will not guarantee securities if the pool arrangement proposed by the issuer does not satisfactorily provide for:

(a) Servicing of the mortgages in the pool;

(b) Segregation of the cash flow from mortgages in the pool from the other assets of the issuer;

(c) Timely payment of the proceeds of principal, interest, and other receipts in accordance with the terms of the guaranteed securities;

(d) Notification to the Association of an impending default in adequate time for the Association to make timely payments on the securities; and

(e) Delivery to a designated custodial agent satisfactory to the Association of the mortgage notes or other evidences of indebtedness secured by the mortgages in the pool and protection of the Association's interest in all assets in the pool as collateral for its guaranty.

§ 1665.11 Excess collateral.

The issuer shall maintain, for the benefit of the Association, excess collateral in assets acceptable to the Association of 3 percent of the amount of guaranteed securities outstanding. In lieu of such excess collateral the Association may accept a fidelity bond covering the faithful performance of fiduciary responsibilities of the issuer.

§ 1665.13 Guaranty.

The Association guarantees the timely payment of the proceeds of principal, interest, and other receipts from mortgages which are due on mortgage-backed securities and its guaranty appears on the face of the security. Any failure or inability of the issuer to make payment as due of proceeds from a pool of mortgages which have been collected or which should have been collected under reasonable and accepted standards of mortgage servicing shall be deemed a default. Upon any default by the issuer and payment by the Association, or failure of the issuer to comply with the conditions of the guaranty, the Association may institute a claim against the assets of the issuer, or foreclose on the pool of assets, or both.

§ 1665.15 Fees.

The Association imposes an application, commitment, and annual guaranty fee.

§ 1665.17 Audits and reports.

The Association may at any time audit the books and examine the records of any issuer, mortgage servicer, trustee or agent or other person bearing on its guaranty of mortgage-backed securities, and may require periodic reports from such persons.

§ 1665.19 Applications.

Applications for guaranty should be submitted to the Association's office located at 451 Seventh Street SW., Washington, D.C. 20414.

Issued at Washington, D.C., July 31, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-9532; Filed, Aug. 12, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[RM-1420 only]

FM BROADCAST STATIONS, LINEVILLE AND ROANOKE, ALA. ET AL

Table of Assignments, Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, Docket No. 18574, Table of Assignments, FM Broadcast Stations (Lineville

and Roanoke, Ala.; Bloomington, Ind.; St. George, S.C.; Muskegon, Mich.; Paintsville and Jackson, Ky.; Exmore, Va.; Montour Falls, N.Y.; Catlettsburg, Ky.; Winona, Miss.; Braddock Heights or elsewhere in Maryland, Virginia, or West Virginia); RM-1394, RM-1397, RM-1400, RM-1405, RM-1407, RM-1416, RM-1420, RM-1426, RM-1431, RM-1404.

1. In a notice of proposed rule making released June 20, 1969, in this proceeding (FCC 69-669), the Commission invited comments on a number of proposals to amend the FM Table of Assignments, including the assignment of Channel 285A to Watkins Glen-Montour Falls, N.Y. The time for filing comments has expired and the date designated for the filing of reply comments is August 8, 1969.

2. On August 4, 1969, Watkins Glen-Montour Falls Broadcasting Corp. filed a request for an extension of time to and including September 8, 1969, in which to file reply comments. It states that an error was made in its engineering data which was submitted on July 12, 1969. It further states that inasmuch as this error was just discovered the additional time is necessary in order for it to reply to the Commission's notice of proposed rule making (RM-1420), with respect to the selection of a site that would provide FM coverage to Montour Falls, N.Y., and meet both the mileage separations from Channel 286, De Ruyter, N.Y., and Channel 287, Hornell, N.Y. We believe the requested additional time is warranted and would serve the public interest.

3. In view of the foregoing: *It is ordered*, That the time for filing reply comments in this proceeding in the matter of RM-1420 only is extended to September 8, 1969.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: August 6, 1969.

Released: August 7, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-9548; Filed, Aug. 12, 1969; 8:49 a.m.]

[Docket No. 18628; RM-1406; FCC 69-859]

[47 CFR Part 73]

TELEVISION BROADCAST STATIONS, COLUMBUS, MISS.

Table of Assignments

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Columbus, Miss.).

1. Notice is hereby given of proposed rule making to assign UHF Channel 27 to Columbus, Miss.

2. The assignment of Channel 27 to Columbus is proposed by Messrs. Charles K. Irby and Sam H. Sanders, a partnership, doing business as Irby and Sanders, Columbus, in a petition for rule making filed February 7, 1969.

3. Columbus (1960 population 27,771), the county seat of Lowndes County (1960 population, 46,639), is located near the eastern Mississippi-Alabama border, approximately 57 miles south of Tupelo, Miss., 70 miles north of Meridian, Miss., and 90 miles west of Birmingham, Ala. At present, only Channel 4, occupied by Station WCBI-TV since 1956, is assigned to Columbus. The nearest other television stations are at Tupelo, Meridian, and Birmingham, none of which place a signal of Grade B intensity over Columbus.

4. Petitioners state that they seek a UHF assignment at Columbus to implement their plans to establish a new local station and that they intend to apply for Channel 27 if it is assigned. They contemplate operating from a transmitter site about 30 miles northwest of Columbus, between Houston and West Point, Miss., since, as they explain in a supplementary statement, filed July 22, 1969, they consider this the optimum location for Federal Aviation Administration clearance and for serving the maximum number of cities in this area of Mississippi. An accompanying engineering statement is submitted to show that Channel 27 at Columbus would meet all mileage separation requirements, would require no changes in other assignments, and would be the most efficient from the standpoint of impact upon remaining available but unassigned channels in the area affected by a Columbus assignment. This has been verified with the Commission's electronic computer. The computer also shows that this is an area where an ample supply of UHF channels is available to supply any foreseeable needs. It appears therefore that the choice of Channel 27 for assignment to Columbus would serve the public interest. And, in view of the interest and demand evidenced by the instant petition in a first UHF assignment for a station at Columbus, we believe that the institution of rule making looking toward such action is warranted.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the television Table of Assignments, § 73.606(b) of the Commission's rules, by assigning Channel 27 to Columbus, Miss.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before September 15, 1969, and reply comments on or before September 25, 1969. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: August 6, 1969.

Released: August 8, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-9549; Filed, Aug. 12, 1969; 8:49 a.m.]

[Docket No. 18627; FCC 69-853]

[47 CFR Part 89]

PUBLIC SAFETY RADIO SERVICES

Radio Call Box Operations

In the matter of amendment of Part 89 of the Commission's rules relating to radio call box operations in the Public Safety Radio Services.

1. The Commission has under consideration the matter of radio call box operations in the Public Safety Radio Services on frequencies in the 72-76 MHz band. A number of factors, as described below, have resulted in increased demand for radio call box systems for use in emergencies involving the safety of life and property. It now appears to the Commission that the adoption of specific rule standards to govern applications and operating requirements for these systems is warranted.

2. By way of background, tone signalling methods and devices have been highly refined in the last few years and the relatively low cost of installation of new or renovated call box systems for municipalities has increased interest in radio devices to perform the call box function. Additionally, the need to rapidly alert and dispatch police and fire vehicles to trouble spots has resulted in the development of nonvoice devices that may be activated by the general public to summon such assistance. These devices operate in the same manner as a conventional alarm box except that one or more push buttons are provided for separate police, fire, or medical help, as required, in lieu of the conventional lever activation. Radio call boxes utilize tone signals or frequency shift keying, occupy rather narrow channels, and are usually designed to transmit for a very short period (on the order of 1 to 2 seconds) with automatic cutoff to prevent prolonged transmissions.

3. The intermittent nature of transmissions from emergency call box alarm transmitters virtually eliminates the likelihood of extended interference to TV operations which has been the primary concern in this area. Further, the low power used has been found to essentially restrict the area of potential interference to TV reception to distances less than 200 feet from call box locations. Therefore, some departure may be justified from the assignment standards in § 89.101(c) of the Commission's rules, which are intended to afford protection to TV reception on Channels 4 and 5 from fixed station operation in the 72-76 MHz band.

[1] Commissioners Hyde, chairman, Wadsworth and Johnson absent.

4. The 72-76 MHz band is primarily used at distances 10 miles or more from Channel 4 or 5 TV transmitters for the purpose of point-to-point operations. All uses in that band may not cause interference to television reception, and applicants must agree to correct any interference to TV reception on Channels 4 and 5 within 90 days or discontinue the use of the station.

5. In 1962, California obtained the first radio call box authorization in the 72-76 MHz band within 80 miles of a Channel 4 TV transmitter location in order to operate a highway emergency radio call box system for the Los Angeles Freeway. Since that date and largely in the last 2 years, a number of similar applications for these call box systems have been granted, some for highway road service but most for fire emergencies. There is no official record of any complaints of interference to television operations emanating from these authorized devices. This band is the only available source of frequencies below the microwave region in which a number of channels could be made available for call box use. Thus, this band offers the combination of economical advantage, reliable propagation and multichannel use, where required.

6. In consideration of the foregoing, the Commission believes that it may be in the public interest to permit State and municipal governments and agencies to install radio call boxes that employ low power transmitters operating on frequencies within the frequency bands 72-73 and 75.4-76 MHz adjacent to TV Channels 4 and 5. Accordingly, notice is hereby given of a proposal to add a new rule § 89.102 to provide for licensing radio call box systems in the Public Safety Radio Services, as follows:

§ 89.102 Radio call boxes—Use of frequencies between 72 and 76 MHz for coded signalling of fire, police or other emergency assistance requirements.

a. The sixty-eight 20 kc/s Channels, 72.02 through 75.98 MHz (see § 89.101), may be authorized, without regard to the restrictions of § 89.101(c) for use in radio call box systems in the Public Safety Radio Services, as follows:

(1) Total radiated power not to exceed one watt;

(2) Antenna gain not to exceed unity (zero db) in any direction;

(3) Polarization, vertical only;

(4) Antenna height above ground (or roadway) not to exceed 20 feet;

(5) Emission A1, A2, F1, or F2 only;

(6) Each transmission to be limited to a maximum of 2 seconds with a repetitive rate limited to 1 minute intervals when reactivated.

b. Choice of frequency(s) in any system shall be made with due regard for TV Channels 4 (66 to 72 MHz) and 5 (76 to 82 MHz) assignments in the area and shall maintain the greatest possible frequency separation from either or both of these channels if they are assigned in the area (Grade B contours overlap call box area).

7. Authority for this proposed amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 15, 1969, and reply comments on or before September 25, 1969. In accordance with § 1.419(b) of the Commission's rules, an original and 14 copies of all statements, briefs, and comments filed shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other pertinent information before it in addition to specific comments invited by this Notice.

Adopted: August 6, 1969.

Released: August 8, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-9550; Filed, Aug. 12, 1969; 8:49 a.m.]

[Docket No. 18626; RM-1299; FCC 69-851]

[47 CFR Part 91]

BASE STATION SIGNAL BOOSTERS ON FREQUENCIES ALLOCATED FOR AIR TERMINAL USE

Notice of Proposed Rule Making

In the matter of amendment of § 91.554(b)(16) of the Commission's rules to permit base station signal boosters on frequencies allocated for air terminal use.

1. The Commission has before it for consideration the petition for rule making filed on April 11, 1968, by United Air Lines, Inc. (United), requesting amendment of the Commission's rules to permit restricted use of base station signal boosters at airports on frequencies allocated in the Business Radio Service for land mobile operations at air terminals. In support of its petition, United shows that for a number of years it has used two-way radio systems, operating on frequencies in the 460-470 Mc/s band, in the servicing of its aircraft. Moderate power for base stations, 20 watts or less output, has been employed, with correspondingly low power for the associated mobile and portable equipment. Because of the low power and due to severe shielding and shadowing experienced at airports, difficulties in reception of base station signals have been encountered, with coverage, in many instances, being marginal to nonexistent, particularly in hangar areas and when personnel are within the aircraft itself or in such enclosures as wash hangars and air freight terminals.

2. Rather than increase power, undesirable in United's view for a number of technical reasons, it has devised and has tested, under an authorization issued by the Commission, a system employing low power, same frequency, signal boosters. In this system, the signals of the base station are received, amplified, and repeated at points within the airdrome where reception of base station signals has been found to be difficult or impossible for the reasons mentioned.

3. The referenced Commission authorization required that all test transmissions "be conducted in such a manner that signal strength in any direction at a distance of 1,500 feet from the amplifier antenna does not exceed that which would be produced by the originating base station at the same point using free space attenuation only." United now reports that the tests were conducted as authorized, and that they verify the performance of the system within the limitation prescribed with no effective increase in the total coverage area of the base station. At the same time, United relates, the system provides a satisfactory signal in those specific areas where amplification is required, such as, inside aircraft, buildings, and in other shadowed or shielded places within the bounds of the airport, and, in this way, rectifies unsatisfactory reception of base station transmissions.

4. On the basis of this showing, United asks the Commission to institute this rule making to amend Subpart L of Part 91 of the rules to permit the use of the devices described by persons eligible for frequencies allocated for air terminal use in the Business Radio Service. Section 91.554(b)(16), (35), (36), (37), (38), and (40). United also requests that such authorizations be issued under the limitation specified by the Commission for the test, quoted above; and that there be no requirement for separate licensing to cover the signal boosters when so employed.

5. Although we are in agreement with the method advanced by United for amplifying base station signals, we believe that limiting the output power of the signal booster rather than the field strength would provide a more concrete and less complicated method of restricting the coverage area of the booster. Accordingly, we are not adopting United's suggestion that authorizations for the use of signal boosters be issued under the referenced field strength limitation; and, in lieu, the proposed rule provides that the maximum permissible output power be 200 milliwatts. In addition, we agree with United's request that a separate station license not be required to permit use of signal boosters; however, it is important that the areas in which these devices are used be known, and we would require that their use be authorized on the license of the associated base station.

6. The Commission also believes that technical standards must be established for signal boosters and, accordingly, proposes, as set forth in the appendix, to place a limit on the level of spurious emissions falling outside the band of frequencies designated for assignment to base stations for use at air terminals. The proposed spurious emission requirement will protect Business Radio Service users on adjacent frequencies and still

[1] Commissioners Hyde, Chairman; Wadsworth and Johnson absent.

allow an airport licensee to amplify more than one signal in a common area, thus simplifying the problem for multiple-frequency licensees. Additionally, it would permit the construction of a common installation to serve the needs for signal intensification for several users, and, absent interference considerations, this would appear to be more desirable than limiting the booster device to operation on a single air terminal channel. However, operation and use of signal boosters in this manner could result in harmful interference to other licensees, if such devices are "triggered" or activated by undesired signals on the same or adjacent frequencies. In view of this, we are inviting comments concerning the feasibility of requiring boosters to be activated only by coded tone signals. Comments are also invited as to standards that would insure against self-oscillation.

7. Although the technical parameters proposed herein are somewhat different from those imposed in United's tests, we believe the signal booster can still provide the same benefits indicated by those tests. Under the proposed rule amendments, the booster can be employed to fill in those areas on airports where the base station signals are attenuated below usable values without extending the range of the base station beyond the area it would normally cover.

8. The proposed amendment to the rules, as set forth below is issued pursuant to the authority contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules interested persons may file comments on or before September 15, 1969, and reply comments on or before September 25, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: August 6, 1969.

Released: August 8, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 91 of the Commission's rules is amended as follows:

1. In § 91.3, the following new definition is added in appropriate alphabetical sequence:

§ 91.3 Definitions.

* * * * * *

Signal booster. In the Business Radio Service, a device operated for the sole purpose of retransmitting the signals of one or more base stations by amplifying and reradiating such signals which have been received directly through space, without significantly altering any characteristic of the incoming signal other than its amplitude.

* * * * * *

2. In § 91.554(b), subparagraph (16) is amended to read as follows:

§ 91.554 Frequencies available.

(b) * * *

(16) Maximum permissible power for stations operating on this frequency at airports is 20 watts output. Persons authorized to operate a base station at such air terminals may also be authorized to employ signal boosters on this frequency for amplification of the base station signals in areas where such signals are attenuated below usable values: *Provided,* That,

(i) The amplified signal is retransmitted only on the exact frequency of the originating base station;

(ii) The booster is designed and operated so as to prevent the retransmission of signals other than those intended to be retransmitted;

(iii) The booster is equipped with automatic gain control circuitry which will limit the total power output of the booster to 200 milliwatts under all conditions.

(iv) The power of emissions on a frequency outside the band 460.6375–460.8875 Mc/s does not exceed 50 microwatts, and the gain between input and output terminals outside this band does not exceed 0 decibels;

(v) All such devices are installed with sufficient isolation between receiving and retransmitting circuits to prevent oscillation.

* * * * * *

[F.R. Doc. 69-9551; Filed, Aug. 12, 1969; 8:49 a.m.]

[1] Commissioners Hyde, Chairman; Wadsworth and Johnson absent.

[Docket No. 18625; RM-1388; FCC 69-850]

[47 CFR Part 95]

COMMUNICATIONS RELATING TO STREET AND HIGHWAY TRAFFIC CONDITIONS

Notice of Proposed Rule Making

In the matter of amendment of § 95.83 (a)(14) of the Citizens Radio Service rules to permit transmission of communications relating to street and highway traffic conditions.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The National Capital REACT, Inc. (Radio Emergency Associated Citizens Teams) has filed a petition for rule making to amend § 95.83(a)(14) of the Commission's rules to permit Class D stations in the Citizens Radio Service to transmit communications reporting local traffic conditions which would be relayed to the motoring public over licensed broadcast facilities. Specifically, the Petitioner proposes that members of the National Capital REACT, Inc., who commute within the greater Washington, D.C., metropolitan area, provide traffic condition information to the American Automobile Association or a unit licensed to National Capital REACT, Inc., under the call sign of the REACT organization. The information may then be relayed for reporting over licensed broadcast facilities.

3. The Commission has denied many requests to operate radio facilities in the Citizens Radio Service in a manner similar to the Petitioner's proposal because under § 95.83(a)(14) of the rules a Class D citizens radio station licensee is prohibited from relaying messages or transmitting communications for persons other than the licensee or members of his immediate family. However, we believe an amendment similar to that proposed by the Petitioner would promote highway safety and be in the public interest.

4. Accordingly, we are proposing to provide an exception in our rules to permit citizens radio station licensees to transmit information of highway conditions to broadcast licensees or organizations (such as American Automobile Association or a REACT organization) who furnish such information to broadcast facilities. It is made clear that the communications involved contemplates the transmission of road condition information only. Attention is directed to the provisions of § 95.83(a)(7) of the rules which prohibits the carriage of program material by a citizens radio station for live or delayed retransmission by a broadcast station. Road information furnished by a citizens radio station licensee may be compiled and edited by the broadcaster and then announced over the broadcast facility. The text of the proposed amendment is set forth below.

5. Authority for the rule amendments as proposed in the attached appendix, is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before September 15, 1969, and reply comments on or before September 25, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the rules, an original and fourteen (14) copies of all comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: August 6, 1969.

Released: August 8, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

I. Section 95.83(a)(14) is amended to read as follows:

§ 95.83 Prohibited uses.

(a) * * *

[1] Commissioners Hyde, chairman; Wadsworth and Johnson absent.

(14) For relaying messages or transmitting communications for a person other than the licensee or members of his immediate family except: (i) Communications transmitted pursuant to §§ 95.85(b), 95.87(b)(7), and 95.121; (ii) Upon specific prior Commission approval, communications between citizens radio stations at fixed locations where public telephone service is not provided; and (iii) Communications reporting locally observed traffic conditions directed to persons engaged directly or indirectly in furnishing traffic condition information to the motoring public via radio broadcast facilities.

* * * * * *

[F.R. Doc. 69-9552; Filed, Aug. 12, 1969; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[No. 23,067]

[12 CFR Part 545]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendment Relating To Purchase Money Financing of Mobile Homes

JULY 31, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of implementing an amendment to section 5(c) of the Home Owners' Loan Act of 1933, as amended, contained in Public Law 90-448, 82 Stat. 476, approved August 1, 1968, to authorize Federal savings and loan associations to invest in loans made for the purpose of mobile home financing. Accordingly, it is proposed to amend said Part 545 by the addition of a new § 545.7-1 to read as follows:

§ 545.7-1 Mobile home financing.

A Federal association which has a Charter K (rev.) or Charter N, upon adoption of a mobile home financing plan by its board of directors, may invest not more than 5 percent of the association's assets in mobile home chattel paper evidencing purchase money financing of mobile homes subject to the following limitations:

(a) *Definitions.* (1) A "mobile home" is a movable dwelling constructed to be towed on its own chassis and undercarriage, having minimum dimensions of 29 feet in length by 10 feet in width and containing living facilities suitable for year-round occupancy by one family, including permanent provisions for eating, sleeping, cooking, and sanitation.

(2) "Mobile home chattel paper" is a writing or writings, which evidence both a monetary obligation and a security interest of first priority in one or more mobile homes and any attached optional equipment.

(b) *Inventory financing.* (1) No investment in mobile home chattel paper which, by its terms, permits the collateral to be held for sale in the ordinary course of business shall be made unless the obligor is a mobile home dealer and the collateral is held for sale by the obligor within the association's regular lending area.

(2) No investment made in mobile home chattel paper evidencing inventory financing shall exceed 100 percent of the manufacturer's invoice price of the collateral, excluding freight.

(c) *Retail purchase money financing.* Except for investments allowed by paragraph (b) of this section, no investment shall be made in mobile home chattel paper which does not meet the following requirements:

(1) The monetary obligation shall be paid within 10 years of the date of the sale in substantially equal monthly installments.

(2) The mobile home shall be occupied by the owner at a mobile home park or other semipermanent site within the association's regular lending area within 90 days subsequent to the financing.

(3) The investment proceeds shall not exceed the following amounts:

(i) New mobile homes and installed equipment:

(a) 100 percent of manufacturer's invoice price plus freight to the dealer's place of business on mobile homes;

(b) 100 percent of manufacturer's invoice price on optional equipment and accessories.

(ii) Used mobile homes and installed equipment: 100 percent of the wholesale value of the mobile home as established in the dealer's market.

(d) *Sound investment practices.* Investments by a Federal association in mobile home chattel paper shall be made in conformity with sound practices for such investments. Such paper shall include provisions for protection to the association and shall provide specifically for protection with respect to insurance, taxes, other governmental levies, maintenance, and repairs, and for other protection as may be lawful or appropriate. The association may pay taxes or other governmental levies, insurance premiums, or other similar charges for the protection of its security interest, and all such payments may, when lawful, be added to the monetary obligation of the obligor. The association shall in a timely manner take all steps necessary to perfect its security interest under applicable law.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by September 15, 1969, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 69-9559; Filed, Aug. 12, 1969; 8:50 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

A.I.D. CONTROLLER

Redelegation of Authority Relating to the Waiver of Claims Arising From Erroneous Payment of Pay

Pursuant to the authority delegated to me by the Administrator of the Agency for International Development in Delegation of Authority No. 85 dated July 2, 1969 (34 F.R. 11502), I hereby redelegate to the Controller, Agency for International Development, the following function and authority:

The waiver in whole or in part of a claim by the United States, not in excess of $500, arising from an erroneous payment of pay to a person while in the employ of the Agency for International Development, or a predecessor agency.

The authority redelegated herein shall be exercised in accordance with title 5, United States Code section 5584, the standards prescribed by the Comptroller General of the United States, and regulations, procedures, and policies now or hereafter established or modified and promulgated with the Agency for International Development.

This authority may be redelegated further to officers and employees within the Office of the Controller who are responsible for the conduct of the A.I.D. claims function, and may be exercised by persons performing the functions of those officers or employees in an acting capacity.

This redelegation of authority shall be effective immediately.

Dated: July 23, 1969.

LANE DWINELL,
Assistant Administrator for Administration.

[F.R. Doc. 69-9522; Filed, Aug. 12, 1969; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ELMER GEORGE HINES

Notice of Granting of Relief

Notice is hereby given that Elmer George Hines, Route No. 1, Grain Valley, Mo., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 16, 1939, in the District Court of Allen County, Kans., of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(a)(20). Unless relief is granted, it will be unlawful for Elmer George Hines, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) it would be unlawful for Mr. Hines to receive, possess, or transport in commerce or affecting commerce a firearm. Notice is hereby further given that I have considered Elmer George Hines' application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Elmer George Hines from disabilities incurred by reason of his conviction would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Elmer George Hines be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 6th day of August 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-9553; Filed, Aug. 12, 1969; 8:49 a.m.]

JAMES DANIEL WOODRUFF

Notice of Granting of Relief

Notice is hereby given that James Daniel Woodruff, 1215 East Glen Avenue, Peoria Heights, Ill., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 25, 1944, in the U.S. District Court for the Southern District of Illinois, of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(a)(20). Unless relief is granted, it will be unlawful for James Daniel Woodruff, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) it would be unlawful for Mr. Woodruff to receive, possess, or transport in commerce or affecting commerce a firearm. Notice is hereby further given that I have considered James Daniel Woodruff's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to James Daniel Woodruff from disabilities incurred by reason of his conviction would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that James Daniel Woodruff be, and he hereby is granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 6th day of August 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-9554; Filed, Aug. 12, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

AUGUST 5, 1969.

1. The Plat of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10 a.m., on September 12, 1969 (Group 458).

2. The area surveyed and resurveyed within T. 16 N., R. 27 E., aggregates 7,591.97 acres. The plat was accepted June 25, 1969. The area varies from mountainous in the west portion to nearly level in the central portion with the remaining terrain being gently rolling. The elevation ranges from about 4,700 to 5,600 feet above sea level. The soil varies from sandy clay loam and rocky on the higher elevations to black loam on the bottom land. The vegetation consists of shadscale, blackbrush, budsage, sagebrush, meadow grass, and other sparse native grasses. There are scattered stands of buckthorn, willow, and cottonwood along the East Walker River which crosses the township in a northerly course.

The Rafter Seven ranch house is situated on the south boundary of section 33 and there are numerous buildings belonging to the Santa Margarita Ranch, in sections 16 and 21. No mineral formations of consequence were noted during the survey.

Access into the area is provided by numerous trail roads. Principal users of the area are cattlemen.

3. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract, Desert Land and Homestead Laws, in accordance with the following: Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. September 12, 1969, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 69-9501; Filed, Aug. 12, 1969; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. A-500]

FRANK M. WISE

Notice of Loan Application

AUGUST 6, 1969.

Frank M. Wise, Box 1323, Homer, Alaska 99603, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 34-foot length overall wood vessel to engage in the fishery for halibut, salmon, and shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief, Division of Financial Assistance.

[F.R. Doc. 69-9500; Filed, Aug. 12, 1969; 8:45 a.m.]

[Docket No. A-501]

MILLARD L. BREWSTER AND RUTH Y. BREWSTER

Notice of Loan Application

AUGUST 6, 1969.

Millard L. Brewster and Ruth Y. Brewster, Box 503, Homer, Alaska 99603, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 64.3-foot registered length wood vessel to engage in the fishery for king crab, Dungeness crab, Tanner crab, halibut, and shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief, Division of Financial Assistance.

[F.R. Doc. 69-9557; Filed, Aug. 12, 1969; 8:49 a.m.]

National Park Service

GRAND CANYON (NORTH RIM) NATIONAL PARK ET AL.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Jack H. Church authorizing him to provide saddle and pack animal services for the public at Grand Canyon (North Rim), Zion, and Bryce Canyon National Parks for a period of 10 years from January 1, 1970 through December 31, 1979.

The foregoing concessioner has performed his obligations under expiring contracts to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contracts and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Assistant to the Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: August 5, 1969.

EDWARD A. HUMMEL,
Associate Director, National Park Service.

[F.R. Doc. 69-9558; Filed, Aug. 12, 1969; 8:49 a.m.]

Office of the Secretary

NEWLANDS RECLAMATION PROJECT, NEV.

Operating Criteria and Procedures; Truckee and Carson Rivers

Regulations governing the operation, management, and control of the Truckee and Carson Rivers were published in the FEDERAL REGISTER of February 21, 1967 (32 F.R. 3098). Section 418.3 of these regulations required the issuance of operating criteria and procedures by October 1, 1967.

Accordingly, notice is hereby given that the following operating criteria, approved by the Secretary of the Interior on August 6, 1969, for coordinated operation and control of the Truckee and Carson Rivers for service to the Newlands Reclamation Project, Nev., will be in effect for the calendar year beginning January 1, 1969. These regulations shall be considered effective as of October 1, 1968.

WALTER J. HICKEL,
Secretary of the Interior.

AUGUST 6, 1969.

OPERATING CRITERIA AND PROCEDURES FOR COORDINATED OPERATION AND CONTROL OF THE TRUCKEE AND CARSON RIVERS FOR SERVICE TO NEWLANDS PROJECT DURING THE 15-MONTH PERIOD BEGINNING OCTOBER 1, 1968

During the period beginning October 1, 1968, and ending December 31, 1968, the water supply diversion to the Truckee-Carson Irrigation District from both the Truckee and Carson Rivers for irrigation will be limited to 47,500 acre-feet, if available. During the calendar year beginning January 1, 1969, and ending December 31, 1969, the water supply diversion to the Truckee-Carson Irrigation District from both the Truckee and Carson Rivers will be limited to the amount necessary for irrigation, not exceeding 406,000 acre-feet, if available. These supplies shall be measured at the gaging station below Lahontan Dam and at diversion points along the Truckee Canal.

There shall be no use of water for single-purpose power generation.

In satisfying the diversion for irrigation, maximum use will be made of Carson River water and diversions through the Truckee Canal will be minimized.

In achieving the diversion, the operation of Derby Diversion Dam, Truckee Canal, and Lahontan Reservoir will be coordinated and diversions of water from the Truckee River into and through the Truckee Canal will be controlled in accordance with the following operating criteria:

(1) If available, sufficient water will be diverted into Truckee Canal to meet direct irrigation requirements along the Truckee Canal.

(2) During the months November through March, diversions through the Truckee Canal into Lahontan Reservoir will be made in accordance with the following tabulation:

Operating month [1]	If accumulated precipitation from October 1 to date at Tahoe City, Calif.		Continue Truckee Canal diversion to Lahontan Reservior if water surface elevation is less than upper limit	
	Inches		Feet m.s.l.[2]	
			Lower limit [1]	Upper limit
November	Equals or less than	6	4151.8	4152.2
	Greater than	6	4145.4	4145.8
December	Less than	6	4154.8	4155.2
	Is or between	6 and 8	4148.8	4149.2
	Greater than	8	4132.9	4133.3
January	Less than	8	4157.5	4157.9
	Is or between	8 and 14	4152.5	4152.9
	Greater than	14	4139.5	4139.9
February	Less than	14	4160.0	4160.4
	Is or between	14 and 18	4155.7	4156.1
	Between	18 and 24	4145.4	4145.8
	Is or greater than	24	4135.2	4135.6
March	Less than	18	4161.6	4162.0
	Is or between	18 and 24	4159.1	4159.5
	Between	24 and 30	4151.8	4152.2
	Is or greater than	30	4135.2	4135.6

[1] Truckee Canal Diversion to Lahontan Reservior should be started only when water surface elevation falls below lower limit.
[2] USBR 1917 datum.

These operating criteria will permit diversion through the Truckee Canal for Lahontan Reservoir storage on the basis of water surface elevation of Lahontan Reservoir and accumulated precipitation recorded at the official U.S. Weather Bureau station, Tahoe City, Calif. The water surface elevation will be measured at the existing measuring device in the outlet control house on the upstream side of Lahontan Dam. Corrections will be made for effects of surges on water level elevations. During the months November through March, the accumulated precipitation subsequent to the previous October 1 as recorded at Tahoe City, Calif., in conjunction with current water surface elevation of Lahontan Reservoir, will be the basis for allowing or not allowing Truckee Canal diversion.

(3) During the months of April and May, Truckee Canal operation will be based on forecasts of April through July runoff made by the Soil Conservation Service for Carson River at Fort Churchill (Lahontan Reservoir inflow) based on snow surveys by the Soil Conservation Service, in cooperation with other agencies, as follows:

(a) If the forecast of April through July runoff for Carson River at Fort Churchill exceeds 250,000 acre-feet, Truckee Canal diversions from Truckee River will be restricted only to irrigation diversions from the Truckee Canal plus minimum operational spills.

(b) If the April through July forecast of runoff is less than 200,000 acre-feet, available Truckee River water may be diverted to Lahontan Reservoir, with the objective of filling the reservoir but without causing spill to occur from the reservoir.

(c) For forecasts between these extremes, Truckee Canal Diversion to Lahontan Reservior will be permitted if, and only if, Lahontan Reservoir storage during April or May is less than the index storage levels defined as follows. The index storage levels in Lahontan Reservoir, for the April through May period, will be adjusted daily on a straight line interpolation, beginning with an index water surface elevation in Lahontan Reservoir of 4,152.2 feet m.s.l. on April 1 and allowing a constant daily increase of index water surface elevation to a May 1 elevation of 4,157.3 feet m.s.l. During May, the index elevation will increase at a constant daily rate to a June 1 amount of 4,161.1 feet m.s.l. To avoid undue fluctuations in Truckee Canal diversions, the diversion to Lahontan Reservoir may continue until the reservoir water surface elevation is 0.1 foot above the index storage level. The diversion to Lahontan Reservoir through the Truckee Canal may be restarted if the reservoir water surface elevation falls 0.2 foot below the index storage level.

(4) During the month of June, diversion of Truckee Canal water into Lahontan Reservoir and Carson River will be made to fill Lahontan Reservoir insofar as possible without spilling.

(5) During July through October, the Truckee Canal diversions to Lahontan Reservoir or Carson River will be restricted on the basis of water surface elevation of Lahontan Reservoir as shown on the following tabulation:

Operating month	Continue Truckee Canal diversion to Lahontan Reservoir if water surface elevation is less than upper limit	
	Feet m.s.l.[2]	
	Lower limit [1]	Upper limit
July	4150.1	4159.5
August	4154.4	4154.8
September	4148.8	4149.2
October	4149.6	4150.0

[1] Truckee Canal Diversion to Lahontan Reservoir should be started only when water surface elevation falls below lower limit.
[2] USBR 1917 datum.

In all of the operations, Truckee Canal will be operated to the maximum extent practical with the objective of maintaining minimum terminal spill to Lahontan Reservoir or Carson River during Lahontan Reservoir precautionary drawdown or spill periods. During periods of spill or precautionary drawdown of Lahontan Reservoir, the District will be charged only with the predetermined schedule of irrigation releases to be passed at the gaging station below Lahontan Reservoir plus measured diversions from the Truckee Canal and Rock Dam Ditch.

AUGUST 6, 1969.

[F.R. Doc. 69-9519; Filed, Aug. 12, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FOOD AND NUTRITION SERVICE

Establishment

In accordance with Reorganization Plan No. 2 of 1953, the Department of Agriculture gave advance notice in the FEDERAL REGISTER of July 18, 1969 (Vol. 34, page 12112), concerning the proposed establishment of the Food and Nutrition Service. Comments of interested persons and groups have been favorable.

Effective August 8, 1969:

1. There is established a Food and Nutrition Service under the direction of an administrator who will report to the Secretary through the Assistant Secretary for Marketing and Consumer Service.

2. There is transferred to the Food and Nutrition Service from the Consumer and Marketing Service all of the functions administered by the Office of the Deputy Administrator for Consumer Food Programs, Commodity Distribution Division, Food Stamp Division, School Lunch Division, Consumer Food Programs Services Staff, and the Consumer Food Program District Offices (except Food Trades Staff functions).

3. All previously effective rules, regulations, licenses, approvals, orders, forms, certificates, delegations, and other official documents relating to functions transferred shall continue to be effective until further notice, except that any delegations or authorizations inconsistent with the assignments made herein shall be construed to conform to the assignments made herein.

Done at Washington, D.C., this 8th day of August 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-9561; Filed, Aug. 12, 1969; 8:50 a.m.]

Packers and Stockyards Administration

A & J LIVESTOCK AUCTION, ET AL.

Designation as Posted Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

A & J Livestock Auction, Orlando, Fla.
Wigwam Hog and Feeder Pig Market, Inc., Horse Cave, Ky.
Carlisle Livestock Market, Inc., Carlisle, Pa.
Central Wisconsin Livestock, Inc., Augusta, Wis.
South Central Livestock Exchange, Inc., Portage, Wis.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 5th day of August 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-9510; Filed, Aug. 12, 1969; 8:46 a.m.]

SOUTHERN INDIANA LIVESTOCK EXCHANGE, INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
INDIANA	
Southern Indiana Livestock Exchange, Scottsburg, Nov. 19, 1965.	Southern Indiana Livestock Exchange, Inc., June 13, 1969.
IOWA	
LeMars Sales Co., LeMars, May 29, 1959	LeMars Sales Company, May 28, 1969.
Sweetland Auction Sales, Muscatine, June 26, 1958.	Sweetland Livestock Auction, Inc., Apr. 8, 1969.
KANSAS	
Stockyards Commission Company, Great Bend, Apr. 18, 1950.	Great Bend Livestock Commission, Inc., July 1, 1969.
Holton Livestock Exchange, Holton, May 26, 1959	Holton Livestock Exchange, Inc., Sept. 3, 1968.
KENTUCKY	
Olive Hill Livestock Co., Olive Hill, May 12, 1960	Olive Hill Stockyards, Jan. 1, 1969.
MINNESOTA	
Benson Livestock Market, Benson, Sept. 24, 1959	Benson Sales Pavilion, Inc., June 13, 1969.
MISSISSIPPI	
Natchez Stockyards, Natchez, Aug. 3, 1962	Allen Brothers Natchez Stockyards, Apr. 20, 1969.

Done at Washington, D.C., this 31st day of July 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-9511; Filed, Aug. 12, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MINNESOTA MINING & MANUFACTURING CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OB2434) has been filed by Minnesota Mining & Manufacturing Co., Inc., 3M Center, St. Paul, Minn. 55101, proposing that the limitations for the item "Ammonium bis(*N*-ethyl-2-perfluoroalkylsulfonamido ethyl) phosphates * * *" in § 121.2526(a)(5) of the food additive regulations (21 CFR 121.2526) be revised to expand the permitted conditions of food-contact use to include conditions of use B, C, and H as described in table 2 of paragraph (c) of that section.

Dated: August 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9514; Filed, Aug. 12, 1969; 8:46 a.m.]

ONYX CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348

(b)(5)), notice is given that a petition (PAP 9H2359) has been filed by Onyx Chemical Co., 190 Warren Street, Jersey City, N.J. 07302, proposing an amendment to § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) to provide for the safe use of a sanitizing solution containing equal amounts of *n*-alkyl dimethyl benzyl ammonium chloride and *n*-alkyl dimethyl ethylbenzyl ammonium chloride on dairy equipment and in bars and restaurants.

Dated: August 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9515; Filed, Aug. 12, 1969; 8:46 a.m.]

RATH PACKING CO.

Notice of Filing of Petition Regarding Dried Beef Blood

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 93) has been filed by the Rath Packing Co., Post Office Box 330, Waterloo, Iowa 50704, proposing the issuance of a color additive regulation (21 CFR Part 8) to provide for the safe use and exemption from certification of dried beef blood as a color for pet foods at a level not to exceed 1 percent by weight of the pet food. The dried beef blood will be processed with sodium nitrite ($NaNO_2$) and sodium hydrosulfite ($Na_2S_2O_4$) at such levels that the residual sodium nitrite does not exceed 500 parts per million and there is no residual sodium hydrosulfite.

Dated: August 5, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9516; Filed, Aug. 12, 1969; 8:46 a.m.]

SUN CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2420) has been filed by Sun Chemical Corp., Wood River Junction, R.I. 02894, proposing an amendment to § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) to provide for the safe use of melamine-formaldehyde, modified with methyl alcohol and stearyl alcohol, as a component of paper and paperboard intended for food-contact use.

Dated: August 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9517; Filed, Aug. 12, 1969; 8:46 a.m.]

GOODYEAR TIRE & RUBBER CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2429) has been filed by the Goodyear Tire & Rubber Co., 142 Goodyear Boulevard, Akron, Ohio 44316, proposing an amendment to § 121.2509 *Release agents* (21 CFR 121.2509) to provide for the safe use of *N,N*-dioleoylethylenediamine as a release agent in polyvinyl chloride film for use in contact with food.

Dated: August 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9518; Filed, Aug. 12, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

PLANNING PROCEDURES AND ANNUAL PLANNING REVIEW CONFERENCE

Submission of Proposed Changes

John H. Shaffer, Administrator of the Federal Aviation Administration announced that recommended changes to the FAA policies and plans for the National Aviation System received subsequent to the 1969 Planning Review Conference are being circulated. Also, that the Summary of the Planning Review Conference is now available.

Comments by interested parties are invited and copies of this material may be obtained upon request to the Associate Administrator for Plans, Federal Aviation Administration, Washington, D.C. 20590.

In accordance with the planning procedures announced in 34 F.R. 7667, fully documented proposals for additions to or changes in the current policies, requirements, and National Aviation System plans should be submitted to the Federal Aviation Administration by September 1, 1969.

Issued in Washington, D.C., on August 6, 1969.

OSCAR BAKKE,
Associate Administrator for Plans.

[F.R. Doc. 69-9527; Filed, Aug. 12, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 21078]

AMERICAN COURIER CORPORATION AND SKY COURIER, INC.

Common Control Relationship

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., August 7, 1969.

[SEAL] A. M. ANDREWS,
Director, Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of American Courier Corp. and Sky Courier, Inc., Docket 21078, for approval of a common control relationship under section 408 of the Federal Aviation Act.

By application filed June 13, 1969, American Courier Corp. (ACC), a motor common carrier, and its wholly owned domestic air freight forwarder, Sky Courier, Inc. (Sky), request approval of an agreement whereby ACC will acquire control of Armored Motor Service, Inc. (Armored), a motor common carrier, as well as that company's motor carrier subsidiary, Mail Messengers, Inc. (Mail), while retaining control of Sky in addition to a number of other motor common carriers.[1]

Armored holds a common carrier certificate from the Railroad Commission of Texas which authorizes it to transport money payrolls and other valuables in armored cars and trucks between all points in Texas. In addition it performs similar armored car operations wholly within the commercial zone of Memphis, Tenn., as defined by the Interstate Commerce Commission (ICC). Armored also holds an ICC contract carrier permit to transport currency, coin, bonds, and other valuables customarily transferred between banks in armored vehicles between Dallas, Tex., on the one hand, and points within certain counties of States of Oklahoma and Louisiana, on the other. These operations are limited to those performed under a continuing contract or contracts with the Federal Reserve Bank of Dallas, Tex. Finally, Armored under the same permit is authorized to transfer coins between Little Rock, Ark., Denver, Colo., New Orleans, La., Oklahoma City, Okla., Nashville and Memphis, Tenn., and Dallas, El Paso, Houston, and San Antonio, Tex.

Mail operates as a common carrier transporting mail and audit media between banks, other commercial establishments, and the Post Office. It also transports such items between its own offices located at various points in Texas and in Memphis, Tenn. Its operations are limited to the commercial zones of these cities. It holds neither State nor Federal operating authorization.

The applicants contend, inter alia, that since the nature of the services performed by Armored and Mail are substantially the same as ACC's, and the geographic operations of the two companies are very limited except for the interstate authority held by Armored for its contract service, the proposed acquisition will not result in any significant change in the nature or type of specialized service currently conducted by ACC and its affiliates. Thus, the applicants contend that there would be no possible conflict of interest as a result of the proposed acquisition.

No objections to the application have been filed.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that the relationships are subject to section 408 of the Act. However, it is further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not essentially present any new substantive issues.[2] On the other hand, should the general character of Armored or Mail alter in any significant respect through expansion of their operations, new issues may be raised. Therefore, consistent with our decision in Docket 19505,[3] we shall make our approval herein subject to the condition that Armored and Mail upon receiving from the Interstate Commerce Commission a grant of authority to transport a commodity or serve a geographic area which they were not authorized to transport or serve on June 13, 1969, shall promptly advise the Board of the nature and extent of such new authority.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without hearing.

Accordingly, it is ordered:

1. That the acquisition of control by American Courier Corp. of Armored Motor Service, Inc., and its motor carrier subsidiary, Mail Messengers, Inc., be and hereby is approved;

2. Approval of the acquisition of control herein shall be effective only so long as (a) Armored Motor Service, Inc., conducts the specialized types of transportation services described in ICC Docket MC-114896 and sub 1, thereunder, as in effect on June 13, 1969; and (b) Mail Messengers, Inc., conducts the specialized types of intrastate transportation described herein; and upon receipt of permanent authority by either Armored Motor Service, Inc., or its subsidiary from the ICC to transport any commodity not included within the authority designated above, American Courier Corp. shall promptly advise the Board of such new authority; and

3. The Board shall have continuing jurisdiction over the parties and matters involved in Docket 21078.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9529; Filed, Aug. 12, 1969; 8:47 a.m.]

[1] Sky is controlled by ACC which is in turn controlled by Purolator Products, Inc., a manufacturing enterprise. These control relationships were granted Board approval by Order 69-3-31. ACC at that time controlled five motor common carriers, viz, Pony Express, Inc., American Courier Corp. of Va., Trans Canadian Couriers, Ltd., and Protective Motor Service Co., Inc., as well as its wholly owned subsidiary Protective Service Co.

[2] See Sky Courier—Cross Armored Carrier Corporation, et al., Order E-17376, Aug. 29, 1961; and Bankers Dispatch Corporation, et al., Order E-24824, dated Mar. 6, 1967. Also see footnote 1, supra.

[3] See footnote 1, supra.

[Docket No. 18650; Order 69-8-42]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted Relating to Specific Commodity Rates

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates; Docket 18650, Agreement CAB 20745, R-82 and R-83.

Issued under delegated authority August 7, 1969.

By Order 69-7-93, dated July 18, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-7-93 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-82 and R-83, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9530; Filed, Aug. 12, 1969; 8:47 a.m.]

[Docket No. 18650; Order 69-8-44]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted Relating to Specific Commodity Rates

Issued under delegated authority August 7, 1969.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket 18650, Agreement CAB 20806, R-32.

By Order 69-7-94, dated July 18, 1969, action was deferred, with a view toward eventual approval, on a resolution adopted by the International Air Transport Association (IATA), relating to specific commodity rates. The Board, in deferring action on the agreement, granted 10 days in which interested persons might file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-7-94 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20806, R-32, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9531; Filed, Aug. 12, 1969; 8:47 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

MINNESOTA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on August 5, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Minnesota adversely affected by heavy rains and flooding beginning on or about June 25, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Minnesota.

I do hereby determine the following areas in the State of Minnesota to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 5, 1969:

The counties of:

Jackson.	Nobles.
Murray.	Rock.

Dated: August 7, 1969.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[F.R. Doc. 69-9520; Filed, Aug. 12, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

EVANGELINE STEAMSHIP CO., S.A.

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P–21 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on Voyages No. C–1,048.

Whereas, Evangeline Steamship Co., S.A., c/o Suwannee Steamship Co., 1010 East Adams Street, Post Office Box 4069, Jacksonville, Fla. 32201, has ceased to operate the passenger vessels "Bahama Star" and "Ariadne" subject to sections 2 and 3 of Public Law 89–777; and

Whereas, Evangeline Steamship Co., S.A. has returned Certificates (Performance) No. P–21 and (Casualty) No. C–1,048 for revocation.

It is ordered, That Certificate (Performance) No. P–21 and Certificate (Casualty) No. C–1,048 be and are hereby revoked effective August 8, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on Evangeline Steamship Co., S.A.

By the Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69–9533; Filed, Aug. 12, 1969; 8:48 a.m.]

CIVIL SERVICE COMMISSION

ENGINEERS; CERTAIN PHYSICAL SCIENTISTS; MEDICAL OFFICERS, ACCOUNTANTS ET AL.

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has determined that the minimum rates and rate ranges for certain occupations for which special rates are currently authorized on a worldwide basis (or in a few cases on a nationwide basis), will be adjusted as set forth in the attachment to this notice. The new rate ranges, either special or regular as appropriate, will be effective the first day of the first pay period on or after July 1, 1969.

If there is no special rate range shown for a grade or grades which previously had a special range, the regular rates apply.

The pay of employees on the rolls will be converted to the new special or regular rate ranges in accordance with § 530.307 (b) of the Commission's regulations. The applicable part of the section reads as follows:

(b) When an employee was receiving a special rate immediately before the effective date of a statutory pay increase, he shall receive on that effective date the rate of basic pay for: (1) The numerical rank in the new special rate range for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date; or (2) if there is no new special rate range, the numerical rank in the new statutory pay schedule for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date.

To illustrate the effect of § 530.307(b)(1), the rate adjustment for Electronic Engineer, GS–9, is used: An employee in the third step rate of the GS–9 special rate range immediately before the effective date, will remain in the third step rate of the new special rate range on the effective date, and his salary will be increased from $10,718 to $11,808.

To illustrate the effect of § 530.307(b)(2), the rate adjustment for Chemist, GS–12, is used: An employee in the first step of the superseded GS–12 special rate range immediately before the effective date, will be placed in the first step rate of the new regular rate range on the effective date, and his salary will be increased from $12,580 to $13,389.

GS–800 ALL PROFESSIONAL SERIES IN THE ENGINEER GROUP

Professional series in the GS–800 Group are:

GS–801	General	GS–855	Electronic
GS–803	Safety	GS–861	Aerospace
GS–804	Fire Prevention	GS–870	Marine
GS–806	Materials	GS–871	Naval Architecture
GS–807	Landscape Architecture	GS–880	Mining
GS–808	Architecture	GS–881	Petroleum
GS–810	Civil	GS–890	Agriculture
GS–819	Sanitary	GS–892	Ceramic
GS–830	Mechanical	GS–893	Chemical
GS–840	Nuclear	GS–894	Welding
GS–850	Electrical	GS–896	Industrial

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS–5	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472	$9,678	$9,884
GS–6	8,943	9,172	9,401	9,630	9,859	10,088	10,317	10,546	10,775	11,004
GS–7	9,934	10,189	10,444	10,699	10,954	11,209	11,464	11,719	11,974	12,229
GS–8	10,423	10,705	10,987	11,269	11,551	11,833	12,115	12,397	12,679	12,961
GS–9	11,186	11,497	11,808	12,119	12,430	12,741	13,052	13,363	13,674	13,985
GS–10	11,962	12,304	12,646	12,988	13,330	13,672	14,014	14,356	14,698	15,040
GS–11	12,729	13,103	13,477	13,851	14,225	14,599	14,973	15,347	15,721	16,095
GS–12	13,535	14,281	14,727	15,173	15,619	16,065	16,511	16,957	17,403	17,849

[1] Corresponding statutory rates: GS–5—tenth; GS–6—tenth; GS–7—tenth; GS–8—eighth; GS–9—seventh; GS–10—sixth; GS–11—fifth; GS–12—second.

PFS–800 GROUP

Professional series in the PFS–800 Group are:

PFS–801	General Engineer	PFS–830	Mechanical Engineer
PFS–803	Safety Engineer	PFS–850	Electrical Engineer
PFS–806	Materials Engineer	PFS–855	Electronic Engineer
PFS–808	Architect	PFS–896	Industrial Engineer

Geographic coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10
PFS–12	$12,729	$13,103	$13,477	$13,851	$14,225	$14,599	$14,973	$15,347	$15,721	$16,095
PFS–13	13,725	14,142	14,558	14,974	15,390	15,806	16,222	16,638	17,054	17,470
PFS–14	14,836	14,798	15,250	15,712	16,174	16,636	17,098	17,560	18,022	18,484

[1] Corresponding statutory rates: PFS–12—fifth; PFS–13—fourth; PFS–14—second.

GS–1221 PATENT ADVISER, GS–1223 PATENT CLASSIFYING
GS–1224 PATENT EXAMINING

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS–5	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472	$9,678	$9,884
GS–6	8,943	9,172	9,401	9,630	9,859	10,088	10,317	10,546	10,775	11,004
GS–7	9,934	10,189	10,444	10,699	10,954	11,209	11,464	11,719	11,974	12,229
GS–8	10,423	10,705	10,987	11,269	11,551	11,833	12,115	12,397	12,679	12,961
GS–9	11,186	11,497	11,808	12,119	12,430	12,741	13,052	13,363	13,674	13,985
GS–10	11,962	12,304	12,646	12,988	13,330	13,672	14,014	14,356	14,698	15,040
GS–11	12,729	13,103	13,477	13,851	14,225	14,599	14,973	15,347	15,721	16,095
GS–12	13,535	14,281	14,727	15,173	15,619	16,065	16,511	16,957	17,403	17,849

[1] Corresponding statutory rates: GS–5—tenth; GS–6—tenth; GS–7—tenth; GS–8—eighth; GS–9—seventh; GS–10—sixth; GS–11—fifth; GS–12—second.

PFS–810 POSTAL FIELD SERVICE ACCOUNTANTS AND AUDITORS

Geographic coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS–6	$7,567	$7,790	$8,013	$8,236	$8,459	$8,682	$8,905	$9,128	$9,351	$9,574	$9,797	$10,020
PFS–8	8,342	8,592	8,842	9,092	9,342	9,592	9,842	10,092	10,342	10,592	11,442	
PFS–10	10,010	10,313	10,616	10,919	11,222	11,525	11,828	12,131	12,434	12,737		

[1] Corresponding statutory rates: PFS–6—fifth; PFS–8—fifth; PFS–10—fourth.

GS–802 MEDICAL OFFICER SERIES

Geographical coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS–11	$14,599	$14,973	$15,347	$15,721	$16,095	$16,469	$16,843	$17,217	$17,591	$17,965
GS–12	17,403	17,849	18,295	18,741	19,187	19,633	20,079	20,525	20,971	21,417
GS–13	20,698	21,233	21,768	22,303	22,838	23,373	23,908	24,443	24,978	25,513
GS–14	24,624	25,259	25,894	26,529	27,164	27,799	28,434	29,069	29,704	30,339
GS–15	29,029	29,749	30,469	31,189	31,909	32,629	33,349	34,069	34,789	35,509

[1] Corresponding statutory rates: GS–11—tenth; GS–12—tenth; GS–13—ninth; GS–14—sixth; GS–15—third.

PFS–602 POSTAL FIELD SERVICE MEDICAL OFFICER

Geographical coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10
PFS–13	$16,222	$16,638	$17,054	$17,470	$17,886	$18,302	$18,718	$19,134	$19,550	$19,966
PFS–14	18,022	18,484	18,946	19,408	19,870	20,332	20,794	21,256	21,718	22,180
PFS–15	19,977	20,497	21,017	21,537	22,057	22,577	23,097	23,617	24,137	24,657
PFS–16	21,074	22,244	22,814	23,384	23,954	24,524	25,094	25,664	26,234	26,804
PFS–17	23,449	24,063	24,717	25,351	25,985	26,619	27,253	27,887	28,521	29,155

[1] Corresponding statutory rates: GS–13—ninth; GS–14—sixth; GS–15—third.

GS–1810 ACTUARY
GS–1515 OPERATIONS RESEARCH
GS–1529 MATHEMATICAL STATISTICS

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS–5		$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266
GS–6		8,436	8,685	8,714	8,943	9,172	9,401	9,630	9,859	10,088
GS–7		9,160	9,424	9,679	9,934	10,189	10,444	10,699	10,954	11,209
GS–8		9,859	10,141	10,423	10,705	10,987	11,269	11,551	11,833	12,115
GS–9		10,875	11,186	11,497	11,808	12,119	12,430	12,741	13,052	13,363
GS–10		11,962	12,304	12,646	12,988	13,330	13,672	14,014	14,356	14,698
GS–11		12,930	12,729	13,103	13,477	13,851	14,225	14,599	14,973	15,347

[1] Corresponding statutory rates: GS–8—eighth; GS–7—seventh; GS–8—sixth; GS–9—fifth; GS–10—fifth; GS–11—fourth.

GS–800 INDUSTRIAL HYGIENE SERIES
GS–1306 Health Physics
GS–1310 Physics
GS–1313 Geophysics
GS–1315 Hydrology
GS–1320 Chemistry
GS–1321 Metallurgy
GS–1330 Astronomy and Space Science
GS–1340 Meteorology
GS–1360 Oceanography
GS–1372 Geodesy
GS–1380 Forest Products Technology
GS–1386 Photographic Technology

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS–5	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472	$9,678
GS–6	8,714	8,943	9,172	9,401	9,630	9,859	10,088	10,317	10,546	10,775
GS–7	9,679	9,934	10,189	10,444	10,699	10,954	11,209	11,464	11,719	11,974
GS–8	10,541	10,823	11,105	11,387	11,669	11,951	12,233	12,515	12,797	13,079
GS–9	11,497	11,808	12,119	12,430	12,741	13,052	13,363	13,674	13,985	14,296
GS–10	11,620	11,962	12,304	12,646	12,988	13,330	13,672	14,014	14,356	14,698
GS–11	12,855	12,729	13,103	13,477	13,851	14,225	14,599	14,973	15,347	15,721

[1] Corresponding statutory rates: GS–5—ninth; GS–6—ninth; GS–7—ninth; GS–8—seventh; GS–9—sixth; GS–10—fifth; GS–11—fourth.

GS–1350 GEOLOGY SERIES

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS–5	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472	$9,678	$9,884
GS–7	9,934	9,169	9,424	9,679	9,934	10,189	10,444	10,699	10,954	11,209
GS–9	9,942	10,283	10,564	10,875	11,186	11,497	11,808	12,119	12,430	12,741

[1] Corresponding statutory rates: GS–5—tenth; GS–7—sixth; GS–9—third.

GS–403 MICROBIOLOGY

Geographic coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS–5	$7,000	$7,206	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854
GS–7	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189

[1] Corresponding statutory rates: GS–5—fifth; GS–7—second.

GS–510 ACCOUNTING SERIES
GS–513 INTERNAL REVENUE AGENT SERIES

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS–5	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266
GS–6	8,027	8,236	8,495	8,714	8,943	9,172	9,401	9,630	9,859	10,088
GS–7	8,669	8,914	9,169	9,424	9,679	9,934	10,189	10,444	10,699	10,954
GS–8	9,013	9,295	9,577	9,859	10,141	10,423	10,705	10,987	11,269	11,551
GS–9	9,942	10,283	10,564	10,875	11,186	11,497	11,808	12,119	12,430	12,741

[1] Corresponding statutory rates: GS–5—seventh; GS–6—sixth; GS–7—fifth; GS–8—third; GS–9—third.

GS-1520 MATHEMATICS

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266
GS-6	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859	10,088	10,317
GS-7	9,169	9,424	9,679	9,934	10,189	10,444	10,699	10,954	11,209	11,464
GS-8	9,859	10,141	10,423	10,705	10,987	11,269	11,551	11,833	12,115	12,397
GS-9	10,875	11,186	11,497	11,808	12,119	12,430	12,741	13,052	13,363	13,674
GS-10	11,620	11,962	12,304	12,646	12,988	13,330	13,672	14,014	14,356	14,698
GS-11	12,355	12,729	13,103	13,477	13,851	14,225	14,599	14,973	15,347	15,721

[1] Corresponding statutory rates: GS-5—seventh; GS-6—seventh; GS-7—seventh; GS-8—sixth; GS-9—sixth; GS-10—fifth; GS-11—fourth.

GS-180 PSYCHOLOGY SERIES

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-11	$12,729	$13,103	$13,477	$13,851	$14,225	$14,599	$14,973	$15,347	$15,721	$16,095
GS-12	13,835	14,281	14,727	15,173	15,619	16,065	16,511	16,957	17,403	17,849

[1] Corresponding statutory rates: GS-11—fifth; GS-12—second.

GS-665 SPEECH PATHOLOGY AND AUDIOLOGY SERIES

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-11	$12,729	$13,103	$13,477	$13,851	$14,225	$14,599	$14,973	$15,347	$15,721	$16,095
GS-12	13,835	14,281	14,727	15,173	15,619	16,065	16,511	16,957	17,403	17,849

[1] Corresponding statutory rates: GS-11—fifth; GS-12—second.

GS-701 VETERINARIAN SERIES

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-9	$9,942	$10,253	$10,564	$10,875	$11,186	$11,497	$11,808	$12,119	$12,430	$12,741

[1] Corresponding statutory rates: GS-9—third.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9403; Filed, Aug. 12, 1969; 8:45 a.m.]

MANAGEMENT AUDITORS ET AL.

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has determined that the minimum rates and rate ranges for various occupations which are either confined to one agency or covered on a locality basis will be adjusted as set forth in the attachment to this notice. The new rate ranges, either special or regular as appropriate, will be effective the first day of the first pay period on or after July 1, 1969.

If there is no special rate range shown for a grade or grades which previously had a special range, the regular rates apply.

The pay of employees on the rolls will be converted to the new special or regular rate ranges in accordance with section 530.307(b) of the Commission's regulations. The applicable part of the section reads as follows:

(b) When an employee was receiving a special rate immediately before the effective date of a statutory pay increase, he shall receive on that effective date the rate of basic pay for: (1) The numerical rank in the new special rate range for this grade or level that corresponds with the numerical rank of the special rate if there is no new special rate range, the numerical rank in the new statutory pay schedule for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date.

To illustrate the effect of § 530.307 (b)(1), the rate adjustment for GAO Management Auditor, GS-9, is used: An employee in the third step of the GS-9 special rate range immediately before the effective date, will remain in the third step rate of the new special rate range on the effective date, and his salary will be increased from $9,590 to $10,564.

To illustrate the effect of § 530.307 (b)(2), the rate adjustment for Cartographer, GS-11, is used: An employee in the second step of the superseded GS-11 special rate range immediately before the effective date, will be placed in the second step rate of the new regular rate range on the effective date, and his salary will be increased from $10,883 to $11,607.

GS-343 GAO MANAGEMENT AUDITOR

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-7	$8,659	$8,914	$9,169	$9,424	$9,679	$9,934	$10,189	$10,444	$10,699	$10,954
GS-9	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119	12,430	12,741

[1] Corresponding statutory rates: GS-7—fifth; GS-9—third.

GS-1811 CRIMINAL INVESTIGATOR*

Geographic coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.
*(NOTE: Positions are otherwise identified as Special Agents (Intelligence), Internal Revenue Service.)

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266
GS-6	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859	10,088
GS-7	8,659	8,914	9,169	9,424	9,679	9,934	10,189	10,444	10,699	10,954
GS-8	9,013	9,295	9,577	9,859	10,141	10,423	10,705	10,987	11,269	11,551
GS-9	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119	12,430	12,741

[1] Corresponding statutory rates: GS-5—seventh; GS-6—sixth; GS-7—fifth; GS-8—third; GS-9—third.

GS-1654 PRINTING MANAGEMENT SERIES

(NOTE: Eligibility for these special rates is limited to employees who have at least a Baccalaureate Degree with a major in printing management.)
Geographic coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472	$9,678	$9,884
GS-7	8,659	8,914	9,169	9,424	9,679	9,934	10,189	10,444	10,699	10,954

[1] Corresponding statutory rates: GS-5—tenth; GS-7—fifth.

GS-1825 CERTAIN AIR CARRIER OPERATIONS INSPECTORS AND SPECIALISTS*

Geographic coverage: Worldwide.

GS-1825 AVIATION OPERATIONS SPECIALIST, GRADE 15 ONLY*

Geographic coverage: Washington, D.C.
Effective date: First day of the first pay period beginning on or after July 1, 1969.
*(NOTE: Eligibility for these special rates is limited to incumbents of positions cited whose duties require them to be type rated on one or more turbojet aircraft used by commercial airlines, and to maintain their proficiency by recurrent training).

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-13	$17,393	$17,920	$18,447	$18,974	$19,501	$20,028	$20,555	$21,082	$21,609	$22,136
GS-14	20,385	21,003	21,621	22,239	22,857	23,475	24,093	24,711	25,329	25,947
GS-15	22,809	23,729	24,469	25,189	25,909	26,629	27,349	28,069		28,789

[1] Corresponding statutory rates: GS-13—fourth; GS-14—fourth; GS-15—second.

GS-1370 CARTOGRAPHER SERIES

GS-1301 PHYSICAL SCIENTIST SERIES

Geographic coverage: Cartographer, GS-1370, in grades GS-5 through 10, in the St. Louis, Mo., Standard Metropolitan Statistical Area, and the Washington, D.C. SMSA. Physical Scientists, GS 1301, in grades GS-7 through 10 at the Air Force Aeronautical Chart and Information Center in the St. Louis, Mo., SMSA. (Incumbents of these positions perform professional work in cartography in combination with professional work in at least one other recognized scientific occupation, such as geodesy. Such positions are normally filled by reassignment or promotion from positions of cartographer.)
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,206	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060
GS-6	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859	10,088
GS-7	8,914	9,169	9,424	9,679	9,934	10,189	10,444	10,699	10,954	11,209
GS-8	9,295	9,577	9,859	10,141	10,423	10,705	10,987	11,269	11,551	11,833
GS-9	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119	12,430	12,741
GS-10	10,594	10,936	11,278	11,620	11,962	12,304	12,646	12,988	13,330	13,672

[1] Corresponding statutory rates: GS-5—sixth; GS-6—sixth; GS-7—sixth; GS-8—fourth; GS-9—third; GS-10—second.

GS-1169 REVENUE OFFICER

Geographic coverage: State of California.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,000	$7,206	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854
GS-7	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189

Corresponding statutory rates: GS-5—fifth; GS-7—second.

GS-081 FIREFIGHTER (GENERAL)
FIREFIGHTER (STRUCTURAL)
FIREFIGHTER (AIRFIELD)

Geographic coverage: Naval Training Center, Great Lakes, Ill., and Federal installations within a 22-mile radius of the center.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-3	$5,737	$5,901	$6,065	$6,229	$6,393	$6,557	$6,721	$6,885	$7,049	$7,213
GS-4	6,258	6,442	6,626	6,810	6,994	7,178	7,362	7,546	7,730	7,914
GS-5	6,794	7,000	7,206	7,412	7,618	7,824	8,030	8,236	8,442	8,648
GS-6	7,340	7,569	7,798	8,027	8,256	8,485	8,714	8,943	9,172	9,401
GS-7	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189

[1] Corresponding statutory rates: GS-3—sixth; GS-4—fifth; GS-5—fourth; GS-6—third; GS-7—second.

GS-301 POLICE CADET

Geographic coverage: District of Columbia, Metropolitan Police Department.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-2	$5,230	$5,375	$5,520	$5,665	$5,810	$5,955	$6,100	$6,245	$6,390	$6,535
GS-3	5,737	5,901	6,065	6,229	6,393	6,557	6,721	6,885	7,049	7,213

[1] Corresponding statutory rates: GS-2—seventh; GS-3—sixth.

GS-356 CARD PUNCH OPERATION SERIES

Geographic coverage: City of Sacramento and 15-mile radius.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-3	$5,245	$5,409	$5,573	$5,737	$5,901	$6,065	$6,229	$6,393	$6,557	$6,721
GS-4	5,706	5,890	6,074	6,258	6,442	6,626	6,810	6,994	7,178	7,362

[1] Corresponding statutory rates: GS-3—third; GS-4—second.

GS-356 CARD PUNCH OPERATION SERIES

Geographic coverage: San Francisco-Oakland Standard Metropolitan Statistical Area (Includes Alameda, Contra Costa, Marin, San Francisco, and San Mateo Counties); Santa Clara County; Solano County; Los Angeles County; Orange County; and Government activities at Edwards AFB in Kern County.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-3	$5,409	$5,573	$5,737	$5,901	$6,065	$6,229	$6,393	$6,557	$6,721	$6,885
GS-4	5,890	6,074	6,258	6,442	6,626	6,810	6,994	7,178	7,362	7,546
GS-5	6,382	6,588	6,794	7,000	7,206	7,412	7,618	7,824	8,030	8,236

[1] Corresponding statutory rates: GS-3—fourth; GS-4—third; GS-5—second.

GS-356 CARD PUNCH OPERATION SERIES, GRADE 3 ONLY

GS-359 ELECTRIC ACCOUNTING MACHINE OPERATING SERIES, GRADES 3 AND 4

GS-362 ELECTRIC ACCOUNTING MACHINE PROJECT PLANNING SERIES, GRADE 7 ONLY

Geographic coverage: Juneau Election District, Alaska.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-3	$5,081	$5,245	$5,409	$5,573	$5,737	$5,901	$6,065	$6,229	$6,393	$6,557
GS-4	6,074	6,258	6,442	6,626	6,810	6,994	7,178	7,362	7,546	7,730
GS-7	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189

[1] Corresponding statutory rates: GS-3—second; GS-4—fourth; GS-7—second.

GS-313-9 SHORTHAND REPORTER

Geographic coverage: New York, N.Y.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATE

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-9	$9,631	$9,942	$10,253	$10,564	$10,875	$11,186	$11,497	$11,808	$12,119	$12,430

[1] Corresponding statutory rate: GS-9—second.

GS-818 ENGINEERING DRAFTSMAN

Geographic coverage: Point Mugu and Port Hueneme in Ventura County, Calif.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-3	$5,573	$5,737	$5,901	$6,065	$6,229	$6,393	$6,557	$6,721	$6,885	$7,049
GS-4	6,258	6,442	6,626	6,810	6,994	7,178	7,362	7,546	7,730	7,914
GS-5	6,794	7,000	7,206	7,412	7,618	7,824	8,030	8,236	8,442	8,648
GS-6	7,340	7,569	7,798	8,027	8,256	8,485	8,714	8,943	9,172	9,401
GS-7	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189

[1] Corresponding statutory rates: GS-3—fifth; GS-4—fifth; GS-5—fourth; GS-6—third; GS-7—second.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9404; Filed, Aug. 12, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Community Resources Development Administration, Office of the Assistant Secretary for Metropolitan Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9546; Filed, Aug. 12, 1969; 8:49 a.m.]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

METROPOLITAN CORPORATION OF GREATER WINNIPEG

Application for Diversion of Additional Waters From Shoal Lake and Lake of the Woods; Public Hearing

Notice is hereby given that the International Joint Commission will conduct a public hearing on the above matter at 9:30 a.m., local time, in the Holiday Inn, Kenora, Ontario, on September 17, 1969. The Applicant proposes to divert an additional 200 million gallons of water per day, over and above the 100 million gallons already authorized by the Commission, for domestic and sanitary purposes from intake structures at Indian Bay, Manitoba, in Shoal Lake, an arm of Lake of the Woods.

At the hearing all interested parties will be given opportunity to express their views orally or by written statements. Where possible, fifteen (15) copies of written statements should be filed with each Secretary ten (10) days in advance of the hearing with thirty (30) additional copies deposited with either of them at the hearing.

Notice is also given that, in response to the public notice announcing receipt of the Application, the Commission has received Statements in Response from Ontario Hydro, Manitoba Hydro, the city of Winnipeg, the town of Kenora, Ontario, the Ontario-Minnesota Paper Co., and the State of Minnesota. These statements in response indicate that, at the hearing, the Application will be opposed in whole or in part by various interests.

Copies of the application, the statements in response, and the statement in reply may be obtained upon request to the Secretaries.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission.

W. A. BULLARD,
Secretary, U.S. Section, International Joint Commission.

AUGUST 8, 1969.

[F.R. Doc. 69-9580; Filed Aug. 12, 1969; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

FEDERAL OIL CO.

Order Suspending Trading

AUGUST 7, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co., a Nevada corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 8, 1969, through August 17, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9502; Filed, Aug. 12, 1969; 8:45 a.m.]

[812-2562]

FIDELITY TREND FUND, INC.

Sale by Open-End Company of Its Shares at Other Than the Public Offering Price

AUGUST 7, 1969.

Notice is hereby given that Fidelity Trend Fund, Inc. ("applicant"), 35 Congress Street, Boston, Mass. 02109, organized under the laws of Massachusetts and registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for substantially all of the assets of Stanley Securities Co. ("Stanley").

All interested persons are referred to the application on file with the Commission for a statement of applicant's representations which are summarized below.

Stanley, a Connecticut corporation, is an investment company, all of the outstanding stock of which is held by 34 individuals, eight estates or trusts, and 12 custodians or guardians, and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between applicant and Stanley, substantially all of the cash and securities owned by Stanley, with a value of approximately $4,790,395 as of September 30, 1968, will be transferred to applicant in exchange for shares of its capital stock. The shares of applicant are to be sold at net asset value. The number of shares of applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Stanley to be transferred to applicant by the net asset value per share of applicant both to be determined as of a valuation date, as defined in the agreement. If the valuation under the agreement had taken place on September 30, 1968, Stanley would have received 148,153 shares.

When received by Stanley, the shares of applicant, which are registered under the Securities Act of 1933, are to be distributed to the Stanley stockholders on the liquidation of Stanley. Applicant has been advised by the management of Stanley that the stockholders of Stanley have no present intention of redeeming any of applicant's shares following the proposed transaction.

There is no connection between the applicant and Stanley and no officer or shareholder of Stanley is an affiliated person of the applicant. The management of the applicant considers the proposed acquisition by Stanley of substantially all the assets of Stanley in exchange solely for shares of the applicant to be at a fair price, arrived at by arms-length bargaining, and believes that the issuance of an exemption in connection with this transaction is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act and that the proposed acquisition will be beneficial to the shareholders of the applicant because, among other things, applicant will be able to acquire at one time substantial additions to its portfolio securities without affecting the market in those securities and without incurring brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. The current public offering price of the shares (redeemable) of applicant as described in applicant's prospectus is net asset value plus a sales charge. Thus, section 22(d) prohibits the proposed sale of applicant's shares at net asset value without a sales charge.

Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act other than section 22(d) and submits that the granting of the application is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 22, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9503; Filed, Aug. 12, 1969; 8:45 a.m.]

[812-2565]

PURITAN FUND, INC.

Sale by Open-End Company of Its Shares at Other Than the Public Offering Price

AUGUST 5, 1969.

Notice is hereby given that Puritan Fund, Inc. ("applicant"), 35 Congress Street, Boston, Mass. 02109, a Massachusetts corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for the assets of Blaisdell Associates, Inc. ("Blaisdell").

All interested persons are referred to the application on file with the Commission for a statement of the applicant's representations which are summarized below.

Blaisdell, incorporated in Rhode Island, is an investment company all of the outstanding stock of which is owned by eight persons, and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between applicant and Blaisdell, substantially all the cash and securities owned by Blaisdell, with a value of approximately $566,420 as of January 31, 1969, will be transferred to applicant in exchange for shares of its capital stock. The shares of applicant are to be sold at net asset value. The number of shares of applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Blaisdell to be transferred to applicant by the net asset value per share of the applicant, both to be determined as of valuation time, as defined in the agreement. If the valuation under the agreement had taken place on January 31, 1969, Blaisdell would have received 46,163 shares of applicant's stock.

When received by Blaisdell the shares of the applicant, which are registered under the Securities Act of 1933, are to be distributed to the Blaisdell stockholders on the liquidation of Blaisdell.

No affiliation exists between Blaisdell or its officers, directors, or stockholders and applicant, its officers or directors, and the agreement was negotiated at arms-length by the two companies. Applicant's board of directors approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account, including, among other things, the fact that the Fund will be able to acquire for its own portfolio at one time substantial additions to its existing portfolio without affecting the market in said securities and such acquisition will not be subject to brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with the established practice of the Commission, is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 22, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule

0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–9504; Filed, Aug. 12, 1969; 8:45 a.m.]

[811–1185]

VALLEY INVESTORS, INC.

Notice of Declaring Company Has Ceased To Be an Investment Company

AUGUST 7, 1969.

Notice is hereby given that Valley Investors, Inc., c/o Jones, Olsen and Christensen, Suite 410, Petroleum Building, Billings, Mont. 59101, an open-end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that the company has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Valley Investors, Inc., has ceased doing business and was dissolved on October 23, 1968, as provided under the General Corporation Law of Montana. Its registration statement under the Securities Act of 1933 was withdrawn July 30, 1969.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 29, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing), upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–9505; Filed, Aug. 12, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 8, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41713—*Liquid caustic soda to points in Alabama.* Filed by Southwestern Freight Bureau, agent (No. B–56), for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), in tank carloads, as described in the application, from specified points in Arkansas, Louisiana and Texas, to Opelika, Pepperell, Lanett, and Fairfax, Ala.

Grounds for relief—Market competition.

Tariffs—Supplements 239, 169 and 71 to Southwestern Freight Bureau, agent, tariffs ICC 4529, 4668 and 4773, respectively.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–9534; Filed, Aug. 12, 1969; 8:48 a.m.]

[Notice 563]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 8, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 30899 (Deviation No. 3), JOHNSON MOTOR LINES CORPORATION, 2426 North Graham Street, Post Office Box 10877, Charlotte, N.C. 28201, filed July 30, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Waterloo, N.Y., over New York Highway 96 to junction New York Highway 14, thence over New York Highway 14 to junction Interstate Highway 90, thence over Interstate Highway 90 to Buffalo, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Scranton, Pa., over U.S. Highway 11 to Binghamton, N.Y., thence over New York Highway 12 to junction New York Highway 79, at Chenango Forks, N.Y., thence over New York Highway 79 via Itaska, N.Y., to Whitney Point, N.Y., thence over U.S. Highway 11 to Syracuse, N.Y., thence over New York Highway 57 to Oswego, N.Y., and (2) from Scranton, Pa., to Binghamton, N.Y., over route specified in (1) above, thence over New York Highway 17 to Owego, N.Y., thence over New York Highway 96 to Candor, N.Y., thence over New York Highway 06–B (formerly New York Highway 96) via Willseyville and Danby, N.Y., to Ithaca, N.Y., thence over New York Highway 96 to Waterloo, N.Y., thence over New York Highway 5 to Buffalo, N.Y., and return over the same routes.

No. MC 58738 (Sub-No. 1) (Deviation No. 1), MONK'S EXPRESS, INC., Phelps Street, Port Dickinson, Binghamton, N.Y. 13901, filed July 29, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Cortland, N.Y., and Binghamton, N.Y., over Interstate Highway 81 for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Endicott, N.Y., over New York Highway 17C to Binghamton, N.Y., thence over U.S. Highway 11 to Homer, N.Y., and return over the same route.

No. MC 106943 (Deviation No. 34), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808, filed July 28, 1969. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fort Wayne, Ind., over U.S. Highway 33 to Columbus, Ohio, thence over Interstate Highway 70 to junction Pennsylvania Turnpike at or near New Stanton, Pa., thence over the Pennsylvania Turnpike to junction Interstate Highway 81 (U.S. Highway 11), thence over Interstate Highway 81 to junction Interstate Highway 78, thence over Interstate Highway 78 to New York, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Fort Wayne, Ind., over U.S. Highway 30 to junction U.S. Highway 30N east of Delphos, Ohio, thence over U.S. Highway 30N to Mansfield, Ohio, thence over U.S. Highway 30 via Pittsburgh, Pa., to Irwin, Pa., thence over the Pennsylvania Turnpike (to the Middlesex Toll Gate), thence over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 22 to Newark, N.J., thence over U.S. Highway 1 to New York, N.Y. and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 528), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed July 29, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 13 and Alternate U.S. Highway 13, 2 miles south of Dover, Del., over U.S. Highway 13 bypassing Camden and Woodside, Del., to junction Alternate U.S. Highway 13; (2) from junction U.S. Highway 13 and Alternate U.S. Highway 13, 1 mile north of Bridgeville, Del., over U.S. Highway 13 bypassing Bridgeville, Del., to junction Alternate U.S. Highway 13; (3) from junction U.S. Highway 13 and Alternate U.S. Highway 13, approximately 3 miles north of Seaford, Del., over U.S. Highway 13 bypassing Seaford, Blades, Laurel, and Delmar, Del., to junction Alternate U.S. Highway 13 approximately 2 miles south of Delmar, Del.; and (4) from Blades, Del., over Delaware Highway 20 to junction U.S. Highway 13, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Darby, Pa., over U.S. Highway 13 via Dover, Del., to junction Alternate U.S. Highway 13 (formerly U.S. Highway 13), thence over Alternate U.S. Highway 13 via Camden, Del., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Alternate U.S. Highway 13 (formerly U.S. Highway 13), thence over Alternate U.S. Highway 13 via Seaford, Blades, Laurel, and Delmar, Del., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Maryland Highway 675 (formerly U.S. Highway 13), thence over Maryland Highway 675 via Princess Anne, Md., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Maryland Highway 366 (formerly U.S. Highway 13) thence over Maryland Highway 366 via Pocomoke City, Md., to junction U.S. Highway 13, thence over U.S. Highway 13 to the Maryland-Virginia State line, and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–9535; Filed, Aug. 12, 1969; 8:48 a.m.]

[Notice 1320]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 8, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 20802 (Sub-No. 5) (Republication), filed September 30, 1968, published in FEDERAL REGISTER issues of October 17, 1968, and November 21, 1968, and republished this issue. Applicant: WHEELER MOTOR EXPRESS, INCORPORATED, 279 Lake Drive West, Dunkirk, N.Y. 14048. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. By application filed September 30, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, transporting of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk (A) between Jamestown, N.Y., and Salamanca, N.Y., over New York Highway 17, serving Randolph as an intermediate point, and serving Asheville, Blockville, Panama, and Sherman, N.Y., as off-route points; (B) between Gowanda, N.Y., and the junction of U.S. Highway 20, and New York Highway 62, over New York Highway 62, serving all intermediate points; (C) between Forestville, N.Y., and Balcom, N.Y., from Forestville over New York Highway 428 to junction New York Highway 83, thence over New York Highway 83 to Balcom, and return over the same route; (D) between East Leon, N.Y., and Little Valley, N.Y., from East Leon over unnumbered highway to junction New York Highway 353, thence over New York Highway 353 to Little Valley, and return over the same route, serving all intermediate points, and serving Ellicottville and West Valley, N.Y., as off-route points in connection with applicant's existing regular-route operations; and (E) serving Mayville, Chautauqua, Lakewood, Dewittville, and Stow, N.Y., as intermediate points on applicant's existing regular routes between Barcelona and Jamestown, N.Y.;

A supplemental order of the Commission, Operating Rights Board, dated June 27, 1969, and served July 24, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce as a *common carrier* by motor vehicles, over regular routes, transporting: Of *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk (A) between Jamestown, N.Y., and Salamanca, N.Y., over New York Highway 17, serving Randolph as an intermediate point, and serving Asheville, Blockville, Panama, and Sherman, N.Y., as off-route points; (B) between Gowanda, N.Y., and the junction of U.S. Highway 20, and U.S. Highway 62, over U.S. Highway 62, serving all intermediate points; (C) between Forestville, N.Y., and Balcom, N.Y., from Forestville, over New York Highway 428 to junction New York Highway 83, thence over New York Highway 83 to Balcom, and return over the same route; (D) between East Leon, N.Y., and Little Valley, N.Y., from East Leon over unnumbered highway to junction New York Highway 353, thence over New York Highway 353 to Little Valley, and return over the same route, serving all intermediate points, and serving Ellicottville and West Valley, N.Y., as off-route points in connection with applicant's existing regular-route operations; and (E) serving Mayville, Chautauqua, Lakewood, Dewittville, and Stow, N.Y., as intermediate points on applicant's existing regular routes between Barcelona and Jamestown, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper

notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 44053 (Sub-No. 5) (republication), filed May 31, 1967, published in the FEDERAL REGISTER issue of June 22, 1967, and republished this issue. Applicant: BONDED WAREHOUSE CO. (now re-entitled), TOWNE SERVICES HOUSEHOLD GOODS TRANSPORTATION CO., INC., 1324 East Lancaster, Post Office Box 1657, Forth Worth, Tex. 76101. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Box 17007, Forth Worth, Tex. 76102. By application filed May 31, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of household goods as defined by the Commission, (1) between points in Texas; and (2) between points in Texas, on the one hand, and, on the other, points in Alabama, Arkansas, Mississippi, Florida, and Georgia. Upon consideration of the application and the record in the above-entitled proceeding, including the report and recommended order of the examiner, served April 24, 1969, a decision and order of the Commission, Review Board No. 2, dated July 22, 1969, and served July 28, 1969, finds that operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of household goods, as defined by the Commission, between points in Texas; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that such persons who have relied upon the notice of the application as published may have an interest in, and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period, any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 103993 (Sub-No. 351) (Republication), filed November 14, 1968, published in the FEDERAL REGISTER issue of December 19, 1968, and republished this issue. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. By application filed November 14, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of *undercarriages and frames* designed to be equipped with hitchball or pintle hook connectors and component parts thereof, from points in Hillsborough County, Fla.; St. Joseph County, Mich.; Angelina County, Tex.; Lancaster County, Pa.; Colquitt and Lowndes Counties, Ga.; Gogebic County, Mich.; Laurens County, S.C.; Cabarrus County, N.C.; Bossier County, La.; and Cecil County, Md.; to points in the United States including Alaska but excluding Hawaii; and (2) of undercarriages and frames designed to be equipped with hitchball or pintle hook connectors and component parts thereof, from points in Harvey County, Kans., to points in the United States including Alaska, but excluding Hawaii and points in Los Angeles and Orange Counties, Calif. By order dated February 14, 1969, and served February 19, 1969, it was ordered that this proceeding be handled under modified procedure.

A report and order of the Commission, Review Board No. 2, decided July 30, 1969, and served August 4, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *undercarriages, chassis, frames, and roof sections* for trailers designed to be drawn by passenger automobiles (a) from points in Gogebic County, Mich., to points in Wisconsin; (b) from points in Bossier Parish, La., to points in Arkansas and Texas; (c) from points in Cabarrus County, N.C., to points in South Carolina; (d) from points in Laurens County, S.C., to points in Georgia; (e) from points in Cecil County, Md., to points in Pennsylvania; (f) from points in Lowndes County, Ga., to points in Florida; and (g) from points in Harvey County, Kans., to points in Colorado, Missouri, Nebraska, and Oklahoma; and (2) of *undercarriages, chassis, and frames* for trailers designed to be drawn by passenger automobiles (a) from points in Lancaster County, Pa., to points in Maryland, New Jersey, New York, Virginia, and West Virginia; (b) from points in Angelina County, Tex., to points in Arkansas, Louisiana, Mississippi, and Oklahoma; (c) from points in Colquitt County, Ga., to points in Alabama, Florida, and South Carolina; (d) from points in Hillsborough County, Fla., to points in Georgia; and (e) from points in St. Joseph County, Mich., to points in Indiana, Illinois, Ohio, and Pennsylvania; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder, inasmuch as it is possible that other persons may have relied upon the notice of the application as published and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and the issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication. During such period any proper party in interest may file a petition to reopen the proceeding, or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107515 (Sub-No. 619) (Republication) filed July 10, 1968, published in the FEDERAL REGISTER issue of July 25, 1968, and republished this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (address same as applicant). In the above-entitled proceeding, the examiner recommended the granting to applicant of a certificate of public convenience and necessity authorizing the operation substantially as described below. A decision and order of the Commission, Review Board No. 3, dated June 23, 1969, and served July 1, 1969, as modified, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *confectioneries* (1) from Salem, Va., to points in New York, Pennsylvania, New Jersey, Delaware, Connecticut, Massachusetts, Maryland, and the District of Columbia; restricted to the transportation of shipments originating at Salem, Va.; and (2) from Elizabeth, N.J., Fulton, N.Y., and New York, N.Y., including points in the portion of the New York, N.Y., commercial zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203 (b)(8) of the Interstate Commerce Act (the exempt zone), to Salem, Va.; restricted to the transportation of shipments destined to Salem, Va. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this decision and order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 109612 (Sub-No. 22) (Republication), filed February 14, 1969, published in FEDERAL REGISTER issue of March 6, 1969, and republished this issue. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. By application filed February 14, 1969, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting materials and supplies used in the manufacture and distribution of meat and meat products, from Chicago, Ill., to Muncie, Ind. An order of the Commission, Operating Rights Board, dated July 25, 1969, and served August 4, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting *tin cans*, from Chicago, Ill., to Muncie, Ind., restricted to the transportation of traffic destined to the plantsites and storage facilities of Marhoefer Packing Co., Inc., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113678 (Sub-No. 327) (Republication), filed September 23, 1968, published in the FEDERAL REGISTER issue of October 10, 1968, and republished this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68505. By application filed September 23, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of foodstuffs (nonfrozen) from the plantsite and/or warehouse facilities utilized by Silver Fleece, Inc., herein called Silver Fleece, at or near Port Clinton, Ohio, to points in New York and Pennsylvania, restricted to traffic originating at the described plantsite and/or warehouse facilities. The application was referred to Joint Board No. 330 for hearing and the recommendation of an appropriate order theron. Hearing was held on May 8, 1969, at Columbus, Ohio. A report and order of the Commission, recommended by Joint Board No. 330, effective July 28, 1969, and served August 4, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *foodstuffs* (nonfrozen) from the plantsite and warehouse facilities used by Silver Fleece, Inc., at or near Port Clinton, Ohio, to points in New York and Pennsylvania, restricted to traffic originating at the origins specified; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 123544 (Sub-No. 3) (Republication), filed April 24, 1968, published in FEDERAL REGISTER issues of May 9, 1969, and June 17, 1968, and republished this issue. Applicant: BERTSCH TRUCKING, INC., Box 15, Hillsboro, N. Dak. 58045. Applicant's representative: William S. Rosen, 639 Osborn Building, St. Paul, Minn. 55102. In the above-entitled proceeding, the examiner recommended the granting to applicant a permit, authorizing operations, in interstate or foreign commerce, as a contract carrier, by motor vehicle, over irregular routes, of the commodities, to, and from points substantially as indicated below. A decision and order of the Commission, Review Board No. 5, dated July 17, 1969, served August 5, 1969, finds that operation by applicant in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of *farm machinery and implements and farm machinery and implements parts*, from ports of entry on the international boundary line between the United States and Canada at Neche and Pembina, N. Dak., and Noyes, Minn., to points in Arkansas, California, Idaho, Illinois, Indiana, Iowa, Louisiana, Missouri, Ohio, Texas, and Wisconsin, under a continuing contract with Versatile Manufacturing, Ltd., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129675 (Sub-No. 1) (Republication), filed April 10, 1968, published in the FEDERAL REGISTER issue of May 2, 1968, and republished this issue. Applicant: CHEESE EXPRESS, INC., 6815 West 98 Street, Shawnee Mission, Kans. 66212. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. By report and order in the above-entitled proceeding, the examiner recommended the granting to applicant a permit authorizing operation, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes of, the commodities, to and from points substantially as indicated below. An order of the Commission, Division 1, served June 19, 1969, and effective July 22, 1969, fines that operation, in interstate or foreign commerce by applicant as a *contract carrier*, by motor vehicle, over irregular routes, of (1) *dairy products*, as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (2) *dairy products*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time, from Alma, Bogue, Tescott, Atwood, and Horton, Kans., Milan and Trenton, Mo., to points in Nebraska, Colorado, Wyoming, New Mexico, Missouri (except Springfield and Neosho), Oklahoma, Texas, Iowa, Illinois, Arizona, California, Kansas, and Provo, Utah, except that no service is authorized within Kansas and within Missouri; and (3) *materials, supplies, and equipment* used in the manufacture of (1) above on return; under continuing contracts with Dwight-Alma Dairy Products, Inc., Tescott Cheese Co., Inc., Bogue Cheese Co., Inc., Trenton Milk Co., Inc., Atwood Cheese Co., Inc., Sullivan County Cheese Co., Inc., and Whiting Foods Co., Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133102 (Sub-No. 2) (Republication), filed January 31, 1969, published in the FEDERAL REGISTER issue of February 20, 1969, and republished this issue.

Applicant: ALLEN TRUCKING COMPANY, INC., Route 2, Box 51, Keithville, La. 71047. Applicant's representative: Paul L. Caplinger, Post Office Box 7295, Shreveport, La. 71107. By application filed January 31, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of sawdust, wood flour, shavings, chips, bark, and waste wood blocks, between points in Arkansas, Louisiana, Oklahoma, and Texas. An order of the Commission, Operating Rights Board, dated July 15, 1969, and served July 25, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *wood residuals* between points in Arkansas, Louisiana, Oklahoma, and Texas; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 127093 (Sub-Nos. 2, 3, 5, 9, and 10), (Notice of Filing of Petition for Conversion of Contract Carrier Authority to Common Carrier Authority), filed July 24, 1969. Petitioner: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, doing business as SMEESTER BROS. TRUCKING CO., Iron Mountain, Mich. Petitioner's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Petitioners state they now hold Permits in MC 127093 Subs 2, 3, 5, 9, and 10, to conduct contract carrier operations, transporting: (1) *Malt beverages*, from South Bend, Ind., Chicago, Ill., and Milwaukee and Oshkosh, Wis., to Iron Mountain, Mich., and Aurora, Wis., with no transportation for compensation on return except as otherwise authorized. (2) *Boards*, building wall, and/or insulating, and parts, *materials, and accessories incidental thereto, manufactured and/or composition boards, and parts and accessories incidental thereto, and roofing and/or insulating materials, and parts and accessories incidental* thereto, between the plantsite of the Celotex Corp. at L'Anse, Mich., and warehouses owned or leased by Celotex Corp. in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois (except points in the Chicago, Ill., commercial zone, as defined by the Commission, and points in Illinois within 50 miles of Chicago and except points in Cook, Du Page, Kane, Kendall, Lake, McHenry, and Will Counties, Ill.), Indiana (except points in Lake and Porter Counties), Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin (except points in Florence, Marinette, Oconto, Brown, Manitowoc, Calumet, Sheboygan, Ozaukee, Milwaukee, Racine, and Kenosha Counties, Wis.), and the District of Columbia; and

Restriction: The operations authorized above are restricted against the transportation of finished lumber and commodities in bulk. *Materials and supplies* used in the manufacture of the above-specified commodities, from points in the above-named destination States to the above-described plantsite and warehouses. (3) *Building materials* (except lumber and bulk commodities), from the plantsite of Celotex Corp., at or near Fort Dodge, Iowa, to points in Kansas and Missouri (except St. Louis, Mo.), with no transportation for compensation on return except as otherwise authorized. (4) *Gypsum building materials* (except in bulk) and materials and accessories used in the installation thereof, from Port Clinton, Ohio, South Carolina, Tennessee. (5) *Composition boards and materials and accessories* used in the installation of composition boards, from points in Henry County, Tenn., to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Ohio, Indiana, Iowa, Michigan, Minnesota, Wisconsin, Montana, Wyoming, Colorado, and Tennessee; and *materials*, except in bulk, used in the manufacture and distribution of composition boards, from points in the above-specified destination States to points in Henry County, Tenn. By the instant petition, petitioners seek to convert such authority from contract to common carrier authority. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 127951 (Sub-Nos. 2 and 7) (Notice of Filing of Petition To Amend Permits and Add Additional Shipper), filed July 16, 1969. Petitioner: SOUTHEASTERN CARRIERS, INC., Miami, Fla. Petitioner states that it holds authority in MC 127951 (Sub-No. 2) as a contract carrier by motor vehicle to transport: Composition floor covering and adhesives, from Brooklyn, N.Y., and Plainfield, N.J., to points in that part of Florida located in Brevard, Broward, Charlotte, Collier, Dade, De Soto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Monroe, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, St. Lucie, and Sarasota Counties, and carpet underlay and adhesives, from Shelton, Conn., to points in that part of Florida located in the same counties named above, under contract with Northern Distributors, Inc., of Miami, Fla. Sub No. 7 authorizes the transportation of carpet underlay and adhesives, from Barrington and Saylesville, R.I., and Falls River, Mass., to points in Florida, and carpeting, from Edgemore, Del., Calhoun, Ga., and Highstown, N.J., to points in Florida. By the instant petition, petitioner desires to add two additional shippers, Knight & Wall Co., a Florida corporation in the business of distributing Kentile Products to the aforestated counties in Florida, and Flamingo Wholesale Distributors, Inc., a corporation authorized to do business in Florida; said additional shippers to be added to its existing authority pursuant to MC 127951 Sub-Nos. 2 and 7. Any person or persons desiring to participate, may file an original and six copies of his written representations, views, or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 4963 (Sub-No. 32), filed July 17, 1969. Applicant: JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representatives: Roland Rice, 618 Perpetual Building, Washington, D.C. 20004, Harry A. Hershey (same address as applicant), and John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Sharon and Erie, Pa., from Sharon over U.S. Highway 62 to Mercer, Pa., thence over U.S. Highway 19 to its intersection with Pennsylvania Highway 98, thence over Pennsylvania Highway 98 to its intersection with Pennsylvania Highway 832, thence over Pennsylvania Highway 832 to its intersection with Interstate Highway 90, thence over Interstate Highway 90 to its intersection with U.S. Highway 19, thence over U.S. Highway 19 to Erie, and return over the same route serving all intermediate points; and (2) between Kane and Erie, Pa., from Kane over U.S. Highway 6 to its intersection with Pennsylvania Highway 89 at or near Elgin, Pa., thence over Pennsylvania Highway 89 to Lowville, Pa., thence over Pennsylvania Highway 8 to Erie, and return over the same route, serving within 80 miles of Erie, all off-route points in New York and in Pennsylvania (except Bradford and Custer City, Pa.). Restriction: Service is limited to the transportation of shipment moving to, from, or through either Erie or Kane, Pa. Note: This application is a matter directly related to MC-F-10553 published in FEDERAL REGISTER issue of July 30, 1969. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 66512 (Sub-No. 7), filed July 22, 1969. Applicant: P & G MOTOR FREIGHT, INCORPORATED, 450 Burnham Street, South Windsor, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, other than household goods and office furniture and equipment other than commodities which necessitate the use of dump trucks, tank trucks or special equipment, between points in Connecticut. NOTE: Applicant states it would tack with points in Connecticut authorized to be served by applicant under Docket No. MC 66512 to provide single line services between Connecticut points on the one hand, and on the other, authorized points in New York and New Jersey. Applicant states that the purpose of this application is to convert the certificate of registration MC-98616 Sub 1, to a certificate of public convenience and necessity. This application is a matter directly related to Docket No. MC-F-10557, published FEDERAL REGISTER issue of July 30, 1969. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 127608 (Sub-No. 2), filed July 14, 1969. Applicant: B-BROTHERS CARTAGE, INC., Post Office Box 21, Blue Island, Ill. 60406. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and machinery parts and iron and steel angles and beams, shelving and strapping, and pallet racks, and electrical flexible conduit*, between the plantsite of Interlake Steel Corp. at or near Pontiac and Chicago, Ill. NOTE: This is a matter directly related to MC-F-10549, published in the FEDERAL REGISTER issue of July 24, 1969. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR Part 240)

MOTOR CARRIERS OF PROPERTY

No. MC-F-10397 (Amendment) (ARROW FREIGHTWAYS, INC.—Purchase (Portion)—SPRINGER CORP.), published in the February 26, 1969, and March 12, 1969 (Correction), issues of the FEDERAL REGISTER, on pages 2637 and 5138. By amendment filed August 5, 1969, authority sought to be transferred in lieu of the prior notices should read: *General commodities*, except articles of unusual value, commodities in bulk and except household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, as a *common carrier*, over irregular routes, between points in that part of New Mexico, Colorado, and Arizona, within 200 miles of Albuquerque, N. Mex., restriction: Service is not authorized to or from points on Federal or State Highways other than the city of Albuquerque, N. Mex., except in instances where such service requires the use of special equipment.

No. MC-F-10569. Authority sought for purchase by SUWAK TRUCKING COMPANY, 1105 Fayette Street, Washington, Pa. 15301, of the operating rights and certain property of MORRIS MOTOR EXPRESS, INC., 5800 Grand Avenue, Pittsburgh, Pa. 15225. Applicants' attorneys: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219, and Leo Daniels, 514 Grant Building, Pittsburgh, Pa. 15219. Operating rights and certain property sought to be transferred: *General commodities*, excepting among others household goods and commodities in bulk, as a *common carrier* over regular routes, between Cumberland, Md., and Petersburg, W. Va., serving all intermediate points, from Cumberland over city streets to the Maryland-West Virginia State line, thence over West Virginia Highway 28 to junction U.S. Highway 220, thence over U.S. Highway 220 to Petersburg, and return over the same route, between Cumberland, Md., and Meyersdale, Pa., serving all intermediate points between Cumberland and junction U.S. Highway 40 and Maryland Highway 35; *household goods* as defined by the Commission, and *general commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Bedford, Pa., and Cumberland, Md., serving all intermediate points, and the off-route points of Lavale, Md., Ridgely, W. Va., New Baltimore, Pa., and those in Bedford County, Pa., without restriction; and the off-route points within 2 miles of that portion of U.S. Highway 220 between Cumberland, Md., and the Maryland-Pennsylvania State line, for milk, cream, cheese, ice cream mix, and empty milk cans only, from Bedford over U.S. Highway 220 to Cumberland, and return over the same route; *general commodities*, excepting among others, household goods and commodities in bulk, over irregular routes, between Bedford, Pa., on the one hand, and, on the other, points in Maryland, between Cumberland, Md., and points within 10 miles thereof, on the one hand, and, on the other, points in Maryland, and those in Pennsylvania and West Virginia within 35 miles of Cumberland, Md., between Bedford, Pa., and Cumberland, Md., on the one hand, and, on the other, points within 50 miles of Bedford, Pa., with restriction; fruits and produce, between certain specified points in Maryland, and West Virginia, on the one hand, and, on the other, points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, and the District of Columbia; *fertilizer and insecticides*, from Baltimore, and Hagerstown, Md., and Winchester, Va., to certain specified points in Maryland, and West Virginia; *petroleum products*, from Oil City, Pa., to Cumberland, Md. Vendee is authorized to operate as a common carrier in Pennsylvania, Ohio, West Virginia, New Jersey, New York, Delaware, Maryland, Massachusetts, Connecticut, Illinois, Rhode Island, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10570. Authority sought for purchase by FOX TRANSPORT SYSTEM, Bourse Building, 21 South Fifth Street, Philadelphia, Pa. 19106, of a portion of the operating rights of H. P. WESLEY, INC., Post Office Box 146, Phillipsburg, N.J. 08865, and for acquisition by FREDERICK W. FOX, also of Philadelphia, Pa., of control of such rights through the purchase. Applicants' attorney: Alan Kahn, Suite 1920, 2 Penn Center Plaza, Philadelphia, Pa. 19102. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over irregular routes, between Phillipsburg, N.J., on the one hand, and, on the other, Easton, Pa., including the boroughs of Wilson and Glendon, and points within one-half mile of the corporate limits of Easton, with restriction; *new furniture and household goods*, from Easton, Pa., to points in New Jersey within 40 miles of Easton; *refrigerators and stoves*, from Philadelphia, Pa., to Phillipsburg, N.J., from Phillipsburg, N.J., to points in Pennsylvania within 35 miles of Phillipsburg; *soap, oils, antifreeze, rosin, and alcohol*, from Easton, Pa., to points in New Jersey within 40 miles of Easton; and *such commodities* as are dealt in by retail grocery stores, between points in New Jersey and Pennsylvania within 30 miles of Phillipsburg, N.J., and Easton, Pa., including Phillipsburg and Easton. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, Delaware, New York, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10571. Authority sought for control and merger by MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. 47802, of the operating rights and property of A.A.A. TRUCKING, INC., 935 East Broad Street, Columbus, Ohio 43215, and for acquisition by THE B. F. GOODRICH CO., 500 South Main Street, Akron, Ohio 44318, of control of such rights and property through the transaction. Applicants' attorneys: John P. McMahon and A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be controlled and merged: Under a certificate of registration, in

Docket No. MC-123825 Sub 2, covering the transportation of property, as a common carrier, in intrastate commerce within the State of Ohio. MOTOR FREIGHT CORPORATION is authorized to operate as a *common carrier* in Ohio, Indiana, Kentucky, Tennessee, Illinois, Michigan, Missouri, Iowa, and Nebraska. Application has been filed for temporary authority under section 210a (b). NOTE: No. MC-2401 Sub 47 is a matter directly related.

No. MC-F-10572. Authority sought for purchase by KENDRICK CARTAGE CO., Box 63, Salem, Ill. 62881, of a portion of the operating rights of ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, Ill. 60643, and for acquisition by W. C. KENDRICK, and J. B. KENDRICK, both also of Salem, Ill., of control of such rights through the purchase. Applicants' attorneys and representative: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and W. C. Kendrick, Box 63, Salem, Ill. 62881. Operating rights sought to be transferred: *Petroleum and petroleum products*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Lawrenceville, Ill., to St. Louis, Mo., and points in Indiana on and north of U.S. Highway 24; and *petroleum products*, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the site of the Sinclair Refining Co. pipeline terminal and storage plant, located about 2.5 miles from New Goshen, Ind., to points in that part of Illinois bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 50 to East St. Louis, Ill., thence along the western boundary of Illinois to Alton, Ill., thence along U.S. Highway 67 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 24, thence along Highway 24 to the Illinois-Indiana State line, and thence along the Illinois-Indiana State line to point of beginning, including points on the indicated portions of the highways specified. Vendee is authorized to operate as a *common carrier* in Missouri, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Wisconsin, Iowa, South Dakota, Louisiana, Texas, Alabama, Florida, Georgia, Mississippi, Pennsylvania, Massachusetts, New York, New Jersey, Maryland, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10573. Authority sought for control by BESTWAY FREIGHT LINES, INC., 500 South Western, Oklahoma City, Okla., of REPUBLIC TRUCK LINES, INC., 207 West Avery St., Dallas, Tex. 75208, and for acquisition by J. W. BOYLES, also of Oklahoma City, Okla., of control of REPUBLIC TRUCK LINES, INC., through the acquisition by BESTWAY FREIGHT LINES, INC. Applicants' attorneys: Philip Robinson and Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Dallas, Tex., and Fort Worth, Tex., serving no intermediate points; *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, between Wichita Falls, Tex., and Stephensville, Tex., serving the intermediate points south of Jacksboro, Tex., and the off-route points of Lipan and Lone Camp, Tex.; *general commodities*, excepting, among others, household goods and commodities in bulk, over regular and irregular routes, from Houston, Tex., to certain specified points in Texas, serving no intermediate points; and *cotton*, from certain specified points in Texas, to Galveston, Tex., serving the intermediate point of Houston, Tex., restricted to delivery only; and under a certificate of registration, in Docket No. MC-48963 Sub-5, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Texas. BESTWAY FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Oklahoma and Texas. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-48963 Sub-6 is a matter directly related.

No. MC-F-10574. Authority sought for purchase by ATLAS TRANSIT, INC., Post Office Box 707, Little Rock, Ark., of a portion of the operating rights and property of ARKANSAS TRAVELER, INC., Post Office Box 2494, Memphis, Tenn. 38102, and for acquisition by LAWRENCE A. MEGEL, and EMMETT R. GILMORE, both also of Little Rock, Ark., of control of such rights and property through the purchase. Applicants' attorney: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Memphis, Tenn., and Marked Tree, Ark., serving all intermediate points; and the off-route points of Crawfordsville, Blytheville, Wilson, Osceola, and Driver, Ark., and those within 10 miles of Arkansas Highway 77 (formerly unnumbered highway) and U.S. Highway 61 between Turrell and Blytheville, Ark.; and *general commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment, between Marked Tree, Ark., and Manila, Ark., serving the intermediate points on Arkansas Highway 77. Vendee is authorized to operate under certificates of registration, in intrastate commerce, within the State of Arkansas. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10575. Authority sought for purchase by JIM TIONA, JR., 805 West Ohio Street, Butler, Mo., of the operating rights of McCUE TRANSFER, INC., 3524 East Fourth Street, Post Office Box 445, Hutchinson, Kans. Applicants' attorney: Carll V. Kretzinger, 450 Professional Building, Kansas City, Mo. 64106. Operating rights sought to be transferred: *Agricultural commodities*, as a *common carrier*, over irregular routes, between Grand Island, Nebr., and points in Nebraska within 50 miles of Grand Island, on the one hand, and, on the other, points in Kansas; *grain*, from points in Minnesota, North Dakota, South Dakota, and Wyoming, to points in Kansas; *lubricating oil and grease* in containers, from Topeka, Kans., to Grand Island, Nebr.; *salt*, from Hutchinson and Lyons, Kans., to points in Nebraska, from Hutchinson and South Hutchinson, Kans., and points within 1 mile of each, to points in Minnesota, North Dakota, South Dakota, and Wyoming, from Lyons, Kans., to points in Minnesota, North Dakota, and South Dakota, from Hutchinson and Lyons, Kans., to points in Arkansas, certain specified points in Texas and New Mexico, from Hutchinson and Lyons, Kans., to certain specified points in New Mexico; *salt*, in bulk, from Kanopolis, Kans., to North Platte, Nebr.; *salt and salt products, and materials and supplies* used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, when shipped in mixed loads with salt and salt products, from Kanopolis, Kans., to points within 5 miles thereof, to points in Minnesota, Missouri (except St. Louis), Nebraska, North Dakota, South Dakota, Wyoming, and Arkansas, from Hutchinson, Kans., to points in Nebraska, Minnesota, North Dakota, South Dakota, Wyoming, Arkansas, New Mexico, and certain specified points in Texas; *canned goods*, from La Junta, Colo., to points in North Dakota, South Dakota, Iowa, Minnesota, and Nebraska, from Hutchinson, Kans., to points in North Dakota, South Dakota, Iowa, Minnesota, and Nebraska, with restriction; and *materials and supplies* used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, when shipped in mixed loads with salt, from Lyons, Kans., to points in Nebraska, Minnesota, North Dakota, South Dakota, Wyoming, and Arkansas, certain specified points in Texas and New Mexico. Vendee is authorized to operate as a *common carrier* in Oklahoma, Kansas, Nebraska, Colorado, Iowa, Minnesota, New Mexico, Wisconsin, Illinois, Missouri, Tennessee, Mississippi, Arkansas, Texas, Indiana, Kentucky, Michigan, North Dakota, Ohio, West Virginia, Virginia, South Dakota, Louisiana, and Alabama. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10576. Authority sought for purchase by WILSON FREIGHT COMPANY, 3636 Follett Avenue, Cincinnati, Ohio 45223, of the operating rights of SHAW MOTOR FREIGHT, INC., Post Office Box 84, Salisbury, N.C. 28144, and for acquisition by DAVID M. GANTZ, JOHN E. SHORE, TRUSTEE, S. DAVID SHOR, and JOSEPH M. GANTZ, all also of Cincinnati, Ohio, of control of such rights through the purchase. Applicants' attorneys: Harry C. Ames, 666 11th Street NW., Washington, D.C. 20001, and Milton H. Bortz, 3636 Follett Avenue, Cincinnati, Ohio 45223. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-99552 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce within the State of North Carolina. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Connecticut, Pennsylvania, Maryland, Ohio, Massachusetts, West Virginia, North Carolina, Kentucky, Tennessee, Rhode Island, Indiana, Virginia, Oklahoma, Minnesota, Wisconsin, Illinois, Iowa, Maine, New Hampshire, Delaware, Vermont, Kansas, Missouri, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-13123 Sub-57 is a matter directly related.

No. MC-F-10577. Authority sought for merger into NORTH PENN TRANSFER, INC., Routes 202 and 63, Box 230, Lansdale, Pa. 19446, of the operating rights and property of FILLIUS X-PRESS SERVICE, Post Office Box 407, Mount Holly, N.J. 08060, and for acquisition by ARTHUR N. ANDERS, also of Lansdale, Pa., of control of such rights and property through the transaction. Applicants' representative: John W. Frame, Post Office Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Philadelphia, Pa., and Bordentown, N.Y., serving all intermediate points; *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, liquor, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Wrightstown, N.J., and Philadelphia, Pa., serving all intermediate points, and certain off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, certain specified points in New Jersey; and *household goods*, between Mount Holly, N.J., on the one hand, and, on the other, points in Delaware, Maryland, and certain specified points in Pennsylvania. NORTH PENN TRANSFER, INC. is authorized to operate as a *common carrier* in Pennsylvania, Delaware, Maryland, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, Virginia, Ohio, Alabama, Georgia, Florida, North Carolina, South Carolina, Kentucky, Tennessee, West Virginia, Maine, New Hampshire, Vermont, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: NORTH PENN TRANSFER, INC., controls FILLIUS X-PRESS SERVICE, through ownership of capital stock pursuant to authority granted July 12, 1968, in Docket No. MC-F-10098, by Review Board No. 5, and consummated August 12, 1968.

No. MC-F-10578. Authority sought for purchase by HALL'S MOTOR TRANSIT COMPANY, Fifth and Vine Streets, Sunbury, Pa. 17801, of a portion of the operating rights of STANDARD MOTOR FREIGHT, INC., 2700 Smallman Street, Pittsburgh, Pa. 15222, and for acquisition by JOHN N. HALL, 1151 South 21st Street, Harrisburg, Pa., and W. LEROY HALL, 300 West Willow Street, Carlisle, Pa., of control of such rights through the purchase. Applicants' attorneys and representative, respectively: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101, Russell R. Sage, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314, John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15209, and M. E. Brunner, Fifth and Vine Streets, Sunbury, Pa. 17801. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Wheeling, W. Va., and certain specified points in Pennsylvania, serving all intermediate points, between Pittsburgh, Pa., and certain specified points in Ohio and West Virginia, serving all intermediate points, and the off-route points of Yukon and Herminie, Pa.; and *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between certain specified points in Pennsylvania and West Virginia, on the one hand, and, on the other, points in that part of Ohio south of U.S. Highway 30 and east of Ohio Highway 13, certain specified points in Pennsylvania, and that part of West Virginia north of U.S. Highway 60 and west of U.S. Highway 219, including points on the portions of the highways herein. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Virginia, Connecticut, New Jersey, Ohio, Maryland, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-9536; Filed, Aug. 12, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 8, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 245 (49 CFR 1100.245) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. M-643, Supp. 1, filed date (not given). Applicant: WEBER TRANSFER, INC., Cozad, Nebr. Applicant's representative: Donald E. Leonard, Box 2028, 605 South 14th Street, Lincoln, Nebr. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except those requiring special equipment, over irregular routes, from within a 100-mile radius of Cozad to and from Omaha and Grand Island, and occasionally to and from Lincoln, McCook, North Platte, Seward, York, Beatrice, Scottsbluff, Sidney, Kimball, Arnold, Stapleton, Broken Bow and intermediate towns; and *contractors' and construction equipment and machinery, materials and supplies and commodities* which, by reason of their weight, size, or length require special equipment or handling, between points within a 100-mile radius of Cozad, Nebr. Both intrastate and interstate authority sought.

HEARING: Not assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Nebraska State Railway Commission, Motor Transportation Department, State Capitol Building, Lincoln, Nebr. 68508, and should not be directed to the Interstate Commerce Commission.

State Docket No. 4427 (Sub-No. 2) (Republication), filed January 9, 1969, published FEDERAL REGISTER, issue of February 5, 1969, and republished as amended at the hearing, this issue. Applicant: COVINGTON TRUCKING COMPANY, INC., Covington, Tenn. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Certificate of registration sought to operate a freight service as follows: Transporting general commodities, except household goods, commodities in bulk, and those requiring special equipment as follows: (1) Between Memphis and Brownsville, Tenn., via U.S. Highway 70, serving all intermediate points, except those in Shelby County, (2) Between Memphis and Brownsville, Tenn., via Interstate Highway 40, serving the intermediate junction point of said Interstate Highway 40 and Tennessee Highway 59, and (3) Between Braden, Tenn., and junction of Tennessee Highway 59 and Interstate Highway 40, over Tennessee Highway 59, serving all intermediate points. All of the above authority to be used in conjunction with applicant's presently held authority. Restriction: The authority granted herein shall not be deemed to confer more than one operating right between Memphis and Brownsville in the handling of traffic

which originates at, is destined to, or interlined at Nashville, Tenn., and points in its commercial zone. NOTE: A BOR–100 application has been filed under section 206(a)(6) of the Interstate Commerce Act in No. MC–108016 (Sub-No. 6). Applicant seeks a certificate of registration corresponding in scope to the above-described intrastate rights granted in certificate of convenience and necessity No. 350–G embraced in order of the Tennessee Public Service Commission dated June 27, 1969. Processing of the application will be withheld for a period of 30 days from the date of publication during which period any proper party who may be affected by the broadened authority may file an appropriate pleading with this Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–9537; Filed, Aug. 12, 1969; 8:48 a.m.]

[Notice 884]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 8, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 35807 (Sub-No. 9 TA), filed August 1, 1969. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, Delaware corporation, 210 Baker Street NW., Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordon, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Money orders and travelers' cheques*, from Rochester, N.Y., to Trenton, N.J.; Atlanta, Ga.; Chicago, Ill.; San Francisco, Calif.; Denver, Colo.; and New York, N.Y., for 180 days. Supporting shipper: American Express, 65 Broadway, New York, N.Y. 10006. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 77092 (Sub-No. 1 TA), filed August 1, 1969. Applicant: PERONTI TRUCKING CO., INC., 126 Columbia Street, Brooklyn, N.Y. 11231. Applicant's representative: Leonard P. Charia, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Knitwear*, between points in the New York City commercial zone and Carlstadt, N.J., having a prior or subsequent movement by water, for 180 days. Supporting shipper: Newport Knitwear, Division of Monte Vardi Sportswear Co., Inc., 112 West 34th Street, New York, N.Y. 10001. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 106943 (Sub.-No. 101 TA), filed July 30, 1969. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47801. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious of contaminating to other lading): between Philadelphia, Pa., and Trenton, N.J., on the one hand, and, on the other, points in that part of New Jersey on and north and on and east of a line beginning at Trenton and extending through Juliustown and Port Republic, N.J., to Atlantic City, N.J., for operating convenience only. Restriction: No service to be performed between any two points both of which are located east of the Ohio-Pennsylvania State line, for 180 days. NOTE: Applicant does intend to tack with its present authority in MC 106943. Supporting shipper: No supporting shipper's information submitted with this application. Applicant's attorney stated that the application was being submitted because of a misunderstanding in its operating authority. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 107515 (Sub. No. 671 TA), filed August 1, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach, 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, Ga. 30050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products and woodpulp* (except in bulk), from points in McMinn County, Tenn., to points in Oklahoma and Texas, for 180 days. Supporting shipper: Bowaters Southern Paper Corp., Calhoun, Tenn. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 113855 (Sub-No. 206 TA), filed August 1, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweeping machines, and parts, attachments, and accessories* for street sweeping machines, from points in the Minneapolis-St. Paul, Minn., commercial zone to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: American Hoist & Derrick Co., 63 South Robert Street, St. Paul, Minn. 55107. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 127943 (Sub-No. 4 TA), filed August 1, 1969. Applicant: FRED U. ROGERS, doing business as FRED ROGERS LUMBER CO., Route 2, Box 249A, Everett, Wash. 98201. Applicant's representative: George Kargianis, 609–11 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Washington west of the summit of the Cascade Mountain Range and points in Oregon west of the summit of the Cascade Mountain Range and points in Wasco and Hood River Counties, Oreg., for 180 days. NOTE: Applicant intends to tack or interline at ports of entry between the U.S. and Canada located at Blaine and Sumas, Wash., on foreign commerce originating or destined to British Columbia, Canada. Supporting shippers: Alexander Lumber Co., 721 Securities Building, Seattle, Wash. 98101; McKerlich Lumber, Ltd., 19283 98th Avenue, Port Kells, British Columbia, Canada; Simpson Building Supply Co., 3326 Paine Avenue, Everett, Wash. 98201. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 128343 (Sub-No. 8 TA), filed August 1, 1969. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronold Cobert, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, plastic products, and supplies* used in the manufacture and production thereof from, (1) North Smithfield, R.I., to Memphis, Tenn., and (2) between Halls, Tenn., and Memphis, Tenn., for 180 days. Supporting shipper: Tupperware Co., Great Road, North Smithfield, R.I. 02895. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 133470 (Sub-No. 2 TA), filed August 1, 1969. Applicant: S. J. DURRANCE COMPANY, INC., Room 207, Administration Building, State Farmers Market, Forest Park, Ga. 30050. Applicant's representatives: Guy H. Postell and Frank D. Hall, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen hushpuppies, frozen onion rings, frozen fish and chip dinners, and frozen shrimp creole dinners*, when moving with commodities exempt from regulation under the provisions of section 203(b)(6) of the Interstate Commerce Act, Part II and Administrative Ruling 110, between points in Glynn and Chatham Counties, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shippers: Sea Pak, Division of W. R. Grace & Co., Box 667, St. Simons Island, Ga. 31522; Golden Shore Seafoods, Inc., Brunswick, Ga.; King Shrimp Co., Brunswick, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 133924 TA, filed August 1, 1969. Applicant: RADAGAUGH BROS. TRUCKING CO., INC., 2105 Freeman, Fort Wayne, Ind. Applicant's representative: Warren Co. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and crushed stone*, from points in Cass County, Mich., to points in St. Joseph, Elkhart, Marshall, La Porte, and La Grange Counties, Ind., from points in Elkhart County, Ind., to points in Berrien, Cass, and St. Joseph Counties, Mich.; (2) *Asphalt*, from Elkhart and Mishawaka, Ind., to points in Berrien, Cass, and St. Joseph Counties, Mich., for 180 days. Supporting shipper: Arco Engineering Construction Corp., 901 North Nappannee Street, Elkhart, Ind. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 45802.

No. MC 133928 TA, filed August 1, 1969. Applicant: ANTHONY H. OSTERKAMP, JR., doing business as OSTERKAMP TRUCKING, 764 North Cypress Street, Orange, Calif. 92666. Applicant's representative: Donald Murchison, Suite 211 Paris Building, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plaster, gypsum or gypsum products, and plasterboard joint treatment products* from Plaster City, Calif., to points in Arizona, for 150 days. Supporting shipper: United States Gypsum Co., 525 South Virgil Avenue, Los Angeles, Calif. 90054. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

MOTOR CARRIER OF PASSENGERS

No. MC 116270 (Sub-No. 1 TA), filed August 1, 1969. Applicant: NEW YORK BUS TOURS, INC., 3320 Hutchinson Avenue, Bronx, N.Y. Applicant's representative: Samuel Zinder, Station Plaza East, Great Neck, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, from Bronx, N.Y., to Green Mountain Race Track, Pownall, Vt., and return, for 150 days. Supported by: 72 Patrons signed a petition statement, which statement may be examined here at the offices of the Interstate Commerce Commission or at the field office named below. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 1007.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–9538; Filed, Aug. 12, 1969; 8:48 a.m.]

[Notice 394]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 8, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132, appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71148. By order of July 29, 1969, the Motor Carrier Board approved the transfer to A & A Limousine Renting, Inc., doing business as A & A Limousine Renting, Robie Cadillac Renting Co., Somerville, Mass., of the certificate in No. MC–96573, issued April 19, 1955, to Robie Cadillac Renting Co., a corporation, Somerville, Mass., authorizing the transportation of passengers and their baggage, in round trip charter operations beginning and ending at Boston, Mass., and points in Massachusetts within 50 miles of Boston, and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York. Peter Sorgi, 18 Tremont Street, Boston, Mass., attorney for applicants.

No. MC–FC–71444. By order of July 29, 1969, the Motor Carrier Board approved the transfer to Freres Lumber Co., Inc., Lyons, Oreg. 97358, of certificate in No. MC–128431 (Sub-No. 2), issued March 22, 1968, to Marion F. Alderman, doing business as Mar-Vel Trucking, Idanha, Oreg. 97350, authorizing the transportation of: Wood chips, from points in Marion, Benton, and Linn Counties, Oreg.; to Vancouver, Wash.; and points within 5 miles thereof, except Camas, Wash. Walter H. Bell, Stayton, Oreg. 97383, attorney for applicants.

No. MC–FC–71520. By order of July 31, 1969, the Motor Carrier Board approved the transfer to Bernard Bus Lines, Inc., Westboro, Mass., of certificates in Nos. MC–113770 and MC–113770 (Sub-No. 2), issued February 2, 1953, and August 22, 1961, respectively, to Carlstrom Bus Lines, Inc., Westboro, Mass., authorizing the transportation of: Passengers and their baggage, and where appurtenant, express, mail, and newspapers in the same vehicle with passengers, between specified points in Massachusetts, New Hampshire, and Rhode Island. William D. Barry, 11 Riverside Avenue, Medford, Mass. 02155, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–9539; Filed, Aug. 12, 1969; 8:48 a.m.]

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Part I
(Part II begins on page 13193)

Agencies in this issue—

The President
Agricultural Research Service
Business and Defense Services Administration
Civil Aeronautics Board
Civil Service Commission
Comptroller of the Currency
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Power Commission
Fish and Wildlife Service
Food and Drug Administration
Interagency Textile Administrative Committee
Interstate Commerce Commission
Reclamation Bureau
Securities and Exchange Commission

Detailed list of Contents appears inside.



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Title 3—THE PRESIDENT

Proclamation 3921

NATIONAL ARCHERY WEEK

By the President of the United States of America

A Proclamation

Archery, which in centuries past was a major means of livelihood and warfare, today is one of the fastest growing forms of competitive sport and recreational activity in the United States.

The skills of the bow and arrow are taught in thousands of school physical education programs; archery rapidly is becoming a major intercollegiate sport; and the manufacture of archery equipment is a significant industry.

In 1972 archery will become an official Olympic sport, which is further evidence of its growing popularity and increased stature.

To give recognition to the development of archery as a major sport and to the role of the United States as host to the world archery championships this year, the Congress, by Senate Joint Resolution 85, has requested the President to proclaim the period from August 26, 1969, through September 1, 1969, as National Archery Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the period from August 26 through September 1, 1969, as National Archery Week.

I invite the Governors of the States and appropriate officials of local governments to issue similar proclamations; and I urge recreational agencies, sportsmen's groups, and interested individuals to join in promoting activities which will preserve and enhance archery as an exciting and enjoyable link with mankind's past.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of August, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 69–9683; Filed, Aug. 13, 1969; 10:42 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 550—PAY ADMINISTRATION (GENERAL)

Specific Exceptions

Section 550.505 is amended by adding a new paragraph (p) which excepts the pay of members of the District of Columbia Council and of the Board of Education of the District of Columbia from the dual pay statute, 5 U.S.C. 5533(a).

§ 550.505 Specific exceptions.

* * * * *

(p) Pay for service as a member of the District of Columbia Council or the Board of Education of the District of Columbia.

(5 U.S.C. 5533)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9597; Filed, Aug. 13, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

OKRA FROM MEXICO

Pursuant to the authority conferred by § 319.56–2 of the regulations (7 CFR 319.56–2) supplemental to the Fruit and Vegetable Quarantine (Notice of quarantine No. 56, 7 CFR 319.56), under sections 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 159, 162), and section 106 of the Federal Plant Pest Act (7 U.S.C. 150ee), paragraph (b) of administrative instructions appearing as 7 CFR 319.56–2k is hereby amended to read as follows:

§ 319.56–2k Okra from Mexico.

(a) *Administrative instructions prescribing method of treatment of okra from Mexico.* * * *

(b) *Interpretation re importation of okra from Mexico.* (1) Edible okra produced in Mexico may enter the United States at any time during the year, under permit and subject to inspection at the port of entry, but without fumigation except as provided in subparagraph (6) of this paragraph, if destined to the State of Arizona, New Mexico, Oklahoma, or Texas, which is the generally infested pink bollworm regulated area designated in § 301.52–2a of this chapter.

(2) Edible okra produced in Mexico may enter the United States during the period December 1 to May 15, inclusive, under permit and subject to inspection at the port of entry, but without fumigation except as provided in subparagraph (6) of this paragraph, if destined to any part of the United States except California.

(3) Edible okra produced in Mexico may enter the United States during the period January 1 to March 15, inclusive, under permit and subject to port of entry inspection, but without fumigation except as provided in subparagraph (6) of this paragraph, if destined to California. (Edible okra produced in Mexico and destined to California is subject to permit, port of entry inspection and fumigation requirements if it is to enter the United States during the period March 16 to December 31, inclusive.)

(4) Edible okra produced in Mexico may enter the United States during the period May 16 to November 30, inclusive, under permit and subject to port of entry inspection requirements, but without fumigation except as provided in subparagraph (6) of this paragraph, if destined to the States of Alaska, Colorado, Connecticut, Delaware, Hawaii, Idaho, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, or Wyoming, or the District of Columbia, or any part of Illinois, Kentucky, Missouri, or Virginia, north of the 38th parallel.

(5) Edible okra produced in Mexico may enter the United States during the period May 16 to November 30, inclusive, under permit and subject to port of entry inspection and fumigation requirements if destined to the State of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Nevada, North Carolina, South Carolina, or Tennessee or any part of Illinois, Kentucky, Missouri, or Virginia south of the 38th parallel.

(6) Edible okra produced in Mexico is subject to fumigation requirements if any pests of quarantine importance, in the judgment of the inspector, are found upon port of entry inspection.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159. 29 F.R. 16210, as amended, 33 F.R. 15485; 7 CFR 319.56–2)

This amendment of the administrative instructions shall become effective upon publication in the FEDERAL REGISTER.

The purpose of this amendment is to coordinate the provisions of the administrative instructions specifying the periods of the year when unfumigated okra may enter the regulated areas of the United States from Mexico, with the provisions for the movement of okra within the regulated areas of the United States under the Domestic Pink Bollworm Quarantine and regulations (7 CFR 301.52, 301.52–1 et seq.).

The amendment in part relieves restrictions and in order to be of maximum benefit to persons subject to the restrictions, it should be made effective as promptly as possible. Insofar as the amendment may be deemed to impose more stringent requirements than heretofore prescribed, it should be made effective promptly to prevent the spread of plant pests into the United States. Accordingly, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 8th day of August 1969.

[SEAL] P. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 69-9592; Filed, Aug. 13, 1969; 8:47 a.m.]

PART 321—RESTRICTED ENTRY ORDERS

Subpart—Foreign Potatoes

SPECIAL PROVISION FOR IMPORTATION FROM BERMUDA AND CANADA

Under the authority of sections 1, 5, and 9 of the Plant Quarantine Act of August 20, 1912 (7 U.S.C. 154, 159, 162; 37 Stat. 315, 316, 318), § 321.8 of the restricted entry order (7 CFR 321.1 et seq.) relating to the importation of potatoes is hereby amended to read as follows:

§ 321.8 Special provision for the importation of potatoes from Bermuda and Canada (except Newfoundland and the Land District of South Saanich on Vancouver Island of British Columbia).

Potatoes may be imported from Bermuda and Canada (except Newfoundland and the Land District of South Saanich on Vancouver Island of British Columbia) into the United States free of any restrictions under this subpart.

(Secs. 1, 5, 9, 37 Stat. 315, 316, 318; 7 U.S.C. 154, 159, 162; 29 F.R. 16210, as amended, 33 F.R. 15485; 7 CFR 321.1 et seq.)

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER, when it shall supersede the amendment effective December 8, 1965, 30 F.R. 15141.

The purpose of this amendment is to lessen restrictions on the importation of potatoes from the Province of British Columbia, Canada. On July 21, 1965, British Columbia was excluded from the area in Canada from which potatoes could be exported to the United States free of any plant quarantine restrictions. This action was taken as an emergency measure following reports by the Canadian Department of Agriculture that an infestation of the golden nematode (*Heterodera rostochiensis*) had been discovered on Vancouver Island in the Province of British Columbia. Following extensive surveys of potato fields on the mainland of British Columbia, it was determined that the mainland was apparently free of the pest. Accordingly, § 321.8 was amended on December 8, 1965, to authorize the entry of seed potatoes from British Columbia (other than Vancouver Island) when they were accompanied by a certificate of the Canada Department of Agriculture certifying that the seed potatoes were from mainland fields that had been surveyed for golden nematode with negative results. Entry of table stock potatoes was still restricted from the entire Province of British Columbia.

On March 21, 1969, the Canada Department of Agriculture indicated that they were reducing the golden nematode quarantine zone in British Columbia to include only the Land District of South Saanich on Vancouver Island, following an intensive sampling in British Columbia general land areas four times and the nursery areas five times with no evidence of golden nematode infestations. This relaxation by the Canada Department of Agriculture now permits the unrestricted movement of potatoes to other areas of Canada from British Columbia except the Land District of South Saanich.

Since there appears to be no reason to restrict the movement of potatoes into the United States from British Columbia except from the Land District of South Saanich, this amendment lifts the special restrictions that were imposed in 1965 for all areas of British Columbia, except the Land District of South Saanich. Now, potatoes grown in the Land District of South Saanich on Vancouver Island or in Newfoundland are eligible for entry into the United States only upon compliance with the restrictions in this subpart.

Inasmuch as this amendment relieves restrictions heretofore imposed, it should be made effective promptly in order to be of maximum benefit to importers of potatoes. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of August 1969.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-9594; Filed, Aug. 13, 1969; 8:47 a.m.]

PART 330—FEDERAL PLANT PEST REGULATIONS

Soil From Parts of Canada Exempted From Certain Regulations

Pursuant to § 330.108 of the Federal Plant Pest Regulations (7 CFR 330.108) issued under the authority of section 106 of the Federal Plant Pest Act of May 23, 1957 (7 U.S.C. 150ee; 71 Stat. 33), the administrative instructions in 7 CFR 330.300a are hereby amended to read as follows:

§ 330.300a Administrative instructions exempting soil from parts of Canada from certain restrictions.

Soil of Canadian origin except soil from Newfoundland and the Land District of South Saanich on Vancouver Island of British Columbia may be moved into or thrqugh the United States from Canada free from the permit requirements of § 330.300 and the release requirements of § 330.105 but subject to inspection under § 330.105 and disposal under § 330.106, if the inspection discloses any plant pest new to or not theretofore widely prevalent or distributed within and throughout the United States. Such soil is also subject to all applicable requirements under Part 319 of this chapter.[1]

(Sec. 106, 71 Stat. 33; 7 U.S.C. 150ee; 29 F.R. 16210, as amended, 33 F.R. 15485; 7 CFR 330.108)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

This amendment relieves restrictions on the movement of soil from the Province of British Columbia, Canada. All areas in British Columbia have been declared free of any evidence of the golden nematode by the Canada Department of Agriculture except the Land District of South Saanich on Vancouver Island. Infestations of the golden nematode still exist in Newfoundland and the Land District of South Saanich. Soil from these two areas in Canada may be authorized entry for certain purposes subject to the permit and other requirements in this subpart (7 CFR 330.300). It is therefore found upon good cause, under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with respect to this document are impracticable and good cause is found for making this document effective less than 30 days after its publication in the FEDERAL REGISTER.

[1] Sod from Canada is regulated by § 319.37-5 of this chapter.

Done at Hyattsville, Md., this 8th day of August 1969.

[SEAL] F. A. JOHNSON,
Director,
Plant Quarantine Division.

[F.R. Doc. 69-9595; Filed, Aug. 13, 1969; 8:47 a.m.]

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports (7 CFR 354.1), effective July 13, 1969 (34 F.R. 11548), administrative instructions (7 CFR 354.2), effective August 19, 1967, as amended February 9, 1968, April 19, 1968, July 25, 1968, December 14, 1968, February 19, 1969, June 6, 1969, and July 12, 1969 (32 F.R. 11981, 33 F.R. 2757, 5987, 10561, 18580, 34 F.R. 2351, 9025, 11547), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are hereby amended by adding to the "lists" therein as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

OUTSIDE METROPOLITAN AREA

* * * * *

THREE HOURS

Add: Aberdeen Proving Ground, Md. (served from Baltimore, Md.).

Add: Elizabeth City, N.C. (served from Norfolk, Va.).

* * * * *

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 8th day of August 1969.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 69-9593; Filed, Aug. 13, 1969; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 289]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.589 Valencia Orange Regulation 289.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 12, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 15, 1969, through August 21, 1969, are hereby fixed as follows:

(i) District 1: 353,000 cartons;

(ii) District 2: 431,000 cartons;

(iii) District 3: 16,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 13, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9689; Filed, Aug. 13, 1969; 11:35 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

Sec.
1.227 Orange County-La Palma Civic Center Authority (California).
1.228 Parking Authority, Huntington Beach, Calif.
1.229 Montclair Fire Authority.
1.230 Los Angeles Convention and Exhibition Center Authority.
1.231 Kansas State Board of Regents, Stadium, Addition Revenue Bonds, Wichita State University.
1.232 San Bernardino Public Safety Authority.
1.233 Alaska State Housing Authority State Lease Revenue Bonds.
1.234 San Jose Civic Improvement Authority.
1.235 Northwest Bergen County Sewer Authority.
1.236 Los Angeles County-La Mirada Public Facilities Authority.
1.237 Lake Texarkana Water Supply Corp.
1.238 Riverside General Hospital Authority.

§ 1.227 Orange County-La Palma Civic Center Authority (California).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $800,000 Orange County-La Palma Civic Center Authority Revenue Bonds for purchase, dealing in underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Orange County-La Palma Civic Center Authority is a public entity created under the laws of California by an agreement between the City of La Palma and the County of Orange. Under this agreement the Authority is authorized to acquire sites for and to acquire, construct, and lease public buildings for governmental services, including administrative and meeting facilities, public safety facilities, and library facilities and to issue bonds to finance such projects. The Authority is issuing these bonds to finance the construction of a Civic Center, including a city hall, public safety buildings, and a library, which will be leased to the City.

(2) The City as required by its agreement with the County, has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The City which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $800,000 Orange County-La Palma Civic Center Authority Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Acting Comptroller's letter dated Oct. 15, 1968.)

§ 1.228 Parking Authority, Huntington Beach, Calif.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $2,300,000 (1968) Parking Revenue Bonds of the Parking Authority of the City of Huntington Beach for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Parking Authority of the City of Huntington Beach is a public body corporate and politic created by the laws of California but authorized to function only upon a finding of need. The city council has made the appropriate finding and, in accordance with the law, has declared itself to be the parking authority. Under the law a parking authority is authorized to issue revenue bonds to finance public parking facilities and may issue such bonds without obtaining the approval of the electors of the city where the bonds are issued to finance a project which is to be leased to the city and where the principal of and interest on the bonds are to be payable from rentals paid by the city under such lease. The authority is issuing these bonds to finance the acquisition and construction of parking facilities which will be leased to the City.

(2) Under the lease rental agreement the City has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The City which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion therefore that the $2,300,000 (1968) Parking Revenue Bonds of the Parking Authority

of the City of Huntington Beach are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, accordingly, are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Acting Comptroller's letter dated Oct. 16, 1968.)

§ 1.229 Montclair Fire Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $1,170,000 Montclair Fire Authority Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Montclair Fire Authority is a public entity created under the laws of California by an agreement between the City of Montclair and the Monte Vista Fire Protection District. Under this agreement the Authority is authorized to acquire a site for, and to construct, fire protection buildings, facilities and appurtenances to be leased to and operated by the City and to issue bonds to finance the project. The Authority is issuing these bonds to finance the construction of a fire department headquarters, a substation and a maintenance and training facility.

(2) The City, as required by its agreement with the District, has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The City which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $1,170,000 Montclair Fire Authority Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Comptroller's letter dated Dec. 31, 1968.)

§ 1.230 Los Angeles Convention and Exhibition Center Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $20,500,000 Los Angeles Convention and Exhibition Center Authority Revenue Bonds, Series B, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles Convention and Exhibition Center Authority is a public entity created under the laws of California by an agreement between the City of Los Angeles and the County of Los Angeles. Under this agreement the Authority is authorized to construct and lease to the City a convention and exhibition center and to issue bonds to finance the project. The Authority has issued $18 million Series A bonds to finance the acquisition of the site, demolition, architectural fees, and miscellaneous financing expenses for the Los Angeles Convention and Exhibition Center. It is issuing these bonds (Series B) to finance construction of the center.

(2) Under the lease rental agreement the City has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on both the Series A and Series B bonds as well as other necessary expenses. The City which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion, in accordance with our ruling of February 5, 1968 (§ 1.205) relating to the Series A bonds, that the $20,500,000 Los Angeles Convention and Exhibition Center Authority Revenue Bonds, Series B, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, accordingly, are eligible for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24. (Comptroller's letter dated Dec. 31, 1968).

§ 1.231 Kansas State Board of Regents, Stadium Addition Revenue Bonds, Wichita State University

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $750,000 Kansas State Board of Regents, Stadium Addition Revenue Bonds, Wichita State University, for purchase, dealing in, underwriting, and limited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) Wichita State University is under the jurisdiction, control, and management of the Kansas State Board of Regents. The Board is authorized under the laws of Kansas to issue revenue bonds and pledge student fees for the payment of such bonds in order to finance the construction of various buildings including stadia, or additions thereto, constructed by the Board for any institution under its jurisdiction.

(2) The Board is issuing these bonds to finance about half the cost of a stadium addition that will more than double the seating capacity of the present stadium at Wichita State University. Private contributions of $750,000 have already been received to cover the remaining cost. Revenues from a 25¢ per credit hour increase in student fees and from other sources are expected to provide amounts sufficient to meet annual interest and principal payments on these bonds.

(c) *Ruling.* It is our conclusion that the $750,000 Kansas State Board of Regents, Stadium Addition Revenue Bonds, Wichita State University, are issued by an agency of the State of Kansas for university purposes and are eligible under paragraph Seventh of 12 U.S.C. 24 for purchase, dealing in, underwriting and holding by national banks within the 10 percent limitation with respect to aggregate holdings of obligations issued by the Kansas State Board of Regents. (Comptroller's letter dated Jan. 9, 1969.)

§ 1.232 San Bernardino Public Safety Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $7,200,000 San Bernardino Public Safety Authority Revenue Bonds, Second Issue, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The San Bernardino Public Safety Authority is a public entity created under the laws of California by an agreement between the City of San Bernardino and the County of San Bernardino. Under this agreement the Authority is authorized to acquire land, construct public safety buildings (jail, juvenile hall and related facilities) to be leased to and operated by the County and to issue bonds to finance such projects. The Authority has issued $2,830,000 First Issue bonds to finance the construction of a juvenile hall. It is issuing these bonds to finance jail facilities.

(2) The County, as required by its agreement with the City, has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion, in accordance with our ruling of July 26, 1968 (§ 1.218) relating to the First Issue bonds, that the $7,200,000 San Bernardino Public Safety Authority Revenue Bonds, Second Issue, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated Feb. 12, 1969.)

§ 1.233 Alaska State Housing Authority State Lease Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $5,750,000 State Lease Revenue Bonds (Courthouse Acquisition Project) of the Alaska State Housing Authority for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Alaska State Housing Authority is a public corporate authority under the laws of the State of Alaska. The Authority is authorized to provide for the acquisition and financing of public building projects for lease to the State. The Authority is issuing its general obligation bonds to finance the acquisition of existing State court and office buildings and the sites thereof at Anchorage and Fairbanks. The State is authorized to lease needed space and specifically these premises.

(2) The State of Alaska which possesses general powers of taxation has promised in the lease rental agreement to pay the Authority, for the right to use and occupy the projects, annual rentals in amounts sufficient to enable the Authority to make the annual principal and interest payments on these bonds and the Authority has pledged these rentals to secure such payments. The bonds of the Authority are thus supported by the faith and credit of the State.

(c) *Ruling.* It is our conclusion, therefore, that the $5,750,000 Alaska State Housing Authority State Lease Revenue Bonds (Courthouse Acquisition Project) are general obligations of a State or political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated Feb. 25, 1969.)

§ 1.234 San Jose Civic Improvement Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $8,000,000 San Jose City Improvement Authority Lease Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The San Jose Civic Improvement Authority is a public entity created under the laws of California by an agreement between the City of San Jose and the Redevelopment Agency of the City of San Jose. Under this agreement the Authority is authorized to acquire land, to construct and lease public buildings and to issue bonds to finance such projects. It is issuing these bonds to finance the acquisition of land for and the construction by the City of the San Jose Community Theatre. The completed project will be leased to and operated by the City.

(2) The City, as required by its agreement with the Agency, has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The City which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $8,000,000 San Jose Civic Improvement Authority Lease Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated May 28, 1969.)

§ 1.235 Northwest Bergen County Sewer Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $6,000,000 Sewer System Bonds of the Northwest Bergen County Sewer Authority for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Northwest Bergen County Sewer Authority, established under the laws of the State of New Jersey by a resolution of the Board of Chosen Freeholders of the County of Bergen, is a body politic and corporate and a governmental instrumentality of the State. The Authority has power under New Jersey law to finance, construct, acquire, and operate a sewer system within its district. It is issuing these bonds for that purpose.

(2) A number of Bergen County municipalities have as authorized by New Jersey law entered into perpetual service contracts with the Authority. These contracts provide for the payment by the municipalities of service charges calculated, as required by law, to provide such amounts (in addition to other available funds) as will be required by the Authority for payments of principal and interest of any of its bonds or other obligations, operating expenses, maintainence of reserves and to extinguish any existing deficits. These municipalities which possess general powers of taxation have thus committed their faith and credit in support of the bonds of the Authority.

(c) *Ruling.* It is our conclusion that the $6 million Sewer System Bonds of the Northwest Bergen County Sewer Authority are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, accordingly, are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Acting Comptroller's letter dated May 29, 1969.)

§ 1.236 Los Angeles County-La Mirada Public Facilities Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $1,375,000 Los Angeles County-La Mirada Public Facilities Authority, Regional Park Facilities Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County-La Mirada Public Facilities Authority is a public entity created under the laws of California by an agreement between the City of La Mirada and the County of Los Angeles. Under this agreement the Authority is authorized to acquire land, construct buildings and facilities for a public library and for a public park, both to be leased to and operated by the County, and to issue bonds to finance such projects. The Authority is issuing these bonds to complete the general development of La Mirada Regional Park including the construction of ball fields, parking lots and picnic areas. It is expected that additional bonds will be issued later to finance the construction of a public library.

(2) The County has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $1,375,000 Los Angeles County-La Mirada Public Facilities Authority, Regional Park Facilities Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Acting Comptroller's letter dated May 29, 1969.)

§ 1.237 Lake Texarkana Water Supply Corporation.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $8,400,000 Lake Texarkana Water Supply Corporation Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) Lake Texarkana Water Supply Corp. was organized as a nonprofit water supply corporation under a provision of Texas law which authorizes the formation of such a corporation for the purpose of furnishing a water supply service to cities and others. The Corporation is authorized to issue bonds to finance the acquisition of water projects. A city is authorized by law to enter into a contract for the purchase of water systems from such a corporation and to agree to make periodic payments to the corporation in amounts which together with other income of the corporation will be sufficient to pay the principal of and interest on the bonds of the corporation. The law also authorizes a city to provide for the levying of a tax to make such payments.

(2) The Corporation owns facilities for the treatment and transportation of water to the Cities of Texarkana, Texas and Arkansas. Bonds issued to finance the existing facilities are now outstanding in the amount of $2,435,000. The Corporation has entered into a contract with the City of Texarkana, Tex. under which the Corporation will finance and construct extensions and improvements to these facilities and will sell to the City, and the City will purchase, the resulting system which will serve the City, a number of neighboring municipalities and other users. Construction of the project will be assisted by a federal grant of $3 million. The Corporation is issuing these bonds to finance the remaining costs and to refund the outstanding bonds.

(3) In the purchase contract the City has unconditionally promised to make periodic payments to the Corporation in amounts which will be sufficient to pay the principal of and interest on these bonds. The contract also provides that the periodic payments shall be payable from a continuing, direct annual ad valorem tax on all taxable property in the City sufficient to make such payments in each year. The City has by ordinance levied such a tax. The City which possesses general powers of taxation has

thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion, therefore, that the $8,400,000 Lake Texarkana Water Supply Corporation Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, accordingly, are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Acting Comptroller's letter dated June 18, 1969.)

§ 1.238 Riverside General Hospital Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $2,130,000 Riverside General Hospital Authority Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Riverside General Hospital Authority is a public entity created under the laws of California by an agreement between the County of Riverside and the City of Riverside to lease an existing site and hospital from the County and to finance and construct additional hospital facilities which with existing facilities are to be leased to and operated by the County. The Authority is issuing these bonds for that purpose.

(2) The County has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $2,130,000 Riverside General Hospital Authority Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Acting Comptroller's letter dated July 23, 1969.)

[SEAL] J. T. WATSON,
Acting Comptroller of the Currency.

AUGUST 8, 1969.

[F.R. Doc. 69-9602; Filed, Aug. 13, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-AL-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On June 13, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9348) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the effective period of the Minchumina, Alaska, control zone and was identified as Airspace Docket No. 69-AL-3. The airspace docket number only was amended to 69-AL-8 by publication of F.R. Doc. 69-8470 (34 F.R. 12103) on July 18, 1969.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 30, 1969, as hereinafter set forth.

In 71.171 (34 F.R. 4557) the Minchumina, Alaska, control zone is amended by deleting "RR, from 0745 to 1545, local time, Wednesday through Sunday" and substituting therefore "RR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Anchorage, Alaska, on July 31, 1969.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 69-9586; Filed, Aug. 13, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On June 27, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9935) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Idaho Falls, Idaho, control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are adopted subject to the following change. Amend the description of the Idaho Falls, Idaho, control zone by deleting "That airspace extending upward from the surface * * *.".

Since this change is minor in nature, notice and public procedure hereon are unnecessary.

Effective date. These amendments shall be effective 0901 G.m.t., October 16, 1969.

Issued in Los Angeles, Calif., on August 5, 1969.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the Idaho Falls, Idaho, control zone is amended to read:

IDAHO FALLS, IDAHO

Within a 5-mile radius of Fanning Field, Idaho Falls, Idaho (latitude 43°31'05" N., longitude 112°04'05" W.) within 3.5 miles each side of the Idaho Falls VOR 223° radial, extending from the 5-mile-radius zone to 11 miles southwest of the VOR; within 3.5 miles each side of the Idaho Falls VOR 080° radial, extending from the 5-mile radius zone to 11 miles northeast of the VOR and within 3 miles each side of the 036° bearing from the Idaho Falls RBN, extending from the 5-mile-radius zone to 9 miles northeast of the RBN.

In § 71.181 (34 F.R. 4637) the Idaho Falls transition area is amended to read:

IDAHO FALLS, IDAHO

That airspace extending upward from 700 feet above the surface within 10.5 miles northwest and 5 miles southeast of the Idaho Falls VOR 036° and 216° radials, extending from 21.5 miles northeast to 18.5 miles southwest of the VOR and within 6 miles northwest and 9 miles southeast of the 029° radial of the Pocatello VORTAC extending from 23 to 47 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 112°30'00" W., and the south edge of V-298, thence via the south edge of V-298 and V-328 to longitude 111°38'00" W., thence south via this longitude to the INT of an arc of a 23-mile-radius circle centered on the Idaho Falls VOR, thence clockwise via the 23-mile-radius arc to longitude 112°10'00" W., thence direct to latitude 43°20'30" N., longitude 112°45'30" W., thence direct latitude 43°32'00" N., longitude 112°35'00" W., thence to latitude 43°50'20" N., longitude 112°30'00" W., thence direct to point of beginning.

[F.R. Doc. 69-9587; Filed, Aug. 13, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On June 24, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9756) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Pocatello, Idaho, control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., October 16, 1969.

Issued in Los Angeles, Calif., on August 5, 1969.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the Pocatello, Idaho, control zone is amended to read as follows:

POCATELLO, IDAHO

Within a 5-mile radius of Pocatello Municipal Airport (lat. 42°54'35" N., long. 112°35'25" W.), and within 3 miles each side of the Pocatello VORTAC 252° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC.

In § 71.181 (34 F.R. 4637) the Pocatello, Idaho, transition area is amended to read as follows:

POCATELLO, IDAHO

That airspace extending upward from 700 feet above the surface within 4.5 miles southeast and 1½ miles northwest of the Pocatello VORTAC 048° radial, extending from the VORTAC to 28 miles northeast of the VOR TAC; within 9.5 miles north and 4.5 miles south of the 252° radial extending from 18.5 miles west to 1.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°11'30" N., longitude 112°10'00" W., thence to latitude 42°52'00" N., longitude 112°11'45" W., thence clockwise via a 23-mile radius arc centered on the Pocatello VORTAC to longitude 113°00'00" W., thence to 43°20'30" N., longitude 112°-45'00" W., thence to point of beginning.

[F.R. Doc. 69-9588; Filed, Aug. 13, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area and Control Zone

On July 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11101) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations which would alter the descriptions of the Rawlins, Wyo., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are adopted subject to the following changes.

In the proposed amendment to the Rawlins control zone add the word "* * * zone * * *" after "* * * 5-mile radius * * *". In the description of the Rawlins transition area delete all after "* * * 6 miles south of the * * *" and substitute therefor "* * * 089° and 269° bearings from the Sinclair RBN extending from 8 miles west to 18.5 miles east of the RBN."

Since these changes are editorial in nature, notice and public procedure hereon are unnecessary.

Effective date. These amendments shall be effective 0901 G.m.t., October 16, 1969.

Issued in Los Angeles, Calif., on August 5, 1969.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the description of the Rawlins, Wyo., control zone is amended by adding "* * * and within 2 miles each side of the 269° bearing from the Sinclair RBN extending from the 5-mile radius zone to the radiobeacon."

In § 71.181 (34 F.R. 4637) the Rawlins, Wyo., transition areas are amended to read:

RAWLINS, WYO.

That airspace extending upward from 700 feet above the surface within 5 miles each side of the 089° bearing from the Sinclair RBN extending from the RBN to 11.5 miles east; that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 6 miles south of the 089° and 269° bearings from the Sinclair RBN extending from 8 miles west to 18.5 miles east of the RBN.

In § 71.171 (34 F.R. 4557) the description of the Montrose, Colo., control zone is amended by deleting "* * * 2 * * *" and "* * * 7 * * *" in the second and third lines respectively and substituting "* * * 4 * * *" and "* * * 14 * * *" therefor.

In § 71.181 (34 F.R. 4637) the Montrose, Colo., transition area is amended to read:

MONTROSE, COLO.

That airspace extending upward from 700 feet above the surface within 5 miles northeast and 9.5 miles southwest of the Montrose VOR 313° and 133° radials extending from 7 miles southeast to 24.5 miles northwest of the VOR.

[F.R. Doc. 69-9589; Filed, Aug. 13, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area and Control Zone

On July 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11101) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations which would alter the descriptions of the Rawlins, Wyo., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are adopted subject to the following changes.

In the proposed amendment to the Rawlins control zone add the word "* * * zone * * *" after "* * * 5-mile radius * * *". In the description of the Rawlins transition area delete all after "* * * 6 miles south of the * * *" and substitute therefor "* * * 089° and 269° bearings from the Sinclair RBN extending from 8 miles west to 18.5 miles east of the RBN."

Since these changes are editorial in nature, notice and public procedure hereon are unnecessary.

Effective date. These amendments shall be effective 0901 G.m.t., October 16, 1969.

Issued in Los Angeles, Calif., on August 5, 1969.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the description of the Rawlins, Wyo., control zone is amended by adding "* * * and within 2 miles each side of the 269° bearing from the Sinclair RBN extending from the 5-mile radius zone to the radiobeacon."

In § 71.181 (34 F.R. 4637) the Rawlins, Wyo., transition areas are amended to read:

RAWLINS, WYO.

That airspace extending upward from 700 feet above the surface within 5 miles each side of the 089° bearing from the Sinclair RBN extending from the RBN to 11.5 miles east; that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 6 miles south of the 089° and 269° bearings from the Sinclair RBN extending from 8 miles west to 18.5 miles east of the RBN.

[F.R. Doc. 69-9590; Filed, Aug. 13, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8A2214) filed by Hoffmann-La-Roche, Inc., Nutley, N.J. 07110, and other relevant material concludes that the food additive regulations should be amended to provide for the safe use of disodium EDTA (disodium ethylenediaminetetraacetate) in combination with sodium ascorbate of ascorbic acid as a cure accelerator for cooked sausage. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1056(b)(1) is amended by alphabetically inserting in the table a new item, as follows:

§ 121.1056 Disodium EDTA.

* * * * * *

(b) * * *

(1) * * *

Food	Limitation (parts per million)	Use
* * *	* * *	* * *
Cooked sausage.	36	As a cure accelerator with sodium ascorbate or ascorbic acid.
* * *	* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is required, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied

by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 6, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9571; Filed, Aug. 13, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

OLEFIN POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2355) filed by Enjay Polymer Laboratories, Post Office Box 45, Linden, N.J. 07036, and other relevant material, concludes that § 121.2501(d)(6) of the food additive regulations should be amended as set forth below to clarify the temperature conditions to be used for determining compliance with the Mooney viscosity specifications prescribed for olefin copolymers described in paragraph (a)(3)(iii) of that section. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2501(d)(6) is revised to read as follows:

§ 121.2501 Olefin polymers.

* * * * *

(d) * * *

(6) *Mooney viscosity—olefin copolymers described in paragraph (a)(3)(iii) of this section.* Mooney viscosity is determined by ASTM Method D 1646-63, using the large rotor at a temperature of 212° F., except that a temperature of 260° F. shall be used for those copolymers whose Mooney viscosity cannot be determined at 212° F. The apparatus containing the sample is warmed for 1 minute, run for 8 minutes, and viscosity measurements are then made.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 6, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9570; Filed, Aug. 13, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Microbiological Agar Diffusion Assay; Change in Polymyxin B Working Standard Stock Solution

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 141 is amended as follows to improve the microbiological agar diffusion assay:

In § 141.110 *Microbiological agar diffusion assay*, paragraph (b) *Preparation of working standard stock solutions and standard response line solutions*, the table is amended:

1. For the item "Polymyxin B" by changing "10,000 units per ml. in distilled water" in the third column to read "Distilled water *" and by changing "1,000 units" in the fifth column to read "10,000 units".

2. By adding to the end of the table a new footnote reading "* Add 2 milliliters of distilled water for each 5 milligrams of weighed working standard material."

The amendments herein improve an assay method and are nonrestrictive and noncontroversial in nature; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 7, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9572; Filed, Aug. 13, 1969; 8:45 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Photographic Color-Processing Kits; Exemption From Certain Labeling Requirements

Section 191.63(a)(25) conditionally exempts from the requirements of the Federal Hazardous Substances Act the outer cartons of certain kits containing a variety of solvents and cleaning agents. The Commissioner of Food and Drugs has received a request to amend said regulation to include photographic color-processing kits.

The Commissioner concludes that full compliance with the labeling requirements of section 2(p)(1) of the act is unnecessary for the adequate protection of public health and safety (1) if the outer carton of such kits bears warnings adequate to alert the user to the fact that the kit contains substances that may be hazardous and (2) if each individual container of a hazardous substance in the kit and accompanying literature (if any) bearing directions for use are properly labeled.

Therefore, pursuant to the provisions of the act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under authority delegated to the Commissioner (21 CFR 2.120), § 191.63(a) is amended by revising the introductory text of subparagraph (25) to read as follows:

§ 191.63 Exemption for small packages, minor hazards, and special circumstances.

(a) * * *

(25) Cleaning and spot removing kits intended for use in cleaning carpets, furniture, and other household objects; kits intended for use in coating, painting, antiquing, and similarly processing furniture, furnishings, equipment, sidings, and various other surfaces; and kits intended for use in photographic color processing are exempt from the requirements of section 2(p)(1) of the act and § 191.7: *Provided*, That:

* * * * *

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Act contemplates such modification of labeling requirements under certain conditions.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: August 7, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9573; Filed, Aug. 13, 1969; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARKANSAS

WAPANOCCA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Wapanocca National Wildlife Refuge, Ark., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations and seasons covering the hunting of mourning doves subject to the following special conditions:

(1) Hunting dates: September 1, 3, 6, 9, 13, 16, and 20, 1969.

(2) No hunters will be permitted within the hunting areas before 11:45 a.m. daily.

(3) All firearms must be encased and/or unloaded when outside designated hunting areas.

(4) When a successful limit has been taken the hunter must leave the hunting area immediately.

(5) Retrievers used by hunters will be kept under control at all times.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through September 20, 1969.

HOLLA BEND NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Holla Bend National Wildlife Refuge, Ark., is permitted only on the areas designated by signs as open to hunting. This open area, comprising approximately 800 acres, is delineated on a map available at refuge headquarters, Russellville, Ark. 72801; and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations and seasons covering the hunting of mourning doves, subject to the following special conditions:

(1) Hunting dates are September 1, 6, 10, and 13 from 12 noon until official sunset.

(2) Retrievers used by hunters will be kept under control at all times.

(3) All firearms must be encased and/or unloaded when outside designated hunting areas.

(4) Crows may also be taken during this hunt.

(5) Hunters may not enter the refuge earlier than 12 a.m. daily.

The provisions of this special regulation supplement the regulations which govern hunting on Wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 20, 1969.

MISSISSIPPI

YAZOO NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Yazoo National Wildlife Refuge, Miss., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising approximately 1,000 acres, are delineated on a map available at refuge headquarters, Route 1, Hollandale, Miss. 38748; and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations and seasons covering the hunting of mourning doves, subject to the following special conditions:

(1) Hunting dates: September 13, 15, 17, 20, 22, 24, 27, 1969.

(2) No hunters will be permitted within the hunting areas before 11:45 a.m. daily.

(3) Retrievers used by hunters will be kept under control at all times.

(4) All firearms must be encased and/or unloaded when outside designated hunting areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 27, 1969.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Public hunting of rails on the Cape Romain National Wildlife Refuge, S.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,638 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of rails subject to the following special conditions:

(1) Open season: October 7 through November 25, 1969.

(2) Guns must be encased or otherwise rendered incapable of firing except when in the designated hunting area.

(3) The use of dogs is permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 25, 1969.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 7, 1969.

[F.R. Doc. 69-9577; Filed, Aug. 13, 1969; 8:46 a.m.]

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Eastern Neck National Wildlife Refuge, Md., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,169 acres, is delineated on maps available at refuge headquarters, Rock Hall, Md., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) White-tailed deer may be taken from sunrise to sunset during the following open season:

Bow and arrow hunt only: October 18, 20, 21, and 22, 1969.

Muzzle loading rifles and shotgun hunt only: October 25, 27, 28, and 29, 1969.

(2) Bag limits; One deer, either sex.

(3) All participants in the deer hunt must report at the designated check station before entering or leaving the refuge. All deer killed must be presented for examination at the check station.

(4) Hunters may not enter the refuge before three-fourths hour before sunrise and check out no later than 1 hour after sunset.

(5) Possession of loaded weapons before or after legal hunting hours is prohibited.

(6) Muzzle-loading rifles must be .40 caliber or larger.

(7) All hunters must enter and leave the refuge by way of State Road 445 only. Entry by boat is prohibited.

(8) Dogs are prohibited.

(9) Unauthorized entry into any building or designated "Closed Area" is prohibited.

(10) Hunters must not hunt or possess loaded guns or arrows notched in bow on the county roads or designated parking areas.

(11) Vehicles must be parked only in designated parking areas.

(12) During the gun hunt all hunters must furnish and wear so as to be readily visible, red, yellow, or orange caps, hats,

vests, shirts, or coats while on the hunting area.

(13) Hunters under 18 years of age must be accompanied by an adult.

(14) Camping and fires are prohibited.

(15) Hunters shall not disturb, damage, or destroy any unharvested crops.

(16) A Federal permit will be required of all participants in the deer hunts. Permits will be limited to 350 per day for the bow and arrow hunt and 150 per day for the firearms hunt. They will be issued in advance of the season to hunters selected by an impartial drawing from applications received. Applications must be received no later than September 19, 1969, at the Eastern Neck National Wildlife Refuge, Route 2, Box 193, Rock Hall, Md. 21661. Permits will not be transferable nor will permits be issued at the checking station on any day of the hunt.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 29, 1969.

SOUTH CAROLINA

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer is permitted on 97 percent of the Carolina Sandhills National Wildlife Refuge. This open area is designated by signs as open to hunting and delineated on a map available from refuge headquarters, McBee, S.C., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations and subject to the following special conditions:

(1) Season: October 27–November 1 and November 6–8, 1969.

(2) Hunters may not enter hunting area prior to 5 a.m., e.s.t., and must leave by 6:30 p.m. e.s.t.

(3) Weapons: Same as allowed for deer hunting on State Game Management Areas. Pistols are not permitted.

(4) Only male deer with visible antlers may be taken. Illegal to shoot or pursue white (albino) deer.

(5) Deer drives permitted only on designated areas.

(6) Each hunter must sign a register at refuge headquarters or at the Lake Bee Recreation Area each day before he hunts.

(7) Individuals under 18 years of age must be accompanied by a responsible adult.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 8, 1969.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public archery hunting of deer on the Chincoteague National Wildlife Refuge, Va., is permitted only on areas designated by signs as open to hunting. This open area, comprising 5,200 acres, is delineated on maps available at refuge headquarters, Chincoteague, Va., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting and bag limits shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following conditions:

(1) Species to be taken: Sika deer and white-tailed deer.

(2) Permit: A free Federal permit will be required of all participants in the hunt.

(3) Hunting hours: In accordance with State regulations; in addition, all hunters must be out of the hunting area by 1 hour after legal hunting hours.

(4) Scouting: Scouting will be permitted from sunrise to sunset on the 3 days preceding the hunt.

(5) Check Out—All deer must be checked out at the refuge office prior to removal from the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1969.

PRESQUILE NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Presquile National Wildlife Refuge is permitted on the entire refuge except within 200 yards of all buildings. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions.

(1) A Federal permit costing $2 for a 2-day hunt will be required. Permits will be issued for a 2-consecutive-day period. Permits will be limited to 75 for each 2-day period and will be issued in advance of the season to hunters selected by an impartial drawing from applications received. Applications must be received on a post card no later than September 26, 1969, at the Presquile National Wildlife Refuge, Post Office Box 658, Hopewell, Va. 23860. Permits are nontransferable.

(2) White-tailed deer may be taken with bow and arrow only from sunrise to 4 p.m., e.s.t. (5:00 e.d.t.) on October 16, 17, 22, 23, 28, and 29 and November 3 and 4, 1969.

(3) Bag limits: One deer per day, either sex.

(4) All hunters must enter the refuge on the refuge ferry at 5 a.m., e.s.t. Entry by boat is prohibited. There will be an official State checking station on the refuge.

(5) All travel on the refuge will be on foot or by refuge vehicles. Horses and dogs are prohibited.

(6) Possession of firearms on the refuge is prohibited.

(7) Hunters shall not disturb, damage or destroy any unharvested crops.

(8) Camping, fires, and littering are prohibited.

(9) All arrows in the possession of each hunter must be marked with the permit number issued to the hunter. The marking may be accomplished in any manner so long as the number is clearly visible.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 4, 1969.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 8, 1969.

[F.R. Doc. 69-9578; Filed, Aug. 13, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[43 CFR Part 417]

PROCEDURAL METHODS FOR IMPLEMENTING COLORADO RIVER WATER CONSERVATION MEASURES WITH LOWER BASIN CONTRACTORS AND OTHERS

Extension of Time for Further Comments

On July 11, 1969 (34 F.R. 11499), the Department published a notice of proposed rule making which would revise Part 417 of Title 43 of the Code of Federal Regulations. The time for submitting written comments, suggestions, or objections was designated as within 30 days of publication of the notice in the FEDERAL REGISTER, i.e., no later than August 10, 1969.

Additional time for submitting comments has been requested by interested parties. The requested additional time is considered warranted and in the public interest. Accordingly, the time for submitting written comments, suggestions, or objections is extended for an additional 30 days beyond August 10, 1969.

JAMES R. SMITH,
Assistant Secretary of the Interior.

AUGUST 8, 1969.

[F.R. Doc. 69-9579; Filed, Aug. 13, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 926]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Approval of Expenses and Fixing of Rate of Assessment for 1969–70 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and likely to be incurred by the Industry Committee, during the period April 1, 1969, through March 31, 1970, will amount to $32,541.

(b) That there be fixed, at one and one-half cents ($0.015) per standard package or equivalent quantity of Tokay grapes, the rate of assessment payable by each handler in accordance with § 926.46 of the aforesaid marketing agreement and order.

(c) That unexpended assessment funds in excess of expenses incurred during the fiscal period ending March 31, 1969, be carried over in accordance with § 926.47 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 8, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9596; Filed, Aug. 13, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED PEACHES

Identity Standard; Listing of Erythorbic Acid and Ascorbic Acid as Optional Ingredients

Notice is given that a petition has been filed by the National Canners Association, 1133 20th Street NW., Washington, D.C. 20036, proposing that the standard of identity for canned peaches (21 CFR 27.2) be amended to permit the optional addition of erythorbic acid or ascorbic acid in an amount no greater than necessary to preserve color.

Grounds given in support of the proposal are that erythorbic acid and ascorbic acid have been shown to be useful as color fixatives for canned peaches of both the cling and freestone varieties packed in containers other than tin-coated cans.

Accordingly, it is proposed that § 27.2 *Canned peaches; identity; label statement of optional ingredients* be amended:

1. In paragraph (a) to provide for use of erythorbic acid or ascorbic acid as an optional ingredient in an amount no greater than necessary to preserve color; and

2. In paragraph (d) to require the label statement "Erythorbic acid added _____," or "Ascorbic acid added _____," as applicable, the blank being filled in with "to preserve color," or "to protect color."

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: August 6, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9574; Filed, Aug. 13, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Docket No. 21298]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS; USE OF CERTAIN TURBOJET AIRCRAFT

Certificated Takeoff Weight With Passenger Capacity of 12 Persons in Planeload Charter Operations in Carriage of Mail

AUGUST 11, 1969.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 298 of the economic regulations so as to permit the Postmaster General to utilize air taxi operators for the carriage of mail in planeload operations in turbojet aircraft with maximum certificated takeoff weight in excess of 12,500 and under 27,000 pounds and with maximum passenger capacity of 12 persons. The principal features of the proposed amendments are explained in the explanatory statement below, and the text

of the proposed amendments is also set forth below. The amendments are proposed under authority of sections 204(a), 401(a), 406, and 416(b) of the Act, 72 Stat. 743, 754, 763 and 771; 49 U.S.C. 1324, 1371, 1376, 1386.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before September 15, 1969, will be considered by the Board before taking action on the proposal. Copies of communications will be available for examination by interested persons upon receipt in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. In Docket 20791 the Postmaster General has petitioned the Board to amend Part 298 (Classification and Exemption of Air Taxi Operators), inter alia, so as to authorize the use of aircraft exceeding 12,500 pounds certificated takeoff weight for the carriage of mail:[1] *Provided*, That such aircraft is operated only on mail schedules fixed by the Postmaster General and no other revenue traffic is carried on such flights. The regulation currently authorizes the carriage of passengers or property in planeload charter in turbojet aircraft having a maximum certificated weight of over 12,500 and under 27,000 pounds provided that the maximum passenger capacity thereof does not exceed 12 persons. In support of the petition, the Postmaster General asserts, inter alia, that the extension of the turbojet exemption to include a mail authorization will not suffice since, when the speed of turbojet aircraft is not required, the Department may need the capacity of other types of aircraft exceeding 12,500 pounds gross takeoff weight. Thus, the Department does not wish to be restricted in the carriage of mail in large aircraft to the use of turbine-powered aircraft.

Considering the matters set forth in the petition, we tentatively find a need for the Postmaster General to use turbojet aircraft in excess of 12,500 pounds and under 27,000 pounds certificated takeoff weight with passenger capacity of not more than 12 persons in planeload operations for the carriage of mail. Accordingly, the proposed rule would extend the present large aircraft exemption to include the transportation of mail in planeload operations.

Except to the extent granted herein, the request of the Postmaster General for a rule making proceeding to amend Part 298 so as to permit the use of large aircraft in the transportation of mail is denied. If the volume of mail is sufficient to require the use of large aircraft, it would seem that the certificated route carriers should be in a position to perform this carriage. In those situations where the services of the route carriers do not meet the Department's needs, the Department and the air taxi operators can use the Board's existing procedures for securing an exemption from the terms of Part 298.

It is proposed to amend Part 298 of the economic regulations (14 CFR Part 298) as follows:

1. Amend paragraphs (a) and (i) of § 298.21 to read as follows:

§ 298.21 Scope of service authorized; geographical, equipment and mail service limitations, insurance and reporting requirements.

(a) *General scope.* Subject to the prohibitions of paragraphs (b), (c), (d), (f), and (g) of this section, the exemption authority provided to air taxi operators by this part shall extend to the direct air transportation of persons, property and mail (subject to the limitations imposed in §§ 298.3(a) and 298.13) (1) in aircraft having a maximum takeoff weight of 12,500 pounds or less, and (2) in planeload charter flights in turbojet aircraft having a maximum certificated takeoff weight of over 12,500 pounds and under 27,000 pounds[2] and a maximum passenger capacity of not more than twelve (12) persons: *Provided, however*, That the authorization in subparagraph (2) of this paragraph shall not be applicable to operations within the States of Alaska or Hawaii. For purposes of this section, "charter flight" means air transportation performed by an air taxi operator on a time, mileage, or trip basis where the entire capacity of one or more aircraft has been engaged (i) for the movement of persons and property (*a*) by a person for his own use, or (*b*) by a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportaiton services) for the transportation of a group of persons and/or their property, as agent or representative of such group, or (ii) for the transportation of mail for the Post Office Department.

• • • • •

(i) *Filing of reports by operators of turbojet aircraft.* Air taxi operators which engage in air transportation with turbojet aircraft whose maximum certificated takeoff weight is over 12,500 pounds shall file with the Board's Bureau of Accounts and Statistics, not later than 15 days after the end of each calendar quarter, a report setting forth the points between which each charter flight performed with such aircraft is operated during such quarter and, with respect to each flight, the number of passengers and/or pounds of cargo transported, the number of pounds of mail transported, the charter price, and the model aircraft used.

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[F.R. Doc. 69-9606; Filed, Aug. 13, 1969; 8:46 a.m.]

[1] Insofar as the petition seeks extension of the authorization for air taxi operators to transport mail for the Post Office Department, action on this aspect was taken in EDR-160, Apr. 25, 1969, and the authorization was extended to June 30, 1974, by ER-580, adopted June 12, 1969, effective July 1, 1969, 34 F.R. 9552. Insofar as the petition seeks authorization to use large aircraft for the transportation of mail, action is being taken in this rule making proceeding. Action on the petition in all other respects is being separately taken in Docket 20791.

[2] The carriers are cautioned that the safety regulations of the FAA applicable to air taxi aircraft in excess of 12,500 pounds may be different from those applicable to aircraft weighing 12,500 pounds or less and that, as in the case of all operations conducted under this part, the operations with aircraft in excess of 12,500 pounds must be conducted pursuant to applicable safety regulations.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18574; RM-1426]

FM BROADCAST STATIONS

Table of Assignments, Catlettsburg, Ky.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, *Table of assignments*, FM Broadcast Stations (Lineville and Roanoke, Ala.; Bloomington, Ind.; St. George, S.C.; Muskegon, Mich.; Paintsville and Jackson, Ky.; Exmore, Va.; Montour Falls, N.Y.; Catlettsburg, Ky.; Winona, Miss.; Braddock Heights or elsewhere in Maryland, Virginia or West Virginia); Docket No. 18574, RM-1394, RM-1397, RM-1400, RM-1405, RM-1407, RM-1416, RM-1420, RM-1426, RM-1431, RM-1404.

1. On June 20, 1969, the Commission released a notice of proposed rule making in this proceeding (FCC 69-669) inviting comments on a number of proposals to amend the FM Table of Assignments, including the assignment of Channel 224A to Catlettsburg, Ky. The time for filing comments has expired and the date designated for filing reply comments is August 8, 1969.

2. On August 8, 1969, K & M Broadcasting Co. (K & M), by its attorney, filed a request for an extension to and including September 1, 1969, in which to file reply comments. It states that on July 28, 1969, Charbert Industries, Inc., licensee of Stations WCMI-AM-FM, Ashland, Ky., filed comments, including a lengthy engineering statement, to the proposed rule making. K & M further states that in order for it to respond properly to Charbert's comments, it will be necessary to obtain assistance from its consulting engineer who will be on vacation for most of the month of August. It therefore finds it necessary to have additional time in which to complete an engineering statement.

3. We are of the view that the requested time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing reply comments is extended to and including September 2, 1969.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission rules.

Adopted: August 8, 1969.

Released: August 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-9613; Filed, Aug. 13, 1969; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 18434; FCC 69-863]

ADVERTISING OF CIGARETTES

Order Extending Time for Filing Reply Comments

In the matter of amendment of Part 73 of the Federal Communications Commission rules with regard to the advertising of cigarettes; Docket No. 18434.

Our notice in this matter (34 F.R. 1959) issued a "serious" call for voluntary action to end cigarette advertising in the broadcast field (see paragraphs 12 and 16, notice). There have been most important recent developments in this respect (see Hearings on H.R. 6543 before the Consumer Subcommittee of the Senate Commerce Committee, July 22, 1969). So that the comments may more concretely reflect these developments, we are extending, on our own motion, the time for filing reply comments for 60 days.

Accordingly, it is ordered, That the time for filing reply comments is extended to October 17, 1969.

Adopted: August 6, 1969.

Released: August 8, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-9614; Filed, Aug. 13, 1969; 8:49 a.m.]

[1] Commissioners Hyde, Chairman; Wadsworth and Johnson absent.

Notices

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

HARTFORD HOSPITAL ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Service Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00696–33–46500. Applicant: Hartford Hospital, 80 Seymour Street, Hartford, Conn. 06115. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for advanced light microscopy and ultimately for electron microscopic examination. The initial primary use will be to enhance histologic diagnostic capability especially where applied to certain surgical pathology specimens such as liver, renal, bowel, and brain biopsy material. In the case of the latter, continuity between nervous tissue elements is a primary concern which needs extremely thin sections to determine the specific relationship between synapsing structures. Application received by Commissioner of Customs: June 27, 1969.

Docket No. 69–00697–33–46500. Applicant: Veterans Administration Hospital, 50 Irving Street NW., Washington, D.C. 20422. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary uses are for nervous tissue. In the nervous tissue, the primary study is synaptology. Because the continuity between nervous tissue elements is of primary concern, there is a need for extremely thin sections to determine the specific relationship between these synapsing structures. Therefore, it is mandatory that we cut long series of equal thickness serial section. These sections should be easily varied by the operator between the values of 50 Å to 2 microns and it should be possible to easily and rapidly change the serial sectioning thickness. Application received by Commissioner of Customs: June 27, 1969.

Docket No. 69–00698–33–46500. Applicant: Department of Health, Education, and Welfare—PHS–CPE, National Air Pollution Control Administration, 411 West Chapel Hill Street, Durham, N.C. 27701. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in a research project designed to define the morphologic alterations in alveolar macrophages following exposure to various air pollutants. The most significant aspect of this work involves examination of the individual alveolar macrophage cells with the electron microscope at magnifications of 5000–75,000. In order to view these cells in the electron microscope they must first be embedded in epoxy resins and sectioned in a range of uniform thicknesses of 50–750 angstroms. Application received by Commissioner of Customs: June 27, 1969.

Docket No. 69–00699–40–74700. Applicant: University of Dayton, Department of Mechanical Engineering, 300 College Park Drive, Dayton, Ohio 45409. Article: Simulators (mechanical engineering). Manufacturer: Tecquipment, Ltd., U.K. Intended use of article: The article will be used for laboratory demonstration and instruction of undergraduate mechanical engineering students. Application received by Commissioner of Customs: June 27, 1969.

Docket No. 69–00702–33–46500. Applicant: University of Nebraska College of Medicine, 42d and Dewey Avenue, Omaha, Nebr. 68105. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used primarily for sectioning embryonic tissue or whole embryos in serial form. The applicant must be able to obtain alternately single sections of greater than 0.1 micron thickness and long series of serial sections of equal thickness (approximately 50 angstroms), allowing location and identification by light microscopy of certain cell types (for example germ cells) using toluidine blue stained thick sections, and then with serial ultrathin sections reconstruct the fine structure of these cells. Application received by Commissioner of Customs: June 30, 1969.

Docket No. 69–00703–00–46040. Applicant: California Institute of Technology, 1201 East California Boulevard, Pasadena, Calif. 91109. Article: Specimen Chamber, No. 171–040(a). Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to provide space for the minature diffraction lens for an electron microscope. Application received by Commissioner of Customs: June 30, 1969.

Docket No. 69–00706–00–46040. Applicant: Massachusetts General Hospital, Orthopedic Research, Parkman Street Gate, Boston, Mass. 02114. Article: Shutter Exposure Meter, No. 171–460. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for exact measurement of the electron current falling on the final viewing screen and determination of the most favorable exposure time in order to obtain properly blackened negatives of the tissue under study. Application received by Commissioner of Customs: June 30, 1969.

Docket No. 69–00708–01–77040. Applicant: Virginia Polytechnic Institute, Blacksburg, Va. 24061. Article: Mass spectrometer, Model RMU–6E. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article will be used for research in the following areas:

A. Quantitative analysis of mixtures.

B. Qualitative identification of organic, inorganic, and organometallic compounds.

C. Study of ionization efficiency curves for singly and multiply charged positive ions.

D. Studies of negative ion formation in unimolecular decomposition reactions.

E. Study of ionization efficiency curves for negative ions.

F. Studies of ion-molecule reactions for positive and negative ions.

G. Lifetimes of metastable ions and "metastable ion mass spectra."

H. Formation of negative ions via surface ionization.

I. Studies of free radicals generated thermally and photochemically.

Application received by Commissioner of Customs: June 30, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–9563; Filed, Aug. 13, 1969; 8:45 a.m.]

UNIVERSITY OF OKLAHOMA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00614–33–46070. Applicant: University of Oklahoma, Norman, Okla. 73069. Article: Scanning electron microscope, Model JSM–2 and accessories. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used as a faculty-staff, graduate student, and undergraduate student research tool, as well as a teaching aid in the instruction of a special course in scanning electron microscopy. Specific projects are: Research on the classification and nomenclature of fleas, studies of spores, and pollen, research on the shell structure of brachiopods, study of mineral grain-surface reactions as a result of intrastratal solutions, and clay mineral orientation studies as an influence on soil problems. All the above projects involve active participation by graduate students. Application received by Commissioner of Customs: May 15, 1969.

Docket No. 69–00686–65–46040. Applicant: New York University, University Heights, Bronx, N.Y. 10453. Article: Electron miscroscope, Model JEM–120 and accessories. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for studies of the nature and structure of defects in crystals of both metals and semiconductors, as well as for studies involving the use of the article and accompanying accessories in the transmission mode (bright and dark field), and in high resolution replication and fractography. In relating structure properties, a quantitative analysis of the dislocation substructure is intended, for example, determination of the Burgers vectors. In this way, the scientific objective in each program can be achieved. Application received by Commissioner of Customs: June 23, 1969.

Docket No. 69–00687–00–46040. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Accessories for Elmiskop IA electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The articles will be used for updating an existing electron miscroscope presently in use. These accessories are intended to provide additional capability for the study of dislocation arrangements of metallurgical structures. Application received by Commissioner of Customs: June 23, 1969.

Docket No. 69–00688–33–46500. Applicant: University of Oregon, Department of Biology, Eugene, Oreg. 97403. Article: Ultra microtome, Model "OmU2". Manufacturer: C. Reichert Werke AG, Austria. Intended use of article: The article will be used for research on sectioning single cells to better understand the structure of the cellular components involved in cell division, for work on the micro-ultrastructure of individual components of the substructure of muscle and for other research requiring the routine production of ultrathin serial sections. Application received by Commissioner of Customs: June 24, 1969.

Docket No. 69–00689–98–40500. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Interferometer, Fabry-Perot, standard model. Manufacturer: SOPRA, France. Intended use of article: The article will be used for the instruction of students in the following courses: Physics, 351, 352, and 524. Students will learn the basic properties of a Fabry-Perot interferometer, as well as how to adjust the surfaces for exact parallelism and how to measure reflectivity, finesse, free spectral range, and transmission coefficient. They will make both visual and photographic determinations of small wavenumber separations. Application received by Commissioner of Customs: June 25, 1969.

Docket No. 69–00692–00–00500. Applicant: University of Chicago, Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Deflector, R F separator structure. Manufacturer: CSF Compagnie Generale De Telegraphie Sans Fil, France. Intended use of article: The article will be used as a component of a R F separator which is used in particle accelerator experiments in high energy physics. It will guide selected subatomic particles from the synchrotron to a liquid hydrogen chamber. Application received by Commissioner of Customs: June 26, 1969.

Docket No. 69–00694–33–46040. Applicant: Williams College, Office of the Treasurer, Hopkings Hall, Main Street, Williamstown, Mass. 01267. Manufacturer: Philips Electronics, NVD., The Netherlands. Intended use of article: The article will be used for studying biochemical and ultrastructural factors involved in the qualitative change in hemoglobin synthesis that occurs during throxin-induced metamorphosis of tadpoles in the bullfrog, Rana catesbeiana. It will also be used for studying physiological and histological changes related to endocrine control of metamorphosis in lower vertebrates, especially newts and salamanders. Application received by Commissioner of Customs: June 26, 1969.

Docket No. 69–00695–33–46500. Applicant: University of Missouri—Columbia, Purchasing Department, General Services Building, Columbia, Mo. 65201. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for ultrathin sectioning for electron microscopy. Currently several research projects are being carried out in various areas of the nervous system: the preoptico-neurohypophysial system in the grass frog, the mammillary body in the rabbit, the subfornical organ, the subcommissural organ, the area postrema and the pineal body in various large and small animals. Application received by Commissioner of Customs: June 27, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–9564; Filed, Aug. 13, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CALGON CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Calgon Corp., Box 1346, Pittsburgh, Pa. 15230, has withdrawn its petition (FAP 9B2381), notice of which was published in the FEDERAL REGISTER of January 31, 1969 (34 F.R. 1568), proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of partially hydrolyzed copolymers of acrylamide and dimethyldiallylammonium chloride as a retention aid and flocculent employed prior to the sheet-forming process in the manufacture of

paper and paperboard intended for use in contact with food.

Dated: August 7, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9575; Filed, Aug. 13, 1969; 8:46 a.m.]

PILLSBURY CO.

Notice of Filing of Petition for Food Additive Glucan Polysaccharide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (MF 3421V) has been filed by The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of a whole spray-dried fermentation product produced by fermentation of carbohydrate substrates by the fungus *Sclerotium rolfsii* and related species where the fermentation is carried out under conditions that produce glucan polysaccharide. The whole spray-dried product is for use as a suspending and emulsifying agent in liquid feed concentrates to be used in feed for ruminants.

Dated: August 6, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9576; Filed, Aug. 13, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 69-8-35]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority August 7, 1969.

Agreement adopted by Joint Conference 1-2-3 of the International Air Transport Association relating to specific commodity rates; Docket 18650, Agreement CAB 20745, R-91 through R-93.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated July 23, 1969, names additional specific commodity rates, as set forth in the attachment hereto, which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R-91 through R-93, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9608; Filed, Aug. 13, 1969; 8:48 a.m.]

[Docket No. 20334, etc.]

ST. LOUIS-DAYTON/COLUMBUS/PITTSBURGH PROCEEDING

Notice of Hearing

St. Louis-Dayton/Columbus/Pittsburgh Subpart M proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding previously postponed until further notice is to be held on August 21, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., August 8, 1969.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 69-9607; Filed, Aug. 13, 1969; 8:48 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignments in the excepted service the positions of Deputy Director for Planning, Office of Foreign Direct Investments; and Deputy Director for Operations, Office of Foreign Direct Investments.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioner.

[F.R. Doc. 69-9598; Filed, Aug. 13, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the positions of Deputy Director and Chief, Policy Review Staff in the Office of Foreign Direct Investments.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9599; Filed, Aug. 13, 1969; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "General Deputy, Land and Facilities Development Administration" to "Deputy Director, Community Resources Development Administration, Office of the Assistant Secretary for Metropolitan Development".

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9600; Filed, Aug. 13, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 452]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 11, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

523-C2-P-70—The Mountain States Telephone & Telegraph Co. (KOF095), C.P. to add auxiliary test station to be located at 3001 Second Avenue North, Billings, Mont., to operate on frequencies 157.95, 158.01 MHz.

524-C2/C1-AL-(13)-70—Golden State Telephone Co. (KMM584), (KMM672), (KMM650), (KMA746), Consent to assignment of license from: Golden State Telephone Co., Assignor to: California Interstate Telephone Co., Assignee.

389-C2-R-70—New York Telephone Co. (KEC932), Renewal of (Developmental) license expiring Sept. 10, 1969. Term: from: Sept. 10, 1969, to Sept. 10, 1970.

4807-C2-R-70—New York Telephone Co. (KED350), Renewal of (Developmental) license expiring Sept. 10, 1969. Term: from: Sept. 10, 1969, to Sept. 10, 1970.

4737-C2-R-70—New York Telephone Co. (KEK278), Renewal of (Developmental) license expiring Sept. 9, 1969. Term: from: Sept. 9, 1969, to Sept. 9, 1970.

529-C2-P-(3)-70—Radiopaging, Inc. (New), C.P. for a new 2-way station. Frequencies: 454.125, 454.300, 454.225 MHz. Location: 111 Northeast Second Avenue, Miami, Fla.

530-C2-P-(2)-70—Eleqtronic Engineering Co. (KAF242), C.P. for additional base channels to operate on frequencies 454.050, 454.300 MHz at a new site to be identified as location No. 2: Ninth and Pleasant Streets, Des Moines, Iowa.

531-C2-P-70—Empire Communications Co. (New), C.P. for a new 1-way-signaling station. Frequency: 158.70 MHz. Location: Capitol Hill, Eugene, Oreg.

532-C2-P-70—General Telephone Co. of Illinois (New), C.P. for a new 2-way station. Frequency: 152.81 MHz. Location: 111 South Main Street, Kewanee, Ill.

550-C2-P-70—Waco Communications, Inc. (New), C.P. for a new (1-way) station to be located approximately 2 miles southwest of Belton, Tex., to operate on frequency 158.70 MHz.

551-C2-P-(2)70—AAA Anserphone, Inc., Jackson (New), C.P. for a new (2-way) station to be located at the Deposit Guaranty Bank Building, corner of Capital and Lamar Streets, Jackson, Miss., to operate on frequencies 454.30 and 454.35 MHz.

557-C2-P-70—Answerite Professional Telephone Service (New), C.P. for a new (1-way) station to be located at 418 West 13th Street, Sanford, Fla., to operate on frequency 158.700 MHz.

558-C2-P-70—Mobilfone (New), C.P. for a new (1-way) station to be located at 2501 Suntide Road, Corpus Christi, Tex., to operate on frequency 152.24 MHz.

559-C2-P-70—General Telephone Co. of Wisconsin (New), C.P. for a new (2-way) station to be located at town of Rib Mountain, 2.5 miles south of Wausau, Wis., to operate on frequency 152.660 MHz.

560-C2-P-70—General Telephone Co. of Wisconsin (New), C.P. for a new (1-way) station to be located at 0.1 mile north of Route No. 23, 1.55 miles east of Plymouth Township, Wis., to operate on frequency 158.100 MHz.

562-C2-P-70—Central Exchange Mobile Radio (KMM599), C.P. to replace transmitter operating on frequency 454.10 MHz; change the antenna system and relocate same to 500 University Avenue, Pala Alto, Calif.

563-C2-P-70—Bair Communications (KIY520), C.P. for an additional base channel to operate on frequency 454.125 MHz. Station location: 557 Southeast Avenue E, Belle Glade, Fla.

564-C2-MP-70—St. Cloud & Loop Answering Service (KLF580), Modification of C.P. to relocate the base facilities operating on frequency 152.09 MHz to 1,600 feet south of Highway No. 15 and County Road No. 137, St. Cloud, Minn.

565-C2-MP-70—Radio Paging Service (KLF600), Modification of C.P. to replace the transmitter operating on frequency 152.24 MHz and change the antenna system located at Broadway and Avenue L, Lubbock, Tex.

585-C2-P-70—Chesapeake & Potomac Telephone Co. of Virginia (KFL924), C.P. for an additional base channel to operate on freqeuncy 152.75 MHz and change the antenna system located at 10 Harpersville Road, Newport News, Va.

586-C2-P-70—Clifton Telephone Co. (KLB579), C.P. to replace the base transmitter operating on freqeuncy 152.69 MHz. Station location: On State Highway No. 215, 0.5 mile southwest of Clifton, Tex.

Major Amendment

2974-C2-P-69—Wisconsin Telephone Co. (New), To operate on frequency 158.10 MHz. All other particulars to remain the same as reported on public notice dated Dec. 2, 1968, Report No. 416.

3626-C2-P-69—Central Exchange Mobile Radio (KMM599), Station Location: 500 University Avenue, Palo Alto, Calif. All other particulars to remain the same as reported on public notice dated Dec. 30, 1968, Report No. 420.

RURAL RADIO SERVICE

524-C2/C1-AL-(13)-70—Golden State Telephone Co. (KNL47), Consent to assignment of license from: Golden State Telephone Co., Assignor, to: California Interstate Telephone Co., Assignee.

566-C1-P/ML-70—Gulf Coast Telephone Co., Inc. (KKT89), C.P. and modification of license for an additional antenna to operate on existing frequencies 459.50 and 459.60 MHz at temporary locations within the territory of the grantee (Gulf of Mexico).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

440-C1-P-70—American Telephone & Telegraph Co. (KAA64), C.P. to change point of communication from Lowden, Iowa, to West Branch, Iowa, operating on frequency 3930 MHz and change the antenna system for station located at 3 miles east-northeast of Morse, Iowa.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

Southwestern Bell Telephone Co., Eight (β) C.P. applications for additional facilities to establish a point-to-point microwave radio system between St. Louis-Jefferson City, Mo.; between Jefferson City-Mexico, Mo., and between Columbia-Mexico, Mo., as follows:

441–C1–P–70—Southwestern Bell Telephone Co. (KPP53), Add frequencies 6330.7 and 11,525 MHz toward Gray Summit, Mo. Station location: 1010 Pine Street, St. Louis, Mo.

442–C1–P–70—Southwestern Bell Telephone Co. (KPP54), Add frequencies 6049.0 and 11,075 MHz toward St. Louis, Mo., and 5997.1 and 10,795 MHz toward Hermann, Mo. Station location: Gray Summit, 4.2 miles north of Pacific, Mo.

443–C1–P–70—Southwestern Bell Telephone Co. (KPP55), Add frequencies 6249.1 and 11,245 MHz toward Gray Summit, Mo., and 6264.0 and 11,525 toward Holts Summit, Mo. Station location: 1.5 miles southeast of Hermann, Mo.

444–C1–P–70—Southwestern Bell Telephone Co. (KPP60), Add frequencies 6375.2, 11,6125, 6256.5, and 11,225 MHz toward Holts Summit, Mo. Station location: 311 Madison Street, Jefferson City, Mo.

445–C1–P–70—Southwestern Bell Telephone Co. (KPP56), Add frequencies 6011.9 and 11,075 MHz toward Hermann, Mo., 6004.5, 10,815, 6123.1, and 10,735 MHz toward Jefferson City, Mo., 6078.6, 10,775, and 5960.0 MHz toward Kingdom City, Mo., and 5997.1 MHz toward Prairie Home, Mo. Station location: 1 mile north of Holts Summit, Mo.

446–C1–P–70—Southwestern Bell Telephone Co. (New), C.P. for a new fixed station to be located at 0.75 mile southwest of Kingdom City, Mo., to operate on frequencies 6189.8, 6308.4, and 11,405 MHz toward Mexico, Mo., and 6212.0, 6330.7, and 11,665 MHz toward Holts Summit, Mo.

447–C1–P–70—Southwestern Bell Telephone Co. (New), C.P. for a new fixed station to be located at 201 East Promade, Mexico, Mo., to operate on frequencies 6056.4, 10,955, and 5937.8 MHz toward Kingdom City, Mo.

448–C1–P–70—Southwestern Bell Telephone Co. (KPP57), Add frequency 6249.1 MHz toward Holts Summit, Mo. Station location: 3 miles west-southwest of Prairie Home, Mo.

524–C2–AL–(8)–70—Golden State Telephone Co., Consent to assignment of license from Golden State Telephone Co., Assignor, to: California Interstate Telephone Co., Assignee. Stations: KNL65, Elk Hills, Calif.; KNL66, Buttonwillow, Calif.; KNH83, Bakersfield, Calif.; KMJ37, Taft, Calif.; KMO87, McKittrick, Calif.; KMO88, Lost Hills, Calif.; KNE71, New Cuyama, Calif.; KNE72, near New Cuyama, Calif.

526–C1–P–70—California-Pacific Utilities Co. (New), C.P. for a new fixed station to be located at the corner of 10th and Bush Streets, Carlin, Nev., to operate on frequency 2119.4 MHz toward Elko, Nev., via passive repeater.

527–C1–P–70—California-Pacific Utilities Co. (New), C.P. for a new fixed station to be located at 670 Idaho Street, Elko, Calif., to operate on frequency 2169.4 MHz toward Carlin, Nev., via passive repeater.

553–C1–P–70—RCA Global Communications, Inc. (New), C.P. for a new fixed station to be located at 500 East Bluff Drive, Anchorage, Alaska, to operate on frequencies 6315.84, 6375.14, and 6345.49 MHz toward Twelvemile, Alaska.

554–C1–P–70—RCA Global Communications, Inc. (New), C.P. for a new fixed station to be located at Twelvemile, 1.6 kilometers west of Twelvemile Lake, Alaska, to operate on frequencies 6775, 6855, and 6815 MHz toward Scotty Lake, Alaska, and frequencies 6063.8, 6123.1, and 6093.45 MHz toward Anchorage, Alaska.

555–C1–P–70—RCA Global Communications, Inc. (New), C.P. for a new fixed station to be located at 4 kilometers east of Talkeetna, Alaska, to operate on frequencies 11,365, 11,525, and 11,685 MHz toward Scotty Lake, Alaska.

556–C1–P–70—RCA Global Communications, Inc. (New), C.P. for a new fixed station to be located at Scotty Lake, 9.5 kilometers west of Talkeetna, Alaska, to operate on frequencies 10,755, 10,915, and 11,075 MHz toward Talkeetna, Alaska, and frequencies 6596, 6675, and 6635 MHz toward Twelvemile, Alaska.

567–C1–P–70—Gulf Coast Telephone Co. (New), C.P. for a new fixed station to be located at Vermilion Area, Block 215, Platform A, Gulf of Mexico, offshore from Louisiana, to operate on frequency 2125.2 MHz.

568–C1–P–70—Gulf Coast Telephone Co. (New), C.P. for a new fixed station to be located at Vermilion Area, Block 131, Platform A, Gulf of Mexico, off Louisiana to operate on frequency 2175.2 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

206–C1–MP–70—Minnesota Microwave, Inc. (KOC70), Modification of C.P. (5806–C1–P–68) to (a) change station location to lat. 46°00'20" N., long. 95°57'35" W., and (b) change azimuths toward Breckenridge and Fergus Falls, Minn., to 305°02' and 362°07', respectively. Station location: Elbow Lake, Minn.

534–C1–TC–(9)–70—United Video, Inc., Consent to transfer of control from Gene W. Schneider, et al., Transferors, to: Livingston Oil Co., Transferee. Stations: KGB96, Rolla, Mo.; KGC21, Waynesville, Mo.; KYO25, Olney, Ill.; WAD72, Union, Mo.; WAD73, Belle, Mo.; WAN79, Lebanon, Mo.; WAN80, Marshfield, Mo.; WAN81, Springfield, Mo.; WAN82, Phelps, Mo.

539–C1–ML–70—West Texas Microwave Co. (KKT90), Modification of license to permit carriage of audio programing of KWXI–FM to Brownfield, Tex., for delivery to Radio Station KKUB.

547–C1–TC–(11)–70—Minnesota Microwave, Inc., Consent to transfer of control from Paul J. Schmitt, et al., Transferors, to: Dynasonics, Inc., Transferee. Stations: KAY61, Willmar, Minn.; KCM71, Rockford, Minn.; KCM72, Cold Springs, Minn.; KCM73, Little Falls, Minn.; KCM74, Benson, Minn.; KCM75, Montevideo, Minn.; KOC70, Elbow Lake, Minn.; KYC43, Brainerd, Minn.; KYC44, Ben Draper, Minn.; KYC45, Beauty Lake, Minn.; KZS97, Morris, Minn.

562–C1–AL–(2)–70—Southwest Texas Transmission Co., Consent to assignment of license from Southwest Texas Transmission Co., Assignor, to: United Video, Inc., Assignee. Stations: KSP97, Vandalia, Ill.; KSP98, Effingham, Ill.

[F.R. Doc. 69–9615; Filed, Aug. 13, 1969; 8:49 a.m.]

[Docket No. 18499; FCC 69R–330]

MIDWEST RADIO-TELEVISION, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Midwest Radio-Television, Inc., Docket No. 18499, File No. BR–659, File No. BRCT–49; for renewal of licenses of Stations WCCO and WCCO–TV, Minneapolis, Minn.

1. This proceeding involves the applications of Midwest Radio-Television, Inc. (Midwest), for renewal of the licenses of its broadcast Stations WCCO–AM and WCCO–TV, Minneapolis, Minn. By memorandum opinion and order, FCC 69–261, 16 FCC 2d 943, released March 21, 1969, the Commission designated these applications for hearing on the following issues:

a. To determine whether the licensee and its owners have an undue concentration of control of the media of mass communications in the Minneapolis-St. Paul area.[1]

b. To determine whether or not Midwest Radio-Television, Inc., has used its position in the newspaper field so as to obtain rights to broadcast sporting events, particularly in the area of professional baseball, football, and hockey teams.

c. To determine whether or not newspaper ownership of broadcast facilities in the Minneapolis-St. Paul area has resulted in reciprocal advantages to Midwest Radio-Television, Inc., to the disadvantage of competing broadcast licensees.

d. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-captioned renewal applications would serve the public interest.

The burden of proceeding with the introduction of evidence on Issues a, b, and c, above, was placed on the Broadcast Bureau and Hubbard Broadcasting, Inc. (Hubbard) (licensee of Station KSTP, St. Paul, Minn.), who was named a party to the proceeding. The burden of proof with respect to all issues was placed on Midwest. Presently before the Review Board is a petition addressed to the issues, filed May 26, 1969, by Midwest,[2] requesting the Board to: (a) Shift the burden of proof on Issues a, b, and c to Hubbard and the Bureau; (b) modify Issue a (undue concentration of control) by conditioning its resolution on an adverse resolution of Issues b and c;[3] and (c) permit the adduction of evidence with regard to Midwest's "past and present operation of its stations."

Burden of proof. 2. Midwest argues that both the burden of going forward with the introduction of evidence *and* the burden of proof on Issues a, b, and c should be on Hubbard and the Broadcast Bureau. Citing section 309(e) of the Communications Act,[4] D & E Broadcasting Co., supra, requires, as a matter of fairness, the filing of a bill of particulars and, in certain cases, an initial hearing presentation by the Bureau, the applicant is still required to carry the burden of proof, unless the issue is specified pursuant to a petition to enlarge or deny. Moreover, even if the Board were to accept petitioner's contention that the instant complaint is tantamount to a petition to deny, the burden of proof would nevertheless be properly placed on Midwest. In D & E Broadcasting Co., the Commission recognized that in cases designated as a result of a petition to deny (or a petition to enlarge), there would be exceptions to the general rule imposing the burden of proof under misconduct issues on the complaining party. Such exceptional circumstances exist herein. It is abundantly clear from even a cursory view of the designated issues and the Commission's specification order, that much of the information sought under the designated issues is peculiarly within the knowledge of the applicant and concerns Midwest's use of broadcast facilities.[5] As such, the burden of proof under the issues in this proceeding was properly upon the applicant. See Elyria-Lorain Broadcasting Co., FCC 65–857, 6 RR 2d 191, released September 29, 1965. Thus, it would appear that, regardless of the manner in which this proceeding was instituted, Midwest was charged with an appropriate burden and its present request to shift said burden will therefore be denied. See Office of Communications of the United Church of Christ v. FCC, Case No. 19,409, ------ U.S. App. D.C. ------, ------ F. 2d ------, decided June 20, 1969.

Modification of Issue a. 4. Midwest contends that Issue a (undue concentration of control) would not have been specified and, in fact, no hearing would have been required, but for the charges which underlie Issues b and c in this proceeding. Petitioner argues that Midwest's ownership interests in communications media and the potential influence or power inherent in the licensee would not have required a renewal hearing; that the Commission has granted numerous regular renewals of license for Stations WCCO and WCCO–TV with full knowledge of the media interests held by Midwest stockholders; and that the Commission's designation of the Midwest application for hearing does not reflect a change of Commission policy.[6] Petitioner notes that the question of concentration of control of mass media is presently the subject of a rule making proceeding (i.e., rule making in Docket No. 18499), and submits that the instant proceeding is not the proper forum for considering changes in the Commission's multiple ownership rules. Midwest concludes that in the event that Issues b and c herein are resolved favorably to the applicant, resolution of Issue a should await the outcome of current rule making; and that the matters raised by Issue a should be reached only upon the establishment of the changes under Issues b and c herein.

5. A review of the Commission's specification order for Issue a herein, discloses that the two areas of inquiry encompassed by Issues b and c do not represent the exclusive interest of the Commission in Midwest's renewal application. Major portions of the inquiry called for by Issue a exist independently of matters raised by the other issues in this proceeding.[10] Moreover, the specification of an undue concentration of control issue separate and apart from the specification of the other issues in this proceeding does not represent a departure from previous Commission standards or the imposition of unpromulgated rules on this applicant. Recently, in Lee Enterprises, Incorporated, FCC 69–797, ------ FCC 2d ------, released July 25, 1969, the Commission denied a petition for reconsideration of a designation order stating:

> • • • the Commission's ownership rules, limiting a single owner to seven stations in each broadcast medium, does not constitute a blanket authorization for any party to acquire the maximum number of broadcast holdings in the type of situation before us where the problem of possible undue control results, at least in part, from ownership in nonbroadcast media.[11]

Therefore, in the Board's opinion, no legal or logical basis has been presented for conditioning consideration of Issue a on a prior adverse resolution of any other issue in this proceeding.

Programing evidence. 6. Midwest argues that the basic public interest determination herein cannot be made if the record is bereft of evidence as to the manner in which the licensee has served the public in the past and proposes to serve the public in the future; and that therefore the adduction of evidence as to "the overall programing and operating records of Station WCCO and WCCO–TV" should be authorized. The

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[1] On Apr. 23, 1969, the Commission issued a Specification Order (FCC 69–373, 17 FCC 2d 290) designed to specify the facts and matters in issue in this proceeding. In addition, Issue "a" was amended to read:

To determine whether the licensee and its owners have an undue concentration of control of the media of mass communications in the Minneapolis-St. Paul area or any broader geographic area including Minneapolis-St. Paul.

[2] Also before the Board are: Comments, filed June 10, 1969, by Hubbard; and the Broadcast Bureau's comments in partial opposition, filed June 10, 1969.

[3] The Broadcast Bureau opposes Midwest's requests to modify the designation order and submits, in part, that Rule 1.111 precludes reconsideration of such orders absent "unusual circumstances" or new facts. However, pleadings which are directed to matters which were not thoroughly discussed or considered in the order of designation may be properly considered on their merits by the Board. Atlantic Broadcasting Company, 4 FCC 2d 943, 8 RR 2d 599 (1966); WATR, Inc. (WATR–TV), 16 FCC 2d 844, 15 RR 2d 900 (1969).

[4] Section 309(e) of the Communications Act reads, in part:

> The burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicant, except that with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission.

[5] In D & E Broadcasting Co., the Commission outlined its policy with respect to the allocation of evidentiary burdens where issues involving serious charges of misconduct were being specified, and, on the facts of that case, stated that the burdens should have been imposed on the Broadcast Bureau.

[6] In Lamar Life Broadcasting Co., the Commission placed the burdens of proof upon the intervenors and the Bureau on issues which related to alleged improper use of a licensee's broadcast facility.

[7] The instant hearing is based, in part, upon the allegations by Mr. Garfield Clark, manager of Station KSTP, St. Paul, Minn., submitted to the U.S. Senate Antitrust Subcommittee in connection with its consideration of S. 1312, the Failing Newspaper Act.

[8] For example, the instant inquiry involves questions as to station and newspaper policy, contractual relationships and the existence of reciprocal dealing.

[9] Midwest alleges that in the periods immediately before and after the designation of Station WCCO renewal applications for hearing, the Commission has granted renewals, without hearing, for entities presenting as great or even a greater degree of control of mass media than is alleged to exist here.

[10] For example, the specification order indicates the Commission's concern with the relationship of Midwest's broadcast facilities and other mass communications media and, as the Bureau suggests, whether the affiliated media are "speaking with a common voice."

[11] The Commission also cites American Television Co., Inc., 12 FCC 2d 518 (1968); Gale Broadcasting Co., Inc., FCC 69–26, 15 RR 2d 337, released January 17, 1969; and Chronicle Broadcasting Co., 16 FCC 2d 882 (1969) as instances where an undue concentration of control issue has been previously specified.

Broadcast Bureau interposes no objection to the addition of an issue similar to that framed in Chronicle Broadcasting Co., 18 FCC 2d 120, 16 RR 2d 494 (1969); and the Board is of the view that such disposition is appropriate herein. The public interest would best be served if Midwest is permitted to make a showing as to portions of its past broadcast record in mitigation of any adverse findings which may result from an unfavorable resolution of Issues b and c herein.[12] However, no consideration will be given to alleged meritorious programing instituted after the licensee received notice that action against it was being contemplated by the Commission; and the issue specified herein will be added without prejudice to the rights of the parties to argue subsequently regarding the weight which should be accorded the evidence adduced. See Wagoner Radio Co., 12 FCC 2d 978, 13 RR 2d 114 (1968).

7. *Accordingly, it is ordered*, That the petition addressed to the issues, filed May 26, 1969, by Midwest Radio-Television, Inc., is granted to the extent indicated below, and is denied in all other respects; and

8. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issue:

(d) Whether the past programing of Stations WCCO and WCCO–TV, particularly with regard to public service programing was of such high quality as to constitute a countervailing factor in the resolution of this case insofar as it relates to Issues b and c, above.

and existing Issue d is redesignated as Issue e; and

9. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and proof on the issue added herein shall be on Midwest Radio-Television, Inc.

Adopted: August 6, 1969.

Released: August 7, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[13]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–9616; Filed, Aug. 13, 1969; 8:49 a.m.]

[12] As indicated in Chronicle Broadcasting Co., supra, evidence of meritorious broadcast performance is not relevant to the undue concentration of control issue (Issue a herein).

[13] Review Board Member Nelson not participating.

FEDERAL POWER COMMISSION

[Docket No. CP70–26]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

AUGUST 7, 1969.

Take notice that on August 1, 1969, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP70–26 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a tap and delivery facilities to effect a direct sale and delivery of gas to Dierks Forests, Inc., for industrial consumption at its sawmill in South Arkansas. The estimated annual and peak day requirements of the customer are as follows:

	Annual volume (Mcf)	Peak day volume (Mcf)	Annual revenue
First year	559,000	2,600	$159,315
Second year	613,000	3,000	177,770
Third year	782,000	3,850	221,840

Total estimated cost of the proposed facilities are placed at $309,310. Financing will be from cash on hand and contribution by the customer.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69–9565; Filed, Aug. 13, 1969; 8:45 a.m.]

[Docket No. CP63–80]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Petition To Amend

AUGUST 7, 1969.

Take notice that on July 29, 1969, Midwestern Gas Transmission Co. (Applicant), Post Office Box 774, Chicago, Ill. 60690, filed in Docket No. CP63–80 a motion to amend the orders of the Commission issued in said docket on January 25, 1963, June 2, 1965, and August 25, 1967. Applicant proposes to construct and operate additional facilities and to inject additional base gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The Commission's orders of January 25, 1963, and June 2, 1965, authorized Applicant to construct and operate facilities for the injection of natural gas into certain reservoirs in the Nevins Field, Edgar County, Ill., the Elbridge Field, Edgar County, Ill., and the State Line Field, Clark County, Ill., and Vigo County, Ind.; to evaluate the characteristics of these reserves and to determine capabilities of same as gas reservoirs. By the Commission's order of August 28, 1967, Applicant was authorized to construct and operate additional facilities and to render a natural gas storage service to two of its Southern System contract demand customers, Northern Indiana Public Service Co. and Northern Illinois Gas Co. Applicant proposes to drill, complete, and connect to the gathering system two additional injection withdrawal wells and inject an additional 5,550,000 Mcf of base gas over an estimated 5-year period. To be able to do this, Applicant requests that the authorized storage capacity be increased by 5,550,000 Mcf to 19,350,000 Mcf. Applicant states that no additional financing is required to complete this project.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69–9566; Filed, Aug. 13, 1969; 8:45 a.m.]

[Docket No. RI70–103, etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 6, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 22, 1969.

By the Commission.[2a]

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

[2a] This order was adopted before Chairman White left the Commission.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70–103	Union Oil Co. of California, Los Angeles, Calif. 90017, Attention: Mr. C. E. Smith.	200	[3] 1	Texas Gas Transmission Corp. (Block 276 Field, Eugene Island Area, Offshore Louisiana).	$54,000	7–7–69	[4] 8–7–69	[5] 8–8–69	[6] [10] 18.5	[7] [8] 20.0	
RI70–104	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	464	[11] 1	Southern Natural Gas Co. (West Delta Block 42 Field, Offshore Louisiana).	32,400	7–11–69	[4] 8–11–69	[5] 8–12–69	[6] [12] 18.5	[7] [8] 20.0	
RI70–105	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	311	[13] 1	Michigan Wisconsin Pipe Line Co. (Ship Shoal Block 206, Offshore Louisiana).	1,350	7–14–69	[4] 8–14–69	[5] 8–15–69	[6] [12] 18.5	[7] [8] 20.0	

[3] Contract dated Jan. 10, 1969.
[4] The stated effective date is the first day after expiration of the statutory notice, or 1 day from the date of initial delivery, whichever is later.
[5] The suspension period is limited to 1 day.
[6] Pursuant to Paragraph (A) of Opinion No. 546–A issued Mar. 20, 1969.
[7] Pressure base is 15.025 p.s.i.a.
[8] Subject to upward and downward B.t.u. adjustment.
[9] Area base rate for gas-well gas under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.
[10] Initial rate as conditioned by temporary certificate issued June 24, 1969, in Docket No. CI69–795.
[11] Contract dated May 5, 1969.
[12] Initial rate as conditioned by temporary certificate issued June 23, 1969, in Docket No. CI69–1062.
[13] Initial rate as conditioned by temporary certificate issued July 3, 1969, in Docket No. CI69–1096.
[14] Contract dated Apr. 8, 1969.

These three proposed increased rates, from 18.5 cents to 20 cents per Mcf (subject to upward and downward B.t.u. adjustment), involve sales of third vintage gas-well gas in Offshore Louisiana and were filed pursuant to Ordering Paragraph (A) of Opinion No. 546–A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas-well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the price established in Opinion No. 546 for onshore gas-well gas. The producers involved herein were issued temporary certificates in Dockets Nos. CI69–795 (Union Oil), CI69–1062 (Humble), and CI69–1096 (Cities Service) authorizing the collection of the third vintage prices established in Opinion No. 546 (18.5 cents for offshore gas-well gas and 17 cents for casinghead gas). Such certificates were accepted by the producers as issued. Deliveries have not as yet commenced thereunder.

Consistent with prior Commission action on similar rate filings, we conclude that these producers' proposed rate increases should be suspended for 1 day from the date shown in the "Effective Date Column" on Appendix "A" hereof, or for 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding in Docket No. AR69–1.

[F.R. Doc. 69–9569; Filed, Aug. 13, 1969; 8:45 a.m.]

[Project 713]

UTAH POWER & LIGHT CO.

Notice of Application for Surrender of License (Major)

AUGUST 7, 1969.

Public notice is hereby given that application for surrender of license has been filed with the Commission by Utah Power & Light Co. (correspondence to Lee S. Sherline, 815 Connecticut Avenue, NW., Washington, D.C. 20006, and S. G. Baucom, R. B. Porter, Post Office Box 899, Salt Lake City, Utah 84110), licensee for project No. 713 Utah, known as the Mill Creek Project located on Mill Creek in Salt Lake County, Utah.

The project consists of (1) a rock filled timber crib diversion dam and intake; (2) a 9,075-foot long wood stave pipeline; (3) a steel penstock about 780 feet long; (4) a power house containing one generating unit of 300 kw capacity; (5) a 3.91 mile long 12.5 kv transmission line; and (6) appurtenant facilities.

Applicant states that the various parts of the plant are over 60 years old and must be replaced in order to continue the operation of the project, and that such replacement and continued maintenance costs would be uneconomical in that the

energy supplied by this project can be obtained at a lesser cost from licensee's interconnected system.

Except for the 12.5 kv transmission line which would continue to serve customers in Mill Creek Canyon, the project would be retired and dismantled within 1 year after Commission approval of this application.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 17, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9567; Filed, Aug. 13, 1969; 8:45 a.m.]

[Project 2679]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Amendment of Application for Preliminary Permit

AUGUST 7, 1969.

Public notice is hereby given that an amendment has been filed with the Commission to the application for Preliminary Permit filed on June 12, 1968 by Virginia Electric and Power Co. (correspondence to: Mr. E. B. Crutchfield, Senior Vice President, Virginia Electric and Power Co., Post Office Box No. 1194, Richmond, Va. 23209) for unconstructed Project No. 2679, known as the Marble Valley Pumped Storage Project to be located on the Calfpasture River and Little Mill Creek, in Rockbridge, Augusta, and Bath Counties, Va., near Craigsville, Goshen, Staunton, and Lexington, Va., affecting lands of the United States within George Washington National Forest.

The primary purpose of the amendment is to have the application conform to applicant's present plan regarding capacity installation. The Marble Valley Pumped Storage Project as it is presently proposed would consist of: (1) A 7-mile long, 2,000-acre (up from 1,830 acres) lower reservoir (normal full pool elevation to be determined within the range of 1575–1595 feet) created by a 160-foot high, 2,500-foot long earth and rock-fill dam located on the Calfpasture River about 2 miles south of the Rockbridge County line; normal operations would cause a 10-foot fluctuation in pool elevation; (2) a 1.75 mile long, 400-acre (up from 380 acres) upper reservoir (normal full elevation to be determined within the range of 2,460–2,500 feet) created by a 200-foot high, 2,000-foot long rockfill dam located on Little Mill Creek about 1,000 feet south of the Bath County line in George Washington National Forest; (3) a conduit between the two reservoirs; (4) a powerhouse with an initial installation of 1 million kw and provision for an ultimate installation of 1,500,000 kw (up from 1 million kw); (5) transmission lines connecting the project to the applicant's interconnected system; and (6) appurtenances.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Those persons or groups who have previously filed protests or petitions to intervene need not file new protests or petitions. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9568; Filed, Aug. 13, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN INDIA

Entry or Withdrawal From Warehouse for Consumption

AUGUST 8, 1969.

On August 31, 1967, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded an agreement with the Government of India concerning exports of cotton textiles and cotton textile products from India to the United States.

Among the provisions of the agreement, as extended, is that applying a specific export limitation to Categories 18 and 19 for the agreement year which began on October 1, 1968. Entries into the United States for consumption and withdrawals from warehouse for consumption of cotton textiles in Categories 18 and 19, produced or manufactured in India and exported to the United States on or after October 1, 1968, have exceeded the level provided for in the agreement. Consultations with the Government of India concerning these exports are now in progress. A subject of such consultations will be provision for the entry of goods affected by the directive published below.

Accordingly, there is published below a letter of August 8, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that as soon as possible, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 18 and 19, produced or manufactured in India and exported during the period beginning July 1, 1969, and extending through September 30, 1969, be prohibited.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

AUGUST 8, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of August 31, 1967, between the Government of the United States and India, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 18 and 19 produced or manufactured in India and which have been exported from India during the period beginning July 1, 1969, and extending through September 30, 1969.

Cotton textiles which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be subject to this directive.

A detailed description of Categories 18 and 19 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico. Any appropriate adjustments to, or termination of, this directive pursuant to the bilateral cotton textile agreement referred to above will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

The actions taken with respect to the Government of India and with respect to imports of cotton textiles and cotton textile products from India have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69-9601; Filed, Aug. 13, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2512]

AXE-HOUGHTON FUND A, INC., ET AL.

Notice of Filing of Application and Granting Application

AUGUST 8, 1969.

Notice is hereby given that Axe-Houghton Fund A, Inc. ("Fund A"), Axe-Houghton Fund B, Inc. ("Fund B"), and Axe Science Corp. ("Science Fund"), 400 Benedict Avenue, Tarrytown, N.Y. 10591, open-end diversified investment companies registered under the Investment Company Act of 1940 ("Act") and affiliated persons of each other (collectively called "Applicants"), have filed a joint application pursuant to sections 6(c), 17(b), and 17(d) of the Act and Rule 17d–1 promulgated under section 17(d) of the Act for an order of the Commission exempting from the prohibitions of section 17(a) of the Act the proposed exercise by Applicants of warrants for the purchase of shares of common stock of General Aircraft Corp. ("GAC"), formerly Helio Aircraft Corp., and granting the application pursuant to Rule 17d–1 with respect to the acquisition by Applicants of said common stock of GAC. All interested persons are referred to the application on file with the Commission for a statement of Applicants' representations, which are summarized below.

Applicants represent that GAC, a Delaware corporation, is engaged in the manufacture and sale of aircraft. As of April 8, 1969, GAC had issued and outstanding 909,441 shares of common stock, of which Fund A owned 10,000 shares or 1.10 percent, Fund B owned 10,000 shares or 1.10 percent, and Science Fund owned 41,000 shares or 4.51 percent. In addition, 30,000 shares of GAC's common stock, or 3.30 percent, were owned by Axe-Houghton Stock Fund ("Stock Fund") which is also registered under the Act as an open-end, diversified investment company.

Fund A, Fund B and Science Fund also owned $200,000, $50,000, and $250,000, respectively, of GAC's 6 percent notes, due May 1, 1969, and warrants to purchase 40,000, 10,000, and 50,000 shares, respectively, of GAC's common stock at a purchase price of $9 per share.

On April 28, 1969, each of the applicants mailed to GAC "notices of subscription" exercising in full the warrant held by it and agreeing to make full payment within 10 days of the receipt by it of an order by the Commission permitting the transaction. The 6 percent notes will be surrendered in part payment for the shares.

After the consummation of the proposed transactions (assuming there are no other issuances or reacquisitions by GAC of its common stock), Fund A would own 50,000 shares or 4.95 percent, Fund B would own 20,000 shares or 1.98 percent, and Science Fund would own 91,000 shares or 9.01 percent of the common stock of GAC then outstanding.

Each of the four funds, Fund A, Fund B, Stock Fund and Science Fund (the "Funds") has on its board of directors individuals who are also directors of one or more of the other Funds, one person serves as a director of each of the Funds and some of the officers of each of the Funds also serve the other Funds in similar capacities. Each of the Funds employs Axe Securities Corp. as its principal underwriter, and Fund A, Fund B and Stock Fund employ E. W. Axe & Co., Inc. as investment adviser. Science Fund employs as investment adviser Axe Science Management Co., Inc., which may be under common control with E. W. Axe & Co., Inc. and Axe Securities Corp. Some of the officers and directors of each of the Funds are affiliated with Axe Science Management Co., Inc., E. W. Axe & Co., Inc. and Axe Securities Corp.

Three persons are each a senior officer or a director of each of the Funds and a senior officer and a director of the investment advisers of each of the Funds. As such, they, or any one of them, might be deemed indirectly to control or hold with power to vote the GAC Common Stock owned by the Funds, which in the aggregate constitutes more than 5 percent of GAC's voting securities outstanding. Although neither they nor the Funds admit that they, or any one of them, were considered to have such control or power, GAC would be deemed to be an affiliated person of theirs, or such one. Since each of such persons is a senior officer or a director of each of the Funds, each of them is affiliated with each of the Funds and GAC may therefore be regarded as an affiliated person of an affiliated person of each of the Funds.

GAC has reported to its shareholders earnings for the years ended December 31, 1967 and 1968 of $346,046 or $.48 per share and $36,554 or $.03 per share, respectively. The last bid and asked price quoted for GAC's common stock on April 28, 1969, were $11 and $11½ respectively. The last bid and asked price quoted for such shares on July 18, 1969 were $8⅜ and $8¾ per share, respectively.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling securities or property to such registered company, unless the Commission upon application pursuant to section 17(b) grants an exemption from section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable, and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. Applicants do not concede that such section 17(d) of the Act and Rule 17d–1 are applicable to the proposed transactions, but seek relief thereunder in order to eliminate any question as to full compliance with section 17 of the Act.

Notice is further given that any interested person may, not later than August 25, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the

Commission upon the basis of the showing contained in said application, unless an order for hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9581; Filed, Aug. 13, 1969; 8:46 a.m.]

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

AUGUST 8, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey (a New Jersey corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 9, 1969, through August 18, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9582; Filed, Aug. 13, 1969; 8:46 a.m.]

[File No. 1-4563]

COMMONWEALTH UNITED CORP.

Order Suspending Trading

AUGUST 8, 1969.

The common stock, $1 par value, of Commonwealth United Corp., a California corporation, being listed and registered on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, and the Pacific Coast Stock Exchange, the 6 percent convertible subordinated debentures due 1983, being listed and registered on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange, the warrants for $1 par common stock and the $1.05 convertible preferred stock being listed and registered on the American Stock Exchange, and the Pacific Coast Stock Exchange, pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities of Commonwealth United Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Pacific Coast Stock Exchange, and the Philadelphia-Baltimore-Washington Stock Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 11, 1969, through August 20, 1969, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9583; Filed, Aug. 13, 1969; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 8, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10-cent par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 10, 1969, through August 19, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9584; Filed, Aug. 13, 1969; 8:46 a.m.]

[File No. 24D-2821]

GENERAL RESOURCES

Order Permanently Suspending Exemption

AUGUST 7, 1969.

I. General Resources (issuer), a Utah corporation with offices located at 4092 South State Street, Salt Lake City, Utah, filed with this Commission on December 11, 1968, a notification on Form 1-A and an offering circular relating to a proposed offering of 5 million shares of common stock at 1-cent per share for an aggregate of $50,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission on May 26, 1969 temporarily suspended the Regulation A exemption of the Issuer, stating that it had reasonable cause to believe from information reported to it by the staff that:

A. The terms and conditions of Regulation A were not complied with, in that:

1. The Form 1-A filed on behalf of the issuer failed to disclose Curtis Minerals as an affiliate and predecessor of the issuer;

2. The Form 1-A failed to disclose sales of unregistered securities by the issuer's affiliates within 1 year prior to the filing of the Form 1-A and present and proposed offerings of securities by affiliates;

3. The offering circular filed on behalf of the issuer failed to disclose that net cash proceeds of the offering were to be used, in significant part, to repay a loan incurred in the acquisition of shares of stock of an affiliate of the issuer;

4. The offering circular failed to disclose all material transactions within the past 2 years between the issuer and persons affiliated with and controlling the issuer;

5. The offering circular failed to include accurate and adequate financial statements of the issuer.

B. The offering circular as filed contained untrue statements of material facts and omitted to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose the names of certain promoters and affiliates of the issuer;

2. The failure to disclose accurately the assets and liabilities of the issuer;

3. The failure to disclose certain material transactions between the issuer and its promoters and affiliates;

4. The failure to set forth accurately the use to which proceeds of the offering would be applied.

C. The offering would have been made in violation of section 17(a) of the Securities Act of 1933, as amended, by reason of the activities described above.

III. No hearing having been requested by the issuer within 30 days after the entry by the Commission of the order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors to permanently suspend the exemption of the issuer under Regulation A.

It is ordered, Pursuant to Rule 261(b) of the General rules and regulations under the Securities Act of 1933, as amended that the exemption of the issuer under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9585; Filed, Aug. 13, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1321]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

AUGUST 8, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 531 (Sub-No. 253), filed July 11, 1969. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from plantsite of Nalco Chemical Co., at or near Garyville, La., to points in Louisiana, Texas, Oklahoma, Arkansas, Mississippi, Alabama, Georgia, Florida, and Tennessee. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 1222 (Sub-No. 35), filed July 16, 1969. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 10th Street, Portsmouth, Ohio 45662. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic foam, cellular or expanded products* (except in bulk), from Midland, Mich., to points in Illinois, Indiana, Kentucky, Ohio, West Virginia, and that part of Pennsylvania on and west of U.S. Highway 219; and (2) *plastic products and plastic coated aluminum* (except in bulk), from Findlay, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, West Virginia, and that part of Pennsylvania on and west of U.S. Highway 219. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 2230 (Sub-No. 16), filed July 18, 1969. Applicant: MACK'S TRANSPORT SERVICE, INC., 1215 North 17th Street, Lincoln, Nebr. 68508. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, not designed for general highway use, and *parts and accessories* for such vehicles when moving at the same time and with the same vehicles of which they are a part and on which they are to be installed, between Lincoln, Nebr., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 2860 (Sub-No. 60), filed July 11, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container components and supplies* used in the manufacture and distribution of metal containers and closures, from the plantsites of Crown Cork & Seal Co., Inc., in Philadelphia, Pa., Baltimore, Md., and Winchester, Va., to points in the State of Florida. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 8544 (Sub-No. 25), filed July 22, 1969. Applicant: GALVESTON TRUCK LINE CORPORATION, 7415 Wingate, Houston, Tex. 77011. Applicant's representative: Desmond A. Barry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, also glass and plastic containers, caps, covers, cartons, and related commodities;* (1) from Waco, Tex., to points in Oklahoma, and (2) from Ada, Okla., to Fort Worth, Tex. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held in Oklahoma or Texas.

No. MC 10345 (Sub-No. 88), filed July 18, 1969. Applicant: C & J COMMERCIAL DRIVEAWAY, INC., 1905 West Mount Hope Avenue, Lansing, Mich. 48901. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles* (except trailers), assembled in Canada for the Pontiac Division, General Motors Corp., in truckaway service, in secondary movements, from Pitcairn, Pa., to points in Pennsylvania, Ohio, West Virginia, and to Frostburg and Cumberland, Md., restricted to vehicles which have had an immediately prior movement by rail. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.; Chicago, Ill.; Washington, D.C.; or anywhere in Middlewest.

No. MC 10761 (Sub-No. 242), filed July 24, 1969. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representatives: L. G.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Naidow (same address as above), also A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value), *classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, serving the plantsites of Browning Arms Co., and the Tenbrook Co., at or near Arnold, Jefferson County, Mo., as off-route points in connection with carrier's presently held authority to and from St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 17211 (Sub-No. 9), filed July 24, 1969. Applicant: JESCO MOTOR EXPRESS, INC., 139 Columbus Road, Mount Vernon, Ohio 43050. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures and supplies*, from Perrysville, Ohio, and points in Ripley Township, Holmes County, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and materials and supplies used in the manufacture of plumbing fixtures and supplies, on return, under contract with Mansfield Sanitary, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 25798 (Sub-No. 197), filed July 18, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in descriptions in *Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in tank vehicles; (1) from the plantsite and/or storage facilities utilized by Thies Packing Company, Inc., at or near Great Bend, Kans., and (2) from the plantsite and/or storage facilities utilized by Hyplains Dressed Beef, Inc., at or near Dodge City, Kans., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City or Wichita, Kans.

No. MC 25798 (Sub-No. 198), filed July 18, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pet foods*, from Cambridge, Md., to points in Florida, Georgia, North Carolina, and South Carolina, and (2) *pet foods, and canned goods*, in straight and mixed shipments, from Cambridge, Md., to points in Alabama. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 26396 (Sub-No. 41), filed July 22, 1969. Applicant: POPELKA TRUCKING CO., a corporation, Box 958, Livington, Mont. 59047. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Park County, Mont., to points in Illinois, Indiana, Iowa, and Nebraska. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 27754 (Sub-No. 15), filed July 21, 1969. Applicant: FRANK J. KUBLY TRANSFER, INC., 1202 18th Street, Monroe, Wis. 53566. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Monroe, Wis., to points in Minnesota and Fargo, N. Dak.; (2) *empty malt beverage containers*, from points in Minnesota and Fargo, N. Dak., to Monroe, Wis.; and (3) *cheese and cheese whey*, from Forreston, Ill., to Peru, Ind., and points in Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 29120 (Sub-No. 108), filed July 7, 1969. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: H. Lauren Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk in tank vehicles, commodities requiring special equipment, livestock, hides or skins, and commodities injurious or contaminating to other lading), between Cleveland, Ohio, and Spencer, Iowa; (1) from Cleveland, Ohio, over U.S. Highway 20 to junction U.S. Highway 20 and Alternate U.S. Highway 20, near Maumee, Ohio, thence over Alternate U.S. Highway 20 to junction Alternate U.S. Highway 20 and U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 20 and U.S. Highway 169, near Fort Dodge, Iowa, thence over U.S. Highway 169 to junction U.S. Highway 169 and U.S. Highway 18, thence over U.S. Highway 18 to Spencer, Iowa, and return over the same routes, with service at all intermediate points in Ohio on U.S. Highway 20 and Alternate U.S. Highway 20; Emmetsburg, Iowa; and, off-route points in Cuyahoga, Summit, Stark, Wayne, Medina, and Lorain Counties, Ohio, and Ashland, Ohio, and (2) from Cleveland, Ohio, over U.S. Highway 20 to junction U.S. Highway 20, and Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 90 and unnumbered highway near Tomah, Wis., thence over unnumbered highway to junction unnumbered highway and U.S. Highway 16 at or near Tomah, Wis., thence over U.S. Highway 16 to junction U.S. Highway 16 and Minnesota Highway 4, near Sherburn, Minn., thence over presently authorized routes of Spencer, Iowa, and return over the same routes, with service at all intermediate points in Ohio on U.S. Highway 20 and Interstate Highway 90; and, off-route points in Cuyahoga, Summit, Stark, Wayne, Medina, and Lorain Counties, Ohio, Ashland, Ohio, and Emmetsburg, Iowa. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 31809 (Sub-No. 7), filed July 2, 1969. Applicant: CLAY'S TRANSFER CO., INC., Post Office Box 1131, Rocky Mount, N.C. 27801. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between points in North Carolina, located east of and including Rockingham, Guilford, Randolph, Montgomery, and Richmond Counties, N.C., restricted to traffic moving in shipper or consignee provided trailer, having prior or subsequent movement by rail in TOFC service. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 41404 (Sub-No. 84), filed July 3, 1969. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, food commodities, and food ingredients* (except commodities in bulk or liquid form in tank vehicles) when moving in mechanically refrigerated trailers. Restriction: Traffic restricted to destination States named herein, from Chicago, Ill., and its commercial zone as defined by the Commission, and from points in Cook, Du Page, Kendall, Lake, and Will Counties, Ill., to points in Alabama, Georgia, Louisiana, Mississippi, and Tennessee. NOTE: Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 41875 (Sub-No. 10), filed July 1, 1969. Applicant: DRAPER CONSTRUCTION COMPANY, INC., 1600 Seventh Street NE., Roanoke, Va. 24012. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric controllers and instruments* requiring special equipment or special handling by reason of size or weight, and *parts and attachments* therefor, when moving therewith, from points in Roanoke and Augusta Counties, Va., to points in the United States (except points in Alaska, Hawaii, Tennessee, West Virginia, Kentucky, North Carolina, and South Carolina); and (2) *materials and supplies* used in the manufacture and assembly of the foregoing commodities named above on return movements. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 42261 (Sub-No. 103), filed July 24, 1969. Applicant: LANGER TRANSPORT CORP., Route 1 and Danforth Avenue, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Process clay*, in bulk, from Paulsboro, N.J., to points in Delaware, Michigan, Ohio, and Pennsylvania. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 727), filed July 9, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Memphis, Tenn., and Wichita, Kans.; (1) from Memphis over Interstate Highway 40 to junction U.S. Highway 64 at or near Conway, Ark., thence over U.S. Highway 64 to junction Interstate Highway 40 at or near Alma, Ark., thence over Interstate Highway 40 to junction U.S. Highway 64 at or near Sallisaw, Okla., thence over U.S. Highway 64 to junction U.S. Highway 266 at or near Warner, Okla., thence over U.S. Highway 266 to junction U.S. Highway 69 at or near Checotah, Okla., thence over U.S. Highway 69 to junction Oklahoma Highway 51 at or near Wagoner, Okla., thence over Oklahoma Highway 51 to junction Interstate Highway 35, and thence over Interstate Highway 35 to Wichita, and return over the same route; and (2) from Memphis, over Interstate Highway 40 to Oklahoma City, Okla., thence over Interstate Highway 35 to Wichita, and return over the same route, serving no intermediate points, as alternate routes for operating convenience only, in connection with (1) and (2) above. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 42487 (Sub-No. 729), filed July 11, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock, assembled automobiles, and those injurious or contaminating to other lading); (1) between Cheyenne, Wyo., and St. Joseph, Mo.; (a) from Cheyenne over U.S. Highway 30 to Interstate Highway 80, thence over Interstate Highway 80 to U.S. Highway 30, at or near Pine Bluffs, Wyo., thence over U.S. Highway 30 to junction Nebraska Highway 25, at or near Sutherland, Nebr., thence over Nebraska Highway 25 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Nebraska Highway 10, at or near Kearney, Nebr., thence over Nebraska Highway 10 to the Nebraska-Kansas State line, thence over Kansas Highway 8 to junction U.S. Highway 36, at or near Athol, Kans., and thence over U.S. Highway 36 to St. Joseph, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (b) from Cheyenne over Interstate Highway 80 to junction Nebraska Highway 10, at or near Kearney, Nebr., thence over Nebraska Highway 10 to the Nebraska-Kansas State line, thence over Kansas Highway 8 to junction U.S. Highway 36, at or near Athol, Kans., and thence over U.S. Highway 36 to St. Joseph, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (2) between Billings, Mont., and St. Joseph, Mo.;

(a) from Billings over U.S. Highway 87 to junction Interstate Highway 90, at or near Kleenburn, Wyo., thence over Interstate Highway 90 to junction U.S. Highway 87, at or near Buffalo, Wyo., thence over U.S. Highway 87 to junction U.S. Highway 26, at or near Casper, Wyo., thence over U.S. Highway 26 to junction U.S. Highway 30, at or near Ogallala, Nebr., thence over U.S. Highway 30 to junction Nebraska Highway 25, at or near Sutherland, Nebr., thence over Nebraska Highway 25 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Nebraska Highway 10, at or near Kearney, Nebr., thence over Nebraska Highway 10 to the Nebraska-Kansas State line, thence over Kansas Highway 8 to junction U.S. Highway 36, at or near Athol, Kans., and thence over U.S. Highway 36 to St. Joseph, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and (b) from Billings over Interstate Highway 90 to junction Interstate Highway 25, at or near Buffalo, Wyo., thence over Interstate Highway 25 to junction U.S. Highway 26, approximately 3 miles west of Dwyer, Wyo., thence over U.S. Highway 26 to junction U.S. Highway 30, at or near Ogallala, Nebr., thence over U.S. Highway 30 to junction Nebraska Highway 25, at or near Sutherland, Nebr., thence over Nebraska Highway 25 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Nebraska Highway 10, at or near Kearney, Nebr., thence over Nebraska Highway 10 to the Nebraska-Kansas State line, thence over Kansas Highway 8 to junction U.S. Highway 36, at or near Athol, Kans., and thence over U.S. Highway 36 to St. Joseph, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Denver, Colo.

No. MC 50307 (Sub-No. 49), filed July 7, 1969. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y., 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment* used in the manufacture thereof, between the New York, N.Y., commercial zone, points in New Jersey and Pennsylvania on the one hand, and, on the other, Woodsfield, Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 51146 (Sub-No. 143), filed July 24, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Burlington and Kenosha, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Missouri. NOTE: Applicant states that there is a possibility of tacking the requested authority with various subs under MC-51146 and

pending subs. Applicant further states it does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 56679 (Sub-No. 31), filed July 8, 1969. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. Applicant's representative: B. K. McClain, 125 Milton Avenue SE., Atlanta, Ga. 30315. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, from points in Georgia and Tennessee, and Scottsboro, Ala., to points in Colorado, Wyoming, Montana, Idaho, Utah, Nevada, Oregon, and Washington. NOTE: Applicant states that it holds duplicate authority under its Subs 23 and 28, and if the authority sought herein is granted, it will be willing to cancel the aforesaid authority concurrent with the issuance of the new certificate. No duplicate authority is being sought. Applicant further states that it intends to tack with its regular route authority under its Sub 9. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Denver, Colo.

No. MC 57275 (Sub-No. 13), filed July 3, 1969. Applicant: SCHADE REFRIGERATED LINES, a corporation, 429 West Jackson, Phoenix, Ariz. 85003. Applicant's representative: Richard Minne, 609 Luhrs Building, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and chocolate products* in mechanically controlled refrigerated vehicles, between Phoenix, Ariz., and points in that part of Arizona beginning at junction Bell Road and U.S. Highways 60–70–89, thence east to Lake Pleasant Road, thence north along Lake Pleasant Road to junction Carefree Highway, thence east along Carefree Highway to junction Cave Creek Road, thence north to town of Cave Creek and east to Carefree to junction Scottsdale Road, thence south along Scottsdale Road to junction Pinnacle Peak Road, thence east along Pinnacle Peak Road to junction unnumbered county road, thence south along unnumbered county road past Fort McDowell to junction Arizona Highway 87, thence east along Arizona Highway 87 to junction Stewart Mountain Dam Road, thence south along Stewart Mountain Dam Road past Stewart Mountain Dam to junction Old Bush Highway, thence southwesterly along Old Bush Highway to junction Ellsworth Road, thence south along Ellsworth Road to junction Hunt Highway near Maricopa County line, thence west and south along Hunt Highway to junction Arizona Highway 87, thence southeasterly along Arizona Highway 87 to Sacaton turnoff, thence along unnumbered highway to the town of Sacaton, thence westerly along Sacaton Road to junction Arizona Highway 93, thence north along Arizona Highway 93 to junction Bapchule Road, thence west along Bapchule Road to junction Maricopa Road, thence north along Maricopa Road to junction Komatka Road, thence west along Komatka Road to St. Johns, thence north along Avenue 51 to Broadway (future interstate freeway), thence west along Broadway to 115th Avenue, thence north along 115th Avenue to junction U.S. Highway 80, thence along U.S. Highway 80 to Buckeye, Ariz., thence north along Cemetery Road to Buckeye Road, thence east along Buckeye to Cotton Lane, thence north along Cotton Lane to junction Beardsley Road, thence east along Beardsley Road to junction U.S. Highway 60–70, thence south along U.S. Highway 60–70 to point of beginning at Bell Road. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 59475 (Sub-No. 4), filed July 7, 1969. Applicant: CHICAGO AVENUE TRANSFER, INC., 335 East 78th Street, Minneapolis, Minn. 55420. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Minnesota. Note: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, or St. Paul, Minn.

No. MC 61440 (Sub-No. 121), filed July 18, 1969. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82468, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, fresh and fresh frozen, from the plantsite and/or cold storage facilities utilized by Wilson & Co. at or near Hereford, Tex., to points in Illinois, Indiana, Kansas, Missouri, and Ohio, restricted to traffic originating at the plantsite and/or cold storage facilities utilized by Wilson & Co. at or near Hereford, Tex., and destined to points in the States so specified. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 61619 (Sub-No. 8), filed July 22, 1969. Applicant: GLENN L. HORMEL AND LAWSON E. LONGSTRETH, a partnership, doing business as L & H TRUCKING COMPANY, Rural Delivery No. 3, Spring Grove, Pa. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Spring Grove, Pa., to Clayton, Del., under a continuing contract with P. H. Glatfelter Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 65697 (Sub-No. 42), filed July 22, 1969. Applicant: THEATRES SERVICE COMPANY, a corporation, Post Office Box 1695, Atlanta, Ga. 30301. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between the plantsite of Glasgow Manufacturing Division of R. R. Donnelley & Sons Co., Glasgow, Ky., and Nashville, Tenn., over U.S. Highway 31E, serving no intermediate points; and (2) between the plantsite of Glasgow Manufacturing Division of R. R. Donnelley & Sons Co., Glasgow, Ky., and Louisville, Ky., over U.S. Highway 31E, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 66194 (Sub-No. 10), filed July 10, 1969. Applicant: OWL TRUCK COMPANY, a corporation, 500 South Alameda Street, Compton, Calif. 90224. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *ammunition and explosives*, regardless of size or weight, between military installations and Department of Defense establishments located in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 67500 (Sub-No. 4) filed July 9, 1969. Applicant: BLUE RIDGE TRUCKING COMPANY, a corporation, Koon Development, Asheville, N.C. 28803. Applicant's representative: Robert R. Williams, Jr., Post Office Box 7316, 4 South Pack Square, Asheville, N.C. 28807. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (1) from Murphy, N.C., over U.S. Highway 64 to intersection with North Carolina Highway 60 near Ranger, N.C., thence over North Carolina Highway 60 to its intersection with U.S. Highway 76 near Morganton, Ga., thence over U.S. Highway 76 to Hiawassee, Ga., and return over the same route serving all intermediate points; (2) from Hayesville, N.C., over North Carolina Highway 69 and Georgia Highway 17 to Junction U.S. Highway 76, thence over U.S. Highway 76 to Young Harris, Ga., and return over the same route serving all intermediate points; (3) from Hayesville, N.C., over North Carolina Highway 69 and Georgia Highway 17 to junction U.S. Highway 76, thence over U.S. Highway 76 to Hiawassee, Ga., and return over the same route serving all intermediate points; (4) from Murphy, N.C., over U.S. Highway 64 to Ranger, N.C., thence over U.S. Highway 19 and 129 to intersection with Town Creek School Road south of Blairsville, Ga., and return over the same route, serving all intermediate points, and serving plant of Owenby Manufacturing Co. on Town Creek School Road as an off-route point.

(5) Over State Roads 1578/1100 from intersection with U.S. Highway 64 east of Murphy to junction State Road 1112 at Warne, N.C.; thence over State Road 1112/Georgia 66 to Young Harris, Ga., and return over the same route, serving all intermediate points; (6) over North Carolina Highway 175 from U.S. Highway 64 east of Hayesville, N.C., to Georgia State line thence over Georgia Highway 75 to Hiawassee, Ga., and return over the same route serving all intermediate points; (7) from Murphy, N.C., to Chattanooga, Tenn., over U.S. Highway 64 and return over the same route, serving all intermediate points; (8) from Canton, N.C., over State Road 110 or State Road 215 (alternate parallel roads) to intersection of U.S. Highway 276, thence on U.S. Highway 276 to Waynesville, N.C., and return over the same route serving all intermediate points, and serving Cruso, N.C., approximately 6 miles east of the foresaid intersection on U.S. Highway 276 as an off-route point; (9) From intersection of U.S. Highway 19 and U.S. Highway 19A near Lake Junaluska, N.C., over U.S. Highway 19 to Bryson City, N.C., and return over the same route serving all intermediate points; (10) over Interstate Highway 40 from its intersection with U.S. Highways 19 and 23 near Lake Junaluska, N.C., to Newport, Tenn., and return over the same route serving all intermediate points; (11) from Murphy, N.C., over U.S. Highway 64 to Ducktown, Tenn., thence over Tennessee Highway 68 and Georgia Highway 5 to Blue Ridge, Ga., thence over U.S. Highway 76 to Morganton, Ga., and return over the same route serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Murphy, N.C., Chattanooga, Tenn., and Atlanta, Ga.

No. MC 74238 (Sub-No. 1), filed July 22, 1969. Applicant: KRIEGSMAN TRANSFER COMPANY, a corporation, 278 Koch Street, Pekin, Ill. 61554. Applicant's representative: Robert M. Kaske, 2017 Wisterial Road, Rockford, Ill. 61107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission and *new furniture*, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, Wisconsin, Colorado, and Mississippi. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 77424 (Sub-No. 38), filed July 22, 1969. Applicant: WENHAM TRANSPORTATION INC., 3200 East 79th Street, Cleveland, Ohio 44104. Applicant's representative: J. G. Bamer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *zinc or zinc alloy anodes, ingots, pigs, slabs, or spelter*, from Josephtown, Pa., to Union City, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 259), filed June 30, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh (same address as above), also W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from Holden, La., to points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 85465 (Sub-No. 20), filed July 28, 1969. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicle), from Scottsbluff and York, Nebr., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 86913 (Sub-No. 28) (Correction), filed June 20, 1969, published in FEDERAL REGISTER issue of July 31, 1969, and republished as corrected, this issue. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard*, from Conway, N.C., and points within 10 miles thereof, to points in that part of Maine north of a line beginning at the Maine-New Hampshire State line near Gilead, Maine, and extending along U.S. Highway 2 to Bangor, Maine; thence along Alternate U.S. Highway 1 to Ellsworth, Maine, and thence along Maine Highway 3 to Bar Harbor, Maine; New York, N.Y., and points in Nassau, Queens, Kings, and Suffolk Counties, N.Y., that part of Pennsylvania on, south and east of a line beginning at the New Jersey-Pennsylvania State line near Easton, Pa., and extending along U.S. Highway 22 to Harrisburg, Pa., thence along Interstate Highway 83 (formerly U.S. Highway 111) to the Pennsylvania-Maryland State line near Maryland Line, Md., points in Montgomery County, Md., and Baltimore, Md., points in West Virginia south of U.S. Highway 50, and points in Tennessee east of U.S. Highway 25E, points in Virginia and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to show the destination points of Montgomery County, Md., and Baltimore, Md., which was erroneously omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 87123 (Sub-No. 4), filed June 27, 1969. Applicant: ROSE HARE, doing business as MAX KAFER EXPRESS, 218 West 37th Street, New York, N.Y. 10018. Applicant's representative: Sheldon Hare (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between points in that part of New Jersey, on, north, and east of a line from Trenton, N.J., along U.S. Highway 206 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Atlantic Ocean, on the one hand, and, on the other, Philadelphia, Pa., and points in the New York, N.Y., commercial zone. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 88082 (Sub-No. 9), filed July 11, 1969. Applicant: ST. MARYS TRUCKING CO., INC., 1417 Hart Street, Post Office Box 765, Vincennes, Ind. 47591. Applicant's representative: Earl J. Thomas, 5850 North High Street, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Fort Wayne, Ind., to points in Illinois, Kentucky, Michigan, and Ohio; and (2)

materials, equipment, and supplies used in the manufacture, sale, and distribution of paper and paper products, from points in Illinois, Kentucky, Michigan, and Ohio, to Fort Wayne, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 90794 (Sub-No. 3), filed July 25, 1969. Applicant: FT. VAN TRANSPORT CO., INC., 358 St. Marks Place, Staten Island, N.Y. 10301. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift vans*, loaded and unloaded, between Baltimore, Md., on the one hand, and, on the other, Staten Island, N.Y., and Port Newark, N.J., restricted to shipments having an immediately prior or subsequent movement by water and moving between piers or wharves used by Container Marine Lines Division of American Export Isbrandtsen Lines. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 93151 (Sub-No. 8), filed July 14, 1969. Applicant: ROWE CAMBRIDGE MOTOR TRANSPORTATION, INC., Rural Delivery No. 3, Tyrone, Pa. 16686. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, wood pulp, and waste paper*, from Tyrone, Pa., to points in Massachusetts, Maine and Michigan, and Poughkeepsie, N.Y., and all intermediate points on U.S. Highway 9 between Poughkeepsie and New York, N.Y.; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from destination points in (1) above, to Tyrone, Pa.; under a continuing contract or contracts with Westvaco Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 94201 (Sub-No. 72), filed July 22, 1969. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metals, metal alloys, ores, and chemicals* (except commodities in bulk), between the plantsites, warehouses, production and distribution facilities of Consolidated Aluminum Corp. located at or near New Johnsonville, and Jackson, Tenn., on the one hand, and, on the other, points in Texas, Arkansas, Missouri, Iowa, Minnesota, and States east thereof. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 754), filed July 2, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts and agricultural commodities*, otherwise exempt from economic regulation under section 203(b)6 of the Act, when transported in mixed shipments at the same time and in the same vehicle with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Kentucky, Arkansas, Missouri, Illinois, Indiana, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Colorado, and Michigan. NOTE: Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests to be held at Miami, Fla., or Washington, D.C.

No. MC 100666 (Sub-No. 144), filed July 14, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulated foam board*, from Belvidere, Ill., to points in Alabama, Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 100666 (Sub-No. 145), filed July 8, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Posts, top rail and tubing*, from Bossier City, La., to points in the United States (except Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Alaska, and Hawaii). NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 100666 (Sub-No. 146), filed July 16, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated steel buildings*, knocked down, including *parts and accessories, and iron and steel articles*, from Milwaukee, Wis., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103051 (Sub-No. 230), filed July 17, 1969. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Rutherford County, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 103494 (Sub-No. 15), filed July 22, 1969. Applicant: EASLEY HAULING SERVICE, INC., 902 North First Avenue, Yakima, Wash. 98902. Applicant's representative: Norman F. Richardson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper shipping containers*, corrugated and not corrugated, for the account of, and under contract with, Longview Fibre Co., Longview, Wash., from Yakima, Wash., to points in Nez Perce County, Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 103993 (Sub-No. 427), filed June 25, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Oregon to points in the United States west of the Mississippi River, including Louisiana and Minnesota (but excluding Alaska, Hawaii, Arizona, California, Idaho, Nevada, Utah, and Washington), (2) *buildings*, in sections, mounted on wheeled undercarriages, from points in Oregon, to points in the United States west of the Mississippi River, including Louisiana and Minnesota (but excluding

Alaska, Hawaii, Arizona, California, Idaho, Nevada, Utah, and Washington, and (3) *truck campers and camp coaches*, from points in Oregon, to points in the United States west of the Mississippi River, including Alaska, Louisiana, and Minnesota (but excluding Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 103993 (Sub-No. 445), filed July 18, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles *including horse trailers*, in initial movements, *truck campers* and *truck covers*, from points in Charleston County, S.C., to points east of the Mississippi River, including Louisiana and Minnesota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Charleston, S.C.

No. MC 104523 (Sub-No. 43) (Correction), filed June 26, 1969, published in FEDERAL REGISTER issue of July 31, 1969, and republished as corrected this issue. Applicant: HUSTON TRUCK LINE, INC., Friend, Nebr. Applicant's representative: Earl H. Scudder, Jr., Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed, and dry mineral feed mixtures*, from the plantsite of Moorman Manufacturing Co. near Columbus, Nebr., to points in Oklahoma, Texas, and New Mexico, Atlantic and Marcus, Iowa; Sleepy Eye and Kasson, Minn.; (2) *dry animal and poultry feed, dry mineral feed mixtures, livestock and poultry feeders and equipment, insecticides*, from the plantsite of Moorman Manufacturing Co., Quincy, Ill., to points in N. Mex.; (3) *livestock and poultry feeders and equipment*, when moving in mixed shipments with animal and poultry feed, from the plantsite of Moorman Manufacturing, Co., Quincy, Ill., to points in South Dakota, Nebraska, Oklahoma, and Texas; Cheyenne and Sherman Counties, Kans.; and (4) *dry animal and poultry feed, and dry mineral feed mixtures*, from the plantsite of Moorman Manufacturing Co. at Comanche, Tex., to points in Louisiana, New Mexico, and Oklahoma. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to show the destination point of Atlantic, Iowa, in lieu of Atlanta, Iowa in (1) above. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 106398 (Sub-No. 408), filed July 18, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, (1) from points in Moore County, N.C., to points in the United States (except Alaska and Hawaii) and (2) from points in Columbus County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at Raleigh or Charlotte, N.C.

No. MC 106743 (Sub-No. 7), filed July 22, 1969. Applicant: LOFTIN'S TRANSFER & STORAGE CO., INC., 2701 Ross Clark Circle NW., Dothan, Ala. 36302. Applicant's representative: Carl Ross, Jr., 1731 Second Avenue North, Bessemer, Ala. 35020. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, having a prior or subsequent movement in interstate commerce, between points in De Kalb County, Ga., on the one hand, and, on the other, points in Baldwin, Banks, Barrow, Bartow, Carroll, Cherokee, Clarke, Cobb, Coweta, Crawford, De Kalb, Douglas, Fannin, Fayette, Floyd, Forsyth, Fulton, Gilmore, Gordon, Greene, Gwinnett, Habersham, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oglethorpe, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spaulding, Troup, Union, Upson, Walton, and White Counties, Ga., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond said points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 106760 (Sub-No. 110), filed July 22, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Irvin Tull and Fred Rahal, Jr., 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from the plantsites and warehouses of Fingerle Lumber Co., Washtenaw County, Mich., to points in Arkansas, Georgia, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio, or Detroit, Mich.

No. MC 107012 (Sub-No. 97), filed July 24, 1969. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, bales, packing pads, macerated paper, machine pressed paper, wrapping paper, plain and indented, indented bags, and cushion bags*, from Brownstown, Ind., and Salem, Ill., to Fort Smith, Ark. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.; Chicago, Ill.; or Washington, D.C.

No. MC 107295 (Sub-No. 205), filed July 14, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fence, fence panels and sections, post, fence fabrics, gates, pickets, rails, and accessories thereto*, from New Orleans, La., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. NOTE: Applicant states that it intends to tack with its present authority in MC 107295 Part (B), where feasible, whereas it is authorized to operate to points in Illinois, Indiana, Michigan, Wisconsin, Ohio, Arkansas, Iowa, Kentucky, Missouri, Tennessee, New York, and Virginia. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 107295 (Sub-No. 206), filed July 21, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fence, fence panels and sections, posts, pickets, rails, and accessories* thereto, from Alpena, Gladstone, Posen, and Stephenson, Mich., to points in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas. NOTE: Applicant states it could tack with its MC

107295 where feasible. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 107295 (Sub-No. 208), filed July 23, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cable tray systems* (including, but not limited to, cable racks, raceways, trays, troughs, or cableways), including *accessories, parts, and fittings* incidental to the completion, erection and installation thereof, from Wooster, Ohio, and Florence, Ky., to points in the United States in and east of the States of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states it will tack the sought authority with MC 107295 Part (B) where feasible. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 107515 (Sub-No. 664), filed July 8, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen seafoods*, from points in Delaware and Maryland, to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Louisiana, Mississippi, Texas, and Arkansas. NOTE: Applicant states it will tack with its presently held authority Sub 141 at Gainesville, Ga., or Florence, Ala., to Ohio, Indiana, Illinois, Minnesota, Wisconsin, Nebraska, and Missouri. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107839 (Sub-No. 137), filed July 11, 1969. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Post Office Box 16021, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats*, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Hereford, Tex., to points in Alabama, Colorado, Florida, Georgia, North Carolina, and South Carolina, restricted to the transportation of traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destination points. NOTE: Applicant states that no duplicating authority is held or sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108053 (Sub-No. 88), filed July 24, 1969. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., Post Office Box 129, Fremont, Nebr. 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Description in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicle): (a) from Muncie, Ind., to points in California; Las Vegas and Reno, Nev.; Oregon and Washington; (b) from Beardstown, East St. Louis, Momence, Monmouth, Pekin, Rochelle, Ill., to points in California; Las Vegas and Reno Nev.; Oregon and Washington; (c) from Chicago and Peoria, Ill., to points in Oregon and Washington; (d) from Albert Lea, Minn., to points in California; Las Vegas and Reno, Nev.; Portland, Oreg.; Tacoma, Auburn, Seattle, and Spokane, Wash.; (e) from St. Paul, Minn., to points in Oregon and Washington; (f) from Fremont, Lincoln, Schuyler, West Point, Nebr., to points in California; Las Vegas and Reno, Nev.; (g) from Dayton, Ohio, to points in California; Las Vegas and Reno, Nev.; Oregon and Washington; (h) from Cudahy, Eau Claire, Fort Atkinson, and Whitehall, Wis., to points in California; Las Vegas and Reno, Nev.; and (i) from Madison, Wis., to points in Arizona, California (except Los Angeles, Sacramento, San Diego, San Francisco, San Jose, and Stockton), Nevada, Oregon (except Portland), Utah, and Washington (except Tacoma, Auburn, Seattle, and Spokane). NOTE: Applicant states it presently holds a substantial portion of the authority being sought over various gateways. The purpose of this application is to eliminate the various gateways. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 266), filed July 25, 1969. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Dallas, Tex., to points in Oklahoma, Kansas, Indiana, Ohio, and Louisville, Ky. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or New Orleans, La.

No. MC 108449 (Sub-No. 299), filed July 28, 1969. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: W. A. Myllenbeck, (same address as applicant), and Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from points in Otter Tail County, Minn., to points in Minnesota, North Dakota, and South Dakota. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 108453 (Sub-No. 32), filed July 11, 1969. Applicant: G & A TRUCK LINE, INC., 404 West Peck Avenue, White Pigeon, Mich. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and accessories therefor*, and *such commodities (except in bulk as are used or are useful in the production of plastic containers and accessories therefor*, between Three Rivers, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, and Wisconsin; Louisville, Ky.; Rochester, N.Y.; St. Louis, Mo.; and points in the St. Louis-East St. Louis, Mo., commercial zone, under contract with Continental Can Co., Inc. NOTE: Applicant states in the event of a grant of this instant application, it will request coincidental cancellation of its MC 108453 Sub 28 and Sub 29. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 109689 (Sub-No. 207), filed July 22, 1969. Applicant: W. S. HATCH COMPANY, a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone and limestone products*, from Fort Morgan, Colo., to points in Wyoming, points in Nebraska and Kansas on and west of U.S. Highway 281, points in Texas and New Mexico north of Interstate Highway 40, and points in Cimarron, Tex., and Beaver Counties, Okla. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 110264 (Sub-No. 40), filed July 17, 1969. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., 4500 McLeod Road NE., Albuquerque, N. Mex. 87110. Applicant's representatives: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005, and Ducan A. McLeod, Post Office Box 3459, Albuquerque, N. Mex. 87110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, those of unusual value, household goods as defined by the Commission, and those requiring special equipment); (1) between Albuquerque, N. Mex., and Amarillo, Tex.; (a) from Albuquerque over U.S. Highway 66 (Interstate Highway 40) to Amarillo, and return over the same route, serving all intermediate and off-route points in the State of New Mexico; and (b) from Albuquerque over U.S. Highway 66 (Interstate Highway 40) to its junction with U.S. Highway 84, thence over U.S. Highway 84 to Fort Sumner, N. Mex., thence over U.S. Highway 60 to Amarillo and return over the same route, serving all intermediate and off-route points in New Mexico; (2) between Albuquerque and Lubbock, Tex.; from Albuquerque over U.S. Highway 66 (Interstate 40) to its junction with U.S. Highway 84, thence over U.S. Highway 84 to Fort Sumner, N. Mex., thence over U.S. Highway 84 to Lubbock and return over the same route, serving all intermediate and off-route points in the State of New Mexico; (3) between Clovis, N. Mex., and Roswell, N. Mex. over U.S. Highway 70, serving all intermediate and off-route points; (4) between Amarillo and Lubbock over U.S. Highway 87 for operating convenience only, serving no intermediate points and restricted against local service between said points; and (5) between Tucumcari, N. Mex., and Clovis, N. Mex., over New Mexico Highway 18 for operating convenience only, serving no intermediate points but serving said termini. NOTE: Applicant states no duplicating authority being sought. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 111045 (Sub-No. 68), filed July 14, 1969. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank or hopper type vehicles, from Gonzales and Pensacola, Fla., to points in Alabama, Connecticut, Georgia, Indiana, Kentucky, Louisiana, North Carolina, Pennsylvania, South Carolina, Tennessee, and Texas. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 111375 (Sub-No. 30), filed July 17, 1969. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, a corporation, 3567 East Barnard Avenue, Cudahy, Wis. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food*, from Appleton, Wis., to points in Washington, Oregon, Montana, Utah, Idaho, California, Colorado, Arizona, Nevada, New Mexico, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis., or Chicago, Ill.

No. MC 112304 (Sub-No. 33), filed July 7, 1969. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Guardrail, and component parts*, from Lima, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112696 (Sub-No. 41), filed July 22, 1969. Applicant: HARTMANS INCORPORATED, Post Office Box 898, Harrisonburg, Va. 22801. Applicant's representative: James E. Wilson, 1735 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, dairy products, candy, frozen foods, and equipment and supplies* used in the preparations and serving of foods in restaurants and commissaries, and *equipment and supplies* used in the manufacture of frozen foods, between Winchester, Va., on the one hand, and, on the other, points in Florida; restricted to traffic originating at or destined to plantsites or storage facilities of Frank G. Shattuck Co. of New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112713 (Sub-No. 114), filed July 21, 1969. Applicant: YELLOW FREIGHT SYSTEM, INC., Post Office Box 8462, 92d at State Line, Kansas City, Mo. 64114. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh, and meats, fresh frozen*, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Hereford, Tex., to points in Colorado, Delaware, Illinois, Indiana, Maryland, Massachusetts, Missouri, Nebraska, New Jersey, New York, Ohio, and Pennsylvania, restricted to the transportation of traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 123), filed July 17, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Idaho Falls, Rigby, Blackfoot, and Shelley, Idaho, and Garland, Layton, West Jordan, and Lehi, Utah, to points in Missouri (except Kansas City, Mo.). NOTE: Applicant states common control has been authorized in MC-F-10266. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary applicant requests it be held at Salt Lake City, Utah, or Kansas City, Mo.

No. MC 113267 (Sub-No. 219), filed July 11, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats* fresh and *meats* fresh frozen, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., located at or near Hereford, Tex., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee (except Memphis, Tenn.), restricted to the transportation of traffic originating at the above-named origin and destined to the above-named destinations. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113362 (Sub-No. 165), filed July 22, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except cold packed or frozen), from plantsites and storage facilities of Comstock/Greenwood Foods, Borden, Inc., Foods Division, or plantsites and storage facilities of Borden, Inc., (1) from Waterloo, Red Creek, Rushville, Egypt, Penn Yan, Fairport, Newark, and Lyons, N.Y., to points in Indiana, Kentucky, and Michigan; and (2) from West Chester, Pa., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin, all service hereunder restricted to traffic originating at the named plantsites and storage facilities. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113362 (Sub-No. 166), filed July 25, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive mufflers, tailpipes, and accessories* for installation thereof, from Batavia, Ill., to points in Iowa and Nebraska, and to Jackson, Minn. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept

a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113495 (Sub-No. 40), filed July 10, 1969. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, Tenn. 37213. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight, require the use of special equipment or special handling; (2) *Self-propelled articles*, each weighing 15,000 pounds or more, when moving on trailers; and (3) *Ammunition and explosives*, (a) between points in Wisconsin, Illinois, Missouri, Arkansas, Indiana, Ohio, Michigan, Tennessee, Kentucky, Virginia, West Virginia, and North Carolina, and (b) between points in the States named above, on the one hand, and, on the other, points in the United States (except those in Alaska and Hawaii); restricted to traffic moving to, from, or between military installations or Department of Defense establishments. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Nashville, Tenn., or Chicago, Ill.

No. MC 113495 (Sub-No. 41), filed July 22, 1969. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, Tenn. 37213. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Nashville, Tenn., to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 113855 (Sub-No. 205), filed July 21, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts for irrigation systems*, from points in Douglas County, Nebr., to points in North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Maine, Illinois, Colorado, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114211 (Sub-No. 128), filed July 14, 1969. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, excavating and trailers, including tractor and trailer parts, and attachments*, from Omaha, Nebr., to points in the United States, excluding Hawaii. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114211 (Sub-No. 129), filed July 14, 1969. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery, and tractor attachments and parts* for the commodities named above and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) between Temple, Tex., on the one hand, and, on the other, points in the United States (excluding Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Dallas, Tex.

No. MC 114284 (Sub-No. 41), filed July 8, 1969. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, Post Office Box 82307, Stockyards Station, Oklahoma City, Okla. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, when transported with meat, meat products, and meat byproducts as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fremont, Nebr., to points in New Mexico, Arkansas, Arizona, Oklahoma, and Bowie, Red River, Lamar, Fannin, Grayson, Cooke, Montague, Clay, Wichita, Wilbarger, Hardeman, Childress, Cottle, King, Knox, Baylor, Archer, Young, Throckmorton, Haskell, Stonewall, Jones, Shackleford, Stephens, Eastland, Callahan, Taylor, Nolan, Mitchell, Howard, Martin, Ector, Ward, Crane, Midland, Upton, Glasscock, Reagan, Sterling, Coke, Runnels, Coleman, Brown, McCulloch, Concho, Tom Green, Irion, Crockett, Schleicher, Menard, Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hemphill, Roberts, Hutchinson, Moore, Hartley, Oldham, Potter, Carson, Gray, Wheeler, Collingsworth, Donley, Armstrong, Randall, Deaf Smith, Parmer, Castro, Swisher, Briscoe, Hall, Motley, Floyd, Hale, Lamb, Bailey, Cochran, Hockley, Lubbock, Crosby, Dickens, Kent, Garza, Lynn, Terry, Yoakum, Gaines, Dawson, Borden, Scurry, Fisher, Andrews, Winkler, Loving, El Paso, Hudspeth, Culbertson, and Reeves Counties, Tex.; Bourbon, Neosho, Crawford, Labette, Cherokee, and Montgomery Counties, Kans.; Barry, Christian, Greene, Jasper, Lawrence, McDonald, Newton, Stone, Taney, and Webster Counties, Mo.; restricted to traffic originating at the plant and storage facilities of Geo. A. Hormel & Co. at Fremont, Nebr. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 115322 (Sub-No. 60), filed July 9, 1969. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, Fla. 32771. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Nassau County, N.Y., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 115322 (Sub-No. 61), filed July 9, 1969. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, Fla. 32771. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight require the use of special equipment or special handling; and (2) *general commodities* (including classes A and B explosives), except household goods as defined by the Commission, between points in the United States (except Alaska and Hawaii), restricted to shipments moving from, to, or between military installations, Defense Department establishments, and/or Government contractors. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 115841 (Sub-No. 357) (Correction), filed July 14, 1969, published in FEDERAL REGISTER issue of August 7, 1969, and republished, as corrected, this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1252 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as above), also E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, fresh and *meats*, fresh frozen, from the plantsite and/or cold storage facilities utilized by Wilson & Co., at or near Hereford, Tex., to points in Alabama, Connecticut, Delaware, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee (except Memphis), Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and/or cold storage facilities utilized by Wilson & Co., at or near Hereford, Tex., and destined to the above-specified destination points. NOTE: The purpose of this republication is to show the correct Docket No. as *MC-115841 Sub 357* in lieu of MC 115840 Sub No. 41, as previously published. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116014 (Sub-No. 46) (correction), filed June 23, 1969, published in FEDERAL REGISTER issue of July 17, 1969, and republished as corrected this issue. Applicant: OLIVER TRUCKING COMPANY, INC., Post Office Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Wilmington, N.C., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, South Carolina, Tennessee, and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to show applicant's name as Oliver Trucking Co., Inc., in lieu of Oviver Trucking Co., Inc. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 116077 (Sub-No. 270), filed July 17, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Garyville, La., to points in Louisiana, Texas, Oklahoma, Arkansas, Mississippi, Alabama, Georgia, Florida, and Tennessee. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116085 (Sub-No. 5), filed July 23, 1969. Applicant: FRISKNEY AND HARDING TRUCKING, INC., Post Office Box 3, Kendallville, Ind. 46755. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed autographic register paper, autographic registers, sales books, deposit slips, sales slips, printed forms, newsprint, carbonized paper, printing machinery, and register bond paper;* (a) between the plantsites of Sturgis Newport Business Forms, Inc., located at Clanton, Ala.; Hampton, Va.; White Water, Wis.; Sturgis, Mich.; and Corinth, Miss.; (b) from the plantsite of Sturgis Newport Business Forms, Inc., at Hampton, Va., to the warehouse facilities used by Sturgis Newport Business Forms, Inc., at New Brunswick, N.J., and (c) from the plantsite of Sturgis Newport Business Forms, Inc., at Sturgis, Mich., to Bettendorf, Iowa, and Johnson City, N.Y.; (2) *register bond paper*, in rolls, from Spring Grove, Pa., to the plantsite of Sturgis Newport Business Forms, Inc., at Sturgis, Mich.; (3) *one time carbon paper*, from Des Moines, Iowa, to the plantsites of Sturgis Newport Business Forms, Inc., at Sturgis, Mich.; (4) *one time carbon paper, heat seal and multiple write carbon paper*, from Leetsdale, Pa., to the plantsites of Sturgis Newport Business Forms, Inc., at Sturgis, Mich.; and (5) *printed and not printed business forms*, from Bettendorf, Iowa, to the plantsites of Sturgis Newport Business Forms, Inc., at Sturgis, Mich., and the warehouse facilities used by Sturgis Newport Business Forms, Inc., in New Brunswick, N.J., restricted to service to be performed under a continuing contract with Sturgis Newport Business Forms, Inc., a division of Litton Industries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 116091 (Sub-No. 5), filed July 24, 1969. Applicant: STANLEY LEMONS AND CLAUDE LEMONS, a partnership, doing business as LEMONS BROTHERS, Post Office Box 295, Cynthiana, Ky. 41031. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in mechanically refrigerated trailers furnished by shipper or carrier, from Cynthiana and Lexington, Ky., to points in Florida, Georgia, and Tennessee. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 116254 (Sub-No. 99), filed July 14, 1969. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Rutherford County, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Indiana, Illinois, Iowa, Michigan, Missouri, Mississippi, North Carolina, Ohio, South Carolina, and Virginia. NOTE: Applicant indicates tacking with its Sub 5 certificate at Sheffield, Ala., and points within 15 miles thereof, and with its Sub 52 certificate at Barfield, Ark., and points within 10 miles thereof, where in said certificates as combined it conducts operations from those points to the States shown in the instant application, and the additional States of Florida, Louisiana, Oklahoma, Texas, Iowa, Kansas, and Wisconsin. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Birmingham, Ala., or Memphis, Tenn.

No. MC 116254 (Sub.-No. 101), filed July 14, 1969. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, and chemicals*, from points in Marshall County, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it could tack with its presently held certificates in MC 116254 (Sub-No. 5) and (Sub-No. 52) at Sheffield, Ala., and Barfield, Ark., respectively. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 116254 (Sub-No. 103), filed July 22, 1969. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Tower, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel, limestone, clay, sand, and slag, and products composed of or derived from such commodities*, between points in Tishimingo County, Miss.; Wayne and Hardin Counties, Tenn.; and Colbert, Lauderdale, and Franklin Counties, Ala. NOTE: Applicant states it intends to tack the sought authority presently held in its Subs 20 and 28, wherein it conducts operations in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and District of Columbia. Applicant further states it does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 116544 (Sub-No. 110), filed July 9, 1969. Applicant: WILSON

BROTHER TRUCK LINES, INC., Post Office Box 636, Carthage, Mo. 64836. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats* fresh and *meats* fresh frozen, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., located at or near Hereford, Tex., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee: restricted to the transportation of traffic originating at the above-named origin and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117212 (Sub-No. 5), filed July 8, 1969. Applicant: LEAMINGTON TRANSPORT (WESTERN) LIMITED, Box 188, Leamington, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between ports of entry on the international boundary line between the United States and Canada located in Michigan, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada located in Minnesota and North Dakota, restricted to traffic which subject carrier transports from a point in Canada to another point in Canada, having a prior or subsequent movement from or to a point in the United States by another carrier. Restriction: The transportation sought herein is to be restricted to foreign commerce. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 117574 (Sub-No. 182), filed July 7, 1969. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sewage, water and refuse treatment systems*, which because of size or weight require the use of special equipment; and (2) *tools, materials, and supplies* used in connection with the erection, operation, and jobsite construction of sewage, water, and refuse systems, between points in the continental United States. NOTE: Applicant holds authority in MC 117574 and various subs to transport articles which because of size or weight require special equipment between various points in 31 States. No duplicating authority is being sought. Applicant states that it does not intend to tack, and requests that the authority sought herein be restricted against tacking with other present authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117686 (Sub-No. 105), filed July 18, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples and coconuts and agricultural commodities* otherwise exempt from economic regulations under section 203(b)6 of the Act, when transported in mixed shipments with bananas, plantains, pineapples and coconuts, from Wilmington, Del., to points in Illinois, Colorado, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kansas, and Missouri. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant has no preference and would agree to any place set by the Commission.

No. MC 117765 (Sub-No. 84), filed July 14, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automatic livestock waterers, livestock scales, hopper feed scales, cutter head gates, and cattle shutes*, from Hawarden, Iowa, and Norfolk, Nebr., to points in Colorado, Kansas, Missouri, and Oklahoma. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117765 (Sub-No. 85), filed July 15, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, materials, supplies and accessories used in installation or distribution thereof*, from the plantsite or storage facilities of the United States Gypsum Co. at Greenville, Miss., to points in Kansas, Oklahoma, Texas, New Mexico and Colorado. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant request it be held at Oklahoma City, Okla.

No. MC 118959 (Sub-No. 46), filed July 10, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. 63701. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, compounds, joint sealer, bonding cement, plastic and plastic products* (except commodities in bulk), and *materials and supplies* used in the installation of plastic and plastic products, from Social Circle, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, New York, and Rhode Island. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract carrier authority in MC-125664, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or St. Louis, Mo.

No. MC 118989 (Sub-No. 32), filed July 16, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, metal, paper, plastic or composite and/or components thereof or related equipment and supplies* used in the sales and distribution of said containers, from points in Cook and Kane Counties, Ill.; Hoopeston, Ill.; Indianapolis and Austin, Ind.; Detroit, Mich.; Kansas City and St. Louis, Mo.; Delaware, Ohio; and Milwaukee, Wis., to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 119619 (Sub-No. 15), filed July 22, 1969. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, Ill. 60609. Applicant's representaive: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, packinghouse products*, as defined in section A of appendix I of the report of *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Postville, Iowa, to points in Wisconsin, Illinois, Indiana, Ohio, and Michigan. NOTE: Applicant states that tacking is possible at points in Ohio, as well as Illinois for further transportation to points in numerous eastern States. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 119656 (Sub-No. 3), filed July 24, 1969. Applicant: NORTH EXPRESS, INC., 219 East Main Street, Winamac, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal tubing*, from the plantsite of Plymouth Tube Division of Van Pelt Corp. at or near Winamac, Ind., to points in Ohio. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119767 (Sub-No. 223), filed July 24, 1969. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pig tanning skins*, from Fort Atkinson, Wis., to Rockford, Mich., and Muscatine, Iowa; and (2) *clay*, in packages, from points in Pulaski County, Ill., to points in Kansas. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 119777 (Sub-No. 156), filed July 17, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (except commodities which because of size or weight require the use of special equipment), from points in Putnam County, Ill., to points in Colorado, Idaho, Montana, Utah, and Wyoming, and; (2) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture and processing of iron and steel articles, from points in Colorado, Idaho, Montana, Utah, and Wyoming to points in Putnam County, Ill. NOTE: Applicant states it presently holds contract authority under its MC 126970 and subs thereunder, therefore common control and dual operations may be involved. Applicant further states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Louisville, Ky.

No. MC 119908 (Sub-No. 5), filed July 14, 1969. Applicant: WESTERN LINES, INC., 3523 North McCarty, Houston, Tex. Applicant's representative: William P. Jackson, Jr., Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and machinery*, between points on the Arkansas River in the State of Arkansas, Natchez, Greenville, and Vicksburg, Miss., Vidalia and Tallulah, La., on the one hand, and, on the other, points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas. NOTE: Applicant states tacking to provide a through service at points common to presently held authority and requested authority from Houston, Tex., to points within 400 miles within Houston, Tex., at certain points on the Arkansas River within 400 miles of Houston to provide a through service to points in Missouri. Applicant holds contract carrier authority under MC 110814 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 119917 (Sub-No. 25), filed July 21, 1969. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, Ga. 30316. Applicant's representative: Monty Schumacher, 2045 Peachtree Road NE., Suite 310, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products, and candy and confectionery, and advertising and printed matter, store display racks and stands, and related equipment and supplies*, when moving in conjunction with and as a part of the same shipment with bakery products and candy and confectionery, from Macon, Ga., to points in Florida. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Chicago, Ill.

No. MC 123048 (Sub-No. 157), filed July 11, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements;* (2) *tractors;* and (3) *parts* of the commodities described in (1) and (2) above, from ports of entry on the international boundary line of the United States and Canada located at Detroit, Mich., and Maine to points in the United States except Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Florida, and Hawaii. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123048 (Sub-No. 158), filed July 11, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Bleachers and grandstands;* and (b) *bleacher and grandstand parts* from Rochester, Ind., to points in the United States (except Alaska, Chicago, Ill., and its commercial zone, Hawaii, Indiana, and the Lower Peninsula of Michigan); and (2) *lumber* from points in Alabama, Arkansas, Idaho, Louisiana, Mississippi, Montana, Oregon, Tennessee, Texas, and Washington, to Rochester, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123057 (Sub-No. 10), filed July 11, 1969. Applicant: JAMES RICCIARDI & SONS, INC., 203 Fillmore Street, Staten Island, N.Y. 10301. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, joint treatment products, paint products, and materials, supplies, and products* used in the manufacture, installation, distribution, and application of the aforementioned products (except in bulk), between the plants and warehouses of United States Gypsum Co., Staten Island, N.Y., on the one hand, and, on the other, points in New Jersey, New York, Connecticut, Maine, Massachusetts, Rhode Island, New Hampshire, Vermont, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123819 (Sub-No. 28), filed July 24, 1969. Applicant: ACE FREIGHT LINE, INC., 261 East Webster, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and dog food*, from the plantsites of Allen Canning Co., located at Gentry and Siloam Spring, Ark., at a point approximately 10 miles east of Siloam Spring, Ark.; Kansas and Proctor, Okla.; to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Louisiana, Mississippi, Arkansas, and Oklahoma. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 123821 (Sub-No. 8), filed July 14, 1969. Applicant: LESTER R. SUMMERS, INC., Rural Delivery No. 1, Post Office Box 239, Ephrata, Pa. 17522. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, from points in Lancaster County, Pa.,

to points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem Counties, N.J. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123993 (Sub-No. 9), filed July 22, 1969. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 1504, Crowley, La. 70526. Applicant's representative: Autin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel*, from Fairfield and Gadsden, Ala., to Crowley, La. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 41116 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La., or Houston, Tex.

No. MC 124181 (Sub-No. 10), filed June 27, 1969. Applicant: JOSEPH GENOVA, Clayton Road, Williamstown, N.J. 08094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers, ends, caps, and covers;* (a) from Philadelphia and Morrisville (Bucks County), Pa., to Williamstown and Glassboro, N.J., under contract with Violet Packing Co., National Fruit Product Co., and Ron Son Mushroom Product Co., Inc.; (b) from Baltimore, Md., to Gloucester, N.J., under contract with DiLullo & Sons; and (2) *foodstuffs*, in mechanical refrigerated equipment, from New York, N.Y., to Williamstown, N.J., Baltimore, Md., Washington, D.C., and Philadelphia, Pa., and from Williamstown, N.J., to Baltimore, Md., Washington, D.C., and Philadelphia, Pa., under contract with Joseph L. Sclafani, Inc., of New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New York, N.Y., or Philadelphia, Pa.

No. MC 124211 (Sub-No. 131), filed July 15, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, other than citrus, and, *related advertising matter and premiums;* (1) from Monroe and Sheboygan, Wis., to points in Nebraska; and (2) from points in Alabama, Florida, and Louisiana, to points in Alabama, Florida, Georgia, Kentucky, Tennessee, and those in the United States on and west of U.S. Highway 31 (except Hawaii). Restriction: The authority sought herein, to the extent it duplicates authority held by or heretofore granted to carrier, shall not be construed as conferring more than one operating right, severable by sale or otherwise. NOTE: Applicant states that while it is possible to tack the sought authority with authority presently held, it would tack only as an incidental or secondary purpose of this application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124211 (Sub-No. 132), filed July 15, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages, beverage concentrates, and related advertising matter and premiums;* (1) from Hayward, Calif., and Omaha, Nebr., to Denver, Colo.; Sunman, Ind.; Lenexa, Kans.; Kenner, La.; St. Paul, Minn.; Kansas City and Maryland Heights, Mo.; Omaha, Nebr.; Fort Worth, Tex.; Salt Lake City, Utah; and Random Lake, Wis.; (2) from Denver, Colo., to points in Kansas, New Mexico, and Oklahoma, and those in Texas on and west of U.S. Highways 83 and 277; (3) from Kansas City, Mo., and points in the commercial zone thereof, to points in Arkansas, Kansas, Missouri, Nebraska, Oklahoma, and Texas; and (4) from St. Louis, Mo., to points in Arkansas, Kansas, Louisiana, Oklahoma, Tennessee, and Texas. Restriction: The authority sought herein, to the extent it duplicates authority now held by or heretofore granted to carrier, shall not be construed as conferring more than one operating right severable by sale or otherwise. NOTE: Applicant states that while it is possible to tack the authority sought with authority presently held, it would be only as an incidental or secondary purpose of this application. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 124236 (Sub-No. 32), filed July 22, 1969. Applicant: CEMENT EXPRESS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Ellis County, Tex., to points in Arkansas. NOTE: Applicant states it will tack the authority sought in this instant application with its presently held authorities where feasible. Applicant states no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 124813 (Sub-No. 70), filed July 14, 1969. Applicant: UMTHUN TRUCKING CO., a corporation, Eagle Grove, Iowa 50533. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, quick and hydrate*, in bags, from the plantsites and storage facilities utilized by Marblehead Lime Co. at or near Hannibal, Mo.; Marblehead, Quincy, Chicago, and Thornton, Ill.; to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant holds contract carrier authority under Docket No. MC 118468 Sub 16 et al., therefore, dual operations may be involved. Applicant states it holds authority to transport feed ingredients from Eagle Grove, Muscatine, and Davenport, Iowa, and two plantsites at or near Cedar Rapids and Montpelier, Iowa, to points in Illinois and Missouri. The commodities involved here can be used as feed ingredients. Substantial circuity would be involved in operation involving tacking of the involved authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 124896 (Sub-No. 2), filed July 18, 1969. Applicant: WILLIAMSON TRUCK LINES, INC., Post Office 64, Wilson, N.C. 27893. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Peanuts*, processed including roasted, blanched, and boiled, from Edenton and Dublin, N.C.; and Franklin and Suffolk, Va., to points in the United States (except Alaska and Hawaii); (2) *fish*, processed including pickled, brined, marinated, and smoked, from points in Bertie County, N.C., and Northumberland County, Va., to Chicago, Ill.; St. Paul-Minneapolis, Minn., and Milwaukee, Wis., and *used containers*, on return; and (3) *glass jars and glass containers*, from points in Indiana and Wisconsin to points in Bertie County, N.C., and Northumberland County, Va. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Richmond, Va.

No. MC 124987 (Sub-No. 13), filed July 17, 1969. Applicant: EARL L. BONSACK AND ELAINE M. BONSACK, a partnership, doing business as EARL L. BONSACK, 512 West Plainview Road, La Crosse, Wis. 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse and Sheboygan, Wis., to points in Iowa (except Cedar Rapids); Yankton, Turner, Minnehaha, Lincoln, and Clay Counties, S. Dak.; Douglas, Lancaster, and Dodge Counties, Nebr.; Dakota, Scott, Carver, Washington, Hennepin, Anoka, and Ramsey Counties, Minn.; under contract with G. Heileman Brewing Co., Inc., La Crosse, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at La Crosse, Wis.

No. MC 125358 (Sub-No. 3), filed July 14, 1969. Applicant: MID-WEST TRUCK LINES, LTD., 1216 Fife Street, Winnipeg, Manitoba, Canada. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal offal*, from ports of entry on the international boundary line between the United States and Canada located at Pembina, N. Dak.; Noyes and International Falls, Minn.; and Detroit, Mich.; to Davenport, Iowa; Jefferson, and Madison, Wis.; Chicago, Rockford, and Decatur, Ill.; Saugatuck, Mich.; Cleveland and Marion, Ohio; Harrisburg, Allentown, Philadelphia, and Camp Hill, Pa.; and Princess Anne, Md.; under contract with A. Christensen Co., Ltd., Winnipeg, Manitoba, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 125820 (Sub-No. 6), filed July 18, 1969. Applicant: ELK VALLEY FREIGHT LINE, INC., 317 Arlington Avenue, Nashville, Tenn. 37210. Applicant's representative: R. P. Beadle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, livestock, household goods as defined by the Commission, and those requiring special equipment), between Nashville, Tenn., and New Orleans, La., from Nashville over Interstate Highway 40 to junction Interstate Highway 240, thence over Interstate Highway 240 to junction Interstate Highway 55, thence over Interstate Highway 55 (also U.S. Highway 51) to junction U.S. Highway 61 near Laplace, La., thence over U.S. Highway 61 to New Orleans, and return over the same route, serving the intermediate points of Brookhaven, Miss., and McComb, Miss., and points within a 10-mile radius of each. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126222 (Sub-No. 6), filed July 22, 1969. Applicant: JOHN A. SIEFERT AND JOSEPH J. SIEFERT, a partnership, doing business as SIEFERT BROS. TRUCKING CO., Post Office Box 310, Du Quoin, Ill. 62832. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, 411 North Seventh Street, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass tubing*, from the plantsite and warehouse facilities of Corning Glass Works, Parkersburg, W. Va., to Wheaton Glass Co. at or near Wamac, Ill., and *empty pallets and packing materials*, on return, under contract with Wheaton Glass Co. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 126402 (Sub-No. 8), filed July 14, 1969. Applicant: JACK WALKER TRUCKING SERVICE, INC., 844 Loudon Avenue, Lexington, Ky. 40408. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Winston-Salem, N.C., to points in Kentucky; and (2) from the brewery site of Pabst Georgia Brewing Co. near Perry, Houston County, Ga., to points in Kentucky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 126514 (Sub-No. 15), filed July 22, 1969. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, 5200 West Bethany Home Road, Glendale, Ariz. 85301, mailing address, Post Office Box 392, Phoenix, Ariz. 85001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Greeting cards, envelopes, sample albums, wrapping and related trappings*, from Boston, Springfield, Leominster, and Webster, Mass., Nashua, N.H., North Bennington, Vt., White Plains, Elmira, and New York, N.Y., Pittsburgh and Philadelphia, Pa., Cincinnati, Ohio, and Cicero, Ill., to Oakland and Livermore, Calif. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 126600 (Sub-No. 5), filed July 16, 1969. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Material handling and processing equipment, elevator equipment, power transmission equipment, foundry castings and materials and supplies* used in the manufacture of such commodities, between Concordia, Kans., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii, under contract with the Ehrsam Co. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 126920 (Sub-No. 1), filed June 30, 1969. Applicant: ROBERT L. HERZOG, Rural Delivery No. 3, Valley Road, Smethport, Pa. 16749. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, from the plantsites of Dale E. Elliott Lumber Co., at Shinglehouse (Potter County); Braford (McKean County); and Emporium (Cameron County), Pa., to points in New York, New Jersey, Ohio, Indiana, Michigan, North Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 127019 (Sub-No. 5), filed July 3, 1969. Applicant: LA RUE LAMB, doing business as LA RUE LAMB TRUCKING, Myton, Utah 84052. Applicant's representatives: Wood R. Worsley or Stuart L. Poelman, 701 Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated gilsonite* (natural asphaltum) in bulk, from points in Duchesne and Uintah Counties, Utah, to points in Missouri. NOTE: Applicant states it will tack with its MC 127019 Sub 3 enabling service to points in Utah, Washington, Oregon, California, Montana, Idaho, Nevada, Arizona, Wyoming, Colorado, New Mexico, Oklahoma, Kansas, Nebraska, and Missouri in anticipation of split shipments. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 127628 (Sub-No. 3), filed July 22, 1969. Applicant: HUDSON TRANSFER & WAREHOUSE CO., doing business as FRONTIER FORWARDING SERVICE, a corporation, 4600 North Santa Maria Road, Laredo, Tex. 78040. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Val Verde, Edwards, Brooks, La Salle, Kinney, Maverick, Duval, Zavala, Dimmit, Uvalde, Webb, Zapata, Jim Wells, and Jim Hogg Counties, Tex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Laredo or San Antonio, Tex.

No. MC 127834 (Sub-No. 36), filed June 23, 1969. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Nashville, Tenn., to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128067 (Sub-No. 1), filed July 23, 1969. Applicant: WILMER F. BURNS, 631 Scenery Drive, Elizabeth, Pa.

15037. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, (1) from points in Delaware, Illinois, Indiana, Michigan, New Jersey, New York, and Ohio to points in Allegheny, Beaver, Washington, and Westmoreland Counties, Pa., (2) from Baltimore, Md., Carteret, N.J., and Solvay and Syracuse, N.Y., to Luke, Md., (3) from Carteret, N.J., and Solvay, N.Y., to Bellaire, Toronto, and Steubenville, Ohio, and Weirton and Wheeling, W. Va., and (4) from points in the Borough of Lincoln, Allegheny County, Pa., to points in West Virginia, under a continuing contract or contracts with Chemply, Inc., of Elizabeth, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 128146 (Sub-No. 3), filed July 7, 1969. Applicant: TED W. BETLEY, Post Office Box 196, Amberg, Wis. 54102. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 54402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media* and *business records*, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, points in the Upper Peninsula of Michigan, points in Douglas, Bayfield, Ashland, Iron, Vilas, Burnett, Washburn, Sawyer, Price, Oneida, Forest, Florence, Polk, Barron, Rusk, Taylor, Lincoln, St. Croix, Dunn, Chippewa, Pierce, Pepin, Eau Claire, Buffalo, Trempealeau, and La Crosse Counties, Wis., and Green Bay, Wis. NOTE: Applicant states it presently holds duplicating authority in its MC 128146 and Sub-1 which duplicates in part authority sought herein. Applicant further states it could tack at Green Bay, Wis., for service to additional Wisconsin counties but no tacking is intended. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Madison, Wis.

No. MC 128811 (Sub-No. 2), filed July 7, 1969. Applicant: TRANSTEEL FREIGHTWAYS, INC., 1000 South Fourth Street, Harrison, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those which require the use of special equipment), from the plant and warehouse sites of Jones and Laughlin Steel Corp. and Harris and Sons Steel Co., Pittsburgh, Pa., to points in Connecticut, Rhode Island, Massachusetts, New York, New Jersey, Delaware, Maryland, and the District of Columbia, under contract with Harris and Sons Steel Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128922 (Sub-No. 2), filed July 2, 1969. Applicant: CHESTER FRY AND MARIE E. FRY, a partnership, doing business as FRY TRUCKING, Wilton Junction, Iowa 52778. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed, animal and poultry feed ingredients, animal and poultry health and related products, insecticides, pesticides, empty bags and containers, advertising matter and premiums*, between Kansas City, Mo.; Norfolk, Nebr.; and Geneseo, Ill.; (2) *feed and feed ingredients*, from Albert Lea, Minn., to points in Illinois and Wisconsin, (3) *iron oxide, ground ore, ground ferro alloys, mineral feed ingredients and mixes, and mineral fertilizer ingredients and mixes*, between Quincy, Ill., and Bowmanstown, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (4) *feed, feed ingredients, feed specialties, fly spray, and livestock minerals and supplements*, from Madison, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin; and (5) *feed and feed ingredients, and containers*, between Winfield, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant has a pending contract carrier applicant under MC 125871 Sub 2. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 129124 (Sub-No. 4), filed July 10, 1969. Applicant: SAMUEL J. LANSBERRY, Woodland, Pa. 16881. Applicant's representative: S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising matter* moving in connection therewith, from Du Bois, Pa., to points in Delaware, Georgia, Maryland, Michigan New Jersey, New York, North Carolina, Ohio, South Carolina, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 129307 (Sub-No. 18), filed July 17, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representatives: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603, and Leonard R. McKee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen foods and frozen bakery goods*, from the plantsites and warehouse facilities utilized by the Kitchens of Sara Lee, Division of Consolidated Foods Corp., Deerfield, Ill., and Chicago, Ill., to points in Michigan and Lucas County, Ohio, restricted to traffic originating at the plantsites and warehouse facilities utilized by the Kitchens of Sara Lee, Division of Consolidated Foods Corp. NOTE: Applicant holds contract authority under MC 119394, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129361 (Sub-No. 4), filed June 23, 1969. Applicant: CARPENTER TRANSFER, INC., Box 161, Mankato, Minn. 65001. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, fruit drinks and juices*, from North Mankato, Minn., to Fort Dodge, Iowa, and Sioux Falls, S. Dak. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 129403 (Sub-No. 4), filed July 18, 1969. Applicant: A.N.R. TRUCKING CO., INC., 518 West 29th Street, New York, N.Y. 10001. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys*, stuffed and unstuffed, and *music boxes*, from points in that part of New York, N.Y., commercial zone, as defined by the Commission, and from Port Newark and Port Elizabeth, N.J., to Middlesex, N.J., restricted to shipments having a prior movement by water, under contract with Knickerbocker Toy, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 129870 (Sub-No. 1), filed July 7, 1969. Applicant: GAS INCORPORATED, 95 East Merrimack Street, Lowell, Mass. 01853. Applicant's representatives: William R. Connole, 1000 Connecticut Avenue NW., Washington, D.C. 20036, and William P. Sullivan, 1819 H Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid methane* in bulk; (1) from Philadelphia, Pa., to points in Connecticut, Massachusetts, and Kings, Queens, Nassau, Richmond, and Suffolk Counties, N.Y.; and (2) from points in Kings and Richmond Counties, N.Y., to points in Connecticut and Massachusetts, under a continuing contract with Lowell Gas Co. of Lowell, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133082 (Sub-No. 2), filed July 23, 1969. Applicant: JAMES E. MOORE, doing business as MOORE'S HAULING, Broad Street and Summeytown Pike, Lansdale, Montgomery County, Pa. 19446. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted to shipments having an immediate prior or subsequent movement by aircraft, between the Philadelphia International Airport on the one hand, and, on the other, points in Bucks and Montgomery Counties, Pa. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 133410 (Sub-No. 1), filed July 18, 1969. Applicant: BRADFORD HAGEN BRIAN, doing business as BRIAN DELIVERY SERVICE, 4820 Laurel Street, Baton Rouge, La. 70806. Applicant's representative: Gilbert L. Dozier, Suite 601, Roumain Building, Baton Rouge, La. 70801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, toilet articles, and premiums;* and (2) *equipment and supplies* used in connection with items in (1) above, from Baton Rouge, La., to points in Rapides, Avoyelles, Beauregard, Allen, Evangeline, St. Landry, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, Washington, St. Tammany, Calcasieu, Jefferson Davis, Acadia, Lafayette, St. Martin, West Baton Rouge, East Baton Rouge, Livingston, Iberville, Ascension, St. John the Baptist, St. Charles, Iberia, Cameron, Vermilion, St. Mary, Assumption, St. James, Orleans, St. Bernard, Terrebonne, Lafourche, Jefferson, and Plaquemines Parishes, La.; under contract with Avon Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 133520 (Sub-No. 2), filed July 24, 1969. Applicant: ALBERT RODREGOUS, doing business as AL RODREGOUS ENTERPRISES, 1408 Hill Drive, Antioch, Calif. 94509. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel piping, steel pipe, and asbestos cement pipe*, from Concord, Calif., to points in Clark, Washoe, Douglas, Ormsby, Storey, Nye, Lyon, Mineral, and Churchill Counties, Nev., under contract with Jay Forni, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 133549 (Sub-No. 2), filed July 7, 1969. Applicant: STANLEY L. BERVEN, 1233 Third Avenue SW., Lemars, Iowa 51031. Applicant's representative: Wallace W. Huff, 314 Security Building, Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, and animal and poultry food supplements, from* the plantsite of O. A. Cooper Co., of South Sioux City, Nebr., to points in Iowa on and west of U.S. Highway 69 (excluding Des Moines, Iowa), and points in South Dakota on and south of U.S. Highway 18 east of the Missouri River, under contract with O. A. Cooper Co., of South Sioux City, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City Iowa.

No. MC 133601 (Sub-No. 1), filed July 18, 1969. Applicant: SAMUEL LOWY, doing business as RAILROAD AUTO TRANSPORT, 152 West 42d Street, New York, N.Y. 10036. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, with or without baggage and personal effects, between points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, and Massachusetts, on the one hand, and on the other, points in Florida. Restriction: Limited to the utilization of rail-substituted service between railroad trailer-on-flat-car ramps in Florida, on the one hand, and, on the other, railroad trailer-on-flat-car ramps in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, and Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Miami, Fla.

No. MC 133633 (Sub-No. 2), filed July 7, 1969. Applicant: HIGHWAY EXPRESS, INC., 712 East Second Street, Post Office Box 1326, Hattiesburg, Miss. 39401. Applicant's representative: Michael E. West (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, lumber, gasoline, coal, sand, gravel, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Hattiesburg, Miss., and New Orleans, La.; from Hattiesburg, Miss., to New Orleans, La., over U.S. Highways 11 and 90 and/or Interstate Highways 59 and 10, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and (2) between Gulfport, Miss., and New Orleans, La.; from Gulfport, Miss., to New Orleans, La., over Interstate Highway 10 and return over the same route serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 133777 (Sub-No. 2), filed July 14, 1969. Applicant: METAL CARRIERS, INC., Route 1, Post Office Box 91B, Grapevine, Tex. 76051. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Box 17007, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap aluminum and scrap nonferrous metals*, between points in Texas, Arkansas, Oklahoma, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Little Rock, Ark.

No. MC 133783 (Clarification), filed June 2, 1969, published in the FEDERAL REGISTER issues of June 19, 1969, and July 17, 1969, and republished as clarified this issue. Applicant: JOEL TRANSPORT, INC., 43 Chernucha Avenue, Merrick, N.Y. 11566. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between the facilities of ABC Freight Forwarding Corp., Midland Forwarding Corp., and Blue Ribbon Express, Inc., located at New York, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y. (restricted to shipments having prior or subsequent movement via Freight Forwarder). NOTE: The purpose of this republication is to reflect a change in the restriction paragraph as above. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 133815 (Sub-No. 1), filed July 24, 1969. Applicant: ERWIN D. PETET AND DAVID G. PETET, doing business as PETET TRUCKING COMPANY, a partnership, Route 6, Box 610, Nampa, Idaho 83651. Applicant's representative: Dennis J. Sallaz, 817 West Franklin Street, Boise, Idaho 83702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp, and pellet, and insulage* in bulk from points in Malheur County, Oreg., to points in Ada, Canyon, Gem, Payette, and Owyhee Counties, Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise or Nampa, Idaho.

No. MC 133850, filed June 25, 1969. Applicant: SHELDON TRANSPORTATION CO., INC., Post Office Box 171, Sheldon, Ill. 60966. Applicant's representative: Charles R. Young, 4 West Seminary Street, Danville, Ill. 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* which have a prior or subsequent movement by air (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commodities injurious or contaminating to other lading), between points in Iroquois, Vermilion, Kankakee, Ford, Will, and Livingston Counties, Ill., and O'Hare International Airport, Chicago, Ill.; Chicago Midway Airport, Chicago, Ill.; and Vermilion County Airport, Vermilion, County, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 133871, filed July 3, 1969. Applicant: SHELLY'S EXPRESS, INC., Summit Avenue and Reading Railroad, Fort Washington, Pa. 19034. Mailing address: Post Office Box 98, Fort Washington, Pa. 19034. Applicant representative: Raymond A. Thistle, Jr., 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except classes A and B explosives, household goods as defined by Commission, commodities in bulk and those requiring special equipment, between the Philadelphia International Airport and the North Philadelphia Airport on the one hand, and, on the other, points in Bucks, Berks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and Atlantic, Burlington, Camden, and Ocean Counties, N.J., restricted to shipments having an immediate prior or subsequent movement by aircraft. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 133912 (Sub-No. 1), filed July 22, 1969. Applicant: WRIGHT TRANSFER CO., INC., 35 East Fairfield Drive, Pensacola, Fla. 32501. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Escambia, Santa Rose, and Okaloosa Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pensacola, Fla.

No. MC 133917, filed July 25, 1969. Applicant: CARTHAGE FREIGHT LINE, INC., Post Office Box 194, Carthage, Tenn. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities*; (a) between Nashville and Granville, Tenn.: From Nashville over Tennessee Highway 24 to Chestnut Mound, thence over Tennessee Highway 53 to Granville, and return over same route, serving Carthage and all intermediate points, except those between Nashville and South Carthage (junction of Tennessee Highways 24 and 53); (b) from Carthage to Dixon Springs, over Tennessee Highway 25, and return over same route, serving all intermediate points and the off-route point of Monoville, and from Carthage to Granville over Tennessee Highway 53 to Granville and return, serving all intermediate points; (c) between Granville and Gainesboro, Tenn., over Tennessee Highway 53, serving all intermediate points; and (d) from Gainesboro to Nashville over Tennessee Highway 85: From Gainesboro to its junction with Tennessee Highway 25 at or near Carthage, thence over Tennessee Highway 25 to Gallatin, Tenn., thence over Tennessee Highway 6 to Nashville, and return over same route, serving all intermediate points between Dixon Springs, including Dixon Springs and Gainesboro, but with closed doors between Nashville and Dixon Springs, not including Dixon Springs; and (2) *general commodities* (except household goods, classes A and B explosives, commodities in bulk, and articles requiring special equipment); (a) between junction of U.S. Highway 70 and Tennessee Highway 141, and Lancaster, Tenn., over Tennessee Highway 141, serving all intermediate points and the off-route point of Hickman, but excluding service at Lebanon, Tenn., and points in its commercial zone; (b) from the junction of Tennessee Highway 141 and Tennessee Highway 53 over Tennessee Highway 53 to Brush Creek, Tenn., and return over same route, serving all intermediate points; and (c) from Chestnut Mound over unnumbered road via Stonewall to junction with Tennessee Highway 141, and return over same route, serving all intermediate points. NOTE: By this application, applicant seeks to covert present certificate of registration issued in Docket MC-120791 covering the authority set out in (1) above, and to convert the pending application of Horton Austin Key, doing business as Carthage Freight Line, for a certificate of registration in (2) above, wherein the Tennessee Public Service Commission has granted intrastate authority duplicating (2) above, and which authority is also the subject of transfer to the applicant herein. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 133918 (Sub-No. 1), filed July 25, 1969. Applicant: D. F. MILLER, Box 45, McKeansburg, Pa. 17960. Applicant's representatives: Robert H. Griswold and S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the facilities of Reading Anthracite Coal Co. in Mount Carmel and Zerbe Townships (Northumberland County), Pa., and New Castle and Norwegian Townships (Schuylkill County), Pa., to points in Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 416) (correction), filed June 30, 1969, published FEDERAL REGISTER, issue of July 31, 1969, and republished as correct, this issue. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). NOTE: The purpose of this republication is to show the correct docket number assigned thereto, in lieu of No. MC 3649 (Sub-No. 416), as shown in previous publication, which was in error.

No. MC 67629 (Sub-No. 6), filed July 22, 1969. Applicant: NORTHERN TRANSPORTATION CO., a corporation, 218 North Fifth Avenue, Virginia, Minn. 55792. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, package express, and newspapers*, in charter operations; (a) between Duluth, Minn., and the Canadian border (Pigeon River) over U.S. Highway 61, and return over the same route, serving all intermediate points, and serving Knife River, Minn., over unnumbered Minnesota highway, as an off-route point; (b) between Duluth and Cloquet, Minn.: From Duluth over U.S. Highway 61 to the junction with Minnesota Highway 45, thence over Minnesota Highway 45 to the junction with Minnesota Highway 33, thence over Minnesota Highway 33 to Cloquet, and return over the same route, serving all intermediate points; and (c) between Cloquet and Motley, Minn.: From Cloquet over Minnesota Highway 33 to its junction with Minnesota Highway 210, thence over Minnesota Highway 210 to the junction with Minnesota Highway 64 at Motley, Minn., and return over the same route, serving all intermediate points. NOTE: Applicant states it would connect and join at Duluth, Minn., to give through service to Virginia, Hibbing, and International Falls, Minn., and intermediate points. If a hearing is deemed necessary, applicant requests it be held at Duluth, St. Paul, or Minneapolis, Minn.

No. MC 129131 (Sub-No. 1), filed June 11, 1969. Applicant: AMOS C. CLARK, Post Office Box 733, Red Lodge, Mont. 59068. Applicant's representative: Jerome Anderson, Post Office Box 1215, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Red Lodge, Mont., and Twin Lakes and Gardner Headwalls (a ski area located within 5 miles of the Montana-Wyoming State border), over U.S. Highway 212, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 133903, filed July 14, 1969. Applicant: RAPPAHANNOCK VALLEY LINES, INC., 310 Charlotte Street, Fredericksburg, Va. 22401. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, Va. 23220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between Fredericksburg, Va., and points in Stafford, Prince William, and Fairfax Counties, Va., on the one hand, and, on the other, Washington, D.C. NOTE: Applicant states the passengers proposed to be transported will be commuting Federal employees on a reserved assigned seat basis. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

APPLICATIONS FOR BROKERAGE LICENSE

No. MC 12761 (Sub-No. 1), filed July 7, 1969. Applicant: EDWIN BORTNER, Rural Delivery No. 1, Sharpsville, Pa. For a license (BMC 5) to engage in operation as a *broker* at Sharpsville, Pa., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, in special and charter operations beginning and ending at points in Mahoning, Trumbull, and Ashtabula Counties, Ohio; and Butler County, Pa., to points in the United States including Alaska and Hawaii; and points of entry to the United States and from said points to the Provinces of Ontario, Quebec, and Nova Scotia, Canada.

No. MC 130093, filed July 16, 1969. Applicant: BARON TEEN TOURS, INC., 6 Grace Avenue, Room 301, Great Neck, N.Y. 11021. Applicant's representative: Arthur I. Hirsch, 565 Fifth Avenue, New York, N.Y. 10017. For a license (BMC 5) to engage in operations as a *broker* at Great Neck, N.Y., and Denver, Colo., in arranging for transportation by motor vehicle, in interstate and foreign commerce, of *individual passengers, groups of passengers, and baggage of passengers*, (a) in round-trip all-expense tours beginning and ending at Great Neck, Long Island, N.Y., to points in the United States; and (b) one-way all expense tours beginning at Denver, Colo., proceeding to points in the United States and terminating at New Orleans, La. NOTE: Applicant states as to (b) above, patrons will travel by air from Long Island to Denver and will return by air to Long Island from New Orleans, thus the one-way tours will have both a prior and subsequent air-haul.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 102048 (Sub-No. 2), filed July 9, 1969. Applicant: ARMSTRONG WAREHOUSE & TRANSFER, INC., 500 East 50th Street, Lubbock, Tex. Applicant's representative: John C. Sims, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and personal effects*, restricted to traffic having a prior or subsequent out of State movement by rail, motor, water, or air, between points within a 100-mile radius of Lubbock, Tex., and (1) further restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and (2) further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted.

No. MC 107064 (Sub-No. 74), filed July 22, 1969. Applicant: STEERE TANK LINES, INC., Post Office Box 2998, 2808 Fairmont Street, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid livestock feedstuffs*, in bulk, from points in Texas, to points in Missouri, Kansas, Nebraska, Colorado, New Mexico, Arizona, Tennessee, and Mississippi. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states it does not seek duplicating authority.

No. MC 116279 (Sub-No. 5), filed July 22, 1969. Applicant: JOHN H. BLACK, doing business as BLACK'S TRANSFER, Main Street, Appalachia, Va. 24216. Applicant's representative: Carl E. McAfee, Professional Arts Building, 1022 Park Avenue, Norton, Va. 24273. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, cosmetics, waxes and polishes, brushes and household specialties*, from Richmond, Va., to points in Sullivan County, Tenn., under contract with Stanley Home Products.

No. MC 133891, filed July 9, 1969. Applicant: ARMSTRONG MOVING & STORAGE, INC., 1919 Record Crossing, Dallas, Tex. 75235. Applicant's representative: John C. Sims, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, within a 50-mile radius of Dallas, Tex.; within a 50-mile radius of Wichita Falls, Tex.; within a 100-mile radius of Midland, Tex.; and within a 50-mile radius of Lawton, Okla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

No. MC 133900, filed July 14, 1969. Applicant: U.S. TRANSFER COMPANY, a corporation, 1509 North Eighth Street, Coos Bay, Oreg. 97420. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Coos and Curry Counties, Oreg., and those in Douglas and Lane Counties, Oreg., within a radius of 50 miles of Coos Bay, Oreg., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 139), filed July 8, 1969. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations only, (1) between Yermo and Calico, Calif., over unnumbered highway. NOTE: The above proposed special operations service to be authorized over a route to be numbered and described on revised certificate Sheet No. 52-A of certificate No. MC 1515 (Sub-No. 7), and (2) between junction Interstate Highway 40 (U.S. Highway 66) and unnumbered highway at the northern entrance to Petrified Forest National Park, and Holbrook, Ariz., from junction Interstate Highway 40 (U.S. Highway 66) and unnumbered highway at the northern entrance to Petrified Forest National Park, over unnumbered highway through the Petrified Forest National Park to junction U.S. Highway 180, thence over U.S. Highway 180 to junction Interstate Highway 40 (U.S. Highway 66) at Holbrook. NOTE: The above proposed special operations service to be authorized over a route to be numbered and described on a revised Sheet No. 5 of certificate MC 1515 (Sub-No. 7).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-9540; Filed, Aug. 13, 1969; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 11, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41714—*Class and commodity rates from or to Riverside, Pa.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2954), for interested rail carriers. Rates on various commodities except coal and coke and rates determined on basis of mileage scales applying from and to individual points, between Riverside, Pa., on the Lehigh Valley Railroad Co., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 41715—*Soil compounds from Wellsville, Colo.* Filed by Western Trunk Line Committee, agent (No. A-2595), for interested rail carriers. Rates on fertilizer, viz.: soil compounds containing one or more of various ingredients, as described in the application, in carloads, from Wellsville, Colo., to points in official territory.

Grounds for relief—Market competition.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-9606; Filed, Aug. 13, 1969; 8:46 a.m.]

[Notice 886]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 11, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22426 (Sub-No. 10 TA) (Correction), filed July 16, 1969, published FEDERAL REGISTER, issue of August 1, 1969, and republished as corrected this issue. Applicant: LONGVIEW MOTOR TRANSPORT, INC., 763 Seventh Avenue, Longview, Wash. 98632. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. NOTE: The purpose of this republication is to correct the alternate route in (1) which gave Washington Highway 193 which should have read Washington Highway 103. The rest of the application remains the same.

No. MC 111401 (Sub-No. 286 TA), filed August 1, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock, 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *No. 5 fuel oil*, in bulk, in tank vehicles, from Tulsa, Okla., to Bolivar, Macks Creek, Mansfield, Marion, and Vichy, Mo., for 180 days. Supporting shipper: Jack A. Porter, Vice President, Sales Service, Carter-Waters, 2440 Pennway, Kansas City, Mo. 64108. Send protests to: C. L. Phillips, District Supervisor, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 116402 (Sub-No. 3 TA), filed August 4, 1969. Applicant: R. C. MEYERS, doing business as MEYERS TRANSFER & STORAGE COMPANY, 321 Taylor Street, Magnolia, Ark. 71753. Applicant's representative: Robert J. Gallagher, Suite 703, Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Columbia, Union, Lafayette, Ouachita, Bradley, Cleveland, Lincoln, Drew, Ashley, Desha, and Chicot Counties, Ark., for 180 days. Supporting shipper: Department of the Army, Red River Army Depot, Texarkana, Tex. 75501. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 124078 (Sub-No. 398 TA), filed August 4, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats, greases, and tallows*, in bulk, between points in Waukesha County, Wis., restricted to shipments having an immediate subsequent movement by rail, for 180 days. Supporting shipper: Muskego Rendering Co., Inc., S 81 W21392 Wauer Lane, Muskego, Wis. 53150 (Carl Wauer). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 127042 (Sub-No. 43 TA), filed August 1, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, other than frozen, from Sioux City, Iowa, to points in California, Idaho, Montana, Oregon, Washington, and Casper, Wyo.; Salt Lake City, Utah; Phoenix and Tucson, Ariz.; Albuquerque, N. Mex.; Reno and Las Vegas, Nev.; Denver, Colo.; Rapid City, S. Dak.; Scottsbluff, Grand Island, and Lincoln, Nebr.; and Wichita, Kans.; for 150 days. Supporting shipper: Johnson Biscuit Co., Post Office Box 627, Sioux City, Iowa. Send protest to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 133927 TA, filed August 1, 1969. Applicant: GUY & FORTIN INC., 42, rue de l'Eglise, St-Pamphile, Cte L'Islet, Quebec, Canada. Applicant's representative: Jean Proulx (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from ports of entry on the international boundary between Canada and the United States located in Maine, New Hampshire, Vermont, and New York, to points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Vermont, New York, New Jersey, and Pennsylvania restricted to traffic moving under continuing contracts with Les Materiaux Blanchet Inc., and Lagueux & Freres Inc., for 180 days. Supporting shippers: Les Materiaux Blanchet, Inc., St-Pamphile, Cte L'Islet, Quebec, Canada; Lagueux & Freres Inc., B. P. No. 237, Ville St-Pamphile, Cte L'Islet, Quebec, Canada. Send protests to: District Supervisor Ross J. Seymour, Interstate Commerce Commission, Bureau of Operations, 424 Federal Building, Concord, N.H. 03301.

No. MC 133929 TA, filed August 4, 1969. Applicant: HARRY LEWIS MERCER, doing business as MORVEN SERVICES, INC., 106 Sharon Street, Cheraw, S.C. 29520. Applicant's representative: C. R. Pusser, Jr., Post Office Box 189, Chesterfield, S.C. 29709. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textile (chemicals)*, from Morven, N.C., to Cheraw, S.C., to Society Hill, S.C., for 180 days. Supporting shipper: Dixie Size & Chemical Co., Inc., Morven, N.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 133935 TA, filed July 30, 1969. Applicant: LANDIS, INC., Building 26007, Greater Wilmington Airport, New Castle, Del. 19720. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 28005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts*, in straight or mixed loads, from Wilmington, Del., to points in Maryland, Pennsylvania, Delaware, New Jersey, New York, Massachusetts, District of Columbia, Connecticut, Ohio, Virginia, West Virginia, for account of West Indies Fruit Co., for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

MOTOR CARRIER OF PASSENGERS

No. MC 44770 (Sub-No. 12 TA), filed July 28, 1969. Applicant: ZEPHYR LINES, INCORPORATED, 1114 Currie Avenue, Minneapolis, Minn. 56716. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicles with passengers; (1) between Minneapolis, Minn., and Canby, Minn., from Minneapolis over Minnesota Highway 7 to junction with Minnesota Highway 41, thence over Minnesota Highway 41 to Minnesota Highway 5, thence over Minnesota Highway 5 to Gaylord, Minn.; thence over Minnesota Highway 19 to Marshall, Minn., thence over Minnesota Highway 68 to Canby, Minn., and return over the same route; (2) between Minneapolis, Minn., and Watertown, S. Dak., over U.S. Highway 212; (3) between Madison, Minn., and the junction of U.S. Highway 212 and U.S. Highway 75 over U.S. Highway 75; (4) between St. Paul, Minn., and Webster, Wis.: From St. Paul over U.S. Highway 61 to Forest Lake, Minn., thence over U.S. Highway 8 to junction Wisconsin in Highway 35 to Webster, Wis., and return over the same route; (5) to serve the following routes in Wisconsin: (a) Between Minnesota-Wisconsin State line and the junction Wisconsin Highway 65 near Robert's Corners, over Interstate Highway 94; (b) between junction Wisconsin Highway 65 and Interstate Highway 94 and Star Prairie, Wis., over Wisconsin Highway 65; (c) between Star Prairie, Wis., and Deer Park, Wis., over St. Croix County Highway H; (d) between Deer Park, Wis., and junction U.S. Highway 8 and Wisconsin Highway 46 over Wisconsin Highway 46; (e) between St. Croix Falls and Cameron over Wisconsin Highway 8; (f) between Cameron and Rice Lake over Wisconsin Highway 53, for 150 days. NOTE: Applicant is authorized to tack the above granted authority with its existing authority. Supporting shippers: John A. Marcon, Rice Lake, Wis.; Julius Weiner, Marshall, Minn.; F. A. Ryan, Redwood Falls, Minn.; Minneapolis Traffic Association, Eugene J. Malke, Minneapolis, Minn.; Ruth Gorder, Madison, Minn.; Leonard J. Johnson, Granite Falls, Minn.; Kenneth J. Drake, Watertown, S. Dak. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-9604; Filed, Aug. 13, 1969; 8:48 a.m.]

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PART II

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

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Meat Inspection

Notice of Proposed Rule Making



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[9 CFR Parts 301–330]

MEAT INSPECTION

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C., section 553, that pursuant to the Federal Meat Inspection Act (34 Stat. 1260, as amended by the Wholesome Meat Act of 1967, Public Law 90–201, 81 Stat. 584, 21 U.S.C., Supp. III, 601 et seq.), the Talmadge-Aiken Act of September 28, 1962 (7 U.S.C. 450), and the Act of July 24, 1919 (7 U.S.C. 394), the Consumer and Marketing Service proposes to revise the Federal meat inspection regulations in 9 CFR Parts 301–329 to read as set forth below, including the addition of a new Part 330.

Statement of considerations. The Federal Meat Inspection Act was extensively revised by the Wholesome Meat Act. Such revision of the legislation necessitates or makes appropriate numerous changes in, and additions to, the Federal meat inspection regulations.

This proposed revision of the regulations does not reflect certain other changes in the regulations which have been or may be proposed and will be determined separately. Nor does this document reflect changes made in the present regulations by amendments adopted after February 1, 1969.

All amendments adopted after that date in other rulemaking proceedings under the Acts will be reflected as appropriate in the regulations as finally revised in this proceeding.

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

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PART 301—DEFINITIONS

§ 301.1 Meaning of terms.

As used in this subchapter, unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall also import the feminine, and vice versa.

§ 301.2 Definitions.

As used in this subchapter, unless otherwise required by the context, the following terms shall be construed; respectively, to mean:

(a) *The Act.* The Federal Meat Inspection Act of March 4, 1907, 34 Stat. 1260, as amended by the Wholesome Meat Act of 1967, 81 Stat. 584 (21 U.S.C., Supp. III, secs. 601 et seq.).

(b) *The Department.* The U.S. Department of Agriculture.

(c) *Secretary.* The Secretary of Agriculture of the United States or his delegate.

(d) *Consumer and Marketing Service.* The Consumer and Marketing Service of the Department.

(e) *Administrator.* The Administrator of the Consumer and Marketing Service or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(f) *Program.* The Meat Inspection Program of the Consumer and Marketing Service.

(g) *Inspector.* An inspector of the program.

(h) *Program employee.* Any inspector or other individual employed by the Department who is authorized by the Secretary to do any work or perform any duty in connection with the program.

(i) *Official establishment.* Any slaughtering, cutting, boning, meat canning, curing, smoking, salting, packing, rendering, or similar establishment at which inspection is maintained under the regulations in this subchapter.

(j) *Officer in charge.* The officer in charge of a circuit.

(k) *Circuit.* One or more official establishments included under the supervision of an officer in charge.

(l) *Person.* Any individual, firm, or corporation.

(m) *Firm.* Any partnership, association, or other unincorporated business organization.

(n) *Meat broker.* Any person engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products of livestock on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

(o) *Renderer.* Any person engaged in the business of rendering carcasses or parts or products of the carcasses of any livestock except rendering conducted under inspection or exemption under title I of the Act.

(p) *Animal food.* Any product, intended for use as food for dogs, cats, or other animals, derived wholly or in part from the carcasses or parts or products of the carcasses of any livestock.

(q) *Animal food manufacturer.* Any person engaged in the business of manufacturing or processing animal food.

(r) *State.* Any State of the United States or the Commonwealth of Puerto Rico.

(s) *Territory.* Guam, the Virgin Islands of the United States, American Samoa, and any other Territory or possession of the United States, excluding the Canal Zone.

(t) *Commerce.* Commerce between any State, any Territory, or the District of Columbia, and any place outside thereof; or within any Territory not organized with a legislative body, or the District of Columbia.

(u) *United States.* The States, the District of Columbia, and the Territories of the United States.

(v) *Capable of use as human food.* This term applies to any carcass, or part or product of a carcass, of any animal, unless it is denatured or otherwise identified as required by §§ 325.11 and 325.13 of this subchapter to deter its use as human food, or it is naturally inedible by humans, e.g., hoofs or horns in their natural state.

(w) *Edible.* Intended for use as human food.

(x) *Inedible.* Adulterated, uninspected, or not intended for use as human food.

(y) *Prepared.* Slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

(z) *Cutting up.* Any division of any carcass or part thereof, except that the trimming of carcasses or parts thereof to remove surface contaminants is not considered as cutting up.

(aa) *Adulterated.* This term applies to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2) (i) If it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one which is; (*a*) a pesticide chemical in or on a raw agricultural commodity, (*b*) a food additive, or (*c*) a color additive), which may, in the judgment of the Administrator, make such article unfit for human food;

(ii) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(iii) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(iv) If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That an article which is not deemed adulterated under subdivision (ii), (iii), or this (iv) of this subparagraph shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by the regulations in this subchapter in official establishments;

(3) If it consists in whole or in part of any filthy, putrid, or decomposed substance, or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(4) If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) If it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) If it has been intentionally subject to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act;

(8) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or,

(9) If it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance.

(bb) *"Inspected and passed" or "U.S. inspected and passed" or "U.S. inspected and passed by Department of Agriculture" (or any authorized abbreviation thereof).* This term means that the product so identified has been inspected and passed under the regulations in this subchapter, and at the time it was inspected, passed, and identified, it was found to be not adulterated.

(cc) *U.S. passed for cooking.* This term means that the meat or meat byproduct so identified has been inspected and passed on condition that it be rendered into lard, rendered pork fat, or tallow, as prescribed by the regulations in Part 315 of this subchapter.

(dd) *U.S. passed for refrigeration.* This term means that the meat or meat byproduct so identified has been inspected and passed on condition that it be refrigerated or otherwise handled as prescribed by the regulations in Part 311 of this subchapter.

(ee) *U.S. inspected and condemned (or any authorized abbreviation thereof).* This term means that the carcass, viscera, other part of carcass, or other product so identified has been inspected, found to be adulterated, and condemned under the regulations in this subchapter.

(ff) *U.S. retained.* This term means that the carcass, viscera, other part of carcass, or other product, or article so identified is held for further examination by an inspector to determine its disposal.

(gg) *U.S. suspect.* This term means that the livestock so identified is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by an inspector to determine its disposal.

(hh) *U.S. condemned.* This term means that the livestock so identified has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of its carcass.

(ii) *Misbranded.* This term applies to any product under one or more of the following circumstances:

(1) If its labeling is false or misleading in any particular;

(2) If it is offered for sale under the name of another food;

(3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(4) If its container is so made, formed, or filled as to be misleading;

(5) If in a package or other container unless it bears a label showing:

(i) The name and place of business of the manufacturer, packer, or distributor; and

(ii) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; except as otherwise provided in Part 317 of this subchapter with respect to the quantity of contents;

(6) If any word, statement, or other information required by or under authority of the Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by the regulations in Part 319 of this subchapter unless:

(i) It conforms to such definition and standard, and

(ii) Its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

(8) If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by the regulations in Part 319 of this subchapter, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(9) If it is not subject to the provisions of subparagraph (7) of this paragraph unless its label bears:

(i) The common or usual name of the food, if any there be, and

(ii) In case it is fabricated from two or more ingredients, the common or usual name of each such ingredient, except as otherwise provided in Part 317 of this subchapter;

(10) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as is required by the regulations in Part 317 of this subchapter.

(11) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears a label stating that fact; except as otherwise provided by the regulations in Part 317 of this subchapter; or

(12) If it fails to bear, directly thereon or on its containers, when required by the regulations in Part 316 or 317 of this subchapter, the inspection legend and, unrestricted by any of the foregoing, such other information as the Administrator may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

(jj) *Label.* A display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.

(kk) *Labeling.* All labels and other written, printed, or graphic matter:

(1) Upon any article or any of its containers or wrappers, or

(2) Accompanying such article.

(ll) *Federal Food, Drug, and Cosmetic Act.* The Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

(mm) *Pesticide chemical, food additive, color additive, raw agricultural commodity*. These terms shall have the same meanings for purposes of the Act and the regulations in this subchapter as under the Federal Food, Drug, and Cosmetic Act.

(nn) *Official mark*. The official inspection legend or any other symbol prescribed by the regulations in this subchapter to identify the status of any article or animal under the Act.

(oo) *Official inspection legend*. Any symbol prescribed by the regulations in this subchapter showing that an article was inspected and passed in accordance with the Act.

(pp) *Official certificate*. Any certificate prescribed by the regulations in this subchapter for issuance by an inspector or other person performing official functions under the Act.

(qq) *Official device*. Any device prescribed by the regulations in Part 316 or 317 of this subchapter for use in applying any official mark.

(rr) *Livestock*. Cattle, sheep, swine, goat, horse, mule, or other equine.

(ss) *Carcass*. All parts, including viscera, of any slaughtered livestock.

(tt) *Meat*. The part of the muscle of any cattle, sheep, swine, or goats, which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout or ears. This term, as applied to products of equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

(uu) *Meat byproduct*. Any part capable of use as human food, other than meat, which has been derived from one or more cattle, sheep, swine, or goats. This term, as applied to products of equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

(vv) *Meat food product*. Any article capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, except those exempted from definition as a meat food product by the Administrator in specific cases or by the regulations in Part 317 of this subchapter, upon a determination that they contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and provided that they comply with any requirements that are imposed in such cases or regulations as conditions of such exemptions to assure that the meat or other portions of such carcasses contained in such articles are not adulterated and that such articles are not represented as meat food products. This term, as applied to food products of equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

(ww) *Product*. Any carcass, meat, meat byproduct, or meat food product, capable of use as human food.

(xx) *Immediate container*. The can, pot, tin, canvas, or other receptacle or covering in which any product is directly contained or wholly or partly enclosed.

(yy) *Shipping container*. The outside container (box, bag, barrel, crate, or other receptacle or covering), containing or wholly or partly enclosing any product packed in one or more immediate containers.

(zz) *Biological residue*. Any substance, including metabolites, remaining in an animal at time of slaughter or in any of its tissues after slaughter as the result of treatment or exposure of the animal to a pesticide, organic or inorganic compound, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other therapeutic or prophylactic agent.

(aaa) *Experimental animal*. Any animal used in any research investigation involving the feeding or other administration of, or subjection to, an experimental biological product, drug or chemical or any nonexperimental biological product, drug or chemical used in a manner for which it was not intended.

(bbb) *Dead livestock*. The body (cadaver) of livestock which has died otherwise than by slaughter.

(ccc) *Dying, diseased, or disabled livestock*. Livestock which has or displays symptoms of having any of the following:

(1) Central nervous system disorder;
(2) Abnormal temperature (high or low);
(3) Difficult breathing;
(4) Abnormal swellings;
(5) Lack of muscular coordination;
(6) Inability to walk normally or stand;
(7) Any of the diseases for which livestock is required to be condemned on ante mortem inspection in accordance with the regulations in Part 309 of this subchapter.

(ddd) *Retail store*. Any place of business where preparation and handling of product are limited to operations of types listed in § 303.1(c)(2) of this subchapter and at least 90 percent of the sales of product are made to household consumers and no sales are made to wholesalers.

(eee) *Restaurant*. Any establishment where product is prepared only for sale or service, in meals or as entrees, directly to individual or other household consumers, and where the preparation and handling of product are limited to operations of types listed in § 303.1(c)(2) of this subchapter.

PART 302—APPLICATION OF REQUIREMENTS; INSPECTION

Sec.
302.1 Establishments requiring inspection; coverage of District of Columbia.
302.2 Livestock and products entering official establishments.

§ 302.1 Establishments requiring inspection; coverage of District of Columbia.

(a) Inspection under the regulations in this subchapter is required at:

(1) Every establishment, except as provided in § 303.1 (a) or (c) of this subchapter, in which any livestock are slaughtered for transportation or sale as articles of commerce, or in which any products of, or derived from, livestock are, wholly or in part, prepared for transportation or sale as articles of commerce, which are intended for use as human food;

(2) Every establishment, except as provided in § 303.1 (a) or (c) of this subchapter, within any State or organized Territory which is designated in the regulations in Part 331 of this subchapter pursuant to paragraph 301(c) of the Act, at which any livestock are slaughtered or any products of any livestock are prepared, for use as human food solely for distribution within such jurisdiction; and

(3) Every establishment designated by the Administrator pursuant to paragraph 301(c) of the Act as constituting a danger to the public health.

(b) Special provisions, with respect to certain retail stores and restaurants in the District of Columbia, appear in Part 330 of this subchapter and apply to such establishments in lieu of the regulations elsewhere in this subchapter, except insofar as such regulations are made applicable by the provisions in Part 330 of this subchapter.

§ 302.2 Livestock and products entering official establishments.

All livestock and all products entering any official establishment, and all products prepared, in whole or in part, therein, shall be inspected, handled, stored, prepared, packaged, marked, and labeled as required by the regulations in this subchapter.

PART 303—EXEMPTIONS

§ 303.1 Exemptions.

(a) The requirements of the Act and the regulations in this subchapter for inspection of the preparation of products do not apply to:

(1) The slaughtering by any individual of livestock of his own raising, and the preparation by him and transportation in commerce of the products of such livestock exclusively for use by him and members of his household and his nonpaying guests and employees.

(2) The custom slaughter by any person of cattle, sheep, swine, or goats, delivered by the owner thereof for such slaughter, and the preparation by such slaughterer and transportation in commerce of the products of such livestock, exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: *Provided*, That such custom slaughterer does not engage in the business of buying or selling any products of any cattle, sheep, swine, goats, or equines, capable of use as human food.

(b) It has been determined that it is impracticable to provide inspection of the preparation of products at establishments in any unorganized Territory at which livestock are slaughtered or their products are prepared for distribution solely within such jurisdiction and that exempting such establishments from requirements of the Act for such inspections under the conditions stated in this section will otherwise facilitate enforcement of the Act. Therefore, such inspection requirements of the Act and the regulations in this subchapter shall not apply at such establishments if they are operated in accordance with the regulations in Part 308 of this subchapter, except §§ 308.1, 308.2, and 308.15. However, the Administrator may refuse, withdraw, or modify any exemption under this paragraph when he determines in any specific case in accordance with the rules of practice in Part 335[1] of this subchapter that such action is necessary to effectuate the purposes of this Act.

(c) (1) The requirements of the Act and the regulations in this subchapter for inspection of the preparation of products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment in any State or organized Territory, for sale in normal retail quantities or service of such articles to consumers at such establishments, if such establishments would be subject to such inspection provisions only because the State or Territory is designated in Part 331 of this subchapter under paragraph 301(c) of the Act.

(2) For purposes of subparagraph (1) of this paragraph, operations of types traditionally and usually conducted at retail stores and restaurants are the following:

(i) Cutting up, slicing, and trimming carcasses, halves, quarters, or wholesale cuts into retail cuts such as steaks, chops, and roasts, and freezing such cuts.

(ii) Grinding and freezing products made from meat.

(iii) Curing and/or cooking products.

(iv) Breaking bulk shipments of products.

(v) Wrapping or rewrapping products.

(3) For the purposes of this Act, a normal retail quantity is deemed to be any quantity which in the aggregate does not exceed a quarter carcass of the species purchased.

(d) The adulteration and misbranding provisions of the Act and the regulations in this subchapter, other than the requirement of the official inspection legend, shall apply to articles which are exempted from inspection or not required to be inspected under this section. Further, the Administrator may extend the inspection requirements to any establishment in any State or organized Territory at which products are prepared for distribution solely within such jurisdiction, if he determines in accordance with the provisions of paragraph (c)(1) of the Act that it is producing adulterated products which would clearly endanger the public health.

(e) The Administrator in specific cases may modify, by relieving, the inspection and related requirements of the regulations in this subchapter when he determines that application of the modified requirements will be adequate to effectuate the purposes of the Act.

[1] Such rules will be issued later.

PART 304—APPLICATION FOR INSPECTION; GRANT OR REFUSAL OF INSPECTION

Sec.
304.1 Application for inspection; tenants; subsidiaries.
304.2 Drawings, information to be furnished; subsidiary establishments; grant or refusal of inspection.

§ 304.1 Application for inspection; tenants; subsidiaries.

(a) Before inspection is granted, the operator of each establishment of the kind required by § 302.1 of this subchapter to have inspection shall make application therefor to the Administrator as provided in this part.

(b) Every application under this section shall be made on a form furnished by the Program, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., and shall include all information called for by that form, including the name, address, and type of legal entity of any tenant, and the name and principal office address of any subsidiary corporation that will prepare product or conduct any other operation at the establishment for which inspection is requested. The applicant for inspection will be held responsible for compliance by all such tenants or subsidiaries with the requirements of the regulations in this subchapter at such establishment if inspection is granted. Such tenants and subsidiaries will also be held responsible for their own operations. Preparation of product and other operations at the establishment for which inspection is granted may be conducted only by the applicant and any of its tenants and subsidiary corporations named in the application.

(c) In cases of change of ownership, location, tenants or subsidiaries, a new application shall be made.

§ 304.2 Drawings, information to be furnished; subsidiary establishments; grant or refusal of inspection.

(a) Each applicant for inspection shall submit to the program, four copies of:

(1) Complete drawings with specifications of the floor plans of the establishment for which inspection is requested, showing the locations of principal pieces of equipment, floor drains, principal drainage lines, hand-washing basins, and hose connections for cleanup purposes;

(2) A plot plan showing the limits of the establishment's premises, locations in outline of buildings on the premises, cardinal points of the compass, and roadways and railways serving the establishment; and

(3) A room schedule showing the finish of walls, floors, and ceilings of all rooms in the establishment.

The specifications shall include statements describing the water supply, plumbing, drainage, refrigeration, equipment, lighting, and operations of the establishment. Applicants for inspection may request information from the Administrator concerning the requirements before submitting plans.

(b) Notice in writing shall be given to each applicant granted inspection, specifying the establishment to which the grant applies.

(c) The Administrator is authorized to grant inspection upon his determination that the applicant and the establishment are eligible therefor and to refuse to grant inspection at any establishment if he determines that it does not meet the requirements of this part or the regulations in Parts 305, 307, and 308 of this subchapter or has not received approval labeling and containers to be used at the establishment as required by the regulations in Part 317 of this subchapter. Before inspection is refused for any such reason, the applicant shall be informed of the proposed action and the reasons therefor and afforded an opportunity to present his views. Inspection may also be refused in accordance with section 401 of the Act and the rules of practice in Part 335[1] of this subchapter.

PART 305—OFFICIAL NUMBERS; INAUGURATION OF INSPECTION; WITHDRAWAL OF INSPECTION; REPORTS OF VIOLATIONS

Sec.
305.1 Official numbers; subsidiaries and tenants.
305.2 Separation of official establishments.
305.3 Sanitation and adequate facilities.
305.4 Inauguration of inspection.
305.5 Withdrawal of inspection.
305.6 Reports of violations.

§ 305.1 Official numbers; subsidiaries and tenants.

(a) An official number shall be assigned to each establishment granted inspection. Such number shall be used to identify all inspected and passed products prepared in the establishment. More than one number shall not be assigned to an establishment.

(b) Two or more official establishments under the same ownership or control may be granted the same official number, provided a serial letter is added in each case to identify each establishment and the products thereof.

(c) When inspection has been granted to any applicant at an establishment, it shall not be granted to any other person at the same establishment, except that a subsidiary or tenant of the grantee, preparing any product at the establishment, may receive inspection at the same establishment.

[1] Such rules will be issued later.

§ 305.2 Separation of official establishments.

(a) Each official establishment shall be separate and distinct from any other official establishment and from any unofficial establishment except an official (poultry products processing) establishment as defined in § 81.1 of Title 7 of the Code of Federal Regulations.

(b) The slaughter or other preparation of products of horses, mules, or other equines required to be conducted under inspection pursuant to the regulations in this subchapter shall be done in establishments separate from any establishment in which cattle, sheep, swine, or goats are slaughtered or their products are prepared.

(c) Inspection shall not be inaugurated in any building, any part of which is used as living quarters, unless the part for which inspection is requested is separated from such quarters by floors, walls, and ceilings of solid concrete, brick, or similar material, and the floors, walls, and ceilings are without opening that directly or indirectly communicates with any part of the building used as living quarters.

§ 305.3 Sanitation and adequate facilities.

Inspection shall not be begun if an establishment is not in a sanitary condition nor unless the establishment agrees to maintain such condition and provides adequate facilities for conducting such inspection.

§ 305.4 Inauguration of inspection.

When an application for inspection is granted, the officer in charge shall, at or prior to the inauguration of inspection, inform the operator of the establishment of the requirements of the regulations in this subchapter. If the establishment, at the time inspection is inaugurated, contains any product which has not theretofore been inspected, passed, and marked in compliance with the regulations in this subchapter, the identity of the same shall be maintained, and it shall not be distributed in commerce, or otherwise subject to the requirements of such regulations, or dealt with as inspected and passed under the regulations. The establishment shall adopt and enforce all necessary measures and shall comply with all such directions as the officer in charge may prescribe, for carrying out the purposes of this section.

§ 305.5 Withdrawal of inspection.

The Administrator is authorized to withdraw inspection from an official establishment where the sanitary conditions are such that its products are rendered adulterated, or for failure of the operator to destroy condemned products as required by the Act and the regulations in this subchapter. Inspection may also be withdrawn in accordance with section 401 of the Act and the rules of practice in Part 335[1] of this subchapter.

[1] Such rules will be issued later.

§ 305.6 Reports of violations.

Inspectors and other Program employees shall report to the officer in charge all violations of the Act or regulations in this subchapter of which they have information and the officer in charge shall report the same to the Administrator.

PART 306—ASSIGNMENT AND AUTHORITIES OF PROGRAM EMPLOYEES

Sec.
306.1 Designation of officer in charge and assistants.
306.2 Program employees to have access to establishments.
306.3 Badge as identification of inspectors.
306.4 Assignment of Program employees where members of family employed; soliciting employment.
306.5 Appeals.

§ 306.1 Designation of officer in charge and assistants.

The Administrator shall designate an officer in charge of the inspection in each circuit, and assign to said inspector such assistants as may be necessary.

§ 306.2 Program employees to have access to establishments.

For the purpose of any examination or inspection necessary to prevent the use in commerce of any adulterated product, Program employees shall have access at all times, by day or night, whether the establishment is operated or not, to every part of any official establishment to which they are assigned. Access to establishments is also authorized in accordance with section 202 of the Act and the regulations in Part 319 of this sub-chapter.

§ 306.3 Badge as identification of inspectors.

Each inspector will be furnished with a numbered official badge, which he shall not allow to leave his possession, and which he shall wear in such manner and at such times as the Administrator may prescribe. This badge shall be sufficient identification to entitle him to admittance at all regular entrances and to all parts of the establishment and premises to which he is assigned.

§ 306.4 Assignment of program employees where members of family employed; soliciting employment.

Except as specifically authorized by the Administrator, no Program employee shall be detailed for duty at an establishment where any member of his family is employed by the establishment, nor shall any officer in charge or other employee acting in a supervisory capacity be continued on duty at a circuit where any member of his family is employed by any establishment under his jurisdiction. Program employees are forbidden to solicit, for any person, employment at any official establishment, or by any officer, manager, or employee thereof.

§ 306.5 Appeals.

Any appeal from a decision of any Program employee shall be made to his immediate supervisor having jurisdiction over the subject matter of the appeal, except as otherwise provided in the rules of practice in Part 335[1] of this subchapter.

PART 307—FACILITIES FOR INSPECTION

Sec.
307.1 Facilities for Program employees.
307.2 Other facilities and conditions to be provided by establishment.
307.3 Inspectors to furnish implements and maintain hands and implements in sanitary condition.
307.4 Hours of operation of official establishments.
307.5 Designation of days and hours of operation by officer in charge.
307.6 Overtime work of Program employees.

§ 307.1 Facilities for Program employees.

Office space, including necessary furnishings, light, heat, and janitor service, shall be provided by official establishments, rent free, for the exclusive use for official purposes of the inspector and other Program employees assigned thereto. The space set aside for this purpose shall meet with approval of the officer in charge and shall be conveniently located, properly ventilated, and provided with lockers suitable for the protection and storage of Program supplies and with facilities suitable for Program employees to change clothing if such clothes changing facilities are deemed necessary by the officer in charge. At the discretion of the Administrator, small plants requiring the services of less than one full-time inspector need not furnish facilities for Program employees as prescribed in this section, where adequate facilities exist in a nearby convenient location. Laundry service for inspectors' outer work clothing shall be provided by each establishment.

§ 307.2 Other facilities and conditions to be provided by establishment.

When required by the officer in charge, the following facilities and conditions, and such others as may be found to be essential to efficient conduct of inspection and maintenance of sanitary conditions, shall be provided by each official establishment:

(a) Satisfactory pens, equipment, and assistants for conducting ante mortem inspection and for separating, marking, and holding apart from passed animals, those marked "U.S. suspect" and those marked "U.S. condemned". Pens, alleys, and runways shall be paved, drained, and supplied with adequate hose connections for cleanup purposes.

(b) Sufficient natural light or artificial light, or both, at all places and all times of the day, to be adequate for proper conduct of inspection.

(c) Racks, receptacles, or other suitable devices for retaining such parts as the head, tongue, tail, thymus gland, and viscera, and all parts and blood to be used in the preparation of meat food products or medical products, until after

[1] Such rules will be issued later.

the post mortem examination is completed, in order that they may be identified in case of condemnation of the carcass; equipment, trucks, and receptacles for the handling of viscera of slaughtered animals so as to prevent contact with the floor; and trucks, racks, marked receptacles, tables, and other necessary equipment for the separate and sanitary handling of carcasses or parts passed for cooking.

(d) Tables, benches, and other equipment on which inspection is performed, of such design, material, and construction as to enable Program employees to conduct their inspection in a ready, efficient and clean manner.

(e) Watertight metal trucks or receptacles for holding and handling diseased carcasses and parts, so constructed as to be readily cleaned; such trucks or receptacles to be marked in a conspicuous manner with the phrase "U.S. condemned" in letters not less than 2 inches high, and, when required by the officer in charge, to be equipped with facilities for locking or sealing.

(f) Adequate arrangements, including liquid soap and cleansers, for cleansing and disinfecting hands, for sterilizing all implements used in dressing diseased carcasses, floors, and such other articles and places as may be contaminated by diseased carcasses or otherwise.

(g) In establishments in which slaughtering is done, rooms, compartments, or specially prepared open places, to be known as "final inspection places", at which the final inspection of retained carcasses may be conducted. Competent assistants for handling retained carcasses and parts shall be provided by the establishment. Final inspection places shall be adequate in size and their rail arrangement and other equipment shall be sufficient to prevent carcasses and parts passed for food or cooking, from being contaminated by contact with condemned carcasses or parts. They shall be equipped with hot water, lavatory, sterilizer, tables, and other equipment required for ready, efficient, and sanitary conduct of the inspection. The floors shall be of such construction as to facilitate the maintenance of sanitary conditions and shall have proper drainage connections, and when the final inspection place is part of a larger floor, it shall be separated from the rest of the floor by a curb, railing, or otherwise.

(h) Retention rooms, cages or other compartments, and receptacles in which carcasses and product may be held for further inspection. These shall be in such number and in such locations as the needs of the inspection in the establishment may require. They shall be equipped for secure locking and shall be held under locks furnished by the Department, the keys of which shall not leave the custody of Program employees. Every such room, compartment, or receptacle shall be marked conspicuously with the phrase "U.S. retained" in letters not less than 2 inches high. Rooms or compartments for these purposes shall be secure and susceptible of being kept clean, including a sanitary disposal of the floor liquids. Establishment employees shall not enter any retention rooms or compartments or open any retention receptacles unless authorized by Program employees.

(i) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles in accordance with the regulations in this subchapter. Tanks or other rendering equipment which, under the regulations in this subchapter, must be sealed, shall be properly equipped for sealing as may be specified by the regulations in Part 314 of this subchapter or by the officer in charge in specific cases.

(j) Docks and receiving rooms, to be designated by the establishment, with the approval of the officer in charge, for the receipt and inspection of all products as provided in § 318.4 of this subchapter.

(k) Suitable lockers in which brands bearing the official inspection legend and other official devices (excluding labels) and official certificates shall be kept when not in use. All such lockers shall be equipped for locking with locks to be supplied by the Department, the keys of which shall not leave the custody of Program employees.

(l) Sanitary facilities and accommodations as prescribed by § 308.4 of this subchapter.

§ 307.3 Inspectors to furnish implements and maintain hands and implements in sanitary condition.

Inspectors shall furnish their own work clothing and implements, such as flashlights and triers, for conducting inspection and shall cleanse their hands and implements as prescribed by § 308.8 of this subchapter.

§ 307.4 Hours of operation of official establishments.

The operator of each official establishment shall inform the officer in charge, or his assistant, when work in each department has been concluded for the day, and of the day and hour when work will be resumed therein. Whenever any product is to be overhauled or otherwise handled in an official establishment during unusual hours, the establishment operator shall, a reasonable time in advance, notify the officer in charge, or his assistant, of the day and hour when such work will be commenced and such products shall not be so handled prior to that time and except after such notice has been given. No department of an official establishment shall be operated except under the supervision of a Program employee. All slaughtering of livestock and preparation of products shall be done within reasonable hours, and with reasonable speed, the facilities of the establishment being considered. No shipment of any product shall be made from an official establishment until after due notice has been given to the officer in charge or his assistant.

§ 307.5 Designation of days and hours of operation by officer in charge.

When one inspector is detailed to conduct the work at two or more official establishments where few livestock are slaughtered or where but a small quantity of any product is prepared, the officer in charge may designate the hours of the day and the days of the week during which such establishments may be operated.

§ 307.6 Overtime work of Program employees.

The management of an official establishment, an importer, or an exporter desiring to work under conditions which will require the services of a Program employee on any Saturday, Sunday, or holiday, or for more than 8 hours on any other day, shall, sufficiently in advance of the period of overtime, request the officer in charge or his assistant to furnish inspection service during such overtime period, and shall pay the Administator therefor $7.40 per hour to reimburse the Program for the cost of the inspection services so furnished. It will be administratively determined from time to time which days constitute holidays.

PART 308—SANITATION

Sec.
308.1 Examination and specifications for equipment and sanitation prior to granting inspection.
308.2 Drawings and specifications to be furnished in advance of construction.
308.3 Establishments; sanitary condition; requirements.
308.4 Sanitary facilities and accommodations; specific requirements.
308.5 Equipment to be easily cleaned; that for inedible products to be so marked.
308.6 Scabbards for knives.
308.7 Rooms, compartments, etc., to be clean and sanitary.
308.8 Operations, procedures, rooms, clothing, utensils, etc., to be clean and sanitary.
308.9 Protective handling of products.
308.10 Slack barrels and similar containers and means of conveyance used for product, paper in contact with product.
308.11 Burlap wrapping for meat; meat wrapped in, to be first wrapped in paper or cloth.
308.12 Second-hand tubs, barrels, other containers, and tank cars; inspection and cleaning.
308.13 Inedible operating and storage rooms; outer premises, docks, driveways, approaches, pens, alleys, etc.; fly-breeding material; other conditions.
308.14 Employment of diseased persons.
308.15 Tagging insanitary equipment, utensils, rooms, or compartments.

§ 308.1 Examination and specifications for equipment and sanitation prior to granting inspection.

Prior to the inauguration of inspection, an examination of the establishment and premises shall be made by a Program employee and the requirements for sanitation and the necessary facilities for inspection specified by him in accordance with the regulations in this Part and Part 307 of this subchapter.

§ 308.2 Drawings and specifications to be furnished in advance of construction.

Four copies of drawings with specifications, complete as prescribed in § 304.2 of this subchapter, for remodeling plants of official establishments and for new

structures to be used in an official establishment or part thereof, shall be submitted to the Administrator and approval obtained for the plans in advance of construction.

§ 308.3 Establishments; sanitary condition; requirements.

(a) Official establishments shall be maintained in sanitary condition, and to this end the requirements of this section shall be complied with.

(b) There shall be abundant light, both natural and artificial, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary condition.

(c) There shall be an efficient drainage and plumbing system for the establishment and premises, and all drains and gutters shall be properly installed with traps and vents approved by the officer in charge.

(d) (1) The water supply shall be ample, clean, and potable, with adequate facilities for its distribution in the plant and its protection against contamination and pollution. Every establishment shall make known and, whenever required by the officer in charge, shall afford opportunity for inspection of the source of its water supply, the storage facilities, and the distribution system. Equipment using potable water shall be so installed as to prevent back-siphonage into the potable water system. Nonpotable water is permitted only in those parts of official establishments where no edible product is handled or prepared, and then only for limited purposes such as on ammonia condensers not connected with the potable water supply, in vapor lines serving inedible product rendering tanks, in connection with equipment used for hashing and washing inedible products preparatory to tanking, and in sewer lines for moving heavy solids in the sewage. Nonpotable water is not permitted for washing floors, areas, or equipment involved in trucking materials to and from edible product departments nor is it permitted in hog scalding vats, dehairing machines, or vapor lines serving edible product rendering equipment, or for cleanup of shackling pens, bleeding areas, or runways within the slaughtering department. In all cases, nonpotable water lines shall be clearly identified and shall not be cross-connected with the potable water supply unless this is necessary for fire protection and such connection is of a type with an adequate break to assure against accidental contamination, and is approved by local authorities and by the officer in charge.

(2) The officer in charge may permit the reuse of water in vapor lines leading from deodorizers used in the preparation of lard and similar edible product and in equipment used for the chilling of canned product after retorting, provided the reuse is for the identical original purpose and the following precautions are taken to protect the water that is reused:

(i) All pipelines, reservoirs, tanks, cooling towers, and like equipment employed in handling the reused water are so constructed and installed as to facilitate their cleaning and inspection.

(ii) Complete draining and disposal of the reused water, effective cleaning of the equipment, and renewal with fresh potable water is accomplished at such intervals as may be necessary to assure an acceptable supply of water for the purpose intended.

(iii) Effective chlorination (not less than approximately 1 part per million of residual chlorine at any point within the cooling system) of the reused water utilized for cooling canned product is maintained but with the understanding that chlorination alone is not to be relied upon entirely or to be accepted in lieu of the requirements listed in subdivisions (i) and (ii) of this subparagraph.

(3) An ample supply of water at not less than 180° F. shall be furnished and used for the cleaning of inspection equipment and other equipment, floors, and walls which are subject to contamination by the dressing or handling of diseased carcasses, their viscera, and other parts. Whenever necessary to determine compliance with this requirement, conveniently located thermometers shall be installed by the operator of the official establishment to show the temperature of the water at the point of use.

(4) Hot water for cleaning rooms and equipment other than those mentioned in subparagraph (3) of this paragraph shall be delivered under pressure to sufficient convenient outlets and shall be of such temperature as to accomplish a thorough cleanup.

(e) The floors, walls, ceilings, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish as will make them susceptible of being readily and thoroughly cleaned. The floors shall be kept watertight. The rooms and compartments used for edible product shall be separate and distinct from those used for inedible product.

(f) The rooms and compartments in which any product is prepared or handled shall be free from dust and from odors from dressing and toilet rooms, catch basins, hide cellars, casing rooms, inedible tank and fertilizer rooms, and livestock pens.

(g) Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from official establishments. The use of poisons for any purpose in rooms or compartments where any unpacked product is stored or handled is forbidden, except under such restrictions and precautions as are prescribed by the regulations in this part or by the officer in charge in specific cases. The use of insecticides, rodenticides, and similar pest control substances in hide cellars, inedible product departments, outbuildings, or similar places, or in storerooms containing canned or tierced products is not forbidden but only those approved by the Administrator may be used.[1] So-called rat viruses shall not be used in any part of an establishment or the premises thereof.

(h) Dogs and cats shall be excluded from establishments.

§ 308.4 Sanitary facilities and accommodations; specific requirements.

Adequate sanitary facilities and accommodations shall be furnished by every official establishment. Of these, the following are specifically required:

(a) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, and conveniently located. The rooms shall be provided with windows to admit direct, natural light and shall have adequate facilities for artificial light. They shall be properly ventilated, and meet all requirements of the regulations in this part as to sanitary construction and equipment. They shall be separate from the rooms and compartments in which products are prepared, stored, or handled. Where both sexes are employed, separate facilities shall be provided.

(b) Moderate lavatory accommodations, including running hot and cold water, soap, and towels, shall be placed in or near toilet and urinal rooms and also at such other places in the establishment as may be essential to assure cleanliness of all persons handling product.

(c) Toilet soil lines shall be separate from house drainage lines to a point outside the building and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(d) Properly located facilities shall be provided for cleansing and disinfecting utensils and hands of all persons handling any product.

§ 308.5 Equipment to be easily cleaned; that for inedible products to be so marked.

Equipment and utensils used for preparing and otherwise handling any product shall be of such material and construction as will make them susceptible of being readily and thoroughly cleaned and such as will insure strict cleanliness in the preparation and handling of all products. So far as is practicable, such equipment shall be made of metal or other impervious material. Trucks and receptacles used for inedible material shall bear some conspicuous and distinctive mark identifying them as used for such material, and shall not be used for handling edible products.

§ 308.6 Scabbards for knives.

Scabbards and similar devices for the temporary retention of knives, steels, triers, etc., by workers and others at official establishments shall be constructed of rust-resisting metal or other impervious material, shall be of a type that may be readily cleaned, and shall be kept clean.

[1] A list of approved pest control substances is available upon request to the Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 308.7 Rooms, compartments, etc., to be clean and sanitary.

Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any product, and all other parts of the establishment, shall be kept clean and in sanitary condition. There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or places where any product is prepared, stored, or otherwise handled.

§ 308.8 Operations, procedures, rooms, clothing, utensils, etc., to be clean and sanitary.

(a) Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods.

(b) Rooms and compartments in which inspections are made and those in which animals are slaughtered or any product is prepared shall be kept sufficiently free of steam and vapors to enable Program employees to make inspections and to insure clean operations. The walls, ceilings, and overhead structures of rooms and compartments in which product is prepared, handled, or stored shall be kept reasonably free from moisture.

(c) Butchers and others who dress or handle diseased carcasses or parts shall, before handling or dressing other carcasses or parts, cleanse their hands with liquid soap and hot water, and rinse them in clean water. Implements used in dressing diseased carcasses shall be thoroughly cleansed in boiling water, or in a disinfectant[2] approved by the Administrator, followed by rinsing in clean water. The employees of the establishment who handle any product shall keep their hands clean, and in all cases after visiting the toilet rooms or urinals shall wash their hands before handling any product or implements used in the preparation of product.

(d) Aprons, frocks, and other outer clothing worn by persons who handle any product shall be of material that is readily cleansed and only clean garments shall be worn.

(e) Such practices as spitting on whetstones; spitting on the floor; placing skewers, tags, or knives in the mouth; inflating lungs or casings with air from the mouth; or testing with air from the mouth such receptacles as tierces, kegs, or casks, containing or intended as containers of any product, are prohibited. Only mechanical means may be used for such testing. Care shall be taken to prevent the contamination of product with perspiration, hair, cosmetics, medications, and similar substances.

(f) Equipment or substances which generate gases or odors shall not be used except as specifically permitted by the regulations in this part or by the officer in charge in specific cases.

[2] A list of approved disinfectants is available upon request to the Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 308.9 Protective handling of products.

Products shall be protected from contamination from any source such as dust, dirt, or insects during storage, loading, or unloading at and transportation from official establishments.

§ 308.10 Slack barrels and similar containers and means of conveyance used for product; paper in contact with product.

(a) When necessary to avoid contamination of product with wood splinters or similar contaminants, slack barrels and similar containers and the cargo space of trucks, railroad cars, or other means of conveyance shall be lined with suitable material of good quality before packing.

(b) Slack barrels and similar containers and trucks, railroad cars, and other means of conveyance in which any product is transported shall be kept in a clean and sanitary condition.

(c) Paper used for covering or lining slack barrels and similar containers and the cargo space of trucks, railroad cars, or other means of conveyance shall be of a kind which does not tear during use but remains intact when moistened by the product and does not disintegrate.

§ 308.11 Burlap wrapping for meat; meat wrapped in, to be first wrapped in paper or cloth.

Since burlap used without any other material as a wrapping for meat deposits lint on the meat and does not sufficiently protect it from outside contamination, the use of burlap as a wrapping for meat will not be permitted unless the meat is first wrapped with a good grade of paper or cloth of a kind which will prevent contamination with lint or other foreign matter.

§ 308.12 Second-hand tubs, barrels, other containers, and tank cars; inspection and cleaning.

(a) Second-hand tubs, barrels, and boxes intended for use as containers of any product shall be inspected when received at the establishment and before they are cleaned. Those showing evidence of misuse rendering them unfit to serve as containers for food products shall be rejected. The use of those showing no evidence of previous misuse may be allowed after they have been thoroughly and properly cleaned. Steaming, after thorough scrubbing and rinsing, is essential to cleaning tubs and barrels.

(b) Interiors of tank cars about to be used for the transportation of any product shall be carefully inspected for cleanliness even though the last prevous content was edible. Lye and soda solutions used in cleaning must be thoroughly removed by rinsing with clean water. In their examination, Program employees shall enter the tank with a light and examine all parts of the interior.

§ 308.13 Inedible operating and storage rooms; outer premises, docks, driveways, approaches, pens, alleys, etc.; fly-breeding material; other conditions.

All operating and storage rooms and departments of official establishments used for inedible materials shall be maintained in acceptably clean condition. The outer premises of every official establishment, including docks and areas where cars and vehicles are loaded, and the driveways, approaches, yards, pens, and alleys, shall be properly paved and drained and kept in clean and orderly condition. All catch basins on the premises shall be of such construction and location and shall be given such attention as will insure their being kept in acceptable condition as regards odors and cleanliness. Catch basins shall not be located in departments where any product is prepared, handled, or stored. The accumulation on the premises of official establishments of any material in which flies may breed, such as hog hair, bones, paunch contents, or manure, is forbidden. No other conditions that may result in adulteration of product or interfere with inspection shall be allowed in any official establishment or on its premises.

§ 308.14 Employment of diseased persons.

No official establishment shall employ, in any department where any product is handled or prepared, any person affected with tuberculosis or other communicable disease in a transmissible stage.

§ 308.15 Tagging insanitary equipment, utensils, rooms, or compartments.

When, in the opinion of a Program employee, any equipment, utensil, room, or compartment at an official establishment is unclean or its use would be in violation of any of the regulations in this subchapter, he will attach a "U.S. Rejected" tag thereto. No equipment, utensil, room, or compartment so tagged shall again be used until made acceptable. Such tag so placed shall not be removed by anyone other than a Program employee.

PART 309—ANTE MORTEM INSPECTION

Sec.
309.1 Ante mortem inspection in pens of official establishments.
309.2 Livestock suspected of being diseased or affected with certain conditions; identifying suspects; disposition on post mortem inspection or otherwise.
309.3 Dead, dying, disabled, or diseased and similar livestock.
309.4 Livestock showing symptoms of certain metabolic, toxic, nervous, or circulatory disturbances, nutritional imbalances, or infections or parasitic diseases.
309.5 Swine; disposal because of hog cholera; swine injected with hog cholera virus.
309.6 Epithelioma of the eye of cattle.
309.7 Livestock affected with anthrax; cleaning and disinfection of infected livestock pens and driveways.
309.8 Cattle affected with anasarca and generalized edema.
309.9 Swine erysipelas.
309.10 Onset of parturition.
309.11 Vaccine livestock.
309.12 Emergency slaughter; inspection prior to.
309.13 Disposition of condemned livestock.
309.14 Brucellosis-reactor goats.
309.15 Vesicular diseases.

Sec.
309.16 Livestock suspected of having biological residues.
309.17 Livestock used for research.
309.18 Official marks and devices for purposes of ante mortem inspection.

§ 309.1 Ante mortem inspection in pens of official establishments.

(a) All livestock offered for slaughter in an official establishment shall be examined and inspected on the day of and before slaughter.

(b) Such ante mortem inspection shall be made in pens on the premises of the establishment at which the livestock are offered for slaughter before the livestock shall be allowed to enter into any department of the establishment where they are to be slaughtered or dressed or in which edible products are handled. When the holding pens of an official establishment are located in a public stockyard and are reserved for the exclusive use of the establishment, such pens shall be regarded as part of the premises of that establishment and the establishment shall be responsible for compliance with all requirements of the regulations in this subchapter with respect to such pens.

§ 309.2 Livestock suspected of being diseased or affected with certain conditions; identifying suspects; disposition on post mortem inspection or otherwise.

(a) Any livestock which, on ante mortem inspection, do not clearly show, but are suspected of being affected with any disease or condition that, under Part 310 of this subchapter, may cause condemnation of the carcass on post mortem inspection, and any livestock which show, on ante mortem inspection, any disease or condition that, under Part 310 would cause condemnation of only part of the carcass on post mortem inspection, shall be so handled as to retain its identity as a suspect until it is given final post mortem inspection, when the carcass shall be marked and disposed of as provided in Parts 310 and 311 of this subchapter, or until it is disposed of as otherwise provided in this part.

(b) All seriously crippled animals and animals commonly termed "downers," shall be identified as U.S. Suspects and disposed of as provided in § 311.1 of this subchapter unless they are required to be classed as condemned under § 309.3.

(c) Livestock which have reacted to a test for leptospirosis, but which show no symptoms of the disease, shall be identified as U.S. Suspects and disposed of as provided in § 311.10 of the subchapter.

(d) Livestock which are known to have reacted to the tuberculin test shall be identified as U.S. Suspects and disposed of as provided in § 311.2 of this subchapter, except that livestock bearing an official "USDA Reactor" or similar state reactor tag shall not be tagged as U.S. Suspects.

(e) Any cattle found on ante mortem inspection to be affected with epithelioma of the eye or of the orbital region to a lesser extent than as described in § 309.6 shall be identified as a U.S. Suspect and disposed of as provided in § 311.12 of this subchapter.

(f) Cattle found on ante mortem inspection to be affected with anasarca to a lesser extent than as described in § 309.8 shall be identified as U.S. Suspects and disposed of as provided in § 311.8 of this subchapter or paragraph (g) of this section.

(g) Any livestock suspected of being affected with anasarca may be set apart and held for treatment under Program or other responsible official supervision approved by the officer in charge. If at the expiration of the treatment period the livestock upon examination is found to be free from disease, it may be released for any purpose. Otherwise, it shall be disposed of as provided in § 309.2(f) or § 309.13.

(h) All hogs suspected on ante mortem inspection of being affected with swine erysipelas shall be identified as U.S. Suspects and disposed of as provided in § 311.5 of this subchapter or paragraph (i) of this section.

(i) A hog suspected of being affected with swine erysipelas may be set apart and held for treatment under Program or other responsible official supervision approved by the officer in charge. If at the expiration of the treatment period the animal upon examination is found to be free from disease, it may be released for any purpose. Otherwise, it shall be disposed of as provided in § 309.13.

(j) Any livestock which is affected with vesicular exanthema or vesicular stomatitis, but which has recovered to the extent that the lesions are in process of healing, the temperature is within normal range, and the livestock shows a return to normal appetite and activity, shall be identified as U.S. Suspect and disposed of as provided in § 311.32 of this subchapter, except that if desired, such livestock may be set apart and held under supervision of a Program employee or other official designated by the officer in charge for treatment. If the livestock is set aside for treatment, the U.S. Suspect identification device will be removed by a Program employee, following such treatment, if the livestock is found to be free from any such disease. Such livestock found to be free from any such disease may be released for slaughter or for purposes other than slaughter, provided that in the latter instance, the official establishment or the owner of the animal shall first obtain permission from the local, State, or Federal livestock sanitary official having jurisdiction of the movement of such livestock.

(k) Livestock which are offered for ante mortem inspection under this part, and which are regarded by the inspector as immature, shall be identified as U.S. Suspects and, if slaughtered, the disposition of their carcasses shall be determined by the post mortem findings in connection with the ante mortem conditions. If not slaughtered as suspects, such livestock shall be held under supervision of a Program employee or other official designated by the officer in charge, and after sufficient development may be released for slaughter or may be released for any other purpose, provided they have not been exposed to any infectious or contagious disease. If such exposure occurs, permission should be obtained from the nearest Animal Health Division Authorities prior to release of such animals.

(l) See also § 309.13(c) with respect to livestock previously condemned for listeriosis.

(m) Each animal required by this part to be treated as a U.S. Suspect shall be identified as such by or under the supervision of a Program employee with an official device in accordance with § 309.18. No such device shall be removed except by a Program employee.

(n) Each animal identified as a U.S. Suspect on ante mortem inspection shall be set apart and shall be slaughtered separately from other livestock at that establishment unless disposed of as otherwise provided in this part.

(o) Each animal identified as a U.S. Suspect on ante mortem inspection, when presented for slaughter shall be accompanied with a Form MI 402–2 on which the inspector at the establishment shall record the U.S. Suspect identification number and any other identifying tag numbers present and a brief description of the animal and of the disease or condition for which the animal was classed as a suspect, including its temperature when the temperature of such animal might have a bearing on the disposition of the carcass on post mortem inspection.

(p) When any animal identified as a U.S. Suspect is released for any purpose or reason, as provided in this part, the official identification device shall be removed only by a Program employee and he shall report his action to the officer in charge. When a suspect is to be released under the provisions of this part for a purpose other than slaughter, the operator of the official establishment or the owner of the animal shall first obtain permission for the removal of such animal from the local, State, or Federal livestock sanitary official having jurisdiction.

§ 309.3 Dead, dying, disabled, or diseased and similar livestock.

(a) Livestock found to be dead or in a dying condition on the premises of an official establishment shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

(b) Livestock plainly showing on ante mortem inspection any disease or condition that, under part 310 of this subchapter, would cause condemnation of their carcasses on post mortem inspection shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

(c) Any swine having a temperature of 106° F. or higher and any cattle, sheep, goats, horses, mules, or other equines having a temperature of 105° F. or higher shall be identified as U.S. Condemned. In case of doubt as to the cause of the high temperature, or when for other reasons a Program employee deems such action warranted, any such livestock may be held for a reasonable time under the supervision of a Program employee for further observation and taking of temperature before final disposition of such livestock is determined. Any livestock so held shall be reinspected on the day it is slaughtered. If, upon such reinspection, or when not held for further observation and taking of temperature, then on the original inspection, the animal has a temperature of 106° F. or higher in the case of swine, or 105° F. or higher in the case of other livestock, it shall be condemned and disposed of in accordance with § 309.13.

(d) Any livestock found in a comatose or semicomatose condition or affected with any condition not otherwise covered in this part, which would preclude release of the animal for slaughter for human food, shall be identified U.S. Condemned and disposed of in accordance with § 309.13, except that such animal may be set apart and held for further observation or treatment under supervision of a Program employee or other official designated by the officer in charge and for final disposition in accordance with this part.

§ 309.4 Livestock showing symptoms of certain metabolic, toxic, nervous, or circulatory disturbances, nutritional imbalances, or infectious or parasitic diseases.

(a) All livestock showing, on ante mortem inspection, symptoms of anaplasmosis, ketosis, leptrospirosis, listeriosis, parturient paresis, pseudorabies, rabies, scrapie, tetanus, grass tetany, transport tetany, strangles, purpura hemorrhagica, azoturia, infectious equine encephalomyelitis (forage poisoning), dourine, acute influenza, generalized osteoporosis, glanders (farcy), acute inflammatory lameness or extensive fistula shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

(b) If any equine is suspected on ante mortem inspection of being infected with glanders or dourine, the nearest Animal Health Division official shall be so informed by a Program employee. Tests shall be performed by that Division to determine whether the animal is, in fact, infected with such disease. If it is found on such tests to be infected, the animal shall be disposed of in accordance with paragraph (a) of this section. Otherwise, the animal shall be identified as a U.S. Suspect and disposed of as provided in § 311.10 of this subchapter.

§ 309.5 Swine; disposal because of hog cholera; swine injected with hog cholera virus.

(a) All hogs plainly showing on ante mortem inspection that they are affected with hog cholera shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

(b) All hogs, even though not themselves identified as U.S. Suspects, which are of lots in which one or more animals have been condemned or identified as U.S. Suspects for hog cholera, shall, so far as possible, be slaughtered separately and apart from all other livestock passed on ante mortem inspection.

(c) Swine, other than hyperimmune swine, shall be condemned on ante mortem inspection if offered for slaughter within 21 days after injection with modified live hog cholera virus and within 14 days after injection with inactivated hog cholera virus.

(d) Swine, other than hyperimmune swine, offered for slaughter after 28 days following injection with hog cholera virus shall be given ante mortem inspection in conformity with this part without reference to the injected virus.

(e) Hyperimmune swine shall be condemned on ante mortem inspection if offered for slaughter within 10 days after hyperimmunization.

(f) Hyperimmune swine offered for slaughter after 10 days following hyperimmunization shall be given ante mortem inspection in conformity with this part without reference to the injected virus.

§ 309.6 Epithelioma of the eye of cattle.

Any cattle found on ante mortem inspection to be affected with epithelioma of the eye and of the orbital region in which the eye has been destroyed or obscured by neoplastic tissue and which shows extensive infection, suppuration, and necrosis, usually accompanied with foul odor, or any animal affected with epithelioma of the eye or of the orbital region which, regardless of extent, is accompanied with cachexia shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

§ 309.7 Livestock affected with anthrax; cleaning and disinfection of infected livestock pens and driveways.

(a) Any livestock found on ante mortem inspection to be affected with anthrax shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

(b) No other livestock of a lot in which anthrax is found on ante mortem inspection shall be slaughtered and presented for post mortem inspection until it has been determined by a careful ante mortem inspection that no anthrax infected livestock remains in the lot.

(c) Apparently healthy livestock other than hogs from a lot in which anthrax is detected, and any apparently healthy livestock which have been treated with anthrax biologicals which do not contain living anthrax organisms, may be slaughtered and presented for post mortem inspection if they have been held not less than 21 days following the last treatment or the last death of any livestock in the lot. Alternatively, if desired, all apparently healthy livestock of the lot may be segregated and held for treatment by a competent veterinarian under supervision of a Program employee or other official designated by the officer in charge. No anthrax vaccine (live organisms) shall be used on the premises of an official establishment.

(d) Livestock which have been injected with anthrax vaccines (live organisms) within 6 weeks, and those bearing evidence of reaction to such treatment, such as inflammation, tumefaction, or edema at the site of the injection, shall be condemned on ante mortem inspection, or such animals may be held under supervision of a Program employee or other official designated by the officer in charge until the expiration of the 6-weeks period and the disappearance of any evidence of reaction to the treatment.

(e) When livestock are found on ante-mortem inspection to be affected with anthrax, all exposed livestock pens and driveways of the official establishment shall be cleaned and disinfected by promptly and thoroughly removing and burning all straw, litter, and manure. This shall be followed immediately by a through disinfection of the exposed premises by soaking the ground, fences, gates, and all exposed material with a 5 percent solution of sodium hydroxide or commercial lye prepared as outlined in § 310.9(e)(1) of this subchapter, or other disinfectant approved by the Administrator specifically for this purpose.

§ 309.8 Cattle affected with anasarca and generalized edema.

All cattle found on ante mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive and generalized edema shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

§ 309.9 Swine erysipelas.

All hogs plainly showing on ante mortem inspection that they are affected with acute swine erysipelas shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

§ 309.10 Onset of parturition.

Any livestock showing signs of the onset of parturition shall be withheld from slaughter until after parturition and passage of the placenta. Slaughter or other disposition may then be permitted if the animal is otherwise acceptable.

§ 309.11 Vaccine livestock.

Vaccine livestock with unhealed lesions of vaccinia, accompanied with fever, which have not been exposed to any other infectious or contagious disease, are not required to be slaughtered and may be released for removal from the premises.

§ 309.12 Emergency slaughter; inspection prior to.

In all cases of emergency slaughter, except as provided in § 311.27 of this subchapter, the animals shall be inspected immediately before slaughter, whether theretofore inspected or not. When the necessity for emergency slaughter exists, the establishment shall notify the officer in charge or his assistant so that such inspection may be made.

§ 309.13 Disposition of condemned livestock.

(a) Except as otherwise provided in this part, livestock identified as U.S. Condemned shall be killed by the official establishment, if not already dead. Such animals shall not be taken into the official establishment to be slaughtered or

dressed; nor shall they be conveyed into any department of the establishment used for edible products; but they shall be disposed of in the manner provided for condemned carcasses in Part 314 of this subchapter. The official U.S. Condemned tag shall not be removed from, but shall remain on, the carcass until it goes into the tank, or is otherwise disposed of as prescribed in Part 314 of this subchapter, at which time such tag may be removed by a Program employee only. The number of such tag shall be reported to the officer in charge by the inspector who affixed it, and also by the inspector who supervised the tanking of the carcass.

(b) Any livestock condemned on account of ketosis, swine erysipelas, vesicular diseases, grass tetany, transport tetany, parturient paresis, anasarca, anaplasmosis, leptospirosis, listeriosis, or inflammatory condition including pneumonia, enteritis, and peritonitis may be set apart and held for treatment under supervision of a Program employee or official designated by the officer in charge. The U.S. Condemned identification tag will be removed by a Program employee following treatment under such supervision if the animal is found to be free from any such disease.

(c) Livestock condemned as affected with listeriosis shall be identified as U.S. Suspect if released for slaughter after treatment under paragraph (b) of this section.

(d) When livestock under the provisions of this section is to be released for a purpose other than slaughter, the official establishment or the owner of the livestock shall first obtain permission for the movement of such livestock from the local, State, or Federal livestock sanitary official having jurisdiction.

§ 309.14 Brucellosis-reactor goats.

Goats which have reacted to a test for brucellosis shall not be slaughtered in an official establishment.

§ 309.15 Vesicular diseases.

(a) Immediate notification shall be given by the inspector to the local, State, and Federal livestock sanitary officials having jurisdiction when any livestock is found to be affected with a vesicular disease.

(b) No livestock under quarantine by State or Federal livestock sanitary officials on account of a vesicular disease will be given ante mortem inspection. If no quarantine is invoked, or if a quarantine is invoked and later removed, upon ante mortem inspection, any animal found to be affected with vesicular exanthema or vesicular stomatitis in the acute stages, as evidenced by acute and active lesions or an elevated temperature, shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

§ 309.16 Livestock suspected of having biological residues.

Livestock suspected of having been treated with or exposed to any substance that may impart a biological residue which would make the edible tissues unfit for human food shall be identified as U.S. Condemned. The livestock may be held under the custody of a Program employee or other official designated by the officer in charge until metabolic processes have reduced the residue sufficiently to make the tissues fit for human food. To aid in determining the amount of residue present in the tissues, officials of the Program may permit the slaughter of any such livestock to collect tissues for analysis of the residue.

§ 309.17 Livestock used for research.

(a) No livestock used in any research investigation involving an experimental biological product, drug, or chemical shall be eligible for slaughter at an official establishment unless:

(1) The operator of such establishment, the sponsor of the investigation, or the investigator has submitted to the Program, Veterinary Biologics Division, or Pesticides Regulation Division of the Department of Agriculture or to the Food and Drug Administration of the Department of Health, Education, and Welfare, data or a summary evaluation of the data which demonstrates that the use of such biological product, drug, or chemical will not result in the products of such livestock being adulterated, and a Program employee has approved such slaughter.

(2) Written approval by the Director of the Slaughter Inspection Division is furnished the officer in charge prior to the time of slaughter.

(3) In the case of an animal administered any unlicensed, experimental veterinary biologic product regulated under the Virus-Serum Toxin Act (21 U.S.C. 151 et seq.), the product was prepared and distributed in compliance with Part 103 of the regulations issued under said Act (Part 103 of this title), and used in accordance with the labeling approved under said regulations.

(4) In the case of an animal administered any investigational drug regulated under the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301 et seq.), the drug was prepared and distributed in compliance with the applicable provisions of Part 130 of the regulations issued under said Act (21 CFR Part 130), and used in accordance with the labeling approved under said regulations.

(5) In the case of an animal subjected to any experimental poison under section 2(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135 et seq.), the product was prepared and distributed in accordance with § 362.17 of the regulations issued under said Act (7 CFR 362.17), and used in accordance with the labeling approved under said regulations.

(6) In the case of an animal administered or subjected to any substance that is a food additive or pesticide chemical under the Federal, Food, Drug, and Cosmetic Act, supra, there has been compliance with all tolerance limitations established by said Act and the regulations promulgated thereunder (21 CFR 1.1 et seq.), and all other restrictions and requirements imposed by said Act and said regulations will be complied with at the time of slaughter.

(b) The officer in charge may deny or withdraw the approval for slaughter of any livestock subject to the provision of this section when he deems it necessary to assure that all products prepared at the official establishment are free from adulteration.

§ 309.18 Official marks and devices for purposes of ante mortem inspection.

(a) All livestock required by this part to be identified as U.S. Suspects shall be tagged or otherwise marked with one of the devices described below:

(1) A serially numbered metal ear tag bearing the term "U.S. Suspect."

(2) In addition, identification of U.S. Suspect swine must include the use of tattoos specified by the inspector to maintain the identity of the animals through the dehairing equipment when such equipment is used.

(b) All livestock required by this part to be identified as U.S. Condemned shall be tagged or otherwise marked with a serially numbered metal ear tag bearing the term "U.S. Condemned."

(c) The devices described in paragraphs (a) and (b) of this section shall be the official devices for identification of livestock required to be identified, respectively, as U.S. Suspect or U.S. Condemned as provided in this part.

PART 310—POST MORTEM INSPECTION

Sec.

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310.17 Inspection of mammary glands.
310.18 Casings, etc., for use as containers of meat food products.
310.19 Contamination of carcasses, organs, or other parts.
310.20 Inspection of kidneys.

§ 310.1 Extent and time of post mortem inspection.

A careful post mortem examination and inspection shall be made of the carcasses and parts thereof of all livestock slaughtered at official establishments. Such inspection and examination shall be made at the time of slaughter unless, because of unusual circumstances, prior arrangements acceptable to the Administrator have been made for deviating from this procedure in specific cases.

§ 310.2 Identification of carcass with certain severed parts thereof and with animal from which derived.

The head, tail, tongue, thymus gland, and all viscera of each slaughtered animal, and all blood and other parts of such animal to be used in the preparation of meat food products or medical products, shall be handled in such a manner as to identify them with the rest of the carcass and as being derived from the particular animal involved, until the post mortem examination of the carcass and parts thereof has been completed. Such handling shall include the retention of ear tags, back tags, implants, and other identifying devices affixed to the animal, in such a way as to relate them to the carcass until the post mortem examination has been completed.

§ 310.3 Carcasses and parts in certain instances to be retained.

Each carcass, including all detached organs and other parts, in which any lesion or other condition is found that might render the meat or any part unfit for food purposes, or otherwise adulterated, and which for that reason would require a subsequent inspection, shall be retained by the Program employee at the time of inspection. The identity of every such retained carcass, detached organ, or other part shall be maintained until the final inspection has been completed. Retained carcasses shall not be washed or trimmed unless authorized by the Program employee.

§ 310.4 Identification of carcasses and parts; tagging.

Such devices and methods as may be approved by the Administrator may be used for the temporary identification of retained carcasses, organs, and other parts. In all cases, the identification shall be further established by affixing "U.S. Retained" tags as soon as practicable and before final inspection. These tags shall not be removed except by a Program employee.

§ 310.5 Condemned carcasses and parts to be so marked; tanking; separation.

Each carcass or part which is found on final inspection to be unsound, unhealthful, unwholesome, or otherwise adulterated shall be conspicuously marked, on the surface tissues thereof, by a Program employee at the time of inspection, as "U.S. Inspected and Condemned." Condemned detached organs and other parts of such character that they cannot be so marked shall be placed immediately in trucks or receptacles which shall be kept plainly marked "U.S. Inspected and Condemned," in letters not less than 2 inches high. All condemned carcasses and parts shall remain in the custody of a Program employee and shall be disposed of as required in the regulations in Part 314 of this subchapter at or before the close of the day on which they are condemned.

§ 310.6 Carcasses and parts passed for cooking; marking.

Carcasses and parts passed for cooking shall be marked conspicuously on the surface tissues thereof by a Program employee at the time of inspection, "U.S. Passed for Cooking." All such carcasses and parts shall be cooked in accordance with Part 315 of this subchapter, and until so cooked shall remain in the custody of a Program employee.

§ 310.7 Removal of spermatic cords, pizzles, and preputial diverticuli.

Spermatic cords and pizzles shall be removed from all carcasses. Preputial diverticuli shall be removed from hog carcasses.

§ 310.8 Passing and marking of carcasses and parts.

Carcasses and parts found to be sound, healthful, wholesome, and otherwise not adulterated shall be passed and marked as provided in Part 316 of this subchapter. In all cases where carcasses showing localized lesions are passed for food or for cooking and "U.S. Retained" tags are attached to the carcasses, the affected tissues shall be removed and condemned before the tags are removed. "U.S. Retained" tags shall be removed only by a Program employee.

§ 310.9 Anthrax; carcasses not to be eviscerated; disposition of affected carcasses; hides, hoofs, horns, hair, viscera and contents, and fat; handling of blood and scalding vat water; general cleanup and disinfection.

(a) Carcasses found before evisceration to be affected with anthrax shall not be eviscerated but shall be retained, condemned, and immediately tanked or otherwise disposed of as provided in Part 314 of this subchapter.

(b) All carcasses and all parts, including hides, hoofs, horns, hair, viscera and contents, blood, and fat of the livestock, found to be affected with anthrax shall be condemned and immediately disposed of as provided in Part 314 of this subchapter, except that the blood may be handled through the usual blood cooking and drying equipment.

(c) Any part of any carcass that is contaminated with anthrax-infected material through contact with soiled instruments or otherwise shall be immediately condemned and disposed of as provided in Part 314 of this subchapter.

(d) The scalding vat water through which hog carcasses affected with anthrax have passed shall be immediately drained into the sewer and all parts of the scalding vat shall be cleaned and disinfected as provided in paragraph (e) of this section.

(e) (1) That portion of the slaughtering department, including the bleeding area, scalding vat, gambrelling bench, floors, walls, posts, platforms, saws, cleavers, knives, and hooks, as well as employees' boots and aprons, contaminated through contact with anthrax-infected material, shall, except as provided in subparagraph (2) of this paragraph, be cleaned immediately and disinfected with one of the following disinfectants or other disinfectant[1] approved specifically for this purpose by the Administrator:

(i) A 5 percent solution of sodium hydroxide or commercial lye containing at least 94 percent of sodium hydroxide. The solution shall be freshly prepared immediately before use by dissolving $2\frac{1}{2}$ pounds of sodium hydroxide or lye in $5\frac{1}{2}$ gallons of hot water and shall be applied as near scalding hot as possible to be most effective. (Owing to the extremely caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves and boots to protect the hands and feet, and goggles to protect the eyes, should be taken by those engaged in the disinfection process. It is also advisable to have an acid solution, such as vinegar, in readiness in case any of the sodium hydroxide solution should come in contact with any part of the body.)

(ii) A solution of sodium hypochlorite containing approximately one-half of 1 percent (5,000 parts per million) of available chlorine. The solution shall be freshly prepared.

(iii) When a disinfectant solution has been applied to equipment which will afterwards contact meat, the equipment shall be rinsed with clean water before again being used.

(2) In case anthrax infection is found in the hog slaughtering department, an immediate preliminary disinfection shall be made from the head-dropper's station to the point where the disease is detected and the affected carcasses shall be cut down from the rail and removed from the room. Upon completion of the slaughtering of the lot of hogs of which the anthrax-infected animals were a part, slaughtering operations shall cease, and a thorough cleanup and disinfection shall be made, as provided in subparagraph (1) of this paragraph. If the slaughter of the lot has not been completed by the close of the day on which anthrax was detected, the cleanup and disinfection shall not be deferred beyond the close of that day.

(3) The first and indispensable precautionary step for persons who have handled anthrax material is thorough cleansing of the hands and arms with liquid soap and running hot water. It is important that this step be taken immediately after exposure, before vegetative anthrax organisms have had time to form spores. In the cleansing, a brush or other appropriate appliance shall be used to insure the removal of all contaminat-

[1] A list of disinfectants approved for this purpose is available upon request to the Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

ing material from under and about the fingernails. This process of cleansing is most effective when performed in repeated cycles of lathering and rinsing rather than in spending the same amount of time in scrubbing with a single lathering. After the hands have been cleansed thoroughly and rinsed free of soap, they may, if desired, be immersed for about 1 minute in a 1:1,000 solution of bichloride of mercury, followed by thorough rinsing in clean running water. Supplies of bichloride of mercury for the purpose must be held in the custody of the officer in charge. (As a precautionary measure, all persons exposed to anthrax infection should report promptly any suspicious condition (sore or carbuncle) or symptom to a physician, in order that anti-anthrax serum or other treatment may be administered as indicated.)

§ 310.10 Carcasses with skin or hide on; cleaning before evisceration; removal of larvae of Hypodermae, external parasites and other pathological skin conditions.

When a carcass is to be dressed with the skin or hide left on, the skin or hide shall be thoroughly washed and cleaned before any incision is made for the purpose of removing any part thereof or evisceration, except that where calves are slaughtered by the kosher method, the heads shall be removed from the carcasses before washing of the carcasses. The skin shall be removed at the time of post mortem inspection from any calf carcass infested with the larvae of the "oxwarble" fly (Hypoderma lineata and Hypoderma bovis), or external parasites, or affected with other pathological skin conditions.

§ 310.11 Cleaning of hog carcasses before incising.

All hair, scurf, dirt, hoofs, and claws shall be removed from hog carcasses, and the carcasses shall be thoroughly washed and cleaned before any incision is made for inspection or evisceration.

§ 310.12 Sternum to be split; abdominal and thoracic viscera to be removed.

The sternum of each carcass shall be split and the abdominal and thoracic viscera shall be removed at the time of slaughter in order to allow proper inspection.

§ 310.13 Carcasses or parts thereof not to be inflated; transferring caul or other fat.

Carcasses or parts of carcasses shall not be inflated with air. Transferring the caul or other fat from a fat to a lean carcass is prohibited.

§ 310.14 Handling of bruised parts.

When only a portion of a carcass is to be condemned on account of slight bruises, either the bruised portion shall be removed immediately and disposed of in accordance with Part 314 of this subchapter, or the carcass shall be promptly placed in a retaining room and kept until chilled and the bruised portion shall then be removed and disposed of as provided in Part 314 of this subchapter.

§ 310.15 Hyperimmune swine bled before entering official establishments.

Carcasses of hyperimmune swine which have been given the final bleeding at a serum plant under the supervision of an inspector may be transferred to an official establishment for dressing and post mortem inspection in accordance with the provisions of this section. The transfer of such carcasses to the official establishment shall be made as promptly as possible and their delivery to the scalding vat shall be accomplished within 1 hour from the time bleeding is completed. The identity of the carcasses of hyperimmune swine shall be maintained in such manner as to positively identify them and to indicate the time of final bleeding.

§ 310.16 Inspection of cattle, calf, and sheep lungs; hog lungs not to be saved as edible.

(a) All cattle, calf, and sheep lungs intended for food purposes shall be inspected to determine whether foreign matter is present in the air passages. The main bronchi and branches shall be slit by employes of the establishment and, if ingesta or other objectionable foreign matter has entered these passages, the lungs shall be condemned.

(b) Hog lungs shall not be saved as edible product.

§ 310.17 Inspection of mammary glands.

(a) Lactating mammary glands and diseased mammary glands of cattle, sheep, swine, and goats shall be removed without opening the milk ducts or sinuses. If pus or other objectionable material is permitted to come in contact with the carcass, the parts of the carcass thus contaminated shall be removed and condemned.

(b) Nonlactating cow udders may be saved for food purposes provided suitable facilities for handling and inspecting them are provided. Examination of udders by palpation and when necessary by incision in sections no greater than 2 inches in thickness shall be done by establishment employees. All udders showing disease lesions shall be condemned by a Program employee. Each udder shall be properly identified with its respective carcass and kept separate and apart from other udders until its disposal has been accomplished in accordance with the provisions of Part 311 of this subchapter.

(c) Lactating mammary glands of cattle, sheep, swine, and goats shall not be saved for edible purposes.

(d) The udders from cows officially designated as "Brucellosis reactors" or as "Mastitis elimination cows" shall be condemned.

§ 310.18 Casings, etc., for use as containers of meat food products.

(a) Beef rounds, beef bungs, beef middles, beef bladders, calf rounds, hog bungs, hog middles, and hog stomachs which are to be used as containers of any meat food product shall be presented for inspection, turned with the fat surface exposed.

(b) Portions of casings which show infestation with Oesophagostomum or other nodule-producing parasite, and weasands infested with the larvae of Hypoderma lineatum, shall be rejected, except that when the infestation is slight and the nodules and larvae are removed, the casing or weasand may be passed.

§ 310.19 Contamination of carcasses, organs, or other parts.

(a) Carcasses, organs, and other parts shall be handled in a sanitary manner to prevent contamination with fecal material, urine, bile, hair, dirt, or foreign matter. Accidental contamination of this type shall be promptly removed by washing or trimming in a manner satisfactory to the inspector.

(b) Brains, cheek meat, and head trimmings from animals stunned by lead, sponge iron, or frangible bullets shall not be saved for use as human food but shall be handled as described in § 314.1 or § 314.3 of this subchapter.

§ 310.20 Inspection of kidneys.

An employee of the establishment shall open the kidney capsule and expose the kidneys of all livestock at the time of slaughter for the purpose of examination by a Program employee.

PART 311—DISPOSAL OF DISEASED OR OTHERWISE ADULTERATED CARCASSES AND PARTS

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§ 311.1 Disposal of diseased or otherwise adulterated carcasses and parts; general.

(a) The carcasses or parts of carcasses of all animals slaughtered at an official establishment and found at the time of slaughter or at any subsequent inspection to be affected with any of the diseases or conditions named in this part shall be disposed of according to the section pertaining to the disease or condition: *Provided*, That no product shall be passed for human food under any such section unless it is found to be otherwise not adulterated. Owing to the fact that it is impracticable to formulate rules covering every case and to designate at just what stage a disease process or a condition results in adulteration of a product, the decision as to the disposal of all carcasses, organs, or other parts not specifically covered in Part 311 of this subchapter shall be left to the officer in charge. The officer in charge shall exercise his judgment regarding the disposition of all carcasses or parts of carcasses under this part in a manner which will insure that only wholesome, unadulterated product is passed for human food.

(b) In cases of doubt as to a condition, a disease, or the cause of a condition, or to confirm a diagnosis, representative specimens of the affected tissues properly prepared and packaged shall be sent for examination to one of the laboratories of the Biological Control Section of the Program.

§ 311.2 Tuberculosis.

Carcasses of livestock affected with tuberculosis shall be disposed of as follows:

(a) *Carcasses condemned.* The entire carcass shall be condemned if any of the following conditions occur:

(1) When the lesions of tuberculosis are generalized. Tuberculosis is considered to be generalized when the lesions are distributed in a manner made possible only by entry of the bacilli into the systemic circulation.

(2) When the animal was observed to have a fever on ante mortem inspection which was found to be associated with an active tuberculous lesion on post mortem inspection.

(3) When there is an associated cachexia.

(4) When tuberculous lesions are found in the muscles or intermuscular tissues, or bones, or joints, or in the body lymph nodes as a result of draining the muscles, bones, or joints.

(5) When the lesions are extensive in organs and tissues of either the thoracic or the abdominal cavity.

(6) When the lesions are multiple, acute, and actively progressive.

(7) When the lesions are more extensive than those described under paragraph (c) of this section and the character or extent of the lesions are not indicative of a localized condition.

(b) *Disposition of organs or other parts.* An edible organ or other part of a carcass affected by localized tuberculosis shall be condemned when it contains lesions of tuberculosis or when the corresponding lymph node contains lesions of tuberculosis.

(c) *Carcasses passed for human food.* The following principles shall apply to the disposition for food of carcasses not required to be condemned under paragraph (a) of this section. Because there is a difference in the pathogenesis of tuberculosis in swine and cattle, a distinction shall be made in the disposition of carcasses of animals affected with tuberculosis in these two species.

(1) The disease in swine usually affects the digestive system primarily. The carcass may be passed for human food after disposal of the affected parts as required by paragraph (b) of this section, when the lesions are localized and confined to the primary seats of infection, such as the cervical lymph nodes, mesenteric lymph nodes, and hepatic lymph nodes.

(2) The disease in cattle usually affects the respiratory system primarily. The carcass may be passed for human food after disposal of the affected parts as required by paragraph (b) of this section, when the lesions are localized and confined to the primary seats of infection, such as the cervical lymph nodes, the bronchial lymph nodes and the mediastinal lymph nodes and have not progressed beyond the mesenteric lymph nodes.

(3) In the case of other animals, carcasses demonstrating lesions of tuberculosis shall be disposed of as required by paragraph (a) or (d) of this section depending on the character and extent of the lesion.

(d) *Carcasses passed for cooking.* Carcasses which reveal lesions more severe or more numerous than those described in subparagraph (1) or (2) of paragraph (c) of this section, but not so severe nor so numerous as the lesions described in paragraph (a) of this section, may be passed for cooking in accordance with Part 315 of this subchapter, if the character or extent of the lesions are indicative of a localized condition and are calcified or encapsulated and the affected organ or part is condemned.

§ 311.3 Hog cholera.

(a) The carcasses of all hogs affected with hog cholera shall be condemned.

(b) Inconclusive but suspicious symptoms of hog cholera observed during the ante mortem inspection of a U.S. suspect shall be duly considered in connection with post mortem findings and when the carcass of such a suspect shows lesions in the kidneys and the lymph nodes which resemble lesions of hog cholera, they shall be regarded as those of hog cholera and the carcass shall be condemned.

(c) When lesions resembling those of hog cholera occur in kidneys and lymph nodes of carcasses of hogs which appeared normal on ante mortem inspection, further inspection of such carcasses shall be made for corroborative lesions. If on such further inspection, characteristic lesions of hog cholera are found in some organ or tissue in addition to those in the kidneys or in the lymph nodes or in both, then all lesions shall be regarded as those of hog cholera and the carcass shall be condemned.

§ 311.4 Carcasses of swine injected with hog cholera virus.

(a) Carcasses of swine, other than hyperimmune swine, if presented for inspection after 28 days following injection with hog cholera virus shall be given post mortem inspection in conformity with this Part without reference to the injected virus.

(b) Carcasses of hyperimmune swine if presented for inspection after 10 days following hyperimmunization shall be given post mortem inspection in conformity with this part without reference to the injected virus.

§ 311.5 Swine erysipelas.

Carcasses affected with swine erysipelas which is acute or generalized, or which show systemic change, shall be condemned.

§ 311.6 Diamond-skin disease.

Carcasses of hogs affected with diamond-skin disease when localized and not associated with systemic change may be passed for human food after removal and condemnation of the affected parts, provided such carcasses are otherwise healthy.

§ 311.7 Arthritis.

(a) Carcasses affected with arthritis which is localized and not associated with systemic change may be passed for food after removal and condemnation of all affected parts. Affected joints with corresponding lymph nodes shall be removed and condemned. In order to avoid contamination of the meat which is passed, a joint capsule shall not be opened until after the affected joint is removed.

(b) Carcasses affected with arthritis shall be condemned when there is evidence of systemic involvement.

§ 311.8 Cattle carcasses affected with anasarca or generalized edema.

(a) Carcasses of cattle found on post mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive or well-marked generalized edema shall be condemned.

(b) Carcasses of cattle, including their detached organs and other parts, found on post mortem inspection to be affected with anasarca to a lesser extent than as described in paragraph (a) of this section may be passed for human food after removal and condemnation of the affected tissues, provided the lesion is localized.

§ 311.9 Actinomycosis and actinobacillosis.

(a) The definition of generalization as outlined for tuberculosis in § 311.2(a) shall apply for actinomycosis and actinobacillosis, and carcasses of livestock with generalized lesions of either such disease shall be condemned.

(b) Carcasses of livestock in a well-nourished condition showing uncomplicated localized lesions of actinomycosis or actinobacillosis may be passed for human food after the infected organs or other infected parts have been removed and condemned, except as provided in paragraphs (c) and (d) of this section.

(c) Heads affected with actinomycosis or actinobacillosis, including the tongue, shall be condemned, except that when the disease of the jaw is slight, strictly localized, and without suppuration, fistulous tracts, or lymph node involvement, the tongue, if free from disease, may be passed, or, when the disease is slight and confined to the lymph nodes, the head including the tongue, may be passed for human food after the affected nodes have been removed and condemned.

(d) When the disease is slight and confined to the tongue, with or without involvement of the corresponding lymph nodes, the head may be passed for human food after removal and condemnation of the tongue and corresponding lymph nodes.

§ 311.10 Anaplasmosis, anthrax, babesiosis, bacillary hemoglobinuria in cattle, blackleg, bluetongue in sheep, hemorrhagic septicemia, icterohematuria in sheep, infectious bovine rhinotracheitis, leptospirosis, malignant epizootic catarrh, strangles, purpura hemorrhagica, azoturia, infectious equine encephalomyelitis, toxic encephalomyelitis (forage poisoning), infectious anemia (swamp fever), dourine, acute influenza, generalized osteoporosis, glanders (farcy), acute inflammatory lameness, extensive fistula, and unhealed vaccine lesions.

(a) Carcasses of livestock affected with or showing lesions of any of the following named diseases or conditions shall be condemned:

(1) Anthrax.
(2) Blackleg.
(3) Unhealed vaccine lesions (vaccinia).
(4) Strangles.
(5) Purpura hemorrhagica.
(6) Azoturia.
(7) Infectious equine encephalomyelitis.
(8) Toxic encephalomyelitis (forage poisoning).
(9) Infectious anemia (swamp fever).
(10) Dourine.
(11) Acute influenza.
(12) Generalized osteoporosis.
(13) Glanders (farcy).
(14) Acute inflammatory lameness.
(15) Extensive fistula.

(b) Carcasses of livestock affected with or showing lesions of any of the following named diseases or conditions shall be condemned, except when recovery has occurred to the extent that only localized lesions persist, in which case the carcass may be passed for human food after removal and condemnation of the affected organs or other parts.

(1) Anaplasmosis.
(2) Bacillary hemoglobinuria in cattle.
(3) Babesiosis (piroplasmosis).
(4) Bluetongue in sheep.
(5) Hemorrhagic septicemia.
(6) Icterohematuria in sheep.
(7) Infectious bovine rhinotracheitis.
(8) Leptospirosis.
(9) Malignant epizootic catarrh.

§ 311.11 Neoplasms.

An individual organ or other part of a carcass affected with a neoplasm shall be condemned. If there is evidence of metastasis or that the general condition of the animal has been adversely affected by the size, position, or nature of the neoplasm, the entire carcass shall be condemned.

§ 311.12 Epithelioma of the eye of cattle.

(a) Carcasses of animals affected with epithelioma of the eye, of the orbital region, and/or of the corresponding parotid lymph node shall be condemned in their entirety if one of the following three conditions exists:

(1) The affection has involved the osseous structures of the head with extensive infection, suppuration, and necrosis;

(2) There is metastasis from the eye, the orbital region, and/or the corresponding parotid lymph node to other lymph nodes, internal organs, muscles, skeleton, or other structures, regardless of the extent of the primary tumor; or

(3) The affection, regardless of extent, is associated with cachexia or evidence of absorption or secondary changes.

(b) Carcasses of animals affected with epithelioma of the eye, of the orbital region, and/or of the corresponding parotid lymph node to a lesser extent than as described in paragraph (a) of this section may be passed for human food after removal and condemnation of the head, including the tongue, provided the carcass is otherwise normal.

§ 311.13 Pigmentary conditions; melanosis, xanthosis, ochronosis, etc.

(a) Except as provided in § 311.19, carcasses of livestock showing generalized pigmentary deposits shall be condemned.

(b) The affected parts of carcasses showing localized pigmentary deposits of such character as to be unwholesome or otherwise adulterated shall be removed and condemned.

§ 311.14 Abrasions, bruises, abscesses, pus, etc.

All slight, well-limited abrasions on the tongue and inner surface of the lips and mouth, when without lymph node involvement, shall be carefully excised, leaving only sound, normal tissue, which may be passed for human food. Any organ or other part of a carcass which is badly bruised or which is affected by an abscess, or a suppurating sore shall be condemned; and when the lesions are of such character or extent as to affect the whole carcass, the whole carcass shall be condemned. Portions of carcasses which are contaminated by pus or other diseased material shall be condemned.

§ 311.15 Brucellosis.

Carcasses affected with localized lesions of brucellosis may be passed for human food after the affected parts are removed and condemned.

§ 311.16 Carcasses so infected that consumption of the meat may cause food poisoning.

(a) All carcasses of animals so infected that consumption of the products thereof may give rise to food poisoning shall be condemned. This includes all carcasses showing signs of:

(1) Acute inflammation of the lungs, pleura, pericardium, peritoneum, or meninges.

(2) Septicemia or pyemia, whether puerperal, traumatic, or without any evident cause.

(3) Gangrenous or severe hemorrhagic enteritis or gastritis.

(4) Acute diffuse metritis or mammitis.

(5) Phlebitis of the umbilical veins.

(6) Septic or purulent traumatic pericarditis.

(7) Any acute inflammation, abscess, or suppurating sore, if associated with acute nephritis, fatty and degenerated liver, swollen soft spleen, marked pulmonary hyperemia, general swelling of lymph nodes, diffuse redness of the skin, cachexia, icteric discoloration of the carcass or similar condition, either singly or in combination.

(8) Salmonellosis.

(b) Implements contaminated by contact with carcasses affected with any of the disease conditions mentioned in this section shall be thoroughly cleaned and disinfected as prescribed in Part 308 of this subchapter. The equipment used in the dressing of such carcasses, such as viscera trucks or inspection tables, shall be disinfected with hot water having a minimum temperature of 180° F. Carcasses or parts of carcasses contaminated by contact with such diseased carcasses shall be condemned unless all contaminated tissues are removed within 2 hours.

§ 311.17 Necrobacillosis, pyemia, and septicemia.

From the standpoint of meat inspection, necrobacillosis may be regarded as a local infection at the beginning, and

carcasses in which the lesions are localized may be passed for human food if in a good state of nutrition, after those portions affected with necrotic lesions are removed and condemned. However, when emaciation, cloudy swelling of the parenchymatous tissue of organs or enlargement of the lymph nodes is associated with the infection, it is evident that the disease has progressed beyond the condition of localization to a state of toxemia, and the entire carcass shall therefore be condemned as both unwholesome and noxious. Pyemia or septicemia may intervene as a complication of the local necrosis, and when present the carcass shall be condemned in accordance with § 311.16.

§ 311.18 Caseous lymphadenitis.

(a) A thin carcass showing well-marked lesions in the viscera and the skeletal lymph nodes, or a thin carcass showing extensive lesions in any part shall be condemned.

(b) A thin carcass showing well-marked lesions in the viscera with only slight lesions elsewhere or showing well-marked lesions in the skeletal lymph nodes with only slight lesions elsewhere may be passed for cooking.

(c) A thin carcass showing only slight lesions in the skeletal lymph nodes and in the viscera may be passed for human food without restriction.

(d) A well-nourished carcass showing well-marked lesions in the viscera and with only slight lesions elsewhere or showing well-marked lesions confined to the skeletal lymph nodes with only slight lesions elsewhere may be passed for human food without restriction.

(e) A well-nourished carcass showing well-marked lesions in the viscera and the skeletal lymph nodes may be passed for cooking; but where the lesions in a well-nourished carcass are both numerous and extensive, it shall be condemned.

(f) All affected organs and nodes of carcasses passed for human food without restriction or passed for cooking shall be removed and condemned.

(g) As used in this section, the term "thin" shall not be held applicable to a carcass which is anemic or emaciated; and the term "lesions" refers to lesions of caseous lymphadenitis.

§ 311.19 Icterus.

Carcasses showing any degree of icterus with a parenchymatous degeneration of organs, the result of infection or intoxication, and those which show a pronounced yellow or greenish yellow discoloration without evidence of infection or intoxication, shall be condemned. Other carcasses affected with icterus-like discoloration which disappears upon chilling may be passed for human food. If the discoloration does not disappear upon chilling, the meat from the carcasses may be passed for use in comminuted meat food product or for rendering. No carcass retained under this section may be passed for human food unless final inspection thereof is completed under natural light.

§ 311.20 Sexual odor of swine.

(a) Carcasses of swine which give off a pronounced sexual odor shall be condemned.

(b) The meat of swine carcasses which give off a sexual odor less than pronounced may be passed for use in comminuted cooked meat food product or for rendering. Otherwise it shall be condemned.

§ 311.21 Mange or scab.

Carcasses of livestock affected with mange or scab in advanced stages, showing cachexia or extensive inflammation of the flesh, shall be condemned. When the disease is slight, the carcass may be passed after removal of the affected portion.

§ 311.22 Hogs affected with urticaria, tinea tonsurans, demodex folliculorum, or erythema.

Carcasses of hogs affected with urticaria (nettle rash), tinea tonsurans, demodex folliculorum, or erythema may be passed for human food after detaching and condemning the affected skin, if the carcass is otherwise not adulterated.

§ 311.23 Tapeworm cysts in cattle

(a) Carcasses of cattle affected with tapeworm cysts shall be disposed of as follows:

(1) Carcasses of cattle infected with tapeworm cysts shall be condemned if the infestation is excessive or if the meat is watery or discolored. Carcasses shall be considered excessively infested if incisions in various parts of the musculature expose one or more cysts on most of the cut surfaces.

(2) Carcasses of cattle in which tapeworm cyst infestation is limited to one dead and degenerated cyst may be passed for human food after removal and condemnation of the cyst.

(3) Carcasses of cattle showing a slight or moderate tapeworm cyst infestation other than that indicated in subparagraph (2) of this paragraph but not so extensive as indicated in subparagraph (1) of this paragraph, as determined by a careful examination of the heart, muscles of mastication, diaphragm and its pillars, tongue, and portions of the carcass rendered visible by the process of dressing, may be passed for human food after removal and condemnation of the cysts with surrounding tissues: *Provided*, That the carcasses, appropriately identified by U.S. Retained tags, are held in cold storage at a temperature not higher than 15° F. continuously for a period of not less than 10 days: *And provided further*, That the boned meat from such carcasses when in boxes, tierces, or other containers, appropriately identified by U.S. Retained tags, is held at a temperature of not higher than 15° F. continuously for a period of not less than 20 days. As an alternative to retention in cold storage as provided in this subparagraph, such carcasses and meat may be heated throughout to a temperature of at least 140° F.

(b) The edible viscera of carcasses passed for human food or passed for human food after refrigeration or heating under paragraph (a) (2) or (3) of this section may be passed for human food without refrigeration or heating if they are found to be free from cysts on final inspection. This shall not include the lungs, fat, muscles of the oesophagus, and the heart, which shall be disposed of in the same manner as the rest of the carcasses under paragraph (a) of this section. The intestines, oesophagi, and bladders from beef carcasses affected with tapeworm cysts which have been passed for human food or passed for human food after refrigeration or heating under paragraph (a) (2) or (3) of this section may be used for casings after they have been subjected to the usual method of preparation. They may be passed for such purpose upon completion of the final inspection.

§ 311.24 Hogs affected with tapeworm cysts.

Carcasses of hogs affected with tapeworm cysts (Cysticercus cellulosae) may be passed for cooking, but if the infestation is excessive, the carcass shall be condemned.

§ 311.25 Parasites not transmissible to man; tapeworm cysts in sheep; hydatid cysts; flukes; gid bladder-worms.

(a) In the disposal of carcasses, edible organs, and other parts of carcasses showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern except as otherwise provided in this section: If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them can be completely removed, the non-affected portion of the carcass, organ, or other part of the carcass may be passed for human food after the removal and condemnation of the affected portions. If an organ or other part of a carcass shows numerous lesions caused by parasites, or if the character of the infestation is such that complete extirpation of the parasitic infestation or invasion renders the part in any way unfit for human food, the affected part shall be condemned. If parasites are found to be distributed in a carcass in such a manner or to be of such character that their removal and the removal of the lesions caused by them is impracticable, no part of the carcass shall be passed for human food. If the infestation is excessive, the carcass shall be condemned. If the infestation is moderate, the carcass may be passed for cooking, but in case such carcass is not cooked as required by Part 315 of this subchapter, it shall be condemned.

(b) In the case of sheep carcasses affected with tapeworm cysts (Cysticercus ovis, so-called sheep measles, not transmissible to man), such carcasses may be passed for human food after the removal and condemnation of the affected portions: *Provided, however*, That if, upon the final inspection of sheep car-

casses retained on account of measles, the total number of cysts found embedded in any muscle, or in immediate relation with muscular tissue, excluding the heart, exceed five, this shall be taken to indicate that the cysts are so generally distributed and so numerous that their removal would be impracticable, and the entire carcass shall be condemned or passed for cooking after removal and condemnation of the affected portions according to the degree of infestation.

(c) Carcasses found infested with gid bladder-worms (Coenurus cerebralis, Multiceps multiceps) may be passed for human food after condemnation of the affected organ (brain or spinal cord).

(d) Organs or other parts of carcasses infested with hydatid cysts (echinococcus) shall be condemned.

(e) Livers infested with flukes or fringed tapeworms shall be condemned.

§ 311.26 Emaciation.

Carcasses of livestock too emaciated to produce wholesome meat, and carcasses which show a serous infiltration of muscle tissues, or a serous or mucoid degeneration of the fatty tissue, shall be condemned. A gelatinous change of the fat about the heart and kidneys of well-nourished carcasses and mere leanness shall not be classed as emaciation.

§ 311.27 Injured animals slaughtered at unusual hours.

When it is necessary for humane reasons to slaughter an injured animal at night or on Sunday or a holiday when the inspector cannot be obtained, the carcass and all parts shall be kept for inspection, with the head and all viscera except the stomach, bladder, and intestines held by the natural attachments. If all parts are not so kept for inspection, the carcass shall be condemned. If, on inspection of a carcass slaughtered in the absence of an inspector, any lesion or other evidence is found indicating that the animal was sick or diseased, or affected with any other condition requiring condemnation of the animal on ante mortem inspection, or if there is lacking evidence of the condition which rendered emergency slaughter necessary, the carcass shall be condemned.

§ 311.28 Carcasses of young calves, pigs, kids, lambs, and foals.

Carcasses of young calves, pigs, kids, lambs, and foals are unwholesome and shall be condemned if (a) the meat has the appearance of being water-soaked, is loose, flabby, tears easily, and can be perforated with the fingers; or (b) its color is grayish-red; or (c) good muscular development as a whole is lacking, especially noticeable on the upper shank of the leg, where small amounts of serous infiltrates or small edematous patches are sometimes present between the muscles; or (d) the tissue which later develops as the fat capsule of the kidneys is edematous, dirty yellow, or grayish-red, tough, and intermixed with islands of fat.

§ 311.29 Unborn and stillborn animals.

All unborn and stillborn animals shall be condemned and no hide or skin thereof shall be removed from the carcass within a room in which edible products are handled.

§ 311.30 Livestock suffocated and hogs scalded alive.

All livestock which have been suffocated in any way and hogs which have entered the scalding vat alive shall be condemned.

§ 311.31 Livers affected with carotenosis; livers designated as "telangiectatic," "sawdust," or "spotted."

(a) Livers affected with carotenosis shall be condemned.

(b) Cattle livers and calf livers showing the conditions sometimes designated as "telangiectatic," "sawdust," or "spotted" shall be disposed of as follows:

(1) When any or all of the conditions are slight in an organ, the whole organ shall be passed for human food without restriction.

(2) When any or all of the conditions are less severe than extensive, but more severe than slight, in a portion of an organ, while in the remainder of the organ the conditions are slight, the remainder shall be passed for human food without restriction and the other portion shall be passed for cooking.

(3) When any or all the conditions involve the whole organ, and are less severe than extensive, but more severe than slight, the whole organ shall be passed for cooking.

(4) When any or all of the conditions are extensive in less than one-half of the organ, while in the remainder of the organ the conditions are slight, the remainder shall be passed for human food without restriction and the other portion shall be passed for cooking.

(5) When any or all of the conditions are extensive in less than one-half of the organ, while in any or all of the remainder of the organ the conditions are more severe than slight yet less severe than extensive, all of the remainder shall be passed for cooking and the other portion shall be condemned.

(6) When any or all of the conditions are extensive and involve one-half or more of an organ, the whole organ shall be condemned.

(7) The division of an organ into but two parts as contemplated in this paragraph for disposition, shall be accomplished by one cut through the organ. This, of course, does not prohibit incisions which are necessary for inspection.

(c) Livers and parts of livers which are passed for cooking shall be held and cooked in the establishment where produced. They shall be cooked sufficiently to impart a cooked appearance throughout the liver. After cooking, the liver may be released for any purpose.

§ 311.32 Vesicular diseases.

(a) Any carcass affected with vesicular disease shall be condemned if the condition is acute and if the extent of the condition is such that it affects the entire carcass or there is evidence of absorption or secondary change.

(b) Any carcass affected with vesicular disease to a lesser extent than as described in paragraph (a) of this section may be passed for human food after removal and condemnation of the affected parts, if the carcass is otherwise healthy.

§ 311.33 Listeriosis.

Carcasses of livestock identified as U.S. Suspects because of a history of listeriosis shall be passed for human food after condemnation of the head if the carcass is otherwise normal.

§ 311.34 Anemia.

Carcasses of livestock too anemic to produce wholesome meat shall be condemned.

§ 311.35 Muscular inflammation, degeneration, or infiltration.

(a) If muscular lesions are found to be distributed in such a manner or to be of such character that removal is impractical, the carcass shall be condemned.

(b) If muscular lesions are found to be distributed in such a manner or to be of such character that removal is practical, the following rules shall govern the disposal of the carcasses, edible organs, and other parts of carcasses showing such muscular lesions: If the lesions are localized in such a manner and are of such a character that the affected tissues can be removed, the nonaffected parts of the carcass may be passed for human food after the removal and condemnation of the affected portion. If a part of the carcass shows numerous lesions, or if the character of the lesion is such that complete extirpation is difficult and uncertainly accomplished, or if the lesion renders the part in any way unfit for human food, the part shall be condemned.

(c) If the lesions are slight or of such character as to be insignificant from a standpoint of wholesomeness, the carcass or parts may be passed for use in the manufacture of comminuted cooked product, after removal and condemnation of the visibly affected portions.

§ 311.36 Coccidioidal granuloma.

(a) Carcasses which are affected with generalized coccidioidal granuloma or which show systemic changes because of such disease shall be condemned.

(b) Carcasses affected with localized lesions of this disease may be passed for human food after the affected parts are removed and condemned.

§ 311.37 Odors, foreign and urine.

(a) Carcasess which give off a pronounced odor of medicinal, chemical, or other foreign substance shall be condemned.

(b) Carcasses which give off a pronounced urine odor shall be condemned.

(c) Carcasses, organs, or parts affected by odor to a lesser degree than as described in paragraphs (a) and (b) of this section and in which the odor can be removed by trimming or chilling may be passed for human food, after removal of affected parts or dissipation of the condition.

§ 311.38 Meat and meat byproducts from livestock which have been exposed to radiation.

Meat and meat byproducts from livestock which have been administered radioactive material shall be condemned unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act.

§ 311.39 Biological residues.

Carcasses, organs, or other parts of carcasses of livestock shall be condemned if it is determined that they are adulterated because of the presence of any biological residues, or for any other reason.

PART 312—OFFICIAL MARKS, DEVICES, AND CERTIFICATES

Sec.

312.1 General.
312.2 Official marks and devices to identify inspected and passed products of cattle, sheep, swine, or goats.
312.3 Official marks and devices to identify inspected and passed equine products.
312.4 Official ante mortem inspection marks and devices.
312.5 Official seals for transportation of products.
312.6 Official marks and devices in connection with post mortem inspection and identification of adulterated products and insanitary equipment and facilities.
312.7 Official import inspection marks.
312.8 Official export inspection marks and certificates.
312.9 Official detention marks and devices.

§ 312.1 General.

The marks, devices, and certificates prescribed or referenced in this part shall be official marks, devices, and certificates for purposes of the Act, and shall be used in accordance with the provisions of this part and the regulations cited therein.

§ 312.2 Official marks and devices to identify inspected and passed products of cattle, sheep, swine, or goats.

(a) The official inspection legend required by Part 316 of this subchapter to be applied to inspected and passed carcasses and parts of carcasses of cattle, sheep, swine, and goats, meat food products in animal casings and other products shall be in the form approved by the Director, Technical Services Division.[1]

(b) (1) The official inspection legend required by Part 317 of this subchapter to be shown on all labels for inspected and passed products of cattle, sheep, swine, and goats shall be in the form approved by the Director, Technical Services Division.[1] The legend need not be of an uniform size, provided that it is of a sufficient size and of such color as to be conspicuously displayed and readily legible.

(2) This official mark shall be applied by mechanical means and shall not be applied by a hand stamp.

(3) The official inspection legend described in subparagraph (1) of this paragraph may also be used for purposes of Part 316 of this subchapter on shipping containers, band labels, artificial casings, and other articles with the approval of the Director, Technical Services Division.

(c) Any brand, stamp, label, or other device approved by the Administrator and bearing any official mark prescribed in paragraph (a), (b), or (c) of this section shall be an official device for purposes of the Act.

§ 312.3 Official marks and devices to identify inspected and passed equine products.

(a) The official inspection legend required by § 316.12 or § 317.2 of this subchapter to identify inspected and passed horse carcasses and parts of carcasses, or horse meat food products shall be in the form prescribed by the Director, Technical Services Division.[1]

(b) The official inspection legend required by § 316.12 or § 317.2 of this subchapter to identify inspected and passed mule and other (nonhorse) equine carcasses and parts of carcasses, or equine meat food products shall be in the form prescribed by the Director, Technical Services Division.[1]

(c) Any brand, stamp, label, or other device approved by the Administrator and bearing any official mark prescribed in paragraph (a) or (b) of this section shall be an official device for purposes of the Act.

§ 312.4 Official ante mortem inspection marks and devices.

The official marks and devices used in connection with ante mortem inspection are those prescribed in § 309.18 of this subchapter.

§ 312.5 Official seals for transportation of products.

(a) The official seal for use in sealing railroad cars or other means of conveyance as prescribed in Part 325 of this subchapter shall be any device used by the Department for such purpose and bearing the inscription "U.S. Inspected and Passed" and a serial number.[1] This seal shall be attached to the means of conveyance with the "Warning" tag (Form CP-408-3).[1]

(b) The official import meat seal for use in sealing railroad cars and other means of conveyance as prescribed in Part 327 of this subchapter shall be any device used by the Department for such purpose and bearing the inscription "Foreign Meat U.S." and a serial number.[1] This seal shall be attached to the means of conveyance with the "Warning" tag (Form CP-408-3).[1]

§ 312.6 Official marks and devices in connection with post mortem inspection and identification of adulterated products and insanitary equipment and facilities.

(a) The official marks required by Parts 308 and 310 of this subchapter for use in post mortem inspection and identification of adulterated products and insanitary equipment and facilities are:

(1) The "U.S. Retained" mark shall be applied to products and articles as prescribed in Part 310 of this subchapter by means of a tag (Form C&MS-510).[1]

(2) The "U.S. Rejected" mark shall be used to identify insanitary buildings, rooms, or equipment as prescribed in Part 308 of this subchapter and shall be applied by means of a tag (Form C&MS-510).[1]

(3) The tag (Form MI-427)[1] is used to retain carcasses and parts of carcasses in the slaughter department; it is black and white, and is a three-section tag as used for hogs, sheep, goats, and calves. A five-section black tag is used for cattle and equines.

(4) The "U.S. Passed for Cooking" mark shall be applied to products as prescribed in Part 310 of this subchapter by means of a brand.[1]

(5) The "U.S. Inspected and Condemned" mark shall be applied to products as prescribed in Part 310 of this subchapter by means of a brand.[1]

(b) The U.S. Retained and Rejected tags, and any other brand, stamp, label, or other device approved by the Administrator and bearing any official mark prescribed in paragraph (a) of this section shall be an official device for purposes of the Act.

§ 312.7 Official import inspection marks.

The official marks and devices for marking imported products as "U.S. Inspected and Passed" or "U.S. Refused Entry" as required by Part 327 of this subchapter shall be in the form prescribed by the Director, Technical Services Division.[1]

§ 312.8 Official export inspection marks and certificates.

(a) The official export meat inspection stamp required by Part 322 of this subchapter shall be Form MI-412-10.[1]

(b) The official export certificate required by Part 322 of this subchapter shall be Form MI-412-3.[1]

§ 312.9 Official detention marks and devices.

The official mark for articles and livestock detained under Part 329 of this subchapter shall be the designation "U.S. Detained" and the official device for applying such mark shall be a tag in the form set forth in § 329.2 of this subchapter.

[1] Copy filed with the Office of the Federal Register as part of the original document.

PART 314—HANDLING AND DISPOSAL OF CONDEMNED OR OTHER INEDIBLE PRODUCTS AT OFFICIAL ESTABLISHMENTS

Sec.

314.1 Disposition of condemned products at official establishments having tanking facilities; sealing of tanks.
314.2 Tanking and other facilities for inedible products to be separate from edible product facilities.
314.3 Disposition of condemned products at official establishments having no tanking facilities.
314.4 Suppression of odors in preparing inedible products.

See footnote at end of Part 312.

Sec.

314.5 Inedible rendered fats prepared at official establishments.
314.6 Inedible fats from outside official establishments.
314.7 Carcasses of livestock condemned on ante mortem inspection not to pass through edible product areas.
314.8 Dead animal carcasses.
314.9 Specimens for educational, research, and other nonfood purposes; permits for, required.
314.10 Livers condemned because of parasitic infestation and for other causes; conditions for disposal as fish feed.
314.11 Handling of certain condemned products for animal food purposes.

§ 314.1 Disposition of condemned products at official establishments having tanking facilities; sealing of tanks.

(a) Carcasses, parts of carcasses, and other products condemned at official establishments having facilities for tanking shall, except as provided in paragraph (c) of this section or elsewhere in this part, be disposed of by tanking as follows:

(1) The lower opening of the tank shall first be sealed securely by a Program employee, except when permanently connected with a blow line; then the condemned products shall be placed in the tank in his presence, after which the upper opening shall also be sealed securely by such employee, who shall then see that the contents of the tank are subjected to sufficient heating for sufficient time to effectively destroy the contents for human food purposes.

(2) The use of equipment such as crushers or hashers for pretanking preparation of condemned products in the inedible products department has been found to give inedible character and appearance to the material. Accordingly, if condemned products are so crushed or hashed, conveying systems, rendering tanks, and other equipment used in the further handling of crushed or hashed material need not be locked or sealed during the tanking operations. If the rendering tanks or other equipment contain condemned material not so crushed or hashed, the equipment shall be sealed as prescribed in subparagraph (1) of this paragraph. If the crushed or hashed material is not rendered in the establishment where produced, it shall be denatured as provided for in § 314.3.

(b) The seals of tanks shall be broken only by a Program employee after the contents of the tanks have been treated as provided in paragraph (a) of this section. The rendered fat derived from condemned material shall be held until a Program employee shall have had an opportunity to determine whether it conforms with the requirements of this section. Samples shall be taken by Program employees as often as is necessary to determine whether the rendered fat is effectually denatured.

(c) Carcasses of animals condemned under § 309.3 of this subchapter may be disposed of as provided in § 314.3, in lieu of tanking, with the approval of the inspector.

§ 314.2 Tanking and other facilities for inedible products to be separate from edible product facilities.

All tanks and equipment used for rendering, otherwise preparing, or storing inedible products shall be in rooms or compartments separate from those used for preparing or storing edible products. There shall be no connection between rooms or compartments containing inedible products and those containing edible products, except that there may be one connecting doorway between the slaughtering or viscera separating department and the tank charging room of the inedible products rendering department. Pipes and chutes installed in accordance with such arrangements as are permitted by Part 308 of this subchapter, or as may be approved by the Administrator in specific cases, may be used to convey inedible and condemned material from edible product departments to inedible product departments.

§ 314.3 Disposition of condemned products at official establishments having no tanking facilities.

(a) Carcasses, parts of carcasses, and other products condemned at an official establishment which has no facilities for tanking shall, except as provided in paragraph (b) of this section or elsewhere in this part, be denatured with crude carbolic acid, or cresylic disinfectant, or be destroyed by incineration, under the supervision of an inspector. When such product is to be denatured, it shall be freely slashed before the denaturing agent is applied, except that, in the case of dead animals that have not been dressed, the denaturant may be applied by injection. The denaturant must be deposited in all portions of the carcass or product to the extent necessary to preclude its use for food purpose.

(b) All carcasses and parts condemned on account of anthrax, as identified in § 310.9(b) of this subchapter, at official establishments which are not equipped with tanking facilities shall be disposed of by (1) complete incineration, or (2) by thorough denaturing with crude carbolic acid, or cresylic disinfectant and then disposed of in accordance with the requirements of the particular State or municipal authorities, who shall be notified immediately by the officer in charge.

§ 314.4 Suppression of odors in preparing inedible products.

Tanks, fertilizer driers, and other equipment used in the preparation of inedible products shall be properly equipped with condensers and other appliances which will acceptably suppress odors incident to such preparation.

§ 314.5 Inedible rendered fats prepared at official establishments.

Except as provided in § 325.11(c) of this subchapter, rendered animal fat derived from condemned or other inedible materials at official establishments shall be denatured to effectually distinguish it from an edible product, either with low grade offal during the rendering or by adding to, and mixing thoroughly with, such fat, denaturing oil, No. 2 fuel oil, or brucine dissolved in a mixture of alcohol and pine oil or oil of rosemary, and may be shipped in commerce in accordance with § 325.11(d) of this subchapter.

§ 314.6 Inedible fats from outside official establishments.

Except as provided in § 325.11(c) of this subchapter, inedible fats from outside the premises of any official establishment shall not be received into an official establishment except into the tankroom provided for inedible products, and then only when they have been denatured in accordance with § 314.5 and are marked in accordance with § 316.15 of this subchapter, and when their receipt into the tankroom produces no insanitary condition on the premises; nor shall such fats be received in such volume as interferes with prompt disposal of condemned or other inedible material produced at the establishment. When received, they shall not enter any room or compartment used for edible products.

§ 314.7 Carcasses of livestock condemned on ante mortem inspection not to pass through edible product areas.

Carcasses of livestock which have been condemned on ante mortem inspection shall not be taken through rooms or compartments in which an edible product is prepared, handled, or stored.

§ 314.8 Dead animal carcasses.

(a) With the exception of dead animals which have died en route and are received with animals for slaughter at an official establishment, no dead animal or part of the carcass of any animal that died otherwise than by slaughter may be brought on the premises of an official establishment unless advance permission therefor is obtained from the officer in charge.

(b) Under no circumstances shall the carcass of any animal which has died otherwise than by slaughter, or any part thereof, be brought into any room or compartment in which any edible product is prepared, handled, or stored.

§ 314.9 Specimens for educational, research, and other nonfood purposes; permits for, required.

(a) Specimens of condemned or other inedible materials, including embryos and specimens of animal parasites, may be released for educational, research or other nonfood purposes under permit issued by the officer in charge: *Provided*, That the person desiring such specimens makes a written application to the officer in charge for such permit on MI Form 403–10 and arranges with and receives permission from the official establishment to obtain the specimens. Permits shall be issued for a period not longer than 1 year. The permit may be revoked by the officer in charge if the specimens are not used as stated in the application, or if the collection or handling of the specimens interferes with inspection or the maintenance of sanitary conditions in the establishment.

(b) The specimens referred to in paragraph (a) of this section shall be collected and handled only at such time and place and in such manner as not to interfere with the inspection or to cause any objectionable condition.

§ 314.10 Livers condemned because of parasitic infestation and for other causes; conditions for disposal as fish feed.

(a) Livers condemned on account of fluke infestation may be forwarded as fish feed if they are first freely slashed, then denatured, as provided in this paragraph, and then frozen. The denaturing shall be accomplished by dipping the slashed livers in a hot solution composed of one part FD&C Green #3 or methyl Violet to 5,000 parts of water, followed by washing in fresh water until the washings are no longer colored. Freezing shall be preceded by chilling the livers to a temperature not above 40° F. Livers packed in containers not more than 7 inches thick shall then be held for a period of not less than 10 days at a temperature not higher than 15° F. or for a period of not less than 5 days at a temperature not higher than 10° F. Livers packed in containers over 7 inches but less than 27 inches thick shall be held not less than 20 days at a temperature not higher than 15° F., or for not less than 10 days at a temperature not higher 10° F. In lieu of freezing, the livers may be thoroughly cooked and then slashed and denatured in the manner indicated above. It is essential that the livers be sufficiently denatured through discoloration by the dye to preclude their use as human food. Freezing may be accomplished in the regular freezer in a properly separated compartment or receptacle held under Program lock.

(b) Livers condemned on account of hydatids or fringed tapeworms may not be forwarded as fish feed unless thoroughly cooked, slashed, and denatured as indicated in paragraph (a) of this section.

(c) Livers condemned on account of parasites other than flukes, hydatids, or fringed tapeworms may be forwarded for use as fish feed without refrigeration or cooking after slashing and denaturing as indicated in paragraph (a) of this section.

(d) Livers condemned for telangiectasis, angioma, "sawdust" condition, cirrhosis, or other nonmalignant change, benign abscesses, or contamination, when these conditions are not associated with infectious diseases in the carcasses, may be forwarded for use as fish feed without refrigeration or cooking: *Provided*, All tissue affected with abscesses is removed and destroyed within the establishment: *And provided further*, That all livers are slashed and denatured as indicated in paragraph (a) of this section.

(e) Livers denatured as specified in this section shall be placed in containers plainly marked "fish feed—inedible", and when shipped in commerce shall be certified as required by § 325.11 of this subchapter.

§ 314.11 Handling of certain condemned products for animal food purposes.

Condemned carcasses of animals affected with one or more of the following conditions may be used for animal foods provided permission therefor is obtained from the officer in charge: Anasarca, nonsystemic arthritis (after removal of affected joints), Ocular Squamous Cell Carcinoma (after removal of neoplastic tissue), emaciation, eosinophilic myositis, immaturity, nonseptic bruises and injuries (after removal of abnormal tissues), and sarcosporidiosis. This provision is also applicable to articles such as lungs, paunches, and udders, when not handled as required for human food, or unborn calves. Such permission will be granted only if all parts to be so used will be promptly handled, freely slashed and adequately decharacterized as required by § 325.13 of this subchapter. The slashing, decharacterizing, and packing of the product shall be accomplished in an inedible area under the supervision of an inspector. Facilities must be adequate so that the carcasses or parts to be used for animal foods are not contaminated with pus, manure, septic or toxic materials, or similar substances. The operation must not result in insanitary conditions within the establishment.

PART 315—RENDERING OR OTHER DISPOSAL OF CARCASSES AND PARTS PASSED FOR COOKING

Sec.

315.1 Carcasses and parts passed for cooking; rendering into lard, rendered pork fat, or tallow.
315.2 Disposal of products passed for cooking if not handled according to this part.

§ 315.1 Carcasses and parts passed for cooking; rendering into lard, rendered pork fat, or tallow.

Carcasses and parts passed for cooking may be rendered into lard or rendered pork fat in accordance with § 317.8(c) (18) and (20) of this subchapter or rendered into tallow, provided such rendering is done in the following manner:

(a) When closed rendering equipment is used, the lower opening, except when permanently connected with a blow line, shall first be sealed securely by a Program employee; then the carcasses or parts shall be placed in such equipment in his presence, after which the upper opening shall be securely sealed by such employee. When the product passed for cooking in the tank does not consist of a carcass or whole primal part, the requirements for sealing shall be at the discretion of the officer in charge. Such carcasses and parts shall be cooked for a time sufficient to render them effectually into lard, rendered pork fat, or tallow, provided all parts of the products are heated to a temperature not lower than 170° F. for a period of not less than 30 minutes.

(b) At establishments not equipped with closed rendering equipment for rendering carcasses and parts passed for cooking into lard, rendered pork fat, and tallow, such carcasses or parts may be rendered in open kettles under the direct supervision of a Program employee. Such rendering shall be done during regular hours of work and in compliance with the requirements as to temperature and time specified in paragraph (a) of this section.

§ 315.2 Disposal of products passed for cooking if not handled according to this part.

Products passed for cooking if not handled and processed in accordance with the provisions of this part, shall be disposed of in accordance with Part 314 of this subchapter.

PART 316—MARKING PRODUCTS AND THEIR CONTAINERS

Sec.

316.1 Authorization required to make devices bearing official marks.
316.2 Approval required for official marks.
316.3 Use of official marks prohibited except under supervision of Program employee; removal of official marks, when required.
316.4 Marking devices; to be furnished by official establishments; control of.
316.5 Branding ink; to be furnished by official establishments; approval by Program; color.
316.6 Products not to be removed from official establishments unless marked in accordance with the regulations.
316.7 Marking devices not to be false or misleading; style and size of lettering; approval required.
316.8 Unmarked inspected products; moved between official establishments; moved in commerce.
316.9 Products to be marked with official marks.
316.10 Marking of meat food products with official inspection legend and ingredient statement.
316.11 Special markings for certain meat food products.
316.12 Marking of equine carcasses and parts thereof.
316.13 Marking of outside containers.
316.14 Marking tank cars and tank trucks used in transportation of edible products.
316.15 Marking outside containers of inedible grease, etc.

§ 316.1 Authorization required to make devices bearing official marks.

No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make or cause to be made any device containing any official mark or simulation thereof without prior written authority therefor from the Administrator as provided for in § 317.14 of this subchapter.

§ 316.2 Approval required for official marks.

No device containing any official mark shall be made or caused to be made for use on any product until it has been approved by the Administrator as provided for in § 317.3 of this subchapter.

§ 316.3 Use of official marks prohibited except under supervision of Program employee; removal of official marks, when required.

(a) No person shall affix or place, or cause to be affixed or placed, the official inspection legend or any other official mark, or any abbreviation or simulation of any official mark, to or on any product, or container thereof, except under the supervision of a Program employee.

(b) No person shall fill, or cause to be filled, in whole or in part, with any product, any container bearing or intended to bear any official mark, or any abbreviation or simulation of any official mark, except under the supervison of a Program employee.

(c) Product bearing any official mark shall not be canned, cooked, cured, smoked, salted, packed, rendered, or otherwise prepared by any person for commercial purposes unless:

(1) Such preparation is performed at an official establishment; or

(2) Such preparation is conducted under State or other governmental inspection and the prepared product is marked to show that fact; or

(3) The official marks are removed, defaced or otherwise destroyed before or during such preparation; or

(4) The preparation of the product consists solely of cutting up operations at any establishment exempted from inspection under paragraph 301(c)(2) of the Act or equal provisions of a law of a State or organized Territory or at any establishment in an unorganized Territory exempted under paragraph 23(b) of the Act.

§ 316.4 Marking devices; to be furnished by official establishments; control of.

(a) Each official establishment shall furnish such ink brands, burning brands and any other device for marking products with official marks as the Administrator may determine is necessary for marking products at such establishment. The official inspection legend on such a device shall be as prescribed in § 312.1 of this subchapter.

(b) All official devices for marking products with the official inspection legend, or other official marks, including self-locking seals, shall be used only under the supervision of a Program employee, and, when not in use for marking shall be kept locked in properly equipped lockers or compartments, the keys of which shall not leave the possession of a Program employee.

§ 316.5 Branding ink; to be furnished by official establishments; approval by Program; color.

(a) Each official establishment shall furnish all ink for marking products with the official marks at such establishment. Such ink must be made with harmless ingredients that are approved for the purpose by the Director, Technical Services Division. Samples of inks shall be submitted to the Program laboratory from time to time as may be deemed necessary by the officer in charge.

(b) Only purple ink approved for the purpose shall be used to apply ink brands bearing official marks to carcasses of cattle, sheep, swine or goats and fresh meat cuts derived therefrom.

(c) Green ink shall not be used to apply marks to carcasses of cattle, sheep, swine or goats or fresh meat cuts derived therefrom.

(d) Except as provided in paragraphs (b) and (c) of this section, branding ink of any color, approved for the purpose by the Director, Technical Services Division, may be used to apply ink brands, including official marks, to processed meat cuts derived from cattle, sheep, swine or goats.

(e) Only green ink approved for the purpose shall be used to apply ink brands including official marks to carcasses and parts of carcasses and meat cuts derived from horses, mules and other equines.

(f) Ink used must assure legibility and permanence of the markings and the color of ink shall provide acceptable contrast with the color of the product to which it is applied.

§ 316.6 Products not to be removed from official establishments unless marked in accordance with the regulations.

No person shall remove or cause to be removed from an official establishment any products which the regulations in this subchapter require to be marked in any way unless they are clearly and legibly marked in compliance with such regulations.

§ 316.7 Marking devices not to be false or misleading; style and size of lettering; approval required.

No brand or other marking device shall be false or misleading. The letters and figures thereon shall be of such style and type as will make a clear and legible impression. All markings to be applied to products in an official establishment shall be approved prior to use by the Administrator as provided for in § 317.3 of this subchapter, except that official markings prescribed by the Federal meat grading regulations (7 CFR 53.19) need not be submitted to the Administrator for approval.

§ 316.8 Unmarked inspected products; moved between official establishments; moved in commerce.

(a) Unmarked products which have been inspected and passed but do not bear the official inspection legend may be transported in compliance with Part 325 of this subchapter from one official establishment to another official establishment, for further processing, in a car, truck, or other closed container, if the car, truck, or container is sealed with an official seal of the Department (as prescribed in Part 312 of this subchapter) bearing the official inspection legend.

(b) Products which have been inspected and passed but do not bear the official inspection legend may be removed from an official establishment in closed containers bearing the official inspection legend and all other information required by this part and Part 317 of this subchapter: *Provided*, That upon removal from such closed container the product may not be further transported in commerce unless such removal was made under the supervision of a Program employee and such product is reinspected by a Program employee and packed under his supervision in containers bearing the official inspection legend and all other information required by this part and Part 317 of this subchapter: *And provided further*, That unmarked product shall not be brought into an official establishment in an open container.

§ 316.9 Products to be marked with official marks.

(a) Each carcass which has been inspected and passed in an official establishment shall be marked at the time of inspection with the official inspection legend containing the number of the official establishment.

(b) Except as provided otherwise in this part and Part 325 of this subchapter, each primal part of a carcass, the beef cod fat and beef kidney fat, and each liver, beef tongue, and beef heart which has been inspected and passed shall be marked with the official inspection legend containing the number of the official establishment before it leaves the establishment in which it is first inspected and passed, and each other inspected and passed product susceptible of marking shall be marked with the official inspection legend containing the number of the official establishment where it was last prepared: *Provided*, That products need not be so marked if packed in properly labeled immediate containers in accordance with the regulations in Part 317 of this subchapter. Additional official marks of inspection may be applied to such products as desired to meet local conditions.

(c) Beef livers shall be marked with the official inspection legend containing the number of the official establishment, at which the cattle involved were slaughtered, on the convex surface of the thickest portion of the organ.

§ 316.10 Marking of meat food products with official inspection legend and ingredient statement.

(a) Inspected and passed sausage and other products in casings or in link form, of the ordinary "ring" variety or larger shall be marked with the official inspection legend and list of ingredients in accordance with Part 317 of this subchapter. The official marks required by this section shall be branded near each end of sausage or similar product prepared in casings when the product is of a size larger than that customarily sold at retail intact.

(b) Inspected and passed sausage and other products, in casings or in link form, of the smaller varieties, shall bear one or more official inspection legends and one or more lists of ingredients on each 2 pounds of product, except where such products leave the official establishment completely enclosed in properly labeled containers having a capacity of 10 pounds or less and containing a single kind of product: *Provided*, That such products in properly labeled closed containers exceeding 10 pounds shipped to another official establishment for further processing or to a governmental agency, need only have the official inspection legend and list of ingredients shown twice throughout the contents of the container. When such products are shipped to another official establishment for further processing, the officer in charge at the point of origin shall identify the shipment to the officer in charge at destination.

(c) Any product fabricated from two or more ingredients (if susceptible of marking) shall bear a list of the ingredients in accordance with Part 317 of this subchapter: *Provided*, That bockwurst and sausages of the smaller varieties, such as frankfurters and pork sausage, shall bear the list of ingredients at least once on each 2 pounds of product, except that when such product is distributed from an official establishment in an immediate container of a type and size usually sold at retail intact, the list of ingredients on the label of the package shall be sufficient: *And provided further*, That when sausages of the smaller varieties are shipped to another official establishment for further processing, or to a governmental agency, the list of ingredients need appear only twice throughout the contents of containers and when so shipped may be omitted from the contents of containers of 10-pound size or less. When such products are shipped to another official establishment for further processing, the officer in charge at the point of origin shall identify the shipment to the officer in charge at destination by means of Form MI 408–1.

(d) The list of ingredients may be applied by stamping, printing, using paper bands, tags, or tissue strips, or by other means approved by the Administrator.

§ 316.11 Special markings for certain meat food products.

(a) Meat food products, in casing or link form, other than sausage, which possess the characteristics of, or resemble sausage, shall bear on each link or piece the word "imitation" prominently displayed: *Provided*, That the following need not be so marked if they bear on each link or piece the name of the product in accordance with § 317.2 of this subchapter: Such products as coppa, capocollo, lachschinken, bacon, pork loins, pork shoulder butts, and similar cuts of meat which are prepared without added substance other than curing materials or condiments; meat rolls, bockwurst and similar products which do not contain cereal or vegetables; headcheese, souse, sulze, scrapple, blood pudding, and liver pudding; and other products such as loaves, chili con carne, and meat and cheese products when prepared with sufficient cheese to give definite characteristics to the finished products: *And, provided further*, That imitation sausage packed in properly labeled containers having a capacity of 3 pounds or less and of a kind usually sold at retail intact, need not bear the word "imitation" on each link or piece if no other marking or labeling is applied directly to the product.

(b) When cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk or calcium reduced dried skim milk is added to sausage in casing or link form within the limits prescribed in Part 319 of this subchapter, the product shall be marked with the name of each added ingredient, as for example "cereal added," "potato flour added," "cereal and potato flour added," "soy flour added," "isolated soy protein added," "nonfat dry milk added," "calcium reduced dried skim milk added," or "cereal and nonfat dry milk added," as the case may be.

(c) (1) When product is placed in a casing to which artificial coloring is thereafter applied, as permitted in Part 318 of this subchapter, the product shall be legibly and conspicuously marked by stamping or printing on the casing the words "artificially colored."

(2) If a casing is removed from product at an official establishment and there is evidence of artificial coloring on the surface of the product, the product from which the casing has been removed shall be marked by stamping directly thereon the words "artificially colored."

(3) The casing containing product need not be marked to show that it is colored if it is colored prior to its use as a covering for the product, and the coloring is of a kind and so applied as not to be transferable to the product and not to be misleading or deceptive in any respect.

(d) When an approved artificial smoke flavoring or an approved smoke flavoring is added to any meat food product as permitted in Part 318 of this subchapter, the product shall be legibly and conspicuously marked with the words "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added," whichever may be applicable.

(e) Subject to the provisions in paragraph (a) of this section, in the case of sausage of the smaller varieties, the markings prescribed in this section may be limited to links bearing the official inspection legend, and such markings shall not be required if the sausages are packed in properly labeled containers having a capacity of 3 pounds or less and of a kind usually sold at retail intact. Further, all markings otherwise required by this section (except those required by paragraph (a) of this section, may be omitted from the casings of sausage and other meat food products when these products are to be processed in sealed metal containers properly labeled in accordance with the requirements in Part 317 of this subchapter.

(f) When approved antioxidants are added to dried sausage in casings, fresh pork sausage, or dehydrated meats, the products shall be legibly and conspicuously marked in an approved manner to show their presence and the purpose for which they are added, for example, with the statement "oxygen interceptor added to improve stability."

§ 316.12 Marking of equine carcasses and parts thereof.

(a) All inspected and passed equine carcasses and parts thereof prepared at any establishment shall be conspicuously marked with the official inspection legend as prescribed in § 312.2 of this subchapter and with other information prescribed for marking products in this part.

(b) All equine carcasses and meat and other parts thereof shall be marked to show the kinds of animals from which they were derived, when sold, transported, offered for sale or transportation, or received for transportation in commerce.

§ 316.13 Marking of outside containers.

(a) Except as provided in Part 325 of this subchapter, when any inspected and passed product for domestic commerce is moved from an official establishment, the outside container shall bear an official inspection legend as prescribed in Part 312 of this subchapter.

(b) When any product prepared in an official establishment for domestic commerce has been inspected and passed and is enclosed in a cloth or other wrapping, such wrapping shall bear the official inspection legend and official establishment number applied by the approved 2½-inch rubber brand in the form prescribed in Part 312 of this subchapter: *Provided*, That the rubber brand may be omitted if the official inspection legend and official establishment number on the product itself are clearly legible through the wrapping or the wrapping is labeled in accordance with Part 317 of this subchapter: *Provided further*, That plain unprinted wrappings, such as stockinettes, cheese cloth, paper and crinkled paper bags, for properly marked products, which are used solely to protect the product against soiling or excessive drying during transportation or storage need not bear the official inspection legend.

(c) The outside containers of products for export shall be marked in compliance with Part 322 of this subchapter as well as this part.

(d) Slack barrels used as outside containers of products shall have a cloth or paper top covering branded with the official inspection legend containing the official establishment number which shall be applied in such a manner that removal of the covering results in defacing such official inspection legend.

(e) The outside containers of any product which has been inspected and passed for cooking, pork which has been refrigerated as provided in § 318.10(c) of this subchapter, and beef which has been inspected and passed for refrigeration shall bear the markings and tag prescribed in § 325.9(b) of this subchapter.

(f) The outside containers of glands and organs which are not used for human food purposes, such as those described in § 325.19 of this subchapter shall be plainly marked with the phrase "For pharmaceutical purposes", "For organotherapeutic purposes" or "For technical purposes", as appropriate, with no reference to inspection, and need not bear other markings otherwise required under the regulations in this subchapter.

(g) Approval in accordance with § 317.3 of this subchapter is not required for labeling information which is not false or misleading and is in accordance with § 317.2 of this subchapter if it is applied by stencils, box dies, other marking devices or labels on outside containers such as tierces, barrels, drums, boxes, crates, and fiberboard containers, and if

the information is approved by the officer in charge and does not contain any official inspection legends and if the containers on which it is to be used will bear all labels and markings required by § 317.2 of this subchapter and other provisions of this part and Part 317 of this subchapter.

(h) The outside containers of condemned livers for fish feed shall be marked as prescribed in § 314.10 of this subchapter.

(i) The outside containers of any equine product shall be marked to show the kinds of animals from which derived, when the products are sold, transported, offered for sale or transported or received for transportation in commerce.

§ 316.14 Marking tank cars and tank trucks used in transportation of edible products.

(a) Each tank car and each tank truck carrying inspected and passed product from an official establishment shall bear a label containing the name of the product in accordance with § 317.2 of this subchapter, the official inspection legend containing the number of the official establishment and the words "date of loading," followed by a suitable space in which the inspector shall insert the date when the tank car or truck is loaded. The label shall be located conspicuously and shall be printed on material of such character and so affixed as to preclude detachment or effacement upon exposure to the weather. Before the car or truck is removed from the place where it is unloaded, the carrier shall remove or obliterate such label.

(b) Tank cars and tank trucks carrying inspected and passed product from an official establishment to another official establishment or to a location operating under the Identification Service furnished under Part 350 of Subchapter B of this chapter shall be equipped for sealing and securely sealed by a Program employee with an official seal of the Department bearing the official inspection legend as prescribed in Part 312 of this subchapter.

§ 316.15 Marking outside containers of inedible grease, etc.

(a) Outside containers of inedible grease, inedible tallow or other inedible animal fat, or mixture of any such articles, resulting from operations at any official establishment shall be marked conspicuously with the word "inedible" prior to removal from the point of filling. Containers, such as tierces, barrels, and half barrels shall have both ends painted white with durable paint, if necessary, to provide a contrasting background, and the word "inedible" shall be marked thereon in letters not less than 2 inches high, while on tank cars and tank trucks the letters shall be not less than 4 inches high.

(b) Inspected rendered animal fat which is intended not to be used for human food may also be marked "inedible" if handled as provided in paragraph (a) of this section and Part 314 of this subchapter.

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

Sec.
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§ 317.1 Labels required; supervision by Program employee.

(a) When, in an official establishment, any inspected and passed product is placed or packed in any can, pot, tin, canvas, or other receptacle or covering constituting an immediate container, there shall be affixed to such container a label as described in § 317.2: *Provided*, That plain wrappings for fresh meat, such as dressed carcasses and primal parts thereof, which are used solely to protect the product against soiling or excessive drying during transportation or storage need not bear a label: *Provided further*, That uncolored transparent coverings, such as cellophane, which bear no printed or graphic matter and which enclose any unpackaged or packaged product bearing all markings required by Part 316 of this subchapter need not bear a label if the required markings are clearly legible through such coverings: *Provided further*, That animal and transparent artificial casings bearing no markings or printed features other than those required under Part 316 of this subchapter need not bear additional labeling: *And provided further*, That stockinettes used as "operative devices", such as those applied to cured meats in preparation for smoking, need not bear labels whether or not such stockinettes are removed following completion of the operations for which they were applied.

(b) Folders and similar coverings made of paper or similar materials, which do not completely enclose the product and which bear any written, printed, or graphic matter, shall bear all features required on a label for an immediate container.

(c) Each immediate container of imported products which have been inspected and passed as required by Part 327 of this subchapter and which are removed from an outside container at an official establishment shall have affixed thereto a sticker bearing an official inspection legend and the official establishment number before the same shall be allowed to leave the establishment.

(d) No covering or other container which bears or is to bear a label shall be filled, in whole or in part, except with product which has been inspected and passed in compliance with the regulations in this subchapter, which is not adulterated and which is strictly in accordance with the statements on the label. No such container shall be filled, in whole or in part, and no label shall be affixed thereto, except under the supervision of a Program employee.

§ 317.2 Labels: definitions; required features.

(a) A label within the meaning of this part shall mean a display of any printing, lithographing, embossing, stickers, seals, or other written, printed, or graphic matter upon the immediate container (not including package liners) of any product.

(b) Any word, statement, or other information required by this part to appear on the label must be prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. In order to meet this requirement such information must appear on the principal display panel except as otherwise permitted in this part.

(c) Labels of all products shall show the following information on the principal display panel (except as otherwise permitted in this part), in accordance with the requirements of this part or, if applicable, Part 319 of this subchapter:

(1) The name of the product, which in the case of a product for which a definition and standard of identity or composition is prescribed in Part 319 of this subchapter, shall be the name, if any, of the food specified in the standard, and otherwise shall be the common or usual name of the food, if any there be, and if there is none a truthful descriptive designation;

(2) The word "ingredients" followed by a list of the ingredients if the product is fabricated from two or more ingredients;

(3) The name and place of business of the manufacturer, packer or distributor for whom the product is prepared;

(4) An accurate statement of the net quantity of contents;

(5) An official inspection legend and, except as otherwise provided in paragraph (i) of this section, the number of the official establishment, in the form as required by Part 312 of this subchapter.

(6) Any other information required by the regulations in this part or Part 319 of this subchapter.

(d) The principal display panel shall be, in the case of a rectangular package, the entire side or sides that are most likely to be displayed, presented, shown, or examined under customary conditions of display; and in the case of a cylindrical or nearly cylindrical container, an area equal to 40 percent of the surface area of the container (obtained by multiplying the height of the container by the circumference).

(e) Any descriptive designation used as a product name for a product which has no common or usual name shall clearly and completely identify the product. Product which has been prepared by salting, smoking, drying, cooking, chopping, or otherwise shall be so described on the label unless the name of the product implies, or the manner of packaging shows that the product was subjected to such preparation. The unqualified terms "meat," "meat byproduct," "meat food product" and terms common to the meat industry but not common to consumers such as "picnic," "butt," "cala," "square," "loaf," "spread," "delight," "roll," "plate," "luncheon," and "daisy" shall not be used as names of a product unless accompanied with terms descriptive of the product or with a list of ingredients, as deemed necessary in any specific case by the Administrator in order to assure that the label will not be false or misleading.

(f) (1) On containers of frozen dinners, entrees, pizzas and similarly packaged products in cartons, the ingredient statement may be placed on the front riser panel: *Provided*, That the words "see ingredients" followed immediately by an arrow is placed on the principal display panel immediately above the location of such statement: *Provided further*, That such front riser panel is used solely to show the ingredient statement.

(2) The list of ingredients shall show the common or usual names of the ingredients arranged in the descending order of predominance, except as otherwise provided in this paragraph.

(i) The term "flavorings" may be used to designate natural spices, essential oils, oleoresins and other natural spice extractives, and the term "spices" may be used to designate natural spices, without naming each.

(ii) The term "corn syrup" may be used to designate either corn syrup or corn syrup solids.

(iii) The term "animal and vegetable fats" or "vegetable and animal fats" may be used to designate the ingredients of mixtures of such edible fats in product designated "compound" or "shortening". "Animal fats" as used herein means fat derived from inspected and passed cattle, sheep, swine, or goats.

(iv) When a product is coated with pork fat, gelatin, or other approved substance and a specific declaration of such coating appears contiguous to the name of the product, the ingredient statement need not make reference to the ingredients of such coating.

(v) When two meat ingredients comprise at least 70 percent of the meat and meat byproduct ingredients of a formula and when neither of the two meat ingredients is less than 30 percent by weight of the total meat and meat byproducts used, such meat ingredients may be interchanged in the formula without a change being made in the ingredients statement on labeling materials, provided that the word "and" in lieu of a comma shall be shown between the declaration of such meat ingredients in the statement of ingredients.

(g) The name of the person that prepared the product or the name of the operator of the official establishment where the product is prepared by a subsidiary or tenant of the operator may appear as the name of the manufacturer or packer without qualification on the label. Otherwise the name of the distributor of the product shall be shown with a phrase such as "Prepared for * * *" or "Distributed by * * *". The place of business of the manufacturer, packer, or distributor shall be shown on the label by city, State, and postal zip code when such business is listed in a telephone or city directory; and if not listed in such directory then the place of business shall be shown by street address, city, State, and postal zip code.

(h) The statement of net quantity of contents shall appear on the principal display panel in conspicuous and easily legible boldface print or type in distinct contrast to other matter on the package and shall be declared in accordance with the provisions of subparagraphs (1) through (9) of this paragraph (h).

(1) The statement as it is shown on a label shall not be false or misleading and shall accurately reveal the quantity of food in the package exclusive of wrappers and packing substances. For example, when any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar jelly, the statement of the quantity of contents shall represent the weight of the drained product when removed from the container, to the exclusion of the packing substance. Unless the statement of net quantity of contents is so qualified as to show that it expresses the minimum quantity, it shall be taken to express the actual quantity. When the statement expresses the minimum quantity, no variation below the stated minimum shall be permitted, and variations above the stated minimum shall be no greater than consistent with filling the container to the stated minimum in accordance with good commercial practice. When the statement purports to express actual quantity, variations incident to packaging in accordance with good commercial practice as set forth in the Manual of Meat Inspection Procedures[1] shall be allowed but the average net weight of the packages in each lot, determined on the basis of representative samples, shall not be less than the quantity stated.

(2) The statement shall be placed on the principal display panel within the bottom 30 percent of the area of the panel in lines generally parallel to the base: *Provided*, That on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the statement meets the other requirements of this paragraph (h). The declaration may appear in more than one line. The terms "net weight" or "net wt." shall be used when stating the net quantity of contents in terms of weight, and the term "net contents" when stating the net quantity of contents in terms of fluid measure.

(3) Except as provided in § 317.7, the statement shall be expressed in terms of avoirdupois weight or liquid measure. Where no general consumer usage to the contrary exists, the statement shall be in terms of liquid measure, if the product is liquid, or in terms of weight if the product is solid, semisolid, viscous, or a mixture of solid and liquid.

(4) On packages containing 1 pound or 1 pint and not more than 4 pounds or 1 gallon, the statement shall be expressed as a dual declaration both in ounces and (immediately thereafter in parenthesis) in pounds, with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of liquid measure, in the largest whole units with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart, except that on random weight packages the statement shall be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places, for packages over 1 pound, and for packages which do not exceed 1 pound, the statement may be in decimal fractions of the pound in lieu of ounces.

(5) The statement shall be in letters and numerals in type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:

(i) Not less than one-sixteenth inch in height on packages, the principal display panel of which has an area of 5 square inches or less;

(ii) Not less than one-eighth inch in height on packages, the principal display panel of which has an area of more than 5 but not more than 25 square inches;

(iii) Not less than three-sixteenths inch in height on packages, the principal display panel of which has an area of more than 25 but not more than 100 square inches;

(iv) Not less than one-quarter inch in height on packages, the principal panel of which has an area of more than 100 but not more than 400 square inches;

(v) Not less than one-half inch in height on packages, the principal display

[1] This is a manual of instructions to Program employees. Copies may be obtained from the Superintendent of Documents upon payment of the cost thereof. Copies are also available for inspection in the Office of the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or at the office of Program personnel at each official establishment.

panel of which has an area of more than 400 square inches.

(6) The ratio of height to width of letters and numerals shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide). Heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards. When fractions are used, each component numeral shall meet one-half the height standards.

(7) The statement shall be separated from other printed matter appearing above or below the statement by a space equal to the height of the lettering used in the statement and from printed matter appearing to the right or left by a space equal to at least twice the width of the letter "N" of the style of type used in the statement.

(8) (i) Individually wrapped and labeled packages of less than ½-ounce net weight shall be exempt from the required statement of net quantity of contents specified in this paragraph (h) when the statement of net quantity of contents on the shipping container meets the requirements of this paragraph (h).

(ii) Random weight packages bearing labels declaring net weight, price per pound, and total price, shall be exempt from the type size, dual declaration and placement requirements of this paragraph (h), if an accurate statement of net weight is shown conspicuously on the principal display panel of the package.

(9) Labels for containers which bear any representation as to the number of servings contained therein shall bear, contiguous to such representation, and in the same size type as is used for such representation, a statement of the net quantity of each such serving.

(10) As used in this section a "random weight package" is one which is one of a lot, shipment, or delivery of packages of the same product with varying weights and with no fixed weight pattern.

(i) (1) The establishment number shall be either embossed or lithographed on all hermetically sealed containers of inspected and passed product filled in an official establishment, except that such containers which bear labels lithographed directly on the container and in which the establishment number is incorporated need not have the establishment number separately embossed or lithographed thereon. Labels shall not be affixed to containers so as to obscure the embossed or lithographed establishment number.

(2) When any product is placed in a carton or in a wrapper of paper or cloth or in any other type of container approved by the Administrator, which is labeled in accordance with this part, the official inspection legend and the establishment number as specified in paragraph (c) of this section, may be applied by means of a sticker to be securely and prominently affixed, along with the name of product, at a place on the label reserved and designated for the purpose. In case there are two or more display panels featuring the name of product, the inspection sticker shall be affixed to the principal panel.

(3) The official establishment number may be omitted from the official inspection legend on cartons used as outer containers of edible fats, such as lard and oleomargarine, when such products are enclosed in wrappers which bear an official inspection legend containing the official establishment number.

(j) Labels of any product within any of the following paragraphs shall show the information required by such paragraph for such product:

(1) A label for product which is in imitation of another food shall bear the word "imitation" immediately preceding the name of the food imitated and in the same size and style of lettering as in that name and immediately thereafter the word "ingredients" and the names of the ingredients arranged in the order of their predominance. This subparagraph (1) shall not apply to any part of a carcass, however prepared.

(2) If a product purports to be or is represented for any special dietary use by man, its label shall bear a statement concerning its vitamin, mineral, and other dietary properties upon which the claim for such use is based in whole or in part and shall be in conformity with regulations (21 CFR Part 125) established pursuant to sections 201, 403, and 701 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321, 343, 371).

(3) When an approved artificial smoke flavoring or an approved smoke flavoring is added to meat food products, as permitted in Part 318 of this subchapter, there shall appear on the label, in prominent letters and contiguous to the name of the product, a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added," as may be applicable, and the ingredient statement shall identify any artificial smoke flavoring as such.

(4) When any other artificial flavoring is added to product as permitted under Part 318 of this subchapter, there shall appear on the label in prominent letters and contiguous to the name of the product, the words "Artificially flavored" or "Artificial flavoring added" or "With added artificial flavoring." The ingredient statement shall identify it as an artificial flavoring.

(5) Artificial coloring of edible fats shall be declared on the label in a prominent manner and contiguous to the name of the product by the words "Artificially colored" or "Artificial coloring added" or "With added artificial coloring."

(6) When product is placed in a casing to which artificial coloring is applied, as permitted under Part 318 of this subchapter, there shall appear on the label, in a prominent manner and contiguous to the name of the product, the words, "Artificially colored."

(7) If a casing is removed from product at an official establishment and there is evidence of artificial coloring on the surface of the product, there shall appear on the label, in a prominent manner and contiguous to the name of the product, the words, "Artificially colored."

(8) When a casing is colored prior to its use as a covering for product and the color is not transferred to the product enclosed in the casing, no reference to color need appear on the label but no such casing may be used if it is misleading or deceptive with respect to color, quality, or kind of product, or otherwise.

(9) Product which bears or contains any other artificial coloring, as permitted under Part 318 of this subchapter, shall bear a label stating that fact on the immediate container or if there is none, on the product.

(10) When an antioxidant is added to product as permitted under Part 318 of this subchapter, there shall appear on the label in prominent letters and contiguous to the name of product, a statement showing that fact and the purpose for which it is added, such as "oxygen interceptor added to improve stability."

(11) Containers of meat packed in borax or other preservative for export to a foreign country which permits the use of such preservative shall, at the time of packing, be marked "for export", followed on the next line by the words "packed in preservative," or such equivalent statement as may be approved for this purpose by the Administrator and directly beneath this there shall appear the word "establishment" or abbreviation thereof, followed by the number of the establishment at which the product is packed. The complete statement shall be applied in a conspicuous location and in letters not less than 1 inch in height.

(12) Containers of other product packed in, bearing, or containing any chemical preservative shall bear a label stating that fact.

(k) Packaged products which require special handling to maintain their wholesome condition shall have prominently displayed on the principal display panel of the label, the statement "Keep refrigerated," "Perishable keep under refrigeration," "Keep frozen," or such similar statement as the Administrator may approve. For such canned products the statement shall be shown in upper case letters one-fourth inch in height for containers having a net weight of 3 pounds or less, and for containers having a net weight over 3 pounds the statement shall be shown in letters one-half inch in height.

§ 317.3 Prior approval required for labels and marking devices; conditions and procedure.

(a) No label, and no device containing any official marks or simulation thereof, shall be made or caused to be made for use on any product to be prepared at an official establishment or imported until it has been approved in final form as provided for in this section. To request such approval, the person operating the official establishment (or his agent) or the importer (or his agent) shall submit sketches, in quadruplicate, of the label or device with the application form prescribed in paragraph (d) of this section,

to the Director, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. In the case of domestic products, applications shall be submitted through the officer in charge or his designated representative. The preparation of finished labels and devices shall be deferred until sketch approval is obtained and an "Authorization to Manufacture or Print Devices Containing the Official U.S.D.A. Mark of Inspection", as provided for in § 317.14 has been issued. The requirements of this section are applicable also to each reprinting of previously approved labels and reorders of such marking devices.

(b) The "sketch" shall represent the label or device exactly as it will appear in the finished form, including, as appropriate, type size, colors of design and packaging, and the placement of features.

(c) Approval shall be contingent upon approval under § 317.4 of the packaging and other containers proposed to be used for the product.

(d) Each copy of the label or device being submitted for approval shall be accompanied by a completed application form CP–480.[3]

(1) This form is furnished by the Consumer and Marketing Service. The information on the form shall be verified by the officer in charge before submission to the Director.

(2) Form CP–480 must be completely filled out by the person operating the official establishment or his agent before the application will be acted upon. All information requested must be given either in the space provided or by attaching additional sheets if necessary.

(3) The following information must be supplied and entered in the spaces in the application form indicated below:

(i) In space 1, enter the product name as it will be shown on the label.

(ii) In space 2, enter the official establishment number, if any, in the case of domestic products, and the foreign establishment number in the case of products for importation.

(iii) In space 3, indicate by a checkmark the action requested. If application is for temporary use of a label, indicate days needed to exhaust supply of label already printed under prior authorization and quantity involved.

(iv) In space 4, specify the approval number or date of correspondence relating to this label or device.

(v) In space 5, indicate by a checkmark whether label or device is for the immediate container or for a shipping container. If neither of the above, show as "other" information on the form exactly how the label or device is to be used such as "Band around product," "Placed on product," "Placed in shipping container," etc.

(vi) In space 6A, check applicable block. If answer in space 6A was Yes, enter acceptance number in space 6B from Form CP–481. If answer in space 6A was No, submit a complete packaging composition statement on Form CP–481 as required in space 6C.

(vii) In space 7, specify standard can size, casing diameter, or carton dimensions.

(viii) In space 8, specify natural or artificial casings (fibrous, cellulose, etc.), films, plastics, fiberboard, or other materials.

(ix) In space 9, enter the total surface area of the package in square inches. This shall be taken from the outside dimensions of the package, not the label.

(x) In space 10, enter the net weight as shown on the label.

(xi) In space 11, specify head space for canned products. Where a product is composed of two or more major components, indicate quantity of each used in filling the container. For example, for "Meatballs in Sauce," show quantity of meatballs and quantity of sauce.

(xii) In space 12, specify the major components of the product and the complete formula (ingredient plus amount of each) for each. For example, for "Meatballs in Sauce," a formula listing the ingredients and quantity of each used in preparing the meatballs and a separate one for the sauce. If an ingredient is itself composed of two or more ingredients, then these must also be shown.

(xiii) In space 13, specify the complete formula of the product as it will appear in the ingredient statement on the label. This shall represent all of the ingredients used in preparing the product.

(xiv) In space 14, give details of processing, including any fabricating, cooking, curing, or smoking procedures, with times and temperatures of all operations.

(xv) Space 15, except in the case of products for importation, is for insertion by the Program employee of the date on which he verifies the application.

(xvi) In Space 16, except in the case of products for importation, the signature of the Program employee is required to verify the details of the application and that the format of the label or device is acceptable; that the inspection legend conforms in all respects to the regulations; that the applicant's name and address as shown on the label are correct; and that the packaging data as submitted are correct.

(xvii) In space 17, insert the date of the application.

(xviii) Space 18 is for the signature of the representative of the applicant.

(4) Sketches for labels for new products shall be accompanied by samples of the product that were (except in the case of products for importation) produced, packaged and transmitted under the supervision of the local Program employee.

(5) Approved applications for domestic products will be mailed back to the Program employee who will deliver the approved application to the applicant. Approved applications for foreign products will be returned to the applicant. Any conditions that are applicable to the use of a label will be specified on the approved application.

(e) After receipt of an approved sketch for a label or device for domestic product, the applicant that submitted the sketch shall prepare a letter of "Authorization to Manufacture or Print Devices Containing the Official U.S.D.A. Mark of Inspection" as provided for in § 317.14. The letter shall be completed in all details and presented to the officer in charge, or a Program employee designated by him, for his signature and assignment of the authorization number. The authorization number shall be consecutive within each establishment, such as, 38–1, 38–2, 38–3. No label and no device bearing any official mark for domestic product shall be made until such a letter has been signed by the officer in charge or his designee.

(f) When the finished label or device is received at an official establishment, it shall be presented to the officer in charge or his designated representative for approval prior to use. The finished label or device must comply exactly with the approved sketch before usage can be authorized. Any deviation from the approved sketch will require submittal to the Washington office for consideration.

(g) Labels for imported products shall be submitted in finished form to the Director, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, for approval prior to use on product offered for importation. Finished labels shall be submitted with sufficient copies to provide two copies for the Washington office, one copy for each port of entry, and one copy for each foreign establishment at which the product will be produced.

(h) In case of any lithographed labels, paper takeoffs in lieu of sections of the metal containers shall be submitted for final approval. Such paper takeoffs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved. In case of fiber containers, printed layers, such as kraft paper sheet, shall be submitted for approval in lieu of the complete container.

(i) Inserts, tags, liners, pasters and similar devices containing printed or graphic matter and for use on, or to be placed within coverings or other containers of product shall be submitted for approval in the same manner as provided in this section.

(j) Approval in accordance with § 317.3 is not required for labeling information which is not false or misleading and is in accordance with § 317.2 if it is applied by stencils, box dies, other marking devices or labels on immediate containers such as tierces, barrels, drums, boxes, crates, and fiberboard containers that also serve as outside containers, and if the information is approved by the officer in charge and does not contain any official inspection legends and if the containers on which it is to be used will bear all labels and markings required by § 317.2 and other provisions of this part and Part 316 of this subchapter.

[3] Copy filed with the Office of the Federal Register as part of the original document.

§ 317.4 Packaging and other containers, approval required; conditions and procedure.

(a) Label approval for any product shall be contingent upon approval of the packaging and all other containers to be used with the product. Such approval will be given only if it is found that the containers are not composed, in whole or in part, of any poisonous or deleterious substance which will directly or indirectly render the contents injurious to health.

(b) (1) To request approval of any container, the operator of the establishment shall submit a completed "Packaging Composition Statement" [3] to the Director, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(2) This form is supplied by the Consumer and Marketing Service and shall be completed by the applicant for approval of the container.

(3) The composition statement shall include a description of the packaging or other containers and a list of their components, each identified by the name of the manufacturer and his identifying trade name and code. Container components shall include those applied in the establishment such as inks and adhesives.

(4) Form CP-481 must be completely filled out by the applicant before the application will be acted upon. The following information must be supplied and entered in the spaces in the application form indicated below.

(i) In space 1, enter the official establishment number, if any.

(ii) In space 2, enter the name of the product as it will appear on the label.

(iii) In space 3A, state the size and type of container and how the container will be used in relation to the product.

(iv) In space 3B, specify each component part of the material. It is not unusual for a package to have more than one ink adhesive or coating.

(v) In space 3C, enter the name and address of the manufacturer for each of the packaging components shown in 3B.

(vi) In space 3D, enter the trade name or manufacturer's code for each of the packaging components shown in 3B.

(vii) In space 4, enter date signed by the applicant's representative.

(viii) Space 5 shall contain the signature of the authorized representative of the applicant. Spaces 6, 7, and 8 are reserved for use by the Washington office.

§ 317.5 Officer in charge to permit certain modifications of approved labels.

The officer in charge may permit modification of approved labels or markings, under the following circumstances, provided the labeling or marking as modified is so used as not to be false or misleading:

(a) When all features of the label or marking are proportionately enlarged and the color scheme remains the same.

(b) When changes are made in the figures denoting the quantity of contents or when there is substitution of such abbreviations as "lb" for "pound", or "oz." for "ounce", or the word "pound" or "ounce" is substituted for the abbreviation.

(c) When a master or stock label is approved, from which the name and address of the distributor are omitted and such name and address are applied before being used, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when such labels are offered for approval.

(d) When, during Christmas and other holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are used with approved labels or markings. The use of such designs will not make necessary the application of labeling not otherwise required.

(e) When there is a slight change in arrangement of directions pertaining to the opening of cans or the serving of the product.

(f) When there is a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label: *Provided*, That the change in quantity of ingredients complies with any minimum or maximum limits for the use of such ingredients prescribed in Parts 318 and 319 of this subchapter.

§ 317.6 Approved labels to be used only on products to which they are applicable.

Labels shall be used only on products for which they are approved, and only if they have been approved for such products in accordance with § 317.3: *Provided*, That existing stocks of labels approved prior to the effective date of this section and which bear the official inspection legend and all other information required by subparagraph (3) and subparagraphs (5) through (11) of paragraph 1(n) of the Act and comply with subparagraphs (1) and (2) of paragraph 1(n) of the Act, and the quantity of which has been identified to the officer in charge as being in storage on said date at the official establishment or other identified warehouse for the account of the operator of the official establishment, may be used until such stocks are exhausted, but not later than 6 months after the effective date of this section unless such labels conform to all the requirements of this part and Part 319 of this subchapter.

§ 317.7 Products for foreign commerce; printing labels in foreign language permissible; other deviations.

Labels to be affixed to packages of product for foreign commerce may be printed in a foreign language and may show the statement of the quantity of contents in accordance with the usage of the country to which exported and other deviations from the form of labeling required under this part may be approved for such product by the Administrator: *Provided*,

(a) That the proposed labeling accords to the specifications of the foreign purchaser.

(b) That it is not in conflict with the laws of the country to which the product is intended for export, and

(c) That the outside container is labeled to show that it is intended for export; but if such product is sold or offered for sale in domestic commerce, all the requirements of this subchapter apply. The inspection legend and the establishment number shall in all cases appear in English but in addition, may appear literally translated in a foreign language.

§ 317.8 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.

(a) No product or any of its wrappers, packaging or other containers shall bear any false or misleading marking, label or other labeling and no statement, word, picture, design, or device which conveys any false impression or gives any false indication of origin or quality or is otherwise false or misleading shall appear in any marking or other labeling. No product shall be wholly or partly enclosed in any wrapper, packaging or other container that is so made, formed, or filled as to be misleading.

(b) The labels and containers of product shall comply with the following provisions, as applicable.

(1) Terms having geographical significance with reference to a locality other than that in which the product is prepared may appear on the label only when qualified by the word "style," "type," or "brand," as the case may be, in the same size and style of lettering as in the geographical term, and accompanied with a prominent qualifying statement identifying the country, State, Territory, or locality in which the product is prepared, using terms appropriate to effect the qualification. When the word "style" or "type" is used, there must be a recognized style or type of product identified with and peculiar to the area represented by the geographical term and the product must possess the characteristics of such style or type, and the word "brand" shall not be used in such a way as to be false or misleading: *Provided*, That a geographical term which has come into general usage as a trade name and which has been approved by the Administrator as being a generic term may be used without the qualifications provided for in this paragraph. The terms "frankfurter," "vienna," "bologna," "lebanon bologna," "braunscheweiger," "thuringer," "genoa," "leona," "berliner," "holstein," "goteborg," "milan," "polish," and their modifications, as applied to sausages, the terms "brunswick" and "irish" as applied to stews, and the term "boston" as applied to pork shoulder butts need not be accompanied with the word "style," "type," or "brand," or a statement identifying the locality in which the product is prepared.

[3] Copy filed with the Office of the Federal Register as part of the original document.

(2) Such terms as "farm" or "country" shall not be used on labels in connection with products unless such products are actually prepared on the farm or in the country: *Provided*, That if the product is prepared in the same way as on the farm or in the country, these terms, if qualified by the word "style" in the same size and style of lettering, may be used: *Provided further*, That the term "farm" may be used as part of a brand designation when qualified by the word "brand" in the same size and style of lettering, and followed with a statement identifying the locality in which the product is prepared. Sausage containing cereal shall not be labeled "farm style" or "country style," and lard not rendered in an open kettle shall not be designated as "farm style" or "country style."

(3) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall not relieve any establishment from the requirement that its label shall not be misleading in any particular.

(4) The term "spring lamb" or "genuine spring lamb" is applicable only to carcasses of new-crop lambs slaughtered during the period beginning in March and terminating not beyond the close of the week containing the first Monday in October.

(5) Coverings shall not be of such color, design, or kind as to be misleading with respect to color, quality, or kind of product to which they are applied. For example, transparent or semitransparent coverings for such articles as sliced bacon or pork sausage shall not bear lines or other designs of red or other color which give a false impression of leanness of the product. Transparent or semitransparent wrappers or coverings for use in packaging cured, cured and smoked, or cured and cooked sausage products, and sliced ready-to-eat meat food products may be color tinted or bear red designs on 50 percent of such wrapper or covering: *Provided*, That the principal display panel is free of color tinting and red designs: *And provided further*, That the principal display panel provides at least 20 percent unobstructed clear space, consolidated in one area so that the true nature and color of the product is visible to the consumer.

(6) The word "fresh" shall not be used on labels to designate product which contains any sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or which has been salted for preservation.

(7) The words "spice," "spices," and "spiced," without qualification, shall not be used unless they refer to genuine natural spices.

(8) As used on labels of product, the term "gelatin" shall mean (i) the jelly prepared in official establishments by cooking pork skins, tendons, or connective tissue from inspected and passed product, and (ii) dry commercial gelatin or the jelly resulting from its use.

(9) Product (other than canned product) labeled with the term "loaf" as its name or part of its name shall be prepared in loaf form.

(10) The term "baked" shall apply only to product which has been cooked by the direct action of dry heat and for a sufficient time to permit the product to assume the characteristics of a baked article, such as the formation of a brown crust on the surface, rendering out of surface fat, and the caramelization of the sugar if applied. Baked loaves shall be heated to a temperature of at least 160° F. and baked pork cuts shall be heated to an internal temperature of at least 170° F.

(11) When products such as loaves are browned by dipping in hot edible oil or by a flame, the label shall state such fact, e.g., by the words "Browned in Hot Cottonseed Oil" or "Browned by a Flame", as the case may be, appearing as part of the product name.

(12) The term "meat" and the names of particular kinds of meat, such as beef, veal, mutton, lamb, and pork, shall not be used in such manner as to be false or misleading.

(13) (i) The word "ham," without any prefix indicating the species of animal from which derived, shall be used in labeling only in connection with pork hams. Ham shanks as such or ham shank meat as such or the trimmings accruing in the trimming and shaping of hams shall not be labeled "ham" or "ham meat" without qualification. When used in connection with a chopped product the term "ham" or "ham meat" shall not include the skin.

(ii) Products resembling ham and other pork products of the kinds specified in the provisions of § 319.105 (a) or (b) of this subchapter, which do not conform to such provisions because they contain added water not in excess of 10 percent of the weight of the fresh, uncured products, shall bear on their labels the term "Water Added," immediately following the word "ham" or other product name, in prominent lettering not less than three-eighths inch in height, and shall be so marked with the term "Water Added," except that the Administrator may approve smaller lettering for labels of small packages, such as 4-ounce packages, when he finds that the size and style of the lettering in connection with the product name are such as to insure the prominence of the required terms. The qualifying phrase "Up to 10%" or equivalent phrase may be used in labeling such products in connection with the term "Water Added" at the option of the operator of the establishment, provided the qualifying phrase does not detract from the prominence of the term "Water Added."

(14) The terms "shankless" and "hockless" shall apply only to hams and pork shoulders from which the shank or hock has been completely removed, thus eliminating the entire tibia and fibula, or radius and ulna, respectively, together with the overlying muscle, skin, and other tissue.

(15) Such terms as "meat extract" or "extract of beef" without qualification shall not be used on labels in connection with products prepared from organs or other parts of the carcass, other than fresh meat. Extracts prepared from any parts of the carcass other than fresh meat shall not be labeled "meat extract" but may be properly labeled with the true name of the parts from which prepared. In the case of extract in fluid form, the word "fluid" shall also appear on the label, as, for example, "fluid extract of beef."

(16) When cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk is added to sausage within the limits prescribed in Part 319 of this subchapter, there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredient, as, for example, "Cereal Added," "With Cereal," "Potato Flour Added," "Cereal and Potato Flour Added," "Soy Flour Added," "Soy Protein Concentrate Added," "Isolated Soy Protein Added," "Nonfat Dry Milk Added," "Calcium Reduced Dried Skim Milk Added," or "Cereal and Nonfat Dry Milk Added," as the case may be.

(17) When any product is enclosed in a container along with a packing substance such as brime, vinegar, or agar jelly, a declaration of the packing substance shall be printed prominently on the label in connection with the name of the product, as for example, "frankfurts packed in brine", "lamb tongue packed in vinegar", or "beef tongue packed in agar jelly," as the case may be. The packing substance shall not be used in such a manner as will result in the container being so filled as to be misleading.

(18) "Leaf lard" is lard prepared from fresh leaf fat.

(19) When lard or hardened lard is mixed with rendered pork fat or hardened rendered pork fat, the mixture shall be designated as "rendered pork fat" or "hardened rendered pork fat," as the case may be.

(20) Oil, stearin, or stock obtained from beef or mutton fats rendered at a temperature above 170° F. shall not be designated as "oleo oil," "oleo stearin," or "oleo stock," respectively.

(21) When not more than 20 percent of beef fat, mutton fat, oleo stearin, vegetable stearin, or hardened vegetable fat is mixed with lard or with rendered pork fat, there shall appear on the label, contiguous to and in the same size and style of lettering as the name of product, the words "beef fat added," "mutton fat added," "oleo stearin added," "vegetable stearin, whereas the designations "vegefat added," as the case may be. If more than 20 percent is added, the product name shall refer to the particular animal fat or fats added. For example, "Lard and Beef fat."

The designation "vegetable fat" is applicable to vegetable oil, vegetable stearin, or a combination of such oil and stearin, whereas the designations "vegetable oil" and "vegetable stearin" shall be applicable only to the oil and the stearin, respectively, when used in meat food products.

(22) Cooked, cured, or pickled pigs feet, pigs knuckles, and similar products, shall be labeled to show that the bones remain in the product, if such is the case. The designation "semi-boneless" shall not be used if less than 50 percent of the total weight of bones has been removed.

(23) When monoglycerides, diglycerides, and/or polyglycerol esters of fatty acids are added to rendered animal fat or a combination of such fat and vegetable fat, there shall appear on the label in a prominent manner and contiguous to the name of the product a statement such as "With Monoglycerides and Diglycerides Added," or "With Diglycerides and Monoglycerides," or "With Polyglycerol Esters of Fatty Acids" as the case may be.

(24) The terms "Animal Fat" and "Meat Fat" may be used synonymously to identify rendered fats obtained from cattle, sheep, swine, or goats in the name of product and ingredient statement for such meat food products as shortening and uncolored oleomargarine. The terms "Animal Fat" or "Meat Fat" shall not be used to identify such well known single commodities as lard, rendered pork fat, oleo oil, oleo stearin, oleo stock, and similar products when prepared and packed as such.

(25) Colored oleomargarine or colored margarine packed for retail sale shall be in containers not exceeding 1-pound capacity, labeled as follows:

(i) The word "oleomargarine" or "margarine" shall appear on each principal display panel of the container in type of lettering at least as large and in at least the same prominence as any other type or lettering appearing on such container.

(ii) A full and accurate statement of all the ingredients contained in such oleomargarine or margarine shall be prominently and informatively displayed contiguous to the word "oleomargarine" or "margarine" wherever such word is featured on the container. The ingredients shall be shown by their common or usual name and be arranged in the order of their predominance. Collective terms such as "animal fat" and "vegetable fat" shall not be used but the specific fat, oil or stearin shall be shown.

(iii) Each part of the contents of the container shall be enclosed in a wrapper bearing the word "oleomargarine" or "margarine" in type or lettering not smaller than 20-point type.

(iv) Wrapped quarter pound sticks or similar units of such oleomargarine or margarine packaged together in a container may constitute units for retail sale and they shall be individually wrapped and labeled in accordance with subdivisions (i), (ii), and (iii) of this subparagraph.

(26) When approved proteolytic enzymes are used on steaks or other meat cuts which are frozen or cooked within the official establishment where they are produced, there shall appear on the labels of the frozen or cooked cuts, contiguous to the name of the products, a prominent descriptive statement such as "Dipped in Solution of Papain," to indicate the use of such enzymes.

(27) When methyl polysilicone is added as an antifoaming agent to rendered fats, its presence shall be declared on the label contiguous to the name of the product. Such declaration shall read "Methyl Polysilicone Added."

(28) When pizzas are formulated with crust containing calcium propionate or sodium propionate, there shall appear on the label contiguous to the name of the product the statement "_____ added to retard spoilage of the crust" preceded by the name of the preservative.

(29) Sausage of the dry varieties treated with potassium sorbate or propylparaben (propyl p-hydroxybenzoate) as permitted by Part 318 of this subchapter, shall be marked or labeled with a statement disclosing such treatment and the purpose thereof, such as "dipped in a potassium sorbate solution to retard mold growth."

§ 317.9 Labeling of equine products.

The immediate containers of any equine products shall be labeled to show the kinds of animals from which derived, when the products are sold, transported, offered for sale or transportation or received for transportation in commerce.

§ 317.10 Reuse of official inspection marks; reuse of containers bearing official marks, labels, etc.

(a) No official inspection legend or other official mark which has been previously used shall be used again for the identification of any product, except as provided for in paragraph (b) of this section.

(b) All stencils, marks, labels, or other labeling on previously used containers, whether relating to any product or otherwise, shall be removed or obliterated before such containers are used for any product, unless such labeling correctly indicates the product to be packed therein and such containers are refilled under the supervision of a Program employee.

§ 317.11 Labeling, filling of containers, handling of labeled products to be only in compliance with regulations.

(a) No person shall apply or affix, or cause to be applied or affixed, any label to any product prepared or received in an official establishment, or to any container thereof, or fill any container at such an establishment, except in compliance with the regulations in this subchapter.

(b) No covering or other container shall be filled, in whole or in part, at any official establishment with any product unless it has been inspected and passed in compliance with the regulations in this subchapter, is not adulterated, and is strictly in accordance with the statements on the label, and such filling is done under the supervision of a Program employee.

(c) No person shall remove, or cause to be removed from an official establishment any product bearing a label unless such label is in compliance with the regulations in this subchapter.

§ 317.12 Relabeling products; requirements.

When it is claimed by an official establishment that some of its products which bore labels bearing official marks has been transported to a location other than an official establishment, and it is desired to relabel the product because the labels have become mutilated or otherwise damaged, a request for relabeling the product shall be sent to the Administrator, accompanied with a statement of the reasons therefor. Labeling material intended for relabeling inspected and passed product shall not be transported from an official establishment until permission has been received from the Administrator. The relabeling of inspected and passed product with labels bearing any official marks shall be done under the supervision of an inspector of the Program. The official establishment shall reimburse the Program, in accordance with the regulations of the Department, for any cost involved in supervising the relabeling of such product.

§ 317.13 Storage and distribution of labels and containers bearing official marks.

Labels, wrappers, and containers bearing any official marks, with or without the establishment number, may be transported from one official establishment to any other official establishment provided such shipments are made with the prior authorization of the officer in charge at point of origin, who will notify the officer in charge at destination concerning the date of shipment, quantity, and type of labeling material involved. No such material shall be used at the establishment to which it is shipped unless such use conforms with the requirements of this subchapter.

§ 317.14 Reporting of obsolete labels.

Once a year, or oftener if necessary, each official establishment shall submit to the Administrator, in quadruplicate, a list of approved labels no longer in use, accompanied with a statement identifying the labels for which approval is no longer desired. The approved labels shall be identified by the approval number, the date of approval, and the name of the product or other designation showing the class of labeling material.

§ 317.15 Authorization required to make labels or other devices bearing official marks.

(a) No person shall cast, print, lithograph, or otherwise make or cause to be made any label bearing any official mark, or simulation thereof, or any device for making such a label, without the written authority from the Administrator, as provided for in this section.

(b) After receipt of an approved sketch for a label or device bearing any official mark, the person receiving such approval shall prepare and present to the officer in charge or the Program employee designated by him, a document in the form as prescribed in this paragraph requesting authorization for the manufacture or printing of such label or device for making such label. The request shall be prepared in quadruplicate and shall be in the following form:

(Use company letterhead or type in name and address.)

(Show name and address of manufacturer or printer from which device is being ordered.)

SUBJECT: Authorization To Manufacture or Print Devices Containing the Official USDA Mark of Inspection.

GENTLEMEN: You are hereby authorized to cast, print, lithograph, or otherwise make the following device containing the official USDA mark of inspection in the quantities shown:

(Show (1) quantity, (2) description of item (label, carton, can, brand, etc.), and (3) date of sketch approval or final approval number and date of final approval of device.)

The official plant or establishment's number is (give number). Its address is as follows:

(Give name and address, including ZIP Code, of plant or establishment.)

(Give shipping and other special instructions.)

Return the duplicate copy of this letter, showing the action you have taken, with the invoices, etc., accompanying the shipment of the finished devices.

Yours very truly,

_____
(Signature and title of company official)

WARNING: Illegal to cast, etc., devices unless approved by USDA.

Approved by USDA representative:

_____ _____
(Date) (Signature)

Authorization No. _____

THIS SECTION FOR USE BY ADDRESSEE

☐ Order shipped as specified on _____ (Date)

☐ Order shipped _____ (Date) but modified as follows:

(c) When the authorization form has been prepared as indicated thereon, including approval by the officer in charge or his representative, the original and duplicate of the form shall be sent by the official establishment operator with the order to the manufacturer or printer, who shall countersign and complete the form to show action taken with the order, and retain the original and send the duplicate along with the finished device to the official establishment.

(d) The triplicate copy shall be retained by the Program employee at the official establishment until the device is received, at which time the duplicate accompanying the device shall become the official Program copy.

(e) The quadruplicate copy shall be retained by the person preparing the authorization request.

(f) An authorization number, consecutive within each establishment, shall be assigned, by the officer in charge to each authorization issued, such as 38–1, 38–2, etc.

(g) The authorization forms are not furnished by the Consumer and Marketing Service but shall be prepared by the person requesting the authorization.

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

Sec.

318.1 Products and other articles entering official establishments.
318.2 Reinspection, retention, and disposal of products at official establishments.
318.3 Designation of places of receipt of products and other articles for reinspection.
318.4 Preparation of products to be officially supervised; responsibilities of official establishments.
318.5 Requirements concerning procedures.
318.6 Requirements concerning ingredients and other articles used in preparation of products.
318.7 Approval of substances for use in the preparation of products.
318.8 Preservatives and other substances permitted in product for export only; handling; such product not to be used for domestic food purposes.
318.9 Samples of products, water, dyes, chemicals, etc., to be taken for examination.
318.10 Prescribed treatment of pork and products containing pork to destroy trichinae.
318.11 Canning with heat processing and hermetically sealed containers; cleaning containers; closure; code marking; heat processing; incubation.
318.12 Preparation of dog food or similar uninspected article at official establishments.
318.13 Mixtures containing product but not amenable to the Act.
318.14 Adulteration of products by flood water, etc.; procedure for handling.
318.15 Tagging chemicals, preservatives, cereals, spices, etc., "U.S. Retained."
318.16 Pesticide chemicals and other residues in products.

§ 318.1 Products and other articles entering official establishments.

(a) Except as otherwise provided in paragraphs (g) and (h) of this section, no product shall be brought into an official establishment unless it has been prepared only in an official establishment and previously inspected and passed by a Program employee, and is identified by an official inspection legend as so inspected and passed. Notwithstanding the foregoing provisions of this subparagraph, product imported in accordance with Part 327 of this subchapter and not prepared in the United States outside an official establishment, may enter any official establishment subject in other respects to the same restrictions as apply to domestic product. Product entering any official establishment shall not be used or prepared thereat until it has been reinspected in accordance with § 318.2. Any product originally prepared at any official establishment may not be returned into any part of such establishment, except the receiving area approved under § 318.3, until it has been reinspected by the inspector.

(b) No slaughtered poultry or poultry product shall be brought into an official establishment unless it has been previously inspected and passed and is identified as such in accordance with the requirements of the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) and the regulations thereunder, and has not been prepared other than in an establishment inspected under said Act.

(c) Every article for use as an ingredient in the preparation of meat food products, when entering any official establishment and at all times while it is in such establishment, shall bear a label showing the name of the article, the amount or percentage therein of any substances restricted by this part or Part 317 of this subchapter, and a list of ingredients in the article if composed of two or more ingredients. In addition, the label must show the name and address of the manufacturer or distributor.

(d) Containers of preparations which enter any official establishment for use in cooling or retort water, in hog scalding water, or in denuding of tripe shall at all times while they are in such establishment bear labels showing the chemical names of the chemicals in such preparations. In the case of any preparation containing any chemicals which are specifically limited by § 318.7(b)(4) as to amount permitted to be used, the labels on the containers shall also show the percentage of each such chemical in the preparation.

(e) No prohibited dye, chemical, preservative, or other substance shall be brought into or kept in an official establishment for use as an ingredient of human food or animal feed.

(f) All isolated soy protein when entering and while in any official establishment, must be labeled in accordance with, and otherwise meet the requirements of § 318.6(b)(11).

(g) Glands and organs, such as cotyledons, ovaries, prostate glands, tonsils, spinal cords, and detached lymphatic, pineal, pituitary, parathyroid, suprarenal, pancreatic and thyroid glands, used in preparing pharmaceutical, organotherapeutic, or technical products and which are not used as human food (whether or not prepared at official establishments) may be brought into and stored in edible product departments of inspected establishments if packaged in suitable containers so that the presence of such glands and organs will in no way interfere with the maintenance of sanitary conditions or constitute an interference with inspection. Glands or organs which are regarded as human food products, such as livers, testicles, and thymus glands, may be brought into official establishments for pharmaceutical, organotherapeutic, or technical purposes, only if U.S. inspected and passed and so identified.

(h) Carcasses of game animals, and carcasses derived from the slaughter by any person of livestock of his own raising in accordance with the exemption provisions of paragraph 23(a) of the Act, and parts of such carcasses, may be brought into an official establishment

for preparation, packaging, and storing provided that they do not result in any insanitary condition and are segregated from inspected product while in the official establishment, and, in the case of livestock products they are adequately marked or otherwise identified, in lieu of other marking or labeling required by the regulations of this subchapter, as being not for sale and with the name and address of the owner of the products, and provided further, that the owner of any such carcasses or parts thereof of livestock certifies that the products thereof are intended exclusively for use by him and members of his household and his nonpaying guests and employees.

(i) The official establishment shall furnish such information as the inspector may deem necessary to determine the origin of any product or other article entering the official establishment. Such information may include, but is not limited to, the name and address of the seller or supplier, transportation company, agent, or broker involved in the sale or delivery of the product or article in question.

(j) Any product or any poultry or poultry product or other article that is brought into an official establishment contrary to any provision of this section may be required by the Administrator to be removed immediately from such establishment by the operator thereof, and failure to comply with such requirement shall be deemed a violation of this regulation. If any slaughtered poultry or poultry products or other articles are received at an official establishment and are suspected of being adulterated or misbranded under the Poultry Products Inspection Act or the Federal Food, Drug, and Cosmetic Act, the appropriate governmental authorities will be notified. Products received in an official establishment during the inspector's absence shall be held separate and apart in the establishment, pending inspection by the inspector.

§ 318.2 Reinspection, retention, and disposal of products at official establishments.

(a) All products and all slaughtered poultry and poultry products brought into any official establishment shall be identified and reinspected at the time of receipt, and shall be subject to further reinspection at any official establishment in such manner and at such times as may be deemed necessary by the officer in charge to assure compliance with the regulations in this subchapter.

(b) All products, whether fresh, cured, or otherwise prepared, even though previously inspected and passed, shall be reinspected by Program employees as often as may be necessary in order to ascertain that they are not adulterated or misbranded at the time they enter or leave official establishments.

(c) A U.S. Retained tag shall be placed by a Program employee at the time of reinspection at any official establishment on all products which are suspected on such reinspection of being adulterated or misbranded, and such products shall be held for further inspection. Such tags shall be removed only by authorized Program employees. When further inspection is made, if the product is found to be adulterated, all official inspection legends or other official marks for which the product is found to be ineligible under the regulations in this subchapter, shall be removed or defaced and the product shall be condemned and disposed of in accordance with Part 311 of this subchapter, except that a determination regarding adulteration may be deferred if a product has become soiled or unclean by falling on the floor or in any other accidental way or if the product is affected with any other condition which the inspector deems capable of correction, in which case the product shall be cleaned (including trimming if necessary) or otherwise handled in a manner approved by the inspector to assure that it will not be adulterated and shall then be presented for reinspection and disposal in accordance with this section. If upon final inspection, the product is found to be neither adulterated nor misbranded, the inspector shall remove the U.S. Retained tag. If a product is found upon reinspection to be misbranded but not adulterated, it shall be held under a U.S. Retained tag, or a U.S. Detention tag as provided in Part 329 of this subchapter, pending correction of the misbranding or issuance of an order under section 7 of the Act to withhold from use the labeling or container of the product, or the institution of a judicial seizure action under section 403 of the Act. The inspector shall make a complete record of each transaction under this paragraph and shall report his action to the officer in charge.

§ 318.3 Designation of places of receipt of products and other articles for reinspection.

Every official establishment shall designate, with the approval of the officer in charge, a dock or place at which products and other articles subject to reinspection under § 318.2 shall be received, and such products and articles shall be received only at such dock or place.

§ 318.4 Preparation of products to be officially supervised; responsibilities of official establishments.

(a) All processes used in curing, pickling, rendering, canning, or otherwise preparing any product in official establishments shall be supervised by Program employees. No fixtures or appliances, such as tables, trucks, trays, tanks, vats, machines, implements, cans, or containers of any kind, shall be used unless they are of such materials and construction as will not contaminate or otherwise adulterate the product and are clean and sanitary. All steps in the processes of manufacture shall be conducted carefully and with strict cleanliness in rooms or compartments separate from those used for inedible products.

(b) It shall be the responsibility of the operator of every official establishment to comply with the Act and the regulations in this subchapter. In order to effectively carry out this responsibility, the operator of the establishment shall institute appropriate control programs, approved by C&MS and commensurate with the type of activities conducted at the establishment, to assure the maintenance of the establishment and the preparation, marking, labeling, and packaging of its products strictly in accordance with the sanitary and other requirements of this subchapter. When such control programs involve the maintenance of records, such records shall be made available for review by inspectors.

§ 318.5 Requirements concerning procedures.

(a) (1) Care shall be taken to assure that product is not adulterated when placed in freezers. If there is doubt as to the soundness of any frozen product, the inspector will require the defrosting and reinspection of a sufficient quantity thereof to determine its actual condition.

(2) Frozen product may be defrosted in water or pickle in a manner and with the use of facilities which are acceptable to the inspector. Before such product is defrosted, a careful examination shall be made to determine its condition. If necessary, this examination shall include defrosting of representative samples by means other than in water or pickle.

(b) Product, such as pork tenderloins, brains, sweetbreads, stew, or chop suey, shall not be packed in hermetically sealed metal or glass containers, unless subsequently heat processed or otherwise treated to preserve the product in a manner approved by the Administrator in specific cases.

(c) Care shall be taken to remove bones and parts of bones from product which is intended for chopping.

(d) Heads for use in the preparation of meat food products shall be split and the bodies of the teeth, the turbinated and ethmoid bones, ear tubes, and horn butts removed, and the heads then thoroughly cleaned.

(e) Kidneys for use in the preparation of meat food products shall first be freely sectioned and then thoroughly soaked and washed. All detached kidneys, including beef kidneys with detached kidney fat, shall be inspected before being used in or shipped from the establishment.

(f) Cattle paunches and hog stomachs for use in the preparation of meat food products shall be thoroughly cleaned on all surfaces and parts immediately after being emptied of their contents, which shall follow promptly their removal from the carcasses.

(g) Clotted blood shall be removed from hog hearts before they are shipped from the establishment or used in the preparation of meat food products.

§ 318.6 Requirements concerning ingredients and other articles used in preparation of products.

(a) All ingredients and other articles used in the preparation of any product shall be clean, sound, healthful, wholesome, and otherwise such as will not result in the product being adulterated. Official establishments shall furnish inspectors accurate information on all processing procedures, including product composition and any changes in such procedures essential for inspectional control of the product.

(b) (1) The only animal casings that may be used as containers of product are those from cattle, sheep, swine, or goats.

(2) Casings for products shall be carefully inspected by Program employees. Only those casings which have been carefully washed and thoroughly flushed with clean water immediately before stuffing and are suitable for containers, are clean, and are passed on such inspection shall be used, except that preflushed animal casings packed in salt or salt and glycerine solution or other approved medium may be used without additional flushing provided they are found to be clean and otherwise acceptable and are thoroughly rinsed before use.

(3) Hog and sheep casings intended for use as containers of product may be treated by soaking in or applying thereto sound, fresh pineapple juice or papain or bromelin or pancreatic extract to permit the enzymes contained in these substances to act on the casings to make them less resistant. The casings shall be handled in a clean and sanitary manner throughout and the treatment shall be followed by washing and flushing the casings with water sufficiently to effectively remove the substance used and terminate the enzymatic action.

(4) On account of the invariable presence of bone splinters, detached spinal cords shall not be used in the preparation of edible product other than for rendering where they constitute a suitable raw material.

(5) Testicles if handled as an edible product may be shipped from the establishment as such, but they shall not be used as an ingredient of a meat food product.

(6) Tonsils shall be removed and shall not be used as ingredients of meat food products.

(7) Hog blood shall not be used as an ingredient of meat food products. No blood which comes in contact with the surface of the body of an animal or is otherwise contaminated shall be collected for food purposes. Only blood from animals, the carcasses of which are inspected and passed, may be used for meat food products. The defibrination of blood intended for food purposes shall not be performed with the hands.

(8) Intestines shall not be used as ingredients of meat food products.

(9) Poultry products and egg products (other than shell eggs) which are intended for use as ingredients of meat food products shall be considered acceptable for such use only when identified as having been inspected and passed for wholesomeness by the Department under the regulations in 7 CFR Part 55, 70, or 81 and when found to be sound and otherwise acceptable when presented for use. Poultry products and egg products (other than shell eggs) which have not been so inspected and passed for wholesomeness shall not be used in the preparation of such meat food products.

(10) Dry milk products which are intended for use as ingredients of meat food products shall be considered acceptable for such use only when produced in a plant approved by the Department under the regulations in 7 CFR Part 58, and when found to be sound and otherwise acceptable when presented for use. Dry milk products prepared in a plant not so approved shall not be used in the preparation of such meat food products.

(11) All isolated soy protein used in products processed in any official establishment shall contain not more and not less than 0.1 percent titanium incorporated as food grade titanium dioxide, and the presence of such substance must be shown on the label of the container of the isolated soy protein at all times that the article is in the official establishment.

(12) Ingredients for use in any product may not bear or contain any pesticide chemical or other residues in excess of levels permitted in § 318.16.

(13) No chemical substance may be used in the preparation of any product unless it is approved in § 318.7 or by the Administrator in specific cases.

§ 318.7 Approval of substances for use in the preparation of products.

(a) No product shall contain any substance which would render it adulterated or which is not approved by the Administrator.

(b) Under appropriate declaration as required in Parts 316 and 317 of this subchapter, the following substances may be added to products:

(1) Common salt, approved sugars (sucrose (cane or beet sugar), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup, and glucose syrup), wood smoke, vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate, potassium nitrite, and other substances specified in the chart in subparagraph (4) of this paragraph may be added to products under conditions, if any, specified in this part or in Part 317 of this subchapter.

(2) Other harmless synthetic flavorings may be added to products with the approval of the Administrator in specific cases.

(3) Coloring matter and dyes other than those specified in the chart in subparagraph (4) of this paragraph, may be applied to products, mixed with rendered fat, applied to natural and artificial casings, and applied to such casings enclosing products, if approved by the Administrator in specific cases. When any coloring matter or dye is applied to casings, there shall be no penetration of coloring into the product. When any coloring matter or dye is added to meat fat shortening containing synthetic flavoring, the product shall be packed in conventional, round shortening containers having a capacity no greater than 3 pounds.

(4) The substances specified in the following chart are acceptable for use in the processing of products, provided they are used for the purposes indicated, within the limits of the amounts stated and under other conditions specified in this part and Part 317 of this subchapter.

Class of substance	Substance	Purpose	Products	Amount
Anticoagulants	Citric acid. Sodium citrate.	To prevent clotting	Fresh beef blood	0.2 percent—with or without water. When water is used to make a solution of citric acid or sodium citrate added to beef blood not more than 2 parts of water to 1 part of citric acid or sodium citrate shall be used.
Antifoaming agent	Methyl polysilicone	To retard foaming	Soups	10 parts per million.
			Rendered fats	Do.
			Curing pickle	50 parts per million.
Antioxidants and oxygen interceptors.	BHA (butylated hydroxyanisole).	To retard rancidity	Dry sausage	0.003 percent based on total weight. (0.006 percent in combination.)
	BHT (butylated hydroxytoluene).	do	do	0.003 percent based on total weight.
	Propyl gallate	do	do	0.003 percent based on total weight.
	BHA (butylated hydroxyanisole).	do	Rendered animal fat or a combination of such fat and vegetable fat.	0.01 percent (0.02 percent in combination.)
	BHT (butylated hydroxytoluene).	do	do	0.01 percent
	Glycine	do	do	0.01 percent
	Nordihydroguaiaretic acid (NDGA).	do	do	0.01 percent
	Propyl gallate	do	do	0.01 percent
	Resin guaiac	do	do	0.01 percent
	Tocopherols	do	do	0.03 percent. A 30 percent concentration of tocopherols in vegetable oils shall be used when added as an antioxidant to products designated as "lard" or "rendered pork fat."

Class of substance	Substance	Purpose	Products	Amount
	BHA (butylated hydroxyanisole).	To retard rancidity	Fresh pork sausage	0.01 percent based on fat content. } 0.02 percent combination based on fat content.
	BHT (butylated hydroxytoluene).	do	do	0.01 percent based on fat content.
	Propyl gallate	do	do	0.01 percent based on fat content.
	PHA (butylated hydroxyanisole).	do	Dried meats	0.01 percent based on total weight. } 0.01 percent in combination.
	BHT (butylated hydroxytoluene).	do	do	0.01 percent based on total weight.
	Propyl gallate	do	do	0.01 percent based on total weight.
Binders	Algin	To extend and stabilize product.	Breading mix; sauces.	Sufficient for purpose.
	Carrageenan	do	do	Do.
	Carboxymethyl cellulose (cellulose gum).	do	Baked pies	Do.
	Gums, vegetable	do	Egg roll	Do.
	Methyl cellulose	To extend and to stabilize product (also carrier).	Meat and vegetable patties.	0.15 percent.
	Isolated soy protein	To bind and extend product.	Imitation sausage; nonspecific loaves, soups, stews.	Sufficient for purpose.
	Sodium caseinate	do	do	Do.
	Whey (dried)	do	do	Do.
Bleaching agent	Hydrogen peroxide	To remove color	Tripe (substance must be removed from product by rinsing with clear water).	Do.
Catalysts (substances must be eliminated during process).	Nickel	To accelerate chemical reaction.	Rendered animal fats or a combination of such fats and vegetable fats.	Do.
	Sodium amide	Rearrangement of fatty acid radicals.	do	Do.
	Sodium methoxide	do	do	Do.
Coloring agents (natural).	Alkanet, annatto, carotene, cochineal, green chlorophyll, saffron and tumeric.	To color casings or rendered fats; marking and branding product.	Sausage casings, oleomargarine, shortening, marking or branding ink on product.	Sufficient for purpose (may be mixed with approved synthetic dyes or harmless inert material such as common salt and sugar).
Coloring agents (synthetic).	Coal tar dyes approved under the Federal Food, Drug, and Cosmetic Act (operator must furnish evidence to officer in charge that dye has been certified for use in connection with foods by the Food and Drug Administration).	do	do	Sufficient for purpose (may be mixed with approved natural coloring matters or harmless inert material such as common salt or sugar).
Cooling and retort water treatment agents.	Calcium chloride	To prevent staining on exterior of canned goods.	Any	Sufficient for purpose.
	Citric acid	do	do	Do.
	Diotyl sodium sulfosuccinate.	do	do	0.05 percent.
	Disodium-calcium ethylenediaminetetraacetate.	do	do	Sufficient for purpose.
	Disodium ethylenediaminetetraacetate.	do	do	Do.
	Disodium phosphate.	do	do	Do.
	Ethylene diaminetetraacetic acid.	do	do	Do.
	Potassium pyrophosphate.	do	do	Do.
	Propylene glycol	do	do	Do.
	Sodium bicarbonate	do	do	Do.
	Sodium carbonate	do	do	Do.
	Sodium dodecylbenzene sulfonate.	do	do	0.05 percent.
	Sodium gluconate	do	do	Sufficient for purpose.
	Sodium hexametaphosphate.	do	do	Do.
	Sodium lauryl sulfate.	do	do	0.05 percent.
	Sodium metasilicate	do	do	Sufficient for purpose.
	Sodium n-alkylbenzene sulfonate (alkyl group predominantly C_{12} and C_{18} and not less than 95 percent C_{10} to C_{14}).	To prevent staining on canned goods.	do	0.05 percent.
	Sodium nitrite (The sodium nitrite must be decharacterized with 0.05 percent powdered charcoal. Bulk decharacterized sodium nitrite when in cook room shall be held in locked metal bin or container conspicuously labeled "Decharacterized sodium nitrite—To be used by authorized personnel only.").	To inhibit corrosion on exterior of canned goods.	do	600 parts per million.
	Sodium pyrophosphate.	To prevent staining on canned goods.	do	0.05 percent.
	Sodium tripolyphosphate.	do	do	Do.
	Zinc oxide	do	do	0.01 percent.
	Zinc sulfate	do	do	Do.

Class of substance	Substance	Purpose	Products	Amount
Curing agents	Ascorbic acid	To accelerate color fixing or preserve color during storage.	Cured pork and beef cuts, cured comminuted meat food product.	75 ozs. to 100 gals. pickle at 10 percent pump level; ¾ oz. to 100 lbs. meat or meat byproduct; 10 percent solution to surfaces of cured cuts prior to packaging (the use of such solution shall not result in the addition of a significant amount of moisture to the product).
	Erythorbic acid	do	do	Do.
	Glucono delta lactone.	To accelerate color fixing.	Cured, comminuted meat or meat food product.	8 ozs. to each 100 lbs. of meat or meat byproduct.
	Sodium ascorbate	To accelerate color fixing or preserve color during storage.	Cured pork and beef cuts, cured comminuted meat food product.	87.5 ozs. to 100 gals. pickle at 10 percent pump level; ⅞ oz. to 100 lbs. meat or meat byproduct; 10 percent solution to surfaces of cured cuts prior to packaging (the use of such solution shall not result in the addition of a significant amount of moisture to the product).
	Sodium erythorbate	do	do	Do.
	Citric acid or sodium citrate.	do	do	May be used in cured products or in 10 percent solution used to spray surfaces of cured cuts prior to packaging to replace up to 50 percent of the ascorbic acid, erythorbic acid, sodium ascorbate, or sodium erythorbate that is used.
	Sodium or potassium nitrate.	Source of nitrite	Cured products	7 lbs. to 100 gals. pickle; 3½ ozs. to 100 lbs. meat (dry cure); 2¾ ozs. to 100 lbs. chopped meat.
	Sodium or potassium nitrite (Supplies of sodium nitrite and potassium nitrite and mixtures containing them must be kept securely under the care of a responsible employee of the establishment. The specific nitrite content of such supplies must be known and clearly marked accordingly.)	To fix color	do	2 lbs. to 100 gals. pickle at 10 percent pump level; 1 oz. to 100 lbs. meat (dry cure); ¼ oz. to 100 lbs. chopped meat and/or meat byproduct. The use of nitrites, nitrates, or combination shall not result in more than 200 parts per million nitrite in finished product.
Denuding agents; may be used in combination. Must be removed from tripe by rinsing with potable water.	Lime (calcium oxide, calcium hydroxide).	To denude mucous membrane.	Tripe	Sufficient for purpose.
	Sodium carbonate	do	do	Do.
	Sodium gluconate	do	do	Do.
	Sodium hydroxide	do	do	Do.
	Sodium metasilicate	do	do	Do.
	Sodium persuefate	do	do	Do.
	Trisodium phosphate.	do	do	Do.
Emulsifying agents	Acetylated monoglycerides.	To emulsify product.	Shortening	Sufficient for purpose.
	Diacetyl tartaric acid esters of mono and diglycerides.	do	Rendered animal fat or a combination of such fat with vegetable fat.	Do.
	Glycerol-lacto stearate, oleate, or palmitate.	do	do	Do.
	Lecithin	To emulsify product (also as antioxidant).	Oleomargarine, shortening.	Do.
	Mono and diglycerides (glycerol palmitate, etc.).	To emulsify product.	Rendered animal fat or a combination of such fat with vegetable fat.	Sufficient for purpose in lard and shortening; 0.5 percent in oleomargarine.
	Polyglycerol esters of fatty acids (Polyglycerol esters of fatty acids are restricted to those up to and including the decaglycerol esters and otherwise meeting the requirements of § 121.1120(a) of the Food Additive Regulations).	do	Rendered animal fat or a combination of such fat with vegetable fat when use is not precluded by standards of identity.	Sufficient for purpose.
	Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate).	do	Shortening for use in nonstandardized baked goods, baking mixes, icings, fillings, and toppings and in the frying of foods.	1 percent when used alone. If used with polysorbate 60 the combined total shall not exceed 1 percent.
	Propylene glycol mono and diesters of fats and fatty acids.	do	Rendered animal fat or a combination of such fat with vegetable fat.	Sufficient for purpose.
	Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).	do	Shortening for use in nonstandardized baked goods, baking mixes, icings, fillings, and toppings and in the frying of foods.	1 percent when used alone. If used with polysorbate 80 the combined total shall not exceed 1 percent.
	Steryl-2-lactylic acid.	do	Shortening to be used for cake icings and fillings.	3.0 percent.
	Steryl monoglyceridyl citrate.	do	Shortening	Sufficient for purpose.

Class of substance	Substance	Purpose	Products	Amount
Miscellaneous	Potassium sorbate	To retard mold growth.	Dry sausage	2.5 percent in water solution may be applied to casings after stuffing or casings may be soaked in solution prior to stuffing.
		To preserve product and to retard mold growth.	Oleomargarine or margarine.	0.1 percent by weight of the finished oleomargarine or margarine.
	Calcium disodium, EDTA (calcium disodium ethylenediaminetetraacetate.	To preserve product and to protect flavor.	do	75 parts per million by weight of the finished oleomargarine or margarine.
	Propylparaben (propyl p-hydroxybenzoate).	do	do	3.5 percent in water solution may be applied to casings after stuffing or casings may be dipped in solution prior to stuffing.
	Sodium bicarbonate.	To neutralize excess acidity, cleaning vegetables.	Rendered fats, soups, curing pickle.	Sufficient for purpose.
	Calcium propionate	To retard mold growth.	Pizza crust.	0.32 percent alone or in combination based on weight of the flour used.
	Sodium propionate.	do	do	5.0 percent of phosphate in pickle at 0.4 percent of phosphate in product only clear solution may be injected into product).
Phosphates	Dibasic sodium phosphate.	To decrease amount of cooked out juices.	Cured hams, pork shoulder picnics, and boneless pork shoulder picnics, and cured hams and pork shoulder picnics, and products covered by § 317.8(b)(13) (ii) and (iii) and 319.80 and similar products.	
	Monosodium phosphate.	do	do	Do.
	Sodium hexametaphosphate.	do	do	Do.
	Sodium tripolyphosphate.	do	do	Do.
	Sodium pyrophosphate.	do	do	Do.
	Sodium acid pyrophosphate.	do	do	Do.
Proteolytic enzymes	Aspergillus oryzae	To soften tissues	Beef cuts	Solutions consisting of water, salt, monosodium glutamate, and approved proteolytic enzymes applied to beef shall not result in a gain of more than 3 percent above the weight of the untreated product.
	Aspergillus flavusoryzae group.	do	do	Do.
	Bromelin	do	do	Do.
	Ficin	do	do	Do.
	Papain	do	do	Do.
Refining agents (must be eliminated during process of manufacturing).	Acetic acid	To separate fatty acids and glycerol.	Rendered fats	Sufficient for purpose.
	Bicarbonate of soda	do	do	Do.
	Carbon (purified charcoal).	To aid in refining of animal fats.	do	Do.
	Caustic soda (sodium hydroxide).	To refine fats	do	Do.
	Diatomaceous earth; Fuller's earth.	do	do	Do.
	Sodium carbonate	do	do	Do.
	Tannic acid	do	do	Do.

Class of substance	Substance	Purpose	Products	Amount
Rendering agents	Tricalcium phosphate.	To aid rendering	Animal fats	Sufficient for purpose.
	Trisodium phosphate.	do	do	Do.
Artificial sweeteners	Saccharin	To sweeten product.	Bacon	0.01 percent.
	Sodium cyclamate	do	Bacon	0.15 percent.
			Ham	0.03 percent.
	Calcium cyclamate	do	Bacon	0.15 percent.
			Ham	0.03 percent.
Synergists (used in combination with antioxidants).	Citric acid	To increase effectiveness of antioxidants.	Lard and shortening.	0.01 percent alone or in combination with antioxidants in lard or shortening.
			Dry sausage	0.001 percent in dry sausage in combination with antioxidants.
			Fresh pork sausage	0.01 percent on basis of fat content, in combination with antioxidants.
			Dried meats	0.01 percent on basis of total weight in combination with antioxidants.
	Monoisopropyl citrate.	To increase effectiveness of antioxidants.	Lard, shortening, oleomargarine, fresh pork sausage, dried meats.	0.02 percent.
	Phosphoric acid	do	Lard and shortening.	0.01 percent.
	Monoglyceride citrate.	do	Lard, shortening, fresh pork sausage, dried meats.	0.02 percent.

§ 318.8 Preservatives and other substances permitted in product for export only; handling; such product not to be used for domestic food purposes.

(a) Preservatives and other substances not otherwise permitted in this subchapter may be used in the preparation and packing of product intended for export provided the product (1) accords to the specifications of the foreign purchaser, (2) is not in conflict with the laws of the country to which it is intended for export, and (3) is labeled on the outside of the shipping container to show that it is intended for export, and is otherwise labeled as required by this subchapter for such export product.

(b) The preparation and packing of export product as provided for in paragraph (a) of this section shall be done in a manner acceptable to the officer in charge so that the identity of the export product is maintained conclusively and the preparation of domestic product is adequately protected. The preservative or other substances not permitted in domestic product shall be stored in a room or compartment separate from areas used to store other supplies and shall be held under Program lock. Use of the preservative or other substances shall be under the personal supervision of a Program employee.

(c) The packing of all articles under paragraph (a) of this section shall be conducted under the personal supervision of a Program employee.

(d) No article prepared or packed for export under paragraph (a) of this section shall be sold or offered for sale for domestic use or consumption, but unless exported shall be destroyed for food purposes under the personal supervision of a Program employee.

(e) The contents of the container of any article prepared or packed for export under paragraph (a) of this section shall not be removed, in whole or in part, from such container prior to exportation, except under the supervision of a Program employee. If such contents be removed prior to exportation, then the article shall be either repacked, in accordance with the provisions of paragraphs (b) and (c) of this section, or destroyed for food purposes under the personal supervision of a Program employee.

(f) Permission must be obtained from the Administrator before meats packed in borax are shipped from one official establishment to another or to an unofficial establishment for storage, except such meat prepared for the account of Federal agencies.

(g) At all times, the identity of meat to which borax has been added shall be effectively maintained. In no case shall such meat, nor any trimmings or fat derived from such meat, whether unwashed or washed, or otherwise treated, be diverted to domestic use.

(h) Salt used for bulking meat previously packed in borax may not again be used in an edible products department other than in connection with the packing of meat in borax. If available, only metal equipment shall be used for handling such meat. Particularly effective cleansing will be required if wooden equipment such as trucks, washing vats, etc., is used. Boxes from which boraxed meat has been removed may be used for repacking meat in borax, but their use as containers for other meat will be dependent upon the effective removal of all traces of borax.

(i) The following instructions pertain to export cured pork packed in borax for the account of Federal agencies: The meat may be packed in borax in a room in which there is borax-free meat, provided proper care is taken to see that the borax-free meat is not affected by the borax. Under the same condition meat packed in borax may be received, unpacked, defrosted, soaked, washed, smoked, and repacked in a room where there is other meat. However, meat originally packed in borax shall at all times be subject to the restrictions of meat so packed, even though repacked without borax. After packing or repacking, borax packed meat may be stored in a room with meat not packed in borax, provided a reasonable degree of separation is maintained between the two classes of product.

§ 318.9 Samples of products, water, dyes, chemicals, etc., to be taken for examination.

Samples of products, water, dyes, chemicals, preservatives, spices, or other articles in any official establishment shall be taken, without cost to the Program, for examination, as often as may be deemed necessary for the efficient conduct of the inspection.

§ 318.10 Prescribed treatment of pork and products containing pork to destroy trichinae.

(a) All forms of fresh pork, including fresh unsmoked sausage containing pork muscle tissue, and pork such as bacon and jowls, other than those covered by paragraph (b) of this section, are classed as products that are customarily well cooked in the home or elsewhere before being served to the consumer. Therefore, the treatment of such products for the destruction of trichinae is not required.

(b) Products named in this paragraph, and products of the character thereof, containing pork muscle tissue (including pork hearts, pork stomachs, and pork livers), or the pork muscle tissue which forms an ingredient of such products, shall be effectively heated, refrigerated, or cured at a federally inspected establishment to destroy any possible live trichinae: Bologna; frankfurts; viennas; smoked sausage; knoblauch sausage; mortadella; all forms of summer or dried sausage, including mettwurst; ground meat mixtures, containing pork and beef, veal, lamb, mutton, or goat meat and prepared in such a manner that they might be eaten rare or without thorough cooking; flavored pork sausage such as those containing wine or similar flavoring materials; cured pork sausage; sausage containing cured and/or smoked pork; cooked loaves; roasted, baked, boiled, or cooked hams, pork shoulders, or pork shoulder picnics; Italian-style hams; Westphalia-style hams; smoked boneless pork shoulder butts; cured meat rolls; capocollo (capicola, capacola); coppa; fresh or cured boneless pork shoulder butts, hams, loins, shoulders, shoulder picnics, and similar pork cuts, in casings or other containers in which ready-to-eat delicatessen articles are customarily enclosed (excepting Scotch-style hams); breaded pork products; cured boneless pork loins; boneless back bacon; bacon used for wrapping around patties, steaks and similar products; smoked pork cuts such as hams, shoulders, loins, and pork shoulder picnics (excepting smoked hams, and smoked pork shoulder picnics which are specially prepared for distribution in tropical climates or smoked

hams delivered to the Armed Services). Cured boneless pork loins shall be subjected to prescribed treatment for destruction of trichinae prior to being shipped from the establishment where cured.

(c) The treatment shall consist of heating, refrigerating, or curing, as follows:

(1) *Heating.* (i) All parts of the pork muscle tissue shall be heated to a temperature not lower than 137° F., and the method used shall be one known to insure such a result. On account of differences in methods of heating and in weights of products undergoing treatment it is impracticable to specify details of procedures for all cases.

(ii) Procedures which insure the proper heating of all parts of the product shall be adopted. It is important that each piece of sausage, each ham, and other product treated by heating in water be kept entirely submerged throughout the heating period; and that the largest pieces in a lot, the innermost links of bunched sausage or other massed articles, and pieces placed in the coolest part of a heating cabinet or compartment or vat be included in the temperature tests.

(2) *Refrigerating.* At any stage of preparation and after preparatory chilling to a temperature of not above 40° F. or preparatory freezing, all parts of the muscle tissue of pork or product containing such tissue shall be subjected continuously to a temperature not higher than one of those specified in Table 1, the duration of such refrigeration at the specified temperature being dependent on the thickness of the meat or inside dimensions of the container.

TABLE 1—REQUIRED PERIOD OF FREEZING AT TEMPERATURE INDICATED

Temperature	Group 1	Group 2
° F.	*Days*	*Days*
−5	20	30
−10	10	20
−20	6	12

(i) Group 1 comprises product in separate pieces not exceeding 6 inches in thickness, or arranged on separate racks with the layers not exceeding 6 inches in depth, or stored in crates or boxes not exceeding 6 inches in depth, or stored as solidly frozen blocks not exceeding 6 inches in thickness.

(ii) Group 2 comprises product in pieces, layers, or within containers, the thickness of which exceeds 6 inches but not 27 inches, and product in containers including tierces, barrels, kegs, and cartons having a thickness not exceeding 27 inches.

(iii) The product undergoing such refrigeration or the containers thereof shall be so spaced while in the freezer as will insure a free circulation of air between the pieces of meat, layers, blocks, boxes, barrels, and tierces in order that the temperature of the meat throughout will be promptly reduced to not higher than 5° F., −10° F., or −20° F., as the case may be.

(iv) In lieu of the methods prescribed in Table 1, the treatment may consist of refrigeration to a temperature of −30° F. in the center of the pieces of meat or commercial freeze drying.

(v) During the period of refrigeration the product shall be kept separate from other products and in the custody of the Program. Rooms or compartments equipped for being made secure with Program lock or seal shall be provided. The rooms or compartments containing product undergoing freezing shall be equipped with accurate thermometers placed at or above the highest level at which the product undergoing treatment is stored and away from refrigerating coils. After completion of the prescribed freezing of pork to be used in the preparation of product covered by paragraph (b) of this section, the pork shall be kept under close supervision of an inspector until it is prepared in finished form as one of the products enumerated in paragraph (b) of this section, or until it is transferred under Program control to another official establishment for preparation in such finished form.

(vi) Pork which has been refrigerated as specified in this subparagraph may be transferred in sealed railroad cars, sealed motortrucks, sealed trailers, or sealed closed containers to another official establishment at the same or another station, for use in the preparation of product covered by paragraph (b) of this section. The sealing of closed containers, such as boxes and slack barrels, shall be effected by cording and affixing thereto Program seals, and such containers as tierces and kegs shall be held in Program custody by sealing with wax impressed with a Program metal brand. Railroad cars, motortrucks, and trailers shall, when necessary, be sealed with Program car seals. Properly sealed and marked closed containers may be shipped with other meat in unsealed railroad cars, motortrucks, and trailers. Shipping containers such as boxes, barrels, and tierces, containing pork refrigerated in accordance with § 318.10, shall be plainly and conspicuously marked with a label or stencil furnished by the establishment, as follows: "Pork product _____ degrees F. _____ days' refrigeration," indicating the temperature at which the product was refrigerated and the length of time so treated. For each consignment there shall be promptly issued and forwarded by the inspector to the officer in charge at destination a report on the form entitled "Notice of Unmarked Meats Shipped in Sealed Cars," appropriately modified to show the character of the containers, and that the contents are "Pork product _____ degrees F. _____ days' refrigeration." A duplicate copy shall be retained in the station file.

(3) *Curing*—(i) *Sausage.* The sausage may be stuffed in animal casings, hydrocellulose casings, or cloth bags. During any stage of treating the sausage for the destruction of live trichinae, except as provided in Method 5, these coverings shall not be coated with paraffin or like substance, nor shall any sausage be washed during any prescribed period of drying. In the preparation of sausage, one of the following methods may be used:

Method No. 1. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, sausage having a diameter not exceeding 3½ inches, measured at the time of stuffing, shall be held in a drying room not less than 20 days at a temperature not lower than 45° F., except that in sausage of the variety known as pepperoni, if in casings not exceeding 1¾ inches in diameter measured at the time of stuffing, the period of drying may be reduced to 15 days. In no case, however, shall the sausage be released from the drying room in less than 25 days from the time the curing materials are added, except that sausage of the variety known as pepperoni, if in casings not exceeding the size specified, may be released at the expiration of 20 days from the time the curing materials are added. Sausage in casings exceeding 3½ inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room not less than 35 days at a temperature not lower than 45° F., and in no case shall the sausage be released from the drying room in less than 40 days from the time the curing materials are added to the meat.

Method No. 2. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, the sausage having a diameter not exceeding 3½ inches, measured at the time of stuffing, shall be smoked not less than 40 hours at a temperature not lower than 80° F., and finally held in a drying room not less than 10 days at a temperature not lower than 45° F. In no case, however, shall the sausage be released from the drying room in less than 18 days from the time the curing materials are added to the meat. Sausage exceeding 3½ inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room, following smoking as above indicated, not less than 25 days at a temperature not lower than 45° F., and in no case shall the sausage be released from the drying room in less than 33 days from the time the curing materials are added to the meet.

Method No. 3. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped meat shall be held at a temperature not lower than 34° F. for not less than 36 hours. After being stuffed the sausage shall be held at a temperature not lower than 34° F. for an additional period of time sufficient to make a total of not less than 144 hours from the time the curing materials are added to the meat, or the sausage shall be held for the time specified in a pickle-curing medium of not less than 50° strength (salometer reading) at a temperature not lower than 44° F. Finally, the sausage having a diameter not exceeding 3½ inches, measured at the time of stuffing, shall be smoked for not less than 12 hours. The temperature of the smokehouse during this period at no time shall be lower than 90° F.; and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128° F. Sausage exceeding 3½ inches, but not exceeding 4 inches, in diameter at the time of stuffing shall be smoked, following the prescribed curing, for not less than 15 hours. The temperature of the smokehouse during the 15-hour period shall at no time be lower than 90° F., and for 7 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128° F. In regulating the temperature of the smokehouse for the treatment of sausage under this method, the temperature of 128° F. shall be attained gradually during a period of not less than 4 hours.

Method No. 4. The meat shall be ground or chopped into pieces not exceeding one-fourth of an inch in diameter. A dry-curing mixture containing not less than 2½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped sausage shall be held as a compact mass, not more than 6 inches in depth, at a temperature not lower than 36° F. for not less than 10 days. At the termination of the holding period, the sausage shall be stuffed in casings or cloth bags not exceeding 3½ inches in diameter, measured at the time of stuffing. After being stuffed, the sausage shall be held in a drying room at a temperature not lower than 45° F. for the remainder of a 35-day period, measured from the time the curing materials are added to the meat. At any time after stuffing, if the establishment operator deems it desirable, the product may be heated in a water bath for a period not to exceed 3 hours at a temperature not lower than 85° F., or subjected to smoking at a temperature not lower than 80° F., or the product may be both heated and smoked as specified. The time consumed in heating and smoking, however, shall be in addition to the 35-day holding period specified.

Method No. 5. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed the sausage shall be held for not less than 65 days at a temperature not lower than 45° F. The coverings for sausage prepared according to this method may be coated at any stage of the preparation before or during the holding period with paraffin or other substance approved by the Administrator.

(ii) *Capocollo (capicola, capacola).* Boneless pork butts for capocollo shall be cured in a dry-curing mixture containing not less than 4½ pounds of salt per hundredweight of meat for a period of not less than 25 days at a temperature not lower than 36° F. If the curing materials are applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the product shall be smoked for a period of not less than 30 hours at a temperature not lower than 80° F., and shall finally be held in a drying room not less than 20 days at a temperature not lower than 45° F.

(iii) *Coppa.* Boneless pork butts for coppa shall be cured in a dry-curing mixture containing not less than 4½ pounds of salt per hundredweight of meat for a period of not less than 18 days at a temperature not lower than 36° F. If the curing mixture is applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the product shall be held in a drying room not less than 35 days at a temperature not lower than 45° F.

(iv) *Hams.* In the curing of hams either of the following methods may be used:

Method No. 1. The hams shall be cured by a dry-salt curing process not less than 40 days at a temperature not lower than 36° F. The hams shall be laid down in salt, not less than 4 pounds to each hundred weight of hams, the salt being applied in a thorough manner to the lean meat of each ham. When placed in cure the hams may be pumped with pickle if desired. At least once during the curing process the hams shall be overhauled and additional salt applied, if necessary, so that the lean meat of each ham is thoroughly covered. After removal from cure the hams may be soaked in water at a temperature not higher than 70° F. for not more than 15 hours, during which time the water may be changed once; but they shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The hams shall finally be dried or smoked not less than 10 days at a temperature not lower than 95° F.

Method No. 2. The hams shall be cured by a dry-salt curing process at a temperature not lower than 36° F. for a period of not less than 3 days for each pound of weight (green) of the individual hams. The time of cure of each lot of hams placed in cure shall be calculated on a basis of the weight of the heaviest ham of the lot. Hams cured by this method, before they are placed in cure, shall be pumped with pickle solution of not less than 100° strength (salometer), about 4 ounces of the solution being injected into the shank and a like quantity along the flank side of the body bone (femur). The hams shall be laid down in salt, not less than 4 pounds of salt to each hundredweight of hams, the salt being applied in a thorough manner to the lean meat of each ham. At least once during the curing process the hams shall be overhauled and additional salt applied, if necessary, so that the lean meat of each ham is thoroughly covered. After removal from the cure the hams may be soaked in water at a temperature not higher than 70° F. for not more than 4 hours, but shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The hams shall then be dried or smoked not less than 48 hours at a temperature not lower than 80° F., and finally shall be held in a drying room not less than 20 days at a temperature not lower than 45° F.

(v) *Boneless pork loins and loin ends.* In lieu of heating or refrigerating to destroy trichinae in boneless loins, the loins may be cured for a period of not less than 25 days at a temperature not lower than 36° F. by the use of one of the following methods.

Method No. 1. Application of a dry-salt curing mixture containing not less than 5 pounds of salt to each hundredweight of meats.

Method No. 2. Application of a pickle solution of not less than 80° strength (salometer) on the basis of not less than 60 pounds of pickle to each hundredweight of meat.

Method No. 3. Application of a pickle solution added to the dry-salt cure prescribed as Method No. 1 in this subdivision (v) provided the pickle solution is not less than 80° strength (salometer).

After removal from cure, the loins may be soaked in water for not more than 1 hour at a temperature not higher than 70° F. or washed under a spray, but shall not be subjected, during or after the curing process, to any other treatment designed to remove salt.

Following curing, the loins shall be smoked for not less than 12 hours. The minimum temperature of the smokehouse during this period at no time shall be lower than 100° F., and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 125° F.

Finally, the product shall be held in a drying room for a period of not less than 12 days at a temperature not lower than 45° F.

(d) General instructions: When necessary to comply with the requirements of this section, the smokehouses, drying rooms, and other compartments used in the treatment of pork to destory trichinae shall be suitably equipped, by the establishment, with accurate automatic recording thermometers. Officers in charge are authorized to approve for use in sausage smokehouses, drying rooms, and other compartments, such automatic recording thermometers as are found to give satisfactory service and to disapprove and require discontinuance of use, for purposes of the regulations in this subchapter any thermometers (including any automatic recording thermometers) of the establishment that are found to be inaccurate or unreliable.

§ 318.11 Canning with heat processing and hermetically sealed containers; cleaning containers; closure; code marking; heat processing; incubation.

(a) Containers which are intended to be hermetically sealed shall be cleaned thoroughly immediately before filling, and precaution must be taken to avoid soiling the inner surfaces subsequently. However, cans in which lard is to be hermetically sealed may be examined immediately before filling and if found to be acceptably clean by a Program employee need not be washed.

(b) Containers of metal, glass, or other material shall be washed in an inverted position with running water at a temperature of at least 180° F. The container-washing equipment shall be provided with a thermometer to register the temperature of the water used for cleaning the containers. In lieu of cleaning with hot water the use of efficient jet-vacuum type equipment for cleaning cans and jars is permitted before filling.

(c) Nothing less than perfect closure is acceptable for hermetically sealed containers. Heat processing shall follow promptly after closing.

(d) Careful inspection shall be made of the containers by competent establishment employees immediately after closing, and containers which are defectively filled or defectively closed or show inadequate vacuum shall not be processed until the defect has been corrected. The containers shall again be inspected by establishment employees when they have cooled sufficiently for handling after processing by heating. The contents of defective containers shall be condemned unless correction of the defect is accomplished within 6 hours following the sealing of the containers or completion of the heat processing, as the case may be, except that: (1) if the defective condition is discovered during an afternoon run the cans of product may be held in coolers at a temperature not exceeding 38° F. under conditions that will promptly and effectively chill them until the following day when the defect may be corrected, (2) short vacuum or overstuffed cans of product which have not been handled in accordance with subparagraph (1) of this paragraph may be incubated under Program supervision, after which the cans shall be opened and the sound product passed for food, and (3) short vacuum or overstuffed cans of product of a class permitted to be labeled "Perishable, Keep Under Refrigeration" and which have been kept under adequate refrigeration since processing may be opened and the sound product passed for food.

(e) Canned products shall not be passed unless after cooling to atmospheric temperature, they show the external characteristics of sound cans; that is, the cans shall not be overfilled; they shall have concave sides, excepting the seam side, and all ends shall be concave; there shall be no bulging; the sides and ends shall conform to the product; and there shall be no slack or loose tin.

(f) All canned products shall be plainly and permanently marked on the containers by code or otherwise with the identity of the contents and date of canning. The code used and its meaning shall be on record in the office of the officer in charge.

(g) Canned product must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation when heating is relied on for preservation, with the exception of those canned products which are processed without steam-pressure cooking by permission of the Administrator in specific cases and labeled "Perishable, Keep Under Refrigeration."

(h) Lots of canned product shall be identified during their handling preparatory to heat processing by tagging the baskets, cages, or cans with a tag which will change color on going through the heat processing or by other effective means so as to positively preclude failure to heat process after closing.

(i) Facilities shall be provided by the operator of the official establishment for incubation of representative samples of fully processed canned product. The incubation shall consist of holding the canned product for the periods of time and at the temperatures prescribed in subparagraph (4) of this paragraph.

(1) The extent to which incubation tests shall be required depends on conditions such as the record of the official establishment in conducting canning operations, the extent to which the establishment furnishes competent supervision and inspection in connection with the canning operations, the character of the equipment used, and the degree to which such equipment is maintained at maximum efficiency. Such factors shall be considered by the officer in charge in determining the extent of incubation testing at a particular establishment.

(2) In the event of failure by an official establishment to provide suitable facilities for incubation of test samples, the officer in charge may require holding of the entire lot under such conditions and for such period of time as may, in his discretion, be necessary to establish the stability of the product.

(3) The officer in charge may permit lots of canned product to be shipped from the official establishment prior to completion of sample incubation when he has no reason to suspect unsoundness in the particular lots, and under circumstances which will assure the return of the product to the establishment for reinspection should such action be indicated by the incubation results.

(4) Incubation shall consist of holding the samples at 95° F. for no less than 10 days; except

(i) Samples of firmly packed products such as luncheon meat, and products with high fat content, such as chorizos packed in lard, and products weighing 3 pounds or more shall be held at 95° F. for not less than 20 days.

(ii) Samples of products composed of chunks or patties of meat in a medium or sauce wherein the pH of the meat component and the medium or sauce are significantly different shall be incubated at 95° F. for no less than 30 days.

§ 318.12 Preparation of dog food or similar uninspected article at official establishments.

(a) When dog food, or similar uninspected article is prepared in an edible product department, there shall be sufficient space allotted and adequate equipment provided so that the preparation of the uninspected article in no way interferes with the handling or preparation of edible products. Where necessary to avoid adulteration of edible products, separate equipment shall be provided for the uninspected article. To assure the maintenance of sanitary conditions in the edible product departments, the operations incident to the preparation of the uninspected article will be subject to the same sanitary requirements that apply to all operations in edible product departments. The preparation of the uninspected article shall be limited to those hours during which the establishment generally operates under inspectional supervision; and there shall be no handling, other than receiving at the official establishment, of any of the product ingredient of the uninspected article, other than during the regular hours of inspection. The materials used in the preparation of the uninspected article shall not be used so as to interfere with the inspection of edible product or the maintenance of sanitary conditions in the department or render any edible product adulterated. The uninspected article may be stored in, and distributed from, edible product department: *Provided*, That adequate facilities are furnished, that there is no interference with the maintenance of sanitary conditions, and that it is properly identified.

(b) When dog food or similar uninspected article is prepared in a part of an official establishment other than an edible product department, the area in which the dog food is prepared shall be separated from edible product departments in the manner required for separation between edible product departments and inedible product departments. Sufficient space must be allotted and adequate equipment provided so that the preparation of the uninspected article does not interfere with the proper functioning of the other operations at the establishment. Nothing in this paragraph shall be construed as permitting any deviation from the requirement that dead animals, condemned products, and similar materials of whatever origin, must be placed in the inedible product rendering equipment, and without undue delay. The preparation of the uninspected product must be such as not to interfere with the maintenance of general sanitary conditions on the premises, and it shall be subject to inspectional supervision similar to that exercised over other inedible product departments. There shall be no return of any product to edible product departments. Trucks, barrels, and other equipment shall be cleaned before being returned to edible product departments from inedible product departments. Unoffensive material prepared outside edible product departments may be stored in, and distributed from, edible product departments only if packaged in clean, properly identified, sealed containers.

(c) Animal food shall be distinguished from articles of human food, so as to avoid the distribution of such animal food as human food. To accomplish this, labeling of hermetically sealed, retort processed, conventional retail size containers, as for example, "dog food" will be considered sufficient. If not in such containers the product must not only be properly identified as animal food but it must be of such character or so denatured or decharacterized as prescribed in § 325.13 of this subchapter as to deter its use for human food. Animal food shall not be represented as being a human food.

§ 318.13 Mixtures containing product but not amenable to the Act.

Mixtures containing product but not classed as a meat food product under the Act shall not bear the inspection legend or any abbreviation or representation thereof unless prepared under the food inspection service provided for in Part 350[1] of Subchapter B of this chapter. When such mixtures are prepared in any part of an official establishment, the sanitation of that part of the establishment shall be supervised by Program employees, and the preparation of such mixtures shall not cause any deviation from the requirement that no uninspected products shall be brought into the establishment.

§ 318.14 Adulteration of products by flood water, etc.; procedure for handling.

(a) Any product at any official establishment which has been adulterated by contamination with flood water, harbor water, or other polluted water, shall be condemned.

(b) After flood water has receded at an official establishment the operator shall cause its employees to thoroughly cleanse all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein, under the supervision of a Program employee. An adequate supply of hot water, under pressure, is essential for effective cleansing of the rooms and equipment. After cleansing, a solution of sodium hypochlorite containing approximately one-half of 1 percent available chlorine (5,000 parts per million), or other disinfectant approved by the Administrator shall be applied to the surface of the rooms. Where the solution has been applied to equipment which will afterwards contact meat, the equipment shall be rinsed with clean water before being used. All metal should be rinsed with clean water to prevent corrosion.

(c) Hermetically sealed containers of product which have been submerged or otherwise contaminated by flood water, harbor water, or other polluted water shall be rehandled promptly under supervision of a Program employee at official establishments as follows:

(1) Separate and condemn all product the containers of which show extensive rusting or corrosion, such as might materially weaken the container, as well as any swollen, leaky, or otherwise suspicious container.

(2) Remove paper labels and wash the containers in warm soapy water, using a brush where necessary to remove rust or other foreign material, immerse in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine or other disinfectant approved for purposes of Part 308 of this subchapter[2] and rinse in clean fresh water and dry thoroughly.

(3) After handling as described in subparagraph (2) of this paragraph, the containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the product therein.

(4) The identity of the canned product shall be maintained throughout all stages of the rehandling operations, to insure correct labeling of the containers.

§ 318.15 Tagging chemicals, preservatives, cereals, spices, etc., "U.S. Retained."

When any chemical, preservative, cereal, spice, or other substance is intended for use in an official establishment, it shall be examined by a Program employee and if found to be unfit or otherwise unacceptable for the use intended, or if final decision regarding acceptance is deferred pending laboratory or other examination, the employee shall attach a "U.S. Retained" tag to the substance or container thereof. The substance so tagged shall be kept separate from other substances as the officer in charge may require and shall not be used until the tag is removed, and such removal shall be made only by a Program employee after a finding that the substance can be accepted, or, in the case of an unacceptable substance, when it is removed from the establishment.

§ 318.16 Pesticide chemicals and other residues in products.

(a) *Nonmeat ingredients.* Residues of pesticide chemicals, food additives and color additives or other substances in or on ingredients (other than meat, meat byproducts and meat food products) used in the formulation of products shall not exceed the levels permitted under the Federal Food, Drug, and Cosmetic Act, and such nonmeat ingredients must otherwise be in compliance with the requirements under that Act.

(b) *Products, and meat, meat byproduct or meat food product ingredients.* Products, and products used as ingredients of products, shall not bear or contain any pesticide chemical, food additive, or color additive residue in excess of the level permitted under the Federal Food, Drug, and Cosmetic Act and the regulations in this subchapter, or any other substance that is prohibited by such regulations or that otherwise makes the products adulterated.

(c) *Standards and procedures.* Instructions specifying the standards and procedures for determining when ingredients or finished products are in compliance with this section shall be issued to the inspectors by the Administrator. Copies of such instructions will be made available to interested persons upon request made to the Administrator.

[1] The regulations now in Part 340 will be transferred later to a new Part 350.

[2] A list of approved disinfectants is available upon request to the Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION AND STANDARDS OF FILL OF CONTAINERS

Subpart A—General

Sec.
319.1 Labeling of standardized products.

Subpart B—Raw Meat Products

319.15 Miscellaneous beef products.
319.29 Miscellaneous pork products.

Subpart C—Cooked Meats

319.80 Barbecued meats.
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Subpart D—Cured Meats, Unsmoked and Smoked

Sec.
319.100 Corned beef.
319.101 Corned beef brisket.
319.102 Corned beef round and other beef cuts.
319.103 Cured beef tongue.
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Subpart E—Fresh Sausage

319.140 Fresh pork sausage.
319.141 Breakfast sausage.
319.142 Whole hog sausage.

Subpart F—Uncooked, Smoked Sausage

319.160 Smoked pork sausage.

Subpart G—Cooked, Smoked Sausage

319.180 Frankfurter, wiener, vienna, bologna, garlic bologna, knockwurst, and similar products.
319.181 Cheesefurters and similar products.

Subpart H—Other Cooked Sausages

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Subpart I—Semidry Fermented Sausage [Reserved]

Subpart J—Dry Fermented Sausage [Reserved]

Subpart K—Luncheon Meat, Loaves and Jellied Products

319.260 Luncheon meat.
319.261 Meat loaf.

Subpart L—Cooked, Meat Specialties, Puddings and Nonspecific Loaves

319.280 Scrapple.

Subpart M—Canned, Frozen, or Dehydrated Meat Food Products

319.300 Chili con carne.
319.301 Chile con carne with beans.
319.302 Hash.
319.303 Corned Beef hash.
319.304 Meat stews.
319.305 Tamales.
319.306 Spaghetti with meat balls and sauce, spaghetti with meat and sauce, and similar products.
319.307 Spaghetti sauce with meat.
319.308 Tripe with milk.
319.309 Beans with frankfurters in sauce, sauerkraut with wieners and juice, and similar products.
319.310 Lima beans with ham in sauce, beans with ham in sauce, beans with bacon in sauce, and similar products.
319.311 Chow mein vegetables with meat, and chop suey vegetables with meat.
319.312 Pork with barbecue sauce and beef with barbecue sauce.
319.313 Beef with gravy and gravy with beef.

Subpart N—Meat Food Entree Products, Pies, and Turnovers

319.500 Meat pies.

Subpart O—Meat Snacks, Hors d'Oeuvres, Pizza, and Specialty Items

319.600 Pizza.

Subpart P—Fats, Oils, Shortenings

319.700 Oleomargarine or margarine.
319.701 Mixed fat shortening.
319.702 Lard, leaf lard.
319.703 Rendered animal fat or mixture thereof.

Subpart Q—Meat Soups, Soup Mixes, Broths, Stocks, Extracts

Sec.
319.720 Meat extract.
319.721 Fluid extract of meat.

Subpart R—Meat Salads and Meat Spreads

319.760 Deviled ham, deviled tongue and similar products.
319.761 Potted meat food product and deviled meat food product.
319.762 Ham spread, tongue spread, and similar products.

Subpart S—Meat Baby Foods [Reserved]

Subpart T—Dietetic Meat Foods [Reserved]

Subpart U—Miscellaneous

319.880 Breaded products.

Subpart A—General

§ 319.1 Labeling of standardized products.

Labels for products for which standards of identity or composition are prescribed in this part shall show the quoted product name, and ingredient statement and other label information in accordance with the special provisions, if any, in this part, and otherwise in accordance with the general labeling provisions in Part 317 of this subchapter.

Subpart B—Raw Meat Products

§ 319.15 Miscellaneous beef products.

(a) *Chopped beef.* "Chopped Beef" shall consist of chopped fresh beef with or without seasoning and without the addition of beef fat as such and shall not contain more than 30 percent fat. When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped beef, the amount of such cheek meat shall be limited to 25 percent and its presence shall be declared on the label, either continuous to the name of the product or in the ingredient statement.

(b) *Hamburger.* "Hamburger" shall consist of chopped fresh beef with or without the addition of beef fat as such and/or seasoning and shall not contain more than 30 percent fat. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of hamburger only in accordance with the conditions prescribed in paragraph (a) of this section.

(c) *Beef patties.* "Beef patties" shall consist of chopped fresh beef with or without the addition of beef fat as such and/or seasonings. Binders or extenders and/or partially defatted beef fatty tissue may be used with or without added water in amounts such that the product's characteristics are essentially that of a meat pattie.

(d) *Fabricated beef steaks.* Fabricated beef steaks labeled "Beek Steak, Chopped, Shaped, Frozen" or "Minute Steak, Formed, Wafer Sliced, Frosen" shall be prepared by comminuting and forming from fresh beef. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of fabricated beef steaks only in accordance with conditions prescribed in paragraph (a) of this section.

(e) *Partially defatted beef fatty tissue.* "Partially Defatted Beef Fatty Tissue" is a beef byproduct derived from the low temperature rendering (not exceeding 120° F.) of fresh beef fatty tissue. Such product shall have a pinkish color and a fresh odor and appearance.

§ 319.29 Miscellaneous pork products.

(a) *Partially defatted pork fatty tissue.* "Partially Defatted Pork Fatted Tissue" is a pork byproduct derived from the low temperature rendering (not exceeding 120° F.) of fresh pork fatty tissue. Such product shall have a pinkish color and a fresh odor and appearance.

Subpart C—Cooked Meats

§ 319.80 Barbecued meats.

Barbecued meats, such as product labeled "Beef Barbecue" or "Barbecued Pork", shall be cooked by the direct action of dry heat resulting from the burning of hard wood or the hot coals therefrom for a sufficient period to assume the usual characteristics of a barbecued article, which include the formation of a brown crust on the surface and the rendering of surface fat. The product may be basted with a sauce during the cooking process. The weight of barbecued meat shall not exceed 70 percent of the weight of the fresh uncooked meat.

§ 319.81 Roast beef parboiled and steam roasted.

"Roast Beef Parboiled and Steam Roasted" shall be prepared so that the weight of the finished product, excluding salt and flavoring material, shall not exceed 70 percent of the fresh beef weight. Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap may be used individually or collectively to the extent of 5 percent of the meat ingredient in the preparation of canned product labeled "Roast Beef Parboiled and Steam Roasted." When beef cheek meat, beef head meat, or beef heart meat are used in the preparation of this product, its presence shall be reflected in the statement of ingredients required by Part 317 of this subchapter.

Subpart D—Cured Meats, Unsmoked and Smoked

§ 319.100 Corned beef.

"Corned Beef" shall be prepared from hog briskets, navals, clods, middle ribs, rounds, rungs or similar cuts using one or a combination of the curing ingredients specified in § 318.7(b)(4) of this subchapter. Canned product labeled "Corned Beef" shall be prepared so that the weight of the finished product, excluding salt and flavoring material, shall not exceed 70 percent of the fresh beef weight. Beef cheek meat, beef head meat and beef heart meat may be used to the extent of 5 percent of the meat ingredient in preparation of this product when trimmed as specified in § 319.81. When beef cheek meat, beef head meat, or beef heart meat are used in preparation of this product, its presence shall be reflected in the statement of ingredients required by Part 317 of this subchapter. The application of curing solution to beef cuts, other than briskets, which are intended for bulk corned beef shall not result in an increase in the weight of the finished cured product of more than 10 percent over the weight of the fresh uncured meat.

§ 319.101 Corned beef brisket.

In preparing "Corned Beef Brisket," the application of curing solution to the beef brisket shall not result in an increase in the weight of the finished cured product of more than 20 percent over the weight of the fresh uncured brisket.

§ 319.102 Corned beef round and other beef cuts.

"Corned Beef Round" and other beef cuts except "Corned Beef Brisket" shall be prepared by the application of not more than 10 percent of curing solution to the beef cut and shall result in cooked product not exceeding the weight of the fresh uncured beef cut.

§ 319.103 Cured beef tongue.

In preparing "Cured Beef Tongue," the application of curing solution to the fresh beef tongue shall not result in an increase in the weight of the cured beef tongue of more than 10 percent over the weight of the fresh uncured beef tongue.

§ 319.104 Cured, unsmoked, boneless pork cuts.

Cured, unsmoked, "Boneless Pork Shoulders," "Boneless Pork Shoulder Butts," or pieces of pork loin in casing or similar containers of consumer size, shall not contain more than 10 percent added substances as a result of the curing process.

§ 319.105 Cured pork products, unsmoked or smoked.

(a) *Smoked products.* The weight of any smoked products such as "Ham," "Pork Shoulder," "Pork Shoulder Picnic," "Pork Shoulder Butt," or similar products except such products prepared for canning, shall not exceed the weight of the fresh uncured article.[1]

(b) *Cooked, cured products.* The preparation of any cooked, cured products, such as "Ham," "Pork Shoulder," "Pork Shoulder Picnic," "Pork Shoulder Butt," and "Pork Loin," either by moist or dry heat, shall not result in the finished cooked product weighing more than the fresh uncured article.[1]

(c) *Canned products.* The preparation of any canned products such as "Ham," "Pork Shoulder Picnic," or similar products shall not result in an increase in weight of more than 8 percent over the weight of the fresh uncured article.[1]

(d) *Pressed ham, spiced ham.* "Pressed Ham," "Pressed Ham with Natural Juices," "Spiced Ham," and similar products may contain finely chopped ham shank meat to the extent of 25 percent over that normally present in the boneless ham. The weight of the cured

[1] See § 317.8(b)(13) of this subchapter for provisions on labeling of ham and for labeling of products containing up to 10 percent added water.

chopped ham prior to processing shall not exceed the weight of the fresh uncured ham, exclusive of the bone and fat removed in the boning operation, plus the weight of the curing ingredients and 3 percent moisture.

§ 319.106 Chopped ham.

(a) "Chopped Ham" is the semisolid meat food product, in the form of a compact mass with a limited amount of cooked out juices, which is prepared with ham, curing agents, seasonings and any of the optional ingredients listed in paragraph (b) of this section, in accordance with the provisions of subparagraphs (1), (2), and (3) of this paragraph.

(1) Fresh ham, cured ham or smoked ham, or a mixture of two or more of such meat components may be used. The weight of the cured chopped ham prior to processing shall not exceed the weight of the fresh uncured ham and fresh uncured ham shank meat if any is used, exclusive of the bones and fat removed in the boning operations, plus the weight of the curing ingredients and 3 percent moisture.

(2) The curing agents that may be used, singly or in combination, are salt, sodium nitrate, sodium nitrite, potassium nitrate, and potassium nitrite. When sodium nitrate, sodium nitrite, potassium nitrate or potassium nitrite is used, singly or in combination, the amount thereof shall not exceed that permitted in § 318.7(b)(4) of this subchapter.

(3) The seasonings that may be used, singly or in combination, are salt, sugar (sucrose or dextrose), spice, and flavoring, including essential oils, oleoresins and other spice extractives.

(b) Chopped ham may contain one or more of the folowing optional ingredients:

(1) Finely chopped ham shank meat (fresh, cured or smoked, or a combination thereof) to the extent of not more than 25 percent over that normally present in the boneless ham.

(2) Water, for the purpose of dissolving the curing agents, and not in excess of the amount permitted in paragraph (a)(1) of this section.

(3) Monosodium glutamate.

(4) Hydrolyzed plant protein.

(5) Corn syrup solids, corn syrup and glucose syrup, singly or in combination, in an amount not to exceed 2 percent (calculated on a dry basis), of all the ingredients used in preparing the chopped ham.

(6) Disodium phosphate, sodium hexametaphosphate, sodium tripolyphosphate, sodium pyrophosphate, and sodium acid pyrophosphate, singly or in combination, in an amount not to exceed that permitted in § 318.7(b)(4).

(7) Ascorbic acid, sodium ascorbate, isoascorbic acid or sodium isoascorbate in amount not to exceed that permitted in § 318.7(b)(4) of this subchapter.

(8) Dehydrated onions or onion powder.

(9) Dehydrated garlic or garlic powder.

(c) The label shall bear the name "Chopped Ham," an ingredient statement and other information required by Parts 301 through 328 of this subchapter.

Subpart E—Fresh Sausage

§ 319.140 Fresh pork sausage.

"Fresh Pork Sausage" shall be prepared with fresh pork skeletal muscle and may be seasoned with condimental substances as permitted under Part 318 of this subchapter. It shall not be made with any lot of product which, in the aggregate, contains more than 50 percent trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

§ 319.141 Breakfast sausage.

"Breakfast Sausage" shall be prepared with fresh meat, or meat and meat byproducts and may be seasoned with condimental substances as permitted in Part 318 of this subchapter. It shall not be made with any lot of product which, in the aggregate, contains more than 50 percent trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

§ 319.142 Whole hog sausage.

"Whole Hog Sausage" shall be prepared with fresh meat from swine in such proportions as are normal to a single animal and may be seasoned with condimental substances as permitted in Part 318 of this subchapter. It shall not be made with any lot of product which, in the aggregate, contains more than 50 percent trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

Subpart F—Uncooked, Smoked Sausage

§ 319.160 Smoked pork sausage.

"Smoked Pork Sausage" is sausage that is smoked. It may be seasoned with condimental substances as permitted in Part 318 of this subchapter. It shall not be made with any lot of product which, in the aggregate, contains more than 50 percent trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in amount not to exceed 3 percent of the total ingredients used.

Subpart G—Cooked, Smoked Sausage

§ 319.180 Frankfurter, wiener, vienna, bologna, garlic bologna, knockwurst, and similar products.

"Frankfurter," "Wiener, "Vienna," "Bologna," "Garlic Bologna," "Knockwurst," and similar products are comminuted semisolid meat food products which are prepared from one or more kinds of meat or meat and meat byproducts seasoned and cured using one or more of the curing agents in accordance with § 318.7(b) of this subchapter. Water and/or ice may be used to facilitate chopping or mixing or to dissolve the curing ingredients, but the sausage shall contain no more than 10 percent of added water. One or more of the following binders or extenders may be used, which individually or collectively shall not exceed 3½ percent of the total ingredients in the sausage, except that 2 percent of isolated soy protein shall be deemed to be the equivalent of 3½ percent of any one or more of the other binders: Dried milk, nonfat dry milk, calcium reduced dried skim milk, cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein. Partially defatted pork fatty tissue or partially defatted beef fatty tissue or a combination of both may be used in an amount not exceeding 15 percent of the meat and meat byproduct ingredients.

§ 319.181 Cheesefurters and similar products.

"Cheesefurters" and similar products are products in casings which resemble frankfurters except that they contain sufficient cheese to give definite characteristics to the finished article. They may contain cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced skim milk, or dried milk. The finished product shall contain no more than 3.5 percent of these additives, individually and collectively, exclusive of the cheese constituent. In determining the maximum amount of the ingredients specified in this subparagraph which may be used, individually and collectively, in a product, 2 percent of isolated soy protein shall be considered the equivalent of 3.5 percent of any other ingredient specified in this subparagraph. When any such additive is added to these products, there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredient, as for example, "Cereal Added," "With Cereal," "Potato Flour Added," "Cereal and Potato Flour Added," "Soy Flour Added," "Nonfat Dry Milk Added," "Cereal and Nonfat Dry Milk Added," as the case may be. Cooked sausage shall not contain more than 10 percent of added water or other substances.

Subpart H—Other Cooked Sausage

§ 319.200 Liver sausage and similar products.

"Liver Sausage," "Braunsweiger," and "Liver Cheese," are made from fresh pork and liver, and may contain cured pork and veal. This product shall contain not less than 30 percent of liver computed on the weight of the fresh liver.

Subpart I—Semi-dry Fermented Sausage [Reserved]

Subpart J—Dry Fermented Sausage [Reserved]

Subpart K—Luncheon Meat, Loaves and Jellied Products

§ 319.260 Luncheon meat.

"Luncheon Meat" is a cured, comminuted, cooked meat food product. To facilitate chopping or mixing or to dissolve the usual curing ingredients, water or ice may be used in the preparation of luncheon meat in an amount not to exceed 3 percent of the total ingredients.

§ 319.261 Meat loaf.

"Meat Loaf" is a comminuted, cooked, meat food product in loaf form. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

Subpart L—Cooked Meat Specialties, Puddings and Nonspecific Loaves

§ 319.280 Scrapple.

"Scrapple" shall contain not less than 40 percent meat and/or meat byproducts computed on the basis of the fresh weight, exclusive of bone. The meal or flour used may be derived from grain and/or soybeans.

Subpart M—Canned, Frozen, or Dehydrated Meat Food Products

§ 319.300 Chili con carne.

"Chili Con Carne" shall contain not less than 40 percent of meat computed on the weight of the fresh meat. Head meat, cheek meat, and heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredients under specific declaration on the label. The mixture may contain not more than 8 percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk.

§ 319.301 Chili con carne with beans.

"Chili Con Carne with Beans" shall contain not less than 25 percent of meat computed on the weight of the fresh meat. Head meat, cheek meat, or heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredient, and its presence shall be reflected in the statement of ingredients required by Part 317 of this subchapter.

§ 319.302 Hash.

"Hash" shall contain not less than 35 percent of meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the weight of the uncooked fresh meat.

§ 319.303 Corned beef hash.

(a) "Corned Beef Hash" is the semi-solid food product in the form of a compact mass which is prepared with beef, potatoes, curing agents, seasonings, and any of the optional ingredients listed in paragraph (b) of this section, in accordance with the provisions of subparagraphs (1), (2), (3), and (4) of this paragraph and the provisions of paragraph (c) of this section.

(1) Either fresh beef, cured beef, or canned corned beef, or a mixture of two or more of these ingredients, may be used, and the finished product shall contain not less than 35 percent of beef computed on the weight of the cooked and trimmed beef. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the weight of the uncooked fresh meat.

(2) "Potatoes" refers to fresh potatoes, dehydrated potatoes, cooked dehydrated potatoes, or a mixture of two or more of these ingredients.

(3) The curing agents that may be used are salt, sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or a combination of two or more of these ingredients. When sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite is used it shall be used in amounts not exceeding those specified in § 318.7(b)(4) of this subchapter.

(4) The seasonings that may be used, singly or in combination, are salt, sugar (sucrose or dextrose), spice, and flavoring, including essential oils, oleoresins, and other spice extractives.

(b) Corned beef hash may contain one or more of the following optional ingredients:

(1) Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap, may be used individually or collectively to the extent of 5 percent of the meat ingredients.

(2) Onions, including fresh onions, dehydrated onions, or onion powder.

(3) Garlic, including fresh garlic, dehydrated garlic, or garlic powder.

(4) Water.

(5) Beef broth or beef stock.

(6) Monosodium glutamate.

(7) Hydrolyzed plant protein.

(8) Beef fat.

(c) The finished product shall not contain more than 15 percent fat nor more than 72 percent moisture.

(d)(1) When any ingredient specified in paragraph (b)(1) of this section is used, the label shall bear the following applicable statement: "Beef cheek meat constitutes 5 percent of the meat ingredient", or "Beef head meat constitutes 5 percent of the meat ingredient", or "Beef heart meat constitutes 5 percent of the meat ingredient." When two or more of the ingredients are used the words "Constitutes 5 percent of meat ingredient" need only appear once.

(2) Whenever the words "corned beef hash" are featured on the label so conspicuously as to identify the contents, the statements prescribed in subparagraph (1) of this paragraph shall immediately and conspicuously precede or follow such name without intervening written, printed, or other graphic matter.

§ 319.304 Meat stews.

Meat stews such as "Beef Stew" or "Lamb Stew" shall contain not less than 25 percent of meat computed on the weight of the fresh meat.

§ 319.305 Tamales.

"Tamales" shall be prepared with at least 25 percent meat computed on the weight of the uncooked fresh meat in relation to all ingredients of the tamales. When tamales are packed in sauce or gravy, the name of the product shall include a prominent reference to the sauce or gravy, for example "Tamales With Sauce" or "Tamales With Gravy." Product labeled "Tamales With Sauce" or "Tamales With Gravy" shall contain not less than 20 percent meat, computed on the weight of the uncooked fresh meat in relation to the total ingredients making up the tamales and sauce or the tamales and gravy.

§ 319.306 Spaghetti with meat balls and sauce, spaghetti with meat and sauce, and similar products.

"Spaghetti with Meat Balls in Sauce" and "Spaghetti with Meat and Sauce," and similar products shall contain not less than 12 percent of meat computed on the weight of the fresh meat. The presence of the sauce or gravy constituent shall be declared prominently on the label as part of the name of the product. Meat balls may be prepared with not more than 12 percent, singly and collectively, of farinaceous material, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced dried skim milk, and similar substances.

§ 319.307 Spaghetti sauce with meat.

"Spaghetti Sauce with Meat" shall contain not less than 6 percent of meat computed on the weight of the fresh meat.

§ 319.308 Tripe with milk.

"Tripe with Milk" shall be prepared so that the finished canned article, exclusive of the cooked-out juices and milk, will contain at least 65 percent tripe. The product shall be prepared with not less than 10 percent milk.

§ 319.309 Beans with frankfurters in sauce, sauerkraut with wieners and juice, and similar products.

"Beans with Frankfurters in Sauce," "Sauerkraut with Wieners and Juice," and similar products shall contain not less than 20 percent frankfurters or wieners computed on the weight of the smoked and cooked sausage prior to its inclusion with the beans or sauerkraut.

§ 319.310 Lima beans with ham in sauce, beans with ham in sauce, beans with bacon in sauce, and similar products.

"Lima Beans with Ham in Sauce," "Beans with Ham in Sauce," "Beans with Bacon in Sauce," and similar products shall contain not less than 12 percent ham or bacon computed on the weight of the smoked ham or bacon prior to its inclusion with the beans and sauce.

§ 319.311 Chow mein vegetables with meat and chop suey vegetables with meat.

"Chow Mein Vegetables with Meat" and "Chop Suey Vegetables with Meat" shall contain not less than 12 percent meat computed on the weight of the uncooked fresh meat prior to its inclusions with the other ingredients.

§ 319.312 Pork with barbecue sauce and beef with barbecue sauce.

"Pork with Barbecue Sauce" and "Beef with Barbecue Sauce" shall contain not less than 50 percent meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the uncooked weight of the meat. If uncooked meat is used in formulating the products, they shall contain at least 72 percent meat computed on the weight of the fresh uncooked meat. When cereal, vegetable flour, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced dried skim milk or similar substances are used in preparing the products there shall appear on the label in a prominent manner, the name of the product, the name of each such added ingredient, as for example "Cereal Added" or "With Cereal and Nonfat Dry Milk."

§ 319.313 Beef with gravy and gravy with beef.

"Beef with Gravy" and "Gravy with Beef" shall not be made with beef which, in the aggregate for each lot contains more than 30 percent trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting.

Subpart N—Meat Food Entree Products, Pies, and Turnovers

§ 319.500 Meat pies.

Meat pies such as "Beef Pie", "Veal Pie" and "Pork Pie" shall contain not less than 25 percent of the meat computed on the weight of the fresh uncooked meat in relation to all of the other ingredients including the crust.

Subpart O—Meat Snacks, Hors d'Oeuvres, Pizza, and Specialty Items

§ 319.600 Pizza.

(a) "Pizza with Meat" is a bread base meat food product with tomato sauce, cheese and meat topping. It shall contain cooked meat made from not less than 15 percent raw meat.

(b) "Pizza with Sausage" is a bread base meat food product with tomato sauce, cheese and not less than 12 percent cooked sausage or 10 percent dry sausage, e.g., Pepperoni.

Subpart P—Fats, Oils, Shortenings

§ 319.700 Oleomargarine or margarine.

(a) Oleomargarine or margarine is the plastic food which is prepared in accordance with the provisions of subparagraphs (1), (2), (3), and (4) of this subparagraph.

(1) It is prepared with one or more of the fat ingredients named in any one of the subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(i) The rendered fat or oil, or stearin derived therefrom (any or all of which may be hydrogenated), of cattle, sheep, swine, or goats, or any combinations of two or more of such articles;

(ii) Any vegetable food fat or oil, or oil or stearin derived therefrom (any or all of which may be hydrogenated), or any combination of two or more of such articles;

(iii) Any combination of ingredients named under subdivisions (i) and (ii) of this suparagraph in such proportion that the weight of the ingredients named under subdivision (i) of this subparagraph either equals the weight of the ingredients named under subdivision (ii) of this subparagraph or exceeds such weight by a ratio not greater than 9 to 1;

(iv) Any combination of ingredients named under subdivisions (i) and (ii) of this subparagraph in such proportion that the weight of the ingredients named under subdivision (ii) of this subparagraph exceeds the weight of the ingredients named under subdivision (i) of this subparagraph by a ratio not greater than 9 to 1.

(2) One of the articles (or combinations) named under subdivision (i), (ii), (iii), (iv), (v), (vi), or (vii) of this subparagraph is intimately mixed with the fat ingredient or ingredients. The ingredients named under subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph are pasteurized and then may be subjected to the action of harmless bacterial starters. The term "milk" as used in this subparagraph means "cow's milk."

(i) Cream;

(ii) Milk;

(iii) Skim milk;

(iv) Any combination of nonfat dry milk and water in which the weight of the nonfat dry milk is not less than 10 percent of the weight of the water.

(v) Any combination of two or more of the articles (or combination) named under subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(vi) In case only of the fat ingredient named under subparagraph (1)(ii) of this paragraph, any combination of finely ground soybeans and water, in which the weight of the finely ground soybeans is not less than 10 percent of the weight of the water. The finely ground soybeans are subjected to a heat treatment before or after mixing with the water. The soybeans may or may not be dehulled.

(vii) Water in lieu of any of the articles (or combinations) designated in subdivisions (i), (ii), (iii), (iv), (v), or (vi) of this subparagraph.

(viii) Congealing is effected, either with or without contact with water, and the congealed mixture may be worked.

(3) It may contain one or more of the following optional ingredients in addition to the ingredients and articles named in subparagraphs (1) and (2) of this paragraph:

(i) Artificial coloring. For the purpose of this subdivision, provitamin A shall be deemed to be artificial coloring.

(ii) Sodium benzoate, or benzoic acid, or a combination of these, in a quantity not to exceed 0.1 percent of the weight of the finished product.

(iii) Vitamin A (with or without any accompanying vitamin D and with or without vitamin D concentrate), in such quantity that the finished oleomargarine or margarine contains not less than 15,000 United States Pharmacopeia units of vitamin A per pound, as determined by the method prescribed in the Pharmacopeia of the United States for total biological vitamin A activity. The vitamin A potency prescribed may be furnished by fish liver oil; by concentrates of vitamin A or its fatty acid esters from animal sources; by synthetic vitamin A or its fatty acid esters; by mixtures of synthetic vitamin A or its fatty acid esters with harmless substances formed during the synthesis of the vitamin A, if the vitamin A or its fatty acid ester constitutes not less than 50 percent of the mixture; by provitamin A; or by any combination of two or more of these. For the purposes of this subdivision the term "fatty acid" may include acetic acid.

(vi) Any safe and suitable artificial flavoring substance that imparts to the food a flavor in semblance of butter. Such artificial flavoring substances are deemed to be safe for use in oleomargarine or margarine which contains any fat ingredient named under subparagraph (1) (i) of this paragraph if they have been approved for such use by the Administrator, and they are deemed to be safe for use in other oleomargarine or margarine if they are used in conformity with regulations established pursuant to section 409 of the Federal Food, Drug and Cosmetic Act or their use is otherwise lawful under that Act.

(v) (*a*) Lecithin, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine or margarine; or

(*b*) Monoglycerides or diglycerides of fat-forming fatty acids, or a combination of these, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine or margarine; or

(*c*) Such monoglycerides and diglycerides in combination with the sodium sulfoacetate derivatives thereof in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine or margarine; or

(*d*) A combination of the substances specified in (*a*) and (*b*) of this subdivision in which the amount of neither exceeds that above stated; or

(*e*) A combination of the substances specified in (*a*) and (*c*) of this subdivision in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine or margarine. (The weight of the diglycerides in each of the ingredients specified in (*b*), (*c*), (*d*), and (*e*) of this subdivision is calculated at one-half actual weight.)

(vi) Butter.

(vii) Salt.

(viii) Citric acid incorporated in the fat or oil ingredient used.

(ix) Isopropyl citrates incorporated in the fat or oil ingredient used, in an

amount not to exceed 0.02 percent by weight of the finished oleomargarine or margarine.

(x) Stearyl citrate incorporated in the fat or oil ingredient in an amount not to exceed 0.15 percent by weight of the finished oleomargarine or margarine.

(xi) Potassium sorbate, in an amount not to exceed 0.1 percent by weight of the finished oleomargarine or margarine.

(xii) Calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) in an amount not to exceed 75 parts per million by weight of the finished oleomargarine or margarine.

(4) The finished oleomargarine or margarine shall contain not less than 80 percent fat, as determined by the method prescribed in the current "Official Methods of Analysis of the Association of Official Agricultural Chemists."[1]

(b) The name of the food for which a definition and standard of identity are prescribed by this section is "oleomargarine" or "Margarine." The presence of ingredients, provided for in paragraph (a) of this section, in the finished product shall be declared as follows:

(1) Fat ingredients shall be declared first in the ingredient statement by the name of the specific fat or oil or stearin used. Where combinations of fat ingredients are used, the names shall be arranged in descending order of predominance. If any fat ingredient is hydrogenated, the ingredient statement shall include the word "Hydrogenated" or "Hardened" at such place or places in the list of fats as to indicate which fats are hydrogenated: For example, "corn oil, hardened soybean oil."

(2) Immediately following the listing of fat ingredients, other ingredients used shall be named in the descending order of predominance.

(i) The optional ingredients butter, salt, water, cream, milk, skim milk, nonfat dry milk and water, ground soybeans and water, lecithin, monoglycerides or diglycerides, and sodium sulfoacetate derivatives of monoglycerides or diglycerides shall each be declared by those terms.

(ii) Artificial colors shall be declared by the statement "Artificially colored" or "Artificial coloring added" or "With added artificial flavoring."

(iii) Artificial flavors shall be declared by the statement "Artificially flavored" or "Artificial flavoring added" or "With added artificial flavoring."

(iv) Oleomargarine or margarine that contains the optional ingredients citric acid, isopropyl citrate, stearyl citrate, or calcium disodium EDTA shall be labeled by the statement "_____ added as a preservative" or "_____ added to protect flavor." Oleomargarine or margarine that contains the optional ingredient sodium benzoate or benzoic acid shall be labeled by the statement "_____ added as a preservative" or "_____ as a preservative" or "With added _____ as a preservative." Oleomargarine or margarine that contains the optional ingredient potassium sorbate shall be labeled by the statement "_____ added as a preservative" or "_____ added to retard mold growth." The blank in each of the statements in this subdivision is filled in with the common name of the preservative ingredient used.

(v) Vitamin A shall be declared by the statement "Vitamin A added" or "With added Vitamin A." Vitamin A shall be declared by the statement "Vitamin D added" or "With added Vitamin D."

(vi) Where two or more optional ingredients named in paragraph (a)(3) of this section are used, the words "Added" or "With Added" need appear only once, either at the beginning or end of the list of such ingredients declared.

(3) Whenever the name "oleomargarine" or "margarine appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed in this section, showing the ingredients used, shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name, without intervening written, printed, or other graphic matter.

(c) Colored oleomargarine or colored margarine which is packed for retail sale and contains any ingredient named in paragraph (a)(1)(i) of this section must also comply with the requirements of § 317.8(b)(25) of this subchapter.

§ 319.701 Mixed fat shortening.

Shortening prepared with a mixture of meat fats and vegetable oils may be identified either as "Shortening Prepared with Meat Fats and Vegetable Oils" or "Shortening Prepared with Vegetable Oils and Meat Fats" without regard to the order of predominance of the fats and oils used, provided the product contains at least 2 percent of the lesser ingredient.

§ 319.702 Lard, leaf lard.

"Lard" is the fat rendered from fresh, clean, sound, fatty tissue from hogs in good health at the time of slaughter, with or without lard stearin or hydrogenated lard. The fatty tissues shall not include bones, detached skin, head skin, ears, tails, organs, windpipes, large blood vessels, scrap fat, skimmings, settlings, pressings, and similar materials, and the fatty tissues shall be reasonably free from muscle tissue and blood. "Leaf lard" is lard prepared from fresh leaf fat.

§ 319.703 Rendered animal fat or mixture thereof.

(a) "Rendered Animal Fat", or any mixture of fats containing edible rendered animal fat, shall contain no added water, except that "Puff Pastry Shortening" may contain not more than 10 percent of water.

(b) "Rendered Pork Fat" is fat, other than lard, rendered from clean, sound carcasses, parts of carcasses, or edible organs from hogs in good health at the time of slaughter, except that stomachs, bones from the head, and bones from cured or cooked pork are not included. The tissues rendered are usually fresh, but may be cured, cooked, or otherwise prepared and may contain some meat food products. Rendered pork fat may be hardened by the use of lard stearin and/or hydrogenated lard and/or rendered pork fat stearin and/or hydrogenated rendered pork fat.

Subpart Q—Meat Soups, Soup Mixes, Broths, Stocks, Extracts

§ 319.720 Meat extract.

Meat extract (e.g., "Beef extract") shall contain not more than 25 percent of moisture.

§ 319.721 Fluid extract of meat.

Fluid extract of meat (e.g., "Fluid Extract of Beef") shall contain not more than 50 percent of moisture.

Subpart R—Meat Salads and Meat Spreads

§ 319.760 Deviled ham, deviled tongue and similar products.

(a) "Deviled Ham" is a semiplastic cured meat food product made from finely comminuted ham and containing condiments. Deviled ham may contain added ham fat: *Provided*, That the total fat content shall not exceed 35 percent of the finished product. The moisture content of deviled ham shall not exceed that of the fresh unprocessed meat.

(b) The moisture content of "Deviled Tongue" and similar products shall not exceed that of the fresh, unprocessed meat.

§ 319.761 Potted meat food product and deviled meat food product.

"Potted Meat Food Product" and "Deviled Meat Food Product" shall not contain cereal, vegetable flour, nonfat dry milk, or similar substances. The amount of water added to potted meat food products and deviled meat food products shall be limited to that necessary to replace moisture lost during processing.

§ 319.762 Ham spread, tongue spread, and similar products.

"Ham Spread", "Tongue Spread" and similar products shall contain not less than 50 percent of the meat ingredient named, computed on the weight of the fresh meat. Other meat and fat may be used to give the desired spreading consistency provided it does not detract from the character of the spread as named.

Subpart S—Meat Baby Foods [Reserved]

Subpart T—Dietetic Meat Foods [Reserved]

Subpart U—Miscellaneous

§ 319.880 Breaded products.

The amount of batter and breading used as a coating for breaded product shall not exceed 30 percent of the weight of the finished breaded product.

[1] Copies of this publication are available from Association of Official Agricultural Chemists, Post Office Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

PART 320—RECORDS, REGISTRATION, AND REPORTS

Sec.
320.1 Records required to be kept.
320.2 Place of maintenance of records.
320.3 Record retention period.
320.4 Access to and inspection of records, facilities, and inventory; copying and sampling.
320.5 Registration.
320.6 Information and reports required from official establishment operators.
320.7 Reports by consignees of allegedly adulterated or misbranded products; sale or transportation as violations.

§ 320.1 Records required to be kept.

(a) Every person (including every firm or corporation) within any of the classes specified in subparagraph (1), (2), or (3) of this paragraph is required by the Act to keep records which will fully and correctly disclose all transactions involved in his or its business subject to the Act:

(1) Any person that engages, for commerce, in the business of slaughtering any cattle, sheep, swine, goats, horses, mules, or other equines, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food;

(2) Any person that engages in the business of buying or selling (as a meat broker, wholesaler or otherwise), or transporting in commerce, or storing in, or for commerce, or importing, any carcasses, or parts or products of carcasses, of any such animals;

(3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules, or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter.

(b) The required records are:

(1) Records, such as bills of sale, invoices, bills of lading, and receiving and shipping papers, giving the following information with respect to each transaction in which any livestock or carcass, part thereof, meat or meat food product is purchased, sold, shipped, received, transported, or otherwise handled by said person in connection with any business subject to the Act.

(i) The name or description of the livestock or article;

(ii) The net weight of the livestock or article;

(iii) The number of shipping containers (if any);

(iv) The name and address of the buyer of livestock or articles sold by such person, and the name and address of the seller of livestock or articles purchased by such person;

(v) The name and address of the consignee or receiver (if other than the buyer);

(vi) The method of shipment;

(vii) The date of shipment; and

(viii) The name and address of the carrier.

(2) Shipper's certificates and permits required to be kept by shippers and carriers of articles under Part 325 of this subchapter;

(3) All information relating to consumer complaints received by the person required to keep the records, concerning articles prepared under Federal inspection and handled by him.

§ 320.2 Place of maintenance of records.

Every person required by this part to keep records shall maintain such records at his or its principal place of business. When not in actual use, all such records shall be kept in a fireproof safe, box, or compartment, except that with the written consent of the Administrator, upon a showing by such person that it is not practicable to provide such fireproof safe, box, or compartment, such person may keep the required records in some other place of safety approved by the Administrator.

§ 320.3 Record retention period.

Every record required to be maintained under this part shall be retained for a period of 5 years after December 31 of the year in which the transaction to which the record relates has occurred and for such further period as the Administrator may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such records under this part.

§ 320.4 Access to and inspection of records, facilities, and inventory; copying and sampling.

Every person (including every firm or corporation) within any of the classes specified in § 320.1 shall upon proper identification and request by any authorized representative of the Secretary during ordinary business hours, permit such representative to enter his or its place of business and examine the records required to be kept by § 320.1 and the facilities and inventory pertaining to the business of such person subject to the Act, and to copy all such records, and to take reasonable samples of the inventory upon payment of the fair market value therefor. Any necessary facilities (other than reproduction equipment) for such examination and copying of records and for such examination and sampling of inventory shall be afforded to authorized representatives of the Secretary by such person.

§ 320.5 Registration.

(a) Except as provided in paragraph (c) of this section, every person that engages in business, in or for commerce as a meat broker, renderer, or animal food manufacturer, or engages in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any livestock, whether intended for human food or other purposes, or engages in business as a public warehouseman storing any such articles in or for commerce, or engages in the business of buying, selling, or transporting in commerce, or importing any dead, dying, disabled, or diseased livestock, or parts of the carcasses of any such livestock that died otherwise than by slaughter, shall furnish the Administrator such information as required including his name, and the address of each place of business at which, and all trade names under which he conducts such business, by filing with the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, a form containing such information within 90 days after the effective date hereof or after such later date as he begins to engage in such business if not engaged therein upon said effective date. All information submitted shall be current and correct. The registration form shall be obtained from the Director, Compliance and Evaluation Staff, Consumer Protection Programs, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Whenever any change is made in the name of, or address of any place of business at which, or any trade name under which a registrant conducts his business, he shall report such change in writing to the Administrator within 15 days after making the change.

(c) The registration requirements prescribed in this section shall not apply to persons conducting any of the businesses specified in this section only at an official establishment.

§ 320.6 Information and reports required from official establishment operators.

(a) The operator of each official establishment shall furnish to Program employees accurate information as to all matters needed by them for making their daily reports of the amount of products prepared or handled in the departments of the establishment to which they are assigned and such reports concerning sanitation and other aspects of the operations of the establishment and the conduct of inspection thereat as the officer in charge may require of such Program employes for the purposes of the Act and the regulations in this subchapter.

(b) The operator of each official establishment shall also make such other reports as the Administrator may from time to time require under the Act.

§ 320.7 Reports by consignees of allegedly adulterated or misbranded products; sale or transportation as violations.

Whenever the consignee of any product which bears an official inspection legend refuses to accept delivery of such product on the grounds that it is adulterated or misbranded, the consignee shall notify the Director, Processed Food Inspection Division, Consumer Protection Programs, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, of the kind, quantity, source, and present location of the product and the respects in which it is alleged to be adulterated or misbranded, and it will be a violation of the Act for any person to sell or transport, or offer for sale or transportation, or receive for transportation, in commerce, any

such product which is capable of use as human food and is proved to be adulterated or misbranded at the time of such sale, transportation, offer, or receipt: *Provided, however,* That any such allegedly adulterated or misbranded product may be transported to the official establishment from which it had been transported, in accordance with § 325.10 of this subchapter.

PART 321—COOPERATION WITH STATES AND TERRITORIES

Sec.
321.1 Assistance to State and Territorial programs.
321.2 Cooperation of States in Federal programs.

§ 321.1 Assistance to State and Territorial programs.

(a) The Administrator is authorized under paragraph (a) of section 301 of the Act, when he determines it would effectuate the purposes of the Act, to cooperate with any State (including Puerto Rico) or any organized Territory in developing and administering the meat inspection program of such jurisdiction with a view to assuring that it imposes and enforces requirements at least equal to those under Titles I and IV of the Act, with respect to establishments at which products are prepared for use as human food solely for distribution within such jurisdiction, and with respect to the products of such establishments. Such cooperation is authorized if the jurisdiction has enacted a law imposing mandatory ante mortem and post mortem inspection, reinspection, and sanitation requirements at least equal to the Federal requirements with respect to all or certain classes of persons engaged in slaughtering livestock or otherwise preparing products solely for distribution within such jurisdiction.

(b) The Administrator is also authorized under paragraph (a) of section 301 of the Act to cooperate with any State (including Puerto Rico) or any organized Territory in developing and administering programs under the laws of such jurisdiction containing authorities at least equal to those in Title II of the Act (relating to records; registration of specified classes of operators; dead, dying, disabled, or diseased livestock; and products not intended for human food), when he determines that such cooperation would effectuate the purposes of the Act.

(c) Such cooperation may include advisory assistance, technical and laboratory assistance and training, and financial aid. The Federal contribution to any State (or Territory) may not exceed 50 percent of the estimated total cost of the cooperative State (or Territorial) program. A cooperative program under this section is called a State-Federal program.

§ 321.2 Cooperation of States in Federal programs.

Under the "Talmadge-Aiken Act" of September 28, 1962 (7 U.S.C. 450), the Administrator is authorized to utilize employees and facilities of any State in carrying out Federal functions under the Federal Meat Inspection Act. A cooperative program for this purpose is called a Federal-State program.

PART 322—EXPORTS [1]

Sec.
322.1 Manner of affixing stamps and marking products for export.
322.2 Export stamps and certificates; instructions concerning issuance.
322.3 Transferring products for export.
322.4 Clearance of vessels and transportation without certificate prohibited; exceptions.
322.5 Uninspected tallow, stearin, oleo oil, etc., not to be exported unless certified as prescribed.

§ 322.1 Manner of affixing stamps and marking products for export.

(a) A numbered official export meat inspection stamp in the form prescribed in § 312.8 of this subchapter shall be affixed to each outside container (except cloth wrappings) of any inspected and passed product for export except ship stores and small quantities exclusively for the personal use of the consignee and not for sale or distribution. So far as possible stamps shall be issued serially.

(b) Such stamps shall be securely affixed, and if the container is of wood the stamps shall be placed either (1) in a grooved space made by removing a portion of the wood of sufficient size to admit the stamp, (2) on either end of the package: *Provided,* That the sides thereof are made to project at least one-eighth of an inch to afford the necessary protection from abrasion, or (3) in some other manner equally acceptable to the officer in charge.

(c) The cloth wrapping used as an outside container of any inspected and passed product for export shall bear the official inspection legend and the establishment number applied by the 2½-inch rubber brand as prescribed in § 312.2 of this subchapter or a numbered official export meat inspection stamp as prescribed in § 312.9 of this subchapter, as may be required by the foreign country to which the product is being exported.

(d) A numbered official export meat inspection stamp as prescribed in § 312.9 of this subchapter shall be affixed to each tank car of inspected and passed lard or similar edible product, and to each door of each railroad car or other closed means of conveyance containing inspected and passed loose product shipped directly to a foreign country.

§ 322.2 Export stamps and certificates; instructions concerning issuance.

(a) Upon application of the exporter, the officer in charge is authorized to issue official export certificates for shipments of inspected and passed product to any foreign country. Certificates should be issued at the time the products leave the official establishment; if not issued at that time they may be issued later only after identifiction and reinspection of the products.

(b) Official export certificates shall be issued with serial numbers and in triplicate form. Quadruplicate certificates may be issued for any exportation on request of the exporter. Each certificate shall show the names of the exporter and the consignee, the destination, the numbers of the stamps, if any, attached to the products to be exported, the number and type of packages, the shipping marks, the kind of products, and the weight of the products in accordance with § 317.2 of this subchapter.

(c) Only one certificate shall be issued for each consignment, except that for sufficient reasons new certificates in lieu of the original certificates may be issued by officers in charge. A certificate issued in lieu of another shall show in the left hand margin the notation "Issued in lieu of * * *", and the number of the certificate which is superseded. The certificate that is superseded when another is issued is lieu therefore, shall show in the left hand margin the number of the certificate which supersedes it, as follows: "Superseded by No. _____".

(d) The original of the certificate shall be delivered to the shipper and may be furnished by him to the consignee for purposes of effecting the entry of product.

(e) The duplicate of the certificate shall be delivered to the shipper and shall be delivered by him to the agent of the railroad or other carrier which transports the consignment from the United States otherwise than by water, or to the chief officer of the vessel on which the export shipment is made, and shall be used only by such carrier and only for the purpose of effecting the transportation of the consignment certified. The chief officer of the vessel shall file such duplicate with the Customs officer at the time of filing the master's manifest or the supplemental manifest.

(f) The triplicate of the certificate shall be retained in the circuit file.

(g) Under no circumstances shall the original or the triplicate of such certificate be used for the purpose prescribed by paragraph (e) of this section for the duplicate.

(h) Upon request, official export certificates and export meat inspection stamps may be issued by officers in charge for export consignments of product of official establishments not under their supervision, provided the consignments are first identified as having been "U.S. inspected and passed" and are found to be neither adulterated nor misbranded.

§ 322.3 Transferring products for export.

When inspected and passed products for export are transferred from tank cars to other containers on vessels, such transfer shall be done in accordance with the provisions of Part 350 [2] of Subchapter B of this chapter.

[1] Attention is directed to the requirements of Part 326 of this subchapter, governing transportation, and to the requirements of § 318.8 of this subchapter that products prepared under that section for export be destroyed for food purposes before being sold or offered for sale for domestic use.

[2] The regulations in Part 340 of this subchapter will be transferred later to Part 350 of Subchapter B.

§ 322.4 Clearance of vessels and transportation without certificate prohibited; exceptions.

No clearance shall be given to any vessel having on board any product destined to any foreign country, and no person operating any vessel, and no railroad or other carrier, shall receive for transportation or transport from the United States to any foreign country, any product, unless and until an official export certificate covering the same has been issued and delivered as provided in this part, except in the case of inspected and passed ship stores or small quantities of inspected and passed product exclusively for the personal use of the consignee and not for sale or distribution, and except for exempted product eligible for transportation under § 325.8 or § 325.9 of this subchapter.

§ 322.5 Uninspected tallow, stearin, oleo oil, etc., not to be exported unless certified as prescribed.

No tallow, stearin, oleo oil, or the rendered fat derived from the carcasses of livestock, that has not been inspected, passed, and marked in compliance with the regulations in this subchapter shall be exported, unless the product has been denatured as required by § 314.5 or § 325.13 of this subchapter or identified and marked as prescribed by § 325.11 of this subchapter and the exporter files with the Director of Customs at the port from which the export shipment is made a certificate so stating.

PART 325—TRANSPORTATION

Sec.
325.1 Transportation in commerce prohibited without certificate; exception for imported product prior to inspection.
325.2 Parcel post and ferries deemed carriers.
325.3 Product transported within the United States as part of export movement.
325.4 U.S. inspected, passed, and marked product; certificate.
325.5 Unmarked inspected product transported under official seal between official establishments for further preparation; certificate.
325.6 Shipment of paunches between official establishments under official seal; certificate.
325.7 Shipment of products requiring special supervision between official establishments under official seal; certificate.
325.8 Shipment of custom slaughtered or prepared products; certificates.
325.9 Shipment of products of producer's livestock for personal use; certificate.
325.10 Returned products: certificate; permit; and other requirements.
325.11 Inedible products: denaturing; certificate; exceptions for animal food.
325.12 Imported products for importer's consumption; certificate.
325.13 Denaturing procedures.
325.14 Certificates; retention by carrier.
325.15 Evidence of proper certification required on waybills, transfer bills, etc., for shipment by connecting carrier; forms of statement.
325.16 Official seals; form, use, and breaking.
325.17 Loading or unloading products in sealed railroad cars, trucks, etc., en route prohibited; exception.
325.18 Diverting of shipments, breaking of seals, and reloading by carrier in emergency; reporting to Administrator.
325.19 Provisions inapplicable to specimens for laboratory examination, etc., or to inedible articles not having physical characteristics of edible products.
325.20 Transportation and other transactions concerning dead, dying, disabled, or diseased livestock and parts of carcasses of livestock that died otherwise than by slaughter.
325.21 Means of conveyance in which dead, dying, disabled, or diseased livestock and parts of carcasses thereof shall be transported.

§ 325.1 Transportation in commerce prohibited without certificate; exception for imported product prior to inspection.

No carrier shall transport or receive for transportation in commerce and no person shall offer for such transportation any product unless and until a certificate is made and furnished to such carrier in one of the forms prescribed in this part: *Provided, however,* That any product offered for importation into the United States may be transported and offered and received for transportation in commerce without such certificate, if such product is conveyed prior to inspection, in railroad cars or other means of conveyance, or packages, sealed with special official import meat seals of the Department or with customs or consular seals or otherwise identified as provided in Part 327 of this subchapter.

§ 325.2 Parcel post and ferries deemed carriers.

(a) For the purposes of this subchapter, the United States parcel post shall be deemed a carrier, and the provisions of this subchapter relating to transportation by carrier shall apply, so far as they may be applicable, to transportation by parcel post.

(b) For the purposes of this subchapter, the operator of every ferry shall be deemed a carrier, and the provisions of this subchapter relating to transportation by carrier shall apply to transportation by ferry of any product loaded on a truck or other vehicle, or otherwise moved by such ferry.

§ 325.3 Product transported within the United States as part of export movement.

When any shipment of any product is offered to any carrier for transportation within the United States as a part of an export movement, the same certificate shall be required as if the shipment were destined to a point within the United States.

§ 325.4 U.S. inspected, passed, and marked product; certificate.

(a) When any product (including any imported product) which has been inspected and passed and bears the official inspection legend on the outside container (or on the product if not in a container) is offered to any initial carrier for transportation in commerce, the carrier shall require, and the shipper shall make and deliver to the carrier, a certificate in the following form:

Date _____, 19__

Name of carrier _____
Shipper _____
Point of shipment _____
Consignee _____
Destination _____

I hereby certify that the following described product, which is offered for shipment in commerce has been U.S.-inspected and passed by the U.S. Department of Agriculture, is so marked, and at this date is not adulterated or misbranded.

Kind of product	*Amount and weight*
_____	_____
_____	_____
_____	_____

_____
(Signature of shipper)

_____
(Address of shipper)

(b) The signature of the shipper or his agent shall be written in full. This certificate may be stamped upon or incorporated in any form ordinarily used in the transportation of product. Certificates in this form or copies thereof need not be forwarded to any official or office of the Department. A copy of the certificate required by this section shall be retained by the carrier in accordance with Part 320 of this subchapter. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with Part 320 of this subchapter.

§ 325.5 Unmarked inspected product transported under official seal between official establishments for further preparation; certificate.

(a) Any product which has been inspected and passed may be transported from one official establishment to another for further preparation without each article being marked with the official inspection legend, if it is so transported in a railroad car, motortruck, or other means of conveyance which is sealed by a Program employee with an official seal of the Department prescribed in § 312.5(a) of this subchapter. Unless 25 percent or more of the contents of each car or other means of conveyance consists of product not marked with the inspection legend, transportation will not be permitted under this paragraph.

(b) When articles are offered for transportation under paragraph (a) of this section, the initial carrier shall require, and the shipper shall make and deliver to the carrier, a certificate in duplicate in the following form: [1]

Date _____, 19__

Name of carrier _____
Establishment number of consignor _____
Point of shipment _____
Establishment number of consignee _____
Destination _____
Car number and initials _____
License number of other means of conveyance _____

[1] For convenience in filing, it is requested that these certificates be made on paper 5½ x 8 inches in size.

I hereby certify that the following described product has been U.S. inspected and passed by the U.S. Department of Agriculture; and that it is not marked "U.S. inspected and passed," but has been placed in the means of conveyance specified above under the supervision of an employee of the Consumer Protection Programs of said Department, and the means of conveyance has been sealed by him with official U.S. Government seals Nos. ------ and ------

Kind of product	*Amount and weight*

(Signature of shipper)

(Address of shipper)

(c) The signature of the shipper or his agent shall be written in full. This certificate may be stamped upon or incorporated in any form ordinarily used in the transportation of product. Certificates in this form or copies thereof need not be forwarded to any official or office of the Department. The original of the certificate required by this section shall be retained by the carrier and a copy shall be retained by the shipper in accordance with Part 320 of this subchapter. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with Part 320 of this subchapter.

§ 325.6 Shipment of paunches between official establishments under official seal; certificate.

Cattle and sheep paunches which have been made clean and from which the mucous membrane has not been removed may be transported from one official establishment to another official establishment for further preparation, only under an official seal of the Department as prescribed in § 312.5(a) of this subchapter. When paunches are offered for transportation under this paragraph, the initial carrier shall require, and the shipper shall make and deliver to the carrier, a certificate in duplicate in the form set out in § 325.5(b), appropriately modified. Certificates in this form or copies thereof need not be forwarded to any official or office of the Department, but the original of the certificate shall be retained by the carrier and a copy shall be retained by the shipper in accordance with Part 320 of this subchapter. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with Part 320 of this subchapter.

§ 325.7 Shipment of products requiring special supervision between official establishments under official seal; certificate.

(a) Products passed for cooking, pork that has been refrigerated to destroy trichinae, and beef that is to be refrigerated to destroy cysticerci, may be shipped loose from one official establishment to any other official establishment, for further treatment, in railroad cars, trucks, or other means of conveyance sealed with the official seal of the Department as prescribed in § 325.16: *Provided*, That in the case of railroad cars, the receiving establishment has railroad facilities for unloading the products directly into the establishment.

(b) When such restricted product is shipped from one official establishment to another official establishment in the same railroad car or other means of conveyance with other product, such restricted product shall be packed in individual closed containers and the containers shall be sealed in accordance with § 318.10(c) of this subchapter, and marked "U.S. passed for cooking" or "pork product ------° F. ------ days refrigeration" or "beef passed for refrigeration," as the case may be. In addition, a "U.S. Retained" tag shall be securely affixed to each container of product passed for cooking and of beef passed for refrigeration. The means of conveyance shall not be sealed unless at least 25 percent of the other product in the vehicle is unmarked.

(c) When products are offered for transportation under this section, the initial carrier shall require and the shipper shall make and deliver to the carrier a certificate in duplicate in the form set out in § 325.5(b). Certificates in this form or copies thereof need not be forwarded to any official or office of the Department, but the original of the certificate shall be retained by the carrier and a copy shall be retained by the shipper in accordance with Part 320 of this subchapter. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with Part 320 of this subchapter.

§ 325.8 Shipment of custom slaughtered or prepared products; certificates.

(a)(1) When any product of cattle, sheep, swine, or goats which has not been inspected and passed under the provisions of this subchapter and was prepared exclusively for use in the household of the owner of the livestock by a custom slaughterer exempted by paragraph (a) of section 23 of the Act, is offered for transportation in commerce, the initial carrier shall require and the shipper shall make in triplicate and deliver to the carrier, two copies of a certificate in the following form printed on paper 3½ x 8 inches:

SHIPMENT OF CUSTOM SLAUGHTERED PRODUCTS

(The initial carrier shall retain one copy and send one copy to the Data Processing Center, Consumer and Marketing Service, USDA, Room 211, 4101 South Halsted Street, Chicago, Ill. 60609.)

I, the undersigned custom slaughterer certify that the following described nonfederally inspected products described below were prepared by me from cattle, sheep, swine, or goats, which were delivered by the owner thereof, and slaughtered by me, exclusively for use in the household of such owner by the owner and members of his household and his nonpaying guests and employees, and that I do not engage in the business of buying or selling any carcasses, parts thereof, meat or meat food products of cattle, sheep, swine, goats, or equines, capable of use as human food. I further certify that the products described below at this date contain no preservative, coloring matter, or other substance prohibited by the Federal Meat Inspection Regulations and are not otherwise adulterated and are in other respects in compliance with the Federal Meat Inspection Act.

Name of carrier ------ Month ------ Day ------ Year ------
Shipper's name and point of shipment ------ City ------ State ------
Consignee's name and destination ------

	Fresh meats							Processed meats such as salted, cooked, cured, dried, or canned meat; sausage, lard, etc. (9)
Species	Beef (1)	Veal (2)	Mutton (3)	Lamb (3)	Pork (5)	Goat (4)	Goat kid	
Number of carcasses								
Number of pounds								Pounds

Signature of shipper and address ------
Name and address of custom slaughterer ------

(2) The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. A copy of the certificate shall be forwarded immediately by the initial carrier to the Data Processing Center, Consumer and Marketing Service, USDA, Room 211, 4101 South Halsted Street, Chicago, Ill. 60609, and the initial carrier shall retain the original of the certificate in accordance with Part 320 of this subchapter. The shipper shall also retain a copy of the certificate in accordance with Part 320 of this subchapter. If the shipper is also the carrier, he shall nevertheless execute such certificate in duplicate, retain one copy and send the original to said Data Processing Center.

(b)(1) When any product of livestock slaughtered by the owner thereof under exemption in accordance with paragraph 23(a) of the Act is further prepared at an official establishment under § 318.1(h) of this subchapter, and such product is offered for transportation in commerce, the initial carrier shall require and the shipper shall make in triplicate and deliver to the carrier two copies of a certificate in the following form, printed on paper 3½ x 8 inches:

SHIPMENT OF CUSTOM PREPARED PRODUCT

I, the undersigned certify that the products described below were prepared under § 318.1(h) of the Federal Meat Inspection Regulations at the official establishment identified below from livestock slaughtered by the owner thereof under exemption in accordance with paragraph 23(a) of the Federal Meat Inspection Act and are intended exclusively for use in the household of such owner by the owner and members of his household and his nonpaying guests and employees. I further certify that the products described below at this date contain no preservative, coloring matter, or other substance prohibited by the Federal Meat Inspection Regulations.

Name of carrier ------ Month ------ Day ------ Year ------
Shipper's name and point of shipment ------ City ------ State ------
Consignee's name and destination ------

	Fresh meats							Processed meats such as salted, cooked, cured, dried, or canned meat; sausage, lard, etc. (9)
Species	Beef (1)	Veal (2)	Mutton (3)	Lamb (3)	Pork (5)	Goat (4)	Goat kid	
Number of carcasses								
Number of pounds								Pounds

Signature of representative of official establishment ------
Name and address of official establishment ------

(2) The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. A copy of the certificate shall be forwarded immediately by the initial carrier to the Data Processing Center, Consumer and Marketing Service, USDA, Room 211, 4101 South Halsted Street, Chicago, Ill. 60609, and the initial carrier shall retain the original of the certificate in accordance with Part 320 of this subchapter. The shipper shall also retain a copy of the certificate in accordance with Part 320 of this subchapter. If the shipper is also the carrier, he shall nevertheless execute such certificate in duplicate, retain one copy and send the original to said Data Processing Center.

§ 325.9 Shipment of products of producer's livestock for personal use; certificate.

(a) When any product which has not been inspected and passed under the provisions of this subchapter and was prepared by any individual from livestock raised and slaughtered by him exclusively for use by him and members of his household and his nonpaying guests and employees, is offered to a carrier for transportation in commerce, the initial carrier shall require, and the shipper shall make in triplicate and deliver to the carrier two copies of a certificate in the following form, printed on paper 3½ by 8 inches:

SHIPMENT OF PRODUCTS FROM ANIMALS SLAUGHTERED BY THE OWNER THEREOF

(The initial carrier shall retain one copy and send one copy to the Data Processing Center, Consumer and Marketing Service, USDA, Room 211, 4101 South Halsted Street, Chicago, Ill. 60609.)

I hereby certify that the following described nonfederally inspected product is from livestock slaughtered by the undersigned and is offered for transportation in commerce as exempted from inspection under the Federal Meat Inspection Act and that at this date it contains no preservative or coloring matter or other substance prohibited by the Federal Meat Inspection Regulations and is not otherwise adulterated and is in other respects in compliance with the Federal Meat Inspection Act.

Name of carrier ------ Month ------ Day ------ Year ------
Shipper's name and point of shipment ------ City ------ State ------
Consignee's name and destination ------

	Fresh meats							Processed meats such as salted, cooked, cured, dried, or canned meat; sausage, lard, etc. (9)
Species	Beef (1)	Veal (2)	Mutton (3)	Lamb (3)	Pork (5)	Goat (4)	Goat kid	
Number of carcasses								
Number of pounds								Pounds

Signature of shipper and address ------

(b) The signature of the shipper or his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. A copy of the certificate shall be forwarded immediately by the carrier to the Data Processing Center, Consumer and Marketing Service, USDA, Room 211, 4101 South Halsted Street, Chicago, Ill. 60609, and the initial carrier shall retain the original of the certificate in accordance with Part 320 of this subchapter. The shipper shall also retain a copy of the certificate in accordance with Part 320 of this subchapter. If the product is transported by the shipper himself, a certificate shall nevertheless be forwarded by him to the said Data Processing Center, and a copy thereof shall be retained by the shipper in accordance with Part 320 of this subchapter.

§ 325.10 Returned products: certificate; permit; and other requirements.

(a) When it is claimed that any product which has theretofore been inspected and passed and marked with the inspection legend, has become adulterated or misbranded after it has been transported away from an official establishment, then, in order to ascertain whether it is adulterated or misbranded, it may be transported in commerce to the official establishment from which it had been transported, if written permit in duplicate for such shipment is first obtained from the officer in charge of the circuit in which the establishment is located. In case of every such shipment, both the original and the duplicate of the permit shall be surrendered to the initial carrier, and the carrier shall require and the shipper shall make in triplicate and deliver to the carrier two copies of a certificate in the following form:

Date ------, 19--

Name of carrier ------
Consignor ------
Point of shipment ------
Consignee ------
Destination ------
Number of permit ------
Description and weight of product ------; ------

I hereby certify that the following described product has been U.S. inspected and passed by the U.S. Department of Agriculture and is so marked. It is alleged that the said product is adulterated or misbranded.

(b) The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. A copy of the certificate shall be retained by the shipper in accordance with Part 320 of this subchapter. The original of the certificate and the duplicate copy of the inspector's permit shall be retained by the carrier; the copy of the certificate and the original inspector's permit shall be forwarded immediately by the carrier to the Director, Processed Food Inspection Division, Consumer and Marketing Service, USDA, Washington, D.C. 20250. If the product is tranported by the shipper himself, a certificate shall nevertheless be executed and forwarded by him to said Director and a copy thereof shall be retained by the shipper in accordance with Part 320 of this subchapter.

(c) Upon the arrival of the shipment at the official establishment, a careful inspection shall be made of the product by a Program inspector, and if it is found that the article is not adulterated, the same may be received into the establishment; but if the article is found to be adulterated, it shall at once be stamped "U.S. inspected and condemned" and disposed of in accordance with Part 314 of this subchapter. If it is found to be

misbranded, it shall be handled in accordance with § 318.2(c) of this subchapter.

(d) No product which is adulterated or misbranded shall be transported from an official establishment under this section, but it shall be disposed of at the official establishment in accordance with Part 314 or 318 of this subchapter: *Provided*, That when a product is found to come within one of the classes designated in § 318.1(a) of this subchapter, in respect to which rehandling is permitted, it may be transported from an official establishment and admitted into another official establishment for such rehandling. The transportation of such a product from an official establishment shall be done in a manner prescribed in each specific case by the Administrator.

§ 325.11 Inedible products; denaturing; certificate; exceptions for animal food.

(a) Except as provided in paragraph (c), (d), or (e) of this section or § 325.10, no rendered or unrendered grease, tallow, or other fat derived from the carcasses of livestock, or other product which has not been inspected and passed at an official establishment under the provisions of this subchapter and is not exempted from inspection under section 23 of the Act, and no product that is adulterated or misbranded, shall be transported in commerce, unless it is denatured or otherwise destroyed for food purposes as required by § 325.13, § 314.3, or § 314.10 of this subchapter. The shipper shall not offer nor the carrier receive for such transportation any product subject to the requirements of this section until it has been so denatured or otherwise destroyed for food purposes. The initial carrier shall require and the shipper shall make in triplicate and deliver to the carrier two copies of a certificate in the following form:

Date 19--

Name of carrier .....
Consignor .....
Point of shipment .....
Consignee .....
Destination .....

I hereby certify that the following described inedible grease, tallow, or other fat, or other product, which is offered for shipment in commerce, has been denatured or otherwise destroyed for food purposes or identified as required by the Federal Meat Inspection Regulations.

Kind of product	*Amount and weight*

(Signature of shipper)

(Business or occupation of shipper)

(Address of shipper)

(b) The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. A copy of the certificate shall be forwarded immediately by the carrier to the Data Processing Center, Consumer and Marketing Service, USDA, Room 211, 4101 South Halsted Street, Chicago, Ill. 60609, and the carrier shall retain the original of the certificate and the shipper shall retain a copy in accordance with Part 320 of this subchapter. If the product is transported by the shipper himself, a certificate shall nevertheless be executed and forwarded to said Data Processing Center by the shipper, and a copy thereof shall be retained by the shipper in accordance with Part 320 of this subchapter.

(c) Inedible rendered animal fats from federally inspected establishments or elsewhere having the physical characteristics of a meat food product fit for human food may be shipped in commerce without denaturing, if they are labeled "technical animal fat" and otherwise meet the following conditions:

(1) Such inedible rendered fat shall not be bought, sold, transported, or offered for sale or offered for transportation in commerce, or imported, except by rendering companies, dealers, brokers, or others who obtain a numbered permit for such activities from the Director, Processed Food Inspection Division.

(2) Such inedible rendered animal fat may be so distributed only if destined to a manufacturer of technical articles other than for human food or to an export terminal for exportation or storage for exportation as an inedible article, provided, in the case of domestic firms, the product is for use solely by the consignee for manufacturing purposes of nonhuman food articles and may not be further sold or shipped without first receiving approval of the Director, Processed Food Inspection Division; and provided further, that product intended for export and stored at terminal point prior to export will be subject to review by Program employees to assure that such product is exported as inedible.

(3) When transported in commerce, or imported, such inedible rendered fat shall be marked conspicuously with the words "technical animal fat not intended for human food" on the ends of the shipping containers, in letters not less than 2 inches high, in the case of shipping containers such as drums, tierces, barrels, and half barrels, and not less than 4 inches high in the case of tank cars and trucks. All shipping containers shall have both ends painted with a durable paint, if necessary, to provide a contrasting background for the required marking.

(4) Such inedible rendered fat could be transported only in sealed shipping containers bearing seals with official symbols applied by the shipper, which shall include the identification number assigned by said Director for the permit holder; and the rendered fat shall be accompanied by a shipper's certificate specifying the identification number. The number shall appear on the bill of lading or other transportation documents for the shipment. Breaking of the seals or altering or defacing the symbol by any person other than the consignee or Program personnel is prohibited (except in cases of emergencies as provided in regulations in this subchapter). The consignee in the United States must retain the seals in their records as prescribed in Part 320 of this subchapter.

(5) Any effort to divert product or otherwise violate the regulations in this section may result in the revocation of the permit for shipment of technical animal fat at the discretion of the Administrator.

(d) Inedible rendered animal fat derived from condemned or other inedible materials at official establishments or elsewhere, mixed with low grade offal or other materials which render the fat readily distinguishable from an article of human food, may be shipped in commerce without further denaturing if the container bears the word "inedible."

(e)(1) Except as provided in subparagraphs (2) and (3) of this paragraph, no dog food or other animal food prepared, in whole or in part, from materials derived from the carcasses of livestock either in an official establishment or elsewhere, shall be transported in commerce, unless

(i) It is properly identified as dog food or other animal food;

(ii) It is not represented as being a human food;

(iii) It has been denatured as prescribed in § 325.13 so as to be readily distinguishable from an article of human food; and

(iv) A certificate is issued as required by § 325.11.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, dog food or other animal food packed in hermetically sealed, retort processed, conventional retail-size containers need not be denatured if the name of the canned article, as for example, "Dog Food," "Cat Food," "Dog and Cat Food," and "Animal Food," and the statement "not for human food" appears on the label in a conspicuous manner. To be considered conspicuous, the letters in the name of the canned articles, as for example, "Dog Food," must be at least three times as high, wide, and thick as the letters in the words denoting the use, as ingredients in the article, of the materials derived from the carcasses of livestock. The letters in the name of such article shall contrast as markedly with their background as the letters in the words denoting the use of such ingredient materials contrast with their background.

(3) Notwithstanding the provisions of subparagraph (1) of this paragraph, semimoist animal food need not be denatured if it is sold in consumer-size packages of not more than 2 pounds in weight and its labels do not refer to its use as, or likeness to, a product for human food, and the words "Dog Food" or "Pet Food" and "not for human food" appear in the largest size of type used on the label.

§ 325.12 Imported products for importer's consumption; certificate.

(a) No carrier in the United States shall transport or receive for transportation in the course of importation or in commerce any product exempted from

inspection and admitted into the United States in compliance with § 327.16 of this subchapter unless the shipper shall make in triplicate and deliver to the initial carrier within the United States two copies of a certificate in the following form:

PRODUCTS FOR IMPORTER'S OWN CONSUMPTION

Date 19--

Name of carrier .....
Shipper .....
Point of shipment .....
Consignee .....

I hereby certify that the following described products offered for transportation were purchased by the undersigned outside the United States exclusively for his own consumption and are not for sale or distribution, and do not exceed 50 pounds in weight and were imported under exemption from import inspection under the Federal Meat Inspection Act.

Kind of Product	*Amount and Weight*

(Signature of shipper)

(Address of shipper)

(b) The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the shipment of meat. A copy of the certificate shall be forwarded immediately by the initial carrier to the Compliance and Evaluation Staff, Consumer and Marketing Service, USDA, Washington, D.C. 20250, and the initial carrier shall retain the original of the certificate and the shipper shall retain a copy in accordance with Part 320 of this subchapter. If the product is transported by the shipper himself, a certificate shall nevertheless be executed and forwarded to said Staff by the shipper, and a copy thereof shall be retained by the shipper in accordance with Part 320 of this subchapter.

§ 325.13 Denaturing procedures.

(a) Products (other than rendered animal fats) that have been treated in accordance with the provisions of this paragraph shall be considered denatured for purposes of the regulations in this part, except as otherwise provided in Part 314 of this subchapter.

(1) Products in pieces more than 4 inches in diameter shall be freely slashed. One of the following approved agents shall be liberally applied to all surfaces: crude carbolic acid; cresylic disinfectant; No. 2 fuel oil; brucine; unrefined (malodorous) fish oil; or FD&C green No. 3 coloring; FD&C blue No. 1 coloring; FD&C blue No. 2 coloring, or FD&C violet No. 1 coloring, used separately or in combination with a formula consisting of 40 parts water, 40 parts liquid detergent, and 40 parts oil of citronella; or any proprietary substance approved by the Administrator in specific cases: [3] *Provided, however,*

(i) That if the products are in small pieces (not more than 4 inches in diameter) slashing will not be necessary;

(ii) That tripe may be denatured by dipping it in a 6 percent solution of tannic acid for 1 minute followed by immersion in a water bath, then immersing it for 1 minute in a solution of .022 percent FD&C yellow No. 5 coloring;

(iii) That meat may be denatured by dipping it in a solution of .0625 percent tannic acid, followed by immersion in a water bath, then dipping it in a solution of .0625 percent ferric acid; and

(iv) That when the meat, meat byproducts, or meat food products are ground, 4 percent by weight of coarsely ground hard bone which shall be no less than the opening size specified for No. 5 mesh (U.S. Bureau of Standards) uniformly incorporated with the meat may be used in lieu of the agents prescribed above.

(2) The application of any of the denaturing agents listed in subparagraph (1) of this paragraph to the outer surface of molds or blocks of boneless meat, meat byproducts or meat food products shall not be considered adequate. The denaturing agent must be mixed intimately with all of the material to be denatured, and must be applied in such quantity and manner that it cannot easily and readily be removed by washing or soaking. A sufficient amount of the chosen denaturant shall be used to give the material a distinctive color, odor, or taste so that such material cannot be confused with an article of human food. The denaturing agents and the methods described in subparagraph (1) of this paragraph shall not be used in lieu of the agents and methods prescribed in paragraphs (a) and (b) of § 314.4 of this subchapter for carcasses and products condemned in an official establishment.

(b) Inedible rendered animal fats shall be denatured by thoroughly mixing therein denaturing oil, No. 2 fuel oil, brucine dissolved in a mixture of alcohol and pine oil or oil of rosemary, or finely powdered charcoal or any proprietary denaturing agent approved for the purpose by the Administrator. The charcoal shall be used in no less dilution than 100 parts per million and shall be of such character that it will remain suspended indefinitely in the liquid fat. Sufficient of the chosen denaturants shall be used to give the rendered fat so distinctive a color, odor, or taste that it cannot be confused with an article of human food.

§ 325.14 Certificates, retention by carrier.

All original certificates delivered to a carrier in accordance with this part shall be filed separate and apart from all its other papers and records or identified in such a manner as to be readily checked by Department employees.

§ 325.15 Evidence of proper certification required on waybills, transfer bills, etc., for shipment by connecting carrier; forms of statement.

(a) All waybills, transfer bills, running slips, conductor's cards, or other papers accompanying a shipment, in the course of importation or in commerce, of any product shall have embodied therein, stamped thereon, or attached thereto a signed statement which shall be evidence to connecting carriers that the proper shipper's certificate, as required by § 325.4, § 325.5, § 325.6, § 325.7, § 325.8, § 325.9, § 325.10, § 325.11, or § 325.12, is on file with the initial carrier; and no connecting carrier shall receive for transportation or transport in the course of importation or in commerce any product unless the waybill, transfer bill, running slip, conductor's card, or other paper accompanying the same includes the aforesaid signed statement in the appropriate one of the following forms:

(1) When shipment is made under § 325.4, § 325.5, § 325.6, or § 325.7:

(Name of transportation company)

U.S. inspected and passed, as evidenced by shipper's certificate on file with initial carrier.
(Signed) ..... Agent.

(2) When shipment is made under § 325.8, or § 325.9, or § 325.12:

(Name of transportation company)

Exempted from inspection, or custom prepared at an official establishment, as evidenced by shipper's certificate on file with initial carrier.
(Signed) ..... Agent.

(3) When shipment is made under § 325.10:

(Name of transportation company)

U.S. inspected and passed product alleged to be adulterated or misbranded as evidenced by permit and shipper's certificate on file with initial carrier.
(Signed) ..... Agent.

(4) When shipment is made under § 325.11:

(Name of transportation company)

Adulterated or nonfederally inspected product which has been denatured or otherwise identified as required by the Federal Meat Inspection Regulations, as evidenced by shipper's certificate on file with initial carrier.
(Signed) ..... Agent.

(b) Signatures of agents to statements required under this section shall be written in full.

§ 325.16 Official seals; form, use, and breaking.

(a) The official seals required by this part shall be those prescribed in § 312.5(a) of this subchapter.

[3] Information as to approval of any proprietary denaturing substance may be obtained from the Director, Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Except as provided in § 325.18(b), seals affixed under this part shall be affixed or broken only by Program employees, and no person other than a Program employee shall affix, detach, break, change, or tamper with any such seal in any way whatever. Commission of any such acts contrary to this regulation is a criminal offense.

§ 325.17 Loading or unloading products in sealed railroad cars, trucks, etc., en route prohibited; exception.

Unloading any product from a sealed railroad car, truck, or other means of conveyance containing any unmarked product or loading any product or any other commodity in the means of conveyance while en route from one official establishment to another official establishment is not permitted, except that product transported under § 325.5 from one official establishment to another for further preparation may be unloaded and stored in transit at any approved warehouse which is operated under the identification service provided under the regulations in Part 350[1] of subchapter B of this chapter and which has railroad facilities or a receiving dock for unloading the product directly into such warehouse: *Provided*, That the product is stored in rooms which are of such size and type as will not result in adulteration or misbranding of the product: *And provided further*, That the product is transported to and from such warehouse, and stored in such rooms at such warehouse, under official seal as prescribed in § 325.5.

§ 325.18 Diverting of shipments, breaking of seals, and reloading by carrier in emergency; reporting to Administrator.

(a) Shipments of inspected and passed product that bear the inspection legend may be diverted from the original destination without a reinspection of the articles, provided the waybills, transfer bills, running slips, conductor's card, or other papers accompanying the shipments are marked, stamped, or have attached thereto signed statements in accordance with § 325.15.

(b) In case of wreck or other extraordinary emergency, the Department seals on a railroad car or other means of conveyance containing any inspected and passed product may be broken by the carrier, and if necessary, the articles may be reloaded into another means of conveyance, or the shipment may be diverted from the original destination, without another shipper's certificate; but in all such cases the carrier shall immediately report the facts by telegraph to the Director, Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. Such report shall include the following information:

(1) Nature of the emergency.

(2) Place where seals were broken.

(3) Original points of shipment and destination.

(4) Number and initial of the original car or truck.

(5) Number and initials of the car or truck into which the articles are reloaded.

(6) New destination of the shipment.

(7) Kind and amount of articles.

§ 325.19 Provisions inapplicable to specimens for laboratory examination, etc., or to naturally inedible articles.

(a) The provisions of this part do not apply:

(1) To specimens of product sent to or by the Department of Agriculture or divisions thereof in Washington, D.C., or elsewhere, for laboratory examination, exhibition purposes, or other official use;

(2) To material released for educational, research, and other purposes, and to material released for educational uses, laboratory examination, and other nonfood purposes as prescribed in § 314.9 of this subchapter;

(3) To glands and organs for use in preparing pharmaceutical, organotherapeutic, or technical products and not used for human food, as described in § 318.1(g) of this subchapter;

(4) To material or specimens of product for laboratory examination, research, or other nonhuman food purposes, when authorized by the Administrator, and under conditions prescribed by him in specific cases; and

(5) To articles that are naturally inedible by humans, such as hoofs, horns, and hides in their natural state.

§ 325.20 Transportation and other transactions concerning dead, dying, disabled, or diseased livestock, and parts of carcasses of livestock that died otherwise than by slaughter.

No person engaged in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased animals or parts of the carcasses of any animals that died otherwise than by slaughter shall:

(a) Buy, sell, transport, or offer for sale or transportation, in commerce, or import any dead livestock if its hide or skin has been removed;

(b) Sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any dead, dying, disabled, or diseased livestock, or parts of the carcasses of any livestock that died otherwise than by slaughter, unless such livestock and parts are consigned and delivered, without avoidable delay, to establishments of animal food manufacturers or renderers that are registered as tureres or renders that are registered as required by Part 320 of this subchapter, or to official establishments that operate under Federal inspection, or to establishments that operate under a State or Territorial inspection system approved by the Administrator as one that imposes requirements at least equal to the Federal requirements for purposes of paragraph 301(c) of the Act (a list of such registrants and States, and amendments thereof, will be published in the FEDERAL REGISTER, and information concerning the registration status of particular animal food manufacturers or renderers or particular States may also be obtained from the Director, Consumer Protection Programs Services Staff, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250);

(c) Buy in commerce or import any dead, dying, disabled, or diseased livestock or parts of the carcasses of any livestock that died otherwise than by slaughter, unless he is an animal food manufacturer or renderer and is registered as required by Part 320 of this subchapter, or is the operator of an establishment inspected as required by paragraph (b) of this section and such livestock or parts of carcasses are to be delivered to establishments eligible to receive them under paragraph (b) of this section;

(d) Unload en route to any establishment eligible to receive them under paragraph (b) of this section, any dead, dying, disabled, or diseased livestock or parts of the carcasses of any livestock that died otherwise than by slaughter, which are transported in commerce or imported by any such person: *Provided*, That any such dead, dying, disabled, or diseased livestock, or parts of carcasses may be unloaded from a means of conveyance en route where necessary in case of a wreck or other extraordinary emergency, and may be reloaded into another means of conveyance; but in all such cases, the carrier shall immediately report the facts by telegraph or telephone to the Director, Compliance and Evaluation Staff, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(e) Load into any means of conveyance containing any dead, dying, disabled, or diseased livestock, or parts of the carcasses of any livestock that died otherwise than by slaughter, while in the course of transportation in commerce or importation, any livestock or parts of carcasses not within the foregoing description or any other products or other commodities.

§ 325.21 Means of conveyance in which dead, dying, disabled, or diseased livestock and products thereof shall be transported.

All vehicles and other means of conveyance used by persons subject to § 325.20 used for transporting in commerce or importing, any dead, dying, disabled, and diseased livestock or parts of carcasses of livestock that died otherwise than by slaughter shall be leak-proof and so constructed and equipped as to permit thorough cleaning and sanitizing. The means of conveyance so used in conveying such livestock, or parts thereof, shall be cleaned and disinfected prior to use in the transportation of any product intended for use as human food. The cleaning procedure shall include the complete removal from the means of conveyance or any fluid, parts, or product of such dead, dying, disabled, or diseased livestock and the thorough application of a disinfectant to the interior surfaces of the cargo space. Substances permitted for such use are:

(a) Liquefied phenol (U.S.P. strength 87 percent phenol) in the proportion of at least 6 fluid ounces to 1 gallon of water.

(b) **"Cresylic disinfectant" in the proportion of not less than 4 fluid ounces to 1 gallon of water.**

The use of "cresylic disinfectant" is permitted subject to the conditions prescribed in Part 71, § 71.10(b), Subchapter C, of this Title 9 of the Code of Federal Regulations.

[1] The regulations in Part 340 of this subchapter will be transferred later to Part 350 of subchatper B.

PART 327—IMPORTED PRODUCTS

Sec.

327.1 Application of provisions.
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§ 327.1 Application of provisions.

The provisions of this part shall apply to products derived from cattle, sheep, swine, goats, horses, mules, and other equines, if capable of use as human food.

§ 327.2 Eligibility of foreign countries for importation of products into the United States.

(a) (1) **Whenever it shall be determined by the Administrator that the system of meat inspection maintained by any foreign country, with respect to establishments preparing product in such country for export to the United States, insures compliance of such establishments and their products with requirements at least equal to all the inspection, building construction standards, and all other provisions of the Act and the regulations in this subchapter which are applied to official establishments in the United States, and their products, and that reliance can be placed upon certificates required under this part from authorities of such foreign country, notice of that fact will be given by including the name of such foreign country in paragraph (b) of this section. Thereafter, products prepared in such establishments which are certified and approved in accordance with subparagraph (3) of this paragraph, shall be eligible for importation into the United States from such foreign country after applicable requirements of this subchapter have been met.**

(2) The determination of acceptability of a foreign meat inspection system for purposes of this section shall be based on an evaluation of the foreign program in accordance with the following requirements and procedures:

(i) The system shall have a program organized and administered by the national government of the foreign country. The system as implemented must provide standards at least equal to those of the Federal system of meat inspection in the United States with respect to:

(*a*) Organizational structure and staffing, so as to insure uniform enforcement of the requisite laws and regulations in all establishments throughout the system at which products are prepared for export to the United States;

(*b*) Ultimate control and supervision by the national government over the official activities of all employees or licensees of the system;

(*c*) The assignment of competent, qualified inspectors;

(*d*) Authority and responsibility of national inspection officials to enforce the requisite laws and regulations governing meat inspection and to certify or refuse to certify products intended for export;

(*e*) Adequate administrative and technical support;

(*f*) Other requirements of adequate inspection service as required by the regulations in this subchapter.

(ii) The legal authority for the system and the regulations thereunder shall impose requirements at least equal to those governing the system of meat inspection organized and maintained in the United States with respect to:

(*a*) Ante mortem inspection of animals for slaughter, which shall be performed by veterinarians or by other employees or licensees of the system under the direct supervision of veterinarians;

(*b*) Post mortem inspection of carcasses and parts thereof at time of slaughter, performed by veterinarians or other employees or licensees of the system under the direct supervision of veterinarians;

(*c*) Official controls by the national government over establishment construction, facilities, and equipment;

(*d*) Direct and continuous official supervision of slaughtering and preparation of product, by the assignment of inspectors to establishments certified under subparagraph (3) of this paragraph, to assure that adulterated or misbranded product is not prepared for export to the United States;

(*e*) Complete separation of establishments certified under subparagraph (3) of this paragraph, from establishments not certified and the maintenance of a single standard of inspection and sanitation throughout all certified establishments;

(*f*) Requirements for sanitation at certified establishments and for sanitary handling of product;

(*g*) Official controls over condemned material until destroyed or otherwise rendered incapable of use for human food;

(*h*) Other matters for which requirements are contained in the regulations in this subchapter.

(iii) Countries desiring to establish eligibility for importation of product into the United States may request a determination of eligibility by presenting copies of the laws and regulations on which the foreign meat inspection system is based and such other information as the Administrator may require with respect to matters enumerated in subdivisions (i) and (ii) of this subparagraph. Determination of eligibility is based on a study of the documents and other information presented and an initial review of the system in operation by a representative of the Department using the criteria listed in subdivisions (i) and (ii) of this subparagraph. Maintenance of eligibility of a country for importation of products into the United States depends on the results of periodic reviews of the foreign meat inspection system in operation, by a representative of the Department, and the timely submission of such documents and other information as the Administrator may require, related to the conduct of the foreign inspection system, including information required by paragraph (e) of section 20 of the Act.

(3) Only those establishments that are determined and certified to the Department by a responsible official of the foreign meat inspection system as fully meeting the requirements of subparagraph (2) (i) and (ii) of this paragraph are eligible to have their products imported into the United States. Eligibility of certified establishments is subject to review by the Department (including observations of the establishments by program representatives at times prearranged with the officials of the foreign meat inspection system). Certifications of establishments must be renewed annually. Notwithstanding certification by a foreign official, the Administrator may, at his discretion, terminate the eligibility of any foreign establishment for importation of its products into the United States if he has information that such establishment does not comply with the requirements listed in subparagraph (2) (i) and (ii) of this paragraph or if he cannot obtain current information

concerning such establishment. The Administrator will provide reasonable notice to the foreign government of the proposed termination of eligibility of any foreign establishment for importation of its products into the United States unless, in his judgment, delay in terminating its eligibility could result in the importation of adulterated or misbranded product. Certifications of official establishments by the responsible official of the foreign meat inspection system shall be in the following form:

FOREIGN OFFICIAL MEAT ESTABLISHMENT CERTIFICATE

I hereby certify that the establishment(s) listed below fully comply (complies) with requirements of (specify foreign country) at least equal to all the inspection, building construction standards, and other requirements for the slaughter and preparation of the carcasses, parts thereof, meat and meat food products of cattle, sheep, swine, goats, and equines applied to official establishments in the United States under the Federal Meat Inspection Act and otherwise meet the requirements of § 327.2(a) of the regulations governing meat inspection of the U.S. Department of Agriculture.

Control No.
Name
Address
Date
Signature
Official Title

(4) Product of cattle, sheep, swine, and goats from foreign countries not listed in paragraph (b) of this section and product of equines from countries not listed in paragraph (c) of this section is not eligible for importation into the United States, except as provided by § 327.16 or § 327.17. The listing of any foreign country under this section may be withdrawn whenever it shall be determined by the Administrator that the system of meat inspection maintained by such foreign country does not assure compliance with requirements at least equal to all the inspection, building construction standards, and other requirements of the Act and the regulations in this subchapter as applied to official establishments in the United States; or that reliance cannot be placed upon certificates required under this part from authorities of such foreign country; or that, for lack of current information concerning the system of meat inspection being maintained by such foreign country, such foreign country should be required to reestablish its eligibility for listing.

(b) It has been determined that product of cattle, sheep, swine, and goats from the following countries, covered by foreign meat inspection certificates of the country of origin as required by § 327.4, except fresh, chilled, or frozen or other product ineligible for importation into the United States from countries in which the contagious and communicable disease of rinderpest, or of foot-and-mouth disease, or of African swine fever exists as provided in Part 94 of this title, is eligible under the regulations in this subchapter for importation into the United States after inspection and marking, as required by the applicable provisions of this part.

Argentina.
Australia.
Austria.
Belgium.
Brazil.
Canada.
Colombia.
Costa Rica.
Czechoslovakia.
Denmark.
Dominican Republic.
England and Wales.
Finland.
France.
Germany (Federal Republic).
Guatemala.
Haiti.
Honduras.
Hungary.
Iceland.
Ireland (Eire).
Italy.
Japan.
Luxembourg.
Mexico.
Netherlands.
New Zealand.
Nicaragua.
Northern Ireland.
Norway.
Panama.
Paraguay.
Poland.
Scotland.
Spain.
Sweden.
Switzerland.
Uruguay.
Venezuela.
Yugoslavia.

(c) It has been determined that product of equines from the following countries, covered by foreign meat inspection certificates of the country of origin as required by § 327.4, is eligible under the regulations in this subchapter for importation into the United States after inspection and marking as required by the applicable provisions of this part.

Argentina.
Canada.
Mexico.
New Zealand.
Paraguay.

§ 327.3 No product to be imported without compliance with applicable regulations.

(a) No product offered for importation from any foreign country shall be admitted into the United States except upon compliance with all the requirements of this subchapter that would apply to it if it were a domestic product.

(b) However, no meat trimmings (including cooked or cured meat trimmings) in pieces too small to permit adequate inspection upon arrival shall be admitted into the United States. Individual pieces or trimmings must not be smaller than 2-inch cubes or pieces comparable in size. Processed meat food products prepared with meat pieces smaller than 2-inch cubes or pieces comparable in size shall not be permitted entry except under the following conditions:

(1) Ground or comminuted meats may be imported in labeled containers of not more than 3 pounds net weight.

(2) Chopped steaks and meat patties may be imported in labeled containers of not more than 10 pounds net weight.

(3) Sausages and canned meat products may be imported in labeled containers of a size suitable for retail sale and distribution to consumers.

(4) Meat extracts may be imported in labeled containers of any size.

(c) Further, no carcasses or parts of carcasses of livestock offered for importation from which naturally associated tissues such as the peritoneum, pleura, body lymph glands, or the portal glands of the liver have been removed, shall be admitted into the United States.

§ 327.4 Imported products; foreign certificates required.

(a) Except as provided in § 327.16, each consignment containing any fresh meat or fresh meat byproducts consigned to the United States from a foreign country shall be accompanied by a foreign meat-inspection certificate for fresh meat and meat byproducts in the following form:

ORIGINAL

OFFICIAL MEAT-INSPECTION CERTIFICATE FOR FRESH MEAT AND MEAT BYPRODUCTS

Place (City) (Country) Date

I hereby certify that the meat and meat byproducts herein described were derived from livestock which received ante mortem and post mortem veterinary inspections at time of slaughter in plants certified for importation of their products into the United States and are not adulterated or misbranded as defined by the regulations governing meat inspection of the U.S. Department of Agriculture; and that said products have been handled in a sanitary manner in this country and are otherwise in compliance with requirements at least equal to those in the Federal Meat Inspection Act and said regulations.

Kind of product	*Species of livestock derived from*	*Number of pieces or containers*	*Weight*

Identification marks on products and containers
Consignor
Address
Establishment number
Consignee
Destination
Shipping marks

(Signature)

(Name of official authorized by the national foreign government to issue inspection certificates for meat and meat byproducts exported to the United States)

(Official title)

(b) Except as provided in § 327.16, each consignment containing any meat food product consigned to the United States from a foreign country shall be accompanied by a foreign meat-inspection certificate for meat food products in the following form:

ORIGINAL

OFFICIAL MEAT-INSPECTION CERTIFICATE FOR MEAT FOOD PRODUCTS

Place (City) (Country) Date

I hereby certify that the meat food products herein described were derived from livestock which received ante mortem and post mortem veterinary inspections at time of slaughter in plants certified for importation of their products into the United States, were handled in a sanitary manner, and were prepared under the continuous supervision of an inspector under control of the national meat inspection system and that said meat food products are not adulterated or misbranded as defined by the regulations governing meat inspection of the U.S. Department of Agriculture, and are otherwise in compliance with requirements at least equal to those in the Federal Meat Inspection Act and said regulations.

I further certify that all products herein described that are prepared customarily to be eaten without cooking and contain muscle tissue of pork were treated for destrultion of trichinae as prescribed in § 318.10 of the Meat Inspection Regulations of the U.S. Department of Agriculture.

Kind of product	*Species of livestock derived from*	*Number of pieces or containers*	*Weight*

Identification marks on products and containers
Consignor
Address
Establishment number
Consignee
Destination
Shipping marks

(Signature)

(Name of official authorized by the national foreign government to issue inspection certificates for meat food product exported to the United States)

(Official title)

(c) Each foreign meat-inspection certificate shall bear the official seal of the national government agency responsible for the inspection of the product and be signed and issued by an official authorized to sign and issue such certificates by the national government of the foreign country in which the product is inspected.

(d) Each foreign meat-inspection certificate shall be in both the English language and the language of the foreign country of origin.

(e) The foreign meat-inspection certificate required by this section to accompany each consignment containing any product shall be delivered by the consignee, or his agent, in the United States to the Program inspector at the place of inspection, and inspection of the product will not be commenced prior to such delivery.

§ 327.5 Importer to make application for inspection; information required.

Each importer shall make application for inspection to the officer in charge, if one is stationed at the port where any product is to be offered for importation or, if not, to the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, as long as possible in advance of the anticipated arrival of each consignment, except in the case of consignments of product expressly exempted from inspection by §§ 327.16 and 327.17. Each application shall state the approximate date on which the consignment is due to arrive at such port in the United States, the name of the ship or other carrier transporting it, the name of the country from which the product was shipped, the place of destination, the quantity and kind of product, and whether fresh, cured, or canned. In case of consignments arriving in the United States by water, the application should also state the port of first arrival in the United States.

§ 327.6 Import products; Program inspection, time and place.

(a) Except as provided in §§ 327.16 and 327.17, all products offered for importation from any foreign country shall be inspected by a Program inspector before they shall be admitted into the United States.

(b) All products required by this part to be inspected, which arrive in the United States by water at any port where a Program inspector is stationed and which are consigned to any place where a Program inspector is stationed, shall be inspected on the wharf at the time of unloading, except that if, upon the application of the consignee, or his agent, the officer in charge at such port shall so direct, the products may be inspected at any other place within the limits of the port, or shipped for inspection to the destination where a Program inspector is stationed.

(c) All products required by this part to be inspected, which arrive in the United States by water at a port where a Program inspector is stationed, and which are consigned to any place where no Program inspector is stationed, shall be inspected on the wharf at the time of unloading, except that if, upon the application of the consignee, or his agent, the officer in charge at such port shall so direct, the products may be inspected at any other place within the limits of the port.

(d) All products required by this part to be inspected, which arrive in the United States by water at a port where no Program inspector is stationed and which are consigned to any place where a Program inspector is stationed, shall be inspected at destination.

(e) All products required by this part to be inspected, which arrive in large quantities (carload or more) in the United States by water at a port where no Program inspector is stationed and which are consigned to any place where no Program inspector is stationed, shall be inspected at such place as the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, on application of the consignee or his agent, or upon the request of the Customs officer at the port of arrival, shall direct.

(f) All products required by this part to be inspected, which arrive in small quantities (less than carload lots) in the United States by water at a port where no Program inspector is stationed and which are consigned to any place where no Program inspector is stationed, shall be shipped in customs custody under seal to the nearest point where an inspector of the Program is stationed for inspection at that point.

(g) All products required by this part to be inspected, which arrive in the United States otherwise than by water and which are consigned to any place where a Program inspector is stationed, shall be inspected at destination.

(h) All products required by this part to be inspected, which arrive in carload lots in the United States otherwise than by water, and which are consigned to any place where no Program inspector is stationed, shall proceed to destination in customs custody under seal for inspection at destination. In such cases the inspector of the Program or the Customs officer at the border port shall immediately telegraph the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, all facts in connection with the shipment. Upon receipt of such telegraphic information the Administrator shall detail an inspector to the point where the products are destined to make the required inspection.

(i) All products required by this part to be inspected, which arrive in less than carload lots in the United States otherwise than by water at a border port where an inspector of the Program is stationed, and which are consigned to any place where no Program inspector is stationed, shall be inspected by the inspector of the Program at the border port.

(j) All products required by this part to be inspected and which arrive in less than carload lots in the United States otherwise than by water at a border port where no inspector of the Program is stationed, and which are consigned to any place where no Program inspector is stationed, shall proceed in customs custody under seal to the nearest point where an inspector is stationed for inspection at that point.

(k) A sufficient sampling inspection shall be made of each consignment of foreign chilled fresh or frozen fresh meat, including defrosting if necessary, to determine its condition. Inspection standards for foreign chilled fresh or frozen fresh meat shall be the same as those used for domestic chilled fresh or frozen fresh meat.

(l) Foreign canned products are required to be sound, healthful, wholesome, and otherwise not adulterated at the time they are offered for importation into the United States. Provided other requirements of this part are met, the determination of the acceptability of the product and the condition of the containers shall be based on the results of an examination of a statistical sample drawn from the consignment in accordance with instructions to Program inspectors. If the examination of the sample discloses that the product or the containers do not meet the acceptance level prescribed in the instructions, the consignment shall be refused entry. However, a consignment rejected for container defects but otherwise acceptable may be reoffered for inspection under the following conditions: (1) If the number and kinds of container defects found in the original sample do not exceed limits specified for this purpose in such instructions; and (2) if the defective cans in the consignment have been sorted out and reexported or destroyed under supervision of an inspector.

(m) Program inspectors or Customs officers at border or seaboard ports shall report the sealing of cars, trucks, or other means of conveyance, and the sealing or identification of containers of foreign product on Form MI-410 to Program officers in charge at points where such product is to be inspected.

(n) Representative samples of canned product designated by the Administrator in instructions to Program inspectors shall be incubated under supervision of such inspectors by holding the samples for at least 10 days at about 95° F. The necessary incubation facilities shall be provided by the importers or their agents.

(o) Pamphlets detailing the sampling plans, acceptance levels, and other requirements in connection with inspection of imported products as set forth in the instructions to inspectors under paragraphs (l) and (n) of this section will be furnished to interested persons upon request.

§ 327.7 Import products; movement prior to inspection; sealing; handling; bond; facilities and assistance.

(a) (1) No product required by this part to be inspected shall be moved, prior to inspection, from the port of first arrival in the United States, or, if arriving by water, from the wharf where unloaded, unless the same is conveyed in cars, trucks or other means of conveyance, sealed in compliance with this section or in containers corded and sealed or otherwise identified in accordance with this section, except when such sealing and identification are deemed not to be necessary by the officer in charge because other equally adequate controls are used.

(2) Cars, trucks, other means of conveyance, or containers in which any product is conveyed in accordance with this part, prior to inspection, from the port of first arrival in the United States, or, if arriving by water, from the wharf where unloaded, shall be sealed with Customs seals or official import meat seals of the Department as prescribed in § 312.5(b) of this subchapter or, in the case of containers, otherwise identified as provided for in subparagraph (3) of this paragraph, except when such sealing and identification are deemed not to be necessary by the officer in charge because other equally adequate controls are used. Containers shall be securely corded before being offered for sealing. Official import meat seals shall be affixed by Program inspectors unless there is no Program inspector assigned to such port or wharf where the product is entered, in which case the seals shall be affixed by Customs officers.

(3) In lieu of cording and sealing containers, the carrier or importer may furnish and attach to each outside container of product a warning notice on bright yellow paper, not less than 5 by 8 inches in size, containing the following legend in black type of a conspicuous size:

(NAME OF TRUCK LINE OR CARRIER)

NOTICE

This container of meat or meat product must be delivered intact to an inspector of the Consumer Protection Programs, U.S. Department of Agriculture.

WARNING

Failure to comply with these instructions will result in penalty action being taken against the holder of the Customs entry bond.

If the product is found to be acceptable upon inspection the container will be marked as U.S. inspected and passed and this warning notice defaced.

(b) No person shall affix, break, alter, deface, mutilate, remove, or destroy any official import meat seal of the Department, except Customs officers or Program inspectors or as provided for in paragraph (h) of this section.

(c) No product shall be removed from any car, wagon, other means of conveyance, or container sealed with an official import meat seal of the Department except under the supervision of a Program inspector or a Customs officer, or as provided for in paragraph (h) of this section.

(d) No product required by this part to be inspected shall be moved, prior to inspection from any port, or, if arriving by water from the wharf where first unloaded, to any place other than the place designated by, or in accordance with, this part as the place where the same shall be inspected.

(e) No product required by this part to be inspected shall be conveyed, prior to inspection, from any port, or, if arriving by water, from the wharf where first unloaded, in any manner other than in compliance with this part.

(f) No product required by this part to be inspected shall be delivered to the consignee or his agent prior to inspection, unless the consignee shall furnish a bond, in form prescribed by the Secretary of the Treasury, conditioned that the product shall be returned, if demanded, to the collector of the port where the same is offered for clearance through the customs.

(g) The consignee or his agent shall furnish such facilities and shall provide such assistance for handling and marking product offered for importation as Program inspectors may require.

(h) In case of a wreck or similar extraordinary emergency, the official import meat seal of the Department on a car, wagon, or other means of conveyance may be broken by the carrier, and, if necessary, the articles may be reloaded into another means of conveyance for transportation to destination. In all such cases, the carrier shall immediately report the facts by telegraph to the Adminstrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. Such report shall include the following information:

(1) Nature of the emergency.

(2) Place where seals were broken.

(3) Points of shipment and destination.

(4) Identity of the means of conveyance, such as the initials and number of the car.

(5) Identity of the means of conveyance into which the articles are loaded.

(6) Kind and quantity of articles.

§ 327.8 Import products; equipment and means of conveyance used in handling to be maintained in sanitary condition.

Compartments of steamships, sailing vessels, railroad cars, and other means of conveyance transporting any product to the United States, and all trucks, chutes, platforms, racks, tables, tools, utensils, and all other devices used in moving and handling any product offered for importation into the United States, shall be maintained in a sanitary condition.

§ 327.9 Burlap wrapping for foreign meat.

The use of burlap as a wrapping for foreign meat will not be permitted unless the meat is first wrapped with a good grade of paper or cloth of a kind which will prevent contamination with lint or other foreign material.

§ 327.10 Samples; inspection of consignments; refusal of entry; marking.

(a) Program inspectors may take, without cost to the United States, for laboratory examination, samples of any product which is subject to analysis, from each consignment offered for importation, except that such samples shall not be taken of any product offered for importation under § 327.16.

(b) All products offered for importation from any foreign country and accompanied with a foreign inspection certificate as required by this part, which, upon inspection by Program inspectors, are found not to be adulterated or misbranded and to be otherwise eligible for entry into the United States under this part, shall be marked with the official inspection legend prescribed in § 312.8 of this subchapter. All product so marked, in compliance with this part, shall be admitted into the United States, insofar as such admittance is regulated under the Act.

(c) If the inspection of the portion of product withdrawn from a consignment indicates that the consignment is adulterated or misbranded or otherwise is not eligible for entry under this part, the consignment shall be identified as "U.S. Refused Entry" and handled as prescribed in § 327.13(a). The consignments refused entry may be marked "U.S. Refused Entry" if the officer in charge deems such marking necessary to maintain their identity.

§ 327.11 Receipts to importers for import product samples.

In order that importers may be assured that samples of foreign products collected for laboratory examination are to be used exclusively for that purpose, official receipts shall be issued and delivered to importers, or their agents, by inspectors for all samples of foreign products collected. The official receipt shall be prepared in duplicate, over the signature of the inspector who collects the samples, and shall show the name of the importer, country of origin, quantity and kind of product collected, date of collection, and that the sample was collected for laboratory examination. The duplicate copy of the receipt shall be retained by officers in charge as their office record.

§ 327.12 Foreign canned or packaged products bearing trade labels; sampling and inspection.

(a) Samples of foreign canned or packaged products bearing on their immediate containers trade labels which have not been approved under § 317.3 of this subchapter shall be collected and forwarded to the laboratory by the Program inspector for examination, and the products shall be held pending receipt of the report of the laboratory findings and the results of the examination of trade labels and the marks on shipping containers.

(b) Foreign canned or packaged products bearing trade labels and other markings which have been approved under § 317.3 of this subchapter shall be inspected for soundness and checked for net weight. Samples may be collected for laboratory examination, but the products may be released under customs' bond pending the report of laboratory findings.

(c) A number of cans sufficient in the judgment of Program inspectors to be representative of the whole consignment shall be taken from more than one case when consignments of foreign canned products consisting of cases of large numbers of small cans are sampled.

§ 327.13 Foreign products offered for importation; reporting of findings to customs; handling of articles refused entry.

(a) Program inspectors shall report their findings as to any product which has been inspected in accordance with this part, to the Director of Customs at the port where the same is offered for clearance through the customs, and shall request the Director to refuse admission to any product which is designated as "U.S. refused entry", and to direct that the same be exported by the consignee within the time specified in this section, unless the consignee, within such specified time shall cause the destruction thereof for human food purposes under the supervision of a Program inspector: *Provided*, That in the case of product refused entry solely because of misbranding, in lieu of exportation or destruction the product may be brought into compliance with the requirements of this part, under supervision of an authorized representative of the Administrator. Such specified time shall be 30 days after such notice is given to the Customs officer, unless a different time is fixed by the Administrator upon application to him. If any such product is destroyed for human food purposes or misbranded product is brought into compliance under this paragraph, under the supervision of a Program inspector, he shall give prompt notice thereof to the Director.

(b) Upon the request of the Director of Customs at the port where a product is offered for clearance through the customs, the consignee of the product shall, at his own expense, immediately return to the Director any product which is designated "U.S. refused entry" or which in any respect does not comply with the requirements in this part. All such product shall be returned in cars, wagons, or other means of conveyance, or in corded containers, sealed with the official import meat seal of the Department unless such sealing is deemed not to be necessary by the officer in charge because other equally adequate controls are used.

(c) All charges for storage, cartage, and labor with respect to any product which was imported contrary to the Act shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such product and any other product thereafter imported by or for such owner or consignee.

§ 327.14 Marking of products and labeling of immediate containers thereof for importation.

(a) Product which is offered for importation, and which is susceptible of marking, shall, whether or not enclosed in an immediate container, bear the name of the country of origin, preceded by the words "product of"; the establishment number assigned by the foreign meat inspection system and certified to the Program; and such other markings as are necessary for compliance with Part 316 of this subchapter. When such markings are imprints of stamps or brands made with branding ink, such ink shall be harmless and shall create permanent imprints. In case the name of the country of origin appears as part of an official mark of the national foreign government and such name is prominently and legibly displayed, the words "product of" may be omitted.

(b) In addition to the marking of products required under paragraph (a) of this section, the immediate container of any product offered for importation:

(1) Shall bear a label showing in accordance with § 317.2 of this subchapter all information required by that section (except that the establishment number assigned by the foreign meat inspection system and certified to the Program and the official inspection mark of the foreign meat inspection system shall be shown instead of the official inspection legend of the United States) and in addition the name of the country of origin preceded by the words "product of", immediately under the name or descriptive designation of the product as required by § 317.2 of this subchapter: *Provided*, That, such establishment number may be omitted from a label lithographed directly on a can if said number is lithographed or embossed elsewhere on the can; and

(2) Shall, if such immediate container is a sealed metal container, have the establishment number assigned by the foreign meat inspection authority and certified by the Program embossed or lithographed on the sealed metal container, and such establishment number shall not be covered or obscured by any label or other means.

(c) All labels and marks on immediate containers as well as private brands on carcasses or parts of carcasses shall be submitted for approval, to the Director, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, and approved before products bearing such labels, marks, or brands will be admitted into the United States. However, the marks of inspection of foreign systems embossed on metal containers or branded on carcasses or parts thereof need not be submitted for approval; and stencils, box dies, labels, and brands may be used on such immediate containers as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers of foreign products provided the markings made by such devices are applicable to the product and are not false or misleading and are used with the approval of the officer in charge.

(d) When product in an immediate container which has been inspected and passed in compliance with this Part is removed from the shipping container in which it was imported, at an official establishment or elsewhere, a sticker

bearing an official inspection legend and the official establishment number or other number assigned by the Program shall be securely affixed to the immediate container under supervision of an inspector before the product may be distributed in commerce. Supervision of the application of such stickers at any place other than an official establishment will be provided in accordance with the regulations in Part 350.[1]

§ 327.15 Outside containers of foreign products; marking and labeling; application of official inspection legend.

(a) The outside container in which any immediate container of foreign product is shipped to the United States shall bear, in English, in a prominent and legible manner:

(1) The name or descriptive designation of the product in accordance with § 317.2 of this subchapter;

(2) The name of the country of origin; and

(3) The establishment number assigned by the foreign meat inspection system and certified to the Program.

(b) All outside containers of products which have been inspected and passed in accordance with this part shall be marked by a Program employee or under his supervision with the official import meat inspection mark prescribed in § 312.8.

§ 327.16 Small importations for importer's own consumption; requirements.

Any product offered for importation in a quantity of 50 pounds or less which was purchased by the importer outside the United States for his own consumption, is eligible for importation into the United States from any country without compliance with the provisions in other sections of this part but subject to applicable requirements under other laws, including the regulations in Part 94 of this title. However, Program employees may inspect any product offered for importation under this section to determine whether it is within the class eligible for importation under this paragraph. Products imported in compliance with this paragraph may be transported to their destination in the course of importation or subsequently in commerce if covered by a certificate as required by § 325.12 of this subchapter.

§ 327.17 Returned United States inspected and marked products.

United States inspected and passed and so marked products exported to and returned from foreign countries will be admitted into the United States without compliance with this part upon notification to and approval of the Director, Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, in specific cases.

[1] The regulations now in Part 340 will be transferred later to a new Part 350.

§ 327.18 Imported products to be handled and transported as domestic; entry into official establishments; exception.

(a) All imported products, after entry into the United States, shall be deemed and treated as domestic products and shall be subject to the applicable provisions of the Act and the regulations in this subchapter and the applicable requirements under the Federal Food, Drug, and Cosmetic Act, except that products imported under § 327.16 are required to comply only with the requirements of that section and § 325.12 of this subchapter.

(b) Imported products inspected, passed, and marked in accordance with this part may, subject to the provisions of § 318.4(a) of this subchapter, be taken into official establishments and be mixed with or added to any product in such establishments which has been inspected and passed therein.

(c) Imported product which has been inspected, passed, and marked under this part may be transported in the course of importation or subsequently in commerce only upon compliance with Part 325 of this subchapter.

§ 327.19 Specimens for laboratory examination and similar purposes.

The provisions in this part do not apply to specimens of products for laboratory examination, research, or similar purposes when authorized importation by the Administrator under conditions specified by him in specific cases, including requirements of denaturing or identification to deter their use for human food. Authorization will not be given for the importation of any products contrary to the provisions of Part 94 of this title.

§ 327.20 Importation of foreign inedible fats.

No inedible grease, inedible tallow, or other inedible rendered fat shall be admitted into the United States, unless it has been first denatured as prescribed in § 325.13 of this subchapter and the containers marked as prescribed by § 316.15 of this subchapter or unless it is identified and handled as prescribed by § 325.11 (c) or (d) of this subchapter.

§ 327.21 Special inspection procedures for chilled fresh or frozen boneless manufacturing meat.

(a) *Definitions; sampling; standards.* (1) Frozen boneless manufacturing meat is meat from cattle, sheep, swine, goats, horses, mules, and other equines that has all bone removed and is cut into pieces or trimmings, frozen into a compact block of any shape and suitable for slicing or chopping in the manufacturing of meat food products. Individual pieces or trimmings must not be smaller than a 2-inch cube or a piece comparable in size. As used in this section, the term "frozen" includes "chilled fresh," and "lot" means any amount of frozen boneless manufacturing meat of one species, similarly packaged, shipped from one establishment, and offered for import inspection under one or more foreign inspection certificates.

(2) All lots of imported frozen boneless manufacturing meat will be sampled and such samples defrosted for inspection in accordance with this paragraph. The inspector will select from each lot the appropriate number of cartons specified by the table of sampling plans contained in the current U.S. Department of Agriculture Manual of Meat Inspection Procedures.[1] The total sample for inspection will consist of the necessary number of 12-pound units drawn from these cartons. The 12-pound units selected will be completely defrosted and subjected to a thorough examination.

(b) *Lots refused entry.* Reinspection (including resampling) will be provided for any lot of frozen boneless manufacturing meat which was refused entry under this section on the basis of the original evaluation of the sample thereof, only if there is reason to question the judgment of the inspector in making the evaluation. If, in other cases, any portion of any lot refused entry is identified by markings as consisting of any particular type of meat (e.g., as made from beef trimmings or from chucks or rounds) which differs from all other types of meat in the lot or is identified by a production date or shift mark which distinguishes it from all other meat in the lot, the eligibility of each such portion of the lot for importation will be evaluated upon the basis of the original inspection findings and in accordance with standards specified for this purpose in instructions issued to the inspectors.[2] Portions of the lot so found eligible for entry will be admitted and the remainder of the lot will be refused entry.

(c) *Certain lots found to qualify as lots for entry.* If it is found upon initial evaluation of the sample of any lot of frozen boneless manufacturing meat that the lot as a whole meets the inspection standard for entry but such lot includes any portion identified by markings as consisting of any particular type of meat different than all other types of meat in the lot or identified by a different production date or shift mark than the remainder of the lot, the eligibility for importation of such portion of the lot shall be evaluated, upon the basis of the original inspection findings and in accordance with standards specified for this purpose in instructions issued to the inspectors.[2] Any portion of the lot found ineligible for entry upon such evaluation will be refused entry and the remainder of the lot will be admitted.

(d) *Lots for which unloading is delayed.* If a portion of a lot is unloaded from a ship on any day and the unloading of the remainder of the lot is being delayed beyond the following day, the eligibility for importation of each portion which is identified by markings as consisting of any particular type of meat

See footnotes at end of Part 327.

different than all other types of meat in the lot or identified by a different production date or shift mark than the remainder of the lot, may be evaluated at the importer's request separately in accordance with standards specified for this purpose in instructions issued to the inspectors.[2]

§ 327.22 Official import meat inspection marks and seals.

The official import meat inspection mark and official import meat seal are those described in §§ 312.8 and 312.5(b) of this subchapter.

[1] Copies of such table are available, upon request, from the Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

[2] The instructions may be obtained, upon request, from the Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

PART 329—DETENTION; SEIZURE AND CONDEMNATION; CRIMINAL OFFENSES

Sec.

329.1 Article or livestock subject to administrative detention.
329.2 Method of detention; form of detention tag.
329.3 Notification of detention to the owner of the article or livestock detained or his agent or person in possession thereof.
329.4 Notification of governmental authorities having jurisdiction over article or livestock detained.
329.5 Movement of article or livestock detained; removal of official marks.
329.6 Articles or livestock subject to judicial seizure and condemnation.
329.7 Procedure for seizure, condemnation and disposition.
329.8 Authority for condemnation or seizure under other provisions of law.
329.9 Criminal offenses.

§ 329.1 Article or livestock subject to administrative detention.

Any carcass, part of a carcass, meat or meat food product of livestock, or article exempted from the definition of meat food product, or any dead, dying, disabled, or diseased livestock is subject to detention for a period not to exceed 20 days when found by any authorized representative of the Secretary upon any premises where it is held for the purposes of, or during or after distribution in, commerce or it is otherwise subject to Title I or II of the Act, and there is reason to believe that:

(a) Any such article is adulterated or misbranded and is capable of use as human food; or

(b) Any such article has not been inspected, in violation of the provisions of Title I of the Act, any other Federal law, or the laws of any State or Territory, or the District of Columbia; or

(c) Any such article or livestock has been or is intended to be, distributed in violation of the provisions of Title I of the Act, any other Federal law, or the laws of any State or Territory, or the District of Columbia.

§ 329.2 Method of detention; form of detention tag.

An authorized representative of the Secretary shall detain any article or livestock subject to detention under this part, by affixing an official "U.S. Detained Tag" (Form CP-483) to such article or livestock.[1]

§ 329.3 Notification of detention to the owner of the article or livestock detained or his agent or person in possession thereof.

Within 48 hours after the detention of any article or livestock pursuant to this part, an authorized representative of the Secretary or other employee of the United States shall give oral or written notification of such detention to the owner of the article or livestock detained, or if such owner cannot be ascertained and notified within such period of time, to his agent or the carrier or other person in possession of the article or livestock detained. The notification, if in writing, shall be served by either delivering the notification to such owner, or his agent, or to such other person, or by certifying and mailing the notification, addressed to such owner, agent, or other person, at his last known residence or principal office or place of business. In the event that notification is given orally, it shall be confirmed in writing, as promptly as circumstances permit.

§ 329.4 Notification of governmental authorities having jurisdiction over article or livestock detained; form of written notification.

Within 48 hours after the detention of any livestock or article pursuant to this part, an authorized representative of the Secretary shall give oral or written notification of such detention to any Federal authorities not connected with the Program, and any State or other governmental authorities, having jurisdiction over such livestock or article. In the event notification is given orally, it shall be confirmed in writing, as promptly as circumstances permit.

§ 329.5 Movement of article or livestock detained; removal of official marks.

No article or livestock detained in accordance with the provisions in this part shall be moved by any person from the place at which it is located when so detained, until released by an authorized representative of the Secretary. All official marks may be required by such representative to be removed from such article or livestock before it is released unless it appears to the satisfaction of the representative that the article or livestock is eligible to retain such marks.

§ 329.6 Articles or livestock subject to judicial seizure and condemnation.

Any carcass, part of carcass, meat or meat food product or any dead, dying, disabled, or diseased livestock, that is being transported in commerce or is otherwise subject to Title I or II of the Act, or is held for sale in the United States after such transportation, is subject to seizure and condemnation, in a judicial proceeding pursuant to section 403 of the Act if such product or livestock:

(a) Is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of the Act, or

(b) Is capable of use as human food and is adulterated or misbranded, or

(c) In any other way is in violation of the Act.

§ 329.7 Procedure for seizure, condemnation, and disposition.

Any article or livestock subject to seizure and condemnation under this part shall be liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any United States district court, or other proper court specified in section 404 of the Act, within the jurisdiction of which the article or livestock is found.

§ 329.8 Authority for condemnation or seizure under other provisions of law.

The provisions of this part relating to seizure, condemnation and disposition of articles or livestock do not derogate from authority for condemnation or seizure conferred by other provisions of the Act, or other laws.

§ 329.9 Criminal offenses.

The Act contains criminal provisions with respect to numerous offenses specified in the Act.

[1] Copy filed with the Office of the Federal Register as part of the original document.

PART 330—REGULATIONS GOVERNING CERTAIN RETAIL STORES AND RESTAURANTS IN THE DISTRICT OF COLUMBIA

Sec.

330.1 Applicability of regulations.
330.2 Inspection requirement.
330.3 Sanitation, facilities, and equipment.
330.4 General requirements.
330.5 Adulteration and misbranding.
330.6 Inspection reviews.
330.7 Records.
330.8 Access to establishment.
330.9 Enforcement and penalties.

§ 330.1 Applicability of regulations.

The regulations in this Part 330 apply to each retail store and restaurant in the District of Columbia, at which no slaughtering of cattle, sheep, swine, or equines is conducted, but products of such livestock are boned, cut-up, cooked, or otherwise prepared, or frozen, stored, or held for sale, and no products prepared at the establishment are sold, or offered for sale or transportation, or transported, to any place outside of the District of Columbia, by the operator of the establishment. Such retail stores and restaurants shall hereinafter in this part be referred to as regulated establishments. The regulations in §§ 305.5, 305.6, and Parts 301, 302, 306, 312, 314, 318, 319, and 329 of this subchapter shall apply to regulated establishments.

§ 330.2 Inspection requirement.

The operator of each retail store and restaurant at which meat and meat food products are prepared shall apply to the Director, Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, for a numbered certificate of inspection. Such certificate will be granted to the establishment if upon survey it is found to comply with the provisions of this Part and if the operator agrees to comply with all applicable requirements of the regulations in this subchapter.

§ 330.3 Sanitation, facilities, and equipment.

The following provisions apply to each regulated establishment:

(a) *Premises.* The premises shall be clean, well drained, and so located that the surroundings are free from sources of possible contamination of the products handled at the establishment.

(b) *Construction of buildings.* The building shall be large enough to accommodate the operation without hampering sanitary practices. Floors, walls, and ceilings shall be constructed of materials that can easily be kept clean, sanitary, and in good repair. Where practicable, the building shall be equipped with screens or other effective means to prevent the entrance of insects, rodents, and other animals. Where the screening of openings is impracticable, such as in receiving areas, insect and rodent control shall be effected by preventing entrance of vermin by mechanical or other means. Screen doors shall be self-closing. Rooms used for processing shall not open directly into living quarters or toilet rooms.

(c) *Lighting.* Each room shall have sufficient natural or artificial lighting for the purpose for which it is to be used. Sufficient lighting shall be present in all areas to permit adequate visibility for cleaning and sanitary inspection operations. Lights in the processing areas shall be equipped with protective shields.

(d) *Ventilation.* Ventilation shall be sufficient to control visible mold, objectionable odors, and accumulation of condensates.

(e) *Water supply.* The water supply shall be readily accessible, of a sufficient quantity to permit compliance with the requirements of this subchapter, and potable. There shall be no cross-connection between the potable water supply and any nonpotable water supply nor with the sewage disposal system. Hot water in sufficient quantity for sanitation purposes shall be available. The establishment shall currently have on file in its records evidence that the water supply has been approved by the local health authority within the past calendar year.

(f) *Ice.* Ice (if used) shall be made from a supply of potable water which meets the requirements of paragraph (e) of this section. It shall be manufactured, handled, stored, and used in a sanitary manner.

(g) *Disposal of wastes.* Liquid wastes shall be conveyed to a public sewer through enclosed piping by methods or systems which will not create insanitary conditions. Floor drains shall be functional and properly trapped. Trash and rubbish shall be placed in suitable receptacles conveniently located throughout the plant. Product wastes, such as trimmings, shall be collected in suitable containers which shall be kept covered when not continuously receiving wastes. All wastes shall be collected and disposed of at frequent intervals in a sanitary manner.

(h) *Toilet, dressing room, and handwashing facilities.* A sufficient number of sanitary toilets to accommodate all personnel working at the establishment shall be provided. Toilet rooms shall be conveniently located, constructed of materials which can be easily and satisfactorily cleaned, adequately lighted, and separately vented to the outside. They shall be maintained in a sanitary condition and shall be so constructed that they do not open directly into rooms or areas where components of products or products are prepared, stored, or otherwise handled. The doors shall be tight-fitting and self-closing. A sign directing employees to wash their hands before returning to work shall be posted in all toilet rooms. Hand-washing facilities, including hot and cold running water, soap, and an effective, sanitary means of drying the hands, shall be conveniently located in the toilet rooms and throughout the area where products are prepared.

(i) *Construction and repair of equipment and utensils.* Equipment and utensils which are used in the preparation of or which otherwise contact, any product shall be of such design that they can be readily cleaned and effectively sanitized and shall be maintained in a state of good repair so as to provide protection from contamination or other adulteration. The surfaces of all equipment and utensils which contact products shall be constructed from suitable, nontoxic materials. Equipment shall be so located as to provide adequate space for cleaning, maintenance, and inspection.

(j) *Cleaning of equipment.* All multiple-service containers, equipment, and utensils used in handling, preparing, storing, or transporting any product in such a way as to contact the product directly shall be thoroughly cleaned after use. They shall be subjected to an effective sanitizing process prior to each usage. The methods used shall be such that the product shall not be contaminated or otherwise adulterated. Chemicals used in cleaning and sanitizing treatments shall be those approved by the Technical Services Division and shall be properly labeled and stored. Steam, hot water, chlorine, or equally efficient agents are permitted for sanitizing purposes.

(k) *Sanitation of room and compartments.* All rooms and areas used to receive, process, or store components or the finished products, shall be maintained in a clean, sanitary manner so as to preclude the possibility of bacterial, chemical, or physical contamination or other adulteration.

(l) *Sanitary controls.* Means shall be provided to assure adequate sanitary control of the raw materials and finished product.

(m) *Single-service articles and packaging materials.* Single-service articles, including cans, bottles, lids, pouches, and paper containers shall be free of contamination and maintained in sanitary boxes, cartons, or tubes or otherwise protected and handled in a sanitary manner.

(n) *Control of insects, birds, and animals.* Effective measures for the control of insects and rodents shall be maintained at all times. Insecticides and rodenticides, if used, shall be only those which are approved by the Technical Services Division of the Department. They shall be employed by approved methods and shall be handled and stored in a safe manner. Insects, animals, and unrestrained birds shall be excluded from the building.

(o) *Cooling and refrigeration facilities.* When necessary, means shall be provided to maintain the raw materials or finished product in a refrigerated or frozen state. The equipment shall be of such design that the product shall not be subjected to contamination or other adulteration. Refrigerated rooms shall contain an accurate thermometer located in the warmest area.

(p) *Storage facilities.* Storage facilities shall be provided for storing raw materials, packing and packaging materials, and finished products. They shall be clean, sanitary, and in good repair. Storing methods which minimize deterioration and prevent contamination or other adulteration shall be used. Shelves, cabinets, and dunnage shall be used where necessary to protect materials from contamination and other adulteration.

(q) *Vehicles and transportation facilities.* Vehicles and transportation facilities used by the operator of a regulated establishment to transport any products in commerce shall be kept clean and shall be constructed, operated, and maintained in such a manner as to protect products from contamination and other adulteration.

(r) *Sanitary compliance rating.* Establishments which comply with the facility and sanitary regulations as determined by survey completed by an authorized inspector are eligible for certification and listing as establishments approved for operation under the regulations in this part.

§ 330.4 General requirements.

(a) No products may be brought into any regulated establishment unless they have been inspected and passed by the Program and are so marked.

(b) Potentially hazardous products must be stored at regulated establishments at safe holding temperatures. Such temperatures will be any food temperature below 40° F. or above 140° F. Potentially hazardous meat or meat food product, not in storage, shall not be permitted to remain at temperatures between the safe holding limits for such a time as may be reasonably expected to allow it to become unfit for human consumption. Potentially hazardous product is any carcass or part of a carcass or meat food product capable of supporting a rapid and/or progressive growth of microorganisms which may cause food infection or food intoxication.

(c) Frozen product shall be held at a safe temperature when stored, transported, or displayed by any regulated establishment. A safe temperature for such product shall be a maximum internal temperature of 10° F.

(d) Product must be appropriately protected from contamination or other adulteration when prepared, frozen, packaged, stored, dispensed, displayed, or otherwise handled at a regulated establishment or transported in commerce for such an establishment. Containers, utensils, and other surfaces which contact products directly at regulated establishments shall be protected from contamination. Any methods, operating practice, or sequence of operations at any regulated establishment that may provide an opportunity for product to become contaminated or otherwise adulterated is prohibited.

(e) Surfaces or utensils which have been used in the preparation of seafood at regulated establishments shall be cleaned and sanitized before use for preparation of meat product.

(f) Grinders, choppers, and mixers used for the preparation of uncooked pork at regulated establishments must be thoroughly cleaned to remove any pork muscle tissue residue before use for any other product not intended to be thoroughly cooked on the establishment premises.

(g) Persons who work at any regulated establishment in any capacity which involves contact with unpackaged product or with surfaces contacted by such product, or which involves the preparation of product or meals made therefrom shall:

(1) Be in apparently good health; and

(2) Use hygienic work practices.

§ 330.5 Adulteration and misbranding.

(a) Products sold or served by regulated establishments shall not be "adulterated" as defined in the Act.

(b) Products prepared by any regulated establishment shall not have any false or misleading labeling and their containers shall not be so made, formed, or filled as to be misleading when they leave such establishment.

(c) Except as is necessary in normal handling, no official inspection mark, or other required labeling on product prepared in an official establishment shall be defaced, obliterated, modified, or removed, when the product is sliced, otherwise prepared, repackaged, or otherwise handled in a regulated establishment.

§ 330.6 Inspection reviews.

(a) Inspections of the premises and reviews of the procedures of each regulated establishment required to have inspection under § 330.2 shall be made as often as deemed necessary to effectuate the purpose of this part. Products that are adulterated or have false or misleading labeling or misleading containers will be handled as provided in Part 329 of this subchapter.

(b) A copy of the results of these inspections and reviews will be furnished the operator of the establishment with such recommendations and requirements as may be administratively determined appropriate; and an identical copy shall be filed with the appropriate officer in charge to become a part of the establishment's history.

§ 330.7 Records.

Records shall be maintained by the operator of each regulated establishment showing the source, quantity, and description of all livestock and products acquired or prepared by the establishment and the date of receipt and the disposition thereof.

§ 330.8 Access to establishment.

Under section 6 of the Act, Program employees or other persons designated by the Administrator shall be allowed access to every part of any regulated establishment at all times by day or night for the purpose of making inspections authorized under the Act. Further, under section 202 of the Act, in enforcement of the Act, Program employees, or other persons designated by the Administrator, are authorized to enter any regulated establishment in accordance with said section for the purpose of examining and copying any records required by § 330.7 to be kept for such establishment and examining the facilities and inventories thereof and taking reasonable samples from the inventories.

§ 330.9 Enforcement and penalties.

Continuation of the certificate of inspection will be contingent upon the compliance by the operator of the establishment with the requirements of this part. If the Department has reason to believe that the operator has failed to comply with such requirements in any respect, due notice thereof and reasonable opportunity to correct the alleged deficiencies will be afforded to the operator to the extent consistent with protection of the public and the requirements of the Act. Failure to comply with the sanitation provisions of this part or to destroy condemned products as required under the Act may result in the withdrawal of the certificate of inspecton in accordance with § 305.5 of this subchapter.

PART 331—(RESERVED FOR PROVISIONS FOR DESIGNATED STATES AND TERRITORIES)

PART 335—(RESERVED FOR RULES OF PRACTICE)

Any interested persons who desire to present any views, arguments, or data concerning the proposed revision of the regulations set forth above may do so by filing their comments in writing, in duplicate, with the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after publication hereof in the FEDERAL REGISTER. All such written submissions will be made available for public inspection at said office during regular office hours in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., on July 30, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-9358; Filed, Aug. 13, 1969; 8:45 a.m.]

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16 CFR

15 (3 documents) 13272, 13273
PROPOSED RULES:
253 13281

18 CFR

PROPOSED RULES:
141 13280

21 CFR

121 (3 documents) 13273, 13274

22 CFR

121 13274
123 13276
124 13276

31 CFR

500 13277

33 CFR

207 13265

36 CFR

510 13276

41 CFR

5-30 13278

42 CFR

74 13277

46 CFR

308 13278

49 CFR

1033 13278
PROPOSED RULES:
1048 13283
1300 13283
1307 13283

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3922

NATIONAL HIGHWAY WEEK, 1969

By the President of the United States of America

A Proclamation

Americans today own more than 80 million passenger cars and drive each of them an average of 9,600 miles a year—or three times the distance from Portland, Maine, to San Diego, California. This is a measure of the personal mobility we now enjoy through highway transportation, one of the major elements in our transportation system.

It is a mobility that opens new horizons in employment opportunity, in choice of residence, and in educational, religious, political, recreational, and other social activities.

Highway transportation has developed from a vast private investment in motor vehicles and a vast public investment in highway facilities. These facilities, in turn, are to a large extent, the product of a unique Federal-State partnership in road building.

In 1956 we called upon this partnership to build a new network of super-roads, the National System of Interstate and Defense Highways. Now two-thirds completed, the Interstate System already is providing the public with the benefits of safer, faster, and more economical highway transportation.

To assure the best use of the public investment in highways, all Americans must give special attention to improving the safety and efficiency of highway transportation.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week beginning September 21, 1969, as National Highway Week, and I urge Federal, State, and local officials, as well as highway industry and other organizations, to hold appropriate ceremonies during that week in recognition of what highway transportation means to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of August, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 69-9739; Filed, Aug. 14, 1969; 10:13 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Order Amending the Amended Order Regulating the Handling of Peaches Grown in the County of Mesa, Colo.

§ 919.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at the Veterans Memorial Building, Palisade, Colo., on April 10, 1969, upon a proposed amendment of the amended marketing agreement and Order No. 919 (7 CFR Part 919) regulating the handling of peaches grown in the county of Mesa, Colo. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of peaches grown in the county of Mesa, Colo., in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The order, as amended, and as hereby further amended, is limited in application to the smallest regional production area which is practicable consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of peaches grown in the county of Mesa, Colo., which make necessary different terms and provisions applicable to different parts of such area.

(b) *Determinations.* It is hereby determined that:

(1) The agreement amending the amended marketing agreement regulating the handling of peaches grown in the county of Mesa in the State of Colorado, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the fruit covered by this order) who, during the period March 1, 1968, through February 28, 1969, handled not less than 50 percent of the volume of peaches covered by said amended order, as hereby further amended; and

(2) The aforesaid agreement, amending the said amended marketing agreement, has been executed by handlers who were signatory parties to said amended marketing agreement, and who, during the preceding fiscal year, shipped not less than sixty-seven (67) percent of the peaches grown in the county of Mesa in the State of Colorado, shipped by all signatory handlers to said amended marketing agreement during such fiscal year; and

(3) The issuance of this order, amending the aforesaid amended order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (Mar. 1, 1968, through Feb. 28, 1969), have been engaged, within the county of Mesa in the State of Colorado in the production of peaches for market; and

(4) The issuance of this order, amending the aforesaid amended order, is favored or approved by producers who, during said representative period, have produced for market at least two-thirds of the volume of such peaches produced for market within the county of Mesa in the State of Colorado.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of peaches grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order, as amended, and as hereby further amended, as follows:

1. Section 919.10 *Fiscal year* is revised to read as follows:

§ 919.10 Fiscal period.

"Fiscal period" is synonymous with "fiscal year" and means the 12-month period beginning on November 1 and ending on October 31 of the following year, or such other period that may be approved by the Secretary pursuant to recommendations by the committee: *Provided,* That the fiscal year which began on March 1, 1969, shall end on October 31, 1969.

2. Section 919.11 *District* is revised to read as follows:

§ 919.11 District.

"District" means the applicable one of any of the following described subdivisions of the county of Mesa in the State of Colorado:

(a) "District No. 1" shall include all that portion of Mesa County lying north of the Colorado River and east of 37.3 Road and an extension thereof to the Mesa County line.

(b) "District No. 2" shall include all that portion of Mesa County lying south of the Colorado River and east of $36\frac{5}{8}$ Road and an extension thereof to the Mesa County line.

(c) "District No. 3" shall include all that portion of Mesa County lying south of the Colorado River bordered on the east by $36\frac{5}{8}$ Road, and an extension thereof to the Mesa County line, and bordered on the west by 35 Road, and an extension thereof to the Mesa County line.

(d) "District No. 4" shall be all that portion of Mesa County lying south of the Colorado River bordered on the west by the Gunnison River and bordered on the east by 35 Road, and an extension thereof to the Mesa County line.

(e) "District No. 5" shall be all that portion of Mesa County west of 37.3 Road and an extension thereof to the Mesa County line, north of the Colorado River to the junction of the Colorado River and the Gunnison River, and all the rest of Mesa County west and north of the junction of the Colorado and Gunnison Rivers.

3. Section 919.20 *Establishment and membership* is amended by revising the third sentence thereof to read as follows:

§ 919.20 Establishment and membership.

* * * The members of the committee and their respective alternates shall be nominated, in accordance with the provisions of §§ 919.21 through 919.24, at least 30 days prior to the beginning of the term of office for which nominations are being made.

§§ 919.21, 919.22 [Amended]

4. The parenthetical phrase "(on or before February 1 of each year)" is deleted from §§ 919.21(a) and 912.22(a).

5. Section 919.23 *Nomination and selection of cooperative handler members* is amended by deleting from paragraph (a) the words "beginning March 1, 1956" wherever they appear, and revising paragraph (b) to read as follows:

§ 919.23 Nomination and selection of cooperative handler members.

* * * * *

(b) Nomination of cooperative members and their respective alternates shall be made by such cooperative associations in such manner as the members of the respective associations may designate.

§ 919.25 [Amended]

6. Section 919.25 *Failure to nominate* is amended by deleting therefrom "on or before February 15 of any year" and substituting therefor "not later than 15 days prior to the beginning of the term of office."

7. Section 919.27 *Term of office* is revised to read as follows:

§ 919.27 Term of office.

(a) The term of office of producer members and their alternates shall be for two (2) years: *Provided*, That, for the term beginning January 1, 1970, the term of office of two producer members and their alternates shall be for 1 year. (Determination of which of the initial producer members and their alternates shall serve for 1 year, or 2 years, shall be by lot.) The term of office of the independent member and cooperative handler members, and of their alternates, shall be one (1) year. The term of office of each member and alternate member shall be for the period beginning on January 1 of 1 year and ending on December 31 of the same year, or the following year in the case of producer members and their alternates, both dates inclusive, or such other period as the committee, with the approval of the Secretary, may prescribe: *Provided*, That the term of office which began March 1, 1969, shall end December 31, 1969.

(b) Members and alternates shall serve during the term of office for which they have been selected and have qualified and until their successors are selected and have qualified.

8. Section 919.32 *Duties* is amended by adding a paragraph (l) to read as follows:

§ 919.32 Duties.

* * * * *

(l) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in peach production within the districts and the production area.

9. Section 919.42 *Handler accounts* is revised to read as follows:

§ 919.42 Accounting.

If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately two fiscal periods' expenses. Such reserve funds may be used (a) to cover any expenses authorized by this part, and (b) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately, if practicable, to the handlers from whom the excess was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 12th day of August 1969 to become effective 30 days after publication in the FEDERAL REGISTER.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69–9658; Filed, Aug. 14, 1969; 8:48 a.m.]

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Expenses and Rate of Assessment

On July 30, 1969, notice of rule making was published in the FEDERAL REGISTER (34 F.R. 12445) regarding proposed expenses and the related rate of assessment for the period March 1, 1969, through February 28, 1970, pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colo. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 919.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee during the period March 1, 1969, through February 28, 1970, will amount to $2,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 919.41, is fixed at $0.004 per bushel basket of peaches, or equivalent quantity of peaches in other containers or in bulk.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of peaches are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable peaches handled during the aforesaid period; and (3) such period began on March 1, 1969, and said rate of assessment will automatically apply to all such peaches beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 12, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–9636; Filed, Aug. 14, 1969; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASE, AND OTHER OPERATIONS

PART 1443—OILSEEDS

Subpart—1969 Crop Supplement to Cottonseed Purchase Program Regulations

The Cottonseed Purchase Program Regulations (33 F.R. 15331) issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to purchase operations for cottonseed are supplemented for 1969 crop cottonseed as follows:

Sec.
1443.50 Purpose.
1443.51 Purchase price.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070 and 1072, as amended; secs. 301 and 401, 63 Stat. 1053 and 1054, as amended; sec. 601, 70 Stat. 212; 15 U.S.C. 714b and 714c, 7 U.S.C. 1447, 1421, 1446d.

§ 1443.50 Purpose.

This subpart is for the purpose of announcing that CCC will purchase 1969 crop cottonseed from producers and participating ginners under the terms and conditions stated in the Cottonseed Purchase Program Regulations issued by CCC, and any amendments thereto, applicable to purchases of 1968 and subsequent crop cottonseed. This subpart also contains basic purchase prices for 1969 crop cottonseed purchased by CCC from producers and from participating ginners.

§ 1443.51 Purchase price.

(a) *Price to producers.* Any purchases of cottonseed by CCC from producers will be made at the rate of $37 per short ton (2,000 pounds), gross weight (or net weight if the cottonseed is graded according to the Cottonseed Standards), for basis grade (100) cottonseed, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than 100. The prices per ton thus computed shall be rounded to the nearest multiple of 10 cents.

(b) *Price to ginners.* Any purchases of cottonseed by CCC from participating ginners will be made at the rate of $41 per short ton, net weight, for basis grade (100) cottonseed, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than 100.

Effective date. This subpart shall become effective upon filing with the Office of the Federal Register for publication.

Signed at Washington, D.C., on August 11, 1969.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69–9656; Filed, Aug. 14, 1969; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Salem and Beverly Harbors, Mass.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.7 governing the use and navigation of a seaplane restricted area in Salem and Beverly Harbors, Massachusetts, is hereby revoked effective on publication in the FEDERAL REGISTER since the restricted area is no longer required, as follows:

§ 207.7 Salem and Beverly Harbors, Mass.; seaplane restricted area. [Revoked]

[Regs., July 22, 1969, ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69–9618; Filed, Aug. 14, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Airworthiness Docket No. 69–SW–55; Amdt. 39–820]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A Helicopters

There has been one report of unstaked control bearings in the Lever Assembly, P/N 206–001–339–1, on Bell Model 206A helicopters equipped with copilot controls. The displacement of the bearings from their normal position could occur and result in partial restriction of the cyclic control system. Such restriction of the cyclic control system in flight could result in loss of control of the helicopter. Since this condition is likely to exist in other helicopters of the same type design that are equipped with copilot controls, an airworthiness directive is being issued to require an inspection for proper staking of the control bearings in the Lever Assembly, P/N 206–001–339–1, on Bell Model 206A helicopters and replacement, as necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Model 206A helicopters, Serial Nos. 1 through 412, 415 through 421, 423 through 428, 430 through 435, and 438 having copilot controls installed.

Compliance required within 10 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent a possible restriction of the cyclic control system, accomplish the following one-time inspection and lever assembly replacement, as necessary:

a. Remove the copilot's seat, P/N 206–031–141, to expose the cyclic control lever assembly.

b. Inspect the control bearings in each end of the lever assembly, P/N 206–001–339–1, for proper staking, as specified in Items 2, 3, and 4 of Bell Helicopter Co. Service Bulletin No. 206A–13, dated August 4, 1969, or by a method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

c. Remove and replace lever assemblies that have improper staked control bearings before further flight.

This amendment becomes effective on August 19, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Forth Worth, Tex., on August 8, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69–9640; Filed, Aug. 14, 1969; 8:46 a.m.]

[Airworthiness Docket No. 69–WE–14–AD; Amdt. 39–819]

PART 39—AIRWORTHINESS DIRECTIVES

Certain DC–9 and Boeing 737 Aircraft

Pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), an airworthiness directive was adopted on July 3, 1969, and made effective immediately as to all known United States operators (foreign operators were also advised) of McDonnell-Douglas DC–9's and Boeing 737 airplanes with AiResearch Model GTCP85–98D and –129 Auxiliary Power Units (APU's) installed. The directive imposes a restriction on the use of the APU as an alternate electric power source until deficient second stage impeller blades have been replaced and requires an associated placard installation in the cockpit.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately to all known U.S. operators of McDonnell-Douglas DC–9 airplanes equipped with AiResearch Model GTCP85–98D APU serial numbers listed in AiResearch Telegraphic Bulletin No. 49A1761, dated July 1, 1969, or later FAA-approved revision, and Boeing 737 airplanes equipped with AiResearch Model GTCP85–129 APU serial numbers listed in AiResearch Telegraphic Bulletin No. 49A1760, dated July 1, 1969, or later FAA-approved revision, by individual telegram dated July 3, 1969. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

MCDONNELL-DOUGLAS DC–9 and BOEING 737. Applies to DC–9 airplanes equipped with AiResearch Model GTCP85–98D Auxiliary Power Unit (APU) serial numbers listed in AiResearch Telegraphic Bulletin No. 49A1761 dated July 1, 1969, or later FAA-approved revision, and to Boeing 737 airplanes equipped with AiResearch Model GTCP85–129 APU serial numbers listed in AiResearch Telegraphic Bulletin No. 49A1760 dated July 1, 1969, or later FAA-approved revision.

Compliance required as indicated unless already accomplished.

Because of possible failure of the second stage impeller blades, the auxiliary power unit shall not be used as an alternate electric power source in place of a main engine driven generator until deficient impellers have been replaced. Pending replacement of the auxiliary power unit impeller, accomplishment of the following is required.

1. Within 10 hours time in service after the effective date of this airworthiness directive, install a placard in full view of the pilot to read:

Both main engine driven generators must be operative for takeoff. Only during in-flight emergency may the auxiliary power unit be used as an alternate electric power source.

2. This placard may be removed when the APU is replaced with an APU having satisfactory impeller blades, or when the APU is modified to incorporate an impeller with satisfactory impeller blades in accordance with the above AiResearch Telegraphic Service Bulletins.

NOTE: Compliance with the inspection and speed reduction adjustments in these bulletins is optional.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated July 3, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Los Angeles, California, on August 5, 1969.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

[F.R. Doc. 69–9633; Filed, Aug. 14, 1969; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9738; Amdt. 662]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	4000–2	4000–2	4000–2
				C-dn*	4000–2	4000–2	4000–2
				S-dn	NA	NA	NA
				A-dn	4000–2	4000–2	4000–2

SHUTTLE: On S. crs, 175° Outbnd, 355° Inbnd, to 8500′ within 10 miles. All turns to left.
Procedure turn W side of S. crs, 175° Outbnd, 355° Inbnd, 7600′ within 10 miles (Nonstandard).
Minimum altitude over facility on final approach crs, 6700′.
Crs and distance, facility to airport, 084°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 1.6 miles, turn right, climb to 10,000′ on S. crs (175°) within 20 miles, making all turns on W side of crs.
NOTE: Sliding scale not authorized.
CAUTION: Precipitous mountainous terrain all sides of airport.
*When UMM FSS shut down, weather and altimeter setting not available. Use Talkeetna altimeter setting; ceiling minimums increased by 500′ for all aircraft; alternate minimums not authorized.
City, Summit; State, Alaska; Airport name, Summit; Elev., 2400′; Facility Classification, SBRAZ; Ident., UMM; Procedure No. LFR-1, Amdt. 6; Eff. date, 4 Sep. 69; Sup. Amdt. No. LFR 1, Amdt. 5, Dated, 19 Aug. 61

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Trinidad Int	LMM	Direct	2000	T-dn/#	300–1	300–1	300–1
FOT VOR	LMM	Direct	2000	C-dn/#	700–1	700–1	700–1½
				A-dn	1000–2	1000–2	1000–2

Procedure turn W side of crs 200° Outbnd, 020° Inbnd, 1500′ within 10 miles.
Procedure turn W side of crs, high terrain E.
Minimum altitude over facility on final approach crs, 917′.
Crs and distance, facility to airport, 314°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within mile after passing LMM, turn left, climb to 1500′ on crs of 270° from LMM within 15 miles.
@ Recommended departures: Northwestbound, climb via 245° bearing from LMM to intercept and proceed V–27; Southbound, climb direct FOT VORTAC MCA 3600′, thence V–27 or V–195 climb on crs.
#CAUTION: All maneuvering W of airport. High terrain E.
MSA within 25 miles of facility: 000°–060°—7500′; 060°–180°—6500′; 180°–270°—3000′; 270°–360°—4500′.
City, Arcata-Eureka; State, Calif.; Airport name, Arcata; Elev., 217′; Fac. Class., LMM; Ident., CV; Procedure No. NDB (ADF)-1, Amdt. 3; Eff. date, 4 Sept. 69; Sup. Amdt. No. ADF 1, Amdt. 2, Dated, 22 Oct. 66

				T-dn	2000–2	2000–2	2000–2
				C-dn*	2000–2	2000–2	2000–2
				A-dn	2000–2	2000–2	2000–2

Procedure turn SW side of crs. 198° Outbnd, 018° Inbnd, 6400′ within 10 miles. Beyond 10 miles not authorized. Nonstandard.
Minimum altitude on final approach crs, 4400′. Descend to 4400′ immediately after completion of procedure turn.
Crs and distance, facility to airport, 034°—1.6 miles.
If visual contact not established upon descent to 4400′, turn left, climb to 10,000′ on 198° bearing within 15 miles. All turns W of 198° bearing.
NOTE: Sliding scale not authorized.
CAUTION: Mountainous terrain all quadrants.
*When UMM FSS shut down, weather and altimeter setting not available. Use Talkeetna altimeter setting; ceiling minimums increased by 500′ for all aircraft; alternate minimums not authorized.
City, Summit; State, Alaska; Airport name, Summit; Elev., 2400′; Fac. Class., SBRAZ; Ident., UMM; Procedure No. NDB (ADF)-1, Amdt. 3; Eff. date, 4 Sept. 69; Sup. Amdt. No. ADF 1, Amdt. 2, Dated, 4 July 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Casino Int/8-mile DME Fix	Randall Int/4-mile DME Fix (final)	Via LGA R 060°	1800	T-dn	300–1	300–1	300–1½
				C-dn	700–1	700–2	700–2
				A-dn	800–2	800–2	800–2

Radar required.
Procedure turn not authorized.
Minimum altitude on final approach crs (LGA R 060°), over Casino Int/8-mile DME Fix, 1500′; over Randall Int (4-mile DME Fix), 1500′; over facility, 721′.
Crs and distance, facility to airport, 168°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LGA VOR, climb to 2500′ on LGA VOR R 220° to Prospect Int. Hold SW 1-minute left turns, Inbnd crs, 040°.
NOTE: Dual VOR receivers or VOR/DME receivers required for this procedure.
MSA within 25 miles of facility: 000°–090°—2600′; 090°–180°—1600′; 180°–270°—2600′; 270°–360°—2600′.
City, New York; State, N.Y.; Airport name, LaGuardia; Elev., 21′; Fac. Class, L-VOR/DME; Ident., LGA; Procedure No. VOR-1, Amdt. 7; Eff. date, 4 Sept. 69; Sup. Amdt. No. 6; Dated, 10 June 67

Keansburg VHF Int	Prospect Int/9.3-mile DME Fix	Via LGA R 220°	3500	T-dn	300–1	300–1	300–1½
				C-dn	700–2	700–2	700–2
Prospect Int/9.3-mile DME Fix	Diamond Int/5-mile DME Fix (final)	Via LGA R 220°	2500	A-dn	800–2	800–2	800–2

Radar vectoring.
Procedure turn not authorized.
Minimum altitude on final approach crs (LGA R 220°), over Prospect Int (9.3-mile DME Fix), 3500′; over Diamond Int (5-mile DME Fix), 2500′; over facility, 721′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LGA VOR, climb to 4000′ on LGA VOR R 045° to Stamford Int. Cross Scarsdale Int. at 3000′ or above. Hold NE Stamford Int, 1-minute left turns, Inbnd crs, 225°.
NOTE: Dual VOR receivers or VOR/DME receiver required for this procedure.
MSA within 25 miles of facility: 000°–090°—2600′; 090°–180°—1600′; 180°–270°—2600′; 270°–360°—2600′.
City, New York; State, N.Y.; Airport name, LaGuardia; Elev., 21′; Fac. Class., L-VOR/DME; Ident., LGA; Procedure No. VOR-2, Amdt. 8; Eff. date, 4 Sep. 1969; Sup. Amdt. No. 7; Dated, 17 Feb 68

				T-dn	300–1	300–1	300–1½
Mermaid Int	Shad Int	Direct	2000	S-dn-3	400–1	400–1	400–1
Saddle Int	Mermaid Int	Direct	4000	C-dn	800–1	800–1	800–1½
Shad Int	Breakwater Int (final)	Direct	1800	A-dn #	800–2	800–2	800–2

Radar vectoring.
Procedure turn N side of crs, 216° Outbnd, 036° Inbnd, 2500′ within 10 miles of Breakwater Int.
Minimum altitude over Breakwater Int on final approach crs, 1500′.
Crs and distance, Breakwater Int to airport, 036°—4.5 miles. Breakoff point to runway, 036°—0.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of SMO VOR, turn right, climb via R 061° to intercept SLI–306, turn right, climb direct to Stadium Int at 2000′.
NOTE: Use Los Angeles altimeter when control zone not effective.
Alternate minimums not authorized when control zone not effective, except operators with approved weather reporting service.
MSA: 045°–135°—8600′, 135°–225°—2500′; 225°–315°—4000′; 315°–045°—7500′.
City, Santa Monica; State, Calif.; Airport name, Santa Monica Municipal; Elev., 175′; Fac. Class., L-VOR; Ident., SMO; Procedure No. VOR Runway 3, Amdt. 2; Eff. date, 4 Sept. 69; Sup. Amdt. No. Ter VOR-3, Amdt. 1; Dated 1, Aug. 64

DOW RBn	Bowl Int	Direct	3000	T-dn	300–1	300–1	300–1½
POM VOR	San Gabriel Int	Direct	4500	C-dn	700–1	700–1	700–1½
SLI VOR	San Gabriel Int	Direct	3000	A-dn #	800–2	800–2	800–2
San Gabriel Int	Bowl Int	Direct	3000	If aircraft equipped with operating dual VOR or VOR and ADF receivers and Fox Int received, the following minimums apply:			
Bowl Int	Tar Pit Int (final)	Direct	1900	C-dn	800–1	800–1	800–1½

Radar vectoring.
Procedure turn not authorized.
Minimum altitude over Tar Pit Int on final approach crs, 1900′; over Fox Int, 900′.
Crs and distance, Tar Pit Int to airport, 221°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of SMO VOR, climb via SMO R 225° to 2000′ within 15 miles.
NOTE: Use Los Angeles altimeter when control zone not effective.
Alternate minimums not authorized when control zone not effective, except operators with approved weather reporting service.
City, Santa Monica; State, Calif.; Airport name, Santa Monica Municipal; Elev., 175′; Fac. Class., L-VOR; Ident., SMO; Procedure No. VOR R-041, Amdt. 2; Eff. date, 4 Sept. 69; Sup. Amdt. No. 1; Dated, 31 Mar. 66

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Kamuela, Hawaii—Kamuela, VOR Runway 4, Amdt. 1, 5 Aug. 1967 (established under Subpart C).

3. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Kamuela, Hawaii—Kamuela, VOR-2, Amdt. 1, effective 5 Aug. 1967, canceled, effective 4 Sept. 1969.

4. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below-named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
FOT VOR	SE crs ILS (final)	FOT R 034°, 13.6 miles	3500	T-dn/%$	300-1	300-1	200-½
				C-dn**	500-1	500-1	500-2
SE crs ILS	OM (final)	SE crs ILS	(##)	S-dn-31#	200-½	200-½	200-½
14-mile DME FOT, R 136°	Kneeland Int	14 miles CCW arc	5500	A-dn	800-2	800-2	800-2
Yager Int	Kneeland Int	SE crs ILS	5500				
Kneeland Int	OM (final)	SE crs ILS	(##)				

Procedure turn not authorized.
Minimum altitude at glide slope interceptions Inbnd from FOT VOR 3500', from Kneeland Int 5500'.
Altitude of glide slope and distance to approach end of runway at OM, 1759'—4.7 miles; at MM, 480'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a left-climbing turn, climb to 3000' on crs of 205° from the LMM to Trinidad Int.
NOTES: (1) Procedure not authorized with any component of the ILS or airborne receiver inoperative except the approach lights. 3000¾ required if approach lights are inoperative. (2) Back crs unusable. (3) Runway marking nonstandard. Solid bar at 1000' and triangular arrowhead at 2000' from threshold.
**CAUTION: All maneuvering W of airport. High terrain E.
##Descent on glide slope required.
#RVR 2400'. Descent below 417' not authorized unless ALS visible.
$RVR 2400' authorized Runway 31.
%Recommended departures: Northwestbound, climb via 295° bearing from LMM to intercept and proceed V-27; southbound, climb direct FOT VORTAC MCA 3600', thence V-27 or V-195 climb on crs.

City, Arcata-Eureka; State, Calif.; Airport name, Arcata; Elev., 217'; Fac. Class., ILS; Ident., I-ACV; Procedure No. ILS Runway 31, Amdt. 13; Eff. date, 4 Sept. 69; Sup. Amdt. No. 12; Dated, 24 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-13L	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2
				Glide slope inoperative minimums			
				S-dn-13L#	600-1	600-1	600-1

Radar required.
Procedure turn not authorized.
Crs and distance, OM to airport, 132°, 4.1 miles.
Minimum altitude at glide slope interception Inbnd, 1500'.
Altitude of glide slope and distance to approach end of Runway at OM, 1375'—4.1 miles; at MM, 212'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead, intercept and proceed via the JFK R 077° to DPK VORTAC climbing to 3000'. Hold at DPK VORTAC, 1 minute, left turns, 257° Inbnd.
Supplementary charting information: (1) Start profile at glide slope interception altitude. (2) TDZ elevation, 12'.
#Inoperative components table does not apply to HIRL's.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., ILS; Ident., I-TLK; Procedure No. ILS Runway 13W, Amdt. 3; Eff. date, 4 Sept. 69; Sup. Amdt. No. 2; Dated, 31 July 69

5. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing JBR VOR.
ARG VORTAC	JBR VOR	Direct	2000	Climbing left turn to 2000' direct JBR VOR and hold.
Hillemann Int	JBR VOR	Direct	3000	Supplementary charting information: Hold NE of JBR VOR on R 042°-222° inbnd, right turns, 1 minute. Runway 23, TDZ elevation, 258'.

Procedure turn N side of crs. 042° Outbnd, 222° Inbnd, 2000' within 10 miles of JBR VOR.
FAF, JBR VOR. Final approach crs, 222°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over JBR VOR, 1000'.
MSA: 000°-360°—2000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-23	660	1	402	660	1	402	660	1	402	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	820	1	559	820	1	559	860	1¼	599	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Jonesboro; State, Ark.; Airport name, Jonesboro Municipal; Elev., 261'; Facility, JBR; Procedure No. VOR Runway 23, Amdt. Orig.; Eff. date, 4 Sept. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MUE VOF.
Intersection of ITO R 323° and MUE, R 052°	Kawela Int	MUE, R 052°	5500	Climb on R 234° to cross Jacksons Int at 4000', proceed to Mynah Int and hold.
Ochala DME Fix	Kawela Int	ITO R 310°, MUE R 057°, lead radial.	5500	Supplementary charting information: Hold SW, 1 minute, right turns, 054° Inbnd, MHA 4000'.
Intersection of UPP R 062°, and ITO R 310°	Kawela Int	UPP R 062°, MUE R 046°, lead radial.	5500	LRCO 122.1.
Kawela Int	Lux Int	MUE R 052°		

Procedure turn not authorized. Approach crs (profile), starts at Kawela Int.
Final approach crs, 232°.
Minimum altitude over Lux Int, 5500'.
MSA: 000°-060°—11,000'; 060°-180°—15,800'; 180°-270°—11,000'; 270°-360°—7500'.
NOTE: Approach not authorized unless current Kamuela altimeter setting available.
%Northeastbound departures: Climb on R 056° to cross UPP R 067° at 6000' (requires 300 feet/mile climb); southwestbound departures: Climb on R 234° to cross Jacksons Int at 8000'.
**Circling to N not authorized. Rapidly rising terrain.
#Alternate minimums authorized only for air carriers with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C**	3420	1	749	3420	1	749	3420	1¼	749	3580	2	909
A	1000-2#		T 2-eng. or less—600-2 for circling departures; Standard otherwise.%				T over 2-eng.—800-2 for circling departures; Standard otherwise.%					

City, Kamuela; State, Hawaii; Airport name, Kamuela; Elev., 2671'; Facility, MUE; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 4 Sept. 69; Sup Amdt. No. None.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: MUE VOR.
UPP VOR	Jacksons Int (NOPT)	UPP R 174°, MUE R 243°, lead radial.	6000	Climb to 6000' on R 058° to UPP R 067°. Turn left to intercept UPP R 052° and proceed to UPP VOR.
Mynah Int	Jacksons Int (NOPT)	Direct	4000	
Jacksons Int	Puako Int	Direct	4000	Supplementary charting information: LRCO 122.1. Runway 4, TDZ elevation, 2670'.

Procedure turn N side of crs, 234° Outbnd, 054° Inbnd, 4000' within 10 miles of Jacksons Int.
Final approach crs, 054°.
Minimum altitude over Jacksons Int, 4000'; over Puako Int, 4000'.
MSA: 000°–090°—11,000'; 090°–180°—15,800'; 180°–270°—11,000'; 270°–360°—7500'.
NOTE: Approach not authorized unless current Kamuela altimeter setting available.
*Sliding scale not authorized.
°Northeastbound departures: Climb on R 056° to cross UPP R 067° at 6000' (requires 300 feet/mile climb); Southwestbound departures: Climb on R 234° to cross Jacksons Int at 4000'.
#Alternate minimums authorized only for air carriers with approved weather reporting service.
**Circling to N not authorized. Rapidly rising terrain.

DAY AND NIGHT MINIMUMS

Cond	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-4*	2980	1	310	2980	1	310	2980	1	310	2980	1	310
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C**	3180	1	504	3200	1	529	3220	1½	549	3580	2	909
A	900–2#		T 2-eng. or less—600–2 for circling departures: Standard otherwise °.				T over 2-eng.—800–2 for circling departures; Standard otherwise °.					

City, Kamuela; State, Hawaii: Airport name; Kamuela; Elev., 2671'; Facility, MUE Procedure No. VOR Runway 4, Amdt. 2; Eff. date, 4 Sept. 69; Sup. Amdt. No. 1; Dated, 5 Aug. 67

6. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: DTN VOR.
SHV VORTAC	TEE VEE Int	Direct	3000	Climb to 1800' on DTN R 131° within 20 miles.
TEE VEE Int	Lee Int (NOPT)	Direct	1700	
BAD VOR	DTN VOR	Direct	3000	Supplementary charting information: Depict tower 2049', 13 miles NW of airport.
DTN VOR	Lee Int	Direct	3000	

Procedure turn N side of crs, 306° Outbnd, 126° Inbnd, 3000' within 10 miles of Lee Int.
Final approach crs, 126°.
Minimum altitude over Tee Vee Int, 3000'; over Lee Int, 1700'.
MSA: 000°–270°—1800', 270°–360°—3100'.
NOTES: (1) Radar vectoring. (2) Dual VOR equipment required or radar vector to final approach course SE of 2049' tower.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C VIS	D VIS
S-14	680	1	501	680	1	501	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	780	1	601	780	1	601	NA	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Shreveport; State, La.; Airport name, Shreveport Downtown; Elev., 179'; Facility, DTN; Procedure No. VOR Runway 14, Amdt. 7; Eff. date, 4 Sept. 69; Sup. Amdt. No. 6; Dated, 3 July 69

7. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: BVX NDB.
ARG VORTAC	BVX NDB	Direct	2500	Climbing right turn to 2300' direct BVX NDB and hold. Supplementary charting information: Hold E of BVX NDB on bearing 100°–280° Inbnd, right turns, 1 minute.

Procedure turn N side of crs, 100° Outbnd, 280° Inbnd, 2300' within 10 miles of BVX NDB.
Final approach crs, 280°.
Minimum altitude over BVX NDB, 1140'.
MSA: 000°–180°—2000'; 180°–360°—2500'.
NOTE: When Walnut Ridge, Ark., altimeter setting not available, use Jonesboro, Ark., altimeter setting and increase MDA 40'

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C VIS	D VIS
C	1140	1	677	1140	1	677	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Batesville; State, Ark.; Airport name, Batesville Municipal; Elev., 463'; Facility, BVX; Procedure No. NDB (ADF)-1, Amdt. 2; Eff. date, 4 Sept. 69; Sup. Amdt. No. 1; Dated, 16 Jan. 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: PGR NDB.
AGR VORTAC	PGR NDB	Direct	2100	Climb to 2100', left turn direct PGR NDB and hold. Supplementary charting information: Hold S of PGR NDB on bearing 230°–050° Inbnd, 1 minute, left turns.

Procedure turn W side of crs, 230° Outbnd, 050° Inbnd, 2100' within 10 miles of PGR NDB.
Final approach crs, 050°.
Minimum altitude over PGR NDB, 1000'.
MSA: 000°–360°—2000'.
NOTE: Use Jonesboro, Ark., FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C VIS	D VIS
S-05	1000	1	709	1000	1	709	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1000	1	709	1000	1	709	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Paragould; State, Ark.; Airport name, Paragould Municipal; Elev., 291'; Facility, PGR; Procedure No. NDB (ADF) Runway 5, Amdt. 2; Eff. date, 4 Sept. 69; Sup. Amdt. No. 1; Dated, 8 Aug. 68

8. By amending § 97.27 of Subpart C to cancel nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

Lewisburg, W. Va.—Greenbrier Valley, NDB (ADF) Runway 4, Orig., effective 3 Apr. 1969, canceled, effective 4 Sept. 1969.

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on July 30, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-9177; Filed, Aug. 14, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 23,077]

PART 545—OPERATIONS

Applications for Branch Offices

Correction

In F.R. Doc. 69-9165, appearing at page 12661, in the issue for Tuesday, August 5, 1969, make the following change: In § 545.14, following paragraph (b), delete the paragraph designation "(c)" and the three asterisks preceding "*Provided, however*".

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[12th Gen. Rev. of Export Regs. (Amdt. 3)]

PART 374—REEXPORTS

PART 386—EXPORT CLEARANCE

Miscellaneous Amendments

Parts 374 and 386 of the Code of Federal Regulations are amended as set forth below.

Effective Date: September 1, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

Section 374.1 is amended to read as follows:

§ 374.1 Prohibited exports and reexports.

Unless the reexport of a commodity previously exported from the United States has been specifically authorized by the Office of Export Control, in writing, prior to its reexport, or is authorized under the provisions of § 374.2, or is otherwise authorized under any other provision of the Export Control Regulations, no person in the United States or in a foreign country (including Canada) may:

(a) Reexport such commodity directly or indirectly, in whole or in part, from the authorized country or countries of ultimate destination; or

(b) Export such commodity from the United States with the knowledge that it is to be reexported, directly or indirectly, in whole or in part, from the authorized country or countries of ultimate destination.

In § 386.8, (d)(1) is amended to read as follows:

§ 386.8 Customs clearance at ports of origin.

* * * * * *

(d) * * *

(1) Ports of origin for clearance of either air shipments or surface shipments.

Baltimore, Md.	Los Angeles, Calif.
Buffalo, N.Y.	New Orleans, La.
Charlotte, N.C.	New York, N.Y.
Chicago, Ill.	Philadelphia, Pa.
Cleveland, Ohio	St. Louis, Mo.
Dayton, Ohio	Salt Lake City, Utah
Detroit, Mich.	San Francisco, Calif.
Houston, Tex.	Tulsa, Okla.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

[F.R. Doc. 69-9643; Filed, Aug. 14, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Credit Reporting Plan by Trade Association

§ 15.361 Credit reporting plan by trade association.

(a) In response to a request for an advisory opinion, the Commission ruled that it would interpose no objection to a credit reporting plan by a trade association, as long as five conditions are met.

(b) The proposed plan would cover only past due accounts in three categories: (1) Where legal suit has been filed, (2) those accounts which have been turned over to a bona fide collection agency, and (3) where the debtor has gone into bankruptcy. The secretary of the association would keep a list of such accounts reported to her by the active members. In response to an inquiry from an active member concerning a particular customer, the secretary would, without disclosing the name of the reporting member, advise the inquiring member whether or not any one of the three aforementioned adverse credit actions had been reported. Available only upon the specific request of an active member, the credit information would not be for broad publication to all members of the association.

(c) In addition, a reporting member would have to submit evidence in support of any one of the three adverse credit actions being reported. Absent such evidence, the reporting member would have to refer the secretary of the association to a reliable source where this information could be confirmed. The purpose of this requirement is to prevent the reporting of any rumors with respect to a customer's credit rating.

(d) The Commission advised that the exchange of credit information concerning delinquent debtors through a trade association is not unlawful under section 5 of the FTC Act provided:

(1) The members of the association are left free to determine on the basis of their individual judgment whether or not to sell to delinquent debtors and on what terms;

(2) There is no agreement among members in regard to credit terms, prices, or any other joint action which illegally restrains trade;

(3) That the reporting member indicates that a debt turned over to a collection agency was treated by the debtor as offset or was otherwise disputed, where that is the case;

(4) The association furnishes to the debtor the same credit information reported by a member at the time the request is answered; and

(5) In order for the debtor to have the opportunity to correct his credit record, if he believes it needs correcting, the association must pass on to the inquiring member any explanatory statements which the debtor may submit; the identity of the inquiring member need not be revealed to the debtor. As long as the proposed plan meets these five requirements in actual operation, the Commission would interpose no objection with respect thereto.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: August 14, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-9609; Filed, Aug. 14, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Full Disclosure of Facts Necessary When Seller of One Product Makes Gift of Another Product to Purchaser in Exchange for Names of Prospective Purchasers

§ 15.362 Full disclosure of facts necessary when seller of one product makes gift of another product to purchaser in exchange for names of prospective purchasers.

In response to a request for an advisory opinion, the Commission advised a manufacturer under an order prohibiting it from representing, directly or indirectly, that its products can be had at no cost to the purchaser or that such products can be had in exchange for the names of a given number of prospective purchasers, unless a full and complete disclosure is made of the facts and circumstances surrounding the offer, that it considered the following to constitute sufficient disclosure:

(a) Purchaser to furnish, at time of purchase, the names and addresses of six prospective purchasers.

(b) Prospects must reside in the sales area of manufacturer's distributor making the original sale.

(c) For voluntarily furnishing such names and addresses purchaser will receive, without charge, another specifically designated product of the manufacturer.

(d) The additional product will be presented immediately upon completion by the purchaser of the names and addresses of the six prospective purchasers requested.

(e) Any representation or arrangement not contained in this disclosure shall not be binding upon the manufacturer or its distributor.

(f) No purchaser is required to participate in the program. Participation is strictly voluntary on the part of the purchaser.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: August 14, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-9610; Filed, Aug. 14, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Pricing of Replacement Glass for Automobiles

§ 15.363 Pricing of replacement glass for automobiles.

(a) The Commission issued an advisory opinion with respect to the pricing system of a dealer in replacement glass for automobiles.

(b) The dealer would grant discounts from the list price of automobile window glass to all customers. If an individual purchases a window, he would receive a discount of 20 percent from list price. If an insurance company sends the individual in, the discount would be 30 percent. (In this case, the bill would be sent to the insurance company and the individual.) If an automobile garage purchases the glass, the discount would be 50 percent. All sales are made within one State.

(c) The Commission expressed the view that implementation of the proposal in the manner described and under the circumstances stated probably would not violate any law administered by the Commission.

(38 Stat. 717, as amended; 15 U.S.C. 41–58, 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: August 14, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-9611; Filed, Aug. 14, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2315) filed by Allied Chemical Corp., Post Office Box 70, Morristown, N.J. 07960, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of an additional optional substance, as set forth below, as a component of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2520 Adhesives.

* * * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
epsilon-Caprolactam-(ethylene-ethyl acrylate) graft polymer.	----------
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 6, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9624; Filed, Aug. 14, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2378) filed by General Mills, Inc., 2010 East Hennepin Avenue, Minneapolis, Minn. 55413, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of an additional optional substance, as set forth below, in the formulation of paper and paperboard for use in contact with aqueous and fatty foods. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * * *

(a) * * *

(5) * * *

List of substances	*Limitations*
* * *	* * *
Sodium carboxymethyl guar gum having a viscosity of 2,700–3,300 centipoises at 25° C. after 24 hours as determined by RV-series Brookfield viscometer (or equivalent) using a No. 4 spindle at 20 r.p.m. and using a test sample prepared by dissolving 8 grams of sodium carboxymethyl guar gum in 392 milliliters of 0.2 percent by weight aqueous sodium *o*-phenylphenate solution.	For use only as a dry-strength and formation-aid agent employed prior to the sheet-forming operation in the manufacture of paper and paperboard and used at a level not to exceed 1.0 percent by weight of finished dry paper or paperboard fibers.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 6, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9625; Filed, Aug. 14, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SODIUM PENTACHLOROPHENATE

An amendment to § 121.2514(b)(3)(xxxii) was promulgated on October 10, 1968 (33 F.R. 15114) to provide for the safe use of sodium pentachlorophenate as a preservative in the manufacture of sealing compounds. Subsequently, the petitioner indicated that his proposal, notice of which was published July 1, 1968 (33 F.R. 9969), was intended to include the safe use of sodium pentachlorophenate as a preservative in can end cements.

The Commissioner of Food and Drugs, having again evaluated the data in the petition (PAP 8H2310) filed by Dewey & Almy Division of W. R. Grace & Co., 62 Whittemore Avenue, Cambridge, Mass. 02140, and other relevant material, concludes that the food additive regulations should be amended to provide for the additional safe use of sodium pentachlorophenate as set forth below. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2514(b)(3)(xxxi) is amended by alphabetically inserting in the list of can end cements a new item as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * * *

(b) * * *

(3) * * *

(xxxi) * * *

Sodium pentachlorophenate for use as a preservative at 0.1 percent by weight in can-sealing compounds on containers having a capacity of 5 gallons or more.	

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 8, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9626; Filed, Aug. 14, 1969; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.607]

SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

REVISION OF THE U.S. MUNITIONS LIST

Parts 121 through 127 of Title 22 of the Code of Federal Regulations were revised and Part 128 added at page 12029 in the FEDERAL REGISTER of July 17, 1969. The revision did not include § 121.01. Accordingly, § 121.01 is revised and amendments are made in certain parts of Subchapter M to reflect the revised § 121.01, as set forth below.

PART 121—ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

Section 121.01 is revised to read as follows:

ENUMERATION OF ARTICLES

§ 121.01 The U.S. munitions list.

Pursuant to the authority cited supra the following articles[1] are hereby designated as arms, ammunition, and implements of war.

CATEGORY I—FIREARMS

(a) Nonautomatic and semiautomatic firearms, to caliber .50 inclusive, shotguns with barrels less than 18 inches in length, and all components and parts therefor (see §§ 121.03 and 123.30 through 123.34).

(b) Automatic firearms and all components and parts therefor to caliber .50 inclusive (see § 121.03).

(c) Insurgency-counterinsurgency type firearms or other weapons having a special military application regardless of caliber; and all components and parts therefor.

(d) Firearms silencers.

(e) Bayonets and specifically designed components therefor.

(f) Riflescopes (except sporting type sights including optical) and specifically designed components therefor.

[1] The term "article" shall mean any of the arms, ammunition, and implements of war and technical data relating thereto enumerated in the U.S. Munitions List (see § 123.38).

CATEGORY II—ARTILLERY AND PROJECTORS

(a) Guns over caliber .50, howitzers, mortars, and recoilless rifles.

(b) Military flame throwers and projectors.

(c) Components and parts including, but not limited to, mounts and carriages for the articles in paragraphs (a) and (b) of this category.

CATEGORY III—AMMUNITION

(a) Ammunition for the arms in Categories I and II of this section (see §§ 123.03 and 121.04).

(b) The following components, parts, accessories, and attachments: Cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun), projectiles, boosters, fuzes and components therefor, primers, and other detonating devices for such ammunition (see § 121.04).

(c) Ammunition belting and linking machines.

(d) Ammunition manufacturing machines, and ammunition loading machines (except hand loading).

CATEGORY IV—LAUNCH VEHICLES, GUIDED MISSILES, BALLISTIC MISSILES, ROCKETS, TORPEDOES, BOMBS, AND MINES

(a) Launch vehicles, guided missiles, ballistic missiles, bombs, grenades, rockets, torpedoes, rocket torpedoes, depth charges, land and naval mines, and military demolition blocks and blasting caps (see § 121.05).

(b) Apparatus, devices, and materials for the handling, control, activation, detection, protection, discharge, or detonation of the articles in paragraph (a) of this category (see § 121.06).

(c) Missile and space vehicle powerplants.

(d) Military explosive excavating devices.

(e) Filament winding machines designed for or modified for the manufacture of structural forms, for articles in this category.

(f) Ablative materials fabricated or semi-fabricated from advanced composites (e.g., silica, graphite, carbon, and boron filaments) for the articles in this category, including the tape wrapping and other techniques for their production.

(g) All specifically designed components, parts, accessories, attachments, associated equipment, and specialized production equipment for the articles in this category.

CATEGORY V—PROPELLANTS, EXPLOSIVES, AND INCENDIARY AGENTS

(a) Propellants for the articles in Categories III and IV of this section (see § 121.09).

(b) Military explosives (see § 121.10).

(c) Military fuel thickeners (see § 121.11).

(d) Military pyrotechnics.

CATEGORY VI—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

(a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships (see § 121.12).

(b) Turrets and gun mounts, missile systems, arresting gear, special weapons systems, protective systems, submarine storage batteries, catapults and other components, parts, attachments, and accessories specifically designed for combatant vessels, including but not limited to, battleships, command ships, guided missile ships, cruisers, aircraft carriers, destroyers, frigates, escorts, minesweepers, and submarines.

(c) Submarine and torpedo nets, and mine sweeping equipment. Components, parts, attachments and accessories specifically designed therefor.

(d) Harbor entrance magnetic, pressure, and acoustic detection devices, controls and components thereof.

(e) Naval nuclear propulsion plants, their land prototypes and special facilities for their construction, support, and maintenance, including any machinery, device, component, or equipment specifically developed or designed for use in such plants or facilities[2] (see § 123.38).

CATEGORY VII—TANKS AND MILITARY VEHICLES

(a) Military type armed or armored vehicles, military railway trains, and vehicles fitted with, designed or modified to accommodate mountings for arms or other specialized military equipment.

(b) Military tanks, tank recovery vehicles, half-tracks and gun carriers.

(c) Self-propelled guns and howitzers.

(d) Military trucks, trailers, hoists, and skids specifically designed for carrying and handling the articles in paragraph (a) of Categories III and IV; military mobile repair shops specifically designed to service military equipment.

(e) Military recovery vehicles.

(f) Amphibious vehicles (see § 121.07).

(g) All specifically designed components, parts, accessories, attachments, and associated equipment, including military bridging and deep water fording kits for the articles in this Category.

CATEGORY VIII—AIRCRAFT, SPACECRAFT, AND ASSOCIATED EQUIPMENT

(a) Aircraft including helicopters designed, modified, or equipped for military purposes, including but not limited to the following: Gunnery, bombing, rocket, or missile launching, electronic surveillance, reconnaissance, refueling, aerial mapping, military liaison, cargo carrying or dropping, personnel dropping, military trainers, drones, and lighter-than-air aircraft (see § 121.13).

(b) Spacecraft including manned and unmanned, active and passive satellites.

(c) Military aircraft engines, except reciprocating engines, and spacecraft engines specifically designed or modified for the aircraft and spacecraft in paragraphs (a) and (b) of this category.

(d) Airborne equipment, including but not limited to JATO units and airborne refueling equipment, specifically designed for use with the aircraft, spacecraft, and engines of the types in paragraphs (a), (b), and (c) of this category.

(e) Launching, arresting, and recovery equipment for the articles in paragraphs (a) and (b) of this category.

(f) Nonexpansive balloons in excess of 3,000 cubic feet capacity, except such types as are in normal sporting use.

(g) Power supplies and energy sources specifically designed for spacecraft.

(h) Components, parts, accessories, attachments, and associated equipment, including propellers and airfield matting, specifically designed or modified for the articles in paragraphs (a) through (g) of this category.

[2] Applications for licensing the export of any such machinery, device, component, or equipment, or technical data relating thereto, will not be granted if the proposed export does not come within the scope of an existing Agreement for Cooperation for Mutual Defense Purposes concluded pursuant to the Atomic Energy Act of 1954, as amended, with the government of the country to which the item will be exported; unless the license application involves an item (a) which is identical to that in use in an unclassified civilian nuclear powerplant, and its furnishing does not disclose its relationship to naval nuclear propulsion, and (b) which is not for use in a naval propulsion plant.

(i) Developmental aircraft components known to have a significant military application.

(j) Parachutes, except such types as are in normal sporting use, and complete canopies, harnesses, and platforms, and electronic release mechanisms therefor.

(k) Ground effect machines (GEMS), including surface effect machines and other air cushion vehicles, except such machines as are in normal commercial use, and all components, parts, accessories, attachments, and associated equipment specifically designed or modified for use with such machines.

(l) Inertial systems, and specifically designed components therefor, inherently capable of yielding accuracies of better than 1 to 2 nautical miles per hour c.e.p.

CATEGORY IX—MILITARY TRAINING EQUIPMENT

(a) Military training equipment includes but is not limited to attack trainers, radar target trainers, radar target generators, gunnery training devices, antisubmarine warfare trainers, target equipment, armament trainers, pilotless aircraft trainers, mobile training units, military flight simulation devices, operational flight trainers, flight simulators, radar trainers, instrument flight trainers and navigation trainers.

(b) Components, parts, accessories, attachments, and associated equipment specifically designed or modified for the articles in paragraph (a) of this category.

CATEGORY X—PROTECTIVE PERSONNEL EQUIPMENT

(a) Military body armor (including armored vests), flak suits and components and parts specifically designed therefor; military helmets, including liners.

(b) Partial pressure suits, pressurized breathing equipment, military oxygen masks, anti-"G" suits, protective clothing for handling guided missile fuel, military crash helmets, liquid oxygen converters used for aircraft (enumerated in Category VIII(a)), missiles, catapults, and cartridge-actuated devices utilized in emergency escape of personnel from aircraft (enumerated in Category VIII(a)).

(c) Protective apparel and equipment specifically designed for use with the articles in paragraphs (a) through (d) in Category XIV.

(d) Components, parts, accessories, attachments, and associated equipment specifically designed for use with the articles in paragraphs (a), (b) and (c) of this category.

CATEGORY XI—MILITARY AND SPACE ELECTRONICS

(a) Electronic equipment assigned a military designation including, but not limited to, the following items: Radar, active and passive countermeasures, counter countermeasures, underwater sound, computers, navigation, guidance, electronic fuzes, object-locating methods and means, displays that represent signals of military use, identification systems, missile and antimissile systems, telemetering and communications electronic equipment; and, regardless of designation, any experimental or developmental electronic equipment specifically designed or modified for military application, or for use with a military system.

(b) Electronic equipment specifically designed or modified for spacecraft and spaceflight.

(c) Components, parts, accessories, attachments, and associated equipment specifically designed for use or currently used with the equipment in paragraphs (a) and (b) of this category, except such items as are in normal commercial use.

CATEGORY XII—FIRE CONTROL, RANGE FINDER, OPTICAL AND GUIDANCE AND CONTROL EQUIPMENT

(a) Fire control systems; gun and missile tracking and guidance systems; military infrared, image intensifier and other night sighting and night viewing equipment; military masers and military lasers; gun laying equipment; range, position and height finders and spotting instruments; aiming devices (electronic, gyroscopic, optic, and acoustic); bomb sights, bombing computers, military television sighting and viewing units, inertial platforms, and periscopes for the articles of this section.

(b) Inertial and other weapons or space vehicle guidance and control systems; spacecraft guidance, control and stabilization systems; astro compasses; and star trackers.

(c) Components, parts, accessories, attachments, and associated equipment specifically designed or modified for the articles in paragraphs (a) and (b) of this category, except such items as are in normal commercial use.

CATEGORY XIII—AUXILIARY MILITARY EQUIPMENT

(a) Aerial cameras, space cameras, special purpose military cameras, and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting, and photogrammetry equipment, and specifically designed components therefor.

(b) Speech scramblers, cryptographic devices (encoding and decoding), and specifically designed components therefor, ancillary equipment, and especially devised protective apparatus for such devices, components, and equipment.

(c) Self-contained diving and underwater breathing apparatus designed for a military purpose and specifically designed components therefor.

(d) Armor plate.

(e) Concealment and deception equipment, including but not limited to, special paints, decoys, and simulators, components, parts and accessories specifically designed therefor.

(f) Energy conversion devices for producing electrical energy from nuclear, thermal, or solar energy, or from chemical reaction, specifically designed or modified for military application.

(g) Chemiluminescent compounds and solid state devices specifically designed or modified for military application.

CATEGORY XIV—TOXICOLOGICAL AGENTS AND EQUIPMENT; RADIOLOGICAL EQUIPMENT

(a) Chemical agents, including lung irritants, vesicants, lachrymators, and tear gases, sternutators and irritant smoke, and nerve gases and incapacitating agents (see § 121.08).

(b) Biological agents adapted for use in war to produce death or disablement in human beings or animals or to damage crops and plants.

(c) Equipment for dissemination, detection, and identification of, and defense against the articles in paragraphs (a) and (b) of this Category (see § 123.31).

(d) Nuclear radiation detection and measuring devices, except such devices as are in normal commercial use.

(e) Components, parts, accessories, attachments, and associated equipment specifically designed or modified for the articles in paragraphs (c) and (d) of this category.

CATEGORY XV—HELIUM GAS

Contained helium and admixtures thereof (see §§ 121.14 and 123.36).

CATEGORY XVI—NUCLEAR WEAPONS DESIGN AND TEST EQUIPMENT[1]

(a) Any article, material, equipment, or device, which is specifically designed or specifically modified for use in the design, development, or fabrication of nuclear weapons or nuclear explosive devices.

(b) Any article, material, equipment, or device, which is specifically designed or specifically modified for use in the devising, carrying out, or evaluating of nuclear weapons tests or any other nuclear explosions except such items as are in normal commercial use for other purposes.

(c) Cold cathode tubes such as krytrons and sprytrons.

CATEGORY XVII—CLASSIFIED ARTICLES

All articles including technical data relating thereto, not enumerated herein, containing information which is classified as requiring protection in the interests of national defense.

CATEGORY XVIII—TECHNICAL DATA

Technical data relating to the articles designated in this subchapter as arms, ammunition, and implements of war (see § 125.01 for definition and § 125.11 for exemptions; see also § 123.38).

CATEGORY XIX—[RESERVED]

CATEGORY XX—OCEANOGRAPHIC AND ASSOCIATED EQUIPMENT[4]

(a) Submersible vessels, manned and unmanned, designed for military purposes or having independent capability to maneuver vertically or horizontally at depths below 1,000 feet.

(b) Submersible vessels, manned or unmanned, designed in whole or in part from technology developed by or for the U.S. Armed Forces.

(c) Any of the articles in Categories VI, IX, XI, XIII and elsewhere in § 121.01 of this subchapter that may be used with submersible vessels.

(d) Equipment, components, parts, accessories, and attachments designed specifically for any of the articles in paragraphs (a) and (b) of this category.

CATEGORY XXI—[RESERVED]

CATEGORY XXII—MISCELLANEOUS ARTICLES

Any article and technical data relating thereto not enumerated herein having significant military applicability, determined by the Director, Office of Munitions Control, Department of State, in consultation with appropriate agencies of the Government and having the concurrence of the Department of Defense.

PART 123—LICENSES FOR UNCLASSIFIED ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

1. Footnote 3 of § 123.10 is revised to read as follows:

§ 123.10 Country of ultimate destination.

* * * * *

[1] Significant combat equipment shall include the articles (not including technical data) enumerated in Categories I (a), (b), and (c) (in quantity); II (a) and (b); III(a) (excluding ammunition for firearms in category I); IV (a), (c), and (d); V(b) (in quantity); VI(a) (limited to combatant vessels as defined in § 121.12(a) of this subchapter), (b) (inclusive only of turrets and gun mounts, missile systems, and special weapons systems) and (e); VII (a), (b), (c), and (f); VIII (a), (b), (c), GEMS as defined in (k), and inertial systems as defined in (l); XII (a); XIV (a), (b), (c), and (d); XVI; XVII; and XX (a) and (b).

[2] See § 123.38. See also Department of Commerce Export Regulations, 15 CFR 373.7.

[4] Any oceanographic and associated equipment assigned a military designation shall constitute an article on the U.S. Munitions List, whether expressly enumerated therein.

2. In § 123.12, a new paragraph (g) is added to read as follows:

§ 123.12 Canadian shipments.

* * * * *

(g) Oceanographic vessels as defined in Category XX.

PART 124—MANUFACTURING LICENSE AND TECHNICAL ASSISTANCE AGREEMENTS

Footnote 1 of § 124.10 is revised to read as follows:

PROCEDURES

§ 124.10 Required information in agreements.

* * * * *

[1] Significant combat equipment shall include the articles (not including technical data) enumerated in Categories I (a), (b), and (c) (in quantity); II (a) and (b); III(a) (excluding ammunition for firearms in category I); IV (a), (c), and (d); V(b) (in quantity); VI(a) (limited to combatant vessels as defined in § 121.12(a) of this subchapter); (b) (inclusive only of turrets and gun mounts, missile systems, and special weapons systems) and (e); VII (a), (b), (c), and (f); VIII (a), (b), (c), GEMS as defined in (k), and inertial systems as defined in (l); XII (a); XIV (a), (b), (c), and (d); XVI; XVII; and XX (a) and (b).

(Sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9025, 28 F.R. 7231; and Redelegation of Authority No. 104-3-A, 28 F.R. 7231)

Effective date: These regulations shall be effective upon publication in the FEDERAL REGISTER, except the following articles shall not be subject to Department of State licensing until 42 days after publication: Protective apparel and equipment specifically designed for use with the articles in Category XIV (a) through (d); speech scramblers, ancillary equipment, and especially devised protective apparatus for cryptographic devices, components, and equipment as described in Category XIII(b); and cold cathode tubes as described in Category XVI(c).

ELLIOT L. RICHARDSON,
Acting Secretary of State.

[F.R. Doc. 69-9642; Filed, Aug. 14, 1969; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter V—Smithsonian Institution

PART 510—SCIENCE INFORMATION EXCHANGE

The Science Information Exchange of the Smithsonian Institution has found it necessary to begin charging fees for its services to all users. The fees and a description of services are set out in a revision of Part 510 of Chapter V of Title 36 of the Code of Federal Regulations, which is revised to read as follows:

Sec.
510.1 Nature of exchange.
510.2 Purpose of part.
510.3 Procedure for obtaining records.
510.4 Types of services and fees.

AUTHORITY: The provisions of this Part 510 issued under 5 U.S.C. 552, 559.

§ 510.1 Nature of exchange.

The Science Information Exchange (SIE) of the Smithsonian Institution, under contract with the National Science Foundation, collects one-page records of research currently in progress. These records are coded into a computer-based system designed to provide information to assist and facilitate the management of Federal research programs and projects by research administrators, directors, and scientists and their grantees and contractors.

§ 510.2 Purpose of part.

This part is designed to assist Government agencies in complying with the provisions of section 3(c) of the Administrative Procedure Act of 1946, as revised by Public Law 89-487, of July 4, 1966 (5 U.S.C. 552(a)(3)).

§ 510.3 Procedure for obtaining records.

(a) Consistent with the instructions found in the Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act (Government Printing Office, June 1967), records of Government-sponsored research in progress may be obtained at the Science Information Exchange, Smithsonian Institution, using the procedure set forth in paragraph (b) of this section.

(b) Desired records or information may be secured by preparing a "Request for Services" form and submitting it to the Science Information Exchange, Room 300, 209 Madison National Bank Building, 1730 M Street NW., Washington, D.C. 20036. Each order form should include the name, address, and zip code of the user. All reasonable efforts will be made to assure that documents ordered will be retrieved and copies mailed to the user as soon as possible after receipt of the executed order form. Users are cautioned, however, that these records do not originate at the Science Information Exchange and that they are continually received, terminated, updated and changed. Thus, records may be obsolete at any time after selection date.

§ 510.4 Types of services and fees.

(a) The fees established below will be charged to all users, including Government agencies, without exception. They may be paid by check or money order made payable to the order of the Smithsonian Institution.

(b) The following services are commonly known as "document retrieval":

(1) *Subject search question.* A subject search question involves "subject" requests, i.e., the user asks for all "Notices of Research Project" related to a specific subject or topic. It is comparable to a bibliographic search. Fee per question: $60 Screened, or $30 Unscreened for the first 100 documents sent; a charge of $5 will be made for each additional 100 documents or fraction thereof. If requests for more than one search are made at the same time, special rates are applicable for unscreened searches. Fees are $30 for the first search and $15 for each additional one.

(2) *Periodic mailing.* Periodic mailing is a service based on a "profile" of a user's interest in a subject field, and involves quarterly mailing of "Notices of Research Project" on a continuing arrangment. It is a type of "selective dissemination" provided as an extension of the subject request service. Fee: $60 for initial mailing and $30 for each quarterly mailing for the first 100 documents sent; a charge of $5 will be made for each additional 100 documents or fraction thereof.

(3) *Investigator search.* Investigator search is the response to a request for all "Notices of Research Project" associated with a given name (investigator). Fee per name searched: $3 ($9 minimum).

(4) *Accession number retrieval.* Accession number retrieval is the response to a request for "Notices of Research Project" identified by agency accession (or contract) number or by SIE Accession Number. Fee: Per accession number $1 ($5 minimum).

(c) The following are compilations of extracted data elements and are not "document retrieval" per se. These services are primarily used by research or program directors and administrators.

(1) *Standard computer tabulations of projects.* Standard Computer tabulations of projects are generated by computer using one or a variety of standard computer programs. These tabulations include various combinations of the following data elements: Supporting agency, principal investigator, accession number, performing organization, location, and title of project. Fee per Tabulation: $120 plus 35 cents per computer page.

(2) *Subject-field catalogs.* Subject-field catalogs are the collection and identification of all "Notices of Research Project" pertinent and related to a broad subject field. Example: Water Resources Research Catalog. Fee: Negotiated.

(3) *Special compilations.* Special compilations are generated by computer to the specification of the user. Fee: Negotiated.

S. DILLON RIPLEY,
Secretary.

[F.R. Doc. 69-9641; Filed, Aug. 14, 1969; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Certain Transactions Incident to Travel to and in Mainland China

The Foreign Assets Control Regulations are being amended by the addition of § 500.545 to authorize certain transactions incident to travel to and in mainland China.

The Regulations in this part are hereby amended by the addition of § 500.545 which shall read as follows:

§ 500.545 Certain transactions incident to travel to and in mainland China.

(a) All persons bearing a U.S. passport valid for travel in mainland China are authorized to engage in the following transactions:

(1) All transactions ordinarily incident to travel to and from mainland China.

(2) All transactions ordinarily incident to travel in mainland China, including living expenses and the acquisition in mainland China of goods for personal consumption therein; and,

(3) The purchase of goods for importation into the United States to the extent authorized by § 500.540.

(b) Persons who are in mainland China for the purpose of gathering news for dissemination in the United States are also authorized to acquire for transmission to the United States such photographs, films, magazines, newspapers, and similar publications as are directly related to their news-gathering activities. Customs transactions incident to the importation of such merchandise are authorized notwithstanding the provisions of § 500.808.

(c) Payments authorized hereunder may only be made in foreign currency or by travelers' check.

(d) Persons who travel in mainland China with a passport validated for such travel are licensed as unblocked nationals provided that this license does not authorize any transaction prohibited by any other section of this part and not authorized by this section.

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director, Office of Foreign Assets Control.

[F.R. Doc. 69-9702; Filed, Aug. 14, 1969; 8:48 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 74—CLINICAL LABORATORIES

Cytotechnologists

The current requirement in Part 74 relating to the date prior to which cytotechnologists must have obtained qualifying education, training, and experience has been determined to be unduly restrictive. The result of continuing the requirement in effect would be to unnecessarily intensify an existing, acute shortage of available cytotechnologists. Section 74.31(j), as hereby amended, incorporates a change in this date from January 1, 1960, to January 1, 1969, omits an unnecessary reference to the Council on Medical Education, and reflects minor editorial corrections.

Notice of proposed rule making and public rule making procedures have been omitted as contrary to the public interest. These amendments shall be effective immediately upon publication in the FEDERAL REGISTER.

Section 74.31(j) of Part 74, 42 CFR is amended to provide as follows:

§ 74.31 Exceptions and additions.

* * * * *

(j) Each cytotechnologist shall possess a current license as a cytotechnologist issued by the State, if such licensing exists, and (1) shall have succesfully completed 2 years in an accredited college or university with at least 12 semester hours in biology courses pertinent to the medical sciences and must have received 12 months of training in a school of cytotechnology approved by the American Medical Association, or (2) received 6 months of formal training in a school of cytotechnology approved by the American Medical Association and 6 months of full-time experience in cytotechnology in a laboratory acceptable to the pathologist who directed such formal 6 months of training, or (3) prior to January 1, 1969, shall have been graduated from high school, completed 6 months of training in cytotechnology in a laboratory directed by a pathologist or other physician recognized as a specialist in cytology, and completed 2 years of full-time experience in cytotechnology.

* * * * *

(§ 215, 58 Stat. 690; 42 U.S.C. 216)

Dated: August 11, 1969.

JOSEPH T. ENGLISH,
Administrator, Health Services and Mental Health Administration.

Approved:

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-9655; Filed, Aug. 14, 1969; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1033]

PART 1033—CAR SERVICE

Seaboard Coast Line Railroad Company Authorized To Operate Over Tracks of Georgia Rail Road & Banking Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 11th day of August 1969.

It appearing, that because of the deteriorated condition of a bridge located at Whiteford Street, Inman Park Branch, in the city of Atlanta, Ga., the Seaboard Coast Line Railroad Co. is unable to serve shippers located on this line between Belt Junction, Ga., and Inman Park, Ga.; that the Georgia Rail Road & Banking Co. has agreed to permit joint use of 7,816 feet of its parallel tracks in Atlanta, Ga., by the Seaboard Coast Line Railroad Co.; that the Commission is of the opinion that operation by the Seaboard Coast Line Railroad Co. over 7,816 feet of tracks of the Georgia Rail Road & Banking Co., is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1033 Seaboard Coast Line Railroad Co. authorized to operate over tracks of the Georgia Rail Road & Banking Co.

(a) The Seaboard Coast Line Railroad Co. be, and it is hereby, authorized to operate over 7,816 feet of tracks of the Georgia Rail Road & Banking Co. between a point east of Howard Street to a point west of LaFrance Street, both in Atlanta, Ga.

(b) *Application.* The provisions of this section shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Seaboard Coast Line Railroad Co. over tracks of the Georgia Rail Road & Banking Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Seaboard Coast Line Railroad Co. over these tracks of the Georgia Rail Road & Banking Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This section shall become effective at 12:01 a.m., August 15, 1969.

(e) *Expiration date.* The provisions of this section shall expire at 11:59 p.m., March 31, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10–17), 15(4), 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9644; Filed, Aug. 14, 1969; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5—General Services Administration

PART 5–30—CONTRACT FINANCING

Assignment of Claims Procedures

This amendment implements procedures set forth in the Federal Procurement Regulations regarding assignments and reassignments of claims by contractors under contracts executed on behalf of the Government by contracting officers of the General Services Administration.

Part 5–30 is amended by adding Subpart 5–30.7 which reads as follows:

Subpart 5–30.7—Assignment of Claims

Sec.

5–30.706 Procedures upon receipt of notice of assignment and instrument of assignment.

5–30.707 Further assignments and reassignments.

AUTHORITY: The provisions of this Subpart 5–30.7 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c)

Subpart 5–30.7—Assignment of Claims

§ 5–30.706 Procedures upon receipt of notice of assignment and instrument of assignment.

When complying with the procedures set forth in §§ 1–30.706(a)(3) and 1–30.707 of this title, with respect to the acknowledgment of an assignment or reassignment of claims in proper form, the contracting officer shall at the same time notify the contractor (assignor) that all future invoices or other requests for payment under the contract shall specify the name and address of the assignee and include a notation that payments due thereunder have been duly assigned and should be made to the named assignee.

§ 5–30.707 Further assignments and reassignments.

See § 5–30.706.

Effective date. This regulation is effective August 8, 1969.

Dated: August 8, 1969.

JOHN W. CHAPMAN, Jr., *Acting Administrator of General Services.*

[F.R. Doc. 69-9659; Filed, Aug. 14, 1969; 8:48 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 20]

PART 308—WAR RISK INSURANCE

Miscellaneous Amendments

The purpose of this amendment to part 308 is to provide the terms and conditions upon which outstanding war risk insurance binders will be continued in effect beyond midnight, September 7, 1969, G.m.t., and to change the expiration date of the binder forms.

Effective as of August 15, 1969, part 308 is amended as follows:

1. Paragraph (d) of § 308.6 *Period of interim binders and renewal procedure* is amended to read:

(d)(1) An interim binder that became effective prior to midnight, September 7, 1965, G.m.t., shall remain in effect until midnight, September 7, 1970, G.m.t., unless insurance thereunder shall have attached prior to that date and provided that payment of an additional binder fee in the amount specified in § 308.102, § 308.202, or § 308.302, is received by the American War Risk Agency, 99 John Street, New York, N.Y. 10038, prior to September 8, 1969. Checks in payment of the binder fees should be made payable to "Maritime Adm.—Commerce" and should be accompanied by the name of the vessel, its official number, and the war risk binder number.

(2) An interim binder that became effective prior to August 15, 1969, but after midnight, September 7, 1965, G.m.t., shall remain in effect until midnight, September 7, 1970, G.m.t., unless insurance thereunder shall have attached prior to that date.

(3) Interim binders will be issued on and after August 15, 1969, upon payment of the binder fees set forth in § 308.102, § 308.202, and § 308.302. Such binders will automatically expire at midnight, September 7, 1970, G.m.t., unless insurance thereunder shall have attached prior to that date.

2. Section 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement*, § 308.206 *Standard form of war risk protection and indemnity insurance interim binder*, and § 308.305 *Standard form of Second Seamen's war risk insurance interim binder*, are amended by changing the expiration date contained therein to read "Midnight, September 7, 1970, G.m.t.".

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: August 11, 1969.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr., *Secretary.*

[F.R. Doc. 69-9738; Filed, Aug. 14, 1969; 10:02 a.m.]

Proposed Rule Making

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-361; Order 331]

REPORT OF BULK POWER SUPPLY INTERRUPTIONS

Notice of Proposed Rule Making; Correction

JULY 31, 1969.

In the notice of proposed rule making, issued June 23, 1969 and published in the FEDERAL REGISTER July 1, 1969, 34 F.R. 11106, on page 11107, paragraph (c), subparagraph (1) line 12: Add before the last word "load" the following phrase: "the interruption, an estimate of the number of customers and amount of"

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9620; Filed, Aug. 14, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Notice of Proposed Free and Restricted Percentages and Withholding Factors for the 1969–70 Crop Year

Notice is hereby given of a proposal to establish, for the 1969–70 crop year, free and restricted percentages and withholding factors applicable to marketable Deglet Noor, Zahidi, Halawy, and Khadrawy dates. The crop year began August 1, 1969. The proposed percentages and withholding factors would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987) regulating the handling of domestic dates produced or packed in a designated area of California. The amended agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Date Administrative Committee.

All persons who desire to submit written data, views, or arguments on the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 8 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Estimates pertinent to the proposed volume regulation percentages and withholding factors for Deglet Noors and Zahidis are as follows:

Factors	Deglet Noor	Zahidi
	1,000 pounds	
1. Production of marketable dates (1969–70 crop year)	23,400	1,472
2. Plus: Handler carryover of marketable dates not certified "free" or "restricted" (July 31, 1969)	17,052	484
3. Total available supply of marketable dates subject to regulation	40,452	1,956
4. Trade demand [1]	21,050	1,250
5. Plus: Allowance for desirable handler carryover to assure date supplies for early free demand, and exports, and product sales (July 31, 1970)	16,500	500
6. Less: Certified handler carryover of free dates (July 31, 1969)	6,909	206
7. Requirements for free dates	30,641	1,544
8. Supply of marketable dates in excess of requirements for free dates (Item 3—Item 7)	9,811	412

[1] The Date Administrative Committee included no countries other than the United States and Canada in trade demand.

On the basis of the foregoing estimates, free and restricted percentages, and a withholding factor for Deglet Noor dates of 75 percent, 25 percent, and 33.3 percent, respectively, and for Zahidi dates of 80 percent, 20 percent, and 25 percent, respectively, appear to be appropriate for the 1969–70 crop year.

The total available 1969–70 marketable supply of the Halawys and Khadrawys is estimated to be 667,000 pounds, and approximates estimated trade demand requirements for both varieties. Hence, a free percentage of 100 percent is proposed for each of these two varieties.

The proposal is as follows:

§ 987.217 Free and restricted percentages, and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning August 1, 1969, and ending July 13, 1970, as follows: (a) Deglet Noor variety dates: Free percentage, 75 percent; restricted percentage, 25 percent; and withholding factor, 33.3 percent; (b) Zahidi variety dates: Free percentage, 80 percent; restricted percentage, 20 percent; and withholding factor, 25 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

Dated: August 12, 1969.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 69-9657; Filed, Aug. 14, 1969; 8:48 a.m.]

[7 CFR Part 1013]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Southeastern Florida marketing area is being considered for the months of August through November 1969.

The provisions proposed to be suspended in § 1013.15 are as follows: "not less than eight days' " and "or was so received during the preceding month," relating to the requirements necessary to maintain producer status under the order.

The proposed suspension would permit handlers and cooperative associations to obtain a supplemental supply of milk from individual producers normally associated with either the Tampa Bay or Upper Florida markets for this market during the months of August through November.

Presently the order requires that 8 days' production from a dairy farmer must be received at a pool plant during the month in order for such person to acquire producer status.

Independent Dairy Farmers' Association, Inc., requested the suspension. It alleges that the Southeastern Florida market now requires supplemental supplies of milk and that during the months of August through November this need will continue and increase. It states further that the additional supplies may be obtained most economically by shifting the production of certain dairy farmers regularly affiliated with either the Tampa Bay or Upper Florida markets to the Southeastern Florida market.

Proponent further contends that in many instances it is not practical or economical to bring as much as 8 days' production of milk from dairy farmers of the other Florida markets in order to qualify such dairy farmers as producers. If such dairy farmers' production does not qualify as producer milk, it is a receipt of other source milk and subject to payments as prescribed by the order. Under the current circumstances, it is claimed that the provision proposed to be suspended does not contribute to orderly marketing.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the

FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on August 11, 1969.

G. R. GRANGE,
Acting Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-9637; Filed, Aug. 14, 1969; 8:46 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 253]

GUIDES FOR THE FEATHER AND DOWN PRODUCTS INDUSTRY

Proposed Guides and Notice of Opportunity To Present Written Views, Suggestions or Objections

Proposed Guides for the Feather and Down Products Industry are hereinafter set forth and are today made public by the Commission for consideration by industry members and other interested or affected parties pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41–58, and the provisions of Part 1, subpart A, of the Commission's procedures and rules of practice, 16 CFR 1.5, 1.6.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, State agencies, or other parties affected by or having an interest in the proposed Guides for the Feather and Down Products Industry, to present to the Commission their views concerning the Guides, including such pertinent information, suggestions, or objections, and reasons therefor, as they may desire to submit. For this purpose, copies of the proposed Guides, which are advisory in nature as to the applicability of legal requirements, may be obtained upon request to the Commission. Such data, views, information, and suggestions may be submitted by letter, memorandum, brief, or other written communication not later than October 14, 1969, to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580.

Text of the proposed Guides follows:

NOTE: *These Guides Have Not Been Approved by the Federal Trade Commission.* They are a draft of proposed Guides which are made available to all interested or affected parties for their consideration and for submission of such views, suggestions, or objections as they may care to present, due consideration to which will be given by the Commission before proceeding to final action on the proposed Guides.

The Commission from time to time publishes Guides to advise the business community of the Commission's views as to the requirements of laws which it administers. It is the Commission's belief that the more knowledge businessmen have as to the requirements of laws designed to protect the consumer and foster open and fair competition, the greater the likelihood that they will conform to those laws, with attendant benefits to both the public and the business community.

Trade practice rules which were promulgated for this industry on April 26, 1951, are currently in effect. Since that time, changes in availability of raw materials, new testing procedures and technology, recent scientific studies, and court decisions have indicated that a revision of the rules may be needed. Thus, these proposed Guides, a revision of the trade practice rules, are reflective of these developments.

The Commission is aware of the wide diversity of feather and down tolerances presently existing among the various States. While these Guides should not be construed as relieving any industry member of the necessity of complying with the requirements of State laws or regulations, or other laws or regulations, the Commission sincerely hopes that its Guides will contribute to a move toward uniformity in tolerances, a move which it believes would be in the public interest.

While the Guides are interpretive of laws administered by the Commission and thus are advisory in nature, proceedings to enforce the requirements of law as explained in the Guides may be brought under the Federal Trade Commission Act (15 U.S.C. secs. 41–58). Briefly stated, the Federal Trade Commission Act makes it illegal for one to engage in "unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce," as commerce is defined therein.

Sec.
253.0 Definitions.
253.1 Misrepresentation (general).
253.2 Use of trade names, symbols, depictions, etc.
253.3 Disclosure of filling material.
253.4 Tolerances in filling material.
253.5 Crushed feathers.
253.6 Damaged feathers.
253.7 Secondhand filling material.
253.8 Cleanliness of filling material.
253.9 Disclosure as to size.
253.10 Guarantees.
253.11 Deceptive pricing.

AUTHORITY: The provisions of this Part 253 issued under secs. 5, 6, 38 Stat. 719, as amended 721; 15 U.S.C. 45, 46.

§ 253.0 Definitions.

(a) "Industry Products" means all pillows, cushions, comforters, sleeping bags, wearing apparel, and similar products, which are wholly or partially filled with feathers or down, and also means and includes all bulk stocks of processed feathers or down intended for use or used in the manufacture of such products.

(b) "Industry Members" are all persons, firms, corporations, and organizations engaged in the processing, manufacturing, distributing, or marketing of any industry products as defined above.

(c) "Filling Material" means the contents of an industry product including feathers and down of any kind or type.

(d) "Down" means the undercoating of waterfowl, consisting of clusters of the light, fluffy filaments, i.e., barbs, growing from the quill point but without any quill shaft.

(e) "Plumules" means downy waterfowl plumage with underdeveloped soft and flaccid quill with barbs indistinguishable from those of down.

(f) "Down Fiber" means the detached barbs from down and plumules and the detached barbs from the basal end of waterfowl quill shaft which are indistinguishable from the barbs of down.

(g) "Feathers" means the plumage or out-growth forming the contour and external covering of fowl which are whole in structure and which have not been processed in any manner other than dusting and washing.

(h) "Waterfowl Feathers" means feathers derived from ducks and geese.

(i) "Nonwaterfowl Feathers" means feathers derived from any kind of fowl other than ducks and geese.

(j) "Quill Feathers" means wing and tail feathers, commonly known and referred to as quills.

(k) "Feather Fiber" means the detached barbs of feathers which are not joined or attached to each other.

(l) "Crushed Feathers" means the feathers which have been processed by a curling, crushing, or chopping machine and includes the fiber resulting from such processing and which has changed the original form of the feather without removing the quill.

(m) "Damaged Feathers" means feathers which have been broken, damaged by insects, or otherwise materially injured.

(n) "Residue" means quill pith, quill fragments, trash or foreign matter.

§ 253.1 Misrepresentation (general).

An industry product should not be labeled, advertised or otherwise represented in any manner which may have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers concerning filling material, covering, composition, quality, processing, testing, manufacture, durability, size, weight, maintenance, cleanliness, construction, warmth, moisture resistance, color, guarantee, origin, price or any other feature of such product.

NOTE: Coverings of industry products should be labeled in accordance with the requirements of the Textile Fiber Products Identification Act and the Wool Products Labeling Act.

[Guide 1]

§ 253.2 Use of trade names, symbols, depictions, etc.

A trade name, symbol, depiction, or any other kind of representation, should not be used in labeling or advertising or in any other kind of promotion relating to an industry product, when such representation has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into believing that the product is composed, in whole or in part, of feathers and/or

down when such is not the fact, or is composed, in whole or in part, of feathers and/or down from fowl of a certain type when such is not the fact. [Guide 2]

§ 253.3 Disclosure of filling material.

(a) *Labeling.* An industry product should be labeled as to the kind or type of filling material contained therein and when the filling material consists of a mixture of more than one kind or type, then the proportion of each should be disclosed in the order of predominance, the largest proportion first. (See Note 3 of this section.)

(b) *Advertising.* Disclosure of the kind or type of filling material contained in an industry product need not be made in advertising unless in the absence of disclosure a purchaser or prospective purchaser may likely be deceived. Thus, if advertising contains any representation, whether affirmative or implied, concerning the nature of the filling material, then disclosure should be made in accordance with paragraph (a) of this section.

(c) *Bulk stocks.* Invoices pertaining to bulk stocks of processed feather and/or down should disclose the kind or type of feathers and down contained therein, and if more than one kind or type is contained in the bulk stock then the proportion of each should be disclosed in the order of predominance, the largest proportion first. (See Note 3 of this section.)

NOTE 1: Disclosure with respect to the kind or type of feathers and down by use of any of the terms listed and defined above will be considered proper when in accord with the definition set forth for such term.

NOTE 2: Disclosure made in accordance with this part should be clear and conspicuous, and labels bearing such disclosure should be attached to the product with sufficient permanency so as to remain thereon until after sale to the ultimate purchaser.

NOTE 3: The proportion or percentage of a particular kind or type of feathers and/or down in a industry product should be determined by the relationship between the weight that the particular kind or type bears to the total weight of the filling material in the product.

NOTE 4: Processors of raw feathers and down and manufacturers of industry products should keep and maintain records pertaining to orders, purchase and sales invoices, and other pertinent documents and data applicable to the purchase, receipt, processing, use, and disposition of all feather and or down materials. The purpose of such record keeping should be to provide a basis for demonstrating compliance with this part. Such records should be preserved for at least 3 years.

[Guide 3]

§ 253.4 Tolerances in filling material.

(a) *Down products* [See alternate proposal for "Down products" set forth at conclusion of this paragraph (a)]. The term "Down" may be used to designate any plumage product containing the following filling material:

(1) Down, Plumules, and Down Fiber.	Minimum 80%.
Consisting of:	
Down and Plumules	Minimum 60%.
Down Fiber	Maximum 20%.
(2) Remainder	20%.
Consisting of:	
Nonwaterfowl Feathers and Nonwaterfowl Feather Fiber.	Maximum 2%.
Residue	Maximum 2% and Down Fiber, Waterfowl Feather Fiber, and Waterfowl Feathers.

NOTE 1: A "Down" product may be designated by waterfowl species when a minimum of 90 percent of the waterfowl plumage is of the species indicated.

NOTE 2: "100 percent Down," "All Down," "Pure Down," and other terms of similar import, should not be used to describe products which do not in fact contain 100 percent down.

(a) *Down products* [alternative proposal of paragraph (a) above].

NOTE: The Commission is including an alternative proposal concerning tolerances for paragraph (a). Interested parties are invited to comment on the altenative provisions and the views submitted should include the basis for such views as well as counterproposals if they would be appropriate.

(1) The term "Down" may be used to designate any plumage product containing the following filling material:

(i) Down, Plumules, and Down Fiber.	Minimum 80%.
Consisting of:	
Down and Plumules	Minimum 60%.
Down Fiber	Maximum 20%.
(ii) Remainder	20%.
Consisting of:	
Nonwaterfowl Feathers and Nonwaterfowl Feather Fiber.	Maximum 2%.
Residue	Maximum 2% and Down Fiber, Waterfowl Feather Fiber, and Waterfowl Feathers.

NOTE: The above product may be designated as "Duck Down" when a minimum of 90 percent of the plumage is duck plumage.

(2) The term "Goose Down" may be used to designate any plumage product containing the following filling material when a minimum of 90 percent of the plumage is goose plumage:

(i) Goose Down and Plumules.	Minimum 75%.
(ii) Remainder	25%.
Consisting of:	
Nonwaterfowl Feathers and Nonwaterfowl Feather Fiber.	Maximum 2%.
Residue	Maximum 2% and Down Fiber, Waterfowl Feather Fiber and Waterfowl Feathers.

(b) *Waterfowl feather products.* The term "Waterfowl Feathers" may be used to designate any plumage product containing the following filling material which is free of quill and crushed feathers:

Waterfowl Feathers	Minimum 80%.
Nonwaterfowl Feathers	Maximum 8%.
Residue	Maximum 2%.

NOTE: The above product may be designated by waterfowl species when a minimum of 90 percent of the waterfowl plumage is of the species indicated.

(c) *Blends of waterfowl feathers and down.* When a plumage product is designated as containing certain percentages of down and feathers, the respective proportion of each should be in accord with the standards reflected in paragraphs (a) and (b) of this section. (See also Note 3 of § 253.3.)

NOTE 1: Tests to determine the composition of the filling material in an industry product should be conducted in accordance with Federal Standard 148a, dated Dec. 10, 1964, entitled "Classification, Identification and Testing of Feather Filling Material."

NOTE 2. Tolerances set forth in this part allow for all variations that may occur through sampling techniques, testing procedures and unintentional errors in processing and manufacturing. The tolerances do not embrace intentional adulteration.

[Guide 4]

§ 253.5 Crushed feathers.

An industry product which contains crushed feathers should be labeled clearly and conspicuously to the effect that it contains "Crushed Feathers."

NOTE: A "crushed feather" product should not contain residue in excess of 5 percent of the weight of the crushed feathers in the product.

[Guide 5]

§ 253.6 Damaged feathers.

An industry product which contains damaged feathers should be labeled clearly and conspicuously to the effect that it contains "damaged feathers."

[Guide 6]

§ 253.7 Secondhand filling material.

An industry product which contains filling material which has previously been used in any product or used for any purpose should not be offered for sale without clear and conspicuous disclosure of such fact by label attached to the product and in all advertising and on all invoices relating to such product.

NOTE: Disclosure that the filling material has previously been used may be made by clear and conspicuous use of the term "secondhand". Such material should not be designated with terms such as "reworked" or "reprocessed" or with other terms of similar import without further clear and conspicuous statement that such material is not new, or has been previously used.

[Guide 7]

§ 253.8 Cleanliness of filling material.

(a) An industry product which has not been cleaned so as to meet the standard set forth in the Note below should be clearly and conspicuously labeled as "Unclean", "Unsanitary", or with a term of similar import. Clear and conspicuous disclosure of such fact should also be made in all advertising and on all invoices relating to such product.

NOTE: A test such as that reflected in Federal Standard 148a, dated December 10, 1964, entitled "Classification, Identification and Testing of Feather Filling Material," should be used to determine whether feathers and down have been properly cleaned. Feather and down material having an oxygen number exceeding 20 grams of oxygen per 100,000 grams of sample should not be considered as being properly cleaned.

(b) An industry product should not be labeled, advertised, or otherwise represented in any manner which may have the capacity and tendency or effect of misleading purchasers or prospective purchasers into believing that the filling material contained in the product has been treated by the Tan-O-Quil-QM process when such is not the fact.

NOTE: The Tan-O-Quil-QM process was developed by the Clothing and Organic Materials Laboratory, U.S. Army Natick Laboratories, Natick, Mass. The process is described in Technical Report 69-7-CM, dated August 1968, entitled "Tan-O-Quil-QM Treatment for Feathers and Down."

[Guide 8]

§ 253.9 Disclosure as to size.

(a) *Sleeping bags.* The sizes of sleeping bags should be disclosed by labeling and such sizes should be expressed in terms of the finished length and width measurements of the bag in inches qualified by the words "Finished Size". This statement may be followed in parentheses by a statement of the length and width of the bag in inches prior to finishing, such parenthetical expression to include the phrase "Cut Size."

(b) *Comforters, etc.* The sizes of comforters and other similar industry products should be disclosed by labeling and such sizes should be expressed in terms of the finished length and width measurements in inches exclusive of any fringe ornamentation.

(c) *Pillows, cushions, etc.* The sizes of pillows, cushions and other similar industry products, when disclosed by labeling, should be expressed in terms of finished measurements in inches qualified by the words "Finished Size". This statement may be followed in parentheses by a notation of product measurement in inches prior to finishing, such parenthetical expression to include the phrase "Cut Size."

Example. Thus, an example of proper size marking when a pillow has a finished size of 21" x 27" and a cut size of 22" x 28", and disclosure is made of the cut size, would be:

Finished Size 21" x 27"
(Cut Size 22" x 28")

NOTE: Section 500.3 of the Regulations (16 CFR Part 500) under section 4 of the Fair Packaging and Labeling Act (Public Law 89-755) requires that labeling disclosures such as those provided for under paragraphs (a) and (b) of this § 253.9 include the name and place of business of the manufacturer, packer, or distributor of the product.

[Guide 9]

§ 253.10 Guarantees.

Any guarantee representation made concerning an industry product, whether in labeling or advertising, should clearly and conspicuously disclose (a) the nature and extent of the guarantee, and (b) any material conditions or limitations in the guarantee which are imposed by the guarantor, and (c) the manner in which the guarantor will perform thereunder, and (d) the identity of the guarantor. (See 16 CFR Part 239 for the Commission's Guides Against Deceptive Advertising of Guarantees, which afford further guidance in this area.) [Guide 10]

§ 253.11 Deceptive pricing.

An industry member should not represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or furnish any means or instrumentality by which others engaged in the sale or distribution of industry products may make any such representation; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale. (See 16 CFR Part 233 for the Commission's Guides Against Deceptive Pricing, which afford further guidance in this area.) [Guide 11]

Issued: August 14, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-9612; Filed, Aug. 14, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte MC-37, Sub-No. 18]

PETITION TO REDEFINE AND EXTEND COMMERCIAL ZONE OF MEMPHIS, TENN.

Extension of Time

AUGUST 11, 1969.

At the request of an interested person the time for the filing of written statements of facts, views, and arguments in the above-entitled proceeding has been extended to August 26, 1969.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9646; Filed, Aug. 14, 1969; 8:47 a.m.]

[49 CFR Parts 1300, 1307]

[Ex Parte No. 261]

[Special Permission No. 70-275]

TARIFFS CONTAINING JOINT RATES AND THROUGH ROUTES FOR TRANSPORTATION OF PROPERTY BETWEEN POINTS IN THE UNITED STATES AND FOREIGN COUNTRIES

Notice of Proposed Rule Making

AUGUST 11, 1969.

In furtherance of the notice of proposed rule making issued by the Commission, Division 2, in the above proceeding served August 4, 1969, and published on page 12837 of the August 7, 1969, issue of the FEDERAL REGISTER, an original and twenty (20) copies of written statements[1] shall be submitted by any interested persons on or before September 15, 1969.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9645; Filed, Aug. 14, 1969; 8:47 a.m.]

[1] In lieu of verification under oath, any prepared statement may be made subject to the following declaration: "I solemnly declare that I have examined the foregoing document and that the statements of fact contained therein are true."

(Signature)

Notices

DEPARTMENT OF THE INTERIOR

Geological Survey

[No. 18]

WYOMING

Phosphate Land Classification Order

Correction

In F.R. Doc. 69-9145, appearing at page 12721 of the issue for Tuesday, August 5, 1969, the following changes should be made:

1. The 1st line in the 3d column on page 12721 should read "T. 42 N., R. 95 W.,".

2. Under T. 8 N., R. 2 E., sec. 17 should read "Sec. 17, NE¼, N½NW¼, SE¼ NW¼, E½SW¼, SE¼;".

3. Under T. 7 N., R. 2 W., sec. 21 should read "Sec. 21, N½, SW¼, N½SE¼;".

DEPARTMENT OF THE TREASURY

Internal Revenue Service

LEE ROY PALCHIK

Notice of Granting of Relief

Notice is hereby given that Lee Roy Palchik, Route 1, Box 182, Merrillan, Wis. has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on August 7, 1961, in the County Court for Jackson County, Wis. of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Lee Roy Palchik, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction it would be unlawful for Mr. Palchik, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered Lee Roy Palchik's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Lee Roy Palchik from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Lee Roy Palchik be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 8th day of August 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-9650; Filed, Aug. 14, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 83]

MISSION AND ORGANIZATION

AUGUST 5, 1969.

The following order was issued by the Secretary of Commerce on August 5, 1969. This material supersedes the material appearing at 32 F.R. 13422 of September 23, 1967; 33 F.R. 4894 of March 22, 1968; and 34 F.R. 7921 of May 20, 1969.

SECTION 1. *Purpose.* This order sets forth the mission, functions, and organization of the Department of Commerce.

SEC. 2. *Mission, functions, and authority.* .01 The historic mission of the Department is "to foster, promote, and develop the foreign and domestic commerce" of the United States. This has evolved, as a result of legislative and administrative additions, to encompass broadly the responsibility to foster, serve, and promote the Nation's economic development and technological advancement. The Department seeks to fulfill this mission through:

a. Participating with other Government agencies in the creation of national policy, through the President's Cabinet and its subdivisions.

b. Promoting progressive business policies and growth.

c. Assisting States, communities, and individuals toward economic progress.

d. Strengthening the international economic position of the United States.

e. Assuring effective use and growth of the Nation's scientific and technical resources.

f. Acquiring, analyzing, and disseminating information concerning the Nation and the economy to help achieve increased social and economic benefit.

.02 The specific functions and programs of the Department that make up these broad activities are authorized by the Department's organic act (Act of Feb. 14, 1903, 32 Stat. 825) or by other legislation. They also include responsibilities transferred from other agencies by Presidential Reorganization Plans, as well as responsibilities assigned to the Secretary of Commerce or the Department by Executive order or other actions of the President. The Department's responsibilities include the Secretary's assigned function of coordinating and of providing guidance and policy direction to the Federal Cochairmen of Regional Commissions and to the Chairman of the Federal Field Committee for Development Planning in Alaska.

.03 With minor exceptions, all functions (including powers, authorities, duties, responsibilities) of the Department of Commerce are vested directly in the Secretary of Commerce. The exceptions are (a) those vested by the Administrative Procedure Act in hearing examiners; and (b) the Maritime Administrator's authority under Public Law 86-516, as amended, relating to construction assistance for fishing vessels.

.04 The Secretary is vested by legislation and Reorganization Plans with authority to provide for the organization and general management of the Department. Reorganization Plan No. 5 of 1950, in particular, provides that:

> The Secretary of Commerce may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, or by any agency or employee of the Department of Commerce of any function of the Secretary * * *.

.05 The principal organizational components and officers of the Department are established either by statute or Reorganization Plan, or by the Secretary pursuant to the authorities referred to above. The Secretary determines the functions that shall be carried out by the principal organizational components and the authorities that shall be exercised by the principal officers of the Department. These normally are prescribed by the Secretary in published orders.

SEC. 3. *Organization structure.* The attached chart[1] depicts the organization structure of the Department which has been established through orders issued for each of the principal organizational components or officers of the Department. The chart reflects the following

[1] Filed as part of the original document.

general organizational plan for the Department:

.01 *Office of the Secretary.* The Office of the Secretary is the general management arm of the Department and provides the principal support to the Secretary in formulating policy and in providing advice to the President. It provides program leadership for the Department's functions and exercises general supervision over the operating units. It also directly carries out program functions as may be assigned by the Secretary from time to time, and provides, as determined to be more economical or efficient, administrative and other support services for designated operating units.

a. The Office of the Secretary consists of the Secretary and Secretarial Officers, their deputies and assistants, and a number of offices, collectively called "Departmental offices", that either perform Department-wide functional responsibilities or carry out substantive functions as a part of the Office of the Secretary. The Secretarial Officers are:

Under Secretary.
Assistant Secretary for Domestic and International Business.
Assistant Secretary for Economic Affairs.
Assistant Secretary for Science and Technology.
Assistant Secretary for Economic Development.
Assistant Secretary for Administration.
General Counsel.

b. The Under Secretary serves as the principal deputy of the Secretary in all matters affecting the Department and performs continuing and special duties as the Secretary may assign from time to time, including, as may be specified by the Secretary, the exercise of policy direction and general supervision over operating units not placed under other Secretarial Officers.

c. The Assistant Secretary for Administration and the General Counsel are the Secretary's principal assistants on administrative management and legal matters, respectively, of the Department.

d. The other Secretarial Officers (generally referred to as Program Secretarial Officers) are the Secretary's principal assistants for the four general program areas into which most of the Department's functions have been grouped. Each Program Secretarial Officer exercises policy direction and general supervision over the operating units assigned to his program area.

.02 *Operating units.* a. The operating units of the Department are organizational entities outside the Office of the Secretary charged with carrying out specified substantive functions under the policy direction and general supervision of the Office of the Secretary. The heads of operating units report and are responsible to an assigned Secretarial Officer or, in special circumstances, directly to the Secretary. The operating units constitute the components of the Department through which most of its substantive functions are carried out.

b. For Departmental management purposes, each operating unit is designated as being in one of the following two classes:

1. Primary operating units are units assigned broad substantive functions of the Department. The Secretary delegates directly to the heads of these units the authority necessary to carry out the functions of their units. Thus, the heads of primary operating units constitute the operating general managers of the Department.

2. Constituent operating units are units established outside the Office of the Secretary that are assigned limited substantive functions or support functions for related operating units. Heads of constituent operating units may receive delegations of authority directly from the Secretary, or carry out these responsibilities under authorities delegated directly to a Secretarial Officer and subject to the latter's direct supervision.

SEC. 4. *Officers designated to perform the duties of the Secretary.* By law (15 U.S.C. 1503) the Under Secretary performs the duties of the Secretary of Commerce in case of absence, sickness, death, or resignation of the Secretary. Executive Order 11388 provides that during any period when by reasons of absence, disability, or vacancy in office, neither the Secretary of Commerce nor the Under Secretary of Commerce is available to exercise the powers or perform the duties of the Office of Secretary, an Assistant Secretary of Commerce or the General Counsel of the Department of Commerce, in such order as the Secretary of Commerce may from time to time prescribe, shall act as Secretary. If no such order of succession is in effect at that time, they shall act as Secretary in the order in which they shall have taken office as Assistant Secretaries or General Counsel.

SEC. 5. *Designations to perform the duties of Secretarial Officers.* .01 In the case of a vacancy in a Secretarial officer position, and unless otherwise directed by the President, the Secretary will designate an individual to perform the duties of the position.

.02 In the absence of the Deputy Assistant Secretary designated by the Secretary to regularly serve for an Assistant Secretary during the latter's absence, each Secretarial Officer is hereby authorized to designate an official or officials who report directly to him or who are in some line of authority under his jurisdiction, to serve for him in his absence, and to perform the duties of the respective Secretarial Officer not inconsistent with the provisions of any law. This authority shall not include matters in which the personal signature of a Secretarial Officer is required under specific law, order or regulation.

SEC. 6. *Updating department organization chart.* As organizational changes are made affecting the organization chart attached to this order, the Assistant Secretary for Administration shall issue from time to time, over his signature, an updated chart replacing the attachment.

Effective date: August 5, 1969.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-9617; Filed, Aug. 14, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 44]

SUGARCANE IN LOUISIANA

Extension of the Closing Date for Filing of Applications for the 1970 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for sugarcane crop insurance for the 1970 crop year in all parishes in Louisiana where such insurance is otherwise authorized to be offered is hereby extended until the close of business on September 19, 1969. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 69-9639; Filed, Aug. 14, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CALGON CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Calgon Corp., Calgon Center, Post Office Box 1346, Pittsburgh, Pa. 15230, has withdrawn its petition (FAP 9B2396), notice of which was published in the FEDERAL REGISTER of March 13, 1969 (34 F.R. 5187), proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of certain acrylamide-dimethyl diallyl ammonium chloride copolymers as retention aids in the manufacture of paper and paperboard intended for food-contact use.

Dated: August 7, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9627; Filed, Aug. 14, 1969; 8:45 a.m.]

5,6-DIHYDRO-2-METHYL-1,4-OXATHIIN-3-CARBOXANILIDE

Notice of Establishment of Temporary Tolerances for Pesticide Chemical

Notice is given that at the request of Uniroyal, Inc., Bethany, Conn. 06525, temporary tolerances are established for total negligible residues of the fungicide 5,6 - dihydro - 2-methyl-1,4-oxathiin-3-carboxanilide and its metabolite 5,6-dihydro - 3-carboxanilido-2-methyl-1,4-oxathiin-4-oxide (calculated as 5,6-dihydro - methyl-1,4-oxathiin-3-carboxanilide) in or on the raw agricultural commodities barley (grain and forage), peanuts, peanut hay, sorghum (grain and forage), and wheat (grain and forage) at 0.2 part per million.

The Commissioner of Food and Drugs has determined that these temporary tolerances will protect the public health.

A condition under which the temporary tolerances are established is that the fungicide will be used in accordance with the temporary permits issued by the U.S. Department of Agriculture. Distribution will be under the Uniroyal name.

These temporary tolerances expire August 8, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 8, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9628; Filed, Aug. 14, 1969; 8:45 a.m.]

[Docket No. FDC-D-101; NDA No. 14-712]

UBIOTICA CORP.

"U" Series Drugs; Notice of Issuance of Order

A notice of opportunity for hearing on the proposal of the Commissioner of Food and Drugs to refuse to approve new-drug application No. 14-712 for "U" Series Drugs was published in the FEDERAL REGISTER of February 9, 1967 (32 F.R. 2725). Subsequently, the hearing was held, oral and written arguments were filed, and tentative findings of fact and a tentative order were filed by the Hearing Examiner to which exemptions were filed.

The Commissioner of Food and Drugs has filed, and has had served upon the applicant, rulings upon the exceptions, findings of fact, and conclusions of law and has issued an order refusing approval of new-drug application No. 14-712 for "U" Series Drugs.

Dated: August 8, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9629; Filed, Aug. 14, 1969; 8:46 a.m.]

2,4-BIS(ISOPROPYLAMINO)-6-METHYLTHIO-s-TRIAZINE

Notice of Establishment of Temporary Tolerances for Pesticide Chemical

Notice is given that at the request of the Geigy Chemical Corp., Ardsley, N.Y. 10502, temporary tolerances are established for residues of the herbicide 2,4-bis(isopropylamino)-6-methylthio-s-triazine in or on the raw agricultural commodities soybean forage and fodder at 1 part per million and soybeans at 0.25 part per million. The Commissioner of Food and Drugs has determined that these temporary tolerances will protect the public health.

A condition under which these temporary tolerances are established is that the herbicide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Geigy Chemical Corp. name.

These temporary tolerances expire August 8, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 8, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9630; Filed, Aug. 14, 1969; 8:46 a.m.]

Office of Education

GRANTS FOR LIBRARY FELLOWSHIPS

Notice of Establishment of Closing Date for Receipt of Applications for Grants

Title II-B of the Higher Education Act of 1965, as amended, authorizes a program to substantially further the objective of increasing the opportunities throughout the Nation for training in librarianship, including fellowships for persons enrolled in graduate programs of library and information science education.

Section 223 of the Act authorizes the U.S. Commissioner of Education to make grants to institutions of higher education (as defined in section 1201 of the Act, as amended) to assist them in training persons in librarianship, including the establishment and maintenance of fellowships with stipends (including allowances for travel, subsistence, and other expenses) for fellows undergoing training and their dependents not in excess of such maximum amounts as may be prescribed by the Commissioner.

The Commissioner has determined that it is necessary for the efficient administration of the program to establish a "cutoff date" for the receipt of applications from institutions of higher education for such grants for library fellowships during the 1970-71 academic year.

Accordingly, notice is hereby given that the date of October 15, 1969, is established as the closing date upon which applications may be filed with and received by the U.S. Commissioner of Education for grants for library fellowships during the 1970-71 academic year.

Application forms and instructions may be obtained from the Division of Library Programs, Bureau of Adult, Vocational, and Library Programs, U.S. Office of Education, Washington, D.C. 20202.

Dated: August 11, 1969.

JAMES E. ALLEN, Jr.,
U.S. Commissioner of Education.

[F.R. Doc. 69-9631; Filed, Aug. 14, 1969; 8:46 a.m.]

GRANTS FOR LIBRARY INSTITUTES

Notice of Establishment of Closing Date for Receipt of Applications for Grants

Title II-B of the Higher Education Act of 1965, as amended, authorizes a program of institutes to substantially further the objective of increasing the opportunities throughout the Nation for training in librarianship, including the acquisition, organization, storage, retrieval, and dissemination of information, and reference and research use of library and other information resources.

Section 223 of the Act authorizes the U.S. Commissioner of Education to make grants to institutions of higher education (as defined in section 1201 of the Act, as amended) to assist them in conducting such training (including short term or regular session institutes) in librarianship.

The Commissioner has determined that it is necessary for the efficient administration of the program to establish a "cutoff date" for the receipt of applications from institutions of higher education for such grants for library institutes during the summer of 1970 and the 1970-71 academic year.

Accordingly, notice is hereby given that the date of November 15, 1969, is established as the closing date upon which applications may be filed with and received by the U.S. Commissioner of Education for grants for library institutes during the summer of 1970 and the 1970-71 academic year.

Application forms and instructions may be obtained from the Division of Library Programs, Bureau of Adult, Vocational, and Library Programs, U.S. Office of Education, Washington, D.C. 20202.

Dated: August 11, 1969.

JAMES E. ALLEN, Jr.,
U.S. Commissioner of Education.

[F.R. Doc. 69-9632; Filed, Aug. 14, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS

Issuance

AUGUST 11, 1969.

Pursuant to Docket No. HM-1, Rule-Making Procedure of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during July 1969:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6007	Shippers upon specific registration with this Board, for the shipment of "Staticmaster" static elimination products (radioactive devices).	Water, cargo-only and passenger-carrying aircraft, highway, and rail.
6022	Shippers upon specific registration with this Board, for the shipment of nitric acid of 80 percent or greater concentration, in a proposed DOT Specification 111A60ALW2 tank car tank.	Rail.
6023	Western Welders Supply Co., for the shipment of oxygen, nitrogen, argon, hydrogen, helium, compressed air, or mixtures thereof in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
6025	Shippers upon specific registration with this Board, for the shipment of carbon dioxide, compressed air, or oxygen in a non-DOT Specification 6061 aluminum alloy high pressure cylinder.	Do.
6026	Atlantic Richfield Co., for one shipment of propane in a DOT-112A340W tank car having valve overdue for retest.	Rail.
6027	Shippers upon specific registration with this Board, for the shipment of flammable liquids (now authorized in DOT-112A340W cars), in a DOT-112A340W tank car tank designed with a weld efficiency of E=1.0 under 49 CFR 179.100-6 and constructed of AAR-M-128-B steel.	Do.
6028	Shippers upon specific registration with this Board, for the shipment of carbon dioxide, compressed air, or oxygen in a non-DOT Specification 7075 aluminum alloy high pressure cylinder.	Highway and rail.
6029	Olson Laborstories, Inc., for the shipment of nonflammable nonliquefied gas mixtures in a nonrefillable steel cylinder having a capacity of not over 1450 cubic inches.	Cargo-only aircraft and highway.
6030	Clinical Specialties, for the shipment of oxygen in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
6031	Energy Gases, Inc., for the shipment of nitrogen, argon, oxygen, or helium in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Do.
6032	Mitsubishi International Corp., for the shipment of fissile and large quantities of radioactive material in the Kyoto University Fuel Cask, Model ELC 10-15-10.5.	Water and highway.
6033	Mitsubishi International Corp., for the shipment of fissile and large quantities of radioactive material in the JAERI Shipping Cask.	Do.
6035	Shippers upon specific registration with this Board, for the shipment of fissile radioactive materials in the GE Model No. BU-1 packaging.	Cargo only aircraft and highway.
6036	Dye Oxygen Co., for the shipment of liquefied hydrogen in a specially designed and insulated 4,000-gallon water capacity, cargo tank.	Highway.
6038	The Hoprich Co., for the shipment of oxygen, nitrogen, argon, or mixtures thereof in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
6039	Cosden Oil & Chemical Co., for the shipment of liquefied ethylene in a specially designed and insulated 10,242 gallon water capacity, cargo tank.	Highway.
6040	Olin Mathieson Chemical Corp., for the shipment of smokeless powder having a water content of not less than 30 percent, in DOT MC-307 or MC-312 cargo tanks.	Do.
6041	Desoto, Inc., for the shipment of paints and related materials having a flash point above 20° F., in a non-DOT specification portable tank of 350-gallon maximum capacity manufactured by Tote Systems, Inc.	Highway and rail.
6042	Shippers upon specific registration with this Board, for the shipment of flammable hydrocarbon base liquid cleaning compounds having a flash point above 20° F., in non-DOT specification steel drums manufactured by the Inland Steel Container Co.	Do.

WILLIAM A. BROBST,
Acting Chairman,
Hazardous Materials Regulations Board.

[F.R. Doc. 69-9652; Filed, Aug. 14, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 21040; Order 69-8-37]

ALLEGHENY AIRLINES, INC.

Order Providing for Further Proceedings in Accordance With Subpart M Expedited Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of August 1969.

On May 23, 1969, Allegheny Airlines, Inc. (Allegheny), filed an application pursuant to Subpart M for amendment of its certificate of public convenience and necessity to add a new segment between the terminal point Baltimore, Md., on the one hand, and the terminal point Norfolk, Va., on the other hand. Allegheny serves Baltimore and Norfolk on Segments 2 and 6, respectively.

National Airlines, Inc., filed a statement requesting dismissal.

Upon consideration of the foregoing, we do not find that Allegheny's application is not in compliance with, or is inappropriate for processing under, the provisions of Subpart M. Accordingly, we order further proceedings pursuant to the provision of Subpart M, section 302.1306-1310, with respect to Allegheny's application.

Accordingly, it is ordered:

1. That the application of Allegheny Airlines, Inc., in Docket 21040, be and it is hereby set for further proceedings pursuant to Rules 1306-1310 of the Board's procedural regulations; and

2. That this order shall be served upon all parties served by Allegheny in its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9651; Filed, Aug. 14, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-106 etc.]

MIDHURST OIL CORP., ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 8, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-106..	Midhurst Oil Corp., 1030 Bank of the Southwest Bldg., Houston, Tex. 77002	19	8	Texas Eastern Transmission (Minoak Field, Bee County, Tex.) (R.R. District No. 2).	$464	7-14-69	[2] 8-14-69	1-14-70	[3] 14.1	[4] [5] 14.8733	
RI70-107..	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	19	[6] 17	United Gas Pipe Line Co. (Boyce, Brandt, Slick, and Westache Fields, Goliad and DeWitt Counties, Tex.) (RR. District No. 2).	13,912	7-17-69	[7] 8-17-69	(Accepted) 1-17-70	[8] 13.2002	[9] 18.3	
	do	19	18			7-17-69	[7] 8-17-69				
	do	25	[6] 15	United Gas Pipe Line Co. (Boyce Field, Goliad County, Tex.) (R.R. District No. 2).	3	7-17-69	[7] 8-17-69	(Accepted) 1-17-70	[8] 13.2002	[9] 18.3	
	do	25	16			7-17-69	[7] 8-17-69				
	do	26	[6] 13	United Gas Pipe Line Co. (Brandt Field, Goliad County, Tex.) (R.R. District No. 2).	10,734	7-17-69	[7] 8-17-69	(Accepted) 1-17-70	[8] 13.2002	[9] 18.3	
	do	26	14			7-17-69	[7] 8-17-69				
RI70-108..	Sun Oil Co., DX Division (Operator) et al.	36	[6] 12	United Gas Pipe Line Co. (Brandt and Boyce Fields, Goliad County, Tex.) (R.R. District No. 2).	(10)	7-17-69	[7] 8-17-69	(Accepted) 1-17-70	[8] 13.2002	[9] 18.3	
	do	36	13			7-17-69	[7] 8-17-69				
RI70-109..	N.G. Clark et al., d.b.a. Trittipo & Clark, 1111 Nelson Bldg., Charleston, W. Va. 25301	14	[11] 1	Equitable Gas Co. (Birch District, Braxton County, W. Va.).	1,200	7-14-69	[7] 8-14-69	1-14-70	25.0	[11] 27.0	
RI70-110..	Phillips Petroleum Co., Bartlesville, Okla. 74003.	18	[12] 55	Northern Natural Gas Co. (Packett-Ellenburger Field, Pecos County, Tex.), RR. District No. 8) (Permian Basin Area).	175,498	7-14-69	[7] 8-14-69	1-14-70	[13] 12.64	[14] [15] 13.125	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Rate provided by settlement order issued June 21, 1965, in Docket No. G-18150 et al.
[6] The stated effective date is the effective date requested by Respondent.
[7] Renegotiated rate increase.
[8] Settlement rate as approved by Commission order issued Jan. 29, 1965, in Docket Nos. G-6822 et al.
[9] Amendment dated June 19, 1969, provides, among other things, for a renegotiated rate of 18.3 cents for the 5-year period commencing June 19, 1969, with 1-cent increases every 5 years thereafter, deletes redetermination provisions, provides for downward B.t.u. adjustment and seller's right to collect any higher applicable area rate established by the Commission.
[10] No production shown for 1968.
[11] Pressure base is 15.325 p.s.i.a.
[12] Includes agreement with buyer providing for the rate increase.
[13] Filing from area ceiling rate to contractual rate.
[14] Applies to Ellenburger gas only.

Midhurst Oil Corp. (Midhurst) requests waiver of the statutory notice to permit an effective date of July 14, 1969, the date of filing, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Midhurst's rate filing and such request is denied.

Concurrently with the filing of their rate increases, Sun Oil Co., DX Division, and Sun Oil Co., DX Division (Operator) et al., (both referred to herein as Sun), filed four contract amendments dated June 19, 1969,[16] which provide the basis for their proposed rate increases. We believe that it would be in the public interest to accept for filing Sun's contract amendments to become effective on August 17, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Ch. I, Pt. 2, sec. 2.56), with the exception of the rate increase filed by Phillips Petroleum Co. relating to a sale in the Permian Basin Area which exceeds the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Sun's four contract amendments dated June 19, 1969,[16] and for permitting such supplements to become effective as of August 17, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except the supplements referred to in paragraph (1) above).

The Commission orders:

(A) Supplement Nos. 17, 15, and 13 to Sun's FPC Gas Rate Schedule Nos. 19, 25, and 26, respectively, and Supplement No. 12 to Sun's (as Operator) FPC Gas Rate Schedule No. 36, are accepted for filing and permitted to become effective on August 17, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates

[16] Designated as Supplement Nos. 17, 15, and 13 to Sun's FPC Gas Rate Schedule Nos. 19, 25, and 26, respectively, and Supplement No. 12 to Sun's (as Operator) FPC Gas Rate Schedule No. 36.

and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 1, 1969.

By the Commission.[17]

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-9619; Filed, Aug. 14, 1969; 8:45 a.m.]

[17] This order was adopted before Chairman White left the Commission.

[Docket No. CP70-27]

COLORADO INTERSTATE GAS CO.

Notice of Application

AUGUST 8, 1969.

Take notice that on August 4, 1969, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP70-27 an abbreviated application, pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the maintenance and operation of certain pipeline and measurement facilities and the exchange of gas between Applicant and El Paso Natural Gas Co. and Northern Natural Gas Co., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to maintain and operate approximately 1,001 feet of 6⅝-inch pipeline and a meter station near Borger, Tex. These facilities were constructed at an estimated cost of $17,416 in February 1969 pursuant to the emergency provisions of § 157.22 of the Commission's regulations under the Natural Gas Act to provide an emergency standby service to Applicant's direct sale customer, Hill Chemicals Inc. Applicant now requests authority to maintain these facilities on a permanent basis to provide a continued emergency standby service to its customer, Hill Chemicals Inc. Applicant further requests authority to exchange gas with El Paso and Northern. The exchange of gas between Applicant and Northern would take place through the existing interconnection between their respective pipeline systems located near Dumas, Tex., while the exchange between Applicant and El Paso would take place through the facilities mentioned above, located near Borger, Tex.

The application states the estimated cost of the facilities already constructed near Borger, Tex., to be $17,416, and further states that Applicant is to reimburse El Paso Natural Gas Co. approximately $3,900 for the cost of a line tap made by El Paso at that site, putting the estimated total project cost at $21,316.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-9621; Filed, Aug. 14, 1969; 8:45 a.m.]

[Project No. 2089]

MINNKOTA POWER COOPERATIVE, INC.

Notice of Application for Surrender of Major License

AUGUST 7, 1969.

Public notice is hereby given that application for the surrender of license has been filed with the Commission by Minnkota Power Cooperative, Inc. (correspondence to: Minnkota Power Cooperative, Inc., Post Office Box 1318, Grand Forks, N. Dak. 58201), licensee for Project No. 2089—Minnesota, known as the Big Falls Station located on the Big Fork River in Koochiching County, Minn., adjacent to the village of Big Falls.

The Big Falls Station consists of: (1) A 1,500-foot long canal; (2) two 20-foot long penstocks; (3) a powerhouse housing two generating units, one 200-kv. and one 400-kv. capacity; (4) an 800-foot long tailrace; (5) a 34.5-kv. transmission line between Big Falls and Little Fork, Minn.; (6) two 750-kv.-a. substations at each end of the transmission line; and (7) appurtenant facilities.

Applicant states that the Big Falls Station is presently not required specifically for any given system load and its continued operation is uneconomical in the face of firm energy off applicant's interconnected transmission system from other generation and purchases at a lower cost. The project would be retired and dismantled and the land areas restored. The 34.5 kv. transmission line and the two 750-kv.-a. substations at each end of the line, included within the license by amendment on June 26, 1956, would remain as operating parts of Minnkota's interconnected system.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 17, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-9622; Filed, Aug. 14, 1969; 8:45 a.m.]

[Docket No. CP70-28]

OHIO FUEL GAS CO.

Notice of Application

AUGUST 8, 1969.

Take notice that on August 5, 1969, The Ohio Fuel Gas Co. (Applicant), an Ohio corporation, 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP70-28 an abbreviated application, pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing a point of delivery and initiation of service to The Ohio Valley Gas Co. (Ohio Valley) in Lawrence Township, Lawrence County, Ohio, all as more fully set forth in the application which is on

file with the Commission and open to public inspection.

Specifically, Applicant requests authority to establish a point of delivery and to initiate service to Ohio Valley commencing October 1, 1969. Applicant estimates that the peak day and annual requirements of this proposed service will be 325 Mcf and 33,740 Mcf respectively, during the third year. Applicant states that the estimated requirements can be supplied from Applicant's estimated surplus deliverability at its storage facilities without jeopardizing service to existing customers.

The application states the estimated cost to Applicant for this proposed project to be $10,980 which is to be furnished from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9623; Filed, Aug. 14, 1969; 8:45 a.m.]

CIVIL SERVICE COMMISSION

PHYSICAL SCIENCE SUBSERIES

Notice of Adjustment of Minimum Rates and Rate Ranges

Under the authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has determined that the minimum rates and rate ranges for the Physical Science Subseries, GS-1301.1 should be further adjusted, as follows:

GS-1301.1 PHYSICAL SCIENCE SUBSERIES

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 27, 1969.
(NOTE: The rates authorized herein are automatically terminated at the beginning of the first pay period which occurs after 90 days have elapsed from the effective date of these rates.)

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472	$9,678	$9,884
GS-6	8,943	9,172	9,401	9,630	9,859	10,088	10,317	10,546	10,775	11,004
GS-7	9,934	10,189	10,444	10,699	10,954	11,209	11,464	11,719	11,974	12,229
GS-8	10,423	10,705	10,987	11,269	11,551	11,833	12,115	12,397	12,679	12,961
GS-9	11,188	11,479	11,808	12,119	12,430	12,741	13,052	13,363	13,674	13,985
GS-10	11,962	12,304	12,646	12,988	13,330	13,672	14,014	14,356	14,698	15,040
GS-11	12,729	13,103	13,477	13,851	14,225	14,599	14,973	15,347	15,721	16,095
GS-12	13,835	14,281	14,727	15,173	15,619	16,065	16,511	16,957	17,403	17,849

[1] Corresponding statutory rates: GS-5—tenth; GS-6—tenth; GS-7—tenth; GS-8—eighth; GS-9—seventh; GS-10—sixth; GS-11—fifth; GS-12—second.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9701; Filed, Aug. 14, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

BALTIMORE COMMUNITY INVESTMENT CO.

Application for License

Notice is hereby given pursuant to section 107.103 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) that the parties listed below have applied to the Small Business Administration for a license to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.). The proposed licensee is Baltimore Community Investment Company, located at 1102 Mondawmin Concourse, Baltimore, Md. 21215. It proposes to operate principally in the city of Baltimore and in the State of Maryland.

The company is to commence operations with $152,300 in private capital. The company is being formed primarily to provide a source of venture capital to aid in the improvement of existing businesses owned or new businesses to be created by Negroes and other minorities.

The proposed licensee has been incorporated in the State of Maryland and the Agent for Correspondence in the State of Maryland is Samuel T. Daniels, 3802 Edgewood Road, Baltimore, Md. 21215.

No individuals or other entities will own 10 or more percent of the company's stock.

The officers and directors of the company, together with their percentage of stock ownership, are as follows:

James Crockett, 3100 Liberty Heights Avenue, Baltimore, Md. 21215. President and 0.11 percent stockholder.
H. Garland Chissell, 3243 Powhatan Avenue, Baltimore, Md. 21216. First vice president and 0.11 percent stockholder.
Charles R. Law, 4805 West Forest Park Avenue, Baltimore, Md. 21207. Second vice president and 0.22 percent stockholder.
Walter E. Paige, 3110 Liberty Heights Avenue, Baltimore, Md. 21215. Third vice president and 0.16 percent stockholder.
Emerson C. Walden, 2329 Harlem Avenue, Baltimore, Md. 21217. Secretary and 0.17 percent stockholder.
W. Emerson Brown, 4903 West Forest Park Avenue, Baltimore, Md. Treasurer.
Owen Wilson, 411 West Franklin Street, Baltimore, Md. 21201. Chairman of the board of directors and 0.11 percent stockholder.
Kenneth O. Wilson, 3500 Grantley Road, Baltimore, Md. 21215. Vice chairman of the board of directors and 0.11 percent stockholder.
Charles Tildon, 2310 Whittier Avenue, Baltimore, Md. 21217. Director and 0.07 percent stockholder.
Joseph A. Bush, 627 South Paca Street, Baltimore Md. 21230. Director and 0.11 percent stockholder.
Robert Phillips, Baltimore, Md. Director and 0.17 percent stockholder.
Melvin Truiett, Baltimore, Md. Director and 0.11 percent stockholder.
William L. Wilson, 1214 Glenwood Avenue, Baltimore, Md. 21212. Director and 0.14 percent stockholder.
Charles R. Davidson, 3806 Edgewood Road, Baltimore, Md. 21215. Director and 0.11 percent stockholder.
Eugene H. Owens, 3701 Ellamont Road, Baltimore, Md. Director and 0.14 percent stockholder.
Roger Sanders, 2413 East Biddle Street, Baltimore, Md. Director and 0.20 percent stockholder.
Samuel T. Daniels, 3802 Edgewood Road, Baltimore, Md. 21215. Director and 0.11 percent stockholder.
Irving Blum, 3310 Fallstaff Road, Baltimore, Md. 21215. Director.
John A. Luetkemeyer, 6 Cotswold Road, Baltimore, Md. Director and 1.0 percent stockholder.
John E. Motz, 508 Hampton Lane, Towson, Md. 21204. Director.
Jerold C. Hoffberger, Sunset Hill, Riderwood, Md. 21139. Director.
Truman T. Semans, Stevenson, Md. 21153. Director.
Alan P. Hoblitzell, Jr., Glydon, Md. Director.
Willie J. Williams, 1408 Woodbourne Avenue, Baltimore, Md. 21212. Director and 0.05 percent stockholder.
James D. Brown, 3401 Copley Road, Baltimore, Md. Director and 0.11 percent stockholder.

Prior to final action on the application, consideration will be given to any comments pertaining thereto which are submitted in writing, to the Associate Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of 15 days of the date of publication of this notice.

A copy of this notice shall be published in a newspaper of general circulation in the city of Balitmore, Md.

Dated: August 6, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-9634; Filed, Aug. 14, 1969; 8:46 a.m.]

[Notice 886]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 12, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 90794 (Sub-No. 4 TA), filed August 1, 1969. Applicant: LIFT VAN TRANSPORT CO., INC., 358 St. Marks Place, Staten Island, N.Y. 10301. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift vans*, loaded and unloaded, between Baltimore, Md., on the one hand, and, on the other, Staten Island, N.Y., and Port Newark, N.J., restricted to shipments having an immediately prior or subsequent movement by water and moving between piers or wharves used by Container Marine Lines, Division of American Export Isbrandtsen Lines, for 180 days. Supporting shipper: Container Marine Lines, 26 Broadway, New York, N.Y. 10004. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 106274 (Sub-No. 11 TA), filed July 29, 1969. Applicant: RAEFORD TRUCKING COMPANY, a corporation, Landis Street, Box 45, Sanford, N.C. 27330. Applicant's representative: J. Linwood Keith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, except plywood and veneer, from Apex, N.C., and points within 100 miles of Apex, N.C., to points in New York, New Jersey, Connecticut, Delaware, and those in Pennsylvania, on and west of a line connecting at the Maryland-Pennsylvania line, and extending along U.S. Highway 111 to Harrisburg, Pa., thence along U.S. Highway 15 to the Pennsylvania-New York State line, for 180 days. NOTE: Applicant intends to tack MC 106274 at Raeford, N.C. Supporting shippers: Norman Lumber Sales, Inc., Norman, N.C. 28367; Sinclair Lumber Co., Inc., Post Office 747, Laurinburg, N.C. 28352; Charles Ingram Lumber Co., Inc., Florence, S.C. 29728; George C. Brown & Co., Inc., Post Office Drawer B, Greensboro, N.C. 27402; Leslie G. Bullard, Woodbury, N.J. 08096; South Atlantic Lumber Co., Post Office Box 20487, Greensboro, N.C. 27420; C. M. Tucker Lumber Corp., Pageland, S.C. 29728; Jordan Lumber & Supply, Inc., Mount Gilead, N.C. 27306; Cox Wood Preserving Co., Post Office Drawer 540, Orangeburg, S.C. 29915. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 106398 (Sub-No. 410 TA), filed August 1, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull, 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from plantsite of Atlantic Homes-Tennessee Division of Champion Home Builders Co., Henry, Tenn., to points in Arkansas, Mississippi, Alabama, and Ohio, for 180 days. Supporting shipper: K. O. Bates, Sales Manager, Atlantic Homes, Post Office Box 3507, Henry, Tenn. 38231. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 110683 (Sub-No. 61 TA), filed August 1, 1969. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts and agricultural commodities* otherwise exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del.; to points in Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, Connecticut, Massachusetts, Rhode Island, Maryland, Pennsylvania, New York, and Delaware, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Clatin M. Harmon, District

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 12, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41716—*Alloys or metals from Powhatan, Ohio.* Filed by Southwestern Freight Bureau, agent (No. B-58), for interested rail carriers. Rates on alloys or metals, as described in the application, in carloads, from Powhatan, Ohio, to Cypress and Houston, Tex.

Grounds for relief—Market competition.

Tariffs—Supplements 202 and 11 to Southwestern Freight Bureau, agent, tariffs ICC 4645 and 4847, respectively.

FSA No. 41717—*Clay from Marquez, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-63), for interested rail carriers. Rates on clay, processed, as described in the application, in carloads, from Marquez, Tex., to Cherokee, Ala., and points taking same rates.

Grounds for relief—Market competition.

Tariff—Supplement 15 to Southwestern Freight Bureau, agent, tariff ICC 4779.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-9647; Filed, Aug. 14, 1969; 8:47 a.m.]

Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 116273 (Sub-No. 117 TA), filed August 5, 1969. Applicant: D&L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude light oil coal tar*, in bulk, in tank vehicles, from Gary, Ind., to Lemont, Ill., for 180 days. Supporting shipper: Ashland Oil & Refining Co., Ashland, Ky. 41101. Chester C. Loving, Traffic Manager. Send protests to: District Supervisor Raymond E. Mauk, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 124241 (Sub-No. 6 TA), filed August 4, 1969. Applicant: REX WELLS AND RAY WELLS, a partnership, doing business as WELLS BROTHERS, 584 Sparks Street, Box 482, Twin Falls, Idaho 83301. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Seattle, Wash., Portland, Oreg., and points in California, to Buhl and Hagerman, Idaho, for the account of Rangen, Inc., for 180 days. Supporting shipper: Rangen, Inc., Post Office Box 706, Buhl, Idaho 83316. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 126305 (Sub-No. 19 TA), filed July 30, 1969. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.F.D. No. 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, ballotini, and glass*, crushed, ground, or powdered, from Apex, N.C., to points in Maryland, Virginia, Delaware, West Virginia, Alabama, South Carolina, Georgia, Florida, Tennessee, Mississippi, Louisiana, and Texas; (2) *materials and supplies used in the manufacture and sale of glass spheres*, (except in bulk, in tank vehicles), from points in Maryland, Virginia, Delaware, West Virginia, Alabama, South Carolina, Georgia, Florida, Tennessee, Mississippi, Louisiana, and Texas, to Apex, N.C., for 150 days. Supporting shipper: Potters Bros., Inc., Post Office Box 14, Carlstadt, N.J. 07070; Attention: Mr. Joseph Sciafani, Traffic Manager. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 129592 (Sub-No. 3 TA), filed July 30, 1969. Applicant: JOHN HERBERT CARMAN, doing business as CARBOY'S TRUCKING COMPANY, 93 Loretta Street, New Brunswick, N.J. 08902. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts, accessories, and equipment, and materials, equipment, and supplies*, used in the repair and maintenance of automobiles, except commodities in bulk, from the plantsite and facilities of Genuine Parts Co., doing business as National Automotive Parts Co. at South Plainfield, N.J., and from the plantsite and facilities of United Engines Rebuilders, Inc., at New Brunswick, N.J., to Columbia, Greene, Nassau, and Suffolk Counties, N.Y., *returned shipments* of the commodities specified herein, from Columbia, Greene, Nassau, and Suffolk Counties, N.Y., to the plantsite and facilities of Genuine Parts Co., doing business as National Automotive Parts Co. at South Plainfield, N.J., and the plantsite and facilities of United Engines Rebuilders, Inc., at New Brunswick, N.J., for 150 days. Supporting shippers: Napa Distribution Center, 1770 New Durham Road, South Plainfield, N.J. 07080; United Engines Rebuilders, Inc., 976 Jersey Avenue, New Brunswick, N.J. 08903. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133556 (Sub-No. 1 TA), filed July 29, 1969. Applicant: HAROLD W. REEDY, doing business as REEDY TRUCKING CO., 6041 East Lake Drive, Haslett, Mich. 48840. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Noncarbonated beverages*, from Lansing, Mich., to points in Illinois (except Cook, Du Page, Lake, and Will Counties), Indiana (except Lake and Porter Counties), Iowa, Kentucky, Missouri, New York (except Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, and Westchester Counties), Ohio (except Lucas and Wood Counties), Pennsylvania, West Virginia, and Wisconsin, under a continuing contract with Orchard Grove Co. of Lansing, Mich., for 180 days. Supporting shipper: Orchard Grove Co., 2724 East Michigan Avenue, Post Office Box 2007, Lansing, Mich. 48911. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 133914 TA, filed July 25, 1969. Applicant: ASTRO EXPRESS, INC., 921 Bergen Avenue, Room 1021, Jersey City, N.J. 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Presses, furnaces, and equipment, materials, and supplies* used in the manufacture and sale of presses and furnaces: (1) between Blackville, S.C., on the one hand, and, on the other, Little Rock, Helena, and Corning, Ark.; Indianapolis, Auburn, Fort Wayne, and Union City, Ind.; Kalamazoo, Detroit and Morenci, Mich.; Scranton and Philadelphia, Pa.; Trenton, Totowa, Edison, Jersey City, Newark, Linden, and Rutherford, N.J.; East Point, Atlanta, and Augusta, Ga.; Memphis, Clarksville, Collierville, Nashville, Knoxville, and Jackson, Tenn.; New Orleans and Shreveport, La.; Houston, Dallas, Cleburne, and San Antonio, Tex.; Spartanburg, Columbia, Greenville, Anderson, and Aiken, S.C.; Charlotte, Henderson, Raleigh, Greensboro, and Matthews, N.C.; Louisville, Ky.; Chicago, Peoria, and Earlville, Ill.; Dayton, Cincinnati, Cleveland, Lebanon, Upper Sandusky, Lima, Newark, Niles, and Berea, Ohio; Baltimore and Sparrows Point, Md.; Minneapolis, Minn.; Milwaukee, Wis.; Oklahoma City, Okla.; Maspeth, Hudson Falls, and New York, N.Y.; (2) between Totowa, N.J., on the one hand, and, on the other, Stamford, West Haven, and Hartford, Conn.; Providence, Cranston, and Pawtucket, R.I.; Boston and Cambridge, Mass.; Baltimore, Cumberland, Finksburg, and Sparrows Point, Md.; Richmond, Norfolk, and Harrisonburg, Va.; Raleigh, Rocky Mount, Greensboro, Charlotte, Winston-Salem, Hickory, Matthews, Columbia and Henderson, N.C.; Blackville, Columbia, Greenville, and Charleston, S.C.; Atlanta and East Point, Ga.; Collierville, Clarksville, Knoxville, Nashville, and Memphis, Tenn.; New Orleans, La.; Jacksonville, St. Petersburg, Hialeah, Orlando, and Miami, Fla.; Helena, Little Rock, and Corning, Ark.; Louisville, Ky.; Cincinnati, Bryan, Gallipolis, Elyria, Cleveland, Lima, Lebanon, Dayton, and Westlake, Ohio; Chicago, Aurora, Earlville, and Rockford, Ill.; Minneapolis, Minn.; Newark, Jersey City, and Elizabeth, N.J.; Philadelphia, York, Scranton, Pittsburgh, and Emmaus, Pa.; New York, Mineola, Farmingdale, Syracuse, Hampton Bays, Oneida, Dunkirk, Niagara Falls, and Mamaroneck, N.Y.; Detroit, Grand Rapids, Kalamazoo, Flint, Dearborn, and Saginaw, Mich.; Indianapolis and Fort Wayne, Ind., under contract with Ducane Heating Corp.; Totowa Boro, N.J., and Wayne Press Co., Totowa Boro, N.J., for 180 days. Supporting shipper: Ducane Heating Corp., 30 West End Road, Totowa, N.J. 07512. Send protests to: District Supervisor W. J. Grossmann, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 133930 TA, filed August 4, 1969. Applicant: GENE PIKE AND KIRK PIKE, doing business as PIKE & SONS MOVERS, 418 South Spring Street, Lexington, Ky. 40508. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kentucky in and east of Trimble, Henry, Shelby, Anderson, Washington, Boyle, Lincoln, Pulaski, and McCreary Counties, having a prior or subsequent out-of-State movement, for 180 days. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

MOTOR CARRIER OF PASSENGERS

No. MC 63390 (Sub-No. 14 TA), filed August 1, 1969. Applicant: CARL R. BIEBER, INC., Vine and Baldy Streets, Kutztown, Pa. 19530. Applicant's representatives: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314, and John W. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Reading, Pa., and New York City, N.Y., from Reading over U.S. Highway 222 to junction Pennsylvania Highway 309, thence over Pennsylvania Highway 309 to junction U.S. Highway 22 or Interstate Highway 78, thence over U.S. Highway 22 or Interstate Highway 78 to junction Interstate Highway 287, near Somerville, N.J., thence over Interstate Highway 287 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Turnpike Entrance 14, thence over New Jersey Turnpike to Exit 16 and junction U.S. Highway 3, thence over U.S. Highway 3 through Lincoln Tunnel to New York City, and return over the same route, serving the intermediate points of Kutztown and Wescoesville, Pa., for 150 days. Supporting shippers: There are approximately 21 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133182 (Sub-No. 2 TA), filed August 5, 1969. Applicant: JOSEPH H. IRBY AND LEON E. CROENNE, a partnership, doing business as MISSISSIPPI COAST LIMOUSINE SERVICE, 238 Courthouse Road, Gulfport, Miss. 39501. Applicant's representative: Hal Miller, Jr., Suite 700, Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, (1) between points in Hancock County, Miss., and New Orleans International Airport at Kenner, La., from the Harrison-Hancock County line over U.S. Highway 90 to its junction with interstate Highway 10, thence over Interstate Highway 10 to its intersection with Williams Boulevard in New Orleans-Kenner, thence over Williams Boulevard to its intersection with U.S. Highway 61, thence over U.S. Highway 61 to New Orleans International Airport at Kenner, La., and return over the same route, serving all intermediate points in Mississippi; (2) between points in Jackson, Harrison, and Hancock Counties, Miss., and the Mobile, Ala., Municipal Airport at or near Mobile, Ala., from the Mississippi-Louisiana State line over U.S. Highway 90 to its junction with Interstate Highway 10, thence over Interstate Highway 10 to its intersection with Mobile County (Alabama) Road, thence over Mobile County (Alabama) Road to Mobile Municipal Airport, and return over the same route, serving all intermediate points in Mississippi, for 180 days. Supporting shippers: There are approximately 18 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9648; Filed, Aug. 14, 1969; 8:47 a.m.]

[Notice 395]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 11, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

MC-FC-71325. By order of August 4, 1969, Division 3, acting as an Appellate Division approved the transfer to Kenneth C. Salka, doing business as Salka & Sons, Meriden, Conn., of the certificate in No. MC-104664, issued June 6, 1949, to Carl H. G. Salka, Meriden, Conn., authorizing the transportation of household goods between Meriden, Conn., on the one hand, and, on the other, points in Massachusetts, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Paul J. Goldstein, 109 Church Street, New Haven, Conn. 06510, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9649; Filed, Aug. 14, 1969; 8:47 a.m.]

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§ 226.404 Premiums for vendor's single interest insurance required by creditor.

(a) Under § 226.4(a)(6), charges or premiums for insurance, written in connection with a credit transaction, against loss of or damage to property may be excluded from the finance charge if the creditor makes the disclosures required under that subparagraph. Under § 226.4(a)(7), a premium or other charge for any other guarantee or insurance protecting the creditor against the customer's default or other credit loss is included in the finance charge. The question arises as to whether Vendor's Single Interest (V.S.I.) coverage, when required by the creditor to be written in connection with a transaction, is insurance of the type described in § 226.4(a)(6) or in § 226.4(a)(7).

(b) V.S.I. coverage is written only in connection with a credit transaction and indemnifies the creditor against, among other perils, conversion, embezzlement, and secretion of the collateral by the customer; and amounts payable on account of loss are payable only to the creditor; and the amount of any indemnity payable under the policy is directly related to the amount of the credit loss, in that such indemnity can never exceed the amount of the unpaid principal balance of the debt. The insurer has no liability under a V.S.I. policy unless, at the time the policy was written, no payment was more than a specified number of days past due, and a claim under the policy is not valid unless the customer has defaulted in payment. Additionally, many V.S.I. policies indemnify the creditor against expense incurred in transporting the collateral to the creditor from the place of repossession.

(c) V.S.I. coverage is, therefore, insurance which protects the creditor against the customer's default or other credit loss, and when required by the creditor to be written in connection with any transaction, the premium therefore is included in the finance charge under § 226.4(a)(7).

(Interprets and applies 15 U.S.C. 1605)

§ 226.405 Property insurance written in connection with a transaction—obtained from or through the creditor.

(a) Footnote 4 to § 226.4(a)(6) specifies that a policy of insurance against loss or damage to property or liability arising out of its use is not considered to be "written in connection with" a transaction when it "* * * was not purchased by the customer for the purpose of being used in connection with that extension of credit." Therefore, whenever such a policy is purchased by the customer for the purpose of being used in connection with a specific extension of credit, it is insurance "written in connection with" that transaction.

(b) If such property insurance which is written in connection with a transaction is required by the creditor and is obtainable from or through him, the cost thereof for the term of the initial policy or policies must be disclosed to the customer, irrespective of whether the customer purchases or expects to purchase such insurance from the creditor, in order for the premium to be excluded from the finance charge.

(Interprets and applies 15 U.S.C. 1605)

§ 226.811 Renewals of notes by mail.

(a) Under paragraph (j) of § 226.8, renewals of notes with new maturity dates constitute refinancings and are consequently new transactions. A common practice is for creditors to permit renewal of such notes by mail. In many of such instances the creditor does not know whether the customer will reduce his original obligation by a payment on principal or, if reduced, the amount of that reduction. The question arises as to what disclosures should be made by mail to the customer in these circumstances.

(b) If the creditor knows the amount of the principal payment, all disclosures should be made on the basis of the resulting new amount financed. If, however, the creditor does not know whether the customer will reduce his original obligation, or if so, by how much, he should disclose on the assumption that there will be no reduction. In such circumstances he may make one or more additional disclosures based on one or more examples of graduated principal reduction. For example, if a single payment note was for $1,000 at 8 percent for 3 months, in addition to the other required disclosures, the creditor should disclose an amount financed of $1,000 with a finance charge of $20, and may, in addition, disclose that with a principal payment of $300 the amount financed would be $700 with a finance charge of $14, and with a principal payment of $500 the amount financed would be $500 with a finance charge of $10.

(Interprets and applies 15 U.S.C. 1639)

Dated at Washington, D.C., the 1st day of August 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-9671; Filed, Aug. 15, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SO-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On June 28, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9997), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Dyersburg, Tenn., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

1. In § 71.171 (34 F.R. 4557), the Dyersburg, Tenn., control zone is amended as follows: "* * * within 2 miles each side of the Dyersburg VOR TAC 258° radial * * *" is deleted and "* * * within 1.5 miles each side of the Dyersburg VORTAC 258° radial * * *" is substituted therefor.

2. In § 71.181 (34 F.R. 4637), the Dyersburg, Tenn., transition area (34 F.R. 7122) is amended to read:

DYERSBURG, TENN.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Dyersburg Municipal Airport (lat. 36°00'00" N., long. 89°24'20" W.); within 3 miles each side of the Dyersburg VORTAC 078° radial, extending from the 6.5-mile radius area to 8.5 miles east of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on August 7, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-9693; Filed, Aug. 15, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Warren, Ark., transition area.

On July 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11102) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Warren, Ark.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as herein set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

WARREN, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Warren Municipal Airport (lat. 33°33'50" N., long. 92°05'00" W.), and within 2 miles each side of the Monticello VORTAC 271° radial extending from the 5-mile radius area to 16 miles west of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on August 8, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-9694; Filed, Aug. 15, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER D—TRADE REGULATION RULES

PART 419—GAMES OF CHANCE IN THE FOOD RETAILING AND GASOLINE INDUSTRIES

Promulgation of Trade Regulation Rule and Statement of Basis and Purpose

The Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has conducted a proceeding for the promulgation of a trade regulation rule relating to games of chance in the food retailing and gasoline industries. Notice of this proceeding, including two proposed rules, was published in the FEDERAL REGISTER on January 7, 1969 (34 F.R. 218). Interested parties were thereafter afforded opportunity to participate in the proceeding through the submission of written data, views, and arguments and to appear and orally express their views as to the proposed rules and to suggest amendments, revisions and additions thereto.

The Commission has now considered all matters of fact, law, policy, and discretion, including the data, views, and arguments presented by interested parties in response to the notice and has determined that the adoption of the trade regulation rule and statement of its basis and purpose set forth herein is in the public interest.

§ 419.1 The Rule.

The Commission, on the basis of the findings made by it in this proceeding, as set forth in the accompanying Statement of Basis and Purpose, hereby promulgates as a Trade Regulation Rule its determination that in connection with the use of games of chance in the food retailing and gasoline industries, it constitutes an unfair and deceptive act or practice for users, promoters, or manufacturers of such games to:

(a) Engage in advertising or other promotions which misrepresent by any means, directly or indirectly, participants' chances of winning any prize.

(b) Engage in any advertising, including newspaper and broadcast media advertising, or other promotions such as store signs, window streamers, banners, or display materials, or issue any game piece if such game piece refers, on the exposed portion thereof, in any manner to prizes or their number or availability, which fail to disclose clearly and conspicuously:

(1) The exact number of prizes in each category or denomination to be made available during the game program and the odds of winning each such prize made available, this disclosure, for prizes in the amount or value of $25 or more, to be revised each week a game extends beyond 30 days to reflect the number of such unredeemed prizes still available and the odds existing of winning each such unredeemed prize; and

(2) The geographic area covered by the game (e.g., "Nation-wide," "Washington, D.C. metropolitan area," etc.); and

(3) The total number of retail outlets participating in the game; and

(4) The scheduled termination date of the game.

(c) Fail to mix, distribute, and disperse all game pieces totally and solely on a random basis throughout the game program and throughout the geographic area covered by the game, and fail to maintain such records as are necessary to demonstrate to the Commission that total randomness was used in such mixing, distribution, and dispersal.

(d) Promote, sell, or use any game which is capable of or susceptible to being solved or "broken" so that winning game pieces or prizes are predetermined or preidentified by such methods rather than by random distribution to the participating public.

(e) Fail to furnish the Commission at the conclusion of each game, and fail to post clearly and conspicuously in each retail outlet which used the game:

(1) A complete list of the names and addresses of the winners of each prize and the amount or value of the prizes won by each;

(2) The total number of game pieces distributed;

(3) The total number of prizes in each category or denomination which were made available; and

(4) The total number of prizes in each category or denomination which were awarded.

(f) Promote or use any new game without a break in time between the new game and any game previously employed in the same establishment equivalent to the duration of the game previously employed.

NOTE: Under this paragraph (f) a retail establishment which has promoted a game for 60 days may not employ a new game without a 60-day interval between the two.

(g) Terminate any game, regardless of the scheduled termination date, prior to the distribution of all game pieces to the participating public.

(h) Add additional winning game pieces during the course of a game, or in any manner replenish the prize structure of a game in progress.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Effective date: October 17, 1969.

Adopted: July 29, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

STATEMENT OF BASIS AND PURPOSE OF TRADE REGULATION RULE

I. *Background.* The Commission's affirmative interest in the use of so-called "games" or "games of chance" as a promotional device to increase traffic and sales was first indicated when it announced, on October 27, 1966, an investigation of games in food retailing.

Toward the conclusion of the Commission's investigation, the House of Representatives' Subcommittee on Activities of Regulatory Agencies of the Select Committee on Small Business, in June and July 1968, held hearings on the use of games of chance in gasoline marketing. Based upon the testimony and evidence received during the course of the hearings, the subcommittee issued a report[1] which concluded with a recommendation that the Federal Trade Commission move to correct certain abuses connected with games in the gasoline industry discovered by the subcommittee.

The same month the subcommittee report was released (December 1968), the Commission published the results of its investigation into games, contained in a staff report entitled "Economic Report on the Use of Games of Chance in Food and Gasoline Retailing." Part I of the report deals with games of chance in grocery supermarkets; Part II with games in gasoline retailing.

Part I discusses the nature and objectives of games; trends in the use of games; structure of the game promotion industry; the effect of game promotions on costs, sales, margins, and market shares in food retailing; and possible deception in game use. With regard to possible deception in the use of games in

See footnotes at end of document.

food retailing, the Commission's staff found that:

(1) Promoters and grocery retailers commonly "seed" or "sort in" winning prize tickets, particularly the large winners.

(2) Some chains allocated major prizes to particular stores within the chain and at periods within the game program when the promotional impact was considered to be greatest.

(3) Programing of winners was often concentrated in the early weeks of a game's run, so that in the final weeks no large prizes were available.

(4) In some instances "dummy" boxes containing no winners were supplied to the retailer for use when the boxes containing winners had been used.

(5) In other cases, winning pieces were inserted partly "at random" and partly "salted" by the promoter.

(6) In still other instances, large winners were apportioned to stores on the basis of volume and customer count "to provide the broadest possible spread of winners."[2]

Part II of the report, on games in gasoline retailing, is based primarily on testimony before the House subcommittee. As a result of that testimony and evidence received by the subcommittee during the course of the hearings, the subcommittee found:

(1) That, upon occasion, the winning chances in gasoline games have been awarded in a manner not determined by the laws of chance. This includes the placing of winning tickets at preselected stations, presenting winners of large denominations to individual dealers, sometimes with instructions to award them to a specific class of customer; * * *

(2) Some of the games utilized have lent themselves to preidentification of winners by dealers and other handling the games * * *.

(3) In the case of sweepstakes * * * not all the prizes advertised are awarded * * *.

(4) Individual dealers have sometimes been coerced by major oil suppliers into utilizing games.

(5) Even in those cases where no patent coercion was evident, dealers are, nonetheless, subject to pervasive and inherent coercion * * *.

(6) The games are paid for, in the main, by the dealers who pay from 1 to 2 cents per prize chance. Data collected by the subcommittee reveal that the amount paid in by the dealers, in the case of almost all suppliers, exceeded the amount paid out in prizes to the public. The cost of the games inevitably adds to the price the consuming public must pay for their gasoline * * *.

(7) The effect of using a gasoline game upon an individual dealer's volume varies sharply with the circumstances * * * (E)ventually the point is reached where the game becomes primarily defensive in nature, in that a dealer without a game might lose gallonage, but using a game will do little or no more than retain his pregame gallonage.[3]

Largely on the basis of the information on possible deception and coercion contained in the reports of the House subcommittee and Commission staff, on January 6, 1969, the Commission initiated a Trade Regulation Rule proceeding concerning games of chance in the food retailing and gasoline industries and published in the FEDERAL REGISTER[4] a notice of the proceeding containing two proposed Trade Regulation Rules. The first proposed rule was concerned with alleged deception in connection with the use of games in both industries and provided that:

In connection with the use of games of chance in the food retailing and gasoline industries, it constitutes an unfair and deceptive act or practice for industry members and promoters and manufacturers of such games to:

(1) Engage in advertising or other promotions which misrepresent by any means, directly or indirectly, participants' chances of winning any prize; or to

(2) Engage in advertising or other promotions, such as store signs or display materials, or issue any game piece if such game piece refers in any manner to prizes or their number or availability, which fail to disclose clearly and conspicuously the exact number of prizes in each category or denomination to be awarded (such disclosure to be revised each week of the game period, for any game of 30 days duration or longer, to reflect any reduction in the number of major prizes, i.e., prizes in the amount or value of $25 or more, which are still available as the game progresses and major prizes are awarded), and which fail to disclose clearly and conspicuously the geographic area covered by the game; or to

(3) Manipulate or rig any game so that winning game pieces or prizes are dispersed on a predetermined basis.

The second proposed rule was concerned with alleged coercion of dealers in connection with the use of games in the gasoline industry and provided that:

In connection with the use of games of chance in the gasoline industry, it constitutes an unfair method of competition and an unfair act or practice for a gasoline supplier, or any of its employees or representatives, to coerce by any means a retail dealer to participate in such games. Such coercion will be presumed:

(1) Where a course of business conduct extending over a period of 1 year or longer between a gasoline supplier and a dealer is materially changed coincident with a failure or refusal of the dealer to participate in such games; or

(2) Where a gasoline supplier advertises generally that a game is available at its dealers, unless the supplier can establish that a majority of its dealers have decided, without demand, request or suggestion by the supplier, to participate in the game.

The notice invited all interested persons to file written data, views, or arguments concerning the proposed rules with the Commission. The original time limit for such submission of February 10, 1969, was subsequently extended to February 17, 1969.

Several months after the initiation of the Commission investigation, voluntary industry guidelines for retail food store promotional games were adopted by certain members of the game producing industry.[5] Salient provisions of these guidelines relate to advertising of games, distribution of game pieces, and game security. The guideline provisions relating to advertising do not go as far as the proposed Trade Regulation Rules in requiring a disclosure in all advertising of the breakdown of a game's prize structure, with weekly revisions. The guidelines suggest that the in-store advertising materials in each outlet using a game disclose the geographic area or number of outlets and the contemplated duration; a description of each type of prize to be made available; the total number and amount of cash prizes and total amount of each other type of prize to be made available; and the fact that the game may be terminated prior to its contemplated duration if that right is reserved.

The guidelines also suggest that any advertisement stating the total number of prizes or total value of prizes also state the geographic area or number of outlets and the game's contemplated duration. The guidelines condemn the advertising of prizes when it is known that they have been redeemed.

With regard to the distribution of game pieces the guidelines provide that:

Winning game pieces for each prize category shall be distributed among outlets in one or more of the following ways: (a) At random; (b) in equal numbers to each outlet; (c) in a ratio to total game pieces which is uniform among all outlets; or (d) by dividing all outlets into groups of comparable size (judged by criteria such as sales volume, number of stores or customer transactions), and distributing winning game pieces equally among such groups.

Winning game pieces for each prize category shall be programed, on a time basis, so that they are distributed to participants in one or more of the following ways: (a) At random; (b) in substantially equal numbers in each week of the program; (c) in a ratio to total game pieces substantially uniform for each period throughout the duration of the promotion; or (d) so as to achieve a rate of redemption of prizes in each category substantially uniform throughout the duration of the promotion: *Provided, however,* That at any time during the promotion, the rate of distribution of winning game pieces may be increased if such increased rate is maintained throughout the remainder of the promotion.

The guidelines also condemn predetermining the identity of individuals who receive prizes, and suggest the taking of reasonable precautions to prevent the identification of any winning game piece until given to a participant and to prevent the identification of packages containing specific winning game pieces by other than certain authorized persons.

Essentially similar guidelines for gasoline service station promotional games were also drafted, but have not been finally adopted.[6]

II. *The Trade Regulation Rule Proceeding.* Interest in the Trade Regulation Rule proceeding was substantial and the response to the invitation for comments on the proposed rules resulted in a public record of written statements, letters and other material of seven volumes and almost 2,200 pages.

Public hearings before the Commission commenced on February 24, 1969, and continued for 2 days a week for the next 6 weeks. All persons who sought orally to express their views on the proposed rules were able to do so. Members of the food, gasoline, and game promotion industries, public officials, economists, consumer organizations, and others, availed themselves of the opportunity. The 855 page stenographic transcript of the hearings has been made a part of the public record.

See footnotes at end of document.

A. *Comments and material relating to the proposed rule concerning possible deception in games in the food and gasoline industries*—1. *The proposed rule's requirement of disclosure of certain material facts*—a. *Comments by game producers.* In August 1968 seven producers of promotional games filed a statement with the Commission requesting it to issue standards governing the operation of games of chance.[7] They reiterated this desire for what they termed "reasonable" Federal regulation of games in their written and oral comments during this proceeding.[8] Insisting that any past abuses which may have occurred in connection with the use of games, such as those recorded in the House subcommittee and Commission staff reports, had been corrected,[9] the producers sought standard Federal regulation of games to assure their fairness and honesty.

Accordingly, every game producer who submitted comments indicated its support for the proposed rule relating to deception, with suggested modifications.[10] The bulk of the producers' comments and suggested modifications concerning this proposed rule were directed toward the rule's disclosure provisions contained in paragraph (2). Like practically everyone else who commented on this rule, the producers fully supported the objectives of paragraph (1) and had no suggestions to offer as to it.[11]

While supporting the objectives of paragraph (2),[12] the producers contended that it is impossible to disclose the exact number of prizes to be awarded, as the paragraph requires,[13] and further, that it is not practical to print and distribute new point-of-sale materials on a weekly basis.[14] They further contended that it is impossible to disclose the full details of a game's prize structure on a game piece or in a spot broadcast announcement.[15]

The producers accordingly recommended modifications, characterized as "minor" or "technical," of paragraph (2) "to help insure the operating practicality" [16] of that section. Their suggestions would permit the disclosure of the "minimum number and value of prizes to be awarded," rather than the "exact number";[17] would permit the game producer or user to state the "minimum number of prizes currently available, or that can be won, as the contest continues";[18] and, rather than listing full details of a game's prize structure in all advertising, the producers suggest a clear reference in advertising to a poster at each retail outlet using the game which would disclose the required information.[19]

Although the proposed rule did not require a disclosure of the participant's chances of winning each prize offered, or the odds, the producers indicated that such a disclosure could, and should, be made.[20]

b. *Comments by oil companies.* While the major portion of comments by oil companies on the proposed rules was directed toward the proposed rule relating to alleged coercion of dealers in the gasoline industry, they also offered some comments on the proposed rule concerning deception. Their remarks also concentrated on paragraph (2)'s disclosure requirements and were to the general effect that the paragraph was impractical.

In its written and oral comments, Mobil Oil Corp. suggested modifications of the proposed rule and, as modified, issuance as a guideline rather than as a Trade Regulation Rule.[21] Mobil's suggested modifications were similar to those of the game producers. For example, Mobil suggested permission to estimate the total prizes which will be awarded, since it contends that it cannot know exactly how many major prizes will be awarded.[22] Mobil also stated that the proposed rule's requirement of weekly revision of all advertising raised insurmountable problems, since the sponsor could not know what winning pieces were issued but unredeemed, and thus could not say exactly how many prizes were still available.[23] Even if the rule required only that all advertising be revised weekly to disclose unredeemed prizes, it would still be unreasonable, according to Mobil.[24]

Mobil accordingly recommended that paragraph (2) of the proposed rule be revised to require that advertising or other promotions refer to a notice to be posted at every retail outlet participating in the game which shall disclose the total number of prizes and total dollar value thereof to be offered, based on a reasonable estimate.[25]

Shell Oil Co., while asserting sympathy with the intent of paragraph (2), believes it to be unworkable, since it believes that most game pieces are too small and radio and television spots too short to contain all the required information,[26] and that weekly changes in prize advertisements are unrealistic.[27] Shell's alternative to paragraph (2) of this proposed rule would be to disclose the denomination of prizes to be awarded in newspapers and in posters displayed at participating outlets, but views weekly revision of that material as impractical and unnecessary.[28] As revised, Shell also prefers the adoption of this rule in the form of a guideline rather than as a Trade Regulation Rule.[29]

The Standard Oil Company of Ohio also claimed that paragraph (2) as proposed is not practical or necessary to avoid deception of the public,[30] and the American Oil Co. believes the disclosure requirements to be unreasonable and oppressive.[31] Views contending the disclosure provisions are impractical were also expressed by Sinclair Oil Corp.,[32] Sun Oil Co.,[33] Standard Oil Company of California,[34] Humble Oil & Refining Co.,[35] and Union Oil Company of California.[36]

With respect to disclosing the odds, Shell indicated that due to the interest expressed in them, it plans to advertise the odds for future games.[37]

c. *Comments by food companies.* The food companies and their representatives also expressed concern with the disclosure provisions of paragraph (2) as proposed and, like the game producers and oil companies, felt that the proposed rule may cause practical problems in the implementation of games.[38] It was suggested that other means could be used to apprise the participant of prize availability, such as by store posters referred to in advertising, promotional material and game pieces.[39] However, Gerald E. Brown, Vice President of Safeway Stores indicated that it would be feasible to make disclosure of prize information in newspaper advertising,[40] and Emerson E. Brightman of Grand Union said, if the Commission so desired, that efforts would be made to get prize information into newspapers.[41]

Concerning the disclosure of the odds of winning each particular prize, Mr. Brightman of Grand Union indicated that Grand Union would not object to disclosing the ratio of total game pieces to prize pieces.[42]

d. *Comments by others.* Aside from those offered by members of the game producing, food, and gasoline industries who would be directly affected by the disclosure provisions of paragraph (2), only a few other comments were made specifically relating to the rule's disclosure requirements.

Dr. Stewart M. Lee of Geneva College supported any action which would "give more information to the players of games * * *, which will make him a little more aware of the odds * * *."[43]

Colston E. Warne, President of Consumers Union, thought the proposed rule inadequate since it did not require a disclosure of the odds of winning a prize,[44] but felt that an even better approach would be to ban games altogether.[45]

The Ohio Consumers Association took a position against games and in favor of the Commission's proposed rules, concluding, in part, that: "The highpowered advertising given these games tends to exaggerate the chances of the customer becoming the winner both as to odds, frequency, and dollar amount." [46]

The Oregon Consumer League, in a report of a special committee appointed to investigate gasoline games, recommended legislation which, among other things, would require the disclosure of the minimum number and value of prizes available for distribution.[47]

Greenbelt Consumer Services, Inc., felt it may be "impractical to get adequate or accurate reporting on a weekly basis of the prizes distributed." [48]

2. *Method of distribution of game pieces.* On the basis of information developed in the Commission's staff report,[49] paragraph (3) of the proposed rule relating to deception prohibits the manipulation or rigging of any game so as to predetermine the dispersal of winning game pieces. The objective of the paragraph was to prohibit the practices described in the report of placing winning game pieces in selected retail outlets or localities, or placing them in certain periods of the game program, usually the early weeks, to maximize the game's promotional impact. Producers and users of games denied that these practices were used in recent games,[50] and went to some lengths to describe the manner in which game pieces are currently distributed.

See footnotes at end of document.

a. *Comments by game producers.* As noted earlier, the Industry Guidelines for Retail Food Store Promotional Games [51] adopted by the game producers and the proposed Guidelines for Gasoline Service Station Promotional Games [52] permit several methods of distributing winning game pieces among retail outlets.

William P. Sims, Jr., speaking on behalf of a number of game producers, stated that the guidelines are directed to the claim that certain game users were putting the large prizes in selected outlets.[53] Commenting on guideline (d) relating to distribution among outlets, Mr. Sims said that within each group there would be a full range of winning game pieces from top to bottom.[54]

Robert Herron, President of Herron-Kienzle, Inc., stated that games could be run on a random basis, but that that might result in all the winners ending up in one place.[55] He added that: "The reason we select a group was to be able to put in a given group of stores winners of various denominations and would not know what stores they would come to or be redeemed in. We have no knowledge of that." [56] Mr. Herron explained that his company puts the same number of $1 and $5 winning pieces in each box of game pieces, but the larger level of prizes are put in the boxes completely at random and then the boxes are distributed randomly to the outlets.[57]

Daniel Silverman, President of Dansico Associates, stated that, like Herron-Kienzle, Inc., each box of game pieces his company produces contains minor winners, with major winners placed in the boxes on a random basis and then distributed to retail outlets randomly so that neither Dansico nor its customer know where the major winners are.[58]

Marvin Margolis, vice president and general counsel of Miller-Waltzer Associates, Inc., stated that game pieces are distributed on the most fair and equitable basis so as to give every participant an equal chance to win every category of prize at any given time.[59] To insure this fairness he would prefer to have the ability to segregate various geographic areas "so as to insure the fact there will be an equal distribution within any given area of any given prize." [60] For example, for a game covering the Washington-Richmond area and advertised as one game, Mr. Margolis feels it is much more equitable, if there are three top prizes, to put two in the Washington area and one in the Richmond area, since Washington is twice as large as Richmond, rather than relying on pure chance and having all three prizes end up in Washington or Richmond.[61] Mr. Margolis stated that there were effective programs being run on a pure random basis [62] and that it is possible to distribute game pieces purely at random.[63]

Ralph Glendinning, President of Glendinning Companies, Inc., stated that two methods of mixing winners with other game pieces should be permitted: (a) Random mixing, and (b) uniform mixing of winners throughout the game production, e.g., for every 1 million game pieces, the exact same number of winners for each category of prizes would be mixed within each million.[64]

Admitting that mixing of prizes on a random basis is "unquestionably an acceptable system," like Mr. Herron, Mr. Glendinning said that it could result in a heavy concentration of winners in one city or period of the game at the expense of a low concentration of winners in another city or time period.[65] Accordingly, Mr. Glendinning prefers mixing of prizes on a uniform basis, the method his company used for every game it produced in 1968, a method which insures "that the same number of high level, medium level and low level winners are packed with every one million game pieces * * *".[66] Regardless of whether random or uniform mixing is used at the factory, said Mr. Glendinning, mixed boxes of game pieces should not be identified in any manner so as to enable anyone to ascertain their prize contents, and the boxes should be shipped, stored and delivered to retail outlets on a random basis.[67]

The matter of replenishing, or "adding-in," prizes during the course of a game when all or most of a category of prizes are redeemed was also commented on by the producers.[68] It was stated that in the event a category or denomination of prizes was redeemed prior to a game's scheduled termination, the producer or user could either stop the game; cease advertising for those prizes which were redeemed; or put in additional prizes to bring the prize mix back up to the advertised level.[69] According to Glendinning Companies, Inc., the process of replenishing or adding in prizes can be accomplished simply by adding boxes containing new winners to boxes already in the producer's warehouse.[70] The possibility that the need for replenishment would arise, however, was characterized as "very remote" by Glendinning,[71] apparently because of the ability of the game producer to estimate, in advance of a game, the number of game pieces which will be needed.

This ability of the producer to plan the needs of game users in terms of number of game pieces also reduces, according to the producers, the possibility that any unused game pieces, including possible winning pieces, would be left over after a promotion ends.[72]

b. *Comments by oil companies.* H. J. Peckheiser, executive vice president of Mobil Oil Corp., described how Mobil places a uniform number of low-level winners, 50 cents to $5 prizes, in each box of 1,000 game pieces, and then inserts, at random a certain number of high-level winners in each 1 million game pieces.[73] The boxes of game pieces are then shipped on a random basis.[74]

The written statement of F. C. Moriarty, vice president of Marathon Oil Co.,[75] related that winning tickets for one of its games will be divided equally among shipping cartons which will be shipped to dealers at random.

Sinclair Oil Co. was of the opinion that paragraph (3) could be interpreted to prevent the distribution of prizes as between market areas.[76]

Standard Oil Company of California suggested that the uniform mixing method described by Mr. Glendinning be permitted by the rule.[77]

And the prepared statement of M. B. Holdgraf, vice president of Shell Oil Co., described the manner in which Shell mixes and distributes winning game pieces.[78]

c. *Comments by others.* The Oregon Consumer League, on the basis of its study of games, recommended that the method of distribution, by chance or nonrandom, be disclosed.[79]

Gary E. Persian, legal counsel and executive director, Minnesota Association of Petroleum Retailers, read from an affidavit submitted by a sales representative of Humble Oil Co. to the effect that, during the summer of 1967, affiant "seeded" winning game cards, including two $1,000 cards, on a nonrandom basis into certain boxes of game cards, either to reward cooperative dealers or to increase Humble sales in certain areas.[80]

Other statements as to the placing of winners in certain outlets or periods of the game were made by William D. Tucker, executive secretary, Allied Gasoline Retailers Association of Florida, Inc.;[81] James W. Heizer, executive secretary, Virginia Gasoline Retailers Association, Inc.;[82] and Stanley A. Rodman, executive director, Delaware Valley Service Station Dealers Association.[83]

3. *Game security.* Not specifically mentioned in the proposed rule, but indirectly covered by paragraph (3), is the apparent ability of certain individuals, chiefly gasoline dealers, to identify the prize-winning pieces of a game and remove those pieces from the game pack for awarding to favored customers or for their own gain.

The game producers who commented on the problem of preidentification of winners or "game security" as it was often called, claimed that the problem has "largely disappeared" [84] and that there are very few people who can now predetermine winners since it has become increasingly difficult to do.[85] Mr. Glendinning of Glendinning Companies, Inc., also referred to efforts being made to overcome the problem by improving the technology and materials for game production.[86] He did concede, however, that "* * * anything one man can put together, someone else may be able to break apart. We can never guarantee you 100 percent that this won't happen." [87]

The oil companies likewise tended to minimize the susceptibility of their games to preidentification of winners.

E. R. Bradley, vice president of Sun Oil Co., stated that he did not think it was possible for anyone to identify winning game pieces for Sun's "Antique Car Coin Game." [88]

M. B. Holdgraf, vice president of Shell Oil Co., explained the steps Shell takes to prevent the detection of winning game pieces, including using improved game packages, such as a plastic packet which prevents tracing, unglueing and resealing.[89]

See footnotes at end of document.

William M. McCardell, vice president, Marketing, of Humble Oil & Refining Co., stated that while great improvements have been designed to prevent detection of winning game pieces, "it is likely that such manipulation, even though infrequent and isolated, may occur in the future * * *."[96]

The Commission also heard from Nicholas Del'Spina, a gasoline dealer from New Jersey, who testified as to the methods he used of predetermining winning game pieces in eight oil company games.[97] According to Mr. Del'Spina, "Every time a game comes out, a method is quickly found to crack it."[98] Mr. Del'Spina's attorney, Mr. Donald Weitzman, added that almost every oil company game has been "beaten" by Mr. Del'Spina, including the coin games.[99]

Barry Tumpson, a law student from Pittsburgh, told of his ability to select winning cards in a game used by Humble Oil & Refining Co.[100]

And the Oregon Consumer League reported that the Oregon Gasoline Dealers Association was able to pick winning tickets in a game employed in Oregon by Standard Oil Company of California.[101]

4. *Records and reporting requirements.* Along with their suggested modifications of the proposed rule relating to deception, the game producers also suggested that the Commission require all game producers to maintain adequate records to enable them to report to the Commission the total number of game pieces distributed, the total number of prizes awarded and the total value of those prizes, for each game.[102] The producers also suggested that any rule the Commission issues regulating the manner of distributing game pieces should place upon the producer the responsibility for maintaining such records as are necessary to demonstrate that the distribution methods it used satisfy the rule.[103]

And Mr. Henry Reichman, president of Sales Builders, Inc., a former game promoter and one who voiced criticism of the proposed rules as being inadequate to correct any problems associated with the use of games, wrote: "The only method which, in my opinion, is completely foolproof is to force the supermarket chains and oil companies to publicize at the end of a promotion an all-inclusive listing of game pieces which have been distributed plus a breakdown of winners specifying the various denominations of prizes."[104]

5. *Information as to odds, prize structure and advertisements for certain food and oil company games.* In addition to the comments on the proposed rule by the oil and food companies, the record of this proceeding also contains information submitted by several companies in those industries regarding the prize structure, odds, and advertising material for their games. This information was submitted in response to requests by the staff or the Commission itself. In many instances, the information as to prize structure referred to the number of prizes which were made available or offered to participants, rather than the number of prizes which were actually awarded during the game. Where the latter information was furnished, it is specifically mentioned.

Shell Oil Co. submitted material indicating that for its "Mr. President" game in the Los Angeles area, with 65,999,000 game pieces handed out, four $5,000 prizes were available and all four were awarded; sixty-eight $1,000 prizes were available, with 58 awarded; two hundred and sixty $500 prizes were available with 217 awarded; one thousand and twenty-three $100 prizes were available with 808 awarded; and six hundred and ninety six $50 prizes were available with 581 awarded.[105]

The Standard Oil Company of Ohio, for its game "Pay-Day" with 57,434,000 game pieces issued, awarded 12 top prizes of $3,000, 154 prizes of $1,000, 545 prizes of $100, and 1,253 prizes of $25.[106] Its "Cash In A Flash" game, in progress when the information was submitted, had 14 prizes of $3,000 available for 64,800,000 game pieces. This game also offered 120 prizes of $1,000, 600 prizes of $100, and 1,200 prizes of $25.[107] Despite the odds of over 1 in 4 million in winning $3,000 in these two games, service station banners submitted for the record have emblazoned across them the name of the game and "Win Up To $3,000," nothing more.[108] Newspaper advertisements and television and radio scripts also place emphasis on the opportunity to win $3,000.[109]

The Sun Oil Co., one of the heaviest recent users of games in the oil industry, supplied information on the four games it had used since mid-1968. Its "Double Match For Money" game issued 31 million game pieces and awarded nine automobiles, 19 prizes of $1,000 and 157 prizes of $100.[110] Its "Sunny Dollars Plus" game had 191 million pieces and awarded 82 automobiles, 80 prizes of $2,000, and 1,862 prizes of $100 as of January 4, 1969, with prizes to be redeemed through February 15, 1969.[111] Sun's "Antique Car Coin Game" was to distribute 90 million pieces and make available 48 prizes of $2,500, 140 prizes of $500, and 1,350 prizes of $100.[112] Its "Golden Dividend" game was to issue 2,600,000 pieces and make available seven prizes of $1,000 and 14 prizes of $100.[113] The station ads, billboard ads, window signs, streamers, banners, and television scripts for these games all emphasized the top prize, either cash or an automobile.[114]

Standard Oil of California distributed 10 million game pieces[115] for its "Double Hula Dollars" game and made available eight top prizes of $5,000 with five actually being awarded.[116] One hundred $200 prizes were also made available with 56 being paid, and 625 prizes of $50 were made available, with 348 paid.[117] The pole signs[118] and window signs[119] for this game feature solely and prominently the top prize of $5,000.

Marathon Oil Co.'s "Marathon Derby Dollars," which terminated June 7, 1969, was to issue 20,228,028 game pieces and have available 48 prizes of $1,000, 240 prizes of $100, and 240 prizes of $50.[120] Marathon submitted posters which gave a breakdown of the prizes to be awarded, with space on the poster for weekly revisions of the prizes remaining.[121]

Sinclair Oil Corp.'s "New Dino Dollars" game issued 48,502,240 game pieces and made available 40 automobiles with 27 being awarded; 18 prizes of $2,500 with 13 awarded; 24 prizes of $500 with 11 awarded; and 794 prizes of $100 with 398 awarded.[122] Its "Kickoff" game, conducted on a trial basis, was expected to distribute 2 million game pieces and have available four top prizes of $2,500, 16 prizes of $100, and 13 prizes of $25.[123] Television scripts and newspaper ads for these games mentioned the top prize to the virtual exclusion of lesser prizes.[124]

Union Oil Company of California used a game called "Cash Roulette" in which it distributed 63 million game pieces and awarded 29 top prizes (out of a total of 45 winning tickets distributed) of from $1,000 to $5,000, 82 prizes of $500, and 213 prizes of $100.[125] Promotional materials for this game featured the statement "Win Up to $5,000 Cash."[126]

First National Stores, Inc., informed the Commission that for three of its games concluded last year or early this year it awarded one top prize of $1,000 for approximately every million game pieces, and in a fourth game one $1,000 prize for every 400,000 game pieces.[127] A copy of newspaper advertising submitted for one of the games where the ratio of $1,000 prizes to total game pieces was approximately one to a million carried the caption "Win Up To $1,000" in large print 2 inches high.[128] No reference is made in this ad to any of the lesser prizes. Other newspaper ads and game books submitted for the same games placed similar emphasis on the top prize.[129] Newspaper ads for First National's "Deck O' Money" game, which was scheduled to run from January 6, 1969 to March 29 and was to have available six top prizes of $1,000 with a total of 2 million game pieces,[130] also featured the "Win Up To $1,000" caption in type almost 3 inches high.[131]

Acme Markets, Inc., used nine games since mid-1968. The ratio of the top prizes to total game pieces ranged from its "Match For Money" game where 24 million game pieces were issued and 44 cash or merchandise prizes with a value of $1,000 or more were awarded,[132] to its "Lucky Solitaire" game where 3,100,000 pieces were to be issued and four $500 prizes made available.[133]

The National Tea Co. used a game in the fall of 1968, "Ready Money Bingo," where 32,750,000 pieces were to be distributed with fifteen $1,000 winners,[134] one hundred and fifty $100 winners, and one hundred $25 winners. The advertising and promotional material for this game likewise featured prominent references to the top prize of $1,000.[135] This same company also used games where the ratio of top prize winners available to total pieces varied from one in approximately 677,000 to one in approximately 150,000.[136] Examples of ads for

See footnotes at end of document.

these games, generally featuring the top prize, are in the record.[137]

The Great Atlantic & Pacific Tea Co., Inc., used five games in the last year, with the ratio of top prizes awarded to game pieces issued ranging from approximately one in 2,375,000 to approximately one in 888,000.[138] Advertising and promotional materials for these games, appearing at pages 236 to 282 of Volume II of the public record, as a general rule feature and emphasize the opportunity to win the top prize.

The ratio of top prizes available to game pieces for games used by Allied Supermarkets, Inc., during the past year ranged from one in approximately 767,500[139] to one in approximately 218,020.[140] Advertising for Allied's games, appearing at pages 354 to 401 of Volume III, the public record, follows the general pattern of emphasizing the top prize.

Arden-Mayfair, Inc., used four games during the past year, with the ratio of top prizes available to game pieces ranging from one in approximately 1,570,000 to approximately one in 700,000.[141] The newspaper ads submitted for these games all featured the opportunity to win the top prize.[142]

B. *Comments relating to the proposed rule concerning possible coercion in games in the gasoline industry*—1. *Comments by gasoline dealers and dealer associations.* With one exception,[143] every gasoline dealer or dealer association appearing at the hearings or filing written comments claimed that oil companies used coercion in one form or another to get dealer participation in games in the gasoline industry. And a majority of those dealers and associations were of the opinion that the proposed rule relating to coercion would not put an end to this alleged coercion and accordingly called for a prohibition of games in their industry.

For example, John M. Huemmrich, president of the National Congress of Petroleum Retailers and a service station dealer for 36 years, stated that 85 to 90 percent of dealers oppose games[144] and that charging dealers for chances which the oil company advertises as free to motorists economically coerces the dealer.[145] Mr. Heummirch called for a ban on games.[146]

Jerry M. Ferrara, executive director of the New Jersey Gasoline Retailers Association and a dealer for 19 years, described how pressure might be exerted on a dealer to participate in a game.[147] Mr. Ferrara added that the coercion that exists in the industry can never be proven, because "the individual dealer—we are not going to try to take him into court when his very livelihood is at stake. He is not going to go up against the oil company * * *."[148] Mr. Ferrara expressed his opposition to any promotion where the dealers must share in the cost,[149] and called for a prohibition of games.[150]

Jacob Puteska, president of the New Jersey Gasoline Retailers Association and a Sun Oil Co. dealer for 36 years,[151] described the manner in which Sun initiated a game among its dealers. He said: "The dealer, I think, has very little to say about whether he wants these games or not. Otherwise, you are going to stand on your lot day and night arguing with the customers—why don't you have the games, where are the games, your company is giving you these games—and in many cases, Commissioners, the customer thinks that those games are free to you."[152]

Richard R. Richmond, a Sun Oil Co. dealer, although not a "lessee dealer," wrote that he has been "an unwilling participant in Sun Oil Company's games since their inception in June 1966."[153] Mr. Richmond, who admits that he can comment more freely since he is not under a lease with his supplier, said that he accepts games only because if he doesn't he will lose business to those dealers who are participating in them. To him this is "* * * economic coercion which is no less severe because it is not administered with a contract, club or gun."[154]

Harry B. Greaves, president of the Oklahoma division of the Mid-America Gasoline Dealers Association and a dealer himself, does not know "even one operator who likes or approves them (games)" and urges the Commission to outlaw them.[155]

Mr. Joseph E. Berger sent the Commission a copy of a letter he sent to The Standard Oil Co. canceling his lease because of pressure exerted on him after he refused to participate in games. Mr. Berger alleges that "Because of my stand on the subject (games), unpleasant relations with The Standard Oil Co. have resulted, the greatest of which was the insult of a six-month lease."[156]

In addition to the above dealers who filed written comments or who made statements at the hearings, a number of officials of retail gasoline dealer associations appeared or filed written comments. All of them also opposed the use of games on the ground that dealers were coerced to participate in them,[157] and many called for an outright ban of games.[158]

2. *Comments by oil companies.* The oil companies, on the other hand, insisted that their policy was not to coerce dealers. H. J. Peckheiser, executive vice president of Mobil Oil Corp., does not believe coercion of dealers is a problem, since the self-interest of the supplier lies in the opposite direction.[159] He said that Mobil is "not out to coerce or abuse the dealer, but to help him run his business,"[160] but added: "I wish I could say categorically that coercion has never been attempted. I cannot. But I can say that our company will not condone coercive tactics of any kind * * *."[161]

M. B. Holdgraf of Shell Oil Co. also would not say that representatives of Shell never coerce dealers,[162] although it is against company policy. He stated that Shell dealers are "tough business people" who are not being coerced to take the games, and if it does happen, it is corrected.[163]

Mr. Holdgraf also referred to a survey by Shell in which 91 percent of dealers in Newark, N.J. said they approved of games and 82 percent said they made more money during the games.[164] In response to that survey, William H. Ligon, Managing Director of the Texas Association of Petroleum Retailers, produced a survey of dealer attitudes toward games taken in Dallas, El Paso, Fort Worth and Houston, Tex., during the early part of April 1969. Of those dealers responding to the survey, 92 percent of the Humble dealers, 97 percent of the Mobil dealers, and 84 percent of the Shell dealers said that they would like to see all oil companies outlaw or quit games.[165]

Mr. Holdgraf contends that the argument that advertising of games creates a demand which forces dealers to use them is not supported by the facts.[166] Shell, he said, does not advertise games in any market unless a substantial majority of dealers have agreed to participate in them.[167]

William M. McCardell, vice president, Marketing, Humble Oil & Refining Co., stated Humble's position as being opposed to any attempt to coerce dealers,[168] but admitted that "Isolated incidents of improper conduct by a sales representative, though prohibited and not condoned, can occasionally occur."[169] In referring to the minority of Humble dealers who elected not to participate in games, Mr. McCardell said: "Competitive pressures in the marketplace may place dealers who elect not to participate in a sales promotion at a competitive disadvantage in relation to other retailers who do elect to participate. However, to declare that effective market-wide sales promotion programs are therefore 'inherently coercive' and should be prohibited would deny to the many wanting to use and benefit from such programs one of the basic values of their affiliation with a branded supplier."[170]

E. R. Bradley, vice president, Sun Oil Co., disagreed with the belief that the acceptance of games is not voluntary on the part of the dealer.[171]

All of the major oil companies who appeared or submitted statements, even the Atlantic Richfield Co. which asked the Commission to prohibit games, opposed the issuance of the proposed rule relating to coercion in the gasoline industry,[172] and submitted many lengthy legal arguments in support of their position.[173]

C. *Comments on regulation vs. prohibition of games.* A number of witnesses who appeared at the hearings, including the representative of one major oil company,[174] or filed written comments, urged the Commission to prohibit games altogether rather than to regulate them. Among the reasons given for this position were that games are illegal lotteries or that they possess great opportunities for deception or coercion which regulation would not be able to correct.

Those who felt that the opportunity for coercion presented by the games could not be remedied by regulation included Congressman John D. Dingell;[175] William D. Snow, general counsel, National Congress of Petroleum Retailers;[176] John M. Huemmrich, president, National Congress of Petroleum Retailers;[177] Gary E. Persian, legal counsel and executive director, Minnesota Association of Petroleum Retailers;[178]

See footnotes at end of document.

O. W. Britton, executive director, Retail Gasoline Dealers Association of Michigan; [173] Jerry M. Ferrara, executive director, New Jersey Gasoline Retailers Association; [174] James W. Heizer, executive secretary, Virginia Gasoline Retailers Association, Inc.; [175] William Ligon, executive secretary, Texas Association of Petroleum Retailers; [176] Richard R. Richmond, a gasoline dealer; [177] and Harry B. Greaves, president of the Oklahoma division of the Mid-America Gasoline Dealers Association.[178]

Others advocating the abolition of games for a variety of reasons, including the views that they are lotteries or illegal gambling devices, or fraudulent or deceptive, were Congressman Silvio O. Conte; [179] Congressman Benjamin S. Rosenthal; [180] John W. Houston, executive secretary, Georgia Association of Petroleum Retailers, Inc.; [181] Dr. Stewart M. Lee, Geneva College; [182] Colston E. Warne, president, Consumers Union of the United States; [183] Nicholas Del'Spina, president, United Stations of New Jersey; [184] Dr. Richard L. D. Morse, Kansas State University; [185] Mrs. Sacha K. Miller; [186] William Ligon, executive secretary, Texas Association of Petroleum Retailers; [187] Dr. Thomas Brooks, University of Connecticut; [188] Barry Tumpson; [189] Frank J. Kottke, Washington State University; [190] American Petroleum Refiners Association; [191] and Pennsylvania Petroleum and Fuels Association.[192]

Additionally, the record of this proceeding contains approximately 400 letters from consumers, received since this proceeding was initiated, alleging that food and gasoline games are fraudulent, deceptive, rigged, or cause higher prices. The majority of these letters ask the Commission to ban games altogether.

As already noted, members of the game producing, food, and gasoline industries, with the exception of the Atlantic Richfield Co., suggested, with varying degrees of enthusiasm, regulation of games, at least with respect to their possibly deceptive aspects, rather than abolition of them.

III. *Summary and conclusions.* On the basis of the record of the Trade Regulation Rule Proceeding, including those portions referred to in the preceding section, the Commission has concluded that the issuance of a Trade Regulation Rule regulating the conduct of games of chance in the food retailing and gasoline industries is required by that record, and is in the public interest. The Commission has also reached the conclusion that, for reasons discussed below, the rule should address itself only to the area of possible or alleged deception in connection with the use of games in both industries, and not to the area of possible or alleged coercion in connection with the use of games in the gasoline industry.

A. *Possible deception in games*—1. *Disclosure of material facts.* In general, industry members who would be affected by any rule issued with regard to games went on record in this proceeding as favoring the principle of full disclosure of the material facts of a game and endorsed the objective of the proposed rule relating to deception to guarantee this disclosure. Those industry members who commented on the rule, however, were virtually unanimous in claiming that, as proposed, the rule was impractical and that compliance with it was not possible.

The Commission has concluded that the requirement of a full and complete disclosure of a game's material facts must be an essential part of any rule purporting to regulate games. The primary reason for this conclusion is the manner in which games are advertised and promoted. As previously noted, games are advertised and promoted in such a manner that the major prizes are given heavy emphasis. It appears that such emphasis is necessary in order to attract participants, and thus potential purchasers, to the user's retail outlets. Yet the chances of winning the heavily emphasized top prizes are slim indeed. The ratio of winning game pieces for the top prizes to the total game pieces for games in the record of this proceeding range from 1 in 150,000 to one in 7 million, and the odds of winning a major prize other than the top prize were also slight. Advertising which repeatedly emphasizes the opportunity to win large prizes, when the chances of winning those prizes is often very remote is, we conclude, inherently deceptive. Such deception can be cured only by a disclosure of the actual prize structure and odds for games.

Accordingly, one of the most important sections of the rule which the Commission today adopts is concerned with disclosure of the prize structure and odds for games in the food and gasoline industries. Since industry members support the general principle of disclosure, the Commission's chief task has been to fashion a rule, the disclosure provisions of which are practical from a compliance standpoint but also which, in view of the information on game advertising, odds, and prize structure contained in this record, effectively protects the public interest.

Having therefore given careful consideration to material presented during the course of this proceeding, including comments of industry members, the rule which the Commission issues today differs significantly in its disclosure requirements from the rule the Commission proposed at the inception of this proceeding.

One of the oft-repeated objections made by industry members to the proposed rule was that they had no way of telling "the exact number of prizes in each category or denomination to be awarded" during a game, as the proposed rule required, since some winning tickets for prizes might be discarded, lost or misplaced, and thus some prizes would never be redeemed or "awarded." Likewise, industry members argued that the proposed rule's requirement of weekly revisions of advertising to reflect prizes "still available" was unrealistic, in part, because they would not know how many winning pieces had been distributed, but not redeemed, and thus were no longer "still available."

The Commission is of the opinion that the industry arguments regarding these two points are well founded and, accordingly, the final rule has been changed to reflect those arguments. The final rule requires that the exact number of prizes in each category or denomination "to be made available" be disclosed, and that this disclosure be revised weekly to reflect those prizes "which remain unredeemed."

Since the final rule requires disclosure in all advertising and promotional material of the exact number of prizes to be offered or made available, revised weekly as prizes are redeemed, it would not be possible to replenish prizes during the game as a category or denomination of prizes are reduced or exhausted without rendering false prior disclosures as to the exact number of prizes offered. Accordingly, the rule in paragraph (h) specifically prohibits replenishing or adding in prizes during a game. This provision of the rule would not appear to cause any difficulty for producers or users of games, however, since game producers are able to predict accurately the number of game pieces and prizes needed for a game so as to render "very remote" [193] the need for replenishment.

Also implicit in the final rule's requirement that the exact number of prizes to be made available during a game be disclosed is that no game can be terminated prior to issuance of all game pieces to the participating public. If a game were terminated prior to distribution of all pieces, then any winning pieces contained in the undistributed game pieces would not have been made available to participants and thus the initial disclosure as to the exact number of prizes to be made available would have been false. Accordingly, paragraph (g) of our rule prohibits terminating any game prior to distribution of all pieces. Like the problem of replenishment, the problem of left over game pieces was characterized by the game producers as unlikely to occur.[194] Paragraph (g) should, therefore, impose no hardship on those subject to its requirements.

In its report on games the Commission's staff found that for the four largest promoters the chance of obtaining a winning piece for a $1,000 prize in a single store visit averaged 1.2 per million.[195] The report added that: "Even the more sophisticated consumers have no way of knowing the real odds of winning a prize." [196] And, as noted, information submitted during this proceeding indicated that the chances of winning a major prize are often remote.

The Commission is of the opinion that a disclosure of the odds for winning each prize offered is vital to enable participants and potential participants to make an informed decision as to whether or not to continue or begin playing a game. In our judgment, a disclosure solely of the number of prizes available in each category or denomination is virtually meaningless without revealing what a participant's chances are of winning those prizes. Several producers and users of games indicated that

See footnotes at end of document.

information as to the odds should be disclosed to participants.[197] We agree and, accordingly, although not required by the proposed rule, our final rule requires a disclosure of the odds of winning each prize offered, with a weekly revision as to prizes in the amount of value of $25 or more.

Industry members also contended that it was impractical to require, as the proposed rule does, that the disclosure as to prize structure be made in all game advertising and promotions and on game pieces if they refer to prizes or their number or availability. Some industry members suggested that advertising carry a clear reference to a sign to be posted at each participating outlet disclosing the required information. The Commission disagrees with this contention and, therefore, the rule which it today adopts requires the disclosures of the prize structure and odds in "advertising, including newspaper and broadcast media advertising, or other promotions, such as store signs, window streamers, banners, or display materials" and on game pieces if they refer, on the exposed portion thereof, to prizes or their number or availability.

The Commission recognizes that this requirement may cause certain difficulties for game producers and users. However, it seems obvious that games advertising, which as we have seen invariably emphasizes the opportunity to win a major prize, is a prime factor in inducing a potential participant and thus a potential customer to a retail outlet using a game. Any rule which did not require complete disclosure of all material facts in advertising would not adequately protect the public interest. A reference in advertising to a sign in each outlet carrying the required prize and odds information would be inadequate since a potential game participant-customer who was induced to visit a retail outlet using the game rather than some other on the basis of advertising, and who, upon reading the prize and odds information at that outlet decided it would not be worthwhile to participate in the game, may nevertheless at that point decide it would not be feasible to take his business to some other outlet. This opinion is supported by the judgment of Frank J. Kottke, Professor of Economics at Washington State University, who stated that: "However, in light of the value of the participant's time, in instances where he plans to buy less than $25 of goods or services on the particular occasion he rarely will go elsewhere to buy these goods and services once he has taken the trouble to present himself at the game operator's place of business." [198] Accordingly, advertising which fails to inform potential participants of the game's odds and prize structure could effectively and, in our opinion unfairly, divert business from a nongame using outlet to one using the game.

Industry members also objected to making disclosures on game pieces, arguing primarily that they are too small to carry the required information. The Commission has carefully considered this argument but nevertheless is of the opinion that, like other promotional materials, game pieces must contain the information required by the rule. However, the disclosure on game pieces is only necessary if the pieces refer, on an exposed portion, to prizes or their number or availability.

Industry members further objected to having to revise advertising of disclosed information weekly as the proposed rule requires. Some even insisted it was impractical to revise point-of-sale materials weekly. Again, the Commission is aware of the practical difficulties involved, but feels that the public interest requires up-dating of all odds and prize disclosures on a weekly basis. Particularly since distribution of all game pieces must be on a purely random basis, as our final rule requires, the odds and prize structure of a game will be volatile and ever-changing. It is highly material for a game participant or potential participant, in order to make an informed decision as to whether to continue or begin playing a game and thus visit, and perhaps patronize, a retail outlet using a game, to know, as the game progresses, the prizes which remain and his chances of winning those prizes. Since games are frequently programed in terms of weeks and since some advertising, such as food advertising, is changed weekly, it would appear to be logical to require the revision of disclosures as to unredeemed prizes and odds on a weekly basis.

However, as the proposed rule provided, the disclosures need not be revised for games of 30 days' duration or less.

Other material facts which the Commission concludes should be disclosed, and are thus required to be disclosed by the final rule, include the geographic area covered by the game (this was required by the proposed rule and received little or no comment); the total number of retail outlets participating; and the game's scheduled termination date.

2. *Method of distribution of game pieces.* Although users and producers of games deny that such practices occur in current games, a major abuse identified in the Commission's staff report [199] was the placement of winning pieces in certain favored retail outlets, or localities,[200] or for certain periods in the game cycle deemed desirable for maximizing the promotional impact of the game.

The third paragraph in the proposed rule would prohibit these practices, but in our view does not go far enough in that it does not require the dispersal of game pieces on a purely random basis. We are of the opinion that in "games of chance" the element of "chance" should apply to all aspects of the game. Therefore, in order to avoid the slightest possibility of any manipulation or rigging, all game pieces should be dispersed on a purely random basis throughout the game program and throughout the geographic area covered by the game.

Significantly, the industry guidelines permit random distribution and it was stated on more than one occasion by industry members that total random distribution of game pieces was possible and acceptable.

The rule also requires the maintenance of records to demonstrate that randomness was used in the dispersal of game pieces. This requirement was suggested by the producers [201] and is hereby adopted by the Commission.

3. *Game security.* One of the areas which troubles the Commission most about games is the possibility that certain individuals may be able to solve or "break" games and thus identify winning game pieces. Winning game pieces so identified could thus be retained by the individual for his own benefit or, if the individual were a retailer, such as gasoline station dealer, he could give the winning pieces to selected customers. In either event, the participating public would be deprived of an opportunity to win the prizes so identified and the advertised odds for the prizes so identified would be deceptive.

Several witnesses tetified as to the possibility of identifying winners in unopened game pieces. However, industry members, in the main, insisted that they had solved the problem although some conceded that they could not absolutely guarantee that "breaking" would not occur in the future.

Although the Commission may require full and complete disclosure of a game's material facts, and regulate other aspects of it, such as the method of dispersal of game pieces, if the pieces are susceptible of being preidentified, the regulation of games is useless. It was this possibility of preidentifying winners that caused the Commission to give serious consideration to prohibiting games altogether rather than regulating them.

However, industry members insist that great strides have been taken in solving what they consider to be a security problem, and have introduced new packages, such as ones made of plastic, for game pieces. The Commission is therefore giving the industry an opportunity to develop games which cannot be "broken" or "read." The final rule which we adopt today prohibits the industry from promoting, selling or using any game which can be so solved.

4. *Records and reporting requirements.* Paragraph (e) of the final rule requires producers and users of games to post, at the conclusion of a game, certain information in each retail outlet which used the game and to also furnish this information to the Commission. This paragraph adopts the suggestion of the game producers that the Commission require the maintenance of certain records to be furnished to the Commission upon its request. It goes further than the producers' suggestion, however, in requiring that the information be posted in each outlet using the game and furnished automatically to the Commission at the conclusion of each game. Also, in addition to that which was suggested by the producers, the rule requires that this information consist of a complete list of the winners of each prize and the total number of prizes by category or denomination which were made available.

See footnotes at end of document.

5. *Interval between games.* The Commission is also of the opinion that a great potential for confusion and deception exists in the consecutive use of games by a retail establishment, with no interval in between the games. With games running on the heels of each other, participants could easily become confused as to the prize structure, odds, and redemption rights of the game then in progress. A better practice, to assure that deception and confusion would not result, would be to follow each game with a break in time at least equivalent to the duration of the just-completed game. Paragraph (f) of the final rule requires such a break.

B. *Possible coercion in games in the gasoline industry.* Neither a majority of the gasoline dealers or dealer associations nor any of the oil companies who appeared or submitted comments during the course of this proceeding supported the issuance of the proposed rule relating to alleged coercion in connection with the use of games in the gasoline industry, although their lack of support was for entirely different reasons. The oil companies were of the opinion generally that coercion of dealers was not a problem and that therefore no rule is necessary, while a majority of the dealers and associations felt that, rather than issue a rule, the Commission should prohibit games in the industry altogether.

The Commission views with great concern the allegations of the numerous gasoline dealers and dealer associations who appeared during this proceeding to the effect that dealers, directly or indirectly, are coerced to participate in games by their oil company suppliers.

We are convinced that the dealer complaints of coercion go beyond, and are not limited to, allegedly coerced participation in games, but are the direct result of the economic power enjoyed by oil companies vis-a-vis the dealers. We are not convinced, however, that the proposed rule relating to alleged coercion in connection with the use of games is a proper vehicle for regulating or dealing with this disparity of economic power enjoyed by the oil companies.

On the other hand, we are doubtful if the record of this proceeding, consisting as it does of conflicting statements of dealers and companies on the issue of coercion, is legally sufficient to support the drastic remedy of abolition of games in the industry.

Accordingly, the Commission has concluded that the second proposed rule relating to coercion should not be issued, and hereby announces that it will respond to dealer complaints of coercion, whether in connection with the use of games or in any other aspect of the dealer's relationship with his supplier, on a case-by-case basis, utilizing section 5 of the Federal Trade Commission Act and the principles developed thereunder in the TBA cases.[35]

C. *Regulation vs. prohibition of games.* It is clear that games have been in practice, fraudulent and deceptive in some instances. The industry, in response to such charges and to the concern of the public and governmental agencies, has made a commendable effort to correct these abuses. It is unfortunate that these steps came only in response to pressure and that greater care was not utilized initially. The industry guidelines, while not going nearly so far as the rule which we today adopt, are examples of that effort. Members of the game producing industry have assured the Commission that regulation of their industry and of games in the food retailing and gasoline industries will work, and will make games fair and honest. We are therefore according them the opportunity to demonstrate the validity of that assurance by promulgating the rule attached hereto. Compliance with this rule will not be easy; it requires the disclosure of more detailed information than any Trade Regulation Rule previously adopted. Yet full compliance with this rule by all those to whom it applies is expected and will be insisted upon. Such full compliance will, we feel, protect the public interest.

The rule we adopt today is intended to correct the promotion and employment in a deceptive manner of games of chance. The proper function of a regulatory agency is to correct, by regulation if possible, unlawful activity rather than to prohibit the device altogether. It is possible that this rule will not have the intended results, or that compliance with it may not be forthcoming. Perhaps this industry may not be susceptible of regulation. In that event, the Commission, to protect the public interest, will consider imposition of a stricter, prohibitory rule. In any event the rule announced today will be reconsidered by the Commission 18 months following its effective date.

D. *The Commission's rulemaking authority.* The argument was made during the course of this proceeding,[36] as it has been during practically every Trade Regulation Rule proceeding which the Commission has initiated, that the Commission has no authority to promulgate Trade Regulation Rules.

In our Statement of Basis and Purpose accompanying the Cigarette Rule, we elaborated at length on our Trade Regulation Rulemaking authority [37] and concluded that Trade Regulation Rules are "within the scope of the general grant of rulemaking authority in section 6(g) (of the Federal Trade Commission Act), and authority to promulgate it is, in any event, implicit in section 5(a)(6) (of the Act) and in the purpose and design of the Trade Commission Act as a whole."[38] The Commission still adheres to that view.

E. *Effective date of the rule.* The game producers who appeared during this proceeding requested a grace period of 60 days to bring all media advertising and display materials into compliance with any rule the Commission issues, and 90 days to bring game pieces into full compliance.[39] Another request, received after the record of this proceeding was closed, was for an effective date 150 days beyond the date of announcement of Commission action.

In view of the fact that producers and users of games have been on notice for a considerable period of time that Commission action with regard to games was likely, we do not feel that any period of delay of the rule's effective date longer than 60 days would be justified. Accordingly, the effective date of the rule will be 60 days after publication of the rule in the FEDERAL REGISTER.

FOOTNOTES

[1] The Use of Games of Chance in Gasoline Marketing and Their Impact Upon Small Business, A Report of Subcommittee No. 5 to the Select Committee on Small Business, House of Representatives, 90th Congress, second session (1968).

[2] Economic Report on the Use of Games of Chance in Food and Gasoline Retailing 466–467.

[3] House Subcommittee Report, supra note 1, at 37–38.

[4] 34 F.R. 218 (1–7–69).

[5] Record, Volume V, p. 1214. (As used herein, "Record" refers to the 7 volumes of written comments and material in the public record of this proceeding and "Tr." to the transcript of the public hearings in this proceeding.)

[6] Record, Volume V, p. 1210.

[7] Record, Volume V, p. 837, et seq.

[8] E.g., statements of William P. Sims, Jr., on behalf of a group of game producers, Tr. 57–58; Robert Herron, president, Herron-Kienzle, Inc., Tr. 85; Ralph Glendinning, President, Glendinning Companies, Inc., Tr. 333; and Edward H. DeHart, on behalf of a group of game producers, Tr. 813.

[9] See, e.g., statements of William P. Sims, Jr., on behalf of a group of game producers, Tr. 60; Marvin Margolis, vice president and general counsel, Miller-Waltzer Associates, Inc., Tr. 118; Ralph Glendinning, president, Glendinning Companies, Inc., Tr. 333; and Edward H. DeHart, on behalf of a group of game producers, Tr. 826.

[10] Robert Gordon, president of Poppy Productions, a game producer, supported the proposed rule apparently without reservations, Tr. 182.

[11] Record, Volume III, p. 539.

[12] Ibid.

[13] Id. at 539–40.

[14] Id. at 540–41.

[15] Id. at 541.

[16] Id. at 539.

[17] Id. at 540.

[18] Id. at 541.

[19] Ibid.

[20] Statements of Marvin Margolis, vice president and general counsel, Miller-Waltzer Associates Inc., Tr. 137; Ralph Glendinning, president, Glendinning Companies, Inc., Tr. 330; and Edward H. DeHart on behalf of a group of game producers, Tr. 815.

[21] Record, Volume VII, p. 1870; statement of H. J. Peckheiser, executive vice president, Tr. 412.

[22] Statement of H. J. Peckheiser, executive vice president, Tr. 420, 427.

[23] Record, Volume VII, p. 1867.

[24] Id. at 1868.

[25] Id. at 1869.

[26] Statement of M. B. Holdgraf, vice president, Tr. 689–90.

[27] Id. at 676.

[28] Prepared statement of M. B. Holdgraf, p. 32, appearing after Tr. 695.

[29] Statement of M. B. Holdgraf, vice president, Tr. 653, 700–01.

[30] Record, Volume III, p. 334.

[31] Record, Volume III, p. 349.

[32] Record, Volume III, p. 351.

[33] Record, Volume III, p. 533; Statement of E. R. Bradley, vice president, Tr. 783 (Sun is in favor of reasonable regulations to eliminate possible fraud, misrepresentation and deception, and, with a slight modification, the proposed rule relating to deception appears to be reasonable and acceptable).

[34] Record, Volume IV, pp. 600–01.

[35] Record, Volume VI, p. 1618.

[36] Record, Volume VII, p. 2063.

[37] Statement of M. B. Holdgraf, vice president, Tr. 676.

[38] See, e.g., statements of Clarence Adamy, president of the National Association of Food Chains, Tr. 568–69, 572–74; John J. Cairns, Jr., National Director of Sales, Great Atlantic and Pacific Tea Co., Inc., Tr. 607; and Emerson E. Brightman, executive vice president, Grand Union Co., Tr. 612–13.

[39] Statements of Henry Bison, Jr., general counsel, National Association of Retail Grocers, Tr. 443; and Clarence Adamy, president, National Association of Food Chains, Tr. 568–70.

[40] Tr. 605.

[41] Tr. 614–15.

[42] Tr. 612.

[43] Tr. 384.

[44] Tr. 454–56.

[45] Tr. 457.

[46] Record, Volume III, p. 331.

[47] Record, Volume III, p. 415.

[48] Record, Volume IV, p. 650.

[49] Economic Report, Op. Cit. supra note 2, at 460–64, 479–81.

[50] See note 9 supra.

[51] Note 5 supra.

[52] Note 6 supra.

[53] Tr. 86.

[54] Tr. 66–67.

[55] Tr. 86.

[56] Tr. 88.

[57] Tr. 92.

[58] Tr. 106.

[59] Tr. 127.

[60] Tr. 130.

[61] Tr. 130–31.

[62] Tr. 132.

[63] Tr. 136.

[64] Tr. 330.

[65] Tr. 334.

[66] Tr. 334.

[67] Tr. 335.

[68] See, e.g., statements of Robert Herron, president, Herron-Kienzle, Inc., Tr. 89, Daniel Silverman, president, Dansico Associates, Inc., Tr. 110–114; Ralph O. Glendinning, president, Glendinning Companies, Inc., Tr. 340–341, 368–379.

[69] Statement of James Naber, vice president and general manager, Glendinning Companies, Inc., Tr. 372–373.

[70] Record, Volume VI, pp. 1562–1563.

[71] Record, Volume VI, p. 1563.

[72] Statements of William P. Sims, Jr., on behalf of a group of game producers, Tr. 67–68 and James Naber, vice president and general manager, Glendinning Companies, Inc., Tr. 379–80.

[73] Tr. 423–24.

[74] Tr. 424.

[75] Record, Volume II, p. 313.

[76] Record, Volume III, p. 351.

[77] Record, Volume IV, p. 601.

[78] Pp. 5–7, following Tr. 693.

[79] Record, Volume III, pp. 415, 427–28.

[80] Tr. 265–68.

[81] Tr. 279–80.

[82] Tr. 314, 328 (affidavit of Humble Oil dealer).

[83] Tr. 633–35.

[84] Statement of William P. Sims, Jr., on behalf of a group of game producers, Tr. 71, 72–74.

[85] Statements of Ralph O. Glendinning, president, Glendinning Companies, Inc., Tr. 348, and Edward H. DeHart, on behalf of a group of game producers, Tr. 831–33.

[86] Tr. 346.

[87] Tr. 344.

[88] Tr. 774–75.

[89] Prepared statement, pp. 6–8, following Tr. 693.

[90] Tr. 736.

[91] Tr. 475–77.

[92] Tr. 475.

[93] Tr. 477.

[94] Tr. 640–41.

[95] Record, Volume III, p. 413.

[96] Record, Volume III, p. 540.

[97] Statement of Ralph Glendinning, President, Glendinning Companies, Inc., Tr. 330, 336–37.

[98] Record, Volume I, p. 105.

[99] Record, Volume VII, following p. 1986.

[100] Record, Volume I, p. 139.

[101] Record, Volume I, p. 140.

[102] Due to the size of these banners they are stored in the basement of the FTC Building.

[103] This material is also stored in the basement of the FTC Building.

[104] Record, Volume I, p. 197.

[105] Record, Volume I, p. 197.

[106] Record, Volume I, p. 197.

[107] Record, Volume I, p. 198.

[108] Record, Volume I, following p. 198.

[109] Record, Volume II, p. 207.

[110] Record, Volume II, p. 217.

[111] Record, Volume II, p. 217.

[112] Record, Volume II, p. 213A.

[113] Record, Volume II, p. 214.

[114] Record, Volume II, p. 313.

[115] These posters are stored in the basement of the FTC Building.

[116] Record, Volume III, p. 435.

[117] Record, Volume III, pp. 436–37.

[118] Record, Volume III, pp. 441–51, 453–54, 456–59.

[119] Record, Volume III, p. 483.

[120] Record, Volume III, pp. 485–87.

[121] Record, Volume I, p. 114.

[122] Record, Volume I, p. 116.

[123] Record, Volume I, pp. 116A, 124, 125, 126.

[124] Record, Volume I, p. 114.

[125] Record, Volume I, pp. 136, 137.

[126] Record, Volume I, p. 150A.

[127] Record, Volume I, p. 157.

[128] Record, Volume I, p. 161.

[129] Record, Volume I, pp. 162, 163.

[130] Record, Volume I, pp. 160–77.

[131] Record, Volume I, pp. 166, 167, 168, 176.

[132] Record, Volume II, pp. 233–234.

[133] Record, Volume III, p. 354.

[134] Record, Volume III, p. 399.

[135] Record, Volume IV, p. 652.

[136] Record, Volume IV, 652, et seq.

[137] Harlan Triplett, a Cities Service Co. lessee-dealer, Tr. 847, 854.

[138] Tr. 256.

[139] Tr. 257.

[140] Tr. 258–59.

[141] Tr. 291–92.

[142] Tr. 297.

[143] Tr. 298–99.

[144] Tr. 292.

[145] Tr. 302.

[146] Tr. 303.

[147] Record, Volume I, p. 87.

[148] Record, Volume I, p. 92.

[149] Record, Volume I, p. 180.

[150] Record, Volume VI, p. 1420.

[151] Statements of William D. Snow, general counsel, National Congress of Petroleum Retailer, Tr. 205–07, 211–12, 218 (Referring to the decision in Federal Trade Commission v. Texaco, Inc., 393 U.S. 223 (1968), Mr. Snow asks rhetorically: "In what way are games, in what way should there be more toleration of forcing a gambling device on dealers than there is toleration in forcing TBA on them?"), 215, 220–21; John W. Houston, executive secretary, Georgia Association of Petroleum Retailers, Inc., Tr. 235–36, 250–51 ("Short-term leases assure dealer cooperation [in games]"); Gary E. Persian, legal counsel and executive director, Minnesota Association of Petroleum Retailers, Tr. 269–70, 271; William D. Tucker, executive secretary, Allied Gasoline Retailers Association of Florida, Inc., Tr. 280–82, 283–84; James W. Heizer, executive secretary, Virginia Gasoline Retailers Association, Inc., Tr. 314–17, 324, 326–27; Donald Weitzman, Tr. 482–84, 487; William Ligon, executive secretary, Texas Association of Petroleum Retailers, Tr. 551–55; Stanley A. Rodman, executive director, Delaware Valley Service Station Dealers Association, Tr. 629–31; and Derol May, president of the Arkansas Gasoline Retailers Association, Inc., Record, Volume IV, p. 591.

[152] See, e.g., statements of William D. Snow, general counsel, National Congress of Petroleum Retailers, Tr. 218, 224–25; John W. Houston, executive secretary, Georgia Association of Petroleum Retailers, Inc., Tr. 231, 250; Gary E. Persian, legal counsel and executive director, Minnesota Association of Petroleum Retailers, Tr. 269, 271; O. W. Britton, executive director, Retail Gasoline Dealers Association of Michigan, Tr. 277; James W. Heizer, executive secretary, Virginia Gasoline Retailers Association, Inc., Tr. 313, 316; Nicholas Del'Spina, president, United Stations of New Jersey, Tr. 477; William Ligon, executive secretary, Texas Association of Petroleum Retailers, Tr. 546; Richard R. Richmond, Record, Volume I, p. 92; Harry B. Greaves, president, Oklahoma Division, Mid-America Gasoline Dealers Association, Record, Volume I, p. 180; and the resolution of the Missouri Oil Jobbers Association, Record, Volume VII, p. 1854A.

[153] Tr. 399.

[154] Tr. 401.

[155] Tr. 406.

[156] Tr. 682–83.

[157] Tr. 683–84.

[158] Tr. 660–61.

[159] Record, Volume VII, pp. 2110–14.

[160] Tr. 677.

[161] Ibid.

[162] Tr. 734.

[163] Tr. 759.

[164] Tr. 757–58.

[165] Tr. 775.

[166] See, e.g., statements of E. R. Bradley, vice president, Sun Oil Co., Tr. 783–85; H. J. Peckheiser, vice president, Mobil Oil Corp., Tr. 409–10; M. B. Holdgraf, vice president, marketing, Shell Oil Co., Tr. 691; William M. McCardell, vice president, marketing, Humble Oil & Refining Co., Tr. 733.

[167] See, e.g., statement of William Simon on behalf of Humble Oil & Refining Co., Tr. 701, et seq.; and written submissions of The Standard Oil Company of Ohio, Record, Volume III, pp. 334–37; the American Oil Co., Record, Volume III, p. 338, et seq.; Sinclair Oil Corp., Record, Vol. III, pp. 351–52; Sun Oil Co., Record, Volume III, pp. 530–33; Glendinning Companies, Inc., Record, Volume III, p. 549, et seq.; Standard Oil Company of California, Record, Volume IV, p. 597, et seq.; Humble Oil & Refining Co., Record, Volume VI, p. 1616, et seq.; and Mobil Oil Corp., Record, Volume VII, p. 1856, et seq.

[168] L. M. Ream, Jr., vice president, Atlantic Richfield Co., Tr. 533.

[169] Tr. 15, 18–19, 27.

[170] Prepared statement, pp. 3, 20–21, 23, following Tr. 229.

[171] Tr. 258–59.

[172] Tr. 271.

[173] Tr. 277.

[174] Tr. 292.

[175] Tr. 313, 316.

[176] Tr. 546.

[177] Record, Volume 1, p. 92.

[178] Record, Volume 1, p. 180.

[179] Tr. 33.

[180] Tr. 168, 175.

[181] Tr. 250.

[182] Tr. 385.

[183] Tr. 452.

[184] Tr. 477.
[185] Tr. 513–16.
[186] Tr. 526–28.
[187] Tr. 546.
[188] Tr. 622, 628.
[189] Tr. 642, 649.
[190] Record, Volume IV, pp. 637–38.
[191] Record, Volume VI, p. 1387.
[192] Record, Volume VII, p. 1909.
[193] Written submission of Glendinning Companies, Inc., Record, Volume VI, p. 1563.
[194] See e.g., statements of James Naber, vice president and general manager, Glenndinning Companies, Inc., Tr. 380 and William P. Sims, Jr., on behalf of a group of game producers, Tr. 67–68.
[195] Economic Report on the Use of Games of Chance in Food and Gasoline Retailing, 466.
[196] Ibid.
[197] See e.g., statements of Marvin Margolis, vice president and general counsel, Miller-Waltzer Associates, Inc., Tr. 137; Ralph Glendinning, president, Glendinning Companies, Inc., Tr. 330; Edward H. DeHart, on behalf of a group of game producers, Tr. 815; M. B. Holdgraf, vice president, Shell Oil Co., Tr. 676; and Emerson E. Brightman, executive vice president, Grand Union Co., Tr. 612.
[198] Record, Volume IV, p. 637.
[199] Economic Report, supra, note 195, at 460–64, 479–81.
[200] See, e.g., Economic Report on Food Chain Selling Practices in the District of Columbia and San Francisco, A Staff Report to the Federal Trade Commission, p. 5, where it is indicated that the largest food chain in Washington, D.C., placed large prizes in its upper-income and suburban stores and none in its stores in the central city.
[201] Statement of Ralph Glendinning, president, Glendinning Companies, Inc., Tr. 330, 336–337.
[202] Federal Trade Commission v. Texaco, Inc., 393 U.S. 223 (1968); Atlantic Refining Co. v. Federal Trade Commission, 381 U.S. 357 (1964); Shell Oil Co. v. Federal Trade Commission, 360 F. 2d 470 (5th Cir. 1966) cert. denied, 385 U.S. 1002 (1967).
[203] See, e.g., statements of William Simon, on behalf of Humble Oil & Refining Co., Tr. 701, et seq.; Humble Oil & Refining Co., Record, Vol. VI, p. 1616, et seq.; and Mobil Oil Corp., Record, Vol. VII, pp. 1858–1863.
[204] Trade Regulation Rule for the Prevention of Unfair or Deceptive Advertising and Labeling of Cigarettes in Relation to the Health Hazards of Smoking and Accompanying Statement of Basis and Purpose of Rule, 127–50.
[205] Id. at 150.
[206] Record, Vol. VI, p. 1548.

[F.R. Doc. 69–9692; Filed, Aug. 15, 1969; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69–189]

PART 1—GENERAL PROVISIONS

Extension of Limits of Springfield, Mass., Port of Entry

AUGUST 6, 1969.

It has been determined that less costly, and more timely Customs service can be provided to the importing and traveling public through extending the present limits of the port of Springfield, Mass., which now includes the municipality of Springfield, Mass. The extension will also provide a larger geographical area through which the importing and traveling public can be served.

Accordingly, under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization provided by Treasury Department Order No. 190, Rev. 6 (34 F.R. 6298), the present geographical limits of the Springfield, Mass., port of entry in the Boston, Mass., Customs district (Region I), are extended to include the incorporated cities of Holyoke and Chicopee, and the incorporated towns of West Springfield, Agawam, Longmeadow, and East Longmeadow.

The geographical limits of the extended port of Springfield, Mass., are described as follows:

All of the area lying within the outer boundaries of the city of Springfield, Mass., and including also the area lying within the outer boundaries of the incorporated cities of Holyoke and Chicopee, and the incorporated towns of West Springfield, Agawam, Longmeadow, and East Longmeadow, all within Hampden County in the State of Massachusetts.

Section 1.2(c) of the Customs Regulations is amended by inserting after "Springfield" in the column headed "Ports of Entry" in the Boston, Mass., Customs district (Region I), "(T.D. 69–189)."

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

This Treasury Decision shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69–9712; Filed, Aug. 15, 1969; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950——)

Subpart E—Deductions; Reductions; Nonpayments, Increases

Subpart J—Procedures, Payment of Benefits and Representation of Parties

MISCELLANEOUS AMENDMENTS

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.) are further amended to read as follows:

1. Paragraph (c)(3) of § 404.408 is amended to read as follows:

§ 404.408 Reduction of benefits based on disability on account of receipt of workmen's compensation.

* * * * *

(c) * * *

(3) *Average current earnings defined*—(i) *In general.* An individual's "average current earnings" for purposes of this section means the larger of:

(*a*) The average monthly wage used for purposes of computing the individual's disability insurance benefit under section 223 of the Act, or

(*b*) One-sixtieth of the total of such individual's wages and earnings from self-employment without the limitations under sections 209(a) and 211(b)(1) of the Act for the 5 consecutive calendar years after 1950 for which such wages and earnings from self-employment were highest. The extent by which such individual's wages and earnings from self-employment exceed the limitations under sections 209(a) and 211(b)(1) of the Act for any calendar year after 1950 is computed in accordance with the provisions of subdivision (ii) of this subparagraph. Any amount so computed which is not a multiple of $1 is reduced to the next lower multiple of $1.

(ii) *Method of determining calendar year earnings in excess of the limitations under sections 209(a) and 211(b)(1) of the Act—(a) In general.* For the purposes of subdivision (i)(*b*) of this subparagraph, the extent by which the wages or earnings from self-employment of an individual exceed the maximum amount of earnings creditable under sections 209(a) and 211(b)(1) of the Act in any celander year after 1950 will ordinarily be estimated on the basis of the earnings information available in the records of the Administration. (See Subpart I of this part.) If an individual adduces satisfactory evidence of his actual earnings in any year, the extent, if any, by which his earnings exceed the limitations under sections 209(a) and 211(b)(1) of the Act shall be determined by the use of such evidence instead of by the use of estimates.

(*b*) *Estimated wage earnings—(1) One employer involved.* In any calendar year after 1950 in which wages are reported for an individual, the wages credited to his earnings record for each calendar quarter before the quarter in which the maximum amount creditable under section 209(a) of the Act is attained are deemed to be the individual's actual earnings for each such quarter. The amount of wages for the calendar quarter in which the maximum amount of earnings was attained and for each succeeding calendar quarter of that year, if any, in which the individual worked is deemed to be equal to the largest amount credited to his earnings account in that calendar year for any calendar quarter through the quarter in which the maximum amount of earnings was attained.

Example. In the year 1966 in which $6,600 is the maximum creditable earnings amount under section 209(a) of the Act, W worked for the XYZ Company. His earnings record shows the following amounts of wages:

1st quarter	$2,400
2d quarter	2,550
3d quarter	1,650
4th quarter	0
Total	6,600

The maximum creditable earnings amount was reached in the third quarter. The amount of wages for that quarter and for the succeeding fourth quarter is deemed to equal the highest quarterly amount credited, i.e., the amount of $2,550 credited to the second quarter. Thus W's total estimated wages for the year 1966 are determined as follows:

1st quarter	$2,400
2d quarter	2,550
3d quarter	2,550
4th quarter	2,550
Total	10,050

(2) *Two or more employers involved.* In any calendar year after 1950 in which wages are reported for an individual by more than one employer, if the total wages reported by any employer equal or exceed the maximum amount of earnings creditable under section 209(a) of the Act, the total wages from such employer for the quarters in which the individual worked for that employer are estimated in accordance with the provisions of (*1*) of this subdivision (ii)(*b*).

Example. In the calendar year 1964 in which $4,800 is the maximum amount of earnings creditable under section 209(a) of the Act, A worked for four employers. The following amounts are creditable to his earnings record:

	Employer No. 1	Employer No. 2	Employer No. 3	Employer No. 4	Total
1st quarter	$1,400	$1,200	$0	$0	
2d quarter	1,200	1,200	150	300	
3d quarter	2,200	1,200	0	1,800	
4th quarter	0	1,200	250	2,700	
	$4,800	$4,800	$400	$4,800	$14,800

Wages from Employer No. 1 reached the maximum in the third quarter. For this quarter and the succeeding fourth quarter, A's wages from Employer No. 1 are deemed to equal $2,200 in each of these two quarters. Wages from Employer No. 2 reached the maximum in the fourth quarter, but since all of the quarterly amounts credited are equal, there are no additional deemed wages. Since the total wages reported by Employer No. 3 never reached the maximum, the actual amounts credited are deemed to be his total wages from such employer. Wages from Employer No. 4 reached the maximum in the fourth quarter. However, since this is the highest quarterly amount credited and there are no succeeding quarters, the total earnings from this employer are deemed to be the actual amounts credited. Thus, A's total wages for 1964 are estimated as follows:

	Employer No. 1	Employer No. 2	Employer No. 3	Employer No. 4	Total
1st quarter	$1,400	$1,200	$0	$0	
2d quarter	1,200	1,200	150	300	
3d quarter	2,200	1,200	0	1,800	
4th quarter	2,200	1,200	250	2,700	
	$7,000	$4,800	$400	$4,800	$17,000

(*c*) *Estimated earnings from self-employment.* In any such calendar year in which self-employment income is credited to an individual's earnings record and such credit equals the maximum amount of earnings creditable under section 211(b)(1) of the Act, the amount of earnings from self-employment for such individual's taxable year is deemed to equal his total net earnings from self-employment as shown in his tax returns on file in the records of the Administration.

Example. In the calendar year 1957 in which $4,200 is the maximum amount creditable as self-employment income under section 211(b)(1) of the Act, C has maximum self-employment income of $4,200 credited to his earnings record. C's self-employment tax return for 1957 shows net earnings from self-employment of $8,300. Thus, C's earnings from self-employment are deemed to equal $8,300 for 1957.

(*d*) *Wages and self-employment income involved.* In any such calendar year in which both wages and self-employment income are credited to an individual's earnings record, the amount of such individual's total earnings for such calendar year is deemed to equal the total of his wages as determined under the provisions of (*b*) of this subdivision and the amount of his net earnings from self-employment as determined under the provisions of (*c*) of this subdivision.

Example. For the calendar year 1967 in which $6,600 is the maximum creditable earnings under sections 209(a) and 211(b)(1) of the Act, D who was both employed and self-employed has the following amounts credited to his earnings record:

	Wages	Self-employment income
1st quarter	$1,500	
2d quarter	1,500	
3d quarter	1,500	
4th quarter	1,500	
	$6,000	$600

Since the amount of wages credited do not equal or exceed the maximum amount creditable under section 209(a) of the Act, D's total wages for the year are deemed to be $6,000. However, the amount of net earnings from self-employment shown on D's self-employment tax return is $2,300. D's earnings from self-employment are deemed to equal net earnings from self-employment which he reported for the year. Thus, D's earnings for 1967 are estimated as follows:

Wages	$6,000
Net earnings from self-employment	2,300
Total	8,300

* * * * *

2. Paragraph (b)(3) of § 404.905 is amended to read as follows:

§ 404.905 Administrative actions that are initial determinations.

* * * * *

(b) *Modification of the amount of monthly benefits or lump sum.* The Administration shall, under the circumstances hereafter stated in this paragraph, make findings, setting forth the pertinent facts and conclusions, and an initial determination as to whether:

* * * * *

(3) There should be a reduction under section 203(a) of the Act, or section 224 of the Act before its repeal in 1958, or section 224 of the Act as enacted on July 30, 1965, or section 224 of the Act as amended January 2, 1968, or deduction under section 203 (b), (c), (d), (f), (g), (h)(2), section 222(b), or reduction or suspension under section 228 of the Act with respect to benefits to which an individual is entitled, because of circumstances existing at or after such entitlement, and, if a reduction or deduction is to be made, the amount thereof; or

* * * * *

(Secs. 205, 224, 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended, sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 424, 1302)

3. *Effective date.* The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: July 12, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 12, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69–9720; Filed, Aug. 15, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methomyl

A petition (9F0814) was filed with the Food and Drug Administration by E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, proposing the establishment of a tolerance of 0.2 part per million for negligible residues of the insecticide methomyl (*S*-methyl *N*-[(methyl-carbamoyl)oxy] thioacetimidate) in or on the raw agricultural commodity group fruiting vegetables.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120),

§ 120.253 is amended by revising the paragraph "0.2 part per million * * *" to read as follows:

§ 120.253 Methomyl; tolerances for residues.

* * * * *

0.2 part per million (negligible residue) in or on the commodity groups fruiting vegetables and leafy vegetables.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 8, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9673; Filed, Aug. 15, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Preparedness

PART 1712—FEDERAL DISASTER ASSISTANCE—SETTLEMENT OF CLAIMS

Pursuant to and in conformity with the Act of July 19, 1966, 80 Stat. 309, 31 U.S.C. 952, and in conformity with the standards promulgated jointly by the Attorney General and the Comptroller General pursuant to that Act (4 CFR Ch. II) the following regulations relating to the settlement of certain claims arising under the Federal Disaster Act, as amended (42 U.S.C. 1855–1855hh), and the regulations prescribed pursuant thereto (32 CFR Parts 1710 and 1711) are hereby prescribed as Part 1712 of Title 32.

Sec.
1712.1 Scope.
1712.2 Exclusions.
1712.3 Definitions.
1712.4 Compromise or waiver.
1712.5 Administrative collection activity.
1712.6 Referrals to GAO.

AUTHORITY: The provisions of this Part 1712 issued under the Act of July 19, 1966, 80 Stat. 309, 31 U.S.C. 952; the Federal Disaster Act, as amended (42 U.S.C. 1855–1855hh); and 4 CFR Ch. II.

§ 1712.1 Scope.

This part prescribes standards to be applied and procedures to be followed by the Office of Emergency Preparedness (OEP) in the administrative collection, compromise, termination of OEP collection action, and referral to the General Accounting Office (GAO) of civil claims by OEP in connection with Federal Disaster Assistance (Public Law 81–875, Part 1710 of this chapter; Public Law 89–769, Part 1711, of this chapter; 42 U.S.C. 1855–1855hh).

§ 1712.2 Exclusions.

This part shall not apply to civil claims by OEP arising out of any Federal Disaster Assistance rendered under circumstances in which a State has not accepted responsibility for the administration of such assistance, nor does it apply to the handling of any claims as to which there is an indication of fraud.

§ 1712.3 Definitions.

Except as otherwise stated, the following terms shall have the following meanings when used in this part:

(a) *Claims.* The stated right or rights of the Federal Government to funds either overadvanced or overpaid to a State in connection with a Federal-State Disaster Assistance Agreement.

(b) *Voucher.* Form SF 1034 submitted to OEP by the State on behalf of an applicant for reimbursement of expenses incurred in connection with the performance of approved disaster work.

(c) *Advance.* Amount advanced to States for readvance to applicants to provide working capital prior to submissions of vouchers and limited to certain percentages of the approved application.

(d) *Bill for Collection (Form 1114).* Formal demand for funds due the Federal Government.

(e) *State official.* The individual authorized by the State Governor in the Federal-State Agreement involved to execute all but certain documents.

§ 1712.4 Compromise or waiver.

Section 3(b) of the Federal Claims Collection Act of 1966 (31 U.S.C. 592) authorizes the head of each agency, in conformity with regulations issued jointly by the Attorney General and the Comptroller General, to compromise claims not exceeding $20,000 exclusive of interest, or to terminate collection action with respect to those claims where it appears that no person liable for the claim has present or prospective financial ability to pay a sufficient sum thereon or where the cost of collection of the claim is likely to exceed the amount of recovery. Most claims under this part will be for a specific and undisputed debt arising out of an overadvance of disaster funds to a State (for readvancement to one or more of its political subdivisions) and the debtor will be one of the States of the Union. Consequently, there will be few, if any, instances in which compromise or waiver of claims cognizable under the regulations in this part would be consistent with the intent of section 3(b) of Federal Claims Collection Act.

§ 1712.5 Administrative collection activity.

(a) Civil claims by OEP in connection with Federal Disaster Assistance normally arise when a State voucher for payment of Federal Disaster Assistance is processed and a determination is made by OEP that funds already advanced to the State attributable directly to the voucher in question are in excess of the amount eligible for Federal reimbursement. Collection activity to recover such excess funds shall proceed in the following sequence:

(1) A Bill for Collection (Form 1114), accompanied by a suspension statement or other materials reasonably necessary to give an accounting or explanation of the outstanding overadvance or debt, shall be prepared in the Office of Administration, OEP, forwarded to the OEP Regional Director involved, and immediately transmitted to the appropriate State official. This transmittal shall clearly state that the funds in question are due from the State and that any appeals (see paragraph (b) of his section) to the determination of eligibility for reimbursement must be filed with the Regional Director within 30 days from the date of the Bill for Collection.

(2) If within 30 days, the Regional Director has not received payment of the full amount stated in the Bill for Collection, a written appeal or a written notice of intention to submit an appeal with respect to the eligibility determination, he shall notify the appropriate State official, in writing, that the amount owing is past due and that the consequences of nonpayment have necessitated referral of the entire claim to OEP Headquarters for further action including possible offset against other such vouchers eligible for reimbursement (4 CFR 102.3) or referral to the GAO for collection (4 CFR Part 105). The State will also be informed that further communications shall be with the Chief, Financial Management Branch.

(3) If, within 30 days after date of the notice required in subparagraph (2) of this paragraph, the full amount of the bill has not been received, the Chief, Financial Management Branch, shall notify the appropriate State official that the account is delinquent and subject to offset against any other funds to which the State may be entitled by reason of the same disaster or to referral to the GAO for collection.

(4) If, within 30 days after date of notice required by subparagraph (3) of this paragraph, payment of the full amount stated in the Bill for Collection has not been received, the Director or his designee shall offset the amount stated in the Bill for Collection against any funds otherwise owed the State by reason of the same disaster and the Governor shall be notified of that action. If it is not feasible to satisfy the indebtedness by such offset the Director or his designee shall notify the Governor of the State that he intends to request the GAO to take the necessary steps to effect collection. This letter shall explain in some detail the possible consequences of such a referral of the claim to the GAO for collection including the possible adverse effect such referral might have on other Federal programs in the State.

(b) Appeals:

(1) Appeals for reconsideration of eligibility for reimbursement shall be submitted not later than 30 days after the date of the Bill for Collection in accordance with the OEP appeal procedures set forth in § 1710.9(f) of this chapter except that a State's written notice of intention to file an appeal shall cause this period to run an additional period of not to exceed 30 days from the date of such notice, if in the opinion of the Regional Director there is sufficient cause for an extension. All collection activities shall be held in abeyance during any period that appeals are being considered. Consideration of appeals shall be handled as expeditiously as possible.

(2) If an appeal receives favorable consideration resulting in the complete satisfaction of the bill and necessitating an additional payment by OEP, the Financial Management Branch shall prepare a suspension-lifting voucher for the additional amount approved. The amount stated in the bill will be deducted from the voucher and a check for the difference shall be processed. That check shall be accompanied by a voucher which explains the transaction.

(3) If an appeal receives favorable consideration resulting in partial satisfaction of the amount stated in the bill, the processes shall be the same as those described in subparagraph (2) of this paragraph except that the State shall receive a revised Bill for Collection (Form 1114) instead of a check. Whenever this occurs, the collection activities described in paragraph (a) of this section shall commence again.

(4) If an appeal is denied, the OEP Regional Director shall inform the appropriate State official of that denial and demand immediate payment of the bill. From this point, OEP's collection activity shall continue as set forth in paragraph (a)(2) et seq., of this section.

(c) Collection in installments: The appropriate State official shall be informed that any plan for repayment which provides for installment over an extended period of time cannot be accepted because of the administrative cost that would be involved in such a plan. Furthermore, it should be pointed out to State officials that Exhibit A3g.I to the Federal-State Disaster Assistance Agreement provides that over-advances shall be "promptly refunded."

§ 1712.6 Referrals to GAO.

Claims not paid within 15 days after the date of the letter submitted in conformity with the next to last sentence of § 1712.5(a)(4) shall be considered administratively uncollectible and OEP collection activity shall terminate. Such claims shall, in conformity with 4 CFR Part 105, be immediately referred to GAO for collection. If a plan for installment payments is received at a point in OEP's administrative collection activity and it is determined that this is the State's final offer, such claim will be offset or referred to GAO without further delay. If the claim is referred to the GAO for collection, the GAO shall be advised of the installment payment offer.

The provisions of this part shall be effective upon publication of this part in the FEDERAL REGISTER.

Dated: August 13, 1969.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[F.R. Doc. 69-9721; Filed, Aug. 15, 1969; 8:49 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Reg. 2 (formerly NPA Reg. 2), Direction 12 of Aug. 15, 1969]

BDSA REG. 2, DIR. 12—RESTRICTIONS ON THE PLACEMENT OF RATED ORDERS FOR NICKEL AND DISPOSITION OF NICKEL CONTAINED IN GENERATED SCRAP

This direction under BDSA Regulation 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. It is necessitated by the shortage of primary nickel arising from a strike in the nickel producing industry in Canada which is a major source of supply for the United States.

In the formulation of this direction there has been consultation with industry representatives and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this direction has been rendered impracticable because it affects many industries.

Sec.
1. What this direction does.
2. Definitions.
3. Restrictions on the placement of rated orders for nickel by consumers.
4. Disposition of nickel contained in generated scrap.
5. Acceptance of rated orders by producers and distributors.
6. Requests for adjustment or exception.

AUTHORITY: Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 90-370, 82 Stat. 279.

Section 1. What this direction does.

This direction establishes restrictions on the use of rated orders by consumers for the procurement of nickel until further notice. It limits consumers' use of such rated orders to the quantity of nickel required for current use. It restricts the disposition of nickel contained in generated scrap. It requires a special certification on rated orders for nickel by consumers and prohibits producers and distributors from accepting such rated orders which are not certified as required by this direction.

Sec. 2. Definitions.

As used in this direction:

(a) "BDSA" means the Business and Defense Services Administration of the U.S. Department of Commerce.

(b) "Nickel" means primary nickel (not including nickel derived or recovered from scrap) in the following forms or shapes:

Electrolytic cathodes.	Oxide (including sintered oxide).
Pigs.	Salts.
Ingots.	Chemicals.
Rondelles.	Powder.
Cubes and pellets.	Ferronickel.
Shot.	

(c) "Ferronickel" means a primary form of nickel commonly used as a raw material in the manufacture of ferrous metals and which contains by weight 25 percent or more of nickel.

(d) "Nickel required for current use" means that quantity of nickel which is required to be put into production in the month in which delivery of such nickel is requested, in accordance with the delivery schedule required to fill mandatory acceptance orders for the product or products to be produced with the use of such nickel.

(e) "Producer" means a person engaged in making and/or refining nickel.

(f) "Distributor" means any person (including a warehouseman, jobber, dealer or retailer) engaged in the business of stocking nickel for sale or resale at one or more locations regularly maintained by him for such purpose. A person who, in connection with any purchase of nickel for resale, does not normally take physical delivery of such nickel into his own stock at a location regularly maintained by him for such purpose, shall not be deemed a distributor with respect to such resale.

(g) "Consumer" means any person who uses or consumes nickel in connection with his production or the services which he performs.

Sec. 3. Restrictions on the placement of rated orders for nickel by consumers.

(a) Notwithstanding the provisions of any other regulation or order of BDSA, until further notice, no consumer may place DO and/or DX rated orders for nickel for delivery in any month in an amount greater than the amount of nickel required for current use to fill mandatory acceptance orders. Such orders shall be certified as follows: "Certified under BDSA Regulation 2 for current use to fill mandatory acceptance orders and not for inventory replacement." Such certification shall be signed as provided for in BDSA Regulation 2.

(b) Any consumer who, prior to the effective date of this direction, has placed

a rated order for nickel with a producer or distributor calling for delivery after the month of August 1969, shall cancel from such rated order any amount of nickel in excess of the quantity for which he is authorized to place a rated order as provided in paragraph (a) of this section and shall certify any remaining balance of nickel on such order with the certification provided in paragraph (a) of this section. Such cancellation and certification shall be made by letter or telegram addressed to the producer or distributor with whom such rated order has been placed as soon as possible after the effective date of this direction.

Sec. 4. Disposition of nickel contained in generated scrap.

Pursuant to section 3(b) of Direction 7 to BDSA Regulation 2, as amended by Amendment 1 to that direction, any usable nickel contained in scrap generated by any person in the course of producing nickel alloys, as defined in section 2(c) of BDSA Order M–1B or other alloys containing nickel to fill mandatory acceptance orders, or an equivalent amount of nickel, shall be used by such person only to fill mandatory acceptance orders.

Sec. 5. Acceptance of rated orders by producers and distributors.

No producer and no distributor shall accept a rated order for nickel from a consumer unless such order contains the certification provided in section 3(a) of this direction. Any producer and any distributor who, prior to the effective date of this direction, has accepted a rated order for nickel from a consumer calling for delivery after the month of August 1969, shall not fulfill such order until he has obtained from the consumer who placed such order with him the certification provided in section 3(a) of this direction.

Sec. 6. Requests for adjustment or exception.

Any person affected by any provision of this direction may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. The submission of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. Each request shall be in writing, by letter in triplicate, addressed to the Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefore.

This direction shall take effect August 15, 1969.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
FORREST D. HOCKERSMITH,
Acting Administrator.

[F.R. Doc. 69–9746; Filed, Aug. 15, 1969; 8:49 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Minneapolis-St. Paul

On May 7, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7385) to amend Part 81 by designating the Minneapolis-St. Paul Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on May 21, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.27, as set forth below, designating the Minneapolis-St. Paul Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.27 Minneapolis-St. Paul Intrastate Air Quality Control Region.

The Minneapolis-St. Paul Intrastate Air Quality Control Region (Minnesota) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota:	
Anoka County.	Ramsey County.
Carver County.	Scott County.
Dakota County.	Washington County.
Hennepin County.	

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c–2(a), 1857g(a))

Dated: August 11, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69–9654; Filed, Aug. 15, 1969; 8:45 a.m.]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Baltimore

On May 7, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7385) to amend Part 81 by designating the Metropolitan Baltimore Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on May 23, 1969. Due consideration has been given to all relevant material presented, with the result that one county, Carroll County, Md., not in the original proposal, has been added to the Region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.28, as set forth below, designating the Metropolitan Baltimore Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.28 Metropolitan Baltimore Intrastate Air Quality Control Region.

The Metropolitan Baltimore Intrastate Air Quality Control Region (Maryland) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maryland:	
Anne Arundel County.	Carroll County.
Baltimore City.	Harford County.
Baltimore County.	Howard County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c–2(a), 1857g(a))

Dated: August 11, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69–9653; Filed, Aug. 15, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments, Yields, Wheat Certificate Program for Crop Year 1968–69, and Wheat Diversion Program for the 1969 Crop Year

The regulations governing the 1968–69 wheat program (33 F.R. 6508, and 16327), as amended, are amended by deleting §§ 728.351 to 728.355 under centerhead "1969 National Acreage Allotment" and by adding §§ 728.351 and 728.355 to read as follows:

1970 NATIONAL ACREAGE ALLOTMENT

Sec.
728.351 Basis and purpose.

Sec.
728.352 National marketing quota for wheat for the 1970–71 marketing year.
728.353 1970 national acreage allotment for wheat.
728.354 Apportionment of the 1970 national acreage allotment for wheat among the several States.
728.355 Designation of States outside the commercial wheat-producing area for the 1970–71 marketing year.

AUTHORITY: Secs. 728.351 to 728.355 issued under secs. 301, 332, 333, 334, 334a, 335, 375, 377, 379b, 52 Stat. 38, as amended; 53, as amended; 54, as amended; 66, as amended; 73 Stat. 393, as amended; 76 Stat. 621, 626, as amended; 7 U.S.C. 1301, 1332, 1333, 1334, 1334b, 1335, 1375, 1377, 1379b.

1970 NATIONAL ACREAGE ALLOTMENT

§ 728.351 Basis and purpose.

(a) The regulations contained in §§ 728.351 to 728.355 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, to (1) announce that a national wheat marketing quota shall not be in effect for the 1970–71 marketing year, (2) announce the amount of the national marketing quota which would have been determined if a national quota had been proclaimed, (3) proclaim the 1970 national acreage allotment for wheat, (4) apportion the national acreage allotment among the several States and (5) designate the commercial wheat-producing area for the 1970–71 marketing year.

(b) Section 332(d) of the act provides that the Secretary shall not proclaim a national marketing quota for the crop of wheat planted for harvest in the calendar year 1970, and that farm marketing quotas shall not be in effect for such crop of wheat.

(c) Section 333 of the act provides that the Secretary shall proclaim a national acreage allotment for each crop of wheat; and that "The amount of the national acreage allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of the projected national yield and expected underplantings (acreage other than that not harvested because of program incentives) of farm acreage allotments will produce an amount of wheat equal to the national marketing quota for wheat for the marketing year for such crop, or if a national marketing quota was not proclaimed, the quota which would have been determined if one had been proclaimed."

(d) Section 332(b) provides that "The amount of the national marketing quota for wheat for any marketing year shall be an amount of wheat which the Secretary estimates (i) will be utilized during such marketing year for human consumption in the United States as food, food products, and beverages, composed wholly or partly of wheat, (ii) will be utilized during such marketing year in the United States for seed, (iii) will be exported either in the form of wheat or wheat products thereof, and (iv) will be utilized during such marketing year in the United States as livestock (including poultry) feed, excluding the estimated quantity of wheat which will be utilized for such purpose as a result of the substitution of wheat for feed grains under section 328 of the Food and Agriculture Act of 1962; less (A) an amount of wheat equal to the estimated imports of wheat into the United States during each marketing year and, (B) if the stocks of wheat owned by the Commodity Credit Corporation are determined by the Secretary to be excessive, an amount of wheat determined by the Secretary to be a desirable reduction in such marketing year in such stocks to achieve the policy of the act: *Provided*, That if the Secretary determines that the total stocks of wheat in the Nation are insufficient to assure an adequate carryover for the next succeeding marketing year, the national marketing quota otherwise determined shall be increased by the amount the Secretary determines to be necessary to assure an adequate carryover: *And provided further*, That the national marketing quota for wheat for any marketing year shall be not less than one billion bushels." The amount of national marketing quota for wheat for the 1970–71 marketing year set out in § 728.352 and 1970 national acreage allotment for wheat set out in § 728.353 were computed in accordance with the formulas in the act.

(e) The considerations entering into the determination of the national marketing quota for wheat that would have been determined for the 1970–71 marketing year in the amount of 1,255 million bushels are set out in § 728.352. The projected national yield for the 1970 crop of wheat is determined to be 28.9 bushels per acre. The basis for this determination follows: The national yield per harvested acre of wheat during each of the 5 calendar years 1964 through 1968, as reported by the Statistical Reporting Service, USDA, was found to be 25.8, 26.5, 26.3, 25.9, and 28.4, respectively. The average of these five annual yields was computed to be 26.6. Based on a graphic projection of national annual wheat yields for a 16-year (1953–68) base period to determine trend in wheat yields and with consideration given to annual wheat yields in the various production areas, improved current production practices, abnormal weather, and expected harvested acreage, it was determined that the 5-year average of 26.6 should be adjusted upward to 28.9 for the purposes of the projected national yield for the 1970 crop of wheat. On the basis of a national quota of 1,255 million bushels, a national projected yield of 28.9 bushels per acre, and expected underplantings (acreage other than that not harvested because of program incentives) of 2 million acres, a national acreage allotment of 45.5 million acres was determined.

(f) (1) Section 334(a) of the act, as amended, provides that the 1970 national acreage allotment for wheat (less (i) a reserve of not to exceed 1 percentum thereof for apportionment to counties in addition to the county allotments made under section 334(b) of the act on the basis of relative needs of counties for additional allotment because of reclamation and other new areas coming into production of wheat, or because alternative crops are no longer profitable because of plant disease or sustained loss of market in areas which shifted from wheat to alternative crops prior to 1951, and less (ii) a special reserve not in excess of 1 million acres (for the purpose explained in a later paragraph) shall be apportioned by the Secretary among the several States on the basis of the preceding year's allotment for each such State, including all amounts allotted to the State, adjusted to the extent deemed necessary by the Secretary to establish a fair and equitable apportionment base for each State, taking into consideration established crop rotation practices, estimated decrease in farm allotments because of loss of history, and other relevant factors.

(2) The national reserve acreage needed for 1970 is determined to be 8,000 acres. This acreage shall be used (i) to make allotments to counties in addition to the county allotments made under subsection (b) of section 334 on the basis of the relative needs of counties for additional allotments because of reclamation or other new areas coming into production of wheat or (ii) to increase the allotment for any county, in which wheat is the principal grain crop produced, on the basis of its relative need for such increase if the average ratio of wheat acreage allotment to cropland on old wheat farms in such county is less by at least 20 per centum than such average ratio on old wheat farms in an adjoining county or counties in which wheat is the principal grain crop produced or if there is a definable contiguous area consisting of at least 10 per centum of the cropland acreage in such county in which the average ratio of wheat acreage allotment to cropland on old wheat farms is less by at least 20 per centum than such average ratio on the remaining old wheat farms in such county: *Provided*, That such low ratio of wheat acreage allotment to cropland is due to the shift prior to 1951 from wheat to one or more alternative income-producing crops which, because of plant disease or sustained loss of markets, may no longer be produced at a fair profit and there is no other alternative income-producing crop suitable for production in the area or county. The increase in the county allotment under clause (iii) of the preceding sentence shall be used to increase allotments for old wheat farms in the affected area to make such allotments comparable with those on similar farms in adjoining areas or counties but the average ratio of increased allotments to cropland on such farms shall not exceed the average ratio of wheat acreage allotment to cropland on old wheat farms in adjoining areas or counties. Since there have been no requests for additional allotment for reclamation or other new areas coming into wheat production in recent years, this reserve will be used primarily for counties or areas affected by plant disease or sustained loss of markets where alternative crops are no longer profitable.

(3) A special reserve acreage of not in excess of 1 million acres is also provided for in addition to the national acreage reserve. Such special acreage reserve shall be made available to the States to make additional allotments to counties on the basis of relative need of counties, as determined by the Secretary, for additional allotments to make adjustments in the allotments on old wheat farms (i.e., farms on which wheat has been seeded or regarding as seeded to one or more of the three crops immediately preceding the crop for which the allotment is established) on which the ratio of wheat acreage allotment to cropland on the farms is less than one-half the average ratio of wheat acreage allotment to cropland on old wheat farms in the county. Such adjustments shall not provide an allotment for any farm which would result in an allotment-cropland ratio for the farm in excess of one-half of such county average ratio and the total of such adjustments in any county shall not exceed the acreage made available therefor in the county. Such apportionment from the special acreage reserve shall be made only to counties where wheat is a major income-producing crop, only to farms on which there is limited opportunity for the production of an alternative income-producing crop, and only if an efficient farming operation on the farm requires the allotment of additional acreage from the special acreage reserve. For the purpose of making adjustments from the special acreage reserve, the cropland on the farm shall not include any land developed as cropland subsequent to the 1963 crop year. In determining the amount of the reserve, consideration was given to the acreage required for making such adjustments for past programs. The acreage apportioned to farms for the 1966 program was 23,255. The acreage apportioned for 1967 was 20,562; for 1968, 16,420, and for 1969, 12,142. Accordingly, it is determined that 12,000 acres will be adequate for the purpose of this special reserve for the 1970 crop.

(4) The 1970 national wheat allotment was apportioned among the various States as follows:

(i) To each 1969 State wheat allotment determined under section 334(a) of the act, as amended, and published in the FEDERAL REGISTER of July 2, 1968 (33 F.R. 9584), was added the sum of 1969 allotment acreage allocated to counties in each State from the national and special national acreage reserve to increase allotments on eligible farms in designated counties. The resulting preliminary apportionment bases for each State were (a) adjusted to reflect the net plus or minus change in 1969 wheat allotment resulting from the transfer of farms to other States for administrative purposes, and (b) were adjusted downward to the extent of the sum of 1969 wheat allotments removed from farms going out of agricultural production. Adjustment in State preliminary apportionment bases for established crop rotation practices were determined to be necessary only in the States of Colorado, Oregon, and Washington. Because history loss in 1964 and prior years is already reflected in each 1969 State allotment and section 334(a) of the act, as amended by the Agriculture Act of 1964, provided for full preservation of history in 1965 and under provisions of section 377 of the act has the effect of preserving history in 1966 and 1967, no adjustment of State preliminary apportionment bases was made because of history loss. The national wheat allotment of 45.5 million acres, less the national reserve and the special reserve, was distributed pro rata to States on the basis of each State's apportionment base determined in accordance with the foregoing.

(g) Section 334(a) of the act provides that if the acreage allotment for any State for any crop of wheat is 25,000 acres or less, the Secretary may designate such State as outside the commercial wheat-producing area for the marketing year for such crop in order to promote efficient administration of the act and the Agricultural Act of 1949. From the standpoint of efficient and equitable administration of the marketing allocation program for the 1970–71 marketing year, it is considered desirable that wheat marketing certificates be made available to wheat producers in all States on precisely the same basis. Therefore, no State for which a State acreage allotment was determined will be designated outside the commercial wheat-producing area for the 1970–71 marketing year.

(h) The findings and determinations by the Secretary contained in §§ 728.352 through 728.355 have been made on the basis of the latest available statistics of the Federal Government as required by section 301(c) of the act.

(i) Since farmers need to know their 1970 farm acreage allotments as soon as possible in order to plan their 1970 seeding operations, and since farm acreage allotments cannot be determined until the national acreage allotment is determined and apportioned among States and counties, it is necessary that this document become effective as soon as possible. Moreover, since farm marketing quotas will not be in effect on the 1970 crop of wheat, this document relates only to loans, grants, and benefits, and is exempted from the notice, public procedure, and effective date provisions of 5 U.S.C. 553. Accordingly, the apportionment and determinations herein shall become effective upon the date of the filing of this document with the Director, Office of the Federal Register.

§ 728.352 National marketing quota for wheat for 1970–71 marketing year.

(a) A national marketing quota for wheat shall not be in effect for the 1970–71 marketing year. In order that a national acreage allotment may be determined for the 1970 crop of wheat, it is necessary to determine the amount of the national wheat marketing quota which would have been determined if one had been proclaimed for the 1970–71 marketing year.

(b) Based upon (1) estimated human consumption in the United States, during the 1970–71 marketing year of 530 million bushels for food, food products, and beverages, composed wholly or partly of wheat, (2) estimated use for seed in the United States during such marketing year of 55 million bushels, (3) estimated exports of wheat and wheat products during such marketing year of 625 million bushels, and (4) the estimated amount which will be utilized during such marketing year as livestock (including poultry) feed, excluding the estimated quantity of wheat which will be utilized for such purpose as a result of the substitution of wheat for feed grains under section 328 of the Food and Agriculture Act of 1962, of 101 million bushels; less estimated imports into the United States during such marketing year of 1 million bushels, the amount of the national marketing quota for wheat for the 1970–71 marketing year would be 1,310 million bushels. However, it is determined that stocks of wheat owned by the Commodity Credit Corporation are excessive and a reduction of 55 million bushels in such stocks is necessary to achieve the policy of the Act. Therefore, the national quota for the 1970–71 marketing year is determined to be 1,255 million bushels. It is also determined that the total stocks of wheat in the Nation are sufficient to assure an adequate carryover for the 1970–71 marketing year.

§ 728.353 1970 national acreage allotment for wheat.

Based upon the projected national yield of wheat of 28.9 bushels per acre which is hereby determined, and expected underplantings, the 1970 national acreage allotment which will make available a supply of wheat equal to the national marketing quota is determined to be 45.5 million acres, and a 1970 national acreage allotment in that amount is hereby proclaimed.

§ 728.354 Apportionment of the 1970 national acreage allotment of wheat among the several States.

The national acreage allotment, less a national reserve of 8,000 acres and a special acreage reserve of 12,000 acres for additional allotments to counties, is hereby apportioned among the several States as follows:

State	Acreage allotment
Alabama	54,953
Arizona	34,570
Arkansas	118,333
California	324,230
Colorado	2,064,208
Connecticut	280
Delaware	22,829
Florida	14,936
Georgia	109,147
Idaho	954,373
Illinois	1,429,548
Indiana	1,099,634
Iowa	121,665
Kansas	8,526,307
Kentucky	180,191
Louisiana	33,651
Maine	219
Maryland	138,269
Massachusetts	160
Michigan	950,232
Minnesota	820,981
Mississippi	47,159
Missouri	1,336,500
Montana	3,137,675
Nebraska	2,541,105
Nevada	13,553
New Jersey	40,602
New Mexico	377,664
New York	264,900
North Carolina	346,292
North Dakota	5,845,690
Ohio	1,300,867
Oklahoma	3,929,888
Oregon	677,341
Pennsylvania	470,186
Rhode Island	141
South Carolina	156,070
South Dakota	2,210,664
Tennessee	166,035
Texas	3,265,386
Utah	237,559
Vermont	395
Virginia	236,724
Washington	1,588,484
West Virginia	24,255
Wisconsin	46,656
Wyoming	219,493
Total	45,480,000
Special Reserve	12,000
National reserve	8,000
National allotment	45,500,000

§ 728.355 Designation of States outside the commercial wheat-producing area for the 1970–71 marketing year.

No State for which a State acreage allotment was determined is designated as outside the commercial wheat-producing area for the 1970–71 marketing year. Accordingly, the commercial wheat-producing area for the 1970–71 marketing year shall consist of all States in the United States except New Hampshire, Alaska and Hawaii.

Effective date: Upon filing with the Director, Office of Federal Register.

Signed at Washington, D.C., this 11th day of August 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-9722; Filed, Aug. 15, 1969; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 6]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1969

Basis and purposes and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811 (33 F.R. 19245), as amended, is to determine and prorate or allocate additional deficits in quotas established pursuant to the Act and to reallocate deficits previously prorated.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or the proration of a deficit. On the basis of the quota established for Puerto Rico for the calendar year 1969 findings were heretofore made (34 F.R. 5425, 6469, 7325, 9119) that Puerto Rico was unable to fill its quota by 800,000 short tons, raw value, and accordingly quota deficits were determined for Puerto Rico totaling 800,000 tons. On the basis of the latest available information it is herein found that Puerto Rico will be able to supply 15,000 short tons, raw value, more sugar than previously estimated. Therefore, the total deficit in the 1969 quota for Puerto Rico previously determined to be 800,000 short tons, raw value, is herein reduced by 15,000 tons and herein determined to be 785,000 short tons, raw value. If production exceeds the present estimates for Puerto Rico, the marketing opportunities for that area within the total mainland quota for that area will not be limited as a result of the deficit determination and proration provided herein.

The government of Peru informed the Department prior to August 1, 1969, that it will be able to supply only 300,000 short tons, raw value, of sugar to the United States during 1969. Therefore, it is hereby found that Peru will be unable to fill deficit prorations previously allocated to it of 77,461 tons plus 65,425 tons of its quota proration under section 202 of the Act and will be unable to supply any additional deficit that may be available for proration to it during 1969. Accordingly, a total deficit is hereby determined in the quota for Peru of 142,886 short tons, raw value. The government of Panama informed the Department prior to August 1, 1969, that it will be able to supply only 44,440 short tons, raw value, of sugar to the United States during 1969. Therefore, it is hereby found that Panama will be unable to fill deficit prorations previously allocated to it of 817 tons, and will be unable to supply any additional deficit that may be available for proration to it during 1969. Accordingly, a deficit is herein determined in the quota for Panama of 817 short tons, raw value.

The deficits determined in the sugar quotas for Peru and Panama of 142,886 and 817 short tons, raw value, respectively, totaling 143,703 short tons, raw value, minus the 15,000 short tons, raw value, by which the Puerto Rican quota deficit was reduced, results in a net deficit determination of 128,703 short tons, raw value, herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act which are able to supply additional sugar on the basis of published quotas most recently in effect. On the basis of information available to the Department it is herein determined that Nicaragua will be unable to fill their statutory share of any additional deficit from other areas during the calendar year 1969. Therefore, none of the deficit herein determined is prorated to Nicaragua nor is any prorated to the Republic of the Philippines and Haiti since the Department previously determined that they will be unable to supply during 1969 any sugar in excess of their quotas currently in effect.

It is hereby determined that if Panama supplies sufficient sugar to fill the adjusted quota of 44,440 short tons, raw value, herein established for Panama, such quantity will be in excess of 115 percent of its 1968 final quota and accordingly, pursuant to section 202(d)(4), the quota for future years will not be subject to reduction by reason of 817 tons shortfall herein determined. In the absence of a finding under section 202(d)(4) that such shortfall was due to crop disaster or other force majeure and pursuant to section 204(b) of the Act, Panama is entitled to fill its unadjusted quota of 45,257 short tons, raw value.

The investigation surrounding a cargo of sugar shipped in late 1968 from Central America has been completed and the finding made on December 20, 1968, that the deficit in the 1968 quota for Nicaragua was the result of crop disaster or other force majeure is hereby affirmed.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.71, 811.72, and 811.73 as follows:

1. Section 811.71 is amended by amending paragraph (a)(2) to read as follows:

§ 811.71 Quotas for domestic areas.

(a) • • •

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1969 Puerto Rico and the Virgin Islands will be unable by 785,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

• • • • • •

2. Section 811.72 is amended by adding a new paragraph (a)(5) to read as follows:

§ 811.72 Proration and allocation of deficits and quotas in effect.

(a) • • •

(5) The deficits in the quotas of Peru and Panama totaling 143,703 short tons, raw value, minus the 15,000 short tons, raw value, reduction in the deficit in the Puerto Rican quota, resulting in a net deficit determination of 128,703 short tons, raw value, are herein prorated to Western Hemisphere countries named in section 202(c)(3)(A) of the Act, which are able to supply such additional sugar, on the basis of published quotas most recently in effect.

• • • • • •

3. Section 811.73 is amended by amending paragraph (c) to read as follows:

• • • • • •

§ 811.73 Quotas for foreign countries.

• • • • • •

(c) **For the calendar year 1969, the prorations to individual foreign countries pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations and allocations previously established are shown in column (3). In column (4) the deficit in the quotas of Peru and Panama as adjusted to reflect the decreased deficit in the Puerto Rican quota is herein prorated pursuant to paragraph (a)(5) of § 811.72.**

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d)[1]	Previous deficit prorations	New deficit prorations and allocation	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
	(Short tons, raw value)				
Mexico	226,331	242,117	156,239	30,357	655,044
Dominican Republic	221,353	236,793	202,803	32,119	693,068
Brazil	221,353	236,793	182,803	29,689	640,638
Peru	178,556	188,809	77,461	−142,886	300,000
British West Indies	88,424	73,000	64,590	10,541	227,455
Ecuador	32,206	34,454	22,234	4,320	93,214
French West Indies	27,816	23,346	17,172	3,316	71,550
Argentina	27,230	29,130	18,797	3,652	78,809
Costa Rica	26,059	27,877	17,989	3,495	75,420
Nicaragua	26,059	27,877	17,989	0	71,925
Colombia	33,424	25,067	16,169	3,142	67,792
Guatemala	21,960	23,491	15,160	2,946	63,557
Panama	16,397	17,541	11,319	−817	44,440
El Salvador	16,104	17,228	11,117	2,160	46,609
Haiti	12,297	13,156	7,854	0	33,316
Venezuela	11,126	11,902	7,680	1,492	32,300
British Honduras	6,441	5,383	3,976	706	16,506
Bolivia	2,635	2,818	1,819	353	7,625
Honduras	2,635	2,818	1,819	353	7,625
Australia	105,407	87,530			192,937
Republic of China	43,919	36,471			80,390
India	42,163	35,012			77,175
South Africa	31,036	25,772			56,808
Fiji Islands	23,121	19,208			42,329
Thailand	9,662	8,024			17,686
Mauritius	9,662	8,024			17,686
Malagasy Republic	4,978	4,133			9,111
Swaziland	3,806	3,161			6,967
Ireland	5,351	0			5,351
Bahamas	10,000	0			10,000
Total	1,475,523	1,467,784	815,000	−15,000	3,743,307

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

• • • • • •

(Secs. 201, 202, 204, 207, 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, 932; 7 U.S.C. 1111, 1112, 1114, 1117, 1153)

Effective date. This action establishes net deficits in quotas totaling 128,703 short tons, raw value, and prorates such quantity to Western Hemisphere countries with sugar quotas in effect that are able to supply additional sugar. To permit such countries for which larger quotas or prorations are hereby established to plan and to market in an orderly manner the larger quantity of sugar, it is essential at this time that all persons selling and purchasing sugar for consumption in the continental United States be promptly informed of the changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on August 11, 1969.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 69-9635; Filed, Aug. 15, 1969; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 980—VEGETABLES; IMPORT REGULATIONS

Onions

Notice of rulemaking regarding proposed restrictions on the importation of onions into the United States to be made effective under section 8e-1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e-1), was published in the August 9, 1969, FEDERAL REGISTER (34 F.R. 12950).

The notice afforded interested persons an opportunity to file data, views, or arguments in regard thereto not later than the fifth day after publication. None was filed.

Section 8e-1 of the act provides that whenever a Federal marketing order is in effect for onions, the importation of onions shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of such order. The provisions hereinafter set forth comply with those which become effective August 18, 1969, under Marketing Order No. 958 for onions grown in Idaho and Malheur County, Oreg. It is not contemplated that any other marketing order will have concurrent grade, size, quality, and maturity provisions in effect regulating onions until the spring of 1970.

Findings. (a) After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the proposal as published in the notice should be issued and that such restrictions on the importation of onions, as hereinafter provided, comply with the grade, size, quality, and maturity requirements applicable to onions produced in the United States, and effective under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the handling of onions grown in designated counties of Idaho and Malheur County, Oregon. This regulation is subject to amendment with adequate notice as domestic regulations are changed.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under section 8e-1 of the act; (2) all known onion importers were notified of the proposed regulation; and (3) notice hereof was published in the August 9, 1969, FEDERAL REGISTER (34 F.R. 12950), and such notice is determined to be reasonable.

§ 980.108 Onion import regulation.

Except as otherwise provided, during the period August 18, 1969, through June 15, 1970, no person may import dry onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Yellow varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 2-inch minimum diameter.

(2) *White varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 1-inch minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality, and maturity of onions that are imported into the United States under the provisions of section 8e-1 of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e-1 (7 U.S.C. 608e-1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, Post Office Box 310, Austin, Tex. 78767 (Phone—512-476-4789).	1 day.
All Arizona points.	B. O. Morgan, Post Office Box 1614, Nogales, Ariz. 85621 (Phone—602-Atwater 7-2902).	Do.
All California points.	D. P. Thompson, 294 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, Calif. 90021 (Phone—213-622-8756).	3 days.
All Hawaii points.	Stevenson Ching, 1428 South King St., Honolulu, Hawaii 96814 (Phone—941-3071 Ext. 146).	1 day.
New York City.	Edward J. Beller, Room 28A, Hunts Point Market, Bronx, N.Y. 10474 (Phone—212-991-7669-7668).	Do.
New Orleans...	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone—504-527-6741-6742).	Do.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, Washington, D.C. 20250 (Phone—202-Dudley 8-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: "Meets U.S. Import requirements under section 8e-1 of the Agricultural Marketing Agreement Act."

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 2" shall have the same meaning as set forth in the U.S. Standards for Grades of Onions (Other than Bermuda-Granex-Grano and Creole Types), §§ 51.2830—51.2854, and in the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions, §§ 51.3195—51.3209, both of this title. Tolerances for size shall be those in the U.S. Standards. Onions meeting the requirements of Canada No. 2 grade shall be deemed to comply with the requirements of U.S. No. 2 grade. "Importation" means release from custody of the U.S. Bureau of Customs.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated August 15, 1969, to become effective August 18, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9795; Filed, Aug. 15, 1969; 9:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 7—Agency for International Development, Department of State

[AIDPR]

PART 7-1—GENERAL

Subpart 7-1.6—Debarred, Suspended, and Ineligible Bidders

MISCELLANEOUS AMENDMENTS

Subpart 7-1.6 of Chapter 7, Title 41 of the Code of Federal Regulations is amended as follows:

The following new sections are added:

§ 7-1.604-1(a)-1 Notice received.

Notice of proposed debarment shall be deemed to have been received by an affected person if the notice was properly mailed to the last known address of such person.

§ 7-1.604-1(b)-1 Debarment without a hearing.

A.I.D. may debar a firm, individual or an affiliate thereof without a hearing if:

(a) No hearing is requested within the period indicated in the notice described in § 7-1.604-1(a)-1; or

(b) There are no disputed questions of fact relevant to the debarment issue; or

(c) The Administrator determines that the security interests of the United States override the interest of the supplier in an adversary hearing.

§ 7-1.604-1(b)-2 Date of the hearing.

Unless the Administrator determines that for good cause shown additional time should be granted, a hearing shall be instituted within 20 days after receipt of a request from an affected person for a hearing in response to the notice described in FPR 1-1.604-1(a).

§ 7-1.604-1(b)-3 Hearing Examiner.

(a) The hearing shall be conducted before an impartial hearing examiner designated by the Administrator.

(b) The Administrator shall not be limited in the choice of a hearing examiner to persons employed by A.I.D. or by any other agency of the U.S. Government.

§ 7-1.604-1(b)-4 Report to the Administrator.

The hearing examiner shall submit to the Administrator written findings of fact based upon the record established during the hearing and recommendations concerning the proposed debarment based upon these findings.

§ 7-1.604-1(b)-5 Findings.

(a) Findings of fact adequate to establish a cause for debarment shall be based upon substantial evidence. Standards of proof necessary for criminal conviction shall not apply.

(b) Evidence of criminal intent shall not be necessary to establish a cause for debarment.

(c) Findings shall not be circumscribed by technical rules of evidence.

§ 7-1.604-1(b)-6 Recommendations.

The Administrator may approve or disapprove the recommendations of the hearing examiner in whole or in part.

The foregoing amendments shall become effective upon filing with the FEDERAL REGISTER.

Dated: August 14, 1969.

LANE DWINELL,
Assistant Administrator.

[F.R. Doc. 69-9777; Filed, Aug. 14, 1969; 3:56 p.m.]

Chapter 14—Department of the Interior

PART 14–2—PROCUREMENT BY FORMAL ADVERTISING

Protests Against Award

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, Part 14–2 of Chapter 14, Title 41 of the Code of Federal Regulations is hereby approved as set forth below.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the public rule-making process. However, because this part is largely a general statement of Departmental policy and internal procedure the rule-making process will be waived and this part will become effective upon publication in the FEDERAL REGISTER.

WALTER J. HICKEL,
Secretary of the Interior.

AUGUST 12, 1969.

This section is effective upon publication in the FEDERAL REGISTER.

The table of contents for Part 14–2 is amended to add the following new entry:

Subpart 14–2.4—Opening of Bids and Award of Contract

Sec.
14–2.407–8 Protests against award.

Subpart 14–2.4—Opening of Bids and Award of Contract

Section 14–2.407–8 is added to require that reports on protests received by the General Accounting Office shall include a statement of the extent to which delay in award may result in significant performance difficulties.

§ 14–2.407–8 Protests against award.

(a) Reports to the General Accounting Office (GAO) on Interior cases involving protests received by GAO and requiring reports shall be prepared by the bureau or office concerned and shall be submitted for concurrence to the Director of Survey and Review prior to signature by the Assistant Secretary for Administration. Before concurring, the Director of Survey and Review shall review the decision to delay or to proceed with an award as reflected in the statement to be furnished in accordance with paragraph (c) of this section.

(b) When preparing supporting information on protests for submission to the Director of Survey and Review contracting officers shall ascertain the extent to which a delay in award may result in significant performance difficulties or expense.

(c) A statement dealing with the urgency of need, prepared by the contracting officer and signed as appropriate by the head of the bureau or office or his designee shall be included with the information submitted to the Director of Survey and Review.

(1) If award is not urgent, the statement shall include an estimate of the length of time an award may be delayed without significant difficulties in performance or expense.

(2) If the need is urgent, the statement shall set forth the factual basis for that conclusion.

(3) Where the urgency is so great as not to admit of the delay involved in the preparation of a formal report to GAO, telephonic clearance shall be obtained from the Office of Survey and Review.

(d) A determination to make an award under § 1–2.407–8(b)(3) of this title must before being effective be approved by the head of the bureau or office and a notice of the determination to make such award shall be furnished to the Comptroller General. Prior to making the award, the contracting officer shall request the Office of Survey and Review to obtain advice from the GAO concerning the current status of the matter in GAO. Also, the contracting officer shall document the file to justify an immediate award and shall give written notice of the decision to proceed to the protestant and as appropriate, to others concerned.

(e) In the case of a protest received after award, the procedure set forth in paragraph (a) of this section shall be followed.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

[F.R. Doc. 69–9676; Filed, Aug. 15, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 101, 108, 109, 114, 116, 117, 118, 119, 120, 121]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the provisions contained in section 533(b) of title 5, United States Code (1966), that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

The proposed amendments to § 101.1 would eliminate the designation of Division inspectors as biologics veterinarians and biologics field agents and change the definition of "inspection" accordingly; would define "distributor" in paragraph (m); would eliminate the special reference to batch of anti-hog-cholera serum in paragraph (y); would revoke the definition of "sterility" in paragraph (ll); and would eliminate the two classes of approved feed lots in paragraph (ww).

The proposed amendments to Part 108 would provide for prevention of cross contamination through proper construction.

The proposed amendments to § 109.1 eliminates prior approval by the inspector in charge before boiling of instruments may be substituted for steam sterilization.

The proposed amendments to Part 114 removes obsolete requirements; substitutes "inspector" in § 114.5 for biologics veterinarian and biologics field agent, and extends the outline requirements to include anti-hog-cholera serum.

Proposed amendments to Part 116 makes uniform record requirements for all biological products and deemphasizes recordkeeping for hog cholera products.

Proposed amendments to Part 117 deemphasizes the handling of animals for hog cholera products and prescribes requirements for all animals used at a licensed establishment. The use of virulent hog cholera virus for routine plant vaccination is eliminated.

Proposed amendments to Chapter I of Title 9, of the Code of Federal Regulations deletes from the regulation detailed methods and procedures for producing anti-hog-cholera serum and hog cholera virus.

Proposed amendments to Part 120 eliminates the two classes of approved feed lots as a result of progress made in Hog-Cholera Eradication Program. Controls of vaccinated pigs are tightened in cooperation with the program.

Proposed amendments to Part 121 would correct present reference to the regulations by changing Part 122 to Part 121.

1. Section 101.1 is amended by revising paragraphs (l), (m), (n), (y), (ll), and (ww) to read:

§ 101.1 Definitions.

* * * * *

(l) *Inspection.* An examination made by an inspector to determine the fitness of animals, establishments, facilities, and procedures used in connection with the preparation, testing, and distribution of biological products under the regulations in Parts 101 through 121 of this subchapter and the examination or testing of biological products by the Division.

(m) *Distributor.* A person engaged in the sale, shipment, or other disposition of biological products.

(n) [Reserved]

* * * * *

(y) *Batch.* A quantity of properly identified biological product which may be incorporated in whole or in part into a serial.

* * * * *

(ll) [Reserved]

* * * * *

(ww) *Approved feed lot.* A feed lot approved by the Director for the raising of immune hogs for anti-hog-cholera serum production by a person who, under an agreement or contract, furnishes such hogs to a plant producing anti-hog-cholera serum.

* * * * *

2. Section 108.12 is revised to read:

§ 108.12 Rooms and equipment.

(a) All rooms, compartments, and other places used in connection with the preparation, handling, or storing of any biological product at licensed establishments shall be so constructed and arranged as to prevent cross contamination of biological products. Such rooms, compartments, and other places shall be of such material, construction, and design as can be readily and thoroughly cleaned.

(b) All containers, instruments and other apparatus and equipment used for preparing, handling, or storing biological products shall not be used for handling, preparing, or storing other forms of biological products until such containers, instruments and other apparatus and equipment have been cleaned and sterilized and so handled thereafter as to prevent contamination.

3. Section 109.1 is amended by revising paragraph (b) to read:

§ 109.1 Equipment and the like.

* * * * *

(b) Instruments which are found to be damaged by exposure to the degree of heat prescribed in this section, after having been thoroughly cleaned, may be sterilized by boiling for not less than 15 minutes.

§§ 114.6, 114.10, 114.15, 114.16, 114.17, 114.19 [Deleted]

4. Part 114 is amended by deleting §§ 114.6, 114.10, 114.15, 114.16, 114.17 and 114.19.

§ 114.5 [Amended]

5. In paragraphs (a) and (b) of § 114.5, the words "Biologics Veterinarian or Biologics Field Agent" are changed to read "inspector."

6. Section 114.8 is amended by revising paragraph (b) to read:

§ 114.8 Methods.

* * * * *

(b) An outline, describing fully the entire process of preparing, handling, storing, marking, treating, and testing each biological product shall be submitted by each licensee to the Division. Tests that are applicable and necessary to prevent the marketing of an unsatisfactory product shall be made by the licensee and the tests shall be included in the outline for the product. Such tests shall establish the purity, safety, and potency of the product. Each outline shall clearly state a definite expiration date for the product and on what it is based.

* * * * *

7. Part 116 is revised to read:

PART 116—RECORDS AND REPORTS

Sec.
116.1 Preparation of records.
116.2 Completion and retention of records.
116.3 Reports.

§ 116.1 Preparation of records.

(a) Detailed production records, including reports of all tests for purity, safety, and potency shall be prepared for each serial of biological product manufactured in or offered for importation into the United States; such records shall be prepared by the licensee or the foreign manufacturer, respectively.

(b) Detailed disposition records, in a form satisfactory to the Director, shall be maintained by each licensee, each distributor, and each importer, showing the sale, shipment, or other disposition made of the bilogical products handled by such person.

§ 116.2 Completion and retention of records.

All records (other than disposition records) required by this part shall be completed by the licensee or the foreign manufacturer, as the case may be, before any portion of a serial of any product

may be marketed in the United States or exported. Such records shall be retained for a period of 2 years after the expiration date of the product involved and for such longer period as may be required by the Director in specific cases.

§ 116.3 Reports.

Reports containing accurate information of production activities in each establishment by the licensee or the foreign manufacturer whose products are either being offered for importation or being imported into the United States, as the case may be, shall be prepared and forwarded to the Division in such form and manner as may be required by the Director.

§ 117.1 [Amended]

1. In § 117.1 the words "Parts 101 to 122" are changed to read "Parts 101 to 121".

§ 117.3 [Amended]

9. In paragraph (d) of § 117.3 the words "and the Inspector in charge" are deleted from the second sentence.

10. Section 117.4 is revised to read:

shall be used for production purposes which show any clinical signs of disease.

(b) All animals admitted to the premises of a licensed establishment and permitted to enter the holding pens of the establishment shall be permanently identified by the licensee with tags, marks, or other means acceptable to the Director.

(c) All animals used for test purposes shall be identified either collectively or individually in a manner conducive to an accurate interpretation of the results of the test.

12. Section 117.8 is amended by revising paragraph (b) to read:

§ 117.8 Treatment.

* * * * *

(b) Contact calves shall not be immunized against diseases to which they are susceptible except pasteurellosis. Such calves may be treated with pasteurella bacterin or anti-contagious-pleuropneumonia serum.

§ 117.9 [Amended]

13. In paragraph (b) of § 117.9 the words "Parts 101 to 122" are changed to read "Parts 101 to 121".

provisions of the regulations in this part and where specific provision is not made therefor shall be disposed of as required by the Director.

15. Section 117.11 is revised to read:

§ 117.11 Swine; treatment prior to removal.

All swine which require treatment or vaccination against hog cholera shall be treated with modified live virus vaccine alone or with modified live virus vaccine in conjunction with anti-hog-cholera serum, both of which shall have been prepared at a licensed establishment. After vaccination, those animals which have received modified live virus vaccine shall be held on the premises for a period of not less than 30 days.

16. Parts 118 and 119 of Chapter I of Title 9 of the Code of Federal Regulations are revoked.

17. Part 120 is amended by revising §§ 120.2, 120.4, 120.5, 120.8, 120.10, and 120.11. Part 120 as amended reads as follows:

PART 120—APPROVED FEED LOTS

justification or reasons why such feed lot operations will not endanger other swine or impair the Hog-Cholera Eradication Program.

§ 120.3 Feed lot approval.

Before a feed lot is approved by the Director, an inspection shall be made to determine whether such lot meets the requirements of this part. A feed lot shall not be approved unless, in the opinion of the Director, its location and method of operation will not endanger other swine or impair the Hog-Cholera Eradication Program. The volume of swine handled for anti-hog-cholera serum producers must be sufficient to warrant approval as an approved feed lot.

§ 120.4 Listing of approved feed lots.

The Director shall compile a list of approved feed lots, copies of which will be available to all licensed establishments, operators of approved feed lots and officials of the State in which such approved feed lots are located.

§ 120.5 Release from list of approved feed lots.

(a) Swine are in a healthy condition as determined by veterinary inspection.

(b) Swine are transported directly to an approved feed lot immediately upon [illegible]

§ 120.9 Records of vaccination and disposition.

(a) Records of vaccination and disposition of all animals shall be maintained by each operator of an approved feed lot on forms approved by the Department and made available to such operators. A copy of such records shall be furnished to the inspector.

(b) An inventory of animals showing the daily admission to and removal from the premises of all animals shall be maintained by the operator of an approved feed lot.

(c) Records described in paragraphs (a) and (b) of this section shall be retained for a period of 1 year.

§ 120.10 Removal of animals.

(a) Swine shall not be removed from an approved feed lot without a permit in response to a written application therefor. Removal of animals shall be permitted by the Director under the following conditions provided such removal is accomplished in a manner as to preclude the dissemination of disease:

(1) Swine are in a healthy condition as determined by veterinary inspection.

(2) Swine are transported directly to an approved feed lot immediately upon [illegible]

Consumer and Marketing Service

[7 CFR Part 1060]

[Docket No. AO-360-A3]

MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Minnesota-North Dakota marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, [illegible] by the 15th day after publication of this decision in

Chapter 14—Department of the Interior

PART 14–2—PROCUREMENT BY FORMAL ADVERTISING

Protests Against Award

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, Part 14–2 of Chapter 14, Title 41 of the Code of Federal Regulations is hereby approved as set forth below.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the public rule-making process. However, because this part is largely a general statement of Departmental policy and internal procedure the rule-making process will be waived and this part will become effective upon publication in the FEDERAL REGISTER.

WALTER J. HICKEL,
Secretary of the Interior.

AUGUST 12, 1969.

This section is effective upon publication in the FEDERAL REGISTER.

The table of contents for Part 14–2 is amended to add the following new entry:

Subpart 14–2.4—Opening of Bids and Award of Contract

Sec.
14–2.407–8 Protests against award.

Subpart 14–2.4—Opening of Bids and Award of Contract

Section 14–2.407–8 is added to require that reports on protests received by the General Accounting Office shall include a statement of the extent to which delay in award may result in significant performance difficulties.

§ 14–2.407–8 Protests against award.

(a) Reports to the General Accounting Office (GAO) on Interior cases involving protests received by GAO and requiring reports shall be prepared by the bureau or office concerned and shall be submitted for concurrence to the Director of Survey and Review prior to signature by the Assistant Secretary for Administration. Before concurring, the Director of Survey and Review shall review the decision to delay or to proceed with an award as reflected in the statement to be furnished in accordance with paragraph (c) of this section.

(b) When preparing supporting information on protests for submission to the Director of Survey and Review contracting officers shall ascertain the extent to which a delay in award may result in significant performance difficulties or expense.

(c) A statement dealing with the urgency of need, prepared by the contracting officer and signed as appropriate by the head of the bureau or office or his designee shall be included with the information submitted to the Director of Survey and Review.

(1) If award is not urgent, the statement shall include an estimate of the length of time an award may be delayed without significant difficulties in performance or expense.

(2) If the need is urgent, the statement shall set forth the factual basis for that conclusion.

(3) Where the urgency is so great as not to admit of the delay involved in the preparation of a formal report to GAO, telephonic clearance shall be obtained from the Office of Survey and Review.

(d) A determination to make an award under § 1–2.407–8(b)(3) of this title must before being effective be approved by the head of the bureau or office and a notice of the determination to make such award shall be furnished to the Comptroller General. Prior to making the award, the contracting officer shall request the Office of Survey and Review to obtain advice from the GAO concerning the current status of the matter in GAO. Also, the contracting officer shall document the file to justify an immediate award and shall give written notice of the decision to proceed to the protestant and as appropriate, to others concerned.

(e) In the case of a protest received after award, the procedure set forth in paragraph (a) of this section shall be followed.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

[F.R. Doc. 69-9676; Filed, Aug. 15, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 101, 108, 109, 114, 116, 117, 118, 119, 120, 121]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the provisions contained in section 533(b) of title 5, United States Code (1966), that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

The proposed amendments to § 101.1 would eliminate the designation of Division inspectors as biologics veterinarians and biologics field agents and change the definition of "inspection" accordingly; would define "distributor" in paragraph (m); would eliminate the special reference to batch of anti-hog-cholera serum in paragraph (y); would revoke the definition of "sterility" in paragraph (ll); and would eliminate the two classes of approved feed lots in paragraph (ww).

The proposed amendments to Part 108 would provide for prevention of cross contamination through proper construction.

The proposed amendments to § 109.1 eliminates prior approval by the inspector in charge before boiling of instruments may be substituted for steam sterilization.

The proposed amendments to Part 114 removes obsolete requirements; substitutes "inspector" in § 114.5 for biologics veterinarian and biologics field agent, and extends the outline requirements to include anti-hog-cholera serum.

Proposed amendments to Part 116 makes uniform record requirements for all biological products and deemphasizes recordkeeping for hog cholera products.

Proposed amendments to Part 117 deemphasizes the handling of animals for hog cholera products and prescribes requirements for all animals used at a licensed establishment. The use of virulent hog cholera virus for routine plant vaccination is eliminated.

Proposed amendments to Chapter I of Title 9, of the Code of Federal Regulations deletes from the regulation detailed methods and procedures for producing anti-hog-cholera serum and hog cholera virus.

Proposed amendments to Part 120 eliminates the two classes of approved feed lots as a result of progress made in Hog-Cholera Eradication Program. Controls of vaccinated pigs are tightened in cooperation with the program.

Proposed amendments to Part 121 would correct present reference to the regulations by changing Part 122 to Part 121.

1. Section 101.1 is amended by revising paragraphs (l), (m), (n), (y), (ll), and (ww) to read:

§ 101.1 Definitions.

* * * * *

(l) *Inspection.* An examination made by an inspector to determine the fitness of animals, establishments, facilities, and procedures used in connection with the preparation, testing, and distribution of biological products under the regulations in Parts 101 through 121 of this subchapter and the examination or testing of biological products by the Division.

(m) *Distributor.* A person engaged in the sale, shipment, or other disposition of biological products.

(n) [Reserved]

* * * * *

(y) *Batch.* A quantity of properly identified biological product which may be incorporated in whole or in part into a serial.

* * * * *

(ll) [Reserved]

* * * * *

(ww) *Approved feed lot.* A feed lot approved by the Director for the raising of immune hogs for anti-hog-cholera serum production by a person who, under an agreement or contract, furnishes such hogs to a plant producing anti-hog-cholera serum.

* * * * *

2. Section 108.12 is revised to read:

§ 108.12 Rooms and equipment.

(a) All rooms, compartments, and other places used in connection with the preparation, handling, or storing of any biological product at licensed establishments shall be so constructed and arranged as to prevent cross contamination of biological products. Such rooms, compartments, and other places shall be of such material, construction, and design as can be readily and thoroughly cleaned.

(b) All containers, instruments and other apparatus and equipment used for preparing, handling, or storing biological products shall not be used for handling, preparing, or storing other forms of biological products until such containers, instruments and other apparatus and equipment have been cleaned and sterilized and so handled thereafter as to prevent contamination.

3. Section 109.1 is amended by revising paragraph (b) to read:

§ 109.1 Equipment and the like.

* * * * *

(b) Instruments which are found to be damaged by exposure to the degree of heat prescribed in this section, after having been thoroughly cleaned, may be sterilized by boiling for not less than 15 minutes.

§§ 114.6, 114.10, 114.15, 114.16, 114.17, 114.19 [Deleted]

4. Part 114 is amended by deleting §§ 114.6, 114.10, 114.15, 114.16, 114.17 and 114.19.

§ 114.5 [Amended]

5. In paragraphs (a) and (b) of § 114.5, the words "Biologics Veterinarian or Biologics Field Agent" are changed to read "inspector."

6. Section 114.8 is amended by revising paragraph (b) to read:

§ 114.8 Methods.

* * * * *

(b) An outline, describing fully the entire process of preparing, handling, storing, marking, treating, and testing each biological product shall be submitted by each licensee to the Division. Tests that are applicable and necessary to prevent the marketing of an unsatisfactory product shall be made by the licensee and the tests shall be included in the outline for the product. Such tests shall establish the purity, safety, and potency of the product. Each outline shall clearly state a definite expiration date for the product and on what it is based.

* * * * *

7. Part 116 is revised to read:

PART 116—RECORDS AND REPORTS

Sec.
116.1 Preparation of records.
116.2 Completion and retention of records.
116.3 Reports.

§ 116.1 Preparation of records.

(a) Detailed production records, including reports of all tests for purity, safety, and potency shall be prepared for each serial of biological product manufactured in or offered for importation into the United States; such records shall be prepared by the licensee or the foreign manufacturer, respectively.

(b) Detailed disposition records, in a form satisfactory to the Director, shall be maintained by each licensee, each distributor, and each importer, showing the sale, shipment, or other disposition made of the bilogical products handled by such person.

§ 116.2 Completion and retention of records.

All records (other than disposition records) required by this part shall be completed by the licensee or the foreign manufacturer, as the case may be, before any portion of a serial of any product

may be marketed in the United States or exported. Such records shall be retained for a period of 2 years after the expiration date of the product involved and for such longer period as may be required by the Director in specific cases.

§ 116.3 Reports.

Reports containing accurate information of production activities in each establishment by the licensee or the foreign manufacturer whose products are either being offered for importation or being imported into the United States, as the case may be, shall be prepared and forwarded to the Division in such form and manner as may be required by the Director.

§ 117.1 [Amended]

3. In § 117.1 the words "Parts 101 to 122" are changed to read "Parts 101 to 121."

§ 117.5 [Amended]

9. In paragraph (d) of § 117.5 the words "and the inspector in charge" are deleted from the second sentence.

10. Section 117.6 is revised to read:

§ 117.6 Certificates.

(a) All cattle, hogs, sheep, and goats admitted to the premises of any licensed establishment which procures no animals from public stockyards, abattoir pens, or similar places need not be held in contact with contact calves if the licensee has a certificate as provided for in paragraph (b) of this section prepared and signed by the supplier for each group of animals admitted. Such certificates shall become a part of the records for each serial or subserial of a biological product the animals are used to produce or test.

(b) Each certificate prepared in accordance with paragraph (a) of this section shall be in the following form:

---------- 19..

This is to certify that ----------

(Specify number and kind of animals) which are offered for admission to the licensed establishment of the ---------- Co. are from the farm or premises of ----------, in the State of ----------, County of ----------, Township of ----------, and to the best of our knowledge and belief were on said farm or premises at least 21 days prior to this date, and were not exposed to any infectious, contagious, or communicable disease, and no new stock was brought onto said farm or premises during that time. The said animals have not been in or transported through any public stockyards, abattoir pens, or similar places, nor have they been exposed to any infectious, contagious, or communicable disease since their removal from said farm or premises.

(Signed) ---------- Co.,
Per ----------

11. Section 117.7 is revised to read:

§ 117.7 Examination and identification.

(a) All animals admitted to the premises of licensed establishments shall be examined by the licensee as soon as practicable after they are received to determine their physical condition. No animals shall be used for production purposes which show any clinical signs of disease.

(b) All animals admitted to the premises of a licensed establishment and permitted to enter the holding pens of the establishment shall be permanently identified by the licensee with tags, marks, or other means acceptable to the Director.

(c) All animals used for test purposes shall be identified either collectively or individually in a manner conducive to an accurate interpretation of the results of the test.

12. Section 117.8 is amended by revising paragraph (b) to read:

§ 117.8 Treatment.

* * * * *

(b) Contact calves shall not be immunized against diseases to which they are susceptible except pasteurellosis. Such calves may be treated with pasteurella bacterin or anti-corynepasteurella serum.

§ 117.9 [Amended]

13. In paragraph (b) of § 117.9, the words "Parts 101 to 122" are changed to read "Parts 101 to 121."

14. Section 117.10 is revised to read:

§ 117.10 Removal of Animals.

Animals may be removed from the premises of licensed establishments; provided, such removal is accomplished in a manner as will preclude the dissemination of disease and in accordance with the following conditions:

(a) Animals which received a viable microorganism within 30 days shall not be removed;

(b) Establishments producing or testing hog-cholera products shall not remove swine from the premises except:

(1) To an approved feed lot in which case the licensee shall obtain a certificate from the consignee of the animals showing their receipt; or

(2) For immediate slaughter in an abattoir operated in accordance with the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(3) By truck which shall be cleaned and disinfected as provided in § 117.12(c).

(c) Calves that are in a healthy condition may be removed from licensed establishments after disinfection as described in § 117.12(a). When removed to an abattoir without passing through stockyards or over public highways which are not traversed by animals from public stockyards or similar places, the animals need not be so disinfected.

(d) Other animals that are injured or otherwise unhealthy, except when affected with a communicable disease, may be removed for immediate slaughter to an abattoir operated in accordance with the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.); provided, they are properly marked for identification and the inspector in charge of slaughter operations is given due notice in advance.

(e) All animals on the premises shall be disposed of in accordance with the provisions of the regulations in this part and where specific provision is not made therefor shall be disposed of as required by the Director.

15. Section 117.11 is revised to read:

§ 117.11 Swine; treatment prior to removal.

All swine which require treatment or vaccination against hog cholera shall be treated with modified live virus vaccine alone or with modified live virus vaccine in conjunction with anti-hog-cholera serum, both of which shall have been prepared at a licensed establishment. After vaccination, those animals which have received modified live virus vaccine shall be held on the premises for a period of not less than 30 days.

16. Parts 118 and 119 of Chapter I of Title 9, of the Code of Federal Regulations are revoked.

17. Part 120 is amended by revising §§ 120.2, 120.3, 120.4, 120.5, 120.8, 120.10, and 120.11. Part 120, as amended, reads as follows:

PART 120—APPROVED FEED LOTS

Sec.
120.1 Approval required.
120.2 Application for approval.
120.3 Feed lot approval.
120.4 Listing of approved feed lots.
120.5 Deletion from list of approved feed lots.
120.6 Admitting pigs to premises.
120.7 Method of identification.
120.8 Vaccination in approved feed lots.
120.9 Records of vaccination and disposition.
120.10 Removal of animals.
120.11 Dead animals, removal.

AUTHORITY: The provisions of this Part 120 issued under 37 Stat. 832–833; 21 U.S.C. 151–158.

§ 120.1 Approval required.

In order to be designated as an approved feed lot, a feed lot shall meet the requirements set forth in this part and be approved by the Director, Veterinary Biologics Division. Prior to final determination, the Director shall obtain the recommendations of the appropriate official of the State in which such feed lot is located. Any person desiring to have his feed lot designated as an approved feed lot shall make written application for such designation to the Director in accordance with the provisions of § 120.2.

§ 120.2 Application for approval.

The application for approval of a feed lot shall contain the following information: The name of the owner of the feed lot, the name of the person responsible for its operations, the location of the premises, the types of operations of the premises and adjoining premises, the approximate number of animals to be maintained on the premises, whether animals are fed grain, or cooked garbage, method used for identifying animals, the percentage of animals sold to anti-hog-cholera serum producers with names of such producers, the name and location of abattoirs to which hogs not sold to such producers are sent; and a justification or reasons why such feed lot operations will not endanger other swine or impair the Hog-Cholera Eradication Program.

§ 120.3 Feed lot approval.

Before a feed lot is approved by the Director, an inspection shall be made to determine whether such lot meets the requirements of this part. A feed lot shall not be approved unless, in the opinion of the Director, its location and method of operation will not endanger other swine or impair the Hog-Cholera Eradication Program. The volume of swine handled for anti-hog-cholera serum producers must be sufficient to warrant approval as an approved feed lot.

§ 120.4 Listing of approved feed lots.

The Director shall compile a list of approved feed lots, copies of which will be available to all licensed establishments, operators of approved feed lots, and officials of the State in which such approved feed lots are located.

§ 120.5 Deletion from list of approved feed lots.

(a) An approved feed lot will be deleted from the list of approved feed lots upon a request from the operator thereof.

(b) The Director shall delete an approved feed lot from such list when he finds that the handling of swine in the lot is no longer adequate to effectuate the purposes of the regulations of this part, or the lot's location or method of operation endangers other swine or impairs the Hog-Cholera Eradication Program or is not operated in accordance with the provisions of this part. In the event of the deletion of a feed lot, all animals remaining in the lot shall be disposed of in accordance with § 120.10.

§ 120.6 Admitting pigs to premises.

Pigs for feeding purposes may be purchased vaccinated or unvaccinated from any source. Upon receipt, such pigs shall be vaccinated or revaccinated and identified. If pigs are received from a licensed establishment they need not be revaccinated.

§ 120.7 Method of identification.

All tags or other methods used for identification of animals shall be applied in such a manner that identification may be maintained. Tags, if used, shall be of a distinctive design or color so as to differentiate them from identification used for official vaccinates under the Hog-Cholera Eradication Program.

§ 120.8 Vaccination in approved feed lots.

Vaccination on the premises of an approved feed lot shall be with modified live virus vaccine alone or in conjunction with anti-hog-cholera serum or hog-cholera-antibody concentrate.

§ 120.9 Records of vaccination and disposition.

(a) Records of vaccination and disposition of all animals shall be maintained by each operator of an approved feed lot on forms approved by the Department and made available to such operators. A copy of such records shall be furnished to the inspector.

(b) An inventory of animals showing the daily admission to and removal from the premises of all animals shall be maintained by the operator of an approved feed lot.

(c) Records described in paragraphs (a) and (b) of this section shall be retained for a period of 1 year.

§ 120.10 Removal of animals.

(a) Swine shall not be removed from an approved feed lot without a permit in response to a written application therefor. Removal of animals shall be permitted by the Director under the following conditions provided such removal is accomplished in a manner as to preclude the dissemination of disease:

(1) Swine are in a healthy condition as determined by veterinary inspection.

(2) Swine are transported directly to an abattoir for immediate slaughter or to an establishment producing anti-hog-cholera serum. Such transportation shall be by truck.

(3) Swine are removed not earlier than 30 days after vaccination.

(b) A certificate of receipt from the consignee of such animals shall be furnished to the operator of the feed lot.

§ 120.11 Dead animals, removal.

Dead animals to be removed from an approved feed lot shall be removed only to a rendering plant. Trucks used for this purpose shall have watertight bodies and be covered by a suitable covering to prevent flies from reaching the carcasses.

§§ 121.1, 121.2, 121.3, 121.4. [Amended]

Part 121 is amended by revising each reference to the regulations in §§ 121.1, 121.2, 121.3, and 121.4 to read "Parts 101 to 121 of this subchapter."

Interested persons are invited to submit written data, views or arguments regarding the proposed regulations to the Veterinary Biologics Division, Federal Center Building, Hyattsville, Md. 20782, within 60 days after date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 12th day of August 1969.

GEORGE W. IRVING, JR.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 69-9690; Filed, Aug. 15, 1969; 8:47 a.m.]

Consumer and Marketing Service

[7 CFR Part 1060]

[Docket No. AO-360-A3]

MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Minnesota-North Dakota marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Fargo, N. Dak., on May 14, 1969, pursuant to notice thereof which was issued April 17, 1969 (34 F.R. 6738).

The material issues on the record of the hearing relate to:

1. Marketing area.
2. Diverted milk.
3. Pooling qualifications.
4. Class I price.
5. Plants subject to other Federal orders.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* No change should be made in the size of the marketing area.

A cooperative which is the major distributor in the county proposed that Pope County, Minn., be included in the marketing area. Pope County borders the southeastern corner of the marketing area.

When the order was promulgated in November 1967, proponent's fluid milk sales in Pope County represented about 55 percent of the total fluid sales made there. The remaining sales were made

by unregulated handlers, the two largest of whom were primarily associated with other markets.

By April 1969, proponent's sales in the county represented about 62 percent of the total. The two largest previously unregulated plants are now fully regulated under the Minneapolis-St. Paul milk order.

At the present time, well over 90 percent of the sales in Pope County are made by handlers regulated under either the Minnesota-North Dakota or Minneapolis-St. Paul order, with about 68 percent of the total originating at plants regulated under the Minnesota-North Dakota order.

If Pope County were included in the marketing area, only one additional plant would be made subject to regulation. This plant, which is located at Starbuck, Minn. (in Pope County), accounts for about 10 percent of the fluid milk sales in the county.

The unregulated plant buys milk from only three producers, and a very substantial portion of its fluid milk disposition is purchased from a plant at Alexandria, Minn., which is fully regulated by the order. No competitive problem between regulated handlers and the unregulated plant or other conditions of disorder were described on the record. It may not be concluded from the evidence that the marketing situation in Pope County is having adverse effect on producer returns or on the regulatory program. The proposal therefore is denied.

The counties of Walsh, Pembina, and Cavalier, N. Dak., should remain a part of the marketing area.

Eight producers supplying a regulated handler at Grafton, N. Dak. (in Walsh County) proposed that Walsh, Pembina, and Cavalier Counties be removed from the marketing area. The proposal was opposed by four cooperatives, including one with route distribution in these counties.

In 1968 the Class I utilization of such regulated handler represented about 97 percent of his Grade A receipts, while only 40 percent of all producer milk under the order was used in Class I. Proponents stated that in 1968 such handler paid in excess of $30,000 into the producer-settlement fund. By having the three counties removed from the marketing area, proponents expect to receive a higher price for their milk relative to the marketwide uniform price, based on the high Class I utilization of such handler.

In order to maintain its relatively high utilization, the plant regularly purchases supplemental milk in the fall and winter months from other regulated handlers. Thus, other producers on the market carry the reserve supplies which make possible a high Class I utilization at the plant in all months.

There is heavy competition among regulated handlers selling there. At least three other regulated handlers sell fluid milk products in the three counties. The largest distributes over 140,000 pounds of Class I milk therein, or about 65 percent of the total fluid sales in such counties.

Also, the plant supplied by proponents distributes packaged milk to a military base located in another part of the marketing area. This distribution, which represents between 15 percent and 20 percent of the plant's Grade A receipts, is sufficient in itself to continue pool plant status for the plant even if Walsh, Pembina, and Cavalier Counties were removed from the marketing area.

The extensive distribution in the three counties by all such handlers, which justified inclusion of the counties in the marketing area when the order was established, has not changed materially since the inception of the order. Accordingly, the proposal to exclude the three counties from the marketing area is denied.

2. *Diverted milk.* The number of days on which a producer's milk must be received at a pool plant during each month to qualify his milk for diversion to a nonpool plant should not be changed.

A cooperative proposed that the number of days of the month for which delivery to a pool plant is required should be increased from 3 days to 5 days. As published in the hearing notice, the proposed change would apply during the months of July through February. At the hearing, however, proponent modified the proposal so as to apply in all months. The proposal also was supported by another cooperative.

Proponent contended that unlimited diversion enables the diverting handler to pool unlimited quantities of milk, thereby reducing uniform prices to producers. Proponent wants to assure as high a blend price as possible. No proposal was made, however, to change the order provision that deals directly with the percentage of milk that may be diverted.

The proposal was opposed by three other cooperatives supplying the market and by three proprietary handlers. The chief objections of those who were opposed to the proposal were that (1) it would require additional hauling to continue to qualify as producers those dairy farmers who regularly supply the market, (2) it would not necessarily reduce the quantity of Grade A milk associated with the pool, (3) the present provisions have not resulted in the association of additional producers with the market to the detriment of the uniform price, and (4) those producers who have had a long time association with the market should be permitted to continue to share in the marketwide pool without having their hauling costs increased substantially.

The provision that a producer must have his milk received at a pool plant on 3 days during the months of July through February to qualify it for diversion to a nonpool plant during the month serves primarily to identify the producer as a regular supplier of the fluid milk needs of the market during the months when it is needed most. During the months of seasonally high production, the seasonally lower uniform price does not afford the same incentive to associate additional producers with the market.

Many of the producers now on the market are located close to manufacturing plants and at a considerable distance from any pool plant. When their milk is not needed for fluid use it is most practical to divert it directly to the manufacturing plants. To continue their status as producers, the proposal would make it necessary in some instances that a larger proportion of their milk be hauled to a pool plant where it would be received, reloaded on a tank truck and then hauled back to a manufacturing plant close to the farm of origin. An increase in the number of days their milk must be received at a pool plant would result in some additional hauling cost to producers.

Since most producers' milk is picked up at the farm on an every-other-day schedule, the present 3-day delivery requirement, in most cases, means that at least 6 days' production must be delivered to a pool plant each month. Increasing the delivery requirement to 5 days would mean that producers would be required to ship 10 days' production to a pool plant to retain producer status. Such a requirement would tend to impede the efficiency which has been attained by the cooperative associations in handling the supply for the market.

Market statistics do not indicate that the present diversion privileges have been abused. In March and April 1968, there were 1,529 and 1,509 producers, respectively, on the market. For March and April 1969, the corresponding figures were 1,505 and 1,507. There has been a slight increase in the pounds of milk diverted, but this reflects some increase in production per farm, partly as a result of increased production per cow. The percentage of total receipts diverted has remained relatively constant. In March 1969, 51.23 percent of the total producer receipts were diverted, an increase of 0.25 percent over the 50.98 percent diverted in March 1968. In April 1969, the percentage diverted was 53.27 a decline of 0.36 percent from the 53.68 percent diverted in April 1968.

It is concluded that no change be made at this time in the provisions of the order as they apply to diversion of producer milk. The present requirement that the milk of a producer must be received at a pool plant for at least 3 days during each of the months of July through February as a qualification for diversion gives handlers and cooperatives the flexibility needed to supply the market with milk for Class I use. It also aids them in disposing of reserve supplies in an efficient manner. At the same time, it provides sufficient market affiliation by producers in these months to insure that their milk is available for Class I when needed.

3. *Pooling qualifications.* The provisions for qualifying a distributing plant for pooling should not be changed.

A cooperative association proposed that one of the provisions for qualifying a distributing plant for pooling be changed. As proposed, a distributing plant would be pooled for any month during which a volume of Class I milk not less than 35 percent of its Grade A receipts is disposed of during the month on routes by Class

I transfer to another plant. At the present time, the minimum requirement is 20 percent during the months of March through June, and 25 percent during all other months. The proposal was opposed by three other cooperative associations representing a substantial portion of the producers supplying the market and by three proprietary handlers.

Proponent's chief arguments for making the change were that (1) the present percentages are low compared to those in other Federal orders, (2) the present qualifications are being abused in that there has been a substantial increase in the volume of milk diverted to nonpool plants for manufacturing since the inception of the order, and (3) if the proposal is not adopted, plants with manufacturing facilities could take on additional producers to the point that the uniform price would be lowered substantially.

The principal purpose of the distributing plant qualifications for pooling is to assure that a plant and its milk supply are associated with the market in a significant way and in a regular manner. Otherwise, dairy farmers who have no regular affiliation with the market could casually or incidentally associate themselves with the market when it is to their advantage to do so, but without accepting any responsibility for providing it with a dependable supply.

When the order was established, it was recognized that the distributing plants that would be pooled under the order are located in a region of heavy milk production in relation to population. Many of them are combination plants with manufacturing operations where the reserve supplies of the market are handled. The qualifying standards were fixed at levels which would insure pool plant status to those plants which are the main and regular sources of Class I milk for the marketing area.

Prior to the inception of the order the marketwide Class I utilization was determined to be approximately 40 percent annually, but to decrease as low as 30 percent in the months of flush production. While some of the proprietary plants have a Class I utilization in excess of 90 percent throughout the year, many of the cooperative association plants, which also serve as sources of milk for proprietary plants, have a Class I utilization substantially below the market average.

There is no indication that substantial quantities of milk have been added to the pool simply for manufacturing purpose. In 1968, market utilization was virtually identical to that which existed before the order became effective. The annual average Class I utilization in 1968 was exactly 40 percent. Monthly, the percentages varied from 30 percent in June to 52 percent in October. In both March and April 1968, the Class I utilization was 33 percent. In March and April of 1969, Class I utilization was 33 and 34 percent, respectively.

The above figures do not bear out the contention of proponents that there has been abuse in that increasing quantities of milk have been associated with the market for manufacturing use. As noted earlier, there has been some increase in production per producer. This has resulted in a slight increase in the volume of milk diverted, although the percentage of total milk receipts diverted has not increased.

An increase in the minimum pool plant standards such as proposed would tend to disrupt marketing conditions. It would work severe hardship on those cooperative association plants that would be unable to meet the proposed standards without reducing the number of member producers from whom they receive milk, or otherwise limiting their milk supplies. Either alternative would adversely affect many producers and thus encourage a disorderly marketing condition.

It is concluded that the present pooling qualifications for distributing plants are operating as intended and should not be changed at this time.

4. *Class I price.* The Class I differential should be increased 24 cents per hundredweight to $1.30 ($1.10 plus an additional 20 cents) over the basic formula price for the preceding month. The order now provides a Class I differential of $1.06 ($0.86 plus an additional 20 cents) over the basic formula price for the preceding month.

The change was proposed by one of the principal cooperatives supplying milk to the market. It was supported by three other cooperatives, the members of which also supply a substantial portion of the producer milk for the market. Two other cooperatives proposed that the Class I price be increased 52 cents per hundredweight, but presented no evidence to support the proposal. The proposal to increase the Class I price 52 cents per hundredweight therefore is denied.

When the order was promulgated, an appropriate Class I price alignment with the Minneapolis-St. Paul market was a major consideration. The principal population centers are located along the Red River which forms the boundary between Minnesota and North Dakota, midway between the heavy milk production area of central Minnesota and the deficit production area of North Dakota. It was deemed necessary to establish a Class I price which would compensate producers not only for the costs of producing Grade A milk but also would insure its continued movement to the principal population areas. It was concluded further that the price should not be so high as to encourage a substantial shift of milk from the Minneapolis-St. Paul market and thus result in displacement of the supply which has been associated with the market prior to the issuance of the order.

Fargo and Grand Forks, N. Dak., and Moorhead, Minn., are among the principal cities in the market. The adjoining cities of Fargo-Moorhead are about 240 miles from Minneapolis-St. Paul. Grand Forks is about 312 miles from Minneapolis-St. Paul. In the decision on the issuance of the original order for the Minnesota-North Dakota order (32 F.R. 12516), of which official notice is taken, the Class I price for the Minnesota-North Dakota order was established at a level 24 cents per hundredweight higher than the Class I price under the Minneapolis-St. Paul order.

This alignment was based on the Minneapolis-St. Paul Class I price at a time when it was reduced 24 cents per hundredweight by a supply-demand adjustment. The adjustment had been effective for a considerable period of time prior to the issuance of the Minnesota-North Dakota order. The differential in price of 24 cents per hundredweight remained in effect until July 1, 1968, when the supply-demand for the Minneapolis-St. Paul order was suspended and later discontinued by amendment of the order effective August 1, 1968. This resulted in identical Class I prices in both orders. The intermarket Class I price relationship between the two orders, which the Secretary found to be appropriate at the issuance of the Minnesota-North Dakota order, should be restored. Such alignment will reflect the approximate cost of transporting milk from the Minneapolis-St. Paul area to plants in the base zone of the Minnesota-North Dakota area.

There is need also to modify the Class I price alignment between the Minnesota-North Dakota order and the Eastern South Dakota order. As a result of elimination of the supply-demand adjustor in the Minneapolis-St. Paul order, the Class I price in Eastern South Dakota was increased 13.5 cents. This resulted in a difference of 44 cents in the respective Class I prices of Eastern South Dakota and Minnesota-North Dakota. Such a disparity in prices is unwarranted in view of the fact that the marketing areas are contiguous and their milksheds overlap. Increasing the Class I differential 24 cents in the Minnesota-North Dakota order reduces this difference to 20 cents, a reasonable difference in consideration of the distance from the Fargo-Moorhead area, the basic price zone for the Minnesota-North Dakota market, to Sioux Falls, S. Dak., the principal population center of the Eastern South Dakota marketing area.

The proposed level of Class I price also will improve substantially the relationship between uniform prices to producers at pool supply plants and the prices paid by manufacturing plants in the supply area. Prices paid by manufacturing plants in Minnesota have increased substantially in recent months. At least a part of this increase may be attributed to an effort by manufacturing plants to induce dairy farmers against converting to Grade A production and shifting their deliveries to fluid milk plants, particularly Minneapolis-St. Paul plants.

Pool plants in central and south central Minnesota compete directly with manufacturing plants for supplies. At all these pool plants location differentials are applicable. The differential between uniform prices and prices paid by the manufacturing plants has narrowed.

Prices paid to producers for Grade A milk at pool plants at Alexandria and Brainerd, Minn., for January 1969 were $4.58 and $4.55 per hundredweight,

respectively. The price paid for manufacturing grade milk at the same locations was $4.33 per hundredweight, a difference of 25 cents and 22 cents respectively. By April 1969, the difference between the prices paid for the two grades of milk at these locations had narrowed to 19 cents and 16 cents per hundredweight, respectively.

Strong possibility exists that a number of producers may not be willing to continue meeting the added expense of producing Grade A milk when they can receive essentially the same net return by shipping to a manufacturing plant. As a result of the present relationship of the uniform price to manufacturing prices in the Minnesota-North Dakota milkshed, the supply of milk for fluid milk plants in the Minnesota-North Dakota market could be affected adversely unless the proposed action is taken.

The only testimony directly opposing the proposal came from two handlers with pool distributing plants located at the southeastern edge of the marketing area. Their plants are subject to a minus location differential under the order. Their objection to the proposal was that they compete with two handlers regulated by the Minneapolis-St. Paul order whose plants have a minus location differential under that order.

With the Class I price alignment herein proposed, the difference in Class I prices among the four handlers would range between 22 cents and 28 cents per hundredweight. However, the Minneapolis-St. Paul handlers who have the advantage of the lower prices are located between 70 and 130 miles from the area where they compete with the Minnesota-North Dakota handlers. Such handlers incur transportation costs in moving packaged fluid milk products that distance, and these costs tend largely to offset the differences in minimum Class I prices.

Even with adoption of the proposed price, the Minnesota–North Dakota handlers who were opposed to the proposal would be in a better position in competing with these Minneapolis-St. Paul handlers than they were at the time of the issuance of the Minnesota–North Dakota order. The two Minneapolis-St. Paul handlers were not regulated prior to May 1, 1969. As unregulated handlers they did not purchase milk on a utilization basis. Consequently, they paid substantially less for their fluid milk requirements as unregulated handlers than they now pay as regulated handlers.

5. *Plants subject to other Federal orders.* The order should be amended to specify that a supply plant meeting the pooling requirements of more than one order should be subject to that regulating the area to which the greater volume of its milk is shipped.

In September 1968, it was necessary to suspend a provision of the Minnesota-North Dakota order to prevent a supply plant from being pooled under two orders in the same month. Such a situation would be untenable since it could result in the plant's being required to make payments to the producer-settlement fund under both orders. A cooperative association handler proposed to incorporate into the order a specific provision dealing with this problem.

The disposition of fluid milk to distributing plants in both the Minnesota-North Dakota and Minneapolis-St. Paul markets from at least two supply plants is such that it is entirely possible for the supply plants to meet the qualifications of fully regulated supply plants under both orders during a particular month. To prevent double regulation, it is concluded that the order should be amended as proposed herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Minnesota-North Dakota marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1060.51, paragraph (a) is revised to read as follows:

§ 1060.51 Class prices.

* * * * *

(a) *Class I price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.10, and plus 20 cents.

* * * * *

2. Section 1060.61 is revised to read as follows:

§ 1060.61 Plants subject to other Federal orders.

The provisions of this order shall not apply with respect to a plant of a handler specified in paragraph (a), (b), or (c) of this section except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines a greater portion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to regulation of such other order: *Provided,* That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated by such other order;

(b) A distributing plant which meets the requirements set forth in § 1060.23 (a) which also meets the requirements of another marketing order on the basis of its distribution in such other marketing area and from which the Secretary determines a greater quantity of milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing order; and

(c) A supply plant from which the Secretary determines a greater portion of its Grade A receipts is shipped during the month to plants which are regulated by another order issued pursuant to the Act if such shipments qualify it as a pool plant under such other order.

Signed at Washington, D.C., on August 12, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-9723; Filed, Aug. 15, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 91]

[Docket No. 9749; Notice 69-35]

FOREIGN MANUFACTURERS USING AIRCRAFT FOR MARKET SURVEYS OR SALES DEMONSTRATIONS IN THE UNITED STATES

Proposed Limitations and Conditions

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations as to the limitations and conditions under which special authorizations are issued for foreign civil aircraft operated in the United States for purposes of sales or market surveys. In addition, it is proposed to amend Part 21 by deleting the requirement that U.S. aircraft engine manufacturers use only type certificated engines in type certificated aircraft when operated solely for market surveys, sales demonstrations, or customer crew training.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before November 17, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

There is a variation between the limitations and conditions under which U.S. aircraft and aircraft engine manufacturers may operate aircraft in the United States for purposes of market surveys and sales demonstrations and those imposed for the same purposes on operators of aircraft of foreign registration. Section 21.195(c) requires that U.S. aircraft manufacturers comply with § 21.193 for an experimental certificate, and establish an inspection and maintenance program to ensure the continued airworthiness of the aircraft. They must also demonstrate that the aircraft to be used has been flown for at least 50 hours, or 5 hours if the aircraft is a modification of one previously type certificated.

On the other hand, any foreign operator may be issued a special flight authorization to conduct market surveys, sales or testing, with nonstandard aircraft, under the provisions of § 91.28(b)(5), which imposes no limitations and conditions such as those set for U.S. manufacturers. The regulations applicable to foreign-registered aircraft may be used by any operator, whereas the regulations as to nonstandard U.S.-registered aircraft restrict such operations to aircraft and aircraft engine manufacturers. The requirements for operations conducted with nonstandard aircraft should be no less stringent for foreign operators than those imposed on U.S. operators, and the proposed amendments would remedy this disparity.

The limitations imposed by § 21.195 are based on FAA experience with U.S. aircraft and aircraft engine manufacturers, and are considered appropriate to insure safe operation. This experience is based on years of dealing with the issuance of provisional, type and airworthiness certificates to the U.S. manufacturers who have developed their products to the stage that they are ready for market sales or surveys, have already made application for a type certificate, have established a maintenance and inspection program, and have tested the product for at least 50 hours. The FAA is of the view that similar conditions, including the establishment of operating limitations, should apply to authorizations for foreign aircraft manufacturers conducting similar operations in the United States.

The rule requiring U.S. aircraft engine manufacturers to use only type certificated engines in type certificated aircraft for market surveys appears to be discriminatory. Section 21.195(a) permits aircraft manufacturers to conduct market surveys with an aircraft having a noncertificated engine, while an engine manufacturer may use only a type certificated engine in a similar aircraft. Based on FAA experience, we believe a type certificated aircraft with a nontype certificated engine can be operated safely by either an aircraft manufacturer, or an aircraft engine manufacturer, and § 21.195(b) should be amended accordingly.

In consideration of the foregoing, it is proposed to amend the Federal Aviation Regulations as follows:

§ 21.195 [Amended]

1. In § 21.195(b) of Part 21, by deleting the words "type certificated" between the words "different," and "engines."

2. In § 91.28(b)(5) of Part 91, by adding a sentence to read as follows:

§ 91.28 Special flight authorizations for foreign civil aircraft.

* * * * *

(b) * * *

(5) * * * However, for market sales or surveys, the applicant must at a minimum show that:

(i) The applicant is the manufacturer of the aircraft;

(ii) The applicant has applied for a U.S. type certificate or U.S. supplemental type certificate;

(iii) The aircraft has flown for 50 hours, or for at least 5 hours if it is a U.S. type certificated aircraft which has been modified;

(iv) The applicant has established operating limitations in an appropriate document and certifies that the aircraft will be operated within such limitations; and

(v) The applicant has established an inspection and maintenance program for the continued airworthiness of the aircraft.

* * * * *

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 11, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-9695; Filed, Aug. 15, 1969; 8:47 a.m.]

[14 CFR Part 61]

[Docket No. 9748; Notice 69-34]

RECENT EXPERIENCE CREDIT FOR PROFICIENCY CHECKS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 61 of the Federal Aviation Regulations to allow the use of instrument proficiency checks required under Parts 121, 123, 127, and 135 to meet the recent instrument experience requirements of § 61.47.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before November 17, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Paragraphs (d) and (e) of § 61.47 prescribe recent instrument experience requirements for pilots, including pilots operating aircraft under Parts 121, 123, 127, and 135. Section 61.47(g) provides that a pilot who successfully passes a flight test required for a category, class, type, or instrument rating is considered to meet the recency of experience requirement of the paragraph of § 61.47 that is appropriate to the flight test. However, the section does not presently give credit for proficiency checks conducted under Parts 121, 123, 127, and 135. Because credit is not given for proficiency checks in § 61.47, a pilot operating under Part 121, 123, 127, or 135 must have the recent instrument experience required by § 61.47 (d) or (e), as appropriate, in addition to the instrument portion of the proficiency checks required by the applicable part.

The purpose of the recent instrument experience requirements is to assure continuing instrument proficiency. The instrument portion of the proficiency check under Parts 121, 123, 127, and the instrument check under Part 135 are essentially equivalent to the instrument flight test for which credit is presently given under § 61.47(g). The FAA considers that this instrument proficiency check fulfills the stated purpose of the recency of experience requirements. This proposal would amend paragraph (g) of § 61.47 to give credit for instrument checks and the instrument portion of proficiency checks.

The proposal with respect to instrument proficiency checks under Part 127 needs further explanation. That part presently has no helicopter instrument check. However, the Administrator has authorized some air carriers to conduct IFR operation and, for those carriers, as provided in § 127.243, instrument check procedures are specified in the air carrier's operations specifications. Therefore, this proposed amendment would give credit in § 61.47(g) for instrument checks required by those operations specifications.

In consideration of the foregoing, it is proposed to amend § 61.47(g) of the Federal Aviation Regulations to read as follows:

§ 61.47 Recent flight experience.

• • • • •

(g) *Credit given for flight tests or proficiency checks.* A pilot who successfully passes one of the following flight tests or proficiency checks is considered to meet the recency of experience requirement as follows:

(1) A flight test required for a category, class, type, or instrument rating is considered to meet the recency of experience requirement of the paragraph of this section that is appropriate to the flight test.

(2) An instrument proficiency check required by § 121.441(b), § 123.27(j), or § 135.131 of this chapter, or by the procedures specified in operations specifications of the air carrier under § 127.243 of this chapter, is considered to meet the instrument experience requirements of paragraph (d) of this section.

(3) An instrument proficiency check required by § 121.441(b) or § 123.27(j) of this chapter, or by the procedures specified in the operations specifications of an air carrier under § 127.243 of this chapter, is considered to meet the instrument experience requirements of paragraph (e) of this section.

• • • • •

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1424), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 11, 1969.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-9696; Filed, Aug. 15, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-81]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration; Supplemental Notice

In a notice of proposed rule making published in the FEDERAL REGISTER on October 19, 1968 (33 F.R. 15557, 15558, F.R. Doc. 68-12735), the Federal Aviation Administration proposed to alter the Olathe, Kans., control zone and the Grandview, Mo., transition area.

Subsequent to publication of the notice, the VOR which was to be used as the approach navigational aid for the Johnson County Airport was relocated. In addition, the criteria for designation of controlled airspace have changed. Therefore, it is necessary to issue a supplemental notice of proposed rule making altering the Grandview, Mo., control zone and transition area and the Olathe, Kans., control zone which will provide adequate protection for aircraft executing the relocated instrument approach procedure and to effect compliance with the new controlled airspace criteria.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this supplemental notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with the Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with the supplemental notice in order to become part of the record for consideration. The proposal contained in this supplemental notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations by altering the Olathe, Kans., control zone and the Grandview, Mo., control zone and transition area, as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zones are amended to read:

GRANDVIEW, MO.

Within a 5-mile radius of Richards-Gebaur AFB (latitude 38°50'50" N., longitude 94°33'-20" W.); within 2½ miles each side of the Richards-Gebaur AFB ILS localizer south course, extending from the 5-mile radius zone to 1 mile south of the OM; and within 2½ miles each side of the Richards-Gebaur AFB TACAN 195° radial, extending from the 5-mile radius zone to 5½ miles south of the TACAN excluding the area north of latitude 58°52'30" N., and west of longitude 94°35'-50" W.

OLATHE, KANS.

Within a 5-mile radius of NAS Olathe (latitude 38°49'40" N., longitude 94°53'15" W.); within a 5-mile radius of Johnson County Airport (latitude 38°51'00" N., longitude 94°44'15" W.); within 2½ miles each side of the 180° bearing from the NAS Olathe RBN, extending from the 5-mile radius zone to 17½ miles south of the RBN; within 3 miles each side of the NAS Olathe TACAN 186° radial, extending from the 5-mile radius zone to 8 miles south of the TACAN; within 3 miles each side of the NAS Olathe TACAN 233° radial, extending from the 5-mile radius zone to 8 miles southwest of the TACAN; within 2½ miles each side of the NAS Olathe TACAN 350° radial, extending from the 5-mile radius zone to 6½ miles north of the TACAN; within 3 miles each side of the NAS Olathe TACAN 040° radial, extending from the 5-mile radii zone to 8 miles northeast of the TACAN; and within 3 miles each side of the 188° bearing from Johnson County Airport, extending from the 5-mile radius zone to 8 miles south of the airport.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

GRANDVIEW, MO.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Richards-Gebaur AFB (latitude 38°50'50" N., longitude 94°33'20" W.); within a 6-mile radius of Johnson County Airport (latitude 38°51'00" N., longitude 94°44'15" W.); within an 8-mile radius of NAS Olathe (latitude 38°49'40" N., longitude 94°53'15" W.); and within 3½ miles each side of the 180° bearing from the NAS Olathe RBN, extending from the 8-mile radius area to 20 miles south of the RBN; and that airspace extending upward from 1,200 feet above the surface within the area bounded on the south by latitude 38°00'00" N., on the west by the west edge of V-12, on the north by the arc of a 10-mile radius circle centered on the Kansas City, Mo., Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.), and on the east by the west edge of V-159 excluding the portion which overlies the Emporia, Kans., and Wichita, Kans., transition areas.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 31, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9697; Filed, Aug. 15, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-65]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Indianapolis, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace in the Indianapolis, Ind., terminal area, some of the instrument approach procedures for Indianapolis Municipal (Weir-Cook) Airport have been altered and a new instrument approach procedure has been developed for the Eagle Creek Airpark which is just a few miles north of the Indianapolis Municipal Airport. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Indianapolis, Ind., control zone and transition area to adequately protect aircraft executing the modified and new approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

INDIANAPOLIS, IND.

Within a 5-mile radius of Indianapolis Municipal (Weir-Cook) Airport (latitude 39°43'35" N., longitude 86°17'05" W.); within 2½ miles each side of the Indianapolis runway 13R ILS localizer northwest course, extending from the 5-mile radius zone to 14½ miles northwest of the OM; within 2 miles each side of the Indianapolis runway 4L ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM; within 2 miles each side of the Indianapolis runway 31L ILS localizer southeast course, extending from the 5-mile radius zone to 1 mile northwest of the OM; and within 2½ miles each side of the Indianapolis runway 22R ILS localizer northeast course, extending from the 5-mile radius zone to 14½ miles northeast of the OM.

(2) In § 17.181 (34 F.R. 4637), the following transition area is amended to read:

INDIANAPOLIS, IND.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Indianapolis Municipal (Weir-Cook) Airport (latitude 39°43'35" N., longitude 86°-17'05" W.); within a 5½-mile radius of Bob Shank Airport (latitude 39°49'15" N., longitude 86°14'30" W.); and within a 5½-mile radius of Eagle Creek Airpark (latitude 39°-49'45" N., longitude 86°17'45" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 40°07'00" N., longitude 87°23'00" W.; to latitude 40°07'00" N., longitude 86°00'00" W.; to latitude 40°00'00" N., longitude 86°00'00" W.; to latitude 40°00'-00" N., longitude 85°30'00" W., to altitude 39°30'00" N., longitude 85°30'00" W., to latitude 39°30'00" N., longitude 86°06'00" W.; to latitude 38°57'00" N., longitude 86°06'-00" N., longitude 85°30'00" W., to latitude 88°00'00" W.; north along longitude 88°00'-00" W., to the north edge of V-50; thence to the point of beginning.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on August 1, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-9698; Filed, Aug. 15, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-64]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Anderson, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Anderson, Ind., transition area, a public use instrument approach procedure has been developed for the Anderson Municipal Airport utilizing the Muncie, Ind., VOR as a navigational aid. In addition, the criteria for the designation of transition areas have changed. Accordingly, it is necessary to alter the Anderson transition area to adequately protect aircraft executing the new approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

ANDERSON, IND.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Anderson Municipal Airport (latitude 40°06'35" N., longitude 85°35'50" W.); and within 3 miles each side of the 298° bearing from Anderson Municipal Airport, extending from the 8-mile radius area to 12½ miles northwest of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 29, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9699; Filed, Aug. 15, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-63]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Michigan City, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division

Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Michigan City, Ind., Municipal Airport. In addition, the criteria for designation of transition areas have changed. Accordingly, it is necessary to alter the Michigan City, Ind., transition area to adequately protect aircraft executing the new approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MICHIGAN CITY, IND.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Michigan City Airport (latitude 41°42'10" N., longitude 86°49'20" W.); and within a 6½ mile radius of Michigan City Municipal Airport (latitude 41°40'15" N., longitude 86°53'20" W.).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on August 1, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-9700; Filed, Aug. 15, 1969; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 514]

[Docket No. 67-57]

SIGNIFICANT VESSEL OPERATING COMMON CARRIERS IN DOMESTIC OFFSHORE TRADE; REPORTS OF RATE BASE AND INCOME ACCOUNT

Order on Appeal From Examiner's Ruling Quashing Subpoenas

By ruling served April 8, 1969, the Presiding Examiner quashed and invalidated certain subpoenas ad testificandum directed to staff personnel of the Federal Maritime Commission.

Thereafter, several parties[1] moved for leave to appeal the ruling to the Commission, which motion has been granted. Appellants request oral argument.

The appeal is based on Rule 10(a) of the Commission's rules of practice and procedure which states, in pertinent part that "The Commission may call informal public hearings, not required by statute * * * for the purpose of rule making * * * and may require the attendance of witnesses and the production of evidence." The Examiner has concluded that section 27(a) of the Shipping Act, 1916 (the Act), limits the Commission's subpoena powers to proceedings instituted pursuant to section 22 respecting violations of the Act.

We agree. This proceeding was instituted pursuant to section 4 of the Administrative Procedure Act and various applicable sections of the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916, not including section 22. There was no intention, either stated or otherwise, to investigate violations of the shipping statutes. This being so, compulsory processes are not available. To the extent that Rule 10(a) would indicate otherwise, that rule is invalid.[2]

We are of the further opinion that oral argument would not contribute materially to consideration of the appeal.

In view of the foregoing:

It is ordered, That

(1) The ruling of the Presiding Examiner of June 19, 1969, is upheld; and

(2) The request for oral argument is denied.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-9710; Filed, Aug. 15, 1969; 8:48 a.m.]

[1] American President Lines, Lykes Bros. Steamship Co., Pacific Far East Line, Puget Sound Tug and Barge Co., and States Steamship Co.

[2] The Presiding Examiner has also opined that Rule 18 (a) and (f) may be subject to the same infirmity. The validity of those rules is neither relevant nor controlling here.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69-188]

MURRAY-ALLEN

Notice of Recordation of Trade Name

AUGUST 11, 1969.

On June 21, 1969, there was published in the FEDERAL REGISTER (34 F.R. 9721) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124) of the trade name "Murray-Allen" used by Murray-Allen Imports, Inc., a New York corporation. The notice advised that prior to final action on the application, filed pursuant to § 11.16, Customs Regulations (19 CFR 11.16), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice. No responses were received in opposition to the application.

The name "Murray-Allen" is hereby recorded as the trade name of Murray-Allen Imports, Inc., a corporation organized under the laws of the State of New York, located at 30 Pine Street, New Rochelle, N.Y. 10801, when applied to confectionery, chocolates, biscuits, baked goods, jams, preserves, and snack items, manufactured in Italy, France, Poland, England, Holland, Argentina, Denmark, Belgium, Ireland, Germany, Finland, Central America, Israel, and Canada.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[F.R. Doc. 69-9713; Filed, Aug. 15, 1969; 8:48 a.m.]

Office of the Secretary

[Treasury Dept. Order 183 (Rev. 5)]

GENERAL COUNSEL ET AL.

Order of Succession To Act as Secretary

1. Pursuant to Executive Order 10941, dated May 15, 1961, in the case of the death, resignation, absence, or sickness of the Secretary, the Under Secretary, and the Under Secretary for Monetary Affairs, the following officers shall, in the order of succession indicated, act as Secretary of the Treasury until a successor is appointed or until the absence or sickness shall cease:

(a) General Counsel.

(b) Assistant Secretaries, appointed by the President with Senate confirmation, in the order in which they took the oath of office as Assistant Secretary.

2. Under the authority of Reorganization Plan No. 26 of 1950, the order of succession stated in paragraph 1 above is hereby extended to include the following, after the Assistant Secretaries appointed by the President with Senate confirmation:

(a) Other Executive Pay Act officials in the Office of the Secretary, first in the order of Executive Pay Act levels, then in the order in which they took the oath of office in their present positions.

(b) Executive Pay Act officials in Treasury Bureaus, first in the order of Executive Pay Act levels, then in the order in which they took the oath of office in their present positions.

(c) The Assistants and Special Assistants to the Secretary at GS-18 in the order of the dates of their appointments.

(d) Other GS-18 officials in the Office of the Secretary in the order in which they took the oath of office.

3. Under the authority of Reorganization Plan No. 26 of 1950, the senior official of GS-15 rank or above from the Office of the Secretary, and in the absence of such an official, the senior Treasury Bureau Headquarters official of GS-15 rank or above present at the Treasury Emergency Relocation Site, is authorized to perform as Acting Secretary of the Treasury all the duties of the Secretary of the Treasury whenever, to the best of his knowledge, the Secretary of the Treasury and all officers authorized under paragraphs 1, 2, and 3 above to act as Secretary are unable to take action. Seniority shall be determined by rank and salary level and length of service therein.

4. Under the authority of Reorganization Plan No. 26 of 1950, in the event all the officers designated in paragraphs 1, 2, and 3 above are unavailable or unable to take action, the following officers shall, in the order of succession indicated, act as Secretary of the Treasury as required:

(a) Regional Commissioners, Internal Revenue Service, in the order in which they were appointed as Regional Commissioners.

(b) Regional Commissioners, Bureau of Customs, in the order in which they were appointed as Regional Commissioners.

Dated: August 11, 1969.

[SEAL] DAVID M. KENNEDY,
Secretary of the Treasury.

[F.R. Doc. 69-9714; Filed, Aug. 15, 1969; 8:48 a.m.]

[Treasury Dept. Order 191 (Rev. 4)]

UNDER SECRETARY FOR MONETARY AFFAIRS ET AL.

Designation of Deputies

1. In addition to other assignments, the principal assistant to each of the following officials is designated to serve, at the pleasure of the Secretary, as the deputy of the principal involved:

PRINCIPAL

Under Secretary for Monetary Affairs.
General Counsel.
Assistant Secretary (International Affairs).
Assistant Secretary (Tax Policy).
Assistant Secretary (Enforcement and Operations).
Assistant Secretary (Economic Policy).
Fiscal Assistant Secretary.
Assistant Secretary for Administration.
Assistant to the Secretary.
Special Assistant to the Secretary (Public Affairs).
Special Assistant to the Secretary (Congressional Relations).
Special Assistant to the Secretary (National Security Affairs).
Commissioner of Internal Revenue Service.
Comptroller of the Currency.
Commissioner of Customs.
Director, U.S. Secret Service.
Director, Bureau of Engraving and Printing.
Director, Bureau of the Mint.
Commissioner, Bureau of Accounts.
Commissioner, Bureau of the Public Debt.
Treasurer of the United States.
Director, U.S. Savings Bonds Division.

2. Each deputy shall have authority to perform, during the absence of his principal, any function his principal is authorized to perform, consistent with Treasury Order No. 190 Revised.

3. Principals and deputies shall avoid simultaneous absences. Exceptions may be requested through the Executive Secretariat in case of emergency or exceptional circumstances.

4. Treasury Department Order No. 191 (Revision 3) is rescinded.

Dated: August 11, 1969.

[SEAL] DAVID M. KENNEDY,
Secretary.

[F.R. Doc. 69-9715; Filed, Aug. 15, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-3169]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 11, 1969.

The Geological Survey has filed an application, Serial No. I-3169 for the withdrawal for powersite classification purposes of the lands described below, from all forms of appropriation under the public land laws, except mining locations, mineral leasing and material sales, subject to valid existing rights.

The classification is to protect the potential value of reservoir sites which may be developed along the Snake River between Palisades Dam and Henrys Fork.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Geological Survey.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

POWERSITE CLASSIFICATION No. 461

BOISE MERIDIAN, IDAHO

T. 3 N., R. 41 E.,
Sec. 8, lots 9, 13, and 14;
Sec. 9, lots 5 to 7, inclusive;
Sec. 10, lot 3;
Sec. 11, lots 6 and 7;
Sec. 14, lots 6 to 11, inclusive;
Sec. 15, lots 9 to 19, inclusive;
Sec. 16, lots 7 to 11, inclusive.

The area described aggregates 345.05 acres in Bonneville County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 69-9719; Filed, Aug. 15, 1969; 8:49 a.m.]

[New Mexico 435]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Multiple-Use Management; Correction

AUGUST 11, 1969.

In F.R. Doc. 69-3622 appearing on page 5748 of the FEDERAL REGISTER issue of Thursday, March 27, 1969 (34 F.R. 5748), the following corrections should be made:

In "Organ Mountain Recreation Area," T. 22 S., R. 4 E., sec. 6, change "lots 17, 62, and 64 to 76, inclusive;" to "lots 17, and 62 to 76, inclusive;"

In "Baylor Pass Picnic Site," change "T. 21 S., R. 3 E.," to "T. 22 S., R. 3 E.,".

MICHAEL T. SOLAN,
Acting State Director.

[F.R. Doc. 69-9668; Filed, Aug. 15, 1969; 8:45 a.m.]

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

Correction

In F.R. Doc. 69-9501 appearing at page 13116 in the issue for Wednesday, August 13, 1969, in the second line of paragraph 2, the reference to "T. 16" should read "T. 10".

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

LICENSED DEALERS UNDER LABORATORY ANIMAL WELFARE ACT

List of Persons

Correction

In F.R. Doc. 69-8920 appearing at page 12454 in the issue of Wednesday, July 30, 1969, the third entry under the State of Tennessee should read as follows:

Terrell Fisher, Route 1, Greenbrier 37073

Office of the Secretary

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafternamed counties in the State of Arkansas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS	
Bradley.	Calhoun.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of August 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-9691; Filed, Aug. 15, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

RESEARCH & EDUCATION FOUNDATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00599-33-39400. Applicant: Research & Education Foundation, Orange County Medical Center, 101 South Manchester Avenue, Orange, Calif. 92668. Article: Illuminator, Model A 87110. Manufacturer: Drapier Instruments, France. Intended use of article: The article will be used to study the microcirculation of the stomach in the living animal. A fiberoptic light carrier, which is attached to the light source, is introduced into the rat stomach to transilluminate its wall. This method permits the study of the vessel and blood flow through the microscope. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used is being manufactured in the United States. Reasons: For its purposes, the applicant institution requires a high-intensity light source for visual internal examination of living organs which also provides the required intensity while maintaining a sufficiently low temperature to prevent damage to the organ being examined. The capability of providing an adequate light source combined with adequate cooling is considered to be pertinent to the applicant's research program in which the foreign article is intended to be used. We are advised by the Department of Health, Education, and Welfare (memorandum dated June 25, 1969) that it knows of no light source being manufactured in the United States, which provides this characteristic.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-9660; Filed, Aug. 15, 1969; 8:45 a.m.]

SAN JOAQUIN DELTA COLLEGE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 70-00001-00-46040. Applicant: San Joaquin Delta College, 3301 Kensington Way, Stockton, Calif. 95204. Article: Gauge for fore vacuum measurement (accessory for Siemens electron microscope). Manufacturer: Siemens, West Germany. Intended use of article: The article will be used to measure fore vacuum on an existing electron microscope. Application received by Commissioner of Customs: July 1, 1969.

Docket No. 70-00002-88-23600. Applicant: Glaciological Institute, Michigan State University, East Lansing, Mich. 48823. Article: Ice drill for measuring depth of glacier. Manufacturer: University of Oslo, Norway. Intended use of article: The article will be used for measuring the depth of glaciers in connection with research and instruction on glaciers. Application received by Commissioner of Customs: July 2, 1969.

Docket No. 70-00003-33-46040. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used primarily for teaching fundamental techniques of electron microscopy to graduate students, post doctoral fellows and interested staff members whose basic training has been in either physiology or chemistry. These students will apply electron microscopy to problems encountered in continuing research programs, such as structural and functional organization of nervous systems of vertebrates, mechanisms involved in the establishment of connections in the developing nervous system, neuronal plasticity, and modes of cell interaction. Application received by Commissioner of Customs: July 2, 1969.

Docket No. 70-00004-33-46040. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Electron microscope, Model EM6-G8 and accessories. Manufacturer: Associated Electrical Industries, U.K. Intended use of article: The article will be used for materials research which includes crystalline amino acids, proteins, viruses, nucleic acids, lipids and cell membranes. Properties to be investigated include structure-analysis, sensitivity to damage in the electron beam and sensitivity to damage by specimen-preparation techniques. Objectives include high resolution structure information to be obtained both by electron diffraction and direct electron microscopy. Application received by Commissioner of Customs: July 2, 1969.

Docket No. 70-00005-33-46040. Applicant: University of Virginia, School of Medicine, Charlottesville, Va. 22903. Article: Electron microscope, Model EM 300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used initially for the study of fine structural differences between cancer cells and their normal counterparts, both growing and nongrowing and fine structural abnormalities that occur in rat hepatocytes during the chemical induction of liver tumors. The materials to be used in these proposed investigations consist of tumor cells derived from a variety of normal cell types, both in animals and humans and hepatocytes from rats sacrificed during continuous administration of hepatic carcinogen diethylnitrosamines until the appearance of liver tumors. Application received by Commissioner of Customs: July 2, 1969.

Docket No. 70-00007-33-11000. Applicant: National Institute of Mental Health, Laboratory of Preclinical Pharmacology, William A. White Building, St. Elizabeths Hospital, Washington, D.C. 20032. Article: Gas chromatograph-mass spectrometer, Model LKB 9000. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies concerning the quantitative estimation of turnover rates of acetylcholine and its precursor, choline, in the central and peripheral nervous systems. Additional intended purposes include similar studies as those described for acetylcholine, with other potential and known neurotransmitters and studies of the effects of various cholinergic and other drugs upon turnover rates of acetylcholine. It will also be used for investigation of drug metabolites in man, as well as in experimental animals. Application received by Commissioner of Customs: July 2, 1969.

Docket No. 70-00008-33-46040. Applicant: University of California, San Francisco Medical Center, Third and Parnassus, San Francisco, Calif. 94122. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to introduce medical and graduate students to the techniques of electron microscopy. The techniques employed during electron microscopic examinations of tissue sections become increasingly important to many types of investigations. Therefore, it is necessary to introduce medical and graduate students to the potentialities and limitations of these techniques to receive academic credits for courses titled Anatomy 199 and Anatomy 214 which are offered fall, winter and spring. Application received by Commissioner of Customs: July 3, 1969.

Docket No. 70-00013-00-61800. Applicant: Science Center of Pinellas County, Inc., 7701 22d Avenue North, St. Petersburg, Fla. 33710. Article: Hemispherical reinforced plastic asembly, Type 14. Manufacturer: Sailcraft Ltd., Canada. Intended use of article: The article will be used as an accessory to an Apollo model planetarium and projector ordered by the applicant from the Goto Optical Co. Application received by Commissioner of Customs: July 7, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-9661; Filed, Aug. 15, 1969; 8:45 a.m.]

STATE UNIVERSITY OF NEW YORK AT BUFFALO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00379-33-10595. Applicant: State University of New York at Buffalo, 1803 Elmwood Avenue, Buffalo, N.Y. 14207. Article: Recycling chromatography equipment as follows:

Selector valves; peristalic pump; flow analyzer, Uvicord II; recorder; and separation column.

Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for the purification of human enzymes from individuals with inherited variation. Using this particular apparatus, purified crystals of enzyme

can be purified from approximately one pint of blood, whereas most techniques require up to 10 or even more units of blood. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used is being manufactured in the United States. Reasons: The foreign article is an integrated recycling chromatographic system of several components specifically designed for the purification of enzymes from human blood which shows inherited variations. We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated April 9, 1969, that the capabilities such as the reliability of a developed system, conservation of human blood, and the unique design system are pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that it knows of no instrument or apparatus being manufactured in the United States which provides these pertinent characteristics.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-9662; Filed, Aug. 15, 1969; 8:45 a.m.]

TEXAS A&M UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00446-01-11000. Applicant: Texas A&M University, Department of Biology, College Station, Tex. 77843. Article: Gas Chromatograph-Mass Spectrometer, Model LKB 9000. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with a research program dealing with the biology, chemistry, and biochemistry of two classes of compounds; hormones and pheromones of insects. An integral part of this program is the structural identification of the hormones and pheromones, their precursors and metabolites. A second aspect consists of the synthesis of the hormones, pheromones, and their analogues. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a functionally integrated instrument which combines a gas chromatograph unit with a mass spectrometer unit. An essential component of the combination is the interface or separator which connects the two units. The primary function of the interface is to separate the fractions of the substance undergoing investigation from the carrier gas by which the sample was conducted through the gas chromatograph, before the sample enters the mass spectrometer unit. We note that three such functionally integrated instruments are being manufactured in the United States—the Model 1015 manufactured by Finnigan Instrument Corp. (Finnigan); the GC/MS-66 system manufactured by Varian Associates (Varian); and the Model 270 GC-DF manufactured by Perkin-Elmer Corp. (P-E). A comparison of the Finnigan Model 1015 with the foreign article shows that this domestic instrument has a specified sensitivity of 100 nanograms of cholesterol injected into the gas chromatograph column, whereas the foreign article has a specified sensitivity of 10 nanograms of cholesterol injected into the gas chromatograph column. This indicates that the foreign article can produce a meaningful spectrum with a sample of one-tenth of that required to produce a meaningful spectrum with the Finnigan Model 1015 and that the sensitivity of the foreign article exceeds that of this domestic instrument by a factor of 10. It is also noted that the foreign article can achieve this sensitivity with a corresponding resolution of 750 at a 10 percent valley definition, whereas the Finnigan Model 1015 has a maximum specified resolution that is equivalent to 500 at the 10 percent valley definition.

In regard to the Varien GC/MS-66 system, the specified sensitivity of the foreign article also exceeds the specified sensitivity of this domestic instrument by a factor of 10. The quoted specification for the sensitivity of the P-E Model 270 GC-DF is "less than 3×10^{-9} gram/second of methyl stearate will produce spectrum with a signal-to-noise ratio substantially greater than 1 at parent mass peak, for a 1-second/decade scan rate." The corresponding quoted specification for the foreign article is "6×10^{-10} gram/second methyl stearate will produce a spectrum with a signal-to-noise ratio substantially greater than 1 at parent mass peak, for 1 second/decade scan rate." On the basis of these specifications, the sensitivity of the foreign article exceeds that of the P-E Model 270 GC-DF by a factor of 500. Since the applicant's research program involves the investigation of many compounds which are available only in minute quantities, the greater sensitivity of the foreign article is a pertinent characteristic.

For this reason, we find that none of the three domestic instruments cited above is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used. We note that the Consolidated Electrodynamics Corp. (CEC) offers to furnish a mass spectrometer of its own manufacture, plus a newly developed separator for interfacing with a gas chromatograph, but did not offer to furnish a functionally integrated instrument.

We note further that § 602.1(e) of the above-cited regulations provides:

> The determination of scientific equivalency between a foreign instrument and a domestic instrument shall be based on comparisons of the pertinent characteristics and pertinent specifications of the foreign instrument with the similar pertinent characteristics and pertinent specifications of the domestic instrument. If such comparisons show that at least one domestic instrument or a reasonable combination of domestic instruments does possess all of the pertinent characteristics and specifications of the foreign instrument, the Administrator shall find that scientific equivalency does exist.

The phrase, "reasonable combination of domestic instruments", was intended to be construed in a reasonably narrow manner to include only combinations which would under normal commercial practice and usage generally be considered as a unit. The phrase is narrowly construed because the operative language of the statute and the explanatory language of the Committee Reports both speak in terms of comparisons of single instruments with other single instruments. Thus, item 851.60 of Schedule 8, part 4 of the Tariff Schedules prescribes that the test "if no domestic instrument or apparatus of equivalent scientific value * * * is being manufactured in the United States." Similarly, the Committee Reports speak in terms of "a" domestic article and "a" domestic instrument or apparatus. (H. Rept. No. 1779, House Committee on Ways and Means, 89th Cong., second session, p. 18, and S. Rept. No. 1678, 89th Cong., second session, p. 12.) The CEC offer relates only to a mass spectrometer and interface, without reference to a gas chromatograph. There is nothing in this offer which indicates that CEC will also furnish the gas chromatograph, functionally combine the three units and test the combination as a single instrument in order to establish the operating parameters of the combination. We note further that the specification for the sensitivity of the CEC 21-491 mass spectrometer, when functioning as a mass spectrometer, is given as "3×10^{-9} gram/second of methyl stearate will give a recognizable pattern at 1 second/decade scan speed, using the wide slits." This is considerably below the sensitivity specified for the foreign article. For the foregoing reasons, we find that none of the domestic instruments cited above is of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

Furthermore, the Department of Commerce knows of no other combination of instruments being manufactured in the United States and being offered as a functionally integrated single instrument, which is of equivalent scientific value to the foreign article for the purposes for which this article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-9663; Filed, Aug. 15, 1969; 8:45 a.m.]

WASHINGTON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00534-33-46040. Applicant: Washington University, Department of Biology, St. Louis, Mo. 63130. Article: Electron microscope, Model Elmiskop 1A. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used primarily for high resolution studies of cell ultrastructure in conjunction with thin sectioning, negative staining, and shadowing techniques. Studies include the ultrastructure of sperm flagella and correlating differences in ultrastructure with differences in locomotory patterns. Resolving the substructure of sperm flagella, necessary for these analyses, requires an instrument which is capable of extremely high resolution. The article will also be used for studies concerning meiotic cell division in the fungus gnat Sciara. Comments: No comments have been received with respect to this application. Decision: Application approved. No instruments or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic electron microscope is the Model EMU-4B, manufactured by the Radio Corp. of America (RCA), which has a guaranteed resolving capability of 5 angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 2, 1969, that for the purposes for which the foreign article is intended to be used, the difference between 3.5 and 5 angstroms is significant.

We therefore find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-9664; Filed, Aug. 15, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CITRUS CENTRAL, INC.

Frozen Concentrate for Manufacturing Soft Frozen Orange Juice Deviating From Identity Standard; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Citrus Central, Inc., Post Office Box 475, Plymouth, Fla. 32768. This permit covers interstate marketing tests of frozen concentrate for manufacturing soft frozen orange juice and of its end product, soft frozen orange juice from concentrate, both with added calcium cyclamate, methylcellulose, and U.S. certified food color, ingredients not provided for by the standards of identity for frozen concentrated orange juice (21 CFR 27.109) or orange juice from concentrate (21 CFR 27.111).

Labels on the containers of concentrate are to name the ingredients on each principal panel as "calcium cyclamate, a nonnutritive sweetener, methylcellulose, and artificial color."

Labels on the containers in which the end product, the soft frozen orange juice from concentrate, is dispensed shall name the ingredients on each principal panel as "calcium cyclamate, a nonnutritive sweetener, methylcellulose, and artificial color".

At such time that an order ruling on the proposal to set forth the conditions for safe use of cyclamic acid and its salts (34 F.R. 6194) becomes effective, any provisions of that order pertaining to the foods distributed under this temporary permit will apply.

The products market tested under this permit are not intended as foods for special dietary use.

This permit expires August 8, 1970.

Dated: August 8, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9674; Filed, Aug. 15, 1969; 8:46 a.m.]

METHYL PARATHION

Notice of Establishment of Temporary Tolerance for Pesticide Chemical

Notice is given that at the request of the American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, a temporary tolerance of 0.05 part per million is established for negligible residues of the insecticide methyl parathion (*O,O*-dimethyl *O*-*p*-nitrophenyl thiophosphate) in or on the raw agricultural commodity cottonseed. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the American Cyanamid Co. name.

This temporary tolerance will expire August 7, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 7, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9675; Filed, Aug. 15, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17160, etc.; Order 69-8-64]

ASSEMBLY AND DISTRIBUTION SERVICE RULES

Order Regarding Modifications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of August 1969.

In the matter of modifications of assembly and distribution service rules; Agreements CAB 19850 and 19891-A3; Dockets 17160, 17167, and 18070.

By agreement CAB 19850, 22 air carriers propose to modify their rules governing assembly service in the following respects:

1. Establish a calendar-day assembly period in lieu of a "floating" 24-hour period;

2. Restrict assembly service on one shipment to a single airport of origin;

3. Establish separate cube measurement (determination of dimensional weight), and separate assumed declared value/excess value declaration on each "part" of an assembly shipment, as opposed to the aggregate cube/value of all parts;

4. Provide that charges on all assembly service shipments shall be collected from the consignee; and

5. Provide that the foregoing practices shall be subject to the enforcement machinery of the Air Transport Association.

By a further agreement filing on June 25, 1968 (Agreement CAB 19891A3) all domestic airlines propose a minor and nonsubstantive revision of the definition of assembly and distribution service for the purposes of clarification.[1] The carriers do not propose any changes with respect to distribution service rules, nor do they have any other major agreements in force on distribution rules and practices.[2]

Following the Board's decision establishing minimum rates in 1948,[3] the Board investigated the practices of the carriers relating to accumulation, assembly, and distribution services, and prescribed model rules for these services,[4] including minimum charges for the services. Although the Board subsequently revoked the outstanding minimum rate orders,[5] which included prescribed minimum charges for assembly and distribution service, the model rules for assembly and distribution service are still in effect. While the Board has made certain modifications to the model rules,[6] it has denied requests to relax the requirement that assembly shipments be delivered at one time in one lot to one consignee.[7] Concurrent with denial of petitions cited above for "early-release," the Board invited comments as to whether the model rules relating to assembly and distribution service should be amended.[8] Responses were received from various direct and indirect air carriers and shippers, with the majority advocating early-release and/or some form of distribution at destination of portions of assembly shipments. Subsequently, intercarrier discussions of accessorial cargo services, including assembly and distribution rules, were authorized by the Board subject to certain conditions,[9] and the instant agreements result from such discussions.[10]

Carrier participation in the proposed assembly service agreement No. 19850 is limited to the following: [11]

Airlift International, Inc. (Airlift).
Allegheny Airlines, Inc (Allegheny).
American Airlines, Inc. (American).
Braniff Airways, Inc.
Continental Air Lines, Inc
Eastern Air Lines, Inc. (Eastern).
The Flying Tiger Line Inc. (Flying Tiger).
Frontier Airlines, Inc.
Lake Central Airlines, Inc.[12] (Lake Central).
Mohawk Airlines, Inc.
National Airlines, Inc.
North Central Airlines, Inc.
Northeast Airlines, Inc.
Northwest Airlines, Inc. (Northwest).
Ozark Air Lines, Inc.
Pacific Air Lines, Inc.[12] (Pacific).
Piedmont Aviation, Inc.
Southern Airways, Inc.
Trans-Texas Airways, Inc.[12] (Trans-Texas).
United Air Lines, Inc. (United).
West Coast Airlines, Inc.[12] (West Coast).
Western Air Lines, Inc. (Western).

In support of their agreement, the carriers state that they have attempted to resolve the assembly service problems by industry agreement, rather than by individual carrier action, because of the generally recognized need for uniformity of practice within an industry which serves a large number and variety of individual shippers; that the subject matter of the agreement involves practices which can by their nature be burdensome and costly to the carriers and should, therefore, be provided without restriction only when there is a genuine shipper need for them and when substantially all shippers benefit equally therefrom; that to the extent such services are required by only a relatively few shippers, the services provided would inevitably be at the expense of the majority of shippers who do not receive them; and that since these services do involve benefits to some, competitive considerations obviously make it difficult, if not impossible, for individual carriers to refuse to provide such services while other carriers with which they are in direct competition continue to do so.

The carriers further state that policies and procedures with respect to incidental services of this sort are most appropriately established through inter-carrier agreement than through the exercise of the Board's general rulemaking powers; that the Board still can maintain its regulatory control over these agreements by virtue of its powers under section 412 of the Act, while, at the same time, permitting a greater degree of carrier flexibility to meet new developments in the dynamic and constantly changing field of air freight transportation; that rulemaking of general applicability cannot effectively deal with the variety of detailed and specific provisions needed to produce sound and uniform practices and procedures in this area, and, even if the Board should exercise its rulemaking prerogatives in these areas, industry agreements certainly would still be necessary to fill in the details of the general rules and to provide for workable and uniform practices and procedures; and that a further advantage to resolution of these matters by industry agreement is that it enables self-policing by the industry through its own self-enforcement machinery.

Objections to the proposed modifications of assembly service rules have been filed by the Air Freight Forwarders Association (AFFA), on behalf of its members, stating that the requirement that all assembly shipments be accepted and originated at a single-airport-of-origin would be a further deterrent to the use of the assembly rule at the three coterminal airports in New York; that although the forwarders do not oppose a uniform fixed 24-hour period, the calendar-day basis of the agreement as filed is operationally unsuitable for the air freight forwarders, and that if a fixed period is to be adopted, a 24-hour period beginning at 2:01 a.m. and ending at 1:59 a.m. would be more practicable. The forwarders do not believe that the current assembly service rules or the proposed modifications meet the present and future requirements of the airlines for more traffic, the need of the forwarder for round-the-clock deliveries to the airlines, and the desires of the shipping public for improved rate and service advantages.

The forwarders recommend that the present assembly and distribution rules be left as they are, that the Board defer action on the proposed modification to the existing model rules and issue a show cause order or a notice of proposed rule making providing for a form of "early-release" rule. The forwarders would have such rule put into effect for an experimental period of at least 12 months in order to determine its effect upon the direct air carriers, the indirect air carriers and the shipping public, with provisions for detailed traffic records to be submitted by the carriers and the forwarders on the operation of the proposal during the temporary period. A draft form of an "early-release" rule has been proposed by the forwarders.

In their reply to the forwarder protest, the direct air carriers state that the 24-hour rule has resulted in a situation which is difficult, if not impossible, to properly administer and police, and that the proposed calendar-day rule, as well as the proposed single airport-at-origin rule, are not inconsistent with the Board's model rules on assembly and distribution service. The direct carriers also oppose the forwarder proposal for the Board to defer action on the airlines' agreement pending initiation of Board action aimed at revision of the model rules to permit early release of parts of assembly shipments.

Calendar-day vs. 24-hour day. Although the Board previously established a "floating" 24-hour day for the receipt of parts of an assembly shipment (12 CAB 337, 345), it is apparent that the airlines have found the current rule difficult to administer, and that it tends toward abuses. In these circumstances, the restriction of the 24-hour period to a calendar day does not appear unreasonable.

Single airport-of-origin. The airlines' proposal to limit assembly service to a single airport-of-origin is apparently designed to stop the practice of assembly at multiairports serving the same city or metropolitan area, for example, La Guardia, Kennedy International, and Newark Municipal serving New York, and O'Hare International and Midway serving Chicago. It does not appear that reference to "point of origin" in the model rules was intended to encompass acceptance or delivery by the carrier of assembly or distribution shipment parts at more than a single receiving or delivery point. Moreover, the restriction proposed by the carriers is consistent with the concept that traffic involved in a single shipment have a single origin.

Separate cubing of the parts of an assembly service shipment. Most of the carriers[13] at present consider the entirety of an assembly shipment for purposes of applying cubic dimensional weight, i.e., cube weight computed at 250 cubic inches per pound (6.9 pounds per cubic foot) as a shipment minimum weight. By aggregating the dimensions of all assembly shipment parts, a not-so-dense part can easily be absorbed into the average cube-weight of all parts, and such light part will then not be assessed cube-weight. The impractical feature of the present rule, according to the airlines, is that it presumes all parts of the shipment are either (1) separately measured and weighed, with the data recorded for subsequent aggregating and averaging, or (2), at some one point in time, available for weighing and measuring as a single shipment.

Since most parts of assembly shipments may move on the next available flight following receipt, the carriers may not, as a practical matter, be able to effectively compute the cube of the total shipment at origin, nor, because of the pressures of delivery, can total shipment cube be determined at destination because of the impracticability of stacking and measuring the total shipment in one place at one time. No objection has been filed with the Board as to this provision.

Separate valuation of the parts of an assembly shipment. Similar to the treatment of cube-weight, the carriers also propose to treat separately each part of an assembly shipment for purposes of establishing the carriers' assumed liability, typical 50 cents per pound or $50 per shipment, whichever is greater, and as the base for shippers' declaration of additional valuation in excess of the foregoing. The latter is typically assessed 10 cents per $100, or fraction thereof, by which such declaration exceeds the carrier's assumed liability.

The present practice of the carriers is to base liability and excess valuation on the aggregate weight of all parts. Thus, under the carriers' proposal, loss or damage of a number of "parts" to some small assembly shipments would give a shipper the benefit of separate $50 allowances on each part, as opposed to a total limitation of $50 on the aggregate shipment. On the other hand, a loss of a particular part of a large assembly shipment will now limit the recovery to the higher of $50 per part or 50 cents a pound on the lost part, instead of 50 cents per pound based on the aggregate weight of the entire shipment. No protest has been lodged with the Board on this provision.

It does not appear adverse to the public interest for the carriers to apply the liability rule to the separate parts of assembly shipments. Our action in approving this portion of the agreement is without prejudice to a final determination of the reasonableness of the liability rule, which is now under review in the liability rules inquiry in Docket 19923.

Payment of charges. The carrier agreement requires that charges be collected from the consignee on an assembly shipment. The Board has previously required that payment be made by the consignee where there is more than one consignor, and has noted that there may be difficulties in apportioning charges among the parties liable therefor.[14] It is the Board's understanding that the carriers make this proposed change primarily (1) because portions of the total charges on the shipment are not known until delivery is completed at destination, and (2) to simplify central billing arrangements with forwarders who are the most substantial users of assembly service. This requirement does not appear unduly restrictive, or in conflict with the Board's model rules. No protest has been voiced against this feature of the agreement.

Enforcement. The carriers propose to subject their agreement or assembly service to their own enforcement machinery, as on other accessorial services. The Board has previously approved other carrier agreements concerning enforcement of cargo practices.[15]

The airfreight forwarders, while not objecting to all elements of the instant agreement, request the Board to defer action on it, thus leaving the present assembly and distribution rules in effect, and to initiate proceedings to institute a provision for "early-release" of assembly shipments. On the basis of our review of the agreement before us, together with the considerations advanced by the forwarders, we have concluded that the agreement is not adverse to the public interest. There is, therefore, no basis to defer action on it or to do other than approve it. With respect to the absence of an "early-release" provision from the agreement, the carriers in their discussions considered the matter but no agreement to so modify the rules was reached. To the contrary, the carriers, in consideration of a need for improved revenue yield, concluded that the assembly rules should be tightened. It appears that an "early-release" rule would principally benefit assembly shipments from a single consignor to a single consignee. While some commercial or industrial shippers, such as large mail order firms, might also fit within the suggested single-consignor/consignee limitation on "early-release," and be benefited accordingly, numerous other shippers or consignees would be denied the rate concession with respect to traffic receiving essentially the same transportation service. Consequently, we will deny the forwarders' request that the Board initiate procedures to modify the assembly rules to permit early release. The order herein will also dismiss proceedings in this and other dockets involving comments or requests for modifications of the rules.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958,

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[1] The agreement consists of the addition of the following quoted words to the Board's model rules:

A part of a shipment, for the purpose of this rule, shall consist of one package, piece or bundle, or two or more packages, pieces or bundles, accepted by the carrier as a group or unit "at origin, or delivered by the carrier as a group or unit at distribution point."

[2] The form and content of the shipper-prepared distribution manifest, showing the breakdown of shipment-parts to the multiple consignees, is specified in a Board-approved agreement.

[3] Air Freight Rate Investigation, 9 CAB 340 (1948).

[4] 12 CAB 337, 345 (1950).

[5] 34 CAB 269 (1961).

[6] Pursuant to petitions by the carriers, the Board has modified the model rules to permit break-bulk of distribution shipments at destination, the on-forwarding of one or more portions thereof to points beyond such destination, and withdrawal at destination of portions of assembly shipments with a corresponding rerating of the withdrawn portion and with the remainder of the assembly shipment rated as a separate shipment.

[7] Order E-23425 dated Mar. 28, 1966, in Docket 16973 denied a petition for amendment of the rules to permit early-release at destination of portions of assembly shipments.

[8] Order E-23426 dated Mar. 28, 1966, in Docket 17160; responses received from American, Delta, Eastern, Flying Tiger, Pan American, TWA, United, Honolulu Air Cargo doing business as Aero Forwarding, Pacific Air Freight, Inc., Aerospace Airfreight Association, Inc., and Hewlett-Packard Co.; see also United's petition in Docket 18070.

[9] Order E-24599 dated Jan. 3, 1967; Order E-24729, dated Feb. 8, 1967; and Order E-25146 dated May 15, 1967, in Docket 17167. See also Order 69-1-54 dated Jan. 13, 1969, approving a series of carrier agreements on accessorial cargo services.

[10] As required by the Board in authorizing the discussions, the airlines advised interested shippers in advance of final deliberation as to proposals under consideration, such shippers were given opportunity to comment upon the proposals, both in writing and in person, and airline-shipper meetings (including forwarders) were held in 1967. Meeting notices and minutes on all airline meetings have been provided to shippers and filed with the Board.

[11] In signing the agreement, Northwest and Flying Tiger excepted the paragraph which provides that all assembly shipments must be accepted and originated at a single-airport-of-origin.

Flying Tiger further conditioned its signature to the agreement that it shall not be binding until counterparts have been executed and are effective for American, Northwest, Trans World Airlines, Inc. (TWA), and United. Consequently, due to TWA's nonparticipation, Flying Tiger's participation appears to be voided, and Northwest's participation excludes the single-airport-at-origin paragraph of the proposed agreement.

Western conditioned its approval to the agreement "with the understanding that all major carriers which are competitive with Western have indicated that they will also execute these agreements."

[12] Lake Central is now merged with Allegheny; Pacific and West Coast into Air West, Inc. Trans-Texas is now called Texas International Airlines, Inc.

[13] Airlift, Delta Air Lines, Inc., Eastern, and National currently apply separate cubing to each part of an assembly shipment.

[14] Order 68-10-106 dated Oct. 18, 1968.

[15] 12 CAB 337, 345 (1950).

and particularly sections 204(a), 412, and 414 thereof:

It is ordered, That:

1. Agreements CAB 19850 and 19891–A3 are approved.

2. Petitions and reponses in Dockets 17160, and 17167, and 18070, and the complaint of the Air Freight Forwarders Association on Agreement CAB 19850 in Docket 17167, are hereby dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–9716; Filed, Aug. 15, 1969; 8:48 a.m.]

[Docket No. 21221]

CITY INVESTING CO. AND CAPITOL INTERNATIONAL AIRWAYS, INC.

Notice of Prehearing Conference

Joint application of City Investing Co., and Capitol International Airways, Inc., for approval of acquisition of control under section 408 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on September 9, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Robert M. Johnson.

Dated at Washington, D.C., August 12, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–9717; Filed, Aug. 15, 1969; 8:48 a.m.]

[Docket No. 20420]

TWIN CITIES-DES MOINES-ST. LOUIS PROCEEDING

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on September 18, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Thomas P. Sheehan.

The Bureau of Operating Rights will participate in this proceeding, and accordingly, the Bureau may file exhibits on or before August 29, 1969. Rebuttal exhibits, if any, to the Bureau's exhibits may be filed on or before September 10, 1969.

Dated at Washington, D.C., August 12, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–9718; Filed, Aug. 15, 1969; 8:48 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorized the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Associate Deputy Attorney General for Legislation, Office of the Deputy Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–9703; Filed, Aug. 15, 1969; 8:48 a.m.]

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under the authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the positions of Associate Manpower Administrator, U.S. Training and Employment Service; and Director, Intergovernmental and Interagency Relations Staff.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–9704; Filed, Aug. 15, 1969; 8:48 a.m.]

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under the authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Deputy Manpower Administrator for Employment Security.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–9705; Filed, Aug. 15, 1969; 8:48 a.m.]

POST OFFICE DEPARTMENT

Notice of Title Change in Noncareer Executive Assignment

The notice of November 17, 1967, by the Civil Service Commission authorizing the Post Office Department to fill the position of Special Assistant to the Postmaster General for International Organizations, Office of the Postmaster General by noncareer executive assignment in the excepted service is hereby amended to show that the position is retitled, Special Assistant to the Postmaster General for International Postal Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–9706; Filed, Aug. 15, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by non-career executive assignment in the excepted service the position of Chief Counsel, Urban Mass Transportation Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–9707; Filed, Aug. 15, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67–13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment in the Federal Aviation Administration has been changed from Director of Information Services to Assistant Administrator for Public Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–9708; Filed, Aug. 15, 1969; 8:48 a.m.]

UNITED STATES INFORMATION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the U.S. Information Agency to fill by noncareer executive assignment in the excepted service the position of Deputy General Counsel, Office of the General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–9709; Filed, Aug. 15, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

STEAMSHIP OPERATORS INTERMODAL COMMITTEE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. Edward H. Kotun, Secretary, Steamship Operators Intermodal Committee, Farrell Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

Agreement No. 9735–1, between the member lines of the Steamship Operators Intermodal Committee, modifies Article 7 of the basic agreement to establish a membership fee of $100, which shall be returned to the members upon their resignation or upon dissolution of the agreement, provided that said fee may be applied to any outstanding indebtedness incurred under the agreement.

Dated: August 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–9711; Filed, Aug. 15, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–3891, etc.]

D. B. McCONNELL ET AL.

Findings and Order; Correction

AUGUST 7, 1969.

D. B. McConnell (Operator), et al. and other Applicants listed herein, Dockets Nos. G–3891 et al.; Whittington Oil Co., Inc. (Operator) et al., Docket No. CI69–1052.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, making successors co-respondents, redesignating proceedings, making rate change effective, accepting agreement and undertaking and surety bond for filing, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing, issued July 25, 1969 and published in the FEDERAL REGISTER August 2, 1969 (34 F.R. 12646), on page 12649, 5th column: Change FPC Gas Rate Schedule "No 1" to read FPC Gas Rate Schedule "No. 4" related to Docket No. CI69–1052.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69–9665; Filed, Aug. 15, 1969; 8:45 a.m.]

[Docket No. RP69–41]

TEXAS GAS TRANSMISSION CORP.

Order Providing for Hearing, Suspending Proposed Alternate Revised Tariff Sheets, and Denying Motion To Reject Rate Filing

AUGUST 11, 1969.

Pipeline rates—suspension of proposed increased rates—motion to reject rate filing denied.

On June 27, 1969, Texas Gas Transmission Corp. (Texas Gas) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2, to become effective on August 12, 1969.[1] The proposed rate changes would increase charges for jurisdictional sales and transportation services by $36,813,407 annually, based on sales for the 12-month period ended March 31, 1969, as adjusted. Rates would be increased under all sales rate schedules and under transportation rate schedules X–21 and X–29. The filing also proposes a modification of the billing demand ratchet provision under Rate Schedules G–1, G–2, G–3, and G–4 from the existing 90 percent of contract demand to 95 percent of contract demand, and a modification of the measurement provisions in the General Terms and Conditions.

Texas Gas' filing consists of two alternate sets of revised tariff sheets, the first of which contains a proposed new section, to be included in the General Terms and Conditions of the tariff, providing for monthly billing adjustments to reflect current changes in Texas Gas' unit cost of purchased gas.[2] Texas Gas requests that, if the Commission finds that the proposed purchased gas adjustment provision is prohibited by § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act and does not waive the terms of that section for purposes of Texas Gas' filing, the Commission accept for filing the alternate set of revised tariff sheets, which does not contain a purchased gas adjustment provision.

Texas Gas states that the principal reasons for the proposed rate increases are: (1) Increases in its cost of purchased gas; (2) costs of transportation by others of new offshore gas supplies and costs related to new underground storage facilities; (3) the proposed reversion from liberalized depreciation to straight line depreciation for tax purposes; (4) salary and wage increases; and (5) the need for an 8.5 percent rate of return.

Memphis Light, Gas, and Water Division of the city of Memphis, Tenn. (Memphis), on July 14, 1969, filed a motion to reject Texas Gas' rate filing. As grounds for its motion Memphis contends that the proposed tariff changes (1) include a purchase gas adjustment provision which is prohibited by § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act and (2) are based upon the use of straight line tax depreciation instead of liberalized depreciation for tax purposes which Memphis says is contrary to our Opinion No. 497,497–A.[3] Texas Gas on July 24, 1969, filed its answer to Memphis' motion.[4]

Memphis' contentions raise substantive issues which should be heard in formal proceedings. Memphis' first contention is disposed of by our rejection herein of Texas Gas' revised tariff sheets containing the purchased gas adjustment provision. The objection to the use of straight line tax depreciation goes to the merits of the filing rather than to the question of compliance with our filing requirements with respect to which failure to comply would prompt our rejection of the filing.[5]

[1] The tariff sheets (described by Texas Gas as "alternate proposed tariff sheets") hereinafter suspended are as follows: First Revised Sheet Nos. 6, 12, 18, 24, 84, 85, and 86; Ninth Revised Sheet No. 68–I; 10th Revised Sheet Nos. 60–A, 68–BB, and 70–A; 11th Revised Sheet Nos. 13, 15, and 68–C; 12th Revised Sheet Nos. 7, 9, 19, 21, 25, 27, and 71; 15th Revised Sheet Nos. 68–G, 68–H, 68–K, and 68–I; 16th Revised Sheet Nos. 68–A, 68–B, 68–E, and 68–F; 19th Revised Sheet Nos. 45, 47, 51, 79–I, and 79–J; 20th Revised Sheet Nos. 5, 11, 23, 29, 33, 41, 49, 53, 55, 59, 61, 63, 67, 69, 70, 73 and 74; 21st Revised Sheet Nos. 17, 31, 35, 37, 43, 57, and 65; and 22d Revised Sheet No. 39 of Second Revised Volume No. 1; and Sixth Revised Sheet No. 254 and Third Revised Sheet No. 332 of Original Volume No. 2.

[2] The tariff sheets setting forth Texas Gas' proposed purchased gas adjustment provision are Original Sheets Nos. 102–B, 102–C, 102–D and 102–E.

[3] Midwestern Gas Transmission Company, 36 FPC 61, 36 FPC 599 (1966), affirmed sub. nom. Midwestern Gas Transmission Company v. FPC, 388 F. 2d 444 (CA 7, 1968).

[4] On Aug. 1, 1969, Texas Gas, in order to comply with § 154.63(e)(1) of the Commission's regulations under the Natural Gas Act, filed additional working papers showing the computation of its claim for Federal income taxes, for the test period, reflecting the flow through of liberalized depreciation in accordance with the order issued Nov. 8, 1966, in Docket No. RP67–10.

[5] Mississippi River Fuel Corp. v. FPC, 202 F.2d 899 (CA 3, 1953).

The reasonableness of including a purchased gas adjustment provision in Texas Gas' tariff has not been tested in any evidentiary proceeding. If accepted at this time, this provision would become operative after suspension. The purchased gas adjustment provision raises a number of substantive issues which should be fully explored and resolved before the rates and charges to Texas Gas' customers are subjected to changes by application of this proposed adjustment provision. Accordingly, we deem it inappropriate at this time to waive the provisions of § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act to permit the filing of Texas Gas' set of revised tariff sheets containing a purchased gas adjustment provision. During the pendency of this proceeding, and prior to the determination of this issue, however, Texas Gas will not be precluded from requesting permission to track supplier rate increases which increase the purchased gas costs filed by Texas Gas in this proceeding.

Review of the filing indicates that certain issues are raised which require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5 months suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

Twenty-one of Texas Gas' customers have filed petitions for leave to intervene in this proceeding. Notices of Intervention by municipal and State bodies having jurisdiction over the regulation of rates and charges for the sale of natural gas have been filed by city of Cincinnati, city of Columbus, and city of Toledo, all of Ohio, Public Service Commission of Kentucky, Public Service Commission of the State of New York, and Tennessee Public Service Commission.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Texas Gas' FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in footnote (1) above be suspended, and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing on September 25, 1969, 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Texas Gas' FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon, Texas Gas' revised tariff sheets listed in footnote (1) above are hereby suspended and the use thereof is deferred until January 12, 1970, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Texas Gas' revised tariff sheets proposing a purchased gas adjustment provision are hereby rejected for filing. These proposed tariff sheets may be made a part of the record herein, to be considered along with any modifications thereof or alternative provisions submitted by the parties or the Commission Staff, as a proposed purchased gas adjustment provision to be included in Texas Gas' tariff.

(D) At the hearing on September 25, 1969, Texas Gas' prepared testimony (Statement P), filed and served on July 14, 1969, together with its entire rate filing as submitted and served on June 27, 1969, as supplemented on August 1, 1969, be admitted to the record as Texas Gas' complete case-in-chief as provided by § 154.63(e)(1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding.

(E) Following admission of Texas Gas' complete case-in-chief, the parties shall present their views and the Presiding Examiner, in the exercise of his discretion, shall determine which issues, if any, shall be heard in an initial phase hearing; fix dates for service of Staff's and Interveners' evidence on such issues and service of Texas Gas' rebuttal testimony; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible. The Examiner shall thereafter fix dates for service of testimony and cross-examination on all issues not being heard in the first phase hearing.

(F) Presiding Examiner Walter T. Southworth, or any other designated by the Chief Examiner for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(G) The motion to reject rate filing of Memphis Light, Gas, and Water Division of the city of Memphis, Tenn., is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-9667; Filed, Aug. 15, 1969; 8:45 a.m.]

[Docket No. G-3620, etc.]

J. R. WELCH ET AL.

Findings and Order; Correction

AUGUST 7, 1969.

J. R. Welch (successor to Carl D. and Edith Rhyne Jackson doing business as Jackson Brothers) and other Applicants listed herein, Docket Nos. G-3620, et al.; Pan American Petroleum Corp., Docket No. CI69-822 (G-14224).

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceedings, making successors co-respondents, redesignating proceedings, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing, issued May 7, 1969 and published in the FEDERAL REGISTER May 17, 1969 (34 F.R. 7877), on page 7881, 3d column: Change location to read "Barber County, Kansas" in lieu of "Barber County, Oklahoma" related to Docket No. CI69-822.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-9666; Filed, Aug. 15, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Charter New York Corp., which is a bank holding company located in New York, N.Y., for the prior approval of the Board of the acquisition by Applicant of all the voting shares of The Citizens Central Bank, Arcade, N.Y.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may

be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

Dated at Washington, D.C., this 5th day of August 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 69-9672; Filed, Aug. 15, 1969; 8:45 a.m.]

[Regs. G, T, U]

OTC MARGIN STOCKS

List

In accordance with § 207.2(f)(2) of Regulation G, "Securities Credit by Persons Other than Banks, Brokers, or Dealers", § 220.2(e)(2) of Regulation T, "Credit by Brokers and Dealers", and § 221.3(d)(2) of Regulation U, "Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks", there is set forth below the list of stocks traded over the counter, current as of August 11, 1969, that the Board of Governors has determined (in accordance with the criteria set forth in the Supplements to those regulations) to have the degree of national investor interest, the depth and breadth of market, the availability of information respecting the stock and its issuer, and the character and permanence of the issuer to warrant subjecting such stock to the requirements of such regulations.

Stocks appearing on the list have not been approved, in any way, by the Board and representation by any person that their appearance on the list indicates approval by the Board or any Government agency is unlawful.

Dated at Washington, D.C., the 11th day of August 1969.

Board of Governors of the Federal Reserve System.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

OTC MARGIN STOCKS

A. C. Nielsen Co., See Nielsen, A. C. Co.
Acushnet Co., $1 par value, common.
Addison Wesley Publishing Co., Inc., Class B, no par value, common.
Advance Ross Corp., common stock, $0.10 par value.
Alexander and Baldwin, Inc., common capital stock without par value.
Allegheny Beverage Corp., common stock, par value $1.
Alpine Geophysical Associates, Inc., $0.10 par value, common.
American District Telegraph Co., full paid and nonassessable par value $1 each, common.
American Express, $1.66⅔ par common.
American Fidelity Life Insurance Co. (Florida), common, $1 par.
American Furniture Co., Inc., $1 par value, common.
American Greetings Corp., Class A, par value $1.
American Heritage Life Insurance Co. (Florida), common, $1 par value.
American Maize-Products Co., without par or face value, common.
American National Insurance Co. (Texas), $1 par value, common.
American Nuclear Corp., $0.04 par value, common.
American Pipe and Construction Co., common, par value $5.
American Presidents Life Insurance Co., $1 par value, common.
American Re-Insurance Co., capital stock, $5 par value.
American Security and Trust Co., (Unit) (Washington, D.C.), $3.33⅓ par value, capital.
American Welding & Manufacturing Co., common, no par value.
Anadite, Inc., no par value, common.
Anchor Corp., Class B, nonvoting, common.
Anheuser-Busch, Inc., $1 par value, common.
Applebaums Food Markets, Inc., $1 par value, common.
Arden-Mayfair, Inc., common.
Arkansas-Missouri Power Co., $2.50 par common.
Arkansas Western Gas Co., $2.50 par value, common.
Arvida Corp., common.
Associated Cola-Cola Bottling Co., Inc., $1 par common.
Atlanta Gas Light Co., $5 par common.
Baird-Atomic, Inc., common, $1 par value.
Bangor Hydro-Electric Co., $5 par common.
Bankamerica Corp., common capital stock.
The Bank of California, N.A., $10 par value common capital.
The Bank of New York Co., $15 par common.
Barber-Greene Co., $5 par common.
Baystate Corp., common.
Beecham, Inc., $1 par common.
Betz Laboratories, Inc., 10 cents par common.
Bibb Manufacturing Co., common.
Bio-Dynamics, Inc., no par value common capital.
Bma Corp., $2 par common.
Bolt, Beranek, and Newman, Inc., common, no par value.
Brenco, Inc., $1 par common.
Browning Arms Co., capital, $1 par value.
The Brush Beryllium Co., $1 par common.
Buckbee-Mears Co., common, par value $0.10.
California-Western States Life Insurance Co., $2.50 par common capital.
Capital Holding Co. (Ky.), $1 par common.
Capitol International Airways, Inc., $1 par value, common.
Carson Pirie Scott & Co., common shares.
Cascade Natural Gas Corp., $1 par value, common.
Central Vermont Public Service Corp., common $6 par value.
Chesapeake Instrument Corp., $1 par common.
The Citizens and Southern National Bank of Georgia, common, $5 par value.
Citizens Utilities Co., $1 par common, Series A, $1 par common, Series B.
The Cleveland Trust Co., capital.
Clinton Oil Co., $0.10 par common.
Coastal States Life Insurance Co., common capital, $1 par value.
Cognitronics Corp., common stock $0.20 par value.
Colonial Stores Inc., common stock $2.50 par value.
Combined Insurance Co. of America, $1 par value, common.
Commonwealth Telephone Co., $6.66⅔ par value, common.
Computer Usage Co., Inc., common $25 par value.
Connecticut General Insurance Corp., $2.50 par common.
Continental Bank and Trust Co. (Pennsylvania), $5 par common.
Continental Computer Associates, Inc., No par value, common.
Contran Corp., $0.50 par value, common.
Cooper Laboratories, Inc., common.
The Cornelius Co., common, $0.20 par value.
Crocker-Citizens National Bank, capital.
The Cross Co., common, $5 par value.
D.P.A., Inc., common, $1 par value.
Dallas Airmotive, Inc., $1 par common.
Dalto Electronics Corp., common, $0.50 par value.
Dayton Corp., common, $1 par value.
Delhi Australian Petroleum, Ltd., $0.10 par common.
De Luxe Check Printers, Inc., $1 par common.
The Detroit Bank and Trust Co., capital, $10 par value.
Diamond Crystal Salt Co., $2.50 par value, common.
Disc, Inc., Class A common, par value $1.
The Downtowner Corp., common, par value $1.
Drew National Corp., $1 par common.
The Duriron Co., Inc., $1.25 par value, common.
Eastern Shopping Centers, Inc., $5 par common.
Edgcomb Steel Co., common, $5 par value.
Eli Lilly and Co., See Lilly, Eli and Co.
El Paso Electric Co., common, no par value.
Empire Life Insurance Co. of America (Texas), $1 par value, common.
Energy Resources Corp., common.
Epsco Inc., common, without par value.
Erie Technological Products, Inc., $2.50 par value, common.
Fabri-Tek, Inc., common.
Farmers New World Life Insurance Co., $1 par common.
Farrington Manufacturing Co., common, no par value.
The Federal Co., $12 par value, common.
The Fidelity Corporation of Pennsylvania, $1 par value, common.
Fidelity Corp. (Virginia), $1 par value, common.
Fidelity Union Life Ins. Co. (Texas), $1.25 par value, common.
Fidelity Union Trust Co. (New Jersey), $5 par value, capital.
First and Merchants Corp. (Virginia), $10 par value, common.
First Bank System, Inc. (Minnesota), $5 par value, common.
First Merchants National Bank, Asbury Park, $2.50 par value, common capital.
First Mortgage Investors (Massachusetts), shares of beneficial interest.
First National Life Ins. Co. (Alabama), $1 par, common (Class A).
The First National Bank of Boston, capital, $12.50 par value.
The First National Bank of Chicago, $20 par capital.
First National Bank in Dallas, $10 par common.

First National Holding Corp.—Memphis, $10 par common.
The First Pennsylvania Corp., $5 par common.
First Virginia Bankshares Corp., common.
Florida Telephone Corp., Class A, common.
Food Fair Properties, Inc., common, 1 cent par value.
The Franklin Life Insurance Co. (Illinois), $2 par common.
Franklin National Bank (New York), $5 par capital.
The Gas Service Co., common, $5 par value.
Gelman Instrument Co., no par common.
General Aircraft Corp., $1 par value, common.
Georgia International Corp., $1 par value, common.
Gino's Inc., Class A, common.
Girard Co., $1 par common.
Gleason Works, common.
Government Employees Insurance Co., $4 par value, common.
Government Employees Life Ins. Co., $1.50 par value, common.
Graphic Controls Corp., $1 par common.
Great Commonwealth Life Ins. Co., $1 par common.
Green Mountain Power Corp., $3.33⅓ par value, common.
Grinnell Corp., no par value, common.
Gulf Life Holding Co., capital.
Gyrodyne Company of America, Inc., common, $1 par value.
The Hanover Insurance Co., $10 par capital.
Hardee's Food System, Inc., no par, stated value $1, common.
Hartford Fire Insurance Co., common, par $2.50.
Hawaiian Airlines, Inc., $3 par common.
Heath Tecna Corp., common, no par value, $0.25 stated value.
Herff Jones Co., common, no par value.
Honolulu Gas Co., Ltd., common, $10 par value.
The Hoover Co., $2.50 common.
Horizon Corp., $0.01 par value, common.
Independent Life & Accident Insurance Co. (Florida), nonvoting, common.
Indiana Gas Co., Inc., common, without par value.
Integon Corp., common.
Interfinancial Inc., $1 par common.
International Book Corp., $0.02 par value, common.
International Milling Co., Inc., common, $1 par value.
Interstate Life and Accident Insurance Co. (Tennessee), $1 par value, common.
Intext Inc., no par value, common.
Iowa Southern Utilities Co., common, $10 par value.
ISI Corp., no par value, common.
Jamesbury Corp., $1 par value, common.
Jet Avion Corp., $0.10 par value, common.
Kaiser Steel Corp., common, 66⅔ cents par value.
Kaman Corp., Class A, common, nonvoting.
Kearney & Trecker Corp., common, $2 par value.
Kentucky Central Life Insurance Co., $1 par value, common, Class A, nonvoting.
Keyes Fibre Co., $1 par, common.
Keystone Custodian Funds, Inc., Class A.
King Resources Co., $1 par value, common.
Landa Industries, Inc., common, par value $0.10.
Liberty Equities Corp., common, $1 par value.
Liberty National Life Insurance Co. (Texas), common capital, par value $2.
Life Insurance Company of Kentucky, $1 par value, common.
Lilly, Eli and Co., common, $2.50 par value.
Lin Broadcasting Corp., common, $2 par value.
Lincoln National Corp., common, $2.50 par value.
Lomas and Nettleton Financial Corp., $2 par common.
Louisiana & Southern Life Insurance Co., $1 par value, common.
M.P.B. Corp., $2 par common.
Magnetics, Inc., $1 par common.
Maine Sugar Industries, Inc., common, $1.25 par value.
Major Realty Corp., common, $0.01 par value.
Mallinckrodt Chemical Works, Class A nonvoting, common.
Management Assistance, Inc., $0.10 par value, common.
Manufacturers and Traders Trust Co. (New York), $5 par capital.
Manufacturers National Bank of Detroit, $10 par common.
Mellon National Bank & Trust Co., $10 par common.
Midas International Corp., Class A, $1 par value, common.
Millipore Corp., $0.33⅓ par value, common.
The Mohawk Rubber Co., $1 par value, common.
Monarch Capital Corp., $1 par value, common.
Monmouth County National Bank, common capital.
Monumental Corp., $5 par value, common.
Murphy Pacific Marine Salvage Co., no par common.
Narragansett Capital Corp., $1 par common.
National Bank of Detroit, $12.50 par value, common.
The National City Bank of Cleveland, $8 par value, common.
The National Life Insurance Company of Florida, $1 par value, common.
National Newark and Essex Bank, capital, $10 par value.
National Semiconductor Corp., common.
National Western Life Ins. Co. (Texas), $1 par common, Class A.
Nationwide Corp., Class A, $2.50 par value.
New England Gas and Electric Association, $4 par, common shares.
New Jersey National Bank & Trust Co., $2 par value, common.
Nicholson File Co., $1 par value, capital.
Nielsen, A. C. and Co., $1 par value, common, Class A.
North American Life & Casualty Co. (Minnesota), $1 par common.
North Carolina Natural Gas Corp., $2.50 par common.
North Central Airlines, Inc., $0.20 par value, common.
Northwest Natural Gas Co. (Oregon), $3⅓ par value, common.
Northwestern National Life Insurance Co. (Minnesota), $2.50 par value, common.
O. M. Scott and Sons, see Scott, O. M. and Sons.
Ocean Drilling & Exploration Co., common, $0.50 par value.
The Ohio Casualty Insurance Co., capital.
The Oil Shale Corp., $0.15 par value, common.
The Old Line Life Insurance Co. of America, capital.
Ormont Drug & Chemical Co., Inc., $0.10 par value, common.
Otter Tail Power Co., common shares.
Ozite Corp., $1 par value, common.
Pabst Brewing Co., common without par value.
Panoil Co., $0.10 par common.
Parkview-Gem, Inc., common, par value $1.
Pauley Petroleum Inc., common, par value $1.
Pay'n Save Corp., common without par value.
Pennsylvania Engineering Corp., common.
Pennsylvania Gas & Water Co., no par value, common (stated value $10).
Perini Corp., common, par value $1.
Pettibone Corp., $10 par value.
Philadelphia Life Insurance Co., common, par value $1.
The Philadelphia National Bank, capital.
Philadelphia Suburban Water Co., $3.75 par value, common.
Photon, Inc., $1 par value, common.
Piedmont Aviation, Inc., $1 par value, common.
Piedmont Natural Gas Co., Inc., common.
Pittsburgh National Corp., $10 par value, common.
Provident National Bank (Pennsylvania), $12 par value, capital.
Public Service Co. of North Carolina, Inc., $1 par value, common.
Public Service Co. of New Hampshire, $5 par value, common.
Public Service Co. of New Mexico, $5 par value, Common.
Publishers Co., Inc., $0.40 par value, common.
Ransburg Electro-Coating Corp., common, $0.15 par value.
Recognition Equipment Inc., common.
Republic National Bank of Dallas, capital, $12 par value.
Republic National Life Insurance Co. (Texas), $1 par value, common.
Rival Manufacturing Co., common, par value $1.
Roberts Co., $1 par value, common.
Ross, Will Inc., see Will Ross, Inc.
Safeco Corp., $5 par value, common.
The Saint Paul Companies, Inc., capital.
Scientific Control Corp., $0.20 par value, common.
Scott O. M. and Sons Co., Class A, par value $1.
Scripto, Inc., Class A, common.
Seattle-First National Bank, $10 par value, capital.
Security Pacific National Bank, common.
The Seven-Up Co., $1 par value, common.
Shawmut Association Inc., $5 stated value, common.
Shop Rite Foods, Inc., $3.33⅓ par value, common.
Simon & Schuster Inc., common, par value $0.50.
Southern Industries Corp., no par value, common.
Southern New England Telephone Co., $25 par value, common.
Southern Union Gas Co., $1 par value, common.
The Southland Corp., $0.01 par value, common.
Southwest Gas Corp., $1 par value, common.
Southwest Gas Producing Co., Inc., common, par value $1.
Sovereign Industries, Inc., $0.04 par value, common.
The Standard Register Co., $0.50 par value, common.
State Street Bank & Trust Co., $10 par value, capital.
The Superior Electric Co., common, par value $1.
The Ti Corp. (of California), common, $1 par value.
Tampax Inc., par value $1 per share.
Taylor Wine Co., Inc., $2 par value, common.
Texas American Oil Corp., $0.10 par value, common.
Texas International Airlines Inc., $2 par value; common.
Tidewater Marine Service, Inc., $1 par value, common.
Tiffany & Co., par value $1, common.
Titan Group, Inc., $1 par value, common.
Tracor Inc., common.
Transcontinental Gas Pipe Line Corp., common, par value $0.50.
The Travelodge Corp., no par value, common.
Trico Products Corp., no par value, common.
The Trust Company of New Jersey, common capital.
Unicoa Corp., $2.50 par value, capital.
United Convalescent Hospitals, Inc., $1 par value, common.
The United Illuminating Co., no par value, common.
United Life and Accident Ins. Co. (New Hampshire), capital.
United Services Life Insurance Co. (Washington, D.C.), common.
United States Banknote Corp., common, $1 par value.
United States Fidelity and Guaranty Co. (Maryland), capital, $5 par value.
United Virginia Bankshares Inc., $10 par value, common.
University Computing Co., no par value, common.
The Valley National Bank of Arizona, common capital.
Variable Annuity Life Insurance Co. of America, $1 par value, common.
Virginia Commonwealth Bankshares, common, par value $5.
Virginia National Bank, $5 par value, capital.
Wachovia Corp., $5 par value, common.
Wallace Business Forms Inc., $5 par value, common.
Washington Natural Gas Co., $5 par value, common.
Webb Resources, Inc., common.
Wells Fargo Bank, N. A., capital, $10 par value.
Western Publishing Co., Inc., $1 par value, $2.50 stated value, common.
Will Ross, Inc., common, $1 par value.
Wisconsin Power & Light Co., $5 par value, common.
WPNB Corp., $5 par common.

[F.R. Doc. 69-9684; Filed, Aug. 15, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

AUGUST 12, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 13, 1969, through August 22, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-9686; Filed, Aug. 15, 1969; 8:47 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

AUGUST 12, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 13, 1969, through August 22, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-9687; Filed, Aug. 15, 1969; 8:47 a.m.]

[812-2561]

STANDARD RESOURCES CORP.

Notice of Filing of Application for Order Exempting Proposed Transaction and Permitting Proposed Transaction

AUGUST 12, 1969.

Notice is hereby given that Standard Resources Corp. ("Standard"), 1355 Marconi Boulevard, Copiague, N.Y., a New York corporation registered as a closed-end management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 17(b) and (d) of the Act with respect to certain transactions incident to a proposed merger between Standard and Micro Semiconductor Corp. ("Micro"). The Application requests an order pursuant to section 17(b) of the Act exempting from section 17(a) of the Act the proposed transaction under which Standard would be merged into Micro, which as the surviving Delaware corporation would be renamed Standard Resources Corp. The application also requests an order granting said application pursuant to section 17(d) and Rule 17d-1 thereunder with respect to the proposed participation by certain shareholders and officers and directors of Standard in said transactions. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

On December 31, 1968, the total net assets of Standard were $662,978, and those of Micro were $671,727. Under the terms of the plan and agreement of merger, heretofore approved by the boards of directors of Standard and Micro, and which will be submitted to shareholders thereof for approval, upon the consummation of the merger each share of Standard then outstanding (there were 237,840 shares outstanding on Dec. 31, 1968) would be converted into one share of common stock of the surviving corporation, and a total of 237,840 shares of common stock of the surviving corporation will be issued in exchange for Micro's presently outstanding 10,000 common shares at the rate of 23.784 shares of the surviving corporation for each share of Micro. As the surviving corporation, Micro would succeed to the assets and business and assume the liabilities of Standard. The Agreement provides that the certificate of incorporation of the surviving corporation will be Micro's certificate of incorporation, as amended and restated under Delaware law. In the event that shareholders of Standard authorize a cessation of its status as an investment company and the proposed merger is consummated, the surviving corporation would sell the major part of its portfolio securities from time to time so that its assets would be available for investment in operating assets or the securities of operating subsidiaries.

As of May 31, 1969, Jemkap, Inc., was the beneficial owner of 37.7 percent of the issued and outstanding common shares of Standard, and would be the owner of 18.9 percent of the surviving corporation's shares. Jemkap, Inc., is controlled by Mr. J. M. Kaplan, who has informed the management of Standard that he intends to use his best efforts to have the shares owned beneficially by Jemkap, Inc., voted in favor of the proposed merger.

As of May 31, 1968, the principal shareholders of Micro were Mr. Arthur Feldon, who owned about 31 percent of its issued and outstanding shares, Mr. Steve Manning, who owned an equal interest, and Mr. Thomas C. Hall who owned 10 percent.

Geiger & Fialkov, a limited partnership organized under New York law, has as general and limited partners certain persons, including Mr. Richard Geiger, president and a director of Standard, Mr. Herman Fialkov, a director of Standard, and a trust with an interest of 2.8 percent of the profits and losses of the partnership for which Mr. J. M. Kaplan serves as trustee, who are, in their individual capacities "affiliated persons" of Standard within the meaning of section 2(a)(3) of the Act, which section defines "affiliated person" to include any officer or director, any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of another person and any person, 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by another person.

As consideration for a loan by Geiger & Fialkov to Messrs. Feldon and Manning pursuant to an agreement dated October 16, 1968, the partnership received a 6 percent promissory note (maturity July 31, 1969, unless extended) in the amount of $448,000, which is convertible at the option of Geiger & Fialkov (a) into 21.16 percent of the outstanding shares of Micro and (b) a 3-year 6 percent promissory note in the amount of

$224,000. The agreement provides the partnership with an irrevocable proxy to vote all of the shares of Micro held of record by Messrs. Feldon and Manning at any meeting of shareholders during the period when either of these notes is outstanding. In the event the partnership exercises its option and the merger between Standard and Micro is effected on the proposed terms, Geiger & Fialkov would own 50,330 shares, or 10.58 percent of the outstanding shares of the surviving corporation, for a total cost of $224,000.

The market price of Standard reached a high of approximately 19 asked in October 1968, after public announcement of the proposed merger, and was approximately 8 asked on August 1, 1969. The net asset value per share of Standard on December 31, 1968 was $2.79 and on June 30, 1969 was $2.62.

Standard states in its application that objecting shareholders have the right to demand and receive payment of an amount equal to the fair value of their stock; that the terms of the proposed merger are reasonable and fair and do not involve overreaching on the part of any affiliated person of Standard; that the proposed merger would be consistent with the policy of Standard as such policy would be amended at the meeting of shareholders called to act upon the plan and agreement of merger; that the proposed merger is consistent with the general purposes of the Act; and that the terms of the merger for the shareholders of Standard are not less advantageous to them than the terms of the participation of the above-named affiliated persons of Standard.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered company any securities or other property, and thus would prohibit the proposed transaction unless the Commission upon application under section 17(b) of the Act grants an exemption from such prohibition. Section 17(b) states that the Commission shall grant such application and issue an order of exemption if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; if the proposed transaction is consistent with the policies of Applicant as recited in its registration statement and reports filed under the Act; and if the proposed transaction is consistent with the general purposes of the Act.

Section 17(d) of the Act and Rule 17d–1 thereunder provide, among other things, that it shall be unlawful for an affiliated person of a registered investment company or an affiliated person of such a person, acting as principal, to effect any transaction in which such registered company or a company controlled by such registered company is a joint and several participant with such person unless an application regarding such transaction pursuant to Rule 17d–1 has been granted by the Commission. In passing upon such applications, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit-sharing plan on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than September 2, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by the statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Standard at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements, thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69–9685; Filed, Aug. 15, 1969; 8:46 a.m.]

TELSTAR, INC.

Order Suspending Trading

AUGUST 12, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 13, 1969, through August 22, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69–9688; Filed, Aug. 15, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30; Cleveland Disaster 1]

MANAGER OF DISASTER BRANCH OFFICE, CLEVELAND

Delegations of Authority Regarding Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, 33 F.R. 10669, as amended (34 F.R. 8731) there is hereby redelegated to the Manager of Cleveland Disaster Branch Office the following authority:

A. *Financial assistance.* 1. To approve and decline disaster direct and immediate participation loans up to the total SBA share of (a) $30,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $35,000 for a single disaster on home loans, and (b) $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $100,000.

2. To execute loan authorizations for Washington, area, and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

HILARY SANDOVAL, JR.,
Administrator.
By _____
Manager,
Disaster Branch Office.

3. To cancel, reinstate, modify and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as acting manager of the disaster branch office.

Effective date: July 25, 1969.

JOHN F. O'BRIEN,
Acting Regional Director,
Cleveland Regional Office.

[F.R. Doc. 69–9677; Filed, Aug. 15, 1969, 8:46 a.m.]

CLIF-TEX SMALL BUSINESS INVESTMENT CO., INC.

Notice of Surrender of License

Notice is hereby given that Clif-Tex Small Business Investment Co., Inc. (Clif-Tex), has, pursuant to § 107.105 of the Regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107) surrendered its license to operate as a small business investment company (SBIC).

Clif-Tex was incorporated on April 22, 1960, under the laws of the State of Texas to operate solely as an SBIC under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), and it was issued license number 10–0024 by the Small Business Administration on May 9, 1960.

Under the authority vested by the Act, and the regulations promulgated thereunder, the surrender of the license of Clif-Tex is hereby accepted and, accordingly, it is no longer licensed to operate as an SBIC.

Dated: July 30, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69–9679; Filed, Aug. 15, 1969; 8:46 a.m.]

INVERNESS CAPITAL CORP.

Application for License

Notice hereby is given pursuant to § 107.103 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) that the parties listed below have applied to the Small Business Administration for a license to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.). The proposed licensee is Inverness Capital Corp., having the address of 345 Park Avenue, New York, N.Y. 10022. It proposes to operate principally in the city of New York.

The Company is to commence operation with $1 million in private capital. The Company's stated purpose is to furnish equity capital and long-term loan funds to qualified small business concerns. The area of operations will not be restricted to any locality.

The Officers, Directors, and owner of the proposed licensee's common stock are:

Robert Barr Deans, Jr., 345 Park Avenue, New York, N.Y. 10017. Director and chairman of the board of directors.
G. Stanton Geary, 345 Park Avenue, New York, N.Y. 10017. Director and President.
Stewart B. Kean, Elizabethtown Gas Co., 1 Elizabethtown Plaza, Elizabeth, N.J. 07207. Director.
Charles K. Mills, Esq., Robinson, Mills & Welsh, The Press Building, 235 Montgomery Street, San Francisco, Calif., Director.
Phil E. Pearce, Post Office Box 567, Columbia, S.C., Director.
John M. Randolph, Old Mill Road, Greenwich, Conn., Director.
Walter D. Sohier, Curtis, Mallet-Prevost, Colt & Mosle, 63 Wall Street, New York, N.Y. 10005, Director and Secretary.
Jason W. Houck 1 Stone Place, Bronxville, N.Y., Director.
John E. Trunk, 21 The Lock, Rockville Center, Long Island, N.Y., Vice President and Treasurer.
John N. Marden, Curtis, Mallet-Prevost, Colt & Mosle, 63 Wall Street, New York, N.Y. 10005, Assistant Secretary.

The above officers and directors of the applicant are also officers and directors of Inverness Industries, Inc., which owns 378 of 505 shares (74.85 percent) of applicant's common stock. There are no other 10 percent stockholders of applicant's stock.

Prior to final action on the application, consideration will be given to any comments pertaining thereto which are submitted in writing, to the Associate Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of ten (10) days of the date of publication of this notice.

A copy of this notice shall be published in a newspaper of general circulation in the city of New York, N.Y.

Dated: August 5, 1969.

ARTHUR H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69–9678; Filed, Aug. 15, 1969; 8:46 a.m.]

[Declaration of Disaster Loan Area 726]

MISSOURI

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the town of Noel, in the State of Missouri,

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid town suffered damage or destruction resulting from explosion and fire occurring on August 3, 1969.

OFFICE

Small Business Administration Regional Office, 911 Walnut Street, Kansas City, Mo. 64106.

2. A temporary office will be established at Noel, Mo., address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1970.

Dated: August 5, 1969.

R. B. BLANKENSHIP,
Acting Administrator.

[F.R. Doc. 69–9680; Filed, Aug. 15, 1969; 8:46 a.m.]

[Declaration of Disaster Loan Area 727]

NEW JERSEY

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Union and Essex Counties, N.J.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid counties, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 28, 1969, and continuing thereafter.

OFFICE

Small Business Administration Regional Office, 970 Broad Street, Room 1636, Newark, N.J. 07102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1970.

Dated: August 8, 1969.

R. B. BLANKENSHIP,
Acting Administrator.

[F.R. Doc. 69–9681; Filed, Aug. 15, 1969; 8:46 a.m.]

[Declaration of Disaster Loan Area 728]

PENNSYLVANIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Carbon and Schuylkill Counties, Pa.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview

of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid Counties, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on or about August 2, 1969.

OFFICE

Small Business Administration Regional Office, 1317 Filbert Street, Philadelphia, Pa. 19107.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1970.

Dated: August 8, 1969.

R. B. BLANKENSHIP,
Acting Administrator.

[F.R. Doc. 69-9682; Filed, Aug. 15, 1969; 8:46 a.m.]

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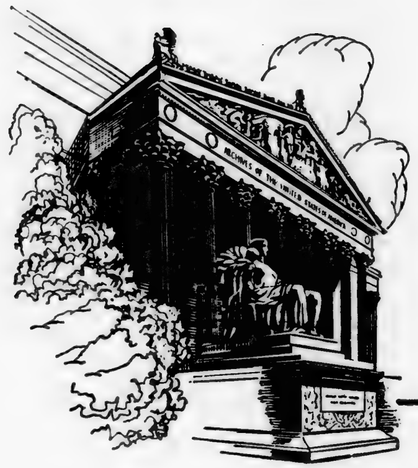
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Title 3—THE PRESIDENT

Proclamation 3923

WORLD LAW DAY, 1969

By the President of the United States of America

A Proclamation

Economic and social progress bears a direct relationship to the establishment and maintenance of orderly societies and a world community of peaceful nations. Thus, laws which advance economic and social development can bring about essential progress in securing freedom for all men in all nations.

Governments are rightfully concerned about the economic and social progress of people, but much can be done on a private and voluntary basis to supplement government plans and actions. Public programs, embodied in just laws at the local, national, and international levels, can advance the improvement of social and economic conditions in every community and country. Voluntary cooperation of private individuals and groups can help to bring about research, new proposals, and citizen participation which will provide essential public support for enactment of just and needed laws.

The concern and participation of the legal, professional, academic, commercial, and other sectors of the private community in the attack on the root problems of discontent—such as poverty, ignorance, and disease—are vital to the national and international welfare. Fundamentally, it is the human misery and unrest under these conditions which most directly affect man's ability to develop a peaceful and orderly world community. It is essential, therefore, that the public and private sectors of every community join together in cooperative endeavors to develop plans and programs to resolve basic social and economic needs within a framework of law on a local, national, and international basis.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim September 8, 1969, as World Law Day in the United States. I call upon public officials and private leaders, members of the legal profession, public and private organizations, and all men of goodwill to arrange public ceremonies on World Law Day in courts, schools, universities, and other public places in order that we may rededicate ourselves to the observance of international law and to the goals of social and economic progress, so essential to the preservation of world peace.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of August, in the year of our Lord nineteen hundred sixty-nine, and of the Independence of the United States of America the one hundred ninety-fourth.

Richard Nixon

[F.R. Doc. 69–9845; Filed, Aug. 15, 1969; 2:40 p.m.]

Proclamation 3924

UNITED NATIONS DAY, 1969

By the President of the United States of America

A Proclamation

On December 22, 1968, the crew of Apollo Eight transmitted a television picture of the entire planet Earth. The inescapable unity of mankind was dramatically and forcefully presented for all to see.

The realization of this unity has been at the heart of the United Nations since its creation twenty-four years ago. The United Nations has long realized that the world abounds with problems which call for a cooperative international approach: problems of conflict and war and the keeping of peace in troubled areas; the settlements of disputes by peaceful methods; the control and reduction of nuclear and other weapons, and many other problems ranging from hunger to the sharing of the manifold benefits of science and technology.

Yet the history of the last twenty-four years tells us that the realization of mankind's unity is not enough; men must constantly strive to see to it that in international practice, as well as physical fact, mankind realizes its unity.

On United Nations Day, 1969, it should be the resolve of the American people that our Nation, conscious of mankind's growing interdependence on this planet, shall be a steadfast partner with all who strive for the fulfillment of those hopes.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim Friday, October 24, 1969, as United Nations Day and I urge the citizens of this Nation to observe that day by means of community programs which will contribute to a realistic understanding of the United Nations and its associated organizations.

I also call upon officials of the Federal and State governments and upon local officials to encourage citizens' groups and agencies of communication—press, radio, television, and motion pictures—to engage in appropriate observance of United Nations Day this year in cooperation with the United Nations Association of the United States of America and other interested organizations.

Moreover, in anticipation of the Twenty-fifth Anniversary Year of the United Nations, I call upon the citizens of this Nation and its citizens' groups to plan such community and organization programs for 1970 as will contribute both to an appreciation of the accomplishments of the United Nations and to a realistic understanding of its aims, its limitations, and its potentialities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of August, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 69-9890; Filed, Aug. 15, 1969; 4:29 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 387]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.687 Lemon Regulation 387.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 12, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 17, 1969, through August 23, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 251,100 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 14, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9831; Filed, Aug. 15, 1969; 11:19 a.m.]

PART 967—CELERY GROWN IN FLORIDA

Limitation of Handling

Notice of rule making with respect to a proposed limitation of handling regulation to be made effective under Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967), regulating the handling of celery grown in Florida, was published in the FEDERAL REGISTER July 3, 1969 (34 F.R. 11213). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 15 days after publication. None was filed.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, the data, views, and recommendations of the Florida Celery Committee and other available information, it is hereby found that the limitation of handling regulation, as hereinafter set forth, including the establishment of the Marketable Quantity, and the determination of the Uniform Percentage, as provided in § 967.38(a) will tend to effectuate the declared policy of the act by establishing and maintaining such orderly marketing conditions for celery as will tend to increase returns to producers of such celery.

The recommendations by the committee reflect its appraisal of the crop and prospective market conditions. The annual production from the celery acreage planted in recent years in Florida and California has readily exceeded the demand capacity of the United States, Canada, and the export market without some type of weather difficulty.

The total amount of Florida celery marketed during the 1966–67, 1967–68, and 1968–69 seasons has been about 7,702,000 crates, 7,248,000, and 7,600,000 crates (estimated), respectively. During these same three seasons approximately 1,615, 1,245, and 972 acres respectively were abandoned for economic reasons, including insufficient demand to return even production costs, and other reasons.

It is estimated Florida celery producers will plant 13,000 acres in 1969–70, about 2 percent above last season's acreage. With an average yield of 670 crates per acre there would be a potential supply of 8,710,000 crates. Under normal conditions Florida cannot reasonably expect to market such an amount economically.

The committee recommended that a Marketable Quantity equal to that of the 1968–69 season should provide the basis for a reasonable return to producers for their efforts and investments, and at the same time afford the industry opportunity to market the greatest number of crates at reasonable prices to consumers. This allows for a small percentage increase over the past season's marketings for anticipated increases in population and economic levels.

Considering the large quantity of celery abandoned during the 1968–69 season and the basis therefor, establishing and distributing a reserve for new or adjusted Base Quantities under such conditions would not increase the demand but would only tend to further reduce the available market for celery of producers generally under their Marketable Allotments. Hence, no provision is made for a reserve for the 1969–70 season.

Based on the aforesaid marketing agreement and order, the committee is required to review, prior to November 1, the marketing policy it has adopted for the 1969–70 season and, as changes are indicated, the committee may recommend appropriate revisions in the Marketable Quantity.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice was given of the proposed limitation regulation set forth in this section through publicity in the production area and by publication in the July 3, 1969, FEDERAL REGISTER, (2) as provided in said marketing agreement and order, this regulation applies to celery during the 1969–70 marketing year, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed prior to the time actual handling of harvested celery begins approximately the latter part of October, (4) by promptly promulgating this regulation it should afford producers and handlers maximum time to plan their operations accordingly, and (5) no useful purpose will be served by postponing such promulgation.

It is, therefore, ordered as follows:

§ 967.305 Marketable quantity for 1969–70 season; uniform percentage; and limitation on handling.

(a) The Marketable Quantity for the 1969–70 season is established, pursuant to § 967.36(a), as 7,887,375 crates.

(b) As provided in § 967.38(a), the Uniform Percentage for the 1969–70 season is determined as 84.312 percent.

(c) During the 1969–70 season, no handler may handle, as provided in § 967.36(b)(1), any harvested celery unless it is within the Marketable Allotment for the producer of such celery.

(d) No reserve for Base Quantities for the 1969–70 season is established.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 13, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9747; Filed, Aug. 18, 1969; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 56—SWINE DESTROYED BECAUSE OF HOG CHOLERA

Payment of Indemnities

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a, 114g, 115, 117, 120, 121, 123–126, and 134b), Part 56, Title 9, Code of Federal Regulations relating to the payment of indemnity for swine destroyed because of hog cholera, is hereby amended in the following respects:

1. Section 56.7(b) is amended to read as follows:

§ 56.7 Payment to owners for swine destroyed.

* * * * *

(b) Federal indemnity shall not exceed $50 per head for grade swine or $100 per head for purebred, inbred, or hybrid swine.

* * * * *

(Secs. 3–5, 23 Stat. as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended, 75 Stat. 481, 76 Stat. 129–132; 21 U.S.C. 111–113, 114, 114a, 114g, 115, 117, 120, 121, 123–126, 134b)

The purpose of the foregoing amendment is to authorize an increase in Federal indemnity up to but not exceeding $50 per head for grade swine and $100 per head for purebred, hybrid, and inbred swine as defined in this part.

The amendment will increase the rate of indemnity for grade, purebred, hybrid, and inbred swine destroyed because of hog cholera. It should be made effective promptly in order to be of maximum benefit to the owners of such swine. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of August 1969.

GEORGE W. IRVING, JR.,
Administrator, Agricultural Research Service.

[F.R. Doc. 69-9791; Filed, Aug. 18, 1969; 8:50 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF ORGANIZATION, DELEGATIONS, AND GENERAL INFORMATION

PART 2—RULES OF PRACTICE

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Atomic Safety and Licensing Appeal Board

On January 18, 1969, the Atomic Energy Commission published in the FEDERAL REGISTER (34 F.R. 869) proposed amendments to its regulations in 10 CFR Parts 1, 2, 50, and 115 which would provide for the establishment of an Atomic Safety and Licensing Appeal Board to perform the review functions which would otherwise be performed by the Commission, and certain functions of the Commission on interlocutory matters, in certain licensing proceedings. All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. Upon consideration of the material submitted in response to the notice of proposed rule making and other factors involved, the Commission has adopted the amendments set out below, which are identical with the proposed amendments published January 18, 1969.

The Atomic Safety and Licensing Appeal Board established by the amendments which follow will perform the review functions which would otherwise be performed by the Commission, and certain functions of the Commission on interlocutory matters, in (a) such licensing proceedings as the Commission may specify, and (b) those proceedings on applications for licenses or authorizations for facilities in which the Commission has a direct financial interest. Proceedings on applications for facilities in which the Commission has a direct financial interest are (1) proceedings on applications for authorizations under Part 115, "Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements", and (2) proceedings on applications for licenses or construction permits under Part 50, "Licensing of Production and Utilization Facilities", for facilities as to which the Commission has made an arrangement for financial assistance under section 31 of the Act, as amended, or has waived charges for use of special nuclear material or source material under section 53c.(4) or 63c. of the Act. If the proceeding is uncontested, the Appeal Board will perform the customary function of the Commission in deciding whether to review the initial decision on its own motion or allow the decision to become final. If the proceeding is a contested proceeding, the Appeal Board will consider the exceptions to the initial decision and make a decision thereon. In review of proceedings other than those in which the Commission has a direct financial interest, the Appeal Board is authorized, either in its discretion or on the direction of the Commission, to certify to the Commission for its determination, major or novel questions of policy, law or procedure.

The final decision of the Appeal Board in proceedings on applications for licenses or authorizations for facilities in which the Commission has a direct financial interest will constitute the final action of the Commission. In other proceedings, the Commission has reserved the right to review the Appeal Board's decision on its own motion, on the ground

that the Appeal Board's decision (a) is, with respect to an important matter, in conflict with statute, regulation, case precedent, or established Commission policy and (b)(1) could significantly and adversely affect the public health and safety or the common defense and security, or (2) involves an important question or public policy.

The Commission intends to delegate its review function to the Appeal Board in a number of proceedings (both contested and uncontested) sufficient to give the Commission an adequate opportunity to evaluate the new review procedure. In any event, the Commission's review function in licensing proceedings on applications for licenses or authorizations for facilites in which the Commission has a direct financial interest will be delegated to the Appeal Board. The Commission expects thereby to be enabled to devote more of its time and energies to major matters of policy and planning.

The Appeal Board will be composed of the Chairman and Vice Chairman of the Atomic Safety and Licensing Board Panel and a third member of the panel who is technically qualified, designated by the Commission for each proceeding.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments of Title 10, Chapter 1, Code of Federal Regulations, Parts 1, 2, 50, and 115 are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

1. The first sentence of § 1.10(d) of 10 CFR Part 1 is revised to read as follows:

§ 1.10 The Commission.

* * * * *

(d) The Commission appoints the General Manager, the Director of Regulation, the General Counsel, the Director of the Division of Inspection, an Assistant General Manager for Military Application, the directors of other program divisions established under section 25(a) of the Act, 42 U.S.C. 2035(a); the hearing examiners, the Board of Contract Appeals, the Chairman and Vice Chairman and members of the Atomic Safety and Licensing Board Panel, and the members of the Atomic Safety and Licensing Appeal Board.

2. Paragraph (c) of § 1.15a of 10 CFR Part 1 is amended to read as follows:

§ 1.15a Chairman and Vice Chairman of Atomic Safety and Licensing Board Panel.

* * * * *

(c) In addition to performing the functions described in paragraph (a) of this section, the Chairman and Vice Chairman of the Atomic Safety and Licensing Board Panel may serve from time to time as members of atomic safety and licensing boards. The Chairman and Vice Chairman of the Atomic Safety and Licensing Board Panel also serve as members of the Atomic Safety and Licensing Appeal Board. They do not serve as members of atomic safety and licensing boards in proceedings in which exceptions to an initial decision may be taken to the Atomic Safety and Licensing Appeal Board.

3. A new paragraph (f) is added to § 1.240 of 10 CFR Part 1 to read as follows:

§ 1.240 Committees and Boards established by the Atomic Energy Act of 1954, as amended.

* * * * *

(f) The Atomic Safety and Licensing Appeal Board, authorized by the Act of August 29, 1962 (Public Law 87–615), which amended the Atomic Energy Act of 1954 by adding section 191, reviews initial decisions of presiding officers, including atomic safety and licensing boards, in (1) such licensing proceedings under the regulations in this chapter as may be referred to the Appeal Board by the Commission, (2) proceedings on applications for authorizations under Part 115 of this chapter, and (3) proceedings on applications for licenses under Part 50 of this chapter, for facilities as to which the Commission has made an arrangement for financial assistance under section 31 of the Act, or has waived charges for use of special nuclear material or source material under section 53c.(4) or 63c. of the Act. The Atomic Safety and Licensing Appeal Board is composed of the Chairman and Vice Chairman of the Atomic Safety and Licensing Board Panel and a third member of the panel who is technically qualified, designated by the Commission for each proceeding.

4. Paragraph (d) of § 2.704 of 10 CFR Part 2 is amended to read as follows:

§ 2.704 Designation of presiding officer, disqualification, unavailability.

* * * * *

(d) If a presiding officer becomes unavailable during the course of a hearing, the Commission will designate another presiding officer. If he becomes unavailable after the hearing has been concluded, the Commission may:

(1) Designate another presiding officer to make the decision;

(2) Direct that the record be certified to it for decision, except in adjudications in which exceptions to the initial decision may be taken to the Atomic Safety and Licensing Appeal Board; or

(3) Designate another presiding officer.

5. Paragraph (c) of § 2.719 of 10 CFR Part 2 is amended to read as follows:

§ 2.719 Separation of functions.

* * * * *

(c) In any adjudication for the determination of an application for initial licensing, other than a contested proceeding, the presiding officer may consult (1) the regulatory staff, and (2) members of the panel appointed by the Commission from which members of atomic safety and licensing boards are drawn: *Provided, however,* That in adjudications in which exceptions to the initial decision may be taken to the Atomic Safety and Licensing Appeal Board, the presiding officer shall not consult any member of the Atomic Safety and Licensing Appeal Board on any fact in issue.

6. Paragraph (c) of § 2.721 of 10 CFR Part 2 is redesignated paragraph (d) and a new paragraph (c) is added to § 2.721 to read as follows:

§ 2.721 Atomic safety and licensing boards.

* * * * *

(c) In a proceeding in which exceptions to the initial decision may be taken to the Atomic Safety and Licensing Appeal Board, the Commission will not designate any members of the Appeal Board as members or alternates of the atomic safety and licensing board established to preside in such proceeding.

7. A new paragraph (f) is added to § 2.780 of 10 CFR Part 2 to read as follows:

§ 2.780 Ex parte communications.

* * * * *

(f) The provisions and limitations of this section applicable to Commissioners, members of their immediate staffs, and other AEC officials and employees who advise the Commissioners in the exercise of their quasi-judicial functions are applicable to members of the Atomic Safety and Licensing Appeal Board, members of their immediate staffs, and other AEC officials and employees who advise members of the Appeal Board in the exercise of their quasi-judicial functions.

8. An undesignated center head and new §§ 2.785, 2.786, and 2.787 are added to 10 CFR Part 2 following § 2.780 to read as follows:

ATOMIC SAFETY AND LICENSING APPEAL BOARD

§ 2.785 Function of the Atomic Safety and Licensing Appeal Board.

(a) The Commission will establish an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise have been exercised and performed by the Commission, including, but not limited to, those under §§ 2.760–2.771, 2.912, and 2.913, in (1) such licensing proceedings under the regulations in this chapter as the Commission may specify, (2) proceedings on applications for authorizations under Part 115 of this chapter, and (3) proceedings on applications for licenses under Part 50 of this chapter for facilities as to which the Commission has made an arrangement for financial assistance under section 31 of the Act, or has waived charges for use of special nuclear material or source material under section 53c.(4) or 63c. of the Act.

(b) In the proceedings described in paragraph (a) of this section, the Atomic Safety and Licensing Appeal Board will also exercise the authority and perform the functions which would otherwise have been exercised and performed by the Commission under §§ 2.711, 2.717(a), 2.718(l), 2.720(f), 2.730, 2.742(b), 2.743 (b), 2.752 (a) and (c) and Subpart I, except those functions referred to in § 2.905 (c), (g), and (h).

(c) In the proceedings described in subparagraphs (1), (2), and (3) of paragraph (a) of this section, the Atomic Safety and Licensing Appeal Board shall exercise the authority and perform the functions delegated to it subject to the provisions and limitations of the referenced sections and subpart. Except as

provided in § 2.786, any action taken by the Atomic Safety and Licensing Appeal Board pursuant to its delegated authority shall have the same force and effect and shall be made, evidenced, and enforced in the same manner as actions of the Commission.

(d) In the proceedings described in subparagraph (a)(1) of this section, the Atomic Safety and Licensing Appeal Board may, either in its discretion or on direction of the Commission, certify to the Commission for its determination major or novel questions of policy, law or procedure.

§ 2.786 Review of decisions and actions of the Atomic Safety and Licensing Appeal Board.

(a) Within 15 days after the date of a decision or action by the Atomic Safety and Licensing Appeal Board under § 2.785, the Commission, in the proceedings described in subparagraph (a)(1) of § 2.785, may on its own motion direct that the record of the proceeding be certified to it for review on the ground that the decision or action of the Atomic Safety and Licensing Appeal Board (1) is, with respect to an important matter, in conflict with statute, regulation, case precedent, or established Commission policy, and (2)(i) could significantly and adversely affect the public health and safety or the common defense and security, or (ii) involves an important question of public policy. The effect of the Atomic Safety and Licensing Appeal Board's decision or action is then stayed until the Commission's review of the proceeding has been completed.

(b) No petition or other request for Commission review of an Appeal Board's decision or action will be entertained by the Commission.

§ 2.897 Composition of Atomic Safety and Licensing Appeal Board.

The Atomic Safety and Licensing Appeal Board will be composed of the Chairman and Vice Chairman of the Atomic Safety and Licensing Board Panel and a third member of the panel who is technically qualified, designated by the Commission for each proceeding.

9. Appendix A of 10 CFR Part 2 is amended by adding a new section VII to read as follows:

VII. LICENSING PROCEEDINGS SUBJECT TO APPELLATE JURISDICTION OF ATOMIC SAFETY AND LICENSING APPEAL BOARD

(a) An Atomic Safety and Licensing Appeal Board, designated by the Commission under the authority of section 191 of the Act, reviews initial decisions of presiding officers in (1) such licensing proceedings as the Commission specifies, (2) proceedings on applications for authorizations under Part 115, and (3) proceedings on applications for facility licenses or construction permits as to which the Commission has made an arrangement for financial assistance under section 31 of the Act, or has waived charges for use of special nuclear material or source material under section 53c.(4) or 63c. of the Act. In such proceedings, the Atomic Safety and Licensing Appeal Board performs the functions and exercises the authority of the Commission described in sections I(g), III(g)(2) and IV(g), except as their context may require otherwise. The Atomic Safety and Licensing Appeal Board is required to decide each matter before it in accordance with the rules and regulations, case precedent, and established policies of the Commission. It has no responsibility or authority for issuing rules or regulations. The Atomic Safety and Licensing Appeal Board is composed of the Chairman and Vice Chairman of the Atomic Safety and Licensing Board Panel and a third member of the panel who is technically qualified, designated by the Commission for each proceeding.

(b) Two members, being a majority of the Appeal Board, constitute a quorum, if one of those members is the member qualified in the conduct of administrative proceedings. The vote of a majority controls in any decision by the Appeal Board, including orders in interlocutory matters and final decisions. A dissenting member is, of course, free to express his dissent and the reasons for it in a separate opinion for the record.

(c) Consultation between members of the Atomic Safety and Licensing Appeal Board and the staff, in initial licensing proceedings other than contested proceedings, is permitted on the same conditions specified for the Commissioners under 10 CFR § 2.780. However, atomic safety and licensing boards are not permitted under § 2.719 to consult, on any fact in issue, with the Chairman, Vice Chairman or third member of the Atomic Safety and Licensing Appeal Board, in any proceeding in which an appeal from the initial decision may be taken to the Atomic Safety and Licensing Appeal Board, whether contested or not.

10. Paragraph (e) of § 50.57 of 10 CFR Part 50 is amended to read as follows:

§ 50.57 Provisional operating license.

* * * * *

(e) In a case where a hearing has been held in connection with a proceeding under this section the presiding officer may, upon written motion and upon good cause shown, provide that any initial decision issued pursuant to this section shall become effective ten (10) days after issuance subject to (1) the review thereof and further decision by the Commission or the Atomic Safety and Licensing Appeal Board, as appropriate, upon exceptions filed by any party, and (2) such order as the Commission or the Atomic Safety and Licensing Appeal Board may enter upon such exceptions or upon its own motion within forty-five (45) days after the issuance of such initial decision. In the absence of a Commission or an Appeal Board order pursuant to the foregoing, and in the absence of exceptions to the initial decision, the initial decision shall become the final decision of the Commission at the end of such forty-five (45) day period. If any party opposes the motion for expedited effectiveness of the initial decision, the presiding officer may stay its effectiveness pending filing within five (5) days after its issuance of an exception to the provision for expedited effectiveness, and thereafter until decision by the Commission or the Atomic Safety and Licensing Appeal Board on the exception.

11. Paragraph (e) of § 115.45 of 10 CFR Part 115 is revised to read as follows:

§ 115.45 Provisional operating authorization.

* * * * *

(e) In a case where a hearing has been held in connection with a proceeding under this section, the presiding officer may, upon written motion and upon good cause shown, provide that any initial decision issued pursuant to this section shall become effective ten (10) days after issuance subject to (1) the review thereof and further decision by the Commission or the Atomic Safety and Licensing Appeal Board upon exceptions filed by any party, and (2) such order as the Atomic Safety and Licensing Appeal Board may enter upon such exceptions or upon its own motion within forty-five (45) days after issuance of such initial decision. In the absence of an Atomic Safety and Licensing Appeal Board order pursuant to the foregoing, and in the absence of exceptions to the initial decision, the initial decision shall become the final decision of the Commission at the end of such forty-five (45) day period. If any party opposes the motion for expedited effectiveness of the initial decision, the presiding officer may stay its effectiveness, pending filing within five (5) days after its issuance of an exception to the provision for expedited effectiveness, and thereafter until decision by the Atomic Safety and Licensing Appeal Board on the exception.

(Secs. 161, 191, 68 Stat. 948; 76 Stat. 409; 42 U.S.C. 2201, 2241)

Dated at Germantown, Md., this 11th day of August 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-9724; Filed, Aug. 18, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 23,109]

PART 531—STATEMENTS OF POLICY

Interest Rates on Advances

AUGUST 12, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 531.9 of the regulations for the Federal Home Loan Bank System (12 CFR 531.9) for the purposes of increasing from 7 percent per annum to 8 percent per annum the maximum rate at which Federal Home Loan Banks may make advances to members and eliminating a provision concerning minimum rates which is no longer necessary, hereby amends said § 531.9 by revising it to read as follows:

§ 531.9 Interest rates on advances.

Except as may otherwise be provided from time to time by the Federal Home Loan Bank Board, the following provisions shall apply to advances by the Federal Home Loan Banks to their members:

(a) Notes or other obligations evidencing such advances shall, except as provided in paragraphs (b) and (d) of this section, be written at an interest rate not exceeding 8 percent per annum, calculated on the unpaid principal balance from time to time outstanding, and interest shall not, except as provided in paragraphs (c) and (d) of this section, be collected by such banks on such advances at a rate exceeding 8 percent per annum, calculated as aforesaid;

(b) Notes or other obligations evidencing such advances made for periods of more than 6 months shall include, and notes or other obligations evidencing such advances made for periods of 6 months or less may include, a provision that the holder of the note or obligation may from time to time decrease the interest rate thereon and may from time to time, on giving to the member, or to the principal obligor at the time such notice is given, a notice for a period which shall be specified in the note or obligation and shall not exceed 30 days, increase the interest rate thereon to a rate not in excess of the maximum rate from time to time permitted by the Federal Home Loan Bank Board to be collected;

(c) Notes or other obligations evidencing such advances shall include a provision for an increase of 1 percent per annum in the then current interest rate on past-due principal and interest;

(d) Notes or other obligations evidencing the refinancing of delinquent advances shall be made under such conditions and written at such interest rates as may from time to time be prescribed by the Federal Home Loan Bank Board.

All forms of notes or other obligations used to evidence such advances shall be submitted to the Federal Home Loan Bank Board for approval with the opinion of Bank counsel as to their validity in the jurisdiction or jurisdictions where they are to be used.

(Secs. 10, 17, 47 Stat. 731, 736, as amended; 12 U.S.C. 1430, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 69-9781; Filed, Aug. 18, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-CE-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On June 28, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9998) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a standard east alternate to V-11 between Paducah, Ky., and Evansville, Ind.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509, 5928) is amended as follows:

In V-11, "Evansville, Ind.;" is deleted and "Evansville, Ind., including an east alternate;" is substituted therefor.

(Sec. 307(a) of Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 13, 1969.

LYLE H. DITZLER,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9741; Filed, Aug. 18, 1969; 8:46 a.m.]

[Airspace Docket No. 69-WE-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On June 12, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9287) stating that the Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airway No. 8 south alternate segment from Grand Junction, Colo., to Kremmling, Colo., by lowering the floor of the airway segment between the Crystal, Colo., intersection and the Glenwood Springs, Colo., intersection from 13,000 feet MSL to 12,000 feet MSL.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509), V-8 is amended by deleting "130 MSL INT Grand Junction 074°" and substituting therefor "120 MSL INT Grand Junction 074°."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 13, 1969.

LYLE H. DITZLER,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9742; Filed, Aug. 18, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Modification of Federal Airways

On June 19, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9620) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would accomplish the following:

1. Designate V-239 from Forney, Mo., to Hallsville, Mo., via the Forney 358° and Hallsville 183° true radials.

2. Extend V-132 from Springfield, Mo., to the Lenox intersection via the Springfield 058° and Forney 266° and 086° true radials.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

Although not mentioned in the notice, Restricted Area R-4501A should be excluded from the extension to V-132. Accordingly, action is taken herein to show this exclusion in the description of V-132.

Since this action is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

1. V-239 is added as follows:

V-239 From Forney, Mo., INT Forney 358° and Hallsville, Mo., 183° radials; Hallsville.

2. V-132 is amended to read:

V-132 From Cheyenne, Wyo.; Akron, Colo.; 17 miles, 49 miles, 59 MSL, Goodland, Kans.; 50 miles, 97 miles, 92 MSL, Hutchinson, Kans.; INT Hutchinson 078° and Chanute, Kans., 294° radials; Chanute; INT Chanute 100° and Springfield, Mo., 276° radials; Springfield; INT Springfield 058° and Forney, Mo., 266°; Forney; INT Forney 086° and Maples, Mo., 052° radials, excluding that portion within R-4501A.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 13, 1969.

LYLE H. DITZLER,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9743; Filed, Aug. 18, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On pages 8710 and 8711 of the FEDERAL REGISTER dated June 3, 1969, the Federal

Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Rapid City, S. Dak. (Municipal Airport), Rapid City, S. Dak. (Ellsworth Air Force Base), control zones and the Rapid City, S. Dak., transition area.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following changes:

(1) The Ellsworth Air Force Base coordinates recited in the Rapid City, S. Dak., control zone and transition area alterations as "latitude 44°08'40" N., longitude 103°06'10" W." are changed to read "latitude 44°08'45" N., longitude 103°06'15" W.".

(2) The longitude coordinate recited in the Rapid City, S. Dak., Municipal Airport, control zone alteration as "longitude 103°03'25" W." is changed to read "longitude 103°03'20" W.".

These amendments shall be effective 0901 G.m.t., October 16, 1969.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 31, 1969.

EDWARD C. MARSH,
Director, Central Region.

(1) In § 71.171 (34 F.R. 4557) the following control zones are amended to read:

RAPID CITY, S. DAK. (ELLSWORTH AFB)

Within a 5-mile radius of Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.); and within 2½ miles each side of the Ellsworth AFB TACAN 322° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN, excluding the portion which overlies the Rapid City, S. Dak. (Municipal Airport) control zone.

RAPID CITY, S. DAK. (MUNICIPAL AIRPORT)

Within a 5-mile radius of Rapid City Municipal Airport (latitude 44°02'30" N., longitude 103°03'20" W.); within 3 miles each side of the Rapid City VOR 155° and 335° radials, extending from the 5-mile radius zone to 8 miles southeast of the VOR; and within 3 miles each side of the Ellsworth AFB TACAN 129° radial, extending from the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone to 8 miles southeast of the TACAN, excluding the portion north of a line between the INTs of the 5-mile radius zone and the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

RAPID CITY, S. DAK.

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Ellsworth AFB TACAN; and within 4½ miles southwest and 10½ miles northeast of the Rapid City VOR 155° radial, extending from the 14-mile radius area to 19 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 53-mile radius of Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.).

[F.R. Doc. 69-9757; Filed, Aug. 18, 1869; 8:47 a.m.]

[Airspace Docket No. 69-SO-81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Albany, Ga. (Municipal Airport), control zone and the Albany, Ga., transition area.

The Albany (Municipal Airport) control zone is described in § 71.171 (34 F.R. 4557), and the Albany transition area is described in § 71.181 (34 F.R. 4637 and 6038). The control zone title is designated as "Albany, Ga. (Municipal Airport)." In both descriptions, reference is made to the "Albany Municipal Airport."

Because the name of this airport has been changed to "Albany-Dougherty County Airport," it is necessary to alter the control zone title and both descriptions to reflect this change.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the control zone and transition area accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Albany, Ga. (Municipal Airport), control zone is revoked and the following control zone is added:

ALBANY, GA. (ALBANY-DOUGHERTY COUNTY AIRPORT)

Within a 5-mile radius of Albany-Dougherty County Airport (lat. 31°32'08" N., long. 84°11'34" W.); within 2 miles each side of the Albany VORTAC 145° radial, extending from the 5-mile radius zone to 1 mile southeast of the VORTAC.

In § 71.181 (34 F.R. 4637), the Albany, Ga., transition area (34 F.R. 6038) is amended as follows: "* * * Albany Municipal Airport * * *" is deleted and "* * * Albany-Dougherty County Airport * * *" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on August 8, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-9758; Filed, Aug. 18, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 8925 of the FEDERAL REGISTER dated June 4, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Albert Lea, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 16, 1969.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6 (c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 30, 1969.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

ALBERT LEA, MINN.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Albert Lea Municipal Airport (latitude 43°40'50" N., longitude 93°22'05" W.); and within 3 miles each side of the 343° bearing from Albert Lea Municipal Airport, extending from the 5½-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 163° and 343° bearings from Albert Lea Municipal Airport, extending from 6 miles south to 18½ miles north of the airport, excluding the portion which overlies the Hope, Minn., transition area.

[F.R. Doc. 69-9759; Filed, Aug. 18, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-53]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On July 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11102), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Gadsden, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, the geographic coordinate (lat. 33°58'25" N., long. 86°05'14" W.) for Gadsden Municipal Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Gadsden, Ala., transition area is amended to read:

GADSDEN, ALA.

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Gadsden Municipal Airport (lat. 33°58'25" N., long. 86°05'14" W.).

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on August 7, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-9760; Filed, Aug. 18, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-69]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Roscommon, Mich.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria require minor alteration of the Roscommon, Mich., transition area. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 16, 1969, as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

ROSCOMMON, MICH.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Roscommon County Airport (latitude 44°21'30" N., longitude 84°40'15" W.); and within 3 miles each side of the 062° bearing from Roscommon County Airport, extending from the 5½-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles south and 9½ miles north of the 062° and 262° bearings from Roscommon County Airport, extending from 5 miles west to 18½ miles east of the airport; and within 5 miles each side of the 356° bearing from Roscommon County Airport, extending from the airport to the Lake City, Mich., transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 30, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9761; Filed, Aug. 18, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at O'Neill, Nebr.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria require minor alteration of the O'Neill, Nebr., transition area. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 16, 1969, as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

O'NEILL, NEBR.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of O'Neill Municipal Airport (latitude 42°28'10" N., longitude 98°41'15" W.); and within 3½ miles each side of the O'Neill VORTAC 315° radial, extending from the 5½-mile radius area to 12 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within the arc of an 18½-mile radius circle centered on the O'Neill VORTAC, extending from the O'Neill VORTAC 228° radial clockwise to the O'Neill VORTAC 049° radial; and within the arc of a 9-mile radius circle centered on the O'Neill VORTAC, extending from the O'Neill VORTAC 049° radial clockwise to the O'Neill VORTAC 228° radial.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 30, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9762; Filed, Aug. 18, 1969; 8:47]

[Airspace Docket No. 69-SO-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On June 28, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9997), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Marks, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, the geographic coordinate (lat. 34°13'50" N., long. 90°17'25" W.) for Riverside Industries Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

MARKS, MISS.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Riverside Industries Airport (lat. 34°13'50" N., long. 90°17'25" W.); within 3 miles each side of the 197° bearing from Marks, Miss., RBN (lat. 34°13'50" N., long. 90°17'26" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on August 8, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-9763; Filed, Aug. 18, 1969; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950——)

Subpart E—Deductions; Reductions; Nonpayments; Increases

ALIEN NONPAYMENTS

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended to read as follows:

1. In § 404.460, paragraphs (a) and (b) (2) and (7) are revised and paragraph (c) is added to read as follows:

§ 404.460 Nonpayment of monthly benefits of aliens outside the United States.

(a) *Nonpayment of monthly benefits to aliens outside the United States more than 6 months.* Except as described in paragraph (b) and subject to the limitations in paragraph (c) of this section, after December 1956 no monthly benefit may be paid to any individual who is not a citizen or national of the United States, for any month after the sixth consecutive calendar month during all of which he is outside the United States, and before the first calendar month for all of which he is in the United States after such absence. (See § 404.380 regarding special payments at age 72.)

(1) For nonpayment of benefits under this section, it is necessary that the beneficiary be an alien and while an alien be outside the United States for more than six full consecutive calendar months. In determining whether at the time of a beneficiary's initial entitlement to benefits he has been outside the United States for a period exceeding six full consecutive calendar months, not more than the six calendar months immediately preceding the month of initial entitlement may be considered. For the purposes of this section, "outside the United States" means outside the territorial boundaries of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, Guam, and American Samoa.

(2) Effective with 6-month periods beginning after January 2, 1968, after an alien has been outside the United States for any period of 30 consecutive days, he is deemed to be outside the United States continuously until he has returned to the United States and remained in the United States for a period of 30 consecutive days.

(3) Payments which have been discontinued pursuant to the provisions of this section will not be resumed until the alien beneficiary has been in the United States for a full calendar month. A full calendar month includes 24 hours of each day of the calendar month.

(4) Nonpayment of benefits to an individual under this section does not cause nonpayment of benefits to other persons receiving benefits based on the individual's earnings record.

Example. R, an alien, leaves the United States on August 15, 1967, and returns on February 1, 1968. He leaves again on February 15, 1968, and does not return until May 15, 1968, when he spends 1 day in the United States. He has been receiving monthly benefits since July 1967.

R's first 6-month period of absence begins September 1, 1967. Since this period begins before January 2, 1968, his visit (Feb. 1, 1968, to Feb. 15, 1968) to the United States for less than 30 consecutive days is sufficient to break this 6-month period.

R's second 6-month period of absence begins March 1, 1968. Since this period begins after January 2, 1968, and he was outside the United States for 30 consecutive days, he must return and spend 30 consecutive days in the United States prior to September 1, 1968, to prevent nonpayment of benefits beginning September 1968. If R fails to return to the United States for 30 consecutive days prior to September 1, 1968, payments will be discontinued and will not be resumed until R spends at least 1 full calendar month in the United States.

(b) *When nonpayment provisions do not apply.* The provisions described in paragraph (a) of this section do not apply, subject to the limitations in paragraph (c) of this section, to a benefit for any month if:

* * * * *

(2) (i) The individual upon whose earnings the benefit is based, before that month, has resided in the United States for a period or periods aggregating 10 years or more or has earned not less than 40 quarters of coverage;

(ii) Except that, effective with the month of July 1968, the provisions of subdivision (i) of this subparagraph do not apply if (*a*) the beneficiary is a citizen of a country having a social insurance or pension system which meets the conditions described in subparagraph (7) (i), (ii), and (iii) of this paragraph but does not meet the condition described in subparagraph (7) (iv) of this paragraph, or (*b*) the beneficiary is a citizen of a country that has no social insurance or pension system of general application if at any time within 5 years prior to January 1968 (or the first month after December 1967 in which his benefits are subject to suspension pursuant to paragraph (a) of this section) payments to individuals residing in such country were withheld by the Treasury Department under the first section of the Act of October 9, 1940 (31 U.S.C. 123) (see paragraph (c) of this section);

(iii) For purposes of this subparagraph a period of residence begins with the day the insured individual arrives in the United States with the intention of establishing at least a temporary home here; it continues so long as he maintains an attachment to an abode in the United States, accompanied by actual physical presence in the United States for a significant part of the period; and ends with the day of departure from the United States with the intention to reside elsewhere; or

* * * * *

(7) The individual is a citizen of a foreign country that the Secretary determines has in effect a social insurance or pension system (see § 404.463) which meets all of the following conditions:

(i) Such system pays periodic benefits or the actuarial equivalent thereof; and

(ii) The system is of general application; and

(iii) Benefits are paid in this system on account of old age, retirement, or death; and

(iv) Individuals who are citizens of the United States but not citizens of the foreign country and who qualify for such benefits are permitted to receive benefits without restriction or qualification, at their full rate, or the actuarial equivalent thereof, while outside of the foreign country and without regard to the duration of their absence therefrom.

(c) *Nonpayment of monthly benefits to aliens residing in certain countries—*(1) *Benefits for months after June 1968.* Notwithstanding the provisions of paragraphs (a) and (b) of this section, no monthly benefit may be paid for any month after June 1968 to any individual who is not a citizen or national of the United States for any month such individual resides in a country to which payments to individuals in such country are being withheld by the Treasury Department pursuant to the first section of the Act of October 9, 1940 (31 U.S.C. 123).

(2) *Benefits for months before July 1968.* If any benefits which an individual who is not a citizen or national of the United States was entitled to receive under title II of the Social Security Act are, on June 30, 1968, being withheld by the Treasury Department pursuant to the first section of the Act of October 9, 1940 (31 U.S.C. 123), upon removal of the restriction such benefits, payable to such individual for months after the month in which the determination by the Treasury Department that the benefits should be so withheld was made, shall not be paid—

(i) To any person other than such individual, or, if such individual dies before such benefits can be paid, to any person other than an individual who was entitled for the month in which the deceased individual died (with the application of section 202(j)(1) of the Social Security Act) to a monthly benefit under title II of such Act on the basis of the same wages and self-employment income as such deceased individual; or

(ii) In excess of an amount equal to the amount of the last 12 months' benefits that would have been payable to such individual.

(3) *List of countries under Treasury Department alien nonpayment restriction.* Pursuant to the provisions of the first section of the Act of October 9, 1940 (31 U.S.C. 123) the Treasury Department is currently withholding payments to individuals residing in the following countries. Further additions to or deletions from the list of countries will be published in the FEDERAL REGISTER.

Albania.
Communist-controlled China.
Cuba.
North Korea.
North Vietnam.
Russian Zone of Occupation of Germany.
Russian Sector of Occupation of Berlin, Germany.

2. In § 404.463, paragraph (a) (7) is revised to read as follows:

§ 404.463 Nonpayment of benefits of aliens outside the United States; "foreign social insurance system," and "treaty obligation" exceptions defined.

(a) *"Foreign social insurance system" exception.* * * *

(7) *List of countries which meet the social insurance or pension system exception in section 202(t)(2) of the Act.* The following countries have been found to have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Act. Unless otherwise specified, each country meets such requirements effective January 1957. The effect of these findings is that beneficiaries who are citizens of such countries and not citizens of the United States may be paid benefits regardless of the duration of their absence from the United States unless for months beginning after June 1968 they are residing in a country to which payments to individuals are being withheld by the Treasury Department pursuant to the first section of the Act of October 9, 1940 (31 U.S.C. 123). Further additions to or deletions from the list of countries will be published in the FEDERAL REGISTER.

Austria (except from January 1958 through June 1961).
Barbados (effective July 1968).
Bolivia.
Brazil.
Canada (effective January 1966).
Chile.
Congo (Kinshasa) (effective July 1961).
Costa Rica (effective May 1962).
Cyprus (effective October 1964).
Czechoslovakia (effective July 1968).
Denmark (effective April 1964).
Ecuador.
Finland (effective May 1968).
France (effective June 1968).
Ivory Coast.
Jamaica (effective July 1968).
Luxembourg.
Malta (effective September 1964).
Mexico (effective March 1968).
Monaco.
Netherlands (effective July 1968).
Norway (effective June 1968).
Panama.
Philippines (effective June 1960).
Poland (effective March 1957).
Portugal (effective May 1968).
San Marino (effective January 1965).
Spain (effective May 1956).
Sweden (effective July 1966).
Switzerland (effective July 1968).
Turkey.
United Kingdom.
Upper Volta (effective October 1960).
Yugoslavia.

(Secs. 202(t), 205, 1102, 70 Stat. 835, as amended, 81 Stat. 871, 53 Stat. 1368, as amended, 49 Stat. 647, as amended, sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 402, 405, 1302)

3. *Effective date.* The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: July 29, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 13, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-9776; Filed, Aug. 18, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,4-Dichlorophenyl *p*-Nitrophenyl Ether

A petition (PP 9F0799) was filed with the Food and Drug Administration by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing the establishment of tolerances for residues of the herbicide 2,4-dichlorophenyl *p*-nitrophenyl ether in or on the raw agricultural commodities: Onions, garlic, leeks, and shallots (green or in dry bulb form) at 0.75 part per million; and horseradish at 0.05 part per million (negligible residue). Subsequently, the petitioner amended the petition by withdrawing the request for tolerances regarding garlic, leeks, and shallots.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.223 is revised to read as follows to establish tolerances regarding onions and horseradish:

§ 120.223 2,4-Dichlorophenyl *p*-nitrophenyl ether; tolerances for residues.

Tolerances for residues of the herbicide 2,4-dichlorophenyl *p*-nitrophenyl ether in or on raw agricultural commodities are established as follows:

0.75 part per million in or on broccoli, brussels sprouts, cabbage, carrots, cauliflower, celery, kohlrabi, onions (green or in dry bulb form), and parsley.

0.05 part per million (negligible residue) in or on horseradish and sugar beets (roots and tops).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2) 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 11, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9729; Filed, Aug. 18, 1969; 8:45 a.m.]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1604—GUIDELINES ON DISCRIMINATION BECAUSE OF SEX

Sex as a Bona Fide Occupational Qualification

By virtue of the authority vested in it by section 713(b) of the Act, 42 U.S.C. § 2000e-12(b), the Commission hereby amends Title 29, Chapter XIV, § 1604.1 (a)(3), (b), and (c) of the Code of Federal Regulations by revoking said paragraphs and substituting in lieu thereof a new § 1604.1(b).

Because the provisions of the Administrative Procedure Act (5 U.S.C. 1003) requiring notice of proposed rule making, opportunity for public participation, and delay in effective date, are inapplicable to these interpretative rules, the

amendment shall become effective immediately and shall be applicable with respect to charges presently before or hereafter filed with the Commission.

§ 1604.1 Sex as a bona fide occupational qualification.

(a) • • •

(3) [Revoked]

(b)(1) Many States have enacted laws or promulgated administrative regulations with respect to the employment of females. Among these laws are those which prohibit or limit the employment of females, e.g., the employment of females in certain occupations, in jobs requiring the lifting or carrying of weights exceeding certain prescribed limits, during certain hours of the night, or for more than a specified number of hours per day or per week.

(2) The Commission believes that such State laws and regulations, although originally promulgated for the purpose of protecting females, have ceased to be relevant to our technology or to the expanding role of the female worker in our economy. The Commission has found that such laws and regulations do not take into account the capacities, preferences, and abilities of individual females and tend to discriminate rather than protect. Accordingly, the Commission has concluded that such laws and regulations conflict with Title VII of the Civil Rights Act of 1964 and will not be considered a defense to an otherwise established unlawful employment practice or as a basis for the application of the bona fide occupational qualification exception.

(c) [Revoked]

(Sec. 713, 78 Stat. 265, 42 U.S.C. 2000e–12)

This amendment is effective upon publication.

Signed at Washington, D.C., this the 15th day of August 1969.

[SEAL] WILLIAM H. BROWN III,
Chairman.

[F.R. Doc. 69–9840; Filed, Aug. 18, 1969; 8:50 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M–11A, Direction 2, Amdt. 2]

M–11A—COPPER AND COPPER-BASE ALLOYS

Dir. 2, Amdt. 2—Domestic Refined Copper Set-Aside

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment affects Direction 2 to BDSA Order M–11A, as amended February 25, 1969, and May 8, 1969, by changing the base period for determining the average monthly production of domestic refined copper from July–December 1968 to July 1968–June 1969, as provided in section 2(i) of that direction, and by changing the reserved portion of production, as provided in section 8 of that direction, from 19 percent to 16 percent.

1. Section 2(i) of Direction 2 to BDSA Order M–11A of February 25, 1969, is hereby amended to read as follows:

Sec. 2 Definitions.

(i) "Average monthly production of domestic refined copper" means the monthly average quantity of domestic refined copper produced by a producer of domestic refined copper in the last 6 months of calendar year 1968 and the first 6 months of calendar year 1969, including any domestic refined copper produced for his account by another person under toll arrangements.

• • • • •

2. Section 8 of Direction 2 to BDSA Order M–11A of February 25, 1969, and as amended May 8, 1969, is hereby further amended to read as follows:

Sec. 8 Reserved portion of production (set-aside).

From the date of opening his books in any month for the acceptance of rated orders for domestic refined copper, each producer of domestic refined copper shall reserve at least 16 percent of his average monthly production of domestic refined copper (as defined in section 2(i) of this direction) for the acceptance of such rated orders calling for delivery in the immediately following month until the quantity of domestic refined copper for which he has accepted such rated orders is equal to at least the quantity thereof he is required to reserve, as indicated above; however, he need not accept such orders after the 10th day of that month even though he may not have accepted rated orders equivalent to the reserved quantity by that date: *Provided, however,* That DX rated orders must be accepted in accordance with the provisos contained in section 6 (2) and (5) above.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 90–370, 82 Stat. 279)

This amendment shall become effective August 19, 1969.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
FORREST D. HOCKERSMITH,
Acting Administrator.

[F.R. Doc. 69–9748; Filed, Aug. 18, 1969; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Release of Information From Veterans Administration; Claimant Records

1. Section 1.514 is revised to read as follows:

§ 1.514 Disclosure to private physicians and hospitals other than Veterans Administration.

(a) When a beneficiary elects to obtain medical attention as a private patient from a private practitioner or in a hospital other than a Veterans Administration hospital, there may be disclosed to such private practitioner or head of such hospital (Federal, State, municipal, or private), such information as to the medical history, diagnosis, findings, or treatment as is requested, including the loan of original X-ray films, whether Veterans Administration clinical X-rays or service department entrance and separation X-rays, provided there is also submitted a written authorization from the beneficiary or his duly authorized representative. The information will be supplied without charge directly to the private physician or hospital head and not through the beneficiary or representative. In forwarding this information, it will be accompanied by the stipulations that it is released with consent of or on behalf of the patient and that the information will be treated as confidential, as is customary in civilian professional medical practice.

(b) Such information may be released without charge and without consent of the patient or his duly authorized representative when a request for such information is received from:

(1) The superintendent of a State hospital for psychotic patients, a commissioner or head of a State department of mental hygiene, or head of a State, county, or city health department; or

(2) Any fee basis physician or institution in connection with authorized treatment of the veteran as a Veterans Administration beneficiary; or

(3) Any physician or medical installation treating the veteran under emergency conditions.

2. Section 1.514a is added to read as follows:

§ 1.514a Disclosure to private psychologists.

When a beneficiary elects to obtain therapy or analysis as a private patient from a private psychologist, such information in the medical record as may be pertinent may be released. Generally, only information developed and documented by Veterans Administration psychologists will be considered pertinent, although other information from the medical record may be released if it is determined to be pertinent and will serve a useful purpose to the private psychologist in rendering his services. Information will be released under this section upon receipt of the written authorization of the beneficiary or his duly authorized representative. Information will be forwarded to private psychologists directly, not through the beneficiary or representative, without charge and with the stipulation that it is released with consent of or on behalf of the patient and must be treated as confidential as is customary in regular professional practice.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: August 11, 1969.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69–9765; Filed, Aug. 18, 1969; 8:48 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 12, Rev., Supp. 3, Amdt. 3]

PART 281—INFORMATION AND PROCEDURE REQUIRED UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

Sailing Schedules, Routes etc.

Paragraph (a) of § 281.1 of this part is hereby amended to read as follows:

§ 281.1 Information and procedure required under the operating-differential subsidy agreement.

• • • • •

(a) *Sailing schedules, routes, etc.* (1) One copy of a list of sailings is required to be submitted not later than the 5th day of each month, listing each outbound sailing during the preceding month. Such list shall show for each such sailing: (i) Vessel name; (ii) voyage number; (iii) last continental U.S. port; (iv) sailing date; and (v) the service on which the sailing took place.

(2) A "Final Report" in five copies shall be submitted not later than 15 days after the end of the month in which the voyage is terminated and shall show: (i) The time and ports at which the voyage commenced and terminated; (ii) the arrival and sailing dates of the vessel at and from each United States and foreign port, including ports of call for bunkering and/or mail only; (iii) explanation of any delay in excess of 2 days at a United States or foreign port; (iv) appropriate notation of official authorization for any deviations from the service described in the applicable contract.

(3) The procedures outlined in subparagraphs (1) and (2) of this paragraph shall be effective on the first of the month following publication in the FEDERAL REGISTER.

(4) The sailing schedules and lists of sailings specified in this paragraph shall be sent to the Division of Trade Studies, Office of Subsidy Administration, Maritime Administration, Washington, D.C. 20235.

• • • • •

The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 204, 49 Stat. 1987, as amended, 46 U.S.C. 1114)

Dated: August 13, 1969.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69–9794; Filed, Aug. 18, 1969; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration

[Docket No. 2–16]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Door Locks and Door Retention Components—Passenger Cars, Multipurpose Passenger Vehicles, and Trucks

Federal Motor Vehicle Safety Standard No. 206 (49 CFR 371.21), as amended (34 F.R. 1151), specifies strength requirements for door locks and door retention components on passenger cars, multipurpose passenger vehicles, and trucks.

Paragraph S4. of Standard 206 exempts components of detachable doors for vehicles manufactured for use without doors from the requirements of the standard. This was done because such doors are provided not for the purpose of retaining the driver and passengers in case of collision but only as protection from inclement weather.

One manufacturer has noted that strength requirements are equally inapplicable to components of folding and roll-up doors and has petitioned for an amendment which would treat such doors in the same manner as detachable doors. It has been determined that the petition has merit. Accordingly, the standard is amended to remove folding and roll-up doors from the requirements of the standard.

1. In consideration of the foregoing, paragraph S4. of Federal Motor Vehicle Safety Standard No. 206 is amended to read as follows:

S4. Requirements. Side door components referred to herein shall conform to this standard if any portion of a 90-percentile two-dimensional manikin as described in SAE Practice J826, when positioned at any seating reference point, projects into the door opening area on the side elevation or profile view. Components on folding doors, roll-up doors, and doors that are designed to be easily attached to or removed from motor vehicles manufactured for operation without doors need not conform to this standard.

2. Correction: The paragraph title "S5.2.3 *Sliding Doors"* of Federal Motor Vehicle Safety Standard No. 206 is changed to read "S5.3 Sliding doors". S5.3 *Sliding doors.*

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and opportunity to comment thereon are unnecessary, and it becomes effective on publication in the FEDERAL REGISTER. This notice of amendment is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

Issued on August 14, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69–9744; Filed, Aug. 18, 1969; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

White River National Wildlife Refuge, Ark.

The following special regulations are issued and are effective on the date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting on the White River National Wildlife Refuge, Ark., is permitted only on the areas designated by signs as open to hunting. These open areas are delineated on maps available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with the applicable State regulations and subject to the following special conditions:

(1) Species permitted to be taken: White-tailed deer, bobcat, and feral hogs.

(2) Open Season: Archery—October 17–31; Gun—November 21–22 and 28–29, 1969.

(3) Bag Limits: One deer of either sex. No limit on hogs and bobcats.

(4) Weapons: (A) Gun—in accordance with State regulations. (B) Archery—Long bows only with a minimum pull of 40 pounds and arrows with a minimum width of seven-eighths inches.

(5) Shooting is not allowed from boats, vehicles, or roadways used by vehicles. Dogs and horses are not allowed,

and all vehicles including Jeeps, Scouts, Tote Goats, Hondas, etc., must stay on roads and trails. Shooting hours are 30 minutes before sunrise to 30 minutes after sunset. Camping is permitted in designated areas. Hunters may enter the open hunting area at noon on the date preceding each hunt. Fires can only be built in the campsites.

(6) Deer killed during the 4 days of gun hunting must be tagged immediately upon possession with the State and Federal tags and also checked at one of the designated check stations between 7:30 a.m. and 7 p.m.

(7) Hunters may not return to hunt hogs or bobcats after they have killed a deer.

(8) No permit required for archery hunt. On the gun hunts, a $2 user fee will be charged for each 2-day hunt. Permits will be issued on a first come, first served basis, by mail only, being postmarked no earlier than October 20, 1969, and continuing until November 3d or until the limited number of permits per hunt are issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

(1) Species to be taken: Squirrel, rabbit, bobcat, and feral hogs by gun and turkey by archery only.

(2) Open Season: Gun Hunt—October 1–15; Archery only—October 17–31.

(3) Bag Limit: One turkey of either sex, rabbits—8, and squirrels—8. No limit on bobcat and hogs.

(4) Weapons: (A) Gun—shotguns and rimfire rifles are legal. Rifles larger than .22 caliber are prohibited. (B) Long bows only with a minimum pull of 40 pounds and arrows with ⅞-inch minimum width blades.

The provisions of these special regulations supplement the regulations which govern hunting on National Wildlife Refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 29, 1969.

W. L. Towns,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

August 11, 1969.

[F.R. Doc. 69-9786; Filed, Aug. 18, 1969; 8:49 a.m.]

PART 32—HUNTING

Imperial National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the Federal Register.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of deer and bighorn sheep on the Imperial National Wildlife Refuge, Arizona and California is permitted only on the area designated by signs as open to hunting. This area, comprising 16,500 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—deer, September 5 through September 21, 1969, inclusive, and October 31 through November 16, 1969, inclusive; bighorn sheep, December 6 through December 21, 1969, inclusive. California—deer, September 20 through November 9, 1969, inclusive; bighorn sheep, no open season in California. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 22, 1969.

Claude F. Lard,
Refuge Manager, Imperial National Wildlife Refuge, Yuma, Ariz.

July 31, 1969.

[F.R. Doc. 69-9750; Filed, Aug. 18, 1969; 8:46 a.m.]

PART 32—HUNTING

Imperial National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the Federal Register.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail, and jackrabbits on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 16,500 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—quail, October 1, 1969, through January 31, 1970, inclusive; cottontail and jackrabbits, September 1, 1969, through January 31, 1970, inclusive. California—quail, October 22, 1969, through January 11, 1970, inclusive; cottontail and jackrabbits, September 1, 1969, through January 11, 1970, inclusive.

Hunting shall be in accordance with all applicable State and Federal Regulations covering the hunting of quail and rabbits subject to the following special conditions:

(1) Use of shotguns only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1970.

Claude F. Lard,
Refuge Manager, Imperial National Wildlife Refuge, Yuma, Ariz.

July 31, 1969.

[F.R. Doc. 69-9751; Filed, Aug. 18, 1969; 8:47 a.m.]

PART 32—HUNTING

Browns Park National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on date of publication in the Federal Register.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

COLORADO

BROWNS PARK NATIONAL WILDLIFE REFUGE

Public hunting of deer is permitted on the Browns Park National Wildlife Refuge, Colo., for the 1969 archery and rifle seasons except in those areas designated by signs as closed to hunting. Archery deer season is August 16 through September 14, 1969, inclusive. Rifle deer season is October 18 through November 6, 1969, inclusive.

Hunting will be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplements the regulations which govern hunting of wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 6, 1969.

H. J. Johnson,
Refuge Manager, Browns Park National Wildlife Refuge, Vernal, Utah.

August 7, 1969.

[F.R. Doc. 69-9752; Filed, Aug. 18, 1969; 8:47 a.m.]

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the Federal Register.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

The public hunting of squirrels, cottontail rabbits, bobwhite quail, and greater prairie chickens on the Flint Hills National Wildlife Refuge, Kans., is permitted from September 1, 1969, through August 30, 1970, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels, cottontail rabbits, bobwhite quail, and greater prairie chickens.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 1, 1970.

Lyle A. Stemmerman,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kans.

August 8, 1969.

[F.R. Doc. 69-9753; Filed, Aug. 18, 1969; 8:47 a.m.]

PART 32—HUNTING

Quivira National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the Federal Register.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of cottontail rabbits, squirrel, and crows on the Quivira National Wildlife Refuge, Kans., is permitted during the early Teal Season from September 13 through September 21, 1969, inclusive, but only in the areas designated by signs as open to hunting. These open areas, comprising 7,990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of cottontail rabbits, squirrel, and crows subject to the following special conditions:

(1) The use of rifles is prohibited for taking rabbits, squirrel, and crows.

(2) The hunting of any species after sunset is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 21, 1969.

Charles R. Darling,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

August 4, 1969.

[F.R. Doc. 69-9754; Filed, Aug. 18, 1969; 8:47 a.m.]

PART 32—HUNTING

National Elk Refuge, Wyo.

The following special regulation is issued and is effective on date of publication in the Federal Register.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

NATIONAL ELK REFUGE

Public hunting of elk on the National Elk Refuge, Wyo., is permitted from October 11 through November 7, 1969, inclusive, only on the area designated by signs as open to hunting. This open area, comprising 18,247 acres, is delineated on maps available at refuge headquarters, Jackson, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of elk subject to the following special conditions:

(1) A special permit is required in addition to a valid 1969 State elk hunting license. Sixty special permits shall be issued to applicants by drawing at refuge headquarters at 12:30 p.m. on Friday, October 10, 1969, and every Friday thereafter through November 1, 1969. Permits are good for 1 week only.

(2) Access to the refuge shall be only through the main gate east of refuge headquarters in Jackson.

(3) Motorized vehicle travel in the hunting area is restricted to the roads designated by appropriate signs and delineated on maps available at refuge headquarters. This is interpreted to mean that motor vehicles may not leave designated roadways for the purpose of loading or picking up a kill.

(4) Persons without permits may accompany special permit holders in the same vehicle but only permit holders are allowed to possess a firearm.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 7, 1969.

Don E. Redfearn,
Refuge Manager, National Elk Refuge, Jackson, Wyo.

August 6, 1969.

[F.R. Doc. 69-9755; Filed, Aug. 18, 1969; 8:47 a.m.]

PART 32—HUNTING

Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective on date of publication in the Federal Register.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

UTAH

OURAY NATIONAL WILDLIFE REFUGE

Public hunting of deer is permitted on the Ouray National Wildlife Refuge, Utah, for the 1969 archery and rifle seasons except in those areas designated by signs as closed to hunting. This open area, comprising 9,500 acres, is delineated on maps available at refuge headquarters, Vernal, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting on Indian lands east of Green River, as posted, requires the possession of a Ute Tribal Permit.

(2) Every deer killed must be checked out at refuge subheadquarters before hunters leave the area.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 28, 1969.

H. J. Johnson,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

August 7, 1969.

[F.R. Doc. 69-9756; Filed, Aug. 18, 1969; 8:47 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—AQUATIC MAMMALS OTHER THAN WHALES

PART 215—ADMINISTRATION OF THE PRIBILOF ISLANDS

A notice of proposed rule making was published (May 2, 1969, 34 F.R. 7247) to amend Part 215, Title 50, Code of Federal Regulations, which are the regulations governing the administration of the Pribilof Islands.

Interested persons were given the opportunity to participate through written comments. Comments were received and are reflected in the amendments adopted.

Effective date. This amendment shall become effective on the date of its publication in the Federal Register.

Sec.
215.1 Visits to seal rookeries.
215.2 Dogs prohibited.
215.3 Importation of birds and mammals.
215.4 Reindeer and foxes.
215.5 Walrus and Otter Islands.
215.6 Local regulations.
215.7 Penalties.

Authority: The provisions of this Part 215 issued under secs. 101, 201, 207, and 403 of the Fur Seal Act of 1966 (80 Stat. 1091; 16 U.S.C. 1151).

§ 215.1 Visits to seal rookeries.

From June 1 to October 15 of each year no person, except those authorized by the Bureau of Commerical Fisheries, or accompanied by an authorized employee of the Bureau of Commercial Fisheries, shall approach any fur seal rookery or hauling grounds nor pass beyond any posted sign forbidding passage.

§ 215.2 Dogs prohibited.

In order to prevent molestation of the fur seal herds, the landing of any dogs at the Pribilof Islands is prohibited.

§ 215.3 Importation of birds and mammals.

No mammals or birds, except household cats, canaries and parakeets, shall be imported to the Pribilof Islands without the permission of the Bureau of Commercial Fisheries.

§ 215.4 Reindeer and foxes.

The reindeer herd on St. Paul Island is Government-owned. When it is determined that a surplus exists, hunting will be allowed to the extent of the surplus. A drawing will be held under local rules. Foxes may be hunted or trapped when prime during the months of December and January by holders of State trapping licenses.

§ 215.5 Walrus and Otter Islands.

By Executive Order 1044, dated February 27, 1909, Walrus and Otter Islands were set aside as bird reservations. All persons are forbidden to land on these Islands except those authorized by the Bureau of Commercial Fisheries.

§ 215.6 Local regulations.

Local regulations will be published from time to time and will be brought to the attention of local residents and persons assigned to duty on the Islands by posting in public places and brought to the attention of tourists by personal notice.

§ 215.7 Penalties.

Any person who violates or fails to comply with the regulations relating to the use and management of the Pribilof Islands or to the conservation and protection of the fur seals or wildlife or other natural resources located thereon shall be fined not more than $500 or be imprisoned not more than 6 months, or both. Any person who violates the provisions of Title I of the Fur Seal Act of 1966, which relate to the protection of fur seals, shall be fined not more than $2,000 or be imprisoned not more than 1 year, or both.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685) and dated August 7, 1969.

H. E. CROWTHER,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-9749; Filed, Aug. 18, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 13]

WILDLIFE OR EGGS THEREOF

Importation

Notice is hereby given that pursuant to the authority contained in section 42, title 18, United States Code (62 Stat. 687), as amended, it is proposed to revise Part 13, Title 50, Code of Federal Regulations, for the reasons set forth below. The purpose of this revision is to prescribe regulations which will govern the importation into the United States of live specimens of those species of live fish and the eggs thereof, which have been determined to be injurious or potentially injurious to human beings, to the interests of agriculture, forestry, horticulture, or to the native wildlife or wildlife habitat of the United States.

Investigations by the Secretary of the Interior have determined that the walking catfish, *Clarias batrachus* of the family Clariidae, competes with native fish for food and space. Clarias are virtually drought resistant due to their ability to estivate, hibernate, or to migrate overland to find water. Further, present fish management practices have been ineffective in controlling the spread of Clarias in the fresh waters of the State of Florida.

Based on the findings aforesaid and other scientific data, notice is hereby given that the importation, transportation, or acquisition of live fish or viable eggs of the family Clariidae will be restricted after December 31, 1969. Importation, transportation, or acquisition of live fish or viable eggs of the family Clariidae after December 31, 1969, will be only as authorized by permits issued by the Director, Bureau of Sport Fisheries and Wildlife, under the terms and conditions set forth in sections 13.10 through 13.11.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 90 days of the date of publication of this notice in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director.

AUGUST 15, 1969.

[F.R. Doc. 69-9839; Filed, Aug. 18, 1969; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Notice of Proposed Proclamation With Respect to 1970 National Marketing Quota, National Acreage Allotment, Apportionment of National Acreage Allotment to States

The Secretary of Agriculture is required by section 358(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(a)), to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358(a) of the act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the 5 years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358(a) of the act also requires that the national marketing quota be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

Section 358(c)(1) of the act (7 U.S.C. 1358(c)(1)) provides that the national acreage allotment for any year, less the acreage to be allotted to new farms under section 358(f) of the act (7 U.S.C. 1358(f)), shall be apportioned among the States on the basis of their shares of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the act, the national acreage allotment for the 1970 crop of peanuts will be apportioned to States on the basis of their shares of the 1969 national acreage allotment.

The subjects and issues involved in the proposed determinations are:

1. The amount of the national marketing quota.

2. The amount of the national acreage allotment.

3. The amount of acreage to be reserved from the national acreage allotment for new farms.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must, in order to be considered, be postmarked not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 12, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-9792; Filed, Aug. 18, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 75]

[Airspace Docket No. 69-CE-59]

JET ROUTE SEGMENT

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 75 of the Federal Aviation Regulations that would alter Jet Route No. 34 segment between Ephrata, Wash., and Helena, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL

REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

At present J-34 is aligned from Ephrata via Mullan Pass, Idaho, to Helena. J-34, J-70, and J-90 converge at Mullan Pass. Radar vectoring of aircraft south of Mullan Pass is required due to the numerous flights meeting at this point.

To alleviate the radar vectoring problem, the FAA proposes the realignment of J-34 from the Ephrata VOR direct to the Helena VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 12, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9764; Filed, Aug. 18, 1969; 8:48 a.m.]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 178]

[Docket No. HM-23; Notice 69-11]

NEW SPECIFICATION 8BW CYLINDER FOR ACETYLENE

Withdrawal of Notice of Proposed Rule Making

On April 23, 1969, the Hazardous Materials Regulations Board published in the FEDERAL REGISTER (34 F.R. 6797) a notice of proposed rule making (Notice No. 69-11) proposing to authorize the transportation of acetylene in a new specification 8BW cylinder.

Based on an evaluation of the comments received the Board has concluded that further study of this proposal is necessary before further rule making action can be taken. Accordingly, Notice No. 69-11 is withdrawn. Withdrawal of this notice does not preclude the Hazardous Materials Regulations Board from issuing another notice in the future on the same or a similar subject if conditions warrant such action.

This action is taken under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

Issued in Washington, D.C., on August 15, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

F. C. TURNER,
Administrator, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[F.R. Doc. 69-9846; Filed, Aug. 18, 1969; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RALPH R. HOLLINGSWORTH

Notice of Granting of Relief

Notice is hereby given that Ralph R. Hollingsworth, trading as Ralph's Sport Shop and Locksmith, 205 Allen Street, Kelso, Wash. 98626, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 26, 1936, by the U.S. District Court for the Western District of Oklahoma, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Ralph R. Hollingsworth, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Hollingsworth to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Ralph R. Hollingsworth's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Ralph R. Hollingsworth be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 12th day of August 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-9787; Filed, Aug. 18, 1969; 8:49 a.m.]

HARVEY A. JACOBITZ

Notice of Granting of Relief

Notice is hereby given that Harvey A. Jacobitz, 5070 Tahquamenon Trail, Flushing, Mich. 48433, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 14, 1941, by the Ottawa County, Michigan Circuit Court of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Harvey A. Jacobitz, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Jacobitz to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Harvey A. Jacobitz's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Harvey A. Jacobitz be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 7th day of August 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-9788; Filed, Aug. 18, 1969; 8:50 a.m.]

GRADY E. McBRIDE, JR.

Notice of Granting of Relief

Notice is hereby given that Grady E. McBride, Jr., 705 Lay Street, East Gadsden, Ala. 35903, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 30, 1944, by a General Court-Martial of the Army of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Grady E. McBride, Jr., because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. McBride to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Grady E. McBride, Jr.'s application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Grady E. McBride, Jr. be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 12th day of August 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-9789; Filed, Aug. 18, 1969; 8:50 a.m.]

MICHAEL JOSEPH RAYNER

Notice of Granting of Relief

Notice is hereby given that Michael Joseph Rayner, 426 Northwest 50th

Street, Oklahoma City, Okla., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 17, 1964, in the District Court of Oklahoma County, Okla., of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(a)(20). Unless relief is granted, it will be unlawful for Michael Joseph Rayner, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) it would be unlawful for Mr. Rayner to receive, possess, or transport in commerce or affecting commerce a firearm. Notice is hereby further given that I have considered Michael Joseph Rayner's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Michael Joseph Rayner from disabilities incurred by reason of his conviction would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Michael Joseph Rayner be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 12th day of August 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-9790; Filed, Aug. 18, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, BRANCH OF LANDS, ET AL.

Redelegation of Authority by Land Office Manager

AUGUST 12, 1969.

1. Pursuant to section 2.1, Bureau Order No. 701 of July 23, 1964, as amended, the following authority is hereby delegated to the Branch and Section Chiefs of the Division of Lands and Minerals Program Management and Land Office, to become effective immediately upon publication in the FEDERAL REGISTER.

(a) Chief, Branch of Lands, and Chief, Lands Adjudication Section, authority to take action for the Manager in matters listed in § 2.2(b) only as to relinquished leases issued pursuant to authority delegated in §2.9, §2.2(d) only to the extent set out in 43 CFR 1825.1–7(a), § 2.5(b)(c), and § 2.9 of Part II of Bureau Order No. 701 supra.

(b) Chief, Branch of Minerals, and Chief, Minerals Adjudication Section, authority to take action for the Manager in matters listed in § 2.2(b) only as to relinquished oil and gas leases pursuant to section 30(b) of the Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 187(b)), § 2.2(d) only to the extent set out in 43 CFR 1852.1–7(a), and § 2.6 of Part II of Bureau Order 701 supra.

(c) Chief, Branch of Title and Records, authority to take action for the Manager in matters listed in §§ 2.2(c), 2.2(k), 2.3(c), and 2.4(a)(4).

2. The authority delegated in paragraph 1 above may not be redelegated.

3. This redelegation of authority supersedes the redelegations of November 9, 1965 (30 F.R. 14444).

R. E. MCCARTHY,
Manager.

Approved:

J. R. PENNY,
State Director, California.

[F.R. Doc. 69-9730; Filed, Aug. 18, 1969; 8:45 a.m.]

[New Mexico PEC-2-1]

NEW MEXICO

Notice of Proposed Classification of Lands

AUGUST 12, 1969.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange, under section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, for lands within Catron County, N. Mex.

The District Advisory Board, local governmental officials and other interested parties have been notified of this application. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1–3(c)(4), which authorizes classification of lands "for exchanges under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest for exchange proponents, for exchange for other lands which we need for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501; and Socorro District Office, 200 Neel Avenue NW., Socorro, N. Mex. 87801.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Socorro District Office.

The lands affected by this proposal are located in Catron and Valencia Counties, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 8 N., R. 3 W.,
Sec. 4;
Sec. 6, lots 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 22.
T. 2 S., R. 9 W.,
Sec. 20, N½ and NE¼SE¼;
Sec. 21, S½NW¼, N½S½, and SE¼SW¼;
Sec. 22, S½SW¼ and SW¼SE¼.
T. 2 S., R. 10 W.,
Sec. 14, NE¼, NE¼NW¼, NE¼SW¼, and SE¼.
T. 3 S., R. 10 W.,
Sec. 34, SW¼ and NW¼SE¼.
T. 4 S., R. 10 W.,
Sec. 4, lots 1, 2, 3, 4, and S½N½;
Sec. 5, lots 1, 2, 3, 4, and S½N½;
Sec. 6, lots 1, 2, 3, 4, 5, S½NE¼, and SE¼NW¼.
T. 4 S., R. 11 W.,
Sec. 11, SW¼, NE¼SE¼, and W½SE¼;
Sec. 14, N½NW¼ and SW¼NW¼;
Sec. 15, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 20, NE¼;
Sec. 21, N½;
Sec. 22, N½NW¼ and SW¼NW¼.
T. 5 S., R. 11 W.,
Sec. 6, lots 14 and 15.
T. 6 S., R. 11 W.,
Sec. 22, NE¼;
Sec. 35.
T. 4 S., R. 12 W.,
Sec. 24, NE¼, SE¼NW¼, and S½;
Sec. 25;
Sec. 26, S½;
Sec. 27, S½;
Sec. 28, SW¼.
T. 5 S., R. 12 W.,
Sec. 18, lots 1, 2, W½NE¼, and E½NW¼.
T. 6 S., R. 12 W.,
Sec. 11, lots 1 to 8, inclusive;
Sec. 12, lots 1 to 6, inclusive.
T. 4 S., R. 13 W.,
Sec. 25, NE¼SE¼ and S½S½;
Sec. 26, S½S½;
Sec. 27, E½, SE¼NW¼, and NE¼SW¼;
Sec. 28, NW¼NE¼, S½NE¼, NW¼, and S½;
Sec. 29, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 31, NW¼NE¼ and SE¼NE¼;
Sec. 32, W½NW¼ and SE¼NW¼;
Sec. 35, NE¼.
T. 4 S., R. 14 W.,
Sec. 29, S½;
Sec. 32, N½.

The areas described aggregate 12,288.75 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-9736; Filed, Aug. 18, 1969; 8:46 a.m.]

[New Mexico 9594]

NEW MEXICO

Notice of Proposed Classification

AUGUST 12, 1969.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange under the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, for lands within New Mexico.

This proposal has been discussed with the District Advisory Board, local and State governmental officials and other interested parties. Information derived from discussions and other sources indicates that these lands meet the criterion of 43 CFR 2410.1–3(c)(4), which authorizes classification of lands "for exchanges under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study in the Roswell District Office, 1902 South Main Street, Roswell, N. Mex. 88201, and in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501. For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Roswell District.

The lands affected by this proposal are located in De Baca County and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 S., R. 20 E.,
Sec. 11, S½;
Sec. 15;
Sec. 22, N½;
Sec. 23, N½, SW¼, and W½SE¼;
Sec. 24, NW¼NE¼, S½NE¼, and SE¼;
Sec. 25, E½;
Sec. 26, W½;
Sec. 27, E½;
Sec. 28, S½S½;
Sec. 34, E½NE¼, S½SW¼, and SE¼;
Sec. 35, W½.
T. 2 S., R. 20 E.,
Secs. 1 and 3;
Sec. 10, E½ and E½W½;
Secs. 11 and 12;
Sec. 13, S½N½ and S½;
Sec. 14, S½NE¼, NW¼, and S½;
Sec. 15, E½ and E½W½;
Sec. 24, N½ and N½S½.
T. 2 S., R. 21 E.,
Sec. 11, E½SW¼;
Sec. 14, E½NW¼;
Sec. 17, SW¼SW¼;
Sec. 19, lot 4;
Sec. 30, lots 1, 2, 3, and S½SE¼.
T. 2 S., R. 21 E.,
Sec. 4, E½SW¼;
Sec. 5, N½SW¼ and W½SE¼;
Sec. 6;
Sec. 7, lots 1, 2, NE¼, and E½NW¼;
Sec. 8, NW¼NE¼;
Sec. 11, N½S½;
Sec. 17, E½E½ and W½NW¼;
Sec. 18, lots 1, 2, 3, 4, N½NE¼, and E½W½;
Sec. 19, lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 20, N½;
Sec. 21, N½.

The areas described aggregate 12,406.09 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-9737; Filed, Aug. 18, 1969; 8:46 a.m.]

Fish and Wildlife Service

NATIONAL WILDLIFE REFUGES OF THE FLORIDA KEYS, FLA.

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88–577; 78 Stat. 890–896; 16 U.S.C. 1131–1136), that a public hearing will be held beginning at 9 a.m. on October 31, 1969, at the Board of Education Building, 310 Flemming Street, Key West, Monroe County, Fla., on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the Florida Keys Wilderness proposal within the National Wilderness Preservation System. The wilderness proposal consists of approximately 4,740 acres within National Key Deer Refuge, Great White Heron, and Key West National Wildlife Refuges; and is located in Monroe County, State of Florida.

A brochure containing a map and information about the Florida Keys Wilderness proposal may be obtained from the Refuge Manager, National Key Deer Refuge, Post Office Box 385, Big Pine Key, Fla. 33040, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by December 15, 1969.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1969.

[F.R. Doc. 69-9740; Filed, Aug. 18, 1969; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE SOCIALIST REPUBLIC OF ROMANIA

Entry or Withdrawal From Warehouse for Consumption

On August 12, 1969, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6 (c) thereof relating to nonparticipants, informed the Socialist Republic of Romania that it was renewing for an additional 12-month period beginning August 14, 1969, and extending through August 13, 1970, the restraint on imports into the United States of cotton textile products in Category 34, produced or manufactured in Romania. Pursuant to Annex B, paragraph 3, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to Category 34 for the preceding 12-month period.

There is published below a letter of August 12, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 34, produced or manufactured in Romania, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning August 14, 1969, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

AUGUST 12, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning August 14, 1969, and extending through August 13, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 34, produced or manufactured in Romania, in excess of a level of restraint for the period of 154,350 pieces.

In carrying out this directive, entries of cotton textile products in Category 34, produced or manufactured in Romania, which have been exported to the United States from Romania prior to August 14, 1969, shall, to the extent of any unfilled balance be charged against the level of restraint established for such goods during the period August 14, 1968, through August 13, 1969. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 34 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68).

This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ROBERT A. PODESTA,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69-9745; Filed, Aug. 18, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-192]

THE UNIVERSITY OF TEXAS

Notice of Issuance of Amendment to Facility License

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 5 to Facility License No. R-92 dated August 2, 1963. The license authorizes The University of Texas to possess, use, and operate the TRIGA Mark I nuclear reactor located on the University's campus at Austin, Tex., at power levels up to 250 kilowatts (thermal). The amendment increases from 2.500 kilograms to 5.600 kilograms the total quantity of uranium-235 which the licensee may receive, possess, and use under this license. It also authorizes the licensee to possess and use small quantities of fissile and fertile materials as foils for experimental purposes.

By letter dated June 25, 1969, The University of Texas requested authorization to receive, possess, and use additional special nuclear material in the form of new stainless steel fuel elements to be used in connection with the operation of the reactor. The additional fuel elements will be used for replacing the present aluminum clad fuel elements which, when removed from the core, will be stored in storage racks in the reactor pool in accordance with procedures which have previously been reviewed and approved by the Commission. The addition of new fuel to the core will be controlled by specified limits on the excess reactivity of the core set forth in the Technical Specifications for Facility License No. R-92.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings (relating to its review of the application) which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated June 25, 1969, and (2) the amendment to facility license, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of item 2 above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 11th day of August 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-9725; Filed, Aug. 18, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the following table lists the establishments operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) which were officially reported on July 1, 1969, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Additions to and deletions from this list will be made from time to time as the facts may warrant, by notices published in the FEDERAL REGISTER. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods.

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Armour & Co.	2C	(*)						
Do.	2H	(*)	(*)	(*)		(*)		
Do.	2W							
Do.	2AT	(*)		(*)	(*)	(*)		
Do.	2HT							
Do.	2SA			(*)	(*)			
Do.	2SD	(*)				(*)		
Do.	2SI	(*)						
Do.	2WN	(*)	(*)					
Swift & Co.	3D	(*)				(*)		
Do.	3E	(*)	(*)	(*)		(*)		
Do.	3F	(*)		(*)	(*)			
Do.	3G	(*)						
Do.	3H	(*)	(*)	(*)		(*)		
Do.	3L							
Do.	3N	(*)				(*)		
Do.	3R	(*)				(*)		
Do.	3S							
Do.	3W	(*)						
Do.	3Y	(*)						
Do.	3Z	(*)	(*)					
Do.	3AE	(*)				(*)		
Do.	3AF	(*)	(*)					
Do.	3AZ	(*)	(*)	(*)		(*)		
Do.	3CC			(*)				
D. E. Nebergal Meat Co.	3DE	(*)	(*)					
Swift & Co.	3GI	(*)						
Do.	3GW					(*)		
Do.	3TA	(*)				(*)		
Lykes Bros., Inc., of Georgia	8	(*)						
Lykes Bros., Inc.	8B	(*)						
Pauly Packing Co., Inc.	10	(*)						
The Vans Packing Co.	11		(*)			(*)		
Hygrade Food Products Corp.	12A					(*)		
Do.	12C	(*)						
Do.	12P	(*)						
Do.	12T	(*)						
Do.	12FW	(*)						
Mickelberry's Food Products Co.	16					(*)		
John Morrell & Co.	17	(*)				(*)		
Do.	17A	(*)				(*)		
Do.	17D	(*)		(*)		(*)		
Do.	17E	(*)				(*)		
Do.	17U	(*)						
C. Finkbeiner, Inc.	18	(*)				(*)		
Wilson & Co., Inc.	20A	(*)				(*)		
Do.	20H					(*)		
Do.	20I	(*)						
Do.	20L					(*)		
Do.	20N	(*)	(*)	(*)		(*)		
Do.	20Q	(*)	(*)			(*)		
Do.	20U	(*)		(*)				
Do.	20Y	(*)				(*)		
Do.	20AI	(*)	(*)	(*)	(*)			

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Bub Davis Packing, Inc.	171			(*)				
Lee's Sausage Co., Inc.	173					(*)		
Mont Commercial	181	(*)						
The Rath Packing Co.	190					(*)		
Do.	190F							
Kent Provision Co., Inc.	197	(*)				(*)		
Curl's Sausage Co.	198							
Kray Packing Co.	199	(*)	(*)			(*)		
John Morrell & Co.	200	(*)	(*)			(*)		
Hynes Packing Co.	201							
United Pride and Stillman, Inc.	196	(*)						
George A. Hormel & Co.	199	(*)				(*)		
Do.	199A							
Do.	199D	(*)				(*)		
Do.	199H							
Do.	199N	(*)				(*)		
Watkins Packing Co.	200							
Cudahy Co.	202	(*)				(*)		
Platte Valley Packing Co.	203							
Kruse Packing Co., Inc.	205	(*)				(*)		
Colonial Meat Packing Co.	206							
Heinz's Riverside Abattoir, Inc.	210	(*)						
Penn Packing Co.	212					(*)		
F. W. Kunp, Inc.	213	(*)						
Marshall Meat Products, Inc.	214					(*)		
Lincoln Meat Co.	217	(*)				(*)		
York Packing Co., Inc.	220							
Gwaltney, Inc.	221A					(*)		
Armour & Co.	222	(*)				(*)		
De Jong Packing Co.	223							
Hygrade Food Products Corp.	224	(*)				(*)		
Do.	224B							
Safford Packing Co.	226							
Contris Packing Co.	227					(*)		
Gold Merit Packing Co., Inc.	232							
John Morrell & Co.	234	(*)		(*)		(*)		
Wahl Schilling & Co., Inc.	235							
Animal Husbandry Department Texas Technological College.	236							
Raskin Packing Co.	237							
Ben Hur Meats	240	(*)				(*)		
Greenwood Packing Plant	242	(*)		(*)		(*)		
L. Klayman & Co.	243							
Blue Ribbon Beef Pack, Inc.	244							
Iowa Beef Packers, Inc.	245A							
Do.	245B							
Do.	245C							
Do.	245D							
John Morrell & Co.	246					(*)		
Jacquet Packing Co.	247					(*)		
Farmers Packing Co., Inc.	249	(*)						
Frosty Morn Meats, Inc.	250					(*)		
Prairie Packing Co.	253							
Maple Valley Packing Co.	256	(*)						
Tyrone Dairy Farm, Inc.	262							
Thorn Packing Co.	263	(*)		(*)		(*)		
Farm Pac Kitchens, Inc.	266							
Pacific Meat Co., Inc.	267	(*)		(*)				
Golden Valley Packing Co.	271							
Ting Packing Co., Inc.	273	(*)		(*)		(*)		
Ellis Packing Co.	274			(*)				
Acme Markets, Inc.	279				(*)			
San Angelo Packing Co.	281	(*)		(*)		(*)		
Monsees Pork Packers Co.	282							
Patriot Packing Co.	283	(*)						
Sioux Preme Packing Co.	285			(*)				
Western Packing Co.	288	(*)				(*)		
Arbogast and Bastian Co.	289							
The H. H. Meyer Packing Co.	290					(*)		
San Jose Meat Co.	291	(*)						
Iowa Ham Canning Co.	292					(*)		
Iowa Beef Packers, Inc.	292A							
Gus Juengling & Son, Inc.	298	(*)				(*)		
Waldock Packing Co.	299							
Great Falls Meat Co.	301	(*)				(*)		

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Swift & Co., Inc.	23			(*)				
Brander Meat Co.	25					(*)		
Frederick Cudahy, Inc.	26							
Kansas Packing Co., Inc.	30	(*)				(*)		
Superior's Brand Meats, Inc.	31							
Rosedale Provision Co.	32					(*)		
Do.	32A							
Valleydale Packers, Inc.	34	(*)		(*)				
Kansas Packing Co.	36							
Poonmoke Provision Co.	39	(*)		(*)				
Sunnyland Packing Co.	43					(*)		
Stark Wetsel & Co., Inc.	44							
Do.	44A					(*)		
Idaho Meat Packers	45							
Consolidated Dressed Beef Co., Inc.	47							
Midwestern Beef Inc.	53							
Sunnyland Packing Co. of Alabama	56							
Do.	56A					(*)		
Globe Packing Co. of Amarillo	60							
Glover Packing Co.	60A	(*)		(*)	(*)	(*)		
Gooch Packing Co., Inc.	61							
Sunflower Beef Packers of Nebraska	62							
Sanitary Dressed Beef Co.	63					(*)		
Ralph Kelly & Co.	64							(*)
The Quaker Oats Co.	E67							
Meat Quality Laboratory	68			(*)		(*)		
Auburn University Meats Laboratory	71					(*)		
Minch's Wholesale Meats, Inc.	72	(*)						
Armour Thompson & Sons	73					(*)		
Armour & Co.	75			(*)				
Miller Packing Co., Inc.	76	(*)				(*)		
The Eckert Packing Co.	79A							
Do.	79B	(*)				(*)		
The Cudahy Co.	81							
Riviana Foods, Inc.—Hill's Division	E83							
Edgar Packing Co.	84			(*)				
Oakwood Farms Packing Corp.	85							
Triel Packing Co., Inc.	86	(*)				(*)		
Dallas Meat Co.	89	(*)				(*)		
The E. Kahn's Sons Co.	91							
Laredo Packing Co.	92							
Sugardale Foods, Inc.	93					(*)		
Shonyo Packing, Inc.	94	(*)		(*)				
The Kroger Meat Packing Co.	95					(*)		
Central Packing Co., Inc.	96							
Cleve Farm Packing Co., Inc.	97A	(*)				(*)		
A. Koch's Sons	98							
Armour & Co.	100	(*)		(*)				
Mayfield Packing Co.	101	(*)						
J. Kaplan, Inc.	102							
H. Graver Co.	103							
J. Lynn Cornwell, Inc.	107					(*)		
Contris Packing Co., Inc.	110					(*)		
Wilson & Co., Inc.	111	(*)		(*)	(*)			
Morris Beef Co.	112							
The Morris Packing Co.	113							
Producers Packing Co.	114							
The Merchants Co.	116					(*)		
Wm. Davies Co., Inc.	117			(*)		(*)		
Merrhofer Packing Co., Inc.	121	(*)						
E. J. Arche & Sons, Inc.	122							
City Dressed Beef	125							
John Morrell & Co.	126							
John Roth & Son, Inc.	127	(*)				(*)		
Tobin Packing Co., Inc.	130							
Ferrara Meat Co., Inc.	133					(*)		
Kluener Packing Co.	134							
R. B. Packing Co., Inc.	142	(*)				(*)		
Silver Falls Packing Co.	144							
Dallas City Packing, Inc.	153	(*)						
Cornland Dressed Beef, Inc.	156	(*)						
Missouri Farmers Association Packing	157					(*)		
Iowa Packing Co.	159							
Kingan Packing Co.	164	(*)						
New York State College of Agriculture	165			(*)	(*)	(*)		
Swift & Co.	166A							
Felix Healy, Inc.	170							

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Commercial Packing Co., Inc.	302	(*)						
Union Packing Co	305	(*)						
Do	305A	(*)						
Star Packing Co.	306	(*)						
Kaufman Meat Packers, Inc.	310	(*)	(*)					
Melton Provision Co	311	(*)		(*)	(*)			
Ideal Packing Co., Inc	312	(*)				(*)		
Rudy's Farm Co.	315					(*)		
Dutterer's of Manchester, Inc	316A	(*)						
Estes Packing Co	319	(*)				(*)		
Stadler Packing Co., Inc.	320	(*)						
Rudnick Packing Co., Inc	325	(*)	(*)					
Frisco Packing Co	327	(*)						
C&M Meat Packing Corp	329	(*)	(*)					
Royal Packing Co	331A	(*)						
Shapiro Packing Co., Inc	332	(*)	(*)					
Great Western Packing Co., Inc	334	(*)						
Noble's Meat Co	335	(*)						
Chino Valley Meat Packing Co., Inc	336	(*)						
Sam Kane Packing Co	337	(*)	(*)					
Green & Oliver Sausage Co	338					(*)		
Midland Empire Packing Co., Inc.	339	(*)						
Des Moines Packing Co	340	(*)						
Peters Packing Co., Inc	341	(*)				(*)		
Puckett Packing Co	343	(*)						
State Packing Co., Inc	344	(*)						
Anza Packing Co	345	(*)	(*)	(*)				
Union Packing Co	351	(*)						
Samuels E-Tex Packing Co	353	(*)						
Fresno Meat Packing Co	354	(*)	(*)					
Hernando Packing Co., Inc	355	(*)	(*)					
St. Paul Dressed Beef, Inc	357	(*)				(*)		
Clougherty Packing Co	360							
Meyer's Packing Co	363	(*)						
Montebello Meat Packing Co	364	(*)				(*)		
James Allan & Sons	365	(*)		(*)				
Arrow Meat Co., Inc	369	(*)				(*)		
Fischer Packing Co	374	(*)	(*)					
Cross Bros. Meat Packers, Inc	376	(*)	(*)	(*)				
Beeville Packing Co.	377	(*)				(*)		
Salinas Meat Co	378	(*)	(*)	(*)		(*)		
Emge Packing Co., Inc	380	(*)				(*)		
Smithfield Packing Co., Inc	382					(*)		
Acme Markets, Inc	384	(*)						
City Custom Packing Co., Inc.	387	(*)		(*)	(*)	(*)		
Liebmann Packing Co	388	(*)	(*)					
Dugdale Packing Co	390	(*)				(*)		
Oldham's Farm Sausage Co., Inc	392							
Robert L. Runtz, Inc	395	(*)	(*)			(*)		
Dubuque Packing Co	396	(*)	(*)	(*)		(*)		
Logan Packing Co	397	(*)						
Watsonville Dressed Beef, Inc	398	(*)						
Los Banos Abattoir Co	400	(*)	(*)					
Oakridge Smokehouse	401	(*)				(*)		
Owens Country Sausage, Inc	403					(*)		
Williston Packing Co	405	(*)						
Neuhoff Bros	406	(*)	(*)			(*)		
Endlich Packing Co., Inc.	410	(*)						
Alpine Packing Co	412	(*)	(*)					
The Lundy Packing Co	413					(*)		
The Lundy Packing Co	413A					(*)		
Frosty Morn Meats	414	(*)	(*)			(*)		
Minden Beef Co.	417	(*)						
S. Bonaccurso & Sons, Inc	418	(*)	(*)	(*)				
Murray Packing Co., Inc.	421	(*)						
E. W. Knelp, Inc. of Iowa	422	(*)				(*)		
The Collins Packing Co	423							
Kenosha Packing Co., Inc.	425	(*)				(*)		
Fineberg Packing Co.	426	(*)	(*)					
Schneider Packing Co	429	(*)				(*)		
Omaha Dressed Beef Co., Inc.	441	(*)						
Del Curto Meat Co	445	(*)	(*)	(*)		(*)		
A. Diello & Sons, Inc.	448	(*)						
Mankato Packing Co	455	(*)						
Dewitt Packing Corp.	456	(*)	(*)					
Morris Siffkin & Sons, Inc.	460	(*)						
Pioneer Boneless Beef, Inc.	461	(*)						
Lancaster Packing Co.	462	(*)						

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Litvak Packing Co	465	(*)						
Beewat Packing Co	467	(*)	(*)			(*)		
Cornhusker Packing Co	468	(*)						
Dunn Packing Co., Inc	470	(*)						
Oriskany Beef and Veal Corp	472	(*)						
Missouri Beef Packers, Inc	473	(*)						
Fruma Packing Co	476A	(*)						
Mid States Packers, Inc	476	(*)						
Armour & Co	477	(*)						
Virgin Islands Packing Plant	482	(*)		(*)	(*)	(*)		
River Packing Co., Inc	484	(*)	(*)					
St. Cloud Meat Packing Co	485	(*)						
East Tennessee Packing Co	487	(*)				(*)		
Memphis Butchers Association, Inc	488	(*)	(*)	(*)	(*)	(*)		
E. W. Knelp, Inc.	489	(*)						
Goldring Packing Co., Inc	490	(*)	(*)					
Fairbank Farms, Inc	492	(*)						
Mid-State Meat Packers, Inc	494	(*)	(*)					
Roberts Packing Co	495					(*)		
Bartell's Meat Co	497	(*)	(*)	(*)		(*)		
Heim Bros. Packing Co., Inc	498	(*)						
Greenlee Packing Co	501	(*)				(*)		
The Hull & Dillon Packing Co	510	(*)				(*)		
Shen-Valley Meat Packers, Inc	511	(*)	(*)					
Snider Bros., Inc.	512	(*)	(*)					
Capitol Packing Co	513	(*)						
Fletcher's Food Service, Inc	515	(*)				(*)		
Charles Miller & Co	517							
Illinois Packing Co	521	(*)						
Pearl Packing Co., Inc.	524	(*)	(*)	(*)		(*)		
Meat Laboratory-Oklahoma State University	526	(*)	(*)	(*)		(*)		
Sebastopol Meat Co., Inc	527	(*)	(*)	(*)		(*)		
Armour & Co	528	(*)						
Smallwood Packing Co., Inc	529	(*)						
Marysville Meat Packing Co	533	(*)	(*)					
Pepper Packing Co	536	(*)						
Oscar Mayer & Co., Inc.	537A	(*)				(*)		
Do	537B					(*)		
Do	537C					(*)		
Do	537E					(*)		
Midwest Packing Co	538							
Greendell Packing Co	542	(*)						
United Dressed Meat, Inc	546	(*)				(*)		
Pride Packing Co., Inc	549	(*)						
Pinto Packing Co	550	(*)						
Slater Packing Co	551	(*)						
Black Hills Packing Co	554	(*)				(*)		
Mid-South Packers, Inc	557	(*)				(*)		
The Cudahy Co	559	(*)				(*)		
D & W Packing Co	560	(*)	(*)					
Emery Land Co	561	(*)	(*)					
Packerland Packing Co., Inc.	562	(*)				(*)		
John Morrell & Co	564							
Texas Meat Packers, Inc	565	(*)	(*)					
Do	565C	(*)						
Elmer Beutler & Son, Inc	569		(*)	(*)				
Perretta Packing Co., Inc	571	(*)						
David Davies, Inc	575					(*)		
Do	575A	(*)						
Frosty Morn Meats, Inc	576	(*)				(*)		
Armour & Co	579	(*)				(*)		
Kingsford Packing Co., Inc	581	(*)						
Coffeyville Packing Co., Inc	582	(*)						
Stoppenbach Sausage Co	585	(*)				(*)		
Frederick Packing Co., Inc.	586		(*)	(*)		(*)		
Dawson-Baker Packing Co., Inc	588	(*)		(*)				
Swift & Co	591	(*)		(*)		(*)		
Elk Grove Meat Co	601	(*)						
San Antonio Packing Co	602	(*)		(*)	(*)			
Wright Packing Co	603	(*)	(*)					
I. D. Packing Co., Inc.	606			(*)		(*)		
Eastern Oregon Meat Co., Inc	611	(*)				(*)		
National Tea Co	613	(*)				(*)		
Donner Packing Co	614	(*)						
Kunsmer Meat Co., Inc.	617	(*)	(*)	(*)		(*)		
Doskocil Sausage, Inc.	623					(*)		
Star Provision Co	626							

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Big Foot Packing Co., Inc.	627	(*)						
E. A. Miller & Sons Packing Co.	628	(*)	(*)					
H. H. Keim Co	630	(*)		(*)		(*)		
Ebner Bros. Packers	633	(*)						
United Packing Co., Inc.	635	(*)						
Auburn Packing Co., Inc.	636	(*)						
Flanery Meat, Inc.	643	(*)						
Coast Packing Co	645	(*)						
Trans-Continent Packing Co.	E646						(*)	
Bird Provision Co	647					(*)		
Spencer Packing Co	648	(*)						
Schluderberg-Kurkie Co., Inc.	649	(*)	(*)	(*)		(*)		
John Morrell & Co	650					(*)		
Nagle Packing Co	653	(*)						
Wilson & Co., Inc.	655	(*)		(*)				
Baum's Bologna, Inc.	657	(*)						
Loeb & Gottfried, Inc.	658	(*)						
McCook Packing Corp	660	(*)						
Quality Meat Packing Co.	661	(*)	(*)					
Western Meat Packers, Inc.	662	(*)	(*)	(*)	(*)	(*)		
Globe Packing Co	663	(*)						
Thorp's Meats, Inc.	664	(*)	(*)	(*)		(*)		
Webber Sausage Co., Inc.	665					(*)		
Crown Packing	666					(*)		
Scottsbluff Packing Co.	667	(*)						
Central Corset Meats	671	(*)						
Union Packing Co., Inc.	673	(*)						
Carlinets Packing Co., Inc.	675	(*)						
Jacob Bauer's Sons, Inc.	678	(*)						
Armour & Co	680	(*)	(*)	(*)		(*)		
William Taaffe & Co., Inc.	681	(*)	(*)	(*)				
Haas-Davis Packing Co., Inc.	682	(*)				(*)		
Caldwell Packing Co., Inc.	683	(*)						
The William Focke's Sons Co.	685					(*)		
The Buchi Packing Co.	689	(*)				(*)		
Pierce Packing Co	691	(*)				(*)		
Silver State Beef Co., Inc.	692	(*)						
Bryan Meat Co.	693	(*)						
Animal Husbandry Department, Kansas State University.	694	(*)	(*)	(*)		(*)		
Kramer Beef Co	695	(*)						
Gulf Packing Co	696	(*)						
Carter Packing Co	698	(*)						
Central Nebraska Packing Co	E713						(*)	
Davenport Packing Co., Inc.	716	(*)						
Farmbest, Inc.	717					(*)		
Do	717A					(*)		
A. Darlington Strode	718					(*)		
K-M Co	719	(*)				(*)		
The Lobrey Packing Co.	721					(*)		
Swift & Co	726	(*)	(*)	(*)		(*)		
Decker & Son	727					(*)		
Goode Packing Co., Inc.	729	(*)						
Frosty Morn Meats	731	(*)				(*)		
Eller & Son, Inc.	732	(*)	(*)	(*)		(*)		
Western Packers	733	(*)						
The Quaker Oats Co	E734						(*)	(*)
Ohio Packing Co.	736	(*)	(*)			(*)		
Parnell's Packing Co.	738	(*)	(*)	(*)		(*)		
The Jacob Schlachter's Sons Co.	739	(*)	(*)					
Mid-State Meat Co.	741	(*)	(*)					
Highland Packing Co.	746	(*)						
Rughti Inc.	749	(*)	(*)					
Monroe Packing Co., Inc.	755	(*)						
Seitz Packing Co., Inc.	756A	(*)				(*)		
The American Meat Packing Corp.	760					(*)		
Schnake Packing Co., Inc.	761	(*)						
Karler Packing Co.	767	(*)						
Sheridan Meat Co., Inc.	768	(*)	(*)	(*)		(*)		
Earl C. Gibbs, Inc.	770	(*)						
Cadwell Martin Meat Co.	773	(*)						
Atlas Packing Co.	775	(*)						
Central Packing Co.	777	(*)						
The Cudahy Co.	779	(*)	(*)			(*)		
Bryan Bros. Packing Co.	780	(*)	(*)	(*)	(*)	(*)		
Diamond Meat Co., Inc.	783	(*)	(*)					
Granite State Packing Co.	785	(*)						
M. Jacobson Sons Co., Inc.	786	(*)	(*)	(*)				

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Aurora Packing Co., Inc.	788					(*)		
Hatfield Packing Co	791					(*)		
Baum's Meat Packing	792	(*)	(*)					
Rod Barnes Packing Co.	798	(*)						
Western Iowa Pork	806					(*)		
American Beef Packers, Inc.	807	(*)						
Do	807A	(*)						
Amco-Pac Corp	809	(*)						
The G. Erhardt Sons, Inc.	810	(*)	(*)					
Great Western Packing Co. of Nebraska	811			(*)				
Floyd Valley Packing Co	812					(*)		
Castle Brands, Inc.	816					(*)		
Rochester Independent Packer, Inc.	817	(*)						
J. H. Routh Packing Co.	818					(*)		
The Sidney Avenue Beef Co.	822	(*)	(*)					
Sterling Colorado Beef Co.	823	(*)						
Foremost Packing Co.	824					(*)		
Superior Packing Co., Inc.	825			(*)				
Bristol Packing Co.	826	(*)				(*)		
Berchem's Meat Co.	830	(*)						
John Morrell & Co.	836	(*)						
Nat Buring Packing Co. of Arkansas	837B	(*)				(*)		
Frederick County Products, Inc.	838	(*)	(*)					
Redfoot Packing Co.	840	(*)				(*)		
G. Bartusch Packing Co.	843	(*)						
Arena Dressed Beef Co.	853	(*)						
Sioux City Dressed Beef	857	(*)						
Siouxland Dressed Beef Co.	857F	(*)						
Sioux Beef Co.	857-0	(*)						
Jordan Meat and Livestock Co., Inc.	858	(*)	(*)	(*)	(*)	(*)		
Wells and Davies, Inc.	860	(*)				(*)		
Sierra Meat Co.	862	(*)						
Tennessee Dressed Beef Co.	865	(*)						
Genesee Packing Co.	868	(*)						
Hardy and Co., Inc.	869	(*)	(*)					
Long Creek Meat Co.	870	(*)						
Santa Ana Packing Co.	874	(*)						
Pahler Packing Corp.	881	(*)						
Swanton Packing Corp.	883	(*)						
Alco Packing Co.	885	(*)	(*)	(*)		(*)		
Walden Packing Co., Inc.	886	(*)						
J. F. O'Neill Packing Co.	889	(*)						
City Packing Co.	891	(*)	(*)	(*)		(*)		
Sambol Packing Co.	892	(*)						
Tobin Packing Co., Inc.	893					(*)		
Vernon Calhoun Packing Co.	897	(*)						
Meat, Inc.	899	(*)						
Sigman Meat Co., Inc.	901	(*)						
Do	901B					(*)		
Party Packing Corp.	902	(*)						
Kane's Dressed Beef	907	(*)						
B. Constantino & Sons Co.	918	(*)						
Alico Packing Co.	921	(*)						
Valleydale Packers, Inc. of Briston	922	(*)	(*)			(*)		
South Philadelphia Willowbrook, Inc.	923	(*)						
Wisconsin Packing Co.	924	(*)						
Peoples Packing Co.	925	(*)	(*)					
Kerber Packing Co.	929					(*)		
Tarpoff Packing Co.	931	(*)						
Parsons Beef Co., Inc.	932	(*)						
E. B. Manning & Son	934	(*)						
Blue Ribbon Beef Pack, Inc.	935	(*)						
Voltz Packing Co.	938	(*)						
Cappellino Abattoir, Inc.	939	(*)						
Gentner Packing Co., Inc.	941	(*)						
Hillcrest Packing Co.	943	(*)				(*)		
M. Ritter & Co.	948	(*)						
Joe Doctorman & Son Packing Co., Inc.	949	(*)	(*)	(*)		(*)		
Kennedy's Sausage Co.	950					(*)		
Bob Evans Farms Michigan, Inc.	952					(*)		
Armour & Co.	956					(*)		
Thompson Farms Co	959					(*)		
Greater Omaha Packing Co. Inc.	960	(*)						
Potter Sausage Product, Inc.	961					(*)		
Virginia Packing Co. Inc.	963	(*)	(*)	(*)				
Interstate Meats, Inc.	966	(*)						
Lay Packing Co.	967	(*)				(*)		
Monfort Packing Co	969	(*)		(*)				

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Wyoming Packing Co., Inc.	2533							
Springfield Dressed Beef, Inc.	2990							
Margolin Packing Co., Inc.	2992							
Hunter Packing Co.	2995							
Dubuque Packing Co.	2998							
Hoosiers Packing Co.	2999							
Dig Quoin Packing Co.	3002							
I. W. Tuttle & Sons, Inc.	3012							
Manitoba Pigeon Foods	3012 A							
W. F. Holt Provision Co., Inc.	3062							
Stowell Bros.	3070							
Blue Mountain Meats	3080							
Lewis & McDermott	3085							
Grandin Meat and Livestock Co.	3087							
Grand Meat Packing Corp.	3803							
Fort Plain Packing Co., Inc.	3074							
Double A Meat Packing, Inc.	5102							
Ralph Packing Co., Inc.	5238							
Hamilton Dressed Veal Co., Inc.	5301							
Mid-Continent Packing House	5301							
Morris Mendel & Co.	5309							
Klutch & Schuller, Inc.	5310							
Eastman Meat Products, Inc.	5316							
William C. Packer & Sons, Inc.	6001							
Hillside Packing Co.	6001							
Hillcrest Meat Co., Inc.	6010							
E. & B. Meat Co., Inc.	6035							
Cities Dressed Meat Co.	6040							
Mount Vernon Meat Co., Inc.	6040							
Eagle Meat Packers, Inc.	6041							
Wilson Packing Co.	6042							
McRae Pack, Inc.	6043							
Florence Packing Co., Inc.	6044							
Davis Meat Co.	6044							
Swift Packing Co.	6045							
South Texas Packers, Inc.	6056							
Arizona Meat Packers	6062							
Tulare Meat Co.	6063							
Redwood Meat Co.	6066							
Kalinkuk Packing Co.	6071							
Edmonds Meat Products Co.	6073							
Grandview Packing Co.	6083							
Arnoldale Meat Co.	6084							
Kadgy Meat Co.	6110							
Allocator Meat Co.	6113							
Mid-Continent Packing Co.	6114							
Cuyahoga Meat Co.	6126							
Green Hill, Inc.	6133							
George H. Meyer Sons, Inc.	6524							
Guard Hill Meats, Inc.	6536							
Guard Hill Beef, Inc.	6536							
Quality Sausage Co., Inc.	6541							
Odom Sausage Co., Inc.	6544							
C. Rice Packing Co., Inc.	6546							
Suffolk Packing Co.	6546							
Hartz Mountain Meats	6547							
Haven Meats, Inc.	6559							
Whiteville Packing Co., Inc.	6563							
Edwards Sausage Co., Inc.	6570							
Ledford's Livestock Farm Slaughter	6601A							
Inc.								
White Packing Co.	6595							
Primost Packing Co.	6756							
Star Meat Co.	6760							
Walter Packing, Inc.	6775							
Gallman Packing Co.	7000							
Deming Packing Co., Inc.	7005							
Chaparral Packing Co.	7010							
Jimmy Dean Meat Co.	7017							
Beard Packing Co.	7021							
Hatch Packing Co., Inc.	7021							

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Hawaii Meat Co., Ltd.	970							
Longhorn Meat Packers, Inc.	976							
National Food Stores Inc.	981							
Rocky Mountain Packing Co.	983							
Hoopers Packing Co.	1005							
Everett C. Hurlein & Son, Inc.	1008							
Sunflower Packing Co., Inc.	1092							
Johnson Meat Products Co., Inc.	1093							
Klaer's of Kentucky, Inc.	1095A							
Do.	1095C							
The Home Pride Provisions, Inc.	1129							
Armour & Co.	1165							
Landy Packing Co.	1171							
The Iowa Packing Co.	1175							
Wayne Packing Co.	1303							
A. F. Moyer & Sons, Inc.	1311							
McCabe Packing Plant	1312							
H & H Packing Co.	1315							
Nebraska Dressed Beef Co.	1318							
Associated Meat Packers, Inc.	1472							
Stevens Meat Co., Inc.	1485							
James Sausage Co.	1718							
Greensboro Packing Co., Inc.	1765							
J. & J. Packing Co.	3035							
Ozark Packing Co.	3054							
Odom Sausage Company of Kentucky, Inc.	2094							
Jesse Jones Sausage Co., Inc.	2110							
F & H Packing Co., Inc.	2211							
Hygrade Packing Co., Inc.	2215							
Yonkum Packing Co., Ltd.	2216							
Burlison Packing Co.	2224							
Pace Packing Co.	2228							
Ridley Packing Co.	2230							
South Texas Packers, Inc.	2239							
George Braun Packing Co., Inc.	2253							
Tiny Packing Co.	2254							
Loveland Packing Co., Inc.	2259							
Broadaway Packing Co., Inc.	2264							
Ridley Packing Co.	2265							
L. A. Frey & Sons, Inc.	2264A							
Panhandle Packing Co.	2267							
Wright Packing Co.	2269							
Lamesa Meat Co.	2272							
Amarillo Packing Co.	2274							
Hunter Packing Co.	2274							
Valley Packing Co.	2280							
Husband Bros. Packing Co.	2284							
Rollins Packing Co.	2285							
Wells Meat Co.	2286							
Plant Packing Co., Inc.	2295							
Duckworth Packing Co.	2296							
Amana Society Meat Department	2357							
Theis Packing Co., Inc.	2367							
Grote Meat Co.	2369							
Worthington Packing Co.	2370							
Clayton Packing Co.	2373							
Smit & Son, Inc.	2375							
Schuyler Packing Co.	2379							
Partin Sausage Co.	2385							
Marshall Packing Co., Inc.	2386							
Clinton Packing Co.	2387							
Gustav R. Nissen & Son Packing Co	2388							
United Meat Co., Inc.	2396							
Pony Express Ranch	2398							
South Side Packing Co., Inc.	2402							
Quality Packinghouse, Inc.	2424							
New Butte Butchering Co.	2435							
M. Lucci, Inc.	3437							
John R. Daniel, Inc.	3444							
Rocky Mountain Packing Co., Inc.	3450							
Clmpl Packing Co.	2455							
	2460							

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Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Sixty Six Packing Co.	7023		(*)	(*)	(*)		(*)	
Western Meat Packers, Inc.	7028		(*)	(*)			(*)	
Brown's Meat Locker	7065		(*)	(*)	(*)	(*)	(*)	
Interstate Packing Co.	7056		(*)	(*)	(*)	(*)	(*)	
Coleman Sausage Co.	7401						(*)	
Henry W. Stapf	7402			(*)	(*)			

Done at Washington, D.C., on August 8, 1969.

G. H. WISE,
Deputy Administrator
Consumer Protection.

[F.R. Doc. 69-9638; Filed, Aug. 18, 1969; 8:45 a.m.]

Federal Crop Insurance Corporation

[Notice 45]

CITRUS—FLORIDA

Extension of the Closing Date for Filing of Applications for the 1969 Crop Year

Pursuant to the authority contained in § 410.22 of Title 7 of the Code of Federal Regulations, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for citrus crop insurance for the 1969 crop year in all counties in Florida where such insurance is otherwise authorized to be offered is hereby extended until the close of business on August 29, 1969. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

RICHARD H. ASLAKSON,
Manager, Federal
Crop Insurance Corporation.

[F.R. Doc. 69-9793; Filed, Aug. 18, 1969; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20946, 20978]

HARLLEE BRANCH, JR., ET AL., AND UNITED STATES STEEL CORP.

Notice of Prehearing Conference

Applications of Harllee Branch, Jr., et al., and United States Steel Corp., for disclaimer of jurisdiction or approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 8, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Milton H. Shapiro.

Dated at Washington, D.C., August 13, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-9779; Filed, Aug. 18, 1969; 8:49 a.m.]

[Dockets Nos. 18078, 21150; Order No. 69-8-78]

TRANSATLANTIC AND TRANSPACIFIC PRIORITY MAIL

Order To Show Cause Regarding Service Mail Rates

Service Mail Rates for Transatlantic and Transpacific Priority Mail, Docket No. 18078; Service Mail Rates for Military Ordinary Mail, Docket No. 18078; Service Mail Rates for Trans World Airlines, Inc., Docket No. 21150.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of August 1969.

By Order 69-4-90, dated April 15, 1969, Trans World Airlines, Inc. (TWA), was awarded a certificate of public convenience and necessity authorizing it to engage in overseas and foreign air transportation with respect to persons, property, and mail over a transpacific route (Route 164). No service mail rates are currently in effect for transpacific mail services by TWA. By petition filed July 1, 1969, TWA has requested that the service mail rates in effect for U.S. transpacific air carriers be made applicable to its newly authorized transpacific operations.

TWA requests that the outstanding service mail rate orders for transpacific priority mail (Order 68-9-9) and military ordinary mail (Order 68-9-8) be amended to make the rates established therein for Pan American World Airways, Inc., Northwest Airlines, Inc., and The Flying Tiger Line Inc., applicable to the transpacific operations of TWA.

On July 9, 1969, the Postmaster General filed a reply supporting TWA's petition with the provision that Bombay, India, be designated as the dividing point between the applicability of transpacific and transatlantic rates.

Since an overlap of TWA's transatlantic and transpacific routes is created by its new transpacific route authorization, TWA's request that the mail rates of other transpacific carriers to be made applicable to its similar services in effect opens its transatlantic mail rate for the purpose of eliminating the conflict in TWA's mail rates created by this overlap. Accordingly, we propose to amend TWA's transatlantic priority mail rate order to provide that the transatlantic rate will not apply east of Bombay, India.

In order that TWA's service mail rates may be the same as those applicable to other carriers providing competitive services, the Board proposes to issue an order including the following findings and conclusions:

(1) On and after July 1, 1969, the fair and reasonable final service mail rates to be paid to Trans World Airlines, Inc., for the transportation of mail over its transpacific routes, the facilities used and useful therefor, and the services connected therewith shall be as follows:

(a) For priority mail, the current service mail rate established for transpacific services by Order 68-9-9, September 4, 1968, as amended, and as it shall be further amended to establish standard mileages applicable to services of Trans World Airlines, Inc.;

(b) For military ordinary mail, the current final mail rate established for military ordinary mail by Order 68-9-8, September 4, 1968, as amended.

(2) On and after July 1, 1969, the fair and reasonable final service mail rates to be paid to Trans World Airlines, Inc., for the transportation of mail over its transatlantic routes west of Bombay, India, the facilities used and useful therefor, and the services connected therewith shall be the current service mail rate established for transatlantic services by Order 68-9-9, September 4, 1968, as amended.

(3) The foregoing findings and conclusions shall be implemented by the following amendments to Board orders:

(a) Order 68-9-9, dated September 4, 1968, as amended, shall be further amended as follows:

(i) By deleting footnote 1 and substituting the following footnote:

[1] "Transatlantic service" as used herein is defined as those services performed by Pan American, Seaboard, and TWA over their respective routes, as authorized by certificates of public convenience and necessity or exemptions:

(1) Between points in the United States, on the one hand, and points in Bermuda, Europe, Africa, and Asia (but in the case of TWA not east of Bombay, India), on the other hand, via the Atlantic; and

(2) Between points in Bermuda, Europe, Africa, and Asia (but in the case of TWA not east of Bombay, India).

(ii) By amending the introductory sentence in footnote 2 to read as follows:

[2] "Transpacific service" as used herein is defined as those services performed by Pan American, Northwest, Flying Tiger, and TWA over their respective routes:

(iii) By inserting the following sentence before the last sentence of paragraph 1.c. on page 2 thereof: "On and after July 1, 1969, the transpacific services of Trans World Airlines, Inc., shall be compensated at the rate of 28.8 cents per ton-mile."

(b) Order 68-9-8, dated September 4, 1968, as amended, shall be further amended as follows:

(i) By amending the introductory sentence in footnote 3 to read as follows:

[3] "Transpacific service" as used herein is defined as those services performed by Pan American, Northwest, Flying Tiger, and TWA over their respective routes:

(ii) By inserting the following sentence at the end of the paragraph on page 2 thereof: "On and after July 1, 1969, the rate of compensation for the transpacific services of Trans World Airlines, Inc., for this class of mail shall be 21.84 cents per ton-mile."

(4) The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302,

It is ordered, That:

1. All interested persons, and particularly Trans World Airlines, Inc., and the Postmaster General, are directed to show cause why the Board should not publish the final rates specified above as the fair and reasonable rates of compensation to be paid to Trans World Airlines, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

This order shall be served upon Trans World Airlines, Inc., and the Postmaster General.

This Order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9780; Filed, Aug. 18, 1969; 8:49 a.m.]

[Docket No. 21305; Order 69-8-75]

AIR TRAFFIC CONFERENCE OF AMERICA

Order of Approval, Disapproval, and Deferral

Adopted by the Civil Aeronautics Board at its office in Washinfton, D.C., on the 13th day of August 1969.

On July 10, 1969, the members of the Air Traffic Conference of America (ATC) filed with the Board for approval under section 412 of the Federal Aviation Act of 1958, as amended (the Act), a resolution relating to increased commission payments to travel agents, and to amendments to its procedures for the selection and retention of travel agents. The resolution is reproduced in its entirety in Appendix A.[1]

New Commission Structure. A summary of the new commission structure is as follows:

Point-to-point sales for a single passenger ticket priced:

$70 or lower	5%
$70 and up to and including $140	6%
Over $140	7%

No change was made in the level of commissions (3%) for point-to-point tickets sold at in-plant agency locations.

Discover America and Family Travel Sales. Rates for "Discover America" and "family travel" tickets were increased from 7 to 8 percent. This new commission rate has been extended to cover all "family travel," instead of just travel under the family plan tariff fares, as heretofore. As before, the "family travel" commission level will not apply to intra-Hawaiian travel.

Tour Commission Levels. Commission rates paid for Advertised and Independent Air Tours have been increased from 10 percent to 11 percent, excepting those portions of these tours involving intra-Hawaiian transportation which continue at the 10 percent level. Convention and Incentive tours also will continue to be commissionable at 10 percent.

Commission Level for Sales of Tickets Under Universal Air Travel Plan. The commission rates applicable to "Discover America," "family travel," and "tours" will also be applicable in the sales made by travel agents under the Universal Air Travel Plan.

A minimum commission of $1 will apply to any travel agent sale of commissionable air transportation at other than "in-plan" agency locations.

Supporting Information Supplied by ATC. ATC estimates that the increases in commission rates will raise travel agency industry revenue by at least $20 million the first year, an increase of almost 29 percent over the agency industry income from domestic air sales as reported in the "Domestic Air Travel Marketing Cost Study"; and believes that as travel agency sales expand as a result of the incentives provided by the new program and with the general growth of air travel, future travel agency industry revenue will grow proportionately. Moreover, ATC believes that well over half of the value of travel agency ticket sales will fall into the "over $70" category, and thus will receive a minimum commission boost of 20 percent; and points out that airline analysis of actual "point-to-point" tickets sold by travel agents shows that there is a significant weighting of sales in the "over $140" bracket, tickets on which the new 40 percent higher commission rate of 7 percent will apply. It believes that the incentive clearly has been provided under this approach for the travel agent to "sell" more air travel; i.e., to convince his client to buy a round-trip ticket, to encourage him to visit another city, and so forth. Thus, ATC believes that the travel agent is given an incentive to seek out the discretionary traveler in the "point-to-point" category and to convince him to use more air transportation.

ATC points out that commission rates on tickets sold under the "Discover America" excursion tariff and those tickets sold for families have been increased by 14 percent—from 7 percent of the ticket price to 8 percent. But equally significant, ATC submits, is the fact that the 8 percent commission now will also apply to family groups (as defined in the Family Fares tariff) who are traveling during periods in which specific Family Fares are not available, representing a 60 percent increase over the current 5 percent commission level for such sales. Thus, ATC believes that travel agents are given the opportunity to take advantage of another significant increase to sell actively more discretionary air travel—in this case, travel by accompanying family members.

According to ATC, a brand new market is to be opened for the first time to the travel agents by the payment of the new standard commission rate on "Discover America" and "family travel" tickets sold against the Universal Air Travel Plan Travel Cards. This market, it states, has an estimated $100 million potential, one that is limited only by the salesmanship capabilities of the agents.

Other Changes in the Agency Resolution. Numbered paragraphs 2 through 6 in the attached resolution contain amendments to the ATC Agency Resolution (Resolution 80.10) with corollary amendments to the ATC Sales Agency Agreement (Resolution 80.15), which amendments, according to ATC, are an integral part of the unified program adopted by ATC. The carriers believe that these amendments not only strengthen the overall ATC agency program, but also are designed to function with the commission increases to improve the economic position of the travel agency industry.

(1) Numbered paragraph 2 which becomes effective 90 days after Board approval, establishes new criteria for the addition of new locations to the approved ATC agency list. In summary, no new locations would be added to the list in areas in which 25 percent or more of those existing locations which have been in business 2 or more years have not sold at least $150,000 in air passenger transportation on Standard agent's tickets during the most recent calendar year. An exception is provided when there is only one location in a given area. Paragraph 22 of the ATC Sales Agency Agreement (Resolution 80.15) is amended to prevent moving an existing authorized agency location into an area which would not be available for new locations.

ATC states that the existing agency program attracts hundreds of new applicants each year and with the newly adopted commission levels, it is expected that even greater numbers will desire to try their hand in the travel agency field.

[1] Filed as part of the original document.

The carriers point out that supplementary cost study report shows that 85 percent of locations doing less than $100,000 in total air sales annually operate at an overall loss and 62 percent of locations selling less than $200,000 in total air sales operate at a loss. Therefore, it is alleged that about three-fourths of those locations with total air sales of $150,000 or less are losing money from their business as a whole; and that if 25 percent of the locations in an area are not selling $150,000 or more, the market potential for that area is saturated and further dilution of such markets by the introduction of new locations is not justified.

ATC emphasizes that the $150,000 figure is based upon total sales under the Area Settlement Plan and thus includes domestic and international sales made by the agent on virtually all scheduled airlines, both United States and foreign flag. It states that based upon area bank figures for the calendar year 1968, a total of 398 areas would not be available for additional locations while 1,568 areas would remain available. In addition, the thousands of areas throughout the United States where there now is no agency represenation would also be available. The list of nonavailable areas, according to ATC, will be revised annually based upon the previous calendar year's sales and an area will become available for new locations when the sales of existing agents increase sufficiently. In this regard, ATC believes these provisions should be considered in conjunction with the annual productivity review provided for in paragraph 3 of the resolution, discussed below, for the annual review will result in the eventual removal of most locations producing less than $150,000 annually in air sales. Hence, the nonavailability of any area will be of a temporary nature.

(2) The amendments in numbered paragraph 3, which become effective January 1, 1971, subject to prior Board approval, represent a companion to the area productivity standard. According to ATC, the amendment adds an objective minimum standard to the long existing provision that agents are expected to produce an adequate amount of business in order to remain on the Agency List. This standard has been established as $150,000 in total annual sales on scheduled certificated U.S. airlines or foreign air carriers, including sales under the Area Settlement Plan, sales on the ticket stock of individual carriers, whether or not a participant in the Area Settlement Plan, and all credit card sales (credit card sales are not currently included in area bank figures). ATC believes that with the inclusion of all such sales in the annual productivity review standard, it is reasonable to require that any agent which purports to represent the air carriers in the promotion and sale of air transportation must achieve annual sales of $150,000—an average of only $12,500 each month.

ATC notes that since all sales on scheduled certificated U.S. airlines or foreign air carriers are included in the annual productivity standard of $150,000, that figure has the effect of being lower than the same dollar amount, defined in terms of Area Settlement Plan sales alone, in the new entry standard discussed in connection with paragraph 2 of the resolution. Agency locations which have been on the agency list for at least 2 full calendar years and which do not meet the annual productivity standard of $150,000 will be removed from the agency list.

ATC states that, as previously noted, the annual productivity review works with the area productivity standard to assure the temporary nature of any area being closed to additional locations; that it cannot be assumed that growth in air transportation or other marketing factors alone would serve to assure the ultimate availability of any area for new agency location; and that the annual review and removal of low-producing locations is a necessary additional vehicle whereby areas not available because of economic conditions among existing agents will be opened.

(3) The amendments in numbered paragraph 4 of the attached resolution, which are to become effective upon Board approval, clarify the existing requirements that travel agency locations are expected to be separated from any other type of business which may be conducted on the premises, to be identified clearly as a travel agency and to be adequate in dimensions and appearance to conduct the business of a travel agency representing the carriers.

(4) The amendment in numbered paragraph 5, which is to become effective 90 days after Board approval, will remove the contractual bar which now exists in the Sales Agency Agreement to the collection of service charges by agents, while still maintaining the necessary requirement that agents comply with the provisions of the Act and regulations of the Board. According to ATC, the amendment establishes that ATC members have no objection to the collection of service charges so long as any service charge is consistent with statutory and Board requirements, is not included in the fare nor shown in any manner on the airline tickets or exchange orders, and is separately stated in writing to the customer.

(5) The amendment in numbered paragraph 6, which becomes effective 90 days after Board approval, removes from the ATC Sales Agency Agreement the contractual requirement that the agent must sell any air transportation services provided by the carriers. According to ATC, many agents have stated that they prefer not to sell certain types of tickets and, in fact, it is reported that some agents refuse certain sales. This amendment would permit that practice by enabling the agent to elect to limit his representation of the carrier to certain specific product lines so long as the agent limits its representation of all carriers' services alike and so notifies the Executive Secretary in writing.

Preliminary comments have been received from the so-called Travel Agent Unity Committee, composed of representatives of the American Society of Travel Agents, Association of Retail Travel Agents, Association of Bank Travel Bureaus, American Automobile Association, and American Express Co.[2] The Committee urges temporary Board approval of the commission aspects of the resolution pending full scale investigation by the Board of the entire agency compensation question.

Upon consideration of the foregoing, the Board has decided to grant temporary approval of the commission aspects of the resolution and to defer action on the remaining features of the resolution pending public comment on all aspects of the agreement. In reaching these conclusions the Board believes in the light of the long pendency of the issue of adequate agency compensation[3] it would be inappropriate to delay modification of the existing commission rate structure pending resolution of any issues which might arise as to the adequacy of such new commission levels of those issues which might be raised by the modified appointment and retention standards. Thus, we conclude that immediate approval of the new commission structure in the form agreed to by the members of ATC for a temporary period, is required by the public interest. In keeping with that objective, the Board is withdrawing its approval of the existing commission structure as presently set forth in Agreement CAB 5044, as amended.[4]

In determining to grant temporary approval of the new commission rates, the Board finds such rates to be reasonable on a temporary basis from the standpoint of the air carriers and the agents, as witnessed by the carriers' acquiescence to them, the conclusions in the "Domestic Air Travel Marketing Cost Study," and the measure of relief afforded to the ticket agents. Although we note that the carriers' proposal to establish the new rates contemplates Board approval of the entire agreement, no showing has been made, and we are unable to conclude, that the remainder of the agreement is so related to the commission rates as to preclude our temporary approval of the new rates and a deferral of action on the remainder of the agreement.

The balance of the agreement raises new issues not heretofore considered by the Board which may be of significance not only to existing approved agents, but also to persons who might seek ATC agency approval in the future. In addition, the matters of service charges and selective selling would appear to have an impact on the general public and before acting on these proposals we believe the general public should have an opportunity to comment. For these reasons as previously stated, the Board has decided to defer action temporarily on the new

[2] The letter states that the unity committee is preparing more detailed comments on the matter which will be filed with the Board in the near future.

[3] See Order E-22553, Aug. 17, 1965.

[4] We note that under the terms of the resolution the revised commission rates are to be effective the first day of the calendar month falling at least 10 days after the date of approval by the Board. Our disapproval of the existing commission rates, therefore, will become effective the same date.

appointment and retention standards and allow interested persons to file comments in support of or in opposition to approval of the proposals. In this connection, information on the questions listed in Appendix B would be desirable, but comments should not necessarily be limited to these items.[5]

In conclusion, the Board finds (1) that temporary approval of paragraph numbered 1 of Agreement CAB 5044–A144 is not adverse to the public interest or in violation of the Act; (2) that continued approval of Agreement CAB 5044, as amended, to the extent that it establishes commission rates payable to travel agents different from those set forth in Agreement CAB 5044–A144 is adverse to the public interest and should be disapproved; and (3) that action on paragraphs numbered 2 through 6 of Agreement CAB 5044–A144 should be deferred.

Accordingly, it is ordered:

1. That paragraph numbered 1 of Agreement CAB 5044–A144 be and it hereby is approved pending final decision in this proceeding; [6]

2. That Agreement CAB 5044, as amended, to the extent that it establishes commission rates payable to travel agents for sale of the same product lines different from those set forth in Agreement CAB 5044–A144 be and it hereby is disapproved;

3. That action on paragraphs numbered 2 through 6 of Agreement CAB 5044–A144 be and hereby is deferred;

4. That interested persons are afforded a period of 30 days from the date of this order to file comments in support of or in opposition to Agreement CAB 5044–A144; [7]

5. That this order shall become effective immediately, except that the disapproval set forth in ordering paragraph 2, hereof, shall become effective the first day of the calendar month falling at least 10 days after the date of this order, i.e., the same date upon which the new commission rates dealt with in ordering paragraph 1 become effective; and

6. That this proceeding be assigned Docket 21305.

This order will be served upon all scheduled certificated air carriers, ATC, the American Society of Travel Agents, the Association of Retail Travel Agents, the Association of Bank Travel Bureaus, the American Automobile Association, the American Express Co., and the Department of Justice and shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-9778; Filed, Aug. 18, 1969; 8:49 a.m.]

[5] The Board will also consider such evidence as may be submitted regarding future procedural steps it should undertake in this proceeding.

[6] In this connection it would be desirable that comments on the commission structure include, but not necessarily be limited to, information on the questions listed in Appendix B.

[7] An original and 19 copies should be filed with the Board's Docket Section.

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under the authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Associate Director of Science and Education, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9767; Filed, Aug. 18, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Director of Juvenile Delinquency, Office of the Administrator, Social and Rehabilitation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 9768; Filed, Aug. 18, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Legislation (Health), Office of the Assistant Secretary for Legislation, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9769; Filed, Aug. 18, 1969; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Confidential Assistant, Internal Security Division" to "Staff Assistant, Internal Security Division".

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9770; Filed, Aug. 18, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Deputy Under Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9771; Filed, Aug. 18, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator, Federal Railroad Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9772; Filed, Aug. 18, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator, Urban Mass Transportation Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9773; Filed, Aug. 18, 1969; 8:48 a.m.]

TREASURY DEPARTMENT

Notice of Title Change in Noncareer Executive Assignments

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Director, Office of Tax Legislation, Office of the Secretary" to "Director, Office of Tax Legislative Counsel".

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9774; Filed, Aug. 18, 1969; 8:48 a.m.]

TREASURY DEPARTMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Treasury Department to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary (Secret Service).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9775; Filed, Aug. 18, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18500; FCC 69R-337]

CHRONICLE BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Chronicle Broadcasting Co., San Francisco, Calif., for renewal of licenses of Station-KRON FM, Station-KRON TV, San Francisco, Calif.

1. The applications of Chronicle Broadcasting Co. (KRON), for renewal of licenses were designated for hearing by the Commission on issues to ascertain whether KRON has obtained an undue concentration of control of the mass media i nthe San Francisco Bay area; whether KRON has engaged in monopolistic or anticompetitive practices; and whether KRON has used its facilities to manage or slant news and public affairs programing (16 FCC 2d 883, 15 RR 2d 1020 (1969)). Albert Kihn and Blanche Streeter, whose complaints formed the bases for designating the proceeding for hearing, were named parties. Now before the Review Board is a motion to amend or add issue,[1] filed July 3, 1969, by Kihn and Streeter jointly. The crux of the petitioners' request is their assertion that KRON has engaged private investigators, who, by their conduct both towards Kihn and Streeter personally and towards persons well known to Kihn and Streeter, have sought to intimidate, coerce, and harass the petitioners because of their involvement in this proceeding.

2. In support of this assertion, petitioners submit an affidavit by Mr. Kihn, in which he recites several of the alleged incidents of harassment. Specifically, Kihn alleges, in late March 1969, he was followed by two radio equipped cars during the course of a drive through a remote mountain area; when he stopped at an ocean beach, one of the cars also stopped; when Mr. Kihn resumed his drive, the car continued to follow him. Disturbed, Mr. Kihn claims to have reported the matter to the local police from whom he learned, the affidavit states, that he was being investigated by private detectives. "I * * * believe", Mr. Kihn recites in his affidavit, that the named investigators have been employed from time-to-time by KRON. Mr. Kihn further alleges in his affidavit he has been informed by both his former wife and his present wife's ex-husband that they have been approached by private investigators, posing as bonding agents, and that these agents asked certain highly personal questions about Mr. Kihn. According to the affidavit, Mr. Kihn's ex-wife was asked such questions as: Did Mr. Kihn belong to any group trying to get KRON's license; could he belong to a "conspiracy" to obtain the license; did he belong to any organization "espousing the overthrow of the Establishment"? Similar questions were, the affiant asserts, asked of Mr. Kihn's present wife's former husband: Is Kihn a hippie; what about his moral character; where did he stay after the separation from his first wife; what about his political leanings; what about marijuana? Finally, the affidavit recites, Mr. Kihn was informed by his neighbors that a man in an automobile had been parked in front of his home—stationed so that Mr. Kihn's coming and going could be observed without the car itself being observed—for a period of 2 weeks, until the neighbors indicated that they would report the matter to the police. These incidents, the affidavit concludes, "were intended to harass and intimidate me." No affidavit by Mrs. Streeter is submitted; the petitioners aver, however, that her former husband and former mother-in-law were approached by investigators and asked questions similar to those described by Mr. Kihn. Further, the petitioners contend, she was informed by Mr. Dale Champion, an employee of the San Francisco Chronicle,[2] in the presence of witnesses, that she was being followed by an investigator; that Mr. Kihn was also being followed; and that KRON "would stop at nothing" to secure renewal of its licenses.

3. The petitioners contend that they only recently established that it was investigators employed by KRON who were involved in the alleged incidents of harassment and attempted intimidation; that the conduct in question occurred as recently as 3 weeks ago; and that, for these reasons, the petition could not have been filed earlier. KRON's responsibility for the coercion, harassment, and intimidation of the petitioners, it is urged, raises a serious question as to whether renewal of its license would be in the public interest and warrants imposition of an appropriate issue.[3]

4. KRON opposes the request for an issue, contending that the conduct complained of does not constitute harassment or intimidation. KRON states that, through local counsel, it hired investigators to inquire into the background of Kihn and Streeter, preparatory to the hearing in this proceeding. Because the hearing is adversarial in nature, KRON asserts, it is entitled to "use all customary and legitimate methods" of obtaining information regarding its adversaries, Kihn and Streeter; this information, KRON insists, was acquired in the "customary manner." The petitioners' complaint, KRON alleges, is not addressed to any improper use of the information obtained by the investigators, but rather to the fact of the investigation itself. However, KRON contends there was nothing improper in the investigation itself and, it stresses, the information obtained has not and will not be used except at "a proper proceeding." Further, KRON asserts that Kihn and Streeter's adversarial posture is not confined to the present proceeding. Mrs. Streeter, it is noted, is also the plaintiff in a civil antitrust suit against Chronicle Publishing and has appeared before the Senate Antitrust and Monopoly Committee at hearings relating to KRON. Mrs. Streeter's claim that she was threatened by Mr. Dale Champion of the San Francisco Chronicle, KRON contends, was originally made before that Senate subcommittee and was flatly denied by Mr. Champion.[4] As to Mr. Kihn, KRON alleges that he "embarked on a vendetta against KRON in particular and broadcasting in general"; that, while employed as a KRON cameraman, he used his position in what "appears to KRON to be a preconceived plan to destroy the station"; that he has filed numerous complaints against the station with this Commission and with the

[1] Related pleadings before the Board are: Affidavit of Albert Kihn in support of motion to amend or add issue, filed July 11, 1969; Broadcast Bureau comments, filed July 14, 1969; opposition, filed July 16, 1969, by KRON; and reply, filed July 23, 1969, by Kihn and Streeter.

[2] The newspaper and broadcast facilities are under common ownership.

[3] Alternatively, the petitioners ask that the existing issues be clarified to permit adduction of evidence with respect to the claimed coercion, intimidation, and harassment.

[4] A copy of Mr. Champion's letter to the subcommittee is submitted with the opposition.

House Interstate Commerce Committee and the Senate Antitrust Subcommittee; and that he has sought to publicize his activities through appearances before the Senate subcommittee and on nationwide television and through cooperation with the editor of the San Francisco Bay Guardian. Further, KRON charges, Kihn and Streeter are represented by common counsel who also represents a corporation which, according to KRON, seeks KRON's license.

5. Finally, KRON claims, the petition to enlarge issues is procedurally defective in that it was not filed within the time limits prescribed by Rule 1.229(b) and "good cause" for such untimely filing has not been shown. In this respect, KRON claims that the petitioners first complained of harassment at a deposition held May 7, 1969. The identical complaint was made before the Senate subcommittee on June 12, 1969, KRON points out, but the petition to enlarge issues was not filed until July 11, and no adequate explanation of the delay is offered. In the last analysis, KRON contends that its investigations of "the background, past activities and connections" of the petitioners were no more than "customary and necessary steps" in defending itself against "false and unfair charges." If there is any substance to petitioners' complaint, KRON suggests that the Department of Justice is the agency to make that determination,[4] and, KRON concludes, the petition to enlarge issues should be denied. The Broadcast Bureau also points to certain alleged procedural defects in the petition to enlarge issues. Asserting that the petitioners have raised "a serious question as to possible harassment," the Bureau claims that the allegations are based principally upon hearsay statements by persons—i.e., Kihn's ex-wife, Streeter's ex-husband—who are not parties to the proceeding; hearsay, the Bureau contends, does not provide a proper foundation for the enlargement of issues.

6. In reply, petitioners argue that KRON has, in its opposition, conceded for the first time that it had hired the detectives whose conduct is complained of; and that, had such concession been made earlier the petition to enlarge would have been earlier filed.[5] The detectives' conduct, the petitioners claim, may well constitute a violation of 18 U.S.C. section 1505, which prohibits attempts, by force, corruption, or threatening communications, to influence, impede, or intimidate witnesses before Federal agencies; the provision, it is asserted, applies to proceedings before the Commission and to witnesses, such as Kihn and Streeter, who are also parties. Petitioners further allege that KRON, in its opposition, "has again attempted to vilify Mr. Kihn" and that these charges are both untrue and irrelevant to the matters at issue, it is contended that, among other things, Mr. Kihn appeared on nationwide television by invitation and appeared before the Senate subcommittee, at the subcommitee's expense, and at its request. The Bureau's objection that the request is predicated on hearsay, the petitioners claim, is vitiated by KRON's concession that it hired the detectives; according to the petitioners, the assertions of the person interviewed by the detectives are not challenged by KRON and will be proved at hearing. The gist of the matter, the petitioners conclude, is that KRON is responsible for the activities of the investigators; and that such conduct "cannot possibly lead to relevant information," may violate Federal laws and is no more than an attempt to harass, coerce, and intimidate Kihn and Streeter. Therefore, the petitioners insist, the requested issue is warranted.

7. The petition to enlarge issues clearly does not comply with the time limitations set forth in Rule 1.229(b); nor, in the Review Board's opinion, has good cause for the delayed filing been shown. Granting petitioners' need to establish that the investigators were acting on behalf of KRON, the delay in filing the petition is still not adequately explained: the complaint about the investigators' conduct was first raised at a deposition in May, and was reiterated before the Senate subcommittee in early June; yet the instant petition was not filed until July 11, 1969. Nevertheless, the petition does raise a question of substantial magnitude in the public interest, and enlargement will not unduly disrupt the hearing which has not yet begun. Accordingly, the petition has been considered on its merits, e.g., Medford Broadcasters, Inc., 69R–309 (released July 23, 1969); Edgefield-Saluda, 5 FCC 2d 148, 8 RR 2d 611 (1965); and the Review Board has concluded that addition of an appropriate issue is warranted.

8. KRON does not oppose the instant petition on the grounds that it is supported largely by a hearsay affidavit of Kihn and no affidavit as to Mrs. Streeter. Rather, KRON concedes that it hired private detectives to investigate the backgrounds of Kihn and Streeter. Stripped to essentials, its position is that it had a "right" to investigate its adversary and that this investigation was conducted in the "customary manner" and does not constitute harassment or intimidation. KRON does not deny that the investigation took the form claimed by the petitioners; it does not challenge the assertion that Kihn was followed by the investigators; it does not deny or comment upon the scope of the questions put to Kihn's ex-wife, his wife's ex-husband or Streeter's ex-husband and ex-mother-in-law.[7] Therefore, we do not regard this deficiency as fatal to the instant request. Cf. Beamon Advertisers, Inc., FCC 63R–467, 1 RR 2d 285, pet. for rev. dismissed, FCC 63–1182; and John A. Egle, FCC 62R–67, 24 RR 484b.

9. We have no dispute with the validity of KRON's major premise, that it has some "right" to investigate Kihn and Streeter's backgrounds. Cf. U.S. v. Herron, 267 F. 97 (8th Cir. 1920). By voluntarily placing themselves in an adversarial posture, the petitioners have exposed themselves to a reasonable and proper search of their credentials. They have not, however, thereby laid themselves open to attempts to harass, intimidate, and coerce them to discontinue their involvement in the proceeding. Harassment occurs, in our view, not only when a witness or party is directly threatened with reprisal for his involvement in a Commission proceeding, see Sioux Empire, 9 FCC 2d 850, 11 RR 2d 112 (1967); but also conduct, including unnecessary, unreasonable, and abusive investigation, bringing social and economic pressures to bear upon the witness and reasonably and seriously calculated to dissuade the witness from continuing his involvement in a proceeding, constitutes harassment as fully as a direct threat of reprisal. Thus, there are limits to the permissible scope of an investigation of adversaries; carried too far, the investigation becomes a method of harassment and attempted intimidation. Indeed, this concept is scarcely novel: The Courts have recognized for at least 50 years that an unreasonable and obtrusive investigation of an adversary intended to disturb the sensibility of an ordinary person constitutes harassment and a corruption of the judicial process, see, e.g., Schultz v. Frankfort Ins. Co., 151 Wisc. 537, 139 NW 386 (1916); Souder v. Pendleton Detectives, Inc., 88 So. 2d 716 (1956); Pinkerton Nat'l Detective Agency, Inc. v. Stevens, 108 Ga. Apps. 159, 132 SE 2d 119 (1963). It should be readily apparent that harassment and abuse of parties and witnesses to Commission proceedings similarly cannot be tolerated; individuals having legitimate grievances would, manifestly, be quickly discouraged from expressing such grievances to the Commission; thus, the Commission would be cut off from the public it serves, and the proper discharge of the Commission's functions would be thwarted. Sioux Empire, supra; cf. United Church of Christ v. FCC, Case No. 19,940 (June 20, 1969). It follows that attempts to harass and intimidate Commission witnesses would raise serious questions concerning the character qualifications of the perpetrators of such conduct.

10. KRON insists that its conduct cannot be considered harassment because it has not made, and does not threaten to make improper use of the information obtained through investigation. We cannot agree. Whether an investigation is subverted to an instrument of harassment and intimidation is not determined solely by the use made of the information ferreted out. Rather, the totality of circumstances surrounding the investigation enter into a determination of whether the search is proper and permissible or has been distorted to undesirable ends: The manner in which the investigation is conducted, i.e., through "shadowing" and "stake outs", the persons to whom inquiry is made, and the questions put to these persons, bear on whether the investigation is reasonable and proper. So, too, do the purposes for which the investigation is instituted. We do not accept petitioners' contention that the investigation must be strictly confined to a search for evidence directly relevant and material to the issues in the proceedings; in appropriate circumstances, the credibility of the witnesses is a factor affecting the proceeding itself and therefore may be appropriately searched. By the same token, however, the search to ascertain credibility is not unlimited: By placing himself in a litigative context, an individual does not thereby expose his entire background and living habits to the scrutiny of his adversary. The purpose of the investigation, as the manner of the investigation, must, in short, be reasonably related to the objectives of the proceeding itself.

11. KRON asserts that its investigation of Streeter and Kihn was carried out in the "customary manner" and was, it implies, therefore within the permissible bounds of investigation. However, in the opinion of the Board, petitioners' uncontroverted allegations raise a substantial question as to whether the manner, scope, and purpose of KRON's investigation was confined to its proper objectives or was intended to harass, intimidate, and coerce the petitioners. Thus, for example, KRON does not attempt to explain why the manner in which the "shadowing" of Kihn was carried out would be likely to lead to information having some reasonable relation to this proceeding; cf. Foster v. Manchester, 410 Pa. 192, 189 A 2d 147 (1963). Similarly, there is no apparent basis for, or relationship between a number of questions posed by the investigators (see paragraph 2, supra) and the objectives of the proceeding. It is these unexplained circumstances which give rise to an issue. In reaching this conclusion, we must stress that the mere fact that an investigation has taken place does not, of itself, warrant addition of an issue. Rather, the investigation of adversaries in a litigative context is presumptively permissible and a question is presented only because of the apparent misuse of the investigative procedures; indeed, in view of the gravity of the charge made, it is our view that a serious abuse of the investigative procedure must be alleged. Further, we have given no credence to Kihn's assertions that he has, in fact, been harassed. Our interest is not in the witness' subjective reaction to the investigation; it is whether a substantial question has been raised that the investigation itself went beyond the reasonable and permissible bounds. Finally, we need not, and have not passed upon the petitioners' contention that KRON's investigation may contravene the federal Obstruction of Justice Statute (18 U.S.C. 1505). Our concern is primarily with the effect of the licensee's conduct upon its qualifications to be a Commission licensee, "insofar as it may relate to conduct entrusted to the Commission." Uniform Policy on Violations of Law, 1 RR (PT 3) 91:495, 499 (1951). Nonetheless, we conclude that in this case a substantial question affecting the public interest is raised, see Western North Carolina Broadcasting, 8 FCC 2d 126, 10 RR 2d 78 (1967), and that an appropriate issue should be added. Consistent with Commission practice and the court's decision in United Church of Christ, supra, the burden of proceeding with the introduction of the evidence will be placed upon the petitioners and the burden of proof under the issue upon the licensee.

12. *Accordingly, it is ordered*, That the motion to amend or add issue, filed July 3, 1969, by Albert Kihn and Blanche Streeter is granted to the extent indicated and is denied in all other respects; and

13. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

a. To determine the facts and circumstances relating to and surrounding the investigation of Albert Kihn and Blanche Streeter by Chronicle Broadcasting Co.;

b. To determine whether the conduct of such investigations constituted attempts to harass, coerce, and intimidate such persons and, if so, what effect such conduct has upon the qualifications of Chronicle Broadcasting Co. to be a Commission licensee;

and

14. *It is further ordered*, That the burden of proceeding under issue (a), above, shall be upon Albert Kihn and Blanche Streeter and the burden of proof thereunder shall be upon Chronicle Broadcasting Co.

Adopted: August 12, 1969.

Released: August 13, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-9766; Filed, Aug. 18, 1969; 8:48 a.m.]

[1] Dissenting statement of Board Member Nelson filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. RI70-111 etc.]

CONTINENTAL OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 8, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 1, 1969.

By the Commission.[3]

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

[3] This order was adopted before Chairman White left the Commission.

[4] KRON asserts that when allegations of harassment were made before the Senate subcommittee, its Chairman stated that he did not believe there had been any violation of law, but referred the complaints to the Department of Justice.

[5] Petitioners insist that they only recently determined that KRON is responsible for the commencement of the allegedly harassing investigation and assert that the petition is therefore timely.

[7] KRON does deny the alleged conversation between Mrs. Streeter and Mr. Champion; the petitioners' other allegations go unchallenged, and the alleged Champion-Streeter conversation is not of such import as to alter our conclusions.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-111	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001, Attention: Mr. Paul Cato.	346	[3] 1	Michigan Wisconsin Pipe Line Co. (Block 208, Eugene Island Area, Offshore Louisiana).	$534	7-17-69	[4] 8-17-69	[5] 8-18-69	[6] [12] 18.5	[7] [8] 20.0	
	do	347	[11] 1	Michigan Wisconsin Pipe Line Co. (Block 205, Ship Shoal Area, Offshore Louisiana).	1,350	7-17-69	[4] 8-17-69	[4] 8-18-69	[6] [12] 18.5	[7] [8] 20.0	
RI70-112	The Preston Oil Co., [13] Post Office Box 1350, Houston, Tex. 77001.	37	[14] 2	United Fuel Gas Co. (Block 272 and 297 Fields, Eugene Island Area, Offshore Louisiana).	246,375	7-16-69	[4] 8-16-69	[4] 8-17-69	[6] [12] 18.5	[7] [8] 20.0	

[3] Contract dated Oct. 7, 1968.
[4] The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.
[5] The suspension period is limited to 1 day.
[6] Pursuant to paragraph (A) of Opinion No. 546–A issued Mar. 20, 1969.
[7] Pressure base is 15.025 p.s.i.a.
[8] Subject to quality adjustments.
[9] Initial rate as conditioned by temporary certificate issued July 3, 1969, in Docket No. CI69–429.
[10] Area base rate for gas well gas sold under contracts dated after Oct. 1, 1968 as established in Opinion No. 546.
[11] Contract dated Mar. 21, 1969.
[12] Initial rate as conditioned by temporary certificate issued July 3, 1969, in Docket No. CI69–1092.
[13] The Preston Oil Co. and United Fuel Gas Co. are divisions of Columbia Gas System Service Corp.
[14] Contract dated Feb. 2, 1969.
[15] Initial rate as conditioned by temporary certificate issued June 24, 1969, in Docket No. CI69–802.

These three proposed rate increases from 18.5 cents to 20 cents per Mcf involve sales of third vintage gas well gas in offshore Louisiana and were filed pursuant to the Commission's orders issued in Opinion No. 546–A which lifted the indefinite moratorium imposed in Opinion No. 546 as to certificated sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the price established in Opinion No. 546 for onshore gas well gas of the same vintage.

The producers involved herein were issued conditioned temporary certificates [16] in dockets as set forth below authorizing the collection of the offshore third vintage prices established in Opinion No. 546.[17] Deliveries of gas have not as yet commenced under the subject authorizations.

The acceptance for filing and suspension of the rate increase filed by The Preston Oil Co. (Preston), an affiliate of the purchaser, United Fuel Gas Co. (United Fuel),[18] is without prejudice to any action the Commission may take in any future rate proceeding involving either Preston or United Fuel.

We conclude that these producers' proposed rate increases should be suspended for 1 day from the date shown in the "Effective Date Column" on Appendix A hereof, or for 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding in Docket No. AR69–1.

[F.R. Doc. 69–9669; Filed, Aug. 18, 1969; 8:45 a.m.]

[16] Such certificates were accepted by the Respondents as issued.
[17] Dockets Nos. CI69–420 and CI69–1092, Continental Oil Co. Docket No. CI69–802, The Preston Oil Co.
[18] Both Preston and United Fuel are divisions of the Columbia Gas System Service Corp.

[Docket No. G–6447 etc.]

GRAHAM STUART CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

AUGUST 8, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 5, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI68–1212 ..... E 7–22–69	Petrodynamics, Inc. (Operator), et al. (successor to Jas. F. Smith).	Northern Natural Gas Co., Panhandle Field, Hansford County, Tex.	17.0	14.65
CI64–933 ..... E 7–16–69	Maguire Oil Co. (Operator) et al. Successor to Estate of Russell Maguire (Operator et al.).	Natural Gas Pipeline Co. of America, Ann-Mag Field, Brooks County, Tex.	16.0	14.65
G–9396 ..... D 7–25–69	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Seven Sisters Field, Duval County, Tex.	(2)	.....
G–9489 ..... E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator et al.) 4300 First National Bank Bldg., Dallas, Tex. 75202.	Texas Eastern Transmission Corp., Alco-Mag Field, Harris County, Tex.	[3] 16.2	14.65
G–9692 ..... D 7–16–69	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Chase and Bera Field, Willacy County, Tex.	Assigned	
G–11264 ..... E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.).	Cities Service Gas Co., Whiterock Field, Noble County, Okla.	11.0	14.65
G–11276 ..... E 7–16–69	do	Texas Eastern Transmission Corp. Bard-Mag Field, Fort Bend County, Tex.	[4] 15.4	14.65
G–11941 ..... E 7–16–69	Buttes Gas & Oil Co. (successor to Mobil Oil Corp.), c/o Daryl Baxter, Three Dallas, 2121 San Jacinto, Houston, Tex. 77002.	Trunkline Gas Co., Hurricane Creek Field, Beauregard Parish, La.	[4] 18.25	15.025
G–12521 ..... E 7–16–69	The Graham Stuart Corp. (successor to Rip C. Underwood (Operator) et al.).	Northern Natural Gas Co., North Hansford Field, Hansford County, Tex.	[4] 17.5	14.65
G–14548 ..... C 7–25–69	American Petrofina Co. of Texas, c/o Walter Smith, attorney, Post Office Box 2159, Dallas, Tex. 75221.	El Paso Natural Gas Co., Blanco Mesa West Field, Rio Arriba County, and San Juan Counties, N. Mex.	13.0	15.025
G–19527 ..... E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.).	Valley Gas Transmission, Inc. (Good Friday Field, Duval County, Tex.	[5] 15.0	14.65
G–19537 ..... E 7–16–69	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	[4] 17.0	14.65
CI61–159 ..... E 7–16–69	do	Natural Gas Pipeline Co. of America, Northeast Custer City Field, Custer County, Okla.	[4] 14.0	14.65
CI61–530 ..... E 7–16–69	do	South Texas Natural Gas Gathering Co., McAllen Field, Hidalgo County, Tex.	15.0	14.65
CI61–1429 ..... C 7–22–69	Texas Pacific Oil Co., Inc.,[6] 1700 One Main Pl., Dallas, Tex. 75250.	El Paso Natural Gas Co., South Leonard Queen Field, Lea County, N. Mex.	[7] 10.0	14.65
CI62–570 ..... E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.).	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	12.0	14.65
CI62–1251 ..... C 7–24–69	Texas Pacific Oil Co., Inc.[6]	Arkansas Louisiana Gas Co., Ranger Artificial Field, Yell County, Ark.	[8] 16.015	14.65
CI62–1306 [9] ..... E 7–16–69	Maguire Oil Co., agent (Operator), (successor to Estate of Russell Maguire, agent (Operator) et al.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	[4] 17.01	14.65
CI62–1394 ..... E 7–22–69	Petrodynamics, Inc. (Operator), et al. (successor to Jas. F. Smith (Operator), et al.), 1st National Bank Bldg., Post Office Box 1008, Amarillo, Tex. 79106.	Michigan Wisconsin Pipe Line Co., Mocane-LaverneGas Area, Beaver County, Okla.	[4] 17.0	14.65
CI63–277 ..... E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.	Panhandle Eastern Pipe Line Co., Floris Southeast Field, Beaver County, Okla.	[8] 17.0	14.65
CI63–723 ..... E 7–25–69	Petrodynamics, Inc. (Operator), et al. (successor to Jas. F. Smith (Operator), et al.).	Northern Natural Gas Co., Mocane-Laverne Gas Area, Beaver County, Okla.	[7] 17.0	14.65

See footnotes at end of table.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C170-67 A 7-24-69	G. L. Meahon, 2010 Calla Ave., Huntington, W. Va.	United Fuel Gas Co., acreage in Lincoln County, W. Va.	18.0	15.325
C170-68 A 7-24-69	Brooks Hall Oil Corp. and C. F. Braun & Co., 1704 Liberty Bank Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	[17] 17.0	14.65
C170-69 (C166-361) A&F 7-25-69	May Petroleum, Inc. (successor to Texaco Inc.) 1428 Republic National Bank Bldg., Dallas, Tex. 75201.	Michigan Wisconsin Pipe Line Co., Seiling Field, Woodward County, Okla.	[18] 19.5	14.65
		Panhandle Eastern Pipe Line Co., Seiling Field, Woodward County, Okla.	[18] 17.0	14.65

[1] Rate in effect subject to refund in Docket No. R166-4. Subject to upward and downward B.t.u. adjustment.
[2] Acreage released to Lessor.
[3] Rate in effect subject to refund in Docket No. R167-109. An increase in rate to 16.6 cents per Mcf has been suspended in Docket No. R169-136 but not yet made effective.
[4] Rate in effect subject to refund in Docket No. R167-34.
[5] Rate in effect subject to refund in Docket No. R167-248.
[6] Rate in effect subject to refund in Docket No. R163-61.
[7] Rate in effect subject to refund in Docket No. R166-279.
[8] Rate in effect subject to refund in Docket No. R169-154.
[9] Rate in effect subject to refund in Docket No. R167-273 and suspended in Docket No. R169-136 but not yet made effective.
[10] An increase in rate to 18 cents per Mcf has been suspended in Docket No. R169-136 but not yet made effective.
[11] Applicant has agreed to accept certificate conditioned as Opinion No. 546, as modified by Opinion No. 546-A.
[12] Acceptable price for residue gas pursuant to Opinion No. 406, as modified by Opinion No. 406-A.
[13] Subject to deduction for compression if Buyer compresses gas.
[14] No permanent certificate issued; temporary authorization granted only.
[15] Includes 2 cents upward B.t.u. adjustment.
[16] Subject to upward and downward B.t.u. adjustment.
[17] An increase in rate to 18 cents per Mcf has been suspended in Docket No. R169-136 but not yet made effective.
[18] Subject to upward and downward B.t.u. adjustment.
[19] Applicant states its willingness to accept certificate at 17 cents per Mcf, plus B.t.u. adjustment.
[20] 7 cents per Mcf is retained by Buyer until recovery of total investment dollars contributed by it.
[21] Includes upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[22] Rate in effect subject to refund in Docket No. R167-273.
[23] Applicable to new acreage.
[24] Applicable to acreage acquired from Texaco Inc.

[F.R. Doc. 69-9670; Filed, Aug. 18, 1969; 8:45 a.m.]

[Docket No. G-3072 etc.]

HUMBLE OIL & REFINING CO.

Notice of Application for Certificates, Abandonment of Service and Petitions To Amend Certificates

AUGUST 13, 1969.

In the notice of application for certificates, abandonment of service and petitions to amend certificates, issued July 18, 1969, and published in the FEDERAL REGISTER, July 29, 1969, 34 F.R. 12413, on page 12414, Docket No. C162-1384: Make the following changes: Column 1: Change Docket No. C162-1384 to read C162-417 and delete footnote 7 thereto. Column 2: Change predecessor's name to read "Smith Development Co. (Operator) et al." in lieu of "Jas. F. Smith (Operator) et al."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-9727; Filed, Aug. 18, 1969; 8:45 a.m.]

[Docket No. CP68-220]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Petition To Amend and Motion To Extend Time

AUGUST 11, 1969.

Take notice that on August 1, 1969, Mississippi River Transmission Corp. (Petitioner), 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CP68-220 a petition to amend the orders issued to it in said docket on July 31, 1968, and April 24, 1969, by requesting that said orders be amended to conform the authorizations contained therein with certain modifications and improvements which were made in the design and construction of a portion of the new facilities installed for use in transporting gas from the Columbia Control Station to the Arlee Street Delivery Station serving Laclede Gas Co.

Specifically, Petitioner seeks to have the aforementioned orders amended to conform with the modified design followed in constructing the facilities. Instead of connecting new segments of 30-inch pipeline by means of headers on the east and west sides of the Mississippi River to six existing 10-inch river crossing lines, each approximately 0.54 mile in length, portions of the 10-inch river crossing lines, each 0.49 mile in length, were left connected on the east bank to four existing 12-inch pipelines, each approximately 0.53 mile in length, and these in turn were connected to a new 30-inch header. On the west bank, the six 10-river lines were connected to four new 16-inch pipelines, each approximately 0.12 mile in length. It is stated in the petition that these changes avoided the possibility that the valves on the river lines would be located in such position as to be inaccessible in the event of flooding. In addition, approximately 0.03 mile of higher strength 24-inch pipe was installed at the terminus of the line, rather than the 30-inch pipe originally proposed. The petition states that the estimated cost of the modified facilities were not materially different from the estimated cost of the facilities as originally proposed and that there was no appreciable change in design capacity.

The petition states that no increase in the total estimated cost of the facilities authorized in Docket No. CP68-220 is required as a result of the above mentioned modifications.

Petitioner further requests that the time within which the subject facilities should be completed be further extended to November 1, 1969.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-9728; Filed, Aug. 18, 1969; 8:45 a.m.]

[Docket No. RI69-858 etc.]

UNION OIL COMPANY OF CALIFORNIA

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Correction

AUGUST 7, 1969.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued June 30, 1969, and published in the FEDERAL REGISTER, July 10, 1969, 34 F.R. 11443, in Appendix A, page 11443, Docket No. RI69-858, Union Oil Company of California: Under column headed "Supp. No." change "1" to read "2". Under column headed "Proposed Increased Rate" substitute Footnote "17" in lieu of Footnote "7". In Appendix A, page 3 under Footnotes: Add a new footnote to read: "[17] Pressure base is 15.025 p.s.i.a."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-9726; Filed, Aug. 18, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 24S-2178]

BLACK SANDS METALS, INC.

Notice and Order for Hearing

AUGUST 12, 1969.

I. Black Sands Metals, Inc. (issuer), 580 State Street, Salem, Oreg., incorporated in the State of Oregon on February 4, 1969, filed with the Commission on March 12, 1969, a notification on Form 1-A relating to a proposed offering of 42,500 shares of common stock at $3 a share for an aggregate offering of $127,500, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on June 23, 1969, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest in the matter an opportunity to request a hearing. The Commission on July 24, 1969, received two requests for a hearing in the matter, one signed by Bernard F. Bednarz, Esquire, counsel for the issuer and the other by Jack Largent, President of the issuer.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10 a.m., September 29, 1969, at the Seattle Regional Office, 900 Hoge Building, Seattle, Wash., with respect to the matters set forth in the Commission's order of June 23, 1969, which temporarily suspended the Regulation A exemption of Black Sands Metals, Inc., without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

III. *It is further ordered,* That an officer or officers, to be appointed by the Commission for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by certified mail on Black Sands Metals, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before August 20, 1969, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice, and an answer to the allegations contained in the temporary suspension order of June 23, 1969, as provided in Rule 7 of the Commission's rules of practice. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That Black Sands Metals, Inc., pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7) shall file an answer to the allegations set forth in the Commission's temporary suspension order dated June 23, 1969. Such answer shall be filed in the manner, form, and within the time prescribed by 17 CFR 201.7.

Notice is hereby given that if Black Sands Metals, Inc., fails to file an answer pursuant to 17 CFR 201.7 within 15 days after service upon it of this notice and order for hearing, the proceedings may be determined against Black Sands Metals, Inc., by the Commission upon consideration of this notice and order for hearing and the allegations in the Commission's temporary suspension order dated June 23, 1969, which may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9732; Filed, Aug. 18, 1969; 8:45 a.m.]

[70-4780]

NEW ENGLAND POWER CO.

Notice of Proposed Issue and Sale of Bonds and Preferred Stock at Competitive Bidding

AUGUST 13, 1969.

Notice is hereby given that New England Power Co. ("NEPCO"), 441 Stuart Street, Boston, Mass. 02116, an electric utility subsidiary company of New England Electric System, a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rules 42(b)(2) and 50 as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

NEPCO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $15 million principal amount of first mortgage bonds, Series P, ------ percent. The bonds will be dated as of the first day of the month in which they are issued. The proposed series of bonds will bear a single maturity date within the range of from 5 to 30 years. Prior to the time designated for the submission of bids, NEPCO will determine a maturity date for the bonds and whether or not the bonds shall be redeemable during the first 5 years of their term or any part thereof in connection with a refunding at a lesser effective interest cost. The interest rate (which shall be a multiple of one-eighth of 1 percent), and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under an indenture of trust and first mortgage dated November 15, 1936, between NEPCO and New England Merchants National Bank of Boston (successor to The New England Trust Co.), trustee, as heretofore supplemented and as to be further supplemented by a 15th supplemental indenture to be dated September 1, 1969.

NEPCO also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 100,000 shares of its authorized but unissued ------ percent cumulative preferred stock par value $100 per share. The dividend rate (which will be a multiple of 0.04 percent) and the price to be paid to NEPCO (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding.

The proceeds (estimated at $25 million) from the issue and sale of the bonds and preferred stock will be applied to the payment of NEPCO's short-term notes evidencing borrowings made to pay for capitalizable expenditures or to reimburse the treasury therefor. Such notes are presently outstanding in the amount of $27,900,000.

The fees and expenses to be paid in connection with the proposed transactions are estimated at $75,000 for the bonds and $35,000 for the preferred stock, including $30,200 and $16,800, respectively, for legal, accounting and other services to be rendered at cost by the system service company. The fees and expenses of independent counsel for the underwriters for the bonds and for preferred stock for each, are to be supplied by amendment.

It is stated that the Massachusetts Department of Public Utilities, the New Hampshire Public Utilities Commission, and the Vermont Public Service Board have jurisdiction over the proposed issuance and sale of bonds and preferred stock and the use of proceeds therefrom, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 9, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9731; Filed, Aug. 18, 1969; 8:45 a.m.]

[File 24W-2931]

SCHROTT, WHITAKER AND DOUGLAS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 13, 1969.

I. Schrott, Whitaker and Douglas, Inc. (Issuer), 3910 North Fairfax Drive, Arlington, Va. 22203, a Virginia corporation incorporated on October 2, 1967, with principal offices at 3910 North Fairfax Drive, Arlington, Va., filed with the Washington Regional Office of the Commission on June 30, 1969, Form 1-A Notification, as amended, and an offering circular, as amended, relating to an offering of 30,000 shares of common stock (5 cents par value) at $10 per share for an aggregate offering of $300,000, in order to obtain an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on the basis of information provided by the staff, has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The Issuer was incorporated more than 1 year prior to the filing herein and it has not had a net income from operations, of the character in which the Issuer intends to engage, for at least 1 year of its last 2 fiscal years; and the aggregate offering price of $300,000 is exceeded since 800,000 shares of the Issuer's common stock owned by Issuer's officers and directors are not subject to escrow arrangements, as required by Rule 253;

2. An alternate use of $30,000 proceeds, in the event no broker-dealer participates in this offering, is not disclosed in the Offering Circular, as required by paragraph 6(a) of Schedule 1;

3. The Issuer has failed to file pursuant to Rule 258(c) copies of a brochure used by the Issuer which was in effect incorporated by reference in the Offering Circular; and

4. The Issuer intends to offer for sale securities of an Investment Company required to be registered under the Investment Company Act of 1940 and the Issuer has failed to show the availability of any exemption from such registration.

B. The Offering Circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading concerning, among other things:

1. Statements in a brochure currently used by the Issuer and in effect incorporated by reference in the Offering Circular, which refer to Issuer's president as a "well-known investment adviser" and to Issuer's "professional" investment management.

2. Newspaper and magazine articles referred to in the Offering Circular which state that:

(a) The Issuer's president has parlayed $600 into $1 million;

(b) The Issuer's president has built a flourishing investment counseling career from an initial sum of $600 to a personal worth now reportedly greater than $1 million;

(c) The Issuer deals with institutional investors;

(d) The Issuer's president has been offered a substantial sum of money for his investment firm;

3. The failure to disclose that a hypothetical model portfolio used in issuer's brochure from May 1968 to October 1968 falsely reflected a gain of 70 percent.

4. The financial statements contained in the Offering Circular were not prepared in accordance with generally accepted accounting principles and practices in that:

(a) The financial statements include as assets unregistered shares of Unitec Industries, Inc., common stock acquired by Issuer from one of its directors and values such stock at market price and not at cost to the transferor;

(b) The financial statements fail to apportion Issuer's income over a 12-month period and, in the alternative, fail to provide an allowance for Issuer's expenses regarding such income.

5. The Offering Circular refers to certain transactions as stock dividends when, at the time of such transactions, Issuer had not earned net income.

6. The Offering Circular fails to disclose that there is presently no market for the Issuer's securities.

7. The Offering Circular fails to disclose adequately the risk to public investors regarding the need for a substantial increase in Issuer's net income before public investors' equity appreciates to the amount invested.

C. The offering, if made, would be in violation of sections 5 and 17 of the Securities Act, as amended, and section 7 of the Investment Company Act, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any persons having any interest in this matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested, and none ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless, or until, it is modified or vacated by the Commission and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9733; Filed, Aug. 18, 1969; 8:45 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

AUGUST 13, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., and all other securities of United Australian Oil, Inc., Dallas, Tex., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 14, 1969, through August 23, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-9735; Filed, Aug. 18, 1969; 8:46 a.m.]

[812-2529]

UNITED VARIABLE ANNUITY LIFE INSURANCE CO. AND UNITED VARIABLE ANNUITY FUND A

Notice of Application

AUGUST 13, 1969.

Notice is hereby given that United Variable Annuity Life Insurance Co. ("Insurance Company") and United Variable Annuity Fund A ("Fund") Post Office Box 2398, Little Rock, Ark. 72203 (herein collectively called "applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting applicants from certain provisions of section 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Insurance Company was organized in January 1968 as a stock life insurance company under the laws of the State of Arkansas. It is authorized to engage in the insurance business only in the State of Arkansas and had total capital and surplus at December 31, 1968, of $237,599. The only business of Insurance Company is the issuance and servicing of variable annuity contracts, which it proposes to offer to the public.

Fund is a separate account established by Insurance Company as a facility for the setting aside and investment of assets attributable to variable annuity contracts offered by Insurance Company. Fund is registered under the Act as an open-end, nondiversified investment company. The net assets of Fund are not chargeable with liabilities arising out of any other business of Insurance Company.

Section 27(c)(2) of the Act requires that the proceeds, after deduction of sales load, of all payments on a periodic payment plan certificate issued by a registered investment company be deposited with a bank having the qualifications prescribed by section 26(a)(1) and be held by the bank as trustee or custodian under an indenture or agreement containing, in substance, the provisions required by section 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities, cash, and other property of the trust, places restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, or any affiliated person thereof, other than a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Fund proposes to enter into a custodian agreement with a bank, Brown Brothers Harriman & Co., for the safekeeping of the assets of the Fund. Applicants represent that this agreement will comply with the requirements of section 27(c)(2) except to the extent that exemption therefrom is granted pursuant to the application. Applicants request exemption from the provisions of section 26(a)(2), as incorporated in section 27(c)(2), to the extent necessary to permit payments from the assets of the Fund to meet the charges for investment advisory services, administrative services, and mortality undertakings provided for in the contracts between the Fund and Insurance Company and to permit the payment of the direct expenses of the Fund, other than expenses which Insurance Company has agreed to absorb.

Fund proposes to pay to Insurance Company charges aggregating, on an annual basis, 1.75 percent of the current value of the Fund, as follows: 0.5 percent for investment advisory services, 0.5 percent for mortality undertakings, and 0.75 percent for administrative services.

In return for the charge for administrative services, Insurance Company will furnish facilities and personnel for handling the day-to-day affairs of the Fund and will pay all expenses of the fund except taxes; fees of independent

actuaries in connection with reserve certification; and audit, custodial, legal, and interest expenses. Insurance Company has undertaken also, for a period of at least 1 year, to absorb any portion of the expenses of the Fund excluding taxes and interest expense, which, together the charges aggregating 1.75 percent referred to above, exceed in the aggregate the lesser of (1) the investment income of the Fund on an annual basis, or (2) 2 percent, on an annual basis, of the average value of the Fund.

Applicants represent that the charges for mortality undertakings will be credited to a special contingency reserve for mortality losses and not removed from such contingency reserve except in compliance with the Arkansas Insurance Code and that all amounts credited to the special contingency reserve for mortality undertakings will remain in the reserve until the next examination and determination of reserves by the Arkansas Insurance Commissioner.

Applicants consent that the requested exemption may be made subject to the conditions: (1) That charges for administrative services under variable annuity contracts funded by United Variable Annuity Fund A shall not exceed such reasonable amount as the Commission shall prescribe, the Commission reserving jurisdiction for such purpose; (2) that the payment of sums and charges out of the trusteed assets, other than such charges for administrative services, shall not be deemed to be exempted from regulation by the Commission by reason of the granting of the requested exemption, provided that the applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of the trusteed assets other than charges for administrative services, and applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges; and (3) that the Commission may reserve jurisdiction over all the terms of the custodian agreement with Brown Brothers Harriman & Co.

Section 6(c) of the Act authorizes the Commission to exempt, conditionally or unconditionally, any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the act or the rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than September 3, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–9734; Filed, Aug. 18, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 32]

ANN ARBOR RAILROAD

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Ann Arbor Railroad is unable to transport traffic over car ferries at Menominee, Mich., because of damage to its ferry and breakwater at Menominee, Mich.

It is ordered, That:

(a) Rerouting traffic: The Ann Arbor Railroad, being unable to transport traffic over car ferries at Menominee, Mich., because of damage to its ferry and breakwater, that line and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted or diverted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10:30 a.m., August 13, 1969.

(g) Expiration date: This order shall expire at 11:59 p.m., September 5, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 13, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69–9783; Filed, Aug. 18, 1969; 8:49 a.m.]

[S.O. 994; Corrected ICC Order 32]

ANN ARBOR RAILROAD

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Ann Arbor Railroad is unable to transport traffic over car ferries at Menominee, Mich., because of damage to its ferry and breakwater at Menominee, Mich.

It is ordered, That:

(a) Rerouting traffic: The Ann Arbor Railroad, being unable to transport traffic over car ferries at Menominee, Mich., because of damage to its ferry and breakwater, is hereby authorized to reroute or divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted or diverted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10:30 a.m., August 13, 1969.

(g) Expiration date: This order shall expire at 11:59 p.m., September 5, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 13, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69–9782; Filed, Aug. 18, 1969; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 14, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41718—*Sulphuric acid from Coosa Pines, Ala.* Filed by O. W. South, Jr., agent (No. A6122), for interested rail carriers. Rates on sulphuric acid, in tank carloads, as described in the application, from Coosa Pines, Ala., to Atlanta and East Point, Ga., also Charlotte, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 85 to Southern Freight Association, agent, tariff ICC S–671.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–9784; Filed, Aug. 18, 1969; 8:49 a.m.]

[Notice 887]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 14, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 17211 (Sub-No. 10 TA), filed August 5, 1969. Applicant: JESCO MOTOR EXPRESS, INC., 162 Columbus Road, Mount Vernon, Ohio 43050. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbing fixtures and supplies*, from Perrysville, Ohio, and points in Ripley Township, Holmes County, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and (2) *materials and supplies* used in the manufacture of plumbing fixtures and supplies, from the above-specified destination points to Perrysville, Ohio, and points in Ripley Township, Holmes County, Ohio, for 180 days. Supporting shipper: Mansfield Sanitary, Inc., Perrysville, Ohio 44864. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 19945 (Sub-No. 30 TA), filed August 5, 1969. Applicant: BEHNNKEN TRUCK SERVICE, INC., Route 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer, in containers*, from the plantsite and warehouse facilities of Miller Brewing Co., at Milwaukee, Wis., to Mascoutah, Ill., and *empty beer containers*, on return, for 180 days. Supporting shipper: Robert (Chick) Friz, Inc., Mascoutah, Ill. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 32882 (Sub-No. 46 TA), filed August 7, 1969. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, in shipper-owned trailers, from Otis, Kans., to Portland, Oreg., for 150 days. Supporting shipper: Industrial Air Products Co., 3200 Northwest Yeon Avenue, Portland, Oreg. 97210. Send protests to: District Supervisor, W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 35072 (Sub-No. 3 TA), filed August 5, 1969. Applicant: EDWIN L. ELLOR & SON, INC., Mountain Boulevard, Warren, N.J. 07060. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydrants, valves, tapping machines, and commodities*, used in the installation thereof, between East Orange, N.J., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Ohio, Delaware, Virginia, New York, New Jersey, Maryland, District of Columbia, under continuing contract with Valve & Hydrant, Division of United States Pipe & Foundry Co., East Orange, N.J., for 150 days. Supporting shipper: United States Pipe & Foundry Co., Burlington, N.J. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 81818 (Sub-No. 9 TA), filed August 8, 1969. Applicant: MARSH TRUCKING COMPANY, INC., 16621 Broadway, Maple Heights, Ohio 44137. Applicant's representative: John A. Marsh (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Caskets, uncrated*, from Woodland, N.C., to Cleveland, Ohio, for 180 days. Supporting shipper: F. H. Hill Co., Inc., 2274 St. Clair Avenue, Cleveland, Ohio 44114. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 181 Federal Office Building,

1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 95540 (Sub-No. 760 TA), filed August 7, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat, suspended*, from St. Joseph, Mo., to Salem, Va., for 150 days. Supporting shipper: Dugdale Packing Co., 11th and Belle Streets, St. Joseph, Mo. Send protests to: District Supervisor, Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 102982 (Sub-No. 16 TA), filed August 7, 1969. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, Ohio 44312. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay and refractory products and materials and supplies* used in the installation thereof (except commodities in bulk), from Carol Stream and Streator, Ill., and the commercial zones thereof to points in Ohio, Pennsylvania, New Jersey, Maryland, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine, for 180 days. Supporting shipper: Clow Corp., Streator Division, 300 South Gary Avenue, Carol Stream, Ill., Post Office Box 825, Wheaton, Ill. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 110525 (Sub-No. 926 TA), filed August 1, 1969. Applicant: CHEMICAL LEAMAN TRANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum treating compounds, water treating compounds, and corrosion inhibitors*, in bulk, in tank vehicles; from: Webster Groves, Mo., to: Houston, Corpus Christi, Kamay, Bigfoot, Borger, Sunray, Kilgore, Beaumont, Port Arthur, a point 9½ miles east of Odessa on FM Road 1788, and to a point 9½ miles northeast of Odessa on FM Road 1788, Tex., for 180 days. Supporting shipper: Petrolite Corp., Tretolite Division, 369 Marshall Avenue, St. Louis, Mo. 63119. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 111594 (Sub-No. 45 TA), filed August 5, 1969. Applicant: C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, Wis. Applicant's representative: G. R. Richmond, 1970 South Broadway, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent ferric chloride*, in bulk, in tank vehicles, from Indianapolis, Ind., to Chicago, Ill., for 180 days. Supporting shipper: Philip A. Hunt, Chemical Corp., Palisades Park, N.J. 07650. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 111812 (Sub-No. 387 TA), filed August 8, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Duluth, Minn., to points in South Dakota, for 180 days. Supporting shipper: Jeno's Inc., Frozen Foods Division, 525 Lake Avenue South, Duluth, Minn. 55801, R. A. Archambault, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 116077 (Sub-No. 271 TA), filed August 7, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (address same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oils and greases*, in bulk, in tank vehicles, from Texaco, Inc., Refineries, Port Arthur and Port Neches, Jefferson County, Tex., to points in Pennsylvania, Ohio, Michigan, Illinois, Indiana, North Carolina, Missouri, and West Virginia. NOTE: Applicant does not intend to tack authority with presently authorized routes; for 180 days. Supporting Shipper: Texaco, Inc. (Mr. George H. Cady, Assistant Traffic Manager), Post Office Box 52332, Houston, Tex. 77052. Send protests to: District Supervisor, John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 119777 (Sub-No. 157 TA), filed August 5, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: William G. Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Guard rail, guard rail posts, and accessories*, from the plantsite of Anderson Safeway Guard Rail Corp., Lima, Ohio, to points in North Dakota, South Dakota, Nebraska, Kansas, Colorado, and New Mexico, and all States east thereof, except points in New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Barry Shapiro, Executive Vice President, Anderson Safeway Guard Rail Corp., Lima, Ohio. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 123476 (Sub-No. 9 TA), filed August 8, 1969. Applicant: CURTIS TRANSPORT, INC., 1334 Lonedell Road, Arnold, Mo. 63010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic panels*, laminated with aluminum or wood from Cape Girardeau, Mo., to points in Massachusetts, Connecticut, Rhode Island, Pennsylvania, West Virginia, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and Washington, D.C., for 180 days. Supporting shipper: The Dow Chemical Co., 10 South Brentwood Boulevard, St. Louis, Mo. 63105. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 125409 (Sub-No. 4 TA), filed August 7, 1969. Applicant: R & R TRUCKING CO., INC., R.F.D. 5, Hammonton, N.J. 08037. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal cabinets and vanities*, under continuing contract with Palace Metal Products, Inc., from Brooklyn, N.Y., to points in Connecticut, District of Columbia, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Maine, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia, for 150 days. Supporting shipper: Palace Metal Products, Inc., 975 Essex Street, Brooklyn, N.Y. 11208. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 126859 (Sub-No. 4 TA), filed August 5, 1969. Applicant: MARCEL HURLIMAN AND CONSTANCE HURLIMAN, a partnership, doing business as HURLIMAN TRUCKING, Post Office Box 17204, Portland, Oreg. 97217. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile and truck parts and accessories*, from Romulus, Mich.; Quincy, Ill.; and Akron, Ohio, to Grants Pass and Portland, Oreg., under contract with Auto Wheel Service, Inc., Portland, Oreg., for 180 days. Supporting shipper: Auto Wheel Service, Inc., 1400 Northwest Raleigh Street, Portland, Oreg. 97209. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 126859 (Sub-No. 5 TA), filed August 5, 1969. Applicant: MARCEL HURLIMAN AND CONSTANCE HURLIMAN, a partnership doing business as HURLIMAN TRUCKING, Post Office Box 17204, Portland, Oreg. 97217. Applicant's representative: Earle V. White,

2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile and truck parts and accessories*, from Whitehouse, Ohio; Madison and Elkhart, Ind.; Flora, Ill.; and Dallas, Tex., to Grants Pass and Portland, Oreg., under contract with Auto Wheel Service, Inc., Portland, Oreg., for 180 days. Supporting shipper: Auto Wheel Service, Inc., 1400 Northwest Raleigh Street, Portland, Oreg. 97209. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 127689 (Sub-No. 30 TA), filed August 5, 1969. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: H. E. West (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from the plantsite and warehouses of Kroehler Manufacturing Co. located in Meridian, Miss., and its commercial zone, to points in Indiana, Kansas, Kentucky, Missouri, North Carolina, Tennessee, and Virginia, for 180 days. Supporting shipper: Kroehler Manufacturing Co., Post Office Box 4176, West Station, Meridian, Miss. 39304. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 127689 (Sub-No. 31 TA), filed August 8, 1969. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: H. E. West (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottles, carboys, demijohns or jars, and closures*, from the plantsite and warehouses of Brockway Glass Co., Inc., located within the commercial zone of Montgomery, Ala., to points in Arkansas, Louisiana, Mississippi, and Tennessee, for 180 days. Supporting shipper: Brockway Glass Co., Inc., Post Office Box 8038, Montgomery, Ala. 36110. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 127952 (Sub-No. 11 TA), filed August 7, 1969. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, Calif. 90280. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from Los Angeles, Calif., to Las Vegas, Nev., under a continuing contract with Owens-Illinois, for 180 days. Supporting shipper: Owens-Illinois, 1700 South El Camino Real, San Mateo, Calif. 94402. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129631 (Sub-No. 5 TA), filed August 7, 1969. Applicant: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, Utah 84117. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Building materials, feed, seed, salt, machinery, and agricultural commodities*, serving Burley, Idaho, as an off-route point for interline only, in connection with carrier's presently authorized regular route authority between Idaho Falls, Idaho, and Salt Lake City, Utah, for 180 days. NOTE: Applicant states it does not intend to tack the authority here applied for at Burley, Idaho, to its present authorities under MC 129631. Supporting shippers: Shoemaker Trucking Co., 8624 Franklin Road, Boise, Idaho (Ralph Shoemaker); Eby Brothers, 2622 Regan, Boise, Idaho (Eugene Eby, Partner); and Warberg's Moving & Storage, 156 Fourth Avenue South, Post Office Box 45, Twin Falls, Idaho 83301 (Robert M. Warberg). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 133851 (Sub-No. 1 TA), filed August 5, 1969. Applicant: MATS, INC., Post Office Box 2799, Baltimore, Md. 21225. Applicant's representative: William J. Little, Fidelity Building, Baltimore, Md. 21201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, from Baltimore, Md., to points in Delaware, Pennsylvania, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: E. Stewart Mitchell, Post Office Box 2799, Baltimore, Md. 21225. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1125 Federal Building, Baltimore, Md.

MOTOR CARRIER OF PASSENGERS

No. MC 29854 (Sub-No. 33 TA), filed August 5, 1969. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Avenue, Jersey City, N.J. 07306. Applicant's representative: Virden A. Rittgers (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between points in Secaucus, N.J., serving all intermediate points: From junction County Avenue with Secaucus Road, over County Avenue to junction New County Road, thence over New County Road to its southerly terminus; and return over the same route, for 150 days. NOTE: Applicant proposes to tack the authority here sought at junction County Avenue with Secaucus Road in Secaucus, a service point on its existing authority in Docket MC–29854, Sub 30. Supporting shippers: Sue Brett, Inc., 1400 Broadway, New York, N.Y. 10018; Carlton Paper Corp., 650 New County Road, Secaucus, N.J. 07094. Send protests to: District Supervisor W. J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-9786; Filed, Aug. 18, 1969; 8:49 a.m.]

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Federal Aviation Administration
Federal Communications Commission
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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3113 is amended to show that the Schedule A authority covering certain seasonal positions in cotton-classing offices of the Consumer and Marketing Service is extended to cover supervisory clerks in grade GS–3 who serve no more than 1,040 hours in any year. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (f) of § 213.3113 is amended as set out below.

§ 213.3113 Department of Agriculture.

* * * * * *

(f) *Consumer and Marketing Service.* (1) Positions of cotton classers GS–9 and below, clerks GS–2, supervisory clerks GS–3, and laborers, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C., Metropolitan Area. Employment under this authority (or under a combination of this authority and any other excepting authority) shall not exceed 1,280 hours a year in the case of cotton classers and laborers, and 1,040 hours a year in the case of clerks; except that a GS–5 cotton classer may be employed as a trainee during his first appointment for an initial period of 6 months for training purposes without regard to the above time limitation.

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–9879; Filed, Aug. 19, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Law Enforcement Coordinator, Office of the Assistant Secretary (Enforcement and Operations), is excepted under Schedule C. The section also is amended to show that the title of the Schedule C position of Executive Assistant to the Special Assistant to the Secretary (for Enforcement) has been changed to Special Assistant to the Secretary (Organized Crime). Effective on publication in the FEDERAL REGISTER, subparagraph (31) of paragraph (a) of § 213.3305 is amended and a new subpagaraph (41) is added as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* * * *

(31) One Special Assistant to the Secretary (Organized Crime).

* * * * * *

(41) One Law Enforcement Coordinator, Office of the Assistant Secretary (Enforcement and Operations).

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–9879; Filed, Aug. 19, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Miscellaneous Amendments

Part 213 is amended to remove from Schedule C the authorities covering positions that have been abolished or that are now covered by other appointing authorities, and to show amendments to §§ 213.3313 and 213.3315. Effective on publication in the FEDERAL REGISTER, Part 213 is amended as set out below.

§ 213.3305 Treasury Department.

* * * * * *

(a) *Office of the Secretary.* * * *
(17) [Revoked]

* * * * * *

(21) [Revoked]

* * * * * *

(25) [Revoked]

* * * * * *

(27) [Revoked]

* * * * * *

(32) [Revoked]

* * * * * *

(d) [Revoked]

* * * * * *

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

* * * * * *

(26) [Revoked]

* * * * * *

§ 213.3310 Department of Justice.

* * * * * *

(d) *Anti-Trust Division.* * * *
(10) [Revoked]

* * * * * *

(h) *Land and Natural Resources Division.* * * *
(7) [Revoked]

* * * * * *

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *
(9) [Revoked]

* * * * * *

(10) [Revoked]

* * * * * *

(27) [Revoked]

* * * * * *

(f) [Revoked]

* * * * * *

(h) *National Park Service.* * * *
(3) [Revoked]

* * * * * *

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* * * *
(7) One Chauffeur for the Secretary. * * *

* * * * * *

(12) [Revoked]

* * * * * *

(c) *Office of the Under Secretary.* * * *
(2) [Revoked]

* * * * * *

(n) *Agricultural Economics.* * * *
(2) [Revoked]

* * * * * *

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* * * *
(4) [Revoked]

* * * * * *

(7) [Revoked]

* * * * * *

(19) [Revoked]

* * * * * *

(22) [Revoked]

* * * * * *

(26) [Revoked]

* * * * * *

(29) [Revoked]

* * * * * *

(38) [Revoked]

* * * * * *

(d) [Revoked]

* * * * * *

(g) *Bureau of Public Roads.* * * *
(2) [Revoked]

* * * * * *

(4) [Revoked]
(5) [Revoked]
(h) *Patent Office.* * * *
(3) [Revoked]

* * * * * *

(m) *Office of the Assistant Secretary for Domestic & International Business.* * * *
(6) [Revoked]
(7) [Revoked]

* * * * * *

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* (1) Four Special Assistants, one Confidential Assistant and one Confidential

Assistant (Private Secretary) to the Secretary of Labor.

(2) [Revoked]

• • • • • •

(6) One Confidential Assistant to the Under Secretary of Labor.

• • • • • •

(7) [Revoked]

• • • • • •

(9) [Revoked]

• • • • • •

(11) [Revoked]

• • • • • •

(13) [Revoked]

• • • • • •

(15) [Revoked]

• • • • • •

(18) [Revoked]

• • • • • •

(c) *Bureau of Employment Security.*

(1) [Revoked]

• • • • • •

(g) *Bureau of Labor Standards.* • • •

(3) [Revoked]

• • • • • •

(k) [Revoked]

• • • • • •

§ 213.3352 St. Lawrence Seaway Development Corporation.

(a) [Revoked]

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9873; Filed, Aug. 19, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Private Secretary and Confidential Assistant to the Assistant to the Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (56) is added to paragraph (a) of § 213.3306 as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(56) One Private Secretary and Confidential Assistant to the Assistant to the Secretary.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9877; Filed, Aug. 19, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Executive Assistant to the Maritime Administrator is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (4) is added under paragraph (j) as set out below.

§ 213.3314 Department of Commerce.

• • • • • •

(j) *Maritime Administration.* • • •

(4) One Executive Assistant to the Administrator.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9875; Filed, Aug. 19, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Special Assistant to the Assistant Secretary for Economic Development and two positions of Congressional Liaison Officer in the Economic Development Administration are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (34) and (35) are added to paragraph (q) of § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

• • • • • •

(q) *Office of the Assistant Secretary for Economic Development.* • • •

(34) One Special Assistant to the Assistant Secretary.

(35) Two Congressional Liaison Officers.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9876; Filed, Aug. 19, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Veterans Administration

Section 213.3327 is amended to show that 4 additional Confidential Assistants to the Special Assistant to the Administrator are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (a) of § 213.3327 is amended as set out below.

§ 213.3327 Veterans Administration.

(a) *Office of the Administrator.* • • •

(2) Six Confidential Assistants to the Special Assistant to the Administrator.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9880; Filed, Aug. 19, 1969; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that two additional positions of Assistant for Congressional Relations are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (41) of paragraph (a) is amended under § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(41) Five Assistants for Congressional Relations.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9878; Filed, Aug. 19, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Subpart—Market Development

ESTABLISHMENT OF CRITERIA TO DETERMINE MAJOR MARKETING PROMOTION PROGRAM

Notice was published in the August 2, 1969, issue of the FEDERAL REGISTER (34 F.R. 12633) regarding a proposal, unanimously recommended by the Date Administrative Committee, to establish criteria to determine a major marketing promotion program. This action defining such criteria is pursuant to § 987.33 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee, and other available information it is found that criteria to determine a major marketing promotion program, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Therefore, a new Subpart—Market Development is hereby added to read as follows:

Subpart—Market Development

§ 987.401 Criteria for determining a major marketing promotion program.

A major marketing promotion program is any marketing promotion program requiring the expenditure of more than $500 (five hundred dollars) of Committee funds.

It is further found that good cause exists for making this action effective as hereinafter specified and for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The establishment by the Date Administrative Committee of such criteria is required pursuant to § 987.33 of the order; (2) this action imposes no restrictions upon handlers; (3) handlers need no time for preparation; and (4) postponing the effective time of this action beyond the date of publication in the FEDERAL REGISTER would serve no useful purpose..

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 14, 1969, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 69-9832; Filed, Aug. 19, 1969; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. D, M]

PART 204—RESERVES OF MEMBER BANKS

PART 213—FOREIGN ACTIVITIES OF NATIONAL BANKS

Reserves Against Certain Foreign Deposits

1. Effective September 4, 1969, the following amendments are hereby adopted:

a. Section 204.1 (b) and (f) is amended to read as follows:

§ 204.1 Definitions.

• • • • • •

(b) *Time deposits.* The term "time deposits" means "time certificates of deposit," "time deposits, open account," and "savings deposit," as defined below; except that for the purposes of § 204.5(c), "time deposits" shall have the meaning set forth therein.

• • • • • •

(f) *Deposits as including certain promissory notes and other instruments.* For the purposes of this part, the term "deposits" shall be deemed to include any promissory note, acknowledgement of advance, due bill, or similar instrument that is issued by a member bank principally as a means of obtaining funds to be used in its banking business, except any such instrument (1) that is issued to a domestic banking office of another bank,[6a] (2) that evidences an indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof (other than a part interest in such obligations) that the bank is obligated to repurchase, or (3) that has an original maturity of more than 2 years and states expressly that it is subordinated to the claims of depositors. This paragraph shall not, however, affect (i) any instrument issued before June 27, 1966, or (ii) any instrument that evidences an indebtedness arising from a transfer of assets under repurchase agreement issued before July 25, 1969, or (iii) until August 28, 1969, any instrument that evidences an indebtedness arising from a transfer of assets under repurchase agreement issued, renewed, or extended on or after July 25, 1969, or (iv) any instrument issued to a foreign office of another bank before June 27, 1969.

• • • • • •

§ 204.5 [Amended]

b. Section 204.5(a) is amended by changing "paragragh (b) of this section," to read "pararaphs (b) and (c) of this section,".

c. The following paragraph is added to § 204.5:

(c) *Reserve percentages against certain deposits by foreign banking offices.* Deposits represented by promissory notes, acknowledgements of advance, due bills, or similar obligations described in § 204.1(f) to foreign offices of other banks[6b] shall not be subject to paragraph (a) of this section or to § 204.3(a) (1) and (2); but during each week of the 4-week period beginning October 16, 1969, and during each week of each successive 4-week ("maintenance") period, a member bank shall maintain with the Reserve Bank of its district a daily average balance equal to 10 percent of the daily average amount of such deposits during the 4-week ("computation") period ending on the Wednesday 15 days before the beginning of the maintenance period; except that only 3 percent need be so maintained against such deposits which are time deposits[8] aggregating not more than 4 percent of such member bank's daily average deposits subject to paragraph (a) of this section during the computation period. An excess or deficiency in reserves in any week of a maintenance period under this paragraph shall be subject to § 204.3(a)(3), as if computed under § 204.3(a)(2), and deficiencies under this paragraph shall be subject to § 204.3(b).[9]

d. The following new section is added to Part 213:

§ 213.7 Reserves against foreign branch deposits.

(a) *Transactions with parent bank.* During each week of the 4-week period beginning October 16, 1969, and during each week of each successive 4-week ("maintenance") period, a member bank having one or more foreign branches shall maintain with the Reserve Bank of its district, as a reserve against its foreign branch deposits, a daily average balance equal to 10 percent of the amount by which the daily average total of

(1) Net balances due from its domestic offices to such branches, and

(2) Assets (including participations) held by such branches which were acquired from its domestic offices,[7]

during the 4-week ("computation") period ending on the Wednesday, 15 days before the beginning of the maintenance period, exceeds the greater of

(i) The corresponding daily average total[8] for either the 4-week period ending May 28, 1969, or (except as the Board may otherwise specify) any computation period beginning on or after September 4, 1969, whichever is least, or

(ii) 3 percent of the member bank's daily average deposits subject to § 204.5 (a) of this chapter (Regulation D) during the computation period:

Provided, That the applicable base computed under subdivision (i) or (ii) shall be reduced by the daily average amount of any deposits of the member bank subject to § 204.5(c) of this chapter (Regulation D) during the computation period.

(b) *Credit extended to United States residents.* During each week of the 4-week period beginning October 16, 1969, and

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[6a] I.e., any banking office in any State of the United States or the District of Columbia of a bank organized under domestic or foreign law.

[6b] I.e., offices of other banks not covered by § 204.1(f)(1).

[7] Excluding (1) assets so held on June 26, 1969, representing credit extended to persons not residents of the United States, and (2) credit extended or renewed by a domestic office after June 26, 1969, to persons not residents of the United States to the extent such credit was not extended in order to replace credit outstanding on that date which was paid prior to its original maturity (see definition of U.S. resident in footnote 9).

[8] Excluding assets representing credit extended to persons not residents of the United States.

[8] For the purposes of this paragraph, "time deposits" means any deposit having a maturity of 1 day or more.

[9] The term "computation period" in § 204.3(a)(2) and (b) shall, for this purpose, be deemed to refer to each week of a maintenance period under this paragraph.

during each week of each of successive 4-week maintenance period, a member bank having one or more foreign branches shall maintain with the Reserve Bank of its district, as a reserve against its foreign branch deposits, a daily average balance equal to 10 percent of the amount by which daily average credit outstanding from such branches to U.S. residents* (other than assets acquired and net balances due from its domestic offices), during the 4-week computation period ending on the Wednesday, 15 days before the beginning of the maintenance period, exceeds either the corresponding daily average total during the 4-week period ending May 28, 1969 or the total outstanding on June 25 or 26, 1969: *Provided*, That this paragraph does not apply to credit extended (1) by a foreign branch which at no time during the computation period had credit outstanding to United States residents* exceeding $5 million, (2) to enable the borrower to comply with requirements of the Office of Foreign Direct Investments, Department of Commerce,[19] or (3) under binding commitments entered into before June 27, 1969.

2a. By notice of proposed rule making dated June 26, 1969 (FEDERAL REGISTER of July 3, 1969, 34 F.R. 11214), the Board of Governors proposed to amend §§ 204.1 (f)(1) and 204.5 of this chapter (Regulation D) and to add a new § 213.7 to Part 213 of this chapter (Regulation M) in order to remove a special advantage to member banks of using foreign funds (primarily Euro-dollars) for adjustment to domestic credit restraint. The general purpose of such amendments as proposed was to establish a 10 percent reserve requirement against deposits to the extent of—

(1) Borrowings by domestic offices of member banks from their foreign branches and assets of foreign branches acquired from domestic offices of the parent member banks, to the extent such borrowings and assets exceed either the daily average amounts outstanding in the 4 weeks ending May 28, 1969, or 3 percent of deposits subject to reserve requirements;

(2) Credit extended by foreign branches of member banks to U.S. residents, to the extent such credits exceed those in a base period defined as either the amount outstanding on June 25, 1969, or the daily average amount outstanding in the 4 weeks ending May 28, 1969; and

(3) Borrowings by member banks from banks abroad that are not denominated as deposits.

b. In view of the comments received, the Board has incorporated various changes in these amendments as adopted. The principal substantive changes are as follows:

(1) The amendment to § 204.1(f)(1) has been modified to make clear that this exemption applies only to a domestic banking office of another bank; and a footnote has been added to clarify that "domestic" in this context means any banking office in any State of the United States or the District of Columbia of a bank organized under domestic or foreign law. Also, an exemption is provided in § 204.1(f) for obligations issued to a foreign office of another bank before June 27, 1969.

(2) The reserve requirement in § 204.5 (c) on borrowings from foreign banks has been conformed to the foreign branch reserve requirements in Regulation M with respect to the time periods for computing and maintaining such reserves. A provision has been added to § 204.5(c) to the effect that borrowings from foreign banks having maturities of 1 day or more will be subject to a reduced reserve requirement of 3 percent (rather than 10 percent), up to an amount of such "time" borrowings equal to 4 percent of the member bank's deposits subject to reserve requirements. Time borrowings above this base (and all borrowings actually payable on demand) from foreign banks would be subject to the 10 percent requirement. Also, provision has been made in § 204.5(c) for dealing with reserve deficiencies under that paragraph.

(3) A footnote has been added to § 213.7(a) which excludes from the 10 percent reserve requirement on assets sold to foreign branches (i) any assets held by foreign branches on June 26, 1969, representing credit extended to nonresidents of the United States, and (ii) credit extended or renewed by domestic offices of a member bank after June 26, 1969, to nonresidents of the United States, except to the extent such credit was extended in order to replace credit outstanding on that date which was paid prior to its maturity. Since no reserve requirement applies to foreign credits acquired from domestic offices which were held on June 26, 1969 by foreign branches or to foreign credits extended or renewed after that date, foreign credits are also excluded in computing a member bank's base under § 213.7 (a). It is also provided that any borrowings from foreign banks under § 204.5 (c) shall operate to reduce the reserve-free base available on borrowings from foreign branches under § 213.7(a).

(4) Section 213.7(b) has been modified to exempt borrowings to meet the requirements of the Office of Foreign Direct Investments, Department of Commerce, and borrowings under commitments entered into before June 27, 1969, from the 10 percent reserve requirement applicable to foreign branch credit to United States residents. Also, a footnote defines "United States resident" to include any individual residing in any State or the District of Columbia, any corporation or other entity organized therein, and any domestic office of a foreign company. It is also made clear that credit extended to foreign offices or affiliates of domestic companies will not be treated as credit to U.S. residents if the funds will be used in the foreign business of the borrower or another foreign affiliate of the domestic company.

3. The effective date of the amendment was deferred for less than the 30-day period referred to in section 553(d) of title 5, United States Code, because the Board found that the general credit situation and the public interest compelled it to make the action effective no later than September 4, 1969.

Approved: August 12, 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-9803; Filed, Aug. 19, 1969; 8:45 a.m.]

[Reg. Z]

PART 226—TRUTH IN LENDING

Discount for Prompt Payment of Sales Transactions

1. Effective August 11, 1969, § 226.8(o) is amended to read as follows:

§ 226.8 Credit other than open end—specific disclosures.

* * * * *

(o) *Discount for prompt payment of sales transactions.* (1) For the purposes of this paragraph, a "transaction subject to § 226.8(o)" is a credit sale transaction which is not exempt under § 226.3 and which is subject to a discount for payment on or before a specified date (e.g., 2 percent discount if paid within 10 days) or to a charge for delaying payment after a specified date (e.g., $98 cash, $100 if paid in 30 days). Both such a discount and such a charge are referred to in this paragraph as a "discount." In the case of any transaction subject to this § 226.8 (o), notwithstanding the provisions of the last sentence of paragraph (a) of this section, the creditor shall disclose on the invoice or other evidence of such sale, as applicable:

(i) The date of the sale or invoice.

(ii) The rate of discount, the date by which or period within which the discount may be taken, and the date by which or period within which the full amount of the obligation is due and payable. (For example, "2 percent per 10 days, net 30 days"; or "$1 per ton per 10 days, net 30 days.")

(iii) The information required under paragraph (b) (4) and (5) of this section.

(iv) The amount of the discount, designated as a "finance charge," using that term.

(v) If the discount shown for prompt payment exceeds 5 percent of the obligation to which the discount relates, the "annual percentage rate," using that term, computed in accordance with subparagraph (2) of this paragraph, but subject to the exceptions provided under paragraph (b)(2) of this section.

(2) For the purposes of subparagraph (1)(v) of this paragraph, the annual percentage rate shall be determined by dividing the amount of the finance charge by the least amount payable in satisfaction of the obligation and multiplying the quotient (expressed as a percentage) by a fraction in which the numerator is 12, and the denominator is the number of whole months (but not less than 1) between the first day of the monthly billing cycle in which the transaction is consummated and the first day of the monthly billing cycle in which the obligation becomes due.[19a]

(3) In a transaction with multiple discount rates (for example 6 percent per 10 days, 4 percent per 20 days, net 30 days), the largest discount shall be used for purposes of disclosing the amount of the finance charge under subparagraph (1)(iv) of this paragraph and the annual percentage rate under subparagraph (1)(v) of this paragraph.[19b]

(4) In order to determine the applicability of subparagraph (1)(v) of this paragraph and to facilitate disclosure of an annual percentage rate, if the amount of the discount for prompt payment is related, pursuant to usual business practice, to weight, quantity, or other physical measure (e.g., $1 per ton or 1 cent per gallon) rather than expressed as a percentage of discount, that discount may be converted to an approximate discount rate and, under subparagraph (2) of this paragraph, a reasonably accurate approximation of the annual percentage rate by using approximate or projected prices per physical unit determined on the basis of past experience, current information, or projected analysis.[19c]

(5) If by its terms a transaction subject to this § 226.8(o) is payable in a single payment and no finance charge other than a discount is or may be imposed, and such discount is not utilized for the purpose of circumvention or evasion of disclosure requirements, the disclosure required by subparagraph (1) of this paragraph shall constitute compliance with the requirements of this § 226.8 and under § 226.9(a) shall constitute "all other material disclosures required under this part."

(6) If a transaction subject to this § 226.8(o) is debited to an open end credit account, disclosures shall be made as specified in subparagraph (1) of this paragraph and also as specified in § 226.7. The full amount of the obligation including the amount of the discount may be debited to the open end credit account under § 226.7(b)(2), and the amount of any finance charge representing the discount need not be added to any other finance charge for the purpose of computing and disclosing the total amount of finance charge and the annual percentage rate under §§ 226.5(a) and 226.7.[19d]

(7) If a transaction subject to this § 226.8(o) is not debited to an open end credit account, but either is subject to an additional finance charge or is payable by its terms in more than one payment, disclosures shall be made as specified in subparagraph (1) of this paragraph and also as specified in paragraphs (b) and (c) of this section. In such a case, if the transaction is payable in more than one payment, the amount of the discount shall be deducted for the purpose of computing and disclosing the cash price under paragraph (c)(1) of this section and shall be added to any other finance charge for the purpose of computing and disclosing the amount of the finance charge under paragraph (c)(8)(i) of this section and the annual percentage rate under paragraph (b)(2) of this section.[19e] If the transaction is payable in a single payment, the discount may be disregarded in computing and disclosing such cash price, finance charge, and annual percentage rate.[19f]

(8) Notwithstanding the provisions of the second sentence of paragraph (a) of this section, the disclosures required under subparagraph (1) of this paragraph made on the invoice or other evidence of sale may be delivered subsequent to consummation of the transaction.

(9) This amended paragraph (o) of § 226.8 shall become effective August 11, 1969, but until March 1, 1970, any creditor may at his option use any printed forms which were prepared before such effective date in accordance with this paragraph (o) of § 226.8 in effect at the time of such preparation.

2a. The purpose of this amendment is to clarify the application of the Truth in Lending Act to those cases in which a credit sale transaction is subject to a discount for prompt payment on or before a specified date or to a charge for delaying payment after a specified date.

b. The requirements of section 553 of Title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment. The effect of the amendment in general is to provide relief from a restriction and, in view of the unnecessary hardship on certain creditors in complying with the original § 226.8(o), the Board found that following such procedures would result in delay that would be contrary to the public interest.

Adopted: August 8, 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-9802; Filed, Aug. 19, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-WE-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On July 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11101) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Cherokee, Wyo., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following changes.

In the description of the transition area delete all after "* * * extending * * *" and substitute therefor "* * * to 8 miles east and 19 miles west of the VORTAC."

Since these changes are editorial in nature, notice and public procedure hereon are unnecessary.

Effective date. This amendment shall be effective 0901 G.m.t., October 16, 1969.

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[19] I.e., (a) any individual residing (at the time the credit is extended) in any State of the United States or the District of Columbia; (b) any corporation, partnership, association or other entity organized therein ("domestic corportion"); and (c) any branch or office located therein of any other entity wherever organized. Credit extended to a foreign branch, office, subsidiary, affiliate or other foreign establishment ("foreign affiliate") controlled by one or more such domestic corporations will not be deemed to be credit extended to a U.S. resident if the proceeds will be used in its foreign business or that of other foreign affiliates of the controlling domestic corporation(s).

[19] The branch may in good faith, rely on the borrower's certification that the funds will be so used.

[19a] For example, a $1,000 purchase of feed subject to terms of 6 percent per 10 days net 30 days (or 6 percent per 10 days, net E.O.M.; or 6 percent per 10 days, net 10th of the following month; or 6 percent per 20 days, net 30 days; or 6 percent per 30 days, net 30 days; or 6 percent discount for cash, net 30 days) results in a finance charge of $60, a least amount payable of $940, and an annual percentage rate of 76.56 percent, which may be rounded to 76.50 percent or 76½ percent. Terms of 6 percent per 20 days, net Sept. 29 applied to an April purchase, assuming a calendar month billing cycle, result in an annual percentage rate of 15.31 percent (i.e., $\frac{6}{94} \times \frac{12}{5}$) which may be rounded to 15.25 percent or 15¼ percent. In this example the 29 days in September are ignored and the denominator (5) is determined by the number of whole months in the period.

[19b] For example, terms of 6 percent per 10 days, 4 percent per 20 days, net 30 days would be treated like terms of 6 percent per 10 days, net 30 days, which would represent an annual percentage rate of 76½ percent.

[19c] For example, if terms of $3 discount per ton per 10 days, net 30 days are offered on fertilizer that is expected to sell in a range of about $48 to $52 per ton, the annual percentage rate could be approximated for preprinting as if it were 6 percent (i.e., $3 on $50) per 10 days, net 30 days, that is, 76½ percent.

[19d] For example, if a $1,000 sale on terms of 2 percent per 10 days, net 30 days, is debited to an open end account on which 1 percent per month is charged, the periodic statement under § 226.7(b) (assuming no other transactions in the account) would show a previous balance of $1,000, a finance charge of $10, and an annual percentage rate of 12 percent.

[19e] For example, if a $1,000 sale on terms of 2 percent per 10 days, net 30 days is subject to an add-on finance charge of $100 and is payable in installments, the disclosures under § 226.8 (b) and (c) would include a cash price of $980 and a finance charge of $120.

[19f] For example, if a $1,000 sale on Aug. 2, not under an open end account is subject to terms of 2 percent per 10 days, net 30 days, thereafter 8 percent per annum until Dec. 1, the disclosures under § 226.8 (b) and (c) would include a cash price of $1,000, a finance charge of $19.95, and an annual percentage rate of 8 percent.

Issued in Los Angeles, Calif., on August 12, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the Cherokee, Wyo., transition area is amended to read:

CHEROKEE, WYO.

That airspace extending upward from 1,200 feet above the surface within 9 miles south and 6 miles north of the Cherokee VORTAC 261° and 081° radials extending to 8 miles east and 19 miles west of the VORTAC.

[F.R. Doc. 69-9862; Filed, Aug. 19, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SO-63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area and Control Zone

On July 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11379), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Kinston, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 35°-19'40" N., long. 77°36'55" W.) for Stallings Field was obtained from Coast and Geodetic Survey. It is necessary to alter the transition area and control zone descriptions to reflect the refined airport geographic coordinate.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Kinston, N.C., transition area is amended to read:

KINSTON, N.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Stallings Field (lat. 35°19'40" N., long. 77°36'55" W.).

In § 71.171 (34 F.R. 4557), the Kinston, N.C., control zone is amended as follows:

"* * * (latitude 35°19'40" N., longitude 77°37'05" W.) * * *" is deleted and "* * * (lat. 35°19'40" N., long. 77°36'55" W. * * *" is substituted therefor. * * *

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on August 12, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-9863; Filed, Aug. 19, 1969; 8:49 a.m.]

[Airspace Docket No. 69-WE-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On July 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11103) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area for Aurora State Airport, Aurora, Oreg.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following changes.

Delete "* * * 125° * * *" and "* * * 305° * * *" in reference to the Newberg VORTAC radials and substitute "* * * 123° * * *" and "* * * 303° * * *" therefor.

Since these changes are minor in nature, notice and public procedure hereon are unnecessary.

Effective date. This amendment shall be effective 0901 G.m.t., October 16, 1969.

Issued in Los Angeles, Calif., on August 12, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the following transition area is added:

AURORA, OREG.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Aurora State Airport (latitude 45°15'00" N., longitude 122°46'10" W.) and within 2.5 miles each side of the 123° radial of the Newberg VORTAC, extending from the 5-mile radius area to the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles southwest and 4.5 miles northeast of the 303° radial of the Newberg VORTAC, extending from the VORTAC to 18.5 miles northwest of the VORTAC.

[F.R. Doc. 69-9864; Filed, Aug. 19, 1969; 8:49 a.m.]

[Airspace Docket No. 69-SO-55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On July 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11380), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Indianola, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 33°29'55" N., long. 90°45'45" W.) for Indianola-Legion Field was obtained from Coast and Geodetic Survey. It is necessary to alter the description by adding the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

INDIANOLA, MISS.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Indianola-Legion Field (lat. 33°29'05" N., long. 90°40'45" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on August 12, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-9865; Filed, Aug. 19, 1969; 8:49 a.m.]

[Airspace Docket No. 69-EA-71]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On July 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11103) stating that the Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations which would raise the ceiling of the Lake Erie, Ohio, Restricted Area R-5505 from 2,600 feet MSL to 6,000 feet MSL.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective September 18, 1969, as hereinafter set forth.

In § 73.55 (34 F.R. 4843) R-5505 Lake Erie, Ohio, is amended by deleting "Designated altitudes. Surface to 2,600 feet MSL." and substituting "Designated altitudes. Surface to 6,000 feet MSL." therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)))

Issued in Washington, D.C., on August 4, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9955; Filed, Aug. 19, 1969; 8:51 a.m.]

[Airspace Docket No. 69-EA-62]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route Segments

On June 20, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9683) stating that the Federal Aviation Administration was considering amendments to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 43 segment between Rosewood, Ohio, and Carleton, Mich.; and renumber the segment of Jet Route No. 590 between Sault Ste. Marie, Mich., and Carleton, Mich.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

Section 75.100 (34 F.R. 4856, 5431) is amended as follows:

a. In the caption Jet Route No. 43 "Salem, Mich." is deleted and "to Sault Ste. Marie, Mich." is substituted therefor, and in the text "to Salem, Mich." is deleted and "Carleton, Mich., to Sault Ste. Marie, Mich." is substituted therefor.

b. In the caption Jet Route No. 590 "to Carleton, Mich." is deleted and "to Sault Ste. Marie, Mich." is substituted therefor, and in the text "Sault Ste. Marie, Mich.; to Carleton, Mich." is deleted and "to Sault Ste. Marie, Mich." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 14, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9829; Filed, Aug. 19, 1969; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-297; Order 387]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 14—REPORTING NET INVESTMENT IN LICENSED PROJECTS TO THE COMMISSION

Hydroelectric Project Licenses; Calculation of "Net Investment"; Statement of Policy; Correction

AUGUST 7, 1969.

In the Statement of Policy issued August 4, 1969, and published in the FEDERAL REGISTER August 12, 1969 (34 F.R. 13024): Change ordering paragraph (A) to read as follows:

(A) Subject to paragraph (F) below, the proceeding in docket No. R-297 will be terminated.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9800; Filed, Aug. 19, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-190]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of July 1969, of approved fruit products and other approved products containing sugar amounts to Australian $82.60 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian $82.60 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) under "Australia—Sugar content of certain articles" is amended (1) by deleting therefrom the reference to T.D. 69-115 and (2) by adding a reference to this Treasury Decision. As amended, the last three lines of the table under this commodity will read:

Country	Commodity	Treasury decision	Action
		69-138	New rate.
		69-168	Do.
		69-190	Do.

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: August 6, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-9842; Filed, Aug. 19, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

New Animal Drugs

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-51; 21 U.S.C. 360b, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following new section is added to Part 3:

§ 3.517 New animal drugs; transitional provisions re section 512 of the act.

(a) Section 512 of the Federal Food, Drug, and Cosmetic Act was enacted on June 13, 1968, to become effective August 1, 1969, by the Animal Drug Amendments of 1968 (Public Law 90-399).

(b) The provisions of the Animal Drug Amendments of 1968 require extensive revisions to existing regulations.

(c) Such regulations will be published at an early date in the FEDERAL REGISTER. An opportunity for comment by interested parties will be provided.

(d) Pending promulgation of the necessary regulations under section 512 of the act, the currently used Form FD 356-Rev. 1965, Form 5, and Form FD 1800 will be acceptable as a basis for approval of applications of new animal drugs and feeds containing new animal drugs under the provisions of section 512 provided that such applications include:

(1) A practicable method of analysis for determining the quantity, if any, of any substance in or on food resulting from the use of a new animal drug.

(2) The conditions and indications for use of the new animal drug, including any proposed tolerance or withdrawal period or other use restrictions for such drug required in order to assure that the proposed use of the drug will be safe, and if the new animal drug is intended for use in animal feed, appropriate purposes and conditions of use (including special labeling requirements applicable to any animal feed in which the drug is to be approved).

(3) Applications submitted in the Form FD 1800 shall in lieu of the information required by section I include a reference to the regulation in Subpart C of Part 121 of this chapter upon which the application relies as a basis for approval of the application with respect to the use of a new animal drug in feed and the name and address of the supplier of the new animal drug.

(e) A new animal drug intended for use in the manufacture of animal feed shall be deemed to be unsafe unless at the time of its removal from the establishment of a manufacturer, packer, or distributor of such drug, such manufacturer, packer, or distributor has an unrevoked written statement from the consignee of such drug or a notice from the Food and Drug Administration to the effect that with respect to the use of such drug in animal feed, the consignee:

(1) Is the holder of an approved Form FD 1800; or

(2) Will, if the consignee is not a user of the drug, ship such drug only to a holder of an approved Form FD 1800.

An unrevoked written notice that a new-drug application, supplemental new-drug application, antibiotic Form 10, or Form FD 1800 has been approved for such use of the drug in animal feed meets this requirement.

(f) The requirements of section 512 of the act shall apply with regard to approval, refusal to approve, and revocation of applications with respect to

new animal drugs and feeds containing new animal drugs. All prior approvals of new-drug applications, supplemental new-drug applications, master files, Form FD 1800, and antibiotic Forms 5, 6, and 10, and food additive regulations for such drugs and feeds containing such drugs shall remain in effect until withdrawn or suspended under provisions of section 512 of the act.

(g) The regulations included in Subparts C and D of Part 121 of this chapter remain in effect until they have been incorporated as regulations under section 512(i) of the act or have been amended or revoked as provided in paragraph (f) of this section.

(Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-51; 21 U.S.C. 360b, 371(a))

Dated: August 13, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-9809; Filed, Aug. 19, 1969; 8:45 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

MODIFIED HOP EXTRACT

The Commissioner of Food and Drugs, having evaluated data in petitions filed by Bush Boake Allen Ltd., Warf Road, London N1, England (FAP 8A2304) and by Hops Extract Corp. of America, Post Office Box 341, Yakima, Wash. 98901 (FAP 9A2346), and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of two additional modified hop extracts as set forth below in § 121.1082(b) (2) and (3). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1082 is revised to read as follows:

§ 121.1082 Modified hop extract.

The food additive modified hop extract may be safely used in beer in accordance with the following prescribed conditions:

(a) The food additive is used or intended for use as a flavoring agent in the brewing of beer.

(b) The food additive is manufactured by one of the following processes:

(1) The additive is manufactured from a hexane extract of hops by simultaneous isomerization and selective reduction in an alkaline aqueous medium with sodium borohydride, whereby the additive meets the following specifications:

(i) A solution of the food additive solids is made up in approximately 0.012 *n* alkaline methyl alcohol (6 milliliters of 1 *n* sodium hydroxide diluted to 500 milliliters with methyl alcohol) to show an absorbance at 253 millimicrons of 0.6 to 0.9 per centimeter. (This absorbance is obtained by approximately 0.03 milligram solids per milliliter). The ultraviolet absorption spectrum of this solution exhibits the following characteristics: An absorption peak at 253 millimicrons; no absorption peak at 325 to 330 millimicrons; the absorbance at 268 millimicrons does not exceed the absorbance at 272 millimicrons.

(ii) The boron content of the food additive does not exceed 310 parts per million (0.0310 percent), calculated as boron.

(2) The additive is manufactured from hops by a sequence of extractions and fractionations, using benzene, light petroleum spirits, and methyl alcohol as solvents, followed by isomerization by potassium carbonate treatment. Residues of solvents in the modified hop extract shall not exceed 1.0 part per million of benezene, 1.0 part per million of light petroleum spirits, and 250 parts per million of methyl alcohol. The light petroleum spirits and benzene solvents shall comply with the specifications in § 121.1203 except that the boiling point range for light petroleum spirits is 150° F. −300° F.

(3) The additive is manufactured from hops by a sequence of extractions and fractionations, using methylene chloride, hexane, and methyl alcohol as solvents, followed by isomerization by sodium hydroxide treatment. Residues of the solvents in the modified hop extract shall not exceed 5 parts per million of methylene chloride, 25 parts per million of hexane, and 10 parts per million of methyl alcohol.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: August 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9808; Filed, Aug. 19, 1969; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 171—MONEY ORDERS

Money Order Fees at Overseas Armed Forces Post Offices

At many overseas points military personnel do not have convenient access to commercial arrangement for transfer of dollar funds to points within the United States or to other U.S. military personnel serving overseas. As a consequence the primary means for making such transfers is the postal money order system. The Department has determined that a reduction in the fee for issuing domestic money orders at Armed Forces Post Offices located outside the 50 States, Puerto Rico and Guam would serve the public interest.

Accordingly, in recognition of the special circumstances of overseas military personnel and to better serve such personnel, the fee for issuance of domestic money orders at these offices (other than those located in combat areas) is being established at 15 cents each, regardless of the amount. Moreover, since a simplification of accounting of postal units operating in combat areas is desirable, the Department has determined to issue domestic money orders without fee at armed forces post offices in combat areas. Vietnam and contiguous waters are presently designated as a combat area.

Notice of proposed rule making and full 30 days advance notice of the changes with respect to these fees is unnecessary since the changes involve a proprietary function and would be contrary to the public interest since the incident delay would postpone the institution of the benefit being afforded the military personnel in question.

Therefore, § 171.1(b)(2) is amended, effective September 15, 1969, to read as follows:

§ 171.1 Issuance of domestic money orders.

* * * * *

(b) *Amounts, fees, payments.* * * *

(2) *Money order fees.* (i) No fee is charged for a postal money order issued to military personnel and/or their dependents by a U.S. Armed Forces Postal Clerk at a Military Post Office (APO or NPO) located in Vietnam, or on board a ship in contiguous waters, as defined by regulations of the Department of Defense. Postal Money Orders issued to others shall be charged at the fees indicated below in subdivision (iii) of this subparagraph.

(ii) The fee for a postal money order issued to military personnel and/or their dependents by an Armed Forces Postal Clerk on board any other ship or at any other Military Post Office (APO or NPO) located outside the 50 States, Puerto Rico, and Guam is 15 cents, regardless of the amount of the money order. Postal money orders issued to others shall be charged at the fees indicated below in subdivision (iii) of this subparagraph.

(iii) Fees for domestic money orders issued at other post offices including those with branches or stations on military installations and international money orders issued at any post office are as follows:

Amount of money order	Amount of fee	
	Domestic	International
$0.01 to $10	$0.25	$0.45
$10.01 to $50	.35	.65
$50.01 to $100	.40	.75

* * * * *

NOTE: The corresponding Postal Manual section is 171.122.

(5 U.S.C. 301, 39 U.S.C. 501, 507, 705(d), 712)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-9841; Filed, Aug. 19, 1969; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4676]

[Anchorage 4733]

ALASKA

Modification of Public Land Order No. 4582

In order to permit the construction of a public facility in the public interest, and in reliance upon the representation of the State of Alaska that it shall do all things necessary and appropriate in connection with such construction to preserve and protect the environment and natural resources, Now, Therefore,

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847 as amended; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 4582 of January 17, 1969 (34 F.R. 1025), withdrawing all unreserved public lands in Alaska for the determination and protection of the rights of the native Aleuts, Eskimos, and Indians of Alaska, is hereby modified to the extent necessary to permit:

1. The location of a right-of-way under section 2477 U.S. Revised Statutes (43 U.S.C. 932), by the State of Alaska over public lands for construction of approximately 53 miles of State highway from Livengood, Alaska, northwesterly to the Yukon River; and

2. The issuance of such other permits as may be required in connection with the construction, maintenance, and operation of the highway described above.

WALTER J. HICKEL,
Secretary of the Interior.

AUGUST 13, 1969.

[F.R. Doc. 69-9815; Filed, Aug. 19, 1969; 8:46 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 8; Amdt. 71-5]

PART 71—STANDARD TIME ZONE BOUNDARIES

Relocation of Mountain-Central Standard Time Zone Boundary in State of Kansas

The purpose of this amendment to Part 71 of Title 49 of the Code of Federal Regulations is to change the existing boundary line between the mountain time zone and the central time zone as it applies to the State of Kansas.

On June 11, 1969, the Department of Transportation published in the FEDERAL REGISTER (34 F.R. 9213), a notice of proposed rule making requesting comments on a proposal to relocate the boundary between the central and mountain time zones in western Kansas.

The proposal was based on communications from local government officials, businessmen, citizens, and travelers which showed a disparity in the pattern of time observance in western Kansas. As a result of these communications the Department held public meetings on May 22, 1969, in Scott City, Kans., and on May 23, 1969, in Colby, Kans. The information received from the communications and those meetings formed the basis for the Department's proposal to relocate the line to include only Sherman, Wallace, Greeley, and Hamilton Counties in the mountain time zone. The proposed relocation would have placed the remaining 22 counties or parts of counties currently in the Kansas portion of the mountain time zone in the central time zone.

Public comments were received on the proposal during the period from June 11, 1969 to July 28, 1969. A total of 6,139 comments were received from persons in the area concerned. The comments are summarized on a county-by-county basis in the following tables:

COUNTIES FROM WHICH THE COMMENTS FAVOR MOUNTAIN TIME ZONE

County	Percent of population commenting	Ratio of comments favoring mountain time	Time zone favored by officials of—			
			County	Schools	Principal community	Other communities
Greeley	15.1	1.8 to 1	Mountain		Mountain	
Hamilton	7.4	24 to 1	Mountain		Mountain	Mountain.
Kearny	19.3	2.6 to 1	Mountain	Mountain	Mountain	Central.
Sherman	4.5	2.3 to 1	(Comments divided.)			
Wallace	4.0	2.7 to 1	Mountain	Mountain		

COUNTIES FROM WHICH THE COMMENTS FAVOR CENTRAL TIME ZONE

County	Percent of population commenting	Ratio of comments favoring central time	Time zone favored by officials of—			
			County	Schools	Principal community	Other communities
Cheyenne	15.7	1.3 to 1	(Comments divided).			
Decatur	3.0	25 to 1	Central			
Ellis	(1)					
Finney	8.2	4.4 to 1	Central	Central	Central	
Ford	(1)					
Gove	4.2	39 to 1		Central	Central	
Graham	(1)					
Gray	(1)		Central	Central	Central	
Hodgeman	(1)					
Lane	0.8	4 to 1				
Logan	7.5	14 to 1	Central		Central	
Ness	6.6	23 to 1	Central			
Norton	(1)		Central			
Phillips	(1)					
Rawlins	7.4	8.4 to 1	Central	Central	Central	Central.
Rooks	(1)					
Scott	4.8	4.3 to 1	Central	Central		
Sheridan	1.5	30 to 1	Central	Central		
Thomas	5.7	7.8 to 1	Central	Central	Central	Central.
Trego	(1)					
Wichita	1.0	16 to 1	Central	Central	Central	

[1] Comments received from less than 0.1 percent of population.

As shown in the second table the responses from Norton, Graham, Trego, Phillips, Rooks, Ellis, Hodgeman, Ford, and Gray Counties were minimal. However, investigation by the Department has indicated that these counties, although located entirely or partly in the mountain time zone, have been observing central time for many years. In fact, officials of many of these counties, especially the ones split between the mountain and central zones (Phillips, Ford,

Rooks, Ellis, Hodgeman, and Gray) were apparently unaware that a part of their county was included within the mountain time zone. For these reasons and because of near unanimous agreement with the proposal as it affected them, the minimal response from those counties was not surprising or unreasonable.

Due to a lack of any definite indication, before the notice was issued, as to the preferences in Kearny County, the proposal, as set forth in the notice, would have placed that county in the central time zone. However, as can be seen from the first table above, the response from that county was the highest received from any of the counties affected by the proposal (19.37 percent of the total population of Kearny County). Of those comments, a clear preference (2.6 to 1) favored mountain time. It was stated in the notice that the proposed relocation of the time zone boundary might "be changed in light of the comments received". Since the comments from that county so clearly favor mountain time, it is evident that Kearny County should be in the mountain time zone.

A preponderance of the comments from each of the other counties from which more than a minimal response was received clearly favored the proposed relocation as it would affect that county.

A large number of comments received stated a belief that all of Kansas should be in one time zone. While such a result might be more symmetrical, most of those comments came from counties expressing a preference for the central time zone and were based on personal considerations rather than any compelling economic or governmental reasons. Thus, the Department does not believe those comments should override the clearly expressed preference for mountain time in the other five counties.

In consideration of the foregoing, the boundary line between the mountain and central time zones in the State of Kansas is being changed so as to place the entire State in the central zone, except for Sherman, Wallace, Greeley, Hamilton, and Kearny Counties. Accordingly, effective at 2 a.m. on October 26, 1969, § 71.6 (d) and (g) of Title 49, Code of Federal Regulations, is amended to read as follows:

§ 71.6 Boundary line between central and mountain zones.

* * * * *

(d) *Kansas.* From the intersection of the west line of Hitchcock County, Nebr., with the boundary line between Nebraska and Kansas westerly along that boundary to the northwest corner of the State of Kansas; thence southerly along the western boundary of the State of Kansas to the north line of Sherman County, Kans.; thence easterly along the north line of Sherman County to the east line of Sherman County; thence southerly along the east line of Sherman County to the north line of Logan County; thence westerly along the north line of Logan County to the east line of Wallace County; thence southerly along the east line of Wallace County to the north line of Wichita County; thence westerly along the north line of Wichita County to the east line of Greeley County; thence southerly along the east line of Greeley County to the north line of Hamilton County; thence easterly along the north line of Hamilton and Kearny Counties to the east line of Kearny County; thence southerly along the east line of Kearny County to the south line of Kearny County; thence westerly along the south line of Kearny and Hamilton Counties to the Kansas-Colorado boundary; thence southerly along the Kansas-Colorado boundary to the intersection of that boundary with the north boundary of the State of Oklahoma.

* * * * *

(g) *Points on boundary line.* All municipalities located upon the above-described zone boundary line are in the U.S. standard mountain time zone with the exception of Murdo, S. Dak., which is in the U.S. standard central time zone.

This amendment does not concern adherence to or exemption from advanced (daylight saving) time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from the last Sunday in April to the last Sunday in October, but permits any State to exempt itself, by law, from observing advanced time within that State. The Department has no administrative authority with respect to this requirement.

(Act of Mar. 19, 1918, as amended by Uniform Time Act of 1966 (15 U.S.C. 260–267); sec. 6(e)(5), Department of Transportation Act (49 U.S.C. 1655(e)(5)))

Issued in Washington, D.C., on August 13, 1969.

JOHN A. VOLPE,
Secretary of Transportation.

[F.R. Doc. 69-9828; Filed, Aug. 19, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Wapanocca National Wildlife Refuge and Big Lake National Wildlife Refuge, Ark.

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on the Wapanocca and Big Lake National Wildlife Refuges, Ark.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of the refuges which are open to hunting are designated by signs and/or delineated on maps. Maps are available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323.

§ 32.22 Special regulations; upland game; for individual refuge areas.

ARKANSAS

WAPANOCCA NATIONAL WILDLIFE REFUGE

Squirrels, bobcats, rabbits, and raccoons may be hunted in accordance with the following special conditions:

(1) Squirrels, bobcats, and rabbits may be hunted October 1 through October 19, 1969.

(2) Raccoons may be hunted February 1 through February 28, 1970.

(3) Dogs are permitted during the raccoon hunts and are prohibited during the other hunts.

(4) Raccoon hunting permitted only from sunset until midnight.

(5) Cutting or burning of trees, fires, camping, and littering are prohibited.

(6) Shotguns and .22 caliber rifles are permitted.

BIG LAKE NATIONAL WILDLIFE REFUGE

Squirrels and raccoons may be hunted during the prescribed State seasons and in accordance with the following special conditions.

(1) Hunting of raccoons is permitted only from sunset to midnight.

(2) Dogs are permitted during the raccoon hunt but are prohibited during the squirrel hunt.

(3) Fires and cutting of trees are not permitted.

(4) Shotguns only may be used to hunt squirrels. Shotguns or rifles not larger than .22 caliber may be used to hunt raccoons.

(5) Persons are prohibited from possessing while on the refuge, either on their person or in their vehicles, game for which there is not an open season on the refuge.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective to June 30, 1970.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 11, 1969.

[F.R. Doc. 69-9836; Filed, Aug. 19, 1969; 8:47 a.m.]

PART 32—HUNTING

Long Lake National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Long Lake National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 21,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 7, 1969, and from sunrise to sunset November 8, 1969, through November 16, 1969.

(2) All hunters must exhibit their hunting license, deer tag, game, and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 16, 1969.

MARVIN MANSFIELD,
Refuge Manager, Long Lake National Wildlife Refuge, Moffit, N. Dak.

AUGUST 13, 1969.

[F.R. Doc. 69-9817; Filed, Aug. 19, 1969; 8:46 a.m.]

PART 32—HUNTING

Slade National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

SLADE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Slade National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,840 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 7, 1969, and from sunrise to sunset November 8, 1969, through November 16, 1969.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 16, 1969.

MARVIN MANSFIELD,
Refuge Manager, Slade National Wildlife Refuge, Dawson, N. Dak.

AUGUST 13, 1969.

[F.R. Doc. 69-9818; Filed, Aug. 19, 1969; 8:46 a.m.]

PART 32—HUNTING

Tennessee National Wildlife Refuge, Tenn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

TENNESSEE

TENNESSEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tennessee National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,700 acres for bow hunting only, and 3,300 acres gun and bow hunting are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special conditions:

(1) The open season for archery hunting of deer on the Refuge extends from October 4, through October 12, 1969.

(2) The open season for gun hunting of deer on the refuge extends from December 26, through December 29, 1969.

(3) The bag limit is one deer of either sex per hunter.

(4) The use of dogs is not permitted.

(5) Camping on the area is not permitted.

(6) Bobcats, gray foxes, woodchucks, and crows may be taken.

(7) Driving of deer is prohibited.

(8) Hunters may enter public hunting area at sunrise and must be out of area by 1 hour after sunset.

(9) Bow hunters desiring to hunt Britton Ford Peninsula opening day will be required to possess a Federal permit. Permits will be issued to the first 300 written requests marked "Archery Deer Hunt" and submitted to the refuge office, Bureau of Sport Fisheries and Wildlife, Box 849, Paris, Tenn. 38242, and received postmarked on or after September 1, 1969. Permits will be free and transferable. Only one permit will be furnished each of the first 300 requests. No permit is required to bow hunt the other archery areas and no permit is required on any area open for bow hunting after opening day, during the archery hunt.

(10) Hunters must check in and out of the designated checking station.

(11) Hunters desiring to hunt deer in the area open to gun hunting will require a Federal permit. Applications will be submitted in writing to the refuge office, Bureau of Sport Fisheries and Wildlife, Box 849, Paris, Tenn. 38242, during the month of September 1969. Acceptable applications shall be marked "Gun Deer Hunt". A public drawing will be held on October 6, 1969, in the refuge office. Applications will be drawn for 125 permits per day for each day of the hunt. Permits are free and nontransferable. There will be no permits issued after October 6, 1969. All applicants will be notified as to the results of their application. Successful applicants will be notified of the date or dates to hunt.

(12) Group applications of no more than two per group will be accepted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 1, 1970.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 11, 1969.

[F.R. Doc. 69-9837; Filed, Aug. 19, 1969; 8:47 a.m.]

PART 32—HUNTING

Aransas National Wildlife Refuge, Texas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

TEXAS

ARANSAS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Aransas National Wildlife Refuge, Tex., with rifle or shotgun is permitted from September 1 through September 19, 1969, inclusive, and with bow and arrow, from September 22 through October 5, 1969, inclusive. Feral hogs may be taken with bow and arrow from September 22 through October 5, 1969, inclusive. These animals may be taken only on the area designated by signs as open to hunting. This open area, comprising 35,000 acres, is delineated on maps available at refuge headquarters, Austwell, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) All hunters must check in and out at refuge headquarters. Ingress and egress for hunting purposes is permitted only through the refuge entrance gate at the end of Texas Farm Road 2040.

(2) All participants in the gun hunt must possess a special permit in addition to the valid 1969 State deer hunting license. This permit shall be obtained through an impartial drawing conducted by the Bureau of Sport Fisheries and Wildlife in Austin, Tex., on August 20, 1969. Applications must be received by August 15, 1969, to be eligible for the drawing.

(3) Rifle and shotgun hunters may hunt only in the unit to which they are assigned for the day.

(4) Participants in the gun hunt may kill deer only. Bow and arrow hunters may take deer and feral hogs.

(5) Hunting is prohibited within 100 yards of cattle watering troughs, windmills, above-ground oil or gas production apparatus and occupied dwellings.

(6) No target practice or shooting of other wildlife other than in (4) above will be permitted inside the refuge.

(7) All gun hunters must wear a blaze-orange vest issued at the check station while hunting inside the refuge.

(8) All vehicles must stay on shell-surfaced roads or marked trails.

(9) The entire refuge will be closed to hunting upon the arrival of any whooping cranes.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 5, 1969.

GORDON H. HANSEN,
Refuge Manager, Aransas National Wildlife Refuge, Austwell, Texas.

AUGUST 11, 1969.

[F.R. Doc. 69-9819; Filed, Aug. 19, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1036]

[Docket No. AO 179-A32]

MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Port O'Call Motor Inn, 16161 Brookpark Road, Cleveland, Ohio 44142, beginning at 10:00 a.m., local time, on September 9, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Akron Milk Producers, Inc., Dairymen's Cooperative Sales Association, Dairymen's League Cooperative Association, Milk Producers Federation and Northwestern Cooperative Sales Association:

Proposal No. 1. Amend § 1036.6 to add to the "Eastern Ohio-Western Pennsylvania Marketing area" all of the territory in the following Ohio counties: Stark, Lake, Medina, Wayne, Holmes, and Ashland. In West Virginia, all of the territory in the following counties: Wetzel, Tyler, Doddridge, Lewis, Upshur, Randolph, Tucker, Barbour, Taylor, and Preston.

Proposal No. 2. Amend § 1036.7 to provide for a new definition of "fluid milk product" as follows:

§ 1036.7 Fluid milk product.

"Fluid milk product" means raw or pasteurized milk, skim milk, flavored milk, milk drinks, buttermilk, whipping cream, sweet cream, eggnog, concentrated, reconstituted or fortified milk, filled or imitation milk made from fresh fluid skim milk or nonfat dry milk, and any fluid mixture of cream and milk or skim milk, including fluid, frozen or semifrozen malted milk and milk shake mixtures containing less than 15 percent total milk solids. The term "fluid milk products" includes those products in fluid, frozen (except bulk cream), fortified or reconstituted form, but does not include ice cream and frozen dessert mixes, pancake mix, yogurt, sour cream, frozen storage cream, evaporated or condensed milk, and any sour mixture of skim milk and butterfat in nonfluid form to which cheese or any food substance other than a milk product has been added.

Proposal No. 3. Amend § 1036.11(b) by adding the word "not" to the bracketed phrase "(including that diverted from other plants)" and clarify the credit given on pool plant qualification for route sales to a plant under § 1036.11(b) and any related provision of § 1036.11(a).

Proposal No. 4. Amend § 1036.9 by adding at the end of the present language the following: "in excess of 5,000 pounds".

Proposal No. 5. Amend § 1036.13(c) by adding the words "to a pool plant or" before the phrase "to a nonpool plant".

Proposal No. 6. In § 1036.16 provide that producer milk shall be qualified on the basis of the number of days of delivery rather than a percentage of monthly production.

Proposal No. 7. Review the minimum Class I price provisions, the alignment with other Federal order markets and remove the termination date in § 1036.51(a).

Proposal No. 8. Amend § 1036.51 to provide that milk used for cottage cheese, cottage cheese curd, yogurt, and sour cream, will be priced at the present Class II price plus 20 cents and make conforming amendments to other order provisions.

Proposal No. 9. Provide for a 5-cent per hundredweight direct delivery differential to be paid by handlers on all milk received from producers and cooperative associations at pool plants located in Cuyahoga County, Ohio, and Allegheny County, Pa.

Proposed by Sealtest Foods, Division of Kraftco Corp.:

Proposal No. 10. Amend § 1036.11 by adding a new paragraph (c) as follows:

§ 1036.11 Pool plant.

* * * * * * *

(c) A supply plant(s) not otherwise meeting the provisions of paragraph (b) of this section shall be considered to have met such provision if:

(1) It is owned and operated by a handler who also operates a pool distributing plant(s) pursuant to § 1036.11(a);

(2) It is located inside the marketing area and is not a pool plant under another Federal order;

(3) The handler files a written request with the market administrator for pool plant status for such plant; and

(4) The plant(s) in combination with the pool distributing plant(s) meet the provisions of § 1036.11(a).

Proposed by Titusville Dairy Products Co.:

Proposal No. 11. Amend § 1036.11, defining "pool plant", so as to realistically provide for reloading milk where appropriate for reasonable distribution and § 1036.18 by deleting the second sentence thereof.

Proposal No. 12. Review §§ 1036.50 and 1036.51 setting forth formulas for minimum milk prices as to whether the present formula prices are realistically and accurately determined under current conditions affecting the marketing of fluid milk and milk for other purposes in the Greater Pittsburgh area.

Proposed by Willow Crossing Dairy Farm, Inc.:

Proposal No. 13. Amend § 1036.14, the definition of producer-handler, by adding the following proviso: "*Provided further,* That where a producer-handler is operating under a cow lease agreement a provision that rental payments may be based on the current production or a provision that the leasee shall determine when an animal is unfit for milk production shall not constitute a violation of the definition that the operation of the processing and packaging business shall be at the personal enterprise and risk of such person."

Proposed by Borden, Inc.:

Proposal No. 14. In § 1036.41, change subdivision (i) of paragraph (b)(7) to read as follows:

§ 1036.41 Classes of utilization.

* * * * * * *

(b) *Class II milk.* * * *

(7) * * *

(i) Two percent of skim milk or butterfat, respectively, physically received directly from producers' farms and by diversions from other pool plants (except that received from a handler pursuant to § 1036.13(d));

* * * * * * *

Proposed by Reiter and Harter All Star Dairy:

Proposal No. 15. Amend § 1036.41(b)(1) by changing the words "total milk solids" to "total solids".

Proposal No. 16. Amend § 1036.41(b)(1) by adding to the products listed in this subparagraph—"Instant Breakfast".

Proposal No. 17. Amend § 1036.51(b)(1) to provide for a credit for butterfat going to the churn.

Proposed by Western Pennsylvania Small Dealers Association:

Proposal No. 18. Amend the order so that in the computation of the net pool obligation of each pool handler, there shall be excluded during each month the processed milk of such handler's own farm production on the same ratio as to Class I and Class II utilization as the total net pool obligation of such person would have been calculated as including such production.

Proposed by Milk Producers Federation and Northwestern Cooperative Sales Association:

Proposal No. 19. In § 1036.60(e) insert the words "but not less than the Class II price" after the opening phrase "Add the value at the Class I price adjusted for location * * *".

Proposal No. 20. In § 1036.61, change paragraph (g) to read as follows:

§ 1036.61 Computation of uniform price.

(g) Subtract not less than 5 cents nor more than 6 cents per hundredweight.

* * * * *

Proposed by Dairymen's Cooperative Sales Association; Dairymen's League Cooperative Association; and Northwestern Cooperative Sales Association:

Proposal No. 21. Amend § 1036.61 and other appropriate provisions to provide for a seasonal incentive payment or "Louisville" plan by subtracting for the months of March 10 cents per hundredweight of producer milk, April—20 cents and May and June—30 cents, from the producer-settlement fund and adding in the months of August—20 percent of the total funds subtracted during the months of March through June, September and October—30 percent, and for November, the balance remaining of such funds.

Proposed by Maryland Cooperative Milk Producers, Inc:

Proposal No. 22. 1. Add new sections as follows:

§ 1036.22 Base milk.

"Base milk" means producer milk received during the month which is not in excess of the producer's base multiplied by the number of days of production that such milk was received at pool plants in such month.

§ 1036.23 Excess milk.

"Excess milk" means producer milk received during the month which is in excess of the base milk received from the producer during such month.

2. In § 1036.27(j) amend by substituting the following language for subparagraph (2):

§ 1036.27 Duties.

* * * * *

(j) * * *

(2) The 14th day of each month the uniform prices pursuant to §§ 1036.61 and 1036.61a and the producer butterfat differential computed pursuant to § 1036.71; all for the preceding month.

3. In § 1036.30(a) amend by substituting the following language for subparagraph (1):

§ 1036.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(1) Producer milk (or, in the case of handlers pursuant to § 1036.13(b), milk received from qualified dairy farmers); including the total quantities of base milk and excess milk;

* * * * *

4. In § 1036.31, amend by substituting the following language for paragraph (a):

§ 1036.31 Producer payroll reports.

(a) Each handler pursuant to §1036.13 (a), (c), and (d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 25th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The total pounds of milk received from such producer indicating the pounds of base milk and the pounds of excess milk;

(3) The days for which milk was received from such producer;

(4) The average butterfat content of such milk; and

(5) The net amount of such handler's payment, together with the prices paid and the amount and nature of any deductions.

* * * * *

5. Amend by adding a new § 1036.61a as follows:

§ 1036.61a Computation of uniform price for base milk and excess milk.

The market administrator shall compute uniform prices for base milk and excess milk each month as follows:

(a) Determine the aggregate amount of producer milk in each class included in the computation pursuant to § 1036.61 and the hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the total value of excess milk by assigning such milk in series, beginning with Class II, to the hundredweight of milk in each class as determined pursuant to paragraph (a) of this section, multiplying the quantities so assigned by the respective class prices for milk containing 3.5 percent butterfat, and adding together the resulting amounts;

(c) Divide the total value of excess milk computed pursuant to paragraph (b) of this section by the total hundredweight of such milk. The quotient, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Multiply the total hundredweight of excess milk by the uniform price for excess milk computed pursuant to paragraph (c) of this section;

(e) Multiply the hundredweight of milk specified in § 1036.61(e)(2) by the uniform price for the month;

(f) Subtract the total values arrived at in paragraphs (d) and (e) of this section from the amount resulting from the computations pursuant to paragraphs (a) through (e) in § 1036.61; and

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk determined in paragraph (a) of this section and subtract not less than four cents nor more than five cents from the price thus computed. The resulting figure, rounded to the nearest cent, shall be the uniform price for base milk.

6. In § 1036.70(a), amend by substituting the following language for the introductory text of subparagraph (1):

§ 1036.70 Time and method of payment.

(a) * * *

(1) On or before the 18th day of each month to each producer for milk received during the preceding month not less than the applicable uniform prices per hundredweight pursuant to § 1036.61a, adjusted pursuant to §§ 1036.71, 1036.72, and 1036.76, subject to the following:

* * * * *

7. Amend § 1036.71 by substituting the following language:

§ 1036.71 Butterfat differential to producers.

The uniform prices pursuant to §§ 1036.61 and 1036.61a shall be increased or decreased for each one-tenth percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1036.45 by the respective butterfat differentials for each class and dividing the sum of the resulting amounts by the total pounds of butterfat in producer milk.

8. Amend § 1036.72(a) by substituting the following language:

§ 1036.72 Location differentials to producers and on nonpool milk.

(a) The uniform price and the uniform price for base milk shall be adjusted as follows:

* * * * *

9. Amend the order by the addition of the following center heading after § 1036.101 and the addition of new §§ 1036.110, 1036.111, and 1036.112 as follows:

DETERMINATION OF BASE

§ 1036.110 Base.

The market administrator shall determine a base for each producer whose milk in the immediately preceding months of September through February was delivered to pool plants, including milk diverted in accordance with § 1036.16(b), on not less than 128 days by dividing the total pounds of such producer's deliveries by the number of days in the base making period (add one day in the case of a producer on every-other-day delivery schedule who delivered September 1) less the number of days, if any, during the immediately preceding base forming period of September through February for which it is shown that the day's production of milk of such producer was not received by a pool handler: *Provided*, That in no event shall the number of days used to compute a producer's base be less than 151 days (152 days for every-other-day delivery schedule who delivered September 1 or for any base forming period in which February has 29 days). Such computation is subject to the following conditions:

(a) For the purpose of computing the base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk represented in such producer deliveries but not less than the 151 days (152 days for every-other-day delivery schedule who delivered September 1 or for any base forming period in which February has 29 days).

(b) Any producer who, during the preceding months of September through February, delivered his milk to a nonpool plant which became a pool plant after the beginning of such base earning period and who delivered for not less than 128 days during the base forming period shall be assigned a base in the same manner as if he had been a producer during such period, calculated from his deliveries during such September–February period to such plant;

(c) If no milk is received from a producer at a pool plant in September through February or if milk is received on less than 128 days during such months, the base of such producer shall be 50 percent of his average daily deliveries of producer milk for each month until a base is computed for him on the basis of deliveries on not less than 128 days in a subsequent September–February period: *Provided*, That on the date such producer obtains such a base in a subsequent base making period or obtains a base by transfer under the provisions of § 1036.111, the provisions of this paragraph are no longer applicable to him.

(d) A producer for whom a base has been established pursuant to this section based on deliveries on not less than 128 days during the preceding months of September through February may, in lieu thereof, by notifying the market administrator in writing prior to April 15, be accorded a base computed pursuant to paragraph (c) of this section.

(e) A producer who, during the months of September and October qualified as a producer under Federal order No. 2 and was a producer under this part during all of each of the 4 months of November through February shall be assigned a base calculated from his total deliveries to pool plants under both orders.

§ 1036.111 Base rules.

The following rules shall apply in the establishment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base calculated pursuant to § 1036.110 to each producer for whose account producer milk was delivered to pool plants during the months of September through February.

(b) Except for the bases assigned pursuant to § 1036.110 (b), (c), and (d), a base may be transferred in its entirety to another dairy farmer who is currently, or will become by the last day of the month of transfer, a producer pursuant to § 1036.15 upon the death or the discontinuance of milk production or entry into military service by the base holder. A bona fide sale of the entire productive herd shall be deemed as prima facia evidence of discontinuance of milk production.

(c) Base transfers shall be effective as of the end of the month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if such a base is held jointly, except as provided in a further proviso of this paragraph, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred; *And, provided further*, That if a base is held jointly and a copy of the partnership agreement setting forth, as a percentage, the relative interests of the partners in the base is filed with the market administrator before the end of the base making period, then upon termination of the partnership agreement as stipulated therein, each partner will be entitled to his stated percentage of the base to hold in his own right or to transfer as provided in paragraphs (b) and (c) of this section. Such termination of partnership shall become effective as of the end of any month during which an application for such division signed by each member is received by the market administrator.

(d) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that a producer who suffers the complete loss of his barn or milking herd as a result of fire or natural disaster may retain his base without loss for not longer than April 30 of the year following the end of the period in which the base was earned.

(e) Two or more producers with bases may combine their bases upon the formation of a bona fide partnership operating from one farm.

§ 1036.112 Announcement of established bases.

On or before April 5 of each year the market administrator shall notify each producer, the handler receiving his milk if such handler is not a cooperative association pursuant to § 1036.13 (c) or (d), and the cooperative association of which he is a member, of the producer's base computed pursuant to § 1036.110. Such base shall be effective from April 1 of such year through March 31 of the following year: *Provided, however*, That producers will continue to be paid the uniform price computed pursuant to § 1036.61 in lieu of the uniform prices computed pursuant to § 1036.61a for each month through March 1971.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 23. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, W. W. Hurwitz, Post Office Box 29066, Cleveland, Ohio 44129, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on August 14, 1969.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-9833; Filed, Aug. 19, 1969; 8:47 a.m.]

[7 CFR Part 1124]

[Docket No. AO 368]

MILK IN OREGON-WASHINGTON MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed marketing agreement and order regulating the handling of milk in the Oregon-Washington marketing area, which was issued July 30, 1969 (34 F.R. 12744), is hereby extended to September 10, 1969.

Signed at Washington, D.C., on August 14, 1969.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-9834; Filed, Aug. 19, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 45]

[Docket No. 8020; Notice 69-36]

REPLACEMENT AND MODIFICATION PARTS

Notice of Proposed Rule Making

The FAA is considering amending Parts 21 and 45 of the Federal Aviation Regulations to clarify the requirements

for the manufacture of approved replacement and modification parts.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before November 18, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Subpart K of Part 21 contains the regulations applicable to materials, parts and appliances. Section 21.303 of Subpart K contains the regulations governing the manufacture of replacement and modification parts for installation on type certificated products. These regulations, a recodification of § 1.55 of Part 1 of the former Civil Air Regulations, have always contained references to other provisions of the regulations in prescribing the requirements applicable to the manufacture of replacement and modification parts. This has presented some problem in applying § 21.303 since the requirements incorporated by reference are drafted in terms of the type certification process and not the approval of parts. It is therefore proposed to remedy this situation by setting forth verbatim in § 21.303, the current requirements applicable to replacement and modification parts and to remove the cross references. This proposed amendment would involve no substantive change from the current rules in this regard.

In addition, it has long been a practice of the FAA to provide a Parts Manufacturer Approval (PMA) for parts produced under the provisions of § 21.303 (and its predecessor provisions of the CARs). The parts so produced have always been known as FAA-PMA parts and reference to FAA-PMA parts are contained in other parts of the regulations. It is therefore proposed to specifically provide for the Parts Manufacturer Approval in § 21.303 and to require under Part 45 that parts produced in accordance with the requirements of that section be marked with the letters "FAA-PMA."

Section 21.303(c) presently requires a manufacturer of replacement or modification parts to establish and maintain (within 6 months from the date of initial production) a fabrication inspection system that insures that each part conforms with the design data and is safe for installation on type certificated products. The FAA feels that there is no longer any need for the 6-month provision and that the manufacturers should establish a fabrication inspection system for each replacement or modification part which is produced. This change would relieve the FAA of the necessity of constant surveillance of a manufacturer's facilities for the first six months of operation. It is proposed to change the rule accordingly.

A new requirement that the holder of a parts manufacturer approval must notify the FAA within 10 days if his facilities are relocated is also being proposed. This would assist the FAA in carrying out its surveillance and investigative responsibilities.

With further regard to the identification of parts, as well as to the identification of the design data on which the production of those parts is based, Pratt & Whitney Aircraft Division of United Aircraft Corp. has requested the regulations be amended to provide for the filing of an application under § 21.303 containing information designed to identify the basis for the design approval and to require permanent identification of parts produced under § 21.303. The FAA sees merit in the petitioner's request and this notice contains proposed changes essentially along the lines suggested by the petitioner. In this regard, the regulations would now provide for the filing of an applications for a parts manufacturer approval. Among other things, the applicant would be required to submit with this application, the drawing, specifications and other data necessary to establish the required design for his part. If the design data were obtained under a license agreement, evidence of that agreement would have to be furnished. On the other hand, if the design data were the result of reverse engineering by the applicant, he would be required to furnish all the technical data necessary to substantiate the design.

With respect to the identification of parts manufactured under a PMA, the petitioner points out that under the current regulations the identity of the manufacturer is often provided by a tag or invoice with the part and that, where feasible, such information should be permanently marked on the part. The FAA sees merit in this suggestion, and it is proposed to amend § 45.15 to require that parts produced under a parts manufacturer approval must be permanently and legibly marked with the letters FAA-PMA and, at the Administrator's discretion, other information such as the name, trademark or symbol of the manufacturer or modifier.

These proposed changes should make it clear that persons producing replacement or modification parts for installation on a type certificated product are required to meet substantially the same requirements in the production of those parts as the type certificate holder.

In consideration of the foregoing, it is proposed to amend Parts 21 and 45 as follows:

1. By amending § 21.303 to read as follows:

§ 21.303 Replacement and modification parts.

(a) Except as provided in paragraph (b) of this section, no person may produce replacement or modification parts for sale for installation on a type certificated product unless he holds a parts manufacturer approval for the part.

(b) This section does not apply to the following:

(1) Parts produced under a type or production certificate.

(2) Parts produced by an owner or operator for maintaining or altering his own product.

(3) Parts produced under an FAA Technical Standard Order.

(4) Standard parts (such as bolts and nuts) conforming to established industry or U.S. specifications.

(c) An application for a parts manufacturer approval is made to the Regional Office of the Region in which the manufacturer is located and must include the following:

(1) The drawings, specifications, and other technical data necessary to establish the design of the part. If the design data was obtained through a licensing agreement, evidence of that agreement must be furnished. If the design data was obtained through reverse engineering, the technical data necessary to substantiate the design must be furnished.

(2) The identity of the product on which the part is to be installed.

(3) The name and address of the manufacturing facilities at which these parts are to be manufactured.

(d) An applicant is entitled to a Parts Manufacturer Approval for a replacement or modification part if the Administrator finds upon examination of the design and after completing all tests and inspections, that the design meets the airworthiness requirements of the Federal Aviation Regulations applicable to the product on which the part is to be installed and the applicant submits a statement certifying that he has established the fabrication inspection system required by paragraph (h) of this section.

(e) Each applicant must allow the Administrator to make any inspection or tests necessary to determine compliance with the applicable Federal Aviation Regulations. However, unless otherwise authorized by the Administrator—

(1) No part may be presented to the Administrator for tests unless compliance with paragraph (f) (2) through (4) of this section has been shown for that part.

(2) No change may be made to the part between the time that compliance with paragraph (f) (2) through (4) of this section is shown for that part and the time that the part is presented to the Administrator for inspections.

(f) Each applicant must make all inspections and tests necessary to determine—

(1) Compliance with the applicable airworthiness requirements;

(2) That materials conform to the specifications in the design;

(3) That the part conforms to the drawings in the design; and

(4) That the manufacturing processes, construction and assembly conform to those specified in the design.

(g) The Administrator does not issue a Parts Manufacturer Approval if the manufacturing facilities for the part are located outside of the United States, unless the Administrator finds that the location of the manufacturing facilities places no burden on the FAA in administering applicable airworthiness requirements.

(h) Each person manufacturing replacement or modification parts under a Parts Manufacturer Approval shall establish and maintain a fabrication inpection system that includes the following:

(1) Incoming materials used in the finished part must be as specified in the design data.

(2) Incoming material must be properly identified if their physical and chemical properties cannot otherwise be readily and accurately determined.

(3) Materials subject to damage and deterioration must be suitably stored and adequately protected.

(4) Processes affecting the quality and safety of the finished product must be accomplished in accordance with acceptable specifications.

(5) Parts in process must be inspected for conformity with the design data at points in production where accurate determination can be made. Statistical quality control procedures may be employed where it is shown that a satisfactory level of quality will be maintained for the particular part involved.

(6) Current design drawings must be readily available to manufacturing and inspection personnel, and used when necessary.

(7) Major changes to the basic design must be adequately controlled and approved before being incorporated in the finished part.

(8) Rejected materials and components must be segregated and identified in such a manner as to preclude their use in the finished part.

(9) Inspection records must be maintained, identified with the completed part, where practicable, and retained in the manufacturer's file for a period of at least 2 years after the part has been completed.

(i) Each manufacturer of replacement or modification parts for which a parts manufacturer approval has been issued under this section must identify these parts in accordance with § 45.15 of this chapter.

(j) A parts manufacturer approval issued under this section is not transferable and is effective until surrendered or withdrawn or otherwise terminated by the Administrator.

(k) The holder of a parts manufacturer approval shall notify the FAA in writing within 10 days from the date his manufacturing facilities are relocated or expanded to include additional facilities at other locations.

(l) Each holder of a parts manufacturer approval shall:

(1) Maintain a fabrication inspection system which will ensure continuous compliance with the requirements in paragraph (h) of this section; and

(2) Ensure that each completed part conforms with the design data and is safe for installation on type certificated products.

2. By amending § 21.305 to read as follows:

§ 21.305 Approval of materials, parts, processes, and appliances.

Whenever a material, part, process, or appliance is required to be approved under this chapter, it may be approved—

(a) Under the Parts Manufacturer Approval issued under § 21.303;

(b) Under a Technical Standard Order issued under Part 37 of this chapter;

(c) In conjunction with type certification procedures for a product; or

(d) In any other manner approved by the Administrator.

3. By amending § 45.15 to read as follows:

§ 45.15 Replacement and modification parts.

Each person who produces a replacement or modification part under a Parts Manufacturer Approval issued under § 21.303 of this chapter shall permanently and legibly mark that part with the letters "FAA-PMA", and, in addition, with such of the following information as the Administrator considers appropriate:

(a) Manufacturer's or modifier's name, trademark, or symbol;

(b) Part number; and

(c) Name and model designation of the type certificated product on which the part is eligible for installation or, if this marking on the part is impracticable, the information specified in this subparagraph may be included on the container of the part, or on a tag which is attached to the part.

These amendments are proposed under the authority of sections 313, 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 13, 1969.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-9871; Filed, Aug. 19, 1969; 8:49 a.m.]

[14 CFR Part 39]

[Docket No. 9756]

AIRWORTHINESS DIRECTIVE

Avions Marcel Dassault Fan Jet Falcon and Fan Jet Falcon Series D Airplanes Serial Numbers 73 and Greater

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to certain Avions Marcel Dassault Airplanes. There have been reports of internal corrosion in the landing gear microswitch assembly installed in such airplanes. The manufacturer's investigation of this problem revealed that microswitches which had not been modified to prevent the ingress of moisture were being installed on some new aircraft. This could result in an erroneous indication to the flight crew of the position of the main and nose landing gear. Since this condition is likely to exist in other aircraft of the same type design, the proposed airworthiness directive would require replacement of the unmodified landing gear microswitch with a modified switch.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 19, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

AVIONS MARCEL DASSAULT. Applies to Serial Numbers 73 and subsequent on which the production microswitch has been replaced with a switch that has not been modified.

Compliance required by September 30, 1969.

To prevent the ingress of moisture in the landing gear microswitch assembly, replace the unmodified microswitch with a modified switch in accordance with Avions Marcel Dassault Service Bulletin No. 333 Revision 2, dated March 28, 1969, or later SGAC-approved issue, or an FAA-approved equivalent as follows:

(a) Nose landing gear, telescopic bar. Replace the switch P/N A1.23802 with modified switch P/N A1.23802 VI V2.

(b) Nose landing gear, door actuating cylinder. Replace the switch P/N A1.23801 with modified switch P/N A1.23801 VI V2.

(c) Main landing gear, drag strut actuator cylinder. Replace the switch P/N A2.23802 with modified switch P/N A2.23802 V1 V2.

(d) Main landing gear, door actuating cylinder. Replace the switch P/N A2.23801 with modified switch P/N A2.23801 V1 V2.

Issued in Washington, D.C., on August 13, 1969.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-9869; Filed, Aug. 19, 1969; 8:49 a.m.]

[14 CFR Part 39]

[Docket No. 9755]

AIRWORTHINESS DIRECTIVE

British Aircraft Corp. Model BAC 1–11 200 and 400 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to British Aircraft Corp. Model BAC 1–11 200 and 400 Series Airplanes. Cases have been reported where the ventral stairway starboard hinge bolt has separated from its locking nut because of high torque friction. This could result in the door opening incorrectly, jeopardizing the use of the ventral stairway as an emergency exit. Since this condition is likely to exist or develop in other aircraft of the same type design, the proposed airworthiness directive would require inspection of the bolt for signs of looseness or insecurity.

Interested persons are invited to participate in making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 19, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423, and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORPORATION. Applies to BAC 1–11 200 and 400 Series Airplanes.

Compliance required as indicated unless already accomplished.

To prevent a malfunction of the ventral stairway door, accomplish the following:

(a) Inspect ventral stairway starboard hinge bolt (M.M. 52–10) for signs of looseness or insecurity within the next 100 hours time in service after the effective date of this AD unless already accomplished within the last 550 hours time in service and thereafter at intervals not to exceed 650 hours from the last inspection.

(b) If during the inspection required by paragraph (a), the starboard hinge bolt (M.M. 52–10) is found to be insecure or to have rotated loose, secure the hinge bolt before further flight in accordance with BAC 1–11 Alert Service Bulletin 52–A–PM 3701, dated March 24, 1969, or later ARB approved issue, or FAA approved equivalent.

(c) The repetitive inspection required by paragraph (a) may be discontinued after the hinge bolt has been secured in accordance with paragraph (b).

Issued in Washington, D.C., on August 13, 1969.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–9870; Filed, Aug. 19, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–CE–67]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Glendive, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new special instrument approach procedure has been developed for Dawson Community Airport, Glendive, Mont., utilizing a privately owned radio beacon located on the airport as a navigational aid. The present instrument approach procedure will be canceled when the new procedure becomes effective. Accordingly, the Glendive, Mont., transition area must be altered to provide controlled airspace protection for aircraft executing the new procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

GLENDIVE, MONT.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Dawson Community Airport (latitude 47°08'20" N., longitude 104°48'25" W.); and within 4½ miles northeast and 9½ miles southwest of the 325° bearing from Dawson Community Airport, extending from the 12-mile radius area to 18½ miles northwest of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on August 1, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69–9866; Filed, Aug. 19, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–CE–73]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Milwaukee, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Waukesha County Airport, Waukesha, Wis. Controlled airspace for the protection of IFR air traffic into and out of this airport is contained within the Milwaukee, Wis., transition area. Accordingly, it is necessary to alter the Milwaukee, Wis., transition area to adequately protect aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MILWAUKEE, WIS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of General Mitchell Field (latitude 42°56'51" N., longitude 87°53'58" W.); within 8 miles east and 5 miles west of the Milwaukee ILS localizer south course, extending from the 8-mile radius area to 12 miles south of the OM; within 2 miles each side of the Milwaukee No. 2 ILS localizer west course, extending from the OM to 8 miles west of the OM; within a 5-mile radius of Horlick-Racine Airport (latitude 42°45'35" N., longitude 87°48'55" W.); within an 8-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88°02'05" W.); within 5 miles northeast and 8 miles southwest of the Timmerman VOR 337° radial, extending from the 8-mile radius area to 12 miles northwest of the VOR; within 2 miles each side of the Timmerman VOR 214° radial, extending from the 8-mile radius area to 14 miles southwest of the VOR; and within a 7½-mile radius of Waukesha County Airport (latitude 43°02'00" N., longitude 88°14'00" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 43°30'00" N., on the east by longitude 87°00'00" W., on the south by latitude 42°30'00" N., and on the west by longitude 88°30'00" W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on August 1, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69–9867; Filed, Aug. 19, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–CE–68]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Muncie, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as the may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Delaware County-Johnson Field Airport utilizing a VOR located on the airport as a navigational aid. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Muncie, Ind., transition area to adequately protect aircraft executing the new approach procedure and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

MUNCIE, IND.

Within a 5-mile radius of Delaware County-Johnson Field (latitude 40°14'25" N., longitude 85°23'45" W.); within 2½ miles each side of the Muncie VOR 125° radial, extending from the 5-mile radius zone to 6½ miles southeast of the VOR; within 2½ miles each side of the Muncie VOR 017° radial, extending from the 5-mile radius zone to 6½ miles north of the VOR; and within 3½ miles each side of the Muncie VOR 320° radial, extending from the 5-mile radius zone to 10 miles northwest of the VOR, from 0700 to 2300 hours local time daily.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MUNCIE, IND.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Delaware County-Johnson Field (latitude 40°14'25" N., longitude 85°23'45" W.); within 3 miles each side of the Muncie VOR 125° radial, extending from the 7-mile radius area to 8 miles southeast of the VOR; within 3 miles each side of the Muncie VOR 017° radial, extending from the 7-mile radius area to 8 miles north of the VOR; and within 3½ miles each side of the Muncie VOR 320° radial, extending from the 7-mile radius area to 10 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40°-40'00" N., longitude 85°30'00" W.; to latitude 40°30'00" N., longitude 85°22'00" W.; to latitude 40°30'00" N., longitude 84°49'-00" W.; to latitude 40°10'00" N., longitude 85°00'00" W.; to latitude 40°10'00" N., longitude 85°05'45" W.; to latitude 40°00'-00" N., longitude 84°58'00" W.; to latitude 40°00'00" N., longitude 86°00'00" W.; to latitude 40°07'00" N., longitude 86°00'00" W.; to latitude 40°30'00" N., longitude 85°50'00" W.; to latitude 40°40'00" N., longitude 85°-50'00" W.; to the point of beginning; and within a 12-mile radius of Marion, Indiana Municipal Airport (latitude 40°29'25" N., longitude 85°40'40" W.).

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on August 1, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69–9868; Filed, Aug. 19, 1969; 8:49 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 69–WE–58]

JET ROUTE

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate J–158 from Mina, Nev., via Lucin, Utah, to Malad City, Idaho. This action would improve air traffic control service and reduce controller to pilot communications by providing a numbered jet route for a radar vector route for westbound aircraft to the San Francisco Bay Area, Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 14, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–9830; Filed, Aug. 19, 1969; 8:47 a.m.]

Hazardous Materials Regulations Board

[49 CFR Parts 172, 173]

[Docket No. HM-32; Notice 69-24]

TRANSPORTATION OF HAZARDOUS MATERIALS

Change in Shipping Name and Removal of Authorization To Ship or Transport Dimethylhexane Dihydroperoxide, Dry

The Hazardous Materials Regulations Board is considering amending § 172.5 of the Department's Hazardous Materials Regulations to change the shipping name of hydrazine solution and calcium hypochlorite by placing descriptive wording in italics and to specify dry dimethylhexane dihydroperoxide as "Not accepted" for transportation. The latter would no longer be authorized in § 173.158.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before October 28, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

It was intended to set forth in Notice 68-7 (docket No. HM-9) a proposal to shorten the shipping name "Hydrazine solution containing 50 percent or less of water" to "Hydrazine solution (*containing 50 percent or less of water*)" thereby making the italicized words no longer a required part of package markings and entries on shipping papers. The words "(containing 50 percent or less of water)" were not printed in italics in Notice 68-7; therefore, the modified shipping name is proposed herein.

A petition has been received to similarly shorten the shipping name of "Calcium hypochlorite compounds, dry, containing more than 39 percent available chlorine". The latter wording in the present shipping name is not necessary for identification of the hazardous material from the standpoint of marking name of contents on packages and for the purpose of description on shipping papers.

A petition has been received requesting that the shipment of dimethylhexane dihydroperoxide be no longer permitted when it is in a dry state. Petitioner states that he believes this material is much too hazardous to be shipped in 100-pound drums. Petitioner also points out that, to the best of his knowledge, no one is at the present time shipping this material in a dry condition.

In consideration of the foregoing, the Hazardous Materials Regulations Board is considering amending the Hazardous Materials Regulations as follows:

I. Part 172 would be amended as follows:

A. In § 172.5(a) the Commodity List would be amended as follows:

§ 172.5 List of explosives and other dangerous articles.

(a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Hydrazine solution (*containing 50 percent or less of water*).	Cor. L.	No exemption, 173.276.	White	5 pints.
Calcium hypochlorite compounds (*dry, containing more than 39 percent available chlorine*).	Oxy. M.	173.153, 173.217	Yellow	100 pounds.
Cancel				
Dimethylhexane dihydroperoxide	Oxy. M.	No exemption, 173.157, 173.158.	Yellow	25 pounds.
Add				
Dimethylhexane dihydroperoxide, dry.	Not accepted.			
Dimethylhexane dihydroperoxide, wet.	Oxy. M.	No exemption, 173.157.	Yellow	25 pounds.

• • • • • •

II. Part 173 would be amended as follows:

A. In Part 173 § 173.158 of the Table of Contents would be amended to read as follows:

Sec.
173.158 Benzoyl peroxide, dry; chlorobenzoyl peroxide (para) dry; cyclohexanone peroxide, dry; lauroyl peroxide, dry; or succinic acid peroxide, dry.

B. In § 173.158 the heading, the introductory text of paragraph (a), and paragraph (a)(2) are amended to read as follows:

§ 173.158 Benzoyl peroxide, dry; chlorobenzoyl peroxide (para) dry; cyclohexanone peroxide, dry; lauroyl peroxide, dry; or succinic acid peroxide, dry.

(a) Benzoyl peroxide, dry; chlorobenzoyl peroxide (para), dry; cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration, dry; lauroyl peroxide, dry; or succinic acid peroxide, dry; must be packed in specification packagings as follows:

• • • • • •

(2) Spec. 21C (§ 178.224 of this chapter) fiber drums. Authorized only for lauroyl peroxide, dry. Authorized net weight not over 100 pounds in one drum.

• • • • • •

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657) and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on August 12, 1969.

J. B. McCARTY, JR.,
Capt., U.S.C.G., by direction of Commandant, U.S. Coast Guard.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

F. C. TURNER,
Administrator, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[F.R. Doc. 69-9849; Filed, Aug. 19, 1969; 8:48 a.m.]

[49 CFR Part 173]

[Docket No. HM-30; Notice 69-22]

TRANSPORTATION OF HAZARDOUS MATERIALS

Specification 1K Carboy for Certain Chlorides

The Hazardous Materials Regulations Board is considering amending § 173.247 of the Hazardous Materials Regulations to authorize shipment of certain chlorides in specification 1K glass carboys cushioned with expandable polystyrene in a wooden wirebound box.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before October 28, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

A petitioner has requested that the use of specification 1K carboys be authorized for those chlorides listed in § 173.247 for which certain glass carboys are presently authorized. Petitioner bases his proposal on his satisfactory experience with the 1K glass carboy in both muriatic acid and perchloric acid service and his belief that the commodities listed in § 173.247 do not represent a greater hazard than those commodities now authorized for shipment in specification 1K carboys (see, for example, § 173.263(a)(5)). Presently the regulations authorize the use of specification 1K glass carboys for hydrochloric acid, nitric acid, perchloric acid, and sulfuric acid. Further, the petitioner states it is his experience that 1K glass carboys are superior to the 1A, 1C, 1D, and 1E glass carboys, all of which are prescribed in § 173.247, and that the 1K carboys have passed the periodic drop and swing tests without failure.

In consideration of the foregoing, it is proposed to amend paragraph (a)(3) of § 173.247 to read as follows:

§ 173.247 Acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.

(a) • • •

(3) Spec. 1A, 1C, 1D, 1E, or 1K (§§ 178.1, 178.3, 178.4, 178.7, 178.14 of this chapter). Glass carboys in boxes, kegs, or plywood drums (not permitted for antimony pentachloride or tin tetrachloride, anhydrous).

• • • • • •

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on August 12, 1969.

J. B. McCARTY, JR.,
Captain, U.S.C.G., by direction of Commandant, U.S. Coast Guard.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

F. C. TURNER,
Administrator, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[F.R. Doc. 69-9847; Filed, Aug. 19, 1969; 8:48 a.m.]

[49 CFR Part 173]

[Docket No. HM-33; Notice 69-25]

TRANSPORTATION OF HAZARDOUS MATERIALS

Cyanides or Cyanide Mixtures

The Hazardous Materials Regulations Board is considering amending § 173.370 of the Department's Hazardous Materials Regulations to authorize shipments of cyanides or cyanide mixtures in specification 17H metal drums.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before October 28, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is based on experience gained under the terms of several special permits authorizing shipment of sodium cyanide in drums built to the 17H specification. No adverse shipping experience has been reported to the Department in connection with such shipments. The proposal is consistent with the authorized use of this type of drum for certain other class B poisons in solid form.

In consideration of the foregoing, it is proposed to add paragraph (a)(7) in § 173.370 to read as follows:

§ 173.370 Cyanides, or cyanide mixtures, except cyanide of calcium and mixtures thereof.

(a) • • •

(7) Spec. 17H (§ 178.118) metal drums. Gross weight not over 450 pounds.

• • • • • •

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657) and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on August 12, 1969.

J. B. McCARTY, JR.,
Captain, U.S.C.G., by direction of Commandant, U.S. Coast Guard.

F. C. TURNER,
Administrator, Federal Highway Administration.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[F.R. Doc. 69-9850; Filed, Aug. 19, 1969; 8:48 a.m.]

[49 CFR Parts 173, 177]

[Docket No. HM-34; Notice 69-26]

TRANSPORTATION OF HAZARDOUS MATERIALS

Liquefied Petroleum Gas in Cargo Tanks Constructed of Quenched and Tempered Steel

The Hazardous Materials Regulations Board is considering amending §§ 173.315(a)(1) Note 15, 173.427(a)(4), and 177.817(a)(2) of the Department's Hazardous Materials Regulations to make reference to an ASTM copper strip corrosion standard for shipments of liquefied petroleum gas in MC 330 and MC 331 cargo tanks constructed of quenched and tempered steel in place of the present reference to National Gas Processors Association Publication 2140.

The purpose of reference to NGPA 2140 specification was to distinguish between those liquefied petroleum gases that may be corrosive and those that are noncorrosive as they relate to any contribution to stress corrosion cracking in cargo tanks constructed of quenched and tempered steels.

Two petitioners have requested the Board to clarify the application of Natural Gas Processors Association Publication 2140.They contend that reference to NGPA 2140 in its entirety is not altogether appropriate in that certain provisions thereof have no relationship to preventing stress corrosion which is the concern of the requirement. Rather it would be more appropriate to refer to the requirement in NGPA 2140 on corrosive compounds. Upon review it has been found that reference to the volatile sulfur requirements in NGPA 2140 is not necessary since it does not indicate amount or presence of hydrogen sulfide in the liquefied petroleum gas being tested. Hydrogen sulfide is indicated only in the copper strip corrosion test. Accordingly, for cargo tanks constructed of quenched and tempered steel, it is proposed to amend § 173.315(a)(1) Note 15 to require that liquefied petroleum gas meet only the classification 1 corrosion criterion (copper strip method) set forth in the American Society for Testing and Materials Standard D1838-64. Further reference to NGPA 2140 will not be necessary. Amendments to §§ 173.427(a)(4) and 177.817(a)(2) would coordinate shipping paper requirements with this change.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before October 28, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 177 as follows:

I. Part 173 would be amended as follows:

A. In § 173.315 Note 15 following the table in paragraph (a)(1) would be amended to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

(a) • • •

(1) • • •

NOTE 15: Specs. MC 330 and MC 331 cargo tanks constructed of other than quenched and tempered steel (NQT) are authorized for all grades of liquefied petroleum gas. Only grades of liquefied petroleum gases determined to be "noncorrosive" are authorized in specs. MC 330 and MC 331 cargo tanks constructed of quenched and tempered steel (QT). "Noncorrosive" means the corrosiveness of the gas does not exceed the limitations for classification 1 of the ASTM Copper Strip Classifications when tested in accordance with ASTM D1838-64, "Copper Strip Corrosion by Liquefied Petroleum (LP) Gases". (For (QT) and (NQT) marking requirements, see § 177.823(b)(5) of this chapter. For special shipping paper requirements, see §§ 173.427(a)(4) and 177.817(a)(2) of this chapter.)

• • • • •

B. In § 173.427 paragraph (a)(4) would be amended to read as follows:

§ 173.427 Shipping papers.

(a) • • •

(4) For each shipment of "noncorrosive" liquefied petroleum gas in specs. MC 330 and MC 331 cargo tanks constructed of quenched and tempered steel the shipper must also show "NONCORROSIVE" to indicate suitability for shipment in such tanks as authorized by § 173.315(a)(1) Table Note 15.

• • • • •

II. Part 177 would be amended as follows:

A. In § 177.817 paragraph (a)(2) would be amended to read as follows:

§ 177.817 Shipping papers.

(a) • • •

(2) A carrier must not accept for transportation or transport liquefied petroleum gas in specs. MC 330 and MC 331 cargo tanks constructed of quenched and tempered steel unless the shipping paper is marked "NONCORROSIVE" to indicate suitability of shipment in such tanks as authorized by § 173.315(a)(1) Table Note 15 of this chapter.

• • • • •

This proposal is made under the authority of sections 831–835 of title 18, United States Code and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on August 12, 1969.

F. C. TURNER,
Administrator,
Federal Highway Administration.

[F.R. Doc. 69-9851; Filed, Aug. 19, 1969; 8:48 a.m.]

[49 CFR Parts 173, 178]

[Docket No. HM-31; Notice 69-23]

TRANSPORTATION OF HAZARDOUS MATERIALS

Extension of Specification 3HT Cylinder Service Life

The Hazardous Materials Regulations Board is considering amending §§ 173.34, 173.302, and 173.304 of the Hazardous Materials Regulations to extend the service life of specification 3HT cylinders for aircraft use from 12 years to 15 years without relinquishing the 4380 pressurization cycle limitation. It is proposed to amend § 178.44–13 to change the reference to safety device requirements.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before October 28, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

The basis for this proposal is a petition submitted by the Air Transport Association requesting that the retest and condemnation requirements applicable to specification 3HT cylinders be based on a more realistic cylinder longevity factor. The petitioner has requested that the 12-year period be extended to 24 years contingent on satisfactory results of a triennial inspection after the 12-year period. However, the Board is considering only a 3-year extension at this time until a complete study of the requalification requirements, including the visual inspection criteria for 3HT cylinders, can be made. This extension is consistent with a special permit recently issued by the Board. Presently 49 CFR 173.34(e)(13)(iii) reads as follows:

> A cylinder must be condemned at the termination of a 12-year period following the date of the original test or after 4,380 pressurizations (12 x 365), whichever comes first. If a cylinder is recharged more than once a day, an accurate record of the number of such rechargings must be maintained.

When specification 3HT was proposed by the compressed gas industry over 10 years ago, and made a part of the regulations by the Interstate Commerce Commission, a 12-year longevity period following the date of original test was specified after which time a cylinder was to be condemned (no longer refilled). Inasmuch as the 3HT cylinders are lighter and have higher wall stresses than the specification 3AA cylinders used in many compressed gas services, it was considered appropriate to include a cycling and maximum service life limit in the regulations. This specified service life was established arbitrarily because information on actual service experience was not available at the time. The 4380 pressurization cycle limit was based on cyclic tests conducted by the manufacturers and 12 years was arrived at by assuming one recharging per day, 365 days per year. From experience accumulated during the interim, the Air Transport Association contends the recharging rate of cylinders is considerably less than once per day. The Board has been advised that, based on a survey of the airlines, oxygen cylinders are being recharged in cycles ranging from 5 days for crew-oxygen cylinders to a year or more for passenger-oxygen cylinders. Most rechargings are of the "topping off" type for cylinders partially used; therefore, complete pressurization cycles are seldom experienced. It was stated that the recharging frequency of 3HT cylinders used in other applications (aboard aircraft) is even less than the frequency for the oxygen cylinders.

The Board believes that the most significant factors concerning the life limit for these rechargeable cylinders are the number of rechargings to which they are subjected and possible impairments to their structural integrity caused by corrosion, nicks, scratches, etc. However, in consideration of the current triennial hydrostatic retest and visual inspection requirements, the Board believes that extending the longevity of 3HT cylinders as proposed herein is reasonable and warranted.

It is also proposed to make editorial changes for clarification in the sections affected by this notice and to amend § 178.44–13(a) to make proper reference to safety device requirements.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 178 as follows:

I. Part 173 would be amended as follows:

A. In § 173.34 paragraph (e)(13)(iii) would be amended to read as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

• • • • •

(e) • • •

(13) • • •

(iii) A cylinder must be condemned at the termination of a 15-year period following the date of the original test or after 4380 pressurizations, whichever occurs first. An accurate record for each cylinder must be maintained by its owner, or his agent, indicating the number of pressurizations made.

• • • • •

B. In § 173.302 paragraph (a)(2) would be amended to read as follows:

§ 173.302 Charging of cylinders with non-liquefied compressed gases.

(a) • • •

(2) Spec. DOT-3HT (§ 178.44 of this chapter) cylinders for aircraft use having a maximum service life of 15 years. Authorized only for nonflammable gases. Cylinders must be equipped with safety relief devices only of the frangible disc type which meet the requirements of § 173.34(d). Each frangible disc must have a rated bursting pressure which does not exceed 90 percent of the minimum required test pressure of the cylinder. Discs with fusible metal backing are not permitted. Spec. 3HT cylinders may be shipped only when packed in strong outside packagings.

• • • • •

C. In § 173.304 paragraph (a)(2) Table Note 7 would be amended to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) • • •

(2) • • •

NOTE 7: Spec. DOT-3HT (§ 178.44 of this chapter) cylinders for aircraft use having a maximum service life of 15 years. Authorized only for nonflammable gases. Cylinders must be equipped with safety relief devices only of the frangible disc type which meet the requirements of § 173.34(d). Each frangible disc must have a rated bursting pressure which does not exceed 90 percent of the minimum required test pressure of the cylinder. Discs with fusible metal backing are not permitted. Spec. 3HT cylinders may be shipped only when packed in strong outside packagings.

• • • • •

II. Part 178 would be amended as follows:

A. In § 178.44–13 paragraph (a) would be amended to read as follows:

§ 178.44 Specification 3HT; inside containers, seamless steel cylinders for aircraft use made of definitely prescribed steel.

§ 178.44–13 Safety devices and protection for valves, safety devices, and other connections, if applied.

(a) Must be as required by applicable regulations in Part 173 of this chapter (see §§ 173.34(d), 173.302(a)(2), and 173.304(a)(2) Note 7 of this chapter).

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657) and title VI and section 902 (h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on August 15, 1969.

C. P. MURPHY,
Rear Admiral, U.S. Coast Guard,
by direction of Commandant,
U.S. Coast Guard.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

F. C. TURNER,
Administrator,
Federal Highway Administration.

SAM SCHNEIDER,
Board Member for the
Federal Aviation Administration.

[F.R. Doc. 69-9848; Filed, Aug. 19, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 97]

[Docket No. 18540; RM-1311]

LICENSING AND OPERATING EXPERIENCE FOR AMATEUR EXTRA CLASS LICENSE

Order Extending Time for Filing Comments

1. The American Radio Relay League, Inc. (ARRL), has requested the Commission to extend the time for filing comments in the above-captioned matter (FCC 69-491), released May 9, 1969.

2. In support of its request, the ARRL has shown that a combination of unusual circumstances beyond its control has prevented the General Counsel from adequately preparing and coordinating comments in response to the notice of proposed rule making by the due date of July 25, 1969.

3. It appears that good cause has been shown and the additional time requested by the ARRL would not unduly delay this proceeding and that its comments would be useful to the Commission in this inquiry.

4. In view of the foregoing: *It is ordered,* Pursuant to § 0.331(b)(4) of the Commission's rules, that the time for filing comments in the above-captioned proceeding is extended to August 26, 1969, and the time for filing reply comments is extended to September 12, 1969.

Adopted: August 13, 1969.

Released: August 14, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES E. BARR,
Chief, Safety and Special
Radio Services Bureau.

[F.R. Doc. 69-9869; Filed, Aug. 19, 1969; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 1201A]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

AUGUST 13, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands described in paragraph 3 for transfer out of Federal ownership under State Indemnity Lieu Selection (43 U.S.C. 851, 852).

2. Publication of this notice has the effect of segregating the following described public lands from all forms of disposal under the public land laws, including the mining laws, except the form of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or govern the disposal of their mineral and vegetative resources, other than under the mining laws.

3. The below-described lands proposed to be classified for disposal are located in Lake and Napa Counties north of Calistoga. The proposal has been discussed and analyzed in detail with the State of California, the county and with other agencies, groups and individuals. Maps and other information are available for inspection in the Ukiah District Office and in the Sacramento Land Office. The lands are needed by the State of California to further the development of Mount St. Helena State Park.

PUTAH CREEK PLANNING UNIT

LAKE AND NAPA COUNTIES—MOUNT DIABLO MERIDIAN

For disposal pursuant to State Indemnity Lieu Selection Act (43 U.S.C. 851, 852):

Land Description:

T. 9 N., R. 6 W.,
Sec. 3, W½SW¼, SE¼SW¼;
Sec. 4, Lots 3, 6, 7, S½SE¼;
Sec. 9, Lots 4, 5, 10, 11, 12, 13, 14, 15, and 16;
Sec. 15, all;
Sec. 17, E½E½;
Sec. 19, E½SE¼;
Sec. 20, SW¼NE¼, SE¼NW¼, SW¼, NW¼SE¼;
Sec. 21, SW¼SE¼, E½SE¼;
Sec. 22, SW¼NW¼, W½SW¼;
Sec. 29, NE¼NW¼.

T. 10 N., R. 6 W.,
Sec. 19, Lot 3, NE¼SW¼, W½SE¼;
Sec. 29, NW¼SW¼;
Sec. 30, Lots 2 and 3, N½NE¼, SE¼NE¼.

T. 10 N., R. 7 W.,
Sec. 23, Lots 4 and 6;
Sec. 24, NE¼NW¼, S½NW¼, SE¼;
Sec. 25, SW¼NE¼, E½NW¼, N½NE¼SW¼, N½SW¼NE¼SW¼, SE¼NE¼SW¼, W½SE¼.

The lands described above aggregate 3,021.86 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Ukiah District Manager, 168 Washington Avenue, Ukiah, Calif. 95482.

5. A hearing on this proposed classification will be held if sufficient public interest is demonstrated.

E. J. PETERSEN,
Acting State Director.

[F.R. Doc. 69-9816; Filed, Aug. 19, 1969; 8:46 a.m.]

OREGON

Notice of Filing of Plat

AUGUST 13, 1969.

1. Plat of survey of the lands described below will be officially filed in the Public Records, Portland, Oreg., effective at 10 a.m. on September 18, 1969.

WILLAMETTE MERIDIAN

T. 32 S., R. 7 E.,
Sec. 19, lots 5 to 16, inclusive;
Sec. 30, lots 5 to 16, inclusive;
Sec. 31, lots 5 to 16, inclusive.

The areas described aggregate 1,399.85 acres.

2. All of the lands described in paragraph 1 are withdrawn for the Winema National Forest. The land in lots 7, 8, and 13 of sec. 19 is included in Forest Exchange application, Serial No. OR 4677, and is segregated in accordance with 43 CFR 2244.1-2(h) from appropriation under the public land laws, including the mining laws. The remaining land by this order is hereby opened to such forms of disposition as may by law be made of national forest land.

IRVING W. ANDERSON,
Manager, Land Office.

[F.R. Doc. 69-9827; Filed, Aug. 19, 1969; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

KENNETH V. MENSING

Notice of Granting of Relief

Notice is hereby given that Kenneth V. Mensing, 403 SE. Fourth Street, Stewartville, Minn. 55976, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 23, 1947, by the District Court, Goodhue County, Redwing, Minn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Kenneth V. Mensing, because of such conviction, to ship, transport, or receive in interstate or foreign commerce, any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Mensing to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Kenneth V. Mensing's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Kenneth V. Mensing be, and hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 13th day of August 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-9843; Filed, Aug. 19, 1969; 8:47 a.m.]

PETER M. PERRELLA

Notice of Granting of Relief

Notice is hereby given that Peter M. Perrella, Box 156, Keewatin, Minn. 55753, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about June 7, 1933, by the District Court at Grand Rapids, Itasca County, Minn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Peter M. Perrella, because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Perrella to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Peter M. Perrella's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of Chapter 44, Title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Peter M. Perrella be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 13th day of August 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-9844; Filed, Aug. 19, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

REGISTERED RESEARCH FACILITIES UNDER LABORATORY ANIMAL WELFARE ACT

List of Research Facilities

Pursuant to § 2.127 of the regulations (9 CFR 2.127) under the Act of August 24, 1966 (80 Stat. 350; 7 U.S.C. 2131 et seq.), commonly known as the Laboratory Animal Welfare Act, notice is hereby given that, as of August 1, 1969, the following research facilities were registered under said Act and regulations as indicated below:

ALABAMA

Auburn University, Auburn 36830.
Southern Research Institute, 2000 Ninth Avenue South, Birmingham 35205.
Tuskegee Institute, Tuskegee Institute 36088.
University of Alabama Medical Center, 1919 Seventh Avenue South, Birmingham 35233.

ALASKA

University of Alaska, College 99701.

ARIZONA

Animal Resource Center, Arizona State University, Room 236, Tempe 85281.
Barrow Neurological Institute of St. Joseph's Hospital, 350 West Thomas Road, Phoenix 85013.
Good Samaritan Hospital, 1033 East McDowell Road, Phoenix 85002.
University of Arizona, Tucson 85721.

ARKANSAS

Animal Behavior Enterprises, Inc., Hot Springs 71901.
University of Arkansas, Fayetteville 72701.
University of Arkansas Medical Center, 4301 West Markham, Little Rock 72205.

CALIFORNIA

Attending Staff Association, Los Angeles County Harbor General Hospital, 1000 West Carson Street, Torrance 90509.
Attending Staff Association of the Rancho Los Amigos Hospital, Inc., 12826 Hawthorne Street, Downey 90242.
Bruce Lyon Memorial Research Laboratory, Children's Hospital, Medical Center of Northern California, 51st and Grove Streets, Oakland 94609.
California Institute of Technology, 1201 East California, Pasadena 91109.
The California State Colleges, Office of the Chancellor, 5670 Wilshire Boulevard, Los Angeles 90036.
Cedars-Sinai Medical Research Institute, 4833 Fountain Avenue, Los Angeles 90029.
Children's Hospital of Los Angeles, 4650 Sunset Boulevard, Los Angeles 90027.
City of Hope Medical Center, 1500 East Duarte Road, Duarte 91010.
Cutter Laboratories, Inc., Fourth and Parker Streets, Berkeley 94710.
The Epoxylite Corp., 1428 North Tyler Avenue, South El Monte 91733.
Eskaton, American River Hospital, 4747 Engle Road, Carmichael 95608.
Experimental Surgical Laboratory, Children's Hospital & Adult Medical Center of San Francisco, 3700 California Street, San Francisco 94119.
The Hine Laboratories, Inc., 1099 Folsom Street, San Francisco 94103.
Institute for Medical Research of Santa Clara County, 751 South Bascom Avenue, San Jose 95128.
Institute of Medical Sciences, 2361 Clay Street, San Francisco 94115.
Loma Linda University, Loma Linda 92354.
Memorial Hospital of Long Beach, 2801 Atlantic Avenue, Long Beach 90806.
Mount Zion Hospital and Medical Center, 1600 Divisadero Street, San Francisco 94115.
National Institute of Scientific Research, 12330 Santa Monica Boulevard, Los Angeles 90023.
North American Aviation, Inc., 805 North Lapham Street, El Segundo 90245.
Olive View Hospital, Olive View 91330.
Palo Alto Medical Research Foundation, 860 Bryant Street, Palo Alto 94301.
Pasadena Foundation for Medical Research, 99 North El Moline Avenue, Pasadena, 19901.
Pasadena Hospital Association, Ltd., 734 Fairmount Avenue, Pasadena 91105.
The Regents of the University of California, University Hall, Berkeley 94720.
Research and Education Foundation Medical Center, 101 Manchester Avenue, Orange 92668.
Research Foundation at Saint Joseph Hospital in Burbank, Buena Vista at Alameda, Burbank 91503.
St. Mary's Hospital Medical Center, 2200 Hayes Street, San Francisco 94117.
Sansum Clinic Research Foundation, 2219 Bath Street, Santa Barbara 93102.
Scripps Clinic and Research Foundation, 476 Prospect Street, La Jolla 92037.
Shell Development Co., AR Division, Post Office Box 3011, Modesto 95353.
Sonoma State Hospital, Eldridge 95431.
Stanford Research Institute, 333 Ravenswood Avenue, Menlo Park 94025.
Stanford University School of Medicine, 300 Pasteur Drive, Palo Alto 94304.
State of California Department of Public Health, 2151 Berkeley Way, Berkeley 94704.
Surgical Research Laboratory, White Memorial Medical Center, 1720 Brooklyn Avenue, Los Angeles 90033.
Sutter Community Hospital of Sacramento, 2820 L Street, Sacramento 95816.
Syntex Corporation Research Division, 3401 Hillview Avenue, Palo Alto 94304.
University of Southern California, Department of Vivaria, 2025 Zonal Avenue, Los Angeles 90033.
University of the Pacific, Pacific Avenue and Stadium Drive, Stockton 95204.

COLORADO

Colorado State University, Fort Collins 80521.
National Jewish Hospital, 3800 East Colfax Avenue, Denver 80206.
University of Colorado Medical Center, 4200 East Ninth Street, Denver 80220.
University of Colorado School of Pharmacy, Boulder 80302.

CONNECTICUT

Connecticut College, Department of Psychology, New London 06320.
Hamilton Standard Division of United Aircraft Corp., Biomedical Systems Department, Windsor Locks 06096.
Hartford Hospital, 80 Seymour Street, Hartford 06115.
The Hospital of St. Raphael, 1450 Chapel Street, New Haven 06511.
The John B. Pierce Foundation of Connecticut, Inc., 290 Congress Avenue, New Haven 06519.
Saint Francis Hospital Research Laboratory, 114 Woodland Street, Hartford 06105.
Saint Vincent's Hospital, 2820 Main Street, Bridgeport 06606.
The University of Connecticut, Storrs 06268.
Yale University School of Medicine, 333 Cedar Street, New Haven 06510.

DELAWARE

Atlas Chemical Industries, Inc., Concord Pike and New Murphy Road, Wilmington 19899.
E. I. du Pont de Nemours & Co., Elkton Road, Newark 19711.
Sterwin Laborstories, Inc., Dupont Highway, Millsboro 19966.
Stine Laboratory, E. I. du Pont de Nemours & Co., Inc., Post Office Box 30, Newark 19711.
University of Delaware, Newark 19714.

DISTRICT OF COLUMBIA

Children's Hospital of the District of Columbia, 2125 13th Street NW., Washington 20009.
Georgetown University, Animal Care Facility, 3900 Reservoir Road NW., Washington 20007.
George Washington University, Washington 20006.
Jackson Labs, Inc., 2612 28th Street NE., Washington 20018.
National Canners Association, Research Laboratory, 1133 20th Street NW., Washington 20036.
Washington Hospital Center, George Hyman Memorial Research Building, 110 Irving Street NW., Washington 20010.

FLORIDA

Bigger's Small Animal Hospital, 2803 South Fourth Street, Fort Pierce 33450.
Dawson Research Corp., 114 West Grant Avenue, Orlando 32806.
Florida State University, Tallahassee 32306.
Institute of Food and Agriculture Sciences, University of Florida, Gainesville 32601.
J. Hillis Miller Health Center and College of Medicine, Gainesville 32601.
Miami Heart Institute, 4701 North Meridian Avenue, Miami Beach 33140.
Mount Sinai Hospital Research Laboratory, 4300 Alton Road, Miami Beach 33140.
University of Florida, Office of the President, Gainesville 32601.
University of Miami, Coral Gables 33124.

GEORGIA

Emory University School of Medicine, Atlanta 30322.
The Ferst Research Center, Piedmont Hospital, 1968 Peachtree Road, NW., Atlanta 30309.
Medical College at Georgia, Augusta 30902.
Mercer University, 223 Walton Street NW., Atlanta 30303.
University of Georgia, Athens 30601.

HAWAII

Pacific Biomedical Research Center, University of Hawaii, Honolulu.
The Zaret Foundation, Inc., Room 206, 205 South Vineyard Street, Honolulu.

IDAHO

Idaho State University, Pocatello 83201.

ILLINOIS

Abbott Laboratories, 1400 Sheridan Road, North Chicago 60064.
Affiliated Laboratories Corp., Lincoln Road, White Hall 62092.
Argonne National Laboratory, 9700 South Cass Avenue, Argonne 60439.
Armour Pharmaceutical Co., Post Office Box 511, Kankakee 60901.
Arnar-Stone Laboratories, 601 East Kensington Road, Mount Prospect 60056.
Chicago College of Osteopathy, 1122 East 53rd Street, Chicago 60615.
The Chicago Medical School, 710 South Wolcott Avenue, Chicago 60612.
Children's Memorial Hospital, 2300 Children's Plaza, Chicago 60614.
Cook County Graduate School of Medicine, 707 South Wood Street, Chicago 60612.
Edgewater Hospital, 5700 North Ashland, Chicago 60626.
Evanston Hospital, 2650 Ridge Avenue, Evanston 60201.
Galesburg State Research Hospital, Galesburg 61401.
G. D. Searle & Co., Box 5110, Chicago 60680.
General Foods Corp., c/o Gaines Research Kennels, Rural Route 3, St. Anne 60964.
George Williams College, 555 31st Street, Downers Grove 60515.
John A. Hartford Foundation, Lutheran General Hospital, 1775 Dempster, Park Ridge 60068.
Hektoen Institute for Medical Research of the Cook County Hospital, 627 South Wood Street, Chicago 60612.
IIT Research Institute, 10 West 35th Street, Chicago 60616.
Illinois Institute of Technology, 3300 South Federal Street, Chicago 60616.
Illinois State University, Normal 61761.
Industrial Bio-Test Laboratories, Inc., 1810 Frontage Road, Northbrook 60062.
Institute for Bio-Medical Research, American Medical Association, 535 North Dearborn Street, Chicago 60610.
Interscience Research Institute, Post Office Box 2580, Station A, Interstate Research Park, Champaign 61824.
Kendall Research Center, 411 Lake Zurich Road, Barrington 60010.
Lifestream Laboratories, Inc., Post Office Box 524, Libertyville 60048.
Loyola University, Stritch School of Medicine, 1400 South First Avenue, Hines 60141.
Michael Reese Hospital and Medical Center, 29th and Ellis, Chicago 60616.
Mount Sinai Hospital Medical Center, California Avenue at 15th Street, Chicago 60608.
National Dairy Products Corp., Box 143, Danville 61832.
Nelson M. Percy Medical Research Foundation, Augustana Hospital, 411 West Dickens, Chicago 60614.
Northwestern University, 619 Clark Street, Evanston 60201.
Presbyterian-St. Luke's Hospital, Animal Research Facility, 1753 West Congress Parkway, Chicago 60612.
Rosner-Hixson Laboratories, Division of Artnell Co., Inc., 7737 South Chicago Avenue, Chicago 60612.
St. Francis Hospital, Surgical Research Department, 355 Ridge Avenue, Evanston 60202.
St. John's Hospital Research Laboratories, 1111 North Lincoln Street, Springfield 62702.
Southern Illinois University, Carbondale 62901.
The Suburban Cook County Tuberculosis Sanitarium District, 55th & County Line Road, Hinsdale 60521.
Thompson Research Foundation, Route 1, Box 97, Monee 60449.
Travenol Laboratories, Inc., 6301 Lincoln Avenue, Morton Grove 60053.
The University of Chicago, 950 East 59th Street, Chicago 60637.
University of Illinois, Urbana 61801.
University of Illinois at Chicago Circle, 2833 University Hall, Chicago 60680.
University of Illinois at the Medical Center, 833 South Wood Street, Chicago 60612.
Wilson & Co., Inc., Research & Technical Division, 4200 South Marshfield Avenue, Chicago 60609.
Wilson Laboratories, 4221 South Western Boulevard, Chicago 60609.

INDIANA

Central Soya Company, Inc., Research Feed Division, Decatur 46733.
Earlham College, Richmond 47374.
Eli Lilly and Co., 740 South Alabama, Indianapolis 46206.
Indiana University, Bloomington 47401.
Mead Johnson & Co., 2404 Pennsylvania Avenue, Evansville 47721.
Miles Laboratories, Inc., Therapeutics Research Laboratory, Elkhart 46514.
Purdue University, Purdue Research Foundation, Lafayette 47907.
Rose Polytechnic Institute, 5500 Wabash Avenue, Terre Haute 47803.

IOWA

College of Osteopathic Medicine & Surgery, 720 Sixth Avenue, Des Moines 50309.
Diamond Laboratories, Inc., Post Office Box 863, Des Moines 50304.
Drake University, Des Moines 50311.
Iowa Methodist Hospital, 1200 Pleasant Street, Des Moines 50308.
Iowa State University, Ames 50010.
University of Iowa, Iowa City 52240.

KANSAS

Biotec Laboratories, Inc., 9426 Rosehill Road, Lenexa 66215.
Chemagro Corporation, Post Office Box 4913, Hawthorn Road, Kansas City 64120.
Haver-Lockhart Laboratories, Post Office Box 390, Shawnee Mission 66201.
Laboratory Animal Care Committee, Kansas State University, Manhattan 66502.
National Laboratories, 1722 Main Street, Kansas City 64108.
The University of Kansas, Lawrence 66044.
University of Kansas Medical Center and School of Medicine, Rainbow Boulevard at 39th Street, Kansas City 66103.

KENTUCKY

University of Louisville School of Medicine, 101 West Chestnut, Louisville 40202.

LOUISIANA

Alton Ochsner Medical Foundation, 1520 Jefferson Highway, New Orleans 70121.
Gulf South Research Institute, Post Office Box 1177, New Iberia 70560.
Louisiana State University System, Baton Rouge 70803.
Loyola School of Dentistry, 6363 St. Charles Avenue, New Orleans 70118.
Touro Research Institute, 1400 Foucher Street, New Orleans 70115.
Tulane University, New Orleans 70118.

MAINE

The Jackson Laboratory, Bar Harbor 04609.
Maine Medical Center, 22 Bramhall Street, Portland 04102.

MARYLAND

Baltimore City Hospitals, Surgical Research Laboratories, 4940 Eastern Avenue, Baltimore 21224.
Eastawai Research Laboratory, 234 E. 25th St., Baltimore 21218.
Eye Research Foundation of Bethesda, 8710 Old Georgetown Road, Bethesda 20014.
Flow Laboratories, Inc., 12601 Twinbrook Parkway, Rockville 20852.
Hittman Associates, Inc., Post Office Box 810, Columbia 21043.
Huntington Research Center, Box 6857, Baltimore 21204.
The Johns Hopkins University, 34th and Charles Street, Baltimore 21218.
Mercy Hospital, Inc., Department of Surgery, 301 St. Paul Place, Baltimore 21201.
Microbiological Associates, Inc., 4733 Bethesda Avenue, Bethesda 20014.
Sacred Heart Hospital, 900 Seton Drive, Cumberland 21502.
St. Joseph Hospital, 7620 York Road, Baltimore 21204.
Sinai Hospital of Baltimore, Inc., Belvedere Avenue at Greenspring, Baltimore 21215.
University of Maryland, Baltimore City Campus, Baltimore 21201.
University of Maryland, College Park 20742.

MASSACHUSETTS

Astra Pharmaceutical Products, Inc., 7½ Neponset Street, Worcester 01606.
Avco Everett Research Laboratory, 2385 Revere Beach Parkway, Everett 02149.
Beth Israel Hospital Animal Unit, 330 Brookline Avenue, Boston 02215.
Boston City Hospital, Department of Health and Hospitals, 818 Harrison Avenue, Boston 02118.
Boston University, 80 East Concord Street, Boston 02118.
Brandeis University, Waltham 02154.
Carney Hospital Research Laboratory, 2100 Dorchester Avenue, Boston 02124.
Children's Cancer Research Foundation, 35 Binney Street, Boston 02115.
Children's Hospital Medical Center, 300 Longwood Avenue, Boston 02115.
Clark University, 950 Main Street, Worcester 01610.
Electrodyne, Route 1, Sharon 02067.
Harvard University, Cambridge 02138.
Howe Laboratory of Opthalmology, Massachusetts Eye & Ear Infirmary, 243 Charles Street, Boston 02114.
Lahey Clinic Foundation, 605 Commonwealth Avenue, Boston 02215.
Lemuel Shattuck Hospital, Department of Research, 170 Morton Street, Jamaica Plain 02130.
Arthur D. Little, Inc., 25 Acorn Park, Cambridge 02140.

Mason Research Institute, Inc., 21 Harvard Street, Worcestershire 01608.
Massachusetts College of Pharmacy, 179 Longwood Avenue, Boston 02115.
Massachusetts Eye and Ear Infirmary, 243 Charles Street, Boston 02114.
Massachusetts General Hospital, Boston 02114.
Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge 02139.
The Memorial Hospital Research Laboratory, 119 Belmont Street, Worcester 01605.
NEN Biomedical Assay Laboratories, 615 Albany Street, Boston 02118.
New England Medical Center Hospitals, 171 Harrison Avenue, Boston 02111.
Northeastern University, 360 Huntington Avenue, Boston 02115.
Peter Bent Brigham Hospital, 721 Huntington Avenue, Boston 02115.
Retina Foundation, 20 Staniford Street, Boston 02114.
St. Elizabeth's Hospital, Department of Research, 736 Cambridge Street, Brighton 02135.
St. Vincent Hospital, 25 Winthrop Street, Worcester 01610.
Sears Surgical Laboratory, Boston City Hospital, 818 Harrison Avenue, Boston 02118.
Shriners Burns Institute, 50 Blossom Street, Boston 02114.
Thermo Electron Corp., 85 First Avenue, Waltham 02154.
Tufts University School of Medicine, 136 Harrison Avenue, Boston 02111.
Worcester Foundation for Experimental Biology, 222 Maple Avenue, Shrewsbury 01545.

MICHIGAN

Blodget Memorial Hospital, 1840 Wealth, SE., Grand Rapids 49506.
Bureau of Laboratories, Michigan Department of Public Health, 3500 North Logan, Lansing 48914.
Butterworth Hospital, 100 Michigan NE., Grand Rapids 49503.
Detroit Osteopathic Hospital, 12523 Third Avenue, Detroit 48203.
The Dow Chemical Co., Midland 48640.
Flint Osteopathic Hospital, Department of Pathology, 3921 Beecher Road, Flint 48502.
Ferris State College, Big Rapids 49307.
Henry Ford Hospital & Edsel B. Ford Institute for Medical Research, 2799 West Grand Boulevard, Detroit 48202.
Hurley Hospital Research Facilities, Sixth Avenue and Begole, Flint 48502.
Ingham Medical Hospital, 401 West Greenlawn, Lansing 48910.
International Research & Development Corp., 900 Main Street, Mattawan 49071.
Lafayette Clinic, 951 East Lafayette, Detroit 48207.
Michigan State University, East Lansing 48823.
Mount Carmel Mercy Hospital, Animal Research Laboratory, 6071 West Outer Drive, Detroit 48235.
Northern Michigan University, Marquette 49855.
Parke, Davis & Co., G.P.O. Box 118, Detroit 48232.
Pontiac Medical Science Laboratories, Inc., 140 Elizabeth Lake, Pontiac 48053.
Providence Hospital, 16001 Nine Mile Road, Southfield 48075.
Riverside Osteopathic Hospital, 150 Truax Street, Trenton 48183.
St. Joseph Mercy Hospital, 326 North Ingalls, Ann Arbor 48104.
Sinai Hospital of Detroit, Division of Research, 6767 West Outer Drive, Detroit 48235.
Space/Defense Corp., 1600 North Woodward, Birmingham 48011.
TRICO Research Projects, Inc., 5620 Texas Drive, Kalamazoo 49002.
The Upjohn Co., 301 Henrietta Street, Kalamazoo 49001.
University of Detroit, School of Dentistry, 2985 East Jefferson, Detroit 48207.
University of Michigan, Ann Arbor 48104.
Wayne County General Hospital, Eloise 48132.
Wayne State University, Animal Care Facility, Detroit 48202.
W. D. Fryfogle Medical Research Laboratory, Nine Mile Medical Building, 15901 West Nine Mile Road, Southfield 48075.

MINNESOTA

Mayo Foundation, 200 First Street SW., Rochester 55901.
Minnesota Mining & Manufacturing Co., Central Research Laboratories, 2301 Hudson Road, St. Paul 55101.
Minneapolis Medical Research Foundation, Inc., Hennepin County General Hospital, 619 South Fifth Street, Minneapolis 55415.
Mount Sinai Hospital, 22nd and Chicago Avenue, Minneapolis 55404.
North Star Research & Development Institute, 3100 38th Avenue S., Minneapolis 55406.
St. Joseph's Research Laboratory, 69 West Exchange Street, St. Paul 55102.
St. Mary's Hospital, Research Laboratory, 2414 South Seventh Street, Minneapolis 55406.
St. Paul-Ramsey Hospital, 640 Jackson Street, Saint Paul 55101.
University of Minnesota, Minneapolis 55455.

MISSISSIPPI

University of Mississippi Medical Center, 2500 North State Street, Jackson 39216.
The University of Mississippi, Office of the Chancellor, University 38677.

MISSOURI

The Curators of the University of Missouri, Columbia 65201.
Institute of Medical Education & Research, 1605 South 14th Street, St. Louis 63104.
The Jewish Hospital of St. Louis, 216 South Kingshighway Boulevard, St. Louis 63110.
Kansas City General Hospital & Medical Center, Research Animal Care Unit, 24th and Cherry Streets, Kansas City 64108.
Kirksville College of Osteopathy & Surgery, Kirksville 63501.
Mallinckrodt Chemical Works, Second and Mallinckrodt Streets, St. Louis 63160.
Menorah Medical Center, 4949 Rockhill Road, Kansas City 64110.
Midwest Research Institute, 425 Volker Boulevard, Kansas City 64114.
Missouri Institute of Psychiatry, 5400 Arsenal Street, St. Louis 63139.
Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph 64502.
Ralston Purina Co., 835 South Sixth Street, St. Louis 63199.
St. John's Mercy Hospital, Research Laboratory, 621 South New Ballas Road, St. Louis 63141.
Saint Louis University, 1402 South Grand Avenue, Saint Louis 63104.
Scientific Associates, Inc., 6200 South Lindbergh, St. Louis 63123.
Washington University, Lindell and Skinker Boulevards, St. Louis 63130.

MONTANA

University of Montana, Missoula 59801.

NEBRASKA

The Creighton University, School of Medicine, 657 North 27th Street, Omaha 68131.
Dellen, Inc., 2704 North 84th Street, Omaha 68134.
Elanco Products Co., 1124 Harney Street, Omaha 68102.
Harris Laboratories, Inc., 624 Peach Street, Box 427, Lincoln 68501.
University of Nebraska, 14th and R Streets, Lincoln 68508.

NEW HAMPSHIRE

Animal Research Facilities, Dartmouth, Medical School, Medical Science Building, Hanover 03755.

NEW JERSEY

AME Associates, Post Office Box 57, Princeton 08540.
Bio/dynamics, Inc., Post Office Box 43, East Millstone 08873.
Biological Science Laboratories, Foster D. Snell, Inc., 800 Dowd Avenue, Elizabeth 07021.
Bristol-Myers Products, 225 Long Avenue, Hillside 07205.
Campbell Soup Co., Research Institute, 375 Memorial Avenue, Camden 08101.
CIBA Pharmaceutical Co., 556 Morris Avenue, Summit 07901.
Colgate-Palmolive Co., 909 River Road, Piscataway 08854.
Cyanamid Foundation for Agricultural Development, Post Office Box 400, Princeton 08540.
Division of Laboratories, New Jersey Department of Health, Box 1540, Trenton 08625.
E. R. Squibb & Sons, Inc., 745 Fifth Avenue, New York 10022 and Georges Road, New Brunswick 08903.
Ethicon Research Foundation, U.S. Highway 22, Somerville 08876.
Fairleigh Dickinson University, Dental Research Building, 1000 River Road, Teaneck 07666.
Hakensack Hospital, Cardio Pulmonary Animal Laboratory, Hospital Place Hakensack 07001.
Hoffman-LaRoche, Inc., 340 Kingsland Street, Nutley 07110.
Hospital Center at Orange, Cardiac Research Laboratory, 188 South Essex Avenue, Orange 07051.
Institute for Medical Research, Copewood Street, Camden 08103.
Johnson & Johnson Research Foundation, Route 1, New Brunswick 08903.
K–G Laboratories, Inc., 3651 Hill Road, Parsippany 07054.
Leberco Laboratories, 123 Hawthorne Street, Roselle Park 07204.
Merck & Co., Inc., 126 East Lincoln Avenue, Rahway 07065.
Middlesex General Hospital, 180 Somerset Street, New Brunswick 08901.
Monmouth Medical Center, Department of Physiology & Clinical Research, 3rd and Pavilion Avenues, Long Branch 07740.
Newark Beth Israel Hospital, 201 Lyons Avenue, Newark 07112.
New Jersey College of Medicine and Dentistry, 24 Baldwin Avenue, Jersey City 07306.
New Jersey Mental Health Research & Development Fund, Post Office Box 25, Skillman 08558.
Ortho Research Institute, U.S. Highway 202, Raritan 08869.
Passaic General Hospital, 350 Boulevard, Passaic 07055.
Rutgers, The State University, New Brunswick 08903.
St. Barnabas Medical Center, Old Short Hills Road, Livingston 07039.
St. Michael Hospital, Research Laboratory, 306 High Street, Newark 07102.
Sandoz Pharmaceuticals, Research Department, Hanover 07936.
Schering Corp., 60 Orange Street, Bloomfield 07003.
Smith, Miller, and Patch, 401 Joyce Kilmer Avenue, New Brunswick 08902.
South Mountain Laboratories, 487 Valley Street, Maplewood 07040.
The Trustees of Princeton University, Office of Research & Project Administration, New South Building, Princeton 08540.

NEW JERSEY—Continued

University Laboratories, Inc., 810 North Second Avenue, Highland Park 08904.
Warner-Lambert Research Institute, 170 Tabor Road, Morris Plains 07950.
Wells Laboratories, Inc., 25–27 Lewis Avenue, Jersey City 07306.

NEW MEXICO

Los Alamos Scientific Laboratory, Post Office Box 1663, Los Alamos 87544.
The Lovelace Foundation for Medical Education & Research, 5200 Gibson Boulevard SE., Albuquerque 87108.
The University of New Mexico, Albuquerque 87106.

NEW YORK

Agway Research Laboratory, 777 Warren Road, Ithaca 14850.
Albany Medical College, 47 New Scotland Avenue, Albany 12208.
American Cyanamid Co., North Middletown Road, Pearl River 10965.
The American Museum of Natural History, Central Avenue West at 79th Street, New York 10024.
The Animal Medical Center, 510 East 62d Street, New York 10021.
Associated Universities, Inc., Brookhaven National Laboratory, Upton, Long Island 11973.
Beth Israel Medical Center, 10 Nathan D. Perlman Place, New York 10003.
Biochemex Laboratories, Inc., 1271 Hempstead Turnpike, Elmont 11003.
Booth Memorial Hospital, Main Street at Booth Memorial Avenue, Flushing 11355.
Bristol Laboratories, Post Office Box 657, Syracuse 13201.
The Bronx-Lebanon Hospital Center, 1276 Fulton Avenue, Bronx 10456.
The Brookdale Hospital Center, Brookdale Plaza, Brooklyn 11212.
Brooklyn College of Pharmacy, 600 Lafayette Avenue, Brooklyn 11216.
The Brooklyn Hospital, Animal Research Laboratory, 121 Dekalb Avenue, Brooklyn 11201.
Buffalo General Hospital, Department of Medicine, 100 High Street, Buffalo 14203.
Bureau of Laboratories, City of New York, 455 First Avenue, New York City 10016.
Burroughs Wellcome & Co., Inc., 1 Scarsdale Road, Tuckahoe 10707.
Carter-Wallace, Inc., 2 Park Avenue, New York 10016.
Charles Pfizer & Co., Inc., 235 East 42d Street, New York 10017.
Cornell University, Ithaca 14850.
Cornell University Medical College, 1300 York Avenue, New York 10021.
E. J. Meyer Memorial Hospital, 462 Grider Street, Buffalo 14215.
Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City 11533.
Food and Drug Research Laboratories, Inc., Maurice Avenue at 58th Street, Maspeth 11378.
Geigy Chemical Corp., Geigy Research Division, Ardsley 10502.
Grasslands Hospital, Valhalla 10595.
Health Research, Inc., 84 Holland Avenue, Albany 12208.
Institute for Muscle Disease, Inc., 515 East 71st St., New York 10021.
Isaac Albert Research Institute, Jewish Chronic Disease Hospital, 86 East 49th Street, Brooklyn 11203.
Jewish Hospital and Medical Center of Brooklyn, 555 Prospect Place, Brooklyn 11238.
Lenox Hill Hospital, 100 East 77th Street, New York 10021.
The L.G.H. Laboratory, Mercy Hospital Association, 1000 North Village, Rockville Centre 11570.
The Long Island College Hospital, 340 Henry Street, Brooklyn 11201.
Maimonides Medical Center, 4802 10th Avenue, Brooklyn 11219.
Manhattan Eye, Ear & Throat Hospital, 210 East 64th Street, New York 10021.
The Mary Imogene Bassett Hospital, Atwell Road, Cooperstown 13326.
Masonic Medical Research Laboratory, Bleecker Street, Utica 13501.
Meadowbrook Hospital, Animal Research Laboratory, Post Office Box 175, East Meadow 11554.
The Medical Foundation of Buffalo, 73 High Street, Buffalo 14203.
Methodist Hospital of Brooklyn, 506 Sixth Street, Brooklyn 11215.
Millard Fillmore Hospital, Urology Research Division, 3 Gates Circle, Buffalo 14209.
Misericordia Hospital, 600 East 233d Street, Bronx 10466.
Montefiore Hospital and Medical Center, 111 East 210th Street, Bronx 10467.
The Mount Sinai Hospital, School of Medicine, 100 Street and Fifth Avenue, New York 10029.
Nassau Hospital, First Street, Mineola 11501.
New York Medical College, Fifth Avenue at 106th Street, New York 10029.
New York State Department of Health, Division of Laboratory and Research, New Scotland Avenue, Albany 12201.
New York State Department of Mental Hygiene, 44 Holland Avenue, Albany 12208.
New York University, Washington Square, New York 10003.
North Shore Hospital, Valley Road, Manhasset 11030.
The Norwich Pharmacal Co., Post Office Box 191, Norwich 13815.
Philip D. Wilson Research Foundation, 535 East 70th Street, New York 10021.
The Public Health Research Institute of the city of N.Y., Inc., 455 First Avenue, New York City 10016.
Queens Hospital Center, 8268 164th Street, Jamaica 11432.
Rensselaer Polytechnic Institute, Troy 12181.
Research Institute for Skeletomuscular Diseases of the Hospital for Jr. Diseases & Medical Center, 1919 Madison Avenue, New York 10035.
Revlon Research Center, Inc., 945 Zerega Avenue, Bronx 10473.
Richardson-Merrell, Inc., 122 East 42d Street, New York 10017.
The Rockefeller University, York Avenue at 66th, New York 10021.
The Roosevelt Hospital, Surgical Research Laboratory, 428 West 59th Street, New York 10019.
St Barnabas Hospital, Hematology Research, 183rd Street and Third Avenue, Bronx 10457.
St. Luke's Hospital Center, Amsterdam Avenue at West 114th Street, New York 10025.
St. Vincent's Hospital and Medical Center of New York, 153 West 11th Street, New York 10011.
Sisters of Charity Hospital, 2157 Main Street, Buffalo 14214.
Sloan-Kettering Institute for Cancer Research, 410 East 68th Street, New York 10021.
South Shore Analytical, 148 Islip Avenue, Islip 11751.
State University of New York, Thurlow Terrace, Albany 12201.
Syracuse University, 201 Marshall Street, Syracuse 13210.
State University, King County Hospital Center, 451 Clarkson Avenue, Brooklyn 11203.
Sterling Drug, Inc., Columbia Turnpike, Rensselaer 12144.
Strasenburgh Laboratories, 755 Jefferson Road, Rochester 14611.
The Trustees of Columbia University in city of New York, Box 20, Lowe Memorial Library, New York 10027.
University of Rochester, School of Medicine and Dentistry, 260 Crittenden Boulevard, Rochester 14620.
USV Pharmaceutical Corp., Division of Pharmacology, 26 Vark Street, Yonkers 10701.
Waldemar Medical Research Foundation, Sunnyside Boulevard, Woodbury 11797.
Wilson Memorial Hospital, Heart Lung Laboratory, Broome-D, Johnson City 13790.
Yeshiva University
55 Fifth Avenue, New York 10003.

NORTH CAROLINA

Behavior Systems, Inc., 2008 Hillsboro Street, Raleigh 27607.
Duke University, Durham 27706.
North Carolina State University at Raleigh, Raleigh 27607.
Research Triangle Institute, Post Office Box 12194, Research Triangle Park 27709.
R. J. Reynolds Tobacco Research Foundation, Winston-Salem 27102.
University of North Carolina, Chapel Hill 27514.
University of North Carolina at Charlotte, Department of Biology, Charlotte 28205.
Wake Forest University, Winston-Salem 27109.

NORTH DAKOTA

North Dakota State University of Agriculture and Applied Science, Fargo 58102.
University of North Dakota, School of Medicine, Grand Forks 58201.

OHIO

Akron City Hospital, 525 East Market Street, Akron 44309.
Arlington Research Laboratories, Inc., Post Office Box 161, Plain City 43064.
Battelle Memorial Institute, Columbus Laboratories, 505 King Avenue, Columbus 43201.
Bio-Toxicological Research Associates, 553 North Broadway Street, Spencerville 45887.
Bowling Green State University, Bowling Green 43402.
Capital University, Department of Biology, Columbus 43209.
Case Western Reserve, University Circle, Cleveland 44106.
Children's Hospital of Akron, Animal Laboratories, Buchtel Avenue at Bowery Streets, Akron 44308.
The Children's Hospital Research Foundation, Elland Avenue and Bethesda, Cincinnati 45229.
Children's Hospital Research Foundation, 561 South 17th Street, Columbus 43205.
The Cleveland Clinic Foundation, 2020 East 93d Street, Cleveland 44120.
Cleveland Metropolitan General Hospital, 3395 Scranton Road, Cleveland 44109.
Cleveland Psychiatric Institute, 1708 Aiken Avenue, Cleveland 44109.
Cox Coronary Heart Institute, 3525 Southern Boulevard, Kettering 45429.
Fairview General Hospital, 18101 Lorain Avenue, Cleveland 44111.
Fels Research Institute, Yellow Springs 45387.
Good Samaritan Hospital, Animal Research Laboratory, 3217 Clifton Avenue, Cincinnati 45220.
Highland View Hospital, 3901 Ireland Drive, Cleveland 44122.
Hill Top Research, Inc., Miamiville 45147.
Hoechst Pharmaceutical Co., 1385 Tennessee Avenue, Cincinnati 45229.
Institute of the Medical Research of the Toledo Hospital, 2805 Oatis Avenue, Toledo 43606.
Kent State University, Kent 44240.
Miami University, Office of the President, Oxford 45056.
Mount Sinai Hospital, University Circle, Cleveland 44106.
Oberlin College, Department of Psychology, Oberlin 44074.

The Ohio State University, 190 North Oval Drive, Columbus 43210.
Procter & Gamble Co., Post Office Box 39175, Cincinnati 45239.
Riverside Methodist Hospital, 3535 Olentangy River Road, Columbus 43214.
St. Joseph's Hospital, Research Laboratory, West 20th Street and Broadway, Lorain 44052.
St. Vincent Charity Hospital, Research Division, 2351 East 22d Street, Cleveland 44115.
St. Luke's Hospital Association of Cleveland of the Methodist Church, 11311 Shaker Boulevard, Cleveland 44104.
The University of Akron, Akron 44304.
University of Cincinnati, Clifton Avenue, Cincinnati 45221.

OKLAHOMA

Baptist Memorial Hospital, 5800 Northwest Grand Boulevard, Oklahoma City 73112.
Oklahoma City University, 2501 North Blackwelder, Oklahoma City 73106.
Oklahoma Medical Research Foundation, 825 Northeast 13th Street, Oklahoma City 73104.
Oklahoma State University of Agriculture and Applied Science, Stillwater 74074.
Southwestern State College, Weatherford 73096.
University of Oklahoma, Medical Center, 800 Northeast 13th Street, Oklahoma City 73104.

OREGON

E. Laboratories, 1954 Northwest Pettygrove, Portland 97209.
Neurophysiology Research Laboratory, 1015 Northwest 22d Avenue, Portland 97210.
Oregon State University, Corvallis 97331.
Pacific University, Optometry Department, Forest Grove 97116.
Portland State College, Post Office Box 751, Portland 97207.
University of Oregon Dental School, 611 Southwest Campus Drive, Portland 97201.
University of Oregon Medical School, 3181 Southwest Sam Jackson Park Road, Portland 97201.

PENNSYLVANIA

Albert Einstein Medical Center, York and Tabor Roads, Philadelphia 19141.
Allegheny General Hospital, 320 East North Avenue, Pittsburgh 15212.
American Electronic Laboratories, Inc., Post Office Box 552, Lansdale 19446.
Carnegie-Mellon University, 4400 Fifth Avenue, Pittsburgh 15213.
The Children's Hospital of Philadelphia, 1740 Bainbridge Street, Philadelphia 19146.
The Contributors to the Pennsylvania Hospital, Eighth and Spruce Streets, Philadelphia 19107.
Donald Guthrie Foundation for Medical Research, 200 South Wilbur Avenue, Sayre 18840.
Drexel Institute of Technology, 32nd and Chestnut Street, Philadelphia 19104.
Duquesne University of the Holy Ghost, Pittsburgh 15219.
Eastern Pennsylvania Psychiatric Institution, Henry Avenue and Abbotsford, Philadelphia 19129.
The Hahnemann Medical College and Hospital of Philadelphia, 230 North Broad Street, Philadelphia 19102.
Institute for Medical Education and Research, The Geisinger Medical Center, Danville 17821.
The Jefferson Medical College of Philadelphia, 1025 Walnut Street, Philadelphia 19107.
Lankenau Hospital, Lancaster and City Line Avenues, Philadelphia 19151.
LaWall & Harrison Research Laboratories, Inc., 1921 Walnut Street, Philadelphia 19103.
McNeil Laboratories, Inc., Camp Hill Road, Fort Washington 19034.
Mercy Hospital of Pittsburgh, 1400 Locust Street, Pittsburgh 15219.
Montefiore Hospital, 3459 Fifth Avenue, Pittsburgh 15213.
The Pennsylvania State University, 207 Old Main, University Park 16802.
Philadelphia College of Osteopathic Medicine, 48th and Spruce Streets, Philadelphia, 19139.
Philadelphia College of Pharmacy and Science, 43rd Street and Kingsessing Avenue, Philadelphia 19104.
Philadelphia General Hospital, 34th Street and Civic Center Boulevard, Philadelphia 19104.
Presbyterian University of Pennsylvania Medical Center, 51 North 39th Street, Philadelphia 19104.
William H. Rorer, Inc., 500 Virginia Drive, Fort Washington 19034.
Sacred Heart Hospital, Fourth and Chew Streets, Allentown 18102.
Smith, Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia 19101.
Temple University of the Commonwealth System of Higher Education, Broad and Montgomery Streets, Philadelphia 19122.
University Health Center of Pittsburgh, Terrace and DeSoto Streets, Pittsburgh 15213.
University of Pennsylvania, 101 College Hall, Philadelphia 19104.
The Western Pennsylvania Hospital, 4800 Friendship Avenue, Pittsburgh 15224.
Westinghouse Electric Corp., Research and Development Center, Beulah Road, Churchill Borough, Pittsburgh 15235.
Woman's Medical College of Pennsylvania, 3300 Henry Avenue, Philadelphia 19129.
Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia 19101.

PUERTO RICO

University of Puerto Rico, Rio Piedras 00923.

RHODE ISLAND

Brown University, Brown Station, 79 Waterman Street, Providence 02912.
The Miriam Hospital, 164 Summit Avenue, Providence 02906.
Our Lady of Fatima Hospital, High Service Avenue, North Providence 02908.
Rhode Island Hospital, 593 Eddy Street, Providence 02903.
University of Rhode Island, Kingston 02881.

SOUTH CAROLINA

Medical College of South Carolina, 80 Barre Street, Charleston 29401.

SOUTH DAKOTA

South Dakota State University, Brookings 57006.
The University of South Dakota, Vermillion 57069.

TENNESSEE

Meharry Medical College, 1005 18th Avenue, Nashville 37208.
Oak Ridge Associated University, Medical Division, Post Office Box 117, Oak Ridge 37830.
The S. E. Massengill Co., 501 Fifth Street, Bristol 37620.
The University of Tennessee, Knoxville 37916.
Vanderbilt University, School of Medicine, Station 17, Nashville 37203.

TEXAS

Alcon Laboratories, Inc., Post Office Box 1959, Fort Worth 76101.
Bandy Laboratories, Inc., Post Office Box 727, Temple 76501.
Baylor University College of Medicine, Texas Medical Center, 1200 Moursund Avenue, Houston 77025.
Baylor University Medical Center, 3500 Gaston Avenue, Dallas 75246.
Callier Hearing and Speech Center, 1966 Inwood Road, Dallas 75235.
Hermann Hospitals, Texas Medical Center, Houston 77023.
St. Anthony's Hospital, 735 North Polk Street, Amarillo 79102.
St. Joseph's Hospital, 1919 LaBranch, Houston 77002.
St. Paul Hospital, 5909 Harry Hines, Dallas 75235.
Scott & White Memorial Hospital and Scott Sherwood and Brindley Foundation, 2401 South 31st Street, Temple 76501.
Southwest Foundation for Research and Education, Post Office Box 2296, 10,000 West Commerce, San Antonio 78206.
Southwest Research Institute, 8500 Culebra Road, San Antonio 78206.
Technology Incorporated, Life Sciences Division, 8531 North New Braunfels Avenue, San Antonio 78217.
Texas A & M University, College of Veterinary Medicine, College Station 77843.
Texas Research Institute of Mental Sciences, Texas Medical Center, 1300 Moursund, Houston 77025.
Trinity University, Biology Department, San Antonio 78212.
Trinity University, Department of Psychology, 715 Stadium Drive, San Antonio 78212.
University of Houston, 3801 Cullen Boulevard, Houston 77004.
University of Texas, M. D. Anderson Tumor Institute, 6723 Bertner Avenue, Houston 77025.
University of Texas at Arlington, Psychology Department, Arlington 76010.
University of Texas at Austin, Austin 78712.
University of Texas Dental Branch, Post Office Box 20068, Houston 70025.
University of Texas Medical Branch, Galveston 77550.
University of Texas Medical School at San Antonio, 715 Stadium Drive, San Antonio 78212.
University of Texas Southwestern Medical School at Dallas, 5323 Harry Hines Boulevard, Dallas 75235.
Martin J. Wagner, Ph. D., Baylor University College of Dentistry, 800 Mall Street, Dallas 75226.

UTAH

Brigham Young University, College of Biological and Agricultural Sciences, 106 Heber J. Grant Building, Provo 84601.
Latter-day Saints Hospital, 325 Eighth Avenue, Salt Lake City 84103.
University of Utah, University Avenue at Second Street, Salt Lake City 84112.
Utah State University, Logan 84321.

VERMONT

University of Vermont and State Agricultural College, Burlington 05401.

VIRGINIA

A. H. Robins Co., Inc., Research Laboratories, 1211 Sherwood Avenue, Richmond 23220.
Bionetics Research Laboratories, Inc., 101 West Jefferson Street, Falls Church 22046.
Hazelton Laboratories, Inc., Post Office Box 30, Falls Church 22046.
Medical College of Virginia, Animal Research Division, 12th and Broad Streets, Richmond 23219.
Melpar, Inc., 7700 Arlington Boulevard, Falls Church 22046.
The Research Institute of the Norfolk Area, Medical Center Authority, 600 Gresham Drive, Norfolk 23507.
University of Virginia, Charlottesville 22903.
Virginia Polytechnic Institute, Blacksburg 24051.
Woodard Research Corp., 12310 Pinecrest Road, Post Office Box 405, Herndon 22070.

WASHINGTON

Pacific Northwest Laboratories, Division of Battelle Memorial Institute, Post Office Box 999, Richland 99352.
Pacific Northwest Research Foundation, 1102 Columbia Street, Seattle 98104.
Providence Hospital, 17th and East Jefferson Street, Seattle 98122.
Schick Pharmaceutical, Inc., 127 SW. 156th Street, Seattle 98166.
Virginia Mason Research Center, 1000 Seneca Street, Seattle 98101.
Vivarium Facility, University of Washington, E 610 Health Sciences Building, Seattle 98105.
Washington State University, Laboratory Animal Units, Pullman 99163.

WEST VIRGINIA

West Virginia University, Morgantown 26506.

WISCONSIN

Allen-Bradley Medical Science Laboratory, 8700 West Wisconsin Avenue, Milwaukee 53226.
Central Wisconsin Colony and Training School, 317 Knutson Drive, Madison 53704.
Colgate-Palmolive Co., Lakeside Laboratories Division, 1707 East North Avenue, Milwaukee 53201.
Marquette University, School of Medicine, 561 North 15th Street, Milwaukee 53233.
Marshfield Clinic Foundation for Medical Research and Education, 630 South Central Avenue, Marshfield 54449.
Mount Sinai Hospital, May and Sigmund Winter Research Laboratory, 948 North 12th Street, Milwaukee 53233.
The Regents of the University of Wisconsin, 750 University Avenue, Madison 53706.
Wisconsin Alumni Research Foundation, 506 North Walnut, Post Office Box 2037, Madison 53701.

Done at Washington, D.C., this 14th day of August 1969.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-9887; Filed, Aug. 19, 1969; 8:50 a.m.]

Export Marketing Service

DIRECTOR, PROGRAM OPERATIONS DIVISION

Redelegation of Authority

By virtue of the authority vested in the General Sales Manager, Export Marketing Service, by the Secretary of Agriculture, on June 5, 1969 (34 F.R. 8963), the Director, Program Operations Division, Export Marketing Service, is authorized to grant extensions of the 210-day period for submission of documents for reimbursement after the expiration of the delivery period specified in the applicable purchase authorization, referred to in §§ 17.10(p) and 17.11(f) of the regulations governing sales of agricultural commodities made available under title I of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), as amended (7 CFR Part 17).

Signed at Washington, D.C., on August 15, 1969.

CLIFFORD G. PULVERMACHER,
General Sales Manager, Export Marketing Service.

[F.R. Doc. 69-9888; Filed, Aug. 19, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMDAL CO.

Notice of Filing of Petition for Food Additive Spectinomycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (40-040V) has been filed by Amdal Co., Agricultural Division, Abbott Laboratories, North Chicago, Ill. 60064, proposing amendment of the food additive regulations (21 CFR Part 121, Subpart C) to provide for the safe use of spectinomycin for the subcutaneous injection of turkeys for treatment of fowl cholera caused by *P. multocida*.

Dated: August 13, 1969.

J. K. KIRK,
Associate Commissioner, for Compliance.

[F.R. Doc. 69-9810; Filed, Aug. 19, 1969; 8:45 a.m.]

HERCULES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2442) has been filed by Hercules, Inc., Wilmington, Del. 19899, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to change from 5-molar percent to 20-molar percent the maximum β-methacrylyloxyethyltrimethylammonium methyl sulfate content of acrylamide-β-methacrylyloxyethyltrimethylammonium methyl sulfate copolymer resins presently permitted for use as a retention aid and flocculant in the manufacture of paper and paperboard for food-contact use.

Dated: August 13, 1969.

R. E. DUGGAN,
Acting Associate Commissioner, for Compliance.

[F.R. Doc. 69-9812; Filed, Aug. 19, 1969; 8:46 a.m.]

INDUSTRIAL DYNAMICS CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OM2440) has been filed by Industrial Dynamics Co., Ltd., 2927 Lomita Boulevard, Torrance, Calif. 90503, proposing that § 121.3001 *Sources of radiation used for inspection of food, for inspection of packaged food, and for controlling food processing* (21 CFR 121.3001) be amended to provide for the safe use of americium-241 as a gamma radiation source for inspecting packaged food products.

Dated: August 13, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9813; Filed, Aug. 19, 1969; 8:46 a.m.]

SCHERING CORP.

Notice of Withdrawal of Petition for Food Additives Penicillin, Neomycin, Polymixin, Prednisone

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Schering Corp., Bloomfield, N.J. 07003, has withdrawn its petition (55-004V), notice of which was published in the FEDERAL REGISTER of July 27, 1968 (33 F.R. 10757), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of a combination drug containing penicillin, neomycin, polymixin, and prednisone with an inert propellent mixture of dichlorodifluoromethane and dichlorotetrafluoroethane for the treatment of mastitis in dairy cattle by udder instillation.

Dated: August 13, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9814; Filed, Aug. 19, 1969; 8:46 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), the Department of Agricultural Engineering, College of Agriculture, University of California, Davis, Calif. 95616, has withdrawn its petition (FAP 8M2314), notice of which was published in the FEDERAL REGISTER of August 24, 1968 (33 F.R. 12063), proposing that § 121.3001 *Sources of radiation used for inspection of food, for inspection of packaged food, and for controlling food processing* (21 CFR 121.3001) be amended to provide for the safe use of a radioactive control device for inspecting lettuce.

Dated: August 13, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9811; Filed, Aug. 19, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-88]

SAN MATEO POINT, SAN CLEMENTE, CALIFORNIA

Security Zone

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4 (32 F.R. 5606) and Executive Order 10173 as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the FEDERAL REGISTER the order of Charles Tighe, Rear Admiral, U.S. Coast Guard, Commander, 11th Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

CALIFORNIA—SAN CLEMENTE—SAN MATEO POINT

SECURITY ZONE ESTABLISHED

Whereas, pursuant to the request of the U.S. Secret Service, and acting under the authority of the Act of June 15, 1917 (40 Stat. 220) as amended and the regulations in Part 6, Subchapter A, Chapter 1, Title 33, Code of Federal Regulations, and as the Commander, 11th Coast Guard District, I hereby designate and establish the San Mateo Point Security Zone in the Pacific Ocean Offshore from San Mateo Point, San Clemente, Calif.

Security zone. All water and underwater areas bounded by and within the perimeter defined by the following four points:

A. 33°23.0′ N., 117°35.4′ W.
B. 33°22.5′ N., 117°36.0′ W.
C. 33°23.6′ N., 117°36.6′ W.
D. 33°23.8′ N., 117°36.0′ W.

Points "B" and "C" will be marked by unlighted orange and white horizontally-banded, special-purpose, can buoys marked "Security Zone" and equipped with white reflective material.

The regulations. Commencing 1 p.m. P.d.t., August 6, 1969, the area designated herein shall be closed to all vessels and persons, except those vessels and persons authorized by the Commander, 11th Coast Guard District whenever the San Mateo Point Security Zone is in effect and being enforced. The presence of a U.S. Coast Guard Cutter in the vicinity of the Security Zone will indicate that the Security Zone is in effect and being enforced. The Security Zone is open for public use at all other times. All persons and vessels (including surfers and surfboards) are directed to remain outside the Security Zone when a U.S. Coast Guard Cutter is present in the vicinity.

Enforcement. This order will be enforced by the Coast Guard officers and noncommissioned officers assigned to the Coast Guard Cutter patrolling the Security Zone. The aid of other federal, state, municipal and private agencies may be enlisted in the enforcement of this order.

Penalties for violation. Penalties for violation of the above order are provided by section 2, Title II of the Act of June 15, 1917, as amended (50 U.S.C. 192):

If any owner, agent, master, officer, or person in charge, or any member of the crew of any vessel fails to comply with any regulations or rule issued or order given under the provision of this title, or obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the Court, be fined not more than $10,000. Any other person who knowingly fails to comply with any regulations or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, shall be similarly punished.

Dated: August 18, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 69-9999; Filed, Aug. 19, 1969; 10:32 a.m.]

Federal Aviation Administration

ATLANTA AREA OFFICE AT ATLANTA, GA.

Notice of Closing

Notice is hereby given that on or about August 24, 1969, the Atlanta Area Office at Atlanta, Ga., will be closed. Services to the aviation public of Georgia, North Carolina, and South Carolina, formerly provided by this office, will be provided by the Southern Region Office in Atlanta, Ga. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Atlanta, Ga., on August 13, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-9872; Filed, Aug. 19, 1969; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

FIDELITY FINANCIAL CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of Fidelity Savings and Loan Association et al.

AUGUST 15, 1969.

Notice is hereby given that the Federal Savings & Loan Insurance Corp. has received an application from the Fidelity Financial Corp., Oakland, Calif., for approval of its acquisition of control of the Fidelity Savings & Loan Association, Oakland, Calif., Peninsula Savings & Loan Association, San Mateo, Calif., and General Savings & Loan Association, Sacramento, Calif., insured institutions, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the Regulations for Savings and Loan Holding Companies. The proposed acquisitions are to be effected by the exchange of all or substantially all of the issued and outstanding stock of Fidelity Savings & Loan Association and Peninsula Savings & Loan Association, and approximately 80 percent of such stock of General Savings & Loan Association for stock of Fidelity Financial Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary, Federal Home Loan Bank Board.

[F.R. Doc. 69-9853; Filed, Aug. 19, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Issuance of Provisional Construction Permit

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated August 13, 1969, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-62 to Consolidated Edison Company of New York, Inc. (Indian Point Nuclear Generating Unit No. 3), for construction of a pressurized water nuclear reactor at the applicant's site in the village of Buchanan, Westchester County, N.Y. The reactor, known as the Indian Point Nuclear Generating Unit No. 3, is designed for initial operation at approximately 3,025 thermal megawatts with a net electrical output of approximately 965 megawatts.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 13th day of August 1969.

For the Atomic Energy Commission.

FRANK SCHROEDER, JR.
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 69-9796; Filed, Aug. 19, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20932]

NORDAIR LTEE-NORDAIR, LTD.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the public hearing in the above-entitled matter now assigned to be held on September 3, 1969, is hereby postponed to October 7, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., August 14, 1969.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 69-9835; Filed, Aug. 19, 1969; 8:47 a.m.]

CIVIL SERVICE COMMISSION

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9881; Filed, Aug. 19, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

STATES STEAMSHIP CO. AND AUSTRALIA-WEST PACIFIC LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. Ned E. Cook, Rates and Conferences Department, States Steamship Co., 320 California Street, San Francisco, Calif. 94104.

Agreement No. 9286-1 between States Steamship Co. and Australia-West Pacific Line amends paragraph No. 1 of the basic transshipment agreement. The modification expands the geographic scope covered by the basic agreement by the addition of the transportation of cargo inbound from New Britain and New Guinea to the West Coast of the United States and Hawaii.

Dated: August 15, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-9882; Filed, Aug. 19, 1969; 8:50 a.m.]

STATES STEAMSHIP CO. AND CHINA NAVIGATION CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. Ned E. Cook, Rates and Conferences Department, States Steamship Co., 320 California Street, San Francisco, Calif. 94104.

Agreement No. 9423-1 between States Steamship Co. and China Navigation Co. amends paragraph No. 1 of the basic transshipment agreement. The modification expands the geographic scope covered by the basic agreement by the addition of the transportation of cargo inbound from New Britain and New Guinea to the West Coast of the United States and Hawaii.

Dated: August 15, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-9883; Filed, Aug. 19, 1969; 8:50 a.m.]

STATES STEAMSHIP CO. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. Ned E. Cook, Rates and Conferences Department, States Steamship Co., 320 California Street, San Francisco, Calif. 94104.

Agreement Nos. 9170-1, 9273-1, 9274-1, and 9278-1 between States Steamship Co. and Indo-China Steam Navigation Co., Ltd., American Mail Line Ltd., Everett Orient Line, Inc., and Johnson Line, respectively, redefines the geographical trade area covered by each basic transshipment agreement by the addition of Hawaii thereto.

Dated: August 14, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-9885; Filed, Aug. 19, 1969; 8:50 a.m.]

U.S. ATLANTIC & GULF-HAITI CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. C. D. Marshall, Chairman, U.S. Atlantic & Gulf-Haiti Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 8120-9, between the member lines of the U.S. Atlantic & Gulf-Haiti Conference, amends the basic agreement by modifying (1) Article 9(c) which presently provides that a quorum for any meeting shall consist of three-quarters of the members of the Conference, except when considering modification of the agreement, in which case a quorum shall consist of all the members, to provide that when the membership consists of four or more members a quorum for any meeting shall consist of three-quarters of the members, when the membership consists of less than four members a quorum for any meeting shall consist of all the members less one and at meetings when considering modification of the agreement a quorum shall consist of all the members regardless of the number of members, and (2) Article 9(e) which presently provides that action taken at a Conference meeting, except as otherwise provided in the agreement, shall require the vote of three-quarters of the members present, to provide that when the membership consists of four or more members, action taken at a Conference meeting shall require the vote of three-quarters of the members present and when the membership consists of less than four members, the vote of all members less one shall be required.

Dated: August 14, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-9884; Filed, Aug. 19, 1969; 8:50 a.m.]

[Docket No. 69-39]

PUERTO RICAN FORWARDING CO., INC.

General Investigation of Rates in Atlantic/Puerto Rico Trade

There has been filed with the Federal Maritime Commission by Puerto Rican Forwarding Co., Inc., a nonvessel operating common carrier by water in the domestic trades, Supplement No. 1 to its Freight Tariff FMC-F No. 3 which will, upon becoming effective September 16, 1969, generally increase rates between New York, Jacksonville, and Miami on the one hand, and ports in Puerto Rico on the other.

Upon consideration of the said supplement, there is reason to believe that the general revenue level resulting from said increased rates, together with all governing rules and regulations, should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

Therefore it is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the general revenue level resulting from the aforementioned rate increases scheduled to become effective September 16, 1969, as well as the governing rules and regulations, with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the tariff pages hereby placed under investigation are changed, amended or reissued before the investigation has been concluded, such changed, amended, or reissued matter will be included in this investigation;

It is further ordered, That Puerto Rican Forwarding Co., Inc., be named as respondent in this proceeding;

It is further ordered, That the proceeding be assigned for public hearing before an examiner of the Commission's Office of hearing examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (II) the said respondent be duly served with notice of the time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-9886; Filed, Aug. 19, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-809]

ATLANTIC RICHFIELD CO. ET AL.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing

AUGUST 13, 1969.

On May 22, 1969, Atlantic Richfield Co. (Operator), et al. (Atlantic), filed with the Commission a proposed change in rates from 18.9 cents to 24.1325 cents and 20.5 cents to 24.1325 cents per Mcf, designated as Supplement No. 45 to Atlantic's FPC Gas Rate Schedule No. 443, which pertain to Atlantic's jurisdictional sales of natural gas from the Woodward Area, Dewey and Major Counties, Okla. (Oklahoma "Other" Area), and Woodward County, Okla. (Panhandle Area), to Michigan Wisconsin Pipe Line Co. The Commission by order issued June 17, 1969, suspended for 5 months Atlantic's rate filing in docket No. RI69-809 until November 22, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

Atlantic is contractually due a base rate of 22 cents plus 1.135 cents tax reimbursement plus upward B.t.u. adjustment estimated to be 1 cent. However, due to an arithmetical error in the original filing, the proposed increased rate was shown as 24.1325 cents, including B.t.u. adjustment, whereas it should have been shown as 24.135 cents. Accordingly, Atlantic has submitted a letter of correction dated July 15, 1969, requesting that the correct 24.135 cents rate (including B.t.u. adjustment) be substituted for the previously suspended 24.1325 cents rate. Atlantic's correction letter dated July 15, 1969, is being treated as a notice of change and designated as Supplement No. 1 to Supplement No. 45 to Atlantic's FPC Gas Rate Schedule No. 443. The corrected rate filing is set forth in Appendix "A" hereof.

Atlantic's proposed 24.135 cents per Mcf rates exceed the area ceiling for increased rates in the Oklahoma "Other" and Panhandle Areas as announced in the Commission's statement of general policy No. 61-1, as amended, as did the previously suspended rates in said docket. In these circumstances we believe that it would be in the public interest to accept Atlantic's corrective rate filing subject to the suspension proceeding in docket No. RI69-809, with the suspension period of such substitute rate filing to terminate concurrently with the suspension period (Nov. 22, 1969) of the original filing in said docket.

The Commission orders:

(A) The suspension order issued June 17, 1969, in docket No. RI69-809, is amended only so far as to permit the 24.135 cents per Mcf rates contained in Supplement No. 1 to Supplement No. 45 to Atlantic's FPC Gas Rate Schedule No. 443 to be filed in lieu of the 24.1325 cents per Mcf rates provided by Supplement No. 45 to the aforementioned rate schedule, subject to the suspension proceeding in docket No. RI69-809. The suspension period for such substitute filing shall terminate concurrently with the suspension period (Nov. 22, 1969) of the original rate filing in said docket.

(B) In all other respects, the order issued by the Commission on June 17, 1969, in docket No. RI69-809, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

Docket No.	Schedule Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R169-809..	Atlantic Richfield Co. (Operator) et al., Post Office Box 521, Tulsa, Okla. 74102.	443	[1] [2] 1 to 45	Michigan Wisconsin Pipe Line Co., (Woodward Area, Dewey and Major Counties, Okla. (Oklahoma "Other" Area), and Woodward County, Okla.) (Panhandle Area).	$489,592 19,193	7-17-69	[3] 11-22-69	[4] [7] 18.0 [11] 20.5	[5] [6] [7] [8] 24.135 [6] [9] [10] [11] 24.135	(12) R168-70.

[1] Correction letter dated July 17, 1969, is being treated as a notice of change in rate.
[2] Not applicable to acreage added by Supplement No. 42 (Orie C. Johnson Unit).
[3] End of the suspension period for the previously filed rates in Docket No. R169-809.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Includes 1-cent upward B.t.u. adjustment (1,100 B.t.u. gas). Base rate subject to 1.100-cent upward B.t.u. adjustment for each B.t.u. in excess of 1,000 B.t.u.'s per cubic feet and proportionate downward B.t.u. adjustment from 1,000 B.t.u.
[7] Oklahoma "Other" Area.
[8] Includes 1.135 cents tax reimbursement.
[9] Previously reported as 24.1325 cents which was incorrect due to error by Respondent in adding base rate and tax reimbursement. Rate currently suspended in Docket No. R169-809 until Nov. 22, 1969.
[10] Effective subject to refund in Dockets Nos. R167-316, R168-636, and R169-295 for various acreage under contract.
[11] Oklahoma Panhandle Area.

[F.R. Doc. 69-9801; Filed, Aug. 19, 1969; 8:45 a.m.]

[Docket No. CP70-29]

MISSOURI EDISON CO. AND PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

AUGUST 13, 1969.

Take notice that on July 31, 1969, Missouri Edison Co. (Applicant), 202 South Third Street, Louisiana, Mo. 63353, filed in docket No. CP70-29 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Respondent), to sell and deliver natural gas to Applicant for resale to Hercules, Inc., at its chemical plant located in Louisiana, Mo.

The Applicant estimates the annual and peak day natural gas requirements for the first 3 years of operation to be 3,693,000 Mcf, respectively. Applicant proposes to purchase facilities from Respondent at a cost of between $500 and $1,000 to deliver gas from Respondent's pipeline to Hercules, Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-9798; Filed, Aug. 19, 1969; 8:45 a.m.]

[Docket No. E-7499]

NORTHERN STATES POWER CO.

Notice of Application

AUGUST 13, 1969.

Take notice that on August 8, 1969, Northern States Power Co. (Applicant), filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of $45,000,000 principal amount of First Mortgage Bonds (Bonds).

Applicant is incorporated under the laws of the State of Minnesota with its principal business office at Minneapolis, Minn., and is engaged primarily in the electric utility business in central and southern Minnesota, southeastern South Dakota, and in the Fargo-Grand Forks and Minot areas of North Dakota.

The Bonds are to be issued at competitive bidding pursuant to the Commission's regulations under the Federal Power Act. Applicant has scheduled October 1, 1969, as the date for the opening of bids. The Bonds will be dated as of October 1, 1969, and will mature on either October 1, 1974, or October 1, 1999. The maturity date will be fixed by Applicant not less than 2 business days prior to opening of bids.

If the Bonds mature on October 1, 1974, none of the Bonds will be subject to redemption.

If the Bonds mature on October 1, 1999, none of the Bonds will be redeemable prior to October 1, 1974, other than for the sinking fund, with money borrowed at a lower cost.

The proceeds from the sale of the Bonds will be used to prepay some of the outstanding short-term borrowings of the Applicant, which are estimated at $47 million as of the date of issuance of the Bonds. The short-term borrowings have been or will be incurred in connection with the construction program of Applicant.

Expenditures during 1969 for the construction program of Applicant are estimated at $132 million, of which $123 million is for electric facilities, $4 million for gas facilities, and $5 million for heating, telephone, and general facilities. Of the expenditures for electric facilities, $74 million is for production, $21 million for transmission, and $28 million for distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-9799; Filed, Aug. 19, 1969; 8:45 a.m.]

[Docket No. RP70-4]

PACIFIC GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 13, 1969.

Take notice that Pacific Gas Transmission Co. (Pacific), on August 8, 1969, tendered for filing a proposed increase in the rate of return component of its cost of service (formula) tariff for sales of natural gas under its FPC Gas Tariff, original volume No. 1, to become effective September 8, 1969. The proposed increase in rate of return, to 7.5 percent, would be applicable to Pacific's rate schedules T-1 and PL-1. Based on sales for the 12-month period ended May 31, 1969, as adjusted, the requested increase in rate of return would increase charges for jurisdictional sales by approximately $1,554,235 annually.

Pacific requests that if the Commission should suspend the proposed increased rates, an early hearing be held on the issue of rate of return. Pacific also requests waiver of an intermediate examiner's decision so that the issue of rate of return may be resolved by the Commission at the earliest date practicable.

Copies of the filing were served on Pacific's customers and interested State commissions.

Any person desiring to be heard or to make a protest with reference to said application should on or before September 2, 1969, file with the Federal Power Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-9797; Filed, Aug. 19, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

DEPOSITORS CORP.

Order Disapproving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Depositors Corp., Augusta, Maine, for approval of acquisition of at least 51 percent of the voting shares of The First National Bank of Houlton, Houlton, Maine.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Depositors Corp., Augusta, Maine, a registered bank holding company, for the Board's prior approval of the acquisition of at least 51 percent of the voting shares of The First National Bank of Houlton, Houlton, Maine.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 6, 1969 (34 F.R. 7340), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is denied.

Dated at Washington, D.C., this 13th day of August 1969.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[2] Voting for this action: Chairman Martin and Governors Robertson, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell.

[F.R. Doc. 69-9807; Filed, Aug. 19, 1969; 8:45 a.m.]

FIRST BANC GROUP OF OHIO, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First Banc Group of Ohio, Inc., which is a bank holding company located in Columbus, Ohio, for the prior approval of the Board of the acquisition by Applicant of 100 percent of the voting shares (less directors' qualifying shares) of Coshocton National Bank, Coshocton, Ohio.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than 30 days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

Dated at Washington, D.C., this 6th day of August 1969.

By order of the Board of Governors.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-9804; Filed, Aug. 19, 1969; 8:45 a.m.]

FIRST BANC GROUP OF OHIO, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First Banc Group of Ohio, Inc., which is a bank holding company located in Columbus, Ohio, for the prior approval of the Board of the acquisition by Applicant of 100 percent of the voting shares (less directors' qualifying shares) of First National Bank of Cambridge, Cambridge, Ohio.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than 30 days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

Dated at Washington, D.C., this 8th day of August 1969.

By order of the Board of Governors.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-9805; Filed, Aug. 19, 1969; 8:45 a.m.]

MARSHALL & ILSLEY BANK STOCK CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Marshall & Ilsley Bank Stock Corp., Milwaukee, Wis., for approval of acquisition of 80 percent or more of the voting shares

of Peoples State Bank, New Holstein, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Marshall & Ilsley Bank Stock Corp., Milwaukee, Wis., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Peoples State Bank, New Holstein, Wis.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Wisconsin Commissioner of Banking and requested his views and recommendation. The Commissioner offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 8, 1969 (34 F.R. 7474), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and is hereby approved, provided that the action so approved shall not be consummated: (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order unless such time shall be extended by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

Dated at Washington, D.C., this 13th day of August 1969.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-9806; Filed, Aug. 19, 1969; 8:45 a.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

HOUSEHOLD PRODUCTS PRESENTING HEALTH AND SAFETY RISK

Notice of Hearing and Amendment of Advance Notice of Hearings

Notice is hereby given that pursuant to section 3(a) of Public Law 90-146 (81 Stat. 466), the National Commission on Product Safety will hold public hearings at 9:30 a.m. on September 30, 1969, and October 1, 1969, at the Rayburn House Office Building, Room 2154, Washington, D.C.

The subject of the hearings will be "Who Tells Us About Safety: Education, Advertising, Public Information?" The subject will include consideration of the following:

(i) Effectiveness of safety education programs;

(ii) Accessibility to the public of information about safe and hazardous products;

(iii) Economic deterrents to the publication of information about product hazards;

(iv) Impact of the libel laws on publishing information about product hazards;

(v) Meaning and recognition of seals of approval and certification marks used in connection with household products; and

(vi) Advertising policies and their impact on product safety information available to consumers.

Interested persons are invited to participate by the submission of written statements. Such statements should be furnished to the Commission at its office, 1016 16th Street NW., Washington, D.C. 20036, not later than September 19, 1969. Such statements will be made a part of the record of the hearings and will be available for inspection by the public.

Interested persons desiring to offer oral testimony at these hearings should advise the Commission and file written statements setting forth the substance of their proposed testimony by September 19, 1969. The Commission will attempt to grant such requests to the extent that time permits.

Persons desiring to furnish oral testimony or to submit statements at subsequent Commission hearings are invited to so advise the Commission in writing specifying the proposed subject of their testimony and group affiliation, if any.

This notice amends a prior notice of said hearing published in the FEDERAL REGISTER on December 11, 1968 (33 F.R. 18414).

Dated: August 15, 1969.

ARNOLD B. ELKIND,
Chairman.

[F.R. Doc. 69-9838; Filed, Aug. 19, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 731]

MINNESOTA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Cass, St. Louis, Crow Wing, Lake, and Aitkin Counties, Minn.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid counties, and areas adjacent thereto, suffered damage or destruction resulting from tornadoes occurring on August 6, 1969.

OFFICE

Small Business Administration Regional Office, 816 Second Avenue, South, Minneapolis, Minn. 55402.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1970.

Dated: August 11, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-9824; Filed, Aug. 19, 1969; 8:46 a.m.]

[Declaration of Disaster Loan Area 730]

OHIO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the City of Cincinnati, Ohio;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid city, and areas adjacent thereto, suffered damage or destruction resulting from tornado occurring on August 9, 1969.

OFFICE

Small Business Administration Branch Office, Federal Building, Room 5026, Cincinnati, Ohio 45202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1970.

Dated: August 11, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-9825; Filed, Aug. 19, 1969; 8:46 a.m.]

[Declaration of Disaster Loan Area 729]

VIRGINIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the City of Richmond, Virginia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid city, suffered damage or destruction resulting from floods occurring on July 27 and July 28, 1969.

OFFICE

Small Business Administration Regional Office, Federal Building, Room 3015, 400 North Eighth Street, Richmond, Va. 23240.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1970.

Dated: August 11, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-9826; Filed, Aug. 19, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 811-964, 811-1650]

BOSTON CAPITAL CORP. ET AL.

Notice of Certificate

AUGUST 13, 1969.

Boston Capital Corp. ("Boston"), and Boston Capital Small Business Investment Corp. ("BOSBIC") 535 Boylston Street, Boston, Mass. 02116, each a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), have filed a joint application for an order certifying to the Secretary of the Treasury, pursuant to section 851(e) of the Internal Revenue Code of 1954 ("Code"), that Boston and BOSBIC are each principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes or products not previously generally available ("development corporations").

Boston and BOSBIC each propose to qualify as a "regulated investment company" under section 851(a) of the Code for the fiscal year ended March 31, 1969. Pursuant to the provisions of section 851(e) of the Code, the certifications requested are a prerequisite to qualification as a "regulated investment company" under section 851(a).

BOSBIC was established in 1967 as a wholly-owned subsidiary of Boston and succeeded to Boston's license as a small business investment company. By order dated April 22, 1968, this Commission granted exemptions which, in effect, permitted BOSBIC to operate as Boston's wholly-owned subsidiary. For purposes of determining whether Boston is entitled to the requested certification, Boston has allocated its investment in BOSBIC between development and nondevelopment companies in the ratio that BOSBIC's holdings in development and nondevelopment companies bears to BOSBIC's total assets. In support of the application applicants have submitted a detailed description of each of the companies whose securities are held in their portfolio and have specified those investments which are considered to be development corporations. The following table shows the composition of the total assets of Boston as of each of the calendar quarters ended June 30, 1968, September 30, 1968, December 31, 1968, and March 31, 1969.

BOSTON

Assets (at value)	June 30, 1968	Sept. 30, 1968	Dec. 31, 1968	Mar. 31, 1969
Investments representing capital furnished to corporations believed to be principally engaged in the development or exploitation of inventions, new processes or products not previously generally available	[1] $22,444,530	[1] $24,478,363	[1] $25,346,959	[1] $25,441,178
Other investments	[1] 9,479,900	[1] 35,080,715	[1] 35,940,806	[1] 29,694,474
Total investments	[1] 31,924,430	[1] 59,559,078	[1] 61,287,765	[1] 55,135,652
Cash awaiting permanent investment or temporarily invested in U.S. Government Securities	4,683,333	2,477,820	2,424,640	1,294,247
Other assets	4,628	28,175	5,376	19,465
Total assets	36,612,391	62,065,073	63,717,781	56,449,364

[1] The investment in Boston Capital Small Business Investment Corp. is allocated between development and nondevelopment companies in the ratio that Boston Capital Small Business Investment Corp.'s holdings in development and nondevelopment companies bears to Boston Capital Small Business Investment Corp.'s total assets

The following table shows the composition of the total assets of BOSBIC as of each of the periods ended June 30, 1968, September 30, 1968, December 31, 1968 and March 31, 1969.

BOSBIC

Assets (at value)	June 30, 1968	Sept. 30, 1968	Dec. 31, 1968	Mar. 31, 1969
Investments representing capital furnished to corporations believed to be principally engaged in the development or exploitation of inventions, new processes or products not previously generally available	$3,444,052	$4,597,790	$4,547,790	$4,797,335
Other investments	530,000	1,030,000	925,000	1,075,000
Total investments	3,974,052	5,627,790	5,472,790	5,872,335
Cash awaiting permanent investment or temporarily invested in U.S. Government Securities	365,174	421,514	669,454	316,340
Other assets		28,175	5,376	7,056
Total assets	4,339,226	6,077,479	6,147,620	6,195,731

On the basis of an examination of the reports and information filed by Boston and BOSBIC with the Commission pursuant to the provisions of the Investment Company Act and rules and regulations promulgated thereunder, including the data and information set forth in Boston's application for a certificate under section 851(e) of the Code filed for the fiscal year ended March 31, 1968, and in the instant joint application, it appears to the Commission that Boston and BOSBIC are each principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes or products not previously generally available within the intent of section 851(e) of the Code.

It is therefore certified to the Secretary of the Treasury, or his delegate, pursuant to section 851(e) of the Code, that Boston Capital Corp. and Boston Capital Small Business Investment Corp., each a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940, are principally engaged in the development or exploitation of inventions, technological improvements, new processes or products not previously generally available.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-9820; Filed, Aug. 19, 1969; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Vice-Chairman Robertson and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Martin and Governor Daane.

[812-2319]

HUYLER'S

Notice of Filing of Application for Order Exempting Proposed Transaction Between Affiliated Persons

AUGUST 13, 1969.

Notice is hereby given that Huyler's ("applicant"), % Barnes, Hickam, Pantzer, and Boyd, 1313 Merchants Bank Building, Indianapolis, Ind. 46204, a New York corporation and a closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 17(b) of the Act. Applicant requests an order of the Commission exempting from the provisions of section 17(a) the proposed acquisition by Altamil Corp. ("Altamil"), a Delaware manufacturing corporation, of substantially all of applicant's assets in exchange for the issuance to former holders of applicant's stock of shares in Altamil. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Altamil is an operating company engaged in diversified manufacturing of airplane components, wirebound boxes and truck equipment, the common stock of which is listed on the American Stock Exchange. Approximately 99 percent of applicant's assets consist of 178,866 shares of common stock of Altamil, constituting 10.9357 percent of the 1,635,604 shares of common stock of Altamil issued and outstanding. By reason of such ownership applicant and Altamil are affiliated persons of each other as defined in section 2(a)(3) of the Act.

Applicant desires to merge into Altamil. The liabilities of applicant ordinarily exceed the value of the approximate 1 percent of its assets not represented by the common stock of Altamil. The proposed agreement of merger contemplates that the net liabilities as determined by Ernst and Ernst, Certified Public Accountants, will be divided by an amount equal to the closing price of the common stock the last business day preceding the effective date of the merger. The quotient so determined will be subtracted from the 178,866 shares of Altamil stock held by applicant, and a number of shares equal to the remainder will then be issued to the former holders of the common stock of applicant. In substance, the procedure will result in the issuance by Altamil of a number of shares of its common stock to the former shareholders of applicant which is less than the number of shares of Altamil now held by applicant, the difference being represented by the costs of the merger and the net liabilities of applicant (other than the Altamil stock) translated into shares of Altamil stock at its market value immediately preceding the merger. In addition certain tangible personal property leased to Altamil and having a book value at April 30, 1969 of $2,728.77 and having an estimated fair market value of approximately $3,500 is to be donated in effect to Altamil. The Board of Directors of Altamil required that these assets be disregarded for purposes of determining the shares of common stock of Altamil to be issued to the shareholders of Huyler's pursuant to the merger. Upon the effective date of the merger, which will be the end of the month following the filing of the Articles of Merger as required by the laws of the States of Delaware and New York, each holder of stock of applicant will become a holder of shares of common stock of Altamil in accordance with the conversion ratio described above. No fractional shares will be issued, and the aggregate shares representing the fractional shares to which all shareholders of applicant are entitled will be sold by an exchange agent and the proceeds remitted in cash to the shareholders of applicant entitled thereto. The exchange agent, Merchants National Bank & Trust Co. of Indianapolis, will hold certificates unclaimed by shareholders of applicant and is authorized to expend from funds in its hands, whether from the proceeds of sale of stock or dividends, amounts which it deems reasonable for the purpose of attempting to locate the persons entitled to any unclaimed shares of Altamil or any unclaimed proceeds of the sale of fractional shares.

Applicant submits that such a merger is in the best interests of its shareholders for the reasons that such merger will effect a corporate simplification and convert the interest of the shareholders of applicant from an indirect interest in Altamil into a substantially identical direct interest in Altamil; that such merger will effect a change from ownership of stock of applicant, which has only a very limited over-the-counter market, into ownership of common stock of Altamil, which is listed on the American Stock Exchange and extensively traded; that such merger will terminate applicant's status as a personal holding company under Subchapter G, Part II, of the Internal Revenue Code; that such merger will extinguish applicant's corporate existence and upon appropriate order of the Commission, pursuant to section 8(f) of the Act, terminate applicant's status as a registered investment company; that such merger will eliminate the unnecessary tax burden now being borne by reason of the payment of Federal income taxes by applicant upon dividends received from Altamil prior to the distribution of such dividends to the shareholders of applicant and that the incidental expenses by reason of State taxes, auditing and legal expense, and corporate notices and meetings, will be eliminated by the elimination of applicant as a separate corporate entity.

Consummation of a statutory merger of applicant into Altamil will require the affirmative vote of the holders of two-thirds of the stock of applicant issued and outstanding. Accordingly, the proposed change, as a matter of New York law, will require a vote in excess of the vote required under section 13(a) of the Act with respect to the changes in the status of applicant under the Act, which will result from the merger. The required vote by shareholders of applicant will be available without the solicitation of proxies, and solicitation of proxies is not required by the Act or by the Securities Exchange Act of 1934 as amended. Accordingly, no solicitation of proxies from applicant's shareholders is contemplated.

By reason of provisions of The General Corporation Law of Delaware, the proposed merger will require no vote by the stockholders of Altamil and no stockholder of Altamil will have any right of appraisal with respect to his shares of Altamil stock by reason of the merger. Notwithstanding the provisions of Delaware statute, obviating any necessity for a vote on the plan and agreement of merger by the stockholders of Altamil, such a vote and a solicitation of proxies with respect thereto will be required by reason of the rules of the American Stock Exchange. Proxy solicitation material of Altamil has been filed with the Securities and Exchange Commission.

Shareholders of applicant who, before the meeting of shareholders at which the proposed merger is submitted to a vote, make written objection to the merger, are entitled to demand payment for their shares upon compliance with certain provisions of the New York Business Corporation Law. In the event any substantial number of shareholders of applicant complies with those provisions, it is anticipated the proposed merger will be disapproved and terminated by the Board of Directors of Altamil pursuant to the plan and agreement of merger, since the proposed merger will be unacceptable to Altamil if it involves any significant expenditure of cash by it.

The proposed merger is believed by counsel to be a tax-free reorganization under the Internal Revenue Code. A ruling by the Internal Revenue Service that it will constitute a tax-free reorganization, resulting in no gain or loss to either party to the proposed merger or to the shareholders of either, has been requested. In the event such a ruling is not forthcoming, it is anticipated that the proposed merger will be terminated by the Board of Directors of one or both of the constituent corporations pursuant to the plan and agreement of merger.

Applicant represents that no satisfactory alternative to the proposed merger of applicant into Altamil exists. Liquidation of applicant would involve realization of substantial capital gains by its shareholders in a transaction which would produce no cash for its shareholders with which to pay their respective capital gains taxes incurred by reason of the liquidation. The sale of Altamil stock by applicant would involve a substantial capital gains at the corporate level, which, because applicant is a personal holding company under the Internal Revenue Code, could not be distributed and passed on to its shareholders as a capital gain. Applicant's assets, diminished by such capital gain, would be insufficient to make its continuance as a diversified investment company economic. Accordingly, its merger into Altamil or its continuance in its present situation, leaving its shareholders with an inadequate market for their shares, appear to be the only feasible alternatives. The officers and directors of applicant consider the merger as the more desirable of these alternatives because it will result in no realization of any capital gain by those shareholders who wish to continue their indirect investment in Altamil as a direct investment, and it will provide those shareholders of applicant who wish to liquidate their investment in Altamil with a security which can be readily marketed without discount.

Applicant submits that the granting of this application for exemption from the provisions of section 17(a) of the Act is warranted because:

(i) The evidence establishes that the terms of the proposed transaction, including the considerations to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(ii) The proposed transaction is consistent with the policy of applicant as recited in its registration statement and reports filed under the Act, which does not contemplate its enforced continuance as an investment company contrary to the best interests of its shareholders;

(iii) The proposed transaction is consistent with the general purposes of the Act which do not include the enforced perpetuation of an investment company contrary to the best interests of its shareholders.

Section 17(a) of the Act, as here pertinent, makes it unlawful for any affiliated person of a registered investment company (as defined in section 2(a)(3) of the Act), to sell to or buy from such registered company any security or other property, unless the Commission upon application grants an exemption from such prohibitions pursuant to section 17(b) of the Act after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act.

Notice is further given that any interested person may, not later than September 4, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-9821; Filed, Aug. 19, 1969; 8:46 a.m.]

[812-2433]

LOOMIS-SAYLES CANADIAN AND INTERNATIONAL FUND, LTD.

Notice of Filing of Application for Order Exempting Company

AUGUST 13, 1969.

Notice is hereby given that Loomis-Sayles Canadian and International Fund, Ltd. ("Applicant"), 225 Franklin Street, Boston, Mass. 02110, a Canadian corporation registered under the Investment Company Act of 1940 ("Act"), as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting it from the provisions of Rule 22c-1 under the Act conditioned upon the undertaking of Applicant to compute the current net asset value of its shares on each day during which the Toronto Stock Exchange is open for trading and not less frequently than once daily as of the time of the close of trading on such Exchange; and to effect sales, repurchases and redemptions of its shares at a price based on the current net asset value per share next computed after receipt of a purchase order, repurchase request or tender of shares for redemption. All interested persons are referred to the application on file with the Commission for a statement of the representations therein.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such exchange) which is next computed after receipt of a tender of such securities for redemption or of an order to purchase or sell such security.

The Letters Patent of Applicant provide that the net asset value of each share shall be computed as of the close of business on each day upon which the Toronto Stock Exchange is open and as of any other time determined by Applicant's Board of Directors. Under normal circumstances the Toronto Stock Exchange is the principal market for most of the portfolio securities of Applicant. As required by Applicant's Letters Patent, the latest available quoted sales prices on such exchange are used in determining the current market value of a large portion of Applicant's portfolio.

Applicant understands that the Toronto Stock Exchange plans to continue to be open for trading from 10 a.m. to 3:30 p.m. 5 days a week, excluding weekends and holidays. However, the New York Stock Exchange is open for trading only from 10 a.m. to 2:30 p.m. If Applicant is required to compute the net asset value of its shares in accordance with Rule 22c-1 on each day when the New York Stock Exchange is open for trading and not less frequently than once daily as of the time of the close of trading on said exchange, Applicant alleges that it will be required (i) to compute such net asset value on some days when the Toronto Stock Exchange is closed for holidays not observed by the New York Stock Exchange; (ii) to compute such net asset value as of a time other than the close of trading on the Toronto Stock Exchange; and (iii) to compute such net asset value again as to the close of trading on the Toronto Stock Exchange in order to comply with the provisions of its Letters Patent.

Applicant alleges that since the principal market for a major portion of its portfolio securities is normally the Toronto Stock Exchange; and few, if any, portfolio securities of the Applicant have their principal market in the United States; it would be in the best interests of Applicant and its shareholders if Applicant should be exempted from the provisions of Rule 22c-1 to the extent requested.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may not later than September 3, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Appli-

cant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At anytime after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69–9822; Filed, Aug. 19, 1969; 8:46 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

AUGUST 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Rajac Industries, Inc. is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 15, 1969, through August 24, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69–9823; Filed, Aug. 19, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 15, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41719—*Lime from Beckmann, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–73), for interested rail carriers. Rates on lime, as described in the application, in carloads, from Beckmann, Tex., to points in Arkansas, Louisiana, New Mexico, and Oklahoma.

Grounds for relief—Market competition.

Tariff—Supplement 36 to Southwestern Freight Bureau, agent, tariff ICC 4724.

FSA No. 41720—*Grain and Grain Products from and to Points in Official Territory*. Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2953), for interested rail carriers. Rates on grain and grain products, in carloads and less-than-carloads, from and to points in official (including Illinois) territory.

Grounds for relief—Restore rate relationships and equalizations.

Tariffs—Supplements 195, 174, 31, and 20 to Traffic Executive Association-Eastern Railroads, agent, tariffs ICC C–375, 4499, C–557, and C–524, respectively.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–9855; Filed, Aug. 19, 1969; 8:48 a.m.]

[No. 35140]

SEABOARD COAST LINE RAILROAD CO.

Applicable Rates on Phosphate Rock

AUGUST 4, 1969.

Notice is hereby given that Seaboard Coast Line Railroad Co., by its attorney, Charles B. Evans, 500 Water Street, Jacksonville, Fla. 32202, has filed a petition with the Interstate Commerce Commission praying that the Commission enter a declaratory order determining whether interstate or intrastate rates apply on the transportation of phosphate rock from Clear Springs, Imroc, Noralyn, Pierce, Prairie, and West Polk, Fla., to Sutton, Fla. From Sutton, the commodity moves in interstate or foreign commerce in barges and ships. The petitioner alleges that it is the shipper's intention at the time of tender to it that the commodity be transported in a continuous movement from the points of loading to points beyond the State of Florida. The rates for both interstate and intrastate transportation are published in Southern Freight Tariff Bureau tariff 876–B, Florida Phosphate Rock Tariff, ICC No. S–658. The petitioner further alleges that the issue has been settled in Finance docket No. 23688, Atlantic Coast Line Railroad Co., and Seaboard Air Line Railroad Co., construction between Port Meade and Piney Point, Fla., at sheets 37–39 of the examiner's report (served Sept. 9, 1966) which was adopted by the Commission on July 28, 1967.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon the above-named attorney for the petitioner.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–9856; Filed, Aug. 19, 1969; 8:48 a.m.]

[Notice 564]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 15, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1 (c)(8)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1548 (Deviation No. 1), MERCER MOTOR FREIGHT, INC., 411 North Clinton Street, Trenton, N.J. 08638, filed August 7, 1969. Carrier's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Trenton, N.J., over U.S. Highway 206 to junction with the New Jersey Turnpike, thence over the New Jersey Turnpike to junction Interstate Highway 295, thence over Interstate Highway 295 across the Delaware Memorial Bridge to junction Delaware Highway 9 (also to junction U.S. Highway 13), thence over Delaware Highway 9 or U.S. Highway 13 to Wilmington, Del., (2) from Trenton, N.J., over U.S. Highway 206 to junction with the New Jersey Turnpike, thence over the New Jersey Turnpike to junction New Jersey Highway 38, thence over New Jersey Highway 38 to junction Interstate Highway 295, thence over Interstate Highway 295 across the Delaware Memorial Bridge to junction Delaware Highway 9 (also U.S. Highway 13), thence over Delaware Highway 9 or U.S. Highway 13 to Wilmington, Del., (3) from Trenton, N.J., over U.S. Highway 206 to junction U.S. Highway 130, thence over U.S. Highway 130 to Camden, N.J., thence across the Benjamin Franklin Bridge to Philadelphia, Pa., and (4) from Trenton, N.J., over U.S. Highway 206 to junction U.S. Highway 130, thence over U.S. Highway 130, to Bridgeport, N.J., thence via the ferry to Chester, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Trenton, N.J., over New Jersey Highway 37 to junction New Jersey Highway 39, thence over New Jersey Highway 39 to junction U.S. Highway 130, thence over U.S. Highway 130 to Stevens, N.J., thence over U.S. Highway 130 to junction unnumbered highway, thence over unnumbered highway to Burlington, N.J., thence over unnumbered highway via Riverside and Riverton, N.J., to Camden, N.J., thence across the Delaware River to Philadelphia, Pa., thence over U.S. Highway 13 to Wilmington, Del., and (2) from Trenton, N.J., across the Delaware River to Morrisville, Pa., thence over U.S. Highway 1 to Philadelphia, Pa. (also from Morrisville, Pa., over U.S. Highway 13 to Philadelphia), and return over the same routes.

No. MC 1824 (Deviation No. 12), PRESTON TRUCKING COMPANY, 151 Easton Boulevard, Preston, Md. 21655, filed August 1, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Cleveland, Ohio, and DuBois, Pa., over Interstate Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Ford City, Pa., over Pennsylvania Highway 66 to Kittanning, Pa., thence over U.S. Highway 422 to junction unnumbered highway (formerly U.S. Highway 422) near Prospect, Pa., thence over unnumbered highway to junction U.S. Highway 422, thence over U.S. Highway 422 to Cleveland, Ohio, (2) from Pittsburgh, Pa., over Pennsylvania Highway 28 to Brookville, Pa., thence over U.S. Highway 322 to junction U.S. Highway 219, thence over U.S. Highway 219 to junction Pennsylvania Highway 830, thence over Pennsylvania Highway 830 to Falls Creek, Pa., and (3) from New Kensington, Pa., over Pennsylvania Highway 56 to Shearersburg, Pa., thence over Pennsylvania Highway 256 to Leechburg, Pa., thence over Pennsylvania Highway 66 to Kittanning, Pa., thence over Pennsylvania Highway 85 to Home, Pa., thence over U.S. Highway 119 to junction U.S. Highway 322, and return over the same routes.

No. MC 2900 (Deviation No. 30), RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla. 32202, filed August 8, 1969. Carrier's representative: Larry D. Knox, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 20 and Interstate Highway 90 over U.S. Highway 20 to junction Pennsylvania Highway 99, and return over the same route.

No. MC 2900 (Deviation No. 31), RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla. 32203, filed August 8, 1969. Carrier's representative: Larry D. Knox, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 90 and Pennsylvania Highway 99 over Interstate Highway 90 to junction Ohio Highway 170, thence over Ohio Highway 170 to Youngstown, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction Interstate Highway 90 and Pennsylvania Highway 99 over Pennsylvania 99 to Edinboro, Pa., thence over U.S. Highway 6N Lavery, Pa., thence over Pennsylvania Highway 98 to junction U.S. Highway 19, thence over U.S. Highway 19 to Mercer, Pa., thence over Pennsylvania Highway 158 to junction Pennsylvania Highway 18, thence over Pennsylvania Highway 18 to New Castle, Pa., thence over U.S. Highway 422 to Youngstown, Ohio, and return over the same route.

No. MC 2986 (Deviation No. 4), I & S-McDANIEL, INC., 1102 Prairie Street, Vincennes, Ind. 47591, filed August 1, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Indianapolis, Ind., and Danville, Ill., over Interstate Highway 74, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Indianapolis, Ind., and Danville, Ill., over U.S. Highway 136.

No. MC 2986 (Deviation No. 5), I & S-McDANIEL, INC., 1102 Prairie Street, Vincennes, Ind. 47591, filed August 8, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Indianapolis, Ind., and Chicago, Ill., over Interstate Highway 65, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Indianapolis, Ind., over U.S. Highway 136 to Crawfordsville, Ind., (2) from Crawfordsville, Ind., over Indiana Highway 43 to Lafayette, Ind., and (3) from Lafayette, Ind., over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill., and return over the same routes.

No. MC 3379 (Deviation No. 12), SNYDER BROS. MOTOR FREIGHT, Inc., 363 Stanton Avenue, Akron, Ohio 44301, filed August 1, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hancock, Md., over U.S. Highway 522 to Winchester, Va., thence over U.S. Highway 50 to Washington, D.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Hancock, Md., over U.S. Highway 40 to Frederick, Md., thence over U.S. Highway 240 to Washington, D.C., and return over the same route.

No. MC 22167 (Deviation No. 6) CONSOLIDATED COPPERSTATE LINES, 1220 West Washington Boulevard, Montebello, Calif. 90640, filed August 4, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of (1) *general commodities*, with certain exceptions, over deviation routes as follows: From a point 25 miles north of Colton, Calif., on Interstate Highway 15, over Interstate Highway 15 to Barstow, Calif., thence over Interstate Highway 40 to junction U.S. Highway 285, approximately 60 miles east of Albuquerque, N. Mex. (traversing portions of U.S. Highway 66 pending completion of Interstate Highway 40), thence over U.S. Highway 285 to Encino, N. Mex., thence over U.S. Highway 60 to Fort Sumner, N. Mex., thence over U.S. Highway 84 to Lubbock, Tex., thence over U.S. Highway 82 to Seymour, Tex., thence over Texas Highway 199 to Fort Worth, Tex., and return over the same route, for operating convenience only; and (2) *classes A and B explosives, and high explosives*, from Colton, Calif., over Interstate Highway 15 to Barstow, Calif., thence over the route described in (1) above to Fort Worth, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport general commodities, with exceptions, over pertinent service routes as follows: (1) From Los Angeles Harbor, Calif., over Truck Boulevard, to Los Angeles, Calif., thence over U.S. Highway 70 to Globe, Ariz., (2) from Phoenix, Ariz., over U.S. Highway 70 to Las Cruces, N. Mex., thence over U.S. Highway 80 to El Paso, Tex., (3) from Abilene, Tex., over U.S. Highway 80 to Midland, Tex., (4) from Sterling City, Tex., over Texas Highway 158 to Midland, Tex., thence over U.S. Highway 80 to Odessa, Tex.; high explosives, from Los Angeles, Calif., over U.S. Highway 70 to Phoenix, Ariz., classes A and B explosives, (1) from Phoenix, Ariz., over U.S. Highway 70 via Mesa, Ariz., and Lordsburg, N. Mex., to Las Cruces, N. Mex., thence over U.S. Highway 80 to El Paso, Tex., and (2) from Abilene, Tex., over U.S. Highway 80 to Big Spring, Tex., and classes A and B explosives and general commodities, (1) from Fort Worth, Tex., over U.S. Highway 80 to Weatherford, Tex., thence

over U.S. Highway 180 to junction Texas Highway 16, thence over Texas Highway 16 to junction U.S. Highway 80, thence over U.S. Highway 80 to Abilene, Tex., thence over U.S. Highway 83 to Ballinger, Tex., thence over U.S. Highway 67 via San Angelo, Tex., to McCamey, Tex., thence over U.S. Highway 385 to Odessa, Tex., thence over U.S. Highway 80 to El Paso, Tex., and (2) from Weatherford, Tex., over U.S. Highway 80 to junction Texas Highway 16, and return over the same routes.

No. MC 30899 (Deviation No. 4), JOHNSON MOTOR LINES CORPORATION, 2426 North Graham Street, Post Office Box 10877, Charlotte, N.C. 28201, filed August 4, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Syracuse, N.Y., over Interstate Highway 81 to junction Pennsylvania Highway 93, thence over Pennsylvania Highway 93 to Hazleton, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Scranton, Pa., over U.S. Highway 11 to Pittston, Pa., thence over unnumbered highway (formerly U.S. Highway 309) to Wilkes-Barre, Pa., thence over Pennsylvania Highway 309 (formerly U.S. Highway 309) to Hazleton, Pa., thence over Pennsylvania Highway 29 to Tamaqua, Pa., thence over U.S. Highway 209 to Pottsville, Pa., and (2) from Scranton, Pa., over U.S. Highway 11 to Binghamton, N.Y., thence over New York 12 to junction New York Highway 79 at Chenango Forks, N.Y., thence over New York Highway 79 via Itaska, N.Y., to Whitney Point, N.Y., thence over U.S. Highway 11 to Syracuse, N.Y., thence over New York Highway 57 to Oswego, N.Y., and return over the same routes.

No. MC 50544 (Deviation No. 7), THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, 210 North 13th Street, St. Louis, Mo. 63103, filed August 5, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation route as follows: Between Dallas, Tex., and Denton, Tex., over Interstate Highway 35E, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Dallas, Tex., over U.S. Highway 80 to Fort Worth, Tex., thence over U.S. Highway 377 to Denton, Tex., and return over the same route.

No. MC 106401 (Deviation No. 18), JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Post Office Box 10877, Charlotte, N.C. 28201, filed August 4, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over Interstate Highway 20 to Birmingham, Ala. (traversing portions of U.S. Highway 78 pending completion of Interstate Highway 20), thence over Interstate Highway 59 to Meridian, Miss. (traversing portions of U.S. Highway 11 pending completion of Interstate Highway 59), thence over Interstate Highway 59 to junction Interstate Highway 10 near Slidell, La., thence over Interstate Highway 10 to New Orleans, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Atlanta, Ga., over U.S. Highway 29 to junction U.S. Highway 80, thence over U.S. Highway 80 to Montgomery, Ala., thence over U.S. Highway 31 via junction U.S. Highway 84 and Flomaton, Ala., to Mobile, Ala., and (2) from Mobile, Ala., over U.S. Highway 90 to New Orleans, La., and return over the same routes.

Motor Carriers of Passengers

No. MC 1515 (Deviation No. 529), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed August 1, 1969. Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers* and their baggage, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Woodland, Calif., and Sacramento, Calif., over Interstate Highway 5, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Yuba City, Calif., over California Highway 99 to junction California Highway 113 (Tudor Junction), thence over California Highway 113 to Woodland, Calif., thence over California Highway 16 to Sacramento, Calif., and return over the same route.

No. MC 2890 (Deviation No. 80) AMERICAN BUSLINES, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed August 5, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Rock Springs, Wyo., over Interstate Highway 80 to Salt Lake City, Utah, and (2) from Rock Springs, Wyo., over Interstate Highway 80 to junction Interstate Highway 80N, thence over Interstate Highway 80N to Ogden, Utah, thence over Interstate Highway 15 to Salt Lake City, Utah, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Rock Springs, Wyo., over U.S. Highway 30 to junction U.S. Highway 30S, thence over U.S. Highway 30S to Uintah Junction, Utah, thence over U.S. Highway 89 to junction U.S. Highway 91, thence over U.S. Highway 91 to Salt Lake City, Utah, and (2) from Uintah Junction, Utah, over U.S. Highway 30S via Uintah, Utah, to junction Utah Highway 103, thence over Utah Highway 103 to Ogden, Utah, and return over the same routes.

No. MC 109780 (Deviation Nos. 1, 2, 3, 4, 5, 6, 8, 9, 11, and 12, and 14 through 23, inclusive. Also the bypass routes proposed in letters dated Jan. 10, 1956, and Nov. 17, 1958) (Republication), Continental Trailways, Inc., Dallas, Tex., order of the Commission, Operating Rights Board, entered August 6, 1969, provides as follows: It further appearing, that by order dated September 16, 1968, in No. MC-F-10160, Continental Trailways, Inc.—purchase—Transcontinental Bus System, Inc., the transfer of the operating rights of Transcontinental Bus System, Inc., to Continental Trailways, Inc., was approved; and that such transfer has been consummated; It further appearing, that by letter dated July 7, 1969, Continental Trailways, Inc., has been requested that operations in interstate or foreign commerce be conducted by it pursuant to the deviation notices described in the heading hereto; It further appearing, that Continental Trailways, Inc., is a wholly owned subsidiary of Transcontinental Bus System, Inc., and the transaction in No. MC-F-10160 produced no material change in the operation of the authority involved, or resulted in any other carrier obtaining control of the operating rights; It further appearing, that deviation notices Nos. 1-A, 7, 10, and 13 have been canceled at the request of Transcontinental Bus System, Inc.; And it further appearing, that in the circumstances presented here no useful purpose would be served by requiring a refiling and republication of those notices listed in the heading which have not been canceled, and that such action is deemed unnecessary to proper administration of the said deviation rules; and good cause appearing therefor: It is ordered, that Continental Trailways, Inc., be, and it is hereby, notified that the deviation notices set forth in the heading hereof shall be applicable to the operations of Continental Trailways, Inc., subject to all of the conditions which were attached to the original filing and acceptance of such deviation notices, including the duty to continue to furnish reasonable and adequate service from and to all authorized points on its regular service routes. It is further ordered, that notice of this order shall be given by publication thereof in the FEDERAL REGISTER. And it is further ordered, that this order shall become effective 30 days from the date that notice thereof is given in the FEDERAL REGISTER.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9860; Filed, Aug. 19, 1969; 8:48 a.m.]

[Notice 1322]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 15, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth, reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

Applications Assigned for Oral Hearing

Motor Carriers of Property

No. MC 133315 (Republication), filed November 25, 1968, published in the FEDERAL REGISTER issue of December 19, 1968, and republished this issue. Applicant: ASBURY SYSTEM, 2222 East 38th Street, Vernon, Calif. 90058. Applicant's representative: James W. Wade, 729 Citizens National Bank Building, 453 South Spring Street, Los Angeles, Calif. 90013. By application filed November 25, 1968, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of petroleum coke, in bulk, from the petroleum coke-producing plant of Standard Oil Co. of California, El Segundo, Calif., to Long Beach, Calif., under a contract with Standard Oil Co. of California. A supplemental order of the Commission, Operating Rights Board, dated July 25, 1969, and served August 4, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *petroleum coke*, in bulk, from the plantsite of Standard Oil Co. of California, at El Segundo, Calif., to Long Beach, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

Notice of Filing of Petitions

No. MC 38320 (Sub-No. 13) (Notice of Filing of Petition To Modify Certificate), filed July 28, 1969. Petitioner: CENTRAL MOTOR EXPRESS, INC., Campbellsville, Ky. Petitioner's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Petitioner states that on February 24, 1969, it was issued a Certificate of Public Convenience and Necessity authorizing the following service: "Irregular routes: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between the plantsite and storage facilities of the Reed Candy Co., Campbellsville, Ky., on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Indiana (except Anderson, Fort Wayne, Indianapolis, and Marion), Louisiana, Mississippi, Missouri, North Carolina, Ohio (except Cincinnati and Dayton), Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin." Petitioner states that the Sub-13 certificate has been and is being used for tacking purposes with other grants of authority in its certificates MC 38320 and subs. That approximately 1 month ago the Reed Candy Co. permanently closed its plant at Campbellsville, Ky., which plant's closing could result in Petitioner losing the right to join the Sub-13 certificate with other grants of authority in its certificate MC 38320 and subs. Hence, the request is made in this petition to substitute Campbellsville, Ky., as the base point in Petitioner's Sub-13 certificate in lieu of the plantsite of Reed Candy Co., Campbellsville, Ky. By the instant petition, Petitioner seeks to have its authority in said Sub-13 modified to read as follows: "Irregular routes: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Campbellsville, Ky., on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Indiana, (except Anderson, Fort Wayne, Indianapolis and Marion), Louisiana, Mississippi, Missouri, North Carolina, Ohio (except Dayton and Cincinnati), Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin." Any person or persons desiring to participate, may file an original and six copies of his written representations, views or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Nos. MC 45764 (Sub-Nos. 7 and 11) (Notice of Filing of Petition for Waiver of Rule 1.101(e), for Reconsideration, and for Modification of Certificates), filed July 22, 1969. Petitioner: ROBBINS MOTOR TRANSPORTATION, INC., Eddystone, Pa. Petitioner's representative: Paul F. Sullivan, Suite 701, Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Petitioner, as here pertinent, states it holds authority in its certificate No. MC 45764 (Sub-No. 7), which authorizes the transportation of "*New or used machines and machinery*, and *parts and accessories therefor*, between points in Philadelphia County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, and the District of Columbia"; and in its certificate No. MC 45764 (Sub-No. 11) which reads: "*Machines and machinery*, and *parts and accessories therefor*, which because of size or weight, require special equipment between Philadelphia, Pa., and points in Pennsylvania, New Jersey, Delaware, and Maryland within 75 miles of Philadelphia, on the one hand, and, on the other, points in Connecticut and Massachusetts." Petitioner further states that factors, now requiring modification of the subject certificates, were not present at the time of their issuance, nor could they have been reasonably foreseen. Petitioner or its predecessor had no way of knowing when it applied for or was granted authority to transport "machines and machinery" that such authority would take on a different meaning throughout the years then envisaged in the *Classification case, infra*, and that such authority would be reduced in scope by interpretive decisions so that it would not allow the holder of such authority to perform a complete heavy-hauling service. By the instant petition, Petitioner states it is here seeking relief, as accorded other heavy-specialized carriers in the past. Petitioner would have the commodity description in its Sub-7 certificate be modified so as to read as follows: New or used machines and commodities, the transportation of which because of their size or weight require special handling or special equipment and related contractors' materials, supplies, and equipment, when the transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special handling or special equipment. Petitioner states that inasmuch as the Sub-11 certificate of petitioner is inextricably related to the Sub-7 certificate and was granted as the result of a gateway-elimination proceeding (unopposed), based on operations under the Sub-7 certificate, it requests that the commodity description in the Sub-11 certificate likewise be modified. Any person or persons desiring to participate, may file an original and six copies of his written representations, views or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 78175 and MC 78175 (Sub-No. 3) (Notice of Filing of Petition for Waiver of Rule 101(e) for Reconsideration and Modification of Certificates), filed July 14, 1969. Petitioner: PELLETIER TRUCKING CO., INC., Pawtucket, R.I. Petitioner's representative: Frederick T. O'Sullivan, Adams Building, 372 Granite Avenue, Milton, R.I. 02186. Petitioner, as here pertinent states it holds authority in its certificates MC 78175 and MC 78175 Sub-3 as follows: Irregular routes: *Machinery*, uncrated, between Bridgeport, Conn., on the one hand, and, on the other, points in that part of New York and New Jersey within 100 miles of Bridgeport.

Heavy machinery, between Bridgeport, Conn., on the one hand, and, on the other, Philadelphia, Pa., and points in Massachusetts, Rhode Island, New York, and New Jersey. *Textile and heavy machinery and parts and accessories, therefore*, between points in Connecticut, Rhode Island, Massachusetts, and Vermont. *Machinery*, between Central Falls and Pawtucket, R.I., on the one hand, and, on the other, Bristol, East Hartford, Hartford, and New Haven, Conn., Boston, Beverly, Hopedale, Indian Orchard, Northbridge, Springfield, West Springfield, and Worcester, Mass., and New York, N.Y., and Bennington, Vt. Between Westerly, R.I., on the one hand, and, on the other, Fall River, Mass., Jewett City and Noank, Conn. Between Paterson, N.J., and Pawtucket, R.I. From Boston and Malden, Mass., to Coventry and Lincoln, R.I., with no transportation for compensation on return except as otherwise authorized. *Machinery* and *bakery equipment*, between points and places in Massachusetts, Connecticut, and New York, N.Y. Petitioner further states the authority described above for "*Machinery*, uncrated", is a "grandfather right". It was originally applied for by Gazzi Bachman, doing business as Bachmon Motor Lines in No. MC 85077. Petitioner states its *machinery* commodity descriptions are not responsive to the proof adduced in the "grandfather" proceedings. The present language falls short of reflecting the operations performed before and since June 1, 1935, by petitioner and or petitioner's predecessors. By the instant petition, petitioner seeks to modify its machinery grants to read as follows: "*Commodities which because of size or weight require special equipment and all related machinery parts and related contractors" materials and supplies when their transportation is incidental to the transportation of commodities which, by reason of size or weight, require special equipment.* Any person or persons desiring to participate, may file an original and six copies of his written representations, views or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

TRANSFER APPLICATIONS UNDER SECTION 212(b) WHICH HAVE BEEN DESIGNATED FOR ORAL HEARING

No. MC–FC–69882. Authority sought by transferee, Louis R. Shannon, Post Office Box 584W, West Rutland, Vt. 05777, for transfer of the operating rights of transferor, Robert E. Wood, Box 421, West Rutland, Vt. 05777. Applicants' attorneys: Ferdinand Born and Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. The operating rights in certificate No. MC–33789 sought to be transferred authorize generally the transportation of slate, granite, and lumber from and to points in the New England area.

The above-entitled transfer application under section 212(b) of the Interstate Commerce Act is to be assigned for further hearing at a time and place to be fixed for the purpose of determining whether the proposed transaction is within the exemption of section 5(10) of the Act, and whether, under § 1132.5(b) of the Rules and Regulations Governing Transfers of Operating Rights, the subject are dormant and susceptible of transfer.

No. MC–FC 71083. Authority sought by transferee, Pauline E. Richardson, doing business as Rich's South Shore Express, 732 Nantasket Avenue, Hull, Mass. 02045, for transfer of the operating rights of transferor, Vernon T. Fowler, doing business as Fowler's Express, 539 South Avenue, Whitman, Mass. 03282. Transferee's and transferor's representative, Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187. Operating rights in certificate of registration No. MC–58425 (Sub-No. 2) sought to be transferred, authorize the transportation over irregular routes of: *General commodities* within the Commonwealth of Massachusetts.

The above-entitled transfer application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing on a consolidated record with the proceeding in No. MC–C 6401, at a time and place to be fixed, for the purpose of determining, among other things, whether transferee is fit, under § 1132.3 of the Rules and regulations Governing Transfers of Operating Rights, to acquire the rights proposed for transfer.

The Bureau of Enforcement has been directed to participate in the consolidated proceeding for the purpose of presenting evidence and otherwise developing the record.

No. MC–FC–71387. Authority sought by transferee, WEST END TRANSFER INC., 1508 Jefferson Street, Bluefield, W. Va. 24701, for transfer of the operating rights of transferor, JACK RICHIE, Oceana, W. Va. 24870. Transferee's and transferor's representative, Robert W. Hensley, Suite 301, Coal and Coke Building, Bluefield, W. Va. 24701. Operating rights in certificate No. MC–113298 sought to be transferred, authorize the transportation over irregular routes of household goods between Oceana, W. Va., and points within 10 miles thereof in Wyoming County, W. Va., on the one hand, and, on the other, points in Ohio, Pennsylvania, Maryland, Virginia, North Carolina, Tennessee, Kentucky, and the District of Columbia.

The above-entitled transfer application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing at a time and place to be fixed for the purpose of determining whether full and complete information was presented to the Commission for proper disposition of such application.

The Bureau of Enforcement has been directed to participate as a party in this proceeding.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10516. (Correction) (SMITH'S TRANSFER CORP.—CONTROL & MERGER — BATTLETOWN TRANSFER, INC.), published in the June 25, 1969, issue of the FEDERAL REGISTER, on page 9834. This correction to show SMITH'S TRANSFER CORPORATION seeks to *control and merge* the operating rights and property of BATTLETOWN TRANSFER, INC., in lieu of purchase of the operating rights as stated in prior notice.

No. MC–F–10564. (Correction) (The Cleveland, Columbus, & Cincinnati Highway, Inc.—purchase (portion)—Motor Express, Inc., published in the August 6, 1969; issue of the FEDERAL REGISTER, on page 12810. This correction to show authority sought to be transferred should read: *General commodities*, except liquids in bulk, in tank trucks, household goods as defined by the Commission, class A and B explosives, green hides, livestock, money, valuable documents and papers, postage stamps, letters, precious stones, and other articles of extraordinary value, articles inherently injurious to other freight and carrier equipment, and commodities not suitable to motor transportation by reason of weight limitations or otherwise, as a *common carrier*, over regular routes, between Wheeling, W. Va., and Pittsburgh, Pa., in lieu of the prior notice.

No. MC–F–10579. Authority sought for purchase by THE HINE LINE, 247 Emmet Street, Newark, N.J. 07114, of the operating rights of NELSON TRUCKING, INC., Burket, Ind. 46508, and for acquisition by WARREN E. HINE, and MADELEINE J. HINE, both of Chimney Rock Road, Martinsville, N.J. 08836, of control of such rights through the purchase. Applicants' attorneys: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102, and Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Operating rights sought to be transferred: *Petroleum oils and greases*, in containers, as a *common carrier*, over regular routes, from Chicago, Ill., to Columbia City, Ind., serving no intermediate points; *farm machinery*, over regular and irregular routes, from Chicago, Ill., to points in Indiana; *iron or steel fencing* and *fence posts*, from Chicago, Ill., to points in Indiana, from Chicago Heights, Ill., to points in Indiana; *fertilizer*, over irregular routes, from Chicago Heights, Ill., to points in Illinois in the Chicago, Ill., commercial zone, as defined by the Commission, except Chicago to points in that part of Indiana on and north of U.S. Highway 40, from Chicago Heights, Ill., to certain specified points in Indiana, from Chicago, Ill., to points in Indiana on and north of U.S. Highway 40, and certain specified points in Ohio, from Sandusky, Ohio, Detroit, Mich., and points in the Chicago, Ill., commercial zone, as defined by the Commission, to points in Indiana, except from Chicago, to points in Allen, Adams, Huntington, Kosciusko, Noble, Wabash, Wells, and Whitley Counties, Ind., from Cincinnati, Ohio, to points in Indiana; *feeds*, from Argo and Chicago Heights, Ill., to points in that part of Indiana on and north of U.S. Highway 40, from Chicago, Ill., to points in that part of Indiana on and north of U.S. Highway 40, except those in Kosciusko, Whitley, Wabash, Fulton, Marshall and Elkhart Counties, Ind., from points in Illinois in the Chicago, Ill., commercial zone, as defined by the Commission, except Chicago, to points in that part of Indiana on and north of U.S. Highway 40; *cracklings*, from points in Indiana on and north of U.S. Highway 40, except those in Kosciusko, Whitley, Wabash, Fulton, Marshall, and Elkhart Counties, to Chicago Ill.;

Feed, from Chicago, Ill., to certain specified points in Indiana, from points in the Chicago, Ill., commercial zone, as defined by the Commission, except Chicago, to points in Indiana, except points in Allen, Adams, Huntington, Kosciusko, Noble, Wabash, Wells, and Whitley Counties, Ind.; *grease, casings, tankage, cracklings*, and *tallow drums*, between Fort Wayne, Ind., on the one hand, and, on the other, certain specified points in Ohio, Detroit, Mich., and Louisville, Ky.; *hides* and *tallow*, between Fort Wayne, Ind., on the one hand, and, on the other, certain specified points in Ohio, Detroit, Mich., and Louisville, Ky., between points in the Chicago, Ill., commercial zone, as defined by the Commission, Waukegan, Ill., certain specified points in Ohio, Jeffersonville, Ind., and Milwaukee, Wis., on the one hand, and, on the other, points in that part of Michigan on and south of Michigan Highway 46, from points within 25 miles of Archbold, Wauseon, Bryan, Fostoria, Defiance, Carey, Mansfield, Marion, Columbus, Youngstown, Lima, and Wapakoneta, Ohio, to Chicago, Ill., from points in Indiana on and north of U.S. Highway 40 except those in Fulton, Marshall, and Elkhart Counties, Ind., to Chicago, Ill.; *livestock*, between Chicago and Chicago Heights, Ill., points in Indiana on and north of U.S. Highway 40, and points in Ohio west of a line beginning at Cleveland, Ohio, and extending in a southwesterly direction through Columbus, Ohio, to Cincinnati, Ohio, from certain specified points in Indiana, to Detroit, Mich., from Fort Wayne, Ind., to Canton, Ohio, and Ionia, Mich., from points in that part of Michigan on and south of Michigan Highway 46 to Chicago, Ill., Indianapolis, Ind., and Toledo, Ohio, from points in Indiana to East St. Louis, Ill., St. Louis, Mo., Buffalo, N.Y., Harrisburg and Reading, Pa., and those in the Lower Peninsula of Michigan, from St. Louis, Mo., and points in Illinois, to points in the Chicago, Ill., commercial zone, as defined by the Commission, and points in Indiana, Ohio, and the Lower Peninsula of Michigan;

Livestock, in truckload lots, from Louisville, Ky., to Elkhart, Ind., from certain specified points in Indiana, to points in Ohio on and north of U.S. Highway 30; *packing-house byproducts*, between points in Indiana and Ohio, on the one hand, and, on the other, points in the Lower Peninsula of Michigan, between Louisville, Ky., and points in Ohio, on the one hand, and, on the other, points in the Chicago, Ill., commercial zone, as defined by the Commission, and certain specified points in Wisconsin, from certain specified points in Indiana, to Chicago, Ill., from points within 25 miles of Archbold, Wauseon, Bryan, Fostoria, Defiance, Carey, Mansfield, Marion, Columbus, Youngstown, Lima, and Wapakoneta, Ohio, to Chicago, Ill.; *salt*, from Detroit, Mich., to points in Indiana on and north of U.S. Highway 40; *sheep pelts*, from certain specified points in Indiana, to Chicago, Ill.; *steel fence posts*, from Chicago Heights, Ill., to points in Indiana on and north of U.S. Highway 40; *tankage, cracklings*, and other *packers' offal byproducts*, and *empty tallow drums*, between points in the Chicago, Ill., commercial zone, as defined by the Commission, Waukegan, Ill., certain specified points in Ohio, Jeffersonville, Ind., and Milwaukee, Wis., on the one hand, and, on the other, points in that part of Michigan on and south of Michigan Highway 46; *twine*, from Chicago, Ill., to cerain specified points in Indiana; *used empty egg cases*, set up, in truckload lots, from Chicago, Ill., to Burket, Ind.;

Feed and *fertilizer*, from East St. Louis, Ill., and Toledo, Ohio, to points in Indiana; *hides*, from points in Indiana to Waukegan, Ill., and Fond du Lac and Milwaukee, Wis.; *hides, tallow*, and *cracklings*, from points in Indiana, except Fort Wayne, to Cincinnati, Dayton, and New London, Ohio, and Louisville, Ky., from points in Indiana to Fostoria, Ohio, from Cleveland, Ohio, to Fort Wayne, Ind., from points in Illinois on and east of U.S. Highway 51, except Chicago, Ill., to certain specified points in Indiana, between points in Indiana south of U.S. Highway 40, on the one hand, and, on the other, Chicago, Ill.; and *green salted hides*, between points in Illinois, Wisconsin, Michigan, Indiana, Ohio, Pennsylvania, West Virginia, New York, St. Louis, Mo., Louisville, Ky., certain specified points in Maryland and New Jersey, with restriction. THE HINE LINE is authorized to operate as a *common carrier* in New York, Maryland, Delaware, New Jersey, Pennsylvania, Connecticut, and Massachusetts. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10580. Authority sought for purchase by HALLAMORE MOTOR TRANSPORTATION, INC., 795 Plymouth Street, Holbrook, Mass. 02343, of the operating rights and certain property of BERNARDO BROS. INC., 129 Providence Street, Boston (Hyde Park), Mass., and for acquisition by JOSEPH L. BARRY, JOSEPH L. BARRY, JR., and DENNIS E. BARRY, all also of Holbrook, Mass., of control of such rights and property through the purchase. Applicants' attorney: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Operating rights sought to be transferred: *Such commodities*, as heavy machinery, vaults, safes, and articles requiring specialized handling or rigging, because of size or weight, as a *common carrier*, over irregular routes, between Boston, Mass., and points in Massachusetts within 50 miles of Boston, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New Jersey, Vermont, New Hampshire, Maine, and the New York, N.Y., commercial zone, as defined by the Commission. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, Connecticut, and New Hampshire. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10581. Authority sought for purchase by EDMIER TRANSPORTATION, INC., 1500 South Cicero Avenue, Cicero, Ill. 60650, of the operating rights of PARK TRUCKING AND SUPPLY, INC. (District Director of Internal Revenue, Assignee), 534 Main Street, Evanston, Ill. 60202, and for acquisition by JOHN L. EDMIER, THOMAS W. EDMIER, WILLIAM L. EDMIER, and JAMES J. EDMIER, all also of Cicero, Ill., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *Cement*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Buffington, Ind., to certain specified points in Illinois, *fly ash*, in bulk, in tank vehicles, from Chicago, Ill., to points in Indiana and Wisconsin; *inedible salt*, in bulk, from Chicago, Ill., to points in Indiana; and *cement*, from points in the Chicago, Ill., commercial zone as defined by the Commission (except Buffington, Ind.), to points in Indiana and Wisconsin. Vendee is authorized to operate as a *common carrier* in Illinois, Wisconsin, and Indiana. Application has been filed for temporary authority under section 210a(b). NOTE: See also No. MC–F–10581 (DAN LODESKY TRUCKING, INC.—Purchase (Portion)—EDMIER TRANSPORTATION, INC.), published this same issue.

No. MC–F–10582. Authority sought for purchase by DAN LODESKY TRUCKING, INC., Post Office Box 236, Gurnee, Ill. 60031, of a portion of the operating rights of EDMIER TRANSPORTATION, INC., 1500 South Cicero Avenue, Cicero, Ill. 60650, and for acquisition by DANIEL F. LODESKY, JR., Post Office Box 236, Gurnee, Ill. 60031, of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: (This authority is presently in the name of PARK TRUCKING AND SUPPLY, INC., and is being sought in MC–F–10581, by EDMIER TRANSPORTATION, INC.) *Cement*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Buffington, Ind., to points in that part of Illinois bounded by a line beginning at the shores of Lake Michigan at the Lake-Cook County line; thence extending westerly

along the Lake-Cook County line to its intersection with U.S. Highway 14; thence northwesterly over U.S. Highway 14 to junction Illinois Highway 176; thence westerly over Illinois Highway 176 to junction U.S. Highway 20; thence westerly over U.S. Highway 20 to junction Illinois Highway 2; thence northerly over Illinois Highway 2 to the Illinois-Wisconsin State line; thence easterly along the Illinois-Wisconsin State line to the shores of Lake Michigan; thence southerly along the shores of Lake Michigan to the Lake-Cook County line, including points on the indicated portions of the highways specified. Vendee is authorized to operate as a *common carrier* in Illinois, Wisconsin, Indiana, and Iowa. Application has been filed for temporary authority under section 210a(b). NOTE: See also No. MC-F-10581 EDMIER TRANSPORTATION, INC.—Purchase—PARK TRUCKING & SUPPLY, INC. (District Director of Internal Revenue, Assignee), published this same issue.

No. MC-F-10583. Authority sought for purchase by FLORIDA TERMINALS AND TRANSPORT COMPANY, 2801 Clear Lake Road, Cocoa, Fla., of the operating rights and property of GEORGE A. DOBBERT, doing business as KNOLLENBERG'S MOTOR TRANSFER CO., 500 South Garland Avenue, Orlando, Fla. Applicant's attorney: J. B. Rodgers, Jr., Metcalf Building, 100 South Orange Avenue, Orlando, Fla. 32801. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, restricted to traffic moving in freight forwarder service, as a *common carrier*, over irregular routes, from Orlando, Fla., to points in Orange, Lake, Marion, Volusia, Brevard, Seminole, Osceola, and Polk Counties, Fla. Vendee is authorized to operate under a certificate of registration, as a common carrier within the State of Florida. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10584. Authority sought for purchase by STERLING FREIGHT LINES, INC., 5901 Archer Avenue, Chicago, Ill. 60638, of the operating rights and property (1) GEORGE R. STORM, doing business as STORM TRUCKING COMPANY, 17224 South Ellis Court, South Holland, Ill., and (2) WATSON TRUCKING COMPANY, 943 South 171st St., South Holland, Ill., and for acquisition by RICHARD JOUSMA, JESSIE JOUSMA, GEORGE JOUSMA, and GERTRUDE JOUSMA, all also of Chicago, Ill., of control of such rights and property. Applicants' attorneys: Themis N. Anastos, 120 West Madison Street, Chicago, Ill. 60602, and Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Operating rights sought to be transferred: (1) *Cement*, as a *common carrier*, over irregular routes, from the plantsites and storage facilities of Dundee Cement Co., and Marquette Cement Co. at Chicago, Ill., to certain specified points in Indiana; *fly ash*, in bulk (except in dump vehicles), from Chicago, Ill., to points in the above destination territory; *lime*, in bulk, from Chicago, Ill., to points in Indiana, Michigan, and Wisconsin (except points in Iowa, Lafayette, Green, Dane, Jefferson, Rock, Walworth, Waukesha, Milwaukee, Racine, and Kenosha Counties, Wis.); and *granulated slag*, in bulk, from Gary, Ind., to Chicago Heights, Ill.; and (2) *Cement*, in bulk and in bags, as a *common carrier*, over irregular routes, from Buffington, Ind., to points in Illinois located on and east of U.S. Highway 51, on and north of U.S. Highway 36, and south of U.S. Highway 30, except Cissna Park, and not including any point within the commercial zone of any municipality located on U.S. Highway 30, as defined by the Commission. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9861; Filed, Aug. 19, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 15, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State docket No. 4334, filed June 23, 1969. Applicant: PERRY W. ANDERSON, doing business as SCENIC TOURS, Box 124, Whitley City, Ky. 42653. Applicant's representative: George M. Catlett, McClure Building, Frankfort, Ky. 40601. Certificate of public convenience and necessity sought to operate a bus service as follows: Transportation of *persons*, from the Cumberland Falls State Park Area on and over State Highway 90 to U.S. Highway 27 at Parkers Lake, Ky.; thence south to State Highway 927, west to Turkey Creek Land, with intermediate stops at Great Gulf Overlook and Natural Arch Scenic Area, and return to Highway 27; thence south to State Highway 700, west to Yahoo Fall Scenic Area, and return to Highway 27; thence south to State Highway 701, west to State Highway 92 to State Highway 791 to Barthell Hill Top, and return over the same routes to Highway 27; thence south to Pine Knot, Ky., to State Highway 92, east 6 miles to Old Mill, and return to Highway 27, with intermediate stops at Kentucky Hills Industries and U.S. Forest Service Job Corp Center; thence north on Highway 27 to State Highway 700, east to Highway 90, and return to point of origin. Both intrastate and interstate authority sought.

HEARING: Friday, September 19, 1969 at 10 a.m., e.d.s.t., in the Courthouse at Whitley City, Ky. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Department of Motor Transportation, Fourth Floor, State Office Building, Frankfort, Ky. 40601, and should not be directed to the Interstate Commerce Commission.

State docket No. 4354, filed June 16, 1969, amended July 31, 1969. Applicant: ALLISON-LOGAN FREIGHT LINES, INC., 100 North Catherine Street, Terrell, Tex. Applicant's representative: Tom M. Snow, Post Office Box 727, Terrell, Tex. 75160. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, between Terrell and Dallas, Tex., and all intermediate points, along U.S. Interstate 20 and U.S. Highway 80. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after publication in FEDERAL REGISTER at the E. O. Thompson Building, 10th and Colorado Streets, Austin, Tex. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Transportation Division, Motor Transportation Section, Capitol Station, Post Office Drawer EE, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State docket No. 5733, Sub-2, filed February 5, 1969. Applicant: LEWIS BROS. STAGES, INC., 549 West Fifth S., Salt Lake City, Utah. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *passengers and their baggage* between all points in Salt Lake County, Utah; this application is intended to encompass any "for hire" passenger service, including by way of illustration and not of limitation charter operations, special operations, sightseeing, excursions, tours, limousine service, etc., whether such transportation is originated by the carrier itself by sale of tickets to individuals or groups, whether arranged through travel or tour brokerage services or otherwise, and including traffic which originated in interstate commerce. On return movements, applicant proposes to engage in the same operation. Both intrastate and interstate authority sought.

HEARING: Monday, September 8, 1969, at 10 a.m., 330 East Fourth S. Street, Salt Lake City, Utah 84111. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Utah Public Service Commission, 330 East Fourth S. Street, Salt Lake City, Utah 84111, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9859; Filed, Aug. 19, 1969; 8:48 a.m.]

[Notice 888]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 15, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19105 (Sub-No. 25 TA), filed August 13, 1969. Applicant: FORBES TRANSFER COMPANY, INC., Post Office Box 346, 301A Highway South, Wilson, N.C. 27893. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, in vehicles equipped with mechanical refrigeration and meat rails, from Wilson, N.C., to Washington, D.C., and West Virginia, for 180 days. Supporting shipper: Swift and Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. 48374 (Sub-No. 8 TA), filed August 11, 1969. Applicant: FERNSTROM STORAGE AND VAN COMPANY, Post Office Box 66220, Chicago, Ill. 60666. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Hawaii restricted to the handling of traffic originating or destined to points beyond the State of Hawaii, for 180 days. NOTE: Applicant intends to tack the authority sought herein with its existing authority under MC 48374, and subs thereunder. Supporting shipper: Applicant's statement and past shipment record. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 88220 (Sub-No. 20 TA), filed August 13, 1969. Applicant: WABASH VALLEY TRUCKING, INC., U.S. Highway No. 40 West, Brazil, Ind. Applicant's representative: W. L. Jordan, Vigo County, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay sewer pipe and fittings; clay wall coping and clay flue lining;* from Whitehall, Ill., to points in Indiana, Iowa, Missouri, and Wisconsin, for 180 days. Supporting shipper: Amvit of Brazil, Indiana, Brazil, Ind. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 36 South Pennsylvania Street, 802 Century Building, Indianapolis, Ind. 46204.

No. MC 100449 (Sub-No. 13 TA), filed August 11, 1969. Applicant: MALLINGER TRUCK LINE, INC., Otho, Iowa 50569. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Clay pipe and fitting, clay products and joint materials*, from Lehigh, Iowa, to points in Oklahoma, for 150 days. Supporting shipper: W. S. Dickey Clay Manufacturing Co., Post Office Box 13125, Kansas City, Mo. 64199. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 102982 (Sub-No. 17 TA), filed August 11, 1969. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, Ohio 44312. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel conduit pipe and electrical metallic tubing and fittings therefor*, unloaded by mechanical devices furnished by carrier, from Niles, Ohio, and New Kensington, Pa., and the commercial zones thereof, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, West Virginia, Wisconsin, Missouri, Minnesota, Georgia, Florida, and the District of Columbia, for 180 days. Supporting shipper: Jones & Laughlin Steel Corp., 700 Constitution Boulevard, New Kensington, Pa. 15068. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 106398 (Sub-No. 414 TA), filed August 12, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull, 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frames and undercarriages*, designed to be equipped with hitch ball pintle hook connectors and *component parts therof*, from plant of B. & L. of Alabama, Inc., Bear Creek, Ala., to points in Alabama, Georgia, Florida, Mississippi, Louisiana, Arkansas, and Tennessee, for 180 days. Supporting shipper: B. & L. of Alabama, Inc., Post Office Box 57, Bear Creek, Ala. 35543. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 106647 (Sub-No. 40 TA), filed August 11, 1969. Applicant: CLARK TRANSPORT COMPANY, INC., Post Office Box 395, Chicago Heights, Ill. 60411. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses* in truckaway service, restricted to secondary movements, from Minneapolis and St. Paul, Minn., to points in Douglas, Bayfield, Ashland, Burnett, Washburn, Sawyer, Polk, Barron, Rusk, Price, Taylor, St. Croix, Dunn, Chippewa, Clark, Pierce, Pepin, Eau Claire, Buffalo, Jackson, Trempealeau, and La Crosse Counties, Wis. Restriction: The above authority is restricted against traffic originating at the plantsites of American Motors Corp., Kenosha, Wis., and International Harvester Co., at Fort Wayne, Ind., and Springfield, Ohio, for 180 days. Supporting shipper: Robert W. Hoelzle, Traffic Manager, Oldsmobile, Division of General Motors Corp., Lansing, Mich. 48921. Send protests to: Roger L. Buchanan, District Supervisor, Federal Building, Bureau of Operations, Room 1086, Interstate Commerce Commission, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 107496 (Sub-No. 742 TA), filed August 12, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as above). Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Road asphalts and residual fuel oil*, in bulk, from Superior, Wis., to points in the Upper Peninsula of Michigan and points in Kittson, Roseau, Marshall, Polk, Pennington, and Red Lake Counties, Minn.,

for 150 days. Supporting shipper: Murphy Oil Corp., Marketing Division, Post Office Box 2066, Superior, Wis. 54880. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 108207 (Sub-No. 269 TA), filed August 11, 1969. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, frozen fish, fresh oysters, pickled and preserved fish* in glass, tin and wood, *evaporated milk paste, canned meats, bakery goods, flour, berries, canned preserves and dried fish* in mixed shipments, from Minneapolis, Minn., to Albuquerque, N. Mex.; Phoenix, Ariz.; Los Angeles, Calif.; St. Joseph, Springfield, and Joplin, Mo.; Austin, Dallas, El Paso, Houston, and Waco, Tex., for 180 days. Supporting shipper: Olfisco, Inc., 815 North Fifth Street, Minneapolis, Minn. 55401. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 119656 (Sub-No. 4 TA), filed August 13, 1969. Applicant: NORTH EXPRESS, INC., 219 East Main Street, Winamac, Ind. Applicant's representative: Walter F. Jones, Jr., Attorney at Law, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refractory products, shapes or forms*, from at or near North Judson, Ind., to Gadsden, Ala., (2) *Steel*, from Gadsden, Ala., to North Judson, Ind., and Morton Grove, Ill., for 180 days. Supporting shippers: Cravens-Insul Inc. Co., 619 North Addison Road, Villa Park, Ill. 60181, C & M Metal Products, Co. Address same as (1). Send protests to: District Supervisor, J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 119829 (Sub-No. 32 TA), filed August 11, 1969. Applicant: F. J. EGNER & SON, INC., 3969 Congress Parkway, West Richfield, Ohio 44286. Applicant's representative: W. P. Fromm (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer materials*, in bulk, from plantsites of Occidental Chemical Co. at Kenton and Mount Victory, Ohio, to points in Indiana, for 180 days. Supporting shipper: Occidental Chemical Co., 4671 Southwest Freeway, Post Office Box 1185, Houston, Tex. 77001. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 123067 (Sub-No. 92 TA), filed August 11, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, dry*, in bulk, from Winston-Salem, N.C., to points in North Carolina, restricted to shipments having had a prior movement via rail, for 180 days. Supporting Shipper: International Salt Co., Southern Traffice Office, Whitney Bank Building, New Orleans, La. 70130. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417, Charlotte, N.C. 28202.

No. MC 123111 (Sub-No. 5 TA), filed August 11, 1969. Applicant: QUEENSWAY TANK LINES LIMITED, Queensway Road, Chesterville, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil and kerosene*, in bulk, in tank vehicles (no transportation for compensation on return), from port of entry on United States-Canada boundary line near Highgate Springs, Vt. (Vermont Highway 7), to Burlington, Vt., for 150 days. supporting shipper: Liquifuels, Distributors of Petroleum Products, 347 Bay Street, Toronto 1, Canada. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, O'Donnell Building, 301 Erie Boulevard, West Syracuse, N.Y. 13202.

No. MC 125760 (Sub-No. 7 TA), filed August 11, 1969. Applicant: GLENN W. MEANS, 1597 Pittsburg Road, Franklin, Pa. 16323. Applicant's representative: John E. McFate, 229 Elm Street, Oil City, Pa. 16301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy* products, from Cleveland, Ohio, to points in Warren, Jefferson, Clarion, and Armstrong Counties, Pa., for 180 days. Supporting shipper: Jefferson Wholesale Grocery Co., Elk Run Avenue, Post Office Box 430, Punxsutawney, Pa. 15767. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 126222 (Sub-No. 8 TA), filed August 11, 1969. Applicant: JOSEPH A. SIEFERT AND JOSEPH L. SIEFERT, a partnership, SIEFERT BROS. TRUCKING CO., Post Office Box 310, DuQuoin, Ill. 62832. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bar stools*, from the plantsite of Turco Manufacturing Co., at DuQuoin, Ill., to points in the United States, except Alaska and Hawaii, for 180 days. Supporting shipper: Turco Manufacturing Co., DuQuoin, Ill. 62832. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 127042 (Sub-No. 45 TA), filed August 12, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles*, distributed by meat packinghouses as described in sections A and C of appendix I to the *report in Descriptions to Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Davenport, Iowa, to points in Nebraska and South Dakota on and east of U.S. Highway 281 and Sioux City, Iowa, for 150 days. Supporting shipper: Oscar Mayer & Co., Post Office Box 3130, Davenport, Iowa 52808. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 129307 (Sub-No. 21 TA), filed August 13, 1969. Applicant: McKee Lines, Inc., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Leonard R. McKee (address same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foodstuffs*, from the plantsite and warehouse facilities utilized by Kitchens of Sara Lee, Division of Consolidated Foods Corp., Deerfield, Ill., to points in Michigan, Indiana, and Ohio, for 180 days. Supporting shipper: Kitchens of Sara Lee, Division of Consolidated Foods Corp., 500 Waukegan Road, Deerfield, Ill. 60015. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 133892 (Sub-No. 1 TA), filed August 13, 1969. Applicant: B & W SERVICE, INC., 26 Itasca Street, Boston (Mattapan), Mass. 02126. Applicant's representative: Frank J. Weiner, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail stores engaged in the selling of games, toys, bicycles, cribs, children's furniture, recreational equipment and apparatus, and in connection therewith, equipment, materials, and supplies, used in the conduct of such business, between Avon and Dedham, Mass., on the one hand, and, on the other, Milford, Conn. Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with Child World, Inc., of Dedham, Mass., for 180 days. Supporting shipper: Child World, Inc., 450 Providence Highway, Dedham, Mass. 02026. Send protests to: District Supervisor, Richard D. Mansfield, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, Mass.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69–9867; Filed, Aug. 19, 1969; 8:48 a.m.]

[Notice 396]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 14, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interestate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71496. By order of August 12, 1969, the Motor Carrier Board approved the transfer to William Carr, Bloomfield, N.J., of Permit No. MC–123225, issued April 3, 1961, to Mission Motor Lines, Inc., Hoboken, N.J., authorizing the transportation of: Such merchandise as is dealt in by wholesale and retail grocery houses, between points in Hudson and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y., except points in Nassau and Westchester Counties, N.Y., in the New York, N.Y. commercial zone, as defined by the Commission in Ex Parte 37, 53 M.C.C. 451, subject to the following restriction: The operations described above are limited to a transportation service to be performed under special and individual contracts or agreements, with persons (as defined in section 203(a) of the Interstate Commerce Act), who operate wholesale food business houses, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner specified above. Edward F. Bowes, 744 Broad Street, N.J. 07102, attorney for applicants.

No. MC–FC–71555. By order of August 11, 1969, the Motor Carrier Board approved the transfer to Schneider Moving & Storage Co., a corporation, St. Louis, Mo., of certificate in No. MC–95550, issued December 23, 1963, to Frank F. Schneider, doing business as Schneider Moving & Storage Co., St. Louis, Mo., authorizing the transportation of: Household goods, between St. Louis, Mo., and points within 18 miles of St. Louis, Mo., on the one hand, and, on the other, points in Illinois. Sanford E. Pomerantz, 818 Olive, Suite 930, St. Louis, Mo. 63101, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69–9858; Filed, Aug. 19, 1969; 8:48 a.m.]

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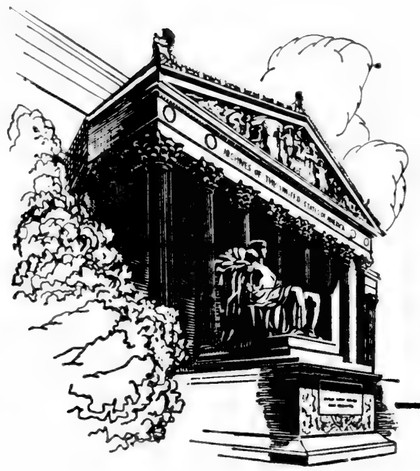
Thursday, August 21, 1969 • Washington, D.C.

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Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Commerce Department
Commodity Credit Corporation
Consumer and Marketing Service
Delaware River Basin Commission
Engineers Corps
Federal Aviation Administration
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1949–1963

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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 290]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.590 Valencia Orange Regulation 290.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 19, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 22, 1969, through August 28, 1969, are hereby fixed as follows:

(i) District 1: 356,000 cartons;

(ii) District 2: 436,000 cartons;

(iii) District 3: 8,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 20, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–10066; Filed, Aug. 20, 1969; 11:31 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 125]

PART 1125—MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations made are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Wash., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum in which each individual producer had one vote and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Puget Sound, Wash., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The following order provisions, which are effective through December 31, 1969, are hereby made effective through December 31, 1970: §§ 1125.22(k)(2), 1125.110, 1125.111, 1125.120, 1125.121, 1125.122, 1125.123, and 1125.124.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: October 1, 1969.

Signed at Washington, D.C., on August 18, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-9963; Filed, Aug. 20, 1969; 8:51 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. 3]

PART 1490—PAYMENTS ON EXPORTS OF CERTAIN KINDS OF TOBACCO

Subpart—Tobacco Export Program

The Tobacco Export Program regulations issued by Commodity Credit Corporation and published in 31 F.R. 12997 and 14826 and 32 F.R. 4491 are hereby revised and reissued.

Sec.
1490.1 General.
1490.2 Definitions.
1490.3 Export payment and rate
1490.4 Eligible tobacco.
1490.5 Eligible exporter.
1490.6 Contracts to export tobacco.
1490.7 Application for tobacco export payment and evidence of export.
1490.8 Reentry or transshipment.
1490.9 Assignments and setoffs.
1490.10 Records and accounts.
1490.11 Officials not to benefit.
1490.12 Amendment and termination.

AUTHORITY: The provisions of this subpart are issued under secs. 4, 5, 62 Stat. 1070, as amended, 15 U.S.C. 714(b).

§ 1490.1 General.

The regulations in this subpart state the terms and conditions of a tobacco export program under which Commodity Credit Corporation, an agency and instrumentality of the United States within the Department of Agriculture, will make a cash payment to an exporter on exportation of eligible tobacco to an eligible country. This revised subpart and any amendments hereto are hereinafter called "this program." Export payment will be made on submission of acceptable evidence of compliance with the provisions of this program. This program shall apply to eligible tobacco exported on or after the effective date hereof.

§ 1490.2 Definitions.

(a) The term "CCC" means Commodity Credit Corporation.

(b) The term "ASCS" means Agricultural Stabilization and Conservation Service.

(c) The term "eligible country" means any destination outside the United States other than any country or area for which an export license is required under regulations issued by the Bureau of International Commerce, U.S. Department of Commerce, unless a license for shipment or transshipment thereto has been obtained from such bureau.

(d) (1) The terms "export" and "exportation" mean, except as hereinafter provided, a shipment from the United States destined to an eligible country with the intent that the tobacco shall become a part of the mass of goods of the eligible country. Tobacco so shipped shall be considered to have been exported on the date of loading as shown on the applicable on-board vessel ocean bill of lading or other document authorized by this program to be furnished in lieu of such bill of lading, or, if shipment from the United States is by truck, rail, or air, the date the shipment clears U.S. Customs. If any of the tobacco is lost, destroyed, or damaged after loading on board a ship, for export, exportation shall be considered to have been as of the date of loading as shown on the on-board vessel ocean bill of lading or other document authorized by this program to be furnished in lieu of such bill of lading, or as of the latest date appearing on the loading tally sheet or similar document, if the loss, destruction, or damage occurs subsequent to loading aboard ship but prior to issuance of on-board vessel ocean bill of lading or such other document, except that, if the "lost" or "damaged" tobacco remains in the United States, it shall not be considered as exported if CCC determines that the condition of the "lost" or "damaged" tobacco is such that it can be disposed of in the domestic market in a manner which will adversely affect CCC's price support or export programs.

(2) Notwithstanding any of the provisions of this program, a shipment of eligible tobacco pursuant to a sale to a U.S. Government Agency shall not qualify as an export or exportation. The term "U.S. Government Agency" means any corporation wholly owned by the Federal Government, and any department, bureau, administration, or other unit of the Federal Government as, for example, the Departments of the Army, Navy, and Air Force, the Agency for International Development, the Army and Air Force Exchange Service, and the Panama Canal Company. A sale to a foreign buyer, including a foreign government, though financed with funds made available by a U.S. Government Agency, such as the Agency for International Development or the Export-Import Bank, is not a sale to a U.S. Government Agency unless the tobacco is transferred or caused to be transferred by such buyer to a U.S. Government Agency.

(e) The term "stemmed tobacco" means tobacco leaf and leaf particles which (1) are produced by processing in the manner commonly known as threshing, or tipping and threshing, or stemming and (2) do not contain stems in excess of 10 percent of total weight. "Stemmed tobacco" shall include Perique tobacco and cut tobacco or blended strips, or tobacco similarly processed from stemmed tobacco.

(f) The term "unstemmed tobacco" means any packed tobacco which (1) is not stemmed tobacco, scrap or blackfat as defined in this section and (2) does not include butt ends or stems removed from tobacco. If tobacco has been tipped and butted, the butt ends shall be considered removed from tobacco unless tip ends in the proportion produced in the tipping process are exported under this program as unstemmed tobacco.

(g) The term "blackfat" means unstemmed packed tobacco which has been further processed, usually by application of oil compounds, into a form of tobacco commonly known as blackfat.

(h) The term "scrap" means tobacco leaf particles which by any process other than threshing, tipping and threshing, stemming or cutting have been reduced to sizes generally less than one-fifth of the size of the leaf and which have not been screened or which in a screening process did not stay on top of a screen having not more than eight openings per linear inch or 64 openings per square inch.

(i) The term "United States" means the 50 States of the United States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

§ 1490.3 Export payment and rate.

(a) Except as otherwise provided in § 1490.6 with respect to exports of eligible tobacco pursuant to a contract with CCC, CCC will make a payment on exports of eligible tobacco at the rate in effect on the date of exportation based on the unstemmed-leaf packed-weight or the unstemmed-leaf packed-weight equivalent, of the eligible tobacco exported. The unstemmed-leaf packed-weight equivalent of stemmed tobacco, shall be determined in accordance with paragraph (d) of this section.

(b) The export payment rate shall be as follows:

(1) Ten dollars per hundredweight for (i) Flue-cured tobacco (Types 11–14) of the 1960, 1961, and 1962 crops, (ii) Fire-cured tobacco (Type 21) of the 1959, 1960, 1961, and 1962 crops, (iii) Fire-cured tobacco (Types 22–23) of the 1960, 1961, and 1962 crops, (iv) Dark air-cured tobacco (Types 35–36) of the 1961 and 1962 crops, and (v) Burley tobacco (Type 31) of the 1960, 1961, and 1962 crops, except that if such Burley tobacco is exported pursuant to a contract with a foreign buyer which was entered into between July 6, 1966 and November 25, 1966 and which was not revised to reduce the sales price $5 per hundredweight the export payment shall be $5 per hundredweight.

(2) Five dollars per hundredweight for all other kinds and crops of eligible tobacco.

(c) CCC reserves the right to reduce the export payment rate, except that any rate reduction (1) shall be effective only after expiration of 90 days following publication thereof in the FEDERAL REGISTER and (2) shall not apply to any contract entered into with CCC under § 1490.6.

(d) The unstemmed-leaf packed weight of unstemmed tobacco shall be the sales weight of the unstemmed tobacco as shown on the invoice and supported by evidence in the exporter's records. The unstemmed-leaf packed-weight equivalent of blackfat shall be the net packed weight of the processed blackfat, less the weight of the oil applied in processing. The unstemmed-leaf packed-weight equivalent of Perique tobacco shall be net sales weight as invoiced to the foreign buyer. The unstemmed-leaf packed-weight equivalent of other kinds of stemmed tobacco shall be the original net packed weight (prior to any further processing) of the stemmed tobacco multiplied by the applicable factors shown below:

Kind of tobacco	Stem content does not exceed		
	3%	6%	10%
Flue-cured	1.30	1.25	1.19
Burley	1.34	1.29	1.23
Fire-cured	1.31	1.25	1.20
Dark air-cured	1.39	1.34	1.28
Virginia sun-cured	1.32	1.27	1.21
Cigar binder and filler	1.53	1.48	1.42
Puerto Rican	1.45	1.40	1.34
Maryland	1.35	1.30	1.24
Cigar wrapper	1.24	1.19	1.13

If the tobacco was not processed by the exporter or an affiliated company, the original net packed weight and stem content shall be based on a statement furnished by the company which processed the tobacco for the use of the exporter in making application for payment. Such statement shall include the representation that weight and stem content, as stated, are supported by company records which for purposes of CCC audit relating to export payments under Tobacco Export Program regulations, shall be considered records of the exporter. If such a statement cannot be obtained, the tobacco shall be considered unstemmed tobacco for the purpose of this program. If the sales weight shown on the invoice is subsequently reduced by agreement between the exporter and the foreign buyer, the exporter shall report and refund to CCC the excess export payment received.

§ 1490.4 Eligible tobacco.

(a) Tobacco eligible for export payment (hereinafter called "eligible tobacco") under this program shall be tobacco which is:

(1) Unstemmed tobacco, or stemmed tobacco, or blackfat, not contained in manufactured products such as, but not limited to, cigarettes, cigars, snuff, or smoking or chewing tobacco packaged for consumer use;

(2) Produced in the United States;

(3) Exported on or after the effective date of this program;

(4) Composed of one or more of the following kinds and types: (i) Flue-cured, types 11–14, (ii) burley, type 31, (iii) fire-cured, types 21–23, (iv) dark air-cured, types 35–36, (v) Virginia sun-cured type 37 (vi) cigar binder, types 51–52, (vii) cigar filler and binder, types 41–44, 53–55, (viii) Puerto Rican, type 46, (ix) Maryland, type 32 (x) cigar wrapper, types 61–62, and (xi) Perique, type 72; and

(5) If exported pursuant to a contract of sale with a foreign buyer, is exported under a contract which was either (i) entered into on or after the effective date of this program if the tobacco is Maryland, type 32, cigar filler, type 41, cigar wrapper, types 61–62, or Perique, type 72; or after July 6, 1966, if any other kind of tobacco; or (ii) revised to reduce the sales price by an amount equal to the export payment for which application is made. Any reduction in the sales price may be made by credit invoices or other standard commercial practice acceptable to the foreign buyer.

(b) If eligible tobacco is exported commingled with other tobacco or additives, the exporter shall certify the weight of the eligible tobacco to CCC.

§ 1490.5 Eligible exporter.

An exporter, to be eligible to participate in this program, must be a person (an individual, corporation, partnership, association, or other business entity) who (a) is engaged in the business of buying or selling tobacco for export, (b) maintains a bona fide business office in the United States for this purpose, and (c) has in such office an agent who is authorized to receive service of process upon behalf of such person.

§ 1490.6 Contracts to export tobacco.

(a) An exporter who desires to obtain an export payment rate which will not be subject to reduction under paragraph (c) of § 1490.3 may submit an offer, during a 90-day period beginning with the date of publication of a rate reduction in the FEDERAL REGISTER, to export eligible tobacco of the then current or prior crops. A crop shall be identified by the calendar year in which the marketing year (July 1 for flue-cured tobacco and October 1 for other kinds of tobacco) for such crop began. If such an offer is accepted by CCC, an exporter who otherwise complies with this program shall receive an export payment at the rate in effect on the date the offer is submitted. The exporter's offer shall state:

(1) That the offer is subject to the terms and conditions of this program in effect at the time the offer was submitted;

(2) The kind and type of tobacco of the then current or prior crops or both which the exporter agrees to export;

(3) The unstemmed-leaf packed-weight or the unstemmed-leaf packed-weight equivalent of the tobacco the exporter agrees to export; and

(4) That the tobacco will be exported within 48 months following the month of acceptance of the exporter's offer by CCC.

(b) The offer, signed by an authorized official of the offeror, shall be submitted to:

Fiscal Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

(c) Any offer containing terms and conditions other than those authorized in this program shall not be accepted. An acceptance by CCC of an exporter's offer shall be made by letter to the exporter giving a contract acceptance number. The contract resulting from such acceptance shall consist of the exporter's offer, CCC's letter of acceptance, and the terms and conditions of this program in effect on the date of submission of the offer. The date of the CCC letter of acceptance shall be the date of the contract.

(d) The exporter shall export or cause exportation of the quantity of eligible tobacco specified in his contract not later than the final date for exportation specified therein, or within such extension of the export period as may for good cause be approved in writing by CCC. If an extension of the exportation period is approved, it may be made subject to such reduction in the export payment rate as may be specified by CCC. The extension may be made before or after the expiration of the export period.

(e) (1) Failure of the exporter to comply with all of the terms and conditions of his contract with CCC will cause serious and substantial losses to CCC, such as damage to its export and price support programs and the incurrence of administrative and other costs. Inasmuch as it will be difficult, if not impossible, to establish the exact amount of such losses, the exporter, in submitting his offer, agrees that the liquidated damages provided in subparagraph (2) of this paragraph are reasonable estimates of CCC's probable actual damages in the event of his breach of the contract.

(2) The exporter shall pay to CCC for each day of delay in exportation after the final date therefor, liquidated damages of 2 cents per hundredweight of tobacco not exported by the final date for exportation, except that such liquidated damages shall not exceed $1 per hundredweight of such tobacco. CCC shall not make any export payment under the contract with respect to eligible tobacco exported more than 90 days after the final date for export.

§ 1490.7 Application for tobacco export payment and evidence of export.

(a) The exporter shall submit an original of an application for tobacco export payment on the form prescribed by CCC to the Fiscal Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. Supplies of the application form may be obtained from that office. The exporter, in order to receive an export payment under this program, must submit the application required by this section within 365 days from the date of export. The exporter shall certify in the application as to the kind, type, form (i.e., unstemmed tobacco, stemmed tobacco, or blackfat) and the quantity of eligible tobacco exported and, in the event the export is made under a contract entered into under § 149.06, the particular crop or crops of tobacco exported and the contract acceptance number. If the tobacco exported is of a kind and crop specified in § 1490.3(b)(1), the exporter shall also certify as to the particular crops exported. Each application for export payment shall show, by type and form, the unstemmed-leaf packed weight or the unstemmed-leaf packed-weight equivalent of the eligible tobacco exported, determined in accordance with § 1490.3(d). When such weight is different from the invoice weight, the computation of the weight on which payment

is claimed shall be certified to CCC. The use of a conversion rate provided for in § 1490.3(d) in determining the unstemmed-leaf packed-weight equivalent shall constitute the exporter's representation that the stemmed tobacco is of the quality, with respect to the percentage of stems remaining therein, to which the conversion factor applies. Applications for export payment shall be supported by the following documentary evidence:

(1) In the case of exportation by water, a nonnegotiable copy of an on-board vessel ocean bill of lading, signed or initialed on behalf of carrier, showing the number of containers of tobacco, the gross weight of the containers, including the tobacco therein, the date and place of loading on board vessel, the name of the vessel, the name and address of the exporter and of the consignee, and the destination.

(2) In the case of exportation by rail, truck, or air, a copy of the bill of lading under which the tobacco was shipped, together with (i) an authenticated landing certificate issued by an official of the Government of the country to which the tobacco was exported, or (ii) a copy of Shipper's Export Declaration authenticated by the appropriate U.S. Customs official. The bill of lading and supporting export form (landing certificate or Shipper's Export Declaration) must apply to the same shipment of tobacco, and such forms, or properly authenticated attachments, must show the number of containers of tobacco, the gross weight of containers including the tobacco therein, the date and place of entry into the country of destination, and the name and address of both the exporter and the person to whom it was shipped.

(3) A copy of the exporter's invoice to the foreign buyer or to the consignee showing the net weight of the tobacco exported.

(4) A certificate by the exporter that either the exportation is not made pursuant to a contract of sale for which a reduction in price is required by §1490.4(a)(5), or the price reduction required by § 1490.4(a)(5) has been or will be promptly made.

(5) If the exporter establishes that for good cause he is unable to supply the specified documentary evidence of export, CCC may accept such other evidence of export as will establish to its satisfaction that the exporter has qualified for an export payment under this program.

(b) Payment shall be made to the eligible exporter whose name appears as shipper or consignor on the bill of lading or other evidence of export required by paragraph (a) of this section. If the shipper or consignor named in the export bill of lading or other evidence of export is other than the exporter filing the application for tobacco export payment, a waiver must be submitted from the shipper or consignor named in such bill of lading or other evidence of export, waiving any interest in the claim for payment in favor of the exporter filing such application.

§ 1490.8 Reentry or transshipment.

If any quantity of tobacco with respect to which an export payment has been made under this program is reentered into the United States in unmanufactured, processed, or manufactured form, or while in the course of shipment is diverted to any ineligible country, whether or not such reentry or diversion is caused by the exporter, or if any quantity of tobacco with respect to which an export payment has been made under this program is transshipped or caused to be transshipped by the exporter to any country or destination not an eligible country, the exporter shall promptly refund to CCC any export payment made with respect to the quantity of tobacco so reentered or transshipped. The exporter shall not be required to make such refund if he establishes to the satisfaction of CCC that (a) the reentry was not due to his fault or negligence and promptly after he received notice of reentry he exported the reentered tobacco, or an equivalent quantity of eligible tobacco with respect to which no export payment has been made, to an eligible country or (b) the tobacco reentered was lost, damaged, or destroyed and its physical condition is such that its reentry will not adversely affect CCC's price support or export programs.

§ 1490.9 Assignments and setoffs.

(a) No assignment shall be made by the exporter of any export payment due under this program, except that subject to paragraph (b) of this section the exporter may assign the payment due the exporter under an application for payment on the form prescribed by CCC to any trust company, Federal lending agency, or other financing institution and, subject to the approval of the Executive Vice President of CCC, assignment may be made to any other person: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment on Form CCC-251, "Notice of Assignment," together with a signed copy of the instrument of assignment, in accordance with the instructions on Form CCC-251: *And provided further*, That any such assignment shall cover all amounts payable and not already paid under such application, shall not be made to more than one person, and shall not be subject to further assignment, except that any such assignment may be made to one person as agent or trustee for two or more persons. The "Instrument of Assignment" may be executed on Form CCC-252, or the assignee may use his own form of assignment. Forms may be obtained from the:

Fiscal Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) If the exporter is indebted to CCC, the amount of such indebtedness may be set off against payments due the exporter under the application form provided for in § 1490.7, except that if an assignment of any payment has been made CCC may set off (1) any amount due CCC with respect to the application for such payment, and (2) any other amounts due CCC if CCC notifies the assignee of such other amounts to be set off at the time acknowledgment was made of the receipt of notice of such assignment. Setoffs as provided herein shall not deprive the exporter of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 1490.10 Records and accounts.

Each exporter shall maintain complete and accurate records of transactions under this program, including contracts of purchase and sale, and storage and other records which will establish that the tobacco upon which export payment is made to the exporter is eligible for payment under this program. Such records shall be available during regular business hours for inspection and audit by authorized employes of the U.S. Department of Agriculture, and shall be preserved for three years after date of export.

§ 1490.11 Officials not to benefit.

No member or delegate to Congress or resident Commissioner shall be admitted to any benefit that may arise from any provision of this program, but this prohibition shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 1490.12 Amendment and termination.

This program may be amended or terminated by publishing such amendment or termination in the FEDERAL REGISTER, except that any such termination shall be effective 90 days after publication of the notice of termination in the FEDERAL REGISTER. A notice of termination shall be considered a rate reduction for purposes of §§ 1490.3 and 1490.6. Any such amendment or termination shall not be applicable to exports made prior to the date such amendment or termination becomes effective or to tobacco for which an offer to export has been accepted by CCC in accordance with § 1490.6.

The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on August 18, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

D. M. RUBEL,
Acting Vice President, Commodity Credit Corporation, Acting Administrator, Foreign Agricultural Service.

NOTICE TO EXPORTER

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet bloc or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department regulations (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the Shipper's Export Declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

[F.R. Doc. 69-9965; Filed, Aug. 19, 1969; 9:32 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9502; Amdt. 39-822]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Model PC-6 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the installation of a new pivot bolt at the hatch door operating bellcrank on certain Pilatus Model PC-6 airplanes was published in 34 F.R. 5952.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PILATUS. Applies to Model PC-6 Airplanes, Serial Nos. 1 through 701, 2001 through 2018, 2023, 2025 through 2029, 2040 and 2041.

Compliance required within the next 300 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent rotation of pivot bolt P/N 6203.25 located at the hatch door operating bellcrank, replace with a new pivot bolt P/N 112.40.06.120 in accordance with Pilatus Service Bulletin No. 88, dated December 1968, or later Swiss Federal Air Office-approved issue, or an FAA-approved equivalent.

This amendment becomes effective September 20, 1969.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423, and of section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 14, 1969.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-9940; Filed, Aug. 20, 1969; 8:49 a.m.]

[Docket No. 9568; Amdt. 39-823]

PART 39—AIRWORTHINESS DIRECTIVES

Viscount Models 744 and 745D Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the existing engine starter selector relay locking nut, bolt and washers on certain Vickers Viscount Models 744 and 745D Series airplanes was published in 34 FR 7249.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Models 744 and 745D Series Airplanes equipped with aluminum heavy duty cable lugs connected to the engine starter selector relay.

Compliance required within the next 1,500 hours' time in service after the effective date of this AD, unless already accomplished. To prevent the overheating of the aluminum heavy duty cable lugs during engine starting replace the existing engine starting selector relay locking nut, bolt, and washers with a captive locking nut P/N 80236 Sht. 893, revised securing bolt P/N 72436-2749 and washers 74736-287, in accordance with British Aircraft Corp., Viscount Modification Bulletin No. D.3219 Issue 1, dated September 9, 1968, or later ARB-approved issue or an FAA-approved equivalent. The aluminum cable lug connections to engine starter selector relays are located in the main landing gear wheel bay at Nose Rib Station 131, LH and RH wings.

This amendment becomes effective September 20, 1969.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423, and of section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 14, 1969.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-9941; Filed, Aug. 20, 1969; 8:49 a.m.]

[Airspace Docket No. 69-AL-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Federal Airway and Jet Route

On June 28, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9999) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would designate a Federal airway and jet route from Anchorage, Alaska, via Talkeetna, Alaska, Nenana, Alaska, to the Chandalar Lake, Alaska, RBN.

Interested persons were afforded an opportunity to participate in the proposed rule making by the submission of comments. No comments were received.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

1. Section 71.125 (34 F.R. 4543) is amended as follows:

a. In V-436 "12 AGL Anchorage, Alaska." is deleted and "Anchorage, Alaska; Talkeetna, Alaska; Nenana, Alaska; Chandalar Lake, Alaska RBN." is substituted therefor.

2. Section 75.100 (34 F.R. 4856) is amended as follows:

a. The title and text of Jet Route No. 125 is amended to read as follows:

Jet Route No. 125 (Kodiak, Alaska, to Chandalar Lake, Alaska). From Kodiak, Alaska, via Anchorage, Alaska; Talkeetna, Alaska; Nenana, Alaska; to Chandalar Lake, Alaska.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348 and Sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 15, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9938; Filed, Aug. 20, 1969; 8:49 a.m.]

[Docket No. 9742; Amdt. 91-65]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Use of Parachutes in Aerobatic Flight

Correction

In F.R. Doc. 69-9356, appearing at page 12882 of the issue of Friday, August 8, 1969, the amendment relating to § 91.71 should be corrected by adding the following after item 1 of the amendatory language:

In § 91.71, delete the figure "(a)" from the beginning of paragraph (a) and re-

designate subparagraphs "(1)" through "(5)" thereof, respectively, as (a), (b), (c), (d), and (e).

[Docket No. 9763; Amdt. 121-49]

PART 121—CERTIFICATION AND OPERATIONS: AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Clarification of Proving Tests Requirements

The purpose of this amendment of § 121.163 of the Federal Aviation Regulations is to clarify the requirement that proving tests be performed under the observation of the Administrator.

Section 121.163 now states that in addition to aircraft certification tests, an aircraft must have a set minimum number of proving test hours under the observation of the Administrator before an air carrier or commercial operator may operate the aircraft. The present wording of this section, read in light of the preamble to Amendment 121-42, published July 19, 1968, indicates that an FAA inspector must be on board the aircraft before the flight hours can be credited toward the proving test requirement. However, prior to Amendment 121-42, the FAA did not actually observe every flight. The usual proving test procedure is that an operator proposing to conduct a proving test submits a program detailing the tests and procedures to be demonstrated. The inspector then reviews the program for compliance with appropriate requirements and meets with the operator's personnel to discuss establishment of a proving test program.

The nature of the factors to be evaluated will govern the demonstrations comprising each program. In the case of an aircraft not before proven, the tests are primarily required to demonstrate aircraft reliability, while in the case of an aircraft having substantial air carrier service, but new to the operator concerned, the proving tests are essentially a demonstration of the operator's competence to handle the aircraft. In either event, the tests are conducted in accordance with a program submitted by the air carrier and acceptable to the Administrator. Under this procedure an FAA inspector determines which tests require his presence on board the aircraft as an observer in order for them to be acceptable to the Administrator, as well as those tests which are acceptable without being observed by the FAA. Therefore, § 121.163 is being amended to delete the requirement that all proving flights must be observed by the Administrator, thereby making it possible for the FAA to administer the rule in a manner consistent with established administrative procedures. To accomplish this, the words "acceptable to the Administrator" have been substituted for the words "under the Administrator's observation" in all places where they appear in the rule.

Since this amendment is clarifying in nature and does not impose a burden on the public, I find that notice and public procedure thereon are unnecessary and that the amendment may be made effective on less than 30 days notice.

In consideration of the foregoing, § 121.163 of the Federal Aviation Regulations is amended, effective September 20, 1969, as follows:

1. By striking out the words "under the Administrator's observation" in paragraph (a) and inserting the words "acceptable to the Administrator" in place thereof.

2. By striking out the words "as determined by the Administrator" in paragraph (a).

3. By amending paragraph (b)(1) to read as follows:

(1) The aircraft has had at least 50 hours of tests acceptable to the Administrator, including a representative number of flights into enroute airports; or

* * * * *

(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1424, and of sec. 5(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C. on August 14, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-9939; Filed, Aug. 20, 1969; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 247—GUIDES FOR THE LADIES' HANDBAG INDUSTRY

Notice of Extension of Effective Date

The Commission announced that the effective date of its Guides for the Ladies' Handbag Industry has been extended in one area to December 31, 1969. The extension applies to labeling requirements of in-stock handbags which were manufactured prior to the promulgation of the Guides on June 27, 1969. All other provisions of the Guides become effective on August 26, 1969, as previously announced.

Issued: August 20, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-9953; Filed, Aug. 20, 1969; 8:50 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter II—Tennessee Valley Authority

PART 301—PROCEDURES

Obtaining of Approval for Construction in the Tennessee River System

On July 24, 1969, the Board of Directors of the Tennessee Valley Authority authorized a change in the delegation of certain duties with respect to administration of section 26a of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831y-1). The Board has also restricted the means of flotation acceptable on structures requiring approval under section 26a. To carry out the authorized change in delegation and to give notice of the restriction, § 301.2 is amended by revising paragraphs (e), (f), and (h) thereof and by adding to it a new paragraph (i), as follows:

§ 301.2 Obtaining of approval for construction in the Tennessee River System.

* * * * *

(e) *Determination of request.* Subject to the necessity for Board approval of structures coming within the terms of section 26a, administration of the handling of applications has been delegated to TVA's Division of Reservoir Properties. This division conducts preliminary investigations and conducts hearings when requested by the applicant or when the Board or the director of the division feels that a hearing is necessary in determining the issues presented by the application. Upon completion of the investigation and hearing, if any, the director makes a report to the Board and recommends approval or disapproval of the project. The Board then makes a final determination based upon the application and supporting papers, the report of investigation, the transcript of the hearing, if any be held, and the recommendation of the director.

(f) *Hearings.* (1) If the applicant requests a hearing or if the Board or director deems a hearing necessary, the director gives notice of the hearing to the applicant and to all known interested parties. The notice indicates the place and time of hearing, customarily 30 days after notice, and so far as feasible indicates the particular issues to which the hearing will pertain.

(2) Hearings may be conducted by the director and/or such other person or persons as he may designate for that purpose. Hearings are public and are conducted in an informal manner. All persons or parties having any direct interest in the construction of the project are invited to attend and participate in the hearing. They may be represented by counsel or other persons of their choosing. Technical rules of evidence are not observed although reasonable bounds are maintained as to relevancy, materiality, and competency. Evidence may be presented orally or by written statement and need not be under oath. After the hearing has been completed, additional evidence will not be received unless it presents new and material matter that could not be presented at the hearing.

(3) Where construction of the project also requires the approval of another agency of the Government before whom a hearing is to be held, the director may arrange with such agency to hold a joint hearing.

(h) *Structures within the flowage easement areas of Fort Loudoun and Douglas Reservoirs.* The Board of Directors has established the following special provisions relating to the approval of structures to be constructed on land which is subject to flowage easements acquired by the United States and which lies above elevation 815 (expressed in feet above mean sea level) in the Fort Loudoun Reservoir on the Tennessee River and above elevation 1,002 in the Douglas Reservoir on the French Broad River, a tributary of the Tennessee River:

* * * * *

(2) Structures or groups of structures proposed for construction on such land, which are not designed for human habitation and are to be constructed at a cost in excess of $1,000, and which the Director of the Division of Reservoir Properties finds will not be damaged seriously when flooded, will not require approval by the Board of Directors and may be constructed after receipt of notice from the Division of Reservoir Properties that, in the opinion of the director, the property will not be seriously damaged when flooded.

* * * * *

(i) *Flotation Material for Floating Structures.* Because of the hazard to navigation from metal drums that become partially filled with water and escape from docks, boathouses, houseboats, floats, and other water-use facilities on which they are used for flotation, the Board of Directors has prohibited use of metal drums for flotation of any new facilities requiring approval under section 26a of the TVA Act before being constructed or placed on any TVA reservoir. Metal drums in use on January 1, 1968, for flotation of existing facilities on TVA reservoirs must be replaced not later than January 1, 1972, with some type of permanent flotation device or material, for example, pontoons made of steel, aluminum, fibre glass, or plastic foam. Metal drums filled with plastic foam or other approved flotation material and securely fastened in place are acceptable both for flotation of new facilities and for replacement of metal drums on existing facilities.

(Sec. 26a, 49 Stat. 1079; 16 U.S.C. 831y-1)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: August 14, 1969.

TENNESSEE VALLEY AUTHORITY,
L. J. VAN MOL,
General Manager.

[F.R. Doc. 69-9936; Filed, Aug. 20, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 148n—OXYTETRACYCLINE

Sterility Requirement

No comments were received in response to the notice published in the FEDERAL REGISTER of June 14, 1969 (34 F.R. 9394), proposing that § 148n.23 of the antibiotic drug regulations be revised to make sterility a certification requirement for the subject drug. The Commissioner of Food and Drugs concludes that the proposal should be adopted as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), § 148n.23 is revised to read as follows:

§ 148n.23 Oxytetracycline hydrochloride-hydrocortisone acetate ophthalmic and otic suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride-hydrocortisone acetate ophthalmic and otic suspension is oxytetracycline hydrochloride and hydrocortisone acetate in a suitable and harmless oil base containing aluminum tristearate. Its potency is 5 milligrams of oxytetracycline per milliliter. It contains 15 milligrams of hydrocortisone acetate per milliliter. It is sterile. Its moisture content is not more than 1 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 148n.2(a)(1)(i), (iii), (vi), (vii), (viii), and (ix). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) Oxytetracycline hydrochloride used in making the batch for potency, toxicity, moisture, pH, absorptivity, crystallinity, and identity.

(*b*) The batch for potency, sterility, and moisture.

(ii) Samples required:

(*a*) Oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 5 immediate containers.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 148n.1(b)(1)(i) or (ii), except prepare the sample as follows: Place a representative portion of the sample (usually 1.0 milliliter, accurately measured) in a glass blending jar containing 1.0 milliliter of polysorbate 80 and 199 milliliters of 0.1*N* hydrochloric acid. Using a high-speed blender, blend the mixture for approximately 3 minutes and make proper estimated dilutions to the prescribed reference concentration in 0.1*M* potassium phosphate buffer, pH 4.5. The potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of oxytetracycline that the suspension is represented to contain.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use 0.25 milliliter of the sample in lieu of 1 milliliter.

(3) *Moisture.* Proceed as directed in § 141a.8(b) of this chapter.

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 14, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9903; Filed, Aug. 20, 1969; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

In Part 200 in the Table of Contents § 200.83a is amended as follows:

Sec.
200.83a Assistant Commissioner for Property Disposition and Deputy; and Director, Albuquerque, New Mexico Insuring Office and Deputy.

In § 200.83a the heading and paragraph (a) and the introductory text of paragraph (b) are amended to read as follows:

§ 200.83a Assistant Commissioner for Property Disposition and Deputy; and Director, Albuquerque, New Mexico Insuring Office and Deputy.

(a) To the positions of Assistant Commissioner for Property Disposition and Deputy there is hereby delegated the authority to execute the functions, powers, and duties delegated to the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner with respect to community disposition activities under delegation of the Secretary of Housing and Urban Development effective June 5, 1966 (31 F.R. 6839).

(b) To the positions of Director, Albuquerque, N. Mex., Insuring Office and Deputy there are delegated the following authorities with respect to the functions referred to in paragraph (a) of this section:

(1) * * *
(2) * * *
(3) * * *

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61,

as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 907, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., August 14, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-9945; Filed, Aug. 20, 1969; 8:49 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 326—PUBLIC USE OF CERTAIN NAVIGABLE RESERVOIR AREAS

Claiborne and Millers Ferry Reservoir Areas

The Secretary of the Army having determined that the use of Claiborne and Millers Ferry Reservoir Areas by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, adding them to the list in § 326.1(c), pursuant to the provisions of section 4 of the Flood Control Act of 1944 as amended (76 Stat. 1195), as follows:

§ 326.1 Areas covered.

* * * * * * *

(c) * * *

ALABAMA

* * * * * * *

Claiborne Reservoir Area, Alabama River.
Millers Ferry Reservoir Area, Alabama River.

* * * * * * *

[Regs., July 24, 1969, ENGCW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative & Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-9896; Filed, Aug. 20, 1969; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory birds; for individual wildlife refuge areas.

ALABAMA

EUFAULA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Eufaula National Wildlife Refuge, Ala., is permitted only on those areas designated by signs as open to hunting. These open areas, comprising 306 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions:

(1) Hunting dates and hours are as follows:

(a) Houston Tract Unit—(central daylight saving time) October 4 (12 noon until 6:21 p.m.); October 11 (12 noon until 6:12 p.m.); October 18 (12 noon until 6:04 p.m.); October 25 (12 noon until 5:56 p.m.); (c.s.t.)—November 1 (12 noon until 4:49 p.m.); November 8 (12 noon until 4:44 p.m.).

(b) Davis Unit (c.s.t.)—December 20 (12 noon until 4:38 p.m.); December 27 (12 noon until 4:42 p.m.); and January 3, 1970 (12 noon until 4:46 p.m.).

(2) Each hunter must have on his person, a validated refuge hunting permit. Permits will be issued at the refuge on each day of the hunt on a first-come-first-served basis.

(3) No hunters will be permitted within hunting areas before 11:45 a.m. each day.

(4) All firearms must be encased and/or unloaded when outside designated hunting area.

(5) Each hunter who successfully takes a limit of mourning doves must leave the hunting area immediately.

(6) Retrievers used by hunters shall be under the control of the owner at all times.

(7) All hunters must check in and out of the refuge at the designated checking station.

(8) All litter (paper, empty shell boxes, etc.) must be removed by individual hunters.

(9) Wounded or dead doves falling outside the hunting area may be recovered, but firearms must be left inside hunting area.

(10) Vehicle parking will be limited to areas designated by refuge personnel.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

WHEELER NATIONAL WILDLIFE REFUGE

General Conditions—Hunting shall be in accordance with applicable State regulations. Portions of the refuge which are open to hunting are designated by signs and/or delineated on maps. Maps are available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323.

Quail, rabbits, gray squirrels, raccoons, and opossum may be hunted in accordance with the following special conditions:

(1) Hunting shall be by permit only. Permits may be obtained from the Refuge Manager under prescribed conditions.

(2) Crows and foxes (nonprotected species) may be hunted during periods prescribed for other game species.

(3) Foxes may be hunted with dogs at other times of the year under conditions set forth in permits obtainable from the Refuge Manager.

(4) Gray squirrels may be hunted October 15 through 18, 1969.

(5) Raccoons and opossums may be hunted February 9 through 14, 1970.

(6) Rabbits may be hunted February 17 through 21, 1970.

(7) Quail may be hunted February 25 through 28, 1970.

(8) Both shotguns and .22 rimfire rifles may be used for squirrel hunting, but only shotguns may be used for other species listed.

(9) No hunting is permitted within 100 yards of buildings on the refuge or adjoining the refuge boundary.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the St. Marks National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,800 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of upland game.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer, bear, and wild hog on the St. Marks National Wildlife Refuge, Fla., is permitted only in the area designated by signs as open to hunting. This open area, comprising 1,800 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer, bear and wild hog.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting for deer on Blackbeard Island National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres, is delineated on a map available at the refuge headquarters, Route 1, Hardeeville, S.C. 29927, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Deer of either sex may be taken during the following open periods: October 22–25, 1969; November 26–29, 1969; and December 30, 31, 1969, and January 1, 2, 1970.

(2) Hunting hours will be from daylight to 9:30 a.m. and from 3:30 p.m. to sunset daily.

(3) The season bag limit is two deer of either sex.

(4) Raccoons may also be taken during the above season.

(5) Only bows and arrows may be used. Bows must have not less than 40 pounds pull and arrows must be broadhead, seven-eights inch or more in width. Firearms, crossbows, and mechanical bows are prohibited.

(6) Dogs are prohibited.

(7) Camping and fires will be permitted only at the designated camping area.

(8) Participants must arrange their own transportation to the island and may not enter the refuge more than 3 days in advance of each opening date.

(9) Hunters will be restricted to the camping area until the morning of the first day of each hunt period.

(10) A Federal permit is required. Permit applications must be received by the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927, by the following dates:

October 15 for the hunt beginning October 22;

November 19 for the hunt beginning November 26;

December 22 for the hunt beginning December 30.

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Piedmont National Wildlife Refuge, Ga., is permitted on the refuge except in those areas designated by signs as closed. The open area, comprising approximately 32,000 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Open season and bag limit: (a) Archery hunt open October 1 through October 12, 1969. Limit of two bucks, or one buck and one doe (or anterless deer); (b) Bucks-only hunt open November 3 and 4, 1969. Limit of two bucks; (c) Either-sex hunt open December 6, 1969. Limit of one deer of either sex.

(2) Additional species: Bobcats, foxes, and raccoons may be taken on all deer hunts.

(3) Buckshot and handguns may not be used or possessed. Target practice during the gun hunts is prohibited.

(4) All deer killed must be checked in at refuge headquarters on the same day they are killed.

(5) Dogs are prohibited.

(6) Hunters are allowed on portions of the refuge open to deer hunting from 6 a.m. to 8:30 p.m. (e.d.t.) on October 1 through 12, 1969; from 5:30 a.m. to 7 p.m. (e.s.t.) on November 3 and 4, 1969, and December 6, 1969.

(7) Camping and fires are restricted to the designated camping area in Compartment 19. The camping area will be open on the following dates: September 26 through October 13, 1969; October 24 through 27, 1969; November 2 through 5, 1969, and December 5 through 7, 1969.

(8) Hunters not having reached their 18th birthday must be under the immediate supervision of an adult.

(9) Hunting is prohibited on or from county or State maintained roads within the refuge.

(10) Firearms containing ammunition in the magazine and/or chamber are prohibited in vehicles on all roads within the refuge.

(11) Hunt permits are nontransferable.

(12) Hunters must furnish and wear either red, orange, or yellow caps, hats, vests, coats or coveralls while hunting on the refuge on November 3 and 4, 1969, and December 6, 1969.

(13) It is unlawful to drive a nail, spike, or other metal object into any tree or to hunt from any tree in which a nail, spike or other metal object has been driven.

(14) Apprehension of a permittee for any infraction of refuge regulations shall be cause for immediate revocation of his hunt permit by any officer authorized to enforce refuge regulations.

(15) All areas open for hunting may be visited for scouting purposes on September 27 and 28, 1969, and on October 25 and 26, 1969.

(16) A Federal permit is required to enter the public hunting area on November 3 and 4, 1969, and on December 6, 1969. Permits will be limited to 1,500 for the November 3 and 4, 1969, hunt and 3,000 for the December 6, 1969, hunt. Hunters will be selected by an impartial public drawing from applications received. Application for this permit must be made on the form available from the Piedmont National Wildlife Refuge, Round Oak, Ga. 31080. Completed applications must be in the office of the Piedmont National Wildlife Refuge by 4:30 p.m. (e.d.t.) on October 1, 1969. Submission of more than one application for each hunter shall be cause for rejection of all his applications and is a violation of hunt regulations. All applications must be filled out completely including State hunting license number and signature.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 13, 1969.

[F.R. Doc. 69-9904; Filed, Aug. 20, 1969; 8:46 a.m.]

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Havasu National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 24,200 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—white-winged and mourning doves, from September 1 through September 28, 1969, inclusive; mourning doves only, from December 21, 1969, through January 11, 1970, inclusive. California—white-winged and mourning doves, from September 1 through September 30, 1969, inclusive; and November 29 through December 14, 1969, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special condition:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 11, 1970.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 10,500 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—white-winged and mourning doves, from September 1 through September 28, 1969, inclusive; mourning doves only, from December 21, 1969, through January 11, 1970, inclusive. California—white-winged and mourning doves, from September 1 through September 30, 1969, inclusive; and November 29 through December 14, 1969, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of

doves. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 11, 1970.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, rails, woodcock, and Wilson's snipe on the Flint Hills National Wildlife Refuge, Kans., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,906 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: mourning doves, from September 1 through October 30, 1969, inclusive; rails, from September 1 through November 9, 1969, inclusive; woodcock, from October 18 through December 21, 1969, inclusive; and Wilson's snipe, from October 1 through November 19, 1969, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves, rails, woodcock, and Wilson's snipe subject to the following special condition:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 21, 1969.

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Kirwin National Wildlife Refuge, Kans., is permitted from September 1 through October 30, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of doves. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 30, 1969.

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, sora and Virginia rails, and gallinules on the Quivira National Wildlife Refuge, Kans., is permitted during the early teal season from September 13 through September 21, 1969, inclusive, but only on the areas designated by signs as open to hunting. This open area, comprising 7,990 acres, is delineated on maps available at refuge headquarters, Stafford, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, rails and gallinules.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 21, 1969.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted from September 1 through September 30, 1969, inclusive; and from November 29 through December 28, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,000 acres, is delineated on maps available at refuge headquarters, Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 28, 1969.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions:

(1) The open season for hunting mourning doves on the refuge extends from September 1 through September 30, 1969, inclusive.

(2) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1969.

F. VICTOR SCHMIDT,
Acting Regional Director,
Albuquerque, N. Mex.

AUGUST 15, 1969.

[F.R. Doc. 69-9905; Filed, Aug. 20, 1969; 8:46 a.m.]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Prime Hook National Wildlife Refuge, Del., is permitted on Hunting Areas A and B within the regularly established 1969–70 hunting seasons of the State of Delaware. This open upland game hunting area, comprising approximately 6,100 acres, is delineated on maps available at refuge headquarters, Rural Delivery No. 1, Box 195, Milton, Del. 19968, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in title 50, Code of Federal Regulations, Part 32, and are effective through April 30, 1970.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1969.

[F.R. Doc. 69-9912; Filed, Aug. 20, 1969; 8:46 a.m.]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Bombay Hook National Wildlife Refuge, Del., is permitted during the regular State seasons on the upland game hunting area designated by signs as open to hunting. This open upland game hunting area, comprising 141 acres, is delineated on maps available at refuge headquarters, Smyrna, Del. 19977, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in title 50, Code of Federal Regulations, Part 32, and are effective through April 30, 1970.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1969.

[F.R. Doc. 69-9907; Filed, Aug. 20, 1969; 8:46 a.m.]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer on Prime Hook National Wildlife Refuge, Del., is permitted within the regularly established 1969–70 hunting season of the State of Delaware. This open deer hunting area, comprising approximately 6,100 acres, is delineated on a map available at the refuge headquarters, Rural Delivery No. 1, Box 195, Milton, Del. 19968, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1969.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1969.

[F.R. Doc. 69-9908; Filed, Aug. 20, 1969; 8:46 a.m.]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

The public hunting of migratory birds on Prime Hook National Wildlife Refuge is permitted within the regularly established 1969–70 Waterfowl Hunting Season of the State of Delaware, but only within the 2,526 acre waterfowl hunting area as delineated on a map available at the refuge headquarters, Rural Delivery No. 1, Box 195, Milton, Del. 19968 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of migratory birds subject to the following special conditions:

(1) A Federal permit is required to enter the waterfowl hunting area. Permits may be obtained in person at the combined Federal-State checking station, intersection of Routes 5 and 14, from 2 hours before legal shooting time until 3 p.m., e.s.t., throughout the hunting season, and surrendered at the checking station within 1 hour after the close of legal shooting hours.

(2) Hunting shall be only from blinds at locations designated by refuge personnel. The possession of a loaded gun or shooting outside of a blind while hunting migratory game birds is prohibited.

(3) Access to the waterfowl hunting area will be at the refuge headquarters, and other designated access points.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1970.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1969.

[F.R. Doc. 69-9909; Filed, Aug. 20, 1969; 8:46 a.m.]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, brant, and coots on the Bombay Hook National Wildlife Refuge, Del., is permitted on areas designated by signs as open to hunting including the South Public Hunting Area, the West Public Hunting Area, the Youth Hunt Area, and the Upland Game Hunting Area. These open areas are delineated on maps available at the refuge headquarters, Smyrna, Del., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, brant, and coots subject to the following special conditions:

(1) Hunting is permitted on the West Public Hunting Area from one-half hour before sunrise to 12 noon local standard time, Tuesdays, Thursdays, and Saturdays during the goose season.

(2) Hunting in the South, West, and Youth Hunt Public Hunting Areas shall be from existing numbered blinds. The possession of a loaded gun or shooting while outside of a blind is prohibited on these areas.

(3) No person shall have in his possession or use in one day more than 10 shells on the West Public Hunting Area.

(4) The necessary permit to enter the South Public Hunting Area may be obtained from one hour before shooting time until 3 p.m. local standard time at the checking station located at Port Mahon. The necessary permit to enter the West Public Hunting Area may be obtained by applying to the Refuge Manager for advance reservation. The permits for advance reservations will be canceled if the holder is not present one hour prior to the start of legal shooting time on the date of his reservation. These forfeited permits and permits not reserved by advance reservation will be awarded to other hunters by lot on the morning of the hunt. All hunters will check out through the headquarters checking station prior to leaving the refuge.

(5) Each hunting permittee using the West Public Hunting Area will pay a blind fee of $5 on the day of the hunt. A User Fee of $1 per hunter will be charged on the South Public Hunting Area.

(6) Not more than four persons may occupy a blind at any one time on the West Public Hunting Area nor more than three on the South Public Hunting Area.

(7) The Youth Hunt Area will be open on Saturdays and holidays to young hunters who present evidence of having completed the prescribed training program. Two youths accompanied by an instructor who may not discharge a firearm may use one blind.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1970.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1969.

[F.R. Doc. 69-9910; Filed, Aug. 20, 1969; 8:46 a.m.]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

The public hunting of rails and gallinules, mourning doves, woodcock, and common snipe on Bombay Hook National Wildlife Refuge is permitted within the regularly established 1969–70 seasons of the State of Delaware; but only on the area designated by signs as open to hunting. This open area, comprising 141 acres, is delineated on a map available at the refuge headquarters, Smyrna, Del. 19977, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of rails and gallinules, mourning doves, woodcock, and common snipe.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1969.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1969.

[F.R. Doc. 69-0911; Filed, Aug. 20, 1969; 8:46 a.m.]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer with shotguns on the Bombay Hook National Wildlife Refuge, Del., is permitted only on the deer hunting area and upland hunting area designated by signs as open to hunting. These open deer hunting areas are delineated on maps available at refuge headquarters, Smyrna, Del. 19977 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer with firearms subject to the following special condition:

(1) A Federal permit is required and may be obtained by applying to the Refuge Manager in writing for an advance reservation. An individual with an advance reservation will forfeit his permit if he is not present 1 hour prior to the start of legal shooting time on the date of his reservation. These forfeited permits and permits not reserved by advance reservations will be awarded to other hunters by lot one-half hour before the start of legal shooting time. The number of hunters admitted to the open area at one time will be restricted to 50 and a User Fee of $1.00 per hunter will be charged. Permits must be surrendered prior to departure from the refuge and deer taken must be checked out at refuge headquarters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1970.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1969.

[F.R. Doc. 69-9906; Filed, Aug. 20, 1969; 8:46 a.m.]

PART 32—HUNTING

Certain National Wildlife Refuges

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KENTUCKY

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons and squirrels on the Reelfoot National Wildlife Refuge, Ky., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

Raccoons

(1) Raccoons may be taken without limit on the refuge area from September 22 through September 27, 1969, and October 6 through October 11, 1969.

(2) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(3) The use of guns and dogs is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit will not be required; however, all hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn. 38254.

Squirrels

(1) Squirrels may be hunted on the refuge from September 15 through September 20, 1969, and from September 29 through October 4, 1969.

(2) The hunting of crows, woodchucks, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

(5) A Federal permit is not required to enter the public shooting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 11, 1969.

TENNESSEE

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons and squirrels on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,585 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

Raccoons

(1) Raccoons may be taken without limit on the Grassy Island area of the refuge on September 22, 24, and 26, 1969, and October 6, 8, and 10, 1969. Raccoons may be taken without limit on the North Unit of the refuge from September 22 through September 27, 1969, and October 6 through October 11, 1969.

(2) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(3) The use of guns and dogs is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit will not be required; however, all hunters will be required to check in and check out at the designated check station, the location of which may obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn.

Squirrels

(1) Squirrels may be hunted on the refuge from September 15 through September 20, 1969, and from September 29 through October 4, 1969.

(2) The hunting of crows, woodchucks, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

(5) A Federal permit is not required to enter the public shooting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 11, 1969.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on Lake Isom National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,350 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

Squirrels

(1) Squirrels may be hunted on the refuge from September 15 through September 20, 1969, and from September 29 through October 4, 1969.

(2) The hunting of crows, woodchucks, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and 22 caliber rifles are permitted.

(4) Dogs are not permitted.

(5) A Federal permit is not required to enter the public shooting area.

Raccoons

(1) Raccoons may be taken without limit on the refuge on September 23, 25, and 27, 1969, and October 7, 9, and 11, 1969.

(2) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(3) The use of dogs and guns is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit will not be required; however, all hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn. 38254.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 11, 1969.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 15, 1969.

[F.R. Doc. 69-9959; Filed, Aug. 20, 1969; 8:50 a.m.]

PART 32—HUNTING

Moosehorn National Wildlife Refuge, Maine

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Moosehorn National Wildlife Refuge, Maine, is permitted, except on areas designated by signs as closed, during the State firearms season. This open area, comprising 21,000 acres, is delineated on maps available at refuge headquarters, Post Office Box X, Calais, Maine 04619, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1969.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 24, 1969.

[F.R. Doc. 69-9914; Filed, Aug. 20, 1969; 8:47 a.m.]

PART 32—HUNTING

Parker River National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese (except snow geese), brant, and coots on the Parker River National Wildlife Refuge, Mass., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,085 acres, and known as the Pine Island Hunting Area, Parker River Hunting Area, Nelson's Island Hunting Area, and the Youth Hunting Area, are delineated on maps available at refuge headquarters, Newburyport, Mass., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, brant, and coots, subject to the following special conditions:

(1) The number of hunters on the Pine Island Area will be limited to 25 each day, Parker River Area to 50 each day, and the Nelson's Island Area to 50 each day. Participation will be on a first-come, first-served basis from Monday through Friday, except holidays. Participation on Saturdays and holidays will be by advance permit.

(2) The Youth Hunting Area will be open during the regular State waterfowl season for Young Waterfowl trainees on selected Saturdays in October and November under the provisions and limitations of this special program. Literature describing this program is also available.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 30, 1970.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1969.

[F.R. Doc. 69-9913; Filed, Aug. 20, 1969; 8:46 a.m.]

PART 32—HUNTING

Yazoo National Wildlife Refuge, Miss.

The following special regulations are issued and are effective upon publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of squirrels and raccoons on the Yazoo National Wildlife Refuge, Miss., is permitted on all the refuge except for that area which lies within 250 yards of the refuge headquarters, personnel housing, or equipment buildings. This open area, comprising approximately 7,000 acres, is delineated on a map available at the refuge headquarters, Route 1, Hollandale, Miss. 38748, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels and raccoons, subject to the following special conditions:

(1) The open season for squirrels extends from October 20 through November 1, 1969, Sundays excluded; and the open season for raccoons extends from December 1 through December 13, 1969; Sundays excluded.

(2) No dogs permitted during the squirrel hunt; however, dogs may be used in the process of taking raccoons.

(3) Raccoon hunting permitted from dark to daylight only.

(4) Firearms limited to 10 gauge shotguns or smaller (buckshot and slugs prohibited), and .22 caliber rifles or pistols (rimfire only).

(5) No firearms may be discharged within 250 yards of Refuge headquarters or residences.

(6) Carrying of loaded firearms in vehicles is prohibited and shooting from vehicles or shooting from or across State or County roads is prohibited.

§ 32.32 Special regulations governing the hunting of big game on national wildlife refuges.

Public hunting of deer on the Yazoo National Wildlife Refuge is permitted

only on the areas designated by signs as open to hunting. This open area, comprising approximately 7,000 acres is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all State regulations governing the hunting of deer subject to the following special conditions:

(1) Open Season: Archery—October 1–18 and November 5–19, 1969. Gun—December 29, 1969–January 3, 1970. Sundays excluded.

(2) Bag Limit—One deer of either sex during each hunt period. Maximum two deer per season.

(3) Weapons. Archery—Longbows only, crossbows prohibited. No firearms permitted on the refuge during the archery hunt. Gun—Only 10-gauge, 12-gauge, 16-gauge, or 20-gauge shotguns or rifles larger than .22 caliber may be used.

(4) A refuge deer hunting permit is required for the gun hunt.

(5) Firearms may not be discharged within 250 yards of residences or the refuge headquarters. The carrying of loaded firearms in vehicles, and shooting from or across county or State roads is prohibited.

(6) All deer killed must be checked out at a refuge checking station.

(7) Hunters may enter the hunting area no earlier than 1 hour before sunrise and must depart the hunting area no later than 1 hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 3, 1970.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 12, 1969.

[F.R. Doc. 69-9915; Filed, Aug. 20, 1969; 8:47 a.m.]

PART 32—HUNTING

Certain National Wildlife Refuges in Nevada

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Nevada.

General Conditions: Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuges:

Fallon National Wildlife Refuge, Post Office Box 592, Fallon, Nev. 89406.

Pahranagat National Wildlife Refuge, Post Office Box 440, Las Vegas, Nev. 89101.

Special Condition: The use of motors on boats is not permitted.

Ruby Lake National Wildlife Refuge, Ruby Valley, Nev. 89833.

Special Condition: Waterfowl only may be hunted.

Stillwater Wildlife Management Area, Post Office Box 592, Fallon, Nev. 89406.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game may be hunted on the following refuge areas:

Fallon National Wildlife Refuge, Post Office Box 592, Fallon, Nev. 89406.

Pahranagat National Wildlife Refuge, Post Office Box 440, Las Vegas, Nev. 89101.

Charles Sheldon Antelope Range, Nev. (Headquarters: Post Office Box 111, Lakeview, Oreg. 97630.)

Stillwater Wildlife Management Area, Post Office Box 592, Fallon, Nev. 89406.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Desert National Wildlife Range, 1500 North Decatur Boulevard, Las Vegas, Nev. 89108.

Special Condition: Desert bighorn sheep only.

Charles Sheldon Antelope Range, Nev. (Headquarters: Post Office Box 111, Lakeview, Oreg. 97630.)

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

TRAVIS S. ROBERTS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

AUGUST 15, 1969.

[F.R. Doc. 69-9916; Filed, Aug. 20, 1969; 8:47 a.m.]

PART 32—HUNTING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Iroquois National Wildlife Refuge, N.Y., is permitted during the regular State open seasons in 1969 except on areas designated by signs as closed. This open area comprising 10,383 acres is delineated on maps available at refuge headquarters, Basom, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1969.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1969.

[F.R. Doc. 69-9917; Filed, Aug. 20, 1969; 8:47 a.m.]

PART 32—HUNTING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

The public hunting of woodcock and common (Wilson's) snipe on the Iroquois National Wildlife Refuge, N.Y., is permitted on the area designated by signs as open to hunting. This open area is delineated on maps available at the refuge headquarters, Basom, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of woodcock and snipe.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1969.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1969.

[F.R. Doc. 69-9918; Filed, Aug. 20, 1969; 8:47 a.m.]

PART 32—HUNTING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Iroquois National Wildlife Refuge, Basom, N.Y. is permitted from the opening dates of the respective State seasons in 1969 through February 28, 1970, except on areas designated by signs as closed. This open area comprising 10,383 acres is delineated on maps available at refuge headquarters, Basom, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations subject to the following special condition.

(1) A seasonal permit is required for the night-time hunting of raccoon. Permits may be obtained by applying in person at the refuge office.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1970.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1969.

[F.R. Doc. 69-9919; Filed, Aug. 20, 1969; 8:47 a.m.]

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of all migratory birds on the Erie National Wildlife Refuge is permitted in accordance with all applicable State and Federal regulations. Such hunting is permitted only on the designated Migratory Game Bird Hunting Area. This area is delineated on maps available at refuge headquarters, Guys Mills, Pa., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 30, 1970.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1969.

[F.R. Doc. 69-9920; Filed, Aug. 20, 1969; 8:47 a.m.]

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Erie National Wildlife Refuge, Pa., is permitted. The open hunting area is delineated on maps available at refuge headquarters, Guys Mills, Pa., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 10, 1970.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1969.

[F.R. Doc. 69-9921; Filed, Aug. 20, 1969; 8:47 a.m.]

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of small game and unprotected species on the Erie National Wildlife Refuge, Pa., is permitted only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, Guys Mills, Pa., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable State regulations governing hunting of small game and unprotected species subject to the following special conditions:

(1) The open season for hunting unprotected species on the refuge extends from September 1, 1969, through March 15, 1970.

(2) That portion of the refuge situated between Pennsylvania Routes 27 and 173, is closed to hunting with firearms from September 1, 1969, through November 25, 1969.

The provisions of this special regulation supplement the regulations governing hunting of wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 15, 1970.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1969.

[F.R. Doc. 69-9922; Filed, Aug. 20, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Proposed Expenses of the Prune Administrative Committee for the 1969–70 Crop Year and Rate of Assessment for that Crop Year

Notice is hereby given of a proposal regarding expenses of the Prune Administrative Committee for the 1969–70 crop year and rate of assessment for that crop year, pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Prune Administrative Committee has recommended for the crop year beginning August 1, 1969, a budget of expenses and an assessment rate of $1.10 per ton of assessable prunes. Expenses in the amount of $124,500 and the assessment rate are specified in the proposal hereinafter set forth. The assessable tonnage is estimated by the Committee at 113,199 natural condition tons.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 8th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 993.320 Expenses of the Prune Administrative Committee and rate of assessment for the 1969–70 crop year.

(a) *Expenses.* Expenses in the amount of $124,500 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1969, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at $1.10 per ton of salable prunes handled by him as the first handler thereof.

Dated: August 15, 1969.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 69–9943; Filed, Aug. 20, 1969; 8:49 a.m.]

[7 CFR Part 1138]

[Docket No. AO 335–A14]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Albuquerque, N. Mex., on June 24, 1969, pursuant to notice thereof issued on June 10, 1969 (34 F.R. 9394).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on July 25, 1969 (34 F.R. 12445; F.R. Doc. 69–8956), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings and general findings of the recommended decision (34 F.R. 12445; F.R. Doc. 69–8956) are hereby approved, adopted and are set forth in full herein subject to the following modification:

1. Under issue 2 "Partial payments" a fourth paragraph is added.

The material issues on the record of the hearing relate to:

1. Whether credits for certain Class II uses of producer milk should be continued after August 1969.

2. Clarification of provisions specifying partial payments to producers.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Credits for certain Class II uses.* The temporary pricing provisions applicable to certain Class II uses of producer milk should be continued through August 1970. The expiration date for the special pricing, if not extended, is August 31, 1969.

The special pricing is provided in terms of credits allowed the handler in certain Class II uses of producer milk. These credits result in no charge for skim milk dumped or disposed of for animal feed. The credit allowed on condensed skim milk and milk or skim milk transferred or diverted out of the marketing area results in a charge of 40 cents per hundredweight for the skim milk content as compared to the regular Class II value of skim milk which was $1.285 in May 1969. The quantity on which the credits apply is subject to an allocation of producer milk first to Class II uses not subject to these credits.

The continuation of the credits through August 1970 was proposed by Milk Producers, Inc., a cooperative which supplies about 65 percent of the milk in the market. The cooperative asserted that there is still need to transfer to distant manufacturing plants milk which handlers in the marketing area do not accept at their pool plants. The special pricing, the cooperative stated, is needed to compensate for the expense of transportation and handling incurred in this operation. Continuation also was urged of the credit for skim milk dumped or used for livestock feed to encourage pool handlers to use producer milk as a source of cream for ice cream.

A handler also supported continuation of the special pricing.

In prior decisions (31 F.R. 4732, 32 F.R. 3298, and 33 F.R. 12254) the reasons were given for the special pricing which began in April 1966. The credits are intended to promote the orderly handling of reserve milk above that for which handlers have use in pool plants. There is a need to continue these credits for a further temporary period. The conditions requiring this special pricing still exist although the quantity of milk which must be handled subject to such pricing is diminished.

In every fluid milk market a reserve of producer milk in excess of handlers' Class I use is needed to assure an adequate supply. This is because handlers' use of milk for Class I processing varies, particularly as to days of the week and seasonally. Seasonal changes in production also may result in milk produced in excess of immediate needs of handlers, but such seasonality is minimal in this market.

The problem peculiar to this market is that only very limited manufacturing facilities exist within the marketing area which is also the primary production area. Milk in excess of quantities accepted by pool handlers must therefore be transferred out of the marketing area. Nonpool manufacturing facilities, however, are available only at distant locations.

While some Class II use is made of producer milk in the ice cream and cottage cheese operations of pool handlers, these types of utilization are limited to

marketing area demand for these products. The credit for dumping skim milk and for disposition in livestock feed encourages handlers with ice cream operations to use producer milk as a source of cream although such handlers may have no economic use for most of the skim milk. Producers are thus provided a return at pool plants for at least part of the milk which must go into Class II uses. In the January–May period of 1969, use in ice cream was about 18 percent of all Class II use of producer milk. This outlet would be largely eliminated without the credit since handlers would then turn to other sources for cream.

The relatively limited Class II operations in handlers' pool plants do not provide an outlet for all of marketing area production which is in excess of handlers' fluid needs. Transfer or diversion of milk to distant manufacturing plants is, therefore, the only method of obtaining an economic use of substantial quantities of milk originating from farms in the marketing area.

The magnitude of the problem of disposing of reserve milk is somewhat diminished, however, compared to a year ago. Skim milk dumped or disposed of for livestock fed in January through May of 1969 was 2,693,892 pounds, down from 4,198,919 in January–May 1968. The quantity transferred or diverted outside the marketing area was 11,804,406 in January–May 1969, down from 21,406,998 in the same months of 1968.

The decrease in quantities of Class II milk disposed of under these provisions results from a greater use by pool handlers of marketing area production and less use of out-of-area production. One large handler changed his supply to marketing area production beginning in December 1968. Prior to this he had relied on an out-of-area source. There was a decline of 14.6 million pounds in the quantity of out-of-area producer milk delivered in the January–May 1969 period compared to the same months a year before. This decrease was very close to the change in all producer milk delivered, from 152 million pounds in these months of 1968 to 137 million pounds in the same months of 1969.

Fluctuations in marketing area production have been minor and therefore have not been a reason for changes in quantities of reserve milk on the market. Monthly deliveries averaged 24.0 million pounds in 1967, 24.8 million pounds in 1968, and 24.3 million pounds in January–May 1969. Milk delivered from farms in the marketing area approximates 90 percent of all producer milk in the market.

Because of the limited uses pool handlers have for Class II milk, it is still necessary that some milk be moved to plants outside the marketing area to achieve an economic use. During the January–May 1969 period, an average of 2.4 million pounds monthly was so disposed of. This was 37 percent of all Class II producer milk.

As the primary agent in balancing milk supplies with handlers' needs, Milk Producers, Inc., necessarily incurs the main burden of handling the milk for which handlers have no immediate use. Its members provide 65 percent of the market supply. Most of this (95 percent) is produced in the marketing area.

The arrangement by the cooperative for transporting reserve milk out of the marketing area to nonpool manufacturing plants is primarily by movement through its plant at El Paso, Tex. This plant serves a dual market function: It assembles milk supplies to meet fluid requirements of pool plants in the marketing area and it ships excess milk to nonpool manufacturing plants outside the marketing area. The plant does no processing and contains only receiving and storage facilities.

From this plant the milk is moved to a manufacturing plant operated by the cooperative at Muenster, Tex., a distance of about 570 miles. The Muenster plant is the nearest manufacturing plant operated by the cooperative and capable of handling the milk from this market. Two plants at La Grange and Ballinger in Texas, previously used as outlets, have been closed. Another plant at Mangum, Okla., to which limited quantities were shipped in prior years, does not have sufficient capacity to handle the milk from this market.

Proponent cooperative stated that a 1-year extension of the special Class II price provisions which apply to milk moved out of the marketing area would be sufficient. The cooperative operates a base plan designed to adjust the production of producer members in line with the needs of handlers served by the cooperative. With another year of operation of the base plan, it was expected that the volume of reserve milk which needs to be handled in the manner described would be substantially reduced. With respect to the credit allowed for skim milk dumped or disposed of for animal feed, there was no prospect expressed by proponent of less need for this credit in future periods.

It is concluded that conditions in the market require continuation of the Class II credits for a further temporary period. A 1-year extension should be provided. There was no opposition to the proposal for extending the Class II credits for another year in the present form.

2. *Partial payments.* In the provisions for payments to producers, the term "partial payment" should be substituted for the term "advance payment."

The order requires each handler to pay each producer before the end of the month with respect to milk delivered during the first 15 days of the month at a rate which is the uniform price for the preceding month, less 30 cents for March receipts and plus 30 cents for July receipts. The order further provides that when the handler completes payment for all milk delivered during the month, he is given credit for the payment he made for milk delivered during the first 15 days of the month.

It should be made clear that the payment, although calculated from the quantity delivered in the first 15 days in the month, is in fact a partial payment for the entire quantity of milk delivered in the month. Also, the term "partial payment" is more descriptive of the type of payment to which reference is made and this term should be substituted for "advance payment" in § 1138.80 (a) and (b). The order specifies that these payments shall be made only to each producer who has not discontinued shipping to such handler before the 28th day of the month. Thus, the money calculated using the quantity of milk delivered during the first 15 days of the month would not in any case be as much as the handler's obligation for all milk the producer has delivered up to the time of the payment.

The 30 cent adjustments in the partial payments for March and July no longer serve a useful purpose and should be eliminated. Originally these adjustments were designed to effect changes in the rate of partial payment simultaneous with the regular seasonal changes in the Class I price (27 F.R. 4388). The provision for partial payment should have been modified when the seasonal changes in the Class I price were removed effective May 1, 1967 (32 F.R. 6606). No change in the total obligation of the handler or in the returns to a producer for the milk delivered in March or July will result from elimination of these adjustments.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Rio Grande Valley Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Rio Grande Valley Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June 1969 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended as hereby proposed to be amended, regulating the handling of milk in the Rio Grande Valley marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 18, 1969.

RICHARD E. LYNG,
Assistant Secretary.

Order Amending the Order Regulating the Handling of Milk in the Rio Grande Valley Marketing Area

Findings and Determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rio Grande Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Rio Grande Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on July 25, 1969, and published in the FEDERAL REGISTER on July 30, 1969 (34 F.R. 12445; F.R. Doc. 69-8956), shall be and are the terms and provisions of this order, and are set forth in full herein:

1. In § 1138.55, the introductory text preceding paragraph (a) is revised to read as follows:

§ 1138.55 Credit for specified Class II uses.

From the effective date hereof through August 1970, producer milk classified as Class II milk in the following utilizations shall be subject to a credit at the respective rates specified:

* * * * * *

2. In § 1138.80, paragraph (a) is revised to read as follows:

§ 1138.80 Payments to producers.

* * * * * *

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 28th day of the month, a partial payment equal to the uniform price for the preceding month multiplied by the hundredweight of milk delivered during the first 15 days of the current month less authorized deductions;

* * * * * *

3. In § 1138.80(e), subparagraphs (1) and (2) are revised to read as follows:

§ 1138.80 Payments to producers.

* * * * * *

(e) * * *

(1) A partial payment in the amount specified in paragraph (a) of this section; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less the amount of partial payment made on such milk.

[F.R. Doc. 69-9964; Filed, Aug. 20, 1969; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Ch. III]

INFLATABLE OCCUPANT RESTRAINT SYSTEMS

Notice of Agenda for Public Meeting

On July 17, 1969, a notice was published, announcing a public meeting to be held in Washington, D.C., on August 27, 1969, on the subject of inflatable and other passive restraint systems for occupants of certain motor vehicles (34 F.R. 12107). Interested persons were invited to attend and to make presentations at the meeting.

Because of the widespread interest in attending and participating in the meeting, and in order to enable interested persons to schedule their attendance, the agenda for the meeting is set forth below. The agenda reflects the fact that all requests for time to make presentations have been granted. Because of the numerous requests for permission to make formal presentations, it was necessary to schedule a 2-day meeting.

(Secs. 108 and 119, National Traffic and Motor Vehicle Safety Act of 1966; 15 U.S.C. 1392, 1407; 49 CFR 383.27)

Issued on August 15, 1969.

ROBERT BRENNER,
Acting Director,
National Highway Safety Bureau.

INFLATABLE OCCUPANT RESTRAINT SYSTEMS MEETING

Department of Commerce Auditorium, 14th and E Streets NW., Washington, D.C.

AUGUST 27, 1969

9:00–9:15	Introductory remarks by Chairman.
9:15–10:15	National Highway Safety Institute of the National Highway Safety Bureau
10:15–10:30	Recess
10:30–10:50	Energy Systems Div., Olin Mathieson Chemical Corporation

AUGUST 27, 1969—Continued

10:50–11:10	Enterprise, Inc., Dallas, Texas
11:10–11:30	Atlantic Research Corporation
11:30–11:45	Ensign and Bickford, Dales Div. Div.
11:45–1:15	Lunch
1:15–1:45	Dr. David Foster
1:45–2:15	Highway Safety Research Institute, University of Michigan
2:15–2:30	Miss Marilyn Lott
2:30–2:45	American Automobile Association
2:45–3:00	Recess
3:00–3:15	National Association of School Bus Contract Operators
3:15–3:25	Mr. Karl E. Smith
3:25–3:55	Eaton, Yale and Towne, Inc.
3:55–4:25	Chrysler Corporation
4:25–4:45	Professor L. L. Patrick

AUGUST 28, 1969

9:00–9:15	Opening remarks by Chairman
9:15–9:45	Volkswagen of America, Inc.
9:45–11:30	General Motors Corporation
11:30–1:00	Lunch
1:00–1:15	Mercedes-Benz of North America Inc.
1:15–1:30	Ford Motor Co.
1:30–5:00	Questions and Answers

[F.R. Doc. 69-9944; Filed, Aug. 20, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 141, 260]

[Docket No. R-366]

ANNUAL REPORTS

Notice of Proposed Rulemaking

AUGUST 14, 1969.

1. Pursuant to the Administrative Procedure Act, 5 U.S.C. 553, the Commission gives notice it proposes to revise, effective for the reporting year 1969:

a. Certain schedules of the FPC Form 1, Annual Report for Electric Utilities and Licensees, Class A and Class B, prescribed by section 141.1, Chapter I, Title 18, CFR.

b. Certain schedules of the FPC Form 2, Annual Report for Natural Gas Companies, Class A and Class B, prescribed by section 260.1, Chapter I, Title 18, CFR.

c. Certain schedules identical in both of the above annual report forms.

2. The Commission proposes to modify a number of the schedules contained in its annual report forms. The principal revisions in FPC Form No. 1 include a requirement of additional information on generating plant units placed in service in the Schedule for Important Changes During Year, elimination of the Prepayments Schedule, and an increase in the reporting limit from $10,000 to $25,000 in the Franchise Requirements Schedule. The main changes in FPC Form No. 2 are a change in reporting requirements concerning several categories of property from a producing area basis to a State basis, a change of the title of the Rents Charged to Gas Operating Expenses Schedule to obtain information on all rents and a merger of the Natural Gas Land Acreage and Natural Gas Reserves Schedules into one schedule. Certain minor changes are made in schedules that are identical in both FPC Nos. 1 and 2.

3. The existing schedules affected by these changes are as follows:

Schedule heading	Page	New page	Old page
FPC Form No. 1:			
Important Changes During Year	108		
Prepayments	Deleted		
Investment Tax Credits Generated and Utilized	228		
Electric Operating Revenues	409		
Rents Charged to Electric Operating Expenses (Changed to "Rents Charged")	421		
Interchange Power	424		
Franchise Requirements	426		
Substations	445		
Conduit, Underground Cable, and Submarine Cable	Deleted		
FPC Form No. 2:			
Nonutility Property	201		
Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights	509		
Accumulated Provision for Amortization of Underground Storage Land and Land Rights	510		
Gas Operating Revenues	514		
Rents Charged to Gas Operating Expenses (Changed to "Rents Charged")	533		
Exchange Gas Accounting	538		
Natural Gas Land Acreage	547		
Natural Gas Reserves (Merged with schedule above)	548		
Natural Gas Production	Deleted		
Statistics	Deleted		
Number of Gas and Oil Wells	558		
Field and Storage Lines	559		
FPC Forms Nos. 1 and 2:			
General Information		101	101
Materials and Supplies		207	207
Plant Materials and Operating Supplies		207	[1] 208
Production Fuel and Oil Stocks		209	209
Clearing Accounts		213	213
Miscellaneous Deferred Debits		214	214
Cover Page			

[1] Deleted.

4. The amendment to the Commission's regulations under the Federal Power Act and to FPC Form No. 1 would be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 301, 304, and 309 (49 Stat. 838, 854, 855, 858, 16 U.S.C. §§ 825, 825c, 825h).

5. The amendment to the Commission's regulations under the Natural Gas Act and to FPC Form No. 2 would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 8, 9(b), 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. section 717g, 717h(b), 717i, and 717o).

6. Accordingly, it is proposed to amend Parts 141.1 and 260.1, Chapter I, Title 18 of the Code of Federal Regulations, in the manner set forth in Attachments A,[1] B[1] and C.[1]

7. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than September 5, 1969, data, views, comments, and suggestions, in writing, concerning the proposed revised report forms and regulations. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed report form revision under the provisions of the Federal Reports Act of 1942 may at the same time submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Standards, Bureau of the Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name and address of the person to whom correspondence in regard to the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed revision in the report form. The Commission will consider all such written submissions before acting on the matters herein proposed.

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[1] Filed as part of the original document.

[F.R. Doc. 69-9998; Filed, Aug. 20, 1969; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 545, 555]

[No. 23,260]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendments Relating to Services Rendered by Federal Savings and Loan Associations

AUGUST 13, 1969.

Resolved That, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508), the Federal Home Loan Bank Board considers it advisable to amend Parts 545 and 555 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 545 and 555) for the following purposes:

1. To implement the last sentence of subsection (b)(1) of section 5 of the Home Owners' Loan Act of 1933 as added by section 1716 of the Housing and Urban Development Act of 1968, Public Law 90-448, 90th Congress, approved August 1, 1968, by providing for the withdrawal or transfer of savings accounts in Federal savings and loan associations upon nontransferable order or authorization.

2. In order to increase the effectiveness of Federal savings and loan associations in encouraging thrift by making their facilities available to the public generally, to authorize such associations

to provide for the sale of checks, including travelers checks and money orders, thereby extending the scope of such activity previously permissible under the ruling referred to in item 3 hereof.

3. To rescind an existing ruling in paragraph (d) of § 555.8 of said Part 555 which would be supplanted by the regulation amendments herein proposed to be added.

Accordingly, it is hereby proposed that the rules and regulations for the Federal Savings and Loan System be amended as follows:

1. By adding a new § 545.4–1, immediately after existing § 545.4 of said Part 545, to read as follows:

§ 545.4–1 Payments to third parties by withdrawals or transfer of savings accounts; checks, and money orders.

(a) *Withdrawals and transfers.* Savings accounts in a Federal association shall not be subject to check or to withdrawal or transfer on negotiable or transferable order or authorization to the association. However, withdrawal requests may be in the form of nontransferable orders or authorizations to the association for the payment of amounts in savings accounts to third parties periodically or otherwise and, in the case of the use of such orders or authorizations for the payment of a member's periodic obligations such as utility bills, may be honored by the association upon specification of the nature of the obligation to be paid without specification of the amount. Any such order or authorization which may be honored as a withdrawal request for payment to a third party may, if so authorized by the third party, also be honored as a transfer to a savings account of such third party.

(b) *Sale of checks and money orders.* As an incident to its principal activities and for the convenience of its members and others, a Federal association may provide for the sale of checks, including travelers checks, and money orders on which the drawee is a Federal Home Loan Bank, commercial bank, or other organization engaged in the business of handling such instruments.

2. By rescinding the ruling in paragraph (d) of § 555.8 of said Part 555.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by September 22, 1969, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–9956; Filed, Aug. 20, 1969; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1056]

[Ex Parte MC–19 (Sub-No. 7)]

MOTOR CARRIERS OF HOUSEHOLD GOODS

Notice of Proposed Rule Making

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 8th day of August 1969.

It appearing, that some motor common carriers of household goods currently participate in joint rates and other charges with other such carriers and that such rates and charges are on a different basis from local rates and charges maintained by those carriers for the transportation of the same commodities between the same points in the same direction;

It further appearing, that by petition filed on April 29, 1969, the Household Goods Carriers' Bureau prays that the Commission consider a new subpart to the rules and regulations of the Commission to be numbered 49 CFR 1056.15 and to read as follows:

Prohibition against carrier participating in local and joint rates at differing levels for transportation between the same points in the same direction. No motor common carrier of household goods shall have in effect for its account more than one level of rates, whether local or joint, for the same transportation service in interstate or foreign commerce between the same two points in the same direction.

It further appearing, that notice of the filing of the petition was published in the FEDERAL REGISTER and that pursuant thereto, replies were received both supporting and opposing the petition;

And it further appearing, that most of the opponents can be satisfied by rephrasing the proposed rule to except therefrom (1) the transportation of machinery which, because of unusual nature or value, requires the specialized handling and equipment usually employed in moving household goods, and (2) the services of local warehousemen holding authority of the type granted in Kingpak, Inc., Investigation of Operations, 103 M.C.C. 318; and for good cause appearing:

It is ordered, That a rule-making proceeding be, and it is hereby, instituted under the authority of Part II of the Interstate Commerce Act and section 4 of the Administrative Procedure Act to determine whether and to what extent the motor common carriers of household goods should be required to maintain the same rates and charges for the transportation of household goods between the same points in the same direction, regardless of whether the transportation is provided in joint-line or local service and to consider the adoption of the proposed rule (to be rephrased as stated below).

It is further ordered, That the petitioner shall submit a rephrasing of the proposed rule to except from the operation thereof the transportation of machinery of unusual nature or value and the services of persons holding authority of the type authorized in *Kingpak, Inc., Investigation of Operations, supra.*

It is further ordered, That all motor common carriers of household goods operating in interstate or foreign commerce and subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons, including the respondents, who wish actively to participate in this proceeding and to file and to receive copies of pleadings shall make known that fact by notifying the Commission in writing on or before September 25, 1969. To conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentation to the greatest extent possible. Individual participation is not precluded; however, mere casual interest does not justify participation. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That: (a) As soon as practicable after September 25, 1969, the Secretary will serve a list of the names and addresses of all persons upon whom service of all verified[1] statements, replies, or other pleadings must be made; (b) within 30 days following the service of such list, any party may file an original and two copies of a verified statement and exhibits thereto with the Commission and one copy upon each party named in the service list; (c) within 10 days thereafter any party may file a reply statement (original and 2 copies) with the Commission and one copy upon each party named in the service list; (d) within 10 days after the date for replies has expired any party may request a hearing for the purpose of cross-examining any witness submitting a verified statement by notifying the Commission and all parties.

And it is further ordered, That a copy of this order be served upon the Household Goods Carriers' Bureau; all parties filing responses to the petition; the motor common carrier respondents; and the Public Utility Commission, Board, or similar regulatory body of each State having jurisdiction over the transportation here involved; that a copy be posted in the office of the Secretary of this Commission; and that a copy be delivered to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–9958; Filed, Aug. 20, 1969; 8:50 a.m.]

[1] In lieu of verification under oath, any prepared statement may be made subject to the following declaration: "I solemnly declare that I have examined the foregoing document and that the statements of fact contained therein are true." (Signature).

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

TIRE STUDS FROM SWEDEN

Determination of Sales at Not Less Than Fair Value

On June 28, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that tire studs manufactured by Frank Dahlberg, A.B., Stockholm, Sweden, are not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until July 28, 1969, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that tire studs manufactured by Frank Dahlberg, A.B., Stockholm, Sweden, are not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

AUGUST 6, 1969.

[F.R. Doc. 69–9954; Filed, Aug. 20, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 592]

OREGON

Order Providing for Opening of Public Lands

AUGUST 14, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 18 S., R. 43 E.,
Sec. 33, N½N½.
The area described aggregates 160 acres.

2. The lands are located in Malheur County. They are semiarid in character and are not suitable for farming. The lands have been acquired to further Federal programs. Public lands in this general area have been classified for multiple-use management and retention in Federal ownership.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location and selection, except for appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m., September 19, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The United States did not acquire minerals in the lands described herein.

5. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER, *Chief, Branch of Lands.*

[F.R. Doc. 69–9925; Filed, Aug. 20, 1969; 8:48 a.m.]

[New Mexico 9490]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

AUGUST 15, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands described below for transfer out of Federal ownership as hereinafter specified.

2. This proposal has been discussed with State and local government officials, BLM advisory board and the general public. Public meetings were held June 5, 1968 in Cuba, N. Mex., June 6, 1968 in Abiquiu, N. Mex., and August 15, 1968 in Cuba, N. Mex.

3. It is proposed to classify the public lands described below for transfer out of Federal ownership by State grants and indemnity selections (43 U.S.C. 851, 852); exchanges under section 8 of the Taylor Grazing Act (43 U.S.C. 315g) and/or public sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and public uses and development under the Act of June 14, 1926 (44 Stat. 741).

NEW MEXICO PRINCIPAL MERIDIAN

T. 24 N., R. 1 W.,
Sec. 1, lots 3, 4 and S½NW¼;
Sec. 10, E½NE¼, NE¼SE¼ and SW¼SE¼;
Sec. 11, NW¼;
Sec. 15, NW¼NE¼ and N½NW¼;
Sec. 21, NE¼NW¼, S½NW¼ and SW¼ SW¼;
Sec. 23, S½;
Sec. 26, N½N½;
Sec. 27, NE¼, NE¼NW¼, S½NW¼ and SW¼;
Sec. 28;
Sec. 29, E½NE¼, SW¼NE¼ and SE¼;
Sec. 33, E½;
Sec. 34, W½.
T. 24 N., R. 2 W.,
Sec. 3, lot 1;
Sec. 8, E½NE¼ and NW¼NE¼;
Sec. 9, NW¼NE¼;
Sec. 14, SW¼NE¼;
Sec. 17, S½SW¼;
Sec. 18, NW¼ and S½SE¼;
Sec. 20, W½NE¼, W½, N½SE¼, NW¼ SW¼SE¼ and S½SW¼SE¼;
Sec. 21, N½S½ and SE¼SE¼;
Sec. 22, S½NE¼ and SE¼;
Sec. 23, NE¼NE¼, S½N½ and S½;
Sec. 24;
Sec. 30, SE¼NW¼.
T. 24 N., R. 3 W.,
Sec. 3, SW¼;
Secs. 4 and 5;
Sec. 6, lots 1 to 6, inclusive, S½NE¼ and SE¼;
Sec. 7, lots 1, 2 and NE¼;
Sec. 8, NW¼;
Sec. 10;
Sec. 11, E½ and NW¼;
Sec. 12, NW¼NW¼, SW¼, NW¼SE¼ and S½SE¼;
Sec. 13, N½N½;
Sec. 14, N½NE¼ and SE¼;
Sec. 15, SE¼;
Sec. 17, SE¼;
Sec. 18, lots 1, 2, 3 and 4;
Sec. 19, lots 1, 2, 3 and 4;
Sec. 22, E½;
Sec. 27, E½;
Sec. 31, lots 3, 4 and NE¼;
Sec. 34, E½.
T. 25 N., R. 3 W.,
Sec. 3, lots 3, 4 and SW¼NW¼;
Sec. 11;
Sec. 12, W½;
Secs. 14 and 15;
Sec. 16, SE¼;
Secs. 19, 20 and 21;
Sec. 22, E½, E½NW¼, NW¼NW¼NW¼, S½NW¼NW¼, SW¼NW¼ and SW¼;
Secs. 28, 29, 30 and 31;
Sec. 32, NW¼NE¼, S½NE¼, W½ and SE¼;
Sec. 33, S½SE¼.

The lands described above aggregate 20,231.16 acres.

4. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except the form or forms of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or

permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

5. The public lands affected by this proposed classification are shown on maps on file and available for inspection in the Albuquerque District Office, 1304 Fourth Street, NW., Albuquerque, N. Mex. 87107, and in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501. The lands are located in Rio Arriba County, N. Mex.

6. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 1304 Fourth Street, NW., Albuquerque, N. Mex. 87107.

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-9960; Filed, Aug. 20, 1969; 8:51 a.m.]

Fish and Wildlife Service

[Docket No. S-475]

RICHARD DAVID ERICKSON

Notice of Loan Application

Richard David Erickson, Route 1, Box 387, Rockaway, Oreg. 97136, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 35-foot length overall wood vessel to engage in the fishery for albacore, Dungeness crab, and salmon.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 69-9923; Filed, Aug. 20, 1969; 8:47 a.m.]

[Docket No. S-474]

PAUL W. AND ELLEN L. GRIFFIN

Notice of Loan Application

Paul W. Griffin and Ellen L. Griffin, 158 Birch Kiln Road, Fox Island, Wash. 98333, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 30.9-foot registered length wood vessel to engage in the fishery for albacore, halibut, and salmon.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 69-9924; Filed, Aug. 20, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Docket No. SH-272]

SUGARBEETS

Notice of Reopening of Hearing on 1969-Crop Sugarbeet Prices and Designation of Presiding Officers

Pursuant to the authority contained in subsection (c)(2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to price and wage proceedings (7 C.F.R. 802.1 et seq.), notice is hereby given that a public hearing will be held as follows:

At Denver, Colo., on September 3, 1969, in Room 220 (main floor) of the U.S. Post Office Building, 19th Street between Stout and Champa, beginning at 9:30 a.m.

The sugarbeet growers in Utah and Idaho who grow sugarbeets for the Utah-Idaho Sugar Co., have informed the Department that the company recently notified them that among the items of marketing expenses to be used in determining the net proceeds from refined sugar (gross sales less selling and delivery expenses) for the 1969 crop would be a charge for the sugar equivalent of the thick juice stored in tanks for later processing into sugar. The tanks were recently constructed for the storage of thick juice. Net proceeds is an important determinant of the price paid by the company to growers for sugarbeets. The growers believe that the recognition of such a charge as a marketing expense would be a significant departure from the customary concept of marketing expenses which has existed throughout the beet sugar industry for many years. Therefore, the growers requested that another public hearing be held to afford all interested persons an opportunity to present, for consideration by the Secretary, evidence on whether a charge against refined sugar sales for the storage of thick juice constitutes an appropriate marketing expense in determining net proceeds under the sugarbeet purchase contract. The record and the hearing (identified as docket No. SH-272) will be reopened for that purpose. The scope of the reopened hearing will be limited to the presentation of evidence on that issue relative and pertinent to fair and reasonable prices for sugarbeets of the 1969 crop.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 C.F.R. 1.27(b)).

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

To obtain the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matter.

T. O. Murphy, A. A. Greenwood, C. F. Denny, and R. R. Stansberry are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on August 15, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-9942; Filed, Aug. 20, 1969; 8:49 a.m.]

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

August 1969 CCC Monthly Sales List

The third paragraph of the Notice to Buyer section of the CCC Monthly Sales List for August (34 F.R. 12723) is amended to read as follows:

The following commodities are available: cotton (upland and extra long staple), wheat, corn, oats, barley, flaxseed, rye, rice, grain sorghum, peanuts, tung oil, cottonseed meal, cottonseed oil, butter, and nonfat dry milk.

Cottonseed oil is added to the list of commodities available for sale as set forth below:

COTTONSEED OIL, REFINED (BULK)

Export:
Competitive offers under the terms and conditions of Announcement NO-CS-9. Sales will be made only for export to Latin American countries, UAR (Egypt), Israel, and Iran.

Available:
New Orleans ASOS Commodity Office.

Signed at Washington, D.C. on August 15, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-9961; Filed, Aug. 20, 1969; 8:51 a.m.]

[Amdt. 5]

BARLEY ET AL.

Price Support Programs; 1964 and Subsequent Crops; Announcement of Interest Rate

The announcement issued by Commodity Credit Corporation, published in 29 F.R. 4109 as amended at 29 F.R. 11133, 30 F.R. 7198, 32 F.R. 17899, and 33 F.R. 15427, of the rate of interest applicable to price support programs on 1964 and subsequent crops or production, is hereby further amended to limit the special procedure for determining the calendar month of repayment in certain circumstances to loans made or extended prior to July 1, 1969.

Section (1) is amended to read as follows:

(1) Loans on barley, corn, dry edible beans, flaxseed, grain sorghums, honey, oats, farm-stored peanuts, rice, rye, soybeans, tung oil, and wheat, and Form A loans on cotton shall bear interest at the rate of 30 cents per $100 (fractions disregarded) for each calendar month or fraction thereof that the loan is outstanding, excluding the calendar month of repayment. When the last day of a calendar month falls on a nonwork day for the ASCS county office, repayment made on the first work day of the next succeeding calendar month shall be considered as repayment during the preceding calendar month for computation of interest, except on loans made or extended on or after July 1, 1969.

Signed at Washington, D.C. on August 15, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-9962; Filed, Aug. 20, 1969; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NATIONAL INSTITUTES OF HEALTH ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 70-00030-33-46500. Applicant: National Institutes of Health, 9000 Rockville Pike, Building 10 Room 8B14, Bethesda, Md. 20014. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin section for electron microscopic examination. Much of the work deals with tissue cultures and surgical materials where proper orientation, section thickness of 50-80 angstrom units, and a wide range of cutting speeds are most important. Application received by Commissioner of Customs: July 10, 1969.

Docket No. 70-00031-67-54600. Applicant: University of Florida, Department of Metallurgical and Materials Engineering, Gainesville, Fla. 32601. Article: Optical diffractometer. Manufacturer: The Rank Organization—Rank Pullin Controls, U.K. Intended use of article: The article will be used primarily for teaching diffraction theory to graduate and undergraduate students of metallurgical and materials engineering. It will also be utilized by graduate students in some areas of research. Application received by Commissioner of Customs: July 10, 1969.

Docket No. 70-00032-00-46040. Applicant: Harvard University, Purchasing Department, 75 Mt. Auburn Street, Cambridge, Mass. 02138. Article: High resolution electron diffraction accessory with airlock. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used as an accessory to an existing JEM-120 electron microscope. Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70-00033-65-42900. Applicant: Michigan Technological University, Houghton, Mich. 49931. Article: Satmagan magnetic balance. Manufacturer: Outokumpu Oy Research Laboratory, Finland. Intended use of article: The article will be used for analyzing magnetite in iron ores. Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70-00034-00-46040. Applicant: Ohio Agricultural Research & Development Center, Wooster, Ohio 44691. Article: Accessories for an Elmiskop IA electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The articles will be used on an existing Elmiskop IA electron microscope for the study of biological ultrastructure. Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70-00035-33-46040. Applicant: University of Iowa, Biochemistry Department, Medical Research Center, Iowa City, Iowa 52240. Article: Electron microscope, Model HU-125E-1. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article will be used to examine the interaction between interphase chromosomes and the nuclear envelope. In order to gain a conformation of this link, to monitor current biological experiments and to devise new approaches to study this problem, it is essential to utilize the techniques of the electron microscope. Since the largest molecule does not exceed 20 angstroms in diameter, and in order to be able to; (a) visualize the molecule, and (b) visualize an interaction between single points on two molecules, it is necessary to obtain resolution of the highest order. Currently being carried out is research involving the structure of yeast phosphofructokinase. Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70-00036-33-46500. Applicant: University of California, San Francisco Medical Center, Division of Dermatology, Parnassus & Arguello, San Francisco, Calif. 94122. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with studies concerning the structure and function of skin. Cellular functions will be studied by means of incorporation of tritium labeled nucleic acid precursors and amino acids injected intradermally prior to skin biopsies. Skin specimens will be processed for ordinary electron microscopy as well as both light and electron microscopic autoradiography in order to determine cellular organelles involved in the synthesis of nucleic acids and proteins. Long series of equal thickness serial sections, 50 angstroms to 2 microns, are needed for these studies. Application received by Commissioner of Customs: July 14, 1969.

Docket No.: 70-00037-65-46040. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Electron microscope, Model JEM-120. Manufacturer: Japan Electron Optics Laboratory Co. Ltd., Japan. Intended use of article: The article will be used as an educational instrument in conjunction with an established course on transmission microscopy of thin crystals. In the laboratory associated with the lecture course, students

will have an opportunity to use the article to observe the large variety of diffraction contrast phenomena from defects in thin crystals. In addition to the above use, the article will be used as a research tool in a variety of scientific programs currently in progress. Application received by Commissioner of Customs: July 14, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-9894; Filed, Aug. 20, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00392-75-07000. Applicant: University of California, Los Alamos Scientific Laboratory, Los Alamos, N. Mex. 87544. Article: Cable, hollow, conductor, mineral insulated. Manufacturer: Pyrotenax of Canada, Ltd., Canada. Intended use of article: The article which consists of the following: (a) 800 ft., cable, copper, No. 1 AWG mineral insulated, copper-sheathed, 0.460 sq./0.256 sq. fully annealed; and (b) 2,000 ft., cable, hollow, conductor, mineral insulated, overall size 0.053±0.010 inches; will be used to produce magnetic coils for research and development within the applicant's facility. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used is being manufactured in the United States.

Reasons: For the experimental work in which the foreign article is intended to be used, the applicant requires mineral-insulated, square-sided cable. These characteristics are pertinent to the purposes for which the foreign article is intended to be used. The foreign article consists of cable having both of these characteristics. We are advised by the National Bureau of Standards (NBS) in its memorandum dated April 24, 1969, that it knows of no square cable being manufactured in the United States which is scientifically equivalent to the foreign article, for the purposes for which this article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-9893; Filed, Aug. 20, 1969; 8:45 a.m.]

UNIVERSITY OF CONNECTICUT ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 70-00009-33-46040. Applicant: University of Connecticut, School of Medicine, Hartford Plaza, Hartford, Conn. 06105. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of article: The article will be used primarily for research in cellular biology including pathology cellular anatomy, and immunology. It will also be used for the training of selected medical, graduate, and post-doctoral students in optical techniques as applied to biological investigation. The investigation and training will include research at the tissue, cellular and macromolecular levels. Experimental planning includes the use of sectioning techniques, histochemistry, immunohistochemistry, high resolution autoradiography and examination of subcellular particulates by means of negative staining, shadowing with heavy metals, freeze-etching, and examination of unfixed or unembedded material contrasted by low voltage microscopy. Application received by Commissioner of Customs: July 3, 1969.

Docket No. 69-00014-00-61800. Applicant: Lindenhurst Public Schools, Administration Building, 141 School Street, Lindenhurst, N.Y. 11757. Article: Hemispherical reinforced plastic assembly, Type 16. Manufacturer: Sailcraft Ltd., Canada. Intended use of article: The article will be used as an accessory to an Apollo model planetarium and projector ordered by the applicant from the Goto Optical Co. Application received by Commissioner of Customs: July 7, 1969.

Docket No. 70-00016-01-78030. Applicant: California Institute of Technology, 1201 East California Boulevard, Pasadena, Calif. 91109. Article: Spectrophotometer, Model 225. Manufacturer: Bodenseewerk Perkin-Elmer and Co. GMBH, West Germany. Intended use of article: The article will be used for the following:

1. A study of the electronic structure of N, N-dialkyldithiocarbamatoferrate (III) complexes.
2. The investigation of the electronic and birational excitation phenomena in molecular crystals at liquid N_2 and liquid He temperatures.
3. High-resolution, low-temperature studies are being conducted on a variety of coordination compounds.
4. Studies involving an anisotropic solvent as an orienting medium in the infrared.

Application received by Commissioner of Customs: July 7, 1969.

Docket No. 70-00017-00-77045. Applicant: Yale University, Bureau of Purchases, 20 Ashmun Street, New Haven, Conn. 06520. Article: Quartz plate. Manufacturer: Hilger and Watts, U.K. Intended use of article: The article will be used as an element of a 4 meter radius bent crystal X-ray diffraction spectrometer being built by the applicant. Application received by Commissioner of Customs: July 7, 1969.

Docket No. 70-00018-00-46040. Applicant: Michigan Technological University, Department of Metallurgical Engineering, Houghton, Mich. 49931. Article: Automatic tilting, rotating, and heating specimen stage, model HK-2 BM for an existing HU-11A Electron microscope. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in studies of the mechanism and kinetics of antiphase domain growth in the alloy Cu_3Au (Copper 3 Gold) and in studies of the disappearance of stacking faults during annealing of copper-base alloys. Application received by Commissioner of Customs: July 7, 1969.

Docket No. 70-00020-33-46040. Applicant: Sinai Hospital of Detroit, 6767 West Outer Drive, Detroit, Mich. 48235. Article: Electron microscope, Model JEM-100B. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used for the following purposes:

(a) Tissue diagnosis of biopsy material.
(b) Study of pathological material taken from autopsies.
(c) Study of tissues and suspensions for the presence of viruses.
(d) Study of enzymatic histochemistry of experimental animal and human material.

Application received by Commissioner of Customs: July 7, 1969.

Docket No. 70-00021-33-77040. Applicant: University of California, San Francisco Medical Center, Parnassus at Arguello, San Francisco, Calif. 94122. Article: Mass spectrometer, Model MS-902. Manufacturer: Associated Electrical Industries, U.K. Intended use of article: The article will be used for health-related research problems to determine the composition and structure of molecules available in only minute quantities, and usually either isolated from biochemical transformations, or frequently in disease conditions as metabolic products or as the result of congenital biochemical disorders in hormonal or related systems. Application received by Commissioner of Customs: July 8, 1969.

Docket No. 70-00022-33-74600. Applicant: Yale University, Bureau of Purchases, 20 Ashmun Street, New Haven, Conn. 06520. Article: Signal Analyser, Model BIOMAC 1000. Manufacturer: Data Lab. Ltd., U.K. Intended use of article: The article will be used as a signal averager to detect changes in signals in various parts of the nervous system following experimental surgical procedures in man and in animals, and following the treatment of experimental animals and patients with a variety of pharmacological agents. It will also be used to study single unit activity in the various layers of the feline spinal cord. Application received by Commissioner of Customs: July 8, 1969.

Docket No. 70-00024-33-46040. Applicant: Milton S. Hershey Medical Center, Hershey, Pa. 17033. Article: Electron microscope, Model HU-11E-1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article:

The article will be used for the following purposes:

(a) The training of medical students, physicians, and graduate students in the techniques and applications of electron microscopy.
(b) It will be utilized as a teaching instrument during the regular academic course in Pathology for second year medical students.
(c) It will be used for carrying out and supporting research projects by members of the departmental staff.

Application received by Commissioner of Customs: July 9, 1969.

Docket No. 70-00025-33-46040. Applicant: The Forsyth Dental Center, 140 The Fenway, Boston, Mass. 02115. Article: Electron microscope, Model JEM-100B and accessory. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for a wide range of research projects designed to provide detailed information on the ultrastructural aspects of the teeth and supporting tissues in both health and disease. Emphasis will be placed on obtaining knowledge of the fine structural alterations occurring in caries and peridontal disease in the hope that such information can be of help in formulation of new methods of care and prevention. Application received by Commissioner of Customs: July 9, 1969.

Docket No. 70-00028-33-46500. Applicant: Duke University, Durham, N.C. 27706. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections, 50 angstroms to 2 microns, for electron microscopic examination of living cells in tissue culture. Specifically, the investigation concerns chromosome movement in living cells following experimental alteration of individual chromosomes by micromanipulation. Special interest is in seeing one particular chromosome in one particular cell during the examination in the electron microscope. Application received by Commissioner of Customs: July 10, 1969.

Docket No. 70-00029-33-46500. Applicant: Southern Methodist University, Department of Biology, Dallas, Tex. 75222. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for a variety of research projects undertaken by several biologists. The biologists need sections ranging from 50 angstroms to 2 microns for a variety of specimens and materials being studied which include parasites, juxtaglomerular cells, adrenal cortex, hepatoma, and the development of the cyst wall of Hymerolepsis diminuta. Application received by Commissioner of Customs: July 10, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-9892; Filed, Aug. 20, 1969; 8:45 a.m.]

Office of the Secretary

[Department Order 117-B]

MARITIME ADMINISTRATION

Organization and Structure

The following order was issued by the Secretary of Commerce on August 8, 1969. This Maritime Administration material supersedes the material appearing at 33 F.R. 158 of January 5, 1968, and 33 F.R. 3153 of February 17, 1968.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the Maritime Administration.

SEC. 2. *Organization Structure.* The organization structure and line of authority of the Maritime Administration shall be as depicted in the attached organization chart. (A copy of the organization chart is on file with original of this document with the Office of the Federal Register.)

SEC. 3. *Office of the Maritime Administrator.* .01 The *Maritime Administrator* is the head of the Maritime Administration and serves as Chairman of the Maritime Subsidy Board.

.02 *Deputy Maritime Administrator.* The Maritime Administrator shall be assisted in his duties by a Deputy Maritime Administrator, who will perform such duties as the Maritime Administrator shall prescribe, together with the duties which he performs as a member of the Maritime Subsidy Board. In addition, he shall be the Acting Maritime Administrator during the absence or disability of the Maritime Administrator and, unless the Secretary of Commerce designates another person, during a vacancy in the office of the Maritime Administrator. The Deputy Maritime Administrator shall be responsible also for supervision and coordination of contract compliance activities and activities under Title VI of the Civil Rights Act of 1964.

.03 The *Executive Staffs* shall consist of the Secretary of the Maritime Administration who also serves as Secretary of the Maritime Subsidy Board, the hearing examiners, and officials concerned with investigation and security functions, and other special services for the Maritime Administrator and the Maritime Subsidy Board.

SEC. 4. *Maritime Subsidy Board.* The Maritime Subsidy Board shall be responsible for and perform the following functions:

a. The functions with respect to making, amending, and terminating subsidy contracts, which shall be deemed to include, in the case of construction-differential subsidy, the contract for the construction, reconstruction or reconditioning of a vessel and the contract for the sale of the vessel to the subsidy applicant or the contract to pay a construction-differential subsidy and the cost of the national defense features, and, in the case of operating-differential subsidy, the contract with the subsidy applicant for the payment of the subsidy;

b. The functions with respect to: (1) Conducting hearings and making determinations antecedent to making, amending, and terminating subsidy contracts, under the provisions of Titles V, VI, and VIII, and sections 301 (except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales and minimum working conditions), 708, 805(a) and 805(f) of the Merchant Marine Act, 1936, as amended (the Act), (2) making readjustments in determinations as to operating cost differentials under section 606 of the Act, and (3) the approval of the sale, assignment, or transfer of any operating subsidy contract under section 608 of the Act;

c. The functions with respect to investigating and determining; (1) the relative cost of construction of comparable vessels in the United States and foreign countries, (2) the relative cost of operating vessels under the registry of the United States and under foreign

registry, and (3) the extent and character of aids and subsidies granted by foreign governments to their merchant marines, under the provisions of subsections (c), (d), and (e) of section 211 of the Act;

d. So much of the functions specified in section 12 of the Shipping Act, 1916, as amended, as the same relate to the functions of the Board under subparagraphs a. through c. of this paragraph; and

e. So much of the functions with respect to adopting rules and regulations, subpoenaing witnesses, administering oaths, taking evidence, and requiring the production of books, papers, and documents, under sections 204 and 214 of the Act, as relate to the functions of the Board.

SEC. 5. *Office of Policy and Plans.* The Office of Policy and Plans shall plan and develop major policies and programs of the Administration of a medium, extended, or long-range nature; review and analyze projections of goals and program activities required to carry out the promotion and development of the U.S. Merchant Marine; develop extended or long-range action programs designed to meet the normal peacetime missions of the Administration in the major substantive areas of shipping, shipbuilding, subsidy policy, ship replacement, research and development objectives, etc.; develop and coordinate basic mobilization requirements and programs in these same areas, including emergency planning activities and the National Defense Executive Reserve Program; conduct liaison and planning activities with intergovernmental and international organizations concerned with shipping matters; and conduct economic studies and operations research activities for utilization in program, mobilization, and international planning, and for any other special study purpose of the broadest nature.

SEC. 6. *Office of the General Counsel.* The Office of the General Counsel shall, under the overall supervision of the General Counsel, Department of Commerce, serve as the law office of the Administration; review and give legal clearance to applications for subsidy and other Government aids to shipping, sales, mortgages, charters, and transfers of ships; prepare and approve as to form and legality, contracts, agreements, performance bonds, deeds, leases, general orders, and related documents; render legal opinions as to the interpretation of such documents and the statutes; prepare drafts of proposed legislation, Executive orders, and legislative reports to Congressional committees and the Bureau of the Budget; negotiate and settle, or recommend settlement of, admiralty claims, just compensation claims, tort claims, and claims referred to the office for litigation; assist the Department of Justice in the trial, appeal and settlement of litigation; represent the Administration in public proceedings involving subsidy, charter and related matters before administrative agencies of the Government, and in State and Federal courts; and handle court litigation in actions involving enforcement or defense of the jurisdiction, general orders, and regulations of the Administration.

SEC. 7. *Office of Public Information.* The Office of Public Information shall issue or clear for issuance all information for the general public on shipping and on decisions and activities of the Administration, and prepare periodic and special reports, as assigned.

SEC. 8. *Office of the Assistant Administrator for Administration.* The Assistant Administrator for Administration shall be the principal assistant and adviser to the Maritime Administrator on administrative and financial management matters. He shall direct the activities of the following organizational units:

.01 The *Office of Administrative Services* shall plan and administer programs for the conduct of facilities and supply management and office services activities, including procurement and disposal of real and personal property, other than ships; provide contracting services; conduct domestic freight traffic activities; settle loss or damage claims arising from shipments on Government bills of lading; secure allocations of the production capacity of private plants for the manufacture of components and materials required in the event of mobilization; and provide graphics, travel, and office services to all offices in Washington, D.C., including space management, communications, mail, central files, library, duplicating, and administrative property management services.

.02 The *Office of Budget* shall formulate, recommend, and interpret budgetary policies and procedures; collaborate with operating officials in the development of fiscal plans and budget estimates; develop and present budget requests and justifications; allocate and maintain budgetary control of funds available; and review status of funds and program performance in relation to the Administration's fiscal plans.

.03 The *Office of Data Systems* shall provide data processing services, including conduct of feasibility studies, development of systems and programs for the application of computer techniques, and operation of the electronic data processing and auxiliary equipment.

.04 The *Office of Finance* shall render financial advice and opinions, develop and maintain financial systems of the Administration, perform accounting functions, including maintenance of general accounts and related fiscal records, preparation of financial statements and reports, issuance of invoices, audit and certification of vouchers for payment; prescribe a uniform system of accounts for subsidized operators, agents, charterers, and other contractors; administer a program of external audits of contractors' accounts to determine compliance with applicable laws, regulations and contract provisions concerning costs and profits; maintain control records of statutory and contractual reserve funds; analyze financial statements and other data submitted by contractors to determine financial qualifications and limitations; take necessary action to effect collection of amounts due; administer the marine and marine war risk insurance programs; and negotiate, settle, or recommend settlement of, marine and war risk insurance claims.

.05 The *Office of Management and Organization* shall review and evaluate the operating programs of the Administration to determine their effectiveness in accomplishing established objectives and goals, and recommend improvements, including more productive utilization of resources; conduct manpower surveys to determine staffing requirements for all components of the Administration; conduct surveys and studies to improve management practices, organization structures, delegations of authorities, procedures, and work methods; maintain a system for the issuance of the manual of orders and other directives; maintain programs for the management and control of reports, forms, and committee activities; administer the records management program; coordinate the management improvement and cost reduction program; and prepare special progress and administrative reports to the Department of Commerce and others, as required.

.06 The *Office of Personnel* shall plan and administer personnel programs and activities relating to recruitment, placement, promotion, separation, employee performance evaluation, training and career development, employee recognition and incentives, employee relations and services, employee-management relations, classification, pay management, and various employee benefit programs.

SEC. 9. *Office of the Assistant Administrator for Research and Development.* The Assistant Administrator for Research and Development shall be the principal assistant and adviser to the Maritime Administrator on research and development programs. He shall direct the activities of the following organizational units:

.01 The *Office of Research and Development* shall manage research and development activities of the Maritime Administration, except nuclear programs; plan, organize, coordinate, execute or direct and control these activities for the purpose of improving the efficiency and effectiveness of the American merchant marine; initiate, solicit, develop, and recommend programs and specific research and development projects; negotiate and administer contracts, and direct contract work in connection with such projects, including exploratory and feasibility studies, design, construction, and test operation of prototype components, systems, ships and test facilities, and associated supporting research; and participate in and coordinate research and development activities of joint interest with other Government agencies and private organizations.

.02 The *Office of Nuclear Programs* shall plan, develop, coordinate, and implement programs for the application of nuclear power to merchant ships; direct the design, construction, and test operation of nuclear powered merchant ships; plan and direct programs for training of crews and development of shore facilities required for operation of nuclear powered merchant ships; conduct studies of national and international aspects of nuclear powered merchant ship operation; and conduct negotiations and liaison with the Atomic Energy Commission and other Agencies on matters relating to the design, construction, testing, and operation of nuclear powered merchant ships.

.03 The *Joint Surface Effect Ship Program Office* conducts cooperative research programs in surface effect ships for the Maritime Administration and Navy. Section 13 describes the special relationship of this Office to the Maritime Administration.

SEC. 10. *Office of the Assistant Administrator for Operations.* The Assistant Administrator for Operations shall be the principal assistant and adviser to the Maritime Administrator on ship construction, ship operation, port development, and intermodal transportation systems activities. He shall direct the activities of the following organizational units:

.01 The *Office of Ship Construction* shall collect and analyze data on relative costs of shipbuilding in the United States and foreign countries; calculate and recommend the amount of construction-differential subsidy; develop preliminary designs establishing the basic characteristics of proposed ships; review and approve ship designs submitted by applicant for Government aid; recommend and, upon request, conduct research and development projects in ship design and construction; develop or approve contract plans and specifications for the construction, reconstruction, conversion, reconversion, reconditioning and betterment of ships; review, obtain approval and certification of national defense features by the Department of the Navy; prepare cost estimates, invitations to bid, and recommendations for the award of ship construction-type contracts; inspect ships during the course of work to assure conformance with approved plans and specifications; provide naval architectural and engineering services in connection with construction of small special purpose ships for other Government agencies; approve designs, supervise construction and undertake final acceptance of fishing vessels constructed under Public Law 86–516, as amended; perform expediting and scheduling activities to insure satisfactory delivery of components and materials to shipyards; maintain current records of commercial shipyard ways in the United States; develop requirements for mobilization ship construction programs; and conduct trial, acceptance and guarantee surveys of ships. The Office of Ship Construction has the following divisions: Division of Ship Design, Division of Engineering, Division of Estimates, Division of Small Ships, Division of Production, and contains the Trial and Guarantee Survey Boards.

.02 The *Office of Ship Operations* shall give national program direction for the operation, maintenance, and repair of Maritime Administration-owned or acquired merchant ships, conduct of ship condition surveys and ship inventories, operation of warehouses, and maintenance of the national defense reserve fleets, including the ship preservation programs, and other ship operations activities; provide safety engineering services; approve transfers of ships to foreign ownership, registry or flag; recommend rates for services of ships operated by, or for, the Maritime Administration; determine program requirements for, and allocate Government-owned ocean-going merchant shipping; recommend the reactivation, purchase, chartering or requisition of merchant ships for Government use, and administer activities relating to the charter of such ships; recommend terms of and administer General Agency, Charter and Berth Agency agreements, and related orders; recommend terms of, execute, and administer, contracts for ship repairs for the account of the Maritime Administration; conduct sales of ships, and supervise compliance with ship sales agreements and mortgages; and administer the ship exchange program. The Office of Ship Operations has the following divisions: Division of Operating Agreements, Division of Operations, Division of Ship Repair and Maintenance, and Division of Reserve Fleet.

.03 The *Office of Ports and Intermodal Systems* shall formulate and conduct programs for the development and promotion of intermodal transportation systems, including promotion of unitization and containerization systems; conduct studies and formulate plans for the promotion, development, and utilization of ports and port facilities; provide technical advice to other Government agencies, private industry and State and municipal government in the above fields; and conduct emergency planning for the utilization and control of ports and port facilities under national mobilization conditions.

SEC. 11. *Office of The Assistant Administrator for Maritime Aids.* The Assistant Administrator for Maritime Aids shall be the principal assistant and adviser to the Maritime Administrator on subsidy administration, Title XI mortgage insurance, and other Government aids programs, maritime manpower, and trade promotion activities. He shall direct the activities of the following organizational units:

.01 The *Office of Subsidy Administration* shall process applications for construction-differential subsidy, operating-differential subsidy, Federal Ship Mortgage insurance, trade-in allowances, and other forms of Government aid to shipping; conduct negotiations with applicants, obtain comments of other offices, and prepare reports and recommendations for the award of aid contracts; administer aid contracts after their execution; coordinate the work of other organizational components in connection with such contracts; administer Construction Reserve Funds; approve with the concurrence of the Chief, Office of Finance, actions relating to the administration of Special and Capital Reserve Funds of subsidized operators; collect, analyze and evaluate costs of operating ships under United States and foreign registry; calculate and recommend operating-differential subsidy rates; conduct studies to evaluate the efficiency and economy of operations of subsidized operators; analyze and recommend trade route structure and service requirements of the ocean-borne commerce of the United States, and extent of foreign flag competition on essential trade routes; and collect, maintain, and disseminate statistical data on cargo and commodity movements in the ocean-borne commerce of the United States, composition of world's merchant fleets, and utilization of U.S.-flag ships. Within this Office are personnel responsible for the collection of maritime cost data and other technical maritime activities in foreign countries. The Office of Subsidy Administration has the following divisions: Division of Subsidy Contracts, Division of Mortgage-Insurance Contracts, Division of Subsidy Rates, Division of Trade Studies, and Division of Statistics.

.02 The *Office of Maritime Manpower* shall advise the Administration regarding labor management relations and problems as they apply to seamen, longshoremen and shipyard workers, including the effects of technological changes on labor, of manning scales and crew costs on Maritime subsidies, and of proposed labor legislation; make studies and reports of current labor situations to keep the Maritime Administration advised of problems and developments, potential areas of dispute, and trends; coordinate maritime labor questions with other Agencies and work with them on matters of mutual interest; develop plans in cooperation with the Department of Labor to provide reserve maritime manpower for mobilization and other emergencies; obtain, analyze, and publish data for use of industry, labor, Government and the public concerning maritime employment, wages, hours, manning, working conditions, and manpower requirements; process nominations for appointment of cadets to the U.S. Merchant Marine Academy; administer a grant-in-aid program for the State maritime academies; determine need for and coordinate training programs for licensed and unlicensed personnel in maritime industries; coordinate technical maritime training assistance to foreign countries under international cooperative programs; and issue merchant marine decorations and awards. The Office of Maritime Manpower has the following divisions: Division of Labor Studies, Division of Manpower Development, and Division of Maritime Academies.

.03 The *Office of Trade Promotion* shall conduct programs for the promotion of increased trade for U.S.-flag ships; maintain surveillance of and administer cargo preference activities in accordance with Public Law 664, 83d

Congress, Public Resolution 17, 73d Congress, and Recommendation 7 in House Report No. 80, dated February 28, 1955; calculate and recommend guideline rates for transportation of Government-financed cargoes; and conduct programs for the promotion and development of domestic shipping.

SEC. 12. *Field Organization.* .01a. There shall be three field organizations called Coast Districts, each headed by a Coast District Director, as specified below:

District	Headquarters location
Atlantic Coast District	New York, N.Y.
Gulf Coast District	New Orleans, La.
Pacific Coast District	San Francisco, Calif.

b. The *Coast District Directors* shall be responsible for all field operations and programs of the Maritime Administration within their respective Coast Districts, except ship construction and the U.S. Merchant Marine Academy, subject to national policies, determinations, procedures and directives of the appropriate office chief in Washington, D.C. The programs and activities under their jurisdiction shall include the custody and preservation of ships in the national defense reserve fleets; operation, repair and maintenance of ships; marine inspections; ship inventories; accounting and external auditing; review and analysis of operating costs and practices of subsidized operators; procurement and disposal of property and supplies; facilities management; and administrative support activities.

.02 *The U.S. Merchant Marine Academy,* Kings Point, N.Y., shall develop and maintain programs for the training of U.S. citizens to become officers in the U.S. merchant marine.

SEC. 13. *Joint Surface Effect Ship Program Office.* Pursuant to a Joint Agreement between the Departments of Commerce and Navy dated June 20, 1966, the Joint Surface Effect Ship Program Office was established through the Charter signed February 27, 1967, by the Assistant Secretary of Commerce for Science and Technology and the Assistant Secretary of the Navy for Research and Development. This joint organization of the two Departments carries out, under the two Assistant Secretaries, cooperative research programs in surface effect ships. Under the Charter, the following arrangements for the operation of the joint Office were established:

.01 The Maritime Administration will provide part of the funds and personnel for the joint Office, with the Department of the Navy providing, on an approximately equal basis, the balance of funds and personnel required.

.02 The Maritime Administration will provide the joint Office with contracting services, budgetary services for funds of the Maritime Administration made available to the program, and other administrative support services as may be requested by the Office.

.03 The Program Manager, as the head of the joint Office, is responsible to a Joint Steering Committee, which acts for the Assistant Secretaries of the two Departments. The Steering Committee is composed of two representatives of each Department.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary for Administration.

[F.R. Doc. 69-9895; Filed, Aug. 20, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING DIRECTOR, URBAN RENEWAL DEMONSTRATION PROGRAM

Designation; Revocation

SECTION A. *Designation.* The Assistant Director, Urban Renewal Demonstration Program, is hereby designated to serve as Acting Director, Urban Renewal Demonstration Program, during the absence of the Director, Urban Renewal Demonstration Program, with all the powers, functions, and duties redelegated or assigned to the Director, Urban Renewal Demonstration Program.

SEC. B. *Revocation.* This designation supersedes the designation of Acting Director effective October 11, 1968 (33 F.R. 15309, October 15, 1968).

(Secretary's delegation to Assistant Secretary for Research and Technology effective May 14, 1969 (34 F.R. 7873, May 17, 1969))

Effective date. This designation shall be effective as of August 15, 1969.

HAROLD B. FINGER,
Assistant Secretary for Research and Technology.

[F.R. Doc. 69-9946; Filed, Aug. 20, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-238]

FIRST ATOMIC SHIP TRANSPORT, INC.

Notice of Issuance of Amended Facility License

The Atomic Energy Commission has issued Amendment No. 5, as set forth below, to Facility License No. NS-1. The license authorizes First Atomic Ship Transport, Inc. (FAST), to operate the pressurized water reactor facility aboard the Nuclear Ship *Savannah* (the *Savannah*) at steady-state power levels up to a maximum of 80 megawatts (thermal).

Amendment No. 5, effective as of the date of issuance, amends the license in its entirety to delete the record keeping and reporting requirements which have been transferred to the revised Technical Specifications in accordance with FAST's application dated May 23, 1969, as supplemented by letter dated July 18, 1969, and to make certain other minor editorial changes.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) FAST's application for amendment dated May 23, 1969, and supplement thereto dated July 18, 1969, and (2) the revised Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 4th day of August 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

AMENDED FACILITY LICENSE

[License No. NS-1; Amdt. No. 5]

1. The Atomic Energy Commission ("the Commission") has found that:

A. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter, "the Act"), and the Commission's regulations set forth in Title 10, CFR, Chapter I;

B. The facility will be operated in conformity with the application, the Act, and the rules and regulations of the Commission;

C. There is reasonable assurance that the facility can be operated without endangering the health and safety of the public;

D. The First Atomic Ship Transport, Inc., is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

E. The issuance of this license, as amended, for possession, use and operation of the facility and the receipt, possession and use of the special nuclear material in the manner proposed by First Atomic Ship Transport, Inc., in its application will not be inimical to the common defense and security or to the health and safety of the public;

F. First Atomic Ship Transport, Inc., has executed an indemnity agreement pursuant to 10 CFR Part 140; and

G. Prior public notice of proposed issuance of this license amendment is not required since operation of the facility in accordance with the terms of this license, as amended, does not involve significant hazard considerations different from those previously evaluated.

2. Facility License No. NS-1, as amended, is hereby amended in its entirety to read:

A. This license applies to the facility, consisting of a pressurized water nuclear reactor (hereinafter "the reactor") and associated components and equipment, which is located aboard the NS *Savannah* and described in the license application dated April 30, 1965, as amended by subsequent amendments thereto including the amendment dated May 23, 1969, and supplement thereto dated July 18, 1969 (herein referred to as "the application").

B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses First Atomic Ship Transport, Inc. ("the licensee"):

(1) Pursuant to section 104b of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities":

a. To possess, use, and operate the reactor as a utilization facility, and

b. To refuel the nuclear reactor facility aboard the NS *Savannah* after filing an appropriate request for a change in the Technical Specifications and receiving Commission authorization therefor;

(2) Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess, and use at any one time in connection with operation of the reactor up to (1) 303.2 kilograms of contained uranium-235, and (2) 32 grams of plutonium contained in encapsulated plutonium-beryllium neutron sources; and

(3) Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to receive, possess and use up to:

a. 305 millicuries of cobalt-60 as sealed sources;

b. 200 curies of polonium-beryllium neutron sources;

c. 30 millicuries of cesium-137 as sealed sources; and

d. 50 millicuries of iodine-131 as radioiodine sources; and to possess, but not to separate, such byproduct material as has been or may be produced by operation of the reactor.

C. This license shall be deemed to contain and be subject to the conditions specified in § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) *Maximum Power Level.* First Atomic Ship Transport, Inc., may operate the reactor at steady-state power levels up to a maximum of 80 megawatts (thermal).

(2) *Technical Specifications.* The Technical Specifications and Port Operation Criteria attached to this amendment as Appendix A[1] (designated as Change No. 4 and hereinafter collectively referred to as "the Technical Specifications") are hereby incorporated in this license. The licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

D. This amended license is effective as of the date of issuance and shall expire at midnight, June 30, 1971.

Date of issuance: August 4, 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 69-9891; Filed, Aug. 20, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20763; Order 69-8-89]

FIRST GRANT CORP.

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of August 1969.

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

Application of First Grant Corporation for approval under section 408 of the Federal Aviation Act of 1958 of an agreement to acquire control of Standard Aircraft Equipment Co., a person engaged in a phase of aeronautics.

First Grant Corp. (FGC), has filed, pursuant to section 408 of the Federal Aviation Act of 1958, as amended, (the Act) a request for approval of an agreement whereby it would acquire control of Standard Aircraft Equipment Co. (Standard), a person engaged in a phase of aeronautics.[1] FGC currently owns 83 percent of the common stock of American Flyers Airline Corp. (Flyers). At present, it is a minority stockholder in Standard, holding 25.09 percent of that company's stock.

FGC is a Delaware corporation controlled by Pittsburgh Coke and Chemical Co. (PCC), which in turn is controlled by Hillman Land Co. (HLC).[2] In addition to its control of Flyers and its current minority holdings in Standard, FGC owns 86 percent of the outstanding shares of Grant Aircraft Leasing Corp. (GALC), a company formed for the specific purpose of leasing aircraft to Flyers.[3] These latter relationships were approved by Order E-26380, February 20, 1968. The Board also noted FGC's minority interest in Standard and required Flyers to report all transactions with Standard exceeding in the aggregate, $100,000 per year.

Standard is a New York corporation engaged in the manufacture, distribution and sale of tools, supplies, instruments, and accessories employed in the operation, maintenance, repair and overhaul of aircraft, accessories and engines. In addition, Standard operates an overhaul division, Standair, Inc., which is an FAA approved repair facility for accessories and instruments. As of 1968 Standard's total annual sales amounted to $9,120,950. During that year approximately .675 percent ($61,568) of Standard's total sales were derived from sales to certificated supplemental carriers. Flyers made no purchases from Standard in 1968, and since Flyers does none of its own maintenance, no purchases are anticipated during the foreseeable future. The two largest categories of purchasers from Standard were certificated trunkline carriers and aircraft maintenance overhaul companies/fixed base operators, each purchasing 38.7 percent and 40 percent, respectively, of Standard's total sales.

As a means of consummating its acquisition of control of Standard, FGC has entered into an agreement with Louis J. Bollo,[4] President of Standard, to acquire as much stock in Standard as would be necessary to give FGC 80 percent control of that company. Such purchase is to be executed after a tender offer has been made to other stockholders and as much stock has been acquired as might be tendered.[5] Such acquisition, the applicants hold, has been made solely for investment purposes.

Upon consideration of the application[6] and other information set forth in the record herein, the Board tentatively concludes that the control relationships resulting from FGC's control of Standard, while it controls Flyers and GALC do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, do not tend to restrain competition and are not inconsistent with the public interest. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and the Board tentatively concludes that the public interest does not require a hearing.

The essential problem posed by relationships like those under consideration is that because of the absence of arm's length bargaining due to the control of various companies by the same person, the Board cannot assure itself of the fairness of transactions among the companies. In this instance, however, the transaction for which approval is sought appears to present no conflict of interest situation. At the present time Standard does none of Flyers' maintenance or major repairs, all of which are currently performed by others, and there have been no other transactions between these companies. The relationships resulting from the control transaction are similar to others heretofore approved by the Board.[7]

With respect to the competitive effect of the instant transaction upon other air carriers and manufacturers, Standard's activities would appear to have no adverse impact. It does not appear that Standard is the sole source of supply for the products that it presently manufactures or distributes, or that it participates in any exceedingly large share of the market for such products. In addition, Flyers has had no transactions in the past with Standard, and would, in any event, be a small customer in terms of the total market for such products. Thus, Flyers is not now, nor is it likely to be, in a position to exert any significant market pressure on Standard's competitors with respect to

[1] The application, filed on Feb. 25, 1969, was supplemented by letters of Apr. 21 and 25, 1969, and Aug. 5, 1969 and by telegram of June 27, 1969.

[2] HLC is owned and controlled by Henry L. Hillman, and members of his family.

[3] Mrs. Virginia Pigman, Honorary Chairman and Director of Flyers, holds the remaining 17 percent of the stock of Flyers and 14 percent of GALC.

[4] Mr. Bollo held 55.98 percent of Standard's outstanding shares as of the date of application.

[5] We are informed at this date that such a tender offer has been completed.

[6] It has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952), to the extent applicable, and to consider the application on its merits.

[7] Cf. Transocean Air Lines et al., Control and Interlocking Relationships Case, 23 CAB 439 (involving the common control by a holding company of a supplemental air carrier and an aircraft overhaul and repair company); and Ling-Temco-Vought, Inc. Acquisition of Braniff Airways, Inc., Order E-25989, Nov. 17, 1967 and Saturn Airways, Inc., and Howard J. Korth, Order 68-8-16, Aug. 5, 1968 (each case involving common control of an air carrier and an aviation supplier).

sales of similar products or to adversely affect the sale of Standard's products to other air carriers. Conversely, an air carrier customer of Standard would appear to be in no position through economic pressure to adversely affect Flyers. For example, even though Pan American, as Standard's largest single customer, accounts for about 20 percent of Standard's total sales, it is reasonable to assume that FGC, in entering into the instant transaction, took into account Pan American's customer position. Moreover, FGC would not jeopardize Flyers, whose losses in 1968 reportedly amounted to $3 million, in order to protect Standard whose total net income for the same year was $247,000. In these present circumstances, it appears that there is no reasonable expectancy of any conflicts of interest or adverse competitive impact, and approval of the instant transaction is warranted. However, in order to obtain such future information as the Board may require with respect to the relationships among FGC, its subsidiaries, and affiliated companies, the Board in its final order intends to impose a reporting requirement with respect to inter-company transactions hereafter negotiated which amount in the aggregate or cumulatively to more than $100,000 in any one calendar year. Also, consistent with past practice in similar instances,[1] the Board intends to retain jurisdiction over the control relationships subject to its approval for the purpose of reexamining at any time the control relationships, imposing such other conditions as may be deemed appropriate in the event of changes in the activities of FGC or its subsidiaries in the field of aeronautics, and requiring submission of such other regular or special reports by FGC or any of its affiliates or subsidiaries as the Board may prescribe.

In view of the foregoing, the Board tentatively concludes that it should approve, without a hearing, under the third proviso of section 408 of the Act, subject to conditions discussed above, the control of Standard by FGC while the latter controls Flyers and GALC. In accordance with the requirements of section 408(b) of the Act, this order, constituting notice of the Board's tentative findings and conclusions, will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.

Accordingly, it is ordered:

1. That interested persons are afforded a period of 10 days from the date of service of this order within which to file comments or request a hearing with respect to the Board's tentative action on the application in Docket 20763;[2] and

2. That the Attorney General of the United States be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-9947; Filed, Aug. 20, 1969; 8:49 a.m.]

[Docket No. 21318; Order 69-8-92]

LOUISVILLE-WASHINGTON SERVICE INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of August 1969.

The Board has decided to institute a proceeding designated as the Louisville-Washington Service Investigation, which will focus on the need for competitive nonstop service between Louisville, Ky., and Washington, D.C. This market, which generated approximately 74,000 passengers in 1967, receives nonstop service from only one carrier, Eastern. We conclude that these circumstances warrant consideration of the need for competitive nonstop service.

In order to limit the scope of this investigation, we shall impose a pretrial restriction requiring that any new certificate authority awarded pursuant to this proceeding shall be in the form of a new segment.

Accordingly, it is ordered, That:

1. An investigation designated as the the Louisville-Washington Service Investigation be and it is hereby instituted in Docket 21318 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the alteration, amendment, or modification of any air carrier certificates so as to authorize competitive nonstop service between Louisville, Ky., and Washington, D.C.;

2. Any authority awarded herein shall be without subsidy eligibility;

3. Any authority awarded herein to a carrier not holding on-segment authority shall be in the form of a separate segment;

4. Motions to consolidate, applications, and motions or petitions seeking modification or reconsideration of this order shall be filed no later than 20 days after the service date of this order and answers to such pleadings shall be filed no later than 10 days thereafter;

5. This proceeding shall be set for hearing at a time and place to be hereafter designated; and

6. A copy of this order shall be served upon the State of Kentucky, the cities of Louisville and Washington, the Louisville and Jefferson County Air Board, Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Trans-Caribbean Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Washington Airways, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-9948; Filed, Aug. 20, 1969; 8:50 a.m.]

[Docket No. 21122; Order 69-8-90]

SOUTHERN AIRWAYS, INC.

Order Providing for Further Proceedings for Amendment of Its Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of August 1969.

On June 25, 1969, Southern Airways, Inc. (Southern), filed an application, pursuant to Subpart M of Part 302 of the Board's procedural regulations, for amendment of its certificate of public convenience and necessity for Route 98 so as to permit it to provide, without subsidy eligibility, nonstop or direct single-plane service between Gulfport-Biloxi, Miss., on the one hand, and Eglin AFB, Fla., Dothan, Ala., Columbus, Ga., Washington, D.C., and New York, N.Y./Newark, N.J., on the other, points on different segments of Southern's certificate.

Upon consideration of the foregoing, we do not find that Southern's application is not in compliance with, or is inappropriate for processing under, the provisions of Subpart M. Accordingly, we order further proceedings pursuant to the provisions of Subpart M, sections 302.1306–1310, with respect to Southern's application.

Accordingly, it is ordered, That:

1. The application of Southern Airways, Inc., in Docket 21122, be and it is hereby set for further proceedings pursuant to Rules 1306–1310 of the Board's procedural regulations; and

2. This order shall be served upon all parties served by Southern in its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-9949; Filed, Aug. 20, 1969; 8:50 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on August 27, 1969. The hearing will take place in Room 603 of the City Hall Annex, Juniper and Filbert Streets in Philadelphia beginning at 2 p.m. The hearing will be on the following subjects:

A. A proposed fiscal year 1971 current expense budget in the amount of $1,360,000 and a capital budget in the amount of $2,000.

B. A proposal to amend the Comprehensive Plan so as to include therein the following projects:

1. *Lower Bucks County Joint Municipal Authority.* Extensions and improvements to the Levittown sewage treatment plant in Bucks County, Pa. The capacity of the plant will be increased from 6 to 10 million gallons per day. Effluent will be treated to about 90 percent removal of BOD prior to discharge to the Delaware River.

2. *Borough of Downingtown.* A regional sewage interceptor and pumping system to service the area of the Borough of Downingtown, Chester County, Pa. Approximately 1.86 million gallons per day will be handled by the system and conveyed to the Downingtown treatment plant

3. *Town of Smyrna.* Extension of Green's Branch interceptor sewer and construction of pumping station to service areas in the town of Smyrna, Kent County, Del. Water service will also be provided in the area.

4. *Village of Hancock.* A well water supply project to augment public water supplies in the village of Hancock, Delaware County, N.Y. A new well and modifications to an existing well will be constructed. Capacity of the well field will be increased to 1,000 gallons per minute.

5. *Hatboro Borough Authority.* This is a well water supply project to augment water supply in the borough of Hatboro, Montgomery County, Pa. Designated as Well No. 17, the new facility will have a capacity of 360,000 gallons per day.

6. *Hatfield Township Municipal Authority.* Expansion of an existing sewage treatment plant in Hatfield Township, Montgomery County, Pa. Maximum capacity will be increased from 1.8 to 5.0 million gallons per day. A minimum of 90 percent BOD will be removed from the effluent prior to discharge into Neshaminy Creek.

7. *City of Reading.* A proposed increase in the city's allocation of water from Ontelaunee Reservoir on Maiden Creek in Berks County, Pa. The increase would be from 27 to 35 million gallons per day to meet the increased water demand in the city's service areas.

8. *Borough of Richlandtown.* A well water supply project to augment public water supplies in the Borough of Richlandtown, Bucks County, Pa. Designated as Well No. 3, the new facility is expected to yelid 0.288 million gallons per day.

A summary of the proposed 1971 budget is available from the Commission upon request. Documents relating to the other projects listed for hearing may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. B. WHITAM., *Secretary.*

[F.R. Doc. 69-9897; Filed, Aug. 20, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

CENTRAL GULF STEAMSHIP CORP. AND WATERMAN STEAMSHIP CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed by:

Ronald A. Capone, Esq., Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement No. 9774–1, between Central Gulf Steamship Corp. and Waterman Steamship Corp. modifies the basic agreement, which is a rate agreement in the trade from U.S. Atlantic and Gulf ports to ports in the Persian Gulf, Gulf of Oman, and the Arabian Sea, by the deletion therefrom of the second sentence of Article 3 which provides for the filing with the Commission of minutes or other records of the actions taken by the parties. The Commission's General Order 18, Amendment 4, relieves two-party rate agreements from this filing requirement.

Dated: August 18, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-9950; Filed, Aug. 20, 1969; 8:50 a.m.]

THE OCEANIC STEAMSHIP CO., PACIFIC ISLANDS TRANSPORT LINE AND POLYNESIA LINE, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed by:

David F. Anderson, The Oceanic Steamship Co., 100 Mission Street, San Francisco, Calif.

The Oceanic Steamship Co., Pacific-Islands Transport Line, and Polynesia Line, Ltd., common carriers by water, have entered into an agreement to meet, discuss and establish rates and charges and rules and regulations governing application thereof for the handling and carriage of cargo moving between U.S. Pacific Coast ports and Hawaii on the one hand and American Samoa on the other. In addition, the agreement provides for establishment of conditions and level of brokerage and/or compensation to forwarders and establishment of a policy for the packaging, handling and storage of cargo as well as settlement of claims. The agreement also provides for voting rights of the members, filing of reports, retention of records, and for the entry and withdrawal of any common carrier by water operating in the trade. The parties will maintain separate tariffs, may act independently and the agreement does not require concerted action on any matter. Under the agreement reports will be submitted to the Federal Maritime Commission showing all shipper requests and complaints as well as final action taken thereon.

The agreement designated DC–39 shall become effective when approved by the Commission pursuant to section 15, Shipping Act, 1916.

Dated: August 18, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-9951; Filed, Aug. 20, 1969; 8:50 a.m.]

WILHELMSEN COS. AND THE UNICORN SHIPPING LINES (PTY) LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to

[1] Ling-Temco-Vought, Inc. Acquisition of Braniff Airways, Inc., supra.

[2] Comments shall conform to the requirements of the Board's rules of practice. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed by:

David A. Brauner, Esq., Herman Goldman, Attorneys and Counselors at Law, Equitable Building, 120 Broadway, New York, N.Y. 10005.

Agreement No. 9812, between Wilhelmsen Cos. (Joint Service) and the Unicorn Shipping Lines (Pty), Ltd., establishes a through billing arrangement for cargo moving in the trade from ports in Mauritius, Reunion, Malagasy Republic (Madagascar), Mozambique, Comoro Islands, and Seychelles to the U.S. Atlantic and Gulf ports, with transshipment at ports in the Republic of South Africa in accordance with the terms and conditions set forth in the agreement.

Dated: August 18, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-9952; Filed, Aug. 20, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70-31]

CONSOLIDATED GAS SUPPLY CORP. AND UNITED FUEL GAS CO.

Notice of Application

AUGUST 14, 1969.

Take notice that on August 11, 1969, Consolidated Gas Supply Corp. (Consolidated Gas), a West Virginia Corp., 445 West Main Street, Clarksburg, W. Va. 26301, and United Fuel Gas Co. (United Fuel), a West Virginia corporation, Post Office Box 1273, Charleston, W. Va. 25325, referred to jointly as "Applicants," filed in Docket No. CP70-31 an abbreviated joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the exchange and delivery of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants request authorization for:

(1) United Fuel to construct and operate approximately 6.6 miles of 8-inch and 0.4-mile of 6-inch pipeline between its existing transmission facilities and the Coopers Creek production field in Kanawha County, W. Va.

(2) Consolidated Gas to deliver to United Fuel volumes of exchange gas produced and purchased in the Cooper Creek production field; and

(3) United Fuel to deliver volumes of pay-back gas to Consolidated Gas, through mutual dispatching arrangements with Tennessee Gas Pipeline Co. (Tennessee), by making such volumes available at Tennessee's existing Broad Run-Corwell point of delivery in Kanawha County, W. Va.

The application states the total estimated cost of the United Fuel's proposed construction to be $361,700, which amount is to be financed through open account advances from and the issuance of promissory notes to United Fuel's parent company, The Columbia Gas System, Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-9901; Filed, Aug. 20, 1969; 8:45 a.m.]

[Docket No. RI70-122, etc.]

J. M. HUBER CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 14, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 8, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-122..	J. M. Huber Corp., 2300 West Loop, Houston, Tex. 77027.	[3] 69	1	Mountain Fuel Supply Co. (Powder Wash Field, Moffat County, Colo.).	$3,070	7-25-69	[4] 8-25-69	[5] 8-26-69	13.0	[6] [7] 14.0	
RI70-123..	Oklahoma Natural Gas Co., Post Office Box 871, Tulsa, Okla. 74102.	[8] 28	2	Cities Service Gas Co. (Northwest Quinlaw Field, Woodward County, Okla.) (Panhandle Area).	1,747	[13] 7-24-69	[9] 1-69	[9] 2-69	[10] [11] 17.0	[9] [10] [11] 18.0	RI66-176.

[3] Contract dated Jan. 28, 1966, and the proposed rate does not exceed the initial service ceiling rate of 15 cents per Mcf.
[4] The stated effective date is the effective date requested by Respondent.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 15.025 p.s.i.a.
[8] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1 and the proposed rate does not exceed the initial area rate ceiling of 17 cents per Mcf.
[9] Pressure base is 14.65 p.s.i.a.
[10] Subject to a downward B.t.u. adjustment.
[11] Includes 1-cent service charge paid by buyer.
[13] Filing completed on July 30, 1969, by correction letter dated July 29, 1969.

The contracts related to the rate filings proposed by J. M. Huber Corp. (Huber) and Oklahoma Natural Gas Co. (Oklahoma Natural), were executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Huber and Oklahoma Natural's proposed rate filings should be suspended for one day from August 25, 1969 (Huber) and September 1, 1969 (Oklahoma Natural), the proposed effective dates.

[F.R. Doc. 69-9899; Filed, Aug. 20, 1969; 8:45 a.m.]

[Docket No. CP70-30]

NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 14, 1969.

Take notice that on August 11, 1969, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68012, filed in Docket No. CP70-30 an abbreviated application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation of natural gas in interstate commerce from a new gas supply area in Crockett County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 15.1 miles of 8-inch pipeline, one (1) 350 horsepower compressor unit, measurement facilities, and various sizes of well gathering lines in the V.I.P. Field to enable it to gather and transport natural gas purchased in the V.I.P. Field to its presently installed 12-inch pipeline extension into the Hunt-Baggett Field, all in Crockett County, Tex.

Applicant states that it has entered into a gas purchase contract with the Rodman Corp. and E. G. Rodman for the purchase of natural gas from the V.I.P. Field where the total proved reserves are estimated at 4,071.5 Mcf of which 1,500.8 Mcf are dedicated to Applicant under the aforementioned contract, and that it will purchase the gas at an initial price of 16.5 cents per Mcf.

Applicant estimates the total cost of the proposed facilities to be $1,031,550, which cost is to be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-9902; Filed, Aug. 20, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-1211, 812-2566]

A.V.C. CORP.

Notice and Order for Hearing on Application Declaring Company Has Ceased To Be an Investment Company

AUGUST 13, 1969.

Notice is hereby given, that A.V.C. Corp. ("A.V.C."), 100 West Tenth Street, Wilmington, Del. 19801, a Delaware Corporation registered as a closed-end nondiversified investment company under the Investment Company Act of 1940 ("Act"), has filed an application for an order under section 8(f) or, in the alternative, section 3(b)(2) of the Act, declaring that A.V.C. has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

A.V.C. was incorporated in the State of Delaware on December 29, 1922 as "American Viscose Corporation" and functioned as an operating company until 1963 when it sold its business and operating assets, changed its name to A.V.C. Corp. and registered as an investment company.

A.V.C. represents that as of December 31, 1968, it had total assets of $40,639,000 of which $5,446,000 consisted of cash and short-term investments including Government securities and commercial paper. Of the remaining

$35,193,000 of total assets, A.V.C. represents that $24,658,000 or 70.1 percent is attributable to seven wholly or majority-owned subsidiaries valued at cost, $7,423,000 or 21.1 percent is attributable to marketable securities, $2,122,000 or 6 percent is attributable to special investments of limited marketability, $407,000 or 1.2 percent is in the A.V.C. Corp. Participation Fund, and $583,000 or 1.6 percent is the value of all other assets.

On April 16, 1969, A.V.C. agreed to acquire through a new wholly owned subsidiary certain assets of Delta Capital Corp., a Federal licensee under the Small Business Investment Act of 1958. The acquisition is subject to approval by Delta's stockholders and by the appropriate regulatory agencies. It is anticipated that approximately $1,250,000 in cash (about 3 percent of the assets of A.V.C.) would be placed in this subsidiary which it is intended will be a small business investment company.

A.V.C.'s majority or wholly owned subsidiaries, the percentage of voting securities therein owned by A.V.C., and the cost value of such securities which have marketability restrictions or other value limiting features are as follows:

MAJORITY OR WHOLLY OWNED SUBSIDIARIES

Name	Percent voting securities owned	Cost value of majority or wholly owned investments December 31, 1968
Carolina Pump & Supply Co., Inc.	82.4	$332,500
Davidson Sand & Gravel Co.	100	4,379,375
A.V.C. Fort Corp. and Subsidiaries	90.8	5,790,625
Oceanchem International A/S	100	6,164,580
Genu Products Canada, Ltd.	100	321,531
Kedea A.B.	100	19,330
United States Communications Corp.	70	7,480,000
Total		24,687,941

A.V.C. states that it had total revenues for the year ended December 31, 1968, of $28,609,000 of which amount $27,818,000 or approximately 97 percent was generated by majority or wholly owned subsidiaries of the corporation. The corporation, however, experienced a net loss before extraordinary items.

It is also represented by A.V.C. that during the last 2 years a major portion of the time of its officers has been devoted to the operation of A.V.C.'s majority or wholly owned subsidiaries.

At the anual meeting of the shareholders of A.V.C. held on May 5, 1969, the holders of a majority of the outstanding shares of common stock of A.V.C. approved a proposal made by the Board of Directors that A.V.C. change the nature of its business so that it will cease to be an investment company.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which, if necessary for the protection of investors, may be made upon appropriate conditions, and upon taking effect of such order, the registration of such company shall cease to be in effect.

Section 3(a)(1) of the Act defines as an investment company an issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting or trading in securities.

Section 3(a)(3) of the Act further defines as an investment company an issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. The term "investment securities" includes all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies.

Section 3(b)(2) of the Act provides, insofar as it is pertinent here, that notwithstanding section 3(a)(3), any issuer which the Commission, upon application, finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through majority-owned subsidiaries, is not an investment company.

A.V.C. maintains that it no longer comes within the definition of an investment company contained in sections 3(a)(1) and 3(a)(3) of the Act or, if it does come within 3(a)(3), that it is entitled to an order pursuant to Section 3(b)(2) declaring that it is primarily engaged either directly or through majority-owned subsidiaries in a business other than that of investing, reinvesting, owning, holding, or trading in securities.

Specifically A.V.C. represents:

1. There is no "holding out" that A.V.C. is an investment company, or that its business is primarily that of "investing, reinvesting, or trading in securities."

2. It is now primarily engaged in the business of acquiring, developing and operating (through majority or wholly owned subsidiaries) operating companies in industrial, commercial, and communications fields.

3. It intends to continue to engage primarily in industrial, commercial, and communication businesses through its present majority or wholly owned subsidiaries or through other companies, a majority of whose voting securities may be acquired by A.V.C.

4. Its interests in its majority or wholly owned subsidiaries are not held as investment securities for the purpose of resale, and other voting securities of any majority-owned subsidiaries which may be acquired will not be acquired as investment securities for the purpose of resale.

5. Its officers participate extensively in the management, administration, and performance of the business activities of its majority or wholly owned subsidiaries.

6. It is intended in the future that its officers, personnel, and designees will participate extensively in the management, administration, and performance of the business activities of its majority and wholly owned subsidiaries, or of any majority-owned subsidiaries which may be acquired hereafter.

7. It may invest or continue to own securities issued or guaranteed by the U.S. Government or in securities of other than majority-owned subsidiaries, but any holding of, and any trading in such securities will be minor compared to A.V.C.'s primary interest in its majority or wholly owned operating subsidiaries.

8. In any event, A.V.C. does not intend to own or acquire "investment securities" having a value (after deducting the value of securities issued or guaranteed by the U.S. Government and issued by majority-owned subsidiaries of A.V.C. which are not investment companies) equal to as much as 35 percent of the value of A.V.C.'s total assets (exclusive of securities issued or guaranteed by the U.S. Government and cash items).

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and rules of the Commission thereunder be held on the 25th day of September 1969 at 10 a.m., in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than A.V.C., desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 23d day of September 1969, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon A.V.C. at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application; and that, upon the basis thereof, the following matters are presented for consideration without prejudice to its specifying additional matters upon further examination:

(1) Whether A.V.C. is, within the meaning of section 3(a)(1) of the Act, an issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities.

(2) Whether A.V.C. is, within the meaning of section 3(a)(3) of the Act, an issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis.

(3) If (2) above is answered in the affirmative, whether A.V.C. is, within the meaning of section 3(b)(2) of the Act, an issuer which is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities, either directly or through majority-owned subsidiaries.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to A.V.C., and to the Associate Administrator for Investment, Investment Division, Small Business Administration, Washington, D.C. 20916, and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER, and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-9927; Filed, Aug. 20, 1969; 8:48 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

AUGUST 15, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co., a Nevada Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 18, 1969, through August 27, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-9928; Filed, Aug. 20, 1969; 8:48 a.m.]

[File 1-4310]

FEDERATED PURCHASER, INC.

Order Suspending Trading

AUGUST 15, 1969.

The common stock, 10 cents par value, of Federated Purchaser, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Federated Purchaser, Inc., being traded otherwise than on a national securities exchange; and

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 16, 1969, through August 25, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-9929; Filed, Aug. 20, 1969; 8:48 a.m.]

LIBERTY EQUITIES CORP.

Order Suspending Trading

AUGUST 15, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Liberty Equities Corp., a District of Columbia corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 17, 1969, through August 26, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-9930; Filed, Aug. 20, 1969; 8:48 a.m.]

[812-2575]

LOEB, RHOADES & CO.

Notice of Filing of Application

AUGUST 15, 1969.

Notice is hereby given that Loeb, Rhoades & Co., 42 Wall Street, New York, N.Y. 10005 ("Applicant"), prospective representative of a group of underwriters of a proposed offering of shares of Price Capital Corporation ("Price"), a registered closed-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting applicant and its counderwriters from section 30(f) of the Act to the extent that this section adopts Section 16(b) of the Securities Exchange Act of 1934 ("Exchange Act") in respect of their transactions incident to the distribution of Price shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarised below.

Shares of Price are to be purchased by the underwriters pursuant to an underwriting agreement to be entered into between Price and the underwriters represented by applicant. The several underwriters will be obligated to make a public offering of all of the shares of common stock of Price which such underwriters are to purchase under the underwriting agreement, at the price therein specified, as soon on or after the effective date of Price's registration statement on Form S-4 (the "Form S-4") as the applicant deems advisable, and such shares are initially to be offered to the public in accordance with the formulae for the determination of the per share public offering price and underwriting commissions, to be specified in the underwriting agreement, and the formula for determination of dealer concessions to be specified in the agreement among underwriters, at the time the Form S-4 becomes effective under the Securities Act of 1933.

It is possible that applicant and at least one other member of the underwriting group may individually become obligated to purchase more than 10 percent of the initial amount of common stock of Price to be outstanding upon the completion of the initial public offering, thereby becoming "insiders" subject to section 16(b) of the Exchange Act.

Rule 16b-2 under the Exchange Act exempts certain underwriters from the operation of section 16(b) of the Exchange Act. Applicant states that the purpose of the purchase by applicant and the other underwriters is for resale in connection with the initial distribution of shares of Price. It will thus be a transaction effected in connection with a distribution of a substantial block of securities within the purpose and spirit of the Commission's Rule 16b-2.

The applicant and its counderwriter, however, may not be exempted from section 16(b) by the operation of Rule 16b-2. They may not meet the requirement stated in paragraph (a)(3) of Rule 16b-2 that the aggregate participation of underwriters not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of underwriters receiving the exemption under Rule 16b-2, since it is possible that one or more of the underwriters who take more than 10 percent of the shares may be obligated to purchase more than 50 percent of the shares of Price which will be outstanding at the time of the closing.

In addition to purchases from the Fund and sales to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover over-allotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant states that no underwriter has any inside information, that there is no possibility of using inside information and, in fact, that there is no inside information in existence since the Fund, prior to the initial distribution, will have virtually no assets or business of any sort.

No director or officer of any underwriter is a director or officer of the Fund.

Applicant represents that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. It states that the transactions sought to be exempted cannot lend themselves to the practices to which section 16(b) of the Exchange Act was enacted to apply.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 28, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-9931; Filed, Aug. 20, 1969; 8:48 a.m.]

[812-2466]

PITTSBURGH COKE & CHEMICAL CO.

Notice of Filing of Application

AUGUST 15, 1969.

Notice is hereby given that Pittsburgh Coke & Chemical Co., Grant Building, Pittsburgh, Pa. 15219 ("applicant"), registered under the Investment Company Act of 1940 ("Act") as a closed-end nondiversified investment company, has filed an application pursuant to sections 6(c), 17(b) and 17(d) of the Act and Rule 17(d-1) thereunder for an order exempting from the provisions of section 17(a) of the Act, the proposed acquisition by its majority-owned subsidiary, First Grant Corp. ("First Grant"), from certain affiliated persons (officers, directors, five percent shareholders, and employees) of Standard Aircraft Equipment Co., Inc. ("Standard"), of all or portions of their shares of Common Stock of Standard, permitting said acquisition of Common Stock of Standard from the principal stockholder of Standard, Mr. Louis Bollo ("Bollo") and permitting under section 17(d) and Rule 17(d-1) an employment agreement and stock purchase agreement between Standard and Bollo. All interested persons are referred to the application for a statement of the representations therein which are summarized below.

Standard is a New York corporation engaged in the distribution and repair of aircraft instruments, components and accessories. It is primarily an operating company and not a holding company. The outstanding capital stock of Standard consists of 443,700 shares of Common Stock, 50 cents par value. At the time of filing the application, First Grant owned 112,349 shares of such Common Stock (25.3 percent) and Bolo, who is President and chief executive officer of Standard, owned 248,403 shares. The Common Stock of Standard is traded in the over-the-counter market. Applicant owns approximately 70.7 percent of the capital stock of First Grant. Applicant is in control of First Grant which, in turn, is presumptively in control of Standard. Applicant is therefore in control of Standard and within the meaning of section 2(a)(3) of the Act, Standard and applicant are affiliated persons of one another. Bollo and other officers, directors, employees or 5 percent Shareholders of Standard are therefore affiliated persons of an affiliated person of a registered investment company.

Applicant states that it and First Grant determined that it would be to the advantage of their respective stockholders if First Grant could acquire a larger interest in the Common Stock of Standard. Accordingly, First Grant (1) offered to purchase such Common Stock at $16 per share to the extent that such Common Stock was tendered prior to the close of business on January 30, 1969 (extended to Feb. 14, 1969), and (2) entered into an agreement with Bollo to purchase from him at the same price of $16 per share such additional number of the shares of Common Stock of Standard as might be required to make First Grant the owner of 80 percent of the outstanding shares of such Common Stock. Applicant states that Bollo will not sell any of his holdings in Standard until all other affiliated persons have had an opportunity to tender their shares of Common Stock to First Grant. Applicant further states that Bollo will then sell only that number of shares of Common Stock necessary to give First Grant an 80 percent interest in Standard. First Grant and Bollo have agreed that after the purchase by First Grant, Standard and Bollo would commence an employment contract under which Bollo would serve as President and chief executive officer of Standard and would devote his full time to its activities for a term of 5 years at a salary of $65,000 per year, which contract also contains an agreement not to compete for an additional 3 year period. First Grant also gave Bollo an option to sell to it all but not less than all of the remainder of his Standard holdings at $12 a share or 15 times the average earnings of Standard per share of Common Stock during the preceding 3 calendar years, whichever is higher. Any increase in the earnings of Standard as a result of filing a consolidated tax return will not be used in the computation of the 3 year average for the application of this formula.

Applicant further states that Bollo formed Standard more than 30 years ago and has continued to manage it up until the present time. Standard has shown a profit in 35 of the 36 years of its existence and Bollo has developed important and valuable personal relationships with manufacturers and customers. First Grant and applicant accordingly believed it to be important in connection with the proposed acquisition by First Grant of shares of Common Stock of Standard, particularly shares owned by Bollo, that there be a commitment by Bollo to continue to serve Standard as its principal executive officer, notwithstanding the reduction in his stock holdings. The proposed salary, which represents an increase over the salary previously paid, is considered reasonable in the light of Bollo's commitments under the contract, the importance to Standard and its stockholders of his continued services and compensation payable to principal executive officers of other companies in the industry.

The Applicant states that upon issuance of an order by the Commission, the following affiliated persons will tender the following number of shares and that after acquiring these shares First Grant would then hold 80 percent of the outstanding securities of Standard: Paul L. and Nancy A. Bollo (joint tenants), 100 shares; Orin T. Leach, 2,000 shares; William B. Lewis, Jr., 1,000 shares; and Bollo, 171,302 shares. This would leave only two affiliated persons with any shares, Paul L. and Nancy A. Bollo who would own 20 shares and Bollo who would own 77,101 shares.

Since the purchase of shares of Common Stock of Standard by First Grant from Bollo and other directors, officers, employees and 5 percent shareholders who are affiliated persons of Standard, would constitute a sale of such stock by affiliated persons of an affiliated person of an investment company to a company controlled by such investment company, such proposed purchase would be subject to section 17(a) of the Act.

Section 17(b) provides that notwithstanding section 17(a) an application may be filed for an order exempting a proposed transaction from one or more provisions of the subsection provided that the terms of the proposed transaction including the consideration to be paid or received are reasonable and fair and do not involve overreaching on the part of any person concerned, the proposed transaction is consistent with the policy of the registered investment company and with the general purpose of the Act.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, as here pertinent, that it shall be unlawful for an affiliated person of an affiliated person of a registered investment company, acting as principal, to participate in, or to effect any transaction in which a company controlled by a registered investment company is a joint or joint and several participant, unless, prior thereto, an application regarding such arrangement has been filed with and granted by the Commission. In passing upon such an application, the Commission must consider whether the participation of such controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of the other participants.

The purchase from Bollo and concurrent holding of Standard shares by First Grant may be considered a transaction in which First Grant is a joint or joint and several participant with Bollo and Standard. Similarly, the employment of Bollo by Standard under the proposed employment contract, and the purchase of the balance of shares from Bollo at the time when Standard is controlled by First Grant may be considered a transaction in which First Grant is a joint or joint and several participants with Bollo.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally, exempt any person, or transaction from any provision of the Act or any regulation thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 4, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-9932; Filed, Aug. 20, 1969; 8:48 a.m.]

[812-2520]

UNITED VARIABLE ANNUITY LIFE INSURANCE CO. AND UNITED VARIABLE ANNUITY FUND A

Notice of Application

AUGUST 13, 1969.

Notice is hereby given that United Variable Annuity Life Insurance Co. ("Insurance Company") and United Variable Annuity Fund A ("Fund"), Post Office Box 2398, Little Rock, Ark. 72203, (herein collectively called "applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting applicants from certain provisions of section 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Insurance Company was organized in January 1968 as a stock life insurance company under the laws of the State of Arkansas. It is authorized to engage in the insurance business only in the State of Arkansas and had total capital and surplus at December 31, 1968 of $237,599. The only business of Insurance Company is the issuance and servicing of variable annuity contracts, which it proposes to offer to the public.

Fund is a separate account established by Insurance Company as a facility for the setting aside and investment of assets attributable to variable annuity contracts offered by Insurance Company. Fund is registered under the Act as an open-end, nondiversified investment company. The net assets of Fund are not chargeable with liabilities arising out of any other business of Insurance Company.

Section 27(c)(2) of the Act requires that the proceeds, after deduction of sales load, of all payments on a periodic payment plan certificate issued by a registered investment company be deposited with a bank having the qualifications prescribed by section 26(a)(1) and be held by the bank as trustee or custodian under an indenture or agreement containing, in substance, the provisions required by section 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities, cash, and other property of the trust, places restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, or any affiliated person thereof, other than a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Fund proposes to enter into a custodian agreement with a bank, Brown Brothers Harriman & Co., for the safekeeping of the assets of the Fund. Applicants represent that this agreement will comply with the requirements of section 27(c)(2) except to the extent that exemption therefrom is granted pursuant to the application. Applicants request exemption from the provisions of section 26(a)(2), as incorporated in section 27(c)(2), to the extent necessary to permit payments from the assets of the Fund to meet the charges for investment advisory services, administrative services and mortality undertakings provided for in the contracts between the Fund and Insurance Company and to permit the payment of the direct expenses of the Fund, other than expenses

[File 24W-2931]

SCHROTT, WHITAKER AND DOUGLAS, INC.

Order Amending Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

It is ordered, That the Commission's order of August 13, 1969, temporarily suspending the Regulation A exemption of Schrott, Whitaker and Douglas, Inc., 3910 North Fairfax Drive, Arlington, Va. 22203, be, and it hereby is, amended in the following respects:

Paragraph IIA4 is deleted, and the following paragraph substituted therefor:

4. the Regulation A exemption is not available, pursuant to paragraph (b) of Rule 252, since the securities proposed to be offered are securities of an investment company registered or required to be registered under the Investment Company Act of 1940.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-9933; Filed, Aug. 20, 1969; 8:48 a.m.]

which Insurance Company has agreed to absorb.

Fund proposes to pay to Insurance Company charges aggregating, on an annual basis, 1.75 percent of the current value of the Fund, as follows: 0.5 percent for investment advisory services, 0.5 percent for mortality undertakings, and 0.75 percent for administrative services.

In return for the charge for administrative services, Insurance Company will furnish facilities and personnel for handling the day-to-day affairs of the Fund and will pay all expenses of the fund except taxes; fees of independent actuaries in connection with reserve certification; and audit, custodial, legal, and interest expenses. Insurance Company has undertaken also, for a period of at least 1 year, to absorb any portion of the expenses of the Fund, excluding taxes and interest expense, which, together the charges aggregating 1.75 percent referred to above, exceed in the aggregate the lesser of (1) the investment income of the Fund on an annual basis, or (2) 2 percent, on an annual basis, of the average value of the Fund.

Applicants represent that the charges for mortality undertakings will be credited to a special contingency reserve for mortality losses and not removed from such contingency reserve except in compliance with the Arkansas Insurance Code and that all amounts credited to the special contingency reserve for mortality undertakings will remain in the reserve until the next examination and determination of reserves by the Arkansas Insurance Commissioner.

Applicants consent that the requested exemption may be made subject to the conditions: (1) That charges for administrative services under variable annuity contracts funded by United Variable Annuity Fund A shall not exceed such reasonable amount as the Commission shall prescribe, the Commission reserving jurisdiction for such purpose; (2) that the payment of sums and charges out of the trusteed assets, other than such charges for administrative services, shall not be deemed to be exempted from regulation by the Commission by reason of the granting of the requested exemption, provided that the applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of the trusteed assets other than charges for administrative services, and applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges; and (3) that the Commission may reserve jurisdiction over all the terms of the custodian agreement with Brown Brothers Harriman & Co.

Section 6(c) of the Act authorizes the Commission to exempt, conditionally or unconditionally, any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act or the Rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 3, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-9933; Filed, Aug. 20, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 732]

ARIZONA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Pinal County, Ariz.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid County, and areas adjacent thereto, suffered damage or destruction resulting from windstorm occurring on August 7, 1969.

OFFICE

Small Business Administration Regional Office, 2727 North Central Avenue, Phoenix, Ariz. 85004

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1970.

Dated: August 13, 1969.

R. B. BLANKENSHIP,
Acting Administrator.

[F.R. Doc. 69-9934; Filed, Aug. 20, 1969; 8:48 a.m.]

UTILITY CAPITAL CORP.

Notice of License Surrender

Notice is hereby given that Utility Capital Corp., 121 Prospect Street, Post Office Box 133, Westfield, N.J. 07090, pursuant to a Stipulation of Settlement, Civil No. 1159-66, entered on July 29, 1969, by the U.S. District Court for the District of New Jersey, has pursuant to section 107.105 of the SBA Regulations surrendered its license to operate as a small business investment company.

Utility Capital Corp. was incorporated under the laws of the State of New Jersey solely for the purpose of operating as a small business investment company under the Small Business Investment Act, as amended, and the regulations promulgated pursuant thereto. It was licensed by the Small Business Administration on April 6, 1961 (license No. 02/02-0056).

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the licensee of Utility Capital Corp. is hereby accepted and accordingly, all rights, privileges, and franchises derived therefrom have been canceled and terminated.

Dated: August 11, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-9935; Filed, Aug. 20, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1323]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

AUGUST 15, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the applicant will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2202 (Sub-No. 377), filed July 16, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Baxter Springs, Kans., and Wichita, Kans.: From Baxter Springs over Kansas Highway 26 to junction Kansas Highway 96, thence over Kansas Highway 96 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction U.S. Highway 160, thence over U.S. Highway 160 to junction Kansas Highway 99, thence over Kansas Highway 99 to junction Kansas Highway 96, thence over Kansas Highway 96 to Wichita, Kans., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (2) between Baxter Springs, Kans., and Coffeyville, Kans.: From Baxter Springs over U.S. Highway 166 to Coffeyville, and return over the same route, as an alternate route for operating convenience only, and serving no intermediate points; and (3) between Coffeyville, Kans., and Wichita, Kans.: From Coffeyville over U.S. Highway 166 to junction Kansas Highway 99, thence over Kansas Highway 99 to junction Kansas Highway 96, thence over Kansas Highway 96 to junction U.S. Highway 54, thence over U.S. Highway 54 to Wichita, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points. NOTE: Applicant states the purpose of these routes is to enable the applicant to combine Wichita, Coffeyville, and Joplin traffic in various loading combinations in the same vehicle. The proposed routes would also shorten the route of applicant's movement of Coffeyville traffic to and from the east and southeast. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 174), filed July 25, 1969. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, commodities in bulk, and those injurious or contaminating to other lading), serving the plantsite of Glasrock Products, Inc., at or near Barton, Ala., as an off-route point in connection with its regular routes authority to and from Tuscumbia, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 2986 (Sub-No. 33), filed July 24, 1969. Applicant: I & S—McDANIEL, INC., Vincennes, Ind. 47591. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Indianapolis, Ind., and Louisville, Ky.; from Indianapolis, Ind., over U.S. Highway 31 to its junction with Interstate Highway 65, thence over Interstate Highway 65 to Louisville, Ky., and return over the same route serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Indianapolis, Ind.

No. MC 20894 (Sub-No. 13), filed August 1, 1969. Applicant: P. CALLAHAN, INC., 5240 Comly Street, Philadelphia, Pa. 19135. Applicant's representatives: Terrence L. Bowers (same address as applicant), and Edward F. Kane, 522 Swede Street, Norristown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Advertising material, books, records, and record albums, and commodities* dealt in by manufacturers of electrical equipment, between carrier's terminal in Jersey City, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y.; restricted to shipments shipped by or consigned to General Electric Co., RCA, or Random House, Inc. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC-119140 Sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 25869 (Sub-No. 91), filed August 4, 1969. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, adhesives, coatings, printing inks, putty, paints, and materials, supplies and equipment* used in the manufacture or application thereof, between Lyons and Rockford, Ill., on the one hand, and, on the other, points in Nebraska, California, Colorado, and Iowa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 25869 (Sub-No. 92), filed August 4, 1969. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

vehicle, over irregular routes, transporting: *Chemicals, cleaning compounds, coatings, adhesives, paints and paint materials, and material, supplies and equipment* used in the application or manufacture thereof, from Chicago Heights, Ill., to points in Iowa, Nebraska, and Colorado. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 27356 (Sub-No. 3), filed July 28, 1969. Applicant: M–F EXPRESS, INC., 553 South Broadway, Post Office Box 972, Greenville, Miss. 38701. Applicant's representative: Douglas C. Wynn, 618 Washington Avenue, Post Office Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and articles which because of size, weight, or value require special equipment), between Mobile, Ala., and Poplarville, Miss., from Mobile over U.S. Highway 98 to junction Mississippi Highway 26 at or near Lucedale, Miss., thence over Mississippi Highway 26 to Poplarville, and return over the same route, serving the intermediate point of Wiggins, Miss. NOTE: Applicant states it will interline with its wholly owned subsidiary, Poplarville Truck Line, Inc., at Poplarville, Miss., for service to all its authorized points under Docket No. MC 13308 and subs. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Greenville or Jackson, Miss., or Memphis, Tenn.

No. MC 29079 (Sub-No. 56), filed July 24, 1969. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies and equipment* used or useful in the maintenance and operation of printing houses, restricted against the transportation of commodities in bulk, from Glasgow, Ky., to points in Illinois, Indiana, Ohio, the Lower Peninsula of Michigan and St. Louis, Mo. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30887 (Sub-No. 161), filed July 29, 1969. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Post Office Box 55, Reisterstown, Md. 21136. Applicant's representatives: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036, and W. Wilson Corrum, Post Office Box 55, Reisterstown, Md. 21136. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, from Lorain, Ohio, to points in Ohio, Illinois, Michigan, Indiana, Wisconsin, Minnesota, Missouri, Oklahoma, Virginia, Georgia, North Carolina, Tennessee, New Jersey, Massachusetts, Rhode Island, New York, and California. NOTE: Applicant states it will tack with its existing authority under MC 30887 Sub 37, from Baltimore, Md., through Lorain, Ohio, to serve points in Wisconsin, Oklahoma, Minnesota, Missouri, and California and from New York, N.Y., through Lorain, Ohio, to points in Illinois, Michigan, Indiana, Wisconsin, Minnesota, Missouri, Oklahoma, and California. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 34564 (Sub-No. 23), filed July 21, 1969. Applicant: ADOLPH J. DAROSKA, Concord Hill, Pittsfield, N.H. 03263. Applicant's representative: Andre J. Barbeau, 795 Elm Street, Room 510, Manchester, N.H. 03101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags and in bulk, (1) between Albany, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, (2) between Marlboro, Mass., on the one hand, and, on the other, points in New Hampshire, Vermont, Connecticut, Rhode Island and Maine, and (3) between Hazardville, Conn., on the one hand, and, on the other, points in New Hampshire, Vermont, Massachusetts, Rhode Island, and Maine. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Boston, Mass.

No. MC 35807 (Sub-No. 8), filed July 24, 1969. Applicant: WELLS FARGO ARMORED SERVICE CORP., 210 Baker Street NW., Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Money order and traveler's cheques*, from Rochester, N.Y., to Trenton, N.J., Atlanta, Ga., Chicago, Ill., San Francisco, Calif., Denver, Colo., and New York, N.Y., under contract with American Express Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 36222 (Sub-No. 14), filed July 29, 1969. Applicant: JOHN L. PANSHAW, JR., doing business as CREWE TRANSFER, Crewe, Va. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, Va. 23220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel between Washington, N.C., and Crewe, Va. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 40978 (Sub-No. 14), filed July 25, 1969. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, a corporation, 3321 Highway 141, South, Sheboygan, Wis. 53081. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture* from Sturgis, Mich., to points in Wisconsin; (2) *new furniture*, between points in Wisconsin; and (3) *new institutional, household and office furniture, fixtures and equipment* from points in Wisconsin to points in Iowa, Illinois, and Indiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 42487 (Sub-No. 731), filed July 23, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh*, and *meats, fresh frozen*, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Hereford, Tex., to points in Connecticut, Delaware, Idaho, Maryland, Massachusetts, Montana, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Utah, Washington, and the District of Columbia, restricted to traffic originating at the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Hereford, Tex., and destined to the above-specified destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 45059 (Sub-No. 11), filed July 14, 1969. Applicant: McNAUGHTON BROS., INC., 625 South Street, Indiana, Pa. 15701. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Indiana, Westmoreland, Armstrong, Blair, Cambria, Allegheny, Clearfield, and Jefferson Counties, Pa.; restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 48958 (Sub-No. 105), filed July 28, 1969. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Morris G. Cobb, 601 Ross Street, Post Office Box 9050, Amarillo, Tex. 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Barstow, Calif., and Levan, Utah, over U.S. Highway 91 (Interstate Highway 15) and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, and serving Levan, Utah, for purposes of joinder only, in connection with carrier's authorized regular route operations between Barstow, Calif., and Salt Lake City, Utah. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 50069 (Sub-No. 427), filed July 24, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* in bulk, in tank vehicles, from the plantsite of the Stepan Chemical Co. at or near Millsdale, Ill., to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and Virginia. NOTE: Applicant states it will join the authority sought herein with the authority it holds in MC–50069, Sub 416, wherein it is authorized to transport similar commodities from the same plantsite to points in Indiana, Connecticut, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, Wisconsin, and certain limited areas of Missouri and Kansas. Applicant further states no duplicative authority sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52709 (Sub-No. 309), filed July 28, 1969. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix 1 to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux Falls, S. Dak., to Cedar City, Utah, and Las Vegas, Nev. NOTE: Applicant states it will tack with its regular route authority at Las Vegas to perform through service to points in Nevada and California. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 72442 (Sub-No. 24), filed June 30, 1969. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Box 579, Gastonia, N.C. 28052. Applicant's representatives: Lennox O. Boyles (same address as applicant), and Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), operating over all highways (except its presently authorized service routes) in Berks, Carbon, Lehigh, Northampton, Lebanon, Lancaster, Chester, Montgomery, Bucks, and Schuylkill Counties, Pa., for operating convenience only, performing service at those points presently authorized to be served on its present regular route operating authority. NOTE: Applicant states the purpose of this application is to permit applicant to conduct a more efficient and economical operation within the described area of Pennsylvania. Applicant further states it seeks no authority to serve any point not now authorized to be served. If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

No. MC 72442 (Sub-No. 26), filed August 1, 1969. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Box 579, Gastonia, N.C. 28052. Applicant's representatives: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303, and Lennox O. Boyles (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission):

(1) Between Greensboro, N.C., and Thomasville, Ga.: From Greensboro over U.S. Highway 29 and Alternate U.S. Highway 29 via Charlotte, N.C.; Spartanburg and Greenville, S.C.; Athens and Atlanta, Ga.; to La Grange, Ga., thence over Georgia Highway 219 to junction Georgia Highway 103, thence over Georgia Highway 103 to Columbus, Ga. (also from Greenville over U.S. Highway 123 to Cornelia, Ga., thence over U.S. Highway 23 to Atlanta, and thence over Georgia Highway 85 to Columbus), thence over U.S. Highway 280 to Richland, Ga., thence over Georgia Highway 55 to Dawson, Ga., thence over U.S. Highway 82 to Albany (also from Athens over U.S. Highway 129 to Macon, Ga., thence over U.S. Highway 41 to Cordele, Ga., and thence over Georgia Highway 257 to Albany), thence over U.S. Highway 19 to Thomasville (also from Albany over Georgia Highway 133 to Moultrie, Ga., and thence over U.S. Highway 319 to Thomasville), and return over the same route, serving all intermediate points;

(2) Between Raleigh, N.C., and Charlotte, N.C.: (a) From Raleigh over U.S. Highway 70 to Greensboro, N.C., thence over U.S. Highway 421 to Winston-Salem, N.C., thence over U.S. Highway 158 to Mocksville, N.C., thence over U.S. Highway 64 to Statesville, N.C., thence over U.S. Highway 21 to Charlotte, and return over the same route, serving all intermediate points;

(b) From Raleigh over U.S. Highway 64 to Asheboro, N.C., thence over North Carolina Highway 49 to Charlotte, and return over the same route; serving all intermediate points; and

(c) From Raleigh over U.S. Highway 1 to Sanford, N.C., thence over U.S. Highway 15 to Carthage, N.C., thence over North Carolina Highway 27 to Charlotte, and return over the same route, serving all intermediate points;

(3) Between Statesville, N.C., and Hazelwood, N.C.: From Statesville over U.S. Highway 70 and Alternate U.S. Highway 70 via Conover to Asheville, N.C., thence over U.S. Highway 23 to Hazelwood, and return over the same route, serving all intermediate points;

(4) Between Kings Mountain, N.C., and Asheville, N.C.: From Kings Mountain over U.S. Highway 74 via Shelby, N.C., to Forest City, N.C. (also from Shelby over North Carolina Highway 150 to Boiling Springs, N.C., thence over unnumbered highway to Cliffside, N.C., thence over Alternate U.S. Highway 221 to Forest City), thence over U.S. Highway 74 to Asheville, and return over the same routes, serving all intermediate points;

(5) Between Conover, N.C., and Monroe, N.C.: From Conover over North Carolina Highway 16 to Newton, N.C. (also from Conover over U.S. Highway 321 to Newton, N.C.), thence over U.S. Highway 321 to Lincolnton, N.C., thence over North Carolina Highway 27 to Charlotte, N.C., thence over U.S. Highway 74 to Monroe, and return over the same route, serving all intermediate points;

(6) Between Salisbury, N.C., and Albemarle, N.C.: From Salisbury over U.S. Highway 52 via New London, N.C., to Albemarle (also from New London over North Carolina Highway 740 to Badin, N.C., thence over unnumbered highway to Albemarle), and return over the same routes, serving all intermediate points;

(7) Between Asheville, N.C., and junction U.S. Highway 25 and South Carolina Highway 19 near Trenton, S.C.: From Asheville over U.S. Highway 25 to junction South Carolina Highway 19 near Trenton, and return over the same route, serving all intermediate points;

(8) Between Hendersonville, N.C., and Whitmire, S.C.: From Hendersonville over U.S. Highway 176 to Whitmire and

return over the same route, serving all intermediate points;

(9) Between Charlotte, N.C., and Albany, Ga.: From Charlotte over U.S. Highway 21, via Pineville, N.C., and Columbia, S.C., to Salkehatchie, S.C., thence over Alternate U.S. Highway 17 to Pocataligo, S.C., thence over U.S. Highway 17 to Savannah, Ga. (also from Pineville over U.S. Highway 21 to the North Carolina-South Carolina State line, thence over South Carolina Highway 72 via Rock Hill, S.C., to Chester, S.C., thence over U.S. Highway 321 to Savannah), thence over U.S. Highway 17, via Midway, Ga., to Brunswick, Ga., thence over U.S. Highway 84 to Waycross, Ga. (also from Midway over Georgia Highway 38 to Waycross), thence over U.S. Highway 82 to Albany, and return over the same route, serving all intermediate points;

(10) Between Concord, N.C., and Augusta, Ga.: From Concord over U.S. Highway 601 to Kershaw, S.C., thence over U.S. Highway 521 to Camden, S.C., thence over U.S. Highway 1 to Augusta, and return over the same route, serving all intermediate points;

(11) Between Gastonia, N.C., and Augusta, Ga.: From Gastonia over U.S. Highway 321 to Chester, S.C., thence over South Carolina Highway 72 to Whitmire, S.C., thence over U.S. Highway 176 to junction South Carolina Highway 121, thence over South Carolina Highway 121 to junction U.S. Highway 25 near Trenton, S.C., thence over U.S. Highway 25 to Augusta, and return over the same route, serving all intermediate points;

(12) Between North Augusta, S.C., and Fairfax, S.C.: From North Augusta over U.S. Highway 278 to Fairfax, and return over the same route, serving all intermediate points;

(13) Between Camden, S.C., and Charleston, S.C.: From Camden over U.S. Highway 521 to Sumter, S.C., thence over U.S. Highway 15 to Wells, S.C., thence over U.S. Highway 176 to Charleston, and return over the same route, serving all intermediate points;

(14) Between Columbia, S.C., and Sumter, S.C.: From Columbia over U.S. Highway 76 to Sumter, and return over the same route, serving all intermediate points;

(15) Between junction U.S. Highway 176 and U.S. Highway 21 near Sandy Run, S.C., and Wells, S.C.: From junction U.S. Highway 176 and U.S. Highway 21 over U.S. Highway 176 to Wells, and return over the same route, serving all intermediate points;

(16) Between Pineville, N.C., and Kershaw, S.C.: From Pineville over U.S. Highway 521 to Kershaw, and return over the same route, serving all intermediate points;

(17) Between Chester, S.C., and Lancaster, S.C.: From Chester over South Carolina Highway 9 to Lancaster, and return over the same route, serving all intermediate points;

(18) Between Spartanburg, S.C., and Laurens, S.C.: From Spartanburg, over U.S. Highway 221 to Laurens, and return over the same route, serving all intermediate points;

(19) Between Greenville, S.C., and Newberry, S.C.: From Greenville over U.S. Highway 276 to junction South Carolina Highway 14, thence over South Carolina Highway 14 to Laurens, S.C., thence over U.S. Highway 76 to Newberry, and return over the same route, serving all intermediate points;

(20) Between Greenville, S.C., and Calhoun Falls, S.C.: From Greenville over South Carolina Highway 81 to Calhoun Falls, and return over the same route, serving all intermediate points;

(21) Between Clemson, S.C., and Laurens, S.C.: From Clemson over U.S. Highway 76 to Laurens, and return over the same route, serving all intermediate points;

(22) Between Whitmire, S.C., and Athens, Ga.: From Whitmire over South Carolina Highway 72 to the South Carolina-Georgia State line, thence over Georgia Highway 72 to Athens, and return over the same route, serving all intermediate points;

(23) Between Seneca, S.C., and Monroe, Ga.: From Seneca over South Carolina Highway 59 to the South Carolina-Georgia State line thence over Georgia Highway 59 to Commerce, Ga., thence over Georgia Highway 15 to Jefferson, Ga., thence over Georgia Highway 11 to Monroe, and return over the same route, serving all intermediate points;

(24) Between Atlanta, Ga., and Augusta, Ga.: From Atlanta over U.S. Highway 78 via Athens, Ga., to Thomson, Ga. (also from Atlanta over U.S. Highway 278 to Thomson) thence over U.S. Highway 78 to Augusta, and return over the same routes, serving all intermediate points;

(25) Between Atlanta, Ga., and Jesup, Ga.: From Atlanta over U.S. Highway 41 to Forsyth, Ga. (also from Atlanta over U.S. Highway 23 to Forsyth), thence over U.S. Highway 41 to Macon, Ga., thence over U.S. Highway 23 to Hazelhurst, Ga., thence over U.S. Highway 341 to Jesup, and return over the same routes, serving all intermediate points;

(26) Between Echeconnee, Ga., and Albany, Ga.: From Echeconnee over Georgia Highway 49 to Americus, Ga., thence over U.S. Highway 19 to Albany, and return over the same route, serving all intermediate points;

(27) Between Cordele, Ga., and Valdosta, Ga.: From Cordele over U.S. Highway 41 to Valdosta, and return over the same route, serving all intermediate points;

(28) Between Madison, Ga., and Woodbury, Ga.: From Madison over Georgia Highway 83 to Monticello, Ga., thence over Georgia Highway 16 to Griffin, Ga., thence over U.S. Highway 19 to Zebulon, Ga., thence over Georgia Highway 18 to Woodbury, and return over the same route, serving all intermediate points;

(29) Between Zebulon, Ga., and Barnesville, Ga.: From Zebulon over U.S. Highway 19 to Thomaston, Ga., thence over Georgia Highway 36 to Barnesville, and return over the same route, serving all intermediate points;

(30) Between Fort Valley, Ga., and Eastman, Ga.: From Fort Valley over Georgia Highway 7 to Perry, Ga., thence over U.S. Highway 341 to Hawkinsville, Ga., thence over Georgia Highway 27 to Eastman, and return over the same route, serving all intermediate points;

(31) Between Camilla, Ga., and Moultrie, Ga.: From Camilla over Georgia Highway 37 to Moultrie, and return over the same route, serving all intermediate points;

(32) Between Gray, Ga., and Warrenton, Ga.: From Gray over Georgia Highway 22 to Sparta, Ga., thence over Georgia Highway 16 to Warrenton, and return over the same route, serving all intermediate points;

(33) Between Macon, Ga., and Eastman, Ga.: From Macon over U.S. Highway 80 to Dublin, Ga., thence over U.S. Highway 319 to junction Georgia Highway 117, thence over Georgia Highway 117 to Eastman, and return over the same route, serving all intermediate points;

Serving the following off-route points in connection with routes described above: Cooleemee, Leaksville-Spray, Norwood, and Mount Gilead, N.C., and points in North Carolina within 25 miles of Gastonia, N.C.; Cateechee, Cherokee Falls, Kings Creek, Pickens, Walhalla, Buffalo, Lockhart, Hampton, Fort Jackson, and Parris Island, S.C., points within 15 miles of Spartanburg, S.C., and points within 15 miles of Greenville, S.C.; Bainbridge, Clarkesville, Clayton, Clyattville, Claxton, Douglas, Habersham, Hawkinsville, Juliette, Millen, Milstead, Porterdale, Potterville, Warm Springs, Warner Robins, and Woodland, Ga. Restriction: The service proposed to be authorized above is subject to the following conditions:

(1) Service at authorized points in South Carolina (other than those in Anderson, Oconee, Pickens, Greenville, Spartanburg, Cherokee, Laurens, Union, York, Greenwood, Abbeville, Chester, Lancaster, Newberry, and Fairfield Counties) is restricted to traffic moving to or from points north of the North Carolina-Virginia State line.

(2) Service at authorized points in Georgia, except for the pick up of cotton piece goods, is restricted to traffic originating at or destined to (a) points in the 15 South Carolina counties named above, (b) Gastonia, N.C., and points in North Carolina within 25 miles of Gastonia, and (c) points north of the North Carolina-Virginia State line.

NOTE (A): The authority described herein duplicates all portions of Part "C" of the authority issued to applicant in MC-72442 (Sub-No. 4). Applicant agrees to the cancellation of this duplicating authority if this application is approved.

(B): Applicant states the purpose of this application is to eliminate applicant's existing gateway on operations from and to Chester, Lancaster, Newberry, and Fairfield Counties, S.C. Applicant is presently authority to serve these counties by operating through Gaston County, N.C. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 72442 (Sub-No. 27), filed July 28, 1969. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Box 579, Gastonia, N.C. 28052. Applicant's representatives: Lenox O. Boyles (same address as applicant), and Paul M. Daniel, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), between Remington, Va., and Leesburg, Va., from Remington over U.S. Highway 15 to Leesburg, and return over the same route serving no intermediate points, as an alternate route for operating convenience only. NOTE: Applicant states this application is to permit it to bypass Washington, D.C., in its present east-south operations. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 72442 (Sub-No. 28), filed August 4, 1969. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Box 579, Gastonia, N.C. 28052. Applicant's representatives: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303, and Lennox O. Boyles (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), serving Farmingdale, Long Island, N.Y., as an off-route point in connection with the carrier's existing regular-route operation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 73165 (Sub-No. 268), filed July 22, 1969. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, caps, covers, stoppers and tops*, between Mineral Wells, Miss., and points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas and all States east thereof, except Mississippi. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 73618 (Sub-No. 5), filed July 18, 1969. Applicant: BIVINS' FREIGHT SERVICE, INC., 55 South Wade Boulevard, Millville, N.J. 08332. Applicant's representative: William P. Jackson, Jr., 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, from points in Winslow Township, N.J., to points in New York, Connecticut, Pennsylvania, Delaware, and Maryland; and (2) *ground, crushed, or pulverized stone*, from points in Philadelphia, Bucks, Montgomery, Delaware, and Chester Counties, Pa., to points in New Jersey. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 78687 (Sub-No. 25), filed July 29, 1969. Applicant: LOTT MOTOR LINES, INC., Routes 6 and 92, Rural Delivery 4, Tunkhannock, Pa. 18657. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron, steel, and metal*, from Ithaca, N.Y., to points in Pennsylvania. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 2505, therefore, dual operation and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Ithaca, Elmira, Binghamton, N.Y., or Washington, D.C.

No. MC 82492 (Sub-No. 29), filed July 31, 1969. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 693 Plymouth Avenue NE., Grand Rapids, Mich. 49505. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Postville, Iowa, to points in Wisconsin, Illinois, Indiana, Ohio, and Michigan. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, Chicago, Ill., or Detroit, Mich.

No. MC 83539 (Sub-No. 261), filed July 28, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, other than pipe used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, including pipe connections, couplings, or fittings, when moving in connection therewith, from Gainesville, Tex., to points in Louisiana, Missouri, Oklahoma, and Texas. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 87720 (Sub-No. 93), filed July 23, 1969. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products*, other than bulk, from Flemington, N.J., to points in New York, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, and the District of Columbia, and (2) *materials and supplies*, other than bulk, from the above-named destination territory to Flemington, N.J., under contract with Bemis Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 88141 (Sub-No. 6) (Correction), filed June 4, 1969, published FEDERAL REGISTER of June 26, 1969, corrected July 18, 1969, and republished as corrected, this issue. Applicant: SPENCER TRANSFER, INC., 830 Bollingbrook Street, Petersburg, Va. 23831. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, Va. 23220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transil oil*, in bulk, in tank vehicles, between points in Virginia and points in Grant, Greenbrier, Mercer, McDowell, Monroe, Pocahontas, Raleigh, Summers, and Wyoming Counties, W. Va., and points in Beaufort, Bertie, Camden, Chowan, Craven, Currituck, Dare, Edgecombe, Gates, Granville, Greene, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pimlico, Pasquotank, Perquimans, Pitt, Tyrrell, Vance, Warren, and Washington Counties, N.C., under a continuing contract with Virginia Electric & Power Co. NOTE: The purpose of this republication is to correctly describe the commodity description as transil oil in lieu of transit oil as previously published. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 93151 (Sub-No. 9), filed July 14, 1969. Applicant: ROWE CAMBRIDGE MOTOR TRANSPORTATION, INC., Rural Delivery No. 3, Tyrone, Pa. 16686. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard*, from Tyrone, Pa., to points in Alabama, Arkansas,

Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland within 50 miles of Gaithersburg, Md., Michigan, Minnesota, Mississippi, Missouri, New Hampshire, Ohio, west of Ohio Highway 4, Oklahoma, Tennessee, Texas, Vermont, Virginia, West Virginia within 50 miles of Gaithersburg, Md., Wisconsin, and the District of Columbia, and points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Union, and Warren Counties, N.J., and points in Dutchess, Kings, Nassau, Putnam, Queens, Richmond, Suffolk, and Westchester Counties, N.Y., under a continuing contract or contracts with Westvaco Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 97471 (Sub-No. 2), filed July 31, 1969. Applicant: LINK TRUCK LINES, INC., Post Office Box 117, Genoa, Colo. 80818. Applicant's representative: John Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except in bulk, in tank vehicles (a) between points in that part of Yuma County, Colo., south of U.S. Highway 34, Kit Carson County, Colo.; and that part of Cheyenne County, Colo., north of U.S. Highway 40; and (b) between points in the territory described in (a) above, on the one hand, and, on the other, points in Colorado. NOTE: Applicant states it intends to tack within 25 miles of Joes, Colo., to serve points in Kansas. Applicant holds certificate of registration MC 97471 and here seeks to convert it to a certificate of public convenience and necessity upon purchase of G & E, MC 26161 in MC-FC-71583 proceedings. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 99351 (Sub-No. 4), filed August 1, 1969. Applicant: HOWARD FLORA, doing business as HOWARD FLORA FREIGHT LINE, 1051 East Second Street, Maysville, Ky. 41056. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Augusta and Maysville, Ky., over Kentucky Highway 8, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Lexington, Ky.

No. MC 100666 (Sub-No. 147), filed August 1, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Absorbent ground clay*, in bags, from the plantsite of Oil-Dri Corporation of America near Cairo, Ga., to points in Alabama, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Louisiana, Arkansas, Missouri, Iowa, Texas, Oklahoma, Kansas, New Mexico, Colorado, Arizona, and California. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 103993 (Sub-No. 447), filed July 28, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated or precut buildings*, complete, knocked down, or in sections, and *parts and materials* used in the assembly and erection thereof, from points in Multnomah County, Oreg., to points west of the Mississippi River including Louisiana and Minnesota, excluding Hawaii and Alaska. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 103993 (Sub-No. 448), filed July 28, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from points in Lexington County, S.C., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 105457 (Sub-No. 65), filed July 9, 1969. Applicant: THURSTON MOTOR LINES, INC., 601 Johnson Road, Charlotte, N.C. 28201. Applicant's representative: Roland Rice, Suite 618, Perpetual Building, 1111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Textile products and materials and supplies*, from points in Cleveland and Rowan Counties, N.C.; South Greenville, S.C.; and Port Rayon, Tenn., to Bowling Green, Ky.; and (2) *empty warp beams*, from Bowling Green, Ky., to points in Cleveland and Rowan Counties, N.C.; South Greenville, S.C.; and Port Rayon, Tenn. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states it now holds common carrier authority to service all of the points in North Carolina, South Carolina, and Tennessee for which authority is herein sought. The authority to service points in Tennessee is restricted to shipments moving to, from, and through a point in South Carolina or points located within 35 miles of Clover, S.C. The purpose of this application is to secure authority to serve Bowling Green, Ky., and points located within the commercial zone thereof and to eliminate the gateway requirement. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 106398 (Sub-No. 411), filed August 1, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles; and (2) *buildings*, in sections, equipped with hitchball connector, in initial movements, from points in Perry County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warrented. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock or Fort Smith, Ark.

No. MC 106398 (Sub-No. 412), filed July 30, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *buildings*, in sections, equipped with hitchball connector, in initial movements, from points in Antelope County, Nebr., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant seeks no duplicating authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 106398 (Sub-No. 413), filed July 30, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles and *buildings*, in sections, equipped with hitchball connector, from De Soto Parish, La., to points in the United States (except Alaska and Hawaii), and (2) *trailers* designed to be drawn by passenger automobiles all in initial movements, from Monroe County, Miss., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant states also that no duplicating authority is being sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Jackson, Miss.

No. MC 106760 (Sub-No. 111), filed July 24, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Irvin Tull and Fred Rahal, Jr., 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products; composition boards; insulating materials; roofing and roofing materials; urethane and urethane products; and related materials, supplies and accessories incidental thereto*, from the plantsite and warehouse sites of Celotex Corp. at Fort Dodge and Dubuque, Iowa, to points in the United States (except Washington, Oregon, Idaho, California, Nevada, Utah, Arizona, Alaska, and Hawaii). NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states that no duplicating authority is being sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Chicago, Ill.

No. MC 106760 (Sub-No. 112), filed July 24, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Fred Rahal, Jr., and Irvin Tull, 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products, and related materials, supplies, and accessories incidental thereto;* (1) from the plantsite and warehouse site of Celotex Corp. in Chicago, Ill., to points in the United States except Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, Alaska, and Hawaii; and (2) from the plantsite and warehouse site of Celotex Corp. in Lagro, Ind., to Birmingham, Ala., and points within 65 miles thereof and points in Colorado, Connecticut, Indiana, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Chicago, Ill.

No. MC 106760 (Sub-No. 113), filed July 24, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Irvin Tull and Fred Rahal, Jr., 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products and related materials, supplies, and accessories incidental thereto;* (1) from the plant and warehouse sites of Celotex Corp. in Henry County, Tenn.; Fairfield, Ala.; and Camden, Ark.; to points in the United States (except Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Alaska, and Hawaii); and (2) from the plant and warehouse sites of Celotex Corp. in Marrero, La., to points in Colorado, Connecticut, Indiana, Kansas, Louisiana, Maine, Massachusetts, Minnesota, Nebraska, New Hampshire, New Mexico, New York, North Dakota, Oklahoma, Rhode Island, South Dakota, Tennessee, Texas, Vermont, and Wyoming. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states that no duplicating authority is being sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Chicago, Ill.

No. MC 106760 (Sub-No. 114), filed July 24, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43614. Applicant's representatives: Irvin Tull and Fred Rahal, Jr., 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products and related materials, supplies, and accessories incidental thereto;* (1) from the plantsite and warehouse site of Celotex Corp. in Deposit, N.Y., and Carteret, N.J., to points in the United States (except Washington, Oregon, Idaho, California, Nevada, Utah, Arizona, Alaska, and Hawaii); (2) from the plant and warehouse sites of Celotex Corp. in Harding, Pa., to points in the United States (except Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Arizona, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Alaska, and Hawaii); and (3) from the plant and warehouse sites of Celotex Corp. in Port Clinton, Ohio, to points in Indiana, New York, North Carolina, and South Carolina. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states that no duplicating authority is being sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Chicago, Ill.

No. MC 107002 (Sub-No. 378), filed July 28, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as applicant), and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank or hopper-type vehicles, from Decatur, Ala., to points in Alabama, Connecticut, Florida, Georgia, Indiana, Kentucky, Louisiana, North Carolina, Pennsylvania, South Carolina, Tennessee, and Texas. NOTE: Applicant states that although tacking is not contemplated at this time, the authority sought could be tacked with presently held authority to perform a through service over reasonable routes, whereas applicant holds authority in the States of Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Pennsylvania, Tennessee, and Texas. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 107295 (Sub-No. 209), filed July 23, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring and lumber products*, from Laona, Wis., to points in Minnesota, Missouri, New York, and Pennsylvania. NOTE: Applicant states it will tack with its lead MC 107295 Part (B) where feasible. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 107295 (Sub-No. 210), filed July 23, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers and mobile homes* when mounted on wheeled undercarriages with hitchball connector; trailers, designed to be drawn by passenger automobile in initial movement; *prefabricated buildings*, complete, knocked down, or in sections; and all *component parts* used in the erection or assembling thereof, from points in Pennsylvania to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. NOTE: Applicant states that it would tack with its lead certificate in MC 107295 where feasible. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 107295 (Sub-No. 211), filed July 28, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Roof and floor decking; roof and floor forms; and accessories* used in the installation thereof; (1) from Wilmington, N.C., to points in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Louisiana, Mississippi, Arkansas, and Oklahoma; and (2) from South Holland, Ill., to points in Wisconsin, Missouri, Kansas, Nebraska, North Dakota, South Dakota, Iowa, Indiana, Michigan, Kentucky, Tennessee, Ohio, Minnesota, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, West Virginia, Pennsylvania, and New York. NOTE: Applicant states it will tack with MC 107295 Part (B) where feasible. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107295 (Sub-No. 212), filed July 28, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal siding and accessories*, from Chicago, Ill., to points in the United States (except Washington, Oregon, California, Idaho, Utah, Arizona, Nevada, Alaska, and Hawaii). NOTE: Applicant states it intends to tack with MC 107295 Part (B) where feasible. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 670), filed July 23, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representatives: H. L. Gundlach (same address as above), and Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, liquid and film on sheeting other than cellulose and *plastic moulding compound in packages*, in vehicles equipped with mechanical refrigeration; (1) from Stamford, Conn., to points in Virginia, Maryland, Pennsylvania, New Jersey, Ohio, Illinois, Wisconsin, Michigan, Minnesota, Iowa, Kansas, Texas, Alabama, Florida, Georgia, Tennessee, North Carolina, and South Carolina; and (2) from Norwalk, Conn., to Marlborough, Andover, Ipswich, and West Concord, Mass. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Boston, Mass.

No. MC 108053 (Sub-No. 89), filed August 1, 1969. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, Nebr. 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles; and *foodstuffs* (except meats and packinghouse products as described above), when moving in the same vehicle at the same time with meats and packinghouse products, from Austin, Minn., Fremont, Nebr., and Fort Dodge, Iowa; to points in Arizona, California, Oregon, Utah, and Washington; and (2) *meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Des Moines, Iowa; Mitchell and Huron, S. Dak.; and Scottsbluff, Nebr.; to points in California, Arizona, Oregon, Utah, and Washington. The authority sought in (1) and (2) above is to be restricted to traffic originating at the plantsite and/or warehouse facilities of the I-D Packing Co., Des Moines, Iowa; Rod Barnes Packing Co., Huron, S. Dak.; Scottsbluff Packing Co., Scottsbluff, Nebr.; and Geo. A. Hormel & Co., at all other named origins. Traffic is also restricted to traffic destined to the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108207 (Sub-No. 268), filed July 30, 1969. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, frozen, from Phoenix, Ariz., to Los Angeles, Calif. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Dallas, Tex.

No. MC 109124 (Sub-No. 14), filed July 30, 1969. Applicant: SENTLE TRUCKING CORPORATION, 210 West Alexis Road, Toledo, Ohio 43612. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products, and related materials, supplies and accessories* used in the installation of said products, from the plantsite of the Celotex Corp. in Port Clinton, Ohio, to points in Illinois, Michigan (Lower Peninsula), Indiana, New York, Pennsylvania, West Virginia, and Kentucky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 109236 (Sub-No. 22), filed August 4, 1969. Applicant: G. GRANT SIMS, ELMER L. SIMS, AND M. K. SIMS, a partnership, doing business as SALT LAKE TRANSFER COMPANY, 35 South Fifth West, Salt Lake City, Utah 84101. Applicant's representative: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight require special handling or the use of special equipment, and (2) *classes A and B explosives*, between points in the United States (except Hawaii), restricted to traffic moving to or from military or Department of Defense establishments. NOTE: No duplicating authority is being sought. Applicant shall eliminate all such duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Washington, D.C., Boise, Idaho, Denver, Colo., or San Francisco, Calif.

No. MC 109533 (Sub-No. 39) (Amendment), filed December 6, 1968, published in the FEDERAL REGISTER issue of December 28, 1968, and republished as amended this issue. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Eugene T. Liipfert, 11th Floor, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Denmark, S.C., and Jacksonville, Fla., from Denmark over U.S. Highway 321 to junction U.S. Highway 17, thence over U.S. Highway 17 to Jacksonville, and return over the same route, serving all intermediate points in South Carolina and the intermediate point of Savannah, Ga.; (2) between Augusta, Ga., and Fairfax, S.C., over U.S. Highway 278, serving all intermediate points; and (3) between Macon, Ga., and Jacksonville, Fla., (a) over U.S. Highway 23, and (b) from Macon over Intrastate Highway 75 to junction Interstate Highway 10, thence over Interstate Highway 10 to Jacksonville, and return over the same routes, serving no intermediate points. Restrictions: The service sought in (1) and (2) above is subject to the following: (a) Said operations shall be restricted to the transportation of traffic moving from, to or through Monroe, N.C., or points located on carrier's regular routes between High Point, N.C., and Atlanta, Ga., as described in section (I)(C) of certificate MC 109533 issued December 17, 1968. (b) The regular route authority sought in (1) and (2) hereinabove shall not be severable by sale or otherwise, from the authority otherwise contained in section (I)(C) of certificate MC 109533 issued December 17, 1968. The service sought in (1), (2), and (3) above is restricted against the transportation of traffic (a) originating or interlined at Savannah, Ga., and its commercial zone, destined to or interlined at Jacksonville, Fla., and its commercial zone; and (b) originating at or interlined at Jacksonville, Fla., and its commercial zone, destined to or interlined at Savannah, Ga., and its commercial zone. NOTE: The purpose of this republication is to redescribe and broaden the scope of the authority sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Macon or Atlanta, Ga.

No. MC 109553 (Sub-No. 41), filed July 6, 1969. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: C. H. Swanson, Post Office Box 1216, Richmond, Va. 23209. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Norton and Coeburn, Va., from Norton over U.S. Highway 23 to Pound, Va., thence over Virginia Highway 83 to junction Virginia Highway 72, thence over Virginia Highway 72 to Coeburn, returning over the same route, serving all intermediate points, serving Clintwood and North Fork Dam, Va., as off-route points, (2) between Mount Rush and Lexington, Va., over U.S. Highway 60, serving Buena Vista, Va., as an intermediate point, (3) between Farmville and Keysville, Va., over U.S. Highway 15, serving all intermediate points, and (4) between Danville, Va., and junction U.S. Highway 360 and Virginia Highway 304, from Danville over U.S. Highway 58 to junction Virginia Highway 304, thence over Vrginia Highway 304 to junction U.S. Highway 360, returning over the same route, serving South Boston, Va., as an intermediate point. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Bristol, Va.-Tenn., Roanoke, or Richmond, Va.

No. MC 110264 (Sub-No. 41), filed July 31, 1969. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., 4500 McLeod Road NE., Albuquerque, N. Mex. 87110. Applicant's representatives: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005, and Duncan A. McLeod, Post Office Box 3459, Albuquerque, N. Mex. 87110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, those of unusual value, household goods as defined by the Commission, and those requiring special equipment) (1) between Albuquerque, N. Mex., and Phoenix, Ariz.: From Albuquerque over U.S. Highway 66 (Interstate Highway 40) to Flagstaff, Ariz., thence over Arizona Highway 79 (Interstate Highway 17) to Phoenix, and return over the same route, serving all intermediate and off-route points; also from Flagstaff, Ariz., over U.S. Highway 66 (Interstate Highway 40) to Ash Fork, Ariz., thence over U.S. Highway 89 to Prescott, Ariz., thence over Arizona Highway 69 to its junction with Arizona Highway 79 (Interstate Highway 17), thence over Arizona Highway 79 (Interstate Highway 17) to Phoenix, Ariz., and return over the same route, serving all intermediate and off-route points; (2) between Gallup, N. Mex., and Quemado, N. Mex.: Joining Route No. (1) above to Quemado, N. Mex., from Gallup, N. Mex., over New Mexico Highway 32 to junction of U.S. Highway 60 just west of Quemado, N. Mex., and return over the same route, serving all intermediate and off-route points; (3) between Fence Lake, N. Mex., and Quemado, N. Mex.; from Fence Lake, N. Mex. (located on New Mexico Highway 32), over New Mexico Highway 36 to junction New Mexico Highway 117, thence over New Mexico Highway 117 to Quemado, N. Mex., and return over the same route, serving all intermediate and off-route points; and (4) between Milan, N. Mex., and Ambrosia Lake, N. Mex.: From Milan, N. Mex., over New Mexico Highway 53 to junction New Mexico Highway 509, thence over New Mexico Highway 509 to Ambrosia Lake, N. Mex., and return over the same route, serving all intermediate and off-route points, including San Mateo, N. Mex. NOTE: Applicant states that it is presently authorized to operate between Albuquerque and Phoenix over a service route and an alternate route. The proposed operations involve, in part, service to intermediate and off-route points on applicant's existing alternate route. Applicant further states no duplicating authority being sought. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, Gallup, or Grants, N. Mex., or Flagstaff, Ariz.

No. MC 110585 (Sub-No. 15), filed July 23, 1969. Applicant: REPUBLIC VAN AND STORAGE CO., INC., 9219 Harford Road, Baltimore, Md. 21234. Applicant's representative: John C. Bradley, 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the United States. NOTE: Common control may be involved. Duplicating authority to be eliminated. Applicant states that if the application is granted in full, it will tender for cancellation all of its existing authority. Applicant further states that the operating rights sought are nonradial and nationwide. Therefore, they blanket existing authorities of applicant and tacking is not a factor. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111170 (Sub-No. 131), filed July 31, 1969. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Applicant's representative: Thomas Harper, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Memphis, Tenn., and West Memphis, Ark., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111170 (Sub-No. 132), filed July 31, 1969. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Applicant's representative: Thomas Harper, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Jet fuel*, in bulk, from Jenks, Okla., to points in Union County, Ark., and (2) *sulfuric acid*, in bulk, from North Little Rock, Ark., to points in Louisiana and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111594 (Sub-No. 44), filed July 23, 1969. Applicant: C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, Wis. 54494. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Groos, Mich., to points in Minnesota and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113651 (Sub-No. 128), filed July 23, 1969. Applicant: INDIANA REFRIGERATED LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles); (1) from the plantsites and/or warehouse facilities of John Morrell & Co., located at or near Ottumwa and Estherville, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; and (2) from the plantsite and/or warehouse facilities of John Morrell & Co., located at or near Madison and Sioux Falls, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont,

Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and/or warehouse facilities of John Morrell & Co., at or near points named above and destined to the named territory. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. No duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114106 (Sub-No. 75), filed July 28, 1969. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, Post Office Box 573, Lexington, N.C. 27292. Applicant's representative: William P. Sullivan, 1819 H Street, NW., Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Potato starch*, dry, in bulk, from Greer, S.C., to points in North Carolina. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 115176 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 45), filed July 22, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, packinghouse products*, as defined in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Postville, Iowa, to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 115331 (Sub-No. 272), filed July 23, 1969. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representatives: J. R. Ferris (same address as applicant), and Thomas F. Kilroy, 405–S Crystal Plaza, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients and materials*, in bulk, from Little Rock and North Little Rock, Ark., to points in Arkansas, Missouri, Mississippi, and Tennessee. NOTE: Applicant states it sees no feasible tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.; Chicago, Ill., or Washington, D.C.

No. MC 115840 (Sub-No. 40), filed July 11, 1969. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as above), also E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Davidson County, Tenn., on the one hand, and, on the other, points in Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Texas, Arkansas, Louisiana, Alabama, and Tennessee. NOTE: Applicant states that it intends to tack with its lead certificate MC 115840 at Birmingham, Ala., whereas it is authorized to serve points in Florida, Georgia, Tennessee, Mississippi, and Louisiana. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 115955 (Sub-No. 15), filed July 17, 1969. Applicant: SCARI'S DELIVERY SERVICE, INC., Post Office Box 2627, Wilmington, Del. 19901. Applicant's representative: Albert F. Beitel, American Security Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having a prior or subsequent movement by air, between points in Wicomico County, Md., on the one hand, and, on the other, the Philadelphia International Airport, Philadelphia, Pa., and the Greater Wilmington Airport, Wilmington, Del. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 117344 (Sub-No. 194), filed July 22, 1969. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Huntington, Ind., to Cincinnati, Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117416 (Sub-No. 33), filed July 23, 1969. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville, Tenn. 37921. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hydroxide*, in containers, in mixed loads with laundry bleach, from Atlanta, Ga., to Evansville, Ind.; Williamson, W. Va.; Bristol, Va.; and points in Kentucky and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117815 (Sub-No. 150), filed July 24, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and except hides), from Postville, Iowa, to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 117823 (Sub-No. 39), filed July 31, 1969. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 240 West California Avenue, Salt Lake City, Utah 84115. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and foodstuffs* requiring temperature control when transported in same vehicle and at same time with frozen foods, from Salt Lake City, Utah, to points in Arizona. NOTE: Applicant states tacking could be accomplished with other authorities presently held by applicant. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 118831 (Sub-No. 65), filed July 28, 1969. Applicant: CENTRAL TRANSPORT, INCORPORATED, Uwharrie Road, Post Office Box 5044, High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Charlotte, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states there is a possibility of joinder in Charlotte, N.C., to serve points in South Carolina and possibly other States. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, N.C., or Atlanta, Ga.

No. MC 119531 (Sub-No. 120), filed July 24, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and components thereof*, manufactured of metal, paper, plastic, or metal, paper, and plastic combined; and *materials, equipment, and supplies* used in the sale and distribution of said containers, from points in Cook and Kane

Counties, Ill.; Hoopeston, Ill.; Austin and Indianapolis, Ind.; Detroit, Mich.; St. Louis, Mo.; Delaware, Ohio; and Milwaukee, Wis.; to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin. NOTE: Applicant states tacking possibilities with its Sub-28, at Massillon, Ohio, to serve points in New York and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124078 (Sub-No. 400), filed July 31, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry calcium chloride*, in bulk, from Ludington, Mich., to points in Illinois and Indiana. NOTE: Applicant states it will tack the sought authority with authority presently held in MC 124078, Sub 131 at East Dubuque, Ill., to serve points in Iowa, Minnesota, North Dakota, and Nebraska. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 125409 (Sub-No. 5), filed August 4, 1969. Applicant: R & R TRUCKING CO., INC., R.F.D. 5, Waterford Road, Blue Anchor, Hammonton, N.J. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal cabinets and vanities* from Brooklyn, N.Y., to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia under a continuing contract with Palace Metal Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 125422 (Sub-No. 5), filed July 28, 1969. Applicant: BI-STATE EXPRESS, INC., Old Fairfield Road, Mount Veron, Ill. 62864. Applicant's representatives: G. M. Rebman, 314 North Broadway, St. Louis, Mo. 63102, and Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between St. Louis, Mo., and the junction of U.S. Highway 50 and Illinois Highway 130, except Belleville, Ill., in connection with applicant's regular routes as set out in MC 125422, serving all points on U.S. Highway 50 without restriction. NOTE: This application is accompanied with a motion to dismiss. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 126154 (Sub-No. 6), filed July 28, 1969. Applicant: DOMENIC MARCHI, 508 North Stephenson Avenue, Iron Mountain, Mich. 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, namely beer and ale, from South Bend, Ind., to points in Ishpeming, Marquette County, Mich.; and (2) from Chicago, Ill., to points in Ishpeming, Marquette County, Mich., and to Iron Mountain, Dickinson County, Mich. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 126198 (Sub-No. 7), filed July 31, 1969. Applicant: EARL MICHAUD, 133 Birch Street, Kingsford, Mich. 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, namely soda water, pop, and soft drinks; and *malt beverages*, namely beer and ale, (1) from Milwaukee, Wis., to Munising, Alger County, Mich., and (2) from Fort Wayne, Ind., to Bessemer, Gogebic County, Mich., and Houghton, Houghton County, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 126537 (Sub-No. 22), filed July 17, 1969. Applicant: KENT I. TURNER, KENNETH E. TURNER, AND ERVIN L. TURNER, doing business as TURNER EXPEDITING SERVICE, Post Office Box 21333, Standiford Field, Louisville, Ky. 40221. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, defined by the Commission, commodities in bulk, and those requiring special equipment), between Standiford Field, Louisville, Ky., and points in Barren and Warren Counties, Ky., on the one hand, and, on the other, Berry Field, Nashville, Tenn., restricted to traffic having a prior or subsequent movement by air. NOTE: Applicant states that it intends to tack with its existing authority in MC 126537 and subs where feasible. Applicant has contract carrier authority in MC 129652, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 128293 (Sub-No. 1) (Amendment), filed June 2, 1969, published in the FEDERAL REGISTER issue of July 17, 1969, and republished as amended this issue. Applicant: ACTRON CORPORATION, 52 Northern Avenue, Boston, Mass. 02110. Applicant's representative: Neal Holland, 225 Franklin Street, Boston, Mass. 02110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, toys, and games*, between Boston, Mass., on the one hand, and, on the other, all points in Massachusetts. NOTE: Applicant states it could tack at Boston, Mass., and the territory that would be served through such joinder would be from points in Massachusetts to points in Maine, Rhode Island, Connecticut and points in New Hampshire on and south of U.S. Highway 4 (including Portsmouth, N.H.), and, on and east of U.S. Highway 3, as described under the caption "New Furniture" in certificate No. MC 128293 dated May 7, 1969. The purpose of this republication is to reflect the tacking information, as amended. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 129307 (Sub-No. 20), filed July 29, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples and coconuts, and agricultural commodities* otherwise exempt from economic regulations under section 203(b)(6) of the Act, when transported in mixed shipment with bananas, plantains, pineapples and coconuts, from Wilmington, Del., to points in Indiana, Illinois, Iowa, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: Applicant is also authorized to operate as a contract carrier under MC 119394, therefore dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129592 (Sub-No. 4), filed July 28, 1969. Applicant: JOHN HERBERT CARMAN, doing business as CARBOY'S TRUCKING COMPANY, 93 Loretta Street, New Brunswick, N.J. 08902. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts, accessories, and equipment, and materials, equipment, and supplies*, used in the repair and maintenance of automobiles (except commodities in bulk), from South Plainfield, N.J., and from the plantsite and facilities of United Engines Rebuilders, Inc., at New Brunswick, N.J., to Columbia, Greene, Nassau, and Suffolk Counties, N.Y., and returned shipments of the commodities specified herein, on return. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 129645 (Sub-No. 10), filed July 14, 1969. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Louis J. Amato, Post

Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards, building, wall, and/or insulating, composition boards, roofing and or insulating materials, and materials and accessories* used in the installation thereof, from Dubuque, Iowa, to points in Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant has contract carrier authority under MC 127093 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Nashville, Tenn.

No. MC 129645 (Sub-No. 11), filed July 14, 1969. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and insulation board; composition board; roofing and roofing materials; urethane and urethane products; and materials and accessories* used in the installation thereof, from Lagro, Ind., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Tennessee, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant has contract carrier authority under MC 127093 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Nashville, Tenn.

No. MC 129863 (Sub-No. 5), filed July 28, 1969. Applicant: FREDERICK L. BULTMAN, INC., 3140 West Fond Du Lac Avenue, Milwaukee, Wis. 53210. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpet cushions, and unfinished carpet, and industrial textile products*, between the plants and warehouse facilities of the Ozite Corp. at Milwaukee, Wis., and the plant and warehouse facilities of the Ozite Corp. at Libertyville, Ill., under contract with Ozite Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 133154 (Sub-No. 2) (Amendment), filed April 25, 1969, published FEDERAL REGISTER, issue of May 15, 1969, and republished as amended this issue. Applicant: DICK BELL TRUCKING, INC., 16036 Valley Boulevard, Fontana, Calif. 92335. Applicant's representative: Fred D. Preston, 5820 Wilshire Boulevard, Suite 605, Los Angeles, Calif. 90036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiber and metal drums*, from Santa Ana, Calif., to Las Cruces, N. Mex., (2) *mineral wool insulation including batts, batting, blankets, fill*, reinforced or not reinforced, from Fontana, Calif., to points in Arizona and Nevada, (3) *expanded plastic articles*, from Napa, Calif., to points in Arizona and Nevada; under contract with American Flotations Corp., Napa, Calif.; mineral wool insulation, Fontana, Calif., and (4) *Mineral wool insulation*, from Torrance, Calif., to points in Arizona and Nevada, under contract with the United States Gypsum Co. NOTE: The purpose of this republication is to add (4) above. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133243 (Sub-No. 2), filed July 22, 1969. Applicant: GOSSELIN EXPRESS LTD., 141 Smith Boulevard, Thetford Mines, Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Snowmobiles* (1) from ports of entry on the international boundary line between the United States and Canada located in New York and Michigan, to points in Wisconsin and Pennsylvania, under contract with Sno-Jet, Inc., of Thetford Mines, Quebec, Canada, and (2) from ports of entry on the international boundary line between the United States and Canada, located in New York and Michigan, to points in New York, Michigan, Minnesota, Wisconsin, Pennsylvania, and Maine, under continuing contract with Lionel Enterprises, Inc., of Princeville, Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany or Plattsburgh, N.Y.

No. MC 133333 (Sub-No. 1), filed July 18, 1969. Applicant: JACK A. HART, doing business as PARTS LOCATOR SERVICE, 5501 Northwest Walnut Street, Vancouver, Wash. 98663. Applicant's representative: Jack A. Hart (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobile* and truck parts, between points in Washington and Oregon. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 133340 (Sub-No. 2), filed July 27, 1969. Applicant: CLITES GRAIN, INC., 110 Surrey Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Keith Clites (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tankage and meat scraps*, in bulk, in dump vehicles, from Omaha, Nebr., to Creston, Red Oak, Malvern, Bedford, Shenandoah, Corning, Indianola, Knoxville, Oskaloosa, Ottumwa, Grinnell, Newton, Altoona, Marshalltown, State Center, Ames, Boone, Cherokee, Sioux City, Le Mars, Sheldon, Ida Grove, Storm Lake, Coon Rapids, Harlan, Atlantic, Oakland, and Council Bluffs, Iowa, and Lennox, Sioux Falls, and Yankton, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 133603 (Sub-No. 1), filed July 23, 1969. Applicant: AMERICAN MOVING & STORAGE CO., a corporation, 721 East 12th Street, Tucson, Ariz. 85719. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Arizona, restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix or Tucson, Ariz.

No. MC 133655 (Sub-No. 6), filed June 13, 1969. Applicant: TRANS-NATIONAL TRUCK, INC., 813 Oakwood Drive, Euless, Tex. 76039. Applicant's representative: Charles W. Singer 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged and cartoned new furniture, mirrors, and furniture parts*, from Toccoa, Ga., and Selma, Ala., to points in Texas, Oklahoma, Oregon, Washington, Nevada, Utah, Arizona, Montana, Idaho, Kansas, Colorado, New Mexico, and California. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 13371 (Sub-No. 1), filed July 24, 1969. Applicant: LEO M. WELTER, doing business as WORLD WIDE MOVING & STORAGE, 1131 Industrial Avenue, Oxnard, Calif. 93030. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, (1) between points in the Los Angeles Harbor commercial zone, as defined by Commission, on the one hand, and, on the other, points in Santa Barbara and Ventura Counties, Calif., (2) between Oxnard and Port Hueneme, Calif., on the one hand, and, on the other, points in Los Angeles County, Calif., and (3) between points in Santa Barbara and Ventura Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133712 (Sub-No. 1), filed July 28, 1969. Applicant: DONALD N. CONLEE AND DOUGLAS M. CONLEE, a partnership, doing business as CONLEE BROTHERS MOVING & STORAGE, 600 South Bryan, Drawer 473, Bryan, Tex. 77801. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Brazos, Grimes, Madison, Walker, Milam, Washington, Burleson, Robertson, and Lee Counties, Tex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it held at Dallas, or Houston, Tex.

No. MC 133803 (Correction), filed June 6, 1969, published in the FEDERAL REGISTER issue of June 26, 1969, corrected and republished in part, as corrected, this issue. Applicant: B & W DISTRIBUTORS CORP., 11 Franklin Avenue, Rye, N.Y. 10580. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. NOTE: The purpose of this partial republication is to reflect the correct name of applicant as shown above, in lieu of B & W Distributing Corp., which was inadvertently shown in previous publication. The rest of the application remains the same.

No. MC 133872, filed July 3, 1969. Applicant: PRODUCERS INTERSTATE COOPERATIVE, doing business as P. I. C., Post Office Box 215, Weatherford, Tex. 76086. Applicant's representatives: Lester M. Bridgeman and Nancy Pyeatt, 1000 Woodward Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including classes A and B explosives (excluding commodities in bulk, household goods as defined by the Commission, and those requiring special equipment) when moving (1) on Government bills of lading, and (2) on commercial bills of lading containing endorsements approved in interpretation of Government Rate Tariff Eastern Central, 322 ICC 161, 164, and 165, between points in Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin, on the one hand, and, on the other, points in Arizona, California, Colorado, New Mexico, Nevada, Oregon, Utah, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Fort Worth, Tex.

No. MC 133905, filed July 17, 1969. Applicant: WITS, INC., Box 3805, 2324 Second Avenue, Seattle, Wash. 98134. Applicant's representative: Henry M. Sullivan, Box 3805, Seattle, Wash. 98134. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, loose or in containers, between points in King, Pierce, and Snowhomish Counties, Wash., restricted to traffic having an immediate prior or subsequent movement by air. NOTE: Applicant states it doesn't intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 133910 (Sub-No. 1), filed August 5, 1969. Applicant: GILMORE MOVING & STORAGE, INC., 900 New Warrington Road, Pensacola, Fla. 32506. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Escambia, Walton, Santa Rose, and Okalossa Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Pensacola, Fla.

No. MC 133915, filed July 22, 1969. Applicant: KINGS GRANT TRANSPORTATION CO., INC., 69 Tonnele Avenue, Jersey City, N.J. 07306. Applicant's representative: George A. Olsen (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paint* (except in bulk), from Paterson, N.J., to St. Louis, Mo., and (2) *paint pigment* (except in bulk), from East St. Louis, Mo., to Paterson, N.J., under contract with Frisch & Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 133926, filed July 22, 1969. Applicant: MICHAEL McINERNEY, doing business as M & M TRANSFER COMPANY, 415 Pavonia, Sioux City, Iowa 51101. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, fiberboard, pulpboard and fiberboard products, and materials* and supplies used in the manufacture and processing thereof, (1) from Sioux City, Iowa, to points in Minnesota, South Dakota, Nebraska, and Kansas; and (2) from Lincoln, Nebr., Sioux Falls, S. Dak., and St. Paul, Minn., to Sioux City, Iowa, under contract with Hoerner-Waldorf Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

MOTOR CARRIERS OF PASSENGERS

No. MC 13300 (Sub-No. 84) (Correction), filed June 23, 1969, published in FEDERAL REGISTER issue of July 31, 1969, and republished as corrected, this issue. Applicant: CAROLINA COACH COMPANY, a corporation, 1201 South Blount Street, Raleigh, N.C. 27602. Applicant's representatives: Bruce E. Mitchell and James E. Wilson, 1735 K. Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, (1) Regular routes: (a) Between Tarboro and Aulander, N.C., from Tarboro over North Carolina Highway 44 to Oak City, N.C., thence over North Carolina Highway 11 to junction North Carolina Highway 305, and thence over North Carolina 305 to Aulander, and return over the same route serving all intermediate points, and (b) between Scotland Neck, N.C., and junction North Carolina Highway 122 and U.S. Highway 258, from Scotland Neck over North Carolina Highway 125 to Hobgood, N.C., and thence over North Carolina Highway 122 to junction U.S. Highway 258, and return over the same route, serving all intermediate points. (2) Irregular routes: *Passengers and their baggage*, in charter operations, beginning at points named in (1) above and extending to points in the United States. NOTE: Common control may be involved. The purpose of this republication is to show in (1) (b) above from Scotland Neck over North Carolina Highway 125, in lieu of North Carolina Highway 305, as previously published. If a hearing is deemed necessary, applicant requests it be held at Raleigh or Rocky Mount, N.C.

No. MC 133784 (Amendment), filed May 26, 1969, published in the FEDERAL REGISTER issue of June 26, 1969, amended July 29, and republished as amended this issue. Applicant: T. C. AIRPORT LIMOUSINE COMPANY INCORPORATED, 2670 South M–139 and Somerlayton Road, Benton Harbor, Mich. 49022. Applicant's representative: Donald L. Bleich, 814 Port Street, St. Joseph, Mich. 49085. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their excess baggage and newspapers* for purposes other than emergency continuation of air transportation, between Ross Field Airport at Benton Harbor, Mich., and O'Hare International Airport, or Midway Field Airport in Chicago, Ill., and Bendix Field Airport in South Bend, Ind., restricted to the continuation of prior and subsequent air transportation. NOTE: The purpose of this republication is to place limitations and restrictions on the scope of authority originally sought which would considerably narrow the authority desired. If a hearing is deemed necessary, applicant did not specify location.

No. MC 133810, filed June 12, 1969. Applicant: FRED P. GRUHLER AND MARY J. MILLER, a partnership, doing business as FREDS TAXI, 271 Warren Street, Phillipsburg, N.J. 08865. Applicant's representative: Robert E. Frederick, 120 South Main Street, Phillipsburg, N.J. 08865. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, beginning and ending at

Allentown, Bethlehem, and Easton, Pa., and Phillipburg, N.J., and, extending to Allentown-Bethlehem-Easton Airport, and Philadelphia, Pa., and the Philadelphia Airport, Philadelphia, Pa., Newark Airport, Newark, N.J., New York City, N.Y., John F. Kennedy International Airport and La Guardia Airport, New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Easton, Pa., or Phillipsburg, N.J.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 113908 (Sub-No. 200), filed July 16, 1969. Applicant: ERICKSON TRANSPORT CORPORATION, Box 3180 Glenstone Station, 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: Le Roy Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage base*, in bulk, in tank vehicles, from Cicero, Ill., to Denver, Colo. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted.

No. MC 124078 (Sub-No. 399), filed July 28, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer materials*, in bulk, from the plantsites of Occidental Chemical Co. at Kenton and Mount Victory, Ohio, to points in Indiana. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved.

No. MC 124328 (Sub-No. 37), filed July 30, 1969. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: F. D. Partlan, 234 East 24th Street, Chicago, Ill. 60616. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver granules*, from Herculaneum, Mo., to points in South Amboy, N.J., under contract with St. Joseph Lead Co. of New York, N.Y. NOTE: Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9854; Filed, Aug. 20, 1969; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 18, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41721—*Soda Ash from Saltville, Va.* Filed by O. W. South, Jr., agent (No. A6123), for interested rail carriers. Rates on soda ash, in bulk in covered hopper cars, in carloads, as described in the application, from Saltville, Va., to Birmingham, Bessemer, and Tuscaloosa, Ala., also Meridian, Miss.

Grounds for relief—Market competition.

Tariff—Supplement 150 to Southern Freight Association, agent, tariff ICC S-517.

FSA No. 41722—*Fish Meal from Points in Canada to Points in Southwestern Territory.* Filed by Southwestern Freight Bureau, agent (No. B-71), for interested rail carriers. Rates on fish meal, in carloads, from Laval Rapides, St. Martin (Laval Co.), and St. Martin Jct., Quebec, Canada, to points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 12 to Canadian Freight Association, agent, tariff ICC 291.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr., *Acting Secretary.*

[F.R. Doc. 69-9957; Filed, Aug. 20, 1969; 8:50 a.m.]

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Civil Aeronautics Board
Emergency Preparedness Office
Federal Aviation Administration
Federal Communications Commission
Federal Insurance Administration
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
Food and Drug Administration
Geological Survey
Indian Affairs Bureau
Interstate Commerce Commission
Land Management Bureau
Packers and Stockyards Administration
Securities and Exchange Commission
Small Business Administration
Wage and Hour Division

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SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED CIGAR-BINDER (TYPES 51 AND 52), CIGAR FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1968–69 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), to make certain amendments to the regulations (33 F.R. 15521, as amended) in this subpart for establishing farm acreage allotments and marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection and refund of penalties and the records and reports incident thereto for burley, fire-cured, dark air-cured, Virginia sun-cured, cigar binder (types 51 and 52), cigar filler and binder (types 42, 43, 44, 53, 54, and 55), and Maryland tobacco.

(a) The first amendment applies to transfers of allotments for fire-cured, dark air-cured and Virginia sun-cured tobacco. It provides for accepting late-filed applications where the farmer misunderstood the filing requirements as explained to him by the county office.

(b) The second amendment contains the 1968–69 average market prices and the rates of penalty for the 1969–70 marketing year for various kinds of tobacco. Section 314 of the Act provides that the penalty rate shall be 75 per centum of the average market price (calculated to the nearest whole cent) for such kind of tobacco for the immediately preceding marketing year.

(c) The third amendment is clarifying in nature. It provides that floor sweeping tobacco above that authorized (0.24 percent for producers' sales of burley and Maryland tobacco and 0.02 percent of producers' sales for fire-cured, dark air-cured and Virginia sun-cured tobacco) shall be included as leaf account tobacco.

(d) The fourth amendment clarifies the amount of the allotment reduction to be made where a producer on a farm intentionally causes an incorrect acreage determination. The allotment reduction applicable will be the difference between the allotment and the finally determined acreage of tobacco.

Warehousemen need to know the provisions of the third amendment as soon as possible in order to clarify the provisions applicable to floor sweeping tobacco with their bookkeepers before marketings of the current crops of tobacco begin. Farmers and State and county committeemen need to know immediately the rates of penalty applicable to marketings of excess tobacco of the 1969 crop which are set forth in the second amendment. Moreover, the determination of rates of penalty is purely a mathematical calculation. Farmers need to know the amount their next established allotments will be reduced under the fourth amendment if they intentionally cause incorrect measurements of their current year's tobacco acreages. Accordingly, it is hereby found that compliance with the public notice, procedure, and effective date provisions of 5 U.S.C. 553 is impracticable, unnecessary, and contrary to the public interest, and the amendments herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

1. Section 724.70(b) is amended to read as follows:

§ 724.70 Transfer of fire-cured, dark air-cured, and Virginia sun-cured tobacco allotments by lease, sale, or by owner to another of his farms, under section 318 of the act.

* * * * *

(b) *Date for filing application.* Applications shall be filed for transfers to take effect in the current year during the period October 1 of the preceding year and not later than May 1 of the current year. The State committee, with the approval of the Deputy Administrator, may authorize the acceptance of a late-filed application in cases where the State committee determines that the late filing resulted from misunderstanding of the filing requirements after oral discussion between the applicant and a representative of the county committee.

2. Section 724.89 is amended by adding paragraph (d) to read as follows:

§ 724.89 Rate of penalty.

* * * * *

(d)(1) *1968–69 average market price.* The average market price for the kinds of tobacco listed below as determined by the Crop Reporting Board, Statistical Reporting Service, U.S. Department of Agriculture, for the 1968–69 marketing year was:

AVERAGE MARKETING PRICE

Kinds of tobacco	Cents per pound
Burley	73.7
Fire-cured (type 21)	46.9
Fire-cured (types 22, 23, 24)	51.1
Dark air-cured	47.4
Virginia sun-cured	53.2
Cigar-filler & binder (types 42, 43, 44, 53, 54, and 55)	36.0
Cigar-binder (types 51 and 52)	59.5

(2) *1969–70 rate of penalty per pound.* The penalty rate per pound for the kinds of tobacco listed below upon marketings of excess tobacco subject to marketing quotas during the 1969–70 marketing year shall be:

RATE OF PENALTY

Kinds of tobacco	Cents per pound
Burley	55
Fire-cured (type 21)	35
Fire-cured (types 22, 23, 24)	38
Dark air-cured	36
Virginia sun-cured	40
Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55)	27
Cigar-binder (types 51 and 52)	45

3. Section 724.91(c) is amended to read as follows:

§ 724.91 Penalties considered to be due from warehousemen, hogshead warehousemen, dealers, buyers and other excluding the producer.

* * * * *

(c) *Leaf account tobacco.* The part or all of any marketing of leaf account tobacco by a warehouseman which such warehouseman represents to be a leaf account resale, but which when added to prior leaf account resales is in excess of prior leaf account purchases, recognizing and including appropriate adjustments for returned baskets, short baskets and short weights and long baskets and long weights from the Buyers Corrections Account, shall be considered to be a marketing of excess tobacco, unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The actual quantity of floor sweepings which the State executive director determines has been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the floor sweepings for the season of: (1) 0.24 percent of producers' sales of burley and Maryland tobacco, and (2) 0.02 percent of producers' sales for fire-cured, dark air-cured and Virginia sun-cured tobacco. The penalty thereon shall be paid by the warehouseman.

4. Section 724.95(i) is amended by adding new material at the end thereof to read as follows:

§ 724.95 Producer's records and reports.

* * * * *

(i) *Amount of allotment reduction.* * * * Where it is determined by the county committee, under paragraph (a) of this section, that a producer on a farm intentionally caused an incorrect tobacco acreage determination, the amount of reduction in the allotment for the current year shall be that acreage determined by subtracting the allotment for the year of violation from the finally determined acreage for such year and using the production thereon as the amount of tobacco involved in the violation.

(Secs. 313, 314, 318, 375, 52 Stat. 47, as amended, 48, as amended, 80 Stat. 120, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1313, 1314, 1314d, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on August 15, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-10021; Filed, Aug. 21, 1969; 8:49 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 4]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

The following amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see sec. 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j) to provide the following changes to the Republication of the Processor Wheat Marketing Certificate Regulations, as amended (33 F.R. 14676, 34 F.R. 5817, 6907, 11412).

1. It replaces references to the Commodity Operations Division with the Grain Division in accordance with an organizational change within ASCS.

2. It makes technical changes in the language relating to certificates purchased by processors. The changes do not, however, alter the dollar and cent cost of the certificates.

3. The conversion factor for malted wheat flour is reinstated as it was inadvertently deleted in the publication of Amendment 3 (34 F.R. 11412) of these regulations.

Since these provisions must be acted on immediately and are needed immediately in the administration of the regulations, and since they do not make changes which result in any added requirements or restrictions, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is unnecessary and contrary to the public interest and that this amendment shall be effective as provided below.

The Republication of the Processor Wheat Marketing Certificate Regulations (34 F.R. 14676) is amended as follows:

1. Section 777.2 is amended by changing the last sentence to read as follows:

§ 777.2 Administration.

* * * Information pertaining to the regulations in this part may be obtained from the Director, Grain Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

2. Section 777.3(l) is amended to read as follows:

§ 777.3 Definitions.

* * * * *

(l) "Director" means the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, or his designee. Any delegations of authority made by the Director, Procurement and Sales Division and Director, Commodity Operations Division, ASCS, under these regulations prior to the effective date of this amendment shall continue in effect until superseded. Any delegations of authority made under these regulations to the Director, Procurement and Sales Division, and the Director, Commodity Operations Division, ASCS, shall continue in effect as delegations to the Director, Grain Division until superseded.

* * * * *

3. Section 777.5(a) is amended by adding the following sentence:

§ 777.5 Applicability of certificate requirements.

(a) *General.* * * * In addition to the foregoing, the cost of domestic certificates shall include interest to the extent provided in other provisions of the regulations in this part.

* * * * *

4. Section 777.10 is amended by changing the first sentence of paragraph (b) and amending paragraphs (e) and (f) to read as follows:

§ 777.10 Wheat marketing certificate (domestic).

* * * * *

(b) *Sale by CCC.* CCC will sell certificates to food processors and others who offer to purchase certificates from CCC and who pay to CCC their cost as may be required by the regulations of this part. * * *

* * * * *

(e) *Balance certificates.* If Form CCC–145 certificates delivered to the commodity office having a cost to processors more than the certificates required to be surrendered, CCC will issue Form CCC–145 certificates to the food processor for the unused balance.

(f) *Purchase by CCC.* Any valid Form CCC–145 certificates legally held by any person will be purchased by CCC if presented for purchase to the Commodity Office.

5. Section 777.11 is amended as follows: Paragraph (b)(2) is amended, subdivisions (i) and (ii) of paragraph (c)(2) are amended, the last sentence of subdivisions (i) and (ii) of paragraph (c)(3) are deleted, and paragraph (e)(2) is amended. As amended, § 777.11 reads as follows:

§ 777.11 Time and manner of acquiring and surrendering certificates.

(a) *General.* Food processors shall acquire certificates and surrender certificates to CCC as provided in paragraphs (b) and (c) of this section and in the manner specified in § 777.10. The number of certificates acquired by the food processor and surrendered to CCC shall be equivalent to the number of bushels of wheat used in processing the food products for which certificates must be acquired and surrendered. Such quantity of wheat shall be determined and reported to CCC as provided in §§ 777.12 to 777.14 on the basis of the weight of wheat used in processing the food products or by application of conversion factors to the weight of food products obtained in the processing operation.

(b) *Undertaking to secure purchase and payment.* Any food processor may market a food product or remove a food product for sale or consumption without first having acquired and surrendered certificates if he enters into the undertaking with CCC provided in this paragraph and complies with such undertaking. The undertaking shall be entered into by filing with the Commodity Office a properly executed "Food Processor Certificate Undertaking," Form CCC–147. The undertaking shall apply to wheat processed into food products in each plant specified in Form CCC–147 beginning with the first day of the processing report period as determined under § 777.12 in which the undertaking was received by the Commodity Office, except that the undertaking shall apply to wheat processed beginning July 1, 1964, if the undertaking is received in the Commodity Office on or before August 25, 1964. If an undertaking has been filed, it shall remain in effect unless the food processor breaches the undertaking in which event it shall terminate at such time as provided in subparagraph (4) of this paragraph, or unless the food processor notifies CCC that he wishes to withdraw the undertaking in which event it shall expire at such time as may be determined by CCC. By filing Form CCC–147 with the Commodity Office, the food processor agrees, in consideration of the right to market food products and to remove food products for sale or consumption without having first acquired and surrendered certificates as follows:

(1) He will acquire certificates from CCC and surrender the certificates for the wheat processed into food products, as required under the regulations of this part on or before the 45th calendar day after the close of the processing report period during which the wheat was processed or such later date as may be approved by the Administrator for good cause shown by the food processor.

(2) If certificates are acquired and surrendered to CCC later than the 15th calendar day after the close of the processing report period during which the wheat was processed, the cost of certificates acquired from CCC shall include interest at the rate of 8 percent per annum starting on the 16th calendar day after the close of the processing report period until the date of surrender of the certificates.

(3) If requested by the Administrator, the food processor will furnish a bond or letter of credit in such form and amount and within such period as may be specified by the Administrator to secure the food processor's obligations hereunder.

(4) The food processor's right to market food products and to remove food products for sale or consumption without first having acquired and surrendered certificates is conditioned on his complying with his obligations under the foregoing provisions of this undertaking. If the food processor breaches his undertaking, his right to market food products and to remove food products for sale or consumption without first acquiring and surrendering certificates shall be deemed terminated as of the first day of the reporting period with respect to which the breach occurred.

(c) *Purchase of certificates in absence of undertaking.* (1) Except as provided in paragraph (b) of this section, the food processor must acquire certificates and surrender such certificates to CCC on or before the 15th calendar day after the end of the processing report period, or such later date as may be approved in writing by the Administrator for good cause shown, for all food products sold, or removed for sale or consumption from the processing plant, during the processing report period. (Where reference is made to all food products sold or removed for sale or consumption in this section, it shall be deemed to refer to all food products sold, removed for sale or removed for consumption from the processing plant (whichever occurred first).)

(2) The cost of certificates acquired from CCC shall be as provided in subdivision (i) and (ii) of this subparagraph.

(i) The food processor may acquire certificates from CCC without a charge for interest to the extent that he acquires and surrenders certificates not later than the last day of each processing report period (as determined under § 777.12) to cover the estimated quantity of wheat used in the processing of food products sold or removed for sale or consumption during the report period. If the certificates acquired and surrendered as provided in this subparagraph are equal to 90 percent or more of the certificates required to cover the wheat used in processing food pr.ducts sold or removed for sale or consumption during the report period, any additional certificates may be acquired from CCC without a charge for interest if acquired and surrendered to CCC not later than the 15th calendar day after the end of the processing report period, or such later date as may be approved in writing by the Administrator for good cause shown. The cost of any certificates purchased from CCC after such date to cover wheat used in processing the food products sold or removed for sale or consumption during the report period shall include interest at 8 percent per annum starting on the first day of the processing report period in which the food products were sold or removed for sale or consumption until the date of surrender of the certificates.

(ii) If the certificates acquired and surrendered to CCC by the food processor as provided in subdivision (i) of this subparagraph are less than 90 percent of the certificates required to cover the wheat used in processing food products sold or removed for sale or consumption during the processing report period, or if the food processor does not acquire and surrender certificates as provided in subdivision (i) of this paragraph, the cost of any certificates purchased from CCC subsequent to the last day of the processing report period to cover the wheat used in processing food products sold or removed for sale or consumption during the processing report period shall include interest at 8 percent per annum from the first day of the report period in which the food products were sold or removed for sale or consumption until the date of surrender of the certificates.

(3) Additional reports in absence of an undertaking:

(i) *Processors reporting on the weight of wheat basis.* Food processors purchasing certificates in accordance with paragraph (c) of this section and reporting the quantity of wheat processed into food products on the basis of the weight of wheat processed shall supplement each Form CCC–160 with a statement showing: (*a*) The quantity (in cwt.) and name of food products processed in the reporting period covered by the form, (*b*) the quantity (in cwt.) and name of food products sold and removed for sale or consumption during such period, (*c*) the reporting period in which the food product(s) specified in (*b*) were processed, and (*d*) the wheat equivalent in bushels of such food product(s) calculated by using the actual conversion factor experienced in the reporting period in which processed (bushels of wheat processed into food products divided by cwt. of food products produced). The processor's Form CCC–160 for the first period not covered by an undertaking shall also include a statement showing the quantity of food products remaining in inventory from the previous reporting period(s) and the wheat equivalent of such product(s). For the purpose of determining the report period in which a food product was processed, sales and removals shall be applied to quantities processed on a first produced, first sold and removed basis.

(ii) *Processors reporting on the conversion factor basis.* Food processors who purchase certificates in accordance with paragraph (c) of this section and who report the quantity of wheat processed into food products on a food product conversion factor basis shall supplement each Form CCC–159 with a statement showing (*a*) the quantity (in cwt.) and name of food products sold or removed for sale or consumption during the period covered by the form, (*b*) the quantity of wheat used in the production of such food products, (*c*) the conversion factor(s) used in making such determinations, and (*d*) the reporting period in which the food products were processed. The processor's Form CCC–159 for the first period not covered by an undertaking shall include a statement showing the products and the wheat equivalent in bushels of the products in inventory at the beginning of the period. For the purpose of determining the report period in which a food product was processed, sales and removals shall be applied to quantities processed on a first produced, first sold and removed basis.

(d) *Wheat acquired from CCC for export as flour under GR–262.* The processor of any food products exported in fulfillment of an exporter's obligation to export under GR–262, shall surrender certificates to CCC on such food products as provided in the foregoing paragraphs of this section. A credit will be allowed or certificates issued to the exporter in the manner provided in § 777.7 for the full cost of certificates required to be acquired and surrendered to CCC on such flour.

(e) *Beverage distilled spirits.* In the case of a food processor who ages beverage distilled spirits which he has manufactured from wheat, the beverage distilled spirits are deemed to be removed from the processing plant for consumption for the purpose of these regulations when the spirits are placed in barrels for aging. Certificates shall be acquired and surrendered as provided in paragraph (c) of this section in an amount equivalent to the number of bushels of wheat used on and after July 1, 1964, in processing the beverage distilled spirits, except that a food processor may age beverage distilled spirits manufactured by him from wheat without first having acquired and surrendered certificates if he enters into the undertaking with Commodity Credit Corporation provided in this paragraph and complies with such undertaking. The undertaking shall be entered into by filing with the Commodity Office a properly executed "Food Processor Certificate Undertaking" Form CCC–147. The undertaking shall apply to wheat processed into beverage distilled spirits in each plant specified in such form beginning with the first day of the processing report period specified in the undertaking. By filing Form CCC–147 with the Commodity Office, the food processor agrees in consideration of the right to age beverage distilled spirits manufactured by him from wheat without having first acquired and surrendered certificates as follows:

(1) He will acquire certificates from Commodity Credit Corporation and surrender the certificates for the wheat processed into beverage distilled spirits and placed in a barrel for aging as required under this part, on or before the 45th calendar day after the end of the month in which such barrel of aged

beverage distilled spirits is marketed or removed from the warehouse for sale or consumption or the spirits are removed from such barrel, whichever occurs first, or such later date as may be approved by the Administrator for good cause shown by the food processor. The number of certificates for the wheat used in manufacturing the beverage distilled spirits aged in each barrel shall be determined by dividing (i) the total quantity of wheat used by the processor in manufacturing all the beverage distilled spirits which are produced and placed in barrels for aging in the same marketing year as the particular barrel for which certificates are acquired, by (ii) the total number of barrels of beverage distilled spirits produced and placed in barrels for aging in such marketing year.

(2) If certificates are acquired and surrendered to Commodity Credit Corporation later than the 15th calendar day after the end of the month in which the barrel of aged beverage distilled spirits is marketed or removed from the warehouse for sale or consumption or the spirits are removed from such barrel, whichever occurs first, the cost of certificates acquired from CCC shall include interest at 8 percent per annum starting on the day after such 15th calendar day until the date of surrender of the certificates.

(3) The food processor shall furnish a bond or letter of credit in such form and amount and within such period as may be specified by the Administrator to secure the food processor's obligations hereunder.

(4) The food processor's right to age beverage distilled spirits without first having acquired and surrendered certificates is conditioned on his complying with his obligations under the foregoing provisions of this undertaking. If the food processor breaches his undertaking, his right to age the spirits without first acquiring and surrendering certificates shall be deemed terminated as of the first day of the report period with respect to which the breach occurred.

(f) *Inapplicability of interest.* Interest charges under this section will not apply to the extent it is established to the satisfaction of the Administrator, ASCS, that a delay in the acquisition and surrender of certificates resulted from reliance in good faith upon action or advice of an authorized official of the Department. Any processor who wishes to apply for relief under this section shall submit a request in writing supported by documentary evidence necessary to substantiate the basis on which the application is made.

6. Section 777.12(g) is amended by changing the sixth sentence to read as follows:

§ 777.12 Food processing reports.

* * * * *

(g) *Corrected processing reports.* * * * If such certificates are surrendered to CCC later than the 15th calendar day after the close of the processing report period in which the wheat was processed into the food products, the cost of any certificates acquired from CCC shall include interest at 8 percent per annum starting on the 16th calendar day after the close of the processing report period until the date of surrender of the certificates. * * *

* * * * *

7. Section 777.14 is corrected by reinstating the conversion factor for malted wheat flour as follows:

§ 777.14 Conversion factor basis of reporting.

* * * * *

(e) *Conversion factors.* * * *

A—Food product	B—Bushels of wheat equivalent per 100 pounds of product (conversion factor)
Whole wheat flour or graham flour	1.700
Flour (including clears) derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction rate operation	2.344
Semolina	2.344
Farina	2.344
Malted wheat flour	2.075
* * *	* * *

* * * * *

§ 777.16 [Amended]

8. Section 777.16 is amended by replacing the word "value" in the first sentence with the word "cost".

9. Appendix II is amended by changing the first sentence of paragraph 18 to read as follows:

APPENDIX II—INSTRUCTIONS FOR PREPARATION OF PROCESSING REPORT—WEIGHT OF WHEAT BASIS

* * * * *

(18) Enter in Item 7D the cost of wheat marketing certificates (domestic) required. * * *

* * * * *

10. Appendix III is amended by changing the first sentence of paragraph 18 to read as follows:

APPENDIX III—INSTRUCTIONS FOR PREPARATION OF PROCESSING REPORT—CONVERSION FACTOR BASIS

* * * * *

(18) Enter in Item 9D the cost of wheat marketing certificates (domestic) required. * * *

* * * * *

Effective date: This amendment shall be effective beginning with the date it is published in the FEDERAL REGISTER except that the conversion factor for malted wheat flour, inadvertently deleted in the publication of Amendment 3, shall be reinstated with the effective date of such amendment.

Signed at Washington, D.C., on August 18, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-10022; Filed, Aug. 21, 1969; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. D, Q]

PART 204—RESERVES OF MEMBER BANKS

PART 217—INTEREST ON DEPOSITS

Repurchase Agreements on Part Interests in Government and Agency Obligations

1. Effective immediately, § 204.1(f) and § 217.1(f) are amended by striking in clause (2) thereof "(other than a part interest in such obligations)".

2a. The purpose of the amendment is to eliminate the requirement that a member bank must transfer its entire interest in a particular obligation in order for a borrowing by it through a "sale" under repurchase agreement of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof to be classified as a nondeposit borrowing.

b. The amendment, which constitutes a minor relaxation of a recent amendment (published in the FEDERAL REGISTER of July 30, 1969, 34 F.R. 12430) narrowing the scope of permissible nondeposit bank liabilities on repurchase agreements, was adopted by the Board without following the procedures of section 553 of title 5, United States Code, relating to notice, public participation, and deferred effective dates. Requiring a bank to transfer its entire interest in a Government or agency obligation in order for its liability to be classified as a nondeposit borrowing can be avoided by the denominational exchange procedures available with respect to such obligations. In the circumstances, the Board found that the time, inconvenience, and cost to both member banks and the Government that would be involved if the recent amendment became fully effective as earlier adopted would be contrary to the public interest.

Adopted: August 15, 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-9974; Filed, Aug. 21, 1969; 8:45 a.m.]

[Reg. G]

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

Combined Purchase of Mutual Funds and Insurance

1. Effective immediately § 207.4(f) is amended to read as follows:

§ 207.4 Miscellaneous provisions.

* * * * *

(f) *Combined purchase of mutual funds and insurance.* (1) An extension of purpose credit provided for in a plan, program, or investment contract that is registered with the Securities and Exchange Commission under the Securities Act of 1933 (15 U.S.C. 77) and provides for the acquisition both of a security issued by an investment company described in § 207.2(d)(5) and of an insurance policy or contract shall be subject to all the provisions of this part, except that, where the credit is secured by the security and does not exceed the premium on such policy (plus any applicable interest), the maximum loan value of such security shall be 40 percent of its current market value, as determined by any reasonable method.

(2) Sections 207.1 (c), (d), (f), (g), (h), (i), and (j) shall not apply to any credit extended to a person registered pursuant to § 207.1(a) who extends credit pursuant to subparagraph (1) of this paragraph: *Provided*, That:

(i) The credit extended pursuant to this subparagraph is secured by securities that are issued by an investment company described in § 207.2(d)(5), and are carried for the account of one or more customers under a plan, program, or investment contract described in subparagraph (1) of this paragraph (and the person extending such credit receives written notice from the recipient of the credit to this effect); and

(ii) The provisions of such plan, program, or investment contract conform to the provisions of Rule 15c2-1 of the Securities and Exchange Commission concerning hypothecation of customers' securities (17 CFR 240.15c2-1).

* * * * *

2a. Section 207.4(f) has been amended to add a new subparagraph (2) to permit a person to extend exempt credit, in connection with the wholesale financing of equity funding plans or programs, to persons registered pursuant to § 207.1(a) who extend credit in accordance with § 207.4(f)(1). To qualify for the exemption the credit must be secured by customers' securities which are issued by an investment company described in § 207.2(d)(5), i.e., certain mutual fund shares, pledged in conformity with the provisions of a rule of the Securities and Exchange Commission regarding hypothecation of customers' securities, and accompanied by a statement received by the person extending the credit that such securities are carried for the account of one or more customers under an equity funding plan, program, or investment contract.

b. The provisions of section 553 of title 5, United States Code, relating to notice, public participation, and deferred effective dates, were not followed in connection with this amendment. The effect of the amendment is to avoid duplication of margin requirements. In the circumstances, the Board found that following such procedures would result in delays that would be contrary to the public interest and serve no useful purpose.

Adopted: August 13, 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-9975; Filed, Aug. 21, 1969; 8:45 a.m.]

[Reg. U]

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

Combined Purchase of Mutual Funds and Insurance

1. Effective immediately § 221.3(x) is amended to read as follows:

§ 221.3 Miscellaneous provisions.

* * * * *

(x) *Combined purchase of mutual funds and insurance.* (1) An extension of purpose credit provided for in a plan, program, or investment contract that is registered with the Securities and Exchange Commission under the Securities Act of 1933 (15 U.S.C. 77) and provides for the acquisition both of a security issued by an investment company described in paragraph (v)(5) of this section and an insurance policy or contract shall be subject to all the provisions of this part, except that, where the credit is secured by the security and does not exceed the premium on such policy (plus any applicable interest), the maximum loan value of such security shall be 40 percent of its current market value, as determined by any reasonable method.

(2) Sections 221.1 and 221.3(t) shall not apply to any credit extended to a person registered pursuant to § 207.1(a) of this chapter (Regulation G) who extends credit pursuant to § 207.4(f)(1) of this chapter: *Provided*, That:

(i) The credit extended pursuant to this subparagraph is secured by securities that are issued by an investment company described in paragraph (v)(5) of this section, and are carried for the account of one or more customers under a plan, program, or investment contract described in subparagraph (1) of this paragraph (and the bank receives written notice from the recipient of the credit to this effect); and

(ii) The provisions of such plan, program, or investment contract conform to the provisions of Rule 15c2-1 of the Securities and Exchange Commission concerning hypothecation of customer's securities (17 CFR 240.15c2-1).

* * * * *

2a. Section 221.3(x) has been amended to add a new subparagraph (2) to permit a bank to extend exempt credit, in connection with the wholesale financing of equity funding plans or programs, to persons registered pursuant to § 207.1(a) of this chapter (Regulation G) who extend credit in accordance with § 207.4(f)(1). To qualify for the exemption the bank credit must be secured by customers' securities which are issued by an investment company described in § 221.3(v)(5), i.e., mutual fund shares, pledged in conformity with the provisions of a rule of the Securities and Exchange Commission regarding hypothecation of customers' securities, and accompanied by a statement received by the bank, that such securities are carried for the account of one or more customers under an equity funding plan, program, or investment contract.

b. The provisions of section 553 of title 5, United States Code, relating to notice, public participation, and deferred effective dates, were not followed in connection with this amendment. The effect of the amendment is to avoid duplication of margin requirements. In the circumstances, the Board found that following such procedures would result in delays that would be contrary to the public interest and serve no useful purpose.

Adopted: August 13, 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-10000; Filed, Aug. 21, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-CE-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On pages 9568 and 9569 of the FEDERAL REGISTER dated June 18, 1969, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Hibbing, Minn.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change:

The Chisholm-Hibbing Airport coordinates recited in the Hibbing, Minn., control zone and transition area alteration as "latitude 47°23'20" N., longitude 92° 50'25" W." are changed to read "latitude 47°23'10" N., longitude 92°50'15" W.".

This amendment shall be effective 0901 G.m.t., October 16, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, section 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on August 7, 1969.

EDWARD C. MARSH,
Director, Central Region.

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

HIBBING, MINN.

Within a 5-mile radius of Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50'15" W.); within 1½ miles each side of the Hibbing VOR 313° radial, extending from the 5-mile radius zone to the VOR; within 2½ miles each side of the Hibbing VOR 313° radial, extending from the 5-mile radius zone northwest to 19 miles northwest of the VOR; and within 2½ miles each side of the 210° bearing from Chisholm-Hibbing Airport extending from the 5-mile radius zone to 6½ miles southwest of the airport.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

HIBBING, MINN.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50'15" W.); within 2½ miles each side of the Hibbing VOR 313° radial, extending from 19 to 20½ miles northwest of the VOR; and within 3 miles each side of the 070° bearing from Chisholm-Hibbing Airport, extending from the 8½-mile radius area to 13½ miles east of the airport, excluding the portion which overlies the Eveleth, Minn., transition area; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Hibbing VOR 133° radial, extending from the VOR to 18½ miles southeast of the VOR; within 4½ miles northeast and 9½ miles southwest of the Hibbing VOR 313° radial, extending from 9 to 31½ miles northwest of the VOR; within 4½ miles south and 9½ miles north of the 070° bearing from Chisholm-Hibbing Airport, extending from the airport to 24 miles east of the airport; and within 4½ miles northwest and 9½ miles southeast of the 210° bearing from Chisholm-Hibbing Airport, extending from the airport to 18½ miles southwest of the airport, excluding the portion which overlies the Duluth, Minn., transition area.

[F.R. Doc. 69-9991; Filed, Aug. 21, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone and transition area at Bloomington, Ill.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Bloomington, Ill., control zone and transition area. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 16, 1969, as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

BLOOMINGTON, ILL.

Within a 5-mile radius of Bloomington Normal Airport (latitude 40°28'55" N., longitude 88°56'40" W.); and within 2½ miles each side of the Bloomington VOR 043°, 103°, and 319° radials, extending from the 5-mile radius zone to 6½ miles northeast, east and northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

BLOOMINGTON, ILL.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Bloomington Normal Airport; and within 3 miles each side of the Bloomington VOR 043°, 103°, and 319° radials, extending from the 6½-mile radius area to 8 miles northeast, east and northwest of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on August 7, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9992; Filed, Aug. 21, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 9569 of the FEDERAL REGISTER dated June 18, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Vichy, Mo.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 16, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on August 7, 1969.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

VICHY, MO.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); and within 3 miles each side of the Vichy, Mo., VORTAC 067° radial, extending from the 6½-mile radius area to 8 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the Vichy VORTAC 067° and 247° radials, extending from 4 miles southwest to 18½ miles northeast of the VORTAC; within 8 miles southeast and 6½ miles northwest of the Vichy VORTAC 059° and 239° radials, extending from 7 miles northeast to 24 miles southwest of the VORTAC; and within the arc of a 22½-mile radius circle centered on the Vichy VORTAC, extending from the Vichy VORTAC 239° radial clockwise to the Vichy VORTAC 321° radial.

[F.R. Doc. 69-9993; Filed, Aug. 21, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-75]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Creston, Iowa.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Creston, Iowa, transition area. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary an impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 16, 1969, as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

CRESTON, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Creston Municipal Airport (latitude 41° 01'05" N., longitude 94°21'35" W.); and within 3 miles each side of the 171° bearing from Creston Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 171° and 351° bearings from Creston Municipal Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 351° bearing from Creston Municipal Airport, extending from the airport to V-65.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on August 7, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9994; Filed, Aug. 21, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On July 11, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11500) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Ogden, Utah, transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., October 16, 1969.

Issued in Los Angeles, Calif., on August 12, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the Ogden, Utah, transition area is amended by deleting all before "* * *; that airspace extending upward from 1,200 feet above the surface * * *" and substituting therefor "That airspace extending upward from 700 feet above the surface bounded on the north by latitude 41°27'00" N., on the east by longitude 111°55'00" W., on the south by latitude 41°00'00" N., and on the west by longitude 112°22'00" W., within 4.5 miles southwest and 9.5 miles northeast of the Ogden VORTAC 316° radial extending from the VORTAC to 18.5 miles northwest of the VORTAC:"

[F.R. Doc. 69-9995; Filed, Aug. 21, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On July 11, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11500), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Morristown, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 36°10'50" N., long. 83°22'20" W.), for Moore-Murrell Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Morristown, Tenn., transition area is amended to read:

MORRISTOWN, TENN.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Moore-Murrell Airport (lat. 36°10'-50" N., long. 83°22'20" W.); within 4.5 miles northwest and 9.5 miles southeast of the 239° bearing from Morristown RBN (lat. 36°-11'10" N., long. 83°22'00" W.), extending from the 9.5-mile radius area to 18.5 miles southwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on August 13, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-9996; Filed, Aug. 21, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 9569 and 9670 of the FEDERAL REGISTER dated June 18, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a transition area at Pipestone, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections concerning the proposed amendment. The one comment received from the Air Traffic Association did not object to the proposal providing the instrument approach procedure at Pipestone, Minn., did not conflict with instrument approach procedures at Sioux Falls, S. Dak., and Brookings, S. Dak.

The Federal Aviation Administration has reviewed the proposal and determined that the instrument approach procedure at Pipestone does not conflict with the instrument approach procedures at Sioux Falls and Brookings.

In view of the foregoing, the proposed amendment is hereby adopted subject to the following change: The Pipestone Municipal Airport coordinates recited in the Pipestone, Minn., transition area designation as "latitude 43°59'05" N., longitude 96°18'00" W., are changed to read "latitude 43°59'10" N., longitude 96°18'05" W.".

This amendment becomes effective 0901 G.m.t., October 16, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on August 7, 1969.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

PIPESTONE, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pipestone Municipal Airport (latitude 43°59'10" N., longitude 96°18'05" W.); and within 3 miles each side of the 193° bearing from Pipestone Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 013° and 193° bearings from Pipestone Municipal Airport, extending from 5 miles north to 18½ miles south of the airport; and within 5 miles each side of the 013° bearing from Pipestone Municipal Airport, extending from the airport to 12 miles north of the airport.

[F.R. Doc. 69-9997; Filed, Aug. 21, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On July 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11380), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Shelby, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat.

35°15'25" N., long. 81°36'00" W.), for Shelby Municipal Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

SHELBY, N.C.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby Municipal Airport (lat. 35°15'25" N., long. 81°36'00" W.); within 3 miles each side of the Spartanburg VORTAC 052° radial, extending from the 7-mile radius area to 13 miles northeast of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on August 13, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-9998; Filed, Aug. 21, 1969; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9764; Amdt. 95-183]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective September 18, 1969, as follows:

1. By amending Subpart C as follows:

From, to, and MEA

Section 95.41 *Green Federal airway 1* is amended to delete:

United States-Canadian border; Millinocket, Maine, LF/RBN, 6,000.
Millinocket, Maine, LF/RBN; United States-Canadian border; *2,800. *2,100—MOCA.

Section 95.638 *Blue Federal airway 38* is amended by adding:

United States-Canadian border; Annette Island, Alaska, LFR; 5,600.
Annette Island, Alaska, LFR; Guard Island INT, Alaska; 4,700.
Guard Island INT, Alaska; Five Finger, Alaska, LF RBN; 5,700.

Section 95.1001 *Direct routes—United States* is amended to delete:

Allendale, S.C., VOR; Marlow INT, Ga.; *2,000. *1,700—MOCA.
Allenhurst, Ga., RBN; Vienna, Ga., VOR; *3,500. *1,800—MOCA.
Anniston, Ala., VOR; Lewis INT, Ala.; 3,000.
Anniston, Ala., VOR; Springville INT, Ala.; *3,000. *2,300—MOCA.
Bessemer INT, Ala.; Brookwood, Ala., VOR; *2,500. *2,100—MOCA.
Boone, Tenn., RBN; *Afton INT, Tenn.; **6,000. *5,000—MRA. **4,000—MOCA. Cop 10 BON
Boone, Tenn., RBN; INT 231 HMV/140 BON; *6,000. *5,000—MOCA. Cop 15 BON.
Boone, Tenn., VOR; INT 231 HMV/133 BON; *6,000. *4,500—MOCA.
Bonne, Tenn., RBN; INT 231 HMV/331 AVL; *7,000. *6,500—MOCA.
Columbus, Miss., VOR; INT 150 UBS/227 TCL; *1,800. *1,600—MOCA. MAA—7,000.
Columbus, Ga., VOR; Seale INT, Ala.; 2,000.
Decatur, Ala., VOR; Fairview INT, Ala.; *3,000. *2,200—MOCA.
Decatur, Ala., VOR; Trinity INT, Ala.; *2,400. *2,000—MOCA.
Dothan, Ala., VOR, Flint INT, Ga.; 2,500.
Eglin, Fla., VOR; Saufley, Fla., VOR; *3,000. *1,500—MOCA.
Florence, S.C., VOR; Planter INT, S.C.; *2,500. *1,400—MOCA.
Franklin INT, Tenn.; Graham, Tenn., VOR; *2,600. *2,500—MOCA.
Gadsden, Ala., VOR; Lehigh INT, Ala.; *3,000. *2,500—MOCA.
Hartselle INT., Ala.; Trinity INT, Ala.; *2,400. *2,000—MOCA.
Huntsville, Ala., VOR; Tuscaloosa, Ala., VOR; *3,000. *2,400—MOCA.
INT 188 HMV/121BON; *Linville INT, N.C.; **7,000. *7,000—MCA—Linville INT, southeastbound. **6,600—MOCA.
INT 231 HMV/133 BON; *Roan Mountain INT, Tenn.; **7,000. *7,000—MCA Roan MTN INT, southbound. **6,000—MOCA.
INT V-56 and CSG LOC; Seale INT, Ala.; 2,000.
INT 131 BNA 040 SYI; Shelbyville, Tenn., VOR; *3,000. *2,400—MOCA.
INT 231 HMV/140 BON; *Unicoi INT, Tenn.; **7,000. *6,500—MCA Unicoi INT, southbound. **6,500—MOCA.
Kennesaw INT, Ga.; Buckhead INT, Ga.; 3,300.
Linville INT, Tenn.; Hickory, N.C., VOR; 8,000.
Nashville, Tenn., VORTAC; INT 221 BNA 157 GHM; 18,000. MAA—45,000.
Redstone, Ala., VOR; Tanner INT, Ala.; *2,600. *2,200—MOCA.
*Silo INT, Colo.; Franktown INT, Colo.; 9,100. *11,200—MCA Silo INT, southwestbound.
Spencer INT, Fla.; Mobile, Ala., VOR; 2,500.

Section 95.1001 *Direct routes—United States* is amended by adding:

*Afton INT, Tenn.; Boone, Tenn., RBN; **6,000. *5,500—MRA. **5,400—MOCA.
Blakely INT, Ga.; Flint INT, Ga.; *2,000. *1,500—MOCA.
Brookwood, Ala., VOR; Bessemer INT, Ala.; *3,000. *2,100—MOCA.
Buckhead INT, Ga.; Kennesaw INT, Ga.; *3,300. *3,000—MOCA.
Decatur, Ala., VOR; Rome, Ga.; VOR; *3,500. *2,800—MOCA.
Fairview INT, Ala.; Decatur, Ala., VOR; *3,000. *2,200—MOCA.
Graham, Tenn., VOR; Franklin INT, Tenn.; *2,800. *2,500—MOCA.
INT 231 M rad, Holston Mountain, Tenn., VOR and 133 M brg, Boone, Tenn., RBN; *6,000. *5,600—MOCA.
INT 231 M rad, Holston Mountain, Tenn., VOR and 331 M rad, Asheville, N.C., VOR; Boone, Tenn., RBN; *7,000. *6,900—MOCA.
INT 231 M rad, Holston Mountain, Tenn., VOR and 140 M brg, Boone, Tenn., RBN; *6,000. *5,500—MOCA.
INT 228 M rad, Tuscaloosa, Ala., VOR and 150 M rad, Columbus, Miss., VOR; Columbus, Miss., VOR; *2,000. *1,600—MOCA.
INT 188 M rad, Holston Mountain, Tenn., VOR and 121 M brg, Boone, Tenn., RBN; Hickory, N.C., VOR; 8,000.
Kennedy, N.Y., VOR; INT 265 M rad, Kennedy, N.Y., VOR and 290 M rad, Robbinsville, N.J., VOR; 18,000. MAA—4,000.
Lehigh INT, Ala.; Gadsden, Ala.; 3,000.
Lewis INT, Ala.; Anniston, Ala., VOR; *3,000. *2,600—MOCA.
Marlow INT, Ga.; Allendale, S.C., VOR; *2,000. *1,600—MOCA.
Mobile, Ala., VOR; Spencer INT, Ala.; 2,500.
Muscle Shoals, Ala., VOR; Rome, Ga., VOR; *3,500. *2,800—MOCA.
Newport, Oreg., VORTAC, COP 98 ONP; Pendleton, Oreg., VORTAC; 18,000.
Planter INT, S.C.; Florence, S.C., VOR; *2,500. *1,900—MOCA.
Roan Mountain INT, Tenn.; INT 231 M rad, Holston Mountain, Tenn., VOR and 133 M brg, Boone, Tenn., RBN; *7,000.
Saufley, Fla., VOR Via NUN R-085; Eglin AFB, Fla., VOR via VPS R-315; *2,000. MAA—6,000. *1,500—MOCA.
Shelbyville, Tenn., VOR; INT 131 M rad, Nashville, Tenn., VOR and 040 M rad, Shelbyville, Tenn., VOR; *3,000. *2,400—MOCA.
Springfield INT, Ala.; Anniston, Ala., VOR; *3,000. *2,700—MOCA.
Tanner INT, Ala.; Redstone, Ala., VOR; *2,700. *2,400—MOCA.
Tulsa, Okla., VOR; Page, Okla., VOR; *4,600. MAA—40,000. *3,900—MOCA.
Tuscaloosa, Ala., VOR; Huntsville, Ala., VOR; *3,000. *2,500—MOCA.
Unicoi INT, Tenn.; INT 231 M rad, Holston Mountain, Tenn., VOR and 140 M brg, Boone, Tenn., RBN; *7,000. *6,800—MOCA.
Vienna, Ga., VOR; Allenhurst, Ga., RBN; *3,500. *1,800—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Allendale, S.C., VOR; Steedman INT, S.C.; *2,300. *2,000—MOCA.
Anderson, S.C., VOR; Toccoa, Ga., VOR; *3,500. *2,800—MOCA.
Anniston, Ala., VOR; Graham INT, Ala.; 4,000.
Atlanta, Ga., VOR; Rome, Ga., VOR; *3,000. *2,400—MOCA.
Augusta, Ga., VOR; Salley INT, S.C.; *2,200. *2,100—MOCA.
Boone, Tenn., RBN; INT 188 M rad, Holston Mountain, Tenn., VOR and 121 M brg; Boone, Tenn., RBN; *6,000. *5,000—MOCA.
Boone, Tenn., RBN; Yuma, INT, Tenn.; 4,500.
Carmel, N.Y., VOR; Newtown, INT, Conn; 3,000.
Folsom INT, Ala.; Huntsville, Ala., VOR; *3,000. *2,500—MOCA.
Fort Lauderdale Fla., LF/RBN; New River, INT, Fla., *1,500. *1,400—MOCA.
Gossett INT Ala.; LaGrange, Ga., VOR; *4,000. *2,900—MOCA.
Gulfport, Miss., VOR; Poplarville, INT, Miss.; *2,000. *1,700—MOCA.
Hampshire INT, Tenn.; Nashville, Tenn., VOR; *3,000. *2,500—MOCA.
Hot Springs, Ark., LF/RBN; Malvern INT, Ark.; 2,500.

Newtown INT, Conn; Litchfield INT, Conn.; 3,000.
Norcross, Ga., VOR; Athens, Ga., VOR; *3,000. *2,300—MOCA.
Norway INT, S.C.; Vance, S.C., VOR; *2,000. *1,700—MOCA.
Union INT, S.C., Charlotte, N.C., VOR; *3,000. *2,200—MOCA.
Vance, S.C., VOR; Overton INT, S.C.; *2,000. *1,400—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read:

Schooner INT, Calif.; Westlake INT, Calif.; 3,600.
*Westlake INT, Calif.; Fillmore, Calif., VORTAC; 4,900. *4,300—MCA Westlake INT, Northbound.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

Cofield, N.C., VOR; Deep Creek INT, Va.; *2,000. *1,500—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

*Spokane, Wash., VOR; via N alter.; INT 052 M rad, Spokane, VOR and 271 M rad, Mullan Pass, VOR via N alter.; northeastbound, **9,000; southwestbound, 8,000. *6,200—MCA Spokane VOR, northeastbound. **7,200—MOCA. #Part time MEA 11,500 northeastbound.
INT 052 M rad, Spokane, VOR and 271 M rad Mullan Pass, VOR via N alter.; Mullan Pass, Idaho, VOR via N alter.; 9,000.
Lone Rock, Wis., VOR; Morey INT, Wis.; *3,000. *2,300—MOCA.
Morey INT, Wis.; Madison, Wis., VOR; *2,800. *2,700—MOCA.
Madison, Wis., VOR; Marshall INT, Wis.; *2,800. *2,200—MOCA.
Marshall INT, Wis.; Milwaukee, Wis., VOR; *2,700. *2,100—MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Vance, S.C., VOR; Florence, S.C., VOR; *2,000. *1,900—MOCA.
Florence, S.C., VOR; Pinehurst, N.C., VOR; *2,000. *1,900—MOCA.
Raleigh Durham, N.C., VOR; Harvey INT, Va.; *3,000. *2,000—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Crystal City INT, Mo.; Imperial INT, Mo.; *3,000. *2,600—MOCA.
Imperial INT, Mo.; Meramec INT, Mo.; 2,600.
Meramec INT, Mo.; St. Louis, Mo., VOR; *2,200. *2,000—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Walton INT Kans.; *Florence INT, Kans.; **3,300. *5,000—MRA. **2,800—MOCA.
Florence INT, Kans.; Emporia, Kans., VOR; *3,300. *2,700—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Florence INT, Kans.; via N alter.; Emporia, Kans., VOR via N alter.; *3,300. *2,700—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

*New Waverly INT, Tex., via W alter.; Lufkin, Tex., VOR via W alter.; **4,000. *4,000—MRA. **1,700—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Sious Falls, S. Dak., VOR via W alter.; Mitchell, S. Dak., VOR via W alter.; 3,300.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Moscow INT, Tenn., via S alter.; *Selmar INT, Tenn., via S alter.; **3,500. *4,000—MRA. **1,700—MOCA.
Stanon INT, Tenn., via N alter.; Jacks Creek, Tenn., VOR via N alter.; *2,300. *2,300. *1,900—MOCA.
Millis INT, Mass., Boston, Mass., VOR; 2,000.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Leming INT, Tex., via E alter.; Bellaire INT, Tex., via E alter.; *2,500. *2,000—MOCA.
Bellaire INT, Tex., via E alter.; San Antonio, Tex., VOR via E alter.; 2,500.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Rex, Ga., VOR; Conyers INT, Ga.; *2,700. *2,200—MOCA.
Conyers INT, Ga.; Madison INT, Ga.; *2,700. *2,000—MOCA.
Madison INT, Ga.; Raytown INT, Ga.; *2,700. *2,500—MOCA.
*Raytown INT, Ga.; Augusta, Ga., VOR; **2,300. *2,500—MRA. **1,900—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended by adding:

McAllen, Tex., VOR; Hargill INT, Tex.; *1,600. *1,500—MOCA.
Hargill INT, Tex.; Mina INT, Tex.; *3,200. *1,400—MOCA. MAA—14,000.
Mina INT, Tex.; Armstrong INT, Tex.; *4,000. *1,400—MOCA.
Armstrong INT, Tex.; Solon INT, Tex.; *4,000. *1,100—MOCA.
Solon INT, Tex.; Pogo INT, Tex.; *1,600. *1,100—MOCA.
Pogo INT, Tex.; Corpus Christi, Tex., VOR; *1,600. *1,400—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

McAllen, Tex., VOR via S alter.; Harlingen, Tex., VOR via S alter.; *1,600. *1,500—MOCA.
Harlingen, Tex., VOR via S alter.; Raymondville INT, Tex., via S alter.; *1,600. *1,300—MOCA.
Raymondville INT, Tex., via S alter.; Armstrong INT, Tex., via S alter.; *4,000. *1,300—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Clemson INT, S.C., via N alter.; Spartanburg, S.C., VOR via N alter.; *3,000. *2,400—MOCA.
Atlanta, Ga., VOR; Rex, Ga., VOR; 2,300.
Spartanburg, S.C.; Barber INT, N.C.; 3,000.
Rex, Ga., VOR; Russell INT, Ga.; *3,200. *3,000—MOCA.

Section 95.6033 *VOR Federal airway 33* is amended to read in part:

Cofield, N.C., VOR; Surry, INT., Va.; *2,000. *1,400—MOCA.

Section 95.6040 *VOR Federal airway 40* is amended to read in part:

Briggs, Ohio, VOR; Imperial, Pa., VOR; 3,000.

Section 95.6061 *VOR Federal airway 61* is amended to delete:

Wichita Falls, Tex., VOR; Lawton, Okla., VOR; **2,700. **2,300—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

Texico, Tex., VOR via S alter.; Spade INT, Tex., via S alter.; *5,700. *5,500—MOCA.
Spade INT, Tex., via S alter.; Lubbock, Tex., VOR via S alter.; 4,700.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Prosper INT, Tex.; Tidwell INT, Tex.; *4,000. *2,200—MOCA.
Tidwell INT, Tex.; Sulphur Springs, Tex., VOR; *2,400. *1,800—MOCA.
Rex, Ga., VOR; Conyers INT, Ga.; *2,700. *2,200—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to delete:

San Antonio, Tex., VOR; McCoy INT, Tex.; *3,000. *2,300—MOCA.
McCoy INT, Tex.; Three Rivers INT, Tex.; *2,500. *1,900—MOCA.
Three Rivers INT, Tex.; Cartwright INT, Tex.; *2,500. *1,600—MOCA.
Cartwright INT, Tex.; Mathis INT, Tex.; *1,800. *1,500—MOCA.
Mathis INT, Tex.; Corpus Christi, Tex., VOR; *1,700. *1,400—MOCA.
Corpus Christi, Tex., VOR; Pogo INT, Tex.; *1,600. *1,400—MOCA.
Pogo INT, Tex.; Solon INT, Tex.; *1,600. *1,100—MOCA.
Solon INT, Tex.; Armstrong INT, Tex.; *4,000. *1,100—MOCA.
Armstrong INT, Tex.; Mina INT, Tex.; *4,000. *1,400—MOCA.
Mina INT, Tex.; Hargill INT, Tex.; *3,200. *1,400—MOCA. MAA—14,000.
Hargill INT, Tex.; McAllen, Tex., VOR; *1,600. *1,500—MOCA. MAA—14,000.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

Crystal City INT, Mo.; Imperial INT, Mo.; *3,000. *2,600—MOCA.
Imperial INT, Mo.; Troy, Ill., VOR; 2,600.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Vienna, Ga., VOR; Allendale, S.C., VOR; *3,000. *1,800—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

Maples, Mo., VOR; Farmington, Mo., VOR; *3,500. *2,800—MOCA.
Farmington, Mo., VOR; Centralia, Ill., VOR; *3,000. *2,400—MOCA.
Centralia, Ill., VOR; Bible Grove, Ill., VOR; *2,300. *1,900—MOCA.
Bible Grove, Ill., VOR; INT V-14 and V-72; *2,300. *1,900—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

Colorado Springs, Colo., VOR; Elizabeth INT, Colo.; 9,700.
Elizabeth INT, Colo.; Denver, Colo., VOR; 9,000.

Section 95.6083 *VOR Federal airway 83* is amended to read in part:

Colorado Springs, Colo., VOR; Kiowa, Colo., VOR; 9,700.

Section 95.6088 *VOR Federal airway 88* is amended to read in part:

Vichy, Mo., VOR; Delmar INT, Mo.; *2,900. *2,400—MOCA.
Delmar INT, Mo.; Crystal City INT, Mo.; *3,500. *2,100—MOCA.

Section 95.6095 *VOR Federal airway 95* is amended to read in part:

*Lake George INT, Colo.; **Kiowa, Colo., VOR; 11,800. *13,200—MCA V–95 westbound. *14,400—MCA northbound V–89 for aircraft arriving St. George INT, westbound via V–95. **8,500—MCA Kiowa VOR, southwestbound.

Section 96.6114 *VOR Federal airway 114* is amended to delete:

Converse INT, La.; Montrose INT, La.; *4,500. *1,700—MOCA.
Converse INT, La., via N alter. Montrose INT, La., via N alter.; *4,500. *1,700—MOCA.

Section 95.6120 *VOR Federal airway 120:*

Mitchell, S. Dak., VOR; Sioux Falls, S. Dak., VOR; 3,300.
Mullan Pass, Idaho, VOR; *Charlo INT, Idaho, **10,000. *13,000—MCA Charlo INT, eastbound. *10,000—MCA Charlo INT, westbound. **9,200—MOCA.

Section 95.6132 *VOR Federal airway 132* is amended to read in part:

Walton INT, Kans.; *Florence INT, Kans.; **3,300. *5,000—MRA. **2,800—MOCA.

Section 95.6148 *VOR Federal airway 148* is amended to read in part:

Denver, Colo., VOR; Kiowa, Colo., VOR; 9,000.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Vance, S.C., VOR; Florence, S.C., VOR; *2,000. *1,900—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Corpus Christi, Tex., VOR via W alter.; Mathis *1,700. *1,400—MOCA.
Sinton INT, Tex.; Three Rivers, Tex., VOR; *1,900. *1,500—MOCA.
Corpus Christi, Tex., VOR via W alter.; Mathis INT, Tex.; via W alter.; *1,700. *1,400—MOCA.
Mathis INT, Tex., via W alter.; Cartwright INT, Tex., via W alter.; *1,800. *1,500—MOCA.
Cartwright INT, Tex., via W alter.; Three Rivers, Tex., VOR via W alter.; *1,800. *1,600—MOCA.
Three Rivers, Tex., VOR; McCoy INT, Tex.; *2,000. *1,900—MOCA.
McCoy INT, Tex.; San Antonio, Tex., VOR; *3,000. *2,500—MOCA.
Three Rivers, Tex., VOR via W alter.; Leming INT, Tex., via W alter.; 2,000.
Leming INT, Tex., via W alter.; Bellaire INT, Tex., via W alter.; *2,500. *2,000—MOCA.
Bellaire INT, Tex., via W alter.; San Antonio, Tex., VOR via W alter.; 2,500.

Section 95.6171 *VOR Federal airway 171* is amended to delete:

Louisville, Ky., VOR via N alter.; Livonia INT, Ind., via N alter.; 2,900.
Livonia INT, Ind., via N alter.; Bloomington, Ind., VOR via N alter.; *2,800. *2,200—MOCA.
Bloomington, Ind., VOR via N alter.; Lewis, Ind., VOR via N alter.; *2,800. *2,100—MOCA.

Section 95.6171 *VOR Federal airway 171* is amended by adding:

Louisville, Ky., VOR via E alter.; Livonia INT, Ind., via E alter.; 2,900.
Livonia INT, Ind., via E alter.; Bloomington, Ind., VOR via E alter.; *2,800. *2,200—MOCA.
Bloomington, Ind., VOR via E alter.; Lewis, Ind., VOR via E alter.; *2,800. *2,100—MOCA.

Section 95.6175 *VOR Federal airway 175* is amended by adding:

Vichy, Mo., VOR; Malden, Mo., VOR; *4,000. *2,500—MOCA.

Section 95.6175 *VOR Federal airway 175* is added to read:

Hallsville, Mo., VOR via W alter.; Algoa INT, Mo., via W alter.; 2,800.
Algoa INT, Mo., via W alter.; Vichy, Mo., VOR via W alter.; *2,900. *2,500—MOCA.

Section 95.6175 *VOR Federal airway 175* is amended to read in part:

Hallsville, Mo., VOR; Vichy, Mo., VOR; *2,900. *2,300—MOCA.

Section 95.6178 *VOR Federal airway 178* is amended by adding:

Vichy, Mo., VOR; Farmington, Mo., VOR; *3,000. *2,500—MOCA.

Section 95.6179 *VOR Federal airway 179* is amended by adding:

Centralia, Ill., VOR; INT 010 M rad, Centralia, Ill., VOR and 162 M rad, Vandalia, Ill., VOR; *2,400. *2,100—MOCA.
Int. 010 M rad, Centralia, Ill., VOR and 162 M rad, Vandalia, Ill., VOR; Vandalia, Ill., VOR; *2,400. *1,900—MOCA.
Vandalia, Ill., VOR; Clarksdale INT, Ill.; *2,500. *2,200—MOCA.
Clarksdale INT, Ill.; Capital, Ill., VOR; *2,300. *2,100—MOCA.

Section 95.6185 *VOR Federal airway 185* is amended to read in part:

*Piedmont INT, Tenn., via E alter.; Knoxville, Tenn., VOR via E alter.; 3,000. *4,000—MCA—Piedmont INT, northeastbound.

Section 95.6191 *VOR Federal airway 191* is amended by adding:

Maples, Mo., VOR; Lenox INT, Mo.; *3,000. *2400—MOCA.
Lenox INT, Mo.; Delmar INT, Mo.; *3,000. *2,200—MOCA.
Delmar INT, Mo.; Imperial INT, Mo.; *3,000. *2,600—MOCA.
Imperial INT, Mo.; Troy, Ill., VOR; 2,600.

Section 95.6194 *VOR Federal airway 194* is amended to read in part:

Rocky Mount, N.C., VOR; Cofield, N.C., VOR; *1,800. *1,400—MOCA.
Cofield, N.C., VOR; Deep Creek INT, Va.; *2,000. *1,500—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Brookley, Ala., VOR; *Daphne INT, Ala.; **2,000. *2,200—MRA. **1,000—MOCA.
Daphne INT, Ala.; Saufley, Fla., VOR; *2,000. *1,400—MOCA.

Section 95.6211 *VOR Federal airway 211* is amended to read in part:

Durango, Colo., VOR; Mancos INT, Colo.; 11,000.
*Mancos INT, Colo.; Cortez, Colo., VOR; **11,000. *12,000—MCA V–187 northbound. *15,000—MCA northbound V–187 for acft arriving Mancos INT southeastbound via V–211. **10,900—MOCA.

Section 95.6231 *VOR Federal airway 231* is amended to read in part:

*Charlo INT, Idaho; Kalispell, Mont., VOR; #9,800. *11,000—MCA Charlo INT, southbound. #Part time MEA 11,000 southbound.

Section 95.6234 *VOR Federal airway 234* is amended by adding:

Hutchinson, Kans., VOR; Walton INT, Kans.; 4,000.
Walton INT, Kans.; *Florence INT, Kans.; **3,300. *5,000—MRA. **2,800—MOCA.
Florence INT, Kans.; Emporia, Kans., VOR; *3,300. *2,700—MOCA.
Emporia, Kans., VOR; Butler, Mo., VOR; *3,000. *2,600—MOCA.
Butler, Mo., VOR; Vichy, Mo., VOR; *3,200. *2,400—MOCA.
Vichy, Mo., VOR; Delmar INT, Mo.; *2,900. *2,400—MOCA.
Delmar INT, Mo.; Crystal City INT, Mo.; *3,500. *2,100—MOCA.
Crystal City INT, Mo.; Centralia, Mo., VOR; *3,000. *2,000—MOCA.

Section 95.6309 *VOR Federal airway 309* is amended by adding:

United States-Canadian border; Annette Island, Alaska, VOR; 5,600.

Section 95.6313 *VOR Federal airway 313* is amended to read in part:

Centralia, Ill., VOR; INT 010 M rad, Centralia, Ill., VOR and 162 M rad, Vandalia, Ill., VOR; *2,400. *2,100—MOCA.
INT 010 M rad, Centralia, Ill., VOR and 162 M rad, Vandalia, Ill., VOR; Decatur, Ill., VOR; *2,400. *2,100—MOCA.

Section 95.6335 *VOR Federal airway 335* is amended to read in part:

Marion, Ill., VOR; Crystal City INT, Mo.; *3,500. *2,400—MOCA.
Crystal City INT, Mo.; Imperial INT, Mo.; *3,000. *2,600—MOCA.
Imperial INT, Mo.; Meramec INT, Mo.; 2,600.
Meramec INT, Mo.; St. Louis, Mo., VOR; *2,200. *2,000—MOCA.

Section 95.6407 *Hawaii VOR Federal airway 7* is amended by adding:

Kona, Hawaii, VOR; Reef INT, Hawaii; 5,000.
*Reef INT, Hawaii; Moana INT, Hawaii; 2,000. *3,600—MCA Reef INT, southeast-bound.
Moana INT, Hawaii; Lanai, Hawaii, VOR; 4,000.

Section 95.6420 *Hawaii VOR Federal airway 20* is added to read:

Honolulu, Hawaii, VOR; Ono INT, Hawaii, northwest-bound, 4,000; southeast-bound, 2,000
Ono INT, Hawaii; Pebble INT, Hawaii; 2,000.
Pebble INT, Hawaii; Typhoon INT, Hawaii; 8,000.
Typhoon INT, Hawaii; Robin INT, Hawaii; 3,000.
*Robin INT, Hawaii; Kona, Hawaii, VOR; 5,000. *3,800—MCA Robin INT, southeast-bound.

Section 95.6423 *Hawaii VOR Federal airway 23* is added to read:

Upolu PT, Hawaii, VOR; Firepit INT, Hawaii; 6,000.

Section 95.6429 *VOR Federal airway 429:*

Bible Grove, Ill., VOR; INT V–14 and V–72; *2,300. *1,900—MOCA.

Section 95.6448 *VOR Federal airway 448* is amended to read in part:

*Spokane, Wash., VOR; Clark INT, IDA; northeastbound, **#9,000; southwest-bound, 8,000. *5,200—MCA Spokane VOR, northeastbound. **7,200—MOCA. #Part time MEA 11,500 northeastbound.

Section 95.6454 *VOR Federal airway 454* is amended to read in part:

Rex, Ga., VOR; Conyers INT, Ga.; *2,700. *2,200—MOCA.
Conyers INT, Ga.; Madison INT, Ga.; *2,700. *2,000—MOCA.

Section 95.6458 *VOR Federal airway 458* is amended by adding:

Santa Catalina, Calif., VOR; Avalon INT, Calif.; 4,000.
Avalon INT, Calif.; Pacific INT, Calif.; *3,000. *2,000—MOCA.
Pacific INT, Calif.; Oceanside, Calif., VOR; *3,000. *2,400—MOCA.
Oceanside, Calif., VOR; Vista INT, Calif.; eastbound, 4,000. Westbound, 3,000.
Vista INT, Calif.; Julian, Calif., VOR; 7,700.
Imperial, Calif., VOR; Yuma Ariz. VOR; 3000.

Section 95.6536 *VOR Federal airway 536* is amended to read in part:

Pullman, Wash., VOR; Mullan Pass, Idaho, VOR; 9,000.

Section 95.7033 *Jet route No. 33* is added to read:

From, To, MEA, and MAA

Humble, Tex., VORTAC; Greater southwest, Tex., VORTAC; 18,000; 45,000.

Section 95.7034 *Jet route No. 34* is amended to read in part:

Bellaire, Ohio, VORTAC; INT 108 M rad, Bellaire VORTAC and 255 M rad, Westminister, VORTAC; 23,000; 45,000.

Section 95.7513 *Jet route No. 513* is added to read:

Lakehead, Ontario, Canada, VORTAC; Sudbury, Ontario, Canada, VORTAC; #18,000; #45,000. #For that airspace over U.S. Territory.

Section 95.7518 *Jet route No. 518* is amended to read in part:

Cleveland, Ohio, VORTAC; Westminister, Md., VORTAC; 19,000; 45,000.

2. By amending subpart D as follows:

From; To; Distance; From

Section 95.8005 *Jet Routes Changeover Points:*

J–30 is amended to delete:
Appleton, Ohio, VORTAC; Front Royal, Va., VOR; 112; Appleton.

From; To; Changeover point; Distance from

Section 95.8003 *VOR Federal airway changeover points:*

V–18 is amended to delete:
Augusta, Ga., VORTAC; Norway INT, S.C.; 48; Augusta.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on August 14, 1969.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[F.R. Doc. 69–9937; Filed, Aug. 21, 1969; 8:45 a.m.]

[Reg. Docket No. 9747; Amdt. 663]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Greenwood, Miss.—Greenwood-Le Flore, VOR Runway 5, Amdt. 2, 28 Nov. 1968 (established under Subpart C).
Key West, Fla.—Key West International, ADF 1, Amdt. 3, 19 Nov. 1966 (established under Subpart C).
Key West, Fla.—Key West International, VOR–1, Orig., 19 Nov. 1966 (established under Subpart C).

2. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Moses Point, Alaska—Moses Point, LFR–1, Amdt. 10, effective 10 Apr. 1969, canceled, effective 11 Sept. 1969.
Moses Point, Alaska—Moses Point, VOR–1, Amdt. 2, effective 10 Apr. 1969, canceled, effective 11 Sept. 1969.

3. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Fort Pierce—St. Lucie County, VOR/DME Runway 14, Amdt. 1, 29 July 1967 (established under Subpart C).

4. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.5 miles after passing GRW VORTAC.
R 154°, GRW VORTAC CW	R 256°, GRW VORTAC	9-mile Arc	2000	Climbing right turn to 2000' on GRW VORTAC and hold.
R 350°, GRW VORTAC CCW	R 256°, GRW VORTAC	9-mile Arc	2000	Supplementary charting information: Hold W, 1 minute, left turns, 076° Inbnd. Final approach crs intercepts Runway 5 centerline extended at 3000'.
9-mile Arc	GRW VORTAC (NOPT)	R 256°, GRW	1900	

Procedure turn N side of crs, 256° Outbnd, 076° Inbnd, 2000' within 10 miles of GRW VORTAC.
FAF, GRW VORTAC. Final approach crs, 076°. Distance FAF to MAP, 9.5 miles.
Minimum altitude over GRW VORTAC, 1900'; over 5-mile DME Fix, 740'.
MSA: 000°-180°—1800'; 180°-270°—2300'; 270°-360°—1600'.
CAUTION: Terrain 400' MSL 1 mile E of airport.
NOTE: Use Greenwood FSS altimeter setting and weather information.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5	740	1	585	740	1	585	740	1	585	740	1¼	585
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	740	1	585	740	1	585	740	1½	585	740	2	585
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5	560	1	405	560	1	405	560	1	405	560	1	405
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	700	1	545	700	1	545	700	1½	545	720	2	565
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Greenwood; State, Miss.; Airport name, Greenwood-Le Flore; Elev., 155'; Facility, GRW; Procedure No. VOR Runway 5, Amdt. 3; Eff. date, 11 Sept., 69; Sup. Amdt. No. 2; Dated, 28 Nov. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.8 miles after passing EYW VORTAC.
EYW NDB	EYW VORTAC	Direct	1800	Turn left, climb to 1600' on R 090° within 15 miles.
EYW, R 040° CCW	EYW, R 308°	8-mile Arc	1500	Supplementary charting information: Final approach crs to center of airport.
8-mile Arc	EYW VORTAC (NOPT)	R 308°	700	

Procedure turn S side of crs, 308° Outbnd, 128° Inbnd, 1500' within 10 miles of EYW VORTAC.
FAF, EYW VORTAC. Final approach crs, 128°. Distance FAF to MAP, 2.8 miles.
Minimum altitude over EYW VORTAC, 700'.
MSA: 000°-360°—1400'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	476	480	1	476	480	1¼	476	620	2	616
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Key West; State, Fla.; Airport name, Key West International; Elev., 4'; Facility, EYW; Procedure No. VOR-1, Amdt. 1; Eff. date, 11 Sept. 69; Sup. Amdt. No. Orig.; Dated, 19 Nov. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 12.5-mile DME Fix.
VRB VORTAC	7-mile DME Fix (NOPT)	VRB, R 150°	1000	Right-climbing turn to 1500' and return to VRB VORTAC via R 163° and hold. Supplementary charting information: Hold W, 1 minute, right turns, 111° Inbnd. Final approach crs to Runway 14.

Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 1500' within 10 miles of VRB VORTAC.
Final approach crs, 150°.
Minimum altitude over VRB VORTAC, 1500'; over 7-mile DME Fix, 1000'; over 10.5-mile DME Fix, 800'.
MSA: 000°-090°—1300'; 090°-180°—1600'; 180°-270°—1400'; 270°-360°—1500'.
NOTES: (1) No weather reporting. (2) Use Vero Beach FSS altimeter setting.
*%Night takeoffs and landings authorized on Runways 9/27 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-14*	440	1	416	440	1	416	440	1	416		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C*	480	1	456	480	1	456	480	1½	456		NA	
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Fort Pierce; State, Fla.; Airport name, St. Lucie County; Elev., 24'; Facility, VRB; Procedure No. VOR/DME Runway 14, Amdt. 2; Eff. date, 11 Sept. 69; Sup. Amdt. No. 1; Dated, 29 July 67

5. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
R 303°, BRO VORTAC CW	R 062°, BRO VORTAC (NOPT)	7-mile Arc BRO, R 045° lead radial.	1500	MAP: 2.3 miles after passing BRO VORTAC. Climbing right turn to 1500' direct to BRO VORTAC and hold. Supplementary charting information Hold NE, 1 minute, right turns, 242° Inbnd. Runway 26, TDZ elevation, 22'.

Procedure turn N side of crs, 062° Outbnd, 242° Inbnd, 1500' within 10 miles of BRO VORTAC.
FAF, BRO VORTAC. Final approach crs, 242°. Distance FAF to MAP, 2.3 miles.
Minimum altitude over BRO VORTAC, 700'.
MSA: 000°-270°—1300'; 270°-360°—2100'.
*Night operations not authorized Runways 08-26.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-26*	340	1	318	340	1	318	340	1	318	340	1	318
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	420	1	398	480	1	458	480	1¼	458	580	2	558
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Brownsville; State, Tex.; Airport name, Rio Grande Valley International; Elev., 22'; Facility, BRO; Procedure No. VOR Runway 26, Amdt. 11; Eff. date, 11 Sept. 69; Sup. Amdt. No. 10; Dated, 26 Dec. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
				MAP: 5 miles after passing STT VOR. If unable to proceed visually to airport upon descent to 1000', turn left climb to 2700' on R 163° within 15 miles of STT VOR, reverse crs direct to STT VOR and hold. Supplementary charting information: Hold N STT VOR, 1 minute, right turns, 186° Inbnd. High terrain N of Runways 9/27 extended. Depict following fixes on AL Chart: Whitefish, Van Dyke, Red Hook, Cruzan, and Culebra.

Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 2600' within 10 miles of STT VOR.
Final approach crs (profile) starts at STT VOR reaching MAP at 5 miles, 1000'.
FAF, STT VOR. Final approach crs, 186°. Distance FAF to MAP, 5 miles.
Minimum altitude over STT VOR, 2000'.
MSA: 045°-135°—2800'; 135°-225°—2700'; 225°-045°—2600'.
NOTE: Visual flight required from MAP to airport.
*Circling Categories A, B, C, night 2000-3. All maneuvering for landing or turn after takeoff must be made S of airport.
‡Night landing Runway 27 not authorized.
%Takeoff day 1000-2; night 2000-3.
@@Day 2000-2; night 2000-3.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C‡	1000	2	980	1000	2	980	1000	2	980	NA
A	@@		T 2-eng. or less—%.				T over 2-eng.—%.			

City, Charlotte Amalie; Island, St. Thomas, V.I.; Airport name, Harry S. Truman; Elev., 11'; Facility, STT; Procedure No. VOR-1, Amdt. 7; Eff. date, 11 Sept. 69; Sup. Amdt. No. 6; Dated, 5 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal Routes				Missed Approach
From—	To—	Via	Minimum altitudes (feet)	
STX NDB	STX VOR	Direct	2200	MAP: 5.3 miles after passing STX VOR Climbing left turn to 2200' direct to STX VOR and hold: Supplementary charting information: Hold E STX VOR, 1 minute, right turns, 257° Inbnd. Final approach crs intercepts runway centerline 3000' from threshold. VASI Runway 9, Runway 27, TDZ elevation, 40'.
Grouper Int	STX VOR	Direct	2200	

Procedure turn N side of crs, 077° Outbnd, 257° Inbnd, 2200' within 10 miles of STX VOR.
FAF, STX VOR. Final approach crs, 257°. Distance FAF to MAP, 5.3 miles.
Minimum altitude over STX VOR, 1500'.
MSA: 000°-180°—1900'; 180°-360°—2200'.
NOTES: (1) Procedure not authorized when control tower not in operation. (2) Sliding scale not authorized. (3) 300' per mile maximum rate of descent on final approach.
*Alternate minimums not authorized when control zone not effective.
@Category D circling authorized only S of centerline extended Runways 9/27.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27	740	1	700	740	1	700	740	1¼	700	740	1¼	700
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	740	1	680	740	1	680	740	1¼	680	740	2	660
A	Standard.*			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Christiansted; Island, St. Croix, V.I.; Airport name, Alexander Hamilton; Elev., 60'; Facility STX; Procedure No. VOR Runway 27, Amdt. 5; Eff. date, 11 Sept. 69; Sup. Amdt. No. 4; Dated, 3 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Columbus LOM	CSG VOR	Direct	2100	MAP: 6.8 miles after passing CSG VOR. Climbing left turn to 2200' to Geneva Int via 046° bearing from CS LOM and hold; or, when directed by ATC, climbing left turn to 2200' to CSG VOR via R 148° and hold. Hold NW, 1 minute, right turns 148° Inbnd. Supplementary charting information: Geneva Int hold E, 1 minute, right turns, 265° Inbnd. HIRL Runway 5/23. Depict restricted area R-3002A.

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 2100' within 10 miles of CSG VOR.
FAF, CSG VOR. Final approach crs, 148°. Distance FAF to MAP, 6.8 miles.
Minimum altitude over CSG VOR, 1700'; over Davis Int, 980'.
MSA: 000°-090°-3500'; 090°180°—3300'; 180°-360°—2200'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	980	1	583	980	1	583	980	1½	583	980	2	583
	VOR/NDB Minimums:											
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	523	920	1	523	920	1½	523	960	2	563
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Columbus; State, Ga.; Airport name, Muscogee County; Elev., 397'; Facility, CSG; Procedure No. VOR-1, Amdt. 11; Eff. date, 11 Sept. 69; Sup. Amdt. No. 10; Dated, 12 June 69

STANDARD INSTRUMENT, APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.2 miles after passing DPK VORTAC.
				Climbing right turn to 1800' direct to DPK VORTAC and hold.
				Supplementary charting information
				Hold NE, 1 minute, right turns, 245° Inbnd.

One minute holding pattern, NE of Deer Park VORTAC, 244° Inbnd, right turns, 1800'.
FAF, DPK VORTAC. Final approach crs, 244°. Distance FAF to MAP, 6.2 miles.
Minimum altitude over DPK VORTAC, 1800'.
MSA: 000°-180°—1700'; 180°-270°—1600'; 270°-360°—1900'
NOTES: (1) Radar vectoring. (2) Procedure authorized only during hours control tower is in operation.
*Night minimums not authorized Runways 1/19.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	600	1	518	600	1	518	600	1½	518	640	2	558
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Farmingdale; State, N.Y.; Airport name, Republic; Elev., 82'; Facility, DPK; Procedure No. VOR-1, Amdt. 2; Eff. date, 11 Sept. 69; Sup. Amdt. No. 1; Dated, 6 Feb. 69

6. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing BR LOM.
HRL VOR	LOM (NOPT)	Direct	1500	Climbing left turn to 1500' direct to BR LOM and hold.
Rio Hondo Int	LOM	Direct	1500	
Fresnos Int	LOM	Direct	1500	Supplementary charting information:
BRO VORTAC	LOM	Direct	1500	Hold NW, 1 minute, left turns, 127° Inbnd.
R 062°, BRO VORTAC CCW	BRO LOC (front crs)	15-mile Arc BRO, R 304°, lead radial.	1500	Runway 13R, TDZ elevation, 17'.
Int 15-mile Arc/BRO LOC front crs	BR LOM (NOPT)	LOC crs	1500	

Procedure turn N side of crs, 307° Outbnd, 127° Inbnd, 1500' within 10 miles of BR LOM.
FAF, BR LOM. Final approach crs, 127°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over BR LOM, 1500'.
MSA: 000°-270°—1300'; 270°-360°—2100'.

DAY AND NIGHT MINIMU

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R	340	1	323	340	1	323	340	1	323	340	1	323
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	420	1	398	480	1	458	480	1¼	458	580	2	558
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Brownsville; State, Tex.; Airport name, Rio Grande Valley International; Elev., 22'; Facility, I-BRO; Procedure No. LOC Runway 13R, Amdt. 1; Eff. date, 11 Sept. 69; Sup. Amdt. No. Orig.; Dated, 28 Dec. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.5 miles after passing Knob Int.
BNA VORTAC	Knob Int	Direct	2200	Climb to 2500' direct to BM NDB/LOM and hold.
BN NDB/LOM	Knob Int	Direct	2200	Supplementary charting information:
				Hold S, 1 minute, right turns, 016° Inbnd.
				HIRL Runways 2L/20R.
				VASI Runway 20R.
				Runway 20R, TDZ elevation, 576'.

Procedure turn E side of crs, 016° Outbnd, 196° Inbnd, 2200' within 10 miles of Knob Int.
FAF, Knob Int. Final approach crs, 196°. Distance FAF to MAP, 2.5 miles.
Minimum altitude over Knob Int, 1400'.
NOTES: (1) Aircraft must have both localizer and VOR receivers operating for execution of this approach. (2) ASR.
*Inoperative table does not apply to HIRL Runway 20R.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20R*	980	1	404	980	1	404	980	1	404	980	1	404
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1040	1	443	1040	1	463	1060	1½	463	1160	2	563
A	Standard.		T 2-eng. or less—RVR 24', Runway 2L; Standard all other runways.				T over 2-eng.—RVR 24', Runway 2L; Standard all other runways.					

City, Nashville; State, Tenn.; Airport name, Nashville Metropolitan; Elev., 597'; Facility, I-BNA; Procedure No. LOC (BC) Runway 20R, Amdt. 5; Eff. date, 11 Sept. 69; Sup. Amdt. No. 4; Dated, 24 Oct. 68

7. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.2 miles after passing EYW NDB.
EYW VORTAC	EYW NDB	Direct	1500	Climb to 1500' on bearing 066° from NDB within 15 miles.

Procedure turn N side of crs, 267° Outbnd, 087° Inbnd, 1500' within 10 miles of EYW NDB.
FAF, EYW NDB. Final approach crs, 066°. Distance FAF to MAP, 1.2 miles.
Minimum altitude over EYW NDB, 820'.
MSA: 000°-360°—1400'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	476	480	1	476	480	1½	476	620	2	616
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Key West; State, Fla.; Airport name, Key West International; Elev., 4'; Facility, EYW; Procedure No. NDB (ADF) Runway 9, Amdt. 4; Eff. date, 11 Sept. 69; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 19 Nov. 66

8. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.7 miles after passing BRA NDB.
AVL VORTAC	BRA NDB	Direct	5000	Climb on crs of 340° to Biltmore NDB and continue climb, if necessary in holding pattern S of Biltmore NDB to 5000' or higher as directed by ATC before continuing climb on crs or returning to BRA NDB, or when directed by ATC, climb on crs of 341° from BRA NDB to 9000'.
SPA VORTAC	Tuxedo Int	Direct	5000	
Tuxedo Int	BRA NDB (NOPT)	Direct	5000	
Owen Int	BRA NDB	Direct	5000	
Forest Int	BRA NDB	Direct	5000	

Supplementary charting information:
Hold S, 1 minute, right turns, 340° Inbnd, 5000'.
Chart AVL VORTAC R 256° over OM.
VASI-16.
Runway 34, TDZ elevation, 2140'.

Procedure turn E side of crs, 161° Outbnd, 341° Inbnd, 5000' within 10 miles of BRA NDB.
FAF, BRA NDB. Final approach crs, 341°. Distance FAF to MAP, 9.7 miles.
Minimum altitude over BRA NDB, 5600'; over OM, 3340'.
MSA: 000°–090°—8700'; 090°–180°—5500'; 180°–270°—7300'; 270°–360°—8400'.
%IFR departure procedures: Climb to 5000', or higher if directed by ATC, via the procedures specified below before continuing on crs:
Runway 34—340° to Biltmore NDB; if necessary, climb in holding pattern until reaching 5000'.
Runway 16—161° track.
#Sliding scale not authorized.
@Circling E side of airport. Night circling not authorized.
*Inoperative table does not apply to ALS Runway 34.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34*#	3340	1¼	1200	3340	2	1200	3340	2¼	1200	3340	2½	1200
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	3340	2	1179	3340	2	1179	3340	2¼	1179	3340	2½	1179
NDB/VOR or FM Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34*#	2780	1	640	2780	1	640	2780	1¼	640	2780	1½	640
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	3060	2	899	3060	2	899	3060	2	899	3060	2	899
A	1500–2, Day, Night, not authorized.		T 2-eng or less—400–1, Runway 34, Standard Runway 16.%				T over 2-eng.—400–¾, Runway 34; Standard Runway 16.%					

City, Asheville; State, N.C.; Airport name, Municipal; Elev., 2161'; Facility BRA; Procedure No. NDB (ADF) Runway 34, Amdt. 6; Eff. date, 11 Sep. 69; Sup. Amdt. No. 5 Dated, 17 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing BR LOM.
HRL VOR	BR LOM (NOPT)	Direct	1500	Climbing left turn to 1500' direct to BR LOM and hold.
Rio Hondo Int	BR LOM	Direct	1500	
Fresnos Int	BR LOM	Direct	1500	
BRO VORTAC	RB LOM	Direct	1500	
R-062° BRO VORTAC CCW	Bearing 307° BR LOM	15-mile Arc BRO, R 304°, lead radial	1500	
Int 15-mile Arc/ Bearing 307° BR LOM	BR LOM (NOPT)	Bearing 307° BR LOM	1500	

Supplementary charting information:
Hold NW, 1 minute, left turns, 127° Inbnd.
Runway 13R, TDZ elevation, 17'.

Procedure turn N side of crs, 307° Outbnd, 127° Inbnd, 1500' within 10 miles of BR LOM.
FAF, BR LOM. Final aproach crs, 127°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over BR LOM, 1500'.
MSA: 000°–270°—1300'; 270°–360°—2100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R	480	1	463	480	1	463	480	1	463	480	1	463
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	458	480	1	458	480	1¼	458	580	2	558
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Brownsville; State, Tex.; Airport name, Rio Grande Valley International; Elev., 22'; Facility BR; Procedure No. NDB (ADF) Runway 13R, Amdt. 1; Eff. date, 11 Sept. 69; Sup. Amdt. No. Orig.; Dated, 26 Dec. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6 miles after passing CS LOM.
Columbus VOR	CS LOM	Direct	2200	Climb to 2200' direct to Geneva Int via 046° bearing from CS LOM and hold; or, when directed by ATC, climb to 2200', left turn direct to CS LOM and hold. Hold SW, 1 minute, left turn, 053° Inbnd.
Marvyn Int	CS LOM	Direct	2200	
Geneva Int	CS LOM	Direct	2200	
Seale Int	CS LOM (NOPT)	Direct	2200	
V-568	CS LOM (NOPT)	CS LOM bearing 233°	2200	

Supplementary charting information:
Geneva Int hold E, 1 minute, right turns, 265° Inbnd.
HIRL Runways 5/23.
Depict restricted area R-3002A.
Runway 5, TDZ elevation, 379'.

Procedure turn N side of crs, 233° Outbnd, 053° Inbnd, 2200' within 10 miles of CS LOM.
FAF, CS LOM. Final approach crs, 053°. Distance FAF to MAP, 6 miles.
Minimum altitude over CS LOM, 2200'.
MSA: 000°–090°—3500'; 090°–180°—3300'; 180°–270°—1800'; 270°–360°—2300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5	920	1	541	920	1	541	920	1	541	920	1¼	541
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	523	920	1	523	920	1½	523	960	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Columbus; State, Ga.; Airport name, Muscogee County; Elev., 397'; Facility, CS; Procedure No. NDB (ADF) Runway 5, Amdt. 17; Eff. date, 11 Sept. 69; Sup. Amdt. No. 16; Dated, 12 June 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.2 miles after passing BBN NDB.
				Climbing left turn to 1600' direct to BBN NDB and hold.

Supplementary charting information:
Hold S, 1 minute, right turns, 347° Inbnd.

Procedure turn E side of crs, 167° Outbnd, 347° Inbnd, 1600' within 10 miles of BBN NDB.
FAF, BBN NDB. Final approach crs, 347°. Distance FAF to MAP, 3.2 miles.
Minimum altitude over BBN NDB, 800'.
MSA: 000°–090°—1700'; 090°–270°—1400'; 270°–360°—2600'.
NOTES: (1) Radar vectoring. (2) Procedure authorized only during hours control tower is in operation.
*Night minimums not authorized Runways 1/19.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-1*	560	1	499	560	1	499	560	1	499	560	1	499
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	560	1	478	560	1	478	560	1½	478	640	2	558
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Farmingdale; State, N.Y.; Airport name, Republic; Elev., 82'; Facility, BBN; Procedure No. NDB (ADF) Runway 1, Amdt. 7; Eff. date, 11 Sept. 69; Sup. Amdt. No. 6; Dated, 20 Feb. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.4 miles after passing NDB.
RMT VOR	PGV NDB	Direct	1600	Make climbing right turn to 1600' return direct to NDB, hold N 102° Inbnd, right turns.
ISO VOR	PGV NDB	Direct	1900	
Zang Int	PGV NDB (NOPT)	Direct	1600	

Supplementary charting information:
Antenna 048°, 3.5 miles S of airport.

Procedure turn W side of crs, 012° Outbnd, 192° Inbnd, 1600' within 10 miles of PGV NDB.
FAF, PGV NDB. Final approach crs, 192°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over PGV NDB, 1500'.
MSA: 000°–090°—1800'; 090°–270°—2600'; 270°–360°—1600'.
NOTES: (1) Use RMT altimeter setting. (2) Night minimum not authorized on Runways 14/32.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–19	640	1	615	640	1	615	640	1	615	640	1¼	615
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	615	640	1	615	640	1½	615	780	2	755
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Greenville, State, N.C.; Airport name, Pitt-Greenville; Elev., 25'; Facility, PGV; Procedure No. NDB (ADF) Runway 19, Amdt. 1; Eff. date, 11 Sept. 69; Sup. Amdt. No. Orig.; Dated, 4 Apr. 68

9. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: DH, 2440'; LOC 9.7 miles after passing BRA NDB.
AVL VORTAC	BRA NDB	Direct	5000	Climb on crs of 340° to Biltmore NDB and continue climb, if necessary in holding pattern S of Biltmore NDB to 5000' or higher as directed by ATC before continuing climb on crs or returning to BRA NDB, or when directed by ATC, climb on crs of 341° from BRA NDB to 8000'.
Owen Int	BRA NDB	Direct	5000	
SPA VORTAC	Tuxedo Int	Direct	5000	
Tuxedo Int	BRA NDB (NOPT)	Direct	5000	
Forest Int	BRA NDB	Direct	5000	

Supplementary charting information:
Hold S, 1 minute, right turns, 340° Inbnd, 5000'.
Back crs unusable. Glide slope unusable below 2310'—VASI-16.
Chart AVL VORTAC R 256° over OM.
Runway 34, TDZ elevation, 2140'.

Procedure turn E side of crs, 161° Outbnd, 341° Inbnd, 5000' within 10 miles of BRA NDB.
FAF, BRA NDB. Final approach crs, 341°. Distance FAF to MAP, 9.7 miles.
Minimum glide slope interception altitude, 5000'. Glide slope altitude at OM, 3519'; at MM, 2329'.
Distance to runway threshold at OM, 4.7 miles; at MM, 0.6 mile.
MSA: 000°–090°—8700'; 090°–180°—5500'; 180°–270°—7300'; 270°–360°—8400'.
%IFR departure procedures: Climb to 5000', or higher if directed by ATC, via the procedures specified below before continuing on crs:
RUNWAY 34—340° to Biltmore NDB; if necessary, climb in holding pattern until reaching 5000'.
RUNWAY 16—161° track.
#Sliding scale not authorized.
@Circling E side of airport. Night circling not authorized.
*Inoperative table does not apply to HIRL or ALS Runway 34.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–34	2440	¾	300	2440	¾	300	2440	¾	300	2440	¾	300
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	2880	1	719	2880	1	719	2880	1½	719	2880	2	719
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–34*#	2660	1	540	2660	1	540	2660	1	540	2660	1¼	540
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	2880	1	719	2880	1	719	2880	1½	719	2880	2	719
A	1000–2.			T 2-eng. or less—400–1, Runway 34; Standard Runway 16.%			T over 2-eng.—400–¾, Runway 34; Standard Runway 16.%					

City, Asheville; State, N.C.; Airport name, Municipal; Elev., 2161'; Facility, I-AVL; Procedure No. ILS Runway 34, Amdt. 9; Eff. date, 11 Sept. 69; Sup. Amdt. No. 8; Dated, 17 Oct. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 679'; LOC 6 miles after passing CS LOM.
Columbus VOR	CS LOM	Direct	2200	Climb to 2200' direct to Geneva Int via 046° bearing from CS LOM and hold; or,; when directed by ATC, climb to 2200', left turn direct to CS LOM and hold
Marvyn Int	CS LOM	Direct	2200	
Geneva Int	CS LOM (NOPT)	CSG LOC crs	2200	
Seale Int	CS LOM (NOPT)	CS LOM bearing 233°	2200	
V–568				

Supplementary charting information:
Hold SW, 1 minute, left turns, 053° Inbd
Geneva Int hold E, 1 minute, right turns, 265° Inbnd,
HIRL Runways 5/23.
Depict restricted area R–3002A.
Runway 5, TDZ elevation, 879'.

Procedure turn N side of crs, 233° Outbnd, 053° Inbnd, 2200' within 10 miles of CS LOM.
FAF, CS LOM. Final approach crs, 053°. Distance FAF to MAP, 6 miles.
Minimum glide slope interception altitude, 2200'. Glide slope altitude at OM, 2200'; at MM, 620'.
Distance to runway threshold at OM, 6 miles; at MM, 0.6 mile.
MSA: 000°–090°—3500'; 090°–180°—3300'; 180°–270°—1800'; 270°–360°—2300'.
NOTES: (1) Glide slope unusable below 679'. (2) LOC back Crs unusable. (3) Inoperative component table does not apply to HIRL Runway 5.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–5	679	¾	300	679	¾	300	679	¾	300	679	¾	300
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–5	820	1	441	820	1	441	820	1	441	820	1	441
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	523	920	1	523	920	1¼	523	960	2	563
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard					

City, Columbus; State, Ga.; Airport name, Muscogee County; Elev., 397'; Facility, I-CSG; Procedure No. ILS Runway 5, Amdt. 11; Eff. date, 11 Sept. 69; Sup. Amdt No. 10; Dated, 12 June 69

These procedures shall become effective on the dates specified therein.
(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775))

Issued in Washington, D.C., on August 7, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69–9591; Filed, Aug. 21, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–587]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Standard Passenger Weights Including All Baggage

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of August 1969.

In a notice of proposed rule making dated June 13, 1969 (EDR–165, published at 34 F.R. 9622), Docket 21079, the Board proposed to establish a standard passenger weight of 200 pounds, including all baggage, to be used in reporting passenger ton-miles for domestic, territorial, and international operations.

Interested persons were afforded an opportunity to participate in the rule making. No comments were received. Therefore, the Board adopts the tentative findings set out in EDR–165, and makes final the rule as proposed, with a clarifying modification of the definition of "weight, passenger."[1]

Accordingly, the Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective January 1, 1970, as follows:

1. Amend section 03—Definitions by revising the definitions of "Ton-mile, passenger" and "Weight, passenger" to read as follows:

Ton-mile, passenger. One ton of passenger weight (including all baggage) transported 1 mile. (See also *Weight, passenger.*)

Weight, passenger. For the purposes of this manual, a standard weight of 200 pounds per passenger (including all baggage) is used for all civil operations and classes of service. Other weights may be prescribed in specific instances upon the initiative of the Board or upon factually supported request by an air carrier.

2. Amend the text for Schedules T–1 and T–2 in section 25—Traffic and Capacity Elements, by revising paragraph (i) and deleting paragraph (j), as follows:

(i) Item 217 "Passenger ton-miles" shall be computed at the standard passenger weight (including all baggage) set forth in section 03 in the definition of "weight, passenger." The prescribed passenger weight may be reviewed from time to time upon request of individual air carriers, or upon the Board's initiative, and other weights may be prescribed in specific instances.

(j) [Deleted.]

3. Amend Schedules T–1, T–1(a), and T–2 of CAB Form 41, which are incorporated herein by reference, by deleting therefrom the item "Excess baggage" under the "Revenue ton-miles" classification.

(Secs. 204(a), 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–10005; Filed, Aug. 21, 1969; 8:48 a.m.]

[1] The definition in the notice stated that the standard weight "is used for all operations and classes of service." The definition is revised to insert the word "civil" after "all."

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 31—NONALCOHOLIC BEVERAGES

Soda Water, Identity Standard; Confirmation of Effective Date of Order Adding Optional Ingredients

In the matter of amending the definition and standard of identity for soda water (21 CFR 31.1) to list as optional ingredients fructose, gluconic acid, and gluconate salts of calcium, magnesium, potassium, or sodium:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of June 26, 1969 (34 F.R. 9867). Accordingly, the amendments promulgated by that order will become effective August 25, 1969.

Dated: August 15, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9977; Filed, Aug. 21, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-874]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Frequency Allocations

In the matter of amendment of Part 2, § 2.106, the Table of Frequency Allocations, of the Commission's rules and regulations, to delete footnote US24.

Order. 1. The Commission has under consideration the above entitled matter.

2. Footnote US24, now applied to the frequency band 54.0–72.0 MHz, reads as follows:

US24 Government fixed stations in the Midway Islands use frequencies in the band 54.0–54.4 Mc/s.; U.S. stations in the broadcasting service will not be authorized to use frequencies in the band 54–60 Mc./s. at any island in the Pacific Ocean west of the Island of Oahu, Hawaii, except within American Samoa; non-Government experimental stations, other than contract developmental stations, will not be authorized to use frequencies in the band 54.0–54.4 Mc./s. at any island in the Pacific Ocean west of the Island of Oahu, Hawaii. This note does not apply to Alaska.

3. The above footnote was designed to accommodate systems employing forward propagation by ionospheric scatter (FPIS) techniques. However, the Commission has been informed that the need for such accommodation no longer exists and that such a need is not expected to recur.

4. Since the footnote was for the benefit of Government stations and we have no reason to believe that any non-Government interested person would wish to oppose its deletion, we find that compliance with the notice and public procedure provisions of section 553 of the Administrative Procedure and Judicial Review Act would be unnecessary and contrary to the public interest: *Accordingly, it is ordered,* That the footnote US24 is deleted from Part 2 of the rules and regulations effective August 22, 1969.

5. Authority for this amendment is contained in sections 4(i), 303 (c), and (r) of the Communications Act of 1934, as amended.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 13, 1969.

Released: August 18, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-9966; Filed, Aug. 21, 1969; 8:45 a.m.]

[Docket No. 18541; FCC 69-886]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments

In the matter of amendment of § 73.202, table of assignments, FM broadcast stations (Carthage, Miss., Mifflinburg, Pa., Forest City, Iowa, Hampton, S.C., Tylertown, Miss., French Lick, Ind., New Boston, Tex., Breckenridge, Minn., Minocqua, Wis., Charleston, Miss., and Southampton, N.Y.); Docket No. 18541; RM-1396, RM-1398, RM-1401, RM-1410, RM-1411, RM-1412, RM-1415, RM-1419, RM-1421, RM-1430, RM-1433.

Second report and order. 1. The Commission has under consideration its notice of proposed rule making issued on May 5, 1969 (FCC 69-475, 34 F.R. 7446), inviting comments on a number of proposals for changes in the FM table of assignments. All proposals were disposed of in a First Report and Order (FCC 69-701), except for RM-1433, Southampton, N.Y. The subject decision concerns the latter petition.

2. On March 25, 1969, Ira Littman of Hewlett, N.Y., a potential FM applicant, filed a petition seeking assignment of channel 237A to Southampton (village), N.Y. Southampton Village, having a 1960 census of 4,582 persons, is an incorporated subdivision of Southampton Town, which had a 1960 population of 26,861. The community is located in the eastern area of Long Island in Suffolk County, which is included in the New York-Northeastern New Jersey standard metropolitan statistical area. It is not, however, included in an urbanized area. At present, Southampton Village has neither an AM nor FM assignment. The petitioner submits that the only facilities east of Riverhead on Long Island (and in Southampton Town) are a daytime-only AM and FM (WLNG AM-FM) combined operation at Sag Harbor.[1]

3. An accompanying engineering statement indicates that assignment of channel 237A may be made in conformity with the separation requirements of the rules, and that the only preclusion that would result would be a limited area east of Southampton for channel 237A, which does not appear to include any community having a population comparable to that of Southampton.

4. In consideration of the above, particularly the showing on the lack of significant preclusion impact on other potential assignments, we are of the opinion that making provisions for a first aural outlet in Southampton is warranted and would serve the public interest. We are therefore adopting the proposed assignment.

5. Authority for the adoption of the amendments contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered,* That effective September 22, 1969, § 73.202 of the Commission's rules, the FM table of assignments, is amended to read, with respect to the community listed below, as follows:

City	*Channel No.*
Southampton, N.Y.	237A

7. *It is further ordered,* That this proceeding (Docket No. 18541) is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: August 13, 1969.

Released: August 18, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-9967; Filed Aug. 21, 1969; 8:45 a.m.]

[1] Sag Harbor and Southampton Village are both in Southampton Town, some 10 miles from each other. There are no other FM assignment on Long Island east of Riverhead.

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.3 is amended by adding a new entry to the table reading as follows:

§ 1914.3 List of designated areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Virginia	City of Alexandria	Four Mile Run	I 51 510 0000 01	Division of Water Resources, 7th Floor, 911 East Broad Street, Richmond, Va. 23219. Commissioner of Insurance, State Corporation Commission, Richmond, Va. 23209.	Department of Public Works, City Hall, Alexandria, Va. 22313.	Aug. 22, 1969.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001-4127), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968); Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Effective date. This amendment shall be effective as of August 22, 1969.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 69-10024; Filed, Aug. 21, 1969; 8:49 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding a new entry to the table reading as follows:

§ 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Virginia	City of Alexandria	Four Mile Run	H 51 510 0000 01	Division of Water Resources, 7th Floor, 911 East Broad Street, Richmond, Va. 23219. Commissioner of Insurance, State Corporation Commission, Richmond, Va. 23209.	Department of Public Works, City Hall, Alexandria, Va. 22313.	Aug. 22, 1969.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001-4127), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968); Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Effective date. This amendment shall be effective as of August 22, 1969.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 69-10025; Filed, Aug. 21, 1969; 8:49 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Wapato Indian Irrigation Project, Wash.

On July 10, 1969, there was published in the daily issue of the FEDERAL REGISTER, Volume 34, Number 131, Page 11424, Notice of Intention to amend § 221.86, Subchapter T, Chapter I of the Code of Federal Regulations Title 25. This section deals with the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Wash. Interested persons were thereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Dale M. Baldwin, Area Director, within 30 days from the date of publication of the notice. One comment was received and given due consideration. It was determined that sufficient justification exists for the proposed rate increase and, accordingly, § 221.86 of Title 25, Code of Federal Regulations, Chapter I, Subchapter T, is amended as follows:

§ 221.86 Charges.

The operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Wash., are hereby fixed as follows:

(a) Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385,387), the basic operation and maintenance assessment rates for the calendar year 1970 and subsequent years until further notice are:

(1) Minimum charges for all tracts in noncontiguous single ownership	$9.30
(2) Flat rate upon all farm units or tracts for each assessable acre	9.30
(3) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre	.50

(b) Pursuant to the provisions of the Act of September 26, 1961 (75 Stat. 680), there shall be assessed and collected, beginning with the calendar year 1967 and until further notice but not to exceed a period of 10 years, an annual per acre charge of $0.20 to defray the cost of replacing a wooden pipeline.

DALE M. BALDWIN,
Area Director.

[F.R. Doc. 69-10016; Filed, Aug. 21, 1969; 8:49 a.m.]

Title 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

On May 7, 1969, a notice of rule making was published in the FEDERAL REGISTER (34 F.R. 7381–7385) which proposed a revision of certain regulations in 30 CFR Part 250. On June 27, 1969, a notice of further rule making was published in the FEDERAL REGISTER (34 F.R. 9932–9934) which proposed the revision of certain additional regulations in 30 CFR Part 250 and the revision and transfer of certain regulations in 43 CFR Part 3380 to 30 CFR Part 250. Both notices invited interested parties to submit written comments, suggestions, or objections, with respect to the proposed amendments, to the Director, Geological Survey, within 30 days of the dates of publication. All such comments, suggestions, and objections received have been carefully considered and certain changes have been made.

In the May 7, 1969, notice § 250.42 (a) and (b) were redesignated as § 250.43 (a) and (b). Section 250.43 (a) and (b), republished, with certain amendments, existing antipollution regulations, formerly § 250.42, as amended by notice of rule making published in the FEDERAL REGISTER, at pages 2503–2504, as a final rule on February 21, 1969. The February 21, 1969, amendment added a new paragraph (b) to § 250.43. The stated purpose of this addition was "to set forth in greater detail the responsibility of lessees for the cost of cleanup and for damages from oil pollution resulting from operations under the Outer Continental Shelf Lands Act."

As a result of comments, suggestions, and objections received, some minor changes are made in § 250.43(a). Comments, suggestions and objections also have been received regarding § 250.43(b). From these it appears that there is confusion and doubt regarding the original intent and purpose of the February 21, 1969, amendment to set forth in greater detail the existing responsibilities of an oil and gas lessee on the Outer Continental Shelf for the control and removal of pollutant, and that the amendment has been misunderstood. Accordingly, to eliminate any doubt or confusion as to the original intent and meaning of the February 21, 1969, interpretive amendment to §§ 250.42 and 250.43(b) is further amended for the purpose of clarification, and a new paragraph (c) is added.

Part 250 of Chapter II of Title 30 of the Code of Federal Regulations is amended as follows, effective at the beginning of the calendar day on which the amendments are published in the FEDERAL REGISTER.

MITCHELL MELICH,
Acting Secretary of the Interior.

AUGUST 18, 1969.

1. The last sentence of § 250.1 is revised. As amended, § 250.1 reads as follows:

§ 250.1 Purpose and authority.

The Outer Continental Shelf Lands Act enacted on August 7, 1953 (67 Stat. 462), referred to in this part as "the act," authorizes the Secretary of the Interior at any time to prescribe and amend such rules and regulations, to be applicable to all operations conducted under a lease issued or maintained under the provisions of the act, as he determines to be necessary and proper to provide for the prevention of waste and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein. Subject to the supervisory authority of the Secretary of the Interior, the regulations in this part shall be administered by the Director of the Geological Survey through the Chief, Conservation Division.

2. Section 250.2, paragraph (c) is revised and paragraphs (j) and (k) are added to read as follows:

§ 250.2 Definitions.

* * * * *

(c) *Supervisor.* A representative of the Secretary, under administrative direction of the Director, through the Chief, Conservation Division, Geological Survey, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part, or any subordinate of such representative acting under his direction.

* * * * *

(j) *OCS Order.* A formal numbered order issued by the supervisor and available in his office, with the prior approval of the Chief, Conservation Division, Geological Survey, that implements the regulations in this part and applies to operations in a region or a major portion thereof.

(k) *Pollution Contingency Plan.* The National Multi-Agency Oil and Hazardous Materials Pollution Contingency Plan cosigned by the Department of the Interior, Department of Transportation, Department of Defense, Department of Health, Education, and Welfare, and the Office of Emergency Preparedness and administered by the Secretary of the Interior, or any successor plan thereto.

3. Section 250.10 is revised to read as follows:

§ 250.10 Jurisdiction.

Subject to the supervisory authority of the Secretary and the Director, drilling and production operations, handling and measurement of production, determination and collection of rental and royalty, and, in general, all operations conducted on a lease by or on behalf of a lessee are subject to the regulations in this part, and are under the jurisdiction of the supervisor for any region as delineated by the Director.

4. Section 250.11 is revised to read as follows:

§ 250.11 General functions.

The supervisor is authorized and directed to act upon the requests, applications, and notices submitted under the regulations in this part and to require compliance with applicable laws, the lease terms, applicable regulations, and OCS Orders to the end that all operations shall be conducted in a manner which will protect the natural resources of the Outer Continental Shelf and result in the maximum economic recovery of the mineral resources in a manner compatible with sound conservation practices. Subject to the approval of the Chief, Conservation Division, Geological Survey, the supervisor may issue OCS Orders implementing the requirements of the regulations of this part when such implementations apply to an entire region or a major portion thereof. The supervisor may issue written or oral orders to govern lease operations. Oral orders shall be confirmed in writing by the supervisor as promptly as possible. The supervisor may issue other orders, and rules to govern the development and method of production of a pool, field, or area. Prior to the issuance of OCS Orders and other orders and rules, the supervisor may consult with, and receive comments from, lessees, operators, and other interested parties. Before permitting operations on the leased land, the supervisor may require evidence that a lease is in good standing, that the lessee is authorized to conduct operations, and that an acceptable bond has been filed.

5. Paragraph (b) of 43 CFR 3383.5 is redesignated paragraph (e) of 30 CFR 250.12. Section 250.12 is revised to read as follows:

§ 250.12 Regulation of operations.

(a) *Duties of supervisor.* The supervisor in accordance with the regulations in this part shall inspect and regulate all operations and is authorized to issue OCS Orders and other orders and rules necessary for him to effectively supervise operations and to prevent damage to, or waste or, any natural resource, or injury to life or property. The supervisor shall receive, and shall, when in his judgment it is necessary, consult with or solicit advice from lessees, field officials of interested Departments and agencies, including the Fish and Wildlife Service, Federal Water Pollution Control Administration, Bureau of Land Management, Coast Guard, Department of Defense, Corps of Engineers, and representatives of State and local governments.

(b) *Departures from orders.* (1) The supervisor may prescribe or approve in writing, or orally with written confirmation, minor departures from the requirements of OCS Orders and other orders and rules issued pursuant to (a) of this section, when such departures are necessary for the proper control of a well, conservation of natural resources, protection of aquatic life, protection of human health and safety, property, or the environment.

(2) All requests or recommendations for major departures from the requirements of OCS Orders, whether on an individual well or field basis, shall be approved by the Chief, Conservation Division.

(c) *Emergency suspensions.* The supervisor is authorized, either in writing or orally with written confirmation, to suspend any operation, including production, which in his judgment threatens immediate, serious, or irreparable harm or damage to life, including aquatic life, to property, to the leased deposits, to other valuable mineral deposits or to the environment. Such emergency suspension shall continue until in his judgment the threat or danger has terminated.

(d) *Other suspensions.* (1) In addition to the provisions of section 12 (c) and (d) of the act providing for suspension of operations and production, in the interest of conservation the supervisor may direct or, at the request of a lessee, may approve the suspension of operations or production, or both, including the approval of suspension of production for (i) leases on which a well has been drilled and determined by the supervisor to be capable of being produced in paying quantities and thereafter temporarily abandoned or permanently plugged and abandoned to facilitate proper development of the lease, and (ii) leases on which a well has been drilled and determined by the supervisor to be capable of being produced in paying quantities, but which cannot be produced because of the lack of transportation facilities. Suspensions of operations or production, or both, may be approved for an initial period, not exceeding 2 years, and for succeeding periods, not exceeding 1 year each.

(2) As to any leases maintained under section 6 of the act covering minerals in addition to oil and gas, the supervisor may suspend operations separately as to oil and gas or as to any other mineral designated in the suspension, order, or grant.

(3) The supervisor is authorized by written notice to the lessee to suspend any operation, including production, for failure to comply with applicable law, the lease terms, the regulations in this part, OCS orders, or any other written order or rule including orders for filing of reports and well records or logs within the time specified.

(e) *Reduction of rental and royalty.* In order to increase the ultimate recovery of minerals and in the interest of conservation, the Director of the Geological Survey, whenever he determines it necessary to promote development or finds that a lease cannot be successfully operated under the terms provided therein, may reduce the rental, minimum royalty, or royalty on the entire leasehold, or on any deposit, tract, or portion thereof segregated for royalty purposes. An application for any of the above relief shall be filed in triplicate with the Director of the Geological Survey. It must contain the serial number of the lease; the name of the record title holder; a description of the area included in the lease; the number, location, and status of each well that has been drilled; a tabulated statement for each month, covering a period of not less than 6 months prior to the date of filing the application, of the aggregate amount of minerals subject to royalty computed in accordance with the lease and applicable regulations. Every application must also contain a detailed statement of expenses and costs of operating the entire lease and of the income from the sale of any leased products, and all facts tending to show whether the wells or workings can be successfully operated upon the rental or royalty fixed in the lease. Where the application is for a reduction of royalty, full information shall be furnished as to whether royalties or payments out of production are paid to others than the United States, the amounts so paid, and efforts made to reduce them. The applicant must also file agreements of the holders of the lease and of royalty holders to a permanent reduction of all other royalties from the leasehold to an aggregate not in excess of one-half the Government royalties.

6. Section 250.17 is revised to read as follows:

§ 250.17 Well locations and spacing.

The supervisor is authorized to approve well locations and well spacing programs necessary for proper development giving consideration to such factors as the location of drilling platforms, the geological and reservoir characteristics of the field, the number of wells that can be economically drilled, the protection of correlative rights, and minimizing unreasonable interference with other uses of the Outer Continental Shelf area.

7. In § 250.18, paragraph (c) is revised and paragraph (d) is added to read as follows:

§ 250.18 Rights of use and easement.

* * * * *

(c) In addition to the rights and privileges granted to a Federal lessee under any lease issued or maintained under the act, the supervisor upon proper application may grant to a holder of a Federal lease or State lease issued by a State which extends the same rights to holders of Federal leases, subject to such reasonable conditions as the supervisor may prescribe, the right of use or an easement to construct and maintain pipelines on areas of the Outer Continental Shelf which are constructed, owned, and maintained by the lessee and used for purposes such as (1) moving production to a central point for gathering, treating, storing, or measuring; (2) delivery of production to a point of sale; (3) delivery of production to a pipeline operated by a transportation company; or (4) moving fluids in connection with lease operations, such as for injection purposes. The supervisor is authorized to approve any reasonable offshore or onshore location as the central or delivery point. Rights of use or easement across areas covered by a mineral lease issued or maintained under the act shall be granted only after the lessee under such lease has been notified by the applicant and afforded a reasonable opportunity to express its views with respect thereto, and any such rights shall be exercised only in a manner so as not to interfere unreasonably with operations of the lessee under such lease. The foregoing right of use and easement shall not apply to pipelines used for transporting oil, gas, or other production after custody has been transferred to a purchaser or carrier as provided for in section 5(c) of the Outer Continental Shelf Lands Act and regulations in 43 CFR 2234.5–3.

(d) Once a right of use or easement has been exercised by the erection of platforms, fixed structures, artificial islands, or pipelines, the right shall continue only so long as they are maintained and are useful for the purpose specified therein, as determined by the supervisor, even beyond the termination of any lease on which they may be situated, and the rights of all subsequent lessees shall be subject to such rights of use and easement by prior lessees. Upon termination by the supervisor of the right of use and easement, the lessee shall remove or otherwise dispose of all platforms, fixed structures, artificial islands, pipelines, and other facilities and restore the premises to the satisfaction of the supervisor; provided, however, that pipelines may be abandoned in place for so long as they do not constitute a navigational or other hazard as determined by the supervisor.

8. Section 250.20 is revoked, § 250.19 is redesignated § 250.20 and a new § 250.19 is added to read as follows:

§ 250.19 Platforms and pipelines.

(a) The supervisor is authorized to approve the design, other features, and plan of installation of all platforms, fixed structures, and artificial islands as a condition of the granting of a right of use or easement under paragraphs (a) or (b) of § 250.18 or authorized under any lease issued or maintained under the act.

(b) The supervisor is authorized to approve the design, other features, and plan of installation of all pipelines for which a right of use or easement has been granted under paragraph (c) of § 250.18 or authorized under any lease issued or maintained under the act, including those portions of such lines which extend onto or traverse areas other than the Outer Continental Shelf.

9. Section 250.30 is revised to read as follows:

§ 250.30 Lease terms, regulations, waste, damage and safety.

The lessee shall comply with the terms of applicable laws and regulations, the lease terms, OCS Orders and other written orders and rules of the supervisor, and with oral orders of the supervisor. All such oral orders shall be effective when issued, and are to be confirmed in writing as provided in § 250.11. The lessee shall take all necessary precautions to prevent damage to or waste of any natural resource or injury to life, or property, or the aquatic life of the seas.

10. Section 250.34 is revised to read as follows:

§ 250.34 Drilling and development programs.

(a) *Exploratory drilling plan.* Prior to commencing each exploratory drilling program on a lease, including the construction of platforms, the lessee shall submit a plan to the supervisor for approval. Each plan for the leased area shall include (1) a description of drilling vessels, platforms, or other structures showing the location, the design, and the major features thereof, including features pertaining to pollution prevention and control; (2) the general location of each well including surface and projected bottom hole location for directionally drilled wells; (3) structural interpretations based on available geological and geophysical data; and (4) such other pertinent data as the supervisor may prescribe.

(b) *Development plan.* Prior to commencing each development program on a lease, the lessee shall submit a plan to the supervisor for approval. The plan shall include all information specified in paragraph (a) of this section in detail.

(c) *Drilling applications.* Prior to commencing drilling operations either under an exploratory or development plan, the lessee shall submit an Application for Permit to Drill (Form 9–331C) to the supervisor for approval. The application shall include the integrated blowout prevention, mud, casing, and cementing program for the well, and shall meet the requirements specified in § 250.41(a), and contain the information specified in § 250.91(a), and shall conform with the approved exploratory or development plan.

(d) *Modifications.* The lessee shall submit: (1) All requests for modifications of an approved exploratory or development plan in writing to the supervisor for approval; and (2) all notices of changes to plans set forth in the approved Application for Permit to Drill on Sundry Notices and Reports on Wells (Form 9–331), except that these requirements shall not relieve the lessee from taking appropriate action to prevent or abate damage, waste, or pollution of any natural resourse or injury to life or property.

11. Sections 250.34(a) through 250.48 are redesignated §§ 250.35 through 250.49, respectively, and § 250.36 (as redesignated) is revised to read as follows:

§ 250.36 Subsequent well operations.

Prior to commencing operations not previously approved, such as deepening, plugging-back, repairing (other than work incidental to ordinary well operations), acidizing or stimulating production by other methods, perforating, sidetracking, squeezing with mud or cement, abandoning, and any similar operation which will alter the condition of a well, the lessee shall submit an application or notice as specified in § 250.91 and 250.92 to the supervisor for approval. This requirement shall not relieve the lessee from taking appropriate action to prevent or abate damage or waste of any natural resource, or injury to life or property.

12. Section 250.38 (as redesignated) is revised to read as follows:

§ 250.38 Well records.

(a) The lessee shall keep for each well at his field headquarters or at other locations conveniently available to the supervisor, accurate and complete records of all well operations including production, drilling, logging, directional well surveys, casing, perforating, safety devices, redrilling, deepening, repairing, cementing, alterations to casing, plugging, and abandoning. The records shall contain a description of any unusual malfunction, condition or problem; all the formations penetrated; the content and character of oil, gas, and other mineral deposits, and water in each formation; the kind, weight, size, grade, and setting depth of casing; and any other pertinent information.

(b) Upon request of the supervisor, the lessee shall immediately transmit copies of records of any of the well operations specified in paragraph (a) of this section; however, in any event the lessee shall, within 30 days after completion of any well, transmit to the supervisor copies of the records of all operations (except logging) in duplicate on or attached to Form 9–330, except that when operations are suspended the lessee shall transmit copies of the records of all operations conducted thereon to the supervisor within 30 days after the supension; and within 30 days after the suspension or completion of any further operations, including those described in § 250.92, the lessee shall transmit to the supervisor copies of the records of such operations in duplicate on or attached to Form 9–330 or Form 9–331, as appropriate.

(c) Upon request by the supervisor, the lessee shall submit paleontological reports identifying microscopic fossils by depth (not the resulting interpretations based upon such identifications) unless washed well samples normally maintained by the lessee for paleontological determinations are made available to the supervisor for inspection.

(d) Upon request of the supervisor, the lessee shall immediately transmit copies (field or final prints of individual runs) of logs or charts of electrical, radioactive, sonic, and other well logging operations and directional well surveys. Composite logs of multiple runs and directional well surveys shall be transmitted to the supervisor in duplicate as soon as available, but not later than 30 days after completion of such operations for each well.

(e) Upon request of and in the manner and form prescribed by the supervisor, the lessee shall furnish copies of the daily drilling report and a plat showing the location, designation, and status of all wells on the leased lands.

(f) Upon request of the supervisor, the lessee shall furnish legible, exact copies of service company reports on cementing, perforating, acidizing, analyses of cores, or other similar services.

(g) The lessee shall submit any other reports and records of operations when required and in the manner and form prescribed by the supervisor.

13. Section 250.41 (as redesignated) is revised to read as follows:

§ 250.41 Control of wells.

(a) *Drilling wells.* The lessee shall take all necessary precautions to keep all wells under control at all times, shall utilize only personnel trained and competent to drill and operate such wells, and shall utilize and maintain materials and high-pressure fittings and equipment necessary to insure the safety of operating conditions and procedures. The design of the integrated casing, cementing, drilling mud, and blowout prevention program shall be based upon sound engineering principles, and must take into account the depths at which various fluid or mineral-bearing formations are expected to be penetrated, and the formation fracture gradients and pressures expected to be encountered, and other pertinent geologic and engineering data and information about the area.

(1) *Well casing and cementing.* The lessee shall case and cement all wells with a sufficient number of strings of casing in a manner necessary to: (i) Prevent release of fluids from any stratum through the well bore (directly or indirectly) into the sea; (ii) prevent communication between separate hydrocarbon-bearing strata (except such strata approved for commingling) and between hydrocarbon and water-bearing strata; (iii) prevent contamination of fresh water strata, gas, or water; (iv) support unconsolidated sediments; and (v) otherwise provide a means of control of the formation pressures and fluids. The lessee shall install casing necessary to withstand collapse, bursting, tensile, and other stresses and the casing shall be cemented in a manner which will anchor and support the casing. Safety factors in casing program design shall be of sufficient magnitude to provide optimum well control while drilling and to assure safe operations for the life of the well. When directed by the supervisor, the lessee shall install structural or drive casing to provide hole stability for the initial drilling operation. A conductor string of casing (the first string run other than any structural or drive casing) must be cemented with a volume of cement sufficient to circulate back to the sea floor; however, if authorized by OCS Order or the supervisor, cement may be washed out or displaced to a specified depth below the sea floor to facilitate casing removal upon well abandonment. All subsequent strings must be securely cemented.

(2) *Drilling mud.* The lessee shall maintain readily accessible for use quantities of mud sufficient to insure well control. The testing procedures, characteristics, and use of drilling mud and the conduct of related drilling procedures shall be such as are necessary to prevent blowouts. Mud testing equipment and mud volume measuring devices shall be maintained at all times, and mud tests shall be performed frequently and recorded on the driller's log as prescribed by the supervisor.

(3) *Blowout prevention equipment.* The lessee shall install, use, and test blowout preventers and related well-control equipment in a manner necessary to prevent blowouts. Such installation, use and testing must meet the standards or requirements prescribed by the supervisor; provided, however, in no event shall the lessee conduct drilling below the conductor string of casing until the installation of at least one remotely controlled blowout preventer and equipment for circulating drilling fluid to the drilling structure or vessel. Blowout preventers and related well-control equipment shall be pressure tested when installed, after each string of casing is cemented, and at such other times as prescribed by the supervisor. Blowout preventers shall be activated frequently to test for proper functioning as prescribed by the supervisor. All blowout-preventer tests shall be recorded on the drillers log.

(b) *Completed wells.* In the conduct of all its operations, the lessee shall take all steps necessary to prevent blowouts, and the lessee shall immediately take whatever action is required to bring under control any well over which control has been lost. The lessee shall: (1) In wells capable of flowing oil or gas, when required by the supervisor, install and maintain in operating condition storm chokes or similar subsurface safety devices; (2) for producing wells not capable of flowing oil or gas, install and maintain surface safety valves with automatic shutdown controls; and (3) periodically test or inspect such devices or equipment as prescribed by the supervisor.

14. Section 250.43 (as redesignated) is revised to read as follows:

§ 250.43 Pollution and waste disposal.

(a) The lessee shall not pollute land or water or damage the aquatic life of the sea or allow extraneous matter to enter and damage any mineral- or water-bearing formation. The lessee shall dispose of all liquid and nonliquid waste materials as prescribed by the supervisor. All spills or leakage of oil or waste materials shall be recorded by the lessee and, upon request of the supervisor, shall be reported to him. All spills or leakage of a substantial size or quantity, as defined by the supervisor, and those of any size or quantity which cannot be immediately controlled also shall be reported by the lessee without delay to the supervisor and to the Coast Guard and the Regional Director of the Federal Water Pollution Control Administration. All spills or leakage of oil or waste materials of a size or quantity specified by the designee under the pollution contingency plan shall also be reported by the lessee without delay to such designee.

(b) If the waters of the sea are polluted by the drilling or production operations conducted by or on behalf of the lessee, and such pollution damages or threatens to damage aquatic life, wildlife, or public or private property, the control and total removal of the pollutant, wheresoever found, proximately resulting therefrom shall be at the expense of the lessee. Upon failure of the lessee to control and remove the pollutant the supervisor, in cooperation with other appropriate agencies of the Federal, State and local governments, or in cooperation with the lessee, or both, shall have the right to accomplish the control and removal of the pollutant in accordance with any established contingency plan for combating oil spills or by other means at the cost of the lessee. Such action shall not relieve the lessee of any responsibility as provided herein.

(c) The lessee's liability to third parties, other than for cleaning up the pollutant in accordance with paragraph (b) of this section shall be governed by applicable law.

15. Section 250.45 (as redesignated) is revised to read as follows:

§ 250.45 Accidents, fires, and malfunctions.

In the conduct of all its operations, the lessee shall take all steps necessary to prevent accidents and fires, and the lessee shall immediately notify the supervisor of all serious accidents and all fires on the lease, and shall submit in writing a full report thereon within 10 days. The lessee shall notify the supervisor within 24 hours of any other unusual condition, problem, or malfunction.

16. Section 250.46 (as redesignated) is revised to read as follows:

§ 250.46 Workmanlike operations.

The lessee shall perform all operations in a safe and workmanlike manner and shall maintain equipment for the protection of the lease and its improvements, for the health and safety of all persons, and for the preservation and conservation of the property and the environment. The lessee shall take all necessary precautions to prevent and shall immediately remove any hazardous oil and gas accumulations or other health, safety or fire hazards.

17. Section 250.47 (as redesignated) is revised to read as follows:

§ 250.47 Sales contracts.

The lessee shall file with the supervisor within 30 days after the effective date thereof copies of all contracts for the disposal of lease products. Nothing in any such contract shall be construed or accepted as modifying any of the provisions of the lease, including provisions relating to gas waste, taking royalty in kind, and the method of computing royalties due as based on a minimum valuation and in accordance with the regulations applicable to the lands covered by the contract.

§ 250.48 [Amended]

18. In § 250.48 (as redesignated), the words "not less than 30 days" are changed to read "within 30 days".

19. Sections 3381.1, 3381.2, 3381.3, and 3381.4 of 43 CFR are redesignated §§ 250.50, 250.51, 250.52, 250.53, respectively, of 30 CFR.

§ 250.50, 250.52, 250.53 [Amended]

20. In the second sentence of § 250.50 (as redesignated) the word "Secretary" is changed to read "Director."

21. In paragraph (a) and in the last sentence of paragraph (b) of § 250.52 (as redesignated) the word "Secretary" is changed to read "supervisor."

22. In the first sentence of paragraph (a) and in the last sentence of paragraph (b) of § 250.53 (as redesignated) the word "Secretary" is changed to read "Director."

§ 250.60 [Amended]

23. In the second sentence of § 250.60 the words "positive copies" are changed to read "exact copies".

24. In § 250.65, paragraph (a) is revised to read as follows:

§ 250.65 Royalty on oil.

(a) The royalty on crude oil, including condensates separated from gas without the necessity of a manufacturing process, shall be the percentage of the value or amount of the crude oil produced from the leased lands established by law, regulation, or the provisions of the lease. No deduction shall be made for actual or theoretical transportation losses.

* * * * * *

25. Section 250.67 is revised to read as follows:

§ 250.67 Royalty on processed gas and constituent products.

(a) If gas is processed for the recovery of constituent products, a royalty as provided in the lease will accrue on the value or amount of:

(1) All residue gas remaining after processing; and

(2) All natural gasoline, butane, propane, or other products extracted therefrom, subject to deduction of such portion thereof as the supervisor determines to be a reasonable allowance for the cost of processing based upon regional plant practices and costs and other pertinent factors; provided, however, that such reasonable allowance shall not exceed two-thirds of the products extracted unless the Director determines that a greater allowance is in the interest of conservation.

(b) Under no circumstances shall the amount of royalty on the residue gas and extracted products be less than the amount which the supervisor determines would be payable if the gas had been sold without processing.

(c) In determining the value of natural gasoline, the volume of such gasoline shall be adjusted to a standard by a method approved by the supervisor when necessary to adjust volumetric differences between natural gasolines of various specifications.

(d) No allowance shall be made for boosting residue gas or other expenses incidental to marketing.

(e) The lessee, with the approval of the supervisor, may establish a gross value per unit of 1,000 cubic feet of gas on the lease or at the wellhead for the purpose of computing royalty on gas

processed for the recovery of constituent products, provided that the royalty shall not be less than that which would accrue by computing royalties in accordance with the provisions of paragraphs (a) through (d) of this section.

26. Section 250.96 is revoked; §§ 250.91, 250.92, and 250.95 are redesignated 250.92, 250.95, and 250.96, respectively; and a new § 230.91 has been added to read as follows:

§ 250.91 Application for permit to drill, deepen, or plug back.

Applications for permits to drill, deepen, or plug back must be filed in triplicate on Form 9–331C. Prior to commencing such operations approval in writing must be received from the supervisor.

(a) *Application for permit to drill.* (1) The application must give the surface location and projected bottom-hole location in feet from the lease boundaries; elevation of the derrick floor; water depth; depth to which the well is proposed to be drilled; estimated depths to the top of significant markers; depths at which water, oil, gas, and mineral deposits are expected; the proposed blowout prevention and casing program, including the size, weight, grade, and setting depth of casing, and the quantity of cement to be used, together with all other information specified on Form 9–331C. Information also shall be furnished relative to the proposed plan for drilling other wells from the same platform, for coring at specified depths, and for electrical and other logging, together with any other information required by the supervisor.

(2) At least two copies of the application shall be accompanied by: (i) A certified plat drawn to a scale of 2,000 feet to the inch, showing surface and subsurface location of the well to be drilled and all wells theretofore drilled in the vicinity for which information is available, and (ii) information specified in § 250.34 to the extent not included in the application or previously furnished (reference must be made thereto).

(b) *Application for permit to deepen or plug back.* The application must describe fully: (1) The present status of the well including the production string or last string of casing, well depth, present productive zones and productive capability, and other pertinent matters; and (2) the details of the proposed work and the necessity therefor.

27. Section 250.92 (as redesignated) is revised to read as follows:

§ 250.92 Sundry notices and reports on wells.

All notices of intention to fracture treat, acidize, repair, multiple complete, abandon, change plans, and for other similar purposes, and all subsequent reports pertaining to such operations shall be submitted on Form 9–331 in triplicate in accordance with § 250.38(b). Prior to commencing such operations approval must be received from the supervisor in writing.

(a) *Notice of intention to change the condition of a well.* Form 9–331 shall contain a detailed statement of the proposed work for repairing (other than work incidental to ordinary well operation), acidizing or stimulating production by other methods, perforating, sidetracking, squeezing with mud or cement, or commencing any operations that will materially change the approved program for drilling a well or alter the condition of a completed well other than those operations covered by § 250.91.

(b) *Subsequent report of changing the condition of a well.* Form 9–331 shall contain a detailed report of all work done and the results obtained. The report shall set forth the amount and rate of production of oil, gas, and water before and after the work was completed and shall include a complete statement of the dates on which the work was accomplished and the methods employed.

(c) *Notice of intention to abandon well.* Form 9–331 shall contain a detailed statement of the proposed work for abandonment of any well, including a drilling well, a depleted producing well, an injection well, or a dry hole. The statement as to a producible well shall set forth the reasons for abandonment and the amount and date of last production and, as to all wells, shall describe the proposed work, including kind, location, and length of plugs (by depths), and plans for mudding, cementing, shooting, testing, removing casing, and other pertinent information.

(d) *Subsequent report of abandonment.* Form 9–331 shall contain a detailed report of the manner in which the abandonment or plugging work was accomplished, including the nature and quantities of materials used in plugging and the location and extent (by depths) of casing left in the well; and the volume of mud fluid used. If an attempt was made to part any casing, a description of the methods used and results obtained must be included.

§ 250.94 [Amended]

28. In § 250.94 the words "in duplicate" are deleted.

29. Section 250.95 (as redesignated) is revised to read as follows:

§ 250.95 Well completion or recompletion report and log.

All reports and logs of well completions or recompletions shall be submitted on or attached to Form 9–330 in duplicate in accordance with § 250.38(b). The form shall contain a complete and accurate log and report of all operations conducted on the well as specified on the form. Duplicate copies of logs that may have been compiled for geologic information from cores or formation samples shall be filed in addition to the regular log. Geologic markers and all important zones of porosity and contents thereof; cored intervals; and all drill-stem tests, including depth interval tested, cushion used, time tool open, flowing and shut-in pressures, and recoveries shall be shown as provided therefor on Form 9–330 or on attachments thereto. If not previously furnished, duplicate copies of composites of multiple runs of all well bore surveys, including electric, radioactive, sonic and other logs, temperature surveys, and directional surveys shall be attached. (Such copies are in addition to field prints filed pursuant to § 250.38(d).)

30. A new § 250.97 is added to read as follows:

§ 250.97 Public inspection of records.

Geological and geophysical interpretations, maps, and data required to be submitted under this part shall not be available for public inspection without the consent of the lessee so long as the lease remains in effect or until such time as the supervisor determines that release of such information is required and necessary for the proper development of the field or area.

[F.R. Doc. 69–10027; Filed, Aug. 21, 1969; 8:50 a.m.]

PART 250—OUTER CONTINENTAL SHELF OIL AND GAS AND SULPHUR OPERATIONS

Transferring of Certain Regulations

CROSS REFERENCE: For a document transferring certain regulations from Part 3380 of Title 43 to Part 250 of Title 30, see F.R. Doc. 69–10026, *infra*.

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

PART 3380—OUTER CONTINENTAL SHELF MINERAL DEPOSITS

Miscellaneous Amendments

On June 27, 1969, a notice of rule making was published in the FEDERAL REGISTER (34 F.R. 9932–9934) which proposed a revision of certain regulations in 43 CFR Part 3380 and the transfer of certain regulations in 43 CFR Part 3380 to 30 CFR Part 250. The notice invited interested parties to submit written comments, suggestions, or objections, with respect to the proposed amendments, to the Director, Bureau of Land Management, within 30 days of the date of publication. All such comments, suggestions, and objections received have been carefully considered and certain changes have been made.

Part 3380 of Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below and these regulations are effective at the beginning of the calendar day on which these amendments are published in the FEDERAL REGISTER.

MITCHELL MELICH,
Acting Secretary of the Interior.

AUGUST 18, 1969.

Part 3380 of Chapter II of Title 43 of the Code of Federal Regulations is amended as follows:

1. Section 3380.0–3 is revised to read as follows:

§ 3380.0–3 Purpose and authority.

The Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. § 1331 et seq.), referred to in this part as "the act", among other things, authorizes the Secretary of the Interior to issue on a competitive basis leases for oil and gas, sulphur, and other minerals in submerged lands of the Outer Continental Shelf, as defined in section 2 of the act. Subject to the supervisory authority of the Secretary, the regulations in this part shall be administered by the Director, Bureau of Land Management, hereinafter referred to in this part as the Director.

2. The last sentence of § 3380.0–3 is redesignated as a new § 3380.0–4 to read as follows:

§ 3380.0–4 Applicability of public land laws.

The laws and regulations pertaining to the public lands of the United States are not applicable to the submerged lands of the Outer Continental Shelf. Mineral deposits in the submerged lands of the Outer Continental Shelf are subject to disposition only in accordance with the provisions of the act and the regulations promulgated by the Secretary thereunder.

3. Sections 3381.1, 3381.2, 3381.3, and 3381.4 are redesignated §§ 250.50, 250.51, 250.52, and 250.53, respectively, of Chapter II of Title 30 of the Code of Federal Regulations.

4. Section 3381.5 is redesignated § 3385a.2 and is included in a new Subpart 3385a, as hereinafter provided.

5. Sections 3380.2 (a) and (b) are redesignated § 3381.1 (a) and (b), respectively, and § 3380.2(c) is deleted and its content is included in the revision of Subpart 3382, as hereinafter provided.

6. Subpart 3381—Cooperative Conservation Provisions is deleted and a new Subpart 3381 is added as follows:

Subpart 3381—Leasing Areas

§ 3381.1 Leasing maps.

* * * * *

§ 3381.2 Resources evaluation.

From time to time the Director may announce tentative schedules of lease sales of Outer Continental Shelf areas. At such time as an area is initially considered for mineral leasing, or as the need arises, the Director shall request the Director, Geological Survey, to prepare a summary report describing the general geology and potential mineral resources of the area and shall request other interested Federal agencies to prepare reports describing to the extent known any other valuable resources contained within the general area and the potential effect of mineral operations upon the resources or upon the total environment.

§ 3381.3 Nominations of tracts.

In selecting tracts for oil and gas, sulphur, or other mineral leasing, the Director will receive and consider nominations of tracts or requests describing areas and expressing an interest in leasing of minerals, or, from time to time, upon his own motion, upon approval of the Secretary, may issue calls for nominations of tracts for the leasing of minerals in specified areas. Nominations of tracts should be addressed to the Director, with copies to the appropriate Bureau of Land Management field office and the appropriate oil and gas supervisor of the Geological Survey. The Director, Geological Survey, shall submit recommendations to the Director on tract selections and lease terms and conditions.

§ 3381.4 Selection of tracts.

The Director, prior to the final selection of tracts for leasing, either selected on his own motion or nominated pursuant to § 3381.3 of this subpart, shall evaluate fully the potential effect of the leasing program on the total environment, aquatic resources, aesthetics, recreation, and other resources in the entire area during exploration, development and operational phases. To aid him in his evaluation and determinations he shall request and consider the views and recommendations of appropriate Federal agencies, may hold public hearings after appropriate notice, and may consult with State agencies, organizations, industries, and individuals. The Director shall develop special leasing stipulations and conditions when necessary to protect the environment and all other resources, and such special stipulations and conditions shall be contained in the proposed notice of lease offer. The proposed notice of lease offer, together with all views and recommendations received and the Director's findings or actions thereon, shall be submitted to the Secretary for final approval.

§ 3381.5 Notice of lease offer.

Upon approval of the Secretary, the Director shall publish the notice of lease offer at the expense of the United States in the FEDERAL REGISTER, as the official publication, and in other publications as may be desirable. The publication in the FEDERAL REGISTER shall be at least 30 days prior to the date of the sale. The notice shall state the place and time at which bids will be filed, and the place, date, and hour at which bids will be opened. The notice shall contain any special stipulations or conditions which will become a part of any lease issued pursuant to such notice, including stipulations or conditions for the protection of the environment, aquatic life and other resources.

§ 3381.6 Tracts subject to drainage.

Upon direction of the Secretary, the Director, after obtaining the recommendation of the Director, Geological Survey, is authorized to publish on his own motion notices of lease offer of tracts which have been determined by the Director, Geological Survey, to be subject to drainage of their oil and gas deposits from wells on other tracts. The Director may request and consider the views and recommendations of appropriate Federal and State agencies prior to publishing the notice of lease offer. The notice shall be published in accordance with section 3381.5 of this subpart.

7. Section 3382.1 is revised to read as follows:

§ 3382.1 General.

Tracts will be offered for lease by competitive sealed bidding under conditions specified in the notice of lease offer. Each oil and gas lease issued pursuant to section 8 of the act shall cover a compact area not exceeding 5,760 acres.

8. Section 3382.2 is redesignated § 3385a.1 and is included in a new Subpart 3385a, as hereinafter provided. A new § 3382.2 is added as follows:

§ 3382.2 Term.

(a) All oil and gas leases shall be issued for a term of 5 years and so long thereafter as oil or gas may be produced from the leasehold in paying quantities, or drilling or well reworking operations, as approved by the Secretary under § 3385a.1 of this part, are conducted thereon.

(b) All sulphur leases shall be issued for a term of 10 years and so long thereafter as sulphur may be produced from the leasehold in paying quantities or drilling, well reworking, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are conducted thereon.

(c) Other mineral leases shall be issued for such terms as may be prescribed at the time of offering the leases in the notice of lease offer.

§ 3382.3 [Deleted]

9. Section 3382.3 is deleted. Its content is included in a new § 3381.5, as heretofore provided.

10. The first sentence of § 3382.5 is deleted and the following substituted therefor:

§ 3382.5 Award of lease.

Sealed bids received in response to the notice of lease offer shall be opened at the place, date and hour specified in the notice. The opening of bids is for the sole purpose of publicly announcing and recording the bids received and no bids will be accepted or rejected at that time. In accordance with section 8 of the act, leases will be awarded only to the highest responsible qualified bidder. The United States reserves the right and discretion to reject any and all bids received for any tract, regardless of the amount offered. Awards of leases will be made only by written notice from the authorized officer. Such notices shall transmit the lease forms for execution. * * *

11. Section 3383.4 is redesignated § 3385a.3 and is included in a new Subpart 3385a, as hereinafter provided.

12. Paragraph (a) of § 3383.5 is revised as follows:

§ 3383.5 Effect of suspensions on royalty and rental.

(a) In the event that under the provisions of 30 CFR 250.12(c) or (d)(1) the regional oil and gas supervisor of the Geological Survey with respect to any lease directs the suspension of both operations and production, or with respect to a lease on which there is no producible well directs the suspension of operations, no payment of rental or minimum royalty will be required for or during the period of the suspension. In the event that under the provisions of 30 CFR 250.12(d)(1) the supervisor approves, at the request of a lessee, the suspension of operations or production, or both, or under the provisions of 30 CFR 250.12 (d)(3) suspends any operation including production, the lessee will not be relieved of the obligation to pay rental, minimum royalty or royalty for or during the period of suspension.

(b) In the event the anniversary date of a lease falls within a period of suspension for which no rental or minimum royalty payments are required under paragraph (a), of this section, the prorated rentals or minimum royalties, if any are due and payable as of the date the suspension period terminates, shall be computed and notice thereof given the lessee. Payment of the amount due shall be made by the lessee within 30 days after receipt of such notice. The anniversary date of a lease will not change by reason of any period of lease suspension or rental or royalty relief resulting therefrom.

13. Paragraph (b) of § 3383.5 is redesignated paragraph (e) of § 250.12 of Chapter II of Title 30 of the Code of Federal Regulations.

§ 3384.1 [Amended]

14. In § 3384.1 in the first sentence the amount "$15,000" is changed to read "$50,000," and in the first and the sixth sentences the amounts "$100,000" are changed to read "$300,000". The words "New Orleans, Louisiana" appearing in the eighth sentence are deleted.

§ 3384.2 [Amended]

15. In § 3384.2 the amount "$100,000" is changed to read "$300,000".

§ 3385.1 [Amended]

16. The second sentence of this section is amended by deleting "Bureau of Land Management, Washington 25, D.C." and substituting therefor "appropriate office of the Bureau of Land Management".

17. A new Subpart 3385a is added as follows:

Subpart 3385a—Extension of Leases

§ 3385a.1 Extension of leases by drilling or well reworking operations.

* * * * *

§ 3385a.2 Directional drilling.

* * * * *

§ 3385a.3 Compensatory payments.

* * * * *

§ 3385a.4 Effect of suspensions on lease term.

In the event that under the provisions of 30 CFR 250.12(c) or (d)(1), the regional oil and gas supervisor of the Geological Survey directs the suspension of either operations or production, or both, with respect to any lease, the term of the lease will be extended by a period equivalent to the period of the suspension. In the event that under the provisions of 30 CFR 250.12(c) or (d)(1), the supervisor approves the suspension of either operations or production, or both, with respect to any lease, the term of the lease will not be deemed to expire so long as the suspension remains in effect.

§ 3386.1 [Amended]

18. The first sentence of this section is amended by deleting the words "Director's office" and substituting therefor "appropriate office of the Bureau of Land Management."

[F.R. Doc. 69-10026; Filed, Aug. 21, 1969; 8:50 a.m.]

PART 3380—OUTER CONTINENTAL SHELF MINERAL DEPOSITS

Miscellaneous Amendments

CROSS REFERENCE: For a document affecting this part, see F.R. Doc. 69-10027, Title 30, Part 250, *supra*.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Noxubee National Wildlife Refuge, Mississippi

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on Noxubee National Wildlife Refuge, Miss.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of the refuge which are open to hunting are designated by signs and delineated on maps. Maps are available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree Seventh Building, Atlanta, Ga. 30323.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Squirrels, rabbits, quail, turkey, raccoons and opossum may be hunted in accordance with the following special conditions.

(1) Squirrels and rabbits may be hunted October 4 through October 25, 1969, excluding Sundays, on 42,386 acres, and may continue to be hunted on 24,388 acres until December 28, 1969. Areas open to hunting will be designated by signs.

(2) Quail may be hunted January 4 through February 13, 1970, excluding Sundays.

(3) Turkeys (gobblers only) may be hunted April 4 through April 26, 1970, excluding Sundays.

(4) Raccoons and opossums may be hunted during the periods November 1 through November 21, December 1 through December 25, 1969, and January 3 through February 15, 1970, excluding Sundays. Hunt hours are from sunset to sunrise only.

(5) Fires and cutting of trees are not permitted.

(6) Dogs are permitted during the quail, raccoon, and opossum hunts only.

(7) Turkeys killed must be reported to refuge headquarters.

(8) Raccoons and opossums may be hunted only with .22 caliber rifles or hand guns.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

White-tailed deer may be hunted in accordance with the following special conditions.

(1) Hunting with guns is permitted November 22 through December 1, 1969, and from December 26, 1969, through January 3, 1970, excluding Sundays.

(2) Bag limits are as follows: November 22 through December 1, 1969, one buck; December 26, 1969, through January 3, 1970, one deer of either sex.

(3) A kill quota of 800 deer is established, 400 of which may be antlerless. The hunt will be terminated if these quotas are reached prior to the above specified closing date.

(4) Shotguns smaller than 20 gauge and rifles .22 caliber and smaller are prohibited.

(5) Shotgun shells containing buckshot smaller than No. 1 are prohibited.

(6) The use of dogs is not permitted.

(7) Fires and cutting of trees is not permitted.

(8) Hunting of deer with long bows is permitted from October 1 through November 3 and November 6 through November 19, 1969. The use of long bows is also permitted during the periods when the refuge is open to hunting deer with guns.

(9) Firearms and crossbows are prohibited during the season established for archery hunting only.

(10) All deer killed must be checked out at one of the designated refuge checking stations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations and are effective through April 30, 1970.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 15, 1969.

[F.R. Doc. 69-9983; Filed, Aug. 21, 1969; 8:46 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

Restrictions Applicable to Fishing Vessels

It has been determined by the Director that the incidental catch rate of 30 percent now in effect for purse seiners of 300 tons carrying capacity or less is not sufficiently high to allow those vessels to catch the allotment of 4,000 tons to which they are entitled under the terms of the Inter-American Tropical Tuna Commission's recommendations for 1969. The current yellowfin tuna regulations (§ 280.6(c)) provide for an adjustment to be made in the incidental catch for small purse seiners to assure that the U.S. 4,000-ton allotment is not underutilized. The incidental catch rate for purse seiners of 300 tons' carrying capacity or less is therefore raised to 40 percent. This change in the allowable incidental catch rate will apply to all purse seiners of 300 tons' capacity or less which land fish after the effective date.

In subparagraph (2) of § 280.6(c) the words "thirty percent (30%)" are deleted everywhere they appear in the subparagraph, and they are replaced by the words "forty percent (40%)."

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated August 19, 1969.

H. E. CROWTHER,
Director, Bureau of Commercial Fisheries.

[F.R. Doc. 69-10002; Filed, Aug. 21, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 5]

SILICA AEROGEL

Proposed Exemption From Label Declaration

Dow Corning Corp., Midland, Mich. 48640, has proposed an exemption from labeling declaration in fabricated foods of silica aerogel which becomes a component of the food through its use as an adjuvant in the food-defoaming agent dimethylpolysiloxane (21 CFR 121.1099).

Regarding nonstandardized foods, § 121.1099 of the food additive regulations provides that dimethylpolysiloxane meeting prescribed specifications may be used as a defoaming agent in foods, except milk, and § 121.101(d)(8) provides that silica aerogel, as specified, may be used as a "component of antifoaming agents." The submittal from Dow Corning Corp. shows that the weight of the silica aerogel component amounts to less than 5 percent of the dimethylpolysiloxane. The purpose of the proposed regulation is to exercise the authority in the proviso to section 403(i) of the Federal Food, Drug, and Cosmetic Act by exempting silica aerogel from a requirement for label declaration when it is an incidental additive of a fabricated food by reason of having been a component of dimethylpolysiloxane used as a defoaming agent in preparing the food.

Regarding standardized foods, § 10.3 of the food standard regulations permits an ingredient to be used if it is an incidental additive introduced at a nonfunctional and an insignificant level as a result of its deliberate and purposeful addition to another ingredient permitted by the terms of the applicable standard and the presence of such incidental additive in nonstandardized foods has been exempted from label declaration by a part 5 regulation. Accordingly, establishing the part 5 regulation sought for silica aerogel as an incidental additive in nonstandardized foods will permit its use where dimethylpolysiloxane is listed as an optional defoaming agent in certain food standards.

The submittal from Dow Corning Corp. indicates that using silica aerogel with dimethylpolysiloxane is consistent with the § 121.101(d)(8) finding that silica aerogel is generally recognized as safe for use as a component of antifoaming agents. The submittal indicates that the silica aerogel used as a component of dimethylpolysiloxane defoaming agents for processing food would be quantitatively insignificant and nonfunctional in the finished foods. Under these circumstances it is suggested that label declaration of the silica aerogel might be misleading.

Therefore, pursuant to the provisions of the act (secs. 403(i), 701(a), 52 Stat. 1047–48, 1055; 21 U.S.C. 343(i), 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that a new section be added to part 5, as follows:

§ 5._____ Labeling foods in the production of which dimethylpolysiloxane defoaming agents containing silica aerogel were used.

Silica aerogel added to dimethylpolysiloxane (defoaming agent complying with the provisions of § 121.1099 of this chapter) is deemed to be an incidental additive and is exempt from label declaration as an ingredient of fabricated foods in which such defoaming agent is used provided the silica aerogel complies with the provisions of § 121.101(d)(8) of this chapter and is present at a level not greater than necessary and at such level as to be quantitatively insignificant and nonfunctional in the finished fabricated foods.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 15, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9978; Filed, Aug. 21, 1969; 8:45 a.m.]

[21 CFR Part 130]

PEER GROUP COMMITTEE REVIEW OF CLINICAL INVESTIGATIONS OF NEW DRUGS IN HUMAN BEINGS

Notice of Proposed Rule Making

To assure that clinical investigations of new drugs on institutionalized human subjects are appropriately supervised in and approved by such institutions and to assure adequate safeguards for the health of human subjects during the most hazardous phases (phase 1 and phase 2) of clinical studies of new drugs, the Commissioner of Food and Drugs proposes that the new-drug regulations be amended as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 130.3 *New drugs for investigational use in human beings; exemptions from section 505(a)* be amended in paragraph (a):

1. Subparagraph (2), Form FD 1571, division 10a, by replacing the second and third sentences with the following: "A general outline of these phases shall be submitted. This shall identify the investigator or investigators, the hospitals, institutions, or research facilities where the clinical pharmacology will be undertaken, and the peer group committee (comprised of sufficient members of varying backgrounds to assure complete and adequate review of research) that will be responsible for initial and continuing review and approval of the experimental project. The outline shall provide assurance that the review committee does not allow participation in its review and conclusions by any individual involved in the conduct of the research activity under review (except to provide information to the committee), that the investigator will report to the committee for review any emergent problems or proposed procedural changes which may affect the status of the investigation, and that no change will be made without committee approval except where necessary to eliminate apparent immediate hazards. The outline shall state the maximum number of patients or volunteers to be involved and the estimated duration of these early phases of investigation. Modification of the experimental design on the basis of experience gained, made with the approval of the review committee, need be reported to the Food and Drug Administration only in progress reports on these early phases, or in the development of a plan for the clinical trial, phase 3."

2. Subparagraph (2), Form FD 1571, by adding to division 10b a new unit "v" as follows:

v. A description of the peer group committee responsible for initial and continuing review and approval of any clinical trial conducted in a hospital, institution, or research facility, together with assurance that the review committee does not allow participation in its review and conclusions by any individual involved in the conduct of the research activity under review (except to provide information to the committee), that the investigator will report to the committee for review any emergent problems or proposed procedural changes which may affect the status of the investigation, and that no changes will be made without committee approval except where necessary to eliminate apparent immediate hazards.

3. Subparagraph (12), Form FD 1572, by revising divisions 3 and 5 to read as follows:

3. A description of the peer group committee responsible for initial and continuing review and approval, together with assurance that the review committee does not allow participation in its review and conclusions by any individual involved in the conduct of the research activity under review (except to provide information to the committee), that the investigator will report to the committee for review any emergent problems or proposed procedural changes which may affect the status of the investigation, and that no changes will be made without committee approval except where necessary to eliminate apparent immediate hazards.

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5. A general outline of the project undertaken. (Modification is permitted on the basis of experience gained, with the approval of the review committee, without advance submission of the amendments to the general outline to the sponsor.)

4. Subparagraph (13), Form FD 1573, by revising division 2 to read as follows:

2a. If any hospital, institution, or research facility is involved, an identification of the same and a description of the peer group committee responsible for initial and continuing review, together with assurance that the review committee does not allow participation in its review and conclusions by any individual involved in the conduct of the research activity under review (except to provide information to the committee), that the investigator will report to the committee for review any emergent problems or proposed procedural changes which may affect the status of the investigation and that no changes will be made without committee approval except where necessary to eliminate apparent immediate hazards.

b. A description of any clinical laboratory facilities that will be used.

(If this information has been submitted to the sponsor and reported by him on Form FD 1571, reference to the previous submission will be adequate.)

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 15, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9979; Filed, Aug. 21, 1969; 8:46 a.m.]

[21 CFR Part 133]

DRUGS; CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURING, PROCESSING, PACKING, OR HOLDING

Notice of Proposed Rule Making

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501, 701(a), 52 Stat. 1049–50, as amended, 1055; 21 U.S.C. 351, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend Part 133 to clarify, strengthen, and make more specific the good manufacturing practice regulations for drugs.

According, it is proposed that §§ 133.1 through 133.14 be revised to read as follows:

§ 133.1 Definitions.

(a) As used in this part, "act" means the Federal Food, Drug, and Cosmetic Act, sections 201–902, 52 Stat. 1052 (21 U.S.C. 321–392), with all amendments thereto.

(b) The definitions and interpretations contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in the regulations in this part.

(c) As used in this part:

(1) The term "medicated feed" means any "complete feed," "feed additive supplement," or "feed additive concentrate," as defined in § 121.200 of this chapter, which feed contains one or more drugs as defined in section 201(g) of the act. Medicated feeds are subject to §§ 133.100–133.110, inclusive.

(2) The term "medicated premix" means a substance that meets the definition in § 121.200 of this chapter for a "feed additive premix," except that it contains one or more drugs as defined in section 201(g) of the act and is intended for manufacturing use in the production of a medicated feed. Medicated premixes are subject to §§ 133.200–133.210, inclusive.

(d) As used in §§ 133.2–133.14 inclusive:

(1) The term "component" (raw material) means any ingredient intended for use in the manufacturing of drugs, including those that may not appear in the finished product.

(2) The term "batch" means a specific homogeneous quantity of a drug produced according to a single manufacturing order during the same cycle of manufacture.

(3) The term "lot" means a batch or any portion of a batch of a drug or, in the case of a drug produced by a continuous process, an amount of drug produced in a unit of time or quantity in a manner that assures its uniformity, and in either case which is identified by a distinctive lot number and has uniform character and quality within specified limits.

(4) The terms "lot number" or "control number" mean any distinctive combination of letters or numbers, or both, by which the complete history of the manufacture, control, packaging, and distribution of a batch or lot of a drug is determined.

(5) The term "active ingredient" means any substance of a drug which is intended to furnish pharmacological activity or other effect in the diagnosis, cure, mitigation, treatment, or prevention of disease or to affect the structure or any function of the body of man or other animals.

(6) The term "inactive ingredient" means any substance other than an "active ingredient" present in a drug.

(7) The term "materials approval unit" means an organizational element having the authority and responsibility to approve or reject raw materials, in-process materials, packaging components, and final products.

(8) The term "strength" means (i) the concentration of a known active drug substance in formulation (for example, w/w, w/v, or unit dose/volume basis) and/or (ii) potency, that is, the specific ability or capacity of the product as indicated by appropriate laboratory tests or by adequately controlled clinical data obtained through the administration of the product in the manner intended to effect a given result(s) (expressed, for example, in terms of units by reference to a standard).

§ 133.2 Current good manufacturing practice.

The criteria in §§ 133.3–133.14, inclusive, shall apply in determining whether the methods used in, or the facilities or controls used for, the manufacture, processing, packing, or holding of a drug conform to or are operated or administered in conformity with current good manufacturing practice to assure that a drug meets the requirements of the act as to safety, and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess, as required by section 501(a)(2)(B) of the act. The regulations in this part permit the use of precision automatic, mechanical, or electronic equipment in the production and control of drugs when adequate inspection and checking procedures are used to assure proper performance.

§ 133.3 Buildings.

Buildings shall be maintained in a clean and orderly manner and shall be of suitable size, construction, and location in relation to surroundings to facilitate adequate cleaning, maintenance, and proper operations for their intended purpose—the manufacturing, processing, packing, labeling, or holding of a drug. The buildings shall:

(a) Provide adequate space for:

(1) Orderly placement of equipment and materials to minimize any risk of mixups between different drugs, drug components, in-process materials, packaging, or labeling, and to minimize the possibility of cross-contamination of one drug by another drug(s).

(2) The receipt, storage, and withholding from use of components pending sampling, identification, and testing prior to release by the materials approval unit for manufacturing or packaging.

(3) The holding of rejected components prior to disposition in such a way as to preclude the possibility of their use in any manufacturing or packaging procedure.

(4) The storage of components approved for use.

(5) Any manufacturing and processing operations performed on the drug.

(6) Any packaging and labeling operations.

(7) Storage of containers, packaging materials, labeling, and finished products.

(8) Control and production-laboratory operations.

(b) Provide adequate lighting, ventilation, and, when necessary for the intended production or control purposes, facilities for adequate air-pressure, microbiological, dust, screening, filtering, humidity, and temperature controls to:

(1) Minimize contamination of products by extraneous adulterants (including cross-contamination of one product by dust or particles of ingredients arising from the manufacture, storage, or handling of another drug).

(2) Minimize dissemination of microorganisms from one area to another.

(c) Provide for adequate locker facilities and hot and cold water washing facilities including soap or detergent, air drier or single service towels, and clean toilet facilities near working areas.

(d) Provide an adequate supply of potable water (PHS standards) under continuous positive pressure in a plumbing system free of defects which could cause or contribute to contamination of the product. Drains shall be of adequate size and, where connected directly to a sewer, shall be equipped with traps to prevent back-siphonage.

(e) Provide suitable housing and space for the care of all laboratory animals.

(f) Provide for safe and sanitary disposal of sewage, trash, and other refuse.

§ 133.4 Equipment.

Equipment used for the manufacture, processing, packing, labeling, holding, testing, or control of drugs shall be maintained in a clean and orderly manner and shall be of suitable design, size, construction, and location in relation to surroundings to facilitate cleaning, maintenance, and operation for its intended purpose. The equipment shall:

(a) Be so constructed that all surfaces that come into contact with a drug shall not be reactive, additive, or absorptive so as to alter the safety, identity, strength, quality, or purity of the drug or its components beyond the official or other established requirements.

(b) Be so constructed that any substances required for operation of the equipment, such as lubricants or coolants, do not contact drug products.

(c) Be constructed and installed to facilitate adjustment, disassembly, cleaning, and maintenance as necessary to assure the reliability of control procedures, uniformity of production, and exclusion from drugs or contaminants (for example, pesticides, lubricants), including contaminants from previous and current operations (for example, cross-contamination with penicillin or any other drug).

(d) Be of suitable type, size, and accuracy for any intended testing, measuring, mixing, weighing, or other processing or storage operations.

§ 133.5 Personnel.

(a) The personnel responsible for directing the manufacture and control of the drug shall be adequate in number and background of education and experience to assure that the drug has the safety, identity, strength, quality, and purity that it purports to possess. All personnel shall have capabilities commensurate with their assigned functions, a thorough understanding of the manufacturing or control operations which they perform, the necessary training and experience relating to individual products, and adequate information concerning the reasons for and the application of the pertinent provisions of this part to their respective functions.

(b) Personnel having direct contact with drugs shall have periodic health checks, and shall be free from communicable disease and open lesions on the exposed surface of the body.

§ 133.6 Components (raw materials).

Components used in the manufacture and processing of drugs (including those components that undergo chemical change or are eliminated in the process) shall be withheld from such use until they have been identified, sampled, and tested for conformance with established specifications that are appropriate and adequate, and are released by the materials approval unit. Control of components shall include the following:

(a) Each container of components shall be examined visually for damage or contamination in transit, including examination for breakage of seals when indicated.

(b) An adequate number of samples shall be taken from a representative number of component containers and shall be subjected to one or more identity tests, including at least one laboratory test for identity.

(c) Representative samples of all components shall be appropriately examined, including when indicated microscopic examination, for evidence of filth, insect infestation, or other extraneous contamination.

(d) Representative samples of components particularly liable to contamination with highly toxic substances (for example, heavy metals), as indicated by tests for such substances in monographs of the official compendia, shall be tested to assure that official compendia or other appropriate limits for such impurities are not exceeded.

(e) Representative samples of all components intended to be used as active ingredients shall be tested to determine their strength per unit of weight or measure to assure compliance with adequate specification for such strength.

(f) Representative samples of components subject to microbiological contamination (such as those of animal and botanical origin) shall be subjected to microbiological tests. Such samples shall contain no micro-organisms which are objectionable in view of the intended use of the components.

(g) Approved components shall be appropriately marked and retested as necessary to assure that they conform to appropriate specifications of identity, strength, quality, and purity at time of use. This requires the following:

(1) Approved components are so handled and stored as to guard against their contaminating other drugs by dust or other particles resulting from such handling and storing. Similarly, approved components are so handled and stored as to guard against their being contaminated by other preparations, substances, dust, or other particles resulting from such handling and storing.

(2) Approved components shall be rotated in such a manner that the oldest stock is used first.

(3) Rejected components shall be so marked and held as to preclude the possibility of their use in any manufacturing or processing procedure.

(4) Appropriate records shall be maintained of the name of the supplier, lot number of each component, date and amount received, and examinations and tests performed. Said records shall also show any components rejected and their disposition. An individual inventory record shall be maintained for each component lot showing the amount of component used in each batch of drug manufactured or processed.

(h) A reserve sample of all active ingredients consisting of at least twice the quantity necessary for all required tests of identity, quality, purity, and strength shall be retained for at least 2 years after distribution of the last drug lot incorporating the active ingredient has been completed, or 1 year after the expiration date of this last drug lot incorporating the active ingredient, whichever is shortest.

§ 133.7 Master-formula and batch-production records.

(a) To assure drug batch uniformity, a master-formula record for each drug product and each batch size of such drug product shall be prepared, endorsed, and dated by a competent and responsible individual and shall be independently checked, reconciled, endorsed, and dated by a second competent and responsible individual. Master-formula records shall be retained for a period of at least 2 years after distribution of the last drug batch produced using the master-formula record, or 1 year after the expiration date of this last drug batch, whichever is shortest. The master-formula record shall include:

(1) The name of the product, a description of its dosage form, and a specimen or copy of each label and all other labeling contained in a retail package of the drug. (In private formula production, upon receipt of a written order for a portion of the drug stored in bulk form, a specimen or copy of the label to be used in filling that order shall be attached to the master-formula record prior to the reproduction of the batch records.) Also included shall be copies of the final draft of each label and all other labeling contained in a retail package of the drug and their printing authorization, dated and endorsed by the responsible person or persons approving the draft.

(2) The name and weight or measure of each ingredient per dosage unit or per unit of weight or measure of the finished drug, and a statement of the total weight or measure of any dosage unit.

(3) A complete list of ingredients designated by names or codes sufficiently specific to indicate any special quality characteristic; an accurate statement of the weight or measure of each ingredient regardless of whether it appears in the finished product, except that reasonable variations may be permitted in the amount of components necessary in the preparation in dosage form provided that the variations are stated in the master formula; an appropriate statement concerning any calculated excess of an ingredient; and appropriate statements of theoretical weight or measure at various stages of processing and a statement of the theoretical yield.

(4) A description of the containers, closures, and packaging, and finishing materials.

(5) Manufacturing and control instructions, procedures, specifications, special notations, and precautions to be followed.

(b) Readily accessible records shall be prepared for each batch of drug produced and shall include complete information relating to the production and control of each such batch. Said records shall be retained for at least 2 years after batch distribution is complete, or 1 year after the batch expiration date, whichever is shortest. The records relating to production, including packaging, labeling, and control of each batch, plus copies of the labeling bearing the lot or control numbers used on the batch, shall be readily available during such retention period. The batch records shall include:

(1) An accurate reproduction of the appropriate master-formula record checked and endorsed by a competent, responsible individual.

(2) Records of each step in the manufacturing, processing, packaging, labeling, testing, and controlling of the batch, including dates, individual major equipment and lines employed, specific identification of each batch of components used, weights or measures of components and products used in course of processing, in-process and laboratory-control results, and the endorsements of the individual actively performing and the individual actively supervising or checking each step in the operation.

(3) A batch-number that permits determination of all laboratory-control procedures and results on the batch, and all lot or control numbers appearing on the labeling of drugs from that batch, including copies of the labeling bearing the lot or control numbers used on the final containers of the batch.

(4) A record with complete investigative history of any mixups, errors, and unsatisfactory drug products found during and after drug manufacturing, processing, packaging, labeling, testing, controlling, and distributing of the batch. This investigative history shall be evaluated by competent and responsible personnel and, where indicated, appropriate action shall be taken. Said record shall indicate the evaluation and action.

§ 133.8 Production and control procedures.

Production and control procedures shall include all reasonable precautions, including the following, to assure that the drugs produced have the safety, identity, strength, quality, and purity they purport to possess:

(a) Each critical step in the process, such as the selection, weighing, and measuring of components, the addition of active ingredients during the process, weighing and measuring during various stages of the processing, and the determination of the finished yield, shall be performed by a competent, responsible individual and checked by a second competent, responsible individual; or if such steps in the processing are controlled by precision automatic, mechanical, or electronic equipment, their proper performance is adequately checked by one or more competent, responsible individuals. The written record of the critical steps in the process shall be initialed by the individual performing the critical step and also initialed by the individual charged with checking each critical step.

(b) All containers, lines, and equipment used in producing a batch of drugs shall be distinctly labeled at all times to identify accurately and completely their contents, the stage of processing, and the batch. For equipment and lines, placement of this identification shall include, where applicable, input lines, output lines, and operator controls. All containers, lines, and equipment used in producing a batch of drugs shall be stored and handled in a manner adequate to prevent mixups or contamination with other drugs.

(c) Equipment, utensils, and containers shall be thoroughly cleaned and properly stored and have previous batch identification removed between batches, or at suitable intervals in continuous production operations, to minimize the hazard of contamination with microorganisms and to prevent other contamination and mixups. Equipment being employed for consecutive identical product batches shall be thoroughly cleaned at suitable intervals. All equipment used in the handling of sterile products shall be appropriately cleaned and, when necessary, sterilized prior to use.

(d) Appropriate procedures, such as the following, shall be taken to minimize the hazard of contamination with microorganisms in the production of parenteral drugs, opthalmic solutions, and any other drugs purporting to be sterile:

(1) Filling operations shall be performed with adequate physical segregation from similar operations on any other drugs to avoid cross-contamination.

(2) Proper control of air movement and air filtration prior to entry and discharge shall be provided in all sterile areas to minimize microbiological contamination, particulate matter, and cross-contamination of one drug with another.

(e) Appropriate procedures shall be taken to minimize the hazard of cross-contamination of nonpenicillin products by penicillin in those establishments that manufacture, store, or handle penicillin as well as nonpenicillin products.

(f) To assure the uniformity and integrity of products, there shall be adequate in-process controls, such as checking the weights and disintegration time of tablets, the fill of liquids, the adequacy of mixing, the homogeneity of suspensions, and the clarity of solutions. Such in-process testing shall be done at appropriate intervals during each individual operation, when practicable, using readily accessible, adequate, and suitable equipment. A written record of all such tests shall be maintained, including the date and time of each test, the product name and batch number, the quantity tested, the results, and the initials of the person performing the test.

(g) Competent and responsible personnel shall check actual against theoretical yield of each batch of drug, or at appropriate intervals in continuous production operations, and in the event of any significant unexplained discrepancies shall prevent distribution of the batch in question and other associated batches of drugs that may have been involved. A satisfactory explanation for any significant discrepancy between theoretical and actual yields shall be entered on the batch record and signed by the person who investigated the discrepancy. This record shall also contain a statement on criteria used in accepting or rejecting such a batch.

(h) In-process batches of drugs found unacceptable to the firm shall be held until a determination as to their disposition has been made. Appropriate records shall be maintained which reflect the reason(s) for unacceptability and the ultimate disposition of this material.

(i) Certifiable antibiotics and insulin are to be withheld from distribution until the certification certificate is actually received unless exempted by Part 144 of this chapter. All other drugs shall be withheld from distribution until released by the materials approval unit on the basis of satisfactory control tests.

(j) Returned goods shall be so identified and held. If the condition of the container, carton, or labeling is such as to cast doubt on the identity, strength, quality, or purity of the drug, the returned goods shall be destroyed or subjected to the complete protocol of testing (to assure that the material will meet all appropriate standards and specifications) before being returned to stock for warehouse distribution or repacking. No returned goods shall be reprocessed unless they have been found by appropriate tests not to have undergone any significant physical, chemical, or microbiological degradation and not to have become contaminated with extraneous substances or filth. Records of returned goods shall be maintained and shall indicate the amount returned, date, and actual disposition of the product, such as reprocessed, destroyed, or returned to stock.

§ 133.9 Product containers.

Suitable specifications, test methods, cleaning procedures, and, when indicated, sterilization procedures shall be used to assure that containers, closures, and other component parts of drug packages are suitable for their intended use. The container shall comply with applicable compendial requirements when used for an official product. Containers, closures, and other component parts of drug packages shall not be reactive, additive, or absorptive so as to alter the safety, identity, strength, quality, or purity of the drug or its components beyond the official or other established requirements, and shall provide adequate protection against deterioration or contamination of the drug. Containers, closures, and other component parts of drug packages shall be handled and stored in a manner to protect them from contamination and deterioration and to avoid mixups.

§ 133.10 Packaging and labeling.

Packaging and labeling operations shall be adequately controlled: To assure that only those drug products that have met the standards and specifications established in the master-formula records shall be distributed; to prevent mixups between drugs during the filling, packaging, and labeling operations; to assure that correct labels and labeling are employed for the drug; and to identify the finished product with a lot or control number that permits determination of the history of the manufacture and control of the batch. The lot or control number shall be identified as such on the label. An hour, day, or shift code is appropriate as a lot or control number for the drug products manufactured or processed in continuous production equipment. Packaging and labeling operations shall:

(a) Be separated (physically or spatially) from operations on any other drugs in a manner adequate to avoid mixups. Two or more packaging and/or labeling operations having drugs, containers, or labeling similar in appearance shall not be in process simultaneously on adjacent or nearby lines unless these operations are separated by a physical barrier.

(b) Provide for an inspection of the facilities prior to use to assure that all other drugs and previously used labeling have been removed.

(c) Include the following labeling controls:

(1) The holding of labels and package labeling upon receipt plus review and proofing against an approved final copy by a competent, responsible individual to assure that they are accurate in respect to identity, content, and conformity with the approved copy before release to inventory.

(2) The maintenance and storage of each type label and package labeling representing different products, strengths, or dosage forms in separate compartments, drawers, or containers suitably identified. Said compartments, drawers, or containers shall have prominently affixed to them a specimen of the label or labeling they contain or some other adequate means of identification to avoid mixups.

(3) A perpetual check of current labels and package labeling. Stocks of outdated and obsolete labels and other package labeling shall be destroyed.

(4) Restrict access to labels and package labeling storage areas to persons responsible for them.

(d) Provide strict control of the package labeling issued for use with the drug. Such issue shall be carefully checked by a competent, responsible person for identity and conformity to the labeling specified in the batch production records. Said records shall identify the labeling and the quantities issued and used and shall reasonably reconcile any discrepancy between the quantity of drug finished and the quantities of labeling issued. All excess package labeling bearing lot or control numbers shall be destroyed. In the event of any significant, unexplained discrepancy, distribution of the batch in question and other associated batches of the drugs that may have been involved in such discrepancy shall be prevented. A statement regarding the discrepancy, the facts underlying the discrepancy, an explanation as determined by appropriate investigation, and the resultant action shall also be entered on the batch record of the batch or batches in question and shall be signed by a competent, responsible individual.

(e) Provide for adequate examination and laboratory testing of an adequate number of representative samples of finished products after packaging and labeling to safeguard against any error in the finishing operations and to prevent distribution of any batch until all specified tests have been met. Manufacturers, however, may perform adequate examination of an adequate number of representative samples of their finished drug products after packaging and labeling in lieu of laboratory testing in the case of, and only in the case of, those tablet or capsule dosage forms of drugs which, in addition to having had all necessary laboratory tests on the bulk (but unpackaged drug), are not similar in physical appearance to any other final dosage form product found within that manufacturing establishment. Repackers who, in accordance with the practice of the trade, repack tablet or capsule dosage forms of drugs in substantial quantities at establishments other than those where originally processed or packed may meet these requirements of adequate examination and laboratory testing by complying with all of the following conditions:

(1) The drug received by the repacker in bulk containers is readily distinguishable visually from all other drugs in his possession and in the possession of the supplier of the drug.

(2) The repacker has in his possession, and in good faith relies on, a valid guarantee or undertaking (referred to in section 303(c)(2) of the act) from the manufacturer of the bulk drug setting forth that at the time of delivery to the repacker said drug complied with the act.

(3) A labeled sample package of the drug, for which the manufacturer furnishes protocol(s) of laboratory tests showing that the drug meets appropriate standards of identity, strength, quality, and purity, and which sample package bears a label identical (except for the quantity of contents statement) to the label on the bulk package of the capsules or tablets, is shipped by the manufacturer to the repacker for comparison with the appearance and labeling of the article in the bulk container. Such sample package contains at least twice the quantity of drug required to conduct all the tests performed on the batch of the drug. The sample package and a sufficient number of finished labeled containers of the repacked drug to contain at least as much drug as contained in the sample package are to be retained for at least 2 years after drug distribution has been completed, or 1 year after the drug's expiration date, whichever is shortest.

(4) Prior to repacking, a visual comparison is conducted by a competent, responsible person to assure that the drug to be repacked from bulk is identical in appearance to that in the sample package and that the labeling of the bulk package and the sample package show the same drug identity and composition.

(5) The repacker labels the drug with a suitable expiration date (in accordance with the stability requirements of § 133.13) to assure that the drug meets appropriate standards of identity, strength, quality, and purity at time of use.

(6) The label of the repacked drug bears a lot or control number and the repacker maintains records for at least 2 years after drug distribution has been completed, or 1 year after the drug's expiration date, whichever is the shortest, from which the lot or control number of the bulk drug used in the repacking can be ascertained.

(f) Gang printing of cut labels or cartons should be avoided, especially when the labels or cartons for different products or different strengths of the same product are of the same size and have identical or similar format and/or color schemes.

§ 133.11 Laboratory controls.

Laboratory controls shall include the establishment of scientifically sound and appropriate specifications, standards, and test procedures (for example, identity, weight variation, disintegration, homogeneity) to assure that components, drug preparations in the course of processing, and finished products conform to appropriate standards of identity, strength, quality, and purity. Laboratory controls shall include:

(a) The establishment of master records containing appropriate specifications for the acceptance of each lot of components, containers, and closures used in drug production and packaging and a description of the sampling and testing procedures used for them. Said samples shall be representative and adequately identified. Such records shall also provide for appropriate retesting of components, containers, and closures subject to deterioration.

(b) A reserve sample of all active ingredients and all components which appear in significant quantities in the finished drug product. These reserve samples shall consist of at least twice the quantities necessary to perform all required tests. Said sample shall be retained for at least 2 years after distribution of the last drug lot incorporating such active ingredient or component has been completed, or 1 year after the expiration date of this last drug lot incorporating such active ingredient or component, whichever is shortest.

(c) The establishment of master records, when needed, containing specifications and a description of sampling and testing procedures for in-process drug preparations. Such samples shall be adequately representative and properly marked.

(d) The establishment of master records containing a description of sampling procedures, testing procedures, and appropriate specifications for finished drug products. Such samples shall be adequately representative and properly marked.

(e) Adequate provision for checking the identity and strength for all active ingredients of drug products and for assuring:

(1) Compliance with satisfactory criteria for assuring sterility of drugs purporting to be sterile.

(2) Compliance with satisfactory criteria of nonpyrogenicity as required by an official compendium or as indicated by the manner in which the drug is to be used.

(3) Freedom of ophthalmic ointments from foreign particles, such as metal, plastic, or other harsh and abrasive substances, to the extent possible under current good manufacturing practice.

(4) That the drug release pattern of sustained release products is tested by laboratory methods used in establishing appropriate specifications related to clinical safety and effectiveness to assure conformance to such specifications.

(5) That all components are adequately tested to conform to such specifications, for example particle size, as are necessary to assure reasonably uniform rates of absorption, biological availability, and the stability of the drug products.

(f) Adequate provision for auditing the reliability, accuracy, precision, and performance of laboratory test procedures and laboratory instruments used.

(g) A properly identified reserve sample (including at least two labeled containers of the final dosage form) of at least twice the quantity of the finished drug lot required to conduct all appropriate tests performed shall be retained for at least 2 years after drug distribution has been completed, or 1 year after the drug's expiration date, whichever is shortest. The reserve sample need not contain units for sterility testing and pyrogens. Identification of this sample shall include the labeling used on the finished product.

(h) Provision for retaining complete records of all data, including analytical raw data, concerning laboratory tests performed, including the dates and endorsements of individuals obtaining the samples, making the tests, releasing lots (component and finished material) from storage, and provision for specifically relating the tests to each batch or lot of drug, component, and animals to which they apply. Such records shall be retained for at least 2 years after drug distribution has been completed, or 1 year after the drug's expiration date, whichever is shortest, except for stability data as provided for by § 133.13(f).

(i) Provision that firms which manufacture nonpenicillin products, including certifiable antibiotic products, on the same premises or use the same equipment as that used for manufacturing penicillin products or that operate under any circumstances that may reasonably be regarded as conducive to contamination of other drugs by penicillin, shall test such nonpenicillin products to determine whether any have become cross-contaminated by penicillin. Such products shall not be marketed if intended for use by man and the product is contaminated with an amount of penicillin equivalent to 0.05 unit or more of penicillin G per maximum single dose recommended in the labeling of a drug intended for parenteral administration, or an amount of penicillin equivalent to 0.5 unit or more of penicillin G per maximum single dose recommended in the labeling of a drug intended for oral use.

(j) Provision that animals used in laboratory tests and procedures shall be adequately housed, fed, and maintained under suitable conditions of temperature and humidity. They shall be identified and records maintained as to use and date and time of use.

(k) Adequate regular retesting and recording of results on products and components subject to deterioration.

§ 133.12 Finished-goods warehouse control distribution records.

Finished-goods warehouse control and distribution records shall include an adequate perpetual inventory control system or other suitable system for warehoused finished goods so that the distribution of each lot of drug, identified by lot or control number, can be readily determined to facilitate its recall, if necessary, from all consignees of the manufacturer or repacker. Records within the system shall contain the name and address of the consignee, date and quantity shipped, and lot or control number of the drug. Records shall be retained for at least 2 years after drug distribution has been completed, or 1 year after the drug's expiration date, whichever is shortest. Finished-goods warehouse control shall also include a system whereby the oldest approved stock is distributed first, whenever possible, to assure the quality of the product. (For regulations relating to manufacturing and distribution records of controlled drugs subject to Drug Abuse Control Amendments of 1965, see § 320.16, Chapter II, Title 21.)

§ 133.13 Stability.

There shall be assurance of the stability of components, drug preparations in the course of processing, and finished drugs. The stability shall be:

(a) Determined by reliable, meaningful, and specific test methods.

(b) Determined on products in the containers in which they are marketed to assure, among other things, that the container is not reactive, additive, or absorptive so as to alter the safety, identity, strength, quality, or purity of the drug or its components beyond the official or other established requirements.

(c) Determined on any solution of a drug product which is to be prepared, as directed in its labeling, at the time of dispensing.

(d) Determined in relation to specifications necessary to assure reasonably uniform rates of absorption and the biological availability of the drug product as well as in relation to the specifications for composition and physical characteristics of the drug product.

(e) Expressed as an expiration date with related conditions of storage on the drug label. When the drug is marketed in the dry state for use in preparing a solution or suspension, the labeling shall bear an expiration period for such solution or suspension as well as an expiration date for the dry product. Expiration dates and periods shall be justified by (1) readily available data from stability studies or (2) readily available data showing that samples from each marketed batch of the drug are laboratory tested at appropriate intervals so that any batch of drug that falls below its professed standards of safety, identity, strength, quality, or purity prior to the expiration date is recalled from channels of distribution. Expiration dates, including the redating of drug products, shall be calculated from the time of inception of the latest set of pertinent laboratory tests. An expiration date shall assure that the drug maintains its safety, identity, strength, quality, and purity until that date if related conditions of storage are met.

(f) Records shall be maintained of the expiration dates and periods used in the labeling of each batch or lot of drug and said records shall be maintained for at least 2 years after drug distribution has been completed or 1 year after the drug's expiration date, whichever is shortest.

§ 133.14 Complaint files.

Records shall be maintained of all written or verbal complaints regarding each product. Complaints shall be evaluated by competent and responsible personnel and, where indicated, appropriate action shall be taken. The record shall indicate the evaluation and action. Said complaint files shall be maintained for at least 2 years after drug distribution has been completed, or 1 year after the drug's expiration date, whichever is shortest.

Any interested person may, within 60 days from the date of publication of this

notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 13, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-9980; Filed, Aug. 21, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Parts 503, 510]

[General Orders 4, 22; Docket No. 69-41]

FEES FOR SERVICES; LICENSE FEE

Notice of Proposed Rule Making

Notice is hereby given that pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and section 43, Shipping Act, 1916 (46 U.S.C. 841(a)), and in accordance with the Act of August 31, 1951 (31 U.S.C. 483(a)), as implemented by the Bureau of the Budget Circular No. A-25 dated September 23, 1959, the Federal Maritime Commission is considering the revision of certain existing charges to recover the costs of services, as set forth below.

A recent evaluation, taking into consideration estimated direct and indirect costs to the Government in accordance with criteria established by the Bureau of the Budget, indicates that an increase in the fee schedule is warranted and is hereby proposed for the following services.

In paragraph (a) of § 503.43 *Fees for services* in General Order 22 (46 CFR 503.43) the rate for copying of records and documents is proposed to be increased from 25 cents per page to 30 cents per page.

In paragraph (b) of § 503.43 the rate for certification and validation with the Federal Maritime Commission seal is proposed to be increased from $1 to $2.

In paragraph (c)(1) § 503.43 the rate for records search by clerical personnel is proposed to be increased from $4 per person per hour to $4.50 per person per hour.

In paragraph (c)(3) of § 503.43 the minimum charge for record search is proposed to be deleted with the understanding that charges for records search will not be imposed for the first one-half hour.

In paragraph (f) of § 510.5 *Requirements for licensing*, in General Order 4 (46 CFR 510.5) the freight forwarder application fee of $100 is proposed to be increased to $125.

Interested persons may submit comments pertaining to this proposal by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 15 days of publication of this notice in the FEDERAL REGISTER an original and 15 copies of their views or comments.

In the absence of comments, the Commission intends to adopt the proposed changes to be effective October 1, 1969.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-10011; Filed, Aug. 21, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[U-8977]

UTAH

Order Providing for Opening of Public Lands

AUGUST 14, 1969.

1. In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), title to the following described lands has been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 43 S., R. 16 W.,
Sec. 15, lot 1 (except 8 acres owned by another party described as follows: Beginning at a point 820 feet south of the northwest corner of lot 1, sec. 15, T. 43 S., R. 16 W., SLM, running thence east 500 feet; thence south 45° west approximately 325 feet to the meander line on the north side of the Virgin River; thence southwesterly along the meander line to the southwest corner of lot 1, thence north approximately 630 feet to beginning), lot 2, SE¼SW¼, NW¼SE¼;

The areas described aggregate 168.20 acres.

2. The lands are located in Washington County 4 miles southwest of St. George, Utah. The topography varies from eroded hills and draws to nearly flat river bottom land. The lands are semiarid in character and are not suitable for farming. They have values for watershed, grazing, wildlife, and recreation, which can best be managed under principles of multiple-use.

3. The United States did not acquire the mineral rights.

4. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands will at 10 a.m., on September 22, 1969, be opened to application, petition and selection. All valid applications received at or prior to 10 a.m. on September 22, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning these lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

J. E. KEOGH,
Acting State Director.

[F.R. Doc. 69-9984; Filed, Aug. 21, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

GREENVILLE LIVESTOCK, INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below:

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ILLINOIS	
Greenville Livestock Auction Company, Greenville, Dec. 27, 1961.	Greenville Livestock, Inc., Aug. 1, 1969.
MICHIGAN	
Alpena Livestock Commission Co., Alpena, Apr. 25, 1959.	Alpena Livestock Commission Co., Inc., July 1, 1967.
SOUTH DAKOTA	
Britton Sales Pavilion, Britton, May 18, 1959.	Marshall Livestock Auction Co., Aug. 15, 1969.
Sioux Falls Livestock Auction Company, Inc., Sioux Falls, June 9, 1959.	Kramer's Stockyards, Apr. 25, 1969.
UTAH	
Vernal Livestock Auction Co., Vernal, Oct. 23, 1959.	Vernal Livestock Auction, Incorporated, Sept. 1, 1968.
WYOMING	
Lusk Livestock Commission Company, Lusk, Feb. 17, 1940.	Lusk Livestock Exchange Co., July 25, 1969.

Done at Washington, D.C., this 15th day of August 1969.

G. H. HOOPER, *Chief,*
Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-10023; Filed, Aug. 21, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NORWICH PHARMACAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (35-319V) has been filed by The Norwich Pharmacal Co., Norwich, N.Y. 13815, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use in chicken feed of a combination drug containing buquinolate, 3-nitro-4-hydroxyphenylarsonic acid, and bacitracin methylene disalicylate (1) for the prevention of coccidiosis caused by specified organisms, (2) for stimulating growth and improving feed efficiency, and (3) for pigmentation in broiler chickens.

Dated: August 15, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9981; Filed, Aug. 21, 1969; 8:46 a.m.]

2,6-DICHLORO-4-NITROANILINE

Notice of Establishment of Temporary Tolerance for Pesticide Chemical

Notice is given that at the request of The Upjohn Co., Kalamazoo, Mich. 49001, a temporary tolerance of 10 parts per million is established for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity grapes resulting from both preharvest and postharvest applications. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the fungicide will be used in accordance with the temporary permit issued by the U.S.

Department of Agriculture. Distribution will be under The Upjohn Co. name.

This temporary tolerance expires August 14, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 14, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9982; Filed, Aug. 21, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice of Receipt of Application for Construction Permit and Facility License

The Toledo Edison Co., 420 Madison Avenue, Toledo, Ohio 43601, and The Cleveland Electric Illuminating Co., 55 Public Square, Cleveland, Ohio 44101, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended have filed an application dated August 1, 1969, for a construction permit and facility license to authorize construction and operation of a pressurized water nuclear reactor on the applicants' approximately 900-acre site on the southwest shore of Lake Erie, about 21 miles east of Toledo and about 9 miles northwest of Port Clinton, in Ottawa County, Ohio.

The proposed reactor, designated by the applicants as the Davis-Besse Nuclear Power Station (the station), is designed for initial operation at approximately 2,633 megawatts thermal, with a net electrical output of approximately 872 megawatts.

The Toledo Edison Co. and The Cleveland Electric Illuminating Co. as tenants in common will share undivided ownership of the station and the site, with each sharing the costs of construction and operation of the station. Toledo Edison will have complete responsibility for the design, installation and operation of the facility.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 14th day of August 1969.

For the Atomic Energy Commission.

F. SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 69-10001; Filed, Aug. 21, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21044; Order 69-8-93]

ALLEGHENY AIRLINES, INC.

Certificate of Public Convenience and Necessity; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of August 1969.

On May 27, 1969, Allegheny Airlines, Inc. (Allegheny), filed a petition requesting the Board to issue an order to show cause why its certificate of public convenience and necessity for Route 97 should not be amended so as to delete Bloomington, Ind., as an intermediate point on segment 15, and to delete, as no longer necessary or appropriate, condition (14), a long-haul condition for segment 15.[1]

In support of its petition, Allegheny states that: deletion of Bloomington from segment 15 would affect only Bloomington-Louisville service;[2] traffic in the 81-mile Bloomington-Louisville market has been de minimis;[3] Allegheny's net loss from serving Bloomington on segment 15 is $30,551;[4] there will be no adverse effect on any other carrier[5] since Allegheny already holds nonstop authority in the market;[6] and with the deletion of Bloomington, condition (14) would serve no purpose.

No objections have been received.

Upon consideration of Allegheny's application and other relevant matters, we have decided to grant Allegheny's request for an order to show cause proposing to amend its certificate so as to delete Bloomington as an intermediate point on segment 15 and to delete condition (14). We tentatively find and conclude that the public convenience and necessity require the above-described amendment of Allegheny's certificate.

In support of our proposed ultimate finding, we tentatively conclude as follows: That deletion of Bloomington as an intermediate point on Allegheny's segment 15 would not affect service between Bloomington and its major community of interest, Chicago; that the only market which would be affected by the deletion is the Bloomington-Louisville market, a small market; that the proposed certificate amendment would permit Allegheny, a subsidized carrier, to discontinue a service which has been both unpatronized and uneconomical, while affording the carrier increased operational flexibility; that the certification of Allegheny for unrestricted authority in the Indianapolis-Louisville market will not have a significant adverse financial impact on any other carrier; and that if the proposed deletion is made condition (14) of Allegheny's certificate for Route 97 will have no purpose and should also be deleted.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. Any objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause on or before September 8, 1969, why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of Allegheny Airlines, Inc., for Route 97 so as to delete Bloomington, Ind., as an intermediate point on segment 15 and to delete condition (14);

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;[7]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon the following persons who are hereby made parties to this proceeding: Allegheny Airlines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; Ozark Air Lines, Inc.; city of Bloomington, Ind.; city of Indianapolis, Ind.; and city of Louisville, Ky.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10007; Filed, Aug. 21, 1969; 8:48 a.m.]

[1] Condition (14) requires Allegheny to serve both Louisville and Indianapolis, the terminals of segment 15, on segment 15 flights scheduled to serve Bloomington.

[2] Segment 15 extends from Indianapolis to Bloomington to Louisville. Allegheny also has Indianapolis-Bloomington authority on segment 10.

[3] During May, 1969, Allegheny provided service 5 days a week between Indianapolis, Bloomington, and Louisville, and averaged only 4.6 passengers on the Bloomington-Louisville leg.

[4] Allegheny holds this authority on a subsidy-ineligible basis.

[5] Three unrestricted carriers, Delta, Eastern, and Ozark, provide service in the Louisville-Indianapolis market.

[6] Allegheny may provide nonstop service between Indianapolis and Louisville after offering two round trips daily with a required stop at Bloomington.

[7] All motions and/or petitions for reconsideration shall be filed within the period for filing of objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[Dockets Nos. 17348, 21320; Order 69-8-100]

GREENBRIER COUNTY AIRPORT AUTHORITY

Service to Greenbrier; Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1969.

On May 23, 1966, the Greenbrier County Airport Authority (Greenbrier), filed a petition in which it requested the Board to authorize scheduled air transportation between Lewisburg, W. Va., on the one hand, and Roanoke, Va., Washington, D.C., Pittsburgh, Pa., Charlotte, N.C., Cincinnati, Ohio, and Charleston, W. Va., on the other hand. Air service would be provided through the Greenbrier Valley Airport which is located 5 miles from Lewisburg.

On May 20, 1969, Greenbrier filed a motion requesting the Board to issue an order directing interested persons to show cause why its petition for air transportation should not be granted to the extent of adding Lewisburg as an intermediate point between Roanoke, Va., and Charleston, W. Va., on segment 2 of Piedmont's Route 87. In the alternative, Greenbrier requests the Board to set the petition down for an immediate hearing.

Piedmont Aviation filed an answer to Greenbrier's motion in which it stated that it takes no position on the issue of air service for Greenbrier. However, Piedmont further stated that if the Board should find that the public convenience and necessity required Piedmont to serve Greenbrier, steps should be taken to "insure that Piedmont receives the amount of subsidy necessary to sustain that service."

After consideration of the pleadings and other relevant facts, we have decided to deny Greenbrier's motion to the extent that it requests the Board to issue a show cause order. The question of air service to the Greenbrier area raises complex questions which cannot be resolved on the basis of the pleadings now before us. However, a preliminary analysis of the traffic data submitted by Greenbrier in support of its motion indicates that the traffic potential of the area is sufficient to warrant an investigation into the air transportation requirements of the area and how these requirements may be best satisfied.

Accordingly, the Board will institute an investigation in Docket 21320 to be designated as the Service to Greenbrier Investigation. This investigation will consider whether Piedmont's certificate for Route 87 should be altered, amended, or modified so as to add Lewisburg as an intermediate point on segments 2, 3, 6, or 9,[1] with or without subsidy eligibility.

The investigation instituted herein will also consider whether Piedmont's certificate should be amended so as to redesignate the intermediate point Hot Springs on segments 3, 6, and 9 as the hyphenated point Hot Springs-Lewisburg with service to be provided through a single airport, with or without subsidy eligibility. Hot Springs is a tourist-oriented area in southwestern Virginia,[2] which now receives its air service as an intermediate point on Piedmont's segments 3, 6, and 9. The distance between the Hot Springs Airport and Greenbrier Valley Airport is 33 air miles, and Greenbrier alleges that the road distance between the Homestead Hotel in Hot Springs and the Greenbrier Valley Airport is approximately 46 miles and approximately 1 hour's driving time. The apparent proximity of Hot Springs to the Greenbrier Valley Airport and Piedmont's abnormally low completion factor at the Hot Springs Airport[3] suggest that it would be appropriate to consider the issue of hyphenating Hot Springs and Lewisburg for service through a single airport conveniently situated to accommodate traffic demand in the area.

Accordingly, it is ordered, That:

1. An investigation to be designated as the Service to Greenbrier Investigation be and it hereby is instituted in Docket 21320 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine (a) whether the public convenience and necessity require the alteration, amendment or modification of Piedmont Aviation's certificate for Route 87 in such a manner as to add Lewisburg, W. Va., to segments 2, 3, 6, or 9, with or without subsidy eligibility, subject to such terms, conditions, and limitations as may be appropriate; and (b) whether the public convenience and necessity require the alteration, amendment or modification of Piedmont Aviation's certificate for Route 87 in such a manner as to redesignate the intermediate point Hot Springs, Va., on segments 3, 6, and 9 as the hyphenated point Hot Springs-Lewisburg, with service to be provided through a single airport, with or without subsidy eligibility;

2. To the extent that it falls within the scope of the proceeding as heretofore delineated, Greenbrier's application in Docket 17348 be and it hereby is consolidated into the above investigation;

3. Motions to consolidate applications and motions or petitions seeking modifications or reconsideration of this order shall be filed no later than 20 days after the service date of this order and answers to such pleadings shall be filed no later than 10 days thereafter;

4. This proceeding shall be set for hearing before an examiner of the Board at a time and place to be hereafter designated;

5. Piedmont Aviation, Inc., Greenbrier County Airport Authority, Hot Springs, Va., and Greenbrier Airlines be and they hereby are made parties to this proceeding; and

6. A copy of this order shall be served upon Allegheny Airlines, Inc.; American Air Lines, Inc.; Braniff Airways, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; Mohawk Airlines, Inc.; National Airlines, Inc.; Northeast Airlines, Inc.; Northwest Airlines, Inc.; Ozark Air Lines, Inc.; Southern Airways, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; the Governors of West Virginia, Virginia, and Ohio; the Mayors and Chambers of Commerce of Washington, D.C., Roanoke, Va., Charleston, W. Va., Cincinnati, Ohio; the Federal Aviation Administration; the Post Office Department; West Virginia State Aeronautics Commission; West Virginia Public Service Commission; State of West Virginia Department of Commerce; Virginia State Corporation Commission, Aviation Division; Ohio Department of Commerce, Division of Aviation; and Appalachian Regional Commission.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10008; Filed, Aug. 21, 1969; 8:48 a.m.]

[1] In its motion, Greenbrier contends that its air transportation needs "can largely and economically be met" through service to Greenbrier as an intermediate point on Piedmont's segment 2. We believe that more flexibility is desirable in analyzing Greenbrier's service needs and accordingly, we will consider possible service patterns over segments 3, 6, or 9 in addition to service on segment 2.

[2] The Homestead Hotel is located at Hot Springs and is the main source of its traffic generation.

[3] Piedmont's average completion factor at Hot Springs has averaged in the low seventies.

[Docket No. 21322; Order 69-8-108]

DOMESTIC TRUNKLINES

Passenger-Fare Revisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1969.

By tariff filed August 1, 1969, and marked to become effective September 15, 1969, United Air Lines, Inc., proposed to revise its domestic passenger fares within the 48 contiguous States. Subsequently, on August 7 and 11, 1969, Eastern Air Lines, Inc., and Continental Air Lines, Inc., respectively, also filed proposed fare revisions marked to become effective October 1, 1969. On August 13, 1969, American Airlines, Inc., proposed to revise its domestic passenger

fares, effective September 27, 1969.[1] Although each of the carriers takes a different approach to the appropriate level and structure of domestic passenger fares, all the tariffs increase general fare levels. The Board is informed that other domestic trunk carriers also intend to file general fare revisions.

Pursuant to section 1002 of the Federal Aviation Act (49 U.S.C. 1482), the Board may, upon its own initiative or in the light of complaints from interested persons, (a) suspend the effectiveness of the proposed tariffs pending investigation of the reasonableness of the proposed rates, (b) permit such tariffs to take effect while it is conducting such investigation, or (c) permit the tariffs to become effective without investigation. The Board's rules of practice provide for the filing of complaints against tariffs requesting their suspension and/or investigation,[2] and the Board will give full consideration to all complaints so filed respecting these tariffs. Also, because of the interest of the public in the proposed increases in passenger fares, we have decided to hear oral argument from interested persons before determining what our action should be with respect to the tariff proposals.

In the interest of orderly procedure, we will require that any person who desires to participate in such oral argument shall file with the Board and serve upon the air carriers a complaint against increases, or other statement of his position, on or before August 28, 1969, together with a request to the Board for leave to participate in the oral argument. The Board will subsequently advise the persons desiring to appear of the amount of time which will be granted for argument, and reserves the right to require that various persons having common interests be represented by one or more spokesmen.

We will not restrict argument to specific issues but will permit interested persons to express their views on any aspect of the tariffs that they wish to bring to the Board's attention. However, we are particularly interested in hearing argument addressed to the following questions:

1. To what extent, if any, are passenger fare increases warranted, and how should such increases by applied?

2. To what extent, if any, should the present promotional or discount fares be modified?

3. What effect, if any, will either the proposed tariff revisions or possible changes in promotional and discount fares have upon the movement of traffic?

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 1001, and 1002 thereof,

It is ordered, That:

1. On September 4, 1969, at 10 a.m., the Board will hear oral argument on the question of the passenger-fare revisions proposed by the domestic trunkline air carriers.

2. Interested persons who desire to participate in such oral argument shall file with the Board a complaint or statement of their position on or before August 28, 1969, together with a request for leave to present an oral argument to the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10009; Filed, Aug. 21, 1969; 8:48 a.m.]

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 101.

[2] 14 CFR 302.500-302.508.

TRANS-AIR FREIGHT SYSTEM, INC., ET AL.

Notice of Proposed Approval of Certain Control and Interlocking Relationships

Joint application of Trans-Air Freight System, Inc., Loretz & Company, Inc., Sidney B. Lifschultz, and Rubin Steiner for approval of certain control and interlocking relationships pursuant to sections 408 and 409 of the Act, Docket 21178.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 10 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., August 19, 1969.

A. M. ANDREWS,
Director,
Bureau of Operating Rights.

Issued under delegated authority:

Joint application of Trans-Air Freight System, Inc., Loretz & Co., Inc., Sidney B. Lifschultz, and Rubin Steiner for approval of certain control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By application filed July 9, 1969, Trans-Air Freight System, Inc. (Trans-Air) requests approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of its proposed acquisition of control of Loretz & Co., a California corporation (Loretz-California), by merger of Loretz-California into its wholly-owned subsidiary, Loretz & Co., Inc., a Delaware corporation (Loretz-Delaware), with the latter as the surviving corporation.

Trans-Air is a domestic and international air freight forwarder. It also operates as an International Air Transport Association (IATA) cargo agent, and, under authority from the Federal Maritime Commission, as an independent ocean freight forwarder. Loretz-Delaware, organized on June 2, 1969, does not presently transact any business. Loretz-California is a custom-house broker, an independent ocean freight forwarder licensed by the Federal Maritime Commission, and an IATA cargo agent. The applicants concede that Loretz-California is a person engaged in a phase of aeronautics.

In Order E-22146, May 10, 1965, the Board approved control relationships involving Loretz-California and Cal-Air Forwarders, Inc. (Cal-Air). The applicants state that, as of June 10, 1969, such control relationships were severed; and that no officer or director of Cal-Air will be an officer or director of Loretz-California, and vice versa, and that no stockholder in either of such companies will be a stockholder in the other. Further, the applicants submit that any agreement between Cal-Air and Loretz-California, such as an existing agreement whereby the latter acts as West Coast agent for Cal-Air, will terminate as of December 31, 1969, and Loretz-California will thereafter perform no services of any nature for and on behalf of Cal-Air.

The applicants further state that interlocking relationships will arise, involving Trans-Air and Loretz-Delaware, as the result of the holding by Mr. Sidney B. Lifschultz of the positions as president, chairman of the board and a director of Trans-Air, while holding positions as a director and chairman of Loretz-Delaware, and the holding by Mr. Rubin Steiner of the positions of director and executive vice president of Trans-Air while holding positions as a director and president of Loretz-Delaware. The applicants request that the Board declare such interlocking relationships to be exempt from section 409 pursuant to sec. 287.2 of the Board's economic regulations.

No objection to the application has been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it has been concluded that Trans-Air is an air carrier and that Loretz-California is a person engaged in a phase of aeronautics, both within the meaning of section 408 of the Act, and that the acquisition of Loretz-California by Trans-Air by means of the proposed merger of Loretz-California with Loretz-Delaware, is subject to that section. However, it has been concluded that the proposed control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing, and it is found that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and essentially do not present any new substantive issues.[1] It therefore appears that approval of the control relationships would not be adverse to the public interest.

It is further concluded that interlocking relationships within the scope of section 409 of the Act will exist between Trans-Air and Loretz-Delaware by reason of the holdings by Messrs. Lifschultz and Steiner of the positions in each company described above. However, it is concluded that such relationships come within the scope of the exemption from section 409 of the Act afforded by section 287.2 of the Board's economic regulations.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, and that the application, to the extent that it requests approval of the aforementioned interlocking relationships, should be dismissed.

Accordingly, it is ordered:

1. That the proposed acquisition by Trans-Air of Loretz-California, as described above, be and it hereby is approved; and

2. That, to the extent that approval of interlocking relationships is sought under section 409 of the Act, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 3 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10010; Filed, Aug. 21, 1969; 8:48 a.m.]

[1] W. R. Zanes & Co. of Louisiana, et al., Order E-26757, May 6, 1968.

FEDERAL COMMUNICATIONS COMMISSION

[Report 453]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

AUGUST 18, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File number, applicant, call sign, nature of application

7478-C2-P-(3)-69—Georgia Mobile Telephone Co. (New), C.P. for a new 2-way station to be located at the First National Bank Building, 2 Peachtree Street, Atlanta, Ga., to operate on frequencies 454.200, 454.250, and 454.300 MHz. Application is subject to pleadings pursuant to section 309 of the Act for 21 days from this date.

604-C2-AL-70—Leo Vincent Carmody (KEK267), Consent to assignment of license from: Leo Vincent Carmody, Assignor to: Carmody's Radio Paging Service, Inc. Assignee.

605-C2-P-70—Answer, Inc., of San Antonio (KKG559), C.P. to replace transmitter operating on frequency 152.09 MHz at location No. 2: 8332 Fredericksburg Road, San Antonio, Tex.

4832-C2-R-70—The C & P Telephone Co. of West Virginia (KOD611), Renewal of (Developmental) license expiring Sept. 10, 1969. Term: Sept. 10, 1969 to Sept. 10, 1970.

118-C2-R-70—Indiana Bell Telephone Co. (KSJ612), Renewal of (Developmental) license expiring Sept. 10, 1969. Term: Sept. 10, 1969 to Sept. 10, 1970.

610-C2-P-70—Golden West Telephone Co. (New), C.P. for new 2-way station to be located at 4.5 miles west of Laytonville, Cahto Peak, Calif., to operate on frequency 152.78 MHz.

611-C2-P-70—Carl E. Johnston, doing business as Mobile Communication Service (New), C. P. for a new 1-way station to be located at 2810 North Walnut Street, Muncie, Ind., to operate on frequency 158.70 MHz.

612-C2-P-70—Gabriel Communications Corp., doing business as Mobile Dispatching Service (KIR204), C.P. for additional base channel to operate on frequency 454.275 MHz at location No. 1: Northwest 21st Street and Northwest 26th Avenue, Fort Lauderdale, Fla.

613-C2-P-70—Southwestern Bell Telephone Co. (KKJ446), C.P. for additional base channel to operate on frequency 152.54 MHz at station located at 6.1 miles east-northeast of Midland, Tex.

615-C2-P-70—Physicians' and Businessmen's Paging Service, Inc. (KAF254), C.P. for additional base channel to operate on frequency 454.35 MHz at station located at 125 East 31st Street, Kansas City, Mo.

11-C2-R-70—The Ohio Bell Telephone (KQD612), Renewal of (Developmental) license expiring Sept. 10, 1969. Term: Sept. 10, 1969 to Sept. 10, 1970.

240-C2-R-70—The Chesapeake and Potomac Co. (KGC405), Renewal of (Developmental) license expiring Sept. 10, 1969. Term: Sept. 10, 1969 to Sept. 10, 1970.

616-C2-P-70—Radio Relay Corp. (KSC645), C.P. to replace transmitter operating on frequency 35.58 MHz at station located at 188 West Randolph Street, Chicago, Ill.

666-C2-P-70—Cahill Answering Services, Inc. (New), C.P. for a new 1-way station to be located at 203 South Capitol Avenue, Lansing, Mich., to operate on frequency 152.24 MHz.

667-C2-P-70—General Telephone Co. of Wisconsin (New), C.P. for a new 2-way station to be located at 1.55 miles east of Plymouth; 0.1 mile north of Wisconsin Route 23, Plymouth Township, Wis., to operate on frequency 152.66 MHz.

668-C2-P-70—Business Communications, Inc. (KDN396), C.P. to replace transmitter operating on frequency 35.58 MHz at station located at 4466 West Pine Boulevard, St. Louis, Mo.

4859-C2-R-70—New England Telephone and Telegraph Co. (KCC793), Renewal of (Developmental) license expiring Sept. 10, 1969. Term: Sept. 10, 1969 to Sept. 10, 1970.

672-C2-P-70—La Crosse Telephone Corp. (New), C.P. for a new 1-way station to be located at Grandad Bluff on Hixon Road, La Crosse, Wis., to operate on frequency 152.84 MHz.

673-C2-P-70—Radio Relay Corp. (KQC884), C.P. to replace transmitter operating on frequency 43.58 MHz at location No. 1: 375 Midland Street, Highland Park, Mich.

674-C2-P-70—Cincinnati Radio Telephone Systems, Inc. (KLF478), C.P. to add transmitter to operate on frequency 43.22 MHz at a new site identified as location No. 2: Holmes Hospital, Eden and Bethesda Avenues, Cincinnati, Ohio.

691-C2-P-(3)-70—Richmond Mobile Telephone Co. (New), C.P. for new 2-way station to be located at 3301 West Broad Street, Richmond, Va., to operate on frequencies 454.125, 454.175, 454.325 MHz.

669-C2-MP-70—Industrial Communications of Pecos, Inc. (KKJ454), Modification, C.P. for the relocation of the control facilities operating on frequencies 454.25, 454.35, 454.325 MHz at Pecos, Tex. Also reorientation of the repeater station operating on frequencies 459.25, 459.35, 459.325 MHz.

Corrections

302–C2–P–70—Robert E. Franklin (KKE965), Correct to read: C.P. to add a second and third base channel to operate on frequencies 454.325 and 454.350 MHz respectively. All other particulars to remain the same as reported on public notice dated August 4, 1969, Report No. 451.

284–C2–P–(4)–70—Pacific Telephone & Telegraph Co. (New), Correct to read: C.P. to relocate the 152.63 MHz facilities at location No. 2, and the 152.69 and 152.81 MHz facilities at location No. 3 to a new site identified as location No. 4: 3 miles north of Oildale, Calif., also change antenna system and replace transmitters. Also for each frequency add a new base channel at location No. 4 to operate on 152.78 MHz. All other particulars remain the same as reported on public notice dated August 4, 1969, Report No. 451.

Major amendments

2979–C2–P–69—Wisconsin Telephone Co. (New), Amend to read: Frequency 158.10 MHz. All other particulars to remain the same as reported on public notice dated Dec. 2, 1968, report No. 416

5301–C2–P–(3)–69—Richard O. Deaderick and Clara Lockett doing business as R. O. Deaderick Co. (New), Amend to read: C.P. to operate on frequency 152.09 MHz. All other particulars remain same as reported on public notice dated March 17, 1969, report No. 431.

7702–C2–TC–69—Lett Electronics, Inc. (KEK275), Amend to read: Consent to Transfer of Control from: Clinton J. Lett, Jr., Donald F. Lett, and Royce Garand Lett, Transferors, to: Clinton J. Lett, Jr., and Donald F. Lett, Transferees. All other particulars to remain the same as reported on public notice dated June 23, 1969, report No. 445.

Informative:

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference.

Florida

Tel-Car Corp. (New), 1475–C2–P–69.
Gabriel Communications Corp., doing business as Boca Mobiliphone (New), 2741–C2–P–69.
Gabriel Communications Corp., doing business as Mobile Dispatching Service (New), 2742–C2–P–69.
Howard Hicks (New), 2755–C2–P–69.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference.

Florida

Anserfone, Inc. (New), 6454–C2–P–69.
Tel-Car Corp. (New), 1475–C2–P–69.
Abe Schonfeld (New), 3042–C2–P–69.

RURAL RADIO SERVICE

606–C1–P/ML–70—The Mountain States Telephone & Telegraph Co. (KZI40), C.P. and modification license for additional channels to operate on frequencies 158.01, 157.83 MHz at station located at 10.8 miles south-southeast of Boise, Idaho; also replace transmitter operating on frequency 158.07 MHz.

607–C1–P/ML–70—The Mountain States Telephone & Telegraph Co. (KTF95), C.P. and modification license for additional channels to operate on frequencies 158.07, 158.01 MHz at station located at 6.5 miles southwest of Cascade, Idaho; also replace transmitter operating on frequency 157.83 MHz.

608–C1–P/ML–70—The Mountain States Telephone & Telegraph Co. (KPY39), C.P. and modification license for additional channels to operate on frequencies 158.07, 157.83 MHz at station located at 6.5 miles southwest of Cascade, Idaho; also replace transmitter operating on frequency 158.01 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

670–C1–P–70—Golden West Telephone Co. (New), C.P. for a new station to be located on State Route No. 36, Mad River, Calif., to operate on frequency 2178.0 MHz toward Pratt Mountain, Calif., via passive repeater.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

671–C1–P–70—Golden West Telephone Co. (KNB40), C.P. to add frequency 2128.0 MHz toward Mad River, Calif., via passive repeater, at station located at Pratt Mountain, 6 miles northeast of Garberville, Calif.

675–C1–P–70—American Telephone & Telegraph Co. (KLS27), C.P. to add frequency 3950 MHz toward Seguin, Tex., and frequency 3710 MHz toward Pleasanton, Tex., station located at 5 miles northeast of Floresville, Tex.

676–C1–P–70—American Telephone & Telegraph Co. (KLS28), C.P. to add frequency 4150 MHz toward Floresville, Tex., and frequency 3750 MHz toward Hindes, Tex., station located at 5.5 miles southeast of Pleasanton, Tex.

677–C1–P–70—American Telephone & Telegraph Co. (KLS29), C.P. to add frequency 4110 MHz toward Pleasanton, Tex., and frequency 3710 MHz toward Cotulla No. 2, Tex., station located at 4.5 miles south of Hindes, Tex.

678–C1–P–70—American Telephone & Telegraph Co. (KLS30), C.P. to add frequency 4150 MHz toward Hindes, Tex., and 3750 MHz toward Encinal, Tex., station located at 8 miles southwest of Cotulla, Tex.

679–C1–P–70—American Telephone & Telegraph Co. (KLS31), C.P. to add frequency 4110 MHz toward Cotulla No. 2, Tex., and add frequency 3710 MHz toward Laredo Junction, Tex., at station located at 11 miles west-southwest of Encinal, Tex.

680–C1–P–70—American Telephone & Telegraph Co. (KLS32), C.P. to add frequency 4150 toward Encinal, Tex., and frequency 6152.8 MHz toward Nuevo Laredo, Mexico, at station located at 13.8 miles east-northeast of Laredo, Tex.

681–C1–P–70—Golden West Telephone Co. (KMZ74), C.P. to add frequency 2178.0 MHz toward Ridgeville, Calif., via passive repeater, at station located at 221 Main Street, Weaverville, Calif.

682–C1–P–70—Golden West Telephone Co. (New), C.P. for a new fixed station to be located at Ridgeville, 0.5 mile east of Granite Peak Road, to operate on frequency 2126.0 MHz toward Weaverville, Calif., via passive repeater.

5075–C1–R–70—Indiana Bell Telephone Co. (KYS50), Renewal of Developmental license expiring Sept. 12, 1969. Term: Sept. 12, 1969 to Sept. 12, 1970.

Major amendment

197–C1–P–70—RCA Global Communications, Inc. (New), Change frequency 6645 MHz toward Yona (Guam), Marianna Islands to 6755 MHz station location: Aspinal and West Saylor Streets, Agana (Guam), Marianna Islands.

198–C1–P–70—RCA Global Communications, Inc. (New), Change frequency 6855 MHz toward Agana (Guam), Marianna Islands to 6595 MHz and change frequency 6605 MHz toward Finegayan (Guam), Marianna Islands to 6635 MHz station location: 2 miles northwest of Yona (Guam), Marianna Islands.

199–C1–P–70—RCA Global Communications, Inc. (New), Change frequency 6745 MHz toward Yona (Guam), Marianna Islands to 6795 MHz station location: Finegayan, 9 miles northeast of Agana (Guam), Marianna Islands. All other particulars same as reported in public notice dated July 28, 1969, report No. 450.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

600–C1–P–70—Microwave Transmission Corp. (KPZ25), C.P. to power split frequency 5945.2 MHz on azimuth 78°30'. Location: 6.7 miles south of Kennewick, Wash., at latitude 46°06'16" N., longitude 119°07'50" W.

601–C1–P–70—Microwave Transmission Corp. (New), C.P. for a new station 8.6 miles south of Pomeroy, Wash., at latitude 46°20'52" N., longitude 117°36'06" W. Frequency 11,285 MHz on azimuth 75°00'. (Informative: Applicant proposes to provide the television signal of Station KTNT to H & B American Corp. in Clarkston, Wash.)

602–C1–P–70—Microwave Transmission Corp. (KPR33), C.P. to add frequency 11,525.0 and delete frequency 5937.8 MHz toward Wenatchee, Wash., on azimuth 23°30'. Also power split frequency 5937.8 MHz toward Tunk Mountain on azimuth 31°30'. Location: 11 miles south-southwest of Wenatchee, Wash., at latitude 47°16'27" N., longitude 120°24'18" W. (Informative: Applicant proposes to provide the Canadian television signal of CHEK–TV, Victoria, British Columbia, to Tunk Mountain for delivery to Columbia Television Co., Inc.; operator of a CATV system serving the cities of Omak, Okanogan, and Tonasket, Wash.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

603–C1–P–70—West Texas Microwave Co. (KLU88), C.P. to change location of receiving site in Graham, Tex., to latitude 33°04'44" N., longitude 98°29'10" W. Frequencies 6226.9, 6315.9, and 6404.8 MHz on azimuth 344°26'.

609–C1–P–70—United Video, Inc. (WAN82), C.P. to add via power split at point of communications in Carthage, Mo., at latitude 37°10'57.7" N., longitude 93°21'34.7" W. Frequencies 11,425 and 11,585 MHz on azimuth 268°02'. Location: 1.28 miles west-northwest of Phelps, Mo., at latitude 37°11'43" N., longitude 93°55'39" W. (Informative: Applicant proposes to provide the television signals of KPLR and KETC to Carthage, Mo., for delivery to Carthage Cablevision Inc.)

656–C1–P–70—United Video, Inc. (New), C.P. for a new station 3 miles southwest of Princeton, Ill., at latitude 41°20'46" N., longitude 89°30'55" W. Frequencies: 10,735, 10,815, 10,895, and 11,055 MHz on azimuth 257°29'.

657–C1–P–70—United Video, Inc. (New), C.P. for a new station 1.5 miles northeast of Macomb, Ill., at latitude 40°28'58" N., longitude 90°41'53" W. Frequencies: 10,735 and 10,895 MHz on azimuth 292°0.7'.

658–C1–P–70—United Video, Inc. (New), C.P. for a new station 0.8 mile north of Peru, Ill., at latitude 41°20'34" N., longitude 89°06'42" W. Frequencies: 11,265, 11,425, 11,505, and 11,585 MHz on azimuth 270°46'.

659–C1–P–70—United Video, Inc. (New), C.P. for a new station 2 miles north of Kewanee, Ill., at latitude 41°16'40" N., longitude 89°55'15" W. Frequencies: 11,265, 11,425, 11,505, and 11,585 MHz on azimuth 220°10'.

660–C1–P–70—United Video, Inc. (New), C.P. for a new station 1.1 miles south of Monmouth, Ill., at latitude 40°53'44" N., longitude 90°38'48" W. Frequencies: 11,265 and 11,425 MHz on azimuth 185°25'.

661–C1–P–70—United Video, Inc. (New), C.P. for a new station 4.5 miles east-northeast of Galesburg, Ill., at latitude 40°57'15" N., longitude 90°16'55" W. Frequencies: 10,735, 10,815, 10,895, and 11,055 MHz on azimuth 258°07'. (Informative: Applicant proposes to provide the television signals of WFLD and WGN to G.T. & E. Communications, Inc., in Macomb, Ill., and to American Television & Communications Corp., in Fort Madison, Iowa, and to provide the television signals of WCIU, WFLD, WGN, and WTTW to Northwest Illinois TV Cable Co. in Galesburg and Monmouth, Ill.)

692–C1–TC–(3)–70—Sekan Microwave, Inc., Consent to transfer of control from Blakemore Brothers Building Co., Inc. (Milton Blakemore & Thomas G. Blakemore), Transferors, to: Larry D. Hudson and Cale Hudson, Transferees. Stations: KTG29 Garnett, Kans., KTG30 Iola, Kans., KTG31 Chanute, Kans.

756–C1–P–70—Sierra Microwave, Inc. (KNJ62), C.P. to power split frequencies 5997.0 and 6056.0 MHz and add frequency 11035 MHz toward Slide Mountain, Nev. (Applicant proposes to provide the signals of television stations KCRA, KVIE, KOVR, and KXTV to their CATV subscriber in Reno, Nev.).

Major amendment

3968–C1–P–67—Wyoming Microwave Corp. (formerly Mountain Microwave Corp.) (New), Application amended to change name of applicant to read Wyoming Microwave Corp.; change frequency 6412.5 MHz to 3810 MHz and power split same toward Cedar Mountain and Dome Mountain, Wyo., on azimuths of 321°41' and 21°30', respectively; and change transmitter(s). Transmitter location: Copper Mountain, 12.8 miles north-northwest of Bonneville, Wyo.

3969–C1–P–67—Wyoming Microwave Corp. (formerly Mountain Microwave Corp.) (New), Amended to change name of applicant to read Wyoming Microwave Corp.; change frequency 5975.0 MHz to 5945.0 MHz toward Greeno, Mont., on azimuth of 19°20'; and change transmitter(s). Transmitter location: Cedar Mountain, 4.5 miles west-southwest of Cody, Wyo.

3970–C1–P–67—Wyoming Microwave Corp. (formerly Mountain Microwave Corp.) (New), Amended to change name of applicant to read Western Microwave, Inc. Transmitter location: Greeno; 11.5 miles southeast of Laurel, Mont. (NOTE: Other applications File Nos. 3964 thru 3967–C1–P–67) relating to above applications dismissed without prejudice. See actions taken section of this public notice.)

Major amendment—Continued

5558–C1–P–67—Mountain Microwave Corp. (formerly United Video, Inc.) (New), Amended to change station location to latitude 40°34'06" N., longitude 105°12'02" W.; and delete frequencies 5960.0, 6019.3, 6078.6, and 6137.9 MHz toward Summit, Wyo., and retain frequency 5989.7 MHz toward same point of communication (Summit). Transmitter location: Horsetooth, 6 miles west of Fort Collins, Colo.

5559–C1–P–67—Wyoming Microwave Corp. (formerly United Video, Inc.) (New), Amended to delete frequencies 6212.0, 6271.4, 6330.7, and 6390.0 MHz toward Pine Hill, Wyo., and add, via power split, frequencies 6241.7 MHz toward new point of communication at Laramie (latitude 41°19'17" N., longitude 105°31'40" W.) and Shirley Mountain (Pine Hill), Wyo., on azimuths of 323°47', and 322°47', respectfully. Transmitter location: Summit, 9 miles southeast of Laramie, Wyo.

5560–C1–P–67—Wyoming Microwave Corp. (formerly United Video, Inc.) (New), Application amended to delete frequencies 3730, 3810, 3890, 3970, and 4050 MHz; and add, via power split, frequency 6019.3V MHz toward Casper Mountain, Rawlins, and Horse Haven, Wyo., on azimuths of 01°34', 17°04' (via passive reflector) and 320°50', respectively. Transmitter location: Shirley Mountain, 19.6 miles northwest of Medicine Bow, Wyo.

5561–C1–P–67—Wyoming Microwave Corp. (formerly United Video, Inc.) (New), Application amended to change station location to latitude 42°42'50" N., longitude 107°00'44" W.; delete Casper Mountain, Wyo., as point of communication, and add frequency 4010V MHz toward new point of communication at Copper Mountain (latitude 43°26'15" N., longitude 107°59'47" W.), Wyo., on azimuth of 315°31'. Transmitter location: Horse Haven, 18 miles northwest of Alcova, Wyo. (Informative: Applicants (Mountain Microwave Corp., Western Microwave, Inc., and Wyoming Microwave Corp.) jointly propose to adopt and amend United Video, Inc. (United), applications (File Nos. 5558 thru 5561–C1–P–67) and also amend certain Mountain Microwave applications (File Nos. 3968 thru 3970–C1–P–67), thereby resulting in a consolidated proposal which apparently resolves the mutual exclusivity of the original Mountain and United Proposals. See notice of apparent mutual exclusivity in public notice dated July 24, 1967. The consolidated proposal would also (a) add one new customer, Community Television, Inc., at Laramie, Wyo., receiving the television signal KWGN of Denver, Colo.; (b) delete United's proposed delivery of Denver TV signals KBTV, KLZ–TV, KOA–TV, and KRMA–TV to customers in Rawlins and Casper, Wyo. (the customers at Rawlins and Casper will receive KWGN only); and (c) delete United's proposal to deliver KWGN to Pilot Butte Transmission Co. All other particulars are same as reported in public notices dated April 3 and July 3, 1967.)

2541–C1–P–68—Sierra Microwave, Inc. (KPY35), Amended to change frequencies 6115.0, 6189.0, 6249.0, and 6308.0 to 6189.0, 11245, 11325, and 11405 MHz toward Reno, Nev., on azimuth of 15°52'; change antenna system and replace transmitters. Transmitter location: Slide Mountain, 12 miles northwest of Carson City, Nev. Other particulars same as reported in public notice dated December 11, 1967. (Informative: Applicant proposes to modify its original proposal to include delivery of KVIE–TV (San Francisco, Calif.) on a cochannel basis to subscriber(s) in Reno, Nev. The frequency changes specified above appear to resolve the apparent mutual exclusivity of Microwave Service Co. applications (File Nos. 3324 thru 3331–C1–P–68) and this application (File No. 2541–C1–P–68). See notice of apparent mutual exclusivity in public notice dated April 1, 1968.)

[F.R. Doc. 69–9968; Filed, Aug. 21, 1969; 8:45 a.m.]

[Supp. 6]

CANADA-U.S.A.

Allocations of FM Broadcast Stations

AUGUST 12, 1969.

Pursuant to exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, table A of the FM working arrangement has been amended as follows:

City	Channel No. Delete	Add
Campbellton, New Brunswick	242C	243C
Port Colborne, Ontario		*265B
Welland, Ontario	265A	

NOTE: The Port Colborne, Ont. allocation is to carry an asterisk (designating special negotiated short spaced allocation) if the pending rule making proposal to allocate Channel 285A to Montour Falls, N.Y., is adopted. Further, the Montour Falls proposal will also carry an asterisk designation.

Further amendments to table A will be issued as public notices in the form of numbered supplements.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-9969; Filed, Aug. 21, 1969; 8:45 a.m.]

[Dockets Nos. 18640, 18641; FCC 69-904]

HOME SERVICE BROADCASTING CORP. AND NATICK BROADCAST ASSOCIATES, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Home Service Broadcasting Corp., Natick, Mass., requests: 1060 kc, 1 kw, Day, Docket No. 18640, File No. BP-16478; Natick Broadcast Associates, Inc., Natick, Mass., requests: 1060 kc, 1 kw, Day, Docket No. 18641, File No. BP-18012; for construction permits.

1. The Commission has before it for consideration (i) the above-captioned mutually exclusive applications, as amended; (ii) the opinion of the U.S. Court of Appeals for the District of Columbia Circuit in Natick Broadcast Associates, Inc. v. FCC, 128 U.S. App D.C. 203, 385 F. 2d 985, 11 RR. 2d 2065 (1967); (iii) a petition to reject and dismiss the application of Natick Broadcast Associates, Inc. (Associates, hereinafter) filed December 28, 1967,[1] by Home Service Broadcasting Corp. (Corporation); (iv) responsive pleadings thereto; and (v) a petition to reject Associates' application filed by Westinghouse Broadcasting Co., licensee of Station KYW, Philadelphia, Pa.

2. The aforementioned court decision ordered the Commission to accept Associates' application and hold a comparative hearing with Corporation unless Associates' proposal "is shown objectionably to violate the [prohibited] overlap rule * * *". Previously, the Commission had rejected[2] the Associates application on the grounds that when filed on Corporation's cut-off date, May 10, 1965, its proposed 0.005 mv/m contour overlapped the protected 0.1 mv/m groundwave contour of KYW (then WRCV) in contravention of § 73.37(a) of the rules. The original engineering exhibits by Associates utilized the Commission's M-3 conductivities and depicted a separation between the pertinent contours. Subsequent to the Commission's initial rejection,[3] Associates retendered its applications relying not on figure M-3 conductivities but on field intensity measurement data. That data purported to show that no prohibited overlap was involved.[4]

3. In its petition to reject and in the brief supporting its petition, Corporation argues that their own field intensity measurements, filed subsequent to the Court's decision indicate that prohibited overlap would occur. According to Corporation, Associates' measurement data should not be controlling on the overlap question because they ignore the recognized fact that wide variations in conductivity exist on any given azimuth because of seasonal changes and that conductivity in New England is at its lowest point in July when Associates took its measurements. In support of its position, Corporation cites the fact that Associates found an average conductivity on the order of 1.1 millimhos per meter, a figure radically at variance with the Commission's theoretical values (fig. M-3), whereas its own measurements,[5] taken in November 1967 and March of 1968, purport to show an average conductivity of about 1.9 millimhos per meter, a figure more nearly approximating the 2 millimhos per meter indicated by figure M-3. An analysis of Corporation's measurement data shows prohibited overlap with Station KYW. Assuming the validity of Associates' July measurements, Corporation argues that operation of a radio station is a year-round proposition and the fact that interference may abate or disappear during summer months does not make it less objectionable during the remainder of the year.

4. Westinghouse Broadcasting, in its petition to reject, alleges that the Associates proposal would cause prohibited overlap to the existing operation of KYW. Westinghouse points out that 1965 was a drought year and that as a result lower than normal conductivities prevailed. No measurement data, however, were filed in support of its argument.

5. The Commission is confronted with three sets of measurements taken at three different times along the same three radials. None of these measurements, however, can be considered in determining whether prohibited overlap is involved, for the following reasons:

(i) The data for each radial do not indicate a uniform value of conductivity over the entire path.

(ii) All three sets of measurements indicate different dielectric constants.

(iii) Any determination as to overlap must, of necessity, be based on the value of effective conductivity over a relatively wide arc towards the 0.1 mv/m contour of KYW. The three radials describe too small an arc (10°) to accomplish this. Moreover, in addition to the foregoing inconsistencies, measurements were taken from a different transmitter site than the actual one proposed. Thus, since we cannot rely on measurements, we must, under § 73.183(c), revert to figure M-3 conductivities.

6. In examining the proposal first filed May 10, 1965, by Associates, we find the most critical azimuth toward KYW's 0.1 mv/m contour to be along a radial bearing 232.5° true. Using M-3 conductivities along this bearing we find that the proposed 0.005 mv/m contour of Associates would overlap the 0.1 mv/m contour of KYW by approximately 10 miles in contravention of § 73.37(a). This prohibited overlap was not eliminated until Associates, on September 19, 1968, amended its proposal to reduce the proposed radiation from 237 to 175 mv/m by installing a series resistor and lowering the proposed antenna height from 464 to 232 feet.

7. In returning the case to the Commission, the Court gave us the following mandate: "If in fact [Associates'] proposed station is shown objectionably to violate the overlap rule, of course the application should be rejected. Otherwise a comparative hearing with [Corporation] * * * must be conducted." Since on the date of the Court's decision, November 7, 1967, Associates' proposal "objectionably * * * violate[d] the overlap rule", we are not obliged to accept it under the Court's mandate.[6] Because of the Court's ruling in the James River case,[7] however, we will accept the application.

8. Corporation argues that neither the aforementioned James River decision nor the subsequent Radio Athens[8] case requires the Commission to accept an application which did not meet acceptability criteria when filed. Corporation points out that in neither of the above cases were the prohibited overlap rules involved. The James River application when tendered violated the daytime skywave rule, § 73.187 and the Radio Athens proposal involved a question of violation of the multiple ownership rule, § 73.35. The Court in both instances ruled that the Commission should have permitted the applicants to amend their respective proposals to remove their defects even though the applicable cutoff date had passed.

9. Although the distinction drawn by Corporation has validity, we believe that it is not controlling. The fact is that in both of the above instances an application was filed which, in the Commission's view, contained a fatal defect that precluded a grant. In both instances the Court ruled that ameliorative amendments could be filed after the cutoff date so long as the amendment was not the type which required the assignment of a new file number under § 1.571(j)(1).

[1] A brief in support of this petition was also filed on Nov. 4, 1968.

[2] Natick Broadcast Associates, Inc., 2 FCC 2d 586, 6 RR. 2d 824; recon. den. 6 FCC 2d 607, 9 RR. 2d 860.

[3] By letter dated July 2, 1965.

[4] Since the measurement data were not submitted until after applicable cutoff date, the Commission made no finding as to their validity.

[5] Corporation measured the signal strength of Station WKOX, Framingham, Mass., along the same radials (220°, 225°, and 230° true) selected by Associates in its showing.

[6] As previously noted (supra, note 4), the Commission heretofore has not ruled on the validity of Associates' measurement data.

[7] James River Broadcasting Corp. v. FCC, ------ U.S. App. D.C. ------, 399 F. 2d 581, 13 RR. 2d 2008 (1968).

[8] Radio Athens, Inc. (WATH) v. FCC, ---- U.S. App. D.C. ------, 401 F. 2d 398, 13 RR. 2d 2094 (1968).

This rationale was subsequently applied by the Commission in North American Broadcasting Company, Inc., et al., 14 FCC 2d 617, 14 RR 2d 107. There the application for Naples, Fla., clearly violated the prohibited overlap rule when filed on the cutoff date. Subsequent thereto, however, the Commission, relying on James River, permitted the applicant to amend and remove the prohibited overlap. The application was then accepted for filing nunc pro tunc the date of its original tender. We do not believe there is any reason to treat Associates differently. Accordingly, the Associates application will be accepted nunc pro tunc May 10, 1965, and consolidated for hearing with Corporation's mutually exclusive proposal. In light of this action it will also be necessary to set aside our previous grant to Corporation.

10. The allegation of prohibited overlap made by Westinghouse in its petition assumed that Associates' station would radiate 237 mv/m. Since the filing of that petition, Associates has amended, as noted in paragraph 6, above, to reduce the proposed radiation to 175 mv/m. Thus, since no prohibited overlap would now be caused to KYW, the petition will be denied.

11. We now turn to matters related not to the question of acceptability but to basic qualifications. Shortly after oral argument on this case was held in the Court of Appeals, Edward F. Perry, Associates' president and majority stockholder, held conversations with members of the Commission's staff. During the course of these conversations Perry stated, in substance, that prior to the filing of the Associates application he knew that, based on figure M-3 conductivities, the proposed operation would cause prohibited overlap, but that notwithstanding this knowledge he filed the application depicting an absence of overlap. These statements by Perry raise serious questions as to whether the applicant made intentional misrepresentations to the Commission or was guilty of a lack of candor. For this reason, we have specified an appropriate issue.

12. Examination of Associates' application indicates that $170,502 will be needed to construct and operate the proposed station for 1 year. This figure consists of down payment on equipment, $5,559; first year payments on equipment including interest, $6,560; land, $22,500; buildings, $4,000; interest on loan (estimated at 8 percent), $12,000; miscellaneous items, $33,800; additional equipment (not covered by manufacturer's line of credit), $6,083; and working capital of $80,000. To meet these costs the applicant has available a bank loan of $150,000, and existing capital of $921. Thus, Associates falls approximately $20,000 short of meeting the $170,502 total and a financial issue must be specified.

13. Examination of Associates' application also reveals that aerial site photographs have not been submitted for the site proposed in the amendment of April 1, 1969. Furthermore, clearance by the Federal Aviation Administration has not been obtained. Thus, site suitability and air hazard issues will be included and the FAA made a party.

14. In an amendment dated October 22, 1968, Corporation submitted considerable data concerning its efforts to ascertain the community needs and interests of Natick. Included in this material was a list of the names and titles of 60 community leaders surveyed. Another list contained approximately 30 generally phrased suggestions received. The applicant did not, however, connect the specific suggestions with the community leaders. As a result we are unable to determine whether the applicant has met the four requirements set out in our public notice of August 22, 1968; 13 FCC 2d 391, regarding ascertainment of community needs. In City of Camden, 18 FCC 2d ------, 16 RR 2d 555, we stated that an applicant's efforts to determine needs must be adequately documented and that "[s]ufficient material must be available to establish that a careful investigation of the community was made and that meaningful results were obtained." Certainly, the listing of leaders on one page and suggestions on another without any attribution does not meet our test and an issue with respect thereto will be included. See DeWitt Radio, 17 FCC 2d 385.

15. It appearing, that, except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

16. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the transmitter site proposed by Natick Broadcasting Associates, Inc., is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by Natick Broadcast Associates, Inc., would constitute a menace to air navigation.

3. To determine the efforts made by Home Service Broadcasting Corp. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet such needs and interests.

4. To determine with respect to the application of Natick Broadcast Associates, Inc.:

(a) Whether additional funds will be available to construct and operate the proposed station for 1 year without revenues.

(b) Whether, in the light of the evidence adduced pursuant to (a), above, the applicant is financially qualified.

5. To determine with respect to the application of Natick Broadcast Associates, Inc.:

(a) Whether Edward F. Perry, Jr., or any other principals of the applicant knew, or had reason to believe, that the proposal, based on Figure M-3 conductivities, involved prohibited overlap with Station KYW (then WRCV), Philadelphia, Pa.

(b) Whether the application contains false or misleading statements and whether Edward F. Perry, Jr., or any other principal misrepresented or concealed material facts or was lacking in candor in connection with the aforementioned matters.

(c) Whether, in the light of evidence adduced pursuant to the above subissues, the applicant has the requisite qualifications to be a licensee of the Commission.

(In connection with this issue, the Examiner is directed to obtain the full facts concerning the participation of all persons, and not just Mr. Perry or other principals of the applicant, in the preparation and submission of the application. On a matter of this nature, involving the integrity of the Commission's processes, the full facts should be adduced. Such persons may of course be accompanied by counsel and, as appropriately delineated by the Examiner, shall be afforded the opportunity to cross-examine witnesses testifying on this issue, and to offer rebuttal testimony.)

6. To determine, on a comparative basis, which of the proposals would better serve the public interest.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

17. *It is further ordered,* That the petitions to reject filing by Home Service Broadcasting Corp. and Westinghouse Broadcasting Co. are denied and that the motion to strike the Home Service petition filed by Natick Broadcast Associates, Inc., is dismissed as moot.

18. *It is further ordered,* That the above application of Natick Broadcast Associates, Inc., is accepted for filing.

19. *It is further ordered,* That the Commission's grant without hearing (Public Notice of July 6, 1967, Report No. 6546) of the above-captioned application of Home Service Broadcasting Corp., is set aside.

20. *It is further ordered,* That the Federal Aviation Administration is made party to the proceeding.

21. *It is further ordered,* That, in the event a grant of either application, the construction permit shall contain the following condition: Before program tests are authorized, permittee shall submit sufficient data to establish that the inverse distance field at 1 mile does not exceed essentially 175 mv/m, as proposed.

22. *It is further ordered,* That, in view of the substantial period of time which has elapsed since the remand of this case by the U.S. Court of Appeals, and in light of the unusual nature of the inquiry to be held pursuant to issue 5, supra, the proceeding shall be expedited by the Hearing Examiner to the greatest extent possible.

23. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

24. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act

of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 14, 1969.

Released: August 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-10003; Filed, Aug. 21, 1969; 8:48 a.m.]

[Docket No. 18493; FCC 69-891]

TV CABLE OF WAYNESBORO, INC.

Memorandum Opinion and Order Enlarging Issues

In re application of TV Cable of Waynesboro, Inc., Waynesboro, Pa., for construction permit, Docket No. 18493, File No. BP-18234.

1. On March 21, 1969, we released a Memorandum Opinion and Order, FCC 69-238, 16 FCC 2d 923, designating for hearing mutually exclusive applications for standard broadcast facilities at Greencastle and Waynesboro, Pa., filed respectively by Greencastle Broadcasting Co.[1] and TV Cable of Waynesboro, Inc. Therein we also denied a petition to deny TV Cable's application filed by Metromedia, Inc. Now before the Commission for consideration is a petition by Metromedia filed on April 11, 1969, requesting rescission of the order denying its petition to deny, together with the pleadings responsive thereto.[2]

2. Metromedia, licensee of standard broadcast station WNEW at New York, N.Y., has been granted a construction permit authorizing the relocation of its transmitter site. In its petition to deny, Metromedia asserted that TV Cable's proposed operation would involve prohibited overlap under § 73.37 of the rules with the contours of WNEW from its newly authorized site. Metromedia relied on Figure M-3 conductivity values to support its position. However, TV Cable submitted with its application field intensity measurements from WNEW's existing antenna site which indicated that there was no prohibited overlap. Since a move of only 5.5 miles is proposed and since both sites are located over 100 miles from Waynesboro, we found that signals emanating from either site would traverse essentially the same path toward Waynesboro and that the conductivity values from both sites are reasonably related. Relying on the signal strength measurements taken by TV Cable from WNEW's existing site, we concluded that a prohibited overlap of contours would not result from either site and denied Metromedia's petition to deny.

3. On the basis of an engineering statement containing signal strength measurements taken from WNEW's authorized transmitter site, Metromedia renews its contention that TV Cable's proposed operation will cause prohibited overlap with WNEW's operation from the new site. It maintains that the measurements disclose a considerable difference in ground conductivity between each of WNEW's sites and serve to substantiate the conductivity values indicated by FCC Figure M-3 and the claimed overlap of contours in violation of § 73.37.

4. The Broadcast Bureau and TV Cable contend that the petition filed by Metromedia is in fact a petition for reconsideration of our designation order and is subject to dismissal for noncompliance with § 1.111 of the rules. It is further contended that Metromedia could have obtained and submitted measurements from the new site in support of its petition to deny, and that it was delinquent in not doing so. We do not deem it necessary to pass on these contentions. From our examination of the allegations of the petition, we are persuaded that, irrespective of any procedural deficiencies, action on our own motion is required in the public interest.

5. The signal strength measurements submitted by Metromedia were taken on a radial extending only 26 miles from WNEW's new transmitter site. Consequently, they do not establish the location of WNEW's contours from that site and are not conclusive on the question of overlap. Nevertheless the measurements are sufficient to raise a serious doubt concerning the validity of our earlier findings and present a substantial possibility of a prohibited overlap. If established, such an overlap is disqualifying and would require the denial of TV Cable's application. We cannot condone a station operation which would have an overlap of contours with another station in contravention of the rules. The public interest therefore requires that the question of prohibited overlap be resolved by an evidentiary hearing and we shall add the necessary and appropriate issue on our own motion.

6. *Accordingly, it is ordered*, That the petition for rescission, filed April 11, 1969, by Metromedia, Inc., is dismissed as moot.

7. *It is further ordered*, That the issues are enlarged on our own motion to include the following issue:

To determine whether the contours of the proposed operation will overlap the contours of Station WNEW, in contravention of the provisions of § 73.37 of our rules.

8. *It is further ordered*, That the burden of proceeding with the introduction of evidence and proof under the above designated issue will be upon the applicant, TV Cable of Waynesboro, Inc.

9. *It is further ordered*, That Metromedia, Inc., is made a party to this proceeding.

Adopted: August 13, 1969.

Released: August 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-10004; Filed, Aug. 21, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

MOVERS' & WAREHOUSEMEN'S ASSOCIATION OF AMERICA, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of modified agreement filed for approval by:

Carroll F. Genovese, Executive Secretary, Movers' & Warehousemen's Association of America, Inc., 501 13th Street NW., Washington, D.C. 20004.

The Movers' & Warehousemen's Association of America, Inc., an association comprised of common carriers by water, have amended their original agreement No. 8540 to include ports in the U.S. Virgin Islands. The amended agreement is designated No. 8540-B.

Original agreement No. 8540, approved by the Commission on December 13, 1962, between common carriers by motor which also operate as nonvessel operating common carriers by water, provided for the creation of the United States-Alaska/Guam/Hawaii/Puerto Rico Movers' Rate Agreement for the establishment and maintenance of agreed rates, charges and practices, for or in connection with transportation of household goods and personal effects between U.S. ports and ports in Alaska, Guam, Hawaii, and Puerto Rico.

The Agreement was amended by 8540-A which modified the original agreement and provided for policing of the agreement by the association through investigation of complaints and through investigations instituted on the association's own initiative where the association believed a violation of the agreement may have occurred. The later amendment was approved by the Federal Maritime Commission by order of March 17, 1966.

The amended Agreement shall become effective when approved by the Commission pursuant to section 15 of the Shipping Act, 1916.

By order of the Federal Maritime Commission.

Dated: August 19, 1969.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-10012; Filed, Aug. 21, 1969; 8:48 a.m.]

[Docket No. 69-42]

DOLPHIN FORWARDING, INC.

General Investigation of Rates and Charges in Atlantic/Puerto Rico Trade

There has been filed with the Federal Maritime Commission by Dolphin Forwarding, Inc., a nonvessel operating common carrier by water in the domestic trades, Supplement No. 3 to its Freight Tariff FMC-F No. 2 which will, upon becoming effective September 16, 1969, generally increase rates and charges between North Atlantic ports on the one hand, and ports in Puerto Rico on the other.

Upon consideration of the said supplement there is reason to believe that the general revenue level resulting from said increased rates and charges and all governing rules and regulations, should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

Therefore it is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the general revenue level resulting from the aforementioned rate increases scheduled to become effective September 16, 1969, as well as the governing rules and regulations, with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the tariff pages hereby placed under investigation are changed, amended or reissued before the investigation has been concluded, such changed, amended or reissued matter will be included in this investigation;

It is further ordered, That Dolphin Forwarding, Inc., 11 Holly Street, Hingham, Mass., be named as respondent in this proceeding;

It is further ordered, That the proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (II) the said respondent be duly served with notice of the time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69-10013; Filed, Aug. 21, 1969; 8:48 a.m.]

[Docket No. 69-40; Agreement 9202]

JAVA/NEW YORK CARGO APPORTIONMENT AGREEMENT

Order To Show Cause

Agreement No. 9202, originally approved on October 14, 1966, between certain members of the Java/New York Rate Agreement No. 90, provides for the apportionment of transshipment cargo originating at Indonesian outports, destined for U.S. Atlantic ports. The apportionment agreement sets forth percentage shares of the cargo to be carried by the parties. The percentages are related to the respective annual sailings of the parties, with provision for adjustment in case of substantial charges in frequency of sailings.

Since the initial date of approval to the present time, Agreement 9202 has been in an inactive status. By letter dated January 30, 1969 (attachment 1), addressed to the Conference Secretaries, Henry Noon & Co., we inquired as to whether the parties were operating under the agreement. In its reply dated May 14, 1969 (attachment 2), the Conference Secretaries advised that the parties were not operating under the agreement and indicated that the "changed circumstances" in the trade does not warrant its implementation. At present there is no indication that the parties plan to commence operating under this agreement.

A prerequisite for the initial and continued approval of an agreement is the actual existence or immediate probability of transportation circumstances which warrant approval (see Agreement 8765—Order to Show Cause, 9 FMC 333, 335-36). Since Agreement No. 9202 has been in a state of inactivity from its inception, it would seem that there are no actual or immediately probable transportation circumstances in the trade which warrant its continued approval.

Now therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916;

It is ordered, That the parties to Agreement No. 9202 show cause why the Commission should not order the cancellation of this agreement on the grounds that its continued approval is not required by the "changed circumstances" in the trade which resulted in the lines not implementing Agreement 9202.

This proceeding shall be limited to the submission of affidavits of fact and memoranda of law and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than close of business September 9, 1969, replies thereto shall be filed by Hearing Counsel and intervenors, if any, no later than close of business September 24, 1969. An original and 15 copies of affidavits of fact, memoranda of law, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Time and date of oral argument will be announced at a later date.

It is further ordered, That the parties to Agreement 9202 as indicated in the attached appendix are hereby made respondents in this proceeding.

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5 (1) (46 CFR § 502.72) of the Commission's rules of practice and procedure no later than close of business September 3, 1969.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX A

American President Lines, Ltd., 601 California Street, San Francisco, Calif. 94108.
Barber-Fern Line, Fearnley & Eger, Barber Steamship Lines, Inc., Agents, 17 Battery Place, New York, N.Y. 10004.
Hoegh Lines, Nedlloyd Lines Inc., General Agents, 30 Church Street, New York, N.Y. 10007.
Isthmian Lines, Inc., States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y. 10004.
Maersk Line (A. P. Moller), Moller Steamship Company, Inc., General Agents, 67 Broad Street, New York, N.Y. 10004.

[F.R. Doc. 69-10014; Filed, Aug. 21, 1969; 8:48 a.m.]

[Docket No. 69-43]

TWIN EXPRESS, INC.

General Investigation of Rates and Charges Between Ports in Puerto Rico, New York, and Miami

There has been filed with the Federal Maritime Commission by Twin Express, Inc., a nonvessel operating common carrier by water in the domestic trades, second revised title page to its Freight

* Commissioner Wadsworth absent.

[1] Greencastle's application was dismissed on July 8, 1969 (FCC 69M-848). The Examiner retained TV Cable's application in hearing pending the disposition of the designated financial issues.

[2] The additional pleadings filed are as follows: (1) Comments on the petition filed May 8, 1969, by the Broadcast Bureau; (2) an opposition, filed May 8, 1969, by TV Cable; and (3) a reply, filed May 20, 1969, by Metromedia.

Tariff FMC–F No. 1 which will, upon becoming effective September 16, 1969, generally increase rates and charges between ports in Puerto Rico, New York, and Miami.

Upon consideration of the said tariff revision, there is reason to believe that the general revenue level resulting from said increased rates and charges and all governing rules and regulations, should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

Therefore it is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the general revenue level resulting from the aforementioned rate increases scheduled to become effective September 16, 1969, as well as the governing rules and regulations, with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the tariff matter hereby placed under investigation is changed, amended, or reissued before the investigation has been concluded, such changed, amended, or reissued matter will be included in this investigation;

It is further ordered, That Twin Express, Inc., 1039 Paterson Plank Road, Secaucus, N.J. 07094, be named as respondent in this proceeding;

It is further ordered, That the proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (II) the said respondent be duly served with notice of the time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(l) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69–10015; Filed, Aug. 21, 1969; 8:49 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

IOWA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g); notice is hereby given that on August 14, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Iowa adversely affected by heavy rains and flooding beginning on or about June 25, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81–875. I, therefore, declare that such a major disaster exists in Iowa.

I do hereby determine the following areas in the State of Iowa to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 14, 1969:

The counties of:

Allamakee.	Henry.
Benton.	Howard.
Black Hawk.	Ida.
Bremer.	Iowa.
Buchanan.	Jefferson.
Buena Vista.	Johnson.
Bulter.	Jones.
Cerro Gordo.	Linn.
Cherokee.	Louisa.
Chickasaw.	Lyon.
Clarke.	Marion.
Clay.	Marshall.
Davis.	Palo Alto.
Decatur.	Polk.
Delaware.	Poweshiek.
Dickinson.	Ringgold.
Dubuque.	Scott.
Emmet.	Tama.
Floyd.	Union.
Franklin.	Van Buren.
Grundy.	Wapello.
Hamilton.	Winneshiek.
Hardin.	Wright.

Dated: August 15, 1969.

FRED J. RUSSELL, *Deputy Director, Office of Emergency Preparedness.*

[F.R. Doc. 69–9986; Filed, Aug. 21, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

NORTHEASTERN BANKSHARE ASSOCIATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Northeastern Bankshare Association, which is a bank holding company located in Lewiston, Maine, for the prior approval of the Board of the acquisition by Applicant of at least 51 percent of the voting shares of The Peoples National Bank of Farmington, Farmington, Maine.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

Dated at Washington, D.C., this 14th day of August 1969.

By order of the Board of Governors.

[SEAL] ELIZABETH L. CARMICHAEL, *Assistant Secretary.*

[F.R. Doc. 69–9976; Filed, Aug. 21, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI–70–113 etc.]

UNION TEXAS PETROLEUM ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 14, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 8, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70–113	Union Texas Petroleum, a division of Allied Chemical Corp., et al., Post Office Box 2120, Houston, Tex. 77001.	74	3	El Paso Natural Gas Co. (Crosby-Devonian Field, Lea County, N. Mex.) (Permian Basin Area).	$4,233	7–15–69	[3] 8–15–69	1–15–70	16.25	[4] [5] 17.9036	
RI70–114	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, Tex. 75221.	73	2	Northern Natural Gas Co. (Joe "T" Field, Crockett County, Tex.) (RR. District No. 7C) (Permian Basin Area).	3,054	7–24–69	[3] 9–18–69	2–18–70	16.0	[6] 17.0	
RI70–115	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	150	[7] 10	El Paso Natural Gas Co. (North Jameson Strawn Field, Mitchell and Nolan Counties, Tex.) (RR. District Nos. 7B and 8) (Permian Basin Area).	1,520	7–24–69	[3] 8–24–69	1–24–70	16.7228	[4] 17.7363	RI68–100.
RI70–116	Atlantic Richfield Co., Sinclair Oil Bldg., Tulsa, Okla. 74102.	465	3	Cities Service Gas Co. (Hugoton Field, Seward County, Kans.).	280	7–22–69	[3] 8–23–69	1–23–70	[8] 11.0	[6] [9] 12.0	
RI70–117	Atlantic Richfield Co. (Operator).	426	9	Cities Service Gas Co. (Woodward Field, Woodward County, Okla.) (Panhandle Area).	10,242	7–22–69	[3] 9–1–69	2–1–70	[8] 17.0	[6] [9] [10] 18.0	RI66–166.
	do	434	16	Transwestern Pipeline Co. (Lipscomb County, Tex.) (RR. District No. 10) and Ellis and Beaver Counties, Okla. (Panhandle Area).	10,329 11,253	7–22–69	[3] 9–1–69	2–1–70	[8] [10] 19.5 [8] [10] 19.5	[6] [9] [11] 20.5 [6] [11] [12] 20.5175	RI66–166.
	do	470	4	Cities Service Gas Co. (Northwest Lovedale Field, Harper County, Okla.) (Panhandle Area).	8,641	7–22–69	[3] 9–1–69	2–1–70	[8] 17.0	[6] [9] 18.0	RI66–83.
RI70–118	Livingston Oil Co., Post Office Box 2548, Tulsa, Okla. 74101.	2	2	Cities Service Gas Co. (Northeast Enid Field, Garfield County, Okla.) (Oklahoma "Other" Area).	37,229	7–24–69	[13] 8–24–69	1–24–70	[8] 15.0	[6] [9] 16.0	
RI70–119	Caulkins Oil Co. (Operator) et al., 315 Majestic Bldg., Denver, Colo. 80202.	4	5	Arkansas Louisiana Gas Co. (East Lamont Field, Grant County, Okla.) (Oklahoma "Other" Area).	107	7–24–69	[13] 8–24–69	1–24–70	[8] 12.0	[6] [9] 13.0	RI64–605.
RI70–120	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	76	3	Transwestern Pipeline Co. (Perryton Area, Ochiltree County, Tex.) (RR. District No. 10).	1,070	7–28–69	[3] 9–1–69	2–1–70	[8] 19.0	[6] [9] [14] 20.0	RI66–69.
	do	77	2	Transwestern Pipeline Co. (Kiowa Creek Field, Lipscomb Field, Tex.) (RR. District No. 10).	5,010	7–28–69	[3] 9–1–69	2–1–70	[8] 19.0	[6] [9] [14] 20.0	RI66–69.
RI70–121	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	171	7	United Gas Pipe Line Co. (Northwest Corpus Channel Field, Nueces and San Patricio Counties, Tex.) (RR. District No. 4).	1,552	7–22–69	[3] 8–22–69	1–22–70	[8] 18.0	[6] [9] 19.0	RI68–406.

[3] The stated effective date is the effective date requested by Respondent.
[4] Increase from applicable area ceiling rate to contract rate.
[5] Pressure base is 14.65 p.s.i.a.
[6] Rate includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[7] Periodic rate increase.
[8] For gas produced in Nolan County only.
[9] Subject to a downward B.t.u. adjustment.
[10] Includes 1 cent for gathering, dehydration and delivery charge paid by buyer to seller.
[11] Texas Railroad District No. 10 production.
[12] "Fractured" rate increase. Contractually due 26 cents per Mcf.
[13] Oklahoma Panhandle production.
[14] The stated effective date is the first day after expiration of the statutory notice.
[15] "Fractured" rate increase. Respondent contractually due 26 cents per Mcf.

Livingston Oil Co. (Livingston) requests that its proposed rate increase be permitted to become effective on August 20, 1969. Caulkins Oil Co. (Operator) et al. (Caulkins), request an effective date of August 1, 1969, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Livingston and Caulkins' rate filings and such requests are denied.

The proposed rate increase filed by Union Texas Petroleum, a division of Allied Chemical Corp. et al. (Union Texas), reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While the buyer concedes that the New Mexico Legislature effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein with respect to Union Texas' rate increase shall concern itself with the contractual basis for the rate filing, as well as the statutory lawfulness of the proposed rate and charge.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR § 2.56) with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69–9900; Filed, Aug. 21, 1969; 8:45 a.m.]

[Docket No. CP70-32]

PACIFIC GAS TRANSMISSION CO.

Notice of Application

AUGUST 15, 1969.

Take notice that on August 12, 1969, Pacific Gas Transmission Co. (Applicant), 245 Market Street, San Francisco, Calif. 94106, filed an application in Docket No. CP70-32 for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act, as amended, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization by said application to deliver exchange volumes of natural gas in accordance with the Emergency Exchange Agreement dated as of July 22, 1969 between Applicant, El Paso, and Pacific Gas and Electric Co. (PG&E). Under such agreement Applicant proposes to deliver to El Paso at an existing interconnection near Stanfield, Oreg., between the date it is authorized to begin deliveries and April 30, 1970, such quantities of gas up to 100,000 Mcf per day as El Paso may request and as PG&E may determine from day to day it can temporarily postpone receiving at the California-Oregon border, and to deliver to PG&E at the California-Oregon border between May 1, 1970 and September 30, 1970, gas at the rate of 40,000 Mcf per day or such other rates as may be agreed upon as received from El Paso until the total quantity of gas so delivered shall equal one hundred and fifty percent (150%) of the quantity of exchange gas received by El Paso.

Applicant states that no additional facilities are required in order to permit Applicant to carry out the Emergency Agreement dated as of July 22, 1969.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9970; Filed, Aug. 21, 1969; 8:45 a.m.]

[Docket No. CP70-33]

SOUTHERN NATURAL GAS CO.

Notice of Application

AUGUST 15, 1969.

Take notice that on August 12, 1969, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP70-33 an abbreviated application pursuant to section 7(b) of the Natural Gas Act, as amended, for permission and approval to abandon by sale certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests permission and approval to abandon by sale to Atlanta Gas Light Co. (Atlanta Gas) Applicant's existing McIntyre lateral line (excepting approximately 1,000 feet at the northwest end thereof) and the Gordon, Edgar Brothers, and McIntyre measuring stations. Applicant proposes to construct a new measuring station at about 1,000 feet from the northwest terminus of the McIntyre line to provide Atlanta Gas with a new delivery point as defined by § 2.55 of the Commission's rules, for service to the areas served by the existing above mentioned measuring stations.

Applicant states that the abandonment will have no effect on its design daily delivery capacity, nor will it cause any service now provided to be discontinued or diminished.

Applicant further states that the purchase price of the above mentioned facilities, except land, is to be their depreciated value at the date of closing, such depreciated value being $12,904.58 on April 4, 1969, and that the land is to be sold at the price of $136.15.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9971; Filed, Aug. 21, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

AUGUST 18, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey (a New Jersey corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 19, 1969 through August 28, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9987; Filed, Aug. 21, 1969; 8:46 a.m.]

[812-2533]

STEADMAN FIDUCIARY INVESTMENT FUND, INC.

Notice of Filing of Application

AUGUST 18, 1969.

Notice is hereby given that Steadman Fiduciary Investment Fund, Inc. ("Applicant"), 919—18th Street NW., Washington, D.C. 20006, a Delaware corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, has filed an application pursuant to sections 6(c) and 17(b) of the Act for an order exempting from the provisions of sections 22(d) and 17(a) of the Act, respectively, a transaction in which Applicant's redeemable securities would be issued at a price other than the current public offering price in exchange for securities and cash constituting substantially all of the assets of Hillsborough Bridge Corp. ("Hillsborough"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations, which are summarized below.

Hillsborough, a New Hampshire corporation, is a personal holding company, all of whose outstanding stock is owned beneficially by not more than 17 persons. Pursuant to an agreement between Applicant and Hillsborough, securities and cash owned by Hillsborough, with an aggregate value of $537,000 on March 31, 1969, will be transferred to Applicant in exchange for shares of Applicant's stock. The number of shares of Applicant to be issued to Hillsborough is to be determined by dividing the aggregate market value (subject to certain adjustments set forth in the agreement) of the assets of Hillsborough to be transferred to Applicant by the net asset value per share of Applicant, both to be determined as of the close of the New York Stock Exchange on the business day preceding the date of transfer, as defined in the agreement. If the transaction described in the agreement had taken place on March 31, 1969, Hillsborough would have received 65,730 shares of Applicant's stock. When received by Hillsborough, the shares of Applicant are to be distributed to the Hillsborough shareholders and Hillsborough will be dissolved. The shareholders of Hillsborough have no present intention of redeeming or otherwise transferring the shares of Applicant to be received on such liquidation.

Mr. Norman L. Mansfield, a vice president, director and member of the investment committee of Applicant since 1964, personally owns 26.7 percent of the stock of Hillsborough and was recently elected president of that company. Members of Mansfield's immediate family own directly or beneficially an additional 17 percent of the stock of Hillsborough. Accordingly, under section 2(a)(3) of the Act, Mansfield is an affiliate of Applicant and Hillsborough is an affiliate of Mansfield.

Section 17(a) of the Act, as here pertinent, makes it unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, to sell to such registered company any security or other property, unless the Commission upon application grants an exemption from such prohibitions pursuant to section 17(b) of the Act after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act.

Section 22(d) of the Act, with certain exceptions not here relevant, provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt a transaction from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant offers its shares to the public, pursuant to its prospectus, for cash at a price equal to net asset value plus a sales load ranging from 8½ percent of the offering price on purchases of less than $10,000 to 1 percent of the offering price on purchases of $500,000 or more. In support of its application, Applicant submits that the proposed transaction will benefit it in permitting the acquisition of securities for its portfolio without payment of brokerage commissions and without affecting the market for such securities. Applicant represents that the securities to be acquired are, without exception, marketable and of investment quality suitable for purchase and retention in its portfolio under its stated investment policies.

Notice is further given that any interested person may, not later than September 2, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9988; Filed, Aug. 21, 1969; 8:46 a.m.]

[812-2356]

WASHINGTON NATIONAL INSURANCE CO. AND WASHINGTON NATIONAL VARIABLE FUND A

Notice of Application

AUGUST 18, 1969.

Notice is hereby given that Washington National Insurance Co. ("Washington National"), a stock life insurance company organized under the laws of the State of Illinois, and Washington National Variable Fund A ("Variable Fund A"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), hereinafter collectively called "applicants", have filed an application pursuant to section 6(c) of the Act for an order of exemption to the extent noted below from the provisions of sections 12(d)(1), 22(d), 22(e), 26(a), 27(a)(3), 27(a)(4), 27(c)(1), and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Variable Fund A was established by Washington National in connection with the proposed sale of variable annuity contracts ("Contracts") intended to provide annuities under plans or trusts initially qualifying under sections 401 or 403 of the Internal Revenue Code. Net purchase payments under contracts will be allocated to Variable Fund A and invested in shares of Washington National Fund, Inc. ("Fund"), an open-end investment company registered under the Act.

Variable Fund A was established by the Board of Directors of Washington National pursuant to the laws of Illinois. Under these laws Variable Fund A is an integral part of Washington National. The latter holds all of the assets of Variable Fund A and is responsible for the performance of the obligations of Variable Fund A under the contracts. However, under the Illinois Insurance Code, the income, gains, and losses of Variable Fund A may be credited to or charged against the amounts allocated to it in accordance with the contracts without regard to the other income, gains, or losses of Washington National, and the assets of Variable Fund A are not chargeable with liabilities arising out of any other account or business Washington National may conduct.

Applicants request exemption from the following provisions of the Act to the extent stated below:

Section 12(d)(1), in pertinent part, provides in substance that it shall be unlawful for any registered investment company (Variable Fund A) to purchase any security issued by any other investment company (Fund) if such registered investment company will, as a result of that purchase, own more than three percent of the outstanding voting stock of the other investment company, unless the registered investment company owns at least 25 percent of the outstanding voting stock of such other investment company. Section 12(d)(1)(B) of the Act provides, in substance, that such

restriction is not applicable with respect to securities purchased with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

Variable Fund A, which does not own at least 25 percent of the outstanding voting stock of the Fund, will acquire more than 3 percent of the outstanding voting stock of the Fund with the proceeds of payments on periodic payment plan certificates which are not issued pursuant to the terms of a trust indenture. Applicants state that an exemption from section 12(d)(1) is appropriate because the purchase of Fund shares with such payments will be substantially identical in all respects relevant to section 12(d) to the purchase of securities with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. Applicants state that deductions for sales and administrative expenses will be made from purchase payments under single purchase payment forms of the Contracts as follows: 8½ percent of the first $10,000 or portion thereof, 7 percent of the next $15,000 or portion thereof, 5¼ percent of the next $25,000 or portion thereof, and 3 percent of the excess over $50,000. (Applicants estimate that 41 percent of such deduction is for sales expense and 59 percent is for administrative expense.) Applicants request an exemption from section 22(d) to permit sales of such forms of Contracts with a reduced sales and administrative expense deduction of 6 percent of the first $10,000 or portion thereof, 5 percent of the next $15,000 or portion thereof, 3¾ percent of the next $25,000 or portion thereof, and 2 percent of the excess over $50,000 to any tax-qualified trust, pension, profit-sharing, retirement, or other benefit plan for officers, directors and full-time employees and sales representatives of Washington National who have acted as such for not less than 90 days. Applicants also request exemption from section 22(d) to permit this lower sales and administrative deduction to be made upon purchases of Contracts with amounts payable as death and matured endowment proceeds under tax-qualified policies and contracts issued or assumed by Washington National, and with respect to cash surrender values under such policies and contracts where the insured has attained 60 years of age.

Applicants state that these proceeds or cash surrender values applied to purchase Contracts will already have been subjected to sales charges, and the actual sales expenses of both types of sales will be less than with respect to sales to other purchasers because no sales commissions will be paid with respect thereto.

Applicants further request exemption from the provisions of section 22(d) to the extent, if any, necessary to permit payees receiving annuity benefits to transfer to another available form of settlement option (including transfers from fixed payment settlement options to variable payment settlement options) without imposition of any additional sales and administrative charge.

Sections 22(d) and 27(a)(3) provide, respectively, for a current offering price to be described in the prospectus relating to a redeemable security and for proportionality in certain respects in the amount of sales load deducted from payments. Group Contracts provide for a sales and administrative charge deduction of 6 percent plus 50¢ per payment for each participant (but not more than 9 percent), and applicants state that the 50¢ per payment deduction relates to the cost of processing each purchase payment for a participant, which cost is the same regardless of the size of the payment. If the 50¢ deduction is not deemed to be permitted by section 22(d) or section 27(a)(3) of the Act, applicants request an exemption from both sections.

Sections 22(e) and 27(c)(1) provide, in pertinent part, that a registered investment company shall not suspend the right of redemption or postpone the date of payment of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption and prohibit a registered investment company issuing periodic payment plan certificates from selling any such certificate unless such certificate is redeemable. Applicants request an exemption from the provisions of sections 22(e) and 27(c)(1) to permit cessation of redeemability upon the commencement of annuity payments based upon a life contingency, and to permit payment of a "commuted value" under certain circumstances during the period following commencement of annuity payments.

Applicants state that when an annuitant selects a form of settlement which is based upon a life contingency, the determination of the amount of the annuity payments is made according to actuarial techniques involving the use of mortality tables. The actuarial factors are so calculated that if all persons receiving annuity payments live on the average as predicted by the mortality tables, the funds will be exhausted upon the death of the last member of the group. Applicants state that when an annuity payment depends upon the life of the payee he should not be able to change arbitrarily the predicted average lifetime of the group to which he belongs by withdrawing from it.

Applicants further state that in a situation in which a form of settlement is elected which is not based upon a life contingency, Contract may be surrendered and the payee may receive the withdrawal or commuted value. Further, when the annuitant elects a form of settlement based upon a life contingency but providing for annuity payments for an assured period, and dies during such period, unless otherwise directed in a settlement option election, the annuitant's estate will receive the commuted value of the unpaid payments for the assured period. Applicants state that because such commuted values are computed on the basis of the present value of future payments rather than on the basis of a proportionate share of the current net assets of Variable Fund A, Contract may no longer be deemed to be a "redeemable security" within the meaning of section 2(a)(31) of the Act.

Sections 26(a) and 27(c)(2), in pertinent part, prohibit a registered investment company issuing periodic payment plans, or a depositor or principal underwriter for such a company, from selling any security issued by such an investment company unless the proceeds of all payments, other than sales load, are deposited with a qualified bank as trustee or custodian ("trustee") and are held by the trustee under an agreement which provides (i) that the trustee shall have possession of all property of the trust and shall segregate and hold the same in trust, (ii) that the trustee shall not resign until either the trust has been liquidated or a successor bank has been appointed, (iii) that the trustee may collect from income and, if necessary, from the corpus of the trust fees for services performed and reimbursement of expenses incurred, and (iv) that no payment to the depositor or principal underwriter shall be allowed the trustee as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to the depositor or principal underwriter.

In support of the requested exemption from the foregoing provisions of the Act applicants state that net purchase payments under the Contracts will be allocated to Variable Fund A and will be invested in shares of the Fund; that such shares will be held on open account so that ownership thereof will only be shown on the books and records of Variable Fund A and the Fund, and that such shares will not be evidenced by transferable stock certificates. Applicants further state that they are subject to extensive supervision and control by the Illinois Director of Insurance; that under Illinois law neither Variable Fund A nor Washington National may abrogate its obligations under the Contracts; that Washington National had total assets of over $491 million at December 31, 1968, and that its officers and employees are covered by a fidelity bond up to the amount of $2 million; and that Illinois law insulates the assets of Variable Fund A from the liabilities of any other business of Washington National. Applicants state that under the foregoing circumstances the dangers against which sections 26(a) and 28(c)(2) are directed are not present.

Applicants have consented that the requested exemption from sections 26(a) and 27(c)(2) be subject to the conditions that (1) any charges to variable annuity contract holders for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose; and (2) that the payment of sums and charges out of the assets of Variable Fund A, other than any charges for administrative services, shall not be deemed to be exempted from regulation by the Commission, provided that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of the assets of Variable Fund A, other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such sums and charges.

Section 27(a)(3), in pertinent part, prohibits the issuance of periodic payment plan certificates if the amount deducted as sales load from any payment subsequent to the first twelve monthly payments, or their equivalent, exceeds proportionately the amount deducted from any other such subsequent payment. Applicants state that individual periodic purchase payment forms of Contracts provide for a sales and administrative expense deduction of 20 percent for the first and second years, 18 percent for the third year and 5½ percent for subsequent years, and that the deduction for the second year therefore exceeds proportionately the deduction for the third year, and that such deduction for the third year exceeds proportionately such deduction for subsequent years.

Applicants further state that such proposed sales and administrative expense deductions constitute less than 9 percent of total payments when calculated on the basis of a twelve year period, and that, considered cumulatively over a period of twelve years, the proposed deductions would be lower at any point than the maximum cumulative deductions permitted by section 27(a) of the Act.

Section 27(a)(4), in pertinent part, prohibits the sale of any periodic payment plan certificate if the first payment on such certificate is less than $20 or any subsequent payment is less than $10.

Applicants state that Contracts prohibit any payment of less than $10 and of less than $100 on an annualized basis and it is therefore possible that an initial payment of less than $20 may be made. Applicants further state that a requirement of a minimum initial payment of $20 might eliminate uniformity in periodic payments and would create administrative and accounting burdens for Variable Fund A and for employers making payroll deductions and that since the sales expense deduction is made from each periodic payment through the first year of each Contract and there is no special charge imposed solely upon the first such payment, deductions will be uniform over the period of the first year and there is no need for any special treatment of the initial payment.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 29, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service by affidavit (or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–9989; Filed, Aug. 21, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

THIRD'S SMALL BUSINESS INVESTMENT CO.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for approval of the transfer of control of the Third's Small Business Investment Co. (SBIC), Third National Bank Building, Nashville, Tenn. 37219, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), license No. 05/05–0002.

SBIC was licensed May 11, 1959, with a paid-in capital and paid-in surplus of $160,000. Its present paid-in capital and paid-in surplus is $555,000. It is a wholly owned subsidiary of the Third National Bank of Nashville.

On December 31, 1968, all of the outstanding stock of the Third National Bank of Nashville was transferred to NLT Corp. (a holding company), by an exchange of stock of NLT Corp. NLT Corp. is a Delaware corporation having its principal place of business at 301 7th Avenue North, Nashville, Tenn. 37219. Its primary businesses consist of insurance, banking, and radio broadcasting. No individual owns 10 percent or more of its outstanding stock.

SBIC is to remain a wholly owned subsidiary of the Third National Bank of Nashville, which in turn is a wholly owned subsidiary of NLT Corp. There is to be no change of management in either SBIC or the Third National Bank of Nashville.

In order for SBIC to continue to operate as a licensed small business investment company, SBA must approve the transfer of ownership.

Matters involved in SBA's consideration of the application include the general business reputation and character of NLT Corp., and the probability of successful operation of SBIC under its control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is hereby given that any interested person may not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the transfer of control. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the transferee in a newspaper of general circulation in Nashville, Tenn.

Dated: August 14, 1969.

For the Small Business Administration.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69–9990; Filed, Aug. 21, 1969; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number, or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates

issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aalfs Manufacturing Co., Sioux City, Iowa; 7–8–69 to 7–7–70 (boys' Penn Peat jeans and ladies' jeans).

Ainsbrooke Co., Olney, Ill.; 6–27–69 to 6–26–70 (men's and boys' pajamas).

Amco Industries, Inc., Iva, S.C.; 6–23–69 to 6–22–70; 10 learners (ladies' shift dresses and uniforms).

Angelica Uniform Co., Eminence, Mo.; 6–30–69 to 6–29–70 (men's and women's uniforms).

Angelica Uniform Co., Marquand, Mo.; 6–30–69 to 6–29–70 (men's pants).

Angelica Uniform Co., Summersville, Mo.; 7–2–69 to 7–1–70 (women's uniforms and men's smocks).

The Arrow Co., Gilbert, Minn.; 6–24–69 to 6–23–70 (collars and cuffs for men's dress shirts).

The Arrow Co., Virginia, Minn.; 6–24–69 to 6–23–70 (men's dress shirts).

Barbizon of Utah, Inc., Provo, Utah; 7–11–69 to 7–10–70 (ladies' lingerie).

Best, Inc., Terra Alta, W. Va.; 7–2–69 to 7–1–70; 10 learners (women's dresses).

Bowoar Manufacturing Corp., Bowman, S.C.; 7–18–69 to 7–17–70 (children's outerwear).

Burlington Manufacturing Co., Chanute, Kans.; 7–17–69 to 7–16–70 (men's overalls and denim jeans).

Caraway Apparel Co., Caraway, Ark.; 7–11–69 to 7–10–70; 10 learners (ladies' dresses).

Carwood Manufacturing Co., Winder, Ga.; 7–13–69 to 7–12–70 (men's and boys' cotton and permanent press pants).

Chatham Knitting Mills, Inc., Chatham, Va.; 7–22–69 to 7–21–70; 6 learners (zipper jackets and sweaters).

Devil Dog Manufacturing Co., Inc., Zebulon, N.C.; 6–25–69 to 6–24–70 (children's sportswear and dungarees).

Dillon Manufacturing Co., Dillon, S.C.; 7–15–69 to 7–14–70 (women's dresses).

Elizabethtown Manufacturing Co., Elizabethtown, N.C.; 7–23–69 to 7–22–70; 10 learners (women's dresses).

The Fordyce Apparel Co., Fordyce, Ark.; 7–10–69 to 7–9–70 (men's and boys' pants).

Forest Hills Sportswear Co., Lawrenceburg, Tenn.; 6–25–69 to 6–24–70 (men's dress trousers).

Giles Manufacturing Corp., Narrows, Va.; 6–26–69 to 6–25–70 (children's knit shirts, boys' jackets, creepers).

Glen Lyon Bra & Corset Co., Inc., Wilkes-Barre, Pa.; 7–11–69 to 7–10–70; 10 learners (women's lingerie).

Greenway Manufacturing Co., Waynesburg, Pa.; 7–8–69 to 7–7–70 (boys' and infants polo shirts).

Guin Garment Corp., Guin, Ala.; 7–15–69 to 7–14–70 (boys' shirts).

Gwen Fashions, Inc., McAllisterville, Pa.; 7–1–69 to 6–30–70 (women's dresses).

H & H Manufacturing Corp., Statham, Ga.; 7–16–69 to 7–15–70 (men's dress pants).

Hackleburg Manufacturing Co., Hackleburg, Ala.; 7–11–69 to 7–10–70 (boys' sport shirts).

Hagale Industries, Inc., Ozark, Mo.; 6–23–69 to 6–22–70 (men's and boys' dress pants).

Hartselle Manufacturing Co., Inc., Hartselle, Ala.; 7–26–69 to 7–25–70 (men's cotton work pants).

Hartsville Garment Corp., Hartsville, Tenn.; 7–26–69 to 7–25–70 (men's shirts).

Imperial Reading Corp., Lafayette, Tenn.; 6–25–69 to 6–24–70 (sport shirts).

Irene Sportswear Co., Inc., Nicholson, Pa.; 7–16–69 to 7–15–70; 10 learners (women's blouses).

Juniata Garment Co., Inc., Mifflin, Pa.; 6–27–69 to 6–26–70 (ladies' dresses).

Kellwood Co., Coffeeville, Miss.; 7–12–69 to 7–11–70 (boys' pants).

La Crosse Sportswear Corp., La Crosse, Va.; 7–5–69 to 7–4–70 (men's and boys' knit sport shirts).

Lake Butler Apparel Co., Lake Butler, Fla.; 6–24–69 to 6–23–70 (men's and boys' dress pants).

Lakeland Manufacturing Co., Sheboygan, Wis.; 6–29–69 to 6–28–70 (men's and boys' jackets).

Lance Garment Corp., Red Bay, Ala.; 6–24–69 to 6–23–70 (boys' shirts and ladies' blouses and dresses).

H. D. Lee Co., Inc., Guntersville, Ala.; 7–16–69 to 7–15–70 (boys' pants).

Lee-Mar Shirt Co., Pulaski, Tenn.; 7–15–69 to 7–14–70 (boys' sport shirts).

Middleburg Sportswear, Inc., Middleburg, Pa.; 7–8–69 to 7–7–70; 10 learners (women's dresses).

Morris Maier Manufacturing Co., Inc., Prescott, Ariz.; 7–22–69 to 7–21–70 (ladies' blouses, jackets and pants).

Manchester Pants Co., Manchester, Md.; 6–30–69 to 6–29–70 (men's trousers).

Marietta Sportswear Manufacturing Co., Inc., Marietta, Okla.; 7–7–69 to 7–6–70 (men's dress slacks).

Monticello Manufacturing Co., Inc., Monticello, Ky.; 6–30–69 to 6–29–70 (men's sport shirts and ladies' blouses).

Morgan Sportswear Co., Madison, Ga.; 7–11–69 to 7–10–70 (men's and boys' knit shirts).

Newport Manufacturing Co., Inc., Newport, N.C.; 7–12–69 to 7–11–70 (men's sport shirts).

Pecos Garment Co., Pecos, Tex.; 7–10–69 to 7–9–70 (men's and boys' dungarees).

Royal Manufacturing Co., Inc., Washington, Ga.; 7–22–69 to 7–21–70 (men's and boys' sport shirts).

S & D Sportswear Co., Inc., Forest City, Pa.; 6–23–69 to 6–22–70; 5 learners (ladies' dresses).

Henry I. Siegel Co., Inc., Gleason, Tenn.; 6–23–69 to 6–22–70 (men's and boys' pants).

Somerville Manufacturing Co., Inc., Vivian, La.; 7–24–69 to 7–23–70 (men's pants).

Spring Hope Manufacturing Co., Inc., Spring Hope, N.C.; 6–25–69 to 6–24–70 (children's outerwear).

Stadium Manufacturing Co., Hattiesburg, Miss.; 6–23–69 to 6–22–70 (men's pajamas).

Levi Strauss & Co., Morrilton, Ark.; 7–16–69 to 7–15–70 (men's and boys' pants).

Trace Manufacturing Co., Waynesboro, Tenn.; 7–15–69 to 7–14–70 (work pants and shirts).

Van Heusen Co., Clio, Ala.; 7–7–69 to 7–6–70 (sport and dress shirts).

Van Heusen Co., Barnesboro, Pa.; 6–26–69 to 6–25–70 (sport shirts).

Warsaw Manufacturing Co., Warsaw, N.C.; 7–7–69 to 7–6–70 (women's dresses).

Wilson Shirt Co., Augusta, Ga.; 7–24–69 to 7–23–70 (men's and boys' shirts and pants).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Becker Manufacturing, Inc., Becker, Miss.; 7–16–69 to 1–15–70; 20 learners (men's pants).

Center Hill Manufacturing Co., Inc., Bailey, Miss.; 7–21–69 to 1–20–70; 40 learners (men's and boys' outerwear jackets).

Evans Manufacturing Co., Kinston, N.C.; 7–9–69 to 1–8–70; 30 learners (boys', girls' and men's jackets, boys' and girls' boxer pants).

Greenway Manufacturing Co., Waynesburg, Pa.; 7–3–69 to 1–2–70; 30 learners (boys' and infants' polo shirts).

Hagale Industries, Inc., Ozark, Mo.; 6–23–69 to 12–22–69; 10 learners (men's and boys' dress pants).

Kellwood Co., Sunbright, Tenn.; 6–23–69 to 12–22–69; 15 learners (boys' sport shirts).

Red Bank Clothing Manufacturing Co., Inc., Red Bank, N.J.; 6–30–69 to 12–29–69; 10 learners (men's and boys' suburban coats).

Samaria Garment Co., Inc., Nashville, N.C.; 7–3–69 to 1–2–70; 30 learners (children's and juniors' dresses).

Stitchcraft Inc., Athens, Ga.; 7–10–69 to 1–10–70; 10 learners (ladies' dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Ideal Glove Co., Maben, Miss.; 6–23–69 to 6–22–70; 5 learners for normal labor turnover purposes (work gloves).

Lambert Manufacturing Co., Plant No. 1, Chillicothe, Mo.; 7–18–69 to 7–17–70; 10 learners for normal labor turnover purposes (cotton work gloves).

Lambert Manufacturing Co., Plant No. 3, Chillicothe, Mo.; 7–22–69 to 7–21–70; 10 learners for normal labor turnover purposes (all leather and leather palm work gloves).

Southern Glove Manufacturing Co., Inc., Conover, N.C.; 6–23–69 to 6–22–70; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Brownsville, Tenn.; 7–8–69 to 7–7–70; 10 percent of the total number of machine stitchers for normal labor turnover purposes (fabric, leather, hunting, casual, and ski).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Charles H. Bacon Co., Inc., Loudon, Tenn.; 7–7–69 to 1–6–70; 100 learners for plant expansion purposes (seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

The Arrow Co., No. 1, Eveleth, Minn.; 6–24–69 to 6–23–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's underwear).

Paul-Bruce Manufacturing Co., Inc., Scotland Neck, N.C.; 6–30–69 to 6–29–70; 5 learners for normal labor turnover purposes (ladies' sleepwear).

Royal Manufacturing Co., Inc., Crawfordville, Ga.; 7–24–69 to 7–23–70; 5 learners for normal labor turnover purposes (men's underwear).

Royal Manufacturing Co., Inc., Washington, Ga.; 7–22–69 to 7–21–70; 5 percent of the total number of factory production workers engaged in the production of woven shorts and Tee shirts for normal labor turnover purposes (men's and boys' shirts and knitted Tee-shirts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 8th day of Augus: 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69–9985; Filed, Aug. 21, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 19, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41723—*Vegetable cake, etc., and related articles from, to and between points in southwestern, IFA and WTL territories.* Filed by Southwestern Freight Bureau, agent (No. B–72), for interested rail carriers. Rates on vegetable cake, vegetable meal, whole pressed cottonseed, cottonseed hulls and related articles, in carloads, as described in the application, from, to and between points in southwestern territory, including Mississippi River crossings, East St. Louis, Ill., St. Louis, Mo., and south; Illinois Freight Association and western trunk-line territories.

Grounds for relief—Rate relationship.

Tariffs—Supplement 35 to Southwestern Freight Bureau, agent, tariff ICC 4757, and supplement 40 to Western Trunk Line Committee, agent, tariff ICC A–4520.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69–10017; Filed, Aug. 21, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 61–A]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., Chicago and North Western Railway Co.

Upon further consideration of Car Distribution Direction No. 61, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 61 be, and it is hereby, vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., August 19, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 19, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69–10018; Filed, Aug. 21, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 60–A]

SOUTHERN RAILWAY CO. AND CHICAGO AND NORTH WESTERN RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 60, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 60 be, and it is hereby, vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., August 19, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 19, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69–10019; Filed, Aug. 21, 1969; 8:49 a.m.]

[Notice 890]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 19, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Sub.-No. 732), filed August 8, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION of DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert N. Bowden, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine vinegar*, in bulk, in tank vehicles, from San Francisco and Geyserville, Calif., to Alton, Ill., and St. Louis, Mo., for 120 days. Supporting shipper: Pacific Vinegar Co. of Ill., Inc., 1640 West Fulton Street, Chicago, Ill. 60612. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 50307 (Sub-No. 50 TA), filed August 8, 1969. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35 Street, New York, N.Y. 10001. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies, and equipment* used in the manufacture thereof, between the New York, N.Y. commercial zone, points in New Jersey and Pennsylvania, on the one hand, and, on the other, Wheeling, W. Va., for 150 days. Supporting shipper: W. Va. Garment Co., 3305 Wetzel Street, Wheeling, W. Va. Send protests to: District Supervisor Paul W. Assenza, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113388 (Sub-No. 92 TA), filed August 7, 1969. Applicant: LESTER C. NEWTON TRUCKING CO., Post Office Box 248, Bridgeville, Del. 19933. Applicant's representative: Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples and coconuts, and agricultural commodities* otherwise exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed shipments with bananas, plaintains, pineapples, and coconuts, from Wilmington, Del., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, and Florida. Damaged, rejected and returned shipments on return for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101, Samuel Gordon. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 113828 (Sub-No. 162 TA), filed August 12, 1969. Applicant: O'BOYLE TANK LINES INCORPORATED, 4848

Cordell Avenue, Washington, D.C. 20014. Applicant's representative: John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Emulsified petroleum*, from Richmond, Va., to Waverly, Va., for 180 days. Supporting shipper: Nopco Chemical Division, Diamond Shamrock Chemical Co., 60 Park Place, Newark, N.J. 07101. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 124505 (Sub-No. 5 TA), filed August 13, 1969. Applicant: EUGENE TRIPP, 4624 South Avenue West, Missoula, Mont. 59801 Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and empty containers* as a backhaul, from Tacoma, Wash., and Portland, Oreg., to points in Billings, Bozeman, Butte, Helena, Missoula, Mont.; Moscow, Sandpoint, and Wallace, Idaho, for 180 days. NOTE: Applicant intends to tack the authority sought herein with its existing authority under MC 124505 Sub 4 and subs thereunder. Supporting shippers: Intermountain Distributing Co., 2201 Minnesota Avenue, Billings, Mont., Earl J. Tucker Distributing Co., Great Northern Industrial Sites, Helena, Mont., 59601, Carsen Distributing Co., Post Office Box 238, Helena, Mont. 59601, Earl's Distributors, 510 East Railroad, Missoula, Mont., Sandpoint Distributing Co., Post Office Box 97, Sandpoint, Idaho 83864. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 125925 (Sub-No. 10 TA), filed August 12, 1969. Applicant: SAM TOWLER, 3359 Bannerwood Drive, Annandale, Va. 22003. Applicant's representative: Frank B. Hand, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Masonry sand*, in bulk, in dump vehicles, from the sand pit facility of the Campbell Sand Co., Inc., near Patuxent, Md., in Anne Arundel County, Md., to Alexandria, Va., and points in Arlington, Fairfax, Loudoun, and Prince William Counties, Va., for 180 days. Supporting shipper: Campbell Sand Co., Inc., 4911 Calvert Road, College Park, Md. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 126328 (Sub-No. 2 TA), filed August 8, 1969. Applicant: ACTON VALE MOTOR EXPRESS, LIMITED, 1193 Rocard Street, Acton Vale, Province of Quebec, Canada. Applicant's representative: Edwin W. Free, Jr., 25 Keith Avenue, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic sleds and skis*, from the ports of entry on the international boundary line between the United States and Canada located in New York, Vermont, and Maine, for 150 days. Supporting shipper: Blaines Plastics Co., Ltd., 2750 Dumesnil Street, St. Hyacinthe, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 128870 (Sub-No. 1 TA), filed August 14, 1969. Applicant: NATIONAL MATERIALS CORPORATION, Post Office Box 187, New Braunfels, Tex. 78130. Applicant's representative: Austin L. Hatchell, Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Round Rock and Blum, Tex., to points in Oklahoma, New Mexico, Arkansas, and Louisiana, for 180 days. Supporting shipper: Round Rock Lime Co., Box 218, Round Rock, Tex. 78664. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, Tex. 78205.

No. MC 129659 (Sub-No. 2 TA), filed August 7, 1969. Applicant: T-P-STORAGE AND LEASING INC., 94 Sylvan Avenue, Clifton, N.J. 07011. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe, piling, rails, railway track, accessories and bridge and highway railing*, (1) from New Haven, Conn., Philadelphia, Pa., Newark, N.J., to points in New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia (2) between Windsor, N.J., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, under contract with L. B. Foster Co., for 150 days. Supporting shipper: L. B. Foster Co., 2 Pennsylvania Plaza, New York, N.Y. 10001. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133850 (Sub-No. 1 TA), filed August 7, 1969. Applicant: SHELDON TRANSPORTATION CO., INC., Post Office Box 171, Sheldon, Ill. 60966. Applicant's representative: Charles R. Young, 4 West Seminary Street, Danville, Ill. 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* which have a prior or subsequent movement by air, and except the following: Those of unusual value, classes A and B explosives, household goods as defined by the Interstate Commerce Commission, commodities in bulk, commodities requiring special equipment and commodities injurious or contaminating to other lading, between points in Iroquois, Vermilion, Kankakee, Ford, Will, and Livingston Counties, Ill., and O'Hare International Airport, Chicago, Ill., and Chicago Midway Airport, Chicago, Ill., and Vermilion County Airport, Vermilion County, Ill., for 180 days. Supporting shippers: McCord Auto Supply, Inc., 225 West Walnut Street, Watseka, Ill., Momence Park Packers Co., 700 West 41st Street, Chicago, Ill. 60609, General Electric Co., 1430 East Fairchild Street, Danville, Ill. 61832, Park Manufacturing Co., Grant Park, Ill. 60940, Williamson Elevator and Building Repair, Sheldon, Ill., Townsend Truck Repair, Watseka, Ill. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 133862 (Sub-No. 1 TA), filed August 8, 1969. Applicant: HUGO DUBALDI, Route 9W, M-D 26, Newburgh, N.Y. 12550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precase, preassembled sewage pumping stations, complete including valves, motors, pumps, and all necessary components*, assembled, from Walden, N.Y., to all points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and District of Columbia, and *return of hoisting devices and necessary supports* used in the transportation of shipment on outbound movement back to the shipper at Walden, N.Y., for 150 days. Supporting shipper: Carlgen Corp., Route 52, Post Office Box 232, Walden, N.Y. (Successor to Omega Northeast, Inc.). Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 133945 TA, filed August 13, 1969. Applicant: WORLDWIDE MOVING & STORAGE, INC., 2722 Kilihau Street, Honolulu, Hawaii 96819. Applicant's representative: Alan P. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the State of Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii, for 180 days. Supporting shippers: Sadao Nishihama, 2065 South King Street, Suite 205, Honolulu, Hawaii 96814. Val's U-Drive, 2722 Kilihau Street, Honolulu, Hawaii 96819. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] ANTHONY ANDREW, JR.,
Acting Secretary.

[F.R. Doc. 69-10020; Filed, Aug. 21, 1969; 8:49 a.m.]

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22 CFR

201 13593

24 CFR

200 13593
207 13594
236 13594

25 CFR

153 13594

29 CFR

PROPOSED RULES:
727 13607

36 CFR

7 13595

39 CFR

PROPOSED RULES:
153 13601

45 CFR

205 13595
220 13595

47 CFR

89 13595
93 13595

49 CFR

PROPOSED RULES:
371 (2 documents) 13608, 13609
391 13610

50 CFR

32 (2 documents) 13600
33 13600

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Director, Office of Congressional Relations, Office of Assistant Secretary for Public Affairs is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (20) is added to paragraph (a) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(20) Director, Office of Congressional Relations.

• • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-10123; Filed, Aug. 22, 1969; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 368]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.688 Lemon Regulation 388.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 19, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 24, 1969, through August 30, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 20, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-10113; Filed, Aug. 22, 1969; 8:51 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 113]

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Southeastern Florida marketing area (7 CFR Part 1013), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the months of August through November 1969:

In § 1013.15—"not less than eight days," and "or was so received during the preceding month."

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension would permit handlers and cooperative associations to obtain supplemental supplies of milk from the individual producers normally associated with either the Tampa Bay or Upper Florida markets for the Southeastern Florida market during the months of August through November.

Presently, the order requires that 8 days' production from a dairy farmer must be received at a pool plant during the month in order for such person to acquire producer status.

The Southeastern Florida market now requires some supplemental supplies of milk. During the months of August through November it is expected this need will continue and increase. The needed additional supplies can be obtained most economically by shifting the production of certain dairy farmers regularly affiliated with either the Tampa

Bay or Upper Florida markets to the Southeastern Florida market.

In many instances it is not practical or economical to bring as much as 8 days' production of milk from dairy farmers of the other Florida markets in order to qualify such dairy farmers as producers. If such dairy farmers' production does not qualify as producer milk, it is a receipt of other source milk and subject to payments as prescribed by the order. Under the current circumstances it is concluded that the provisions hereby suspended do not contribute to orderly marketing.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (34 F.R. 13280). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective August 1, 1969.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of August through November 1969.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1969.

Signed at Washington, D.C., on August 20, 1969.

RICHARD E. LYNG,
Acting Secretary.

[F.R. Doc. 69–10096; Filed, Aug. 22, 1969; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 1 through 4 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, is hereby further amended in the following respects:

1. Subparagraphs (2), and (4) of § 74.2(a) are amended to read as follows:

§ 74.2 Designation of free and infected areas.

(a) • • •

• • • • • •

(2) All counties in Virginia except Clarke.

• • • • • •

(4) All counties in Kentucky except Allen, Barren, Muhlenberg, and Ohio.

2. Subparagraphs (1) and (3) of § 74.3(a) are amended to read as follows:

§ 74.3 Designation of eradication areas.

(a) • • •

(1) The following county in Virginia: Clarke.

• • • • •

(3) The following counties in Kentucky: Allen, Barren, Muhlenberg, and Ohio.

• • • • • •

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendments add Culpepper County in Virginia and Christian County in Kentucky to the list of free areas and delete such counties from the list of infected and eradication areas as sheep scabies is not known to exist therein. After the effective date of the amendments, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will not apply to such areas. However, the provisions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendments relieve certain restrictions presently imposed on the interstate movement of sheep from Culpeper County in Virginia and Christian County in Kentucky and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of August 1969.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 69–10095; Filed, Aug. 22, 1969; 8:50 a.m.]

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1963, as amended, and section 2 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hendry, Hernando, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;
Georgia. The entire State;
Hawaii. Honolulu, Kauai, and Maui Counties;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Allen, Ascension, Assumption, Avoyelles, Beauregard, Blenville, Caldwell, Claiborne, Concordia, East Baton Rouge, East Carroll, East Feliciana, Grant, Iberia, Iberville, Jackson, Jefferson, Lafayette, Lafourche, La Salle, Lincoln, Livingston, Madison, Natchitoches, Orleans, Ouachita, Red River, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, West Feliciana, and Winn Parishes;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Kimball, Knox, Lancaster, Lincoln, Logan, Loup, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. The entire State;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Dakota. Beadle, Bennett, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Andrews, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Baylor, Bee, Bell, Bexar, Blanco, Bordon, Bosque, Brazos, Brewster, Briscoe, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Gray, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hockley, Hood, Hudspeth, Hutchinson, Irion, Jack, Jasper, Jeff Davis, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Marion, Martin, Mason, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Rockwell, Runnels, Rusk, Sabin, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorten, Tom Green, Travis, Upshur, Upton, Uvalde, Val Verde, Ward, Washington, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(l): the entire State of Oklahoma; La Salle County in Louisiana; and Loup County in Nebraska.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of August 1969.

E. E. SAULMAN,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69–10094; Filed, Aug. 22, 1969; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 23,262]

PART 556—STATEMENTS OF POLICY

Mergers

AUGUST 19, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending its statement of policy relating to criteria which the Board applies in acting upon mergers, consolidations, and bulk purchases of assets in exchange for assumption of savings account liabilities, and for the purpose of effecting such amendment, hereby amends Part 556 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 556) by revising § 556.2 to read as follows:

§ 556.2 Mergers.

(a) *Introduction.* This is a statement of the Federal Home Loan Bank Board's general policy on merger proposals. It does not ordinarily apply to mergers instituted for supervisory reasons. The term "merger" includes consolidations and bulk purchases of assets in exchange for assumption of savings accounts and other liabilities. Potential applicants are encouraged to review proposed mergers with the Supervisory Agent prior to proceeding with the formal application process.

(b) *Legal considerations*—(1) *General.* (i) The legality of a proposed merger is a precondition to further consideration by the Board.

(ii) Applicable laws and regulations include the Federal antitrust laws (the Clayton and Sherman Acts), Section 408 (regulation of holding companies) of the National Housing Act, applicable State law, and the Board's own regulations.

(2) *Legal evaluation of factors with antitrust impact.* To enable the Board to evaluate the possible anticompetitive impact of proposed mergers, applicants are required to submit certain information on Board-prescribed forms available at each Federal Home Loan Bank. In any case in which the supervisory agent thinks it clear that no antitrust or competitive problem exists, a merger proposal may be submitted with relevant partial information short of the complete data called for by the schedules.

(3) *Acquisitions of insured institutions under section 408 of the National Housing Act.* Section 584.4 of the Regulations for Savings and Loan Holding Companies implements this statutory provision. It requires information as to competitive factors similar to that indicated in subparagraph (2) of this paragraph. The regulation also requires information as to additional matters, including details of acquisition, financial and managerial resources, future prospects, and the convenience and needs of the community to be served.

(c) *Economic evaluation*—(1) *General.* The Board will give major consideration to the economic impact of the proposed merger.

(2) *Evaluation of impact on competition.* (i) The Board will examine the economic impact of the merger—adverse, neutral, or favorable—on competition. This will be done for each relevant geographical savings and mortgage market and submarket. All savings and mortgage firms reasonably competitive with the business of the merging institutions will be taken into account. The impact on competition will be evaluated on the basis of various economic indices of market structure and performance, some of which may not be relevant to the legal antitrust evaluation referred to in paragraph (b) of this section.

(ii) Such indices will include, for each relevant savings and mortgage market and submarket: (*a*) Market concentration and ranking of the resulting institution and of other competing institutions; (*b*) number and size distribution of competitors; (*c*) actual or potential competition significantly curtailed by the merger; (*d*) trends toward concentration, especially as a result of mergers; (*e*) overlap of branch savings submarkets when two or more branch systems are to be consolidated; and (*f*) extent to which rates paid on savings instruments and charges on mortgages appear to be competitively determined, consistent with statutory and regulatory constraints, and will continue to be so determined after the merger.

(3) *Adequacy of number of institutions.* Account will be taken of the number of institutions of reasonably efficient size that can be supported by population, savings, and mortgage demand. Mergers that involve institutions of inefficient asset size or which are located in markets

overpopulated with savings institutions and which result in economy of operation and management and more efficient service will be regarded favorably insofar as the mergers are not anticompetitive.

(4) *Other factors.* The Board will examine the extent to which the merger will affect the convenience and needs of the communities to be served in terms of savings facilities, types of loans available, and the impact, if any, on operating efficiency of the resulting institution.

(d) *Managerial and financial aspects.*—(1) *General.* The Board's basic requirement is that the surviving institution have the managerial and financial resources to operate successfully.

(2) *Managerial aspects.* The character and the ability of other persons to be either in control or in key managerial positions are factors of prime importance. The experience and the performance record of such persons will be evaluated as to the probability of sound operation of the enlarged institution, giving due consideration to the relative size of the merging institutions.

(3) *Financial aspects.* (i) The adequacy of the net worth of the surviving institution, relative to the risks inherent in the assets, and economic and other factors will be reviewed critically. To this end, a statement should be submitted that the assets on the books of the applicants are not over-valued, or that appropriate valuation allowances have been established. Intangible assets in particular will be carefully scrutinized.

(ii) The overall operations and financial condition will be reviewed to determine the surviving institution's prospects to generate sufficient income to meet competition, to make the required transfers to reserves, and to conduct its affairs essentially free of supervisory concern.

(e) *Factors relating to fairness of the plan.* The Board will review the fairness of all merger proposals on the basis of the following criteria:

(1) *General.* The plan should provide equitable treatment for all concerned. The equity owners should receive fair value for their interests, and the interests of savers and creditors must be properly considered.

(2) *Considerations as to directors, officers, attorneys, consultants, and employees; advisory boards or committees.* Retention through contracts or otherwise of directors, officers, consultants, attorneys, and employees of the disappearing institution by the surviving institution should be consistent with the size, functions, need, and earning capacity of the surviving institution. Any compensation to such persons by the surviving institution should be commensurate with the duties performed and in line with its compensation schedule. Any compensation to advisory boards or committees containing such persons should be explained and justified.

(3) *Other financial considerations and expenses.* Other financial considerations, whether involving the sale of an office building, the disposal of a related business, or other transaction, must be fair and supported by evidence. Expenses incurred in connection with the merger should be reasonable.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp. p. 1071)

By the Federal Home Loan Bank Board.

JACK CARTER,
Secretary.

[F.R. Doc. 69-10103; Filed, Aug. 22, 1969; 8:51 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 23,263]

PART 571—STATEMENTS OF POLICY

Mergers

AUGUST 19, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending its statement of policy relating to the criteria which the Board applies in acting upon mergers, consolidations, and bulk purchases of assets in exchange for assumption of savings account liabilities, and for the purpose of effecting such amendment, hereby amends Part 571 of the rules and regulations for insurance of accounts (12 CFR Part 571) by revising § 571.5 to read as follows:

§ 571.5 Mergers.

(a) *Introduction.* This is a statement of the Federal Home Loan Bank Board's general policy on merger proposals. It does not ordinarily apply to mergers instituted for supervisory reasons. The term "merger" includes consolidations and bulk purchases of assets in exchange for assumption of savings accounts and other liabilities. Potential applicants are encouraged to review proposed mergers with the supervisory agent prior to proceeding with the formal application process.

(b) *Legal considerations*—(1) *General.* (i) The legality of a proposed merger is a precondition to further consideration by the Board.

(ii) Applicable laws and regulations include the Federal antitrust laws (the Clayton and Sherman Acts), section 408 (regulation of holding companies) of the National Housing Act, applicable State law, and the Board's own regulations.

(2) *Legal evaluation of factors with antitrust impact.* To enable the Board to evaluate the possible anticompetitive impact of proposed mergers, applicants are required to submit certain information on Board-prescribed forms available at each Federal Home Loan Bank. In any case in which the supervisory agent thinks it clear that no antitrust or competitive problem exists, a merger proposal may be submitted with relevant partial information short of the complete data called for by the schedules.

(3) *Acquisitions of insured institutions under section 408 of the National Housing Act.* Section 584.4 of the regulations for savings and loan holding companies implements this statutory provision. It requires information as to competitive factors similar to that indicated in subparagraph (2) of this paragraph. The regulation also requires information as to additional matters, including details of acquisition, financial, and managerial resources, future prospects, and the convenience and needs of the community to be served.

(c) *Economic evaluation*—(1) *General.* The Board will give major consideration to the economic impact of the proposed merger.

(2) *Evaluation of impact on competition.* (i) The Board will examine the economic impact of the merger—adverse, neutral, or favorable—on competition. This will be done for each relevant geographical savings and mortgage market and submarket. All savings and mortgage firms reasonably competitive with the business of the merging institutions will be taken into account. The impact on competition will be evaluated on the basis of various economic indices of market structure and performance, some of which may not be relevant to the legal antitrust evaluation referred to in paragraph (b) of this section.

(ii) Such indices will include, for each relevant savings and mortgage market and submarket: (*a*) Market concentration and ranking of the resulting institution and of other competing institutions; (*b*) number and size distribution of competitors; (*c*) actual or potential competition significantly curtailed by the merger; (*d*) trends toward concentration, especially as a result of mergers; (*e*) overlap of branch savings submarkets when two or more branch systems are to be consolidated; and (*f*) extent to which rates paid on savings instruments and charges on mortgages appear to be competitively determined, consistent with statutory and regulatory constraints, and will continue to be so determined after the merger.

(3) *Adequacy of number of institutions.* Account will be taken of the number of institutions of reasonably efficient size that can be supported by population, savings, and mortgage demand. Mergers that involve institutions of inefficient asset size or which are located in markets overpopulated with savings institutions and which result in economy of operation and management and more efficient service will be regarded favorably insofar as the mergers are not anticompetitive.

(4) *Other factors.* The Board will examine the extent to which the merger will affect the convenience and needs of the communities to be served in terms of savings facilities, types of loans available, and the impact, if any, on operating efficiency of the resulting institution.

(d) *Managerial and financial aspects.*—(1) *General.* The Board's basic requirement is that the surviving institution have the managerial and financial resources to operate successfully.

(2) *Managerial aspects.* The character and the ability of the persons to be either in control or in key managerial positions are factors of prime importance. The experience and the performance record of such persons will be evaluated as to the probability of sound operation of the enlarged institution giving due consideration to the relative size of the merging institutions.

(3) *Financial aspects.* (i) The adequacy of the net worth of the surviving institution, relative to the risks inherent in the assets, and economic and other factors will be reviewed critically. To this end, a statement should be submitted that the assets on the books of the applicants are not overvalued, or that appropriate valuation allowances have been established. Intangible assets in particular will be carefully scrutinized.

(ii) The overall operations and financial condition will be reviewed to determine the surviving institution's prospects to generate sufficient income to meet competition, to make the required transfers to reserves, and to conduct its affairs essentially free of supervisory concern.

(e) *Factors relating to fairness of the plan.* The Board will review the fairness of all merger proposals on the basis of the following criteria:

(1) *General.* The plan should provide equitable treatment for all concerned. The equity owners should receive fair value for their interests, and the interests of savers and creditors must be properly considered.

(2) *Considerations as to directors, officers, attorneys, consultants, and employees; advisory boards or committees.* Retention through contracts or otherwise of directors, officers, consultants, attorneys, and employees of the disappearing institution by the surviving institution should be consistent with the size, functions, need, and earning capacity of the surviving institution. Any compensation to such persons by the surviving institution should be commensurate with the duties performed and in line with its compensation schedule. Any compensation to advisory boards or committees containing such persons should be explained and justified.

(3) *Other financial considerations and expenses.* Other financial considerations, whether involving the sale of an office building, the disposal of a related business, or other transaction, must be fair and supported by evidence. Expenses incurred in connection with the merger should be reasonable.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended, sec. 408, 48 Stat. 1261 as amended by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1726, 1730a. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

JACK CARTER,
Secretary.

[F.R. Doc. 69-10102; Filed, Aug. 22, 1969; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-WE-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Area

On June 12, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9287) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate Control 1154 offshore of Ukiah, Calif. Control 1154 would encompass Warning Area W-260 and be codesignated with a portion of the Ukiah 1,200 feet AGL transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were given due consideration.

The Director, Department of Aeronautics, State of California, objected to the proposal in that it would unduly restrict the operation of light aircraft over hilly terrain along the coastal area. The proposed control area would be a dual designation of airspace with a portion of the Ukiah transition area. This transition area has a floor 1,200 feet above the surface within a 20-mile radius of the Ukiah VOR. Designation of the control area will, therefore, impose no additional restrictions to VFR operations along the hilly inland coastal area. The portion of Control 1154 outside the Ukiah transition area should not be unduly restrictive to VFR coastal operations as it would provide 4,000 feet of uncontrolled airspace over the highest terrain and 5,000 feet of uncontrolled airspace over the water.

The Department of the Navy offered no objection to the proposal provided that a letter of procedure was executed between the Department of the Navy and the Federal Aviation Administration with a stipulation that Warning Area W-260 could be activated upon 1 hour's prior notice. The Federal Aviation Administration will execute such a letter including the 1 hour recall provision, prior to the effective date of the designation of Control 1154.

All other comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

In § 71.163 (34 F.R. 4549) the following is added:

CONTROL 1154

That airspace extending upward from 5,000' MSL bounded on the east by VOR Federal airway No. 199; on the south by a line extending from lat. 38°03'25" N., long. 123°11'45" W.; to lat. 38°00'00" N., long. 123°23'00" W.; to lat. 37°50'00" N., long. 124°24'30" W.; to lat. 37°40'00" N., long. 125°23'30" W.; on the west by the Oakland Oceanic Control Area; and on the north by a line extending from lat. 38°50'00" N., long. 126°11'05" W.; to lat. 38°52'00" N., long. 125°52'30" W.; to lat. 39°00'00" N., long. 123°56'30" W.; to lat. 39°02'55" N., long. 123°22'00" W.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348 and 1510, and Executive Order 10854; 24 F.R. 9565 and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 19, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-10059; Filed, Aug. 22, 1969; 8:47 a.m.]

[Airspace Docket No. 68-SW-62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Continental Control Area; Correction

On June 28, 1969, Federal Register Document No. 69-7639 was published in the FEDERAL REGISTER (34 F.R. 9985) and amended the continental control area in part by substituting lat. 35°56'00" N., long. 95°06'00" W., for lat. 36°55'00" N., long. 95°05'00" W. This action is to become effective September 18, 1969. "Lat. 35°56'00" N.," was cited in error and should have read "lat. 36°56'00" N.,". Corrective action is taken herein.

Since this amendment is corrective in nature and no substantive change in the regulation is affected, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, F.R. Doc. No. 69-7639 (34 F.R. 9985) is corrected upon publication in the FEDERAL REGISTER as follows:

In item 1. a. "lat. 35°56'00" N., long. 95°06'00" W.;" is deleted and "lat. 36°56'00" N., long. 95°06'00" W.;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1348 and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 19, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-10060; Filed, Aug. 22, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Federal Airways; Alteration, Designation and Extension

On July 29, 1969, F.R. Doc. 69-8839 was published in the FEDERAL REGISTER (34 F.R. 12379) and amended Part 71 of the Federal Aviation Regulations. These amendments will become effective September 18, 1969. In Item 8, VOR Federal airway No. 134 was added. Subsequent to the issuance of the document, it was noted that Jet Route No. 134 also passes through the St. Louis, Mo., terminal area. To avoid possible pilot/controller misunderstanding between V-134 and J-134, action is taken herein to change V-134 to V-238.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER, F.R. Doc. 69-8839 (34 F.R. 12379) is amended as follows:

In Item 8, "V-134" is deleted wherever it appears and "V-238" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348 and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 19, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-10081; Filed, Aug. 22, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Blytheville, Ark., control zone and transition area.

On July 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11379) stating the Federal Aviation Administration proposed to alter controlled airspace in the Blytheville, Ark., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as herein set forth.

(1) In § 71.171 (34 F.R. 4565) the Blytheville, Ark., control zone is amended to read:

BLYTHEVILLE, ARK.

Within a 5-mile radius of Blytheville AFB (lat. 35°57'50" N., long. 89°56'40" W.), within 3 miles each side of the Blytheville VOR 357° radial extending from the 5-mile radius zone to 8.5 miles north of the VOR, and within 1.5 miles each side of the Blytheville TACAN 185° radial extending from the 5-mile radius zone to 5.5 miles south of the TACAN.

(2) In § 71.181 (34 F.R. 4654) the Blytheville, Ark., transition area 700-foot portion is amended to read:

BLYTHEVILLE, ARK.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Blytheville AFB (lat. 35°57'50" N., long. 89°56'40" W.), excluding the portion within the Manila, Ark., transition area, within a 5-mile radius of Blytheville Municipal Airport (lat. 35°56'15" N., long. 89°-49'45" W.), within 4 miles east and 5 miles west of a 360° bearing from the Hicks RBN (lat. 35°57'52" N., long. 89°49'35" W.), extending from the RBN to 12 miles north, and within 2 miles each side of the extended centerline of Blytheville AFB Runways 17 and 35 extending from the 8.5-mile radius area to 12 miles north and south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on August 14, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-10085; Filed, Aug. 22, 1969; 8:49 a.m.]

[Airspace Docket No. 69-WE-62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Denver, Colo., transition area.

Recent modifications to several approach procedures for Stapleton Airport has revealed that a small additional amount of airspace is necessary to provide controlled airspace protection for a portion of the ILS Runway 35 approach while operating below 1,500 feet above ground level.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth.

In § 71.181 (34 F.R. 4637) the description of the Denver, Colo., transition area is amended by deleting "* * * 30 * * *"; "* * * 182° * * *" and "* * * 182° * * *" in the fourth, fifth, and seventh lines respectively and substituting "* * * 31 * * *", "* * * 194° * * *" and "* * * 194° * * *" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., October 16, 1969.

Issued in Los Angeles, Calif., on August 14, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-10086; Filed, Aug. 22, 1969; 8:49 a.m.]

[Airspace Docket No. 69-SW-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Raton, N. Mex., transition area.

On July 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11381) stating the Federal Aviation Administration proposed to designate a transition area at Raton, N. Mex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as herein set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

RATON, N. MEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Crews Field (lat. 36°44'30" N., long. 104°30'00" W.) excluding that portion northwest of a line 5 miles northwest of and parallel to the Cimarron VORTAC 051° radial, and within 3.5 miles each side of the Cimarron VORTAC 051° radial extending from the 8.5-mile radius area to 8 miles northeast of the of VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6.5 miles northwest and 10 miles southeast of the Cimarron VORTAC 051° radial extending from the VORTAC to 28 miles northeast of the VORTAC, and within 5 miles northwest and 8.5 miles southeast of the Cimarron VORTAC 051° radial extending from 28 miles northeast of the VORTAC to 45 miles northeast of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c) Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on August 14, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-10087; Filed, Aug. 22, 1969; 8:50 a.m.]

[Docket No. 9770; Amdt. 93-18]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

Redesignation of Valparaiso, Fla., Terminal Area

The purpose of this amendment to Part 93 of the Federal Aviation Regulations is to redesignate, without changing, the eastern boundary of the Valparaiso, Fla., Terminal Area to conform to concurrent adjustments to a restricted area.

The current eastern boundary of the Valparaiso, Fla., Terminal Area coincides with the western boundary of R-2914.

By separate regulatory action under Airspace Docket 68-SO-100, the FAA is amending R-2914 by dividing it into three restricted areas, R-2914, R-2918, and R-2919. While the western boundary of former R-2914 is not geographically changed, all three restricted areas share that boundary under the new amendment. Therefore, the eastern boundary of the Valparaiso, Fla., Terminal Area, under that new amendment, coincides with the western boundary of R-2914, R-2918, and R-2919, not R-2914 only. This amendment reflects that change.

Since no geographic or other substantive change is involved, this amendment is editorial in nature and does not impose any additional burden upon the public. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 93.81 of the Federal Aviation Regulations is amended, effective September 18, 1969, by deleting the words "along the west boundary of R-2914" and inserting the words "along the west boundaries of R-2918, R-2914, and R-2919" in place thereof.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348, and section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 15, 1969.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 69-10088; Filed, Aug. 22, 1969; 8:50 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Opinion No. 546-A]

PART 154—RATE SCHEDULES AND TARIFFS

Southern Louisiana Area Rates

Area Rate Proceeding (Southern Louisiana Area), Dockets Nos. AR61-2; Amerada Petroleum Corp. et al.; RI60-18 et al.

Opinion and order on rehearing modifying in part and confirming in part prior opinion and order and denying motions for stay.

On September 25, 1968, the Commission issued its Opinion No. 546 in the above-entitled proceeding determining and establishing just and reasonable rates for natural gas producers in the Southern Louisiana area. Applications for rehearing, clarification and stay of the order have been filed by various parties.[1] Most of the rehearing applications, filed by producers, urge that the rates established in the decision have been set at too low a level. The New York Commission, the Municipal Distributor Group and certain distributor interveners, on the other hand, argue that the rates are excessive and should be reduced. The application for rehearing filed by the Hunt group of respondents includes a motion to reopen the proceeding for the receipt of evidence. Two petitions to intervene were granted by order issued November 29, 1968. On our review of the many filings we find that the applications for rehearing consist in large part of a repetition of contentions previously expressed in the proceeding and which were fully considered by us in the course of the deliberations leading up to Opinion No. 546. Many of these contentions are specifically answered in the opinion. Nevertheless, we have considered all claims and arguments made in the applications and are persuaded that certain modifications should be made in the opinion and accompanying order. In addition we wish to clarify certain findings in the opinion with respect to which questions have been raised and to respond to certain contentions not previously advanced.[2]

FINDINGS AND ORDER

(1) The applications for rehearing and accompanying motions filed in these proceedings set forth no new facts or principles of law which either were not fully considered by the Commission when it adopted Opinion No. 546 and accompanying order, or which now being considered warrant any change in or modification of such order, except as set forth herein.

(2) Good cause has not been shown either for reopening these proceedings for the receipt of additional evidence, as proposed by the Hunt Group, or for the scheduling of further oral argument.

The Commission, acting pursuant to sections 4, 5, and 16 of the Natural Gas Act (52 Stat. 822, as amended, 823, 830, 15 U.S.C. 717c, 717d, 717o) and sections 553, 556, and 557 of title 5 of the United States Code (the Administrative Procedure Act, 60 Stat. 238, 239, 241, 242, as codified Sept. 6, 1966, by 80 Stat. 383, 384, 386, 387) orders:

(A) Ordering paragraph (A) of the order accompanying Opinion No. 546, amending Part 154 of the Commission's regulations under the Natural Gas Act, is amended by adding a new subsection (g) after § 154.105(f) to read as set forth below.

(B) The moratorium on increased rate filings, above the rate authorized in Opinion No. 546, for gas produced within the taxing jurisdiction of Louisiana under contracts dated on and after October 1, 1968, will expire on January 1, 1974.

(C) Any producer who, within 30 days of the date of issuance of this order, files a petition for special relief by reason of the fact that it is transporting, or paying for the transportation of, gas produced outside the taxing jurisdiction of the State of Louisiana to a point onshore, may, with regard to the rate schedule supplement required to be filed by ordering paragraph (D) of Opinion No. 546, file a rate reflecting the applicable onshore base area rate established by ordering paragraph (A) of the opinion for such production. The difference between the onshore and offshore rate shall be subject to refund as to all or any part thereof to which the producer ultimately is found not to be entitled. The authorization to collect the onshore rate shall continue until the Commission has acted on the petition for special relief or until it otherwise orders. The petition shall set forth the facts regarding each case as required by the opinion herein. Where the petition for special relief is not filed within 30 days from the date of this order the Commission will issue such order as it believes necessary to protect the producer during the pendency of the consideration of its petition.

(D) Special relief is hereby granted to Union Oil Company of California with regard to the sales of gas made under its FPC Rate Schedule No. 120, whereby Union is permitted to charge and collect up to 17 cents per Mcf, with appropriate B.t.u. adjustment, if any, plus the actual transportation charge paid by Union to the Jupiter Corp., such additional amount currently being 1 cent per Mcf. The supplement to Rate Schedule No. 120 to be filed by Union shall so provide.

(E) Special relief is granted to the producers listed in Appendix B[3] to this opinion and order. Such producers are permitted to charge and collect up to 18.5 cents per Mcf, plus B.t.u. adjustment, if any, and subject to the quality standards and adjustment provisions set out in Opinion No. 546 and No. 546-A, for all sales of gas-well gas (including residue gas derived therefrom) made in the cited dockets, to the same effect as though the contract dates for such sales had been shown to be on or after October 1, 1968.

(F) The application for special relief filed by Signal Oil and Gas Co. is denied.

(G) The effective date of Opinion No. 546 and its accompanying order is hereby changed to October 1, 1968.

(H) For the purposes of ordering paragraph (A) of the order accompanying Opinion No. 546, the term "contracts dated" shall be held to mean that date which appears on or within the gas-well gas sales contract. Such date shall be used to determine which of the area base rates is applicable to the particular sale.

[1] Appendix A filed with the Office of the Federal Register as part of the original document lists the filings made with the Commission.

[2] The Amerada Group, the Hunt Group, Sun Oil Co., Shell Oil Co., Texaco, Inc., Samedan Oil Co., and Bradco Properties, Inc., et al.

[3] Filed with the Office of the Federal Register as part of the original document.

(I) Section 154.105(d)(vii) of the Commission's regulations under the Natural Gas Act, as established in ordering paragraph (A) of the order accompanying Opinion No. 546, is amended to read as set forth below.

(J) Ordering paragraph (C) of the order accompanying Opinion No. 546 is amended by striking from the last two lines thereof "in a final, unconditioned permanent certificate previously granted for such sale" and substituting in place thereof "by final order no longer subject to judicial review permanently certificating the sale in question and containing no refund condition." The motion for further clarification addressed to this issue is denied without prejudice.

(K) No interest shall be required on refundable amounts paid over to the Federal and State Governments in royalties, except as and to the extent that such authorities pay interest to the producer when refunding overpayments of royalties. Interest due on refunds required under ordering paragraph (F) of the order accompanying Opinion No. 546 shall be calculated to the last day of the month preceding the month in which the refund report is required and is filed.

(L) The motion filed by the Hunt Group to reopen the record in these proceedings for the receipt of additional evidence is denied.

(M) The motions for reopening and consolidation of this proceeding with the proceeding instituted in Docket No. AR69–1 are denied.

(N) The motions for stay of Opinion No. 546 and its accompanying order are denied; the time limitation for the filing of rate schedule supplements required by ordering paragraph (D), previously amended to require such filings to be made within 15 days after the date of this order, is extended to 30 days after the date of issuance of this order. The time limitations for the filings required by ordering paragraphs (E) and (F) are extended, respectively, to 60 and 90 days after the date of issuance of this order.

(O) Appendix A, Part II of Opinion No. 468, as amended by errata notice issued October 31, 1968, is hereby further amended as follows: Delete "Pan American Petroleum Corporation (Oper.) et al., G–19641, G–19765, RI63–138."

(P) The request for further oral argument in these proceedings is denied.

(Q) Except as herein granted, the assignments of error addressed to Opinion No. 546 and its accompanying order are denied.

(R) The Secretary shall cause prompt publication of the findings and ordering paragraphs, together with notice of the availability of this entire opinion and order on rehearing, to be made in the FEDERAL REGISTER.[1]

[1] Copies of the entire Opinion and Order and Appendixes may be obtained from the Secretary, Federal Power Commission, Washington, D.C. 20426.

By the Commission. Commissioner Carver dissenting filed a separate statement appended hereto.[2]

[SEAL] GORDON M. GRANT, *Secretary.*

§ 154.105 Area rates; Southern Louisiana area.

* * * * *

(d) * * *

(1) * * *

(vii) *Delivery pressure.* The gas shall be delivered at a pressure sufficient to enter the buyer's pipeline, except that when the natural flowing pressure of seller's wells declines to, or below, the level sufficient for such delivery nothing herein shall require seller to deliver gas at a pressure higher than specified by contract.

* * * * *

(g) Notwithstanding the provisions of paragraph (f), in the case of sales of gas-well gas sold or to be sold pursuant to contracts dated on or after October 1, 1968, which are limited to a base area rate of 18.5 cents per Mcf, the proscription on the filing of contractually authorized increases shall not prohibit the filing of rate increases up to a base area rate of 20 cents per Mcf.

[F.R. Doc. 69–10065; Filed, Aug. 22, 1969; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SODIUM STEAROYL-2-LACTYLATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2403) filed by C. J. Patterson Co., 3947 Broadway, Kansas City, Mo. 64111, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of sodium stearoyl-2-lactylate as an emulsifier in liquid and solid edible vegetable fat-water emulsions intended as a substitute for milk or cream in beverage coffee. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1211(c) is revised to read as follows:

§ 121.1211 Sodium stearoyl-2-lactylate.

* * * * *

(c) It is used or intended for use as an emulsifier, dough conditioner, or whipping agent in the following foods when standards of identity established under section 401 of the act do not preclude such use: Icings, fillings, puddings, and toppings; baked products; pancakes and waffles; prepared mixes for any of the foregoing foods; and in liquid and solid edible vegetable fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 15, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–10035; Filed, Aug. 22, 1968; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

1-Tetramizole

The Commissioner of Food and Drugs, having evaluated the data submitted in an application filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, and other relevant material, concludes that new animal drug regulations should be promulgated to provide for the safe and effective use of *l*-tetramizole for the treatment of cattle and to establish a safe tolerance for residues of the drug in edible cattle tissues.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new sections are established in new Parts 135c and 135g:

[2] Filed with the Office of the Federal Register as part of the original document.

§ 135c.18 *1*-Tetramizole.

(a) *Chemical name:* 1(−)6-phenyl 2, 3,5,6-tetrahydroimidoxo(2,1-6) thiazole hydrochloride.

(b) *Specifications:* Assay of not less than 98 percent by nonaqueous titration with *0.1N* potassium isopropoxide; 1 isomer minimum 95 percent pure by optical rotation.

(c) *Sponsor:* American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540.

(d) [Reserved]

(e) *Related tolerances:* § 135g.63 of this chapter.

(f) *Conditions of use:*

Amount	Limitations	Indications for use
1. *l*-Tetramizole, 46.8 grams per packet.	For cattle dissolve in 32 fluid ounces of water and administer as a drench at ¼ ounce (0.365 gram) per 100 pounds of body weight as a single dose; conditions of constant Helminth exposure may require retreatment within 2 to 4 weeks after the first treatment; do not slaughter for food within 48 hours of treatment; not for use in dairy animals of breeding age; consult veterinarian before using in severely debilitated animals.	Anthelmintic for nematode infections including stomach worms (*Haemonchus, Trichostrongylus, Ostertagia*), intestinal worms (*Trichostrongylus, Cooperia, Nematodirus, Bunostomum, Oesophagostomum*), and lungworms (*Dictyocaulus*).
2. *l*-Tetramizole, 2.19 grams per oblet.	For cattle administer as a single dose as follows: 250–450 pounds, ½ oblet; 450–750 pounds, 1 oblet; and 750–1,050 pounds, 1½ oblets. Conditions of constant Helminth exposure may require retreatment within 2 to 4 weeks after the first treatment; do not slaughter for food within 48 hours of treatment; not for use in dairy animals of breeding age; consult veterinarian before using in severely debilitated animals.	Do.

§ 135g.63 *1*-Tetramizole.

A tolerance of 0.1 part per million is established for negligible residues of *l*-tetramizole in the edible tissues of cattle.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: August 18, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–10036; Filed, Aug. 22, 1969; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[A.I.D. Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Discontinuance of Bank-Draft Procedure for Commission and Service Payments by Suppliers to Vietnam

Part 201 of Chapter II, Title 22 (A.I.D. Regulation 1), is amended as follows:

a. Section 201.65 is amended as follows:

1. In paragraph (a) delete after the words "this section" which appear on line 22 the phrase "(or, with respect to shipments to Vietnam, using the special bank-draft procedure described in paragraph (f) of this section)".

2. Paragraph (f) is deleted in its entirety.

b. Appendix C is revised to read as follows:

1. The paragraph which immediately follows the designation "Instructions" is revised to read as follows:

Instructions. As a condition for receiving payment from foreign assistance funds, the supplier is required to check one or more of the certifications which appear as separate blocks on the reverse of this form and which apply to his transaction. The supplier shall indicate on line 4 the letter of the certification(s) to which he subscribes. If the supplier checks the block for certifications A or H, he may check no other certification. A supplier who executes certification H will also thereby request the opening bank to pay a commission or to make a service payment in local currency in accordance with the procedure described in paragraph (e) of § 201.65 of A.I.D. Regulation 1. As appropriate, the supplier may check one or more of certifications B, C, D, E, F, or G.

2. Certification I and the paragraph immediately following entitled "Request to opening bank" are deleted in their entirety.

c. The foregoing amendments shall become effective on September 1, 1969.

Dated: August 15, 1969.

JOHN A. HANNAH,
Administrator.

[F.R. Doc. 69–10058; Filed, Aug. 22, 1969; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

In § 200.77 in paragraph (h) a new subparagraph (3) is added, paragraph (aa) is amended, and new paragraphs (cc), (dd), (ee), and (ff) are added to read as follows:

§ 200.77 Assistant Commissioner-Comptroller and Deputy.

(h) * * *

(3) To determine or cause to be determined under his direction the cash requirements of the various insurance funds for payment of insurance claims and to recommend borrowings from and repayments to the Treasury Department for this purpose.

* * * * *

(aa) With respect to the Appalachian Housing Fund, pursuant to the Appalachian Regional Development Act of 1965:

(1) To reserve or, as appropriate, record all approved reservations of funds and to record and control all obligations of funds for loans under this fund.

(2) To disburse moneys in the fund for making loans to sponsors for development of applications for commitments for project mortgages for projects under section 207 of the Appalachian Regional Development Act of 1965 approved pursuant to section 223 of such Act and for general expenses of administration of section 207 of such Act; and

(3) To collect the loan repayments and interest thereon.

* * * * *

(cc) With respect to the Low and Moderate Income Sponsor Fund, pursuant to section 106 of the Housing and Urban Development Act of 1968:

(1) To reserve or, as appropriate, record all approved reservations of funds and to record and control all obligations of funds for loans made under the fund.

(2) To disburse moneys in the fund for making loans, without interest, to nonprofit sponsors of housing for low and moderate income families; and

(3) To collect the loan repayments.

(dd) To reserve or, as appropriate, record all approved reservations of contract authority and to record and control all contractual obligations of contract authority pertaining to assistance payment contracts under section 235; interest reduction contracts under section 236; contracts for debt management

or counseling services under section 237; and contracts for rent supplement payments, pursuant to section 101 of the Housing and Urban Development Act of 1965, and amendments thereto.

(ee) To establish and maintain or cause to be established and maintained under his direction an account for the deposit of fees collected under the Interstate Land Sales Full Disclosure Act; and to make disbursements from appropriated funds and receipts, for general expenses of administration of the land sales registration under such Act and make refunds of overpayments of land sales registration fees.

(ff) To reendorse for insurance under section 222 eligible mortgages on single-family dwellings insured under other home mortgage sections of the Act, where the mortgages have been assumed by eligible servicemen.

(Sec. 2, 48 Stat. 1246, as amended; Sec. 211, 52 Stat. 23, as amended; Sec. 607, 55 Stat. 61, as amended; Sec. 712, 62 Stat. 1281, as amended; Sec. 907, 65 Stat. 301, as amended; Sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., August 18, 1969.

[SEAL] WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-10063; Filed, Aug. 22, 1969; 8:48 a.m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 203.7 paragraph (a)(1) is amended to read as follows:

§ 203.7 Withdrawal of approval.

(a) • • •

(1) The transfer of an insured mortgage to a nonapproved mortgagee, except pursuant to § 203.433 or 203.435 of this part.

Subpart B—Contract Rights and Obligations

In § 203.433 the introductory text to paragraph (a) is amended, paragraph (b) is redesignated as paragraph (c) and a new paragraph (b) is added to read as follows:

§ 203.433 Assignments, pledges and transfers by approved mortgagee.

(a) An assignment, pledge, or transfer of an insured mortgage or group of insured mortgages, not constituting a final sale, may be made by an approved mortgagee to another approved mortgagee provided the following requirements are met:

• • • • •

(b) An assignment or transfer of an insured mortgage or group of insured mortgages may be made by an approved mortgagee to other than an approved mortgagee provided the requirements under paragraph (a) (1) and (2) are met and the following additional requirements are met:

(1) The assignee or transferee shall be a corporation, trust or organization (including but not limited to any pension trust or profit-sharing plan) which certifies to the approved mortgagee that:

(i) It has assets of $100,000 or more; and

(ii) It has lawful authority to hold an insured mortgage or group of insured mortgages.

(2) The assignment or transfer shall be made pursuant to an agreement under which the transferor or assignor is obligated to take one of the following alternate courses of action within 1 year from the date of the assignment or within such additional period of time as may be approved by the Commissioner:

(i) The transferor or assignor shall repurchase and accept a reassignment of such mortgage or group of mortgages.

(ii) The transferor or assignor shall obtain a sale and transfer of such mortgage or group of mortgages to an approved mortgagee.

(c) • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER N—PROJECTS FOR LOWER INCOME FAMILIES

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS

In Part 236, in the Table of Contents new §§ 236.2 and 236.252 are added as follows:

Sec.
236.2 Application, commitment, and inspection fees.
236.252 First, second, and third mortgage insurance premiums.

Subpart A—Eligibility Requirements for Mortgage Insurance

Section 236.1 is amended by adding to the listed exceptions as follows:

§ 236.1 Incorporation by reference.

• • • • •

Sec.
221.503 Application fee.
221.504 Commitment fee.
221.505 Inspection fee.

In Part 236, Subpart A, a new § 236.2 is added to read as follows:

§ 236.2 Application, commitment, and inspection fees.

All of the provisions of §§ 221.503, 221.504, and 221.505 of this chapter governing application, commitment, and inspection fees shall apply to mortgages insured under this part, except that such fees shall not be required in either of the following instances:

(a) Where an application for a loan under section 202 of the Housing Act of 1959 has been filed previously in connection with the project, but section 202 funds are not available to make the loan.

(b) Where the project has received a loan under section 202 of the Housing Act of 1959 which is being refinanced, provided, at the time of the application for insurance of the refinancing mortgage under section 236, the project is either in the construction stage or has been completed less than 6 months.

In § 236.5 paragraph (b)(3) is amended to read as follows:

§ 236.5 Application.

• • • • •

(b) • • •

(3) The application fee is remitted as required in § 236.2.

Subpart B—Contract Rights and Obligations for Mortgage Insurance

Section 236.251 is amended by adding to the listed exceptions as follows:

§ 236.251 Incorporation by reference.

• • • • •

Sec.
207.252 First, second and third premiums.

In Part 236, Subpart B, a new § 236.252 is added to read as follows:

§ 236.252 First, second, and third mortgage insurance premiums.

All of the provision of § 207.252 of this chapter governing the first, second, and third mortgage insurance premiums shall apply to mortgages insured under this part, except that where an application for a loan under section 202 of the Housing Act of 1959 has been filed previously in connection with the project, but it is being financed with a mortgage insured under this part because funds are not available to make the section 202 loan, the mortgage insurance premium due and payable between the dates of initial and final insurance endorsement shall be at the rate of one-fourth of one percent per annum of the average outstanding principal obligation of the mortgage and such premiums shall be prorated for any fractional part of a year. Following final endorsement, the mortgage insurance premium shall be increased to one-half of 1 percent and shall be paid as provided in § 207.252.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 236, 82 Stat. 498; 12 U.S.C. 1715z-1)

Issued at Washington, D.C., August 18, 1969.

[SEAL] WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-10064; Filed, Aug. 22, 1969; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 153—GRAZING, PINE RIDGE AERIAL GUNNERY RANGE

Recision of Part

Pursuant to sections 2(a) and 3(a) of the Act of August 8, 1968 (Public Law 90-468; 82 Stat. 663), certain lands located within the Badlands Air Force Gunnery Range, Pine Ridge Indian Reservation, S. Dak., consisting of 196,956.94 acres, were declared excess to the needs of the Department of the Air Force and administrative jurisdiction was transferred to the Secretary of the Interior.

The regulations contained in 25 CFR Part 153, Grazing Pine Ridge Aerial Gunnery Range, were promulgated to govern grazing during the period of time the lands were required for military purposes. With the transfer of administrative jurisdiction effected, the regulations in 25 CFR Part 153 are no longer needed or applicable and are hereby rescinded.

HOLLIS M. DOLE
Acting Secretary of the Interior.

AUGUST 19, 1969.

[F.R. Doc. 69-10045; Filed, Aug. 22, 1969; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Delaware Water Gap National Recreation Area, Pennsylvania and New Jersey; Boating, Oversnow Vehicles, Technical Rock Climbing

A proposal was published at pages 17108 and 17109 of the FEDERAL REGISTER of November 16, 1968, to further amplify regulations which are not covered specifically in Title 36 CFR, Chapter I, Parts 1–6.

Proposed regulations include the prohibition of motorboats on small water areas to afford users of nonmotorized boats enjoyment of these areas; the control of mechanized oversnow vehicle use through the issuance of permits; and the registration of technical rock climbers.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. Consideration has been given to all relevant matters presented. It has been determined that the proposed regulations will be adopted with the following changes:

The permit system for oversnow vehicles has been modified to a registration system; and

The prohibition of solo technical rock climbing has been deleted; and

The words "New Jersey" have been added in the heading of the proposed regulations.

The above listed changes impose no additional restrictions on the public. Therefore, the proposed regulations, as modified, shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 79 Stat. 612; 16 U.S.C. 460o)

The proposed § 7.71 of the special regulations of Title 36 of the Code of Federal Regulations is to read as follows:

§ 7.71 Delaware Water Gap National Recreation Area.

(a) *Motorboats.* Except on the Delaware River and those waters of the Delaware River that may be impounded upstream from the Tocks Island Dam, the use of a motorboat is prohibited.

(b) *Oversnow vehicles.* (1) Definition: Oversnow vehicles is defined as a vehicle designed for oversnow travel which is propelled by a motor.

(2) Registration with the Superintendent is required prior to operation of an oversnow vehicle. Upon trip completion, the registrant is required to check out in the manner specified by the registering official.

(3) An oversnow vehicle not mechanically suitable for oversnow travel is prohibited.

(4) An adequate muffler system is required on an oversnow vehicle.

(5) An adequate lighting system is required if the vehicle is operating during darkness.

(6) An oversnow vehicle shall be operated only within designated routes and areas, as depicted on maps which are posted at entrances.

(7) Operation of an oversnow vehicle on the ice and/or snow surface of a lake or pond is prohibited.

(c) *Technical rock climbing.* (1) Definition: The term "technical rock climbing" is defined to mean climbing where such technical climbing aids as pitons, carabiners or snap links, ropes, expansion bolts, or other mechanical equipment are used to make the climb.

(2) Registration: Registration is required with the Superintendent prior to any technical rock climbing. The registrant is required to notify the Superintendent upon completion of the climb.

PETER DEGELLEKE,
Superintendent, Delaware Water Gap National Recreation Area.

[F.R. Doc. 69-10043; Filed, Aug. 22, 1969; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN: TITLE IV PARTS A AND B OF SOCIAL SECURITY ACT

Fair Hearings: Legal Services; Continuing Assistance

Parts 205 and 220 are amended as follows:

1. The introductory material to § 205.10(a) is amended to read as follows:

§ 205.10 Fair Hearings: legal services; continuing assistance.

(a) *State plan requirements.* Effective July 1, 1970, a State plan for OAA, AFDC, AB, APTD, AABD, or MA under the Social Security Act must provide that:

• • • • •

2. Section 220.25 is revised to read as follows:

§ 220.25 Legal services.

(a) Effective July 1, 1970, legal services must be made available to families who desire the assistance of lawyers at fair hearings and appropriate fee schedules or other methods must be established to assure legal representation when desired.

• • • • •

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. These amendments shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: August 18, 1969.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: August 20, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-10114; Filed, Aug. 22, 1969; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18108; FCC 69-893]

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Use of Radioteleprinter Communication Systems in Land Mobile Services

First report and order. In the matter of inquiry into the use of radio teleprinter communication systems in the land mobile services under Parts 89, 91, and 93 of the Commission's rules; docket No. 18108.

1. On its own initiative the Commission instituted the above entitled inquiry into the use of radioteleprinter systems under Parts 89 (Public Safety), 91 (Industrial), and 93 (Land Transportation), of the Commission's rules on March 27, 1968 (FCC 68-330, Mar. 29, 1968). The inquiry was published in the FEDERAL REGISTER on April 3, 1968 (33 F.R. 5323). The time for filing comments expired on December 31, 1968.

2. Comments were filed by:

American Trucking Association, Inc.
American Petroleum Institute.

Associated Public Safety Communications Officers, Inc. (APCO).
Association of American Railroads (AAR).
Automobile Club of Southern California.
California Disaster Office.
California State Communications Advisory Board (CSCB).
City of Dallas, Tex.
City of Miami Communications Department.
City of Portland, Oreg.
Codamite Corporation and Codamite Division, Pacific Ordnance and Electronics Co. (Codamite).
Commonwealth of Pennsylvania.
Detroit Police Department.
Electronics Industries Association, Land Mobile Communication Section (EIA).
Ferranti Limited (Ferranti).
Forestry Conservation Communications Association (FCCA).
Illinois Central Railroad Co.
International Association of Fire Chiefs.
International Municipal Signal Association.
International Taxicab Association.
Kleinschmidt, Division of SCM Corp. (Kleinschmidt).
Maryland State Police.
Metropolitan Dade County, Fla.
Michigan Consolidated Gas Co.
Michigan State Police.
Milwaukee Police Department.
Motorola, Inc. (Motorola).
National Association of Business and Educational Radio, Inc. (NABER).
National Association of Manufacturers (NAM).
National Committee for Utilities Radio (NCUR).
Northern California Chapter of the Associated Public Safety Communications Officers, Inc. (NAPCO).
New York City Police Department.
Special Industrial Radio Service Association, Inc.
State of Colorado.
Virginia Department of State Police.
Washington State Patrol.
Wayne State University
Westinghouse Air Brake Co. (WABCO).

3. The purpose of the notice of inquiry was to provide a vehicle for operational evaluation of mobile teleprinters for Police operations as recommended in the report of the Science and Technology Task Force of the President's Commission on Law Enforcement and Administration of Justice, "to otherwise explore possible application of mobile teleprinters to the various land mobile communication requirements, to assay the various technological developments that have been made, to determine the need for and extent of standardization necessary or desirable, to determine the impact of potential teleprinter communication developments on the frequencies available to the land mobile radio services, and, in general, to obtain information necessary for the establishment of rules and policies governing their use."

4. The Commission issued more than 20 short-term developmental authorizations to permit field testing of mobile radioteleprinters under the program established by the notice of inquiry. At least four makes and models of equipment were operated under field conditions in automobiles, trucks and switch engines, and for periods of several days to several months duration. Field operations were conducted by users in the Police, Business, Automobile Emergency, Special Emergency, Railroad, Fire, Power, and Local Government Radio Services, with most of the tests in the Police Radio Service. For the most part, existing FM radiotelephone systems were used to test the radioteleprinters on regularly licensed voice frequencies between 40 and 470 MHz. The comments filed indicated that the available vehicular radioteleprinter systems can give satisfactory performance when used in conjunction with existing radiotelephone receiving and transmitting equipment. While most of the tests did not yield technical data, some were particularly productive, such as the APCO tests in Los Angeles and tests made by Wayne State University, directed, in part, at collecting and analyzing field data about the effect of multi-path signal reception upon radioteleprinter operation. Also, a quite comprehensive study made for the city of Milwaukee of applications to police communications has recently been completed and has yielded a wealth of data not heretofore available. A brief discussion of the comments and some of the considerations follows.

5. APCO provided a brief description of the history of teleprinters pointing up that the demands that are placed upon radioteleprinters used in land mobile communications are such that only a few of the models of teleprinters currently available are suitable for vehicular use. Teleprinters used in vehicles must be small, easy to install and maintain and capable of operation in an environment that involves extremes of temperature, humidity, shock, vibration, and radio noise.

6. Existing teleprinter systems for vehicular use may be grouped into two major categories as suggested by Codamite, "those using some type of dot-matrix principle and those using an imprint from a type font." The dot-matrix design requires a relatively wide transmission bandwidth, i.e., a full voice channel, while the type font design uses a lesser bandwidth. The former may be designated wide band and the latter narrow band for our purposes here. In both cases audio frequency keying is involved with the use of several tones or phase shift of a single tone. NAPCO states that the narrow-band system employs normal signaling codes such as the Baudot or American Standard Code for Information Interchange (ASCII) and operates at signaling rates of 75 to 80 bits per second to produce a 100-word-a-minute printing rate. Wide-band printers use the same input codes with a matrix code produced at the sending end and sent to the mobile printer. The signaling rate of both narrow- and wide-band printers is proportional to the printing rate and the means for providing intercharacter separation and interline spacing, and in the case of wide band, the number of elements in the matrix. Typical signaling rates for wide band were described as 800 to 1,000 bits per second to produce printing rates of about 75 to 100 words per minute.

Motorola and EIA discuss at least three possible modes of radioteleprinter operation. The first mode applies to narrow-band radioteleprinters and involves audio frequency multiplexing so that voice and printer messages can be transmitted singly or simultaneously in a voice channel. The second mode involves sequential or time-sharing of a full voice channel for voice and teleprinter messages. The third involves use of a channel solely for teleprinter (dedicated channel).

7. Relative to the need and use for radioteleprinters, APCO specified that radioteleprinters are generally applicable to all modes of mobile operation in the Public Safety Services but that the greatest application is in the law-enforcement and fire services. In the order of priority, APCO gave the following possible ranking: Law enforcement, fire, supervision, detectives, local government, forestry-conservation, and highway maintenance. FCCA commented that the Forestry-Conservation Radio Service would benefit equally with other Public Safety Organizations in the use of radioteleprinter communications. WABCO and AAR indicated that radioteleprinters would be useful in the railroad industry. In the railroad yard operation switch listings and work orders for repair crews could be printed out and stored. Mainline data is of lower density and could be handled on a "speech plus basis." Data would consist of instructions on train dispatching or handling, instructions to traveling agents and offices, and instructions to repair trucks along the right of way. NABER indicated that the use of radioteleprinters in the Business Radio Service would have the advantage of providing hard-copy for the transmission of operating and maintenance instructions, requisitions, parts lists, and other types of information. Motorola listed the benefits of radioteleprinter as a means to identifying the types of radio users that may benefit from their use. In general: (1) Improved message accuracy, (2) unattended vehicle operation, (3) operation in acoustically noisy environments, (4) direct mechanized data source interface, (5) message privacy. The expected benefits in Public Safety operations could be in such areas as license registration, missing person descriptions, arrest warrants, patrol assignments, and stolen property information. Record communications would be of advantage in fire fighting and prevention activities, for example, in regard to description of buildings and their contents, availability of water supplies and the status of hydrants. In highway maintenance information about weather and road conditions, repair assignments and equipment status information would be of value in record form. In utility services, data and/or facts are involved in communications and would be of value in record form. In manufacturing operations, stock or lot numbers, number of items involved, description of items, and maintenance instructions could be transmitted to vehicles used to pick up and transport material or engage in repair or maintenance services incidental to the manufacturing process. In railroad operations, teleprinter could be of value in train makeup lists in yard operations, train orders to give car destination information to the train operators and right-of-way maintenance information. Motor carriers have requirements similar to those of manufacturers. Taxicab operations have message requirements where origin and destinations information could be automated. In the automotive emergency services, radioteleprinters could be used to give the location and conditions of disabled vehicles and the location and route of repair facilities as well as weather. Airline terminal operations have message requirements similar to manufacturing and transportation.

8. NAPCO suggested that the terminology "radioteleprinter" would be more realistic if the broader concept of "digital or data" transmissions were to be substituted. NCUR expressed the belief that frequencies for radioteleprinter operations should permit broad ranges of record transmission and not be restricted to transmission of character-printed material but, rather, be adaptable or expandable to transmission of drawings, maps and similar graphic information. NCUR believed there should be minimum restriction on authorization of frequencies for radioteleprinter and general graphic forms of transmissions. APCO stated that the future of digital communications in the land mobile services will be directly affected by the Commission's decision in regard to mobile radioteleprinters. The organization believed it is certain that the immediate future will see the materialization of other forms of digital information such as mobile to computer access, cryptic aid dispatching; digital inquiry, voice answer back, vehicle location and mobile facsimile. CSCB recommended that authorizations for F2 emission (data transmission) be made on a secondary basis only. The Michigan State Police indicated that the Commission should consider the number of 450 MHz frequencies for data communication for police since the trend in cities, counties and states show a rapid increase in data communications.

9. Varied suggestions were made regarding the 460 MHz frequencies that were reserved for possible radioteleprinter use in the second report and order in docket No. 13847. The frequencies were also listed in the appendix to the notice of inquiry in this proceeding. Codamite suggested that the channels be set aside exclusively for radio teleprinter (or data) use and should be divided between wide-band systems which would utilize the full voice channeling, and multichannel two-tone audio frequency shift keying systems with the maximum bandwidth for any one radioteleprinter channel set at 350 Hz including the guardband. The New York City Police Department recommended that the frequencies be made available for radioteleprinter use with the NCUR suggesting that the Commission continue developmental licensing of radioteleprinters on these frequencies. The AAR stated that shared radioteleprinter/telephony use should be permitted as an alternate to teleprinter use. NAM recommended that at least two of the channels be allocated to the Manufacturers Radio Service primarily for teleprinter data use with voice operations permitted on a secondary basis with the further provision that mobile voice acknowledgments of data messages be considered primary use. The California State Communications Board recommended that the channels be released for voice with F2 emission on a secondary basis. Motorola believed that in the immediate future there will be a strong need, specifically by public safety in populous areas for adequate channels to institute radioteleprinter activities and it is expected that the needs will extend much beyond those that can be satisfied by existing channel allocations, including the 10 "reserved" channels. APCO recommended that the channels be dedicated for data transmission. Such authorizations would enable operation in frequency congested areas where the shared voice use of existing frequencies might preclude their use for data transmission. The city of Dallas recommended that the 10 pairs of frequencies be released for voice use in the Land Mobile Radio Service with F2 emission authorized on a secondary basis.

10. The majority of the comments supported the use of radioteleprinter in the various radio services under Parts 89, 91, and 93 of the rules, although the comments of many were directed to only one of the radio services or rule parts. Codamite suggested that radioteleprinter operation be included in the Aviation (Part 87), Marine (Parts 81, 83, and 85) and Citizens (Part 95) Radio Services. This suggestion is, of course, beyond the scope of this proceeding. (Radio spectrum for narrow band direct printing telegraph has been provided under Parts 81 and 83 in the proceedings in docket No. 18218.) The comments of NAM, CSCB and NAPCO suggested that specific channels for radioteleprinter are not required and that present channels could be used. NAPCO supported priority for voice on the frequencies. Codamite suggested that only narrow band systems share with radiotelephone users and that wideband systems be required to use dedicated radioteleprinter channels. NABER supported cochannel sharing on the basis that most users in crowded areas use squelch. Kleinschmidt found cochannel operation feasible from the printer standpoint because accurate printer copy was obtained wherever voice communications could be understood with cochannel interference present. EIA stated that there are no known technological or equipment limitations that would preclude cochannel operation of voice and printer systems but specified that operational problems are more difficult to assess.

11. Relative to any radio frequency spectrum saving resulting from use of radioteleprinters, the replies ranged from a large spectrum saving to a need for increased spectrum. Of those commenting on this topic, it appears that most felt there would be spectrum savings with radioteleprinter operation. The city of Miami Communications Department, as a result of tests, found the transmission time for a given message was reduced by as much as 25 percent when printer was used because it was not necessary to repeat parts of the communication. Motorola, the city of Dallas, and the API also agreed that transmissions by teleprinter would be shorter than by voice; however, they did not state how much. WABCO stated a savings can be realized by common use of a voice channel by both voice and several radioteleprinter systems. The Communications Department of Metropolitan Dade County, Fla., and NAM both believed that there would be no spectrum savings. NABER saw no way in which radioteleprinters could significantly reduce the demand for voice spectrum. CSCB felt that more frequencies would be needed for teleprinter operation due to the increased information being passed.

12. A variety of opinions were received concerning the extent teleprinters would be used, their expected growth, and their relations to present voice systems. Kleinschmidt offered the judgment that wherever accurate communications are required, whether in the land mobile service or in any communication application or requirement, there also exists the need for a radioteleprinter. NAPCO emphasized that the "rules should reflect priority of voice" and went on to say that a small entity's requirement for voice should not be jeopardized by a large entity's need for teleprinters. Most of the responses indicated that there was not an accurate method to determine the expected growth of radioteleprinter needs. Most felt that radioteleprinters could only complement voice systems and not take their place, except in a few very specialized cases.

13. Comments directed to technical particulars of radioteleprinter operations such as frequency tolerance, bandwidth, power limits, types of emission, etc., were all in favor of imposing the same restrictions on radioteleprinter emissions as now apply to voice. Kleinschmidt described a radioteleprinter as "in a most fundamental analysis, is simply the substitution of digital voice for a human voice." FCCA, the Washington State Patrol and Motorola all voiced similar opinions. All parties that commented on types of emission were unanimous in urging that F2 and F9 emissions be allowed. NAM suggested that wording in the Commission's definition of F2 emission be changed to "telegraphy or data" or possibly "on-off or phase-shift keying" emissions as an alternative to an F9 designation. AAR recommended authorization of F2 and F9 emissions on a secondary basis to F3 emissions. Codamite suggested specific standards for narrow-band systems.

14. In the matter of operator licenses for radioteleprinter systems, the comments, in general, indicated that the difference between radioteleprinters and voice was such that present requirements are sufficient. The State of Colorado believed that radio operators should be licensed to preclude unsatisfactory conditions. The State predicted more problems in monitoring radioteleprinter systems

than voice systems and suggested that perhaps all operators should hold at least a third class radiotelephone operators license and be supervised by a radio operator holding at least a second class license either radiotelephone or telegraph.

15. In regard to station identification when radioteleprinters are used, most replies indicated present methods and standards are adequate. Some comments stressed the fact that identification should be in the same medium as the message. NCUR emphasized the need for separate station identification for radioteleprinter and voice multiplex operations from the same station. Metropolitan Dade County, Fla., felt that both voice and code identification should be required with each transmission in contrast to WABCO's opinion that data systems should require no identification.

16. Most parties believed that radioteleprinters could be used on a cooperative sharing basis similar to voice and that sharing should not be required. Administrative and operational problems were anticipated in some radio services.

17. The Commission solicited comment and information relative to the possibility of utilizing the FM broadcasting station multiplex technique for some land mobile requirements, particularly where one-way systems could be used that would not require a "talk back" capability. APCO suggested that the exploration of this technique by the Public Safety Radio Service users be encouraged. Contractual relationships would be handled on a local basis and subject to whatever review the Commission deemed appropriate. AAR stated that the technique is not feasible in railroad applications because of operational problems encountered. ATA elected to take no position on the question as to whether FM broadcasters should be authorized to provide radioteleprinter service, noting that the mobile radio use of the industry has developed almost entirely on a "self-service" basis. If FM broadcasters are permitted to use their channels for radioteleprinter services, ATA commented that such authority should not be extended at the expense of the motor carrier private radio user frequency assignments. From past experience in the mobile radio field and the high operating ratio of expenses to income within the motor carrier industry, ATA concluded that any full development of radioteleprinter within the industry will occur only if an adequate supply of private user frequencies is made available for the motor carrier industry. FCCA stated that FM broadcast multiplexing may be desirable where the licensee operates within range of the FM broadcast station but should not be limited to this mode of transmission. Forestry Conservation activities are usually in remote areas not served by FM broadcast facilities. EIA indicated that there is no known technical obstacle but many operational and administrative difficulties would be expected in the use of FM broadcast multiplexing.

18. The main interest at this time in the use of radioteleprinters in the land mobile services under Parts 89, 91, and 93 of the rules is in existing land mobile radiotelephone channels. This technique allows for use of existing transmitting and receiving equipment, selection of voice or teleprinters, and provision of radioteleprinter communication with a minimum of overall equipment cost. The availability of voice means that the voice channel bandwidth must be retained and it is not feasible in many ways to establish a number of dedicated radioteleprinter channels in a given voice channel.

19. Radiotelephony is used by most licensees in the Public Safety, Industrial and Land Transportation Radio Services. Congestion in these services has been constantly increasing and recently we have proposed to provide more radio frequency spectrum space by the rule making actions in Dockets Nos. 18261 and 18262. Other rule making actions have been taken to make the use of radiotelephone communication channels between 40 and 470 MHz as effective as possible.

20. While the majority of the parties commenting in this inquiry urge that radioteleprinters be permitted to operate on existing voice channels in all services, there is also support for the allocation of exclusive channels. The Michigan State Police and the city of Miami Communications Department support a separate frequency allocation and the State Police point to their trial operations as having demonstrated the incompatibility of common use of a channel for both radiotelephony and radioteleprinter. The degree of interference was not fully developed in the comments. Neither was this matter developed in the relatively limited test programs conducted by the users and manufacturers.

21. We believe, however, that the use of radioteleprinters in radiotelephone channels can be allowed only in a few radio services and on a restricted basis at this time. We cannot conclusively determine that the use of radioteleprinters on a general non-restricted basis will not generate new problems in frequency sharing and increase the user dissatisfaction already being experienced. Our experience to date in mixing the tone paging operations of one user with the voice operations of another user on the same frequency does indicate that such problems would be magnified. Under the limited operational tests conducted by users, the nuisance or annoyance effect of radioteleprinters on a licensee's own mobile operators was recognized. Little consideration appears to have been directed to the matter of interference between co-channel installations. The interference problems appear to fall into two categories: (1) Those involving nuisance interference, i.e., the tones are annoying to personnel within hearing range of an "open" loud speaker, and, (2) harmful interference involving the disruption of voice communications.

22. It is the harmful interference with which we are most concerned. The nuisance interference problem can be controlled to an extent by the use of filters or such techniques as selective calling and tone coded squelch although this imposes an additional cost burden on the licensee hearing the tone emission. If the receiver of a cochannel station is captured by the carrier of a station transmitting teleprinter signals, voice messages cannot be received. This effect is common, of course, to transmission of teleprinter or voice signals. The general nature of radioteleprinter operations is such, however, that we cannot expect the sharing capability to be as great as in radiotelephony. In voice operations on-off carrier techniques are used and in shared services, if message lengths are held to a minimum by use of efficient operating procedures, one user can move in upon completion of another user's message. This mode of operation does not appear to be an efficient one for radioteleprinter. It can be expected that messages will be collected and prepunched for input into the printer with a resultant run off of all waiting messages at one time. Manual keying could involve a very slow message rate. NAM, in fact, suggested that such transmission not be allowed on shared channels. This long carrier-on-time for teleprinter messages could make same area cochannel sharing incompatible and seriously reduce adjacent area sharing. We believe that this is a very serious problem and know of no effective way in which we can administratively control radioteleprinter operations so that radiotelephone operations of another cochannel licensee or licensee's will not be seriously interfered with, other than by the techniques which we are putting into effect for the Police, Fire, and Railroad Radio Services and believe to be suitable for these services alone at this time. Use of radioteleprinter in these services may, with time, provide keys as to how we can effectively provide for radioteleprinter/radiotelephone sharing of channels in other radio services. It should be noted that the harmful interference to voice system aspect is common to both wideband and narrow band radioteleprinter systems since the presence of carrier is the cause of the harmful interference.

23. We will not permit widespread use of radioteleprinter systems under the existing rule provisions which provide for nonvoice emissions in each of Parts 89, 91, and 93 of the rules on the showing of need. We are providing for radioteleprinter operation in the Police, Fire, and Railroad Radio Services under carefully controlled geographic separation of base stations or general concurrence of licensees in interference areas, as described in the next paragraph, in order to meet immediate needs in these services. The general frequency sharing arrangement and expected application of radioteleprinters in the particular radio services is such that we believe radioteleprinter interference to radiotelephone operations of other licensees can be controlled and use of the printers can be authorized on a regular basis.

24. In the Police, Fire, and Railroad Radio Services, F2 and F9 emission for radioteleprinter will be authorized for base station use only under interim rules as outlined below:

(1) The applicant must establish that the radioteleprinter base station will be at least 75 miles for the single frequency operating mode or 35 miles for the two frequency operating mode from any other cochannel base station of another licensee using F3 emission, or

(2) The applicant must obtain agreement of all existing licensees of voice base stations within the geographical limits established in (1) above. The licensee using radioteleprinter is responsible for eliminating interference caused to any existing licensee who was not canvassed in the agreement survey. New licensees of voice stations established on frequencies being used for radioteleprinter must accept any interference caused by the radioteleprinter operations.

(3) F2 or F9 emission for radioteleprinter will be authorized and is based on use of audio-tone keying. Tone shift or phase shift can be employed. F9 emission is to permit use of multiplexed voice per radioteleprinter in a voice channel. Type acceptance of a transmitter for use of F3 emission includes use of F2 or F9 emission provided the keying signal is applied through the low pass audio filter required in the transmitter for F3 emission. The transmitter must also be so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value permitted for F3 emission.

(4) The technical standards and other rule particulars applicable to use of F3 emission will apply to use of F2 and F9 emission for radioteleprinter. No restriction in the type of code employed has been imposed.

(5) No restriction is imposed on the amount of time a frequency may be used for radiotelephony or radioteleprinter. All identification on a frequency used for radioteleprinter shall be by voice and no frequency will be authorized exclusively for F2 emission.

25. Radioteleprinter in land mobile vehicles provides a new and highly specialized communication tool. To provide for proper development of the teleprinter art, our notice of inquiry raises a number of issues relating to possible technical standards, printer codes, shared printer-voice use of the same channels, multiplexing of FM broadcast stations and dedicated frequencies for teleprinters. The comments filed in the proceeding and the developmental reports from users of teleprinters do not provide a satisfactory basis for resolution of all of these issues. The comments of APCO, AAR, and EIA, among others, urge that standards not be adopted at this time to insure the full development of radioteleprinters. Thus, while we are adopting interim rules for some radio services, we are not completely disposing of any of the issues pending some experience from regular operation. It is expected that all of these issues, including possible future technical standards based on such factors as efficiency of spectrum utilization, performance, reliability and other operational characteristics, will be fully explored in further proceedings. Interim rules will permit immediate use of teleprinters in services that have demonstrated an immediate requirement for regular operation and it is expected that experience gained from regular operation will provide a basis for further expansion of this use. Also, further controlled developmental operations may be necessary to resolve some of these issues, and, of course, changes in these interim provisions may prove desirable, if not necessary, depending upon experience and developments.

26. For the present, however, these interim provisions are justified without the necessity of a further notice on the basis of the numerous helpful comments which were submitted in response to the opportunity afforded by our notice of inquiry. The interim provisions will provide to a limited extent for immediate and reasonably compatible radioteleprinter operation in radio services where printed communications should prove to be of great value and can be operationally evaluated on a long term basis.

27. In consideration of the foregoing, the Commission concludes that amendment of the rules to provide for the use of radioteleprinters in the Police, Fire, and Railroad Radio Services, at this time, will materially serve the public interest, convenience and necessity. The Commission further finds that the prior notice procedure and effective date provisions of 5 U.S.C. section 553 are unnecessary and contrary to the public interest since pertinent comments from interested parties and relevant material submitted with respect to the notice of inquiry have already been considered and incorporated herein, and since the expeditious authorization on a regular basis of Police, Fire, and Railroad Radio Services operations during an interim period is warranted to promote the public safety and to promptly gain knowledge and experience for extended use of radioteleprinter devices in other land mobile radio services.

28. Authority for these amendments is set forth in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. *Accordingly, it is ordered,* That effective August 27, 1969, Parts 89 and 93 of the Commission's rules are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 13, 1969.

Released: August 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[1] Commissioners Johnson and H. Rex Lee concurring in the result.

I. Part 89 of the Commission's rules is amended as follows:

A new § 89.122 is added to read:

§ 89.122 Interim provisions for operation of radioteleprinters in the Police and Fire Radio Services.

(a) F2 or F9 emission (audio frequency tone shift or tone phase shift) for radioteleprinter or audio passband multiplexed radiotelephony/radioteleprinter, respectively, will be authorized for base station use only in the Police and Fire Radio Services, except on mobile only frequencies, subject to the following conditions:.

(1) Information is submitted with the application to establish that the minimum separation between the proposed radioteleprinter base station and the nearest cochannel base station of another licensee operating a voice system is 75 miles for the single frequency mode of operation or 35 miles for the two frequency mode of operation, or

(2) Where the minimum mileage separation that would be applicable under subparagraph (1) of this paragraph cannot be achieved, information is submitted with the application showing that agreement to the use of F2 or F9 emission for radioteleprinter operation has been received from all existing cochannel licensees using voice emission within the applicable mileage limits. If it develops that agreement was not received from an existing cochannel licensee and the radioteleprinter operation interfers with the licensee's voice operations, the licensee of the radioteleprinter system is responsible for eliminating the interference. New licensees of voice operations sharing a frequency with any established radioteleprinter operation must tolerate any interference received from the radioteleprinter operation.

(3) The application lists the manufacturer and model number of the radioteleprinter system to be employed or in lieu thereof contains a detailed technical description of the system and emitted radioteleprinter data language.

(4) The provisions in this part applicable to use of F3 emission are also applicable to use of F2 or F9 emission for radioteleprinters. The station identification required by § 89.153 shall be by voice.

(5) Frequencies will not be assigned exclusively for F2 emission for radioteleprinter.

(6) Transmitters type accepted under this part for use of F3 emission may also be used for F2 or F9 emission for radioteleprinter, provided, for each of these emissions, the audio keying signal is passed through the low pass audio frequency filter required to be provided in the transmitter for F3 emission. The transmitter must be so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value allowed for F3 emission.

II. Part 93 of the Commission's rules is amended as follows:

A new § 93.113 is added to read:

§ 93.113 Interim provisions for operation of radioteleprinters in the Railroad Radio Service.

(a) F2 or F9 emission (audio frequency tone shift or tone phase shift) for radioteleprinter or audio passband multiplexed radiotelephony/radioprinter, respectively, will be authorized for base station use only in the Railroad Radio Service, except on mobile only frequencies, subject to the following conditions:

(1) Information is submitted with the application to establish that the minimum separation between the proposed radioteleprinter base station and the nearest cochannel base station of another licensee operating a voice system is 75 miles for the single frequency mode of operation or 35 miles for the two frequency mode of operation, or

(2) Where the minimum mileage separation that would be applicable under subparagraph (1) of this paragraph cannot be achieved, information is submitted with the application showing that agreement to the use of F2 or F9 emission for radioteleprinter operation has been received from all existing cochannel licensees using voice emission within the applicable mileage limits. If it develops that agreement was not received from an existing cochannel licensee and the radioteleprinter operation interferes with the licensee's voice operations, the licensee of the radioteleprinter system is responsible for eliminating the interference. New licensees of voice operations sharing a frequency with any established radioteleprinter operation must tolerate any interference received from the radioteleprinter operation.

(3) The application lists the manufacturer and model number of the radioteleprinter system to be employed or in lieu thereof contains a detailed technical description of the system and emitted radioteleprinter data language.

(4) The provisions in this part applicable to use of F3 emission are also applicable to use of F2 or F9 emission for radioteleprinters. The station identification required by § 93.152 shall be by voice.

(5) Frequencies will not be assigned exclusively for F2 emission for radioteleprinter.

(6) Transmitters type accepted under this part for use of F3 emission may also be used for F2 or F9 emission for radioteleprinter, provided, for each of these emissions, the audio keying signal is passed through the low pass audio frequency filter required to be provided in the transmitter for F3 emission. The transmitter must be so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value allowed for F3 emission.

[F.R. Doc. 69-10073; Filed, Aug. 22, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Alamosa National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

The public hunting of rabbits on the Alamosa National Wildlife Refuge, Colo., is permitted from October 1 through October 18, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,267 acres, is delineated on maps available at refuge headquarters, Alamosa, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits subject to the following special conditions:

(1) Dogs—not to exceed two dogs per hunter may be used in the hunting of rabbits.

(2) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

(3) Hunting with rifles and hand guns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 18, 1969.

CHARLES R. BRYANT,
Refuge Manager, Alamosa National Wildlife Refuge, Alamosa, Colo.

AUGUST 14, 1969.

[F.R. Doc. 69-10037; Filed, Aug. 22, 1969; 8:45 a.m.]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of rabbits on the Monte Vista National Wildlife Refuge, Colo., is permitted from October 1 through October 18, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Widlife, Post Office Box 1306, Abuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits subject to the following special conditions:

(1) Dogs—Not to exceed two dogs per hunter may be used in the hunting of rabbits.

(2) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

(3) Hunting with rifles and hand guns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 18, 1969.

CHARLES R. BRYANT,
Refuge Manager, Monte Vista National Wildlife Refuge, Monte Vista, Colo.

AUGUST 14, 1969.

[F.R. Doc. 69-10038; Filed, Aug. 22, 1969; 8:45 a.m.]

PART 33—FISHING

Pee Dee National Wildlife Refuge, N.C.

On page 12394 of the FEDERAL REGISTER of July 14, 1969, there was published a notice of a proposed amendment to 50 CFR 33.4. The purpose of this amendment is to provide public fishing on certain areas of the National Wildlife Refuge System, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on fishing, it shall become effective upon publication in the FEDERAL REGISTER (sec. 10, 45 Stat. 1224, 16 U.S.C. 668dd).

1. Section 33.4 is amended by the following addition:

§ 33.4 List of open areas; sport fishing.

* * * * *

NORTH CAROLINA

Pee Dee National Wildlife Refuge

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 69-10115; Filed, Aug. 22, 1969; 8:51 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 153]

MAIL CHUTES AND RECEIVING BOXES

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of a revision to § 153.6(d)(4) of Title 39, Code of Federal Regulations. That section relates to specifications for the construction of mail receiving boxes, which are mailboxes placed at the expense of the owner in public buildings, hotels, office buildings, etc. (39 CFR 153.6(a)(1)). Present specifications for these receiving boxes do not allow for the receipt of bundled letter mail. To accommodate bundled letters the Department proposes to require that receiving boxes installed after July 1, 1970, shall be equipped with a pulldown inlet door having an opening 7 by 11½ inches, inscribed "Letters and Letter Mail Tied in Bundles", with the opening to be fully protected by inside baffle plates.

The amendment to § 153.6(d)(4) set out below will effectuate the proposed new requirements.

Interested persons who desire to do so may submit written data, views, and arguments concerning the proposed revision to the Director, Distribution and Delivery Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, the following amendment to Title 39, Code of Federal Regulations, is proposed to be adopted, to be effective after July 1, 1970.

In § 153.6 *Mail chutes and receiving boxes*, amend paragraph (d)(4) to read as follows:

§ 153.6 Mail chutes and receiving boxes.

* * * * *

(d) *Specifications for construction of receiving boxes.* * * *

(4) *Mail slots, markings, and display frames.* Boxes must be provided with mail openings 1¼ inches wide by 11 inches long, protected by inside hood. Openings shall be not more than 5 feet 10 inches above the floor level and protected by inside hinge flaps, and legibly inscribed Letters. Boxes must be distinctly marked U.S. Mail Letterbox and must be provided with suitable and convenient frames to display collection schedule cards 3¾ by 5½ inches in size. (Receiving boxes installed after July 1, 1970, shall be equipped with a pulldown inlet door having an opening 7 by 11½ inches inscribed "Letters and Letter Mail Tied in Bundles." The opening shall be fully protected by inside baffle plates so as to prevent pilfering of mail.)

NOTE: The corresponding Postal Manual section is 153.644.

(5 U.S.C. 301, 39 U.S.C. 501, 6003)

* * * * *

DAVID A. NELSON,
General Counsel.

AUGUST 19, 1969.

[F.R. Doc. 69-10068; Filed, Aug. 22, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 981]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

Proposed Expenses of the Control Board and Rate of Assessment for the 1969–70 Crop Year

Notice is hereby given of a proposal regarding expenses of the Almond Control Board for the 1969–70 crop year and rate of assessment for that crop year, pursuant to §§ 981.80 and 981.81 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Control Board has unanimously recommended for the 1969–70 crop year beginning July 1, 1969, a budget of expenses in the total amount of $90,000 and an assessment rate of 0.085 cent per pound of almonds (kernel weight basis). Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth. The quantity of assessable almonds for the 1969–70 crop year is estimated at 119 million pounds (kernel weight). In order to provide adequate income to cover the budget in the event the assessable quantity is less than anticipated, an assessment rate of 0.085 cent per pound should be established to assure the availability of sufficient funds to meet the expenses of the Control Board for the 1969–70 crop year.

All persons who desire to submit written data, views or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 8th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 981.319 Expenses of the Control Board and rate of assessment for the 1969–70 crop year.

(a) *Expenses.* Expenses in the amount of $90,000 are reasonable and likely to be incurred by the Control Board during the crop year beginning July 1, 1969, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said crop year, payable by each handler in accordance with § 981.81, is fixed at 0.085 cent per pound of almonds (kernel weight basis).

Dated: August 20, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division.

[F.R. Doc. 69-10067; Filed, Aug. 22, 1969; 8:48 a.m.]

[7 CFR Parts 1001, 1002, 1003, 1004, 1015, 1016]

[Docket No. AO-14-A46, etc.]

MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE AND CERTAIN OTHER MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	Docket No.
1001	Massachusetts-Rhode Island-New Hampshire.	AO-14-A46.
1002	New York-New Jersey	AO-71-A58.
1003	Washington, D.C.	AO-286-A22.
1004	Delaware Valley	AO-160-A42.
1015	Connecticut	AO-306-A23.
1016	Upper Chesapeake Bay	AO-312-A19.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at New York, N.Y., on June 16–17, 1969, pursuant to notices thereof issued on May 28 and June 4, 1969 (34 F.R. 8709; 9035).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on August 1, 1969 (34 F.R. 12705; F.R. Doc. 69-9200) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (34 F.R. 12705; F.R. Doc. 69-9200) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Under the subheading "1. *Modification of the specified Class I price under each order.*":

(a) A new paragraph is added immediately after the 19th paragraph.

(b) Three new paragraphs are added immediately after the 21st paragraph.

(c) A new paragraph is added at the end of the discussion.

2. Under the subheading "2. *Modification of Butterfat Differentials.*", a new paragraph is added at the end of the discussion.

The material issues on the record of the hearing relate to:

1. Modification of the specified Class I price under each of the respective orders to continue the existing interregional price alignment;

2. Modification of the butterfat differentials under the respective orders; and

3. An increase in the maximum allowable rate of payment for expense of administration under the New York-New Jersey order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Modification of the specified Class I price under each order.* The Class I pricing provisions under the Massachusetts-Rhode Island-New Hampshire, New York-New Jersey, Delaware Valley, and Connecticut orders should be modified to provide that the Class I price for the month shall be the specified price under each such order plus any amount by which the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the preceding month, on a 3.5 percent butterfat basis, exceeds $4.33. In addition, all of the language of the inactivated economic formula under each such order should be deleted.

Because the Class I price under both the Upper Chesapeake Bay and Washington, D.C., orders is established by a specified adjustment of the Delaware Valley Class I price, no change is needed in these two orders to accomplish the end here determined appropriate.

The New York-New England Cooperative Coordinating Committee, representing 18 of the principal cooperatives with membership among producers supplying the New York-New Jersey and/or New England Federal order markets, proposed that the Class I price under each of the six northeastern Federal orders be "floored" in its relationship with the effective Class I price under the Chicago Regional order. The proposal had as its purpose to continue the precise interregional Class I price alignment established by the Department in general price actions taken under all orders on January 1 this year and during the previous 3 years in an effort to halt declining milk production nationally. Pennmarva Dairymen's Cooperative Federation, Inc., the member cooperatives of which represent producers primarily associated with the Delaware Valley, Upper Chesapeake Bay and Washington, D.C., markets, proposed further that, for such markets only, the intent of the Coordinating Committee's proposal be implemented through a bracketing scheme whereby the presently specified Class I prices would be adjusted in 20-cent increments to reflect increases in the Minnesota-Wisconsin pay price above $4.33 (3.5 percent butterfat basis).

Milk production has been declining throughout the country since early 1965. In an effort to stabilize production, the Department in the interim period has taken a number of price actions on a national basis both under the Federal order and price support programs. The most recent of such actions with respect to Federal orders were taken September 15, 1968, and January 1, 1969.

Official notice is taken of the decision of the Acting Secretary issued on September 6, 1968 (33 F.R. 12849) increasing the specified Class I prices under the northeastern orders by 24 cents. It was there found "* * * Such action is necessary to effect price increases to producers under the northeastern orders comparable with price increases effected under orders in the North Central region generally on July 1 and thus restore the interregional price alignment which has been maintained through the several emergency Class I price actions which have been initiated on a national basis during the past several years in an effort to stem the decline in milk production nationally.

"Federal milk orders outside the Northeast employ manufacturing milk values as a basic price to which a specified differential is added to arrive at the Class I price. The differential varies as between markets to the end that the variation in price as between markets generally reflects the difference in transportation costs in moving milk from the Minnesota-Wisconsin alternative supply area. The northeastern orders, on the other hand, have over an extended period of years employed economic type pricing formulas for the purpose of establishing Class I prices.

"Milk production in the United States has been declining since 1965. This decline in production has reflected an accelerated decline in the number of dairy farmers and dairy cattle and is attributable to factors such as high prices for cull cattle, better returns from alternative farm enterprises, more attractive off-farm opportunities for labor, increased costs of farm labor and equipment, and increased taxes and interest rates.

"In an effort to stem the downward trend in milk production, the Department has taken a series of price actions during the period 1966, 1967, and 1968, under both the dairy price support program and the Federal milk order program. However, the changes in price support levels, flooring of the basic (manufacturing milk) price and/or specified changes in the differentials over the basic price, which procedures have been employed to raise Class I prices generally under Federal orders outside the Northeast, have not been applicable under the northeastern orders. In an effort to extend identical price adjustments to the northeastern markets, the Department initially "floored" certain of the factors in the respective formulas above their then current levels and in subsequent acts inactivated the formulas entirely in favor of specified prices * * *."

Official notice is also taken of the termination order issued by the Under Secretary on December 26, 1968, removing the "April 1969" termination date of the applicable Class I pricing provisions in all Federal orders.

It was there found with respect to each of the orders that "The termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area. Dairy farmers need assurance now that their income will be maintained so that they can plan their dairy operations. These actions also will assure an adequate [milk] supply for consumers.

"The termination order will continue indefinitely certain Class I pricing provisions now due to expire April 30, 1969."

Official notice is taken of the publication "Milk Production" issued by the U.S. Department of Agriculture, Statistical Reporting Service, for the months of May and June 1969. Milk production nationally in the first 6 months of 1969 declined 1.2 billion pounds and was 1.9 percent below the corresponding period of 1968. This compares with a production decline of 1.1 billion pounds for the year 1967 and 1.5 billion pounds for the year 1968, 1 and 1.3 percent, respectively.

For the first 6 months of 1969, milk production in the 12 northeastern States from Maine through Virginia, which constitute the milkshed for the six northeastern markets, totaled 13.2 billion pounds, about one-half percent below production of the same period of 1968. Milk production in these States in 1967 was 1.4 percent below that of 1966, and in 1968 was 2.2 percent below that of 1967.

While the decline in milk production in the Northeast appears to have slowed in relation to the rate of decline in production nationally, it is still too early to conclude that the critical production situation in this area has been abated. The Northeast is a most important area of milk production. More than 32 percent of all the milk marketed under Federal orders is associated with the six markets here under consideration. Similarly, almost 34 percent of all producers whose milk is priced under Federal regulation are associated with these markets.

Under the existing fixed prices, producers in the northeastern markets have received none of the Class I price increase which producers in all regulated markets outside of the Northeast have realized by virtue of the recent advancement of the Minnesota-Wisconsin pay price above the $4.33 floor. The increases in purchase prices for butter and Cheddar cheese under the price support program made effective April 1 and 2, 1969, to return the price for milkfat in farm-separated cream to the required 75 percent level, while not changing the general level of the support price for manufacturing grade milk, have been a factor in the increases in manufactured milk pay prices as reflected in the Minnesota-Wisconsin pay price series.

In April, the Minnesota-Wisconsin pay price (3.5 percent butterfat basis) increased to $4.34, 1 cent above the $4.33 floor specified in the basic formula price provided in all Federal orders outside the Northeast. This resulted in a 1 cent increase in the May Class I price for all markets outside the Northeast. Similarly, a further increase of 3 cents in the Minnesota-Wisconsin pay price in the month of May increased the June Class I price in all markets outside the Northeast by 4 cents in their relationship with northeastern prices. Official notice is taken of the $4.39 June Minnesota-Wisconsin pay price as announced by the Department (6 cents above the $4.33 floor). This increased price has further deteriorated the previously established interregional price relationship with the markets outside the northeast.

It is not clear at this time what further increases in the Minnesota-Wisconsin pay price may occur through the remainder of the marketing year. It is not necessary, however, for purposes of this decision, to know precisely what level the Minnesota-Wisconsin pay price might ultimately reach. Similar price increases to those being experienced by producers in Federal order markets outside the Northeast for the months of May, June, and July would have enhanced producers' returns in the six markets by almost a million dollars. Even if there were no further increases in manufacturing milk values, the total loss of income to northeastern producers for the remainder of the marketing year, for any lack of action on the basis of this record, would be extremely high.

If the general level of milk production is to be maintained, it is essential that dairy farmers in the Northeast continue to have assurance that their price will be increased to the same extent as that of dairy farmers outside the Northeast. The continuing spiral in production costs, the critical labor situation, and the attractive alternative job opportunities available to northeastern dairy farmers make the proposed price increase appropriate at this time to maintain the confidence of northeastern dairymen in dairying.

To accomplish this, the orders should be amended to provide that the specified Class I prices in each order be increased each month by any amount by which the Minnesota-Wisconsin pay price, as reported by the Department on a 3.5 percent butterfat basis, for the preceding month, exceeded $4.33.

As stated earlier, producers proposed that the northeastern Class I prices be directly tied, instead, to the Chicago Regional Class I price. The inter-regional Class I price alignment basically desired by producers will be achieved, however, through the use of the Minnesota-Wisconsin price as a common price mover. Any change in the Minnesota-Wisconsin price (at levels above the $4.33 floor price) will change to the same extent the Class I prices under the northeastern orders and the Chicago Regional order, as well as prices under other orders throughout the country.

While Pennmarva Federation proposed that any price increases be accomplished through a bracketing scheme, such a procedure cannot accommodate the end here sought. The level of the Minnesota-Wisconsin pay price cannot at this time be reliably forecast either with respect to its ultimate level or on a month-to-month basis. We know of no method of bracketing which could achieve the objective of providing the same increase each month in the Northeast as applies in other markets.

The order prices in all markets outside the Northeast adjust each month to reflect the precise change in the Minnesota-Wisconsin pay price above $4.33. If interregional price alignment is to be maintained, the same procedure appropriately must apply under the northeastern orders. The purpose of the price change in northeastern markets is not different from that in other regulated markets over the nation. It is intended that producers in all markets receive similar treatment in consideration of the overall objective and the method adopted is best designed to achieve this objective. The proposal for the adoption of a bracketing scheme at this time therefore is denied.

In their exceptions to the recommended decision, handlers in the Connecticut market objected to the change in the date for announcing Class I prices that is necessitated by the proposed change in the Class I price. As proposed herein, Class I prices under the northeastern orders would be announced by the market administrators on or before the 5th day of the month in which they apply. Presently, Class I prices for the month are known by the 25th day of the preceding month.

The change in the price announcement date is necessary to accommodate the use of the Minnesota-Wisconsin price series in determining the Class I price. The Minnesota-Wisconsin price is based on prices paid by plants each month and becomes available for publication on or before the 5th day of the following month. Any Class I price reflecting the most current Minnesota-Wisconsin pay prices thus could not be announced before the 5th day of the month.

Connecticut handlers complained that not knowing the Class I price for the first part of the month would make it difficult to recover cost increases on sales agreements made prior to the price announcement. In all Federal order markets outside the Northeast, Class I prices for the month are not announced until at least the 5th day of the month. There is no indication that handlers in these other markets have not been able to operate reasonably well with this announcement date. It thus seems reasonable to expect that handlers in the Northeast would be able to adjust without undue hardship to the later announcement date.

The structure of the Class I pricing provisions as contained in the Massachusetts-Rhode Island-New Hampshire and Connecticut orders is such that one not intimately familiar with the details of the order is required to read through and assimilate very lengthy provisions only to find at the end that the several provisions of the pricing formula have no current application and that the effective price is, in fact, a specified price. It is desirable to simplify such provisions for better public understanding.

In this regard also attention is called to the June 25, 1968, decision of the Under Secretary denying a New York-New England Cooperative Coordinating Committee request for the adoption of a common Class I economic formula and providing for a 10-cent upward adjustment of the specified New York-New Jersey Class I price to provide more appropriate alignment with the Class I price in the New England Federal order markets. Among other things, the Under Secretary concluded in such decision, official notice of which is taken: "Clearly a return to formula pricing at this time could not serve the interest of either producers or consumers to the degree that the present fixed prices afford * * *

"* * * Contrary to proponents' position, the present basis of fixed pricing is the best way of implementing market stability in this period of great uncertainty with respect to future production and consumption trends. Appropriately, the matter of a pricing formula should be reconsidered at a future hearing after marketing conditions have stabilized sufficient to permit a longer range decision than is now possible." Such formulas could not appropriately be reactivated in existing form.

While such decision related to the Massachusetts-Rhode Island-New Hampshire, Connecticut, and New York-New Jersey markets in particular, the obvious need for maintaining price alignment throughout the Northeast would dictate reconsideration of the Delaware Valley formula in the event any revised formula were developed for the former markets. Consequently, the Delaware Valley economic formula is not necessary at this time.

In light of the above, the present provisions setting forth the details of a pricing formula in the respective orders serve no useful purpose and, in fact, impede clear understanding of the present pricing scheme. Accordingly, the now obsolete language of the respective inactivated pricing formulas should be deleted.

A cooperative association excepted to the deletion of these provisions on the basis that such action was not within the scope of the hearing notice and that their deletion jeopardizes the future use of economic formulas in these orders. The economic formula provisions in these orders have not been in effect for some time, however. Neither is it proposed that they be reactivated in their present form.

The proposed action would merely remove from the orders obsolete language. It does not imply that economic formulas, if found to be appropriate, could not be employed in the future in establishing Class I prices in the Northeast.

2. *Modification of Butterfat Differentials.* The provisions of the six northeastern orders should be modified to provide producer and handler (where applicable) butterfat differentials computed on the basis of the average daily wholesale selling price of butter in the New York City market, as reported by the Department for the period from the 16th day of the preceding month through the 15th day of the current month, multiplied by 0.115, and rounded to the nearest even one-tenth cent.

The two New England orders and the New York-New Jersey order each provide only a producer butterfat differential. Under these orders, differential butterfat in Class I or Class II has identical value and, hence, it is unnecessary to equalize the value of differential butterfat through the pool. Handlers account to the pool for each hundredweight of milk received in accordance with its use as either Class I or Class II at the announced class prices without adjustment for butterfat content. In making payment to each producer, the applicable blended price is adjusted by the butterfat differential to reflect the value of milk at the test received from such producer. Under each of these orders, the butterfat differential is based on the identical butter price herein proposed for use under each of the six orders. Such price, however, currently is multiplied by 0.120 and rounded to the nearest even one-tenth cent under Order 2, and to the nearest one-tenth cent under Orders 1 and 15.

Thus, while the three orders employ the same butter price for computing a butterfat differential, the procedure of rounding the resulting price can and does result at times in different butterfat differentials and, hence, a different cost to handlers as between the markets for skim milk and butterfat, respectively.

Because the other three orders (Delaware Valley, Upper Chesapeake Bay and Washington, D.C.) provide different butterfat values for Class I milk as compared to Class II milk, the value of differential butterfat must be equalized through the pool. Each order provides for the computation of a Class I butterfat differential based on the Philadelphia cream price with provision that the resulting value be not less than the Class II differential (computed in an identical manner as the producer butterfat differential under Orders 1 and 15). The procedure for such computation varies, however, to the end that there can be a difference of more than one-half cent in the differential as between Delaware Valley and Upper Chesapeake Bay or Washington, D.C.

With respect to the producer butterfat differential, both Upper Chesapeake Bay and Washington, D.C., provide for a weighted average of the Class I and Class II differentials rounded to the nearest cent, while Delaware Valley uses the Class I differential rounded to the nearest cent.

Proponents pointed out that the varying differentials as among the orders create a variety of values for skim milk and butterfat among the markets despite the fact that class prices are generally aligned for milk of 3.5 percent test. Hence, handler costs as between orders are different despite the fact that the basic prices are essentially the same. They held that true price alignment could be achieved only if the butterfat differential as between the orders were the same.

Proponents further suggested that the increased mobility of milk and dairy products makes it necessary that price alignment be maintained not only as between markets in the Northeast but also with markets in other regions. To this end, they proposed the use of the Chicago butter price as a basis of computing butterfat differentials, pointing out that most other markets under regulation use this price in computing their butterfat differentials.

In further support of their proposal, proponents pointed out that under the present differentials, handler costs for butterfat are, in fact, greater than the value of the resulting butter which can be produced. A lowering of the butterfat differential in the manner proposed would result in a more equitable pricing for both butterfat and skim milk.

Notwithstanding proponents' general position, it is not possible to fully achieve the end they seek. In most regulated markets the Class I butterfat differentials are based on the preceding month's butter values and the Class II differentials are based on the current month's butter values. This procedure reflects handlers' desire to know as early as possible in the month their cost for Class I milk, on the one hand, and the need to have Class II milk priced in relation to the current milk product values, on the other. Because Orders 1, 2, and 15 do not equalize differential butterfat through the pool, it is not possible to fully achieve this end.

Although proponents generally agreed on the overall proposal, the Order 1 members of the Coordinating Committee were quite positive in their view that the applicable butterfat differential under Order 1 must be known by the 26th day of the month in order that advance payment to producers can be completed on schedule. To accommodate this end, it was proposed that, for Order 1 only, the butterfat differential be computed on the basis of daily butter prices from the 26th day of the preceding month through the 25th day of the current month.

Pennmarva Federation also asked for a modification of the Coordinating Committee's proposal in that they supported a rounding of the producer butterfat differential to the nearest even one-tenth cent. This, they held, was necessary in order to accommodate payment through their present computer equipment.

At the present time, the Chicago butter price is reported by the Department on a monthly basis. The New York butter price, on the other hand, is reported for the period from the 16th day of the preceding month to the 15th day of the current month. Because butter prices normally approximate the announced support purchase prices, it does not appear necessary at this time to develop a new reporting series to accommodate the calculation of a butterfat differential under Order 1. The end proponents seek can be achieved in large measure by the use of the same butter value now used in the computation of the present differentials under Orders 1, 2, and 15. A lowering of the factor from 120 to 115 will provide more appropriate butterfat and skim milk values. In addition, the rounding of the differential to the nearest even one-tenth cent will accommodate the problems of checkwriting under Orders, 3, 4 and 16. With these modifications, proponents' proposal should be adopted as a means of providing better price alignment as among the orders here under consideration and with order prices in other regions.

Exceptions filed by certain producer groups stressed, on the one hand, that the butterfat differentials should not be lowered and, on the other, that such differentials would not be lowered enough. However, on the basis of the various factors taken into consideration, as described above, the changes proposed herein appear to be a reasonable step at this time in providing price alignment in the Northeast and inter-regionally.

3. *Expense of Administration.* The maximum allowable rate of expense of administration under Order 2 should be increased to 4 cents. Such payment should continue to be applicable to the total quantity of pool milk received by the handler from dairy farmers at plants or from farms in a unit operated by the handler directly or at the instance of a cooperative association of producers.

The Act requires that handlers shall pay the cost of operating an order through an assessment on milk handled. The present maximum allowable rate of payment of 2 cents per hundredweight has not provided sufficient funds in the last several years to cover the administrative expenses necessarily incurred by the market administrator and, in addition, to maintain a reasonable operating reserve.

Experience in the operation of Federal orders generally has shown the need for maintaining an operating balance in the administrative fund sufficient to cover about 9 months' normal expenses. This reflects 6 months' operating costs which is the approximate time which would be required to complete audits and close out the office in the event the order should be withdrawn or terminated. The remainder of the balance in such circumstances would be needed for severance pay for the employees involved.

For each of the years between 1961 and 1967, the operating balance at the beginning of the year was equivalent to between 8.9 and 9.8 months' average expenditure during the year. In 1968 the operating balance at the beginning of

the year provided less than 8 months' cost of operation for the year and at this time is below 6 months' estimated cost.

Beginning in 1966, actual expenditures have exceeded income each year. The estimated expenditures for the current year exceed estimated income by $545,000. This is more than double the amount by which expenses exceeded income in 1968.

While handlers expressed concern at the proposal to double the allowable rate of payment, it must be recognized that the rate here being established is a maximum rate only. The actual rate will be set at such lesser rate as is estimated necessary to cover expenses and maintain the reserve to an estimated 9 months' operating cost. It is the policy of the Department to expend only those funds prudently necessary to properly administer the order. If at any time the reserve fund should exceed that deemed necessary, the effective rate would, of course, be reduced.

Other order changes not specifically discussed in this decision remove obsolete language or are conforming changes necessary to accommodate the announcement by the market administrator of prices in accordance with the conclusions hereinbefore set forth.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were carefully considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties were inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in Certain Specified Marketing Areas," and "Order Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the orders as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of Representative Period

The month of February 1969 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as it hereby proposes to amend the orders, as amended, regulating the handling of milk in the certain specified marketing areas, is approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on August 20, 1969.

RICHARD E. LYNG,
Acting Secretary.

Order[1] amending the orders regulating the handling of milk in certain specified marketing areas

7 CFR Part	Marketing area
1001	Massachusetts-Rhode Island-New Hampshire.
1002	New York-New Jersey.
1003	Washington, D.C.
1004	Delaware Valley.
1015	Connecticut.
1016	Upper Chesapeake Bay.

§ .0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held; and

(4) With respect to the New York-New Jersey order (Part 1002), it is hereby found that the necessary expense of the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to the total quantity of pool milk received from dairy farmers at plants or from farms in a unit operated by such handler, directly or at the instance of a cooperative association of producers.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreements and order amending the orders contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on August 1, 1969, and published in the FEDERAL REGISTER on August 5, 1969 (34 F.R. 12705; F.R. Doc. 69-9200, shall be and are the terms and provisions of this order and are set forth in full herein except that under Part 1004 § 1004.50(a) is changed:

PART 1001—MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE MARKETING AREA

1. In § 1001.32, paragraph (j) is revised to read as follows:

§ 1001.32 Duties.

* * * * *

(j) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) By the 5th day of the month:

(i) The Class I price for the current month;

(ii) The Class II price for the preceding month, as computed under § 1001.61;

(2) By the 13th day of each month, the zone blended prices resulting from the adjustment of the basic blended price for the preceding month, as computed under § 1001.65, by the zone differentials contained in § 1001.62(d);

(3) By the 25th day of each month the butterfat differential computed pursuant to § 1001.71(b); and

(4) Whenever required for purpose of assigning receipts from other Federal order plants under § 1001.56(b), his estimate of the utilization (to the nearest whole percentage) in each class during the month of butterfat and skim milk, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

2. Section 1001.60 is revised to read as follows:

§ 1001.60 Class I price.

The Class I price per hundredweight of milk containing 3.5 percent butterfat, for the month, at plants located in zone 21, shall be $6.91 plus any amount by which the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month, on a 3.5 percent butterfat basis, exceeds $4.33.

3. Section 1001.66 is revised to read as follows:

§ 1001.66 Factors used in formulas.

If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use one determined by the Secretary to be equivalent to the price which is specified.

4. In § 1001.71, paragraph (b) is revised to read as follows:

§ 1001.71 Butterfat differential.

* * * * *

(b) Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. In § 1002.22, paragraph (m) is revised to read as follows:

§ 1002.22 Duties.

* * * * *

(m) On or before the date specified, or the next succeeding work day in any month in which such date is a Sunday or holiday, publicly announce the following:

(1) The 5th day of each month:

(i) The Class I price for the current month and the Class II price for the preceding month computed pursuant to § 1002.50, both as applicable at the 201-210-mile zone and at the 1-10-mile zone;

(ii) The butterfat differential for the preceding month computed pursuant to § 1002.81;

(iii) The simple average of the daily wholesale selling price per pound (using the midpoint of any price range as one price) reported by the U.S. Department of Agriculture for Grade A or 92-score bulk creamery butter in New York City for the period between the 16th day of the second preceding month and the 15th day inclusive of the preceding month;

(iv) The average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month;

(v) The simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S. Department of Agriculture for the preceding month.

(vi) The weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published by the U.S. Department of Agriculture for the period from the 26th day of the second preceding month through the 25th day of the preceding month.

(2) The 15th day of each month, the uniform price for the preceding month pursuant to § 1002.71 applicable at the 201-210-mile zone and at the 1-10-mile zone pursuant to § 1002.82.

2. In § 1002.50, paragraph (b) is revoked and the designation "(b)" is reserved for future assignment; paragraph (a) is revised; and the remaining paragraphs are unchanged. Section 1002.50, as revised, reads as follows:

§ 1002.50 Class prices.

* * * * *

(a) For Class I-A milk the price each month shall be $6.73 plus any amount by which the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month, on a 3.5 percent butterfat basis, exceeds $4.33.

(b) [Reserved]

* * * * *

§ 1002.81 [Amended]

3. The provision "0.120" as it appears in § 1002.81 is revoked and the provision "0.115" is substituted thereat.

§ 1002.90 [Amended]

4. The provision "2 cents" as it appears in § 1002.90 is revoked and the provision "4 cents" is substituted thereat.

PART 1003—MILK IN WASHINGTON, D.C., MARKETING AREA

1. Section 1003.51 is revised to read as follows:

§ 1003.51 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the applicable class price pursuant to § 1003.50 shall be increased or decreased, respectively, for each one-tenth of 1 percent butterfat by a butterfat differential computed as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

2. Section 1003.81 is revised to read as follows:

§ 1003.81 Producer butterfat differential.

In making payments pursuant to § 1003.80 (a) or (b) the uniform price shall be adjusted for each one-tenth of 1 percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential as computed pursuant to § 1003.51.

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

1. In § 1004.22, paragraph (j) is revised to read as follows:

§ 1004.22 Duties.

* * * * *

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 5th day of each month:

(i) The Class I price for the current month computed pursuant to § 1004.50 (a);

(ii) The Class II price computed pursuant to § 1004.50(b) and the handler butterfat differential computed pursuant to § 1004.51, both for the preceding month;

(2) The 13th day of each month, the uniform price(s) computed pursuant to §§ 1004.71 and 1004.72 and the butterfat differential to producers computed pursuant to § 1004.81, both for the preceding month.

2. In § 1004.50, paragraph (a) is revised to read as follows:

§ 1004.50 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight of Class I milk shall be $7.17 plus any amount by which the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month on a 3.5 percent butterfat basis, exceeds $4.33.

3. Section 1004.51 is revised to read as follows:

§ 1004.51 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the applicable class price pursuant to § 1004.50 shall be increased or decreased, respectively, for each one-tenth of a percent butterfat by a butterfat differential computed as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

4. Section 1004.81 is revised to read as follows:

§ 1004.81 Butterfat differential to producers.

The uniform price to each producer shall be increased or decreased for each one-tenth of 1 percent by which the average butterfat content of his milk is above or below 3.5 percent, respectively, by the butterfat differential computed pursuant to § 1004.51.

PART 1015—MILK IN CONNECTICUT MARKETING AREA

1. In § 1015.32, paragraph (g) is revised to read as follows:

§ 1015.32 Duties.

* * * * *

(g) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) By the 5th day of the month:

(i) The Class I price for the current month;

(ii) The Class II price and butterfat differential for the preceding month, as computed under §§ 1015.61 and 1015.71, respectively;

(2) By the 14th day of each month the basic uniform price for the preceding month computed under § 1015.64 and the zone uniform prices resulting from the adjustment of the basic uniform price by the zone price differentials under § 1015.62; and

(3) Whenever required for purpose of assigning receipts from other Federal order plants pursuant to § 1015.55(c)(2), his estimate of the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

2. Section 1015.60 is revised to read as follows:

§ 1015.60 Class I price.

The Class I price per hundredweight of milk containing 3.5 percent butterfat, for the month, at plants located in the nearby plant zone under § 1015.62, shall be $7.31 plus any amount by which the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month on a 3.5 percent butterfat basis, exceeds $4.33.

3. Section 1015.65 is revised to read as follows:

§ 1015.65 Factors used in formulas.

If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use one determined by the Secretary to be equivalent to the price which is specified.

4. Section 1015.71 is revised to read as follows:

§ 1015.71 Butterfat differential.

In making the payments to producers and cooperative associations required under § 1015.70 or for overages under § 1015.63(d), each handler shall add or subtract for each one-tenth of 1 percent that the average butterfat content of milk received from producers or the overage is above or below 3.5 percent, respectively, an amount per hundredweight which shall be computed by the market administrator as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

PART 1016—MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

1. Section 1016.51 is revised to read as follows:

§ 1016.51 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the applicable class prices pursuant to § 1016.50 shall be increased or decreased, respectively, for each one-tenth of 1 percent butterfat by a butterfat differential computed as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price), reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

2. Section 1016.81 is revised to read as follows:

§ 1016.81 Producer butterfat differential.

In making payments pursuant to § 1016.80 (a) or (b) the uniform prices shall be adjusted for each one-tenth of 1 percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential as computed pursuant to § 1016.51.

[F.R. Doc. 69-10104; Filed, Aug. 22, 1969; 8:51 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 727]

[Administrative Order No. 609]

INDUSTRY COMMITTEE FOR THE AGRICULTURE INDUSTRY IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearing

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004) and 29 CFR Part 511, I hereby appoint Industry

Committee No. 89 for the Agriculture Industry in Puerto Rico.

The agriculture industry in Puerto Rico is defined as follows:

Farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur bearing animals, or poultry, and any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including the preparation for market, delivery to storage or to market or to the carriers for transportation to market; and processing, handling, packing, storing, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or making cheese or butter or other dairy products: *Provided, however*, That the agriculture industry shall not include any activities, included in the definition of the food and related products industry in Puerto Rico (29 CFR 673), the sugar manufacturing industry in Puerto Rico (29 CFR 689), the tobacco industry in Puerto Rico (29 CFR 657), and the communications, utilities, and transportation industry in Puerto Rico (29 CFR 671): *Provided, further*, That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene the above-appointed industry committee.

(b) Refer to the industry committee the question of the minimum rate or rates of wages to be fixed for the agriculture industry in Puerto Rico, as herein defined.

(c) Give notice of the hearing to be held by the industry committee at the time and place indicated below. The industry committee shall investigate conditions in its industry, and the industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 89 shall meet in executive session to commence its investigation at 9:30 a.m. on December 8, 1969, in the office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 1:30 p.m. on the same date at the same place.

The industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa. However, Industry Committee No. 89 shall not recommend minimum wage rates in excess of $1.30 an hour.

Whenever the industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not substantially curtail employment in such classification and which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for the industry committee containing such data as he is able to assemble pertinent to the matters referred to them. Copies of such report may be obtained at the national and Puerto Rican offices of the U.S. Department of Labor as soon as they are completed and prior to the hearings. The industry committee shall take offical notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

The procedure of the industry committee shall be governed by 29 CFR Part 511. Interested persons wishing to participate in the hearing shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the hearing date set for the committee as set forth in this notice of hearing.

Signed at Washington, D.C., this 18th day of August 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69–10047; Filed, Aug. 22, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69–WE–53]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an east alternate to VOR Federal airway No. 107 from Los Banos, Calif., to Oakland, Calif., via the intersection of Los Banos 317° T (300° M) and Oakland 110° T (093° M) radials. The proposed airway would provide an additional airway between Los Banos and Oakland and would reduce controller workload by providing a numbered airway for a route now navigated by radar vectors.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348 and sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 15, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–10062; Filed, Aug. 22, 1969; 8:48 a.m.]

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 69–11a; Notice 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Power-Operated Window Systems

The Federal Highway Administrator is considering amending § 371.21 of title 49, CFR, by adding a new Federal Motor Vehicle Safety Standard that would impose minimum performance requirements for power-operated window systems in passenger cars and multipurpose passenger vehicles.

The Administrator seeks to accomplish two major objectives through the issuance of a standard governing power-operated window systems: (1) To minimize the likelihood of personal injury or death occurring when a person is caught between a window that is closing and the closure channel or seal; and (2) to ensure that vehicle occupants can make emergency exits from vehicles equipped with power-operated windows in the event of a severe crash.

With respect to the first objective, children left unattended in motor vehicles pose the primary problem. Playing with the controls of power-operated windows, they can cause death through strangulation and other types of injury. In advertent operation of power windows by adults may also create an unreasonable risk of harm to occupants of the vehicle. Although many current models of passenger cars are designed so that the power-operated windows cannot be operated when the ignition key is in the "off" position, some vehicles lack this feature. Station wagon tailgate windows in some makes can be closed even though the ignition switch is off.

In May 1968 the Director of the National Highway Safety Bureau issued a public advisory, stating that numerous cases of injury and death from accidental operation of power windows had been reported to the Bureau. He warned that many of those injuries and deaths had occurred because power windows could be closed when the ignition switch was off. In the advisory, the Director cautioned owners of vehicles with power-operated windows to have the wiring adjusted to prevent closure of the windows when the ignition switch is off.

Despite extensive publicity given to the National Highway Safety Bureau's public advisory, tragedies resulting from accidental operation of power windows are still being reported. Incidents involving station wagon tailgate windows are especially prevalent. Therefore, the Administrator believes that the interests of motor vehicle safety require the imposition of a safety standard which will reduce, if not eliminate, the toll of deaths and injuries resulting from accidents involving power-operated windows. This would be accomplished by requiring power-operated window systems to be designed and constructed so that the window cannot be closed unless the ignition is in the "on" or "start" position. In addition, the Administrator is of the view that a performance standard for power-operated windows should also provide for using the windows as emergency exits. This would be accomplished by requiring a means of opening the window from inside the vehicle's passenger compartment when the ignition switch is off.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed standard. Comments on whether the interests of safety require that power-operated windows be nonclosable from switches located outside the vehicle with the engine-ignition switch off are particularly invited. All comments must identify the docket (No. 69–11a) and must be submitted in 10 copies to the Docket Section, Federal Highway Administration, Room 512, 400 6th Street SW., Washington, D.C. 20591. All comments received before the close of business on October 10, 1969, will be considered by the Administrator before the final action on this proposal. All comments will be available in the Rules Docket for examination both before and after the closing date for comments.

The Administrator is also issuing an advance notice of proposed rule making requesting comments on additional performance requirements for power-operated window systems. See page 13609 of this issue. The rule making contemplated in the advance notice would apply to trucks and buses, as well as passenger cars and multipurpose passenger vehicles. It also seeks comments and views on long-range solutions to the safety problems posed by power-operated windows with a view toward eliminating additional hazards that the present notice would not reach because of the longer lead time required to eliminate them.

In consideration of the foregoing, it is proposed to amend section 371.21 of Part 371 in title 49 CFR, effective January 1, 1970, by adding a new Federal Motor Vehicle Safety Standard to read as set forth below.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.4(c).

Issued on August 20, 1969.

E. H. HOLMES,
Acting Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD No. ------

POWER OPERATED WINDOW SYSTEMS

S1. *Purpose and scope.* This standard specifies minimum requirements for power-operated window systems to minimize the likelihood of personal injury or death from accidental closing of power-operated windows and to ensure that occupants will be afforded a means of emergency escape from vehicles equipped with power-operated windows.

S2. *Application.* This standard applies to passenger cars and multipurpose passenger vehicles manufactured on or after January 1, 1970.

S3. *Requirements.* Each power-operated window system shall be designed and constructed so that when the key-locking system that controls normal activation of the vehicle's engine is not in the "on" or "start" position—

(a) The window, once opened, will not move towards the frame, channel, or seal upon which it closes; and

(b) The window will fully open upon actuation of a control located inside the passenger compartment of the vehicle.

[F.R. Doc. 69–10099; Filed, Aug. 22, 1969; 8:50 a.m.]

[49 CFR Part 371]

[Docket No. 69–11b; Notice 2]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Power-Operated Window Systems

The Federal Highway Administrator is considering the addition of a new Federal Motor Vehicle Safety Standard to § 371.21 of title 49, CFR. The new standard would specify performance requirements to minimize the likelihood of personal injury when a power-operated window of a passenger car, multipurpose passenger vehicle, truck, or bus is inadvertently operated and a person is caught between the window that is closing and the framework that encloses the window opening.

A notice of proposed rule making for a standard limited to power-operated windows of passenger cars and multipurpose passenger vehicles is being issued as a separate rule making action in this docket. See page 13608 of this issue. The Administrator also invites interested persons to submit written data, views, or arguments on more comprehensive performance requirements that would become effective January 1, 1971, to ensure reliability, fail-safe operation, and reasonable security against accidental actuation of the the control devices of power-operated windows in passenger cars, multipurpose passenger vehicles, trucks and buses. Comments are specifically invited on requirements for the following:

1. Mechanisms that would interrupt, stop, or reverse the direction of windows when a predetermined force is exerted on an object interposed between the glazing and the frame, channel, or seal upon which it closes.

2. Mechanisms that will permit windows to be opened from both the driver's master control and by individual controls located elsewhere but will permit such panels to be closed only from the driver's master control panel and when the ignition switch or engine control is in an "on" or "start" position.

The performance requirements should not prevent vehicle occupants from making emergency exists through the windows, nor should they facilitate unauthorized entry into a locked vehicle.

Persons who submit suggestions for specific performance requirements are invited to submit information about the estimated cost of and lead time needed for complying with those requirements.

Comments, identifying the docket number (Docket No. 69–11b) should be submitted to the Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591.

All comments received before the close of business on November 24, 1969, will be

considered by the Administrator before he takes further action. All comments will be available in the Rules Docket for examination both before and after the closing date for comments.

This advance notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.4(c).

Issued on August 20, 1969.

E. H. HOLMES,
Acting Federal Highway Administrator.

[F.R. Doc. 69-10098; Filed, Aug. 22, 1969; 8:50 a.m.]

[49 CFR Part 391]

[Docket No. MC-7; Notice No. 69-13]

MOTOR CARRIER SAFETY REGULATIONS

Qualifications of Drivers; Notice of Extension of Time To File Comments

On June 2, 1969, the Federal Highway Administrator issued a notice of proposed rule making which proposed a complete revision of Part 391 of the Motor Carrier Safety Regulations pertaining to qualifications of drivers of commercial motor vehicles engaged in interstate or foreign commerce (34 F.R. 9080). The notice specified that interested persons should submit their comments on the proposed rule within 90 days of its publication in the FEDERAL REGISTER.

The Administrator has received a petition for extension of time for filing comments. Upon consideration thereof, he has extended the time to file timely comments for 32 days, to the close of business on October 6, 1969.

Issued on August 19, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc 69-10100; Filed, Aug. 22, 1969; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 288, 399]

[Docket 21310]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION AND STATEMENTS OF GENERAL POLICY

Notice of Proposed Rule Making

AUGUST 15, 1969.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Parts 228 and 399 of the regulations with respect to air transportation performed for the Department of Defense. The principal features of the proposed amendments are explained in the attached explanatory statement. The text of the proposed amendments is also attached. The amendments are proposed under authority of sections 204, 401, 403, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754, 758, 771, as amended; 49 U.S.C. 1324, 1371, 1373, 1386).

Interested persons may participate in the proposed rule making through submission of fifteen (15) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before September 10, 1969, and reply comments thereon received on or before September 22, 1969, will be considered by the Board before taking action on the proposals. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.[1]

[SEAL] HAROLD R. SANDERSON,
Secretary.

EXPLANATORY STATEMENT

With this notice of proposed rule making, the Board is continuing its comprehensive review of the minimum rates applicable to certain transportation services performed by air carriers for the military.

The Board's minimum-rate policy is set forth in Part 288 of the Economic Regulations and in section 399.16 of the Statements of General Policy. Part 288 confers a blanket exemption from the tariff-filing requirements for the performance of so-called "Category B services," consisting principally of international charters; Logair services, which consist of cargo charter services between Air Force bases within the United States; Quicktrans services, which are cargo charter services between domestic naval installations; Category A, consisting of individually ticketed passengers and individually waybilled cargo using regularly scheduled flights; and Category X, consisting of passengers and cargo moving in the opposite direction to Category A cargo and in stated proportion to such Category A cargo. The exemption is conditioned upon observance of the minimum rates stated therein. Section 399.16 sets forth minimum rates for Category Z service, consisting of passengers only, moved in accordance with tariffs filed by the carriers, along with other criteria employed by the Board in passing upon applications for exemptions related to the performance of services for the military.

We are proposing herein changes in the minimum rates for Category B charters with turbojet aircraft and for Category A, Z, and X individual transportation. No change is proposed in the current minimum rates for charters performed with turboprop and piston aircraft or in the suspension charges to be paid by DOD. Revised minimum rates for Logair and Quicktrans charters were fixed in a separate rule-making proceeding.

Category B Minimum Rates for Large Turbojet Aircraft Costs. The techniques used in this review for forecasting Category B costs are essentially the same as those used in past reviews. Carriers performing Military Airlift Command charters during fiscal 1969 have furnished experienced cost data for the year ended September 30, 1968. These data have been used as the basis for projecting the costs each carrier expects to incur in performing MAC charters during fiscal 1970. Those proposing to operate new aircraft, for which there is no experience, have based their forecasts on available information. Cost forecasts related to whatever objective data are available have also been submitted by carriers lacking representative experience in MAC operations but expecting to perform MAC charters in fiscal 1970.

As in past reviews, DOD has taken advantage of an opportunity to study the data submitted by the individual carriers. It has filed with the Board its own analysis and views on various aspects of the carriers' cost projections.

The materials submitted by both the carriers and the DOD have been analyzed by the Board. Each carrier has been afforded an opportunity to meet informally with the Board's staff and discuss questions as to the appropriate bases for forecasting costs. Representatives of the DOD have also participated in such meetings. In some cases, as a result of questions raised during such meetings, additional data have been submitted by the carriers.

On the basis of its independent analysis of the cost data, the Board has tentatively determined that certain adjustments in the cost forecasts are appropriate. These adjustments are generally in line with policies developed in previous reviews, and are explained in the appendixes hereto which set forth each carrier's forecast with the adjustments effected by the Board. The most significant adjustments and departures from past costing practices are summarized below.

Exclusions. We have not included Continental's B-747 cost data in view of the fact that the first such aircraft is not indicated to be available until the month of June 1970. In view of this and the uncertainties inherent in costing this complex aircraft while it is still being test flown, we will defer costing the B-747 until a more appropriate time in the future when its use for MAC is more imminent. At such time it is contemplated that other carriers will be in a position to submit reasonable cost forecasts.

Saturn submitted cost data for the DC-8-50F, DC-8-61F, and DC-8-63F aircraft types. Its experience during the base period was limited to 9 months with one DC-8-61F aircraft and 8 months with another. One was assigned, according to the carrier, to Atlantic commercial operations, and the other to Pacific MAC operations. The DC-8-50F and DC-8-63F forecasts are keyed to the DC-8-61F

[1] Appendices A through H filed as part of original document.

experience and forecasts. Saturn submitted significantly revised T-3.1 schedules to its Form 41 reports on March 26, 1969, and again about May 28, 1969, which data have not yet been adequately analyzed. In view of the current uncertainties with respect to the data used by Saturn in preparing its forecast for the DC-8-61F, upon which the DC-8-50F and DC-8-63F forecasts are also based, the Board will not include Saturn's cost data at this time. It may be appropriate to do so before the final rule is adopted is reliable data are available in sufficient time.

Utilization. The average daily utilization forecast by the carriers for long-range jet aircraft averages 12.2 hours for fiscal 1970. This current forecast is 0.8 hour higher than last year's forecast by the carriers. It is also 0.4 hour greater than the 11.8 hours recognized by the Board last year in establishing rates for fiscal year 1969. In addition we note that it is also 0.4 hour greater than that experienced by the carriers in the base period used in the current review, that is, the year ended September 30, 1968.

MAC's utilization forecast of 12.6 hours is slightly higher than that forecast by the carriers, and is based, with minor exceptions on the higher of either the system experience or the forecast of each carrier.

The Board has reviewed the utilization data pertaining to each carrier, and has concluded to accept the carriers' forecasts, in most instances, as reasonable and consistent with available information. Adjustments were made, however, to (a) exclude data related to Saturn, since Saturn's costs were excluded for reasons explained previously, in determining the industry weighted average costs; (b) provide a 12-hour utilization for Capitol's stretched jet, as advocated by MAC, in the absence of a forecast by Capitol; (c) reduce American Flyers' forecast of 14.6 hours to 12.5 hours, the average of the forecasts of all other stretched jet operators, since this carrier has not had long-range experience with this type aircraft; (d) increase the standard jet forecasts of Continental, Northwest, and Trans Caribbean to reflect the system experience of these carriers for the year ended September 30, 1968; and (e) make a technical adjustment in American's forecast in passenger services.

Flight equipment depreciation and investment. The computations of depreciation and investment related to flight equipment for fiscal 1970 involve departures from past practices.

For recent MAC rate reviews, a service life of 12 years and a residual value of 15 percent have been employed in determining depreciation expense and the recognized investment in flight equipment for turbojet aircraft. In light of presently available information and based on our current best judgment, we are proposing minimum rates for long-range jet aircraft for fiscal 1970 which are predicted upon a 14-year service life and 10-percent residual value, effective July 1, 1969. Thus, for investment purposes, the net book value as of January 1, 1970, has been determined on the basis of a 12-year life with a 15-percent residual value up to June 30, 1969, and on the basis of 14 years per 10 percent residual thereafter. The effect on depreciation expense for fiscal 1970 is a reduction of 9.24 percent from that which would have been compute-l had no change in practice been made. Under the former method, slightly over 7 percent of asset cost is reflected in depreciation expense each year (85 percent of cost spread over 12 years). Under the revised method, just under 6½ percent is so reflected (90 percent per 14 years).

In reaching our decision to change the depreciable life of the turbojet aircraft for MAC rate-review purposes, we have given due consideration to the fact that the MAC carriers (with the exception of Eastern) have assigned a 14-year service life to their stretched aircraft owned as of December 31, 1968. Similarly, a number of carriers (Braniff, Pan American, Trans Caribbean, TWA, United and World) depreciate their standard jets over a 14-year period.

In regard to the residual value, however, there is significantly less agreement. Of the carriers depreciating their aircraft over a 14-year life, some have assigned a residual value of 15 percent, others 10 percent, while United and Trans World have stated dollar amounts ($100,000 per aircraft) equivalent to approximately 1.6 percent.

Just as the setting of a 14-year service life for a given group of aircraft is a matter of informed judgment, so also is our opinion to couple this service life with a 10-percent residual value. Of major consideration is the fact that adding 2 years to the service life increases the obsolescence factor, and provides additional time wherein modernized versions or new type aircraft may be introduced into service. Both factors contribute to the depression of the resale value as of the date of the extended life. In consideration of these factors, we are tentatively of the opinion that the residual value should be reduced from 15 to 10 percent in conjunction with the extension of the service life from 12 to 14 years.

Treatment of leased aircraft. In past MAC rate reviews, rental expense for leased aircraft has been eliminated and costs for depreciation, return and taxes have been substituted therefor. This "constructive ownership" practice originated in cases where leasing expense exceeded constructive ownership cost. The effect of using constructive ownership is to provide a return to the carrier on leased equipment which is not in fact part of the investment base. This return is in addition to the return element included in the rental payments to the lessor. Appendix H is a comparison of the ratios of operating expenses to total costs including the return element computed on the one hand to reflect actual rental costs and, on the other, constructive ownership costs. This appendix indicates that, overall, the profit element would be only slightly less if operations with leased aircraft were costed on the basis of rentals than if the constructive ownership approach is used.

Nevertheless, for purposes of this notice, the Board is continuing its past practice of utilizing constructive ownership in the case of leased aircraft. However, the carriers as well as the DOD are requested to focus on this issue in their comments and, in particular, address themselves to the questions (1) whether we should continue to employ the constructive ownership technique; (2) if not, whether a separate profit element should be employed in costing operations with leased aircraft; and (3) the basis upon which any such profit element should be calculated.

Other adjustments. Other adjustments of the carriers' forecasts made by the Board include: (1) the elimination of anticipatory, trend, and estimated noncontractual increases; (2) upward revisions to reflect the current price per gallon of fuel purchased from the government; (3) the substitution of experienced insurance costs in place of estimates or forecasts deemed to be excessive; (4) revision of amortization of deferred preoperating costs to reflect a 5-year amortization period; (5) provision for the upgrading of passenger service requirements by MAC for fiscal 1970; (6) modification of passenger service forecasts to reflect weightings for the various types of traffic serviced within a carrier's system; and (7) the elimination of amounts allocated to MAC services without adequate demonstration of material applicability to MAC.

As in the past reviews, general burden was allowed on the basis of the carrier's experienced ratio of such expenses to other operating expenses, exclusive of flight-equipment rentals, depreciation, and amortization of deferred preoperating costs. Similarly, working capital continued to be estimated on the basis of 1-month's operating expenses, using the same exclusions. Provision for federal income taxes has been made on the basis of the normal tax rate of 48 percent, subject to reenactment of the surtax.

Round-trip minimum rates. In fiscal year 1969 the Board adopted uniform minimum rates applicable to both stretched and standard jets. The DOD has recommended that the uniform minimum rate concept be continued, with the minimum rate determined by weighting each carrier's adjusted cost according to the relative award points that DOD has determined for each carrier. Informal comments on this issue have been received from several carriers (Continental, Eastern, Flying Tiger, and World), all supporting the continuation of uniform minimum rates. The Board has determined to maintain uniform minimum rates applicable to both stretched and standard jets. The following table summarizes the carriers' fiscal 1970 forecast costs, as adjusted.

	Adjusted total cost per			
	Passenger-mile		Cargo ton-mile	
	Standard	Stretched	Standard	Stretched
	Cents	*Cents*	*Cents*	*Cents*
Airlift:				
DC–8F	1.72		6.43	
B–320C	1.74		6.50	
DC–8–63		1.47		5.70
American	1.56		5.84	
American Flyers		1.52		
Braniff	1.62		6.04	
Capitol	1.57	1.51	6.26	6.12
Continental	1.82		5.86	
Eastern:				
DC–8–61		1.69		
DC–8–63		1.73		6.66
Flying Tiger		1.58		
Northwest	1.73		6.47	
Overseas National	1.80	1.64		
Pan American	1.98		7.14	
Seaboard	1.75	1.56	6.62	6.18
Trans Caribbean	1.95	1.52	7.01	5.96
Trans International:				
DC–8–61		1.50		6.09
DC–8–63		1.50		6.15
Trans World	1.86		8.13	
United		1.50	6.81	
Universal		1.53		5.96
World	1.48		5.61	

The overall cost of performing round-trip passenger services ranges from 1.47 cents to 1.98 cents per revenue passenger-mile. The cargo unit costs range from 5.61 cents to 8.13 cents per ton-mile. Although most of the carriers listed in the preceding table submitted cost forecasts for both passenger and cargo services, most carriers' fixed contracts for the remainder of fiscal year 1970 provide for the performance of one or the other type of service but not both. In establishing minimum rates in past rate reviews, the Board has considered the individual carrier unit costs as well as various averages computed on the basis of equal weighting of each individual cost and weighting intended to reflect the relative participation of each carrier in MAC airlift services. We will continue to employ that process here.

A simple average of the costs[1] for passenger service recognized for the various long-range jet carriers is 1.62 cents per passenger-mile. The same result obtains when weighted by DOD passenger award points (excluding Saturn). Weighting according to MAC revenues July 1968–April 1969 produces 1.64 cents. The same costs weighted according to the fixed contract awards for the 9 months beginning October 1, 1969, is 1.61 cents per passenger-mile. Considering all these factors, an average yield of 1.62 cents per passenger-mile long long-range jet aircraft types is indicated.

Turning to the cargo costs,[2] the simple average is 6.35 cents per ton-mile. The average adjusted cargo cost, whether weighted according to DOD cargo award points (exclusive of Saturn), or by the 10 months' MAC revenue through April 30, 1969, is 6.52 cents. When these costs are weighted according to the fixed contract awards for the 9 months beginning October 1, 1969, the average is 6.33 cents per ton-mile. The last average does not reflect the costs of a large number of carriers, preponderantly standard jet aircraft operators, that provided substantial cargo services for DOD in fiscal 1969 because they did not receive fixed cargo service contracts for the fiscal 1970 period. These aircraft are very likely, however, to be called upon to provide for expansion cargo business and may be used during the first quarter of the fiscal year. In recognition of this factor, it is concluded that the appropriate yield for cargo services with long-range aircraft is 6.40 cents.

We have given recognition to the indicated mileage absorption under the standard mileages used for pay purposes (determined in the same manner as in previous reviews, see Appendix E) of approximately one percent for passenger traffic in stretched jet aircraft, 3 percent for regular jet aircraft in both passenger and cargo services, and no absorption for stretched jet cargo traffic. Weighting the mileage absorption factor approximately equally for stretched and regular jets,[3] we propose uniform round trip minimum rates of 1.65 cents per passenger-mile and 6.50 cents per ton-mile.

The proposed rates produce an overall rate reduction of 5.7 percent in the case of passengers and 7.9 percent in the case of cargo.

One-way minimum rates. Proposed one-way minimum rates have been computed from the proposed round-trip minimum rates by the same method we have used previously (Appendix F). The proposed rates reflect a cost-saving factor for return empty backhauls of 11 percent for one-way passenger charters, which is the same factor as used in fiscal year 1969 and is supported by MAC. They also reflect factors for commercial revenue backhauls of 2.4 percent for one-way passenger and 15.9 percent for one-way cargo charters, which factors are based on special reports to MAC by participating carriers for calendar year 1968. The resulting proposed minimum rates for one-way passenger and cargo charters are 3.08 cents per passenger-mile (2.2 percent reduction) and 11.97 cents per cargo ton-mile (15 percent reduction), respectively.

Convertible and mixed minimum rates. Proposed minimum rates for mixed charters have been computed on the same basis as used in previous rate reviews, and are set forth in the proposed rule. As to passenger minimums for convertible aircraft, we find in MAC's rate recommendations and in the proposals and cost data of some of the carriers a strong indication that the adjustment factors used in the past to determine convertible minimums are still valid. We therefore propose to adopt these same factors for fiscal year 1970–71 convertible passenger minimums. As to convertible cargo minimums, however, although MAC favors a continuation of the current adjustment factors, data from the carriers showing the cost of deadheading flight attendants and labor to reconfigure from passenger to cargo services indicate that a revision in the presently-used adjustment factors by about 20 percent is in order. The computations of the revised convertible rates are shown in Appendix G. The proposed minimum rates for all convertible traffics are set forth in the proposed rule.

Category B Minimum Rates for Small Turbine Aircraft. We are including in the class of short-range small turbine aircraft, in addition to the B–727,[4] Modern's CV–990's and the DC–9–30 for fiscal year 1970–71. The DOD has recommended excluding the costing of Modern's CV–990 aircraft, stating that it does not consider this aircraft type to be CRAF eligible and it does not contemplate using these aircraft for international services. Modern has indicated that it is anxious to make these aircraft available for DOD use. Moreover, inclusion of the CV–990 does not affect the rate we have arrived at in view of the costing technique used and therefore does not prejudice the DOD. Therefore, as stated above, and consistent with our practices in the previous MAC rate review, we are reflecting the adjusted CV–990 costs with the short-range small turbine aircraft. In consideration of the request by Modern for an ACL of 105 seats, and in view of the limitation in several of the proposed MAC contracts to a maximum ACL of 105 seats, we are specifying, for the CV–990, an ACL of 105 seats.[5]

The carriers' adjusted forecast costs per passenger-mile and per cargo ton-mile for the small turbine aircraft passenger and cargo charters are included in the appendixes hereto. With respect to utilization, we have determined, using the same type of analysis as for long-range turbojets, an average utilization of 9.4 hours for fiscal year 1970–71. This compares with an average utilization for fiscal 1969 of 9.2 hours. We are proposing to maintain the previously adopted depreciation scale of 14 years with a 10 percent residual value for the B–727 and the CV–990. The depreciation scale for the DC–9–30 has been established at 14 years and 15 percent residual in the Logair-Quicktrans proceeding, and we propose to use that same scale for this rule. It is believed that the selling prices for these aircraft will more likely be maintained than those of the larger jet aircraft since there does not appear to be any aircraft on the horizon which would replace the twin jet aircraft. We propose to continue the separate minimum rates which were begun in fiscal 1969 for Pacific interisland service[6] and for all other service. MAC proposed instead a uniform minimum rate for all services, but we are of the opinion that the conditions which justified the separate rates in fiscal 1969 still exist.

Round-trip minimum rates. The carriers' adjusted costs are summarized as follows:

Carrier	Total costs recognized			
	Per passenger-mile		Per cargo ton-mile	
	Pacific interisland	All others	Pacific interisland	All others
	Cents	*Cents*	*Cents*	*Cents*
Airlift	2.31		11.73	
Alaska		2.62		11.99
American Flyers		2.29		
Braniff		[1] 2.40		[1] 12.16
Modern		[1] 2.40		
ONA		[1] 2.29		
Pan American		[1] 2.72		[1] 13.58
Southern	2.43		12.24	
Trans International		[1] 2.51		[1] 12.93
World	2.24		11.54	

[1] Received no small turbine award for fiscal year 1970–71.

The simple average of the carriers' adjusted costs is 2.33 cents per passenger-mile for Pacific interisland routes and 2.46 cents per passenger-mile for all other routes. The simple averages of cargo costs are 11.84 and 12.67 cents per ton-mile for Pacific interisland routes and all other routes, respectively. Weighted by award points, the passenger averages are 2.28 and 2.40 cents per passenger-mile, respectively, for Pacific interisland and for other services, and the cargo averages are 11.68 and 12.96 cents per ton-mile, respectively for Pacific interisland and for other services. The averages weighted according to revenues from July 1968 to April 1969 are, for passengers, 2.32 and 2.44 cents per passenger-mile for Pacific interisland and all other services, respectively, and for cargo, 11.61 and 12.93 cents per ton-mile for Pacific interisland and for all other services, respectively. Weighted according to the DOD awards for fiscal year 1970, the passenger averages are 2.31 cents for Pacific interisland services and 2.35 cents for other services; for interisland cargo services (reflecting round-trip awards for mixed services) the average is 11.68 cents. There were no cargo awards pertaining to the other areas. It is the Board's judgment that passenger minimum rates of 2.30 cents per passenger-mile for Pacific interisland services and 2.40 cents per passenger-mile for all other services are indicated. For cargo, we conclude that minimum rates of 11.65 cents per ton-mile for Pacific interisland and 12.75 cents per ton-mile for all other services are indicated. These rates produce changes from fiscal 1969 in the following percentages: Pacific interisland passenger—no change; all other passenger—4 percent reduction; Pacific interisland cargo—0.4 percent reduction; and all other cargo—1.9 percent reduction.

One-way minimum rates. Proposed one-way minimum rates for small turbine aircraft have been determined in the same manner as was done for the long-range aircraft. The proposed rates reflect a cost-saving factor for return empty backhauls of 11 percent for one-way passenger charters, which is the same factor as used for fiscal 1969, and a cost-saving factor of 5 percent for one-way cargo charters, which factor is based on our best judgment of the probable savings. Consistent with our policy established for fiscal 1969, we again propose to eliminate any adjustment for commercial backhaul for the small turbine aircraft. The resulting proposed minimums for one-way charters are 4.35 cents per passenger-mile for Pacific interisland services and 4.54 cents per passenger-mile for all other services, and 22.72 cents per cargo ton-mile for Pacific interisland services and 24.86 cents per cargo ton-mile for all other services.

Convertible and mixed minimum rates. Proposed minimum rates for mixed charters have been computed on the same basis as used in previous rate reviews, and are set forth in the proposed rule. As to convertible minimums, the same considerations apply as were set out above in connection with long-range aircraft and are detailed in Appendix G. The proposed minimum rates for convertible services are set forth in the proposed rule.

Individually Ticketed (Categories A, Z, and X) and Waybilled (Categories A and X) Services. The minimum rate applicable to Category A and Z individually ticketed passenger traffic is currently equated with the one-way Category B minimum rate, 3.15 cents per passenger-mile. For Category A cargo, a minimum rate of 12 cents per ton-mile applies in the outbound direction, from the United States, and 10 cents per ton-mile in the inbound direction. Category X minimum rates are now subject to the same minimum rates as Category B round trip charters, 1.75 cents per passenger-mile and 7.06 cents per ton-mile.

DOD proposes that the Category A passenger and cargo rates be equated with the one-way Category B rates it recommends. Alternatively, if the Board should establish a Category B one-way cargo rate in excess of 12 cents per ton-mile, DOD recommends continuation of the current rates of 12 cents per ton-mile outbound and 10 cents per ton-mile inbound. DOD also recommends the establishment of the Category Z passenger rate at the same level as the Category A rate.

Alaska, Eastern, Northwest, Pan American, and TWA submitted proposals for Category A and Z passenger fares; Northwest, Pan American, and TWA for Category X passnger and cargo rates; and Flying Tiger, Northwest, Pan American, and TWA for Category A cargo rates.

Passenger. Alaska's proposal is to extend its current Category A and Z fares applicable between Seattle and Anchorage, Seattle and Fairbanks, and Anchorage and Fairbanks.[7] Subsequent to submission of its MAC rate proposal Alaska increased its Category Z Anchorage-Fairbanks fare from $11.27 to $18.00, effective April 13, 1969. These fares are at or above the current Part 288 Category A minimum of 3.15 cents per passenger-mile.

Eastern also proposes extension of its current Category Z tariff rates for Category A and Z, and these fares are also at or above the current Part 288 Category A minimum level of 3.15 cents.

Northwest, Pan American, and TWA propose the same fares for Category A and Z, with the minimum being their respective Category B one-way fare proposal. Pan American also proposes a third-class Category A and Z fare of 3.29 cents per passenger mile, which is 0.09 cent below its second class Category A and Z fare proposal.

The Board proposes to continue its long-standing policy to equate the minimum rates for Category A and Z individually ticketed transportation with the Category B one-way minimum rate, the proposed rate being 3.08 cents per passenger-mile for FY 1970–71.

Cargo. With the exception of TWA, the carriers proposing Category A cargo rates propose continuation of the current 12 cents per ton-mile outbound and 10 cents inbound. TWA proposes 90 percent of the Category B rate. As indicated previously, MAC proposes the one-way Category B cargo rate if it is lower than 12 cents per ton-mile; otherwise it suggests a continuation of the current Part 288 minimums.

The Board proposes to equate the Category A outbound cargo rate with the proposed Category B one-way minimum rate of 11.97 cents per ton-mile and to extend the current inbound Category A cargo rate of 10 cents per ton-mile.

The carriers proposing Category X passenger and cargo rates all set out

[1] If a carrier reported separate costs for B–707 and DC–8F aircraft, or for DC–8–61F and DC–8–63F types, an average cost for regular or stretched jets was determined according to the DOD award points for each type.

[2] See footnote 1, supra.

[3] The relative distribution of contract awards for fiscal 1970/71 between stretched and regular jet is:

	Percent cargo	*Percent passenger*
Stretched	52.6	52.2
Regular	47.4	47.8

[4] Since we have had no indication of CV–880 availability for MAC charters for fiscal year 1970–71, we propose to eliminate that aircraft from the tabulations of minimum rates and of minimum aircraft loads.

[5] We recognize that, over Modern's objection, we used 110 seats in the fiscal year 1969 review, Order E–26951, June 20, 1968. However, Modern's objection was entered only after the final rates had been established by the Board, whereas we are now in a position to consider the matter in the context of revisions to the entire rate structure. Our present tentative determination is heavily influenced by the fact that the use of 110 seats appears to have precluded the employment of this aircraft by MAC. The inclusion of this aircraft does not burden the small turbine rates, and we have no evidence that the use of 105 seats will prejudice any other carrier.

[6] The carriers reflected for Pacific interisland services for fiscal 1969 were Southern and World; for fiscal 1970–71, based upon the MAC awards, the carriers are Airlift, Southern, and World.

[7] Alaska's proposal sets out a Category A fare between Anchorage and Fairbanks of $8.90 whereas its MAC contract specifies $11.27.

their proposed Category B round-trip passenger and round-trip cargo rates for Category X passengers and cargo, respectively. Accordingly, the Board will maintain the present basis by proposing that the rate for Category X full plane-load charters be 1.65 cents per passenger-mile and 6.50 cents per ton-mile for passenger and cargo charters, respectively.

EFFECTIVE DATE

In past reviews we have generally set the effective date for the revised rates on or after the date of the issuance of the final rule. Typically, however, the final rule has been issued prior to the beginning of the fiscal year, so that the revised rates were effective from the beginning of the fiscal year or earlier. Since fiscal year 1970 has already begun, we are tentatively proposing that the revised rates for 1970 be effective on the date of issuance of this notice, in order that the rates should be effective for as much of the fiscal year as is practical.

It has generally been our policy to review these minimum rates annually. However, it is presently contemplated that our next review will be undertaken in 1971, subject, of course, to the right of any carrier or DOD to request review prior to that time and to the right of the Board to institute an earlier review if the facts so warrant. Accordingly, we propose herein to extend the expiration date in § 288.18(b) (for international rates) to June 30, 1971.

It is proposed to amend Part 288 of the Economic Regulations and Part 399, Statements of General Policy (14 CFR Parts 288 and 399), as follows:

1. Amend § 288.7(a)(1) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * * *

(a) * * *

(1) Performed with turbine-powered aircraft:

Aircraft type	Passengers, per passenger-mile		Cargo, per ton-mile		Convertible		Mixed passenger-cargo, per revenue plane-mile			
	Round trip	One way	Round trip	One way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Round trip		One way	
							Variable	Fixed	Variable	Fixed
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*				
Turboprops:										
CL-44	2.00	3.60	9.36	17.19	2.15	10.67				
L-382			10.06	19.64						
Regular turbojets	1.65	3.08	6.50	11.97	1.79	7.79				
Passenger-pallets:										
165 and 0							$2.95	$2.72	$5.31	$5.08
117 and 3							2.86	2.62	5.12	4.87
105 and 4							2.83	2.60	5.07	4.82
93 and 5							2.81	2.57	5.02	4.77
81 and 6							2.79	2.54	4.98	4.72
63 and 7							2.75	2.51	4.90	4.64
51 and 8							2.73	2.48	4.86	4.59
0 and 12							2.63	2.37	4.66	4.37
DC-8F-61-63	1.65	3.08	6.50	11.97	1.79	7.79				
Passengers-pallets:										
219 and 0							3.92	3.61	7.05	6.75
159 and 5							3.75	3.42	6.69	6.37
63 and 12							3.49	3.13	6.13	5.79
47 and 13							3.44	3.07	6.02	5.68
0 and 18							3.31	2.93	5.74	5.39
B 727—Pacific intersland	2.30	4.35	11.65	22.72	2.54	14.53				
Passengers-pallets:										
105 and 0							2.67	2.42	4.82	4.57
61 and 2							2.55	2.28	4.64	4.37
50 and 3							2.53	2.25	4.59	4.32
46 and 4							2.52	2.24	4.58	4.30
0 and 7							2.40	2.10	4.39	4.09
B-727, CV-990, DC-9-30, all other	2.40	4.54	12.75	24.86	2.64	15.73				
Passengers-pallets:										
105 and 0							2.77	2.52	5.02	4.77
61 and 2							2.70	2.43	4.92	4.64
50 and 3							2.68	2.40	4.89	4.61
46 and 4							2.67	2.39	4.88	4.60
0 and 7							2.60	2.30	4.78	4.47

2. Amend § 288.7(d) (1) and (2) to read as follows:

(d) For Category A transportation:

(1) Passengers: 3.08 cents per passenger-mile;

(2) Cargo: Outbound, 11.97 cents per ton-mile; and inbound, 10 cents per ton-mile;

3. Amend § 288.7(e) to read as follows:

(e) For Category X transportation, 1.65 cents per passenger-mile and 6.50 cents per cargo ton-mile.

4. Replace the table in § 288.8 (minimum aircraft loads) with the following:

Aircraft type	Number of passengers, all-passenger and convertible flights	Tons of cargo	
		All-cargo flights	Convertible flights
B-707-320-B/C	165	36.5	33.7
B-707-300 series	159		
B-707-120B	137		
B-707-100 series (other)	149		
DC-8F-61, -63	219	45	42.5
DC-8F	165	36.5	33.7
DC-8 (50 series)	149		
DC-8 (other)	147		
DC-9-30	95		
B-727	105	18	16.5
CV-990	105		
CL-44	148	29.35	28
L-382		30.7	
L-1649A	95	18	15
L-1049-C/E/G/H	95	18	15
DC-7B/C/CF/F	95	18	15
L-1049A	88	15	12
DC-7	88	15	12
DC-6/A/B/C	83	13	12
DC-4	60	8	6

5. Change the expiration date in § 288.18(b) to June 30, 1971.

Amend § 399.16(b) to read as follows:

§ 399.16 Military exemptions.

* * * * * *

(b) The minimum charges considered fair and reasonable for the transportation of Category Z individually ticketed passengers in foreign and overseas air transportation and in air transportation between the 48 contiguous States on the one hand and Hawaii or Alaska on the other hand will be 3.08 cents per passenger-mile, applied to the shortest mileage between the commercial air-carrier points as set forth in the current IATA Mileage Manual to compute point-to-point passenger fares.

[F.R. Doc. 69-10006; Filed, Aug. 22, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

DICHLOROBENZIDINE DIHYDROCHLORIDE FROM JAPAN

Determination of Sales at Not Less Than Fair Value

AUGUST 19, 1969.

On June 28, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that dichlorobenzidine dihydrochloride (also known as DCB) manufactured by Wakayama Seika Industry Co., Ltd., Wakayama, Japan (Wakayama Seika Kogyo Co., Ltd., Wakayama, Japan), is not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until July 28, 1969, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that dichlorobenzidine dihydrochloride (also known as DCB) manufactured by Wakayama Seika Industry Co., Ltd., Wakayama, Japan (Wakayama Seika Kogyo Co., Ltd., Wakayama, Japan), is not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and section 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-10078; Filed, Aug. 22, 1969; 8:49 a.m.]

POTASSIUM CHLORIDE FROM FRANCE

Determination of Sales at Less Than Fair Value

AUGUST 20, 1969.

Information was received on October 17, 1967, that potassium chloride, otherwise known as muriate of potash, from France was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of June 18, 1968.

After consideration of all information received and views and arguments presented, I hereby determine that for the reasons stated below potassium chloride, otherwise known as muriate of potash, from France is being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based:

Sales for export to the United States were between parties who were unrelated within the meaning of section 207 of the Antidumping Act (19 U.S.C. 166). Sales of the merchandise in the home market were adequate to afford a proper basis of comparison. Therefore, for fair value purposes comparison was made between purchase price and home market price.

Purchase price was based on the c.i.f., free out, export prices from which were deducted amounts for ocean freight, insurance, inland freight, and loading and unloading charges. To this was added the export tax and the amount of the TVA tax refunded upon exportation in accordance with the statute.

Home market price was based on the f.o.b. price to direct distributors. From this was deducted a cash discount, inland freight, a contract bonus, certain home market sales expenses. Adjustment was made for car door boarding (a packing expense) not incurred on sales for export to the United States.

The purchase price was less than the home market price.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

AUGUST 20, 1969.

[F.R. Doc. 69-10075; Filed, Aug. 22, 1969; 8:49 a.m.]

POTASSIUM CHLORIDE FROM WEST GERMANY

Determination of Sales at Less Than Fair Value

Information was received on October 17, 1967, that potassium chloride, otherwise known as muriate of potash, from West Germany was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of June 18, 1968.

After consideration of all information received and views and arguments presented, I hereby determine that for the reasons stated below potassium chloride, otherwise known as muriate of potash, from West Germany is being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based:

Sales for exportation to the United States were made between parties who were unrelated within the meaning of section 207 of the Antidumping Act (19 U.S.C. 166). Sales of the merchandise were sufficient to afford an appropriate basis of comparison. Therefore, for fair value purposes comparison was made between purchase price and home market price. For this purpose the export types were compared with the home market price of the standard type since they are basically the same material and sold at the same price.

Purchase price was based on the f.o.b. port price for export to the United States from which was deducted inland freight. To this was added the amount of a refund of either the turnover or value added tax, as required by the statute, depending on the period involved.

Home market price was calculated from the basic selling price from which was deducted amounts for a quantity discount, cash discount and certain home market expenses.

Purchase price was found to be less than the home market price.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

AUGUST 20, 1969.

[F.R. Doc. 69-10077; Filed, Aug. 22, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

HOOPA INDIAN RESERVATION, CALIF.

Introduction or Possession of Intoxicating Beverages

AUGUST 18, 1969.

Pursuant to the act of August 15, 1953 (Public Law 277, 83d Congress; 67 Stat. 586), I certify that the following Ordinance No. 66-3 relating to the application of the Federal Indian liquor laws on the Hoopa Valley Reservation was duly enacted on December 2, 1966, by the Business Council of the Hoopa Valley Tribe which has jurisdiction over the area of Indian Country included in the ordinance, reading as follows:

"Whereas: The Hoopa Valley Tribe did on May 13, 1950, adopt a Constitution and Bylaws that was approved by the

Commissioner of Indian Affairs on September 4, 1952, and Article VIII, Section 1 of this Constitution and Bylaws authorized the Hoopa Valley Business Council to exercise certain powers subject to any limitations imposed by Federal Statutes or by the Constitution of the United States, and

Whereas: Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian Liquor laws, shall not apply to any act or transaction within any area of Indian Country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian Country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER, and

Whereas: The members of the Hoopa Valley Tribe did at a duly called election on Monday, July 18, 1966, by a vote of 153 for and 59 against, approve Proposition No. 1 which reads as follows:

Whereas: Public Law 277, 83d Congress, approved August 15, 1953, sections 1154, 1156, 3113, 3488, and 3618, of title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any Act or Transaction within any area of Indian Country provided such act or transaction is in conformity with both the Laws of the State in which such act or transaction occurs and with an Ordinance duly adopted by the Tribe having jurisdiction over such area of Indian Country certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Now Therefore Be It Resolved: That the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian Country under the jurisdiction of the Hoopa Valley Indian Reservation Tribe, provided:

1. That such introduction, sale or possession of intoxicating beverages is in conformity with the Laws of California.

2. That the Tribal Council will form a corporation to apply for the necessary licenses for the off-sale or package sale of intoxicating beverages.

3. That the duly elected members of the Hoopa Valley Business Council will act as directors of the corporation.

4. And that provisions of Public Law 277, 83rd Congress, approved August 15, 1953, sections 1154, 1156, 3113, 3488 and 3618, title 18, United States Code shall not apply to any act or transaction within the Hoopa Valley Reservation, provided such act or transaction is in conformity with both the laws of the State of California and with any ordinance duly adopted by the Hoopa Valley Business Council, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER. Except that the sale of any intoxicating beverages shall be restricted to the area within the bounds of lots 351, 352 and 353 in Hostler Field.

Now therefore be it resolved: Under authority of Proposition No. 1 passed by the Hoopa Valley Tribe in the election held July 18, 1966, the Hoopa Valley Business Council herewith adopts the following ordinance relating to the revocation of Federal Indian liquor laws on the Hoopa Valley Reservation:

The introduction or possession of intoxicating beverages shall be legal within the boundaries of the Hoopa Valley Reservation, but the sale of intoxicating beverages shall be legal only within the boundaries of lots 351, 352, and 353, Hostler Field, Hoopa Valley Reservation; provided, that such introduction, possession, or sale is in conformity with the laws of the State of California; and further provided, that the Hoopa Valley Business Council shall form a corporation to apply for the necessary licenses for the off-sale or package sale of intoxicating beverages, with the duly elected members of the Council acting as directors of the corporation.

Be it further resolved: That Ordinance No. 66-2, approved August 5, 1966 is hereby rescinded."

T. W. TAYLOR,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 69-10039; Filed, Aug. 22, 1969; 8:46 a.m.]

Bureau of Land Management

[Sacramento 1643]

CALIFORNIA

Opening of Lands From Waterpower Withdrawals

AUGUST 18, 1969.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to Bureau Order No. 701 of July 23, 1964, as amended, and pursuant to the authority redelegated to me by the Acting Manager, November 18, 1965 (30 F.R. 14444), it is ordered as follows:

1. In an order issued February 19, 1969, the Federal Power Commisison vacated withdrawals created pursuant to the filings on April 24, 1950, of an application for preliminary permits for proposed Project No. 2049 and April 23, 1956 of an application for preliminary permit for proposed Project No. 2202 so far as it pertains to the following described lands:

MOUNT DIABLO MERIDIAN

(a) Proposed Project No. 2049.

T. 24 N., R. 11 W.,
Sec. 6, lots 2, 3, 4, 5, and 6.
T. 25 N., R. 11 W.,
Sec. 20, lots 1 to 7, inclusive;
Sec. 21, lot 10;
Sec. 28, lots 4 to 8, inclusive, and S½;
Sec. 29, lots 1 to 16, inclusive;
Sec. 31, lots 5, 11, 12, 13, 15, and 16, N½SE¼, and SW¼SE¼;
Sec. 32, lots 1 to 8, inclusive, and lot 12;
Sec. 33, lots 1 to 8, inclusive.
T. 24 N., R. 12 W.,
Sec. 15, S½SW¼ (lot 3 and SW¼SW¼;
Sec. 16, SE¼SE¼;
Sec. 21, lots 1, 2, 3, 5, and 7, NW¼SE¼, and NE¼SW¼;
Sec. 22, lot 1;
Sec. 28, lot 1.

The areas described aggregate approximately 2,832 acres.

MOUNT DIABLO MERIDIAN

(b) Proposed Project No. 2202.

All U.S. lands lying within the boundary of proposed Project No. 2202 as shown on map "Exhibit H-I" (FPC No. 2202-1) entitled "Castle Peak Power Project" filed in the Office of the Federal Power Commission on April 23, 1956, the acreage of which is undeterminable from the map submitted. Of the lands withdrawn in proposed Power Project No. 2202 the following listed lands are within the Mendocino National Forest:

T. 25 N., R. 11 W.,
Sec. 6, lots 16, 17, 18, 21, 22, and 23;
Sec. 7, lots 5, 6, 11, 12, 13, 14, 19, and 20;
Sec. 8, lots 1 to 16, inclusive;
Sec. 9, lots 1 to 16, inclusive;
Sec. 10, lots 9 to 16, inclusive;
Sec. 15, lots 1, 2, 3, and 4;
Sec. 19, lots 9, 15, and 16;
Sec. 20, lots 2, 3, and 4;
Sec. 30, lots 5, 6, 7, 10, 11, 12, 14, 15, 16, 17, and 18;
Sec. 31, lots 7, 8, and 9.
T. 24 N., R. 12 W.,
Sec. 15, lot 3, and SW¼SW¼;
Sec. 16, SE¼SE¼;
Sec. 21, lots 1, 2, 3, 5, and 7, NE¼SW¼, and NW¼SE¼;
Sec. 22, lot 1;
Sec. 28, lot 1.
T. 25 N., R. 12 W.,
Sec. 25, lots 14 and 15;
Sec. 36, lots 1, 3, 4, 5, 6, 7, and 8.

The lands are located along the Middle Fork of the Eel River, Hull Creek, and Short Creek in Trinity and Mendocino Counties. Some of the lands included in this order are withdrawn in the Yolla Bolly-Middle Eel Wilderness Area pursuant to Public Law No. 88-577, approved September 3, 1964; and some remain withdrawn for other purposes.

2. At 10 a.m. on September 22, 1969, the national forest lands described in paragraphs 1 (a) and (b) hereof, shall be open to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

The State of California has waived the preference right afforded it under section 24 of the Federal Power Act, supra.

All the lands not otherwise withdrawn or reserved have been open to application and offers under the mineral leasing laws and to location under the U.S. mining laws subject to provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

ELIZABETH H. MIDTBY,
Chief, Lands, Adjudication Section.

[F.R. Doc. 69-10084; Filed, Aug. 22, 1969; 8:49 a.m.]

[OR 2581]

OREGON

Order Providing for Opening of Public Lands

AUGUST 18, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 19 S., R. 15 E.,
Sec. 25, S½NE¼ and NE¼SE¼.
T. 22 S., R. 18 E.,
Sec. 3, lots 3 and 4, S½NW¼, and E½SE¼;
Sec. 4, lots 1 and 2 and S½NE¼;
Sec. 5, lots 1 and 2 and S½NE¼;
Sec. 7;
Sec. 10, NE¼;
Sec. 11, S½NW¼;
Sec. 13, N½;
Sec. 14, W½;
Sec. 15, S½NW¼, SW¼, and W½SE¼;
Sec. 16, W½;
Sec. 22, E½E½ and W½SE¼;
Sec. 23, N½N½, S½NE¼, SE¼NW¼, and N½SE¼;
Sec. 24, N½;
Sec. 25, S½S½, NW¼SW¼, and SW¼NW¼;
Sec. 26, S½NE¼, N½SE¼, and SE¼SE¼;
Sec. 36.
T. 22 S., R. 19 E.,
Sec. 1, S½SW¼ and SW¼SE¼;
Sec. 7, E½SW¼ and SE¼;
Sec. 8;
Sec. 9, N½NE¼;
Sec. 12, W½NE¼, SE¼NE¼, and N½NW¼;
Sec. 16, N½ and SW¼;
Sec. 18, lot 4 and E½W½;
Sec. 19;
Sec. 20, W½;
Sec. 30, lots 3 and 4 and E½SW¼;
Sec. 31, lots 1 and 2;
Sec. 36, W½ and SE¼.
T. 22 S., R. 20 E.,
Sec. 5, SW¼NE¼, S½NW¼, W½SW¼, SE¼SW¼, and NW¼SE¼;
Sec. 8, NW¼NW¼.
T. 22 S., R. 21 E.,
Sec. 11, W½SW¼;
Sec. 24, E½NE¼, SW¼NE¼, E½SW¼, SE¼SE¼, and W½SE¼.

The areas described aggregate 8,978.44 acres.

2. The lands are located in Deschutes County. They are semiarid in character and are not suitable for farming. The lands have been acquired to further Federal programs. Public lands in this general area have been classified for multiple use management and retention in Federal ownership.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location and selection, except for appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m., September 23, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69-10040; Filed, Aug. 22, 1969; 8:46 a.m.]

U.S.C. 315g), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 19 S., R. 15 E.,
Sec. 25, S½NE¼ and NE¼SE¼.
T. 22 S., R. 18 E.,
Sec. 3, lots 3 and 4, S½NW¼, and E½SE¼;
Sec. 4, lots 1 and 2 and S½NE¼;
Sec. 5, lots 1 and 2 and S½NE¼;
Sec. 7;
Sec. 10, NE¼;
Sec. 11, S½NW¼;
Sec. 13, N½;
Sec. 14, W½;
Sec. 15, S½NW¼, SW¼, and W½SE¼;
Sec. 16, W½;
Sec. 22, E½E½ and W½SE¼;
Sec. 23, N½N½, S½NE¼, SE¼NW¼, and N½SE¼;
Sec. 24, N½;
Sec. 25, S½S½, NW¼SW¼, and SW¼NW¼;
Sec. 26, S½NE¼, N½SE¼, and SE¼SE¼;
Sec. 36.
T. 22 S., R. 19 E.,
Sec. 1, S½SW¼ and SW¼SE¼;
Sec. 7, E½SW¼ and SE¼;
Sec. 8;
Sec. 9, N½NE¼;
Sec. 12, W½NE¼, SE¼NE¼, and N½NW¼;
Sec. 16, N½ and SW¼;
Sec. 18, lot 4 and E½W½;
Sec. 19;
Sec. 20, W½;
Sec. 30, lots 3 and 4 and E½SW¼;
Sec. 31, lots 1 and 2;
Sec. 36, W½ and SE¼.
T. 22 S., R. 20 E.,
Sec. 5, SW¼NE¼, S½NW¼, W½SW¼, SE¼SW¼, and NW¼SE¼;
Sec. 8, NW¼NW¼.
T. 22 S., R. 21 E.,
Sec. 11, W½SW¼;
Sec. 24, E½NE¼, SW¼NE¼, E½SW¼, SE¼SE¼, and W½SE¼.

The areas described aggregate 8,978.44 acres.

2. The lands are located in Deschutes County. They are semiarid in character and are not suitable for farming. The lands have been acquired to further Federal programs. Public lands in this general area have been classified for multiple use management and retention in Federal ownership.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location and selection, except for appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m., September 23, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69-10041; Filed, Aug. 22, 1969; 8:46 a.m.]

[OR 2582]

OREGON

Order Providing for Opening of Public Lands

AUGUST 18, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 19 S., R. 15 E.,
Sec. 5;
Sec. 7, SE¼SE¼;
Sec. 8, SW¼NE¼, S½NW¼, and S½;
Sec. 19, E½, NE¼NW¼, and NE¼SW¼;
Sec. 20, S½SW¼;
Sec. 21, W½;
Sec. 22;
Sec. 27, SE¼SW¼ and S½SE¼;
Sec. 29, NW¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, and N½SE¼;
Sec. 34, N½NE¼ and NE¼NW¼.
T. 19 S., R. 16 E.,
Sec. 8, S½S½;
Sec. 17, NW¼.
T. 20 S., R. 16 E.,
Sec. 1, lot 1, SE¼NE¼, and NE¼SE¼;
Sec. 2, W½SW¼ and SE¼SW¼, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded December 17, 1938, in volume 57, page 158, and April 29, 1940, in volume 58, page 482, deed records;
Sec. 3, NE¼SE¼ and S½SE¼;
Sec. 11, N½NE¼ and NE¼NW¼.
T. 20 S., R. 17 E.,
Sec. 5, NE¼SW¼ and SW¼SW¼;
Sec. 6, lots 4, 5, 6, and 7, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, and 3, N½NE¼, E½NW¼, E½SW¼, and S½SE¼, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded December 17, 1938, in volume 57, page 158, deed records, and May 28, 1947, in volume 81, page 129, deed records.
Sec. 8, W½NE¼, NW¼, and W½SW¼.
T. 20 S., R. 18 E.,
Sec. 11, S½SW¼ and SE¼.
T. 20 S., R. 19 E.,
Sec. 7, SE¼NE¼ and SE¼;
Sec. 13, SW¼SW¼;
Sec. 14, SE¼;
Sec. 23, N½NE¼;
Sec. 24, NW¼NW¼.
T. 21 S., R. 16 E.,
Sec. 36, N½ and SW¼.
T. 21 S., R. 17 E.,
Sec. 34, W½.
T. 21 S., R 18 E.,
Sec. 25, E½NE¼.
T. 21 S., R. 20 E.,
Sec. 2, SW¼SW¼;
Sec. 3, W½SE¼ and SE¼SE¼;
Sec. 4, lots 2, 3, and 4, SW¼NE¼, and S½NW¼;
Sec. 10, N½NE¼;
Sec. 11, W½NW¼.
T. 22 S., R. 16 E.,
Sec. 16, E½.
T. 22 S., R. 17 E.,
Sec. 1, lots 3 and 4, S½NW¼, and N½SW¼;
Sec. 2, lot 1, SE¼NE¼;
Sec. 3, lots 3 and 4, S½NW¼, and SW¼;
Sec. 4, lots 1, 2, 3, and 4, and S½N½;
Sec. 5, lots 1 and 2, S½NE¼, and SE¼;
Sec. 8, E½;
Sec. 15, W½;
Sec. 16;
Sec. 17, N½;
Sec. 28, SW¼NW¼ and NW¼SW¼;
Sec. 29, E½SW¼ and SE¼;
Sec. 30, lot 1, NE¼, and NE¼NW¼.
T. 22 S., R. 23 E.,
Sec. 3, SE¼;
Sec. 9, E½;
Sec. 10, W½, SE¼, and W½NE¼;
Sec. 14, NE¼, E½NW¼, N½SE¼, and SW¼SW¼;
Sec. 15, N½NE¼, NW¼SE¼, and E½SE¼;
Sec. 23, NW¼.

The areas described aggregate 12,905.14 acres.

2. The lands are located in Deschutes County. They are semiarid in character and are not suitable for farming. The lands have been acquired to further Federal programs. Public lands in this general areas have been classified for multiple-use management and retention in Federal ownership.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location and selection, except for appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m., September 23, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69-10041; Filed, Aug. 22, 1969; 8:46 a.m.]

[OR 3047]

OREGON

Order Providing for Opening of Public Lands

AUGUST 18, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 17 S., R. 13 E.,
Sec. 36, N½SW¼.
T. 17 S., R. 14 E.,
Sec. 31, NE¼SW¼ and N½SE¼.
T. 19 S., R. 14 E.,
Sec. 2, lots 2 and 3, SW¼NE¼, S½NW¼, and NW¼SW¼;
Sec. 3, S½NW¼, N½SW¼, and N½SE¼, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded July 11, 1967, in volume 154, page 98, deed records.
Sec. 4, S½NE¼, S½NW¼, and N½SE¼, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded July 11, 1967, in volume 154, page 98, deed records.

Sec. 5, SE¼NE¼ and SE¼;
Sec. 18, NE¼;
Sec. 20, W½SW¼;
Sec. 21, N½S½ and S½SE¼;
Sec. 23, W½SW¼, SE¼SW¼, and W½SE¼;
Sec. 25, S½NW¼, NE¼SW¼, N½NW¼SW¼, and SE¼NW¼SW¼;
Sec. 26, N½, SW¼, W½SE¼, N½NE¼SE¼, SW¼NE¼SE¼, S½SE¼SE¼, and NW¼SE¼SE¼;
Sec. 27, NE¼NE¼, S½NE¼, and SE¼;
Sec. 29, NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 30, lots 1 and 2, NE¼, E½NW¼, E½SW¼, and W½SE¼;
Sec. 32, W½ and S½SE¼;
Sec. 34.

T. 19 S., R. 15 E.,
Sec. 36, NE¼NW¼.

T. 19 S., R. 16 E.,
Sec. 24, NE¼NE¼;
Sec. 25, E½NE¼ and NE¼SE¼;
Sec. 30, lots 2, 3, and 4, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 31, N½NE¼.

T. 20 S., R. 14 E.,
Sec. 1, lots 3 and 4, S½NW¼, and NE¼SW¼;
Sec. 2, lots 1, 2, 3, and 4, N½S½ and S½SE¼;
Sec. 3, lots 1, 2, 3, and 4, S½NW¼, SW¼, and E½SE¼;
Sec. 4;
Sec. 5;
Sec. 9, NE¼, N½NW¼, and S½;
Sec. 10, W½E½;
Sec. 11, NE¼ and N½SE¼;
Sec. 14, E½SW¼ and N½SE¼;
Sec. 15, NW¼;
Sec. 16, NE¼.

T. 20 S., R. 16 E.,
Sec. 1, lots 3 and 4, S½NW¼ and N½SW¼;
Sec. 2, SE¼NE¼ and NE¼SE¼;
Sec. 33, NW¼SW¼.

T. 20 S., R. 18 E.,
Sec. 11, NE¼SW¼.

T. 20 S., R. 19 E.,
Sec. 7, N½NE¼.

T. 21 S., R. 16 E.,
Sec. 28, NE¼NE¼.

T. 21 S., R. 19 E.,
Sec. 10, NW¼ and S½, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded October 22, 1938, in volume 57, page 60, deed records.
Sec. 12, lots 3 and 4, W½SE¼, and SW¼;
Sec. 14, NE¼, NE¼NW¼, N½NW¼NW¼, SE¼NW¼NW¼, SE¼NW¼, SW¼, N½SE¼, and SW¼SE¼, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded October 22, 1938, in volume 57, page 60, deed records.
Sec. 15, N½N½, SW¼NE¼, S½NW¼, N½SW¼, N½SE¼, and SE¼SE¼, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded October 13, 1938, in volume 57, page 35, deed records and October 22, 1938, in volume 57, page 60, deed records.
Sec. 23, W½ and SE¼;
Sec. 24, lots 1, 2, 3, and 4, and W½E½, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded October 22, 1938, in volume 57, page 60, deed records.
Sec. 36, lots 2, 3, and 4, W½E½, and W½.

T. 21 S., R. 20 E.,
Sec. 19, lots 3 and 4, SE¼SW¼, and SW¼SE¼, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded October 22, 1938, in volume 57, page 60, deed records.
Sec. 29, SW¼NE¼ and W½W½, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded October 22, 1938, in volume 57, page 60, deed records.
Sec. 30, lots 1, 2, and 3, NE¼, NE¼NW¼, S½SE¼, and NE¼SE¼.

T. 22 S., R. 17 E.,
Sec. 5, lots 3 and 4, S½NW¼ and SW¼;
Sec. 6, lots 1 and 2, S½NE¼ and SE¼.

T. 22 S., R. 18 E.,
Sec. 27, NW¼NE¼.

The areas described aggregate 14,352.25 acres.

2. The lands are located in Deschutes County. They are semiarid in character and are not suitable for farming. The lands have been acquired to further Federal programs. Public lands in this general area have been classified for multiple use management and retention in Federal ownership.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location and selection, except for appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m., September 23, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69-10042; Filed, Aug. 22, 1969; 8:46 a.m.]

Office of the Secretary

[Order No. 2508, Amdt. 84]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority With Respect to Specific Legislation

Section 30 of Order 2508, as amended, is further amended by the addition under paragraph (a) of a new subparagraph to read as follows:

Sec. 30 *Authority under specific acts.*

(a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

* * * * *

(43) Sections 3(b) and 4 of the Act of August 8, 1968 (82 Stat. 663), which authorizes the purchase of lands within the Badlands Air Force Gunnery Range by the former Indian and non-Indian owners; the acquisition by former Indian owners of life estates in national monument lands formerly owned by them; the acquisition of lieu lands when lands formerly owned by them are not available or are not desired by them for reacquisition; and provides for conveyance of title to the former owners.

HOLLIS M. DOLE,
Acting Secretary of the Interior

AUGUST 19, 1969.

[F.R. Doc. 69-10044; Filed, Aug. 22, 1969; 8:46 a.m.]

SOUTH DAKOTA

Notice of Transfer of Administrative Jurisdiction Over Land Within the Badlands Air Force Gunnery Range

Notice is hereby given that the lands hereinafter described located within the Badlands Air Force Gunnery Range, Pine Ridge Indian Reservation, S. Dak., consisting of 196,956.94 acres, have been declared excess to the needs of the Department of the Air Force and administrative jurisdiction over the same has been transferred from the Department of the Air Force to the Secretary of the Interior, pursuant to sections 2(a) and 3(a) of the Act of August 8, 1968 (Public Law 90-468; 82 Stat. 663).

As provided by the Act, a portion of these lands, as depicted on the map entitled, "Badlands National Monument," numbered NM-BL-7021B, dated August 1967, which is on file and available for public inspection in the offices of the National Park Service and Bureau of Indian Affairs, are now within the boundaries of Badlands National Monument, and shall be administered by the National Park Service, under the laws and regulations applicable to the Monument; subject, however, to the provisions of Public Law 90-468 and the regulations in 25 CFR 257 providing for certain life estates to individual Indians, and to existing grazing permits which expire December 31, 1969. Minor adjustments may be made in the boundaries of the monument as provided in section 1 of the Act.

The lands outside of the revised boundary of the Badlands National Monument shall be administered by the Bureau of Indian Affairs under the laws and regulations applicable to the Pine Ridge Indian Reservation; subject to the provisions of Public Law 90-468, the regulations in 25 CFR 257, and to existing grazing permits which expire December 31, 1969; and these lands are now available for purchase by the former Indian and non-Indian owners pursuant to sections 3(b) and 4 of the 1968 Act. The authority to perform the functions required by these sections of the 1968 Act, is delegated to the Commissioner of Indian Affairs by Order No. 2508, Amendment 84.

Any former Indian or non-Indian owner desiring to exercise the right to purchase any available tract of land,

or any former Indian owner desiring to acquire a life estate in a tract of land within the monument area or to acquire lieu lands, pursuant to sections 3(b) or 4 of the above-mentioned Act must file an application with the Superintendent of the Pine Ridge Indian Agency, Pine Ridge, S. Dak., within 1 year from the date of publication hereof in the FEDERAL REGISTER or such right will automatically terminate by operation of law.

The Regulations 25 CFR 153, Grazing Pine Ridge Aerial Gunnery Range, were promulgated to govern grazing during the period of time the lands were required for military purposes. With the transfer of administrative jurisdiction effected, the Regulations 25 CFR 153, are no longer needed or applicable and are being rescinded by separate notice.

SIXTH PRINCIPAL MERIDIAN

T. 41 N., R. 40 W.,
Sec. 1, lots 3 and 4, S½NW¼, S½;
Sec. 2, all;
Sec. 3, S½;
Sec. 5, lots 1, 2, 3, and 4, S½N½, E½SW¼, SE¼;
Sec. 6, all;
Sec. 7, lots 1, 2, 3, and 4, E½W½, SE¼;
Sec. 8, all;
Sec. 9, S½;
Sec. 10, all;
Sec. 11, all;
Sec. 12, W½, SE¼;
Sec. 13, SW¼;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, NE¼, S½;
Sec. 19, all;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all.

T. 42 N., R. 40 W.,
Sec. 1, lots 3 and 4, S½NW¼, S½;
Sec. 2, all;
Sec. 3, lots 1, 2, 3, and 4;
Sec. 4, lots 1, 3, and 4, S½N½, S½;
Sec. 5, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, E½NE¼, NW¼;
Sec. 12, all;
Sec. 13, W½;
Sec. 14, SW¼;
Sec. 15, all;
Sec. 16, NW¼, S½;
Sec. 17, all;
Sec. 19, E½;
Sec. 20, N½;
Sec. 22, E½;
Sec. 23, all;
Sec. 24, W½;
Sec. 25, all;
Sec. 26, E½E½, W½;
Sec. 27, E½;
Sec. 31, lots 1, 2, 3, and 4, E½W½, SE¼;
Sec. 32, W½;
Sec. 35, W½E½, W½;
Sec. 36, E½NE¼, S½NW¼, S½.

T. 43 N., R. 40 W.,
Sec. 8, lot 1;
Sec. 14, lot 1;
Sec. 16, lots 1 and 2;
Sec. 17, lots 1, 2, 3, 4, and 5, SW¼NW¼, W½SW¼;
Sec. 18, lots 1, 2, 3, 4, and 5, E½SW¼, SE¼;
Sec. 19, N½;
Sec. 20, lots 1, 2, 3, and 4, W½NW¼, SW¼, SE¼SW¼;
Sec. 21, lots 1, 2, 3, 4, and 5, S½NE¼, NE¼SW¼, SW¼SW¼, SE¼;
Sec. 23, lots 1 and 2, S½NE¼, SE¼;
Sec. 24, lots 1 and 2, SE¼NW¼, S½;
Sec. 25, W½E½, W½;
Sec. 26, all;
Sec. 27, E½;
Sec. 28, all;
Sec. 29, all;
Sec. 32, all;
Sec. 34, NE¼NE¼, E½W½SW¼, W½E½SW¼, SE¼SE¼;
Sec. 35, W½;
Sec. 36, NE¼NE¼, NW¼NW¼, S½N½, S½.

T. 41 N., R. 41 W.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, all;
Sec. 4, lots 1 and 2, S½NE¼, S½;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, NW¼, S½;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
Sec. 19, all;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all.

T. 42 N., R. 41 W.,
Sec. 19, SW¼SE¼;
Sec. 20, SW¼NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 21, W½NE¼, E½SE¼;
Sec. 22, W½;
Sec. 23, E½;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, W½, E½SE¼;
Sec. 29, SW¼NW¼;
Sec. 30, lots 3 and 4, NE¼;
Sec. 31, W½E½, W½;
Sec. 32, SE¼;
Sec. 34, E½NE¼, W½, SE¼;
Sec. 35, all;
Sec. 36, all.

T. 43 N., R. 41 W.,
Sec. 13, lots 1, 2, 3, 4, and 5, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 14, lots 1 and 2;
Sec. 23, lots 1, 2, and 3, E¼NE¼, SW¼NE¼;
Sec. 24, N½.

T. 41 N., R. 42 W.,
Sec. 1, E½, S½NW¼, N½SW¼, W½SW¼SW¼;
Sec. 2, S½NE¼SE¼, E½SE¼SE¼;
Sec. 3, W½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, and 8, NE¼NW¼, SE¼SW¼;
Sec. 7, lots 1, 2, 3, and 4, W½NE¼, E½W½, SE¼;
Sec. 8, W½SW¼;
Sec. 11, N½NE¼, SW¼, E½SE¼;
Sec. 12, E½, W½NW¼NW¼, S½SW¼;
Sec. 13, S½;
Sec. 14, all;
Sec. 18, lots 1, 2, 3, and 4, NE¼, E½W½;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all.

T. 42 N., R. 42 W.,
Sec. 6, all;
Sec. 7, all;
Sec. 18, all;
Sec. 19, 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11, NE¼, E½NW¼;
Sec. 20, all;
Sec. 21, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, N½NE¼, SW¼;
Sec. 22, lots 1, 2, and 3, SE¼NW¼;
Sec. 23, NE¼, N½SE¼, SE¼SE¼;
Sec. 24, W½NE¼, SE¼NE¼, W½, SE¼;
Sec. 25, all;
Sec. 26, E½E½;
Sec. 27, S½SE¼NE¼, E½SE¼;
Sec. 28, NE¼, W½;
Sec. 29, lots 1 and 2, E½, E½NW¼, SW¼SW¼, N½NW¼SW¼, SW¼NW¼;
Sec. 30, all;
Sec. 31, all;
Sec. 32, N½, N½SW¼, NW¼SE¼;
Sec. 33, N½N½, SE¼NE¼, SW¼NW¼, NE¼SE¼;
Sec. 34, NE¼NE¼;
Sec. 35, E½, N½NW¼NW¼;
Sec. 36, all.

T. 43 N., R. 42 W.,
Sec. 19, lots 1, 2, 3, 4, and 5, SE¼SW¼, S½SE¼;
Sec. 30, all;
Sec. 31, lots 1, 2, and 3, E½, E½W½.

T. 41 N., R. 43 W.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, N½, N½S½, SW¼SW¼, SW¼SE¼;
Sec. 12, all;
Sec. 13, N½;
Sec. 14, W½NW¼, NW¼SW¼;
Sec. 15, N½, N½SE¼;
Sec. 16, all;
Sec. 17, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, NW¼NW¼, S½NW¼, NW¼SE¼;
Sec. 18, all;
Sec. 19, all;
Sec. 20, lots 1, 2, and 3, SW¼NE¼, W½, W½SE¼;
Sec. 21, SE¼SW¼.

T. 42 N., R. 43 W.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
Sec. 19, all;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 30, lots 1, 2, and 3, E½, E½W½;
Sec. 31, all;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all.

T. 43 N., R. 43 W.,
Sec. 19, lots 1, 2, 3, 4, and 5, SE¼SW¼, S½SE¼;
Sec. 20, lots 1, 2, 3, and 4, S½S½;
Sec. 21, lots 1, 2, 3, and 4, S½S½;
Sec. 22, lots 1, 2, 3, and 4, S½S½;
Sec. 23, lots 1, 2, 3, and 4, S½S½;
Sec. 24, lots 1, 2, 3, and 4, S½S½;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 30, all;
Sec. 31, all;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all.

T. 41 N., R. 44 W.,
Sec. 1, lots 1, 2, 3, and 4, S½NE¼, E½SW¼, NW¼, SE¼NW¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 2, N½, W½SW¼;
Sec. 3, all;
Sec. 4, E½SE¼;
Sec. 5, lots 1, 2, 3, and 4;
Sec. 7, S½;
Sec. 10, E½;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, N½, SW¼, N½SE¼, N½S½SE¼, S½SW¼SE¼;
Sec. 15, E½;
Sec. 17, NW¼;
Sec. 18, N½;
Sec. 19, W½, SE¼;
Sec. 20, S½S½;
Sec. 21, SW¼;
Sec. 22, E½;
Sec. 23, N½NE¼, W½SW¼NE¼, NW¼, S½;
Sec. 24, lots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, W½NE¼NW¼, W½NW¼, SW¼SW¼, N½SE¼.

T. 42 N., R. 44 W.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, lots 1, 2, and 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 4, W½;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, SE¼SE¼, W½;
Sec. 10, all;
Sec. 11, E½NE¼;
Sec. 12, all;
Sec. 13, all;
Sec. 14, NW¼, S½;
Sec. 15, all;
Sec. 16, NE¼NE¼, S½NE¼, W½, SE¼;
Sec. 17, all;
Sec. 18, lots 1, 2, 3, and 4, NE¼, E½NW¼, SE¼SW¼, SW¼SE¼;
Sec. 19, all;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, S½N½, S½;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, N½, SE¼;
Sec. 30, E½NE¼, NW¼NE¼, NE¼NW¼;
Sec. 32, S½S½;
Sec. 33, S½;
Sec. 35, all;
Sec. 36, all.

T. 43 N., R. 44 W.,
Sec. 19, lots 1, 2, 3, 4, and 5, SE¼SW¼, S½SE¼;
Sec. 23, lots 1 and 2, S½SE¼;
Sec. 24, lots 1, 2, 3, and 4, S½S½;
Sec. 25, all;
Sec. 26, all;
Sec. 27, E½SE¼;
Sec. 30, lot 1, N½NE¼, NE¼NW¼;
Sec. 31, all;
Sec. 34, E½E½, W½SE¼;
Sec. 35, all;
Sec. 36, all.

T. 41 N., R. 45 W.,
Sec. 1, S½SW¼;
Sec. 3, W½;
Sec. 4, all;
Sec. 5, all;
Sec. 6, E½SE¼;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
Sec. 19, N½, N½SE¼;
Sec. 20, N½, NW¼SW¼, SE¼SE¼;
Sec. 21, N½, S½SE¼SW¼, S½SE¼;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all.

T. 42 N., R. 45 W.,
Sec. 1, all;
Sec. 3, SW¼;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, N½;
Sec. 8, all;
Sec. 9, all;
Sec. 12, all;
Sec. 13, E½;
Sec. 19, S½;
Sec. 22, SW¼;
Sec. 24, NE¼;
Sec. 27, NW¼;
Sec. 28, W½;
Sec. 30, lots 1 and 2, NE¼, NE¼NW¼;
Sec. 32, E½NE¼;
Sec. 33, W½.

T. 43 N., R. 45 W.,
Sec. 19, lot 4, SE¼SW¼;
Sec. 20, lots 1, 2, 3, and 4, S½S½;
Sec. 24, lots 1, 2, 3, and 4, S½S½;
Sec. 25, N½;
Sec. 29, all;
Sec. 30, lots 3 and 4, E½, E½W½;
Sec. 31, all;
Sec. 32, all;
Sec. 33, W½W½.

T. 41 N., R. 46 W.,
Sec. 1, all;
Sec. 2, E½;
Sec. 4, SW¼SW¼;
Sec. 8, SE¼;
Sec. 9, all;
Sec. 10, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 11, SW¼, S½SE¼;
Sec. 12, N½N½, S½;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, E½E½;
Sec. 20, SE¼;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all.

T. 42 N., R. 46 W.,
Sec. 1, lot 1, SE¼NE¼, SE¼;
Sec. 2, lot 1, SE¼NE¼;
Sec. 3, lots 1, 2, and 3, S½NE¼, SE¼NW¼;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, lots 1, 2, and 4, E½, E½NW¼, SE¼SW¼;
Sec. 8, E½, N½NW¼, SW¼NW¼;
Sec. 9, E½, NW¼;
Sec. 10, all;
Sec. 12, NE¼, N½S½;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
Sec. 19, lots 1 and 2, N½NE¼, E½NW¼;
Sec. 23, W½;
Sec. 24, SE¼SE¼;
Sec. 26, W½, SE¼;
Sec. 35, E½;
Sec. 36, SW¼.

T. 43 N., R. 46 W.,
Sec. 21, lots 1, 2, 3, 4, and 5, S½SE¼;
Sec. 22, lots 1, 2, 3, and 4, S½S½;
Sec 23 lots 1, 2, 3, and 4, S½S½;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, lots 1, 2, and 3, E½, NE¼SW¼, S½SW¼;
Sec. 31, lots 1, 2, 3, 4, 5, 6, and 7, E½ SW¼, S½SE¼;
Sec. 32, lots 1, 2, 3, and 4, S½NE¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all.

T. 41 N., R. 47 W.,
Sec. 12, SE¼NW¼, SW¼, W½SE¼;
Sec. 13, W½E½, W½.

T. 42 N., R. 47 W.,
Sec. 1, all;
Sec. 12, all;
Sec. 13, all;
Sec. 24, all;
Sec. 25, E½E½.

T. 43 N., R. 47 W.,
Sec. 36, lots 1, 2, 3, and 4, W½NW¼, SW¼, S½SE¼.

The total acreage covered by this transfer is approximately 196,956.94 acres.

HOLLIS M. DOLE,
Acting Secretary of the Interior.

AUGUST 19, 1969.

[F.R. Doc. 69-10046; Filed, Aug. 22, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. G-2712, etc.]

CITIES SERVICE CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

AUGUST 15, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-2712 D 7-25-69	Cities Service Co. (Operator) et al., Post Office Box 300, Tulsa, Okla. 74102 (partial abandonment).	Arkansas Louisiana Gas Co., Rodessa Field, Caddo Parish, La.	(1)	----
G-4954 D 8-4-69	Sun Oil Co. (DX Division), Post Office Box 2039, Tulsa, Okla. 74102 (partial abandonment).	United Gas Pipe Line Co., Marshall Field, Goliad County, Tex.	Depleted	----
G-7009 D 7-28-69	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102 (partial abandonment).	United Fuel Gas Co., acreage in in Pike County, Ky.	(1)	----
G-7241 C 7-30-69	Aztec Oil & Gas Co. (Operator) et al., 2000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	13.0	15.025
C163-26 E&C 7-2-69 [2]	Mack R. Worland and George W. Marthens (successor to Henry Brock 4), 5021 Baltan Rd., Washington, D.C. 20016.	Equitable Gas Co., Troy District, Gilmer County, W. Va.	25.0	15.325
C165-1326 E 7-31-69	Petrodynamics, Inc. (Operator) et al. (successor to Jas. F. Smith), Post Office Box 10006, Amarillo, Tex. 79106.	Cities Service Gas Co., Yellowstone Field, Woods County, Okla.	14.0	14.65
C167-205 C 7-17-69	Dalco Oil Co., 1210 Mercantile Bank Bldg., Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., acreage in Ellis County, Okla.	17.0	14.65
C168-1038 C 8-4-69	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	13.0	15.025
C169-340 C 7-22-69 [3]	Helmly & Prather Oil Corp. (Operator) et al., 518 Petroleum Bldg., Amarillo, Tex. 79100.	Northern Natural Gas Co., Northwest Lovedale Field, Harper County, Okla.	[4] 17.0	14.65
C169-551 C 7-30-69	Jones & Pellow Oil Co., 101 Northeast 26th St., Oklahoma City, Okla. 73105.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	[7] 17.0	14.65
C169-721 C 8-4-69	Sohio Petroleum Co. (Operator) et al., 970 First National Office Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Northwest Camrick Pool, Texas County, Okla.	[8] 18.75	14.65
C169-972 C 7-28-69 [9]	King Resources Co., First National Bank Bldg., Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla.	[10] 16.015	14.65
C169-1050 C 8-4-69 [11]	Sun Oil Co. (DX Division) (Operator) et al., Post Office Box 2039, Tulsa, Okla. 74102.	Texas Eastern Transmission Corp., Port Barre-Naka Field, St. Landry Parish, La.	15.3	15.025
C170-90 (C164-1405) F 7-23-69	Sunset International Petroleum Corp. (successor to Steve Gose (Operator) et al.), 2400 Fidelity Union Tower, Dallas, Tex. 75201.	Arkansas Louisiana Gas Co., Arkoma Basin Area, Haskell County, Okla.	15.0	14.65
C170-91 B 7-28-69	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Transcontinental Gas Pipe Line Corp., North White Lake Field, Vermilion Parish, La.	Uneconomical	----
C170-92 A 7-30-69	Samedan Oil Corp. et al., Post Office Box 909, Ardmore, Okla. 73401.	Florida Gas Transmission Co., Penascal Field, Kenedy County, Tex.	17.8	14.65
C170-93 A 7-30-69	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Southern Natural Gas Co., Blocks 142, 144, 298, 299, and 300, Main Pass Area, Offshore Louisiana.	[6] 21.25	15.025
C170-94 B 8-1-69	Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75202.	Texas Eastern Transmission Corp., Woodlawn Field, Harrison County, Tex.	Depleted	----
C170-95 A 7-30-69	Ralph Kirtley, agent, Milton, W. Va. 25541.	United Fuel Gas Co., McComas District, Cabell County, W. Va.	16.0	15.325
C170-96 A 8-1-69	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Putnam Field, Custer County, Okla.	[8] 17.0	14.65
C170-97 (C169-1130) [12] F 7-31-69	C. H. Lyons, Sr., et al. (successor to Paul M. Tooe), c/o J. A. Dykes, attorney, 1500 Beck Bldg., Shreveport, La. 71101.	Texas Gas Transmission Corp., South Bell City Field, Calcasieu Parish, La.	[13] 21.25	15.025
C170-98 A 8-1-69	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Ship Shoal Block 198, Ship Shoal Block 176 Field, Offshore Terrebonne Parish, La.	21.25	15.025
C170-99 (C161-36) F 7-28-69	Glen S. Soderstrom (Operator) et al. (successor to Kerr-McGee Corp.), Suite 707, Barfield Bldg., Amarillo, Tex. 79101.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Field, Beaver County, Okla.	[8] 17.0	14.65
C170-100 A 7-31-69	Pan American Petroleum Corp.	Texas Gas Transmission Corp., East Cameron Block 14 Field, Offshore Louisiana.	21.25	15.025
C170-101 A 8-4-69	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Hugoton Field, Hamilton County, Kans.	[14] 14.5	14.65
C170-102 A 8-4-69	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	United Gas Pipe Line Co., South Timbalier Block 26, Offshore Lafourche Parish, La.	21.25	15.025
C170-103 A 8-4-69	Gulf Coast Natural Gas Co. (Operator) et al., 800 Houston Natural Gas Bldg., Houston, Tex 77002.	Transcontinental Gas Pipe Line Corp., Cooke Field, La Salle County, Tex.	15.0	14.65
C170-104 A 8-4-69	King Resources Co. et al.	Texas Gas Transmission Corp., South Bell City Field, Calcasieu Parish, La.	21.25	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C170-105..... A 8-4-69	Joseph F. Fritz Operating Co., Post Office Box 208, Clinton, Miss. 39056.	Texas Eastern Transmission Corp., White Castle Field, Wilkinson County, Miss.	20.6	15.025
C170-106..... B 8-4-69	T. F. Hodge	Texas Eastern Transmission Corp., Rudman Field, Bee County, Tex.	Uneconomical	.....
C170-108..... B 7-30-69	Getty Oil Co. (Operator) et al., Post Office Box 1404, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Rodessa Field, Caddo Parish, La.	Uneconomical	.....
C170-109..... A 8-4-69	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Panhandle Eastern Pipe Line Co., Northeast Grand Field, Ellis County, Okla.	[3] 18.0	14.65
C170-110..... (G-4579) F 8-4-69	Mallonee-Mahoney, Inc. (successor to Cities Service Oil Co.), 925 Sutton Place, Wichita, Kans. 67202.	Northern Natural Gas Co., Evalyn Field, Seward County, Kans.	[16] 14.0 [16 17] 16.0	14.65
C170-111..... B 8-4-69	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Depleted	.....
C170-112..... A 8-6-69	John H. Hill, 100 Southland Center, Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., Southwest Cedardale Field, Woodward County, and Northwest Six Mile Field, Beaver County, Okla.	[3] 17.0	14.65
C170-113..... B 8-6-69	J. W. Kinzer, Allen, Ky. 41601	Cities Service Oil Co.,[18] Pond Creek Area, Pike County, Ky.	[18]	.....
C170-114..... A 8-6-69	Thomas W. Crews, Operator, 1328 Lincoln St., Alice, Tex. 78332.	Coastal Equipment Co., Keemac Field Area, Jim Wells County, Tex.	10.0	14.65
C170-115..... A 8-7-69	Kenneth D. Luff et al., c/o Marsden W. Miller, Jr., attorney, Horigan & Thompson, 1610 Denver Club Bldg., Denver, Colo. 80202.	Western Transmission Corp., acreage in Carbon County, Wyo.	15.0	14.65

[1] Gas produced from subject acreage is compressed by Arkansas Louisiana Gas Company at its Mills Compressor Station. Applicant states that it has been advised that the compressor facilities will be shut down as of July 31, 1969.
[2] Applicant has been purchasing gas from J. W. Kinzer for resale to United Fuel Gas Co. Kinzer now desires to deliver this gas directly to United.
[3] Application previously noticed Aug. 4, 1969, in Dockets Nos. G-3264 et al. as a succession filing. Further review of the application reveals that said application also adds additional leases to subject contract.
[4] Successor in interest to Thomas J. Blaho, Jr., doing business as Blaho Oil & Gas Co. Breck never made certificate filing covering subject acreage.
[5] Amendment to add acreage and cover interest of additional co-owners.
[6] Subject to upward and downward B.t.u. adjustment.
[7] Contract provides for rate of 19.5 cents per Mcf; however, Applicant states its willingness to accept certificate at 17 cents, including tax reimbursement, plus B.t.u. adjustment.
[8] Includes 1.75 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[9] Adds acreage acquired from Pan American Petroleum Corp., Docket No. C165-1145.
[10] Rate in effect subject to refund in Docket No. R169-103.
[11] Amendment to include additional interest acquired by Applicant and to include interests of co-owners previously covered by Lawrence Oil, Inc., in Docket No. C164-300 under its FPC GRS No. 1.
[12] No permanent certificate issued; temporary authorization granted only.
[13] Contract rate is 21.25 cents per Mcf; however, Applicant states its willingness to accept certificate at 20 cents per Mcf for gas well gas and 18.5 cents per Mcf for casinghead gas, as adjusted for quality consistent with Opinion No. 546.
[14] Less B.t.u. adjustment.
[15] For depths between the base of the Wolfcamp Series and the top of the Morrowan Series.
[16] For depths below the top of the Morrowan Series.
[17] Rate in effect subject to refund in Docket No. R166-398.
[18] Successor in interest to Columbian Fuel Corp.
[19] Gas from acreage under the subject contract is resold by Cities Service Oil Co. to United Fuel Gas Co. Applicant is presently negotiating with United for direct sale of gas.

[F.R. Doc. 69-9972; Filed, Aug. 22, 1969; 8:45 a.m.]

[Docket No. RI 70-124, etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 14, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until other wise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 1, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by the producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R170-124..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	407	[3] 1	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Block 176 Field, Ship Shoal Area, Offshore Louisiana).	$3,375	7-24-69	[4] 8-24-69	[5] 8-25-69	[6] [10] 18.5	[7] [8] 20.0	
R170-125..	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	310	[11] 1	Michigan Wisconsin Pipe Line Co. (Block 208 Field, Eugene Island Area, Offshore Louisiana).	499	7-18-69	[4] 8-18-69	[5] 8-19-69	[6] [10] [12] 18.5	[7] [8] 20.0	
R170-126..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	369	[13] 1	Texas Eastern Transmission Corp. (Vermilion Block 164 Field, Offshore Louisiana).	54,750	7-22-69	[4] 8-22-69	[5] 8-23-69	[6] [10] [14] 18.5	[7] [8] 20.0	
R170-127..	Union Oil Co. of California, Los Angeles, Calif. 90017, Attention: Mr. C. E. Smith.	201	[16] 1	Texas Eastern Transmission Corp. (Block 280 Field, West Cameron Area, Offshore Louisiana).	73,800	7-25-69	[4] 8-25-69	[5] 8-26-69	[6] [10] [15] 18.5	[7] [8] 20.0	

[3] Contract dated May 29, 1969.
[4] The stated effective date is the first day after expiration of the statutory notice or date of initial delivery, whichever is later.
[5] The suspension period is limited to 1 day.
[6] Rate increase filed pursuant to paragraph (A) of Opinion No. 546–A issued Mar. 20, 1969.
[7] Pressure base is 15.025 p.s.i.a.
[8] Subject to quality adjustments.
[9] Initial rate as conditioned by temporary certificate issued July 11, 1969, in Docket No. C169-1165.
[10] Area base rate for gas well gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.
[11] Contract dated Oct. 11, 1968.
[12] Initial rate as conditioned by temporary certificate issued July 3, 1969, in Docket No. C169-443.
[13] Contract dated Aug. 27, 1969.
[14] Initial rate as conditioned by temporary certificate issued June 27, 1969, in Docket No. C169-266.
[15] Initial rate as conditioned by temporary certificate issued June 27, 1969, in Docket No. C169-708.
[16] Contract dated Oct. 7, 1968.

These four proposed rate increases, from 18.5 cents to 20 cents per Mcf, involve sales of third vintage gas well gas in Offshore Louisiana and were filed pursuant to ordering paragraph (A) of opinion No. 546–A which lifted the indefinite moratorium imposed in opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20 cents base rate established in opinion No. 546 for onshore gas well gas. The producers involved herein were issued conditioned temporary certificates in dockets as set forth below authorizing the collection of the third vintage prices established in opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casinghead gas subject to quality adjustment).[17] Deliveries of gas have not as yet commenced thereunder.

We conclude that these producers' proposed rate increases should be suspended for 1 day from the date shown in the "Effective Date Column" on Appendix A hereof, or for 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the area rate proceeding in docket No. AR69-1.

[F.R. Doc. 69-9973; Filed, Aug. 22, 1969; 8:45 a.m.]

LANDS WITHDRAWN IN PROJECTS NOS. 554, 1034, 1114, AND 1931

Order Vacating Withdrawals

AUGUST 19, 1969.

Application has been filed by the State of Alaska (Applicant) for vacation of the power withdrawals pertaining to the lands of the United States located within the Chugach National Forest, described below. The lands were withdrawn variously as outlined below by the filing of applications for licenses and a preliminary permit. The various licenses issued for these small projects have all expired or been surrendered, as noted below.

LANDS WITHDRAWN FOR PROJECT NO. 554

The following described lands are withdrawn pursuant to the filing on November 10, 1924, of an application for a license for Project No. 554:

VICINITY OF ORCA INLET, PRINCE WILLIAM SOUND

CHUGACH NATIONAL FOREST, ALASKA

The powerhouse site and reservoir site locations indicated respectively as Tract "A" and Tract "B", and all lands within 50 feet of the centerline of the conduit line location lying between and outside of said Tracts "A" and "B", all as shown on a map designated "Exhibit J(1)" and entitled: "Humpback Creek Power Project of the Cordova Power Co., Alaska," and filed in the office of the Federal Power Commission on November 10, 1924. (Approximately 57 acres.)

All unpatented and unsurveyed public land, lying within 50 feet of the constructed transmission line location, extending from the powerhouse of the Alaska Public Utilities near the mouth of Humpback Creek, in a southerly direction to the northern limit of U.S. Survey No. 449, as shown on a map designated "Exhibit J(1)" and entitled "Humpback Creek Power Project of the Cordova Power Co., Alaska," and filed in the office of the Federal Power Commission on November 10, 1924. (Approximately 60 acres.)

LANDS WITHDRAWN FOR PROJECT NO. 1034

The following described lands are withdrawn pursuant to the filing on November 13, 1929, of an application for a preliminary permit for Project No. 1034:

CHUGACH NATIONAL FOREST, NEAR CORDOVA, ALASKA

All portions of Mineral Survey No. 1061, Keystone Mine, canceled part of Juneau Mineral Entry 03957, lying within 50 feet of the centerline of the pipeline location shown on a map entitled "Map of Fleming Creek Showing Project of Pioneer Packing Co. Development of 95 Horse Power" and filed in the office of the Federal Power Commission on November 13, 1929. (Approximately 1 acre.)

LANDS WITHDRAWN FOR PROJECT NO. 1114

The following described lands are withdrawn pursuant to the filing on September 5, 1930, of an application for license for Project No. 1114:

CHUGACH NATIONAL FOREST, ALASKA

THIRD JUDICIAL DIVISION

CORDOVA RECORDING DISTRICT

All lands lying within 50 feet of the centerline of the flume and pipeline between the constructed diversion dam and the boundary of the patented land included in Trade and Manufacturing Site Survey No. 302, approximately 3 miles northeast of the city of Cordova, and all lands lying within 50 of the dam and penstock; all as shown on a map designated "Exhibit F" and entitled, "Map showing project boundaries accompanying application for license of Booth Fisheries Co., situated on Orca Creek, Orca Inlet, an arm of Prince William Sound, Alaska, Mainland", and filed in the office of the Federal Power Commission on September 5, 1930. (Approximately 2 acres.)

LANDS WITHDRAWN FOR PROJECT NO. 1931

The following described lands are withdrawn pursuant to the filing on May 3, 1945, of an application for license for Project No. 1931:

CHUGACH NATIONAL FOREST, ALASKA

THIRD JUDICIAL DIVISION

CORDOVA RECORDING DISTRICT

All lands lying within 10 feet of the high-water line of reservoir and of the centerline of the flume, penstock, tank, pipeline, and water wheel and generator, between the constructed diversion dam and the boundary of the patented land included in Trade and Manufacturing Site Survey No. 302, approximately 3 miles northeast of the city of Cordova, and all lands within 20 feet from centerline and ends of the dam; all as shown on a map entitled "Exhibit K, Power Project of New England Fish Co. at Orca, Alaska, Chugach National Forest, Territory of Alaska." (Approximately one-half acre.)

The lands are included within selection applications filed by Applicant under the Statehood Act of July 7, 1958 (72 Stat. 339), as amended, pursuant to which the State may acquire Federal

[17] Docket No. CI69-708, Union Oil Co. of California. Docket No. CI69-1165, Gulf Oil Corp. Docket No. CI69-443, Cities Service Oil Co. Docket No. CI69-266, Shell Oil Co.

lands. Vacation of the power withdrawals would facilitate the transfer of title to Applicant.

The lands are variously located along the Humpback, Flemming, and Orca Creeks, small coastal streams which drain into Orca Inlet, 1 to 5 miles north of the city of Cordova, Alaska. Flemming and Orca Creek have drainage areas of less than 1 square mile each, and Humpback Creek has a drainage area of about 4 square miles. There are no potential storage sites on the creeks, and the authorized capacity of Projects Nos. 554, 1034, and 1931 (a reconstruction of Project No. 1114) totaled 220 horsepower.

The Commission accepted surrender of the licenses for Projects Nos. 1034, 1114, and 1931 by orders dated September 16, 1933, September 5, 1944, and September 1, 1959, respectively. The license for Project No. 554 expired January 23, 1950, and the project was subsequently operated under a Forest Service special use permit, which was terminated in 1968.

The energy needs of the city of Cordova are presently being supplied by four diesel units totaling 3,200 kw. capacity. An application has been filed for license for proposed Project No. 2656, which would furnish 2,500 kw. from a hydroelectric project to be constructed on nearby Power Creek, about 5 miles from town. This project would not affect any of the subject lands, and there are no plans presently known for power development which would affect the subject lands. Inasmuch as the power value of the subject lands is negligible, the Alaska Power Administration, the U.S. Geological Survey, and the U.S. Forest Service have recommended that the subject power withdrawals be vacated.

The Commission finds: The withdrawals for Projects Nos. 554, 1034, 1114, and 1931 serve no useful purpose and should be vacated in their entirety.

The Commission orders: The withdrawals of the subject lands pursuant to the applications for Projects Nos. 554, 1034, 1114, and 1931 are hereby vacated.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-10028; Filed, Aug. 22, 1969; 8:45 a.m.]

[Docket No. RI70-3 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates

AUGUST 14, 1969.

Atlantic Richfield Co., Docket No. RI 70-3, et al.; John C. Oxley et al., Docket No. RI70-9; Graham-Michaelis Drilling Co., Docket No. RI70-11.

In the order accepting contract amendments, providing for hearings on and suspension of proposed changes in rates, issued July 16, 1969, and published in the FEDERAL REGISTER July 26, 1969, F.R. 34 (12353), Docket No. RI70-9, John C. Oxley, et al.: Under column headed "Respondent" change "John V. Oxley et al." to read "John C. Oxley et al." In Docket No. RI70-11, Graham-Michaelis Drilling Co.: Under "Rate Schedule No." and "Supplement No." columns opposite the amount of $1,055, insert "62" in the Rate Schedule No. column, and "5" in the Supplement No. column.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-10029; Filed, Aug. 22, 1969; 8:45 a.m.]

[Docket No. RI 69-205, etc.]

PAN AMERICAN PETROLEUM CORP. (OPERATOR), AMERADA PETROLEUM CORP.

Order Accepting Contract Amendment and Agreement Providing for Hearings on and Suspension of Proposed Changes in Rates

AUGUST 14, 1969.

In the order accepting contract amendment and agreement, providing for hearings on and suspension of proposed changes in rates, issued November 8, 1968 and published in the FEDERAL REGISTER November 21, 1968 (33 F.R. 17268), Docket No. RI69-208, Amerada Petroleum Corp.: (Opposite Rate Schedule No. 4) under column headed "Supp. No." change "15" to read "16".

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-10030; Filed, Aug. 22, 1969; 8:45 a.m.]

[Docket No. RP70-5]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 19, 1969.

Take notice that Southern Natural Gas Co. (Southern) on August 15, 1969, tendered for filing proposed changes in its FPC Gas Tariff Sixth Revised Volume No. 1, to become effective on October 1, 1969. The proposed rate changes would increase charges for jurisdictional sales by $37,830,641 annually, based on volumes for the 12-month period ended April 30, 1969, as adjusted. The proposed increase would be applicable to all of Southern's jurisdictional rate schedules. Southern proposes elimination of the first block commodity charge in the OCD-1, OCD-3, OCDL-1 and CD-3 Rate Schedules and introduces seasonal commodity charges in the AO-1, AO-2, AO-3 and AOL-1 Rate Schedules. Revision of section 4.2(b) of the general terms and conditions would permit changes in measurement provisions based on revisions in the applicable standards manual and revision of section 6.3 would change the interest on past due billing amounts from 6 percent per annum to the prime rate then being charged by The Chase Manhattan National Bank, N.A.

Southern states the principal reasons for the proposed rate increases are: (1) Increases in costs of financing which the company says give rise to the need for an 8.5 percent rate of return on transmission properties and a 12 percent rate of return on production properties; (2) increases in operation and maintenance expenses due to, among other things, increases in salaries, wages and other employee benefits; (3) increases in the cost of supplies, materials, labor and services for the pipeline and (4) increases in Federal, State, and local taxes.

Copies of the filing were served on Southern's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-10031; Filed, Aug. 22, 1969; 8:45 a.m.]

[Dockets Nos. RI70-47, etc.]

TEXACO INC.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates

AUGUST 14, 1969.

In the order accepting contract amendments, providing for hearings on and suspension of proposed changes in rates, issued July 24, 1969, and published in the FEDERAL REGISTER August 5, 1969 (34 F.R. 12731), Docket No. RI70-47, Texaco Inc.: Under column headed "Effective date unless suspended", change "7-27-68" to read "7-27-69."

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-10032; Filed, Aug. 22, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

EMIGRANT WILDERNESS

Proposal and Hearing Announcement

Notice is hereby given in accordance with the provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on September 30, 1969, in the Elks Lodge, 100 Elks Drive, Sonora, Calif., on a proposal for a recommendation to be made by the Secretary of Agriculture to the President of the United States that a recommendation be submitted to Congress for the establishment of Emigrant Wilderness, comprising about 105,954 acres, including most of the Emigrant Basin Primitive Area, and five contiguous areas. The proposed Emigrant Wilderness is located within the Stanislaus National Forest, Tuolumne County, State of California.

A brochure containing a map and information about the proposed Wilderness may be obtained from the Forest Supervisor, Stanislaus National Forest, 175 South Fairview Lane, Sonora, Calif. 95370, or the Regional Forester, Appraiser's Building, 630 Sansome Street, San Francisco, Calif. 94111.

Individuals and organizations are invited to express their views by appearing at the hearing, or may submit written comments for inclusion in the official record to Regional Forester, Appraiser's Building, 630 Sansome Street, San Francisco, Calif. 94111, by October 30, 1969.

A. W. GREELEY, *Associate Chief, Forest Service.*

[F.R. Doc. 69-10097; Filed, Aug. 22, 1969; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

ROSWELL PARK MEMORIAL INSTITUTE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 70-00053-33-46040. Applicant: Roswell Park Memorial Institute, Health Research, Inc., 666 Elm Street, Buffalo, N.Y. 14203. Article: Electron microscope, Model JEM-200 and accessories. Manufacturer: Japan Electron Optics Laboratory Co. Ltd., Japan. Intended use of article: The article will be used to examine delicate biological specimens in the hydrated state. Past research indicates that important medical and biological research gains can be obtained by increasing the accelerating voltage of the electron microscope. Application received by Commissioner of Customs: July 16, 1969.

Docket No. 70-00054-33-46040. Applicant: University of Cincinnati, Department of Biological Sciences, Cincinnati, Ohio 45221. Article: Electron microscope, Model EM6B/801. Manufacturer: Associated Electrical Industries, U.K. Intended use of article: The article will be used for both research and teaching purposes, and will be used to examine the fine structure of biological specimens. The applicant's research efforts for the next few years will be directed primarily towards the study of the biogenesis of mitochondria and chloroplasts, and the role of cytoplasmic DNA in this process of biogenesis. Application received by Commissioner of Customs: July 16, 1969.

Docket No. 70-00056-33-46500. Applicant: St. Margaret's Hospital, Department of Pathology and Medical Research, 90 Cushing Avenue, Dorchester, Mass. 02125. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with the investigation of the ultra-structural responses of normal and tumor cells in culture to a variety of particulate materials under varying growth conditions. The applicant wishes to study the process of phagocytosis and the influence of various chemical and physical agents on this process including the mechanism of particle uptake and the accompanying cellular alterations in relation to particle type, cell type and culture conditions. Application received by Commissioner of Customs: July 17, 1969.

Docket No. 70-00057-33-46070. Applicant: The Ohio State University, Department of Otolaryngology, 190 North Oval Drive, Columbus, Ohio 43210. Article: Scanning electron microscope, Model Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., U.K. Intended use of article: The article will be used primarily for biomedical research and associated teaching activities and for the following purposes:

1. Investigations of the surface topography of the inner ear.
2. Investigations of otosclerotic bones.
3. Examination of the middle ear bone mastoid.
4. Investigation of new growth of airway passage.
5. Investigation of new growth in the oral cavity.

Application received by Commissioner of Customs: July 18, 1969.

Docket No. 70-00058-33-46500. Applicant: The City College of New York, The City College Research Foundation, 138th Street and Convent Avenue, New York, N.Y. 10031. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used as a major research tool for the projects listed:

1. Investigation of the morphology of latex particles.
2. Electron microscopical histochemical studies of neurosecretion.
3. Studies with the avian tumor viruses.
4. An electron microscope investigation of trematode parasites.

To meet the needs of such a wide range of interests it is imperative that the instrument have the following requirements: (a) section thickness between 50 angstroms to 2 microns; (b) widest range of cutting speeds; and (c) equal thickness serial sections. Application received by Commissioner of Customs: July 18, 1969.

Docket No. 70-00059-33-46500. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin and thin sections for electron as well as light microscopic examination. The research is concerned with the action of psychotropic drugs and liver carcinogens on the fine structure of the rat liver cell. It is important in this regard to study the alterations in cellular organization and individual organelles after treatment with these compounds. In order to study the specific spatial alterations, it is mandatory that long series of equal thickness serial sections be obtained of the rat liver nucleolus after treatment with these carcinogens. Application received by Commissioner of Customs: July 18, 1969.

Docket No. 70-00060-65-14200. Applicant: Battelle Memorial Institute, 505 King Avenue, Columbus, Ohio 43210. Article: Quantimet TV Analyzing Computer, Type B. Manufacturer: Metals Research, Ltd., U.K. Intended use of article: The article will be used for scientific research purposes. The article is designed to provide quantitative data of the structural (or microstructural) parameters of materials and the physically and/or chemically distinct identities which might be contained within the structure of materials. Most of the programs are specifically concerned with obtaining fundamental relationships between various microstructural features of materials (mainly metals and ceramics) and their properties. Although this information can be obtained manually,

the amount of time required to obtain a statistically significant sample is usually prohibitive. Application received by Commissioner of Customs: July 18, 1969.

Docket No. 70–00061–65–46070. Applicant: National Bureau of Standards, Route 70S and Quince Orchard Road, Gaithersburg, Md. 20760. Article: Scanning electron microscope, Model IIA. Manufacturer: Cambridge Instrument Company, U.K. Intended use of article: The article will be used to cover many areas of research by the applicant from determinations of the properties of materials to precise measurement methods and techniques. Many of the intended uses involve large, carefully prepared crystal specimens. Studies of plastically deformed single crystals will be conducted concentrating on slip line lengths and slip step density measurements. X-ray microanalysis of complicated materials will be conducted in connection with electron microscope studies to determine composition of primary elements in the material and to analyze the nature of inclusions and foreign particles. Application received by Commissioner of Customs: July 18, 1969.

Docket No. 70–00062–88–46070. Applicant: Louisiana State University, School of Geology, Baton Rouge, La. 70803. Article: Scanning electron' microscope, Model JSM–2. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be the basic component of an instrumentation complex to be used for research and student training. The magnification and high resolution capabilities of the article will be combined with a nondispersive X-ray spectrometer attachment to open new areas of research. Intended uses in specific fields of research are listed below:

1. Application of the scanning electron microscope in Paleontology.
2. Application of the scanning electron microscope in Sedimentology.
3. Application of the scanning electron microscope with nondispersive X-ray spectrometer.

Application received by Commissioner of Customs: July 22, 1969.

Docket No. 70–00063–01–46040. Applicant: Portland State University, Post Office Box 751, Portland, Oreg. 97207. Article: Electron microscope, Model HU–125 C (used). Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for both education and research. Education will include both instruction on the use of the electron microscope and instruction in light and electron microscopy of metals. Current research for which the article will be used is concerned with the microstructure of the permanent magnet alloys, Alnico 5 and Alnico 6. Information about the morphology and crystallography of solid state phase changes in these materials is desired. Electron transmission microscopy, both dark and bright field, and selected area electron diffraction techniques will be used to obtain this information. Application received by Commissioner of Customs: July 22, 1969.

Docket No. 70–00065–88–75000. Applicant: New York State Museum and Science Service, Geological Survey, Room 973 State Educational Building Annex, Albany, N.Y. 12224. Article: Shot box and battery recharger. Manufacturer: Huntec, Limited, Canada. Intended use of article: The article will be used for a scientific study of the preglacial drainage patterns and glacial and post glacial surficial deposits. A better understanding of the Pleistocene history of New York State is the objective of this study. Application received by Commissioner of Customs: July 24, 1969.

Docket No. 70–00066–87–78700. Applicant: Iowa State University of Science and Technology, Purchasing Department, 202 Service Building, Ames, Iowa 50010. Article: Surveying equipment (theodolite, chronometer and chronograph). Manufacturer: Wild-Heerburgg Instruments, Switzerland. Intended use of article: The article will be used as a modern geodetic instrumentation system for use in graduate research and instruction in the geodetic aspects of the new geodesy and photogrammetry program. Seven new graduate courses in geodesy and photogrammetry were approved for inclusion in the 1969–1971 General and Graduate catalogs. Three of these courses are in geodesy, two in photogrammetry, one in advanced surveying, and one in both geodetic and photogrammetric observations. Application received by Commissioner of Customs: July 24, 1969.

Docket No. 70–00067–33–46040. Applicant: New York State Institute for Basic Research in Mental Retardation, 1050 Forest Hill Road, Staten Island, N.Y. 10314. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used to discover more about the fine structure and molecular organization of the synapse and other brain regions in normal and abnormal states. In certain experiments brain tissue will be sectioned in slices of approximately 4 microns to 100 angstroms thick. In other investigations, brain tissue will be homogenized and subcellular fractions separated by density gradient centrifugation using either the swinging bucket or the zone rotors in the ultracentrifuge. Gel filtration and the electrafocusing method may be used to purify certain fractions. Samples will be fixed and stained for examination in the electron microscope. Application received by Commissioner of Customs: July 24, 1969.

Docket No. 70–00068–33–01200. Applicant: Kendall School for the Deaf, Gallaudet College, Seventh Street and Florida Avenue NE., Washington, D.C. 20002. Article: Acoustic apparatus (nasal indicator). Manufacturer: Special Instrument AB, Sweden. Intended use of article: The article will be used to stimulate and improve the quality and quantity of speech production in deaf school age children. Application received by Commissioner of Customs: July 24, 1969.

CHARLEY M. DENTON,
Assistant Administrator, for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–10070; Filed, Aug. 22, 1969; 8:48 a.m.]

UNIVERSITY OF OKLAHOMA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 70–00046–33–84500. Applicant: University of Oklahoma, Norman, Okla. 73069. Article: Vacuum evaporator, Model JEE–4C. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used to coat sample zoological and geological specimens with a layer of heavy metal or carbon-metal mixture for scanning electron microscopy. Application received by Commissioner of Customs: July 15, 1969.

Docket No. 70–00048–01–28200. Applicant: University of Pittsburgh, Fifth Avenue and Bigelow Blvd., Pittsburgh, Pa. 15213. Article: Electron paramagnetic resonance spectrometer, Model B–ER–418S. Manufacturer: Bruker Physik AG, West Germany. Intended use of article: The article will be used for the following purposes:

1. Microwave-optical double resonance studies of electronically-excited states.
2. Studies of the nuclear magnetic resonance (NMR) properties of halogen-containing liquids and paramagnetic species.
3. Occurrence of antiferromagnetic ordering of transition metal ions in the solid state at liquid helium temperatures.
4. EPR studies of low-valent transition metal ions.
5. EPR studies of chemical systems possessing unpaired electrons.
6. The instrument will also be used for instructional purposes in the undergraduate physical and inorganic laboratory courses.

Application received by Commissioner of Customs: July 15, 1969.

Docket No. 70–00049–00–54800. Applicant: University of Michigan, Department of Opthalmology, 5044 Kresge II, Ann Arbor, Mich. 48104. Article: Optical bench components. Manufacturer: Precision Tool and Instrument Co. Ltd., U.K. Intended use of article: The articles will be used to replace parts of existing scientific instruments used in research on the physiology of the eye and for teaching. Application received by Commissioner of Customs: July 15, 1969.

Docket No. 70–00050–33–46500. Applicant: Oak Ridge Associated Universities, Post Office Box 117, Oak Ridge, Tenn. 37830. Article: Ultramicrotome, Reichert Model "Om U2". Manufacturer: C. Reichert Optische Werke A. G., Austria. Intended use of article: The article will be used for cutting ultrathin serial sections about 50 to 75 angstrom units in thickness from large epoxy-embedded lymphatic tissues for research. Research is part of an investigation concerning the fine structure of lymphatic tissue germinal centers and localization of virus particles in these anatomic areas. This work is essential to the development of a model system to study leukemogenesis using high-leukemia mouse stain AKR lymphoid tissue germinal centers that contain many C-type virus particles associated with specialized reticular cells. Application received by Commissioner of Customs: July 15, 1969.

Docket No. 70–00052–33–46500. Applicant: University of Colorado Medical Center, 4200 East Ninth Avenue, Denver, Colo. 80220. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin frozen serial sections of fresh or formalin-fixed pituitary glands for immuno-electron microscopy, using the peroxidase labeled antibody technique. With this approach, functional maps of the human pituitary will be constructed based upon the locations of the six particular trophic hormones of the gland. In addition, hormones will be localized at their effector sites. Because the enzyme labeled antibody technique is capable of localizing molecular amounts of hormone, extremely thin sections are required to obtain adequate resolution and adjacent serial sections are required to prove immunohistologic specificity. Application received by Commissioner of Customs: July 16, 1969.

CHARLEY M. DENTON,
Assistant Administrator, for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–10071; Filed, Aug. 22, 1969; 8:48 a.m.]

YALE UNIVERSITY SCHOOL OF MEDICINE

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribed the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 70–00038–33–46500. Applicant: Yale University School of Medicine, Department of Anatomy, 333 Cedar Street, New Haven, Conn. 06510. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter A. B., Sweden. Intended use of article: The article will be used to produce ultrathin sections, 50 angstroms to 2 microns, for electron microscopic examination. Varied tissues such as nervous muscle, adipose, intestine, liver, kidney, and adrenal are studied by cytochemical and radioautographic techniques in order to relate function to morphology. Therefore, it is mandatory that long series of equal thickness serial section be cut to perform this examination. Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70–00039–33–46040. Applicant: University of California, Morgan Hall, Berkeley, Calif. 94720. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for a wide variety of research programs in biological areas. Current projects include the following:

1. Fine structure studies of the microannelid, Enchytraeus fragmentosus.
2. Characterization of isolated nuclear and mitochondrial DNA from Enchytraeus fragmentosus and Caenorhabditis briggsae.
3. The effect of exposure to NO_2 and other air pollutants on cardiopulmonary lipid structures.
4. Damage to red blood cells in cholesterol-fed guinea pigs.
5. Relationships between structure and mitochondrial fatty acid composition.

Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70–00040–33–46040. Applicant: Harvard University, Purchasing Department, 75 Mt. Auburn Street, Cambridge, Mass. 02138. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used for research by a number of investigators for studying the morphology of the central nervous system. The main purpose will be to correlate morphological fine structure with single-cell physiology. The article will also be used for teaching new faculty members and postdoctoral fellows, as well as for graduate students and research technicians working in the laboratory. It will enable them to carry out combined physiological and anatomical studies. Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70–00041–33–46040. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used to study the ultrastructure of biological macromolecules, for example, enzymes such as DNA polymerase along with its substrate in negatively stained preparations, for the purpose of determining their size and shape. The article will also be used to examine ultrathin sections of normal and abnormal cells, for example granulocytes, for the purpose of studying their ultrastructure in relation to their function, either normal or abnormal. Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70–00042–33–46040. Applicant: Louisiana State University Medical Center, Department of Anatomy, 1542 Tulane Avenue, New Orleans, La. 70112. Article: Electron Microscope, Model EM 300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used to study human and animal tissues to analyze cellular sites of enzyme and hormone production, membrane and coating structure of cells, filaments extracted from cells (specially stained), hard tissues of unusual density,

and study of serial sections for orientation of intercellular connections. Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70–00043–33–46040. Applicant: University of Michigan Medical Center, Department of Dermatology, 1405 East Ann Street, Ann Arbor, Mich. 48104. Article: Electron microscope, Model EM 300 and accessories. Manufacturer: Philips Electron Instruments, The Netherlands. Intended use of article: The article will be used as an adjunct to the applicant's biochemical isolation and characterization of an epidermal macromolecular inhibitor. This repressor molecule, termed the epidermal chalone, has been shown to be water soluble, nondialysable, alcohol precipitable and destroyed by boiling. Its molecular weight has been estimated by Sephadex molecular sieve chromatography and analytical ultracentrifugation. The applicant feels that a combination of the techniques of negative staining and unstained material will enable him to obtain high resolution at low accelerating voltage and thereby enable him to estimate the micrographic homogeneity and size of chalone and contaminating molecules in solution. Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70–00044–33–46500. Applicant: University of Michigan, Department of Industrial Health, Ann Arbor, Mich. 48104. Article: Ultra microtome, Model Reichert "OmU2". Manufacturer: C. Reichert Optische Werke A. G., Austria. Intended use of article: The article will be used to prepare uniform single and serial sections of several tissues from animals exposed to various toxic compounds in the environment such as pesticides. The purpose of the investigation is to characterize the cytological abnormalities associated with the presence of the pesticide in various tissues. Long ribbons of uniform serial sections, 50 angstroms to 100 angstroms, will be required in this aspect of the investigation. Autoradiography, by electron and light microscopy, and various histochemical techniques will be performed on sections prepared with the article. Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70–00045–33–43780. Applicant: Cedars-Sinai Medical Center, Cedars Division, 4833 Fountain Avenue, Los Angeles, Calif. 90029. Article: Endoscopic examination set and accessories. Manufacturer: Karl Storz Endoskopie-Instrumente, West Germany. Intended use of article: The article will be used at the Clinical and Research Endoscopic Center for the following purposes:

1. To introduce new techniques and instruments and to evaluate their clinical value.

2. To increase diagnostic accuracy by seeing more, and to document the findings on a permanent film record.

3. To establish a teaching center for undergraduate and postgraduate students.

4. To initiate new projects in approaching organs heretofore were impossible to see without operating on the patient.

Application Received by Commissioner of Customs: July 14, 1969.

CHARLEY M. DENTON,
Assistant Administrator, for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–10072; Filed, Aug. 22, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21237]

CESKOSLOVENSKE AEROLINIE

Notice of Postponement of Prehearing Conference and Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference and hearing in the above-entitled matter now assigned to be held on August 21, 1969, is hereby postponed to August 28, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., August 19, 1969.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[F.R. Doc. 69–10079; Filed, Aug. 22, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69–8–106]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority August 19, 1969.

Agreement adopted by Joint Conference 1–2–3 of the International Air Transportation Association relating to specific commodity rates, Docket No. 18650, Agreement CAB 20745, R–86 through R–88.

By Order 69–7–124, dated July 24, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69–7–124 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R–86 through R–88, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–10080; Filed, Aug. 22, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69–8–102]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority August 19, 1969.

Agreement adopted by Joint Conference 1–2–3 of the International Air Transport Association relating to specific commodity rates, Docket No. 18650, Agreement CAB 20745, R–84, and R–85.

By Order 69–7–111, dated July 22, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69–7–111 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R–84, and R–85, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–10081; Filed, Aug. 22, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69–8–103]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority August 19, 1969.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates, Docket No. 18650, Agreement CAB 20745, R–94, and R–95.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated August 5, 1969, names an additional specific commodity rate, as set forth in the attachment hereto,[1] which reflects a significant reduction from the general cargo rates. In addition, a rate has been canceled from Auckland to Miami, as indicated in the attachment.

Pursuant to authority duly delegated by the Board in the Board's regulations 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R–94, and R–95, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–10082; Filed, Aug. 22, 1969; 8:49 a.m.]

[Docket No. 21130; Order 69–8–101]

NORTHWEST AIRLINES, INC.

Order for Amendment of Its Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1969.

On June 26, 1969, Northwest Airlines, Inc. (Northwest), filed an application, pursuant to Subpart N of Part 302 of the Board's procedural regulations, for an amendment of its certificate of public convenience and necessity for Route 3 to permit turnaround service between Detroit, on the one hand, and Milwaukee and points west of Milwaukee on its existing system,[2] on the other hand.

Western Air Lines, Inc., has filed a statement requesting that the Board dismiss Northwest's application except insofar as Northwest requests turnaround authority between Detroit, on the one hand, and Milwaukee, Madison, Rochester, or Minneapolis/St. Paul, on the other hand.

Upon consideration of the pleadings and other relevant facts, the Board has decided to order further proceedings pursuant to the provisions of Subpart N, sections 302.1406–1410, insofar as the application requests Detroit-Milwaukee/Twin Cities turnaround authority.[3] With respect to these portions of Northwest's application, we do not find that the application is not in compliance with, or is inappropriate for processing under, the provisions of Subpart N. We will dismiss the remainder of the application because we find that it is not in compliance with the provisions of Subpart N.[3]

Accordingly, it is ordered, That:

1. The application of Northwest Airlines, Inc., Docket 21130, insofar as it requests: (a) Turnaround authority between Detroit, on the one hand, and Milwaukee and Minneapolis/St. Paul, on the other hand, and (b) authority to serve Madison, Rochester, or Chicago on flights which originate at Detroit and terminate at Minneapolis/St. Paul, or which originate at Minneapolis/St. Paul and terminate at Detroit, be and it hereby is set for further proceedings pursuant to Rules 1406–1410 of the Board's procedural regulations;

2. Except to the extent herein set for further proceedings, the application of Northwest Airlines, Inc., Docket 21130, be and it hereby is dismissed; and

3. This order shall be served upon the city of Detroit, Mich.; cities of Milwaukee, Madison, Wis.; cities of Rochester, Minneapolis, St. Paul, Minn.; cities of Fargo, Grand Forks, Jamestown, Bismarck, N. Dak.; cities of Billings, Bozeman, Butte, Great Falls, Helena, Missoula, Mont.; cities of Spokane, Seattle, Wash.; city of Portland, Oreg.; Allegheny Airlines, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; Northeast Airlines, Inc.; Ozark Airlines, Inc.; Airlift International, Inc.; Pan American World Airways, Inc.; Frontier Airlines, Inc.; Trans World Airlines, Inc.; United Airlines, Inc.; Western Air Lines, Inc.; The Flying Tiger Line, Inc.; Air West, Inc.; Mohawk Airlines, Inc.; North Central Airlines, Inc.; and Alaska Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–10083; Filed, Aug. 22, 1969; 8:49 a.m.]

[1] Filed as part of the original document.

[2] The points west of Milwaukee are Madison, Rochester, Minneapolis/St. Paul, Fargo, Grand Forks, Jamestown, Bismarck, Billings, Bozeman, Butte, Great Falls, Helena, Missoula, Spokane, Portland, and Seattle. Restriction 4 prohibits, inter alia, turnaround service between these cities and Detroit.

[3] Since Northwest has also proposed to serve Chicago, Madison, and Rochester on flights operated between Detroit and the Twin Cities, the necessary relief from restriction 4 to permit these flights will also be at issue.

[3] Northwest has failed to submit the schedule proposals, traffic forecasts, and financial estimates required by § 302.1404 for any points west of the Twin Cities, nor has the carrier proposed any turnaround service in the Madison and Rochester markets. Moreover, Northwest expressly recognizes that its application does not fully comport with the requirements of Subpart N, and requests that in the event such noncompliance should be deemed material, its application be considered for only Detroit-Milwaukee/Twin Cities turnaround authority.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 69–903]

HARRISON RADIO, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Harrison Radio, Inc., Corydon, Ind., Docket No. 18636, File No. BPH–6226; Requests: 103.9 mcs, No. 280; 3 kw; 300 feet; M. R. Lankford, Stuart K. Lankford, George R. Lankford, and Ray J. Lankford, doing business as Lankford Broadcasting Co., New Albany, Ind., Docket No. 18637, File No. BPH–6427; Requests: 103.9 mcs, No. 280; 0.525 kw(H); 0.525(V); 634 feet; Radio 900, Inc., Louisville, Ky., Docket No. 18638; File No. BPH–6429; Requests: 103.9 mcs, No. 280; 2.35 kw(H); 2.35 kw(V); 332 feet; Trinity Towers Corp., Louisville, Ky., Docket No. 18639; File No. BPH–6742; Requests: 103.9 mcs, No. 280; 3 kw(H); 3 kw(V); 300 feet; for construction permits.

1. The Commission has before it for consideration (a) the above captioned and described applications; (b) "Petition for Reconsideration" of the acceptance of the Lankford Broadcasting Co. ("Lankford"), application, filed by Radio 900, Inc. ("Radio 900"); (c) "Lankford Opposition to Petition for Reconsideration"; and (d) Radio 900's "Reply to Opposition to Petition for Reconsideration".

2. Each of the four applicants herein seeks use of Channel 280A, assigned to Louisville, Ky. The first two (Harrison Radio, Inc., and Lankford) propose use of the channel elsewhere than in Louisville. Subsequent to the Harrison Radio filing, § 73.203(b) of the Commission's rules, which governs the filing of such applications, was amended to preclude removing more than one FM channel from any listed community. Since another Louisville channel had already been used elsewhere, the Lankford proposal conflicted with the amended rule. After consideration of Lankford's waiver request, the Commission decided that in the few cases like this which could arise it would be appropriate to grant waiver to permit a comparison between a nonconforming application filed in conflict with a like application filed before § 73.203(b) was amended. Radio 900 now seeks reversal of the Commission's decision to waive this provision and accept the Lankford proposal.

3. Radio 900 argues that the Commission overlooked its application in reaching the determination to accept the Lankford proposal, and that the Commission's rationale for accepting the application falls with the filing of a conforming proposal for Louisville. Radio 900 urges us to protect the integrity of the new rule by reversing our decision to grant waiver and insisting instead that Lankford proceed via rule making to obtain an FM channel for New Albany, Ind.[1] In Radio 900's view Lankford has not made a showing sufficient to overcome the Commission's rule making determination that the public interest would not be served by removal of a second channel from a listed community. Finally, Radio 900 asserts that reliance on a hearing to resolve these questions would permit an emasculation of the new rule.

4. Lankford, on the other hand, contends that the filing of a Louisville application is immaterial to the question of the propriety of the Commission's action waiving § 73.203(b). Rather, it argues that the merits of the respective needs of the communities will (as it should) be considered in a hearing. Accordingly, Lankford sees no basis for reversal of the Commission's action accepting this application.

5. We waived § 73.203(b) and accepted the New Albany application, because the Corydon application was filed before the rules became effective and was entitled to consideration. Under those circumstances, we felt that no useful purpose would be served by a rejection of the New Albany application, particularly since it represented a lesser deviation than did the Corydon application. None of the arguments advanced by Radio 900 alters this conclusion. Therefore, our action accepting the New Albany application will be affirmed.

6. The respective proposals are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. Although specifying different communities, the applicants specifying Louisville and New Albany would serve substantially the same area and populations. The Corydon applicant, however, would serve a substantially different area and population from those served by the other three applicants. Consequently, it will be necessary to determine, pursuant to section 307(b) of the Communications Act of 1934, as amended, whether the Corydon or the Louisville/New Albany applicants would better provide a fair, efficient and equitable distribution of radio service. However, because of this similarity between the New Albany and Louisville applicants, these applicants will be compared under the contingent comparative issue if this group is favored over the Corydon proposal under the 307(b) issue.

7. Lankford and Radio 900 both propose 50 percent or more duplicated programing while Trinity Towers proposes independent operation. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue. When duplicated programing is proposed, the showing permitted under the contingent comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury, 8 FCC 2d 360, FCC 68–614 (1967).

8. A full programing comparison is warranted when one or more applicants propose predominantly specialized programing and others general market programing—Ward L. Jones, FCC 67–82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, Radio 900 and Trinity Towers Corp., propose predominantly religious programing, while Lankford proposes general market programing. Therefore, the programing proposals of the applicants may be compared under the contingent comparative issue.

9. In Suburban Broadcasters, 30 FCC 1020, 20 RR. 951 (1961), and our public notice of August 22, 1968 (FCC 68–847), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Neither Harrison Radio nor Trinity Towers Corp., appears to have adequately surveyed a cross-section of their communities as to community needs. In addition, neither has adequately supplied the comments received or the specific programs proposed to meet community needs as evaluated. Radio 900 does not appear to have directed its survey efforts toward ascertainment of community needs and it has not supplied adequate comments on these needs or the specific programs to meet these needs as evaluated. Thus, we are unable at this time to determine whether any of these three applicants is aware of and responsive to the needs of its area. Accordingly, Suburban issues are required.

10. Trinity Towers Corp., is a religiously affiliated organization which proposes significant amounts of religious programing. It, however, has not indicated whether it would provide an opportunity for the expression of views by other, including non-Christian, religious groups, and an issue on this matter will be specified.

11. Since no determination has yet been reached on whether the antenna proposed by Trinity Towers Corp. would constitute a menance to air navigation, an issue regarding this matter is required.

12. According to its application, Harrison Radio would require $21,615 to construct and operate for 1 year without reliance on revenues. Of this amount only $5,450 is earmarked for operational costs, an amount that appears to be unrealistic. To meet its needs, applicant relies on cash ($1,500) and funds to be supplied by the principals ($10,800). Applicant also relies on a bank loan but the stockholders have not indicated their willingness to endorse the loan as required by the bank. Since the total available ($12,300) is not adequate for applicant's needs, an issue will be specified to determine the reasonable cost for construction and first-year operation and applicant's ability to meet its needs.

13. According to its application, Lankford would require $20,016 to construct and operate for 1 year without reliance on revenues. To meet this need applicant relies on contributions from the partners totaling $21,000. However, only one of the four has shown his ability to meet his portion of this amount and an issue will be specified to determine the availability of the necessary additional funds.

14. According to its application, Trinity Towers Corp. requires $43,915 to construct and operate for 1 year without reliance on revenues. To meet this need applicant relies on cash on hand of $31,000 and a $75,000 bank loan, but the necessary commitment from the bank is lacking. As a result, an issue will be specified to determine the availability of the additional $12,915 required.

15. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

16. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether there is a reasonable possibility that the tower height and location proposed by Trinity Towers Corp., would constitute a menace to air navigation.

(2) To determine the amount reasonably required by Harrison Radio to construct and operate for 1 year without reliance on revenues and applicant's ability to meet these needs to thus demonstrate its financial qualifications.

(3) To determine whether Lankford would have available from partnership contributions, or otherwise, the $20,016 necessary to construct and operate for 1 year without reliance on revenues to thus demonstrate its financial qualifications.

(4) To determine whether Trinity Towers Corp. has available to it the additional $12,915 required for construction and first-year operation without reliance on revenues to thus demonstrate its financial qualifications.

(5) To determine the efforts made by Harrison Radio to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(6) To determine the efforts made by Radio 900 to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(7) To determine the efforts made by Trinity Towers Corp. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(8) To determine whether and on what basis Trinity Towers Corp. would make time available for the presentation of views by other, including non-Christian, religious groups.

(9) To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals and the availability of other primary aural services in such areas.

(10) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

(11) To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the New Albany or Louisville proposals would, on a comparative basis, best serve the public interest.

(12) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

17. *It is further ordered*, That the Federal Aviation Administration is made a party to the proceeding.

18. *It is further ordered*, That the petition for reconsideration filed by Radio 900 is denied and our action granting waiver of § 73.203(b) of the Commission's rules to permit acceptance of the Lankford application is affirmed.

19. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evident on the issues specified in this order.

20. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 14, 1969.

Released: August 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-10074; Filed, Aug. 22, 1969; 8:48 a.m.]

[1] Radio 900 contends that Lankford's statement that no other channels are available should not be relied on in view of Lankford's failure to supply an engineering showing in this regard.

FEDERAL HOME LOAN BANK BOARD

GREAT WESTERN FINANCIAL CORP.

Notice of Receipt of Application for Permission to Retain Control of Santa Rosa Savings and Loan Association.

AUGUST 20, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corp. has received an application from the Great Western Financial Corp., Beverly Hills, Calif., for approval of retention of control of the Santa Rosa Savings and Loan Association, Santa Rosa, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for savings and loan holding companies. Said control was acquired by the exchange of all of the outstanding shares of the guarantee stock of Santa Rosa Savings and Loan Association for shares of the common stock of Great Western Financial Corp. Comments on the application should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER, *Secretary, Federal Home Loan Bank Board.*

[F.R. Doc. 69-10093; Filed, Aug. 22, 1969; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORPORATION AND ATLANTIC NATIONAL BANK OF JACKSONVILLE

Notice of Applications for Approval of Acquisition of Shares of Bank

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Atlantic Bancorporation and the Atlantic National Bank of Jacksonville, which are bank holding companies located in Jacksonville, Fla., for the prior approval of the Board of the acquisition by applicants of not less than 80 percent of the voting shares of Lake Wales Bank & Trust, Lake Wales, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the comunity to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The applications may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 18th day of August 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 69-10033; Filed, Aug. 22, 1969; 8:45 a.m.]

UNITED VIRGINIA BANKSHARES INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by United Virginia Bankshares Inc., which is a bank holding company located in Richmond, Va., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of the successor by merger to The Peoples National Bank of Manassas, Manassas, Va.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy

[2] Commissioner Wadsworth absent.

to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

Dated at Washington, D.C., this 18th day of August, 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-10034; Filed, Aug 22, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2552]

AFFILIATED FUND, INC.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Shares at Other Than Public Offering Price

AUGUST 18, 1969.

Notice is hereby given that Affiliated Fund, Inc. ("Applicant"), 63 Wall Street, New York, N.Y. 10005, a Delaware corporation, registered under the Investment Company Act of 1940 ("Act") as a management open-end diversified investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for substantially all of the assets of the Eich Motor Co. ("Eich").

All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Eich, a Pennsylvania corporation, is an investment company, all of the outstanding stock of which is beneficially owned by one person and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Eich was incorporated on August 15, 1946, as a dealer in automobiles. In August 1954 Eich sold its automobile business and since such time it has been engaged primarily in the business of investing and reinvesting its funds. Pursuant to an agreement between Applicant and Eich, substantially all of the cash and securities owned by Eich, with a stated value of approximately $515,487.50 as of February 28, 1969, will be transferred to Applicant in exchange for shares of its capital stock. The number of shares of Applicant's capital stock to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Eich to be transferred to Applicant by the net asset value per share of Applicant both to be determined as of a valuation time, as defined in the agreement. If the valuation under the agreement had taken place on February 28, 1969, Eich would have received 58,511 shares of Applicant's stock. The exchange contemplated by the agreement would be prohibited by section 22(d) because it would constitute a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act.

When received by Eich, the shares of Applicant, which are registered under the Securities Act of 1933, are to be distributed to Eich's stockholder on the liquidation of Eich. Applicant has been advised by the sole stockholder of Eich that he has no present intention of redeeming any of Applicant's shares following the proposed transaction.

There is no affiliation between Applicant and Eich. Eich is not an affiliated person of any affiliated person of Applicant, and the agreement was negotiated at arm's length by the two companies. Applicant's Board of Directors approved the agreement as being beneficially sound for its shareholders, because, among other things, Applicant will be able to acquire at one time additions to its portfolio securities without affecting the market in those securities and without incurring brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 9, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10049; Filed, Aug 22, 1969; 8:46 a.m.]

[Files Nos. 7-3178—7-3188]

AIR REDUCTION CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 18, 1969.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Air Reduction Co.	7-3178
American-South African Investment Co., Ltd.	7-3179
Bobbie Brooks, Inc.	7-3180
City Investing Co.	7-3181
Coastal States Gas Producing Co.	7-3182
Crown Zellerbach Corp.	7-3183
Diamond Shamrock Corp.	7-3184
E. G. & G., Inc.	7-3185
Florida Power & Light Co.	7-3186
Freeport Sulphur Co.	7-3187
Helene Curtis Industries, Inc.	7-3188

Upon receipt of a request, on or before September 2, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10050; Filed, Aug. 22, 1969; 8:47 a.m.]

[Files Nos. 7-3169—7-3176]

ALASKA AIRLINES, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 18, 1969.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Alaska Airlines, Inc.	7-3169
Cosmodyne Corp.	7-3170
Microdot, Inc.	7-3171
North Canadian Oils, Ltd.	7-3172
Reading & Bates Offshore Drilling Co.	7-3173
Resorts International, Inc.	7-3174
Skyline Corp.	7-3175
Vornado, Inc. (Delaware)	7-3176

Upon receipt of a request, on or before September 2, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10051; Filed, Aug. 22, 1969; 8:47 a.m.]

[811-252]

AMERICAN INTERNATIONAL CORP.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 18, 1969.

Notice is hereby given that an application pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") has been filed by Adams Express Co. ("Adams"), % Adams Express Co., 48 Wall Street, New York, N.Y., on behalf of American International Corp. ("AIC"), a Maryland corporation and a management, closed end diversified investment company registered under the Act for an order declaring that AIC has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant represents that on September 10, 1968, the respective boards of directors of AIC and Adams approved and adopted a plan and agreement of merger, with Adams as the surviving corporation. The plan and agreement of merger was adopted by each corporation by the affirmative vote of more than two-thirds of the issued and outstanding shares entitled to vote thereon at a meeting of stockholders of each corporation held on November 22, 1968.

On January 1, 1969, the merger of AIC into Adams became effective and Adams succeeded to all the assets, rights, liabilities, and obligations of AIC and the existence of Applicant as a separate corporation ceased.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 8, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon AIC at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10052; Filed, Aug. 22, 1969; 8:47 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 19, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period

August 20, 1969, through August 29, 1969, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10053; Filed, Aug. 22, 1969; 8:47 a.m.]

[File No. 7-3199]

ELECTRIC & MUSICAL INDUSTRIES, LTD.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 18, 1969.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Electric & Musical Industries, Ltd., American Shares (ADRs), File No. 7-3199.

Upon receipt of a request, on or before September 2, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10054; Filed, Aug. 22, 1969; 8:47 a.m.]

[Files Nos. 7-3289—7-3198]

HIGH VOLTAGE ENGINEERING CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 18, 1969.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

High Voltage Engineering Corp.	7-3189
Ina Corp.	7-3190
Monogram Industries, Inc.	7-3191
Ogden Corp.	7-3192
Public Service Electric & Gas Co.	7-3193
Smith, Kline & French Laboratories.	7-3194
The Travelers Corp.	7-3195
U.S. Plywood-Champion Papers, Inc.	7-3196
Virginia Electric & Power Co.	7-3197
White Consolidated Industries, Inc.	7-3198

Upon receipt of a request, on or before September 2, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10055; Filed, Aug. 22, 1969; 8:47 a.m.]

PACIFIC FIDELITY CORP.

Order Suspending Trading

AUGUST 18, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pacific Fidelity Corp., a Nevada corporation, and all other securities of Pacific Fidelity Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 18, 1969, 3:30 p.m., e.d.t., through August 27, 1969, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10056; Filed, Aug. 22, 1969; 8:47 a.m.]

[File No. 7-3177]

RAPID-AMERICAN CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 18, 1969.

In the matter of application of the Philadelphia Baltimore Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Rapid-American Corp., Warrants for Common Stock (expiring 1994), File No. 7-3177.

Upon receipt of a request, on or before September 2, 1969 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10057; Filed, Aug. 22, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 20, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41724—*Lime from Ft. Morgan, Colo.* Filed by Western Truck Line Committee, Agent, (No. A-2596), for interested rail carriers. Rates on lime, common, viz.: lump, crushed, pulverized or hydrated, in carloads, as described in the application, from Ft. Morgan, Colo., to points in Colorado, Kansas, Nebraska and Wyoming.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 31 to Western Trunk Line Committee, Agent, tariff I.C.C. A-4697.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10089; Filed, Aug. 22, 1969; 8:50 a.m.]

[Notice 889]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 18, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 33641 (Sub-No. 88 TA) filed August 7, 1969. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, classes A and C explosives, and commodities requiring special equipment, between Vancouver, Wash., and Seattle, Wash., from Vancouver, Wash., over U.S. Highway 830 to junction Interstate Highway 5 (U.S. Highway 99), thence over Interstate Highway 5 (U.S. Highway 99), to Seattle, Wash., and return over the same routes, serving Tacoma, Wash., as an intermediate point, for 150 days. NOTE: Applicant does intend to tack to other authority held by it (MC-33641 and Subs) or to interline with other carriers at Portland, Oreg.; Seattle, Vancouver, and Tacoma, Wash. Supporting Shippers: There are approximately 106 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 42866 (Sub-No. 15 TA), filed August 7, 1969. Applicant: NATIONAL VAN LINES, INC., National Plaza, Broadview, Ill. 60153. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Hawaii, for 180 days. Supporting shipper: Applicant's statement and past shipment record. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, U.S. Court House and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 64994 (Sub-No. 109 TA), filed August 7, 1969. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Croswell and Edmore, Mich., to points in Georgia, North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: Aunt Jane's Foods, division of The Borden Co., 55 East Sanborn Avenue, Croswell, Mich., 48422. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417, BSR Building, Charlotte, N.C. 28202.

No. MC 107012 (Sub-No. 84 TA), filed July 24, 1969. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Martin A. Weissert (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, for 180 days. NOTE: Applicant intends to tack MC 107012 and MC 107012 Sub 30. Supporting shipper: Martin A. Weissert, Vice President—Law, North American Van Lines, Inc., Post Office Box 988, Fort Wayne, Ind. 46801. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 112148 (Sub-No. 44 TA), filed August 7, 1969. Applicant: POWERS TRANSPORTATION, INC., Post Office Box 87, Storm Lake, Iowa 50588. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Post Office Box 1634, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, as defined in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Postville, Iowa, to points in Illinois, Indiana, and Ohio, for 180 days. Supporting shipper: Hygrade Food Products Corp., 11801 Mack Avenue, Detroit, Mich. 48214. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 119777 (Sub-No. 158 TA), filed August 7, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ernest A. Brooks, II, 1301-02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oils, greases, petroleum chemicals, and articles used in the care and maintenance of automotive vehicles*, between the plantsite of Quaker Oil Corp., at St. Louis, Mo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restriction: Said operation to be restricted against the transportation of commodities in bulk, for 180 days. Supporting shipper: Alan Kolker, Traffic Coordinator, Quaker Oil Corp., 601 East Red Bud Avenue, St. Louis, Mo. 63147. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 124212 (Sub-No. 46 TA), filed August 7, 1969. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement clinker*, in bulk, from the plantsite of Lehigh Portland Cement Co. located at Union Bridge, Md., to the plantsite of Lehigh Portland Cement Co. located at Fogelsville, Pa., for 180 days. Supporting shipper: Lehigh Portland Cement Co., 718 Hamilton Street, Allentown, Pa. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No MC 126514 (Sub-No. 16 TA), filed August 7, 1969. Applicant: HELEN H. SCHEAFFER AND EDWARD P. SCHEAFFER, 5200 West Bethany Home Road, Glendale, Ariz. 85301. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N. J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Greeting cards, envelopes, sample albums, wrappings and related trappings*, from Boston, Springfield, Leominster, and Webster, Mass., Nashua, N.H., North Bennington, Vt., White Plains, Elmira, and New York, N.Y. Pittsburgh and Philadelphia, Pa., Cincinnati, Ohio, and Cicero, Ill., to Oakland and Livermore, Calif., for 180 days. Supporting shipper: Carlton Card Co., 581 14th Street, Oakland, Calif. 94612.

Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 129386 (Sub-No. 4 TA), filed August 7, 1969. Applicant: REESE, REESE & SHERMAN, INC., 1007 Mullowney Lane, Billings, Mont. 59102. Applicant's representative: R. F. Hibbs, Suite 301 Mutual Benefit Life Building, Post Office Box 1321, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh, slated, cooked, cured or preserved*, from Billings, Mont., to points in Arizona, Clark County, Nev., and the City of Hyrum, Utah, for 180 days. Supporting shipper: Midland Empire Packing Co., Inc., Post Office Box 1375, Billings, Mont. 59103. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133933 TA, filed August 7, 1969. Applicant: DUNCAN TRANSPORTS, INC., 1 Mill Street, Ellington, Mo. 63638. Applicant's representative: William H. Bruce, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Staves, unfinished lumber, industrial blocking, railroad ties, and wood chips*, from points in Carter, Shannon, Wayne, Iron, Madison, St. Francois, and Reynolds Counties, Mo., to Chicago, Alton, Kankakee, Waukegan, Ill., East Chicago, Ind., and Wickliff, Ky., for 120 days. Supporting shippers: Morrison Sawmill, Inc., Ellington, Mo.; Rishy Lumber Co., Ellsinore, Mo.; Nichols Stave Co., Inc., Van Buren, Mo.; Massie Pole Yard, Inc., Ellington, Mo.; Duean Lumber, Co., Ellington, Mo. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-10090; Filed, Aug. 22, 1969; 8:50 a.m.]

[Notice 891]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 20, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 288 TA), filed August 14, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved foodstuffs*, from Croswell and Edmore, Mich., to points in Arkansas, Louisiana, and Texas, for 180 days. Supporting shipper: Aunt Jane's Foods, Division of the Borden Co., 55 East Sanborn Avenue, Croswell, Mich. 48422. Send protests to: Charles C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 59332 (Sub-No. 3 TA), filed August 14, 1969. Applicant: TAYLOR'S EXPRESS, INC., 425 North 37th Street, Pennsauken, N.J. 08110. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, pineapples, and plantains*, in straight or mixed shipments from Wilmington, Del., to points in Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 110420 (Sub-No. 596 TA), filed August 14, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Soybean products and blends thereof*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to points in Wisconsin, for 180 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402 (Harold L. Karr, General Truck Coordinator). Send protests to: District Supervisor Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 110420 (Sub-No. 597 TA), filed August 14, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, marine, vegetable oil products, and blends thereof*, from Conshohocken, Pa., to Middlesboro (Bell County), Ky., for 180 days. Supporting shipper: Reilly-Whiteman-Walton Co., Conshohocken, Pa. 19428 (M. P. Felton, Jr. president). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 123067 (Sub-No. 93 TA), filed August 14, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, in mixed shipments with gypsum and gypsum products, from warehouse and plantsite of National Gypsum Co., near Port Wentworth, Ga., to points in Alabama, for 180 days. Supporting shipper: National Gypsum Co., Executive Offices, 325 Delaware Avenue, Buffalo, N.Y. 14202. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 126222 (Sub-No. 7 TA), filed August 11, 1969. Applicant: JOSEPH A. SIEFERT AND JOSEPH J. SIEFERT, a partnership, doing business as SIEFERT BROS. TRUCKING CO., Post Office Box 310, DuQuoin, Ill. 62832. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, requiring refrigeration, from the plantsite of DuQuoin Packing Co., at DuQuoin, Ill., to points in Alabama, Florida, Maryland, Georgia, Kentucky, Tennessee, and South Carolina, for 150 days. Supporting shipper: DuQuoin Packing Co., East Cole Street, Post Office Box 186, DuQuoin, Ill. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 126715 (Sub-No. 2 TA), filed August 8, 1969. Applicant: TRANSPORT SERVICE, 6395 Southeast Alberta Street, Portland, Oreg. 97206. Applicant's representative: William B. Adams, Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and road oil*, from points in Jackson County, Oreg., to points in Modoc, Siskiyou, Del Norte, Humboldt, Trinity, and Shasta Counties, Calif., and Curry County, Oreg., for 180 days. Supporting shipper: Chevron Asphalt Company, San Francisco, Calif. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 128868 (Sub-No. 1 TA), filed August 14, 1969. Applicant: COBO, INC., R.F.D. 2, Box 78-A, Round Rock, Tex., 78664. Applicant's representative: Austin L. Hatchell, Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Round Rock and Blum, Tex., to points in Oklahoma, New Mexico, Arkansas, and Louisiana, for 180 days. Supporting shipper: Round Rock Lime Company, Box 218, Round Rock, Tex. 78664. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, Tex. 78205.

No. MC 133952 TA, filed August 14, 1969. Applicant: MTD INCORPORATED, Stenersen Lane, Cockeysville, Md. 21030. Applicant's representative: Charles E. Creager, Suite 1609 Eldorado Towers, 11215 Oak Leaf Drive, Silver Spring, Md. 20901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods, and commodities in bulk), from Cockeysville and Halethorpe, Md., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, under a continuing contract with D. A. Michel Warehousing Corp., Cockeysville, Md., for 180 days. Supporting shipper: D. A. Michel Warehousing Corp., Stenersen Lane, Cockeysville, Md. 21030. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-10091; Filed, Aug. 22, 1969; 8:50 a.m.]

[Notice 397]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 18, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interestate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71234. By order of August 11, 1969, the Motor Carrier Board, on reconsideration, approved the transfer to Dalton & Son Trucking Co., a corporation, Hamburg, Iowa, of the operating rights in certificate No. MC-26174 (Sub-No. 3), issued August 12, 1968, to M. W. Dalton, Robert D. Dalton, and Maurice Wayne Dalton, a partnership, doing business as M. W. Dalton & Sons, Hamburg, Iowa, authorizing the transportation of plastic articles, from Hamburg, Iowa, and Nebraska City, Nebr., to points in Illinois (except those in the Chicago, Ill., commercial zone), Minnesota, Kansas, South Dakota, and North Dakota, and points in Iowa, Missouri, and Nebraska (except points in Iowa, Missouri, and Nebraska within 30 miles of Hamburg, Iowa, including Hamburg); and fertilizer and feed, from St. Joseph, Mo., to Hamburg, Iowa. Howard B. Wenger, 1101 Main Street, Hamburg, Iowa 51640, attorney for applicants.

No. MC-FC-71235. By order of August 11, 1969, the Motor Carrier Board, on reconsideration, approved the transfer to R. D. Dalton Transfer Co., Inc., Hamburg, Iowa, of the operating rights in certificate No. MC-26174 issued April 14, 1966, to M. W. Dalton, Robert D. Dalton, and Maurice Wayne Dalton, a partnership, doing business as M. W. Dalton & Sons, Hamburg, Iowa, authorizing the transportation of feed, petroleum products, and building materials, from Omaha, Nebr., to Hamburg, Iowa and points in Iowa within 25 miles of Hamburg; agricultural implements, lumber, shingles, and feed, from Omaha, Nebr., to Hamburg, Iowa, and points in Iowa, Missouri, and Nebraska within 15 miles of Hamburg, Iowa; and general commodities, with usual exceptions from Omaha, Nebr., to Hamburg, Iowa, and between points in Iowa, Missouri, and Nebraska within 30 miles of Hamburg, Iowa, including Hamburg. Howard B. Wenger, 1101 Main Street, Hamburg, Iowa 51640, attorney for applicants.

H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-10092; Filed, Aug. 22, 1969; 8:50 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

KANSAS

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Kansas, dated July 19, 1969, and published July 26, 1969 (34 F.R. 12357), is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 15, 1969:

Johnson.

Dated: August 18, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-10048; Filed, Aug. 22, 1969; 8:46 a.m.]

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Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

St. Vincent National Wildlife Refuge, Fla.

On page 12099 of the FEDERAL REGISTER of July 25, 1969, there was published a notice of a proposed amendment to 50 CFR 32.21. The purpose of this amendment is to provide public hunting of upland game on certain areas of the National Wildlife Refuge System, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd)

Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

FLORIDA

* * * * *

St. Vincent National Wildlife Refuge.

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 21, 1969.

[F.R. Doc. 69–10117; Filed, Aug. 25, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. J]

PART 210—COLLECTION OF CHECKS AND OTHER ITEMS BY FEDERAL RESERVE BANKS

Recovery by Reserve Banks of Certain Litigation Expenses

1. Effective October 1, 1969, § 210.5 is amended by adding a paragraph (c) as follows:

§ 210.5 Sender's agreement.

* * * * *

(c) Whenever any action or proceeding is brought in any court against a Federal Reserve Bank which has collected an item, based upon the alleged failure of the sender of such item to have the authority to make the warranty and the agreement referred to in paragraph (a) of this section, or upon any action taken by such Federal Reserve Bank within the scope of its authority for the purpose of collecting such item, or upon any warranty or agreement with respect thereto made by such Federal Reserve Bank consistently with paragraph (b) of § 210.6, such Federal Reserve Bank may, upon the entry of a final judgment or decree in such action or proceeding, recover from the sender in the manner provided herein the amount of attorney's fees and other expenses of litigation actually incurred, and, in addition, any amount required to be paid by such Federal Reserve Bank under such judgment or decree, together with interest thereon. Such recovery may be effected by charging the amount thereof to any account of the sender maintained on the books of such Federal Reserve Bank (or if the sender is another Federal Reserve Bank, by entering a charge therefor against such other Federal Reserve Bank through the Interdistrict Settlement Fund), provided only (1) that such Federal Reserve Bank shall have made seasonable demand on the sender in writing to assume the defense of the action or proceeding, and (2) that the sender shall not have made any other provision acceptable to such Federal Reserve Bank for the payment of such amount. A Federal Reserve Bank against which any such charge has been entered through the Interdistrict Settlement Fund may recover from its sender, in any case herein provided, as if the action or proceeding against the Federal Reserve Bank which entered the charge had been brought against it. The failure of any Federal Reserve Bank to avail itself of the remedy provided by this paragraph shall not prejudice the enforcement by it in any other manner of the indemnity agreement referred to in paragraph (b) of this section.

2a. The purpose of the amendment is to provide a procedure under which a Federal Reserve Bank that is sued in connection with a cash item collected by it may recover from the sending bank expenses of such litigation and the amount of any adverse judgment by charging the account of the sending bank if the Reserve Bank has tendered defense of the suit to the sending bank and such tender has not been accepted.

b. On April 22, 1969, notice of proposed rule making regarding a sender's agreement (§ 210.5) and return of cash items (§ 210.12) was published in the FEDERAL REGISTER (34 F.R. 6739). After consideration of all relevant material, including communications from interested persons, the Board of Governors has adopted § 210.5(c), as set forth above, and has deferred action on the proposed amendments to § 210.5(a) and to § 210.12.

Adopted: August 15, 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69–10125; Filed, Aug. 25, 1969; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COMBINED CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for combined crop insurance for the 1970 crop year. The crops on which insurance is offered are shown opposite the name of the county.

State and County	*Crop(s)*
North Dakota:	
Barnes	Barley, Flax, Oats, Rye, Wheat.
Grand Forks	Barley, Corn, Flax, Oats, Wheat.
Pierce	Barley, Flax, Oats, Rye, Wheat.
Ransom	Barley, Corn, Flex, Oats, Wheat.
Richland	Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat.
Sargent	Barley, Corn, Flax, Oats, Wheat.
Steele	Barley, Flax, Oats, Wheat.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69–10173; Filed, Aug. 25, 1969; 8:49 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for corn crop insurance for the 1970 crop year.

ALABAMA	
De Kalb.	Marshall.
Jackson.	

Boulder.
Kit Carson.
Larimer.
Logan.

COLORADO
Morgan.
Sedgwick.
Washington.
Weld.

DELAWARE
Sussex.

Kent.
New Castle.

FLORIDA

Suwannee.

ILLINOIS
Livingston.
Logan.
McDonough.
McLean.
Macon.
Macoupin.
Madison.
Marshall.
Mason.
Menard.
Mercer.
Monroe.
Montgomery.
Morgan.
Moultrie.
Ogle.
Peoria.
Piatt.
Pike.
Putnam.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Stark.
Stephenson.
Tazewell.
Vermilion.
Warren.
Washington.
Wayne.
Whiteside.
Winnebago.
Woodford.

Adams.
Bond.
Brown.
Bureau.
Carroll.
Cass.
Champaign.
Christian.
Clark.
Clinton.
Coles.
Crawford.
Cumberland.
De Kalb.
De Witt.
Douglas.
Edgar.
Effingham.
Fayette.
Ford.
Fulton.
Greene.
Grundy.
Hancock.
Henderson.
Henry.
Iroquois.
Jasper.
Jefferson.
Jersey.
Jo Daviess.
Kankakee.
Kendall.
Knox.
La Salle.
Lee.

INDIANA

Adams.
Allen.
Bartholomew.
Benton.
Blackford.
Boone.
Carroll.
Cass.
Clay.
Clinton.
Decatur.
De Kalb.
Delaware.
Elkhart.
Fayette.
Fountain.
Fulton.
Gibson.
Grant.
Hamilton.
Hancock.
Hendricks.
Henry.
Howard.
Huntington.
Jackson.
Jasper.
Jay.
Johnson.
Knox.
Kosciusko.
Lagrange.
Madison.
Marion.
Marshall.
Miami.
Montgomery.
Morgan.
Newton.
Noble.
Parke.
Pulaski.
Putnam.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Tippecanoe.
Tipton.
Union.
Vermillion.
Vigo.
Wabash.
Warren.
Wayne.
Wells.
White.
Whitley.

IOWA

Adair.
Adams.
Allamakee.
Audubon.
Benton.
Black Hawk.
Boone.
Bremer.
Buchanan.
Buena Vista.
Butler.
Calhoun.

IOWA—Continued

Carroll.
Cass.
Cedar.
Cerro Gordo.
Cherokee.
Chickasaw.
Clarke.
Clay.
Clayton.
Clinton.
Crawford.
Dallas.
Decatur.
Delaware.
Des Moines.
Dickinson.
Dubuque.
Emmet.
Fayette.
Floyd.
Franklin.
Fremont.
Greene.
Grundy.
Guthrie.
Hamilton.
Hancock.
Hardin.
Harrison.
Henry.
Howard.
Humboldt.
Ida.
Iowa.
Jackson.
Jasper.
Jefferson.
Johnson.
Jones.
Keokuk.
Kossuth.
Lee.
Linn.
Louisa.
Lyon.
Madison.
Mahaska.
Marshall.
Marion.
Mills.
Mitchell.
Monona.
Monroe.
Montgomery.
Muscatine.
O'Brien.
Osceola.
Page.
Palo Alto.
Plymouth.
Pocahontas.
Polk.
Pottawattamie.
Poweshiek.
Sac.
Scott.
Shelby.
Sioux.
Story.
Tama.
Taylor.
Union.
Wapello.
Warren.
Washington.
Webster.
Winnebago.
Winneshiek.
Woodbury.
Worth.
Wright.

Atchison.
Bourbon.
Brown.
Crawford.
Doniphan.
Douglas.
Finney.
Franklin.
Grant.
Haskell.
Jackson.
Jefferson.
Johnson.
Linn.
Marshall.
Miami.
Nemaha.
Osage.
Pottawatomie.
Scott.
Shawnee.
Sherman.
Stanton.
Washington.
Wichita.

KENTUCKY

Christian.
Daviess.
Henderson.
Hopkins.
McLean.
Todd.
Union.

LOUISIANA

Pointe Coupee.

MARYLAND

Caroline.
Kent.
Talbot.
Queen Annes.

MICHIGAN

Branch.
Calhoun.
Cass.
Clinton.
Eaton.
Gratiot.
Hillsdale.
Ingham.
Ionia.
Jackson.
Kalamazoo.
Lenawee.
Livingston.
Monroe.
Saginaw.
St. Clair.
St. Joseph.
Shiawassee.
Tuscola.
Washtenaw.

MINNESOTA

Big Stone.
Blue Earth.
Brown.
Carver.
Chippewa.
Cottonwood.
Dakota.
Dodge.
Douglas.
Faribault.
Fillmore.
Freeborn.

MINNESOTA—Continued

Goodhue.
Grant.
Houston.
Jackson.
Kandiyohi.
Lac Qui Parle.
Le Sueur.
Lincoln.
Lyon.
McLeod.
Martin.
Meeker.
Mower.
Murray.
Nicollet.
Nobles.
Olmsted.
Pipestone.
Pope.
Redwood.
Renville.
Rice.
Rock.
Scott.
Sibley.
Stearns.
Steele.
Stevens.
Swift.
Todd.
Traverse.
Wabasha.
Waseca.
Washington.
Watonwan.
Winona.
Wright.
Yellow Medicine.

MISSISSIPPI

Tippah.

MISSOURI

Adair.
Andrew.
Atchison.
Audrain.
Barton.
Bates.
Boone.
Buchanan.
Butler.
Caldwell.
Callaway.
Cape Girardeau.
Carroll.
Cass.
Charlton.
Clark.
Clinton.
Cooper.
Daviess.
De Kalb.
Dunklin.
Franklin.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jackson.
Jasper.
Johnson.
Knox.
Lafayette.
Lawrence.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Mississippi.
Monroe.
Montgomery.
New Madrid.
Nodaway.
Pemiscot.
Pettis.
Pike.
Platte.
Ralls.
Randolph.
Ray.
St. Charles.
Saline.
Scotland.
Scott.
Shelby.
Stoddard.
Sullivan.
Vernon.
Worth.

NEBRASKA

Antelope.
Boone.
Burt.
Butler.
Cass.
Cedar.
Colfax.
Cuming.
Dixon.
Dodge.
Gage.
Hall.
Hamilton.
Johnson.
Kearney.
Knox.
Lancaster.
Madison.
Merrick.
Nemaha.
Otoe.
Pawnee.
Phelps.
Pierce.
Platte.
Polk.
Richardson.
Saunders.
Stanton.
Washington.
Wayne.
York.

NORTH CAROLINA

Anson.
Beaufort.
Hyde.
Nash.
Pamlico.
Pitt.
Robeson.
Rowan.
Union.
Washington.

NORTH DAKOTA

Cass.
Ransom.
Richland.
Sargent.

OHIO

Allen.
Ashland.
Auglaize.
Butler.
Champaign.
Clark.
Clinton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fairfield.
Fayette.
Franklin.
Fulton.
Greene.
Hancock.
Hardin.
Henry.
Highland.
Huron.
Knox.
Licking.
Logan.
Lucas.
Madison.
Marion.
Medina.
Mercer.
Miami.
Montgomery.
Morrow.
Ottawa.
Paulding.
Pickaway.
Preble.
Putnam.
Richland.
Sandusky.
Seneca.
Shelby.
Union.
Van Wert.
Wayne.
Williams.
Wood.
Wyandot.

PENNSYLVANIA

Adams.
Chester.
Cumberland.
Dauphin.
Franklin.
Lancaster.
Lebanon.
Perry.
York.

SOUTH DAKOTA

Aurora.
Beadle.
Bon Homme.
Brookings.
Charles Mix.
Clark.
Clay.
Codington.
Davison.
Day.
Deul.
Douglas.
Grant.
Hamlin.
Hanson.
Hutchinson.
Kingsbury.
Lake.
Lincoln.
McCook.
Miner.
Minnehaha.
Moody.
Roberts.
Sanborn.
Turner.
Union.
Yankton.

TENNESSEE

Franklin.
Obion.

VIRGINIA

Nansemond.
Southampton.

WISCONSIN

Barron.
Buffalo.
Calumet.
Clark.
Columbia.
Crawford.
Dane.
Dodge.
Dunn.
Pond du Lac.
Grant.
Green.
Iowa.
Jackson.
Jefferson.
Kenosha.
La Crosse.
Lafayette.
Pepin.
Pierce.
Polk.
Racine.
Richland.
Rock.
St. Croix.
Sauk.
Trempealeau.
Vernon.
Walworth.
Waukesha.
Winnebago.

WYOMING

Goshen.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10174; Filed, Aug. 25, 1969; 8:49 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for cotton crop insurance for the 1970 crop year.

ALABAMA

Barbour.
Blount.
Cherokee.
Chilton.
Coffee.
Colbert.
Conecuh.
Covington.
Crenshaw.
Cullman.
Dale.
Dallas.
De Kalb.
Escambia.
Etowah.
Geneva.
Hale.
Henry.
Houston.
Jackson.
Lauderdale.
Lawrence.
Limestone.
Madison.
Marshall.
Morgan.
Pickens.
Pike.
Shelby.
Talladega.
Tuscaloosa.

ARIZONA

Maricopa.
Pinal.
Yuma.

ARKANSAS

Arkansas.
Ashley.
Chicot.
Clay.
Craighead.
Crittenden.
Cross.
Desha.
Greene.
Jackson.
Jefferson.
Lawrence.
Lee.
Lincoln.
Lonoke.
Mississippi.
Monroe.
Phillips.
Poinsett.
Prairie.
Randolph.
Saint Francis.
Woodruff.

CALIFORNIA

Fresno.
Imperial.
Kern.
Kings.
Madera.
Merced.
Riverside.
Tulare.

FLORIDA

Jackson.

GEORGIA

Baker.
Ben Hill.
Brooks.
Bulloch.
Calhoun.
Candler.
Clay.
Coffee.
Colquitt.
Cook.
Crisp.
Decatur.
Dooly.
Early.
Irwin.
Lee.
Miller.
Mitchell.
Randolph.
Sumter.
Tattnall.
Terrell.
Thomas.
Tift.
Toombs.
Turner.
Worth.

Fulton.

KENTUCKY

Acadia.
Avoyelles.
Bossier.
Caddo.
Caldwell.
Catahoula.
Concordia.
East Carroll.
Evangeline.
Franklin.

LOUISIANA

Madison.
Morehouse.
Natchitoches.
Pointe Coupee.
Rapides.
Red River.
Richland.
Saint Landry.
Tensas.
West Carroll.

MISSISSIPPI

Aleorn.
Benton.
Bolivar.
Calhoun.
Carroll.
Chickasaw.
Coahoma.
De Soto.
Hinds.
Holmes.
Humphreys.
Issaquena.
Jefferson Davis.
Lee.
Leflore.
Madison.
Monroe.
Panola.
Pontotoc.
Prentiss.
Quitman.
Sharkey.
Sunflower.
Tallahatchie.
Tippah.
Tunica.
Union.
Washington.
Yazoo.

MISSOURI

Butler.
Dunklin.
Mississippi.
New Madrid.
Pemiscot.
Scott.
Stoddard.

NEW MEXICO

Chaves.
Dona Ana.
Eddy.
Lea.

NORTH CAROLINA

Anson.
Bertie.
Chowan.
Cleveland.
Cumberland.
Edgecombe.
Franklin.
Greene.
Halifax.
Harnett.
Hertford.
Hoke.
Iredell.
Johnston.
Lincoln.
Mecklenburg.
Montgomery.
Moore.
Nash.
Northampton.
Pitt.
Richmond.
Robeson.
Rowan.
Rutherford.
Sampson.
Scotland.
Union.
Warren.
Wayne.
Wilson.

OKLAHOMA

Beckham.
Caddo.
Grady.
Harmon.
Jackson.
Kiowa.
Tillman.
Washita.

SOUTH CAROLINA

Aiken.
Allendale.
Anderson.
Bamberg.
Barnwell.
Calhoun.
Chester.
Chesterfield.
Clarendon.
Darlington.
Dillon.
Dorchester.
Edgefield.
Florence.
Greenville.
Hampton.
Kershaw.
Laurens.
Lee.
Lexington.
Marion.
Marlboro.
Orangeburg.
Saluda.
Spartanburg.
Sumter.
Williamsburg.
York.

TENNESSEE

Carroll.
Chester.
Crockett.
Dyer.
Fayette.
Franklin.
Gibson.
Giles.
Hardeman.
Haywood.
Henderson.
Lake.
Lauderdale.
Lawrence.
Lincoln.
McNairy.
Madison.
Obion.
Shelby.
Tipton.
Weakley.

TEXAS

Austin.
Bailey.
Bell.
Bosque.
Brazos.
Briscoe.
Burleson.
Calhoun.
Castro.
Cochran.
Collin.
Crosby.

TEXAS—Continued

Culberson.	Lubbock.
Dawson.	Lynn.
Deaf Smith.	Matagorda.
Denton.	McLennan.
Ellis.	Milam.
El Paso.	Navarro.
Falls.	Nueces.
Fannin.	Parmer.
Floyd.	Pecos.
Fort Bend.	Presidio.
Garza.	Reeves.
Grayson.	Refugio.
Hale.	Robertson.
Haskell.	San Patricio.
Hill.	Swisher.
Hockley.	Terry.
Hudspeth.	Travis.
Hunt.	Victoria.
Knox.	Wharton.
Lamar.	Wilbarger.
Lamb.	Williamson.
Limestone.	

VIRGINIA

Greensville.	Southampton.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10175; Filed, Aug. 25, 1969; 8:49 a.m.]

[Amdt. 28]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

COTTON

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1970 crop year in the following respects:

Subsection 5(f) of the cotton endorsement shown in § 401.136 is amended to read as follows:

(f) Notwithstanding any provisions of this section for determining the production to be counted, in any case where the quality of any production of cotton is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the Commodity Credit Corporation (CCC) loan rate for the crop year announced for warehouses in the applicable county for cotton of the grade, staple length, and micronaire reading shown on the actuarial table for this purpose, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of the damaged production, as determined by the Corporation, by 75 percent of the CCC warehouse loan rate per pound for the crop year announced for warehouses in the applicable county for cotton of the grade, staple length, and micronaire reading shown on the actuarial table for this purpose: *Provided, however,* That in counties where more than one warehouse loan rate has been announced or in counties where a warehouse loan rate has not been announced for any crop year, the price which shall be used in lieu thereof for that crop year shall be that established by the Corporation and placed on file in the office for the county: *Provided, further,* That if a cotton loan program is not in effect for any crop year the market price at the local market at the time the loss is adjusted shall be used in lieu of the CCC loan rate announced for warehouses in the applicable county in both references above.

(Secs. 506, 516, 52 Stat. 73, as amended 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on August 12, 1969.

[SEAL] NELSON V. LITTLE,
Secretary,
Federal Crop Insurance Corporation.

Approved: August 21, 1969.

CLARENCE D. PALMBY,
Acting Secretary.

[F.R. Doc. 69-10166; Filed, Aug. 25, 1969; 8:48 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR DRY BEAN CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for dry bean crop insurance for the 1970 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

State and County	*Class(es) of dry beans insured*
Colorado:	
Boulder	Pinto.
Larimer	Pinto.
Logan	Pinto.
Morgan	Pinto.
Sedgwick	Pinto.
Washington	Pinto.
Weld	Pinto.
Idaho:	
Ada	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.[1]
Canyon	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.[1]
Cassia	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.[1]
Gooding	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.[1]
Jerome	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.[1]
Lincoln	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.[1]
Minidoka	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.[1]
Owyhee	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.[1]
Twin Falls	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.[1]
Michigan:	
Bay	Pea and Medium White.
Gratiot	Pea and Medium White.
Huron	Pea and Medium White.
Saginaw	Pea and Medium White.
St. Clair	Pea and Medium White.
Sanilac	Pea and Medium White.
Shiawassee	Pea and Medium White.
Tuscola	Pea and Medium White.
Nebraska:	
Box Butte	Great Northern, Pinto.
Morrill	Great Northern, Pinto.
Scotts Bluff	Great Northern, Pinto.
Sheridan	Great Northern, Pinto.
Washington:	
Adams	Great Northern, Pinks, Pinto, Small Flat Whites, Small Reds.
Franklin	Great Northern, Pinks, Pinto, Small Flat Whites, Small Reds.
Grant	Great Northern, Pinks, Pinto, Small Flat Whites, Small Reds.
Wyoming:	
Big Horn	Great Northern, Pinto.
Goshen	Great Northern, Pinto.
Park	Great Northern, Pinto.
Platte	Great Northern, Pinto.
Washakie	Great Northern, Pinto.

[1] Insurance is also provided on bush varieties of garden seed beans.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10176; Filed, Aug. 25, 1969; 8:49 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR FLAX CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for flax crop insurance for the 1970 crop year.

MINNESOTA

Becker.	Otter Tail.
Big Stone.	Pennington.
Chippewa.	Pipestone.
Clay.	Polk.
Grant.	Pope.
Kittson.	Red Lake.
Lac Qui Parle.	Redwood.
Lincoln.	Roseau.
Lyon.	Stevens.
Mahnomen.	Swift.
Marshall.	Traverse.
Murray.	Wilkin.
Nobles.	Yellow Medicine.
Norman.	

NORTH DAKOTA

Barnes.	La Moure.
Benson.	Logan.
Bottineau.	McHenry.
Burleigh.	McIntosh.
Cass.	McLean.
Cavalier.	Mountrail.
Dickey.	Nelson.
Eddy.	Pembina.
Emmons.	Pierce.
Foster.	Ramsey.
Grand Forks.	Ransom.
Griggs.	Renville.
Kidder.	Richland.

NORTH DAKOTA—Continued

Rolette.	Towner.
Sargent.	Traill.
Sheridan.	Walsh.
Steele.	Ward.
Stutsman.	Wells.

SOUTH DAKOTA

Brookings.	Hamlin.
Brown.	Kingsbury.
Campbell.	Lake.
Clark.	McPherson.
Codington.	Marshall.
Corson.	Miner.
Day.	Moody.
Deuel.	Roberts.
Edmunds.	Walworth.
Grant.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10177; Filed, Aug. 25, 1969; 8:49 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for grain sorghum crop insurance for the 1970 crop year.

ARIZONA

Maricopa.	Yuma.
Pinal.	

COLORADO

Kit Carson.

KANSAS

Allen.	McPherson.
Anderson.	Meade.
Atchinson.	Miami.
Barton.	Mitchell.
Bourbon.	Montgomery.
Brown	Morris.
Butler.	Nemaha.
Chase.	Neosho.
Clay.	Osage.
Cloud.	Osborne.
Coffey.	Ottawa.
Cowley.	Pawnee.
Crawford.	Phillips.
Dickinson.	Pottawatomie.
Doniphan.	Pratt.
Douglas.	Reno.
Elk.	Republic.
Ellis.	Rice.
Ellsworth.	Riley.
Finney.	Rooks.
Franklin.	Rush.
Geary.	Russell.
Grant.	Saline.
Greenwood.	Scott.
Harvey.	Sedgwick.
Haskell.	Seward.
Jackson.	Shawnee.
Jefferson.	Smith.
Jewell.	Stafford.
Johnson.	Stanton.
Kearny.	Stevens.
Kingman.	Sumner.
Labette.	Wabaunsee.
Lincoln.	Washington.
Linn.	Wichita.
Lyon.	Wilson.
Marion.	Woodson.
Marshall.	

MISSOURI

Atchison.	Henry.
Bates.	Vernon.

NEBRASKA

Adams.	Madison.
Boone.	Nance.
Butler.	Nemaha.
Cass.	Nuckolls.
Clay.	Otoe.
Colfax.	Pawnee.
Dodge.	Platte.
Fillmore.	Polk.
Franklin.	Richardson.
Gage.	Saline.
Hall.	Saunders.
Hamilton.	Seward.
Jefferson.	Thayer.
Johnson.	Webster.
Kearney.	York.
Lancaster.	

NEW MEXICO

Curry.
Lea.

OKLAHOMA

Alfalfa.	Jackson.
Blaine.	Kay.
Caddo.	Kiowa.
Canadian.	Mayes.
Craig.	Nowata.
Delaware.	Ottawa.
Garfield.	Texas.
Grady.	Tillman.
Grant.	Washita.

SOUTH DAKOTA

Bon Homme.	Hanson.
Charles Mix.	Hutchinson.
Davison.	Sanborn.
Douglas.	

TEXAS

Bailey.	Hutchinson.
Bell.	Lamb.
Bosque.	Lubbock.
Briscoe.	Matagorda.
Calhoun.	McLennan.
Carson.	Milam.
Castro.	Moore.
Collin.	Navarro.
Crosby.	Nueces.
Dallam.	Ochiltree.
Deaf Smith.	Oldham.
Denton.	Parmer.
Ellis.	Randall.
Falls.	Refugio.
Floyd.	San Patricio.
Fort Bend.	Sherman.
Grayson.	Swisher.
Hale.	Travis.
Hansford.	Victoria.
Hartley.	Wharton.
Hill.	Wilbarger.
Hunt.	Williamson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10178; Filed, Aug. 25, 1969; 8:49 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR OAT CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for oat crop insurance for the 1970 crop year.

CALIFORNIA

Modoc.

ILLINOIS

Bureau.	Jo Daviess.
Carroll.	Ogle.
Henry.	Stephenson.

IOWA

Adair.	Jasper.
Adams.	Jefferson.
Allamakee.	Johnson.
Audubon.	Jones.
Benton.	Keokuk.
Black Hawk.	Kossuth.
Boone.	Lee.
Bremer.	Linn.
Buchanan.	Louisa.
Buena Vista.	Lyon.
Butler.	Madison.
Calhoun.	Mahaska.
Carroll.	Marion.
Cass.	Marshall.
Cedar.	Mills.
Cerro Gordo.	Mitchell.
Cherokee.	Monona.
Chickasaw.	Monroe.
Clarke.	Montgomery.
Clay.	Muscatine.
Clayton.	O'Brien.
Clinton.	Osceola.
Crawford.	Page.
Dallas.	Palo Alto.
Decatur.	Plymouth.
Delaware.	Pocahontas.
Des Moines.	Polk.
Dickinson.	Pottawattamie.
Dubuque.	Poweshiek.
Emmet.	Sac.
Fayette.	Scott.
Floyd.	Shelby.
Franklin.	Sioux.
Fremont.	Story.
Greene.	Tama.
Grundy.	Taylor.
Guthrie.	Union.
Hamilton.	Wapello.
Hancock.	Warren.
Hardin.	Washington.
Harrison.	Webster.
Henry.	Winnebago.
Howard.	Winneshiek.
Humboldt.	Woodbury.
Ida.	Worth.
Iowa.	Wright.
Jackson.	

MINNESOTA

Becker.	Nicollet.
Big Stone.	Nobles.
Blue Earth.	Norman.
Brown.	Olmsted.
Carver.	Otter Tail.
Chippewa.	Pennington.
Clay.	Pipestone.
Cottonwood.	Polk.
Dakota.	Pope.
Dodge.	Red Lake.
Douglas.	Redwood.
Faribault.	Renville.
Fillmore.	Rice.
Freeborn.	Rock.
Goodhue.	Roseau.
Grant.	Scott.
Houston.	Sibley.
Jackson.	Stearns.
Kandiyohi.	Steele.
Kittson.	Stevens.
Lac Qui Parle.	Swift.
Le Sueur.	Todd.
Lincoln.	Traverse.
Lyon.	Wabasha.
McLeod.	Waseca.
Mahnomen.	Washington.
Marshall.	Watonwan.
Martin.	Wilkin.
Meeker.	Winona.
Mower.	Wright.
Murray.	Yellow Medicine.

NORTH DAKOTA

Barnes. Nelson.
Benson. Pembina.
Burleigh. Pierce.
Cass. Ramsey.
Cavalier. Ransom.
Dickey. Richland.
Eddy. Sargent.
Foster. Stark.
Grand Forks. Steele.
Griggs. Stutsman.
Kidder. Towner.
La Moure. Traill.
Logan. Walsh.
Morton.

OREGON

Klamath.

PENNSYLVANIA

Chester. Dauphin.
Cumberland. Perry.

SOUTH DAKOTA

Aurora. Hutchinson.
Beadle. Kingsbury.
Bon Homme. Lake.
Brookings. Lincoln.
Brown. McCook.
Charles Mix. Marshall.
Clark. Miner.
Clay. Minnehaha.
Codington. Moody.
Davison. Roberts.
Day. Sanborn.
Deuel. Spink.
Douglas. Turner.
Grant. Union.
Hamlin. Yankton.
Hanson.

WISCONSIN

Barron. La Crosse.
Buffalo. Lafayette.
Calumet. Pepin.
Clark. Pierce.
Columbia. Polk.
Crawford. Racine.
Dane. Richland.
Dodge. Rock.
Dunn. St. Croix.
Fond du Lac. Sauk.
Grant. Trempealeau.
Green. Vernon.
Iowa. Walworth.
Jackson. Waukesha.
Jefferson. Winnebago.
Kenosha.

WYOMING

Big Horn. Washakie.
Park.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10180; Filed, Aug. 25, 1969; 8:49 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEA (DRY) CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for pea (dry) crop insurance for the 1970 crop year.

IDAHO

Benewah. Lewis.
Kootenai. Nez Perce.
Latah.

OREGON

Umatilla. Union.

WASHINGTON

Adams. Spokane.
Columbia. Walla Walla.
Franklin. Whitman.
Grant.

(Secs. 506, 516, 52 Stat. as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10182; Filed, Aug. 25, 1969; 8:49 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEA (CANNING AND FREEZING) CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for pea (canning and freezing) crop insurance for the 1970 crop year.

IDAHO

Caribou. Nez Perce.
Franklin.

MINNESOTA

Blue Earth. Nicollet.
Brown. Olmsted.
Dakota. Redwood.
Dodge. Renville.
Faribault. Rice.
Freeborn. Scott.
Goodhue. Sibley.
Kandiyohi. Steele.
Le Sueur. Wabasha.
McLeod. Waseca.
Martin. Watonwan.
Meeker. Winona.
Mower.

OREGON

Umatilla. Union.

UTAH

Box Elder. Salt Lake.
Cache. Utah.
Davis. Weber.

WASHINGTON

Columbia. Whitman.
Walla Walla.

WISCONSIN

Calumet. Fond du Lac.
Columbia. Trempealeau.
Dane. Winnebago.
Dodge.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10183; Filed, Aug. 25, 1969; 8:49 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEANUT CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for peanut crop insurance for the 1970 crop year. The type(s) of peanuts on which insurance is offered in each county is shown opposite the county name.

ALABAMA

Barbour—Runner.
Coffee—Runner.
Conecuh—Runner.
Covington—Runner.
Crenshaw—Runner.
Dale—Runner, Southeast Spanish, Virginia.
Geneva—Runner, Southeast Spanish, Virginia.
Henry—Runner, Southeast Spanish, Virginia.
Houston—Runner, Southeast Spanish, Virginia.
Pike—Runner.

FLORIDA

Jackson—Runner, Southeast Spanish, Virginia.

GEORGIA

Baker—Runner, Southeast Spanish, Virginia.
Ben Hill—Runner, Southeast Spanish, Virginia.
Bulloch—Runner, Southeast Spanish, Virginia.
Calhoun—Runner, Southeast Spanish, Virginia.
Clay—Runner, Southeast Spanish, Virginia.
Coffee—Runner, Southeast Spanish, Virginia.
Colquitt—Runner, Southeast Spanish, Virginia.
Cook—Runner, Southeast Spanish, Virginia.
Crisp—Runner, Southeast Spanish, Virginia.
Decatur—Runner, Southeast Spanish, Virginia.
Dooly—Runner, Southeast Spanish Virginia.
Early—Runner, Southeast Spanish, Virginia.
Irwin—Runner, Southeast Spanish, Virginia.
Lee—Runner, Southeast Spanish, Virginia.
Miller—Runner, Southeast Spanish, Virginia.
Mitchell—Runner, Southeast Spanish, Virginia.
Randolph—Runner, Southeast Spanish, Virginia.
Sumter—Runner, Southeast Spanish, Virginia.
Terrell—Runner, Southeast Spanish, Virginia.
Thomas—Runner, Southeast Spanish, Virginia.
Tift—Runner, Southeast Spanish, Virginia.
Toombs—Runner, Southeast Spanish, Virginia.
Turner—Runner, Southeast Spanish, Virginia.
Worth—Runner, Southeast Spanish, Virginia.

NORTH CAROLINA

Bertie—Virginia.
Bladen—Virginia.
Chowan—Virginia.
Edgecombe—Virginia.
Gates—Virginia.
Halifax—Virginia.
Hertford—Virginia.
Martin—Virginia.
Northampton—Virginia.
Pitt—Virginia.
Washington—Virginia.

OKLAHOMA

Caddo—Southwest Spanish.
Grady—Southwest Spanish.

VIRGINIA

Dinwiddie—Virginia.
Greensville—Virginia.
Isle of Wight—Virginia.
Nansemond—Virginia.
Prince George—Virginia.
Southampton—Virginia.
Surry—Virginia.
Sussex—Virginia.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10185; Filed, Aug. 25, 1969; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR POTATO CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for potato crop insurance for the 1970 crop year.

CALIFORNIA

Modoc.

IDAHO

Bannock. Jefferson.
Bingham. Minidoka.
Bonneville. Owyhee.
Canyon. Power.
Cassia. Twin Falls.

OREGON

Jefferson. Malheur.
Klamath.

WASHINGTON

Adams. Grant.
Franklin.

(Secs. 506, 516, 52 Stat. 73, as amended; 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10186; Filed, Aug. 25, 1969; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR RICE CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for rice crop insurance for the 1970 crop year.

ARKANSAS

Arkansas. Jackson.
Ashley. Jefferson.
Chicot. Lonoke.
Clay. Monroe.
Craighead. Poinsett.
Crittenden. Prairie.
Cross. St. Francis.
Desha. Woodruff.
Greene.

LOUISIANA

Acadia. Jefferson Davis.
Calcasieu. St. Landry.
Evangeline.

MISSISSIPPI

Bolivar. Washington.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 69-10188; Filed, Aug. 25, 1969; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for soybean crop insurance for the 1970 crop year.

ALABAMA

Baldwin. Madison.
Escambia. Morgan.
Jackson. Shelby.
Lawrence. Talladega.
Limestone.

ARKANSAS

Arkansas. Lee.
Ashley. Lincoln.
Chicot. Lonoke.
Clay. Mississippi.
Craighead. Monroe.
Crittenden. Phillips.
Cross. Poinsett.
Desha. Prairie.
Greene. Randolph.
Jackson. St. Francis.
Jefferson. Woodruff.
Lawrence.

DELAWARE

Kent. Sussex.
New Castle.

ILLINOIS

Adams. De Witt.
Bond. Douglas.
Brown. Edgar.
Bureau. Effingham.
Cass. Fayette.
Champaign. Ford.
Christian. Fulton.
Clark. Greene.
Clinton. Grundy.
Coles. Hancock.
Crawford. Henderson.
Cumberland. Henry.
De Kalb. Iroquois.

ILLINOIS—Continued

Jasper. Morgan.
Jefferson. Moultrie.
Jersey. Ogle.
Kankakee. Peoria.
Kendall. Piatt.
Knox. Pike.
La Salle. Putnam.
Lee. St. Clair.
Livingston. Sangamon.
Logan. Schuyler.
Macon. Scott.
Marshall. Shelby.
McDonough. Stark.
McLean. Tazewell.
Macoupin. Vermilion.
Madison. Warren.
Mason. Washington.
Menard. Wayne.
Mercer. Whiteside.
Monroe. Winnebago.
Montgomery. Woodford.

INDIANA

Adams. Kosciusko.
Allen. Lagrange.
Bartholomew. Madison.
Benton. Marion.
Blackford. Marshall.
Boone. Miami.
Carroll. Montgomery.
Cass. Morgan.
Clay. Newton.
Clinton. Noble.
Decatur. Parke.
De Kalb. Pulaski.
Delaware. Putnam.
Elkhart. Randolph.
Fayette. Ripley.
Fountain. Rush.
Fulton. Shelby.
Gibson. Sullivan.
Grant. Tippecanoe.
Hamilton. Tipton.
Hancock. Union.
Hendricks. Vermillion.
Henry. Vigo.
Howard. Wabash.
Huntington. Warren.
Jackson. Wayne.
Jasper. Wells.
Jay. White.
Johnson. Whitley.
Knox.

IOWA

Adair. Des Moines.
Adams. Dickinson.
Allamakee. Dubuque.
Audubon. Emmet.
Benton. Fayette.
Black Hawk. Floyd.
Boone. Franklin.
Bremer. Fremont.
Buchanan. Greene.
Buena Vista. Grundy.
Butler. Guthrie.
Calhoun. Hamilton.
Carroll. Hancock.
Cass. Hardin.
Cedar. Harrison.
Cerro Gordo. Henry.
Cherokee. Howard.
Chickasaw. Humboldt.
Clarke. Ida.
Clay. Iowa.
Clayton. Jackson.
Clinton. Jasper.
Crawford. Jefferson.
Dallas. Johnson.
Decatur. Jones.
Delaware. Keokuk.

IOWA—Continued

Kossuth. Polk.
Lee. Pottawattamie.
Linn. Poweshiek.
Louisa. Sac.
Lyon. Scott.
Madison. Shelby.
Mahaska. Sioux.
Marion. Story.
Marshall. Tama.
Mills. Taylor.
Mitchell. Union.
Monona. Wapello.
Monroe. Warren.
Montgomery. Washington.
Muscatine. Webster.
O'Brien. Winnebago.
Osceola. Winneshiek.
Page. Woodbury.
Palo Alto. Worth.
Plymouth. Wright.
Pocahontas.

KANSAS

Allen. Franklin.
Anderson. Johnson.
Atchison. Labette.
Bourbon. Linn.
Brown. Lyon.
Cherokee. Miami.
Coffey. Neosho.
Crawford. Osage.
Doniphan. Wilson.
Douglas. Woodson.

KENTUCKY

Calloway. Hopkins.
Daviess. McLean.
Fulton. Ohio.
Graves. Union.
Henderson.

LOUISIANA

Acadia. Jefferson Davis.
Avoyelles. Madison.
Bossier. Morehouse.
Caddo. Natchitoches.
Calcasieu. Pointe Coupee.
Caldwell. Rapides.
Catahoula. Red River.
Concordia. Richland.
East Carroll. St. Landry.
Evangeline. Tensas.
Franklin. West Carroll.

MARYLAND

Caroline. Queen Annes.
Kent. Talbot.

MICHIGAN

Branch. Monroe.
Cass. Saginaw.
Clinton. St. Joseph.
Gratiot. Shiawassee.
Hillsdale. Washtenaw.
Lenawee.

MINNESOTA

Becker. McLeod.
Big Stone. Martin.
Blue Earth. Meeker.
Brown. Mower.
Carver. Murray.
Chippewa. Nicollet.
Clay. Nobles.
Cottonwood. Norman.
Dakota. Olmsted.
Dodge. Otter Tail.
Douglas. Pipestone.
Faribault. Pope.
Fillmore. Redwood.
Freeborn. Renville.
Goodhue. Rice.
Grant. Rock.
Houston. Scott.
Jackson. Sibley.
Kandiyohi. Stearns.
Lac qui Parle. Steele.
Le Sueur. Stevens.
Lincoln. Swift.
Lyon. Todd.

MINNESOTA—Continued

Traverse. Wilkin.
Wabasha. Winona.
Waseca. Wright.
Washington. Yellow Medicine.
Watonwan.

MISSISSIPPI

Benton. Monroe.
Bolivar. Panola.
Calhoun. Prentiss.
Carroll. Quitman.
Chickasaw. Sharkey.
Coahoma. Sunflower.
De Soto. Tallahatchie.
Holmes. Tippah.
Humphreys. Tunica.
Issaquena. Union.
Lee. Washington.
Leflore. Yazoo.

MISSOURI

Adair. Knox.
Andrew. Lafayette.
Atchison. Lewis.
Audrain. Lincoln.
Barton. Linn.
Bates. Livingston.
Boone. Macon.
Buchanan. Marion.
Butler. Mississippi.
Caldwell. Monroe.
Callaway. Montgomery.
Cape Girardeau. New Madrid.
Carroll. Nodaway.
Cass. Pemiscot.
Charlton. Pettis.
Clark. Pike.
Clinton. Platte.
Cooper. Ralls.
Daviess. Randolph.
De Kalb. Ray.
Dunklin. St. Charles.
Gentry. Saline.
Grundy. Scotland.
Harrison. Scott.
Henry. Shelby.
Holt. Stoddard.
Howard. Sullivan.
Jackson. Vernon.
Jasper. Worth.
Johnson.

NEBRASKA

Cass. Otoe.
Colfax. Richardson.
Cuming. Saunders.
Dodge. Washington.
Lancaster. Wayne.
Nemaha.

NORTH CAROLINA

Anson. Pamlico.
Beaufort. Pitt.
Craven. Robeson.
Hyde. Union.
Johnston. Washington.
Jones.

NORTH DAKOTA

Cass. Traill.
Richland.

OHIO

Allen. Hardin.
Ashland. Henry.
Auglaize. Highland.
Butler. Huron.
Champaign. Knox.
Clark. Licking.
Clinton. Logan.
Crawford. Lucas.
Darke. Madison.
Defiance. Marion.
Delaware. Medina.
Erie. Mercer.
Fairfield. Miami.
Fayette. Montgomery.
Franklin. Morrow.
Fulton. Ottawa.
Greene. Paulding.
Hancock. Pickaway.

OHIO—Continued

Preble. Union.
Putnam. Van Wert.
Richland. Wayne.
Sandusky. Williams.
Seneca. Wood.
Shelby. Wyandot.

OKLAHOMA

Craig. Ottawa.

SOUTH CAROLINA

Aiken. Hampton.
Allendale. Horry.
Bamberg. Kershaw.
Barnwell. Lee.
Calhoun. Lexington.
Clarendon. Marion.
Darlington. Marlboro.
Dillon. Orangeburg.
Dorchester. Sumter.
Florence. Williamburg.

SOUTH DAKOTA

Bon Homme. Lake.
Brookings. Lincoln.
Charles Mix. McCook.
Clay. Minnehaha.
Deuel. Moody.
Grant. Roberts.
Hamlin. Turner.
Hutchinson. Union.
Kingsbury. Yankton.

TENNESSEE

Carroll. Lake.
Chester. Lauderdale.
Crockett. Madison.
Dyer. Obion.
Fayette. Shelby.
Gibson. Tipton.
Hardeman. Weakley.
Haywood.

VIRGINIA

Nansemond. Southampton.

WISCONSIN

Buffalo. Polk.
Dunn. Racine.
Jackson. Rock.
Jefferson. St. Croix.
Kenosha. Trempealeau.
Pepin. Walworth.
Pierce.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10189; Filed, Aug. 25, 1969; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SUGAR BEET CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for sugar beet crop insurance for the 1970 crop year.

CALIFORNIA

Imperial.

COLORADO

Adams. Logan.
Boulder. Morgan.
Kit Carson. Sedgwick.
Larimer. Weld.

IDAHO

Ada. Franklin.
Bannock. Jerome.
Bingham. Minidoka.
Bonneville. Owyhee.
Canyon. Power.
Cassia. Twin Falls.

KANSAS

Finney. Stanton.
Grant. Wallace.
Kearny. Wichita.
Sherman.

MICHIGAN

Bay. Tuscola.
Saginaw.

MINNESOTA

Clay. Norman.
Kittson. Polk.
Marshall. Wilkin.

MONTANA

Big Horn. Richland.
Carbon. Rosebud.
Custer. Stillwater.
Dawson. Treasure.
Prairie. Yellowstone.

NORTH DAKOTA

Cass. Richland.
Grand Forks. Traill.
McKenzie. Walsh.
Pembina. Williams.

OHIO

Hancock. Putnam.
Henry. Sandusky.
Lucas. Wood.
Ottawa.

OREGON

Malheur.

UTAH

Box Elder. Salt Lake.
Cache. Utah.
Davis. Weber.

WASHINGTON

Adams. Grant.
Benton. Yakima.
Franklin.

WYOMING

Big Horn. Park.
Goshen. Washakie.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10190; Filed, Aug. 25, 1969; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR TOBACCO CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for tobacco crop insurance for the 1970 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the county name.

FLORIDA

Alachua 14
Columbia 14
Hamilton 14
Madison 14
Suwannee 14

GEORGIA

Appling 14
Atkinson 14
Bacon 14
Ben Hill 14
Berrien 14
Brantley 14
Brooks 14
Bulloch 14
Candler 14
Coffee 14
Colquitt 14
Cook 14
Decatur 14
Irwin 14
Jeff Davis 14
Lanier 14
Lowndes 14
Mitchell 14
Pierce 14
Tattnall 14
Thomas 14
Tift 14
Toombs 14
Turner 14
Ware 14
Wayne 14
Worth 14

KENTUCKY

Adair 31
Allen 31, 35
Anderson 31
Barren 31
Bath 31
Boone 31
Bourbon 31
Boyle 31
Bracken 31
Breckinridge 31
Caldwell 22, 31, 35
Calloway 23, 35
Carroll 31
Casey 31
Christian 22, 31, 35
Clark 31
Daviess 31, 36
Fayette 31
Fleming 31
Franklin 31
Garrard 31
Grant 31
Graves 23, 31, 35
Green 31
Harrison 31
Hart 31
Henderson 31, 36
Henry 31
Hopkins 31, 36
Jessamine 31
Larue 31
Lewis 31
Lincoln 31
Logan 22, 31, 35
Madison 31
Marion 31
Marshall 23, 31, 35
Mason 31
McLean 31, 36
Meade 31
Mercer 31
Metcalfe 31
Montgomery 31
Muhlenberg 22, 31, 35
Nelson 31
Nicholas 31
Ohio 31, 36
Owen 31
Pendleton 31
Pulaski 31
Robertson 31
Russell 31
Scott 31
Shelby 31
Simpson 22, 31, 35
Spencer 31
Taylor 31
Todd 22, 31, 35
Trigg 22, 31, 35
Union 31, 36
Warren 31, 35
Washington 31
Wayne 31
Woodford 31

MISSOURI

Buchanan 31
Platte 31

NORTH CAROLINA

Alamance 11a
Alexander 11a
Beaufort 12
Bertie 12
Bladen 13
Brunswick 13
Buncombe 31
Carteret 12
Caswell 11a
Chatham 11b
Chowan 12
Columbus 13
Craven 12
Cumberland 13
Davidson 11a
Duplin 12
Durham 11b
Edgecombe 12
Forsyth 11a
Franklin 11b
Gates 12
Granville 11b
Greene 12
Guilford 11a
Halifax 12
Harnett 11b
Haywood 31
Hertford 12
Hoke 13
Iredell 11a
Johnston 12
Jones 12
Lee 11b
Lenoir 12
Madison 31
Martin 12
Mitchell 31
Montgomery 11b
Moore 11b
Nash 12
Northampton 12
Onslow 12
Orange 11b
Pamlico 12
Pender 12
Person 11a
Pitt 12
Randolph 11a
Richmond 11b
Robeson 13
Rockingham 11a
Sampson 12
Scotland 13
Stokes 11a
Surry 11a
Vance 11b
Wake 11b
Warren 11b
Washington 12
Wayne 12
Wilson 12
Yadkin 11a
Yancey 31
Wilkes 11a

OHIO

Adams 31
Brown 31
Highland 31

PENNSYLVANIA

Lancaster 41

SOUTH CAROLINA

Chesterfield 13
Clarendon 13
Darlington 13
Dillon 13
Dorchester 13
Florence 13
Georgetown 13
Horry 13
Kershaw 13
Lee 13
Marion 13
Marlboro 13
Orangeburg 13
Sumter 13
Williamsburg 13

TENNESSEE

Anderson 31
Blount 31
Carter 31
Claiborne 31
Cocke 31
De Kalb 31
Dickson 22, 31
Franklin 31
Giles 31
Grainger 31
Greene 31
Hamblen 31
Hancock 31
Hawkins 31
Jackson 31
Jefferson 31
Johnson 31
Knox 31
Lawrence 31
Lincoln 31
Loudon 31
Macon 31, 35
Marshall 31
Maury 31
McMinn 31
Monroe 31
Montgomery 22, 31
Obion 23, 35
Putnam 31
Robertson 22, 31, 35
Sevier 31
Smith 31
Stewart 22, 31
Sullivan 31
Sumner 22, 31, 35
Trousdale 31
Unicoi 31
Washington 31
Weakley 23, 35
White 31
Williamson 31
Wilson 31

VIRGINIA

Amelia 11a, 21
Appomattox 11a, 21
Brunswick 11a, 21
Campbell 11a, 21
Charlotte 11a, 21
Cumberland 11a, 21
Dinwiddie 11a, 21
Franklin 11a
Greensville 11a
Halifax 11a
Lee 31
Lunenburg 11a, 21
Mecklenburg 11a
Nansemond 11a
Nottoway 11a, 21
Pittsylvania 11a
Prince Edward 11a, 21
Prince George 11a
Russell 31
Scott 31
Smyth 31
Southampton 11a
Sussex 11a
Washington 31

WISCONSIN

Crawford 55
Dane 54
La Crosse 55
Richland 55
Trempealeau 55
Vernon 55

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10191; Filed, Aug. 25, 1969; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR TOMATO CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties

have been designated for tomato crop insurance for the 1970 crop year.

OHIO

Darke.	Ottawa.
Fulton.	Putnam.
Henry.	Sandusky.
Lucas.	Wood.

UTAH

Box Elder.	Utah.
Davis.	Weber.
Salt Lake.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10192; Filed, Aug. 25, 1969; 8:50 a.m.]

PART 402—RAISIN CROP INSURANCE

Subpart—Regulations for the 1966 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR RAISIN CROP INSURANCE

Pursuant to authority contained in § 402.1 of the above-identified regulations, the following counties have been designated for raisin crop insurance for the 1970 crop year.

CALIFORNIA

Fresno.	Merced.
Kern.	Stanislaus.
Kings.	Tulare.
Madera.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10187; Filed, Aug. 25, 1969; 8:50 a.m.]

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEACH CROP INSURANCE

Pursuant to authority contained in § 403.40 of the above-identified regulations, as amended, the following counties have been designated for peach crop insurance for the 1970 crop year.

ALABAMA

Chilton.

ARKANSAS

Cross.	Lee.
Johnson.	St. Francis.

GEORGIA

Peach. Upson.

NORTH CAROLINA

Cleveland.	Richmond.
Montgomery.	Rutherford.
Moore.	

SOUTH CAROLINA

Aiken.	Laurens.
Allendale.	Lexington.
Barnwell.	Saluda.
Chesterfield.	Spartanburg.
Edgefield.	York.
Greenville.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10184; Filed, Aug. 25, 1969; 8:50 a.m.]

PART 404—APPLE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR APPLE CROP INSURANCE

Pursuant to authority contained in § 404.20 of the above-identified regulations, the following counties have been designated for apple crop insurance for the 1970 crop year.

OREGON

Umatilla.

WASHINGTON

Chelan.	Douglas.
Columbia.	Okanogan.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10169; Filed, Aug. 25, 1969; 8:49 a.m.]

PART 406—CALIFORNIA ORANGE CROP INSURANCE

Subpart—Regulations for the 1963 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR ORANGE CROP INSURANCE

Pursuant to authority contained in § 406.1 of the above-identified regulations, as amended, the following counties have been designated for orange crop insurance for the 1970 crop year.

CALIFORNIA

Fresno.	Tulare.
Kern.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10181; Filed, Aug. 25, 1969; 8:49 a.m.]

PART 408—NORTH CAROLINA APPLE CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR APPLE CROP INSURANCE

Pursuant to authority contained in § 408.1 of the above-identified regulations, as amended, the following counties have been designated for apple crop insurance for the 1970 crop year.

NORTH CAROLINA

Alexander.	Wilkes.
Henderson.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10168; Filed, Aug. 25, 1969; 8:48 a.m.]

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE

Pursuant to authority contained in § 409.20 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1970 crop year.

ARIZONA

Maricopa.	Yuma.

CALIFORNIA

Imperial.	Riverside.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10172; Filed, Aug. 25, 1969; 8:49 a.m.]

PART 410—FLORIDA CITRUS CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE

Pursuant to authority contained in § 410.20 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1970 crop year.

FLORIDA

Brevard.	Marion.
De Soto.	Martin.
Hardee.	Orange.
Hernando.	Osceola.
Highlands.	Pasco.
Hillsborough.	Polk.
Indian River.	St. Lucie.
Lake.	Seminole.
Manatee.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10171; Filed, Aug. 25, 1969; 8:49 a.m.]

PART 411—GRAPE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR GRAPE CROP INSURANCE

Pursuant to authority contained in § 411.1 of the above-identified regulations, the following counties have been designated for grape crop insurance for the 1970 crop year.

NEW YORK

Chautauqua.	Seneca.
Niagara.	Steuben.
Ontario.	Yates.
Schuyler.	

PENNSYLVANIA

Erie.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10170; Filed, Aug. 25, 1969; 8:49 a.m.]

PART 413—TEXAS CITRUS CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE

Pursuant to authority contained in § 413.20 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1970 crop year.

TEXAS

Cameron.	Willacy
Hidalgo.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10170; Filed, Aug. 25, 1969; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Prune Reg. 7, Amdt. 1]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 925 (7 CFR Part 925) regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg., under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the recommendations of the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh prunes, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendations of the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee reflect its further appraisal of the 1969-70 fresh prune crop and current and prospective market conditions. More restrictive requirements should be made effective promptly because the market prices for prunes have declined severely. Prunes of the Late Italian variety are expected to be shipped in quantity shortly. However, such prunes can attain a higher percentage of soluble solids than is needed to meet the current requirement that prunes be mature and otherwise grade not less than U.S. No. 1. By limiting shipments of Late Italian prunes as specified the total current marketable supply will be reduced which should increase returns to the producers of fresh prunes.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 27, 1969. Shipments of Idaho-Malheur County, Oregon prunes are currently regulated pursuant to Prune Regulation 7 (34 F.R. 12492) and unless sooner terminated, will continue to be so regulated through December 31, 1969; determinations as to the need for, and extent of, continued regulation of Idaho-Oregon prune shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of prune shipments subsequent to August 27, 1969, and in the manner herein provided, were promptly submitted to the Department after a meeting of the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee on August 22, 1969, held to consider recommendations for regulations; the provisions of this amendment are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among handlers of Idaho-Malheur County, Oreg., prunes; it is necessary, in order to effectuate the declared policy of the act to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 925.308 (Prune Reg. 7; 34 F.R. 12494), paragraph (a)(1) is amended to read as follows:

§ 925.308 Prune Regulation 7.

(a) • • •

(1) *Minimum grade, size, and maturity requirements.* Such prunes grade at least U.S. No. 1 and are a minimum size of 1⅛ inches in diameter: *Provided,* That prunes which are effected by healed hail marks may be shipped if they otherwise grade at least U.S. No. 1: *And provided further,* That during the period August 27, 1969, through August 28, 1969, prunes of the Late Italian variety may be shipped only if such prunes also contain not less than seventeen (17) percent soluble solids, as determined by refractometer test of the juice from the blossom end sections of not less than 10 prunes selected at random from the lot. The blossom end section of each prune shall be cut at right angles to the longitudinal axis to the depth of the pit, and the juice therefrom tested on a composite basis.

• • • • •

(Secs. 1-19, 50 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, August 25, 1969, to become effective August 27, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-10287; Filed, Aug. 25, 1969; 11:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 630—ABSENCE AND LEAVE

Funeral Leave

A new subpart is added to Part 630 to provide regulations for the administration of new section 6326 of title 5, United States Code, added by Public Law 90-588, effective October 17, 1968. The section authorizes funeral leave for employees whose immediate relatives in the armed forces die under certain circumstances. Technical changes necessitated by the addition of the new subpart are made in §§ 630.101 and 630.201.

§ 630.101 Responsibility for administration.

The head of an agency having employees subject to this part is responsible for the proper administration of this part so far as it pertains to employees under his jurisdiction, and for maintaining an account of leave for each employee in accordance with methods prescribed by the General Accounting Office.

§ 630.201 Definitions.

• • • • • •

(b) In Subparts B through G of this part:

• • • • • •

Subpart H—Funeral Leave

Sec.
630.801 Applicability.
630.802 Coverage.
630.803 Definitions.
630.804 Granting of funeral leave.

AUTHORITY: The provisions of this Subpart H issued under sec. 6326, title 5, U.S.C.; Public Law 90-586.

Subpart H—Funeral Leave

§ 630.801 Applicability.

This subpart and section 6326 of title 5, United States Code, apply to the granting of funeral leave to an employee in connection with the funeral of, or memorial service for, his immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the armed forces in a combat zone.

§ 630.802 Coverage.

This subpart applies to:

(a) An employee as defined in section 2105 of title 5, United States Code, who is employed by an executive agency as defined in section 105 of title 5, United States Code; and

(b) An individual who is employed by the government of the District of Columbia.

§ 630.803 Definitions.

(a) "Armed forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(b) "Combat zone" means those areas determined by the President in accordance with section 112 of the Internal Revenue Code.

(c) "Employee" means an employee or individual covered by § 630.802.

(d) "Immediate relative" means the following relatives of the deceased member of the armed forces:

(1) Spouse, and parents thereof;

(2) Children, including adopted children, and spouses thereof;

(3) Parents;

(4) Brothers and sisters, and spouses thereof; and

(5) Any individual related by blood or affinity whose close association with the deceased was such as to have been the equivalent of a family relationship.

(e) "Funeral leave" means leave authorized by section 6326 of title 5, United States Code, and this subpart.

§ 630.804 Granting of funeral leave.

(a) An agency shall grant an employee such funeral leave as is needed and requested by him, not to exceed 3 workdays, without loss of or reduction in pay, leave to which he is otherwise entitled, or credit for time or service, and without adversely affecting his performance or efficiency rating. Funeral leave is granted to allow an employee to make arrangements for, or to attend, the funeral or memorial service for an immediate relative who died as the result of a wound, disease, or injury incurred while serving as a member of the armed forces in a combat zone. The 3 days need not be consecutive but if not, the employee shall furnish the approving authority satisfactory reasons justifying a grant of funeral leave for nonconsecutive days.

(b) An agency may grant funeral leave only from a prescribed tour of duty, including regularly scheduled overtime, or, in the case of a substitute employee in the postal field service, from a period during which, except for absence on funeral leave, the employee would have worked.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-10124; Filed, Aug. 25, 1969; 8:46 a.m.]

PART 713—EQUAL OPPORTUNITY

Miscellaneous Amendments

Part 713 is amended by (1) revising § 713.216(a) to allow the recording in the investigative file of information needed to resolve a discrimination complaint either in statistical form or, when available, by the names of persons who are members or nonmembers of the complainant's group; (2) revising § 713.217 (b) to limit the hearing on a discrimination complaint to the one available under Subpart A of Part 713 or, when an appeal has been accepted under Subpart B of Part 771, the one available under Subpart B of Part 771; and (3) revising § 713.218 (g) to clarify the authority of an appeals examiner to recommend remedial action.

§ 713.216 Investigation.

(a) The Equal Employment Opportunity Officer shall advise the Director of Equal Employment Opportunity of the acceptance of a complaint. The Director of Equal Employment Opportunity shall provide for the prompt investigation of the complaint. The person assigned to investigate the complaint shall occupy a position in the agency which is not, directly or indirectly, under the jurisdiction of the head of that part of the agency in which the complaint arose. The agency shall authorize the investigator to administer oaths and require that statements of witnesses shall be under oath or affirmation, without a pledge of confidence. The investigation shall include a thorough review of the circumstances under which the alleged discrimination occurred, the treatment of members of the complainant's group identified by his complaint as compared with the treatment of other employees in the organizational segment in which the alleged discrimination occurred, and any policies and practices related to the work situation which may constitute, or appear to constitute, discrimination even though they have not been expressly cited by the complainant. Information needed for an appraisal of the utilization of members of the complainant's group as compared to the utilization of persons outside the complainant's group shall be recorded in statistical form in the investigative file, but specific information as to a person's membership or nonmembership in the complainant's group needed to facilitate an adjustment of the complaint or to make an informed decision on the complaint shall, if available, be recorded by name in the investigative file. (As used in this subpart, the term "investigative file" shall mean the various documents and information acquired during the investigation under this section—including affidavits of the complainant, of the alleged discriminating official, and of the witnesses and copies of, or extracts from, records, policy statements, or regulations of the agency—organized to show their relevance to the complaint or the general environment out of which the complaint rose.) If necessary, the investigator may obtain information regarding the membership or nonmembership of a person in the complainant's group by asking each person concerned to provide the information voluntarily; he shall not require or coerce an employee to provide this information. The agency shall furnish the complainant or his representative a copy of the investigative file.

* * * * *

§ 713.217 Adjustment of complaint.

* * * * *

(b) If an adjustment of the complaint is not arrived at, the complainant shall be notified in writing of the proposed disposition thereof. In that notice, the agency shall advise the complainant of (1) his right to a hearing, with subsequent decision under § 713.221 by the head of the agency or his designee, under (i) this subpart or (ii) if an appeal has been accepted under Subpart B of Part 771 of this chapter concerning the action which gave rise to the complaint, under Subpart B of Part 771 of this chapter and (2) his right to a decision under § 713.221 without a hearing. The agency shall allow the complainant 7 calendar days from receipt of the notice to notify the agency whether or not he wishes to have a hearing.

* * * * *

§ 713.220 Avoidance of delay.

(a) The complaint shall be resolved expeditiously. To this end, both the complainant and the agency shall proceed with the complaint without undue delay so that the complaint is resolved, except in unusual circumstances, within (1) 60 calendar days after its receipt by the Equal Employment Opportunity Officer, exclusive of time spent in the processing of the complaint by the appeals examiner under § 713.218, or (2) 90 calendar days after its receipt by the Equal Employment Opportunity Officer when a hearing is held under Subpart B of Part 771 of this chapter. When the complaint has not been resolved within the applicable limit, the complainant may appeal to the Commission for a review of the reasons for the delay. Upon review of this appeal, the Commission may require the agency to take special measures to insure the expeditious processing of the complaint or may accept the appeal for consideration under § 713.234.

* * * * *

§ 713.221 Decision by head of agency or designee.

(a) The head of the agency, or his designee, shall make the decision of the agency on a complaint based on information in the complaint file. A person designated to make the decision for the head of the agency shall be one who is fair, impartial, and objective. The decision of the agency shall be in writing and shall be transmitted by letter to the complainant and his representative. When there has been a hearing on the complaint, that letter shall also transmit (1) a copy of the findings, analysis, and recommended decision of the appeals examiner made under § 713.218(g) and the transcript of the oral testimony and other oral statements at the hearing or (2) if the hearing was under Subpart B of Part 771 of this chapter, a copy of the report made by the hearing committee under that subpart and the record of that hearing. When there has been a hearing, the decision of the agency shall adopt, reject, or modify (1) the decision as recommended by the appeals examiner under § 713.218(g) or (2) if the hearing was under Subpart B of Part 771 of this chapter, whatever recommendations were made by the hearing committee under that subpart. When the decision of the agency is to reject or modify the recommended decision of the appeals examiner (or the recommendations made by the hearing committee under Subpart B of Part 771 of this chapter), the letter transmitting the decision of the agency shall set forth the reasons for rejection or modification. When there has been no hearing and nondecision under § 713.217(c), the letter transmitting the decision of the agency shall set forth the findings, analysis, and decision of the head of the agency or his designee. The decision of the agency shall require any remedial action authorized by law determined to be necessary or desirable to effect the resolution of the issues of discrimination and to promote the policy of equal opportunity.

* * * * *

§ 713.222 Complaint file.

The agency shall establish a complaint file containing all documents pertinent to the complaint. The complaint file shall include copies of (a) the written report of the Equal Employment Opportunity Counselor under § 713.213 to the Equal Employment Opportunity Officer on whatever precomplaint counseling efforts were made with regard to the complainant's case, (b) the complaint, (c) the investigative file, (d) if the complaint is withdrawn by the complainant, a written statement of the complainant or his representative to that effect, (e) if adjustment of the complaint is arrived at under § 713.217, the written record of the terms of the adjustment, (f) if no adjustment of the complaint is arrived at under § 713.217, a copy of the letter notifying the complainant of the proposed disposition of the complaint and of his right to a hearing, (g) if decision is made under § 713.217(c), a copy of the letter to the complainant transmitting that decision, (h) if a hearing was held, the record of the hearing, together with (1) the appeals examiner's findings, analysis, and recommended decision on the merits of the complaint under § 713.218(g) or (2) if the hearing was under Subpart B of Part 771 of this chapter, the report made by the hearing committee under that subpart, (i) if the Director of Equal Employment Opportunity is not the designee, the recommendations, if any, made by him to the head of the agency or his designee, and (j) if decision is made under § 713.221, a copy of the letter transmitting the decision of the head of the agency or his designee. The complaint file shall not contain any document that has not been made available to the complainant.

§ 713.218 Hearing.

* * * * *

(g) *Findings, analysis, and recommendations.* The appeals examiner shall transmit to the head of the agency or his designee (1) the complaint file (including the record of the hearing), (2) the findings and analysis of the appeals examiner with regard to the matter which gave rise to the complaint and the general environment out of which the complaint arose, and (3) the recommended decision of the appeals examiner on the merits of the complaint, including recommended remedial action, where appropriate, with regard to the matter which gave rise to the complaint and the general environment out of which the complaint arose. The appeals examiner shall notify the complainant of the date on which this was done. In addition, the appeals examiner shall transmit, by separate letter to the Director of Equal Employment Opportunity, whatever findings and recommendations he considers appropriate with respect to conditions in the agency having no bearing on the matter which gave rise to the complaint or the general environment out of which the complaint arose.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-10216; Filed, Aug. 25, 1969; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-WE-96]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

Correction

In F.R. Doc. 69-9587, appearing at page 13152 in the issue for Thursday, August 14, 1969, make the following change: Under § 71.171 in the Idaho Falls, Idaho, control zone description, the figure at the end of the seventh line reading "080°" should read "030°".

[Docket No. 9210; Amdt. 141-8]

PART 141—PILOT SCHOOLS

Quality of Instruction

The purpose of these amendments to Part 141 of the Federal Aviation Regulations is to provide for more effective FAA evaluation of the quality of instruction given by approved pilot schools at any stage before, as well as after, graduation.

As proposed, the rule will now apply to certificated pilot schools the "eight out of 10" standard already applied to approved training courses. This will remove a previous ambiguity on what group of persons the 80-percent standard should refer to. It also applies the standard to the most recent graduates of schools on their first test, instead of applying the previous standard under which repeated test failures by an applicant would not count against the quality level of instruction. The rule will also now apply the pregraduation quality testing techniques of § 141.11(c) to all situations, instead of only to the two "proficiency" pilot training courses to which it has applied. These amendments also assure that the final progress check in a primary, commercial, or instrument flying school is course test time, and not FAA test time.

These amendments were proposed in Notice 68-26 issued on October 17, 1968, and published in the FEDERAL REGISTER on October 25, 1968 (33 F.R. 15806). Eight public comments were received on the notice. One comment concurred with the proposal; the others did not.

Two comments stated that the proposal was unnecessary, too restrictive, or too harsh. The notice proposed to use findings based on tests given by designated examiners, in evaluations under the "eight out of 10" standard, in addition to those already given by FAA inspectors to graduates of pilot training courses. Upon further attention, it is considered that a broader and more fair base would be obtained by limiting the quality evaluation to those recent graduates who are tested by FAA inspectors. In this manner, the evaluation is wholly within the normal spot checking activities of FAA inspectors, the amount of which may be increased when the inspector has reason to check more frequently. It has therefore been determined not to expand the area of evaluations to include tests by designated examiners.

According to another comment, the provision should read "seven out of 10 most recent" instead of "eight out of 10 most recent," since the usual passing standard on a test is 70 percent. However, these two standards apply to unrelated circumstances, and the "eight out of 10" standard for approved pilot schools is of long standing.

Another comment observed that there is no similar monitoring of instructors' performance outside of approved school curriculums. However, the comment overlooks the fact that certificated flight instructors are subject to biennial practical testing for renewal of their certificates, a technique that is more

feasible as to them but not practicable for application to approved schools. Furthermore, the flight instructor testing requirement does in fact contemplate consideration of the instructor's flight instruction record, for purposes of the scope of the test.

Another comment agreed in principle, but would apply the standard to courses overall rather than to each course. However, this procedure would not enable the FAA to take corrective action with respect to particular courses that were deficient.

According to another comment, the rule change implies that failure to meet the standards would result in loss to the school of FAA approval. The failure of a school to meet the standards in the rule does not necessarily require the suspension or revocation of the school's certificate or termination of a pilot training course approval. Where failure does occur, the FAA will continue to take appropriate corrective action under its established enforcement proceedings, including discussion and understanding, and curriculum changes.

One comment opposed the proposal to substitute the word "graduation" for the initials "FAA" in appendices A and B, contending that this was a subterfuge to add more time to the various courses. This assertion is incorrect, for it entails an assumption that the applicant has passed the FAA flight test before graduating from the school.

After reviewing the proposed amendments in the light of comments received, it has been determined to issue the amendments as proposed, for the reasons stated in Notice 68–26, but with the modification discussed herein.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matters presented.

In consideration of the foregoing, Part 141 of the Federal Aviation Regulations is amended as follows, effective October 25, 1969:

1. By amending paragraph (a) of § 141.11 to read as follows:

§ 141.11 Quality of instruction.

(a) Each certificated pilot school shall provide instruction of such quality that—

(1) Of its graduates of each pilot school curriculum or approved pilot training course who apply for a pilot certificate or rating within 60 days after they are graduated, at least eight out of the 10 most recent graduates tested by an FAA inspector qualify for the particular certificate or rating on their first test; and

(2) Of the students enrolled in any pilot school curriculum or approved pilot training course who are questioned, tested, or flight checked under paragraph (c) of this section, at least eight out of the 10 most recently checked show competence in the items of the school curriculum or course in which they are enrolled and that have, according to the school schedule and records, been covered in that curriculum or course.

* * * * *

2. By striking out the initials "FAA" in paragraph (d)(4) of Appendix A, and substituting the word "graduation" therefor.

3. By striking out the initials "FAA" in paragraph (d)(4) of Appendix B, and substituting the word "graduation" therefor.

4. By adding a new subparagraph (3) to paragraph (d) of Appendix C to read as follows:

(d) *Progress checks.* * * *
(3) Final (for graduation certificate).

(Secs. 313(a), 601, 607, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1427; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 19, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69–10112; Filed, Aug. 25, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS

Fruit Butter, Identity Standards; Use of Sorbic Acid and Certain Salts Thereof

In the matter of amending the standard of identity for fruit butter (21 CFR 29.1) to permit the use, with label declaration, of the chemical preservatives sorbic acid, sodium sorbate, and potassium sorbate, singly or in combination, so that the total quantity does not exceed 0.1 percent by weight of the finished food:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of May 27, 1969 (34 F.R. 8206), setting forth a proposal by the National Tea Co., 100 Crosby Street, Post Office Box 6970–A, Chicago, Ill. 60680.

Two comments were received in response to the proposal: A State regulatory agency supported it and a manufacturer of fruit butter opposed it. The latter did not present factual data refuting the grounds submitted by the petitioner in support of the proposal.

Having considered the information submitted in the petition, the comments received, and other relevant information, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposal.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 29.1 be amended by revising the statement in paragraph (a) between subparagraphs (4) and (5), by adding to paragraph (a) a new subparagraph (6), and by redesignating subparagraph (8) in paragraph (g) as subparagraph (9) and adding a new subparagraph (8). The affected portions read as follows:

§ 29.1 Fruit butter; identity; label statement of optional ingredients.

* * * * *

(a) * * *
(4) * * *

Such mixture may also contain one or more of the following optional ingredients:

(5) * * *

(6) Sorbic acid, sodium sorbate, and potassium sorbate, singly or in combination, so that the total quantity does not exceed 0.1 percent by weight of the finished food.

* * * * *

(g) * * *

(8) When any optional ingredient listed in paragraph (a)(6) of this section is used, the label shall bear the statement "_____ added as a preservative," the blank being filled in with the common name or names by which the preservative ingredient used is designated in paragraph (a)(6).

(9) The label statements required by subparagraphs (1) and (2) of this paragraph may be combined; for example, "cinnamon oil and cloves added." The label statements required by two or more of subparagraphs (3), (4), (5), (6), (7), and (8) of this paragraph may be combined; for example, "prepared with cider, apples, dried prunes, and honey."

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 18, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–10105; Filed, Aug. 25, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SODIUM NITRATE USED IN PROCESSING SMOKED CHUB

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2367) filed by Bureau of Commercial Fisheries, U.S. Department of Interior, Washington, D.C. 20240, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of sodium nitrite to aid in inhibiting the outgrowth and toxin formation from *Clostridium botulinum* type E in the commercial processing of smoked chub. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 346(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1230 Sodium nitrite used in processing smoked chub.

The food additive sodium nitrite may be safely used in combination with salt (NaCl) to aid in inhibiting the outgrowth and toxin formation from *Clostridium botulinum* type E in the commercial processing of smoked chub in accordance with the following prescribed conditions:

(a) All fish in smoking exstablishments shall be clean and wholesome and shall be expeditiously processed, packed, and stored under adequate sanitary conditions in accordance with good manufacturing practice.

(b) The brining procedure is controlled in such a manner that the water phase portion of the edible portion of the finished smoked product has a salt (NaCl) content of not less than 3.5 percent, as measured in the loin muscle, and the sodium nitrite content of the edible portion of the finished smoked product is not less than 100 parts per million and not greater than 200 parts per million, as measured in the loin muscle.

(c) Smoked chub shall be heated by a controlled heat process which provides a monitoring system positioned in as many strategic locations in the smokehouse as necessary to assure a continuous temperature throughout each fish of at least 160° F. for a minmum of 30 minutes.

(d) The finished product shall be cooled to a temperature of 38° F. or below within 3 hours after smoking, and this temperature shall be maintained during all subsequent storage and distribution. All shipping containers, retail packages, and shipping records shall indicate with appropriate notice the perishable nature of the product and specify that the product shall be held under refrigeration (38° F. or below) until consumed.

(e) To assure safe use of the additive:

(1) The label and labeling of the additive container shall bear, in addition to the other information required by the act, the name of the additive.

(2) The label or labeling of the additive container shall bear adequate directions to assure use in compliance with the provisions of this section.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(1)(1))

Dated: August 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–10106; Filed, Aug. 25, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14H—Bureau of Indian Affairs, Department of the Interior

PART 14H–1—GENERAL

AUGUST 19, 1969.

Pursuant to the authority contained in the Act of November 2, 1921, C.115, 42 Stat. 208 (25 U.S.C. 13), and IPR 14–1.008, Chapter 14H of Title 41 of the Code of Federal Regulations is promulgated.

It is the general policy of the Bureau of Indian Affairs to allow time for interested parties to take part in the public rule making process. However, because this chapter is largely a general statement of existing Bureau policy and internal procedures, the rule making process will be waived under the exception provided in subsection (d)(2) of 5 U.S.C. 553. The contents of this chapter will become effective on the date indicated when published in the FEDERAL REGISTER.

These portions of Chapter 14H are effective on date of publication in the FEDERAL REGISTER.

FRED H. MASSEY,
Acting Commissioner of Indian Affairs.

Sec.
14H–1.000 Scope of part.

Subpart 14H–1.0—Regulation System

14H–1.001 Scope of subpart.
14H–1.002 Purpose.
14H–1.003 Authority.
14H–1.004 Applicability.
14H–1.005 Issuance.
14H–1.006–1 Code arrangement.
14H–1.006–2 Publication.
14H–1.007 Arrangement.
14H–1.007–1 General plan.
14H–1.007–2 Numbering.
14H–1.007–3 Citation.
14H–1.008 Agency implementation.
14H–1.009 Deviation.
14H–1.009–2 Procedure.

Subpart 14H–1.2—Definition of Terms

14H–1.205 Procuring activity.
14H–1.206 Head of the procuring activity.

Subpart 14H–1.3—General Policies

14H–1.302 Procurement sources.
14H–1.302–3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.

Subpart 14H–1.4—Procurement Responsibility and Authority

14H–1.403 Authority of contracting officers.
14H–1.404 Selection, designation and termination of designation of contracting officers.
14H–1.404–2 Designation.
14H–1.404–3 Termination of designation.
14H–1.404–4 Assignment of duties to contracting officers.
14H–1.451 Delegation and redelegation of authority and designation of contracting officers.
14H–1.451–2 Designation of contracting officer positions.

AUTHORITY: The provisions of this Part 14H–1 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 14H–1.000 Scope of part.

(a) This part establishes a system for the codification and publication of policies and procedures of the Bureau of Indian Affairs (Bureau) regulations which implement, supplement or deviate from the Federal Procurement Regulations (FPR) and Interior Procurement Regulations (IPR), when appropriate.

(b) The Federal Procurement Regulations are published as Chapter 1 of this title. The Interior Procurement Regulations which implement and supplement the FPR are published as Chapter 14 of this title. The Bureau Procurement Regulations which implement and supplement the FPR and IPR are published as Chapter 14H of this title. It is the basic

policy of the Bureau to apply the Federal Procurement Regulations and the Interior Procurement Regulations. Thus, as to most elements of the procurement process, substantive guidelines will be found by reference to those regulations in the order mentioned.

Subpart 14H–1.0—Regulation System

§ 14H–1.001 Scope of subpart.

This subpart establishes the Bureau of Indian Affairs Procurement Regulations (BIAPR) and states their relationship to the Federal Procurement Regulations (FPR) and the Interior Procurement Regulations (IPR).

§ 14H–1.002 Purpose.

This subpart establishes for the Bureau uniform policies and procedures related to procurement of personal property, nonpersonal services, construction, and real property by lease.

§ 14H–1.003 Authority.

BIAPR are prescribed by the Commissioner of Indian Affairs (Commissioner) under the Federal Property and Administrative Services Act of 1949, as amended, or other authority specifically cited.

§ 14H–1.004 Applicability.

BIAPR apply to all procurement activities of the Bureau to the extent indicated, unless otherwise provided by law.

§ 14H–1.006 Issuance.

§ 14H–1.006–1 Code arrangement.

BIAPR are issued in the Code of Federal Regulations as Chapter 14H of Title 41, Public Contracts and Property Management. BIAPR contain the alphabetical letter "H" which identifies the Bureau and which immediately follows the Code (14) which identifies the Department as illustrated in IPR.

§ 14H–1.006–2 Publication.

BIAPR will be published in the FEDERAL REGISTER and in separate looseleaf form on salmon colored paper.

§ 14H–1.007 Arrangement.

§ 14H–1.007–1 General plan.

The general plan, numbering system, and nomenclature used in FPR and IPR, which conform to the FEDERAL REGISTER standards, are adhered to in BIAPR.

§ 14H–1.007–2 Numbering.

For ease in identification, the numbering system and part, subpart, and section titles used in FPR, and in IPR are also used in BIAPR.

§ 14H–1.007–3 Citation.

Using this section as an example BIAPR should be cited as, "BIAPR 14H–1.007–3." When referred to formally in official documents such as legal briefs, the section should be cited as "41 CFR 14H–1.007–3."

§ 14H–1.008 Agency implementation.

(a) It is Bureau policy to utilize FPR and IPR to the fullest extent possible in the conduct of all procurement matters. The Bureau will conform to this policy by avoiding implementation, supplementation, or deviation from FPR and IPR unless compelling reasons exist for doing so.

(b) FPR and IPR shall be applicable as issued unless implemented, supplemented, or deviated from in BIAPR.

(c) Matters which pertain to procurement but are primarily for internal guidance whether or not related to the material in FPR and IPR, will be issued as Bureau of Indian Affairs Procurement Instructions (BIAPI). To simplify usage of BIAPI in conjunction with FPR, IPR and BIAPR the same system and format used for those regulations will be followed. A yellow colored paper will be used for BIAPI.

§ 14H–1.009 Deviation.

§ 14H–1.009–2 Procedure.

Deviations from FPR and IPR by the Bureau will be kept to a minimum and controlled as follows:

(a) Requests for approval of deviations may be submitted by contracting officers to the Commissioner. The requests shall cite the specific part of FPR, or IPR, from which it is desired to deviate, shall set forth the nature of the deviations, and shall give the reasons for the action requested. Requests considered meritorious will be submitted for approval as provided for in IPR. No deviation shall be effective until approved.

Subpart 14H–1.2—Definition of Terms

§ 14H–1.205 Procuring activity.

"Procuring activity" means the Bureau of Indian Affairs in which authority to contract for the procurement of personal property, nonpersonal services, and construction is vested.

§ 14H–1.206 Head of the procuring activity.

"Head of the procuring activity" means the Commissioner.

Subpart 14H–1.3—General Policies

§ 14H–1.302 Procurement sources.

§ 14H–1.302–3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.

Contracting Officers shall refer all proposed contracts with Government employees or business concerns substantially owned or controlled by Government employees to the Commissioner. Approval of the Assistant Secretary for Administration will be requested in those instances where the Commissioner determines it would be in the Government's interest to enter into such a contract.

Subpart 14H–1.4—Procurement Responsibility and Authority

§ 14H–1.402 Authority of contracting officers.

The authority under this section shall be exercised in conformity with § 14H–1.451.

§ 14H–1.404 Selection, designation, and termination of designation of contracting officers.

The authority under this section shall be exercised in conformity with § 14H–1.451.

§ 14H–1.404–2 Designation.

The authority under this section shall be exercised in conformity with § 14H–1.451.

§ 14H–1.404–3 Termination of designation.

The requirements of this section shall be exercised in conformity with § 14H–1.451

§ 14H–1.404–4 Assignment of duties to contracting officers.

The requirements of this section shall be exercised in conformity with § 14H–1.451.

§ 14H–1.451 Delegation and redelegation of authority and designation of contracting officers.

Except for such limitations as are prescribed elsewhere, the authority delegated to the Commissioner with respect to all matters relating to contracting and procurement of supplies, services, and construction, except the authority to designate contracting officer positions, is hereby redelegated to the contracting officer positions designated in § 14H–1.451–2.

§ 14H–1.451–2 Designation of contracting officer positions.

(a) Each of the following organizational titles are designated as contracting officer positions:

(1) Headquarters Office Officials:

(i) Deputy Commissioner.

(ii) Assistant Commissioner for Administration.

(iii) Assistant Commissioner for Engineering.

(iv) Headquarters Administrative Officer.

(v) Chief, Division of Plant Design and Construction, Albuquerque, N. Mex.

(vi) Chief, Division of Property and Supply Management.

(vii) Chief, Plant Management Engineering Center, Littleton, Colo.

(viii) Executive Officer, Indian Affairs Data Center, Albuquerque, N. Mex.

(ix) Property and Supply Officer, Indian Affairs Data Center, Albuquerque, N. Mex.

(2) Area Office officials:

(i) Area Director.

(ii) Deputy Area Director.

(iii) Assistant Area Director, Minneapolis and Sacramento Area Offices.

(iv) Assistant Area Director for Administration.

(v) Area Administrative Officer.

(vi) Area Property and Supply Officer.

(vii) Contract Engineering Adviser, Portland, Oreg.

(viii) Administrative Officer and Special Representative, Seattle, Wash.

[F.R. Doc. 69–10129; Filed, Aug. 25, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

UMATILLA NATIONAL WILDLIFE REFUGE, WASHINGTON AND OREGON

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.11 and 32.21 by the addition of Umatilla National Wildlife Refuge, Oregon and Washington, to the list of areas open to the hunting of migratory game birds and upland game as legislatively permitted.

It has been determined that regulated hunting of migratory game birds and upland game may be permitted as designated on the Umatilla National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.11 is amended by the following addition:

§ 32.11 List of open areas; migratory game birds.

* * * * * *

WASHINGTON AND OREGON

Umatilla National Wildlife Refuge.

* * * * * *

2. Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

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WASHINGTON AND OREGON

Umatilla National Wildlife Refuge.

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JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 21, 1969.

[F.R. Doc. 69–10118; Filed, Aug. 25, 1969; 8:45 a.m.]

[50 CFR Part 32]

RICE LAKE NATIONAL WILDLIFE REFUGE, MINN.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.21 by the addition of Rice Lake National Wildlife Refuge, Minn., to the list of areas open to the hunting of upland game, as legislatively permitted.

It has been determined that the regulated hunting of upland game may be permitted as designated on the Rice Lake National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an oportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

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MINNESOTA

Rice Lake National Wildlife Refuge.

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JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 20, 1969.

[F.R. Doc. 69–10126; Filed, Aug. 25, 1969; 8:46 a.m.]

[50 CFR Part 32]

UMATILLA NATIONAL WILDLIFE REFUGE, WASH.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.31 by the addition of the Umatilla National Wildlife Refuge, Wash., to the list of areas open to the hunting of big game, as legislatively permitted.

It has been determined that the regulated hunting of big game may be permitted as designated on the Umatilla National Wildlife Refuge without detriment to the objectives for which the area was established. This proposal does not open the hunting of big game on the Umatilla National Wildlife Refuge lands within the State of Oregon.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within ?0 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

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WASHINGTON

Umatilla National Wildlife Refuge.

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JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 21, 1969.

[F.R. Doc. 69–10120; Filed, Aug. 25, 1969; 8:45 a.m.]

[50 CFR Part 32]

BASKETT SLOUGH NATIONAL WILDLIFE REFUGE, OREG.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.31 by the addition of the Baskett Slough National Wildlife Refuge, Oreg., to the list of areas open to the hunting of big game, as legislatively permitted.

It has been determined that the regulated hunting of big game may be permitted as designated on the Baskett

Slough National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

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OREGON

Baskett Slough National Wildlife Refuge.

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JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 21, 1969.

[F.R. Doc. 69-10119; Filed, Aug. 25, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 722]

UPLAND AND EXTRA LONG STAPLE COTTON

Notice of Determinations Regarding 1970 Crops

The Secretary of Agriculture is preparing to make determinations with respect to the 1970 crops of upland cotton and extra long staple cotton pursuant to the Agricultural Adjustment Act of 1938, as amended (referred to as the "act") (52 Stat. 38, as amended; 7 U.S.C. 1281 et seq.). These determinations include the following:

(a) *Upland cotton.* (1) Whether a national marketing quota is required to be proclaimed for the 1970 crop of upland cotton under section 342 of the act;

(2) The number of bales of cotton of the national marketing quota under section 342 of the act;

(3) The national acreage allotment under section 344(a) of the act;

(4) The national reserve for minimum farm allotments under section 344(b) of the act;

(5) The apportionment of the national allotment and national reserve to the States and counties under section 344 (b) and (e) of the act;

(6) The national domestic allotment and farm domestic allotment percentage under section 350 of the act;

(7) The projected national, State and county yields under section 301(b)(13)(L) of the act;

(8) The national export market acreage reserve under section 346 of the act;

(9) The date or period for holding the national marketing quota referendum under section 343 of the act.

(b) *Extra long staple cotton.* (1) The number of bales of extra long staple cotton of the national marketing quota under section 347 of the act;

(2) The national acreage allotment under section 344(a) of the act;

(3) The apportionment of the national allotment to the States and counties under section 344 (b) and (e) of the act;

(4) The date or period for holding the national marketing quota referendum under section 343 of the act.

Prior to making any of the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Cotton Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250, within 15 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 20, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-10165; Filed, Aug. 25, 1969; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 1132]

[Docket No. AO-362-A19]

MILK IN TEXAS PANHANDLE MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Amarillo, Tex., on July 15, 1969, pursuant to notice thereof issued on June 26, 1969 (34 F.R. 11099).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on August 1, 1969 (34 F.R. 12788; F.R. Doc. 69-9220), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (34 F.R. 12788; F.R. Doc. 69-9220) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Responsibilities of cooperative association handlers of milk in bulk tank trucks and of other handlers receiving milk from such cooperative associations.
2. Dates on which payments should be made to cooperative associations.
3. Whether an emergency exists with respect to issues 1 and 2.
4. Division of 2 percent shrinkage allowance.
5. Classification of sour cream and sour cream dips.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Responsibilities of handlers.* A cooperative association which acts as a handler on milk received from member producers' farms in a tank truck owned or operated by such association or under control of such association, by contract or otherwise, should be responsible for reporting and accounting for such receipts and the disposition of such receipts to pool and nonpool plants. Handlers receiving milk at pool plants from such a cooperative association handler should be responsible for reporting and accounting for the utilization of such receipts in their pool plants.

Under present order provisions the cooperative is responsible for reporting the utilization of milk it delivers to pool plants. In practice, however, the pool plant operators report their utilization of milk to the market administrator and the market administrator provides the necessary information to the cooperative for its report.

The cooperative association which controls the hauling of milk from its members' farms to plants assumes responsibility for determining the weight and butterfat test of milk picked up from individual farms. It should also account for the aggregate quantity and butterfat content of milk received from all member producers' farms.

The cooperative should also account for the quantities of such receipts delivered to pool and nonpool plants. In the case of deliveries to nonpool plants, the cooperative should ascertain the classification of such deliveries and report such utilization to the market administrator. The cooperative should also report as its producer milk any excess of milk or butterfat receipts from farms which was not delivered to plants.

Operators of pool plants should report receipts from such cooperative association handlers as a receipt of producer milk. The pool plant operator should report and account to the producer-settlement fund according to his utilization of such producer milk.

This assignment of responsibility fits the actual circumstances and functions of handling controlled by the cooperative and the pool plant operator, respectively.

When milk is delivered from farms to a plant in a bulk tank truck, the hauler determines the weight of milk picked up at individual farms and takes samples of each lot for butterfat tests. After the milk is commingled with milk of other producers in a tank truck, there is no further opportunity to measure, sample, or reject the milk of an individual producer. Therefore, when weighing and testing are conducted under the direct supervision and control of a cooperative association, the cooperative should be the handler responsible for reporting receipts of milk from member producers and its disposition to plants, for pooling any such milk not disposed of to pool plants and for payments to individual member producers.

Although the cooperative association is responsible for accounting to the pool for the weight and tests of milk determined at the farm, handlers may purchase milk at such weights and tests instead of the scale weight and butterfat test of the bulk tank truckload. One handler was purchasing milk from the cooperative association on this basis at the time of the hearing. If a pool plant operator purchases on this basis, the entire quantity as measured at the farm becomes producer milk receipts of the pool plant operator.

The operator of the pool plant to which a cooperative association delivers milk picked up at the farm is the handler in control of the utilization of milk so received. He therefore should be responsible for reporting its utilization and for its value at the class prices applicable to such utilization. This can be accomplished by treating such milk the same as other producer milk at the pool plant.

The pool plant operator would be responsible to the producer-settlement fund and for administrative expense assessment on milk it received from the cooperative. The pool plant operator would be charged the class prices based on his utilization of milk he received at his plant from the cooperative association and would pay the cooperative handler the minimum uniform price for such milk, the same as for milk received from an individual producer. This assignment of responsibility for producer milk was proposed by the cooperative association which represents all producers supplying the market. This cooperative acts as a handler on milk delivered from member farms to plants in trucks it controls. There was no opposition to the proposal.

2. *Payment dates.* The order should specify dates on which a handler operating a pool plant shall pay a cooperative association handler for producer milk received from such cooperative association. The dates for partial and final payments should be at least 2 days earlier than the dates on which individual producers must be paid. This will permit the cooperative association to pay its members at the same time individual producers receive payment.

Also, the order should be corrected to require payments to cooperative associations acting as collecting agents (not handlers) as follows: partial payment on or before the 26th day of the month of delivery, final payment on or before the 13th day of the month following the month of delivery. Since the cooperative in this market acts as the handler on all deliveries to pool plant operators, this provision is not applicable to current transactions. However, if the marketing practice changes and a cooperative acts only as a collecting agent, the payment dates should be the same as those applicable to receipts of producer milk on which the cooperative association acts as the handler.

3. *Emergency with respect to issues one and two.* Although the changes in order provisions as discussed under issues one and two should be made effective as soon as possible, they are not so urgent as to necessitate the omission of a recommended decision.

The proponent of the amendments to require a pool plant operator to account for milk received from a cooperative association handler as producer milk and to pay the cooperative at the uniform price on specified dates urged the omission of a recommended decision on these issues. The cooperative witness claimed one handler is delaying payments with the excuse that the order does not require earlier payment.

Since about the first of this year, payments by this handler have been about 2 weeks late, the partial payment being made on or before the 13th day of the following month and the final payment being made on or before the 26th day of the following month.

The order should be amended promptly to specify the responsibility and payment dates as proposed herein. However, the amendments to carry out this and other purposes dealt with in this decision are extensive and they deserve consideration in a recommended decision.

4. *Division of shrinkage.* The shrinkage allowance of 2 percent of receipts of producer milk which may be classified in Class II should apply when a pool plant operator purchases producer milk from a cooperative association handler on the basis of farm weights and tests.

The order now provides the plant operator a maximum Class II shrinkage allowance of 1½ percent of receipts from a cooperative association acting as a handler on bulk tank milk. The allowance applies whether the handler buys on the basis of farm weights and tests or on the weight and test of the truckload.

The order also allows shrinkage of one-half percent of the aggregate weight of milk at the farms for the cooperative handler even though the pool plant operator buys on the basis of farm weights and tests. Obviously, when the handler purchases from the cooperative on the basis of farm weights and tests, there is no loss sustained by the cooperative handler. To the extent there is some shrinkage in the farm to plant transfer, such shrinkage is sustained by the pool plant operator when he accounts for the receipt at the full amount measured at the farm.

5. *Classification.* Sour cream and sour cream products not labeled Grade A should be classified as Class II.

The handler who proposed Class II classification for such products pointed out that sour cream and sour cream products not labeled Grade A are classified as Class II in several orders regulating areas adjacent to or near the Texas Panhandle area. This handler competes for sales of sour cream and sour cream products with handlers regulated under these other orders.

The Texas State health authority has recently issued a regulation requiring sour cream to be labeled Grade A. Sour cream "dips" which contain nondairy foods and flavorings may be sold in Texas without the Grade A label. Sour cream products not labeled Grade A are classified in a class other than Class I in the orders regulating the handling of milk in the Eastern Colorado, Wichita, Rio Grande Valley, Red River Valley, and Lubbock-Plainview areas. Under the North Texas order, such products are Class II regardless of the labeling. Under the Oklahoma Metropolitan order, all sour cream and sour cream products are Class I.

Although it is not possible on this record to coordinate the pricing of such products under all of these orders, it is possible to achieve better price alignment by amending the Texas Panhandle order to conform to the most common classification in orders of this region. This is accomplished by excepting from the fluid milk product definition sour cream and sour cream products not labeled Grade A.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as

hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions were filed.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Texas Panhandle Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Texas Panhandle marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 21, 1969.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area.

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be inconformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended as follows:

1. Section 1132.7 is revised as follows:

§ 1132.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant as producer milk.

2. Section 1132.10 is revised as follows:

§ 1132.10 Pool plant.

"Pool plant" means a plant described in paragraph (a) or (b) of this section, subject to paragraph (c) of this section.

(a) A distributing plant from which a volume of Class I milk:

(1) Not less than 50 percent of the Grade A milk received at such plant from dairy farmers, from cooperative association handlers pursuant to § 1132.12(c), and from other plants, is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants); and

(2) Not less than 15 percent of such receipts, or an average of not less than 10,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from cooperative association handlers pursuant to § 1132.12(c) during such month: *Provided,* That if such shipments are not less than 75 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year.

(c) If a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a plant qualified pursuant to this section.

3. Section 1132.12(c) is revised as follows:

§ 1132.12 Handler.

* * * * *

(c) Any cooperative association with respect to milk of its member producers picked up at the farm for delivery to the pool plant of another handler in a tank truck owned or operated by such association or under control of such association, by contract or otherwise, in such a way that the association supervises and controls the determination of farm weights and tests of the milk of each of such member producers.

4. Section 1132.14 is revised as follows:

§ 1132.14 Producer milk.

"Producer milk" means the skim milk and butterfat handled by a pool plant operator or a cooperative association handler pursuant to § 1132.12 (b) and (c) as follows:

(a) Producer milk of a handler operating a pool plant is skim milk and butterfat in milk:

(1) Diverted by the operator of such pool plant for his account to a nonpool plant subject to the limits prescribed in paragraph (d) of this section; and

(2) Received at such pool plant directly from producers and from a cooperative association handler pursuant to § 1132.12(c). If the handler receiving milk from a cooperative association handler pursuant to § 1132.12(c) accounts for such receipt on the basis of farm weights and butterfat tests, the entire truckload shall be considered a receipt of producer milk at the first plant of delivery.

(b) Producer milk of a cooperative association handler pursuant to § 1132.12 (b) is skim milk and butterfat in milk received by such cooperative association from producers' farms and diverted by such association for its account to a nonpool plant, subject to the limits prescribed in paragraph (d) of this section.

(c) Producer milk of a cooperative association handler pursuant to § 1132.12 (c) is skim milk and butterfat in milk received by such cooperative association from producers' farms in excess of the quantity delivered to pool plants. Such milk shall be priced to the cooperative association at the location of the pool plant to which most of the milk in the tank truck was delivered during the month.

(d) Diverted milk is producer milk in any month only to the extent it meets conditions set forth in this paragraph:

(1) It is claimed as producer milk by the diverting handler in his report filed pursuant to § 1132.30;

(2) It is milk received from a dairy farmer who had producer status immediately prior to such diversion;

(3) It is not in excess of 15 days' production of each producer during any of the months July through February; and

(4) Such diverted producer milk shall be priced at the location of the pool plant where the producer's milk was last physically received.

5. Section 1132.15 is revised as follows:

§ 1132.15 Fluid milk product.

"Fluid milk product" means milk (including concentrated milk), skim milk (including reconstituted skim milk), buttermilk, milk drinks (plain or flavored), cream (sweet or sour), or any fluid mixture of cream and milk or skim milk (except storage cream, aerated cream products, sour cream and sour cream products not labeled Grade A, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers): *Provided,* That when any such product is modified by the addition of nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

6. Section 1132.30 is revised as follows:

§ 1132.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler in his capacity as the operator of a pool plant(s) and each cooperative association with respect to milk for which it is a handler pursuant to § 1132.12 (b) or (c) shall report for such month to the market administrator in detail and on forms prescribed by the market administrator:

(a) Each handler in his capacity as the operator of a pool plant(s) shall report:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk;

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 1132.14;

(5) Inventories of fluid milk products on hand at the beginning and end of the month; and

(6) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

(b) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1132.12 (b) and (c):

(1) Skim milk and butterfat in milk received by such cooperative association from producers' farms;

(2) The quantities of such skim milk and butterfat delivered to each pool plant and each nonpool plant; and

(3) The utilization of skim milk and butterfat delivered to a nonpool plant.

7. Section 1132.41(b)(5) is revised as follows:

§ 1132.41 Classes of utilization.

* * * * *

(b) * * *

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1132.42(b)(1) but not to exceed the following:

(i) 2 percent of milk received directly from producers (not including diverted producer milk), and receipts of fluid milk products in bulk from other order plants and from unregulated supply plants (exclusive of the quantity for which Class II utilization was requested by the handler);

(ii) 1.5 percent of receipts from a cooperative association handler pursuant to § 1132.12(c), except that if the handler operating the pool plant files notice with the market administrator that he is accounting for such milk on the basis of farm weights and tests determined by the cooperative association, the applicable percentage shall be 2 percent; and

(iii) 0.5 percent of milk received at the farm by a cooperative association handler pursuant to § 1132.12(c), exclusive of receipts for which farm weights and tests are used as the basis of receipt at the plant to which delivered; and

* * * * *

8. Section 1132.43 is revised as follows:

§ 1132.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified otherwise. With respect to milk received for delivery to a pool plant by a cooperative association handler pursuant to § 1132.12(c), the operator of the pool plant shall have the burden of proving the classification of the skim milk and butterfat defined in § 1132.14(a)(2);

(b) Milk received by a handler operating a pool plant from a cooperative association handler pursuant to § 1132.12 (c) shall be classified according to use or disposition at the receiving plant and the value thereof at class prices shall be included in the receiving handler's net obligation pursuant to § 1132.70; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

9. Section 1132.45 is revised as follows:

§ 1132.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and for each handler pursuant to § 1132.12 (b) and (c) and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk. Producer milk for which a cooperative association is the handler pursuant to § 1132.12 (b) and (c) shall be allocated separately from the allocation of receipts at any pool plant operated by such cooperative association.

10. Section 1132.80(c)(1) is revised and subparagraph (4) is added as follows:

§ 1132.80 Time and method of payment for producer milk.

* * * * *

(c) * * *

(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 26th and 13th days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

* * * * *

(4) For producer milk received from a cooperative association handler pursuant to § 1132.12(c), each handler shall make payments as follows:

(i) On or before the 26th day of the month, a partial payment for milk received during the first 15 days of such month at not less than the amount specified in paragraph (a) of this section; and

(ii) On or before the 13th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, less the amount of payment made pursuant to subdivision (i) of this subparagraph.

11. The introductory text of § 1132.80 (d) is corrected as follows:

§ 1132.80 Time and method of payment for producer milk.

* * * * *

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show:

* * * * *

[F.R. Doc. 69-10116; Filed, Aug. 25, 1969; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 850]

AGE DISCRIMINATION IN EMPLOYMENT

Recordkeeping Requirements

Pursuant to section 7 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 629) and section 11 of the Fair Labor Standards Act of 1938 (29 U.S.C. 211), and Secretary of Labor's Orders No. 10-68 (33 F.R. 9729) and No. 11-68 (33 F.R. 9690) it is hereby proposed to revise Part 850 of Title 29, Code of Federal Regulations, in the manner indicated below.

Interested persons are invited to submit written data, views, or arguments regarding the proposed revision to the Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, within 30 days after date of publication of this notice in the FEDERAL REGISTER.

Under the proposal, Part 850 of Title 29, Code of Federal Regulations would read as follows:

PART 850—RECORDS TO BE MADE OR KEPT RELATING TO AGE; NOTICES TO BE POSTED; ADMINISTRATIVE EXEMPTIONS

Subpart A—General

Sec.
850.1 Purpose and scope.

Subpart B—Records To Be Made or Kept Relating to Age; Notices To Be Posted

850.2 Forms of records.
850.3 Records to be kept by employers.
850.4 Records to be kept by employment agencies.
850.5 Records to be kept by labor organizations.
850.6 Availability of records for inspection.
850.7 Transcriptions and reports.
850.8–850.9 [Reserved]
850.10 Notices to be posted.
850.11 Petitions for recordkeeping exceptions.

Subpart C—Administrative Exemptions

850.15 Administrative exemptions; procedures.
850.16 Specific exemptions.

AUTHORITY: The provisions of this Part 850 issued under sec. 7, 81 Stat. 604; 29 U.S.C. 626; sec. 11, 52 Stat. 1066, as amended, 29 U.S.C. 211.

Subpart A—General

§ 850.1 Purpose and scope.

(a) Section 7 of the Age Discrimination in Employment Act of 1967 (hereinafter referred to in this part as the Act) empowers the Secretary of Labor to require the keeping of records which are necessary or appropriate for the administration of the Act in accordance with the powers contained in section 11 of the Fair Labor Standards Act of 1938. Subpart B of this part sets forth the recordkeeping and posting requirements which are prescribed by the Secretary of Labor for employers, employment agencies, and labor organizations which are subject to the Act. Reference should be made to section 11 of the Act for definitions of the terms "employer", "employment agency", and "labor organization". General interpretations of the Act and of this part are published in Part 860 of this chapter. This part also reflects pertinent delegations of the Secretary of Labor's duties to the Administrator of the Wage and Hour and Public Contracts Divisions.

(b) Subpart C of this part sets forth the Department of Labor's rules under section 9 of the Act providing that the Secretary of Labor may establish reasonable exemptions to and from any or all provisions of the Act as he may find necessary and proper in the public interest.

Subpart B—Records To Be Made or Kept Relating to Age; Notices To Be Posted

§ 850.2 Forms of records.

No particular order or form of records is required by the regulations in this Part 850. It is required only that the records contain in some form the information specified. If the information required is available in records kept for other purposes, or can be obtained readily by recomputing or extending data recorded in some other form, no further records are required to be made or kept on a routine basis by this Part 850.

§ 850.3 Records to be kept by employers.

(a) Every employer shall make and keep for 3 years payroll or other records for each of his employees which contain:

(1) Name;
(2) Address;
(3) Date of birth;
(4) Occupation;
(5) Rate of pay, and
(6) Compensation earned each week.

(b)(1) Every employer who, in the regular course of his business, makes, obtains, or uses, any personnel or employment records related to the following, shall, except as provided in subparagraphs (3) and (4) of this paragraph, keep them for a period of 1 year from the date of the personnel action to which any records relate:

(i) Job applications, resumes, or any other form of employment inquiry whenever submitted to the employer in response to his advertisement or other notice of existing or anticipated job openings, including records pertaining to the failure or refusal to hire any individual,

(ii) Promotion, demotion, transfer, selection for training, layoff, recall, or discharge of any employee,

(iii) Job orders submitted by the employer to an employment agency or labor organization for recruitment of personnel for job openings,

(iv) Test papers completed by applicants or candidates for any position which disclose the results of any employer-administered aptitude or other employment test considered by the employer in connection with any personnel action,

(v) The results of any physical examination where such examination is considered by the employer in connection with any personnel action,

(vi) Any advertisements or notices to the public or to employees relating to job openings, promotions, training programs, or opportunities for overtime work.

(2) Every employer shall keep on file any employee benefit plans such as pension and insurance plans and seniority systems and merit systems which are in writing, for the full period the plan or system is in effect, and for at least 1 year after its termination. If the plan or system is not in writing, a memorandum fully outlining the terms of such plan or system and the manner in which it has been communicated to the affected employees, together with notations relating to any changes or revisions thereto, shall be kept on file for a like period.

(3) In the case of application forms and other preemployment records of applicants for positions which are, and are known by applicants to be, of a temporary nature, every record required to be kept under subparagraph (1) of this paragraph shall be kept for a period of 90 days from the date of the personnel action to which the record relates.

(4) When an enforcement action is commenced under section 7 of the Act regarding a particular applicant or employee, the Administrator may require the employer to retain any record required to be kept under subparagraph (1), (2), or (3) of this paragraph which is relative to such action until the final disposition thereof.

§ 850.4 Records to be kept by employment agencies.

(a)(1) Every employment agency which, in the regular course of its business, makes, obtains, or uses, any records related to the following, shall, except as provided in subparagraphs (2) and (3) of this paragraph, keep them for a period of 1 year from the date of the action to which the records relate:

(i) Placements;

(ii) Referrals, where an individual is referred to an employer for a known or reasonably anticipated job opening;

(iii) Job orders from employers seeking individuals for job openings;

(iv) Job applications, resumes, or any other form of employment inquiry or record of any individual which identifies his qualifications for employment, whether for a known job opening at the time of submission or for future referral to an employer;

(v) Test papers completed by applicants or candidates for any position which disclose the results of any agency-administered aptitude or other employment test considered by the agency in connection with any referrals;

(vi) Advertisements or notices relative to job openings.

(2) In the case of application forms and other preemployment records of applicants for positions which are, and are known by applicants to be, of a temporary nature, every record required to be kept under subparagraph (1) of this paragraph shall be kept for a period of 90 days from the date of the making or obtaining of the record involved.

(3) When an enforcement action is commenced under section 7 of the Act regarding a particular applicant, the Administrator may require the employment agency to retain any record required to be kept under subparagraph (1) or (2) of this paragraph which is relative to such action until the final disposition thereof.

(b) Whenever an employment agency has an obligation as an "employer" or a "labor organization" under the Act, the employment agency must also comply with the recordkeeping requirements set forth in § 850.3 or § 850.5, as appropriate.

§ 850.5 Records to be kept by labor organizations.

(a) Every labor organization shall keep current records identifying its members by name, address, and date of birth.

(b) Every labor organization shall, except as provided in paragraph (c) of this section, keep for a period of 1 year from the making thereof, a record of the name, address, and age of any individual seeking membership in the organization. An individual seeking membership is considered to be a person who files an application for membership or who, in some other manner, indicates a specific intention to be considered for membership, but does not include any individual who is serving for a stated limited probationary period prior to permanent employment and formal union membership. A person who merely makes a inquiry about the labor organization or, for example, about its general program, is not considered to be an individual seeking membership in a labor organization.

(c) When an enforcement action is commenced under section 7 of the Act regarding a labor organization, the Administrator may require the labor organization to retain any record required to be kept under paragraph (b) of this section which is relative to such action until the final disposition thereof.

(d) Whenever a labor organization has an obligation as an "employer" or as an "employment agency" under the Act, the labor organization must also comply with the recordkeeping requirements set forth in § 850.3 or § 850.4, as appropriate.

§ 850.6 Availability of records for inspection.

(a) *Place records are to be kept.* The records required to be kept by this part shall be kept safe and accessible at the place of employment or business at which the individual to whom they relate is employed or has applied for employment or membership, or at one or more established central recordkeeping offices.

(b) *Inspection of records.* All records required by this part to be kept shall be made available for inspection and transcription by authorized representatives of the Administrator during business hours generally observed by the office at which they are kept or in the community generally. Where records are maintained at a central recordkeeping office pursuant to paragraph (a) of this section, such records shall be made available at the office at which they would otherwise be required to be kept within 72 hours following request from the Administrator or his authorized representative.

§ 850.7 Transcriptions and reports.

Every person required to maintain records under the Act shall make such extension, recomputation or transcriptions of his records and shall submit such reports concerning actions taken and limitations and classifications of individuals set forth in records as the Administrator or his authorized representative may request in writing.

§§ 850.8—850.9 [Reserved]

§ 850.10 Notices to be posted.

Every employer, employment agency, and labor organization which has an obligation under the Age Discrimination in Employment Act of 1967 shall post and keep posted in conspicuous places upon its premises the notice pertaining to the applicability of the Act prescribed by the Secretary of Labor or his authorized representative. Such a notice must be posted in prominent and accessible places where it can readily be observed by employees, applicants for employment and union members.

§ 850.11 Petitions for recordkeeping exceptions.

(a) *Submission of petitions for relief.* Each employer, employment agency, or labor organization who for good cause wishes to maintain records in a manner other than required in this part, or to be relieved of preserving certain records for the period or periods prescribed in this part, may submit in writing a petition to the Administrator requesting such relief setting forth the reasons therefor and proposing alternative recordkeeping or record-retention procedures.

(b) *Action on petitions.* If, on review of the petition and after completion of any necessary or appropriate investigation supplementary thereto, the Administrator shall find that the alternative procedure proposed, if granted, will not hamper or interfere with the enforcement of the Act, and will be of equivalent usefulness in its enforcement, the Administrator may grant the petition subject to such conditions as he may determine appropriate and subject to revocation. Whenever any relief granted to any person is sought to be revoked for failure to comply with the conditions of the Administrator, that person shall be notified in writing of the facts constituting such failure and afforded an opportunity to achieve or demonstrate compliance.

(c) *Compliance after submission of petitions.* The submission of a petition or any delay of the Administrator in acting upon such petition shall not relieve any employer, employment agency, or labor organization from any obligations to comply with this part. However, the Administrator shall give notice of the denial of any petition with due promptness.

Subpart C—Administrative Exemptions

§ 850.15 Administrative exemptions; procedures.

(a) Section 9 of the Act provides that, "In accordance with the provisions of subchapter II of chapter 5, of title 5, United States Code, the Secretary of Labor * * * may establish such reasonable exemptions to and from any or all provisions of this Act as he may find necessary and proper in the public interest."

(b) The authority conferred on the Secretary by section 9 of the Act to establish reasonable exemptions will be exercised with caution and due regard for the remedial purpose of the statute to promote employment of older persons based on their ability rather than age and to prohibit arbitrary age discrimination in employment. Administrative action consistent with this statutory purpose may be taken under this section, with or without a request therefor, when found necessary and proper in the public

interest in accordance with the statutory standards. No formal procedures have been prescribed for requesting such action. However, a reasonable exemption from the Act's provisions will be granted only if it is decided, after notice published in the FEDERAL REGISTER giving all interested persons an opportunity to present data, views, or arguments, that a strong and affirmative showing has been made that such exemption is in fact necessary and proper in the public interest. Request for such exemption shall be submitted in writing to the Administrator.

§ 850.16 Specific exemptions.

Pursuant to the authority contained in section 9 of the Act and in accordance with the procedure provided therein and in paragraph (b) of this section, it has been found necessary and proper in the public interest to exempt from all provisions of the Act all activities and programs under Federal contracts or grants, or carried out by the public employment services of the several States, designed exclusively to provide employment for, or to encourage the employment of, persons with special employment problems, including employment activities and programs under the Manpower Development and Training Act of 1962, as amended, and the Economic Opportunity Act of 1964, as amended, for persons among the long-term unemployed, handicapped, members of minority groups, older workers, or youth. Questions concerning the application of this exemption shall be referred to the Administrator for decision.

Signed at Washington, D.C., this 20th day of August 1969.

ROBERT D. MORAN,
Administrator.

[F.R. Doc. 69-10121; Filed, Aug. 25, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 6741; FCC 69-925]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

Memorandum Opinion and Order

1. By notice of proposed rulemaking issued April 25, 1969, the Commission reopened the Clear Channel proceeding to continue the matter of a permanent operating assignment for Station KOB, Albuquerque, N. Mex., which now operates on 770 kc/s, a U.S. I-A clear channel on which WABC, New York City, is the I-A station (FCC 69-405, 34 F.R. 7033). Paragraph 53 of that notice, one of the usual concluding paragraphs in rulemaking notices concerning procedural matters, sets the dates for comments and reply comments, stated that all relevant and timely comments and reply comments would be considered before final action in the matter, and that:

> In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

2. In a "Petition for Restricted Proceeding" filed on May 8, 1969, Hubbard Broadcasting, Inc. (Hubbard), the licensee of Station KOB, requests that this paragraph be amended. It is asserted that as written the notice ignores the principles concerning the proper conduct of rule-making proceedings enunciated in Sangamon Valley Television Corp. v. U.S. 269 F. 2d 221 (C.A.D.C. 1959), and invites ex parte contacts by the quoted language above. It is asserted that this is a matter involving "the resolution of conflicting claims to a valuable privilege", as referred to in Sangamon, involving the operation of two stations on 770 kc/s (KOB and WABC) and possible changes in operation by either or both. Therefore, it is urged, the principles of Sangamon should clearly apply, and the language mentioned above should be amended to make it clear that this is true and, in particular, that no ex parte contacts will be permitted and the decision will be reached on the basis of the record made. Reference is made to the ex parte rules governing adjudicatory proceedings (and some rule-making proceedings in other areas such as ratemaking) adopted in 1965 (Rules Governing Ex Parte Communications, 1 F.C.C. 49, 51 (1965)).

3. The rules mentioned do not govern rule making proceedings in most types of cases, including this one. Such rules were considered, following the Sangamon decision, in Docket 12947; however, in the 1965 decision mentioned, it was decided not to adopt rules in the rule making field generally. It was stated at the page mentioned above that the Commission would continue to operate under the principles set forth in Sangamon, indicating on a case-by-case basis those proceedings in which the Commission considers that these principles apply, i.e., those involving the resolution of conflicting private claims to a valuable privilege. This has been Commission policy for the past several years. Proceedings in which the resolution of conflicting private claims is an important element, are referred to as "closed" proceedings; the closing paragraphs of notices of proposed rule making in such proceedings include the language:

> All submissions by parties to this proceeding, or by parties acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

This is the practice, for example, in rule making proceedings concerning channel changes in the FM and television Tables of Allocations (§§ 73.202(b) and 73.606(b)) of the rules, the type of proceeding considered by the Court in Sangamon.

4. We agree with Hubbard that the resolution of conflicting private claims is an important element in this proceeding, and that the matter should certainly not be decided on the basis of any ex parte information or presentations. On further consideration, we believe that it is appropriate to modify the language of paragraph 53 of the notice to indicate that this is a "closed" proceeding. Accordingly, as Hubbard requests, we are adding to that paragraph the sentence customarily included in Notices in such proceedings, forbidding ex parte contacts. However, other information, duly filed with the Commission but which will not necessarily be included in the filings at this stage of Docket 6741, may be significant in the decision herein.[1] Therefore we believe it appropriate to include also the language now in the notice, quoted in paragraph 1, above.

5. In view of the foregoing: *It is ordered*, That, paragraph 53 of the notice of proposed rule making in Docket 6741 (FCC 69-405, 34 F.R. 7033), adopted April 22 and released April 25, 1969, is amended to read as follows:

53. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before August 25, 1969, and reply comments on or before September 25, 1969. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice. However, all submissions by parties to this proceeding, or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

6. *It is further ordered*, That, the "Petition for Restricted Proceeding" filed on May 8, 1969, by Hubbard Broadcasting, Inc., is granted, to the extent indicated herein and in all other respects is denied.

Adopted: August 20, 1969.

Released: August 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-10155; Filed, Aug. 25, 1969; 8:48 a.m.]

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[1] The notice invited Hubbard to submit a counterproposal looking toward Class I operation by KOB, and this could include operation on one of a number of I-A channels other than 770 kc/s. It might well be necessary, in reaching an intelligent decision, to consider material concerning gains and losses in service (and other services available to the affected areas) other than that submitted in response to the present notice. Such possibly pertinent material includes data in the previous record in Docket 6741, material concerning nighttime operation on clear channels recently submitted in Dockets 17563, 18023 and 18036 ("pre-sunrise" operation), and the material in Commission files concerning the service areas of authorized and applied-for stations.

[2] Commissioner Bartley dissenting; Commissioner Cox absent.

[47 CFR Part 73]

[Docket No. 18574; RM-1394]

FM BROADCAST STATIONS

Table of Assignments, Lineville and Roanoke, Ala.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Lineville and Roanoke, Ala.; Bloomington, Ind.; St. George, S.C.; Muskegon, Mich.; Paintsville and Jackson, Ky.; Exmore, Va.; Montour Falls, N.Y.; Catlettsburg, Ky.; Winona, Miss.; Braddock Heights or elsewhere in Maryland, Virginia, or West Virginia); Docket No. 18574; RM-1394, RM-1397, RM-1400, RM-1405, RM-1407, RM-1416, RM-1420, RM-1426, RM-1431, RM-1404.

1. On June 20, 1969, the Commission released a notice of proposed rule making in this proceeding (FCC 69-669) inviting comments on a number of proposals to amend the FM Table of Assignments, including the assignment of Channel 237A to Lineville, Ala., and the substitution of Channel 272A for 237A at Roanoke, Ala. The time for filing comments has expired and the date for filing reply comments is presently designated as August 22, 1969.

2. On August 19, 1969, Roanoke Broadcasting Co., licensee of WELR-FM, Roanoke, Ala., by its attorneys, filed a request for an extension to and including September 8, 1969, in which to file reply comments. Roanoke states that the comments of Clay County Broadcasters, proponents of the proposed amendment herein, have raised certain questions which require detailed WELR-FM study in order to determine accuracy of these points. It further states that in order that the results thereof may be completed and evaluated and a reply prepared, an extension of time is necessary.

3. We are of the view that the requested additional time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing reply comments is extended to and including September 8, 1969.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission's rules.

Adopted: August 20, 1969.

Released: August 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-10156; Filed, Aug. 25, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

POTASSIUM CHLORIDE FROM CANADA

Determination of Sales at Less Than Fair Value

AUGUST 20, 1969.

Information was received on August 8, 1967, that potassium chloride, otherwise known as muriate of potash, from Canada, was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.), (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of June 18, 1968.

After consideration of all information received and views and arguments presented, I hereby determine that for the reasons stated below, potassium chloride, otherwise known as muriate of potash, from Canada is being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. Potassium chloride from Canada was sold to the United States to purchasers who were both related and unrelated within the meaning of section 207 of the Antidumping Act.

Sufficient quantity of such or similar merchandise was sold in the home market to afford a proper basis of comparison.

Purchase price or exporter's sales price, as appropriate, was compared with the home market price of such or similar merchandise for fair value purposes in the case of all exporters.

In the case of one exporter, International Minerals and Chemical (Canada) Ltd. (IMC), less than 25 percent of its merchandise was sold in the home market. After carefully considering the Antidumping law and regulations, it has been concluded that the fair value of IMC's exports should be determined by reference to the price at which such or similar merchandise is sold in Canada by a different Canadian producer. Such or similar merchandise, as defined in section 212(3) of the Antidumping Act, 1921, as amended (19 U.S.C. 170a(3)), was being sold or offered for sale for consumption in the Canadian home market by other Canadian exporters to the United States in quantities which were 25 percent or more of the quantity sold by such exporters other thar for exportation to the United States. Accordingly, the determination of fair value of exports from IMC to the United States was made by comparing purchase price with the price at which such or similar merchandise is sold for consumption in Canada by the Canadian exporter which sells the largest volume in the home market in amounts which were 25 percent or more of the quantity sold by such exporter, other than for exportation to the United States.

Exporter's sales price was determined by adjusting the resale price of the related United States purchaser for selling expenses, transportation costs, price reserves, and sundries, as appropriate to the comparison under consideration.

Purchase price was calculated by deducting freight allowances where appropriate from the actual selling prices of the merchandise to the United States.

Home market price was calculated by deducting from the actual home market selling prices of the merchandise applicable freight allowance, and competitive discounts where granted.

Comparison of purchase price or exporter's sales price with the home market price of such or similar merchandise revealed that home market price was higher than purchase price or exporter's sales price.

Sales by U.S. Borax & Chemical Co., Kalium, Saskatchewan, Canada, are excluded from this determination, since home market price in its case was found to be not higher than the purchase price.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C.(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

AUGUST 20, 1969.

[F.R. Doc. 69-10076; Filed, Aug. 22, 1969; 8:49 a.m.]

POTASSIUM CHLORIDE FROM CANADA

Determination of Sales at Less Than Fair Value; Correction

AUGUST 22, 1969.

The concluding sentence of the fourth paragraph of the "Statement of Reasons" in F.R. Doc. 69-10076 is hereby corrected to read:

Accordingly, the determination of fair value of exports from IMC to the United States was made by comparing exporter's sales price with the price at which such or similar merchandise is sold for consumption in Canada by the Canadian exporter which sells the largest volume in the home market in amounts which were 25 percent or more of the quantity sold by such exporter, other than for exportation to the United States.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-10218; Filed, Aug. 25, 1969; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

AREA DIRECTORS ET AL.

Delegations of Authority

AUGUST 19, 1969.

10 BIAM 3, 5, and 6, Delegations of Authority, published at 34 F.R. 637 (F.R. Doc. 69-537) in the January 16, 1969, issue are hereby amended as follows:

1. 10 BIAM 3.3 is amended by the addition of a new subpart G, *Contracting and procurement*, to read as follows:

3.3 *Exceptions.* The authorities redelegated in 3.1 above do not include the following:

* * * * *

G. *Contracting and procurement.* Redelegation of the contracting and procurement authority under the Buy Indian Act, section 23 of the act of June 25, 1910 (36 Stat. 861, as amended; 25 U.S.C. 47), to persons not occupying the contracting officer positions designated in 41 CFR Chapter 14H, Bureau of Indian Affairs Procurement Regulations.

2. Part 10 BIAM 5.2 is amended to read as follows:

5.2 *Buy Indian authority.* The contracting and procurement authority for the Central Office under the Buy Indian Act, section 23 of the act of June 25, 1910 (36 Stat. 861, as amended; 25 U.S.C. 47), is redelegated to persons occupying the designated Headquarters' contracting officer positions indicated in Title 41, Code of Federal Regulations—Public Contracts and Property Management, Chapter 14H—Bureau of Indian Affairs Procurement Regulations.

3. Part 10 BIAM 6.1–6.6 is hereby deleted.

FRED H. MASSEY,
Acting Commissioner.

[F.R. Doc. 69-10130; Filed, Aug. 25, 1969; 8:46 a.m.]

Bureau of Land Management

[Fairbanks 524]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 18, 1969.

The Bureau of Indian Affairs has filed an application, Fairbanks 524, for the withdrawal of the lands described herein from all forms of appropriation under the public lands laws, including the mining laws, mineral leasing laws, grazing laws, and disposal of materials under the Materials Act of 1947, as amended. The applicant desires the land for cemetery purposes near the village of Barrow, Alaska. The BIA originally requested withdrawal of 3.3 acres, and this amended application enlarges the request to 6.41 acres. This withdrawal will be subject to Naval Petroleum Reserve No. 4 which was created by Executive Order No. 3797–A of February 27, 1923, and to the jurisdiction granted to the Department of the Navy over the reserve by the act of August 10, 1956 (70 Stat. 457–462, as amended, 10 U.S.C. 7421–7438).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulation, 43 CFR 2311.1–3(c), provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BARROW, ALASKA

Beginning at corner number 12 of U.S. Survey 4615, Barrow Townsite, Alaska; thence south 00°02'15" E., approximately 910.00 feet to a point on the north edge of the Will Rogers-Wiley Post Memorial Airport east-west runway; thence south 22°32'45" E., approximately 4640.65 feet to the true point of beginning and corner number 1 of this tract; thence north 86°02'45" E., 396 feet to corner number 2; thence south 03°57'15" E., 702 feet to corner number 3; thence south 86°02'45" W., 396 feet to corner number 4; thence north 03°57'15 W., 702 feet to the point of beginning.

Containing 6.41 acres.

T. G. BINGHAM,
Acting State Director.

[F.R. Doc. 69-10109; Filed, Aug. 25, 1969; 8:45 a.m.]

ALASKA

Notices of Filing of Protraction Diagrams

The notice of filing of protraction diagrams for northern Alaska appearing in the FEDERAL REGISTER on March 24, 1964 (29 F.R. 3677), is hereby amended to delete the sentence which reads as follows: "Each of such leasing blocks will be deemed to be a legal subdivision, subject to the restriction on assignments of part of a legal subdivision as set forth in 43 CFR 192.140."

The notices of filing of protraction diagrams for northern Alaska appearing in the FEDERAL REGISTER on January 26, 1965 (30 F.R. 898), September 11, 1965 (30 F.R. 11697), March 19, 1966 (31 F.R. 4741), September 23, 1966 (31 F.R. 12575), and January 24, 1969 (34 F.R. 1190), are hereby amended to delete the sentence which reads as follows: "Each of such leasing blocks will be deemed to be a legal subdivision, subject to the restriction on assignments of part of a legal subdivision as set forth in 43 CFR 3128.1."

BURTON W. SILCOCK,
State Director.

AUGUST 18, 1969.

[F.R. Doc. 69-10167; Filed, Aug. 25, 1969; 8:48 a.m.]

[Sacramento 2724]

CALIFORNIA

Opening of Lands From Waterpower Withdrawals

AUGUST 19, 1969.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to Bureau Order No. 701 of July 23, 1964, as amended, and pursuant to the authority redelegated to me by the Acting Manager, November 18, 1965 (30 F.R. 14444), it is ordered as follows:

1. In an order issued June 25, 1969, the Federal Power Commission vacated the withdrawal created pursuant to the filing on May 8, 1928, as supplemented on March 13, 1929, of an application for preliminary permit for proposed Project No. 894, for the following described lands:

MOUNT DIABLO MERIDIAN

PROPOSED PROJECT NO. 894

T. 35 N., R. 7 E.,
Sec. 10, lots 3 and 4;
Sec. 14, W½SW¼;
Sec. 15, NW¼NE¼ and S½NE¼;
Sec. 22, NE¼NW¼, NW¼SE¼, and SE¼SE¼;
Sec. 23, SE¼NW¼ and NW¼SE¼;
Sec. 24, W½NE¼, SE¼NW¼, and NW¼SE¼;
Sec. 26, NW¼NW¼, SE¼NW¼, and NW¼SE¼.
T. 36 N., R. 7 E.,
Sec. 19, SE¼SW¼;
Sec. 29, lots 12 and 13;
Sec. 30, W½NE¼, N½NW¼, N½SE¼, and SE¼SE¼;
Sec. 31, NE¼NE¼;
Sec. 32, lots 4, 5, 6, 10, 11, 15, and 16.

The areas described aggregate approximately 1,414 acres; approximately 131 acres are nonpublic lands; 1,043 acres are public lands and the remaining 240 acres are national forest lands. The lands lie along or near Horse Creek, a tributary of the Pit River, near the community of Little Valley in Lassen County. Those lands described in sections 22 and 26, T. 35 N., R. 7 E., are within the national forest.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the public lands described in paragraph 1 hereof will, at 10 a.m. on September 18, 1969, be open to application, petition, location, and selection under the public land laws generally.

3. At 10 a.m., on September 18, 1969, the national forest lands described in paragraph 1 hereof, shall be open to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

All valid applications received at or prior to 10 a.m., on September 18, 1969, will be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

The State of California has waived the preference right afforded it under section 24 of the Federal Power Act, supra.

All lands not otherwise withdrawn or reserved have been open to application and offers under the mineral leasing laws and to location under the U.S. mining laws subject to provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-10110; Filed, Aug. 25, 1969; 8:45 a.m.]

[M 9062; Group 99]

MINNESOTA

Notice of Filing of Plat of Survey

AUGUST 19, 1969.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Billings, Mont., effective 10 a.m., September 23, 1969.

FOURTH PRINCIPAL MERIDIAN, MINN.

T. 59 N., R. 21 W.,
Sec. 13, Lot 9;
Sec. 24, Lot 6.

The areas described contain 0.34 acres.

2. The lands will not be subject to disposition under the General Land Laws, by reason of the official filing of the plat, but may be opened at a later date by publication in the FEDERAL REGISTER.

K. J. SIRE,
Acting Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-10131; Filed, Aug. 25, 1969; 8:46 a.m.]

Office of the Secretary

JOHN S. ANDERSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 1, 1969.

Dated: August 1, 1969.

JOHN S. ANDERSON.

[F.R. Doc. 69-10132; Filed, Aug. 25, 1969; 8:46 a.m.]

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 29, 1969.

Dated: July 29, 1969.

C. A. CAMPBELL.

[F.R. Doc. 69-10133; Filed, Aug. 25, 1969; 8:46 a.m.]

HUBBELL CARPENTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 28, 1969.

Dated: July 28, 1969.

HUBBELL CARPENTER.

[F.R. Doc. 69-10134; Filed, Aug. 25, 1969; 8:46 a.m.]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) FMC Corp., Howmet Corp., Morrison-Knudsen Co., General Electric Co., Amalgamated Sugar Co., Idaho Power Co., First Security Bank Corp., Union Carbide Corp., Air West Airlines, Pacific Power & Light Co., Utah Power & Light Co., Portland General Electric Co., Washington Water Power Co., Montana Power Co., Westinghouse Electric Co.
(3) None.
(4) None.

This statement is made as of August 1, 1969.

Dated: August 1, 1969.

GLENN J. HALL.

[F.R. Doc. 69-10135; Filed, Aug. 25, 1969; 8:46 a.m.]

DAVID G. JETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 31, 1969.

Dated: August 5, 1969.

DAVID G. JETER.

[F.R. Doc. 69-10136; Filed, Aug. 25, 1969; 8:46 a.m.]

J. W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 11, 1969.

Dated: August 11, 1969.

J. W. KEPNER.

[F.R. Doc. 69-10137; Filed, Aug. 25, 1969; 8:46 a.m.]

LEWIS W. LENGNICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 28, 1969.

Dated: July 28, 1969.

LEWIS W. LENGNICK.

[F.R. Doc. 69-10138; Filed, Aug. 25, 1969; 8:46 a.m.]

OWEN A. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 28, 1969.

Dated: July 28, 1969.

O. A. LENTZ.

[F.R. Doc. 69-10139; Filed, Aug. 25, 1969; 8:47 a.m.]

C. R. MACHEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Additions: Eastern Airlines, Pan American, Booth Computer, Mansfield Tire.
(3) No change.
(4) No change.

This statement is made as of July 28, 1969.

Dated: July 28, 1969.

C. R. MACHEN.

[F.R. Doc. 69-10140; Filed, Aug. 25, 1969; 8:47 a.m.]

ROBERT R. McLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 28, 1969.

Dated: July 28, 1969.

ROBERT R. McLAGAN.

[F.R. Doc. 69-10141; Filed, Aug. 25, 1969; 8:47 a.m.]

CHARLES S. McNEER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Director, Wisconsin Natural Gas Co.; Vice President, Wisconsin Natural Gas Co.; Vice President, Wisconsin Michigan Power Co.; Senior Vice President, Wisconsin Electric Power Co.; Director, Badger Auto Service Co.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 29, 1969.

Dated: July 29, 1969.

C. S. McNEER.

[F.R. Doc. 69-10142; Filed, Aug. 25, 1969; 8:47 a.m.]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) New position: Vice Executive Director from Assistant Executive Director for Power Operations in the Puerto Rico Water Resources Authority (a public corporation of the Commonwealth of Puerto Rico).
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 30, 1969.

Dated: July 30, 1969.

JULIO A. NEGRONI.

[F.R. Doc. 69-10143; Filed, Aug. 25, 1969; 8:47 a.m.]

RAFAEL RAMIREZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 29, 1969.

Dated: July 29, 1969.

RAFAEL RAMIREZ.

[F.R. Doc. 69-10144; Filed, Aug. 25, 1969; 8:47 a.m.]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 14, 1969.

Dated: August 14, 1969.

LEROY J. SCHULTZ.

[F.R. Doc. 69-10145; Filed, Aug. 25, 1969; 8:47 a.m.]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 30, 1969.

Dated: July 30, 1969.

C. W. WATSON.

[F.R. Doc. 69-10146; Filed, Aug. 25, 1969; 8:47 a.m.]

CARL H. WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 28, 1969.

Dated: July 28, 1969.

CARL H. WILLIAMS.

[F.R. Doc. 69-10147; Filed, Aug. 25, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 10508]

CERTAIN COMBINATION PREPARATIONS CONTAINING PENTYLENETETRAZOL

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Geroniazol Injection; contains 100 milligrams of pentylenetetrazol and 50 milligrams of nicotinic acid, as sodium nicotinate, per milliliter; by Philips Roxane Laboratories, Division of Philips Roxane, Inc., 330 Oak Street, Columbus, Ohio 43216 (NDA 11-742).

2. Nicozol with Reserpine Tablets; contains 100 milligrams of pentylenetetrazol, 50 milligrams of nicotinic acid, and 0.25 milligram of reserpine per tablet; Nysco Laboratories, Inc., 34-24 Vernon Boulevard, Long Island City, N.Y. 11106 (NDA 10-508).

The Food and Drug Administration concludes there is a lack of substantial evidence that these drugs will have the effects they purport or are represented

to have under the conditions of use prescribed, recommended, or suggested in their labeling, as follows:

1. Geroniazol Injection—for use in the treatment of senile confusion, senile depression, senile psychosis, senile fatigue, and senile debilitation.

2. Nicozol with Reserpine Tablets—for use in senile psychoses and psychoneuroses, when anxiety and nervous tension are present; and relief of dizzy spells, mental confusion, mild behavioral disorders, irritability, and functional memory defects in elderly patients, in the absence of more serious emotional and psychiatric disturbances.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the above-listed new-drug applications.

Prior to initiating such action, however, the Commissioner invites the holders of new-drug applications for these drugs, and any interested person who might be adversely affected by their removal from the market, to submit any pertinent data bearing on the proposal within 30 days after publication hereof in the FEDERAL REGISTER. To be considered acceptable for review, the material must be well-organized and consist of adequate and well-controlled studies bearing on the efficacy of the products and must not have been previously submitted.

This announcement of the proposed action and implementation of the NAS-NRC report for these drugs is made to give notice to persons who might be adversely affected by their withdrawal from the market. Promulgation of an order withdrawing approval of the new-drug applications will cause any such drug on the market to be a new drug for which an approved new-drug application is not in effect and will make it subject to regulatory action.

The above-named holders of the subject new-drug applications have been mailed a copy of the NAS-NRC reports and any interested person may obtain a copy on request from the office named below.

Communications forwarded in response to this announcement should refer to "DESI 10508," should be directed to the following appropriate office, and should be addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC report: Press Relations Office (CE-300). Comments or data regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

This announcement is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 12, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-10107; Filed, Aug. 25, 1969; 8:45 a.m.]

Office of Education

CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL BROADCAST FACILITIES

Notice of Acceptance of Applications for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction of noncommercial educational broadcasting facilities are accepted for filing under the provisions of Title III, Part IV of the Communications Act of 1934, as amended (47 U.S.C. 390–399) and in accordance with 45 CFR 60.8.

Any interested person may, pursuant to 45 CFR 60.10, within 30 calendar days from the date of publication in the FEDERAL REGISTER, file comments regarding these applications with the Director, Educational Broadcasting Facilities Program, U.S. Office of Education, Washington, D.C. 20202.

EDUCATIONAL TELEVISION

Central California Educational Television, Box 6, Sacramento, Calif. 95801, File No. 9 339 0055–TF, to improve the facilities of noncommercial educational television station KVIE–TV, Channel 6, Sacramento III, Calif., accepted as of March 15, 1969. Estimated project cost: $828,445. Grant requested: $621,334. Application signed by: John C. Crabbe, General Manager.

EDUCATIONAL RADIO

Huntington County Community School Corporation, John and Guilford Streets, Huntington, Ind. 46750, File No. 9 339 0060–RF, to improve the facilities of noncommercial educational radio station WVSH–FM, Channel 220, Huntington, Ind., accepted as of May 8, 1969. Estimated project cost: $9,101. Grant requested: $6,826. Application signed by: Gary Brown, Radio-TV Director.

San Mateo Junior College District, 1700 West Hillsdale Boulevard, San Mateo, Calif. 94402, File No. 9 339 0008–RF, to improve the facilities of noncommercial educational radio station KCSM–FM, Channel 215, San Mateo, Calif., accepted as of June 11, 1969. Estimated project cost: $18,570. Grant requested: $12,500. Application signed by: Clifford G. Erickson, Chancellor-Superintendent.

Approved: August 19, 1969.

JAMES E. ALLEN, JR.,
U.S. Commissioner of Education.

[F.R. Doc. 69-10108; Filed, Aug. 25, 1969; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[No. 23,264]

GREAT WESTERN FINANCIAL CORP.

Notice of Intention To Acquire Safety Savings and Loan Association

AUGUST 21, 1969.

Resolved that the Secretary to the Federal Savings and Loan Insurance Corporation is hereby directed to file the following notice for publication in the FEDERAL REGISTER and with the Savings and Loan Commissioner, State of California:

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Great Western Financial Corp., a savings and loan holding company, Beverly Hills, Calif., for approval of the latter corporation's acquisition of the Safety Savings and Loan Association, Los Angeles, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the Regulations for Savings and Loan Holding Companies (12 CFR 584.4). The proposed acquisition would be effected by the purchase of the stock of Safety Savings and Loan Association by Great Western Financial Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 5 days of the date this notice appears in the FEDERAL REGISTER.

For the Federal Savings and Loan Insurance Corporation.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-10161; Filed, Aug. 25, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-87]

DUNDEE CORP.

Notice of Qualification as U.S. Citizen

1. This is to give notice that pursuant to 19 CFR 3.21 (§ 3.21, Customs Regulations), issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883–1), the Dundee Cement Company, Post Office Box 317, Dundee, Mich., incorporated under the laws of the State of Delaware, did on July 31, 1969, file with the Commandant of the U.S. Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form 1260.

2. The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

3. The Commandant, U.S. Coast Guard, having found this oath to be in compliance with the law and regulations, on August 15, 1969 issued to the Dundee Corp., a certificate of compliance on form 1262, as provided in 19 CFR 3.21(i) (§ 3.21(i), Customs Regulations). The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under 19 CFR 3.21(h) (§ 3.21(h), Customs Regulations).

Dated: August 15, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69-10122; Filed, Aug. 25, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-231]

GENERAL ELECTRIC CO. AND SOUTHWEST ATOMIC ENERGY ASSOCIATES

Notice of Proposed Issuance of Amendment to Provisional Operating License

The Atomic Energy Commission is considering the issuance of an amendment to Provisional Operating License No. DR–15 which authorizes the General Electric Co. (General Electric), and Southwest Atomic Energy Associates (SAEA), with General Electric acting for itself and for SAEA, to possess, use and operate the plutonia-urania-fueled, fast spectrum, sodium-cooled experimental reactor. The reactor, known as the Southwest Experimental Fast Oxide Reactor (SEFOR), is located in Cove Creek Township, Washington County, Ark., approximately 19 miles southwest of Fayetteville, Ark. The amendment would authorize: (1) The operation of the reactor at steady-state power levels up to a maximum of 20 megawatts thermal and in the pulsed mode of operations, and (2) the receipt, possession and use of up to 10 millicuries each of Krypton-85, Iodine-131, Xenon-133 and Cesium-137 in connection with the operation of the reactor.

The reactor is designed to operate at approximately 20 megawatts thermal and in the pulsed mode, but initial operation was limited to 1 megawatt thermal to permit initial fuel loading and testing. Provisional Operating License No. DR–15 was issued on March 4, 1969, authorizing operation of the reactor at power levels up to 1 megawatt thermal.

The Commission has found that the application for the provisional operating amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. The license will not be issued until the Commission makes the safety findings set forth in the proposed license.

Prior to issuance of the amendment, the facility will be inspected by the Commission to determine whether it has been constructed for 20 megawatt and pulsed operations in accordance with the provisions of Provisional Construction Permit No. CPPR–17 issued by the Commission on September 21, 1965. Upon issuance of the provisional operating license amendment, the licensees will be required to execute an amended indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and by 10 CFR Part 140.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed amendment, see (1) the application for provisional operating license, as amended (Amendments Nos. 24, 25, 26, 27, 28, 29, and 30 to the license application, dated Nov. 1, 1968, Dec. 10, 1968, Jan. 14, 1969, Jan. 24, 1969, Feb. 20, 1969, Mar. 27, 1969, and May 16, 1969, respectively); (2) the reports of the Advisory Committee on Reactor Safeguards dated October 10, 1968 and March 13, 1969; (3) the original "Safety Evaluation" dated November 16, 1968, prepared by the Division of Reactor Licensing; (4) the "Supplemental Safety Evaluation"; (5) the proposed amendment to the operating license; and (6) the amended technical specifications which are incorporated in the proposed license amendment and designated as Appendix A thereto, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2), (3), (4), and (5) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 21st day of August 1969.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 69-10213; Filed, Aug. 25, 1969; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21189]

DEL MONTE CORP. ET AL.

Notice of Proposed Approval

Application of Del Monte Corp., D&O Fairchild, Inc., et al., for approval of control relationships pursuant to section 408 of the Act, Docket 21189.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 10 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., August 20, 1969.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of Del Monte Corp., D&O Fairchild, Inc., et al., for approval of control relationships pursuant to section 408 of the Federal Aviation Act of 1958, as amended; Docket 21189.

By joint application filed July 11, 1969, Del Monte Corp. (Del Monte), Edgar F. Hurff Co. (Hurff), D&O Fairchild, Inc. (D&O), Fairchild General Freight, Inc. (Fairchild), Encinal Terminals, Inc. (Encinal), and Air-Land Freight Consolidators, Inc. (Air-Land) request approval, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) of the acquisition by Del Monte, through its wholly-owned subsidiary, Hurff,[1] of all the outstanding capital stock of D&O and Fairchild. Approval under section 409 is also requested for certain interlocking relationships which will result from the acquisition.

Del Monte, whose principal business is the production of canned fruits and vegetables is also involved in the ownership of several transportation enterprises. By Order 69–3–10, March 4, 1969, the Board approved, under section 408 of the Act, the acquisition of Air-Land, a domestic and international air freight forwarder, by Encinal, a wholly-owned Del Monte subsidiary, and approved the various control relationships among the interrelated Del Monte companies.

Fairchild has been granted, by the Interstate Commerce Commission, contract carrier authority over irregular routes to transport specialized commodities under contracts with the Owens Illinois Glass Co., and the Container Corp. of America.[2] Under those contracts, Fairchild operates between the States of Oregon and Washington. It also holds common carrier authority over irregular routes to transport livestock between points in Washington, Oregon, and Idaho and to

[1] Hurff is a New Jersey corporate shell with no present activity and no assets.

[2] According to the applicants, an "irregular route" authority is the type of grant utilized by the ICC to enable and require a carrier to provide what is essentially a "call on demand" service. As opposed to "regular route" authority, it does not permit regularly scheduled service between fixed terminals and over established routes, nor may the carrier permit its operations to develop into "regular route" authority.

transport wool from points in Washington to points in Oregon. Fairchild also holds intrastate operating authorities from the Washington Utilities and Transportation Commission (WUTC).

D&O has been granted, by the ICC, common carrier authority over irregular routes to transport box shook from a plantsite in Washington to points in Oregon, California, Idaho, and Montana, and to transport fiberboard, paper or pulp board boxes and partitions between points in Washington and Oregon. In addition, D&O has recently accomplished a statutory merger under the laws of the State of Washington with Bonanza Trucking Co., an intrastate carrier within the State of Washington. D&O has been granted temporary authority from the WUTC to operate under Bonanza's permit and has filed an application requesting that such temporary authority be made permanent.

In support of their request for approval, the applicants state that the acquisition and control relationships between Del Monte and its subsidiary companies, and specifically between Air-Land, on the one hand, and D&O and Fairchild, on the other, would involve relationships between an air freight forwarder and motor carriers authorized to carry a very limited and circumscribed number of commodities, and to conduct operations of a specialized nature over limited distances which are not competitive with air transportation. The applicants assert that Air-Land's air freight forwarding operations cannot, and will not, be used in conjunction with either D&O's or Fairchild's services; that none of the transportation enterprises currently controlled by Del Monte can use the authorities held by D&O and Fairchild for "tacking" purposes; and that present plans call for Del Monte to dispense entirely with its limited current use of the services of both companies in the future. In addition, the applicants emphasize the fact that neither D&O nor Fairchild holds interstate general commodity authority, and further that the relationships presented by the instant case are similar to others which have heretofore been approved by the Board.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than one day following such publication, both in accordance with sections 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that the unified control of D&O and Fairchild, on the one hand, and Air-Land, on the other, by Del Monte is subject to section 408 of the Act.[3] However, it has been further concluded that such control relationships do not affect an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. The control relationships involving motor carriers holding limited and/or restricted interstate operating authority are similar to others which have previously been approved by the Board.[4] It therefore appears that approval of the control relationships would not be inconsistent with the public interest. However, should the general character of any motor vehicle carrier in the Del Monte system of subsidiary companies alter in any significant respect through expansion of operations, new issues would be raised which would require the filing of a further application in the matter.

In view of the above determination with respect to the control relationships, it is concluded that the interlocking relationships for which the applicants request approval come within the scope of the exemption from the provisions of section 409 afforded by § 287.2 of the Board's Economic Regulations. Thus, to the extent that the application requests approval of such relationships, it will be dismissed.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing control relationships should be approved, under section 408(b) of the Act without hearing, and that the application to the extent that it requests approval of the aforementioned interlocking relationships should be dismissed.

Accordingly, it is ordered:

1. That the control relationships described herein be and they hereby are approved; and

2. That, except to the extent granted herein, the application in Docket 21189 be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within three days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10162; Filed, Aug. 25, 1969; 8:48 a.m.]

[Docket Nos. 20946, 20978]

HARLLEE BRANCH, JR., ET AL.

Notice of Postponement of Prehearing Conference

Applications of Harllee Branch, Jr. et al., and United States Steel Corporation for disclaimer of jurisdiction or approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given that the prehearing conference in the above-entitled matter is postponed until September 16, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before September 11, 1969, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., August 21, 1969.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 69-10163; Filed, Aug. 25, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-8-113]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority, August 20, 1969.

Agreement adopted by Joint Conference 1-2-3 of the International Air Transport Association relating to specific commodity rates; Docket 18650, Agreement CAB 20745, R-89 and R-90.

By Order 69-7-133, dated July 24, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-7-133 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-89 and R-90, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10164; Filed, Aug. 25, 1969; 8:48 a.m.]

[3] Air Freight Forwarder Case, 9 CAB 473, 504 (1948).

[4] See, for example, Order 69-3-10, Mar. 4, 1969 (Del Monte, Air-Land, et al.); Orders 68-10-134, Oct. 25, 1968 and 68-11-61, Nov. 14, 1968 (Novo Industrial Corporation and Boss-Linco Lines); and Order 69-5-50, May 13, 1969 (Loomis Corp., et al.).

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH NURSE SERIES
PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: Washington, D.C. SMSA including the D.C. Government's Children's Center, Laurel, Md., and the U.S. Marine Corps Base, Quantico, Va.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,810	$6,994	$7,178	$7,362	$7,546	$7,730	$7,914	$8,098	$8,282	$8,466
GS-5	7,412	7,618	7,824	8,030	8,236	8,442	8,648	8,854	9,060	9,266
GS-6	7,569	7,795	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630
GS-7	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189

[1] Corresponding statutory rates: GS-4—eighth; GS-5—seventh; GS-6—fourth; GS-7—second.

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$7,344	$7,567	$7,790	$8,013	$8,236	$8,459	$8,682	$8,905	$9,128	$9,351	$9,574	$9,797
PFS-7	7,939	8,180	8,421	8,662	8,903	9,144	9,385	9,626	9,867	10,108	10,349	10,590
PFS-8	8,582	8,842	9,102	9,362	9,622	9,882	10,142	10,402	10,662	10,922	11,182	.....

[1] Corresponding statutory rates: PFS-6—fourth; PFS-7—fourth; PFS-8—fourth.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH SERVICE NURSE
PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: State of Nevada; State of California (excluding San Diego County and Division of Indian Health Nurses).
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10	11	12
GS-4	$6,810	$6,994	$7,178	$7,362	$7,546	$7,730	$7,914	$8,098	$8,282	$8,466		
GS-5	7,412	7,618	7,824	8,030	8,236	8,442	8,648	8,854	9,060	9,266		
GS-6	7,569	7,795	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630		
GS-7	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189		

[1] Corresponding statutory rates: GS-4—eighth; GS-5—sixth; GS-6—fourth; GS-7—second.

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$7,344	$7,567	$7,790	$8,013	$8,236	$8,459	$8,682	$8,905	$9,128	$9,351	$9,574	$9,797
PFS-7	7,939	8,180	8,421	8,662	8,903	9,144	9,385	9,626	9,867	10,108	10,349	10,590
PFS-8	8,582	8,842	9,102	9,362	9,622	9,882	10,142	10,402	10,662	10,922	11,182	.....

[1] Corresponding statutory rates: PFS-6—fourth; PFS-7—fourth; PFS-8—fourth.

CIVIL SERVICE COMMISSION

NURSES

Notice of Adjustment of Minimum Rates and Rate Ranges

The Notice of Adjustment of Minimum Rates and Rate Ranges for Nurses, F.R. Doc. 69-9270, appearing in the FEDERAL REGISTER of Friday, August 8, 1969, on page 12896 is hereby revoked and the following document will take its place.

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has determined that the minimum rates and rate ranges for certain nurses positions for which special rates are currently established will be adjusted as set forth below. The new rate ranges, either special or regular as appropriate, will be effective the first day of the first pay period on or after July 1, 1969.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH NURSE SERIES
PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: Boston, Mass., SMSA and Fort Devens, Mass.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,626	$6,810	$6,994	$7,178	$7,362	$7,546	$7,730	$7,914	$8,098	$8,282
GS-5	7,206	7,412	7,618	7,824	8,030	8,236	8,442	8,648	8,854	9,060
GS-6	7,360	7,569	7,795	8,027	8,256	8,485	8,714	8,943	9,172	9,401

[1] Corresponding statutory rates: GS-4—seventh; GS-5—fifth; GS-6—third.

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$7,121	$7,344	$7,567	$7,790	$8,013	$8,236	$8,459	$8,682	$8,905	$9,128	$9,351	$9,574
PFS-7	7,698	7,939	8,180	8,421	8,662	8,903	9,144	9,385	9,626	9,867	10,108	10,349
PFS-8	8,322	8,582	8,842	9,102	9,362	9,622	9,882	10,142	10,402	10,662	10,922	.....

[1] Corresponding statutory rates: PFS-6—third; PFS-7—third; PFS-8—third.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH NURSE SERIES
PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: Baltimore, Md., SMSA.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,298	$6,442	$6,626	$6,810	$6,994	$7,178	$7,362	$7,546	$7,730	$7,914
GS-5	6,794	7,000	7,206	7,412	7,618	7,824	8,030	8,236	8,442	8,648
GS-6	7,111	7,360	7,569	7,795	8,027	8,256	8,485	8,714	8,943	9,172

[1] Corresponding statutory rates: GS-4—fifth; GS-5—fourth; GS-6—second.

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$6,898	$7,121	$7,344	$7,567	$7,790	$8,013	$8,236	$8,459	$8,682	$8,905	$9,128	$9,351
PFS-7	7,457	7,698	7,939	8,180	8,421	8,662	8,903	9,144	9,385	9,626	9,867	10,108
PFS-8	8,062	8,322	8,582	8,842	9,102	9,362	9,622	9,882	10,142	10,402	10,662	.....

[1] Corresponding statutory rates: PFS-6—second; PFS-7—second; PFS-8—second.

GS-610 NURSE SERIES

Geographic coverage: Pierce County (includes Takoma), Wash.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,236	$6,442	$6,636	$6,810	$6,994	$7,178	$7,362	$7,546	$7,730	$7,914
GS-5	6,794	7,000	7,206	7,412	7,618	7,824	8,030	8,236	8,442	8,648
GS-6	7,111	7,340	7,569	7,798	8,027	8,256	8,485	8,714	8,943	9,172

[1] Corresponding statutory rates: GS-4—eighth; GS-5—sixth; GS-6—third.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH NURSE SERIES

Geographic coverage: New Orleans, La.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,074	$6,258	$6,442	$6,626	$6,810	$6,994	$7,178	$7,362	$7,546	$7,730
GS-5	6,588	6,794	7,000	7,206	7,412	7,618	7,824	8,030	8,236	8,442

[1] Corresponding statutory rates: GS-4—fourth; GS-5—third.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH NURSE SERIES

Geographic coverage: Galveston, Tex.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,810	$6,994	$7,178	$7,362	$7,546	$7,730	$7,914	$8,098	$8,282	$8,466
GS-5	7,206	7,412	7,618	7,824	8,030	8,236	8,442	8,648	8,854	9,060
GS-6	7,340	7,569	7,798	8,027	8,256	8,485	8,714	8,943	9,172	9,401

[1] Corresponding statutory rates: GS-4—eighth; GS-5—sixth; GS-6—third; GS-6—third.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH NURSE SERIES
PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: Philadelphia, Pa.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,810	$6,994	$7,178	$7,362	$7,546	$7,730	$7,914	$8,098	$8,282	$8,466
GS-5	7,206	7,412	7,618	7,824	8,030	8,236	8,442	8,648	8,854	9,060
GS-6	7,340	7,569	7,798	8,027	8,256	8,485	8,714	8,943	9,172	9,401
GS-7	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189

[1] Corresponding statutory rates: GS-4—eighth; GS-5—sixth; GS-6—third; GS-7—second.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[SEAL]

[F.R. Doc. 69-10069; Filed, Aug. 25, 1969; 8:45 a.m.]

PHYSICAL SCIENCE SUBSERIES

Notice of Adjustment of Minimum Rates and Rate Ranges

Correction

In F.R. Doc. 69-9701, appearing at page 13290 of the issue for Friday, August 15, 1969, the following change should be made:

In the table of per annum rates, the rate for step 2 of GS-9 now reading "$11,479" should be changed to read "$11,497".

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18634, 18635; FCC 69-902]

PACIFICA FOUNDATION AND NATIONAL EDUCATION FOUNDATION, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearings on Stated Issues

In re applications of Pacifica Foundation, Washington, D.C., Docket No. 18634, File No. BPED-896, Requests: 89.3 mcs, No. 207; 44.7 kw; 643 feet; National Education Foundation, Inc., Washington, D.C., Docket No. 18635, File No. BPED-1012, Requests: 89.3 mcs, No. 207; 94.7 kw; 337.6 feet; for construction permits.

1. The Commission has before it for consideration (a) the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference, (b) the National Education Foundation, Inc. ("N.E.F."), "Petition for Reconsideration" of the rejection of its application for filing, (c) N.E.F.'s "Preface to Application and Request for Waiver of § 73.503 of the Rules" (d) the Pacifica Foundation ("Pacifica") "Opposition to Request for Waiver" (e) N.E.F.'s "Reply to Opposition to Request for Waiver", (f) N.E.F.'s "Petition to File Informal Objections to Commission's Acceptance of Pacifica Application Under § 1.587 of the Rules: Petition to Accept Late Petition to Deny Pacifica Grant and Waive § 1.580(i) and Petition to Intervene and to Deny Pacifica Grant of Non-Commercial Educational Station (BPED-896)," (g) Pacifica's "Opposition to Petitions of National Education Foundation, Inc.," and (h) N.E.F.'s "Reply to Opposition of Pacifica Foundation."

2. Twice before the Commission has considered the matter of the acceptability for filing under § 73.503 of the Commission's rules of the N.E.F. application (or that of its predecessor-in-interest, Christ Church Foundation, Inc.). On both occasions the applications were found to be unacceptable for filing as a result of the Commission's determination that both entities were essentially religious rather than educational organizations and as such were ineligible to be licensees of noncommercial educational FM stations. N.E.F. seeks reconsideration of our rejection of its appliction or alternatively, waiver of § 73.503 of the rules, the latter request being contained in the preface to N.E.F.'s retendered application.

3. In its petition for reconsideration N.E.F. argues that contrary to the Commission's conclusion, it is an educational organization, not a religious organization, and as such is eligible under the Commission's rules to obtain the requested authorization. In support of this proposition N.E.F. contends that it proposes more than 29 percent educational programing, that the station would be used for the advancement of an educational program, that the educational nature of its organization is specified in its charter, that it is not incorporated as a religious organization and does not claim to be such, that it does not perform any sacerdotal functions, that the fact of church support in no way alters the nature of the organization and that the self-perpetuation of N.E.F.'s directors does not carry any religious significance, but if the Commission concludes otherwise the self-perpetuating arrangement could be terminated.[1] In addition, N.E.F. has submitted a breakdown of the percentages for programing in various categories which differs somewhat from the figures previously utilized by the Commission.

4. N.E.F. has also supplied certain supplementary statements in connection with its retendered application. In addition to arguing that N.E.F. is not controlled by any church or religious body and does not limit its directors to members of such groups, N.E.F. states that it has altered the method of selection of its directors so that they may not succeed themselves.[2] N.E.F. also points out that its Executive Board contains two members (out of a total of five) and the Advisory Board 20 members (out of a total of 37) who are not members of Christ Church of which N.E.F.'s President is Pastor. Finally, N.E.F. indicates that it would intend seeking accreditation from the National Home Study Council. On the basis of these arguments N.E.F. seeks acceptance of its application with such waiver as is found to be necessary, particularly as to the matter of accreditation.

5. Pacifica opposes N.E.F. request for waiver arguing that there is no indication of any change in fact or circumstances which would warrant different treatment for N.E.F.'s application. In Pacifica's view, N.E.F. is simply relitigating an already-established point and has failed to provide sufficient reasons which if true would justify waiver, and as a result, that its request should be summarily dismissed. N.E.F.'s reply in addition to reiterating previously made points, expressed the opinion that Pacifica is not an educational organization within the meaning of the Commission's rules and that as a result, waiver in effect was granted to Pacifica to permit acceptance of its application. N.E.F. asserts that it too is entitled to such waiver.

6. One of the basic questions raised by the pleadings discussed in the preceding paragraphs is what action to

[1] In its retendered application N.E.F. indicates that the self-perpetuating arrangement has been terminated.

[2] Current members, however, would continue to select their successors.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH NURSE SERIES

Geographic coverage: Division of Indian Health, Public Health Service, Continental United States; Ellsworth Air Force Base, Rapid City, S. Dak.; Albuquerque, N. Mex., including Kirtland Air Force Base and Sandia Base Military Reservation; Fort Sill, Okla.; Job Corps centers at Lydick Lake, Minn., and Box Elder, S. Dak.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,626	$6,810	$6,994	$7,178	$7,362	$7,546	$7,730	$7,914	$8,098	$8,282
GS-5	7,000	7,206	7,412	7,618	7,824	8,030	8,236	8,442	8,648	8,854
GS-6	7,340	7,569	7,798	8,027	8,256	8,485	8,714	8,943	9,172	9,401

[1] Corresponding statutory rates: GS-4—seventh; GS-5—fifth; GS-6—third.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH NURSE SERIES

Geographic coverage: State of Alaska.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,810	$6,994	$7,178	$7,362	$7,546	$7,730	$7,914	$8,098	$8,282	$8,466
GS-5	7,206	7,412	7,618	7,824	8,030	8,236	8,442	8,648	8,854	9,060
GS-6	7,340	7,569	7,798	8,027	8,256	8,485	8,714	8,943	9,172	9,401
GS-7	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189

[1] Corresponding statutory rates: GS-4—eighth; GS-5—sixth; GS-6—third; GS-7—second.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[SEAL]

[F.R. Doc. 69-10069; Filed, Aug. 25, 1969; 8:45 a.m.]

take regarding N.E.F. in light of the present form of its application and its request for waiver. To a considerable degree N.E.F.'s arguments have been considered in connection with its previous submissions. Nevertheless, in response to the arguments made by N.E.F., we have reviewed the matter and find no basis for altering our previous actions on the basis of information then available. Moreover, our reexamination of the matter has convinced us that the standards employed in our earlier consideration of the N.E.F. application (and the Christ Church Foundation application as well) are valid and should continue to be employed. Viewed in this light, the question before us is simply whether there has been a sufficient change in circumstances so as to warrant reaching a different conclusion. After consideration of all of N.E.F.'s submissions, we believe that in light of the unusual circumstances presented by this case it would be preferable to resolve this question in the context of an evidentiary hearing. Use of this approach would permit a full exploration of the matter to an extent which would not be possible if action were to be taken solely on the basis of the pleadings filed. It should be noted, however, that N.E.F. has failed to provide any valid justification for waiver of § 73.503 if it should be found to be in conflict with its provisions, and its waiver request will be denied. Accordingly, N.E.F.'s petition for reconsideration will be granted to the extent of accepting its application for filing to permit its designation for hearing.

7. A second series of pleadings followed the filing of N.E.F.'s petition against the Pacifica application. In this connection N.E.F. requests waiver of § 1.580(i) of the rules to permit consideration of its late-filed pleading as a petition to deny, or failing that, it requests that the petition be treated as an informal objection. The technical aspects of this pleading and those filed in response to it need not detain us, for the matter at issue is one on which the Commission has already passed. It concerns complaints which had been made against Station WBAI-FM,[3] New York City, alleging that the station broadcast antisemitic programming. N.E.F. argues that the broadcast went beyond the bounds of free speech and tended to promote mob violence and religious hatred and perhaps came within the purview of the activities prohibited by the Convention on the Prevention and Punishment of the Crime of Genocide.[4]

8. On March 26, 1969, we considered the complaints against WBAI-FM and found that the station had discharged its responsibilities as a licensee including those required by the fairness doctrine.[5] N.E.F. has not presented any new information on this matter, and as a result, our previous action in this regard is dispositive of the issues raised by N.E.F.'s pleading. It, therefore, will be denied.

9. The applications and the pleadings filed in this proceeding have raised a number of questions (e.g., the eligibility question with respect to N.E.F.; a question of its financial qualifications, and N.E.F. has, in turn, raised a question of Pacifica's eligibility). Furthermore, both applicants have requested facilities in excess of the maximum limits[6] now permitted by the Commission for noncommercial educational operation in Zone I, which are 50 kw at 500 feet or an equivalent thereof. This limitation would restrict Pacifica to an effective radiated power (E.R.P.) of 27 kw at its proposed height of 643 feet and N.E.F. to an E.R.P. of 50 kw at its proposed height of 337.6 feet. Since Pacifica has indicated that it would not object to such limitation, and N.E.F. has made no showing warranting an exception to the Commission's policy, an appropriate ordering clause limiting the facilities available to either applicant will be included.

10. In the circumstances, we do not believe it necessary to delve further into the relative substantiality, or absence thereof, of the several questions. There must be a hearing in this case, and we believe that the most appropriate way to proceed is simply to adduce the full facts on the questions, and thus to be in a position to make an informed decision on these questions which remain relevant after the hearing process. Nor do we believe that obtaining of the full facts in this manner will result in drawing out the hearing process. In short, in view of the various questions which have been raised, we have concluded that the most appropriate and expeditious method of proceeding in this situation would be to have a full evidentiary hearing on the basic qualifications of both applicants, and, if both are found to be fully qualified, to proceed to a comparative consideration of their respective proposals.[7] Accordingly, the Commission is of the opinion that the applications must be designated for hearing on the issues set forth below.

11. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the legal, financial, technical, and other qualifications of Pacifica Foundation to construct and operate the proposed noncommercial educational FM station.

(2) To determine the legal, financial, technical, and other qualifications of National Education Foundation to construct and operate the proposed noncommercial educational FM station.

(3) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(4) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

12. *It is further ordered*, That in the event of a grant of the application of Pacifica Foundation the construction permit shall specify:

Transmitter power output: 6 kilowatts.
Effective radiated power: 27 kilowatts.

13. *It is further ordered*, That in the event of a grant of the application of National Education Foundation, Inc., the construction permit shall specify:

Transmitter power output: 5.4 kilowatts.
Effective radiated power: 50 kilowatts.

14. *It is further ordered*, That the petition for reconsideration filed by National Education Foundation, Inc., is granted to the extent indicated and in all other respects is denied, and its request for waiver is denied.

15. *It is further ordered*, That the National Education Foundation, Inc., petition against the Pacifica Foundation application is denied.

16. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

17. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 14, 1969.

Released: August 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,[8]
Secretary.

[F.R. Doc. 69-10157; Filed, Aug. 25, 1969; 8:46 a.m.]

[1] Pacifica is sole stockholder of the licensee corporation, WBAI, Inc.

[2] This Convention has not been ratified by the United States.

[3] United Federation of Teachers, 17 FCC 2d 204 (1969).

[4] Iowa State University (WOI-FM) 13 FCC 2d 751 (1968); reconsideration denied, 17 FCC 2d 496 (1969).

[5] Since even if both applicants are restricted to the maximum limits, Pacifica would serve a substantially greater area and population with a signal of 1 mv/m or greater intensity than would N.E.F., the matter of comparative coverage may be considered under the comparative issue.

[6] Commissioners Cox and Johnson dissenting; Commissioner Wadsworth absent.

FEDERAL RESERVE SYSTEM

LINCOLN FIRST BANKS, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Lincoln First Banks Inc., Rochester, N.Y., for approval of acquisition of voting shares of the successor by merger to National Bank of Westchester, White Plains, N.Y.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Lincoln First Banks Inc., Rochester, N.Y., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the outstanding voting shares of the successor by merger to National Bank of Westchester, White Plains, N.Y.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

As discussed in the accompanying statement, the New York State Banking Board approved an application involving the same proposal in accordance with a recommendation of the New York State Superintendent of Banks, and advised this Board of its action.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 27, 1969 (34 F.R. 5776), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

Dated at Washington, D.C., this 19th day of August 1969.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-10126; Filed, Aug. 25, 1969; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Martin and Governor Daane.

SOCIETY CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Society Corp., which is a bank holding company located in Cleveland, Ohio, for prior approval of the Board of the acquisition of up to 40,000 (less directors' qualifying shares) of the voting shares of The American Bank, Port Clinton, Ohio.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

Dated at Washington, D.C., this 19th day of August 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-10127; Filed, Aug. 25, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4563]

COMMONWEALTH UNITED CORP.

Order Suspending Trading

AUGUST 20, 1969.

The common stock, $1 par value, of Commonwealth United Corp., being listed and registered on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, and the Pacific Coast Stock Exchange, the 6 percent convertible subordinated debentures due 1983, being listed and registered on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange, the warrants for $1 par common stock and the $1.05 convertible preferred stock being listed and registered on the American Stock Exchange, and the Pacific Coast Stock Exchange, pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities of Commonwealth United Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Pacific Coast Stock Exchange, and the Philadelphia-Baltimore-Washington Stock Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 21, 1969, through August 30, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10149; Filed, Aug. 25, 1969; 8:47 a.m.]

[File No. 24W-2884]

DIGITATOR, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 20, 1969.

I. Digitator, Inc. (Issuer), 20 Dundalk Avenue, Dundalk, Md. 21222, incorporated in the State of Maryland on May 8, 1957, filed with the Commission on November 7, 1968 a notification on Form 1-A and an offering circular relating to an offering of 150,000 shares of its $0.12 par value common stock at $2 per share for an aggregate offering price of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on the basis of information provided by its staff, has reasonable cause to believe that:

A. The notification and offering circular of Digitator, Inc., contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The promoters and controlling persons of Issuer;

2. Certain sales of its unregistered securities;

3. The number of shares beneficially owned by certain of its officers, directors, promoters and controlling persons; and

4. The participation of a promoter and/or controlling person in certain legal fees to be paid by the Issuer from the offering proceeds.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The Issuer failed to disclose in the notification and offering circular that Nathan H. Cohen was a promoter and/or controlling person;

2. The Issuer failed to disclose in the notification and offering circular the names of all persons to whom the Issuer and/or its affiliates issued and/or sold unregistered securities within 1 year prior to the filing of the notification;

3. The Issuer failed to disclose in the notification and offering circular the actual amount of shares owned beneficially by certain of its officers, directors, promoters and controlling persons;

4. The Issuer failed to disclose in the offering circular that Nathan H. Cohen was to receive certain fees from the proceeds of the offering; and

5. No Regulation A exemption is available for the Issuer under the provisions of Rule 253(c) in that the Issuer was incorporated more than 1 year prior to the filing herein; and it has not had a net income from operations, of the character in which the Issuer intends to engage, for at least 1 year of its last 2 fiscal years; and 160,000 shares of the Issuer's common stock owned by Issuer's officers, directors, and promoters are not subject to escrow arrangements; therefore the aggregate offering price exceeds the $300,000 limitation.

C. The offering, if made, would be in violation of sections 5 and 17 of the Securities Act of 1933, as amended.

III. It, appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be and hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in this order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 69-10150; Filed, Aug. 25, 1969; 8:47 a.m.]

[70-4777]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

AUGUST 20, 1969.

Notice is hereby given that Metropolitan Edison Co. ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pa., an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Met-Ed proposes to issue and sell, or to renew, from time to time prior to September 30, 1970, to the banks named below its short-term promissory notes, each of which will mature not later than 9 months from the date of issue, will be prepayable at any time without premium, and will bear interest at the prime rate in effect for commercial borrowings at the date of issue of the note at the bank from which such borrowing is made. The aggregate principal amount of notes to be outstanding at any one time will not exceed $36 million.

Although no commitments or agreements for such borrowings have been made, Met-Ed expects that, as and to the extent that its cash needs require, borrowings will be effected from among the following banks, the maximum to be borrowed and outstanding at any one time from each such bank being as follows:

The First National City Bank, New York, N.Y.	$5,000,000
Marine Midland Grace Trust Co., New York, N.Y.	6,000,000
Morgan Guaranty Trust Co., New York, N.Y.	5,000,000
The Fidelity Bank, Philadelphia, Pa.	3,000,000
The First Pennsylvania Banking & Trust Co., Philadelphia, Pa.	7,000,000
American Bank & Trust Company of Pennsylvania, Reading, Pa.	3,000,000
National Bank & Trust Company of Central Pennsylvania, York, Pa.	1,650,000
The Bank of Pennsylvania, Reading, Pa.	1,100,000
York Bank & Trust Co., Reading, Pa.	1,100,000
Reading Trust Co., Reading, Pa.	650,000
Southern Pennsylvania National Bank, York, Pa.	500,000
Harrisburg National Bank & Trust Co., Dillsburg, Pa.	300,000
The Peoples National Bank, Lebanon, Pa.	200,000
The First National Bank of Lebanon, Lebanon, Pa.	200,000
Northampton National Bank, Easton, Pa.	200,000
Lafayette Trust Co., Easton, Pa.	200,000
	$36,000,000

Met-Ed intends to utilize the proceeds of the proposed notes to finance its business as a public-utility company, including provisions for construction expenditures, the repayment of other short-term borrowings, and the temporary reimbursement of its treasury for construction expenditures provided therefrom. Met-Ed's construction program for 1969 is estimated to cost approximately $102,100,000.

The declaration states that the net proceeds, as defined, from any permanent debt financing effected prior to the maturity of any of the proposed notes will be used to pay part or all of the notes then outstanding, and the maximum amount of indebtedness which may be incurred by Met-Ed under this declaration will be reduced by an amount equal to the net proceeds of such permanent debt financing.

The fees and expenses to be paid by Met-Ed in connection with the issue and sale or renewal of the notes are estimated at $5,300, including counsel fees of $5,000. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 8, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such

rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 69-10151; Filed, Aug. 25, 1969; 8:47 a.m.]

[812-2437]

SHENANDOAH VARIABLE ANNUITY FUND A AND SHENANDOAH LIFE INSURANCE CO.

Notice of Application for Exemption

AUGUST 20, 1969.

Notice is hereby given that Shenandoah Variable Annuity Fund A ("Fund") and Shenandoah Life Insurance Co. ("Shenandoah") (herein collectively called "Applicants"), 2301 Brambleton Avenue SW., Roanoke, Va. 24015, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. Sec. 80a-1 et seq. ("Act"), for an order exemtping Applicants from the provisions of sections 17(f), 22(d), and 27(c)(2) of the Act and Rule 17f-2 thereunder. Shenandoah established Fund pursuant to Virginia law on February 23, 1968, as a separate account to offer individual or group variable annuity contracts. Some of such contracts will be offered in connection with pension or profit-sharing plans meeting the requirements of section 401(a) of the Internal Revenue Code of 1954, as amended (the "Code"), including plans established by persons entitled to the benefits of the Self-Employed Individuals Tax Retire ment Act of 1962, as amended, and annuity purchase plans adopted by public school systems and certain tax-exempt organizations purusant to section 403(b) of the Code. Fund is an open-end diversified management company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Section 17(f) provides, in pertinent part, that a registered management investment company may maintain its securities and investments in its own custody in accordance with the rules, regulations and orders adopted by the Commission in the interest of investors. Rule 17f-2 requires, in pertinent part, that such assets be placed in a bank subject to the other requirements of the rule, one of which limits the persons who shall have access to such assets to only certain specified individuals. Applicants request an exemption to permit access to the assets of Fund (which will be held pursuant to a custodian agreement by Bankers Trust Company of New York, N.Y.) by duly authorized officers of Shenandoah as well as representatives of the Virginian State Corporation Commission.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus.

Applicants request an exemption from section 22(d), to the extent deemed necessary, so as to permit the crediting of additional accumulation or annuity units to variable contracts without further sales and administration expense deductions. Under the laws of certain jurisdictions where variable annuities may be sold, Shenandoah must recognize contributions to surplus on the part of variable contracts. Any such additional units may reflect a reduction in charges for administration and other expenses as well as sales expenses, and it is impossible to determine in advance the amount of such reduction or the proportion attributable to sales expenses.

Applicants further request an exemption from the provisions of section 22(d), to the extent deemed necessary, to permit payees eligible to receive benefits, including death benefits under life insurance policies and annuity contracts issued by Shenandoah, to transfer to a different form of settlement option, without the imposition of any additional sales charge.

Applicants further request an exemption from the provisions of section 22(d), to the extent deemed necessary, to permit the sale at reduced sales expense to public school systems qualified for tax deferred treatment under section 403(b) of the Code of Shenandoah's variable contracts purchased by employers, since such sales would be made pursuant to a uniform offer described in the prospectus, and such offer is also made to all organizations listed under Rule 22d-1(e) of the Act.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank or trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by section 25(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust, and places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants state that Shenandoah is closely regulated by the Virginia State Corporation Commission and that such control adequately protects the interest of the contract purchasers and affords the essential protection which the trusteeship or custodianship under section 26(a)(2) is designed to provide. The contractual obligations of Shenandoah to the participants cannot be abandoned until such obligations have been discharged. Since such supervision, inspection and undertakings render remote the possibility of orphanage of Fund by Shenandoah which the trusteeship under section 27(c)(2) is designed to prevent, Applicants request an exemption from the requirement of section 27(c)(2) for literal compliance with sections 26(a)(2) and (3). Applicants have consented to the requested exemption being subject to the conditions that the charges under the contracts for administrative services referred to in section 26(a) shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose and that the payment of sums and charges out of the assets of the Fund shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the consent of Applicants to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services. Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 9, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by

Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Comimssion's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–10152; Filed, Aug. 25, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 734]

FLORIDA, ALABAMA, MISSISSIPPI AND LOUISIANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the States of Florida, Alabama, Mississippi and Louisiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in all areas affected or to be affected in the aforesaid States, suffered damage or destruction resulting from Hurricane Camille beginning on or about August 17, 1969, and continuing thereafter.

OFFICES

Small Business Administration Regional Office, 400 West Bay Street, Jacksonville, Fla. 32202.

Small Business Administration Regional Office, 908 South 20th Street, Birmingham, Ala. 35205.

Small Business Administration Regional Office, 245 East Capitol Street, Jackson, Miss. 39205

Small Business Administration Regional Office, 124 Camp Street, New Orleans, La. 70130.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to February 28, 1970.

Dated: August 18, 1969.

HILARY SANDOVAL, JR., *Administrator.*

[F.R. Doc. 69–10153; Filed, Aug. 25, 1969; 8:47 a.m.]

[Declaration of Disaster Loan Area 733]

MARYLAND

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the Chillum area of Hyattsville, Md.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid Chillum area, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on or about August 9, 1969.

OFFICE

Small Business Administration Regional Office, 1405 I Street NW., Washington, D.C. 20417.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1970.

Dated: August 18, 1969.

HILARY SANDOVAL, JR., *Administrator.*

[F.R. Doc. 69–10154; Filed, Aug. 25, 1969; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Avellone Pharmacy, Inc., drugstore; 27251 Wolf Road, Bay Village, Ohio; 6–6–69 to 6–5–70.

Badt's Pharmacy, Inc., drugstore; 248 North Paw Paw Street, Coloma, Mich.; 5–26–69 to 5–25–70.

Belle Meade Farms, agriculture; Hernando, Miss.; 6–14–69 to 6–13–70.

Bethania Hospital, hospital; 1600 11th Street, Wichita Falls, Tex.; 6–9–69 to 6–8–70.

Richard W. Bishop, agriculture; 8995 Peterson Road, Whitehall, Mich.; 5–22–69 to 5–21–70.

C. H. Block & Co., Inc., agriculture; Tunica, Miss.; 6–16–69 to 6–15–70.

Bonson's Shop Rite, foodstore; Eagle River, Wis.; 5–31–69 to 5–30–70.

Bristol County Agricultural High School, agriculture; Segreganset, Mass.; 6–1–69 to 5–31–70.

Andrew Buist, Sr., agriculture; 1055 Chippewa, Jenison, Mich.; 6–5–69 to 6–4–70.

Dale Buist, agriculture; 7213 Pungee Street, Allendale, Mich.; 6–3–69 to 6–2–70.

Capitol Nursing Home & Annex, nursing home; 31 and 62 Barre Street, Montpelier, Vt.; 5–22–69 to 5–21–70.

Carson City Hospital, hospital; Elm at Third, Carson City, Mich.; 6–18–69 to 6–17–70.

Cary Plantation, agriculture; Cary, Miss.; 6–5–69 to 6–4–70.

Central Community Hospital, hospital; Elkader, Iowa; 5–23–69 to 5–22–70.

Central Store, Inc., department store; Central Avenue and Verity Parkway, Middletown, Ohio; 5–21–69 to 5–20–70.

Cheese Food Market, foodstore; 200 North Walnut, Lenox, Iowa; 5–26–69 to 5–25–70.

Clarys 5 & 10, variety store; 228 Grogan Street, Lawrenceville, Ga.; 5–7–69 to 5–6–70.

Covy and Dayton, agriculture; Cokeville, Wyo.; 5–26–69 to 5–25–70.

Craven County Hospital Corp.; hospital; 2000 Neuse Boulevard, New Bern, N.C.; 5–24–69 to 5–23–70.

Crestview, Inc., nursing home; North Downey Street, West Branch, Iowa; 6–18–69 to 6–17–70.

Dick's Super Market, foodstore; 255 McGregor Plaza, Platteville, Wis.; 5–26–69 to 5–25–70.

Dixie Kitchens, Inc., restaurant; 7812 Dodge Street, Omaha, Neb.; 6–13–69 to 6–12–70.

Eagle Stores Co., Inc., variety store; 102 East Broadway, Maryville, Tenn.; 6–12–69 to 6–11–70.

Eisenberg Department Store, Inc., department store; 401 Schoonmaker Avenue, Monessen, Pa.; 6–19–69 to 6–18–70.

Evanna Plantation, Inc., agriculture; Cary, Miss.; 6–5–69 to 6–4–70.

Fantle's, Inc., department store; 100 South Main Avenue, Sioux Falls, S. Dak.; 6–6–69 to 6–5–70.

Fisher Brothers, agriculture; 846 Oak Avenue, Muskegon, Mich.; 6–16–69 to 6–15–70.

Food Giant Super Markets, Inc., foodstores from 5–24–69 to 5–23–70: Nos. 1 and 2, Tucson, Ariz.

Forrest Keeling Nursery, Inc., agriculture; Elsberry, Mo.; 5–25–69 to 5–24–70.

Garrett Drug Co., drugstores from 6–18–69 to 6–17–70: Nos. 1, 3, and 4, Nashville, Tenn.

Georgiatown Farms, agriculture; Route No. 1, Altheimer, Ark.; 4–3–69 to 4–2–70.

Goldblatt Brothers, Inc., department stores from 6–1–69 to 5–31–70: 14 Country Fair Shopping Center, Champaign, Ill.; State and Van Buren Streets, Chicago, Ill.

W. T. Grant Co., variety-department stores: No. 494, Leominster, Mass., 6–16–69 to 6–15–70; No. 373, Cleveland, Ohio, 4–26–69 to 4–25–70.

Hart-Albin Co., department store; Billings, Mont.; 5–22–69 to 5–20–70.

Herbst Variety, Inc., variety store; 108–110 North Main Street, Washington, Ill.; 5–29–69 to 5–28–70.

J. H. Hill & Sons, agriculture; Indianola, Miss.; 6–12–69 to 6–11–70.

Hockstad's Pharmacy, drugstore; 2411 Herson Road, Flint, Mich.; 5–26–69 to 5–25–70.

Hornbeak Grocery, foodstore; Ridgely, Tenn.; 5–29–69 to 5–28–70.

Ideal Poultry Breeding Farms, Inc., agriculture; Cameron, Tex.; 6–5–69 to 6–4–70.

Jackson County Hospital & Nursing Home, hospital; Scottsboro, Ala.; 6–15–69 to 6–14–70.

Boulware H. Jameson, Inc., automobile dealer; 1200 Highway 54 South, Fulton, Mo.; 6–18–69 to 6–17–70.

Kaufman's, apparel store; 1301 11th Avenue, Altoona, Pa.; 6–19–69 to 6–18–70.

S. S. Kresge Co., variety-department stores: No. 303, Arlington Heights, Ill., 6–6–69 to 6–5–70; No. 4600, Chicago, Ill., 6–3–69 to 6–2–70; No. 90, Jacksonville, Ill., 6–7–69 to 6–6–70; No. 244, Atchison, Kans., 6–10–69 to 6–9–70; No. 4560, Kansas City, Kans., 5–29–69 to 5–28–70; No. 689, Grandview, Mo., 6–20–69 to 6–19–70.

S. H. Kress and Co., variety-department stores from 6–19–69 to 6–18–70 except as otherwise indicated: 1912 Second Avenue, Bessemer, Ala. (6–5–69 to 6–4–70); 116 North Main Street, Rockford, Ill.; 103 North Main Street, Nevada, Mo.; 257 South Main Street, Salt Lake City, Utah (6–12–69 to 6–11–70).

Kuhn Brothers Co., Inc., variety-department store; No. 13, Corinth, Miss.; 6–4–69 to 6–3–70.

Low Cost Drug Center, Inc., drugstore; 101 North Main, Logan, Utah; 6–10–69 to 6–9–70.

Maplecrest Nursing Home, nursing home; 174 Main Street, Madison, Maine; 6–10–69 to 6–9–70.

McAdoos, apparel store; 146–147 Public Square, Lebanon, Tenn.; 5–22–69 to 5–21–70.

W. O. McCurdy & Sons, agriculture; Fremont, Iowa; 6–2–69 to 6–1–70.

McDonald's Hamburgers, restaurant; 9783A St. Charles Rock Road, St. Louis, Mo.; 6–2–69 to 6–1–70.

W. H. McLeod and Son, agriculture; Seabrook, S.C.; 5–21–69 to 5–20–70.

Morgan & Lindsey, Inc., variety-department store; No. 3036, Pascagoula, Miss.; 5–27–69 to 5–26–70.

G. C. Murphy Co., variety-department store; No. 87, Pittsburgh, Pa.; 6–17–69 to 6–16–70.

The Music Center, music store; 46 Fourth Street Southwest, Huron, S. Dak.; 5–29–69 to 5–28–70.

The Orme School and Ranch, agriculture; Mayer, Ariz.; 6–1–69 to 5–31–70.

Patten and Co., Inc., agriculture; 99 North Street, Tewksbury, Mass.; 5–26–69 to 5–25–70.

B. Pearl Plantation, agriculture; Onward, Miss.; 6–5–69 to 6–4–70.

Piggly Wiggly, foodstore; 927 North Federal Highway, Fort Lauderdale, Fla.; 6–3–69 to 6–2–70.

Powers Co., Inc., agriculture; Cary, Miss.; 5–24–69 to 5–23–70.

Raylass Department Store, variety-department store; 406 Elm Street, Lumberton, N.C.; 6–31–69 to 6–30–70.

Rhea's, Inc., bakery stores from 6–10–69 to 6–9–70: 441 Market Street, Pittsburgh, Pa.; 536 Smithfield Street, Pittsburgh, Pa.

Rice County District One Hospital, hospital; 631 Southeast First Street, Faribault, Minn.; 5–20–69 to 5–19–70.

Rivin's IGA, foodstore; Wagner, S. Dak.; 5–27–69 to 5–26–70.

Robie's Big Star, foodstore; 1001 East Main Street, Jeanerette, La.; 6–12–69 to 6–11–70.

Robie's Food Center, Inc., foodstore; 604 South State Street, Abbeville, La.; 6–12–69 to 6–11–70.

Rudyard Co-op Co., foodstore; Pickford, Mich.; 5–24–69 to 5–23–70.

St. Joseph Community Hospital, hospital; 308 North Maple Avenue, New Hampton, Iowa; 5–28–69 to 4–3–70.

St. Thomas More Hospital, Inc., hospital; 1019 Sheridan Avenue, Canon City, Colo.; 6–6–69 to 5–23–70.

Lyle H. Salter, Inc., foodstore; East Arlington, Vt.; 5–23–69 to 5–22–70.

Spurgeon's, department stores: 100 West Washington, Pittsfield, Ill., 5–28–69 to 5–27–70; 116 West Main Street, Washington, Iowa, 6–3–69 to 6–2–70.

Stevens, apparel store; 221 East Capitol Street, Jackson, Miss.; 6–7–69 to 6–6–70.

Sward Kemp Drug, drugtore; 207 South Washington, Redwood Falls, Minn.; 6–10–69 to 6–9–70.

T. G. & Y. Stores Co., variety-department stores: No. 129, Kansas City, Mo., 6–6–69 to 6–5–70; No. 39, Oklahoma City, Okla., 5–27–69 to 5–26–70; No. 56, Oklahoma City, Okla., 6–1–69 to 5–31–70; No. 172, Memphis, Tenn., 6–2–69 to 6–1–70.

The Tankard Nurseries, agriculture; Exmore, Va., 6–1–69 to 5–31–70.

Tate's Supermarket, Inc., foodstore; 58 Franklin Street, Clymer, Pa.; 5–23–69 to 5–22–70.

Valley View Home, nursing home; Third and Sycamore, Valley Falls, Kans.; 5–29–69 to 3–31–70.

Van Solkema Farms, Inc., agriculture; 8513 Harlow Avenue, Bryon Center, Mich.; 5–28–69 to 5–27–70.

Vann Brothers, agriculture; Trenton, S.C.; 6–5–69 to 6–4–70.

West Side Market, foodstore; 133 North Walker, Montgomery City, Mo.; 5–29–69 to 5–28–70.

Westboro Market, Inc., foodstore; 3110 Huntoon Street, Topeka, Kans.; 5–23–69 to 5–22–70.

Willie's Super Market, Inc., foodstore; 2422 Second Avenue, North, Birmingham, Ala.; 5–27–69 to 5–26–70.

Willis Nursery Co., agriculture; Ottawa, Kans.; 6–15–69 to 6–14–70.

Wood's 5 & 10¢ Stores, Inc., variety store; Whiteville, N.C.; 6–14–69 to 6–13–70.

F. W. Woolworth Co., variety-department stores from 5–31–69 to 5–30–70 except as otherwise indicated: Nos. 881 and 2403, Phoenix, Ariz.; No. 1027, St. Louis, Mo. (5–24–69 to 5–23–70); No. 1940, St. Louis, Mo. (6–6–69 to 6–5–70); No. 873, Coatesville, Pa.

J. W. Yonce & Sons, agriculture; Johnston, S.C.; 6–12–69 to 6–11–70.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Avellone Pharmacy, Inc., drugstore; 395 West Bagley Road, Berea, Ohio; stock clerk, salesclerk; 11 to 31 percent; 6–6–69 to 6–5–70.

Bergemanns Market, foodstore; 804 North Spring Street, Beaver Dam, Wis.; carry out; 17 to 23 percent; 6–13–69 to 4–15–70, replacement.

Browdy's Fine Foods, foodstore; 2807 Cahaba Road, Mountain Brook, Ala.; carry out, bus boy (girl); 15 percent; 6–12–69 to 6–11–70.

Butler's Department Store, department store; 150 Main Street, Biddeford, Maine; salesclerk, office clerk; 2 to 28 percent; 6–8–69 to 6–7–70.

Dick's Super Market, foodstores: Wells Street, Darlington, Wis., bagger, carry out, stock clerk, clean up, 17 to 22 percent, 5–26–69 to 5–25–70; 138 South Iowa, Dodgeville, Wis., bagger, stock clerk, clean up, 17 to 23 percent, 6–10–69 to 6–9–70.

Dillon Companies, Inc., foodstores for the occupations of cashier, checker, carry out, wrapper, clerk, maintenance, 11 to 32 percent, 6–9–69 to 6–8–70: No. 74, Hutchinson, Kans.; No. 44, Junction City, Kans.; Nos. 43 and 73, Lawrence, Kans.; No. 46, Manhattan, Kans.; No. 47, Topeka, Kans.

Eagle Stores Co., Inc., variety store; No. 24, Clinton, S.C.; salesclerk; 3 to 17 percent; 5–25–69 to 5–24–70.

Edward's Inc., variety stores for the occupation of salesclerk, 11 to 14 percent except as otherwise indicated: James Island Shopping Center, Charleston, S.C., 6–5–69 to 12–1–69, Replacement; Midland Valley Shopping Center, Clearwater, S.C., 5–21–69 to 5–20–70 (10 to 15 percent); Laurens Plaza Shopping Center, Laurens, S.C., 6–5–69 to 12–8–69, replacement.

Egg-A-Day Farm Store, foodstore; 1575 Center Point Road, Birmingham, Ala.; salesclerk, stock clerk, cashier, janitorial; 21 to 44 percent; 6–4–69 to 6–3–70.

Elgin West Pharmacy, drugstore; 575 North McLean Boulevard, Elgin, Ill.; pharmacy clerk, stock clerk, office clerk; 4 to 17 percent; 6–6–69 to 6–5–70.

Food Fair, Inc., foodstores for the occupations of bagger, stock clerk, cleanup, marker, carryout, except as otherwise indicated, 5–27–69 to 5–26–70 except as otherwise indicated: Hazard, Ky., 2 to 7 percent (stock clerk, marker, cashier, bagger, carryout); London, Ky., 3 to 7 percent (6–16–69 to 6–15–70); Mount Vernon, Ky., 4 to 21 percent; Somerset, Ky., 4 to 21 percent; Whitley City, Ky., 3 to 7 percent (stock clerk, marker, cashier, bagger, carryout, 6–16–69 to 6–15–70).

Food Giant Super Markets, Inc., foodstore; No. 5, Tucson, Ariz.; carryout; 13 to 45 percent; 5–24–69 to 5–23–70.

Garrett Drug Co., drugstore; No. 5, Nashville, Tenn.; drugstore worker; 21 to 25 percent; 6–18–69 to 6–17–70.

Gerald's IGA, foodstore; Tribune, Kans.; stock clerk, sacker, carryout, janitorial; 14 to 53 percent; 6–19–69 to 6–18–70.

W. T. Grant Co., variety-department stores for the occupations of salesclerk, stock clerk except as otherwise indicated, 4 to 18 percent except as otherwise indicated, 5–31–69 to 5–30–70 except as otherwise indicated: No. 873,

Fontana, Calif.; No. 301, Fresno, Calif. (6–4–69 to 5–31–70); No. 1020, Fresno, Calif.; No. 224, Garden Grove, Calif. (6–17–69 to 6–16–70); No. 424, Inglewood, Calif. (4 to 14 percent, 6–17–69 to 6–16–70); No. 760, La Puente, Calif.; No. 894, Riverside, Calif.; No. 1185, Lewiston, Idaho (salesclerk, 2 to 14 percent, 6–4–69 to 5–31–70); No. 1066, Niles, Mich. (salesclerk, stock clerk, office clerk, cashier; 3 to 22 percent); No. 471, Concord, N.C. (salesclerk, 3 to 11 percent, 6–14–69 to 6–13–70); No. 963, New Kensington, Pa. (salesclerk, 6 to 20 percent).

H. E. B. Food Store, foodstores for the occupations of bottle clerk, package clerk, sacker, 10 percent, 6–17–69 to 6–16–70; No. 110, Georgetown, Tex.; No. 109, Marble Falls, Tex.

H. & L. Inc., foodstore: 6704 Main, Caseville, Mich.; carryout, stock clerk; 13 to 20 percent; 6–13–69 to 6–12–70.

Handy Andy, Inc., foodstore; No. 135, Austin, Tex.; package clerk, stock clerk, checker, office cashier, bakery salesclerk, produce clerk, bottle sorter, porter; 21 to 39 percent; 6–7–69 to 6–6–70.

Harvey's, Inc., variety stores for the occupation of salesclerk, 11 to 25 percent: 3838 Broadway, Gary, Ind., 6–9–69 to 6–8–70; 152 West Lincolnway, Valparaiso, Ind., 6–18–69 to 6–17–70.

Import Plaza, variety store; 1 Northwest Couch, Portland, Oreg.; pricing clerk, stock clerk, dusting clerk, cashier; 69 percent; 6–18–69 to 5–31–70.

Iowa City Extended Care Center, Inc., nursing home; Route 5, Rochester Road and Scott Boulevard, Iowa City, Iowa; aide, orderly, kitchen helper, housekeeping helper, 6 to 17 percent; 5–29–69 to 5–14–70.

S. S. Kresge Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, checker-cashier except as otherwise indicated: No. 4210, Atlanta, Ga., 3 to 13 percent, 5–31–69 to 5–30–70 (salesclerk); No. 4227, Des Plaines, Ill., 11 to 20 percent, 5–23–69 to 5–22–70; No. 4148, Hammond, Ind., 10 percent, 5–25–69 to 5–24–70 (salesclerk); No. 4152 Mishawaka, Ind., 10 percent, 6–8–69 to 6–7–70; No. 4550, Muscatine, Iowa, 3 to 10 percent, 6–9–69 to 6–8–70 (salesclerk, stock clerk, checker-cashier); No. 4006, Louisville, Ky., 11 to 16 percent, 6–12–69 to 6–11–70 (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, customer service); No. 4180, Louisville, Ky., 11 to 25 percent, 6–12–69 to 6–11–70 (checker-cashier, salesclerk, stock clerk, maintenance, office clerk, customer service); No. 279, St. Paul, Minn., 18 to 30 percent, 6–9–69 to 6–8–70; No. 585, Lincoln, Nebr., 3 to 10 percent, 6–17–69 to 6–16–70; No. 4130, Omaha, Nebr., 3 to 10 percent, 6–18–69 to 6–17–70; No. 4233, Youngstown, Ohio, 10 percent, 6–13–69 to 6–12–70 (salesclerk, checker-cashier, stock clerk, customer service, maintenance); No. 4202, Greenville, S.C., 11 to 22 percent, 6–9–69 to 6–8–70 (salesclerk); No. 4188, Charleston, W. Va., 7 to 47 percent, 6–12–69 to 6–11–70 (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service).

S. H. Kress and Co., variety-department store; 36 West Landis Avenue, Vineland, N.J.; salesclerk, stock clerk; 17 to 35 percent; 5–25–69 to 5–24–70.

A. M. Landry, Inc., variety store: Grand Isle, La.; salesclerk, stock clerk, office clerk; 4 to 22 percent; 6–1–69 to 5–31–70.

Lerner Shops, apparel stores for the occupations of salesclerk, cashier, credit clerk, 6–13–69 to 6–12–70 except as otherwise indicated: Nos. 403, 470, 477, and 479, Phoenix, Ariz., 15 percent (5–23–69 to 5–22–70); No. 437, Colorado Springs, Colo., 10 to 28 percent; Nos. 411, 452, and 462, Denver, Colo., 10 to 28 percent; No. 463, Lakewood, Colo., 10 to 28 percent; No. 406, Pueblo, Colo., 10 to 28 percent; No. 460, Westminster, Colo., 10 to 28 percent; No. 179, Washington, D.C., 10 percent (6–1–69 to 5–31–70); No. 435, Boise, Idaho, 2 to 14 percent (6–13–69 to 5–31–70); No. 203, Berwyn, Ill., 15 to 32 percent; Nos. 201, 226, 229, 230, 241, and 247, Chicago, Ill., 15 to 32 percent; No. 275, Melrose Park, Ill., 15 to 32 percent; No. 161, Portland, Maine, 3 to 40 percent (6–1–69 to 5–31–70); No. 220, Flint, Mich., 4 to 10 percent (5–23–69 to 5–22–70); No. 249, Grand Rapids, Mich., 4 to 10 percent (5–23–69 to 5–22–70); No. 235, Jackson, Mich., 4 to 10 percent (5–23–69 to 5–22–70); No. 246, Kalamazoo, Mich., 4 to 10 percent (5–23–69 to 5–22–70); Nos. 219, 268, and 305, St. Louis, Mo., 10 to 17 percent (6–1–69 to 5–31–70); No. 240, Omaha, Nebr., 10 to 17 percent (6–1–69 to 5–31–70); No. 421, Reno, Nev., 2 to 14 percent (6–13–69 to 5–31–70); No. 476, El Paso, Tex., 10 to 28 percent (5–22–69 to 5–21–70); No. 447, Provo, Utah, 2 to 14 percent (6–1–69 to 5–31–70); No. 407, Salt Lake City, Utah, 2 to 14 percent (6–1–69 to 5–31–70); Nos. 77 and 306, Norfolk, Va., 11 to 20 percent (5–28–69 to 5–27–70); Nos. 40, 52, and 76, Richmond, Va., 11 to 20 percent (5–28–69 to 5–27–70); No. 53, Seven Corners, Va., 11 to 20 percent (5–28–69 to 5–27–70).

Lofton's, department store; Brookhaven, Miss.; salesclerk, gift wrapper; 6 to 26 percent; 6–17–69 to 6–16–70.

Magic Mart, Inc., variety store; 105 North Rodney Parham Road, Little Rock, Ark.; salesclerk, stock clerk, janitorial; 6 to 17 percent; 6–16–69 to 6–15–70.

May's Drug Store, drugstores for the occupations of salesclerk, stock clerk, 5 to 8 percent, 6–14–69 to 6–13–70; No. 186, Bloomington, Ill.; No. 185, Crystal Lake, Ill.; No. 182, Freeport, Ill.; No. 200, McHenry, Ill.; No. 187, Mundelein, Ill.; Nos. 179, 188, and 196, Rockford, Ill.; No. 173, Round Lake, Ill.; Nos. 183, and 195, Waukegan, Ill.; No. 199, Woodstock, Ill.; No. 180, Beloit, Wis.; No. 176, Janesville, Wis.

McCrory-McLellan-Green Stores, variety-department stores for the occupations of salesclerk, stock clerk, office clerk: No. 376, Freehold, N.J., 14 to 30 percent, 6–6–69 to 6–5–70; No. 1071, Allentown, Pa., 2 to 10 percent, 6–14–69 to 6–13–70.

Midlothian Pharmacy, drugstore; 4047 West 147th Street, Midlothian, Ill.; pharmacy clerk, stock clerk, office clerk; 10 to 19 percent; 6–6–69 to 6–5–70.

Minyard Food Stores, Inc., foodstore; 2138 Fort Worth Avenue, Dallas, Tex.; carry out; 11 to 16 percent; 5–26–69 to 2–19–70.

Morgan & Lindsey, Inc., variety-department stores for the occupations of salesclerk, stock clerk, 6 to 31 percent except as otherwise indicated, 6–2–69 to 6–1–70 except as otherwise indicated: No. 3067, Metairie, La.; No. 3089, New Orleans, La. (5–21–69 to 5–20–70); No. 3119, West Monroe, La. (3 to 15 percent).

G. C. Murphy Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, janitorial, 9 to 15 percent except as otherwise indicated, 6–2–69 to 6–1–70 except as otherwise indicated: No. 296, Decatur, Ala.; No. 297, Gadsden, Ala.; No 306, Huntsville, Ala.; No. 26, Marion, Ohio (9 to 24 percent, 6–16–69 to 6–15–70).

Newman Pharmacy, drugstore; 3458 West 111th Street, Chicago, Ill.; pharmacy clerk, stock clerk, office clerk; 16 to 26 percent, 6–6–69 to 6–5–70.

Pence Food Centers, Inc., foodstore; Highway 169 North, Humboldt, Kans.; sacker, carryout, stock clerk, checker, janitorial; 8 to 25 percent; 6–20–69 to 6–19–70.

Piggly Wiggly, foodstores for the occupations of sacker, carryout except as otherwise indicated, 10 percent except as otherwise indicated, 5–25–69 to 5–24–70 except as otherwise indicated: South Market Street, Moulton, Ala. (sacker, 12 to 16 percent, 6–16–69 to 6–15–70); Cherry and Central, Harrison, Ark. (carryout, sacker, cart clerk, 8 to 20 percent, 5–31–69 to 5–30–70); Ozark Shopping Center, Mountain Home, Ark. (carryout, sacker, cart clerk, 8 to 20 percent, 5–31–69 to 5–30–70); No. 6, Van Buren, Ark. (stock clerk, sacker, checker, 18 to 25 percent, 6–13–69 to 6–12–70); 226 North Waukesha Street, Bonifay, Fla. (9 to 10 percent); Cotton Street, Graceville, Fla. (9 to 10 percent); Northeast West Lafayette Street, Marianna, Fla. (9 to 10 percent); Brent Lane and Palafox Avenue, Pensacola, Fla. (9 to 10 percent); Scott and Green, Bainbridge, Ga. (sacker, 6–9–69 to 6–8–70); 209 West College Street, Colquitt, Ga. (9 to 10 percent); Nos. 28 and 29, DeRidder, La. (stock clerk, checker, sacker, clerk, 6–18–69 to 6–17–70); No. 30, Oakdale, La. (stock clerk, checker, sacker, clerk, 6–18–69 to 6–17–70); 16th Street, Laurel, Miss. (sacker, packer, carryout, 5–28–69 to 5–27–70); Main Street, Leakesville, Miss. (sacker, packer, carryout, 5–28–69 to 5–27–70); Winter Street and Highway 90, Lucedale, Miss. (sacker, packer, carryout, 5–28–69 to 5–27–70); 116 South Second Street, Wiggins, Miss. (sacker, packer, carryout, 5–28–69 to 5–27–70); No. 5, West Florence Annex, S.C. (sacker, stock clerk, marker, janitorial, market clerk, 9 to 10 percent, 6–7–69 to 6–6–70); No. 26, Enis, Tex. (stock clerk, checker, sacker, clerk, 6–12–69 to 6–11–70).

Pullman Pharmacy, drugstore; 11254 South Michigan Avenue, Chicago, Ill.; pharmacy clerk, stock clerk, office clerk, 9 to 18 percent; 6–6–69 to 6–5–70.

Raylass Department Store, variety-department stores for the occupations of salesclerk, stock clerk, office clerk, marker, cashier, wrapper, janitorial except as otherwise indicated, 13 to 34 percent except as otherwise indicated, 5–31–69 to 5–30–70 except as otherwise indicated: Scottsboro Shopping Center, Scottsboro, Ala. (office clerk, salesclerk, stock clerk, marker, janitorial, 6–15–69 to 6–14–70); 317 Chickamauga Avenue, Rossville, Ga. (salesclerk, stock clerk, office clerk, marker, janitorial, 11 to 29 percent); Brainard Village Shopping Center, Chattanooga, Tenn.; 607 Market Street, Chattanooga, Tenn.

Red Star Pharmacy, drugstore; 9200 South Commercial Avenue, Chicago, Ill.; pharmacy clerk, stock clerk, office clerk; 9 to 18 percent; 6–6–69 to 6–5–70.

Rose's Stores, Inc., variety-department stores for the occupations of salesclerk, stock clerk except as otherwise indicated, 5–15–69 to 5–14–70 except as otherwise indicated: No. 172, Augusta, Ga., 6 to 21 percent; No. 170, Hendersonville, N.C., 4 to 35 percent; No. 112, Norfolk, Va., 13 to 27 percent (salesclerk, 5–31–69 to 5–30–70).

Ruben's Richmond Department Store, Inc., department store; 914–8 Broad Street, Augusta, Ga.; salesclerk, stock clerk, marker; 5 to 11 percent; 6–16–69 to 6–15–70.

Sterling Jewelry and Distributing Co., Inc., jewelry store; 5801 East Northwest Highway, Dallas, Tex.; stock clerk, salesclerk, sacker, runner; 7 to 27 percent; 5–24–69 to 5–23–70.

Sterling Stores Co., Inc., variety stores for the occupations of salesclerk, stock clerk, janitorial: Caraway Plaza Shopping Center, Jonesboro, Ark., 8 to 31 percent, 6–5–69 to 6–4–70; University and Markham Streets, Little Rock, Ark., 17 to 40 percent, 6–2–69 to 6–1–70.

T. G. & Y. Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, 6–12–69 to 6–11–70 except as otherwise indicated: No. 249, Fort Smith, Ark., 11 to 30 percent; No. 515, Covina, Calif., 19 to 35 percent; No. 517, Garden Grove, Calif., 19 to 33 percent; No. 534, Huntington Beach, Calif., 19 to 30 percent; No. 759, Orlando, Fla., 2 to 17 percent (6–18–69 to 6–17–70); No. 314, Atchison, Kans., 2 to 16 percent (6–1–69 to 5–31–70); No. 305, Kansas City, Kans., 9 to 19 percent; No. 96, Topeka, Kans., 19 to 30 percent (5–28–69 to 5–27–70); No. 230, Baton Rouge, La., 3 to 30 percent (6–5–69 to 6–4–70); No. 318, Shreveport, La., 3 to 15 percent (6–18–69 to 6–17–70); No. 293, Silver City, N. Mex.; 13 to 24 percent (5–29–69 to 5–28–70); No. 449, Oklahoma City, Okla.; 28 to 30 percent; No. 831, Austin, Tex., 30 percent (6–1–69 to 5–31–70); No. 833, Beaumont, Tex., 7 to 20 percent (6–1–69 to 5–31–70). No. 355, Big Spring, Tex., 6 to 20 percent; No. 358, Huntsville, Tex., 30 percent; No. 110, Lubbock, Tex., 6 to 21 percent (5–29–69 to 5–28–70); No. 706, San Antonio, Tex., 30 percent (6–5–69 to 6–4–70).

Tom Thumb Stores, Inc., foodstore; No. 40, Dallas, Tex.; package clerk; 11 to 16 percent; 5–31–69 to 5–30–70.

Uncle Ray's, Inc., foodstore; Vassar, Mich.; stock clerk, carry out; 13 to 20 percent; 5–28–69 to 5–27–70.

Unimart Thrift Center, foodstore; No. 503, Kearney, Nebr.; carry out, stock clerk, clean up; 21 to 29 percent, 6–2–69 to 5–18–70.

Village Market and Bakette, Inc., foodstore; 1010 Ohio, Augusta, Kans.; stock clerk, sacker, carry out, clean up; 7 to 8 percent; 6–3–69 to 6–2–70.

Whittaker Foods, foodstore; No. 5, Oklahoma City, Okla.; package clerk, carry out, delivery clerk; 30 percent; 5–26–69 to 5–25–70.

Wood's 5 & 10¢ Stores, Inc., variety store; Lewis Smith Shopping Center, Whiteville, N.C.; salesclerk, stock clerk; 9 to 20 percent; 5–28–69 to 5–27–70.

F. W. Woolworth Co., variety-department stores: No. 487, Phoenix, Ariz., salesclerk, office clerk, stock clerk, 2 to 7 percent, 5–31–69 to 5–30–70; No. 2650, Dallas, Tex., salesclerk, 6 to 21 percent, 6–1–69 to 5–31–70.

Zukors, apparel store; Portland, Oreg., office clerk, stock clerk, customer service, cashier; 2 to 22 percent; 6–9–69 to 5–31–70.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 19th day of August 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.D. Doc. 69–10148; Filed, Aug. 25, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Revised Notice No. 35130]

ILLINOIS CENTRAL RAILROAD CO., ET AL.

Applicable Tariff Provisions Regarding Freight Charges on New Empty Tank Cars

AUGUST 18, 1969.

This notice revises previous notice served in this proceeding July 16, 1969, and published at 34 F.R. 12147 on July 19, 1969.

Notice is hereby given that petitioners, Illinois Central Railroad Co., Louisville & Nashville Railroad Co., Penn Central Co., and Southern Railway System, have filed a petition with the Interstate Commerce Commission praying that the Commission enter a declaratory order, as authorized by section 554(e)[1] of the Administrative Procedure Act, to terminate a controversy discussed hereinbelow and for which the District Court of the United States, Western District of Kentucky, has stayed its disposition of the proceeding in Louisville and Nashville Railroad Co. v. Union Tank Car Co. (Civil Action No. 5913).

The issues to be determined in this proceeding are:

(1) Whether a tank car is an article of freight, subject to freight charges, or an instrumentality of transportation to be credited with mileage for equalization purposes, under the following circumstances:

(a) A new tank car being moved on its own wheels from the point at which the construction of the car was started to the point at which construction will be completed by installation of rubber linings, or installation or addition of some other part that will become an integral part of the car, where both points are published in the Official Railway Equipment Register as "home points" of the car owner; and

(b) A new tank car being moved on its own wheels from the point at which construction of the car was completed (which is listed in the Official Railway Equipment Register as a "home point" of the car owner) to the point at which it is anticipated, the car will be loaded for the first time.

(The petitioners contend that, in both instances, freight charges apply); and

(2) If the movements described in (1) above are found subject to freight charges, whether the imposition of such charges is reasonable and lawful under the provisions of the Interstate Commerce Act.

[1] Formerly 5(d) of the Administrative Procedure Act.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this revised notice in the FEDERAL REGISTER, file replies to the petition, supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies each upon the following attorneys representing petitioners herein, namely: Mr. John H. Doeringer, Illinois Central, 135 East 11th Place, Chicago, Ill. 60605; Mr. Roy L. Sherman, Louisville & Nashville, 908 West Broadway, Louisville, Ky. 40201; Mr. Paul R. Duke, Penn Central, 6 Penn Center Plaza, Philadelphia, Pa. 19104; and Mr. Duncan B. Phillips, Southern Railway, Post Office Box 1808, Washington, D.C. 20013. Thereafter the Commission will proceed to render its decision in this matter, including the observance of any additional requirements that appear warranted to assure due process of law.

Notice pursuant to statutory requirements of the filing of this petition will be given by publication hereof in the FEDERAL REGISTER.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69–10158; Filed, Aug. 25, 1969; 8:48 a.m.]

[Notice 892]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 21, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 18535 (Sub-No. 49 TA), filed August 7, 1969. Applicant: HICKLIN

MOTOR LINE, INC., Post Office Box 377, St. Matthews, S.C. 29135. Applicant's representative: **Lawrence M. Gressette, Jr., St. Matthews, S.C. 29135.** Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples and coconuts, and agricultural commodities*, otherwise exempt from regulation under section 203(b)6 of the Act, when transported in mixed shipments with bananas, plantains, pineapples and coconuts, from Wilmington, Del., to points in North Carolina, South Carolina, Georgia, Tennessee, Virginia, Florida, and Alabama, for 180 days. Supporting shippers: West Indies Fruit Co., Post Office Box 1940, Miami, Fla.; Gillis Coleman, Columbia State Farmers Market, Columbia, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 73688 (Sub-No. 34 TA), filed August 14, 1969. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Memphis, Tenn. 38107. Applicant's representative: Paul Costin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Memphis, Tenn., and points in its commercial zone, to the plantsite of West Virginia Pulp & Paper Co., near Wickliffe, Ky., for 180 days. Supporting shipper: United Fabricators, Inc., 2176 South Third Street (plant address), Post Office Box 9284, Memphis, Tenn. 38109. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 107561 (Sub-No. 2 TA), filed August 14, 1969. Applicant: M. O'HARA'S VAN SERVICE AND STORAGE WAREHOUSE, INC., 229 East 120th Street, New York, N.Y. 10035. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, uncrated and crated, from carrier's warehouse at Palisades Park, N.J., to points in Nassau, Suffolk, and Westchester Counties, N.Y.; (2) *return shipments* of same commodities, from points in Nassau, Suffolk, Westchester Counties, N.Y., to Palisades Park, N.J., for 150 days. Supporting shipper: Charles L. Apisdorf, 206 Lexington Avenue, New York, N.Y. 10016. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114848 (Sub-No. 47 TA) (Clarification), filed July 2, 1969, published FEDERAL REGISTER, issue of July 15, 1969, and republished this issue. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and grain products*, from West Memphis, Ark., to points in Mississippi, Tennessee, Alabama, Kentucky, and Georgia, for 180 days. NOTE: Applicant states it does intend to interline with other carriers. It intends to interline with the Chicago-Rock Island and Pacific Railway Co., on traffic originated by such railroad at its points and interlined with applicant at West Memphis, Ark., on a joint rail-truck movement. The purpose of this republication is to add the above note, in order to clarify the operations proposed. Supporting shippers: Burrus Mills, Inc., 330 Mercantile Securities Building, Post Office Box 448, Dallas, Tex. 75221 (Mr. Gayle Johnson, General Traffic Manager), and Flour Mills of America, Inc., Post Office Box 2568, Kansas City, Mo. 64142 (Mr. A. W. Schroeder, Traffic Manager). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, Memphis, Tenn. 38103.

No. MC 118056 (Sub-No. 3 TA), filed August 15, 1969. Applicant: ANGELO DEL SORDO, doing business as DEL'S TRANSPORTATION COMPANY, 7 Summer Street, Fairhaven, Mass. 02719. Applicant's representative: Angelo Del Sordo (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Wilmington, Del., and Fall River, Mass., to Providence, R.I., for 180 days. Supporting shippers: Wesco Banana Co., 44 Harris Avenue, Produce Building, Providence, R.I. 02903; YelloGold Banana Co., 6–8 Harris Avenue, Produce Building, Providence, R.I. 02903. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 118959 (Sub-No. 50 TA), filed August 8, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and plastic products* (except commodities in bulk), from Social Circle, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Certain-Teed Products Corp., Box 988, McPherson, Kans. 67460. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 119619 (Sub-No. 16 TA), filed August 8, 1969. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43d Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, coconuts, and agricultural commodities*, otherwise exempt, from economic regulations under section 203(b)(6) of the act when transported in mixed shipments with regulated commodities, from Wilmington, Del., to points in Ohio, Michigan, Illinois, Indiana, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, and Kentucky, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 129241 (Sub-No. 2 TA), filed August 12, 1969. Applicant: MORRISON MOVING & STORAGE CO., INC., West 304 Pacific Avenue, Spokane, Wash. 99204. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Grant, Adams, Kittitas, and Spokane Counties, Wash., restricted to traffic having a prior or subsequent movement in containers, and further restricted to pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. NOTE: Applicant intends to interline with other carriers at Spokane and Moses Lake, Wash. Supporting shipper: Lyon Van & Storage Co., Household Shipping Division, 1950 South Vermont Avenue, Los Angeles, Calif. 90007. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 129386 (Sub-No. 5 TA), filed August 15, 1969. Applicant: REESE, REESE & SHERMAN, INC., 1007 Mullowney Lane, Billings, Mont. 59102. Applicant's representative: R. F. Hibbs, Post Office Box 1321, Billings, Mont. 59102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, fresh, salted, cooked, cured, or preserved, from Billings, Mont., to points in Minnesota, Illinois, and Wisconsin, for 180 days. Supporting shipper: Midland Empire Packing Co., Inc., Post Office Box 1375, Billings, Mont. 59103. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 129594 (Sub-No. 1 TA), filed August 8, 1969. Applicant: TRIPLE "D" CARTAGE, INC., 251 18th Street SE., Mason City, Iowa 50401. Applicant's representative: Clayton L. Wornson, 824 Brick and Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment materials, and supplies* used in the conduct of such business, from Mason City, Iowa, to Litchfield and St. Cloud, Minn., and points in Minnesota south of Minnesota Highway 19, with return from Owatonna, Rochester, Sleepy Eye, Waseca, and Wells, Minn., to Mason City, Iowa, for 180 days. Supporting shipper: Consolidated Foods Corp., 1811 19th Street SW., Mason City, Iowa 50401. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133879 (Sub-No. 1 TA), filed August 5, 1969. Applicant: BEN J. AND EFFIE N. TEATER, a partnership, doing business as BLUE RIBBON DELIVERIES SERVICE, Standiford Field, Post Office Box 21101, Louisville, Ky. 40221. Applicant's representative: Robert W. Brunow, Suite 203–6 Colony Way Building, 195 Colony Way, Louisville, Ky. 40207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Broken or faulty appliance parts, and broken and faulty machine parts* used in the manufacture of appliances, from the site of the plant of General Electric Co. at Appliance Park, Ky., near Louisville, Ky., to points in Indiana, Illinois, Ohio, and that part of Michigan on and south of a line beginning at Detroit and extending along Interstate Highway 96 to junction U.S. Highway 27 southeast of Lansing, thence south along U.S. Highway 27 through Charlotte to junction Interstate Highway 94, and thence along Interstate Highway 94 to the Michigan-Indiana State line. Restriction: The operations authorized above are restricted to the transportation of freight of 5,000 pounds or less from the shipper to any one consignee, in any 1 day; (2) *repaired or replacement parts* for machinery used in the manufacture of appliances, from the destination points specified above, to the site of the plant of General Electric at Appliance Park, Ky., near Louisville, Ky. Restriction: The operations authorized next above are restricted to the transportation of freight of 5,000 pounds or less from any one supplier or repair installation to the shipper, in any 1 day; (3) *supplies, parts, and equipment* used in the manufacture of appliances, from the destination points specified under the first commodity description herein, to the site of the plant of General Electric Co. at Appliance Park, Ky., near Louisville, Ky. Restriction: The operations authorized next above are restricted to the transportation of freight of 2,000 pounds or less from any one supplier to the shipper, in any 1 day. Restriction: The service authorized herein is subject to the following conditions: (a) The operations authorized herein are restricted to the transportation of traffic originating at the described origin points and destined to their respective destination points. (b) The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with General Electric Co., Appliance Park, Ky., for 180 days. Supporting shipper: Charles A. Moore, Manager, Traffic, General Electric Co., Appliance Park, Louisville, Ky. 40225. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 133955 TA, filed August 15, 1969. Applicant: ART DICKEN, doing business as FALLS FARM SERVICE, 125 LeBree Avenue South, Thief River Falls, Minn. 56701. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, in bulk, from Grandin, N. Dak., to points in Becker County, Minn., for 180 days. Supporting shipper: Ralston Purina Co., 3815 Hiawatha Avenue South, Minneapolis, Minn. 55406. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69–10159; Filed, Aug. 25, 1969; 8:48 a.m.]

[Notice 399]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 21, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71473. By order of August 14, 1969, the Motor Carrier Board approved the transfer to Rowe Transportation Inc., Pacoima, Calif.; of certificate of registration in No. MC–99892 (Sub-No. 1), and the certificate in No. MC–99892 (Sub-No. 2), issued February 4, 1964, and March 14, 1968, respectively, to John Donald Rowe, doing business as Rowe Transportation, Pacoima, Calif.; authorizing the transportation of specified commodities, between points in California. Phil Jacobson, 510 West Sixth Street, Los Angeles, Calif. 90014, attorney for applicants.

No. MC–FC–71530. By order of August 15, 1969, the Motor Carrier Board approved the transfer to Kealy Trucking Co., a corporation, Cleveland, Ohio, of the certificate of registration No. MC–98762 (Sub-No. 1) issued June 17, 1965, to John J. Kealy, doing business as Kealy Trucking Co., Cleveland, Ohio, evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Ohio. A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

No. MC–FC–71535. By order of August 15, 1969, the Motor Carrier Board approved the transfer to Watts Express, Inc., 9112 Railroad Street, Taberg, N.Y. 13471, of the certificate of registration, in No. MC–99087 (Sub-No. 1), issued December 17, 1963, to Joseph R. Doti, doing business as Utica-Rome Express, Upper Main Street, Whitesboro, N.Y. 13492, authorizing the transportation of general commodities between specified points in the State of New York.

No. MC–FC–71536. By order of August 15, 1969, the Motor Carrier Board approved the transfer to Sorenson Transportation Co., Inc., Bethany, Conn., of the certificates in Nos. MC–70322, MC–70322 (Sub-No. 4), and MC–70322 (Sub-No. 5) issued September 14, 1968, May 27, 1946, and December 13, 1965, respectively, to Louis Meridy, doing business as M. & S. Transportation Co., Hartford, Conn., authorizing the transportation of castings and patterns from Plainville, Conn., to Westfield, Mass.; scrap metals from Hartford, Conn., to Perth Amboy, N.J.; household goods, general commodities, with exceptions, and other specified commodities, between points in Connecticut; newspapers and supplements, from New Haven, Conn., to Hartford, Conn., and Springfield, Mass.; magazines, magazine parts, magazine inserts, and mats, molds, plates, shells, and vinylites used in connection with the printing of magazines, from Bradley Field, Windsor Locks, Conn., to Albany, N.Y. Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103, attorney for applicants.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69–10160; Filed, Aug. 25, 1969; 8:48 a.m.]

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Civil Aeronautics Board
Consumer and Marketing Service
Customs Bureau
Federal Aviation Administration
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Federal Power Commission
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Announcing First 10-Year Cumulation

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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Salable and Reserve Percentages and Handler Reserve Obligation for the 1969–70 Crop Year

Notice was published in the August 7, 1969, issue of the FEDERAL REGISTER (34 F.R. 12834) regarding a proposal to establish, for the 1969–70 crop year, salable and reserve percentages for California dried prunes of 80 percent and 20 percent, respectively, and in connection therewith, the required composition of each handler's reserve obligation. The proposal was pursuant to the provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended agreement and order, hereinafter collectively referred to as the "order", are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal.

During the period for filing comments, views were submitted by two persons. One person supported the proposal contained in the notice. The other did not take issue with the proposed percentages, so long as the reserve prunes are handled as a "true reserve." However, the handling and disposition of prunes in the reserve pool are the subject of provisions of the order and the administrative rules and regulations, and no proposal to change those provisions was contained in the notice on this rule making which is pursuant to § 993.54. Moreover, it is not evident, either from the comments of the person or other information, that the disposition of reserve prunes will in fact be inconsistent with that favored. Harvest of the 1969 crop is in progress and handlers will be receiving prunes in volume soon. Hence, in the interest of providing the basis for orderly marketing these percentages should be established promptly.

The percentages proposed in the notice were based on the Prune Administrative Commitee's estimate that California's 1969 dried prune production would be 130,000 tons. The USDA Crop Reporting Board's estimate, as of August 1, 1969, and released after the notice was published, also is 130,000 tons.

After consideration of all relevant matter presented, including that in the notice, the comments submitted pursuant to the notice, information from the Prune Administrative Committee, and other available information, it is found that to establish the salable and reserve percentages and the required composition of each handler's reserve obligation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, the salable and reserve percentages for prunes and handler reserve obligation for the 1969–70 crop year shall be as follows:

§ 993.205 **Salable and reserve percentages for prunes and handler reserve obligation for the 1969–70 crop year.**

The salable and reserve percentages for the 1969–70 crop year shall be 80 percent and 20 percent, respectively, or such increased salable percentage and decreased reserve percentage as may be established upon delivery of the 1969 crop to provide a supply of salable prunes adequate to meet the estimated trade demand and a desirable carryover. The reserve obligation of each handler shall be a weight of natural condition prunes, by variety and standard or substandard grade, equal to the sum of the results of applying the reserve percentage to the natural condition weight of each lot of prunes received by him from producers and dehydrators, excluding the weight obligation of § 993.49(c). Such reserve obligation as to standard prunes and as to substandard prunes, of each variety, shall be consistent with the receipt by field pricing size categories, and the obligation shall be the weighted average count per pound of all such lots within each such category, as computed from inspection analysis. The field pricing size categories, by variety and grade, expressed in minimum and maximum numbers of prunes per pound for each, are as follows:

Standard French prunes—33 or less, 34/50, 51/60, 61/70, 71/81, 82/101, 102/111, 112/121, and 122 or more.

Substandard French prunes—70 or less, 70/101, and 102 or more.

Standard Non-French prunes (except Robe de Sargent)—24 or less, 25/29, 30/33, 34/50, and 51 or more.

Substandard Non-French prunes (except Robe de Sargent)—51 or less and 52 or more.

Standard Robe de Sargent—33 or less, 34/50, 51/60, and 61 or more.

Substandard Robe de Sargent—61 or less and 62 or more.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable and reserve percentages established for a particular crop year shall be applicable to all prunes received during the crop year by handlers from producers and dehydrators, excluding the weight obligation of § 993.49(c); and (2) the current crop year began on August 1, 1969, and the percentages established herein will apply automatically to such prunes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 22, 1969.

ARTHUR E. BROWNE,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 69–10238; Filed, Aug. 26, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69–EA–94; Amdt. 39–821]

PART 39—AIRWORTHINESS DIRECTIVE

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 66–28–3 as applicable to Fairchild Hiller Type F–27 airplanes.

Since promulgation of AD 66–28–3 it has been determined that F–27 airplanes which have been fitted with the FH–227 horizontal stabilizer may have the repetitive inspection relaxed from 150 hours to 1,200 hours time in service.

Since the regulation is relaxatory and imposes no burden on any person, notice and public procedure are unnecessary and the regulation may be made effective in less than 30 days.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following paragraphs to AD 66–28–3 as follows:

1. Delete presently lettered paragraph (d).

2. Add the following paragraphs as lettered to AD 66–28–3:

(d) For Model F–27J airplanes having the FH–227 horizontal stabilizer installed, comply with (e) within the next 150 hours' time in service after the effective date of this AD, unless already accomplished within the last 1,050 hours' time in service, and thereafter at intervals not to exceed 1,200 hours' time in service from the last inspection.

(e) Inspect the horizontal stabilizer for cracks using X-ray, or dye penetrant in conjunction with a glass of at least 10 power, or an FAA approved equivalent. Repair cracked parts before further flight, or replace them

with an unused part of the same part number, or an equivalent part.

(f) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance times specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. Equivalent inspections, parts and revisions to service bulletins must be approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective September 1, 1969.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 14, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 69-10205; Filed, Aug. 26, 1969; 8:46 a.m.]

[Docket No. 69-EA-102; Amdt. 39-824]

PART 39—AIRWORTHINESS DIRECTIVES

General Electric Engines

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.89; 31 F.R. 13697), an airworthiness directive was adopted on August 12, 1969, and made effective immediately as to all known U.S. Operators of Boeing Vertol 107 and Sikorsky S61 and S62 aircraft with General Electric Engine Models CT58-100-1, CT58-100-2, CT58-110-1, CT58-110-2, CT58-140-2, T58-GE-1, and T58-GE-5. The directive is as follows:

Applies to General Electric Models CT58-100-1, CT58-100-2, CT58-110-1, CT58-110-2, CT58-140-1, CT58-140-2, T58-GE-1, and T58-GE-5 engines, installed in Boeing Vertol 107 and Sikorsky S61 and S62 aircraft.

To prevent failures of first and second stage turbine rotor discs remove from service General Electric part numbers listed below with more than 10,100 cycles at the time of receipt of this telegram, unless already accomplished.

Stage 1 Discs	*Stage 2 Discs*
278D978P002	278D979P002
37D400498P101	37D400499P101
37D400010P101	37D400004P102
37D400227P101	37D400228P102
37D400307P101	4002T96P01
4002T17P01	

For the purposes of this airworthiness directive a cycle is considered as any engine operating sequence involving engine start, at least one acceleration to a power required for takeoff and shutdown.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Boeing Vertol 107 and Sikorsky S61 and S62 aircraft with General Electric Engine Models CT58-100-1, CT58-100-2, CT58-110-1, CT58-110-2, CT-58-140-1, CT58-140-2, T58-GE-1, and T58-GE-5, by individual telegrams dated August 12, 1969. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to section 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated August 12, 1969.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 15, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 69-10206; Filed, Aug. 26, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-82]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Stevens Point, Wis., control zone.

On October 26, 1969, the North Central Airlines Office on the Stevens Point Municipal Airport will be closed with the result that on and after this date no weather reporting services will be available at this airport. Since weather reporting service is required for the designation of a control zone, it is necessary to revoke the Stevens Point control zone designation effective upon closing of the airline office.

Since the revocation will reduce the existing designated Stevens Point control zone, it will not impose any additional burden on any person. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 26, 1969, as hereinafter set forth:

In § 71.171 (34 F.R. 4557), the following control zone is deleted:

Stevens Point, Wis.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on August 11, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-10209; Filed, Aug. 26, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 7976 of the FEDERAL REGISTER dated May 21, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Jacksonville, Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 16, 1969.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on August 11, 1969.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

JACKSONVILLE, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jacksonville Municipal Airport (latitude 39°46'30" N., longitude 90°14'30" W.); and within 3 miles each side of the 309° bearing from Jacksonville Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport, excluding the portion extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 129° and 309° bearings from Jacksonville Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport, excluding the portion which overlies the Springfield, Ill., transition area.

[F.R. Doc. 69-10208; Filed, Aug. 26, 1969; 8:46 a.m.]

[Airspace Docket No. 69-WE-61]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to change the name and using agency of restricted areas R-6402 and R-6407.

In the description of R-6402, the name would be changed from Dugway, Utah, to Deseret Test Center, Dugway, Utah, and the Using Agency from Commanding Officer, Dugway Proving Ground, Dugway, Utah, to Commanding General, Deseret Test Center, Dugway, Utah.

In the description of R-6407, the name would be changed from Dugway West, Utah, to Deseret Test Center, Dugway, Utah, and the Using Agency from Commanding Officer, Dugway Proving Ground, Dugway, Utah, to Commanding General, Deseret Test Center, Dugway, Utah.

Since these amendments are minor in nature and no substantive change in the regulation is effected, notice and public procedure hereon are unnecessary. However, since it is necessary to allow sufficient time to make the appropriate changes to aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

In § 73.64 (34 F.R. 4847) the following changes are made:

1. "R-6402 Dugway, Utah" is deleted and "R-6402 Deseret Center Test Center, Dugway, Utah" is substituted therefor.

2. In R-6402 Using Agency, "Commanding Officer, Dugway Proving Ground, Dugway, Utah." is deleted and "Commanding General, Desert Test Center, Dugway, Utah." is substituted therefor.

3. "R-6407 Dugway West, Utah" is deleted and "R-6407 Deseret Test Center, Dugway, Utah" is substituted therefor.

4. In R-6407 Using Agency, "Commanding Officer, Dugway Proving Ground, Dugway, Utah." is deleted and "Commanding General, Deseret Test Center Dugway, Utah." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 21, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-10207; Filed, Aug. 26, 1969; 8:46 a.m.]

[Docket No. 9257; Amdt. 151-35]

PART 151—FEDERAL AID TO AIRPORTS

U.S. Share of Project Costs; In-Runway Lighting Systems

The purpose of these amendments to Part 151 of the Federal Aviation Regulations is to (1) delete exit taxiway lighting systems, in § 151.43(d)(2), as part of in-runway lighting that is eligible for 75 percent Federal participation under the Federal-Aid Airport Program; and (2) substitute references to 5 U.S.C., 554, 556, and 557 in § 151.65(c) for prior references to sections of the Administrative Procedure Act, that has been repealed and superseded.

Deletion of the exit taxiway lighting systems as part of in-runway lighting was proposed in Notice 68-31 and published in the FEDERAL REGISTER on November 22, 1968 (33 F.R. 17315). The two public comments received on the notice objected to the proposal because they considered exit taxiway lighting systems, as a useful tool and essential for safe and efficient operations during adverse weather, to be properly eligible for Federal funds on the same basis as is in-runway centerline lighting.

Basically, the reason for 75 percent Federal participation is because the sponsor is required to include the installation of in-runway lighting in its next FAAP project when the FAA determines it is needed for the safe and efficient use of the airport by aircraft. Exit taxiway lighting is no longer required as part of the in-runway lighting system, therefore the basis for 75 percent participation no longer exists. The reason exit taxiway lighting is no longer required is that the benefit originally anticipated was not achieved—that is, as stated in the notice, it is no longer regarded as necessary to Category II operations.

FAA now considers exit taxiway lighting to be a part of the taxiway centerline lighting system, eligible for 50 percent Federal participation. These amendments therefore delete the item from the parenthetical expressions defining "in-runway lighting" in §§ 151.43(d)(2) and 151.87(e), and in item 2 under the heading "Typical Eligible Items" in Appendix F to Part 151, and it is considered to be taxiway lighting under § 151.87(f) and item 3 under that heading of Appendix F.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all relevant matter presented.

These amendments also change § 151.65(c) to substitute references to 5 U.S.C. 554, 556, and 557 for the prior references to sections of the Administrative Procedure Act that have been repealed and superseded. Notice and public procedure thereon are unnecessary since in this respect these amendments merely reflect changes of law.

In consideration of the foregoing, Part 151 of the Federal Aviation Regulations is amended, effective September 26, 1969, as follows:

1. By amending paragraph (d)(2) of § 151.43 to read as follows:

§ 151.43 U.S. share of project costs.

* * * * * * *

(d) * * *

(2) The costs of installing in-runway lighting (touchdown zone lighting system, and centerline lighting system).

* * * * * * *

2. By amending paragraph (e) of § 151.87 to read as follows:

§ 151.87 Lighting and electrical work.

* * * * * * *

(e) In-runway lighting (touchdown zone lighting system, and centerline lighting system) is eligible on the designated instrument landing runway.

* * * * * * *

3. By amending item 2 under the heading "Typical Eligible Items" in Appendix F to Part 151 to read as follows:

APPENDIX F

* * * * * * *

TYPICAL ELIGIBLE ITEMS

* * * * * * *

2. In-runway lighting (touchdown zone lighting system, and centerline lighting system).

4. By amending the third sentence in paragraph (c) of § 151.65 to read as follows:

§ 151.65 Memoranda and hearings.

* * * * * * *

(c) * * * They are not hearings for the purposes of 5 U.S.C. §§ 554, 556, and 557, and do not terminate in an adjudication as defined in that Act.

* * * * * * *

(Secs. 1-15 and 17-21, Federal Airport Act, 49 U.S.C. 1101-1114, 1116-1120, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), § 1.4(b)(1), Reg. Office of the Secretary of Transportation)

Issued in Washington, D.C., on August 20, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-10210; Filed, Aug. 26, 1969; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-362]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Notice of Extension of Time

AUGUST 20, 1969.

Reliability and adequacy of electric service—reporting of data, participation of regulatory personnel in Regional Councils.

A number of comments, and petitions for rehearing, reconsideration, or clarification, have been filed by various interested parties with respect to the Commission's order issued June 25, 1969, in the above-designated matter asking, inter alia, that the Commission consider various modifications of the several requests set forth therein.

In order to provide an opportunity to evaluate these suggestions in an orderly manner, the Commission is hereby extending until October 9, 1969, the time specified by paragraph (B) of the order issued June 25, 1969, within which interested parties are invited to submit any comments or proposals as to the material set out in the proposed informational report in Appendix A of that order.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10195; Filed, Aug. 26, 1969; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 681—HOMEWORKERS IN CERTAIN INDUSTRIES IN PUERTO RICO

Minimum Piece Rate Increases

Pursuant to authority in section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp.,

p. 1004), and Order No. 19–67 of the Secretary of Labor (32 F.R. 12980), § 681.9(c) of Title 29 of the Code of Federal Regulations is amended as set out below.

This amendment merely articulates proportional increases in the minimum piece rates which § 681.9(a) requires to be paid by reason of increases in hourly rates recommended by Industry Committee No. 83–C for the Leather, Leather Goods, and Related Products Industry in Puerto Rico, which are effective August 10, 1969. For this reason, it is hereby found that notice and public procedure thereon are unnecessary. In addition, and for the same reason, good cause is found to curtail the customary delay in the effective date. This amendment shall be effective August 10, 1969.

As amended, 29 CFR 681.9(c) reads as follows:

§ 681.9 Minimum piece rates prescribed by the Administrator.

* * * * *

(c) Piece rates for the hand-lacing of leather wallets, leather wallet covers and plastic wallets. A minimum piece rate of $1.50 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather wallets and leather wallet covers; a minimum piece rate of 3.68 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of leather wallets and leather wallet covers; and a minimum piece rate of 4.57 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in hand-lacing, double stitch, with plastic lacing material, of plastic wallets.

(29 U.S.C. 206)

Signed at Washington, D.C., this 9th day of August 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Division.

[F.R. Doc. 69–10234; Filed, Aug. 26, 1969; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1–1—GENERAL

Small Business and Labor Surplus Area Set-Asides

This amendment provides that under certain circumstances a special procedure shall be applied in determining (a) the eligibility of a small business or labor surplus area concern to participate in the set-aside portion of a procurement containing a partial small business or labor surplus area set-aside and (b) the price at which the award will be made on the set-aside portion. Such procedure shall be applied in circumstances where the recipient of the award on the non-set-aside portion of the procurement is a foreign bidder or the supplier of a foreign product. In addition, this amendment liberalizes the limitation regarding eligibility for participation in a partial small business or labor surplus area set-aside by providing that the bid on the non-set-aside portion of the procurement by a small business or labor surplus area concern must be within 130 percent (formerly 120 percent) of the highest award price on the non-set-aside portion to qualify for negotiation for award on the set-aside portion.

Subpart 1–1.7—Small Business Concerns

Section 1–1.706–6(c) is amended by the revision of paragraph (a) of the "Notice of Partial Small Business Set-Aside" set forth therein. As amended, the section reads as follows:

§ 1–1.706–6 Partial set-asides.

* * * * *

(c) * * *

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE

(a) *General.* A portion of this procurement, as identified elsewhere in the Schedule, has been set aside for award only to one or more small business concerns. Negotiations for award of this set-aside portion will be conducted only with responsible small business concerns who have submitted responsive bids on the non-set-aside portion at a unit price within 130 percent of the highest award made on the non-set-aside portion. (For the purpose of this paragraph (a), such "unit price" in the case of award of the non-set-aside portion to a foreign bidder or the supplier of a foreign product shall be the evaluated unit price established under applicable Buy American Act procedures. See 41 CFR 1–6.104–4.) Negotiations shall be conducted with such small business concerns in the following order of priority:

Group 1. Small business concerns which are also certified-eligible concerns;

Group 2. Small business concerns which are also persistent labor surplus area concerns;

Group 3. Small business concerns which are also substantial labor surplus area concerns; and

Group 4. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. The set-aside shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, the Government reserves the right not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion. The partial set-aside of this procurement for small business concerns is based on a determination by the Contracting Officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, or in the interest of war or national defense programs, or in the interest of ensuring that a fair portion of Government procurement is placed with small business concerns.

* * * * *

Subpart 1–1.8—Labor Surplus Area Concerns

Section 1–1.804–2(b) is amended by the revision of paragraph (a) of the "Notice of Labor Surplus Area Set-Aside" set forth therein. As amended, the section reads as follows:

§ 1–1.804–2 Notice to bidders or offerors.

* * * * *

(b) * * *

NOTICE OF LABOR SURPLUS AREA SET-ASIDE

(a) *General.* A portion of this procurement, as identified elsewhere in the Schedule, has been set aside for award only to one or more labor surplus area concerns and, to a limited extent, to small business concerns which do not qualify as labor surplus area concerns. Negotiations for award of the set-aside portion will be conducted only with responsible labor surplus area concerns (and small business concerns to the extent indicated below) which have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 130 percent of the highest award made on the non-set-aside portion. (For the purpose of this paragraph (a), such "unit price" in the case of award of the non-set-aside portion to a foreign bidder or the supplier of a foreign product shall be the evaluated unit price established under applicable Buy American Act procedures. See 41 CFR 1–6.104–4.) Negotiations for the set-aside portion will be conducted with such bidders in the following order of priority:

Group 1. Certified-eligible concerns which are also small business concerns;

Group 2. Other certified-eligible concerns;

Group 3. Persistent labor surplus area concerns which are also small business concerns;

Group 4. Other persistent labor surplus area concerns.

Group 5. Substantial labor surplus area concerns which are also small business concerns;

Group 6. Other substantial labor surplus area concerns; and

Group 7. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. The set-aside portion shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, the Government reserves the right not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective September 1, 1969, but may be observed earlier.

Dated: August 20, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–10200; Filed, Aug. 26, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY STANDARDS

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 109; New Pneumatic Tires—Passenger Cars

The Rubber Manufacturers Association has submitted a petition for rule making requesting amendments to Table I–J of Appendix A of Federal Motor Vehicle Safety Standard No. 109, "New Pneumatic Tires—Passenger Cars".

The petition requests the following changes:

1. In Table I–J for tire size designation B78–14 change the minimum size factor from 30.92 inches to 31.04 inches.

2. In Table I–J for tire size designation B78–14 change the section width from 6.60 inches to 6.65 inches.

3. In Table I–J for tire size designation B78–14 correct the present load/inflation table to read as follows: 20-p.s.i., 890-lbs.; 22-p.s.i., 930-lbs.; 24-p.s.i., 980-lbs.; 26 p.s.i., 1030-lbs.; 28-p.s.i., 1070-lbs.; 30-p.s.i., 1110-lbs.; 32-p.s.i., 1150-lbs.; 34-p.s.i., 1190-lbs.; 36-p.s.i., 1230-lbs.; 38-p.s.i., 1270-lbs.; 40-p.s.i., 1300-lbs. RMA states that the requested changes are based on the official change in the dimensional and load properties of this tire as established at the January 31, 1969 meeting of the Tire and Rim Association. This change now allows the B78–14 tire size designation to have an identical load capacity to other tire sizes bearing the "B" prefix.

Additionally, the European Tyre and Rim Technical Organisation has submitted a petition for rule making requesting the change of Table I–F of Appendix A from a "dash" radial table to an "R" radial table and to change the footnote of Table I–G of Appendix A to include "SR", "HR", or "VR". E.T.R.T.O. states in its petition that the requested title change for Table I–F is needed because: (1) The original submission by ETRTO on July 31, 1968, showing the "R" in the tire size designations was an "unfortunate negligence in the typing of the tables" and (2) that the tires within Table I–F are, in fact, predominantly European tire sizes in radial construction, which have been replaced by more recent tire series, but are still in use on a number of vehicle types.

E.T.R.T.O. also requested the change of the footnote of Table I–G to allow the combinations with "S", "H", and "V" as prescribed in Europe for reasons of safety.

The Administrator believes that the granting of both petitions is warranted. Since these amendments, to the extent they are other than corrective, make only minor technical changes and are made at the request of the affected industry, the Administrator finds that, for good cause, notice of public procedure thereon is impracticable and unnecessary. In addition, good cause exists for making this amendment effective upon issuance. Interested parties are advised that, should they object to the actions being taken in this amendment, they should forward their comments, setting forth any reasons they may have why these changes should not be made, to the National Highway Safety Bureau, Rules Docket, Room 512, Federal Highway Administration, Washington, D.C. 20591. If comments objecting to this amendment warrant, the Administration will provide additional rule making pursuant to the Rule Making Procedures for Motor Vehicle Safety Standards (49 CFR Part 353).

In consideration of the foregoing, § 371.21 of Part 371 (formerly § 255.21 of Part 255), Tables I–A and I–B of Appendix A of Federal Motor Vehicle Safety Standard No. 109 as amended (33 F.R. 19714) is amended effective August 20, 1969, as set forth below.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); delegation of authority contained in § 1.4(c) of Part 1 of the regulations of the Office of the Secretary (49 CFR 1.4(c)))

Issued in Washington, D.C., August 20, 1969.

E. H. HOLMES,
Acting Federal Highway Administrator.

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

Appendix A of Standard No. 109 (33 F.R. 19714) is changed as follows:

1. The existing Table I–F is deleted and in its place the following revised Table I–F is inserted:

TABLE I–F

TIRE LOAD RATINGS, TEST, RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR TYPE "R" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
5.20R10	435	460	485	510	535	560	585	615	635	660	685	710	735	3½	24.84	5.20
5.00R12	480	495	515	538	555	575	595	615	635	655	670	690	710	3½	25.62	5.04
5.20R12	515	540	565	590	615	640	665	695	715	740	765	790	815	3½	26.79	5.20
5.60R12	530	545	570	595	620	650	670	705	725	750	775	800	825	4	26.93	5.59
5.60R12	600	630	655	685	715	740	770	800	825	850	875	905	930	4	27.82	5.71
5.00R13	535	555	575	600	615	630	650	670	690	705	725	745	765	3½	28.04	5.04
5.20R13	570	595	620	645	670	695	720	750	770	795	820	845	870	3½	27.72	5.20
5.50R13	575	600	625	650	675	695	725	750	775	795	825	850	875	4	27.95	5.59
5.60R13	665	695	710	740	765	795	825	855	880	905	935	960	990	4	28.92	5.71
6.00R13	675	705	735	760	790	815	845	875	900	925	950	975	1,005	4	29.37	6.00
5.90R13	705	730	805	830	860	885	915	940	965	990	1,015	1,045	1,070	4	30.74	5.91
6.40R13	810	840	870	905	940	970	1,005	1,040	1,070	1,100	1,135	1,165	1,200	4½	31.26	6.42
6.80R13	860	890	920	960	995	1,030	1,065	1,090	1,130	1,160	1,190	1,230	1,260	4½	30.75	6.80
6.70R13	890	775	950	985	1,000	1,045	1,080	1,135	1,175	1,220	1,260	1,305	1,340	4½	32.14	6.69
7.00R13	870	910	950	985	1,025	1,060	1,100	1,145	1,175	1,215	1,255	1,295	1,335	5	31.82	7.10
7.25R13	940	980	1,020	1,060	1,100	1,135	1,175	1,215	1,255	1,290	1,330	1,370	1,410	5	32.51	7.34
6.20R14	606	640	670	700	730	760	795	830	855	885	915	960	980	3½	28.89	6.20
6.90R14	750	785	815	843	875	905	935	970	995	1,025	1,055	1,085	1,115	4	30.76	6.91
7.00R14	925	960	1,000	1,040	1,075	1,115	1,155	1,195	1,235	1,270	1,320	1,350	1,380	5	32.86	7.10
7.50R14	1,065	1,100	1,140	1,180	1,220	1,260	1,300	1,340	1,380	1,415	1,460	1,500	1,540	5½	34.19	7.65
6.70R15	705	730	805	830	860	885	915	940	965	990	1,015	1,045	1,070	4	30.67	6.71
6.60R15	705	730	805	830	860	885	915	940	965	990	1,015	1,045	1,070	4½	33.26	6.42
6.40R15	885	925	965	1,005	1,040	1,080	1,120	1,160	1,200	1,235	1,275	1,310	1,350	4½	33.95	7.00
6.70R15	975	1,015	1,055	1,095	1,130	1,170	1,215	1,255	1,290	1,325	1,365	1,405	1,445	4½	33.95	7.00
7.60R15	1,160	1,200	1,245	1,285	1,325	1,370	1,415	1,455	1,500	1,535	1,575	1,610	1,655	5½	35.60	7.90

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to the "R".

[2] Actual section width and overall width shall not exceed the specified width by more than 7 percent.

2. The existing Table I–G is deleted and in its place the following revised Table I–G is inserted:

TABLE I–G

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" TYPE "R" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
D R70–14			1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	32.78	7.90
E R70–14			1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.42	8.10
F R70–14			1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.34	8.55
G R70–14			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.12	8.85
H R70–14			1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6½	36.31	9.40
J R70–14			1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.86	9.55
L R70–14			1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	37.59	9.80
D R70–15			1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	33.34	7.75
E R70–15			1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.91	7.95
F R70–15			1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.87	8.40
G R70–15			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.65	8.65
H R70–15			1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6½	36.83	9.20
J R70–15			1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	37.31	9.40
K R70–15			1,460	1,540	1,620	1,690	1,770	1,830	1,900	1,970	2,030	2,090	2,150	6½	37.62	9.50
L R70–15			1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	38.06	9.65

[1] The letters "HR", "SR", or "VR" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

3. The existing Table I–J is deleted and in its place the following revised Table I–J is inserted:

TABLE I–J

THE LOAD RATING, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "78 SERIES" BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
C78–13			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5½	31.56	7.45
B78–14			880	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	31.04	6.65
C78–14			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5	31.95	7.05
D78–14			1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5	32.52	7.35
E78–14			1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.29	7.65
F78–14			1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.04	7.90
G78–14			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.02	8.35
H78–14			1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.06	8.70
J78–14			1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6	36.58	8.80
C78–15			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5	32.45	6.95
D78–15			1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5	33.05	7.15
E78–15			1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5	33.65	7.35
F78–15			1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.56	7.70
G78–15			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	5½	35.36	8.05
H78–15			1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.50	8.55
J78–15			1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6	37.02	8.70
L78–15			1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6	37.73	8.85

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

[F.R. Doc. 69–10101; Filed, Aug. 26, 1969; 8:45 a.m.]

[Docket No. 69–28; Notice No. 1]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standards No. 110, Tire Selection and Rims—Passenger Cars

On October 5, 1968, the Federal Highway Administration published guidelines in the FEDERAL REGISTER (33 F.R. 14964) by which routine additions could be added to Appendix A of Standard No. 109 and the Appendix A of Standard No. 110. These guidelines provided an abbreviated rule making procedure for adding tire sizes to Standard No. 109 and alternative rim sizes to Standard No. 110, whereby the addition becomes effective 30 days from date of publication in the FEDERAL REGISTER if no objections to the proposed additions are received. If comments objecting to the amendment warrant, rule making pursuant to the rule making procedures for motor vehicle safety standards (49 CFR Part 353) will be followed.

The Rubber Manufacturers Association has petitioned for the addition of the 5½–J, 5½–JJ, 5½–JK, 6–J, 6–JJ, and 6–JK alternative rim sizes for the D78–14 tire size designation to Table I of Appendix A of Standard No. 110.

Two alternative rim sizes were inadvertently deleted from Table I of Appendix A of Standard No. 110 when published in F.R. Doc. 69–8035, dated Thursday, July 10, 1969. To correct these omissions, the 7–JJ alternative rim size for the G70–14 tire size designation and the 5½–JJ alternative rim size for the C78–13 tire size designation are being reinserted within Table I of Appendix A of Standard No. 110.

On the basis of the data submitted by the Rubber Manufacturers Association indicating compliance with the requirements of Federal Motor Vehicle Safety Standard No. 109 and No. 110 and other information submitted in accordance with the procedural guidelines set forth, Table I of Appendix A of Standard No. 110 is being amended.

In consideration of the foregoing, section 371.21 of Part 371 Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 110 (34 F.R. 16102) is amended as set forth below effective 30 days from date of publication in the FEDERAL REGISTER.

These amendments are issued under authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1932, 1407), the delegation from the Secretary of Transportation contained in § 1.4(c) of Part I of the Regulations of the Office of the Secretary (49 CFR 1.4 (c)), and the delegation from the Federal Highway Administrator of October 5, 1968 (33 F.R. 14964).

Issued on August 22, 1969.

H. M. JACKLIN, Jr.,
Acting Director, Motor Vehicle Safety Performance Service.

1. Delete Table I of Appendix A and insert the following new Table I of Appendix A.

FMVSS No. 110

APPENDIX A—TABLE I

(Alternative Rims)

Tire size	*Rim* [1]
4.80–10	*3.50D.*
6.40–15	*4–JJ, 4½–JJ, 4½–K, 4.50E,* 5.00E, 5–JJ, 5–K, 5½–JJ.
7.00–15	*5.00F, 5–K.*
8.25–15	*5½–JJ, 6–JJ, 6–K, 6–L.*
8.55–15	*5½–JJ, 6–JJ, 6–K, 6–L.*
8.90–15	*6–JJ, 6½–L, 7–L.*
9.15–15	*5½–JJ.*
E50C–16	*3½.*
F50C–16	*3½.*
H50C–17	*3½.*
E60–15	*6–JJ,* 7–JJ.
F60–15	6½–JJ, *7–JJ.*
G60–15	*7–JJ.*
D70–13	*5½–JJ, 5½–K.*
E70–14	7–JJ.
F70–14	7–JJ.
G70–14	7–JJ.
C70–15	*5½–JJ.*
E70–15	7–JJ.
F70–15	8–JJ.
G70–15	7–JJ.
5.0–15	3.50B, 3.50D, 3½–JJ, *4–JJ, 4.00C.*
5.5–15	3.50D, 3½–JJ, *4–JJ,* 4½–JJ.
145–10	3.50B.
145–13	3½–JJ, 4½–JJ.
165–13	*4½–JJ.*
185–15	4½–JJ.
5.20–13	4½–JJ.
5.60–13	3½–JJ, 4–JJ.
6.00–13	*4–JJ.*
5.60–15	5–K.
155R13	5–JJ.
155–13/6.15–13	5–JJ.
C78–13	*5½–JJ.*
B78–14	*4½–JJ,* 4½–K, 5–JJ, 5–K.
C78–14	4½–JJ, *5–JJ, 5–K,* 5½–JJ, 6–JJ.
D78–14	*5–JJ, 5–K,* 5½–JJ, 6–JJ.
E78–14	4½–JJ, 5–JJ, 5–K, 5½–*JJ,* 5½–K, 6–JJ, 6½–JJ.
F78–14	5–JJ, 5–K, 5½–*JJ,* 5½–*K,* 6–JJ, 6–K, 6½–JJ.
G78–14	5–JJ, 5½–JJ, 5½–K, *6–JJ, 6–K,* 7–JJ.
H78–14	5½–JJ, *6–JJ, 6–K,* 6½–JJ, 6½–K.
J78–14	*6–JJ, 6–K,* 6½–JJ.
C78–15	4½–JJ, 4½–K, *5–JJ, 5–K.*
D78–15	*5–JJ, 5–K.*
E78–15	4½–K, *5–JJ, 5–K,* 5½–JJ, 5½–K, 6–JJ.
F78–15	4½–K, 5–JJ, 5–K, 5½–*JJ,* 5½–*K,* 6–JJ.
G78–15	5JJ, 5–K, 5½–*JJ,* 5½–K, 6–JJ, 6–K, 6–L.
H78–15	5½–JJ, 5½–K, *6–JJ, 6–K, 6–L,* 6½–K.
J78–15	*6–JJ, 6–K, 6–L,* 6½–JJ.
L78–15	*6–JJ, 6–K, 6–L,* 6½–JJ.
BR78–13	4½–*JJ.*
CR78–14	*5–JJ.*
DR78–14	*5–JJ.*
FR78–14	*5½–JJ.*
GR78–14	*6–JJ.*
HR78–14	*6–JJ.*
JR78–14	*6½–JJ.*
FR78–15	*5½–JJ.*
GR78–15	*6–JJ.*
HR78–15	*6–JJ.*
JR78–15	*6½–JJ.*
LR78–15	*6½–JJ.*

NOTE: Where JJ rims are specified in the above table, J and JK rim contours are permissible.

[F.R. Doc. 69–10214; Filed, Aug. 26, 1969; 8:45 a.m.]

[1] Italicized designations denote Test Rims.

Proposed Rule Making

FEDERAL MARITIME COMMISSION

[46 CFR Part 526]

[Docket No. 69-38]

MANDATORY PROVISIONS TO BE INCLUDED IN SELF-POLICING SYSTEMS UNDER GENERAL ORDER 7

Rescheduling of Filing Dates

AUGUST 22, 1969.

At the request of counsel for some of the inbound conferences, and good cause appearing, time within which comments on proposed rules in this proceeding may be filed is enlarged to and including October 1, 1969. Reply of Hearing Counsel shall be filed on or before October 20, 1969. Answers to Hearing Counsel's reply may be filed on or before November 3, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-10219; Filed, Aug. 26, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Extension of Time for Filing Comments

By notice of proposed rule making published June 3, 1969 (34 F.R. 8712) the Atomic Energy Commission gave notice that it was considering the establishment of a policy dealing with the siting of commercial fuel reprocessing plants and related waste management facilities. Interested persons were invited to file comments or suggestions within sixty (60) days after publication of the notice in the FEDERAL REGISTER.

The Commission is hereby extending the time for filing comments to September 15, 1969.

Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 21st day of August 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 69-10193; Filed, Aug. 26, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Notice of Proposed Expenses of the Date Administrative Committee and Rate of Assessment for the 1969-70 Crop Year

Notice is hereby given of a proposal regarding expenses of the Date Administrative Committee for the 1969-70 crop year and rate of assessment for that crop year. This notice is pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in a designated area of California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Date Administrative Committee has unanimously recommended for the 1969-70 crop year, and the hereinafter proposal sets forth, a budget of administrative expenses in the total amount of $127,600 (including $100,000 for a new item—marketing promotion and advertising) and an assessment rate of 40 cents per hundredweight of assessable dates. The assessable poundage is estimated by the Committee at 33.5 million pounds.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 987.314 Expenses of the Date Administrative Committee and rate of assessment for the 1969-70 crop year.

(a) *Expenses.* Expenses in the amount of $127,600 are reasonable and likely to be incurred by the Date Administrative Committee during the 1969-70 crop year beginning August 1, 1969, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the Date Administrative Committee at his pro rata share of the expenses is fixed at 40 cents per hundredweight on all assessable dates. Assessable dates are dates which the handler has certified during the crop year as meeting the requirements for marketable dates, including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f).

Dated: August 22, 1969.

ARTHUR E. BROWNE,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 69-10239; Filed, Aug. 26, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

AMINOACETIC ACID (GLYCINE) FROM FRANCE

Withholding of Appraisement Notice

AUGUST 20, 1969.

Information was received on March 1, 1968, that Aminoacetic Acid (Glycine) from France was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 17, 1968, on page 14079. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)) notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such Aminoacetic Acid (Glycine) from France is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of Reasons:

The information currently before the Bureau tends to indicate that the probable basis of comparison will be between purchase price and home market price.

Preliminary analysis suggests that purchase price will probably be calculated by deducting ocean freight, insurance and selling commission from the c.i.f. price to the United States and by adding an amount for import duty and TVA taxes not collected or refunded upon exportation of the merchandise to the United States.

It appears that home market price will probably be based on the weighted-average price in the country of exportation. Probable adjustments to be made to this price will be for inland freight, a selling commission included in the price, and packing cost differential. An adjustment for difference in cost of assay certificates between the product sold in the home market and that sold to the United States appears on the basis of present evidence to be warranted.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than home market price.

Customs officers are being directed to withhold appraisement of Aminoacetic Acid (Glycine) from France in accordance with § 53.48, Customs Regulations (19 CFR 53.48).

In accordance with §§ 53.32(b) and 53.37, Customs Regulations (19 CFR 53.32(b), 53.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views or arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to §53.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[F.R. Doc. 69-10215; Filed, Aug. 26, 1969; 8:46 a.m.]

DEPARTMENT OF STATE

Office of the Secretary

[312]

CERTAIN NONIMMIGRANT VISAS

Validity

Notice is hereby given that consular officers are authorized to issue, in their discretion, nonimmigrant visas under section 101(a)(15)(B) of the Immigration and Nationality Act (temporary visitors for business or pleasure) valid for an indefinite period of time to otherwise eligible nationals of the following countries, inclusive of British subjects resident in the Bahamas and Netherlands nationals resident in Surinam, which offer reciprocal or more liberal treatment to nationals of the United States who are in a similar class. This order will be amended from time to time to include other countries which have agreed to accord similar privileges to U.S. citizens.

Austria.
Bahamas.
Barbados.
Belgium.
Botswana.
British Honduras.
Chile.
Cyprus.
Denmark.
Fiji.
Finland.
France.
Germany.
Greece.
Guyana.
Iceland.
Ireland.
Israel.
Italy.
Jamaica.
Liechtenstein.
Luxembourg.
Malawi.
Maldives, Republic of
Malta.
Monaco.
Morocco.
Netherlands.
Netherlands Antilles.
Norway.
Paraguay.
Portugal.
Saint Pierre & Miquelon.
San Marino.
Singapore.
Spain.
Surinam.
Sweden.
Switzerland.
Thailand.
Trinidad and Tobago.
Tunisia.
Turkey.
United Kingdom.
Uruguay.

Public Notice 261 of April 6, 1967, issued at 32 F.R. 5643 and amendments thereto are hereby superseded.

Dated: August 21, 1969.

[SEAL] FREDERICK SMITH, JR.,
Acting Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 69-10235; Filed, Aug. 26, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 2370]

CALIFORNIA

Opening of Lands From Waterpower Withdrawals

AUGUST 18, 1969.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to Bureau Order No. 701 of July 23, 1964, as amended, and pursuant to the authority redelegated to me by the Acting Manager, November 18, 1965 (30 F.R. 14444), it is ordered as follows:

1. In an order issued June 30, 1969, the Federal Power Commission vacated the withdrawal created pursuant to the filing on March 14, 1921, of an application for preliminary permit for Power Project No. 187 of the following described land:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 10 E.,
Sec. 35, lot 5.

The area described contains approximately 0.76 acre in the Tahoe National Forest in Sierra County.

2. At 10 a.m., on September 17, 1969, the land described herein shall be open to such forms of disposition as may by law be made of national forest land subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, rules, and regulations.

The State of California has waived the preference right allowed it under section 24 of the Federal Power Act of June 10, 1920, supra.

The lands have been open to application and offers under the mineral leasing laws. Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-10198; Filed, Aug. 26, 1969; 8:45 a.m.]

[C-3658]

COLORADO

Notice of Proposed Classification of Public Lands

AUGUST 18, 1969.

1. Notice is hereby given of a proposal to classify the public lands described below for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g) for lands within the Bureau of Land Management Montrose District, Colo., or through public sale under Revised Statute 2455. This publication is made pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1412). As used herein "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Publication of this notice has the effect of segregating the public lands described from all forms of appropriation except exchanges under section 8 of the Taylor Grazing Act, 43 U.S.C. 315g, public sale under 2455 Revised Statutes 43 U.S.C. 1171 and leasing under the mineral leasing laws.

3. This proposal has been discussed with the District Advisory Board, local governmental officials and other interested parties. Information derived from field data, discussions with the public and from other sources indicates that these lands meet the criterion of 43 CFR 2410.1–3 which authorized classification of lands for disposal under appropriate authority where they are found to be chiefly valuable for exchange or public sale for grazing use and other values and which lands are not needed for the support of a Federal program.

4. Information concerning the lands, including the record of public discussions, is available for inspection and study at the Montrose District Office, Bureau of Land Management, Highway 550 South, Montrose, Colo. For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Montrose, Colo., district.

5. Lands affected by this proposal are located in Delta and Gunnison Counties, Colo., and are described as follows:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 12 S., R. 89 W.
Sec. 28, SE¼NW¼;
Sec. 29, SE¼NE¼.
T. 12 S., R. 90 W.,
Sec. 7, NE¼NE¼;
Sec. 11, SW¼NW¼;
Sec. 12, SW¼SW¼.
T. 12 S., R. 91 W.,
Sec. 3, lot 5;
Sec. 12, NE¼NE¼.
T. 12 S., R. 94 W.,
Sec. 32, lot 14;
Sec. 34, lot 17;
Sec. 35, lot 4.
T. 13 S., R. 89 W.,
Sec. 11, lot 3.
T. 13 S., R. 90 W.,
Sec. 20, lots 7 and 8.
T. 13 S., R. 91 W.,
Sec. 22, lots 2 and 3.
T. 13 S., R. 94 W.,
Sec. 15, NW¼NW¼.
T. 14 S., R. 91 W.,
Sec. 17, N½SW¼.
T. 14 S., R. 92 W.,
Sec. 18, lot 4;
Sec. 28, N½SE¼, W½NE¼;
Sec. 31, SE¼SW¼, S½SE¼;
Sec. 32, NW¼SW¼, SE¼SE¼;
Sec. 33, SW¼SW¼.
T. 14 S., R. 93 W.,
Sec. 16, E½SW¼, W½SE¼;
Sec. 31, SE¼SE¼.
T. 14 S., R. 94 W.,
Sec. 16, NW¼SW¼;
Sec. 17, NE¼SE¼, S½SE¼;
Sec. 20, SE¼SE¼;
Sec. 21, W½SW¼.
T. 15 S., R. 91 W.,
Sec. 21, W½NE¼, NW¼SW¼;
Sec. 22, NW¼NE¼, NE¼NW¼;
Sec. 23, NW¼NW¼;
Sec. 26, E½NW¼, SW¼.
T. 15 S., R. 92 W.,
Sec. 4, lot 4, SW¼NW¼;
Sec. 5, lots 1 and 2, SW¼NE¼, SE¼NW¼;
Sec. 6, lots 1, 2, and 5, S½NE¼, SE¼NW¼;
Sec. 23, SE¼SW¼, SW¼SE¼;
Sec. 26, NE¼NW¼.

The tracts described aggregate approximately 2,593 acres of public land.

E. I. ROWLAND,
State Director.

[F.R. Doc. 69–10199; Filed, Aug. 26, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

KENDALL SCHOOL FOR THE DEAF

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 70–00069–33–01200. Applicant: Kendall School for the Deaf, Gallaudet College, Seventh Street and Florida Avenue NE., Washington, D.C. 20002. Article: Acoustic apparatus (pitch intonation indicator). Manufacturer: Special Instrument AB, Sweden. Intended use of article: The article will be used to stimulate and improve the quality and quantity of speech production in deaf school age children. Application received by Commissioner of Customs: July 24, 1969.

Docket No. 70–00070–33–01200. Applicant: Kendall School for the Deaf, Gallaudet College, Seventh Street and Florida Avenue NE., Washington, D.C. 20002. Article: Acoustic apparatus (visual spectrum indicator). Manufacturer: Special Instrument AB, Sweden. Intended use of article: The article will be used to stimulate and improve the quality and quantity of speech production in deaf school age children. Application received by Commissioner of Customs: July 24, 1969.

Docket No. 70–00071–33–01200. Applicant: Kendall School for the Deaf, Gallaudet College, Seventh Street and Florida Avenue NE., Washington, D.C. 20002. Article: Acoustic apparatus (visual intonation indicators). Manufacturer: Special Instrument AB, Sweden. Intended use of article: The article will be used to stimulate and improve the quality and quantity of speech production in deaf school age children. Application received by Commissioner of Customs: July 24, 1969.

Docket No. 70–00072–33–01200. Applicant: Kendall School for the Deaf, Gallaudet College, Seventh Street and Florida Avenue NE., Washington, D.C. 20002. Article: Acoustic apparatus (S indicators). Manufacturer: Special Instrument AB, Sweden. Intended use of article: The article will be used to stimulate and improve the quality and quantity of speech production in deaf school age children. Application received by Commissioner of Customs: July 24, 1969.

Docket No. 70–00073–88–46040. Applicant: Univeristy of California at Santa Barbara, Santa Barbara, Calif. 93106. Article: Electron microscope, Model JEM–100U. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for the instruction and thesis research of graduate and qualified undergraduate geology majors, and for postdoctoral fellows. Geology faculty research projects include:

1. Studies of the ultrastructure of the microbiotas of the primitive earth.

2. Study the morphological relationship of these fossil organisms with the present living genera and families at the molecular level.

3. Search for still smaller fossil remains than have yet been found in the sediments of the sediments of the primitive earth and for connections between them, the viruses, and possible pre-biotic structures.

Application received by Commissioner of Customs: July 24, 1969.

Docket No. 70–00075–33–46500. Applicant: Harbor General Hospital, 1000 West Carson Street, Torrance, Calif. 90509. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. Liver, heart, and skeletal muscle will be examined, as well as pellets of centrifuged homogenates of subcellular fractions. These will be embedded in various resin mixtures to alter block hardness to match the hardness or toughness of the specimen. In studies of pellets, it is necessary to be able to cut samples in three directions. The reason is that the pellets of subcellular organelles are not homogenous but are rather stratified because of the different densities of centrifugated homogenate organelles. Application received by Commissioner of Customs: July 25, 1969.

Docket No. 70–00076–33–46500. Applicant: Veterans Administration Hospital, 113 Holland Avenue, Albany, N.Y. 12208. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary uses are for the investigation of arterial disease and the ultrastructure of the components of the normal and diseased arteries under experimental conditions. Low magnification electron microscopy has so far revealed no changes which can indubitably be linked with the initial alterations of arterial disease and more detailed examination of the interrelationships of endothelium and muscle fibers on one hand and collagen, elastic tissue, basement membrane and microfibrils on the other, are required including the use of several sections of selected parts and cells of the arterial wall. Application received by Commissioner of Customs: July 25, 1969.

Docket No. 70–00077–33–46500. Applicant: University of Southern California, School of Medicine, 2025 Zonal Avenue, Los Angeles, Calif. 90033. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce both serial ultrathin sections and 1 micron thick sections of a wide variety of human, animal, and avian tumors and tissues. The investigator will make electron microscopic examination of the serial ultrathin sections for 110 millimicron diameter C type virus particles, budding C type particles and conjugated cytochemical and antibody labels. Since a budding particle is indicative of a replicating virus, it is very important that the investigator demonstrates this in the serial ultrathin sections. Application received by Commissioner of Customs: July 25, 1969.

Docket No. 70–00078–33–46500. Applicant: Vanderbilt University, 21st Avenue South, Nashville, Tenn. 37203. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections of plastic embedded tissue, cells, or fractions of cells for electron microscopic examination. Certain of the studies will entail examination of cells for the presence of small viruses and will require extremely thin sections for the highest resolution possible. In addition, in order to study the relationship of virus production to various cell organelles, it will be necessary to cut long series of equal thickness serial sections which should be varied by the operator between 50 angstroms and 2 microns. Application received by Commissioner of Customs: July 25, 1969.

Docket No. 70–00079–33–46500. Applicant: University of Alabama in Birmingham, 1919 Seventh Avenue, South, Birmingham, Ala. 35233. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for morphological and histochemical study of hard tissue. In this study, a major emphasis in the morphological study is on cellular interrelationships. Because of the close topographical continuity between some of the cellular elements, there is a need for extremely thin sections, between 50 angstroms and 2 microns, to determine their specific relationship. Application received by Commissioner of Customs: July 25, 1969.

Docket No. 70–00081–33–46500. Applicant: Sinai Hospital of Baltimore, Inc., Belvedere Avenue at Greenspring, Baltimore, Md. 21215. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to develop new histochemical methods for a variety of enzymes and functional groups of macromolecules that can be used with the electron microscope. It is hoped to develop methods that will enable scientists to relate enzymatic activity to the ultrastructure of tissue, thus creating new tools for biological science. Since some of the methods under investigation require evaluation of the location of the product of enzyme action on the surface of the membranes, section thickness less than 100 angstroms will be required. Application received by Commissioner of Customs: July 28, 1969.

Docket No. 70–00082–33–46040. Applicant: University of South Alabama, 307 Gaillard Drive, Mobile, Ala. 36609. Article: Electron microscope, Model EM 9S and spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be utilized in three major areas:

1. It will serve as a teaching instrument in graduate courses and undergraduate courses involving structures at a subcellular level.

2. It will be used to demonstrate such cellular structures to noncollege associated audiences in the Mobile area. There is no other EM in the area.

3. It will be used in individual research by members of the Department of Biological Sciences. The areas of research will be (a) algalogy, (b) vascular morphology, (c) embryology (d) parasitology, (e) protozoology, (f) microbiology and (g) physiology.

Application received by Commissioner of Customs: July 28, 1969.

Docket No. 70–00083–01–77030. Applicant: University of Virginia, Charlottesville, Va. 22901. Article: NMR Spectrometer, Model R–20. Manufacturer: Hitachi-Perkin-Elmer, Japan. Intended use of article: The article will be used for research and teaching. Teaching purposes include the following courses: Chem 14a Organic Laboratory, Chem 101a Advanced Organic Laboratory, Chem 104 Modern Organic Techniques, and Chem 207 Instrumental Theory and Techniques in Organic Chemistry. Research will include structure determination of natural products, proof of structure of new compounds, conformational analysis, determination of equilibrium constants of charge transfer complexes, interaction of proteins with small molecules, kinetics of reactions in fused salts, studies in silicon, phosphorus, boron and fluorine chemistry. Application received by Commissioner of Customs: July 28, 1969.

Docket No. 70–00084–33–46040. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to investigate ultrastructural changes occurring within diseased nervous tissues and within cultures of mammalian nervous tissue. Essentially, the latter involves the exposure of healthy organized cultures to sera, cells, cell fractions, viruses and ferritin or isotope-labeled material from diseased tissue. The early changes occurring within the myelin sheath, the plasma membrane, ribosomes, microtubules, extracellular space and synaptic complexes will be observed. These changes will be compared with those known to occur in the central nervous system of man and animals in several neurological disorders. Application received by Commissioner of Customs: July 28, 1969.

CHARLES M. DENTON,
Assistant Administrator, for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–10194; Filed, Aug. 26, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMAGRO CORP.

Notice of Withdrawal of Petition for Food Additive Naphthalophos

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, has withdrawn its petition (33–928V), notice of which was published in the FEDERAL REGISTER of February 21, 1968 (33 F.R. 3239), proposing the issuance of a food additive regulation to provide for the safe use of naphthalophos (*N*-hydroxynaphthalimide diethyl phosphate) as an oral drench for the control of certain stomach and intestinal roundworms of cattle and sheep.

Dated: August 20, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–10201; Filed, Aug. 26, 1969; 8:45 a.m.]

THE GOODYEAR TIRE & RUBBER CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2417) has been filed by The Goodyear Tire & Rubber Co., Akron, Ohio 44316, proposing that paragraph (b) of § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566(b)), be amended to revise the identification and specifications for the item "Butylated, styrenated cresols produced when * * *" to read as follows: "Butylated, styrenated cresols produced when equal moles of isobutylene, styrene, and a metacresol-paracresol mixture having a no more than 3° C. distillation range including 202° C. are made to react so that the final product meets the following specifications: Not less than 95 percent by weight of total alkylated phenols consisting of 13–25 percent by weight of butylated cresols, 26–38 percent by weight of styrenated cresols, 37–49 percent by weight of butylated, styrenated cresols, and not more than 10 percent by weight total of all other alkylated phenols; acidity not more than 0.003 percent; and refractive index at 25° C. of 1.5550–1.5650, as determined by ASTM Method D 1218–61."

Dated: August 20, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–10202; Filed, Aug. 26, 1969; 8:45 a.m.]

C. J. PATTERSON CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OA2448) has been filed by C. J. Patterson Co., 3947 Broadway, Kansas City, Mo. 64111, proposing that § 121.1211 *Sodium stearoyl-2-lactylate* (21 CFR 121.1211) be amended to provide for the safe use of sodium stearoyl-2-lactylate as a stabilizer, texturizing agent, viscosity-controlling agent, or processing aid in starch-thickened or flour-thickened foods, processed cereals, and prepared mixes thereof.

Dated: August 20, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–10203; Filed, Aug. 26, 1969; 8:45 a.m.]

WHITMOYER LABORATORIES, INC.

Notice of Withdrawal of Petition for Food Additive Carbarsone (Not U.S.P.)

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pa. 17067, has withdrawn its petition (10–285V), notice of which was published in the FEDERAL REGISTER of June 25, 1968 (33 F.R. 9313), proposing that § 121.310 *Carbarsone (not U.S.P.)* (21 CFR 121.310) be amended to provide for the safe use of carbarsone (not U.S.P.) in the feed of chickens as an aid in the prevention of blackhead.

Dated: August 20, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–10204; Filed, Aug. 26, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–320]

JERSEY CENTRAL POWER AND LIGHT CO. AND METROPOLITAN EDISON CO.

Notice of Hearing on Application for Provisional Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act) and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10 a.m., local time, on October 6, 1969, in the Middletown Area High School Auditorium, 1155 North Union Street, Middletown, Dauphin County, Pa., to consider the application filed under § 104b. of the Act by Jersey Central Power and Light Co. and Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 2) (the applicants), for a provisional construction permit for a pressurized water nuclear reactor designed to operate initially at 2,452 megawatts (thermal) located on the applicants' site on Three Mile Island, an island in the Susquehanna River, in Londonderry Township, Dauphin County, Pa., about 10 miles southeast of Harrisburg, Pa.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Dr. Clarke Williams, Upton, Long Island, N.Y.; Dr. Abel Wolman, Baltimore, Md.; and J. D. Bond, Esq., Chairman, Washington, D.C. Mr. R. B. Briggs, Oak Ridge, Tenn., has been designated as a technically qualified alternate, and Jack M. Campbell, Esq., Santa Fe, N. Mex., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the Board in Room 2008, Federal Office Building No. 7, 17th and H Streets NW., Washington, D.C., September 19, 1969, at 1:30 p.m., local time, to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings of Item Nos. 1–3 and a negative finding on Item 4 specified below as the basis for the issuance of a provisional construction permit to the applicants substantially in the form proposed in Appendix A hereto.

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicants have described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest dates stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicants are technically qualified to design and construct the proposed facility;

3. Whether the applicants are financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's "Rules of Practice," 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Nos. 1 through 4 above as the basis for determining whether a provisional construction permit should be issued to the applicants.

As they become available, the application, the applicants' summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the ACRS report, the applicants' summary of the application and the regulatory staff's Safety Evaluation will also be available at the Middletown Borough Community Building, 60 West Emaus Street, Middletown, Pa., for inspection by members of the public each weekday between the hours of 8:30 a.m. to 4:30 p.m. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by September 16, 1969.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's "Rules of Practice," must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than September 16, 1969, or in the event of a postponement of the prehearing conference, at such time as the Board may specify. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicants and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of § 2.705 of the Commission's "Rules of Practice," must be filed by the applicants on or before September 16, 1969.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's "Rules of Practice," an original and 20 conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to § 2.785, 10 CFR Part 2, which will become effective 30 days after publication in the FEDERAL REGISTER on August 19, 1969, and has made the delegation pursuant to subparagraph (a)(1) of this section. The Appeal Board is composed of the Chairman and Vice Chairman of the Atomic Safety and Licensing Board Panel and a third member who is technically qualified and designated by the Commission. The Commission has designated Dr. Lawrence Quarles, Dean of the School of Engineering and Applied Science, The University of Virginia, as this third member.

Dated at Germantown, Md. this 22d day of August 1969.

UNITED STATES ATOMIC ENERGY COMMISSION,
[SEAL] W. B. MCCOOL,
Secretary.

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. .....

1. Pursuant to § 104b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter 1, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Jersey Central Power and Light Co. and Metropolitan Edison Co. (the applicants) for a utilization facility (the facility), designed to operate at 2,452 megawatts (thermal) described in the application and amendments thereto (the application) filed in this matter by the applicants and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Three Mile Island Nuclear Station, Unit 2, will be located at the applicants' site on Three Mile Island, an island in the Susquehanna River, in Londonderry Township, Dauphin County, Pa., about 10 miles southeast of Harrisburg, Pa.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is December 1, 1972, and the latest date for completion of the facility is December 1, 1973.

B. The facility shall be constructed and located at the site as described in the application on Three Mile Island, Londonderry Township, Dauphin County, Pa.

C. This construction permit authorizes the applicants to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicants submit to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicants submit proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 69–10240; Filed, Aug. 26, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

JET AIR FREIGHT ET AL.

Notice of Proposed Approval of Application

Application of Jet Air Freight et al. for approval of certain control relationships pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 20990.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 10 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., August 21, 1969.

A. M. ANDREWS,
Director,
Bureau of Operating Rights.

[Docket No. 20990]

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of Jet Air Freight *et al.* for approval of certain control relationships pursuant to section 408 of the Federal Aviation Act of 1958, as amended.

By application filed May 12, 1969, as amended on June 26, 1969, Jet Air Freight (Jet) requests approval without hearing pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of its proposed acquisition of Accurate Cartage & Warehousing, Inc. (Accurate) and of its consummated acquisitions of Royal Air Freight Service, Inc. (Royal), a Hawaii corporation, on November 1, 1968, and Jet Air Freight of Puerto Rico, Inc. (Jet-PR), incorporated in Puerto Rico by Jet and Jose A. Fernandez on September 19, 1968.

Jet is a domestic and international air freight forwarder. Accurate is a California intrastate trucking corporation, and an operator, on a private contractual basis, in Los Angeles and San Francisco of warehousing facilities and associated services. Jet proposes to acquire all the outstanding shares of Accurate's stock in exchange for a minimum of 19,250 shares of previously unissued Jet common stock. Royal performed local pickup and delivery by truck in the State of Hawaii for air freight forwarders, and prior to its acquisition by Jet, operated as Jet's agent in Hawaii. In a transaction consummated November 1, 1968, Jet acquired Royal by means of an exchange of 5000 shares of Jet stock for all outstanding shares of Royal's stock. Also, Jet, holding a 75 percent interest, participated with Mr. Fernandes in the incorporation on September 19, 1968 of Jet-PR. Both Royal and Jet-PR now operate as subsidiaries of Jet, acting as its agents in the pickup and delivery of air freight and in the origination and receipt, in Hawaii and Puerto Rico, respectively, of air freight in the name and at the tariffs of Jet.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(a) of the Act.

Upon consideration of the application, it is concluded that Jet is an air carrier, Accurate, Royal and Jet-PR are common carriers within the meaning of section 408 of the Act, and the control by Jet of Accurate, Royal and Jet-PR is subject to that section of the Act. However, it has been further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not essentially present any new substantive issues.[1] It therefore appears that approval of the control relationships would be consistent with the public interest.[2] However, should Accurate's intrastate trucking authority be expanded, new issues would be raised which could only be resolved upon the filing of a further application for prior Board approval. Accordingly, approval of the instant relationships will be conditioned so that it will be effective only so long as the operation of motor vehicles by Accurate is limited to the state of California.

We also find that interlocking relationships within the meaning of section 409(a) will result from the holdings by Julius Wagner, Gertrude Moldave and Gary L. Zimmerman of positions as officers and/or directors in Jet, and one or more of them in the three proposed subsidiary corporations. However, we have concluded that such relationships come within the scope of the exemption from the provisions of section 409 of the Act afforded by § 287.2 of the Board's regulations. Thus, to the extent that the application requests approval of the aforementioned interlocking relationships, it will be dismissed.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, and that the application, to the extent that it requests approval of the aforementioned interlocking relationships, should be dismissed.

Accordingly, it is ordered:

1. That the control by Jet of Accurate, Royal and Jet-PR be and it hereby is approved; and

2. That, to the extent that approval of interlocking relationships is sought under section 409 of the Act, the amended application be and it hereby is dismissed; and

3. That the approval herein shall remain effective as to Accurate only so long as the operation of motor vehicles by Accurate is limited to the State of California.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 3 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10236; Filed, Aug. 26, 1969; 8:46 a.m.]

[1] See, WTC Air Freight et al., Order 69-2-74, Feb. 14, 1969; and Profit-By-Air et al., Order 69-7-113, July 22, 1969.

[2] With regard to Royal and Jet-PR, it has been decided not to enforce the doctrine expressed in Sherman, Control and Interlocking Relationships, 15 CAB 876 (1952), and to consider the application on its merits.

[Docket No. 18078; Order 69-8-110]

TRANSATLANTIC AND TRANSPACIFIC PRIORITY MAIL

Mail Rates; Order Fixing Standard Mileages

Issued under delegated authority August 19, 1969.

By Order 69-8-27, dated August 5, 1969, the Board directed all interested persons to show cause why the Board should not adopt the additional standard mileages proposed therein for Northwest Airlines, Inc.

The time designated for filing notice of objection has elapsed, and no notice of objection or answer to the order has been filed by any party.[1] All parties have therefore waived the right to a hearing and all other procedural steps short of a final decision.

For the reasons stated in the order to show cause it has been decided to adopt the proposed findings and conclusions.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's procedural regulations, 14 CFR Part 302, and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.15(g),

It is ordered, That:

1. Effective August 1, 1969, Order 68-9-9, as amended by Order 69-7-11, is further amended by adding to page 11 of Appendix A of Order 69-7-11 the standard mileages for Northwest Airlines, Inc., which are appended to this order.[2]

2. This order shall be served on the Postmaster General, Northwest Airlines, Inc., American Airlines, Inc., The Flying Tiger Line, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10237; Filed, Aug. 26, 1969; 8:48 a.m.]

[1] A letter has been received from the Postmaster General pointing out a typographical error in one of the proposed standard mileages. That mileage has been corrected in the appendix to the instant order.

[2] Filed as part of the original document.

FEDERAL MARITIME COMMISSION

EVANS PRODUCTS CO. AND RETLA STEAMSHIP CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Amy Scupi, Esq., Galland, Kharasch, Calkins & Lippman, 1824 R Street NW., Washington, D.C. 20009.

Agreement Number 9549-4 between Retla Steamship Co. and Evans Products Co. restates in its entirety the basic agreement, as amended, and adds an indemnity clause as a new paragraph 18 thereto.

Dated: August 22, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-10220; Filed, Aug. 26, 1969; 8:47 a.m.]

[Docket No. 69-44]

GHEZZI TRUCKING, INC., CANCELLATION OF INACTIVE TARIFF

Order To Show Cause

On June 27, 1969, the Commission published in the FEDERAL REGISTER a notice of intent to cancel the inactive tariff of Ghezzi Trucking, Inc. (Ghezzi), among others. In response to the said notice, the carrier advised the Commission that it did not want its tariff canceled because it has held itself out to perform service under the tariff should the need exist; and that in late years, due to changing traffic patterns, freight has not been available in large enough quantities to justify operation.

The carrier's Tariff, FMB-F No. 1, became effective June 28, 1961, and has never been amended. The Commission's records contain correspondence from Ghezzi advising us that only one voyage was completed in April 1962; and that no further voyages have been made to date.

Further, the carrier's tariff contains certain deficiencies which tend to indicate lack of current activity. For example:

1. The FMB-F number has not been changed to FMC-F as required by Commission rules since 1961; and

2. Ghezzi's address as tariff issuing officer is incorrect. According to Commission records, Ghezzi has changed his address several times since 1961, and as a result, official papers and correspondence have been returned to the Commission stamped "Addressee Unknown". Shippers are not able to properly deal with a carrier of unknown address.

Rule 18(g) of the Commission's Domestic Tariff Circular No. 3, as amended, requires a carrier to cancel its tariff if it is not performing any services thereunder.

Now, therefore it is ordered, That pursuant to section 22 of the Shipping Act, 1916, and section 2 of the Intercoastal Shipping Act, 1933, Ghezzi Trucking, Inc., show cause why the Commission should not, in accordance with Rule 18(g) of Domestic Tariff Circular No. 3, as amended, direct the said carrier to cancel its inactive tariff, or in the alternative, cancel the said tariff.

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact, memoranda of law, replies, and oral argument. Should the carrier feel that an evidentiary hearing be required, the carrier must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Request for hearing shall be filed on or before September 15, 1969. Affidavits of fact and memoranda of law shall be filed by the respondent, unless otherwise ordered by the Commission, no later than close of business September 15, 1969. Replies thereto shall be filed by Hearing Counsel and intervenors, if any, no later than the close of business September 29, 1969. An original and 15 copies of affidavits of fact, memoranda of law, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Time and date of oral argument will be announced at a later date.

It is further ordered, That Ghezzi Trucking, Inc., be, and it is hereby made respondent in this proceeding;

It is further ordered, That this order be published in the FEDERAL REGISTER and served upon Alfred J. Ghezzi, Jr., President, Ghezzi Trucking, Inc., 2200 6th Avenue, Room 941, Seattle, Wash. 98121.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR § 502.72) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-10221; Filed, Aug. 26, 1969; 8:47 a.m.]

THE OCEANIC STEAMSHIP CO., PACIFIC ISLANDS TRANSPORT LINE, AND POLYNESIA LINE, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. David F. Anderson, Senior Counsel, Matson Lines, 100 Mission Street, San Francisco, Calif. 94105.

Agreement No. 9811, between The Oceanic Steamship Co., Pacific Islands Transport Line, and Polynesia Line, Ltd., provides for the establishment of a rate agreement between the parties in the trade between Pacific coast ports of Canada and American Samoa, and between Pacific coast ports of Canada and the United States, including Hawaii, on the one hand, and Tahiti, on the other.

Dated: August 21, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-10222; Filed, Aug. 26, 1969; 8:47 a.m.]

SEA-LAND SERVICE, INC., AND SEAWAY LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the

Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. P. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9814, between Sea-Land Service, Inc., and Seaway Lines, Inc., establishes a through billing arrangement for the transportation of general cargo from ports of call of Sea-Land Service, Inc. on the U.S. Pacific coast to ports of call of Seaway Lines, Inc., in the Leeward and Windward Islands, the British Virgin Islands, Tobago and Trinidad, French Guiana, Guayana, Surinam, and Venezuela, with transshipment at San Juan, P.R.

Dated: August 22, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-10223; Filed, Aug. 26, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Lands Withdrawn in Project No. 1487]

OLYMPIC NATIONAL FOREST

Order Vacating Withdrawal Under the Federal Power Act

AUGUST 20, 1969.

Application has been filed by the U.S. Forest Service (Applicant) for vacation of the power withdrawal pertaining to the following described lands of the United States:

WILLAMETTE MERIDIAN, WASHINGTON

T. 23 N., R. 9 W.,
Sec. 14, SE¼NE¼SW¼NW¼, NE¼SE¼SW¼NW¼, unsurveyed.

5 acres.

All portions of the following described subdivisions lying within 15 feet of the center line of the proposed pipe line location as shown on a map designated "Exhibit C & F" and entitled "Quinault Light Company, R.E.A. Project, Washington—23—Grays Harbor; Map of 250 kw. Hydro-electric Project," and filed in the office of the Federal Power Commission on March 19, 1938.

T. 23 N., R. 9 W.,
Sec. 10, E½SE¼SE¼;
Sec. 11, SW¼SW¼SW¼, unsurveyed;
Sec. 14, NW¼NW¼, N½NE¼SW¼NW¼, unsurveyed.

Approximately 2.26 acres.

The lands lie within the Olympic National Forest and are located along or near Ziegler Creek, a small tributary of the Quinault River, which drains into the Pacific Ocean in Grays Harbor County, Wash.

The subject lands are withdrawn pursuant to the filing, on March 19, 1938, of an application for license for Project No. 1487. The project consisted of a low diversion dam across Ziegler Creek, approximately 4,000 feet of conduit, and a powerhouse with installed capacity of 375 horsepower. Quinault Light Co., licensee for the project, operated it until 1957 when it began purchasing power from the Bonneville Power Administration. The project works were later removed and surrender of the license for the project was accepted by Commission order issued January 17, 1966.

Ziegler Creek is about 4 miles long and has a drainage area of about 3 square miles. Project No. 1487 utilized a flow of 4.65 c.f.s. through a static head of 876.5 feet. The growth of electric power requirements, the trend toward interconnected transmission systems, and the economic advantages of larger generating units render the power value of the Ziegler Creek site negligible. Vacation of the power withdrawal will enable Applicant to bring the subject lands under full multiple-use management.

The Commission finds: The withdrawal for Project No. 1487 serves no useful purpose and should be vacated in its entirety.

The Commission orders: The withdrawal of the subject lands pursuant to the application for Project No. 1487 is hereby vacated.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10196; Filed, Aug. 26, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BANK SECURITIES, INC. (NSL)

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Bank Securities, Inc. (NSL), which is a bank holding company located in Alamogordo, N. Mex., for the prior approval of the Board of the acquisition by Applicant of 77 percent or more of the voting shares of American Bank of Carlsbad, Carlsbad, N. Mex.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

Dated at Washington, D.C., this 20th day of August, 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-10197; Filed, Aug. 26, 1969; 8:45 a.m.]

TARIFF COMMISSION

[AA1921-58/60]

POTASSIUM CHLORIDE FROM CANADA, FRANCE, AND WEST GERMANY

Notice of Investigation and Joint Hearing

Having received advice from the Treasury Department on August 22, 1969, that potassium chloride, otherwise known as muriate of potash, from Canada, France, and West Germany is being, and is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted three investigations under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. Imports from Canada shall be considered under investigation AA1921-58, from France under AA1921-59, and from West Germany under AA1921-60.

Hearing. A joint public hearing in connection with these investigations will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. beginning at 10 a.m. e.d.s.t., on October 7, 1969. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

By order of the Commission.

[SEAL] WILLARD W. KANE,
Acting Secretary.

[F.R. Doc. 69-10217; Filed, Aug. 26, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order No. 33]

CHESAPEAKE AND OHIO RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, The Chesapeake and Ohio Railway Co. is unable to transport traffic over certain of its lines in Virginia, because of floods and track damage.

It is ordered, That:

(a) The Chesapeake and Ohio Railway Co., being unable to transport traffic over certain of its lines in Virginia, because of floods and track damage, that line is hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Chesapeake and Ohio Railway Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those, hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a.m., August 21, 1969.

(g) Expiration date: This order shall expire at 11:59 p.m., August 28, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 21, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-10224, Filed, Aug. 26, 1969; 8:47 a.m.]

[S.O. 994; ICC Order No. 34]

NORFOLK AND WESTERN RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Norfolk and Western Railway Co. is unable to transport traffic over certain of its lines in Virginia, because of floods and track damage.

It is ordered, That:

(a) The Norfolk and Western Railway Co., being unable to transport traffic over certain of its lines in Virginia, because of floods and track damage, that line is hereby authorized to reroute or divert such traffic over any available route to expedite the movement. Billing covering all such cars rerouted shall carry a reference to this order as authority for rerouting.

(b) Concurrence of receiving road to be obtained: The Norfolk and Western Railway Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a.m., August 21, 1969.

(g) Expiration date: This order shall expire at 11:59 p.m., August 28, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 21, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-10225; Filed, Aug. 26, 1969; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 22, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41725—*Chlorine from Charleston, Tenn.* Filed by O. W. South, Jr., agent (No. A6124), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Charleston, Tenn., to Alton, East Alton, Federal, and Wood River; Ill.

Grounds for relief—Market competition.

Tariff—Supplement 41 to Southern Freight Association, Agent, tariff ICC S-800.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-10226; Filed, Aug. 26, 1969; 8:47 a.m.]

[Notice 565]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 22, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have

been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR Part 1042.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR Part 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR Part 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 530) (Cancels Deviation No. 398) GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed August 12, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers, and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Erie, Pa., over Interstate Highway 79 to junction Pennsylvania Highway 198 thence over Pennsylvania Highway 198 to junction Pennsylvania Highway 98 at Little Corners, Pa., thence over Pennsylvania Highway 98 to junction U.S. Highway 6; (2) from junction U.S. Highway 19 and access road, near Cutsard, Pa., over access road to junction Interstate Highway 79, thence over Interstate Highway 79 to junction Pennsylvania Legislative Route 10001 (Mars Road), thence over Pennsylvania Legislative Route 10001 to junction U.S. Highway 19; (3) from Edinboro, Pa., over U.S. Highway 6N to junction Interstate Highway 79; (4) from junction Pennsylvania Highway 358 and U.S. Highway 19, over Pennsylvania Highway 358 to junction Interstate Highway 79; (5) from Mercer, Pa., over U.S. Highway 62 to junction Interstate Highway 79; (6) from junction U.S. Highway 19 and Interstate Highway 80 (approximately 2 miles south of Mercer, Pa.), over Interstate Highway 80 to junction Interstate Highway 79; (7) from junction U.S. Highway 19 and Pennsylvania Highway 208 (at Leesburg, Pa.), over Pennsylvania Highway 208 to junction Interstate Highway 79; (8) from junction U.S. Highway 19 and Pennsylvania Highway 108 (at Harlansburg, Pa.), over Pennsylvania Highway 108 to junction Interstate Highway 79; (9) from junction U.S. Highways 19 and 422 over U.S. Highway 422 to junction Interstate Highway 79; (10) from junction U.S. Highway 19 and Pennsylvania Highway 488 (at Portersville, Pa.), over Pennsylvania Highway 488 to junction Interstate Highway 79; and (11) from junction U.S. Highway 19 and Pennsylvania Highway 68 (at Zelienople, Pa.), over Pennsylvania Highway 68 to junction Interstate Highway 79, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From junction U.S. Highways 422 and 19 at a point approximately 11 miles east of New Castle, Pa., over U.S. Highway 19 via Portersville and Zelienople, Pa., to Pittsburgh, Pa.; (2) from Erie, Pa., over U.S. Highway 19 to Kearsarge, Pa., thence over Pennsylvania Highway 99 to Cambridge Springs, Pa., thence over U.S. Highway 6 to Conneaut Lake, Pa.; (3) from Pittsburgh, Pa., over U.S. Highway 19 to junction Pennsylvania Turnpike, at the Perry Highway Interchange near Warrendale, Pa.; and (4) from junction U.S. Highways 19 and 422 approximately 11 miles east of New Castle, Pa., over U.S. Highway 19 to junction U.S. Highway 6, thence over combined U.S. Highways 19 and 6 to junction U.S. Highway 322 approximately 4 miles west of Meadville, Pa., and return over the same routes.

No. MC 89037 (Deviation No. 8), CONTINENTAL PACIFIC LINES, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed August 11, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicles, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) Between Arbuckle Junction, Calif., and Dunnigan Junction, Calif., over Interstate Highway 5; with the following access routes, from junction Interstate Highway 5 and access road, over access road to Dunnigan, Calif.; and (2) between Woodland, Calif., and Sacramento, Calif., over Interstate Highway 5, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From San Francisco, Calif., over U.S. Highway 40 to Sacramento, Calif., thence over California Highway 16 to Woodland, Calif., thence over U.S. Highway 99W to Red Bluff, Calif., thence over U.S. Highway 99 to Seattle, Wash., and return over the same route.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10227; Filed, Aug. 26, 1969; 8:47 a.m.]

[Notice 893]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 22, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30887 (Sub-No. 162 TA), filed August 18, 1969. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Reisterstown, Md. 21136. Applicant's representative: W. Wilson Corroum (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, from Baltimore, Md., to Dothan, Ala., and Westminster, S.C., for 150 days. Supporting shipper: The Firestone Tire & Rubber Co., Akron, Ohio 44317. Attention: Mr. W. B. Inman, Assistant GTM. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 66121 (Sub-No. 14 TA), filed August 15, 1969. Applicant: INDIAN BOW TRUCK LINES, LTD., 103 Harvard Avenue, Smithtown, N.Y., 11787. Applicant's representative: Morton E. Keil, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refuse containers*, from Deer Park and Copiague, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, the District of Columbia, Virginia, Ohio, Indiana, Illinois, Michigan, Florida, Louisiana, and Oklahoma, *returned shipments* in the opposite direction, for 150 days. Supporting shipper: New York Sani-Can Corp., 225 Marcus Boulevard, Deer Park, N.Y. 11729. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 102982 (Sub-No. 18 TA), filed August 15, 1969. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, Ohio 44312. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay and refractory products and materials and supplies used in the installation thereof* (except commodities in bulk), from Carol Stream and Streator, Ill., and the commercial zones thereof, to points in Indiana, Iowa, Michigan, Missouri, and Wisconsin, for 180 days. Supporting shipper: Clow Corp., 300 South Gary Avenue, Carol Stream, Ill., Post Office Box 825, Wheaton, Ill. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 103494 (Sub-No. 16 TA), filed August 18, 1969. Applicant: EASLEY HAULING SERVICE, INC., 902 North First Avenue, Yakima, Wash. 98902. Applicant's representative: Norman Richardson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper shipping containers*, corrugated and not corrugated, from Yakima, Wash., to points in Nez Perce County, Idaho, under a continuing contract with Longview Fibre Co. of Longview, Wash., for 90 days. Supporting shipper: Erwin S. Rosenzweig, Traffic Manager, Longview Fibre Co., Longview, Wash. 98632. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 112854 (Sub-No. 27 TA), filed August 18, 1969. Applicant: HOLLEBRAND TRUCKING, INC., Post Office Box 164, Ontario Center, N.Y. 14520. Applicant's representative: Raymond A. Richards, 23 West Main Street, Post Office Box 25, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts*, from Wilmington, Del., to points in New York, for 180 days. Supporting shipper: Samuel Gordon, Vice President, West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor Morris H. Gross, Interstate Commerce Commission, Bureau of Operations, Room 104, O'Donnell Building, 301 Erie Boulevard W., Syracuse, N.Y. 13202.

No. MC 119777 (Sub-No. 159 TA), filed August 19, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: William G. Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Allen County, Ky., to points in Illinois, Indiana, Ohio, and Tennessee, for 180 days. Supporting shipper: John A. Mobley, president, Kentucky Pallet Corp., Post Office Box 461, Scottsville, Ky. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 124236 (Sub-No. 33 TA), filed August 19, 1969. Applicant: CEMENT EXPRESS, INC., 1200 Simons Building, Dallas, Tex. 75202. Applicant's representative: W. D. White, 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Echo, Tex., to points in Louisiana, for 180 days. NOTE: Applicant does not intend to tack with its existing authority. Supporting shipper: Alpha Portland Cement Co., 300 West Washington Street, Chicago, Ill. 60606. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 129766 (Sub-No. 2 TA), filed August 14, 1969. Applicant: EDWARD ZEILINGA, 31 North Irvington Avenue, Indianapolis, Ind. 46219. Applicant's representative: Kirkwood Yockey, Suite 501, Union Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' machinery and equipment, and contractors' machinery and equipment parts and accessories* in connection therewith; from Chicago, Melrose Park, and Libertyville, Ill., and Galion, Bucyrus, and Sidney, Ohio, to points in Indiana, for 180 days. Supporting shipper: Indiana Equipment Co., Inc., 1244 West 16th Street, Indianapolis, Ind. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 36 South Pennsylvania Street, 802 Century Building, Indianapolis, Ind. 46204.

No. MC 133162 (Sub-No. 2 TA), filed August 7, 1969. Applicant: PABIAN TRANSPORTATION, INC., Schuyler, Nebr. 68661. Applicant's representative: Donn K. Bieber, 220 East 11th Street, Schuyler, Nebr. 68661. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Showers, bathtub enclosures, parts, and accessories therefor*, from Columbus, Nebr., to Boise, Idaho; Indianapolis, Ind.; Albuquerque, N. Mex.; Dayton, Ohio; Corvallis, Portland, and Salem, Oreg.; Austin, Dallas, and Houston, Tex.; Seattle, Spokane, and Tacoma, Wash.; and ports of entry on the international boundary line between the United States and Canada, in Washington, Idaho, and Montana, and *rough rolled glass*, in packages or crates, from Erwin, Tenn., to Columbus, Nebr., for the account of Loup Engineering Co., Columbus, Nebr., for 150 days. Supporting shipper: Loup Engineering Co., Columbus, Nebr. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133316 (Sub-No. 1 TA), filed August 18, 1969. Applicant: FRANK R. GIVIGLIANO, doing business as GIVIGLIANO TRANSPORT, 1513 San Pedro, Post Office Box 22, Trinidad, Colo. 81082. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perishable commodities*, which require refrigeration in transit, from Denver and Pueblo, Colo., to points in Colfax, Union, Harding, Mora, San Miguel, and Taos Counties, N. Mex., for 180 days. Supporting shippers: Philmont Scout Ranch and Explorer Base, Cimarron, N. Mex.; Stein's Wholesale Frozen Foods, 115 East Fourth Street, Pueblo, Colo.; Gus' Wholesale Meat & Foods Co., Post Office Box 314, Pueblo, Colo.; Joseph Macaron & Sons, 311 Maxwell Avenue, Springer, N. Mex.; City Market, 907 South Second Street, Raton, N. Mex.; Keeps Wholesale, 400 South First Street, Raton, N. Mex.; Plaza Super Market, 505 North First Street, Raton, N. Mex. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 133888 (Sub-No. 1 TA), filed August 15, 1969. Applicant: GEORGE EBERLE, Ivan Star Route, Breckenridge, Tex. 76024. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Finished lumber*, for mobile home construction, from Cisco, Tex., to Breckenridge, Tex., and is a continuation of interstate shipment of lumber (rail service has terminated to Breckenridge); and from Breckenridge, Tex., to Hutchinson, Kans., for 180 days. Supporting shipper: Breckenridge Lumber Co., Breckenridge, Tex. 76024. Send proteste to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 133960 TA, filed August 19, 1969. Applicant: GEORGE J. RIEDER, doing business as RIEDER TRANSPORTATION COMPANY, 34 Champion Road, Gloucester, N.J. 08030. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen appliances and fixtures*, from Camden, N.J., to points in Pennsylvania and Delaware and return of *refused or damaged shipments or used appliances* to point of origin, for 150 days. Supporting shipper: Tappan, 250 Wayne Street, Mansfield, Ohio 44902. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10228; Filed, Aug 26, 1969; 8:47 a.m.]

[Notice 1324]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 22, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as

filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 133253 (Sub-No. 1) (Amendment), filed September 13, 1968, published in FEDERAL REGISTER issue of November 7, 1968, and republished as amended this issue. Applicant: WILLIAM LOUIS DAMON, Tse Bonito, N. Mex., c/o Window Rock, Ariz. 86515. Applicant's representative: Donald E. Fernaays, 4114A North 20th Street, Phoenix, Ariz. 85016. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities, including household goods*, but excluding commodities of unusual value, classes A and B explosives and commodities in bulk, between (1) Flagstaff, Ariz., the Navajo Indian Reservation in Arizona, the Hopi Indian Reservation in Arizona, Gallup, Gamerco, and Farmington, N. Mex., on the one hand, and, on the other, the Navajo Indian Reservation in Arizona, New Mexico, and Utah, the Hopi Indian Reservation in Arizona, McKinley, and San Juan Counties, N. Mex., and the Zuni Indian Reservation in New Mexico; (2) the Navajo Indian Reservation in Arizona, New Mexico, and Utah, the Hopi Indian Reservation in Arizona, Gallup, Canoncito, and Gamerco, N. Mex.; McKinley and San Juan Counties, N. Mex., and the Zuni Indian Reservation in New Mexico, on the one hand, and, on the other, Albuquerque and Canoncito, N. Mex. Restriction: No service is authorized between (1) Farmington, N. Mex., on the one hand, and, Albuquerque, Gallup, and Gamerco, N. Mex., on the other; and (2) Flagstaff, Ariz., on the one hand, and, Gallup, Gamerco, Farmington, and Albuquerque, N. Mex., on the other. NOTE: The purpose of this republication is to eliminate the State of Colorado, to be specific with the description "Navajo Country" by adding McKinley and San Juan Counties, N. Mex., thereby eliminating the wording "Navajo Country," and to eliminate the specific points of Ignacio, Colo., and Snowflake, Ariz. The commodity description is also amended by further restricting the general commodity description to exclude all commodities in bulk instead of just petroleum products in bulk. "Unless otherwise hereafter specified, the hearing now scheduled on the 29th day of September A.D. 1969, at 9:30 a.m., d.s.t. (or 9:30 a.m., U.S.s.t., if that time is observed), at Albuquerque, N. Mex., in Room 5011, Federal Building and U.S. Courthouse, 500 Gold Avenue SW., will proceed as scheduled".

No. MC 22301 (Sub-No. 10) (Republication), filed April 25, 1968, published in FEDERAL REGISTER issue of May 16, 1968, and republished this issue. Applicant: SIOUX TRANSPORTATION COMPANY, INC., 1619 11th Street, Sioux City, Iowa 51102. Applicant's representatives: Wallace W. Huff, 314 Security Bank Building, Sioux City, Iowa 51101, and Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. By application filed April 25, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, of general commodities (except those of unusual value, dangerous explosives not including small arms ammunition, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Sioux City, Iowa, Omaha, Nebr., and Elk Grove Village, Ill., as an off-route point to presently held regular route authority. A report and order by the Examiner served April 17, 1969, recommended that the application be denied. A report and order of the Commission, Review Board No. 2, decided July 31, 1969, and served August 7, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, of *general commodities* (except those of unusual value, dangerous explosives, not including small arms ammunition, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Elk Grove Village, Ill., as an off-route point in connection with applicant's regular-route operations between Chicago, Ill., and Omaha, Nebr., and Sioux City, Iowa; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. W-536 (Sub-No. 7) (Notice of Filing of Petition), filed August 14, 1969. Petitioners: BATON ROUGE COAL & TOWING CO., 1901 North Front Street, Baton Rouge, La. 70821, and HENNEPIN TOWING COMPANY, 7703 Normandale Road, Minneapolis, Minn. 55424. Petitioners' representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. By petition filed August 14, 1969, petitioners request that the exemption order served December 22, 1961, effective January 22, 1962, in the above-entitled proceeding, under section 302(e) of Part III of the Interstate Commerce Act, in the name of Baton Rouge Coal & Towing Co. be canceled and reissued in the name of Hennepin Towing Co. Said order exempts from the provisions of Part III of the Act the furnishing of vessels by Baton Rouge Coal & Towing Co. to persons engaged in marine construction to be used by such persons in the transportation of their own property in interstate or foreign commerce, between ports and points in Texas, Louisiana, Mississippi, Alabama, and Florida along the Gulf of Mexico and tributary and connecting waterways, except ports and points along the Mississippi River and its tributaries above Baton Rouge, La.

No. MC 98707 (Sub-No. 10) (Notice of Filing of Petition for Removal of Restriction), filed August 4, 1969. Petitioner: MILES MOTOR TRANSPORT SYSTEM, Stockton, Calif. Petitioner's representative: Marshall G. Berol, 100 Bush Street, San Francisco, Calif. 94104. Petitioner holds authority in MC 98707 (Sub-No. 10) to transport general commodities, with certain exceptions, over specified regular routes in California, subject to the following restrictions: "The authority granted herein shall not be severable by sale or otherwise from the authority heretofore granted carrier to transport cement. Service hereinabove is limited in point of time to that period during which carrier is engaged in continuous or regular seasonal bona fide movement in multiple State interstate transportation of cement under the authority heretofore granted." Petitioner is also authorized to transport cement between specified points in the States of California, Oregon, and Nevada. By the instant petition, petitioner requests that the above referred to restriction be removed from its certificate. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 112989 and Sub Nos. 3, 5, and 12 (Notice of Filing of Petition To Traverse Alternate Routes To Provide Direct Line Service From Certain Oregon Counties to California), filed July 25, 1969. Petitioner: JOHNSON TRUCK SERVICE, INC., Coos Bay, Oreg. 97420. Petitioner's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Petitioner states it holds authority in MC 112989, the part here pertinent, to transport lumber, between points in Clatsop, Coos, Douglas, Lane, Lincoln, and Tillamook Counties, Oreg. In MC 112989 (Sub-No. 3), lumber, from points in Coos and Curry Counties, Oreg., to points in California with no transportation for compensation on return except as otherwise authorized. In MC 112989 (Sub-No. 5), lumber, from points in Benton and Linn Counties, Oreg., to points in Coos County, Oreg., with no transportation for compensation on return except as otherwise authorized. A pending application in MC 112989 (Sub-No. 12) to transport lumber mill products, from points in Curry, Josephine, Jackson, Linn, Marion, Washington, Columbia, Benton, Wasco, Polk, Yamhill, Jefferson, Clackamas, Multnomah, Hood River, and Deschutes Counties, Oreg., to * * * Coos Bay, Oreg. (in Coos County). By the instant petition, petitioner requests a grant of authority to transport lumber, from points in Oregon (including those points within petitioner's present operating authority granted it in the future) to points in California via Interstate Highway 5 or U.S. Highway 97 without the necessity of transporting said lumber through Coos or Curry Counties, Oreg. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 123069 (Notice of Filing of Petition for Interpretation or Modification of Petitioner's Certificate in No. MC 123069 and for Reopening of Petitioner's "Grandfather" Application No. MC 18124 in Which the Predecessor Permit was Issued, filed July 3, 1969. Petitioner: ALLER & SHARP, INC., Columbus, Ohio. Petitioner's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Petitioner, as here pertinent, states that its presently held certificate No. MC 123069, authorizes, among other things, the transportation of (1) meats, packinghouse products and supplies, and vegetable oils and animal fats and compounds and products thereof, between Chicago, Ill., and all points in Ohio; and (2) canned fruits and vegetables between Chicago and Columbus. Certificate No. MC-123069 was issued as the result of a statutory conversion proceeding instituted by the Commission, in lieu of the permit held by it in No. MC-18124. Petitioner further states that for many years has transported first under its contract carrier permit in No. MC-18124 and next under its common carrier certificate in No. MC-123069, a variety of commodities including butter, oleo, cheese, horseradish, and salad dressing for various meat packinghouses and other consignors between Chicago and points in Ohio. Petitioner states that it received a letter from the Commission's Bureau of Enforcement dated March 4, 1969, stating civil forfeiture claims had been made aganst Petitioner based on claimed violations of section 206(a) of the Act, however, agreement was made to hold the matter in abeyance to enable Petitioner to file the instant petition with the Commission. Petitioner states that it always has performed transportation for anyone desiring to utilize its services.

The seasonably-filed "grandfather" application of Petitioner requested contract-carrier authority primarily because at that time no one connected with the Petitioners organization was certain as to the exact meaning of the term "contract carrier." On December 9, 1941, Petitioner was issued a permit in No. MC-18124 authorizing it to operate as a contract carrier, among other things, of meats, packinghouse products, and supplies, and vegetable oils and animal fats, and compounds and products thereof, between Chicago and points in Ohio and of canned fruits and vegetables between Chicago and Columbus. Petitioner states that sometime after the then Division 5 announced its decision in Ex Parte No. MC-38, *Modification of Permits—Packinghouse Products*, 46 M.C.C. 23, Petitioner became aware of that decision. Ex Parte No. MC-38 was instituted as a result of a petition filed by the American Meat Institute seeking amendment of all outstanding permits of contract carriers serving the meatpacking industry so as to enable those contract carriers to provide a complete service for meat packinghouses. The then-held permit No. MC-18124 did not contain any limitations as to the parties with whom it could contract because the evidence submitted in support of the "grandfather" application had established that it transported for anyone who would use its services and, so far as its Chicago-Ohio operations were concerned, it never was a carrier serving only the meatpacking industry but always had served other shippers. For these reasons and because it desired to continue its long-established practice of serving all types of consignors and consignees, it did not tender its permit in No. MC-18124 for cancellation and the issuance of a more restrictive permit in lieu thereof.

Sometime after service of the report of the then Division 5 of the Commission on reconsideration in Ex Parte No. MC-38, 48 M.C.C. 628, decided September 20, 1948. Petitioner became aware of this decision. In this report on reconsideration, Division 5 agreed that it had no power to enlarge any operating authority except in keeping with the standards established in sections 206 and 209 of the Act but stated that it was merely interpreting permits and not enlarging or extending any operating authority for those contract carriers serving the meatpacking industry. Upon reconsideration, Division 5 found that meat packinghouse products, packinghouse products, and merchandise dealt in by meatpacking companies were those commodities named in the appendix to the report on reconsideration which are the same as contained in its initial report in Ex Parte No. MC-38. Again because it had long been transporting the commodities here involved for meat packinghouses and other shippers, between Chicago and points in Ohio, and because its commodity authorizations were not the same, petitioner considered this report of Division 5 on reconsideration as not tacking away any of its authorities. Petitioner states it therefor continued its previously described Chicago-Ohio operations openly and with the knowledge of the local representatives of the Commission. Petitioner further states on January 3, 1958, the Commission, pursuant to a change in the statute, instituted a conversion proceeding to determine whether or not the operations of Petitioner were those of a common or contract carrier. This conversion hearing was not opposed. On March 31, 1961, Petitioner was issued a certificate in No. MC-123069 authorizing the same heretofore described authority as a common carrier. In other words, in accordance with the statute, petitioner was issued common carrier authority to perform its operations not as a contract carrier but as a common carrier, and Petitioner thus continued its pattern of operations which started prior to July 1, 1935, openly with the knowledge of competing carriers and local officials of the Commission.

Petitioner states that in the early days of Federal motor carrier regulation, various types of commodity descriptions were set forth in permits and certificates and there was no uniformity as concerns motor carrier commodity descriptions to those motor carriers who served the meat packinghouse industry and to those carriers such as Petitioner who served that industry and other industries in the transportation of similar and identical products. If the converted certificate is now interpreted as limiting the transportation of meats and packinghouse products to those commodities only when produced or distributed by a meat packinghouse then its "grandfather" contract carrier authority and its converted common carrier authority were improperly framed and rights to which it is entitled are being taken away without due process of law. Petitioner states that permit was issued to it in 1938, a grant of authority to transport the named commodities for anyone was intended because this was the type of proof presented; and it necessarily follows that the evidence upon which this initial permit was issued should be reviewed and Petitioner should be permitted to supplement this evidence with additional evidence in view of the circumstances here presented. By the instant petition, petitioner requests that the Commission interpret its Chicago-Ohio authority as authorizing transportation for any consignor or consignee regardless of by whom the commodity was produced or distributed, or in the alternative that the Commission waive the requirements of Rule 101(e) of its general rules of practice and reopen its "grandfather" application No. MC 18124 to receive evidence of the kind and type heretofore set forth in the form of verified statements to show that the "grandfather" authority should be redescribed. Any person or persons desiring to participate, may file an original and six copies of his written representations, views, or arguments in support of, or against the petition with 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 129620 (Notice of Filing of Petition for Modification of Permit), filed August 11, 1969. Petitioner: PEDEN

BROS., INC., Smithton, Pa. 15479. Petitioner's representative: Jerome Solomon, 704 Grant Building, Pittsburgh, Pa. 15219. Petitioner holds a Permit in No. MC 129620 authorizing the transportation by motor vehicle, over irregular routes, of roof trusses, from the plantsite of Lincoln Homes Co. and Swift Industries, Inc., at Elizabeth, Pa., to points in Ohio, Indiana, Michigan, West Virginia, Maryland, Virginia, New York, New Jersey, and Kentucky, with no transportation for compensation on return except as otherwise authorized. Precut and prefabricated building sections and components and materials used in the construction of prefabricated buildings, from the plantsite of Lincoln Homes Co. and Swift Industries, Inc., at Belle Vernon, Pa., to points in Ohio, Indiana, Michigan, West Virginia, Maryland, Virginia, New York, New Jersey, and Kentucky, with no transportation for compensation on return except as otherwise authorized. "Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Swift Industries, Inc., and its corporate affiliate, Lincoln Homes Co." Petitioner states that it has been advised by the shippers that all operations at Belle Vernon, Pa., are being phased out and will be discontinued on or about September 1, 1969, and that all operations now being provided at Belle Vernon, Pa., will be consolidated at Elizabeth, Pa.; that the manufacture of roof trusses at Elizabeth, Pa., and the manufacture of precut and prefabricated building sections and components and materials used in the construction of prefabricated buildings at Belle Vernon, Pa., will be consolidated and the manufacture of all the described commodities will be done at Elizabeth, Pa.; and that the roof trusses now authorized to be transported by it from Elizabeth, Pa., are a part of and included in the commodity description of precut and prefabricated building sections and components and materials.

By the instant petition, petitioner requests that its permit be modified to read as follows: Precut and prefabricated building sections and components and materials used in the construction of prefabricated buildings, from the plantsite of Lincoln Homes Co. and Swift Industries, Inc., at Elizabeth, Pa., to points in Ohio, Indiana, Michigan, West Virginia, Maryland, Virginia, New York, New Jersey, and Kentucky, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Swift Industries, Inc., and its corporate affiliate, Lincoln Homes Co. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OF PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 2401 (Sub-No. 47), filed August 4, 1969. Applicant: MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. 47802. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities;* (1) between Columbus and Cleveland, Ohio: From Columbus over Interstate Highway 71 to Cleveland, and return over the same route, serving all intermediate points; (2) between Columbus and Youngstown, Ohio: From Columbus over Interstate Highway 71 to its junction with Interstate Highway 80S (U.S. Highway 224), thence east over Interstate Highway 80S (U.S. Highway 224 and Ohio Highway 18) to Youngstown, and return over the same route serving all intermediate points; (3) between Columbus and Canton, Ohio: From Columbus over Interstate Highway 71 to its junction with U.S. Highway 30, thence east over U.S. Highway 30 to Canton, and return over the same routes, serving all intermediate points; (4) between Columbus and Toledo, Ohio: From Columbus over U.S. Highway 23 to junction Ohio Highway 15 near Carey, Ohio; thence west over Ohio Highway 15 to junction Interstate Highway 75 near Findlay, Ohio; thence north over Interstate Highway 75 to Toledo, and return over the same routes, serving all intermediate points; (5) between Columbus and Portsmouth, Ohio: From Columbus over U.S. Highway 23 to Portsmouth, and return over the same route, serving all intermediate points; and (6) between Columbus and Steubenville, Ohio: From Columbus over Interstate Highway 70 to junction Ohio Highway 7 at Bridgeport, thence north over Ohio Highway 7 to Steubenville, and return over the same routes, serving all intermediate points; serving all points in Ohio as off-route points in connection with the above-described six routes. Restriction: All service is restricted to traffic moving from, to or through Columbus, Ohio, and is further restricted against service to any commercial zone point located outside of Ohio. NOTE: This application is to convert the certificate of registration No. MC-123825 Sub 2, to a certificate of public convenience and necessity. This is a matter directly related to MC-F-10571 published in the FEDERAL REGISTER issue of August 13, 1969. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Indianapolis, Ind.

No. MC 13123 (Sub-No. 57), filed August 5, 1969. Applicant: WILSON FREIGHT COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representatives: Milton H. Bortz (same address as applicant), and Harry C. Ames, Jr., 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, unmanufactured leaf tobacco, and containers, materials, supplies, and equipment used in the manufacturing, processing, and marketing of tobacco), between points in North Carolina within a radius of 50 miles of Salisbury, N.C. NOTE: Applicant indicates tacking possibilities with presently held authority, wherein applicant is authorized to serve points in the States of Tennessee, North Carolina, Virginia, New Jersey, New York, Connecticut, Pennsylvania, Ohio, Massachusetts, District of Columbia, West Virginia, Maryland, Delaware, and Rhode Island. This application is a matter directly related to MC-F-10576, published in the FEDERAL REGISTER issue of August 13, 1969. Applicant seeks to convert the certificate of registration of Shaw Motor Freight, Inc., under MC 99552, into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10585. Authority sought for control and merger by CAMPBELL SIXTY-SIX EXPRESS, INC., 2333 East Trafficway, Post Office Box 807, Springfield, Mo. 65801, of the operating rights and property of UNITED MOTOR FREIGHT TERMINAL, INC., 3700 First Avenue South, Birmingham, Ala. 35222, and for acquisition by FRANK G. CAMPBELL, Post Office Box 807, Springfield, Mo., of control of such rights and property through the transaction. Applicants' attorney and representative: Phineas Stevens, Post Office Box 22567, Jackson Miss. 39205, and Samuel Tenenbaum, 933 Bank for Savings Building, Birmingham, Ala. 35203. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Birmingham, Ala., and Atlanta, Ga., and all intermediate points and the off-route point of Bessemer, Ala., and those within 5 miles of Birmingham and Atlanta, between Atlanta, Ga., and the U.S. Army Depot, near Conley, Ga., serving no intermediate points; over one alternate route for operating convenience only. CAMPBELL SIXTY-SIX EXPRESS, INC., is authorized to operate as a *common carrier* in Missouri, Kansas, Tennessee, Texas, Oklahoma, Illinois, Alabama, Misdasippi, Louisiana, and Arkansas. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10586. Authority sought for purchase by TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316, of a portion of the operating rights of CAUDELL TRANSPORT, INC., 30 Thames Road, Forest Park, Ga. 30050, and for acquisition by AMERICAN COMMERCIAL LINES, INC., 2919 Allen Parkway, Houston, Tex. 77019, and in turn by TEXAS GAS TRANSMISSION CORPORATION, 3800 Frederica Street, Owensboro, Ky. 42301, of control of such rights through the purchase. Applicants' attorneys: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603; T. Randolph Buck, 2919 Allen Parkway, Houston, Tex. 77019; Harold H. Clokey, 248 Chester Avenue SE., Atlanta, Ga. 30316; and Guy H. Postell, 1273 West Peachtree Street NW., Atlanta, Ga. 30309. Operating rights sought to be transferred: *General commodities*, excepting among others household goods, but not excepting commodities in bulk, as a *common carrier* over regular routes between Atlanta, Ga., and Savannah, Ga., serving no intermediate points, except serving the intermediate points of Swainsboro, Macon, and Forsyth, Ga., and junction U.S. Highway 1 and Interstate Highway 16, between Savannah, Ga., and Savannah Beach, Ga., serving all intermediate points, and the off-route points of Wilmington Island, Ga., over three alternate routes for operating convenience only. Vendee is authorized to operate as a *common carrier* in Kentucky, Indiana, Illinois, Georgia, Tennessee, Alabama, Florida, and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10587. Authority sought for purchase by ANDREWS VAN LINES, INC., Seventh Street and Park Avenue, Norfolk, Nebr. 68701, of a portion of the operating rights of ASHWORTH TRANSFER, INC., 1526 South Sixth West, Salt Lake City, Utah 84104, and for acquisition by CLAYTON L. ANDREWS also of Norfolk, Nebr., of control of such rights through the purchase. Applicants' attorney: Donald E. Leonard, Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes between Salt Lake City, Utah, and points within 25 miles thereof, on the one hand, and, on the other, points in Nevada and Wyoming, and points in that part of Idaho south of, but not including, Idaho County, Idaho. Vendee is authorized to operate as a *common carrier* in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Wyoming, Delaware, Maryland, Idaho, Montana, Oregon, Utah, Washington, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: If a hearing is deemed necessary it is requested that the hearing be set for Salt Lake City, Utah, or Washington, D.C.

No. MC-F-10588. Authority sought for purchase by FUNK'S HAULING SERVICE, INC., 2750 Grant Avenue, Philadelphia, Pa. 19114, of a portion of the operating rights and certain property of DANIEL H. McCOLLISTER, doing business as McCOLLISTER'S EXPRESS, Logan and Mitchell Avenues, Burlington, N.J. 08016, and for acquisition by CLINTON C. FUNK, JR., and ANNA FUNK, both also of Philadelphia, Pa., of control of such rights and certain property through the purchase. Applicants' representative: Abraham J. Brem Levy, 1328 Land Title Building, Philadelphia, Pa. 19110. Operating rights sought to be transferred: *General commodities*, except those of unusual value, liquors, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes between Burlington, N.J., and Philadelphia, Pa., serving all intermediate points; and the off-route points of Bordentown, Roebling, and Florence, N.J. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, Maryland, Delaware, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10589. Authority sought for purchase by CLARKSON BROS. MACHINERY HAULERS, INC., Post Office Box 25, Cowpens, S.C. 29330, of a portion of the operating rights of MACON TRADING POST, INC., doing business as TRADING POST, Post Office Box 4032, Macon, Ga. 31208. Applicants' attorney: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Operating rights sought to be transferred: *Textile machinery*, as a *common carrier* over irregular routes, between Columbus, Ga., on the one hand, and, on the other, points in Alabama, Georgia, North Carolina, and South Carolina. Vendee is authorized to operate as a *common carrier* in North Carolina, Georgia, South Carolina, and Virginia. Application has not been filed for temporary authority under section 210a(b). NOTE: If a hearing is deemed necessary, it is requested that it be held in Washington, D.C., or Atlanta, Ga.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.
Acting Secretary.

[F.R. Doc. 69-10229; Filed, Aug. 26, 1969; 8:47 a.m.]

[Notice 398]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 19, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interestate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71449. By order of August 14, 1969, the Motor Carrier Board approved the transfer to B & D Transfer Inc., Box 133, Liberty, Pa., 16930, of the certificates in Nos. MC-107110, MC-107110 (Sub-No. 1), MC-107110 (Sub-No. 3), MC-107110 (Sub-No. 4), and MC-107110 (Sub-No. 5), issued November 1, 1950, December 20, 1946, March 4, 1968, February 25, 1949, and January 23, 1968, respectively, to Gerald L. Dinnison, Lawrence E. Black, F. A. Brion, and R. H. Goodall, a limited partnership, doing business as B & D Transfer, Box 133, Liberty, Pa. 16930, authorizing the transportation of general commodities, with exception, and specified commodities from, to, and between specified points and described areas in Pennsylvania, and New Jersey, and points and areas in the States of Maryland, Delaware, New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Ohio, and the District of Columbia.

No. MC-FC-71455. By order of August 14, 1969, the Motor Carrier Board approved the transfer to Clifton Bus Co., Inc. Brooklyn, N.Y., of the operating rights in certificate No. MC-19835, issued May 23, 1957, to Clifton W. Francis, Brooklyn, N.Y., authorizing the transportation of passengers and their baggage, restricted to traffic originating at the point indicated, in charter operations, from New York, N.Y., to Philadelphia, Pa., points in New Jersey and the District of Columbia, points in that part of Connecticut on and west of U.S. Highway 5, and points in Orange, Sullivan, Rockland, and Onondaga Counties, N.Y., and return. Sidney Leshin, 501 Madison Avenue, New York, N.Y. 10022, Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102, attorneys for transferee and transferor.

No. MC-FC-71477. By order of August 13, 1969, the Motor Carrier Board approved the transfer to Goodhall's Garage, Inc., Stafford Springs, Conn., of certificate in No. MC-116726, issued November 15, 1957, to Wallace I. Goodhall,

Jr., Stafford Springs, Conn., authorizing the transportation of: Repossessed or disabled vehicles in truckaway service, by use of vehicles equipped as wreckers, between points in Connecticut on the one hand, and, on the other, points in Rhode Island and Massachusetts. Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103, attorney for applicants.

No. MC-FC-71523. By order of August 14, 1969, the Motor Carrier Board approved the transfer to James D. Woleslagel, doing business as Woleslagel Moving Co., Fremont, Ohio, of the certificate in No. MC-30098, issued June 20, 1955, to Neven I. Woleslagel, doing business as N. I. Woleslagel Moving Co., Fremont, Ohio, authorizing the transportation of household goods, office furniture and equipment and store fixtures between Fremont, Ohio, and points within 20 miles thereof, on the one hand, and, on the other, points in the Southern Peninsula of Michigan. Harvey A. Rosenzweig, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-71534. By order of August 14, 1969, the Motor Carrier Board approved the transfer to Airborne Freight Corp., 620 Colman Building, Seattle, Wash. 98104, of the certificate in No. MC-123343, issued August 13, 1968, to Pacific Air Freight, Inc., 620 Colman Building, Seattle, Wash. 98104, authorizing the transportation of general commodities, with exceptions, between points in Alaska within 25 miles of Anchorage, including Anchorage.

No. MC-FC-71536. By order of August 14, 1969, the Motor Carrier Board approved the transfer to Robert F Clemens, doing business as R. F. Clemens, Putnam, Conn., of permit No. MC-29674, issued July 25, 1941, to George L. Place, Thompson, Conn., authorizing the transportation of: Liquid petroleum products and greases, from Putnam, Conn., Providence and East Providence, R.I., to points in Connecticut, Rhode Island, and Massachusetts within 30 miles of Putnam. Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601, applicants representative.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-10230; Filed, Aug. 26, 1969; 8:47 a.m.]

[Notice 400]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 22, 1969.

Synposes of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 25815. By order of August 21, 1969, the Motor Carrier Board approved the transfer to William W. Stender, Bay City, Mich., of the operating rights in water carrier certificate No. W-732 issued August 11, 1944, to Nicholson Transit Co., Ecorse, Mich., authorizing the operation as a common carrier by self-propelled vessels and by non-self-propelled vessels with the use of separate towing vessels, in the transportation of commodities generally, in interstate or foreign commerce, between ports and points on the Great Lakes and interconnecting tributary waterways, including the St. Lawrence River as far east as Ogdensburg, N.Y., but not including the New York State Canal System. Marlin P. Scholl, 1051 Penobscot Building, Detroit, Mich. 48226, attorney for applicants.

No. MC-FC-71533. By order of August 18, 1969, the Motor Carrier Board approved the transfer to Liner Moving & Storage Corp., Newburgh, N.Y., of the operating rights in certificate No. MC-89301 issued June 27, 1966, to Lothar Neumetzger, doing business as Liner Moving & Storage Co., Newburg, N.Y., authorizing the transportation, over irregular routes, of used household goods from Newburgh, N.Y., to points in Fairfield, Hartford, Litchfield, and New Haven Counties, Conn., and Essex County, N.J., and household goods, as defined by the Commission, from Newburgh, N.Y., and points within 20 miles of Newburgh, N.Y. (except Maybrook, Montgomery, Walden, Pine Bush, and Wallkill, N.Y.), to points in Connecticut (except those in Fairfield, Hartford, Litchfield, and New Haven Counties, Conn.), Massachusetts, New Jersey (except those in Essex County, N.J.), New York, and Pennsylvania; from points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, to Newburgh, N.Y., and points within 20 miles of Newburgh, N.Y. (except Maybrook, Montgomery, Walden, Pine Bush, and Wallkill, N.Y.); and between Newburgh, N.Y., on the one hand, and, on the other, Maybrook, Montgomery, Walden, Pine Bush, and Wallkill, N.Y., points in Fairfield, Hartford, Litchfield, and New Haven Counties, Conn., and points in Essex County, N.J. John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207, attorney for applicants.

No. MC-FC-71539. By order of August 18, 1969, the Motor Carrier Board approved the transfer to T & R Transit Co., a corporation, Decatur, Ill., of the certificate of registration in No. MC-104382 (Sub-No. 3), issued February 10, 1964, to Enoch Trusner, doing business as T & R Cartage Co., Decatur, Ill., authorizing the transportation of general commodities between points in the State of Illinois.

No. MC-FC-71551. By order of August 18, 1969, the Motor Carrier Board approved the transfer to Haywood Trucking Co., Inc., Wallins Creek, Ky., of certificates in Nos. MC-118768 and MC-118768 (Sub-No. 2), issued April 19, 1960, and July 12, 1965, to Charles Greene, doing business as Greene Transfer Co.; Pineville, Ky., authorizing the transportation of: Lumber, from points in Bell and Knox Counties, Ky., to points in Georgia, Illinois, Indiana, Maryland, North Carolina, Pennsylvania, Tennessee, Virginia, Wisconsin, and a specified part of Ohio; and, fertilizer, in bags, from Bristol, Va., to points in Bell and Harlan Counties, Ky., and, lumber (except plywood and veneers), from the plantsite of the Georgia-Pacific Corp. at or near Evarts, Ky., to points in Georgia, Maryland, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, and returned shipments on the return. Robert R. R. Boone, Post Office Box 294, Pineville, Ky. 40977, attorney for transferor, and, Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. 40202, attorney for transferee.

No. MC-FC-71563. By order of August 18, 1969, the Motor Carrier Board approved the transfer to Farrell Barnes, doing business as Farrell's Trucking, Mount Sterling, Ky., of certificate No. MC-127391, issued March 13, 1968, to Whisman Auto Sales, Inc., Hope, Ky., authorizing the transportation of: Used automobiles, in truckaway service in secondary movements, from Dayton and Cleveland, Ohio; South Bend and Dyer, Ind.; and Detroit, Mich., to points in Montgomery County, Ky. James S. Wilson, 226 Main Street, Post Office Box 151, Paris, Ky. 40361, attorney for applicants.

[SEAL] ANDREW ANTHONY, JR., *Acting Secretary.*

[F.R. Doc. 69-10231; Filed, Aug. 26, 1969; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 22, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 245 (49 CFR 1100.245) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. H-5019, filed May 21, 1969. Applicant: VAN WYK FREIGHT LINES, INC., Sully, Iowa. Applicant's representative: Russell Wilson, 3829 Merle Hay Road, Des Moines, Iowa. Certificate of Public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Des Moines, Montezuma, Malcom, Brooklyn, Grinnell, Gilman, Laurel, Le Grand, Montour, Dunbar, and Newburg. Both intrastate and interstate authority sought.

HEARING: Tuesday, October 28, 1969, at 10 a.m., Office of the Commission, Des Moines, Iowa. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Iowa State Commerce Commission, State Capitol, Des Moines, Iowa 50319, and should not be directed to the Interstate Commerce Commission.

State Docket No. 6103, filed July 8, 1969. Applicant: GENEVA CARTAGE, INCORPORATED, Post Office Box 284, Pleasant Grove, Utah 84062. Applicant's representative: Miss Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *steel and steel products*, between the United States Steel Plant at Geneva, Utah, and applicant's yard at Pleasant Grove, Utah; and *cast iron pipe* from Pacific States Cast Iron Pipe Co. at its plantsite located between Provo and Springville, Utah, to applicant's yard at Pleasant Grove, Utah. Both intrastate and interstate authority sought.

HEARING: Tuesday, September 23, 1969, 10 a.m., 330 East Fourth South Street, Salt Lake City, Utah. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Utah Public Service Commission, 330 East Fourth South Street, Salt Lake City, Utah 84111, and should not be directed to the Interstate Commerce Commission.

State Docket No. 69-260-MF/A, filed July 18, 1969. Applicant: JOHN W. AND JOANNE C. HOOGLAND, doing business as CITY EXPRESS, Box 305, Fourth and Washington Streets, Seward, Alaska 99664. Applicant's representative: Roger McShea, 1503 K Street, Anchorage, Alaska 99501. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities, between points within a 10-mile radius of Seward, Alaska; and between Seward, Alaska, and points within 10 miles thereof, on the one hand, and, on the other, points within 100 airline miles. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Any person having interest in, or objection to the application may file a statement in writing with the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501. Said statement (in duplicate) shall be delivered to the Commission's office or postmarked not later than fifteen (15) days after the last date of publication of this notice, and the person filing the statement must furnish an affidavit of service of a copy of such statement on the applicant's attorney: Roger McShea, 1503 K Street, Anchorage, Alaska 99501.

By the Commission.

[SEAL] ANDREW ANTHONY, JR., *Acting Secretary.*

[F.R. Doc. 69-10232; Filed, Aug. 26, 1969; 8:48 a.m.]

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FEDERAL REGISTER

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Agricultural Research Service
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Emergency Preparedness Office
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Railroad Administration
Fish and Wildlife Service
General Services Administration
Interstate Commerce Commission
Packers and Stockyards Administration
Securities and Exchange Commission
Small Business Administration

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that the positions of Director, Tobacco Division and Director, Livestock and Dairy Division, Agricultural Stabilization and Conservation Service, are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (6) and (7) are added to paragraph (h) of § 213.3313 as set out below.

§ 213.3313 Department of Agriculture.

* * * * * * *

(h) *Agricultural Stabilization and Conservation Service.* * * *

(6) Director, Tobacco Division.

(7) Director, Livestock and Dairy Division.

* * * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–10289; Filed, Aug. 27, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Subpart A—Regulations

POSTPONEMENT OF EFFECTIVE DATES

Statement of considerations. On February 8, 1969, there was published in the FEDERAL REGISTER (34 F.R. 1859), an amendment of the regulations (7 CFR 26.1 et seq.) under the U.S. Grain Standards Act, as amended (Public Law 90–487).

While most of the provisions of the regulations became effective March 10, 1969, the effective date of certain provisions of the regulations, including inspection tolerances, file samples, and volume of inspection reports, was delayed to provide additional time for the official inspection agencies and the Department of Agriculture to prepare for carrying out those provisions. The delayed effective dates as published on page 1889 in the February 8, 1969, FEDERAL REGISTER (34 F.R. 1889) are as shown below:

Provisions of regulations	Subject matter	Effective date
26.30(d)(2), 26.38(d), 26.48(d), 26.55(b)(2), 26.57	Tolerances	September 1, 1969.
	File samples	August 1, 1969: *Provided*, That any official inspection agency may voluntarily adopt the prescribed system for file samples at any earlier date.
26.100(i)	Volume of inspection reports.	August 1, 1969.

It now appears that additional time is needed for official inspection agencies and the Department of Agriculture to prepare for carrying out those provisions. Accordingly, under authority contained in section 16 of the U.S. Grain Standards Act (7 U.S.C. 87e), such provisions of the regulations shall not be applicable until further notice.

This notice does not impose any further requirements on the grain trade or on official inspection agencies. Therefore, it is found upon good cause, under the administrative procedure provision of 5 U.S.C. 553, that notice and other public procedure with respect to this notice are impracticable and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

This notice shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of August 1969.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 69–10288; Filed, Aug. 27, 1969; 8:47 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

REGULATED AREAS

Under the authority of § 301.81–2 of the Imported Fire Ant Quarantine regulations, 7 CFR 301.81–2, as amended, 33 F.R. 9750, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.81–2a, as follows:

§ 301.81–2a Regulated areas; suppressive and generally infested areas.

The civil divisions, and parts of civil divisions, described below, are designated as imported fire ant regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

ALABAMA

(1) *Generally infested areas.*

Autauga County. The entire county.
Baldwin County. The entire county.
Barbour County. The entire county.
Bibb County. The entire county.
Blount County. That portion of the county lying south of the north line of T. 12 S.; and those portions of Tps. 10 and 11 S., Rs. 1 and 2 W. lying in the county.
Bullock County. The entire county.
Butler County. The entire county.
Calhoun County. The entire county.
Chambers County. The entire county.
Chilton County. The entire county.
Choctaw County. The entire county.
Clarke County. The entire county.
Clay County. The entire county.
Coffee County. The entire county.
Conecuh County. The entire county.
Coosa County. The entire county.
Covington County. The entire county.
Crenshaw County. The entire county.
Dale County. The entire county.
Dallas County. The entire county.
Elmore County. The entire county.
Escambia County. The entire county.
Fayette County. The entire county.
Geneva County. The entire county.
Greene County. The entire county.
Hale County. The entire county.
Henry County. The entire county.
Houston County. The entire county.
Jefferson County. The entire county.
Lamar County. The entire county.
Lee County. The entire county.
Lowndes County. The entire county.
Macon County. The entire county.
Marengo County. The entire county.
Marion County. The entire county.
Mobile County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Perry County. The entire county.
Pickens County. The entire county.
Pike County. The entire county.
Russell County. The entire county.
St. Clair County. The entire county.
Shelby County. The entire county.
Sumter County. The entire county.
Talladega County. The entire county.
Tallapoosa County. The entire county.
Tuscaloosa County. The entire county.
Walker County. The entire county.
Washington County. The entire county.
Wilcox County. The entire county.

(2) *Suppressive areas.*

Cleburne County. That portion of the county lying south of the north line of T. 15 S. and west of the east line of R. 11 E.
Cullman County. The entire county.
Etowah County. S½, T. 11 S., R. 5 E.; T. 12 S., R. 5 E.; that portion of T. 13 S., R. 5 E., lying in the county; and that portion of the county lying east of the west line of R. 6 E.
Limestone County. S½, T. 3 S., R. 4 W.; T. 4 S., R. 4 W.; all of T. 5 S., R. 4 W., lying north of the Tennessee River; SE¼, T. 3 S., R. 5 W.; and that part of the E½, T. 4 S., R. 5 W., lying north of the Tennessee River.
Morgan County. N½, T. 6 S., Rs. 4 and 5 W.; and those portions of T. 5 S., Rs. 4 and 5 W., and T. 4 S., R. 5 W., lying south of the Tennessee River.
Randolph County. That portion of the county lying west of the east line of R. 11 E. and the remainder of the county south of the north line of T. 20 S.

ARKANSAS

(1) *Generally infested areas.* None.

(2) *Suppressive areas.*

Ashley County. Those portions of Tps. 17, 18, and 19 S., Rs. 6, 7, 8 9, and 10 W., lying in Ashley County.

Union County. The entire county.

FLORIDA

(1) *Generally infested areas.*

Baker County. Tps. 1 N. and 1 S., R. 21 E. and that portion of the county lying south of the north line of T. 2 S.

Bay County. The entire county.

Bradford County. That part of the county north of State Road 16 and east of the west boundary line of R. 22 E., except the city of Starke.

Brevard County. That portion of the county lying within an area 4 miles wide with Interstate 95 as centerline beginning at the Volusia-Brevard County line and extending southward to the south section lines of secs. 13, 14, 15, and 16, T. 27 S., R. 36 E.

Calhoun County. The entire county.

Charlotte County. That portion of the county lying within Tps. 40 and 41 S., Rs. 19, 20, 21, 22, 23, and 24 E., and T. 42 S., Rs. 20 and 21 E.

Citrus County. S½, T. 20 S., R. 19 E., and that portion of T. 1 S., R. 19 E., lying within the county.

Clay County. That portion of the county lying north of the south line of T. 6 S.

Columbia County. E½, T. 3 S., R. 15 E., and secs. 1, 2, 11, 12, 13, and 14, T. 4 S., R. 15 E.; T. 3 S., R. 16 E., N½, T. 4 S., R. 16 E.; T. 3 S., R. 17 E., excluding the corporate limits of Lake City; and T. 3 S., R. 18 E.

De Soto County. The entire county.

Duval County. The entire county.

Escambia County. The entire county.

Franklin County. The entire county.

Gadsden County. The entire county.

Gulf County. The entire county.

Hamilton County. That portion of the county lying west of the east line of R. 15 E., except the cities of White Springs and Jasper.

Hardee County. That portion of the county lying south of the south line of T. 35 S.

Hernando County. The entire county.

Hillsborough County. That portion of the county lying north of the south line of T. 28 S.

Holmes County. The entire county.

Jackson County. The entire county.

Jefferson County. The entire county.

Lake County. That portion of the county bounded by a line beginning at the junction of State Highway 437 and State Highway 44A, thence extending eastward along State Highway 44A to its junction with State Highway 44; thence northeast along State Highway 44 to the Lake-Volusia County line; thence southward along the east boundary line of Lake County to the Lake-Orange County line; thence west along the Lake-Orange County line to the west boundary line of sec. 35, T. 19 S., R. 27 E.; thence north along the west boundary line of sec. 35, T. 19 S., R. 27 E., to the junction of State Highway 46; thence eastward along State Highway 46 to it junction with State Highway 437; thence east and north along State Highway 437 to the point of beginning; secs. 13, 14, 23, 24, 25, 26, 35, and 36, T. 20 S., R. 26 E., and that portion of the county lying south of the north line of T. 21 S.

Leon County. The entire county.

Liberty County. The entire county.

Madison County. That portion of the county lying west of the east boundary line of R. 8 E.

Manatee County. That portion of the county lying south of the south line of T. 35 S.

Marion County. S½, T. 12 S. and all of T. 13 S., R. 20 E.; SW¼, T. 12 S., W½ and SE¼, T. 13 S., and Tps. 14 S. and 15 S., R. 21 E.; and S½, T. 13 S., and T. 14 S., R. 22 E., excluding the city of Reddick.

Nassau County. The entire county.

Okaloosa County. The entire county.

Orange County. The entire county.

Osceola County. That portion of the county bounded by a line beginning at the extreme northwestern corner of Osceola County and extending eastward along the Osceola-Orange County line to the Sunshine State Parkway; thence southward along the Sunshine State Parkway to the north line of T. 27 S.; thence east along the north line of T. 27 S. to the east line of R. 30 E.; thence south along said line to its intersection with the Sunshine State Parkway; thence southeast along the Sunshine State Parkway to the east line of R. 31 E.; thence south along said line to the south boundary line of T. 29 S.; thence west along said line to the Osceola-Polk County line; thence northwestward along the Osceola-Polk County line to the point of beginning.

Pasco County. The entire county.

Pinellas County. That portion of the county lying north of the south line of T. 28 S.

Polk County. The entire county.

St. Johns County. That portion of the county lying north of the south line of T. 6 S. and that portion of T. 7 S., R. 27 E. lying within the county.

Santa Rosa County. The entire county.

Sarasota County. The entire county.

Seminole County. The entire county.

Sumter County. The entire county.

Suwannee County. Those portions of Tps. 1 and 2 S., Rs. 13, 14, and 15 E., lying in the county and secs. 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, and 18, T. 3 S., R. 15 E.

Taylor County. That portion of the county bounded by a line beginning at the point where the west boundary line of R. 5 E. intersects the Aucilla River thence extending northeastward along said river to the Madison-Taylor County line; thence east along the Madison-Taylor County line to State Highway 55; thence south along said highway to the northern boundary of the city limits of Perry; thence west and south along said city limits to State Highway 30; thence southwestward and northwestward along State Highway 30 to the west boundary line of R. 5 E.; thence north along the west boundary line of R. 5 E. to the point of beginning; and T. 6 S., R. 9 E.

Union County. That portion of the county lying in Tps. 4 and 5 S., Rs. 19, 20, 21, and 22 E., except secs. 29, 30, 31, and 32, T. 5 S., R. 20 E.

Volusia County. That portion of T. 17 S., R. 29 E. lying in Volusia County; secs. 23, 24, 25, 26, 35, and 36, T. 16 S., R. 30 E.; Tps. 17 and 18 S., R. 30 E., and that portion of T. 19 S., R. 30 E. lying in the county; Tps. 16, 17, and 18 S., R. 31 E., and those portions of Tps. 19 and 20 S., R. 31 E. lying in Volusia County; T. 18 S., R. 32 E., and that portion of T. 19 S., R. 32 E. lying in Volusia County; and those portions of Tps. 19 and 20 S., R. 33 E. lying in Volusia County.

Wakulla County. The entire county.

Walton County. The entire county.

Washington County. The entire county.

(2) *Suppressive areas.*

Alachua County. Secs. 2, 3, 10, and 11, T. 10 S., R. 20 E.

Citrus County. T. 17 S., Rs. 15 and 16 E. lying in Citrus County and T. 19 S., R. 17 E.

Dixie County. That portion of the county beginning at the junction of sec. 7, T. 9 S., R. 11 E., and State Road 358, thence extending east and southeast along said road to its junction with State Road 55, thence southeast along said road to its junction with the south boundary line of T. 9 S., thence west along said line to its junction with the west boundary line of R. 11 E., thence north along said line to the point of beginning.

Highlands County. Tps. 33, 34, 35, and N½ lying north of the south line of T. 35 S.

Highlands County. Tps. 33, 34, 35, and N½, T. 36 S., R. 28 E., except the city of Sebring.

Hillsborough County. That portion of the county lying south of the south line of T. 28 S.

Manatee County. That portion of the county lying north of the south line of T. 35 S.

Pinellas County. That portion of the county lying south of the south line of T. 28 S.

GEORGIA

(1) *Generally infested areas.*

Baker County. The entire county.

Brooks County. The entire county.

Calhoun County. The entire county.

Chattahoochee County. The entire county.

Clay County. The entire county.

Colquitt County. The entire county.

Cook County. The entire county.

Decatur County. The entire county.

Dougherty County. The entire county.

Early County. The entire county.

Grady County. The entire county.

Harris County. The entire county.

Heard County. That portion of the county lying within Georgia Militia Districts 761, 939, 702, 788, 936, 693, and 792.

Lee County. The entire county.

Marion County. The entire county.

Meriwether County. The entire county.

Miller County. The entire county.

Mitchell County. The entire county.

Muscogee County. The entire county.

Quitman County. The entire county.

Randolph County. The entire county.

Schley County. The entire county.

Seminole County. The entire county.

Stewart County. The entire county.

Sumpter County. The entire county.

Terrell County. The entire county.

Thomas County. The entire county.

Troup County. The entire county.

Webster County. The entire county.

Worth County. The entire county.

(2) *Suppressive areas.*

Baldwin County. The entire county.

Ben Hill County. The entire county.

Bibb County. The entire county.

Bleckley County. The entire county.

Brantley County. The entire county.

Bryan County. The entire county.

Bullock County. That portion of the county lying within Georgia Militia Districts 1803, 1340, 47, and 1523.

Butts County. That portion of the county lying within Butrill Georgia Militia District 615, Jackson Georgia Militia District 612, Towaliga Georgia Militia District 610, and Goodys Georgia Militia District 613.

Chatham County. The entire county.

Clayton County. The entire county.

Coffee County. The entire county.

Crawford County. The entire county.

Crisp County. The entire county.

De Kalb County. The entire county.

Dodge County. The entire county.

Dooly County. The entire county.

Effingham County. The entire county.

Evans County. That portion of the county lying within Daisy Georgia Militia District 401.

Fayette County. The entire county, except Georgia Militia District 624.

Fulton County. That portion of the county lying in the corporate limits of Hapeville, College Park, East Point, and Atlanta; that portion of the county lying north of the corporate limits of Atlanta to the Chattahoochee

River; and that portion of the county lying within Georgia Militia Districts 1204, 1725, 409, 479, and 1762.

Gwinnett County. That portion of the county lying south and west of Georgia Highway 120 and Georgia Highway 124, including all of the area in the corporate limits of Snellville, Lawrenceville, and Duluth.

Henry County. The entire county.

Houston County. The entire county.

Irwin County. The entire county.

Jeff Davis County. The entire county.

Jones County. The entire county.

Lamar County. The entire county.

Laurens County. The entire county.

Liberty County. The entire county.

Lowndes County. That portion of the county lying within Georgia Militia Districts 1267, 1246, and 663.

Macon County. The entire county.

Monroe County. The entire county.

Peach County. The entire county.

Pierce County. The entire county.

Pike County. The entire county.

Pulaski County. The entire county.

Richmond County. That portion of the county lying north of Butler Creek.

Rockdale County. That portion of the county lying south of Interstate Highway 20, including the corporate limits of Conyers.

Spalding County. The entire county except Georgia Militia District 490.

Talbot County. The entire county.

Taylor County. The entire county.

Telfair County. The entire county.

Tift County. The entire county.

Turner County. The entire county.

Upson County. The entire county.

Twiggs County. The entire county.

Ware County. That portion of the county lying within Haywood Georgia Militia District 1030, James-Town Georgia Militia District 1372, Waresboro Georgia Militia District 451, Waycross Georgia Militia District 1231, Braganzia Georgia Militia District 1404, and Beach Georgia Militia District 1669.

Wheeler County. The entire county.

Wilcox County. The entire county.

Wilkinson County. The entire county.

LOUISIANA

(1) *Generally infested areas.*

Acadia Parish. The entire parish.

Allen Parish. The entire parish.

Ascension Parish. The entire parish.

Assumption Parish. The entire parish.

Avoyelles Parish. The entire parish.

Beauregard Parish. The entire parish.

Calcasieu Parish. The entire parish.

Caldwell Parish. The entire parish.

Cameron Parish. The entire parish.

Catahoula Parish. The entire parish.

Concordia Parish. The entire parish.

East Baton Rouge Parish. The entire parish.

East Feliciana Parish. The entire parish.

Evangeline Parish. The entire parish.

Franklin Parish. The entire parish.

Grant Parish. The entire parish.

Iberia Parish. The entire parish.

Iberville Parish. The entire parish.

Jefferson Parish. The entire parish.

Jefferson Davis Parish. The entire parish.

Lafayette Parish. The entire parish.

Lafourche Parish. The entire parish.

La Salle Parish. The entire parish.

Livingston Parish. The entire parish.

Orleans Parish. The entire parish.

Plaquemines Parish. The entire parish.

Pointe Coupee Parish. The entire parish.

Rapides Parish. The entire parish.

St. Bernard Parish. The entire parish.

St. Charles Parish. The entire parish.

St. Helena Parish. The entire parish.

St. James Parish. The entire parish.

St. John the Baptist Parish. The entire parish.

St. Landry Parish. The entire parish.

St. Martin Parish. The entire parish.

St. Mary Parish. The entire parish.

St. Tammany Parish. The entire parish.

Tangipahoa Parish. The entire parish.

Tensas Parish. The entire parish.

Terrebonne Parish. The entire parish.

Vermilion Parish. The entire parish.

Vernon Parish. The entire parish.

Washington Parish. The entire parish.

West Baton Rouge Parish. The entire parish.

West Feliciana Parish. The entire parish.

(2) *Suppressive areas.*

Bienville Parish. That portion of the parish lying west of the east line of R. 9 W., and that portion of the parish lying in T. 18 N. and T. 14 N., lying west of the east line of R. 7 W.

Bossier Parish. The entire parish.

Caddo Parish. The entire parish.

De Soto Parish. That portion of the parish lying north of the south line of T. 14 N., and east of the west line of R. 15 W., and that portion of the parish lying in T. 12 N., R. 10 W., R. 11 W., R. 12 W., R. 13 W.; T. 13 N., R. 11 W., R. 12 W., and R. 13 W.

East Carroll Parish. The entire parish.

Jackson Parish. The entire parish.

Lincoln Parish. The entire parish.

Madison Parish. The entire parish.

Morehouse Parish. The entire parish.

Natchitoches Parish. That portion of the parish lying south of the south line of T. 10 N. and east of the east line of R. 7 W. All of that portion of the parish within R. 6 W., R. 7 W., and R. 8 W. in T. 10 N. and T. 11 N., and that area lying in T. 12 N., R. 7 W. and R. 8 W.; T. 13 N., 7 W. and R. 8 W.

Ouachita Parish. The entire parish.

Red River Parish. The entire parish.

Richland Parish. The entire parish.

Sabine Parish. All that portion of the parish lying south of the north line of T. 8 N., R. 12 W., R. 13 W., R. 14 W.; and that portion south of the north line of T. 6 N., R. 10 W., and R. 11 W.

Union Parish. The entire parish.

Webster Parish. That portion of the parish lying south of the north line T. 19 N.

West Carroll Parish. The entire parish.

Winn Parish. That portion of the parish lying east of the west line of R. 2 W.

MISSISSIPPI

(1) *Generally infested areas.*

Adams County. The entire county.

Amite County. The entire county.

Attala County. The entire county.

Calhoun County. The entire county.

Chickasaw County. The entire county.

Choctaw County. The entire county.

Claiborne County. The entire county.

Clarke County. The entire county.

Clay County. That portion of the county lying north of the north line of T. 17 S.

Copiah County. The entire county.

Covington County. The entire county.

Forrest County. The entire county.

Franklin County. The entire county.

George County. The entire county.

Greene County. The entire county.

Hancock County. The entire county.

Harrison County. The entire county.

Hinds County. The entire county.

Issaquena County. The entire county.

Itawamba County. The entire county.

Jackson County. The entire county.

Jasper County. The entire county.

Jefferson County. The entire county.

Jefferson Davis County. The entire county.

Jones County. The entire county.

Kemper County. The entire county.

Lamar County. The entire county.

Lauderdale County. The entire county.

Lawrence County. The entire county.

Leake County. The entire county.

Lee County. The entire county.

Lincoln County. The entire county.

Madison County. The entire county.

Marion County. The entire county.

Monroe County. The entire county.

Neshoba County. The entire county.

Newton County. The entire county.

Noxubee County. The entire county.

Pearl River County. The entire county.

Perry County. The entire county.

Pike County. The entire county.

Pontotoc County. The entire county.

Renkin County. The entire county.

Scott County. The entire county.

Sharkey County. The entire county.

Simpson County. The entire county.

Smith County. The entire county.

Stone County. The entire county.

Walthall County. The entire county.

Warren County. The entire county.

Washington County. The entire county.

Wayne County. The entire county.

Webster County. The entire county.

Wilkinson County. The entire county.

Winston County. The entire county.

Yazoo County. The entire county.

(2) *Suppressive areas.*

Clay County. That portion of the county lying south of the north line of T. 17 S.

Grenada County. NE¼ T. 22 N., R. 7 E.; SE¼ T. 23 N., R. 7 E.

Holmes County. That portion of T. 14 N., R. 4 E., lying east of the 1820 Choctaw Treaty boundary line; those portions of secs. 6, 7, and 18, T. 14 N., R. 5 E., lying in Holmes County.

Lowndes County. The entire county.

Oktibbeha County. The entire county.

Union County. T. 7 S., and N½ T. 8 S., R. 4 E.; those portions of Tps. 7 and 8 S., R. 5 E. lying in the county.

SOUTH CAROLINA

(1) *Generally infested areas.*

Calhoun County. The entire county.

Horry County. The entire county.

Orangeburg County. That portion of the county bounded by a line beginning at a point where U.S. Highway 21 intersects the Orangeburg-Calhoun County line, thence extending in a southeasterly and northeasterly direction along said county line to the western shoreline of Lake Marion, thence southeast along said shoreline to its intersection with U.S. Highway 15, thence southwest and south along said highway to its intersection with the Orangeburg-Dorchester County line, thence north and southwest along said county line to its intersection with the Edisto River, thence northwest along said river and South Fork Edisto River to its intersection with U.S. Highway 601, thence northeast along said highway to its intersection with State Secondary Highway 376, thence northwest along said highway to its junction with State Secondary Highway 74, thence in a northeasterly direction along said highway to its junction with U.S. Highway 178, thence in a southeasterly direction along said highway to its junction with State Secondary Highway 61, thence in a northerly direction along said highway to its junction with the Calhoun-Orangeburg County line, thence along said county line to the point of beginning.

Richland County. That portion of the county bounded by a line beginning at a point where U.S. Highway 1 intersects the Richland-Kershaw County line, thence southeast and east along said county line to its intersection with the Wateree River, thence south along said river to its junction with the Congaree River, thence northwesterly along said river to its junction with the Saluda River, thence northwest along said river to its intersection with Interstate Highway 26, thence northerly along said highway to its intersection with Interstate Highway 20, thence easterly along said highway to its intersection with U.S. Highway 1, thence northeast along said highway to the point of beginning.

(2) *Suppressive areas.*

Beaufort County. That portion of the county lying southwest of Port Royal Sound and Broad River.

Berkeley County. The entire county.

Charleston County. That portion of the county bounded by a line beginning at a point where U.S. Highway 78 intersects the Charleston-Dorchester County line and extending northeast along said county line to its junction with the Charleston and Berkeley County line, thence south and east along said county line to its junction with Cooper River, thence in a southerly direction along said river to its junction with the Wando River and the Berkeley-Charleston County line, thence northeast along the Berkeley-Charleston County line to its junction with the South Santee River, thence southeast along said river to its intersection with U.S. Highway 17, thence in a westerly direction along said highway to its intersection with State Primary Highway 171, thence south along said highway to its junction with State Primary Highway 700, thence west along said highway to its intersection with State Secondary Highway 20, thence northwest and north along said highway to its intersection with U.S. Highway 17, thence west along said highway to its intersection with the Edisto River, thence north along said river to the Charleston-Dorchester County line, thence along said county line to the point of beginning.

Colleton County. That portion of the county bounded by a line beginning at a point where U.S. Highway 15 intersects the Edisto River, thence east and south along said river to its intersection with U.S. Highway 17, thence west along said highway to its junction with State Primary Highway 303, thence north along said highway to its junction with U.S. Highway 15, thence north along said highway to the point of beginning.

Dorchester County. The entire county.

Hampton County. That portion of the county bounded by a line beginning at a point where the Savannah River junctions with the Hampton-Allendale County line, thence extending east and northeast along said county line to its intersection with State Secondary Highway 20, thence southeast along said highway to its junction with State Secondary Highway 48, thence east along said highway to its junction with State Secondary Highway 25, thence east along said highway to its junction with State Primary Highway 333, thence east along said highway to its junction with U.S. Highway 601, thence south along said highway to its intersection with the Hampton-Jasper County line, thence southwest along said county line to its junction with the Savannah River, thence northwest and north along said river to the point of beginning.

Jasper County. That portion of the county bounded by a line beginning at a point where the Savannah River junctions with the Jasper-Hampton County line, thence extending northeast along said county line to its intersection with the Southern Railway, thence south along said highway to its junction with State Primary Highway 336, thence east along said highway to its junction with State Secondary Highway 110, thence southeast along said highway to its junction with U.S. Highway 17, thence southwest along said highway to its junction with State Secondary Highway 141, thence northeast along said highway to its intersection with New River, thence south along said river to the Atlantic Ocean, thence southwest to a point where the Savannah River enters the Atlantic Ocean, thence northwest along said river to the point of beginning.

TEXAS

(1) *Generally infested areas.*

Angelina County. The entire county.

Austin County. The entire county.

Bexar County. The entire county.

Brazoria County. The entire county.

Chambers County. The entire county.

Colorado County. The entire county.

Dallas County. The entire county.

Denton County. The entire county.

Fort Bend County. The entire county.

Galveston County. The entire county.

Grimes County. The entire county.

Hardin County. The entire county.

Harris County. The entire county.

Jasper County. The entire county.

Jefferson County. The entire county.

Liberty County. The entire county.

Montgomery County. The entire county.

Nacogdoches County. The entire county.

Newton County. The entire county.

Orange County. The entire county.

Polk County. The entire county.

Sabine County. The entire county.

San Augustine County. The entire county.

San Jacinto County. The entire county.

Tarrant County. That portion of the county bounded by a line beginning at a point where Texas State Highway 114 intersects the Denton-Tarrant County line, and extending east along said county line to the Tarrant-Dallas County line, thence south along said county line to its intersection with Harwood-Dallas County line road, thence westerly along said road to its junction with Arlington-Webb-Britton Road, thence south along said road to its junction with Poly-Webb Road, thence westerly along said road to its junction with Texas Farm Road 157, thence northerly and easterly along said road to its instersection with Texas State Highway 114, thence northwesterly along said highway to the point of beginning including the entire cities of Grand Prairie, Arlington, and Grapevine but excluding the cities of Euless, Bedford, Colleyville, Southlake, and Westlake.

Tyler County. The entire county.

Waller County. The entire county.

Wharton County. The entire county.

(2) *Suppressive area.*

Gregg County. The entire county.

(Secs. 8, 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.81-2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER when it shall supersede 7 CFR 301.81-2a, effective August 22, 1968.

The Director of the Plant Pest Control Division has determined that infestations of the imported fire ant exist or are likely to exist in the civil divisions, and parts of civil divisions listed above, or that it is necessary to regulate such areas because of their proximity to imported fire ant infestations or their inseparability for quarantine enforcement purposes from imported fire ant infested localities. The Director has further determined that each of the quarantined States is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the imported fire ant. Accordingly, such civil divisions and parts of civil divisions listed above, are designated as imported fire ant regulated areas.

This revision adds to the regulated areas all or parts of the following previously nonregulated counties: Holmes in Mississippi; and Beaufort, Calhoun, Colleton, Hampton, and Richland Counties in South Carolina.

This document imposes restrictions that are necessary in order to prevent the dissemination of the imported fire ant, and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public precedure with respect to the foregoing regulations are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 25th day of August 1969.

[SEAL] JOSEPH F. SPEARS,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 69-10298; Filed, Aug. 27, 1969; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 291]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.591 Valencia Orange Regulation 291.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted,

under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 26, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 29, 1969, through September 4, 1969, are hereby fixed as follows:

(i) District 1: 298,000 cartons;

(ii) District 2: 394,000 cartons;

(iii) District 3: 8,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 27, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-10414; Filed, Aug. 27, 1969; 11:53 a.m.]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Expenses and Rate of Assessment

On August 9, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 12950) regarding proposed expenses and the related rate of assessment for the period April 1, 1969, through March 31, 1970, pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington-Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 924.209 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington-Oregon Fresh Prune Marketing Committee during the period April 1, 1969, through March 31, 1970, will amount to $11,575.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 924.41, is fixed at $0.70 per ton of fresh prunes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of fresh prunes grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable prunes handled during the aforesaid period; and (3) such period began on April 1, 1969, and said rate of assessment will automatically apply to all such prunes beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 25, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-10301; Filed, Aug. 27, 1969; 8:48 a.m.]

PART 981—ALMONDS GROWN IN CALIFORNIA

Salable and Surplus Percentages for 1969-70 Crop Year

Notice was published in the August 12, 1969 issue of the FEDERAL REGISTER (34 F.R. 13035) regarding a proposal to establish salable and surplus percentages applicable to California almonds for the 1969-70 crop year beginning July 1, 1969. The percentages are based on the unanimous recommendation of the Almond Control Board and other available information in accordance with the applicable provisions of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Board, and other available information, it is found that to establish salable and surplus percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable and surplus percentages for almonds received by handlers for their own accounts during the 1969-70 crop year are established as follows:

§ 981.219 Salable and surplus percentages for almonds during the crop year beginning July 1, 1969.

The salable and surplus percentages during the crop year beginning July 1, 1969, shall be 65 percent and 35 percent, respectively.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable and surplus percentages designated for a particular crop year shall be applicable to all almonds received by handlers for their own accounts during such year; and (2) the current crop year began on July 1, 1969, and the percentages established herein will automatically apply to all such almonds beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 25, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-10300; Filed, Aug. 7, 1969; 8:48 a.m.]

PART 991—HOPS OF DOMESTIC PRODUCTION

Expenses of Hop Administrative Committee and Rate of Assessment for 1969-70 Marketing Year

Notice was published in the August 12, 1969, issue of the FEDERAL REGISTER (34 F.R. 13035) regarding proposed expenses of the Hop Administrative Committee for the 1969-70 marketing year and rate of assessment for that marketing year, pursuant to §§ 991.55 and 991.56 of the Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the

notice, the information and the unanimous recommendations submitted by the Hop Administrative Committee and other available information, it is found that the expenses of the Hop Administrative Committee and rate of assessment for the marketing year beginning August 1, 1969, shall be as follows:

§ 991.304 Expenses of the Hop Administrative Committee and rate of assessment for the 1969–70 marketing year.

(a) *Expenses.* Expenses in the amount of $135,000 are reasonable and likely to be incurred by the Hop Administrative Committee during the marketing year beginning August 1, 1969, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said marketing year, payable by each handler in accordance with § 991.56, is fixed at 0.225 cent per pound of salable hops.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of the marketing order require that the rate of assessment fixed for a particular marketing year shall be applicable to all salable hops handled during such year; and (2) the current marketing year begins on August 1, 1969, and the rate of assessment herein fixed will automatically apply to all such hops beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 25, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-10299; Filed, Aug. 27, 1969; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 1]

PART 1424—BULK OILS

Subpart—Standards for Approval of Bulk Oil Warehouses

GENERAL STATEMENT AND ADMINISTRATION

In § 1424.1, paragraph (b) of the Standards for Approval of Bulk Oil Warehouses, published on March 6, 1969, and March 15, 1969, in the FEDERAL REGISTER (34 F.R. 4880, 5300), is hereby amended to provide that copies of the CCC storage contract and other forms required for approval of warehouses for the storage and handling of tung oil may be obtained from the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, in lieu of the Producer Associations Division. The amended paragraph reads as follows:

§ 1424.1 General statement and administration.

* * * * *

(b) Copies of the applicable CCC storage contract and other forms required to obtain approval under this subpart may be obtained from the following offices: (1) For cottonseed oil and castor oil, from the New Orleans Agricultural Stabilization and Conservation Service Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112; (2) for tung oil, from the National Tung Oil Marketing Cooperative, Inc., Post Office Box 73, Poplarville, Miss. 39470, or the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250; and (3) for linseed oil and oil other than cottonseed oil, castor oil, and tung oil, from the Minneapolis Agricultural Stabilization and Conservation Service Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55410.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 19, 1969.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-10241; Filed, Aug. 27, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-EA-91]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Boston, Mass., control zone (34 F.R. 4566).

The NDB (ADF) RWY 22L instrument approach procedure for Logan International Airport, Boston, Mass., predicated on the Logan International Airport Runway 4–R Middle Compass Locator (LMM) has been cancelled and a new NDB (ADF) RWY 22L instrument approach procedure predicated on the Lynnfield radiobeacon has been authorized. As a result, the Boston, Mass., control zone extension described by reference to the Runway 4–R LMM is no longer required and can be revoked.

Since this amendment is less restrictive and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, the Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of Boston, Mass., the amendment is herewith made effective upon publication in the FEDERAL REGISTER.

Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting in the description of the Boston, Mass., control zone the words "and within 2 miles" and all thereafter.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 13, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 69-10281; Filed, Aug. 27, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-90]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Areas

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Columbus, Ohio, control zone (34 F.R. 4572, 9030) and Transition Area (34 F.R. 4668, 7274, 9030) and Rockland, Maine, transition area (34 F.R. 4756).

A change in the coordinates used to express the geographic position of the Port Columbus International Airport, Columbus, Ohio, in the description of the Columbus, Ohio, control zone and transition area requires alteration of these airspace designations to reflect this change.

Additionally, a change in the name of Rockland Municipal Airport requires alteration of the present designation of the Rockland, Maine, transition area to reflect the new name in the description.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of Columbus, Ohio, and Rockland, Maine, the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.171 of the Federal Aviation Regulations by deleting in the description of the Columbus, Ohio, control zone the Port Columbus International Airport coordinates and inserting in lieu thereof "39°59'45" N., 82°53'20" W."

2. Amend § 71.181 of the Federal Aviation Regulations by deleting in the description of:

(a) The Columbus, Ohio, transition area, the Port Columbus International Airport coordinates and inserting in lieu thereof "39°59'45" N., 82°53'20" W.", and in

(b) The Rockland, Maine, transition area the name "Rockland Airport" and insert in lieu thereof "Knox County Airport".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 13, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 69-10282; Filed, Aug. 27, 1969; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-19—TRANSPORTATION

Use of U.S.-Flag Commercial Vessels

Section 901(b) of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1241(b)), requires transportation in American vessels of certain cargoes procured, furnished, or financed by the United States. To guide agencies in observing and implementing the applicable provisions of sec. 901(b) of the Act, FPR Subpart 1–19 is amended by the addition of sections concerning the use of privately owned U.S.-flag commercial vessels in ocean transportation.

The table of contents of Part 1–19 is amended by the addition of the following entries:

1–19.108 Ocean transportation.
1–19.108–1 Use of privately owned U.S.-flag commercial vessels.

Subpart 1–19.1—General

Sections 1–19.108 and 1–19.108–1 are added to read as follows:

§ 1–19.108 Ocean transportation.

§ 1–19.108–1 Use of privately owned U.S.-flag commercial vessels.

Each agency shall give due recognition to applicable statutory provisions concerning use of privately owned U.S.-flag commercial vessels whenever:

(a) Any equipment, material, or commodities, within or without the United States, which may be transported by ocean vessel, are:

(1) Procured, contracted for, or otherwise obtained for the agency's account; or

(2) Furnished to or for the account of any foreign nation without provision for reimbursement.

(b) Funds or credits are advanced or the convertibility of foreign currencies is guaranteed in connection with furnishing such equipment, materials, or commodities which may be transported by ocean vessel.

The applicable statutory provisions are found in section 901(b) of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1241(b)). See also § 5–19.108 (41 CFR 5–19.108) concerning the implementing policies and procedures followed by the General Services Administration.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: August 21, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-10254; Filed, Aug. 26, 1969; 3:45 p.m.]

Chapter 5—General Services Administration

PART 5–19—TRANSPORTATION

Use of U.S.-Flag Commercial Vessels

The General Services Administration Procurement Regulations are amended to prescribe requirements regarding the use of privately owned U.S.-flag commercial vessels and to prescribe restrictive clauses for use in charter party agreements. Obsolete material in Subpart 5–19.50 concerning shipment on vessels in the Cuban trade has been deleted.

Subpart 5–19.1—General

§ 5–19.108 Ocean transportation.

§ 5–19.108–1 Use of privately owned U.S.-flag commercial vessels.

(a) *GSA policy.* It shall be the policy of GSA to transport, to the greatest extent possible, all ocean shipments, in- or out-bound, by privately owned U.S.-flag commercial vessels.

(b) *Clause for contractor-arranged ocean transportation of commodities.* Unless the shipping activity authorizes to the contrary, any contract under which (1) commodities may be procured and (2) the contractor arranges for ocean transportation, shall contain the following provision or appropriate modification:

USE OF U.S.-FLAG COMMERCIAL VESSELS

Any equipment, materials, or commodities required under this contract, which are to be transported on ocean vessels, shall be transported on privately owned U.S.-flag commercial vessels. When such vessels are not available, the Contractor must obtain the approval of the Contracting Officer to use foreign-flag vessels. The contract price shall be adjusted to reflect any difference in transportation charges when such foreign-flag vessels are authorized. A copy of the ocean bill of lading covering each shipment shall be submitted to the Contracting Officer.

(c) *Assistance to GSA contracting officer.* Contracting officers may contact the Transportation and Communications Service for assistance regarding approval of the use of foreign-flag vessels, adjustment of transportation charges, and other transportation matters.

§ 5–19.108–2 Shipments by foreign-flag vessels in Cuban or North Vietnam trade.

(a) *Vessels listed in the Federal Register by the Department of Commerce.* (1) No ocean shipment of material, to or from the United States, shall be arranged by GSA on a foreign-flag vessel which has been listed in the FEDERAL REGISTER by the Maritime Administration as having called at a Cuban port on or after January 1, 1963, or at a North Vietnam port on or after January 25, 1966, unless an exception has been made by the Secretary of Commerce. The Maritime Administration also maintains, on a day-to-day basis, a current index of any changes which occur subsequent to issuance of the latest listing.

(2) The regional Transportation and Communications Service shall (i) ensure that they are on the FEDERAL REGISTER mailing list and (ii) if necessary, supply ocean freight forwarders, under contract with GSA, the published listing of ineligible vessels.

(3) The Transportation and Communications Service, Central Office, shall process requests for exceptions and answer questions concerning provisions of this subpart or the eligibility of specific vessels.

(b) *AID shipments specifying ineligible vessels.* If a country, or its designee, receiving an Agency for International Development (AID) shipment, specifies an ineligible vessel, the Transportation and Communications Service will nominate an eligible vessel.

(c) *Contract clause.* All contracts, including, but not limited to, Federal Supply Schedule contracts, entered into by GSA, which may cause the contractor in the performance thereof to procure ocean transportation for any shipment to or from the United States shall contain the following clause:

NONUSE OF FOREIGN-FLAG VESSELS ENGAGED IN CUBAN OR NORTH VIETNAM TRADE

(1) If, after the date of award, any shipment of supplies to be delivered under this contract, or any shipment of material to be incorporated in such supplies, will require ocean transportation to or from the United States, the Contractor shall not use any foreign-flag vessel which the Maritime Administration has listed in the FEDERAL REGISTER as having called at a Cuban port on or after January 1, 1963, or a North Vietnam port on or after January 25, 1966, unless an exception has been made by the Secretary of Commerce.

(2) For the purposes of this clause, the term "United States" includes the 50 States, Puerto Rico, possessions of the United States, and the District of Columbia.

(3) The Contractor shall include the substance of this clause, including this paragraph (3), in each subcontract or purchase order hereunder which may involve ocean transportation to or from the United States.

§ 5–19.108–3 Restrictive charter clause—contractor charter party agreements.

All GSA contracts for the procurement of commodities which are likely to be transported on ocean vessels under

charter parties arranged by the contractor shall contain the following restrictive charter clause:

RESTRICTIVE CHARTER CLAUSE

(a) The Contractor agrees to include the following Restrictive Charter clause in any charter party agreement entered into by it for the transportation on foreign-flag vessels of the material purchased hereunder:

The vessel will not enter any port in North Korea, the Communist-controlled area of Vietnam, Communist China, or any other place under the control of the Chinese Communists, until after 60 days from the date of completion of discharge of the entire cargo under this charter. In the event of failure to comply with said agreement, 10 percent of the freight charges for ocean transportation hereunder will not be earned. Ten percent of the freight charges payable hereunder will be withheld by the charterer until the owner or his authorized agent submits evidence satisfactory to the charterer that there has been complete compliance with this agreement, and in the absence of such evidence, the withheld portion of the charges will not be paid."

The Contractor further agrees to notify the vessel owner, or his authorized agent, that in the event of violation of the provisions of said clause all vessels of the owner may be barred from further chartering for the transportation of cargoes owned by or destined for the Government of the United States of America.

(b) Promptly after expiration of the 60-day period provided in the Restrictive Charter clause stated in paragraph (a), above, the Contractor, on the basis of the evidence furnished it by the vessel owner or his authorized agent, shall determine whether the vessel has complied with the above Restrictive Charter clause. If the Contractor determines that the Restrictive Charter clause has been complied with, the Contractor shall pay to the owner of the vessel or his authorized agent the aforesaid withheld 10 percent. If the Contractor determines that said Restrictive Charter clause has not been complied with, the Contractor shall notify the owner of the vessel or his authorized agent of such determination of violation of the clause and shall afford said owner or his authorized agent 30 days within which to furnish to the Contractor any additional evidence which will show to the satisfaction of the Contractor that the Restrictive Charter clause has not been violated. During said 30-day period the Contractor shall continue to withhold the aforesaid 10 percent of the freight charges. If upon the expiration of said 30-day period the owner of the vessel or his authorized agent has not established proof satisfactory to the Contractor of compliance with said Restrictive Charter clause, the Contractor shall advise the owner of the vessel or his authorized agent of such final determination and shall thereafter promptly pay to the Government the full amount of the freight charges withheld by the Contractor pursuant to the aforesaid Restrictive Charter clause.

(c) Promptly after expiration of the 60-day period provided in the above-stated Restrictive Charter clause, the Contractor shall furnish the Contracting Officer with a complete statement of the evidence submitted to it by the owner of the vessel or his authorized agent pursuant to the provisions of the above Restrictive Charter clause on which the Contractor has based its determination that there has been compliance with said Restrictive Charter clause. In the event of a determination by the Contractor of noncompliance with said clause, the Contractor shall thereafter furnish the Government, promptly after receipt by it, such additional information as may be received by it from the vessel owner or his authorized agent within the 30-day period provided for in paragraph (b), above.

(d) Notwithstanding any other provision of this article, the Contractor and the Contracting Officer agree and stipulate that the question of compliance or noncompliance by the vessel owner with the Restrictive Charter clause is one of fact. Consequently, if after payment by the Contractor to the vessel owner or his authorized agent of the aforesaid withheld 10 percent the Government should discover that the vessel in question did, in fact, enter any port in violation of the Restrictive Charter clause, the Contractor shall be indebted to and shall pay the Government the full amount of said withheld 10 percent of the freight charges. Conversely, if at any time after the Contractor has finally determined that there has been noncompliance with the Restrictive Charter clause and has paid the withheld 10 percent of the freight charges to the Government pursuant to paragraph (b) of this article, it should be conclusively established that the vessel in question did not, in fact, enter any port in violation of the Restrictive Charter clause, the Government shall reimburse the Contractor in the full amount of the 10 percent of freight charges withheld by the Contractor from the vessel owner.

§ 5-19.108-4 Restrictive charter clause—GSA charter party agreements.

All charter party agreements entered into by GSA shall contain the following clause:

RESTRICTIVE CHARTER CLAUSE

The vessel will not enter any port in North Korea, the Communist-controlled area of Vietnam, Communist China, or any other place under the control of the Chinese Communists, until after 60 days from the date of completion of discharge of the entire cargo under this charter. In the event of failure to comply with said agreement, 10 percent of the freight charges for ocean transportation hereunder will not be earned. Ten percent of the freight charges payable hereunder will be withheld by the Government until the owner or his authorized agent submits evidence satisfactory to the Government that there has been complete compliance with this agreement, and in the absence of such evidence, the withheld portion of the charges will not be paid. In the event of violation of the provisions of this clause, the Government may, in addition to permanently withholding payment of the aforesaid 10 percent of the freight charges for ocean transportation hereunder, bar or cause to be barred all vessels of the owner from further chartering for the transportation of cargoes owned by or destined for the Government of the United States of America.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: August 21, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-10255; Filed, Aug. 26, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18389; FCC 69-924]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments, Porterville, Calif., and Rhinelander, Wis.

Second report and order. In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Porterville, Calif.; Bottineau, N. Dak.; Rhinelander, Wis.; Scobey, Mont.; and Humboldt, Iowa); Docket No. 18389, RM-1335, RM-1338, RM-1339, RM-1347, RM-1351.

1. The Commission has before it for consideration its notice of proposed rule making issued in this proceeding on November 29, 1968 (FCC 68-1147), and published in the FEDERAL REGISTER on December 4, 1968 (33 F.R. 18048), proposing a number of changes in the FM table of assignments. All petitions were disposed of in a previous first report and order (FCC 69-208), except for two: RM-1335, Porterville, Calif., and RM-1339, Rhinelander, Wis. The subject decision concerns the latter petitions and includes consideration of all comments, data and reply comments submitted in response to the notice. All population figures referred to herein are from the 1960 U.S. Census.

2. *RM-1335, Porterville, Calif.* In a petition filed July 30, 1968, Gateway Broadcasters, Inc., requested assignment of a Class B channel to Porterville, Calif., where Channel 240A is presently assigned and unoccupied. The community has one AM station, KTIP, Class IV, licensed to petitioner. Porterville, located about 45 miles north of Bakersfield, had a 1960 Census population of 7,991 and its county, Tulare, a population of 168,403. According to data furnished with the petition, as of June 1967 the population of Tulare County was 198,722, of which 123,117 was located outside of incorporated communities. It is also submitted that 30,000 persons reside within 6 miles of the Porterville city hall.[1]

3. In support of its request for a Class B assignment, petitioner states that it desires to provide a better FM service to the mountainous area to the east of Porterville than can be provided by the limited facilities obtainable from the presently assigned Class A channel. It is submitted that the present nighttime signal of the single local outlet for Porterville, KTIP (AM), extends only 5.3 miles, which encompasses little more than the city limits, thereby failing to serve the total trading area of Porterville, which is alleged by petitioner to contain 50,000 persons. It is submitted that a Class A operation would not appreciably improve the situation.

4. Based on an assumed elevated site about 3 miles north of Porterville, petitioner has determined that a maximum Class A facility would provide service to an area of 640 square miles containing 33,049 persons, compared to an area of 3,440 miles with a population of 179,038 obtainable by a maximum Class B operation. Based on actual authorized facilities, petitioner originally showed that the anticipated 1 mv/m contour would contain a "white area" of 165 square miles and would provide a second FM service to an additional area of 400 square miles. However, in an amended showing furnished in response to the notice, it is shown that if reasonable facilities are also assumed for unoccupied table assignments in the area, the areas would be 5 and 10 square miles, respectively.

5. Tulare County is presently assigned a total of six FM channels, five Class B and the one Class A at Porterville, only three of which are occupied. One Class B operates at Visalia (15,971) and two at Tulare (13,824). The remaining two Class B channels were assigned to Dinuba (6,103), neither of which has been applied for. We noted in the notice for this proceeding that our review of the Dinuba channels revealed that Channel 262 assigned there is short-spaced about 9 miles with a cochannel San Jose station, KBAY-FM. We therefore suggested that if the underspaced Dinuba assignment were deleted, it could be used in the area about Porterville and meet spacing requirements, and avoid thereby the preclusion considerations resulting from the assignment of Channel 283 originally proposed by petitioner. In response to this aspect of the notice, petitioner points out that a site for Channel 262 meeting the separation requirements at Porterville would need to be located so as to negate selection of an optimum site in the Porterville area best serving the mountainous area to the east, one of the primary objectives underlying its proposal. Accordingly, petitioner suggests that if our proposal to delete the Dinuba short-spaced assignment is adopted, the third adjacent channel, 259, could then be assigned to Porterville and permit a greater latitude in the selection of the most desirable site in the area. Furthermore, our study indicates that if the net preclusion impact is considered (i.e., the existing assignment of Channel 262 at Dinuba compared with the assignment of Channel 259 to Porterville), no city without an FM assignment having a population greater than 1,000 would be deprived of an assignment possibility.[2]

6. After careful review of the petitioner's proposal and comments filed in response to the notice, we conclude that the request is warranted and that it would therefore be in the public interest to assign Channel 259 to Porterville by deletion of the short-spaced assignment at Dinuba. We would also delete the present vacant Class A assignment at Porterville, which will release it for assignment to another community in the area for which a need can be demonstrated. Although the "white" and "gray" area showings in this case are not sufficient to be of decisional significance, the action taken here will retain the same number of Class B channels in Tulare County, reduce the total of existing Class A and B assignments by one, permit the elimination of an undersirable short-spaced assignment, and result in a more equitable distribution of Class B channels among the four largest communities within Tulare County. There were no opposing comments filed in this case.

7. In view of the foregoing, we are deleting Channel 262 from Dinuba, Calif., and substituting Channel 259 for 240A at Porterville, Calif.

8. *RM-1339, Rhinelander, Wis.* Charles K. Heath, a potential FM applicant, filed a petition on August 13, 1968, supplementing it on September 4, 1968, requesting a second Class C assignment, Channel 248, to Rhinelander, Wis., by moving the channel from Duluth, Minn., and substituting Channel 268 therefor at Duluth, as follows:

City	Channel No.	
	Present	Proposed
Duluth, Minn	235, 248, 255, 273, 277, 286	235, 255, 268, 273, 277, 286
Rhinelander, Wis	300	248, 300

9. Rhinelander is located in north central Wisconsin and has a population of 8,790. It is the largest city and county seat of Oneida County, population 22,112. The presently assigned Channel 300 and the one AM station (unlimited-time) at Rhinelander, the only aural outlets in Oneida County, are operated by a common licensee (WOBT AM/FM). A television station is also licensed at Rhinelander (WAEO-TV Ch. 12). Channel 248, which petitioner proposed be deleted from Duluth, is neither occupied nor has an application pending. (There are and would be six channels assigned there, one being authorized at Duluth and another in use at Superior, Wis.)

10. Heath states in his petition and later filings that he will apply for and, if granted, construct a facility with maximum permissible power (100 kw. E.R.P.) and antenna height of at least 500 feet above average terrain. In his comments filed in response to the notice, he contemplated a greater facility, using the WAEO-TV tower with an antenna height of 1,476 feet above average terrain. However, this tower was later demolished in an accident, and on February 9, 1969, the Commission was notified by the president of WAEO-TV that the tower then planned for replacement could not accommodate other antennas, although if it should be rebuilt differently than planned space for an FM station might be available. Heath then made further showings based on his original 500-foot proposal. As stated in the notice herein, an important consideration in this matter is the amount of "white" and "gray" area which a station using the proposed assignment would serve, together with the preclusion impact which making the proposed assignment would have on other uses of this and adjacent channels. It appears that, using the criteria which we have specified for such determinations, a station operating as proposed would provide a 1 mv/m or stronger signal to some 317 square miles not now receiving such service and 1,400 square miles receiving only one such service.[3] According to petitioner, nearly all of the area within the proposed 1 mv/m contour (100 kw.-500 ft.) is AM nighttime "white area".

11. In further response to the notice, petitioner provided a revised preclusion study for the proposed and pertinent adjacent channels, by which it is shown that only on Channels 248 and 249A would there develop impact areas, of limited size, from the proposed assignment. It is submitted that no community warranting consideration would be involved on Channel 248, and that Wakefield and Crystal Falls, Mich., both without FM assignments, would be precluded from Channel 249A. However, it is demonstrated that other Class A channels are available to these communities. If deletion of Channel 248 from Duluth is also considered, the preclusion areas would include additional communities without FM assignments, as follows: Two Harbors (4,695) and Silver Bay (3,723), Minnesota; Bessemer, Mich. (3,304); and Hurley, Wis. (2,763). Our study indicates that Class A channels are also available to each of the latter communities. Thus, it appears that any preclusion areas caused by assignment of Channel 248 to Rhinelander may be entirely compensated by availability of other channels

[1] Petitioner cites the following sources of data: California State Department of Finance and Chamber of Commerce of Tulare County and Tulare County Planning Commission.

[2] Channels are generally plentiful in the areas of impact for Channel 259 by virtue of their relative distances from the concentrated assignments in the Los Angeles and San Francisco areas.

[3] See further notice of proposed rule making, RM-1034, Docket 17095, FCC 67-655, 32 F.R. 8530 (1967), which states that "white area" determinations shall be based on the assumption that all channels (both those with existing stations and those unoccupied) are used by stations with maximum Class A facilities or Class C facilities of 75 kw. E.R.P. and 500 feet a.a.t. Petitioner's showing did not accord with this standard in that it used these values for unoccupied channels but assumed existing stations to operate with their present facilities. Also, during the penedncy of this petition, a first Class A FM assignment was made to Minocqua, Wis. (report and order, Docket No. 18541, FCC 69-701), which is located within petitioner's proposed 1 mv/m signal area for Rhinelander, and therefore affects to some extent the computation of service gains from that assignment. The figures in the text take this new assignment into account; without it the "gray" area figure would be somewhat larger.

of appropriate class to any affected community warranting consideration. This is not an area where channel availabilities are generally scarce. Preclusion, therefore, need not be a matter of further consideration in this case.

12. The notice proposal was opposed by The Oneida Broadcasting Co., the Rhinelander AM–FM licensee. The reply comments of Oneida contain an engineering showing representing that the area included within Heath's anticipated 1 mv/m signal contour is presently served by a minimum of two 50 μv/m, or better, interference-free contours from authorized operations in the general area. A similar showing including all unoccupied table assignments in the area indicates that petitioner's proposed 1 mv/m contour would be served by at least three 50 μv/m or better interference-free signals. To support its showing of available 50 μv/m interference-free contours, Oneida points out that the areas of interest, to which petitioner claims its proposal would provide a first and second FM service, are rural in nature, and cites § 73.315(b) of the rules to show that in rural areas satisfactory FM reception can be obtained with an interference-free signal as low as 50 μv/m.[4] By its showing, the opposition concludes that there is already an abundance of service to the entire area that would be served by petitioner's proposed assignment.

13. The opposition's showing of 50 uv/m FM service directly conflicts with the Commission's long-standing policy of not according decisional significance to 50 uv/m signals. In licensing proceedings, the consideration of proposed and available services has in general been confined to 1 mv/m signals. See Waynesboro Broadcasting Corp., 1 FCC 2d 431 (1965); Nelson Broadcasting Company, 5 FCC 2d 211, 8 R.R. 2d 890 (1966); Hubbard Broadcasting Inc., 12 FCC 2d 765, 13 RR 2d 47 (1968); and Harvit Broadcasting Corporation, Docket No. 18456, FCC 69R–285, 18 FCC 2d 508 (1969). Also, see Order, FCC 67–920, 9 FCC 2d 542, amending Rule 73.311 to eliminate 50 uv/m contours from the showings required in applications. In rule making proceedings a somewhat greater degree of attention has on occasion been given to signals of lesser value, but usually this has been where it was a question of changing the channel of an existing station and evaluating carefully the service it would render as compared to that presently provided. See Danville and Gretna, Virginia, 5 FCC 2d 333, 8 R.R. 2d 1595 (1966); Kenton and Bellefontaine, Ohio, 3 FCC 2d 598, 7 R.R. 2d 1600 (1966). Oneida has shown no reason in the present case for deviating from the present general policy of limiting consideration to 1 mv/m signals, at least where a change in an existing station is not involved.[5]

14. Much of the lengthy submissions of Heath and Oneida herein is devoted to discussion of the need and potential support in Rhinelander and surrounding areas for a second Class C channel, with rather voluminous supporting data of various types. Heath claims that the city and area need a second FM station, to serve the underserved population mentioned above and break the aural monopoly which Oneida now has in the city and county. It is claimed that the sparsely settled area around Rhinelander needs a wide-coverage Class C station, and that Oneida, enjoying its position as the "only poker game in town" has shown no inclination to improve its fairly modest facilities (25 kw. E.R.P. and 300 feet a.a.t.) to provide service to more people. Heath claims that this area of northern Wisconsin is growing at present, both in population and economically, even though the 1950–60 population increase was extremely small, with a recent increase in the number of jobs, summer visitors, bank deposits, assessed valuation and airline traffic at Rhinelander, and the growing popularity of the area for winter sports. Letters asserting the desire of persons in the area for an additional FM station are attached.

15. Oneida, opposing the assignment, claims that the Rhinelander area (with three broadcast stations, a CATV system and six translators) now has its fair and equitable share of facilities and assignments, both as to the city itself and its area. It is asserted that established Commission policy does not contemplate the assignment of two channels to cities of this small size in the absence of circumstances not present here, and that Class C channels are to be assigned to larger places.[6] Oneida claims that no "compelling need" is shown for the elaborate 24-hour, large-facility operation contemplated by Heath, that there is no showing of economic or population growth to indicate the viability of, or realistic justification for investment in, such an ambitious enterprise (which it is said would cost from $71,000 to $106,000 to build), and that the economics of the situation simply do not justify assigning a scarce and valuable Class C FM channel to such a small city. Oneida advances its own experience with FM since its FM station began operating in January 1966: AM–FM net income over the 3-year period of only about $3,000 ($304,000 revenues, $301,000 expenses), separate FM programing (6 to 11 p.m., or about 21 percent of its total broadcast time of 118 hours per week) producing only some $5,925 revenue compared to $10,915 expense in this period, thus indicating that separate FM operation is not economically viable in this market where FM circulation is not yet widely developed. The general FCC AM–FM economic data summary for 1966 is also cited, showing many independent FM stations operating at a loss,[7] both nationwide and in individual cities. As to Heath's economic statistics, Oneida claims that this area is static in population and economically compared to the rest of the State and generally, the recent winter-sports development occurs only for a small part of the year, what economic development there is is largely seasonal, much of the various increases cited by Heath reflect only national developments such as inflation and increased airline traffic, and the economic growth in the area cited by Heath has largely occurred in the southern portion thereof (e.g., Marathon County (Wausau)), where there is more service (and which Heath would not serve anyhow if limited to 500 ft. a.a.t. antenna height). The necessity to compete with a substantial number of broadcast and other media in the general area is mentioned. Oneida attaches letters praising its service to various community and area groups, and also asserts that if and when it determines that there is a need for expanded FM service in the area, it will expend by using the WAEO–TV tower.

16. Heath in reply asserts that Oneida's statements concerning its own lack of FM success are meaningless without information as to its promotional efforts, cost allocation, etc., and in view of its limited separate programing (with nearly 80 percent simulcasting, including the important daytime hours, when FM is "given away"). It is also asserted that general FM financial data is meaningless, and Heath reasserts his intention and ability to build and operate a station as proposed. The parties make other contentions which need not be detailed here.

17. After careful consideration, we are of the view that the assignment should be made as requested. As noted above, used as proposed, the assignment will provide a first FM service to a fairly substantial "white area", and a second service, and thus a choice of services, to a larger "gray area", nearly all of it without nighttime AM service. WOBT–FM has not seen fit to expand to serve most of this area, nor does it now propose to do so. It will also provide a second aural voice to Rhinelander and its immediate area, where WOBT now has an aural monopoly. These benefits are clearly in the public interest, especially since, as mentioned above, no significant preclusion of needed assignments in other places will result.

18. In reaching this decision, we recognize that Rhinelander is a small city, much smaller than most of those in the United States having two FM channels assigned, and that the surrounding area is sparsely settled and not necessarily either substantially growing in population or enjoying booming economic conditions. Nevertheless, in view of the above benefits the assignment is warranted. While Rhinelander is relatively small, it is of importance to a large area, particularly to the north and west where the nearest larger communities are 70 miles and more away (Ironwood, Mich., and Ashland, Wis., both only slightly larger than Rhinelander). Two other places in Wisconsin smaller in population (Shawano and Sturgeon Bay) have two channels assigned. Thus assignment of a second Class C channel to this city is warranted.[8]

19. With respect to Oneida's arguments concerning likely lack of economic support and the competitive situation in the Rhinelander area, our review of the operating experiences for the two existing Rhinelander aural outlets reveals that the stations attained a substantial cash flow "plus" position over the past 3 years. We do not believe the arguments and material advanced support a refusal to provide the opportunity for additional service and resulting benefits.

20. In view of the foregoing, it appears that the public interest will be served by the assignment of Channel 248 to Rhinelander, and its deletion at Duluth and replacement there with Channel 268. Because the decision in this case is based in part on petitioner's service gain showing, it is expected that any application filed for the new Rhinelander assignment will be for facilities at least equal to those proposed, an ERP of 100 kw. and an antenna height of 500 feet above average terrain.

21. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

22. In accordance with the determinations made above: *It is ordered*, That effective October 3, 1969, § 73.202 of the Commission's rules, the FM table of assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	Channel No.
California:	
Dinuba	255
Porterville	259
Minnesota:	
Duluth	235, 255, 268, 273, 277, 286
Wisconsin:	
Rhinelander	248, 300

23. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: August 20, 1969.

Released: August 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[9]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–10304; Filed, Aug. 27, 1969; 8:48 a.m.]

[Docket No. 18523; FCC 69–923]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations; Table of Assignments, Watertown, N.Y.

Report and order. In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Watertown, N.Y.); Docket No. 18523, RM–1370.

1. On April 16, 1969, the Commission adopted a notice of proposed rule making (FCC 69–392, released Apr. 18, 1969) in the above-entitled matter pursuant to a petition (RM–1370) filed by the St. Lawrence Valley Educational T.V. Council (Council). Interested parties were afforded an opportunity to comment on or before May 26, 1969, and to reply to such comments on or before June 9, 1969. Comments were filed by petitioner and the Education Department of the University of the State of New York (EDUNY). A reply comment was received from the Council.

2. Our notice, in response to the Council's petition, proposed to shift the reservation for noncommercial educational use from Channel *50 at Watertown to Channel 16 in the same community. Watertown, with a population of 33,306, is located in Jefferson County, with a population of 87,835 (1960 U.S. Census). For some time, Watertown has had two fallow television assignments, Channels 16 and *50. At the present time, Channel 16 is unapplied for and the only application pending (BPET–335) for Channel *50 is that of petitioner. The Council proposes to amend its application for Channel *50 to specify Channel 16 in the event that this rule making proceeding results in the designation of Channel 16 as the reserved assignment at Watertown.

3. The Council is of the view that its operation on Channel 16 rather than Channel *50 is desirable because "operation on the lower UHF channel would mean lower transmission line losses, better propagation with fewer obstruction losses (with many locations not within line-of-sight even of a high-tower installation) and more efficient receiver and receiving antenna operation".

4. EDUNY, the only commentor, other than petitioner, states "its conviction that the establishment of educational television facilities to serve the people of the northeast region of New York State is eminently desirable. It expresses its full support for any action which might be taken by the Federal Communications Commission to help achieve this objective, including the adoption of the instant proposal to reallocate the educational reservation at Watertown, N.Y. * * *". Its one proviso is that "* * * any action taken by the Commission, including that proposed herein, should be taken only on the basis of convincing assurances that the establishment and continued healthier operation of the proposed educational television facilities will, in fact, be realized". In response the petitioner repeats its serious intention to bring early educational and cultural telecasting to the Watertown area. As proof of both its intentions and ability to do so, it cites its pending application for Channel *50 (to be amended to specify Channel 16) and the contents thereof.

5. We note the views set out above, as well as the fact that if petitioner's proposal is adopted there will be no deprivation or shifts of television frequencies in the Watertown area, the intention of petitioner to amend its application for Channel *50 to specify Channel 16 in Watertown, the desirability of having noncommercial educational stations broadcasting on reserved channels and the possible psychological advantage of broadcasting on a low UHF channel. In view of these facts we have come to the conclusion that it is in the public interest to delete the reservation on Channel *50 at Watertown and to designate Channel 16 as that community's reserved assignment.

6. Authority for the action taken herein, is contained in section 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. *Accordingly, it is ordered*, That effective October 3, 1969, the table of assignments in § 73.606(b) of the Commission's rules is amended, insofar as the city listed below is concerned, to read as follows:

City	Channels
Watertown, N.Y.	*16, 50

8. *It is further ordered*, That this proceeding is terminated.

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[4] Section 73.315(b) states, in part, that "Inasmuch as service may be provided by signals of 1 mv/m or greater field strengths in metropolitan areas, and inasmuch as signals as low as 50 μv/m may provide service in rural areas, considerable latitude in the geographic location of the transmitter is permitted * * *".

[5] This is particularly true here, since the proposed service area considered in Oneida's showing was the 1 mv/m contour which the proposed station would have if it used the WAEO–TV tower, that out to a distance of 57 miles. If the 50 uv/m contour were to be used in evaluating other signals it would also have to be used in evaluating the service from the proposed station, and, even with the more limited facilities finally proposed (100 kw. and 500 ft.), the 50 uv/m contour would lie substantially further from the transmitter than this.

[6] Citing the cases involving Corbin, Ky., Brazil, Ind., and Mount Carmel, Ill., and, concerning Class C channel usage, Danville, Va. (6 R.R. 2d 1598, 7 R.R. 2d 1729, 8 R.R. 2d 1595 and 1613).

[7] The FCC's AM–FM Financial Data—1967 shows 290 out of 405 independent FM stations reporting a loss for 1967, compared to 270 out of 381 for 1966. Total FM revenues were $39.8 million in 1967 and $32.3 million in 1966.

[8] There is nothing in the cases cited by petitioner inconsistent with this action. A second channel was assigned to Brazil, Ind., and, later, to Corbin, Ky., and the denial at Mount Carmel, Ill., was based chiefly on the scarcity of channels in the area and resulting preclusion effect, absent here. It is true, as we said in the Danville, Va., decision, that Class C channels are designed usually for use in larger population centers; but likewise we have recognized the need for such assignments in areas removed from larger centers, in order to serve "white area", as in the present case.

[9] Commissioner Cox absent.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: August 20, 1969.

Released: August 22, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-10305; Filed, Aug. 27, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Alamosa and Monte Vista National Wildlife Refuges, Colo.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and mergansers on the Alamosa National Wildlife Refuge, Colo., is permitted from October 1, through October 18, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,267 acres, is delineated on maps available at refuge headquarters, Alamosa, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, coots, and mergansers, subject to the following special conditions:

(1) *Dogs.* Not to exceed two dogs per hunter may be used only for retrieving.

(2) *Boats.* The use of boats is prohibited.

(3) *Admittance.* Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 18, 1969.

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and mergansers on the Monte Vista National Wildlife Refuge, Colo., is permitted from October 1, through October 18, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, coots, and mergansers, subject to the following special conditions:

(1) *Dogs.* Not to exceed two dogs per hunter may be used only for retrieving.

(2) *Boats.* The use of boats is prohibited.

(3) *Admittance.* Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 18, 1969.

WILLIAM T. KRUMMES,
Regional Director,
Albuquerque, N. Mex.

AUGUST 21, 1969.

[F.R. Doc. 69-10267; Filed, Aug. 27, 1969; 8:46 a.m.]

PART 32—HUNTING

Brigantine National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds, for individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Public hunting of rails and gallinules on the Brigantine National Wildlife Refuge, N.J., is permitted during established State and Federal seasons on the areas designated by signs as open to hunting.

These open areas are delineated on maps available at Refuge Headquarters, Oceanville, N.J., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of rails and gallinules.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 30, 1970.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 1, 1969.

[F.R. Doc. 69-10271; Filed, Aug. 27, 1969; 8:46 a.m.]

PART 32—HUNTING

Sand Lake National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Sand Lake National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This open area comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Archery season—December 8, through December 31, 1968, both dates inclusive.

(2) Firearms season—November 29, through December 7, 1969, both dates inclusive.

(3) All hunters must exhibit their hunting license, deer tag, and vehicle contents to Federal and State Officers upon request.

(4) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles and hunt on foot.

(5) All deer taken on the refuge not checked by State or Federal Officers in the field must be checked at refuge headquarters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1969.

LYLE J. SCHOONOVER,
Refuge Manager, Sand Lake National Wildlife Refuge.

AUGUST 15, 1969.

[F.R. Doc. 69-10277; Filed, Aug. 27, 1969; 8:47 a.m.]

PART 32—HUNTING

Certain National Wildlife Refuges in California

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain national wildlife refuges in California.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Ducks, geese, coots, and gallinules may be hunted on the following refuge areas:

Clear Lake National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special conditions. (1) Boats with or without motors are permitted. Sculling and air-thrust boats are prohibited.

(2) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment so left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m), and regulations issued thereunder.

Colusa National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Delevan National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Kern National Wildlife Refuge, Post Office Box 219, Delano, Calif. 93215.

Lower Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special conditions. (1) A 100-yard wide retrieving zone is established immediately within the exterior refuge boundary and at certain locations between the open and closed areas as designated on the hunting map. A hunter may enter the retrieving zone to retrieve dead or crippled birds which he has shot, providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(2) Boats, with the exception of air-thrust boats, are permitted with or without motors. Sculling is prohibited.

(3) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m) and regulations issued thereunder.

Merced National Wildlife Refuge, Post Office Box 854, Merced, Calif. 95340.

Modoc National Wildlife Refuge, Post Office Box 1439, Alturas, Calif. 96101.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Salton Sea National Wildlife Refuge, Post Office Box 247, Calipatria, Calif. 92233.

San Luis National Wildlife Refuge, Post Office Box 2176, Los Banos, Calif. 93635.

Sutter National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134.

Special conditions. (1) A 100-yard retrieving zone is established immediately within the exterior refuge boundary and at certain locations between the open and closed areas as designated on the hunting map. A hunter may enter the retrieving zone to retrieve dead or crippled birds which he has shot, providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(2) Boats, with the exception of air-thrust boats, are permitted with or without motors. Sculling is prohibited.

(3) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m) and regulations issued thereunder.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game may be hunted on the following refuge areas:

Colusa National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Delevan National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Kern National Wildlife Refuge, Post Office Box 219, Delano, Calif. 93215.

Merced National Wildlife Refuge, Post Office Box 854, Merced, Calif. 95340.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Sutter National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Ring-necked pheasant may be hunted on the following refuge areas:

Lower Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special condition. Additional refuge area designated by special posting will be open to hunting the last 2 days of the State pheasant hunting season.

Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134.

Special condition. Additional refuge area designated by special posting will be open to hunting the last 2 days of the State pheasant hunting season.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge area:

Clear Lake National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special conditions. (1) Antelope only may be hunted.

(2) Only six permittees shall be allowed on the Peninsula ("U") section of the refuge at any one time. This area will be open to the taking of antelope only on the following dates: August 23 and 24, August 30 and 31, and September 1, 1969. Entrance to this area will be granted at the gate entrance located on the Clear Lake Road, on a first come, first served basis. This check station will be open from 6 a.m. to 1 hour after sundown.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

AUGUST 18, 1969.

[F.R. Doc. 69-10275; Filed, Aug. 27, 1969; 8:47 a.m.]

PART 32—HUNTING

Certain National Wildlife Refuges in Idaho

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain national wildlife refuges in Idaho.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of the refuge hunting maps. No vehicle travel is permitted except on maintained roads and trails. Maps are available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuges:

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Deer Flat National Wildlife Refuge, Route 1, Box 336, Nampa, Idaho 83651.

Grays Lake National Wildlife Refuge, Post Office Box 837, Soda Springs, Idaho 83276.

[1] Commissioner Cox absent.

Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.
Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge areas:

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Special condition. Pheasant and sage grouse only may be hunted.

Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651.
Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.
Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Special condition. Antelope only may be hunted.

Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651.

Special condition. Deer may be hunted on the Snake River Island sector only.

Grays Lake National Wildlife Refuge, Post Office 837, Soda Springs, Idaho 83276.
Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

AUGUST 18, 1969.

[F.R. Doc. 69-10273; Filed, Aug. 27, 1969; 8:47 a.m.]

PART 32—HUNTING

Certain National Wildlife Refuges in Montana

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain national wildlife refuges in Montana.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuges:

Benton Lake National Wildlife Refuge, Post Office Box 2624, Great Falls, Mont. 59401.
Bowdoin National Wildlife Refuge, Post Office Box J, Malta, Mont. 59538.
Charles M. Russell National Wildlife Range, Post Office Box 110, Lewistown, Mont. 59457.
Medicine Lake National Wildlife Refuge, Medicine Lake, Mont. 59247.
Ravalli National Wildlife Refuge, No. 5 Third Street, Stevensville, Mont. 59870.
Red Rock Lakes National Wildlife Refuge, Monida, Mont. 59744.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following areas:

Bowdoin National Wildlife Refuge, Post Office Box J, Malta, Mont. 59538.

Special condition. Only pheasants may be hunted.

Charles M. Russell National Wildlife Range, Post Office Box 110, Lewistown, Mont. 59457.
Ravalli National Wildlife Refuge, No. 5 Third Street, Stevensville, Mont. 59870.
UL Bend National Wildlife Refuge, Post Office Box 110, Lewistown, Mont. 59457.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Charles M. Russell National Wildlife Range, Post Office Box 110, Lewistown, Mont. 59457.
Medicine Lakes National Wildlife Refuge, Medicine Lake, Mont. 59247.
Ravalli National Wildlife Refuge, No. 5 Third Street, Stevensville, Mont. 59870.
Red Rock Lakes National Wildlife Refuge, Monida, Mont. 59744.
UL Bend National Wildlife Refuge, Post Office Box 110, Lewistown, Mont. 59457.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

AUGUST 19, 1969.

[F.R. Doc. 69-10272; Filed, Aug. 27, 1969; 8:47 a.m.]

PART 32—HUNTING

Certain National Wildlife Refuges in Oregon

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain national wildlife refuges in Oregon.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory birds may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651).
Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, Oreg. 97630.

Ducks, geese, and coots may be hunted on the following refuge areas:

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, Oreg. 97338.

Special conditions. (1) Hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 noon.

(2) A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between October 15, and October 31, 1969, by mail only.

Cold Springs National Wildlife Refuge, Hermiston, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, Oreg. 97882).
McKay Creek National Wildlife Refuge, Pendleton, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, Oreg. 97882).

Special condition. Hunting will be permitted on Wednesdays, Saturdays, and Sundays each week.

Upper Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special condition. Sculling and airthrust boats are prohibited.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oreg. 97330.

Special conditions. (1) Hunting permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 noon.

(2) A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between October 15, and October 31, 1969, by mail only.

(3) Hunters must shoot from assigned blind sites only.

Ducks, geese, coots, and common snipe may be hunted on the following refuge areas:

Klamath Forest National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special condition. Sculling and airthrust boats are prohibited.

Malheur National Wildlife Refuge, Post Office Box 113, Burns, Oreg. 97720.

Special condition. Use of motors on boats is prohibited.

Mourning doves and band-tailed pigeons may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Route 1, Box 198, Jefferson, Oreg. 97352.

Special conditions. (1) No hunting permitted after September 30, 1969.

(2) All hunters must check in and out of refuge daily by use of self-service permits.

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, Oreg. 97338.

Special conditions. (1) No hunting permitted after September 30, 1969.

(2) All hunters must check in and out of refuge daily by use of self-service permits.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oreg. 97330.

Special conditions. (1) No hunting permitted after September 30, 1969.

(2) All hunters must check in and out of the refuge daily by use of self-service permits.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuges:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651).
Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, Oreg. 97630.

Pheasant, quail, and partridge may be hunted on the following refuge areas:

Cold Springs National Wildlife Refuge, Hermiston, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, Oreg. 97882).
Malheur National Wildlife Refuge, Post Office Box 113, Burns, Oreg. 97720.

Special condition. Hunting will be permitted during the period October 25, through November 2, 1969, on the upland game hunting area and during State seasons running concurrently with the waterfowl season on the waterfowl hunting area.

McKay Creek National Wildlife Refuge, Pendleton, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, Oreg. 97882).

Special condition. Hunting is permitted on Wednesdays, Saturdays, and Sundays each week.

Pheasant and quail may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Route 1, Box 198, Jefferson, Oreg. 97352.

Special conditions. (1) No hunting permitted after the first Sunday in November.

(2) All hunters must check in and out of the refuge daily by use of self-service permits.

(3) Hunters on the area served by each registration station will be limited to 100 at any one time.

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, Oreg. 97338.

Special conditions. (1) No hunting permitted after the first Sunday in November.

(2) All hunters must check in and out of the refuge daily by use of self-service permits.

(3) Hunters on the area served by each registration station will be limited to 100 at any one time.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651).
Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, Oreg. 97630.

Deer may be hunted on the following refuge areas:

Baskett Slought National Wildlife Refuge, Route 1, Box 709, Dallas, Oreg. 97338.

Special conditions. (1) All hunters must check in and out of the refuge daily by use of self-service permits.

(2) The use of rifles is prohibited.

(3) The season is not to extend beyond November 9, 1969.

Malheur National Wildlife Refuge, Post Office Box 113, Burns, Oreg. 97720.

Special conditions. (1) The season is September 13, through September 15, 1969.

(2) Bow and arrow only may be used.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oreg. 97330.

Special conditions. (1) All hunters must check in and out of the refuge daily by use of self-service permits.

(2) The use of rifles is prohibited.

(3) The season is not to extend beyond November 9, 1969.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

AUGUST 19, 1969.

[F.R. Doc. 69-10276; Filed, Aug. 27, 1969; 8:47 a.m.]

PART 32—HUNTING

Certain National Wildlife Refuges in Washington

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain national wildlife refuges in Washington.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds except doves and pigeons may be hunted on the following refuge areas:

Columbia National Wildlife Refuge, Post Office Drawer B, Othello, Wash. 99344.
McNary National Wildlife Refuge, Post Office Box 19, Burbank, Wash. 99383.

Special condition. Hunters are required to park vehicles in designated parking areas.

Special conditions (Ringold Division). (1) Hunting will be permitted on Wednesdays, Saturdays, and Sundays, and November 27, 1969, December 25, 1969, and January 1, 1970.

(2) Hunters may not enter the area earlier than 1 hour before start of shooting time and must be off the area 1 hour after close of shooting time.

(3) Hunters will be required to evacuate the area immediately if an alarm is sounded to warn of radiological hazard from the AEC Plant.

Ridgefield National Wildlife Refuge, Post Office Box 467, Ridgefield, Wash. 98642.

Special conditions. (1) Hunting will be permitted on Wednesdays, Saturdays, and Sundays, and November 11, 1969, November 27, 1969, and January 1, 1970.

(2) A Federal permit, available from the refuge office, is required to enter the public hunting area. Permits will be issued by mail for advance reservations. Only one reservation may be held by a hunter at any one time.

(3) Hunters must shoot from assigned blinds drawn at the check-in station.

Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, Wash. 98948.
Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, Wash. 98948).
Willapa National Wildlife Refuge, Ilwaco, Wash. 98624.

Special condition. Hunting on Riekkola Tract is permitted on Wednesdays, Saturdays, and Sundays, and November 27, 1969, and January 1, 1970.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge areas:

Columbia National Wildlife Refuge, Post Office Drawer B, Othello, Wash. 99344.

Special conditions. (1) Open to the hunting of rabbits in addition to game birds.

(2) Upland game birds may be hunted during State seasons running concurrently with the waterfowl season.

McNary National Wildlife Refuge, Post Office Box 19, Burbank, Wash. 99323.

Special conditions. (1) Hunting will be restricted to pheasants only on McNary National Wildlife Refuge proper. The pheasant hunting area will be open during the first 21 days of the State season, and the waterfowl hunting area through the State season for taking pheasant.

(2) Hunters are required to park vehicles in designated parking areas.

Special conditions (Ringold Division). (1) Hunting will be restricted to Wednesdays, Saturdays, and Sundays, and November 27, 1969, December 25, 1969, and January 1, 1970.

(2) Hunters may not enter the area earlier than 1 hour before start of shooting time and must be off the area 1 hour after close of shooting time.

(3) Hunters must leave the area immediately if an alarm is sounded to warn of radiological hazard from the AEC Plant.

(4) Hunters are required to park vehicles in designated parking areas.

Ridgefield National Wildlife Refuge, Post Office Box 467, Ridgefield, Wash. 98624.

Special conditions. (1) Hunting for pheasant and rabbits only in conjunction with waterfowl hunting will be permitted. The restriction on shooting from blinds only will apply.

(2) Hunting will be restricted to Wednesdays, Saturdays, and Sundays, and November 27, 1969, and January 1, 1970.

(3) A Federal permit is required to enter the public hunting area.

Toppenish National Wildlife Refuge, Route 1, Box 210–BB, Toppenish, Wash. 98948.

Special condition. Rabbits may be hunted during the State season concurrent with the waterfowl season.

Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210–BB, Toppenish, Wash. 98948).

Special condition. Cottontail rabbit and snowshoe hare may be hunted during the State season concurrent with the waterfowl season.

Special condition. Pheasant, California Valley quail, chukar, and Hungarian partridge may be hunted.

Willapa National Wildlife Refuge, Ilwaco, Wash. 98624 (Leadbetter Point Addition).

Special condition. Pheasant only may be hunted.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Deer hunting is permitted on the following refuge areas:

Columbia National Wildlife Refuge, Post Office Drawer B, Othello, Wash. 99344.

Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210–BB, Toppenish, Wash. 98948).

Bear, deer, and elk may be hunted on the following refuge area:

Willapa National Wildlife Refuge, Ilwaco, Wash. 98624.

Special conditions. (1) Archery hunting only is permitted.

(2) Hunters shall report at such check stations as may be established upon entering and leaving the area.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

AUGUST 18, 1969.

[F.R. Doc. 69–10274; Filed, Aug. 27, 1969; 8:47 a.m.]

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

The public hunting of ruffed and sharp-tailed grouse, snowshoe hare, gray and black squirrels, coyote, fox, porcupine, raccoon, skunk, and crow on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. This open area, comprising 85,200 acres, is delineated on maps available at refuge headquarters, Seney, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations governing the hunting of these species subject to the following special conditions:

(1) That portion of the refuge designated as Area A is closed to all hunting until November 15.

(2) Foxes and raccoons may not be taken at night.

(3) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes and snow sleds are not permitted on the refuge.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1970.

MARTIN S. PHILLIPS,
Acting Refuge Manager, Seney National Wildlife Refuge.

AUGUST 21, 1969.

[F.R. Doc. 69–10270; Filed, Aug. 27, 1969; 8:46 a.m.]

PART 32—HUNTING

Sand Lake National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of pheasants on the Sand Lake National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This open area comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasants subject to the following conditions:

(1) The open season for hunting pheasants on the refuge is from December 8 through December 14, both dates inclusive.

(2) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles and hunt on foot.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1969.

LYLE J. SCHOONOVER,
Refuge Manager, Sand Lake National Wildlife Refuge.

AUGUST 15, 1969.

[F.R. Doc. 69–10278; Filed, Aug. 27, 1969; 8:47 a.m.]

PART 32—HUNTING

Hatchie National Wildlife Refuge, Tenn.; Correction

In F.R. Doc. 69–9271 (§ 32.22), appearing on page 12831 of the issue for Thursday, August 7, 1969, the following subparagraphs are added under special conditions:

Squirrels:

* * * * *

(4) The open season is August 30, through September 30, 1969.

Raccoons:

* * * * *

(3) The open season is October 15, through October 31, 1969.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 20, 1969.

[F.R. Doc. 69–10279; Filed, Aug. 27, 1969; 8:47 a.m.]

PART 32—HUNTING

Kodiak National Wildlife Refuge, Alaska

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Public hunting of big game on lands within the Kodiak National Wildlife Refuge is permitted in accordance with all applicable State regulations governing big game hunting.

Special conditions. (1) Species permitted to be taken: Brown bear during November 1, through December 31, 1969 and March 1, through May 10, 1970.

(2) Except in the event of an emergency, the landing of aircraft on the Kodiak National Wildlife Refuge is restricted to lakes, streams, and other bodies of water.

(3) A Federal permit is required to hunt brown bears. Permits will be nontransferable and issued by hunting area units on a priority application basis from public announcement dates. Permits may be obtained by applying to Refuge Manager, Kodiak National Wildlife Refuge, Post Office Box 825, Kodiak, Alaska 99615.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

AUGUST 22, 1969.

[F.R. Doc. 69–10266; Filed, Aug. 27, 1969; 8:46 a.m.]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the Kirwin National Wildlife Refuge, Kans., is permitted from October 1, through November 30, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the archery hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1969.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kans.

AUGUST 20, 1969.

[F.R. Doc. 69–10268; Filed, Aug. 27, 1969; 8:46 a.m.]

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of deer and bear on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. The open area, comprising 85,200 acres, is delineated on a map available at the refuge headquarters, Seney, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer and bear subject to the following special conditions:

(1) Bow and arrow hunting is permitted only on 33,525 acres of the refuge designated as Area B, from October 1 through November 14; and on the 85,200 acres of the refuge designated as Area A and Area B open to gun hunting, from December 1 through December 31.

(2) Bear may be taken by archers only from October 1 through November 14 and by gun hunters only from November 15 through November 30. Bear may not be taken with aid of dogs.

(3) Camping is permitted only west of the Driggs River during the gun season. A Camp Registration Permit, obtainable at refuge headquarters, is required.

(4) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes and snow sleds are not permitted on the refuge.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through December 31, 1969.

MARTIN S. PHILLIPS,
Acting Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

AUGUST 21, 1969.

[F.R. Doc. 69–10269; Filed, Aug. 27, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 8]

BOILED WOOL

Invoice Requirement

The Bureau has ruled that boiled wool fibers recovered from sheepskin scrap by means of a sulfuric acid boil are classifiable under item 307.18 or item 307.30 of the Tariff Schedules of the United States, depending on length or source. To assure that the provisions of item 307.18 or 307.30 will be properly applied to wool recovered from sheepskin scrap by this method, it is proposed that wool invoiced as boiled wool will be excluded from classification under these item numbers unless the wool is covered by an appropriate certification issued by an officer of the government of the country of exportation.

Therefore, notice is hereby given that under the authority of section 481(a)(10) of the Tariff Act of 1930 (19 U.S.C. 1481(a)(10)), it is proposed to amend § 8.13(h) of the Customs Regulations to require additional information on or with invoices of this type of boiled wool. The proposed amendment is set forth in tentative form below.

The list of merchandise in § 8.13(h) is amended to add in proper alphabetic order the following:

Wool, Boiled classifiable under item 307.30 or 307.18, Tariff Schedules of the United States. (T.D. 69-196.)

A certification in the following form signed by a government official of the country of exportation having actual knowledge of the pertinent facts:

I hereby certify that the wool in the shipment described below consists of wool fibers recovered by means of a sulfuric acid boil from (raw) (tanned) (raw and tanned) sheepskin scrap.

Date ---------- Signature----------
Title or position----------
No. of bales----------
Marks and Nos.----------
Other identification----------

(Secs. 481, 624, 46 Stat. 719, 759; 19 U.S.C. 66, 1481, 1624)

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: August 21, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-10294; Filed, Aug. 27, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 210, 270]

[Rel. Nos. IC-5780, 33-4995, 34-8671]

FORM AND CONTENT OF FINANCIAL STATEMENTS OF REGISTERED MANAGEMENT INVESTMENT COMPANIES

Provisions for Federal Income Taxes

Notice is hereby given that the Securities and Exchange Commission has under consideration the amendment of paragraph 9 of Rule 6-02 of Article 6 of Regulation S-X (17 CFR 210.02(1)), and a related amendment of Rule 2a-4 under the Investment Company Act of 1940 ("Act") (17 CFR 270.22-4).

Article 6 of Regulation S-X governs the form and content of financial statements filed by management investment companies (other than those which are issuers of periodic payment plan certificates) under the Act, the Securities Act of 1933 and the Securities Exchange Act of 1934. Paragraph 9 of Rule 6-02 of Article 6 requires that appropriate provision shall be made in the financial statements of such companies for Federal income taxes.

Rule 2a-4 under the Act defines the term "current net asset value" of redeemable securities issued by registered investment companies used in computing periodically the current price of such securities for the purpose of distribution, redemption, and repurchase. Subparagraph (a)(4) of Rule 2a-4 provides that in computing such current net asset value expenses shall be included to the date of calculation.

The proposed amendment of paragraph 9 of Rule 6-02 of Regulation S-X would specifically provide that a company which retains capital gains and designates such gains as a distribution to shareholders in accordance with section 852(b)(3)(D) of the Internal Revenue Code ("Code") shall, on the last day of its taxable year (and not earlier), make provision for taxes on such undistributed capital gains realized during such year. The amendment would also revise the reference in paragraph 9 of Rule 6-02 to the section of the Code defining a company's status as a "regulated investment company" to its present designation of Subtitle A, Chapter 1, Subchapter M. The proposed amendment of Rule 2a-4 under the Act would add a sentence to subparagraph (a)(4) to require that appropriate provision shall be made for Federal income taxes in accordance with paragraph 9 of Rule 6-02 of Regulation S-X.

The primary purpose of the proposed amendment is to assure that regulated investment companies excepted by provisions of the Code from the payment of Federal income taxes on net income and realized capital gains distributed to shareholders will make appropriate provision for taxes on any realized undistributed capital gains designated as distributions to shareholders under provisions of the Code. Most regulated investment companies follow the practice of distributing realized capital gains to shareholders, thereby relieving such companies of the payment of Federal income taxes on such gains. However, under the provisions of section 852(b)(3)(D) of the Code, a regulated investment company which elects to do so may retain realized long-term capital gains and, in effect, pay the tax on those gains on behalf of the shareholders. Every such shareholder at the close of the company's taxable year may include in his tax return his pro rata portion of the company's realized capital gains as if it had been distributed to him, accrue his capital gains tax thereon, and elsewhere in his tax return is allowed credit or refund for his pro rata share of the capital gains tax which has been paid for his benefit by the company but which is deemed to have been paid by him. At the same time, such shareholder may increase the tax basis of his shares by 75 percent of his pro rata portion of the realized gains.

The question of the appropriate method of tax accrual or adjustment of net asset value by investment companies which retain realized capital gains under section 852(b)(3)(D) of the Code was considered by the National Association of Investment Companies (the predecessor to the present Investment Company Institute) and the Committee on Relations with the SEC of the American Institute of Accountants in 1956 following the enactment of the provision of the Code in its present form. On November 2, 1956, the Association sent a memorandum to its members stating in part that the question had been considered by the Committee which was of the opinion that, since for a company intending to proceed under section 852(b)(3)(D) the tax on realized undistributed capital gains would be on the shareholder and not the company, no allowance need be made, either for possible Federal income tax on unrealized appreciation or for Federal income tax on capital gains realized during the year. The memorandum stated that at the end of a company's taxable year the Federal income tax to be paid on realized but undistributed capital gains would be carried in an accrual account until paid.

The above procedure is followed as the generally accepted accounting practice by regulated investment companies which elect to retain realized capital gains and pay the tax on behalf of shareholders. Most of such companies are capital exchange funds which issued their shares for securities in tax-free exchanges and which are not making public offerings of shares. Of a total of 34 active exchange funds, 30 elected for their fiscal years ended in 1968 to retain realized capital gains, in whole or in part, and pay the tax on behalf of the shareholders. All except four of these exchange funds followed the practice of making provision for such taxes commencing on the last day of the taxable year. The four funds which did not follow the general practice, made provision for taxes on realized undistributed capital gains throughout the year as the gains were realized.

The proposed amendments to the rules would codify the generally accepted practice of making provision, commencing on the last day of the taxable year of the investment company, for taxes on realized undistributed capital gains designated as distributions to shareholders. The amended rules would not affect the rights of any person who may have redeemed shares prior to the adoption of the amendments.

Under the provisions of the Code, the taxes on realized capital gains retained by the company are payable by the company only on behalf of those persons who are shareholders on the last day of the taxable year in which the gains were realized. It is only those persons who are shareholders on the last day of the taxable year who are deemed under the provisions of the Code to have paid the tax imposed on the designated capital gains retained by the company and who, accordingly, are allowed credit or refund for the tax so deemed to have been paid by them and are entitled to increase the tax basis of their shares by 75 percent of of their pro rata portion of the realized gains. Accrual of the tax by the company at any time prior to the last day of its taxable year therefore reduces the net asset value of the shares of holders who redeem during the year and who consequently receive no credit for the tax so accrued.

The proposed amendment of paragraph 9 of Rule 6-02 of Article 6 of Regulation S-X would be adopted pursuant to sections 8, 30, 31(c), and 38(a) of the Investment Company Act of 1940; sections 7 and 19(a) of the Securities Act of 1933; and sections 12, 13, 15(d), and 23(a) of the Securities Exchange Act of 1934. The proposed amendment of Rule 2a-4 under the Investment Company Act of 1940 would be adopted pursuant to sections 22 and 38(a) of that Act.

The rules as they are proposed to be amended are set forth below.

I. Paragraph (1) of § 210.6-02 of Chapter II of Title 17 of the Code of Federal Regulations would be amended to read as follows:

§ 210.6-02 Special rules applicable to management investment companies.

* * * * *

(1) *Federal income taxes.* Appropriate provision shall be made, on the basis of the applicable tax laws, for Federal income taxes that it is reasonably believed are, or will become, payable in respect of (1) current net income, (2) realized gain on investments, and (3) unrealized appreciation on investments. The company's status as a "regulated investment company" as defined in Subtitle A, Chapter 1, Subchapter M of the Internal Revenue Code as amended (the Code), shall be stated in a note referred to in the appropriate statements. Such note shall also indicate briefly the principal present assumptions on which the company has relied in making or not making provisions for such taxes. However, a company which retains realized capital gains and designates such gains as a distribution to shareholders in accordance with section 852(b)(3)(D) of the Code shall, on the last day of its taxable year (and not earlier), make provision for taxes on such undistributed capital gains realized during such year.

* * * * *

II. The introductory text and subparagraph (4) of § 270.2a-4(a) of Chapter II of Title 17 of the Code of Federal Regulations would be amended to read as follows:

§ 270.2a-4 Definition of "Current Net Asset Value" for use in computing periodically the current price of redeemable security.

(a) The current net asset value of any redeemable security issued by a regulated investment company used in computing periodically the current price for the purpose of distribution, redemption, and repurchase means an amount which reflects calculations, whether or not recorded on the books of account, made substantially in accordance with the following, with reestimates used where necessary or appropriate:

* * * * *

(4) Expenses, including any investment advisory fees, shall be included to date of calculation. Appropriate provision shall be made for Federal income taxes in accordance with paragraph (1) of § 210.6-02 of this chapter.

* * * * *

(Secs. 7, 19(a), 48 Stat. 78, 85, 908, 15 U.S.C. 77g, 77s(a); secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; secs. 3, 8, 49 Stat. 1377, 1379, secs. 3, 4, 78 Stat. 569, 570, secs. 1, 2, 82 Stat. 454, 15 U.S.C. 78l, 78m, 78o(d), 78w(a); secs. 8, 22, 30, 31(c), 38(a), 54 Stat. 803, 823, 836, 838, 841, 15 U.S.C. 80a-8, 80a-22, 80a-29, 80a-30(c), 80a-37(a))

All interested persons are invited to submit views and comments on the proposed amendments to the rules. They should be submitted in writing to the Securities and Exchange Commission, Washington, D.C. 20549, on or before September 22, 1969. All such communications should refer to Investment Company Act Release No. 5780, and they will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 20, 1969.

[F.R. Doc. 69-10257; Filed, Aug. 27, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 958]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958).

This marketing order program regulates the handling of onions grown in designated counties in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 958.213 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1969, and ending June 30, 1970, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $73,750.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be $0.023 per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1970, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 25, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-10903; Filed, Aug. 27, 1969; 8:48 a.m.]

Packers and Stockyards Administration

[9 CFR Part 203]

REGULATIONS AND PRACTICES OF STOCKYARD OWNERS AND MARKET AGENCIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to section 407(a) of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 228(a)), the Packers and Stockyards Administration proposes to amend § 203.8 of Part 203, Title 9, Code of Federal Regulations, containing a policy statement with respect to regulations and practices of stockyard owners and market agencies.

Statement of considerations. The Packers and Stockyards Act was amended on July 31, 1968, by Public Law 90–446, which among other things, clarified a stockyard owner's right and responsibility under the Act to prescribe rules and regulations and to manage and regulate his stockyard. The legislative history of the amendment recognizes the continuing changes occurring in the livestock industry. It recognizes the vital role which market agencies play on the public market. The Act was amended to make it clear that stockyard owners have the authority and responsibility to make such changes, subject to review by the Secretary, as are necessary to remain viable and effective.

Market agencies and stockyard owners have responsibility for providing reasonable services and adequate facilities to meet the demands of the livestock sellers and buyers. They have the right and duty to make appropriate changes to meet changed marketing conditions. The amendatory legislation was enacted to strengthen the public livestock marketing system.

The Act of July 31, 1968 (Public Law 90–446), is intended, among other things, to clarify (1) the stockyard owner's authority to determine, on a basis which is not unreasonable or unjustly discriminatory, whether the services of a person who has requested authority to establish a business as a market agency or dealer at his stockyard will be beneficial to the business and welfare of the stockyard, its patrons, and customers; and (2) the stockyard owner's responsibility and right to manage and regulate his stockyard in a just, reasonable, and nondiscriminatory manner, to prescribe rules and regulations for that purpose, and to require persons engaging in or attempting to engage in the purchase, sale, or solicitation of livestock at the stockyard to conduct their operations in a manner which will foster, preserve, or insure an efficient, competitive public market.

In the light of the amendments of the Act referred to above, the following modifications of § 203.8 of Part 203, Title 9, Code of Federal Regulations, are being considered:

1. Paragraph (a) would be amended to read as follows:

(a) Stockyard services furnished by stockyard owners and market agencies pursuant to a reasonable request must be reasonable and nondiscriminatory. Stockyard owners and market agencies have the statutory right and duty to establish, observe, and enforce regulations and practices, which are not unreasonable or unjustly discriminatory, with respect to the furnishing of stockyard services.

2. Paragraph (g) would be amended by adding at the end thereof the following: "Although there is no legal requirement that stockyard owners consult with appropriate market representatives before deciding on rules or regulations affecting them, the Packers and Stockyards Administration encourages such consultation. (See Hearings before the Subcommittee on Livestock and Grains of the Committee on Agriculture, House of Representatives, 90th Cong., first session, on H.R. 6231, p. 23; and S. Rept. No. 1331, 90th Cong., second session, p. 2.) Similarly, the market agencies and dealers should consult with stockyard owners on proposed rules or regulations affecting them or market services. In the event of a complaint, consideration will be given as to whether or not the views of the respective parties were fairly considered by the stockyard owners, market agencies, or dealers. The Packers and Stockyards Administration, wherever possible, will give recognition to the mutual agreements between market agencies or dealers and stockyard owners, provided that such agreements are consistent with the provisions of the Act."

3. Paragraphs (h), (i), and (j) would be deleted and the following new paragraphs added to the section:

(h) Stockyards no longer have a monopolistic position in the field of livestock marketing. Subject to review by the Secretary, a stockyard owner can deny a person the right to establish a business as a market agency or dealer at the stockyard for good cause. Registration with the Secretary as a market agency or dealer does not automatically require that the stockyard owner shall provide the registrant with facilities to do business on a market. To alleviate future misunderstandings about the privilege of establishing a business at a stockyard, a stockyard owner should publish rules to inform individuals and firms of the requirements for establishing a business at the stockyard.

(i)(1) The Act of July 31, 1968 (Public Law 90–446), added the following paragraph to section 307 of the Packers and Stockyards Act:

> It shall be the responsibility and right of every stockyard owner to manage and regulate his stockyard in a just, reasonable, and nondiscriminatory manner, to prescribe rules and regulations and to require those persons engaging in or attempting to engage in the purchase, sale, or solicitation of livestock at such stockyard to conduct their operations in a manner which will foster, preserve, or insure an efficient, competitive public market. Such rules and regulations shall not prevent a registered market agency or dealer from rendering service on other markets or in occasional and incidental off-market transactions.

Under this legislation, a stockyard owner cannot prohibit a market agency or dealer engaged in business at a stockyard from rendering service at another public stockyard. With respect to business by such a market agency or a dealer in an off-market transaction, i.e., a "country" transaction not at a public stockyard, a complete prohibition would be unlawful. The Act specifically states that a stockyard owner's rules and regulations shall not prevent a market agency or dealer from engaging in "occasional and incidental" off-market transactions. The term "occasional," as defined in dictionaries and as construed in numerous court decisions, means occurring now and then; occurring at irregular intervals; infrequent; according to no fixed or certain scheme. The term "incidental" means not of prime concern; subordinate; only an adjunct to something else; related, collateral or pertinent to; dependent on and following the existence of another and principal thing. It is not possible to establish an exact percentage or frequency test to determine whether a market agency or dealer is engaging in more than "occasional and incidental" off-market transactions. Each case would have to be considered on its own merits applying the commonly accepted meanings stated above.

(2) To limit off-market transactions which are more than "occasional and incidental," the stockyard owner would have to show that such limitation is necessary to foster, preserve, or insure an efficient, competitive public market. In reviewing such a matter on a case by case basis, the Packers and Stockyards Administration would consider all of the relevant facts and circumstances, such as the number of firms operating at the stockyard; the volume of market and off-market transactions being engaged in by such firms; whether the firms engaging in off-market transactions were deliberately trying to circumvent and weaken the public market; the extent to which such off-market transactions were injuring the market; the marketing alternatives available in the area; the competing elements of the livestock industry in the area; the quantity, type, and nature of the livestock business conducted in the area; and any other economic or statistical evidence relating to the matter. No one factor would be decisive. All relevant circumstances would be considered in order to determine whether the limitation was necessary to foster, preserve, or insure an efficient, competitive public market.

(j) The Packers and Stockyards Administration has the responsibility of giving consideration to the issuance of a complaint whenever it has reason to believe that any stockyard owner or market agency has violated the Act. In the formal administrative proceeding initiated by any such complaint, it is the responsibility of the Judicial Officer of the Department to determine, after full hearing, whether the stockyard owner or market agency has violated the Act.

(k) The Packers and Stockyards Administration does not favor or endorse any one system of livestock marketing over any other system of marketing. The views set forth in this statement regarding converting from one system to another are solely for the purpose of setting forth our interpretation of the applicable legal provision.. inasmuch as questions have arisen with respect to these matters. This statement is for the purpose of setting forth the views of the Packers and Stockyards Administration to guide those persons engaged in business as market agencies or as stockyard owners in establishing, observing, and enforcing regulations and practices in the control and conduct of their business.

This notice is for the purpose of obtaining the views of persons interested in the livestock industry with respect to whether the foregoing proposals should be adopted or changed in any respect. Any person who wishes to submit written data, views, or arguments concerning the proposals may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in said office during regular office hours in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 22d day of August 1969.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

[F.R. Doc. 69–10303; Filed, Aug. 27, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 69–EA–93]

AIRWORTHINESS DIRECTIVE

Pratt and Whitney Aircraft Engines

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Pratt and Whitney Aircraft Engines type R–985 and Wasp Jr. altered in accordance with STC Nos. 391 or 398.

There has been a report of a loss of power as the result of failure of the drive pin and plugging of the fuel injector filter in the Simmonds Precision Part No. 580047 fuel injector. Either deficiency poses a safety problem.

Since this condition is likely to exist or develop in other engines of the same type design, comparably altered, the proposed airworthiness directive would require periodic inspection cleaning and replacement of parts where necessary.

Interested parties are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

> Applies to all Pratt & Whitney Aircraft R–985 and Wasp Jr. type engines altered in accordance with Supplemental Type Certificates Nos. 391 or 398 incorporating Simmonds Precision Part No. 580047, fuel injector.
>
> Compliance required as indicated.
>
> To prevent engine power loss as the result of failure of the gerotor pump drive pin or the plugging of the fuel injector filter, accomplish the following:
>
> (a) For P/N 580047 Revision K or later fuel injectors within the next 100 hours' time in service after the effective date of this A.D. and thereafter at intervals of 100 hours' time in service, inspect and clean the fuel injector filter P/N 590436 and at every 500 hours' time in service replace filter with a new P/N 590436.
>
> (b) For P/N 580047 Revision J or earlier fuel injectors within the next 50 hours' time in service after the effective date of this A.D. and thereafter at intervals of 50 hours' time in service inspect and clean the fuel injector filter P/N 590436 and at every 500 hours' time in service replace the fuel injector filter with a new P/N 590436.
>
> (c)(1) For P/N 580047 Revision J or earlier fuel injectors with more than 800 hours' time in service since new or last overhaul of the injector, within the next 50 hours' time in service after the effective date of this A.D. replace the drive pin P/N 580387 with P/N 581987.
>
> (c)(2) For P/N 580047 Revision J or earlier fuel injectors with 800 or less hours' time in service since new or last overhaul of the injector, prior to the accumulation of 850 hours' time in service replace the drive pin P/N 580387 with P/N 581987.
>
> (d) Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA Eastern Region may adjust the repetitive inspection intervals specified in this A.D.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y. on August 13, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 69–10285; Filed, Aug. 27, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–83]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Rocky Mount, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Regional Headquarters, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Regional Headquarters, Room 724, 3400 Whipple Street, East Point, Ga.

The Rocky Mount transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rocky Mount Municipal Airport (lat. 35°58'01" N., long. 77°47'33" W.); within 4.5 miles each side of the Rocky Mount VORTAC 083° radial, extending from the 7-mile radius area to 8.5 miles east of the VORTAC; within an 8.5-mile radius of Rocky Mount-Wilson Airport.

The proposed alteration is necessary to establish a basic radius circle at Rocky Mount-Wilson Airport to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. The proposed increase in width and length of the extension predicated on the Rocky Mount VORTAC 083° radial is required by the application of Terminal Instrument Approach Procedures (TERPs) criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on August 19, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69–10283; Filed, Aug. 27, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-89]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area over Blue Ridge Airport, Martinsville, Va.

A new NDB (ADF)-1 instrument approach procedure has been authorized for Blue Ridge Airport, Martinsville, Va., predicated on the Blue Ridge non-Federal radio beacon, and will require designation of a 700-foot transition area to provide airspace protection for aircraft executing the procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Martinsville, Va., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot transition area described as follows:

MARTINSVILLE, VA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center (36°37'50" N., 80°01'-00" W.), of Blue Ridge Airport, Martinsville, Va.; within 2 miles each side of the Runway 30 centerline, extended from the 6.5-mile radius area to 14 miles northwest of the end of the runway; within 2 miles each side of the Runway 12 centerline, extended from the 6.5-mile radius area to 7.5 miles southeast of the end of the runway and within 3.5 miles each side of the 176° bearing from the Blue Ridge RBN (36°37'45" N., 80°01'00" W.), extending from the 6.5-mile radius area to 11.5 miles south of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on August 13, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 69-10284; Filed, Aug. 27, 1969; 8:47 a.m.]

Federal Railroad Administration

[49 CFR Part 231]

[Docket No. FRA-SA-1]

RAILROAD SAFETY APPLIANCE STANDARDS

Supplemental Notice of Proposed Rule Making

On June 18, 1969, the Federal Railroad Administration issued a notice of proposed rule making (Docket No. FRA-SA-1; 34 F.R. 9756, published June 24, 1969) that it has under consideration proposed amendments to §§ 231.10 and 231.11 of its railroad safety appliance standards to eliminate the present requirements for running boards, roof handholds, and end ladders on caboose cars with or without end platforms and to make a number of incidental changes in associated safety appliances.

The purpose of this notice is to supplement the original notice of proposed rule making by publishing the complete text of §§ 231.10 and 231.11 with the proposed amendments incorporated therein.

As proposed, these sections would be amended to read as follows.

Issued in Washington, D.C., on August 25, 1969.

CARL V. LYON,
Acting Administrator.

§ 231.10 Caboose cars with platforms.

(a) Hand brakes:

(1) *Number.* (i) Each caboose car shall be equipped with an efficient hand brake which shall operate in harmony with the power brake thereon.

(ii) The hand brake may be of any efficient design, but must provide the same degree of safety as the design shown on plate A.

(2) *Dimensions.* Same as specified for "Box and other house cars" (see § 231.1(a)(2)).

(3) *Location.* (i) Each hand brake shall be so located that it can be safely operated while car is in motion.

(ii) The brake shaft on caboose cars with platforms shall be located on platform to the left of center.

(4) *Manner of application.* Same as specified for "Box and other house cars" (see § 231.1(a)(4)).

(b) Side handholds:

(1) *Number.* Four (4).

(2) *Dimensions.* Minimum diameter, five-eighths of an inch, wrought iron or steel or other material of equivalent strength. Minimum clear length, 36 inches. Minimum clearance 2, preferably 2½, inches.

(3) *Location.* (i) One near end on each side of car, curving downward toward center of car from a point not less than 30 inches above platform to a point not more than 8 inches from bottom of car. Top end of handhold shall be not more than 8 inches from outside face of end sheathing.

(4) *Manner of application.* Same as specified for "Box and other house cars" (see § 231.1(h)(4)).

(c) End handholds:

(1) *Number.* Four (4).

(2) *Dimensions.* Same as specified for "Box and other House Cars" (see § 231.1(i)(2)).

(3) *Location.* (i) Horizontal, one near each side on each end of car on face of platform end sill. Clearance of outer end of handhold shall be not more than 16 inches from end of platform end sill.

(4) *Manner of application.* Same as specified for "Box and other House Cars" (see § 231.1(i)(4)).

(d) End-platform handholds:

(1) *Number.* Four (4).

(2) *Dimensions.* Minimum diameter, five-eighths of an inch, wrought iron or steel or other material of equivalent strength. Minimum clearance 2, preferably 2½ inches.

(3) *Location.* (i) One right-angle handhold on each side of each end extending horizontally from door post to corner of car at approximate height of platform rail, then downward to within 12 inches of bottom of car.

(4) *Manner of application.* Handholds shall be securely fastened with bolts, screws, or rivets.

(e) Caboose platform steps: Safe and suitable box steps leading to caboose platforms shall be provided at each corner of caboose. Lower tread of step shall be not more than 24 inches above top of rail.

(f) Uncoupling levers: Same as specified for "Box and other House Cars" (see § 231.1(k)).

(g) All caboose cars with platforms built and placed in service after October 1, 1969, except those under construction on that date, must comply with this amendment. Caboose cars built and placed in service before October 1, 1969, or under construction on that date must comply with this amendment by October 1, 1974.

§ 231.11 Caboose cars without platforms.

(a) Hand brakes:

(1) *Number.* Same as specified for "Box and other House Cars" (see § 231.1(a)(1)).

(2) *Dimensions.* Same as specified for "Box and other House Cars" (see § 231.1(a)(2)).

(3) *Location.* (i) Each hand brake shall be so located that it can be safely operated from end platform while car is in motion.

(ii) The brake shaft on caboose cars without platforms shall be located on end of car to the left of center.

(4) *Manner of application.* Same as specified for "Box and other House Cars" (see § 231.1(a)(4)).

(b) Brake step: Same as specified for "Box and other house cars" (see § 231.1(b)).

(c) Side-door steps:

(1) *Number.* Two (2). (If caboose has side doors.)

(2) *Dimensions.* Minimum length, 5 feet. Minimum width, 6 inches. Minimum thickness of tread, 1½ inches. Minimum height of back stop, 3 inches. Maximum height from top of rail to top of tread, 24 inches.

(3) *Location.* One (1) under each side door.

(4) *Manner of application.* Side-door steps shall be supported by two iron brackets having a minimum cross-sectional area ⅞ by 3 inches or equivalent, each of which shall be securely fastened to car by not less than two ¾-inch bolts.

(d) Side-door handholds (if caboose has side doors):

(1) *Number.* Four (4): Two (2) curved, two (2) straight.

(2) *Dimensions.* Minimum diameter, five-eighths of an inch, wrought iron or steel or other material of equivalent strength. Minimum clearance 2, preferably 2½, inches.

(3) *Location.* (i) One curved handhold, from a point at right side of each door, not less than 36 inches above bottom of car, curving away from door downward to a point not more than 6 inches above bottom of car.

(ii) One vertical handhold at left side of each door from a point not less than 36 inches above bottom of car to a point not more than 6 inches above level of bottom of door.

(4) *Manner of application.* Side door handholds shall be securely fastened with not less than ½-inch bolts with nuts outside (when possible) and riveted over or with ½-inch rivets.

(e) End platforms (cross over steps):

(1) *Number.* Two (2)

(2) *Dimensions.* Width not less than eight (8) inches; length, not less than sixty (60) inches.

(3) *Location.* One (1) centered on each end of car not more than eight (8) inches above top of center sill.

(4) *Manner of application.* (i) Each end platform shall be securely supported by not less than three (3) metal braces having a minimum cross sectional area of three-eighths (⅜) by one and one-half (1½) inches or equivalent, which shall be securely fastened to body of car with not less than one-half (½) inch bolts or rivets.

(ii) Where conventional draft gear or cushioning device having longitudinal travel less than six (6) inches is used the outside edge of each end platform shall be not less than twelve (12) inches from a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against buffer block. Where cushioning device having longitudinal travel six (6) inches or more is used the outside edge of each end platform shall be not less than six (6) inches from a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with end sill and cushioning device at full buff. End-platform shall be made of wood or of material which provides the same as or a greater degree of safety than wood of 1⅛ inches thickness. When made of material other than wood the tread surface shall be of antiskid design and constructed with sufficient open space to permit the elimination of snow and ice from the tread surface.

(f) Sill steps:

(1) *Number.* Four (4).

(2) *Dimensions.* Minimum cross-sectional area one-half (½) by one and one-half (1½) inches, or equivalent, of wrought iron, steel, or other material of equivalent strength. Minimum length of tread, ten (10), preferably twelve (12) inches. Minimum clear depth, eight (8) inches.

(3) *Location.* (i) One (1) near each end of each side of car, so that there shall be no more than eighteen (18) inches from end of car to center of tread of sill step.

(ii) Outside edge of tread of step shall be not more than four (4) inches inside of face of side of car, preferably flush with side of car.

(iii) Tread shall be not more than twenty-four (24), preferably not more than twenty-two (22) inches above the top of rail.

(4) *Manner of application.* (i) Sill steps exceeding twenty-one (21) inches in depth shall have an additional tread.

(ii) Sill steps shall be securely fastened with not less than one-half (½) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half (½) inch rivets.

(g) End ladder (appliances clearance: No part of car above end sills within thirty (30) inches from side of car, except buffer block, brake-shaft, brake wheel, end platform, horizontal end handholds, or uncoupling lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle, when closed with the coupler horn against the buffer block or end sill and cushioning device (if used) at full buff, and no other part of end of car or fixtures on same above end sill, other than exceptions herein noted, shall extend beyond outer face of buffer block.

(h) Side handholds:

(1) *Number.* Sixteen (16).

(2) *Dimensions.* Minimum diameter, five-eighths (⅝) of an inch, wrought iron, steel, or other material of equivalent strength. Minimum clear length, sixteen (16) inches, preferably twenty-four (24) inches. Minimum clearance, two (2), preferably two and one-half (2½) inches.

(3) *Location.* Horizontal; Four (4) near each end and on each side of car spaced not more than nineteen (19) inches apart and with the bottom handhold located not more than twenty-one (21) inches from top tread of sill step, and top handhold shall coincide in height with top end-handhold, a variation of two (2) inches being allowed. Spacing of side handholds shall be uniform within a limit of two (2) inches from top handhold to bottom handhold. Clearance of outer ends of handholds shall not be more than eight (8) inches from end of car.

(4) *Manner of application.* Side-handholds shall be securely fastened with not less than one-half (½) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half (½) inch rivets. Each bottom handhold shall have foot guard or upward projection not less than two (2) inches in height near inside end.

(i) End handholds:

(1) *Number.* Sixteen (16).

(2) *Dimensions.* (i) Minimum diameter, five-eighths (⅝) of an inch, wrought iron, steel, or other material of equivalent strength.

(ii) Minimum clear length, sixteen (16) inches, preferably twenty-four (24) inches.

(iii) Minimum clearance, two (2), preferably two and one-half (2½) inches.

(3) *Location.* Horizontal; Four (4) near each side and on each end of car spaced not more than nineteen (19) inches apart and with the bottom handhold located not more than twenty-one (21) inches from top tread of sill step, and top handhold shall coincide in height with end platform handholds, a variation of two (2) inches being allowed. Clearance of outer ends of handholds shall be not more than eight (8) inches from side of car.

(4) *Manner of application.* End-handholds shall be securely fastened with not less than one-half (½) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half (½) inch rivets. Each bottom handhold shall have foot guard or upward projection not less than two (2) inches in height near inside end.

(j) Horizontal end-platform handholds:

(1) *Number.* Two (2).

(2) *Dimensions.* (i) Minimum diameter, five-eighths (⅝) of an inch, wrought iron, steel, or other material of equivalent strength.

(ii) Minimum clearance, two (2), preferably two and one-half (2½) inches.

(iii) Minimum clear length sixty (60) inches. When security of attachment requires, an extra supporting leg may be applied near center of clear length.

(3) *Location.* One (1) on each end of car above end platform. Outer legs shall be not more than six (6) inches from inner legs of top end handholds. Height above tread of end platform: Not less than forty-eight (48) nor more than sixty (60) inches. When caboose is equipped with end doors two (2) sixteen (16) inch handholds shall be used.

(4) *Manner of application.* End-platform handholds shall be securely fastened with not less than one-half (½) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half (½) inch rivets.

(k) Uncoupling levers: Same as specified for "Box and other House Cars" (see § 231.1(k)).

(l) All caboose cars without platforms built and placed in service after October 1, 1969, except those under construction on that date, must comply with this amendment. Caboose cars built and placed in service before October 1, 1969, or under construction on that date must comply with this amendment by October 1, 1974.

(m) Existing caboose cars without platforms:

(1) Caboose cars without platforms built on or before October 1, 1969, or under construction prior thereto and placed in service after October 1, 1969, shall be deemed equipped as nearly as possible within the intent of § 231.1 and of this § 231.11 when: (i) The running board, cupola handholds, roof handholds over side door, side and end ladders at "A" end of car and ladder treads above the fourth tread from bottom of side and end ladders at "A" end and at side doors are removed; (ii) One (1) horizontal end-platform handhold is applied on each end of car as specified in this section except the right hand end shall be not more than eight (8) inches from side of car, or where car and contour makes impractical the use of a single continuous end handhold, there is applied the equivalent consisting of two (2) handholds, the center handhold to be a minimum of thirty (30) inches in clear length and the handhold to the right to be a minimum of nineteen (19) inches in clear length and to extend to within eight (8) inches of the right side of the car, such handholds to be not more than twelve (12) inches apart, or a vertical handhold eighteen (18) inches in clear length attached to each end door post with clearance of lower end not less than thirty (30) nor more than thirty-six (36) inches above top of tread of end platform or top of center sill; and (iii) with hand brake operated near roof of car: A brake step shall be provided as specified in § 231.1 and lettering one and one-half (1½) inches high shall be painted on a yellow background on side sill near "B" end of car with a three-fourths (¾) inch black border containing the words "Keep off roof—no running board", or with hand brake operated from approximate level of top of end sill: Roof handholds and side and end ladder treads above the fourth tread from the bottom of ladders at "B" end of car shall be removed and a brake step, as specified by § 231.1 shall be used with top of tread surface being level with or not more than four (4) inches below adjacent end handhold.

(2) Subdivision (ii) of subparagraph (1) of this paragraph shall not apply to cars equipped with end platforms (cross over steps) and end platform handholds.

[F.R. Doc. 69-10293; Filed, Aug. 27, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83]

[Docket No. 18633; FCC 69-875]

USE OF SINGLE SIDEBAND RADIOTELEPHONY ON CERTAIN FREQUENCIES IN MARITIME SERVICES IN THE GREAT LAKES

Establishment of Schedule of Dates, Technical Standards, Frequencies and Other Requirements

In the matter of amendment of Parts 2, 81, and 83 to establish a schedule of dates, technical standards, frequencies, and other requirements for the use of single sideband radiotelephony on frequencies below 4000 kc/s in the Maritime Services and to make other incidental rule changes, for the Great Lakes; Docket No. 18633.

1. In the notice of proposed rule making, Docket No. 18307, released September 12, 1968, the Commission limited its proposals to geographic areas other than Alaska and the Great Lakes. In regard to the Alaska area, the Commission has under current consideration the matter of preparation of proposals which, because of additional and unique circumstances applicable solely to Alaska, will be released under a separate proceeding. The instant notice is directed solely to the Great Lakes area.

2. The objectives of the program, background and related matters for conversion from double sideband (DSB) to single sideband (SSB) on radiotelephony frequencies below 4000 kc/s are set forth in the Commission's notice of proposed rule making (Docket No. 18307). The objectives, background, and related matters are applicable to the whole of the United States, including the Great Lakes.

3. At the time of preparation and release of the notice in Docket No. 18307 based on informal information supplied by representatives of the Lake Carriers' Association, the Commission had anticipated completion of industry planning and receipt of a program which (a) would fulfill the communication needs of commercial transport vessels on the Great Lakes by use of frequencies in the band 156–162 Mc/s; and (b) would decrease or discontinue need for and use by commercial transport vessels of frequencies in the band below 4000 kc/s. Planning along these general lines could take advantage of the present extensive and major use of VHF on the Great Lakes by U.S. vessels, together with Canadian plans to provide complete VHF coverage of Canadian waters of the Great Lakes.

4. In the current situation it appears that plans in the United States as well as in Canada may in the future permit dependence on VHF as the primary means of communication for vessels on the Great Lakes. On the other hand, it is to be expected that there may be communication requirements that dictate a need for continuing provision of medium frequencies. Such medium frequency requirements as exist after the date for conversion from double sideband (DSB) to single sideband (SSB) must conform to the same technical parameters as for the same service in other areas; therefore, a program for conversion to SSB must be established for the Great Lakes and applied to any of the frequencies below 4000 kc/s which are to be continued beyond the date January 1, 1977, as proposed in the notice in Docket No. 18307.

5. With completion of the rulemaking proposed herein all necessary provision will have been made in the rules to support the marine communications requirements, both MF and VHF in the Great Lakes area. Should MF and VHF communications continue to be required it is proposed that the MF operations will be changed from DSB to SSB in the same manner and at the same time as will be required for other areas of the United States. If, on the other hand, VHF communications can be improved to the degree that MF communications are no longer required, it may be possible to amend the Canadian/Great Lakes Agreement at a later date so that use of MF can be discontinued in the Great Lakes prior to the date when conversion to SSB would be mandatory. Any continued use of MF of course, would have to comply with the new SSB rules after January 1, 1977.

6. The Commission's proposals relating to conversion to SSB on the Great Lakes are set forth below. These proposals are the same as those set forth in the notice in Docket No. 18307 except as concerns frequencies available and the date after which coast stations must discontinue use of DSB and commence operation with SSB. With regard to this date, Docket No. 18307 proposed January 1, 1970, whereas this docket proposes January 1, 1971. Since these proposals were discussed in detail in Docket No. 18307, a repetition of those detailed explanations is unnecessary.

Briefly, the purpose of the program is to make improvements in communications, to enhance the maritime radio safety system, and to provide for future use of frequencies below 4 Mc/s for single sideband radiotelephony. Single sideband is a more modern, sophisticated method of operation. It permits utilization of a greater number of channels reducing congestion. It also substantially limits interference.

As proposed, availability of 2 Mc/s to ship stations would be limited to those which are equipped with VHF and which operate at distances from shore which are beyond VHF range. This is fitted into the schedule of conversion to SSB as follows:

Until January 1, 1971, DSB will continue to be authorized as at present.

After January 1, 1971, new installations aboard ship stations will be authorized use of SSB only where such ship stations are equipped also with VHF.

During the period January 1, 1971, to January 1, 1977, installations of 2 Mc/s DSB, authorized prior to January 1, 1971, will be amortized.

After January 1, 1977, use of 2 Mc/s radiotelephony will be limited to SSB and will be available only to vessels which are equipped also with VHF.

For coast stations the effect of the various amendments proposed is:

To continue to authorize installation of DSB until January 1, 1971.

Until January 1, 1971, transmission of SSB would be permissive; after January 1, 1971 capability to use full carrier, reduced carrier, and suppressed carrier emissions would be required.

On the international distress and calling frequency 2182 kc/s, until January 1, 1971, require capability to transmit and receive with SSB full carrier emission and, until January 1, 1977, receive DSB emission.

After January 1, 1977, except for safety communications and where communication requirements cannot be fulfilled by VHF, frequencies in the band 2000–2850 kc/s will not be available for use in ports and harbors, or lakes or rivers, or for communication involving passage of ships through locks, bridge areas, or Government controlled waterways.

The program, in addition, would establish revised technical standards, including those concerning emissions, frequency tolerances, and transmitter power.

7. The proposed amendments, as set forth below, are issued pursuant to the authority contained in section 303(r) of the Communications Act of 1934, as amended, and the agreement between the United States of America and Canada for the Promotion of Safety on the Great Lakes by Means of Radio (Great Lakes Agreement). Final action in this proceeding will be consonant with the terms of the Great Lakes Agreement in force at the time final action is taken.

8. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 29, 1969, and reply comments on or before October 10, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: August 13, 1969.

Released: August 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, is amended as follows:

§ 2.106 [Amended]

1. Section 2.106, for the frequency band 2170–2194 kc/s, is amended in columns 7 through 11 to read as follows:

Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of service	OF SERVICES of stations
7	8	9	10	11	
...	...	...	...	...	
2170–2173.5	MARITIME MOBILE.	Ship.		MARITIME MOBILE.	
2173.5–2190.5 (201)	MOBILE.	Aircraft. Coast. Ship. Survival craft.		AERONAUTICAL MOBILE (telephony). MARITIME MOBILE (telephony) (NG22).	
			2182	Distress and calling frequency.	
2190.5–2194	MARITIME MOBILE.	Ship.		MARITIME MOBILE.	
...	...	...	...	...	

2. Footnote to the table, Geneva Footnotes, number (201) is amended to read as follows:

(201) The frequency 2182 kc/s is the international distress and calling frequency for radiotelephony. The conditions for the use of the band 2170–2194 kc/s are prescribed in Article 35.

B. Part 81, Stations on Land in the Maritime Services, is amended as follows:

1. In § 81.132, paragraphs (a)(2) and (d) are amended to reads as follows:

§ 81.132 Authorized classes of emission.

(a) • • •

(2) Coast stations using radiotelephony:	
(i) For frequencies designated in § 81.304(a):	
2182 kc/s	Until January 1, 1971: A3 or A3H; After January 1, 1971: A3H.
All other frequencies	A3, A3H, A3A, A3B, or A3J as specified in § 81.304 (a) and (b).
(ii) For frequencies designated in § 81.361(a)	A3J.
(iii) For frequencies in the band 156 to 174 Mc/s.	F3.

• • • • • • •

§ 81.134 Transmitter power.

(d) Authorization to use A3H, A3A, or A3J emission is limited to emitting a carrier, for A3H, at a power level between 3 and 6 decibels below peak envelope power; for A3A, at a power level of 16 decibels, ±2 decibels, below peak envelope power; and, for A3J, at a power level at least 40 decibels below peak envelope power.

• • • • • • •

2. In § 81.133(a), the table and footnote 4 are amended to read as follows:

§ 81.133 Authorized bandwidth.

(a) • • •

Class of emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.3
A2	2.66A2	2.8
A3	6A3	8.0
A3A	2.8A3A	[4] 3.0
A3B	5.6A3B	6.0
A3H	2.8A3H	[4] 3.0
A3J	2.8A3J	[4] 3.0
F1	0.3F1 [1]	[1] 0.5
F3	16F3 [2]	[2] 20.0
F3	36F3 [3]	[3] 40.0
PO	Variable	Variable

• • • • • • •

[4] Transmitters type accepted to operate in the band 2000–2850 kc/s prior to the effective date of this rule change, the authorized bandwidth is 3.5 kc/s.

3. In § 81.134, paragraph (c)(1), the table and footnote are amended to read as follows:

§ 81.134 Transmitter power.

• • • • • • •

(c) • • •

(1) • • •

Frequency band (kc/s)	Class of station	Class of emission	Transmitter power
2000 to 4000 [1]	Any	A3	1500 watts by day. 700 watts by night.
		A3A, A3H, A3J.	800 watts by day. 400 watts by night.
4000 to 18,000	Class I	A3	70 kilowatts.
18,000 to 27,500	do	do	27 kilowatts.
4000 to 27,500	do	A3A, A3B, A3H, A3J.	50 kilowatts.
	Class II	do	1000 watts.
	do	A3	1500 watts.

[1] When using 2182 kc/s for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of limited coast stations shall not exceed 100 watts for A3 emission and 50 watts for A3H emission.

• • • • • • •

4. In § 81.140, the head note is amended to read as follows:

§ 81.140 Emission limitations.

• • • • • • •

5. In § 81.142, paragraph (c)(2) is amended; and a new paragraph (j) added to read as follows:

§ 81.142 Modulation requirements.

• • • • • • •

(c) • • •

(2) For transmitters operating on frequencies below 4 Mc/s, with the carrier emitted at a power level, for A3H, between 3 and 6 decibels below peak envelope power and, for A3A, at 16 decibels, ±2 decibels, below peak envelope power

* * * * *

(j) In single sideband and independent sideband transmitters, the audiofrequency band shall be 350 to 2,700 cycles per second, with a permitted amplitude variation of 6 decibels. Audiofrequencies outside this band shall be attenuated to protect the adjacent channels.

6. In § 81.304, paragraph (a) is amended with respect to the frequencies in the band 2000–2650 kc/s; paragraph (b) is relettered (d); a new paragraph (c) is added; and paragraph (d) is amended and relettered (b); to read as follows:

§ 81.304 Frequencies available.

(a) The following tabulation indicates the frequencies which may be the authorized carrier frequencies for use by public coast stations. For single sideband radiotelephone emission, the assigned frequency will be 1.4 kc/s above the authorized carrier frequency. The specific conditions for authorization and use are enumerated in paragraphs (b) and (c) of this section.

Carrier frequencies (kc/s)	Conditions of Use	Carrier frequencies (kc/s)	Conditions of Use
2182	(1), (9).	2550	(2), (7), (10).
2400	(7), (10).	2558	(7), (10).
2439	(8).	2566	(7), (10).
2442	(7), (10).	2569	(8).
2447	(8).	2572	(19).
2450	(7), (10).	2582	(2), (7), (10).
2466	(7), (10).	2587	(8).
2479	(8).	2590	(7), (10).
2482	(19).	2598	(7), (10).
2490	(7), (10).	2638	(6), (10), (13).
2506	(7), (10).	2738	(7), (10).
2514	(2), (7), (10).	2782	(7), (10).
2522	(7), (10).	2784	(7), (10).
2530	(7), (10).		
2538	(7), (10).		
2547	(8).		

* * * * *

(b) Authorization and use of the carrier frequencies set forth in paragraph (a) of this section shall be in accordance with the following limitations and conditions.

(1) Available for use on a shared basis primarily by ship stations and secondarily by coast stations.

(2) The carrier frequencies 2514, 2550, and 2582 kc/s may be assigned to coast stations in the Great Lakes area on a shared basis with coast stations of Canada upon the express condition that, except in case of distress, 2550 kc/s shall not be used for transmission to ship stations of Canada and 2582 kc/s shall not be used for transmission to ship stations of the United States.

(3) [Reserved]

(4) [Reserved]

(5) [Reserved]

(6) May be authorized for use by coast stations in certain geographic areas as prescribed in this part subject to the express condition that harmful interference shall not be caused to intership communication on this frequency.

(7) Conversion from double sideband emission to single sideband emission shall be effected in accordance with the schedule set forth in paragraph (c) of this section.

(8) Available for authorization with emission 2.8A3A and 2.8A3J only, to coast or ship stations in accordance with the schedule for conversion from double sideband to single sideband as set forth in paragraph (c) of this section; or at an earlier date: *Provided, however,* That interference will not be caused to coast and ship stations employing double sideband emissions centered on the carrier frequency located 3.00 kc/s above this carrier frequency.

(9) Until January 1, 1971, emission A3 or A3H; after January 1, 1971, emission A3H.

(10) Until January 1, 1971, emission A3, A3A, A3H, or A3J; during the period January 1, 1971, to January 1, 1977, emissions A3H, A3A, and A3J; after January 1, 1977, emissions A3A and A3J.

(11) [Reserved]

(12) [Reserved]

(13) May be authorized as a working frequency for Class II–B public coast stations for the transmission of safety and operational communications under the following conditions:

(i) No other frequency in the band 1600–5000 kc/s is available for assignment to public coast stations at the proposed location;

(ii) The proposed station is located within the continental United States (excluding Alaska) not less than 100 miles from the seacoast, the shores of navigable bays and sounds adjacent to the open sea, the shores of the Great Lakes, the St. Lawrence River, the Illinois and Ohio Rivers, and the Mississippi River south of Hastings, Minn.;

(iii) Use shall be confined exclusively to safety and operational communications;

(iv) Except for safety communications, use of the frequency shall be limited to day only: *Provided, however,* That operational communications may be continued beyond such time to the extent necessary for compliance with the provisions of § 81.186(b); and

(v) An affirmative showing is submitted with the original application and each renewal application evidencing the need for the desired safety and operational communications and establishing the fact that such communications cannot be provided by the use of frequencies above 156 Mc/s.

(14) [Reserved]

(15) [Reserved]

(16) [Reserved]

(17) [Reserved]

(18) [Reserved]

(19) Authorization for use of this frequency is withdrawn January 1, 1971.

(c) Assignment to public coast stations of radiotelephony frequencies in the band 2000–2850 kc/s will be subject to the following schedule and limitations:

(1) In conversion from double sideband (DSB) to single sideband (SSB):

(i) Transmission of DSB emissions will not be permitted beyond January 1, 1971;

(ii) Transmission of full carrier (A3H), reduced carrier (A3A), or suppressed carrier (A3J) emissions prior to January 1, 1971, shall be on a permissive basis. After January 1, 1971, the capability of using these emissions will be required.

(iii) Authorizations for use of DSB emission granted after the effective date of an order in this docket shall expire on January 1, 1971;

(iv) On 2182 kc/s, until January 1, 1971, will be required to have the capability to transmit with DSB (A3) or SSB full carrier (A3H) emissions and to receive DSB (A3) and full carrier (A3H) emissions;

(v) On 2182 kc/s during the period January 1, 1971, to January 1, 1977, will be required to have the capability to receive full carrier SSB (A3H) and DSB (A3) emission; after January 1, 1977, will be required to have the capability to receive full carrier SSB (A3H) emission.

(2) Relationship between service by public coast stations on frequencies in the band 2000–2850 kc/s and in the band 156–162 Mc/s:

(i) After January 1, 1977, radiotelephony frequencies in the band 2000–2850 kc/s will be available only to public coast stations which, in addition to service on frequencies in the band 2000–2850 Kc/s, also provide service on frequencies in the band 156–162 Mc/s: *Provided, however,* That this requirement may be waived where VHF service is already provided in waters near the proposed station.

(ii) Except for safety communications, after January 1, 1977, radiotelephony frequencies in the band 2000–2850 kc/s will not be available to public coast stations for communication: with vessels within communication range of VHF; with vessels in ports or harbors; concerning passage of ships through locks, bridge areas, or Government controlled waterways; or on lakes or river: *Provided, however,* That this requirement may be waived where a satisfactory showing has been made that the communication requirement cannot be fulfilled by VHF.

* * * * *

7. In § 81.306, paragraph (b) and table, the table to paragraph (c), and paragraph (e) are amended to read as follows:

§ 81.306 Frequencies available below 27.5 Mc/s.

* * * * *

(b) Subject to the specific limitations imposed in this paragraph and in § 81.304 with respect to particular frequencies, the carrier frequencies designated are assignable for working purposes to Class II public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio channels: *Provided, however,* That these frequencies are assignable only to coast stations located in the vicinity of the harbors, ports, or places designated hereinafter opposite the respective coast-station-transmitting frequency: *Provided, further,* That each coast station shall receive transmissions from mobile stations on the associated receiving frequency also designated in this paragraph.

Note: The table below paragraph (b) of section 81.306 is amended with respect to frequencies available in the Great Lakes in the band 2000–2850 kc/s to read as follows:

For communication with coast stations located in the vicinity of	Frequencies available under present rules		Frequencies available January 1, 1971 [3]		Frequencies available January 1, 1977 [4]	
	Ship [1] transmit	Coast [2] transmit	Ship [1] transmit	Coast [2] transmit	Ship [1] transmit	Coast [2] transmit
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Great Lakes	2118	2514	2116.5	2514	2116.5	2514
	2158	2550	2158	2550	2158	2550
* * *	2206	2582	2206	2582	2206	2582
	* * *	* * *	* * *	* * *	* * *	* * *

[1] Available for assignment in accordance with § 83.351.
[2] Available for assignment in accordance with § 81.304.
[3] Ship stations will shift to the ship station transmit frequencies specified in the table during the 6 months period July 1, 1970, to December 31, 1970. Coast stations will shift to the coast station transmit frequencies specified in the table on Jan. 1, 1971.
[4] The frequencies specified in the table will be available to ship and coast stations at any date after Jan. 1, 1971; in those cases where harmful interference will not be caused to stations operating in accordance with the provisions of the column "Frequencies available Jan. 1, 1971".

* * * * *

(e) Use of the working frequencies authorized in paragraphs (a), (b), (c), and (d) of this section is subject to the applicable conditions and limitations set forth in § 81.304. Class II coast stations shall use frequency assignments within the band 2000 kc/s to 27.5 Mc/s only when frequency assignments in the band 156–162 Mc/s will not provide effective communication.

8. Section 81.365 is revised to read as follows:

§ 81.365 Availability of 2738 and 2830 kc/s for limited coast stations.

(a) Subject to the conditions set forth in paragraph (b) of this section, the frequencies 2738 and 2830 kc/s are available for assignment on a shared basis to limited coast stations in the areas where they are available for intership use upon a showing that the use of such frequencies is necessary to fulfill the need for communications with ships relating to safety of navigation at bridges, waterways, causeways and similar locations. Communications between such coast stations and ships shall be conducted on the same working frequency. On an adequate showing of need, both frequencies may be assigned. The transmitter power for such communications shall not exceed 50 watts.

Note: Commission order (FCC 62-724) adopted July 13, 1962, appearing at 27 F.R. 6833, July 19, 1962, waived regulations con-

tained in § 81.365 to permit the use of 2003 kc/s at a limited coast station licensed to Michigan State Highway Department.

(b) After January 1, 1977, radiotelephony frequencies in the band 2000–2850 kc/s will be available only to limited coast stations which, in addition to service on frequencies in the band 2000–2850 kc/s, also provide service on frequencies in the band 156–162 Mc/s: *Provided, however,* That this requirement may be waived where VHF service is already provided in waters near the proposed station. Except for safety communications, after January 1, 1977, radiotelephony frequencies in the band 2000–2850 kc/s will not be available to limited coast stations for communication: With vessels within communication range of VHF; with vessels in ports or harbors; concerning passage of ships through locks, bridge areas, or Government-controlled waterways; or on lakes or river: *Provided, however,* That this requirement may be waived where a satisfactory showing has been made that the communication requirement cannot be fulfilled by VHF.

C. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. In § 83.132, paragraph (a)(2) is amended to read as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

(2) Stations using radiotelephony:	
(i) For frequencies designated in § 83.351(a):	
2182 kc/s	Until January 1, 1977: A3 or A3H; after January 1, 1977: A3H.
(ii) All other frequencies	A3, A3H, A3A, A3B, or A3J as specified in § 83.351 (a) and (b).
(iii) For the frequency 121.5 Mc/s	A2.
(iv) For the frequency band 156 to 174 Mc/s	F3.

* * * * * * *

2. In § 83.133(a), the table is amended to read as follows:

§ 83.133 Authorized bandwidth.

(a) • • •

Class of emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.3
A2	2.66A2	2.8
A3	6A3	8.0
A3A	2.8A3A	[4] 3.0
A3B	5.6A3B	6.0
A3H	2.8A3H	[4] 3.0
A3J	2.8A3J	[4] 3.0
F1	0.3F1 [1]	0.5
F3	16F3 [2]	[3] 20.0
F3	30F3 [4]	[3] 40.0
P0	Variable	Variable

[1] Narrow-band Direct-printing Telegraph and Data Transmission systems.
[2] Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.
[3] Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of this section.
[4] Transmitters type accepted to operate in the band 2000–2850 kc/s prior to the effective date of this rule change, the authorized bandwidth is 3.5 kc/s.

• • • • • •

3. In § 83.134, the table to paragraph (d) is amended to read as follows:

§ 83.134 Transmitter power.

• • • • • •

(d) • • •

Area	Frequency band	Type of communication	Transmitter power
Great Lakes area and Mississippi River north of Baton Rouge, La., and connecting inland waters.	2 to 27.5 Mc/s.	Any	150
Other than the above	2 to 4 Mc/s.	Ship to shore, emission: A3	[1] 400
		A3H, A3A, A3J	[1] 150
		Ship to ship, emission: A3	150
		A3H, A3A, A3J	150
	4 to 27.5 Mc/s.	Any	[2] 1,000

[1] Except for distress, urgency and safety purposes the maximum power which may be used on 2170.5, 2182, and 2191 kc/s is 150 watts.
[1] Except for the limitation specified in footnote 1 to this table, for passenger vessels of 5,000 gross tons and over this value is 1,000 watts.
[2] For passenger vessels of 5,000 gross tons and over this value is 3,000 watts.

• • • • • •

4. In § 83.136, the head note is amended to read as follows:

§ 83.136 Emission limitations.

• • • • • •

5. In § 83.137, paragraph (c) is amended; new paragraphs (d) and (e) are added; and old paragraphs (d) through (g) are redesignated (f) through (i) to read as follows:

§ 83.137 Modulation requirements.

• • • • • •

(c) Except as provided in paragraph (d) of this section, single sideband and independent sideband transmitters shall be capable of operation in the suppressed carrier (A3J) mode, with the carrier emitted at a power level at least 40 decibels below peak envelope power; and, in addition, in the following modes:

(1) Full carrier (A3H) mode, with the carrier emitted at a power level between 3 and 6 decibels below peak envelope power; and

(2) Reduced carrier (A3A) mode, with the carrier emitted at a power level 16 decibels, ±2 decibels, below peak envelope power.

(d) Transmitters type accepted prior to (the effective date of the final order in this docket) that are not type accepted for operation in all three modes (A3A, A3H, and A3J) may continue to be operated until January 1, 1974: *Provided, however,* That where such transmitters have A3J capability, operation in that mode on the frequencies to which § 83.351 (b) (13) is applicable, may continue until further notice.

(e) In single sideband and independent sideband transmitters, the audio frequency band shall be 350 to 2700 cycles per second, with a permitted amplitude variation of 6 decibels. Audiofrequencies outside this band shall be attenuated to protect the adjacent channels.

• • • • • •

6. In § 83.139 paragraph (a) is amended and a new paragraph (c) is added to read as follows:

§ 83.139 Transmitters required to be type accepted for licensing.

(a) Except as provided by paragraph (c) of this section, each radiotelephone transmitter authorized in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission.

• • • • • •

(c) Effective January 1, 1971, DSB transmitters operating in the band 2000–2850 kc/s will not be authorized for installations made about ship stations after that date: *Provided, however,* That in a ship radio station authorized to operate on frequencies in the band 2000–2850 kc/s, DSB equipment may continue to be authorized for a period not to extend beyond January 1, 1977, where a license:

(1) Was granted prior to January 1, 1971; and

(2) Has not expired due to failure to renew; or

(3) Has not been canceled at the request of the licensee; or

(4) Has not been revoked by order of the Commission.

7. In § 83.141 paragraph (a)(2) is amended to read as follows:

§ 83.141 Special requirements for survival craft stations.

(a) • • •

(2) The frequency 2182 kc/s be able to use class of emission as set forth in § 83.351;

• • • • • •

8. In § 83.351, with respect to frequencies in the band 2000–2850 kc/s, paragraph (a) and paragraph (b) are amended and a new paragraph (c) is added, to read as follows:

[1] The exception which follows is applicable to transmitters operating in the bands between 4 and 23 Mc/s (See Docket No. 18271).

§ 83.351 Frequencies available.

(a) The following tabulation indicates the carrier frequencies which, when authorized by station license, may be used by ship stations. The specific conditions for use are enumerated in paragraph (b) of this section:

Frequencies (kc/s)	Conditions of use
2003	17, 12, 40.
2006	9, 10.
2009	12.
2031.5	12.
2116.5	9, 10, 39.
2118	12, 39.
2124.5	9, 10, 39.
2126	12, 39.
2132.5	9, 10, 39.
2134	12, 39.
2142	17, 5, 19, 12.
2158	12.
2163	9, 10.
2165	12.
2170.5	9, 17, 10.
2182	1, 11.
2191	9, 17, 10.
2195	9, 10.
2198	12.
2203	9, 10.
2206	2, 12.
2211	9, 10.
2214	7, 12.
2363	9, 10.
2366	12.
2379	9, 10.
2382	40.
2390	40
2397	9, 10.
2400	12.
2406	12.
2428.5	9, 10, 39.
2430	12, 39
2456.5	9, 10, 39.
2458	12, 39.
2638	17, 6, 5, 12.
2735	17, 6, 9, 10.
2738	17, 6, 5, 12.
2782	12.
2784	12.
2830	17, 12.

• • • • • •

(b) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions hereinafter set forth in this paragraph.

(1) Available for use on a shared basis primarily by ship stations and secondarily by coast stations.

(2) Except in event of distress, use of this frequency in the Great Lakes area by ship stations of the United States is prohibited.

(3) [Reserved]

(4) [Reserved]

(5) [Reserved]

(6) Available for use on a shared basis with ship stations of other countries, for the purposes hereinafter prescribed in this subpart. Use of these frequencies for ship-to-shore communication in certain geographic areas in accordance with this subpart is authorized, subject to the conditions of footnote (5): *Provided, however,* That this condition shall not be construed as prohibiting the operation of ship stations for authorized ship-to-shore communication on this frequency pursuant to the provisions of §§ 83.176, 83.177(b), 83.179, and 83.180.

(7) Available to ship stations for use exclusively at locations at which interference is not caused to the service of any U.S. Government station.

(8) [Reserved]

(9) Available for use by ship stations after January 1, 1977, or at an earlier date: *Provided, however,* That interference will not be caused to coast and ship stations employing double sideband emissions centered on the carrier frequency located 3.00 kc/s above this carrier frequency.

(10) Use of this frequency is limited to emissions 2.8A3A and 2.8A3J only.

(11) Until January 1, 1977, emission A3 or A3H may be employed. After January 1, 1977, use is limited to emission A3H only.

(12) Until January 1, 1977, emissions A3, A3A, A3H, or A3J may be employed. After January 1, 1977, use is limited to emissions A3A and A3J.

(13) [Reserved]

(14) [Reserved]

(15) [Reserved]

(16) [Reserved]

(17) Available for use in accordance with the provisions of § 83.358.

(18) [Reserved]

(19) Available for intership communication on a day only basis in the Pacific coast area south of 42 degrees north latitude.

(20) [Reserved]

(21) through (38) [Reserved]

(39) The adjustment of the carrier frequencies specified below shall be effected by ship stations during the period July 1, 1970, to December 31, 1970.

SHIP STATIONS CARRIER FREQUENCY (KC/S)

From	To
2118	2116.5
2126	2124.5
2134	2132.5
2430	2428.5
2458	2456.5

(40) Authorization for use of this frequency is withdrawn January 1, 1971; transition to the replacement frequency shall be effected by ship stations during the period July 1, 1970, to December 31, 1970.

(c) Assignment to ship stations of radiotelephony frequencies in the band 2000–2850 kc/s will be subject to the following schedule and limitations:

(1) After January 1, 1971, new installations of transmitters employing A3 (double sideband) emission will not be authorized.

(2) Transmitters employing A3 (double sideband) emission which were authorized (see § 83.139(c)) prior to January 1, 1971, may continue to be used until January 1, 1977.

(3) After January 1, 1971, new installations of transmitters employing A3A, A3H, and A3J (single sideband) emissions will be authorized only for communication:

(i) With coast stations by ship stations which are also equipped with VHF and operate at a distance from a public coast, limited coast with which the ship station is authorized to communicate, or U.S. Coast Guard station which is beyond VHF communication range; and

(ii) For intership communication by ship stations where communication is required with other vessels over distances in excess of the VHF communication range.

(4) After January 1, 1977, to those ship stations which are equipped for use of both single sideband emissions, as set forth in paragraph (b) of this section, and F3 emissions in the band 156–162 Mc/s.

(5) After January 1, 1977, radiotelephony frequencies in the band 2000–2850 ks/s will not be available for and shall not be used for communication:

(i) With other vessels which are within communication range of VHF;

(ii) Within ports, harbors, for communication concerning passage of ships through locks, bridge areas, or Government controlled waterways; and

(iii) On lakes or rivers:

Provided, however, That this requirement may be waived where a satisfactory showing has been made that the communication requirement cannot be fulfilled by VHF, or by adaptation of VHF.

8. In § 83.354, the tables in paragraphs (a) (1) and (2) and paragraphs (b) and (c), with respect to frequencies available in the Great Lakes in the band 2000–2850 kc/s, are amended to read as follows:

§ 83.354 Frequencies below 5,000 kc/s for public correspondence.

(a) • • •

(1) Frequencies available for use when the mobile station and the coast station transmit alternately on different radio frequencies:

For communication with coast stations located in the vicinity of	Frequencies available under present rules		Frequencies available January 1, 1971 [1]		Frequencies available January 1, 1977 [4]	
	Ship [1] transmit	Coast [2] transmit	Ship [1] transmit	Coast [2] transmit	Ship [1] transmit	Coast [2] transmit
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Great Lakes	2118	2514	2116.5	2514	2116.5	2514
	2158	2550	2158	2550	2158	2550
	2206	2582	2206	2582	2206	2582
• • •	• • •	• • •	• • •	• • •	• • •	• • •

[1] Available for assignment in accordance with § 83.351.
[2] Available for assignment in accordance with § 81.304.
[3] Ship stations will shift to the ship station transmit frequencies specified in the table during the 6 months period July 1, 1970, to Dec. 31, 1970. Coast stations will shift to the coast station transmit frequencies specified in the table on Jan. 1, 1971.
[4] The frequencies specified in the table will be available to ship and coast stations at any date after Jan. 1, 1971, in those cases where harmful interference will not be caused to other public correspondence ship and coast stations operating DSB, or on the contiguous SSB half-channel. These frequencies are in addition to those shown under the column "Frequencies available Jan. 1, 1971".

(2) • • •

For communication with coast stations located in the vicinity of—	Carrier frequency (kc/s)	Specific limitations imposed upon availability for use
Baltimore, Md.	[2] 2400	Available on condition that harmful interference is not caused to the service of any coast station in the vicinity of Boston, Mass. Transmitter power at night shall not exceed 150 watts.
Chicago, Ill.; Pittsburgh, Pa.; Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and other locations as required to serve vessels on the Mississippi River and connecting inland waters (other than the Great Lakes).	[2] 2782	None.
	[1] 4069.3	Subject to applicable provisions of §83.351(b).
	4072.4	Do.
	[1] 4374.3	Do.
	4377.4	Do.
Lake Dallas, Tex.; Lake Texoma, Tex.	[2] 2738	None.
Lake Mead, Nev.; and other locations as required to serve vessels on inland waters of the southwestern continental United States.	[2] 2782	The use of this frequency in areas other than Lake Mead, Nev., is subject to the condition that harmful interference is not caused to the service of any other station.
The Dalles, Oreg.; Umatilla, Oreg.; and other locations as required to serve vessels on inland waters of the northwestern continental United States, excluding Alaska.	[2] 2784	The use of this frequency at locations other than in the vicinity of The Dalles, Oreg., and Umatilla, Oreg., is subject to the condition that harmful interference is not caused to the service of any other station.

[1] Available for single sideband emissions only.
[2] Available for assignment in accordance with § 83.35.

(b) The frequency 2638 kc/s is authorized to public ship stations as a working frequency to communicate with public coast stations authorized to operate on 2638 kc/s for the transmission of safety communications. Stations on board aircraft may not use the frequency 2638 kc/s for communication with coast stations except in the event of distress.

(c) The use of the working frequencies authorized in paragraphs (a) and (b) of this section is subject to the applicable conditions and limitations set forth in § 83.351. Ship stations shall use frequency assignments within the band 4000 kc/s to 5000 kc/s only when frequency assignments in the band 156–162 Mc/s will not provide effective communication; frequency assignments within the

band 2000–2850 kc/s shall be used only when frequency assignments in the band 156–162 Mc/s will not provide effective communication.

9. In § 83.355, paragraph (b) is amended to read as follows:

§ 83.355 Frequencies from 5000 kc/s to 27.5 Mc/s for public correspondence.

* * * * *

(b) Ship stations shall use frequency assignments within the band 5000 kc/s to 27.5 Mc/s only when frequency assignments below 5000 kc/s or above 27.5 Mc/s will not provide effective communications.

10. In § 83.358, paragraph (a) is amended to read as follows:

§ 83.358 Frequencies below 3000 kc/s for safety purposes.

(a) The following carrier frequencies, when authorized by station license, are available for intership safety communications in the respective geographic areas. In addition, on a noninterference basis to safety communications, the frequencies may be used for operational communications and, in the case of commercial transport vessels and vessels of municipal or State governments, for business communications. Use of these carrier frequencies is prohibited when the use of a licensed frequency above 27.5 mc/s in lieu thereof would provide effective communication.

Frequency (kc/s)	*Geographical area*
2003	Great Lakes only.
2065	(1).
2079	(1).
2082.5	(1).
2086	(1).
2093	(1).
2096.5	(1).
2100	(1).
2103.5	(1).
2142	Pacific coast area south of latitude 42° north, on a day only basis.
2170.5	(1).
2191	(1).
2638	All areas.
2735	(1).
2738	All areas except the Great Lakes and the Gulf of Mexico.
2830	Gulf of Mexico only.

[1] Subject to the conditions of use set forth in § 83.351(b) (9) and (10). The nature of service and category of vessel to be permitted on these intership carrier frequencies is under continuing consideration by the Commission.

[2] Only a portion of these frequencies will be available for use in the United States. The number which will be available is under consideration by the Commission, and is being coordinated with Canada. The frequencies ultimately selected will be available only for single sideband radiotelephony, and the classes of emission will be limited to A3A and A3J.

* * * * *

11. In § 83.365, paragraph (b) is amended to read as follows:

§ 83.365 Procedure in testing.

* * * * *

(b) When testing is conducted on any frequency within the bands 2173.5 to 2190.5 kc/s, 156.75 to 156.85 Mc/s, 480 to 510 kc/s (survival craft transmitters only), or 8362 to 8366 kc/s (survival craft transmitters only), no test transmissions shall occur which are likely to actuate any automatic alarm receiver within range. Survival craft stations using telephony shall not be tested on the frequency 500 kc/s during the 500 kc/s silence periods.

12. In § 83.366, paragraph (j) is amended to read as follows:

§ 83.366 General radiotelephone operating procedure.

* * * * *

(j) *2182 kc/s silence period in Regions 1 and 3.* Transmission by ship or survival craft stations when in Regions 1 and 3 (except in the territorial waters of Japan and the Philippines) is prohibited on any frequency (including 2182 kc/s within the band 2173.5 to 2190.5 kc/s during each 2182 kc/s silence period, i.e., for 3 minutes twice each hour beginning at x h. 00 and x h. 30, Greenwich mean time: *Provided, however,* That this provision is not applicable to the transmission of distress, alarm, urgency, or safety signals, or to messages preceded by one of these signals.

13. In § 83.484, paragraph (a) is amended to read as follows:

§ 83.484 Radiotelephone transmitter.

(a) The transmitter shall be capable of effective transmission of A3 or A3H emission on 2182 kc/s, 2638 kc/s, in accordance with § 83.351, and at least two other frequencies within the band 1605 to 2850 kc/s available for ship to shore or ship to ship communication.

* * * * *

14. In § 83.517, paragraph (a) is amended to read as follows:

§ 83.517 Medium frequency transmitter.

(a) The transmitter shall have a carrier power of at least 25 watts for A3 emission or peak envelope power of not less than 50 watts for A3H emission on 2182 kc/s, 2638 kc/s, in accordance with § 83.351, and at least one ship to shore working frequency within the band 1605 to 2850 kc/s enabling communication with a public coast station serving the region in which the vessel is navigated.

* * * * *

[F.R. Doc. 69-10212; Filed, Aug. 27, 1969; 8:45 a.m.]

[47 CFR Part 73]

[Docket No. 18644; FCC 69-922]

TELEVISION BROADCAST STATIONS

Table of Assignments; Oxnard, Calif.

In the matter of amendment of § 73.606(b) of the Commission's rules, Television Table of Assignments (Oxnard, Calif.); Docket No. 18644, RM-1470.

1. On June 30, 1969, Lola Goelet Yoakem filed a petition for rule making (RM-1470) requesting assignment of a UHF television broadcast channel to Oxnard, Calif.

2. Petitioner emphasizes the need for a local community station to provide informational-entertainment programing linked to serve the interests of the locality. Oxnard, population 40,265, is located in Ventura County, population 199,138, approximately 55 miles west of the Los Angeles reference point.

3. Television service to Oxnard and vicinity is now provided by VHF stations in Los Angeles and Santa Barbara. A UHF station in the adjacent community of Ventura became operational in January of this year and also provides service. CATV systems are prevalent in Ventura County with operations in Ventura, Thousand Oaks, Westlake, Ojai, Fillmore, and Santa Paula. This may indicate that optimum off-the-air reception is not possible because of the area's rugged terrain.

4. We believe that the petition contains evidence of the need for an assignment to Oxnard and therefore warrants the initiation of a rule making proceeding.

5. We have investigated UHF channel assignment possibilities at Oxnard and find that Channel 63 is the most efficient assignment. Assignment of Channel 63 to Oxnard will not preclude future assignments to other smaller communities in the area. It meets all minimum mileage separations of the rules and provides necessary site flexibility.

6. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the table of assignments in § 73.606(b) of the Commission's rules, insofar as the city listed below is concerned, to read as follows:

City	*Channel No.*
Oxnard, Calif.	63

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules interested parties may file comments on or before October 3, 1969, and reply comments on or before October 13, 1969. All submissions by parties to this proceeding, or by persons acting in behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: August 20, 1969.

Released: August 22, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-10307; Filed, Aug. 27, 1969; 8:49 a.m.]

[1] Commissioner Cox absent.

[47 CFR Parts 89, 91]

[Docket No. 18643; FCC 69-916]

PUBLIC SAFETY RADIO SERVICES

Operation of Mobile Relay Systems, Fixed Relay Stations, and Repeater Stations

In the matter of amendment of Parts 89 and 91 of the Commission's rules governing the operation of mobile relay systems, fixed relay stations and repeater stations; and petition filed by the California Public-Safety Radio Association, Inc., to permit operation of mobile relay stations on frequencies below 150 Mc/s in the Public Safety Radio Services; Docket No. 18643, RM-386.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The California Public-Safety Radio Association, Inc. (CPRA) has filed a petition seeking changes in the rules governing the Police, Fire, Forestry Conservation, and Highway Maintenance Radio Services to permit mobile relay station operation on any available frequency below 150 Mc/s. Since the next lower band available for this purpose is the 25–50 Mc/s band, we will hereafter refer to frequencies above or below 50 Mc/s.

3. The petitioner set forth two situations experienced by public safety users in the Los Angeles area in which the restriction against transmitting base-mobile communications via a mobile relay station on frequencies below 150 Mc/s impaired the licensee's ability to handle an emergency situation. It is CPRA's contention that to permit usage of frequencies below 150 Mc/s for mobile relay operations would provide needed communication range and would do away with the necessity of repeating messages from one area to another. CPRA also maintains that various protective devices have been perfected which will prevent signals from other users on frequencies in the 25–50 Mc/s band from "capturing" the mobile relay transmission. In other words, these devices will preclude or minimize the possibility of the system being activated by "skip" interference.

4. Mobile relay operation requires twice the frequency occupancy of a conventional single or two frequency simplex system. In mobile relay systems, each word of a mobile originated message appears simultaneously at two points in the spectrum, i.e., on the frequency of the mobile unit (the "triggering" frequency) and on the frequency of the mobile relay station. The long range sky wave or "skip" interference which is associated with the use of frequencies below 50 Mc/s therefore, has potentially a substantially more adverse effect in the case of a mobile relay system than when a simple base-mobile system is involved. Further, a mobile relay station which is susceptible to being "triggered" by frequencies below 50 Mc/s has a greater probability of being triggered by undesired signals, and, thus, being unnecessarily put on the air, than one which is designed to be "triggered" by transmissions on higher frequencies. Similarly a mobile relay station which transmits on frequencies below 50 Mc/s can be a source of interference to other systems over larger areas than would be the case if the mobile relay transmit frequency were above 50 Mc/s. The Industrial rules undertake to meet the first above-described aspect of this problem by requiring that the "triggering" frequency be above 50 Mc/s (47 Mc/s is specified in the rules) while permitting the mobile relay transmit frequency to be either above or below 50 Mc/s. The Public Safety Rules on the other hand are directed to the second above-described aspect and require the mobile relay transmit frequency be above 50 Mc/s but permit the "triggering" frequency to be either above or below 50 Mc/s. Because it is believed that the considerations involved in the Public Safety Services and the Industrial Services are the same with respect to determining which frequency bands should be available for mobile relay systems, we propose to achieve uniformity in the respective rules governing these systems.

5. It is believed that the effect of "skip interference" on mobile relay systems can be alleviated by certain equipment requirements. Accordingly, we propose to adopt uniform rules for both the Public Safety and Industrial Radio Services which will permit the use of frequencies from bands either above or below 50 Mc/s for either "triggering" the mobile relay station or as transmit frequencies of mobile relay stations. The following equipment requirements would, however, be imposed:

a. The installation of continuous tone control devices will be required for all systems employing a frequency below 50 Mc/s as a "triggering" frequency or as a mobile relay station transmit frequency. Comments are invited concerning the feasibility of requiring such devices in all mobile relay installations regardless of the frequencies utilized.

b. The installation of a suitable device to insure that the mobile relay station cease operation within five seconds after the "triggering" emissions cease.

c. The installation of a time-delay or clock device to deactivate a mobile relay station not under the control of an operator at a fixed location within three minutes after its activation.

6. As we indicated in paragraph 4 above, mobile relay systems occupy two frequencies simultaneously. This tends to discourage time sharing between otherwise compatible systems and often results in excessive geographic spacing. To encourage the most efficient use of congested frequency bands below 450 Mc/s it is appropriate to limit mobile relay uses to those licensees having a mobile-to-mobile requirement that cannot be met by other means. Although this is now a requirement in the Industrial Radio Services, the Public Safety rules omit such a requirement. We propose to require that all applications for new mobile relay systems in both services be accompanied by a statement that indicates a requirement for prompt mobile-to-mobile communication over distances greater than can be achieved by direct communication. This statement would be required for all applications that propose mobile relay operation on frequencies below 450 Mc/s. In the bands above 450 Mc/s where direct mobile-to-mobile communications can normally be achieved only over short distances and where all available frequencies are paired, the statement will not be required.

7. The rules require that each station in a mobile relay system be identified; however, provision is included for waiver of the rules where a station is controlled by the emission of another station. It is proposed to require the identification of all control stations by the transmission of the associated relay station call sign. Stations retransmitting messages originated by mobile units will be identified by the transmission of the mobile unit call. This should simplify and standardize the station identification procedure for all types of relay stations, and eliminate the necessity for case-by-case waivers and special clauses on the authorizations of these stations.

8. Each relay, including mobile relay, installation must comply with control point equipment requirements that, among other things, include either a carrier activated visual indication of radiation or visual indication when control circuits are placed in a condition to produce radiation. Relay stations controlled by emissions of another station may or may not have installed a device to indicate transmitter operation at the control point, and there appears to be no uniformity between systems. We are proposing to clarify the control point rules to permit the installation of a single pilot lamp or meter at the control point location to indicate activation of both the local and remote transmitters.

9. In a brief, this proposal would grant the petition of CPRA; mobile relay station operation in both the Industrial and Public Safety Radio Services would be permitted on any frequency in the band 25–50 Mc/s (as well as in higher frequency bands), and the "triggering" frequency in mobile relay systems in either of these services could be any frequency in the band 25–50 Mc/s or any higher frequency band. To meet the problem of unwanted "triggering" due to interference and alleviate its adverse effects continuous tone control will be mandatory and a maximum period of 5 seconds for cessation of operation after the controlling signals cease will be specified. The Public Safety and Industrial Radio Services would have similar rule requirements and a statement would be required in support of any new mobile relay system to operate in bands below 450 Mc/s. Identification and control point rules will be clarified and time delay or clock devices will continue to be required for stations not under the control of an operator at a fixed control point.

10. The proposed amendment of the rules set forth below is issued pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

11. Pursuant to applicable provisions of § 1.415 of the Commission's rules, interested persons may file comments on or before October 3, 1969, and reply comments on or before October 13, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

12. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: August 20, 1969.

Released: August 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

I. Part 89 of the Commission's rules is amended as follows:

1. Add a new § 89.12 as follows:

§ 89.12 Relay and repeater stations.

(a) *General.* Relay and repeater stations are used to extend the range of communications between another radio station and the point with which it is desired to communicate.

(b) *Mobile relay stations.* The policies governing authorization and operation of this type of relay station are as follows:

(1) Each application for a new mobile relay station authorization to operate on a frequency below 450 Mc/s shall be accompanied by a statement that the applicant has a requirement for prompt mobile-to-mobile communication over ranges greater than can be realized consistently by direct communication.

(2) A mobile relay station may be authorized to operate on any mobile service frequency available for assignment to base stations.

(3) Each new mobile relay station authorized after _____ that is activated by signals below 50 Mc/s shall incorporate a continuous coded tone control device the absence of which will deactivate the receiver.

(4) Mobile relay stations controlled by signals above 50 Mc/s are not required to incorporate coded signal or tone control devices unless the transmitters are consistently activated by undesired signals and they cause harmful interference to other licensees. If activation by undesired signals causes harmful interference the Commission will require the installation of suitable tone control equipment after 90 days notice to the licensee.

(5) Each new mobile relay station authorized after _____ shall be so designed and installed that the transmitter is deactivated automatically within 5 seconds after the signals controlling the station cease.

(6) Each mobile relay station, during periods that it is not controlled from a manned fixed control point, shall be provided with an automatic time delay or clock device that will deactivate the station not more than three minutes after its activation by a mobile unit.

(7) A mobile station associated with one or more mobile relay stations may be authorized to operate on any mobile service frequency above 25 Mc/s which is available for assignment to mobile stations.

(8) In any radio system which employs more than one mobile relay station, where there is a requirement that stations in the vicinity of one mobile relay station be able to communicate automatically with stations in the vicinity of other mobile relay stations, any necessary circuits for inter-connection of the mobile relay stations shall be provided by means of wirelines or radio station operating on fixed service frequencies.

(9) A base station which is used intermittently as a control station for one or more associated mobile relay stations of the same licensee will be authorized to operate only on the mobile service frequencies assigned to the associated mobile relay station and/or mobile station. Authority for such dual classification and use must be shown on the station authorization.

(c) *Fixed relay stations.* Fixed relay stations will be authorized to operate only on frequencies available for use by operational fixed stations.

(d) *Control stations.* Control stations will be authorized to operate only on frequencies available for use by operational fixed stations. A control station associated with one or more mobile relay stations may, at the option of the applicant, be assigned the frequency of the associated mobile station. Use of a mobile service frequency by a control station of a mobile relay system is subject to the condition that harmful interference not be caused to stations of other licensees authorized to use the frequency for mobile service communication.

(e) *Repeater stations.* Repeater stations will be authorized to operate only on frequencies available for use by operational fixed stations.

2. Section 89.113 is amended by the addition of a new paragraph (e)(1) to read as follows:

§ 89.113 Transmitter control requirements.

* * * * *

(e) * * *

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter circuits have been placed in a condition to produce radiation: *Provided, however,* That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters. The control point for a transmitter utilized to activate another radio station may employ a single pilot lamp or meter as an indication of activation of the local and remote transmitters;

* * * * *

3. Section 89.153(a) is amended and paragraphs (h), and (i) added to read as follows:

§ 89.153 Station identification.

(a) Except as provided in paragraphs (b), (h), and (i) of this section, the required identification for stations in these services shall be the assigned call signal.

* * * * *

(h) Control stations shall be identified by transmission of the call signal of the associated station being controlled.

(i) Base, fixed relay and repeater stations shall be identified by the transmission of the associated mobile station call signal when retransmitting signals originated by a mobile unit.

§ 89.257 [Amended]

4. Section 89.257 is amended by the deletion of paragraphs (a) and (b).

§ 89.259 [Amended]

5. Section 89.259 is amended by the deletion of the text of paragraph (e).

§ 89.307 [Amended]

6. Section 89.307 is amended by the deletion of paragraphs (a) and (d).

7. Section 89.309(f) is amended to read as follows:

§ 89.309 Frequencies available to the Police Radio Service.

* * * * *

(f) Control and repeater stations except as provided for by § 89.12(d) may be authorized on a temporary basis to operate on frequencies available for base and mobile stations in the region 152–450 Mc/s, provided an adequate showing is made why such operations cannot be conducted on frequencies allocated for assignment to operational fixed stations. Such operation on base or mobile frequencies will not be authorized initially or renewed for periods in excess of 1 year. Any such authorization shall be subject to immediate termination if harmful interference is caused to stations in the mobile service, or if the particular frequency is required for mobile service operations in the area concerned.

* * * * *

§ 89.357 [Amended]

8. In § 89.357 paragraphs (a) and (c) are deleted.

9. Section 89.359(e) is amended to read as follows:

§ 89.359 Frequencies available to the Fire Radio Service.

* * * * *

(e) Control and repeater stations except as provided for by § 89.12(d) may be authorized on a temporary basis to operate on frequencies available for base and mobile stations in the region 152–450 Mc/s, provided an adequate showing is made why such operations cannot be conducted on frequencies allocated for assignment to operational fixed stations. Such operation on base or mobile frequencies will not be authorized initially or renewed for periods in excess of 1 year. Any such authorization shall be subject to immediate termination if harmful interference is caused to stations in the mobile service, or if the particular frequency is required for mobile service operations in the area concerned.

* * * * *

§ 89.407 [Amended]

10. In § 89.407, paragraphs (a) and (d) are deleted.

11. Section 89.409(d) is amended to read as follows:

§ 89.409 Frequencies available to the Highway Maintenance Radio Service.

* * * * *

(d) Control and repeater stations except as provided in § 89.12(d) may be authorized on a temporary basis to operate on frequencies available for base and mobile stations in the region 1508–450 Mc/s, provided an adequate showing is made why such operations cannot be conducted on frequencies allocated for assignment to operational fixed stations. Such operation on base or mobile frequencies will not be authorized initially or renewed for periods in excess of 1 year. Any such authorization shall be subject to immediate termination if harmful interference is caused to stations in the mobile service, or if the particular frequency is required for mobile service operations in the area concerned.

* * * * *

§ 89.457 [Amended]

12. In § 89.457, paragraphs (a) and (c) are deleted.

13. Section 89.459(c) is amended to read as follows:

§ 89.459 Frequencies available to the Forestry Conservation Radio Service.

* * * * *

(c) Control and repeater stations except as provided in § 89.12(d) may be authorized on a temporary basis to operate on frequencies available for base and mobile stations in the region 150.8–450 Mc/s, provided an adequate showing is made why such operations cannot be conducted on frequencies allocated for assignment to operational fixed stations. Such operation on base or mobile frequencies will not be authorized initially or renewed for periods in excess of 1 year. Any such authorization shall be subject to immediate termination if harmful interference is caused to stations in the mobile service, or if the particular frequency is required for mobile service operations in the area concerned.

* * * * *

14. In § 89.523, paragraph (a) is added to read as follows:

§ 89.523 Station limitations.

(a) Mobile relay stations will not be authorized in the Special Emergency Radio Service.

* * * * *

§ 89.525 [Amended]

15. In § 89.525, paragraph (h) is deleted.

II. Part 91 of the Commission's rules is amended as follows:

1. Section 91.7 is revised to read as follows:

§ 91.7 Relay and repeater stations

(a) *General.* Relay and repeater stations are used to extend the range of communications between another radio station and the point with which it is desired to communicate.

(b) *Mobile relay stations.* The policies governing authorization and operation of this type of relay station are as follows:

(1) Each application for a new mobile relay station authorization to operate on a frequency below 450 Mc/s shall be accompanied by a statement that the applicant has a requirement for prompt mobile-to-mobile communication over ranges greater than can be realized consistently by direct communication.

(2) A mobile relay station may be authorized to operate on any mobile service frequency available for assignment to base stations.

(3) Each new mobile relay station authorized after _____ that is activated by signals below 50 Mc/s shall incorporate a continuous coded tone control device the absence of which will deactivate the receiver.

(4) Mobile relay stations controlled by signals above 50 Mc/s are not required to incorporate coded signal or tone control devices unless the transmitters are consistently activated by undesired signals and they cause harmful interference to other licensees. If activation by undesired signals causes harmful interference the Commission will require the installation of suitable tone control equipment after 90 days' notice to the licensee.

(5) Each new mobile relay station authorized after _____ shall be so designed and installed that the transmitter is deactivated automatically within 5 seconds after the signals controlling the station cease.

(6) Each mobile relay station, during periods that it is not controlled from a manned fixed control point, shall be provided with an automatic time delay or clock device that will deactivate the station not more than 3 minutes after its activation by a mobile unit.

(7) A mobile station associated with one or more mobile relay stations may be authorized to operate only on a mobile service frequency above 25 Mc/s which is available for assignment to mobile stations. In the Business Radio Service any low power frequency may be authorized for that purpose when such stations are limited to a maximum power of one watt or less.

(8) In any radio system which employs more than one mobile relay station, where there is a requirement that stations in the vicinity of one mobile relay station be able to communicate automatically with stations in the vicinity of other mobile relay stations, any necessary circuits for inter-connection of the mobile relay stations shall be provided by means of wirelines or radio station operating on fixed service frequencies.

(9) A base station which is used intermittently as a control station for one or more associated mobile relay stations of the same licensee will be authorized to operate only on the mobile service frequencies assigned to the associated mobile relay station and/or mobile station. Authority for such dual classification and use must be shown on the station authorization.

(c) *Fixed relay stations.* Fixed relay stations will be authorized to operate only on frequencies available for use by operational fixed stations.

(d) *Control stations.* Control stations will be authorized to operate only on frequencies available for use by operational fixed stations. A control station associated with one or more mobile relay stations may, at the option of the applicant, be assigned the frequency of the associated mobile station. Use of a mobile service frequency by a control station of a mobile relay system is subject to the condition that harmful interference not be caused to stations of other licenses authorized to use the frequency for mobile service communication.

(e) *Repeater stations.* Repeater stations will be authorized to operate only on frequencies available for use by operational fixed stations.

2. In § 91.107, paragraph (e)(1) is amended to read as follows:

§ 91.107 Transmitter control requirements.

* * * * *

(e) * * *

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter circuits have been placed in a condition to produce radiation: *Provided, however,* That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters. The control point for a transmitter utilized to activate another radio station may employ a single pilot lamp or meter as an indication of activation of the local and remote transmitters;

* * * * *

3. In § 91.152, paragraphs (h) and (i) are added to read:

§ 91.152 Station identification.

* * * * *

(h) In lieu of the requirement of paragraph (a) of this section, control stations

[1] Commissioner Cox absent.

shall be identified by transmission of the call signal of the associated station being controlled.

(i) In lieu of the requirement of paragraph (a) of this section, base, mobile relay, fixed relay, and repeater stations shall be identified by the transmission of the associated mobile station call signal when retransmitting signals originated by a mobile unit.

[F.R. Doc. 69-10308; Filed, Aug. 27, 1969; 8:49 a.m.]

[47 CFR Part 91]

[Docket No. 18642; FCC 69-915]

EXPANDED USE OF SIGNALLING DEVICES ON REGULAR BASIS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. One of the relatively new and highly specialized uses of radio, finding increasing application in recent years, relates to the transmission of audio tones and impulses to control or telemeter remote objects or processes. Stations have been licensed and are operating under a developmental program initiated to develop the feasibility of utilizing frequencies available for low power (3 watts or less) radiotelephony for this purpose. A limited provision for this type of operation is made under the rules governing the Forest Products Radio Service which permit the use of nonvoice emissions on the low power frequencies 154.57 and 154.60 MHz. Rules changes are now proposed that would permit similar nonvoice uses on all frequencies above 150 MHz designated as available for low power (maximum 3-watt input use) in the Business Radio Service.

3. The rules herein proposed include provision for the continuous carrier transmit mode of operation when required for remote control of objects and devices such as locomotives where fail-safe operation is required. The simultaneous transmission of several control functions will be permitted, provided that the allowable emission bandwidth is not exceeded.

4. The proposed amendments, as set forth below, are issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 3, 1969, and reply comments on or before October 13, 1969. All relevant and timely filed comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: August 20, 1969.

Released: August 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 91 of the Commission's rules is amended as follows:

In § 91.554, the frequency table in paragraph (a) is amended, in relation to the following frequencies in appropriate numerical sequence, and paragraph (b) is amended by adding subparagraph (42), as follows:

§ 91.554 Frequencies available.

(a) * * *

[1] Commissioner Cox absent.

Frequency or band	Class of station(s)	General reference	Limitations
Mcs			
154.570	Mobile	Low power general use	13, 14, 42
154.600	do	do	13, 14, 42
457.525	Mobile	do	13, 33, 42
457.550	do	do	13, 33, 42
457.575	do	do	13, 33, 42
457.600	do	do	
		Low power general use	
467.750	do	do	13, 33, 42
467.775	do	do	13, 33, 42
467.800	do	do	13, 33, 42
467.825	do	do	13, 33, 42
467.850	do	do	13, 33, 42
467.875	do	do	13, 33, 42
467.900	do	do	13, 33, 42
467.925	do	do	13, 33, 42

(b) * * *

(42) This frequency may be used for low power mobile operation for radio remote control and telemetering functions. A1, A2, F1, or F2 emission may be authorized and mobile stations used to control remote objects or devices may be operated in the continuous transmit mode where fail-safe operation is required.

[F.R. Doc. 69-10306; Filed, Aug. 27, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[412.3]

SYNTHETICALLY PRODUCED THYMOL

Tariff Classification

Under an established and uniform practice, importations of thymol from whatever source produced have been classified for tariff purposes under the eo nomine provision, item 437.72, Tariff Schedules of the United States (TSUS), at the column 1 rate for 1969 of 9.5 percent ad valorem.

The Bureau is presently reviewing that practice as applied to thymol in which the benzenoid structure is artifically produced by synthesis. (Classification under item 437.72, TSUS, of thymol which is produced from natural vegetable sources is not under review.) In the light of Headnote 1, Part 1C, Schedule 4, it appears that such thymol may properly be classifiable as a benzenoid drug under item 407.85, TSUS, and currently dutiable at the column 1 rate of 2.8 cents per pound plus 20 percent ad valorem. Headnote 1, Part 1C, Schedule 4, states that the provision of that subpart providing for products obtained, derived, or manufactured in whole or in part from products described in subparts A or B of Part 1, Schedule 4, shall also apply to products of like chemical structure artificially produced by synthesis, whether or not obtained, derived, or manufactured in whole or in part from products described in said Subpart A or B.

Accordingly, this notice of the consideration of a change in practice is published pursuant to the provisions of § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)).

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted to the Commissioner of Customs, Washington, D.C. 20226, not later than 30 days from the date of publication of this notice. No hearing will be held.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[F.R. Doc. 69-10295; Filed, Aug. 27, 1969; 8:48 a.m.]

[T.D. 69-196]

[473.234]

DIGESTED OR BOILED WOOL REMOVED FROM RAW SHEEPSKINS OR RAW SHEEPSKIN PIECES

Tariff Classification

The Bureau published on July 20, 1968 (33 F.R. 10407), a notice that it was reviewing the existing practice of classifying wool referred to as digested or boiled wool which is obtained from raw sheepskin or sheepskin pieces under the provision for fibers recovered from tanned-skin scrap in item 307.30, Tariff Schedules of the United States (TSUS), if not over 1 inch in length or under item 307.18, TSUS, as other waste of wool or hair, if over 1 inch in length.

On review of the data and views submitted, the Bureau is of the opinion that since digested wool is recovered from raw sheepskins or sheepskin pieces by a process which leaves the fibers relatively undamaged, it is not classifiable under item 307.18 or 307.30, TSUS, but is classifiable as wool under the tariff schedules by grade. Fibers recovered from tanned-skin scrap by utilizing a sulfuric acid boil which dissolves the skin, if 1 inch in length or under, are classifiable under item 307.30, TSUS. Such fibers which are over 1 inch in length are classifiable under item 307.18, TSUS.

Fibers recovered from raw skin scrap by means of a sulfuric acid boil which dissolves the skin are classifiable under item 307.18, TSUS.

Since this ruling will result in the assessment of duties at a rate higher than that previously assessed in some cases on such wool, the higher rate will be applied only to such merchandise as may be entered, or withdrawn from warehouse, for consumption after the expiration of 90 days after the date of the publication of this notice in the weekly Customs Bulletin.

An appropriate notice of proposed rule making concerning the evidence which will be required to establish that an importation of fibers from tanned-skin scrap is classifiable under item 307.30 or item 307.18, TSUS, will be published in the FEDERAL REGISTER.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: August 21, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary,
of the Treasury.

[F.R. Doc. 69-10296; Filed, Aug. 27, 1969; 8:48 a.m.]

BARBERS' CHAIRS FROM JAPAN

Notice of Tentative Negative Determination

AUGUST 14, 1969.

Information was received on July 31, 1968, that barbers' chairs from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of October 3, 1968, on page 14787.

I hereby make a tentative determination that barbers' chairs from Japan are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. Sales in the home market were made in sufficient quantity to afford an appropriate basis of comparison.

Sales to the United States were made to both related and unrelated purchasers within the meaning of section 207 of the Antidumping Act.

Purchase price or exporter's sales price as appropriate were, therefore, compared with home market price for fair value purposes.

Exporter's sales price was based on the price from the related U.S. firm to unrelated purchasers. Deductions from this price were made for ocean freight, marine insurance, inland freight, commissions, U.S. import duty, brokerage fees, and selling expenses in the United States. Comparison on the basis of exporter's sales price was applicable to approximately 99 percent of the shipments.

Exporter's sales price was found to be not less than home market price.

Purchase price was based on the c.i.f. price to the single unrelated purchaser in the United States. From this price was deducted ocean freight, insurance and inland freight in Japan. Comparison on the basis of purchase price was applicable to approximately 1 percent of all shipments.

Purchase price was found to be lower than home market price.

Upon being advised that the purchase price was less than the home market price, assurances were provided that direct sales to unrelated purchasers in the United States would be terminated and not resumed.

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)), interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street, NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs Regulations (19 CFR 53.33).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-10297; Filed, Aug. 27, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21228]

AMERFORD INTERNATIONAL CORP. ET AL.

Notice of Proposed Approval

Application of Amerford International Corp., Trans-Global Freight, Inc., et al., for approval of control and interlocking relationships, Docket 21228.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 10 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., August 25, 1969.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of Amerford International Corp., Trans-Global Freight, Inc., and Joseph Horngrad for approval of control relationships pursuant to section 408 of the Federal Aviation Act of 1958, as amended; Docket 21228.

By application filed July 24, 1969, as amended August 14, 1969, Amerford International Corp. (Amerford), Trans-Global Freight, Inc. (Trans-Global), and Mr. Joseph Horngrad request approval, without a hearing, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of the acquisition of Trans-Global by Amerford. Approval is also requested pursuant to section 409 of the Act of any interlocking relationships which are not exempt by virtue of Part 287 of the Board's economic regulations. Both Amerford and Trans-Global are New York corporations holding domestic and international air freight forwarder authority from the Board. In addition, both corporations hold Federal Maritime Commission (FMC) authorizations as independent ocean freight forwarders.[1] Both corporations also act as IATA approved cargo sales agents.

The proposed acquisition is to be accomplished pursuant to an agreement dated June 20, 1969, between Amerford, Trans-Global, and Mr. Horngrad providing for the sale, by Mr. Horngrad, of all the outstanding capital stock of Trans-Global to Amerford.[2] Under the agreement, Amerford will acquire the common stock of Trans-Global in exchange for $60,000 and 10,000 shares of Amerford.[3] Upon consummation of the transaction, Trans-Global will surrender its operating authorizations to the Board for cancellation. Thereafter, Trans-Global will continue to do business as an IATA cargo sales agent and as an independent ocean freight forwarder.

The agreement also provides that, at closing, all of the officers and directors of Trans-Global will submit their resignations. However, Mr. Horngrad, the president and a director of Trans-Global, if elected, has agreed to serve as a director of Amerford for a period of 1 year. The application recites that Amerford plans to elect officers and directors for Trans-Global who will be essentially the same persons as the present officers and directors of Amerford.

No comments on the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that the transaction described in the application, as amended, involves the acquisition by an air carrier (Amerford) of control of another air carrier (Trans-Global) within the meaning of section 408 of the Act. It is further concluded that upon consummation of the transaction, and surrender of Trans-Global's operating authorizations, Amerford, by reason of Trans-Global's IATA agency activities, will control a person engaged in a phase of aeronautics. However, it is further concluded that such acquisition does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing.

It is also concluded that interlocking relationships within the scope of section 409(a) of the Act will result from the transaction described herein. However, upon approval of the acquisition, such relationships apparently would come within the scope of the exemption from section 409 afforded by § 287.2 of the Board's economic regulations. Thus, we shall dismiss the application to the extent that it requests approval of such relationships.

In 1967, Amerford's international air freight forwarding revenues amounted to $1,857,086, and accounted for slightly more than 2.5 percent of the industry total for such revenues, ranking it eighth among international air freight forwarders for that period. Although the combined Amerford-Trans-Global international revenues for 1968 were in excess of $4.2 million, it does not appear that the combined international revenues of the two forwarders would increase Amerford's share of the international market to a point which would involve any serious question of monopoly or restraint of competition in the international field. Amerford's domestic operations apparently did not begin until the second half of 1968, and amounted to only $111,602. Considering Trans-Global's domestic revenues for 1968 of $369,728, it appears that the acquisition will not have any significant effect on competition in the domestic air freight forwarding industry.[4]

The application is similar to others which have been approved by the Board and essentially does not present any new substantive issues not heretofore considered by the Board.[5] The transaction should provide improved service to the present customers served by both Amerford and Trans-Global. It therefore appears that approval of the application would not be inconsistent with the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, and that the application, to the extent that it requests approval of the aforementioned interlocking relationships, should be dismissed.

Accordingly, it is ordered:

1. That the acquisition of control of Trans-Global by Amerford be and it hereby is approved;

2. That the air freight forwarding operating authorizations currently held by Trans-Global be surrendered to the Board within 10 days of the date of consummation of the subject acquisition; and

3. That, except to the extent granted herein, the application in Docket 21228 be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10309; Filed, Aug. 27, 1969; 8:49 a.m.]

[1] The FMC does not consider such forwarders to be common carriers.

[2] The agreement specifically states that its closing is subject to the prior and final approval of the Civil Aeronautics Board.

[3] Amerford has a total of 106,500 shares of common stock issued and outstanding, 103,765 shares of which are owned by Messrs. Hector Garcia, Walter H. Marx, and Milton Gratt—each an officer and director of Amerford.

[4] On the competitive issue, the application indicates that if the 1968 revenues of Amerford and Trans-Global are compared to the 1967 total for the industry, then Amerford would still only have 1.5 percent and Trans-Global 0.4 percent of such revenues. Industry total revenues for 1968 are not yet available.

[5] E.g., Airborne Freight Corp. and 4A Air Freight Corp., Order E-25887, Oct. 26, 1967; and Mark IV Air Freight, Inc., and Holahan Air Freight, Order E-26586, Mar. 27, 1968. Also see Jet Air Freight, et al., Order 69-1-64, Jan. 15, 1969.

FEDERAL MARITIME COMMISSION

TERMINAL OPERATORS, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Paul J. Whipple, President, Terminal Operators Inc., 64 Commercial Wharf, Boston, Mass.

Agreement No. FF 69-10 between Wiggin Terminals, Inc. (a public warehousing and marine terminal company), United Stevedoring Corp. (a stevedoring firm), and C. H. Powell Co., Inc. (an independent ocean freight forwarder, and customhouse broker), provides for the establishment of a new corporation—Terminal Operators Inc.

The new firm would offer complete shipping facilities including forwarding, marine terminal services, warehousing, stevedoring, and steamship agency service.

The stock of the new corporation is shared equally among the three parties to the agreement and the new firm will be operated as a separate entity.

Dated: August 25, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-10310; Filed, Aug. 27, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70-35]

CENTRAL ILLINOIS PUBLIC SERVICE CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

AUGUST 21, 1969.

Take notice that on August 14, 1969, Central Illinois Public Service Co. (Applicant), Illinois Building, Springfield, Ill. 62701, filed in Docket No. CP70-35 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corp. (Respondent) to establish a physical connection of its natural gas transportation facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant its natural gas requirements for the Village of Broughton and environs, Hamilton County, Ill.

Applicant estimates annual and peak day natural gas requirements to be 4,857 Mcf (annual) and 80 Mcf (peak day) the first year, and 14,886 Mcf (annual) and 224 Mcf (peak day) the fourth year. Applicant states further that presently there is no natural gas supply available to it for service to the Village of Broughton.

Applicant estimates the total cost of its proposed distribution facilities to be $51,570.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10247; Filed, Aug. 27, 1969; 8:45 a.m.]

[Docket No. CP70-34]

EL PASO NATURAL GAS CO.

Notice of Application

AUGUST 21, 1969.

Take notice that on August 13, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70-34 an abbreviated application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the delivery of natural gas on an exchange basis to Pacific Gas Transmission Co. (PGT) for transmission and redelivery to Pacific Gas and Electric Co. (PG&E) for the limited term commencing no later than May 1, 1970 and continuing through no later than September 30, 1970, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an Emergency Exchange Agreement dated July 22, 1969, with PGT and PG&E whereby PG&E is to direct PGT to deliver to Applicant near Stanfield, Oreg., up to 100,000 Mcf of natural gas per day commencing on or about November 1, 1969, and continuing through no later than April 30, 1970. Applicant states further that such deliveries by PGT to Applicant are to be made only after Applicant has scheduled full deliveries of natural gas available to its Northwest Division from all other sources.

Specifically, Applicant requests authorization to deliver to PGT at Stanfield, Oreg., during the above mentioned limited term, natural gas at the rate of 40,000 Mcf per day, or such other rates as may be agreed upon, until the total quantity of natural gas so delivered to PGT shall equal 150 percent of the quantity of natural gas previously received by Applicant under the above mentioned Emergency Exchange Agreement.

Applicant states that no new facilities are proposed to be constructed to carry out the above plan as existing facilities are adequate.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10248; Filed, Aug. 27, 1969; 8:45 a.m.]

[Docket No. CP70-37]

EL PASO NATURAL GAS CO.

Notice of Application

AUGUST 21, 1969.

Take notice that on August 15, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70-37 an abbreviated application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction of certain facilities to establish an emergency interconnection between the facilities of Applicant and Transwestern Pipeline Co. (Transwestern), and the operation thereof as necessary, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant and Transwestern have entered into a Letter Agreement dated May 19, 1969, under which the parties have agreed to construct necessary facilities to interconnect their respective systems at a point in Ward County, Tex. Such interconnection is designed to facilitate emergency deliveries by either party to the other as may be dictated by future circumstances.

Specifically, Applicant, in conjunction with Transwestern, proposes to install at their sole cost and expense, a pipeline tap and side valve on their respective pipelines at a point where such pipelines in-

tersect in Ward County, Tex. Also Applicant proposes to construct dual flow measurement facilities interconnecting such pipelines. The application states that these measurement facilities are to be owned solely by Applicant and that Transwestern is to reimburse Applicant for one-half (½) of the cost of construction and one-half (½) of the expenses of any major repairs or replacement of such measurement facilities.

Applicant estimates its portion of an estimated total project cost of $33,400 to be $20,280. Applicant states that this cost is to be paid out of working funds and supplemented as necessary by short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10249; Filed, Aug. 27, 1969; 8:45 a.m.]

[Docket No. CP69-117, etc.]

FLORIDA GAS TRANSMISSION CO. AND CENTRAL FLORIDA GAS CORP.

Notice of Postponement of Hearing

AUGUST 22, 1969.

Florida Gas Transmission Co., CP69-117; CP69-280; Central Florida Gas Corp., Applicant, Florida Gas Transmission Co., Respondent, CP69-181.

Upon consideration of the motion filed on August 15, 1969, by counsel for Gainesville Utilities Department and City of Gainesville, Fla., for an extension of time within which to file rebuttal evidence and postponement of the hearing presently scheduled to commence on September 3, 1969;

Notice is hereby given that the hearing is postponed to September 30, 1969; rebuttal evidence may be filed on or before September 25, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10250; Filed, Aug. 27, 1969; 8:45 a.m.]

[Docket No. RI70-142 etc.]

GETTY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 22, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-142	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001, Attention: Mr. A. M. Mouser.	[3] 174	1	Michigan Wisconsin Pipe Line Co. (Block 208 Field, Eugene Island Area, Offshore Louisiana).	$534	7-30-69	[3] 8-30-69	[4] 8-31-69	[5] [6] [10] 18.5	[6] [7] [10] 20.0	
	----do----	[11] 175	1	Michigan Wisconsin Pipe Line Co. (Block 206 Field, Ship Shoal Area, Offshore Louisiana).	1,350	7-30-69	[3] 8-30-69	[4] 8-31-69	[5] [6] [12] 18.5	[6] [7] [8] 20.0	
RI70-143	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120, Attention: Homer E. McEwen, Jr., Esq.	[13] 296	1	Transcontinental Gas Pipe Line Co. (Block 233 Field, Ship Shoal Area, Offshore Louisiana).	(14)	7-30-69	[15] 8-30-69	[4] 8-31-69	[5] [6] [15] 18.5	[6] [7] [8] 20.0	

[3] The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.
[4] The suspension period is limited to 1 day.
[5] Contract dated Oct. 11, 1968.
[6] Rate increase filed pursuant to paragraph (A) of Opinion No. 546-A issued Mar. 20, 1969.
[7] Pressure base is 15.025 p.s.i.a.
[8] Subject to quality adjustments.
[9] Area base rate for gas well gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.
[10] Initial rate as conditioned by temporary certificate issued July 3, 1969, in Docket No. CI69-441.
[11] Contract dated Apr. 9, 1969.
[12] Initial rate as conditioned by temporary certificate issued July 3, 1969, in Docket No. CI69-1026.
[13] Contract dated Mar. 14, 1969.
[14] No production or sale of gas well gas at present.
[15] Initial rate as conditioned by temporary certificate issued Apr. 24, 1969, in Docket No. CI69-882.
[16] The stated effective date is the first day after expiration of the statutory notice.

These three proposed rate increases, from 18.5 cents to 20 cents per Mcf, involve sales of third vintage gas well gas in offshore Louisiana and were filed pursuant to ordering paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20-cent base rate established in Opinion No. 546 for onshore gas well gas. The producers involved herein were issued conditioned temporary certificates in dockets as set forth below authorizing the collection of the third vintage prices established in Opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casinghead gas subject to quality adjustment).[17] Deliveries of gas have not as yet commenced under the proposed sales by Getty Oil Co. (Getty).

Consistent with previous Commission action on similar rate filings, we conclude that Getty's proposed rate increases should be suspended for 1 day from August 30, 1969, the expiration date of the statutory notice, or for 1 day from the date of initial delivery, whichever is later, and the rate increase filed by Sun Oil Co.—DX Division (Sun) should be suspended for 1 day from August 30, 1969, the date of expiration of the statutory notice. Thereafter, Getty and Sun's proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding in Docket No. AR69-1.

[F.R. Doc. 69-10244; Filed, Aug. 27, 1969; 8:45 a.m.]

[17] Dockets Nos. CI69-441 and CI69-1026, Getty Oil Co. Docket No. CI69-882, Sun Oil Co.—DX Division.

[Docket No. RI69-600]

GULF OIL CORP.

Order Accepting Decreased Rate Filing Subject To Refund in Existing Rate Suspension Proceeding

AUGUST 22, 1969.

Gulf Oil Corp. (Gulf) has filed an amendment to an existing suspended rate increase to reflect the placing into effect of a lower rate than that presently suspended. The subject rate is for sales of natural gas to Transwestern Pipeline Co. in Texas Railroad District No. 8 (Permian Basin Area) and was previously suspended, among others, by the Commission's order issued March 7, 1969, in Docket No. RI69-600. The proposed rate decrease is set forth in Appendix "A" hereof. In its motion filed concurrently with the amended rate change, Gulf proposes to place into effect the reduced rate as of August 13, 1969, the date of termination of the suspension period for the original filing.[1]

Gulf had previously filed an increase from the applicable area ceiling rate of 15.39 cents to 18.60 cents per Mcf (17.5-cent base rate plus upward B.t.u. adjustment less treating costs) which was suspended in Docket No. RI69-600 until August 13, 1969. Gulf now proposes to substitute the reduced rate of 17.39 cents per Mcf for the originally proposed rate of 18.60 cents per Mcf. The original rate change amounted to an estimated annual increase of $16,050, where as the substitute lower rate being placed into effect subject to refund will amount to $10,200 annually or represent an annual difference of $5,850.

Gulf's proposed rate decrease exceeds the applicable area rate prescribed in Opinion No. 468, as amended, as did the previously suspended rate in said docket. In view of the above, we believe that it would be in the public interest to accept for filing Gulf's proposed rate decrease effective as of August 18, 1969, subject to refund in the existing rate suspension proceeding in Docket No. RI69-600.

The Commission finds: Good cause exists for accepting for filing Gulf's proposed rate decrease, as set forth in Appendix A hereof, effective as of August 13, 1969, subject to refund in the existing rate suspension proceeding in Docket No. RI69-600.

The Commission orders: The proposed rate decrease contained in Appendix A hereof, is accepted for filing and permitted to become effective as of August 13, 1969, subject to refund in the existing rate suspension proceeding in Docket No. RI69-600.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Gulf has filed an acceptable general undertaking as provided in Order No. 377.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed decreased rate	Rate in effect subject to refund in dockets Nos.
RI69-600....	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	376	[1] 1 to 5	Transwestern Pipeline Co. (Worsham Field, Reeves County, Tex.) (RR. District No. 8) (Permian Basin Area).	$10,200	7-28-69	[2] 8-13-69	.....	15.39	[3] [4] 17.39	

[1] Filing to be substituted for filing of Feb. 10, 1969, which was suspended in Docket No. RI69-600 until Aug. 13, 1969.
[2] Pertains to casinghead gas only.
[3] The stated effective date is the date of termination of the suspension period for the original filing.
[4] Increase from applicable area ceiling rate to fractured rate. Respondent contractually due a rate of 17.5 cents per Mcf, plus upward B.t.u. adjustment.
[5] Pressure base is 14.65 p.s.i.a.

[F.R. Doc. 69-10245; Filed, Aug. 27, 1969; 8:45 a.m.]

[Docket No. RI70-140, etc.]

McCARRICK, GOUGER & MITCHELL ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 21, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 8, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-140....	McCarrick, Gouger & Mitchell et al., D-210 Petroleum Center, San Antonio, Tex. 78209.	5	3	Coastal States Gas Producing Co.[1] (Northwest Orange Grove Field, Jim Wells County, Tex.) (RR. District No. 4).	$2,538	7-25-69	[2] 9-1-69	[3] 9-2-69	12.0	[4] [5] 13.0	RI62-343.
RI70-141....	Charles N. Protho, d.b.a., Perkins-Prothro Co. (Operator) et al., Post Office Box 2099, Wichita Falls, Tex. 76307.	1	1	Phillips Petroleum Co. (Panhandle Field, Carson and Hutchinson Counties, Tex.) (RR. District No. 10).	2,300	7-14-69	[2] 9-1-69	[3] 9-2-69	[6] 12.0	[4] [7] 13.0	

[1] Resells subject gas to Natural Gas Pipeline Company of America under Coastal's FPC Gas Rate Schedule No. 55 at a rate of 14.5 cents which is in effect subject to refund in Docket No. G-19936.
[2] The stated effective date is the effective date requested by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a deduction of 0.5 cent for sour gas.

McCarrick, Gouger & Mitchell et al. (McCarrick), proposes a periodic increase from 12 cents to 13 cents per Mcf for a sale of gas to Coastal States Gas Producing Co. (Coastal) in Texas Railroad District No. 4. Coastal gathers and resells the gas to Natural Gas Pipeline Company of America at a rate of 14.5 cents which is in effect subject to refund. Coastal is contractually due a related increase from 14.5 cents to 15.5 cents per Mcf but has not, as yet, filed for same. McCarrick requests that its increase be accepted as it is below the increased rate ceiling or, if suspended, the suspension period be limited to 1 day. Although McCarrick's proposed rate increase to 13 cents per Mcf does not exceed the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 4 as announced in the Commission's statement of general policy No. 61-1, as amended, it should be suspended because such ceiling is applicable to Coastal's resale rate, not to McCarrick's rate. In view of the action taken by us in an order issued May 12, 1969, in Mobil Oil Corp., Docket No. RI69-539, involving another sale to Coastal from the Texas Gulf Coast Area at a proposed rate which was below the increased rate ceiling, we believe it appropriate here to suspend

McCarrick's rate for 1 day from September 1, 1969, the proposed effective date.

Charles N. Protho, doing business as Perkins-Protho Co. (Operator) et al. (Protho), proposes an increase from 12 cents to 13 cents per Mcf for a wellhead sale of gas to Phillips Petroleum Co. (Phillips) in Texas Railroad District No. 10. The area increased rate ceiling is 11 cents per Mcf. Phillips gathers and processes the gas and resells the gas to interstate pipeline companies at rates which are in effect subject to refund. Protho's proposed 13-cent rate exceeds the area increased rate ceiling for Texas Railroad District No. 10 as announced in the Commission's statement of general policy No. 61-1, as amended. Since Phillips' resale rates are in effect subject to refund, we conclude that Protho's rate increase should be suspended for 1 day from September 1, 1969, the proposed effective date.

[F.R. Doc. 69-10246; Filed, Aug. 27, 1969; 8:45 a.m.]

[Docket No. CP70-29]

MISSOURI EDISON CO. AND PANHANDLE EASTERN PIPE LINE CO.

Notice of Application; Correction

AUGUST 21, 1969.

In the notice of application issued August 13, 1969, and published in the FEDERAL REGISTER August 20, 1969 (34 F.R. 13440), in paragraph 2, line 4: Change "3,693,000 Mcf, respectively" to "3,693,000 Mcf and 13,500 Mcf, respectively."

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-10252; Filed, Aug. 27, 1969; 8:45 a.m.]

[Docket No. CP70-36]

NATIONAL CHEMICAL CORP. AND TEXAS GAS TRANSMISSION CORP.

Notice of Application

AUGUST 22, 1969.

Take notice that on August 15, 1969, The National Chemical Corp. (Applicant), a Kentucky corporation, 237 South Fifth Street, Louisville, Ky. 40202, filed in Docket No. CP70-36 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Gas Transmission Corp. (Respondent) to establish a physical connection of its transmission facilities with the facilities of Applicant and to sell and deliver to Applicant 120,000 Mcf of natural gas at 14.73 p.s.i.a. on an interruptible basis for distribution and sale to ultimate customers in the city of Drakesboro and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the cities and communities of Belton, Beechmont, Beech Creek, Browder, Drakesboro, and environs, have been served with local natural gas production from the Penrod East Gas Field located in Muhlenberg County, Ky., since October 1967. Applicant states further that the pressure on the Penrod East Gas Field is declining slowly and that the Kentucky Public Service Commission has directed Applicant to obtain a pipeline connection for a supply of natural gas from Respondent on an interruptible basis to assure that the citizens of these communities will not be without natural gas service when the Penrod East Gas Field is depleted.

Applicant states that there will be a maximum daily delivery of 1,500 Mcf of natural gas and estimated annual deliveries of 86,720 Mcf, 95,748 Mcf, and 102,737 Mcf of natural gas for the first 3 years in that order. Also, Applicant states that no additional pipeline facilities will be required of it but that it will be required to construct a regulator station at an estimated cost of $10,000, which cost Applicant states it will finance through the wholesale of natural gas to the city of Drakesboro and the other above-named communities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-10251; Filed, Aug. 27, 1969; 8:45 a.m.]

[Docket No. RI69-730]

E. A. OBERING ET AL.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates

AUGUST 21, 1969.

E. A. Obering by letter filed July 7, 1969, has submitted a correction to a notice of change in rate filed April 9, 1969, to reflect the proper contractural effective date for the rate increase proposed. Such notice of change, designated as Supplement No. 3 to E. A. Obering (Operator), et al. (Obering), FPC Gas Rate Schedule No. 1, was suspended by order issued May 7, 1969, in Docket No. RI69-730, for 5 months from the expiration of the statutory notice period until October 10, 1969, or until made effective in accordance with section 4(e) of the Natural Gas Act. The sale is to Michigan Wisconsin Pipe Line Co. from the Laverse Field, Harper County, Okla.

Obering states in its July 7 letter that the correct effective date under its contract for the proposed increase is October 5, 1969, rather than the earlier date sought in its original filing. Obering indicates that the error came about through a misunderstanding as to the date of initial delivery under the contract. In these circumstances, we conclude that it would be in the public interest to waive the provisions of § 154.94 (b) of the Commission's regulations under the Natural Gas Act with respect to Obering's prematurely filed rate change, and to accept Obering's corrective letter as a part of the above notice of change in rate. We shall also amend the suspension order issued May 7, 1969, in Docket No. RI69-730 to suspend the subject notice of change (Supplement No. 3 to Obering's FPC Gas Rate Schedule No. 1) for 5 months from October 5, 1969, until March 5, 1970.

The Commission orders:

(A) The suspension order issued May 7, 1969, in Docket No. RI69-730, is amended to suspend the proposed rate contained in Supplement No. 3 to Obering's FPC Gas Rate Schedule No. 1 for 5 months from October 5, 1969, until March 5, 1970, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

(B) In all other respects the order issued by the Commission on May 7, 1969, in Docket No. RI69-730, shall remain unchanged and in full force and effect.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-10253; Filed, Aug. 27, 1969; 8:45 a.m.]

[Docket No. RP69-27]

TRANSWESTERN PIPELINE CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 22, 1969.

Take notice that Transwestern Pipeline Co. (Transwestern) on August 18, 1969, filed a petition to amend the Commission's order issued May 9, 1969, in the above-captioned proceeding. Under the terms of that order, Transwestern was authorized to file, from time to time until December 31, 1969, revised tariff sheets reflecting increases or decreases in the cost of gas purchased by Transwestern, up to an aggregate net increase in jurisdictional rates of 1.45 cents per Mcf. Transwestern requests that the May 9, 1969, order be amended to permit the filing of revised tariff sheets, as authorized therein, up to a net aggregate increase of 1.84 cents per Mcf, rather than 1.45 cents per Mcf as now provided by that order. In addition to increases previously authorized, the requested amendment would permit Transwestern to increase its charges for jurisdictional sales by approximately $1,049,899 annually, based on sales volumes during the 12-month period ended June 30, 1969.

In support of its request, Transwestern states that it has filed tracking increases pursuant to the Commission's May 9, 1969, order totaling 0.96 cent per Mcf, and that there are now pending

[1] This order was adopted before Chairman White left the Commission.

producer rate increase filings which would further increase Transwestern's cost of purchased gas by approximately $2,372,744 annually, or 0.88 cent per Mcf.

Copies of the filing were served on all parties to the above-captioned proceeding.

Any person desiring to be heard or to make a protest with reference to said application should on or before September 10, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein, other than persons who have heretofore been permitted to intervene in the above-captioned proceeding, must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10242; Filed, Aug. 27, 1969; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temp. Reg. G-5]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the civilian executive agencies before the Interstate Commerce Commission in a proceeding involving freight classification specifications.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the civilian executive agencies before the Interstate Commerce Commission in a proceeding involving increases in weights of fibreboard packaging materials proposed by the Uniform Classification Committee to become effective August 28, 1969.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: August 22, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-10311; Filed, Aug. 27, 1969; 8:49 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

CALIFORNIA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g); notice is hereby given that on August 15, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of Kings County of the State of California, adversely affected by flooding beginning on or about March 11, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in the affected areas.

Dated: August 21, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-10263; Filed, Aug. 27, 1969; 8:46 a.m.]

LOUISIANA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g); notice is hereby given that on August 19, 1969 the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Louisiana adversely affected by Hurricane Camille beginning on or about August 17, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Louisiana.

I do hereby determine the following areas of the State of Louisiana to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 19, 1969:

The parishes of:

Plaquemines.	St. Tammany.
St. Bernard.	Washington.

Dated: August 21, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-10264; Filed, Aug. 27, 1969; 8:46 a.m.]

MISSISSIPPI

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g); notice is hereby given that on August 18, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Mississippi adversely affected by Hurricane Camille beginning on or about August 17, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Mississippi.

I do hereby determine the following areas in the State of Mississippi to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 18, 1969:

The counties of:

Amite.	Lincoln.
Copiah.	Marion.
Covington.	Pearl River.
Forrest.	Perry.
George.	Pike.
Greene.	Rankin.
Hancock.	Simpson.
Harrison.	Smith.
Jackson.	Stone.
Jefferson Davis.	Walthall.
Lamar.	Wayne.
Lawrence.	Wilkinson.

Dated: August 21, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-10265; Filed, Aug. 27, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

AUGUST 22, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 23, 1969, through September 1, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10258; Filed, Aug. 27, 1969; 8:46 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

AUGUST 22, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 23, 1969, through September 1, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10259; Filed, Aug. 27, 1969; 8:46 a.m.]

[812-2540]

FIFTH AVENUE COACH LINES, INC.

Notice of Filing of Application for Order Exempting Proposed Transactions

AUGUST 22, 1969.

Notice is hereby given that Fifth Avenue Coach Lines, Inc. ("Fifth"), 132 Nassau Street, New York, N.Y., a New York corporation registered as a closed-end, nondiversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to sections 17(b) and 23(c)(3) of the Act and Rule 23c-1 thereunder with respect to certain proposed foreclosure actions and purchases by Fifth of certain assets, including shares of Fifth, held by Fifth as security for debts owed to Fifth by Gray Line Corp. ("Gray Line"). The application requests an order pursuant to section 17(b) of the Act exempting from the provisions of 17(a) (1) and (2) the foreclosure and purchase by Fifth of 26,280 shares of common stock of Gateway National Bank ("Gateway") pledged to Fifth by Gray Line. The application also requests an order pursuant to sections 17(b) and 23(c)(3) and Rule 23c-1 thereunder, of the Act exempting from the provisions of sections 17(a)(2) and 23(a) the foreclosure and purchase by Fifth of 181,102 shares of common stock of Fifth pledged to Fifth by Gray Line. All persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

On August 12, 1968, a judgment of the U.S. District Court for the Southern District of New York issued appointing S. Hazard Gillespie, Esq., as Trustee-Receiver ("Trustee") of Fifth and ordering the Trustee to register Fifth as an investment company. Pursuant to the court order, Fifth was registered as an investment company on October 2, 1968. The judgment and order issued pursuant to an earlier opinion of the court reported in Securities and Exchange Commission v. Fifth Avenue Coach Lines, Inc., et al. 289 F. Supp. 3 (SDNY 1968), finding that Fifth had been illegally operating as an unregistered investment company since June 30, 1967.

On March 13, 1969, the same court authorized the trustee to take such steps as are necessary to establish Fifth's ownership of 26,280 shares of common stock of Gateway sold to Gray Line by Fifth and to effect foreclosure by Fifth on 181,102 shares of its own common stock pledged by Gray Line as collateral for advances made by Fifth to Gray Line.

The trustee has determined, to foreclose and purchase at private sale all of the Fifth shares and Gateway shares Fifth holds as security for loans and advances to Gray Line. The Fifth shares thereafter will be canceled as required by the New York Business Corporation Law. The Gateway shares thereafter either will be retained by Fifth or sold by Fifth if an advantageous offer for such shares is received by Fifth. At present, Fifth has not entered into any understanding or agreement to sell any of the Gateway shares.

The purchase price per share (to be applied by Fifth against the outstanding indebtedness due to Fifth from Gray Line) will be the respective averages of the high bid and low asked prices, as reported by the National Quotation Bureau preceding the respective dates upon which the Fifth shares and Gateway shares are purchased by Fifth.

Gray Line and Fifth are affiliated persons of each other because of Gray Line's ownership of 24.3 percent of the common stock of Fifth and the ownership of 37.24 percent of the stock of Gray Line by Surface Transit Inc., a wholly owned subsidiary of Fifth. Gateway and Gray Line are affiliated persons at each other because Gray Line owns 65 percent of Gateway. Fifth and BSF Co. ("BSF"), a management, closed-end, nondiversified investment company, appear to be affiliated persons with each other by reason of BSF's ownership of 9.1 percent of the outstanding common stock of Fifth. BSF and Gray Line are affiliated persons of each other and BSF is also deemed to control Gray Line by reason of BSF's ownership of 27 percent of the outstanding common stock of Gray Line.

Insofar as it is applicable here, section 17(a)(1) of the Act prohibits an affiliated person of a registered investment company from selling securities to the investment company. Section 17(a)(2) prohibits an affiliated person of a registered investment company from purchasing any securities from the investment company or any company controlled by the investment company. Section 17(a)(1) therefore, may prohibit Gray Line, an affiliated person of Fifth from selling the Gateway stock to Fifth at the foreclosure sale. Section 17(a)(2) appears to prohibit Fifth, an affiliated person of BSF, from purchasing the Gateway and Fifth stock from Gray Line, a company controlled by BSF.

Section 17(b) of the Act provides that the Commission shall on application exempt any transaction from the provisions of section 17(a) if evidence establishes that:

(1) The term of the proposed transaction including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) The proposed transaction is consistent with the policy of each registered investment company concerned, as listed in its registration statements and reports filed under the Act; and

(3) The proposed transaction is consistent with the general purposes of the Act.

Section 23(c) of the Act, prohibits registered closed-end investment companies such as Fifth from purchasing securities it has issued except on a securities exchange, pursuant to tenders or under such other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors in order to insure that such purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class or classes of securities to be purchased.

The trustee, acting for Fifth, represents that the proposed purchases by Fifth at private foreclosure sales are reasonable and fair and do not involve overreaching on the part of any party; that the transactions are consistent with Fifth's investment policies and consistent with the general purposes and provisions of the Act. The trustee also represents that the purchase by Fifth of its own stock at a private foreclosure sale does not unfairly discriminate against any holders of the class of secu-

rities to be purchased and therefore meets the requirements for order of exemption from section 23(c) of the Act.

The trustee also states:

On information and belief, the proposed foreclosures and purchases by Fifth do not violate the policies of BSF as set forth in Items 4 and 5 of the Registration Statement on Form N-8B-1, as amended, of BSF on file with the Securities and Exchange Commission.

The trustee also represents that the purchase by Fifth of its own stock would further the purposes of the Act since it would have the effect of reducing and substantially eliminating the cross and circular ownership between Fifth, Surface Transit, Inc., and Gray Line which appears to be prohibited by section 20(d) of the Act and the outstanding indebtedness of Gray Line to Fifth which appears to be prohibited by section 21(b) of the Act.

Notice is further given that any interested person may, not later than September 8, 1969 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Fifth at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of hearing (if ordered) and any postponements thereof.

It is ordered, That Secretary of the Commission shall send a copy of this notice by certified mail to Gray Line Corp., 111 West Washington Street, Chicago, Ill. 60602, and Gateway National Bank, 7859 Stony Island Avenue, Chicago, Ill. 60649, and B. S. F. Corp., c/o William Prickett, Esq., Receiver Pendente Lite, Post Office Box 1328, Wilmington, Del. 19899.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10256; Filed, Aug. 27, 1969; 8:45 a.m.]

[812-2580]

ITT VARIABLE ANNUITY INSURANCE COMPANY SEPARATE ACCOUNT

Notice of Application

AUGUST 22, 1969.

Notice is hereby given that ITT Variable Annuity Insurance Co. ("Insurance Company") and ITT Variable Annuity Insurance Company Separate Account ("Separate Account") (hereinafter "Applicants"), 777 Grant Street, Denver, Colo. 80217, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. Sec. 80a-1 et seq. ("Act"), for an order exempting Applicants from the provisions of section 22(d) of the Act. Separate Account has been established for the purpose of maintaining assets accruing from the sale of individual and group variable annuity contracts provided by Insurance Company. Separate Account is an open-end diversified management investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in the sales load except on a uniform basis.

In connection with the sale of variable annuity contracts, charges for payments are deducted in order to cover sales (and administrative) expenses. Applicants seek exemption from section 22(d) to permit the offering and sale of (1) individual payment deferred annuity contracts and (2) group annuity contracts containing provisions as hereinafter described. The purchaser ("contract owner") of either contract may elect that his purchase payments, after deduction of sales and administrative charges, be maintained in Separate Account. In the alternative, the contract owner may elect that all or any portion of his purchase payments, after applicable deductions, be allocated to Insurance Company to provide a fixed return during the annuity payment period.

Applicants propose: (a) To permit the contract owner, both during the accumulation period and at the commencement of the annuity payment period to transfer funds between Separate Account and Insurance Company without the necessity of additional sales charges and (b) to permit the beneficiary of the funds held in a deceased contract owner's account to elect an annuity, the funds for which may be transferred to or maintained in either Separate Account or Insurance Company (regardless of whether the funds were in Separate Account or Insurance Company as of the death of the contract owner) without the necessity of the beneficiary being required to pay additional sales charges. Transfers of funds during the accumulation period from a fixed to a variable annuity contract are limited to one per year.

In addition, Applicants propose to permit the owner of an ITT Hamilton Life Insurance Co. ("ITT Hamilton") life insurance contract who surrenders his policy, or any beneficiary of such a policy, to invest the proceeds therefrom in an individual variable annuity contract without paying additional sales charges. The application states that ITT Hamilton owns 80 percent of the issued and outstanding shares of common stock of Insurance Company.

Applicants assert that the proposed elimination of such charges is justified in as much as deductions from purchase payments under the annuity contracts, whether such payments are allocated to Separate Account or Insurance Company, are identical. In addition under an ITT Hamilton insurance contract sales charges will have been paid throughout the life of such contract.

Applicants also assert that the elimination of additional charges is in the interest of investors and the public; that no unfair discrimination between contract owners participating in Separate Account would result therefrom; and that such elimination of charges would be consistent with the policies of the Act.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 11, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10260; Filed, Aug. 27, 1969; 8:46 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

AUGUST 22, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Rajac Industries, Inc., is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 25, 1969, through September 3, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10260; Filed, Aug. 27, 1969; 8:46 a.m.]

TELSTAR, INC.

Order Suspending Trading

AUGUST 22, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 23, 1969, through September 1, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10261; Filed, Aug. 27, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 735]

VIRGINIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Virginia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Associate Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in all areas affected or to be affected in the aforesaid State, suffered damage or destruction resulting from floods beginning on or about August 20, 1969, and continuing thereafter.

OFFICE

Small Business Administration Regional Office, Federal Building, Room 3015, 400 North Eighth Street, Richmond, Va. 23240.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subseqent to February 28, 1970.

Dated: August 21, 1969.

ANTHONY S. STASIO,
Acting Associate Administrator for Financial Assistance.

[F.R. Doc. 69-10286; Filed, Aug. 27, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1325]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

AUGUST 22, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will elimi-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

nate any restrictions which are not acceptable to the Commission.

No. MC 3252 (Sub-No. 61), filed August 1, 1969. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bulk, from Shaftsbury and Bennington, Vt., to points in Berkshire, Franklin, and Hampshire Counties, Mass.; (2) *Lime and limestone*, in bulk, from Winooski and Swanton, Vt., and the ports of entry on the international boundary line between the United States and Canada located in Vermont, New Hampshire, and Maine, to Jay, Maine; and (3) *Salt*, in bulk, from Searsport, Maine, to Orrington, Maine. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant has filed a petition to dismiss a portion of instant application (par. No. 3). If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 18738 (Sub-No. 38), filed August 4, 1969. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138 Street, Chicago, Ill. Applicant's representatives: Ferdinand Born and Walter F. Jones, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Danville and Decatur, Ill., to those cities, towns, and places in that portion of Michigan located on or east of U.S. Highway 27, and those cities, towns, and places on or south of Michigan Highway 46; and to Edon and Sidney, Ohio. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states that the purpose of this application is to remove a gateway and seeking authority which would enable operations over a more direct route or routes. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 19105 (Sub-No. 24), filed August 1, 1969. Applicant: FORBES TRANSFER COMPANY, INC., Post Office Box 3544, 301A Highway South, Wilson, N.C. 27894. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration and meat rails, from Wilson, N.C., to points in West Virginia and Washington, D.C. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 22195 (Sub-No. 138), filed August 6, 1969. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, S. Dak. 57101. Applicant's representative: J. P. Everist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from Glenwood, Minn., to points in Minnesota, North Dakota, and South Dakota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 22254 (Sub-No. 53), filed August 6, 1969. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, Ill. 60620. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos and organs and piano and organ benches and accessories*, between points in the United States, including the District of Columbia. NOTE: Applicant states that no duplication authority is being sought. Applicant further states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 31389 (Sub-No. 111), filed August 7, 1969. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (with exceptions, those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) between Lynchburg, Va., and Washington, D.C.: From Lynchburg over U.S. Highway 29 to Washington and return over the same route as an alternate route for operating convenience only, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 38320 (Sub-No. 14), filed July 29, 1969. Applicant: CENTRAL MOTOR EXPRESS, INC., Post Office Drawer C, Campbellsville, Ky. 42718. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those requiring special equipment), between the plantsite of L. & W. Steel Co., at Springfield, Tenn., and points in Iowa, Kansas, Missouri, and Nebraska. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 38435 (Sub-No. 5), filed June 25, 1969. Applicant: INTERURBAN AUTO FREIGHT COMPANY, INC., 523 Puyallup Avenue, Tacoma, Wash. 98421. Applicant's representative: George H. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities:* (1) Between Tacoma and Longmire, Wash., from Tacoma over Washington Highway 7 to Elbe, thence over Washington Highway 706 to Longmire and return over the same route, serving all intermediate points, (2) between Tacoma and Ohanapecosh, Wash., from Tacoma over Washington Highway 7 to Morton and Kosmos, thence over Washington Highway 14 to Ohanapecosh, and return over the same route serving all intermediate points, and (3) between Tacoma and Mossyrock, Wash., from Tacoma over Washington Highway 7 to Morton, thence over Washington Highways 141 and 14 to Mossyrock, and return over the same route serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Morton, Wash.

No. MC 51146 (Sub-No. 144), filed July 28, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: Donald F. Martin (same address as applicant) and Charles Singer, 33 North Dearborn Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, packinghouse products* as defined in section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Postville, Iowa, to points in Wisconsin, Illinois, Indiana, Ohio, and Michigan. NOTE: Common control may be involved. Applicant states that the above sought authority could be tacked with various subs of MC 51146 and it will tack with its MC 51146 where feasible. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 145), filed July 28, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose materials and products; cellulose materials and products joined to or combined with paper, plastics, synthetics, or cloth; sanitary paper and paper products; sanitary paper and paper products joined or combined with paper, plastics, synthetics, or cloth; materials, equipment supplies* used or useful in the production, manufacture and distribution of the above described commodities; and *related premium and advertising materials* when shipped with the above described commodities. Between the plantsite of Charmin Paper Products Co., located at or near Neely's Landing, Mo., and points in the States of Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. All such authority shall be eliminated. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52657 (Sub-No. 664), filed July 22, 1969. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Communication shelters* (except mobile homes), equipped or unequipped with communication equipment, *ground support equipment* to mobilize shelters such as dollies, mobilizer transporters, and demountable running gear; (2) *trucks, tractors*, and *truck chassis*, in secondary movements in truckaway service; (3) *trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), and *containers*, empty or when loaded with general commodities (except explosives and other dangerous articles, household goods and commodities in bulk), and (4) *supplies and parts* of commodities described in (1), (2), and (3) above, when moving on the same shipment with commodities described in (1), (2), and (3) above, from points in the United States including the District of Columbia (except points in Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming). Restrictions: (a) Authority sought to be restricted against the transportation of commodities which require the use of special equipment for transportation. (b) Authority sought herein is restricted to traffic moving (1) on Government bills of lading, and (2) on Commercial bills of lading containing an endorsement approved in interpretation of Government Rate Tariff for Eastern Central Motor Carriers Association, 322 ICC 161. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 57880 (Sub-No. 11), filed August 1, 1969. Applicant: ASHTON TRUCKING CO., a corporation, 1201 North Broadway, Monte Vista, Colo. 81144. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products;* (1) between points in Garfield and Mesa Counties, Colo., and (2) from points in Garfield and Mesa Counties, Colo., to points in New Mexico and Wyoming. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 62538, therefore, dual operation may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 59856 (Sub-No. 34), filed August 7, 1969. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 408 Industrial Avenue, Post Office Box 1411, Casper, Wyo. 82601. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), serving Shirley Basin, Wyo., as an off-route point in connection with carrier's regular route operations between Casper and Medicine Bow, Wyo., as authorized in MC 59856 Sub-No. 26. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne or Casper, Wyo.

No. MC 61592 (Sub-No. 144), filed August 4, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal windows, metal window sections and parts and fittings* incidental to the erection and installation of such *metal windows and metal window sections*, from Lancaster, Pa., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, and New York. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 69116 (Sub-No. 125), filed July 25, 1969. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Gypsum and gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products and related materials, supplies and accessories* incidental thereto, from the plantsite of the Celotex Corp., Marrero, La., to points in Missouri, Iowa, Minnesota, Wisconsin, Illinois, Kentucky, Indiana, Michigan, Ohio, West Virginia, New York, Pennsylvania, Maryland, Delaware, New Jersey, Virginia, Tennessee, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New Orleans, La.

No. MC 76264 (Sub-No. 23), filed July 28, 1969. Applicant: WEBB TRANSFER LINE, INC., Box 231, Shelbyville, Ky. 40065. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plantsite of General Plywood Corp., at or near New Albany, Ind., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 117606, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 83217 (Sub-No. 44), filed July 23, 1969. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee Avenue, Sioux Falls, S. Dak. 57101. Applicant's representative: William Boyd, 29 South La Salle Street, Chicago, Ill. 60603 and Henry J. Schuette, Post Office Box 1252, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, plantains, pineapples, and coconuts*, and (2) *agricultural commodities* otherwise exempt, when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Kansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and ports of entry on the international boundary line between the United States and Canada located in Minnesota and North Dakota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 94201 (Sub-No. 73), filed July 30, 1969. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud

Avenue, East Gadsden, Ala. 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic or iron fittings and connections, valves, hydrants and gaskets*, from the site of the plant and warehouse facilities of the Clow Corp., located near Lincoln, Talladega County, Ala., to points in Connecticut, Delaware, Illinois, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin, and the District of Columbia. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 94430 (Sub-No. 34), filed August 1, 1969. Applicant: WEISS TRUCKING COMPANY, INC., Mongo, Ind. Applicant's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Buffalo, N.Y., to points in that part of Ohio on and east of Interstate Highway 71, and that part of Pennsylvania on and west of a line commencing at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction Interstate Highway 83, and thence along Interstate Highway 83 to the Pennsylvania-Maryland State line. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Detroit, Mich.

No. MC 95084 (Sub-No. 75) filed July 28, 1969. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and farm machinery*; (2) *industrial, construction, excavating and material handling equipment*; (3) *attachments* for the commodities described in (1) and (2) above; and (4) *parts* of the commodities described in (1), (2), and (3) above when moving in mixed loads with such commodities, from Des Moines, Iowa, to points in Alabama, Colorado, Delaware, Florida, Georgia, Illinois on and west of U.S. Interstate Highway 57 and on and south of U.S. Highway 36, Kansas, Kentucky on and west of U.S. Highway 127, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota Pennsylvania on and east of U.S. Interstate Highway 79, South Carolina, South Dakota, Tennessee, Virginia, West Virginia on and east of U.S. Highway 119, from the West Virginia-Kentucky boundary line to its junction with U.S. Interstate Highway 77 and on and east of U.S. Interstate Highway 77 from said junction to the West Virginia-Ohio boundary line, Wisconsin, Wyoming, and the District of Columbia, restricted to shipments originating at the plant and warehouse sites of Ford Motor Co., and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 95540 (Sub-No. 762), filed August 11, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, drugs, medicines, toilet preparations, animal food supplements and recoopering materials and supplies* used therewith, and *advertising and display materials* in vehicles equipped with mechanical refrigeration, from points in Montgomery County, Pa.; Middlesex County, Conn.; points in Morris County, Middlesex County, Bergen County, and Union County, N.J.; points in Rockland County, N.Y., New York, N.Y., and New York commercial zone; and Philadelphia, Pa., and Philadelphia, Pa. commercial zone, to points in Arizona, Arkansas, California, Florida, Illinois, Iowa, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, and Seattle, Wash. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 96498 (Sub-No. 30), filed July 29, 1969. Applicant: BONIFIELD BROS., TRUCK LINES, INC., Post Office Box 40, West Frankfort, Ill. 62896. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Cellulose materials and products; cellulose materials and products* joined to or combined with paper, plastics, synthetics, or cloth; *sanitary paper and paper products; sanitary paper and paper products* joined to or combined with paper, plastics, synthetics, or cloth, and *materials, equipment and supplies* used or useful in the production, manufacture and distribution of the above-described commodities; and *related premium and advertising materials* when shipped with the above-described commodities, between the plantsite of the Charmin Paper Products Co., located at or near Neely's Landing, Mo., and Cape Girardeau, Mo.; from Cape Girardeau over U.S. Highway 61 to the junction of unnumbered Missouri Highway at Fruitland, Mo., thence over unnumbered Missouri Highway to the plantsite of the Charmin Paper Products Co., located at or near Neely's Landing, Mo., and return over the same routes, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 103993 (Sub-No. 438) (Amendment), filed July 3, 1969. Published FEDERAL REGISTER issue of August 7, 1969, and republished as amended this issue. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, and (2) *building sections, panels, materials, parts and accessories*, from the Davenport, Iowa-Rock Island and Moline, Ill., commerical zone, as defined by the Commission, to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this republication is to delete the word "steel" from the commodity description in (1) above, thereby, broadening the scope of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 446), filed July 28, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from points in Moore County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 106497 (Sub-No. 42), filed July 28, 1969. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 113, Joplin, Mo. 64801. Applicant's representatives: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106, and A. N. Jacobs, Post Office Box G, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers and/or fluid coolers and parts thereof*, and (2) *materials and supplies* used or useful in the construction and/or installation of the commodities described in (1) above, from points in Johnson County, Kans., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraksa, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania,

Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: Applicant states it will tack with its MC 106497, Subs 4 and 35 where feasible. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 106715 (Sub-No. 8), filed July 31, 1969. Applicant: NATIONAL AEROSPACE FREIGHT LINES, INC., 1021 North State Street, Dover, Del. 19901. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight, and (2) *class A and B explosives*; (a) between military installations or Defense Department establishments in the States indicated in (b) below, and (b) between points in (a) above, on the one hand, and, on the other, points in California, Colorado, Illinois, Iowa, Nevada, Nebraska, Arizona, Utah, Idaho, Montana, New Mexico, Kansas, Oklahoma, Texas, Missouri, Kentucky, Indiana, Michigan, Ohio, Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Wyoming, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107002 (Sub-No. 377), filed July 27, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123 (U.S. Highway 80 West), Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as above), also H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and grain products*, in bulk and in containers, from West Memphis, Ark., to points in Alabama, Georgia, Kentucky, Mississippi and Tennessee. NOTE: Applicant states that it could tack in connection with its presently held authority, at points in Tennessee to provide through service in Florida and Louisiana. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Kansas City, Mo.

No. MC 107002 (Sub-No. 379), filed July 30, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123 (U.S. Highway 80 West), Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as above), also H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Lynn Park, Ala., to points in Kentucky. NOTE: Applicant states that it could tack in connection with its present authority at points in Mississippi to provide through service to points in Alabama. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 107496 (Sub-No. 737) (Amendment), filed July 2, 1969, published in the FEDERAL REGISTER issue of August 7, 1969, amended and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oil and oil fats* in bulk, from Des Moines-West Des Moines, Iowa, to points in Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, North Dakota, Tennessee, Texas, Washington, and Wisconsin; (2) *fertilizer materials*, in bulk, from Des Moines, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin; and (3) *coal tar pitch emulsion and asphalt pavement surface sealer, coal tar base*, in bulk, from St. Louis, Mo., to points in Illinois, Wisconsin, Oklahoma, Iowa, Arkansas, Kansas, and Nebraska. NOTE: The purpose of this republication is to include Tennessee as a destination State in (1) above. Applicant asserts there is a possibility of tacking, but there is no present intention to tack. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 738) (Amendment), filed July 3, 1969, published in the FEDERAL REGISTER issue of August 7, 1969, amended and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, from the storage terminal of American Oil Co. at or near Huntington, Ind., to points in Indiana, Illinois, Michigan (lower), and Ohio; and (2) *petroleum products*, in bulk, from Huntington, Ind., to points in Michigan and Ohio. NOTE: The purpose of this republication is to include Michigan as a destination State in (2) above. Applicant asserts that while it is possible to tack, there is no present intention to tack. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107515 (Sub-No. 672), filed August 4, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of Standard Foods, Inc., Louisville, Ky. to points in West Virginia, Illinois, Missouri, Indiana, Ohio, and Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 107515 (Sub-No. 673), filed August 7, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic material, liquid and film*, on sheeting other than cellulose, in vehicles equipped with mechanical refrigeration, from Dallas, Tex., to points in Georgia, Florida, South Carolina, Tennessee, Virginia, New York, Ohio, and Maryland. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Dallas, Tex.

No. MC 107839 (Sub-No. 138), filed July 31, 1969. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Denver, Colo. 80216. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in section A and C of appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite, and storage facilities used by National Beef Packing Co. at/or near Liberal, Kans., to points in Florida, Alabama, Georgia, South Carolina, North Carolina, Louisiana, Mississippi, Virginia, and West Virginia restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 109849 (Sub-No. 1), filed August 7, 1969. Applicant: E. B. WILLARD, doing business as TEN SLEEP SERVICE CO., Post Office Box 1016, Worland, Wyo. 82401. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between

Ten Sleep, Wyo., and Buffalo, Wyo.: From Ten Sleep over U.S. Highway 16 to Buffalo and return over the same route, serving all intermediate points and the off-route points of Girl Scout National Center West and Tyrell Ranger Station. NOTE: If a hearing is deemed necessary, applicant requests it be held at Casper or Cheyenne, Wyo.

No. MC 110683 (Sub-No. 62), filed July 29, 1969. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, plantains, pineapples, and coconuts* and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203 (b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with (1) above, from Wilmington, Del., to points in Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, Connecticut, Massachusetts, Rhode Island, Maryland, Pennsylvania, New York, and Delaware. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110683 (Sub-No. 63), filed August 6, 1969. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Glasgow, Ky., in connection with presently authorized regular route operations between Tompkinsville, Ky., and Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville or Frankfort, Ky., or Washington, D.C.

No. MC 111941 (Sub-No. 18), filed July 17, 1969. Applicant: PIERCETON TRUCKING COMPANY, INC., Post Office Box 233, Laketon, Ind. 46943. Applicant's representative: Alki E. Scopelitis, 816 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated steel and materials, equipment, and supplies*, used in the installation and erection of prefabricated steel when moving at the same time and in the same vehicle with prefabricated steel from Detroit, Mich., to points in Illinois, Indiana, Kentucky, Ohio, Minnesota, Missouri, Pennsylvania, Wisconsin, and Tennessee, and (2) *materials, equipment and supplies* used in the manufacture, production, and processing of prefabricated steel from the destination points in (1) above to Detroit, Mich. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Indianapolis, Ind.

No. MC 112304 (Sub-No. 34), filed August 6, 1969. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Rock Falls and Sterling, Ill., to points in Alabama, Kentucky, Tennessee, New York, New Jersey, points in Missouri on and south of U.S. Highway 36, points in Indiana on and south of U.S. Highway 36, points in Michigan on and west of U.S. Highway 27 and points in Pennsylvania on and east of U.S. Highway 15. NOTE: Applicant states tacking is possible with "size or weight" authority in its MC 112304 (Sub-No. 1), however such tacking is not intended at this time. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113410 (Sub-No. 67), filed July 23, 1969. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, from the storage facilities of Farmers Union Central Exchange, Inc. at or near Glenwood, Minn., to points in South Dakota and North Dakota. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 115162 (Sub-No. 177), filed July 28, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, from points in Lee County, Ala., to points in Erie County, N.Y.; Pulaski County, Ky., Obion County, Tenn., and Wayne County, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 115162 (Sub-No. 178), filed July 28, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, insulating materials, roofing and roofing materials, urethane and urethane products and related materials, supplies and accessories* incidental thereto, from the plantsite of the Celotex Corp., Birmingham, Ala., to points in Mississippi, Kentucky, Tennessee, Georgia, and Louisiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Tampa, Fla.

No. MC 115162 (Sub-No. 179), filed July 30, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and composition board and plywood*, from points in Greenwood County, S.C., to points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.; Atlanta, Ga.; or Washington, D.C.

No. MC 115162 (Sub-No. 180), filed July 30, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, pole pilings, posts, and composition board*, from points in Stone County, Miss., to points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.; or Atlanta, Ga.; or Washington, D.C.

No. MC 115162 (Sub-No. 181), filed August 7, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in packages or containers, from West Port Arthur, and Smith's Bluff, Tex., to points in Alabama, Kentucky, Mississippi, Tennessee, and Florida (on and west of U.S. Highway 319) and *empty returned drums and containers*, on return. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it

be held at New Orleans, La., or Washington, D.C.

No. MC 115331 (Sub-No. 273), filed August 4, 1969. Applicant: TRUCK TRANSPORT INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, from Des Moines, Iowa, to points in Missouri, Kansas, Nebraska, South Dakota, Minnesota, Wisconsin and Illinois. NOTE: Applicant states that there are some possibilities of tacking, but applicant sees no practical or feasible tacking possibilities. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 116101 (Sub-No. 6), filed July 28, 1969. Applicant: QUICK AIR FREIGHT, INC., Cargo Building, Port Columbus Airport, Columbus, Ohio. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in express service, except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Mt. Vernon, Ohio, on the one hand, and, on the other, points in Kentucky and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 118034 (Sub-No. 13), filed August 4, 1969. Applicant: MILLER TRUCK LINE, INC., 901 Northeast 28th Street, Fort Worth, Tex. 76106. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh, and meats, fresh frozen*, from the plantsite and/or cold storage facilities utilized by Wilson & Co., at or near Hereford, Tex., to points in Arkansas, Louisiana, Mississippi, Oklahoma, New Mexico, Texas, and Memphis, Tenn., restricted to traffic originating at the above specified plantsite and/or cold storage facilities and destined to the above specified destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Fort Worth or Dallas, Tex.

No. MC 118959 (Sub-No. 49), filed August 1, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. 63701. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *cellulose materials and products; cellulose materials and products* joined to or combined with paper, *plastics, synthetics*, or *cloth; sanitary paper and paper products* joined to or combined with paper, *plastics, synthetics, or cloth; materials, equipment, supplies* used or useful in the production, manufacture and distribution of the above described commodities; and *related premium and advertising materials* when shipped with the above described commodities; between the plantsite of Charmin Paper Products Co., at or near Neely's Landing, Mo., on the one hand, and, on the other, points in Kansas, Iowa, Illinois, Indiana, Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, New Mexico, Arizona, and California. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract carrier authority under MC 125664, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 119531 (Sub-No. 121), filed August 4, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and metal containers and accessories* therefore, from Florence, Ky., to points in the States of Michigan, North Carolina, Ohio, Tennessee, and Wisconsin, and (2) *materials, equipment and supplies* used in the manufacture, sales and distribution of *paper and metal containers*, from points in the States of Michigan, North Carolina, Ohio, Illinois, Tennessee, and Wisconsin to Florence, Ky. NOTE: Applicant states possible tacking exists at Cleveland and Massillon, Ohio, to serve points in New York and Pennsylvania in its MC 119531 Sub-7 and Sub-28, however this possible extension not supported in instant application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119829 (Sub-No. 33), filed August 1, 1969. Applicant: F. J. EGNER & SON, a corporation, 3969 Congress Parkway, Post Office Box 216, West Richfield, Ohio 44286. Applicant's representative: John C. Bradley, 618 Perpetual Building, 1111 East Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from Lorain, Ohio, to points in Ohio, Illinois, Michigan, Indiana, Wisconsin, Minnesota, Missouri, Oklahoma, Virginia, Georgia, North Carolina, Tennessee, New Jersey, Massachusetts, Rhode Island, New York, and California. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 123407 (Sub-No. 56), filed August 4, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic or iron fittings and connections, valves, hydrants and gaskets*, from the plantsite and warehouse facilities of the Clow Corp., located near Lincoln, Talladega County, Ala., to points in Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 123407 (Sub-No. 57), filed August 4, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, building materials, and insulating materials*, and *materials and accessories* used in the installation thereof, from Fort Dodge, Iowa, to points in Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota Nebraska, Kansas, Missouri, and Iowa. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123407 (Sub-No. 58), filed August 7, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition* board and materials and accessories used in the installation thereof, from Marrero, La., to points in Oklahoma, Texas, Arkansas, Tennessee, Kentucky, Mississippi, Alabama, Pennsylvania, West Virginia, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Louisiana, Delaware, and New York. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or New Orleans, La.

No. MC 123819 (Sub-No. 29), filed July 29, 1969. Applicant: ACE FREIGHT LINE, INC., 261 East Webster Street, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Jonesboro, Ark., to points in Illinois, Indiana, Tennessee, Alabama, Georgia, Louisiana, Mississippi, Kentucky, Missouri, Texas, and Oklahoma. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 124078 (Sub-No. 395), filed July 3, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Jefferson County, Ky., to points in Indiana and Ohio. NOTE: Applicant states the authority here sought may be joined with authority now held or sought at Louisville, Ky., to serve points in Indiana and Ohio. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 124816 (Sub-No. 3), filed July 24, 1969. Applicant: N & N TRANSPORTATION CO., INC., 827 Ridgewood Avenue, North Brunswick, N.J. 08902. Applicant's representative: William J. Augello, Jr., 103 Fort Salonga Road, Northport, N.Y. 11768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal culvert pipe and conduit pipe, and accessories* incidental to the installation thereof, from points in South Brunswick Township, Middlesex County, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and Washington, D.C. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 116843 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127042 (Sub-No. 42), filed July 24, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Davenport, Iowa, to points in Nebraska and South Dakota on and east of U.S. Highway 281, and Sioux City, Iowa. NOTE: Applicant states it could tack or join with its presently held authority at Omaha, Nebr., or Sioux City, Iowa, and could serve the entire States of Nebraska, South Dakota, Idaho, Montana, Wyoming, and two counties in Oregon. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, Omaha, Nebr., or Davenport, Iowa.

No. MC 127304 (Sub-No. 5), filed July 31, 1969. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 North Street, Valley Center, Kans. 67147. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in Illinois, Indiana, Michigan, Ohio, Kentucky, Virginia, and West Virginia restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127625 (Sub-No. 10), filed July 24, 1969. Applicant: SANTEE CEMENT CARRIERS, INC., Post Office Box 597, Holly Hill, S.C. 29059. Applicant's representative: Frank B. Hand, Jr., 1111 E Street NW., Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) between points in Orangeburg, Colleton, Richland, and Charleston Counties, S.C., and (2) between points in the counties in (1) above, on the one hand, and, on the other, points in the United States east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the United States-Canada boundary line. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Washington, D.C.

No. MC 127951 (Sub-No. 8), filed August 11, 1969. Applicant: SOUTHEASTERN CARRIERS, INC., 887 Northeast 145th Street, North Miami, Fla. 33161. Applicant's representative: Bernard C. Pestcoe, 708 City National Bank Building, Miami, Fla. 33130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition floor covering and adhesives*, from Cincinnati, Ohio, and Tuscumbia, Ala., to points in Dade and Hillsborough Counties, Fla., under contract with Flamingo Wholesale Distributors, Inc.; (2) *Macaroni, noodles, spaghetti, vermicelli, canned products prepared with cheese or meat and sauce products*, from Hackensack, N.J., to points in Florida, under contract with Butoni Food Products, Inc.; and (3) *Composition floor covering, carpet underlay, and adhesives*, from Brooklyn, N.Y., and Plainfield, N.J., to points in Citrus, Hernando, Pasco, Marion, Sumter, Lake, Orange, Seminole, and Volusia Counties, Fla., under contract with Knight and Wall Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 128131 (Sub-No. 3), filed August 4, 1969. Applicant: ROBERT R. GREENE, 433 Lewis Drive, Gallipolis, Ohio. Applicant's representatives: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215 and R. William Jenkins, 504½ Second Street, Gallipolis, Ohio 45731. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime, limestone, blacktop, sand, and gravel*, between points in Noble and Washington Counties, Ohio, on the one hand, and on the other, points in Wood, Pleasants, Ritchie, Calhoun, Jackson, Wirt, and Roane Counties, W. Va. under contract with James Merry Stone Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128273 (Sub-No. 50), filed July 23, 1969. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Wagner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose materials and products; cellulose materials and products joined to or combined with paper, plastics, synthetics, or cloth; sanitary paper and paper products joined to or combined with paper, plastics, synthetics, or cloth; materials, equipment, supplies* used or useful in the production, manufacture and distribution of the above described commodities; and *related premium and advertising materials* when shipped with the above described commodities, between the plantsite of the Charmin Paper Products Co., at or near Neely's Landing, Mo., and points in Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, Colorado, New Mexico, Arizona, Utah, Nevada, and California. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128771 (Sub-No. 1), filed August 5, 1969. Applicant: MOTLEY TRANSFER, INC., 205 North Green Street, Glasgow, Ky. 42141. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except explosives, those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Glasgow, Ky., on the one hand, and, on the other, points in Allen, Cumberland, Monroe, Barren, and Metcalfe Counties, Ky.; restricted to the transportation of traffic having an immediate prior or immediate subsequent movement by rail. If a hearing is deemed necessary, applicant requests it be held at Bowling Green, Ky.

No. MC 129384 (Sub-No. 1) (Correction), filed June 2, 1969, published in the FEDERAL REGISTER issues of June 26, and July 25, 1969, and republished in part, as corrected this issue. Applicant: BETHANY EXPRESS, INC., 616 South 22d Street, Bethany, Mo. 64424. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. The purpose of this partial republication is to reflect the correct docket number as *MC 129384 (Sub-No. 1)*, which was previously published as MC 129384. The rest of the application remains as published.

No. MC 129516 (Sub-No. 2), filed July 31, 1969. Applicant: PATTONS, INC., 14444 Sunset Highway, Bellevue, Wash. 98004. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alfalfa pellets and alfalfa meal* in bulk and in sacks, from points in Skagit, Adams, and Grant Counties, Wash., to points in Multnomah County, Oreg., (2) *feed ingredients* in sacks, from points in Multnomah County, Oreg., to points in Washington and (3) *commercial fertilizer* in sacks, from Oakland and Lathrop, Calif., to Seattle, Wash. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 129801 (Sub-No. 1), filed August 7, 1969. Applicant: GAIL TRUCKING CO., INC., Verona, Pa. 15147. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring syrup, rubbing alcohol, turpentine, epsom salts, drugs, and such commodities* as are manufactured, sold and distributed by drug and pharmaceutical companies and *materials, equipment, and supplies* used in the manufacture, sale and distribution of such commodities (except commodities in bulk), between points in the Borough of Plum, Allegheny County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia; restricted to a transportation service to be performed, under a continuing contract or contracts with Mint Pak Corp., Pennex Products Co., Inc., Pennwest Pharmacal Corp., and Sacrinpak Corp., which are affiliated companies. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133219 (Sub-No. 6), filed July 23, 1969. Applicant: PARKS TRANSPORTS, INC., Ashland, Nebr. 68003. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete structural building members*, from Lincoln, Nebr., to points in Iowa, Minnesota, South Dakota, Colorado, Missouri, and Kansas. NOTE: Common control and dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant request it be held at Lincoln or Omaha, Nebr.

No. MC 133448 (Sub-No. 21), filed July 22, 1969. Applicant: REFRIGERATED FOOD LINE, INC., 1822 East Pacific, Springfield, Mo. 65803. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and pelts and commodities in bulk, in tank vehicles), from Great Bend, Kans., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 133537 (Sub-No. 1), filed August 6, 1969. Applicant: CHARLES A. HUMMEL, doing business as HUMMEL BROS., R.F.D. No. 4, Dixon, Ill. 61021. Applicant's representative: William H. Towle, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal* and *poultry feed*, from Mendota, Ill., to points in Iowa on and east of U.S. Highway 69, points in Wisconsin on and south of U.S. Highway 10, and points in Indiana on and west of U.S. Highway 31 and on and north of U.S. Highway 36. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133550 (Sub-No. 1), filed August 3, 1969. Applicant: LLOYD R. KNOTT, doing business as LLOYD KNOTT TRANSPORTATION, Rural Route No. 2, Iowa Falls, Iowa 50126. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, including *prestressed and precast associated items, and accessories, reinforcing and other articles* when used as an intricate part of items manufactured, from the plantsites of Prestressed Concrete of Iowa, Inc., at or near Cedar Rapids, Des Moines, and Iowa Falls, Iowa, to points in Illinois, Iowa, Missouri, Nebraska, and Wisconsin, under contract with Prestressed Concrete of Iowa, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 133641 (Sub-No. 3), filed July 24, 1969. Applicant: C. D. SAUNDERS, INC., Post Office Box 70, Bedford, Va. 24523. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid or invert sugar (including blends with other sweeteners) in bulk in tank vehicles*, from points in Bedford and Campbell Counties, Va., to points in West Virginia on and south of U.S. Highway 33; points in Kentucky on and east of Kentucky Highway 7, running southward from the Ohio border to its junction with Highway 80 at Hueysville, thence along U.S. Highway 80 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to the Kentucky-Virginia State line; points in Tennessee on and east of U.S. Highways 25E and 25; points in North Carolina on and north of Interstate Highway 40 from the Tennessee State line to its junction with U.S. Highway 64 near Mocksville, thence along U.S. Highway 64 to and including Raleigh, thence along U.S. Highway 1 to the Virginia-North Carolina State line, (2) *Fertilizer, in bulk, in dump vehicles*, from Greensboro, N.C., to points in the following Virginia Counties: Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Campbell, Carroll, Charlotte, Craig, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Rockingham, Smyth, Tazewell, Washington, and Wythe; and points in Greenbrier, Mercer, Monroe, Pocahontas, and Summers Counties, W. Va. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133666 (Sub-No. 2), filed August 4, 1969. Applicant: JACOBSON TRANSPORT, INC., Post Office Box 368, Wheaton, Minn. 56296. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, from Glenwood, Minn., to points in North Dakota and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 133709 (Sub-No. 1), filed August 6, 1969. Applicant: HIAWATHA PRODUCE COMPANY, a corporation, 3850 Fourth Street, Winona, Minn. 55987.

Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper cartons*, knocked down, flat, in bundles, from Milwaukee, Wis., to points in Altura, Minn., under contract with Hubbard Milling Co., Altura, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133736 (Sub-No. 1), filed July 30, 1969. Applicant: FLOYD MATHESON, doing business as MATHESON WHOLESALE MEAT AND PROCESSING CO., 206 West 500th Street, Cedar City, Utah. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from Cedar City, Utah, to points in Washington, Iron Beaver, and Millard Counties, Utah, under contract with John Morrell & Co., of Sioux Falls, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133794 (Sub-No. 1), filed August 6, 1969. Applicant: CONVERTERS TRANSPORTATION, INC., Garnerville Terminal, Box 351, Garnerville, N.Y. 10923. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods and such commodities as are used in the dyeing or finishing of piece goods*, between the plantsite of Elk Piece Dye Works, Inc., Garnerville, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Union, and Passaic Counties, N.J., under contract with Elk Piece Dye Works, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133816 (Sub-No. 1), filed August 4, 1969. Applicant: KENNETH L. PARKS AND KEITH O. PARKS, a partnership, doing business as K & K WHOLESALE CO., Post Office Box 222, Lowell, Oreg. 97452. Applicant's representative: Earl V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Yamhill, Marion, Linn, Lane, Douglas, Benton, Polk, Clackamas, Tillamook, Multnomah, Jackson, and Josephine Counties, Oreg., to points in Clark and Nye Counties, Nev., and (2) *lime*, from points in Clark County, Nev., to points in Oregon. NOTE: Applicant states upon the foregoing common carrier authority being granted, the applicant will surrender for cancellation that permit now held by it in MC 133310, Sub 1, which authorizes contract carrier service. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 133892 (Correction), filed July 7, 1969, published in the FEDERAL REGISTER issue of August 7, 1969, corrected and republished as corrected this issue. Applicant: B & W SERVICE INC., 26 Itasca Street (Boston), Mattapan, Mass. 02126. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail stores engaged in the selling of games, toys, bicycles, cribs, children's furniture, recreational equipment and apparatus, and in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business: (1) Between Boston, and Avon, Mass., and (2) between Avon and Dedham, Mass. on the one hand, and, on the other, Milford, Conn.; Portland, Maine; Nashua, N.H.; and Providence, R.I.; restricted to a transportation service to be performed under a continuing contract or contracts with Child World, Inc., of Dedham, Mass. NOTE: The purpose of this republication is to reflect contract carrier authority sought, in lieu of common, which was previously published in error. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 133916, filed July 22, 1969. Applicant: AIR FREIGHT TRANSPORTERS, INC., 901 Harrison Street, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, and commodities in bulk), between the air freight terminal at Berry Field, Nashville, Tenn., and points in Kentucky. Restriction: Service at Berry Field, Nashville, Tenn., is restricted to traffic having an immediate prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 133919 (Sub-No. 1), filed July 28, 1969. Applicant: JOHN ROSSETTI, 683 Pine Street, Burlington, Vt. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese products, wet cheese, and wet curd*, from Alburg, Milton, and Richmond, Vt., to Brooklyn, N.Y., under contract with Falcone Dairy Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133924 (Sub-No. 1), filed July 30, 1969. Applicant: RADABAUGH BROS. TRUCKING CO., INC., 2105 Freeman Street, Fort Wayne, Ind. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand, gravel, and crushed stone*, from points in Cass County, Mich., to points in St. Joseph, Elkhart, Marshall, La Porte and Lagrange Counties, Ind., and (b) from points in Elkhart County, Ind., to points in Berrien, Cass, and St. Joseph Counties, Mich., and (2) *asphalt*, from Elkhart and Mishawaka, Ind., to points in Berrien, Cass, and St. Joseph Counties, Mich., under contract with Arco Engineering Construction Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 133943, filed August 7, 1969. Applicant: PETER A. EBERLI, doing business as KNAPPA TRAILER TOWING, Route 4, Box 810, Astoria, Oreg. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers and sectionalized buildings* mounted on wheeled undercarriages, in towaway service, between points in Clatsop and Columbia Counties, Oreg., on the one hand, and, on the other, points in Pacific, Wahkiakum, and Cowlitz Counties, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Astoria, Oreg.

No. MC 133947, filed August 6, 1969. Applicant: McCUE EXPRESS, INC., Rural Route No. 3, Box 391, Jeffersonville, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forgings, pipe fittings, welding rods and wire, and material* used in the manufacturing thereof, between the plantsite of Tube Turns Division of Chemetron Corp., Louisville, Ky., on the one hand, and, on the other, points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 133950, filed July 30, 1969. Applicant: PORTABLE STORAGE OFFICE & EQUIPMENT COMPANY, a division of OLAF ANDERSON & SON CONSTRUCTION CO., INC., 2502 First Avenue North, Fargo, N. Dak. 58102. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shop trailers, shed trailers and special purpose trailers*, between points in North Dakota, Minnesota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

MOTOR CARRIERS OF PASSENGERS

No. MC 133907, filed July 18, 1969. Applicant: LENON SERVICE, INC., 1217 Grant Street, Lake Geneva, Wis. 53147. Applicant's representative: Robert K. Lenon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in charter operations, from points in Walworth County, Wis., to points in Boone, Winnebago, McHenry, Lake, Cook, Lane, Du Page, Kendall, and Will Counties, Ill., and return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis., or Chicago, Ill.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130094, filed July 28, 1969. Applicant: FOX TRAVEL, INC., 404 Carew Tower, Cincinnati, Ohio 45202. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. For a license (BMC–5) to engage in operations as a *broker* at Cincinnati, Ohio, in arranging for the transportation, in interstate or foreign commerce, of *Passengers and their baggage*, in special and charter operations, beginning and ending at points in Adams, Athens, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Highland, Hocking, Jackson, Lawrence, Licking, Madison, Meigs, Miami, Montgomery, Morgan, Muskingum, Noble, Pickaway, Perry, Pike, Preble, Ross, Scioto, Vinton, Warren, and Washington Counties, Ohio, Anderson, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Fayette, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, and Henry Counties, Ky., Cabell, Jackson, Kanawha, Lincoln, Pleasants, Putnam, Wayne, and Wood Counties, W. Va., and Auora, Batesville, Lawrenceburg, Jefferson, Kenton, Lewis, Madison, Mason, Montgomery, Nicholas, Oldham, Owen, Pendleton, Robertson, Rowan, Scott, Shelby, Trimble, and Woodford, Ind., and extending to points in the United States, including Alaska, but excepting Hawaii.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69–10233; Filed, Aug. 27, 1969; 8:45 a.m.]

[Notice 894]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 25, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 255 TA), filed August 18, 1969. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, both liquid and dry, in bulk, from the plantsite of U.S. Oil of Louisiana, Ltd., Lafourche Parish, La., to Pascagoula, Miss., for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: U.S. Oil of Louisiana, Ltd. (Mr. Raymond P. Goode, General Superintendent), Post Office Box 430, Thibodaux, La. 70301. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 30844 (Sub-No. 290 TA), filed August 19, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Champagne and wine* in containers, from Batavia, N.Y., to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Robin Fils & CIE Ltd., School Street and Hewitt Place, Batavia, N.Y. 14020. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 106398 (Sub-No. 415 TA), filed August 18, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, from plantsite of Champion Home Builders Co. in Lillington, N.C., to points in Tennessee, Kentucky, West Virginia, Maryland, Virginia, South Carolina, Georgia, Florida, Alabama, and Mississippi, for 180 days. Supporting shipper: Champion Home Builders Co., Robert Ganett, Divisional Manager, Box 1146, Lillington, N.C. 27546. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 107496 (Sub-No. 743 TA), filed August 19, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in pneumatic tank vehicles, from Buffington, Ind., to Thomasboro, Ill., for 90 days. Supporting shipper: Universal Atlas Cement Corp., United States Steel Corp., 525 William Penn Place, Pittsburgh, Pa. 15230. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 109689 (Sub-No. 208 TA), filed August 19, 1969. Applicant: W. S. HATCH CO., 643 South 800 West Street, Woods Cross, Utah 84087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite*, other than crude, in bulk, from Antonito, Colo., to points in Sweetwater County, Wyo., for 180 days. Supporting shipper: General Refractories Co., 1520 Locust Street, Philadelphia, Pa. 19102 (E. H. Spencer, Director, Traffic and Distribution). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 113678 (Sub-No. 361 TA), filed August 18, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, from Omaha, Nebr.; Oakland and Glenwood, Iowa, and their commercial zones, to points in Cook and Du Page Counties, Ill., and Dayton, Ohio, and its commercial zone, for 180 days. Supporting shipper: Topco Associates, Inc., 7711 Gross Point Road, Skokie, Ill. 60076. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 118019 (Sub-No. 1 TA), filed August 20, 1969. Applicant: PENN TRANSPORTATION CORP., 250 Maple Street, Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Wilmington, Del., and Fall River, Mass., to Boston and Chelsea, Mass., for 180 days. Supporting shippers: S. Anastasi, 330 North Street, Boston, Mass. 02113; Yankee Boy Tomato Co., 178–184 Commercial Street, Boston, Mass. 02109; F. DiBella & Sons, 215 Williams Street, Chelsea, Mass. 02150. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 120543 (Sub-No. 61 TA), filed August 20, 1969. Applicant: FLORIDA REFRIGERATED SERVICE, INC., Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Laredo, Tex., to points in Ohio, West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Alabama, and Florida, for 180 days. Supporting shipper: Mid-Valley Products Corp., Box 337, Roslyn Heights, N.Y. 11577. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 121450 (Sub-No. 4 TA), filed August 18, 1969. Applicant: McCOMAS TRUCK LINES, INC., 107 North Eighth Street, Chickasha, Okla. 73108. Applicant's representative: W. W. Hunt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from Chickasha, Okla., to Rush Springs, Marlow, Comanche, Waurika, Hastings, Temple, Walters, Okla., serving intermediate points, return from Walters, Okla., over Oklahoma Highway 53 to U.S. Highway 81 at Comanche, thence over U.S. Highway 81 to Chickasha, for 180 days. NOTE: Applicant proposes to tack its present authority and serve either from Chickasha or Duncan, and interline at these points or Oklahoma City, and occasionally at other points where freight may be tendered. Supporting shippers: Samples Department Store, M. Samples, Owner, Box, Waurika, Okla.; Brown Drug, George A. Grown, Owner, 102 North Main, Waurika, Okla. 73573; Amerand, Inc., H. B. Roe, Sales Manager, Amerand, Inc., Post Office Box 12505, Oklahoma City, Okla. 73112; Hi-Vi Dog Food Co., Arthur S. Harris, President, Post Office Box 128, Rush Springs, Okla. 73082; Bernard Enterprises, Inc., Spencer T. Bernard, General Manager, Box 158, Rush Springs, Okla. 73082; James Dittner, Mayor, City of Marlow, Okla. 73055; Cline Industries, Inc., Ted Cline, Vice President, Box 38, Rush Springs, Okla.; Mr. Doug Strange, Doug Strange Furniture Co., 212 Main Street, Comanche, Okla. 73529. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 126276 (Sub-No. 18 TA), filed August 20, 1969. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and components*, from the plantsite and/or facilities of Crown Cork & Seal Co., Inc., at or near Bradley, Ill., to Elizabethtown, Ky., for 150 days. Supporting shipper: Crown Cork & Seal Co., Inc., 3501 West 31st Street, Chicago, Ill. 60623. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 127689 (Sub-No. 33 TA), filed August 15, 1969. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: Harvey E. West (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the plant or warehouse facilities of the Procter & Gamble Co. and its subsidiaries in Alexandria, La., or its commercial zone on the one hand, and, on the other, points in Mississippi; those in Florida west of the Apalachicola River in the counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Jackson, Washington, Bay, Gulf, Calhoun; and those in Alabama in the counties of Baldwin, Barbour, Bullock, Butler, Choctaw, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Marengo, Mobile, Monroe, Pike, Washington, and Wilcox, for 180 days. Supporting shipper: The Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio 45201. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 133655 (Sub-No. 8 TA), filed August 19, 1969. Applicant: TRANSNATIONAL TRUCK INC., Box 894 Hurst, Tex. 76053. Applicant's representative: Charles Singer, 33 North Dearborn Street, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged and cartoned new furniture, mirrors and furniture parts*, from Toccoa, Ga., to Atlanta, Ga., for 180 days. NOTE: Applicant intends to interline with miscellaneous carriers at Atlanta, Ga. Supporting shipper: Western-Stickley Furniture Co., 3757 South Ashland Avenue, Chicago, Ill. 60609. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 133961 TA, filed August 18, 1969. Applicant: DONALD L. SIMONS, doing business as SIMONS TRUCKING CO., 721 10th Avenue West, Grand Rapids, Minn. 55744. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corn cribbing, snow fence, lath and pellets*, from the plantsite of Cole Forest Products, Inc., at or near Grand Rapids, Minn., to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Michigan, Wisconsin, Illinois, Ohio, Montana, Wyoming, and Colorado, for 180 days. Supporting shipper: Cole Forest Products, Inc., Grand Rapids, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10290; Filed, Aug. 27, 1969; 8:47 a.m.]

[Notice 401]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 25, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71544. By order of August 19, 1969, the Motor Carrier Board approved the transfer to Bee Line Heavy Haulers, Inc., Miami, Fla., of certificate of registration No. MC-120260 (Sub-No. 1) issued November 18, 1963, to B. E. M. Enterprises, Inc. (formerly Bee Line Heavy Haulers, Inc.), Miami Shores, Fla., evidencing the right to engage in transportation in interstate or foreign commerce solely within the State of Florida. John A. Sutton, 145 North Magnolia Avenue, Orlando, Fla. 32803, attorney for applicants.

No. MC-FC-71559. By order of August 19, 1969, the Motor Carrier Board approved the transfer to Kentway Transportation, Ltd., King, Ontario, Canada, of certificate in No. MC-128777, issued August 11, 1967, to Greer Transportation Co., Ltd., Barrie, Ontario, Canada; authorizing the transportation of: Passengers and their baggage, in round-trip charter operations, from ports of entry on the United States-Canada boundary line, and extending to points in the United States (except Alaska and Hawaii), and return. S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-71566. By order of August 19, 1969, the Motor Carrier Board approved the transfer to Four State Transport, Inc., doing business as Four State, Tulsa, Okla., of the certificate in No. MC-125691, issued December 18, 1964, to P. A. Fitzgibbon, L. F. Fitzgibbon and J. E. Fitzgibbon, a partnership, doing business as Fitz Freight Co., Miami, Okla., authorizing the transportation of meat, meat products, meat byproducts and articles distributed by packinghouses from Miami, Okla., and Carthage, Mo., to a described area in Oklahoma, Kansas, Missouri, and Arkansas. R. E. Lombard, 805 National Bank of Tulsa Building, Tulsa, Okla. 74103, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10291; Filed, Aug. 27, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 25, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41726—*Alcohol to New Orleans, La.* Filed by Illinois Freight Association, agent (No. 346), for interested rail carriers. Rates on alcohol (other than denatured or wood alcohol), in bond (free of internal revenue tax), in tank carloads, as described in the application, from Tuscola, Ill., to New Orleans, La.

Grounds for relief—Rate relationship.

Tariff—Supplement 125 to Illinois Freight Association, Agent, tariff ICC 1044.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10292; Filed, Aug. 27, 1969; 8:48 a.m.]

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Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-EA-105; Amdt. 39-825]

PART 39—AIRWORTHINESS DIRECTIVES

General Electric Engines

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.89; 31 F.R. 13697), an amendement to Airworthiness Directive 39-824 was adopted on August 15, 1969, and made effective immediately as to all known U.S. Operators of Boeing Vertol 107 and Sikorsky S61 and S62 aircraft with General Electric Engine Models CT58-100-1, CT58-100-2, CT58-110-1, CT58-110-2, CT58-140-2, T58-GE-1, and T58-GE-5.

Amendment 39-824 requires removing from service certain Stage 1 and Stage 2 turbine rotor discs in General Electric Engine Models CT58-100-1, CT58-100-2, CT58-110-1, CT58-110-2, CT58-140-1, CT58-140-2, T58-GE-1, and T58-GE-5, installed in Boeing Vertol 107 and Sikorsky S61 and S62 aircraft. After issuing Amendment 39-824, the Federal Aviation Administration has determined that for certain discs referred to therein, the operational limits contained in the engine maintenance manuals are satisfactory. The amendment is as follows:

Delete the Stage 1 Discs 278D978P002 and 37D400498P101 and Stage 2 Discs 278D979-P002 and 37D400499P101 from the airworthiness directive.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Boeing Vertol 107 and Sikorsky S61 and S62 aircraft with General Electric Engine Models CT58-100-1, CT58-100-2, CT58-110-1, CT58-110-2, CT58-140-1, CT58-140-2, T58-GE-1, and T58-GE-5, by individual telegrams dated August 15, 1969. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to §39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated August 15, 1969.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 19, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-10324; Filed, Aug. 28, 1969; 8:46 a.m.]

[Docket No. 69-EA-98; Amdt. 39-826]

PART 39—AIRWORTHINESS DIRECTIVE

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 69-13-4 applicable to Piper PA-31 and PA-31-300 type airplanes. The airworthiness directive as promulgated failed to state the serial numbers of the type aircraft affected. The purpose of this airworthiness directive is to establish such groups of aircraft.

Since this amendment is clarifying in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 (AD 69-13-4) of Part 39 of the Federal Aviation Regulations is amended as follows:

1. By inserting in the applicability statement after the word "airplanes" the words and figures ", serial numbers 31-2 through 31-259".

This amendment is effective September 3, 1969.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 19, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 69-10325; Filed, Aug. 28, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone and transition area at Bozeman, Mont.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Bozeman, Mont., control zone and transition area. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 16, 1969, as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

BOZEMAN, MONT.

Within a 7-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.)

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

BOZEMAN, MONT.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 10½ miles southwest of the Bozeman VOR 308° radial, extending from the VOR to 18½ miles northwest of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 30, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-10326; Filed, Aug. 28, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segments

On June 25, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9811) stating that the Federal Aviation Administration was considering amendments to Part 71 of

the Federal Aviation Regulations that would alter segments of VOR Federal airways Nos. 14, 30, 92, and 435, in the vicinity of Attica, Ohio.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. Three comments were received in response to the notice. The comment received from the Air Transport Association of America interposed no objection to the proposals. The comments received from the American Tower Company, Shelby, Ohio, and from the Airport Manager, Seneca County Airport, Tiffin, Ohio, are not related to the proposed airway realignments contained in the notice, but were related to the planned decommissioning of the Attica VORTAC. The decommissioning of this facility is an independent action which is processed under non-rule-making procedures. The Airport Manager, Seneca County Airport, expressed concern that the IFR approach procedure to the Seneca County Airport, utilizing the Findlay, Ohio, VORTAC was not adequate. Prior to the establishment of this procedure on June 26, 1969, the FAA conducted detailed flight inspection of the procedure and was satisfied that it met the agency's stringent requirements for navigational capabilities. The American Tower Co. in their comment objected to the closing of the Attica VORTAC because the Shelby Community Airport uses it as a cross reference point for instrument approaches. The designated instrument approach procedure approved by the FAA for the Shelby Community Airport utilizes the Mansfield, Ohio, VORTAC for its proper execution. This instrument approach procedure is in no way associated with the Attica VORTAC.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., October 16, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

a. In V–14 "12 AGL Attica, Ohio; 12 AGL Cleveland, Ohio;" is deleted and "INT Findlay 062° and Cleveland, Ohio, 258° radials; Cleveland;" is substituted therefor.

b. In V–30 "12 AGL Attica, Ohio;" is deleted and "Cleveland, Ohio;" is substituted therefor.

c. In V–92 "12 AGL Attica, Ohio;" is deleted.

d. V–435 is amended to read:

"V–435 From Rosewood, Ohio, via INT Rosewood 045° and Cleveland, Ohio, 241° radials; to Cleveland."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 25, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–10327; Filed, Aug. 28, 1969; 8:46 a.m.]

[Airspace Docket No. 69–WE–48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On July 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11379) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Pueblo, Colo., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective Date. This amendment shall be effective 0901 G.m.t., October 16, 1969.

Issued in Los Angeles, Calif., on August 20, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the Pueblo, Colo., transition area is amended by deleting all after "* * *, latitude 38°07'00" N., longitude 104°04'00" W., * * *" and substituting therefor "* * * thence west along latitude 38°07'00" N., to the west edge of V–19; thence south along the west edge of V–19 and west along the north edge of V–210 to longitude 105°00'00" W., thence to latitude 38°07'00" N., longitude 104°48'00" W., to latitude 38°07'00" N., longitude 105°00'00" W., to latitude 38°25'00" N., longitude 105°00'00" W., to latitude 38°25'00" N., longitude 104°52'00" W., thence to point of beginning.

[F.R. Doc. 69–10328; Filed, Aug. 28, 1969; 8:46 a.m.]

[Airspace Docket No. 69–WE–25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On April 5, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6197) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a control zone for Arapahoe County Airport, Greenwood Village, Colo.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections were received and the proposed amendment is hereby adopted without change.

Effective Date. This amendment shall be effective 0901 G.m.t., January 8, 1970.

Issued in Los Angeles, Calif., on August 13, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the following control zone is added:

GREENWOOD VILLAGE, COLO.

Within a 5-mile radius of Arapahoe County Airport (latitude 39°34'28" N., longitude 104°51'02" W.), excluding that airspace within the Denver, Colo., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 69–10329; Filed, Aug. 28, 1969; 8:46 a.m.]

[Airspace Docket No. 69–WA–34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the U.S. portion of VOR Federal airway No. 161 segment that would extend from International Falls, Minn., to Winnipeg, Manitoba, Canada.

The Canadian Department of Transport has advised that they have an immediate requirement for a VOR airway to be designated from Winnipeg direct to International Falls. The U.S. segment of this VOR airway would involve a minimal amount of controlled airspace.

Since this action is minor in nature, the Administrator has determined that notice and public procedure thereon is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate change to aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., November 13, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V–161 is amended by deleting "12 AGL International Falls." and substituting "International Falls, Minn.; to Winnipeg, Manitoba, Canada, excluding the portion within Canada." therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 21, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–10330; Filed, Aug. 28, 1969; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9754; Amdt. 664]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Denver, Colo.—Stapleton International, ADF 1, Amdt. 27, 19 June 1965 (established under Subpart C).
Harrisburg, Ill.—Harrisburg-Raleigh, ADF 1, Amdt. 1, 23 May 1964 (established under Subpart C).
Newark, N.J.—Newark, ADF 1, Amdt. 18, 19 June 1965 (established under Subpart C).
Newark, N.J.—Newark, ADF 2, Amdt. 7, 16 July 1966 (established under Subpart C).
Sioux Falls, S. Dak.—Joe Foss Field, NDB (ADF) Runway 3, Amdt. 12, 5 Aug. 1967 (established under Subpart C).
Somerset, Ky.—Somerset-Pulaski Co., NDB (ADF) Runway 4, Amdt. 1, 17 June 1967 (established under Subpart C).
Port Dodge, Iowa—Fort Dodge Municipal, VOR 1, Amdt. 7, 29 Oct. 1966 (established under Subpart C).
Menominee, Mich.—Menominee County, VOR 1, Amdt. 2, 10 Apr. 1965 (established under Subpart C).
Pottsville, Pa.—Schuylkill Co., (Joe Zerbey) VOR Runway 4, Orig., 22 Apr. 1967 (established under Subpart C).
Salisbury, Md.—Salisbury-Wicomico Co., VOR Runway 4, Amdt. 4, 23 Sept. 1967 (established under Subpart C).
Salisbury, Md.—Salisbury-Wicomico Co., VOR Runway 22, Amdt. 4, 23 Sept. 1967 (established under Subpart C).
Salisbury, Md.—Salisbury-Wicomico Co., VOR Runway 31, Amdt. 4, 23 Sept. 1967 (established under Subpart C).
Santa Ana, Calif.—Orange County, VOR Runway 1L, Amdt. 3, 16 Sept. 1967 (established under Subpart C).
Santa Ana, Calif.—Orange County, VOR Runway 19R, Amdt. 8, 16 Sept. 1967 (established under Subpart C).
Sioux Falls, S. Dak.—Joe Foss Field, VOR Runway 15, Amdt. 6, 5 Aug. 1967 (established under Subpart C).
Watertown, N.Y.—Municipal, VOR 1, Amdt. 7, 24 Sept. 1966 (established under Subpart C).

2. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Denver, Colo.—Stapleton International, ADF 2, Amdt. 3, 30 July 1966, canceled, effective 18 Sept. 1969.
Denver, Colo.—Stapleton International, VOR 1, Amdt. 6, 26 Dec. 1964, canceled, effective 18 Sept. 1969.

3. By amending § 97.13 of Subpart B to cancel terminal very high frequency omnirange (TerVOR) procedures as follows:

Kalamazoo, Mich.—Kalamazoo Municipal, TerVOR–5, Amdt. 6, 3 Oct. 1964, canceled, effective 18 Sept. 1969.
Kalamazoo, Mich.—Kalamazoo Municipal, TerVOR–27, Amdt. 4, 25 Jan. 1964, canceled, effective 18 Sept. 1969.

4. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Blacksburg, Va.—VPI, VOR/DME Runway 8, Amdt. 1, 10 Feb. 1968 (established under Subpart C).
Fort Dodge, Iowa—Fort Dodge Municipal, VOR/DME–1, Amdt. 3, 29 Oct. 1966 (established under Subpart C).
Lafayette, Ind.—Halsmer, VOR/DME 1, Amdt. 1, 16 Jan. 1965 (established under Subpart C).
Sioux Falls, S. Dak.—Joe Foss Field, VOR/DME Runway 33, Orig., 6 Jan. 1968 (established under Subpart C).

5. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Denver, Colo.—Stapleton International, ILS–8R (Back Course), Amdt. 4, 30 July 1966 (established under Subpart C).
Denver, Colo—Stapleton International, ILS–17 (Back Course), Amdt. 4, 30 July 1966 (established under Subpart C).
Denver, Colo.—Stapleton International, ILS–26L, Amdt. 30, 19 June 1965 (established under Subpart C).
Denver, Colo.—Stapleton International, ILS–35, Amdt. 6, 7 Jan. 1967 (established under Subpart C).
Newark, N.J.—Newark, ILS–4, Amdt. 19, 13 Nov. 1965 (established under Subpart C).
Newark, N.J.—Newark, ILS Runway 22, Amdt. 13, 23 May 1968 (established under Subpart C).
Sioux Falls, S. Dak.—Joe Foss Field, ILS Runway 3, Amdt. 14, 5 Aug. 1967 (established under Subpart C).
Sioux Falls, S. Dak.—Joe Foss Field, LOC (BC) Runway 21, Amdt. 10, 28 Oct. 1967 (established under Subpart C).

6. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Denver, Colo.—Stapleton International, Radar 1, Amdt. 4, 2 Jan. 1965 (established under Subpart C).

7. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ANW VOR.
				Climbing left turn to 3000′ on R 233° within 10 miles; return to ANW VOR.

Supplementary charting information: Final approach crs crosses centerline of Runway 17 extended at 3000′ from threshold. 4400′ of Runway 17 lighted.
Runway 17, threshold displaced 3280′.

Procedure turn W side of crs, 333° Outbnd, 153° Inbnd, 5000′ within 10 miles of ANW VOR.
Final approach crs, 153°.
MSA: 000°-090°—3000′; 090°-180°—5100′; 180°-270°—4300′; 270°-360°—4100′.

NOTES: (1) When Ainsworth altimeter not available use North Platte altimeter setting. (2) All MDAs increased 420′ when using North Platte altimeter setting.

*Alternate minimums not authorized when Ainsworth weather not available.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS
C	2940	1	360	3040	1	460	3040	1¼	460		NA
A	Standard.*		T 2-eng. or less.—Standard.				T over 2-eng.—Standard.				

City, Ainsworth; State, Nebr.; Airport name, Municipal; Elev., 2580′; Facility, ANW; Procedure No. VOR Runway 17, Amdt. Orig.; Eff. date, 8 Sept. 69

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5 miles after passing FOD VORTAC.
R 150° FOD VORTAC CW	R 300° FOD VORTAC	7-mile Arc	2800	Climb to 2800′ on R 120° within 10 miles, return to VORTAC.
R 083° FOD VORTAC CCW	R 300° FOD VORTAC	7-mile Arc	2800	
7-mile Arc	FOD VORTAC (NOPT)	FOD R 300°.	2800	Supplementary charting information: 1773′ tower, 3.7 miles S of airport at 42°29′20″, 94°12′25″.

Runway 12, TDZ elevation, 1124′.

Procedure turn S side of crs, 300° Outbnd, 120° Inbnd, 2800′ within 10 miles of FOD VORTAC.
FAF, FOD VORTAC. Final approach crs, 120°.
Minimum altitude over FOD VORTAC, 2800′.
MSA: 000°-180°—2800′; 180°-270°—2500′; 270°-360°—3400′.
NOTES: (1) Use Mason City altimeter setting when control zone not effective and all MDAs increased 240′ except for operators with approved weather reporting service. (2) Inoperative table does not apply to HIRL Runway 12. (3) Sliding scale not authorized.
CAUTION: Runways 18 and 36 unlighted.
*Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
%IFR departure procedure: For southbound departures when weather is below 700–1, flight below 2500′ is prohibited between R 120° and R 175° inclusive of the FOD VORTAC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-12	1440	1	316	1440	1	316	1440	1	316	1440	1	316
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1540	1	378	1620	1	458	1620	1¼	458	1720	2	558
A	Standard.*		T 2-eng. or less.—Standard.%				T over 2-eng.—Standard.%					

City, Fort Dodge; State, Iowa; Airport name, Fort Dodge Municipal; Elev., 1162′; Facility FOD; Procedure No. VOR Runway 12, Amdt. 8; Eff. date, 18 Sept. 69; Sup. Amdt. No. VOR 1, Amdt. 7; Dated, 29 Oct. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.3 miles after passing MNM VOR.
				Climb to 2100′ on R 169° within 10 miles return to VOR.

Supplementary charting information:
896′ tower 2 miles SSE of airport.
742′ water tank 3150′ NE of airport at 45°07′51″, 87°37′22″.
LRCO 122.1, 123.6.
Runway 18, TDZ elevation, 608′.

Procedure turn W side of crs, 349° Outbnd, 169° Inbnd, 2100′ within 10 miles of MNM VOR.
FAF, MNM VOR. Final approach crs, 169°. Distance FAF to MAP, 3.3 miles.
Minimum altitude over MNM VOR, 1800′.
MSA: 000°-090°—2200′; 090°-270°—2100′; 270°-360°—2400′.
NOTE: Use Green Bay altimeter setting when control zone not effective. Circling and straight-in MDA raised 200′ except for operators with approved weather reporting service.
*Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
%IFR Departure Procedure: Aircraft departing Runway 36 climb to 1200′ on runway heading prior to turning eastbound.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18	1000	1	392	1000	1	392	1000	1	392	1000	1	392
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1200	1	579	1200	1	579	1200	1¼	579	1200	2	579
A	Standard.*		T 2-eng. or less—300–1, Runways 14 and 18; Standard Runway 32.%				T over 2-eng.—300–1, Runways 14 and 18; Standard Runway 32.%					

City, Menominee; State, Mich.; Airport name, Menominee County; Elev., 621′; Facility, MNM; Procedure No. VOR Runway 18, Amdt. 3; Eff. date, 18 Sept.69; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 10 Apr. 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Within 5.9 miles after passing Summit Int.
Chatham NDB	Summit Int (NOPT)	Direct	2000	Climbing left turn to 2000′ direct to PNJ NDB and hold.

Supplementary charting information:
Hold NE, 1 minute, right turns, 241° Inbnd.
Runway 11, TDZ elevation, 18′.

Procedure turn not authorized. Approach crs (profile) starts at Chatham NDB.
FAF, Summit Int. Final approach crs, 114°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over category NDB, 2700′; over Summit Int., 2000′.
MSA: 000°-090°—2000′; 090°-180°—1400′; 180°-270°—1700′; 270°-360°—2500′.
NOTE: Radar required.
*Inoperative table does not apply to HIRLS Runway 11.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11*	2000	3	1982	2000	3	1982	2000	3	1982	2000	3	1982
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2000	3	1982	2000	3	1982	2000	3	1982	2000	3	1982
A	2000-3.		T 2-eng. or less—RVR 20, Runways 4 and 22; Standard Runways 11 and 29.				T over 2-eng.—RVR 20, Runways 4 and 22; Standard Runways 11 and 29.					

City, Newark; State, N.J.; Airport name, Newark Airport; Elev., 18′; Facility, JFK; Procedure No. VOR Runway 11, Amdt. Orig.; Eff. date, 18 Sept. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	Map: 5.8 miles after passing Hegins Int. 8-mile DME Fix.
				Climbing right turn to 4000', direct to RAV VOR and hold.
				Supplementary charting information:
				Hold W, 1 minute, left turns, inbnd crs 085°.
				Runway 4, TDZ elevation, 1716'.

Procedure turn not authorized. 1-minute holding pattern, W of RAV VORTAC, 085° Inbnd, left turns, 4000'.
FAF Hegins Int. Final approach crs, 057°. Distance FAF to MAP, 5.8 miles.
Minimum altitude over RAV VOR, 4000'; over Hegins Int. 8-mile DME Fix, 3300'.
MSA: 090°–270°—2700'; 270°–090°—3200'.
NOTE: Use Harrisburg altimeter setting.
*Night minimums Runways 4 and 22 not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-4°	2380	1	664	2380	1	664	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C°	2520	1	796	2520	1¼	796	NA	NA
A	Nor authorized.		T 2-eng. or less—Standard.				1 over 2-eng.—Standard.	

City, Pottsville; State, Pa.; Airport name, Schuylkill Co. (Joe Zerbey); Elev., 1724'; Facility, RAV; Procedure No. VOR Runway 4, Amdt. 1; Eff. date, 18 Sept. 69; Sup. Amdt. No. Orig.; Dated, 22 Apr. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SBY VOR.
SBY R 035° CW	SBY R 217°	10-mile DME Arc	1700	Climb to 1700' on R 035°, then direct to SBY VOR and hold, or when directed by ATC, climbing right turn to 2000' via the SBY R 090° to Willards Int and hold.
Willards Int	SBY VORTAC	Direct	1700	
10-mile DME Arc	SBY VORTAC (NOPT)	SBY R 217°	440	Hold NE, 1 minute, 2 mile, left turns, 214° inbnd.
				Supplementary charting information:
				FAC intersects Runway 4 centerline extended 3000' from threshold.
				Hold NE on SBY R 035°, 1 minute, left turns, 215° Inbnd.
				690' TV antenna, 332°, 5.8 miles.
				Runway 4, TDZ elevation, 48'.

Procedure turn S side of crs, 217° Outbnd, 037° Inbnd, 1700' within 10 miles of SBY VORTAC.
Final approach crs, 037°.
MSA: 000°–360°—1700'.
NOTE: Night minimums Runway 9–27 not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-4°	440	1	392	440	1	392	440	1	392	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C°	440	1	389	520	1	469	520	1¼	469	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Salisbury; State, Md.; Airport name, Salisbury-Wicomico Co.; Elev., 51'; Facility, SBY; Procedure No. VOR Runway 4, Amdt. 5; Eff. date, 18 Sept. 69; Sup. Amdt. No. 4; Dated, 23 Sept. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SBY VOR.
SBY R 348° CW	SBY R 060°	10 mile DME Arc	1700	Left turn, climbing to 1700' on SBY R 035° then direct to SBY VOR and hold, or as directed by ATC, climbing left turn to 2000' via the SBY R 090° to Willards Int and hold.
SBY R 214° CCW	SBY R 060°	10-mile DME Arc	1700	
Willards Int	SBY VORTAC	Direct	1700	Hold Northeast, 1 minute, 2 mile, left turns, 214° Inbnd.
10-mile DME Arc	8-mile DME SBY R 060° (NOPT)	SBY R 060°	540	Supplementary charting information:
				FAC intersects Runway 22 centerline extended 2760' from threshold.
				Hold NE on SBY R 035°, 1 minute, left turns, 215° Inbnd.
				Runway 22, TDZ elevation, 50'.

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 1700' within 10 miles of SBY VORTAC.
Final approach crs, 240°.
Minimum altitude over 3-mile DME Fix, 540'.
MSA: 000°–360°—1700'.
NOTE: Night minimums, Runways 9 and 27 not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-22	540	1	490	540	1	490	540	1	490	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	540	1	489	540	1	489	540	1¼	489	NA
	DME	minimums:								
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-22	380	1	330	380	1	330	380	1	330	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	440	1	389	520	1	469	520	1¼	469	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Salisbury; State, Md.; Airport name, Salisbury-Wicomico Co.; Elev., 51'; Facility, SBY; Procedure No. VOR Runway 22, Amdt. 5; Eff. date, 18 Sept. 69; Sup. Amdt. No. 4; Dated, 23 Sept. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SBY VOR.
R 035° SBY CW	SBY R 140	10-mile DME Arc	1700	Climbing right turn on R 035° to 1700' then direct to SBY VOR and hold, or as directed by ATC.
R 214° SBY CCW	SBY R 140	10-mile DME Arc	1700	
Willards Int	SBY VORTAC	Direct	1700	Climbing-right turn to 2000' via the SBY R 090° to Willards Int and hold.
10-mile DME Arc	SBY VORTAC (NOPT)	SBY R 140°	440	Hold NE, 1 minute, 2 miles, left turns, 214° inbnd.
				Supplementary charting information:
				FAC intersects Runway 31 centerline extended 4350' from threshold.
				Hold NE on R 035°, 1 minute, left turns, 215° Inbnd.
				690' antenna, 332° 5.8 miles.
				Runway 31, TDZ elevation, 51'.

Procedure turn N side of crs, 140° Outbnd, 320° Inbnd, 1700' within 10 miles of SBY VORTAC.
Final approach crs, 320°.
MSA: 000°–360°—1700'.
NOTE: Night minimums, Runways 9–27 not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-31	440	1	389	440	1	389	440	1	389	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	440	1	389	520	1	469	520	1¼	469	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Salisbury; State, Md.; Airport name, Salisbury-Wicomico Co.; Elev., 51'; Facility, SBY; Procedure No. VOR Runway 31, Amdt. 5; Eff. date, 18 Sept. 69; Sup. Amdt No. 4; Dated, 23 Sept. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SNA VOR.
SLI VOR	Newport Int	Direct	2000	Climbing left turn to 1800′ via the R 199° to Sardine Int.
ONT VOR	SNA VOR	Direct	5000	
SNA VOR	Newport Int	Direct	2800	Supplementary charting information:
Pacific Int	Sardine Int	Direct	3000	Final approach crs intersects runway centerline extended 3780′ from AER.
Sardine Int	Newport Int. (NOPT)	Direct	1700	Chart MALSR Runway 19R.
				REIL Runway 19R will be removed.
				MIRL Runways 01R/19L.
				HIRL Runways 01L/19R.
				RVR to be commissioned on Runway 19R.
				92′ powerline 3200′ N of Runway 19R.
				Runway 1L, TDZ elevation, 53′.

Procedure turn E side of crs, 199° Outbnd, 019° Inbnd, 1700′ within 10 miles of Newport Int.
Final approach crs, 019°.
Minimum altitude over Newport Int, 1700′.
MSA: 045°–135°—6700′; 135°–225°—2300′; 225°–315°—2900′; 315°–045°—5000′
NOTES: (1) Radar vectoring. (2) Components inoperative table does not apply to HIRL Runway 1L.
ℓ Circling and straight-in MDA increased 20′, and alternate minimums not authorized when using El Toro altimeter setting during time control zone not effective except operators with approved weather reporting service.
% IFR departure procedures: Eastbound (011° through 179°) IFR departures, climb via SNA R 190° to 2000′, then via assigned route.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-1Lℓ	520	1	467	520	1	467	520	1	467	520	1	467
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
Cℓ	520	1	467	520	1	467	520	1½	467	620	2	567
A	Standard.ℓ			T 2-eng. or less—Runway 19R, RVR 24; all other runways standard.%			T over 2-eng.—Runway 19R, RVR 24; all other runways standard.%					

City, Santa Ana; State, Calif.; Airport name, Orange County; Elev., 53′; Facility, SNA; Procedure No. VOR Runway 1L, Amdt. 4; Eff. date, 18 Sept. 69; Sup. Amdt. No. 3; Dated, 16 Sept. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SNA VOR.
SLI VOR	Olive Int	Direct	3000	Climb to 1800′ on SNA R 199° to Sardine Int.
Balboa Int	SNA VOR	Direct	3000	
SNA VOR	Olive Int	Direct	3000	Supplementary charting information:
Prado Int	Olive Int (NOPT)	Direct	3000	Final approach crs intercepts runway centerline 3300′ from threshold.
Olive Int	Tustin Int	Direct	1900	Chart Olive Int using SLI R 056°, ONT R 238° and SNA R 360°.
				Chart Tustin Int as FAF.
				Chart MALSR Runway 19R.
				REIL Runway 19R will be removed.
				RVR to be commissioned on Runway 19R.
				MIRL Runways 1R/19L.
				HIRL Runways 1L/19R.
				92′ powerline 3200′ N of Runway 19R.
				Runway 19R, TDZ elevation, 51′.

Procedure turn W side of crs, 360° Outbnd, 180° Inbnd, 3000′ within 10 miles of Olive Int.
Final approach crs, 180°.
Minimum altitude over Olive Int, 3000′; over Tustin Int, 1900′; over Lane Int, 720′.
MSA: 045°–135°—6700′; 135°–225°—2300′; 225°–315°—2600′; 315°–045°—5000′.
NOTE: Radar vectoring.
ℓ Circling and straight-in MDA increased 20′, and alternate minimums not authorized when using El Toro altimeter setting during time control zone not effective except operators with approved weather reporting service.
% IFR departure procedures: Eastbound (011° through 179°) IFR departures, climb via SNA R 190° to 2000′, then via assigned route.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-19Rℓ	720	RVR 24	669	720	RVR 24	669	720	RVR 50	669	720	1½	669
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
Cℓ	720	1	667	720	1	667	720	1½	667	720	2	667
	Dual VOR Minimums:											
S-19Rℓ	360	RVR 24	309	360	RVR 24	309	360	RVR 24	309	360	RVR 50	309
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
Cℓ	480	1	427	520	1	467	520	1½	467	620	2	567
A	Standard.ℓ			T 2-eng. or less—Runway 19R, RVR 24; all other runways standard.%			T over 2-eng.—Runway 19R, RVR 24; all other runways standard.%					

City, Santa Ana; State, Calif.; Airport name, Orange County; Elev., 53′; Facility, SNA; Procedure No. VOR Runway 19R, Amdt. 9; Eff. date, 18 Sept. 69; Sup. Amdt. No. 8; Dated, 16 Sept. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.1 miles after passing FSD VORTAC.
FS LOM	FSC VORTAC	Direct	2700	Right turn climbing to 3200′ on R 202° within 10 miles, return to VORTAC.
R 160° FSD VORTAC CCW	R 327° FSD VORTAC	7-mile Arc	2700	
R 202° FSD VORTAC CW	R 327° FSD VORTAC	7-mile Arc	2700	Supplementary charting information:
7-mile Arc	FSD VORTAC (NOPT)	FSD R 327°	2600	3444′ tower 10 miles SE of airport at 43°29′00″ 96°38′20″.
				Runway 15, TDZ elevation, 1422′.

Procedure turn W side of crs, 327° Outbnd, 147° Inbnd, 2700′ within 10 miles of FSD VORTAC.
FAF, FSD VORTAC. Final approach crs, 147°. Distance FAF to MAP, 4.1 miles.
Minimum altitude over FSD VORTAC, 2600′.
MSA: 000°–090°—3800′; 090°–180°—4500′; 180°–360°—3100′.
NOTE: Inoperative table does not apply to REIL Runway 15.
% IFR departure procedures: Aircraft departing southeastbound when weather is below 2100–2, flight below 3900′ beyond 5 miles E and SE of airport is prohibited between R 095° and R 135° of FSD VORTAC. Aircraft departing Runways 21 and 33 climb to 1800′ on runway heading before turning on course.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-15	1860	1	438	1860	1	438	1860	1	438	1860	1	438
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1960	1	532	1960	1	532	1960	1¼	532	1980	2	552
A	Standard			T 2-eng. or less—300–1, Runway 15; RVR 24 Runway 3; standard all others.%			T over 2-eng.—300–1 Runway 15; RVR 24 Runway 3; standard all others.%					

City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1428′; Facility, FSD; Procedure No. VOR Runway 15; Amdt. 7; Eff. date, 18 Sept. 69; Sup. Amdt. No. 6; Dated, 5 Aug. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 2.6 miles after passing ART VOR.
				Make left-climbing turn to 2400′ direct to ART VOR and hold. Supplementary charting information: Hold SW of ART VOR, 1 minute, right turns, 043° Inbnd. Final approach crs intercepts runway centerline extended 2675′ from threshold. Runway 6, TDZ elevation, 318′.

Procedure turn E side of crs, 223° Outbnd, 043° Inbnd, 2400′ within 10 miles of ART VOR.
FAF, ART VOR. Final approach crs, 043°. Distance FAF to MAP, 2.6 miles.
Minimum altitude over ART VOR, 1100′.
MSA: 000°-090°—2700′; 090°-180°—3600′; 180°-270°—2400′; 270°-360°—2200′.
NOTES: (1) Approach from a holding pattern not authorized, procedure turn required. (2) Reduction of landing minimum not authorized.
*Inoperative components table does not apply to REILS Runway 6.
$Night minimums Runways 1 and 19 not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-6*	760	1	442	760	1	442	760	1	442	760	1	442
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C$	840	1	515	840	1	515	840	1¼	515	880	2	555
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Watertown; State, N.Y.; Airport name, Municipal; Elev., 325′; Facility ART; Procedure No. VOR Runway 6, Amdt. 8; Eff. date, 18 Sept.; Sup. Amdt. No. VOR 1, Amdt. 7; Dated, 24 Sept. 1966

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
PSK VORTAC	11-mile DME Fix (NOPT)	R 067° PSK	3500	Climbing left turn to 5100′, direct to PSK VORTAC and hold. Supplementary Charting Information: Hold SW, 1 minute, right turns, 040° Inbnd. Chart 2591′ tower 37°11′14″ N.; 80°27′34″ W.

Procedure turn S side of crs, 247° Outbnd, 067° Inbnd, 4500′ within 10 miles of R 067° 11-mile DME Fix.
FAF, 11-mile DME Fix, R 067°. Final approach crs, 067°.
Minimum altitude over FAF, 3500′.
MSA: 000°090°—5400′; 090°-180°—5000′; 180°-270°—5000′; 270°-360°—5100′.
NOTE: Use Roanoke altimeter setting.
CAUTION: Mountainous terrain higher than airport in all directions.
*Day only, Runways 8 and 26 unlighted.
%Climb visually over the airport to 2600′; thence climb S on 180° crs to 4000′ before proceeding as cleared.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-8*	3100	1¼	966	3100	1½	966	3100	1¼	966	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	3100	1¼	966	3100	1½	966	3100	1¼	966	NA
A	Not authorized		T 2-eng. or less—500-1.%				T over 2-eng.—500-1.%			

City, Blacksburg; State, Va.; Airport name, VPI; Elev., 2134′; Facility, PSK; Procedure No. VOR/DME Runway 8, Amdt. 2; Eff. date, 18 Sept. 69; Sup. Amdt. No. 1; Dated, 10 Feb. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed Approach
				MAP: 6.3 mile DME Fix.
R-048° FOD VORTAC CW	R-120° FOD VORTAC	17-mile Arc	2800	Climb to 2800′ on R-300° within 10 miles, return to VORTAC. Supplementary charting information: 1775′ tower 3.7 miles S of airport at 42°20′20″, 94°12′25″. Runway 30, TDZ elevation, 1133′.
R-254° FOD VORTAC CCW	R-120° FOD VORTAC	17-mile Arc	2800	
17-mile Arc	11-mile DME Fix (NOPT)	FOD R-120°	2800	

Procedure turn N side of crs, 120° Outbnd, 300° Inbnd, 2800′ within 10 miles of 11-mile DME Fix.
Final approach course, 300°.
Minimum altitude over 11-mile DME Fix R 120°, 2600′.
MSA: 000°-180°—2800′; 180°-270°—2500′; 270°-360°—3400′.
NOTES: (1) Use Mason City altimeter setting when control zone not effective and all MDAs increased 240′ except for operators with approved weather reporting service. (2) Inoperative table does not apply to HIRL Runway 30. (3) Sliding scale not authorized.
CAUTION: Runways 18 and 26 unlighted.
*Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
%IFR departure procedure: For southbound departures when weather is below 700-1, flight below 2300′ is prohibited between R 120° and R 175° inclusive of the FOD VORTAC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-30	1480	1	347	1480	1	347	1480	1	347	1480	1	347
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1540	1	378	1620	1	458	1620	1½	458	1720	2	558
A	Standard.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Fort Dodge; State, Iowa; Airport name, Fort Dodge Municipal; Elev., 1162′; Facility, FOD; Procedure No. VOR/DME Runway 30, Amdt. 4; Eff. date, 18 Sept. 69; Sup. Amdt. No. VOR DME-1, Amdt. 3; Dated, 29 Oct. 66

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 16.5 mile DME Fix.
LAF VORTAC	Mulberry/21-mile DME Fix	LAF R 128°	2400	Climbing right turn to 2400′, return to Mulberry/21-mile DME Fix and hold.* Supplementary charting information: *Hold SE of 21-mile DME Fix on LAF R 128°, 308° Inbnd, right turns. 1320′ tower 1.9 miles NW of airport.
R 190° LAF VORTAC CCW	R 128° LAF VORTAC (NOPT)	26-mile Arc	2400	

Procedure turn N side of crs, 128° Outbnd, 308° Inbnd, 2400′ within 10 miles of Mulberry/21-mile DME Fix.
Final approach crs, 308°.
Minimum altitude over Mulberry/21-mile DME Fix, 2400′.
MSA: 000°-090°—2200′; 090°-360°—2400′.
NOTES: (1) Use Lafayette, Ind., altimeter setting. (2) Missed approach begins 1 mile before reaching airport.
CAUTION: 1320′ tower, 1.9 miles NW of airport.
$2-mile visibility required at night.
%IFR departures: When weather is below 1,000-3, climb to 2000′ on runway heading before turning westbound.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C$	1100	1	436	1120	1	456	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%	

City, Lafayette; State, Ind.; Airport name, Halsmer; Elev., 664′; Facility, LAF; Procedure No. VOR/DME-1, Amdt. 2; Eff. date, 18 Sept. 1969; Sup. Amdt. No. VOR/DME Amdt. 1; Dated, 16 Jan. 1965

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5.0 mile DME Fix R 147°
FSD VORTAC	Cliff 10-mile DME Fix	Direct	3800	Climb to 3800′ direct to VORTAC.
R 046° FSD VORTAC CW	R 135° FSD VORTAC	16-mile DME Arc	4400	Supplementary charting information:
R 135° FSD VORTAC CW	Alvin 16-mile DME Fix	16-mile DME Arc	3800	3444′ tower 10 miles SE of airport at
R 319° FSD VORTAC CCW	Alvin 16-mile DME Fix	16-mile DME Arc	3900	43°29′00″, 96°38′20″.
Alvin 16-mile DME Fix	Cliff 10-mile DME Fix (NOPT)	FSD R 147°	2900	Runway 33, TDZ elevation, 1421′.

Procedure turn E side of crs, 147° Outbnd, 327° Inbnd, 3800′ within 10 miles of cliff 10-mile DME Fix.
Final approach crs, 327°.
Minimum altitude over cliff 10-mile DME Fix, 2900′.
MSA: 000°–090°—3800′; 090°–180°—4500′; 180°–360°—3100′.
NOTE: Final approach from holding pattern at the Alvin 16-mile DME Fix not authorized, procedure turn required.
*Sliding scale below ¾-mile not authorized.
%IFR departure procedures: Aircraft departing southeastbound when weather is below 2,100–2 flight below 3000′ beyond 5 miles E and SE of airport is prohibited between R 096° and R 135° of FSD VORTAC. Aircraft departing Runways 21 and 33 climb to 1800′ on runway heading before turning on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33*	1920	1	499	1920	1	499	1920	1	499	1920	1	499
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1960	1	532	1960	1	532	1960	1½	532	1980	2	552
A	Standard.		T 2-eng. or less—300-1 Runway 15; RVR 24 Runway 3, Standard all others.%				T over 2-eng.—300-1 Runway 15; RVR 24 Runway 3, Standard all others.%					

City, Sioux Falls; State, S.Dak.; Airport name, Joe Foss Field; Elev., 1425′; Facility, FSD; Procedure No. VOR/DME Runway 33, Amdt. 1; Eff. date, 18 Sept. 69; Sup. Amdt. No. Orig.; Dated, 6 Jan. 66

8. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 15-mile DME Fix, or, 5 miles after passing Skeeter Int.
SBN VORTAC	Skeeter Int	Direct	2500	Make right-climbing turn to 2500′ and
GSH VORTAC	Skeeter Int	Direct	2500	return to Skeeter Int.
R 070° SBN VORTAC CW	R 101° SBN VORTAC	26-mile Arc	2500	Supplementary charting information:
R 140° SBN VORTAC CCW	R 101° SBN VORTAC	26-mile Arc	2500	1010′ tower 2.8 miles WNW of airport.
Cass Int	Skeeter Int. (NOPT)	Direct	2500	884′ tower 0.9 mile ENE of airport.
				Runway 27, TDZ elevation, 779′.

Procedure turn N side of crs, 101° Outbnd, 281° Inbnd, 2500′ within 10 miles of Skeeter Int.
FAF, Skeeter Int. Final approach crs, 281°. Distance FAF to MAP, 5 miles.
Minimum altitude over Skeeter Int, 2500′.
MSA: 045°–225°—3000′; 225°–315°—2200′; 315°–045°—2300′.
NOTE: Use South Bend, Ind. altimeter setting except operators with approved weather reporting service. Operators with approved weather reporting service may reduce straight-in MDA's by 40′.
*Standard alternate minimums authorized for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-27	1180	1	401	1180	1	401	1180	1	401	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1240	1	461	1240	1	461	1240	1¼	461	NA
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Elkhart; State, Ind.; Airport name, Elkhart Municipal; Elev., 779′; Facility, SBN; Procedure No. VOR Runway 27, Amdt. 3; Eff. date, 18 Sept. 69; Sup. Amdt. No. 2; Dated, 31 July 69

9. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 3.9 miles after Capitol Int.
Conifer Int	DEN VOR	Direct	11400	Climb to 7000′ direct to Altura LOM and
Denver VOR	Standley DME Fix	Direct	7900	hold,* or, when directed by ATC,
Standley DME Fix CCW	Edgewater DME Fix	DEN 17-mile Arc	7700	climbing right turn to 8000′ direct to
Edgewater DME Fix	Capitol Int	Direct	6200	EWD NDB.
				Supplementary charting information:
				*Hold E, right turns, 1 minute, 257° Inbnd.
				Delete 5521′ Beacon shown on plan view (removed).
				Runway 8R, TDZ elevation, 5322′.

Procedure turn not authorized. Approach crs (profile) starts at Edgewater Int.
FAF, Capitol Int. Final approach crs, 077°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over Edgewater DME Fix, 7700′; over Capitol Int, 6200′.
NOTES: (1) ASR. (2) DME and dual VOR receivers or radar required.
CAUTION: Terrain 8000′ and rising sharply 25 miles W of DEN VOR.
%IFR departure procedures: Westbound (194° through 321°) must comply with published Denver SIDs.
#RVR 24 authorized Runway 26L; RVR 18 authorized Runway 35; RVR 50 authorized Runway 17.
##Runway 35 RVR 18; Runways 17 and 26L RVR 24.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
	LOC											
S-8R	5660	¾	338	5660	¾	338	5660	¾	338	5660	1	338
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5860	1	530	5880	1	550	5880	1¼	550	5880	2	550
A	Standard.		T 2-eng. or less—Standard.#%				T over 2-eng.—Standard.%##					

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5330′; Facility, I-DEN; Procedure No. LOC (BC) Runway 8R, Amdt. 5; Eff. date, 18 Sept. 69; Sup. Amdt. No. ILS-8R, Amdt. 4; Dated, 30 July 66 (back crs)

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4.7 miles after Derby Int.
Conifer Int	DEN VOR	Direct	11400	Climb to 8000′ on S crs of SPO-ILS to
DEN VOR	Derby Int	Direct	6800	EWD NDB and hold,* or, when directed
DEN R 063° CCW	Brighton Int	DEN 12-mile DME Arc	7000	by ATC, climbing left turn to 7000′ direct
Brighton Int	Derby Int. (NOPT)	Direct	6900	to Altura LOM and hold.
				Supplementary charting information:
				*Hold S, left turns, 1 minute, 350° Inbnd.
				Runway 17, TDZ elevation, 5253′.

Procedure turn left side of crs, 350° Outbnd, 170° Inbnd, 6900′ within 10 miles of Derby Int.
FAF, Derby Int. Final approach crs, 170°. Distance FAF to MAP, 4.7 miles.
Minimum altitude over Derby Int., 6800′.
NOTE: ASR.
%IFR departure procedures: Westbound (194° through 321°) must comply with published Denver SIDs.
#RVR 24 authorized Runway 26L; RVR 18 authorized Runway 35; RVR 50 authorized Runway 17.
##Runway 35 RVR 18; Runways 17 and 26L RVR 24.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
	LOC:											
S-17	5560	RVR 40	307	5560	RVR 40	307	5560	RVR 40	307	5560	RVR 50	307
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5660	1	530	5680	1¼	550	5680	1¼	550	5680	2	550
A	Standard.		T 2-eng. or less—Standard.#%				T over 2-eng.—Standard.%##					

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5330′; Facility, I-SPO; Procedure No. LOC (BC) Runway 17, Amdt. 6; Eff. date, 18 Sept. 69; Sup. Amdt. No. ILS-17, Amdt. 4; Dated, 30 July 66 (back crs)

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
SLI VOR	Newport Int	Direct	2900	MAP: 4.4 miles after passing Newport Int.
SNA VOR	Newport Int	Direct	2900	
Pacific Int	Minnow Int	Direct	3000	Climb straight ahead to 360′, then climbing left turn to 1800′ to intercept and proceed via I–SNA LOC (BC) to Minnow Int.
Minnow Int	Newport Int (NOPT)	Direct	1700	Supplementary charting information:
				Chart MALSR Runway 19R.
				REIL Runway 19R will be removed.
				MIRL Runways 1R/19L.
				HIRL Runways 1L/19R.
				RVR to be commissioned on Runway 19R 92′ powerline 3200′ N of Runway 19R.
				Runway 1L, TDZ elevation, 53′.

Procedure turn E side of crs, 193° Outbnd, 013° Inbnd, 1700′ within 10 miles of Newport Int.
FAF, Newport Int. Final approach crs, 013°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over Newport Int, 1700′.
NOTES: (1) Radar vectoring. (2) Components inoperative table does not apply HIRL Runway 1L.
¢Circling and straight-in MDA increased 20′, and alternate minimums not authorized when using El Toro altimeter setting during time control zone not effective except operators with approved weather reporting service.
%IFR Departure Procedures: Eastbound (011° through 179°) IFR departures, climb via SNA R 190° to 2000′, then via assigned route.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–1L¢	380	1	327	380	1	327	380	1	327	380	1	327
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C¢	480	1	427	520	1	467	520	1½	467	620	2	567
A	Standard.¢		T 2-eng. or less—Runway 19R RVR 24; All others standard.%				T over 2-eng.—Runway 19R RVR 24; All others standard.%					

City, Santa Ana; State, Calif.; Airport name, Orange County; Elev., 53′; Facility, I–SNA; Procedure No. LOC (BC) Runway 1L; Amdt. Orig.; Eff. date, 18 Sept. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
SLI VOR	Snake Int	Direct	3500	MAP: 6.9 miles after passing OM or 2 miles after passing Dyer Int.
Balboa Int	SNA VOR	Direct	3500	Climb to 1800′ on localizer back crs to Minnow Int.
SNA VOR	Snake Int	Direct	3500	Supplementary charting information:
San Juan Int	Snake Int (NOPT)	I–SNA LOC	3500	Chart MALSR Runway 19R.
Snake Int	OM	Direct	2700	REIL Runway 19R will be removed.
Pomona VOR	San Juan Int	Direct	3500	MIRL Runways 1R/19L.
				HIRL Runways 1L/19R.
				RVR to be commissioned on Runway 19R.
				92′ powerline 3200′ N of Runway 19R.
				Runway 19R, TDZ elevation, 51′.

Procedure turn W side of crs, 013° Outbnd, 193° Inbnd, 3500′ within 10 miles of Snake Int.
FAF, OM. Final approach crs, 193°. Distance FAF to MAP, 6.9 miles.
Minimum altitude over Snake Int, 3500′; over OM, 2700′; over Dyer Int, 640′.
Distance to runway threshold at OM, 6.9 miles; at MM, 0.5 mile.
NOTES: (1) Radar vectoring. (2) Full ILS approach shown on separate sheet.
¢Circling and straight-in MDA increased 20′, and alternate minimums not authorized when using El Toro altimeter setting during time control zone not effective except operators with approved weather reporting service.
%IFR Departure Procedures: Eastbound (011° through 179°) IFR departures, climb via SNA R 190° to 2000′, then via assigned route.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–19R¢	640	RVR 24	589	640	RVR 24	589	640	RVR 24	589	640	RVR 60	589
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C¢	640	1	587	640	1	587	640	1½	587	640	2	587
	LOC/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–19R¢	360	RVR 24	309	360	RVR 24	309	360	RVR 24	309	360	RVR 50	309
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C¢	480	1	427	520	1	467	520	1½	467	620	2	567
A	Standard¢		T 2-eng. or less—Runway 19R RVR 24; All others standard.%				T over 2-eng.—Runway 19R RVR 24; All others standard.%					

City, Santa Ana; State, Calif.; Airport name, Orange County; Elev., 53′; Facility, I–SNA; Procedure No. LOC Runway 19R, Amdt. Orig.; Eff. date, 18 Sept. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
FS LOM	Renner Int	Direct	2800	MAP: 3.7 miles after passing Renner Int.
FSD VORTAC	Renner Int	Direct	2700	Climb to 3200′ on SW crs of ILS direct to FS LOM, return to Renner Int.
Sherman Int	FSD LOC	251° crs 2 mile	2700	Supplementary charting information:
DR Position LOC crs	Renner Int (NOPT)	LOC crs	2500	3444′ tower 10 miles SE of airport at 43°29′-00″, 96°38′20″.
R 202° FSD VORTAC CW	FSD LOC	9-mile Arc 035° lead radial	3000	Runway 21, TDZ elevation, 1422′.
9-mile Arc	Renner Int (NOPT)	LOC crs	2500	
R 160° FSD VORTAC CCW	R 092° FSD VORTAC	12-mile Arc	4400	
R 092° FSD VORTAC CCW	R 047° FSD VORTAC	12-mile Arc	3000	
12-mile DME Fix R 047° FSD VORTAC	FSD LOC	251° crs 2 miles	2700	

Procedure turn W side of crs, 026° Outbnd, 206° Inbnd, 2700′ within 10 miles of Renner Int.
FAF, Renner Int. Final approach crs, 206°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over Renner Int, 2500′.
NOTE: Dual VOR receivers required.
* Reduction below ⅝ mile not authorized.
%IFR departure procedures: Aircraft departing southeastbound when weather is below 2,100–2, flight below 3900′ beyond 5 miles E and SE of airport is prohibited between R 005° and R 135° of FSD VORTAC.
Aircraft departing Runway 21 and 33 climb to 1800′ on runway heading before running on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–21*	1760	⅝	338	1760	⅝	338	1760	⅝	338	1760	1	338
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1960	1	532	1960	1	532	1960	1½	532	1960	2	552
A	Standard.		T 2-eng. or less— 300–1 Runway 15; RVR 24 Runway 3, Standard all others.%				T over 2-eng.— 300–1 Runway 15; RVR 24 Runway 3; Standard all others.%					

City, Sioux Falls; State, S.Dak.; Airport name, Joe Foss Field; Elev., 1428′; Facility, I–FSD; Procedure No. LOC (BC) Runway 21, Amdt. 11; Eff. date, 18 Sept. 69; Sup. Amdt. No. 10; Dated, 28 Oct. 67

10. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.1 miles after passing Hemlock Int.
Boston VORTAC	BED LOC (BC)	BOS VOR R 347°	1800	Climb straight ahead on LOC front crs to 1800′ direct BE NDB and hold, or when directed by ATC, make right-climbing turn to 2000′ direct LWM VOR and hold. Hold SW, 1 minute, right turns, 067° Inbnd.
Int BED LOC (BC) and BOS R 347°	Hemlock Int (NOPT)	Direct	1700	
Revere Int	Hemlock Int (NOPT)	Direct	1700	

Supplementary charting information:
BE NDB, hold W, 112° Inbnd, 1 minute, left turns.
570′ antenna 2.9 miles NE of airport.
649′ antenna 4.3 miles ESE of airport.
TDZ elevation, 128′.

Procedure turn N side of crs, 112° Outbnd, 292° Inbnd, 1800′ within 10 miles of Hemlock Int.
FAF, Hemlock Int. Final approach crs, 292°. Distance FAF to MAP, 4.1 miles.
Minimum altitude over Hemlock Int., 1700′.
NOTE: Radar vectoring.
*Inoperative table does not apply to HIRL or REIL Runway 29.
%IFR departures Runway 11: Climb straight ahead to 500′, then left-climbing turn to 1500′ before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
B-29*	540	1	412	540	1	412	540	1	412	540	1	412
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	680	1	547	680	1	547	680	1¼	547	700	2	567
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Bedford; State, Mass.; Airport name, L. G. Hanscom Field; Elev., 133′; Facility, I-BED; Procedure No. LOC (BC) Runway 29, Amdt. 1; Eff. date, 18 Sept. 69; Sup. Amdt. No. Orig.; Dated, 18 July 68

11. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BCB NDB.
PSK VORTAC	BCB NDB	Direct	5000	Climbing left turn to 4500′ on heading 247° then direct to BCB NDB and hold.
ROA VORTAC	BCB NDB	Direct	5000	

Supplementary charting information:
Hold SW, 1 minute, right turns, 067° Inbnd.
Final approach crs intercepts runway centerline 3000′ from threshold.
Chart: 2501′ tower 37°11′14″ N., 80°27′34″ W.

Procedure turn S side of crs, 247° Outbnd, 067° Inbnd, 4500′ within 10 miles of BCB NDB.
Final approach crs, 067°.
MSA: 000°–090°—5100′; 090°–180°—5100′; 180°–270°—5100′; 270°–360°—5400′.
NOTE: Use Roanoke altimeter setting.
CAUTION: Mountainous terrain higher than airport in all quadrants.
*Day only, Runways 8 and 26 unlighted.
%Climb visually over the airport to 2600′; thence climb S on a 180° bearing from BCB NDB to 5000′ proceeding as cleared.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-8*	3200	1¼	1065	3200	1¼	1065	3200	2	1065	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	3200	1¼	1066	3200	1¼	1066	3200	2	1066	NA
A	Not authorized.		T 2-eng. or less—800-1.%				T over 2-eng.—800-1.%			

City, Blacksburg; State, Va.; Airport name, VPI; Elev., 2134′; Facility, BCB; Procedure No. NDB (ADF) Runway 8, Amdt. Orig.; Eff. date, 18 Sept. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CKN NDB.
Eldred Int	CKN NDB	Direct	2600	Climb to 2500′ on 115° bearing from NDB within 10 miles, return to NDB.
TVF VOR	CKN NDB	Direct	2600	
GFK VOR	CKN NDB	Direct	2600	

Supplementary charting information:
Final approach crs intersects runway centerline 3000′ from threshold.
976′ tree, 1155′ NNE of departure end of Runway 7, 300′ N of centerline.
Runway 13, TDZ elevation, 890′.

Procedure turn N side of crs, 295° Outbnd, 115° Inbnd, 2500′ within 10 miles of CKN NDB.
Final approach crs, 115°.
Minimum altitude over Euclid Int, 1540′.
MSA: 000°–090°—2700′; 090°–180°—2300′; 180°–270°—2400′; 270°–360°—2300′.
NOTE: Use Grand Forks altimeter setting.
CAUTION: Turf Runways 17 and 35 and 7 and 25 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS		
S-13	1540	1	650	1540	1	650	1540	1¼	650	NA		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1540	1	641	1540	1	641	1540	1½	641	NA		
	NDB/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT			
S-13	1340	1	450	1340	1	450	1340	1	450	NA		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1340	1	441	1440	1	541	1440	1½	541	NA		
A	Not authorized.		T 2-eng. or less—200-1 Runway 7; Standard all others.				T over 2-eng.—200-1 Runway 7; Standard all others.					

City, Crookston; State, Minn.; Airport name, Crookston Municipal Kirkwood Field; Elev., 899′; Facility, CKN; Procedure No. NDB (ADF) Runway 13, Amdt. Orig.; Eff. date, 18 Sept 1969

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: DEH NDB.
UKN VOR	DEH NDB	Direct	2800	Climb to 2800′ on 297° bearing from NDB within 10 miles, return to NDB.

Supplementary charting information:
Final approach crs intercepts runway centerline 3000′ from threshold.
Runway 29, TDZ elevation, 1154′.

Procedure turn N side of crs, 117° Outbnd, 297° Inbnd, 2800′ within 10 miles of DEH NDB.
Final approach crs, 297°.
Minimum Altitude over Church Int, 1800′.
MSA: 090°–180°—2600′; 180°–090°—2400′.
NOTES: (1) Use La Crosse, Wis. altimeter setting except for operators with approved weather reporting service. (2) Operators with approved weather reporting service may reduce all MDA's by 180′.
*Standard alternate minimums for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-29	1800	1	646	1800	1	646	1800	1¼	646	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1800	1	646	1800	1	646	1820	1½	666	NA
	NDB/VOR Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-29	1680	1	526	1680	1	526	1680	1	526	NA
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Decorah; State, Iowa; Airport name, Decorah Municipal; Elev., 1154′; Facility, DEH; Procedure No. NDB (ADF) Runway 29, Amdt. Orig.; Eff. date, 18 Sept. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5 miles after Altura LOM.
Conifer Int	DEN VOR	Direct	11400	Climbing left turn to 8000' direct to EWD NDB and hold*, or, when directed by ATC, climbing left turn to 7000' direct to Altura LOM and hold.
DEN VOR	Altura LOM	Direct	7000	
Byers Int	Watkins Int	Direct	7500	
Kiowa VOR	Watkins Int	Direct	7700	
Watkins Int	Altura LOM (NOPT)	Direct	7000	

Supplementary charting information:
*Hold S, left turns, 1 minute, 350° Inbnd.
Delete Lowry Beacon 5521' from plan view depiction.
Runway 26L, TDZ elevation, 5330'.

Procedure turn N side of crs, 077° Outbnd, 257° Inbnd, 7000' within 10 miles of Altura LOM.
FAF Altura LOM. Final approach crs, 257°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over Altura LOM, 7000'.
MSA: 000°-090°—7000'; 090°-180°—8500'; 180°-360°—10000'.
NOTE: ASR.
‡ IFR departure procedures: Westbound (194° through 321°) must comply with published Denver SIDs.
#RVR 24 authorized Runway 26L; RVR 18 authorized Runway 35; RVR 30 authorized Runway 17.
##Runway 35, RVR 18; Runways 17 and 26L, RVR 24.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-26L	5880	RVR 40	550	5880	RVR 40	550	5880	RVR 40	550	5880	RVR 60	550
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5880	1	550	5880	1	550	5880	1½	550	5880	2	550
A	Standard.		T 2-eng. or less—Standard.‡ #				T over 2-eng.—Standard.‡ ##					

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5330'; Facility DE; Procedure No. NDB (ADF) Runway 26L, Amdt. 28; Eff. date, 18 Sept. 69; Sup. Amdt. No. ADF 1, Amdt. 27; Dated, 19 June 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.5 miles after passing PS LMM.
Ridge Int	PS LMM (NOPT)	Direct	1500	Climb to 1500', right turn, direct to PS LMM and hold.

Supplementary charting information:
Hold N, 1 minute, right turns, 162° Inbnd.
Final approach crs intercepts Runway 14 centerline 3000' out.
Runway 14, TDZ elevation, 22'.

Procedure turn not authorized. One-minute holding pattern N of PS LMM, 162° Inbnd, right turns, 1500'.
FAF PS LMM. Final approach crs, 162°. Distance FAF to MAP, 3.5 miles.
Minimum altitude over PS LMM, 1500'.
MSA: 000°-090°—2400'; 090°-180°—1500'; 180°-270°—1400'; 270°-360°—1700'.
NOTES: (1) ASR. (2) Use Eglin AFB altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-14	360	1	338	360	1	338	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	360	1	358	480	1	456	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Destin; State, Fla.; Airport name, Destin-Fort Walton Beach; Elev., 22'; Facility, PS; Procedure No. NDB (ADF) Runway 14, Amdt. Orig.; Eff. date, 18 Sept. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LLD NDB.
Nunn Int	LLD NDB	Direct	7000	Climbing right turn to 6400' on 160° bearing within 10 miles, then return to LLD NDB and hold;* or, when directed by ATC, climbing right turn to 7000' direct to GLL VOR.
GLL VOR	LLD NDB	Direct	7000	
Longmont Int	Elwell Int (NOPT)	Direct	6400	
Loveland Int	LLD NDB	Direct	7200	
Elwell Int	LLD NDB	Direct	5480	

Supplementary charting information:
*Hold S of LLD NDB, 1 minute, right turns, 340° Inbnd.
Final approach crs intercepts runway centerline 3540' from threshold.
LRCO, 122.1.
Runway 33, TDZ elevation, 5019'.

Procedure turn E side of crs, 160° Outbnd, 340° Inbnd, 6400' within 10 miles of LLD NDB.
Final approach crs, 340°.
MSA: 000°-090°—6600'; 090°-180°—6700'; 180°-270°—15300'; 270°-360°—14600'.
NOTE: Radar vectoring.
§ When local altimeter and weather not available use Denver altimeter. Circling and straight-in MDA increase 200' and alternate minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33§	5480	1	461	5480	1	461	5480	1	461	5480	1	461
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C§	5480	1	461	5480	1	461	5480	1½	461	5580	2	561
A	Standard§.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Fort Collins-Loveland; State, Colo.; Airport name, Fort Collins-Loveland; Elev., 5019'; Facility LLD; Pr ocedure No. NDB (ADF) Runway 33, Amdt. Orig.; Eff. date, 18 Sept. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: H8B NDB.
Texas Int	H8B NDB	Direct	2100	Make climbing right turn to 2500' and return to H8B NDB.

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 2100' within 10 miles of H8B NDB.
Final approach crs, 240°.
MSA: 000°-090°—1900'; 090°-180°—2300'; 180°-270°—2500'; 270°-360°—1900'.
NOTE: Use Marion, Ill, altimeter setting, when not available, use Cape Girardeau altimeter setting and circling and straight-in MDA becomes 1260' and increase straight-in VIS ¼-mile category B and C aircraft.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-24	1080	1	681	1080	1	681	1080	1¼	681	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1080	1	681	1080	1	681	1080	1½	681	NA
A	Not authorized.		T 2-eng. or less.—Standard.				T over 2-eng.—Standard.			

City, Harrisburg; State, Ill.; Airport name, Harrisburg-Raleigh; Elev., 399'; Facility, H8B; Procedure No. NDB (ADF) Runway 24, Amdt. 2; Eff. date, 18 Sept. 69; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 23 May 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LRJ NDB.
Brunsville Int	LRJ NDB	Direct	2900	Right-Climbing turn to 2900' on 350° bearing from NDB within 10 miles, return to NDB.

Supplementary charting information:
Final approach crs intercepts runway centerline extended 540' from runway threshold.
Runway 18, TDZ elevation, 1193'.

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 2900' within 10 miles of LRJ NDB.
Final approach crs, 170°.
MSA: 090°–270°—4400'; 270°–090°—2800'.
NOTE: Use Sioux City altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–18	1900	1	707	1900	1	707	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1900	1	704	1900	1	704	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, LeMars; State, Iowa; Airport name, LeMars Municipal; Elev., 1193'; Facility, LRJ; Procedure No. NDB (ADF) Runway 18, Amdt. Orig.; Eff. date, 18 Sept. 1969

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.9 miles after passing Elizabeth LOM.
Chatham NDB	Elizabeth LOM	Direct	2000	Climb to 1000' on crs 037°, left climbing turn to 2000' direct to Chatham NDB and hold.
Ambov VHF Int	Elizabeth LOM (NOPT)	Direct	1600	

Supplementary charting information:
Hold NE, 1 minute, right turns, 241° Inbnd.
515' tower, 1.2 miles SE of Elizabeth LOM.
550' tower, 3.8 miles S of Elizabeth LOM.
293' building, 3.3 miles N of Elizabeth LOM.
598' building, 2.2 miles N of airport.
313' tower, 1 mile W of airport.
Runway 4, TDZ elevation, 11'.

Procedure turn W side of crs, 217° Outbnd, 037° Inbnd 1600' within 10 miles of Elizabeth LOM.
FAF, Elizabeth LOM. Final approach crs, 037°. Distance FAF to MAP, 4.9 miles.
Minimum altitude over Elizabeth LOM, 1600'.
MSA: 000°–090°—2600'; 090°–180°—1700'; 180°–270°—1900'; 270°–360°—2500'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–4	620	RVR 40	609	620	RVR 40	609	620	RVR 40	609	620	RVR 50	609
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	602	620	1	602	620	1¼	602	800	2	882
A	800-2.		T 2-eng. or less—RVR 20 Runways 4 and 22; Standard Runways 11 and 29.				T over 2-eng.—RVR 20 Runways 4 and 22; Standard Runways 11 and 29.					

City, Newark; State, N.J.; Airport name, Newark Airport; Elev., 18'; Facility, EW; Procedure No. NDB (ADF) Runway 4, Amdt. 19; Eff. date, 18 Sept. 69; Sup. Amdt. No. ADF 1, Amdt. 18; Dated, 19 June 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.8 miles after passing Lyndhurst LOM.
Paterson NDB	Allan Int	Direct	2000	Climb to 2000' on crs 217°, right turn, direct to Chatham NDB and hold.
Allan Int	Lyndhurst LOM (NOPT)	Direct	2000	

Supplementary charting information:
Hold NE, 1 minute, right turns, 241° Inbnd.
695' tower 0.8 mile NE of Lyndhurst LOM.
598' building 2.2 miles N of airport.
313' tower 1 mile W of airport.
Runway 22, TDZ elevation, 10'.

Procedure turn W side of crs, 037° Outbnd, 217° Inbnd, 2000' within 10 miles of Lyndhurst LOM.
FAF, Lyndhurst LOM. Final approach crs, 217°. Distance FAF to MAP, 5.8 miles.
Minimum altitude over Lyndhurst LOM, 2000'.
MSA: 000°–090°—2600'; 090°–180°—2600'; 180°–270°—2600'; 270°–360°—2900'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–22	900	RVR 50	890	900	RVR 60	890	900	1½	890	900	2	890
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	900	1	882	900	1¼	882	900	1½	882	900	2	882
A	900-2.		T 2-eng. or less—RVR 20 Runways 4 and 22; Standard Runways 11 and 29.				T over 2-eng.—RVR 20 Runways 4 and 22; Standard Runways 11 and 29.					

City, Newark; State, N.J.; Airport name, Newark Airport; Elev., 18'; Facility, AR; Procedure No. NDB (ADF) Runway 22, Amdt. 8; Eff. date, 18 Sept. 69; Sup. Amdt. No. ADF 2, Amdt. 7; Dated, 16 July 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ZER NDB.
				Climbing left turn to 3300' direct to NDB and hold.

Supplementary charting information:
Hold E, 1 minute, left turns, Inbnd crs 292°.
Final approach crs intercepts runway centerline 2240' from threshold.
Tower 1850', 0.7 mile NE.
Runway 29, TDZ elevation, 1723'.

Procedure turn S side of crs, 112° Outbnd, 292° Inbnd, 3300' within 10 miles of ZER NDB.
Final approach crs, 292°.
MSA: 000°–090°—3200'; 090°–180°—3000'; 180°–360°—2900'.
NOTE: Use Harrisburg altimeter setting.
*Night minimums; runways 4 and 22 not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–29	2500	1	777	2500	1¼	777	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C*	2500	1	776	2500	1¼	776	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Pottsville; State, Pa.; Airport name, Schuylkill Co. (Joe Zerbey); Elev., 1724'; Facility, ZER; Procedure No. NDB (ADF) Runway 29, Amdt. Orig.; Eff. date, 18 Sept. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.8 miles after passing FS LOM.
FSD VORTAC	FS LOM	Direct	3200	Climb to 3700′ on 026° bearing from FS LOM within 10 miles, return to LOM.
Bestland Int	FS LOM	Direct	3200	Supplementary charting information:
Lennox Int	FS LOM	Direct	3200	3444′ tower 10 miles SE of airport at 43°29′00″, 96°38′20″.
Russell Int	FS LOM	Direct	3200	Runway 3, TDZ elevation, 1422′.

Procedure turn E side of crs, 206° Outbnd, 026° Inbnd, 3200′ within 10 miles of FS LOM.
FAF, FS LOM. Final approach crs, 026°. Distance FAF to MAF, 5.8 miles.
Minimum altitude over FS LOM, 3200′.
MSA: 000°–180°—4500′; 180°–270°—3100′; 270°–360°—4100′.
%IFR departure procedures: Aircraft departing southeastbound when weather is below 2100–2, flight below 3000′ beyond 5 miles E and SE of airport is prohibited between R 095° and R 135° of FSD VORTAC. Aircraft departing Runways 21 and 33 climb to 1800′ on runway heading before turning on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–3	1960	RVR 40	538	1960	RVR 40	538	1960	RVR 40	538	1960	RVR 50	538
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1960	1	532	1960	1	532	1960	1¼	532	1980	2	552
A	Standard.		T 2-eng. or less—300–1 Runway 15; RVR 24 Runway 3; Standard all others.%				T over 2 eng.—300–1 Runway 15; RVR 24 Runway 3. Standard all others.%					

City, Sioux Falls; State, S.Dak; Airport name, Joe Foss Field; Elev., 1428′; Facility, FS; Procedure No. NDB (ADF) Runway 3, Amdt. 13; Eff. date, 18 Sept. 1969; Sup. Amdt. No. 12; Dated, 5 Aug. 1967

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SME NDB.
LOZ VORTAC	SME NDB	Direct	3100	Climbing right turn to 3100′ direct to SME NDB and hold.
Highland Int	SME NDB	Direct	3100	Supplementary charting information:
Cumberland Int	SME NDB	Direct	3100	Hold SW, 1 minute, right turns, 040° Inbnd. Final approach lies 400′ left of runway centerline at 3000′ from threshold.
				Chart: 1783′ antenna tower, 37°06′13″ N., 84°35′41″ W., 1300′ tower 37°04′40″ N., 84°35′00″ W.
				Runway 4, TDZ elevation, 927′.

Procedure turn E side of crs, 220° Outbnd, 040° Inbnd, 3100′ within 10 miles of SME NDB.
Final approach crs, 040°.
MSA: 000°–090°—2900′; 090°–180°—2800′; 180°–270°—2800′; 270°–360°—3600′.
NOTE: Use London, Ky., altimeter setting.
% IFR departure procedure: Runway 4, climb on 040° crs to 3000′ before proceeding as cleared.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–4	1900	1¼	1033	1900	1¼	1033	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1900	1¼	1033	1900	1¼	1033	NA	NA
A	Not authorized.		T 2-eng. or less—Standard Runway 22; Runway 4, 400–1.%				T over 2-eng.—Standard Runway 22; Runway 4, 400–1.%	

City, Somerset; State, Ky.; Airport name, Somerset-Pulaski Co.; Elev., 927; Facility, SME; Procedure No. NDB (ADF) Runway 4, Amdt. 2; Eff. date, 18 Sept. 69; Sup. Amdt. No. 1; Dated, 17 June 67

12. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.7 miles after passing SB LOM.
SBN VORTAC	SB LOM	Direct	2400	Make left turn to 2400′ and proceed direct to SB LOM.
North Liberty Int	SB LOM	Direct	2900	Supplementary charting information:
GSH VORTAC	SB LOM	Direct	2900	884′ tower 0.9 mile ENE of airport.
				1016′ tower 2.8 miles WNW of airport.
				Runway 9, TDZ elevation, 779′.

Procedure turn N side of crs, 264° Outbnd, 084° Inbnd, 2400′ within 10 miles of SB LOM.
FAF, SB LOM. Final approach crs, 084°. Distance FAF to MAP, 9.7 miles.
Minimum altitude over SB LOM, 2400′; over Judy Int, 1580′.
MSA: 045°–315°—3000′; 315°–045°—2400′.
NOTE: Use South Bend altimeter setting except operators with approved weather reporting service. Operators with approved weather reporting service may reduce all MDA's by 40′.
*Standard alternate minimums authorized for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–9	1580	1	801	1580	1¼	801	1580	1¼	801	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1580	1	801	1580	1¼	801	1580	1¼	801	NA
	ADF/VOR MINIMUMS:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S–9	1380	1	601	1380	1	601	1380	1	601	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1380	1	601	1380	1	601	1380	1¼	601	NA
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Elkhart; State, Ind.; Airport name, Elkhart Municipal; Elev., 779′; Facility, SB; Procedure No. NDB (ADF) Runway 9, Amdt. 3; Eff. date, 18 Sept. 69; Sup. Amdt. No. 2; Dated, 31 July 69

13. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimums altitudes (feet)	MAP: DH 5530 LOC 5 miles after Altura LOM.
Conifer Int	Denver VOR	Direct	11400	Climb to 5900′ then climing left turn to 8000′ direct to EWD NDB and hold*, or, when directed by ATC, climb to 5900′, then climbing left turn to 7000′ direct to Altura LOM and hold.
Denver VOR	Altura LOM	Direct	7000	
Byers Int	Watkins Int	Direct	7500	
Kiowa VOR	Watkins Int	Direct	7700	
Watkins Int	Altura LOM (NOPT)	Direct	7000	
DEN R 001° CW	DEN R 109° (Watkins Int)	12 mile Arc.	7000	Supplementary charting information:
				*Hold S, left turns, 1 minute, 350° Inbnd.
				Delete Lowry Beacon 5521′ from plan view depiction.
				Runway 26L, TDZ elevation, 5330°.

Procedure turn N side of crs, 077° Outbnd, 257° Inbnd, 7000′ within 10 miles of Altura LOM.
FAF, Altura LOM. Final approach crs, 257°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over Altura LOM, 7000′.
Minimum glide slope interception altitude, 7000′. Glide slope altitude at OM, 7000′; at MM, 5551′.
Distance to runway threshold at OM, 5.5 miles; at MM, 0.6 mile.
MSA: 000°–090°—7000′; 090°–180°—8500′; 180°–360°—10000′.
NOTE: ASR.
%IFR departure procedures: Westbound (194° through 321°) must comply with published Denver SIDs.
#RVR 24 authorized Runway 26L; BVR18 authorized Runway 35; RVR 50 authorized Runway 17.
##Runway 35 RVR 18; Runways 17 and 26L RVR 24.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-26L	5530	RVR 24	200	5530	RVR 24	200	5530	RVR 24	200	5530	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
26L	5740	RVR 24	410	5740	RVR 24	410	5740	RVR 24	410	5740	RVR 40	410
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5880	1	550	5880	1	550	5880	1¼	550	5880	2	550
A	Standard.		T 2-eng. or less.—Standard.%#						T over 2-eng.—Standard.%##			

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5330'; Facility I-DEN; Procedure No. ILS Runway 26L, Amdt. 31; Eff. date, 18 Sept. 1969; Sup. Amdt. No. ILS-26L, Amdt. 30; Dated, 19 June 68

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: ILS DH 5492' LOC 5.0 miles after OM.
Franktown Int	Sedalia Int	Direct	8000	Climb to 7000' on N crs SPO-ILS to Derby Int and hold*, or when directed by ATC climb to 9000', climbing left turn to 8000' direct to EWD NDB.
Larkspur Int	Sedalia Int	Direct	10300	
Sedalia Int	EWD NDB (NOPT)	Direct	7900	
Conifer Int	EWD NDB	Direct	12000	
DEN VOR	EWD NDB	Direct	8000	

Supplementary charting information:
*Hold N, right turns, 1 minute, 170° Inbnd.
Lowry Beacon 5521', carried on former plates, has been removed.
Category II special authorization required:
8-dn-35 HAT 150 RVR 16 DH 5442 RA 148.
8-n-35 HAT 100 RVR 12 DH 5392 RA 105.
Runway 35, TDZ elevation, 5292'.

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 8000' within 10 miles of EWD NDB.
FAF, OM. Final approach crs, 350°. Distance FAF to MAP, 5 miles.
Minimum altitude over OM, 6688'.
Minimum glide slope interception altitude, 7900'$.
Glide slope altitude at OM, 6688'; at MM, 5502'; at IM, 5392'.
Distance to runway threshold at OM, 5 miles; at MM, 0.6 mile; at IM, 1100'.
MSA EWD NDB: 070°-160°—8900'; 160°-340°—12800'; 340°-070°—7200'.
NOTE: ASR.
%IFR departure procedures: Westbound (194° through 321°) must comply with published Denver SIDs.
$7000' when authorized by ATC.
#RVR 24 authorized Runway 26L; RVR 18 authorized Runway 35; RVR 50 authorized Runway 17.
##Runway 35, RVR 18; Runways 17 and 26L, RVR 24.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-35	5492	RVR 18	200	5492	RVR 18	200	5492	RVR 18	200	5492	RVR 20	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35	5820	RVR 24	528	5820	RVR 24	528	5820	RVR 24	528	5820	RVR 50	528
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5880	1	550	5880	1	550	5880	1¼	550	5880	2	550
	Category II, special authorization required:											
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-35 D/N	5442	RVR 16	150	5442	RVR 16	150	5442	RVR 16	150	5442	RVR 16	150
8-35 N	5392	RVR 12	100	5392	RVR 12	100	5392	RVR 12	100	5392	RVR 12	100
A	Standard.		T 3-eng. or less—Standard.%§						T over 2-Eng.—Standard.%§§			

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5330'; Facility, I-SPO; Procedure No. ILS Runway 35, Amdt. 7; Eff. date, 18 Sept. 69; Sup. Amdt. No. ILS-35, Amdt. 6; Dated, 7 Jan. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: ILS DH 211; LOC 4.9 miles after passing Elizabeth LOM.
Chatham NDB	Elizabeth LOM	Direct	2000	Climb to 2000' on crs. 037°, proceed Morristown Int via LGA VOR R 292° and hold.
Amboy VHF Int	Elizabeth LOM (NOPT)	Direct	1600	

Supplementary charting information:
Hold SW, 1 minute, left turns, 061° Inbnd.
515' tower, 1.2 miles SE of Elizabeth LOM.
550' tower, 3.8 miles S of Elizabeth LOM.
293' building, 3.3 miles N of Elizabeth LOM.
598' building, 2.2 miles N of airport.
313' tower, 1 mile W of airport.
Runway 4, TDZ elevation, 11'.

Procedure turn W side of crs, 217° Outbnd, 037° Inbnd, 1600' within 10 miles of Elizabeth LOM.
FAF, Elizabeth LOM. Final approach crs, 037°. Distance FAF to MAP, 4.9 miles.
Minimum glide slope interception altitude, 1600'. Glide slope altitude at OM, 1554'; at MM, 249'.
Distance to runway threshold at OM, 4.9 miles; at MM, 0.6 mile.
MSA: 000°-090°—2600'; 090°-180°—1700'; 180°-270°—1800'; 270°-360°—2500'.
NOTE: Radar vectoring.
*Inoperative table does not apply to HIRLS and ALS Runway 4.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-4§	211	RVR 20	200	211	RVR 20	200	211	RVR 20	200	211	RVR 20	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4*	520	RVR 50	509	520	RVR 50	509	520	RVR 50	509	520	RVR 60	509
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	602	620	1	602	620	1¼	602	900	2	882
A	900-2.		T 2-eng. or less.—RVR 20 Runways 4 and 22; Standard Runways 11 and 29.						T over 2-eng.—RVR 20 Runways 4 and 22; Standard Runways 11 and 29.			

City, Newark; State, N.J.; Airport name, Newark Airport; Elev., 18'; Facility, I-EWR; Procedure No. ILS Runway 4, Amdt. 20; Eff. date, 18 Sept 1969; Sup. Amdt. No. ILS-4, Amdt. 19; Dated, 13 Nov. 1965

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: ILS DH 210'; LOC 5.8 miles after passing Lyndhurst LOM.
Paterson NDB	Allan Int	Direct	2000	Climb to 2000' on ILS SW crs to Amboy Int, right turn to R 060° ARD VOR to Kilmer Int and hold.
Allan Int	Lyndhurst LOM (NOPT)	Direct	2000	

Supplementary charting information:
Hold SW, 1 minute, right turns, 060° Inbnd.
598' building, 2.2 miles N of airport.
695' tower, 0.8 mile NE of Lyndhurst LOM.
313' tower, 1 mile W of airport.
Runway 22, TDZ elevation, 10'.

Procedure turn W side of crs, 037° Outbnd, 217° Inbnd, 2000' within 10 miles of Lyndhurst LOM.
FAF, Lyndhurst LOM. Final approach crs, 217°. Distance FAF to MAP, 5.8 miles.
Minimum glide slope interception altitude, 2000'. Glide slope altitude at OM, 1936'; at MM, 237'.
Distance to runway threshold at Om, 5.8 miles; at MM, 0.6 mile.
MSA: 000°-090°—2600'; 090°-180°—2600'; 180°-270°—2600'; 270°-360°—2600'.
NOTE: (1) Radar vectoring. (2) The Teterboro MM underlies the procedure turn area; do not confuse with OM signal. Teterboro OM and Newark (ARK) OM at approximately same geographic location and signals simultaneously keyed to indicate one OM serving two ILS systems.
*Inoperative table does not apply to HIRL, REIL, or ALS on Runway 22.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-22	210	RVR 20	200	210	RVR 20	200	210	RVR 20	200	210	RVR 20	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22*	620	RVR 50	610	620	RVR 50	610	620	RVR 50	610	620	RVR 60	610
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	602	620	1	602	620	1¼	602	900	2	882
A	900-2.		T 2-eng. or less—RVR 20 Runways 4 and 22; Standard Runways 11 and 29.						T over 2-eng.—RVR 20 Runways 4 and 22; Standard Runways 11 and 29.			

City, Newark; State, N.J.; Airport name, Newark Airport; Elev., 18'; Facility, I-ARK; Procedure No. ILS Runway 22, Amdt. 14; Eff. date, 18 Sept. 69; Sup. Amdt. No. 13; Dated, 23 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
SLI VOR	Snake Int	Direct	3500	MAP: DH categories A, B, C—251'; category D, 301'.
Balboa Int	SNA VOR	Direct	3500	Climb to 1800' on localizer back crs to Minnow Int.
SNA VOR	Snake Int	Direct	3500	Supplementary charting information:
San Juan Int	Snake Int (NOPT)	I-SNA LOC	3500	Chart MALSR Runway 19R.
Pomona VOR	San Juan Int	Direct	3500	MIRL Runways 1R/19L. REIL Runway 19R will be removed. HIRL Runways 1L/19R. RVR to be commissioned on Runway 19R. 92' powerline 3200' N of Runway 19R. Runway 19R, TDZ elevation, 51'.

Procedure turn W side of crs, 013° Outbnd, 193° Inbnd, 3500' within 10 miles of Snake Int.
Final approach crs, 193°.
Minimum glide slope intercept altitude, 3500'.# (#2300' when authorized by ATC.) Glide slope altitude at Snake Int, 3200'; at OM, 2313'; at MM, 241'.
Distance to runway threshold at OM, 6.9 miles; at MM, 0.5 mile.
NOTES: (1) Radar vectoring. (2) Localizer approach (glide slope not utilized) shown on separate sheet.
¢Circling MDA increased 20', DH increased 15', and alternate minimums not authorized when using El Toro altimeter setting during time control zone not effective except operators with approved weather reporting service.
% IFR Departure Procedures: Eastbound (011° through 179°) IFR departures, climb via SNA R 190° to 2000', then via assigned route

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-19R¢	251	RVR 24	200	251	RVR 24	300	251	RVR 24	200	301	RVR 40	250
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C¢	480	1	427	520	1	467	520	1½	467	620	2	567
A	Standard.¢		T 2-eng. or less—Runway 19 R RVR 24; All others standard.%				T over 2-eng. Runway 19R RVR 24; All others standard.%					

City, Santa Ana; State, Calif.; Airport name, Orange County; Elev., 53'; Facility, I-SNA; Procedure No. ILS Runway 19R, Amdt. Orig.; Eff. date, 18 Sept. 69

Terminal routes From—	To—	Via—	Minimum altitudes (feet)	Missed approach
FSD VORTAC	FS LOM	Direct	3200	MAP: ILS DH 1622'; LOC 5.8 miles after passing FS LOM.
Bestland Int	FS LOM	Direct	3200	Climb to 2700' on NE crs of ILS within 10 miles, return to LOM.
Lennox Int	FS LOM	Direct	3200	Supplementary charting information:
Russell Int	FS LOM	Direct	4400	3444' tower 10 miles SE of airport, at 43°29'00", 96°38'20". Runway 3; TDZ elevation, 1422'.
R 045° FSD VORTAC CW	R 190° FSD VORTAC	19-mile Arc	3200	
R 160° FSD VORTAC CW	R 190° FSD VORTAC	19-mile Arc	3200	
19-mile DME Fix R 190° FSD VORTAC	FSD LOC	340° crs, 2 miles	3200	
D.R. Position FSD LOC	FS LOM (NOPT)	LOC crs	3200	
R 355° FSD VORTAC CCW	FSD LOC	17-mile Arc 206° lead radial	3200	
17-mile Arc	FS LOM (NOPT)	LOC crs	3200	

Procedure turn E side of crs, 206° Outbnd, 026° Inbnd, 3200' within 10 miles of FS LOM.
FAF, FS LOM. Final approach crs, 026°. Distance FAF to MAP, 5.8 miles.
Minimum altitude over FS LOM, 3200'; over Marie Int when glide slope inoperative, 1880'.
Minimum glide slope interception altitude, 3200'. Glide slope altitude at OM, 3118'; at MM, 1623'.
Distance to runway threshold at OM, 5.8 miles; at MM, 0.5 mile.
MSA: 000°–180°—4500'; 180°–270°—3100'; 270°–360°—4100'.
%IFR departure procedures: Aircraft departing southeastbound when weather is below 2100–2, flight below 3900' beyond 5 miles E and SE of airport is prohibited between R 066° and R 135° of FSD VORTAC. Aircraft departing Runways 21 and 33 climb to 1800' on runway heading before turning on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-3	1622	RVR 24	200	1622	RVR 24	200	1622	RVR 24	200	1622	RVR 24	200
	LOC:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	1880	RVR 24	458	1880	RVR 24	458	1880	RVR 24	458	1880	RVR 40	458
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1960	1	532	1960	1	532	1960	1½	532	1960	2	552
	LOC/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	1780	RVR 24	358	1780	RVR 24	358	1780	RVR 24	358	1780	RVR 40	358
A	Standard.		T 2-eng. or less—300–1 Runway 15; RVR 24 Runway 3; Standard all others.%				T over 2-eng.—300–1 Runway 15; RVR 24 Runway 3; Standard all others.%					

City, Sioux Falls; State, S.D.; Airport name, Joe Foss Field; Elev., 1428'; Facility, I-FSD; Procedure No. ILS Runway 3, Amdt. 15; Eff. date, 18 Sept. 69; Sup Amdt. No 14; Dated, 5 Aug. 67

14. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna) From— To— Distance Altitude Distance Altitude Distance Altitude Distance Altitude Distance Altitude	Notes
As established by DEN ASR minimum altitude vectoring chart.	%IFR departure procedures: Westbound, 194° through 321° must comply with published Denver SIDS. Descend aircraft to MDA after FAF. ASR Runway 8R FAF 5 miles from threshold. ASR Runway 35 FAF 5 miles from threshold. ASR Runway 26L FAF 5 miles from threshold. ASR Runway 17 FAF 5 miles from threshold. #Runway 35 RVR 18; Runway 26L RVR 24; Runway 17 RVR 50. ##Runway 35 RVR 18, Runways 26L and 17 RVR 24.

Missed approach:
Runway 8R—Climb to 7000' direct to Altura LOM and hold, * or, when directed by ATC, climbing right turn to 8000' direct to EWD NDB.
Runway 35—Climb to 7000' on N crs of SPO ILS to Derby Int. and hold, ** or, when directed by ATC, climbing left turn to 8000' direct to EWD NDB.
Runway 26L—Climbing left turn to 8000' direct to EWD NDB and hold, $ or, when directed by ATC, climbing left turn to 7000' direct to Altura LOM.
Runway 17—Climb to 8000' direct to EWD NDB and hold, $ or, when directed by ATC, climbing left turn to 7000' direct to Altura LOM.
Lost communications: If communications lost for 1 minute during transitions, or 30 seconds on final approach, proceed direct to DEN VOR at last assigned altitude, or 7000', whichever is higher and hold $$ and monitor VOR voice, or when directed by ATC, proceed direct to Altura LOM at last assigned altitude, or 7000', whichever is higher, and execute NDB or ILS Runway 26L approach.
Supplementary charting information:
*Hold E, right turns, 1 minute, 257° Inbnd.
**Hold N, right turns, 1 minute, 170° Inbnd.
$Hold S, left turns, 1 minute, 350° Inbnd.
$$Hold W, left turns, 1 minute, 084° Inbnd.
FAF:
Runway 8R—Minimum altitude 6700'; final approach crs 077°; TDZ elevation, 5322'.
Runway 35—Minimum altitude 7000'; final approach crs 350°; TDZ elevation, 5292'.
Runway 26L—Minimum altitude 7000'; final approach crs 257°; TDZ elevation, 5330'.
Runway 17—Minimum altitude 6700'; final approach crs 170°; TDZ elevation, 5253'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-8R	5940	¾	618	5940	¾	618	5940	1	618	5940	1¼	618
S-35	5780	RVR 24	488	5780	RVR 24	488	5780	RVR 24	488	5780	RVR 50	488
S-26L	5820	RVR 24	490	5820	RVR 24	490	5820	RVR 24	490	5820	RVR 50	490
S-17	5560	RVR 40	307	5560	RVR 40	307	5560	RVR 40	307	5560	RVR 50	307
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5940	1	610	5940	1	610	5940	1¼	610	5940	2	610
A	Standard.		T 2-eng. or less—Standard.%#				T over 2-eng.—Standard.%##					

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5330'; Facility, Denver Radar; Procedure No. Radar-1, Amdt. 5; Eff. date, 18 Sept. 69; Sup. Amdt. No. Radar 1, Amdt. 4; Dated, 2 Jan. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
000	360	15 mile	1500							Descend aircraft after passing FAF.
000	085	15–30	2400							1. Runway 14 FAF, 3.5 miles from threshold. Runway 14 TDZ elevation, 22'.
085	325	15–30	1500							2. Runway 32 FAF 3.5 miles from threshold. Minimum altitude over 3.5 miles Radar Fix, 1000'.
325	360	15–30	1700							Runway 32, TDZ elevation, 21'.
Radar azimuths are CW with distance and altitudes based on antenna at Eglin AFB.										Use Eglin AFB altimeter setting.
										No weather reporting.
										Supplementary charting information:
										Hold N, 1 minute, right turns, 160° inbnd.

Missed approach:
Runway 14 climb to 1500', right turn, direct to PS LMM and hold.
Runway 32 climb to 1500', direct to PS LMM and hold.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–14	300	1	278	300	1	278	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	380	1	358	460	1	458	NA	NA
	MDA	VIS	HAT	MDA	VIS	HAT		
S–32	300	1	279	300	1	279	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	380	1	358	480	1	458	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Destin; State, Fla.; Airport name, Destin-Fort Walton Beach; Elev., 22'; Facility, Radar; Procedure No. Radar-1, Amdt. Orig.; Eff. date, 18 Sept. 69

15. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
										Supplementary charting information:
										Runway 7, TDZ elevation, 147'.

Missed approach:
Runway 25—Climb straight ahead to 2000' on 246° bearing GAL NDB, or, R 245° GAL VORTAC within 15 miles.
Runway 07—Climb straight ahead to GAL NDB or GAL VORTAC, continue climb to 2000' on 066° bearing, R 066° within 10 miles.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
	Precision approach:											
8–25	352	½	200	352	½	200	352	½	200	352	½	200
	Military aircraft minimums:											
8–25	252	¼	100	252	¼	100	252	¼	100	252	¼	100
	Surveillance approach:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–25	560	½	408	560	½	408	560	½	408	560	1	408
8–7	460	¾	313	460	¾	313	460	¾	313	460	1	313
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	408	600	1	448	600	1¼	448	700	2	548
A	Standard.		T 2-eng. or less.—Standard.				T over 2-eng.—Standard.					

City, Galena; State, Alaska; Airport name, Galena; Elev., 152'; Facility, Galena RADAR; Procedure No. Radar-1, Amdt. 2; Eff. date, 18 Sept. 69; Sup. Amdt. No. 1; Dated, 5 June 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958, 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on August 12, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69–9852; Filed, Aug. 28, 1969; 8:45 a.m.]

[Docket No. 9763; Amdt. 121–49]

PART 121—CERTIFICATION AND OPERATIONS; AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Clarification of Proving Tests Requirements

In F.R. Doc. 69–9939, appearing at page 13468, in the issue for Thursday, August 21, 1969, the figure "1924" appearing in the third line of the authority citation should read "1424."

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 364—RULES GOVERNING THE APPOINTMENT, COMPENSATION, AND PROCEEDINGS OF AN ADVISORY COMMITTEE; AND RULES OF PRACTICE GOVERNING HEARINGS UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Pursuant to the provisions of sections 4 and 6 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135b, 135d), a new part 364 is hereby added to Chapter III, Title 7, Code of Federal Regulations, to read as follows:

Subpart A—General

Sec.
364.1 Meaning of words.
364.2 Definitions.
364.3 Scope and applicability of this part.
364.4 Submission of a determination respecting an economic poison to an advisory committee, and institution of a hearing regarding the application for registration or cancellation or suspension of an economic poison under the Act.

Subpart B—Rules Governing the Appointment, Compensation, and Proceedings of an Advisory Committee

364.10 Appointment of advisory committee.
364.11 Procedure for advisory committee.

Subpart C—Rules of Practice Governing Hearings

364.20 Institution of hearing; docket number.
364.21 Contents of document setting forth objections.
364.22 Filing copies of notification respecting registration.
364.23 Answer to objections.
364.24 Motions and requests.
364.25 Prehearing conference.
364.26 Examiners.
364.27 Procedure for a public hearing.
364.28 Order of proceeding and burden of proof.
364.29 Evidence.
364.30 Transcripts.
364.31 Proposed findings of fact, conclusions, and order.
364.32 Examiner's report.
364.33 Exceptions; objections; request for oral argument.
364.34 Final order.
364.35 Argument before the Secretary.
364.36 Ex Parte discussion of proceeding.
364.37 Application for reopening hearings; for rehearing; or reargument of proceeding, or for reconsideration of order.
364.38 Procedure for disposition of petitions.
364.39 Filing; number of copies.
364.40 Service; proof of service.
364.41 Computation of time.
364.42 Extensions of time.

AUTHORITY: The provisions of this part 364 issued under secs. 4, 6, 61 Stat. 167–168, as amended; 7 U.S.C. 135 (b), (d)).

Subpart A—General

§ 364.1 Meaning of words.

As used in this part, words in the singular form shall be deemed to import the plural, and vice-versa, as the case may require.

§ 364.2 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean:

(a) The term "Act" means the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163, et seq. as amended, 7 U.S.C. 135–135(k)).

(b) The term "person" includes any individual, partnership, association, corporation, or any organized group of persons, whether incorporated or not.

(c) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead, including the Judicial Officer of the U.S. Department of Agriculture.

(d) The term "Hearing Clerk" means the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250.

(e) The term "Examiner" means an examiner in the Office of the Hearing Examiners, U.S. Department of Agriculture.

(f) The term "Examiner's Report" means the report made by the Examiner to the Secretary with respect to proposed:

(1) Findings of fact and conclusions regarding all material issues of fact, law or discretion, as well as the reasons or basis therefor, and

(2) Order.

(g) The term "Administrator" means the Administrator, Agricultural Research Service, U.S. Department of Agriculture, or any official or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(h) The term "Director" means the Director, Pesticides Regulation Division, Agricultural Research Service, U.S. Department of Agriculture, or any official or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(i) The term "Division" means the Pesticides Regulation Division, Agricultural Research Service, U.S. Department of Agriculture.

(j) The term "applicant" means any person who has made application to have an economic poison[1] registered pursuant to the provisions of the Act.

(k) The term "registrant" means any person who has registered an economic poison[1] pursuant to the provisions of the Act.

(l) The term "petitioner" means any person who has been notified that his application for registration of an economic poison[1] has been refused or any person who has received a notice of cancellation or suspension of the registration of an economic poison[1] under the Act, and who has filed a petition requesting that the matter be referred to an advisory committee.

(m) The term "advisory committee" means a group of qualified experts designated to submit an independent report to the Administrator regarding the registration of an economic poison.[1]

(n) The term "hearing" means any action arising under the Act, in which it is required by law that relevant and material evidence be received at a public hearing.

(o) The term "final order" includes the Secretary's findings, conclusions, order and rulings on motions, exceptions, statements of objections and proposed findings, conclusions and orders submitted by parties and not theretofore ruled upon.

§ 364.3 Scope and applicability of this part.

The provisions of Subpart B of this part shall be applicable to the appointment, compensation, and proceedings of an advisory committee; and the provisions of Subpart C of this part shall govern hearings conducted pursuant to the provisions of the Act.

[1] See definition of "economic poison" and related terms contained in section 2 of the Act (7 U.S.C. 135b) and section 362.2 of the regulations for the enforcement of the Act (7 CFR 362.2).

§ 364.4 Submission of a determination respecting an economic poison to an advisory committee, and institution of a hearing regarding the application for registration or cancellation or suspension of an economic poison under the Act.

(a) *Applications for registration of an economic poison under the Act.* Whenever the Director shall determine, in connection with an application for registration of an economic poison under the Act, that it does not appear that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of the Act, the Director shall notify the applicant of the manner in which the article, labeling, or other material required to be submitted fail to comply with the Act and the applicant shall have an opportunity to make the necessary corrections. If the applicant does not make the corrections, the Director will refuse to register the article: *Provided, however,* That an applicant may, within 30 days after service of notice of refusal to register and the reasons therefor:

(1) File a petition with the Hearing Clerk requesting that the matter be referred to an advisory committee, or

(2) File objections with the Hearing Clerk to the determination of the Director and request a public hearing respecting the matter.

(b) *Cancellation of the registration of an economic poison under the Act.* The Director may cancel the registration of an economic poison whenever it does not appear that the article or its labeling or other material required to be submitted complies with the provisions of the Act. Whenever the Director determines that a registration of an economic poison should be canceled, he will notify the registrant of his action and state the reasons therefor. A cancellation of registration shall be effective 30 days after service of the cancellation notice on the registrant, unless within such time the registrant:

(1) Makes the necessary corrections;

(2) Files a petition with the Hearing Clerk requesting that the matter be referred to an advisory committee; or

(3) Files objections with the Hearing Clerk and requests a public hearing.

(c) *Suspension of the registration of an economic poison under the Act.* Whenever the Director finds that such action is necessary to prevent an imminent hazard to the public, he may, by order, suspend the registration of the economic poison immediately. In such event, the Director will give the registrant notice of the action and the registrant shall have the opportunity to have the matter submitted to an advisory committee and shall have the opportunity for an expedited hearing regarding the matter.

(d) *Procedure available if there is an adverse order after referral to an advisory committee.* If a matter regarding the registration of an economic poison has been referred to an advisory committee and thereafter the Administrator makes a determination and issues an order that is adverse to the applicant or registrant, the applicant or the registrant may, within 60 days from the date of the order of the Administrator, file objections thereto with the Hearing Clerk and request a public hearing regarding the matter.

(e) *Referral to an advisory committee at the request of the Administrator.* The Administrator may, on his own initative and when in his opinion it is desirable to have an independent evaluation respecting the merits of the registration of any economic poison, refer the matter to an advisory committee. In such event, the Administrator shall give the applicant or the registrant notice of the submission of the matter to the advisory committee.

Subpart B—Rules Governing the Appointment, Compensation, and Proceedings of an Advisory Committee

§ 364.10 Appointment of advisory committee.

(a) *Qualifications of experts.* Whenever a petition for an advisory committee is filed or the Administrator otherwise deems such referral desirable, the Administrator shall request the National Academy of Sciences, National Research Council, to select qualified experts, including at least one representative from a land-grant college, willing to serve on the advisory committee. All such experts shall have had sufficient training and experience in toxicology, pharmacology, bacteriology, chemistry, entomology, plant pathology and physiology, human pathology and physiology, or other appropriate science to evaluate the safety or efficacy of economic poisons. The Administrator will request the National Academy of Sciences, when it furnishes the names of such experts, to supply a biographical sketch showing the background of their experience and their connection, if any, with academic and commercial institutions.

(b) *Number of experts.* The Administrator shall designate the number and names of experts to serve on the advisory committee, and each such committee shall have at least one expert who is a representative from a land-grant college. The Administrator shall appoint one member of the committee as chairman, and the chairman shall be the spokesman of the committee for receiving and forwarding reports and other functions of the committee.

(c) *Compensation for experts.* The Administrator shall appoint the experts so selected and fix their compensation at not to exceed the maximum permitted by other authority per day for each day or part thereof spent in committee meetings, plus necessary traveling and subsistence expenses while the experts are serving away from their places of residence. Subsistence expenses shall not exceed the maximum per diem permitted by this Department.

§ 364.11 Procedure for advisory committee.

(a) *Submission of information to advisory committee.* The Administrator shall submit to the chairman of the committee the petition and such other relevant information as he may have available with respect to registration of the product. When the Administrator submits a matter to an advisory committee he shall inform the applicant or the registrant and shall furnish him with copies of the material that is furnished to the committee. The chairman shall acknowledge receipt of the information and readiness of the committee to act. A copy of this acknowledgment shall be forwarded to the applicant or registrant by the chairman of the committee.

(b) *Advisory committee meetings.* A secretariat to advisory committees will be established by the Administrator. The secretariat shall furnish members of the committee with copies of the petition and any data received by the chairman. If the chairman of the committee believes that a meeting of the committee is necessary before making a recommendation, he shall so advise the Administrator and the petitioner. Such meeting shall be held in Washington, D.C., or such other place as the Administrator may designate. The Administrator shall furnish a suitable meeting place for the committee. If a meeting is held, the secretariat shall keep the minutes and provide clerical assistance.

(c) *Report of the advisory committee.* As soon as practicable, but not later than 60 days after the date on which the information referred to in paragraph (a) of this section has been submitted to the committee (unless the time has been extended as provided in paragraph (d) of this section), the chairman shall certify to the Administrator the report of the committee, including any minority report. The report shall include a recommendation as to the registration of the article and a statement of the reasons or basis for the recommendation, together with copies of all relevant data or material considered by the committee, except that in the case of scientific literature readily available in scientific libraries, proper reference may be made to it instead of furnishing actual copies. The report of the advisory committee shall be available for inspection by any interested person after the Administrator's order with respect to registration of the product is issued.

(d) *Extension of time for advisory committee report.* If at any time within the 60-day period referred to in paragraph (c) of this section the chairman believes that the advisory committee needs more time, he shall so inform the Administrator in writing, in which case the Administrator may extend said time not to exceed 60 additional days. Notification of any such extension of time will be sent to the applicant or registrant by the Administrator.

(e) *Assessment of costs of submission to an advisory committee.* (1) In the event that an applicant or a registrant requests that a matter concerning the registration of an economic poison be referred to an advisory committee, the costs of such referral shall be borne by the applicant or the registrant unless the committee shall recommend in favor of the applicant or the registrant.

(2) Costs of the advisory committee shall include compensation for experts as provided in § 364.10(c) and the expenses of the secretariat, including the costs of duplicating petitions and other related material referred to the committee.

(3) An advance deposit shall be made in the amount of $2,500 to cover the costs. Further advance deposits of $2,500 each shall be made upon request of the Administrator when necessary to prevent arrears in the payment of such costs. Any deposits in excess of actual expenses will be refunded to the depositor.

(4) All deposits and fees required by the regulations in this part shall be paid by money order, bank draft, or certified check drawn to the order of the Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, whereupon after making appropriate record thereof they will be transmitted to the Treasurer of the United States, for deposit to the proper account.

(5) The Administrator may waive or refund such fees in whole or in part when in his judgment such action will be warranted and equitable under the particular circumstances and promote the public interest.

(6) Any person who believes that payment of these fees will work a hardship on him may petition the Administrator to waive or refund the fees.

(f) *Consultation with advisory committee.* The applicant or registrant and representatives of the U.S. Department of Agriculture shall have the right to consult with the advisory committee. Such persons shall notify the chairman of a desire to consult with the committee and, if practicable, make appointments through him. The report of the advisory committee shall show the names of all persons, other than committee members, discussing the petition or referral with the committee or a committee member.

(g) *Confidentiality of data.* All data submitted to an advisory committee shall be considered confidential by such committee: *Provided,* That this provision shall not be construed as prohibiting the use of such data by the Committee in connection with its consultation with the applicant or registrant or representatives of the U.S. Department of Agriculture, and in connection with its report and recommendations to the Secretary.

(h) *Order of the Administrator.* The date of receipt of the advisory committee report and recommendations shall be the date for computing the time for the Administrator to act with respect to registration of the economic poison. Within 90 days of such date, the Administrator shall make his determination and issue an order, with findings of fact, with respect to the registration of the economic poison. The Administrator shall serve a copy of his order on the applicant or the registrant.

(i) *National Academy of Sciences to designate committee member to testify.* The National Academy of Sciences shall designate one of the committee members who will be available to appear and testify at the request of the Administrator, the applicant or registrant, or the Examiner, at a public hearing, if one occurs, with respect to the report and recommendations of the committee, and the Academy shall notify the Administrator of the name of such member: *Provided, however,* That this shall not preclude any other member of the committee from being requested to appear and testify at such hearing.

Subpart C—Rules of Practice Governing Hearings

§ 364.20 Institution of hearing; docket number.

Whenever a document setting forth objections and requesting a public hearing is filed with the Hearing Clerk, the matter shall be docketed and assigned an "I. F. & R." docket number by the Hearing Clerk and thereafter the proceeding shall be referred to by such number.

§ 364.21 Contents of document setting forth objections.

(a) *Concise statement of matters alleged to be unwarranted required.* Any document filed pursuant to § 364.4 containing objections to the refusal of an application for registration of an economic poison or cancellation or suspension of the registration of such a product, shall clearly and concisely set forth such objections and the basis for each objection, including relevant allegations of fact concerning the economic poison under consideration.

(b) *Amendments to objections.* At any time prior to the close of the public hearing, the objections may be amended; but, in the case of an amendment adding new assertions or matters, the hearing shall, on request of the Division, be adjourned for a period not exceeding 15 days.

§ 364.22 Filing copies of notification respecting registration.

After a copy of the document setting forth the objections and requesting a public hearing is served upon the Administrator, the Administrator shall file with the Hearing Clerk a copy of the notice of refusal to register the economic poison involved, or the notice of cancellation or suspension of the registration of such economic poison, which was transmitted to the applicant or the registrant. Such notice shall become a part of the record of the proceeding.

§ 364.23 Answer to objections.

(a) *Filing and Service.* Within 20 days after a copy of the document setting forth the objections and requesting a public hearing is served upon the Administrator, he shall file an answer to the objections.

(b) *Contents of the answer.* The answer shall (1) contain a concise statement of the facts relied upon respecting the notice of refusal to register, or the cancellation or suspension of the registration of an economic poison; and (2) set forth the names of the scientific experts and scientific literature and data considered or consulted when making the determination, and (3) other appropriate reply to any matter raised by the objections.

§ 364.24 Motions and requests.

(a) *General.* All motions and requests shall be in writing and shall be filed with the Hearing Clerk, unless made during the course of a public hearing, in which case they may be stated orally and made a part of the transcript. The Examiner is authorized to rule upon all motions and requests filed or made prior to the filing of his report with the Hearing Clerk as hereinafter provided in § 364.32. The Secretary will rule upon all motions and requests filed after that time.

(b) *Motions.* All motions and requests concerning the sufficiency of the objections must be made within the time allowed for filing an answer. All motions and requests shall state the particular order, ruling or action desired and the grounds therefor.

(c) *Answers to motions and requests.* Within 15 days after service of any written motion or request, or within any longer period fixed by the Secretary or the Examiner, the opposing party shall file an answer to the motion or request or shall be deemed to have no objection to the granting of the relief asked for in the motion or request. Unless specifically permitted by the Secretary or the Examiner, the movant shall have no right to reply to the answer.

(d) *Certification of interlocutory issues to the Secretary.* The submission or certification of any motion, request, or other question to the Secretary prior to the time the Examiner's report is filed with the Hearing Clerk, shall be in the discretion of the Examiner. The Examiner may either rule upon the motion, request, or other question, or certify the matter to the Secretary, but not both. If the Examiner rules on the matter, the propriety of such ruling shall be reviewed by the Secretary only during his consideration in connection with the issuance of a final order.

§ 364.25 Prehearing conference.

In any proceeding in which it appears that a prehearing conference will expedite the hearing, the Examiner, at any time prior to the commencement of the hearing, may order such conference and request the parties or their counsel to consider (1) the simplification of issues; (2) the necessity or desirability of amendments to the pleadings; (3) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; (4) the limitation of the number of experts and other witnesses; and (5) any other matter that may expedite the hearing or aid in the disposition of the matter. No transcript of such prehearing conference shall be made unless a request therefor by one of the parties is granted by the Examiner in view of the nature of the matters to be considered at the conference and the purposes of the conference; however, in the absence of a transcript, the Examiner shall prepare and file for the record a written summary of the action taken

at such conference, which shall incorporate any written stipulations or agreements made by the parties at or as a result of the conference. If circumstances render a prehearing conference impracticable, the Examiner may request the parties to correspond with him for the purpose of accomplishing any of the objectives set forth in this section. The Examiner shall forward copies of letters and documents sent to him in this connection to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the Examiner shall submit a written summary for the record if any action is taken.

§ 364.26 Examiners.

(a) *Assignment.* No Examiner shall be assigned to serve in any hearing under the Act who:

(1) Has any pecuniary interest in any matter or business involved in the proceeding;

(2) Is related within the third degree, by blood or marriage, to any party to the proceeding; or

(3) Has participated in the investigation preceding the institution of the hearing or in the determination of the Secretary respecting the registration of the economic poison or in the preparation of the notice regarding such determination.

(b) *Disqualification of the Examiner.* (1) Any party may, by motion made to the Examiner, request that the Examiner disqualify himself and withdraw from the proceeding. The Examiner may then either rule upon or certify the motion to the Secretary, but not both.

(2) An Examiner shall withdraw from any proceeding in which he deems himself disqualified for any reason.

(c) *Conduct.* The Examiner shall conduct the proceeding in a fair and impartial manner, and shall not consult with any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

(d) *Powers.* Subject to review by the Secretary, as provided elsewhere in this part, the Examiner shall have power to:

(1) Rule upon motions and requests;

(2) Set the time and place of hearing, adjourn the hearing from time to time, and change the time and place of hearing;

(3) Administer oaths and affirmations and take affidavits;

(4) Examine witnesses;

(5) Rule on objections and admit evidence relevant and material to the issues and exclude other evidence;

(6) Hear oral argument on the facts or on the law; and

(7) Do all acts and take all measures necessary for the maintenance of order at the hearing and for the efficient, fair and impartial conduct of the proceeding.

(e) *Who may act in the absence of the Examiner.* In case of the absence of the Examiner or his inability to act, the powers and duties to be performed by him under this part in connection with a hearing assigned to him may, without abatement of the proceeding unless otherwise directed by the Secretary, be assigned to another Examiner.

§ 364.27 Procedure for a public hearing.

(a) *Time and place of hearing.* After a proceeding has been instituted in accordance with the procedures set forth in this part, the Examiner, giving careful consideration to the convenience of the parties, shall set a time and place for hearing and shall file with the Hearing Clerk a notice stating the time and place of hearing which shall be served upon the parties. If any change in the time or place of hearing is made, the Examiner shall file with the Hearing Clerk a notice of such change, which notice shall be served upon the parties unless the change is made during the course of the public hearing and is made a part of the transcript.

(b) *Appearances*—(1) *Representatives.* Parties may appear in person or by counsel or other representative. Persons who appear as counsel or in a representative capacity must conform to the standards of ethical conduct required of practitioners before the courts of the United States. Whenever the Secretary finds, after notice and opportunity for hearing, that a person, who is acting or has acted as counsel or representative for another person in any proceeding before the Secretary, is unfit to act as such counsel or representative, he will order that such person be precluded from acting as counsel or representative in any proceeding under the Act. The procedure in such case will be governed by the applicable provision of this part.

(2) *Failure to appear.* If any party to the proceeding after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to participate in the public hearing in the proceeding. In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election whether to present his evidence, in whole or in part, in the form of affidavits or by oral testimony before the Examiner. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with the copy of the Examiner's report and to file exceptions and make oral argument before the Secretary with respect thereto, in the manner provided in §§ 364.33 and 364.35.

§ 364.28 Order of proceeding and burden of proof.

At the hearing, the person whose objections raised the issues to be determined shall be, within the meaning of 5 U.S.C. 556(d) (formerly 5 U.S.C. 1006(c)), the proponent of the order sought, and accordingly shall proceed first at the hearing and have the burden of proof.

§ 364.29 Evidence.

(a) *General.* The testimony of witnesses at the hearing shall be upon oath or affirmation and subject to cross-examination. Any witness may, in the discretion of the Examiner, be examined separately and apart from all other witnesses except those who may be parties to the proceeding. The examiner shall admit all relevant and material evidence, except evidence which is unduly repetitious.

(b) *Report of an advisory committee.* If a matter concerning the registration of an economic poison had been submitted to an advisory committee, all reports, recommendations, and underlying data, and reasons certified to the Administrator by the advisory committee shall be made a part of the record of the hearing, if relevant and material, subject to the provisions of 5 U.S.C. § 556(d).

(c) *Testimony of member of advisory committee.* If a matter concerning the registration of an economic poison had been submitted to an advisory committee, the testimony of the member of the advisory committee designated by the National Academy of Sciences to appear and testify at the hearing with respect to the report and recommendations of such committee, shall, if relevant and material, be received on request of the Administrator, the applicant or registrant, or the Examiner: *Provided, however,* That this shall not preclude any other member of the advisory committee from appearing and testifying at the hearing pursuant to such a request.

(d) *Objections.* If a party objects to the admission or rejection of any evidence or the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, whereupon an automatic exception will follow if the objection is overruled by the Examiner. The transcript shall not include argument or debate thereon, except as ordered by the Examiner. The ruling of the Examiner on any objection shall be a part of the transcript. Only objections made before the Examiner may be subsequently relied upon in the proceeding.

(e) *Records of the Department.* A true copy of every written entry in the records of the U.S. Department of Agriculture, made by an officer or employee thereof in the course of his official duty and relevant and material to the issues involved in the hearing, shall be admissible as prima facie evidence of the facts stated therein, without the production of such officer or employee.

(f) *Exhibits.* Except where the Examiner finds that the furnishing of copies is impracticable, copies of each exhibit, in addition to the original, shall be filed with the Examiner or the use of the other parties to the proceeding. A true copy of an exhibit may, in the discretion of the Examiner, be substituted for the original.

(g) *Official notice.* Official notice may be taken of the official publications of the U.S. Department of Agriculture and other Federal agencies, of such matters as are judicially noticed in the courts of the United States, and of any other matter of technical or scientific fact of established character: *Provided, however,* That the parties shall be given adequate opportunity to show that such facts are erroneously noticed.

(h) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof for excluded oral testimony shall consist of a brief statement describing the nature of the evidence excluded. If the evidence consists of an exhibit, it shall be inserted in the record in toto. In the event the Secretary decides that the Examiner's ruling in excluding the evidence was erroneous and prejudicial, the hearing shall be reopened to permit the taking of such evidence.

§ 364.30 Transcripts.

(a) *Filing and certification.* Oral hearings shall be stenographically reported and transcribed. As soon as practicable after the close of the hearing, the examiner shall certify that the original transcript is a true transcript of the testimony offered or received at the hearing, except in such particulars as he shall specify, and that the exhibits accompanying the transcript are all the exhibits introduced at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript.

(b) *Ordering copies.* Parties to the proceeding or other persons who desire a copy of the transcript of the hearing may place orders with the reporter who will furnish and deliver such copies directly to the purchaser upon payment therefor at the rate per page provided by the contract between the reporter and purchaser.

§ 364.31 Proposed findings of fact, conclusions, and order.

Within 20 days of the close of the hearing, each party may file with the Hearing Clerk proposed findings of fact, conclusions, and orders, based solely on the record, and a brief in support thereof. A copy of each such document filed by a party shall be served upon the other party or parties by the Hearing Clerk.

§ 364.32 Examiner's report.

The Examiner, within 20 days after the termination of the period allowed to the parties for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare on the basis of the record and shall file with the Hearing Clerk, his report, a copy of which shall be served upon each of the parties.

§ 364.33 Exceptions; objections; request for oral argument.

(a) Within 5 days after service of the Examiner's Report, each party may take exception to any matter set forth in such report, and in such case shall file exceptions in writing with the Hearing Clerk, referring to the relevant pages of the transcript, and suggesting corrected findings of fact, conclusions, or order. Within the same period of time, each party may file with the Hearing Clerk a brief statement in writing concerning each of the objections taken to the action of the Examiner at the hearing, as set out in § 364.29, upon which the party wishes to rely, referring where relevant, to the pages of the transcript. A party may file a brief in support of any exceptions or objections which he may file.

(b) A party, if he files exceptions or a statement of objections, shall state in writing whether he desires to make an oral argument thereon before the Secretary; otherwise he shall be deemed to have waived such oral argument.

§ 364.34 Final order.

As soon as practicable after the expiration of the period for filing exceptions, and briefs, or, in case oral argument is had, as soon as practicable thereafter, but not less than 90 days after the completion of the hearing, the Secretary shall issue his final decision and order, including his rulings on any exceptions or objections filed by the parties.

§ 364.35 Argument before the Secretary.

Except where the Secretary determines that argument on additional issues would be helpful, argument whether oral or on brief, shall be limited to the issues raised by the exceptions and statement of objections to action of the Examiner. If the Secretary determines that additional issues should be argued, counsel for the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate argument on all the issues to be argued.

§ 364.36 Ex parte discussion of proceeding.

At no stage of the hearing procedure between its institution and the issuance of the order shall the Secretary discuss ex parte the merits of the proceeding with any person who is connected with the proceeding in an advocative or in an investigative capacity, or with any representative of such person: *Provided, however,* That the Secretary may discuss the merits of the case with such person if all parties to the proceeding, or their representatives, have been given an opportunity to be present. Any memorandum or other communication addressed to the Secretary, during the pendency of the proceeding, and relating to the merits thereof, by or on behalf of any party, shall be regarded as argument made in the proceeding and shall be filed with the Hearing Clerk, who shall serve a copy thereof upon the opposite party to the proceeding, and opportunity will be given the opposite party to file a reply thereto.

§ 364.37 Application for reopening hearings; for rehearing; or reargument of proceeding, or for reconsideration of order.

(a) *Petition requisite*—(1) *Filing; service.* An application for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding, or for reconsideration of the order, must be made by petition to the Secretary filed with the Hearing Clerk, who shall serve a copy thereof upon the other party or parties to the proceeding. Every such petition must state specifically the grounds relied upon.

(2) *Petitions to reopen hearings.* A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing.

(3) *Petitions to rehear or reargue proceedings, or to reconsider orders.* A petition to rehear or reargue the proceeding or to reconsider the order shall be filed within 10 days after the date of service of the order. Every such petition must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

§ 364.38 Procedure for disposition of petitions.

Within 7 days following the service of any petition provided for in § 364.37, the other party to the proceeding may file with the Hearing Clerk an answer thereto. As soon as practicable thereafter, the Secretary shall announce his decision whether to grant or to deny the petition. Unless the Secretary shall determine otherwise, operation of the order shall not be stayed pending the decision to grant or to deny the petition. In the event that any such petition is granted by the Secretary, the applicable rules of practice, as set out elsewhere herein, shall be followed. A person filing a petition under this section shall be regarded as the moving party.

§ 364.39 Filing; number of copies.

All documents or papers required or authorized to be filed, except as provided otherwise in the rules in this part, shall be filed with the Hearing Clerk in quadruplicate: *Provided, however,* That where there are more than two parties to the proceeding, a sufficient number of copies shall be filed so as to provide copies for service upon all parties to the proceeding.

§ 364.40 Service; proof of service.

Copies of all documents or papers required or authorized by the rules in this part to be served on any party to a proceeding shall be served by the Hearing Examiner, Hearing Clerk, or by some other employee of the United States. Except as is provided otherwise by the rules in this part, service shall be made either (a) by delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served or to the president, secretary, or other executive officer or any director of the corporation, organization, or association to be served, or to the attorney or agent of record of such individual, partnership, corporation, organization, or association; (b) by leaving a copy of the document or paper at the principal place of business of such individual, partnership, corporation, organization, or association, or of his or its attorney or agent of record; or (c) by registering or certifying and sending by airmail a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to his or its attorney

or agent of record, at his or its last known residence or principal place of business. Proof of service hereunder shall be made by the affidavit of the person who actually made the service: *Provided, however*, That if the service is made by registered or certified airmail, proof of service shall be made by the return post office receipt. The affidavit or post office receipt contemplated hereby shall be filed with the Hearing Clerk, and the fact of filing thereof shall be noted on the record of proceeding.

§ 364.41 Computation of time.

Saturdays, Sundays, and holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided, however*, That, when such time expires on a Saturday, Sunday, or legal holiday, such period shall be extended to include the next following business day.

§ 364.42 Extensions of time.

The time for the filing of any document or paper required or authorized to be filed under the rules in this part may be extended by the Examiner (before the Examiner's report is filed), or by the Secretary (after the Examiner's report is filed), if request for such extension of time is made prior to the final date allowed for such filing, and if in the judgment of the Examiner or the Secretary as the case may be after notice to and consideration of the views of the other party, when practicable, there is good reason for the extension. In this connection consideration shall also be given to the fact that, under the provisions of the act (7 U.S.C. 135(b)), the Secretary must issue his order not later than 90 days after the completion of the hearing.

Effective date. The foregoing provisions shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of August 1969.

GEORGE W. IRVING, JR.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 69-10360; Filed, Aug. 28, 1969; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On August 9, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 12949) regarding proposed expenses and the related rate of assessment for the period April 1, 1969, through March 31, 1970, pursuant to the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Fresh Peach Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 921.209 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee during the period April 1, 1969, through March 31, 1970, will amount to $6,170.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 921.41, is fixed at 1.50 per ton of fresh peaches.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of peaches grown in the designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable peaches handled during the aforesaid period; and (3) such period began on April 1, 1969, and said rate of assessment will automatically apply to all such peaches beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 25, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-10335; Filed, Aug. 28, 1969; 8:46 a.m.]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On August 7, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 12833) regarding proposed expenses and the related rate of assessment for the period April 1, 1969, through March 31, 1970, pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923) regulating the handling of sweet cherries grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Cherry Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 923.209 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee during the period April 1, 1969, through March 31, 1970, will amount to $12,180.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 923.41, is fixed at $0.90 per ton of sweet cherries.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of sweet cherries grown in the designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable cherries handled during the aforesaid period; and (3) such period began on April 1, 1969, and said rate of assessment will automatically apply to all such cherries beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 25, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-10334; Filed, Aug. 28, 1969; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Provisions for Participation of Financial Institutions in Pools of CCC Price Support Loans on Certain Commodities

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Certain Commodities

REVOCATION OF SECTIONS

Sections 1421.3801-1421.3811 of Subpart—Provisions for Participation of Financial Institution in Pools of CCC Price Support Loans on Certain Commodities are revoked. Section 1421.3821-1421.3830 of Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Certain Commodities are revoked.

(Secs. 4 and 5, 62 Stat. 1070-1072, as amended; 15 U.S.C. 714b, 714c)

Effective date. On publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 25, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-10338; Filed, Aug. 28, 1969; 8:47 a.m.]

[Cotton Loan Program Regulations, Amdt. 3]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 33 F.R. 8802 as Cotton Loan Program Regulations and containing the terms and conditions with respect to the Cotton Loan Program, as amended, are hereby further amended as follows:

1. Section 1427.1352 is amended to renumber paragraph (i) as paragraph (j) and to include a new definition subparagraph (i) entitled "Financial institution." The new and renumbered subparagraphs read as follows:

§ 1427.1352 Definitions.

* * * * *

(i) *Financial institution.* The term "financial institution" shall mean (1) a bank in the United States which accepts demand deposits, (2) an association organized pursuant to State law and supervised by State banking authorities, or (3) a production credit association.

(j) *Other definitions.* "False-packed," "water-packed," "mixed-packed," "reginned," and "repacked" cotton shall each have the same meaning as the definition of such term contained in the regulations in Chapter I, Part 28, § § 28.1-28.184 (Regulations of the Department of Agriculture under the U.S. Cotton Standards Act) of this title and any amendment thereto.

2. Paragraph (a)(2) of § 1427.1354 is amended to delete listing of counties where extra long staple cotton is grown and to refer to the counties listed in the acreage allotment regulations for such cotton. The amended paragraph (a)(2) reads as follows:

§ 1427.1354 Availability of loans.

(a) * * *

(2) Eligible extra long staple cotton produced in counties listed in Part 722 of this title and any amendments thereto and stored at CCC approved warehouses.

* * * * *

3. Paragraph (c) of § 1427.1359 is amended to delete the requirement that bale loan amounts be rounded to the nearest whole dollar. The amended paragraph (c) reads as follows:

§ 1427.1359 Weight, loan rate, and amount.

* * * * *

(c) *Amount.* The amount due the producer will be determined by multiplying the weight of each bale, as determined under paragraph (a) of this section by the applicable loan rate, as determined under paragraph (b) of this section, and subtracting any unpaid warehouse receiving charge, as provided in § 1427.1369. After a loan is made, CCC will not increase the amount of the loan due to any subsequent redetermination of the weight or quality of the cotton.

4. Section 1427.1362 is amended to provide that a loan service charge shall be collected for each loan disbursed. The amended section reads as follows:

§ 1427.1362 Service charges.

A producer shall pay a service charge to CCC for each loan disbursed at the rate of $1 per loan plus 15 cents for each bale thereon: *Provided, however*, That for a loan for which the loan documents are prepared by a loan clerk and the Forms A-1 are prepared in a manner which does not require retyping by CCC for machine scanning, the fee shall be $1 plus 5 cents for each bale thereon. The service charge to be paid to CCC by the producer shall be in addition to any clerk fee paid to a loan clerk as authorized in § 1427.1363. The service charge is not refundable.

5. Section 1427.1363 is amended to delete the reference to county offices, and to provide that if the loan clerk prepares Forms A-1 in a manner which does not require retyping by CCC for machine scanning, the loan clerk is authorized to collect from producers an additional 10 cents per bale loan clerk fee. The amended section reads as follows:

§ 1427.1363 Clerk fees.

Loan clerks may collect fees from producers for preparing loan documents not to exceed the fees shown in the following schedule: *Provided, however*, That if a loan clerk prepares Forms A-1 in a manner which does not require retyping by CCC for machine scanning, the loan clerk may collect fees from producers at the rate of 10 cents per bale in excess of the fees authorized in the following schedule:

Number of bales on note	*Maximum fee allowed*
1	25 cents.
2-6	25 cents plus 15 cents for each bale over 1.
7 and over	$1.00 plus 10 cents for each bale over 6.

6. Section 1427.1370 is amended to provide revised instructions for paying interest to financial institutions for funds invested in the loans and to specify the interest rate to be paid. The amended section reads as follows:

§ 1427.1370 Special procedure where full loan value advanced.

(a) *Purpose.* This special procedure is provided to assist persons or firms which in the course of their regular business of handling cotton for producers have made advances to eligible producers on eligible cotton to be placed under price support loans and desire to obtain credit at a financial institution for the amounts advanced. A financial institution which has made advances to eligible producers on eligible cotton may also obtain reimbursement for the amounts advanced under this procedure.

(b) *Eligible documents.* This special procedure shall apply only to loan documents covering cotton on which a person or firm has advanced to the producers (including payments to prior lienholders and other creditors) the full loan value of the cotton as shown on the Forms A, except for authorized loan clerk fees, the $1 per bale research and promotion fee collected for transmission to the Cotton Board, and CCC loan service charges, and shall apply only if such person or firm is entitled to reimbursement from the proceeds of the loans for the amounts advanced and has been authorized by the producers to deliver the loan documents to the county office for disbursement of the loans.

(c) *Preparation of notes.* The Forms A and A-1 shall be prepared by an approved loan clerk who is the person who made the loan advances or is an employee of the person or firm which made the loan advances and shall show the entire proceeds of the loans, except for CCC loan service charges, for disbursement to (1) the financial institution which is to allow credit to the person or firm which made the loan advances or to such financial institution and such person or firm as joint payees, or (2) the financial institution which made the loan advances to the producers.

(d) *Delivery of notes to county offices.* Each Form A and related documents as required by § 1427.1357 shall be mailed or delivered to the county office which keeps the farm records for the farm on which the cotton was produced. The documents shall be accompanied by Form CCC-825, Transmittal Schedule of Form A Cotton Loans, in original and two copies, numbered serially for each county office by the financial institution. The Form CCC-825 shall show the amounts invested by the financial institution in the loans, which shall be the amounts of the notes minus the amounts of CCC loan service charges shown on the notes. Upon receipt of the loan documents and Form CCC-825, the county office will stamp one copy of the Form CCC-825 to indicate receipt of the documents and return this copy to the financial institution.

(e) *Disbursement of loans.* The county office will review the loan documents prior to disbursement and will return to the financial institution any documents determined not to be acceptable because of errors or ineligibility. The county office will disburse the loans for which loan documents are acceptable by issuance of one draft to the payee indicated on the Forms A and will mail the draft to the address shown for such payee on the Forms A with a copy of Form CCC-825. The Form CCC-825 will show the date of disbursement by the county office and amount of interest earned by the financial institution.

(f) *Investment of funds by the financial institution.* The financial institution shall be deemed to have invested funds in the loans as of the date loan documents acceptable to CCC were delivered to the county office or, if received by

mail, the date of mailing as indicated by postmark or the date of receipt in the county office if no postmark date is shown. Patron postage meter date stamp will not be recognized as a postmark date.

(g) *Basis of computing interest earned.* Interest will be computed on the total amount invested by the financial institution in the loans represented by accepted loan documents from and including the date of investment of funds by the financial institution to, but not including, the date of disbursement by the county office.

(h) *Rate of interest.* Interest will be at the rate of $0.00019 per day for each dollar of invested funds until such rate is increased or decreased by CCC in separate notices published in the FEDERAL REGISTER: *Provided*, That the effective date of any decrease in interest rate shall be at least 15 days after the date of publication of the notice.

(i) *Payment of interest.* Interest earned by the financial institution on the investment in loans disbursed during a month will be paid by the county office after the end of the month.

7. Section 1427.1375 is amended to provide revised instructions for producers to transfer their interest in loan cotton and for redemption of such cotton. The amended section reads as follows:

§ 1427.1375 Transfer of producer's interest in loan cotton.

(a) If a producer desires to sell his equity in upland or extra long staple cotton pledged to CCC as security for a loan, he must use a Form CCC–813, Release of Warehouse Receipts (referred to in this subpart as "Form 813"), for this purpose. Blank copies of this form may be obtained from county offices. Information required to complete Form 813 is contained on the producer's copies of Forms A and A–1. If the producer's copies of Forms A and A–1 have been lost or destroyed, he may obtain duplicates from the county office maintaining custody of the loan documents. A producer may execute a contract of sale of his equity in loan cotton in which he agrees to transfer his equity in the cotton for a specified price at a specified date or any earlier date specified by the buyer. The date specified for execution of the producer's equity transfer on Form 813 shall not be later than May 31 following the calendar year in which the cotton is grown. The contract of sale of the producer's equity in loan cotton must be executed after the cotton has been tendered for loan. All or part of the equity purchase price stipulated in the contract may be paid to the producer at the time the contract is executed. A Form 813 executed by a producer pursuant to a contract of sale of his equity in the cotton not conforming to these requirements will be void. If the purchaser of a producer's equity in loan cotton, or his transferee, fails to comply with the terms of such contracts of sale of loan equities, or accepts from producers undated Forms 813, or commits other acts of misconduct under the program showing a serious lack of business integrity or business honesty, he may be suspended or debarred from contracting with CCC and from otherwise participating in programs administered or financed by CCC. An equity purchaser must have executed the "Certificate of Purchaser" on each Form 813 which is submitted. If the equity purchaser does not transfer to another his interest in the cotton, he must also execute the "Redemption Request on Form 813" and deliver the form to the county office maintaining custody of the loan documents within 30 days after the date the producer executes the "Producer's Equity Transfer Agreement" on the form or the equity transfer will be void. If the equity purchaser transfers to another his interest in the cotton covered by the Form 813, the transferee must execute the "Transferee's Redemption Request" on the form and deliver the form to the county office maintaining custody of the loan documents within 30 days after the date the producer executes the "Producer's Equity Transfer Agreement" on the form or the equity transfer will be void. The warehouse receipts (and the classification memorandums, if requested) covering the bales of cotton being redeemed from the loan will be delivered to the equity purchaser or his transferee upon payment of the loan, interest, and charges within 5 business days after the Form 813 is delivered to the county office, or, if the equity purchaser or transferee requests that the warehouse receipts (and classification memorandums, if applicable) be forwarded to a bank for payment, upon payment of the loan, interest and charges within 5 business days after the receipts are received by such bank. Repayments will not be accepted after CCC acquires the cotton. All charges assessed by the bank to which the warehouse receipts are sent must be paid by the person redeeming the cotton. If payment is not effected within the applicable 5-business-day period and prior to the time at which the loan matures and CCC acquires the cotton, whichever is earlier, the equity transfer will be void.

(b) A producer who desires to appoint an attorney-in-fact to act in his place and stead in selling his equity in loan cotton shall use Form 211, except that a power of attorney on another form will be accepted if it is determined by CCC to be legally sufficient and if the producer is unable to execute Form 211. The original or facsimile of the power of attorney or a copy certified by a notary public as a true and correct copy must be filed with the county office which has custody of the loan documents. If the attorney-in-fact desires to act under the power of attorney, he must execute and file with the county office which has custody of the loan documents an Agreement of Attorney-in-Fact, Form CCC–815 (referred to in this subpart as "Form 815") covering such crop. A Form 813 executed by an attorney-in-fact shall be void and will not be recognized by CCC if the attorney-in-fact does not file the required Form 815. The attorney-in-fact shall not make any purchases of producers' equities in cotton covered by the power of attorney for his own account or as agent for others, shall not sell equities in loan cotton to any person by whom he is employed or who has the right to control or direct his sale of equities, and shall not adopt any other scheme or device to circumvent the intent of these regulations or Form 815. If the attorney-in-fact holds powers of attorney from more than one producer, he may not pool their cotton or the sales proceeds therefrom nor make settlement with such producers on a pool basis upon sale of the cotton and will make an accounting to each producer for the sales proceeds of each bale of the producer's cotton for which he transfers the producer's equity unless he has a valid marketing agreement with such producers authorizing him to pool the cotton or the sales proceeds therefrom.

8. Section 1427.1376 is amended to provide revised instructions for attorneys-in-fact acting for producers under powers of attorney in redeeming loan cotton. The amended section reads as follows:

§ 1427.1376 Repayment of loan by producer.

(a) If a producer desires to redeem one or more bales of cotton pledged to CCC as security for a loan, he may receive the warehouse receipts (and the classification memorandums applicable to such cotton, if requested) upon payment of the loan, interest, and charges applicable to the bales of cotton being redeemed at the county office which has custody of the loan documents. He may also request that the warehouse receipts and classification memorandums) be forwarded to a bank for payment, in which case the amount of the loan, interest, and charges must be paid to the bank within 5 business days after the receipts are received by the bank. Repayments will not be accepted after CCC acquires the cotton. All charges assessed by the bank to which the receipts are sent must be paid by the producer. If the producer's copies of Forms A and A–1 have been lost or destroyed, he may obtain duplicates from the county office which has custody of the loan documents.

(b) A producer who desires to appoint an attorney-in-fact to act in his place and stead to redeem his loan cotton shall use Form 211, except that a power of attorney on another form will be accepted if it is determined by CCC to be legally sufficient and if the producer is unable to execute Form 211. The original or facsimile of the power of attorney or a copy certified by a notary public as a true and correct copy must be filed with the county office which has custody of the loan documents. The attorney-in-fact must execute and file with the county office which has custody of the loan documents a Form 815 as provided in § 1427.1375, and the attorney-in-fact will not be allowed to redeem cotton pursuant to the power of attorney if he does not file the required Form 815. The attorney-in-fact shall not make any purchases of cotton covered by the power of attorney for his own account or as agent for others, shall not sell redeemed cotton to any person by whom he is employed or who has the right to control or direct his sale of redeemed cotton, and shall not adopt any other scheme or device to circumvent the intent of these regulations or Form 815. If the attorney-in-fact holds powers of attorney from more than one producer, he may not pool their loan cotton which he redeems or the proceeds therefrom nor make settlement with such producers on a pool basis upon sale of the cotton and will make an accounting to each producer for the sales proceeds of each bale of the producer's cotton which he redeems and sells unless he has a valid annual marketing agreement with such producers authorizing him to pool the cotton or the sales proceeds therefrom.

9. Section 1427.1378 is amended to provide that liquidated damages will not be assessed on ineligible cotton pledged to CCC for loans if it is determined by CCC that the borrower did not have knowledge of the ineligibility or followed a procedure which could reasonably be expected to prevent the tender of ineligible cotton to CCC.

§ 1427.1378 Failure to comply.

The obtaining of loans by producers on cotton which is not eligible for tender to CCC for loans will cause serious and substantial program damages to CCC, such as damage to its cotton price support program and the incurring of certain administrative and other special costs, in addition to any loss to CCC in disposing of the ineligible cotton. Inasmuch as it would be difficult, if not impossible, to prove the exact amount of such program damages, a producer obtaining a loan on cotton under this subpart shall pay to CCC as liquidated damages an amount equal to $5 for each bale of such cotton which (1) is not eligible cotton as defined in section 1427.1356 or (2) is cotton which is subject to a lien (except the warehouseman's lien for those charges which are authorized in the storage agreement with CCC). By obtaining such loans, the borrower agrees with CCC that such amounts are reasonable estimates of the probable actual damages that would be incurred by CCC. Such amounts shall be paid to CCC promptly upon demand. Also, the borrower shall redeem such cotton upon demand by CCC; and, upon his failure to redeem such cotton, whether or not demand for redemption is made by CCC, shall be liable for any deficiency on the loan arising from sale of such cotton. Notwithstanding the foregoing provisions of this section, if it is determined by CCC that the borrower did not have knowledge of the ineligibility of the cotton or followed a procedure which could reasonably be expected to prevent the tender of ineligible cotton to CCC, liquidated damages shall not be payable to CCC and, if the cotton is made eligible for loan within 30 days from the date notification that the cotton is ineligible is given to the borrower by CCC, the cotton need not be redeemed.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421)

Effective date. This amendment is effective for all loans made on 1969 and subsequent crop cotton.

Signed at Washington, D.C., on August 25, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69–10356; Filed, Aug. 28, 1969; 8:48 a.m.]

PART 1427—COTTON

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Cotton

Subpart—Participation of Financial Institutions in Cotton Loan Pools

REVOCATION OF SECTIONS

Sections 1427.1235–1427.1243 of Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Cotton are revoked. Sections 1427.2235–1427.2243 of Subpart—Participation of Financial Institutions in Cotton Loan Pools are revoked.

(Secs. 4 and 5, 62 Stat. 1070–1072, as amended; 15 U.S.C. 714b, 714c)

Effective date: On publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 25, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69–10336; Filed, Aug. 28, 1969; 8:47 a.m.]

[Amdt. 2]

PART 1479—CERTIFICATES OF INTEREST IN COMMODITY CREDIT CORPORATION PRICE-SUPPORT LOANS

Subpart B—Participation of Financial Institutions in a Pool of Price-Support Loans

The regulations in Subpart B, Part 1479, containing the terms and conditions governing participation by financial institutions in the financing of price-support loans placed in a continuing pool, published in the FEDERAL REGISTER of July 17, 1968 (33 F.R. 10184), and amended on February 27, 1969 (34 F.R. 2651), are further amended to discontinue participation by financial institutions by reason of making advances to eligible producers on eligible cotton, or allowing credit to others who make such advances, pursuant to the Cotton Loan Program Regulations, for the 1969 and subsequent cotton crop years, as follows:

Section 1479.29 *Participation by making loan advances or allowing credit for loan advances on cotton* is revoked. Such revocation shall not affect the obligations of CCC or of financial institutions under the regulations in this Subpart B, including section 1479.29, with respect to loan advances to cotton producers, or credit allowed to other persons or firms which made advances to cotton producers, for the 1968 and prior crop years.

(Secs. 4 and 5, 62 Stat. 1070–1072, as amended; 15 U.S.C. 714b, 714c)

Effective date: On publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 25, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69–10337; Filed, Aug. 28, 1969; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

President's Committee on Consumer Interests

Section 213.3371 is amended to show that one position of Director for Legislative Affairs is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (e) is added to § 213.3371 as set out below.

§ 213.3371 President's Committee on Consumer Interests.

* * * * * *

(e) One Director for Legislative Affairs.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–10340; Filed, Aug. 28, 1969; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. Section 1.201–14 is revised; new paragraph (c) is added to § 1.302–6; paragraphs (a) and (b) in § 1.310 are revised; and in § 1.701–1(a)(2), subdivisions (i) and (iv) are revised, as follows:

§ 1.201–14 Procuring activity.

This term includes for the Army: Directorate of Procurement and Production, Headquarters, U.S. Army Materiel Command; the U.S. Army Munitions Command; the U.S. Army Missile Command; the U.S. Army Electronics Command; the U.S. Army Mobility Equipment Command; the U.S. Army Tank-Automotive Command; the U.S. Army Aviation Systems Command; the U.S. Army Weapons Command; the U.S. Army Test and Evaluation Command; U.S. Continental Army Command and its subordinate commands consisting of Zone of Interior Armies and Military District of Washington, U.S. Army; U.S. Army, Alaska; U.S. Forces Southern Command, U.S. Army; U.S. Theater Army Support Command, Europe; U.S. Army, Pacific; National Guard Bureau; Office of the Chief of Engineers; Strategic Communications Command; Office of the Chief of Support Services; Office of The Surgeon General; U.S. Army Security Agency; Military Traffic Management and Terminal Service; and the Navy: Each Bureau, the Naval Material Command, the Office of the Deputy Chief of Naval Material (Procurement), the Naval Air Systems Command, the Naval Electronic Systems Command, the Naval Facilities Engineering Command, the Naval Ordnance Systems Command, the Naval Ship Systems Command, the Naval Supply Systems Command, the Office of Naval Research, the Navy Aviation Supply Office, the Military Sea Transportation Service, and the U.S. Marine Corps; for the Air Force: Hq., USAF (AFSPP); the Air Force Logistics Command; the Air Force Systems Command; the Strategic Air Command; the Tactical Air Command; the Aerospace Defense Command; the Military Airlift Command; the Air Training Command; the Pacific Air Forces, the U.S. Air Forces in Europe; the Alaskan Air Command; for the Defense Supply Agency: the Office of the Deputy Director for Contract Administration Services; the Office of the Executive Director, Procurement and Production; the Defense Supply Centers; and the Defense Personnel Support Center; for the Defense Communications Agency: The Headquarters, Defense Communications Agency; the Defense Commercial Communications Office; and the Defense Commercial Communications Office, Pacific; for the Defense Atomic Support Agency: Headquarters, Defense Atomic Support Agency. It also includes any other procuring activity hereafter established. The number and designation of particular procuring activities of any Military Department may be changed by directive of the Secretary.

§ 1.302–6 Contracts between the Government and its employees or business organizations substantially owned or controlled by Government employees.

* * * * *

(c) Nothing in paragraph (a) of this section shall authorize a "Personal Services" contract in violation of § 22–102 of this chapter.

§ 1.310 Liquidated damages.

(a) This section applies to procurement by formal advertising and procurement by negotiation. Liquidated damages provisions may be used when both (1) the time of delivery or performance is such an important factor that the Government may reasonably expect to suffer damages if the delivery or performance is delinquent, and (2) the extent or amount of such damages would be difficult or impossible of ascertainment or proof. When a liquidated damages provision is to be used in a supply or service contract, insert the provision in § 7.105–5 of this chapter in accordance with the instructions thereof. Liquidated damage provisions for construction contracts are covered by §§ 18.113, 7.603–39, and 8.709 of this chapter.

(b) When a liquidated damages clause is used, the contract shall set forth the amount which is to be assessed against the contractor for each calendar day of delay. The rate of assessment of liquidated damages must be reasonably considered in the light of procurement requirements on a case-by-case basis, since liquidated damages fixed without reference to probable actual damages may be held to be a penalty and therefore unenforceable. If appropriate to reflect the probable damages, considering that the Government can terminate for default or take other appropriate action, the rate of assessment of liquidated damages may be in two or more increments which provide a declining rate of assessment as the delinquency continues. The contract may also include an overall maximum dollar amount or period of time, or both, during which liquidated damages may be assessed, to assure that the result is not an unreasonable assessment of liquidated damages.

* * * * *

§ 1.701–1 Small business concern.

(a) * * *

(2) * * *

(i) *Construction industries.* For construction, alteration, or repair (including painting and decorating), of buildings, bridges, roads, or other real property, the average annual receipts of the concern and its affiliates for its preceding 3 fiscal years must not exceed $7,500,000. For dredging, the average annual receipts of the concern and its affiliates for its preceding 3 fiscal years must not exceed $5 million.

* * * * *

(iv) *Service industries.* (*a*) For services not elsewhere defined in this part, the average annual sales or receipts of the concern and its affiliates for the preceding 3 fiscal years must not exceed $1 million.

(*b*) Any concern bidding on a contract for engineering services (other than marine engineering services), motion picture production, or motion picture services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million.

(*c*) Any concern bidding on a contract for naval architectural and marine engineering services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $6 million.

(*d*) Any concern bidding on a contract for janitorial and custodial services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $3 million.

(*e*) Any concern bidding on a contract for base maintenance is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million.

(*f*) Any concern bidding on contracts for marine cargo handling services is classified as small if its annual sales or receipts do not exceed $5 million for the preceding 3 fiscal years.

(*g*) Any concern bidding on a contract for food services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $3 million.

(*h*) Any concern bidding on a contract for laundry or cleaning and dyeing services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $3 million.

(*i*) Any concern bidding on a contract for computer programing services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $3 million.

(*j*) Any concern bidding on a contract for flight training services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million.

(*k*) Any concern bidding on a contract for motorcar rental and leasing services or truck rental and leasing services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million.

(*l*) Any concern bidding on a contract for tire recapping services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $3 million.

(*m*) Any concern bidding on a contract for data processing services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $3 million.

(*n*) Any concern bidding on a contract for computer maintenance services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million.

* * * * *

2. In § 1.704–3(b), subparagraph (11) is revised and new subparagraph (12) is added; new paragraph (h) is added to § 1.705–4; in § 1.706–5(a), subparagraph (3) is revised; and §§ 7.706–6 (c)(1) and (d)(1) and 1.706–7 are revised, as follows:

§ 1.704–3 Small business specialists.

* * * * *

(b) * * *

(11) He shall through Departmental channels bring to the attention of the Director for Small Business and Economic Utilization Policy possible contracting opportunities or the establishment of new facilities in or near sections of concentrated unemployment or underemployment and of areas of persistent or substantial labor surplus.

(12) He shall make available to SBA copies of solicitations when so requested.

§ 1.705–4 Certificates of competency.

* * * * *

(h) When the contracting officer has questioned only one of the general standards of responsibility (e.g., capacity) of a small business offeror, but the SBA has declined to issue a Certificate of Competency, due to its findings concerning the offeror's capability to perform under a different standard of responsibility (e.g., credit) the responsible SBA office will inform the contracting officer of the basis for its decision. The information furnished by SBA to the contracting officer will generally consist of a copy of the letter sent to the offeror in question explaining why SBA declines to issue a Certificate of Competency. This information will be considered by the contracting officer in making an award of the procurement.

§ 1.706–5 Total set-asides.

(a) * * *

(3) Every proposed procurement of $500,000 or more for construction shall be considered on an individual procurement basis under subparagraph (1) of this paragraph.

* * * * *

§ 1.706–6 Partial set-asides.

* * * * *

(c) (1) In advertised procurements involving partial set-asides for small business, each invitation for bids shall contain substantially the following notice. The applicable size standards shall be set forth in the schedule. In negotiated procurements, the notice shall be appropriately modified for use with requests for proposals.

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE (JUNE 1969)

(a) *General.* A portion of this procurement, as identified elsewhere in the Schedule, has been set aside for award only to one or more small business concerns. Negotiations for award of this set-aside portion will be conducted only with responsible small business concerns who have submitted responsive bids on the non-set-aside portion at a unit price within 130 percent of the highest unit price at which an award is made on the non-set-aside portion. (For the purposes of this paragraph (a), such "unit price" in the case of award of the non-set-aside portion to a foreign bidder shall be the evaluated unit price established under applicable Buy American-Balance of Payments procedures.) Negotiations shall be conducted with such small business concerns in the following order of priority:

Group 1. Small business concerns which are also certified-eligible concerns.

Group 2. Small business concerns which are also persistent labor surplus area concerns.

Group 3. Small business concerns which are also substantial labor surplus area concerns.

Group 4. Small business concerns which are not labor surplus area concerns. Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. The set-aside shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which are considered in evaluating bids on the non-set-aside portion, except where a responsive bid has been submitted on the non-set-aside portion at a unit price which when so adjusted is lower than the adjusted highest unit price awarded on the non-set-aside portion but could not be accepted because of quantity limitations or other consideration (such as the bidder's responsibility). In the latter case if the quantity limitation or other considerations do not preclude consideration of the unit price of such unaccepted bid at the time of negotiation for the set-aside portion, a quantity of the set-aside portion equal to the quantity of such unaccepted bid shall be offered to eligible concerns in their order of priority at the adjusted unit price of such unaccepted bid. If no eligible bidder will take the entire quantity so offered at the adjusted unit price of the unaccepted bid, then all eligible concerns in their order of priority shall be offered any lesser portion at the same price. (In the event more than one such unaccepted bid is involved, the same procedure shall be applied successively to each such bid on negotiation for the set-aside portion.) Subject to the conditions set forth below any remaining quantity of the set-aside portion shall be offered to eligible concerns in their order of priority at the adjusted highest unit price awarded on the non-set-aside portion. If such an unaccepted bid is submitted by a concern eligible to participate in the set-aside, such concern must accept a quantity of the set-aside portion equal to the quantity of the unaccepted bid at the adjusted unit price of the unaccepted bid before any portion of the set-aside may be awarded to that concern at a higher price. If such an unaccepted bid is submitted by a concern not eligible to participate in the set-aside, a quantity of the set aside portion equal to the unaccepted bid must be awarded at the adjusted unit price of such unaccepted bid before any portion of the set-aside is awarded to any eligible concern at a higher price. The Government reserves the right not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion. The partial set-aside of this procurement for small business concerns is based on a determination by the Contracting Officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, or in the interest of war or national defense programs, or in the interest of assuring that a fair portion of Government procurement is placed with small business concerns.

(b) *Definitions.* (1) A "small business concern" is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in regulations of the Small Business Administration (Code of Federal Regulations, Title 13, § 121.3–8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided,* That this additional requirement does not apply in connection with construction or service contracts.

(2) A "labor surplus area" is a geographical area which is:

(i) An appropriate section of a City, State or an Indian Reservation classified by the Secretary of Labor as a "section of concentrated unemployment or underemployment" (Cities and States with classified sections of unemployment or underemployment, as well as eligible Indian Reservations are listed by the Department of Labor in its publication "Area Trends in Employment and Unemployment."); or

(ii) Classified by the Department of Labor as "Area of Persistent Unemployment" (herein referred to as an area of persistent labor surplus) and listed as such by that Department in its publication "Area Trends in Employment and Unemployment;" or

(iii) Classified by the Department of Labor as an "Area of Substantial Unemployment" (herein referred to as an area of substantial labor surplus) and listed as such by that Department in its publication "Area Trends in Employment and Unemployment;" or

(iv) Not classified as in (ii) or (iii) above, but which is individually certified as an area of persistent or substantial unemployment by the Department of Labor at the request of a prospective contractor.

(3) Labor surplus area concern includes certified-eligible concerns, persistent labor surplus area concerns, and substantial labor surplus area concerns, as defined below:

(i) "Certified-eligible concern" means a concern (A) located in or near a section of concentrated unemployment or underemployment which has been certified by the Secretary of Labor in accordance with 29 CFR 8.7(b) with respect to the employment of disadvantaged persons residing within such sections, and (B) which will agree to perform, or cause to be performed, by a certified concern, a substantial proportion of a contract in or near such sections; it includes a concern which, though not so certified; agrees to have a substantial proportion of a contract performed by certified concerns in or near such sections. A concern shall be deemed to perform a substantial proportion of a contract in or near sections of concentrated unemployment or underemployment if the costs that the concern will incur on account of manufacturing or production in

or near such sections (by itself if a certified concern, or by certified concerns acting as first tier subcontractors) amount to more than 25 percent of the contract price.

(ii) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that will be incurred by the prime or first tier subcontractors on account of manufacturing or production performed in such areas and in or near a section of concentrated unemployment or underemployment by a certified eligible prime or first tier certified subcontractor amount to more than 50 percent of the contract price.

(iii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that will be incurred by the prime or first tier subcontractors on account of manufacturing or production performed in substantial and persistent surplus areas and in or near a section of concentrated unemployment or underemployment by himself if certified, or by first tier certified subcontractors amount to more than 50 percent of the contract price.

(4) "Unit price" shall include evaluation factors added for the rent-free use of Government property.

(c) *Identification of Areas of Performance.* Each bidder desiring to be considered for award as a small business labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform: *Provided*, That he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(d) *Agreement.* The bidder agrees that: (i) If awarded a contract as a certified-eligible small business concern under the set-aside portion of this procurement he will perform, or cause to be performed, a substantial proportion of the contract in or near sections of concentrated unemployment or underemployment and, in the performance of such contract or subcontracts, will employ a proportionate number of disadvantaged persons residing within sections of concentrated unemployment or underemployment in accordance with plans approved by the Secretary of Labor; (ii) if awarded a contract as a small business persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the contract in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas or in or near sections of concentrated unemployment or underemployment by himself if certified-eligible prime or first tier certified subcontractors; and (iii) if awarded a contract as a small business substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the contract in areas classified at the time of award, or at the time of performance of the contract, as substantial or persistent labor surplus areas or in or near sections of concentrated unemployment or underemployment by himself if certified or by first tier certified subcontractors.

(e) *Eligibility based on certification.* Where eligibility for preference is based upon the status of the bidder as a "certified-eligible concern," the bidder shall furnish with his bid evidence of its certification or its first tier subcontractors' certification by the Secretary of Labor.

* * * * *

(d) (1) After the award price for the non-set-aside portion has been determined, negotiations may be conducted for the set-aside portion. Procurement of the set-aside portion shall in all instances be effected by negotiation. Negotiations shall be conducted only with those bidders or offerors who have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 130 percent of the highest award made or to be made on the non-set-aside portion, taking into account the evaluation factors for rent-free use of Government property pursuant to Subpart E, Part 13 of this chapter (*Provided, however*, Where the successful bidder which establishes the highest award price on the non-set-aside portion is a foreign bidder, the 120-percent rule shall be applied to the evaluated price on the non-set-aside portion (see § 6.104–4 of this chapter)), and who are determined to be responsible prospective contractors for the set-aside portion of the procurement. Negotiations shall be conducted with small business concerns in the order of priority as indicated in the foregoing notices: *Provided*, That, where equal low bids are received on the non-set-aside portion from concerns which are equally eligible for the set-aside portion, the concern which is awarded the non-set-aside portion (under the equal low bid procedure of § 2.407–6 of this chapter) shall have first priority with respect to negotiations for the set-aside portion. The set-aside portion will be awarded at the highest unit price awarded or to be awarded for the non-set-aside portion except that where the successful bidder which establishes the highest award price on the non-set-aside portion is a foreign bidder, the award price for the set-aside portion shall be the highest evaluated price (used for the purpose of determining eligibility of the foreign bidder for award) on the non-set-aside portion (see § 6.104–4 of this chapter). A bidder or offeror entitled to receive the award for quantities of an item under the non-set-aside portion and who accepts the award of additional quantities under the set-aside portion shall not be requested to accept a lower price because of the increased quantities of the award, nor shall negotiation be conducted with a view to obtaining such a lower price based solely upon receipt of award of both portions of the procurement. This does not prevent acceptance by the contracting officer of voluntary reductions in price from the low eligible offeror prior to award, acceptance of voluntary refunds (see § 1.312), or the change of prices after award by negotiation of a contract modification.

* * * * *

§ 1.706–7 Automatic dissolution of set-asides.

If the entire set-aside portion is not procured by the method set forth in § 1.706–5 as to total set-asides, or in § 1.706–6 as to partial set-asides, the determination referred to in § 1.706–1 is automatically dissolved as to the unawarded portion of the set-aside, and such unawarded portion may be procured by advertising or negotiation as appropriate in accordance with existing regulations (see §§ 3.201–2(b)(2) and 3.210–3 of this chapter as to negotiation). Since a considerable time may have elapsed since the initiation of the requirement, contracting officers, prior to issuing a new solicitation, shall review the required delivery schedule (see § 1.305–2) to insure that it is realistic in the light of all relevant factors including the capabilities of small business concerns.

3. Sections 1.801–1, 1.801–2 (a) and (b), 1.804–2 (b)(1) and (c)(1), 1.805–3, and 1.806–1 are revised to read as follows:

§ 1.801–1 Labor surplus area concern.

This term includes:

(a) Concerns (1) located in or near sections of concentrated unemployment or underemployment which have been certified by the Secretary of Labor in accordance with 29 CFR 8.7(b) with respect to the employment of disadvantaged persons residing within such sections and (2) which will agree to perform, or cause to be performed by certified concerns, a substantial proportion of a contract in or near such sections; it also includes concerns which, though not so certified, agree to have a substantial proportion of a contract performed by certified concerns in or near such sections. Such concerns are herein referred to as "certified-eligible concerns." The term "certified-eligible" is derived from 29 CFR Part 8, which makes a firm eligible for first preference in the award of certain contracts on the basis that such firm agrees to employ disadvantaged persons in performance of a substantial proportion of the contract; and that such employment must be provided by a certified firm, whether such firm be the prime or a first tier subcontractor. A certified-eligible concern shall be deemed to perform a substantial proportion of a contract in or near sections of concentrated unemployment or underemployment if the costs that the concern will incur on account of manufacturing or production in or near such sections (by itself if a certified concern, or by first tier certified concerns acting as subcontractors) amount to more than 25 percent of the contract price.

(b) Persistent labor surplus area concerns which will perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Persistent Labor Surplus." A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that will be incurred by the prime or first tier subcontractors on account of manufacturing or production performed in such areas and in or near a section of concentrated unemployment or underemployment by a certified-eligible prime or first tier certified subcontractors amount to more than 50 percent of the contract price.

(c) Substantial labor surplus area concerns which will perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial Labor Surplus." A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that will be incurred by the prime or first tier subcontractors on account of manufacturing or production performed in substantial and persistent labor surplus areas and in or near a section of concentrated unemployment or underemployment by a certified-eligible prime or certified first tier subcontractors amount to more than 50 percent of the contract price.

Example A. John Doe Company, manufacturing in or near a section of concentrated unemployment or underemployment and holding a current Certificate of Eligibility issued by the Secretary of Labor with respect to an agreement to employ disadvantaged persons residing in such section, bids on a contract at $1,000. John Doe Company will incur the following costs:

Direct Labor	$100
Overhead	100
Purchase of materials from NOP Company which manufactures the materials in a section of concentrated unemployed and underemployment and holds a current Certificate of Eligibility issued by the Secretary of Labor	200
Purchase of materials from RST Company, which manufactures the materials in a full employment area	500

John Doe Company qualifies as a labor surplus area concern (certified-eligible concern) since costs to be incurred by John Doe, the certified-eligible prime and its first tier certified subcontractor amount to more than 25 percent of the contract price.

Example B. ABC Company, manufacturing in a full employment area, bids on a contract at $1,000. ABC Company will incur the following costs:

Direct labor	$200
Overhead	200
Purchase of materials from XYZ, which manufactures the materials in a labor surplus area not classified as a section of concentrated unemployment or underemployment	400
Purchase of materials, from NOP Company, which manufactures the materials in a section of concentrated unemployment or underemployment and holds a current Certificate of Eligibility issued by the Secretary of Labor with respect to an agreement to employ disadvantaged persons in such section	110

ABC Company qualifies as a labor surplus area concern since costs to be incurred by its first tier labor surplus area subcontractors amount to more than 50 percent of the contract price.

Example C. DEF Company, manufacturing in a labor surplus area, bids on a contract at $1,000. DEF Company will incur the following costs:

Direct labor	$200
Overhead	200
Purchase of materials from UVW, which is located in a labor surplus area but which merely distributes the materials from stocks on hand (the materials having been manufactured by UVW's supplier)	550

DEF Company does not qualify as a labor surplus area concern regardless of whether UVW's supplier manufactures in a labor surplus area.

Example D. GHI Company, manufacturing in a labor surplus area, bids on a contract at $1,000. GHI Company will incur the following costs:

Direct labor	$230
Overhead	275
Purchase of materials from RST, which manufactures the materials in a full employment area	425

GHI Company qualifies as a labor surplus area concern since it will incur costs in a labor surplus area amounting to more than 50 percent of the contract price.

§ 1.801–2 Labor surplus area.

This term means a geographic area which at the time of award is:

(a) An appropriate section of a City, State, or an Indian Reservation classified by the Secretary of Labor as a "section of concentrated unemployment or underemployment" (Cities and States with classified sections of unemployment or underemployment, as well as eligible Indian Reservations are listed by the Department of Labor in its publication "Area Trends in Employment and Unemployment."); or

(b) Classified by the Department of Labor as an "Area of Persistent Unemployment" (herein referred to as an area of persistent labor surplus) and listed as such by that Department in its publication "Area Trends in Employment and Unemployment," or

* * * * *

§ 1.804–2 Set-aside procedures.

* * * * *

(b) (1) In advertised procurements involving set-asides pursuant to this subpart, each invitation for bids shall contain substantially the following notice. In negotiated procurements, the notice shall be appropriately modified for use with requests for proposals. The notice shall be made a part of each contract under the set-aside portion of the procurement.

NOTICE OF LABOR SURPLUS AREA SET-ASIDE (JUNE 1969)

(a) *General.* A portion of this procurement, as identified elsewhere in the Schedule, has been set aside for award only to one or more labor surplus area concerns, and, to a limited extent, to small business concerns which do not qualify as labor surplus area concerns. Negotiations for award of the set-aside portion will be conducted only with responsible labor surplus area concerns (and small business concerns to the extent indicated below) who have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 130 percent of the highest unit price at which an award is made on the non-set-aside portion. (For the purposes of this paragraph (a), such "unit price" in the case of award of the non-set-aside portion to a foreign bidder shall be the evaluated unit price established under applicable Buy American-Balance of Payments procedures.) Negotiations for the set-aside portion will be conducted with such bidders in the following order of priority:

Group 1. Certified-eligible concerns which are also small business concerns.

Group 2. Other certified-eligible concerns.

Group 3. Persistent labor surplus area concerns which are also small business concerns.

Group 4. Other persistent labor surplus area concerns.

Group 5. Substantial labor surplus area concerns which are also small business concerns.

Group 6. Other substantial labor surplus area concerns.

Group 7. Small business concerns which are not surplus area concerns.

Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. The set-aside portion shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which are considered in evaluating bids on the non-set-aside portion, except where a responsive bid has been submitted on the non-set-aside portion at a unit price which when so adjusted is lower than the adjusted highest unit price awarded on the non-set-aside portion but could not be accepted because of quantity limitations or other consideration (such as the bidder's responsibility). In the latter case if the quantity limitation or other considerations do not preclude consideration of the unit price of such unaccepted bid at the time of negotiation for the set-aside portion, a quantity of the set-aside portion equal to the quantity of such unaccepted bid shall be offered to eligible concerns in their order of priority at the adjusted unit price of such unaccepted bid. If no eligible bidder will take the entire quantity so offered at the adjusted unit price of the unaccepted bid, then all eligible concerns in their order of priority shall be offered any lesser portion at the same price. (In the event more than one such unaccepted bid is involved, the same procedure shall be applied successively to each bid on negotiation for the set-aside portion.) Subject to the conditions set forth below any remaining quantity of the set-aside portion shall be offered to eligible concerns in their order of priority at the adjusted highest unit price awarded on the non-set-aside portion. If such an unaccepted bid is submitted by a concern eligible to participate in the set-aside, such concern must accept a quantity of the set-aside portion equal to the quantity of the unaccepted bid at the adjusted unit price of the unaccepted bid before any portion of the set-aside may be awarded to that concern at a higher price. If such an unaccepted bid is submitted by a concern not eligible to participate in the set-aside, a quantity of the set-aside portion equal to the quantity of the unaccepted bid must be awarded at the adjusted unit price of such unaccepted bid before any portion of the set-aside is awarded to any eligible concern at a higher price. The Government reserves the right not to consider token bids or other devices designed to secure an unfair advantage over bidders eligible for the set-aside portion.

(b) *Definitions.*

(1) The term "labor surplus area" means a geographical area which is a section of concentrated unemployment or underemployment, a persistent labor surplus area, or a substantial labor surplus area, as defined below:

(i) "Section of concentrated unemployment or underemployment" means appropriate sections of a City, State, or an Indian Reservation so classified by the Secretary of

Labor. (Cities and States with classified sections of unemployment and underemployment, as well as eligible Indian Reservations are listed by the Department of Labor in its publication "Area Trends in Employment and Unemployment.")

(ii) "Persistent labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Persistent Labor Surplus" (also called "Area of Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Trends in Employment and Unemployment," or (B) is certified as an area of persistent labor surplus by the Department of Labor pursuant to a request by a prospective Contractor.

(iii) "Substantial labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Trends in Employment and Unemployment," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective Contractor.

(2) The term "labor surplus area concern" includes certified-eligible concerns, persistent labor surplus area concerns, and substantial labor surplus area concerns, as defined below:

(i) "Certified-eligible concern" means a concern (A) located in or near a section of concentrated unemployment or underemployment which has been certified by the Secretary of Labor in accordance with 29 CFR 8.7(b) with respect to the employment of disadvantaged persons residing within such sections, and (B) which will agree to perform, or cause to be performed by a certified concern, a substantial proportion of a contract in or near such sections; it includes a concern which, though not so certified, agrees to have a substantial proportion of a contract performed by certified concerns in or near such sections. A concern shall be deemed to perform a substantial proportion of a contract in or near sections of concentrated unemployment or underemployment if the costs that the concern will incur on account of manufacturing or production in or near such sections (by itself if a certified concern, or by certified concerns acting as first tier subcontractors) amount to more than 25 percent of the contract price.

(ii) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that will be incurred by the prime or first tier subcontractors on account of manufacturing or production performed in such areas and in or near a section of concentrated unemployment or underemployment by a certified-eligible prime or first tier certified subcontractors amount to more than 50 percent of the contract price.

(iii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that will be incurred by the prime or first tier subcontractors on account of manufacturing or production performed in substantial and persistent labor surplus areas and in or near a section of concentrated unemployment or underemployment by a certified-eligible prime or first tier certified subcontractors amount to more than 50 percent of the contract price.

(3) A "small business concern" is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in regulations of the Small Business Administration (Code of Federal Regulations, Title 13, section 121.3–8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

(4) "Unit price" shall include evaluation factors added for the rent-free use of Government property.

(c) *Identification of areas of performance.* Each bidder desiring to be considered for award as a labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such areas changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform: *Provided*, That he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(d) *Eligibility based on certification.* Where eligibility for preference is based upon the status of the bidder as a "certified-eligible concern," the bidder shall furnish with his bid evidence of its certification or its first tier subcontractors' certification by the Secretary of Labor.

(e) *Agreement.* The bidder agrees that: (1) If awarded a contract as a certified-eligible concern under the set-aside portion of this procurement he will perform, or cause to be performed, a substantial proportion of the contract in or near sections of concentrated unemployment, or underemployment and in the performance of such contract or subcontracts, will employ a proportionate number of disadvantaged persons residing within sections of concentrated unemployment or underemployment in accordance with plans approved by the Secretary of Labor; (ii) if awarded a contract as a persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the contract in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; or in or near sections of concentrated unemployment or underemployment by himself if certified or by first tier certified subcontractors; and (iii) if awarded a contract as a substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the contract in areas classified at the time of award, or at the time of performance of the contract, as substantial or persistent labor surplus areas or in or near sections of concentrated unemployment or underemployment by himself if certified or by first tier certified subcontractors.

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(c) (1) After the award price for the non-set-aside portion has been determined, negotiations may be conducted for the set-aside portion. Procurement of the set-aside portion shall in all instances be effected by negotiation. Negotiations shall be conducted only with those bidders or offerors who have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 130 percent of the highest award made or to be made on the non-set-aside portion, taking into account the evaluation factors for rent-free use of Government property pursuant to Subpart E, Part 13 of this chapter: *Provided, however*, Where the successful bidder which establishes the highest award price on the non-set-aside portion is a foreign bidder, the 130 percent rule shall be applied to the evaluated price on the non-set-aside portion (see § 6.104–4 of this chapter) and who are determined to be responsible prospective contractors for the set-aside portion of the procurement. Negotiations shall be conducted in the order of priority indicated in the foregoing notices: *Provided*, That, where equal low bids are received on the non-set-aside portion from concerns which are equally eligible for the set-aside portion, the concern which is awarded the non-set-aside portion (under the equal low bid procedures of § 2.407–6 of this chapter) shall have first priority with respect to negotiations for the set-aside portion. The set-aside portion shall be awarded at the highest unit price awarded or to be awarded for the non-set-aside portion except that where the successful bidder which establishes the highest award price on the non-set-aside portion is a foreign bidder, the award price for the set-aside portion shall be the highest evaluated price (used for the purpose of determining eligibility of the foreign bidder for award) on the non-set-aside portion (see § 6.104–4 of this chapter). A bidder or offeror entitled to receive the award for quantities of an item under the non-set-aside portion and who accepts the award of additional quantities under the set-aside portion shall not be requested to accept a lower price because of the increased quantities of the award, nor shall negotiation be conducted with a view to obtaining such a lower price based solely upon receipts of award of both portions of the procurement. This does not prevent acceptance by the contracting officer of voluntary reductions in price prior to award, acceptance of refunds, or the change of prices after award by negotiation of a contract modification. If the entire set-aside portion cannot be awarded by the method described herein, any unawarded portion may be procured by advertising or negotiation, as appropriate, in accordance with existing regulations (see §§ 3.201–2(b)(1) and 3.210–3 of this chapter as to negotiation). Since a considerable time may have elapsed since the initiation of the requirement, contracting officers, prior to issuing a new solicitation, shall review the required delivery schedule (see § 1.305–2) to insure that it is realistic in the light of all relevant factors including the capabilities of labor surplus concerns.

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§ 1.805–3 Required clauses.

(a) The "Utilization of Concerns in Labor Surplus Areas" clause set forth below shall be inserted in all contracts which may exceed $5,000, except—

(1) Contracts with foreign contractors which, including all subcontracts thereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico;

(2) Contracts for services which are personal in nature, and

(3) Contracts for construction.

UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS (JUNE 1969)

It is the policy of the Government to place contracts with concerns which will perform such contracts substantially in or near section of concentrated unemployment or underemployment as a certified-eligible concern or in areas of persistent or substantial labor surplus where this can be done, consistent with the efficient performance of the contract, at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy. In complying with the foregoing and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns," the Contractor in placing his subcontracts shall observe the following order of preference: (i) certified concerns which are also small business concerns; (ii) other certified concerns; (iii) persistent labor surplus area concerns which are also small business concerns; (iv) other persistent labor surplus area concerns; (v) substantial labor surplus area concerns which are also small business concerns; (vi) other substantial labor surplus area concerns; and (vii) small business concerns which are not labor surplus area concerns.

(b) The "Labor Surplus Area Subcontracting Program" clause below shall be included in all contracts which may exceed $500,000, but which contain the clause required by paragraph (a) of this section and which, in the opinion of the purchasing activity, offer substantial subcontracting possibilities. Prime contractors who are to be awarded contracts that do not exceed $500,000, which in the opinion of the purchasing activity offer substantial subcontracting possibilities, shall be urged to accept the following clause.

LABOR SURPLUS AREA SUBCONTRACTING PROGRAM (JUNE 1969)

(a) The Contractor agrees to establish and conduct a program which will encourage labor surplus area concerns to compete for subcontracts within their capabilities. In this connection, the Contractor shall—

(1) Designate a liaison officer who will (i) maintain liaison with duly authorized representatives of the Government on labor surplus area matters, (ii) supervise compliance with the "Utilization of Concerns in Labor Surplus Areas" clause, and (iii) administer the Contractor's Labor Surplus Area Subcontracting Program;

(2) Provide adequate and timely consideration of the potentialities of labor surplus area concerns in all "make-or-buy" decisions;

(3) Assure that labor surplus area concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of labor surplus area concerns;

(4) Maintain records showing procedures which have been adopted to comply with the policies set forth in this clause; and

(5) Include the "Utilization of Concerns in Labor Surplus Areas" clause in subcontracts which offer substantial labor surplus area subcontracting opportunities.

(b) For subcontracting purposes, a "labor surplus area concern" is a concern which will perform a substantial proportion of any contract awarded to it (i) in or near "Sections of concentrated unemployment or underemployment" as a certified concern, (ii) in "Areas of Persistent Labor Surplus" or (iii) in "Areas of Substantial Labor Surplus," as designated by the Department of Labor. A certified concern shall be deemed to perform a substantial proportion of a contract in or near sections of concentrated unemployment or underemployment if the costs that the concern will incur on account of manufacturing or production in or near such sections amount to more than 25 percent of the price of such contracts; a concern shall be deemed to perform a substantial proportion of a contract in a persistent or substantial labor surplus area if the costs that the concern will incur on account of manufacturing or production in such area amount to more than 50 percent of the price of such contract.

(c) The Contractor further agrees, with respect to any subcontract hereunder which is in excess of $500,000 and which contains the clause entitled "Utilization of Concerns in Labor Surplus Areas," that he will insert provisions in the subcontract which will conform substantially to the language of this clause, including this paragraph (c), and that he will furnish the names of such subcontractors to the Contracting Officer.

§ 1.806–1 General.

When an entire industry is depressed, the Director of the Office of Emergency Preparedness may, under Defense Manpower Policy No. 4, establish appropriate measures on an industry-wide, rather than on an area, basis. Designations of such industries are made by the Office of Emergency Preparedness and such industries will be given special treatment as specified therein. Section 1.806–2 reflects pertinent requirements of such notification with respect to the petroleum and petroleum products industry. No price differentials will be paid to carry out policies of this notification.

4. Sections 1.901, 1.903–2(b), and 1.904–1 are revised; new § 1.904–4 is added; §§ 1.905–4(b), 1.908–1, 1.908.2, 1.908–3, and 1.908–4 are revised; and new §§ 1.908–5 and 1.908–6 are added, as follows:

§ 1.901 Applicability.

This subpart applies to procurement, advertised or negotiated, from contractors located in the United States, its possessions, or Puerto Rico and shall be applied in other places except where inconsistent with the laws and customs of the place where the prospective contractor is located. It is not applicable to procurement from (a) other governments (but see § 1.904–4), including State and local governments; (b) other U.S. Government departments and agencies, or their instrumentalities (such as Federal Prison Industries, Inc.); or (c) National Industries for the Blind.

§ 1.903–2 Additional standards.

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(b) *Standards for Food.* Procurement of food shall be made only from those sources which, in addition to meeting the standards in § 1.903–1, are approved with respect to sanitation in accordance with standards and procedures prescribed in AR 40–657, NAVSUP PUB 395, AFR 163–2, and NAVMC 2573.

§ 1.904–1 Requirement.

Except as otherwise provided in § 1.904–2, no purchase shall be made from, and no contract shall be awarded to, any person or firm unless the contracting officer first makes, signs, and places in the contract file, an affirmative determination that the prospective contractor is responsible within the meaning of § 1.902. The determination of responsibility shall contain a statement justifying the determination. When a certificate of competency has been issued, the affirmative determination need not be made as to the factors covered by the certificate of competency. When a bid or offer on which an award would otherwise be made is rejected because the prospective contractor is found to be nonresponsible, a determination of nonresponsibility shall be made, signed, and placed in the file. The determination of nonresponsibility shall set forth the basis of the determination. In determination of responsibility or nonresponsibility for purchase or contract awards of $100,000 and over, contractor performance evaluation information (see § 1.908, the information to be used is determined by the dollar value and type of effort required) and other performance data should be acquired and considered whenever the contracting officer deems it necessary. Supporting documents or reports, including any preaward survey reports (see § 1.905–4) and SBA certificate of competency (see § 1.705–4), shall be attached to the determination.

§ 1.904–4 Procurements from Canadian sources of supply.

Awards to Canadian sources of supply are subject to this subpart. A Canadian firm proposed by the Canadian Commercial Corporation (CCC) as its subcontractor generally shall be accepted by the contracting officer under the provisions of § 1.906 as the basis for his determination under § 1.904–1. In cases where the firm proposed by CCC is so accepted, preaward survey forms need not be completed. When the CCC proposal is not consistent with other information which may be available to the contracting officer, he shall request from CCC and any other sources whatever additional information or plant surveys he may deem necessary to make the determination of responsibility of sources proposed by CCC. Such additional data may be requested on the preaward survey forms or on any other forms. Upon request, CCC shall be furnished an explanation of the reasons for rejection of its proposed firm.

§ 1.905–4 Preaward surveys.

* * * * *

(b) *Circumstances under which performed.* A preaward survey shall be required when the information available to the purchasing office (including contractor performance information (see § 1.908) when deemed necessary) is not sufficient to enable the contracting

officer to make a determination regarding the responsibility of a prospective contractor (but see paragraph (c) of this section). The contracting officer shall request a preaward survey on Preaward Survey of Prospective Contractor (DD Form 1524) (see F-200.1524) in the detail commensurate with the dollar value and complexity of the procurement. In requesting a preaward survey, the contracting officer shall call to the attention of the contract administration office any factors which should receive special emphasis. The factors selected by the contracting officer shall be applicable to all firms responding to the solicitation and shall be considered in all preaward surveys performed for the same solicitation. In the absence of specific instructions from the purchasing office, the scope of the preaward survey shall be determined by the contract administration office and a normal time frame of 7 working days after receipt of request shall be allowed for conducting the survey and submitting the report, recognizing that in unusual circumstances exception from the normal time frame may be requested.

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§ 1.908–1 General.

The purpose of the contractor performance evaluation program is to provide an orderly and uniform method of determining and recording the effectiveness of contractors in meeting their contractual commitments. This procedure will increase the importance to the contractor of satisfying his agreements in regard to cost, schedule and technical performance. The program provides a long-term incentive to contractors by creating within the Government a "memory" of their performance and means for considering this record in future actions. The dollar value and type of effort required by a contract determine the reporting requirements, form(s) and procedures to be used. The evaluation of major development and follow-on production contracts is specified by § 1.908–2(a); other development contracts by § 1.908–2(b); supply contracts by § 1.908–3; architect-engineer contracts by § 1.908–4; and construction contracts by § 1.908–5.

§ 1.908–2 Development and certain specified production contracts.

(a) *Major development and follow-on production contracts (DD Form 1446 Series and DD Form 1447).* All advanced-development (with measurable contractual commitments), engineering-development, and operational-systems-development and production contracts specified below shall be evaluated on DD Form 1446 series and DD Form 1447. The program requires project managers within the Military Departments to prepare Contractor Performance Evaluation Reports (see DD Form 1446 series) for all such development contracts whose projected cost for a single year will exceed $2 million or whose projected overall cost will exceed $10 million and all production contracts that follow, or are concurrent with, evaluated development contracts (until firm specifications susceptible to price competition are in use), if the projected cost exceeds $5 million for a single year or if the projected overall costs exceeds $20 million. These evaluations shall be made at intervals of 6 months beginning not later than 1 year after the date of award of the contract (periodic report) and upon the completion, substantial completion or termination of the contract (terminal report). After review or certification by the appropriate Departmental Contractor Performance Evaluation Group (see DD Form 1447), the report is submitted to the contractor and then transmitted, with the contractor's comments, to the Director of Contractor Performance Evaluation, Office of the Assistant Secretary of Defense (Installations and Logistics), for storage in a central data bank and use by Source Selection Advisory Councils or other persons or groups acting in similar capacity, contracting officers in determining fees or profits and prospective contractor's responsibility, and the Renegotiation Board (see §§ 4.106–4 (c) and (d), 3.808–4(a), 3.808–5(d), and 1.319(f) of this chapter). The central data bank is maintained at the Defense Documentation Center of the Defense Supply Agency, Cameron Station, Alexandria, Va. 22314. Detailed procedures for this program are set forth in the Department of Defense Guide to Contractor Performance Evaluation (Development and Production).

(b) *Other Development Contracts (DD Form 1683).* All contracts not within paragraph (a) of this section which exceed $100,000 for advanced development (with measurable contractual commitments), or engineering and operational-systems development (except those with Federal Contract Research Centers) shall be evaluated on DD Form 1683, Contractor Performance Evaluation Report (Development). Subject to the approval of the Director of Contractor Performance Evaluation, Office of the Assistant Secretary of Defense (Installations and Logistics), additional categories of contracts may be designated by a Military Department or Defense Agency for evaluation under the program. These evaluations shall be made by the project manager, project engineer, or equivalent who has overall responsibility for the project and shall be reviewed by an official of a higher organizational level than the evaluator upon the completion, substantial completion or termination of the contract. In order to afford contractors an opportunity to review CPE Reports, whether favorable or not, within 20 days of the specified evaluation date, a copy (DD Form 1683) shall be mailed to a senior official of the contractor who shall be afforded 2 weeks from the date of mailing to submit a detailed justification to the reviewer to support any requested change in the evaluation report. The reviewer shall resolve inconsistencies of fact and, if appropriate, prepare a revised report and furnish a copy to the contractor. The reviewer shall advise the contractor of the reasons why any requested change was not made. The original copy of each resolved evaluation report shall be transmitted to the Defense Documentation Center, Attention: DDC–TSR, Cameron Station, Alexandria, Va. 22314, within 35 days of the specified evaluation date, except that an additional 15 days will be allowed when it is necessary to prepare a revised report. Any significant errors discovered subsequent to transmission shall be corrected by a revised report. The Contractor Performance Evaluation Groups maintained by the Military Departments and Defense Agencies, or in lieu thereof a designated monitor, shall be responsible to ensure that the reports are timely and clear. Contractors may appeal the reviewer's final decision by written submission to the appropriate Departmental CPE Group within 30 days after receipt of the reviewer's decision. The Departmental CPE Group shall have 60 days in which to resolve, or if necessary decide, the differences between the contractor and the reviewer and, if necessary, forward a revised report (DD Form 1683) to the data bank. The CPE Group shall advise the contractor of its resolution of the matter. The Defense Documentation Center shall tabulate these Contractor Performance Evaluation Reports and provide for distribution, with quarterly revisions, of the performance evaluation information to procurement activities having need for the information for use by Source Selection Advisory Councils or other persons or groups acting in similar capacity, contracting officers in determining fees or profits and prospective contractor's responsibility, and the Renegotiation Board (see §§ 4.106–4 (c) and (d), 3.808–4(a), 3.808–5(d), and 1.319(f) of this chapter). These evaluation reports shall be available for use for a minimum of 3 years before being retired from normal active use.

§ 1.908–3 Contractor performance record (supply contracts).

(a) A Contractor Performance Record (CPR) is a factual historical documentation of contract performance data prepared by the cognizant contract administration office on completed or terminated DoD supply contracts. The CPR provides an orderly and uniform method of determining and recording how effectively supply contractors meet their contractual commitments. For each supply contract of $100,000 or more, except those contracts authorized for retention by purchasing offices and those contracts evaluated under § 1.908–2(a), a contract performance record shall be prepared by the cognizant contract administration office utilizing DD Form 1661, Contractor Performance Record (Supply Contracts). (See F-200.1661.) Subject to the approval of OASD (Installations and Logistics) and if the military departments and defense agencies concerned consider it desirable and make request therefor, certain other supply contracts that do not fall within the foregoing category may be recorded.

(b) The cognizant contract administration office shall ensure that fully qualified personnel prepare, review and distribute as specified in paragraph (d) of this section the complete record within 20 days after final acceptance of the last delivery under or termination of the contract.

(c) The monitor of the Contractor Performance Record Program shall permit an authorized contractor representative to review the Contractor Performance Record Reports. Upon the written request of a senior official of a contractor for a copy of a specific CPR Report, it shall be furnished to the requesting official.

(d) The original of the Contractor Performance Record (CPR) for every contract shall be retained by the preparing activity administrative contracting officer for use and disposition as prescribed in § 1.308 and ASPS No. 2. A copy of the record shall be distributed to:

(1) The preaward survey activity in the cognizant contract administration plant or DCAS region office for deposit in the contractor performance record data bank; and

(2) The purchasing office identified in the contract.

(e) Written comments of the contractor received after distribution should also be included in the record. Attempt should be made to resolve any problems raised by such comments and, if appropriate, an amended contractor performance record shall be prepared and distributed.

(f) The preaward survey activity in the cognizant contract administration office (Defense Contract Administration Services Region headquarters or Military Department cognizant plant activity) shall maintain the contractor performance record data bank. The monitor of the contractor performance record program shall respond to inquiries from authorized Government procurement activities. He shall furnish an immediate analysis of the available contractor performance record data, supplemented by known data on current contracts, and shall transmit to the requesting activity a copy of all available records or summary thereof within 2 working days when requested.

(g) In the selection of contractors for award of supply contracts $100,000 and over, available contractor performance records shall be considered by the contracting officer in determining:

(1) Prospective contractor's responsibility,

(2) Profit or fee,

(3) Source selection, or

(4) Any combination of the above.

(h) The contracting officer should obtain from the monitor of the Contractor Performance Record Program and consider the following:

(1) Available documented information developed under the contractor performance record program, or

(2) A statement that there is no record on file.

This information or statement may be obtained for proposed awards under $100,000 if it is established to be relevant.

§ 1.908–4 Architect-engineer contractor performance data.

For each contract over $10,000 awarded, a performance evaluation report shall be prepared by the cognizant construction activity, utilizing DD Form 1413, "Performance Evaluation—Architect-Engineer Professional Services Contractor". Such reports may also be prepared for contracts of lesser amounts. For contracts of over $10,000, DD Form 1413 shall be distributed, filed, and utilized in a manner similar to qualifications data (GSA Standard Forms 251), above, except that distribution also shall be made to the Washington headquarters of the respective construction activities.

§ 1.908–5 Performance evaluation of construction contractors.

(a) *Preparation of performance reports.* Performance evaluations of construction contractors shall be made and distributed in accordance with the following procedures and shall be used in making contractor responsibility determinations (See §§ 18.106 and 1.900 of this chapter.)

(1) For each construction contract of $200,000 or more and each construction contract of $10,000 or more where any element of performance was either unsatisfactory or outstanding, a performance evaluation report shall be prepared, by the cognizant construction activity, at the time of final acceptance of the work, utilizing DD Form 1596, "Construction Contractor Performance Evaluation Report."

(2) Performance evaluation reports will also be prepared, at the time of termination, for every construction contract over $200,000 that is terminated for default and for every construction contract of $100,000 or more that is terminated for the convenience of the Government.

(3) The head of each procuring activity that awards construction contracts shall establish procedures within his command to assure that fully qualified personnel prepare and review these reports. Normally, the evaluating official should be the officer or civilian who is responsible for supervising the work. The reviewing official should have knowledge of the contractor's performance and normally will be an officer or civilian at a higher organizational level than the evaluating official.

(4) Prior to forwarding an overall unsatisfactory performance report, the evaluating or reviewing official will advise a responsible official of the contractor's organization that an unsatisfactory report is being prepared and the facts on which it is based. Any written comments made by the contractor shall be included in the report and mistakes of fact alleged shall be resolved and made a part of the report.

(b) *Distribution of performance reports.* The original of the performance evaluation report for every contract will be retained by the activity preparing the report for a minimum of 6 years after date of the report. In addition, the reviewing official will forward a copy of the following reports:

(1) Reports with an overall unsatisfactory evaluation,

(2) Reports which cite outstanding performance, and

(3) Reports for all contracts in excess of $200,000 to the:

Office of the Chief of Engineers, Attention: ENGMC–KC, Building T–7, Washington, D.C. 20315.

This Office is responsible for establishing procedures and practices which will assure appropriate distribution and utilization of performance evaluation data within the Departments.

(c) *Utilization of performance reports.* In the selection of fully qualified responsible contractors for future awards or negotiations of construction contracts above $1 million, the contracting officer shall obtain from the central data bank listed in paragraph (b) of this section the following:

(1) A record of the number of contracts and the total dollar amount for all satisfactory evaluations; and

(2) Complete transcripts of all performance evaluations showing unsatisfactory performance either on individual elements or overall evaluation, or remarks on outstanding performance. These transcript(s) or statement(s) may be obtained for smaller awards.

§ 1.908–6 Disclosure of contractor performance evaluation reports and records.

Contractor performance evaluation reports and records shall be classified in accordance with their content but, if not classified, shall be marked "For Official Use Only." Contractor performance evaluation reports and records and their contents shall be disclosed only to persons or agencies demonstrating a need to know. The disclosure of these reports or their contents outside the Department of Defense (except to the contractor concerned) must have prior approval of the Director of Contractor Performance Evaluation, Office of the Assistant Secretary of Defense (Installations and Logistics). (See § 1.329–3.)

5. Sections 1.1003–1(c)(6), 1.1003–7 (c), and 1.1005–1(a) are revised; the introductory text of § 1.1103 is revised; in § 1.1203–2(a), the address in clause paragraph (a) is revised; and § 1.1206–1 (a) is revised, as follows:

§ 1.1003–1 General.

• • • • • •

(c) • • •

(6) Procurement to be made from or through another Government department or agency, including procurements from the SBA using the authority of section 8(a) of the Small Business Act, or a mandatory source of supply such as an agency for the blind under the blind-made products program.

• • • • • •

§ 1.1003–7 Information regarding specifications, plans, and drawings.

• • • • • •

(c) Notices of the situations in paragraphs (a) and (b) of this section shall be prepared in accordance with § 1.1003–9(e).

§ 1.1005–1 Synopsis of contract awards.

(a) *General.* With the exception of awards to SBA using the authority of section 8(a) of the Small Business Act, awards of all unclassified contracts to be performed in whole or in part within the United States, exceeding $25,000 in amount, shall be published in the Commerce Business Daily "Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards."

• • • • • •

§ 1.1103 Justification for inclusion of qualification requirements.

Subject to approval by: In case of the Army, the Logistic Data Management Office, AMC; in the Navy, the Chief of Naval Material; and in the Air Force, the Directorate of Procurement Policy (AFSPPE) Standardization Group, Headquarters, USAF; and in the Defense Supply Agency, the Executive Director Procurement and Production, a qualification requirement may be included in a specification when one or more of the following conditions exist:

• • • • • •

§ 1.1203–2 Specifications and Standards Listed in the Department of Defense Index of Specifications and Standards (DODISS).

(a) • • •

AVAILABILITY OF SPECIFICATIONS AND STANDARDS

• • • • • •

(a) • • •

Commanding Officer, U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

• • • • • •

§ 1.1206–1 General.

(a) A purchase description may be used in lieu of a specification when authorized by § 1.1202(b) and, subject to the restriction on repetitive use in § 1.1202(b)(7), where no applicable specification exists. An adequate purchase description is an aid to competition and, in the absence of competition, aids in determining the reasonableness of price. A purchase description should set forth the essential physical and functional characteristics of the materials or services required. As many of the following characteristics as are necessary to express the minimum requirements of the Government should be utilized in preparing purchase descriptions:

(1) Common nomenclature;

(2) Kind of material, that is, type, grade, alternatives, etc.;

(3) Electrical data, if any;

(4) Dimensions, size or capacity;

(5) Principles of operation;

(6) Restrictive environmental conditions;

(7) Intended use, including—

(i) Location within an assembly, and

(ii) Essential operating conditions;

(8) Equipment with which the item is to be used;

(9) Other pertinent information that further describes the item, material or service required.

Purchase descriptions shall not be written so as to specify a product, or a particular feature of a product, peculiar to one manufacturer and thereby preclude consideration of a product manufactured by another company, unless it is determined that the particular feature is essential to the Government's requirements, and that similar products of other companies lacking the particular feature would not meet the minimum requirements for the item. Generally, the minimum acceptable purchase description is the identification of a requirement by use of brand name followed by the words "or equal." This technique should be used only when an adequate specification or more detailed description cannot feasibly be made available by means other than reverse engineering (see § 1.304) in time for the procurement under consideration. Purchase descriptions of services to be procured should outline to the greatest degree practicable the specific services the contractor is expected to perform.

• • • • • •

6. Subpart P is revoked; and §§ 1.1701 (c), 1.1703–3 (a)(1) and (c)(1), 1.1703–4, and 1.1704–2 (a) and (b) are revised, as follows:

Subpart P—Novation Agreements and Change of Name Agreements [Revoked]

§ 1.1701 Policy.

• • • • • •

(c) In addition to the value engineering potential noted above (cost reductions resulting from contract change proposals), it is recognized that a contractor may develop a cost reduction proposal with regard to a weapon system or end item for which he does not have a current contract, e.g., where the contractor originally developed and produced a weapon system, it is now operational, and the contractor no longer has a production or other contract therefor. In such a case, the proposal would not come within the provisions of this subpart. Nevertheless, it is desirable that the potential cost reductions resulting from unsolicited proposals not within the scope of value engineering clauses under current contracts be realized by the Government. Accordingly, nothing in this subpart shall be construed to preclude the purchase of unsolicited proposals on a case-by-case basis or other special contractual arrangements, pursuant to Subpart B, Part 9 of this chapter, or 10 U.S.C. 2386, which are necessary to induce contractors to develop such proposals and make them available to the Government.

§ 1.1703–3 Future acquisition savings.

(a) *General.* (1) In addition to providing for contractor sharing in savings realized under the instant contract, contracts with value engineering clauses shall provide for sharing future acquisition savings unless no future procurement of the item is anticipated or the officer in charge of the purchasing office (see § 1.201–24) makes an affirmative determination that the sharing under the instant contract will provide sufficient incentive to the contractor. Sharing shall be accomplished either by "royalty" payments on actual future procurements within a stated period, or a "lump sum" payment based on estimated savings on additional quantities expected to be procured subsequently. (See paragraphs (c) and (d) of this section for proper uses of the estimated requirements ("lump sum") and "royalty" sharing methods.) The extension of contractor sharing to future acquisition savings is based on the fact that the value engineering cost savings on a single contract usually represent only a small fraction of the full savings and thus may not provide a sufficient incentive.

• • • • • •

(c) • • •

(1) the quantity of items to be procured by the contracting Department for the sharing period to be used can be estimated with a reasonable degree of certainty at the time the solicitation for the current contract is prepared, for example—

(i) Where the contract is for items set forth in the Department of Defense Five-Year Defense Program; or

(ii) Where extensive historical data exist which indicate stability of requirements over an extended period and from which future requirements can be predicted with reasonable accuracy;

• • • • • •

§ 1.1703–4 Collateral savings.

In addition to contractor sharing in instant contract and future acquisition savings, the value engineering clause shall provide for contractor participation in any ascertainable net reduction in the Government's overall projected costs including but not limited to cost of operation, maintenance, logistic support, and Government furnished property, when such collateral savings result from the change proposal submitted by the contractor. This additional incentive enables the contractor to share in collateral savings (less any increase in acquisition costs) whether or not there is any change in the acquisition cost of the item. However, when the officer in charge of the purchasing office (see § 1.201–24) determines that the item or class of items being procured offers no reasonable potential for significant collateral savings, the collateral savings provision may be omitted from a contract or class of contracts.

§ 1.1704–2 Value engineering incentive percentages.

(a) *Instant contract savings.* In firm fixed-price contracts, fixed-price contracts providing for escalation, and fixed-price contracts providing for prospective redetermination, the contractor's share in the cost reduction on the instant contract shall be from 50 percent to 75 percent unless the officer in charge of the purchasing office (see § 1.201–24) makes an affirmative determination that a contractor's share of less than 50 percent is

appropriate under the particular circumstances of the instant procurement. In an incentive type contract, if it is determined that costs and savings can be estimated with reasonable accuracy, the contractor's share may be as much as 50 percent; if costs and savings cannot be estimated with reasonable accuracy, his share should be in accordance with the maximum overall cost incentive sharing rate of the contract.

(b) *Future acquisition savings.* When the value engineering clause provides for contractor sharing in future acquisition savings, the contractor's percentage share should be less than his percentage share on the instant contract. The percentage share in future acquisition savings shall be at least 40 percent for a 1-year period, 30 percent for a 2-year period, and 20 percent for a 3-year period unless the officer in charge of the purchasing office (see § 1.201–24) makes an affirmative determination that lesser percentage sharing is appropriate under the particular circumstances of the instant procurement.

• • • • • •

PART 2—PROCUREMENT BY FORMAL ADVERTISING

7. In § 2.407–3, the clause in paragraph (a) is revised; and § 2.408–1 is revised, as follows:

§ 2.407–3 Discounts.

(a) • • •

DISCOUNTS (SEPTEMBER 1968)

In accordance with subparagraph (a) of the clause entitled "Discounts" in the Solicitation Instructions and Conditions (Standard Form 33–A), prompt payment discounts will be considered in the evaluation of bids, provided the minimum period for the offered discounts is:

[1](i) _____ days from date of delivery of the supplies to carrier when acceptance is at point of origin;

or

[1](ii) _____ days where delivery and acceptance are at destination.

The offered discount of a successful Bidder will form a part of the award whether or not such discount was considered in the evaluation of his bid and such discount will be taken if payment is made within the discount period.

• • • • • •

§ 2.408–1 Unclassified awards.

In the case of all unclassified formally advertised contracts, the purchasing office shall as a minimum (subject to any restrictions in Subpart F, Part 1 of this chapter), (a) notify unsuccessful bidders promptly of the fact that their bids were not accepted, and (b) extend the appreciation of the purchasing office for the interest the unsuccessful bidder has shown in submitting a bid. Notification to unsuccessful bidders may be either orally or in writing through the use of a form postal card or other appropriate means. When award is made to other than a low bidder, the contracting officer shall state the reason for rejection in the notice to each unsuccessful low bidder. Should additional information be requested, the purchasing office shall provide the unsuccessful bidders with the name and address of the successful bidder, together with the contract price, and should also inform the inquirers as to the location where a copy of the abstract of bids is available for inspection. However, when multiple awards have been made and furnishing the names, addresses, and contract prices of the successful bidders would require so large an amount of work as to interfere with normal operations of the purchasing office, only information concerning location of the abstract of bids need be given. Where request is received concerning an unclassified invitation for bids from an inquirer who is neither a bidder nor a representative of a bidder, the purchasing office should make every effort to furnish the names of successful bidders and, if requested, the prices at which awards were made. However, where such requests require so large amount of work as to interfere with the normal operations of the purchasing office, the inquirer will be advised where a copy of the abstract of bids may be seen.

[1] The contracting officer shall delete (i) or (ii) from the clause, whichever is inapplicable, when "origin only" or "destination only" delivery acceptance is solicited.

PART 3—PROCUREMENT BY NEGOTIATION

8. In § 3.501(b), subparagraph (72) is revised and new subparagraph (78) is added; §§ 3.604, 3.604–1, and 3.604–2 are revised; new § 3.604–3 is added; and § 3.607–4(a) is revised, as follows:

§ 3.501 Preparation of request for proposals or request for quotations.

• • • • • •

(b) • • •

(72) If it is expected that the procurement will result in a fixed price contract not in excess of $100,000 for which cost or pricing data will not be obtained, the price representation provided in § 3.604–3(d) shall be set forth in a prominent place in the Schedule except when adequate price competition as defined in § 3.807–1(b)(1) is anticipated;

• • • • • •

(78) DD Form 1660, Management Control Systems Summary List (see § 16.827 of this chapter).

• • • • • •

§ 3.604 Competition and price representation in small purchases.

§ 3.604–1 Competition in purchases not in excess of $250.

Small purchases not exceeding $250 may be accomplished without securing competitive quotations if the prices are considered to be reasonable. Such purchases shall be distributed equitably among qualified suppliers. When practical, a quotation will be solicited from other than the previous supplier prior to placing a repeat order.

§ 3.604–2 Competition in purchases in excess of $250.

(a) The procedures in paragraphs (b), (c), and (d) of this section apply to purchases in excess of $250.

(b) Solicitation of quotations from a reasonable number of qualified sources of supply shall be made to assure that the procurement is to the advantage of the Government, price and other factors considered, including the administrative cost of the purchase. Generally, solicitation shall be limited to three suppliers and, to the maximum extent possible, shall be restricted to the local trade area of either the purchasing or the receiving activity. If practicable, two sources not included in the previous solicitation should be requested to furnish quotations. Quotations should generally be solicited orally. Written solicitations should be used when (1) the suppliers are located outside the local area, (2) special specifications are involved, (3) a large number of line items are included in a single proposed procurement, or (4) obtaining oral quotations is not considered economical or possible.

(c) In the absence of adequate price competition, reasonableness of a proposed price may be based on a comparison of the proposed price with prices found reasonable on previous purchases, current price lists, catalogs, advertisements, or by other appropriate method. If this information is not available, reasonableness of price may be based on a comparison with similar items in a related industry or the contracting officer's personal knowledge of the item being procured. Written records of solicitation may be limited to notes or abstracts to show the vendor or vendors contacted, prices, delivery, and other informal historical data. However, if only one response is received, or the price variance between multiple responses reflects lack of true competition, an additional statement in writing shall be included in the contract file setting forth the basis of the determination of fair and reasonable price. In any case, the contracting officer should gain as much knowledge as practicable of the physical and material characteristics and intended use of the item to be purchased. When only one source is solicited, an additional notation must be made to explain the absence of competition, except for procurement of utility services available only from one source or of educational services from non-profit institutions. Notification to unsuccessful suppliers shall be given only if requested.

(d) Occasionally an item can be obtained only from a supplier who quotes a minimum order price or quantity, which either unreasonably exceeds stated quantity requirements, or results in an unreasonable price for the quantities required. If practicable before placing the order the requiring activity should be informed in such cases of all facts regarding the quotation and requested to confirm or alter its requirement for the item or items under consideration. The file shall be documented to support the final action taken.

§ 3.604–3 Price representation.

(a) Except when adequate price competition as defined in § 3.807–1(b)(1) is anticipated, the policy and procedures in paragraphs (b), (c), (d), and (e) of this section apply to small purchases other than those using imprest funds, blanket purchase agreements or Standard Form 44, and those made pursuant to § 3.608–2(b) (2) and (3).

(b) Written solicitations for small purchases shall include the price representation in paragraph (d) of this section. The representation shall be inserted in a prominent place in the schedule of the solicitation.

(c) When quotations for small purchases are solicited orally, the contracting officer shall obtain from the contractor the information included in the representation in paragraph (d) of this section and insert it in the purchase order (DD Form 1155) by checking the appropriate block.

(d) —

PRICE PRESENTATION (SEPTEMBER 1968)

The Contractor represents as part of his quotation that:
(Check applicable box. If more than one box is applicable, identify line items to which each box applies.)

(1) ☐ The items set forth herein are catalog priced items and the prices quoted herein are not in excess of the catalog price reduced by any standard discount applicable to similar sales.

(2) ☐ The items set forth herein are not catalog priced items, but do have an established price in an open market having purchasers besides the Government; and the prices quoted herein are not in excess of this established market price.

(3) ☐ The items set forth herein are catalog priced items or have an established market price, but the prices quoted herein are in excess of such price because_____

(4) ☐ Other price representation (if none of the above is applicable, indicate the basis for establishing the price and its relationship to prices charged other customers):_____

CAUTION: False Statements May Subject the Contractor to Penalties Provided by Statute and Regulation.

(e) If the third or fourth block is checked or if a price representation cannot be obtained, the purchase file shall contain a brief notation supporting reasonableness of price, i.e., expedited delivery, special packaging, adequate price competition, price history, or prices of comparable items.

§ 3.607–4 Procedures.

(a) *Procurement.* Purchases from the imprest fund shall be based upon an authorized purchase request and shall be made only by the personnel authorized by the contracting officer. Orders may be placed orally without soliciting competition when prices are considered to be reasonable, but shall be distributed equitably among qualified suppliers. Prompt payment discounts shall be solicited, and a sales document shall be obtained to support the cash payment. An authorized purchase order form endorsed "Payment to be made from Imprest Fund" may be used when required by supplier for granting Government discounts, or tax exemptions. (Since purchases through the use of imprest funds are of relatively small value, Government tax exemption certificates generally will not be required (see § 11.500(b) of this chapter).) When the proposed purchase price will exceed any stated monetary restrictions on the purchase request, additional authorization shall be obtained prior to making the purchase. Copies of the purchase request document shall be marked to show:

(1) That an imprest fund purchase has been made;

(2) The unit prices and extensions;

(3) The supplier's name and address; and

(4) Anticipated date of delivery or pickup.

* * * * *

9. Sections 3.608–7(e), 3.808–5(d)(2), and 3.902–1 are revised; in § 3.902–3, the introductory text of paragraph (a) and subparagraph (5) are revised; and subparagraph (5) of § 3.1100–2(a) is revised, as follows:

§ 3.608–7 Use of DD Form 1155 as a public voucher.

* * * * *

(e) Without monetary limitation as the basis for payment of an invoice against blanket purchase agreements, or basic ordering agreements when a firm price has been established.

§ 3.808–5 Assignment of values to specific factors.

* * * * *

(d) *Record of contract performance.*

* * *

(2) Contracting officers should insure that an adequate review is made of contractor's past performance in order that an objective evaluation may be accomplished. For assistance in determining fee or profit for an advanced-development, engineering-development, or operational-systems-development contract in excess of $100,000, or a production contract in excess of $1 million that follows or is concurrent with an evaluated development contract, the contracting officer should obtain, if deemed necessary, from the Defense Documentation Center, Attention: DDC–TSR, Cameron Station, Alexandria, Va. 22314 (see § 1.908–2 of this chapter), a complete transcript or summary of the performance evaluations of the contractor with whom negotiations are being conducted. This information or a statement that there is no record on file shall be furnished within 2 working days from receipt of the request by the Defense Documentation Center. Similarly, on supply contracts for $100,000 or more contracting officers should obtain, if deemed necessary, from the cognizant contract administration office copies or summary of the Contractor Performance Records (Supply Contracts) DD Form 1661 (see § 1.908–3 of this chapter) of the contractor with whom negotiations are being conducted. This information or a statement that there is no record on file shall be transmitted within 2 working days after receipt of request by the cognizant contract administration office. Reports of cost reduction monitors, small business, labor surplus and other specialists involved in the evaluation of the various aspects of contractor performance shall be obtained.

* * * * *

§ 3.902–1 General.

The Government buys management from the prime contractor along with goods and services, and places responsibility on him to manage programs to the best of his ability, including placing and administering subcontracts as necessary to assure performance at the lowest overall cost to the Government. Although the Government does not expect to participate in every management decision, it may reserve the right to review the contractor's management efforts, including the proposed make-or-buy program. In reviewing the content of the proposed make-or-buy program effort should be made to have the prime contractor establish any new facility in or near sections of concentrated unemployment or underemployment and in areas of persistent or substantial labor surplus.

§ 3.902–3 Procedure.

(a) When submission of information with respect to a prospective contractor's proposed make-or-buy program is required, the solicitation shall so state and shall clearly set forth any special factors to be used in evaluating the program. After considering such factors as capability, capacity, availability of small business and labor surplus area concerns as subcontract sources, the establishment of new facilities in or near sections of concentrated unemployment or underemployment, contract schedules, integration control, proprietary processes, and technical superiority or exclusiveness, the prospective contractor shall identify in his proposed make-or-buy program that work which he considers he or his affiliates, subsidiaries, or divisions must perform as "must make," must subcontract as "must buy," and can either perform or acquire by subcontract as "can make or buy." The prospective contractor shall state the reasons for his recommendations of "must make" or "must buy" in sufficient detail for the contracting officer to determine that sound business and technical judgment has been applied to each major element of the program. When the make-or-buy program is to be incorporated into the contract and the design status of the article being procured does not permit accurate precontract identification of major items that should be included in the make-or-buy program, the prospective contractor shall be notified that such items must be added to the program, when identifiable, under the "Changes to Make-or-Buy Program" clause (§ 3.902–4(b)). The prospective contractor shall be required to include in the information furnished with respect to his proposed make-or-buy program:

* * * * *

(5) Designation of the plants or divisions in which the contractor proposes to make the item, whether the facility is in or near section of concentrated unemployment or underemployment; and

* * * * *

§ 3.1100–2 Review of decision to lease.

(a) * * *

(5) Obtain approval of the leasing arrangement of the ADPE from the Senior ADPE policy official of the Department or Agency which predominantly generated the requirement for the contract end item; in the case of ADPE to be leased on a noncompetitive basis, the request for approval shall be forwarded to the Assistant Secretary of Defense (Comptroller) through the Senior ADPE policy official. Approval action is not required for any lease of punched card machines (PCM's), or for lease of other automatic data processing equipment (ADPE) where the annual rental costs are less than $25,000.

* * * † *

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

10. Sections 4.106–4(d), 4.110(d), and 4.204 are revised to read as follows:

§ 4.106–4 Evaluation for award.

* * * * *

(d) For assistance in evaluating proposals for an advanced-development, engineering-development or operational-systems-development contract in excess of $100,000, or a production contract in excess of $1 million that follows or is concurrent with an evaluated development contract, the Source Selection Advisory Council or any other person or group acting in a similar capacity should obtain from the Defense Documentation Center, Attention: DDC–TSR, Cameron Station, Alexandria, Va. 22314 (see § 1.908–2 of this chapter), a complete transcript or summary of the performance evaluations of all contractors submitting acceptable proposals. This information or a statement that there is no record on file shall be furnished within 2 working days from receipt of the request by the Defense Documentation Center. Sometimes, for a production contract in excess of $1 million that follows or is concurrent with an evaluated development contract, it may be relevant also to consider Contractor Performance Record (Supply Contracts) information (see § 1.908–3).

§ 4.110 Cost-sharing policy.

* * * * *

(d) It is Department of Defense policy to recoup a share of its investment in nonrecurring costs associated with major defense equipment when such equipment is sold to buyers outside the U.S. Government. This policy is mandatory as to all foreign buyers of such equipment, and may be applied to domestic commercial buyers at the discretion of the Secretary of the Department concerned. To carry out this policy with respect to foreign buyers and to provide for future negotiation of amounts to be recovered by DoD from contractor's direct sales to foreign buyers, the clause in § 7.104–64(a) of this chapter will be included in all contracts for major defense equipment. The clause may also be included in other contract (other than major defense equipment) involving RDT&E expenditures in excess of $10 million when approved by the Secretary concerned. To apply this policy to domestic commercial buyers, the clause in § 7.104–64(b) of this chapter is authorized for use in any of the foregoing contracts (i.e., major defense equipment or RDT&E expenditures in excess of $10 million), subject to approval on a case-by-case basis by the Secretary of the Department concerned.

(1) "Major Defense Equipment" consists of those weapons or weapons systems which required, or will require, a research, development, test and evaluation expenditure estimated in excess of $25 million or total production expenditure estimated in excess of $100 million (see DoD Directive 3200.9).

(2) "Nonrecurring costs" are costs incurred or to be incurred for the benefit of the entire production run, including initial, past, current, and future runs, and which are allocable to all units, rather than to those units, if any, produced at the time the cost is booked. Nonrecurring costs include such costs as research, development, test, evaluation, preproduction, facilities, special tooling, special test equipment, production engineering, product improvement, destructive testing, and pilot model production, testing and evaluation.

(3) For each foreign sale or license agreement and for each applicable domestic commercial sale or license agreement, the amount to be reimbursed to the DoD for the DoD nonrecurring costs shall be determined by dividing the total DoD nonrecurring costs, incurred and projected to be incurred, by the total production quantity of the item, past and projected, including the production quantity for the DoD, and multiplying the results by the quantity involved in each such sale or license agreement. In principle, for major defense equipment for which several model designators exist, the nonrecurring costs and the total production quantity should be accumulated over the range of models and major subsystems "essentially similar" to the model and subsystems being sold.

(i) The phrase "essentially similar" is not precisely definable and will require judgment on the part of those calculating the charge for nonrecurring costs in each case as to whether it is equitable:

(*a*) To accumulate costs and production quantities over the whole range back to the first model, or

(*b*) To limit the accumulation to those costs and production quantities associated with the more recent models or the exact model being sold.

The former would be equitable if the first model were followed by relatively minor changes and nonrecurring costs for subsequent models; the latter, if the more recent models, or the model being sold, are an improvement requiring a significant expenditure which makes the first model technology essentially irrelevant.

(ii) The phrase "foreign sale or license agreement" includes all sales to or license agreements with foreign buyers, including foreign governments and international organizations, whether made through the U.S. Government or directly by U.S. domestic firms.

(iii) The phrase "domestic commercial sale or license agreement" includes all domestic, non-U.S. Government sales or license agreements.

(iv) In any event the charge for nonrecurring costs must relate to the same production program for which it was incurred.

(4) Notwithstanding §§ 1.109–2 and 1.109–3 of this chapter, the advance written approval of the Secretary of Defense or his designee is required before:

(i) Deviating from this paragraph insofar as it relates to foreign sales or license agreements;

(ii) Deviating from the clause contained in § 7.104–64(a) of this chapter; or

(iii) Waiving, in whole or in part, the charge for nonrecurring costs insofar as it relates to foreign sales or license agreements.

Each request for such a deviation or waiver must include the recommendations of the Secretary of the Department concerned and must clearly demonstrate that approval would be in the interests of the U.S. Government (see also § 109–5 of this chapter).

§ 4.204 Restrictions and limitations.

(a) The application of exchange allowances or proceeds of sale in whole or part payment for personal property procured is authorized when all of the following conditions apply:

(1) The items sold or exchanged meet the requirements of § 4.205–2.

(2) The items sold or exchanged are not excess, and the items procured are needed in the conduct of approved programs.

(3) Only one item is to be procured to replace one similar item.

(i) The exceptions to the one-for-one rule are:

(*a*) If a lesser or greater number of items must be procured to perform all or substantially all of the tasks in which the old items would otherwise be used; and

(*b*) In the case of parts or containers;

(ii) Detailed cross reference between the old and new item will not be required. In the absence of cross reference, however, there shall be made available to the General Accounting Office sufficient data to establish that the item procured was similar to the item exchanged or sold, that any exchange allowances or proceeds of sale applied in whole or part payment for property procured were in fact available for application, and that the transaction was otherwise in accordance with the provisions of this subpart.

(4) There has been at the time of exchange or sale (or at time of procurement if it precedes the sale) a written

administrative determination to apply the exchange allowance or proceeds of sale in procuring property.

(5) The transaction will foster the economical and efficient accomplishment of an approved program.

(b) Items falling within any of the Federal Supply Classification Groups enumerated below shall not be eligible for handling under the provisions of this subpart.

FEDERAL SUPPLY CLASSIFICATION

Group Identification

Group No.	
10	Weapons.
11	Nuclear ordnance.
12	Fire control equipment.
14	Guided missiles.
15	Aircraft; and airframe structural components.[1]
16	Aircraft components and accessories.[1]
17	Aircraft launching, landing and ground handling equipment.
20	Ship and marine equipment.
22	Railway equipment.
31	Bearings.
32	Woodworking machinery and equipment, except lathes, milling machine, and saws, circular or band.
34	Metalworking machinery, except drill presses, lathes, milling machines, and saws, circular or band.
40	Rope, cable, chain, and fittings.
41	Refrigeration and air conditioning equipment.
42	Fire fighting, rescue and safety equipment.
44	Furnace, steam plant, and drying equipment; and nuclear reactors.
45	Plumbing, heating, and sanitation equipment.
46	Water purification and sewage treatment equipment.
47	Pipe, tubing, hose, and fittings.
48	Valves.
51	Hand tools.
53	Hardware and abrasives.
54	Prefabricated structures and scaffolding.
55	Lumber, millwork, plywood, and veneer.
56	Construction and building materials.
68	Chemicals and chemical products, except medicinal chemicals.
71	Furniture.
75	Office supplies and devices, except cards, tabulating.
83	Textiles, leather, and furs.
84	Clothing and individual equipment.

(c) This subpart shall not be construed to authorize:

(1) The procurement of personal property when such procurement is not otherwise authorized by law;

(2) The procurement of personal property in contravention of—

(i) Any restriction upon the procurement of a commodity or commodities; or

(ii) Any replacement policy or standard, prescribed by the President, the Congress, the Secretary of Defense, or by the Administrator of General Services Administration;

(3) Procurement of personal property directly from a vendor when its acquisition through General Services Administration (GSA) sources is required under Subparts A, B, or C, Part 5 of this chapter (Federal Supply Schedule contracts, GSA Stores Depots, and Consolidated Purchasing Program; respectively). However, in acquiring an item or items from GSA sources in accordance with those subparts, the exchange allowance for, or proceeds from the sale of, similar items may be applied in whole or in part payment for the items being acquired;

(4) The sale, transfer, or exchange of excess, surplus or foreign excess personal property in connection with the procurement of personal property even though otherwise eligible;

(5) The sale or exchange of strategic and critical materials, unless such materials at any one location are in lots of less than the minimum quantities specified in Part 3, Chapter XV, of the Defense Disposal Manual (DoD 4160.21M) and the owning agency determines that there is no reasonable prospect of accumulating minimum quantities specified therein within 12 months;

(6) The sale or exchange of Atomic Energy Commission-controlled materials except in accordance with applicable regulations of the Atomic Energy Commission (see 10 CFR Parts 30, 40, and 70);

(7) The sale or exchange of narcotics, except in accordance with instructions contained in Part 3, Chapter XV, of the Defense Disposal Manual;

(8) The sale of personal property in new or unused condition in connection with the procurement of personal property;

(9) The sale or exchange of scrap materials in connection with the procurement of personal property;

(10) Even though otherwise eligible, the sale or exchange of property which was originally acquired from another agency as excess or surplus, unless such property has been placed in use by the acquiring agency for at least 1 year.

(d) This subpart does not apply to materials in the national stockpile (50 U.S.C. 90–98h), the supplemental stockpile (7 U.S.C. 1704(b)), or the Defense Production Act inventory (50 U.S.C. App. 2093).

[1] Except for those items to be directly exchanged when the Military Departments rely on a contract with a manufacturer for full spare parts support for commercial type aircraft. These items may not be sold under the exchange sale authority, but may only be exchanged.

PART 5—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

11. Sections 5.1108–1 (a) and (b) and 5.1108–5(a) are revised to read as follows:

§ 5.1108 Preparation and use of DD Form 448/448c (MIPR).

DD Forms 448 and 448c are substantially self-explanatory. If desired, each Department may overprint fixed repetitive information.

§ 5.1108–1 Special instructions.

(a) MIPR number: The MIPR number will consist of:

(1) The requiring agency identification code as prescribed in the DoD Activity Address Director (DODAAD) (AR 725.60–1, NAVSUP P-5544, AFM 75–6, DSAH 4140.1, MCO P4420.2H, and CG 364);

(2) The last digit of the fiscal year, and

(3) The number of the particular MIPR (numbered consecutively by the requiring activity).

Amendments will be numbered with the MIPR number suffixed with the amendment number assigned in consecutive numbered sequence.

(b) Appropriate checks in Item 9 shall be accomplished in compliance with Department of Defense policy which requires interdepartmental screening of items in accordance with § 1.302–1 of this chapter to determine stock availability within other departments prior to preparation of a DD Form 448. Items which are determined to be available from stocks of other departments shall be requisitioned as follows:

(1) Items within the scope of MILSTRIP (see DoD 4140.17-M (MILSTRIP) of May 1, 1964, as amended) shall be obtained by use of DD Form 1348/1348m, DoD Single Line Item Requisition System Document;

(2) Items not covered by MILSTRIP shall be obtained by use of DD Form 1149, Requisition and Invoice/Shipping Document.

If a procuring department determines after a receipt of a MIPR that the items can be supplied from stock, the MIPR shall be used for effecting supply from such stock.

* * * * *

§ 5.1108–5 Changes to MIPRs.

(a) Normally, changes that affect the contents of the MIPR must be processed as a MIPR amendment regardless of the status of the MIPR. However, a MIPR amendment for increased quantities of items specified in the original MIPR may be used when it is known that the original MIPR requirements have not been released for solicitation but then only after coordination and agreement with the procuring department. Changes may be initially provided by expeditious means such as telegraphic message but shall be confirmed by a MIPR amendment. Requirements for additional line items of supplies or services not provided for in the original MIPR shall be submitted as a new MIPR.

* * * * *

PART 6—FOREIGN PURCHASES

12. Section 6.300 is revised; new § 6.306 is added; and § 6.1109(b) is revised, as follows:

§ 6.300 Scope of subpart.

This subpart implements the Defense Appropriation Act restriction on the availability of appropriated funds for the procurement of any article of food, clothing, cotton, wood, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric, as it has recurred in Defense Appropriation Acts for several years. However, reference should be made to the current Department of Defense Appropriation Act as a check on the current applicability of such restriction. This subpart also implements the restriction on acquisition of foreign buses contained in section 404 of Public Law 90–500. Nothing herein shall affect the applicability of the Buy American Act or the Balance of Payments Program (see Subparts A, B, and H of this part).

§ 6.306 Acquisition of foreign buses.

Section 404 of the Act of September 20, 1968 (Public Law 90–500), the Department of Defense Appropriation Authorization Act for fiscal year 1969, provides that:

No funds authorized for appropriation for the use of the Armed Forces of the United States under the provisions of this Act or the provisions of any other law shall be available for the purchase, lease, rental, or other acquisition of multipassenger motor vehicles (buses) other than multipassenger motor vehicles (buses) manufactured in the United States, except as may be authorized by regulations promulgated by the Secretary of Defense solely to insure that compliance with this prohibition will not result in either an uneconomical procurement action or one which would adversely affect the national interests of the United States.

The objective of this statutory provision is to assure that only buses manufactured in the United States shall be used to satisfy requirements of U.S. Armed Forces located throughout the world for bus transportation, where such buses are available and where their use would not be uneconomical or would be contrary to the national interests of the United States. It should be applied whether the buses are purchased, leased, rented, or made available under contracts for transportation services. The use of foreign manufactured buses is authorized where the head of the procuring activity determines that the use of U.S. manufactured buses would be uneconomical or would adversely affect the national interests of the United States. However, foreign buses may be acquired without such determination in the following circumstances:

(a) Where U.S. manufactured buses are not available in time to satisfy requirements which cannot be postponed, foreign manufactured buses may be used for a temporary period of time but not to exceed the lead time required for acquisition and delivery of U.S. manufactured buses.

(b) Where the requirement for buses is of a temporary nature to meet a special but nonrecurring requirement or where a recurring requirement is sporadic and infrequent, foreign manufactured buses may be used for the temporary periods of time not to exceed the period of time needed to meet the nonrecurring or the recurring infrequent requirement.

(c) Where foreign manufactured buses are made available at no direct or indirect acquisition cost to the U.S. Government, foreign manufactured buses may be used.

§ 6.1109 Excess and near-excess currency countries.

* * * * *

(b) The Department of the Treasury holds near-excess foreign currency in the following countries:

Country	*Currency*
Bolivia	Peso.
Ghana	New Ghanian Cedis.
Indonesia	Rupiah.
Sudan	Pound.

* * * * *

PART 7—CONTRACT CLAUSES

13. Sections 7.104–20 and 7.202 are revised, as follows:

§ 7.104–20 Utilization of concerns in labor surplus areas.

(a) In accordance with § 1.805–3(a) of this chapter, insert the following clause:

UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS (JUNE 1969)

It is the policy of the Government to place contracts with concerns which will perform such contracts substantially in or near sections of concentrated unemployment or underemployment as a certified-eligible concern or in areas of persistent or substantial labor surplus where this can be done, consistent with the efficient performance of the contract, at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy. In complying with the foregoing and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns," the Contractor in placing his subcontracts shall observe the following order of preference: (i) Certified concerns which are also small business concerns; (ii) other certified concerns; (iii) persistent labor surplus area concerns which are also small business concerns; (iv) other persistent labor surplus area concerns; (v) substantial labor surplus area concerns which are also small business concerns; (vi) other substantial labor surplus area concerns; and (vii) small business concerns which are not labor surplus area concerns.

(b) In accordance with § 1.805–3(b) of this chapter, insert the following clause.

LABOR SURPLUS AREA SUBCONTRACTING PROGRAM (JUNE 1969)

(a) The Contractor agrees to establish and conduct a program which will encourage labor surplus area concerns to compete for subcontracts within their capabilities. In this connection, the Contractor shall—

(1) Designate a liaison officer who will (i) maintain liaison with duly authorized representatives of the Government on labor surplus area matters, (ii) supervise compliance with the "Utilization of Concerns in Labor Surplus Areas" clause, and (iii) administer the Contractor's Labor Surplus Area Subcontracting Program;

(2) Provide adequate and timely consideration of the potentialities of labor surplus area concerns in all "make-or-buy" decisions;

(3) Assure that labor surplus area concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of labor surplus area concern;

(4) Maintain records showing procedures which have been adopted to comply with the policies set forth in this clause; and

(5) Include the "Utilization of Concerns in Labor Surplus Areas" clause in subcontracts which offer substantial labor surplus area subcontracting opportunities.

(b) For subcontracting purposes, a "labor surplus area concern" is a concern which will perform a substantial proportion of any contract awarded to it (i) in or near "Sections of concentrated unemployment or underemployment" as a certified concern, (ii) in "Areas of Persistent Labor Surplus" or (iii) in "Areas of Substantial Labor Surplus," as designated by the Department of Labor. A certified concern shall be deemed to perform a substantial proportion of a contract in or near sections of concentrated unemployment or underemployment if the costs that the concern will incur on account of manufacturing or production in or near such sections amount to more than 25 percent of the price of such contracts; a concern shall be deemed to perform a substantial proportion of a contract in a persistent or substantial labor surplus area if the costs that the concern will incur on account of manufacturing or production in such area amount to more than 50 percent of the price of such contract.

(c) The Contractor further agrees, with respect to any subcontract hereunder which is in excess of $500,000 and which contains the clause entitled "Utilization of Concerns in Labor Surplus Areas," that he will insert provisions in the subcontract which will conform substantially to the language of this clause, including this paragraph (c), and that he will furnish the names of such subcontractors to the Contracting Officer.

§ 7.202 Applicability.

As used in this subpart, the term "cost-reimbursement type supply contract" shall means any contract (other than a letter contract, notice of award; or a supplemental agreement to a contract which does not effect a new procurement) entered into on a cost reimbursement basis as covered in § 3.405 of this chapter for supplies other than (a) the construction, alteration or repair of buildings, bridges, roads, or other kinds of real property, (b) experimental, developmental, or research work, or (c) facilities to be provided by the Government under a "facilities contract" as defined in § 7.701 and Part 13 of this chapter.

PART 9—PATENTS, DATA, AND COPYRIGHTS

14. Sections 9.404 and 9.405(c) are revised to read as follows:

§ 9.404 Requirements for filing an administrative claim for patent infringement.

(a) A patent infringement claim for compensation, asserted against the United States under any of the applicable statutes cited in § 9.402, must be actually communicated to and received by a department, agency, organization, office, or field establishment within the Department of Defense. Claims must be in writing and should include the following:

(1) An allegation of infringement;

(2) A request for compensation, either expressed or implied;

(3) A citation of the patent or patents alleged to be infringed;

(4) A sufficient designation of the alleged infringing item or process to permit identification, giving the military or commercial designation, if known, to the claimant;

(5) A designation of at least one claim of each patent alleged to be infringed; or

(6) As an alternative to subparagraphs (4) and (5) of this paragraph, a certification that the claimant has made a bona fide attempt to determine the item or process which is alleged to infringe, but was unable to do so, giving reasons, and stating a reasonable basis for his belief that his patent or patents are being infringed.

(b) In addition to the information listed in paragraph (a) of this section, the following material and information is generally necessary in the course of processing a claim of patent infringement. Claimants are encouraged to furnish this information at the time of filing a claim to permit the most expeditious processing and settlement of the claim.

(1) A copy of the asserted patent(s) and identification of all claims of the patent alleged to be infringed.

(2) Identification of all procurements known to claimant which involve the alleged infringing item or process, including the identity of the vendor or contractor and the Government procuring activity.

(3) A detailed identification of the accused article or process, particularly where the article or process relates to a component or subcomponent of the item procured, and an element by element comparison of the representative claims with the accused article or process. If available, this identification should include documentation and drawings to illustrate the accused article or process in suitable detail to enable verification of the infringement comparison.

(4) Names and addresses of all past and present licensees under the patent(s), and copies of all license agreements and releases involving the patent(s).

(5) A brief description of all litigation in which the patent(s) has been or is now involved, and the present status thereof.

(6) A list of all persons to whom notices of infringement have been sent, including all departments and agencies of the Government, and a statement of the ultimate disposition of each.

(7) A description of Government employment or military service, if any, by the inventor and/or patent owner.

(8) A list of all Government contracts under which the inventor, patent owner, or anyone in privity with him performed work relating to the patented subject matter.

(9) Evidence of title to the patent(s) alleged to be infringed or other right to make the claim.

(10) A copy of the Patent Office file of each patent if available to claimant.

(11) Pertinent prior art known to claimant, not contained in the Patent Office file, particularly publications and foreign art.

In addition to the foregoing, if claimant can provide a statement that the investigation may be limited to the specifically identified accused articles or processes, or to a specific procurement, it may materially expedite determination of the claim.

(c) Military department receiving an allegation of patent infringement which meets the requirements of this section shall acknowledge the same and supply the other departments[4] which may have an interest therein with a copy of such communication and the acknowledgement thereof.

§ 9.405 Indirect notice of patent infringement claims.

* * * * *

(c) If a communication covering an infringement claim or notice which does not meet the requirements of § 9.404(a) is received from a contractor, the patent owner shall be advised in writing as covered by the instructions of § 9.404(d).

PART 10—BONDS, INSURANCE, AND INDEMNIFICATION

15. Sections 10.101–3, 10.104–1, 10.104–2 (a) (2) and (c), 10.111–2(c), and 10.403 are revised; in § 10.405, the introductory text of paragraph (a) is revised; and § 10.502 is revised, as follows:

§ 10.101–3 Annual performance bond.

This term means a single bond (in lieu of separate performance bonds for each contract) which secures the performance of contracts (other than construction contracts) which require bonds and are entered into by a contractor during a specific fiscal year of the Government. Such bonds may be in different forms, including the following three: The first providing for penal sums separately applicable to each covered contract, regardless of the total amount of covered contracts; the second providing a gross penal sum cumulatively applicable to the total amount of all covered contracts but without a separate limit applicable to each contract; and the third providing both, separate contract and cumulative limits.

§ 10.104–1 General.

(a) Under section 270e of the Miller Act (40 U.S.C. 270e) the provisions of the Act have been waived for any supply contracts covered by sections a–d of the Act (40 U.S.C. 270a–d). Bonds required pursuant to this section are bonds required pursuant to 10 U.S.C. 2381 or other general contracting authority of the Department of Defense, and not pursuant to the Miller Act.

(b) Generally, performance and payment bonds shall not be required in connection with contracts other than construction contracts, other than as provided in §§ 10.104–2 and 10.104–3, except that for any fixed-price construction subcontract exceeding $2,000, a prime contractor who has not been required to furnish a payment bond shall be required to obtain a payment bond from his subcontractor, in favor of the prime contractor, in an amount sufficient to assure payment of suppliers of labor and materials. In such a case, a performance bond in an equal amount should also be obtained if available at no additional cost.

(c) Standard Form 25 (Performance Bond), Standard Form 35 (Annual Performance Bond) and DD Form 1673 (Payment Bond for Other Than Construction Contracts) are authorized for use for other than construction contracts. Payment bonds for other than construction contracts shall not be executed on Standard Form 25–A.

(d) Subcontract bonds shall not be executed on Standard Forms 25 and 25–A or on DD Form 1673. The forms set forth in § 16.805 (h) and (i) of this chapter are authorized and may be adapted to fit specific cases.

(e) Performance and payment bonds shall not be required unless the solicitation requires such bonds, or the requirement of such bonds is in the interest of the Government, and not prejudicial to other bidders or offerors. Where the solicitation requires such bonds, they shall not be waived except in the case of an otherwise acceptable bidder or offeror where such waiver will be favorable to the Government and the contract price will be reduced.

(f) When the requirement for performance and payment bonds is made by the terms of a contract, but the bonds are not furnished by the contractor within the time specified, the contracting officer shall notify the contractor that the contract will be terminated for default if the bonds are not furnished within the time specified in the contract clause providing for such termination (§ 8.707 of this chapter, clause paragraph (a)(ii)).

(g) Where a bid guarantee is not required and a performance or payment bond is required as a condition precedent to the formation of the contract, but is not furnished within the time specified, the contracting officer shall, if the making of the award can be delayed without prejudice to other bidders, notify the bidder that if the bond is not furnished within 10 days (or such other period as the contracting officer may specify) after receipt of the notice, his bid will not be considered for award.

(h) When a contractor supports a contract with an annual performance bond, in a cumulative penal sum, the contracting officer shall notify the office to which the contractor has furnished such bond so that the amount of coverage required may be recorded against the penal sum of the bond.

(i) Requirements for additional bond or consent of surety in connection with contract modifications are prescribed in § 10.111.

§ 10.104–2 Performance bonds.

(a) * * *

(2) Where the circumstances applicable to a particular procurement are such that for financial reasons a performance bond is necessary to protect the interests of the Government, a performance bond shall be required. (See for example, § 26.402(c)(3) of this chapter.)

* * * * *

(c) Annual performance bonds may be used only in connection with contracts other than construction contracts. When such a bond in a cumulative penal sum is used and has been completely obligated by contracts in an appropriate amount equal to the penal sum thereof, an additional bond shall be obtained to cover additional contracts.

§ 10.111–2 Consent of surety.

* * * * *

(c) Consent of surety is required in connection with a novation agreement (see § 26.402(b)(10) of this chapter).

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§ 10.403 Workmen's compensation and war hazard insurance overseas.

(a) The Defense Base Act, as amended (42 U.S.C. 1651 et seq.), extends the application of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901) to various classes of employees engaged in work outside the United States, including any employee engaged (1) in the performance of a public work contract or (2) in the performance of any contract approved or financed pursuant to the Foreign Assistance Act of 1961 other than (i) contracts approved or financed by the Development Loan Fund, or (ii) contracts exclusively for the furnishing of materials or supplies. As used in this paragraph, a "public work" contract includes any contract for a fixed improvement or any project, whether or not fixed, involving construction, alteration, removal or repair for the public use of the United States or its allies, including projects or operations under service contracts and projects in connection with the national defense or with war activities, dredging, harbor improvements, dams, roadways, and housing, as well as preparatory and ancillary work in connection therewith at the site or on the project. When the Defense Base Act applies, the benefits of the Longshoremen's and Harbor Workers' Compensation Act are extended through operation of the War Hazards Compensation Act, as amended (42 U.S.C. 1701 et seq.), to afford protection to employees against the hazards of war risks (injury, death, capture, or detention). Under this plan, once a contract employer has provided the Workmen's Compensation coverage required by the Defense Base Act (by insurance policy or self-insurance program), his employees automatically receive War Hazard Risk protection. An employer need not insure against War Hazard Risk, however, since such war risk benefits are provided at no cost to the employer by the Bureau of Employee's Compensation, Department of Labor. The following clause shall be included in all public work contracts to be performed outside the United States.

WORKMEN'S COMPENSATION INSURANCE (DEFENSE BASE ACT) (JANUARY 1960)

The Contractor before commencing performance under this contract shall provide and thereafter maintain such Workmen's Compensation Insurance or security as is required by the Defense Base Act, as amended (42 U.S.C. 1651). The Contractor further agrees to insert in all subcontracts hereunder to which the Defense Base Act is applicable, a clause similar to this clause, including this sentence, imposing on all such subcontractors a like requirement to comply with the Defense Base Act.

(b) Upon the recommendation of the Secretary concerned, the Secretary of Labor may waive the applicability of the Defense Base Act with respect to any contract, subcontract, or subordinate contract, work location, or classification of employees.

(c) Requests for waivers shall be submitted through channels (1) for the Army, to the Labor Advisor, Office of the Assistant Secretary of the Army (I&L), (2) for the Navy, to the Chief of Naval Material (Attention: Contract Insurance Branch), (3) for the Air Force, to the Directorate of Procurement Policy, Headquarters USAF, and (4) for the Defense Supply Agency, to the Executive Director, Procurement and Production. The request for waiver shall include the following:

(i) Name of contractor;

(ii) Business mailing address of contractor;

(iii) Contract number;

(iv) Date of award;

(v) Geographic location where contract will be performed;

(vi) Name of insurance company providing the Defense Base Act coverage;

(vii) Nationality of employees to whom waiver is to apply; and

(viii) Reason for waiver.

(d) (1) If the Defense Base Act has been waived with respect to some or all of the contractor's employees in accordance with procedures set forth in paragraphs (b) and (c) of this section, the benefits of the War Hazards Compensation Act will also have been waived as to such employees. In case of such waivers, the contractor shall provide protection against the risk of work injury or death (workmen's compensation type coverage) for the benefit of such waived employees. Insurance for this purpose as in any other case should be obtained at competitive rates in line with the policies of Part 15 of this chapter, particularly if there has been a waiver and the insurance has been or is to be obtained to comply with workmen's compensation or equivalent statutes of a foreign country.

(2) The contractor shall also assume liability to such waived employees and their beneficiaries for war hazard injury, death, capture or detention. At the option of the head of a procuring activity or his designee, either the costs of this liability or the reasonable cost of insurance against this liability shall be allowed as a cost under the contract. If it is decided that the contractor shall not purchase insurance against this liability, the clause in § 10.502(b) shall be included in the contract.

(e) If a contract would otherwise be subject to paragraph (a) of this section, but paragraph (d) of this section applies to some or all of the contractor's employees by reason of waiver by the Secretary of Labor, the provisions of § 10.502 (b) and (c) apply, and the following clause shall be included in the contract.

WORKMAN'S COMPENSATION AND WAR HAZARD INSURANCE OVERSEAS (JULY 1968)

(a) This clause applies if the Contractor employs any person who, but for a waiver granted by the Secretary of Labor, would be subject to Workmen's Compensation Insurance under the Defense Base Act (42 U.S.C. 1651). On behalf of such waived employees, the Contractor, before commencing performance under this contract shall provide, and thereafter maintain, at least such Workmen's Compensation Insurance or the equivalent as may be required by the laws of the country of which such waived employees are nationals. The Contractor further agrees to insert in all subcontracts hereunder to which the Defense Base Act would be applicable but for the waiver, a clause similar to this paragraph (a), including this sentence, imposing on all such subcontractors a like requirement to provide such Workmen's Compensation Insurance coverage.

(b) This paragraph applies if the Contractor or any of his subcontractors employs any person who, but for a waiver granted by the Secretary of Labor, would be subject to the War Hazards Compensation Act, as amended (42 U.S.C. 1701 et seq.). On behalf of such waived employees the Contractor shall subject to reimbursement as elsewhere herein provided, afford protection the same as that provided in the War Hazards Compensation Act, except that the level of benefits shall conform to any law or international agreement controlling the benefits to which the employees may be entitled. In all other respects, the standards of the War Hazards Compensation Act shall apply; e.g., with respect to the definition of war hazard risks (injury, death, capture, or detention as the result of a war hazard as defined in the Act), proof of loss, and exclusion of benefits otherwise covered by Workmen's Compensation Insurance or equivalent. Unless the Contractor elects to directly assume the liability to subcontractor employees created by this clause, the Contractor further agrees to insert in all subcontracts hereunder to which the War Hazards Compensation Act would be applicable but for the waiver, a clause similar to this paragraph (b), including this sentence, imposing on all such subcontractors a like requirement to provide War Hazard benefits.

§ 10.405 Work on a Government installation.

(a) Except for contracts (1) of $2,500 or less, (2) where only a small amount of work is required on a Government installation (e.g., a few brief visits per month), and (3) where all work on a Government installation is to be performed outside the United States, its possessions, and Puerto Rico, insert the clause in § 7.603–10 of this chapter in all construction and architect-engineer contracts requiring work on a Government installation, and the following clause in all other contracts requiring work on a Government installation. The coverage specified in § 10.501 is the minimum insurance required and shall be included

[4] For the Department of the Army, Chief, Patents Division, Office of The Judge Advocate General; for the Department of the Navy, the Patent Counsel for Navy, Office of Naval Research; for the Department of the Air Force, Chief, Patents Division, Office of The Judge Advocate General; for the Defense Supply Agency, The Office of Counsel; and for the Defense Communications Agency, the Counsel.

in the clause in § 7.603–10 of this chapter or in the contract schedule. Additional coverage and higher limits may be required by the contracting officer.

* * * * *

§ 10.502 Self-insurance.

(a) Qualified programs of self-insurance covering any kind of risk may be approved where an examination of the program indicates that its application to the cost-reimbursement type contract is in the best interest of the Government. However, a program of self-insurance for workmen's compensation in any jurisdiction where workmen's compensation does not completely cover employers' liability to employees may be approved only if:

(1) The contractor also maintains an approved program of self-insurance for any employers' liability which is not so covered; or

(2) The contractor shows that the combined cost to the Government of self-insurance for workmen's compensation and commercial insurance for employers' liability will not exceed the costs of covering both kinds of risks by commercial insurance.

(b) When the clause in § 10.403(e) is required, the following clause shall also be inserted in the contract, but only if the head of a procuring activity or his designee has decided that the contractor shall not purchase insurance against the liability described in § 10.403(d)(2).

REIMBURSEMENT FOR WAR HAZARD LOSSES (JULY 1968)

(a) The Contractor's costs for assuming liability for employee protection against war hazard risks pursuant to paragraph (b) of the clause of this contract entitled "Workmen's Compensation and War Hazard Insurance" shall be an allowable cost under this contract, subject to the following:

(i) The Contractor shall submit proof of loss files to support payment or denial of each claim.

(ii) As soon as practicable, but no later than one year after the expiration or termination of this contract, unless the time shall be extended by the Contracting Officer, the Contractor shall convert each claim which has not been finally settled into a suitable arrangement under which the claim can be extinguished by the Contractor with a lump sum payment. Subject to approval by the Contracting Officer, the Contractor shall thereupon obtain necessary release documents and settle the claim by lump sum arrangement, taking into account any payments previously made.

(iii) As to any potential claim which is known to, or reasonably should be within the knowledge of, the Contractor at the time of final settlement under this contract, the Contractor shall, at that time, present to the Government a full report and evaluation, indicating as to each potential claim that a reasonable investigation of the circumstances has been made, the results thereof, an evaluation of the merits, and an estimate of the amount involved should the potential claim mature into a valid obligation.

(iv) The cost of insurance against a liability reimbursable under this clause shall not be an allowable cost or otherwise recoverable under this contract.

(b) The Government may require the Contractors to assign to the Government in the manner, at the times, and to the extent directed by the Contracting Officer all right, title and interest of the Contractor to any refund, rebate or recapture arising out of any claim settlement. The Government may handle such assigned entitlements in such manner as it deems appropriate and may recover any benefits related to claim settlements.

(c) The Contractor shall, as soon as practicable after an occurrence which appears to give rise to a claim under this portion of the contract, perform such investigations as may be appropriate and promptly notify the Contracting Officer in writing of any additional amount estimated to be necessary to be obligated on account of such claim or potential claim. In addition, the Contractor shall give the Government or its representatives immediate written notice of any suit or action filed, the cost or expense of which may be reimbursable to the Contractor under this clause. The Contractor agrees to render full assistance to the Government in connection with any third party suit or claim relating to this clause or its subject matter which the Government elects to prosecute or defend in its own behalf.

(c) The Schedule of each contract containing the clause in paragraph (b) of this section shall contain (1) the estimated cost for war hazard losses, (2) the clause in § 7.203–4(a) of this chapter appropriately limited to cover allowable war hazard cost, (3) the Examination of Records clause (§ 7.203–7 of this chapter), and (4) an entry similar to the following.

The portion of this contract providing for the Contractor to afford protection to his employees and subcontractors to their employees against war hazard risks (see the clauses entitled Reimbursement for War Hazard Losses and Workmen's Compensation and War Hazard Insurance Overseas) is on a cost-reimbursement, no fee basis, notwithstanding the basis of the remainder of the contract.

(d) The estimated cost for war hazard losses will be based upon estimates arrived at in the light of experience, taking into account the number of the contractor's employees subject to protection for war hazard risks, the level of benefits applicable to such employees, location, nature of the risks to which the contractor's employees are exposed. The amount allotted to the contract will initially be kept as small as reasonably feasible. As reports are received indicating the need to increase the allotment to a particular contract, these will be evaluated and the allotment increased as necessary. When negotiating for the inclusion in a contract of provisions applicable to war hazard risks, the contracting officer may include provisions concerning the types of foreign nationals employed by the contractor, the level of benefits applicable to them, and other pertinent provisions relating to the manner in which the program will function to the benefit of all concerned. Advance agreements pursuant to § 15.107 of this chapter may also be advantageous with respect to the levels of proof considered acceptable to justify the contractor commencing payments and being reimbursed therefor prior to the time he is able to work out, in a proper case, lump sum settlement of his obligation.

PART 11—TAXES

16. Section 11.301(a) is revised to read as follows:

§ 11.301 Applicability.

(a) As a general rule, purchases made by the Government itself are exempt from State and local sales and use taxes; similarly, personal and real property is exempt from State and local property taxes when the property is both owned and possessed by the Government. These exemptions shall be made use of to the fullest extent available when Government property is located in a State or local tax jurisdiction, or when purchases are made directly by the Government, by asserting the Government's immunity from taxation of its property by States and localities, and in case of purchases, by executing an approved tax exemption certification (see §§ 3.607–4(a) and 11.500(b) of this chapter).

* * * * *

PART 12—LABOR

17. Sections 12.101–3 (b)(3) and (d), 12.606, 12.607, and Subpart H are revised to read as follows:

§ 12.101–3 Reporting of labor disputes.

* * * * *

(b) * * *

(3) *Reports involving Air Force contracts.* The responsible military commander, the contracting officer, or the representative of either, shall submit reports as follows:

(i) Reports relating to any missile or test site or other high priority Air Force program as designated by Hq USAF or Hq AFSC shall be submitted daily by electrical transmission to Hq AFSC (SCKML) with copies to SAMSO (SMKIP–1), Norton Air Force Base, Calif. 92409; SAMSO and AFCMD both located at Air Force Unit Post Office, Los Angeles, Calif. 90045; Hq SAC (DM6B), Offutt Air Force Base, Omaha, Nebr. 68113; and Hq USAF (AFSPPDA), Washington, D.C. 20330.

(ii) Reports of disputes not directly affecting missile or test sites or other high-priority programs shall be submitted when the dispute arises and weekly thereafter to the major air command responsible for the program, contract, or activity affected. (Exception: When strikes affect AFLC programs, contracts, or activities, a copy of the report shall be sent directly to the AFLC buying activity. No copies shall be sent to Headquarters AFLC unless specifically requested.) An information copy of initial and weekly reports shall be sent to Headquarters, AFSC (SCKML), Andrews Air Force Base, Washington, D.C. 20331. Consolidated weekly reports shall be submitted by AFSC to Headquarters USAF (AFSPPDA). Initial and subsequent reports containing all the information immediately available shall be submitted promptly after a work stoppage occurs.

* * * * *

(d) In cases where the responsible individual originating the report is outside the Military Department which placed the contract, he shall give notice to the procuring office (which shall process the notice in accordance with (b) above) and to the appropriate Departmental headquarters labor relations office (for the Army, the Labor Advisor, OASA (I&L); for the Navy, Chief of Naval Material, Attention: Labor Relations Advisor; for the Air Force, Headquarters USAF, AFSPPDA; for Defense Supply Agency, Labor Advisor, DSA).

* * * * *

§ 12.606 Procedure for obtaining exemptions with respect to stipulations required by the Act.

Section 7 of the Act permits the Secretary of Labor to make exceptions to the requirement that the representations and stipulations of section 1 of the Act be included in contracts which are subject to the Act. Applications for such exceptions shall be submitted through procurement channels with pertinent data and recommendation to the Labor Advisor, OASA (I&L) for the Army; Chief of Naval Material for the Navy; Hq. USAF (AFSPPDA) for the Air Force; Directorate, Procurement and Production, DSAH–P, for the Defense Supply Agency.

§ 12.607 Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor Regional Offices—Geographical Jurisdictions and Addresses of Regional Directors.

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont—John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

New Jersey and New York—907 U.S. Parcel Post Building, 341 Ninth Avenue, New York, N.Y. 10001.

Delaware, District of Columbia, Maryland, Pennsylvania—Room 1524, Jefferson Building, 1015 Chestnut Street, Philadelphia, Pa. 19107.

Alabama, Arkansas, Louisiana, Mississippi—1931 Ninth Avenue South, Birmingham, Ala. 35205.

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin—U.S. Courthouse and Federal Office Building, Seventh Floor, 219 South Dearborn Street, Chicago, Ill. 60604.

Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming—2000 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

New Mexico, Oklahoma, Texas—340 Mayflower Building, 411 North Akard Street, Dallas, Tex. 75201.

Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Washington—Room 10431, 450 Golden Gate Avenue, Box 36018, San Francisco, Calif. 94102.

Kentucky, Tennessee, Virginia, West Virginia—U.S. Courthouse Building, 801 Broad Street, Nashville, Tenn. 37203.

Florida, Georgia, North Carolina, South Carolina—Room 331, 1371 Peachtree Street NE., Atlanta, Ga. 30309.

Puerto Rico—Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Stop 17, Santurce, P.R. 00907.

Subpart H—Equal Opportunity

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AUTHORITY: The provisions of this Subpart H issued under secs. 2202, 2301–2314, 70A Stat. 120, 127–133; 10 U.S.C. 2202, 2301–2314.

§ 12.800 Scope of subpart.

This subpart sets forth policies and procedures for carrying out the requirements of Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), Executive Order No. 11375 of October 13, 1967 (32 F.R. 14803), and the rules and regulations of the Secretary of Labor (41 CFR Ch. 60).

§ 12.801 Policy.

(a) Executive Orders 11246 and 11375 require that all Government contracting agencies shall include the Equal Opportunity clause in all nonexempt Government contracts and shall act to insure compliance with the clause and the regulations of the Secretary of Labor to promote the full realization of equal employment opportunity for all persons, regardless of race, color, religion, sex, or national origin.

(b) Disputes related to the Equal Opportunity Program shall be handled pursuant to the provisions of the appropriate Equal Opportunity clause in Government contracts, agreements, and subcontracts, paragraph 4 of which specifies that the contractor shall comply with the rules, regulations, and relevant orders of the Secretary of Labor. Those rules, regulations, and relevant orders prescribe particular procedures for handling disputed matters.

§ 12.802 Definitions.

As used in this subpart, the following terms have the meanings stated below:

(a) "Administering agency" as used in the clause means any department, agency and establishment in the Executive Branch of the Government, including any wholly owned Government corporation, which administers a program involving federally assisted construction contracts.

(b) "Applicant" means an applicant for Federal assistance involving a construction contract, or other participant in a program involving a federally assisted construction contract as determined by regulation of an administering agency. The term also includes such persons after they become recipients of such Federal assistance.

(c) "Construction work" means the construction, rehabilitation, alteration, conversion, extension, demolition, or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection and other on-site functions incidental to the actual construction.

(d) "Contract" means any Government contract or any federally assisted construction contract.

(e) "Director, OFCC," means the Director, Office of Federal Contract Compliance, U.S. Department of Labor, or any person to whom he delegates authority.

(f) "Equal Opportunity clause" means the contract provisions as set forth in § 12.804 (a) or (b), as appropriate.

(g) "Federally assisted construction contract" means any agreement or modification thereof between any applicant and a person for construction work which is paid for in whole or in part with funds obtained from the Government or borrowed on the credit of the Government pursuant to any Federal program involving a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, or any application or modification thereof approved by the Government for a grant, contract, loan, insurance, or guarantee under which the applicant itself participates in the construction work.

(h) "Government contract" means any agreement or modification thereof between any contracting officer of the Department of Defense and any person for the furnishing of supplies or services or for the use of real or personal property, including lease arrangements. The term "services," as used in this paragraph includes, but is not limited to the following services: utility, construction, transportation, research, insurance, and fund depositary. The term "Government contract" does not include (1) agreements in which the parties stand in the relationship of employer and employee, and (2) federally assisted construction contracts, and (3) contracts for the sale of personal property by the Government, and for the sale or purchase of real property by the Government.

(i) "Order" means Parts II, III, and IV of Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), and any Executive order amending such order, and any other Executive order superseding such order.

(j) "Recruiting and training agency" means any person who refers workers to any contractor or subcontractor, or who provides or supervises apprenticeship or training for employment by any contractor or subcontractor.

(k) "Site of construction" means the general physical location of any building, highway, or other change or improvement to real property which is undergoing construction, rehabilitation,

alteration, conversion, extension, demolition, or repair and any temporary location or facility at which a contractor, subcontractor or other participating party meets a demand or performs a function relating to the contract or subcontract.

(l) "United States" as used herein shall include the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Panama Canal Zone, and the possessions of the United States.

§ 12.803 Administration.

(a) The Secretary of Labor is responsible for the administration of Parts II and III of Executive Order No. 11246 and for the adoption of such rules and regulations and the issuance of such orders as he deems necessary and appropriate to achieve the purposes thereof. The Secretary of Labor has established within the Department of Labor an Office of Federal Contract Compliance under a Director who has been delegated authority and assigned responsibility for carrying out the responsibilities assigned to the Secretary under the order, except the power to issue rules and regulations of a general nature.

(b) The Assistant Secretary of Defense (Manpower and Reserve Affairs) ASD(M&RA) has been designated Department of Defense Contract Compliance Officer. He is responsible for securing compliance with the provisions of Parts II and III of the Executive order and the rules, regulations, and orders of the Secretary of Labor with respect to contracts entered into by the Department of Defense, and for exercising overall supervision of Department of Defense policies relating to Contract Compliance operations, for carrying out actions relating to the imposition of sanctions, and for promulgating within the Department of Defense the names of prime contractors and subcontractors who have been declared ineligible for Government contracts by the Director, OFCC, or by an Agency.

(c) The Assistant Secretary of Defense (Installations and Logistics) (ASD(I&L)) is responsible for implementing the contracting and contract administration aspects of the program other than the functions of contract compliance described in paragraph (f) of this section, including the issuance in this subchapter of appropriate procurement policies, procedures, and contract clauses.

(d) Heads of departments or agencies which award or administer contracts are responsible for assuring that the provisions of this subchapter are carried out within their respective components and for cooperating with and assisting the Department of Defense Contract Compliance Officer and his deputy in fulfilling their responsibilities. As used in this subpart, "head of department or agency" means the Secretary, Under Secretary, or any Assistant Secretary of any Military Department, the Director and Deputy Director of the Defense Supply Agency, the Director of the Defense Communications Agency, and the Director of the Defense Atomic Support Agency.

(e) The Director, Defense Supply Agency (DSA) has been designated Department of Defense Deputy Contract Compliance Officer and, under policy guidance from the ASD (M&RA), is responsible for directing operations for assuring compliance by contractors and subcontractors with the provisions of the Equal Opportunity clause and the Executive order and with the rules, regulations and orders of the Secretary of Labor thereunder.

(f) Contract Compliance Offices (CCO) have been organized at both headquarters and field levels within the Defense Supply Agency. CCOs are administered as separate components of the Defense Contract Administration Services (DCAS) and are responsible for:

(1) Developing information on contractor and subcontractor compliance, including the conduct of a program of compliance reviews, the investigations of complaints, and the conduct of preaward reviews as provided for in (i) the Executive order, (ii) the regulations of the Secretary of Labor, (iii) this subpart, and (iv) such other procedures for developing information on contractor and subcontractor compliance as may be prescribed;

(2) In the case of preaward reviews, furnishing purchasing offices determinations as to whether the prospective contractors or subcontractors are complying with the intent of the program or are willing to undertake acceptable programs for compliance; and

(3) Attempting within reasonable time limitations to secure compliance by contractors and subcontractors with the provisions of the Equal Opportunity clause through conference, conciliation, mediation and persuasion.

§ 12.804 Equal Opportunity Clause.

(a) *Government contracts.* Except as provided in § 12.805, each Department shall include the following clause in each of its contracts (and modifications thereof if the clause was not included in the original contract).

EQUAL OPPORTUNITY (JANUARY 1969)

During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Contractor will include the provisions of Paragraph (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(b) *Federally assisted construction contracts.* Except as provided in § 12.805, each Department shall require the inclusion of the following language as a condition of any grant, contract, loan, insurance or guarantee involving federally assisted construction:

EQUAL OPPORTUNITY (FEDERALLY ASSISTED CONSTRUCTION) (JANUARY 1969)

The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the Regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following Equal Opportunity clause:

During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to insure that applicants are employed and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Contractor will include the portion of the sentence immediately preceding paragrap (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the Contractor may request the United States to enter into such litigation to protect he interests of the United States. The applicant further agrees it will be bound by the above Equal Opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: *Provided,* That if the applicant so participating is a State or local government, the above Equal Opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract. The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of Contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance. The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a Contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon Contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, of the following actions: Cancel, terminate, the administering agency may take any or all or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

(c) *Subcontracts.* Each nonexempt prime contractor or subcontractor shall include the Equal Opportunity clause in each of its nonexempt subcontracts.

(d) *Incorporation by reference.* The Equal Opportunity clause may be incorporated by reference in (1) Government bills of lading, (2) transportation requests, (3) contracts for deposit of Government funds, (4) contracts for issuing and paying U.S. savings bonds and notes, (5) contracts and subcontracts of less than $50,000 and (6) such other contracts as the Director, OFCC, may designate.

(e) *Incorporation by operation of the order and this subpart.* By operation of the Executive order, the Equal Opportunity clause shall be considered to be a part of every contract and subcontract required by the order and this subpart to include such a clause whether or not it is physically incorporated in such contracts.

(f) *Adaptation of language.* Prime contractors and subcontractors may make necessary changes in the language of the Equal Opportunity clause to identify properly the parties and their undertakings.

§ 12.805 Exemptions.

Contracts and subcontracts are exempt from the requirements of the Equal Opportunity clause as provided in paragraphs (a) through (f) of this section.

(a) *Transactions of $10,000 or under.* Contracts and subcontracts not exceeding $10,000, other than Government bills of lading, are exempt from the requirements of the Equal Opportunity clause. In determining the applicability of this exemption to any federally assisted construction contract, or subcontract thereunder, the amount thereof rather than the amount of the Federal financial assistance shall govern. No agency, contractor, or subcontractor shall procure supplies or services in less than usual quantities to avoid applicability of the Equal Opportunity clause.

(b) *Requirements and indefinite quantity contracts and basic ordering agreements.* Requirements and indefinite quantity contracts and subcontracts thereunder and basic ordering agreements shall include the Equal Opportunity clause, except when the contracting officer (in the case of subcontractors, the prime contractor or subcontractors issuing the subcontract) determines that the amount to be ordered is not expected to exceed $10,000 in any single year. The applicability of the Equal Opportunity clause shall be determined by the contracting officer at the time of award for the first year, and annually thereafter for succeeding years, if any. Notwithstanding the above, the Equal Opportunity clause shall be applied to such contract, subcontract or basic ordering agreement whenever the amount of a single order exceeds $10,000. Once the clause is determined to be applicable, the contract, subcontract or basic ordering agreement shall continue to be subject to such clause for its duration, regardless of the amounts ordered, or reasonably expected to be ordered, in any year.

(c) *Work outside the United States.* Contracts and subcontracts are exempt from the requirements of the Equal Opportunity clause with regard to work performed outside the United States by employees who were not recruited within the United States.

(d) *Contracts with State or local governments.* The requirements of the clause in any contract or subcontract with a State or local government (or any agency, instrumentality, or subdivision thereof) shall not be applicable to any agency, instrumentality, or subdivision of such government which does not participate in work on or under the contract or subcontract.

(e) *Contracts exempted by the Secretary of Defense in the interest of national security.* (1) Any requirement set forth in this subpart shall not apply to any contract or subcontract whenever the Secretary of Defense determines that such contract or subcontract is essential to the national security and that its award without complying with such requirement is necessary to the national security.

(2) *Request for exemption.* The contracting officer shall prepare a detailed justification for such determination which shall be submitted to the ASD (M&RA) through the head of the department concerned. The ASD(M&RA) shall submit the request for exemption to the

Secretary of Defense for approval, shall notify the Director, OFCC, within 30 days of such a determination.

(f) *Specific contracts and facilities exempted by the Director, OFCC*—(1) *Specific contracts.* The Director, OFCC, may exempt an agency or person from requiring the inclusion of any or all of the Equal Opportunity clause in any specific contract or subcontract when he deems that special circumstances in the national interest so require. He may also exempt groups or categories of contracts or subcontracts of the same type where he finds it impracticable to act upon each request individually or where group exemptions will contribute to convenience in the administration of the order.

(2) *Facilities not connected with contracts.* The Director, OFCC, may exempt from the requirements of the clause any of a prime contractor's or a subcontractor's facilities which he finds to be in all respects separate and distinct from activities of the prime contractor or subcontractor related to the performance of the contract or subcontract: *Provided,* That he also finds that such an exemption will not interfere with or impede the effectuation of the order.

(3) *Special circumstances.* The Director, OFCC, may exempt a contract or subcontract when he finds that special circumstances indicate that use of either of the clauses set forth in § 12.804 in the contract or subcontract would not be in the national interest.

(4) *Request for exemptions.* The contracting officer shall submit a detailed justification for omitting or modifying the clause under subparagraphs (1), (2), or (3) of this paragraph to the ASD (M&RA).

(5) *Withdrawal of exemption by the Director, OFCC.* When any contract or subcontract is of a class exempted under this section, the Director, OFCC, may withdraw the exemption for a specific contract or subcontract or group of contracts or subcontracts when in his judgment such action is necessary or appropriate to achieve the purposes of the Order. Such withdrawal shall not apply to contracts or subcontracts awarded prior to the withdrawal. In procurements entered into by formal advertising or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of the bids.

§ 12.806 Segregated facilities.

(a) *General.* In order to comply with his obligations under the Equal Opportunity clause, a prime contractor or a subcontractor must insure that facilities are provided in such a manner that segregation on the basis of race, color, religion, or national origin cannot result. He may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. His obligation extends further to insuring that his employees are not assigned to perform their services at any location under his control where the facilities are segregated. The term "facilities" as used in this subpart means waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, wash rooms, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees.

(b) *Certification by prime contractors and subcontractors.* Prior to the award of any nonexempt Government contract or subcontract or Federally assisted construction contract or subcontract, each prospective prime contractor shall submit as part of his bid or offer, and each prime contractor and subcontractor shall require each nonexempt subcontractor to submit the certification set forth in § 2.201(a)(41)(ii) of this chapter.

§ 12.807 Compliance by labor unions and by recruiting and training agencies.

(a) Whenever compliance with the Equal Opportunity clause may necessitate a revision of a collective bargaining agreement, the labor union or unions which are parties to such an agreement shall be given an adequate opportunity to present their views to the Director, OFCC.

(b) The Director, OFCC, shall use his best efforts, directly and through agencies, contractors, subcontractors, applicants, State and local officials, public and private agencies, and all other available instrumentalities, to cause any labor union, recruiting and training agency or other representative of workers who are or may be engaged in work under contracts and subcontracts to cooperate with, and to comply in the implementation of, the purposes of the order.

(c) In order to effectuate the purposes of paragraph (a) of this section, the Director, OFCC, may hold hearings, public or private, with respect to the practices and policies of any such labor union or recruiting and training agency.

(d) The Director, OFCC, may notify any Federal, State, or local agency of his conclusions and recommendations with respect to any such labor organization or recruiting and training agency which in his judgment has failed to cooperate with himself, agencies, prime contractors, subcontractors, or applicants in carrying out the purposes of the order. The Director, OFCC, also may notify the Equal Employment Opportunity Commission, the Department of Justice, or other appropriate Federal agencies whenever he has reason to believe that the practices of any such labor organization or agency violates title VII of the Civil Rights Act of 1964 or other provisions of Federal law.

§ 12.808 General enforcement.

§ 12.808–1 Compliance reviews.

(a) The purpose of a compliance review is to determine if the prime contractor or subcontractor maintains nondiscriminatory hiring and employment practices and is taking affirmative action to insure that applicants are employed and that employees are placed, trained, upgraded, promoted, and otherwise treated during employment without regard to race, color, religion, sex, or national origin. The review shall consist of a comprehensive analysis and evaluation of each aspect of the aforementioned practices, policies, and conditions resulting therefrom.

(b) Where deficiencies are found to exist, reasonable efforts shall be made to secure compliance through conciliation and persuasion. Before the contractor can be found to be in compliance with the order, it must make a specific commitment, in writing, to correct any such deficiencies. The commitment must include the precise action to be taken and dates for completion. The time period allotted shall be no longer than the minimum period necessary to effect such changes. Upon approval of such commitment by the Contract Compliance Officer or his Deputy the contractor may be considered in compliance, on condition that the commitments are faithfully kept. The contractor shall be notified that making such commitments does not preclude future determinations of noncompliance based on a finding that the commitments are not sufficient to achieve compliance.

(c) DSA shall have the primary responsibility for the conduct of compliance reviews in accordance with the guidelines of the Director, OFCC, and shall also conduct compliance reviews in accordance with any special requests or instructions of the Director, OFCC. Compliance reviews may also be conducted by the Director, OFCC. Compliance reviews will be conducted by qualified specialists regularly involved in equal opportunity programs.

(d) When the Director, DSA, or the Director, OFCC, has reasonable cause to believe that a contractor has violated the Equal Opportunity clause, he may issue a notice requiring the contractor to show cause, within 30 days, why monitoring, enforcement proceedings, or other appropriate action to insure compliance should not be instituted.

§ 12.808–2 Preaward on site review of formally advertised supply contracts of $1 million or more.

(a) Each invitation for bids for a supply contract estimated to amount to $1 million or more shall contain the statement in § 2.201(b)(34) of this chapter, advising bidders that prior to the award of a contract in the amount of $1 million or more resulting from the invitation, the proposed contractor, and his first tier subcontractors with subcontracts of $1 million or more, will be subject to an EEO Compliance Review.

(b) (1) Prior to the award of a formally advertised supply contract of $1 million or more, the PCO shall request the performance of a compliance review of the employment practices of the prospective contractor, and all of his known first tier subcontractors with subcontracts of $1 million or more, except in those cases covered by subparagraph (3) of this paragraph or where a compliance review has been conducted within 6 months prior to the award. The PCO shall make his request to the CCO of the Defense Contract Administration Services Region (DCASR) where the prime contract is to be performed, as defined in DoD Directory of Contract Administration Services Components (DoD 4105.59–H). Where it is necessary to make the request by telephone, written confirmation shall follow. The PCO shall furnish the CCO the name of the apparently successful contractor and selected subcontractors and identify the place or places of performance of the prime and subcontracts. The CCO will be responsible for conducting the compliance review, except where Predominant Interest Agency (PIA) responsibility has been assigned to a department or agency other than the Department of Defense. In such case, the CCO shall refer the request for a compliance review to the appropriate action office.

(2) To qualify for the award of the contract, the proposed contractor and his first-tier subcontractors must be found, after such compliance review, to be in compliance with the Equal Opportunity clause; or in cases where they have no current Government contracts or subcontracts which include the clause, be found to be able to comply with the clause in the proposed contract or subcontract. If deficiencies are found the contractor, to be eligible for award, must make a written commitment to take specific corrective actions within the minimum period required to effect the necessary changes. The CCO shall notify the PCO within 10 working days of the request whether, on the basis of the review, the contractor and his first-tier subcontractors are considered to be eligible for award in terms of compliance with the EEO clause. Such notice shall be independent of that contained in DD Form 1524 (Preaward Survey of Prospective Contractor). Such notification may be made by telephone, provided it is confirmed (i) by letter in the case of a finding that the contractor is considered eligible for award, and (ii) by a copy of the full compliance review report in the case of a finding that the contractor is not considered eligible for award. If the PCO is not notified within the 10-day period and the CCO does not request an extension of time, the PCO may proceed with the award, and the DCASR office involved shall follow the procedure contained in subparagraph (4) of this paragraph. Unless an exemption has been obtained in accordance with § 12.805 (e) or (f), the PCO shall not make an award to a contractor which has been found by the DCASR involved not to be qualified for award in terms of compliance with the EEO clause.

(3) The procedures set forth in paragraph (a) of this section and in this paragraph shall not apply where it is determined at a level above the contracting officer that such procedures would delay the award beyond the time for acceptance specified in the bid, or extension thereof. In such an instance, the PCO shall so inform the DCASR–CCO and request that office to schedule a post-award review in accordance with subparagraph (4) of this paragraph.

(4) Where awards are made without a compliance review as provided in subparagraphs (2) and (3) of this paragraph, a review shall be performed by the DCSAR–CCO as soon as possible thereafter, but in no case, later than 30 days subsequent to the request for a compliance review.

(c) Upon request of the Director, OFCC, the Department of Defense shall not enter into a contract with any prospective contractor or approve the entry into a subcontract with proposed subcontractor specified by the Director, OFCC until the directions contained in the request have been complied with.

§ 12.808–3 Preaward compliance check of nonexempt contracts.

(a) Prior to entering into any nonexempt contract of $1 million or more (other than a formally advertised supply contract) the contracting officer shall notify the appropriate CCO (see § 12.808–2(b)(1)) as soon as practicable of:

(1) The name and address of the prospective prime contractor and each known subcontractor;

(2) Anticipated date of award;

(3) Whether the prime contractor and known subcontractors have previously held any Government contracts or federally assisted construction contracts subject to Executive Orders 10925, 11114, or 11246; and

(4) Whether the prime contractor has previously filed compliance reports required by Executive Orders 10925, 11114, or 11246, or by regulations of the Equal Employment Opportunity Commission (EEOC) issued pursuant to title VII of the Civil Rights Act of 1964.

(b) The CCO concerned shall review the available information relative to the prospective prime contractor's and subcontractor's equal opportunity compliance status and within 10 working days of the request notify the PCO of any deficiencies found to exist. A copy of such deficiency report shall be forwarded to the Director, OFCC, by DCAS–CCO.

(c) The PCO shall:

(1) Notify the bidder or offeror of any deficiencies found to exist by the CCO concerned; and

(2) Advise the bidder or offeror that he may consult with the CCO concerned as to actions to be taken to correct such deficiencies.

(d) A prospective prime contractor having such deficiencies shall be ineligible for the award until it has taken action or has agreed to take action satisfactory to the CCO, and the PCO has been so notified. Any such agreement to take action shall be a written commitment to take corrective action within the minimum period required to effect the necessary changes, and shall be incorporated in the contract if the CCO concerned so requires.

(e) The procedures set forth in this section shall not apply where it is determined at a level above the contracting officer that such procedures would delay the award beyond the time for acceptance specified in the bid or offer or extension thereof.

§ 12.809 Filing complaints.

(a) Complaints alleging discrimination in violation of the Equal Opportunity clause may be submitted in writing by any employee of any contractor or applicant for employment with such contractor, or by the employee's or applicant's authorized representative.

(b) Complaints should be filed with the Director, OFCC, 12th and Constitution Avenue NW., Washington, D.C. 20210, with the Director, DSA, Cameron Station, Alexandria, Va. 22314, or with any DCASR–CCO. The Director, OFCC, may refer complaints to DSA for processing, or where he considers it necessary or appropriate to the achievement of the purposes of the Executive order, he may assume jurisdiction over the matter.

(c) Complaints shall be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Director, OFCC, or the Assistant Secretary of Defense (Manpower and Reserve Affairs).

(d) Complaints shall be signed by the complainant or his authorized representative and shall contain:

(1) Name, address, and telephone number of the complainant;

(2) Name and address of the contractor or subcontractor committing the alleged discriminatory acts;

(3) A description of the acts considered to be discriminatory;

(4) Such other pertinent information as will asist in the investigation and resolution of the complaint.

(e) Where a complaint contains incomplete information, the CCO, DCAS or the DCASR–CCO shall request the needed information promptly from the complainant. In the event such information is not furnished to the CCO, DCAS, or the DCASR–CCO within 60 days of the date of such request, the case may be closed.

(f) Complaints filed with a purchasing office or contracting Department shall be transmitted immediately to the Director, DSA, who will furnish a copy of the complaint to the Director, OFCC, within 10 days of receipt.

§ 12.810 Processing complaints.

(a) *Investigation.* The Director, DSA, shall assign the complaint for investigation to the appropriate DCASR–CCO. The CCO concerned shall be responsible for conducting the necessary complaint investigation, developing a complete case record, establishing findings, and reaching a determination regarding the disposition of the case. A complete case record consists of the name and address of each person interviewed and a summary of his statement, copies or summaries of pertinent documents, and a narrative summary of the evidence disclosed in the investigation as it relates to each violation revealed.

(b) *Reports.* The DSA shall be responsible for advising the complainant and the contractor involved of the disposition of the case. Reports of all complaint

investigations and copies of closeout letters to complainants shall be forwarded to the Director, OFCC, within 60 days from the date the case was received from the OFCC. The DSA shall advise OFCC of any cases requiring more than 60 days for processing.

(c) *OFCC actions.* Upon review of the investigation report and findings, with or without appeal by the complainant, OFCC may, as it finds appropriate, require further investigation by DSA or may disapprove DSA's action in resolving complaints if it is determined that such resolutions are not sufficient to achieve compliance.

§ 12.811 Resolution of complaints and violations.

(a) If a complaint investigation made in accordance with the provisions of § 12.810(b) shows no violation of the Equal Opportunity clause, the DSA shall so inform the Director, OFCC. The Director, OFCC, may review the findings and request further investigation by DSA or undertake such investigation as he deems appropriate.

(b) If any complaint investigation or compliance review indicates a violation of the clause, the matter shall be resolved by informal means whenever possible. Such informal means may include the holding of a compliance conference by DSA. Each prime contractor and subcontractor shall be advised that the resolution is subject to review by the Director, OFCC, and may be disapproved if he determines that such resolution is not sufficient to achieve compliance.

(c) Where any complaint investigation or compliance review indicates a violation of the equal opportunity clause and the matter has not been resolved by informal means, the Director, OFCC, or the Contract Compliance Offices for DoD with the approval of the Director, OFCC, shall afford the contractor an opportunity for a hearing. If the final decision reached in accordance with the provisions of § 12.812 is that a violation of the clause has taken place, the Director, OFCC, or ASD(M&RA) with the approval of the Director, OFCC, may cause the cancellation, termination, or suspension of any contract or subcontract, cause a contractor to be debarred from further contracts or subcontracts, or may impose such other sanctions as are authorized by the order.

(d) When a prime contractor or subcontractor, without a hearing, shall have complied with the recommendations or orders of DSA or the Director, OFCC, and believes such recommendations or orders to be erroneous, he will, upon filing a request therefor within 10 days of such compliance, be afforded an opportunity for a hearing and review of the alleged erroneous action by the Director, DSA or the Director, OFCC.

(e) For reasonable cause shown, the Director, DSA, or the Director, OFCC, may reconsider or cause to be reconsidered any matter on his own motion or pursuant to a request.

(f) In those cases where the Director, OFCC, considers it necessary or appropriate to the achievement of the purposes of the Executive order to assume jurisdiction over the matter, and notifies the DoD of any corrective action to be taken or any sanctions to be taken or any sanction to be imposed, the ASD (M&RA) shall take such action, and report the results thereof to the Director, OFCC, within the time specified.

§ 12.812 Reports and other required information.

(a) Each prime contractor shall file and each contractor and subcontractor shall cause its subcontractors to file annually complete and accurate reports on Standard Form 100 (EEO–1) promulgated jointly by the OFCC, the Equal Employment Opportunity Commission (EEOC), and Plans for Progress, or any such form as may hereafter be promulgated in its place by such date or dates and in such manner as this Joint Group may prescribe, if such prime contractor or subcontractor:

(1) Is not exempt from the provisions of this subchapter in accordance with § 12.805;

(2) Has 100 or more employees;

(3) Is a prime contractor or subcontractor at any tier; and

(4) Has a contract, subcontract or purchase order amounting to $10,000 or more, or serves as a depositary of Government funds in any amount or is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes.

(b) Each contractor or subcontractor required by this subchapter to submit reports shall file such a report with the CCO of the DCASR concerned within 30 days after the award of a contract or subcontract, unless such contractor or subcontractor has submitted such a report within 12 months preceding the date of the award. Subsequent reports shall be submitted annually in accordance with paragraph (a) of this section. The contractor or subcontractor may submit a request to the Director, OFCC, for an extension of time for filing any report.

(c) Either the Director, OFCC, or the Director, DSA, may require a prime contractor to keep employment or other records and to furnish, in the form requested, within reasonable limits, such information as the Director, OFCC, or the Director, DSA, deems necessary for the administration of the order.

(d) If the bidder or prospective prime contractor or proposed subcontractor has not so stated in its bid or offer it should state, prior to award of the contract whether it has participated in any previous contract or subcontract subject to the Equal Opportunity clause; and, if so, whether it has filed with the Joint Reporting Committee, the Director, OFCC, an agency, or the former President's Committee on Equal Employment Opportunity all reports due under the applicable filing requirements. Where a bidder or offeror fails to execute the representation, the omission shall be considered a minor informality and the bidder or offeror shall be permitted to satisfy the requirement prior to award.

(e) In any case in which a bidder or prospective prime contractor or proposed subcontractor which participated in a previous contract or subcontract subject to Executive Orders 10925, 11114, or 11246 has not filed a report due under the applicable filing requirements, no contract or subcontract shall be awarded unless such contractor submits a report covering the delinquent period or such other period specified by the Director, OFCC, or the Director, DSA.

(f) A bidder or prospective prime contractor or proposed subcontractor shall be required to submit such information as the Director, DSA, or the Director, OFCC, requests prior to the award of the contract or subcontract. When a determination has been made to award the contract or subcontract to a specific contractor, such contractor shall be required, prior to the award or after the award, or both, to furnish such information as the Director, DSA, or the Director, OFCC, requests.

(g) Failure to file timely, complete, and accurate reports as required constitutes noncompliance with the prime contractor's or subcontractor's obligations under the equal opportunity clause and is basis for the imposition by the ASD(M&RA), the Director, OFCC, an applicant, prime contractor or subcontractor of any sanctions as authorized by these regulations. Any such failure shall be reported in writing to the Director, OFCC, by the DSA as soon as practicable after it occurs.

(h) Reports filed pursuant to this subpart shall be used only in connection with the administration of the order, the Civil Rights Act of 1964, or in furtherance of the purpose of the order and said Act.

§ 12.813 Hearings.

(a) *General.* Whenever a compliance investigation or compliance review indicates the existence of an apparent violation of the Equal Opportunity clause in § 12.804, the matter should be resolved by informal means, including conference, conciliation, mediation, and persuasion, whenever possible. Where the apparent violation is not resolved by informal means, the Agency, with the approval of the Director, OFCC, shall afford the contractor or subcontractor an opportunity for a hearing.

(b) *Informal hearings*—(1) *Purpose.* The Director, OFCC, or the Director, DSA, with the approval of the Director, OFCC, may convene such informal hearings as may be deemed appropriate for the purpose of inquiring into the status of compliance by any prime contractor or subcontractor with the terms of the Equal Opportunity clause.

(2) *Notice.* Contractors and subcontractors shall be advised in writing as to the time and place of the informal hearing and may be directed to bring specific documents and records, or furnish other relevant information concerning their compliance status. When so requested, the prime contractor or subcontractor shall attend and bring requested documents and records, or other requested information.

(3) *Conduct of Hearings.* Hearings shall be conducted by hearing officers appointed by the Director, OFCC, or the Director, DSA. Parties to informal hearings may be represented by counsel and shall have a fair opportunity to present any relevant material. Formal rules of evidence will not apply to such proceedings.

(c) *Formal hearings*—(1) *General procedure.* The Director, OFCC, or the Director, DSA, with the approval of the Director, OFCC, may convene formal hearings pursuant to § 12.808. Reasonable notice of a hearing shall be sent by registered mail, return receipt requested, to the last known address of the prime contractor or subcontractor complained against. Such notice shall contain the time and place of hearing, a statement of the provisions of the order and regulations pursuant to which the hearing is to be held, and a concise statement of the matters pursuant to which the action furnishing the basis of the hearing has been taken or is proposed to be taken. Copies of such notice shall be sent all agencies. Hearings shall be held before a hearing officer designated by the Director, OFCC, or the Director, DSA. Each party shall have the right to counsel, a fair opportunity to present evidence and argument and to cross examine. Wherever a formal hearing is based in whole or in part on matters subject to the collective bargaining agreement and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party. Any other person or organization shall be permitted to participate upon a showing that such person or organization has an interest in the proceedings and may contribute materially to the proper disposition thereof. The hearing officer shall make his proposed findings and conclusions upon the basis of the record before him.

(2) *Cancellation, termination, and debarment.* No order for cancellation or termination of existing contracts or subcontracts or for debarment from further contracts or subcontracts pursuant to section 209 of the order shall be made without affording the prime contractor or subcontractor an opportunity for a hearing. When cancellation, termination, or debarment is proposed, the following procedure shall be observed.

(i) *Notice of proposed cancellation or termination.* Whenever the Director, OFCC, or the ASD(M&RA), upon prior notification to the Director, OFCC, proposes to cancel or terminate or cause to be canceled or terminated in whole or in part, a contract or contracts or to require cancellation or termination of a subcontract or subcontracts, a notice of the proposed action, in writing and signed by the Director, OFCC, or the ASD(M&RA), will be sent to the last known address of the prime contractor or subcontractor, return receipt requested. A copy of such notice will be sent to all agencies. The prime contractor or subcontractor will be given at least 10 days from the receipt of the notice either to comply with the provisions of the contract or subcontract or to mail a request for a hearing to the Director, OFCC, or the ASD(M&RA).

(ii) *Notice of proposed ineligibility.* Whenever the Director, OFCC, or the ASD(M&RA), upon prior notification to the Director, OFCC, proposes to declare a prime contractor or subcontractor ineligible for further contracts or subcontracts under section 209 of the order, a notice of the proposed action, in writing and signed by the Director, OFCC, or the ASD(M&RA), will be sent to the last known address of the prime contractor or subcontractor, return receipt requested. A copy of such notice will be sent to all agencies. The prime contractor or subcontractor will be given at least 10 days from the receipt of such notice in which to mail a request for a hearing to the Director, OFCC, or the ASD(M&RA).

(iii) *Suspension during pendency of hearing.* Whenever the prime contractor or subcontractor requests a hearing in accordance with these provisions, its contracts or subcontracts may be suspended, in the discretion of the Director, OFCC, during the pendency of the hearing.

(iv) *Hearing request.* If at the end of the 10-day period referred to in subdivision (i) of this subparagraph, no request has been received, the Director, OFCC, may cancel, suspend, or terminate or cause to be canceled, suspended, or terminated such contracts or subcontracts. If at the end of the 10-day period referred to in subdivision (ii) of this subparagraph, no request has been received, the Director, OFCC, of the ASD(M&RA), upon prior notification to the Director, OFCC, may enter an order declaring the contractor or subcontractor ineligible for further contracts, subcontracts, or extensions or other modifications of existing contracts, until such contractor or subcontractor shall have satisfied the Director, OFCC, that he has established and will carry out personnel and employment policies and practices in compliance with the provisions of the Equal Opportunity clause.

(v) *Decision following hearing.* When the hearing is conducted by DSA, the hearing officer will make his report to the Director, DSA, who will make his recommendation to the ASD(M&RA). The decision of the ASD(M&RA) shall be final upon the approval of the Director, OFCC. When the hearing is conducted by a hearing officer appointed by the Director, OFCC, the hearing officer will make recommendations to the Director, OFCC, who will make the final decision. Parties will be furnished with copies of the hearing officer's recommendations and will be given an opportunity to submit their views.

§ 12.814 Sanctions and penalties.

(a) With the prior approval of the Director, OFCC, the following sanctions and penalties may be exercised against contractors found to be in violation of the Executive order, the regulations of the Secretary of Labor, or the clauses in § 12.804:

(1) Publication of the names of such contractors or their unions;

(2) Cancellation, termination, or suspension of the contractors' contracts or portions thereof;

(3) The debarment from future Government contracts, or extensions or modifications of existing contracts until such contractors have established and carried out personnel and employment policies in compliance with the Executive order, the regulation of the Secretary of Labor, and the compliance program of the Director, DSA.

(b) The Director, OFCC, may refer any matter arising under the Executive order to the Department of Justice or to the Equal Employment Opportunity Commission (EEOC) for the institution of appropriate civil or criminal proceedings.

(c) The above sanctions and penalties may be exercised by the Director, OFCC, or the ASD(M&RA) against any prime contractor, subcontractor or applicant who fails to take all necessary steps to insure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the administration of the Executive order or any other Federal, State, or local laws requiring equal employment opportunity.

(d) Those declared ineligible under paragraph (a) or (c) of this section may request reinstatement in a letter directed to the Director, OFCC. In connection with the reinstatement proceedings, the prime contractor or subcontractor shall be required to show that it has established and will carry out employment policies and practices in compliance with the Equal Opportunity clause.

§ 12.815 Affirmative action compliance programs.

(a) *Requirements of programs.* Each department will require each prime contractor who has 50 or more employees and a contract of $50,000 of more, and each prime contractor and subcontractor shall require each subcontractor who has 50 or more employees and a subcontract of $50,000 or more to develop a written affirmative action compliance program for each of its establishments. A necessary prerequisite to the development of a satisfactory affirmative action program is the identification and analysis of problem areas inherent in minority employment and an evaluation of opportunities for utilization of minority group personnel. The contractor's program shall provide in detail for specific steps to guarantee equal employment opportunity keyed to the problems and needs of members of minority groups, including, when there are deficiencies, the development of specific goals and time tables for the prompt achievement of full and equal employment opportunity. Each contractor shall include in his affirmative action compliance program a table of job classifications. This table should include but need not be limited to job titles, principal duties (and auxiliary duties, if any), rates of pay, and

where more than one rate of pay applies (because of length of time in the job or other factors) the applicable rates. The affirmative action compliance program shall be signed by an executive official of the contractor.

(b) *Evaluation.* The evaluation of utilization of minority group personnel shall include the following.

(1) An analysis of minority group representation in all job categories.

(2) An analysis of hiring practices for the past year, including recruitment sources and testing, to determine whether equal employment opportunity is being afforded in all job categories.

(3) An analysis of upgrading, transfer, and promotion for the past year to determine whether equal employment opportunity is being afforded.

(c) *Maintenance of records.* Within 120 days from the commencement of the contract, each contractor shall maintain a copy of separate affirmative action compliance programs for each establishment, including evaluation of utilization of minority group personnel and the job classification tables, at each local office responsible for the personnel matters of such establishment. An affirmative action compliance program shall be part of the manpower and training plans for each new establishment and shall be developed and made available prior to the staffing of such establishment. A report of the results of such program shall be compiled annually and the program shall be updated at that time. This information shall be made available to representatives of the Director, DSA, or the Director, OFCC, upon request and the contractor's affirmative action program, and the result it produces shall be evaluated as part of compliance review activities.

§ 12.816 Solicitations or advertisements for employees.

In solicitations or advertisements for employee placed by or on behalf of a prime contractor or subcontractor, the requirements of paragraph (2) of the Equal Opportunity clause shall be satisfied whenever the prime contractor or subcontractor complies with any of the following:

(a) States expressly in the solicitations or advertising that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin;

(b) Uses display or other advertising, and the advertising includes an appropriate insignia prescribed by the Director, OFCC. The use of the insignia is considered subject to the provisions in 18 U.S.C. 701;

(c) Uses a single advertisement, and the advertisement is grouped with other advertisements under a caption which clearly states that all employers in the group assure all qualified applicants equal consideration for employment without regard to race, color, religion, sex, or national origin;

(d) Uses a single advertisement in which appears in clearly distinguishable type the phrase "An Equal Opportunity Employer."

§ 12.817 Notices to be posted.

"(a) Paragraphs (1) and (3) of the Equal Opportunity clauses in § 12.804 require prime contractors and subcontractors to post notices which set forth the provision of the clauses. Unless alternative notices are prescribed by the Director, OFCC, or by the Director, DSA, with the approval of the Director, OFCC, the contracting officer shall furnish to contractors appropriate numbers of copies of the notice entitled "Equal Employment Opportunity is the Law". The notices are available in either English or Spanish versions. Stock numbers for these notices, as listed in the GSA Stores Stock Catalog, are 7690–926–8988 (English) and 7690–926–9118 (Spanish). Contracting officers shall obtain these notices in accordance with Departmental procedures. Prime contractors shall obtain from contracting officers copies for first and other tier subcontractors as necessary.

(b) The requirement of paragraph (3) of the Equal Opportunity clause shall be satisfied whenever the prime contractor or subcontractor posts copies of the notification prescribed by or pursuant to paragraph (a) of this section in conspicuous places available to employees, applicants for employment and representatives of each labor union or other organization representing his employees with which he has a collective bargaining agreement or other contract or understanding.

§ 12.818 Access to records of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to his books, records, and accounts pertinent to compliance with the order, and all rules and regulations promulgated pursuant thereto, for purposes of investigation to ascertain compliance with the Equal Opportunity clause of the contract or subcontract. Information obtained in this manner shall be used only in connection with the administration of the order, the administration of the Civil Rights Act of 1964, and in furtherance of the purposes of the order and that Act.

§ 12.819 Rulings and interpretations.

Rulings under or interpretations of the order or the regulations of the Department of Labor shall be made by the Secretary of Labor or his designee.

§ 12.820 Existing contracts and subcontracts.

All contracts and subcontracts in effect prior to October 24, 1965, which are not subsequently modified shall be administered in accordance with the nondiscrimination provisions of any prior applicable Executive orders. Any contract or subcontract modified on or after October 24, 1965, shall be subject to Executive Order 11246, as amended. Complaints received by and violations coming to the attention of agencies regarding contracts and subcontracts which were subject to Executive Orders 10925 and 11114 shall be processed as if they were complaints regarding violations of Executive Order 11246.

PART 13—GOVERNMENT PROPERTY

18. Section 13.301 is revised; in § 13.702(a), the clause heading and clause paragraph (f) are revised; in § 13.703, the clause heading and clause paragraphs (f) and (g)(1)(ii) are revised; in § 13.706(a), the clause heading and clause paragraphs (f) and (g)(1)(ii) are revised; and in § 13.707(a), the clause heading and clause paragraphs (f) and (g)(1)(ii) are revised, as follows:

§ 13.301 Providing facilities.

(a) It is the policy of the Department of Defense that contractors will furnish all facilities required for the performance of Government contracts. Facilities will not be provided to contractors for expansion, replacement, modernization or other purpose except as follows:

(1) For use in a Government-owned contractor operated plant operated on a cost plus fixed fee basis;

(2) For mobilization production of items being procured in accordance with an approved mobilization plan (ASOD) package; or

(3) When—

(i) The Secretary of the Department or his designee, in the case of new facilities, or an authorized official of the Department in the case of existing Government-owned facilities, determines that: The Defense contract cannot be fulfilled by any other practical means, or it is in the public interest; and

(ii) The contractor, represented by an executive corporate official, or his equivalent in noncorporate entities, either expresses in writing his unwillingness or financial inability to acquire the necessary facilities with his resources, or explains in writing that time will not permit him to make the necessary arrangements to obtain timely delivery of such facilities to meet defense requirements even though he is willing and financially able to acquire the facilities. In this latter case, existing Government-owned facilities (not new purchases) may be provided until the contractor purchased facilities are delivered and installed.

New facilities shall not be furnished unless existing Government-owned facilities are either inadequate or cannot be economically furnished. A copy of the contractor's written statement, with a brief statement of the circumstances justifying the provision of facilities, shall be furnished to the Office of the Assistant Secretary of Defense (I&L), Attention: WS. A copy must also accompany the request for facilities approval pursuant to § 13.302.

(b) In any case, competitive solicitations shall not include an offer by the Government to provide new facilities, nor shall solicitations offer to furnish existing Government facilities that must be moved into plants of contractors unless adequate price competition cannot be otherwise obtained. In the latter case, the contractor statement under paragraph (a)(3)(ii) of this section shall not be required, but contractors shall be required to identify the Government-owned facilities desired to be moved into their plants.

(c) New facilities shall not be provided by the Government where an economical, practical and appropriate alternative exists. Examples include:

(1) Procuring from sources not requiring Government-owned facilities;

(2) Requiring the contractors to make full utilization of subcontractors possessing adequate and available capacity;

(3) Having the contractor rent facilities from commercial sources; and

(4) Using existing Government-owned facilities.

(d) New construction or improvements having general utility shall not be provided with appropriations for research or development unless authorized by law.

(e) Facilities shall not be provided by the Government to contractors under this part solely for nongovernment use.

(f) Prior to acquiring new facilities listed in the joint DoD handbooks reference in § 13.312 and having an item acquisition cost of $1,000 or more, DoD Industrial Plant Equipment Requisition (DD Form 1419) shall be submitted to the Defense Industrial Plant Equipment Center, Memphis, Tenn. 38102, to ascertain whether existing Government-owned facilities can be utilized. No acquisition of any listed item shall be made until a certificate of nonavailability is received from the Defense Industrial Plant Equipment Center. Prior, however, to issuing a certificate of nonavailability, DIPEC shall determine if technical data (e.g., parts listings, maintenance, overhaul and repair manuals, wiring diagrams, etc.) required for use in the maintenance and repair of the new facilities, is available at the Defense Depot Mechanicsburg. If it is determined that such data is not available at the time of issuance of the nonavailability certificate for equipment, DIPEC may request, by an appropriate instruction in block 51 of DD Form 1419, that an additional set of the technical (maintenance) data be acquired with the new facilities when they are procured. This additional set of data shall be delivered to the Defense Depot Mechanicsburg, Mechanicsburg, Pa. 17055, Attention: Technical Data Library. When warranted by the urgency of the situation, requests for screening may be submitted to DIPEC by whatever means determined expedient. When submitting urgent screening requirements other than on a DD Form 1419, the following elements of information must be furnished for each item of equipment;

(1) Case number;

(2) PEC/SCC/FSN;

(3) Description data sufficient to enable DIPEC to make an urgency determination of availability;

(4) Date item required;

(5) Name and address of requiring agency;

(6) Contract, appendix, item number, and program;

(7) Statement as to whether item is for production or mobilization, replacement, or modernization, whether item will be procured if not available from DIPEC, and date of availability from procurement; and

(8) Assigned urgency rating.

Upon notification of availability by DIPEC, a DD Form 1419 will be submitted to DIPEC for each item accepted by the requestor. However, if DIPEC does not have the item available, or cannot furnish the item within the time specified by the requestor, DIPEC will furnish a statement of nonavailability including a certificate number. This statement will be the official Certificate of Nonavailability and will conform that the plant equipment item has been screened against the idle inventory.

(g) The proposed acquisition of automatic data processing equipment as defined in § 1.201–29 of this chapter shall be:

(1) Submitted on DD Form 1419 through the Administrative Contracting Officer to Headquarters, Defense Supply Agency, Attention: DSAH–LSR, Cameron Station, Alexandria, Va. 22314;

(2) Approved by the Senior ADPE policy official of the Department or Agency which generated the requirement for the contract end item; in the case of ADPE to be acquired on a noncompetitive basis, the request for approval shall be forwarded to the Assistant Secretary of Defense (Comptroller) through the Senior ADPE policy official. Approval action is not required for any acquisition of punched card machines (PCM's), or for acquisition of other ADPE where the purchase costs are less than $100,000.

§ 13.702 Government property clause for fixed-price contracts.

(a) • • •

GOVERNMENT PROPERTY (FIXED PRICE) SEPTEMBER 1968)

• • • • • •

(f) *Utilization, maintenance and repair of Government property.* The Contractor shall maintain and administer, in accordance with sound industrial practice, and in accordance with applicable provision of Appendix B, a program for the utilization, maintenance, repair, protection, and preservation of Government property, until disposed of by the Contractor in accordance with this clause. In the event that any damage occurs to Government property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs: *Provided, however,* That if the Contractor cannot effect such repair within the time required, the Contractor shall dispose of such property in the manner directed by the Contracting Officer. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in any contractual provisions affected by such repair or replacement of Government property made at the direction of the Government, in accordance with the procedures provided for in the "Changes" clause of this contract. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at his own expense.

• • • • • •

§ 13.703 Government property clause for cost-reimbursement contracts.

• • • • • •

GOVERNMENT PROPERTY (COST-REIMBURSEMENT) (SEPTEMBER 1968)

• • • • • •

(f) *Utilization, maintenance, and repair of Government property.* The Contractor shall maintain and administer, in accordance with sound industrial practice, and in accordance with applicable provisions of Appendix B, a program for the utilization, maintenance, repair, protection and preservation of Government property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all the reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of Government property.

(g) *Risk of loss.* (1) • • •

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in subparagraph (i) above—

(A) To maintain and administer, in accordance with sound industrial practice, the program for utilization, maintenance, repair, protection and preservation of Government property as required by paragraph (f) hereof, or

(B) To take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under paragraph (f) hereof;

• • • • • •

§ 13.706 Government property clause for fixed-price type contracts with nonprofit institutions.

(a) • • •

GOVERNMENT PROPERTY (FIXED PRICE, NONPROFIT) (SEPTEMBER 1968)

• • • • • •

(f) *Utilization, maintenance, and repair of Government property.* The Contractor shall maintain and administer, in accordance with sound business practice, and in accordance with applicable provisions of Appendix C, a program for the utilization, maintenance, repair, protection, and preservation of Government property, until disposed of by the Contractor in accordance with this clause. In the event that any damage occurs to Government property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs; *provided,* however, that if the Contractor cannot effect such repair within the time required, the Contractor may reject such property. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in any contractual provision affected by the repair or replacement of Government property made at the direction of the Government. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at his own expense.

(g) *Risk of loss.* (1) • • •

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part

of any of his directors, officers, or other representatives mentioned in subparagraph (1) above, to maintain and administer, in accordance with sound business practice, the program for the utilization, maintenance, repair, protection, and preservation of Government property as required by paragraph (f) above;

• • • • •

§ 13.707 Government property clause for cost-reimbursement type research and development contracts with nonprofit institutions.

(a) • • •

GOVERNMENT PROPERTY (COST-REIMBURSEMENT, NONPROFIT) (SEPTEMBER 1968)

• • • • •

(f) *Utilization, maintenance, and repair of Government property.* The Contractor shall maintain and administer, in accordance with sound business practice, and in accordance with applicable provisions of Appendix C, a program for the utilization, maintenance, repair, protection and preservation of Government property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of the Government property.

(g) *Risk of loss.* (1) • • •

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in (i) above, (A) to maintain and administer, in accordance with sound business practice, the program for the utilization, maintenance, repair, protection, and preservation of Government property as required by (f) above, or (B) to take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under (f) above;

• • • • •

PART 14—PROCUREMENT QUALITY ASSURANCE

19. New §§ 14.702–1 and 14.702–2 are added, as follows:

§ 14.702–1 NATO quality control system requirements for industry.

The NATO Standardization Agreement (STANAG) 4108—NATO Quality Control System Requirements for Industry AQAP–1 sets forth details of an agreement among NATO nations with an objective to standardize the application of Allied Quality Assurance Publication No. 1 (AQAP–1). In accordance with STANAG 4108 participant agrees to:

(a) Encourage suppliers of defense materiel and services to establish Quality Control Systems in accordance with the principles outlined in AQAP–1;

(b) Consider compliance with AQAP–1 a basic factor when selecting suppliers of defense materiel in NATO cooperative projects;

(c) Use AQAP–1 as a guide for evaluating a supplier's Quality Control System when so requested by another NATO country, which is considering placing a contract with that supplier.

This agreement has been ratified by the United States and other nations in NATO. The Military Departments may request NATO nations to assure compliance with AQAP–1 in the performance of quality assurance in accordance with STANAG 4107. They will also assure compliance with AQAP–1 when so requested by a participating NATO nation.

§ 14.702–2 NATO Quality Assurance Handbook AQAP–2.

NATO Quality Control System Requirements for Industry (AQAP–1) establishes requirements for a contractor's quality control system (14–702.1). AQAP–2, Guide for Evaluation of a Contractor's Quality Control System for Compliance with AQAP–1, has been prepared to assist Quality Assurance Representatives of NATO countries to administer the provisions of AQAP–1. AQAP–2 is not to be incorporated into contracts, but is to be used as guidance to Government Quality Assurance personnel when performing quality assurance for NATO countries in accordance with STANAG 4107 to insure contractor's conformance to AQAP–1.

PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

20. Section 15.303–3 is revised to read as follows:

§ 15.303–3 Reasonable costs.

A cost may be considered reasonable if the nature of the goods or services acquired or applied, and the amount involved therefor, reflect the action that a prudent person who would have taken under the circumstances prevailing at the time the decision to incur the cost was made. Major considerations involved in the determination of the reasonableness of a cost are: (a) Whether or not the cost is of a type generally recognized as necessary for the operation of the institution or the performance of the research agreement; (b) the restraints or requirements imposed by such factors as arm's length bargaining, Federal and State laws and regulations, and research agreement terms and conditions; (c) whether or not the individuals concerned acted with due prudence in the circumstances, considering their responsibilities to the institution, its employees, its students, the Government, and the public at large; and (d) the extent to which the actions taken with respect to the incurrence of the cost are consistent with established institutional policies and practices applicable to the work of the institution generally, including Government research.

PART 16—PROCUREMENT FORMS

21. Sections 16.604, 16.803–1(c), and 16.803–4 are revised, and § 16.813–3 is revoked, as follows:

§ 16.604 Requisition and Invoice/Shipping Document (DD Form 1149).

DD Form 1149 is prescribed for use in accordance with §§ 5.1108–1 and 24.301–5 of this chapter.

§ 16.803–1 Construction contracts.

• • • • •

(c) (1) The weekly payroll statement required by the contract clauses prescribed by §§ 18.703–1 or 18.703–3 of this chapter shall be in one of the following forms:

(i) "Payroll (For Contractor's Optional Use)," Form WH–347 (1/68) U.S. Department of Labor.

(ii) "Statement of Compliance," DD Form 879.

(iii) The contractor's own combined payroll-statement form, provided the statement is produced in exactly the language of Form WH–347 or DD Form 879 and the signer certifies on the statement: "The language of this statement is exactly the language of ----------".

(2) A supply of DD Forms 879 may be furnished to the contractors for their use. Forms WH–347 may be purchased from the Government Printing Office.

§ 16.803–4 Employer Information Report EEO–1 (Standard Form 100).

Standard Form 100 is prescribed for use in accordance with § 12.812(a) of this chapter.

§ 16.813–3 Forms superseded. [Revoked]

PART 18—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

22. Sections 18.108–2, 18.303–1, 18.303–2, and 18.303–3 are revised; § 18.303–4 is revoked; § 18.305–1(a) is revised; and in § 18.703–1(d), the clause heading and clause paragraph (b) are revised, as follows:

§ 18.108–2 Architect-engineer contracts.

An independent Government estimate of the cost of architect-engineer services in the same detail as if the Government were submitting a proposal shall be prepared prior to the negotiation of each proposed contract or modification thereto, affecting price, expected to exceed $2,500 in amount. The cost breakdown figures in the Government estimate may not be disclosed prior to negotiations; but, these cost breakdown figures may be revealed during negotiations to the extent deemed necessary for arriving at a fair and reasonable price, and: *Provided, however*, That the overall amount of the Government estimate is not disclosed.

§ 18.303–1 Fixed-price construction and architect-engineer contracts.

The guidance set forth in § 3.808 of this chapter, while not required, may be used in considering profit as an element of price under fixed-price construction and architect-engineer contracts.

§ 18.303–2 Cost-reimbursement type construction contracts.

(a) The fees of prime contractors under cost-plus-a-fixed-fee construction contracts shall be established in accordance with departmental procedures.

(b) The target fee of prime contractors in incentive fee contracts shall be established using the criteria and fee schedules provided for under departmental procedures as a guide in conjunction with the reasonableness of the target cost, the maximum and minimum fees to be established and the fee adjustment formula.

(c) Limitations on fees in both of the above type contracts are set forth in § 3.405–6(c)(2) of this chapter.

§ 18.303–3 Cost-reimbursement type architect-engineer contracts.

(See Subpart D of this part.) The fees under cost-reimbursement type architect-engineer contracts shall be established in accordance with applicable criteria provided in departmental procedures.

§ 18.303–4 Cost-reimbursement type architect-engineer contracts. [Revoked]

§ 18.305–1 Fixed-price type contracts.

(a) On all fixed-price type construction procurement in excess of $10,000 and for all modifications to construction contracts involving $10,000 or more, whether by increase or decrease in price or a combination of both, a Government estimate shall be prepared. (See § 18.–108–1.) For all fixed-price architect-engineer contracts in excess of $2,500 and for all modifications to architect-engineer contracts involving $2,500 or more, whether by increase or decrease in price or a combination of both, a Government estimate shall be prepared. (See § 18.108–2.)

• • • • •

§ 18.703–1 Clauses for general use.

• • • • •

(d) *Payrolls and basic records.*

PAYROLLS AND BASIC RECORDS (JUNE 1969)

• • • • •

(b) The Contractor shall submit weekly a copy of all payrolls to the Contracting Officer. The Government Prime Contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The copy shall be accompanied by a statement signed by the Contractor indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic conform with the work he performed. Weekly Submission of the "Statement of Compliance" required under this contract and the Copeland Regulations of the Secretary of Labor (29 CFR, Part 3) shall satisfy the requirement for submission of the above statement. The Contractor shall submit also a copy of any approval by the Secretary of Labor with respect to fringe benefits which is required by paragraph (c) of the clause entitled "Davis-Bacon Act."

• • • • •

PART 22—SERVICE CONTRACTS

23. Section 22.102–2 is revised to read as follows:

§ 22.102–2 Criteria for recognizing personal services.

There are no definitive rules for characterizing particular services as "personal" or "nonpersonal." There are many factors involved, all of which are not of equal importance. The characterization of services in a particular case cannot be made by simply counting factors, but can only be the result of a balancing of all the factors in accordance with their relative importance. The following factors shall be considered, as well as any others which are relevant (some of the following factors include parenthetical explanations or qualifications which indicate the type of judgment that the contracting officer should exercise):

(a) The nature of the work—

(1) To what extent the Government can obtain civil servants to do the job, or whether the contractor has specialized knowledge or equipment which is unavailable to the Government (this is a factor which might be useful in a doubtful case, but should not in its self create doubt about services which are otherwise clearly nonpersonal);

(2) To what extent the services represent the discharge of a governmental function which calls for the exercise of personal judgment and discretion on behalf of the Government (this factor, if present in a sufficient degree, may alone render the services personal in nature); and

(3) To what extent the requirement for services to be performed under the contract is continuing rather than short-term or intermittent (this is a factor which might be useful in a doubtful case, but should not in its self create doubt about services which are otherwise clearly nonpersonal);

(b) Contractual provisions concerning the contractor's employees (in considering the following, it should be noted that supervision and control of the contractor or his employees, if present in a sufficient degree, may alone render the services personal in nature)—

(1) To what extent the Government specifies the qualifications of, or reserves the right to approve, individual contractor employees (but granting or denying security clearance and providing for necessary health qualifications are always permissible controls over contractor employees; also, it is permissible to some extent to specify in the contract the technical and experience qualifications of contractor employees, if this is necessary to assure satisfactory performance);

(2) To what extent the Government reserves the right to assign tasks to and prepare work schedules for contractor employees during performance of the contract (this does not preclude inclusion in the contract, at its inception, of work schedules for the contractor, or the establishment of a time of performance for orders issued under a requirements or other indefinite delivery-type contract);

(3) To what extent the Government retains the right (whether actually exercised or not) to supervise the work of the contractor employees, either directly or indirectly;

(4) To what extent the Government reserves the right to supervise or control the method in which the contractor performs the service, the number of people he will employ, the specific duties of individual employees, and similar details (however, it is always permissible to provide in the contract that the contractor's employees must comply with regulations for the protection of life and property; also, it is permissible to specify a recommended, or occasionally even a minimum, number of people the contractor must employ, if this is necessary to assure performance—but in that event it should be made clear in the contract that this does not in any way minimize the contractor's obligation to use as many employees as are necessary for proper contract performance);

(5) To what extent the Government will review performance by each individual contractor employee, as opposed to reviewing a final product on an overall basis after completion of the work;

(6) To what extent the Government retains the right to have contractor employees removed from the job for reasons other than misconduct or security;

(c) Other provisions of the contract—

(1) Whether the services can properly be defined as an end product;

(2) Whether the contractor undertakes a specific task or project that is definable either at the inception of the contract or at some point during performance, or whether the work is defined on a day-to-day basis (however, this does not preclude use of a requirements or other indefinite delivery-type contract, provided the nature of the work is specifically described in the contract, and orders are formally issued to the contractor rather than to individual employees);

(3) Whether payment will be for results accomplished or solely according to time worked (this is a factor which might be useful in a doubtful case, but should not in itself create doubt about services which are otherwise clearly nonpersonal); and

(4) To what extent the Government is to furnish the office or working space, facilities, equipment, and supplies necessary for contract performance (this is a factor which might be useful in a doubtful case, but should not in itself create doubt about services which are otherwise clearly nonpersonal); and

(d) Administration of the contract—

(1) To what extent the contractor employees are used interchangeably with Government personnel to perform the same functions;

(2) To what extent the contractor employees are integrated into the Government's organizational structure; and

(3) To what extent any of the elements in paragraphs (b) and (c) of this section are present in the administration of the contract, regardless of whether they are provided for by the terms of the contract.

PART 23—SUBCONTRACTING POLICIES AND PROCEDURES

24. In § 23.202(a), a new subparagraph (12) is added, as follows:

§ 23.202 Consent to subcontracts.

(a) • • •

(12) Whether consideration was given to the solicitation of small business and labor surplus areas subcontract sources.

• • • • •

PART 24—DISPOSITION OF PERSONAL PROPERTY IN POSSESSION OF CONTRACTORS

25. Sections 24.102(b), 24.201–2(b), 24.203–1(e), 24.203–7(a), 24.205–3(a), and 24.205–4(b)(3) are revised to read as follows:

§ 24.102 Duties and responsibilities of plant clearance officer.

* * * * *

(b) Accepting or rejecting inventory schedules and DD Form 1342;

* * * * *

§ 24.201–2 General restrictions on contractor's authority.

* * * * *

(b) A contractor, when authorized to sell contractor inventory, shall not sell such inventory to persons known by him to be: (1) Under 21 years of age; (2) a civilian employee of the Department of Defense or the U.S. Coast Guard whose duties include any functional or supervisory responsibility for or within the Defense Property Disposal Program, or for the disposal of contractor inventory; (3) a member of the Armed Forces of the United States including the U.S. Coast Guard whose duties include any functional or supervisory responsibility for or within the Defense Property Disposal Program, or for the disposal of contractor inventory; or (4) an agent, employee or immediate member of the household of personnel in subparagraphs (2) and (3) of this paragraph.

* * * * *

§ 24.203–1 Submission of inventory schedules.

* * * * *

(e) Industrial Plant Equipment (IPE) (see § 13.312 of this chapter) shall be reported on DD Form 1342, DoD Property Record, and processed in accordance with § 24.205–3.

§ 24.203–7 Acceptance of inventory schedules.

(a) Upon receipt of inventory schedules from the contractor, the plant clearance officer shall review the schedules and determine their acceptability. If the schedules are acceptable, the plant clearance officer shall within 15 days execute and transmit to the contractor a DD Form 1637, Notice of Acceptance of Inventory. If any inventory schedule or DD Form 1342 is found to be inadequate, the plant clearance officer shall notify the contractor in writing of the deficiencies within 15 days of the receipt of such schedules. The contractor shall be required to correct or supplement the schedules or DD Form 1342 as to the items which are deficient. Inventory schedules shall not be rejected if the information contained therein is adequate for disposal purposes, even if complete cost data on work in process are not available. Rejection of an inventory schedule shall be limited when possible to specific items thereon and shall not necessarily render the entire schedule unacceptable. Should substantial errors develop which were not apparent from termination inventory schedules previously deemed acceptable, the final phase of a plant clearance period shall not commence until corrected schedules have been submitted, unless the plant clearance officer determines that no unwarranted delay in disposal operations was occasioned thereby.

* * * * *

§ 24.205–3 Procedures for industrial plant equipment.

(a) *Reporting idle industrial plant equipment.* Industrial plant equipment, identified in § 13.312 of this chapter and having an acquisition cost of $1,000 or more, shall be listed on DD Form 1342, DoD Property Record (see item 306.1 in §§ 30.2 and 30.3 of this chapter, and F–200.1342). The DD Form 1342 shall be prepared by the contractor and submitted to the assigned Government property administrator for appropriate review and transmittal to the plant clearance officer. Upon receipt of acceptable DD Form 1342, the plant clearance officer will designate the 75th day from that date as the ARD, with the 90th day from that date as the SCD. The ARD will be entered in block 24 of the DD Form 1342 and shall not be extended, except as provided in paragraph (e) of this section. The plant clearance officer will forward two copies of the DD Form 1342 to the Defense Industrial Plant Equipment Center, Memphis, Tenn. 38102, for all industrial plant equipment in condition codes other than "X." Condition code "X" industrial plant equipment shall be processed in accordance with § 24.205–1(e). The DD Form 1342 shall be forwarded to DIPEC within 10 calendar days after becoming idle. No other distribution of this form will be made by the plant clearance officer.

* * * * *

§ 24.205–4 Special screening procedures.

* * * * *

(b) *Standard components of special test equipment.* * * *

(3) Standard components, except those categorized as industrial plant equipment, which have not been selected by the contractor or the procuring or requiring departments shall be screened in accordance with § 24.205–2(b). If the standard components are categorized as industrial plant equipment which can be economically removed and reused, and have not been annotated for retention by the contractor, DD Forms 1342 shall be prepared and submitted to the plant clearance officer concurrently with the DD Form 545. The plant clearance officer shall hold the DD Form 1342 in suspense until screening of the composite unit has been completed and if there are no requirements for the composite unit, the DD Forms 1342 will be submitted to DIPEC for screening as industrial plant equipment in accordance with § 24.205–3.

* * * * *

26. Sections 24.301–2 and 24.301–6 are revised; in § 24.302–4, the introductory text and paragraph (b) are revised; and in § 24.302–7, the section heading and paragraph (a) are revised, as follows:

§ 24.301–2 Standard Form 120, Reporting of Excess Personal Property.

This form shall be used as a cover form for transmitting inventory schedules to all screening activities except DIPEC. A form letter prepared in accordance with § 24.302–7 will be used to forward DD Forms 1342 to DIPEC for screening. However, Standard Form 120 may be used for this purpose (see F–100.120 and §§ 24.205–2 and 24.302–6).

§ 24.301–6 DD Form 1342, DoD Property Record.

This form shall be used to report idle industrial plant equipment to DIPEC for worldwide screening. (See F–200.1342 and § 24.205–3; see DSAM 4215.1, AFM 78–1, NAVSUP PUB 5009, AR 700–43, for instructions on how to prepare this form.)

§ 24.302–4 Instructions for establishing a plant clearance case.

Upon receipt of acceptable inventory schedules or DD Form 1342 from the contractor or from other Government sources provided by this part, the plant clearance officer shall assign a plant clearance case number in accordance with § 24.302–5 and establish a plant clearance case file. The case number, contractor's name, and contract number shall be identified on the case folder. Termination inventory shall be identified with the word "Termination" on the outside of the case folder to insure priority handling. Separate submissions of inventory schedules and DD Forms 1342, applicable to one contract at the same location, shall be consolidated, whenever possible, under one plant clearance case. The plant clearance case file, as a minimum, shall contain the following:

* * * * *

(b) Copy of inventory schedules or DD Form 1342 (The copy of the inventory schedule will be annotated by the plant clearance officer to reflect all disposal actions accomplished. Upon completion of all plant clearance actions, this copy should reflect disposition of all inventory reported for plant clearance action.);

* * * * *

§ 24.302–7 Form Letter for Transmitting DD Form 1342 to DIPEC.

The following minimum information shall be included in the letter:

(a) The number of DD Form 1342 included;

* * * * *

PART 26—CONTRACT MODIFICATIONS

27. A new Part 26, titled as above, is added to this subchapter, as follows:

Sec.
26.000 Scope of part.

Subpart A—General

26.101 Policy.
26.102 Availability of funds.

Subpart B—Change Orders

Sec.
26.200 Scope of subpart.
26.201 Use.
26.202 Authority to issue change orders.
26.203 Preparation of change order.
26.204 Issuance of urgent change orders.
26.205 Correction or revision.
26.206 Followup of contractor proposals.
26.207 Analysis of proposals.
26.208 Responsibility for negotiation of equitable adjustments.

Subpart C—Supplemental Agreements

26.301 Use.
26.302 Preparation of supplemental agreements.

Subpart D—Novation Agreements and Change of Name Agreements

26.401 Scope of subpart.
26.402 Agreement to recognize a successor in interest.
26.403 Agreement to recognize change of name of contractor.
26.404 Processing novation agreements and change of name agreements.

Subpart E—Modifications to Letter Contracts

26.501 General.

Subpart F—Issuance of Shipping Instructions

26.601 Authority for issuance.
26.602 Contract administration activities.

Subpart G—Other Modifications

26.700 Scope of subpart.
26.701 Use.
26.702 Preparation.

AUTHORITY: The provisions of this Part 26 issued under secs. 2202, 2301–2314, 70A Stat. 120, 127–133; 10 U.S.C. 2202, 2301–2314.

§ 26.000 Scope of part.

(a) This part prescribes the policy and procedures for preparing and processing:

(1) Modifications to contracts, including letter contracts; and

(2) Novation and change of name agreements.

(b) This part does not include procedures relating to:

(1) Termination modifications (see Part 8 of this chapter);

(2) Modifications to DD Form 1155, Order for Supplies or Services/Request for Quotations (see § 3.608–4 of this chapter);

(3) Order for supplies or services not otherwise changing the terms of contract or agreements (e.g., delivery orders under indefinite delivery type contracts);

(4) Modifications for extraordinary contractual relief (see Part 17 of this chapter); or

(5) Modifications to construction or architect-engineer contracts (see § 16.405–4 of this chapter).

Subpart A—General

§ 26.101 Policy.

(a) Contract modifications, which are defined in § 1.201–2 of this chapter, shall be effected only by the use of Standard Form 30, Amendment of Solicitation/Modification of Contract (see § 16.103 of this chapter). Contract modifications are of three general types:

(1) Administrative changes (These changes, such as a change in paying office and appropriation data, do not affect the substantive rights of the contracting parties and do not require the contractor's acceptance.);

(2) Change orders (see Subpart B of this part); and

(3) Supplemental agreements (see Subpart C of this part).

(b) Only contracting officers, as defined in § 1.201–3 of this chapter, acting within the scope of their authority are empowered to execute modifications on behalf of the Government. Other Government personnel shall not:

(1) Execute modifications;

(2) Act in such a manner as to cause the contractor to believe that they have authority to bind the Government; or

(3) Direct or encourage the contractor to perform work which should be the subject of a modification.

§ 26.102 Availability of funds.

A contract modification involving an increase in funds shall not be executed until a certification of fund availability has been obtained by the contracting officer. When a modification is issued prior to agreement as to price adjustment, the certification shall be made on the best available estimate of cost. Exceptions are:

(a) Contracts conditioned upon the availability of funds (see § 1.318 of this chapter); and

(b) Contracts which contain an incremental funding clause (see §§ 1.2001, 7.203–3(b), and 7.402–2 (c) and (d) of this chapter.

Subpart B—Change Orders

§ 26.200 Scope of subpart.

This subpart sets forth the policy and procedures governing the issuance of change orders:

(a) Issued pursuant to the Changes clause of the contract; and

(b) Issued pursuant to other clauses of the contract invoking the Changes clause procedures.

This subpart also covers the negotiations of equitable adjustments resulting from change orders. It does not deal with amendments to shipping instructions, for which see Subpart F of this part.

§ 26.201 Use.

Normally, change orders require definitization and involve the use of two documents, the change order itself and a supplemental agreement reflecting the resulting equitable adjustment in price or delivery or both. However, (a) administrative changes and changes issued pursuant to a clause giving the Government a unilateral right to make a change (e.g., an option clause) may require only one document, the unilateral contract modification; and (b) if an equitable adjustment in the contract price or delivery terms can be agreed upon in advance, only a bilateral supplemental agreement need be issued (see § 26.301(b)).

§ 26.202 Authority to issue change orders.

Change orders shall be issued by the PCO except that for contracts for ship construction, conversion, and repair, the change order may be issued and the resultant supplemental agreement negotiated and executed by the ACO.

§ 26.203 Preparation of change order.

All change orders shall be prepared on Standard Form 30, Amendment of Solicitation/Modification of Contract, in accordance with § 16.104–4 of this chapter. All applicable items on the form shall be completed. In addition, the following specific instructions shall be complied with as follows:

(a) Block 10—except for change orders issued under letter contracts under contracts containing a clause limiting the Government's obligation, cite the estimated change in contract price, if any, together with the appropriate accounting and appropriation data. (The estimated change in price shall not be shown on copies of the Standard Form 30 furnished to the contractor.);

(b) Block 12—state in detail changes made to the contract respecting matters such as, but not limited to, the following:

(1) Identification of the drawings, specifications, or other instructions involved in the change;

(2) Identification of the source of the change, such as a Governmental engineering change or a contractor's change proposal;

(3) Identification of the effective point of the change, such as item serial number, lot number, date, or such other designator as will clearly indicate the point at which the change becomes effective. When the effective point is estimated, provision shall be included for the subsequent establishment by a specified Government representative and the contractor of a firm effective point.

§ 26.204 Issuance of urgent change orders.

Under unusual or urgent circumstances, the PCO may order changes by written electrical transmission provided that:

(a) The ACO is furnished a copy of the transmission;

(b) Immediate action is taken to confirm the change by issuance of Standard Form 30; and

(c) The transmission contains substantially the information required by § 26.203 (except that the estimated change in price shall not be indicated), including in the body of the transmission the statement, "Signed by (Name), Contracting Officer." The original copy, from which the transmission is made, shall be manually signed by the indicated contracting officer.

§ 26.205 Correction or revision.

Upon receiving a copy of the change order from the PCO, the ACO shall review it to assure that its provisions are compatible with the status of performance. For example, if the contractor has progressed beyond the effective point specified in the change order, the ACO shall determine the earliest practical point at which the change order could be made effective and advise the PCO

accordingly. Correction, revision or supersession of a change order shall be made by issuing another change order. The definitizing supplemental agreement shall cite both change orders.

§ 26.206 Followup of contractor proposals.

Equitable adjustments resulting from change orders shall be negotiated in the shortest practicable time. The purchasing or contract administration office, as appropriate, shall establish a suspense system which shall identify the outstanding unpriced change orders.

§ 26.207 Analysis of proposals.

Upon receipt of the contractor's proposal, the ACO shall assure that a cost analysis, if appropriate, is conducted in accordance with § 3.807-2(c) of this chapter. The ACO shall forward to the PCO a copy of the contractor's proposal marked to indicate whether a cost analysis will be conducted.

§ 26.208 Responsibility for negotiation of equitable adjustments.

(a) Except for those change orders assigned to the ACO under § 26.202 or delegated pursuant to this subchapter, the PCO shall be responsible for negotiating all equitable adjustments resulting from change orders, including the execution of supplemental agreements in Standard Form 30, Amendment of Solicitation/Modification of Contract. The ACO shall forward to the PCO the contractor's proposal, together with an analysis thereof. Except at the specific request of the PCO, the analysis shall not include the negotiation of any element of the contractor's proposal, although obvious mistakes may be called to the contractor's attention. Differences between the contractor's proposal and the results of the analysis made by the contract administration office shall be called to the attention of the PCO.

(b) When the negotiation of change orders has been assigned or delegated the ACO, he shall obtain through the purchasing office any additional funds which may be required and shall secure the concurrence of the PCO prior to making any adjustment in the contract delivery schedule as a result of the change.

Subpart C—Supplemental Agreements

§ 26.301 Use.

Supplemental agreements are used:

(a) To reflect the agreement reached in the negotiation of change orders;

(b) In preference to a change order when a supplemental agreement is considered feasible, even though authority exists to accomplish the modification by change order (see § 26.201);

(c) To definitize letter contracts (see § 3.408(d) of this chapter); and

(d) To reflect other agreements of the parties modifying the terms of contract.

§ 26.302 Preparation of supplemental agreements.

All supplemental agreements shall be prepared on Standard Form 30, Amendment of Solicitation/Modification of Contract, in accordance with § 16.104-4 of this chapter. When a supplemental agreement changes the unit price or unit quantity, information reflecting the changed conditions shall be shown in the format contained in Standard Form 36, Continuation Sheet, unless this form has been used as an attachment to Standard Form 30.

Subpart D—Novation Agreements and Change of Name Agreements

§ 26.401 Scope of subpart.

This subpart prescribes the policy and procedures for (a) recognition of a successor in interest to Government contracts when such interests are acquired incidental to a transfer of all the assets of a contractor or such part of his assets as is involved in the performance of the contracts, (b) a change of name of a contractor, and (c) single department execution of novation agreements and change of name agreements affecting more than one department.

§ 26.402 Agreement to recognize a successor in interest.

(a) The transfer of a Government contract is prohibited by law (41 U.S.C. 15). However, the Government may recognize a third party as the successor in interest to a Government contract where the third party's interest is incidental to the transfer of all the assets of the contractor, or all that part of the contractor's assets involved in the performance of the contract. Examples include, but are not limited to:

(1) Sale of such assets;

(2) Transfer of such assets pursuant to merger or consolidation of corporation; and

(3) Incorporation of a proprietorship or partnership.

(b) When a contractor requests that the Government recognize a successor in interest, the contractor shall be required to provide three signed copies of the novation agreement to the department concerned (see § 26.404) through the cognizant contract administration office together with one copy of each of the following, as applicable:

(1) A properly authenticated copy of the instrument by which the transfer of assets was effected, as for example, a bill of sale, certificate of merger, indenture of transfer, or decree of court;

(2) A list of all contracts and purchase orders which have not been finally settled between the department concerned and the transferor, showing the contract number, the name and address of the purchasing office involved, the total dollar value of each contract as amended, the type of contract involved, and the balance remaining unpaid;

(3) A certified copy of the resolutions of the boards of directors of the corporate parties authorizing the transfer of assets;

(4) A certified copy of the minutes of any stockholders' meetings of the corporate parties necessary to approve the transfer of assets;

(5) A properly authenticated copy of the certificate and articles of incorporation of the transferee if such corporation was formed for the purpose of receiving the assets involved in the performance of the Government contracts;

(6) Opinion of counsel for the transferor and transferee that the transfer was properly effected in accordance with applicable law and the effective date of transfer;

(7) Evidence of the capability of the transferee to perform the contracts;

(8) Balance sheets of the transferor and the transferee as of dates immediately prior to and after the transfer of assets;

(9) Evidence of security clearance requirements; and

(10) Consent of sureties on all contracts listed under subparagraph (2) of this paragraph where bonds are required, or a statement that none is required.

(c) When it is consistent with the Government's interest to recognize a successor in interest to a Government contract, the department concerned shall execute an agreement with the transferor and the transferee, which shall ordinarily provide in part that:

(1) The transferee assumes all the transferor's obligations under the contract;

(2) The transferor waives all rights under the contract as against the Government;

(3) The transferor guarantees performance of the contract by the transferee (a satisfactory performance bond may be accepted in lieu of such guarantee); and

(4) Nothing in the agreement shall relieve the transferor or the transferee from compliance with any Federal law.

All agreements, prior to execution, shall be reviewed by Government counsel for legal sufficiency. A form for such an agreement for use when the transferor and transferee are corporations, and all the assets of the transferor are transferred, is set forth herein. This form may be adapted to fit specific cases and may be used as a guide in preparing similar agreements for use in other situations.

AGREEMENT

This Agreement, entered into as of (date upon which the transfer of assets became effective pursuant to applicable State law) 19__, by and between the ABC Corporation, a corporation duly organized and existing under the laws of the State of _____ with its principal office in the City of _____ (hereinafter referred to as the "Transferor"); the XYZ Corporation add if appropriate (formerly known as the LMN Corporation), a corporation duly organized and existing under the laws of the State of _____ with its principal office in the City of _____ (hereinafter referred to as the "Transferee"); and the United States of America (hereinafter referred to as the "Government").

WITNESSETH:

1. Whereas, the Government, represented by various Contracting Officers of the Department of Defense has entered into certain contracts and purchase orders with the Transferor (namely: _____) or as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference; and the term "the contracts as hereinafter used means the above contracts and purchase orders, and all other contracts and purchase orders, including modifications thereto, heretofore made between the Government, represented by various Contracting Officers of the above named Department, and the Transferor (whether or not performance and payment have been completed and releases executed, if the Government or the Transferor has any remaining rights, duties or obligations thereunder), and including modifications thereto hereafter made in accordance with the terms and conditions of such contracts and purchase orders between the Government and the Transferee;

2. Whereas, as of _____, 19__, the Transferor assigned, conveyed, and transferred to the Transferee all the assets of the Transferor by virtue of a (term descriptive of the legal transaction involved) between the Transferor and the Transferee;

3. Whereas, the Transferee, by virtue of said assignment, conveyance and transfer, has acquired all the assets of the Transferor;

4. Whereas, by virtue of said assignment, conveyance, and transfer, the Transferee has assumed all the duties, obligations and liabilities of the Transferor under the Contracts;

5. Whereas, the Transferee is in a position fully to perform the Contracts, and such duties and obligations as may exist under the Contracts;

6. Whereas, it is consistent with the Government's interest to recognize the Transferee as the successor party to the Contracts;

7. Whereas, there has been filed with the Government evidence of said assignment, conveyance or transfer, as required by ASPR 26-402(b);

Where a change of name is also involved, such as prior or concurrent change of name of the transferee, an appropriate recital shall be used; for example:

8. Whereas, there has been filed with the Government a certificate dated _____, 19__, signed by the Secretary of State of _____, to the effect that the corporate name of LMN Corporation was changed to XYZ Corporation on _____, 19__;

Now, therefore, in consideration of the premises, the parties hereto agree as follows:

9. The Transferor hereby confirms said assignment, conveyance and transfer to the Transferee, and does hereby release and discharge the Government from, and does hereby waive, any and all claims, demands, and rights against the Government which it now has or may hereafter have in connection with the Contracts.

10. The Transferee hereby assumes, agrees to be bound by, and undertakes to perform each and every one of the terms, covenants, and conditions contained in the Contracts. The Transferee further assumes all obligations and liabilities of, and all claims and demands against, the Transferor under the Contracts, in all respects as if the Transferee were the original party to the Contracts.

11. The Transferee hereby ratifies and confirms all actions heretofore taken by the Transferor with respect to the Contracts with the same force and effect as if the action had been taken by the Transferee.

12. The Government hereby recognizes the Transferee as the Transferor's successor in interest in and to the Contracts. The Transferee hereby becomes entitled to all right, title, and interest of the Transferor in and to the Contracts in all respects as if the Transferee were the original party to the Contracts. The term "Contractor" as used in the Contracts shall be deemed to refer to the Transferee rather than to the Transferor.

13. Except as expressly provided herein, nothing in this Agreement shall be construed as a waiver of any rights of the Government against the Transferor.

14. Notwithstanding the foregoing provisions, all payments and reimbursements heretofore made by the Government to the Transferor and all other action heretofore taken by the Government, pursuant to its obligations under any of the Contracts, shall be deemed to have discharged pro tanto the Government's obligations under the Contracts. All payments and reimbursements made by the Government after the date of this Agreement in the name of or to the Transferor shall have the same force and effect as if made to said Transferee and shall constitute a complete discharge of the Government's obligations under the Contracts, to the extent of the amounts so paid or reimbursed.

15. The Transferor and the Transferee hereby agree that the Government shall not be obligated to pay or reimburse either of them for, or otherwise give effect to, any costs, taxes or other expenses, or any increases therein, directly or indirectly arising out of or resulting from (i) said assignment, conveyance, and transfer, or (ii) this Agreement, other than those which the Government, in the absence of said assignment, conveyance, and transfer, or this Agreement, would have been obligated to pay or reimburse under the terms of the Contracts.

16. The Transferor hereby guarantees payment of all liabilities and the performance of all obligations which the Transferee (i) assumes under this Agreement, or (ii) may hereafter undertake under the Contracts as they may hereafter be amended or modified in accordance with the terms and conditions thereof; and the Transferor hereby waives notice of and consents to any such amendment or modification.

17. Except as herein modified, the Contracts shall remain in full force and effect.

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA

[CORPORATE SEAL] By _____

Title _____

ABC CORPORATION

[CORPORATE SEAL] By _____

Title _____

XYZ CORPORATION

By _____

Title _____

CERTIFICATE

I, _____, certify that I am the Secretary of ABC Corporation, named above; that _____, who signed this Agreement on behalf of said corporation, was then _____ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and seal of said corporation this _____ day of _____, 19__.

[CORPORATE SEAL] By _____

CERTIFICATE

I, _____, certify that I am the Secretary of XYZ Corporation, named above; that _____, who signed this Agreement on behalf of said corporation, was then _____ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and within the scope of its corporate powers.

Witness my hand and the seal of said corporation this _____ day of _____, 19__.

[CORPORATE SEAL] By _____

[End of Agreement]

§ 26.403 Agreement to recognize change of name of contractor.

(a) When only a change of name is involved, so that the rights and obligations of the parties remain unaffected, an agreement shall be executed between the department concerned (see § 26.404) and the contractor modifying all existing contracts between the parties so as to reflect the contractor's change of name. Three signed copies of the Change of Name Agreement and one copy of each of the following shall be forwarded by the contractor to the department concerned through the cognizant contract administration office:

(1) A copy of the instrument by which the change of name was effected, authenticated by a proper official of the State having jurisdiction;

(2) Opinion of counsel for the contractor as to the effective date of the change of name and that it was properly effected in accordance with applicable law; and

(3) A list of all contracts and purchase orders which have not been finally settled between the department concerned and the transferor, showing the contract number, the name and address of the purchasing office involved, the total dollar value of each contract as amended, and the balance remaining unpaid.

(b) A format for such an agreement which shall be adapted for specific cases is set forth below.

AGREEMENT

This agreement, entered into as of _____, 19 -- by and between the ABC Corporation (formerly the XYZ Corporation and hereinafter sometimes referred to as the "Contractor"), a corporation duly organized and existing under the laws of the State of _____, and the United States of America, represented by the Department of the _____ (hereinafter referred to as the "Government").

WITNESSETH:

1. Whereas, the Government, represented by various Contracting Officers of the Department of the _____, has entered into certain contracts and purchase orders with the XYZ Corporation, (namely: _____) or (as set forth in the attached list marked "Exhibit A" to this agreement and herein incorporated by reference;) and the term "the Contracts" as hereinafter usbd means the above contracts and purchase orders, and all other contracts and purchase orders, including modifications thereto, entered into between the Government, represented by various Contracting Officers of the Department of the _____, and the Contractor (whether or not performance and payment have been completed and releases executed, if the Government or the Contractor has any remaining rights, duties, or obligations thereunder);

2. Whereas, the XYZ Corporation, by an amendment to its certificate of incorporation, dated _____, ____ has changed its corporate name to ABC Corporation;

3. Whereas, a change of corporate name only is accomplished by said amendment, so

that rights and obligations of the Government and of the Contractor under the Contracts are unaffected by said change; and

4. Whereas, there has been filed with the Government documentary evidence of said change in corporate name;

Now therefore, in consideration of the premises, the parties hereto agree that the Contracts covered by this agreement are hereby amended by deleting therefrom the name "XYZ Corporation" wherever it appears in the Contracts and substituting therefor the name "ABC Corporation."

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA

By _____
Title _____

[CORPORATE SEAL] ABC CORPORATION

By _____
Title _____

CERTIFICATE

I, _____, certify that I am the Secretary of ABC Corporation, named above; that _____ who signed this Agreement on behalf of said corporation, was then _____ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and seal of said corporation this _____ day of _____, 19 ---.

[CORPORATE SEAL] By _____

[End of Agreement]

§ 26.404 Processing novation agreements and change of name agreements.

(a) Except as provided in paragraph (b) of this section, when only one department has outstanding contracts with the contractor or contractors seeking a novation or change of name agreement, the documents pertaining thereto shall be forwarded to the appropriate addressee in paragraph (c) of this section through the cognizant contract administration office. This addressee may authorize the procuring activity of its department having the largest unsettled (unbilled plus billed but unpaid) dollar balance with the contractor or contractors to process and execute the agreement. The contract administration office, upon receipt of a novation or change of name agreement, shall assure that the documentation prescribed herein has been submitted and that appropriate comments are furnished by the ACO to the appropriate addressee in paragraph (c) of this section, particularly with respect to § 26.402(b)(7).

(b) Notwithstanding paragraph (a) of this section, if a novation or change of name agreement involves contracts of only one Defense Supply Center, that center upon receipt of the documents from the contract administration office, shall retain the case and process and execute the agreement.

(c) When more than one department has outstanding contracts with the contractor or contractors seeking a novation or change of name agreement, a single agreement covering all such contracts shall be executed by the department having the largest unsettled (unbilled plus billed but unpaid) dollar balance with the contractor or contractors. Such agreements shall be executed by a duly authorized official or designee of the appropriate office listed below:

Department of the Army, Hq., U.S. Army Materiel Command, Attention: AMCGC–P, Washington, D.C. 20315.
Department of the Navy, Chief of Naval Material, Attention: MAT 0243, Washington, D.C. 20360.
Department of the Air Force, Hq., U.S. Air Force Systems Command, Attention: SCKPR, Washington, D.C. 20331.
Defense Supply Agency, Attention: DSAH–PPR, Cameron Station, Alexandria, Va. 22314.
Defense Communications Agency, Attention: Code 260, Washington, D.C. 20305.
Director, Defense Atomic Support Agency, Attention: LGCM, Washington, D.C. 20301.

(d) The department processing a proposed novation agreement shall promptly provide notice of the proposed agreement, including the list of contracts as required by § 26.402(b)(2), to the other departments and defense agencies having contracts with the contractor or contractors concerned. Such notice shall be transmitted to the appropriate addressee listed in paragraph (c) of this section. Within 30 days after receipt of such notice, the department may submit comments to the processing department, which comments shall be considered prior to execution of the proposed agreement. The absence of comment from a department within 30 days after its receipt of notice of a proposed novation agreement shall be construed as approval by the department. Where only a single department is concerned, the procuring activity processing a proposed novation agreement shall give similar notice of it to all other interested procuring activities in that department.

(e) Where substantial alterations or additions to the formats set forth in §§ 26.402(c) and 26.403(b) are considered appropriate by the department processing the proposed agreement, that department shall coordinate the agreement with the other departments prior to execution. Any objection shall be resolved before the agreement is executed.

(f) Executed novation agreements or change of name agreements shall be distributed by the processing department as follows:

(1) The original signed copy to the Finance Center listed below which services the Disbursing Office designated in the contract to make payment:

Army—Commanding General, Finance Center, U.S. Army, Processing and Disposition Branch, Retained Accounts Division, Indianapolis, Ind. 46249.
Navy—Commanding Officer, U.S. Navy Finance Center (SMV), Cleveland, Ohio 44114.
Air Force—Air Force Accounting and Finance Center, 3800 York Street, Denver, Colo. 80205.
MarCorps—Examination Division, Marine Corps Finance Center, Kansas City, Mo. 64197.

(2) The duplicate signed copy shall be retained in the office executing the agreement.

(3) The triplicate signed copy shall be forwarded to the contractor.

(4) Where more than one department is involved, two copies of the multiservice agreement to the appropriate addressee listed in paragraph (c) of this section.

(g) After execution and distribution of an agreement, an administrative change (Standard Form 30) shall be prepared by the processing activity incorporating a summary of the agreement and attaching thereto a complete list of the contracts affected. For single service agreements, three copies of the Standard Form 30 shall be furnished for each contract to the purchasing offices concerned for entry of the modification number and distribution. For multiservice agreements, the copies shall be forwarded through the appropriate addressee listed in paragraph (c) of this section.

(h) Novation and change of name agreements modifying contracts for the storage of household goods entered into pursuant to Commercial Warehousing and Related Services for Household Goods of Military Personnel (DoD Regulation 4145.16–R) shall be forwarded by household goods field officers to Headquarters, Military Traffic Management and Terminal Service, Washington, D.C. 20315, for appropriate execution without regard to the provisions of paragraphs (a), (c), (d), and (g) of this section.

Subpart E—Modifications to Letter Contracts

§ 26.501 General.

(a) Modifications to letter contracts shall be accomplished under the same policies and procedures as those applicable to definitive contracts.

(b) Bilateral modifications (supplemental agreements) issued prior to definitizing a letter contract may be processed in the same manner as the letter contract i.e., the PCO may sign prior to the contractor.

(c) For definitization of letter contracts and modifications thereto, see § 3.408(d) of this chapter.

Subpart F—Issuance of Shipping Instructions

§ 26.601 Authority for issuance.

Initial shipping instructions not included in the basic contract and amended shipping instructions shall be issued pursuant to the Changes clause in accordance with § 19.204 of this chapter.

§ 26.602 Contract administration activities.

Contract administration activities shall:

(a) Cause release of shipments from contractor's plants according to existing shipping instructions, including shipping instructions furnished in accordance with § 19.204(a)(2) of this chapter. When applicable, the order of assigned priority shall be followed; shipments within the same priority shall be determined by date of the instruction.

(b) Obtain contractor proposals for any contract price adjustments resulting from amended shipping instructions. ACOs shall review all amended shipping instructions on a periodic, consolidated basis to assure that adjustments are timely made. Except when the ACO has settlement authority (see § 26.208(b)), the ACO shall forward the proposal to the PCO for contract modification. The ACO shall not delay shipments pending completion and formalization of negotiations of revised shipping instructions.

Subpart G—Other Modifications

§ 26.700 Scope of subpart.

Except for construction contracts, this subpart sets forth the policy and procedures for modifications authorized by contract provisions other than a Changes clause, a Disputes clause, or a Termination for the Convenience of the Government clause.

§ 26.701 Use.

Modifications within the scope of this subpart include those issued pursuant to a contract provision (e.g., provisioning requirements, a Government-Furnished Property clause, an Inspection clause, an Option clause).

§ 26.702 Preparation.

Modifications pursuant to this subpart shall contain, in addition to the information specified on Standard Form 30, Amendment of Solicitation/Modification of Contract, the following:

(a) When applicable, the information listed in § 26.203(b); and

(b) When the removal, reinstatement, or addition of funds is involved—

(1) The total dollar amount of funds to be removed from or added to the contract;

(2) The reason for adjustment;

(3) The contract items and accounting classifications; and

(4) A reference to the basis for, or authority to deobligate excess funds.

PART 30—APPENDIXES TO ARMED SERVICES PROCUREMENT REGULATIONS

28. In § 30.2, items 306.1, 403, 404, and 603 are revised, and new item 603.1 is added, as follows:

§ 30.2 Appendix B—Control of Government property in possession of contractors.

* * * * *

306.1 *Centrally reportable plant equipment.* Notwithstanding the approval of a contractor's property accounting and control system, the contractor shall, with respect to items identified as industrial plant equipment (IPE) (including those items which are a part of a manufacturing system and items of general purpose components of special test equipment) prepare a DD Form 1342 (Appendix F, F–200.1342) at the time of acquisition or receipt to be forwarded to DIPEC pursuant to AR 700–43, NAVSUP PUB 5000, AFM 78–1, DSAM 4215.1—"Defense Industrial Plant Equipment Center (DIPEC) Operations." This manual is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. If changes occur in the data as originally recorded, a change report will be made to DIPEC as prescribed by DSAM 4215.1. When IPE including general purpose components of special test equipment is no longer required at the point of acquisition or receipt, the contractor shall prepare a DD Form 1342 (Appendix F, F–200.1342) and reflect thereon any changes in original data not previously reported. The contractor shall retain the original of each DD Form 1342 and forward the copies to DIPEC through the property administrator pursuant to 24–205.3. Use of the DD Form 1342 as the official property record is optional. Subsequent to the disposal of IPE, the contractor will prepare DD Form 1342, section IV, pursuant to DSAM 4215.1 for transmittal to DIPEC.

403 *Special tooling and special test equipment.* Government-owned special tooling and special test equipment shall be marked in accordance with the procedure established by the contractor and approved by the property administrator, unless it is determined by the contractor in an individual case that marking will damage the special tooling or special test equipment or is otherwise impracticable. The contractor shall advise the property administrator, in writing, of any such determination. Identification shall consist of a serial number (identification number) and the designation of the Military Department responsible for funding and control of the property as follows: Army—"USA," Navy—"USN," Air Force—"USAF," and Defense Supply Agency—"USD." If an item is already identified as U.S. property, the marking shall not be changed solely to conform to the provisions of this paragraph. Components of special test equipment, having an acquisition cost of $1,000 or more and incorporated in such a manner that removal and reutilization is feasible and economical, shall be marked in a manner similar to plant equipment as required by B–404(b). General purpose components of special test equipment having an acquisition cost of between $200 and $1,000 may be identified in the same manner, when required for effective control, in accordance with a contractor's approved property control system.

404 *Plant equipment*—(a) *Industrial plant equipment.* All Government-owned industrial equipment shall be identified by the contractor, who shall affix directly to the equipment, a prenumbered metal, fiber, plastic, or other appropriate plate, marking, or decal which shall be provided by the property administrator. Identification shall consist of an indication of Department of Defense ownership, and a seven digit serial number except that accessory or auxiliary equipment associated with a specific item of industrial plant equipment and recorded on the official records for that item need not be marked with an identification number unless circumstances necessitate marking to assure that the item of accessory and/or auxiliary equipment will be returned to the Government with the basic item with which associated. Identification numbers assigned and markings affixed shall be permanent and will not be changed as long as the equipment remains under the control of the Department of Defense.

(b) *Plant equipment other than industrial plant equipment.* Unless already marked in compliance with prior instructions, Government-owned plant equipment, which is not industrial plant equipment or minor plant equipment, shall be marked by the contractor with a Government identification number, except when the size or nature of the equipment makes it impracticable, or the equipment is accessory or auxiliary and attached to or otherwise a part of an item of plant equipment and is required for its normal operation, in which case such item shall be entered and described on the record of equipment to which it is attached or of which it is otherwise a part. Identification shall be effected by affixing a decal, metal, fiber, plastic, or other plate directly to the equipment or by using indelible ink, acid or electric etch, steel dies, or other legible, permanent, conspicuous, and tamper proof method. Identification by the contractor shall be in accordance with procedures established by the contractor and approved by the property administrator and shall consist of the following:

(i) A serial number and an indication of Department of Defense ownership; however, if the item is already identified as Government property, the marking shall not be changed solely to conform to the provisions of this paragraph; and

(ii) In the case of items included within a standard departmental registration system (for example, automotive, construction, or material-handling equipment) application for a proper registration number will be made to the cognizant department, which number may be used in lieu of any other identification number.

Accessory or auxiliary equipment associated with a specific item of plant equipment and recorded on the official records for that item need not be marked with an identification number unless circumstances necessitate marking to assure that the item of accessory and/or auxiliary equipment will be returned to the Government with the basic item with which associated. Identification numbers assigned and markings affixed shall be permanent and will not be changed as long as the equipment remains under the control of the Department of Defense, unless a change is necessary to eliminate duplicate numbers in which case the contractor will reidentify the item(s) in accordance with the approved system.

603 *Utilization of Government property.* The contractor's procedures shall be in writing and adequate (i) to assure that Government property will be utilized only for those purposes authorized in the contract, and that any required approvals are obtained, and (ii) to provide a basis for determining and allocating rental charges.

603.1 *Utilization of industrial plant equipment.* The procedures applicable to IPE shall, as a minimum:

(i) Establish a minimum level of utilization below which an analysis of need shall be made and retention justified, except for inactive package plants and standby lines. The utilization level may be established for individual items or families of items depending upon circumstances of use;

(ii) Provide for recording authorized and actual use consistent with the utilization levels established under (i) above;

(iii) Require periodic analyses of production needs for IPE and of future utilization based upon known requirements; and

(iv) Have firm provisions for immediately reporting to the contracting officer all IPE items for which retention is not justified.

29. In § 30.3, items 306.1, 403, 404, and 603 are revised, and new item 603.1 is added, as follows:

§ 30.3 Appendix C—Control of property in possession of nonprofit research and development contractors.

* * * * *

306.1 *Centrally reportable plant equipment.* Notwithstanding the approval of a contractor's property accounting and control system, the contractor shall, with respect to items identified as industrial plant

equipment (IPE) (including those items which are a part of a manufacturing system and items of general purpose components of special test equipment) prepare a DD Form 1342 (see Appendix F, F–200.1342) at the time of acquisition or receipt to be forwarded to DIPEC pursuant to AR 700–43, NAVSUP PUB 5009, AFM 78–1, DSAM 4215.1—"Defense Industrial Plant Equipment Center (DIPEC) Operations." This manual is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. If changes occur in the data as originally recorded, a change report will be made to DIPEC as prescribed by DSAM 4215.1. When IPE including general purpose components of special test equipment is no longer required at the point of acquisition or receipt, the contractor shall prepare a DD Form 1342 (see F–200.1342) and reflect thereon any changes in original data not previously reported. The contractor shall retain the original of each DD Form 1342 and forward the copies of DIPEC through the property administrator pursuant to 24–205.3. Use of the DD Form 1342 as the official property record is optional. Subsequent to the disposal of IPE, the contractor will prepare DD Form 1342, section IV, pursuant to DSAM 4215.1 for transmittal to DIPEC.

403 *Special tooling and special test equipment.* Government-owned special tooling and special test equipment shall be marked in accordance with the procedure established by the contractor and approved by the property administrator, unless it is determined by the contractor in an individual case that marking will damage the special tooling or special test equipment or is otherwise impracticable. The contractor shall advise the property administrator, in writing, of any such determination. Identification shall consist of a serial number (identification number), and the designation of the Military Department responsible for funding and control of the property as follows: Army—"USA," Navy—"USN," Air Force—"USAF," and Defense Supply Agency—"USD." If an item is already identified as U.S. property, the marking shall not be changed solely to conform to the provisions of this paragraph. Components of special test equipment, having an acquisition cost of $1,000 or more and incorporated in such a manner that removal and reutilization is feasible and economical, shall be marked in a manner similar to plant equipment as required by C–404(b). General purpose components of special test equipment having an acquisition cost of between $200 and $1,000 may be identified in the same manner, when required for effective control, in accordance with a contractor's approved property control system.

404 *Plant equipment*—(a) *Industrial Plant Equipment.* All Government-owned industrial plant equipment shall be identified by the contractor, who shall affix directly to the equipment, a prenumbered metal, fiber, plastic or other appropriate plate, marking, or decal which shall be provided by the property administrator. Identification shall consist of an indication of Department of Defense ownership, and a seven-digit serial number except that accessory or auxiliary equipment associated with a specific item of industrial plant equipment and recorded on the official records for that item need not be marked with an identification number unless circumstances necessitate marking to assure that the item of accessory and/or auxiliary equipment will be returned to the Government with the basic item with which associated. Identification numbers assigned and markings affixed shall be permanent and will not be changed as long as the equipment remains under the control of the Department of Defense.

(b) *Plant equipment other than industrial plant equipment.* Unless already marked in compliance with prior instructions, Government-owned plant equipment, which is not industrial plant equipment or minor plant equipment, shall be marked by the contractor with a Government identification number, except when the size or nature of the equipment makes it impracticable, or the equipment is accessory or auxiliary and attached to or otherwise a part of an item of plant equipment and is required for its normal operation, in which case such item shall be entered and described on the record of equipment to which it is attached or of which it is otherwise a part. Identification shall be effected by affixing a decal, metal, fiber, plastic or other plate directly to the equipment or by using indelible ink, acid or electric etch, steel dies, or other legible, permanent, conspicuous, and tamper proof method. Identification by the contractor shall be in accordance with procedures established by the contractor and approved by the property administrator and shall consist of the following:

(i) A serial number and an indication of Department of Defense ownership; however, if the item is already identified as Government property, the marking shall not be changed solely to conform to the provisions of this paragraph; and

(ii) In the case of items included within a standard departmental registration system (for example, automotive, construction, or material-handling equipment) application for a proper registration number will be made to the cognizant Department, which number may be used in lieu of any other identification number.

Accessory or auxiliary equipment associated with a specific item of plant equipment and recorded on the official records for that item need not be marked with an identification number unless circumstances necessitate marking to assure that the item of accessory and/or auxiliary equipment will be returned to the Government with the basic item with which associated. Identification numbers assigned and markings affixed shall be permanent and will not be changed as long as the equipment remains under the control of the Department of Defense, unless a change is necessary to eliminate duplicate numbers in which case the contractor will reidentify the item(s) in accordance with the approved system.

603 *Utilization of Government property.* The contractor's procedures shall be in writing and adequate to assure that Government property will be utilized only for those purposes authorized in the contract.

603.1 *Utilization of industrial plant equipment.* The procedures applicable to IPE shall include, as a minimum:

(i) Methods which provide for a review of all IPE needs and usage;

(ii) Provisions for reporting immediately to the contracting officer IPE items for which retention is not justified;

(iii) Rejustification of the need of IPE, upon request of the contracting officer.

30. In § 30.7, item K–302(a) is revised to read as follows:

§ 30.7 Appendix K—Preaward survey procedures.

* * * * *

K–302 *Development of information.*—(a) *Review of available data.* The information already available in the contract administration office pertaining to the prospective contractor and his past performance shall be reviewed. Prior preaward survey reports and contractor performance records (see 1–908.3) shall be examined and considered in support of preaward survey recommendations. If the prospective contractor has current or contemplated Government contracts, the files should be checked for information regarding similarity of product, current status of contracts, quality control experience, and financial status.

* * * * *

[Rev. 3, ASPR, June 30, 1969, DPC 71] (Secs. 2202, 2301–2314, 70A Stat. 120, 127–133; 10 U.S.C. 2202, 2301–2314)

For the Adjutant General:

HAROLD SHARON,
Chief, Legislative and Precedent Branch Management Division, TAGO.

[F.R. Doc. 69–10373; Filed, Aug. 28, 1969; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 23,266]

PART 545—OPERATIONS

Amendment Relating to Indemnification of Federal Savings and Loan Association Personnel

AUGUST 21, 1969.

Resolved that, notice and public procedure having been duly afforded (34 F.R. 9091) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of prescribing rules relating to indemnification of persons for expenses incurred as a result of claims against them based on their conduct as a director, officer, or employee of a Federal savings and loan association and for the purpose of permitting such associations to obtain insurance in connection therewith. Accordingly, said Part 545 is hereby amended by adding a new undesignated center head and a new § 545.25, immediately after § 545.24 thereof, to read as follows, effective October 1, 1969:

INDEMNIFICATION OF ASSOCIATION PERSONNEL

§ 545.25 Indemnification of directors, officers, and employees.

(a) *General provisions.* Subject to the provisions of paragraph (b), any person against whom any action is brought or threatened by reason of the fact that such person is or was a director, officer, or employee of a Federal association shall be indemnified by such association for:

(1) Reasonable costs and expenses, including reasonable attorney's fees, actually paid or incurred by such person in connection with proceedings related to the defense or settlement of such action;

(2) Any amount for which such person becomes liable by reason of any judgment in such action; and

(3) Reasonable costs and expenses, including reasonable attorney's fees, actually paid or incurred in any action, to enforce his rights under this section, which results in a final judgment in favor of such person.

(b) *Requirements.* Indemnification provided for in paragraph (a) shall be made to such director, officer, or employee if, but only if, the requirements of this paragraph are met.

(1) *Favorable judgment on merits.* A Federal association shall make the indemnification provided by paragraph (a) of this section in connection with any such action which results in a final judgment on the merits in favor of such director, officer, or employee.

(2) *Settlement, adverse judgment, or judgment other than on the merits.* A Federal association shall make the indemnification provided by paragraph (a) of this section in case of settlement of such action, final judgment against such director, officer, or employee, or final judgment in favor of such director, officer, or employee, other than on the merits, if a majority of the directors of the association determines that such director, officer, or employee was acting in good faith within what he was reasonably entitled to believe under the circumstances was the scope of his employment or authority and for a purpose which he was reasonably entitled to believe under the circumstances was in the best interests of the association or its shareholders. However, no indemnification of a director or of an officer shall be made pursuant to this subparagraph unless such association first gives the Board not less than 60 days' advance notice of its intention to make such indemnification. Such notice shall contain a statement of the facts out of which such action arose, the terms of any settlement, and the disposition of the action by any court. Such notice, together with a certified copy of the resolution of the board of directors containing the determination referred to above, shall be filed with the Board by transmitting the original and one copy to the Supervisory Agent. The 60-day notice period shall begin to run from the date of receipt of such notice by the Supervisory Agent, who shall promptly acknowledge such receipt in writing. No such indemnification shall be made prior to the expiration of such 60-day notice period, and no such indemnification shall be made if the Board, acting through the Supervisory Agent, advises the association in writing, within such 60-day notice period, of its objection to such indemnification.

(c) *Insurance.* A Federal association may obtain insurance to protect it, its directors, officers, and employees from potential liabilities, expenses, costs, and other losses arising from claims against it, or its directors, officers, or employees made by reason of alleged wrongful acts, or wrongful acts, committed in their capacity as directors, officers, or employees. Such insurance may protect against any liability, expense, cost, and other loss for which the association may indemnify any person under this section and may protect the association and any person who is or was a director, officer, or employee of the association against liabilities, expenses, costs, and other losses arising from claims made by reason of alleged wrongful acts, or wrongful acts, for which no indemnification may be made under this section. However, no such association may obtain insurance which provides for payment of liabilities, expenses, costs, and other losses of any person incurred as a consequence of his willful or criminal misconduct.

(d) *Payment of expenses.* If a majority of the directors of a Federal association concludes in connection with any action that any person ultimately may become entitled to indemnification under this section, such directors may authorize the payment of reasonable costs and expenses, including reasonable attorneys' fees, in connection with the defense or settlement of such action. Before making payment of such costs and expenses, the association shall secure an agreement that it will be repaid if such person is ultimately determined not to be entitled to indemnification under this section.

(e) *Applicability of provisions.* The provisions of this section shall not be applicable with respect to any action which terminated more than 1 year prior to the effective date of this section.

(f) *Exclusiveness of provisions.* The provisions of this section shall be exclusive with respect to the duty or authority of a Federal association to indemnify any person referred to in paragraph (a) of this section, except as to the duty or authority of a Federal association which has in effect a bylaw approved by the Board relating to indemnification of association personnel. The duty or authority of a Federal association which has such a bylaw in effect shall be governed solely by such bylaw, but its authority to obtain insurance shall be governed by paragraph (c) of this section.

(g) *Definitions and rules of construction.* (1) As used in this section:

(i) "Action" means any action, suit, or other judicial or administrative proceeding, or threatened proceeding, whether civil, criminal, or otherwise, including any appeal or other proceeding for review;

(ii) "Court" includes, without limitation, any court to which or in which any appeal or any proceeding for review is brought;

(iii) "Final judgment" means a judgment, decree, or order which is appealable and as to which the period for appeal has expired and no appeal has been taken;

(iv) "Settlement" includes the entry of a judgment by consent or by confession or upon a plea of guilty or of nolo contendere; and

(v) "Supervisory Agent" means the President of the Federal Home Loan Bank of which a Federal association is a member, or any other officer or employee of such Bank designated by the Board as its agent as provided by § 501.11 of Subchapter A of this chapter.

(2) References in this section to any individual or other person, including any association, shall include legal representatives, successors, and assigns thereof.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69–10342; Filed, Aug. 28, 1969; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Revision 8; Amdt. 6]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Concern for Government Procurements

On June 7, 1969, there was published in the FEDERAL REGISTER (34 F.R. 9092) a notice that the Administrator of the SBA had proposed to adopt a detailed definition of a small business concern for the purpose of bidding on Government procurements for the rebuilding of machinery or equipment on a factory basis. The rebuilding of machinery and equipment on a *factory basis* is considered as manufacturing. However, it was brought to the attention of SBA that many persons did not realize that such rebuilding of machinery or equipment is classified within the manufacturing industries.

Interested persons were given 30 days in which to file written statements of facts, opinions, or arguments concerning the proposal. After consideration of all relevant matters concerning the proposal, the amendment set forth below is hereby adopted:

§ 121.3–8 Definition of Small Business for Government Procurements.

* * * * *

(b) *Manufacturing.* * * *

(6) Rebuilding on a factory basis or equivalent. As small if it is bidding on a contract for rebuilding machinery or equipment on a factory basis, the purpose of which is to restore such machinery or equipment to as serivceable and as like new condition as possible and its number of employees does not exceed the number of employees specified for the classification code applicable to the manufacturer of the original item.

NOTE: The size standard contained herein is not limited to concerns who are manufacturers of the original item but is applicable to all bidders or offerors.

The term "rebuilding on a factory basis" as used in this subsection does not include ordinary repair services such as those involving minor repair and/or preservation operations

* * * * *

Effective Date: This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: August 21, 1969.

HILARY SANDOVAL JR.,
Administrator.

[F.R. Doc. 69-10321; Filed, Aug. 28, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8641 o.]

PART 13—PROHIBITED TRADE PRACTICES

American Home Products Corp.

Subpart—Advertising falsely or misleadingly: § 13.170–52 *Medicinal, therapeutic, healthful, etc.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46 Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, American Home Products Corp., New York, N.Y., Docket 8641, July 15, 1969]

Order modifying, pursuant to a decision of the Court of Appeals, Sixth Circuit, 402 F. 2d 232, an earlier order dated December 16, 1966, 32 F.R. 379, which inhibited certain misrepresentations about the efficacy of "Preparation H" for treatment of hemorrhoids by prohibiting any claims that the product afforded any relief from pain or itching in excess of temporary relief, and restricting the order to nonprescription drug preparations.

The modified order to cease and desist, is as follows:

I. *It is ordered*, That respondent American Home Products Corp., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing the dissemination of any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, in connection with the offering for sale, sale or distribution of Preparation H Ointment or Suppositories, or any other nonprescription drug product offered for sale for the treatment or relief of hemorrhoids or piles or any of its symptoms, which:

A. Represents directly or by implication that the use of such product will:

(1) Reduce, shrink, or afford any relief of hemorrhoidal veins themselves: *Provided, however*, That nothing contained herein shall be construed to prohibit the dissemination of any advertisement which represents that the use of such product will help reduce swelling of hemorrhoidal tissue caused by edema, infection, or inflammation, or that the use of such product will help reduce swelling of hemorrhoidal tissue by lubricating the affected area;

(2) Avoid the need for surgery as a treatment for hemorrhoids or hemorrhoidal symptoms;

(3) Heal, cure, or remove hemorrhoids, or eliminate the problem of hemorrhoids;

(4) Afford any relief from pain or itching associated with hemorrhoids in excess of affording temporary relief of many types of pain and itching of hemorrhoidal tissue;

(5) Afford any other type of relief, or have any other effect on, hemorrhoids or hemorrhoidal symptoms.

B. Contains any reference to the word "Bio-Dyne"; or contains any reference to any other ingredient either singly or in combination unless each such ingredient is effective in the treatment or relief of hemorrhoids or any of its symptoms and unless the specific effect thereof is expressly and truthfully set forth.

II. *It is further ordered*, That respondent and its officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of Preparation H Ointment or Suppositories, or any other nonprescription drug product offered for sale for the treatment or relief of hemorrhoids or any of its symptoms, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph I hereof.

III. In the event that respondent at any time in the future markets any nonprescription drug preparation for the treatment or relief of hemorrhoids or any of its symptoms for which it desires to make any of the representations now prohibited under paragraph I of this order, it may petition the Commission for a modification of the order. Such petition shall be accompanied by a showing that the representation is not false or misleading within the meaning of the Federal Trade Commission Act, and, if such has been the case, that the specific representation has been accepted as part of the labeling for such product by the Secretary of the Department of Health, Education, and Welfare under the provisions of the Federal Food, Drug, and Cosmetic Act as it is presently constituted or as it may hereafter be amended.

It is further ordered, That respondent shall, within 60 days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order to cease and desist.

Issued: July 15, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-10346; Filed, Aug. 28, 1969; 8:47 a.m.]

[Docket No. 7971 etc.]

PART 13—PROHIBITED TRADE PRACTICES

Individualized Catalogs, Inc., et al.

Individualized Catalogs, Inc., et al. (Docket 7971, 29 F.R. 6150), ATD Catalogs, Inc., et al. (Docket 8100, 29 F.R. 6276), Santa's Official Toy Prevue, Inc., et al. (Docket 8231, 29 F.R. 6150), Billy & Ruth Promotion, Inc., et al. (Docket 8240, 29 F.R. 6149), United Variety Wholesalers et al. (Docket 8255, 29 F.R. 8263), Santa's Playthings, Inc., et al. (Docket 8259, 29 F.R. 6151).

Subpart—Discriminating in price under section 5, FTC Act: § 13.892 *Knowingly inducing or receiving discriminating payments;* § 13.894 *Unequal discounts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order rescinding cease and desist orders, Individualized Catalogs, Inc., et al., ATD Catalogs, Inc., et al., Santa's Official Toy Prevue, Inc., et al., Billy & Ruth Promotion, Inc., et al., United Variety Wholesalers, et al., Santa's Playthings, Inc., et al., July 14, 1969]

In the Matter of Individualized Catalogs, Inc., et al., ATD Catalogs, Inc., et al., Santa's Official Toy Prevue, Inc., et al., Billy & Ruth Promotion, Inc., et al., United Variety Wholesalers et al., and Santa's Playthings, Inc., et al.

Order rescinding cease and desist orders and dismissing the complaints against six New York City and Philadelphia toy catalog companies which charged them with knowingly inducing discriminatory promotional allowances in violation of the Federal Trade Commission Act.

Modified order rescinding cease and desist orders, is as follows:

It is ordered, That these matters be, and they hereby are, reopened as to the respondents named herein.

It is further ordered, That the Commission's orders to cease and desist issued April 3, 1964, and June 4, 1964, be, and they hereby are, rescinded as to all respondents, and that the complaints as to such respondents be, and they hereby are, dismissed.

Issued: July 14, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-10347; Filed, Aug. 28, 1969; 8:47 a.m.]

[Docket C-1566]

PART 13—PROHIBITED TRADE PRACTICES

Life Electronics Corp., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.140 *Old reclaimed or reused product being new;* § 13.155 *Prices:* § 13.155–70 Percentage savings.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1695 *Old, secondhand, reclaimed or reconstructed as new.* Subpart—Misrepresenting oneself and goods—Services: § 13.1835 *Cost;* § 13.1843 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Life Electronics Corp., Inc., et al., Washington, D.C., Docket C-1566, July 28, 1969]

In the Matter of Life Electronics Corp., Inc., a Corporation, Trading and Doing Business as Lite Electronics, Inc., and Lite Radio & TV Repair, and Andrew C. Neidinger, Individually and as an Officer of Said Corporation

Consent order requiring a Washington, D.C., television repair shop to cease deceptively guaranteeing and misrepresenting the nature of its services, misrepresenting rebuilt parts as new, and making deceptive pricing and percentage savings claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Life Electronics Corp., Inc., a corporation, trading and doing business as Lite Electronics, Inc., and Lite Radio & TV Repair, or under any other name, and its officers, and Andrew C. Neidinger, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, distribution and service of new, used, and rebuilt televisions, radios, phonographs, and parts thereof or other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents' merchandise or appliances repaired by respondents are guaranteed, unless the nature, conditions, and extent of the guarantee, identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith, and unless all such guarantees are in fact honored and the terms thereof promptly fulfilled.

2. Representing, directly or by implication, the price of repair service of television sets or of other appliances, unless in conjunction with the advertised price for said service, respondents clearly and conspicuously disclose the nature and scope of the service rendered for the advertised price.

3. Representing, directly or by implication, that respondents can service and repair most television sets or other appliances in the customer's home; or otherwise misrepresenting the extent to which respondents can provide in-home repair service.

4. Representing, directly or by implication, that any rebuilt or reconditioned picture tube is new.

5. Failing to disclose in invoices, warranties, and advertising of rebuilt or reconditioned picture tubes that such picture tubes are rebuilt or reconditioned and contain used parts.

6. Using words "Clearance Sale" or any other word or words of similar import and meaning unless the price of such merchandise being offered for sale constitutes a reduction, in an amount not so insignificant to be meaningless, from the actual bona fide price at which such merchandise has been offered or sold by respondents for a reasonably substantial period of time in the recent, regular course of their business and respondents' business records establish the price at which such merchandise has been offered or sold by respondents for a reasonably substantial period of time in the recent, regular course of their business.

7. Using the word "Save" or any other word or words of similar import and meaning in conjunction with a stated percentage amount of savings, unless the stated percentage amount of savings actually represents the difference between the offering price and the actual bona fide price at which such merchandise has been sold or offered for sale on a regular basis to the public by respondents for a reasonably substantial period of time in the recent, regular course of their business.

8. Falsely representing, in any manner, that savings are available to purchasers or prospective purchasers of respondents' merchandise or services; or misrepresenting in any manner the amount of savings available to purchasers or prospective purchasers of respondents' merchandise or services at retail.

9. Failing to provide repair service within the period of time respondents inform customers that said service will be completed, unless respondents obtain from such customers a signed statement permitting completion of the repair service beyond the time period originally specified by respondents; *Provided, however*, If customers do not agree to delay in completion of service, respondents will promptly return articles left for repair to customers without cost and in the same condition such articles were in when left for repair with respondents.

10. Failing to honor guarantees within thirty (30) days after respondents receive a request for service under said guarantees, unless respondents obtain a signed statement from customers permitting respondents to comply with the provisions of the guarantees beyond the aforesaid time period:

Provided however; If respondents do not obtain such agreements from customers, respondents will:

A. Refund all monies received in the purchase of items of merchandise under guarantees; or

B. Refund all monies received for repairs of appliances under guarantees; or

C. In instances when respondents have not received monies under the situations described in subparagraphs A and B hereof, respondents will return all appliances received for repair under guarantees in the same condition the appliances were in when left for repair with respondents.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 28, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-10348; Filed, Aug. 28, 1969; 8:47 a.m.]

[Docket C-1565]

PART 13—PROHIBITED TRADE PRACTICES

Smartline Garment Co., Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* 13.1108–45 Fur products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Smartline Garment Co., Inc., et al., New York, N.Y., Docket C-1565, July 16, 1969]

In the Matter of Smartline Garment Co., Inc., a Corporation, and Edwin Sena, and Sally Sena, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer of fur trimmed misses' coats to cease misbranding and deceptively invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Smartline Garment Co., Inc., a corporation, and its officers, and Edwin Sena and Sally Sena, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products

Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on a label affixed to such fur product.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on a label affixed to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 16, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 69-10349; Filed, Aug. 28, 1969; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 57—VOLUNTEER SERVICES

Sec.
57.1 Applicability.
57.2 Definitions.
57.3 Volunteer service programs.
57.4 Acceptance and use of volunteer services.
57.5 Services and benefits available to volunteers.

AUTHORITY: The provisions of this Part 57 issued under sec. 223, 58 Stat. 683, as amended by 81 Stat. 539, 42 U.S.C. 217b.

§ 57.1 Applicability.

The regulations in this part apply to the acceptance of volunteer and uncompensated services for use in the operation of any health care facility of the Department or in the provision of health care.

§ 57.2 Definitions.

As used in the regulations in this part:

"Secretary" means the Secretary of Health, Education, and Welfare.

"Department" means the Department of Health, Education, and Welfare.

"Volunteer services" are services performed by individuals (hereafter called volunteers) whose services have been offered to the Government and accepted under a formal agreement on a without compensation basis for use in the operation of a health care facility or in the provision of health care.

"Health care" means services to patients in Department facilities, beneficiaries of the Federal Government, or individuals or groups for whom health services are authorized under the programs of the Department.

"Health care facility" means a hospital, clinic, health center, or other facility established for the purpose of providing health care.

§ 57.3 Volunteer service programs.

Programs for the use of volunteer services may be established by the Secretary, or his designee, to broaden and strengthen the delivery of health services, contribute to the comfort and well-being of patients in Department hospitals or clinics, or expand the services required in the operation of a health care facility. Volunteers may be used to supplement, but not to take the place of, personnel whose services are obtained through the usual employment procedures.

§ 57.4 Acceptance and use of volunteer services.

The Secretary, or his designee, shall establish requirements for: Accepting volunteer services from individuals or groups of individuals, using volunteer services, giving appropriate recognition to volunteers, and maintaining records of volunteer services.

§ 57.5 Services and benefits available to volunteers.

(a) The following provisions of law may be applicable to volunteers whose services are offered and accepted under the regulations in this part:

(1) Subchapter I of chapter 81 of title 5 of the United States Code relating to medical services for work related injuries;

(2) Title 28 of the United States Code relating to tort claims;

(3) Section 7903 of title 5 of the United States Code relating to protective clothing and equipment; and

(4) Section 5703 of title 5 of the United States Code relating to travel and transportation expenses.

(b) Volunteers may also be provided such other benefits as are authorized by law or by administrative action of the Secretary or his designee.

Approved: August 25, 1969.

ROBERT H. FINCH, *Secretary*.

[F.R. Doc. 69-10343; Filed, Aug. 28, 1969; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are revised as follows:

PART 123—ADDRESSES

I. In § 123.1(c) a reference change is made in subparagraph (4); and subparagraph (8) is added to show that mail matter bearing company permit imprints must bear a return address.

§ 123.1 General information.

* * * * *

(c) * * *

(4) Mail of any class, when its return is desired—§ 123.3.

* * * * *

(8) Matter bearing company permit imprints—§ 144.3(c) of this chapter.

* * * * *

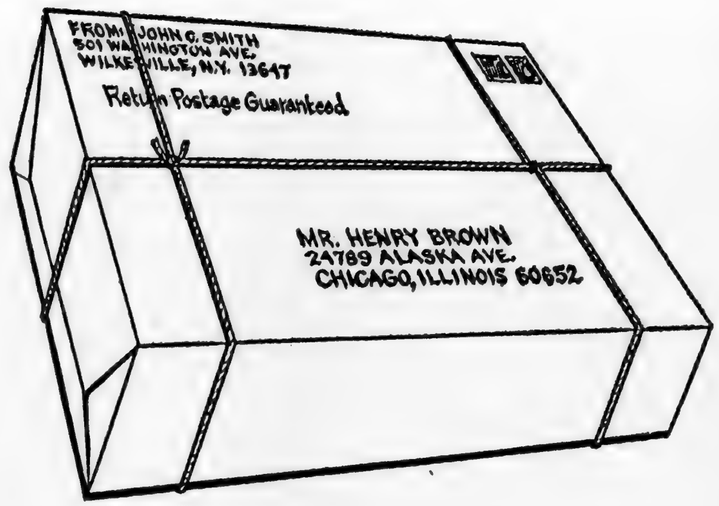
NOTE: The corresponding Postal Manual sections are 123.13d and h.

II. The regulations in §§ 123.3 and 158.3 (see amendment below) are updated, combined, and placed under one heading in § 123.3.

Section 123.3 *Where to put request for return of mail*, is revised to read as follows:

§ 123.3 Where to put request for return and retention of mail.

(a) On post and postal cards, and on second-, third-, and fourth-class mail place the words "Return Postage Guaranteed" below the return address of the sender. Example:



(b) The sender may in his return address request that mail, other than registered, insured, and certified, be held for not less than 3 days or more than 30 days. See § 158.3(b) of this chapter for registered, insured, and certified mail retention periods. Requests to lengthen or shorten retention periods specified by sender to not less than 3 nor more than 30 days will be honored only at the sender's and not the addressee's request.

Examples:

Return in 3 days to
Frank B. White,
2416 Front Street,
St. Louis, Mo. 63135.
Return in 30 days to
Frank B. White,
2416 Front Street,
St. Louis, Mo. 63135.

Return Postage Guaranteed

NOTE: The corresponding Postal Manual section is 123.3.

PART 126—SECOND CLASS—BULK MAILINGS

Section 126.3(b)(6) is amended to provide for the mailing of second-class publications without using mail sacks under certain conditions.

§ 126.3 Mailing.

* * * * *

(b) *Preparation by the mail of copies in packages and sacks.* * * *

(6) *Packages and sacks.* When there are six or more individually addressed copies to the destinations described in subdivisions (i) through (v) of this subparagraph, they must be securely wrapped or tied together as a package by the mailer (the mailer may package less than six copies in the same manner). Packages must be sacked by the mailer when there are enough for the same destination to fill approximately one-third of a sack. Some publishers may be equipped to prepare the required separations without using mail sacks. For example, the publisher might prepare banded bundles, place the copies on pallets, or place the copies in various kinds of containers. If arrangements mutually beneficial to the publishers and the postal service can be made for handling copies outside of mail sacks, a detailed explanation of the arrangements must be submitted by the postmaster of the post office of original second-class entry to his Regional Director, who will send the explanation with his recommendations to the Director, Classification and Special Services Division, Bureau of Operations. The decision of the Department will be furnished the Regional Director by the Director, Classification and Special Services.

* * * * *

NOTE: The corresponding Postal Manual section is 126.326.

PART 132—SECOND CLASS

Section 132.1 is updated to conform to Public Law 90-206. Section 132.1(a), in-county rates, and § 132.1(b)(4), rates for agriculture publications, are revised to clarify the application of rates for advertising and nonadvertising portions for all zones.

§ 132.1 [Amended]

In § 132.1 *Rates*, make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Rates charged on copies for delivery within the county where published and entered; and for delivery at post office where publishers' headquarters or general business offices are located—(1) When mailed at office of original entry.*

Category 1	*Rates*
(1) For delivery of publications other than weeklies at office or original entry by its letter carriers.	Publications issued more frequently than weekly: 1 cent per copy
(2) For delivery of publications other than weeklies by the letter carriers at a different post office than the office of original entry within the delivery limits of which the headquarters or general business office of the publisher is located (except that the pound rates from the office of mailing apply if they are higher)	Publications issued less frequently than weekly: Copies weighing 2 ounces or less: 1 cent per copy Copies weighing more than 2 ounces: 2 cents per copy

Category 2	*Rates*
(3) For delivery of weekly publications to addressees residing within the county where published from all offices within or without the county including the office of original entry.	1.4 cents per pound or fraction of a pound. (This rate will be changed to 1.5 cents beginning Jan. 1, 1970.)
(4) For delivery of all publications, of whatever frequency, through post office boxes or general delivery, and for delivery by rural or star route carriers, at an office of original entry which has letter carrier service.	0.2 cent per minimum charge per piece.
(5) For delivery of all publications of whatever frequency, by whatever services are provided, at an office of original entry which does not have letter carrier service.	NOTE: The 1.4 cents per pound and 2 cents minimum charge also apply to copies of publications of whatever frequency mailed at an office of additional entry located within the county where published and entered, to addressees residing within the county, for delivery at all offices within or without the county including the office of additional entry by whatever delivery services are provided.
(6) For delivery of all publications, of whatever frequency to addressees residing within the county where published, from all offices within or without the county, other than the office of original entry.	

(2) *Independent cities.* Each publication having an original entry at an incorporated city which is situated entirely within a county or which is situated contiguous to one or more counties in the same State, but which is politically independent of such county or counties, shall be considered within and a part of the county with which it is principally contiguous and copies mailed into that county are chargeable with postage at the rates in subparagraph (1) of this paragraph. Where more than one county is involved, the publisher shall select the principal county and notify the postmaster.

NOTE: The corresponding Postal Manual section is 132.11.

2. In paragraph (b) strike out the caption and insert in lieu thereof the following:

(b) *Rates charged on copies for delivery outside the county where published and entered, and on copies mailed at an office of additional entry located outside the county where published and entered.* • • •

3. In paragraph (b)(1) the opening sentence is amended to read as follows:

(1) *All publications, except those accepted at the special rate, classroom rate, or science of agriculture rate (see below).* • • •

4. In paragraph (b)(1), subdivision (i), amend the tabular data by deleting the column headed "Jan. 7, 1968."

5. In paragraph (b)(2), subdivision (i), amend the tabular data by deleting the column headed "Jan. 7, 1968."

6. In paragraph (b) add subparagraph (4) to read as follows:

(4) *Science of Agriculture publications.* The rate for zones 1 and 2 is 4.2 cents per pound on the advertising portion of publications devoted to promoting the science of agriculture when the total number of copies furnished during any 12-month period to subscribers residing in rural areas consists of at least 70 per centum of the total number of copies distributed by any means for any purpose. The rate on the nonadvertising portion for all zones and the minimum charges per piece are shown in subparagraph (1) (i) and (ii) of this paragraph. The rates for zones 3, 4, 5, 6, 7, and 8 on the advertising portion are shown in subparagraph (1) (i) of this paragraph.

NOTE: The corresponding Postal Manual section is 132.12.

PART 139—MIXED CLASSES

Section 139.3(b)(2) is amended for clarification.

§ 139.3 Mailing enclosures of different classes.

• • • • • •

(b) *Enclosures mailed with third- and fourth-class parcels.* • • •

(2) *Third-class enclosures.* Third-class mail may be enclosed in a fourth-class parcel mailed at the special rate in § 135.1 (b), (c), and (d) of this chapter, or mailed free under Part 138 of this chapter. Postage at the applicable third-class rate must be paid for enclosures except the items listed in § 135.6 of this chapter.

• • • • • •

NOTE: The corresponding Postal Manual section is 139.322.

PART 158—UNDELIVERABLE MAIL

The following changes are made in Part 158:

In § 158.2 *Treatment by classes*, paragraph (h) is amended, and subparagraph (i) is added, to include material inadvertently left out of the regulations.

§ 158.2 Treatment by classes.

• • • • • •

(h) *Disposal of perishable mail, drugs, and cosmetics*—(1) *Perishable mail.* (i) Undeliverable parcels containing perishable items that cannot be forwarded or returned before spoiling, and parcels of day-old poultry that cannot be delivered or returned within 60 hours after hatching, if salable will be disposed of by the postmaster through competitive bidding.

(ii) Sale by bid will not be made to the addressee. The postmaster will send the proceeds of the sale, less a commission of 10 percent (but not less than 25 cents), to the mailer, by postal money order, with an explanation of the action taken. The postal money order fee will be deducted.

(2) *Drugs.* Packages undeliverable to either the addressee or the sender that contain drugs will be destroyed. They will not be sold, donated, or retained as dead parcel post.

(3) *Cosmetics.* Packages undeliverable to either the addressee or the sender that contain cosmetics, such as soaps, perfumes, powders, home permanent waves, hand lotions, hand creams, after-shave lotions, and deodorant sticks or pastes, which bear no statements claiming medicinal properties, will be treated as dead parcel post. Lipsticks will be destroyed. If there is any question whether the use of a cosmetic might, as the result of deterioration or for other reason, jeopardize life or health, the article will be destroyed.

NOTE: The corresponding Postal Manual section is 158.28.

(i) *Disposal to institutions*—(1) *Food.* Usable food items treated as dead mail may be donated to charitable institutions, or public institutions supported in whole or in part by Federal, State, county, or municipal funds. These institutions include but are not limited to hospitals, asylums, and reformatories. The following conditions apply:

(i) "Homemade" items must not be donated but must be destroyed. If any doubt exists as to whether an item is "homemade", the item shall be destroyed.

(ii) If the local municipal welfare department will assume responsibility for distribution of usable food items to eligible institutions, this method is preferred. Otherwise, postmasters shall equitably apportion the items among eligible applicant institutions.

(iii) The recipient must sign a release stating that the Postal Service is relieved of all responsibility connected with the food items or their subsequent use. Releases must be retained in post office files.

(iv) No selection shall be made by the receiving institutions as to the type or quantity of food items to be accepted.

(v) Food items must be called for as soon as possible. Postmasters may deliver these items, but only if unusual circumstances prevail.

(vi) Food item that cannot be disposed of by donation shall be destroyed.

(2) *Periodical publications.* On request, copies of undeliverable newspapers, magazines, and other periodical publications may be furnished to reformatory institutions, hospitals, asylums, and other similar institutions which are organized for charitable purposes or which are supported in whole or in part by Federal, State, or municipal funds, under the following conditions:

(i) No additional clerical time shall be used in the post office over that required for disposal of the copies as waste material.

(ii) No selection shall be made by the receiving institutions as to character, quantity, or type of publications to be furnished.

(iii) The receiving institutions shall call for the copies promptly after notification of their availability, or on a scheduled basis.

(iv) The receiving institutions shall be informed that this privilege is entirely at the option of the Postal Service and may be curtailed or discontinued at any time without notice.

(3) *Samples of merchandise.* Dispose of undeliverable samples of merchandise sent for advertising purposes, which do not bear the words "Return Postage Guaranteed", as follows:

(i) Remove and destroy wrappers if that is practicable and can be accomplished without additional expense, and deliver impartially to charitable or reformatory institutions that promise their free distribution.

(ii) Dispose of, as waste, samples not suitable for distribution indicated in subdivision (i) of this subparagraph except that anything of sufficient value to warrant the expense of transportation and handling must be sent to the proper dead parcel post branch without listing or recording.

(iii) Treat packages of foods, drugs, and cosmetics in accordance with paragraph (h) if this section.

NOTE: The corresponding Postal Manual section is 158.29.

The following amendments delete § 158.3 (transferred to § 123.3, see amendment above); redesignate succeeding sections; and change references set out in the latter. Accordingly:

§ 158.3 [Deleted]

a. Section 158.3 *Return address*, is deleted.

§§ 158.3–158.7 [Redesignated]

b. Sections 158.4 through 158.8 are redesignated as §§ 158.3 through 158.7, respectively.

§ 158.3 [Amended]

c. In § 158.3 *Retention periods*, as redesignated next above, the reference in paragraph (a)(1)(ii) to "§ 158.3(b)" is changed to "§ 123.3(b)".

§ 158.4 [Amended]

d. In § 158.4 *Disposal of undeliverable mail*, as redesignated above, the reference in paragraph (c) to "§ 158.4" is changed to "§ 158.3"; and the reference in paragraph (l) to "§ 158.7(b)(1)" is changed to "§ 158.6(b)(1)".

§ 158.6 [Amended]

e. In § 158.6 *Dead mail*, as redesignated above, the references in paragraph (b)(1) to "§§ 158.4" and "158.5" are changed to "§§ 158.3" and "158.4", respectively.

NOTE: The corresponding Postal Manual sections are 158.3–158.8.

PART 164—PAYMENT FOR LOSSES

§ 164.6 [Amended]

In § 164.6 *Official mailings*, paragraph (a), the last sentence therein (dealing with a reference) is deleted as being obsolete.

NOTE: The corresponding Postal Manual section is 164.61.

PART 171—MONEY ORDERS

§ 171.3 [Amended]

In § 171.3 *Cashing money orders*, paragraph (i) *Cashing money orders issued by foreign countries*, is amended by adding thereto the following: "Canadian domestic money orders may be paid only if they show a U.S. office of payment and the amount is expressed in U.S. funds."

NOTE: The corresponding Postal Manual section is 171.39.

(5 U.S.C. 301, 39 U.S.C. 501, 4101–4110, 4358, 4359, 4369, 4421, 4555, 5005, 5103)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69–10280; Filed, Aug. 28, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM–21; Amdt. 173–13]

PART 173—SHIPPERS

Electric Storage Batteries; Exemption

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to expand an exemption for shipments of electric storage batteries containing electrolyte or battery fluid by highway.

On April 12, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, docket HM–21; notice No. 69–9 (34 F.R. 6444), which proposed an amendment of 49 CFR 173.260(e) that would expand an exemption concerned with the shipping of electric storage batteries by highway. Materials other than hazardous materials which are not permitted under the existing exemption would be permitted to be carried in the same motor vehicle with batteries under certain conditions.

Interested persons were afforded an opportunity to participate in this rule making. Of the comments received no objection was taken to the provisions of the basic proposal except that one commenter believes the exemption extension is discriminatory because rail transportation was not included. The Board will consider this comment as a petition for further rule making since such a proposal was not made by the Board in the notice.

In consideration of the foregoing, paragraph (e) of § 173.260 of title 49 of the Code of Federal Regulations is amended to read as follows:

§ 173.260 Electric storage batteries, wet.

• • • • • •

(e) Electric storage batteries containing electrolyte or battery fluid are exempt from Parts 170–189 of this chapter, and Part 397 of Chapter III of this title, for carriage by highway or rail if—

(1) For shipments by rail, the batteries (either wet or dry) constitute the only commodity being transported and are loaded or braced to prevent damage in transit and short circuits.

(2) For shipments by highway,

(i) No other hazardous materials are transported in the same vehicle, and

(ii) the batteries are loaded or braced so as to prevent damage and short circuits in transit,

(iii) any other material loaded in the same vehicle is blocked, braced, or otherwise secured to prevent contact with or damage to the batteries, and

(iv) the transport vehicle is carrying no material shipped by any person other than the shipper of the batteries.

• • • • • •

This amendment is effective December 30, 1969. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831–835, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657))

Issued in Washington, D.C., on August 25, 1969.

E. H. HOLMES,
Acting Administrator,
Federal Highway Administration.

[F.R. Doc. 69–10367; Filed, Aug. 28, 1969; 8:48 a.m.]

[Docket No. HM–20; Amdt. 173–12]

PART 173—SHIPPERS

Hydrofluoric Acid

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize shipments of hydrofluoric acid in specifications 2S and 2SL polyethylene liners inside specification 37M cylindrical steel overpacks.

On April 12, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, docket HM–20; notice No. 69–8 (34 F.R. 6444), which proposed to authorized additional inside liners 2S and 2SL with specification 37M steel overpacks for hydrofluoric acid. It was proposed to cancel § 173.264 (a)(18) and combine the provisions thereof with paragraph (a)(17) of that section. Interested persons were afforded an opportunity to participate in this rule making.

Several comments were received concerning the notice. One commenter raised the point that the proposal would have the effect of permitting the use of specification 37M overpacks having capacities up to 55 gallons and doubted that it was the intent of the proposal to so provide. This commenter indicated that its experience would not justify a capacity of 55 gallons in a drum of 20 gauge thickness. Another commenter raised the question of disposal of "single-trip drums" in this service. Since the 37M drum is a nonreusable" drum rather than a "single-trip" drum, it is assumed that the commenter meant to refer to the former.

Authorizing the use of specifications 2S and 2SL liners inside specification 37M overpacks would permit the composite package to have capacities up to 55 gallons. This was the intent of the notice, and of the petition on which the notice was based. The Board believes that this change is justified in view of the satisfactory experience gained under the terms of special permits. The specification 2T liner will continue to be limited to 13 gallons capacity. As indicated

above, the specification 37M is a nonreuseable drum. It is not within the purview of the Hazardous Materials Regulations to require users of materials shipped in these drums to dispose of containers in any particular manner so long as transportation is not involved.

In consideration of the foregoing, 49 CFR Part 173 is amended as follows:

In § 173.264 paragraph (a)(17) is amended; paragraph (a)(18) is canceled as follows:

§ 173.264 Hydrofluoric acid.

(a) * * *

(17) Specification 6D (§ 178.102 of this chapter) or 37M (nonreuseable) (§ 178.134 of this chapter) cylindrical steel overpacks with inside specifications 2S, 2SL, or 2T (§§ 178.35, 178.35a, 178.21 of this chapter) polyethylene liners. Specification 37M overpack of over 15-gallon capacity must be constructed of at least 20-gauge steel. Authorized only for acid of not over 70 percent strength.

(18) [Canceled]

* * * * *

This amendment is effective December 30, 1969. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831–835, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657); title VI, sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h)))

Issued in Washington, D.C., on August 25, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

E. H. HOLMES,
Acting Administrator,
Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.

[F.R. Doc. 69–10366; Filed, Aug. 28, 1969; 8:48 a.m.]

[Docket No. HM–24; Amdt. 177–6]

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Explosives on Vehicles in Combination

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize the transportation of Class A explosives on one vehicle of a combination of motor vehicles when certain other hazardous materials, heretofore restricted, are transported in another vehicle of the same combination.

On May 8, 1969, the Hazardous Materials Regulations Board issued a notice of proposed rule making, docket No. HM–24; notice No. 69–13 (34 F.R. 7457), which proposed to amend 49 CFR 177.835(c) to relax the application of § 177.848 to a combination of vehicles where one or more vehicle contains hazardous materials.

Interested persons were afforded an opportunity to participate in this rule making. Comments were received from several parties most of which favored the proposal. One commenter objected to the proposed change on the grounds that it would increase the hazard to the public. This commenter gave no basis for its conclusion other than that it did not feel that the reasons stated in the notice were persuasive. For the reasons stated in the notice and as discussed herein, the Board believes that the proposed change is justified.

One commenter suggested there is a tendency to consider blasting caps as initiating explosives, and that inasmuch as proposed § 177.835(c)(4)(i) names "initiating explosive" it could be construed to prohibit blasting caps. Blasting caps are used to initiate explosives but are not classed as or considered "initiating explosives" for regulatory purposes. The requirements applicable to the transportation of blasting caps are separate and distinct from the requirements applicable to shipments of initiating explosives. Therefore, the end result sought by this comment is achieved without any change in the proposed language. For clarification in paragraph (c)(4) the word "type" is deleted and the word "contains" is substituted for the word "loaded."

In consideration of the foregoing, Part 177 of Title 49 of the Code of Federal Regulations is amended by amending paragraph (c) of § 177.835 to read as follows:

§ 177.835 Explosives.

* * * * *

(c) *Explosives on vehicles in combination.* Class A explosives may not be loaded into or carried on any vehicle of a combination of vehicles if:

(1) More than two cargo carrying vehicles are in the combination;

(2) Any full trailer in the combination has a wheel base of less than 184 inches;

(3) Any vehicle in the combination is a tank motor vehicle which is required to be marked or placarded under § 177.823; or

(4) The other vehicle in the combination contains any:

(i) Initiating explosive,

(ii) Packages of radioactive materials bearing "Yellow III" labels,

(iii) Class A or B poisons, or

(iv) Hazardous materials in a portable tank or a DOT specification 106A or 110A tank.

* * * * *

This amendment is effective December 30, 1969. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831–835, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657))

Issued in Washington, D.C., on August 25, 1969.

E. H. HOLMES,
Acting Administrator,
Federal Highway Administration.

[F.R. Doc. 69–10368; Filed, Aug. 28, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1075]

[Docket No. AO–248–A11]

MILK IN BLACK HILLS, S. DAK., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Black Hills, S. Dak., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Rapid City, S. Dak., on June 17, 1969, pursuant to notice thereof which was issued May 29, 1969 (34 F.R. 8972).

The material issues on the record of the hearing relate to:

1. Class I price.
2. Class II price.
3. Butterfat differentials.
4. Base-excess plan.
5. Pool plant standards.
6. Miscellaneous changes.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price.* The level of the Class I milk price should be reduced 40 cents per hundredweight by lowering the Class I differential to $1.95 ($1.75 plus an additional 20 cents) over the basic formula price for the preceding month. The order now provides a Class I differential of $2.35 ($2.15 plus an additional 20 cents) over the basic formula for the preceding month.

The change was proposed by the cooperative supplying milk to the market, and it was supported by a proprietary handler distributing fluid milk products in the marketing area. There was no opposition to the proposal.

Proponent's chief testimony concerning the proposal was that (1) the market is less isolated from competition than in 1954 when the order was established, and (2) the present Class I price is not properly aligned with the Class I prices provided in adjacent Federal order markets.

The Black Hills area is now comparatively less isolated from milk supplies in other areas than was the case in 1954 when the order was established. Improved sanitary standards in the production and handling of milk have increased the shelf life of fresh fluid milk products, thereby permitting them to be moved greater distances than previously. Larger and improved refrigeration trucks have facilitated the movement of increasing quantities of milk between markets. Roads have been greatly improved, and the Interstate highway system has been about completed from Sioux Falls in the extreme eastern part of South Dakota to Rapid City in the extreme western part of the State.

The Black Hills market has moved from being a deficit market at its inception 15 years ago to one of substantial surplus, which has no foreseeable outlet in fluid form. In 1968, the Class I utilization of the market dropped to 42 percent from 54 percent in 1967. In November 1968, only 32 percent of producer milk was used in Class I compared with 59 percent in November 1967. In April 1969, only 31 percent of producer receipts was used in Class I compared with 47 percent in April 1968.

There were two principal factors contributing to this decline. First, a proprietary pool handler closed his bottling plant in Rapid City in August 1968. Since then, the handler has been supplying fluid milk outlets in the market from his plant at Moorhead, Minn., which is regulated under the Minnesota-North Dakota order. Secondly, a handler regulated under the Nebraska-Western Iowa order has begun the distribution of fluid milk products in the Black Hills marketing area. His business has been gaining and locally produced milk is being displaced.

The substantial reduction in Class I utilization for the market has resulted, at least in part, because the Class I price level has not remained appropriately aligned with competing Federal order markets.

The difference between the Class I price for the Minnesota-North Dakota order and that for the Black Hills order for May 1969 was $1.29 per hundredweight. The indicated cost to the Minnesota-North Dakota handler in moving bulk milk about 550 miles from his Moorhead, Minn., plant to the Black Hills area ranges between 66 cents and 82 cents per hundredweight. Packaged fluid milk products would cost somewhat more. This leaves the Moorhead handler with a price advantage of 47 cents to 63 cents per hundredweight on his disposition of fluid milk products in competition with Black Hills handlers.

A similar comparison shows that the Nebraska-Western Iowa handler can move milk about 400 miles from Norfolk, Nebr., to Rapid City, S. Dak., at a cost of about 60 cents per hundredweight. The difference in Class I prices between the two markets was 75 cents per hundredweight for May 1969.

Although no milk is presently moving to the Black Hills area from the Eastern South Dakota market, the May 1969 Class I milk price was 85 cents per hundredweight less in that market than under the Black Hills order. The distance between Rapid City and Sioux Falls, S. Dak., is about 366 miles, and fluid milk products could move from Sioux Falls to Rapid City at a price advantage of about 30 cents per hundredweight to a handler located at Sioux Falls.

The local cooperative sells milk to a handler regulated by the Eastern Colorado order which is pooled under that order. The handler, in turn, supplies milk and other dairy products to its stores throughout the Black Hills area.

The Class I price of the Eastern Colorado order for May 1969 was $6.53. This was 16 cents per hundredweight less than the Black Hills Class I price. The indicated cost of moving milk between Rapid City and Denver was about 70 cents per hundredweight. The price change proposed herein would bring the Class I price level somewhat below the price effective under the Eastern Colorado order.

The Black Hills marketing area has a special competitive vulnerability in the presence of the Ellsworth Air Force Base in the marketing area. A Black Hills handler presently serves this substantial outlet for fluid milk. The loss of this business through Class I prices that are not appropriately aligned with competing Federal order markets could only lead to further deterioration in Class I sales, and necessitate the movement of an alternative supply from longer distances.

It is concluded that the lower Class I price level proposed herein will tend to remove the Class I price disparity that prevails between the Black Hills market and competitive markets. The change will provide better price alignment among these orders, taking into account

the cost of moving milk between them.

2. *Class II price.* The Class II price should be the basic formula price for the month, but not to exceed a butter-nonfat dry milk formula price proposed herein.

The Class II price is now based solely on a butter-nonfat dry milk formula. The cooperative proposed that the Class II price be the basic formula price for the month (computed from the Minnesota-Wisconsin manufacturing milk price series) less 13 cents for each month of the year.

Proponent's chief reasons for the proposal were that (1) the present order Class II price is unreasonably low compared with prices being paid for manufacturing grade milk in the Black Hills area, and (2) a Class II price based on the Minnesota-Wisconsin manufacturing milk price series will accurately reflect the value of manufacturing grade milk. There was no opposition to the proposal.

From the inception of the order, the cooperative has assumed the chief responsibility for handling reserve milk not accepted by pool plants. When the order was established there were no manufacturing outlets in the Black Hills area for seasonal Grade A surplus. The cooperative handled the occasional surplus in the market at that time by separating and selling the cream and by disposing of the skim milk with no financial return to the association.

Since then, marketing conditions for reserve milk have changed. The cooperative regularly disposes of a large volume of surplus Grade A milk for manufacturing to cheese plants and butter-nonfat dry milk plants. Also, a cheese plant at Sturgis, S. Dak. (about 30 miles northwest of Rapid City) has been developing a supply of manufacturing grade milk in the same area from which the cooperative obtains its supply.

The plant at Sturgis currently is paying $4.20 per hundredweight for such milk. The order Class II price ranged between $3.65 and $4.03 per hundredweight in 1968. The average Class II price for 1968 was $3.88, and since January 1969 it has ranged between $3.93 and $3.99.

The wide difference between the manufacturing milk price and the Class II price for the market is inappropriate under present marketing conditions. The price now paid by regulated plants for Class II milk does not reflect the full value of such milk if delivered to the nearby manufacturing outlet. The price for manufacturing milk should be at a level which will provide the highest possible returns to producers in the market, while at the same time it encourages the orderly marketing of reserve milk. A price formula using the basic formula price, but not to exceed a representative butter-nonfat dry milk formula price, would provide a price level more closely representing the full value of manufacturing milk than does the present formula. The basic formula price now provided in the order is computed as the average Minnesota-Wisconsin manufacturing milk price, which is used in many Federal order markets as both a basic formula price and the surplus class price.

The Minnesota-Wisconsin price series is representative of prices paid to farmers for about one-half the manufacturing grade milk sold in the United States. In Minnesota about 84 percent of the milk sold off farms is of manufacturing grade and in Wisconsin about 58 percent. There are many plants in these States which compete for such milk supplies. This price series reflects a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products.

In the Black Hills area, the cooperative handles the surplus for the market. As indicated previously, part of the surplus disposition is made to local cheese plants. The cooperative also operates a nonfat dry milk processing facility and disposes of substantial quantities of surplus to local butter plants and to butter-nonfat dry milk plants in other parts of South Dakota.

A particular segment of the manufactured milk industry may be temporarily influenced by marketing conditions which do not affect the remainder of the industry to the same degree. Such conditions may not be fully reflected in the Minnesota-Wisconsin price series. Because of the importance of butter and nonfat dry milk as an outlet in this market, it is desirable that the Class II price not exceed a price level based on a butter-nonfat dry milk formula.

Use of this formula as a "ceiling" will insure that the Class II prices will continue to reflect the values of butter and nonfat dry milk in the event of a temporary divergence in the relationship between such values and the Minnesota-Wisconsin price, which also reflects the values of other manufactured dairy products such as cheese and evaporated milk.

A similar alternate formula based on butter and nonfat dry milk values is used in a number of Federal order markets, particularly where the primary facilities for handling the reserve milk are butter-nonfat dry milk plants as in the Black Hills market.

The Class II price proposed herein is computed by using product yields and market prices for butter and nonfat dry milk and a "make allowance" of 48 cents. This formula will provide an upper limit on the minimum Class II price as is appropriate in a market, such as Black Hills, where processing facilities for surplus milk are few and where there is a relatively small total quantity of milk available for manufacturing. In such instances, surplus milk cannot be handled as efficiently as might be the case in an area of heavier surplus production.

The formula proposed by the cooperative would have produced prices of $4.11 for 1968 and $4.21 for the first 5 months of 1969. The basic formula price, limited by the butter-nonfat dry milk price, would have produced prices of $4.12 for 1968 and $4.22 for the first 5 months of 1969, and would have been higher than the order Class II prices by 24 cents and 27 cents, respectively.

It is concluded that the Class II formula provided herein will provide Class II prices that are representative of the value for manufacturing milk in the area.

3. *Butterfat differentials.* The order should be amended to change the method of computing the handler (Class I and Class II) and producer butterfat differentials.

The Class I butterfat differential is now computed by adding 4.3 cents to the Class II butterfat differential for the preceding month. The Class II butterfat differential is computed by subtracting 6.5 cents from the Chicago butter price for the month, and multiplying the remainder by 0.12. The butterfat differential to producers is computed by multiplying the Chicago butter price for the month by 0.12.

(a) *Handler butterfat differentials.* The handler butterfat differential adjustment for each variation of one-tenth percent of butterfat content of milk from the basic 3.5 percent should be the amount computed as follows: Class I, multiply the Chicago butter price for the preceding month by 0.12; Class II, multiply the Chicago butter price for the month by 0.11.

The Chicago butter price is now defined in the order as the simple average of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported during the month by the Department.

The cooperative proposed the changes provided herein, and the proposal was supported by a proprietary handler. Proponent cooperative wants to make the value of butterfat in Class I products competitive with the open market value of butterfat.

Using the proposed factor of 0.12 in computing the Class I butterfat differential will result in a substantial reduction from the butterfat differential now provided in the order. The values assigned to butterfat and skim milk when the order was established 15 years ago appropriately reflected the values of those components in milk. Since then there has been a drastic decline in the use of cream and cream products, and vegetable fats have been substituted in many of the former uses of butterfat. This has resulted in a lower value for butterfat.

In April 1969, the Class I butterfat differential in the Black Hills market was 11.5 cents. In markets relatively near the Black Hills butterfat differentials ranged from 8 cents to 8.6 cents. In the Eastern South Dakota and the Minnesota-North Dakota markets the differential was 8 cents; in the Nebraska-Western Iowa market it was 8.3 cents; in the Minneapolis-St. Paul market it was 8.1 cents; and in the Eastern Colorado market it was 8.6 cents per point of butterfat. Multiplying the Chicago butter price by 0.12 will result in a value of the fat that is more appropriately in line with the values assigned in these orders than is now the case.

The cooperative also proposed the Class II butterfat differential provided herein. It will continue to yield substantially the same butterfat differential as is presently provided. The change provided herein only makes the method of computation more uniform with similar provisions in other Federal orders.

(b) *Producer butterfat differential.* The butterfat differential used in making payments to producers should be computed at the weighted average of the return actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the Class I and Class II butterfat differentials weighted by the proportions of butterfat in producer milk in each class. Producer returns for butterfat then will reflect the average value of the butterfat as actually used. At the present time, the per point adjustment for butterfat made in the producer price is determined by multiplying the Chicago butter price by 0.12.

The cooperative proposed the computation provided herein as an appropriate means of adjusting uniform prices to producers. It will not affect the prices paid by a handler, but will merely prorate the returns from the sale of Class I and Class II milk by handlers equitably among producers for milk that differs from the basic 3.5 butterfat test.

4. *Base-excess plan.* The "base-excess" plan for distributing returns from the sale of milk among producers no longer tends to effectuate the purposes of the Act and should be discontinued.

The base-excess plan was provided in the order to reduce fluctuations in the amount of milk supplied to the market throughout the year. The plan permits each producer to establish a base according to his deliveries to pool plants during the months of July through December of each year. In each of the following months of January through June, separate uniform prices are computed for "base" milk and "excess" milk under provisions that allot Class I uses first to base milk.

The cooperative proposed that the base-excess plan be discontinued because the supply of milk is expected to be adequate for Class I sales in all months of the year.

The Black Hills is a popular tourist and vacation area. The influx of tourists usually begins in June after the spring flush and continues into September when the market previously was short of milk. The base-excess plan encouraged dairy farmers to produce adequate supplies more evenly throughout the year to supply these additional sales. In recent years, the supply of producer milk has been adequate in every month of the year. The cooperative anticipates an ample supply of producer milk in the foreseeable future.

It is concluded that there is no need to continue the distribution of receipts from the sale of Grade A milk on the basis of base and excess prices.

5. *Pool plant qualifications.* The order should be changed to provide an additional qualification for pooling a distributing plant. In order to qualify as a pool plant, a distributing plant should dispose of at least 35 percent of its Grade A receipts in the form of fluid milk products on routes (both inside and outside the marketing area).

The order now provides that a distributing plant may be pooled in any month that a volume of Class I milk not less than 20 percent of the Grade A milk received at such plant from producers is disposed of during the month on routes in the marketing area.

The cooperative proposed a factor of 50 percent to insure against plants that are predominately manufacturing plants from drawing out of the pool and decreasing the blend price to producers. Adoption of the change provided herein, would not affect the regulatory status of any handler now serving the market. There was no opposition to the proposal.

The principal purpose of the distributing plant qualification for pooling is to assure that a plant and its milk supply are associated with the market in a significant way and in a regular manner. Otherwise, dairy farmers who have no regular affiliation could casually or incidentally associate themselves with the market when it is to their advantage to do so, but without any means of providing it with a dependable supply.

At the time the order was established, the disposition of Grade A milk produced in the Black Hills area was confined to locally based distributors. The territory supplying the Black Hills area was relatively remote and milk did not move as readily between markets as it does now. Because of improved sanitary conditions, better packaging and modern highways, milk can be transported economically over long distances. As previously indicated, the market is more vulnerable to milk that may be moved into the market from a considerable distance, but nevertheless is only casually associated with it. Fluid milk products are disposed of in the Black Hills now by three handlers regulated in relatively distant markets.

Over the years, the Black Hills area has become one in which milk production is very heavy in relation to population and to Class I sales. The qualifying standards should be fixed at levels which will insure pool plant status to those plants which are the main and regular sources of Class I milk for the marketing area.

The marketwide Class I utilization is now about 40 percent of producer receipts annually, and in some months it drops below that figure. It is likely that while one proprietary plant may have a Class I utilization in excess of the market average, others which may also serve as sources of milk for the market may have a Class I utilization that is substantially below the market average.

For this reason, the additional factor for pooling distributing plants should not be 50 percent of Grade A receipts at the plant. A factor of 35 percent would be more appropriate under present marketing conditions for the Black Hills area. Also, the percentage proposed herein will be similar to that now provided in markets relatively close to the Black Hills area.

6. *Miscellaneous changes.* The order does not not now contain a definition of route disposition although reference is made to routes in the distributing plant definition and in the pool plant provision. An appropriate definition of route disposition is provided herein to clarify references to it in those provisions cited. Since the route disposition definition will define what such disposition is, the distributing plant definition can be shortened by referring to route disposition and by deleting language which would be provided in the definition of route disposition.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The following order amending the order as amended regulating the handling of milk in the Black Hills, S. Dak., marketing area is recommend as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1075.9 is revised to read as follows:

§ 1075.9 Distributing plant.

"Distributing plant" means a plant in which milk approved by a duly constituted health authority for fluid consumption is processed or packaged and which has route disposition in the marketing area during the month.

2. In § 1075.12, paragraph (a) is revised to read as follows:

§ 1075.12 Pool plant.

• • • • •

(a) A distributing plant that has route disposition during the month of not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants, and that has route disposition in the marketing area during the month of not less than 20 percent of such receipts.

• • • • •

3. Section 1075.20 is revoked and a new section is provided to read as follows:

§ 1075.20 Route disposition.

"Route disposition" means a delivery to a retail or wholesale outlet (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class I pursuant to § 1075.41 (a).

§ 1075.21 [Reserved]

4. Section 1075.21 is revoked and reserved for future assignment.

5. In § 1075.27, paragraph (j)(2) is revised to read as follows:

§ 1075.27 Duties.

• • • • •

(j) • • •

(2) The 10th day after the end of the month, the uniform price pursuant to § 1075.72 and the producer butterfat differential pursuant to § 1075.81.

• • • • •

§ 1075.27 [Amended]

6. Section 1075.27(j)(3) is revoked.

7. In § 1075.30, paragraph (a) is revised as follows:

§ 1075.30 Reports of receipts and utilization.

• • • • •

(a) The quantities of skim milk and butterfat contained in or represented by receipts of milk from approved dairy farmers;

• • • • •

8. In § 1075.31(b), subparagraph (2) is revised to read as follows:

§ 1075.31 Other reports.

• • • • •

(b) • • •

(2) The total pounds of milk received from such producer,

• • • • •

9. In § 1075.51, paragraphs (a) and (b) are revised to read as follows:

§ 1075.51 Class prices.

• • • • •

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.75, and plus 20 cents.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month, but in no event shall the Class II price exceed an amount computed as follows:

(1) Multiply by 4.2 the Chicago butter price;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

10. In § 1075.52, paragraphs (a) and (b) are revised to read as follows:

§ 1075.52 Butterfat differentials to handlers.

• • • • •

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12.

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11.

• • • • •

11. Section 1075.60 is revised to read as follows:

§ 1075.60 Producer-handler.

Sections 1075.40 through 1075.46, 1075.50 through 1075.53, 1075.70 through 1075.74, and 1075.80 through 1075.83 shall not apply to a producer-handler.

§ 1075.71 [Amendment]

12. In the introductory text of § 1075.71, change the word "prices" to "price".

13. Section 1075.72(b) is revised to read as follows:

§ 1075.72 Computation of the weighted average price and uniform price.

• • • • •

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The result shall be the "weighted average price" or the "uniform price" for producer milk.

§ 1075.73 [Reserved]

14. Section 1075.73 is revoked and reserved for future assignment.

15. In § 1075.74, paragraph (b) is revised to read as follows:

§ 1075.74 Notification of handlers.

• • • • •

(b) The uniform price computed pursuant to § 1075.72;

• • • • •

§§ 1075.75, 1075.76, 1075.77 [Revoked]

16. The subheading "Determination of Base" and §§ 1075.75, 1075.76, and 1075.77 are revoked.

17. In § 1075.80, paragraph (a) is revised to read as follows:

§ 1075.80 Time and method of payment.

• • • • •

(a) To each producer for milk received from him at a pool plant and for whom payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed pursuant to § 1075.72 subject to the butterfat differentials and location differentials pursuant to §§ 1075.81 and 1075.82; and

• • • • •

18. Section 1075.81 is revised to read as follows:

§ 1075.81 Butterfat differentials to producers.

The uniform price to be paid to each producer shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1075.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

19. In § 1075.82, paragraph (a) is revised to read as follows:

§ 1075.82 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1075.53; and

• • • • •

Signed at Washington, D.C., on August 26, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-10359; Filed, Aug. 28, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-WE-55]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Pueblo, Colo., control zone and transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The criteria for establishment of control zones and transition areas has recently been changed. Accordingly it is necessary to alter such areas to conform to the new criteria.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.171 (34 F.R. 4557) the description of the Pueblo, Colo., control zone is amended to read as follows:

PUEBLO, COLO.

Within a 5-mile radius of Pueblo Memorial Airport (latitude 38°17'30" N., longitude 104°30'00" W.); within 2 miles each side of the Pueblo ILS localizer west course, extending from the 5-mile radius zone to the LOM; within 4 miles each side of the Pueblo VORTAC 081° radial, extending from the 5-mile radius zone to 9 miles east of the VORTAC.

In § 71.181 (34 F.R. 4637) the description of the Pueblo, Colo., transition area as amended by (34 F.R. 11379) is further amended to read as follows:

PUEBLO, COLO.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Pueblo VORTAC; within 2 miles each side of the Pueblo VORTAC 275° radial, extending from the 9-mile radius area to 16 miles west of the VORTAC, and within 4.5 miles each side of the Pueblo VORTAC 081° radial, extending from the 9-mile radius area to 11.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 38°30'00" N., longitude 104°52'00" W., thence to latitude 38°30'00" W., longitude 104°00'00" W., thence to latitude 38°07'00" N., longitude 104°00'00" W., thence west along latitude 38°07'00" W., to the west edge of V-19, thence south along the west edge of V-19, and west along the north edge of V-210 to longitude 105°00'00" W., thence to latitude 38°07'00" N., longitude 104°43'00" W., thence to latitude 38°07'00" N., longitude 105°00'00" W., thence to latitude 38°25'00" N., longitude 105°00'00" W., thence to latitude 38°25'00" N., longitude 104°52'00" W., thence to point of beginning.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on August 20, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-10331; Filed, Aug. 28, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-82]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Laurel, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Laurel transition area would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Laurel Municipal Airport. (lat. 31°40'10" N., long. 89°10'20" W.); within 9.5 miles southwest and 4.5 miles northeast of the Laurel VOR 330° radial, extending from the 7-mile radius area to 18.5 miles northwest of the VOR.

Since the last alteration of the Laurel transition area, turbojet aircraft have begun utilizing Laurel Municipal Airport. Criteria appropriate to this airport requires an increase in the basic radius circle from 5 to 7 miles. Additionally, application of Terminal Instrument Procedures (TERPs) requires an increase in the total width of the extension from 13 to 14 miles and an increase in the length of the extension from 12 to 18.5 miles.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on August 18, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-10332; Filed, Aug. 28, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-63]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Portland, Oreg., transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The proposed 6,500 feet MSL portions of the transition area will provide additional controlled airspace for Seattle ARTCC to vector inbound aircraft to Portland International Airport for landing on runways 28L/28R. The current 8,500 feet MSL transition area is too restrictive to aircraft receiving this vectoring service and planning to execute ILS approaches.

In consideration of the foregoing the FAA proposes the following airspace action.

In § 71.181 (34 F.R. 4637) the description of the Portland, Oreg., transition area as amended by (34 F.R. 1892) is further amended as follows:

Delete all after "* * * longitude 122°16'00" W.;" and substitute therefor "* * * that airspace east of Portland extending from the 30-mile radius area bounded on the north by the south edge of V-448S, on the east by an arc of a 60-mile radius circle centered on the Portland Airport and on the south by the Newberg VORTAC 081° radial; that airspace within arcs of 30- and 44-mile radius circles centered on Portland Airport bounded on the north by the Newberg VORTAC 081° radial and on the south by the northeast edge of V-165 excluding that airspace within Federal airways, that airspace south of Portland bounded on the northeast by the southwest edge of V-165, on the south by an arc of a 60-mile radius circle centered on Portland Airport and on the west by the east edge of V-23E; that airspace extending upward from 8,500 feet MSL north of Portland extending from the 30-mile radius area bounded on the northwest by the Portland VORTAC 036° radial, on the northeast by an arc of a 60-mile radius circle centered on Portland Airport and on the southeast by the northwest edge of V-448; that airspace east and southeast of Portland within arcs of 44- and 60-mile radius circles centered on the Portland Airport extending clockwise from the Newberg 081° radial to the northeast edge of V-165, excluding the airspace within arcs of 44- and 60-mile radius circles centered on the Portland Airport bounded on the north by the Portland VORTAC 118° radial and on the south by the Newberg 092° radial."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on August 19, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-10333; Filed, Aug. 28, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 12782; FCC 69-906]

COMPETITION AND RESPONSIBILITY IN NETWORK TELEVISION BROADCASTING

Order Extending Time for Filing Comments

1. The Commission has before it Request for Additional Time to File Rebuttal Statements by National Broadcasting Co., Inc., in which it is alleged that, due to the necessity for NBC to file pleadings in other Commission proceedings and to prearranged vacation schedules of counsel during August, the preparation of a suitable rebuttal to material presented at the argument would be burdensome and requests that the time to file rebuttal statements be extended from August 22, 1969 to September 15, 1969.

2. It does not appear that grant of 3 weeks' additional time in these circumstances is unreasonable or would be prejudicial to the public interest in this matter.

3. *Therefore, it is ordered,* That the time for filing rebuttal statements herein be extended from August 22, 1969 to September 15, 1969.

Adopted: August 14, 1969.

Released: August 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-10369; Filed, Aug. 28, 1969; 8:48 a.m.]

[1] Commissioner Wadsworth absent.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

CERTAIN SNEAKER OR BASKETBALL TYPE FOOTWEAR

Appraisement; American Selling Price Basis

AUGUST 25, 1969.

The Bureau of Customs is reviewing the criteria presently used for determining the applicability of American selling price to certain sneaker or basketball-type shoes incorporating midsoles composed of a mixture of rubber and iron powder. The shoes are classifiable under item 700.60, Tariff Schedules of the United States.

In determining the applicability of American selling price to such footwear, customs officers have informally relied on the criterion of the ratio of the weight of iron powder to total weight of the shoe. When the weight of the midsoles exceeds 50 percent of the weight of the entire shoe, the application of the rule has resulted in a finding that the characteristics of the shoe are such as to render it dissimilar to presently marketed domestic footwear and, hence, not subject to appraisement on the basis of American selling price.

Whether important footwear is similar to domestic footwear for purposes of American selling price is a matter to be determined by a consideration of all relevant characteristics of the shoes. Accordingly, the Bureau has tentatively reached the conclusion that no one particular characteristic may be deemed to be decisive in making such a determination and has further tentatively concluded that customs officers should be directed to consider that a fixed ratio of the iron powder midsole weight to that of the entire shoe may not be deemed to be the sole controlling factor in making such a determination.

The publication of this notice, which is not required by law, shall not be considered as establishing a precedent for publication of other notices in similar or related cases in the future.

Consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[F.R. Doc. 69-10354; Filed, Aug. 28, 1969; 8:48 a.m.]

Internal Revenue Service

GEORGE R. MATTSON

Notice of Granting of Relief

Notice is hereby given that George R. Mattson, 336 Northwest 46th Street, Seattle, Wash., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 7, 1938, in the Superior Court of the State of Washington, of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(a)(20). Unless relief is granted it will be unlawful for George R. Mattson, because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible to obtain a license as a firearms or ammunition importer, manufacturer, dealer or collector under chapter 44, title 18, United States Code. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix) it would be unlawful for Mr. Mattson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby further given that I have considered George Mattson's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to George Mattson from disabilities incurred by reason of his conviction would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that George Mattson be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 25th day of August 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-10355; Filed, Aug. 28, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 10708]

WYOMING

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 22, 1969.

Notice of a Bureau of Land Management application, Wyoming 10708, for withdrawal and reservation of lands for public recreation purposes in connection with the Bennett Peak-Cottonwood Creek and Bennett Peak-Corral Creek Recreation Sites, was published as F.R. Doc. No. 68-2055, on page 3194 of the issue for February 20, 1968. The Bureau has canceled its application involving the lands in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands, at 10 a.m. on September 26, 1969, will be relieved of the segregative effect of the abovementioned application.

AUBREY F. SMITH,
Acting State Director.

[F.R. Doc. 69-10319; Filed, Aug. 28, 1969; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

DIRECTOR, NATIONAL PARK SERVICE

Delegation of Authority

The Delegation of Authority to the Director, National Park Service, published in the FEDERAL REGISTER at 27 F.R. 6395, as amended, is hereby revised as set forth below.

This material is a portion of the Departmental Manual and the numbering system follows that of the manual.

PART 245—NATIONAL PARK SERVICE

CHAPTER I—GENERAL PROGRAM DELEGATION DIRECTOR, NATIONAL PARK SERVICE

245.1.1 *Delegation.* A. The Director, National Park Service is authorized, except as provided in 200 DM 1.4, to exercise the program authority of the Secretary of the Interior with respect to the supervision, management, and operation of the National Park System; historic sites and buildings; archeological salvage, including the granting of permits for the examination of ruins, investigation of archeological sites, and gathering of objects of antiquity; and the preservation of American antiquities.

B. The Director is authorized to exercise the authority of the Secretary of the

Interior to issue such rules and regulations as would amend by addition, revision or revocation, regulations contained in Chapter I, Title 36, Code of Federal Regulations.

C. The Director is authorized, subject to the limitations prescribed in 200 DM 1.4, to exercise the authorities and perform the responsibilities assigned to the Secretary under title I and section 205 (a) of title II of the Act of October 15, 1966, 80 Stat. 915; except as provided in paragraphs 2A (4) and (5) below.

D. The Director, National Park Service is authorized to cooperate and consult with the Secretary, Department of Transportation in undertaking and coordinating Interior Department participation in the planning of transportation programs and projects which require the use of any land from any historic site to insure that there is no feasible and prudent alternative to the use of such land and that such programs and projects include all possible planning to minimize harm to such lands. In carrying out this delegated authority the Director, National Park Service shall consult and coordinate with the heads of other affected Interior bureaus (section 4(f) of the Act of Oct. 15, 1966 (80 Stat. 931), as amended).

245.1.2 *Limitation.* A. The following authority is not delegated in the general authority listed in 245 DM 1.1:

(1) Any action to be taken with the approval of concurrence of the President, or the head of any department or independent agency of the Government.

(2) Authority related to functions and responsibilities under the Act of June 23, 1936 (49 Stat. 1894), which have been or may be reserved by the Secretary.

(3) The establishment of criteria to be followed by the States in the preparation of statewide historic surveys and plans for the preservation, acquisition, and development of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture.

(4) Making final apportionments of funds among the States for comprehensive statewide historic survey and plans, and for the projects in approved statewide historic preservation plans, as prescribed in title I of the Act of October 15, 1966, 80 Stat. 915.

Dated: August 20, 1969.

HOLLIS M. DOLE,
Acting Secretary of the Interior.

[F.R. Doc. 69-10320; Filed, Aug. 28, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

LOW MOOR SALES CO. ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting
Low Moor Sales Company, Low Moor, Iowa, Apr. 3, 1957.
Walton Sales Barn, Walton, Ky., Dec. 28, 1959.
Sutton and Welsh Auction Market, Clinton, N.C., Apr. 7, 1959.
Hughes County Sale Barn, Holdenville, Okla., July 10, 1959.
Central Wisconsin Livestock, Inc., Tomah, Wis., June 1, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 22d day of August 1969.

G. H. HOPPER,
Chief, Registration, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-10361; Filed, Aug. 28, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NATIONAL ACCELERATOR LABORATORY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00398-75-65600. Applicant: National Accelerator Laboratory, Universities Research Association, Inc., 2100 Pennsylvania Avenue NW., Washington, D.C. 20006. Article: High voltage power supply, 850kv. Manufacturer: Emile Haefely & Co., Ltd. Intended use of article: The article will be used in the development of a successful high beam current preinjector for the linac. It will be used for voltage testing of the high gradient accelerating column, as well as a highly stabilized power supply when tests are made to determine that the properties of the preinjector beam meet the requirements. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a 850-kilovolt direct current power supply to be used in the development of a high beam current preinjector which will provide 750-kilovolt protons to a 200-million-volt linear accelerator. A principal characteristic of the foreign article is that the ripple does not exceed 300 volts peak to peak.

For the purposes for which the foreign article is intended to be used, this is a pertinent characteristic. We are informed by the National Bureau of Standards (NBS) in a memorandum dated April 17, 1969, that it knows of no instrument or apparatus being manufactured in the United States which possesses this pertinent characteristic.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-10313; Filed, Aug. 28, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00389-75-07795. Applicant: University of California, Lawrence Radiation Laboratory, Post Office Box 808 (7000 East Avenue) Livermore, Calif. 94550. Article: Ultra high speed image converter camera. Manufacturer: John Hadland (Photographic Instrumentation) Ltd., United Kingdom. Intended use of article: The article will be used for research purposes, specifically in a C-135 diagnostic aircraft for the development of a high speed framing camera scanning system. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an ultra high speed image converter camera possessing a sinusoidally shuttered image tube.

We are advised by the National Bureau of Standards (NBS) in a memorandum dated April 18, 1969, that the sinusoidally shuttered image tube is pertinent to the purposes for which the foreign article is intended to be used and there is no equivalent scientific instrument or apparatus produced in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-10314; Filed, Aug. 28, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 8447]

CERTAIN ANTINEOPLASTIC RADIOACTIVE AGENTS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following radiopharmaceuticals employed in the diagnosis and treatment of neoplasms:

1. Sodium Phosphate P 32; marketed as various solutions for intravenous or oral use and having specific activity in millicuries of about 1.5 per milliliter (oral and injectable), 1.5 per vial (injectable), and 1.8 per bottle (oral); marketed by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 8447).

2. Phosphotope (sodium phosphate P 32); sterile solution for intravenous or oral use and oral solution each having a specific activity between 1 and 50 millicuries per bottle; marketed by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 10-927).

3. Aurcoloid-198 (gold Au 198); sterile colloidal solution for intracavitary injection having a specific activity of 40 to 90 millicuries per milliliter; marketed by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 9510).

4. Aureotope (gold Au 198); sterile colloidal solution for intracavitary injection having a specific activity between 1 and 800 millicuries per vial; marketed by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 10-928).

The drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new drug applications and supplements to previously approved new drug applications under conditions described in this announcement.

I. SODIUM PHOSPHATE P 32 SOLUTION

A. *Effectiveness classification.* The Food and Drug Administration has considered the reports of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, as well as other available evidence, and concludes that Sodium Phosphate P 32 is effective for the treatment of polycythemia vera, chronic myelocytic leukemia, and chronic lymphocytic leukemia and as a diagnostic agent for localization of certain ocular and cerebral tumors, with the exception of retinoblastomas.

B. *Form of Drug.* Sodium phosphate P 32 preparations are in solution form suitable for oral use or intravenous administration and contain per dosage unit an amount appropriate for administration in the dosage range described in the labeling conditions in this announcement.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations and those parts of its labeling indicated below are substantially as follows: (Optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below.)

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTION

Phosphorus is necessary to metabolic and proliferative activity of cells.

Radioactive phosphorus concentrates to a higher degree in rapidly proliferating tissue.

INDICATIONS

Therapeutic: The principal use of sodium phosphate P 32 is for the treatment of polycythemia vera; it is also effective for the treatment of chronic myelocytic leukemia and chronic lymphocytic leukemia.

Sodium phosphate P 32 is not indicated for the treatment of blast crisis, acute myelocytic leukemia, and acute lymphocytic leukemia.

Diagnostic: For the localization of certain ocular tumors (with the exception of retinoblastomas). This drug should be used for the localization of cerebral tumors only when other drugs and techniques which do not require the use of a probe are unsuitable for this purpose.

CONTRAINDICATIONS

Sodium phosphate P 32 should not be used as a part of sequential treatment with an alkylating agent.

In polycythemia vera, sodium phosphate P 32 should not be administered when the leukocyte count is below 5,000 per cubic millimeter or a platelet count is below 150,000 per cubic millimeter.

In chronic granulocytic leukemia, sodium phosphate P 32 should not be administered when the leukocyte count is below 20,000 per cubic millimeter.

WARNINGS

Usage in pregnancy. This radiopharmaceutical agent should not be administered during pregnancy and lactation unless the expected benefit outweighs the hazards.

This radiopharmaceutical agent should not be administered to persons less than 18 years of age unless the expected benefit outweighs the hazards.

Radiopharmaceuticals, produced by nuclear reactor or particle accelerator, should be used only by physicians who are qualified by specific training in the safe use and safe handling of radioisotopes and whose experience and training have been approved by the appropriate Federal or State agency authorized to license the use of radioisotopes.

PRECAUTIONS

As in the use of any other radioactive material, care should be taken to insure minimum radiation exposure to the patient consistent with proper care and to insure minimum radiation exposure to occupational workers.

Some patients with polycythemia vera treated with sodium phosphate P 32 have subsequently developed myeloid leukemia. The incidence of this complication has not been precisely determined.

Overdosage of sodium phosphate P 32 may produce serious effect on the hemopoietic system. The blood and bone marrow should be carefully monitored at regular intervals.

DOSAGE AND ADMINISTRATION

Sodium phosphate P 32 can be administered orally or intravenously; however, because oral doses are incompletely absorbed, the equivalent intravenous dose is approximately 75 percent of the oral dose.

Diagnostic use: For intraocular tumor and brain tumor and brain tumor localizations, from 250 to 1,000 microcuries are administered intravenously.

Therapeutic use: For polycythemia vera: intravenous dosages from 1 to 5 millicuries are given depending upon the stage of disease and size of the patient. Repeat doses must be titered to individual needs. Oral or intravenous administration may be used, with the intravenous dose 75 percent of the oral dose.

For chronic leukemia: The dose must be determined individually.

A suggested regimen is as follows: Small doses of 40 microcuries per kilogram of body weight are given initially; subsequent doses are determined on the basis of direction and degree of change as evidenced by complete blood studies. The maximum weekly dose is not to exceed 5 millicuries (70 microcuries per kilogram of body weight). Oral or intravenous administration may be used; however, because oral doses are incompletely absorbed, the equivalent intravenous dose is approximately 75 percent of the oral dose.

SPECIAL ADJUNCTIVE INFORMATION

(The manufacturer or distributor shall include complete information on the following.)

Physical characteristics of the nuclide including the decay scheme must be available in the labeling.

Dosimetry information must be available in the labeling.

Tables of decay schedule must be included in the labeling.

D. *Marketing status.* Marketing of the drug may continue under the conditions described in items III and IV of this announcement.

II. GOLD AU 198

A. *Effectiveness classification.* 1. The Food and Drug Administration has considered reports of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, as well as other available evidence, and concludes that Gold Au 198 is effective in the palliative management of ascites and pleural effusion associated with metastatic malignancies.

2. The drug is possibly effective when used phophylactically against dissemination of tumor cells after surgical exposure and/or removal from the serous cavities; when employed in selected cases of carcinoma of the prostate, of the cervix uteri, and in the treatment of bladder tumors.

B. *Form of drug.* Gold Au 198 preparations are in solution form suitable for intracavitary administration and contain per dosage unit an amount appropriate for administration in the dosage range described in the labeling conditions in this announcement.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations and those parts of its labeling indicated below are substantially as follows: (Optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below.)

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTION

Local irradiation by beta emission.

INDICATIONS

Palliative management of ascites and pleural effusion associated with metastatic malignancies.

CONTRAINDICATIONS

This therapy should not be used in the presence of ulcerative tumors or when the presence of large tumor masses indicates the need for other forms of treatment.

Administration should not be made in exposed cavities or where there is evidence of loculation.

Administration should not be made in the presence of unhealed surgical wounds.

WARNINGS

Usage in pregnancy: This radiopharmaceutical should not be administered during pregnancy and lactation unless the expected benefit outweighs the hazards.

This radiopharmaceutical should not be administered to persons less than 18 years of age unless the expected benefit outweighs the hazards.

Radiopharmaceuticals, produced by nuclear reactor or particle accelerator, should be used only by physicians who are qualified by specific training in the safe use and safe handling of radioisotopes and whose experience and training have been approved by the appropriate Federal or State agency authorized to license the use of radioisotopes.

The Atomic Energy Commission requires that any patient with more than 30 millicuries of any isotope in the body should remain hospitalized until activity decays to less than this amount.

Therapeutic administration should not be repeated at intervals of less than 4 weeks.

Gold Au 198 is readily flocculated by metal ions such as aluminum. Any change from the natural, deep cherry-red color of the solution indicates that the gold is no longer in stable, colloidal form.

PRECAUTIONS

As in the use of any other radioactive material, care should be taken to insure minimum radiation exposure to the patient consistent with proper care and to insure minimum radiation exposure to occupational workers. Proper diagnosis is essential since fluid retention in serous cavities may be associated with cardiac, hepatic, or renal disease.

ADVERSE REACTIONS

Radiation sickness may occur in some patients.

DOSAGE AND ADMINISTRATION

Up to 150 millicuries administered parenterally into the abdominal or pleural cavity.

Physicians should be thoroughly familiar with the complex technique of administration.

SPECIAL ADJUNCTIVE INFORMATION

(The manufacturer or distributor shall provide complete information on the following:)

Physical characteristics of the nuclide including the decay scheme must be available in the labeling.

Dosimetry information must be available in the labeling.

Tables of decay schedule must be included in the labeling.

D. *Claims permitted during extended period for obtaining substantial evidence.* Those claims for which the drug is described in paragraph A as possibly effective (not included in the labeling conditions in paragraph C) may continue to be used for 6 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration, data to provide substantial evidence of effectiveness.

E. *Marketing status.* Marketing of the drug may continue under conditions described in items III and IV of this announcement, except that the indications referenced in paragraph D may be included in the labeling for the period indicated.

III. PREVIOUSLY APPROVED APPLICATIONS

A. Each holder of a "deemed approved" new drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

1. Revised labeling as needed to conform with the labeling conditions described herein for the drug.

2. Updating information as needed to make the application current.

B. Such supplements should be submitted within the following time periods after the date of publication of this announcement in the FEDERAL REGISTER:

1. 60 days revised labeling—the supplement should be submitted under the provisions of section 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

2. 60 days for updating information.

C. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of this preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement (It may continue to include the indication referenced in paragraph D for the period stated).

IV. NEW APPLICATIONS

A. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under paragraph A above, should submit a new drug application containing full information required by the new drug application form FD-356H (21 CFR 130.4(c)). Such applications should include proposed labeling which is in accord with the labeling conditions described herein.

B. Distribution of any such preparation currently on the market without an approved new drug application may be continued provided that:

1. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.

2. The manufacturer, packer, or distributor of such drug submits, within 60 days from the date of this publication, a new drug application to the Food and Drug Administration.

3. The applicant submits additional information that may be required for the approval of the application within a reasonable time as specified in a written communication from the Food and Drug Administration.

4. The application has not been ruled incomplete or unapprovable.

V. UNAPPROVED USE OR FORM OF DRUG

A. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new drug application, or is otherwise in accord with this announcement.

B. If the article is proposed for maketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in section 130.4 or 130.9 of the regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth in this notice. A request for such meeting should be made to the Office of Marketed Drugs (MD-300), at the address given below, within 30 days after the publication of this notice in the FEDERAL REGISTER.

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other manufacturer, packer, or distributor of a drug of similar composition and labeling to the drug listed in this announcement or any other interested person may otbain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number, DESI 8447, and be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC report: Press Relations Office (CE-300) Supplements: Office of Marketed Drugs (MD-300), Bureau of Medicine.

Original new drug applications: Office of New Drugs (MD-100), Bureau of Medicine.

Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 22, 1969.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 69-10318; Filed, Aug. 28, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-67]

EVANSVILLE, IND., AND PADUCAH, KY.; PORTS OF DOCUMENTATION

Proposed Revocation of Designation and Designation

1. The Commandant, U.S. Coast Guard, is considering a proposal to revoke the designation of Evansville, Ind., as a port of documentation, to designate Paducah, Ky., as a port of documentation, and to conduct at and from the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Paducah, Ky., and the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Louisville, Ky., such documentation activities as have been performed at Evansville.

2. Accordingly, notice is given that, under authority contained in sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C 18, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2), it is proposed to:

(a) Revoke the designation of Evansville, Ind, as a port of documentation;

(b) Designate Paducah, Ky., as a port of documentation;

(c) Transfer the documentation records at Evansville, Ind., of those owners residing in the Louisville Marine Inspection Zone, to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Louisville, Ky., and of those owners residing in the Paducah Marine Inspection Zone to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Paducah, Ky.; and

(d) Make Louisville the home port of all vessels now having Evansville as home port whose owners reside in the Louisville Marine Inspection Zone and Paducah as the home port of those vessels whose owners reside in the Paducah Marine Inspection Zone.

3. Interested persons may submit such written data, views, or arguments as they may desire regarding the proposals set forth in this document. All communications should be submitted in duplicate to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591, as soon as possible. Each communication shall identify the subject to which it is directed, the reason or basis for views expressed, and the name, address, and business firm or organization (if any) of the submitter. Each communication received on or before September 15, 1969, by the Commandant (CMC) will be considered and evaluated before taking final actions on the proposals in this document. Copies of all written comments received by the Commandant (CMC) will be available for examination and reading by interested persons in room 4211, Coast Guard Headquarters, Washington, D.C., both before and after the closing date (Sept. 15, 1969). The proposals contained in this document may be changed in the light of comments received.

4. At this time no hearing is contemplated on the proposals in this document, but arrangements may be made for informal conferences with cognizant Coast Guard officials by contacting the Executive Secretary, Merchant Marine Council, Room 4211, Coast Guard Headquarters, Washington, D.C. 20591. Any data or views presented during such informal conferences must be submitted in writing to the Commandant (CMC) in accordance with this notice in order that they may become part of the record.

Dated: August 20, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 69-10353; Filed, Aug. 28, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Notice of Issuance of Provisional Operating License

Notice is hereby given that no request for a hearing by the applicant or petition for leave to intervene by any interested person having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission (the Commission) has issued Provisional Operating License No. DPR-17 to Niagara Mohawk Power Corp. (Niagara Mohawk) authorizing the licensee to possess, use, and operate the Nine Mile Point Nuclear Station, a single cycle, forced circulation, boiling water nuclear reactor, located on the Nine Mile Point site on the southeast shore of Lake Ontario in the town of Scriba, Oswego County, New York. The license authorizes Niagara Mohawk to operate the reactor at thermal power levels not to exceed 1538 megawatts, in accordance with the provisions of the license and the Technical Specifications (Appendix A) appended thereto.

The Commission has inspected the facility and has determined that it has been constructed in accordance with the application, as amended, and the provisions of Construction Permit No. CPPR-16.

The provisional operating license was issued as set forth in the notice of proposed issuance of provisional operating license published in the FEDERAL REGISTER on June 5, 1969, 34 F.R. 8977, except for modification of the Technical Specifications as set forth in Attachment A to the Technical Specifications as issued with Provisional Operating License No. DPR-17. These modifications (1) delete the requirements for the nondestructive testing of safety valves since all of these tests have been completed, and (2) modify the pressure for performing a leak rate test on a main steam line isolation valve to permit testing at the same pressure specified for the containment test.

A copy of License No. DPR-17, complete with Technical Specifications and Attachment A thereto, is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 22d day of August 1969.

For the Atomic Energy Commission.

P. SCHROEDER,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 69-10312; Filed, Aug. 28, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 69-8-133]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority August 25, 1969.

Agreement adopted by Joint Conference 1-2-3 of the International Air Transport Association relating to specific commodity rates, Docket No. 18650, Agreement CAB 20745, R-91 through R-93.

By Order 69-8-35, dated August 7, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the diling period, and the tentative conclusions in Order 69-8-35 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-91 through R-93, be, and it hereby is, approved:

Provided, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10362; Filed, Aug. 28, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-8-135]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority August 25, 1969.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket No. 18650, Agreement CAB 20806, R-33 through R-38.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated August 5, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect signficant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20806, R-33 through R-38, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

[1] Filed as part of the original document.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10363; Filed, Aug. 28, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-8-134]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority August 25, 1969.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket No. 18650, Agreement CAB 20806, R-39 through R-49.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated August 6, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates. In addition, a rate for a new description, "Agate," has been specified from Buenos Aires to Houston and Miami, and a number of rates have been canceled from Kingston to New York and Miami, as set forth in the attachment.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20806, R-39 through R-49, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

[1] Filed as part of the original document.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10364; Filed, Aug. 28, 1969; 8:48 a.m.]

[Dockets Nos. 21278, 18381]

SUBURBAN AIR LINES

Nonpriority Mail Rates; Order To Show Cause

Issued under delegated authority August 25, 1969.

Reading Aviation Service, Inc., doing business as Suburban Air Lines (Suburban) is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-8-76, August 13, 1969, the Board approved Agreement CAB 20756 between Eastern Air Lines, Inc. (Eastern), and Suburban which contemplates that Suburban will discharge Eastern's certificate obligation to serve Reading, Pa., through the operation of small aircraft between Reading, Pa., and Washington, D.C.

No service mail rate is currently in effect for this service by Suburban. By petition filed August 4, 1969, Suburban requested the establishment of service mail rates for the transportation of priority and nonpriority mail by air between Reading, Pa., and Washington, D.C. Suburban requests that the multielement rates established in Orders E-25610 and E-17255, which provided for payments to Eastern, be made applicable to this route. On August 13, 1969, the Postmaster General filed an answer in support of Suburban's petition.[1]

The rate in Order E-25610, August 28, 1967, for the air transportation of priority mail was established by the Board in the Domestic Service Mail Rate Investigation. We propose to establish a service rate for the air transportation of priority mail by Suburban at the level established in order E-25610, as amended, and the terms and provisions of that order also shall be applicable to Suburban in the same manner as they were applicable to Eastern in providing mail services between Reading, Pa., and Washington, D.C.

An open-rate situation has existed for the air transportation of nonpriority mail since April 6, 1967, when the Post Office petitioned for new nonpriority

[1] The present rates are as follows:
Priority mail by air: 24 cents per ton-mile plus 9.36 cents per pound at Reading and 2.34 cents per pound at Washington.
Nonpriority mail by air: 15.115 cents per ton-mile plus 3.32 cents per pound at Reading and 1.66 cents per pound at Washington.

mail rates in Docket 18381. The rates currently being paid air carriers (including Eastern) for the transportation of nonpriority mail, established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is equitable that Suburban receive the same compensation as Eastern for the same services, we propose to establish temporary service rates for nonpriority mail for Suburban at the level established in Order E-17255, as amended. We will also make Suburban a party to the proceedings in Docket 18381 so the temporary nonpriority mail rates established herein will be subject to any retroactive adjustment ordered in that proceeding.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Suburban by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Reading, Pa., and Washington, D.C. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid on and after August 13, 1969, to Reading Aviation Service, Inc., doing business as Suburban Air Lines, pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Reading, Pa., and Washington, D.C., shall be the rates established by the Board in Order E-25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid on and after August 13, 1969 to Reading Aviation Service, Inc., doing business as Suburban Air Lines, pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therfor, and the services connected therewith between Reading, Pa., and Washington, D.C., shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended, subject to any retroactive adjustment made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f),

It is ordered, That:

1. All interested persons and particularly Reading Aviation Service, Inc. doing business as Suburan Air Lines, the Postmaster General, and Eastern Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Reading Aviation Service, Inc., doing business as Suburban Air Lines for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302 and notice of any objection to the rates or to the other findings and conclusions proposed herein shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If no notice of objection is filed within 10 days after service of this order, or if notice is filed and no answer is filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final and temporary rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final and temporary rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Reading Aviation Service, Inc., doing business as Suburban Air Lines is hereby made a party in Docket 18381; and

6. This order shall be served upon Reading Aviation Service, Inc., doing business as Suburban Air Lines, the Postmaster General, and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10365; Filed, Aug. 28, 1969; 8:48 a.m.]

[2] As this order to show cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 386 (14 CFR Part 385). Those provisions will apply to any final action taken by the staff in this matter under authority delegated in § 385.14(g).

CIVIL SERVICE COMMISSION

MANAGEMENT ANALYST, CAMP LEJEUNE, N.C.

Manpower Shortage; Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on August 7, 1969, for a single position of Management Analyst, GS-343-9, Camp Lejeune, N.C. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-10341; Filed, Aug. 28, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 454]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

AUGUST 25, 1969.

Pursuant to §§ 1.227(b)(2) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

204–C2–R–70—The Pacific Telephone & Telegraph Co. (KA4326), Renewal of (Developmental) license expiring Oct. 10, 1969. Term: Oct. 10, 1969, to Oct. 10, 1970.
759–C2–P–70—Radar Paging Service (KLF479), C.P. to change antenna location to: 922 Linwood, Kansas City, Mo., operating on frequency 35.22 MHz.
760–C2–P–70—Radar Paging Service (KLF573), C.P. to change antenna location to: 922 Linwood, Kansas City, Mo., operating on frequency 454.25 MHz.
761–C2–MP–70—Doniphan Telephone Co. (KLF575), Modification of C.P. to change antenna system operating on frequency 152.69 MHz at station located at 1.3 miles south of Piedmont, Mo.
762–C2–P–(3)–70—The Mountain States Telephone & Telegraph Co. (KOE512), C.P. to add test transmitter to operate on frequencies 157.95 MHz and 158.04 MHz at 1326 Sheridan Avenue, Cody, Wyo. Also change base frequencies to: 152.66 MHz and 152.78 MHz (Standby) at existing location Carter Mountain, 19.3 miles south-southwest of Cody, Wyo.
763–C2–P–70—Edwin A. Boyce (New), C.P. for a new 2-way station to operate on frequency 152.21 MHz to be located at 3 miles south of Yazoo City on Highway 495, Yazoo City, Miss.
764–C2–P–70—South Central Bell Telephone Co. (KIC344), C.P. for additional facilities. Base: 152.60 MHz. Test: 157.86 MHz. Location: 201 Court Avenue, Memphis, Tenn.
786–C2–P–70—Radar Paging Service (KLF573), C.P. for an additional base channel to operate on frequency 454.35 MHz at 922 Linwood, Kansas City, Mo.
787–C2–P–70—John Rugar, Jr., doing business as Vegas Instant Page (New), C.P. for a new 1-way station to be located at 225 East Bridger Avenue, Las Vegas, Nev., to operate on frequency 152.24 MHz.
7466–C2–P–69—RMD Electronics, Inc. (New), Resubmitted: C.P. for a new 2-way station to be located at 1960 Lincoln Park West, Chicago, Ill., to operate on frequency 454.025 MHz.
853–C2–P–70—General Telephone Co. of Illinois (New), C.P. for new 1-way station to be located at 111 South Main Street, Kewanee, Ill., to operate on frequency 35.22 MHz.
854–C2–P–(2)–70—San Juan Radio Telephone Corp. (New), C.P. for new 1-way station to be located at Calle Lamar 303, Hato Rey, P.R., to operate on frequences 152.24 MHz and 158.70 MHz.
855–C2–P–70—Charles F. Mefford, doing business as Meyer's Telephone Answering Service (New), C.P. for new 2-way station to be located at 3747 Warsaw Street, Cincinnati, Ohio, to operate on frequency 454.30 MHz.
856–C2–P–70—City of Beresford (KFL952), C.P. to change antenna location to: East Cedar and North Second Street, Beresford, S. Dak., operating on frequency 152.66 MHz.
861–C2–P–70—AAA Anserphone, Inc.—Jackson (New), C.P. for new 1-way station to be located at Deposit Guaranty Bank Building, corner of Capital and Lamar Streets, Jackson, Miss., to operate on frequency 152.24 MHz.
148–C2–R–70—The Bell Telephone Co. of Pennsylvania (KGC406), Renewal of (Developmental) expiring Sept. 10, 1969. Term: Sept. 10, 1969, to Sept. 10, 1970.
439–C2–R–70—Illinois Bell Telephone Co. (KSC881), Renewal of (Developmental) expiring Sept. 10, 1969. Term: Sept. 10, 1969, to Sept. 10, 1970.
885–C2–P/ML–(2)–70—The Pacific Telephone & Telegraph Co. (KME432), C.P. and modification of license to add base station facilities at a new site described as location No. 2: Irving Hill, 2 miles south of San Juan Capistrano, Calif., to operate on frequencies 152.54, 152.60 MHz.
886–C2–P–70—Answer, Inc. of San Antonio (KKG559), C.P. to add frequency 152.12 MHz at station located at KWEX TV Tower, 111 Martinez Street, San Antonio, Tex.

Corrections

284–C2–P–(4)–70—The Pacific Telephone & Telegraph Co. (New), Correct to read: C.P. to relocate, change antenna system, and replace transmitters on the 152.63 MHz facilities at location: No. 2, and the 152.69 MHz and 152.81 MHz facilities at location: No. 3 to a new site identified as location No. 4, 3 miles north of Olidale, Calif. Also add a new base channel at location No. 4 to operate on 152.78 MHz. All other particulars remain the same as reported on public notice dated Aug. 4, 1969, Report No. 451.
4832–C2–R–70—The C & P Telephone Co. of West Virginia (KQD611), Renewal of (Developmental) license expiring Sept. 10, 1969. Term: Sept. 10, 1969 to Sept. 10, 1970.
551–C2–P–(2)–70—AAA Anserphone, Inc.—Jackson (New), Correct file number to read 551–C2–P–70; Call sign to read KKV692. Correct details of application to read: C.P. for additional base channels to operate on frequencies 454.30 and 454.35 MHz station location: Deposit Guaranty Bank Building, corner of Capital and Lamar Streets, Jackson, Miss.

Major Amendment

997–C2–P–69—Auto-Phone Co. (KLF482), Amend to read: C.P. to change control point at location No. 2 from: 725 Oleander Avenue, Chico, Calif. to: 1538, 18th Street, Oroville, Calif. (lat. 39°30'36" N., long. 121°36'12" W.). All other particulars are to remain as reported on public notice No. 402 dated Aug. 26, 1968.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Mississippi

John N. Palmer and Vermae Rowell, doing business as AAA Answerphone and Doctors Exchange (New), 3825–C2–P–69.
Monroe Radiotelephone Co. (New), 2434–C2–P–69.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Illinois

L. Frank Stewart, doing business as Stewart Electronics (KSJ811), 6555–C2–P–68.
Mobile Radio System, Ltd. (New), 47–C2–P–69.
Telephone Answering Service, Inc. (New), 1570–C2–P–69.
McLean County Telephone Answering Service, Inc. (New), 2053–C2–P–69.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Connecticut

Murray Cohen (New), 2395–C2–P–69.

New Jersey

Telephone Secretarial Service (New), 1021–C2–P–69.

New York

Leo Vincent Carmody (New), 2114–C2–P–69.
Radio Relay Corp. (New), 3037–C2–P–69.
MRN Services Inc. (New), 3068–C2–P–69.
Page Boy Inc. (New), 3075–C2–P–69.

Pennsylvania

Radio Broadcasting Co. (New), 3066–C2–P–69.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference.

New York

Relay Communications Corp. (New), 3065–C2–P–69.

Rhode Island

Joseph Giorgianni (New), 1913–C2–P–69.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference.

New York

Albert M. Steiner, trading as Long Island Telephone Co. (New), 2900–C2–P–69.
Westchester Mobilfone System, Inc. (New), 2984–C2–P–69.
Relay Communications Corp. (New), 3065–C2–P–69.
Blue Circle Radio Pocket Paging Corp. (New), 3074–C2–P–69.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference.

New Jersey

Shaw—Rose Communications, Inc. (New), 1549–C2–P–69.

New York

Page Boy, Inc. (New), 3062–C2–P–69.

Pennsylvania

Telephone Message Bureau Inc., trading as Contact (New), 2194–C2–P–69.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference.

New Jersey

Shaw—Rose Communications, Inc. (New), 1549–C2–P–69.

New York

Blue Circle Radio Pocket Paging Corp. (New), 5810–C2–P–68.
Phone Depots Inc., doing business as Mobilfone (New), 2375–C2–P–69.
Albert M. Steiner trading as Long Island Telephone Co. (New), 2900–C2–P–69.
Westchester Mobilfone System Inc. (New), 2984–C2–P–69.
Phone Depots Inc., doing business as Mobilfone Radio System (New), 3036–C2–P–69.
Page Boy, Inc. (New), 3062–C2–P–69.
Dilene Answering Service, Inc. (New), 3070–C2–P–69.
Byrnes Message Bureau, Inc. (New), 3073–C2–P–69.
Blue Circle Radio Pocket Paging Corp. (New), 3074–C2–P–69.
Blue Circle Radio Packet Paging Corp. (New), 5811–C2–P–69.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference.

New Jersey

Mobile Telephone Co. of New Jersey (New), 115–C2–P–70.

New York

Albert M. Steiner, doing business as Long Island Telephone Co. (KEJ885), 6929–C2–MP–(2)–69.
Blue Circle Radio Pocket Paging Corp. (KEK287), 285–C2–MP–70.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference.

New York

Boris and Annette F. Squire, doing business as Air Page (New), 3023–C2–P–69.
Capital Telephone Co., Inc. (New), 2771–C2–P–69.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasbn of potential electrical interference.

New York

Polito Communications, Inc. (New), 2689–C2–P–69.
Lad Radio Systems, Inc. (New), 3362–C2–P–69.
Gerard T. Uht (New), 4634–C2–P–69.

RURAL RADIO SERVICE

788–C1–P/ML–70—Ark-La-Tex Mobile Radio Service (KKK93), C.P. and modification of license for 20 units to operate on frequency 158.52 MHz to communicate with station KLB756 at Pleasant Hill, La.
802–C1–P/L–70—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for new fixed station to be located 7.3 miles south-southeast of Edgerton, Wyo., to operate on frequency 459.40 MHz.
803–C1–ML–70—The Mountain States Telephone & Telegraph Co. (KSV88), Modification of license to add a rural subscriber: M.K.M. Oil Co. located at Casper Mountain, 6 miles south-southwest of Casper, Wyo. All other terms of existing license to remain the same.
857–C1–P–70—South Georgia Telephone Co. (New), C.P. for new fixed station to be located at Headquarters Building, Stephen C. Foster State Park, Ga., to operate on frequency 157.80 MHz.
866–C1–P/L–70—Pensaco Valley Telephone Cooperative, Inc. (New), C.P. and license for new station to be located in any temporary fixed location within territory of grantee to operate on frequency 157.98 MHz.
887–C1–MP–70—General Telephone Co. of the Northwest, Inc. (WAN74), Modification of C.P. to change antenna system operating on frequency 157.83 MHz at station located at Mount Fanny, 13.7 miles southeast of Alicel, near La Grande, Oreg.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

765–C1–P–70—American Telephone & Telegraph Co. (KEA77), C.P. to add frequency 3830 MHz toward Netcong, N.J., at station located at 0.8 mile north of Cherryville, N.J.
766–C1–P–70—American Telephone & Telegraph Co. (KEM64), C.P. to add frequency 3790 MHz toward Cherryville, N.J., at station located at 2.6 miles north of Netcong, N.J.
American Telephone & Telegraph Co., Seven (7) C.P. applications to construct one Type TD–2 radio relay channel from Omaha, Nebr., to Kansas City, Mo., as follows:
789–C1–P–70—American Telephone & Telegraph Co. (KAC60), Add frequency 4010 MHz toward Mineola, Iowa. Station location: 118 South 19th Street, Omaha, Nebr.
790–C1–P–70—American Telephone & Telegraph Co. (KAR70), Add frequency 3970 MHz toward Red Oak Junction, Iowa. Station location: 1.8 miles east of Mineola, Iowa.
791–C1–P–70—American Telephone & Telegraph Co. (KAN24), Add frequency 4050 MHz toward Braddyville, Iowa. Station location: Red Oak Junction, 6.5 miles south of Red Oak, Iowa.
792–C1–P–70—American Telephone & Telegraph Co. (KAR69), Add frequency 4090 MHz toward Bedison, Mo. Station location: 2.5 miles northwest of Braddyville, Iowa.
793–C1–P–70—American Telephone & Telegraph Co. (KAR61), Add frequency 4090 MHz toward Helena, Mo. Station location: 0.75 mile north of Bedison, Mo.
794–C1–P–70—American Telephone & Telegraph Co. (KAR60), Add frequency 3870 MHz toward Dearborn, Mo. Station location: 1.8 miles east-northeast of Helena, Mo.
795–C1–P–70—American Telephone & Telegraph Co. (KAR59), Add frequency 3910 MHz toward Kansas City, Mo. Station location: 1.5 miles northeast of Dearborn, Mo.
796–C1–P–70—The Mountain States Telephone & Telegraph Co. (KPV32), C.P. to add frequency 10,995 MHz toward Buhl, Idaho. Station location: 4.5 miles east of Jerome, Idaho.
797–C1–P–70—The Mountain States Telephone & Telegraph Co. (KPV33), C.P. to add frequency 11,445 MHz toward Flat Top Butte, Idaho. Station location: 126 Broadway, Buhl, Idaho.
798–C1–P/ML–70—The Southern New England Telephone Co. (KCE82), C.P. and modification of license to add frequency 11,565 MHz toward Lebanon, Conn. Station location: Birch Mountain Road, John Tom Hill, Glastonbury, Conn.
799–C1–P/ML–70—The Southern New England Telephone Co. (KCE84), C.P. and modification of license to add frequency 10,915 MHz toward Montville, Conn. Station location: 3.5 miles north of Lebanon, Conn.
800–C1–P/ML–70—The Southern New England Telephone Co. (KCJ76), C.P. and modification of license to add frequency 11,565 MHz toward New London, Conn. Station location: New London-Norwich Road, Montville, Conn.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

801–C1–P/ML–70—The Southern New England Telephone Co. (KCJ78), C.P. and modification of license to add frequency 10,975 MHz toward Avery Point, Conn. Station location: Washington and Methodist Streets, New London, Conn.

858–C1–P–70—Hawaiian Telephone Co. (KIG36), C.P. to change 2161.0 to 2162.0 MHz toward Makaha Beach, Hawaii. Station location: Kaena Point, 9.3 miles northwest of Waianae, Oahu, Hawaii.

859–C1–P–70—Hawaiian Telephone Co. (KIG37), C.P. to change 2111.0 to 2112.0 MHz toward Mauna Kapu, Hawaii. Station location: Makaha Beach, 3.9 miles northwest of Waianae, Oahu, Hawaii.

860–C1–P–70—Hawaiian Telephone Co. (KUQ76), C.P. to replace transmitter operating on frequency 2164.0 MHz toward Hickam, AFB, Hawaii. Station location: 2.75 miles northeast of Nanakuli, Mauna Kapu, Hawaii.

American Telephone & Telegraph Co., Eighteen (18) C.P. applications to construct two pairs of radio channels between Pittsburgh and Butler, Pa., one channel between Butler and Alma, N.Y., and one pair of channels between Alma and New York, N.Y., as follows:

888–C1–P–70—American Telephone & Telegraph Co. (KGN92), Add frequencies 3870 and 3950 MHz toward Mount Nebo, Pa., and 4050 MHz toward Sligo, Pa. Station location: 5.2 miles east of Butler, Pa.

889–C1–P–70—American Telephone & Telegraph Co. (KGO86), Add frequencies 3910 and 3990 MHz toward Butler and Pittsburgh, Pa. Station location: 0.6 mile north of Mount Nebo, Pa.

890–C1–P–70—American Telephone & Telegraph Co. (KGH97), Add frequencies 3870 and 3950 MHz toward Mount Nebo, Pa. Station location: 416 Seventh Avenue, Pittsburgh, Pa.

891–C1–P–70—American Telephone & Telegraph Co. (KGN91), Add frequency 4090 MHz toward Munderf, Pa. Station location: 2.2 miles south of Sligo, Pa.

892–C1–P–70—American Telephone & Telegraph Co. (KGN90), Add frequency 4050 MHz toward Mount Jewett, Pa. Station location: 3.3 miles northwest of Munderf, Pa.

893–C1–P–70—American Telephone & Telegraph Co. (KGN89), Add frequency 4090 MHz toward Olean, N.Y. Station location: 0.8 mile south of Mount Jewett, Pa.

894–C1–P–70—American Telephone & Telegraph Co. (KEA56), Add frequency 4050 MHz toward Alma, N.Y. Station location: 6.5 miles southwest of Olean, N. Y.

895–C1–P–70—American Telephone & Telegraph Co. (KEA47), Add frequency 4010 MHz toward Hartsville, N.Y. Station location: 3.2 miles northeast of Alma, N.Y.

896–C1–P–70—American Telephone & Telegraph Co. (KEA46), Add frequency 3970 MHz toward Alma and Monterey, N.Y. Station location: 2.4 miles south of Hartsville, N.Y.

897–C1–P–70—American Telephone & Telegraph Co. (KEA45), Add frequency 4010 MHz toward Hartsville and Erin, N.Y. Station location: 2.5 miles northwest of Monterey, N.Y.

898–C1–P–70—American Telephone & Telegraph Co. (KEA39), Add frequency 3970 MHz toward Monterey and Center Lisle, N.Y. Station location: 2.7 miles northeast of Erin, N.Y.

899–C1–P–70—American Telephone & Telegraph Co. (KEA36), Add frequency 4010 MHz toward Erin and Tyner, N.Y. Station location: 3 miles southwest of Center Lisle, N.Y.

900–C1–P–70—American Telephone & Telegraph Co. (KEA34), Add frequency 3970 MHz toward Center Lisle and Deposit, N.Y. Station location: 1.1 mile southwest of Tyner, N.Y.

901–C1–P–70—American Telephone & Telegraph Co. (KEL96), Add frequencies 4010 and 4090 MHz toward Tyner, N.Y., and Long Eddy, N.Y. Station location: 5 miles north of Deposit, N.Y.

902–C1–P–70—American Telephone & Telegraph Co. (KEL97), Add frequency 4050 MHz toward Deposit and Monticello, N.Y. Station location: 2.5 miles north of Long Eddy N.Y.

903–C1–P–70—American Telephone & Telegraph Co. (KEL98), Add frequency 4090 MHz toward Long Eddy and Monroe, N.Y. Station location: 6.5 miles southeast of Monticello, N.Y.

904–C1–P–70—American Telephone & Telegraph Co. (KEL99), Add frequency 4050 MHz toward Monticello and New York, N.Y. Station location: 4 miles southwest of Monroe, N.Y.

905–C1–P–70—American Telephone & Telegraph Co. (KEL79), Add frequency 4090 MHz toward Monroe, N.Y. Station location: 811 10th Avenue, New York, N.Y.

[F.R. Doc. 69–10370; Filed, Aug. 28, 1969; 8:49 a.m.]

MEXICAN STANDARD BROADCAST STATIONS

[Mexican List No. 257]

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignments

MAY 16, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna radiation mv/m/km	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
XEFU (correction of an omission: In operation with 5000 W–D/750 W–N since 2–24–65. This notifies the supplementary information).	Cosamaloapan, Ver., N. 18°20′37″, W. 95°57′49″.	690 kc/s 5000D/750N	ND–185	U	III	315	120	394	2–24–65.
XETS (in operation with 1000 W–D/500 W–N, ND, since 2–14–69. This notifies the supplementary information).	Tapachula, Chis., N. 14°53′58″, W. 92°14′37″.	690 kc/s 1000D/500N	ND–175	U	III	289	90	344	2–14–69.
XENL (correction of an omission: In operation with 5000 W–D/2000 W–N, DA–N, since 4–28–68).	Monterrey, N.L.	860 kc/s 5000D/2000N	DA–N	U	II				4–28–68.
XEPN (assignment deleted)	Paracho, Mich	980 kc/s 250	ND	D	IV				5–16–69.
XECS (PO: 1000 W–D/100 W–N, ND. This notifies the supplementary information).	Manzanillo, Col., N. 19°02′51″, W. 104°19′47″.	980 kc/s 000D/800N	ND–175	U	IIID/IVN	154	120	256	6–30–69 (probable).
XESED (temporary operation with 1000 W, ND, U. Change in call letters, previously XEDP).	Mexico, D.F.	1060 kc/s 50,000	DA–N	U	I–B				5–15–69.
XEPG (new)	Veracruz, Ver., N. 19°11′00″, W. 96°07′45″.	1400 kc/s 250	ND–175	U	IV	154	90	154	5–10–70 (probable).
XEXB (assignment deleted)	Jalapa, Ver.	1400 kc/s 500D/250N	ND	U	IV				5–16–69.
XERD (operation definitive with 250 W–D/150 W–N. Change in call letters, previously XEPK. This notifies the supplementary information).	Pachuca, Hgo. N. 20°07′18″, W. 98°43′54″.	1420 kc/s 250D/150N	ND–158	U	IV	158	90	104	
XEWE (PO: 5000 W–D/175 W–N, ND. This provides the supplementary information).	Irapuato, Gto., N. 20°41′52″, W. 101°23′01″.	1420 kc/s 10,000D/175N	ND–183	U	IIID/IVN	176	120	213	9–10–69 (probable).
XEKM (new)	Minatitlan, Ver., N. 17°57′52″, W. 94°31′56″.	1450 kc/s 500D/250N	ND–178	U	IV	144	90	171	7–28–69 (probable).
New (assignment deleted)	Jaltipan, Ver.	1450 kc/s 250	ND	U	IV				5–16–69.
XEPD (change in call letters, previously XERD. This notifies the supplementary information).	Nueva Rosita, Coah., N. 27°55′40″, W. 101°13′56″.	1460 kc/s 1000	ND–175	D	III	136	120	136	
XEDV (in operation since 4–23–69. This notifies the supplementary information).	El Oro, Mexico, N. 19°49′33″, W. 100°08′01″.	1550 kc/s 250	ND–181	D	II	148	90	159	4–23–69.
XEXB (change in call letters, previously XEJJ).	Jalapa, Ver.	1550 kc/s 10,000	ND	U	I–B				
New (new)	Apaseo el, Grande, Gto.	1580 kc/s 1000	ND–190	D	II	155	120	155	5–12–70 (probable).
XEST (assignment deleted)	San Miguel, Allende, Gto.	1590 kc/s 1000	ND	D	III				5–16–69.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69–10371; Filed, Aug. 28, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

PORT OF SEATTLE AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreement has been field with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval By:

Mr. T. P. McCutchan, Manager, Property Management Department, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T–2005–3 between Port of Seattle (Port) and Sea-Land Service, Inc. (Sea-Land) modifies the basic agreement which provides for the lease of property at Seattle, Wash., for use as a marine terminal. The purpose of the modification is to (1) add to the leased premises, (2) increase the annual rental and (3) increase the lease bond amounts.

Dated: August 26, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–10339; Filed, Aug. 28, 1969; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. F-51]

SECRETARY OF DEFENSE

Delegation of Authority With Respect to Telecommunications Rate Proceeding

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a telecommunications rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Public Utilities Commission of Ohio in a proceeding involving telecommunications rates of the Ohio Bell Telephone Co. (Docket No. 35959).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROBERT L. KUNZIG,
Administrator of General Services.

AUGUST 22, 1969.

[F.R. Doc. 69-10317; Filed, Aug. 28, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-128 etc.]

GENERAL AMERICAN OIL COMPANY OF TEXAS ET AL.

Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 21, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-128..	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	21	[2] 11	United Gas Pipe Line Co (South Cabeza Creek Field, Goliad County, Tex.) (RR. District No. 2).	$18,040	7-28-69 / 7-28-69	[3] 8-28-69 / [3] 8-28-69	(Accepted) / 1-28-70	13.2002	[4] [5] [6] 18.3	
		21	12								
RI70-129..	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001, Attention: Mr. A. M. Mouser.	125	2	Trunkline Gas Co. (Quicksand Creek Field, Newton County, Tex.) (RR. District No. 3).	160	7-30-69	[3] 8-30-69	1-30-70	[7] [8] 17.0	[5] [6] [7] [8] 17.8	
RI70-130..	American Petrofina Co. of Texas (Operator) et al., Post Office Box 2159, Dallas, Tex. 75221, Attention: Walker W. Smith, Esq.	59	17	United Gas Pipe Line Co (East Slick and South Cabeza Creek Fields, Goliad County, Tex.) (RR. District No. 2).	9,251	7-30-69	[3] 8-30-69	1-30-70	13.1664	[9] [10] 14.1792	
RI70-131..	An-Son Corp. (Operator) et al., 3814 North Santa Fe, Oklahoma City, Okla. 73118.	35	1	Arkansas Louisiana Gas Co. (Kinta Field, Le Flore County, Okla.) (Oklahoma "Other" Area).	330	[11] 7-22-69	[3] 8-22-69	1-22-70	[12] 15.0	[9] [10] [13] 16.0	
RI70-132..	Atlantic Richfield Co. (Operator) et al., Post Office Box 2819, Dallas, Tex. 75221.	207	11	Cities Service Gas Co. (Northwest Lovedale Field, Harper County, Okla.) (Panhandle Area).	1,400	7-30-69	[3] 9-1-69	2-1-70	[8] 17.0	[8] [9] [14] 18.0	RI68-92.
	do	295	1	do	30	7-30-69	[3] 9-1-69	2-1-70	[8] 17.0	[8] [9] [10] 18.0	
		88	3		26	7-30-69	[3] 9-1-69	2-1-70	[8] [15] 17.0	[8] [9] [10] [13] 18.0	RI64-803.
RI70-133..	Champlin Petroleum Co. Post Office Box 9365, Fort Worth, Tex. 76107.	89	3	Cities Service Gas Co. (Canfield Unit, Woodward County, Okla. (Panhandle Area).	588	7-31-69	[3] 9-1-69	2-1-70	[8] [15] 17.0	[8] [9] [10] [13] 18.0	RI64-803.
	do										
RI70-134..	Southern Union Production Co., 1500 Fidelity Union Tower, Dallas, Tex. 75201.	20	5	Michigan Wisconsin Pipe Line Co. (Major County Okla.) (Oklahoma "Other" Area).	522	8-1-69	[3] 9-1-69	2-1-70	[16] 15.63	[9] [10] [14] 22.63	
RI70-135..	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	333	[17] 30	Arkansas Louisiana Gas Co. (Red Oak Field Area, Le Flore County, Okla.) (Oklahoma "Other" Area).	18,879	7-31-69	[3] 8-31-69	1-31-70	15.0	[9] [10] 16.015	
RI70-136..	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	76	3	Cities Service Gas Co. (Northwest Lovedale Field, Harper County, Okla.) (Panhandle Area).	600	7-25-69	[3] 9-1-69	2-1-70	[8] 17.0	[8] [9] [10] 18.0	RI65-130.
RI70-137..	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	20	13	Kansas Nebraska Natural Gas Co., Inc. (Camrick Area, Beaver and Texas Counties, Okla.) (Panhandle Area).	1,180	7-28-69	[3] 9-1-69	2-1-70	[8] 18.2	[8] [9] [10] 18.4	R169-49.
RI70-138..	Union Oil Co. of California (Operator) et al.	54	5	Cities Service Gas Co. (Canfield Unit, Woodward Area, Woodward County, Okla.) (Panhandle Area).	82	7-29-69	[3] 9-1-69	2-1-70	[8] [15] 17.0	[8] [9] [10] [13] 18.0	RI65-147.
RI70-139..	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	213	3	Cities Service Gas Co. (Northeast Woodward Field, Woodward County, Okla.) (Panhandle Area).	350	7-30-69	[3] 9-1-69	2-1-70	[8] [15] 17.0	[8] [9] [10] [13] 18.0	RI68-90.

[2] Amendment dated July 3, 1969, which provides, among other things, for a renegotiated rate of 18.3 cents for the 5-year period commencing June 19, 1969, with 1-cent increases every 5 years thereafter, deletes redetermination provisions, provides for downward B.t.u. adjustment and seller's right to collect any higher applicable just and reasonable rate established by the Commission.
[3] The stated effective date is the effective date requested by Respondent.
[4] Renegotiated rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] "Fractured" rate increase. Contractually entitled to 18 cents (17.75 cents base plus 0.25-cent-dehydration charge).
[8] Includes 0.25-cent dehydration charge by seller.
[9] The stated effective date is the first day after expiration of the statutory notice.
[10] Periodic rate increase.
[11] Filing completed on July 30, 1969, by correction letter dated July 25, 1969.
[12] Subject to compression charge of 0.75 cent (one stage) to 1.5 cents (two stages) deducted by buyer if gas delivered by seller does not meet contract pressure requirements.
[13] Includes 1-cent gathering charge paid by buyer to seller.
[14] Includes 0.63-cent upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[15] Applicable only to acreage added by Supplement No. 26.
[16] Includes 1-cent charge paid by buyer to seller for gathering, dehydration and delivery of gas.

American Petrofina Company of Texas (Operator) et al. (Petrofina), request that their proposed rate increase be permitted to become effective on August 29, 1969. An-Son Corp. (Operator) et al. (An-Son), request a retroactive effective date of June 1, 1969, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Petrofina and An-Son's rate filings and such requests are denied.

Concurrently with the filing of their rate increase, General American Oil Company of Texas (General American) submitted a contract amendment dated July 3, 1969, designated as Supplement No. 11 to General American's FPC Gas Rate Schedule No. 21, which provides the basis for General American's proposed rate increase. We believe that it would be in the public interest to accept for filing General American's proposed contract amendment to become effective as of August 28, 1969, the date of expiration of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Ch. I, Pt. 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing General American's contract amendment dated July 3, 1969, designated as Supplement No. 11 to General American's FPC Gas Rate Schedule No. 21, and for permitting such supplement to become effective as of August 28, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplement referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 11 to General American's FPC Gas Rate Schedule No. 21 is accepted for filing and permitted to become effective as of August 28, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplement set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 8, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10243; Filed, Aug. 28, 1969; 8:45 a.m.]

[Docket No. CP70-38]

UNITED GAS PIPE LINE CO.

Notice of Application

AUGUST 22, 1969.

Take notice that on August 18, 1969, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed an application in Docket No. CP70-38 pursuant to section 7(b) of the Natural Gas Act and section 157.7(e) of the regulations thereunder, a "budget-type" application for permission and approval to abandon certain natural gas direct sales facilities during the 12-month period commencing October 1, 1969, all as more more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in abandoning service and removing direct sales measuring, regulating, and related minor facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 22, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10344; Filed, Aug. 28, 1969; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on May 27, 1969.[1]

The information reviewed at this meeting suggests that expansion in real economic activity is continuing to moderate slightly, but that substantial upward pressures on prices and costs are persisting. Interest rates have risen in recent weeks. Bank credit and the money supply appear to be changing little on average in May after bulging in April. The outstanding volume of large-denomination CD's has continued to decline, and the available evidence suggests only modest recovery in other time and savings deposits at banks and in savings balances at nonbank thrift institutions following the outflows of the first half of April. The U.S. balance of payments on the liquidity basis was in sizable deficit in the first 4 months of 1969 but the balance on the official settlements basis remained in surplus as a result of large inflows of Euro-dollars. However, there were substantial outflows of funds from the United States in the first half of May, during the period of intense speculation on a revaluation of the German mark, and the payments balance was in very large deficit on both bases. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the reduction of inflationary pressures, with a view to encouraging a more sustainable rate of economic growth and attaining reasonable equilibrium in the country's balance of payments.

[1] The Record of Policy Actions of the Committee for the meeting of May 27, 1969, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining the prevailing pressure on money and short-term credit markets: *Provided, however,* That operations shall be modified if bank credit appears to be deviating significantly from current projections.

Dated: August 19, 1969.

FEDERAL OPEN MARKET COMMITTEE,
KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 69-10315; Filed, Aug. 28, 1969; 8:45 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Authorization for System Foreign Currency Operations

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below paragraph 2 of the Committee's Authorization for System Foreign Currency Operations. The amendment was adopted by vote of all available members (a majority) on May 14, 1969, effective that date, and ratified by action of the Committee at its meeting on May 27, 1969.

2. The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under section 214.5 of Regulation N, Relations with Foreign Banks and Bankers, and with the approval of the Committee to renew such arrangements on maturity:

Foreign bank	Amount of arrangement (millions of dollars equivalent)
Austrian National Bank	100
National Bank of Belgium	300
Bank of Canada	1,000
National Bank of Denmark	100
Bank of England	2,000
Bank of France	1,000
German Federal Bank	1,000
Bank of Italy	1,000
Bank of Japan	1,000
Bank of Mexico	130
Netherlands Bank	300
Bank of Norway	100
Bank of Sweden	250
Swiss National Bank	600
Bank for International Settlements:	
Dollars against Swiss francs	600
Dollars against authorized European currencies other than Swiss francs	1,000

NOTE. For paragraph 1 of the authorization, see 34 F.R. 9044; for paragraph 3, see 33 F.R. 8470; and for paragraphs 4 through 10, see 32 F.R. 9583.

Dated: August 19, 1969.

FEDERAL OPEN MARKET COMMITTEE,
KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 69-10316; Filed, Aug. 28, 1969; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 5-A.1]

DIRECTOR, OFFICE OF BUSINESS DEVELOPMENT

Delegation of Authority

Pursuant to the authority delegated by the Administrator to the Associate Administrator for Procurement and Management Assistance by Delegation of Authority No. 5-A, 32 F.R. 18002, the following authority relating to the implementation of section 8(a) of the Small Business Act is hereby redelegated to the Director, Office of Business Development:

1. To enter into contracts on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies, or materials to the Government and agreeing as to the terms and conditions of such contracts;

2. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract to be let by any such officer; and

3. To arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts.

Effective date: August 19, 1969.

WILLIAM MURFIN,
Associate Administrator for Procurement and Management Assistance.

[F.R. Doc. 69-10322; Filed, Aug. 28, 1969; 8:45 a.m.]

[Declaration of Disaster Loan Area 736]

WEST VIRGINIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the State of West Virginia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in all areas affected or to be affected in the aforesaid State, suffered damage or destruction resulting from floods beginning on or about August 20, 1969, and continuing thereafter.

OFFICES

Small Business Administration Regional Office, 119 North Third Street, Clarksburg, W. Va. 26301.
Small Business Administration Branch Office, U.S. Courthouse and Federal Building, Room 3410, 500 Quarrier Street, Charleston, W. Va. 25301.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1970.

Dated: August 22, 1969.

R. B. BLANKENSHIP,
Acting Administrator.

[F.R. Doc. 69-10323; Filed, Aug. 28, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 35]

ILLINOIS CENTRAL RAILROAD CO. AND MISSOURI PACIFIC RAILROAD CO.

Rerouting and Diversion Traffic

In the opinion of R. D. Pfahler, agent, the Illinois Central Railroad Co. and the Missouri Pacific Railroad Co. are unable to transport traffic over their lines between Natchez, Miss., and Vidalia, La., because of barge out of service.

It is ordered, That:

(a) The Illinois Central Railroad Co. and the Missouri Pacific Railroad Co., being unable to transport traffic over their lines between Natchez, Miss., and Vidalia, La., because of barge out of service, are hereby authorized to reroute or divert such traffic over any available route to expedite the movement. Billing covering all such cars rerouted shall carry a reference to this order as authority for rerouting.

(b) Concurrence of receiving road to be obtained: The Illinois Central Railroad Co. and the Missouri Pacific Railroad Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10 a.m., August 25, 1969.

(g) Expiration date: This order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-10350; Filed, Aug. 28, 1969; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 26, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41727—*Chlorine from McIntosh, Ala.* Filed by O. W. South, Jr., agent (No. A6125), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from McIntosh, Ala., to Quinlan, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 177 to Southern Freight Association, agent, tariff ICC S-600.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10351; Filed, Aug. 28, 1969; 8:48 a.m.]

[Notice 895]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 26, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 108449 (Sub-No. 300 TA), filed August 20, 1969. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Larry L. Gass (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, in bulk, in tank vehicles, from Chemolite, Minn., to Newark, N.J., and Prairie du Chien, Wis., for 150 days. Supporting shipper: Minnesota Mining & Manufacturing Co., St. Paul, Minn. 55101. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 117940 (Sub-No. 4 TA), filed August 19, 1969. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dough*, prepared, *prepared foodstuffs* other than frozen, from the plantsite and warehouse facilities of The Pillsbury Co. at or near Denison, Tex., to points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and South Dakota, for 180 days. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 118263 (Sub-No. 14 TA), filed August 19, 1969. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, and pineapples and coconuts* (when transported in the same vehicles with bananas and plantains); from Wilmington, Del., to points in Kentucky, Indiana, Ohio, and Tennessee, for 180 days. Supporting shipper: Samuel Gordon, Vice President, West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 118989 (Sub-No. 33 TA), filed August 20, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, between Mundelein, Ill., and Burlington, Wis., for 150 days. Supporting shipper: Ball Corp., Muncie, Ind. 47302 (Raymond M. Green, Registered Practitioner, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 119388 (Sub-No. 12 TA), filed August 20, 1969. Applicant: GLEN R. ELLIS, INC., 3911 Jerome Avenue, Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Winston-Salem, N.C., to Chattanooga, Tenn.; and *empty containers and returnable pallets*, on return, for 180 days. Supporting shipper: Longshore Distributing Co., 1300 Market Street, Chattanooga, Tenn. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 123067 (Sub-No. 94 TA), filed August 20, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, and ingredients*, dry, from points in Effingham County, Ga., to

points in South Carolina, for 180 days. Supporting shipper: Cotton Producers Association, Post Office Box 2210, Atlanta, Ga. 30301. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417, Charlotte, N.C. 28202.

No. MC 127952 (Sub-No. 12 TA), filed August 20, 1969. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Street, South Gate, Calif. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from points in Los Angeles County, Calif., to Las Vegas, Nev., and points in Maricopa County, Ariz., for 180 days. Supporting shipper: Latchford Glass Co., Post Office Box 1707, Los Angeles, Calif. 90001. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129049 (Sub-No. 3 TA), filed August 8, 1969. Applicant: HAUL-AWAY, INC., 15939 Piuma Avenue, Cerritos, Calif. 90701. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Accessories, equipment, materials, parts, and supplies*, which are used in, or are incidental to, or are used in connection with camping and travel trailers; (1) from the plant of Airstream at Jackson Center (Shelby County), Ohio, to points in the United States, except Hawaii; (2) from the plant of Airstream at Cerritos, Calif., to points in Arizona, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. *Restriction No. 1:* Restricted to shipments which are transported in, or simultaneously with, shipments of camping or travel trailers. *Restriction No. 2:* The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Airstream, a division of Beatrice Food Co., for 180 days. Supporting shipper: Airstream, 15939 Piume Avenue, Cerritos, Calif. 90701. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129784 (Sub-No. 3 TA), filed August 20, 1969. Applicant: DAVISON TRANSPORT, INC., Ruston, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt and asphalt products;* from (1) Norco, La., to points in Hancock County, Miss.; from (2) El Dorado, Ark., to Broken Bow, Okla., for 180 days. NOTE: Applicant intends to tack MC-129784 and Sub. No. 2. Supporting shippers: (1) T. L. James & Co., Inc., Ruston, La.; (2) Lion Oil Co., Lion Oil Building, El Dorado, Ark. 71730. Send protests to: W. R. Atkins, District Supervisor, 4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133962 TA, filed August 19, 1969. Applicant: JAMES W. ALDRICH, 742 Northeast 35th Street, Ocala, Fla. 32670. Applicant's representative: Ben Daniel, Jr., 307 Northwest Third Street, Ocala, Fla. 32670. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, from points in Florida to points east of the Mississippi River and Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas, for 180 days. Supporting shipper: Timberland Products Co., Inc., Post Office Box 1799, Ocala, Fla. 32670. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, Federal Building, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 133963 TA, filed August 19, 1969. Applicant: MIDWEST TRUCKING, INC., Post Office Box 166, Billings, Mont. 59103. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from West Yellowstone, Townsend, and Manhattan, Mont., and St. Anthony, Idaho, to Minneapolis, and St. Paul, Minn., and Prairie Farms, Wis., for 180 days. Supporting shipper: B & S Lumber & Supply Co., 515 Kathy Lane, Billings, Mont. 59101. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-10352; Filed, Aug. 28, 1969; 8:48 a.m.]

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Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
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Title 3—THE PRESIDENT

Proclamation 3925

LADY BIRD JOHNSON GROVE
REDWOOD NATIONAL PARK

By The President of the United States of America

A Proclamation

It is fitting that a magnificent redwood grove in Redwood National Park be dedicated in honor of Lady Bird Johnson, who has done so much to stir in the American conscience a deepened sense of unity with our national environment. Mrs. Johnson has given generously of her time and talents on behalf of the natural beauty of the land she loves so well. That beauty is uniquely expressed in the Redwood National Park established by the Act of Congress of October 2, 1968, while Mrs. Johnson was First Lady of the land.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do proclaim that the following described land within the boundaries of the Redwood National Park is hereby designated as the Lady Bird Johnson Grove:

HUMBOLDT MERIDIAN

That parcel of land situated in sec. 26, T. 11 N., R. 1 E., more particularly described as follows:

Beginning at the northeast corner of sec. 26, T. 11 N., R. 1 E.;

thence southerly along the east line of said sec. 26 to the southeast corner thereof;

thence westerly along the south line of said sec. 26 to the south quarter corner thereof;

thence northerly along the north-south centerline approximately 2,200 feet through forest types $\frac{004}{R}$, $\frac{002}{R}$, $\frac{01}{R}$, $\frac{002}{R}$ as depicted on National Park Service Map, NPS–RED–7114–B of Redwood National Park as referred to in Section 2 of Public Law 90–545, October 2, 1968, to its intersection with the northerly line of forest type $\frac{002}{R}$;

thence easterly and northerly along the northerly line of forest type $\frac{002}{R}$ and northerly along the westerly line of forest types $\frac{03}{RD}$, $\frac{002}{RD}$ and $\frac{R3}{R}$ to its intersection with the north-south centerline of said sec. 26;

thence northerly along the north-south centerline to its intersection with the north line of said sec. 26;

thence easterly along the north line of said sec. 26 to the northeast corner, the Point of Beginning.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of August, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 69–10500; Filed, Aug. 29, 1969; 12:30 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Grapefruit (Texas and States Other Than Florida, California, and Arizona) [1]

On page 11306 of the FEDERAL REGISTER of July 8, 1969, there was published a notice of proposed rule making to revise these grade standards by making greater use of statistical principles and procedures in determining compliance with the standards. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Interested persons were given until July 30, 1969, to submit written data, views, or arguments regarding the proposal. No comments have been received and the proposed revised standards are hereby adopted without change and are set forth below.

These standards shall become effective on October 1, 1969, and will thereupon supersede the U.S. Standards for Grapefruit (Texas and States Other Than Florida, California, and Arizona) which have been in effect since November 3, 1955 (7 CFR 51.620–51.658).

Dated: August 26, 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

GRADES

Sec.
51.620 U.S. Fancy.
51.621 U.S. No. 1.
51.622 U.S. No. 1 Bright.
51.623 U.S. No. 1 Bronze.
51.624 U.S. Combination.
51.625 U.S. No. 2.
51.626 U.S. No. 2 Russet.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

TOLERANCES

Sec.
51.627 U.S. No. 3.
51.628 Tolerances.

SAMPLE FOR GRADE OR SIZE DETERMINATION

51.629 Sample for grade or size determination.

STANDARD PACK

51.630 Standard pack.

DEFINITIONS

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51.632 Similar varietal characteristics.
51.633 Well colored.
51.634 Firm.
51.635 Well formed.
51.636 Smooth texture.
51.637 Injury.
51.638 Discoloration.
51.639 Fairly well colored.
51.640 Fairly well formed.
51.641 Fairly smooth texture.
51.642 Damage.
51.643 Fairly firm.
51.644 Slightly misshapen.
51.645 Slightly rough texture.
51.646 Serious damage.
51.647 Slightly colored.
51.648 Misshapen.
51.649 Slightly spongy.
51.650 Very serious damage.
51.651 Diameter.
51.652 Classification of defects.

METRIC CONVERSION TABLE

51.653 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.620 U.S. Fancy.

"U.S. Fancy" consists of grapefruit which meet the following requirements:

(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.638.)
(2) Firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Smooth texture;
(6) Well formed; and,
(7) Well colored.
(b) Free from:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Cuts not healed;
(5) Skin breakdown;
(6) Decay;
(7) Growth cracks;
(8) Scab;
(9) Sprayburn; and,
(10) Wormy fruit.
(c) Not injured by:
(1) Green spots;
(2) Oil spots;
(3) Scale;
(4) Scars; and,
(5) Thorn scratches.
(d) Not damaged by any other cause.
(e) For tolerances see § 51.628.

§ 51.621 U.S. No. 1.

"U.S. No. 1" consists of grapefruit which meet the following requirements:

(a) Basic requirement:
(1) Discoloration:
(i) Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.638.)
(2) Firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Fairly well colored;
(6) Fairly smooth texture; and,
(7) Fairly well formed.
(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Caked melanose;
(4) Growth cracks;
(5) Sprayburn;
(6) Decay; and,
(7) Wormy fruit.
(c) Not damaged by any other cause.
(d) For tolerances see § 51.628.

§ 51.622 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected by discoloration.

(a) For tolerances see § 51.628.

§ 51.623 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration. Not less than the number of fruits required in § 51.628, Tables I and II, shall have more than one-half of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type.

(a) For tolerances see § 51.628.

§ 51.624 U.S. Combination.

"U.S. Combination" consists of a combination of U.S. No. 1 and U.S. No. 2 grapefruit: *Provided,* That the number of U.S. No. 2 fruits specified in § 51.628, Tables I and II, are not exceeded.

§ 51.625 U.S. No. 2.

"U.S. No. 2" consists of grapefruit which meet the following requirements:

(a) Basic requirements:
(1) Discoloration:
(i) Not more than two-thirds of the surface, in the aggregate, may be affected by discoloration. (See § 51.638.)
(2) Fairly firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) May be slightly colored;
(6) Not more than slightly misshapen; and,
(7) Not more than slightly rough texture.

(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Growth cracks;
(4) Decay; and,
(5) Wormy fruit.
(c) Not seriously damaged by any other cause.
(d) For tolerances see § 51.628.

§ 51.626 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that not less than the number of fruits required in § 51.628, Tables I and II, shall have more than two-thirds of their surface, in the aggregate, affected by discoloration.

(a) For tolerances see § 51.628.

§ 51.627 U.S. No. 3.

"U.S. No. 3" consists of grapefruit which meet the following requirements:
(a) Basic requirements:
(1) Mature;
(2) Similar varietal characteristics;
(3) May be misshapen;
(4) May be slightly spongy;
(5) May have rough texture;
(6) Not seriously lumpy or cracked; and,
(7) May be poorly colored.
(i) Not more than 25 percent of the surface may be of a solid dark green color.
(b) Free from:
(1) Cuts not healed;
(2) Decay; and,
(3) Wormy fruit.
(c) Not very seriously damaged by any other cause.
(d) For tolerances see § 51.628.

TOLERANCES

§ 51.628 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or off-size specimens in the individual sample, and the number of defective or off-size specimens in the lot, shall be within the limitations specified in Tables I and II. No tolerance shall apply to wormy fruit.

TABLE I—SHIPPING POINT [1]

(A) FOR 1 THROUGH 20 SAMPLES

Factor	Grades	AL [2]	Number of 33-count samples [3]																		
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers (maximum permitted) [4]																		
Decay	U.S. Fancy U.S. No. 1 U.S. Combination U.S. No. 2	1	0	0	0	1	[5]1	2	2	2	2	[5]2	2	2	3	3	3	[5]3	3	4	4	5
	U.S. No. 3	1	0	1	[5]1	1	2	[5]2	2	3	3	[5]3	3	4	4	4	[5]4	5	5	5	[5]5	5
Very serious damage including decay.	U.S. Fancy U.S. No. 1 U.S. Combination U.S. No. 2	4	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	25	27	28	30	31
Total defects including decay and very serious damage.	U.S. Fancy U.S. No. 1 U.S. No. 2 U.S. No. 3	5	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
	U.S. Combination (U.S. No. 2's permitted).	21	18	33	47	62	76	90	104	119	133	147	161	174	188	202	216	230	244	257	271	285
Off-size		7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Discoloration	U.S. No. 1 U.S. No. 1 Bright U.S. No. 2 U.S. Combination	7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
			Acceptance numbers (minimum required) [4]																		
	U.S. No. 1 Bronze U.S. No. 2 Russet	0	2	4	8	11	14	18	21	25	28	32	36	39	43	47	50	53	57	61	64	68

(B) FOR 21 THROUGH 40 SAMPLES

Factor	Grades	AL [2]	Number of 33-count samples [3]																		
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
			Acceptance numbers (maximum permitted) [4]																		
Decay	U.S. Fancy U.S. No. 1 U.S. Combination U.S. No. 2	1	4	4	[5]4	4	4	5	5	5	5	[5]5	5	5	6	6	6	6	6	[5]6	6
	U.S. No 3	1	5	6	6	6	[5]6	6	7	7	7	[5]7	7	8	8	8	[5]8	8	9	9	9	9
Very serious damage including decay.	U.S. Fancy U.S. No. 1 U.S. Combination U.S. No. 2	4	32	34	35	36	38	39	40	42	43	44	46	47	48	49	51	52	53	54	56	57
Total defects including decay and very serious damage.	U.S. Fancy U.S. No. 1 U.S. No. 2 U.S. No. 3	5	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
	U.S. Combination (U.S. No. 2's permitted).	21	298	312	326	339	353	367	380	394	408	421	435	449	462	476	489	503	517	530	544	557
Off-size		7	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
Discoloration	U.S. No. 1 U.S. No. 1 Bright U.S. No. 2 U.S. Combination	7	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
			Acceptance numbers (minimum required) [4]																		
	U.S. No. 1 Bronze U.S. No. 2 Russet	0	72	76	80	84	88	92	96	99	103	107	110	114	118	122	126	130	134	137	141	145

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.
[2] AL—Absolute limit permitted in individual 33-count sample.
[3] Same size 33-count.
[4] Acceptance number—maximum or minimum number of defective or off-size fruit permitted.
[5] Preferred number of samples for this acceptance number.

TABLE II—EN ROUTE OR AT DESTINATION

Factor	Grades	AL [1]	Number of 33-count samples [2]																		
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers (maximum permitted) [3]																		
Decay	All	3	2	3	[4]3	5	6	7	8	9	10	11	12	13	[4]13	14	15	16	17	18	[4]18	19
Very serious damage other than decay.	U.S. Fancy U.S. No. 1 U.S. No. 2 U.S. Combination	4	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	25	27	28	30	31
Total defects including very serious damage other than decay.	U.S. Fancy U.S. No. 1 U.S. No. 2 U.S. No. 3	5	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
	U.S. Combination (U.S. No. 2's permitted).	21	18	33	47	62	76	90	104	119	133	147	161	174	188	202	216	230	244	257	271	285
Off-Size		7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Discoloration	U.S. No. 1 U.S. No. 1 Bright U.S. No. 2 U.S. Combination	7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
			Acceptance numbers (minimum required) [3]																		
	U.S. No. 1 Bronze U.S. No. 2 Russet	0	2	4	8	11	14	18	21	25	28	32	36	39	43	47	50	53	57	61	64	68

[1] Absolute limit permitted in individual 33-count sample.
[2] Sample size—33-count.
[3] Acceptance number—maximum or minimum number of defective or off-size fruit permitted.
[4] Preferred number of samples for this acceptance number.

SAMPLE FOR GRADE OR SIZE DETERMINATION

§ 51.629 Sample for grade or size determination.

Each sample shall consist of 33 grapefruit. When individual packages contain at least 33 grapefruit, the sample is drawn from one package; when individual packages contain less than 33 grapefruit, a sufficient number of adjoining packages are opened to form a 33-count sample. When practicable, at point of packaging, the sample may be obtained from the grading belt or bins after sorting has been completed.

STANDARD PACK

§ 51.630 Standard pack.

(a) Fruits shall be fairly uniform in size, unless specified as uniform in size. When packed in boxes or cartons, fruit shall be arranged according to the approved and recognized methods.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages. When grapefruits are packed in cartons or in wire-bound boxes, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that not more than the number of fruits permitted in § 51.628, Tables I and II, are outside the ranges of diameters given in the following table:

TABLE III—1⅗ BUSHEL BOX
(Diameter in inches)

Pack size	Minimum	Maximum
46's	4 $^{5}/_{16}$	5
54's or 56's	4 $^{3}/_{16}$	4 $^{13}/_{16}$
64's	3 $^{15}/_{16}$	4 $^{5}/_{16}$
70's or 72's	3 $^{15}/_{16}$	4 $^{5}/_{16}$
80's	3 $^{10}/_{16}$	4 $^{3}/_{16}$
96's	3 $^{6}/_{16}$	3 $^{14}/_{16}$
112's or 113's	3 $^{5}/_{16}$	3 $^{10}/_{16}$
125's or 126's	3	3 $^{5}/_{16}$

(d) "Uniform in size" means that not more than the number of fruits permitted in § 51.628, Tables I and II, vary more than the following amounts:
(1) 64 size and smaller—not more than six-sixteenths inch in diameter; and,
(2) 54 size and larger—not more than nine-sixteenths inch in diameter.
(e) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.631 Mature.

"Mature" shall have the same meaning currently assigned that term in the laws and regulations of the State in which the grapefruit is grown; or as the definition of such term may hereafter be amended.

§ 51.632 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.633 Well colored.

"Well colored" means that the fruit is yellow in color with practically no trace of green color.

§ 51.634 Firm.

"Firm" means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 51.635 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.636 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.637 Injury.

"Injury" means any specific defect described in § 51.652, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.638 Discoloration.

"Discoloration" means russeting of light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth, superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by speck type melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed in the grade.

§ 51.639 Fairly well colored.

"Fairly well colored" means that except for a 1-inch circle in the aggregate of green color, the yellow color predominates over the green color on that part of the fruit which is not discolored.

§ 51.640 Fairly well formed.

"Fairly well formed" means that the fruit may not have the shape characteristic of the variety but is not elongated or pointed or otherwise deformed.

§ 51.641 Fairly smooth texture.

"Fairly smooth texture" means that the skin is not materially rough or coarse and that the skin is not thick for the variety.

§ 51.642 Damage.

"Damage" means any specific defect described in § 51.652, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or

the edible or marketing quality of the fruit.

§ 51.643 Fairly firm.

"Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

§ 51.644 Slightly misshapen.

"Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.645 Slightly rough texture.

"Slightly rough texture" means that the skin is not smooth or fairly smooth but is not excessively rough or excessively thick, or materially ridged, grooved or wrinkled.

§ 51.646 Serious damage.

"Serious damage" means any specific defect described in § 51.652, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.647 Slightly colored.

"Slightly colored" means that, except for a 2-inch circle in the aggregate of green color, the portion of the fruit surface which is not discolored shows some yellow color.

§ 51.648 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed or flat sided.

§ 51.649 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.650 Very serious damage.

"Very serious damage" means any specific defect described in § 51.652, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.651 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

§ 51.652 Classification of defects.

TABLE IV

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type	Scars are cracked or dark and aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Buckskin		Aggregating more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose			Aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Dryness or mushy condition.		Affecting all segments more than ¼ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ½ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ¾ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots or oil spots.	More than slightly affecting appearance.	Aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than a circle 1½ inches in diameter on a 70 size grapefruit.	
Hail	Not well healed, or aggregating more than a circle ⅜ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle ½ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle ⅝ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.
Scab		Materially detracts from the shape or texture, or aggregating more than a circle ⅝ inch in diameter on a 70 size grapefruit.	Seriously detracts from the shape or texture, or aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Scale	More than a few adjacent to the "button" at the stem end, or more than 6 scattered on other portions of the fruit.	Blotch aggregating more than a circle ¾ inch in diameter, or occurring as a ring more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Blotch aggregating more than a circle 1 inch in diameter, or occurring as a ring more than a circle 1½ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Skin breakdown		Aggregating more than a circle ⅜ inch in diameter on a 70 size grapefruit.	Aggregating more than a circle ⅝ inch in diameter on a 70 size grapefruit.	Aggregating more than a circle 1¼ inches in diameter on a 70 size grapefruit.
Scars	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Very deep or very rough aggregating more than a circle ½ inch in diameter; deep or rough aggregating more than 1 inch in diameter; slightly rough or of slight depth aggregating more than 10 percent of fruit surface. All areas based on a 70 size grapefruit.	Very deep or very rough aggregating more than a circle 1 inch in diameter; deep or rough aggregating more than 5 percent of fruit surface; slight depth or slightly rough aggregating more than 15 percent of fruit surface. All areas based on a 70 size grapefruit.	Very deep or very rough or unsightly that appearance is very seriously affected.
Sprayburn			Hard or aggregating more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Sunburn		Skin is flattened, dry, darkened, or hard, aggregating more than 25 percent of fruit surface.	Skin is hard, fruit is decidedly one-sided, aggregating more than one-third of fruit surface.	Aggregating more than 50 percent of fruit surface.
Sprouting		More than 6 seeds are sprouted, including not more than 1 sprout extending to the rind, remainder average not over ¼ inch in length.	More than 6 seeds are sprouted, including not more than 2 sprouts extending to the rind, remainder average not over ½ inch in length.	More than 6 seeds are sprouted, including not more than 3 sprouts extending to the rind, remainder average not over ¾ inch in length.
Thorn scratches	Not well healed, or more unsightly than discoloration permitted in the grade.	Not well healed, hard concentrated thorn injury aggregating more than a circle ¾ inch in diameter, or slight scratches aggregating more than a circle 1 inch in diameter. All areas based on a 70 size grapefruit.	Not well healed, hard concentrated thorn injury aggregating more than a circle ⅞ inch in diameter, or slight scratches aggregating more than a circle 1¼ inches in diameter. All areas based on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.

METRIC CONVERSION TABLE

§ 51.653 Metric conversion table.

Inches	*Millimeters (mm)*
¼ equals	6.4
⅜ equals	9.5
½ equals	12.7
⅝ equals	14.3
⅞ equals	15.9
¾ equals	19.1
⅞ equals	22.2
1 equals	25.4
1¼ equals	31.8
1½ equals	38.1
3 equals	76.2
$3\frac{2}{16}$ equals	79.4
$3\frac{6}{16}$ equals	85.7
$3\frac{8}{16}$ equals	88.9
$3\frac{10}{16}$ equals	92.1
$3\frac{13}{16}$ equals	96.8
$3\frac{14}{16}$ equals	98.4
$3\frac{15}{16}$ equals	100.0
$4\frac{2}{16}$ equals	104.8
$4\frac{5}{16}$ equals	109.5
$4\frac{8}{16}$ equals	114.3
$4\frac{12}{16}$ equals	120.7
5 equals	127.0

[F.R. Doc. 69-10357; Filed, Aug. 29, 1969; 8:45 a.m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Oranges (Texas and States Other Than Florida, California, and Arizona)[1]

On page 11311 of the FEDERAL REGISTER of July 8, 1969, there was published a notice of proposed rule making to revise these grade standards by making greater use of statistical principles and procedures in determining compliance with the standards. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Interested persons were given until July 30, 1969, to submit written data, views, or arguments regarding the proposal. No comments have been received and the proposed revised standards are hereby adopted without change and are set forth below.

These standards shall become effective on October 1, 1969, and will thereupon supersede the U.S. Standards for Oranges (Texas and States Other Than Florida, California, and Arizona) which have been in effect since August 2, 1959 (7 CFR 51.680–51.712).

Dated: August 26, 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

GRADES

Sec.
51.681 U.S. Fancy.
51.682 U.S. No. 1.
51.683 U.S. No. 1 Bright.
51.684 U.S. No. 1 Bronze.
51.685 U.S. Combination.
51.686 U.S. No. 2.
51.687 U.S. No. 2 Russet.
51.688 U.S. No. 3.

TOLERANCES

51.689 Tolerances.

SAMPLE FOR GRADE OR SIZE DETERMINATION

51.690 Sample for grade or size determination.

STANDARD PACK

51.691 Standard pack for oranges except Temple variety.

STANDARD SIZING

51.692 Standard sizing.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

DEFINITIONS

Sec.
51.693 Mature.
51.694 Similar varietal characteristics.
51.695 Well colored.
51.696 Firm.
51.697 Well formed.
51.698 Smooth texture.
51.699 Injury.
51.700 Discoloration.
51.701 Fairly smooth texture.
51.702 Damage.
51.703 Fairly well colored.
51.704 Reasonably well colored.
51.705 Fairly firm.
51.706 Slightly misshapen.
51.707 Slightly rough texture.
51.708 Serious damage.
51.709 Misshappen.
51.710 Slightly spongy.
51.711 Very serious damage.
51.712 Diameter.
51.713 Classification of defects.

METRIC CONVERSION TABLE

51.714 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.681 U.S. Fancy.

"U.S. Fancy" consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.700.)
(2) Firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Well colored;
(6) Well formed; and,
(7) Smooth texture.
(b) Free from:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Caked melanose;
(5) Creasing;
(6) Cuts not healed;
(7) Decay;
(8) Growth cracks;
(9) Scab;
(10) Skin breakdown;
(11) Sprayburn;
(12) Undeveloped segments; and,
(13) Wormy fruit.
(c) Not injured by:
(1) Green spots;
(2) Oil spots;
(3) Split navels;
(4) Rough, wide or protruding navels;
(5) Scale;
(6) Scars; and,
(7) Thorn scratches.
(d) Not damaged by any other cause.
(e) For tolerances see § 51.689.

§ 51.682 U.S. No. 1.

"U.S. No. 1" consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 51.700.)
(2) Firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Well colored;
(6) Well formed; and,
(7) Color:
(i) Early and midseason varieties shall be fairly well colored.
(ii) For Valencia and other late varieties, not less than 50 percent, by count, shall be fairly well colored and the remainder reasonably well colored.
(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Caked melanose;
(4) Decay;
(5) Growth cracks;
(6) Sprayburn;
(7) Undeveloped segments; and,
(8) Wormy fruit.
(c) Not damaged by any other cause.
(d) For tolerances see § 51.689.

§ 51.683 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.689.

§ 51.684 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration. Not less than the number of fruits required in § 51.689, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type.

§ 51.685 U.S. Combination.

"U.S. Combination" consists of a combination of U.S. No. 1 and U.S. No. 2 oranges: *Provided*, That the number of U.S. No. 2 fruits specified in § 51.689, Tables I and II, are not exceeded.

§ 51.686 U.S. No. 2.

"U.S. No. 2" consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.700.)
(2) Fairly firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Reasonably well colored;
(6) Not more than slightly misshapen, and,
(7) Not more than slightly rough.
(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Decay;
(4) Growth cracks; and,
(5) Wormy fruit.
(c) Not seriously damaged by any other cause.
(d) For tolerances see § 51.689.

§ 51.687 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that not

less than the number of fruits required in § 51.689, Tables I and II, shall have more than one-half of their surface, in the aggregate, affected by discoloration.

§ 51.688 U.S. No. 3.

"U.S. No. 3" consists of oranges which meet the following requirements:

(a) Basic requirements:
(1) Mature;
(2) Similar varietal characteristics;
(3) May be misshapen;
(4) May be slightly spongy;
(5) May have rough texture;
(6) Not seriously lumpy or cracked; and,
(7) May be poorly colored.

(i) Not more than 25 percent of the surface may be of a solid dark green color.

(b) Free from:
(1) Cuts not healed;
(2) Decay; and,
(3) Wormy fruit.

(c) Not very seriously damaged by any other cause.

(d) For tolerances see § 51.689.

TOLERANCES

§ 51.689 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or off-size specimens in the individual sample, and the number of defective or off-size specimens in the lot, shall be within the limitations specified in Tables I and II. No tolerance shall apply to wormy fruit.

TABLE I—SHIPPING POINT [1]

(a) FOR 1 THROUGH 20 SAMPLES [2]

Factor	Grades	AL [3]	Number of 50-count samples [2] 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance number (maximum permitted) [4]																			
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. Combination	1	0	1	[5]1	1	2	[5]2	2	3	3	3	[5]3	3	4	4	[5]4	4	5	5	5	5
	U.S. No. 3	2	0	1	2	[5]2	2	[5]3	3	4	4	[5]4	5	5	[5]5	6	6	[5]6	6	7	7	7
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. Combination	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including decay and very serious damage.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. No. 3	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	U.S. Combination (U.S. No. 2's permitted).	29	26	48	70	91	112	134	155	176	197	218	239	260	281	301	322	343	364	384	405	425
Off-size, Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. Combination	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
			Acceptance number (minimum required) [4]																			
	U.S. No. 1 Bronze, U.S. No. 2 Russet	1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102	108

(b) FOR 21 THROUGH 40 SAMPLES

Factor	Grades	AL [3]	Number of 50-count samples [2] 21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
			Acceptance numbers (maximum permitted) [4]																			
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. Combination	1	[5]5	6	6	6	6	[5]6	6	7	7	7	7	[5]7	7	8	8	8	[5]8	8	9	9
	U.S. No. 3	2	8	8	[5]8	8	9	9	[5]9	9	10	10	[5]10	11	11	[5]11	11	12	12	[5]12	12	13
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. Combination	6	47	49	51	53	54	56	58	60	62	64	66	68	70	72	74	76	78	80	81	83
Total defects including decay and very serious damage.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. No. 3	8	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
	U.S. Combination (U.S. No. 2's permitted).	29	446	467	487	508	529	549	570	590	611	631	652	672	693	713	734	754	775	795	816	836
Off-size, Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. Combination	10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
			Acceptance number (minimum required) [4]																			
	U.S. No. 1 Bronze, U.S. No. 2 Russet	1	114	119	125	131	137	143	149	155	161	166	172	178	184	190	196	202	208	214	220	226

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.
[2] Sample size—50-count.
[3] AL—Absolute limit permitted in individual 50-count sample.
[4] Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.
[5] Preferred number of samples for this acceptance number.

TABLE II—EN ROUTE OR AT DESTINATION

Factor	Grades	AL [1]	Number of 50-count samples [2] 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers (maximum permitted)																			
Decay	All	4	3	4	6	7	9	10	11	13	14	15	16	18	19	20	21	23	24	25	26	27
Very serious damage other than decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. Combination	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including very serious damage other than decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. No. 3	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	U.S. Combination (U.S. No. 2's permitted).	29	26	48	70	91	112	134	155	176	197	218	239	260	281	301	322	343	364	384	405	425
Off-size, Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. Combination	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
			Acceptance number (minimum required) [2]																			
	U.S. No. 1 Bronze, U.S. No. 2 Russet	1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102	108

[1] AL—Absolute limit permitted in individual 50-count sample.
[2] Sample size—50-count.
[3] Acceptance number—maximum or minimum number of defective or off-size fruit permitted.

SAMPLE FOR GRADE OR SIZE DETERMINATION

§ 51.690 Sample for grade or size determination.

Each sample shall consist of 50 oranges. When individual packages contain at least 50 oranges, the sample is drawn from one package; when individual packages contain less than 50 oranges, a sufficient number of adjoining packages are opened to form a 50-count sample. When practicable, at point of packaging, the sample may be obtained from the grading belt or bins after sorting has been completed.

STANDARD PACK

§ 51.691 Standard pack for oranges except Temple variety.

(a) Fruit shall be fairly uniform in size, unless specified as uniform in size, and shall be place packed in boxes or cartons and arranged according to the approved and recognized methods.

(b) All containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled containers. When oranges are packed in wire-bound boxes or cartons, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that not more than the number of fruits permitted in § 51.689, Tables I and II, are outside the ranges of diameters given in the following table.

TABLE III

(When packed in 1⅗ bushel or ⅘ bushel containers)

Size and count in 1⅗ bushel	Count in ⅘ bushel	Diameter in inches Minimum	Maximum
100's	48 or 50	3 7/16	3 13/16
125's	64	3 3/16	3 9/16
163's	80	2 13/16	3 3/16
200's	100	2 11/16	3 1/16
252's	125	2 7/16	2 13/16
288's	144	2 5/16	2 9/16
324's	162	2 3/16	2 5/16

(d) "Uniform in size" means that not more than the number of fruits permitted in § 51.689, Tables I and II, vary more than the following amounts:

(1) 163 size or smaller—not more than four-sixteenths inch in diameter; and,

(2) 125 size or larger—not more than five-sixteenths inch in diameter.

(e) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

STANDARD SIZING

§ 51.692 Standard sizing.

(a) Boxes, cartons, bag packs, or bulk loads in which oranges are not packed according to a definite pattern do not meet the requirements of standard pack, but may be certified as meeting the requirements of standard sizing: *Provided*, That the ranges are fairly uniform in size as defined in § 51.691: *And provided further*, That when packed in boxes or cartons the contents have been properly shaken down and the container is at least level full at time of packing.

(b) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may fail to meet the requirements of standard sizing.

DEFINITIONS

§ 51.693 Mature.

"Mature" shall have the same meaning currently assigned that term in the laws and regulations of the State in which the orange is grown; or as the definition of such term may hereafter be amended.

§ 51.694 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.695 Well colored.

"Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

§ 51.696 Firm.

"Firm" as applied to common oranges, means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsuma, King, Mandarin), means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.697 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.698 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.699 Injury.

"Injury" means any specific defect described in § 51.713, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.700 Discoloration.

"Discoloration" means russeting of light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth, superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.701 Fairly smooth texture.

"Fairly smooth texture" means that the skin is not materially rough or coarse and that the skin is not thick for the variety.

§ 51.702 Damage.

"Damage" means any specific defect described in § 51.713, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.703 Fairly well colored.

"Fairly well colored" means that except for a one inch circle in the aggregate of green color, the yellow or orange color predominates over the green color on that part of the fruit which is not discolored.

§ 51.704 Reasonably well colored.

"Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface in the aggregate which is not discolored.

§ 51.705 Fairly firm.

"Fairly firm" as applied to common oranges, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsuma, King, Mandarin) means that the fruit is not extremely puffy or the skin extremely loose.

§ 51.706 Slightly misshapen.

"Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.707 Slightly rough texture.

"Slightly rough texture" means that the skin is not smooth or fairly smooth but is not excessively rough or excessively thick, or materially ridged, grooved or wrinkled.

§ 51.708 Serious damage.

"Serious damage" means any specific defect described in § 51.713, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.709 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed or flat-sided.

§ 51.710 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.711 Very serious damage.

"Very serious damage" means any specific defect described in § 51.713, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.712 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

§ 51.713 Classification of defects.

TABLE IV

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type	Scars are cracked or dark and aggregating more than a circle ¼ inch in diameter or light colored and aggregating more than a circle 1¼ inches in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Buckskin		Aggregating more than a circle 1 inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose			Aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Creasing		Materially weakens the skin, or extends over more than one-third of the surface.	Seriously weakens the skin, or extends over more than one-half of the surface.	Very seriously weakens the skin, or is distributed over practically the entire surface.
Dryness or mushy condition		Affecting all segments more than ⅛ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ⅛ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ⅜ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots or oil spots	More than slightly affecting appearance.	Aggregating more than a circle ⅞ inch in diameter on a 200 size orange.	Aggregating more than a circle 1¼ inches in diameter on a 200 size orange.	
Hail	Not well healed, or aggregating more than a circle ¼ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ⅜ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ½ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ¾ inch in diameter on a 200 size orange.
Scab		Materially detracts from the shape or texture, or aggregating more than a circle ⅛ inch in diameter on a 200 size orange.	Seriously detracts from the shape or texture, or aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Scale	More than a few adjacent to the "button" at the stem end, or more than 6 scattered on other portions of the fruit.	Aggregating more than a circle ⅝ inch in diameter on a 200 size orange.	Aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Scars	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Deep, rough or hard aggregating more than a circle ¼ inch in diameter; slightly rough with slight depth aggregating more than a circle ⅞ inch in diameter; smooth or fairly smooth with slight depth aggregation more than a circle 1¼ inches in diameter. All areas based on a 200 size orange.	Deep, rough aggregating more than a circle ½ inch in diameter; slightly rough with slight depth aggregating more than a circle 1¾ inches in diameter. All areas based on a 200 size orange.	Deep, rough or unsightly that appearance is very seriously affected.
Skin breakdown		Aggregating more than a circle ¼ inch in diameter on a 200 size orange.	Aggregating more than a circle ⅝ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Sunburn		Skin is flattened, dry, darkened or hard, aggregating more than 25 percent of the surface.	Affecting more than ⅓ of the surface, hard, decidedly one-sided, or light brown and aggregating more than a circle 1¼ inches in diameter on a 200 size orange.	Aggregating more than 50 percent of the surface.
Sprayburn			Hard, or aggregating more than a circle 1¼ inches in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Split, rough or protruding navels	Split is unhealed; navel protrudes beyond general contour, opening is so wide, growth so folded and ridged that it detracts noticeably from appearance.	Split is unhealed, or more than ¼ inch in length, or more than 3 well healed splits, or navel protrudes beyond the general contour, and opening is so wide, folded or ridged that it detracts materially from appearance.	Split is unhealed, or more than ½ inch in length, or aggregate length of all splits exceed 1 inch, or navel protrudes beyond general contour, and opening is so wide, folded and ridged that it seriously detracts from appearance.	Split is unhealed or fruit is seriously weakened.
Thorn scratches	Not slight, not well healed, or more unsightly than discoloration permitted in the grade.	Not well healed, or hard concentrated thorn injury aggregating more than a circle ⅜ inch in diameter on a 200 size orange.	Not well healed, or hard concentrated thorn injury aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.

METRIC CONVERSION TABLE

§ 51.714 Metric conversion table.

Inches	Millimeters (mm)
¼ equals	6.4
5/16 equals	7.9
⅜ equals	9.5
½ equals	12.7
⅝ equals	15.9
¾ equals	19.1
⅞ equals	22.2
1 equals	25.4
1¼ equals	31.8
2 2/16 equals	55.6
2 4/16 equals	57.2
2 5/16 equals	61.9
2 6/16 equals	63.5
2 9/16 equals	65.1
2 11/16 equals	68.3
2 12/16 equals	69.9
2 13/16 equals	74.6
3 1/16 equals	77.8
3 3/16 equals	81.0
3 5/16 equals	84.1
3 7/16 equals	87.3
3 9/16 equals	90.5
3 13/16 equals	96.8

[F.R. Doc. 69-10358; Filed, Aug. 29, 1969; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Regulation 389]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.689 Lemon Regulation 389.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 26, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 31, 1969, through September 6, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: 1,861 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 28, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-10488; Filed, Aug. 29, 1969; 8:49 a.m.]

PART 932—OLIVES GROWN IN CALIFORNIA

Subpart—Rules and Regulations

MISCELLANEOUS AMENDMENTS

Notice is hereby given of the approval of amendments, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108–932.161)[1] currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendments to said rules and regulations were unanimously recommended by the Olive Administrative Committee, established under said marketing agreement and order as the agency to administer the terms and provisions thereof.

One amendment revises paragraph (e) of § 932.150. It thus extends the provisions of that section for one year by specifying a new termination date of August 31, 1970. According to the committee's recommendation, the sizes of olives in the 1969–70 crop are such that the percentage tolerances provided in paragraphs (a) through (d) of § 932.150 are necessary and sufficient for efficient handling of the crop, and the percentage tolerances should be continued in effect.

The other amendment establishes for the 1969–70 crop year larger minimum sizes than those in § 932.153 for olives that may be used currently in the production of halved, sliced, chopped, and minced styles of canned ripe olives. The minimum sizes are expressed in terms of minimum weights for individual olives. Such changes reflect the committee's appraisal of the 1969–70 olive crop (including the anticipated larger sizes of olives) and marketing conditions and are its recommendations for the minimum sizes of olives that will provide consumers with good quality fruit and maximize returns to growers pursuant to the declared policy of the act.

It is hereby found that amendment of the said rules and regulations as hereinafter set forth is in accordance with the provisions of the marketing agreement and order, and will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

The amendments are as follows:

1. Paragraph (e) of § 932.150 is revised as follows:

§ 932.150 Changes in the percentage tolerances for canned whole ripe olives.

* * * * * *

(e) The provisions of this section shall terminate on August 31, 1970.

2. The provisions of § 932.153 are revised to read as follows:

§ 932.153 Establishment of sizes of processed olives for use in the production of halved, sliced, chopped, or minced styles of canned ripe olives.

(a) The minimum sizes of processed olives of the respective variety groups that may be used in the production of halved, sliced, chopped, or minced styles

[1] As designated in 33 F.R. 15631.

of canned ripe olives shall be not smaller than the following applicable minimum sizes:

(1) Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, of a size which individually weigh 1/45th pound: *Provided*, That not to exceed 15 percent of the olives in any lot may be smaller than 1/45th pound;

(2) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varities, of a size which individually weigh 1/110th pound: *Provided*, That not to exceed 15 percent of the olives in any lot may be smaller than 1/110th pound;

(3) Variety Group 2 olives, except the Obliza variety, of a size which individually weigh 1/150th pound: *Provided*, That not to exceed 10 percent of the olives in any lot may be smaller than 1/150th pound;

(4) Variety Group 2 olives of the Obliza variety of a size which individually weigh 1/110th pound: *Provided*, That not to exceed 10 percent of the olives in any lot may be smaller than 1/110th pound.

(b) The provisions of this section shall be applicable only during the crop year ending August 31, 1970.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of these amendments until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective at the time hereinafter set forth, in that (1) the time intervening between the date when information upon which these amendments is based became available and the time such amendments must become effective in order to effectuate the declared policy of the act is insufficient; (2) the handling of the 1969 crop of olives is expected to begin about September 1, 1969—the beginning of the crop year—and the amendment of the rules and regulations should be in effect by that time so as to apply to the handling of olives during the entire crop year to effectuate the declared policy of the act; (3) unless otherwise provided, the current provisions of the sections being amended will by their terms terminate on August 31, 1969, and will not be applicable to such crop; (4) compliance with the amended rules and regulations will require of handlers no special preparation therefor which cannot be completed by the effective time hereof; (5) in order to facilitate the handling of the 1969 crop the industry should have knowledge of the revised requirements, contained in the amendments, as soon as possible; and (6) the amendments were unanimously recommended by members of the Olive Administrative Committee after an open meeting on August 15, 1969, at which all interested persons were afforded an opportunity to submit their views.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, August 27, 1969, to become effective August 31, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–10405; Filed, Aug. 29, 1969; 8:47 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Establishment of Free and Restricted Percentages and Withholding Factors for 1969–70 Crop Year

Notice was published in the August 15, 1969, issue of the FEDERAL REGISTER (34 F.R. 13280) regarding a proposal to establish, for the 1969–70 crop year, free and restricted percentages and withholding factors applicable to specified varieties of domestic dates. The crop year began August 1, 1969. The establishment of such percentages and withholding factors is pursuant to the relevant provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in a designated area of California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Date Administrative Committee.

The notice afforded interested persons opportunity to submit written data, views, or arguments on the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee, and other available information, it is found that to establish free percentages, restricted percentages, and withholding factors, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Therefore, the free percentages, restricted percentages, and withholding factors, for the 1969–70 crop year, applicable to marketable dates are, pursuant to §§ 987.44 and 987.45, established as follows:

§ 987.217 **Free and restricted percentages, and withholding factors.**[1]

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning August 1, 1969, and ending July 31, 1970, as follows: (a) Deglet Noor variety dates: Free percentage, 75 percent; restricted percentage, 25 percent; and withholding factor, 33.3 percent; (b) Zahidi variety dates: Free percentage, 80 percent; restricted percentage, 20 percent; and withholding factor, 25 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; withholding factor, 0 percent; (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; withholding factor, 0 percent.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that (a) free and restricted percentages and withholding factors established for a particular crop year shall be applicable during the entire crop year to all marketable dates, and (b) the withholding obligations based on the continued regulation from the preceding crop year shall be adjusted to the newly established percentages upon their establishment; and (2) the percentages and withholding factors established herein for the current 1969–70 crop year (which began Aug. 1, 1969), will apply, and adjustment thereto of handlers' withholding obligations are required, automatically, with respect to all such dates.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 27, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–10429; Filed, Aug. 29, 1969; 8:49 a.m.]

[1] The Date Administrative Committee included no countries other than the United States and Canada in trade demand.

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE AND CERTAIN OTHER MARKETING AREAS

Order Amending Orders

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held; and

(4) With respect to the New York-New Jersey order (Part 1002), it is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to the total quantity of pool milk received from dairy farmers at plants or from farms in a unit operated by such handler, directly or at the instance of a cooperative association of producers.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, effective not later than September 1, 1969. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued August 1, 1969, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued August 20, 1969. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1969, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby amended, as follows:

PART 1001—MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE MARKETING AREA

1. In § 1001.32, paragraph (j) is revised to read as follows:

§ 1001.32 **Duties.**

* * * * *

(j) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) By the 5th day of the month:

(i) The Class I price for the current month;

(ii) The Class II price for the preceding month, as computed under § 1001.61;

(2) By the 13th day of each month, the zone blended prices resulting from the adjustment of the basic blended price for the preceding month, as computed under § 1001.65, by the zone differentials contained in § 1001.62(d);

(3) By the 25th day of each month the butterfat differential computed pursuant to § 1001.71(b); and

(4) Whenever required for purpose of assigning receipts from other Federal order plants under § 1001.56(b), his estimate of the utilization (to the nearest whole percentage) in each class during the month of butterfat and skim milk, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

2. Section 1001.60 is revised to read as follows:

§ 1001.60 **Class I price.**

The Class I price per hundredweight of milk containing 3.5 percent butterfat, for the month, at plants located in zone 21, shall be $6.91 plus any amount by which the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month, on a 3.5 percent butterfat basis, exceeds $4.33.

3. Section 1001.66 is revised to read as follows:

§ 1001.66 **Factors used in formulas.**

If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use one determined by the Secretary to be equivalent to the price which is specified.

4. In § 1001.71, paragraph (b) is revised to read as follows:

§ 1001.71 **Butterfat differential.**

* * * * *

(b) Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. In § 1002.22, paragraph (m) is revised to read as follows:

§ 1002.22 **Duties.**

* * * * *

(m) On or before the date specified, or the next succeeding work day in any month in which such date is a Sunday or holiday, publicly announce the following:

(1) The 5th day of each month:

(i) The Class I price for the current month and the Class II price for the preceding month computed pursuant to § 1002.50, both as applicable at the 201–210-mile zone and at the 1–10-mile zone;

(ii) The butterfat differential for the preceding month computed pursuant to § 1002.81;

(iii) The simple average of the daily wholesale selling price per pound (using the midpoint of any price range as one price) reported by the U.S. Department of Agriculture for Grade A or 92-score bulk creamery butter in New York City for the period between the 16th day of the second preceding month and the 15th day inclusive of the preceding month;

(iv) The average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month;

(v) The simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of

Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S. Department of Agriculture for the preceding month.

(vi) The weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published by the U.S. Department of Agriculture for the period from the 26th day of the second preceding month through the 25th day of the preceding month.

(2) The 15th day of each month, the uniform price for the preceding month pursuant to § 1002.71 applicable at the 201–210-mile zone and at the 1–10-mile zone pursuant to § 1002.82.

2. In § 1002.50, paragraph (b) is revoked and the designation "(b)" is reserved for future assignment; paragraph (a) is revised; and the remaining paragraphs are unchanged. Section 1002.50, as revised, reads as follows:

§ 1002.50 Class prices.

* * * * *

(a) For Class I–A milk the price each month shall be $6.73 plus any amount by which the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month, on a 3.5 percent butterfat basis, exceeds $4.33.

(b) [Reserved]

* * * * *

§ 1002.81 [Amended]

3. The provision "0.120" as it appears in § 1002.81 is revoked and the provision "0.115" is substituted thereat.

§ 1002.90 [Amended]

4. The provision "2 cents" as it appears in § 1002.90 is revoked and the provision "4 cents" is substituted thereat.

PART 1003—MILK IN WASHINGTON, D.C., MARKETING AREA

1. Section 1003.51 is revised to read as follows:

§ 1003.51 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the applicable class price pursuant to § 1003.50 shall be increased or decreased, respectively, for each one-tenth of 1 percent butterfat by a butterfat differential computed as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

2. Section 1003.81 is revised to read as follows:

§ 1003.81 Producer butterfat differential.

In making payments pursuant to § 1003.80 (a) or (b) the uniform price shall be adjusted for each one-tenth of 1 percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential as computed pursuant to § 1003.51.

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

1. In § 1004.22, paragraph (j) is revised to read as follows:

§ 1004.22 Duties.

* * * * *

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 5th day of each month:

(i) The Class I price for the current month computed pursuant to § 1004.50 (a);

(ii) The Class II price computed pursuant to § 1004.50(b) and the handler butterfat differential computed pursuant to § 1004.51, both for the preceding month;

(2) The 13th day of each month, the uniform price(s) computed pursuant to §§ 1004.71 and 1004.72 and the butterfat differential to producers computed pursuant to § 1004.81, both for the preceding month.

2. In § 1004.50, paragraph (a) is revised to read as follows:

§ 1004.50 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight of Class I milk shall be $7.17 plus any amount by which the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month on a 3.5 percent butterfat basis, exceeds $4.33.

3. Section 1004.51 is revised to read as follows:

§ 1004.51 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the applicable class price pursuant to § 1004.50 shall be increased or decreased, respectively, for each one-tenth of a percent butterfat by a butterfat differential computed as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

4. Section 1004.81 is revised to read as follows:

§ 1004.81 Butterfat differential to producers.

The uniform price to each producer shall be increased or decreased for each one-tenth of 1 percent by which the average butterfat content of his milk is above or below 3.5 percent, respectively, by the butterfat differential computed pursuant to § 1004.51.

PART 1015—MILK IN CONNECTICUT MARKETING AREA

1. In § 1015.32, paragraph (g) is revised to read as follows:

§ 1015.32 Duties.

* * * * *

(g) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) By the 5th day of the month:

(i) The Class I price for the current month;

(ii) The Class II price and butterfat differential for the preceding month, as computed under §§ 1015.61 and 1015.71, respectively;

(2) By the 14th day of each month the basic uniform price for the preceding month computed under § 1015.64 and the zone uniform prices resulting from the adjustment of the basic uniform price by the zone price differentials under § 1015.62; and

(3) Whenever required for purpose of assigning receipts from other Federal order plants pursuant to § 1015.55(c)(2), his estimate of the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

2. Section 1015.60 is revised to read as follows:

§ 1015.60 Class I price.

The Class I price per hundredweight of milk containing 3.5 percent butterfat, for the month, at plants located in the nearby plant zone under § 1015.62, shall be $7.31 plus any amount by which the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month on a 3.5 percent butterfat basis, exceeds $4.33.

3. Section 1015.65 is revised to read as follows:

§ 1015.65 Factors used in formulas.

If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use one determined by the Secretary to be equivalent to the price which is specified.

4. Section 1015.71 is revised to read as follows:

§ 1015.71 Butterfat differential.

In making the payments to producers and cooperative associations required under § 1015.70 or for overages under § 1015.63(d), each handler shall add or subtract for each one-tenth of 1 percent that the average butterfat content of milk received from producers or the overage is above or below 3.5 percent, respectively, an amount per hundredweight which shall be computed by the market administrator as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

PART 1016—MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

1. Section 1016.51 is revised to read as follows:

§ 1016.51 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the applicable class prices pursuant to § 1016.50 shall be increased or decreased, respectively, for each one-tenth of 1 percent butterfat by a butterfat differential computed as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price), reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

2. Section 1016.81 is revised to read as follows:

§ 1016.81 Producer butterfat differential.

In making payments pursuant to § 1016.80 (a) or (b) the uniform prices shall be adjusted for each one-tenth of 1 percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential as computed pursuant to § 1016.51.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1969.

Signed at Washington, D.C., on August 27, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-10408; Filed, Aug. 29, 1969; 8:48 a.m.]

[Milk Order 132]

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than September 1, 1969. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator was issued August 1, 1969, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued August 21, 1969. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1969, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1132.7 is revised as follows:

§ 1132.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant as producer milk.

2. Section 1132.10 is revised as follows:

§ 1132.10 Pool plant.

"Pool plant" means a plant described in paragraph (a) or (b) of this section, subject to paragraph (c) of this section.

(a) A distributing plant from which a volume of Class I milk:

(1) Not less than 50 percent of the Grade A milk received at such plant from dairy farmers, from cooperative association handlers pursuant to § 1132.12(c), and from other plants, is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants); and

(2) Not less than 15 percent of such receipts, or an average of not less than 10,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products shipped

during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from cooperative association handlers pursuant to § 1132.12(c) during such month: *Provided*, That if such shipments are not less than 75 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year.

(c) If a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a plant qualified pursuant to this section.

3. Section 1132.12(c) is revised as follows:

§ 1132.12 Handler.

* * * * * *

(c) Any cooperative association with respect to milk of its member producers picked up at the farm for delivery to the pool plant of another handler in a tank truck owned or operated by such association or under control of such association, by contract or otherwise, in such a way that the association supervises and controls the determination of farm weights and tests of the milk of each of such member producers.

4. Section 1132.14 is revised as follows:

§ 1132.14 Producer milk.

"Producer milk" means the skim milk and butterfat handled by a pool plant operator or a cooperative association handler pursuant to § 1132.12 (b) and (c) as follows:

(a) Producer milk of a handler operating a pool plant is skim milk and butterfat in milk:

(1) Diverted by the operator of such pool plant for his account to a nonpool plant subject to the limits prescribed in paragraph (d) of this section; and

(2) Received at such pool plant directly from producers and from a cooperative association handler pursuant to § 1132.12(c). If the handler receiving milk from a cooperative association handler pursuant to § 1132.12(c) accounts for such receipt on the basis of farm weights and butterfat tests, the entire truckload shall be considered a receipt of producer milk at the first plant of delivery.

(b) Producer milk of a cooperative association handler pursuant to § 1132.12 (b) is skim milk and butterfat in milk received by such cooperative association from producers' farms and diverted by such association for its account to a nonpool plant, subject to the limits prescribed in paragraph (d) of this section.

(c) Producer milk of a cooperative association handler pursuant to § 1132.12 (c) is skim milk and butterfat in milk received by such cooperative association from producers' farms in excess of the quantity delivered to pool plants. Such milk shall be priced to the cooperative association at the location of the pool plant to which most of the milk in the tank truck was delivered during the month.

(d) Diverted milk is producer milk in any month only to the extent it meets conditions set forth in this paragraph:

(1) It is claimed as producer milk by the diverting handler in his report filed pursuant to § 1132.30;

(2) It is milk received from a dairy farmer who had producer status immediately prior to such diversion;

(3) It is not in excess of 15 days' production of each producer during any of the months July through February; and

(4) Such diverted producer milk shall be priced at the location of the pool plant where the producer's milk was last physically received.

5. Section 1132.15 is revised as follows:

§ 1132.15 Fluid milk product.

"Fluid milk product" means milk (including concentrated milk), skim milk (including reconstituted skim milk), buttermilk, milk drinks (plain or flavored), cream (sweet or sour), or any fluid mixture of cream and milk or skim milk (except storage cream, aerated cream products, sour cream and sour cream products not labeled Grade A, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers): *Provided*, That when any such product is modified by the addition of nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

6. Section 1132.30 is revised as follows:

§ 1132.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler in his capacity as the operator of a pool plant(s) and each cooperative association with respect to milk for which it is a handler pursuant to § 1132.12 (b) or (c) shall report for such month to the market administrator in detail and on forms prescribed by the market administrator:

(a) Each handler in his capacity as the operator of a pool plant(s) shall report:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk;

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 1132.14;

(5) Inventories of fluid milk products on hand at the beginning and end of the month; and

(6) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

(b) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1132.12 (b) and (c):

(1) Skim milk and butterfat in milk received by such cooperative association from producers' farms;

(2) The quantities of such skim milk and butterfat delivered to each pool plant and each nonpool plant; and

(3) The utilization of skim milk and butterfat delivered to a nonpool plant.

7. Section 1132.41(b)(5) is revised as follows:

§ 1132.41 Classes of utilization.

* * * * *

(b) * * *

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1132.42(b)(1) but not to exceed the following:

(i) 2 percent of milk received directly from producers (not including diverted producer milk), and receipts of fluid milk products in bulk from other order plants and from unregulated supply plants (exclusive of the quantity for which Class II utilization was requested by the handler);

(ii) 1.5 percent of receipts from a cooperative association handler pursuant to § 1132.12(c), except that if the handler operating the pool plant files notice with the market administrator that he is accounting for such milk on the basis of farm weights and tests determined by the cooperative association, the applicable percentage shall be 2 percent; and

(iii) 0.5 percent of milk received at the farm by a cooperative association handler pursuant to § 1132.12(c), exclusive of receipts for which farm weights and tests are used as the basis of receipt at the plant to which delivered; and

* * * * *

8. Section 1132.43 is revised as follows:

§ 1132.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified otherwise. With respect to milk received for delivery to a pool plant by a cooperative association handler pursuant to § 1132.12(c), the operator of the pool plant shall have the burden of proving the classification of the skim milk and butterfat defined in § 1132.14(a)(2);

(b) Milk received by a handler operating a pool plant from a cooperative association handler pursuant to § 1132.12 (c) shall be classified according to use or disposition at the receiving plant and the value thereof at class prices shall be included in the receiving handler's net obligation pursuant to § 1132.70; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

9. Section 1132.45 is revised as follows:

§ 1132.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and for each handler pursuant to § 1132.12 (b) and (c) and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk. Producer milk for which a cooperative association is the handler pursuant to § 1132.12 (b) and (c) shall be allocated separately from the allocation of receipts at any pool plant operated by such cooperative association.

10. Section 1132.80(c)(1) is revised and subparagraph (4) is added as follows:

§ 1132.80 Time and method of payment for producer milk.

* * * * * *

(c) * * *

(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 26th and 13th days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

* * * * * *

(4) For producer milk received from a cooperative association handler pursuant to § 1132.12(c), each handler shall make payments as follows:

(i) On or before the 26th day of the month, a partial payment for milk received during the first 15 days of such month at not less than the amount specified in paragraph (a) of this section; and

(ii) On or before the 13th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, less the amount of payment made pursuant to subdivision (i) of this subparagraph.

11. The introductory text of § 1132.80 (d) is corrected as follows:

§ 1132.80 Time and method of payment for producer milk.

* * * * * *

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show:

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1969.

Signed at Washington, D.C., on August 26, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-10409; Filed, Aug. 29, 1969; 8:48 a.m.]

[Milk Order 138]

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rio Grande Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than September 1, 1969. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued July 25, 1969, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued August 18, 1969. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it hereby found and determined that good cause exists for making this order amending the order effective September 1, 1969, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act.

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Rio Grande Valley marketing area shall be in conformity to and in compliance with the terms and conditions of

the aforesaid order, as amended, and as further amended, as follows:

1. In § 1138.55, the introductory text preceding paragraph (a) is revised to read as follows:

§ 1138.55 Credit for specified Class II uses.

From the effective date hereof through August 1970, producer milk classified as Class II milk in the following utilizations shall be subject to a credit at the respective rates specified:

* * * * *

2. In § 1138.80, paragraph (a) is revised to read as follows:

§ 1138.80 Payments to producers.

* * * * *

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 28th day of the month, a partial payment equal to the uniform price for the preceding month multiplied by the hundredweight of milk delivered during the first 15 days of the current month less authorized deductions;

* * * * *

3. In § 1138.80(e), subparagraphs (1) and (2) are revised to read as follows:

§ 1138.80 Payments to producers.

* * * * *

(e) * * *

(1) A partial payment in the amount specified in paragraph (a) of this section; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less the amount of partial payment made on such milk.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1969.

Signed at Washington, D.C., on August 26, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69–10410; Filed, Aug. 29, 1969; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. 3]

PART 1490—PAYMENTS ON EXPORTS OF CERTAIN KINDS OF TOBACCO

Subpart—Tobacco Export Program

Correction

In F.R. Doc. 69–9965, appearing at page 13464 in the issue of Thursday, August 21, 1969, in the 18th line of paragraph (a) of § 1490.7, the figure reading "§ 149.06" should read "§ 1490.6".

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

STATUTORY AND REGULATORY FEES

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on August 1, 1969 (34 F.R. 12598), pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there was set out proposed rules pertaining to revised fees. Several representations were received. With regard to the two items in the notice regarding the filing of an appeal from, or a motion to reopen or reconsider, a decision in an exclusion or deportation proceeding and for filing an application for temporary withholding of deportation under section 243(h) of the Act, they are being given further consideration and the existing fees therefor remain in effect. The amendatory regulations as set out below are adopted.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. Section 103.7 is amended as follows:

§ 103.7 Fees.

(a) *Remittances.* Fees prescribed within the framework of 31 U.S.C. 483a shall be submitted with any formal application or petition prescribed in this chapter and shall be in the amount prescribed by law or regulation. When any discretionary relief in exclusion or deportation proceedings is granted absent an application and fee therefor, the district director having jurisdiction over the place where the original proceeding was conducted shall require the filing of the application and the payment of the fee. Every remittance shall be accepted subject to collection. A receipt issued by a Service officer for any such remittance shall not be binding if the remittance is found uncollectible. Fees in the form of postage stamps shall not be accepted. Remittances shall be made payable to the "Immigration and Naturalization Service, Department of Justice" except that in case of applicants residing in the Virgin Islands of the United States, the remittances shall be made payable to the "Commissioner of Finance of the Virgin Islands," and, in the case of applicants residing in Guam, the remittances shall be made payable to the "Treasurer, Guam."

(b) *Amounts of fees*—(1) *Nonstatutory fees.* The following nonstatutory fees and charges are prescribed:

For filing application for Alien Registration Receipt Card (Form I–151), in lieu of one lost, mutilated, or destroyed, or in a changed name	$10.00
For filing application for a U.S. Citizen Identification Card	[1]10.00
For filing application for permission to reapply for an excluded or deported alien, an alien who has fallen into distress and has been removed as an alien enemy, or an alien who has been removed at Government expense in lieu of deportation	25.00
For filing application for passport or visa waiver prior to or at the time application is made for temporary admission to the United States	[1]10.00
For filing application for visa waiver when application is made for admission as a returning resident	[1]10.00
For filing applicantion for passport waiver prior to or at the time application is made for permanent admission	[1]10.00
For filing appeal from or motion to reopen or reconsider, any decision under the immigration laws, except an exclusion or deportation proceeding. (The minimum fee of $25 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)	25.00
For filing petition to classify nonimmigrant as temporary worker or trainee under section 214(c) of the Act	25.00
For filing petition to classify status of alien relative for issuance of immigrant visa under section 204(a) of the Act	10.00
For filing application for issuance of reentry permit	10.00
For filing application for extension of reentry permit	10.00
For filing application for extension of stay to a nonimmigrant, other than one described in section 101(a)(15)(F) or 101(a)(15)(J) of the Act, and, upon a basis of reciprocity, a nonimmigrant described in section 101(a)(15)(A)(iii), or 101(a)(15)(G)(v) of the Act	10.00
For filing petition to classify preference status of an alien on basis of profession or occupation under section 204(a) of the Act	25.00
For filing petition to classify orphan as an immediate relative for issuance of immigrant visa under section 204(a) of the Act. (When more than one petition is submitted by the same petitioner in behalf of orphans who are brothers or sisters, only one fee will be required.)	25.00
For filing application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a State or political subdivision thereof	25.00
For filing application for discretionary relief under section 212(c) of the Act	25.00
For filing application for discretionary relief under section 212(d)(3) of the Act, except in an emergency case, or the approval of the application is in the interest of the U.S. Government	25.00
For filing application for waiver of the foreign-residence requirement under section 212(e) of the Act	25.00

[1] Plus communication costs.

For filing application for waiver of ground of excludability under section 212(h) or (i) of the Act. (Only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those sections.)	$25.00
For filing application for adjustment of status to that of a permanent resident under section 245 of the Act	25.00
For filing application for adjustment of status to that of a permanent resident under section 13 of the Act of September 11, 1957	25.00
For filing application for creation of record of admission for permanent residence under section 249 of the Act	25.00
For filing application for change of nonimmigrant classification under section 248 of the Act	25.00
* * * *	
For filing application for stay of deportation under Part 243 of this chapter	25.00
* * * *	
For filing application for suspension of deportation under section 244 of the Act	50.00
For filing application for transfer of petition for naturalization under section 335(1) of the Act, except when transfer is of a petition for naturalization filed under the Act of October 24, 1968, Public Law 90–633	5.00
For filing application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed; or for a certificate of citizenship in a changed name under section 343 (b) or (d) of the Act	5.00
For filing application for a certificate of citizenship under section 309(c) or section 341 of the Act	10.00
For filing application for a special certification of naturalization to obtain recognition as a citizen of the United States by a foreign state under section 343(c) of the Act	5.00
For filing application for a certificate of naturalization or repatriation under section 343(a) of the Immigration and Nationality Act or the 12th subdivision of section 4 of the Act of June 29, 1906	5.00
For filing application for section 316 (b) or 317 of the Act benefits	10.00
For special statistical tabulation a charge will be made to cover the cost of the work involved	
For set monthly, semiannual, or annual tables entitled "Passenger Travel Reports via Sea and Air"	$5.00
For annual subscription for "Passenger Travel Reports via Sea and Air"	75.00

Except as otherwise provided in § 3.3(b) of this chapter, any of the foregoing fees relating to applications, petitions, appeals, and motions may be waived when an alien or other party affected is unable to pay the prescribed fee if he files with the relating application, petition, appeal, or motion his affidavit stating the nature thereof, his belief that he is entitled to redress, and his inability to pay the required fee, and he requests permission to prosecute the application, petition, appeal, or motion without prepayment of such fee. When such an affidavit is filed with the officer of the Service having jurisdiction to render a decision on the application, petition, appeal, or motion, such officer may, in his discretion, authorize the prosecution of the relating application, petition, appeal, or motion without prepayment of fee.

(2) *5 U.S.C. 552 fees.* For the services expended in locating or making available records or copies thereof under 5 U.S.C. 552, the following user charges are deemed fair and equitable and shall be assessed against the person who requests that records be made available:

Each Form N–585 or Form I–500 shall be accompanied by payment of ---- (This charge will be retained whether or not an identified record is located.)	$3.00
For each one quarter man-hour or fraction thereof spent in excess of the first quarter hour in searching for or producing a requested record	1.00
For each one quarter hour or fraction thereof spent in monitoring the requester's examination of materials	1.00
For copies of documents:	
Per page	.25
Minimum fee	.50
(Maximum number of copies furnished of any document—10.)	
For each certification of a true copy	1.00
For each attestation under seal	3.00

(3) *8 U.S.C. 1455 fees.* For services performed under 8 U.S.C. 1455, the clerk of court shall charge, collect, and account for the following fees:

For receiving and filing a declaration of intention	$5.00
For making, filing, and docketing a petition for naturalization	25.00

§ 103.3 [Amended]

2. The third sentence of paragraph (a) *Denials and appeals* of § 103.3 *Denials, appeals, and precedent decisions* is amended to read as follows: "When the applicant is entitled to appeal to another Service officer, the notice shall advise him that he may appeal from the decision, and that such appeal may be taken within 15 days after the mailing of the notification of decision, accompanied by a supporting brief if desired and a fee of $25, by filing notice of appeal, Form I–290B, which shall be furnished with the written notice."

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT

§ 204.1 [Amended]

1. The first sentence of paragraph (b) *Orphan* of § 204.1 *Petition* is amended to read as follows: "A petition in behalf of a child defined in section 101(b)(1)(F) of the Act shall be filed by the U.S. citizen spouse in the office of the Service having jurisdiction over the place where the petitioner is residing on Form I–600, shall identify the child, and shall be accompanied by a fee of $25."

2. The second sentence of paragraph (c) *Member of the professions or an alien of exceptional ability in the sciences or arts* of § 204.1 *Petition* is amended to read as follows: "A separate Form I–140 executed under oath or affirmation and accompanied by Form ES–575A and a fee of $25 must be submitted for each beneficiary before the petition may be accepted by the Service and considered properly filed."

3. The second sentence of subparagraph (1) *Filing petition* of paragraph (d) *Petitions under section 203(a)(6) of the Act* of § 204.1 *Petition* is amended to read as follows: "A separate form must be submitted for each beneficiary, executed under oath or affirmation, accompanied by a fee of $25."

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

§ 242.17 [Amended]

The third sentence of paragraph (d) *General* of § 242.17 *Ancillary matters, applications* is amended to read as follows: "The respondent shall not be required to pay a fee on more than one application within paragraphs (a) and (c) of this section, provided that the minimum fee imposed when more than one application is made shall be determined by the cost of the application with the highest fee."

PART 334—PETITION FOR NATURALIZATION

§ 334.13 [Amended]

The last sentence of § 334.13 *Filing of petition for naturalization* is amended to read as follows: "The petitioner shall pay the clerk of the naturalization court, at the time the petition is filed, a fee of $25, unless the petitioner is exempt therefrom by section 344(h) of the Immigration and Nationality Act, or is exempt therefrom under section 3 of the Act of October 24, 1968."

PART 341—CERTIFICATES OF CITIZENSHIP

§ 341.1 [Amended]

The first sentence of § 341.1 *Application* is amended to read as follows: "An application for a certificate of citizenship by or in behalf of a person who claims to have acquired U.S. citizenship under section 309(c) or to have acquired or derived U.S. citizenship as specified in section 341 of the Act shall be submitted on Form N–600 in accordance with the instructions thereon, accompanied by a fee of $10."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed rules are to implement Public Law 90–609 (82 Stat. 1199), effective October 21, 1968.

This order shall be effective on September 1, 1969. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to delayed effective date is unnecessary in this instance and would serve no useful

purpose because the persons affected thereby will not require additional time to prepare for the effective date of the regulations.

Dated: August 27, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69-10412; Filed, Aug. 29, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 68-CE-15-AD; Amdt. 39-830]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 35, A35, B35, and C35 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive with respect to Beech Models 35, A35, B35, and C35 airplanes was published in the FEDERAL REGISTER (33 F.R. 15712, 15713) on October 24, 1968. The proposal required replacement within the next 100 hours' time-in-service, but not to exceed 1 year after the effective date of the AD, of Beech P/N 35-924065 fuel unit with Beech P/N 35-924230 fuel unit or any other modification of this portion of the fuel system approved by Chief, Engineering and Manufacturing Branch, Central Region, Federal Aviation Administration. The proposal, if adopted, would supersede AD 53-20-2, which required the installation of a placard in these model airplanes equipped with a P/N 35-924065 fuel unit, informing all flight personnel of proper fuel selector valve operation. It also stated that replacement of the P/N 35-924065 fuel unit with a P/N 35-924230 fuel unit eliminates the need for compliance with AD 53-20-2.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Of those comments received, a few supported the amendment while the majority felt that compliance with the proposal was either too costly or was unnecessary based on their personal experience and familiarity with the fuel unit as the result of many hours of operation of this airplane. While the manufacturer was also opposed to the issuance of the proposed AD, it has subsequently designed a system approved by the FAA which warns the pilot whenever the fuel unit handle is disengaged from the fuel selector valve rotor mechanism. Beechcraft Service Instructions No. 0243-289 covers installation of Beech Kit No. 35-5030 S which consists of a microswitch, warning light and placard. Any time the fuel unit handle is not engaged with the valve rotor a red light on the instrument panel adjacent to the placard comes on. The placard states "FUEL SELECTOR VALVE NOT ENGAGED". This system can be installed for significantly less than the cost of the replacement required in the proposal. After analyzing the comments received and in light of the service history, which shows that the majority of accidents were the result of the misuse of the fuel unit by pilots with low operating time in these airplanes, the FAA has determined that an AD is necessary. However, the agency feels it can modify the amendment so as to be less burdensome to the user and at the same time still achieve the desired level of safety by issuing an AD which will give the owner the option of either replacing the P/N 35-924065 fuel unit with the P/N 35-924230 fuel unit or installing Beech Kit No. 35-5030 S in accordance with the manufacturers service instructions.

Since this amendment in part modifies the original proposal and imposes no additional burden on any person, further notice and public procedure hereon are unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BEECH. Applies to all Model 35, A35, B35, and C35 (Serial Nos. D-1 through D-2900) airplanes equipped with Beech P/N 35-924065 fuel unit.

Compliance: Required as indicated.

Within the next 100 hours' time-in-service, but not to exceed August 30, 1970, unless already accomplished, accomplish either A or B:

(A) Replace Beech P/N 35-924065 fuel unit with Beech P/N 35-924230 fuel unit having separate selector valve and pump controls or with any other modification of this portion of the fuel system approved by Chief, Engineering and Manufacturing Branch, Central Region, FAA.

(B) Install Beech fuel selector valve disengagement warning light, Kit No. 35-5030 S, in accordance with Beech Service Instructions No. 0243-289, or any other modification of this portion of the fuel system approved by the Chief, Engineering and Manufacturing Branch, Central Region, FAA.

This AD supersedes AD 53-20-2.

This amendment becomes effective August 30, 1969.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on August 22, 1969.

DANIEL E. BARROW,
Director, Central Region.

[F.R. Doc. 69-10455; Filed, Aug. 29, 1969; 8:49 a.m.]

[Docket No. 9741; Amdts. 61-43; 63-10; 91-66; 121-50; 123-2; 127-10; 135-8]

CARRIAGE OF NARCOTIC DRUGS, MARIHUANA, AND DEPRESSANT AND STIMULANT DRUGS BY AIRCRAFT

The purpose of these amendments to the Federal Aviation Regulations is to prevent the hazardous operation of aircraft by prohibiting the carriage by aircraft of narcotic drugs, marihuana, and depressant and stimulant drugs under certain limited conditions.

These amendments were proposed in Notice 69-32 and published in the FEDERAL REGISTER on August 5, 1969 (34 F.R. 12713). Under the notice the FAA proposed:

(1) That violation of the prohibition against carriage be a basis for denying applications for pilot, flight instructor, flight engineer, and flight navigator certificates, and for the suspension or revocation of those airman certificates or of the operating certificates issued under Parts 121, 123, 127, and 135;

(2) A requirement for the filing of a flight plan on all flights between Mexico and the United States;

(3) That conviction for violation of the statutory provisions concerning the prohibited items is also grounds for denying, suspending or revoking those airman certificates.

Two requests were received in response to the proposal for extension of the comment period, and these requests were denied because the public interest considerations involved in this rule required final rule making action at the earliest possible time. Public comments with respect to the substance of the rule were received from five sources. All of them expressed concern that as proposed § 91.12(a) would make the aircraft operator a violator even when he does not know of the presence on board the aircraft of a proscribed article. In response to these comments the prohibition against carrying the proscribed items in § 91.12(a) has been clarified to make it a violation of that section only when the operator of the aircraft has knowledge that the aircraft is carrying the proscribed articles. One of the comments urged that additionally the rules should not be applied to air carriers who frequently carry narcotics and other drugs lawfully in their operations. In response to this comment § 91.12(b) has been changed by inclusion of a new paragraph (b) which excepts all lawful carriage.

Another of the comments questioned the legal basis for the adoption of the rule as a safety rule. As stated in the preamble to Notice 69-32, the provisions contained in this rule are necessary to meet and avoid the increasing hazards to safety in air commerce resulting from the increasing use of aircraft for the illicit carriage of narcotics and other drugs into the United States and Mexico. These hazards result from attempts to avoid detection or pursuit by violent maneuvers, low flying, and other extremely dangerous flight techniques, including the use of unsafe landing areas.

In the interests of clarity and conformity with judicial opinions, the phrase "final conviction" has been used in lieu of "conviction" in §§ 61.6(a) and 63.12(a). Finally, editorial and other nonsubstantive changes have been made for the purposes of clarity and continuity.

Interested persons have been afforded an opportunity to participate in the making of these amendments. Due consideration has been given to all matter presented. In other respects, for the reasons stated in the preamble to the notice, the rule is adopted as prescribed herein.

Since the public interest requires that these amendments be made effective as quickly as possible, I find that good cause exists for making them effective on less than 30 days' notice.

In consideration of the foregoing, Parts 61, 63, 91, 121, 123, 127, and 135 of the Federal Aviation Regulations are amended as follows, effective September 5, 1969:

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

1. Part 61 is amended by inserting a new § 61.6, after § 61.5, to read as follows:

§ 61.6 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs.

(a) No person who is convicted of violating any of the following statutory provisions is eligible for any certificate or rating issued under this part for a period of 1 year after the date of final conviction:

(1) 21 U.S.C. 174.
(2) 21 U.S.C. 176a.
(3) 21 U.S.C. 184a.
(4) 21 U.S.C. 331(q).
(5) 21 U.S.C. 360a.
(6) 26 U.S.C. 4704.
(7) 26 U.S.C. 4705.
(8) 26 U.S.C. 4742.
(9) 26 U.S.C. 4744.
(10) 26 U.S.C. 4755.
(11) 18 U.S.C. 545, where the conviction involves the smuggling of any "depressant or stimulant drug" as defined in 21 U.S.C. 321(v).

(b) No person who commits an act prohibited by § 91.12(a) of this chapter is eligible for any certificate or rating issued under this part for a period of 1 year after the date of that act.

(c) Any conviction specified in paragraph (a) of this section, or the commission of the act referenced in paragraph (b) of this section, is grounds for suspending or revoking any certificate or rating issued under this part.

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

2. Part 63 is amended by inserting a new § 63.12, after § 63.11, to read as follows:

§ 63.12 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs.

(a) No person who is convicted of violating any of the following statutory provisions is eligible for any certificate or rating issued under this part for a period of 1 year after the date of final conviction:

(1) 21 U.S.C. 174.
(2) 21 U.S.C. 176a.
(3) 21 U.S.C. 184a.
(4) 21 U.S.C. 331(q).
(5) 21 U.S.C. 360a.
(6) 26 U.S.C. 4704.
(7) 26 U.S.C. 4705.
(8) 26 U.S.C. 4742.
(9) 26 U.S.C. 4744.
(10) 26 U.S.C. 4755.
(11) 18 U.S.C. 545, where the conviction involves the smuggling of any "depressant or stimulant drug" as defined in 21 U.S.C. 321(v).

(b) No person who commits an act prohibited by § 91.12(a) of this chapter is eligible for any certificate or rating issued under this part for a period of 1 year after the date of that act.

(c) Any conviction specified in paragraph (a) of this section, or the commission of the act referenced in paragraph (b) of this section, is grounds for suspending or revoking any certificate or rating issued under this part.

PART 91—GENERAL OPERATING AND FLIGHT RULES

3. Part 91 is amended by inserting a new § 91.12, after § 91.11, to read as follows:

§ 91.12 Flights between Mexico and the United States.

(a) Except as provided in paragraph (b) of this section, no person may operate a civil aircraft between Mexico and the United States, with knowledge that any of the following is carried in the aircraft:

(1) "Narcotic drugs" as defined in 26 U.S.C. 4731(a).

(2) "Marihuana" as defined in 26 U.S.C. 4761(2).

(3) "Depressant or stimulant drug" as defined in 21 U.S.C. 321(v).

(b) Paragraph (a) of this section does not apply to any carriage of narcotic drugs, marihuana, or depressant or stimulant drug authorized by or under any Federal statute, or by any Federal agency.

(c) Each person operating a civil aircraft on a flight between Mexico and the United States, shall comply with all of the requirements of Subpart A of Part 99 of this chapter, notwithstanding § 99.1(b) (1) and (3). If the aircraft does not have a two-way radio, that person shall, in addition to complying with § 99.1(c) of this chapter, land at the designated airport of entry nearest the point of entry into the United States, and file an arrival or completion notice.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

4. By amending Part 121 as follows:

§ 121.13 [Amended]

a. By inserting the figures "121.15," after the figures "121.11," in paragraph (a) of § 121.13.

b. By inserting a new § 121.15, after § 121.13, to read as follows:

§ 121.15 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs.

If the holder of a certificate issued under this part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

5. By inserting a new § 123.20, after § 123.19, to read as follows:

§ 123.20 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs.

If the holder of a certificate issued under this part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

6. By inserting a new § 127.22, after § 127.21, to read as follows:

§ 127.22 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs.

If the holder of a certificate issued under this part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

7. By inserting a new § 135.12, after § 135.11, to read as follows:

§ 135.12 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs.

If the holder of a certificate issued under this part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

(Secs. 307(c), 313(a), 601, 602, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422, 1423, 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on August 27, 1969.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 69-10457; Filed, Aug. 29, 1969; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 155—CITY DELIVERY

Apartment House Mail Receptacles; Correction

In the daily issue of Wednesday, August 13, 1969 (34 F.R. 13101), the Department promulgated regulations relating to security requirements and engineering tests for apartment house mail boxes. Among other requirements, the regulations provide that if a receptacle door lock extends more than $\frac{5}{8}$ inch on the inside of a vertical type box, a deflector shall be provided over the lock barrel. The effective date of this requirement is July 1, 1970. Through inadvertence the effective date of this requirement was not stated when the regulation was published. The amendment set out below will correct the oversight.

Accordingly, in § 155.6 *Apartment house receptacles*, paragraph (d)(4) is amended to read as follows:

§ 155.6 Apartment house receptacles.

* * * * *

(d) *Requirements.* * * *

(4) *Locking provisions.* (i) Each receptacle door shall be secured by a five-pin tumbler cylinder lock with a minimum of 250 key changes. The locks must be securely fastened to the door. If locks are mounted on a backing plate, the plates shall be constructed of hardened steel of proper design and thickness to preclude punching out of locks. Effective July 1, 1970, if the lock extends more than $\frac{5}{8}$ inch on the inside of a vertical type box, a deflector shall be provided over the lock barrel for the easy deposit of mail.

(ii) Each lock shall be clearly numbered on the back. The lock number shall also be clearly shown on the inside of the master door directly above the individual box to which it is attached.

(iii) The master lock shall be attached to the master door by the postmaster's representative.

* * * * *

NOTE: The corresponding Postal Manual section is 155.644.

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-10428; Filed, Aug. 29, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8–3—PROCUREMENT BY NEGOTIATION

1. Subparts 8–3.7 and 8–3.8 are added to read as follows:

Subpart 8–3.7—Negotiated Overhead Rates

Sec.
8–3.705 Procedure.

Subpart 8–3.8—Price Negotiation Policies and Techniques

8–3.800 Scope of subpart.
8–3.801 Basic policy.
8–3.801–2 Responsibility of contracting officers.
8–3.801–3 Responsibility of other personnel.
8–3.807 Pricing techniques.
8–3.807–3 Requirements for cost or pricing data.
8–3.808 Profit or fee.
8–3.808–1 General.
8–3.809 Contract audit as a pricing aid.
8–3.813 Preproduction and startup and other nonrecurring costs.

AUTHORITY: The provisions of these Subparts 8–3.7 and 8–3.8 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

Subpart 8–3.7—Negotiated Overhead Rates

§ 8–3.705 Procedure.

Contracting officers will request the Controller to audit proposed overhead rates for use in cost-reimbursement type contracts whenever the estimated amount of the contract is in excess of $100,000. In the case of smaller contracts, the contracting officer will perform a review and validation of the data submitted for accuracy and reasonableness of proposed rates. He may request the Controller, or the local hospital fiscal activity serving the contracting officer, to perform an audit or render such accounting assistance or technical advice as is deemed desirable.

Subpart 8–3.8—Price Negotiation Policies and Techniques

§ 8–3.800 Scope of subpart.

The principles set forth in FPR 1–3.8, as well as those in this subpart, on the basic policy, pricing techniques, requirements for cost or pricing data, and the evaluation and audit of cost and pricing data apply to all negotiated cost-reimbursement and negotiated firm fixed-price contracts and contract modifications. These principles also apply to annual revisions of prices under cost-reimbursement contracts as well as to the negotiation of initial prices.

§ 8–3.801 Basic policy.

§ 8–3.801–2 Responsibility of contracting officers.

(a) Contracting officers are responsible for the legal, technical and administrative sufficiency of the contracts they enter into. They will exercise reasonable care, skill, and judgment and will obtain the advice of specialists in the fields of contracting, finance, law, contract audit, engineering traffic management, and cost analysis as in their discretion is necessary to best serve the interests of the Government.

(b) When, in the opinion of the contracting officer, the complexity of the proposed contract warrants, he will submit the proposed contract to the Director, Supply Service for review and comment. When deemed advisable, the Director, Supply Service will request the General Counsel to accomplish a legal review.

§ 8–3.801–3 Responsibility of other personnel.

The controller will provide advice, assistance or cost audits as provided in §§ 8–3.705, 8–3.807–3, 8–3.809, and 8–3.813.

§ 8–3.807 Pricing techniques.

§ 8–3.807–3 Requirements for cost or pricing data.

(a) Under the circumstances prescribed in FPR 1–3.807–3, the contracting officer will require the prospective contractor to submit cost or pricing data and to certify to its accuracy and completeness. This data will be used by the contracting officer in the evaluation of the offer and in the negotiation of the contract price. The cost of pricing data is required to determine the reasonableness of the proposed price where such price is based on the cost of the proposed work. It is not required where the reasonableness of the proposed price can be determined by the contracting officer based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public or prices set by law or regulation.

(b) When cost or pricing data is required and the amount of any negotiated fixed-price or cost-reimbursement contract or contract modification is expected to exceed $100,000, the cost or pricing data, after evaluation by the contracting officer, will be forwarded to the Controller for prior audit as to the adequacy, accuracy and applicability of the costs included, except as provided in paragraph (d) of this section.

(c) In the case of smaller contract, the contracting officer will perform a review and validation of the data submitted for accuracy and reasonableness of proposed costs. He may request the Controller, or the local hospital fiscal activity serving the contracting officer, to perform an audit or render such accounting assistance or technical advice as is deemed desirable.

(d) Cost or pricing data may, but need not, be submitted to the Controller for prior audit, for the following transactions:

(1) Negotiated fixed-price contract modifications to a formally advertised fixed-price contract, where wage rates and allowance for overhead and profit are established by the contract and the units of work can be evaluated by price comparison.

(2) Negotiated fixed-price architect-engineer contracts, where the contracting officer establishes the reasonableness of the negotiated price on the basis of previous contracts of a similar nature and accomplishes an analysis of costs relating to each phase of the required work.

(3) Negotiated fixed-price or cost-reimbursement utility connection or site facility agreements, developed by the Office of Construction, representing contracts for the construction of service facilities or site clearance where cost data submitted (construction cost estimates) will be evaluated by design and cost engineering staffs of the Office of Construction.

§ 8–3.808 Profit or fee.

§ 8–3.808–1 General.

If a profit or fee is involved, it must be established as a dollar amount and not as a percentage of the cost estimate, in order to avoid the cost-plus-a-percentage-of-cost system of contracting which is not legal (see FPR 1–3.401(b)). Once established, the profit or fee cannot be escalated during the period of the contract. However, when a change order materially affects the scope of the work, an additional profit or fee or an appropriate reduction may be negotiated.

§ 8–3.809 Contract audit as a pricing aid.

The Controller, or a recognized audit agency, e.g., the Defense Contract Audit Agency, at the request of the Controller, will provide advisory audits, special surveys or audit analysis of price or cost, when required by this Subpart 8–3.8 or when assistance is requested by the contracting officer.

§ 8–3.813 Preproduction and startup and other nonrecurring costs.

In evaluating startup and other nonrecurring costs, the extent to which these costs are included in the proposed price and the intent to absorb or recover any such costs in any future noncompetitive procurement or other pricing action will be determined. The contracting officer will ascertain, with the assistance of the Controller as required or considered necessary, that payment of such costs is not duplicated. For example, cost of equipment paid for by the Government through a setup or connection agreement will not be included in depreciation costs of a subsequently negotiated agreement.

AUTHORITY: The provisions of this Subpart 8–4.4 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

Subpart 8–4.4—Public Utilities

§ 8–4.406 Procurement policy and regulations.

§ 8–4.406–2 Agency supply arrangements.

(a) When formal bilateral written contracts are required by FPR 1–4.410–2 or 1–4.410–3 and GSA areawide contracts are not available, the contracting officer will determine whether GSA long-term contracts or consolidated purchase, joint use, or cross-service agreements would be in the best interests of the Government. In making this determination, the contracting officer will contact all suppliers of the required utility service to establish the most advantageous rate available under short-term and long-term contracts. Other agencies and installations in the area will be contacted to compare rates offered under similar circumstances and to evaluate the benefits of consolidated purchase or joint use agreements.

(b) Technical advice and consulting assistance is available from GSA, as provided by FPR 1–4.404.

§ 8–4.407 GSA areawide contracts.

When a GSA areawide contract for the required utility service is available, utility services will be procured thereunder as provided by FPR 1–4.407, unless special rates can be negotiated under the areawide contract or a separate contract. When provided in the areawide contract, connection agreements may also be obtained thereunder.

§ 8–4.408 GSA long-term contracts.

(a) If the contracting officer determines that a GSA long-term contract may be justified in accordance with the provisions outlined in FPR 1–4.408, GSA will be requested to negotiate a long-term contract.

(b) The request will be submitted to General Services Administration, Transportation and Communications Service, Public Utilities Division, Washington, D.C. 20405. It will state the reason a long-term contract is believed justified and will include the following information:

(1) Copy of existing contract or agreement.

(2) Copies of all current rate schedules.

(3) Record of past 12 months usage, preferably in the form of copies of bills or invoices.

(4) Statement regarding any anticipated or planned future changes.

(5) Point and characteristics of delivery.

(6) Statement covering equipment or connection requirements and ownership.

(7) Names and addresses of all suppliers, both regulated and unregulated, of the required service.

§ 8–4.409 Consolidated purchase, joint use, or cross-service.

If a consolidated purchase, joint use, or cross-service agreement would be advantageous, an appropriate memorandum of understanding will be entered into, as provided by FPR 1–4.409. GSA assistance will be provided when requested.

§ 8–4.410 Independent procurement by executive agencies.

When GSA areawide contracts are not available and GSA long-term contracts, consolidated purchase, joint use, or cross-service agreements are not consummated, the contracting officer will obtain required utility services and/or connections as provided by FPR 1–4.410.

§ 8–4.410–5 Uniform clauses for utility service contracts.

(a) When a contract for utility services or connections is negotiated, the contract may be executed on Standard Form 33, Solicitation, Offer, and Award. A contract form used by a company may be accepted and made a part of the proposal by attachement and inclusion of the following reference in the proposal:

Contract form is attached hereto and is made a part hereof, it being understood that no provisions contained therein which are contrary to laws and regulations governing the disbursements of funds of the United States of America will be binding upon the Government.

(b) In addition to the clauses prescribed in FPR 1–4.410–5, the following clauses will be included, as applicable:

(1) Changes in rates (§ 8–7.150–7).

(2) Termination. (When a termination clause is appropriate, it will be written to cover the needs of the specific contract, conforming to the principles of FPR 1–8.7 insofar as practical.)

(3) Certification of nonsegregated facilities (FPR 1–12.803–10).

(c) Negotiated cost-reimbursement and fixed-price contracts will also include the following clauses, when required by the referenced FPR section:

(1) Negotiated overhead rates (FPR 1–3.704).

(2) Certificate of current cost of pricing data (FPR 1–3.807–4).

(3) Subcontracting considerations in cost analysis (FPR 1–3.807–10).

(4) Contract clauses (FPR 1–3.814).

§ 8–4.411 Prior review of certain proposed procurements.

§ 8–4.411–2 Prior review by GSA.

Except as provided in § 8–4.411–3, proposed utility procurements meeting the criteria of FPR 1–4.411–1 will be forwarded to General Services Administration, Transportation and Communications Service, Public Utilities Division, Washington, D.C. 20405, for prior review.

§ 8–4.411–3 Alternative prior review by the procuring agency.

Prior review of contracts for utility connections and contracts for combined utility connections and services consum-

mated by the designated contracting officer(s) in Central Office will be made by technical, legal and administrative personnel in the Office of Construction, when required by FPR 1-4.411-1.

These regulations are effective immediately.

Approved: August 25, 1969.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69-10413; Filed, Aug. 29, 1969; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4677]

[Utah 7681]

UTAH

Partial Revocation of Public Water Reserve

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of April 29, 1912, creating Public Water Reserve No. 5, Utah No. 3, is hereby revoked so far as it affects the following described lands:

SALT LAKE MERIDIAN

T. 10 N., R. 15 W.,
Sec. 5, S½SW¼;
Sec. 6, S½SE¼;
Sec. 8, N½NW¼.

The area described contains 240 acres in Box Elder County, of which 80 acres are patented.

The land is located 20 miles southwest of Park Valley, Utah. The elevation is 5,000 feet. The soil is a deep clay loam. The vegetative cover consists of a shadscale, greasewood type.

2. At 10 a.m. on October 1, 1969, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 1, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to location for nonmetalliferous minerals at 10 a.m. on October 1, 1969. It has been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals.

Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 26, 1969.

[F.R. Doc. 69-10383; Filed, Aug. 29, 1969; 8:45 a.m.]

[Public Land Order 4678]

[Sacramento 1550; 2224]

CALIFORNIA

Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The order of the Bureau of Reclamation of October 23, 1947, concurred in by the Bureau of Land Management on November 6, 1947, withdrawing lands for the Central Valley Project is hereby revoked so far as it affects the following described lands:

[Sacramento 1550]

MOUNT DIABLO MERIDIAN

T. 33 N., R. 2 W.,
Sec. 8, N½SE¼ and SE¼SE¼;
Sec. 18, SE¼.

The areas described aggregate approximately 280 acres in Shasta County.

2. The departmental order of May 8, 1913, withdrawing lands for the Truckee-Carson Project, is hereby revoked so far as it affects the following described lands:

[Sacramento 2224]

MOUNT DIABLO MERIDIAN
TOIYABE NATIONAL FOREST

T. 10 N., R. 18 E.,
Sec. 2, E½SE¼;
Sec. 12, SE¼SW¼;
Sec. 23, NE¼SW¼ and SE¼SE¼;
Sec. 24, NW¼NW¼.

The areas described aggregate approximately 240 acres in Alpine County.

3. At 10 a.m. on October 1, 1969, the public lands described in paragraph 1 of this order will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law and procedures. All valid applications received at or prior to 10 a.m. on October 1, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the U.S. mining laws (30 U.S.C., Ch. 2), at 10 a.m. on October 1, 1969.

4. The lands described in paragraph 2 of this order are part of the Toiyabe National Forest. The NE¼SW¼ sec. 23, T. 10 N. R. 18 E., is withdrawn in the Red Lake Reservoir Site No. 14, effective August 18, 1894, under the authority of the act of October 2, 1888 (25 Stat. 526; 43 U.S.C. 662). Excepting the said NE¼SW¼ sec. 23, at 10 a.m. on October 1, 1969, the remaining lands shall be open to such forms of disposition as may by law be made of national forest lands.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 26, 1969.

[F.R. Doc. 69-10384; Filed, Aug. 29, 1969; 8:46 a.m.]

[Public Land Order 4679]

[Utah 0145693]

UTAH

Partial Revocation of National Forest Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 2354 of April 27, 1961, withdrawing national forest lands as administrative sites and recreation areas, is hereby revoked so far as it affects the following described lands:

SALT LAKE MERIDIAN

FISHLAKE NATIONAL FOREST

Monroe Canyon Picnic Area

T. 25 S., R. 3 W.,
Sec. 25, W½SW¼SW¼;
Sec. 26, E½SE¼SE¼;
Sec. 36, NW¼NW¼NW¼.

The areas described aggregate 50 acres in Sevier County.

2. At 10 a.m. on October 1, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 26, 1969.

[F.R. Doc. 69-10385; Filed, Aug. 29, 1969; 8:46 a.m.]

[Public Land Order 4680]

[Idaho 2377]

IDAHO

Withdrawal for Lower Granite Lock and Dam Project

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Lower Granite Lock and Dam Project, Department of the Army:

BOISE MERIDIAN

T. 35 N., R. 6 W.,
Unsurveyed island opposite lot 1, sec. 12.

The island contains 7.17 acres, more or less, in Nez Perce County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 26, 1969.

[F.R. Doc. 69-10386; Filed, Aug. 29, 1969; 8:46 a.m.]

[Public Land Order 4681]

[Oregon 3441]

OREGON

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The departmental order of August 16, 1905, withdrawing lands for the Umatilla Project, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 5 N., R. 29 E.,
Sec. 34, S½NW¼.

Containing 80 acres in Umatilla County.

The lands are included in allowed entries under the desert land laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 26, 1969.

[F.R. Doc. 69-10387; Filed, Aug. 29, 1969; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Amount, Duration, and Scope of Medical Assistance

Section 249.10(b)(15)(vii) is revised to read as follows:

§ 249.10 Amount, duration, and scope of medical assistance.

* * * * * * *

(b) *Federal financial participation.* * * *

(15) * * *

(vii) Effective only until January 1, 1970, personal care services in a recipient's home prescribed by a physician in accordance with a plan of treatment and rendered by an individual, not a member of the family, certified by a physician as being qualified to perform such services.

* * * * * * *

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. This revision shall be effective on the date of its publication in the FEDERAL REGISTER.

Dated: August 11, 1969.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: August 26, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-10425; Filed, Aug. 29, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 906]

GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Handling

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of grapefruit by establishing minimum grades and sizes, pursuant to § 906.40 *Issuance of regulations*, which were recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations by the Texas Valley Citrus Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of grapefruit from the production area are expected to begin on or about September 15, 1969. The grade and size requirements provided herein are necessary to prevent the handling on and after September 15, 1969, of any grapefruit of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. In addition, grapefruit must be inspected and certified no later than 48 hours prior to shipment.

Such proposal reads as follows:

§ 906.343 Grapefruit Regulation 21.

(a) Order:

(1) During the period September 15, 1969, through September 14, 1970, no handler shall handle:

(i) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. No. 1 Bronze; or U.S. No. 2;

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than $3^{9}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than $3^{9}/_{16}$ inches in diameter; or

(iii) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(b) All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.658 of this title).

Dated: August 26, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-10406; Filed, Aug. 29, 1969; 8:47 a.m.]

[7 CFR Part 906]

ORANGES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Handling

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of oranges by establishing minimum grades and sizes, pursuant to § 906.40 *Issuance of regulations*, which were recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations by the Texas Valley Citrus Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of oranges from the production area are expected to begin on or about September 15, 1969. The grade and size requirements provided herein are necessary to prevent the handling on and after September 15, 1969, of any oranges of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. In addition, such oranges must be inspected and certified no later than 48 hours prior to shipment.

Such proposal reads as follows:

§ 906.344 Orange Regulation 21.

(a) Order:

(1) During the period September 15, 1969, through September 14, 1970, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination, with not less than 60 percent, by count, of the oranges in each container thereof grading at least U.S. No. 1 grade and the remainder grading U.S. No. 2; or U.S. No. 2.

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than $2^{6}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than $2^{6}/_{16}$ inches in diameter; or

(iii) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(b) All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

Dated: August 26, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-10407; Filed, Aug. 29, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83, 85]

[Docket No. 18632; FCC 69-873]

MARITIME SERVICES AND PUBLIC FIXED STATIONS IN ALASKA

Establishment of Schedule of Dates, Technical Standards, Frequencies and Other Requirements for Use of Radiotelephony, Radiotelegraphy and Single Sideband Emissions on Certain Frequencies

In the matter of amendment of Parts 2, 81, and 83 and the deletion of Part 85 to establish for the State of Alaska a schedule of dates, technical standards, frequencies, and other requirements for the use of radiotelephony, radiotelegraphy, and single sideband emissions on frequencies below 4000 kc/s, for the maritime services in Alaska, and below 12,000 kc/s, for Alaska-public fixed stations, and to make other incidental rule changes; Docket No. 18632.

1. In Docket No. 15068, released July 27, 1964, the Commission established technical standards, applicable to frequencies above and below 4000 kc/s, for the use of single sideband in the Maritime Services. In that proceeding the Commission established a schedule of dates for mandatory conversion from double sideband emission (DSB) to single sideband (SSB) on frequencies between 4000 kc/s and 27,500 kc/s. Further, while the Commission encouraged users of radiotelephony, on a voluntary basis, to convert to SSB on frequencies below 4000 kc/s, it did not make such conversion mandatory.

2. The Commission released a series of six notices of inquiry (Docket No. 16440) in the matter of preparation for a World Administrative Radio Conference (WARC) of the International Telecommunication Union (ITU) to consider amendment of the International Radio Regulations (IRR) presently applicable to the maritime services. Agenda Item 1 of the WARC provided for consideration of the use of SSB technique in the maritime mobile service in the bands available to that service between 1605 and 4000 kc/s, among others.

3. The WARC was held at Geneva, Switzerland, between the dates of September 18, and November 3, 1967. That conference adopted widespread revisions of the IRR bearing on the maritime mobile service. The Commission has four rule making proceedings that provide for orderly conversion and/or implementation of these revised regulations, as follows:

Docket No. 17295: Amendment of Parts 2, 81, and 83: Reduction of channel spacing to 25 kc/s, allotment of channels, establishment of revised technical criteria and categories of communication in the maritime mobile service band 156–162 Mc/s for VHF radiotelephony (Report and order released July 25, 1968);

Docket No. 18218: Amendment of Parts 2, 81, and 83: To establish a schedule of dates, revised technical standards, frequencies, and other requirements for the orderly transition of ship and coast radiotelegraph stations from present frequency assignments in the low, medium, and high frequency bands to new assignments within allotments and/or frequency usage as adopted by the ITU World Administrative Radio Conference on marine matters, Geneva, 1967 (Report and order released Jan. 28, 1969);

Docket No. 18271: Amendments of Parts 2, 81, 83, and 85: To effect orderly shifts from present double sideband (DSB) and/or single sideband (SSB) to new (replacement) frequencies; to establish a revised schedule of dates, technical standards, frequencies, and other requirements for the transition of ship and coast stations from DSB to SSB radiotelephony on frequencies within the revised frequency allotments adopted by the World Administrative Radio Conference, Geneva—1967, for the exclusive HF maritime mobile service bands between 4 and 23 Mc/s (Notice of proposed rule making released Aug. 8, 1968); and

Docket No. 18307: Amendment of Parts 2, 81, and 83: To establish a schedule of dates, technical standards, frequencies and other requirements for the use of single sideband radiotelephony on frequencies below 4000 kc/s in the Maritime Services, and to make other incidental rule changes, except in Alaska and the Great Lakes (Notice of proposed rule making released Sept. 12, 1968).

4. Except for the proceeding in Docket No. 18307, these rule making actions apply to all geographic areas of Commission jurisdiction. The proceeding in Docket No. 18307, however, was made not applicable to Alaska because of the complexity and scope of action required. The increased complexity in the case of Alaska arises from necessity to develop two frequency plans, one for the maritime services and one for the system of Alaska-public fixed stations. Further, the system of Alaska-public fixed stations provide a service which is not paralleled elsewhere in the United States and, therefore, lends itself to separate solution. The scope of action required in the case of Alaska is greater, because of the applicability to Alaska of a separate part (Part 85) of the FCC rules, and the Commission's intent and desire to bring the rules applicable to Alaska into accord with rules for the other 49 States. Inclusion of Alaska in rules applicable to the other 49 States will facilitate Commission Administrative functions. Further, as a practical matter, this action will remove divergencies between the rules applicable to Alaska and those applicable to the other 49 States. It is not envisaged that this action will impose unique hardship upon Commission licensees in Alaska; or, that Alaska will be exempt from programs applicable to the other 49 States.

5. Turning now to the actions of the WARC, the schedule for mandatory conversion from DSB to SSB, as adopted by that conference, for the band 1605–4000 kc/s, states that administrations shall:

Discontinue new installations of DSB in ship stations at the earliest possible date after April 1, 1969; and prohibits such installations after January 1, 1973;

Equip coast stations for SSB operation at the earliest possible date and discontinue use of DSB as early as possible, but not later than January 1, 1975;

Until January 1, 1982, require coast and ship stations equipped for SSB to be equipped also to transmit class A3H emission compatible with reception of DSB. The requirement to provide class A3H emission on 2182 kc/s is continued indefinitely;

After January 1, 1982 (except for 2182 kc/s, selective calling and safety messages on 2170.5 kc/s, and emergency position-indicating radio beacons), authorize the use of class A3A and A3J;

Not authorize use of class A3H emission on SSB channels in the lower part of previous DSB channels.

6. At the WARC, only a few administrations indicated that they were experiencing congestion and interference on 2 Mc/s frequencies to a degree similar to that existing in U.S. waters. The mandatory dates for completion of conversion to SSB were, accordingly, extended over a 14-year period. Nonetheless, in recognition of the need of some administrations for conversion at an earlier time, the WARC urged that the use of DSB be discontinued aboard ship stations and at coast station and that coast stations be equipped for SSB operation at the earliest possible date.

7. The Commission has given extended consideration to known practical measures to meet the needs of vessels operating in U.S. waters for short-distance radiotelephony communication in the Maritime Services. As explained in its proceeding in Docket No. 17295, the Commission is proposing a two-step program to effect improvements in radiotelephony communication in the Maritime Services. The first of these steps was adopted in the above referenced Docket No. 17295, in regard to use of very high frequencies (VHF–FM). The second step is set forth herein.

8. The matter of congestion on maritime radiotelephony frequencies in the band 1605–4000 kc/s is well recognized and has received wide documentation in trade publications over an extended period of time. This congestion accrues from the large number of users; the small number of frequencies available;

the characteristic of the modulation technique (double sideband) used; and undesired ionospheric propagation at distances beyond the range of desired communication. There are, of course, other factors which contribute in a lesser degree to this congestion.

9. The major consequence of the congestion on radiotelephony 2 Mc/s channels, and about which the Commission is most apprehensive, is the substantial lowering of the distance over which communication is effective; and, in turn, the adverse affect which this reduced range has upon the maritime safety system. With an increased number of vessels in operation, which are equipped for use of radio, the effective communication range obtained on these frequencies, and on 2182 kc/s in particular, must be sufficient to permit a satisfactory functioning of the maritime radio safety system.

10. From the technical and practical point of view, the communication range of 2 Mc/s can be greater than VHF if the congestion and interference are removed (from 2182 kc/s in particular). The realization of this communication capability would permit 2182 kc/s to be used effectively for the function for which it was allotted, that is, as the international distress and calling frequency on a worldwide basis. In weighing the relative safety needs of the category of user which is within VHF range of shore, but who uses 2 Mc/s; versus the category of user which is beyond VHF range of shore and has no alternative medium; it is necessary to give preference to the latter category, the user which is beyond VHF range of shore. To do this, it is necessary to impose limitations in regard to availability of 2 Mc/s to the former category, the user which is within VHF range of shore.

11. In order to increase the number of channels, to reduce congestion and interference, to establish VHF as the short-distance communication system in U.S. waters, to effect needed improvements in communications, to enhance the maritime radio safety system, and to provide for future use of VHF, the Commission herein proposes (a) a schedule of dates for converting DSB to SSB; and (b) a limitation on availability and use of frequencies in the band 2000–3400 kc/s. These proposals are outlined as follows:

Ship stations. Availability of 2 Mc/s to ship stations would be limited to those vessels which are equipped with VHF and which operate at distances from shore which are beyond VHF range. This is fitted into the schedule of conversion to SSB as follows:

(a) Until January 1, 1971, DSB will continue to be authorized as at present;

(b) After January 1, 1971, new installations aboard ship stations will be authorized use of SSB only where such ship stations are equipped also with VHF;

(c) During the period January 1, 1971, to January 1, 1977, installations of 2 Mc/s DSB, authorized prior to January 1, 1971, will be amortized; and

(d) After January 1, 1977, use of 2 Mc/s radiotelephony will be limited to SSB and will be available only to vessels which are equipped also with VHF.

Coast stations. The effect of the various amendments proposed for coast stations is as follows:

(a) To continue to authorize installation of DSB until January 1, 1971;

(b) Until January 1, 1971, transmission of SSB would be permissive; after January 1, 1971, capability to use full carrier, reduced carrier, and suppressed carrier emissions would be required;

(c) On the international distress and calling frequency 2182 kc/s, require capability: until January 1, 1971, to transmit DSB or SSB (A3H) and receive DSB and SSB (A3H); during the period January 1, 1971, to January 1, 1977, to transmit SSB (A3H) and receive DSB and SSB (A3H).

(d) After January 1, 1977, except for safety communications and where communications requirements cannot be fulfilled by VHF, frequencies in the band 2000–2850 kc/s will not be available for use in ports and harbors, on lakes or rivers, or for communication involving passage of ships through locks, bridge areas, or Government controlled waterways.

12. The proposed schedule of conversion to SSB for public coast and Alaska-public fixed stations provides a common changeover date, i.e., January 1, 1971. This common date is based on the understanding that much of the equipment used for public coast communications is also used for Alaska-public fixed communications. On this basis, there would be no burden imposed upon the licensee by a common date. There is, however, benefit from application of this common earlier date (as contrasted to the date of Jan. 1, 1977, which is applicable to ship stations), since the additional frequencies would become available to all users 6 years earlier.

13. In regard to conversion of ship stations from DSB to SSB, since specific transmitters are not listed on ship station licenses, adjustments will be made to the Commission's Radio Equipment List in regard to equipments acceptable for licensing under Part 83 of the rules. Type acceptance will be withdrawn,[1] effective January 1, 1971, for DSB transmitters operating in the band 2000–3400 kc/s. The installation of DSB transmitters for which type acceptance has been withdrawn will not be authorized after that date. *Provided, however,* That in a ship radio station authorized to operate on frequencies in the band 2000–3400 kc/s, DSB equipment may continue to be authorized for a period not to extend beyond January 1, 1977, where the license was granted prior to January 1, 1971, and has not expired, been canceled, or revoked.

[1] The specific procedure will be to add a note in the Radio Equipment List to DSB transmitters indicating nonacceptability for new installations after Jan. 1, 1971, and deleting all use after Jan. 1, 1977.

14. The Commission does not propose, in this proceeding, to decide whether full carrier (A3H) emission on frequencies other than 2182 kc/s should be available to coast stations during the period January 1, 1977, to January 1, 1982. If circumstances immediately prior to January 1, 1977, indicate it is operationally feasible to do so, it is, of course, desirable to relieve coast stations of a requirement to provide full carrier (A3H) on frequencies other than 2182 kc/s. A decision in that regard would take account, particularly, of the status of progress made by ships of other countries, which have need to communicate with U.S. coast stations, to convert from DSB to SSB. Based on the actual situation then existing, such rule making could be developed during the latter part of 1976.

15. The Commission is proposing reduction of the authorized bandwidth for emissions A3A, A3H, and A3J on frequencies in the 2000–3400 kc/s band from 3.50 to 3.00 kc/s. The carrier of the lower-half channel SSB frequency has been positioned to correspond with this reduced bandwidth, i.e., 3.00 kc/s below the DSB carrier which now appears in Parts 81 and 83. The reduction in authorized bandwidth in the band 2000–3400 kc/s is the consequence of (a) the large number of current assignments, both Government and non-government, which over the years have been progressively squeezed into this band; and (b) to the extent practicable, the need to obtain and provide the maximum possible number of channels in this band.

16. The technical specifications for SSB proposed herein are designed to conform with plans for SSB use which have developed during the past 12 years and coordinated with other Government agencies and international organizations such as the CCIR and ITU.

17. Technical feasibility appears to rule out the simultaneous use by a single coast station of both upper-half SSB channel and lower-half SSB channel, as derived from one DSB channel after conversion to SSB. Set forth below, to the extent practicable, the Commission has endeavored to provide the maximum feasible separation between locations to which the lower-half channel is allotted (see §§ 81.307, 81.308, 81.708, 81.709, 81.710, 83.370, 83.372, and 83.371).

18. The proposed amendment of § 83.134 will provide for the use aboard ship stations of a maximum transmitter power on the intership frequencies 2170.5 and 2191 kc/s, which does not exceed the power which may be used on 2182 kc/s.

19. The revised list of intership frequencies in Part 83 includes those SSB frequencies which will be available following conversion from DSB to SSB. As indicated in footnote 1 to § 83.358, the Commission is not proposing to designate, at this time, the specific intership use which is to be made of the newly created SSB channels, following conversion of the currently available DSB channels to SSB.

20. On the other hand, the WARC made permissible the use of eight frequencies in the 2065–2107 kc/s band for single sideband radiotelephony, limited to emissions A3A and A3J. As indicated in footnote 2 to § 83.358, it is expected that only a portion of these (eight) frequencies will be available for use in the United States. The selected frequencies are expected, however, to be available for assignment immediately following finalization of rule making in this proceeding.

21. Based on available information, it now appears that various facilities of the U.S. Air Force Alaska Communication System (ACS) will be sold to a commercial enterprise in the near future and, thereafter, will be licensed by the Commission. While the effective date of the transfer of ACS facilities is not known, it appears this transfer will be completed prior to termination of this proceeding. Therefore, to provide for future licensing, the proposed amendments of Part 81 include coast station and Alaska public-fixed station frequencies currently operated by the ACS. These frequencies will not be available for assignment by the Commission until after the transfer of ACS facilities has been completed.

22. General Order No. 79 of the Federal Radio Commission, adopted December 20, 1929, authorized use of both radiotelephony and radiotelegraphy on seven frequencies for ship-to-shore and coast station communications. That order also provided for use of both radiotelephony and radiotelegraphy on five frequencies for short-distance point-to-point communications. In the years which followed, the rules have continued the availability of both radiotelephony and radiotelegraphy on public coast, ship station and Alaska-public fixed frequencies. Available information indicates radiotelegraphy has not been used on public coast and Alaska-public fixed frequencies, above 1605 kc/s, for a substantial number of years. Further, we are advised that current installations do not provide for the use of radiotelegraphy. In keeping therewith the Commission proposes in the appended rules to delete availability of radiotelegraphy on frequencies above 1605 kc/s in the Alaska area.

23. An application for modification submitted solely for a frequency change that is necessary to comply with the rule amendments adopted herein may be submitted without a fee.

24. The proposed amendments, as set forth below, are issued pursuant to the authority contained in section 303 (c), (f), (g), and (r) of the Communications Act of 1934, as amended.

25. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 29, 1969, and reply comments on or before October 10, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

26. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: August 13, 1969.

Released: August 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, is amended as follows:

§ 2.106 [Amended]

1. Section 2.106, for the frequency bands 2170–2194 kc/s, is amended in columns 7–11 to read as follows:

Band (kc/s)	Service	Class of station	Frequency	Nature of stations	OF SERVICES
7	8	9	10	11	
• • •	• • •	• • •	• • •	• • •	
2170–2173.5	MARITIME MOBILE.	Ship.		MARITIME MOBILE.	
2173.5–2190.5 (201)	MOBILE.	Aircraft. Coast. Ship. Survival craft.		AERONAUTICAL MOBILE (telephony). MARITIME MOBILE (telephony). (NG22).	
			2182	Distress and calling frequency.	
2190.5–2194	MARITIME MOBILE.	Ship.		MARITIME MOBILE.	

• • • • • •

2. Footnotes to the Table, Geneva Footnotes, number (201) is amended to read as follows:

(201) The frequency 2182 kc/s is the international distress and calling frequency for radiotelephony. The conditions for the use of the band 2170–2194 kc/s are prescribed in Article 35.

A. Part 81, Stations on Land in the Maritime Services, is amended as follows:

1. The title of Part 81 is amended to read as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

2. A new § 81.9 is added to read as follows:

§ 81.9 Alaska-public fixed.

(a) *Alaska area.* For the purpose of frequency assignments to radio services and stations governed by this part, the Alaska Area is defined as follows:

The area bounded by a line extending due west—from the end of the southernmost boundary line between Canada and the mainland of southeastern Alaska—to 131° west longitude, thence due south to 54°30′ north latitude, thence due west to 142° west longitude, thence due south to 50° north latitude, thence due west to 165° west longitude, thence due south to 47° north latitude, thence due west to the boundary line between Regions 2 and 3 (as this line is defined by the Geneva Radio Regulations, 1959), thence generally northward along this boundary line to 60° north latitude, thence due east to 135° west longitude, thence due south to 70° north latitude, thence due west to 140° west longitude, thence generally southwest to the northern end of the boundary line between the mainland of northern Alaska and Canada, thence following the boundary line between Alaska and Canada to the southernmost point of this line in southeastern Alaska.

NOTE: Reference hereafter in this part to the "Alaska area" includes all of the "Zones" defined in paragraph (b) of this section.

(b) *Alaska zones.* For the same purpose expressed in paragraph (a) of this section, the Alaska area is subdivided into six zones, defined as follows:

Zone 1. That portion of the Alaska area east of 142° west longitude and south of 61° north latitude.

Zone 2. That portion of the Alaska area bounded on the east by a line south of 61° north latitude which coincides with 142° west longitude, and by a line north of 61° north latitude which coincides with the boundary line between Alaska and Canada, and by a line coinciding with 61° north latitude which joins those two lines; and bounded on the west by a line south of 62° north latitude which coincides with 149° west longitude, thence running due south to 60° 30′ north latitude, thence due west to 150° west longitude, thence due south to the southern limit of the Alaska area, and bounded on the north by a line coinciding with 62° north latitude.

Zone 3. That portion of the Alaska area bounded on the north by a line which coincides with 62° north latitude and extends eastward from 155° west longitude to 149° west longitude, thence due south to 60°30′ north latitude, thence due west to 150° west longitude, thence due south to the southern limit of the Alaska area, thence westward to 155° west longitude, thence due north to 62° north latitude.

Zone 4. That portion of the Alaska area west of 155° west longitude which is bounded on the north by a line coinciding with 62° north latitude extending due west to 164° west longitude, thence bounded on the west by a line coinciding with 164° west longitude extending due south to 58° north latitude, thence bounded on the north by a line coinciding with 58° north latitude extending due west to the western boundary of the Alaska area.

Zone 5. That portion of the Alaska area west of 155° west longitude which is not included in Zone 4.

Zone 6. That portion of the Alaska area east of 155° west longitude and north of 62° north latitude.

NOTE: The following diagram illustrates the subdivision of Alaska into the six zones.



ALASKA
Frequency Assignment Zones

(c) *Alaska Communication System or ACS.* The telecommunication system within Alaska and between Alaska and other areas which is operated by the U.S. Air Force to provide public correspondence by means of common carrier coast stations and fixed stations.

(d) *"Common carrier" or "carrier".* "Common carrier" or "carrier" means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to the Communications Act of 1934, as amended; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

(e) *Alaska-public fixed station.* A fixed station in Alaska, which is open to public correspondence and is licensed by the Commission for radio-communication between specified fixed points in Alaska exclusively.

(f) *Point of communication.* This term, when applied to an Alaska-public fixed station, means a specified fixed station or specified geographic location with which such station is authorized to communicate.

3. Section 81.24 is amended to read as follows:

§ 81.24 Application precedent to authorization.

(a) Except as otherwise provided in §§ 81.26 and 81.41, no authorization will be granted for use or operation of any radio station on land in any service governed by this part, nor for any change in station control, facilities, services, equipment, or antenna, unless formal written application therefor in proper form first is filed with the Commission.

(b) Standard forms are prescribed herein for use in connection with the majority of applications submitted for Commission consideration. These forms may be obtained without cost from the Commission at Washington, D.C. 20554, or from any of its field offices.

(c) Except as otherwise permitted by this part, a separate application shall be filed in respect to each station and service subject to this part.

(d) Except as otherwise provided by this section, each application for radio station authorization, and all correspondence relating thereto, shall be submitted in duplicate (unless otherwise specified in a particular case or with respect to a particular form) to the Commission's main office in Washington, D.C.

(e) Each application for construction permit, license, or modification of construction permit or license, for an Alaska-public fixed station or coast station in the Alaska area, including correspondence relating thereto, shall be filed in triplicate with the Commission's Engineer in Charge at Seattle, Wash. 98104.

(f) Except as otherwise provided in §§ 81.32 and 81.41, an application should be filed at least 60 days prior to the earliest date on which it is desired that the requested authorization be granted by the Commission in order that action thereon may be taken by that date.

(g) The application shall be specific and complete with regard to the information required in the application form, or otherwise specifically requested by the Commission.

(h) All applications for renewal of station license (when continued operation without change is desired) shall be filed with the Commission.

(i) An application by a corporation for a construction permit for an Alaska-public fixed station or a public coast station in the Alaska area proposing to establish common carrier radio facilities must (unless previously filed with the Commission) be accompanied by a copy of the applicant's charter, acts of incorporation, or articles of incorporation certified by the Secretary of the State of the place of incorporation, or certified otherwise by an appropriate public official.

4. In § 81.40, new paragraphs (c) and (d) are added to read as follows:

§ 81.40 One application for plurality of stations.

* * * * *

(c) In addition to the provisions of paragraphs (a) (3) and (4), and (b) of this section, one application may be submitted by the same applicant to cover an Alaska-public fixed station and a public coast station at the same location in the Alaska area in the following categories:

(1) Application for construction permit;

(2) Application for license;

(3) Application for modification of construction permit or license when the desired modification will apply similarly to both classes of station;

(4) Application for renewal of license.

(d) The provisions of paragraph (c) of this section shall apply on condition that the respective fixed and coast stations covered by each application are clearly identified therein and all of the required information in respect to each class of station is included therein.

5. In § 81.68, new paragraphs (d) and (e) are added to read as follows:

§ 81.68 One authorization for plurality of stations.

* * * * *

(d) Unless otherwise determined by the Commission, one construction permit or one station license may be issued to authorize the construction, or use and operation, respectively, of an Alaska-public fixed station and a public coast station in the Alaska area when:

(1) The licensee or permittee of each class of station is the same;

(2) The location of each class of station is identical;

(3) The conditions which establish and maintain control of each class of station by the permittee or the station licensee are the same.

(e) Whenever a single station authorization is issued in accordance with paragraph (d) of this section, distinction will be shown in each such document as may be necessary in respect to the details of authorization for each service and each class of station except as these may be otherwise established by applicable rules and regulations of the Commission. Unless the station authorization provides otherwise, the same radio transmitting apparatus may be used for both fixed service and maritime mobile service whenever it is capable, by reason of

frequency tuning range, technical adjustment, power, frequency stability and emission of being so used.

6. In § 81.74, paragraph (a) is amended by the addition of footnote 1, to read as follows:

§ 81.74 Notice of involuntary discontinuance, reduction, or impairment of service.

(a) If, for any reason beyond the control of the station licensee, the service provided by a public coast station is discontinued, reduced or impaired for a period exceeding 24 hours, the station licensee shall immediately notify[1] the Commission at Washington, D.C. 20554, and the Commission's Engineer in Charge of the radio district in which the station is located. In such cases, the licensee shall furnish full particulars as to the reasons for such discontinuance, reduction or impairment of service including a statement as to when normal service is expected to be resumed. In the event such changes in station operation include discontinuance, reduction or suspension of a watch normally kept on 500 kc/s or 2182 kc/s, immediate notification[1] thereof shall be given by the station licensee to the nearest district office of the U.S. Coast Guard and to the Commission's Engineer in Charge of the radio district in which the station is located together with notification of the estimated or known time of resumption of such watch. When normal service is resumed, immediate notification[1] thereof shall be given to the Commission at Washington, D.C. 20554, and to the Commission's Engineer in Charge of the radio district in which the station is located. When the watch to which reference is made herein is resumed, immediate notification[1] thereof shall be given to the Coast Guard and the Commission's Engineer in Charge.

[1] In the Alaska area, notification shall be given to the U.S. Coast Guard office in Juneau, Alaska, or to the nearest office or station of the Alaska Communication System that can be contacted via available channels of communication (preferably by wire or radio) and to the Commission's Engineer in Charge at Anchorage, Alaska.

7. Section 81.75 is amended by addition of footnote 1, to read as follows:

§ 81.75 Notice of voluntary discontinuance, reduction, or impairment of service.

When the service of any station subject to this part (other than a marine-utility station or a shipyard mobile station) is discontinued, reduced or impaired for any reason within the control of the station licensee, immediate notification[1] thereof shall be given to the Commission's Engineer in Charge of the radio district in which the station is located, together with, in the case of suspension, a statement of the estimated or known time of resumption of normal service. In the case of a public coast station, such notification shall be given as soon as practicable. In respect to any other class of station (except a marine-utility station or a shipyard mobile station) subject to this part, such notification need be made only when the discontinuance, reduction, or impairment of service continues for a period of more than 10 days. In the event any voluntary suspension, reduction, or discontinuance operation includes discontinuance, reduction, or suspension of a watch normally kept by any coast station on 500 kc/s or 2182 kc/s, immediate notification[1] thereof shall be given by the station licensee to the nearest district office of the U.S. Coast Guard and to the Commission's Engineer in Charge of the radio district in which the station is located, together with notification of the estimated or known time of resumption of any such watch that has been suspended.

[1] In the Alaska area, notification shall be given to the U.S. Coast Guard office in Juneau, Alaska, or to the nearest office or station of the Alaska Communication System that can be contacted via available channels of communication (preferably by wire or radio) and to the Commission's Engineer in Charge at Anchorage, Alaska.

8. Section 81.106 is amended to read as follows:

§ 81.106 Operating controls.

Each coast station, Alaska-public fixed station, or shipyard base station subject to this part shall provide operating controls in accordance with the following:

(a) The transmitting apparatus of stations subject to this part shall be installed and protected so as to be not accessible to other than duly authorized persons.

(b) Except for equipment intended for use only in emergencies and not used for normal communications, operating controls shall be available at the principal operating location of each station and shall be readily accessible to the authorized operator. The operating controls provided shall include those used for:

(1) Commencing and discontinuing normal operation;

(2) Normally changing from each operating radio channel to any other associated operating radio channel in the same characteristic portion of the spectrum; and

(3) Normally changing from transmission to reception, and vice versa.

(c) Each station using telegraphy shall, when an authorized operator is present at the principal operating location, be capable of changeover from telegraph transmission to telegraph reception and vice versa within a total period of 2 seconds under circumstances which do not require a change in operating radio channel at the same time.

(d) Each station using telephony shall, when an authorized operator is present at the principal operating location, be capable of changeover from telephone transmission to telephone reception and vice versa within a total period of 2 seconds under circumstances which do not require a change in operating radio channel at the same time.

(e) Each station shall, during its hours of service and when the authorized operator is present at the principal operating location, be capable of:

(1) Commencing operation within 1 minute after the need to do so occurs;

(2) Discontinuing all emission within 5 seconds after emission is no longer required or after the necessity arises for emission to cease.

(f) Each station using a multichannel installation for telegraphy shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio channel for telegraphy to any other operating radio channel for telegraphy within the same characteristic portion of the spectrum below 515 kc/s within a period of 5 seconds: *Provided, however,* That this requirement need not be met by equipment intended for use only in emergencies and not used for normal communication.

(g) Every coast station using a multichannel installation for radiotelephony shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from one operating radio channel for telephony to another operating radio channel for telephony within:

(1) A period of 5 seconds, when changing from the calling channel to a working channel and vice versa within the frequency band 1600 kc/s to 4000 kc/s; or

(2) A period of 3 seconds, when changing from the calling frequency to a working frequency and vice versa within the band 156 to 162 Mc/s.

(h) (1) Each coast station authorized to operate on a secondary basis as a shipyard base station, shall, while so operating, comply with the provisions of this section which apply to coast stations using telephony.

(2) Each shipyard mobile station shall comply with the provisions of this section which apply to coast stations using telephony.

9. In § 81.131, paragraphs (b) (2) and (3) are amended by addition of footnotes 1 and 2; a new paragraph (f) is added, to read as follows:

§ 81.131 Authorized frequency tolerance.

* * * * * *

(b) * * *

Frequency ranges	Tolerance—parts in 10^6 unless shown as cycles per second (c/s)
(2) From 1605 to 4000 kc/s:	
For other than A3A, A3H and A3J emissions	[1] 50
For A3A, A3H, A3J, and A2J emissions	20 c/s
(3) From 4000 to 27,500 kc/s:	
(i) For A3A, A3B, A3H, and A3J emissions	20 c/s
(ii) For narrow-band direct-printing telegraph and data transmission systems	20 c/s
(iii) For other than (i) and (ii), above	[2] 15

[1] The tolerance shown in the table is applicable in the Alaska area to all types of transmitters after Jan. 1, 1974, and to new types of transmitters brought into service after Jan. 1, 1970. Types of transmitters authorized in coast stations in the Alaska area prior to Jan. 1, 1970, may continue with a tolerance of 100 parts in 10^6 until Jan. 1, 1974.

[2] The tolerance shown in the table is applicable in the Alaska area to all types of transmitters after Jan. 1, 1974, and to new types of transmitters brought into service after Jan. 1, 1970. Types of transmitters authorized in coast stations in the Alaska area prior to Jan. 1, 1970, may continue with a tolerance of 50 parts in 10^6 until Jan. 1, 1974.

• • • • •

(f) Authorized frequency tolerances for Alaska-public fixed stations:

(1) From 50 to 525 kc/s	200
(2) From 1605 to 3400 kc/s:	
(i) For A3A, A3B, A3H, and A3J emissions	20 c/s
(ii) For other than A3A, A3B, A3H, and A3J emissions	[1] 50
(3) From 4000 to 12,000 kc/s:	
(i) For A3A, A3B, A3H, and A3J emissions	20 c/s
(ii) For other than A3A, A3B, A3H, and A3J emissions	15

[1] The tolerance shown in the table is applicable to all types of transmitters after Jan. 1, 1974, and to new types of transmitters brought into service after Jan. 1, 1970. Types of transmitters authorized in Alaska-public fixed stations prior to Jan. 1, 1970, may continue with a tolerance of 100 parts in 10^6 until Jan. 1, 1974.

10. In § 81.132, paragraphs (a) (1) and (2) are amended and a new paragraph (a) (6) is added, to read as follows:

§ 81.132 Authorized classes of emission.

(a) • • •

Frequency band	Classes of emission
(1) Coast stations using telegraphy:	
14 to 160 kc/s	A1.
160 to 490 kc/s	A1; A2 for distress, urgency and safety signals or any communication preceded by one of these signals.
490 to 525 kc/s	A1 and A2.
2065 to 27,500 kc/s, except Alaska	A1.
(2) Coast stations using radiotelephony:	
(i) For frequencies designated in § 81.304(a):	
2182 kc/s	Until Jan. 1, 1971: A3 or A3H; after Jan. 1, 1971: A3H.
All other frequencies	A3, A3H, A3A, or A3J as specified in § 81.304.
(ii) For frequencies designated in §§ 81.307 and 81.308.	A3, A3H, A3A, or A3J as specified in §§ 81.307 and 81.308.
• • • •	• • •
(6) Alaska-public fixed stations:	
For telephony:	
1605–12,000 kc/s	A3, A3A, A3H, or A3J until Jan. 1, 1971; A3A or A3J after Jan. 1, 1971.
• • • •	• • •

11. In § 81.133(a), the table and footnote 4 are amended to read as follows:

§ 81.133 Authorized bandwidth.

(a) • • •

Class of emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.3
A2	2.66A2	2.8
A3	6A3	8.0
A3A	2.8A3A	[4] 3.0
A3B	5.6A3B	6.0
A3H	2.8A3H	[4] 3.0
A3J	2.8A3J	[4] 3.0
F1	0.3F1 [1]	[1] 0.5
F3	16F3 [3]	[3] 20.0
F3	36F3 [3]	[4] 40.0
F0	Variable	Variable

• • • • •

[4] Transmitters type accepted to operate in the band 600–2850 kc/s prior to the effective date of this rule change, the authorized bandwidth is 3.5 kc/s.

• • • • •

12. In § 81.134, paragraph (b) and the introductory text of paragraph (c) are amended, and new paragraphs (g), (h), and (i) are added to read as follows:

§ 81.134 Transmitter power.

• • • • •

(b) Transmitter power for coast stations, except in the Alaska area, using telegraphy on frequencies below 27.5 Mc/s shall not exceed the following values in kilowatts:

Frequency band (kc/s)	Transmitter power
14 to 150	80
150 to 515	40
2035 to 2065	6.6
4000 to 7000	10
8000 to 9000	20
12,000 to 27,500	30

(c) The transmitter power for coast stations, except in the Alaska area, using telephony below 27.5 Mc/s shall not exceed the values set forth in this paragraph.

• • • • •

(g) For coast stations in the Alaska area, transmitter power in the bands below 12,000 kc/s shall not exceed the indicated values in watts:

Frequency band (kc/s)	Class of emission	Transmitter power
400–525	A1 and A2	265
1605–12,000 [1]	A1, A3, A3A, A3H and A3J.	150

[1] When using 2182 kc/s for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of limited coast stations shall not exceed 100 watts for A3 emission and 50 watts for A3H emission.

(h) For Alaska-public fixed stations, unless otherwise specified in this part, transmitter power shall not exceed the indicated value in watts:

Frequency band (kc/s)	Class of emission	Transmitter power
50–200	A1	[1] 650
400–525	A1 and A2	265
1605–12,000	A1, A3, A3A, A3H and A3J.	150

[1] Higher power may be authorized where a satisfactory showing of need has been made.

(i) For ACS fixed and coast stations, transmitter power shall not exceed the indicated value in watts:

Frequency band (kc/s)	Class of emission	Transmitter power
400–525	A1 and A2	1000
1605–12,000	A3, A3A, A3H, A3J	1000

13. In § 81.137, the introductory text of paragraph (a) is amended to read as follows:

§ 81.137 Transmitters required to be type accepted for licensing.

(a) Each radiotelephone transmitter authorized in a coast station, marine-utility, marine-fixed station, or Alaska-public fixed license (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission. This requirement shall be applicable as follows:

• • • • •

14. In § 81.140, the headnote is amended to read as follows:

§ 81.140 Emission limitations.

• • • • •

15. In § 81.142, paragraph (c)(2) is amended and a new paragraph (j) is added, to read as follows:

§ 81.142 Modulation requirements.

• • • • •

(c) • • •

(2) For transmitters operating on frequencies below 4 Mc/s, with the carrier emitted at a power level, for A3H, between 3 and 6 decibels below peak envelope power and, for A3A, 16 decibels, ±2 decibels, below peak envelope power.

• • • • •

(j) In single sideband and independent sideband transmitters, the audiofrequency band shall be 350 to 2700 cycles per second, with a permitted amplitude variation of 6 decibels. Audiofrequencies outside this band shall be attenuated to protect the adjacent channels.

16. In § 81.179, new paragraphs (f) and (g) are added to read as follows:

§ 81.179 Message charges.

• • • • •

(f) Pending Commission implementation of the tariff filing requirements of section 203 of the Communications Act and Part 61 of this chapter with respect to common carriers in Alaska, any charges made by an Alaskan public fixed station, or any public coast station in the Alaska area, for interstate or foreign communication service, should conform to the applicable regulations and tariffs issued by the Alaska Communication System. Information regarding charges of any such station or any changes therein should be furnished promptly to the Tariff Manager of the Alaska Communication System, Seattle, Wash.

(g) Except in event of an emergency concerning the immediate safety of life or property, no Alaska-public fixed station or public coast station in the Alaska area shall transmit any communication in behalf of any person other than the licensee to any other station licensed by the Commission under circumstances wherein such telecommunication can be transmitted effectively by, or to, readily available facilities of the Alaska Communication System which are open to public correspondence and are capable of effectively forwarding (via connecting facilities if and when required) such telecommunication to the designated recipient.

17. A new § 81.195 is added to read as follows:

§ 81.195 Alternate transmission on the same frequency in the Alaska area.

Coast stations within the Alaska area when communicating with ship stations within the bands 1605–2035 kc/s and 2107–12,000 kc/s shall transmit and receive on the same frequency: *Provided, however*, That this requirement shall not apply when communicating with coast stations of the Alaska Communication System: *And provided further*, That this requirement is not applicable in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, the same frequency cannot be used.

18. In § 81.206, new paragraphs (d) and (e) are added to read as follows:

§ 81.206 Assignable frequencies.

• • • • •

(d) Each of the following carrier frequencies, when authorized by station license, may be used by public coast stations in all zones of the Alaska area when transmitting by means of telegraphy, in accordance with Subpart E of this part, for communication with ship and aircraft stations, and with other public coast stations using telegraphy in the Alaska area:

Frequency (kc/s)	Conditions of use
416	Working frequency.
438	Working frequency.
500	Calling and distress frequency.
512	Supplementary calling frequency when 500 kc/s is being used for distress communications. Also available as a working frequency, except in those areas where it is in use as a supplementary calling frequency when 500 kc/s is being used for distress purposes.
2052.5	Calling and working frequency for communication with ship stations when such stations are using telegraphy within the band 2089.5–2092.5 kc/s.

(e) Each of the following frequencies is authorized for use by public coast stations of the ACS at the location indicated:

Frequency (kc/s)	Conditions of use
452	Working frequency—ACS Ketchikan coast station.
472	Working frequency—ACS Juneau coast station.
472	Working frequency—ACS Nome coast station.
500	Calling and distress frequency—ACS coast stations.

19. Section 81.301 is amended to read as follows:

§ 81.301 Supplemental eligibility requirements.

(a) A public coast station may be granted to any person, or state or local government which is subject to the provisions of section 301 of the Communications Act of 1934: *Provided*, That the applicant is legally, financially, and technically qualified to render the proposed service, and the public interest, convenience or necessity would be served by a grant thereof.

(b) In the Alaska area, only one public coast station will be authorized to serve any area whose ship-shore communication needs can be adequately served by a single radio communication facility, either Government (ACS) or non-Government.

20. In § 81.304, a new paragraph (f) is added to read as follows:

§ 81.304 Frequencies available.

• • • • •

(f) Assignment to public coast stations of radiotelephony frequencies in the band 2000–2850 kc/s will be subject to the following schedule and limitations:

(1) In conversion from double sideband (DSB) to single sideband (SSB):

(i) Transmission of DSB emissions will not be permitted beyond January 1, 1971;

(ii) Transmission of full carrier (A3H), reduced carrier (A3A), or suppressed carrier (A3J) emissions prior to January 1, 1971, shall be on a permissive basis. After January 1, 1971, the capability of using these emissions will be required;

(iii) Authorizations for use of DSB emission granted after the effective date of an order in this docket shall expire on January 1, 1971;

(iv) On 2182 kc/s, until January 1, 1971, coast stations will be required to have the capability to transmit with DSB (A3) or full carrier (A3H) emissions;

(v) On 2182 kc/s during the period January 1, 1971, to January 1, 1977, coast stations will be required to have the capability to receive full carrier SSB (A3H) and DSB (A3) emission; after January 1, 1977, coast stations will be required to have the capability to receive full carrier SSB (A3H) emission.

(2) Relationship between service by public coast stations on frequencies in the band 2000–2850 kc/s and in the band 156–162 Mc/s:

(i) After January 1, 1977, radiotelephony frequencies in the band 2000–2850 kc/s will be available only to public coast stations which, in addition to service on frequencies in the band 2000–2850 kc/s, also provide service on frequencies in the band 156–162 Mc/s: *Provided, however*, That this requirement may be waived where VHF service is already provided in waters near the proposed station.

(ii) Except for safety communications, after January 1, 1977, radiotelephony frequencies in the band 2000–2850 kc/s will not be available to public coast stations for communication: with

vessels within communication range of VHF; with vessels in ports or harbors; concerning passage of ships through locks, bridge areas, or Government controlled waterways; or on lakes or rivers: *Provided, however*, That this requirement may be waived where a satisfactory showing has been made that the communication requirement cannot be fulfilled by VHF.

21. In § 81.306, a new paragraph (f) is added to read as follows:

§ 81.306 Frequencies available below 27.5 Mc/s.

* * * * * *

(f) The carrier frequencies set forth in the following table are authorized for use by ACS public coast stations for communication with public ship stations in the Alaska area.

For communication with ACS coast stations located in the vicinity of—	ACS coast station carrier frequency. (kc/s)[1]		Associated ship station transmitting carrier frequency. (kc/s)	
	Until Jan. 1, 1971[1]	After Jan. 1, 1971[1]	Until Jan. 1, 1977[2]	After Jan. 1, 1977[2]
Anchorage, Alaska	2312	2312	2134	2134
Cold Bay, Alaska	2312	2312	2134	2134
Cordova, Alaska	2312	2397	2134	2237
Juneau, Alaska	2400	2400	2240	2240
Ketchikan, Alaska	2312	2397	2134	2237
King Salmon, Alaska	2312	2400	2134	2240
Kodiak, Alaska	2400	2309	2240	2131
Nome, Alaska	2400	2400	2240	2240
Petersburg, Alaska	2312	2312	2134	2134
Sitka, Alaska	2400	2312	2240	2134
Unalaska, Alaska	2312	2312	2134	2134

[1] Until Jan. 1, 1971, emission 6A3, 2.8A3A, 2.8A3H, or 2.8A3J may be employed. During the period Jan. 1, 1971, to Jan. 1, 1977, emissions 2.8A3A, 2.8A3H, or 2.8A3J may be employed. After Jan. 1, 1977, emissions 2.8A3A and 2.8A3J only shall be used.

[2] Until Jan. 1, 1977, emissions 6A3, 2.8A3A, 2.8A3H, or 2.8A3J may be employed. After Jan. 1, 1977, emissions 2.8A3A and 2.8A3J only shall be used.

[3] The schedule of conversion of ACS coast stations from DSB to SSB and conditions relating to provision of VHF service are set forth in § 81.304(f).

22. A new § 81.307 is added to read as follows:

§ 81.307 Frequencies available in all zones of Alaska Area.

(a) Each of the carrier frequencies set forth in the following table, when authorized by station license, may be used by public coast stations in all zones of the Alaska Area. The limitations and conditions of use applicable to each carrier frequency are set forth in the subparagraphs which appear below the table. Conversion from double sideband (DSB) to single sideband (SSB) emissions in the band 1605–4000 kc/s shall be effected in accordance with the schedule set forth in § 81.304(f). (Conversion to SSB in the bands between 4 and 23 Mc/s: see Docket No. 18271.)

Frequency (kc/s)	*Limitations and conditions of use*
1619	(2), (6).
1622	(1), (2), (6).
2379	(2), (6).
2382	(1), (2), (6).
4380.6	(5), (7).
4383.8	(4), (5), (7).
4390.2	(3), (7).

(1) Until January 1, 1977, available for use with 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(2) After January 1, 1977, available for use with emissions 2.8A3A and 2.8A3J.

(3) Until March 1, 1970, 0001 G.m.t., available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J. This frequency will not be available for use by coast stations after 0001 G.m.t., March 1, 1970.

(4) During the period March 1, 1970, to January 1, 1972, available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J. On January 1, 1972, DSB shall be discontinued at all coast stations. During the period January 1, 1972, to January 1, 1974, available for use with emissions 2.8A3A and 2.8A3J.

(5) After January 1, 1974, available for use with emissions 2.8A3A and 2.8A3J.

(6) For communication by radiotelegraphy or telephony between public correspondence coast stations and public ship stations on board any type of vessel.

(7) (i) Primarily, for communication by radiotelephony with public correspondence ship stations on board any type of vessel during the hours 6 a.m. to 9 p.m., local standard time; and

(ii) Secondarily, during the hours 6 a.m. to 9 p.m., local standard time, between public coast stations, separated not less than 50 miles, for the exchange of public correspondence, on condition that ship-shore communcations shall be given priority at all times. Use of this frequency for this purpose shall be limited to conditions which make it necessary to use this frequency in lieu of a frequency designated for fixed service by Subpart Q of this part.

23. A new § 81.308 is added to read as follows:

§ 81.308 Frequencies available in one or more zones of the Alaska Area.

(a) Each of the carrier frequencies set forth in the following table, when authorized by station license, may be used by public coast stations employing radiotelephony. Frequencies designated for use in a zone of the Alaska area are available only to coast stations located in that zone. The limitations and conditions of use applicable to each frequency are set forth in the paragraphs which appear below in the table. Conversions from double sideband (DSB) to single sideband (SSB) emissions in the band 1605–4000 Mc/s shall be effected in accordance with the schedule set forth in § 81.304(f). (Conversion to SSB in the bands between 4 and 23 Mc/s: see Docket No. 18271.) The frequencies available and the zones in the Alaska area in which they may be employed are set forth in the following tables.

Zone 1 Available		Zone 2 Available		Zone 3 Available		Zone 4 Available		Zone 5 Available		Zone 6 Available	
Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977
1646	1646					1646	1643	1652	1652	1646	1646
		1652	1649								
				1708	1705	1708	1705				
1712	1709							1712	1712		
2006(b)	2006(b)								2003(b)		
		2118(j)	2118			2118(j)	2118(j)				
2422	2419			2422	2422						
		2430(k)	2430(k)			2430	2427	2430	2430		
				2450(e)	2450(e)	2450(c)	2447			2450(c)	2450(c)
				2482(k)	2479	2482(d)	2482(d)			2482(d)	2482(d)
				(d)							
								2506(e)	2506(c)	2506(e)	2506(e)
2512	2512	2512	2509	2512	2512	2512	2509				
		2538	2538	2538	2535						
2566	2566					2566	2566	2566	2566		
2616(b)	2616(b)										
(f)	(f)										
3261(g)	3261(g)					3261(g)	3261(g)	3261(g)	3258(g)		
4409.4(h)	4403.0(h)	4409.4(h)	4428.6(h)	4409.4(h)	4398.8(h)	4434.9(h)	4428.4(h)	4434.9(h)	4428.6(h)	4434.9(h)	4403.0(h)

(b) To minimize interference to or from the operation of stations outside the Alaska area or U.S. Government stations within Alaska, this frequency is authorized for use annually in the respective zone only during the hours from 7 a.m. to 11 p.m., local standard time from May 15 to September 15 inclusive, and from 8 a.m. to 9 p.m., local standard time from April 1 to May 14 inclusive and from September 16 to October 31 inclusive.

(c) Use of the frequency 2450 kc/s shall be coordinated as necessary with use of the frequency 2466 kc/s by Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.

(d) Use of the frequency 2482 kc/s shall be coordinated as necessary with use of the frequencies 2466 and 2474 kc/s by Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.

(e) Use of the frequency 2506 kc/s for maritime mobile service in the Alaska area is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of San Francisco or Eureka, Calif.

(f) Use of the frequency 2616 kc/s shall be coordinated as necessary with use of the frequency 2632 kc/s by Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.

(g) Insofar as is practicable, coast stations shall limit their use of the frequencies 3258 and 3261 kc/s to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc/s or above 156 mc/s.

(h) (1) The frequencies 4409.4 and 4434.9 kc/s are authorized, until 0001 G.m.t., March 1, 1970, for telephony exclusively; for use during the hours 6 a.m. to 9 p.m. local standard time only. Availability and use of the frequency 4434.9 kc/s is subject to the condition that harmful interference shall not be caused to the service of any coast station located in the Great Lakes area.

(2) Ship stations are authorized generally to communicate on each frequency designated in this section with public coast stations using the same frequency. A ship station may communicate on any of these frequencies with another ship station only when requested to do so by a public coast station which operates on the same frequency in accordance with paragraph (a) of this section and is within communication range of the ship station.

(3) Coast stations shall shift from the present DSB channels to the replacement DSB channels as set forth in the following table at 0001 G.m.t., March 1, 1970:

Zone	Present until Mar. 1, 1970 (DSB or SSB) (kc/s)[1]	Effective Mar. 1, 1970 (DSB or SSB) (kc/s)[1]
Zone 1	4409.4	4403.0
Zone 2	4409.4	4403.0
Zone 3	4409.4	4403.0
Zone 4	4434.9	4428.6
Zone 5	4434.9	4428.6
Zone 6	4434.9	4428.6

[1] 6A3, 2.8A3A, 2.8A3H, and 2.8A3J emissions.

(4) Effective January 1, 1974, or an earlier date where facilities permit, coast stations shall:

(i) Discontinue use of double side band emission on frequencies in the band 4361–4438 kc/s:

(ii) Employ frequencies in the 4361–4438 kc/s band in zones of the Alaska area as set forth in the table of paragraph (a) of this section:

Zone	Effective Mar. 1, 1970 (DSB or SSB) (kc/s)[1]	Effective Jan. 1, 1972 (SSB only) (kc/s)[2]
Zone 1	4403.0	4403.0
Zone 2	4403.0	4428.6
Zone 3	4403.0	4398.8
Zone 4	4428.6	4425.4
Zone 5	4428.6	4428.6
Zone 6	4428.6	4403.0

[1] 6A3, 2.8A3A, 2.8A3H, and 2.8A3J emissions.
[2] 2.8A3A and 2.8A3J emissions.

(i) (1) When operating on any frequency designated in paragraph (a) of this section, a ship station shall transmit only on an authorized carrier frequency which is specifically authorized by that paragraph for transmission in the zone in which the ship station then is located: *Provided, however*, That, for communication with a ship or coast station located in a contiguous zone which uses a frequency in accordance with paragraph (a) of this section but not designated by that paragraph for use in the zone in which the ship station then is located, such ship station may transmit on the contiguous zone frequency when, by reason of conditions not under its control, such operation becomes necessary.

(j) Use of the frequency 2118 kc/s shall be coordinated as necessary with use of the frequency 2134 kc/s in order to avoid harmful interference.

(k) To minimize interference to or from the operation of stations outside the Alaska area, this frequency is authorized for use annually in the respective zone only during the hours from 6 a.m. to 11 p.m. local standard time, from April 1 to September 30 inclusive.

NOTE: The limitations and conditions of use set forth in paragraphs (c), (d), (f), and (j) are required during the transition from DSB to SSB. The transition to SSB will be completed on Jan. 1, 1977, and compliance with these paragraphs will not be required after this date.

24. A new Subpart Q (§§ 81.701–81.713) is added to read as follows:

Subpart Q—Alaska-Public Fixed Stations

§ 81.701 Priority of distress and other signals.

Alaska-public fixed stations, when operating on an authorized carrier frequency which is used also by the maritime mobile service, shall, at all times, give priority on such frequency to distress signals or communications as set forth in §§ 81.180 and 81.181, and to urgency or safety signals, or any communication preceded by one of these signals.

§ 81.702 Hours of service of Alaska-public fixed stations.

(a) The hours of service of each Alaska-public fixed station shall, within the scope of its normal operations, be such as to adequately meet the requirements of the particular region served by the station and, unless otherwise specified by the Commission for individual stations, shall be determined by the station licensee subject to such applicable conditions and limitations as are imposed by the rules of the Commission.

(b) Each Alaska-public fixed station whose hours of service are not continuous shall not suspend operation before having concluded, when possible within the scope of its normal operations, all communications of an emergency nature.

(c) The Commission, as public interest, convenience, or necessity requires, may order, at any time, the licensee of an Alaska-public fixed station not authorized for continuous hours of service to increase the hours of service of such station as may, in the discretion of the Commission, be required to provide adequate public service: *Provided, however*, That such requirement shall not be prescribed without the consent of the station licensee unless, after hearing, the Commission shall determine that such requirement will promote public convenience or interest or will serve public necessity, or the provisions of the Communications Act will be more fully complied with.

§ 81.703 Documents required for Alaska-public fixed stations.

(a) Each Alaska-public fixed station shall be provided with the following documents:

(1) A valid station license, available in accordance with the provisions of § 81.102 (a) and (b);

(2) The necessary operator license(s), available in accordance with § 81.159;

(3) The station log as designated in §§ 81.214 and 81.314; and

(4) This Part 81.

(b) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

§ 81.704 Alaska-public fixed station records.

Each Alaska-public fixed station in the Alaska area shall maintain an accurate radiotelegraph and/or radiotelephone log as set forth in §§ 81.214(a) and 81.314, respectively: *Provided, however*, That Alaska-public fixed stations may express the time of making each log entry in local standard time in the same manner as is permitted by those sections for coast stations which communicate exclusively with vessels on inland waters of the United States.

§ 81.705 Cooperative use of frequency assignments.

Unless provided otherwise by this part, or by the particular station authorization, each radio channel authorized for use by an Alaska-public fixed station subject to this part is available for use on a shared basis only and shall not be construed as available for the

exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignments in order to minimize interference and obtain the most effective use of the authorized radio channels.

§ 81.706 Protection of Government services.

Notwithstanding other provisions of this part, the assignment and use of any of the frequencies designated in this subpart shall be subject to the express condition that any individual carrier frequency may not be authorized for transmission by an Alaska-public fixed station at any specific location in the Alaska area where its use could cause harmful interference to a U.S. Government radio service which, in the discretion of the Commission, must be protected from such interference.

§ 81.707 Alternate transmission on the same radio channel.

Except for communication between licensed Alaska-public fixed stations and fixed stations of the Alaska Communication System as hereinafter specifically designated in this subpart all transmission, on each radio channel assigned by this subpart, by two or more stations engaged in any one exchange of signals or communications with each other, shall take place on only one radio channel. For this purpose, the stations communicating with each other shall transmit and receive on the same radio channel: *Provided, however,* That this requirement shall not apply in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, this method of single-channel communication cannot be used.

§ 81.708 Frequencies available in all zones of Alaska Area.

(a) Each of the carrier frequencies set forth in the following table, when authorized by station license, may be used by Alaska-public fixed stations in all zones of the Alaska Area for communication with other licensed Alaska-public fixed stations located in any zone of the Alaska area. The limitations and conditions of use applicable to each frequency are designated by appropriate cross-reference, which appear below the table. Conversion from double sideband (DSB) to single sideband (SSB) emissions shall be effected in accordance with the schedule set forth in paragraph (b) of this section.

Frequency (kc/s)	*Limitations and conditions of use.*
149.6	(1).
2115	(3), (4).
2118	(2), (3), (4).
3198	(3), (5).
3201	(2), (3), (5).
5164.5	(3), (6).
5167.5	(2), (3), (6).
8067	(3), (7).
8070	(2), (3), (7).

(1) Available for radiotelegraphy only at any appropriate location in the Alaska area.

(2) Until January 1, 1977, available for use with 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(3) After January 1, 1977, available for use with emissions 2.8A3A and 2.8A3J.

(4) Available for radiotelephony on a shared basis with the maritime mobile service. The use of this frequency by Alaska-public fixed stations shall be coordinated, until but not after January 1, 1977, with ship-to-shore communication on 2134 kc/s in the Alaska area so as to avoid harmful interference.

(5) Available for radiotelephony. Insofar as practicable, Alaska-public fixed stations shall limit their use of this frequency to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc/s or above 70 Mc/s.

(6) Available for radiotelephony. To be used exclusively for communication over distances of not less than 50 miles and only during the hours from 6 a.m. to 9 p.m. local standard time.

(7) Available for radiotelephony. To be used exclusively for communication over distances of not less than 200 miles and only during the hours from 6 a.m. to 6 p.m., local standard time, except in Zone 4 west of 165° west longitude where the hours of its use shall not be limited.

(b) The transition from double sideband (DSB) to single sideband (SSB) emissions on frequencies below 4000 kc/s shall be effected at Alaska-public fixed stations in accordance with the following schedule. Assignment to Alaska-public fixed stations of radiotelephony frequencies in the band 1605–4000 kc/s will be subject to the following schedule and limitations:

(1) After January 1, 1971, new installations of transmitters employing A3 (DSB) emission will not be authorized;

(2) Transmission of full carrier (A3H), reduced carrier (A3A), or suppressed carrier (A3J) emissions prior to January 1, 1971, shall be on a permissive basis. After January 1, 1971, only A3A and A3J emissions will be authorized.

(3) Authorizations for[1] use of DSB emission granted after the effective date of an order in this docket shall expire on January 1, 1971;

(4) Transmission of A3 (DSB) emission will not be permitted beyond January 1, 1971.

§ 81.709 Frequencies available in one or more zones of the Alaska area.

(a) Each of the following carrier frequencies set forth in the following table, when authorized by station license, may be used by Alaska-public fixed stations employing radiotelephony. These frequencies are authorized for use on a shared basis, except 1660 kc/s, with stations of the maritime mobile service. Frequencies designated for use in a zone of the Alaska area are available only to coast stations located in that zone. The limitations and conditions of use applicable to each frequency are set forth in the paragraphs which appear below the table. Insofar as practicable, each station, when transmitting on any of these frequencies, shall communicate only with a station or stations located in its own zone, or in a contiguous zone. Conversion from double sideband (DSB) to single sideband (SSB) emissions shall be effected in accordance with the schedule set forth in § 81.708(b). The frequencies available and the zones in the Alaska area in which they may be employed are set forth in the following table:

Zone 1		Zone 2		Zone 3		Zone 4		Zone 5		Zone 6	
Available		Available		Available		Available		Available		Available	
Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977
1646	1646					1646	1643			1646	1646
		1652	1649					1652	1652		
						1660(b)	1660(b)			1660(b)	1657(b)
				1708	1705	1708	1705				
1712(b)	1709							1712(b)	1712		
2006(d) (e)	2006(d) (e)								2003(d)		
2422	2419			2422	2422						
		2430(k) (e)	2430(k) (e)			2430(e)	2427(e)	2430(e)	2430(e)		
				2450(e) (f)	2450(e) (f)	2450(f)	2447(f)			2450(f)	2450(f)
				2482(e) (k) (g)	2479(e) (k) (g)	2482(e) (g)	2482(e) (g)			2482(e) (g)	2482(e) (g)
								2506(h)	2506(h)	2506(h)	2506(h)
2512	2512	2512	2509	2512	2512	2512	2509				
		2538(e)	2538(e)	2538(e)	2535(e)						
2566(e)	2566					2566	2563	2566	2566		
2616(d) (e) (i)	2616(d) (e) (i)										
3261(j)	3261(j)					3261(j)	3261(j)	3261(j)	3258(j)		

Available[1]		Available[1]
	4791.5(1)	4791.5(1)
	6948.5(1)	6948.5(1)
	7368.5(1)	7368.5(1)
	11437.0(1)	11437.0(1)
	11601.5(1)	11601.5(1)

[1] On the effective date of the Report and Order in this Docket.

(b) Use of the frequency 1660 kc/s shall be coordinated as necessary with use of the frequency 1666 kc/s by other fixed stations in the Alaska area in order to avoid harmful interference.

(c) To minimize interference to the service of stations in Zone 4 operating on 1708 kc/s, use of the frequency 1712 kc/s in Zone 5 is authorized only for stations located north of 62° north latitude.

(d) To minimize interference to or from the operation of stations outside the Alaska area or U.S. Government stations within Alaska, this frequency is authorized for use annually in the respective zone only during the hours from 7 a.m. to 11 p.m., local standard time from May 15 to September 15 inclusive; and from 8 a.m. to 9 p.m., local standard time from April 1 to May 14 inclusive and from September 16 to October 31 inclusive.

(e) This frequency may be authorized for use by Alaska-public fixed stations subject to the following limitations and conditions:

(1) The licensee is authorized to operate a public coast station in the maritime mobile service;

(2) The Alaska-public fixed frequencies are the same as those authorized to the licensee for use at the licensee's public coast station;

(3) The Alaska-public fixed frequencies are to be used in receiving and transmitting equipment which is installed at the same location as equipment used by the public coast station; and

(4) The licensee has an established requirement for a radiocommunication system of fixed service and maritime mobile service on a frequency or frequencies common to both of these services.

(f) Use of the frequency 2450 kc/s shall be coordinated as necessary with use of the frequency 2466 kc/s by other fixed stations in the Alaska area in order to avoid harmful interference.

(g) Use of the frequency 2482 kc/s shall be coordinated as necessary with use of the frequencies 2466 and 2474 kc/s by other fixed stations in the Alaska area in order to avoid harmful interference.

(h) Use of the frequency 2506 kc/s for fixed service in the Alaska area is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of San Francisco or Eureka, Calif., to which the frequency 2506 kc/s is assigned as a carrier frequency for transmission.

(i) Use of the frequency 2616 kc/s shall be coordinated as necessary with use of the frequency 2632 kc/s by other fixed stations in the Alaska area in order to avoid harmful interference.

(j) Insofar as is practicable, Alaska-public fixed stations shall limit their use of the frequencies 3258 and 3261 kc/s to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc/s or above 70 Mc/s.

(k) To minimize interference to or from the operation of stations outside the Alaska area, this frequency is authorized for use annually in the respective zone only during the hours from 6 a.m. to 11 p.m., local standard time, from April 1 to September 30 inclusive.

(l) The following limitations and conditions of use shall apply to use of these frequencies by Alaska-public fixed stations:

(1) Available for use within Zone 3 and Zone 6, or between Zone 3 and Zone 6, for communication over distances of not less than 300 miles;

(2) The transmitter output power employed shall be the minimum necessary for satisfactory communication and in no event shall exceed a maximum of 1,000 watts peak envelope power; and

(3) Available for use with emissions 2.8A3A and 2.8A3J: *Provided however,* That the additional emission of 2.8A3H may be employed until January 1, 1974.

NOTE: The limitations and conditions of use set forth in paragraphs (b), (f), (g), and (i) are required during the transition from DSB to SSB. The transition to SSB will be completed on Jan. 1, 1977, and compliance with these paragraphs will not be required after this date.

§ 81.710 Frequencies for communication with ACS.

(a) Each of the carrier frequencies set forth in the following table, when authorized by station license; may be used by non-Government Alaska-public fixed stations for communication with ACS common carrier fixed stations in the Alaska area. The limitations and conditions of use applicable to each frequency are designated by appropriate cross-reference to footnotes; the footnotes appear below the table. Conversion from double sideband (DSB) to single sideband (SSB) emissions shall be effected in accordance with the schedule set forth in § 81.708(b). The particular station(s) with which the licensed station may communicate and the specific ACS frequency or frequencies to be used for transmitting shall be specified on the radio station authorization.

Frequency (kc/s)	Limitations and conditions of use
2240	(1), (2).
2253	(4), (5).
2256	(3), (5).
2463	(4), (6), (15).
2466	(3), (6), (15).
2471	(4), (7), (15).
2474	(3), (7), (15).
2629	(4), (8), (15).
2632	(3), (8), (15).
2691	(4), (9).
2694	(3), (9).
2773	(4), (10).
2776	(3), (10).
3354	(4), (11).
3357	(3), (11).
3362	(4), (12).
3365	(3), (12).
5134.5	(4), (13), (15).
5137.5	(3), (13), (15).
5204.5	(4), (14), (15).
5207.5	(3), (14), (15).

(1) The use of this frequency for fixed service is on a secondary basis to its use under § 83.371 of this chapter.

(2) This frequency will not be available after January 1, 1971. Available for radiotelephony; for communication with ACS stations located at Juneau, Kodiak, and Nome.

(3) Until January 1, 1971, available for use with 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(4) After January 1, 1971, available for use with emissions 2.8A3A and 2.8A3J.

(5) Available for radiotelephony; for communication with ACS stations located at Anchorage and Ketchikan.

(6) Available for radiotelephony; normally for communication with ACS stations located at King Salmon, and Kotzebue. The use of this frequency shall be coordinated as necessary with use of the frequencies 2450 kc/s, 2474 kc/s, and 2482 kc/s by other stations in the Alaska area in order to avoid harmful interference.[1]

(7) Available for radiotelephony; normally for communication with ACS stations located at Kodiak and Nome. The use of this frequency shall be coordinated as necessary with use of the frequencies 2466 kc/s and 2482 kc/s by other stations in the Alaska area in order to avoid harmful interference.[1]

(8) Available for radiotelephony; normally for communication with ACS stations located at Cordova, and Bethel. The use of this frequency shall be coordinated as necessary with use of the frequency 2616 kc/s by other stations in the Alaska area in order to avoid harmful interference.[1]

(9) Available for radiotelephony; for communication with ACS stations located at Juneau and Cold Bay.

(10) Available for radiotelephony; for communication with ACS station located at Ketchikan.

(11) Available for radiotelephony; for communication with ACS stations located at Fairbanks and Juneau. The use of 3357 kc/s for communication with Juneau and Fairbanks shall be coordinated as necessary with the use of the frequency 3365 kc/s by other fixed stations in the Alaska area in order to avoid harmful interference.[1]

(12) Available for radiotelephony; for communication with ACS stations located at Unalaska and Anchorage. The use of this frequency shall be coordinated as necessary with use of the frequency 3357 kc/s by other Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.[1]

(13) Available for radiotelephony; normally for communication with ACS stations located at Anchorage and Unalaska. The use of this frequency shall be limited to the hours from 6 a.m. to 9 p.m., local standard time.

(14) Available for radiotelephony; normally for communication with ACS stations located at Fairbanks and Bethel. The use of this frequency (except in Zone 4 west of 165° west longitude) shall be limited to the hours from 6 a.m. to 9 p.m., local standard time.

(15) Communication with ACS stations at locations in addition to those specified in subparagraphs (6), (7), (8), (13), and (14) of this paragraph may be authorized, depending upon operational requirements.

§ 81.711 Frequencies available to ACS common carrier fixed stations.

(a) The carrier frequencies set for in the following table are authorized for use by ACS common carrier fixed stations for communication with Alaska-public fixed stations. The limitations and conditions of use are designated by reference to footnote following the table. Conversion from DSB to SSB emissions shall be in accordance with the schedule indicated by limitations (2) and (3) or such earlier schedule as may be from time to time announced by the ACS.

Frequency (kc/s)	Limitations and conditions of use
2312	(1).
2400	(1).
2601	(3).
2604	(2).
2781	(3).
2784	(2).
3164.5	(3).
3167.5	(2).
3180	(3).
3183	(2).
3238	(3).
3241	(2).
3303	(2), (4).
4035	(2), (4).
5225	(5).
5370	(2).

(1) The use of this frequency for fixed services is on a secondary basis to its use under § 81.308.

(2) Until January 1, 1971, available for use with 6A3, 2.8A3A, 2.8A3H, and 2.8A3J emissions. After January 1, 1971, available for use with 2.8A3A and 2.8A3J emissions.

(3) Not available until January 1, 1971. After January 1, 1971, available for use with emissions 2.8A3A and 2.8A3J only.

(4) This frequency will not be available after January 1, 1977.

(5) This frequency will cease to be available at the time of transfer of ACS facilities to a Commission licensee.

§ 81.712 Pairing of ACS and Alaska-public fixed frequencies.

The pairing of frequencies available for communications between ACS common carrier fixed stations (ACS–CCFS), as set forth in section 81.711, and Alaska-public fixed stations (APFS), as set forth in section 81.710, is given in the following table.

For communication with ACS stations located at	Frequencies available until Jan. 1, 1971		Frequencies available after Jan. 1, 1971[3]	
	ACS–CCFS transmit	APFS transmit	ACS–CCFS transmit	APFS transmit
Cordova	[1] 2312	2632	[1] 2312	2632
Unalaska	[1] 2312	2632	3238	[4] 3362
	4035	3365	5370	5134.5
Sitka	[1] 2400	[1] 2240		
Bethel	2604	2632	2604	2629
				5204.5
Ketchikan	2604	2256	2604	2256
	3303	2776	3180	2776
Kotzebue	2604	2466	2601	2463
Juneau	2784	2694	2784	2694
	3241	3357	3241	3357
Kodiak	[2] 2784		2781	2474
	2604	2474		
Nome	[2] 2784			
	[1] 2400	2474	2784	2471
Fairbanks	3167.5	2632	3167.5	3354
	[5] 5225	3357		5207.5
		5207.5		
Anchorage	3183	2256	3183	3356
	5370	3357		5137.5
		5137.5		
Cold Bay	[1] 2312	2694	3241	2691
	3241	5137.5		
	4035			
King Salmon	3303	2466	3164.5	2466

[1] The use of this frequency for fixed service is on a secondary basis to its use under § 83.371 of this chapter.
[2] Available for use with emissions 2.8A3A and 2.8A3J only.
[3] This frequency will cease to be available at the time of transfer of ACS facilities to a Commission licensee.

[1] Coordination in the use of this frequency, with one or more other frequencies, set forth in this subparagraph is required during the transition from DSB to SSB. The transition to SSB will be completed on Jan. 1, 1977, and compliance with these paragraphs will not be required after this date.

§ 81.713 Use of U.S. Government frequencies.

Frequencies assigned to Federal Government radio stations under Executive order of the President may be authorized for use by Alaska-public fixed stations when such assignment is necessary for intercommunication with Federal Government stations or required for coordination with activities of the Federal Government provided the Commission determines, after consultation with the appropriate Government agency or agencies, that such assignment is in the public interest.

C. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. In § 83.2, new paragraphs (t), (u), and (v) are added to read as follows:

§ 83.2 General.

• • • • •

(t) *Alaska area.* For the purpose of frequency assignments to radio services and stations governed by this part, the Alaska area is defined as follows:

The area bounded by a line extending due west—from the end of the southernmost boundary line between Canada and the mainland of southeastern Alaska—to 131° west longitude, thence due south to 54°30′ north latitude, thence due west to 142° west longitude, thence due south to 50° north latitude, thence due west to 165° west longitude, thence due south to 47° north latitude, thence due west to the boundary line between Regions 2 and 3 (as this line is defined by the Geneva Radio Regulations, 1959), thence generally northward along this boundary line to 80° north latitude, thence due east to 135° west longitude, thence due south to 70° north latitude, thence due west to 140° west longitude, thence generally southwest to the northern end of the boundary line between the mainland of northern Alaska and Canada, thence following the boundary line between Alaska and Canada to the southernmost point of this line in southeastern Alaska.

NOTE: Reference hereafter in this part to the "Alaska area" includes all of the "Zones" defined in paragraph (b) of this section.

(u) *Alaska zones.* For the same purpose expressed in paragraph (a) of this section, the Alaska area is subdivided into six zones, defined as follows:

Zone 1. That portion of the Alaska area east of 142° west longitude and south of 61° north latitude.

Zone 2. That portion of the Alaska area bounded on the east by a line south of 61° north latitude which coincides with 142° west longitude, and by a line north of 61° north latitude which coincides with the boundary line between Alaska and Canada, and by a line coinciding with 61° north latitude which joins those two lines; and bounded on the west by a line south of 62° north latitude which coincides with 149° west longitude, thence running due south to 60°30′ north latitude, thence due west to 150° west longitude, thence due south to the southern limit of the Alaska area, and bounded on the north by a line coinciding with 62° north latitude.

Zone 3. That portion of the Alaska area bounded on the north by a line which coincides with 62° north latitude and extends eastward from 155° west longitude to 149° west longitude thence due south to 60°30′ north latitude, thence due west to 150° west longitude, thence due south to the southern limit of the Alaska area, thence westward to 155° west longitude, thence due north to 62° north latitude.

Zone 4. That portion of the Alaska area west of 155° west longitude which is bounded on the north by a line coinciding with 62° north latitude extending due west to 164° west longitude, thence bounded on the west by a line coinciding with 164° west longitude extending due south to 58° north latitude, thence bounded on the north by a line coinciding with 58° north latitude extending due west to the western boundary of the Alaska area.

Zone 5. That portion of the Alaska area west of 155° west longitude which is not included in Zone 4.

Zone 6. That portion of the Alaska area east of 156° west longitude and north of 62° north latitude.

NOTE: The following diagram illustrates the subdivision of Alaska into the six zones.



ALASKA
Frequency Assignment Zones

(v) *Alaska Communication System or ACS.* The telecommunication system within Alaska and between Alaska and other areas which is operated by the U.S. Air Force to provide public correspondence by means of common carrier coast stations and fixed stations.

2. Section 83.24 is amended to read as follows:

§ 83.24 Application precedent to authorization.

(a) Except as otherwise provided in §§ 83.26, 83.41, and 83.42, no authorization will be granted for use or operation of any radio station on board ship in any service governed by this part, nor for any change in station control, facilities, services, equipment, or antenna, unless formal written application therefor in proper form first is filed with the Commission.

(b) Standard forms are prescribed herein for use in connection with the majority of applications submitted for Commission consideration. These forms may be obtained without cost from the Commission at Washington, D.C. 20554, or from any of its field offices.

(c) Each application for authority to operate a ship station, including applications for license, modification of license, or renewal of license, together with correspondence relating thereto, shall be filed with the Commission; or applications for interim ship station licenses made pursuant to § 83.35, at a Field Engineering Office of the Commission. Unless otherwise specified in a particular case or for a particular form, each application shall be filed in original only.

(d) Except as otherwise provided in §§ 83.35, 83.41, and 83.42, an application should be filed at least 60 days prior to the earliest date on which it is desired that the requested authorization be granted by the Commission in order that action thereon may be taken by that date.

(e) The application shall be specific and complete with regard to the information required in the application form, or otherwise specifically requested by the Commission.

3. A new § 83.116 is added to read as follows:

§ 83.116 Alternate transmission on the same frequency in the Alaska area.

Ship stations within the Alaska area when communicating with coast stations within the bands 1605–2035 kc/s and 2107–12,000 kc/s shall transmit and receive on the same frequency: *Provided, however,* That this requirement shall not apply when communicating with coast stations of the Alaska Communication System: *And provided further,*

That this requirement is not applicable in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, the same frequency can not be used.

4. In § 83.132, paragraphs (a) (1) and (2) are amended to read as follows:

§ 83.132 Authorized classes of emission.

(a) • • •

Frequency band	*Classes of emission*
(1) Stations using telegraphy:	
100 to 160 kc/s	A1.
160 to 525 kc/s	A1, A2, and A2J.
2080 to 27,500 kc/s, except Alaska	A1: Survival craft stations may in addition use A2.
2070 to 2080 kc/s, except Alaska	Wide-band telegraphy, facsimile and special transmission systems. Manual International Morse code and telephony are excluded.
1605 to 3400 kc/s in Alaska	A1.
(2) Stations using telephony:	
(i) For frequencies designated in § 83.351(a):	
2182 kc/s	Until Jan. 1, 1977: A3 or A3H; after Jan. 1, 1977: A3H.
All other frequencies	A3, A3H, A3A, A3B, or A3J as specified in § 83.351 (a) and (b).
(ii) For frequencies designated in §§ 83.370, 83.371, and 83.372.	A3, A3H, A3A, A3B, or A3J as specified in §§ 83.370, 83.371, and 83.372.
(iii) For the frequency 121.5 Mc/s	A2.
(iv) For the frequency band 156 to 174 Mc/s	F3.

• • • • •

5. In § 83.133(a), the table is amended to read as follows:

§ 83.133 Authorized bandwidth.

(a) • • •

Class of Emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.3
A2	2.66A2	2.8
A3	6A3	8.0
A3A	2.8A3A	[4] 3.0
A3B	5.6A3B	7.0
A3H	2.8A3H	[5] 3.0
A3J	2.8A3J	[5] 3.0
F1	0.3F1 [6]	[6] 0.5
F2	16F3 [7]	[7] 20.0
F3	36F3 [8]	[8] 40.0
PO	Variable	Variable

[1] Narrow-band Direct-printing Telegraph and Data Transmission systems.
[2] Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.
[3] Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of this section.
[4] Transmitters type accepted to operate in the band 2000–2850 kc/s prior to the effective date of this rule change, the authorized bandwidth is 3.3 kc/s.

• • • • •

6. In § 83.134(d), the table is amended to read as follows:

§ 83.134 Transmitter power.

• • • • •

(d) • • •

Area	Frequency band	Type of communication	Transmitter power
Great Lakes area and Mississippi River north of Baton Rouge, La., and connecting inland waters.	2 to 27.5 Mc/s	Any	150
Other than the above.	2 to 4 Mc/s	Ship to shore, emission: A3.	[1] 400
		A3H, A3A, A3J.	[1] 150
		Ship to ship, emission: A3.	150
		A3H, A3A, A3J.	150
	4 to 27.5 Mc/s	Any	[1] 1,000

[1] Except for distress, urgency and safety purposes the maximum power which may be used on 2170.5, 2182, and 2191 kc/s is 150 watts.
[2] Except for the limitation specified in footnote 1 to this table, for passenger vessels of 5,000 gross tons and over this value is 1600 watts.
[3] For passenger vessels of 5,000 gross tons and over this value is 3000 watts.

• • • • •

7. In § 83.137, paragraph (c) is amended; paragraphs (d) through (f) are redesignated (e) through (g); and new paragraphs (d) and (h) are added to read as follows:

§ 83.137 Modulation requirements.

• • • • •

(c) Except as provided in paragraph (d) of this section, single sideband and independent sideband transmitters shall be capable of operation in the suppressed carrier (A3J) mode, with the carrier emitted at a power level at least 40 decibels below peak envelope power; and, in addition, in the following modes:

(1) Full carrier (A3H) mode, with the carrier emitted at a power level between 3 and 6 decibels below peak envelope power; and

(2) Reduced carrier (A3A) mode, with the carrier emitted at a power level 16 decibels, ±2 decibels, below peak envelope power.

(d) Transmitters type accepted prior to (the effective date of the final order in this docket) that are not type accepted for operation in all three modes (A3A, A3H, and A3J) may continue to be operated until January 1, 1974: *Provided, however,*[1] That where such transmitters have A3J capability, operation in that mode on the frequencies to which § 83.351 (b) (13) is applicable, may continue until further notice.

• • • • •

(h) In single sideband and independent sideband transmitters, the audio frequency bands shall be 350 to 2700 cycles per second, with a permitted amplitude variation of 6 decibels. Audio frequencies outside this band shall be attenuated to protect the adjacent channels.

8. In § 83.139 paragraph (a) is amended and a new paragraph (c) is added to read as follows:

§ 83.139 Transmitters required to be type accepted for licensing.

(a) Except as provided by paragraph (c) of this section, each radiotelephone transmitter authorized in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission.

• • • • •

(c) Effective January 1, 1971, DSB transmitters operating in the band 2000–2850 kc/s will not be authorized for installations made aboard ship stations after that date: *Provided, however,* That in a ship radio station authorized to operate on frequencies in the band 2000–2850 kc/s, DSB equipment may continue to be authorized for a period not to extend beyond January 1, 1977, where a license:

[1] The exception which follows is applicable to transmitters operating in the bands between 4 and 23 Mc/s (see Docket No. 18271).

(1) Was granted prior to January 1, 1971, and

(2) Has not expired due to failure to renew; or

(3) Has not been cancelled at the request of the licensee; or

(4) Has not been revoked by order of the Commission.

9. In § 83.141 paragraph (a) (2) is amended to read as follows:

§ 83.141 Special requirement for survival craft stations.

(a) • • •

(2) The frequency 2182 kc/s be able to use class of emission as set forth in § 83.351;

• • • • •

10. A new § 83.278 is added to read as follows:

§ 83.278 Practices concerning transmission of public correspondence in Alaska area.

(a) Pending Commission implementation of the tariff filing requirements of section 203 of the Communications Act and Part 61 of this chapter with respect to common carriers in Alaska, any charges made by a public ship station in the Alaska area, for interstate or foreign communication service, should conform to the applicable regulations and tariffs issued by the Alaska Communication System. Information regarding charges of any such station or any changes therein should be furnished promptly to the Tariff Manager of the Alaska Communication System, Seattle, Wash. 98104.

(b) Except in event of an emergency concerning the immediate safety of life or property, no public ship station in the Alaska area shall transmit any communication in behalf of any person other than the licensee to any other station licensed by the Commission under circumstances wherein such telecommunication can be transmitted effectively by, or to, readily available facilities of the Alaska Communication System which are open to public correspondence and are capable of effectively forwarding (via connecting facilitities if and when required) such telecommunication to the designated recipient.

11. In § 83.358, paragraph (a) is amended to read as follows:

§ 83.358 Frequencies below 3000 kc/s for safety purposes.

(a) The following carrier frequencies, when authorized by station license, are available for intership safety communications in the respective geographic areas. In addition, on a noninterference basis to safety communications, the frequencies may be used for operational communications and, in the case of commercial transport vessels and vessels of municipal or state governments, for business communications. Use of these carrier frequencies is prohibited when the use of a licensed frequency above 27.5 Mc/s in lieu thereof would provide effective communication.

Frequency (kc/s)	*Geographical area*
2003	Great Lakes only.
2065	[2].
2079	[2].
2082.5	[2].
2086	[2].
2093	[2].
2096.5	[2].
2100	[2].
2103.5	[2].
2142	Pacific coast area south or latitude 42° north, on a day only basis.
2170.5	[1].
2191	[1].
2638	All areas.
2735	[1].
2738	All areas except the Great Lakes and the Gulf of Mexico.
2830	Gulf of Mexico only.

[1] Subject to the conditions of use set forth in § 83.351(b)(9) (see note) and § 83.351(b)(10) (see note). The nature of service and category of vessel to be permitted on these intership carrier frequencies is under continuing consideration by the Commission.
[2] Only a portion of these frequencies will be available for use in the United States. The number which will be available is under consideration by the Commission, and is being coordinated with Canada. The frequencies ultimately selected will be available only for single sideband radiotelephony, and the classes of emission will be limited to A3A and A3J.

NOTE: § *83.351*(b)(*9*). Available for use by ship stations after Jan. 1, 1977, or at an earlier date: *Provided, however,* That interference will not be caused to coast and ship stations employing double sideband emissions centered on the carrier frequency located 3.00 kc/s above this carrier frequency.

§ *83.351*(b)(*10*). Use of this frequency is limited to emissions 2.8A3A and 2.8A3J only.

• • • • •

12. In § 83.365, paragraph (b) is amended to read as follows:

§ 83.365 Procedure in testing.

• • • • •

(b) When testing is conducted on any frequency within the bands 2173.5 to 2190.5 kc/s, 156.75 to 156.85 Mc/s, 480 to 510 kc/s (survival craft transmitters only), or 8362 to 8366 kc/s (survival craft transmitters only), no test transmissions shall occur which are likely to actuate any automatic alarm receiver within range. Survival craft stations using telephony shall not be tested on the frequency 500 kc/s during the 500 kc/s silence periods.

13. In § 83.366, paragraph (j) is amended to read as follows:

§ 83.366 General radiotelephone operating procedure.

• • • • •

(j) *2182 kc/s silence period in Regions 1 and 3.* Transmission by ship or survival craft stations when in Regions 1 and 3 (except in the territorial waters of Japan and the Philippines) is prohibited on any frequency (including 2182 kc/s) within the band 2173.5 to 2190.5 kc/s during each 2182 kc/s silence period, i.e., for 3 minutes twice each hour beginning at x h. 00 and x h. 30, Greenwich mean time: *Provided, however,* That this provision is not applicable to the transmission of distress, alarm, urgency, or safety signals, or to messages preceded by one of these signals.

14. A new § 83.370 is added to read as follows:

§ 83.370 Frequencies available in all zones of Alaska Area.

(a) Each of the carrier frequencies set forth in the following table, when authorized by station license, may be used by ship stations in all zones of the Alaska Area. The limitations and conditions of use applicable to each frequency are set forth in the paragraphs which appear below the table. Conversion from double sideband (DSB) to single sideband (SSB) emissions in the band 1605–4000 kc/s shall be effected in accordance with the schedule set forth in section 83.372 (o). (Conversion to SSB in the bands between 4 and 23 Mc/s: see Doc. No. 18271.)

Frequency (kc/s)	*Limitations and conditions of use.*
1619	(2), (6).
1622	(1), (2), (6).
2131	(2), (8).
2134	(1), (2), (8).
2237	(2), (8).
2240	(1), (2), (8).
2379	(2), (7).
2382	(1), (2), (9).
4380.6	(5), (9).
4383.8	(4), (5), (9).
4390.2	(3), (9).

(1) Until January 1, 1977, available for use with 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(2) After January 1, 1977, available for use with emissions 2.8A3A and 2.8A3J.

(3) Until March 1, 1970, 0001 G.m.t., available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J. This frequency will not be available for use by ship stations after 0001 G.m.t., March 1, 1970.

(4) During the period March 1, 1970, to January 1, 1974, available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(5) After January 1, 1974, available for use with emissions 2.8A3A and 2.8A3J.

(6) For communication by radiotelephony with public correspondence coast stations; and for intership communication by radiotelegraphy between ship stations on board vessels of less than 500 gross tons.

(7) For communication by radiotelephony with public correspondence coast stations; and for intership communication by radiotelegraphy between ship stations on board vessels of 500 gross tons or more.

(8) Available to public ship stations for communication exclusively with coast stations of the Alaska Communication System which are located in the Alaska area and are open for public correspondence.

(9) (i) Primarily, for communication by radiotelephony with public correspondence coast stations on board any type of vessel during the hours 6 a.m. to 9 p.m., local standard time; and

(ii) Secondarily, during the hours 6 a.m. to 9 p.m., local standard time, for communication by radiotelephony between ship stations on board any type of vessel, on condition that harmful interference shall not be caused to the service of any coast station using radiotelephony. The use of this frequency for this purpose shall be limited to the relatively longer distances over which the use of frequencies below 3400 kc/s or above 156 Mc/s would not be effective.

15. A new § 83.371 is added to read as follows:

§ 83.371 Public telephone service, ship stations to ACS coast stations.

Public ship stations shall use radiotelephony carrier frequencies, for working with the designated Alaska Communication System coast stations, as set forth in the following table. The hours of service of each ACS coast station may be obtained upon request made to the ACS or to the Commission's Engineer in Charge at Anchorage, Alaska, or Seattle, Wash.

For communication with ACS coast stations located in the vicinity of—	Ship station transmitting carrier frequency (kc/s)		Associated ACS coast station carrier frequency (kc/s)[3]	
	Until Jan. 1, 1977[1]	After Jan. 1, 1977[2]	Until Jan. 1, 1977[1]	After Jan. 1, 1977[2]
Anchorage, Alaska	2134	2134	2312	2312
Cold Bay, Alaska	2134	2134	2312	2312
Cordova, Alaska	2134	2237	2312	2297
Juneau, Alaska	2240	2240	2400	2400
Ketchikan, Alaska	2134	2257	2312	2297
King Salmon, Alaska	2134	2240	2312	2400
Kodiak, Alaska	2240	2131	2400	2309
Nome, Alaska	2240	2240	2400	2400
Petersburg, Alaska	2134	2134	2312	2312
Sitka, Alaska	2240	2134	2400	2312
Unalaska, Alaska	2134	2134	2312	2312

[1] Until Jan. 1, 1977, emission 6A3, 2.8A3A, 2.8A3H, or 2.8A3J may be employed. During the period Jan. 1, 1977, to Jan. 1, 1977, emissions 2.8A3A, 2.8A3H, or 2.8A3J may be employed. After Jan. 1, 1977, emissions 2.8A3A or 2.8A3J only shall be used.

[2] Until Jan. 1, 1977, emissions 6A3, 2.8A3A, 2.8A3H, or 2.8A3J may be employed. After Jan. 1, 1977, emissions 2.8A3A and 2.8A3J only shall be used.

[3] The schedule of conversion of ACS coast stations from 1WB to SSB and conditions relating to provision of VHF service are set forth in § 81.304(f) of this chapter.

16. A new § 83.372 is added to read as follows:

§ 83.372 Frequencies available in one or more zones of the Alaska Area.

(a) Each of the carrier frequencies set forth in the following table, when authorized by station license, may be used by public ship stations employing radiotelegraphy or radiotelephony: *Provided, however,* That radiotelephony only shall be employed on frequencies in the band 4361–4438 kc/s. Frequencies designated for use in a zone of the Alaska area are available only to coast stations located in that zone. The limitations and conditions of use applicable to each frequency are set forth in the paragraphs which appear below the table. Conversion from double sideband (DSB) to single sideband (SSB) emissions in the band 1605–4000 kc/s shall be effected in accordance with the schedule set forth in paragraph (o) of this section. (Conversion to SSB in the bands between 4 and 23 Mc/s: See Doc. No. 18271.) The frequencies available and the zones in the Alaska area in which they may be employed are set forth in the following table:

Zone 1		Zone 2		Zone 3		Zone 4		Zone 5		Zone 6	
Available until Jan. 1, 1977	Available after Jan. 1, 1977	Available until Jan. 1, 1977	Available after Jan. 1, 1977	Available until Jan. 1, 1977	Available after Jan. 1, 1977	Available until Jan. 1, 1977	Available after Jan. 1, 1977	Available until Jan. 1, 1977	Available after Jan. 1, 1977	Available until Jan. 1, 1977	Available after Jan. 1, 1977
1646	1646	1652	1649			1646	1643	1652	1652	1646	1646
1712(b)	1709			1709	1705	1708	1705	1712(b)	1712		
2008(d)	2006(d)	2118(m)	2118(m)			2118(m)	2118(m)		2008(d)		
2422	2419	2430(c) (n)	2439(e) (n)	2422	2422	2430	2427	2430	2430		
				2450(f) 2482(m) (g)	2450(f) 2479(m) (g)	2450(f) 2482(g)	2447(f) 2482(g)			2450(f) 2482(g)	2490(f) 2482(g)
								2506(h)	2506(h)	2506(h)	2506(h)
2512	2512	2512 2538(e)	2509 2538(e)	2512 2538(e)	2512 2535	2512	2509				
2566	2566					2566	2563	2566	2566		
2616(d) (f)	2616(d) (f)										
3261(j)	3261(j)					3261(j)	3261(j)	3261(j)	3258(j)		
4409.4(k)	4408.0(k)	4409.4(k)	4428.6(k)	4409.4(k)	4390.8(k)	4434.9(k)	4425.4(k)	4434.9(k)	4428.6(k)	4434.9(k)	4408.0(k)

(b) To minimize interference to the service of stations in Zone 3 or 4 operating on 1708 kc/s, ship stations in Zone 1 shall not transmit on 1712 kc/s when west of 138° west longitude, nor in Zone 5 when south of 62° north latitude.

(c) To minimize interference to the service of ship stations transmitting on 2430 kc/s to any public coast station in the vicinity of Seattle, Wash., ship stations in Zone 2 shall not transmit on 2430 kc/s when south of 59° north latitude.

(d) To minimize interference to or from the operation of stations outside the Alaska area or U.S. Government stations within Alaska, this frequency is authorized for use annually in the respective zone only during the hours from 7 a.m. to 11 p.m., local standard time from May 15 to September 15 inclusive, and from 8 a.m. to 9 p.m., local standard time from April 1 to May 14 inclusive and from September 16 to October 31 inclusive.

(e) To minimize interference to or from the service of any coast station transmitting on 2538 kc/s and located in the vicinity of Vancouver, British Columbia, ship stations in Zones 2 and 3 shall not transmit on 2538 kc/s when south of 56° north latitude.

(f) Use of the frequency 2450 kc/s shall be coordinated as necessary with use of the frequency 2466 kc/s by Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.

(g) Use of the frequency 2482 kc/s shall be coordinated as necessary with use of the frequencies 2466 and 2474 kc/s by Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.

(h) Use of the frequency 2506 kc/s for maritime mobile service in the Alaska area is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of San Francisco or Eureka, Calif.

(j) Use of the frequency 2616 kc/s shall be coordinated as necessary with use of the frequency 2632 kc/s by Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.

(j) Insofar as is practicable, ship stations shall limit their use of the frequency 3261 kc/s to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc/s or above 156 Mc/s.

(k) (1) The frequencies 4409.4 and 4434.9 kc/s are authorized, until May 1, 1970, for telephony exclusively; for use during the hours 6 a.m. to 9 p.m. local standard time only. Availability and use of the frequency 4434.9 kc/s is subject to the condition that harmful interference shall not be caused to the service of any coast station located in the Great Lakes area.

(2) During the period March 1, to May 1, 1970, ship stations shall shift from present DSB channels to replacement DSB channels as set forth in the following table:

Zone	Present Until May 1, 1970 (DSB or SSB) (kc/s)[1]	Effective May 1, 1970 (DSB or SSB) (kc/s)[1]
Zone 1	4409.4	4408.0
Zone 2	4409.4	4428.6
Zone 3	4409.4	4408.0
Zone 4	4434.9	4428.6
Zone 5	4434.9	4428.6
Zone 6	4434.9	4428.6

[1] 6A3, 2.8A3A, 2.8A3H, and 2.8A3J emissions.

(3) Effective January 1, 1974, or an earlier date where facilities permit, ship stations shall:

(i) Discontinue use of double sideband emission on frequencies in the band 4361–4438 kc/s:

(ii) Employ frequencies in the 4361–4438 kc/s band in zones of the Alaska area as set forth in the table of paragraph (a) of this section:

	Effective May 1, 1970 (DSB or 88B) (kc/s)[1]	Effective Jan. 1, 1974 (88B only) (kc/s)[2]
Zone 1	4403.0	4403.0
Zone 2	4403.0	4428.6
Zone 3	4403.0	4399.8
Zone 4	4428.6	4425.4
Zone 5	4428.6	4428.6
Zone 6	4428.6	4403.0

[1] 6A3, 2.8A3A, 2.8A3H, and 2.8A3J emissions.
[2] 2.8A3A, and 2.8A3J emissions.

(l) (1) When operating on any frequency designated in paragraph (a) of this section, a ship station shall transmit only on an authorized carrier frequency which is specifically authorized by that paragraph for transmission in the zone in which the ship station then is located: *Provided, however,* That, for communication with a ship or coast station located in a contiguous zone which uses a frequency in accordance with paragraph (a) of this section but not designated by that paragraph for use in the zone in which the ship station then is located, such ship station may transmit on the contiguous zone frequency when, by reason of conditions not under its control, such operation becomes necessary.

(2) Ship stations are authorized generally to communicate on each frequency designated in this section with public coast stations using the same frequency. A ship station may communicate on any of these frequencies with another ship station only when requested to do so by a public coast station which operates on the same frequency in accordance with paragraph (a) of this section and is within communication range of the ship station.

(m) Use of the frequency 2118 kc/s shall be coordinated as necessary with use of the frequency 2134 kc/s in order to avoid harmful interference.

(n) To minimize interference to or from the operation of stations outside the Alaska area, this frequency is authorized for use annually in the respective zone only during the hours from 6 a.m. to 11 p.m., local standard time, from April 1 to September 30 inclusive.

(o) The transition from double sideband (DSB) to single sideband (SSB) emissions on frequencies below 4000 kc/s shall be effected aboard ship stations in accordance with the following schedule. Assignment to ship stations of radiotelephony frequencies in the band 1605–4000 kc/s will be subject to the following schedule and limitations:

(1) After January 1, 1971, new installations of transmitters employing A3 (double sideband) emission will not be authorized.

(2) Transmitters employing A3 (double sideband) emission which were authorized (see § 83.139(c)) prior to January 1, 1971, may continue to be used until January 1, 1977.

(3) After January 1, 1971, new installations of transmitters employing A3A, A3H, and A3J (single sideband) emissions will be authorized only for communication:

(i) (With coast stations:) To ship stations which are also equipped with VHF and operate at a distance from a public coast station, limited coast station with which the ship station is authorized to communicate, or U.S. Coast Guard station which is beyond VHF communication range; and

(ii) (For intership communication:) To ship stations where communication is required with other vessels over distances in excess of the VHF communication range.

(4) After January 1, 1977, to those ship stations which are equipped for use of both single sideband emissions in the band 1605–4000 kc/s and F3 emission in the band 156–162 Mc/s.

(5) After January 1, 1977, subject to subdivision (iv), below, radiotelephony frequencies in the band 1605–4000 kc/s will not be available for and shall not be used to communicate:

(i) With other vessels which are within communication range of VHF;

(ii) Within ports, harbors, for communication concerning passage of ships through locks, bridge areas, or Government-controlled waterways; and

(iii) On lakes or rivers:

(iv) The requirements of this subparagraph (5) may be waived where a satisfactory showing has been made that the communication requirement cannot be fulfilled by VHF, or by adaptation of VHF.

NOTE: The limitations and conditions of use set forth in paragraphs (f), (g), (i), and (m) are required during the transition from DSB to SSB. The transition to SSB will be completed on Jan. 1, 1977, and compliance with these paragraphs will not be required after this date.

17. In § 83.484, paragraph (a) is amended to read as follows:

§ 83.484 Radiotelephone transmitter.

(a) The transmitter shall be capable of effective transmission of A3 or A3H emission on 2182 kc/s, 2638 kc/s, in accordance with § 83.351, and at least two other frequencies within the band 1605 to 2850 kc/s available for ship to shore or ship to ship communication.

* * * * *

18. In § 83.517, paragraph (a) is amended to read as follows:

§ 83.517 Medium frequency transmitter.

(a) The transmitter shall have a carrier power of at least 25 watts for A3 emission or peak envelope power of not less than 50 watts for A3H emission 2182 kc/s, 2638 kc/s, in accordance with § 83.351, and at least one ship to shore working frequency within the band 1605 to 2850 kc/s enabling communication with a public coast station serving the region in which the vessel is navigated.

* * * * *

D. Part 85, Public Fixed Stations and Stations of the Maritime Services in Alaska, is deleted in its entirety, the provisions having been transferred as follows:

Part 85	Part 81	Part 83
Title	*Title*	*Title*
85.1	81.1	83.1.
85.2	81.9	83.2.
85.3	81.9	83.2.
85.4	Deleted	Deleted.
85.21(a)	81.21	83.21.
85.21(b)	81.39(a)(2)	
85.22	81.24(a)	83.24.
85.23	81.40 (c), (d)	
85.24	81.30(b)	
85.25	Deleted	Deleted.
85.61	81.65	83.63.
85.62	81.68 (d), (e)	
85.63	81.71	
85.64	81.74	
85.64	81.75	
85.65	Deleted	
85.10(a)	81.180	
85.10(b)	81.701	83.176.
85.10(b)	81.180	83.177.
85.10(b)	81.181	
85.102	81.179 (f), (g)	83.278 (a), (b).
85.103	81.702	
85.104	81.104	
85.105	81.106	
85.106	81.703	
85.107	81.303	
85.108		83.329.
85.108		83.367.
85.109(a)	81.704	
85.109(b)	81.214	
85.109(b)	81.370	
85.110		83.330.
85.110		83.368.
85.111	81.302	
85.111	81.307	
85.111	81.308	
85.112	81.104	
85.113	81.74	
85.113	81.75	
85.114	81.504	83.434.
85.115	Deleted	Deleted.
85.151	81.131	
85.152	81.132	83.132.
85.153	81.134	83.134.
85.154	81.142	83.137.
85.155	Deleted	Deleted.
85.156(a)	81.137(d)	
85.156(b)	Deleted	
85.201	81.705	
85.202	81.706	
85.203	81.707	
85.204	81.708	
85.205	81.709	
85.206	81.710	
85.207	81.713	
85.208	Deleted	
85.251	81.172	83.180.
85.252	Deleted	Deleted.
85.253	81.195	83.116.
85.254	81.187	Subpart J, 83.352(a).
85.255		83.316.
85.256	81.206(d)	
85.257	81.304(b)	83.249(d).
85.258		83.351 (a), (b).
85.259(a)	81.307	83.370.
85.260		83.370.
85.260		83.371.
85.264	81.308	83.372.
85.265	Deleted	Deleted.

[F.R. Doc. 69-10211; Filed, Aug. 29, 1969; 8:45 a.m.]

[47 CFR Part 73]

[Docket No. 6741]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

Order Extending Time for Filing Comments and Reply Comments

1. On April 25, 1969, the Commission released a notice of proposed rule making, Docket 6741 (FCC–69–405) reopening the "clear channel" proceeding for the purpose of seeking a solution to the long-standing "KOB problem". Two extensions have been granted and the dates presently designated for filing comments and reply comments are August 25, 1969, and September 25, 1969, respectively.

2. On August 21, 1969, American Broadcasting Companies, Inc. (ABC),

through its counsel, requested the Commission to extend the dates for filing comments to and including September 22, 1969, and the filing of reply comments to and including October 22, 1969. This is the first extension requested by ABC in this matter. It states that recent actions of the Commission and of Congress have prevented its counsel from turning his attentions to this lengthy and complex proceeding. Counsel for KOB has indicated by telephone that he consents to a grant of additional time here sought.

3. It appears that the additional time is warranted. *Accordingly, it is ordered*, That the time for filing comments and reply comments is extended to September 22, 1969, and October 22, 1969, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: August 22, 1969.

Released: August 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-10426; Filed, Aug. 29, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 212, 441, 450, 471, 482]

[Docket No. R-365]

PROTECTION AND ENHANCEMENT OF NATURAL, HISTORIC AND SCENIC VALUES IN DESIGN, LOCATION, CONSTRUCTION AND OPERATION OF PROJECT WORKS

Notice of Extension of Time for Filing Comments

AUGUST 25, 1969.

Upon consideration of the request filed August 15, 1969, by Edison Electric Institute, in the above-designated proceeding;

Notice is hereby given that the time is extended to and including November 15, 1969, within which any interested person may submit data, views, and comments in writing in the above-designated proceeding.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10374; Filed, Aug. 29, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-8673]

AUTOMATED TRADING INFORMATION SYSTEMS

Extension of Comment Period

Notice is hereby given that the Securities and Exchange Commission has extended the deadline from August 26, 1969, to September 15, 1969, for the submission by all interested persons of views and comments on the proposal to adopt Rule 15c2-10 (17 CFR 240.15c2-10) under the Securities Exchange Act of 1934 as well as other matters referred to in Securities Exchange Act Release No. 8661, and in the FEDERAL REGISTER of August 9, 1969 (34 F.R. 12952).

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 21, 1969.

[F.R. Doc. 69-10395; Filed, Aug. 29, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

POTASSIUM CHLORIDE FROM WEST GERMANY

Determination of Sales at Less Than Fair Value; Correction

AUGUST 26, 1969.

The second sentence of the first paragraph of the "Statement of Reasons" in F.R. Doc. 69-10077, which appeared in the FEDERAL REGISTER of August 23, 1969, on page 13615, is hereby revised to correct a typographical omission: "Sales of the merchandise in the home market were sufficient to afford an appropriate basis of comparison."

MATTHEW J. MARKS,
Deputy to the Assistant Secretary.

[F.R. Doc. 69-10403; Filed, Aug. 29, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 9594]

NEW MEXICO

Notice of Proposed Classification; Correction

AUGUST 25, 1969.

In F.R. Doc. 69-9737 appearing on pages 13376 and 13377, of the FEDERAL REGISTER issue of Tuesday, August 19, 1969 (34 F.R. 13376-13377), the following correction should be made: In line 21 of the land description, change "T. 2 S., R. 21 E.," to "T. 1 S., R. 21 E."

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-10393; Filed, Aug. 29, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Kansas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

Grant.	Morton.
Greeley.	Stanton.
Hamilton.	Stevens.
Kearny.	Wichita.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of August 1969.

CLARENCE D. PALMBY,
Acting Secretary.

[F.R. Doc. 69-10411; Filed, Aug. 29, 1969; 8:48 a.m.]

MISSISSIPPI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) it has been determined that in the hereinafter-named counties in the State of Mississippi, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Clarke.	Leake.
Copiah.	Lincoln.
Covington.	Madison.
Forrest.	Marion.
George.	Neshoba.
Greene.	Newton.
Hancock.	Pearl River.
Harrison.	Perry.
Hinds.	Pike.
Jackson.	Rankin.
Jasper.	Scott.
Jeff Davis.	Simpson.
Jones.	Smith.
Kemper.	Stone.
Lamar.	Walthall.
Lauderdale.	Wayne.
Lawrence.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of August 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-10430; Filed, Aug. 29, 1969; 8:49 a.m.]

VIRGINIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) it has been determined that in the hereinafter-named counties in the State of Virginia, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

VIRGINIA

Albemarle.	Goochland.
Alleghany.	Hanover.
Amherst.	Henrico.
Appomattox.	Isle of Wight.
Bath.	James City.
Bedford.	Louisa.
Botetourt.	Nelson.
Buckingham.	New Kent.
Campbell.	Powhatan.
Caroline.	Prince George.
Charles City.	Rockbridge.
Chesterfield.	Surry.
Fluvanna.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of August 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-10431; Filed, Aug. 29, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

NATIONAL BANK OF COMMERCE OF SEATTLE

Notice of Approval of Applicant as Trustee

Notice is hereby given that The National Bank of Commerce of Seattle, a national banking association with offices at Second Avenue and Spring Street, Seattle, Wash. 98101, has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: August 26, 1969.

M. I. GOODMAN,
Chief, Office of Ship Operations.

[F.R. Doc. 69-10872; Filed, Aug. 29, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 4054]

CERTAIN SHORT-ACTING SYSTEMIC SULFONAMIDES

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration published an announcement in the FEDERAL REGISTER of June 17, 1969 (34 F.R. 9464), regarding the efficacy of certain short-acting systemic sulfonamides. Based on a reevaluation of the reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, the Commissioner of Food and Drugs finds it appropriate to amend the announcement of June 17, 1969, to:

1. Add as an effective indication "inclusion conjunctivitis";

2. Indicate the limited effectiveness of these drugs in uncomplicated urinary tract infections caused by *Proteus vulgaris;*

3. Delete references to the use of intrathecal streptomycin in combination with these drugs as an effective treatment of *Haemophilus influenzae meningitis;*

4. Add that these drugs, with the exception of sulfadiazine, are possibly effective in the prophylaxis of rheumatic fever, as an alternative to penicillin;

5. Add as ineffective indications "shigellosis" and "cellulitis";

6. Revise the "Description" section of the labeling guidelines to provide for the inclusion of meaningful data on the amounts of "free" and "total" sulfonamide levels to be expected from an average dose of the drug;

7. Revise the "Actions" section of the labeling guidelines to briefly state optimal and maximum blood levels of the drug;

8. Revise the "Indications" section of the labeling guidelines to reflect the effectiveness classification statements in 1 and 2 above;

9. Revise the "Warnings" section of the labeling guidelines to incorporate references to hematologic and renal function testing which were previously included in the "Precautions" section;

10. Revise the "Precautions" section of the labeling guidelines to delete references to hematologic and renal function testing; and

11. Revise the "Dosage and administration" section of the labeling guidelines to indicate the use of the parenteral route only when oral dosage is impractical.

Accordingly, the "Effectiveness classification" section of the previous announcement and the labeling guidelines are amended to read as follows:

A. *Effectiveness classification.* The Food and Drug Administration concludes that:

1. These sulfonamides are effective in the treatment of chancroid; trachoma; inclusion conjunctivitis; nocardiosis; urinary tract infections due to susceptible organisms (usually *E. coli, Klebsiella aerobacter, staphylococcus aureus, Proteus mirabilis,* and, less frequently, *Proteus vulgaris*) in uncomplicated cases; toxoplasmosis as adjunctive therapy with pyrimethamine; malaria due to chloroquine-resistant strains of *Plasmodium falciparum,* when used as adjunctive therapy; meningococcal meningitis where the organism has been demonstrated to be susceptible; *Haemophilus influenzae* meningitis as adjunctive therapy with parenteral streptomycin. Of these sulfonamides, only sulfadiazine is effective in the prophylaxis of rheumatic fever, as an alternative to penicillin.

2. These drugs are possibly effective for the treatment of acute and chronic otitis media (most commonly due to streptococci, staphylococci, pneumococci, *H. influenzae* (in infants), and *Escherichia intermedia*); pneumococcal infections; gas gangrene; lymphogranuloma venereum; chronic urinary tract infections; sinusitis; and staphylococcal infections, especially *S. aureus,* except in urinary tract infections in uncomplicated cases. These drugs, with the exception of sulfadiazine, are possibly effective in the prophylaxis of rheumatic fever, as an alternative to penicillin.

3. There is a lack of substantial evidence of effectiveness of these drugs for: The treatment of tonsillitis; actinomycosis; gonococcal infections; streptococcal infections; all meningitides, except meningococcal infections and *H. influenzae* meningitis as adjunctive therapy with parenteral streptomycin; Salmonella infections; Shigellosis; systemic infections due to *Haemophilus influenzae,* except in otitis media (in infants) due to susceptible strains of this organism and *H. influenzae* meningitis as adjunctive therapy with parenteral streptomycin; systemic infections due to *Klebsiella pneumoniae;* pneumonia, except in that due to *Nocardia; Streptococcus faecalis* infections; Proteus infections other than *Proteus mirabilis* and *Proteus vulgaris; Pseudomonas aeruginosa* infections; respiratory infections; cystitis, pyelitis, prostatitis and urethritis unless in uncomplicated infections due to susceptible organisms; pharyngitis; wound infections; skin and soft tissue infections; cellulitis; for the prevention of bacteremia and subacute bacterial endocarditis and for prophylaxis in patients with indwelling catheters, ureterostomies, urinary stasis, cord bladder, and bed-ridden patients; and before and after genitourinary surgery and instrumentation.

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation. A statement should be included in regard to the fact that the sulfonamides exist in the blood as free, conjugated (acetylated and possibly other forms), and protein-bound forms. The "free" form is considered to be the therapeutically active form. Data should be included giving the amount of "free" and "total" sulfonamide level in the blood from an average dose of the drug.)

ACTIONS

The systemic sulfonamides are bacteriostatic agents. The spectrum of activities is similar for all. Sulfonamides competitively inhibit bacterial synthesis of folic acid (pteroylglutamic acid) from aminobenzoic acid. Resistant strains are capable of utilizing folic acid precursors or preformed folic acid.

In vitro sulfonamide sensitivity tests are not always reliable. The test must be carefully coordinated with bacteriologic and clinical response. Aminobenzoic acid should be added to the culture media when the patient is already taking sulfonamide. Currently, the increasing frequency of sulfonamide-resistant organisms is the major limitation of therapeutic usefulness.

Wide variation in blood levels may result with identical doses. Blood levels should be measured in patients receiving sulfonamides for serious infections. Total sulfonamide blood levels at 12–15 milligram-percent are optimal; 20 milligram-percent should be the maximum level, as adverse reactions occur more frequently at this level.

INDICATIONS

Chancroid.
Trachoma.
Inclusion conjunctivitis.
Nocardiosis.
Urinary tract infections due to susceptible organisms (usually *E. coli., Klebsiella aerobacter, Straphylococcus aureus, Proteus mirabilis,* and, less frequently, *Proteus vulgaris*) in uncomplicated cases.
Toxoplasmosis as adjunctive therapy with pyrimethamine.
Malaria due to chloroquine-resistant strains of *Plasmodium falciparum,* when used as adjunctive therapy.
Meningococcal meningitis where the organism has been demonstrated to be susceptible.
Hemophilus influenzae meningitis as adjunctive therapy with parenteral streptomycin.
Add for sulfadiazine only: Prophylaxis of rheumatic fever as alternative to penicillin.

CONTRAINDICATIONS

Hypersensitivity to sulfonamides.
Infants less than 2 months of age (except in the treatment of congenital toxoplasmosis as adjunctive therapy with pyrimethamine).
Pregnancy at term and during the nursing period because sulfonamides pass the placenta and are excreted in the milk and may cause kernicterus.

WARNINGS

Sulfonamides are bacteriostatic and resistance is frequent in organisms responsible for common infections.
Sulfa drugs will not eradicate group A streptococci and have not been demonstrated to prevent such sequelae of these infections as rheumatic fever and glomerulonephritis.
Deaths associated with the administration of sulfonamides have been reported from hypersensitivity reactions, agranulocytosis, aplastic anemia, and other blood dyscrasias.
The presence of clinical signs such as sore throat, fever, pallor, purpura, or jaundice may be early indications of serious blood disorders.
Blood counts should be done frequently in patients receiving sulfonamides. Renal function tests are recommended during treatment.
The frequency of renal complications is considerably lower in patients receiving the more soluble sulfonamides. Urinalysis with careful microscopic examination should be obtained frequently in patients receiving sulfonamides.

PRECAUTIONS

Sulfonamides should be given with caution to patients with impaired renal or hepatic function and in those with severe allergy or bronchial asthma.
In glucose-6-phosphate dehydrogenase-deficient individuals, hemolysis may occur. This reaction is frequently dose-related.
Adequate fluid intake must be maintained in order to prevent crystalluria and stone formation.

ADVERSE REACTIONS

Blood dyscrasias: Agranulocytosis, aplastic anemia, thrombocytopenia, leukopenia, hemolytic anemia, purpura, hypoprothrombinemia, methemoglobinemia.
Allergic reactions: Erythema multiforme (Stevens-Johnson Syndrome), generalized skin eruptions, epidermal necrolysis, urticaria, serum sickness, pruritus, exfoliative dermatitis, anaphylactoid reactions, periorbital edema, conjunctival and scleral injection, photosensitization, arthralgia, and allergic myocarditis.
Gastrointestinal reactions: Nausea, emesis, abdominal pains, hepatitis, diarrhea, anorexia, pancreatitis, and stomatitis.
C.N.S. reactions: Headache, peripheral neuritis, mental depression, convulsions, ataxia, hallucinations, tinnitus, vertigo, and insomnia.
Miscellaneous reactions: Drug fever, chills, and toxic nephrosis with oliguria and anuria. Periarteritis nodosum and L.E. phenomenon have occurred.
The sulfonamides bear certain chemical similarities to some goitrogens, diuretics (acetazolamide and the thiazides), and oral hypoglycemia agents. Goiter production, diuresis, and hypoglycemia have occurred rarely in patients receiving sulfonamides. Cross-sensitivity may exist with these agents.

DOSAGE AND ADMINISTRATION

Systemic sulfonamides are contraindicated in infants under 2 months of age, except in the treatment of congenital toxoplasmosis as adjunctive therapy with pyrimethamine.
1. *Oral dosage forms:*
a. Usual dose for infants over 2 months of age and children:
Initial dose: One-half of the 24-hour dose.
Maintenance dose: 150 mg./kg./24 hours or 4 gm./M²/24 hours—dose to be divided into 4–6 doses/24 hours with maximum of 6 gm./24 hours.
Rheumatic fever prophylaxis: Under 30 kg. (66 lb.)—0.5 gm./24 hours; over 30 kg. (66 lb.)—1.0 gm./24 hours.
b. Usual adult dose:
Initial dose: 2–4 gm.
Maintenance dose: 2–4 gm./24 hours, divided in 3–6 doses/24 hours.
2. *Parenteral dosage forms:*
Injectable sulfonamides should be used only when oral admipistration is impractical.
Usual dose for infants over 2 months of age, children, and adults:
Initial dose: One-half of the 24-hour dose.
Maintenance dose: 100 mg./kg./24 hours or 2.25 gm./M²/24 hours, administered in a 5 percent solution—
a. Subcutaneous administration, divided into three doses/24 hours; and
b. Intravenous administration, divided into 4 doses/24 hours.

The date of publication of this notice in the FEDERAL REGISTER amending the previous notice shall be used to compute all time periods allowed, thus superseding the time periods previously announced in the FEDERAL REGISTER of June 17, 1969.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 25, 1969.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 69–10376; Filed, Aug. 29, 1969; 8:45 a.m.]

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 0F0866) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of a tolerance (21 CFR Part 120) of 0.5 part per million for residues of the insecticide *O,O*-diethyl *S*-[2-(ethylthio) ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites, calculated as demeton, in or on the raw agricultural commodity hops.

The analytical method proposed in the petition for determining residues of the insecticide and its metabolites is a gas chromatographic procedure using a flame photometric detector after oxidation of the insecticide and its metabolites to the corresponding sulfone and oxygen analog sulfone.

Dated: August 25, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–10377; Filed, Aug. 29, 1969; 8:45 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 0F0863) has been filed by The Dow Chemical Co., Post Office Box 1706, Midland, Mich. 48640, proposing the establishment of tolerances for residues of the herbicide 4-amino-3,5,6-trichloropicolinic acid, from its application in the acid form, or in the form of its potassium, triethylamine, or triisopropanolamine salts expressed as 4-amino-3,5,6-trichlor-opicolini cacid, in or o nthe raw agricultural commodity group forage grasses at 70 parts per million; in kidney of cattle, goats, and sheep at 8 parts per million; in liver of cattle, goats, and sheep at 1 part per million; in meat and fat of cattle, goats, and sheep at 0.2 part per million; and in milk at 0.05 part per million (negligible residue).

The analytical methods proposed in the petition for determining residues of the herbicide are the gas chromatographic methods of (1) A. H. Kutschinski, "Journal of Agricultural and Food Chemistry," vol. 17, p. 288 (1969; (2) A. H. Kutschinski and Van Riley, "Journal of Agricultural and Food Chemistry," vol. 17, p. 283 (1969); and (3) a gas chromatographic procedure in which residues are extracted with potassium hydroxide solution, cleaned up with an ethyl ether extraction, and esterified with diazomethane. The methyl ester is determined using electron capture gas chromatography.

Dated: August 25, 1969.

J. K. KIRK,
Associate Commissioner, for Compliance.

[F.R. Doc. 69–10378; Filed, Aug. 29, 1969; 8:45 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petitions Regarding Pesticide Chemicals and Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 0F0860) has been filed by The Dow Chemical Co., 2020 Abbott Road Center, Midland, Mich. 48640, proposing an exemption (21 CFR Part 120, Subpart D) from the requirement of a tolerance for residues of surfactants that are sodium monoalkyl and dialkyl (C_6–C_{16}) phenoxybenzenedisulfonate mixtures containing not less than 70 percent of monoalkylated product when used as an inert ingredient in pesticide formulations.

Notice is also given that the same firm has filed a food additive petition (FAP 0H2441) proposing an amendment to § 121.2541 *Emulsifiers and/or surface-active agents* (21 CFR 121.2541) to provide for the safe use of the above-identified surfactants as emulsifiers and/or surface-active agents in the manufacture of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food.

The analytical method proposed in the pesticide petition for determining residues of the surfactants is a spectrophotometric procedure in which an aqueous solution of the surfactants reacts with methyl green dye at pH 2.5 to form a blue complex, the absorbance of which is measured at 615 millimicrons.

Dated: August 25, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–10379; Filed, Aug. 29, 1969; 8:45 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP OFO861) has been filed by Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of a tolerance (21 CFR Part 120) of 0.1 part per million for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide in or on the raw agricultural commodity cottonseed.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a phosphorous-sensitive thermionic-emission detector.

Dated: August 22, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-10380; Filed, Aug. 29, 1969; 8:45 a.m.]

STERLING DRUG, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP OH2449) has been filed by Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016, proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for the safe use of an aqueous solution as described in paragraph (b)(9) but with an average molecular weight of 351-380.

Dated: August 25, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-10381; Filed, Aug. 29, 1969; 8:45 a.m.]

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from January 1, 1969, to June 30, 1969, inclusive.

These lists are supplementary to the lists of licensed establishments and products in effect on January 1, 1969, published on March 27, 1969, in F.R. Vol. 34, No. 60.

ESTABLISHMENT LICENSES ISSUED

Establishment	City and State	License No.
State University Hospital, Upstate Medical Center.	Syracuse, N.Y.	417
Allied Plasma Corp.	Miami, Fla.	418
Columbus Biologicals, Inc.	Columbus, Ohio.	419
Eastern Biologicals, Inc.	Miami, Fla.	420

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE

High Titer Serum Laboratory.	New York, N.Y.	163
Marathon County Blood Bank, Inc.	Wausau, Wis.	285
Sterling Drug, Inc.	Rensselaer, N.Y.	69

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE AND REISSUED

Establishment	City and State	License No.	Action
Dade Division of American Hospital Supply Corp.	Miami, Fla.	179	Name change
National Blood Products, Inc.	New York, N.Y.	321	Do.
World Blood Bank, Inc.	Tulsa, Okla.	312	Location deleted.
Schering Corp.	Port Reading, N.J.	349	Name change.
Blood Services	Scottsdale, Ariz.	183	Location added Houston, Tex.
Miles Laboratories, Inc.	Elkhart, Ind. and West Haven, Conn.	362	Locations deleted.

PRODUCT LICENSES ISSUED

Product	Establishment	License No.
Antihemophilic Factor (Human).	E. R. Squibb & Sons, Inc.	82
Packed Red Blood Cells (Human).	Marietta Memorial Hospital.	270
Tetanus Immune Globulin (Human).	Wyeth Laboratories, Inc.	3
Whole Blood (Human).	Allied Plasma Corp.	418
	Columbus Biologicals, Inc.	419
	Metabolic Research Foundation, Inc.	415
	State University Hospital, Upstate Medical Center.	417
Rubella Virus Vaccine, Live.	Merck Sharp & Dohme, Division of Merck & Co., Inc.	2
Anti-A Blood Grouping Serum.	Eastern Biologicals, Inc.	420
Anti-B Blood Grouping Serum.	do.	420
Anti-Rh Typing Serum, Anti-Rh_o (Anti-D).	Metabolic Research Foundation, Inc.	415
Anti-Rh Typing Serum, Anti-Rh_o" (Anti-DE).	Abbott Laboratories.	63
Anti-Dia Serum (Anti-Diego).	Dade Division of American Hospital Supply Corp.	179
Anti-Fy^a Serum (Anti-Duffy).	Lederle Laboratories Division, American Cyanamid Co.	17
Anti-M Serum.	do.	17
Anti-s Serum.	Certified Blood Donor Service, Inc.	137
	Lederle Laboratories Division, American Cyanamid Co.	17

PRODUCT LICENSES REVOKED WITHOUT PREJUDICE

Product	Establishment	License No.
Resuspended Red Blood Cells (Human).	Blood Bank of the Alameda-Contra Costa Medical Association.	191
Whole Blood (Human)	Marathon County Blood Bank, Inc.	285
	High Titer Serum Laboratory.	163
Bacterial Vaccine made from Friedlander bacillus.	Lederle Laboratories Division, American Cyanamid Co.	17
Bacterial Vaccine made from Influenza bacillus.	do.	17
Bacterial Vaccine made from Micrococcus catarrhalis.	do.	17
Bacterial Vaccine made from Pneumococcus.	do.	17
Bacterial Vaccine made from Staphylococcus albus.	do.	17
Bacterial Vaccine made from Staphylococcus aureus.	do.	17
Bacterial Vaccine made from Streptococcus.	do.	17
Bacterial Vaccine made from Staphylococcus citreus.	do.	17
Thyphoid and Paratyphoid Vaccine.	Wyeth Laboratories, Inc.	3
Influenza Virus Vaccine.	Sterling Drug, Inc.	69
Tuberculin, Purified Protein Derivative.	Glaxo Laborstories, Ltd.	337
Anti-A Blood Grouping Serum.	High Titer Serum Laboratory.	163
Anti-B Blood Grouping Serum.	do.	163
Absorbed Anti-A Serum.	do.	163
Anti-Rh Typing Serum, Anti-Rh_o (Anti-D).	do.	163
Anti-Rh Typing Serum, Anti-Rh_o' (Anti-CD).	do.	163
Anti-Rh Typing Serum, Anti-Rh_o" (Anti-DE).	do.	163
Anti-Rh Typing Serum, Anti-rh' (Anti-C).	do.	163
Anti-Rh Typing Serum, Anti-rh" (Anti-E).	do.	163

Approved:

RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Department of Health, Education, and Welfare.

Approved:

JANE STAFFORD,
Acting Director of Information, for the Director, National Institutes of Health, Public Health Service.

[F.R. Doc. 69-10382; Filed, Aug. 29, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

AGREEMENT BETWEEN ATOMIC ENERGY COMMISSION AND STATE OF NORTH DAKOTA

Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

Notice is hereby given that Mr. Eber R. Price, Director, Division of State and Licensee Relations, on behalf of the Atomic Energy Commission, and the Honorable William L. Guy, Governor of the State of North Dakota, have signed the Agreement below for discontinuance by the Commission and assumption by the State of certain Commission regulatory authority. The Agreement is published in accordance with the requirements of Public Law 86-373 (section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the licensing requirements of Chapters 6, 7, and 8 of the Atomic Energy Act are contained in Part 150 of the Commission's regulations (10 CFR Part 150) which was published in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517.

Dated at Germantown, Md., this 26th day of August 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF NORTH DAKOTA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of North Dakota is authorized under section 23-20.1-05 of Chapter 23-20.1 of the North Dakota Century Code to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of North Dakota certified on April 15, 1969, that the State of North Dakota (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on July 25, 1969, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, criteria, and to obtain the comments and the assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 1, 1969, and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at Bismarck, State of North Dakota, in triplicate, this 19th day of August 1969.

For the United States Atomic Energy Commission.

[SEAL] EBER R. PRICE,
Director, Division of State and Licensee Relations.

For the State of North Dakota.

[SEAL] WILLIAM L. GUY,
Governor.

Attest:

BEN MEIER,
Secretary of State.

[F.R. Doc. 69-10415; Filed, Aug. 29, 1969; 8:48 a.m.]

[Docket No. 115-4]

PUERTO RICO WATER RESOURCES AUTHORITY

Order Authorizing Dismantling of Facility

By application dated May 26, 1969, the Puerto Rico Water Resources Authority (PRWRA) requested authorization to dismantle the shutdown Boiling Water Nuclear Superheater (BONUS) Reactor.

Operation of the BONUS Reactor has been discontinued and it has been deactivated by removing all the fuel from the reactor and disabling the control rod drive system.

We have reviewed the application in accordance with the provisions of the Commission's regulations and have found that the dismantling and disposal will be accomplished in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public.

Accordingly, it is hereby ordered, That PRWRA may proceed with the dismantling of the deactivated BONUS Reactor covered by Operating Authorization No. DPRA-4, as amended, in accordance with its application of May 26, 1969, and the Decommissioning Plan submitted therewith.

After the completion of the dismantling and decontamination of the facility, the submission of a report describing the condition of the remaining structure and the postdecommissioning surveillance program, and an inspection by representatives of the Commission, consideration will be given to whether a further order should be issued terminating Operating Authorization No. DPRA-4.

Date of issuance: August 11, 1969.

For the Atomic Energy Commission.

F. SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 69-10389; Filed, Aug. 29, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18439, 18440; FCC 69R-352]

CHRISTIAN BROADCASTING ASSOCIATION, INC., AND K & M BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Christian Broadcasting Association, Inc., Huntington, W. Va., Docket No. 18439, File No. BPH-6437; Edgar Kitchen and Hal Murphy, doing business as, K & M Broadcasting Co., Catlettsburg, Ky., Docket No. 18440, File No. BPH-6466; for construction permits.

1. The mutually exclusive applications of Christian Broadcasting Association, Inc. (Christian), and K & M Broadcasting Co. (K & M) for a new FM broadcast station in Huntington, W. Va., and Catlettsburg, Ky., respectively, were designated for hearing on various issues by Commission order (16 FCC 2d 594, 34 F.R. 2442, published Feb. 20, 1969). Now before the Review Board is a petition to enlarge issues, filed June 11, 1969, by K & M, requesting a Suburban issue against Christian.[1]

2. Petitioner concedes that its request is untimely under Rule 1.229, arguing however that, in several recent cases (citing Sioux Empire Broadcasting Co., 16 FCC 2d 995, 15 RR 2d 961 (1969), the Commission has enunciated a "new" suburban policy, which requires the ascertainment of "community" rather than "program" needs and that only in recent weeks has it become apparent that this "new policy" applies retroactively to applications, such as Christian, which are already in hearing.[2] For this reason, petitioner asserts that good cause for the late filing exists. With regard to the merits of its request, K & M alleges that when measured by the evolving "new" Suburban policy, Christian's survey is deficient. Tracing the alleged evolution of the Suburban policy from Minshall Broadcasting Co., 11 FCC 2d 796, 12 RR 2d 502 (1968) through the Public Notice on Broadcast Applicants' Ascertainment of Community Needs, FCC 68-847, 33 FR 12113 (Aug. 28, 1968) and the revision of Form 301, section IV-A, the petitioner asserts that the Commission has made a "subtle change" in the policy, shifting the emphasis from ascertainment of "program needs" to ascertainment of "community needs"; in Sioux Empire, supra, asserts the petitioner, the Commission made its position explicit, saying: "each applicant is now required * * * to become informed of the real needs and interests of the area to be served * * * [to show] that he has proposed to meet particular community needs." Petitioner claims that Christian's Suburban showing does not meet this test. A study of Christian's exhibit, it is claimed, reveals that the applicant ascertained "program" rather than "community" needs. By way of illustration, petitioner notes the responses from two of Christian's interviewees. Reverend H. Rhodes stated a preference for better news programing and improved handling of public affairs programs; he disliked ill-produced religious programs; had mixed emotions concerning commercials; and saw the need for children's educational programs. Philip Faust, Assistant Dean of Huntington College of Business, stated that local news should be ferreted out rather than relying on teletype news; that radio stations should give free time to discussions pertaining to local government; and that news should not be distorted or slanted by radio stations. Finally, petitioner asserts, because Reverend Mortenson, Christian's interviewer, is not familiar with the local area, it was particularly incumbent upon that applicant to have conducted a community needs survey. Christian has failed to do so, petitioner concludes and thus an issue is warranted.

3. Christian, in its opposition, asserts that the alleged evolution of "new law" does not constitute good cause for the untimely filing, and even if it did, the instant petition was not filed until 3 months after Sioux Empire was released: Therefore the petition is untimely. More importantly, Christian contends, the Commission has repeatedly stated that its recent declarations on Suburban surveys are nothing more than restatements of existing policy; thus, good cause for the late filed petition is not shown. The Broadcast Bureau also urges denial of the petition, agreeing with Christian that the Commission's recent declarations do not establish "new" law and the petition is therefore untimely. More significantly, the Bureau argues, an examination of Christian's survey reveals that, despite K & M's allegations, Christian's Suburban showing meets the Commission's criteria. Christian similarly argues that its showing is sufficient. Therefore, it is concluded, the request must be denied on the merits. K & M insists, in its reply, that there has been a basic change in the Commission's program survey requirements which Christian's survey fails to meet, and cites the recent Commission decision in City of Camden, (WCAM), 18 FCC 2d 412, 16 RR 2d 555 (1969), in support. The petitioner contends that this decision makes it "crystal clear" that the Commission's "new policy" is to require ascertainment of community needs, not program needs; and that "even a cursory review" of Christian's Suburban showing establishes that it has not met this standard. Thus, petitioner urges, the requested issue is warranted.

4. In the opinion of the Review Board, good cause for the late filing of K & M's petition has not been shown. The Commission has repeatedly stated that its recent pronouncements on the Suburban standard do not constitute "new policy". Therefore petitioner's good cause argument is not persuasive. Moreover, even if it were assumed that, because "the requisite programming showing has been articulated with greater specificity in recent months" (Sioux Empire, supra, at 998, 15 RR 2d at 966), the Commission has thereby formulated "new policy", good cause for the late filed petition still does not exist: Sioux Empire, which the petitioner itself takes to be seminal, was released March 18, 1969; but the present petition was not filed until 4 months later and petitioner does not adequately explain the delay. Notwithstanding the untimeliness of the petition, the Board has considered petitioner's allegations on the merits because the question raised is one of substantial magnitude in the public interest, and enlargement will not unduly disrupt or delay the proceeding;[3] DeWitt Radio, 18 FCC 2d 494 (1969); WSTE-TV, 16 FCC 2d 625, 15 RR 2d 697 (1969); Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (1966). The Board has concluded that the petition to enlarge must be granted.

5. As petitioner points out, the Commission has stated that the ultimate objective of the Suburban survey is to ascertain "the community's needs, problems and issues, not the audience's current broadcast programing preferences". WCAM, supra, at 420, 16 RR 2d at 559 (emphasis in original). Christian's showing, in our view, does not meet this requirement. The suggestions received by the applicant relate almost exclusively to the personal program preference of the persons interviewed, and since we are not shown the questions employed in Christian's survey, the cause of the deficiency is not determinable. For this reason, the requested issue must be added. In addition, we note that there are certain other deficiencies in Christian's survey which would warrant imposition of an issue. The Commission has stated that the survey must encompass a cross section of the social, political, economic, and cultural elements of the community; while a perusal of Christian's survey suggests that it has contacted a fair cross section of the religious and political community leaders, the survey is virtually devoid of contacts with civic and social organizations and it is thus impossible to determine whether there has been a "truly representative" examination of the various community elements, WCAM, supra. Lastly, despite the Commission's repeated determination that the survey must encompass the proposed station's entire listening area, WKYR, Inc., 3 RR 2d 1 (1966), Christian's survey appears to have been entirely confined to its specified community.

5. *Accordingly, it is ordered*, That the petition to enlarge issues, filed June 11, 1969, by K & M Broadcasting Co. is granted; and the issues in this proceeding are enlarged by the addition of the following issue:

To determine the efforts made by Christian Broadcasting Association, Inc., to ascertain the community needs and interests of the area to be served and the means by which such applicant proposes to meet such needs and interests; and

6. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and proof under the above issue shall be upon Christian Broadcasting Association, Inc.

Adopted: August 26, 1969.

Released: August 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-10427; Filed, Aug. 29, 1969; 8:49 a.m.]

[1] Related pleadings before the Board are: (a) Opposition, filed June 23, 1969, by Christian; (b) opposition, filed June 25, 1969, by Broadcast Bureau; and (c) reply, filed July 2, 1969, by K & M.

[2] The petitioner asserts that, in the Bureau's proposed findings and conclusions filed in the Louisa, Ky., case (Docket No. 18235), on May 6, 1969, it indicated that the new policy applied retroactively to hearing cases of which this proceeding is one. Also, in this connection, the petitioner asserts that, beginning in January or February 1969, the Commission's Renewal Branch began to send out letters, indicating that applicants should no longer make surveys of program needs.

[3] An exchange of exhibits is scheduled to occur on Sept. 17, 1969, and hearing is scheduled for Oct. 9, 1969 (FCC 69M-798, released June 30, 1969).

[4] Review Board Member Nelson dissenting; Board Members Slone and Pincock absent.

FEDERAL MARITIME COMMISSION

TRANSATLANTIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 L Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed by:

Mr. George F. Galland, Galland, Kharasch, Calkins & Lippman, 1824 R Street NW, Washington, D.C. 20009.

Agreement No. 9813, between American Export Isbrandtsen Lines, Atlantic Container Line, Ltd., Dart Containerline Co., Ltd., Hamburg-Amerika Linie, Moore-McCormack Lines, Inc., Norddeutscher Lloyd, Sea-Land Service, Inc., and United States Lines, Inc., provides for the formation of a Conference in the trades between U.S. North Atlantic ports (Eastport, Maine to Hampton Roads, Va., both inclusive) and ports in Europe (including Scandinavia, United Kingdom, Eire, and all countries bordering, and islands in the Mediterranean and Black Seas, and Casablanca whether or not they are situated on the European continent), and to the extent now or hereafter permissible, between any points in the United States and points in Europe via U.S. North Atlantic ports and ports in Europe. This Conference, to be called the Transatlantic Freight Conference, in recognition of the trend towards containerized shipping, intermodal through transport and the effect of such through intermodal shipments on ocean ports and hinterland areas, desires to establish a coordinated rate structure to serve the commercial requirements of the trading areas. It may prescribe rates, rules, and regulations for its members in the Conference trade, and declare rates, rules, and regulations open on certain items. Provision is also made that no member shall (a) engage directly or indirectly, through any holding, subsidiary, associated or affiliated company, or otherwise, in the transportation of cargo in the Conference trade at rates or on terms and conditions other than those adopted hereunder; (b) take unauthorized independent action with respect to any subject properly under consideration by the Conference, or (c) act otherwise than as authorized by the Conference. Under certain conditions, however, a member may take authorized independent action to meet the competition of a nonmember line in the Conference trade by adopting a rate on the same commodity or commodity group which is lower than the Conference rate but not lower than the nonmember's rate.

The Conference shall have a committee of principals which shall meet at the call of its Chairman. It will be divided into two sections, eastbound and westbound, which shall be empowered to adopt rates, rules, and regulations and incorporate them in tariffs. Each section shall have an administrator. The office of the eastbound section will be located in New York, N.Y., and that of the westbound section in Antwerp. Each section shall have an executive committee which shall designate the administrator and his staff and fix the terms of their employment. The administrators are responsible for the keeping of minutes of all proceedings and for their filing with the Commission. In addition, each section shall have an executive committee, administrative committee and a rate committee. The duties and functions of all of these committees are detailed in the subject agreement.

Each member line meeting the service requirements shall have one vote in Conference organizational units in which it is represented. Three-fourths of the membership entitled to vote will constitute a quorum for any such unit. Action is predicated upon the two-thirds vote of those members present and entitled to vote, except on such matters as amendment of the basic agreement or expulsion of a member line which require unanimous vote and unanimous vote less one, respectively. Voting by proxy is permitted at all but principals' committee meetings.

The agreement provides for payment of an admission fee of $5,000 by each new member, and that each member shall furnish to each section administrator a guarantee of compliance with the agreement consisting of a deposit of $25,000 in cash, securities, or an irrevocable letter of credit of equivalent value. A procedure for self-policing is provided and an enforcement authority will be employed to implement the system. A maximum fine of $100,000 may be imposed for a single violation, or in any one proceeding, with regard given to nature and gravity of the violation. The accused line may demand review by arbitrators of action recommended by the enforcement authority in accordance with the procedure outlined therein.

The Conference may be dissolved at any time by unanimous vote of its members effective upon notification to the Commission of the action taken.

Dated: August 28, 1969.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-10490; Filed, Aug. 29, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SA-415]

AIRCRAFT ACCIDENT NEAR MIAMI, FLA.

Notice of Investigation Hearing

In the matter of investigation of accident involving Compania Dominicana de Aviacion, Douglas DC-4, Carvair ATL 98, of Dominican Republic Registry HI-168, which occurred near the Miami International Airport, Miami, Fla., June 23, 1969.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9:30 a.m. (local time) on October 1, 1969, at the Dupont Plaza Hotel, 300 Biscayne Boulevard, Miami, Fla.

Dated this 25th day of August 1969.

[SEAL] WILLIAM R. HENDRICKS,
Senior Hearing Officer.

[F.R. Doc. 69-10388; Filed, Aug. 29, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3072 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

AUGUST 22, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 19, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3072 7-28-69 [2]	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Sun Field, District 4 Area, Tex.	15.0	14.65
G-4258 (G-15001), E 8-7-69	Suburban Propane Gas Corp. (successor to R. E. Hubbard, Jr. (Operator), et al.). Post Office Box 206, Whippany, N.J. 07981.	Transcontinental Gas Pipe Line Corp., Bear Field, Beauregard Parish, La.	[3] 23.55	15.025
G-5033 E 8-7-69	do	Arkansas Louisiana Gas Co., Athens Field, Claiborne Parish, La.	15.27	15.025
G-5034 E 8-7-69	do	do	15.27	15.025
G-5036 E 8-7-69	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Chatham Field, Jackson Parish, La.	[3] 16.29407	15.025
G-5040 E 8-7-69	do	United Gas Pipe Line Co., Roanoke Field, Jefferson Davis Parish, La.	18.5	15.025
G-5866 E 8-7-69	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Lake Arthur Field, Jefferson Davis Parish, La.	[3] 23.55	15.025
G-11171 E 6-30-69	Austral Oil Co. Inc. (successor to Shell Oil Co.), 2700 Humble Bldg., Houston, Tex. 77002	Florida Gas Transmission Co., Mystic Bayou Field, St. Martin Parish, La.	[3] 21.75	15.025
G-12083 D 7-18-69	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., La Reforma Field, Starr and Hidalgo Counties, Tex.	Assigned	
G-19712 7-16-69 [4]	Jane Clayton Russell (Operator) et al. (formerly Jane Clayton Oakes (Operator) et al.).	Phillips Petroleum Co., W. Panhandle Field, Gray County, Tex.	[4] 12.0	14.65
C160-69 E 8-7-69	Suburban Propane Gas Corp (successor to R. E. Hubbard, Jr. (Operator) et al.).	Florida Gas Transmission Co., Napoleonville Field, Assumption Parish, La.	[3] 20.75	15.025
C162-623 [5] E 8-7-69	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., LeBlanc Field, Allen Parish, La.	[7] 21.8	15.025
C164-1288 C 8-11-69	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., Blanco-Pictured Cliffs Field, Rio Arriba County, N. Mex.	13.248625	15.025
C165-369 E 8-6-69	PetroDynamics, Inc. (Operator) et al. (successor to Jas. F. Smith), Post Office Box 10006, Amarillo, Tex. 79106.	Northern Natural Gas Co., Walkemeyer Field, Stevens County, Kans.	14.0 [8] 16.0	14.65
C166-580 E 8-4-69	do	Cities Service Gas Co., North Yellowstone Field, Comanche County, Kans.	14.0	14.65
C167-4 E 8-7-69	Suburban Propane Gas Corp. (successor to R. E. Hubbard, Jr. (Operator), et al.).	Valley Gas Transmission, Inc., Chatham Field (James Lime Formation), Jackson Parish, La.	15.0	15.025
C167-5 E 8-7-69	do	Valley Gas Transmission, Inc., Chatham Field (Hosston Formation), Jackson Parish, La.	15.0	15.025
C168-1057 C 7-30-69	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	13.0	15.025
C170-107 B 8-4-69 [9]	Calco, Inc.	Texas Eastern Transmission Corp., South Weesatche Field, Goliad County, Tex.	Uneconomical	
C170-116 A 8-8-69	Harding Brothers Oil and Gas Co., 4317 Oak Lawn Ave., Dallas, Tex. 75219.	Valley Gas Transmission, Inc., Maetze Field, Goliad County, Tex.	14.0	14.65
C170-117 A 8-6-69	The Preston Oil Co., Post Office Box 2319, Columbus, Ohio 43216.	South Texas Natural Gas Gathering Co., Tigre Lagoon Field, Vermilion and Iberia Parishes, La.	21.25	15.025
C170-118 A 8-6-69	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	Panhandle Eastern Pipe Line Co., Morse (Des Moines 5,965') Field, Hansford County, Tex.	[10] 17.0	14.65
C170-119 A 8-8-69 A 8-8-69	Arthur J. Appleton d.b.a. Appleton Oil Co., c/o A. J. Carey, General Manager, 506 Beacon Bldg., Tulsa, Okla. 74103.	Northern Natural Gas Co., South Greenough Field, Beaver County, Okla.	[10] 17.0	14.65
C170-120 A 8-8-69	Stonestreet Oil & Gas Co., Box 350, Spencer, W. Va. 25303.	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	25.0	15.325
C170-121 A 8-8-69	Burnthouse Oil & Gas Co., c/o W. B. Wright, M.D., Agent, Burnthouse, W. Va.	Consolidated Gas Supply Corp., Glenville and Salt Lick Districts, Gilmer and Braxton Counties, W. Va.	25.0	15.325
C170-122 A 8-8-69	Lock 3 Oil, Coal, and Dock Co., et al., 415 Porter Bldg., Pittsburgh, Pa. 15219.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.	25.0	15.224

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C170-123 A 8-8-69	Royal Oil & Gas Corp., Clark Bldg., Indiana, Pa. 15701.	Consolidated Gas Supply Corp., Philippi District, Barbour County, W. Va.	25.0	15.325
C170-124 A 8-11-69	Continental Oil Co.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Sand Butte Area, Sweetwater County, Wyo.	[10] 15.0	14.65
C170-125 A 8-7-69	John H. Wallace d.b.a. Coastal Equipment Co., Post Office Box 91, Alice, Tex. 78332.	United Gas Pipe Line Co., Keemac Field Area, Jim Wells County, Tex.	17.8	14.65
C170-126 A 8-8-69	The Preston Oil Co.	United Fuel Gas Co., Block 255 Field, Vermilion Area, Offshore Louisiana.	[11] 21.25	15.025
C170-128 A 8-8-69	Coastal States Gas Producing Co., Post Office Box 521, Corpus Christi, Tex. 78403.	Trunkline Gas Co., Tigre Lagoon Field Area, Vermilion Parish, La.	21.25	15.025
C170-129 A 8-11-69	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Consolidated Gas Supply Corp., Elk, Poca and Union Districts, Kanawha County, W. Va.	28.0	15.325
C170-130 B 8-11-69	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052.	Banquete Gas Co., a division of Crestmont Consolidated Corp., East Taft Field, San Patricio County, Tex.	Depleted	
C170-131 B 8-11-69	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Texas Gas Transmission Corp., Midland Field, Muhlenberg, County, Ky.	[12]	
C170-132 B 8-11-69	do	do	[12]	
C170-133 B 8-11-69	do	do	[12]	
C170-134 A 8-11-69	Sun Oil Co. (Sunoco Division), 1608 Walnut St., Philadelphia, Pa. 19103.	Southern Natural Gas Co., Blocks 293 and 308, Main Pass Area, Offshore Louisiana.	[13] 21.93	15.025
C170-135 (C162-395) F 8-11-69	Continental Oil Co., (successor to Austral Oil Company Inc., Post Office Box 2197, Houston, Tex. 77001.	Southern Natural Gas Co., Bayou Long Field, St. Martin Parish, La.	20.625	15.025
C170-136 A 8-4-69	M. H. Waldron Estate, c/o Mary L. Wooldridge, Heir 37 South Weyant Ave., Columbus, Ohio 43213.	United Fuel Gas Co., Acreage in Mingo County, W. Va.	16.0	15.325

[1] Amendment to certificate filed to increase exchange volumes up to a maximum of 28,000 Mcf per day.
[2] Rate in effect subject to refund in Docket No. RI65-476.
[3] Rate in effect subject to refund in Docket No. RI65-475.
[4] Application filed to reflect name change resulting from marriage of Applicant.
[5] Rate in effect subject to refund in Docket No. RI67-229. Rate shown is for sweet gas; sour gas rate is 0.4466 cent per Mcf less than sweet gas rate.
[6] No permanent certificate issued; temporary authorization granted only.
[7] Rate in effect subject to refund in Docket No. RI65-317.
[8] Price is 14 cents per Mcf for gas produced from formations below 3,400 feet and the top of the Morrowan Series; 16 cents per Mcf for gas produced from formations below the top of the Morrowan Series.
[9] Related certificate issued to T. F. Hodge (Operator) et al.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Applicant proposes 21.25 cents per Mcf or area rate, whichever is higher.
[12] Converted to gas storage reservoir.
[13] Includes 0.68-cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 69-10345; Filed, Aug. 29, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT NATIONAL SECURITIES CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Barnett National Securities Corp., Jacksonville, Fla., for approval of acquisition of 80 percent or more of the voting shares of The Tallahassee Bank North, Tallahassee, Fla., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Barnett National Securities Corp., Jacksonville, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Tallahassee Bank North, Tallahassee, Fla., a proposed new bank.

Inasmuch as the proposed new bank is to be a State bank, the Board, pursuant to section 3(b) of the Act, gave written notice of receipt of the application to the Commissioner of Banking of the State of Florida, and requested his views and recommendation in respect thereto. In response, the Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 7, 1969 (34 F.R. 9104), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement [1] of this date, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time shall be extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority, and that The Tallahassee Bank North be open for business not later than 6 months after the date of this order.

Dated at Washington, D.C., this 25th day of August 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-10390; Filed, Aug. 29, 1969; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

NORTHEASTERN BANKSHARE ASSOCIATION

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Northeastern Bankshare Association, Lewiston, Maine, for approval of acquisition of at least 51 percent of the voting shares of the Westbrook Trust Co., Westbrook, Maine.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Northeastern Bankshare Association, Lewiston, Maine, a registered bank holding company, for the Board's prior approval of the acquisition of at least 51 percent of the voting shares of the Westbrook Trust Co., Westbrook, Maine.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Deputy Bank Commissioner of the State of Maine and requested his views and recommendation. He recommended the application be given favorable consideration.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 9, 1969 (34 F.R. 11394), providing an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement [1] of this date, that said application be and hereby is approved: *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Brimmer and Sherrill. Absent and not voting: Governor Daane.

of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Boston pursuant to delegated authority.

Dated at Washington, D.C., this 25th day of August 1969.

By order of the Board of Governors.[1]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-10391; Filed, Aug. 29, 1969; 8:46 a.m.]

VIRGINIA COMMONWEALTH BANKSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Virginia Commonwealth Bankshares, Inc., which is a bank holding company located in Richmond, Va., for prior approval by the Board of Governors of the acquisition by Applicant of 100 percent of the voting shares of Bank of Danville, Danville, Va., an interim bank that will be merged immediately into Security Bank and Trust Co., Danville, under the latter bank's charter and title, the resulting bank thereupon becoming a subsidiary of Applicant.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3(a) which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thrity (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

Dated at Washington, D.C., this 26th day of August 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-10392; Filed, Aug. 29, 1969; 8:46 a.m.]

[1] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temp. Reg. F-52]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a water service rate and regulation proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Illinois Commerce Commission in a proceeding involving water rates and regulations of the East St. Louis and Interurban Water Co. (Docket No. 54992).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials and employees thereof.

Dated: August 25, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-10375; Filed, Aug. 29, 1969; 8:45 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

LOUISIANA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Louisiana, dated August 21, 1969, is hereby amended to include the following Ward among those parishes determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 19, 1969:

Ward 9 of Orleans Parish.

Dated: August 26, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-10397; Filed, Aug. 29, 1969; 8:47 a.m.]

OHIO

Amendment of Notice of Major Disaster

Notice of Major Disaster for the State of Ohio dated July 17, 1969, and published July 26, 1969 (34 F.R. 12358), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 15, 1969:

Fulton. Summit.
Geauga.

Dated: August 26, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-10398; Filed, Aug. 29, 1969; 8:47 a.m.]

PENNSYLVANIA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on August 19, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Pennsylvania adversely affected by severe storms and flooding beginning on or about July 27, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Pennsylvania.

I do hereby determine the following areas in the State of Pennsylvania to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 19, 1969:

The counties of:
Carbon. Schuylkill.
Monroe.

Dated: August 25, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-10399; Filed, Aug. 29, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

LIBERTY EQUITIES CORP.

Order Suspending Trading

AUGUST 26, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Liberty Equities Corp. (a District of Columbia corporation) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 27, 1969, through September 5, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10396; Filed, Aug. 29, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-6 (Southwestern Area), Disaster 734]

MANAGER, DISASTER BRANCH OFFICE, SLIDELL, LA.

Delegations of Authority Regarding Financial Assistance Functions

Delegation of authority from Area Administrator, Southwestern Area, SBA, to Manager, Disaster Branch Office, SBA.

I. Pursuant to the authority delegated to the Area Administrator, by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, 34 F.R. 5134, 34 F.R. 11165, and 34 F.R. 12651), there is hereby redelegated to the Manager, Disaster Branch Office, Slidell, La., the following authority:

A. *Financial assistance.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $30,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $35,000 for a single disaster on home loans, and (b) $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster Guaranteed Loans up to $350,000, and to decline disaster Guaranteed Loans in any amount.

2. To execute loan authorizations for Washington, area and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*
By ----------
Manager,
Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as Acting Manager of the Disaster Branch Office.

Effective date: August 19, 1969.

ROBERT E. WEST,
Area Administrator, Dallas, Tex.

[F.R. Doc. 69-10400; Filed, Aug. 29, 1969; 8:47 a.m.]

[Delegation of Authority 30-6 (Southwestern Area), Disaster 734]

MANAGER, DISASTER BRANCH OFFICE, HAPPY JACK, LA.

Delegations of Authority Regarding Financial Assistance Functions

Delegation of Authority from Area Administrator, Southwestern Area, to Manager, Disaster Branch Office, SBA.

I. Pursuant to the authority delegated to the Area Administrator, by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, 34 F.R. 5134, 34 F.R. 11165, and 34 F.R. 12651), there is hereby redelegated to the Manager, Disaster Branch Office, Happy Jack, La., the following authority:

A. *Financial assistance.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $30,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $35,000 for a single disaster on home loans, and (b) $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster Guaranteed Loans up to $350,000, and to decline disaster Guaranteed Loans in any amount.

2. To execute loan authorizations for Washington, area and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*
By ----------
Manager,
Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as Acting Manager of the Disaster Branch Office.

Effective date: August 19, 1969.

ROBERT E. WEST,
Area Administrator, Dallas, Tex.

[F.R. Doc. 69-10401; Filed, Aug. 29, 1969; 8:47 a.m.]

[License 01/02-0033]

GENERAL INVESTMENT COMPANY OF CONNECTICUT, INC.

Surrender of License

Notice is hereby given that, pursuant to § 107.105 of the Regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326), General Investment Company of Connecticut, Inc., New Haven, Conn., has requested approval of the Small Business Administration (SBA) to surrender its license to operate as a small business investment company. The licensee was incorporated on August 31, 1960, under the laws of the State of Connecticut and licensed by SBA on September 22, 1960, to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

Prior to final action on this request, consideration will be given to any comments pertaining to the proposed surrender which are submitted in writing to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within ten (10) days of the date of publication of this notice. If no comments are received within the specified period of time, under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of General Investment Company of Connecticut, Inc., will be accepted, and accordingly will no longer be licensed to operate as a small business investment company.

A. H. SINGER,
Associate Administrator for Investment.

AUGUST 22, 1969.

[F.R. Doc. 69-10402; Filed, Aug. 29, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 33, Amdt. 1]

CHESAPEAKE AND OHIO RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 33 (The Chesapeake and Ohio

Railway Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 33 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 10, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 28, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-10419; Filed, Aug. 29, 1969; 8:48 a.m.]

[S.O. 994; ICC Order 30, Amdt. 1]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 30 (Chicago, Rock Island and Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 30 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 31, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-10420; Filed, Aug. 29, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 27, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41728—*Sulphuric acid from Cowan and Pepper, Va.* Filed by O. W. South, Jr., agent (No. A6126), for interested rail carriers. Rates on sulphuric acid, in tank carloads, as described in the application, from Cowan and Pepper, Va., to East Point, Ga., and Jackson Miss.

Grounds for relief—Market competition.

Tariff—Supplement 88 to Southern Freight Association, agent, tariff ICC S-671.

FSA No. 41729—*Fish meal from points in Canada to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2598), for interested rail carriers. Rates on fish meal, in carloads, from Laval Rapides, St. Martin (Laval Co.), and St. Martin Junction, Quebec, Canada, to points in western trunkline territory.

Grounds for relief—Market competition.

Tariff—Supplement 7 to Canadian Freight Association, agent, tariff ICC 303.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10421; Filed, Aug. 29, 1969; 8:48 a.m.]

[Notice 896]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 27, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 311 TA), filed August 21, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. H. Cooledge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning compound*, in bulk, in tank vehicles, from Hawthorne, Calif., to Pauline, Kans., for 180 days. Supporting shipper: Textilana Corp., 12607 Cerise Avenue, Hawthorne, Calif. 90250. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 19945 (Sub-No. 30 TA) (Correction), filed August 5, 1969, published FEDERAL REGISTER, issue of August 19, 1969, and republished as corrected this issue. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in containers, from the plantsite and warehouse facilities of Miller Brewing Co., at Milwaukee, Wis., to Mascoutah, Ill., and *empty beer containers*, on return, for 180 days. Supporting shipper: Robert (Chick) Fritz, Inc., Mascoutah, Ill. NOTE: The purpose of this republication is to correct the spelling of applicant's name, and also to correct the supporting shipper's name. Send protests to: Harold Joliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 30837 (Sub-No. 377 TA), filed August 21, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Street, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All terrain vehicles*, from York, Pa., to points in the United States (except Hawaii); also, *all terrain vehicle bodies*, from Jackson, Ohio, to York, Pa., for 180 days. Supporting shipper: American Machine & Foundry Co., Whiteford Road, York, Pa. 17402 (W. W. Dellinger). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 82841 (Sub-No. 59 TA), filed August 21, 1969. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, light poles, mast arms, brackets, bases and accessories*, from Valley, Nebr., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, for 150 days. Supporting shipper: Valmont Industries, Inc., Valley, Nebr. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 104896 (Sub-No. 3 TA), filed August 20, 1969. Applicant: WOMELDORF, INC., Post Office Box 232, Lewistown, Pa. 17044. Applicant's representative: David A. Sutherland, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared, or preserved; *cooking or edible oils, matches, oleomargarine, shortening, cleaning kits, and cleaning compounds* (except comodities in bulk and frozen foodstuffs), from the facilities of Hunt-Wesson Foods, Inc., at Camp Hill, Pa., to points in Delaware, Maryland, Pennsylvania, Virginia, those parts of New York and New Jersey outside of the New York, N.Y., commercial zone, as defined by the Commission, and the District of Columbia, for 180 days. Supporting shipper: Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, Calif. 92634. Send protests to: District Supervisor Roger W. Ritenour, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 113627 (Sub-No. 6 TA), filed August 21, 1969. Applicant: BARNETT MOTOR TRANSPORTATION, INC., 195 Sackett Point Road, North Haven, Conn. 06473. Applicant's representative: John E. Fay, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel beams*, from Wethersfield, Conn., to points in New York, New Jersey, Connecticut, Pennsylvania, Massachusetts, Vermont, Rhode Island, and New Hampshire, under continuing contract with City Iron Works, Inc., Wethersfield, Conn., for 150 days. Supporting shipper: City Iron Works, Inc., Post Office Box 147, Wethersfield, Conn. 06109. Send protests to: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 113666 (Sub-No. 37 TA), filed August 21, 1969. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Andrew Smetanik (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from Negley, Ohio, to ports of entry at Buffalo and Niagara Falls, N.Y., for furtherance to Canada, for 180 days. Supporting shipper: Metropolitan Industries, Metropolitan Brick, Inc., 1017 Renkert Building, Canton, Ohio 44702. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 113678 (Sub-No. 360 TA), filed August 15, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, normally used by and dealt in by restaurants (except meat, meat products, meat byproducts, and articles distributed by meat packinghouses), and fish, when moving with regulated commodities, from the distribution warehouse of London Fish & Chips, Inc., and shipping facilities used by London Fish & Chips, Inc., at Denver, Colo., to points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, and West Virginia, for 180 days. Supporting shipper: London Fish & Chips, Inc., 1050 Yuma Street, Denver, Colo. 80204. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114004 (Sub-No. 73 TA), filed August 21, 1969. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service from points in Crawford County, Ark., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Factory Homes Corp., Airport Industrial Section, Van Buren, Ark. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 115499 (Sub-No. 15 TA), filed August 21, 1969. Applicant: LOWER LAKES CARRIER, INC., Post Office Box 712, Ashtabula, Ohio. Applicant's representative: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide*, in containers, from Ashtabula, Ohio, to St. Louis, Mo., for 180 days. Supporting shipper: Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017. Send protests to: G. J. Baccei, District Superviser, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street Cleveland. Ohio 44199.

No. MC 127689 (Sub-No. 35 TA), filed August 20, 1969. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Hattiesburg, Miss. 39402. Applicant's representative: Harvey E. West (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products, and related materials, supplies, and accessories incidental thereto*, between the plantsite of The Celotex Corp. at Marrero, La., and points in Mississippi, for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

MOTOR CARRIER OF PASSENGERS

No. MC 44770 (Sub-No. 12 TA) (Correction), filed July 28, 1969, published FEDERAL REGISTER, issue of August 14, 1969, and republished as corrected this issue. Applicant: ZEPHYR LINES, INCORPORATED, 1114 Currie Avenue, Minneapolis, Minn. 56716. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Building, St. Paul, Minn. 55101. NOTE: The proposed authority was inadvertently published as seeking irregular routes, when applicant actually seeks to operate over regular routes. These regular routes were set forth in previous publication.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10422; Filed, Aug. 29, 1969; 8:49 a.m.]

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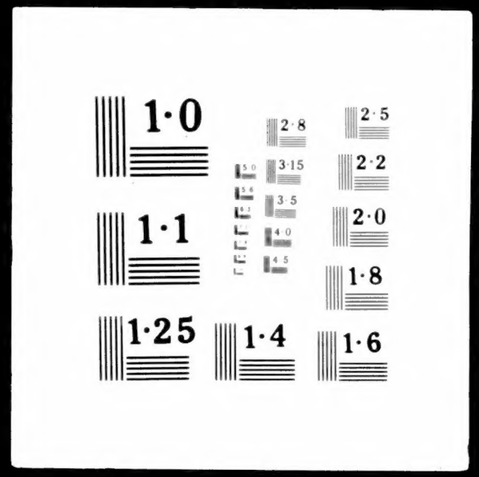
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 /20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.